

Three Santos & Urritia projects the BIC forwarded to the S. F. City Attorney

Received at CPC Hearing 1/18/18
Gen. Pub. Com.

337 27th Avenue	Mr. Santos represented the property owner at DBI while he was President of the BIC.
125 Crown Terrace	The Mel Murphy house that, " fell off its site preparation shoring and slid down the property slope " .
214 States	Plans were submitted showing an "existing" ground floor or garage that never existed.

7 Planning Dept. Notices of Enforcement issued for Santos & Urritia projects with unpermitted work

Many are for unpermitted work on historic buildings

The firm of Santos& Urrutia has over 9,000 completed projects to its credit

The number of Santos & Urritia violations on non historic buildings ??

Neither the Planning Dept. or the BIC forwarded these 7 projects to the S. F. City Attorney

Address	Violation per Planning Dept. notice of enforcement	Grantee	Grantor	LLC manager or member	Contractor	Eng. or Architect on permit	DBI penalties
25 17th Avenue- Dist.# 2 Farrell	2016-009806ENF: " <u>possible</u> demolition in historic preservation building (referred by DBI)" Work beyond scope of permit	Victor E Aissa	SF Clem LLC	Jonathan Kantor, agent, 256 16th Ave. S. F.	An Dun Construction	Rodrigo Santos, Santos Urritia	\$ 253.40

Address	Violation per Planning Dept. notice of enforcement	Grantee	Grantor	LLC manager or member	Contractor	Eng. or Architect on permit	DBI penalties
25 17th Avenue- Dist.# 2 Farrell		SF Clem LLC	Twenty Five 17th Avenue LLC	Tim Brown, Manager, 775 Monterey Blvd. (Brown & Co. Real Estate Group)			
2 7 Seymour Street Dist. #5 Breed	2014-13269_ENF: "Increased building height, not according to approved plans. no 311 notice occurred during permit review; <u>damages to historical resources and its relationship to adjacent historical properties</u> " Project is now with new architect/owner	Mark and Maryline Linares	MSGGM LLC	Ginsu Yoon		Rodrigo Santos, Santos Urrutia and Amir Mortazavi MSGGM	
3 982 Green Street Dist. #3 Peskin	2013-12728_ENF: "500 sq ft. <u>being added to moved door from left to right of house in a historic house built in 1800's</u> " Project is now with new architect	Owen Alexandra G, Owen trust	London Pacific Group LLC	Owen	Coulter Construction, Dale Coulter Inc.	Gian Camella, Santos Urrutia Inc.	

2465
Mission
Street Dist.
#9 Ronen

2017-007212ENF: "Unpermitted
work, concern re: WPA-era mural"

BPB LLC, Robert
Joseph Cort,
Teresa Anne
Zabit

Vera Cort
Revocable
Trust

Rodrigo Santos,
Santos Urrutia

Address	Violation per Planning Dept. notice of enforcement	Grantee	Grantor	LLC manager or member	Contractor	Eng. or Architect on permit	DBI penalties
56 Clipper Street Dist. #8 Sheehy	2017-004519ENF: "three doors on the front facade - #201508063601"	Suki Lee, Brianand Hsueh Tsang, Kevin P Yamamoto	Piper Hill LLC	Neil Egan, Mc Construction LLC (Muhamed Causevic),Mc Naughton Real Estate Group	SF Garage Company Inc. John C. Pollard	Rodrigo Santos, Santos Urritia	
1071 Alabama Dist. #9 Ronen	2017-002783ENF: "permit has been exceeded the scope because it is beyond "interior renovations" in a A Rated contributor to a Historic District"	Gedalia Braverman, Gedalia Braverman 1999 Revoc Trust	1071 Alabama Street LLC	Gedalia Braverman	Shelter, SVI Peters	Rodrigo Santos, Santos Urritia	
157 Marview Dist. #7 Yee	2017-007355ENF: "Complete change to front facade without Planning review"	Jan S Marks, Cindy Paska, Estate of Holly lene Reed	Andrew Rabinovich, Irina Strigo			Rodrigo Santos, Santos Urritia	

Address	Violation per Planning Dept. notice of enforcement	Grantee	Grantor	LLC manager or member	Contractor	Eng. or Architect on permit	DBI penalties
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Sept. 28,2017 a complaint was issued for the unpermitted demolition of the Largent House
The Largent House was designed by renowned California architect Richard Neutra

Complaint- date last observed: 28-SEP-17; identity of person performing the work: do not know the name; exact location: Main Bldg; building type: Residence/Dwelling WORK BEYOND SCOPE OF PERMIT;; additional information: BPA# 2014.07.25.2157 was to renovate interior and do a vertical structure. they tore the entire house down to the ground so no way to renovate;

49 Hopkins Ave. Dist. #8 Sheehy	Goodberg LLC (Rae Cheng)	49Hopkins LLC	Mark Brown, agent , 775 Monterey Blvd. (Brown & Co. Real Estate Group)	K G Company, Ken Guan	Y.A. Studio, Yakuh Dijango Askew, Architect
49 Hopkins Ave. Dist. #8 Sheehy	49 Hopkins LLC	Tabnotes LLC	Tim Brown, Manager, 775 Monterey Blvd. (Brown & Co. Real Estate Group)		



**SAN FRANCISCO
PLANNING DEPARTMENT**

Received at CPC Hearing

J. Delunio

1/18/18

January 18, 2018

Ms. Lisa Gibson
Environmental Review Officer
San Francisco Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

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Dear Ms. Gibson,

On December 20, 2017, the Historic Preservation Commission (HPC) held a public hearing and took public comment on the Draft Environmental Impact Report (DEIR) for the proposed 150 Eureka Street Project (2015-011274ENV). After discussion, the HPC arrived at the comments below:

- The HPC concurred with the conclusions in the Draft EIR.
- The HPC agreed that the alternatives analyzed are adequate and felt that the architect and sponsor have been honest in their assessment.
- The HPC has concerns about the practical implementation of the mitigation measure M-CR-1b (Interpretive program). The Commission felt the development of a full walking tour as outlined in the mitigation measure was generally not a reasonable or practical measure for the size of the project, and requested that a plaque or other interpretive display be used to note the existing property's history. In addition, the Commission discussed working with existing tour(s) in the neighborhood to add this site.

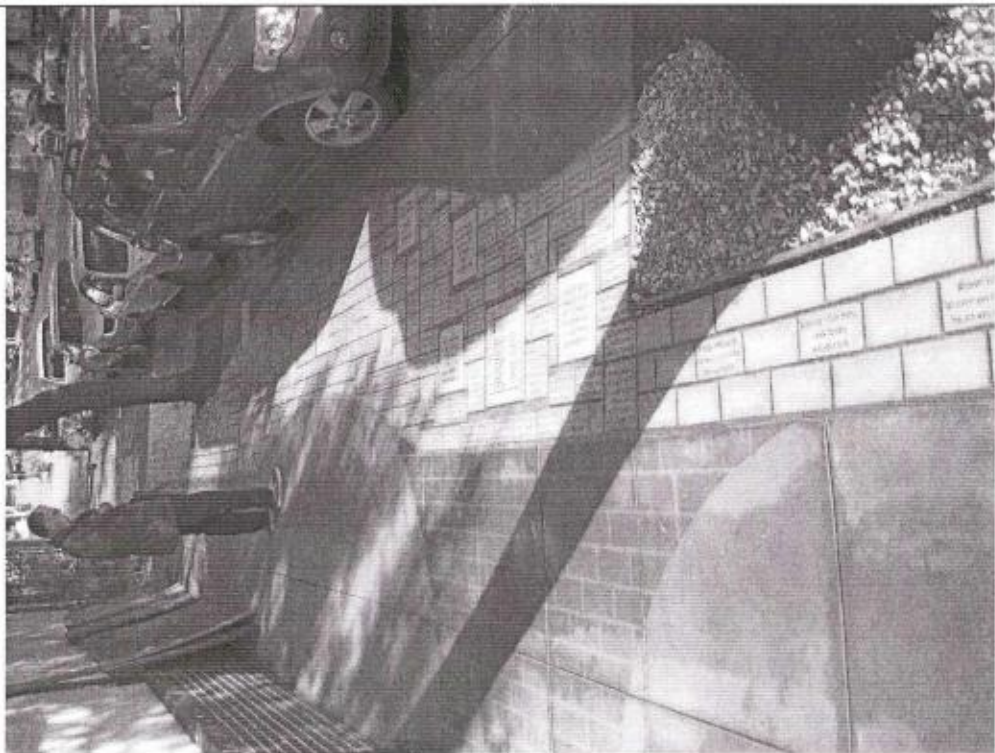
The HPC appreciates the opportunity to participate in review of this environmental document.

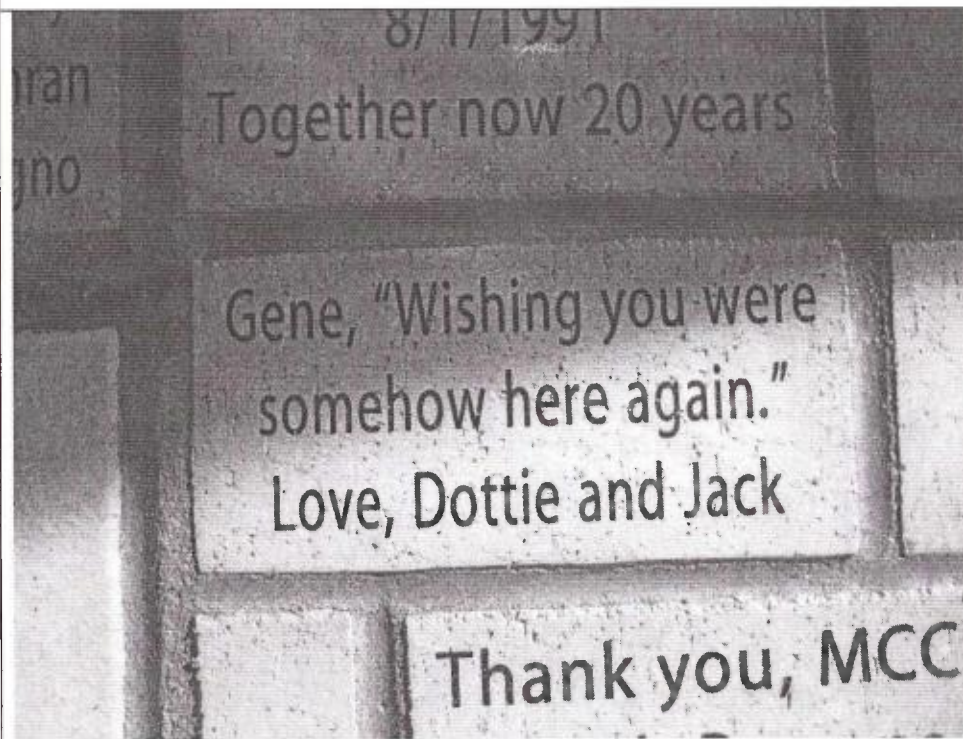
Sincerely,

Andrew Wolfram, President
Historic Preservation Commission

Received at CPC Hearing 1/18/18
S. Deluna

"Yellow Brick Road" of LGBT Memories, Celebrations and Dreams









MCCSF Performing same-sex weddings since 1971



Received at CPC Hearing

1/18/18

E. Gordon-Jonckheer

January 18, 2018

San Francisco Planning Commission Members
Jonas Ionin
Elizabeth Gordon-Jonckheer
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

RE: Conditional Use Approval
1965 Market Street
Case No: 2015-002825CUA

Dear All:

We urge the Commission to not to approve the application for 1965 Market Street as currently designed. Note that the concerns outlined below are not intended to stop the project, but to improve its impact on the neighborhood.

Please review the attached sketches related to the following two points:

1. The project adversely impacts the adjacent Guerrero Street National Register-eligible Historic District as identified in Market and Octavia Plan Historic District and nearby National Register-eligible structures classified by the Planning Department as Class A - Historic Resources.
2. The Project does not meet the letter or the spirit of the 50-X building height step down zoning along Duboce Avenue. As a result, this project does not currently respect its role to transition the 85' heights along market to the 50' heights along Duboce to the adjacent neighborhoods.

To briefly elaborate:

- A. The proposed added floor to raise the height to 83' (93' with penthouse) exacerbates the neighborhood impact by moving the height from Market to Duboce. This creates an abrupt height change just to the west of the Historic District.
- B. The supporting information regarding setbacks listed in the application (Page 109 Of 220 or page 25 of the Initial Study Community Plan Evaluation) state that the setback to east mitigates the impact on the Guerrero Fire Line Historic Register-eligible District. The current design does not have a setback on the east side adjacent to the west boundary of the Historic District. Attached is a photo of the building height step down from 85' to 40' at Dolores and 15th Streets.
- C. In your packet on page 189 there is a plan showing the views of the project contained in the packet. If you review the views of the project as shown on the key plan in the lower right, you will notice that there are no images of the Duboce Avenue context to the East of the project. To improve your understanding of this point, please see the attached sketch showing the abrupt 93' height on Duboce (as opposed to the 50' zoning requirement) just 35' from the Historic district. This would contrast with the care the project rightfully takes with its onsite Historic Resource at 1965 Market.

8/11/18
F. C. Johnson

Page 10

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20. The twentieth of the three

In conclusion,

- The impact on Duboce Avenue, the Fire Line Historic District and the other adjacent neighborhoods without modifications to the design is significant enough to warrant a modification to the design before re-considering the allowed concession.
- I would urge the commission to avoid the potential for creating a precedent as Duboce Avenue evolves to the east by allowing this concession.
- The applicant should be asked to modify the design to step down to the neighborhood with the same elegant respect shown the existing historic structure and thereby effect the transition contemplated by the informed thought contained in our current urban plan

We urge the Commission to reject the application as currently designed.

Sincerely,

A handwritten signature in dark ink, appearing to read 'R. Ludden', with a long horizontal flourish extending to the right.

Robert P. Ludden
102 Guerrero Street
San Francisco, CA 94103

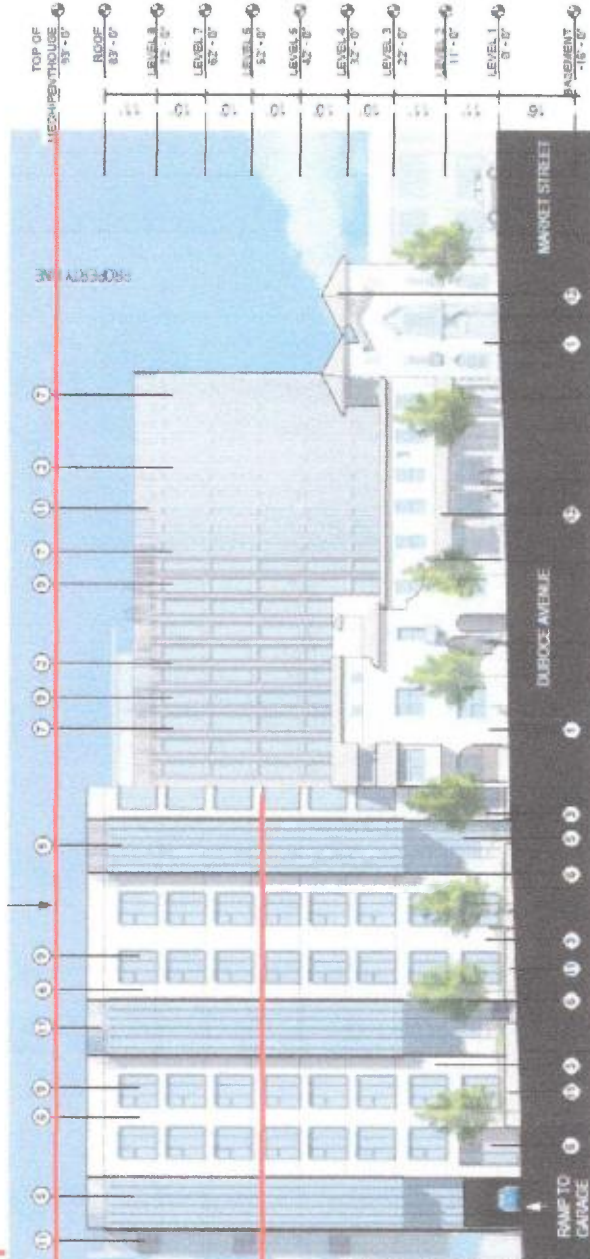
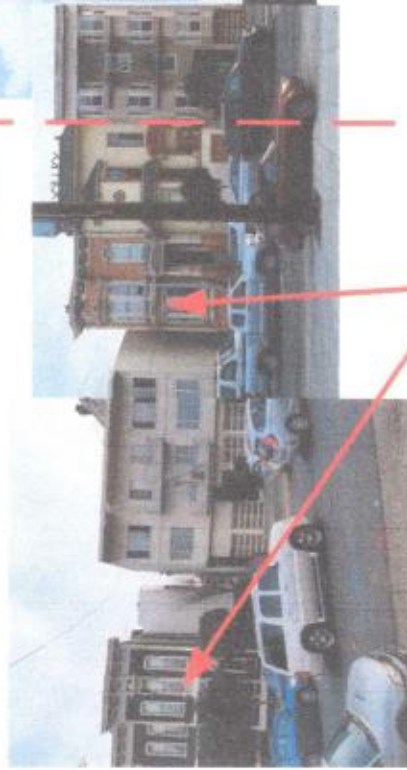
Western limit of the
Guerrero Street National
Register-eligible Historic District

Height as per 50-X

Respects building heights to the east

25' +/- from Historic District

43' height
difference
No transition



Duboce Street Elevation

2 National Register-eligible structures.
Planning Dept. Historic Resource
Status: A - Historic Resource

Guerrero St



The property is adjacent to several known historical resources, including the national register-eligible Guerrero Street Fire Line I Historic District and the California register-eligible 1975 Market Street, adjacent to the west. Although the proposed project would result in a change to the massing of 1965 Market Street, it would not result in adverse indirect effects resulting in material impairment to adjacent historical resources. Thus, the proposed project would result in a less-than-significant impact on offsite historical resources.

For these reasons, the proposed project would not result in significant impacts on historic architectural resources that were not previously identified in the Market and Octavia PEIR. No historic resource mitigation measures would apply to the proposed project.



Dolores and 15th Street Height Step Down



SAN FRANCISCO PLANNING DEPARTMENT

Received at CPC Hearing 1/18/18
E. Gordon-Jonckheer

Subject to: (Select only if applicable)

- | | |
|---|--|
| <input checked="" type="checkbox"/> Affordable Housing (Sec. 415) | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input checked="" type="checkbox"/> Transportation Sustainability Fee (Sec. 411A) | <input checked="" type="checkbox"/> Residential Child Care Fee (Sec. 414A) |
| <input type="checkbox"/> Eastern Neighborhoods Impact Fee (Sec. 423) | <input checked="" type="checkbox"/> Market and Octavia Community Infrastructure Impact Fee |

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Planning Commission Draft Motion

HEARING DATE: JANUARY 18, 2018

Case No.: 2015-002825CUA
Project Address: 1965 MARKET STREET/255-291 DUBOCE AVENUE
Zoning: NCT-3 (Moderate Scale Neighborhood Commercial Transit) and
RTO (Residential Transit Oriented District) Zoning Districts
40-X, 50-X, and 85-X Height and Bulk Districts
Block/Lot: 3534/058, 059, 061, 062
Project Sponsor: Keller Grover Properties, LLC, Contact: David Prowler
1965 Market Street
San Francisco, CA 94103
david@prowler.org or (415) 544-0445
Staff Contact: Elizabeth Gordon Jonckheer – (415) 575-8728
elizabeth.gordon-jonckheer@sfgov.org
Recommendation: Approval with Conditions

ADOPTING FINDINGS RELATING TO A CONDITIONAL USE AUTHORIZATION, PURSUANT TO PLANNING CODE SECTIONS 121.1, 121.7 AND 303, FOR THE DEVELOPMENT OF A LARGE LOT IN A NEIGHBORHOOD COMMERCIAL ZONING DISTRICT, AND FOR THE MERGER OF LOTS CREATING A LOT GREATER THAN 5,000 SQUARE FEET IN THE RESIDENTIAL TRANSIT ORIENTED DISTRICT ZONING DISTRICT, FOR THE PROPOSED PROJECT CONSISTING OF DEMOLITION OF A PORTION OF THE EXISTING 13,500 SQUARE FOOT BUILDING AT 1965 MARKET STREET (LOT 058), REMOVAL OF THE APPROXIMATELY 9,000 SQUARE FOOT SURFACE PARKING LOT (LOTS 059, 061, AND 062) ALONG DUBOCE AVENUE, AND CONSTRUCTION OF A 102,744 SQUARE FOOT 75- TO 85-FOOT HIGH MIXED-USE BUILDING CONTAINING 96 DWELLING UNITS AND INCLUDING RETENTION OF APPROXIMATELY 3,760 SQUARE FOOT OF THE EXISTING GROUND-FLOOR RETAIL WITHIN THE MODERATE SCALE NEIGHBORHOOD COMMERCIAL TRANSIT (NCT-3) AND RESIDENTIAL TRANSIT ORIENTED (RTO) ZONING DISTRICTS, AND 40-X, 50-X AND 85-X HEIGHT AND BULK DISTRICTS, AND THE MARKET AND OCTAVIA AREA PLAN, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On May 11, 2017, David Prowler (hereinafter "Project Sponsor"), on behalf of Keller Grover Properties, LLC (Property Owner), filed an application with the Planning Department (hereinafter "Department") for a Conditional Use Authorization for the proposed project at 1965 Market Street/255-291 Duboce Avenue, Lots 058, 059, 061, 062 in Assessor's Block 3534 (hereinafter "subject property"), pursuant to Planning Code Sections 121.1, 121.7 and 303, to demolish a portion of the existing 13,500 square foot building at 1965 Market Street (Lot 058), remove the approximately 9,000 square foot surface parking lot (Lots 059, 061, and 062) along Duboce Avenue, construct a new eight-story (approximately 85-foot tall) residential building, and add a vertical addition of residential dwelling units above and set back from the existing historic Market Street building (approximate height 75-feet/seven stories), with a total of 96 dwelling units (approximately 87,560 gross square feet), 48 off-street vehicle parking spaces, 97 Class 1 bicycle parking spaces, 12 Class 2 bicycle parking spaces, with the retention of approximately 3,760 square feet of retail use at the ground floor level within the Moderate Scale Neighborhood Commercial Transit (NCT-3) and Residential Transit Oriented (RTO) Zoning Districts, and 40-X, 50-X and 85-X Height and Bulk Districts, and the Market and Octavia Area Plan.

The Project Sponsor seeks to proceed under the Individually Requested State Density Bonus Law, Government Code Section 65915 et seq ("the State Law"), as implemented by Planning Code Section 206.6. Under the State Law, a housing development that includes affordable housing is entitled to additional density, concessions and incentives, and waivers from development standards that might otherwise preclude the construction of the project. Waiver is a reduction of development standards that will have the effect of physically precluding the construction of a project at the densities or with the concessions or incentives conferred by the State Law. Pursuant to Planning Code Section 206.6(c)(4), the Commission may not grant a waiver unless it is necessary to achieve the additional density or the permitted concessions and incentives.

In accordance with the Planning Department's policies regarding projects seeking to proceed under the State Law, the Project Sponsor has provided the Department with a 96 unit "Base Project" that would include housing affordable to low-income households. Because the Project Sponsor is providing 14 units of housing affordable to low income households, the Project is eligible for the State Density Bonus Program, and is eligible for one (1) incentive or concession. The Project seeks a waiver from the 50-foot height limit the concession/incentive to allow development above the 50-foot height limit applicable to that portion of the lot within the 50-X Height and Bulk District in order to permit three additional residential floors reaching a height of 85 feet. The Project seeks the waiver to accommodate the allowable this accommodation to allow density in a different portion of the site-Project Site, which would prevent the project from impacting an existing historic resource. The Project Sponsor has documented that the request for height results in actual and identifiable cost reductions for the project (attached Exhibit D). No other waivers, incentives or concessions are sought. Additional density is not requested; the The proposed density bonus project has the same number of dwelling units (96) as the Code-compliant base project. Additional density is not requested; however the proposed density would not be feasible without the concession/incentive.

The environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Market and Octavia Area Plan Environmental Impact Report (hereinafter "EIR"). The EIR was prepared, circulated for public review and comment, and, at a public hearing on April 5, 2007, by Motion No. 17406, certified by the Commission as complying with the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., hereinafter "CEQA"). The certification of the EIR was upheld on appeal to the Board of Supervisors at a public hearing on June 19, 2007. The Commission has reviewed the Final EIR, which has been available for this Commission's review as well as public review.

The EIR is a Program EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required, the agency may approve the project as being within the scope of the project covered by the program EIR, and no additional or new environmental review is required. In approving the Market and Octavia Area Plan, the Commission adopted CEQA Findings in its Motion No. 17406 and hereby incorporates such Findings by reference.

Additionally, State CEQA Guidelines Section 15183 provides a streamlined environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there is project-specific effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that (a) are peculiar to the project or parcel on which the project would be located, (b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent, (c) are potentially significant off-site and cumulative impacts which were not discussed in the underlying EIR, or (d) are previously identified in the EIR, but which are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for that project solely on the basis of that impact.

On November 16, 2017, the Planning Department of the City and County of San Francisco determined that the proposed application did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Market and Octavia Area Plan and was encompassed within the analysis contained in the Final EIR. Since the Final EIR was finalized, there have been no substantial changes to the Market and Octavia Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Market and Octavia Area Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting Program (MMRP) setting forth mitigation measures that were identified in the Market and Octavia Area Plan EIR that are

applicable to the project. These mitigation measures are set forth in their entirety in the MMRP attached to the draft Motion as Exhibit C.

On January 18, 2018, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2015-002825CUA .

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use Authorization requested in Application No. 2015-002825CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.

Site Description and Present Use. The site ("Project Site"), is located on the southern side of Duboce Avenue at the corner of Duboce Avenue and Market Street, between Guerrero Street and Clinton Park, Lots 58, 59, 61, and 62 of Assessor's Block 3534. The parcel includes the addresses 1965 Market Street, and 255, 263, 275-277, and 291-293 Duboce Avenue. The property is within both the NCT-3 (Moderate Scale Neighborhood Commercial Transit) Zoning District and the 40- and 85-X Height and Bulk District (1965 Market Street); and, the RTO (Residential Transit Oriented) Zoning District and 50-X Height and Bulk District (255, 263, 275-277, and 291-293 Duboce Avenue). The project site totals 16,778 square feet and is currently composed of one existing two- and three-story commercial building, with retail (3,760 square feet) and commercial office (10,000 square feet) uses, and a surface parking lot to the east of the building along Duboce Avenue. A FedEx location currently operates out of the retail space and the office space currently includes law offices, a real estate company, and vacant office space. The parking lot is used by office tenants and for FedEx customer parking and loading.

The existing structure at 1965 Market Street is a 35-foot three-story building, designed in 1924 by San Francisco-based architect, Walter Charles Falch, and was built in 1924 as a mortuary and funerary chapel that included two residential units. A third floor addition was added in 1933. The property is a "Category A" property, a known historical resource under California Environmental Quality Act. The site has been deemed National register and California register-eligible under Criteria A/1 for its association with Reconstruction-era commercial development in the Inner Mission North neighborhood and Market and Octavia Area Plan area (period of significance: 1924-1970), Criteria C/3 for the quality of its distinctive Spanish Colonial/Mission

Revival architectural style (period of significance: 1924- 1970); and California register -eligible under Criterion 3 for its association with Atlas Savings & Loan, which was the first financial institution in the United States established by a partnership of gays and lesbians (period of significance 1981-1985). A majority of the physical features, spaces, and materials of the principal façade of 1965 Market Street are character-defining, such as: the siting and relationship of the building to the street; the size and location of the automobile garage entry; stucco cladding; roof configuration; building plan; open, recessed entry approach; windows and doors including transoms, surrounds and glazing; and architectural elements such as Spanish tile parapets and roof sections, shaped parapets, bracketed cornices, cast plaster ornament, metal balconettes, quoins, pilasters, columns and porch. The east elevation exhibits some alterations and is considered to be of secondary character-defining importance.

2. **Surrounding Properties and Neighborhood.** The Project Site is within the boundaries of the Market and Octavia Area Plan, and the Moderate-Scale Neighborhood Commercial Transit (NCT-3) and Residential Transit Oriented (RTO) Zoning Districts. The property borders the Western Addition and Castro/Upper Market Street neighborhoods. The Project Site is located next to a Pet Food Express, across Dolores Avenue from a Whole Foods Market (grocery), and across Market Street from a Safeway shopping center (grocery). Across Market Street to the north is an eight story, 115-unit residential building, farther to the west is the U.S. Mint. To the east of the project site along the southern side of Duboce Avenue is a mix of two to four story residential buildings. To the south of the project site is a mix of two to four story residential development, including units along Clinton Park that border to the rear of the project site. On the northern side of Duboce Avenue to the east of the project are one to two story commercial buildings and a two story residential building. Along Market Street, parcels are zoned for heights up to 85 feet. Along Duboce Avenue, parcels are zoned for heights up to 50, 60/65, and 80 feet. Major roadways in the project vicinity include Market Street, Duboce Avenue, Dolores Street, Guerrero Street, and Buchanan Street. Interstate 80 and U.S. 101 provide regional access to the project vicinity. The project site is within a quarter mile of several local transit lines, including Muni Metro lines F, J, KT, L, M, and N; as well as Muni bus lines 6, 7, 22, and 37. The 16th Street Mission and Civic Center BART stations are located 0.7 and 0.9 mile from the site, respectively.

NCT-3 districts are transit-oriented moderate- to high-density mixed-use neighborhoods of varying scale concentrated near transit services. NCT-3 districts support neighborhood-serving commercial uses on lower floors and housing above. These districts are well-served by public transit and aim to maximize residential and commercial opportunities on or near major transit services. The district's form can be either linear along transit-priority corridors, concentric around transit stations, or broader areas where transit services criss-cross the neighborhood. Housing density is limited not by lot area, but by the regulations on the built envelope of buildings, including height, bulk, setbacks, and lot coverage, and standards for residential uses, including open space and exposure, and urban design guidelines. Residential parking is not required and generally limited. Commercial establishments are discouraged or prohibited from building accessory off-street parking in order to preserve the pedestrian-oriented character of the district and prevent attracting auto traffic. There are prohibitions on access (i.e., driveways, garage

entries) to off-street parking and loading on critical stretches of neighborhood commercial and transit streets to preserve and enhance the pedestrian-oriented character and transit function.

The RTO districts are intended to recognize, protect, conserve, and enhance areas characterized by a mixture of houses and apartment buildings, covering a range of densities and building forms. RTO districts are composed of multi-family, moderate-density areas that are well served, within short walking distance of transit and neighborhood commercial areas. Limited small-scale neighborhood-oriented retail and services is common and permitted throughout the neighborhood on corner parcels to provide goods and services to residents within walking distance, but the districts are otherwise residential. The overall residential density is regulated by the permitted and required height, bulk, setbacks, and open space of each parcel, along with residential design guidelines. Because of the high availability of transit service and the proximity of retail and services within walking distance, many households do not own cars; it is common that not every dwelling unit has a parking space, and overall off-street residential parking is limited. In RTO districts, open space is provided on-site, in the form of rear yards, decks, balconies, roof decks, and courtyards, and is augmented by nearby public parks, plazas, and enhanced streetscapes.

Other zoning districts in the vicinity of the Project Site include: Upper Market NCT (Neighborhood Commercial Transit); NC--3 (Moderate Scale Neighborhood Commercial); and P (Public).

3. **Project Description.** The proposed project would demolish a portion of the existing 13,500 square foot building at 1965 Market Street (Lot 058), remove the approximately 9,000 square foot surface parking lot (Lots 059, 061, and 062) along Duboce Avenue, and construct a mixed-use building retaining approximately 3,760 square feet of existing ground-floor retail. A new eight-story 85-foot tall (approximately 95 feet tall with rooftop structures) residential building is proposed on the existing surface parking lot. A vertical addition of four to five floors of residential dwelling units is proposed above a portion of the existing 1965 Market Street building to a total height of 75 feet (approximately 85 feet tall with rooftop structures), set back from the facade by 35 feet along Market Street and 15.5 feet along Duboce Avenue. While the proposed design has the appearance of two separate, but complementary buildings, new construction would result in an interconnected structure. The project would include below grade parking for 48 spaces, and a total of 96 dwelling units (52 one-bedroom, 43 two-bedroom, 1 studio), including 14 on-site affordable units. The total square footage for the proposed project is just over 102,744 square feet. Pursuant to California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law.

The proposed project would retain 1965 Market Street's historically significant facade and stylistically distinct materials, features, roof line, wall openings, and portions of the existing building interior. As a way to convey the historic appearance and significant historic uses that have occupied the double-height space of the former funerary chapel, the project sponsor will commission and install a high quality historical interpretive display, to be permanently installed

in the building's retail space as a part of the proposed project. The display will incorporate all three of the building's areas of historic significance. The retained historic features of the 1965 Market Street building would contain the primary points of entry for the residential building (i.e., the residential entrance and lobby on Duboce Avenue) and the corner-anchoring neighborhood retail space along Market Street. The new extended portion of the building, eastward along Duboce Avenue would include residential stoops connecting directly with the sidewalk.

4. **Public Comment.** As of January 11, 2018, the Department has received four emails letters of support and three letters opposing the project. Those in favor of the Project, include the Mission Dolores Neighborhood Association (MDNA), the Castro Community Benefit District, the Merchants of Upper Market and the San Francisco Housing Coalition. Those in favor are supportive due to the housing proposed, especially considering its proximity to jobs and transit. Those in opposition of the Project state that the construction will cause environmental harm to the area in the form of traffic, chemical pollutants, noise pollution and increased temperature due to CO2 emissions.
5. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Permitted Uses in the RTO and NCT-3 Zoning Districts.** Planning Code Sections 209.4 and 752 state that residential uses are principally permitted uses within each Zoning District. Retail uses are principally or conditionally permitted in the NCT-3 Zoning District and permitted only in limited circumstances on corner lots in the RTO district.

The Project would construct a new residential use within the RTO and NCT-3 Zoning Districts and retain the retail use in the NCT-3 Zoning District; therefore, the Project complies with Planning Code Sections 209.4 and 752. It is possible that the current retail tenant, FedEx, would return to the retained 3,760 square feet of ground-floor retail space. To represent a conservative analysis, the environmental review for the proposal assumed a restaurant could occupy the 3,760 square feet of ground-floor retail space. However, the tenant for the retail space has not yet been finalized. Depending on the specific retail tenant(s), they will comply as principally permitted retail uses per Sec. 752 or seek a Conditional Use, as required by the Planning Code.

- B. **Development of Large Lots in the NCT-3 Zoning District.** Planning Code Sections 121.1 requires Conditional Use Authorization from the Planning Commission for new construction or significant enlargement of existing buildings on lots measuring 10,000 square feet or larger.

The Project includes new construction and an addition on the combined 16,778 square foot project site; therefore, the Project is requesting Conditional Use Authorization from the Planning Commission for development on a large lot in the NCT-3 Zoning District.

- C. **Lot Mergers.** Planning Code Section 121.7 requires Conditional Use Authorization from the Planning Commission for projects, which result in the merger of lots creating a lot greater than 5,000 square feet in the RTO Zoning District

The Project Site includes the addresses 1965 Market Street, and 255, 263, 275-277, and 291-293 Duboce Avenue. The property is within both the NCT-3 (Moderate Scale Neighborhood Commercial Transit) Zoning District (1965 Market Street) and the RTO (Residential Transit Oriented) Zoning District (255, 263, 275-277, and 291-293 Duboce Avenue). The Project includes the lot merger of the parcel at 1965 Market Street (Lot 058), and the surface parking lot parcel along Duboce Avenue (Lots 059, 061, and 062), resulting in a lot greater than 5,000 square feet; therefore, the Project is requesting Conditional Use Authorization from the Planning Commission to merge the subject lots within the RTO Zoning District.

- D. **Floor Area Ratio.** Planning Code Section 124 establishes a FAR (Floor Area Ratio) of 3.6:1 for properties within the NCT-3 Zoning District and a 40-X, 50-X and 85-X Height and Bulk Districts.

The Project Site contains a subject lot that is within the NCT-3 District and is 7,778 square feet, thus resulting in a maximum allowable floor area of approximately 28,000 sq. ft. for non-residential uses. The Project retains 3,760 square feet of existing ground-floor retail space.

- E. **Rear Yard.** Planning Code Section 134 requires a minimum rear yard equal to 25 percent of the total lot depth of the lot to be provided at every residential level.

The Project includes a 22-foot, 6-inch above-grade rear yard for all portions of the new construction equal to 25 percent of the total lot depth of the lot. Walls of the existing building behind the lobby and retail space are within the rear yard and are existing non-complying.

- F. **Usable Open Space.** Within the RTO District per Planning Code Section 209.4, a minimum of 100 square feet of open space per dwelling unit if private, or 133 square feet of open space per dwelling unit if common is required. Within the NCT-3 District per Planning Code Section 752, a minimum of 80 square feet of open space per dwelling unit if private, or 100 square feet if common is required for each dwelling unit.

Per Planning Code Section 134(g), private usable open space shall have a minimum horizontal dimension of six feet and a minimum area of 36 square feet if located on a deck, balcony, porch or roof, and shall have a minimum horizontal dimension of 10 feet and a minimum area of 100 square feet if located on open ground, a terrace or the surface of an inner or outer court. Common usable open space shall be at least 15 feet in every horizontal dimension and shall be a minimum area of 300 square feet. Further, inner courts may be credited as common useable open space if the enclosed space is not less than 20 feet in every horizontal dimension and 400 square feet in area, and if the height of the walls and projections above the court on at least three sides is such that no point on any such wall or

projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court.

The project proposes common open space in the form of a rear yard, side yard, and roof deck at the eighth floor totaling approximately 5,500 square feet. Additional balconies on levels two, three, four, and eight, totaling approximately 2,100 square feet, provide private open space. Private terraces are proposed along the southern and eastern side of the building, providing a total of approximately 2,000 square feet of additional private open space. The Project complies with the open space requirement.

- G. **Streetscape and Pedestrian Improvements.** Planning Code Section 138.1 requires a streetscape plan, which includes elements from the Better Streets Plan, for projects that are located on a lot larger than one-half acre and which proposed new construction. Per Ordinance No. 119-15 (effective August 14, 2015), the Department of Public Works (DPW) is responsible for implementing the required number of street trees along the public rights-of-way, as formerly required in Planning Code Section 138.1.

The Project Site does not meet the size threshold in Planning Code Section 138.1(c)(2) for Better Streets Plan streetscape requirements for large projects. The subject lots equal approximately 16,778 square foot (0.39 acre) of lot area with a total of 220 feet of sidewalk frontage (178 feet along Duboce Avenue and 42 feet along Market Street). As such, the Project does not meet the threshold for lot size (0.50 acre) or frontage (250 feet) and would not be subject to the Better Streets Plan large project streetscape requirements.

The Duboce Avenue sidewalk is about 10 feet wide along the project frontage. Per the Better Streets Plan, the minimum and recommended widths for sidewalks on this type of street (Commercial Thoroughway) are 12 feet and 15 feet, respectively. The Market Street sidewalk along the project frontage is about 15 feet wide. Per the Better Streets Plan, the minimum and recommended widths for sidewalks on this type of street (Ceremonial/Civic) vary. The project would include streetscape improvements, including the elimination of curb cuts along Duboce Avenue, which would effectively increase the amount of sidewalk space available for pedestrians and minimize potential for conflicts. The Duboce Avenue sidewalk along the project frontage would be reconstructed to 10 feet to match the existing sidewalk width. Other amenities that include new street trees and bike racks along Market Street.

- H. **Bird Safety.** Planning Code Section 139 outlines the standards for bird-safe buildings, including the requirements for location-related and feature-related hazards.

The subject lot is not located in close proximity to an Urban Bird Refuge as defined in Section 139, and the Project meets the requirements for feature-related hazards.

- I. **Dwelling Unit Exposure.** Planning Code Section 140 requires that at least one room of all dwelling units face onto a public street, rear yard or other open area that meets minimum requirements for area and horizontal dimensions. To meet exposure requirements, a public

street, public alley at least 20 feet wide, side yard or rear yard must be at least 25 feet in width, or an open area (either inner court or a space between separate buildings on the same lot) must be no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit is located.

The Project organizes the dwelling units to have exposure on Duboce Avenue, Market Street or along the rear yard. The dwelling units meet the exposure requirements of the Planning Code.

- J. **Street Frontage in RTO Districts.** Section 144 of the Planning Code requires that off-street parking entrances be limited to one-third of the ground story width along the front lot line and no less than one-third be devoted to windows, entrances to dwelling units, landscaping and other architectural features that provide visual relief and interest for the street frontage.

The project complies with the street frontage requirement as it exceeds the visual relief minimum.

- K. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

The Project features active uses on the ground floor with a residential lobby, and retail space along Market Street within the retained historic building. As the non-residential uses are located within the historic building and façade to be retained, the ground level floor-to-floor height, transparency and fenestration are existing. The Project complies with Planning Code Section 145.1.

- L. **Required Ground Floor Commercial Uses.** Section 145.4(d) of the Planning Code requires that on Market Street, for the entirety of the NCT-3, Upper Market NCD, and Upper Market NCT Districts, an individual ground floor nonresidential use may not occupy more than 75 contiguous linear feet for the first 25 feet of depth along a street-facing facade.

The project contains an existing retail use occupying approximately 41.4 contiguous linear feet of frontage along Market Street.

- M. **Off-Street Vehicle Parking.** Planning Code Section 151.1 allows the provision of off-street parking spaces based on the number of residential dwelling units and the gross square footage of retail space (or other uses) within each building. Neither the RTO nor NCT-3 District require the Project to provide off-street vehicle parking spaces. Based on the number of residential dwelling units and the gross square footage and type of commercial space within each zoning district, the Proposed Project would be allowed to provide at maximum 54 vehicle parking spaces.

The Project proposes a total of 48 off-street vehicle parking spaces (including 2 ADA accessible spaces) for residential use and one car share space. Off-street vehicle parking spaces would be located within a garage one level below grade, including 42 spaces in mechanical stackers, and three additional standard spaces not in stackers. The stacker would allow for horizontal and vertical shifting of the parking platforms. Each individual parking bay would be accessible from the 24-foot wide drive aisle. The parking spaces would be arranged on two levels and the selected car is moved into the desired position by means of an automatic control system. The upper level parking spaces would move vertically, and the lower parking spaces would move horizontally to allow upper level cars to be driven off the platforms. The lower level of the system would include one less car than the upper level to enable the lower cars to move left and right to create a vacant space. Vehicle owners would operate the system with a key. The project complies with Planning Code Section 151.1.

- N. **Off-Street Freight Loading.** Sections 152 of the Planning Code requires off-street loading be provided in the NCT-3 and RTO Zoning Districts for retail uses exceeding 10,000 square feet in area and residential uses exceeding 100,000 square feet in area.

The project contains a total of 3,760 square feet of existing retail space and 85,200 gross square feet of residential space, therefore the project is not required to provide off-street loading. Commercial loading would be accommodated on-street in a proposed commercial loading (yellow curb) zone along the Duboce Avenue frontage. Pedestrian loading would be accommodated on-street in a proposed passenger loading (white curb) zone also along the Duboce Avenue frontage. One off-street/on-site service vehicle loading space would be provided in the proposed parking garage. Per Code Section 153(a)(6), the service vehicle space shall have a minimum width of eight feet, a minimum length of 20 feet, and a minimum vertical clearance of seven feet. Given constraints of the project site, the vertical clearance on the driveway ramp would be limited to 8 feet 6 inches. The service vehicle loading space would be utilized by residents for move-in/move-out activities and by smaller delivery vehicles serving the retail or restaurant use.

- O. **Street Frontage, Parking and Loading Access Restrictions.** Planning Code Section 155(r) restricts curb cuts are on certain specified streets and on Transit Preferential, Citywide Pedestrian Network, Neighborhood Commercial Streets or official City bicycle routes or bicycle lanes, including the entire portion of Market Street from The Embarcadero to Castro Street. In C-3, NCT and RTO Districts, no curb cuts accessing off-street parking or loading shall be created or utilized on street frontages identified along any Transit Preferential,

Citywide Pedestrian Network or Neighborhood Commercial Streets as designated in the Transportation Element of the General Plan or official City bicycle routes or bicycle lanes, where an alternative frontage is available. For bicycle lanes, the prohibition on curb cuts applies to the side or sides of the street where bicycle lanes are located; for one-way bicycle routes or lanes, the prohibition on curb cuts shall apply to the right side of the street only, unless the officially adopted alignment is along the left side of the street.

The project proposes no curb cuts on Market Street and proposes to reduce the three existing curb cuts (one 31-foot-wide entry driveway, one 58-foot-wide exit driveway, and one 12-foot-wide curb cut) to a single 10-foot-wide curb cut along the project site's Duboce Avenue frontage, along with eliminating the two on-street parking spaces Duboce Avenue. The Duboce Avenue frontage would be modified to provide one 40-foot-long passenger loading (white curb) zone and one 77-foot-6-inch-long commercial loading (yellow) zone, as well as a new 10-foot-wide curb cut to provide access to the proposed garage. The on-street commercial loading zone could accommodate delivery vehicles of all sizes and would serve the building's commercial and residential use. Goods would be transported along the Duboce Avenue and Market Street sidewalks between the commercial entrance on Market Street or the entrance to the residential lobby on Duboce Avenue and the commercial loading zone on Duboce Avenue. The elimination of existing curb cuts, construction of new curb cuts, and conversion of curb space to designated loading zone(s), would be subject to the review and approval of SFMTA.

- P. **Bicycle Parking.** Section 155.2 of the Planning Code requires one Class 1 bicycle parking space per dwelling unit and one Class 2 bicycle parking spaces for every 20 dwelling units. Additional bicycle parking requirements apply based on classification of non-residential uses; at least two Class 2 spaces are required for retail uses.

The Project includes 96 dwelling units; therefore, the Project is required to provide 96 Class 1 bicycle parking spaces and five Class 2 bicycle parking spaces for the residential use and one Class 1 bicycle parking space and five Class 2 bicycle parking spaces for the non-residential use. The proposed Project would implement Transportation Demand Management (TDM) measures described below and would provide six more Class 2 bicycle parking spaces than required by Code as well as a bicycle repair station.

The Project complies with Planning Code Section 155.2. Two Class 1 bicycle storage rooms would provide secure parking for at least 97 bicycles (96 residential, 1 retail) in double-decker racks. A bicycle repair station would be provided within one of the bicycle storage rooms. The Class 1 bicycle parking would be located within the below grade garage and would be accessible from the garage driveway ramp on Duboce Avenue and from two elevators located in the hallway near the residential lobby. Per the California Building Code Section 3002.4.3a requirement, at least one of the elevator cabs would have minimum interior dimensions of 80 inches in width with a depth of 54 inches and could accommodate a bicycle. Twelve (12) Class 2 bicycle parking spaces would be provided in eight racks on the sidewalk near the pedestrian entrances on Market Street and Duboce Avenue. Seven new bike racks would be installed on the Duboce Avenue sidewalk and the existing bike rack on Market Street in front of the pedestrian entrance to the retail space would remain. Bike racks would be located near

building entrances to maximize visibility and convenience. The provision of Class 2 bicycle parking spaces within the public right-of-way, including their locations, would be subject to review and approval by SFMTA and would be subject to the SFMTA Bicycle Rack Placement Guidelines.

- Q. Car-Share Parking Spaces.** In newly constructed buildings containing residential uses or existing buildings being converted to residential uses, per Section 166 of the Planning Code, if parking is provided, car-share parking spaces shall also be provided in specified amounts.

Section 166 of the Planning Code requires one car-share space for 50-200 residential units. The Project provides one car share space independent of mechanical stackers.

- R. Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, the Project shall finalize a TDM Plan prior to Planning Department approval of the first Building Permit or Site Permit. As currently proposed, the Project must achieve a target of 12 points.

Development Projects with a Development Application filed on or after September 5, 2016, and before January 1, 2018, are subject to 75% of the TDM target. Therefore, the Project need only achieve 75% of the point target established in the TDM Program Standards, resulting in a target of 12 points. As currently proposed, the Project will exceed the target with 13 points through the following TDM measures:

- *ACTIVE-2: Bicycle Parking, Option B (2 points). One Class 1 bicycle parking space for each dwelling unit (96 Class 1 spaces) and two Class 2 bicycle parking spaces for every 20 dwelling units (10 Class 2 spaces).*
 - *ACTIVE-5A: Bicycle Repair Station (1 point). On-site tools and space for bicycle repair.*
 - *CSHARE-1: Car Share, Option A (1 point). One on-site car share parking space, as required by the San Francisco Planning Code. The car share parking space would be located within the proposed below grade garage.*
 - *LU-2: On-Site Affordable Housing, Option B (2 points). On-site affordable housing. Fourteen units (14.5 percent) would be below market rate.*
 - *PKG-1: Unbundle Parking, Location D (4 points). Parking spaces leased or sold separately from rental or purchase fees.*
 - *PKG 4: Parking Supply, Option C (3 points). Off-street private vehicle parking would be provided at 70-to-80 percent of the off-street parking rate for the neighborhood.*
- S. Residential Density.** Both the RTO and NCT-3 Zoning Districts permit residential dwelling units without specific density limitations, allowing physical controls such as height and bulk and required setbacks, exposure, and open space to control dwelling unit density.

The Project Site is 16,778 square-feet in area and provides 96 dwelling units for a ratio of one dwelling unit for each 175 square feet of lot area.

- T. **Dwelling Unit Mix.** Planning Code Section 207.6 requires that no less than 40 percent of the total number of proposed dwelling units contain at least two bedrooms, or no less than 30 percent of the total number of proposed dwelling units contain at least three bedrooms.

Of the 96 units proposed, per Code Section 207.6, 40% = 38 two-bedroom units. The project proposes 43 two-bedroom units (45%), as well as 52 one-bedroom units (54%) and one studio unit (1%). The Project meets and exceeds the requirements for dwelling unit mix.

- U. **Height and Bulk.** Planning Code Section 250 and 252 outlines the height and bulk districts within the City and County of San Francisco. The Project is located in three height and bulk districts: 40-X, 50-X and 85-X, with no bulk limit.

The Project would construct a new eight-story 85-foot tall (approximately 95 feet tall with rooftop structures) residential building on the existing surface parking lot along Duboce Avenue. A vertical addition of four to five floors of residential dwelling units is proposed above a portion of the existing Market Street building with a total height of 75 feet (approximately 85 feet tall with rooftop structures).

Per California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law, ~~and proposes a waiver, and proposes to seek an incentive/concession that would allow an exception~~ from the development standards for height, which are defined in Planning Codes 250 and 252. The incentive/concession results in identifiable and actual cost reductions for the project (please see discussion under Finding No. 6). ~~The Project seeks a waiver from the 50-foot height limit applicable to that portion of the lot within the 50-X Height and Bulk District in order to permit three additional floors reaching a height of 85 feet. The Project seeks the concession to add density on that portion of the lot within the 50-X Height and Bulk District, subject to the 50-foot height limit, in order to permit three additional floors reaching a height of 85 feet, accommodating the allowable density in a different portion of the site. The sponsor seeks the waiver to accommodate the allowable density in a different portion of the site.~~ This expansion beyond the height requirement is necessary to prevent the project from impacting the historic resource, and is necessary to enable the construction of the project at the proposed density, as provided by Government Code Section 65915(f)(2).

- V. **Shadow.** Planning Code Section 295 restricts net new shadow, cast by structures exceeding a height of 40-feet, upon property under the jurisdiction of the Recreation and Park Commission. Any project in excess of 40-feet in height and found to cast net new shadow must be found by the Planning Commission, with comment from the General Manager of the Recreation and Parks Department, in consultation with the Recreation and Park Commission, to have no adverse impact upon the property under the jurisdiction of the Recreation and Park Commission.

The Planning Department prepared a preliminary shadow fan analysis and determined that the proposed project would not cast shadows on any parks or open spaces at any time during the year.

- W. **Transportation Sustainability Fee.** Planning Code Section 411A is applicable to new development that results in more than twenty dwelling units.

The Project includes approximately 85,200 gross square feet of new residential use. This square footage shall be subject to the Transportation Sustainability Fee, as outlined in Planning Code Section 411A. The Project filed an environmental review application on or before July 21, 2015, thus the residential use will be subject to 50 percent of the applicable residential TSF.

- X. **Residential Childcare Impact Fee.** Planning Code Section 414A is applicable to any residential development citywide that results in the addition of a residential unit.

The Project includes approximately 85,200 gross square feet of residential use. The proposed Project is subject to fees as outlined in Planning Code Section 414A with a Market and Octavia Plan Area Credit.

- Y. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements would apply to any housing project that consists of 10 or more units where an individual project or a phased project is to be undertaken and where the total undertaking comprises a project with 10 or more units, even if the development is on separate but adjacent lots. The applicable percentage is dependent on the number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. For any development project that submitted a complete Environmental Evaluation application on or prior to January 12, 2016, affordable units in the amount of 14.5 percent of the number of units shall be constructed on-site.

The Project Sponsor seeks to develop under the State Density Bonus Law, and therefore must include on-site affordable units in order to construct the Project at the requested density and with the requested waivers of development standards. The Project Sponsor submitted a complete Environmental Evaluation on March 6, 2015, and thus is required to provide affordable units in the amount of 14.5 percent of the number of units constructed on site. Further, the Project Sponsor has submitted an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing on-site affordable housing. The Project Sponsor is providing 14.5 percent of the base project units (in this case same as proposed) as affordable to satisfy the Inclusionary Affordable Housing Program obligation.

The Project Sponsor will provide 14.5 percent of the total proposed dwelling units in the Base Project (in this case same as proposed) as affordable to low income households (as defined in California Health and Safety Code section 50105) to satisfy the Inclusionary obligation. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative prior to issuance of the first construction document, this conditional use approval

shall be deemed null and void. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative after construction, it must pay the Affordable Housing Fee with interest, if applicable, on the entirety of the Project, including those additional units constructed as allowed under State Law.

The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted a 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that on-site units are not subject to the Costa Hawkins Rental Housing Act, California Civil Code Section 1954.50 because, under Section 1954.52(b), the Project Sponsor seeks to develop under the State Density Bonus Law. The Project Sponsor submitted such Affidavit on January 18, 2018. The EE application was submitted on March 6, 2015. Pursuant to Planning Code Sections 415.3, 415.6 and 419, the current on-site requirement is 14.5%. 14 units of the 96 units (43 two-bedroom units, 52 one-bedroom units and one studio unit) provided will be affordable units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable.

- Z. Market and Octavia Plan Area Affordable Housing Fee.** Per Section 416 of the Code, the project requires payment per net square foot of residential development space not designated for below market rate units as part of the Market and Octavia Affordable Housing Fee.

The Project is subject to the Market and Octavia Plan Area Affordable Housing Fee for that portion of the project located within the NCT District, as outlined in Planning Code Section 416, based on the location of BMR units. These fees must be paid prior to the issuance of the building permit application.

- AA. Market and Octavia Community Infrastructure Impact Fee.** Per Section 421 of the Code, the project requires payment per gross new square foot of residential and commercial development for the Market and Octavia Community Improvements Fund.

The Project includes approximately 85,200 gross square feet of new residential use. The Project is subject to the Market and Octavia Community Infrastructure Impact Fee as outlined in Planning Code Section 421. These fees must be paid prior to the issuance of the building permit application.

- 6. State Density Bonus Law:** Per California Government Code Section 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law. The State Law permits a minimum 20 percent and a maximum 35 percent density bonus if at least 10 percent to 20 percent of the "Base Project" units are affordable to lower-income households (as defined in California Health and Safety Code section 50105). The "Base Project" includes the amount of residential development

that could occur on the project site as of right without modifications to the physical aspects of the Planning Code (ex: open space, dwelling unit exposure, etc.). Under the State Density Bonus Law, the Project Sponsor is entitled to a limited number of concessions or incentives, as well as waivers for any development standard that would physically preclude construction of the project at the proposed density.

~~The Project is providing 14 low-income (51-80% AMI) units as part of the project, equal to 14.5 percent of the Project's units, thereby entitling the Project to a development standard waiver under the State Density Bonus law. Under the State Density Bonus program, the proposed project seeks a waiver from the 50-foot height limit applicable to that portion of the lot within the 50-X Height and Bulk District in order to permit three additional floors reaching a height of 85 feet. The sponsor seeks the waiver to accommodate the allowable density in a different portion of the site, which would prevent the project from impacting the historic resource. No other waivers, incentives or concessions are sought. Additional density is not requested; the proposed density bonus project has the same number of dwelling units (96) as the Code-compliant Base Project.~~

Per Planning Code Section 206.6(c)(3), the Planning Commission shall hold a hearing and shall approve the Concession or Incentive requested unless it makes written findings, based on substantial evidence that:

a) The Concession or Incentive does not result in identifiable and actual cost reductions; or

The Incentive/Concession is required in order to permit the construction of the proposed project.

Application of the 50-foot height limit would preclude construction 36 of the 96 units (4 floors x 9 units each on the parking lot portion of the site). The height concession on Lots 59, 61 and 62 from 50 feet to 85 feet are required in order to move 36 of the project units from Lot 58 (1965 Market Street portion of the property) to Lots 59, 61, and 62 (Duboce Avenue portion), thereby reducing the scope of development on Lot 58 and eliminating the significant environmental impact that would be associated with demolishing the historically significant 1965 Market Street building to accommodate those 36 units. The demolition of the 1965 Market Street building would require the preparation of an Environmental Impact Report (EIR). An EIR would cost approximately \$644,000 in additional fees, consultant and staffing costs. In addition, the carrying costs for the project would total approximately \$1.68M, assuming that the preparation of an EIR would add at least 12 months to the project, and that construction costs would continue to escalate at 7% annually. The estimate prepared by the Project Sponsor does not include the additional costs of mitigation, as specific mitigation measures were not identified as part of the Community Plan Exemption prepared for the project. In total, the request for an incentive/concession would result in approximately \$2.3M in cost reduction.

b) The Concession or Incentive would have a specific adverse impact, as defined in California Government Code Section 65589.5(d)(2) upon public health and safety or the physical environment or any real property listed on the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific

adverse impact without rendering the Housing Project unaffordable to low- and moderate-income households; or

The concession/incentive would not have a specific adverse impact upon public health and safety or the physical environment or any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the Housing Project unaffordable to low- and moderate-income households.

The proposed project would not have a significant impact on the historic resources on the site, and would conform to the Secretary of the Interior Standards for Rehabilitation in the design of the addition and new construction. The existing structure at 1965 Market Street is a 35-foot three-story building, designed in 1924 by San Francisco-based architect, Walter Charles Falch, and was built in 1924 as a mortuary and funerary chapel that included two residential units. A third floor addition was added in 1933. The property is a "Category A" property, a known historical resource under California Environmental Quality Act. The site has been deemed National register and California register-eligible under Criteria A/1 for its association with Reconstruction-era commercial development in the Inner Mission North neighborhood and Market and Octavia Area Plan area (period of significance: 1924-1970), Criteria C/3 for the quality of its distinctive Spanish Colonial/Mission Revival architectural style (period of significance: 1924- 1970); and is California register-eligible under Criterion 3 for its association with Atlas Savings & Loan, which was the first financial institution in the United States established by a partnership of gays and lesbians (period of significance 1981-1985). The redistribution of some the project's height and massing to an equivalent portion at the adjacent parking lot parcel as is currently proposed prevents a specific adverse impact to the historic property. The project allows the 1965 Market Street portion to convey its historic appearance, and not affect the site's eligibility for either the National or California registers.

The Project is providing 14 low-income (51-80% AMI) units as part of the project, equal to 14.5 percent of the Project's units. As currently proposed with the concession for height on Lots 59, 61 and 62, the low-income units will be incorporated through the project. Affordability at the density provided by the proposed project could not otherwise be accommodated without impacting the historic resource on Lot 58 (1965 Market Street).

c) The Concession or Incentive would be contrary to state or federal law.

The Concession or Incentive is not contrary to state or federal law.

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Authorization. On balance, the project complies with said criteria in that:

- a) The proposed new uses and building, at the size and intensity contemplates and at the proposed location, will provide a development that is necessary of desirable, and compatible with, the neighborhood or the community.

The proposed mixed-use building will retain the existing retail space at its current size and configuration and the proposal removes a parking lot and 10,000 square feet of office space for replacement with residential units. Ninety-six homes at varying levels of subsidy and a mix of sizes will be added. Of the 96 residential units, 43 will be 2 bedrooms, to address the City's need for family units. 14.5% of all units, including exempt units made possible by use of the State Density Bonus, will be on-site BMR units. The Project is necessary and desirable in maintaining and contributing to the important aspects of the existing neighborhood, while providing new housing opportunities. Housing is a top priority for the City and County of San Francisco. The size and intensity of the proposed development is necessary and desirable for this neighborhood and the surrounding community because it will provide new opportunities for housing and add new site amenities that will contribute to the character of the surrounding neighborhood.

Located at a prominent site on Market Street at Duboce Avenue, the size and massing of the proposal relate to the width of Market Street and to nearby buildings, including the 85 foot tall 38 Dolores project at Market and Dolores Streets and the similarly sized Linea building at 8 Buchanan Street, directly across Market Street. In addition, the massing of the proposed structure, with a deep setback above the existing historic façade of 1965 Market Street, is designed to maintain the significant features of the existing historic building.

The project site is well served by transit. In combination, the proposed residential and retail use, at the scale and density contemplated, will enhance the existing mixed-use character of the neighborhood. The influx of new residents will contribute to the economic vitality of the existing neighborhood by adding new patrons for the nearby retail uses. In summary, the Project is an appropriate urban intervention and infill development.

- b) That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development on the vicinity, with respect to aspects including but not limited to the following:
- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The design and arrangement of the building will enhance the neighborhood. The building is designed to read as three distinct buildings: an 85 foot tall building to be constructed on the site of the current parking lot; the existing historic building; and, set back from the property line above that building between 15 feet and 35 feet, a residential tower rising to 75 feet. To lessen impact on the historic resource – the 1965 Market Street building, in addition to the significant setback, the height has been reduced below the allowed 85 feet at that location

and shifted east to the parking lot site. Overall, the Project, which would establish a new mixed use building with existing ground floor retail in an existing mixed-use neighborhood, will be beneficial to the surrounding neighborhood.

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The Project would not adversely affect public transit in the neighborhood. All parking will be below grade and accessed from a single entry at the eastern edge of the site, minimizing conflicts with pedestrians and bicyclists. Measures to ensure avoidance of conflicts with vehicular traffic on Duboce Avenue have been developed and will be implemented, along with a Transportation Demand Management plan. The 96 units will be served by 48 spaces, below the allowable 54 spaces. Most of the parking will be in lifts.

The site is well served by public transit, with an F line stop directly across the street, the J, K, L, M, N, and T Metro stops one block away, and the 6, 7, 14, 14R, 24, 33, 49 lines and the 16th Street Mission BART station within 5 blocks. Provision of bicycle storage areas along with the close proximity to mass transit is anticipated to encourage residents, employees and visitors to use alternate modes of transportation.

- iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

The Project will comply with the City's requirements to minimize noise, glare, odors, or other harmful emissions. Conditions of Approval are included to address potential issues.

- iv. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

Street trees along Market Street and Duboce Avenue will be retained and additional street trees planted on Duboce Avenue. The South wall of the existing building will be retained, with the rear yard running east from that wall to be set back from the property line 22 feet 6 inches, alongside the rear yards of housing on Clinton Park. Parking will not be visible from the street and there will be a net reduction in curb cuts. Existing non-historic signage will be removed. These upgrades will be beneficial to the surrounding neighborhood because it will provide new street improvements, lighting and vegetation.

- c) That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with all relevant requirements and standards of the Planning Code, except for those requirements for which the Project Sponsor ~~seeks a waiver~~ seeks an incentive/concession under the State Density Bonus Law (California Government Code Sections 65915-65918). The Commission finds that ~~these waivers are~~ the concession is required in order to construct the Project at the density

allowed by State Law. The Project is consistent with objectives and policies of the General Plan as detailed below.

- d) That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

The Project will be in conformity with the Moderate-Scale Neighborhood Commercial Transit (NCT-3) District in that it will provide a mixed-use development that includes residential units on the upper floors and ground floor retail space consistent with surrounding neighborhood.

- 8. **Planning Code Section 121.1** establishes criteria for the Planning Commission to consider when reviewing applications for Developments of Large Lots In Neighborhood Commercial Districts. On balance, the project complies with said criteria in that:

- i. The mass and facade of the proposed structure are compatible with the existing scale of the district.

The proposed building at 1965 Market Street creates a gateway to the Upper Market Street neighborhood. The massing and design meet the vision set out for the area in the Market and Octavia Area Plan. The design matches the current height and massing in the district, which includes Safeway, the San Francisco Mint, Linea, and 38 Dolores. The design enhances the neighborhood, maintains the corner at the key intersection of Market Street and Duboce Avenue, and serves as a complementary backdrop to highlight the existing historic building on the site. The building is designed to read as three distinct forms. The design incorporates an 8-story building on the current parking lot; the existing historic building and towers; and a 75-foot residential tower that is set back between 15 and 35 feet from the property line and the historic building. Façade treatments and materials selection will highlight, personalize, and further distinguish these three parts. On the corner parcel, the height has been decreased below the allowed 85 feet to reduce the impact on the 1965 Market Street building. Behind the existing towers, the residential building has a simple, subtly curving façade that further respects the historic resource. Narrow, tall windows on this façade provide residential views to Market Street while referencing the existing historic window typology. On the parking lot site, a modulated façade features bays to match the contextual urban rhythm and suit the neighborhood fabric. The building's narrow footprint increases natural daylighting and reduces its impact on its neighbors. The new construction engages with the existing historic resource, and it enhances the quality of the Upper Market area.

- ii. The facade of the proposed structure is compatible with design features of adjacent facades that contribute to the positive visual quality of the district.

The proposed facade design and architectural treatments with various vertical and horizontal elements and a pedestrian scale ground floor is compatible with the design features of the immediate district. The design of the addition and new construction is subordinate to and compatible with the historic resource, yet differentiated. The existing building is significantly modulated; the new construction

references this and reflects the existing composition. Colors and materials are referential to the historic resource, and wall to window ratios are consistent with existing patterns. The proposed design also maintains an architectural dialog with the Mint in its scale and civic presence, while addressing a residential scale and texture. The proposed design incorporates a geometric relationship with the resource through horizontality and fenestration proportion depicting floor levels, and materiality at a fine-grained scale, specifically utilizing cladding materials distinctly residential in character such as cement plaster and masonry. The new building's character ensures the best design of the times with high-quality building materials that relate to the surrounding structures while acknowledging and respecting the positive attributes of the older building. Overall, the Project offers an architectural treatment that appears consistent and compatible with the surrounding neighborhood.

9. **Planning Code Section 121.7** establishes criteria for the Planning Commission to consider when reviewing applications for the merger of lots creating a lot greater than 5,000 square feet in the Residential Transit Oriented (RTO) Zoning District. The Planning Commission may approve permit mergers exceeding said restrictions only when one (or more) of the following findings can affirmatively be made. On balance, the project complies with said criteria in that:

- a) The lot merger will enable a specific residential project that provides housing on-site at affordability levels significantly exceeding the requirements of Section [415](#).

The Project does not exceed the requirements of Section 415. However, the Project will meet its inclusionary affordable housing requirements by designating a certain number of dwelling units as part of the on-site affordable housing alternative, identified in Planning Code Section 415. The Project proposes 96 units at varying levels of subsidy and a mix of sizes. 14.5% of all units, including exempt units made possible by use of the State Density Bonus, will be on-site BMR units.

- b) The lot merger will facilitate development of an underutilized site historically used as a single use and the new project is comprised of multiple individual buildings.

Merger of the 9,000 square foot parking lot in the RTO district with the adjacent parcel in the NCT-3 district enables a development that maximizes housing production while preserving the character-defining elements of the historic resource/Category A structure. Currently, the lots proposed for merger have historically been used as a single use, the parking lot for the office/retail at 1965 Market Street. The RTO-zoned parking lot provides accessory parking. The assembled parcel and resultant development is consistent with the size of surrounding developments. Although a large lot is created, the design of the proposed project will read as three distinct buildings: the existing building, the addition to that building, and the element to replace the parking lot.

- c) The lot merger serves a unique public interest that cannot be met by building a project on a smaller lot.

The Project serves a unique public interest in providing new housing opportunities. Housing is a top priority for the City and County of San Francisco. The size and intensity of the proposed development

cannot be met on a smaller lot. The project is not feasible to construct without merging the lots making up the development site, because Building Code requirements would result in four separate structures with separate exiting and building cores. The proposed ~~merger~~ concession/incentive also allows the project sponsor to accommodate the allowable density in a different portion of the site, which would prevent the project from impacting the historic resource under the State Density Bonus program.

10. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

Policy 1.1

Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

Policy 1.8

Promote mixed use development, and include housing, particularly permanently affordable housing, in new commercial, institutional, or other single use development projects.

Policy 1.10

Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

The Project is a higher density mixed-use development on an underutilized lot along a primary vehicular transit corridor. The Project Site is an ideal infill site that is currently occupied by a commercial retail use and ancillary surface parking lot. The proposed Project would add 96 units of housing to the site with a dwelling unit mix of studio, one-bedroom, and two-bedroom units. The Project is consistent with the RTO and NCT-3 Zoning Districts, which encourage housing development in new buildings at and above the ground story and that is affordable to people with a wide range of incomes. The Project includes 14 on-site affordable housing units for ownership and satisfies its inclusionary affordable housing requirement.

OBJECTIVE 4

FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.

Policy 4.1

Develop new housing, and encourage the remodeling of existing housing, for families with children.

The 43 proposed two-bedroom units are sized to provide housing for families with children. The proposal adds 96 housing units at a site where none now exist and maximizes the supply by employing the State Density Bonus program. While the Density Bonus does not create additional units beyond those permitted by Code, it does enable the sponsor to best balance the City's preservation and housing goals. 14.5% of all units will be offered at below market rates. By creating a mix of unit sizes, ranging from approximately 482 square foot studios to a 1,370 square foot 2-bedroom, the project offers housing options to meet different needs.

OBJECTIVE 11

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

Policy 11.1

Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

Policy 11.2

Ensure implementation of accepted design standards in project approvals.

Policy 11.3

Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

The Project responds to the site's location within a mixed-character neighborhood. The Project would construct a new eight-story residential building along Duboce Avenue and add residential floors above the historic resource at 1965 Market Street. The scale of the Project is appropriate from an urban design perspective because it recognizes the site as a gateway corner to the Upper Market neighborhood, as well as the significance of this location along the Market Street transit corridor. The Project provides an appropriate massing and scale for the adjacent contexts. In addition, the proposed design maintains an architectural dialog with the Mint in its scale and civic presence, while also addressing a residential scale and texture. The proposed design incorporates a geometric relationship with the resource through horizontality and fenestration proportion depicting floor levels, and materiality at a fine-grained scale, specifically utilizing cladding materials distinctly residential in character such as cement plaster and masonry.

OBJECTIVE 12

BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.

Policy 12.2

Consider the proximity of quality of life elements, such as open space, child care, and neighborhood services, when developing new housing.

The Project is located in proximity to many neighborhood amenities. The Project is located on at the corner of Duboce Avenue and Market Street, which provide a variety of retail establishments, restaurants, small grocery stores and cafes.

OBJECTIVE 13

PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.

Policy 13.1

Support “smart” regional growth that locates new housing close to jobs and transit.

Policy 13.3

Promote sustainable land use patterns that integrate housing with transportation in order to increase transit, pedestrian, and bicycle mode share.

The Project Site is located within a quarter mile of several local transit lines, including Muni Metro lines F, J, KT, L, M, and N; as well as Muni bus lines 6, 7, 22, and 37. The 16th Street Mission and Civic Center BART stations are located 0.7 and 0.9 mile from the site, respectively. Residential mixed-use development at this site would support a smart growth and sustainable land use pattern in locating new housing in the urban core close to jobs and transit. Furthermore, the bicycle network along Market Street is highly developed and utilized. The Project provides a Class 1 bicycle storage facility and bicycle repair station in the garage providing parking for at least 97 bicycles. Additional bicycle parking spaces (16 Class 2 spaces in sidewalk racks) would be provided near pedestrian entrances on Market Street and Duboce Avenue.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 28

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

Policy 28.1:

Provide secure bicycle parking in new governmental, commercial, and residential developments.

Policy 28.3:

Provide parking facilities which are safe, secure, and convenient.

The Project includes 97 Class 1 and 16 Class 2 bicycle parking spaces in secure, convenient locations.

MARKET AND OCTAVIA AREA PLAN

Objectives and Policies

OBJECTIVE 1.1

CREATE A LAND USE PLAN THAT EMBRACES THE MARKET AND OCTAVIA NEIGHBORHOOD'S POTENTIAL AS A MIXED-USE URBAN NEIGHBORHOOD.

Policy 1.1.2

Concentrate more intense uses and activities in those areas best served by transit and most accessible on foot.

Policy 1.1.3

Encourage housing and retail infill to support the vitality of the Hayes-Gough, Upper Market, and Valencia Neighborhood Commercial Districts.

The Project consists of high-density housing and supporting uses close to the transit.

Policy 1.1.8

Reinforce continuous retail activities on Market, Church, and Hayes Streets, as well as on Van Ness Avenue.

Retail use will continue at the Market Street frontage

OBJECTIVE 1.2

ENCOURAGE URBAN FORM THAT REINFORCES THE PLAN AREA'S UNIQUE PLACE IN THE CITY'S LARGER URBAN FORM AND STRENGTHENS ITS PHYSICAL FABRIC AND CHARACTER.

Policy 1.2.2

Maximize housing opportunities and encourage high-quality commercial spaces on the ground floor.

Policy 1.2.4

Encourage buildings of the same height along each side of major streets.

Housing opportunities are maximized by matching the Project's 85-foot height with the same heights of 38 Dolores Street (at Market Street); Linea, directly across Market Street; and Venn, nearby at 1844 Market Street.

OBJECTIVE 2.2

ENCOURAGE CONSTRUCTION OF RESIDENTIAL INFILL THROUGHOUT THE PLAN AREA.

Policy 2.2.4

Encourage new housing above ground-floor commercial uses in new development and expansion of existing commercial buildings.

The site currently provides a surface parking lot, formula retail store (Fed Ex Office) and office suites. The site currently holds 14,000 square feet of developed space, which will be increased six-fold. Up to 96 housing units will be added where there are now none.

OBJECTIVE 3.2

PROMOTE THE PRESERVATION OF NOTABLE HISTORIC LANDMARKS, INDIVIDUAL HISTORIC BUILDINGS, AND FEATURES THAT HELP TO PROVIDE CONTINUITY WITH THE PAST.

Policy 3.2.5

Preserve landmark and other buildings of historic value as invaluable neighborhood assets.

Character defining elements of the existing building will be preserved and retained.

Policy 3.2.6

Encourage rehabilitation and adaptive reuse of historic buildings.

Policy 3.2.17

To maintain the City's supply of affordable housing, historic rehabilitation projects may need to accommodate other considerations in determining the level of restoration.

The project retains the character defining features of the historic 1965 Market Street building while allowing the addition of a significant amount of new housing, including affordable housing.

OBJECTIVE 5.3

ELIMINATE OR REDUCE THE NEGATIVE IMPACT OF PARKING ON THE PHYSICAL CHARACTER AND QUALITY OF THE NEIGHBORHOOD.

Policy 5.2.3

Minimize the negative impacts of parking on neighborhood quality.

A 25-space parking lot would be removed and replaced with residential units. The proposed project would not provide a parking space for each residential unit. While the portion within the RTO Zone would permit .5 spaces per unit and the portion within the NCT-3 District would provide .75 spaces per unit, for a total of 54 spaces, the proposed project would provide only 48 spaces.

11. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the Project complies with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The site currently houses a retail use, Fed Ex Office. This facility is one of 20 in the City and UPS and other vendors offer similar services in the Upper Market neighborhood. The proposed project will contain 3,760 gross square of retail space and the sponsor hopes to retain the existing use. The Project improves the urban form of the neighborhood by adding new residents, visitors, and employees to the neighborhood, which would assist in strengthening nearby retail uses.

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

No housing is removed as part of the project. The Market/Octavia neighborhood and the adjoining Castro, Valencia Corridor, Hayes Valley, and Mission Neighborhoods are characterized by a mix of uses, typically either low- to mid- rise housing, often with retail below, or larger new mixed use projects on major streets. The existing non-residential office/retail/parking use is an anomaly in these districts. The scale of the proposed project, with generous setbacks on Market Street and height of 75 feet – 85 feet complements that of newer structures in the vicinity of the Dolores Street/Market Street intersection: the 38 Dolores and Linea buildings at 85 feet, the Safeway complex with the block-long Mint behind. All of the new buildings on Market Street built in compliance with the Market and Octavia Plan contain housing above retail, as is proposed on this site. The addition to the existing historic 1965 Market Street building is designed to respect the character defining features of the 1924 structure while contributing to meeting San Francisco's housing goals. The Project offers an architectural treatment that is deferential to the resource, yet contextual, and an architectural design that is consistent and compatible with the surrounding neighborhood. For these reasons, the Project would protect and preserve the cultural and economic diversity of the neighborhood.

- C. That the City's supply of affordable housing be preserved and enhanced.

The Project will not displace any affordable housing because there is currently no housing on the site. The Project will comply with the City's Inclusionary Housing Program, therefore increasing the stock of affordable housing units in the City.

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The Project Site is served by public transportation. Future residents would be afforded close proximity to bus or rail transit. The Project also provides bicycle parking for residents and their guests.

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Project will not displace any service or industry establishment. The Project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The Project will be designed and will be constructed to conform to the structural and seismic safety requirements of the Building Code. This proposal will not adversely affect the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

The historic building's character defining features will be retained and rehabilitated to the Secretary of the Interior Standards for Rehabilitation. Architectural features from the period of significance (1914-1930) including siting and relationship of the building to the street; the size and location of the automobile garage entry; stucco cladding; roof configuration; building plan; open, recessed entry approach; windows and doors including transoms, surrounds and glazing; and architectural elements such as Spanish tile parapets and roof sections, shaped parapets, bracketed cornices, cast plaster ornament, metal balconettes, quoins, pilasters, columns and porch.

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

The Planning Department prepared a preliminary shadow fan analysis and determined that the proposed project would not cast shadows on any parks or open spaces at any time during the year.

12. **First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Section 83.4(m) of the Administrative Code), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

The Project Sponsor submitted a First Source Hiring Affidavit and prior to issuance of a building permit will execute a First Source Hiring Memorandum of Understanding and a First Source Hiring Agreement with the City's First Source Hiring Administration.

13. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
14. The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2015-002825CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated December 21, 2017, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Planning Commission hereby adopts the MMRP attached hereto as Exhibit C and incorporated herein as part of this Motion by this reference thereto. All required mitigation measures identified in the Eastern Neighborhoods Plan EIR and contained in the MMRP are included as conditions of approval.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on January 18, 2018.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

SAN FRANCISCO
PLANNING DEPARTMENT

**Draft Motion No.
January 18, 2018**

**CASE NO. 2015-002825CUA
1965 Market Street/255-291 Duboce Avenue**

ABSENT:

ADOPTED: January 18, 2018

EXHIBIT A

AUTHORIZATION

This authorization is for a Conditional Use Authorization at 1965 Market Street/255-291 Duboce Avenue, Lots 058, 059, 061, 062 in Assessor's Block 3534 to allow the demolition of a portion of the existing 13,500 square foot building at 1965 Market Street (Lot 058), to remove the approximately 9,000 sf surface parking lot (Lots 059, 061, and 062) along Duboce Avenue, and to construct a new eight-story (approximately 85-foot tall) residential building, and add a vertical addition of residential dwelling units above and set back from the existing historic Market Street building (approximate height 75-feet/seven stories), with total of 96 dwelling units (approximately 87,560 gross square feet), 48 off-street vehicle parking spaces, 97 Class 1 bicycle parking spaces, 12 Class 2 bicycle parking spaces, with the retention of approximately 3,760 square feet of retail use at the ground floor level, pursuant to Planning Code Sections 121.1, 121.7 and 303, within the Moderate Scale Neighborhood Commercial Transit (NCT-3) and Residential Transit Oriented (RTO) Zoning Districts, and 40-X, 50-X and 85-X Height and Bulk Districts, and the Market and Octavia Area Plan; in general conformance with plans, dated December 21, 2017, and stamped "EXHIBIT B" included in the docket for Record No. 2015-002825CUA and subject to conditions of approval reviewed and approved by the Commission on January 18, 2018 under Motion No. XXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission January 18, 2018 under Motion No. XXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXX shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

6. **Mitigation Measures.** Mitigation measures described in the MMRP for the Market and Octavia Area Plan EIR (Case No. 2003.0347E) attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

DESIGN

7. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

For information about compliance, contact the Case Planner, Planning Department at 415-575-8728, www.sf-planning.org

8. **Garbage, Composting and Recycling Storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

For information about compliance, contact the Case Planner, Planning Department at 415-575-8728, www.sf-planning.org

9. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

For information about compliance, contact the Case Planner, Planning Department at 415-575-8728, www.sf-planning.org

10. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the building / site permit application.

For information about compliance, contact the Case Planner, Planning Department at 415-575-8728, www.sf-planning.org

11. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:

- a. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;

- b. On-site, in a driveway, underground;
- c. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
- d. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
- e. Public right-of-way, underground; and based on Better Streets Plan guidelines;
- f. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
- g. On-site, in a ground floor façade (the least desirable location).

Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>

PARKING AND TRAFFIC

12. **Unbundled Parking.** All off-street parking spaces shall be made available to Project residents only as a separate "add-on" option for purchase or rent and shall not be bundled with any Project dwelling unit for the life of the dwelling units. The required parking spaces may be made available to residents within a quarter mile of the project. All affordable dwelling units pursuant to Planning Code Section 415 shall have equal access to use of the parking as the market rate units, with parking spaces priced commensurate with the affordability of the dwelling unit. Each unit within the Project shall have the first right of refusal to rent or purchase a parking space until the number of residential parking spaces are no longer available. No conditions may be placed on the purchase or rental of dwelling units, nor may homeowner's rules be established, which prevent or preclude the separation of parking spaces from dwelling units.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

13. **Bicycle Parking.** Pursuant to Planning Code Sections 155.2, the Project shall provide no fewer than 96 Class 1 bicycle parking spaces (one for each residential unit), 5 Class 2 bicycle parking spaces for the residential use, and one Class 1 bicycle parking space and 5 Class 2 bicycle parking spaces for the non-residential use.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

14. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

PROVISIONS

15. **Anti-Discriminatory Housing.** The Project shall adhere to the requirements of the Anti-Discriminatory Housing policy, pursuant to Administrative Code Section 1.61.

For information about compliance, contact the Case Planner, Planning Department at 415-575-8728, www.sf-planning.org

16. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.

For information about compliance, contact the First Source Hiring Manager at 415-581-2335, www.onestopSF.org

17. **Transportation Sustainability Fee.** The Project is subject to the Transportation Sustainability Fee (TSF), as applicable, pursuant to Planning Code Section 411A.

For information about compliance, contact the Case Planner, Planning Department at 415-575-8728, www.sf-planning.org.

18. **Child Care Fee - Residential.** The Project is subject to the Residential Child Care Fee with Market and Octavia Plan area credit, as applicable, pursuant to Planning Code Section 414A.

For information about compliance, contact the Case Planner, Planning Department at 415-575-8728, www.sf-planning.org.

19. **Market Octavia Affordable Housing Fee.** Pursuant to Planning Code Section 416, the Project Sponsor shall comply with the Market Octavia Affordable Housing requirements for that portion of the square footage within the NCT-3 Zoning District not designated for below market rate units, through payment of the Market Octavia Affordable Housing Fee in full to the Treasurer, prior to the issuance by Department of Building Inspection of the first certificate of occupancy for the development project.

For information about compliance, contact the Case Planner, Planning Department at 415-575-8728, www.sf-planning.org.

20. **Market Octavia Community Improvements Fund.** Pursuant to Planning Code Section 421, the Project Sponsor shall comply with the Market Octavia Community Improvements Fund provisions through payment of an Impact Fee in full to the Treasurer, or the execution of a Waiver Agreement, or an In-Kind agreement approved as described per Planning Code Section 421 prior to the issuance by Department of Building Inspection of the construction document for the development project.

For information about compliance, contact the Case Planner, Planning Department at 415-575-8728, www.sf-planning.org.

MONITORING

21. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

22. **Revocation Due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

OPERATION

23. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. *For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org/>*
24. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
25. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but

shall in no case be directed so as to constitute a nuisance to any surrounding property.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863,
www.sf-planning.org*

ENTERTAINMENT COMMISSION – NOISE ATTENUATION CONDITIONS

26. **Chapter 116 Residential Projects.** The Project Sponsor shall comply with the Recommended “Noise Attenuation Conditions for Chapter 116 Residential Projects,” which were recommended by the Entertainment Commission on January 29, 2016. These conditions state:

- a) **Community Outreach.** Project Sponsor shall include in its community outreach process any businesses located within 300 feet of the proposed project that operate between the hours of 9PM-5AM. Notice shall be made in person, written or electronic form.
- b) **Sound Study.** Project sponsor shall conduct an acoustical sound study, which shall include sound readings taken when performances are taking place at the proximate Places of Entertainment, as well as when patrons arrive and leave these locations at closing time. Readings should be taken at locations that most accurately capture sound from the Place of Entertainment to best of their ability. Any recommendation(s) in the sound study regarding window glaze ratings and soundproofing materials including but not limited to walls, doors, roofing, etc. shall be given highest consideration by the project sponsor when designing and building the project.
- c) **Design Considerations.**
 - i. During design phase, project sponsor shall consider the entrance and egress location and paths of travel at the Place(s) of Entertainment in designing the location of (a) any entrance/egress for the residential building and (b) any parking garage in the building.
 - ii. In designing doors, windows, and other openings for the residential building, project sponsor should consider the POE’s operations and noise during all hours of the day and night.
- d) **Construction Impacts.** Project sponsor shall communicate with adjacent or nearby Place(s) of Entertainment as to the construction schedule, daytime and nighttime, and consider how this schedule and any storage of construction materials may impact the POE operations.
- e) **Communication.** Project Sponsor shall make a cell phone number available to Place(s) of Entertainment management during all phases of development through construction. In addition, a line of communication should be created to ongoing building management throughout the occupation phase and beyond.

INCLUSIONARY HOUSING REQUIREMENTS

27. **Affordable Units.** The following Inclusionary Affordable Housing Requirements are those in effect at the time of Planning Commission action. In the event that the requirements change, the Project Sponsor shall comply with the requirements in place at the time of issuance of first construction document. This requirement is subject to change under pending legislation to modify Planning Code Section 415 which is currently under review by the Board of Supervisors (Board File Nos.161351 and 170208). The proposed changes to Section 415, which include but are not limited to modifications to the amount of inclusionary housing required onsite or offsite, the methodology of fee calculation, and dwelling unit mix requirements, will become effective after approval by the Board of Supervisors.

a) **Number of Required Units.** Pursuant to Planning Code Section 415.3, the Project is currently required to provide 14.5% of the proposed dwelling units in the Base Project as affordable to qualifying households. The Project Sponsor has elected to satisfy the Inclusionary Affordable Housing obligation by providing on-site inclusionary units. The Project Sponsor will fulfill this requirement by providing the 14 affordable units on-site. As required for the project to receive ~~waivers~~ a concession/incentive under the State Density Bonus Law, 14 (14.5%) of the units shall be affordable for a term of 55 years to households earning less than 80% of area median income (AMI). Upon the expiration of the 55 year term shall thereafter be rented at the rates specified in the inclusionary affordable housing program. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD"). *For information about compliance, contact the Case Planner, Planning Department at 415-575-8728, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.*

b) **Unit Mix.** The Base Project contains proposes one studio unit, 52 one-bedroom units and 43 two-bedroom units; therefore, the required affordable unit mix is 1 studio, 8 one-bedroom, and 6 two-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOHCD. *For information about compliance, contact the Case Planner, Planning Department at 415-575-8728, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.*

c) **Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.*

- d) **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than fourteen and one-half percent (14.5%) of the each phase's total number of dwelling units as on-site affordable units.

For information about compliance, contact the Case Planner, Planning Department at 415-575-8728, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

- e) **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the project.

For information about compliance, contact the Case Planner, Planning Department at 415-575-8728, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

- f) **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOHCD at 1 South Van Ness Avenue or on the Planning Department or MOHCD websites, including on the internet at:

<http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>.

As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

- (i) The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality

and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.

- (ii) If the units in the building are offered for sale, the affordable unit(s) shall be sold to first time home buyer households, with a minimum of 14.5% of the units affordable to low-income households as defined in the Planning Code and Procedures Manual. The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply and are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- (iii) The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOHCD at least six months prior to the beginning of marketing for any unit in the building.
- (iv) Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
- (v) Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
- (vi) The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department stating that the on-site units are not subject to the Costa Hawkins Rental Housing Act, California Civil Code Section 1954.50 because, under Section 1954.52(b), the Project Sponsor seeks to develop under the State Density Bonus Law.
- (vii) If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq.

shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law.

- (viii) If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOHCD and pay interest on the Affordable Housing Fee and penalties, if applicable.

SUPPLEMENTAL INFORMATION FOR Anti-Discriminatory Housing Policy

1. Owner/Applicant Information

PROPERTY OWNER'S NAME: Keller GROVER PROPERTIES LLC	
PROPERTY OWNER'S ADDRESS: 1965 Market St SAN FRANCISCO CA 94103	TELEPHONE: (415) 543 1305 EMAIL: JFKELLER@kellergrove.com

APPLICANT'S NAME: Same as Above <input checked="" type="checkbox"/>	
APPLICANT'S ADDRESS:	TELEPHONE: () EMAIL:

CONTACT FOR PROJECT INFORMATION: DAVID PROWLER Same as Above <input type="checkbox"/>	
ADDRESS: PROWLER, INC 33 Hartford St SF CA 94114	TELEPHONE: (415) 544 0445 EMAIL: DAVID@PROWLER.ORG

COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THE ZONING ADMINISTRATOR): Same as Above <input checked="" type="checkbox"/>	
ADDRESS:	TELEPHONE: () EMAIL:

2. Location and Project Description

STREET ADDRESS OF PROJECT: 1965 Market St & 255/263/275/291 Duboce Avenue		ZIP CODE: 94103
CROSS STREETS: DUBOCE / MARKET / QUERRERO		
ASSESSORS BLOCK/LOT: 3334 1058, 059, 061, 062	ZONING DISTRICT: ML-3, RTO	HEIGHT/BULK DISTRICT: 85X, 40X, 50X

PROJECT TYPE: (Please check all that apply)	EXISTING DWELLING UNITS:	PROPOSED DWELLING UNITS:	NET INCREASE:
<input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Demolition <input type="checkbox"/> Alteration <input type="checkbox"/> Other: _____	0	96	96

Compliance with the Anti-Discriminatory Housing Policy

1. Does the applicant or sponsor, including the applicant or sponsor's parent company, subsidiary, or any other business or entity with an ownership share of at least 30% of the applicant's company, engage in the business of developing real estate, owning properties, or leasing or selling individual dwelling units in States or jurisdictions outside of California? ☐ YES ☒ NO

1a. If yes, in which States? _____

- 1b. If yes, does the applicant or sponsor, as defined above, have policies in individual States that prohibit discrimination based on sexual orientation and gender identity in the sale, lease, or financing of any dwelling units enforced on every property in the State or States where the applicant or sponsor has an ownership or financial interest? ☐ YES ☐ NO

- 1c. If yes, does the applicant or sponsor, as defined above, have a national policy that prohibits discrimination based on sexual orientation and gender identity in the sale, lease, or financing of any dwelling units enforced on every property in the United States where the applicant or sponsor has an ownership or financial interest in property? ☐ YES ☐ NO

If the answer to 1b and/or 1c is yes, please provide a copy of that policy or policies as part of the supplemental information packet to the Planning Department.

Human Rights Commission contact information
hrc.info@sfgov.org or (415)252-2500

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: Other information or applications may be required.

Signature: _____

Date: _____

Print name, and indicate whether owner, or authorized agent:

JERREY KILLER / OWNER / Manager

Owner / Authorized Agent (circle one)

PLANNING DEPARTMENT USE ONLY

PLANNING DEPARTMENT VERIFICATION:

- ☐ Anti-Discriminatory Housing Policy Form is **Complete**
☐ Anti-Discriminatory Housing Policy Form is **Incomplete**

Notification of Incomplete Information made:

To: _____ Date: _____

BUILDING PERMIT NUMBER(S):

DATE FILED:

RECORD NUMBER:

DATE FILED:

VERIFIED BY PLANNER:

Signature: _____ Date: _____

Printed Name: _____ Phone: _____

ROUTED TO HRC:

DATE:

☐ Emailed to: _____

Prowler, Inc.
33 Hartford Street
San Francisco, CA
9 4 1 1 4

Elizabeth Gordon-Jonckheer
Via email

January 12, 2018

Re: Additional costs to 1965 Market Street project (Case # 2015-002825) were an Environmental Impact Report required

Dear Elizabeth:

We have been asked to estimate the potential additional costs that would burden 1965 Market Street were an EIR, rather than a Community Plan Exemption, required. Such an EIR would be required were the proposal a Code-complying and without the 35' setback and with an 85' height above the historic building.

Additional Planning Department fees:	\$446,013
EIR consultant cost:	\$98,000 (per Lamphier-Gregory)
Legal fees:	\$50,000 (per Steve Vettel, FBM)
Architecture fees for alternatives:	\$25,000
Project Management:	<u>\$25,000</u>

Direct Costs: \$644,013

Assuming twelve additional months delay of construction, construction cost of approximately \$24,000,000 and escalation at 7%/year:

Additional cost of construction: \$1,680,000

Estimated additional costs: \$2,324,013

The additional cost of mitigations is unknown.

I hope this is helpful.

All the best,

David Prowler



January 04, 2018

584 Castro Street #336
San Francisco, CA 94114
PH 415.500.1181
FX 415.522.0395
www.castrocbd.org
www.facebook.com/castrocbd
[@visitthecastro](https://twitter.com/visitthecastro)

Rich Hillis, President
San Francisco City Planning Commission
1650 Mission Street, 4th Floor
San Francisco, CA 94103
Case # 2015-002825ENV

Dear President Hillis,

This letter is written to express the Castro/Upper Market Community Benefit District's support for the change of use application for the new development at 1965 Market St.

1965 Market St. is in line with the Market-Octavia plan and will bring 96 condominiums with 14 on-site BMR units to the upper Market neighborhood. Retail will remain non the bottom floor.

The Castro CBD fully supports this change of use. If there are any questions or you would like to discuss this further, please contact the CBD executive director, Andrea Aiello at 415-500-1181 or andrea@castrocbd.org

Sincerely,

Andrea Aiello
Executive Director

cc: David Prowler
Elizabeth Gordon Jonckheer
Supervisor Jeff Sheehy
Jonas P. Ionin

Gordon-Jonckheer, Elizabeth (CPC)

From: PIC, PLN (CPC)
Sent: Thursday, January 18, 2018 1:33 PM
To: Gordon-Jonckheer, Elizabeth (CPC)
Subject: Fw: Strong, strong support for 1965 Market Street development!

fyi

Property Information Map (PIM): <http://propertymap.sfplanning.org>

The information provided in this correspondence is based on a preliminary review of information provided by the requestor. It does not constitute a comprehensive review of the project or request. For a more extensive review it is strongly recommended to schedule a project review meeting. The information provided in this email does not constitute a Zoning Administrator letter of determination. To receive a letter of determination you must submit a formal request directly to the Zoning Administrator. For complaints, please contact the Code Enforcement Division.

From: Elizabeth Sullivan <elizabethceceliasullivan@gmail.com>
Sent: Thursday, January 18, 2018 12:28 PM
To: PIC, PLN (CPC)
Cc: David Baker
Subject: Strong, strong support for 1965 Market Street development!

To whom it may concern,

I am a neighbor who lives in this area with two young kids. We desperately need beautiful and creative buildings like 1965 Market in our neighborhood to bring positive use and new neighbors. I strongly support this development and hope it can go forward without the usual NIMBY shenanigans that slow down and destroy housing and deepen our housing crisis.

No part of the city is more ripe for great development than mid-Market. The transportation is awesome, it's central, and there are great services here. There should be a ton of housing! But we really need the city's help—especially Planning's help.

What we are experiencing now is a kind of neighborhood saturation and overrun with abuse and disrespect of the area—everywhere there is heaped up trash, feces, needles, stolen bicycles, drug-dealing, graffiti, destruction and decay, and many, many sick and mentally ill citizens are living in this area and disrespecting our common home because they cannot take care of themselves or respect our place together.

Please approve this development as quickly as possible and help bring positivity to mid-Market. We really need your support!

Thank you,

Elizabeth Sullivan
415-819-1640

I value hearing from you, but sometimes I miss emails. If you do not receive a reply from me within 2 business days, please feel free to reach out to me again.

Please note, I check email during work hours from 8:30-4:30 only.

Elizabeth Sullivan ~ Marriage & Family Therapist #77529 California
582 Market Street, Suite 1509 (at 2nd Street)
415.508.7086

www.elizabethsullivanmft.com

<https://about.me/elizabethcsullivanmft>

ATTENTION: CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

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generate letters for this project

generate check print/mylar request letter

☐ Notify DBI☐ Notify SFRAproject id: **8130**

Project Name:	6243 / 019 (COMP)	Assigned Staff:	Unassigned	
Project Type:	0 Certificate of Compliance	DPW Surveyor	Robert Hanley	
Survey Company: FREDERICK T. SEHER & ASSOCIATES	BOS District: 10	Check Rec'd:	\$2,486.00	

Block #	Lot #	Address #	Street Name
6243	019	590-590	LELAND AVE

Project of

Interest: **NO**

Scenario:

Comment:

Current Stage: **Submitted to the Recorder**

Current Phase:

Confirmed Recorded

Current Status:

Confirmed Recorded

Book:

Page: -

Box: **327**

Map:

Document: **J907146**

Reel:

Image:

Date Rec'd	Date to DCP	Date Rec'd from DCP	Date DPW Tent. Approval	Date Mylars Rec'd	Date Recorded
3/24/2014 11:28:03 AM					7/14/2014

Activity	Date Stamp	Comments	Status	Checker	Internal Comments
Application Logged	3/24/2014 11:28:03 AM	Received application fee \$2486.00 (check #004006). cc	Pending Completeness Review	Cheryl Chan	
Application Assigned	3/24/2014 11:28:03 AM	Robert Hanley	Pending Completeness Review	Cheryl Chan	
Comment	3/24/2014 11:28:04 AM	PID 8130	Pending Completeness Review	Cheryl Chan	
Application Deemed Submittable	4/3/2014 3:32:24 PM	tn	Pending Checker Review	Tsegereda Naizghi	
Project Funds Received	4/3/2014 3:33:03 PM	tn	Pending Senior Review	Tsegereda Naizghi	
Comment	4/3/2014 3:33:32 PM	To DCP for copies of the 1946, 1976 and current assessors' block book maps.tn	Pending Checker Review	Tsegereda Naizghi	

To Senior for Review	4/4/2014 1:17:22 PM	tn	Pending Senior Review	Tsegereda Naizghi	
Comment	4/17/2014 3:05:31 PM	NLN requested.tn	Pending Senior Review	Tsegereda Naizghi	
Review for Technical Detail Begun	4/19/2014 5:09:29 PM	RH	Pending Checker Review	Robert Hanley	
Comment	4/19/2014 5:09:55 PM	Review begun.RH	Pending Senior Review	Robert Hanley	
Received from Senior	4/19/2014 6:29:58 PM	RH	Pending Checker Review	Robert Hanley	
Returned to Applicant	4/19/2014 6:30:07 PM	Revisions requested. Requires: recording fee: \$43.00. RH	Pending Applicant	Robert Hanley	
Comment	4/29/2014 2:18:51 PM	NLN received. tn	Pending Applicant	Tsegereda Naizghi	
Comment	4/29/2014 3:26:22 PM	A copy of NLN sent to map preparer. tn	Pending Applicant	Tsegereda Naizghi	
Received from Applicant	5/6/2014 12:16:10 PM	Received Final Exhibits and recording fee \$43.00. st	Pending Checker Review	Sherry Tan	
To Senior for Review	6/5/2014 9:01:40 AM	tn	Pending Senior Review	Tsegereda Naizghi	
To Senior for Review	6/30/2014 3:51:36 PM	Per BS-CS some changes on the Exhibit required. tn	Pending Senior Review	Tsegereda Naizghi	
Comment	7/1/2014 4:16:52 PM	Email to Map Preparer;updated Exhibit required. tn	Pending Senior Review	Tsegereda Naizghi	
Received from Applicant	7/8/2014 2:56:43 PM	Received updated final exhibits. cc	Pending Checker Review	Cheryl Chan	
To Senior for Review	7/10/2014 4:55:36 PM	tn	Pending Senior Review	Tsegereda Naizghi	
Confirmed Recorded	7/14/2014	JB	Confirmed Recorded	Jessica Barrog	
Certificate of Compliance to be Recorded	7/14/2014 3:40:04 PM	cc	Submitted to the Recorder	Cheryl Chan	
Submitted to Recorder	7/14/2014 3:40:16 PM	cc	Submitted to the Recorder	Cheryl Chan	
Comment	10/2/2014 8:50:30 AM	new lot numbers added	Submitted to the Recorder	Marivic Huff	

Comment	10/2/2014 8:50:30 AM	new lot numbers added	Submitted to the Recorder	Marivic Huff	
Comment	10/2/2014 8:50:30 AM	new lot numbers added	Submitted to the Recorder	Marivic Huff	
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Comment	10/2/2014 8:50:30 AM	new lot numbers added	Submitted to the Recorder	Marivic Huff	

new lots:

block	lots
6243	061
6243	062
6243	063
6243	064
6243	065

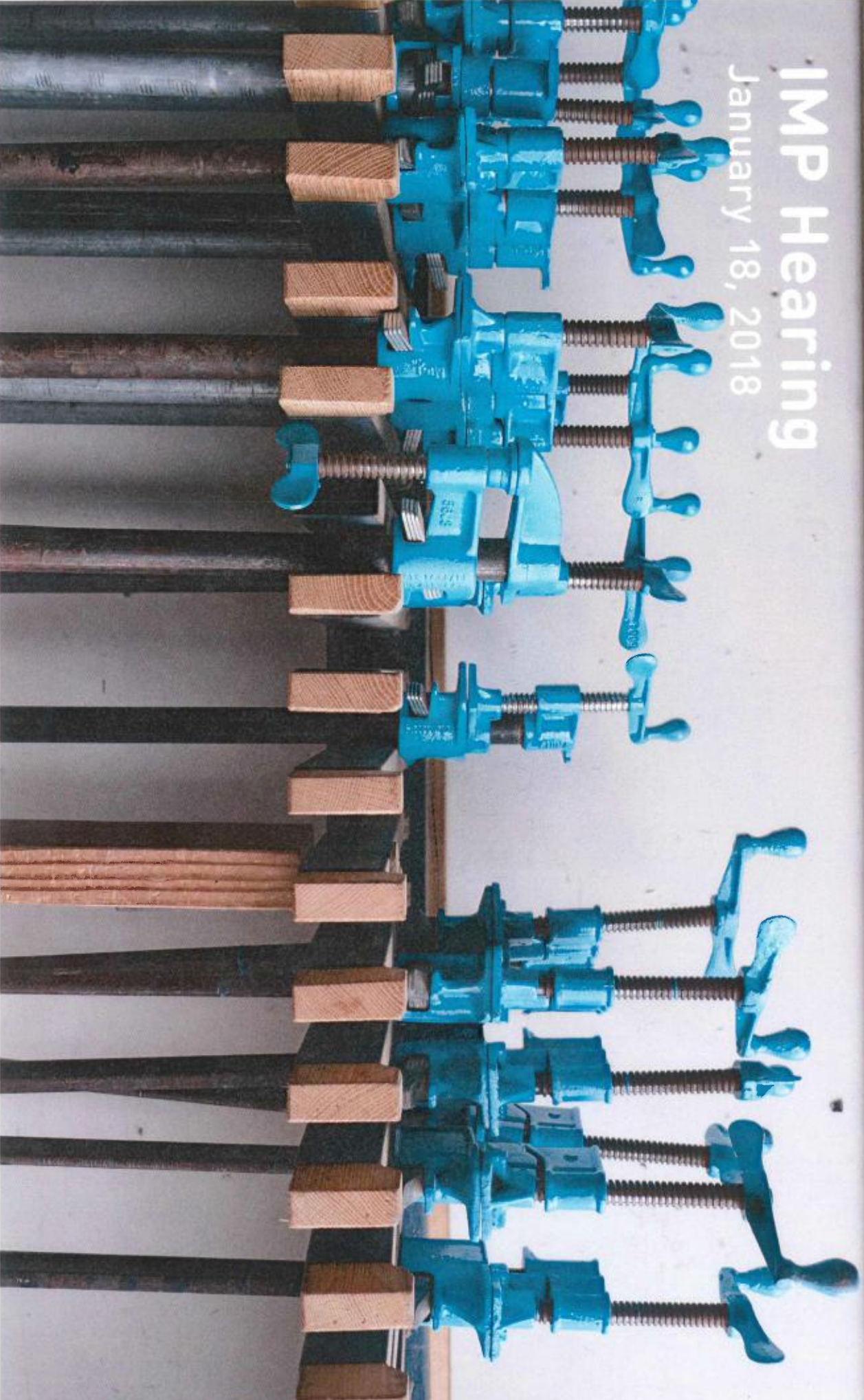
CCA

California College of the Arts

Received at CPC Hearing 1/18/18
E. Jordison

IMP Hearing

January 18, 2018



Outdoor Life Drawing Class in the 1920's



CALIFORNIA COLLEGE OF THE ARTS

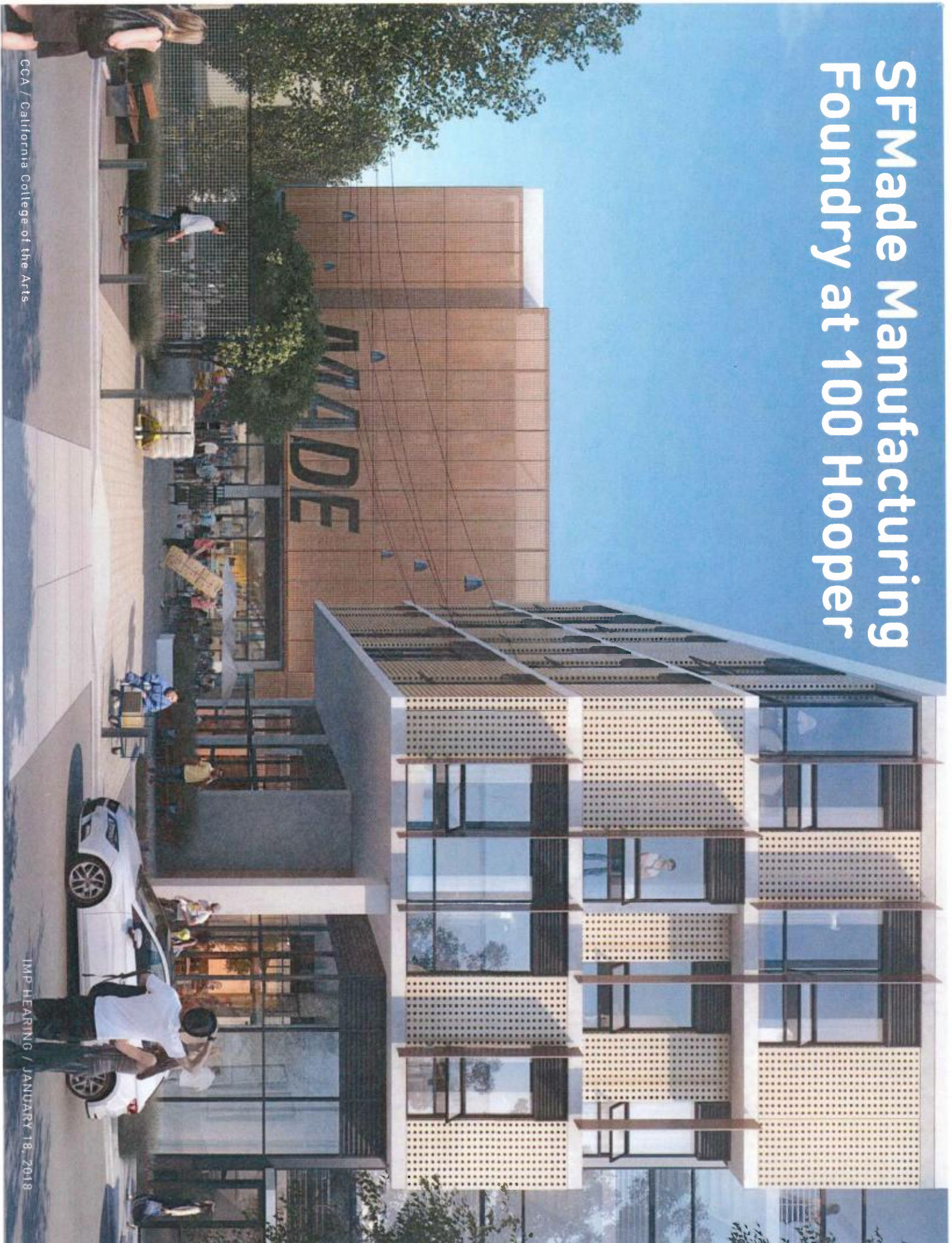
PLAYING A KEY ROLE
IN MAKING SAN FRANCISCO
A CENTER FOR INNOVATION



Central Interior Space of Existing Campus



SFMade Manufacturing Foundry at 100 Hooper



Off-campus housing



Near-campus housing



Project Goals

Creatively Hackable



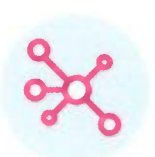
Invent the art and design campus of the future to spark student imagination, experimentation, and discovery.

Sustainably Agile



Create a living laboratory of ecological, cultural, social, and economic relationships that foster art and design education that matters, optimize environmental health at multiple scales, and enable ongoing adaptability to step-change possibilities.

Connective Campus



Build on CCA's heritage and commitment to social equity and the vibrant San Francisco entrepreneurial culture. Weave together people, ideas, and practices into the Bay Area's leading source for creative talent.

Neighborhood Context 2017

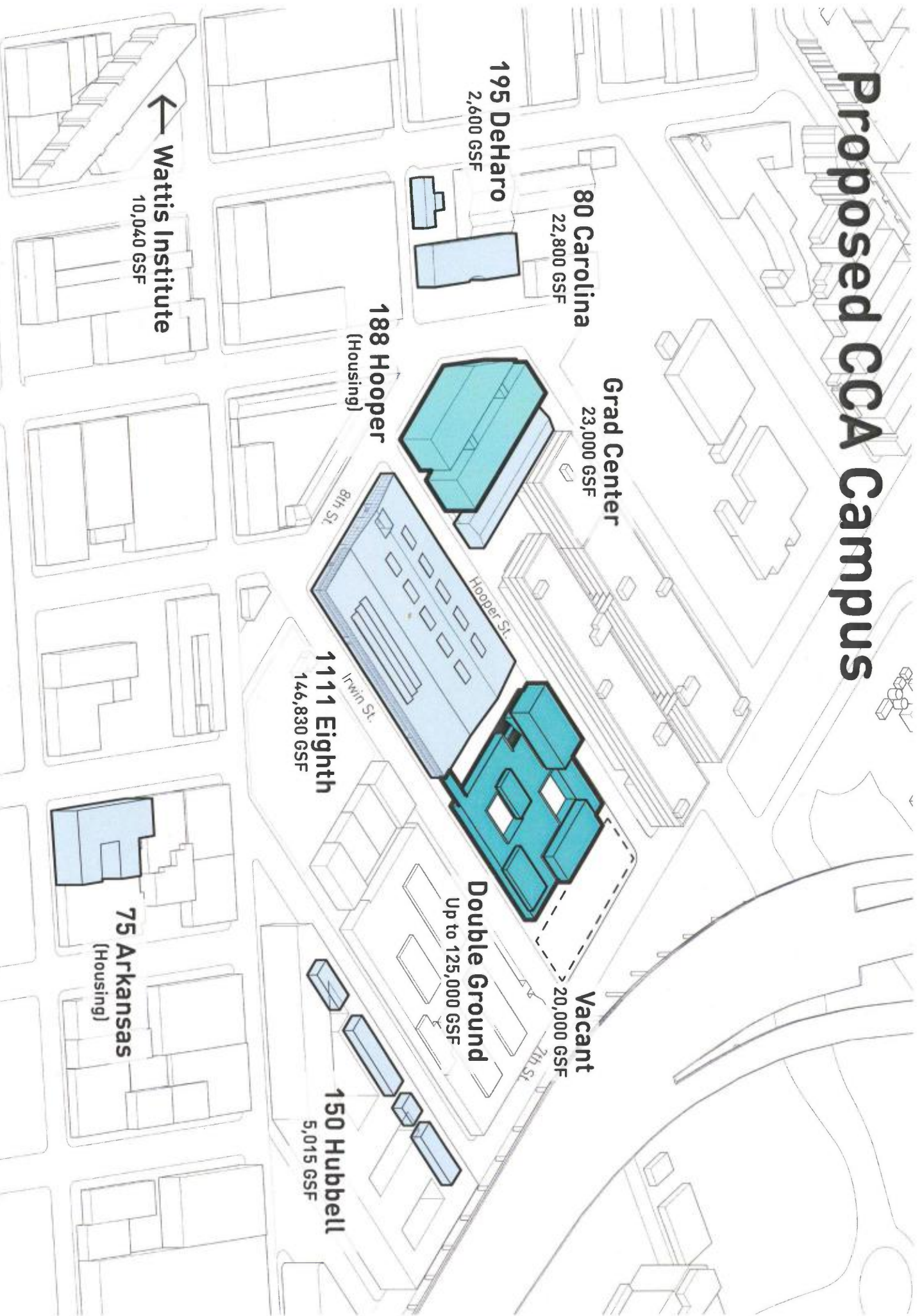


CCA / California College of the Arts

STUDIO / GANGL ARCHITECTS

MP HEARING / JANUARY 18, 2018

Proposed CCA Campus



Grad Center
23,000 GSF

80 Carolina
22,800 GSF

195 DeHaro
2,600 GSF

188 Hooper
(Housing)

1111 Eighth
146,830 GSF

Double Ground
Up to 125,000 GSF

Vacant
> 20,000 GSF

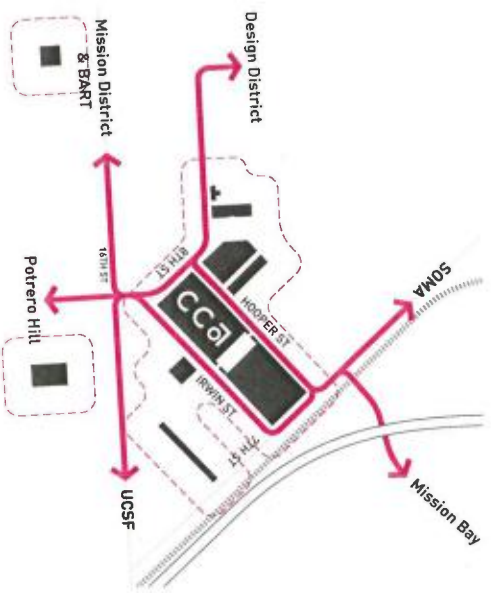
150 Hubbell
5,015 GSF

75 Arkansas
(Housing)

← Wattis Institute
10,040 GSF

Campus Principles

1 Connect to the urban fabric



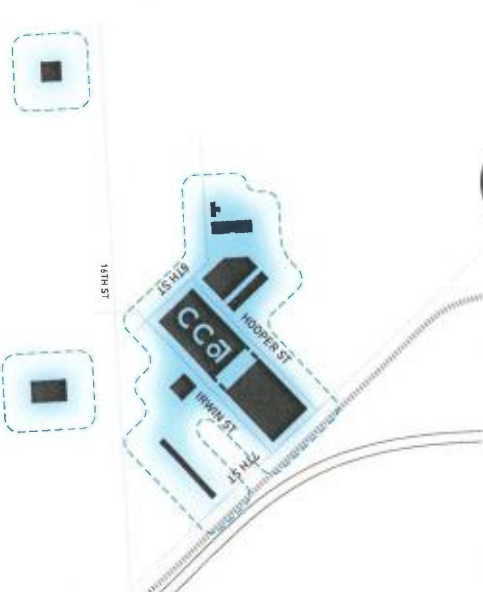
2 Focus key views & entry points

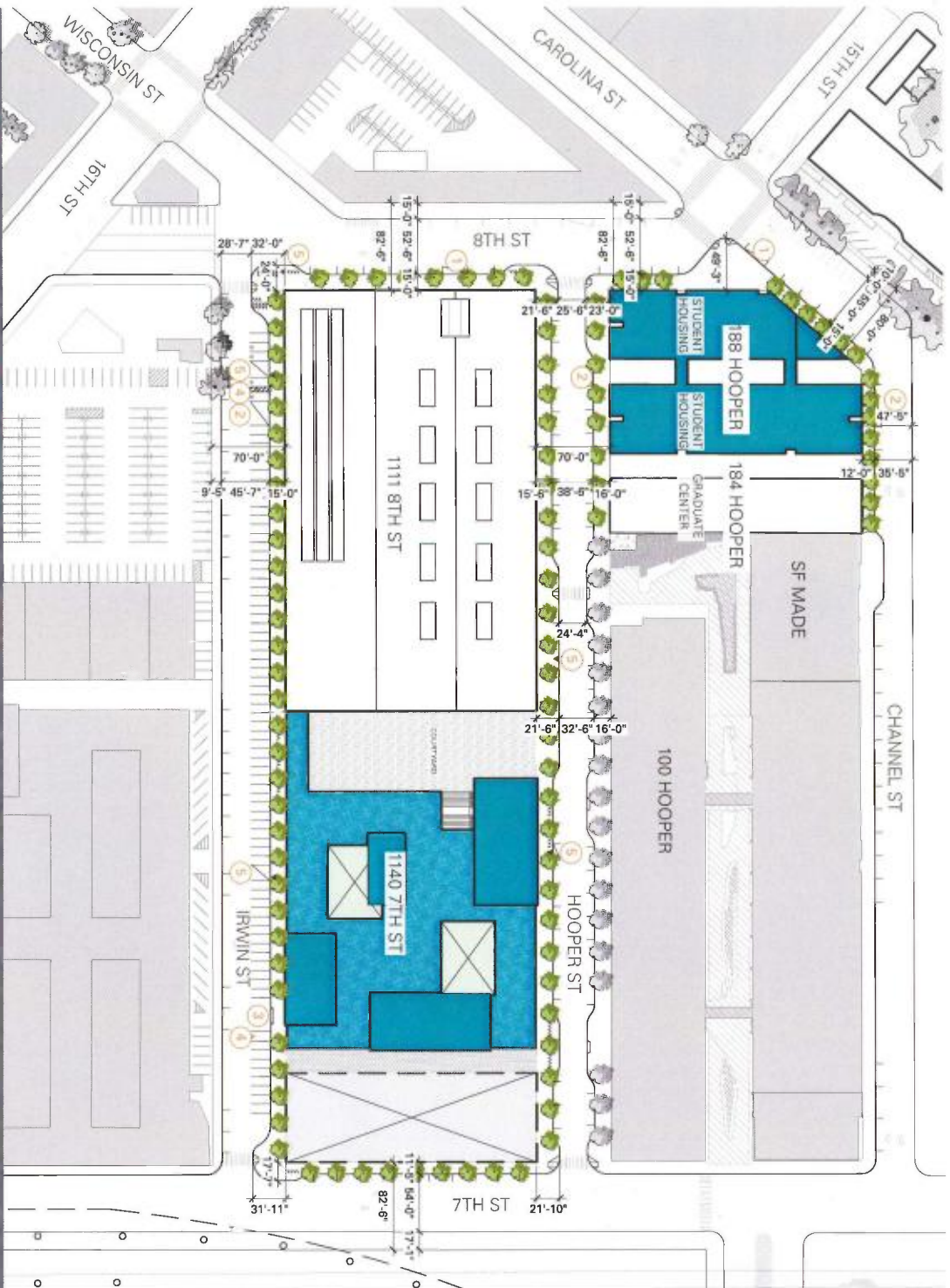


3 Enliven the streetscape with green space



4 Create a strong campus identity





LEGEND

CURB ZONES

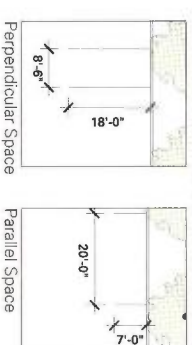
- 1 | WHITE ZONE
Passenger Loading/Unloading (1 Stall)
- 2 | YELLOW ZONE (1 Stall)
Freight Loading/Unloading
- 3 | OFF-STREET LOADING (1 Space)
Freight Loading/Unloading
- 4 | BLUE ZONE
Disabled Parking Permit
- 5 | FIRE HYDRANT
15'-0" Clear

STREET PARKING

- 1 | PERPENDICULAR (18'-0" x 8'-6")
Irwin St: 99 spaces
- 2 | PARALLEL PARKING (20'-0" x 7'-0")
Channel St (SE): 19 spaces
Carolina St (SE): 6 spaces
Hooper St (NE): 18 spaces
Hooper St (SE): 20 spaces
8th St (E): 9 spaces
7th St (W): 9 spaces

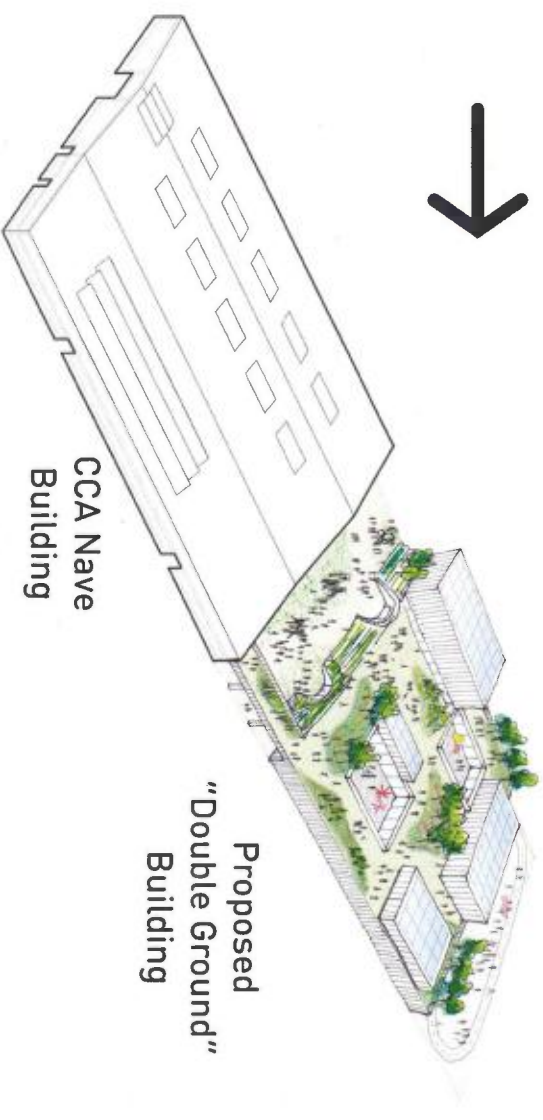
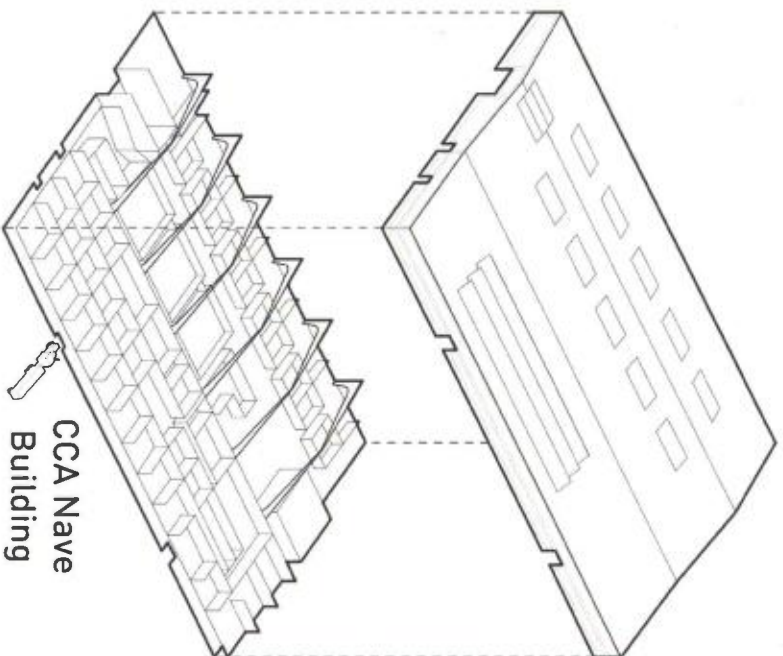
Total Parking: 180 spaces

TYPICAL PARKING STALL DIMENSIONS

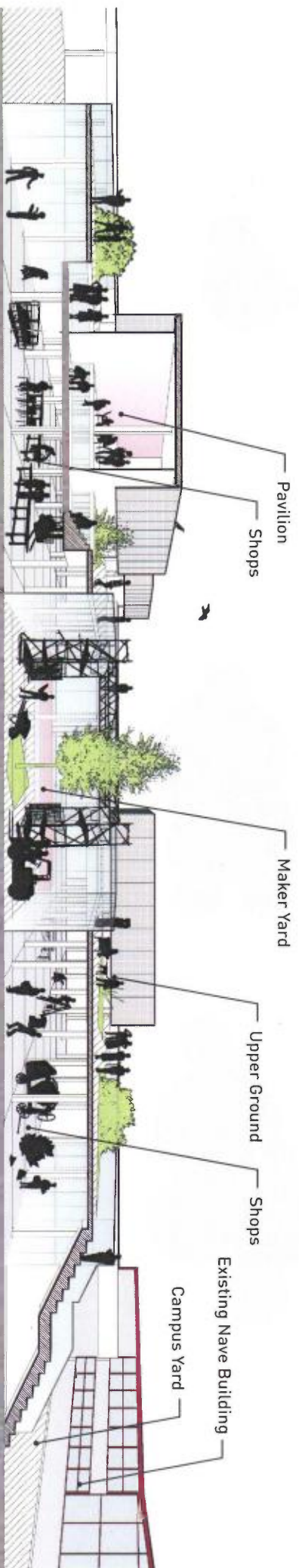


Please see sheet A12 for more information regarding 1111 8th St and 1140 7th St and sheet L1.00 for 188 Hooper St.

"Ecologizing" the Factory



Double Ground





PER
A
MEN
TAL
JET-
SET
Timkin Hall
CCA / IMPACT Group



188 Hooper Street Student Housing

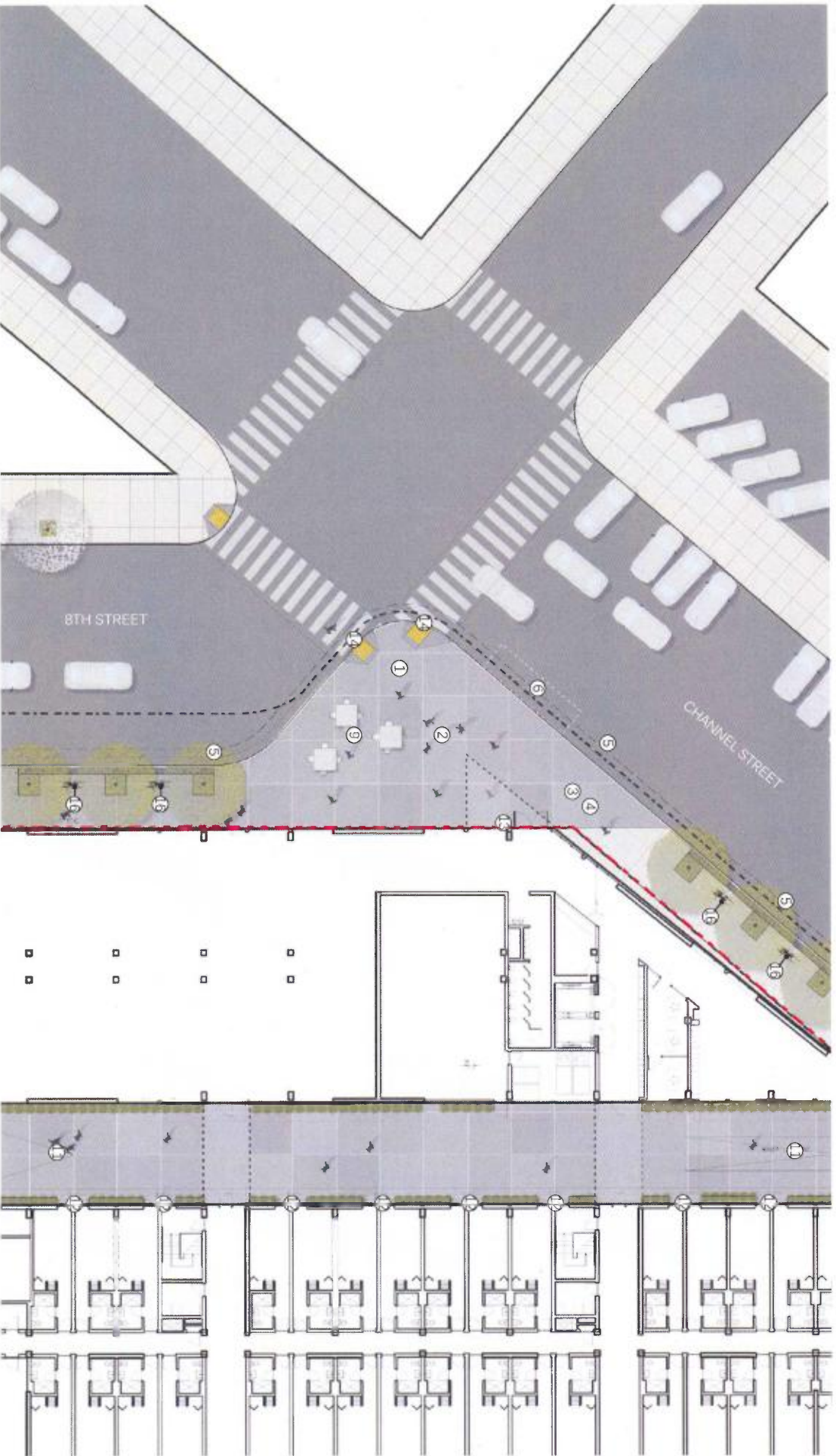


CCA / California College of the Arts

Stanley Saitowitz/Natoma Architects Inc.

IMP HEARING / JANUARY 18, 2018









CCA California College of the Arts

Master Plan with Program Elements

JMP HEADLINE JANUARY 18, 2018



CCA / California College of Architecture

Stanley Saitowitz/Natoma Architects Inc.

IMP HEARING / JANUARY 18, 2018



CCA / CCA International College of the Arts

Stanley Saitowitz/Natoma Architects Inc.

IMP HEATING / JANUARY 2016

Received at CPC Hearing 1/18/18
E. Jandrus



San Francisco Planning Department
1660 Mission Street
San Francisco, CA 94103

January 16, 2018

RE: 744 Harrison St. Project

This proposed Project will cast 197,620 foot hours of shadow annually on the nearby Alice Street Community Gardens owned by TODCO. Since 1985 the 18,000 sq ft Gardens has provided about 300 individual gardening beds to elderly residents of the Yerba Buena Neighborhood, without charge, on land granted to TODCO by the Redevelopment Agency for that purpose. It is very popular, and provides public open space as well for the immediate community of this Central SOMA block.

After 30 years of use, the Gardens needed complete rebuilding and many accessibility/security/safety improvements, at a total cost of about \$500,000. TODCO is more than half-way through this renovation program, utilizing its own funds along with grants and contributions from the Yerba Buena Community Benefit District and local property owners.

To mitigate the impact of the Project shadow on the Gardens, TODCO requested a contribution from the Project equal to \$0.50 per shadow foot hour, \$98,810. This reflects the precedent set by the 5M Project's mitigation payment for the shadow it will cast on Yerba Buena Gardens outdoor areas @\$1 per foot hour. Because about ½ of the 744 Harrison Project's shadows actually will fall on the paved service area of the Alice Street Gardens, not the garden beds area, we adjusted the rate to 50% of that precedent rate.

This contribution will enable us to complete much of the remaining renovation work. We believe it is a satisfactory mitigation for the Project's shadow impact. A copy of our MOU with the developer is attached for the file.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Elberling", written over a horizontal line.

John Elberling
President

Cc: Project Developer



Filipino Education Center/Bessie Carmichael School
Galing-Bata / Quality Children Filipino Bilingual Program
Administrative Office: 1010 Mission Street, Ste B, San Francisco, CA 94103
Tel: (415) 348-8042 Fax: (415) 974-0349
Service Sites: 824 Harrison Street, San Francisco, CA 94107 Tel: (415) 291-7984
375 Seventh Street, San Francisco, CA 94103 Tel: (415) 355-6916

January 16, 2018

San Francisco Planning Department
1650 Mission Street
4th Floor
San Francisco, CA 94103
Attn: Esmeralda Jardines

Re: 744 Harrison Street, San Francisco, California

Dear Ms. Jardines:

Galing Bata After-School and Summer Program at the Bessie Carmichael/Filipino Education Center writes to express support for the proposed mix-use development project at 744 Harrison Street. 744 Harrison LLC ("**Project Sponsor**"), proposes to construct a new mixed-use building that contains approximately 50 hotel rooms, 9 group housing units, and ground floor commercial units ("**Project**")

The Project Sponsor has had several meetings with us and with other community organizations with a presence in SoMa Pilipinas. Following those meetings, the Project Sponsor has agreed to honor the cultural heritage of SoMa Pilipinas by sponsoring a creation of a public plaque that will be a feature of the Project.

We strongly support the Project and look forward to seeing it built. The new development will enhance the SoMa Pilipinas neighborhood and will help highlight the significance of the District.

We appreciate your consideration of the Project, and hope that it will be approved.

Thank you,

Charm Consolacion
Site Supervisor

Jonas Ionin
Commission Secretary
San Francisco Planning Department
1650 Mission Street
San Francisco, California
VIA EMAIL

Dear Members of the Planning Commission,

This letter is in support of the proposed project at 744 Harrison. As a union representing hospitality employees, it is our utmost concern that new jobs created in this industry will serve to lift up the community by providing leading wages and working conditions for the hardworking men and women who work in our city's hotels.

Hotel developers have historically supported the creation of good quality jobs by agreeing to remain neutral and present no encumbrances to efforts by their employees to form a union. These agreements represent a double win for our community – they ensure that jobs created are good quality jobs, and they also guarantee that hotel developments are free from costly labor disputes.

The Central SOMA area is poised for a boom in development, including but not limited to hotel developments. The developer of this project, Leon Lee, has worked with our union to sign such an agreement, and as such is setting an example for the developers of future hotels in the Central SOMA area and the city as a whole. For this reason, we are pleased to support this project.

Please feel free to contact me if you have further questions.

Best,

Cynthia Gómez
Research Analyst
UNITE HERE, Local 2

cc: Esmeralda Jardines, Planning Department Staff



FILIPINO-AMERICAN DEVELOPMENT FOUNDATION
1010 Mission Street, Suite B
San Francisco, CA 94103
Phone: (415) 348-8042
Fax: (415) 974.0349
Email: bernadette@bayanihancc.org
Website: bayanihancc.org

San Francisco Planning Department
1650 Mission Street
4th Floor
San Francisco, CA 84103
Attn: Esmeralda Jardines

Re: 744 Harrison Street, San Francisco, California

Dear Ms. Jardines:

The Filipino-American Development Foundation writes to express support for the proposed mixed-use development project at 744 Harrison Street. 744 Harrison LLC ("**Project Sponsor**"), proposes to construct a new mixed-use building that contains approximately 50 hotel rooms, 9 group housing units, and ground floor commercial units ("**Project**").

The Project Sponsor has had several meetings with us and with other community organizations with a presence in SoMa Pilipinas. Following those meetings, the Project Sponsor has agreed to honor the cultural heritage of SoMa Pilipinas by sponsoring the creation of a public plaque that will be a feature of the Project.

We strongly support the Project and look forward to seeing it built. The new development will enhance the SoMa Pilipinas neighborhood and will help highlight the significance of the District.

We appreciate your consideration of the Project, and hope that it will be approved.

Thank you.


Bernadette Sy
Executive Director



South of Market Community Action Network

1110 Howard Street | SF, CA 94103 | phone (415) 255-7693 | www.somcan.org

January 18, 2018

San Francisco Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 84103

Re: 744 Harrison Street, San Francisco

Dear Ms. Jardines:

Thank you for your leadership and support in allowing time for our community to work with the developers of 744 Harrison Street on improvements that will make the project more attuned to the needs of our community.

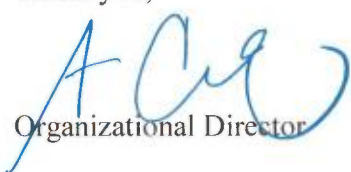
The South of Market Community Action Network (SOMCAN) writes to express support for the proposed mixed-use development project at 744 Harrison Street. The 744 Harrison LLC ("Project Sponsor"), proposes to construct a new mixed-use building that contains approximately 50 hotel rooms, 9 group housing units, and ground floor commercial units ("Project").

In the last several months, our organization along with other community groups was able to meet with the Project Sponsor to discuss our community needs around job, culturally-competent services and cultural heritage of SOMA Pilipinas.

In response to community concerns, the Project sponsor and various groups have been able to come to an agreement to ensure the project have components that will address the issues/concerns we have raise including sponsoring the creation of a public plaque that will be a feature of the Project.

We appreciate your consideration of the Project, and hope that it will be approved.

Thank you,


Organizational Director

