



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary CONDITIONAL USE AUTHORIZATION VARIANCE

HEARING DATE: OCTOBER 3, 2013

Date: September 26, 2013
Case No.: **2013.0890CEV**
Project Address: **1601 Larkin Street**
Zoning: RM-3 (Residential, Mixed, Medium Density) District
65-A Height and Bulk District
Block/Lot: 0620/006
Project Sponsors: Pacific Polk Properties, LLC
- c/o David Silverman
Reuben & Junius
One Bush Street, Suite 600
San Francisco, CA 94104
Staff Contact: Kevin Guy – (415) 558-6163
kevin.guy@sfgov.org
Recommendation: **Approval with Conditions.**

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PROJECT DESCRIPTION

The proposal is to demolish an existing vacant church and surface parking lot, and construct a new five-story over basement building containing 27 dwelling units and 32 off-street parking spaces. The mix of dwelling units is one studio unit, four one-bedroom units, 21 two-bedroom units, and one three-bedroom unit. The project sponsor is requesting exceptions from the bulk limitations of the 65-A Height and Bulk District, as well as a Variance from the requirements for rear yard (Section 134), usable open space (Section 135), and dwelling unit exposure (Section 140), as discussed herein.

SITE DESCRIPTION AND PRESENT USE

The Project Site is located at the northwest corner of Larkin and Clay Streets, Assessor's Block 0620, Lot 006, within the RM-3 District and the 65-A Height and Bulk District. The site measures 11,181 square feet, and is regularly shaped. The frontage of the site is nearly flat along the Larkin Street frontage, but is steeply sloped along the Clay Street frontage. The property is currently developed with an existing vacant church that measures approximately 19,050 square feet, as well as a surface parking lot accessed via Larkin Street.

SURROUNDING PROPERTIES & NEIGHBORHOOD

The immediate area around the Project Site is predominantly residential in character, a pattern which continues eastward up the slopes of Nob Hill. The Polk Street Neighborhood Commercial District (NCD) is located one block to the west, and is a linear commercial strip that extends between Post and Filbert

Streets. Ground floor retail spaces are occupied by convenience and specialty uses, as well as numerous restaurants and bars. Many of the buildings within the Polk Street NCD have residential uses situated on upper floors above the ground-floor retail spaces. The intersecting streets adjacent to the Polk Street corridor tend to be more residential in character, with scattered commercial uses interspersed on selected blocks. The Pacific Avenue NCD extends along Pacific Avenue three blocks to the north of the Project Site, between Polk and Taylor Streets. The Pacific Avenue NCD is predominantly residential in character, with some small, neighborhood-serving commercial uses interspersed on the ground floor.

Within one block of the subject property, the majority of buildings measure three to four stories in height, with a few isolated two-story and five-story buildings. The scale of existing buildings varies greatly along the Polk Street corridor, with heights ranging from one-story commercial buildings to five-story residential and mixed use buildings. Residential and commercial buildings exceeding seven stories can be found on Van Ness Avenue further to the west.

ENVIRONMENTAL REVIEW

On April 14, 2007, the Department published a draft Environmental Impact Report (EIR) for public review based on a previous design of the project. The draft EIR was available for public comment until May 29, 2007. On May 24, 2007, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to solicit comments regarding the draft EIR. On May 27, 2010, the Department published a Comments and Responses document, responding to comments made regarding the draft EIR prepared for the previous project.

On June 24, 2010, the Commission reviewed and considered the Final EIR and found that the report did not comply with the California Environmental Quality Act because it failed to consider fully feasible alternatives and aesthetic impacts. The Commission did not certify the EIR prepared for the previous design of the project and disapproved the project.

On June 14, 2012, the Department published a revised EIR for a revised design of the project that described several variants involving a partial preservation of the existing church located on the Project Site, combined with construction of a new residential building on portion of the Project Site. At a hearing on June 28, 2012, by Motion No. 18657 the Commission reviewed and certified the Revised EIR in compliance with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) ("CEQA"), 14 California Code of Regulations Sections 15000 et seq. ("the CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31").

Since the EIR was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the 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 EIR.

HEARING NOTIFICATION REQUIREMENTS

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	September 13, 2013	September 13, 2013	20 days
Posted Notice	20 days	September 13, 2013	September 13, 2013	20 days
Mailed Notice	20 days	September 13, 2013	September 13, 2013	20 days

PUBLIC COMMENT

Staff has received communications in support of the Project from several organizations and individuals in the area. Staff has also received communications in opposition to the Project from organizations and individuals in the area, as well as a petition containing 293 signatures.

ISSUES AND OTHER CONSIDERATIONS

- Design and Massing:** The current iteration of the project proposes a similar program to two previous designs that were disapproved by the Planning Commission on June 24, 2010 (Case No. 2004.0557C) and August 16, 2012 (Case No. 2012.0611C). However, the current design of the project has been substantially revised in terms of massing, architectural language, and finish materials. Specifically, the current design incorporates setbacks at the fourth and fifth stories along the Clay Street elevation such that the building appears to step with the sloping topography of the block, creating a more suitable transition to the adjacent lower buildings to the west. The fifth level incorporates additional setbacks from the roofline, lessening the apparent height of the project by making the uppermost story visually subservient to the remainder of the building. Deep voids at the center of both the Clay and Larkin Street elevations to segment the massing of the project into a rhythm of discrete, vertically-oriented modules. Compared to the original design of the project project, the current design proposes a much higher proportion of solid wall planes versus glazing, and would be finished in a light-colored limestone plaster material. Overall, the materials and an architectural language of the building are contemporary, but the project is sympathetic and compatible with the character of smaller, older structures in the area.
- Variance – Rear Yard:** Section 134(a)(1) of the Planning Code requires a rear yard equal to 25 percent of the lot depth to be provided at grade level and each subsequent floor above. The depth of the lot measured from the Larkin Street frontage is approximately 114 feet, requiring a rear yard that is approximately 29 feet in depth. The depth of the lot measured from the Clay Street frontage would be approximately 97 feet, requiring a rear yard that is approximately 24 feet in depth. The Project proposes an interior courtyard at the northwest portion of the Property, in a configuration that does not meet the requirements of Section 134. The Project Sponsor is requesting a Variance from this requirement, and this Variance request will be considered by the Zoning Administrator at the Commission hearing on October 3, 2013. It should be noted that the proposed courtyard measures approximately 2,665 square feet, which is comparable to the area that would be provided by a Code-complying rear yard. However, providing a Code-complying rear yard for the Project would result in a configuration that does not reflect the traditional San Francisco development pattern, with buildings located at or near front property lines, creating an urban streetscape framing an interior core of mid-block open space. By using a courtyard, the project restores a traditional pattern of mid-block open space within the Project Site.

- **Variance – Usable Open Space:** Section 135 requires that a minimum of 60 square feet of private usable open space, or 79.8 square feet of common usable open space be provided for dwelling units within the RM-3 District. This Section specifies that the area counting as usable open space must meet minimum requirements for area, horizontal dimensions, and exposure. The Project proposes private decks for three dwelling units with private decks at the fourth and fifth floors which fully meet the requirements for private open space. Subtracting the area of three Code-complying private decks, the Project must provide a total of 1,655 square feet of common open space for the remainder of the dwelling units. The Project also includes three private decks and approximately 2,229 sq. ft. of common open space at the first floor within the interior courtyard, however, this courtyard does not meet the requirements of Section 135 for sunlight access. Therefore, the Project does not strictly meet the requirements of Section 135. The Project Sponsor is requesting a Variance from this requirement, and this Variance request will be considered by the Zoning Administrator at the Commission hearing on October 3, 2013.
- **Variance – Dwelling Unit Exposure:** Section 140 of the Planning Code requires that at least one room of all dwelling units face onto a public street, a rear yard, or other open area that meets minimum requirements for area and horizontal dimensions. The majority of the dwelling units face onto either Larkin Street or Clay Street, and therefore comply with the exposure requirements of Section 140. Several units have exposure solely onto the courtyard, which does not meet the dimensional requirements of Section 140. Section 140 specifies that an open area (such as the courtyard) must have minimum horizontal dimensions of 25 feet at the lowest floor containing a dwelling unit and floor immediately above, with an increase of five feet in horizontal dimensions for each subsequent floor above. The Project proposes a courtyard at the first story that measures approximately 15 feet in width at the westerly portion, and approximately 22 feet in width at the northerly portion. Therefore, the Project does not strictly meet the requirements of Section 135. The Project Sponsor is requesting a Variance from this requirement, and this Variance request will be considered by the Zoning Administrator at the Commission hearing on October 3, 2013.
- **Demolition of an Historic Resource:** The project would require the demolition of an existing vacant church on the subject property that was constructed in 1911. The EIR prepared for the project concludes that the building is an historic resource because of its association with reconstruction following the 1906 earthquake and fire, and as a representative example of an innovative church design developed by a leading master architect, William Kramer. It is the only Kramer-designed building in San Francisco. The building appears eligible for listing on both the California and National Registers, and is a historical resource under CEQA. The EIR identifies that the demolition of the church would result in a significant and unavoidable impact to a historic resource.

The project sponsor contends that the structural condition of the existing church is degraded to a point that it is not be feasible to restore the building to an economically viable use. The project sponsor commissioned an independent structural report that describes the necessary work and costs to rehabilitate the building to "shell" that is compliant with the Building Code, as well as improve the building for several hypothetical uses that are permitted within the RM-3 District. The report details the necessary work and costs for several hypothetical "partial preservation" scenarios, at various

density levels. Under these scenarios, a portion of the church situated toward the interior of the lot would be demolished to allow the development of a multi-family residential building. Portions of the church along the streetscape would be retained in order to preserve the church as an element of the urban fabric of the neighborhood.

- **Bulk.** Buildings within "-A" Bulk Districts are limited to a maximum horizontal dimension of 110 feet, and a maximum diagonal dimension of 125 feet above a height of 40 feet. The project would exceed these bulk limitations at upper portions of the fourth floor, and would therefore require an exception to the bulk limitations. The requested bulk exceptions are relatively minor, exceeding the maximum horizontal dimension by four feet, and the maximum diagonal dimension by ten feet. As discussed under "Design and Massing" above, the Project incorporates changes in plane and sculpting on upper floors to reduce the apparent bulk of the project. In addition, the fifth (uppermost) story of the Project incorporates substantial setbacks, and fully complies with the bulk limitations.

REQUIRED ACTIONS

In order for the Project to proceed, the Commission would need to adopt specific CEQA findings (including a statement of overriding considerations due to the significant and unavoidable environmental impact of the project), grant Conditional Use authorization to approve development that exceeds 40 feet in height within an "R" District, and grant the requested exceptions to the bulk limitations of the 65-A Height and Bulk District. In addition, the Zoning Administrator would need to grant a Variance from the requirements for rear yard (Section 134), usable open space (Section 135), and dwelling unit exposure (Section 140).

BASIS FOR RECOMMENDATION

- The project adds 27 dwelling units to the City's housing stock in a location suitable for infill development.
- The residents will add to the customer base of the area, supporting the economic viability of the surrounding commercial establishments and will activate the sidewalks within the Polk Street, Pacific Avenue, and Van Ness Avenue commercial corridors.
- Public transit and neighborhood-serving commercial establishments are abundant in the area. Residents are able to walk or utilize transit to commute and satisfy convenience needs without reliance on the private automobile.
- The project has been designed with well-articulated facade treatments, sculpting of the upper stories, and a well-defined pedestrian realm to reduce the apparent bulk of the development and to complement the pattern of existing development in the area.
- The project is necessary and desirable, is compatible with the surrounding neighborhood, and would not be detrimental to persons or adjacent properties in the vicinity.

RECOMMENDATION: Approval with Conditions
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Attachments:

Draft Conditional Use Authorization Motion

- Including CEQA Findings and Mitigation, Monitoring, and Reporting Program

Block Book Map

Sanborn Map

Aerial Photographs

Zoning Map

Residential Pipeline

Inclusionary Housing Affidavit

Public Correspondence

Project Sponsor Submittal Packet

Exhibit Checklist

- | | |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input checked="" type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | 3-D Renderings (new construction or significant addition) |
| <input checked="" type="checkbox"/> Sanborn Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Wireless Telecommunications Materials |
| <input checked="" type="checkbox"/> Context Photos | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Site Photos | <input type="checkbox"/> RF Report |
| | <input type="checkbox"/> Community Meeting Notice |
| | <input checked="" type="checkbox"/> Housing Documents |
| | <input checked="" type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |
| | <input checked="" type="checkbox"/> Residential Pipeline |

Exhibits above marked with an "X" are included in this packet

Planner's Initials



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|---|---|
| <input checked="" type="checkbox"/> Affordable Housing (Sec. 415) | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input type="checkbox"/> Other |

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Planning Commission Draft Motion

HEARING DATE: OCTOBER 3, 2013

Date: September 26, 2013
Case No.: **2013.0980CEV**
Project Address: **1601 Larkin Street**
Zoning: RM-3 (Residential, Mixed, Medium Density) District
65-A Height and Bulk District
Block/Lot: 0620/006
Project Sponsors: Pacific Polk Properties, LLC
- c/o David Silverman
Reuben & Junius
One Bush Street, Suite 600
San Francisco, CA 94104
Staff Contact: Kevin Guy – (415) 558-6163
kevin.guy@sfgov.org

ADOPTING FINDINGS RELATED TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION, PURSUANT TO SECTIONS 253, 271, AND 303 OF THE PLANNING CODE, TO ALLOW DEVELOPMENT TO EXCEED 40 FEET IN HEIGHT WITHIN AN "R" DISTRICT AND TO GRANT AN EXCEPTION TO BULK REQUIREMENTS, WITH RESPECT TO A PROPOSAL TO DEMOLISH AN EXISTING VACANT CHURCH AND SURFACE PARKING LOT AND CONSTRUCT A NEW FIVE STORY OVER BASEMENT BUILDING CONTAINING 27 DWELLING UNITS AND 32 OFF-STREET PARKING SPACES, LOCATED AT 1601 LARKIN STREET, LOT 006 IN ASSESSOR'S BLOCK 0620, WITHIN THE RM-3 DISTRICT AND THE 65-A HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On August 25, 2004, Pacific Polk Properties LLC ("Project Sponsor") filed an application with the Planning Department ("Department") for Conditional Use Authorization to allow demolition of an existing church building and construction of a 63-foot-high, six story-tall building of approximately 67,500 sq.ft., containing 27 multi-family residential units and 29 off-street parking spaces in two separate parking levels (one at ground level and one below grade) in an RM-3 zoning district. Of the total new

space, approximately 38,500 sq. ft. was proposed for residential use and 12,350 sq. ft. for parking use. The ground floor would have three residential units, the second floor was proposed to have seven residential units, and floors three and four was proposed to contain 12 units. The fifth floor was proposed to have four residential units and the sixth floor was proposed to contain one penthouse unit (collectively, Case No. 2004.0557C).

On June 15, 2004, the Project Sponsor submitted an Environmental Evaluation Application with the Department, Case No. 2004.0557E. The Department issued a Notice of Preparation of Environmental Review on February 11, 2005.

On April 14, 2007, the Department published a draft Environmental Impact Report ("DEIR" or "Draft EIR") for public review. The Draft EIR was available for public comment until May 29, 2007.

On May 24, 2007, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to solicit public comment regarding the Draft EIR.

The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 45-day public review period for the Draft EIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the Draft EIR. This material was presented in a Draft Comments and Responses document, published on May 27, 2010, distributed to the Planning Commission and all parties who commented on the Draft EIR, and made available to others upon request at the Department.

A Final Environmental Impact Report ("FEIR" or "Final EIR") was prepared by the Department, consisting of the Draft EIR and the Comments and Responses document. On June 24, 2010, the Commission reviewed and considered the Final EIR and voted not to certify the document.

On June 24, 2010, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2004.0557C, at which time the Commission disapproved the Previous Project.

On May 11, 2012, the Project Sponsor filed an application with the Department requesting Conditional Use Authorization pursuant to Section 303 to allow development on a lot greater than 40 feet in height within an "R" District for a development at 1601 Larkin Street (Lots 006 in Assessor's Block 0620), northwest corner at Clay Street. The project proposed to demolish an existing vacant church and surface parking lot and to construct a new six-story over basement building containing 27 dwelling units and 29 off-street parking spaces, and requests bulk exceptions per Section 271. The revised project design as submitted on May 11, 2012 reflected a revised massing, architectural language, and finish materials compared with the project proposed in Case No. 2004.0557C. The Project Sponsor also filed an application with the Department requesting a Variance from the requirements of Section 134(a), because the proposed development did not provide a complying rear yard at grade level (collectively, Case No. 2012.0611CV).

The Department revised the previously published Draft EIR to include the revised project description and analyze its impacts. The Department prepared revisions to the Draft EIR to include the revised project as a "project variant". The Draft EIR was additionally revised to include a variant to the Partial Preservation Alternative.

On June 14, 2012, the revised Final EIR, consisting of the revised Draft EIR and Response to Comments document, was distributed to the Commission and interested parties.

Project EIR files have been made available for review by this Commission and the public. These files are available for public review at the Department at 1650 Mission Street, and are part of the record before this Commission.

On June 28, 2012, the Commission reviewed and considered the revised Final EIR and found that the contents of said report and procedures through which the Final EIR was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) ("CEQA"), 14 California Code of Regulations Sections 15000 et seq. ("the CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31").

The Commission found the revised Final EIR was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Commission, and that the summary of comments and responses and the June 14, 2012 revisions to the Draft EIR contained no significant revisions to the Draft EIR, and certified the Final EIR for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31 by Motion No. 18657, which is incorporated by reference as though fully set forth herein.

The Planning Department, Jonas Ionin, is the custodian of records, located in the File for Case No. 2004.0557E, at 1650 Mission Street, Fourth Floor, San Francisco, California.

Department staff prepared a Mitigation Monitoring and Reporting program ("MMRP") for the Revised Project, which material was made available to the public and this Commission for this Commission's review, consideration and action and which is attached hereto as Exhibit D.

At the same hearing on June 28, 2012, the Commission conducted a duly noticed public hearing on Conditional Use Application No. 2012.0611C, at which time the Commission reviewed the proposed project and passed a motion of intent to disapprove the requested Conditional Use authorization. In its motion, the Commission directed staff to prepare findings supporting disapproval for its consideration.

On August 16, 2012, the Commission conducted a duly noticed public hearing and adopted Motion No. 18691, disapproving Conditional Use Application No. 2012.0611C.

On July 3, 2013 the Project Sponsor filed an application with the Department requesting Conditional Use Authorization pursuant to Section 303, Conditional Use Authorization to allow development on a lot greater than 40 feet in height within an "R" District for a development at 1601 Larkin Street (Lots 006 in Assessor's Block 0620), northwest corner at Clay Street ("Project Site"). The project proposes to demolish

an existing vacant church and surface parking lot and to construct a new five-story over basement building containing 27 dwelling units and 32 off-street parking spaces, and requests bulk exceptions per Section 271 (Case No. 2013.0890C).

On September 18, 2013, the Project Sponsor filed an application with the Department requesting Variances from the requirements of Section 134 (Rear Yard), Section 135 (Usable Open Space), and Section 140 (Dwelling Unit Exposure).

The current iteration of the project, as described in Case No. 2013.0890CV is referred to as the "Project". The prior iterations of the project, as described in Case Nos. 2004.0557C and 2012.0611CV, are referred to as "Previous Projects".

The Commission has reviewed and considered reports, studies, plans and other documents pertaining to the Project.

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

MOVED, that the Commission hereby approves the request for Conditional Use Authorization in Application No. 2013.0890CEV, adopts the findings under CEQA attached as "EXHIBIT C", and adopts the MMRP attached as "EXHIBIT D", 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.
2. **Site Description and Present Use.** The Project Site is located at the northwest corner of Larkin and Clay Streets, Assessor's Block 0620, Lot 006, within the RM-3 District and the 65-A Height and Bulk District. The site measures 11,181 square feet, and is regularly shaped. The frontage of the site is nearly flat along the Larkin Street frontage, but is steeply sloped along the Clay Street frontage. The property is currently developed with an existing vacant church that measures approximately 19,050 square feet, as well as a surface parking lot accessed via Larkin Street.
3. **Surrounding Properties and Neighborhood.** The immediate area around the Project Site is predominantly residential in character, a pattern which continues eastward up the slopes of Nob Hill. The Polk Street Neighborhood Commercial District (NCD) is located one block to the west, and is a linear commercial strip that extends between Post and Filbert Streets. Ground floor retail spaces are occupied by convenience and specialty uses, as well as numerous restaurants and bars. Many of the buildings within the Polk Street NCD have residential uses situated on upper floors above the ground-floor retail spaces. The intersecting streets adjacent to the Polk Street corridor tend to be more residential in character, with scattered commercial uses interspersed on selected blocks. The Pacific Avenue NCD extends along Pacific Avenue three blocks to the north of the

Project Site, between Polk and Taylor Streets. The Pacific Avenue NCD is predominantly residential in character, with some small, neighborhood-serving commercial uses interspersed on the ground floor.

Within one block of the subject property, the majority of buildings measure three to four stories in height, with a few isolated two-story and five-story buildings. The scale of existing buildings varies greatly along the Polk Street corridor, with heights ranging from one-story commercial buildings to five-story residential and mixed use buildings. Residential and commercial buildings exceeding seven stories can be found on Van Ness Avenue further to the west.

4. **Project Description.** The proposal is to demolish an existing vacant church and surface parking lot, and construct a new six-story over basement building containing 27 dwelling units and 29 off-street parking spaces. The mix of dwelling units is two one-bedroom units, 24 two-bedroom units, and a three-bedroom unit that occupies the entire top story. The project sponsor is requesting exceptions from the bulk limitations of the 65-A Height and Bulk District, as well as a Variance from the requirement to provide a complying rear yard at grade level, as discussed herein.

The current iteration of the Project proposes a similar program as the Previous Projects, involving the demolition of the existing church and the construction of a building containing 27 dwelling units and 32 off-street parking spaces. However, the current design of the Project has been substantially revised in terms of massing, architectural language, and finish materials. Specifically, the height of the building has been reduced from six to five stories. In addition, the current design incorporates upper story setbacks to respond to the sloping topography of the site and to create a more suitable transition to the lower buildings to the west and north. Deep voids have been added at the center of both the Clay and Larkin Street elevations to break the massing of the project into a rhythm of discrete, vertically-oriented modules. Compared to the Previous Projects, the current design proposes a higher proportion of solid wall planes versus glazing, and would be primarily finished in a light-colored limestone plaster material.

5. **Public Comment.** Staff has received communications in support of the Project from several organizations and individuals in the area. Staff has also received communications in opposition to the Project from organizations and individuals in the area, as well as a petition containing 293 signatures.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Use and Density.** Section 209.1 permits residential uses within the RM-3 District at a maximum density of one dwelling unit for each 400 square feet of lot area.

The Project proposes 27 dwelling units on a Project Site measuring 11,181 square feet. A maximum of 28 dwelling units would be permitted on the Project Site, therefore, the Project complies with the use and density regulations of the RM-3 District.

- B. **Height and Bulk.** The subject property is located within a 65-A Height and Bulk District, which permits a maximum height of 65 feet. This District also limits the horizontal dimension of a building above 40 feet in height to 110 feet, and the diagonal dimension to 125 feet.

Pursuant to Section 102.12(d), where a lot has frontage on two streets, the project sponsor may choose the street from which the measurement of height is taken.

Measuring from the Larkin Street frontage, the finished roof of the Project would reach a height of approximately 52 feet, while the penthouse would reach a height of approximately 62 feet. The Project complies with the maximum allowable height of the 65-A Height and Bulk District.

Portions of the fourth floor, as well as the fifth floor exceed 40 feet in height, therefore, these floors are subject to the bulk limitations of the 65-A Height and Bulk District. The fourth floor has a maximum horizontal dimension of approximately 114 feet and a maximum diagonal dimension of approximately 135 feet. Therefore, the Project exceeds the maximum permitted length and diagonal dimensions at the fourth floor. The fifth floor has a maximum horizontal dimension of approximately 97 feet and a maximum diagonal dimension of approximately 114 feet. Therefore, the Project complies with the applicable bulk limitations at the fifth floor. The Project Sponsor is requesting that the Commission allow the Project to exceed the specified bulk limits after considering the criteria specified in Section 271(c), through the Conditional Use Authorization process. Conformance with these criteria is discussed under Item #8 below.

- C. **Floor Area Ratio.** In the RM-3 District, Section 124 allows a Floor Area Ratio (FAR) of up to 3.6. The project site has an area of 11,181 square feet, therefore the allowable FAR would permit a building of up to 40,252 square feet of Gross Floor Area as defined in Section 102.9.

The Project would measure approximately 58,819 square feet. Pursuant to Section 124(b), within "R" Districts, the cited Floor Area Ratio limits do not apply to residential uses. Subtracting the area of the residential uses, approximately 28,669 square feet of Gross Floor Area within the Project would be subject to the allowable FAR. The Project therefore complies with the maximum allowable FAR.

- D. **Rear Yard.** Section 134(a)(1) of the Planning Code requires a rear yard equal to 25 percent of the lot depth. Within the RM-3 District, the required rear yard must be provided at grade level and at each succeeding story of the building.

The depth of the lot measured from the Larkin Street frontage is approximately 114 feet, requiring a rear yard that is approximately 29 feet in depth. The depth of the lot measured from the Clay Street frontage would be approximately 97 feet, requiring a rear yard that is approximately 24 feet in depth. The Project proposes an interior courtyard at the northwest portion of the Property, in a configuration that does not strictly meet the requirements of Section 134. The Project Sponsor is requesting a Variance from this requirement, and this Variance request will be considered by the Zoning Administrator at the Commission hearing on October 3, 2013.

It should be noted that the proposed courtyard measures approximately 2,665 square feet, which is comparable to the area that would be provided by a Code-complying rear yard. However, providing a Code-complying rear yard for the Project would result in a configuration that does not reflect the traditional San Francisco development pattern, with buildings located at or near front property lines, creating an urban streetscape framing an interior core of mid-block open space. By using a courtyard, the project restores a traditional pattern of mid-block open space within the Project Site.

- E. **Usable Open Space.** Section 135 requires that a minimum of 60 square feet of private usable open space, or 79.8 square feet of common usable open space be provided for dwelling units within the RM-3 District. This Section specifies that the area counting as usable open space must meet minimum requirements for area, horizontal dimensions, and exposure.

The Project proposes private decks for three dwelling units with private decks at the fourth and fifth floors which fully meet the requirements for private open space. Subtracting the area of three Code-complying private decks, the Project must provide a total of 1,655 square feet of common open space for the remainder of the dwelling units. The Project also includes three private decks and approximately 2,229 sq. ft. of common open space at the first floor within the interior courtyard, however, this courtyard does not meet the requirements of Section 135 for sunlight access. Therefore, the Project does not strictly meet the requirements of Section 135. The Project Sponsor is requesting a Variance from this requirement, and this Variance request will be considered by the Zoning Administrator at the Commission hearing on October 3, 2013.

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

The majority of the dwelling units face onto either Larkin Street or Clay Street, and therefore comply with the exposure requirements of Section 140. Several units have exposure solely onto the courtyard, which does not meet the dimensional requirements of Section 140. Section 140 specifies that an open area (such as the courtyard) must have minimum horizontal dimensions of 25 feet at the lowest floor containing a dwelling unit and floor immediately above, with an increase of five feet in horizontal dimensions for each subsequent floor above. According to this methodology, the open area above the courtyard would need to measure at least 30 feet in horizontal dimensions at the 3rd floor, 35 feet at the 4th floor, and 40 feet at the 5th floor of the Project. The Project proposes a courtyard at the first story that measures approximately 15 feet in width at the westerly portion, and approximately 22 feet in width at the northerly portion. Therefore, the Project does not strictly meet the requirements of Section 135. The Project Sponsor is requesting a Variance from this requirement, and this Variance request will be considered by the Zoning Administrator at the Commission hearing on October 3, 2013.

- G. **Off-Street Parking.** Section 151 establishes off-street parking requirements for all uses in all districts. Pursuant to this section, one independently accessible space is required for each dwelling unit. The project proposes 27 dwelling units. The Project therefore requires 27 independently accessible parking spaces. Section 204.5 specifies that up to 150 percent of the

required number of spaces may be proposed as accessory parking facilities for a development. Pursuant to this Section, the Project could seek up to 41 off-street parking spaces.

The Project proposes 32 off-street parking spaces. Therefore, the project meets the minimum requirements for off-street parking, and does not exceed the maximum amount of accessory off-street parking spaces.

- H. **Off-Street Loading.** Section 152 provides a schedule of required off-street freight loading spaces for all uses in districts other than C-3 or South of Market. Pursuant to this Section, residential uses of less than 100,000 square feet do not require off-street loading spaces.

The Project proposes less than 100,000 square feet of residential uses, and is therefore not required to provide off-street loading. The Project proposes no loading spaces.

- I. **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, the current percentage requirements would apply to projects that consist of ten or more units, where the first application (EE or BPA) was applied for before July 18, 2006. Pursuant to Planning Code Section 415.5, the Project must pay the Affordable Housing Fee ("Fee"). This Fee is made payable to the Department of Building Inspection ("DBI") for use by the Mayor's Office of Housing for the purpose of increasing affordable housing citywide.

The Project Sponsor 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 through payment of the Fee, in an amount to be established by the Mayor's Office of Housing at a rate equivalent to an off-site requirement of 17%. The project sponsor has not selected an alternative to payment of the Fee. The EE application was submitted on June 15, 2004.

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the project complies with some, but not all of the criteria of Section 303, in that:

- a. The proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.

The Project will add housing opportunities adjacent to the Polk Street NCD at a density that is suitable for an intensely-developed urban context served by ample public transit and retail services. By targeting infill residential development at such locations, residents of the Project will be able to walk, bicycle, or take transit to commute, shop, and meet other needs without reliance on private automobile use.

The existing development in the area surrounding the Project Site is varied in scale and intensity. Development within the subject block is generally limited to four stories in height. Buildings along Polk Street range from single-story commercial buildings to mixed-use buildings up to six stories in height. Residential and mixed-use buildings within the Van Ness corridor further to the west are generally of a higher intensity than surrounding development. While the highest point of the Project is taller than the immediately adjacent buildings, the building utilizes setbacks on the upper stories to reduce the apparent height of the structure and transition to the height of the adjacent buildings. In addition, the varied facade treatments, rooflines, and fenestration divide the elevations into discrete sections that complement the prevailing narrow lot pattern of the district.

The Project, as proposed, is desirable for, and compatible with the neighborhood.

- b. The 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 in the vicinity, with respect to aspects including, but not limited to the following:
 1. The nature of the proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures.

The Project site is a regularly-shaped corner lot that is adequately sized to accommodate the development. Existing development in the vicinity varies in size and intensity, and the Project is generally compatible with the eclectic character of the area. The upper stories of the Project are sculpted to transition to the scale of adjacent properties and reduce the apparent scale of the development. The courtyard at the northwest portion of the Project is configured to complement the rear yards of adjacent properties and reinforces the prevailing pattern of mid-block open space. The shape and size of development on the subject property will not be detrimental to persons or adjacent properties in the vicinity.

2. 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 and of proposed alternatives to off-street parking, including provisions of car-share parking spaces, as defined in Section 166.

The EIR prepared for the project found that the project would not result in significant transportation and circulation impacts. The Project Site is located within an urban context, where convenience goods and services are available within walking distance. Residents of the project will be able to walk to such services in the vicinity, as well as the on-site grocery store. In addition, the area is served by ample public transit, so that residents do not need to solely rely on private automobile transportation.

The Project proposes less than 100,000 square feet of residential uses, and is therefore not required to provide off-street loading spaces. The Project proposes 32 off-street parking spaces, which meet

the minimum requirements for off-street parking without exceeding the maximum amount of accessory off-street parking spaces permitted by the Planning Code. The transportation patterns resulting from the Project will not be detrimental to the area.

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

The Project includes residential uses that are typical of the neighborhood, and should not introduce operational noises or odors that are detrimental, excessive, or atypical for the area. While some temporary increase in noise can be expected during construction, this noise is limited in duration and will be regulated by the San Francisco Noise Ordinance which prohibits excessive noise levels from construction activity and limits the permitted hours of work. The Project Sponsor would be required to utilize dust attenuation measures throughout demolition, excavation, and construction to minimize airborne particular matter. The building will not use mirrored glass or other highly reflective materials, therefore, the Project is not expected to cause offensive amounts of glare.

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

The Project provides open space in the form of a common courtyard at the first story, as well as a number of private decks for selected units. Street trees and other streetscape improvements would be planted along the Clay and Larkin Street frontages in accordance with the requirements of Section 138.1. The proposed parking complies with the requirements of the Code, and the Project is not required to provide any loading spaces. Conditions of approval are included requiring that the Project Sponsor will continue to work the Department to refine details of lighting, signage, materials, street trees, and other aspects of the design.

- c. Such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.

The Project generally complies with the applicable sections of the Code, with certain exceptions. The residential use, as well as the proposed density and height, are permitted within the RM-3 District and the 65-A Height and Bulk District. The development includes the amount of common and private open space required by the Code. The Project generally meets the criteria for the requested exception to the bulk limitations of the 65-A Height and Bulk District, as discussed under item #8 below. The Project will not adversely affect the General Plan, as discussed under item # 10 below.

8. **Planning Code Section 271** establishes criteria for the Planning Commission to consider when reviewing application for projects that exceed the applicable bulk limits, through the Conditional Use Process. The 65-A Height and Bulk District limits the horizontal dimension of a building above 40 feet in height to 110 feet, and the diagonal dimension to 125 feet. The fourth floor has a maximum horizontal dimension of approximately 114 feet and a maximum diagonal dimension of approximately 135 feet. Therefore, the Project exceeds the maximum permitted length and

diagonal dimensions at the fourth floor. The fifth floor has a maximum horizontal dimension of approximately 97 feet and a maximum diagonal dimension of approximately 114 feet. Therefore, the Project complies with the applicable bulk limitations at the fifth floor. The Project Sponsor is requesting that the Commission allow the Project to exceed the specified bulk limits at the fourth floor after considering the criteria specified in Section 271(c), through the Conditional Use Authorization process. Such deviations might occur for one of two specified positive reasons. The Project meets one of the specified reasons, in that:

- A. Achievement of a distinctly better design, in both a public and a private sense, than would be possible with strict adherence to the bulk limits, avoiding an unnecessary prescription of building form while carrying out the intent of the bulk limits and the principles and policies of the General Plan.

The subject property is a corner lot that is relatively large for the District. Given the dimensions of the lot, strict adherence to bulk limits would constrain the building envelope and could result in an awkward building form. In addition, the number of residential units could be reduced, resulting in less housing in a location that is appropriate for infill development. The requested bulk exceptions are relatively minor, exceeding the maximum horizontal dimension by four feet, and the maximum diagonal dimension by ten feet. The Project incorporates facade variations and sculpting on upper floors to reduce the apparent bulk of the project, as discussed in item 8(B) below. In addition, the fifth (uppermost) story of the Project incorporates substantial setbacks, and fully complies with the bulk limitations.

On balance, the Project complies with the aforementioned criterion, in that:

- B. The appearance of bulk in the building, structure, or development shall be reduced by means of at least one and preferably a combination of the following factors, so as to produce the impression of an aggregate of parts rather than a single building mass:
 - i. Major variations in the planes of wall surfaces, in either depth or direction, that significantly alter the mass.

The Project uses offsetting planes, varied roofline treatments, and changes in fenestration to divide the elevations into smaller components. The use of bay windows and balconies creates a rhythm of voids and projections across the facade. At the center of both the Clay Street and Larkin Street elevations, a substantial void divides each elevation into discrete, vertically-arranged expressions. At the westerly portion of the Clay Street elevation, the Project is set back nine feet from the front property line and at the fourth floor and 15 feet from the westerly property line at the fifth floor. These setbacks create a sensitive transition to the height of the adjacent building on Clay Street, while reinforcing the stepping of the roofline with the topography of the block. The northeastern portion of the building is limited to four stories in high, creating a sensitive transition to the height of the adjacent building on Larkin Street.

- ii. Significant differences in the heights of various portions of the building, structure, or development that divide the mass into distinct elements.

Through the introduction of setbacks at various locations, the massing of the Project is divided into four- and five-story elements. The setbacks at the fifth story help to transition the scale of the building to the lower buildings on the adjacent properties. The building is further articulated through a series of changes in plane, the use of bay windows and balconies, cornices, and the deep voids at the center of the Clay and Larkin Street elevations.

- iii. Differences in materials, colors, or scales of the facades that produce separate major elements.

The varied setbacks and changes in plane create separate major elements within the elevations of the building. The building is finished with warm materials and an architectural language that is contemporary, but is sympathetic and compatible with the character of older structures in the area. The walls would be finished with a light-colored limestone plaster material. Scoring patterns within the plaster create an additional level of texture and detail across the facade. The aluminum windows, spandrel panels, and cornice exhibit substantial depth and profile dimensions, evoking forms that are found on adjacent buildings. As the Project proceeds through the review of building permits, the Project Sponsor will continue to work the Planning staff to refine details of Project materials and reveal dimensions.

- iv. Compensation for those portions of the building, structure, or development that may exceed the bulk limits by corresponding reduction of other portions below the maximum bulk permitted.

While the maximum horizontal and diagonal dimensions at the upper portion of the fourth floor exceed the applicable bulk limitations, the strategic use of setbacks and voids creates an overall reduction in volume for the project and reduces the apparent bulk of the building. In addition, the fifth floor incorporates substantial setbacks from the roofline, with horizontal and diagonal dimensions that are less than those allowed by the applicable build limitations.

- v. In cases where two or more buildings, structures, or tower are contained within a single development, a wide separation between such buildings, structures, or towers.

The Project consists of a single building, therefore, this factor does not apply.

- C. In every case the building, structure, or development shall be made compatible with the character and development of the surrounding area by means of all of the following factors:

- i. A silhouette harmonious with natural landforms and building patterns, including the patterns produced by height limits.

The area surrounding the project site is predominantly comprised of three and four story buildings. Portions of the proposed five-story building are taller than the existing built context. However, the building is sculpted in a manner that is sensitive to adjacent buildings. Substantial setbacks are focused at the fourth and fifth stories at the westerly portion along Clay Street to sensitively transition to the lower, downslope buildings to the west. The fifth story is setback at varying dimensions to reduce the apparent bulk of the building and break the roofline in a manner that reflects the sloping topography of the site and continues the procession of stepped rooflines along the subject block of Clay Street. The resulting silhouette is harmonious with the natural landforms and building patterns of the area.

- ii. Either maintenance of an overall height similar to that of surrounding development or a sensitive transition, where appropriate, to development of a dissimilar character.

The setbacks at the fourth and fifth stories help to transition the scale of the building to the lower buildings on adjacent properties. While the building is larger than some structures in the area, the changes in plane and richly articulated facade complement the rhythm of narrow lot development characteristic of the area.

- iii. Use of materials, colors, and scales either similar to or harmonizing with those of nearby developments.

Existing buildings in the vicinity exhibit an eclectic variety of architectural character, materials, and colors. While there are no predominant architectural styles or materials that define the visual character of the neighborhood, the facades in the area are generally simple and lack extravagant ornamentation.

The elevations of the Project utilize forms and materials that reinforce the design language of other buildings in the district and lessen the apparent scale of the project. While the style of the Project is not expressly historicist, the building incorporates forms that are familiar to the older buildings in the area while harmonizing with newer contemporary structures. As the Project proceeds through the review of building permits, the Project Sponsor will continue to work the Planning staff to refine details regarding materials and colors that will complement the existing built environment of the area.

- iv. Preservation and enhancement of the pedestrian environment by maintenance of pleasant scale and visual interest.

The streetscape of the project is largely characterized by residential windows that are slightly setback from the sidewalk, behind low landscaped planters. This configuration creates an interface and activation between the Project and the public realm, while also providing privacy for residents at the ground floor. The scale of the pedestrian realm is further defined and distinguished from the upper floors through changes in exterior materials and projecting metal awnings.

- D. While the above factors must be present to a considerable degree for any bulk limit to be exceeded, these factors must be present to a greater degree where both the maximum length and the maximum diagonal dimension are to be exceeded than where only one maximum dimension is to be exceeded.

The subject property is a corner lot that is relatively large for the district. Given the dimensions of the lot, strict adherence to bulk limits would severely constrain the building envelope. The Project exceeds the allowable bulk limitations on the fifth floor, as well as the upper portion of the fourth floor. Such constraints could result in an awkward building form. In addition, the number of residential units could be reduced, resulting in less housing in a location that is rich in transit and commercial services, and is highly suited to infill development. The project incorporates significant variations in facade treatments, a well-defined pedestrian realm at the streetscape, and sculpting of the upper stories that reduce the apparent size of the project and maintain a facade rhythm that is compatible with development on narrower lots in the vicinity.

9. **Planning Code Section 253** requires that, for projects exceeding 40 feet in height in an "R" District, the Planning Commission consider the expressed purposes of the applicable "R" district and the general purposes of the height and bulk district in which the property is located. On balance, the Project complies with some, but not all of these purposes, in that:

- A. **RM-3 (Residential, Mixed, Medium Density) District.** Section 206.2 describes that the RM-3 District contains, "...some smaller structures", but mostly characterized by, "...apartment buildings of six, eight, 10 or more units." It further states that, "Many buildings exceed 40 feet in height, and in some cases additional building over that height may be accommodated without disruption of the District character.", and that "Although lots and buildings wider than 25 or 35 feet are common, the scale often remains moderate through sensitive facade design and segmentation."

- B. **65-A Height and Bulk District.** Section 251 establishes that the general purposes of the height and bulk district are to relate the scale of new development to be harmonious with existing development patterns and the overall form of the City, respect and protect public open spaces and neighborhood resources, and to synchronize levels of development intensity with an appropriate land use and transportation pattern.

Section 206.2 recognizes that, on a City-wide basis, many structures within the RM-3 District are six stories or greater in height. While the area surrounding the Project site is characterized by lower buildings than described in Section 206.2, the Project utilizes sensitive massing, well-textured facade treatments, and segmentation of the building to reconcile the scale of the proposed Project with the prevailing lower scale of the area. While the dimensions at the fourth and fifth floors exceed the applicable bulk limitations, the Project utilizes numerous setbacks to compensate for these exceedances and reduce the apparent bulk of the building.

8. **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

TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND.

Policy 1.1:

Encourage higher residential density in areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing, and in neighborhood commercial districts where higher density will not have harmful effects, especially if the higher density provides a significant number of units that are affordable to lower income households.

Policy 1.4:

Locate in-fill housing on appropriate sites in established residential neighborhoods.

The Project will add residential units to an area that is well-served by transit, services, and shopping opportunities. The area is suited for additional housing, where residents can commute and satisfy convenience needs without frequent use of a private automobile. The Project Site is located within walking distance of the employment cluster of the Civic Center, and is in an area with abundant transit options routes that travel to the South of Market and Financial District areas. The Project includes a mix of unit types in a range of sizes, to provide housing opportunities for various household types and socioeconomic groups within the neighborhood.

**TRANSPORTATION ELEMENT:
Objectives and Policies**

OBJECTIVE 2

USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.

Policy 2.1:

Use rapid transit and other transportation improvements in the city and region as the catalyst for desirable development, and coordinate new facilities with public and private development.

Policy 2.2:

Reduce pollution, noise and energy consumption.

Due to the abundant transit and commercial services in the area, residents of the Project can minimize use of the private automobile to commute and meet basic needs. The Project site is suitable for accommodating dense residential development that will discourage sprawling regional development patterns that are strongly auto-oriented and contribute to greenhouse gas emissions.

URBAN DESIGN ELEMENT:

Objectives and Policies

OBJECTIVE 3

MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 3.1:

Promote harmony in the visual relationships and transitions between new and older buildings.

Policy 3.2:

Avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.

Policy 3.5:

Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development.

Policy 3.7:

Recognize the special urban design problems posed in development of large properties.

Although the Project Site is a relatively large corner lot, the Project incorporates significant variations in facade treatments, a well-defined pedestrian realm at the streetscape, and sculpting of the upper stories that reduce the apparent size of the project and maintain a facade rhythm that is compatible with development on narrower lots in the vicinity. While the style of the Project is not expressly historicist, the building incorporates forms that are familiar to the older buildings in the area while harmonizing with newer contemporary structures. Substantial setbacks are focused at the fourth and fifth stories at the westerly portion along Clay Street to sensitively transition to the lower, downslope buildings to the west. The fifth story is setback at varying dimensions to reduce the apparent bulk of the building and break the roofline in a manner that reflects the sloping topography of the site and continues the procession of stepped rooflines along the subject block of Clay Street. The design of the Project complements and responds to the existing development pattern, topography, and neighborhood character of the area.

10. **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 does comply 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 Project will not displace any existing retail uses, and the new residents in the Project will patronize area businesses, bolstering the viability of surrounding commercial establishments.

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

The project will not diminish the existing housing stock, and will add dwelling units in a manner that enhances the vitality of the surrounding commercial corridors and is compatible with the character of the neighborhood. .

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

The Project would add not demolish any dwelling units, and would be required to contribute to in-lieu funds to the City's Inclusionary Housing Program to support the development of affordable housing opportunities.

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

A wide variety of goods and services are available within walking distance of the Project Site without reliance on private automobile use. In addition, the area is well served by public transit, providing connections to all areas of the City and to the larger regional transportation network.

- 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 does not propose any office development, and would not displace any existing industrial or service sector uses.

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

The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code.

- G. That landmarks and historic buildings be preserved.

The existing vacant church that would be demolished as part of the Project is considered to be an historic resource under CEQA, resulting in a significant and unavoidable impact as identified in the EIR prepared for the project. However, due to the deteriorated condition and structural instability of

the existing church, it would be infeasible to preserve and restore the church to a habitable condition and retrofit the building for a viable use.

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

The Project will not cast shadows or impede views for parks and open spaces in the area, nor have any negative impact on existing public parks and open spaces.

12. 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.
13. 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 Project Sponsor, 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 Application No. 2013.0890C**, and **ADOPTS** and incorporates by reference as though fully set forth herein the CEQA findings set forth in "EXHIBIT C" of this Motion No. XXXXX and the MMRP, as set forth in "EXHIBIT D" of this Motion No. XXXXX, subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated October 3, 2013, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this approval of a 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 94012.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on October 3, 2013.

Jonas P. Ionin
Acting Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: October 3, 2013

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow the demolition of an existing vacant church and surface parking lot, and the construction of a construct a new six-story over basement building containing 27 dwelling units and 32 off-street parking spaces, located at 1601 Larkin Street, Block 0620, Lot 006, pursuant to Planning Code Sections 253, 271, and 303, within the RM-3 District and the 65-A Height and Bulk District; in general conformance with plans, dated October 3, 2013, and stamped "EXHIBIT B" included in the docket for Case No. 2013.0890C and subject to conditions of approval reviewed and approved by the Commission on October 3, 2013 under Motion No XXXXXX. 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 on XXXXXX under Motion No XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXXX 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

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

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

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

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

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

Mitigation Measures. Mitigation measures described in the MMRP attached as Exhibit D are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval.

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

DESIGN – COMPLIANCE AT PLAN STAGE

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 415-558-6378, www.sf-planning.org

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 415-558-6378, www.sf-planning.org

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 415-558-6378, www.sf-planning.org

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:

1. 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;
2. On-site, in a driveway, underground;
3. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
4. 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;
5. Public right-of-way, underground; and based on Better Streets Plan guidelines;
6. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
7. 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>

Overhead Wiring. The Property owner will allow MUNI to install eyebolts in the building adjacent to its electric streetcar line to support its overhead wire system if requested by MUNI or MTA.

For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415-701-4500, www.sfmta.org

Street Trees. Pursuant to Planning Code Section 138.1 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

PARKING AND TRAFFIC

Parking for Affordable Units. 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

Bicycle Parking Pursuant to Planning Code Sections 155.1 and 155.2, the Project shall provide no fewer than 27 Class 1 bicycle parking spaces and one Class 2 bicycle parking space.

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

Parking Requirement. Pursuant to Planning Code Section 151, the Project shall provide twenty-seven (27) independently accessible off-street parking spaces.

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

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

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

Inclusionary Affordable Housing Program.

1. **Requirement.** Pursuant to Planning Code 415.5, the Project Sponsor must pay an Affordable Housing Fee at a rate equivalent to the applicable percentage of the number of units in an off-site project needed to satisfy the Inclusionary Affordable Housing Program Requirement for the principal project. The applicable percentage for this project is seventeen percent (17%).

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 at 415-701-5500, www.sf-moh.org.

2. **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 the terms of the 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 Mayor's Office of Housing ("MOH") at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's 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 or rent.

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 at 415-701-5500, www.sf-moh.org.

- a. The Project Sponsor must pay the Fee in full sum to the Development Fee Collection Unit at the DBI for use by MOH prior to the issuance of the first construction document, with an option for the Project Sponsor to defer a portion of the payment prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge that would be deposited into the Citywide

Inclusionary Affordable Housing Fund in accordance with Section 107A.13.3 of the San Francisco Building Code..

- b. Prior to the issuance of the first construction permit by the DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOH or its successor.
- c. If project applicant 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 Sections 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all other remedies at law

MONITORING - AFTER ENTITLEMENT

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

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

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>

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



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing
- Childcare Requirement
- Jobs Housing Linkage Program
- Downtown Park Fee
- Public Art
- Public Open Space
- First Source Hiring (Admin. Code)
- Transit Impact Development Fee
- Other

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415.558.6377

EXHIBIT C CEQA Findings

HEARING DATE: OCTOBER 3, 2013

Date: June 21, 2012
Case No.: **2013.0890CEV**
Project Address: **1601 Larkin Street**
Zoning: RM-3 (Residential - Mixed, Medium Density)
 65-A Height and Bulk District
Block/Lot: 0620/006
Project Sponsor: Pacific Polk Properties, Inc.
 c/o David Silverman
 Reuben & Junius
 One Bush Street, Ste 600
 San Francisco, CA 94109
Staff Contact: Kevin Guy– (415) 558-6163
 kevin.guy@sfgov.org

ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, INCLUDING FINDINGS REJECTING ALTERNATIVES AS INFEASIBLE, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION, MONITORING, AND REPORTING PROGRAM, FOR THE 1601-1603 LARKIN STREET HOUSING PROJECT INVOLVING THE DEMOLITION OF AN EXISTING VACANT CHURCH AND SURFACE PARKING LOT AND CONSTRUCTION OF A NEW FIVE-STORY OVER BASEMENT BUILDING CONTAINING 27 DWELLING UNITS AND 32 OFF-STREET PARKING SPACES LOCATED AT 1601 LARKIN STREET, LOT 006 IN ASSESSOR'S BLOCK 0620, WITHIN THE RM-3 DISTRICT AND THE 65-A HEIGHT AND BULK DISTRICT.

PREAMBLE

On August 25, 2004, Pacific Polk Properties LLC ("Project Sponsor") filed an application with the Planning Department ("Department") for Conditional Use Authorization to allow demolition of an existing church building and construction of a 63-foot-high, six story-tall building of approximately 67,500 sq.ft., containing 27 multi-family residential units and 29 off-street parking spaces in two separate parking levels (one at ground level and one below grade) in an RM-3 zoning district. Of the total new

space, approximately 38,500 sq. ft. was proposed for residential use and 12,350 sq. ft. for parking use. The ground floor would have three residential units, the second floor was proposed to have seven residential units, and floors three and four was proposed to contain 12 units. The fifth floor was proposed to have four residential units and the sixth floor was proposed to contain one penthouse unit (collectively, Case No. 2004.0557C).

On June 15, 2004, the Project Sponsor submitted an Environmental Evaluation Application with the Department, Case No. 2004.0557E. The Department issued a Notice of Preparation of Environmental Review on February 11, 2005.

On April 14, 2007, the Department published a draft Environmental Impact Report ("DEIR" or "Draft EIR") for public review. The Draft EIR was available for public comment until May 29, 2007.

On May 24, 2007, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to solicit public comment regarding the Draft EIR.

The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 45-day public review period for the Draft EIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the Draft EIR. This material was presented in a Draft Comments and Responses document, published on May 27, 2010, distributed to the Planning Commission and all parties who commented on the Draft EIR, and made available to others upon request at the Department.

A Final Environmental Impact Report ("FEIR" or "Final EIR") was prepared by the Department, consisting of the Draft EIR and the Comments and Responses document. On June 24, 2010, the Commission reviewed and considered the Final EIR and voted not to certify the document.

On June 24, 2010, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2004.0557C, at which time the Commission disapproved the Previous Project.

On May 11, 2012, the Project Sponsor filed an application with the Department requesting Conditional Use Authorization pursuant to Section 303 to allow development on a lot greater than 40 feet in height within an "R" District for a development at 1601 Larkin Street (Lots 006 in Assessor's Block 0620), northwest corner at Clay Street. The project proposed to demolish an existing vacant church and surface parking lot and to construct a new six-story over basement building containing 27 dwelling units and 29 off-street parking spaces, and requests bulk exceptions per Section 271. The revised project design as submitted on May 11, 2012 reflected a revised massing, architectural language, and finish materials compared with the project proposed in Case No. 2004.0557C. The Project Sponsor also filed an application with the Department requesting a Variance from the requirements of Section 134(a), because the proposed development does not provide a complying rear yard at grade level (collectively, Case No. 2012.0611CV).

The Department revised the EIR to include the Revised Project description and analyze its impacts. The Department prepared revisions to the Draft EIR to include the Revised Project as a "project variant". The Draft EIR was additionally revised to include a variant to the Partial Preservation Alternative.

On June 14, 2012, a revised Final EIR, consisting of the revised Draft EIR and Response to Comments document, was distributed to the Commission and interested parties.

Project EIR files have been made available for review by this Commission and the public. These files are available for public review at the Department at 1650 Mission Street, and are part of the record before this Commission.

On June 28, 2012, the Commission reviewed and considered the Final EIR and found that the contents of said report and procedures through which the Final EIR was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) ("CEQA"), 14 California Code of Regulations Sections 15000 et seq. ("the CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31").

The Commission found the Final EIR was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Commission, and that the summary of comments and responses and the June 14, 2012 revisions to the Draft EIR contained no significant revisions to the Draft EIR, and certified the Final EIR for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31 by Motion No. 18657, which is hereby incorporated by reference as though fully set forth herein.

The Planning Department, Jonas Ionin, is the custodian of records, located in the File for Case No. 2004.0557E, at 1650 Mission Street, Fourth Floor, San Francisco, California.

Department staff prepared a Mitigation Monitoring and Reporting program ("MMRP") for the Revised Project, which material was made available to the public and this Commission for this Commission's review, consideration and action and which is attached as Exhibit D to Motion No. XXXX.

At the same hearing on June 28, 2012, the Commission conducted a duly noticed public hearing on Conditional Use Application No. 2012.0611C, at which time the Commission reviewed the proposed project and passed a motion of intent to disapprove the requested Conditional Use authorization. In its motion, the Commission directed staff to prepare findings supporting disapproval for its consideration.

On August 16, 2012, the Commission conducted a duly noticed public hearing and adopted Motion No. 18691, disapproving Conditional Use Application No. 2012.0611C.

On July 3, 2013, the Project Sponsor filed an application with the Department requesting Conditional Use Authorization pursuant to Section 303, Conditional Use Authorization to allow development on a lot greater than 40 feet in height within an "R" District for a development at 1601 Larkin Street (Lots 006 in Assessor's Block 0620), northwest corner at Clay Street ("Project Site"). The project proposes to demolish an existing vacant church and surface parking lot and to construct a new five-story over basement

building containing 27 dwelling units and 32 off-street parking spaces, and requests bulk exceptions per Section 271 (Case No. 2013.0890C).

On September 18, 2013, the Project Sponsor filed an application with the Department requesting Variances from the requirements of Section 134 (Rear Yard), Section 135 (Usable Open Space), and Section 140 (Dwelling Unit Exposure).

The current iteration of the project, as described in Case No. 2013.0890CV is referred to as the "Revised Project" or "Project". The prior iterations of the project, as described in Case Nos. 2004.0557C and 2012.0611CV, are referred to as "Previous Projects".

On October 3, 2013, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2013.0890CEV. 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, the Planning Department staff, and other interested parties.

MOVED, that the Commission hereby adopts findings under the California Environmental Quality Act, including rejecting alternatives as infeasible, adopting a Statement of Overriding Considerations, and adopts the Mitigation, Monitoring, and Reporting Program, attached as Exhibit D to Motion No. XXXXX (Case No. 2013.0890C), 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:

In determining to approve the Project, the Commission makes and adopts the following findings of fact and decisions regarding mitigation measures and alternatives, and adopts the statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to CEQA, the CEQA Guidelines, and Chapter 31

This document is organized as follows:

Section I provides a description of the proposed Project, the Project objectives, the approval actions to be taken, and the location of records;

Section II identifies the Project's potentially significant impacts that are avoided or reduced to less-than-significant levels and makes findings regarding Mitigation Measures;

Section III identifies significant, unavoidable impacts that cannot be avoided or reduced to less-than-significant levels through Mitigation Measures;

Section IV identifies the Project alternatives that were analyzed in the EIR and discusses the reasons for the rejection of these alternatives; and

Section V makes a Statement of Overriding Considerations setting forth the specific economic, legal, social, technological, or other benefits of the Project that outweigh the significant and unavoidable adverse environmental effects and support the rejection of the project alternatives;

The **Mitigation Monitoring and Reporting Program (“MMRP”)** for the mitigation measures that have been proposed for adoption is attached to Commission Motion XXXXX (Case No. 2013.0890C) as Exhibit D. The MMRP is required by CEQA Section 21081.6 and CEQA Guidelines Section 15091. The MMRP provides a table setting forth each mitigation measure listed in the Final EIR that is required to reduce or avoid a significant adverse impact. The MMRP also specifies the agency responsible for implementation of each measure and establishes monitoring actions and a monitoring schedule.

These findings are based upon substantial evidence in the entire record before the Commission. The references set forth in these findings to certain pages or sections of the Draft EIR” or the Comments and Responses document in the Final EIR are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

I. PROJECT DESCRIPTION

A. Project Description

The project site is located in the Nob Hill neighborhood of San Francisco's northeast planning quadrant on the northwest corner lot of the intersection of Clay and Larkin Streets. The rectangular-shaped site is on the project block bounded by Washington Street (north), Larkin Street (east), Clay Street (south), and Polk Street (west). The address is 1601 Larkin Street on Assessor's Block 0620 and Lot 6. The site slopes to the west down Clay Street towards Polk Street.

The existing project site is an 11,200-square-foot (sq.-ft.) lot containing a 45-foot-tall, two-story over basement church building of approximately 19,050 sq.ft., and an asphalt-paved, ten-car, surface parking lot on the northern portion of the lot with access from Larkin Street. The Final EIR concluded that the existing church building is a historical resource under CEQA. The site is owned by the California Nevada Conference of the Methodist Church.

The Project Sponsor proposes to demolish an existing vacant church and surface parking lot, and construct a new five-story over basement building containing 27 dwelling units and 32 off-street parking spaces. The mix of dwelling units is one studio unit, four one-bedroom units, 21 two-bedroom units, and one three-bedroom unit. The Project Sponsor is requesting exceptions from the bulk limitations of the 65-A Height and Bulk District, as well as Variances from the requirements of Section 134 (Rear Yard), Section 135 (Usable Open Space), and Section 140 (Dwelling Unit Exposure).

The current iteration of the project (here, the "Revised Project" or "Project") proposes a similar program as the Previous Projects, involving the demolition of the existing church and the construction of a building containing 27 dwelling units and 32 off-street parking spaces. However, the current design of the Project has been substantially revised in terms of massing, architectural language, and finish materials. Specifically, the height of the building has been reduced from six to five stories. In addition, the current design incorporates upper story setbacks to respond to the sloping topography of the site and to create a

more suitable transition to the lower buildings to the west and north. Deep voids have been added at the center of both the Clay and Larkin Street elevations to break the massing of the project into a rhythm of discrete, vertically-oriented modules. Compared to the Previous Projects, the current design proposes a higher proportion of solid wall planes versus glazing, and would be primarily finished in a light-colored limestone plaster material.

B. Project Objectives

The objectives of the Project include the following:

- In response to the housing demand of a growing San Francisco economy, construct a high-quality, cost-effective multi-family residential building and associate parking in the Nob Hill area containing the maximum number of residential units and parking spaces permitted by the Planning Code.
- Design a project that enhances the existing urban character of the area.
- Complete the project on schedule and within budget.

C. Project Approval Actions

1. Planning Commission

- Certification of the Final EIR;
- Approval of a Conditional Use Authorization pursuant to Planning Code Sections 303 (Conditional Use), 253 (review of structures over 40 feet in any "R" District), and for an exception from bulk requirements pursuant to Planning Code Sections 270 and 271.
- A determination by the Planning Commission of consistency with the *General Plan* pursuant to Charter Section 4.105 and Administrative Code Section 2A.53;

2. Zoning Administrator

- Granting of Variances from the requirements of Section 134 (Rear Yard), Section 135 (Usable Open Space), and Section 140 (Dwelling Unit Exposure).

D. Contents and Location of Record

The record upon which all findings and determinations related to the Project are based includes the following:

- The Notice of Preparation/Initial Study and all other public notices relating to the Project;

- The Final EIR and all documents referenced in or relied upon by the EIR (the references in these findings to the EIR, the Final EIR, or FEIR include both the Draft EIR and the Comments and Responses ("C&R") documents.);
- All information including written evidence and testimony provided by City staff to the Planning Commission relating to the Final EIR, the propose approvals and entitlements, the Project, and the alternatives set forth in the Final EIR;
- All information provided by the public, including the proceedings of the public hearings on the adequacy of the Draft EIR and the transcripts of the May 24, 2007 public hearing and written correspondence received by Planning Department staff during the public comment period of the Draft EIR, and the public meeting on June 28, 2012, at which the Planning Commission certified completion of the Final EIR;
- The Mitigation Monitoring and Reporting Program (MMRP); and
- All other documents comprising the record pursuant to Public Resources Code Section 21167.6(e).

The Commission has relied on all of the documents listed above in reaching its decision on the Project.

The public hearing transcript, a copy of all letters regarding the Draft EIR received during the public review period, the administrative record, and background documentation for the Final EIR, as well as additional materials concerning approval of the Project and adoption of these findings are contained in Planning Commission files, located at 1650 Mission Street, Suite 400, San Francisco, CA 94103. The Planning Commission Secretary is the custodian of records. All files have been available to the Commission and the public for review in considering these findings and whether to approve the Project.

II. LESS-THAN-SIGNIFICANT IMPACTS AND FINDINGS REGARDING MITIGATION MEASURES

This Section II and the following Section III set forth the Commission's findings about the Final EIR's determinations regarding significant environmental impacts and the mitigation measures proposed to address them. These findings provide the written analysis and conclusions of the Commission regarding the environmental impacts of the Project and the mitigation measures included as part of the Final EIR and adopted by the Commission as part of the Project. To avoid duplication and redundancy, and because the Commission agrees with, and hereby adopts, the conclusions in the Final EIR, these findings will not repeat the analysis and conclusions in the Final EIR, but instead incorporate them by reference in these findings and rely upon them as substantial evidence supporting these findings.

In making these findings, the Commission has considered the opinions of staff and experts, other commissions and members of the public. The Commission finds that the determination of significance thresholds is a judgment decision within the discretion of the City and County of San Francisco; the significance thresholds used in the Final EIR are supported by substantial evidence in the record, including the expert opinion of the Final EIR preparers and City staff; and the significance thresholds

used in the Final EIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project.

These findings do not attempt to describe the full analysis of each environmental impact contained in the Final EIR. Instead, a full explanation of these environmental findings and conclusions can be found in the Final EIR and these findings hereby incorporate by reference the discussion and analysis in the Final EIR supporting the Final EIR's determination regarding the Project's impacts and mitigation measures designed to address those impacts. In making these findings, the Commission ratifies, adopts and incorporates in these findings the determinations and conclusions of the Final EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

The Commission adopts and incorporates the mitigation measures set forth in the Final EIR and the MMRP as described below to substantially lessen or avoid the potentially significant and significant impacts of the Project. In adopting these mitigation measures, the Commission and other City decisionmakers intend to adopt each of the mitigation measures proposed in the Final EIR for the Project. Accordingly, in the event a mitigation measure recommended in the Final EIR has inadvertently been omitted in these findings or the MMRP, such mitigation measure is hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure set forth in these findings or the MMRP fails to accurately reflect the mitigation measures in the Final EIR due to a clerical error, the language of the policies and implementation measures as set forth in the Final EIR shall control. The impact numbers and mitigation measure numbers used in these findings reflect the information contained in the Final EIR.

In Sections II and III the same findings are made for a category of environmental impacts and mitigation measures. Rather than repeat the identical finding, the initial finding obviates the need for such repetition because in no instance is the Commission rejecting the conclusions of the FEIR or the mitigation measures recommended in the FEIR for the Project.

A. Impacts Found To Be Less Than Significant And Thus Requiring No Mitigation

Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, Section 21002; CEQA Guidelines, Section 15126.4, subd. (a)(3), 15091.)

The following potential individual and cumulative environmental effects of the initial project proposal were determined to be less than significant. Some of these impact areas were analyzed in the Notice of Preparation/Initial Study ("NOP/IS"). Although the NOP/IS was prepared for the Previous Project, the Commission finds that the conclusions of NOP/IS continue to be applicable to the Revised Project with respect to each of the topics that are determined are be less than significant. The Revised Project would occupy the same site as the Previous Project and, like the Previous Project, would call for disturbance of the entire project site. The Revised Project would include a substantially similar mix and quantity of uses as the Previous Project. Based on substantial evidence in the whole record of this proceeding, the Commission finds that implementation of the Revised Project will not result in any significant impacts in the following areas and that these impact areas, therefore, do not require mitigation:

- Land Use
- Aesthetics
- Population and Housing
- Transportation and Circulation
- Noise
- Air Quality
- Wind
- Utilities and Service Systems
- Public Services
- Biological Resources
- Geology and Soils
- Hydrology and Water Quality
- Minerals/Energy Resources
- Agricultural Resources

B. Findings Of Significant Or Potentially Significant Impacts That Can Be Avoided Or Reduced To A Less-Than-Significant Level With Mitigation

Based on the analysis contained in the Final EIR and the standards of significance, the Commission finds that that implementation of the Project with required mitigation measures would result in less than significant impacts for the following environmental topic areas:

- Hazards and Hazardous Materials
- Archeological Resources

With the required mitigation measures, all potential project impacts, with the exception of impacts of the related to Cultural Resources as described in Section III below, would be avoided or reduced to a less-than-significant level.

As authorized by CEQA Section 21081 and CEQA Guidelines Section 15091, 15092, and 15093, based on substantial evidence in the whole record of this proceeding, the Commission finds that all of the changes or alterations to the Project listed herein have been or will be required in, or incorporated into, the Project to mitigate or avoid the significant or potentially significant environmental impacts listed herein, as identified in the Final EIR, that these mitigation measures will be effective to reduce or avoid the potentially significant impacts as described in the Final EIR, and these mitigation measures are feasible to implement and are within the responsibility and jurisdiction of the City and County of San Francisco to implement or enforce.

As set forth in the Final EIR, **Mitigation Measure 1**, Construction Air quality contained in the July 8, 2006 Initial Study, 1601-1603 Larkin Street has been replaced by the San Francisco Health Code Article 2213, Construction Dust Control, which requires that construction projects within 1,000 feet of sensitive receptors prepare a site-specific dust control plan. That plan must include a number of equivalent measures to minimize visible dust. These measures contain all the dust control measures presented in the

BAAQMD CEQA Guidelines. These requirements are applicable to the Project and, as such, **this Commission finds that Mitigation Measure 1 is no longer needed to mitigate impacts of the Project and is not included in the MMRP.**

Hazards/Hazardous Materials

- Because the Project would require excavation in order to accommodate the proposed parking garage, the resulting soil disturbance could result in a potentially significant hazards impact. Implementation of **Mitigation Measure 2** would reduce this potential impact to less than significant.

As described in **Mitigation Measure 2**, prior to disturbing soils on the project site, the project sponsor shall implement soil and groundwater testing, develop a Site Mitigation Plan (SMP) and Corrective Action Plan (CAP),, conduct any necessary remediation, and handle, haul, and dispose of contaminated soils appropriately, including conducting dust suppression, surface water runoff control, and soils replacement, , and prepare a certification report. and deed recordation.

- Because the proposed project includes demolition of an existing building which may contain PCBs and mercury, inadvertent release of such materials could expose construction workers, occupants, or visitors to these substances, which could result in various adverse health effects if exposure were of sufficient quantity. Potential impacts associated with PCBs and mercury in structures would be considered potentially significant. Implementation of **Mitigation Measure 3** would reduce potential PCB and mercury impacts associated with demolition to a less-than-significant level.

As described in **Mitigation Measure 3**, the project sponsor would ensure that building surveys for PCB-containing equipment, hydraulic oils, and fluorescent lights are performed prior to the start of demolition. Any hazardous materials discovered would be abated according to federal, state, and local laws and regulations.

Archeological Resources

- Potential prehistoric resources could be impacted by excavation activities of the proposed project. Implementation of **Mitigation Measure 4** would reduce this potential impact to less than significant.

As described in **Mitigation Measure 4**, the project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet , immediately notify the Department of any discovery of any indication of archeological resources at the site, and comply with any required measures, as set forth more fully in Mitigation Measure 4.

III. SIGNIFICANT IMPACTS THAT CANNOT BE AVOIDED OR REDUCED TO A LESS THAN SIGNIFICANT LEVEL

Based on substantial evidence in the whole record of these proceedings, the Commission finds that there is a significant project-specific impact that would not be eliminated or reduced to an insignificant level by the mitigation measures listed in the MMRP. The Final EIR identifies a significant and unavoidable adverse effect to cultural (historic architectural) resources related to the demolition of the existing church building, a historic resource under CEQA. As the demolition of the existing building is essential to the implementation of the proposed project, there are no mitigation measures that would reduce the level of impact to the less-than-significant level while continuing to meet the objectives of the project.

The Commission determines that the following significant impact on the environment, as reflected in the Final EIR, is unavoidable, but under Public Resources Code Section 21081(a)(3) and (b), and CEQA Guidelines 15091(a)(3), 15092(b)(2)(B), and 15093, the Commission determines that the impact is acceptable due to the overriding considerations described in Section V below. This finding is supported by substantial evidence in the record of this proceeding.

Cultural Resources (Historic Architectural Resources)

The project sponsor intends to demolish the First St. John's United Methodist Church at 1601 Larkin Street and construct a five-story, 27-unit residential building with 32 parking spaces. The Final EIR concluded that the church building is an historical resource, and demolition of this building would be a significant adverse impact under CEQA.

Mitigation Measure 5, which requires recordation and salvage of architectural materials, would reduce the impact's severity, but not to a less-than-significant level. This impact remains **significant and unavoidable**.

V. EVALUATION OF PROJECT ALTERNATIVES

This Section describes the Project alternatives and the reasons for approving the Project and for rejecting the Alternatives. CEQA mandates that every EIR evaluate a reasonable range of alternatives to the Project or the Project location that generally reduce or avoid potentially significant impacts of the Project. CEQA requires that every EIR also evaluate a "No Project" alternative. Alternatives provide a basis of comparison to the Project in terms of their significant impacts and their ability to meet Project objectives. This comparative analysis is used to consider reasonable, potentially feasible options for minimizing environmental consequences of the Project.

The Final EIR analyzed three project alternatives, and one additional variant to an alternative: a "No Project Alternative", an "Adaptive Reuse Alternative", and a "Partial Preservation—Bell Tower", as well as a "Partial Preservation Alternative Variant". The Final EIR determined that these alternatives were potentially feasible, but did not necessarily meet all of the project sponsors' objectives. A brief description of each alternative is provided below, followed by findings related to the rationale for the City's rejection of each alternative as infeasible.

The Commission rejects the Alternatives set forth in the Final EIR and listed below because it finds, in addition to the reasons described below, elsewhere in these Findings, and in the administrative record,

that there is substantial evidence, including evidence of economic, legal, social, technological, and other considerations under CEQA Guidelines 15091(a)(3), that make infeasible such alternatives. In making these determinations, the Commission is aware that CEQA defines “feasibility” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors.”

The Commission certifies that it has independently reviewed and considered the information on the alternatives provided in the Final EIR and in the record. The Final EIR reflects the Commission's and the City's independent judgment as to the alternatives. The Commission finds that the Revised Project provides the best balance between satisfaction of the project objectives and mitigation of environmental impacts to the extent feasible, as described and analyzed in the EIR and adopts a statement of overriding considerations as set forth in Section IV below.

The Commission adopts the EIR's analysis and conclusions regarding alternatives eliminated from further consideration, both during the scoping process and in response to comments.

A. ALTERNATIVE A: NO PROJECT

The CEQA and the State CEQA Guidelines require EIRs to include a No Project Alternative for the purpose of allowing decision-makers to compare the effects of the proposed project with the effects of not approving a project.

This alternative would not demolish or otherwise change the existing two-story church building at the project site in a way that would compromise the integrity of its historic architectural value. This alternative would not construct the Project's 52-foot-high, five-story-tall, 27-residential unit, 59,000-sq.-ft building with 32 off-street parking spaces, or any other building. However, this alternative would not preclude future proposals for development of the project site for uses permitted in the RM-3 (Residential Mixed, Medium Density) Zoning District and the 65-A Height and Bulk District.

For the purposes of this analysis, it is assumed that the existing building structure and use would not change.

The proposed project's impacts would not occur under the No Project Alternative, including avoidance of the proposed project's significant unavoidable historical resources impact. The existing church building would remain unaltered and vacant until another use were proposed and permitted. The proposed project's less-than significant (with mitigation) hazardous materials impacts and archeological impacts would not occur. The proposed project's less-than-significant aesthetic and transportation/circulation impacts that the EIR examines would not occur.

The other less-than-significant effects of the proposed project described in the Initial Study would not occur with this alternative, and no mitigation measures would be required. These other less-than-significant effects include land use, visual quality (except aesthetic effect), population, construction and operational noise, air quality, shadow, wind, geology and seismicity, and hazards, among others.

The No Project Alternative would be environmentally superior over the near term because it would not result in a significant and unavoidable impact due to demolition of an historical resource. However, the No Project Alternative would not meet any of the project sponsor's objectives.

The Commission rejects the No Project Alternative because it would fail to meet the Project objectives. Additionally, the No Project Alternative would not provide the City with additional housing, including funding for the City's Inclusionary Housing Program, and housing adjacent to transportation corridors, which the Revised Project provides and which are important policy goals of the General Plan. The No Project Alternative would not result in the creation of construction jobs and the other economic benefits associated with the Revised Project.

B. ALTERNATIVE B: ADAPTIVE REUSE

Alternative B, the Adaptive Reuse Alternative, would retain the building's character-defining features. It would reuse the church building with minimal changes to its exterior and interior. It would construct a new six-story building on the existing surface parking lot. Renovation under this alternative would be consistent with the Secretary of the Interior's *Standards for the Treatment of Historic Properties*. The new building would have approximately 2,740 sq. ft. per floor, for a total of about 16,450 sq. ft. on six floors, and would include nine residential units, a six-space parking garage on the ground floor along with storage areas, a utility room, a garbage area, and elevator access. There would be two units on each of floors 2 through 5 and one residential unit on the sixth floor, for a total of nine units in the new building.

Approximately 5,000 sq. ft. of the church gymnasium and basement area would be reused for a childcare facility (less than 24-hour care for 13 or more children). The balance of the church building would be reused in residential use as an extension of the new building and would include five more units totaling approximately 10,000 sq. ft. and a residential lobby and common meeting space of another 5,000 sq. ft. Thus, this alternative would result in a total of 14 new residential units. There would not be an underground parking garage.

Compared to the Project's 52-foot-high, five-story-tall building of approximately 59,000 sq. ft., 27 residential units, and 32 parking spaces, the Adaptive Reuse Alternative's 14 units and 35,500 sq. ft. would be about half that of the proposed Project. About 5,000 sq. ft. of Alternative B would be retained for a childcare use that is not part of the proposed Project.

Unlike the proposed Project, the Adaptive Reuse Alternative would not demolish the church building, thereby avoiding the proposed Project's significant and unavoidable historical resources impact.

The new building would use similar materials, but it would be taller than the proposed Project (65 feet versus 52 feet, respectively). However, the scale would be smaller than the Project because it would not include the portion of the site occupied by the existing church building. The alternative's new building would occupy approximately one-fourth of the lot's north side. Its scale would be smaller than the proposed Project, and its aesthetic effect would be less than significant for the same reasons as for the proposed Project.

Compared to the proposed Project, the Adaptive Reuse Alternative's 14 units and 35,500 sq. ft. would be about half that of the proposed Project. Due to the addition of child care use under Alternative B, the alternative would have more daily person trips but about the same number of p.m. peak hour vehicle trips and similar parking demand as the proposed Project. This alternative would generate about 475 daily person trips and 15 vehicle trips in the weekday p.m. peak hour compared to proposed Project's 255 new daily person trips and 12 weekday p.m. peak hour vehicle trips. The operating conditions and levels of congestion at the key intersections studied would be less than significant as they would under the proposed Project.

Mitigation Measures identified for the proposed Project would reduce to less-than-significant levels impacts related to construction air quality, hazardous materials, and archeological resources. This alternative's smaller size and intensity would generate lower impacts than the proposed Project's other less-than-significant effects evaluated in the Initial Study, including land use, visual quality (except aesthetic effect), population, construction and operational noise, air quality, shadow, wind, geology and seismicity, and hazards, among others.

While the Adaptive Reuse Alternative would be the environmentally superior alternative, it would not meet the Project Sponsor's objectives of providing the maximum number of residential units permitted by Planning Code in the Nob Hill area. However, this alternative would meet the Project Sponsor's objective of providing multiple units of housing in the Nob Hill area as well as meet the Project Sponsor's objective to design a project that enhances the existing urban character of the area. Additionally, the Adaptive Reuse Alternative would not provide the City with as much housing, including as much funding for the City's Inclusionary Housing Program, and housing adjacent to transportation corridors, which the Revised Project provides and which are important policy goals of the General Plan.

C. ALTERNATIVE C: PARTIAL PRESERVATION—BELL TOWER

Alternative C, the Partial Preservation—Bell Tower Alternative, would preserve only the bell tower of the existing church, demolish the rest of the church building, and construct a residential building, which would cover the remainder of the lot, including the existing surface parking lot to the north of the church building. When viewed from Larkin Street, the northern half of the building would have five stories and the southern half would have four stories plus the bell tower. This alternative would have 27 units in four stories, with a penthouse unit in the fifth story for a total of 28 units. There would be common open space on the roof of the fourth floor that would incorporate the observation deck of the bell tower. In comparison, the proposed project would be a 27-unit, six-story building on the site of the existing church, and a one-story parking garage with roof-top open space on the site of the existing surface parking lot. Alternative C would have 30 spaces of parking between a 24-space underground parking garage accessed from Clay Street and a six-space ground-level garage accessed from Larkin Street. The bell tower would be incorporated into the new building's lobby and roof-top common open space.

Alternative C would result in the demolition of the majority of the church structure. Although the bell tower would be rehabilitated in accordance with the *Secretary of the Interior's Standards for Rehabilitation*, the loss of the historic church building would be considered a significant and unavoidable effect. As under the proposed project, the loss of the historic church building would not constitute a substantial

adverse change to the potential historic district. Further, the new residential building constructed under this alternative would not destroy features and spatial relationships that characterize the potential historic district, and therefore, would not substantially affect the significance of the potential district.

While the Alternative C would have a significant unavoidable historic resource impact similar to the proposed Project, its impact to historic resources would be somewhat less severe because one of the character defining features, the bell tower, would be retained and rehabilitated. Implementation of Mitigation Measure 5 would not reduce this impact to a less-than-significant level. This alternative would meet most of the Project Sponsor's objectives.

The Partial Preservation Alternative would have similar less-than-significant impacts on aesthetics and neighborhood character as the proposed project.

D. ALTERNATIVE C1: PARTIAL PRESERVATION ALTERNATIVE VARIANT

Alternative C1, the Partial Preservation Alternative Variant, would preserve the primary architecturally distinguishing features of the existing church - the façades along Clay and Larkin, the sanctuary as a two-story space, the stained glass windows of the sanctuary, and the current roofline visible from Clay and Larkin. This alternative would have a range of units from 14-22, and would be six stories high. A portion of the existing church would be demolished. For a 14 unit addition a portion toward the interior of the building would be demolished. For a 22-unit addition the rear half of the existing building would be demolished. A small addition would provide for a rear yard that complies with the Planning Code, while a larger addition would require a rear yard variance.

Any new addition would be separated from the church structure with a seismic separation of about 8 inches needed together with a 2-hour rated wall. Two dwelling units would be incorporated into the portion of the remaining church. Parking under this alternative could accommodate 13 off-street parking spaces.

Alternative C1, Variant would result in the demolition of a portion of the church structure, reconstruction of the basement and supporting structure for the first floor, and construction of a six-story building on the project site, which together would be considered a significant and unavoidable effect on the historic resource. As under the proposed Project, there would not be a substantial adverse change to the potential historic district since the proposed Project would not substantially affect the significance of the potential historic district. Implementation of Mitigation Measure 5 would not reduce the impact to historic resources to a less-than-significant level.

This alternative would have similar less-than-significant impacts on aesthetics and neighborhood character as the proposed project. Compared to the proposed project, this alternative's transportation and parking effects would be less because there would be only one garage access/egress on Clay Street and with fewer units, operating conditions and the levels of congestion at the key intersections studied would be less than those of the proposed project, and would be less than significant.

Mitigation measures identified in Chapter IV would reduce to less-than-significant levels potential impacts of both this alternative and the proposed project on construction air quality 34, hazardous materials, and archeological cultural resources. This alternative's similar size and intensity would yield similar impact levels for the other less-than-significant effects of the proposed project evaluated in the Initial Study. These impacts include land use, visual quality (except aesthetic effect), population, construction and operational noise, air quality, shadow, wind, geology and seismicity, and hazards, among others.

This alternative would not meet the project sponsor's objective of providing the maximum number of residential units permitted by the Planning Code in the RM-3 District.

E. FINDINGS APPLICABLE TO ALL ALTERNATIVES

The Commission has reviewed each of the alternatives described above and found them to be financially infeasible for, among other reasons set forth in the administrative record for this Project, the reasons set forth in the Murphy Burr Curry Inc. Report on Physical Deterioration of Existing Building at 1601 Larkin Street ("Structural Report"), dated April 17, 2012. As documented in the Structural Report, the existing condition of the building includes numerous structural deficiencies, making it currently unsafe and unsuitable for any use. Thus, the no project alternative is infeasible. The Structural Report also includes detailed and accurate scopes and cost estimates for repair and rehabilitation of the building, either for use as a church, or under a baseline rebuild scenario that would restore the structure to a code-compliant shell for an unspecified use, and analyzes 3 potential residential development strategies, each of which retains a different portion of the existing church. For the reasons set forth in more detail in the Structural Report and also below in the Statement of Overriding Considerations, the Commission finds that it is not financially feasible to retain all or a meaningful part of the existing building, and that any alternative that proposes to retain all or a meaningful part of the existing building would most likely involve a major rebuild of the existing church, essentially removing all interior features and producing a reproduction of the exterior envelope. Accordingly, alternatives that would preserve, partially preserve, or reconstruct of the church are not financially feasible.

The overall goal of the Revised Project is to develop a high-quality, sustainable, and economically feasible high-density, primarily residential project that complements and enhances the character of the surrounding neighborhood. The Project will provide numerous public benefits, including the following, as well as those listed below in Section IV, Statement of Overriding Considerations.

- Housing. The Project will increase the City's housing stock by providing up to 27 new housing units, and will contribute to the production of affordable housing in the City by complying with the City's Residential Inclusionary Affordable Housing Program.
- Land Use and Urban Design. The Project would redevelop an underutilized vacant site that includes a large surface parking lot with a new mixed use, high-density development with housing, ground floor retail uses, and new public parks and open space.

- Economic Development and Jobs. The Project would generate construction jobs during the construction of the Project as well as permanent employment opportunities to support the Project's new residential and commercial uses during a period of high unemployment in the City and the region.
- On balance, the Project is consistent with the objectives and policies of the General Plan, as set forth in more detail in Section V, Statement of Overriding Considerations, below.

For all of the reasons set forth above, the Commission rejects the Alternatives to the project described in the Final EIR. All of the reasons stated herein provide sufficient independent grounds for rejecting the Alternatives.

VI. STATEMENT OF OVERRIDING CONSIDERATIONS

The Commission finds that, notwithstanding the imposition of all feasible mitigation measures, significant impacts related to Historic Resources will remain significant and unavoidable and in accordance with CEQA Guidelines Section 15092(b)(2)(B), such remaining impacts are acceptable to the overriding considerations described below. Pursuant to CEQA section 21081 and CEQA Guideline 15093, the Commission hereby finds, after consideration of the Final EIR and the evidence in the record, that each of the specific overriding economic, legal, social, technological and other benefits of the Revised Project as set forth below independently and collectively outweighs these significant and unavoidable impacts and is an overriding consideration warranting approval of the Project. Any one of the reasons for approval cited below is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the Commission will stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this Section, and in the documents found in the record of proceedings, as defined in Section I.

On the basis of the above findings and the substantial evidence in the whole record of this proceeding, the Commission specifically finds that there are significant benefits of the proposed Project to support approval of the Project in spite of the unavoidable significant impacts, and therefore makes this Statement of Overriding Considerations. Specifically, notwithstanding the significant and unavoidable impact to historic resources, the Project benefits as described below and described elsewhere in this document, outweigh these impacts.

The Commission further finds that, as part of the process of obtaining Project approval, all significant effects on the environment from implementation of the Project have been eliminated or lessened where feasible. All mitigation measures proposed in the Final EIR for the proposed Project and determined to be feasible by these findings are adopted as part of this approval action.

The Project would result in the following benefits:

- General Plan Objectives and Policies. On balance, the Project is consistent with the objectives and policies of the General Plan and would further its objectives and policies, including:

Housing Element, Objective 1: To Provide New Housing, Especially Permanently Affordable Housing, In Appropriate Locations Which Meets Identified Housing Needs And Takes Into Account The Demand For Affordable Housing Created By Employment Demand.

Policy 1.1: Encourage higher residential density in areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing, and in neighborhood commercial districts where higher density will not have harmful effects, especially if the higher density provides a significant number of units that are affordable to lower income households.

Policy 1.4: Locate in-fill housing on appropriate sites in established residential neighborhoods.

Transportation Element, Objective 2: Use The Transportation System As A Means For Guiding Development And Improving The Environment.

Policy 2.1: Use rapid transit and other transportation improvements in the city and region as the catalyst for desirable development, and coordinate new facilities with public and private development.

Policy 2.2: Reduce pollution, noise and energy consumption.

Due to the abundant transit and commercial services in the area, residents of the Project can minimize use of the private automobile to commute and meet basic needs. The Project site is suitable for accommodating dense residential development that will discourage sprawling regional development patterns that are strongly auto-oriented and contribute to greenhouse gas emissions.

Urban Design Element, Objective 3: Moderation Of Major New Development To Complement The City Pattern, The Resources To Be Conserved, And The Neighborhood Environment.

Policy 3.1: Promote harmony in the visual relationships and transitions between new and older buildings.

Policy 3.2: Avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.

Policy 3.5: Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development.

Policy 3.7: Recognize the special urban design problems posed in development of large properties.

- Murphy Burr Curry Inc. Report on Physical Deterioration of Existing Building at 1601 Larkin Street. The existing church building was constructed in 1911 on the subject parcel. The church

building was closed and has been out of service since 2003. Physical conditions of the Church are comprehensively documented in the record, namely: the Church is structurally unsound in that (1) it sits on an unreinforced concrete perimeter foundation which lacks any reinforcing steel, and which concrete is spalling (crumbling); (2) the Church is not anchored to the foundation; (3) the at grade portion of the foundation consists of raw redwood beams placed directly on untreated soil at grade which is an unsafe, unsound, improper and unpermitted form of construction; (4) the Church has no structural shear connections to resist lateral movement of the building in a seismic event; and (5) the Church has massive dry rot from top to bottom of its exterior walls and major structural elements, e.g. the columns to the 55 foot tall bell tower which is readily visible from the street.

The Structural Report prepared by Murphy Burr Curry Inc. documents the condition of the vacant Church building. The report was prepared in response to a San Francisco Planning Department Scope of Structural Report for 1601 Larkin Street and details the existing condition of the building, identifying specific structural deficiencies. The report also includes detailed and accurate scopes and cost estimates for repair and rehabilitation of the building, either for use as a church, or under a baseline rebuild scenario that would restore the structure to a code-compliant shell for an unspecified use, and analyzes 3 potential residential development strategies, each of which retains a different portion of the existing church. The Murphy Burr Curry Inc. report dated April 17, 2012 documents the following facts:

1. The building is considered as unreinforced masonry as defined in Section 1603 of the 2011 San Francisco Building Code.
2. The overall structural condition of the existing building is considered poor, with a significant amount of water damage to both the interior and exterior of the building from leaks in the roof and walls.
3. The framing is in severely deteriorated condition.
4. The condition of the mortar joints in the brick veneer is very poor condition, with some sections loose and friable to the touch. The overall condition of the brick masonry veneer is poor due to this deteriorated mortar and the absence of masonry ties to a support structure.
5. Severe damage to a numerous wood framing members, which were rotted through, was observed. Sections of diagonal wall sheathing were also completely rotted through.
6. Nails used to connect the stucco to the wood framing were rusted through and disintegrated at many locations.
7. At the interior walls and ceiling of the building, there are a number of large areas of peeling paint indicating water intrusion through the building exterior. At these locations, there was water staining in the plaster finishes and sections of fallen plaster indicating long-term water intrusion.

8. The overall condition of the existing building is considered poor, with a significant amount of water damage to both the interior and exterior of the building. The approximate costs of repair of the existing building would be as follows, to create the uses indicated:

Church: \$5,144,943

Building shell only: \$3,961,644

12 Residential Units with basement parking: $\$3,961,644 + \$1,485,000 = \$5,446,644$

12 Residential units without basement parking: $\$3,961,644 + \$1,492,500 = \$5,454,144$

Partial demolition and new addition, 14 units: \$7,400,000

Partial demolition and new addition, 18 units: \$8,828,000

Partial demolition and new addition, 22 units: \$10,972,000

The costs listed above do not include acquisition costs; BMR fees of approximately \$1,000,000; loan costs; owner/contractor insurance program costs; brokerage fees; or developer's profit.

Based on the conclusions in the Murphy, Burr, Curry, Inc. Report, the Commission finds that it is not commercially financially feasible to retain all or a meaningful part of the existing building, and that any project that proposes to retain all or a meaningful part of the existing building is most likely to involve a major re-build of the existing church, essentially removing all interior features and producing a reproduction of the exterior envelope. Accordingly, the partial preservation or reconstruction of the church is not financially feasible.

- Advancement of the Public Health and Safety. It is the policy of the City to provide a safe environment for its citizens and visitors. It is in the public health and safety interests of the City and County of San Francisco, and its residents and visitors, to demolish the Church to prevent injury or death in the event of collapse of all or a portion of the Church in a seismic event, or in the event of a piece of the Church falling off and hitting a pedestrian which could result in serious injury or death.
- Tax Base Enhancement Provided by the Proposed Project. The policy of the City is to support and enhance its property tax base to provide revenue to pay for the City's operating and capital expenses including programs and services which benefit all citizens of San Francisco. The Commission finds that collecting the increase in property taxes generated by the Project would provide a substantial benefit to the City which in and of itself would outweigh any impact on the environment associated with demolition of the Church.
- Job Creation and Preservation. The national and local economy is in an economic recession which has caused substantial job loss in the construction industry in particular in the City and County of San Francisco. Demolition of the existing Church and construction of the proposed building will create and preserve construction jobs which benefit the City and its residents. In addition, purchase of materials and supplies to be incorporated into the proposed building will support local business and increase sales taxes which will further benefit the City and its residents.

- Advancement of General Plan Policies Promoting Construction of New Housing. An important policy goal of the General Plan and of the City as a whole is to create new housing for its residents. The subject parcel is zoned RM-3, which permits medium density housing. Based on the size of the subject parcel, the proposed project would contain 27 residential housing units, which density is consistent with the RM-3 Zoning and the General Plan. It is desirable and would benefit the City and its residents to have 27 additional units of newly constructed housing to replace a functionally obsolete, deteriorating building. Based on the size of the proposed units it is reasonable to expect the addition of approximately fifty (50) new residents to the neighborhood who would contribute to the vitality of street life and enhance the consumer base for local merchants, both of which are positive and desirable effects for the City and its citizens and visitors.
- Green Attributes of the Project. The policy and law of the City and County of San Francisco is to create, promote and grow a “green” local economy for the benefit of its citizens and as a model for other cities throughout the United States. Construction of green buildings is one area of significant focus. The proposed project will utilize green materials, create green jobs, and create a green LEED building which has many benefits for the City and County of San Francisco and its citizens, including, among many, reduction of utility (gas, electricity and water) consumption by residents of the building.
- Increase in Housing Supply. The proposed Project will create 27 residential units and will increase the City’s housing supply. These residential units will help address the City’s broader need for additional housing in a citywide context in which job growth and in-migration outpace the provision of new housing by a wide margin.

Having considered these benefits, the Commission finds that the benefits of the Project outweigh the unavoidable adverse environmental effects, and that the adverse environmental effects are therefore acceptable. The Commission further finds that each of the above considerations is sufficient to approve the Project.

**EXHIBIT D:
 MITIGATION MONITORING AND REPORTING PROGRAM
 (Includes Text for Adopted Mitigation and Improvement Measures)**

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<u>Mitigation Measure 1: Construction air Quality</u> has been replaced by the San Francisco Health Code Article 22B, Construction Dust Control.				
Mitigation Measure 2: Hazardous Materials				
<p>Prior to disturbing soils on the project site, the project sponsor shall implement the following measures:</p> <p>(a) Soil and Groundwater Testing A Phase II Environmental Site Assessment of the project site shall be conducted to ensure that all areas of suspected subsurface contamination subject to ground disturbance during site development activities are sampled. A Registered Environmental Assessor or similarly qualified individual shall complete these studies. Testing results shall be reported to the San Francisco DPH, which would require further characterization of any hazards associated with petroleum hydrocarbons from the site fill materials. Should contamination at or above potentially hazardous levels be found, the following actions shall be taken:</p> <p>(b) Site Mitigation Plan (SMP) and Corrective Action Plan (CAP) If the sampling conducted identifies surface and/or subsurface contamination in areas subject to ground disturbance, a SMP shall be prepared, per the determination of DPH. Where hazardous substances are found for which no standards are established, the sponsor would request a determination from state and federal agencies as to whether an SMP is needed. The sponsor would be required to submit the SMP to the appropriate state or federal agency (ies), and to implement an approved SMP prior to issuance of any building permit.</p> <p>Should groundwater be found to have been contaminated at levels above regulatory thresholds, or where petroleum contamination in soils has the potential to impact groundwater at levels above regulatory thresholds, a CAP would be required by the Regional Water Quality Control Board (RWQCB).</p> <p>(c) Remediation Prior to conducting any remediation activities a Site Health and Safety Plan would be prepared pursuant to the California Division of Occupational Health and Safety (Cal-OSHA) requirements and National Institute for Occupational Safety and Health guidance to ensure worker safety. Under Cal-OSHA requirements, the Site Health and Safety Plan would need to be prepared prior to initiating any earth moving activities at the site.</p>	Project Sponsor	Prior to soils disturbance	Planning Department, in consultation with DPH. Where a site mitigation plan is required, Project Sponsor or contractor shall submit a monitoring report to DPH, with a copy to Planning Department and DBI, at end of construction	Considered complete upon end of construction

**EXHIBIT D:
 MITIGATION MONITORING AND REPORTING PROGRAM
 (Includes Text for Adopted Mitigation and Improvement Measures)**

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>The site shall be remediated in accordance with the standards, regulations, and determinations of local, state, and federal regulatory agencies. The project sponsor shall coordinate with the DPH and any other applicable regulatory agencies to adopt contaminant-specific remediation target levels. Should contaminants at potentially hazardous levels be found, the hazardous substances shall be removed and disposed of at an approved site, or other appropriate actions shall be taken. In addition, installation of groundwater monitoring wells may be required to confirm contaminant concentrations and groundwater flow direction.</p> <p>Several remediation options are: (1) natural attenuation (impacted soil and groundwater is allowed to remain in place and degrade naturally over time); (2) excavation and removal of impacted soil to the extent feasible and backfill with clean soil; (3) introduction of an oxygen release compound into the soil and groundwater at the release site to stimulate biodegradation of the petroleum hydrocarbons; and (4) some form of active groundwater treatment, such as air sparging or extraction and treatment. Remedial actions associated with the soil and groundwater at the project site, if required by DPH, shall be performed concurrently or shortly following demolition.</p> <p>(d) Handling, Hauling, and Disposal of Contaminated Soils</p> <p>(d.1) Dust suppression Soils exposed during excavation for site preparation and project construction activities shall be kept moist, or as otherwise directed by DPH to minimize particulates, throughout the time they are exposed, both during and after work hours.</p> <p>(d.2) Surface water runoff control Where soils are stockpiled, plastic sheeting shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles during inclement weather.</p> <p>(d.3) Soils replacement If necessary, clean fill or other suitable material(s) shall be used to bring portions of the project site, where contaminated soils have been excavated and removed, up to construction grade. If directed by the DBI, the recommendations of the geotechnical report will be followed, and the top 24 inches of site soils will be re-compacted to 95 percent relative compaction.</p>				

**EXHIBIT D:
 MITIGATION MONITORING AND REPORTING PROGRAM
 (Includes Text for Adopted Mitigation and Improvement Measures)**

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>(d.4) Hauling and disposal Contaminated soils shall be hauled off the project site by waste hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California.</p> <p>(e) Preparation of Certification Report After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a certification report to DPH for review and approval. The certification report shall include the mitigation measures in the SMP for handling and removing contaminated soils from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures, if at all.</p> <p>(f) Deed Recordation After project construction and if both of the following circumstances are met, the project sponsor shall file a recordation on the deed for the subject property that indicates the need to take special precautions during future disturbance of the soils on the property due to certain on-site soil conditions: (1) based on the results of the soil and groundwater tests, DPH determines that project site soils or groundwater are contaminated at or above potentially hazardous levels, and (2) potentially hazardous levels of contaminants remain at the project site.</p>				
Mitigation Measure 3: Hazardous Materials				
<p>The Project Sponsor would ensure that building surveys for PCB-containing equipment, hydraulic oils, and fluorescent lights are performed prior to the start of demolition. Any hazardous materials discovered would be abated according to federal, state, and local laws and regulations.</p>	Project Sponsor	Prior to demolition	Planning Department, in consultation with DPH.	Considered complete upon approval project
Mitigation Measure 4: Archeological Resources				
<p>The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried historical resources as defined in CEQA Guidelines Section 15064.5(a)(c). The project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities contractor involved in soils disturbing</p>	Project Sponsor	Prior to any soil disturbing activities	Project Sponsor, archeologist and Environmental Review Officer (ERO)	Prior to soil disturbing activities

**EXHIBIT D:
 MITIGATION MONITORING AND REPORTING PROGRAM
 (Includes Text for Adopted Mitigation and Improvement Measures)**

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.</p> <p>Should any indication of an archeological resource be encountered during any soils disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.</p> <p>If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of a qualified archeological consultant. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.</p> <p>Measures might include: preservation in situ of the archeological resource; an archeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Major Environmental Analysis (MEA) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.</p> <p>The project archeological consultant shall submit a Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describing the archeological and historical research methods employed in the archeological monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.</p> <p>Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1)</p>				

**EXHIBIT D:
 MITIGATION MONITORING AND REPORTING PROGRAM
 (Includes Text for Adopted Mitigation and Improvement Measures)**

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.</p>				
<p><i>Mitigation Measure 5: Historic Architectural Resources</i></p>				
<p>Implementation of this mitigation measure would reduce the impact to historic architectural resources, but not to a less-than-significant level. Therefore, impacts related to the demolition of the 1601 Larkin Street church building would remain significant and unavoidable. However, to partially offset the loss of the project site building, the project sponsor shall, at a minimum, ensure that a complete survey meeting the standards of the Historic American Building Survey (HABS) is undertaken prior to demolition. This survey shall be completed in accordance with HABS level II documentation standards.</p> <ul style="list-style-type: none"> ▪ Prior to demolition, the project sponsor shall provide adequate documentation of the existing building. The documentation shall be submitted to the City and County of San Francisco Planning Department and found to be adequate prior to authorization of any permit that may be required for demolition of the building. In addition, the project sponsor shall prepare and transmit the photographs and descriptions of the property to the History Room of the San Francisco Public Library and the NWIC of the California Historic Information Resource System. The documentation shall include: <ul style="list-style-type: none"> – A video documentary of the property. – Photo-documentation of the property to HABS Standards. The standard size of negatives and transparencies (and accompanying prints) are 5-by-7 inches. Other large-format sizes such as 4-by-5 inches and 8-by-10 inches are also acceptable for formal documentation. Roll film, film packs, and electronic manipulation of images are not acceptable. 	<p>Project Sponsor,</p>	<p>Prior to approval of Demolition Permit</p>	<p>ERO to approve submittal.</p>	<p>Prior to start of demolition.</p>

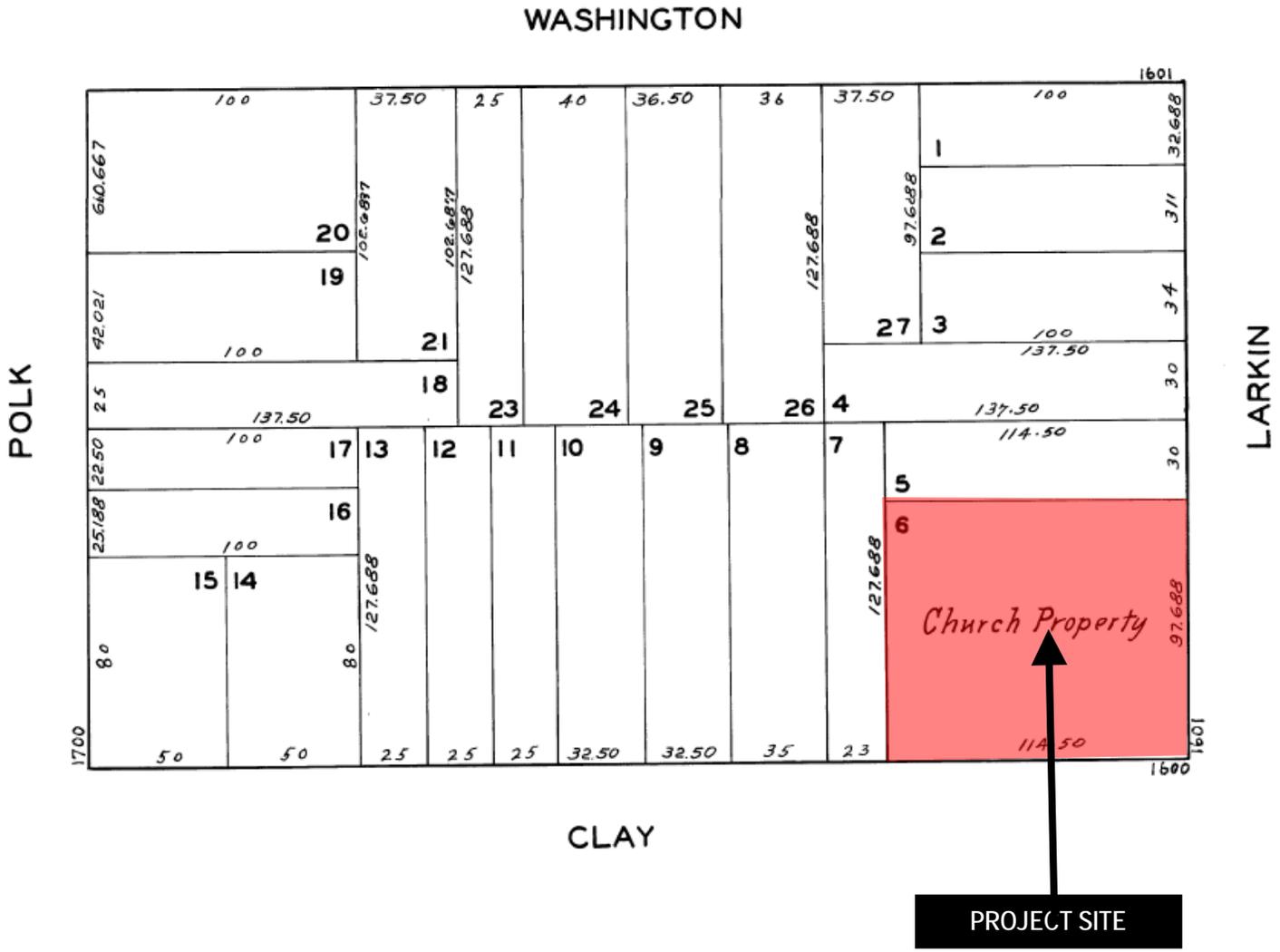
**EXHIBIT D:
 MITIGATION MONITORING AND REPORTING PROGRAM
 (Includes Text for Adopted Mitigation and Improvement Measures)**

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>Images must be fully identified with the name and location of the structure, a description of the feature or view being photographed, and the direction in which the photograph was taken, as well as the name of the photographer and the date created.</p> <ul style="list-style-type: none"> - Black and white, 35 millimeter photographs of the interior and exterior of the building. Negatives and 5-by-7 inch prints should be processed to meet archival requirements (i.e., negatives must be on safety film only; resin-coated paper is not accepted). - As-built drawings of the building, produced to HABS and Historic American Engineering Record Standards. - The available original plans of the building shall be included as part of the documentation. All drawings and site plans shall be appropriate conserved at the site or at a qualified repository. <ul style="list-style-type: none"> ▪ Prior to demolition, the project sponsor shall salvage the character-defining elements of the existing building that are considered to be historically significant, as determined by a qualified architectural historian (and can feasibly be salvaged), and shall seek to donate those elements to an organization such as a local historical society. The features to be salvaged shall be determined by the City following consultation with a qualified historical resources firm. Features to be salvaged should include primary character-defining features. Donation of the materials to the historical society or other entity approved by the City shall be confirmed by the City prior to the issuance of demolition permits 				
IMPROVEMENT MEASURES				
<i>Improvement Measure 1: Transit</i>				
To reduce the number of poles to support the Muni overhead wire system, Muni may request the installation of eyebolts in the proposed project building for the 1-California bus line that runs eastbound on Clay Street.	Muni	Post construction, if Muni determines measure is necessary.	Report to ERO	Post construction
<i>Improvement Measure 2: Parking</i>				
As an improvement measure to reduce the proposed project's parking demand and parking shortfall, and to encourage use of alternative modes, the project sponsor would provide a transportation insert for the move-in packet that would provide information on transit service (Muni and BART lines, schedules and fares), information on where Fast Passes could be purchased, and information on the 511	Project sponsor	Post Constuction , and pre-sale of units or pre-rental of units.	Report to ERO.	Post construction and pre-rental or sale of units.

**EXHIBIT D:
 MITIGATION MONITORING AND REPORTING PROGRAM
 (Includes Text for Adopted Mitigation and Improvement Measures)**

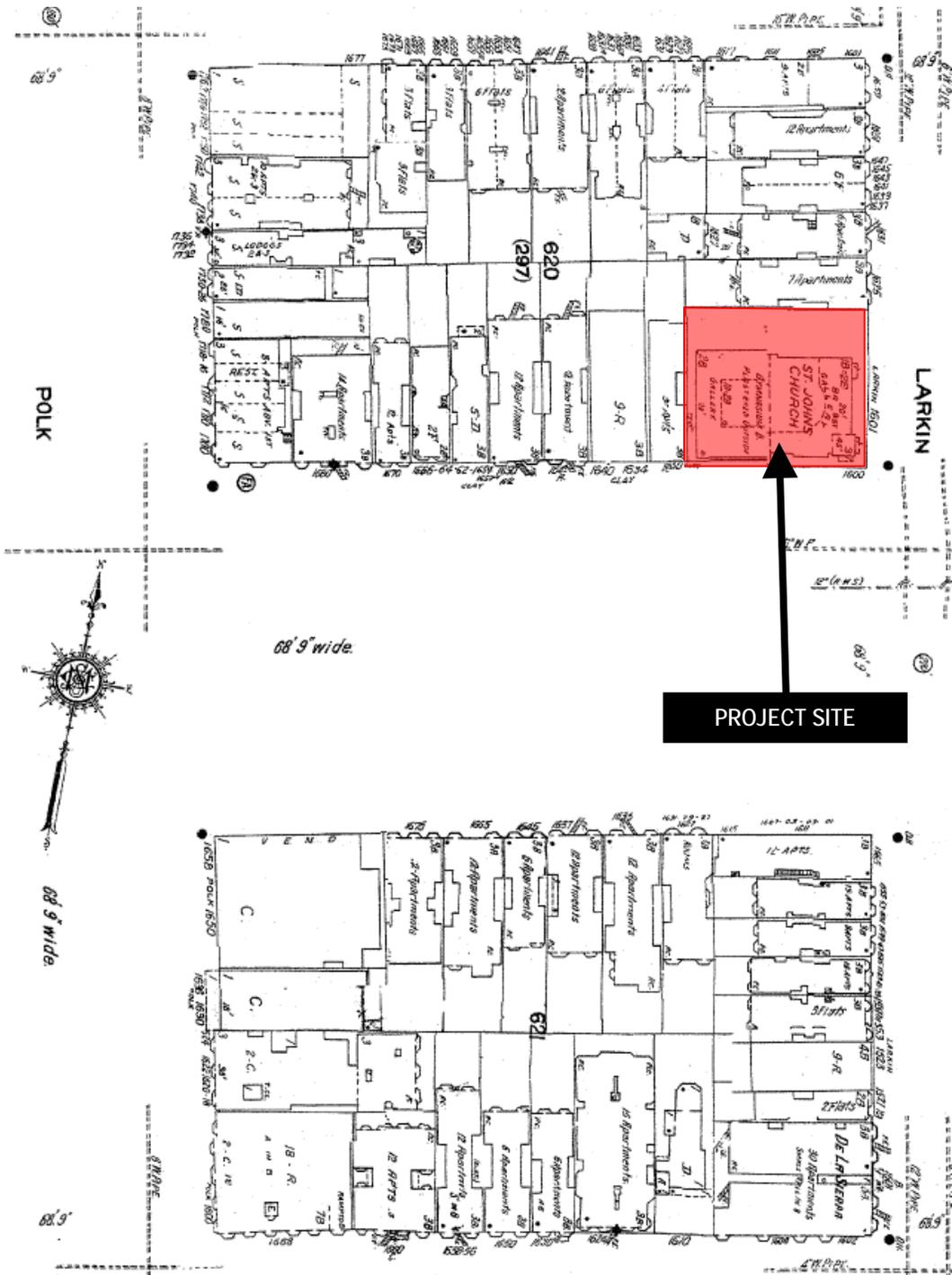
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
Regional Rideshare Program. The project sponsor could "unbundle" the sale or rental price of the parking spaces from the sale or rental price of residential units to provide a financial incentive for car-free living.				
<i>Improvement Measure 3: Construction</i>				
<p>Any construction traffic occurring between 7:00 and 9:00 a.m. or between 3:30 and 6:00 p.m. would coincide with peak hour traffic and could temporarily impede traffic and transit flow, although it would not be considered a significant impact. An improvement measure limiting truck movements to the hours between 9:00 a.m. and 3:30 p.m. (or other times, if approved by SFMTA) would minimize disruption of the general traffic flow on adjacent streets during the a.m. and p.m. peak periods.</p> <p>The project sponsor and construction contractor(s) could meet with the Traffic Engineering Division of the DPT, the Fire Department, Muni, the Planning Department and other City agencies to determine feasible measures to reduce traffic congestion, including temporary bus stop relocation and other potential transit disruption and pedestrian circulation effects during construction of the project. The temporary parking demand by construction workers may need to be met on-site, on-street, or within other off-street parking facilities.</p>	Project Sponsor and construction Manager	Prior to start of Demolition	Report to ERO	Prior to start of construction

Parcel Map



Conditional Use/Variance Hearing
 Case Number 2013.0890CEV
 1601 Larkin Street

Sanborn Map*



*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use/Variance Hearing
 Case Number 2013.0890CEV
 1601 Larkin Street

Aerial Photo

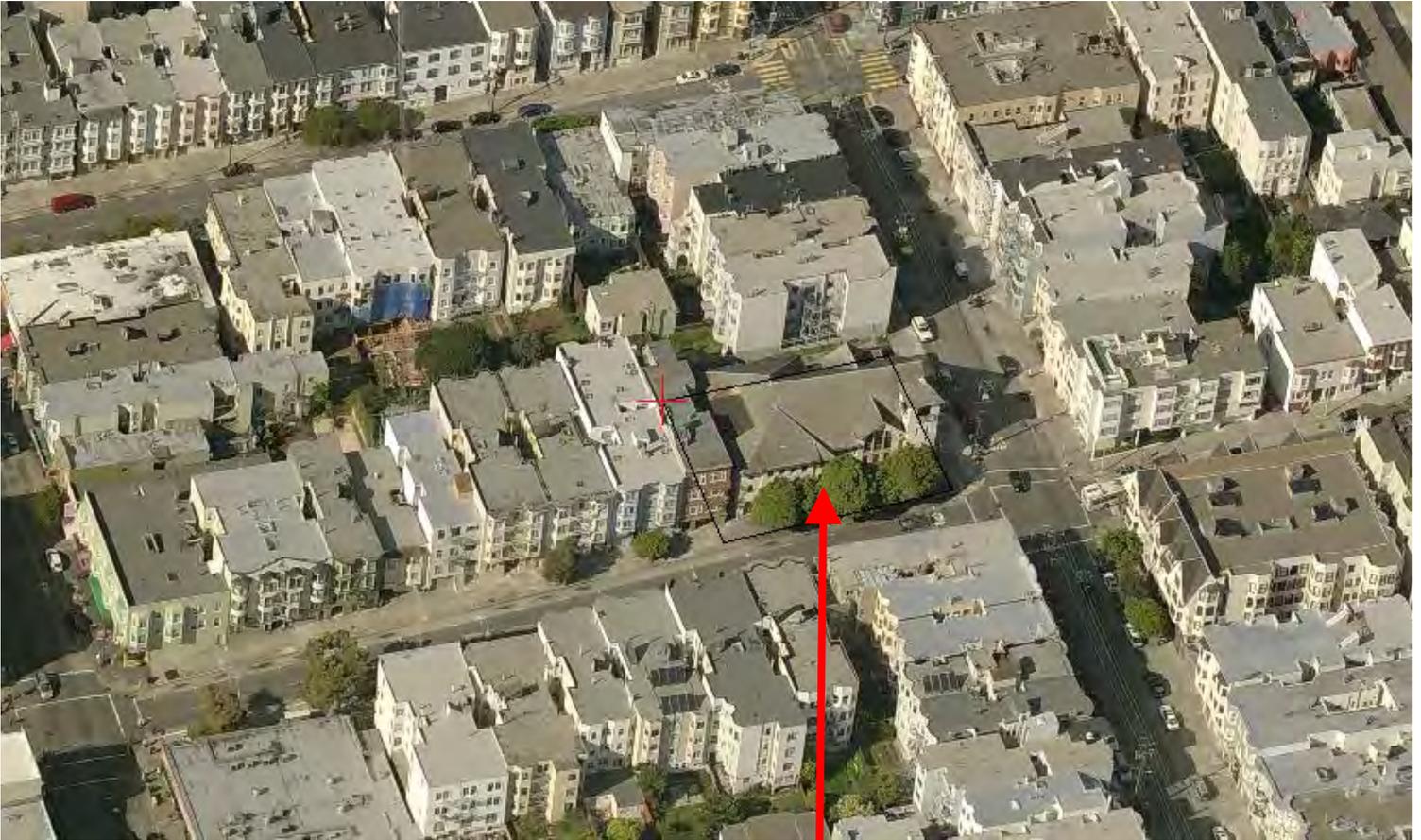


PROJECT SITE



Conditional Use/Variance Hearing
Case Number 2013.0890CEV
1601 Larkin Street

Aerial Photo



Looking North

PROJECT SITE

Conditional Use/Variance Hearing
Case Number 2013.0890CEV
1601 Larkin Street

Aerial Photo



Looking West

PROJECT SITE

Conditional Use/Variance Hearing
Case Number 2013.0890CEV
1601 Larkin Street



SAN FRANCISCO PLANNING DEPARTMENT

Residential Pipeline

ENTITLED HOUSING UNITS 2007 TO Q1 2012

State law requires each city and county to adopt a Housing Element as a part of its general plan. The State Department of Housing and Community Development (HCD) determines a Regional Housing Need Allocation (RHNA) that the Housing Element must address. The need is the minimum number of housing units that a region must plan for in each RHNA period.

This table represents all development projects adding residential units that have been entitled since January 2007. The total number of entitled units is tracked by the San Francisco Planning Department, and is updated quarterly in coordination with the Pipeline Report. Subsidized housing units, including moderate and low income units, are tracked by the Mayor's Office of Housing, and are also updated quarterly.

2012 - QUARTER 1	RHNA Allocation 2007-2014	Units Entitled To Date	Percent Entitled
Total Units Entitled¹	31,193	11,130	35.7%
Above Moderate (> 120% AMI)	12,315	7,457	60.6%
Moderate Income (80-120% AMI)	6,754	360	5.3%
Low Income (< 80% AMI)	12,124	3,313	27.3%

¹ Total does not include entitled major development projects such as Treasure Island,, Candlestick, and Park Merced. While entitled, these projects are not projected to be completed within the current RHNA reporting period (through June 2014).

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377



SAN FRANCISCO
PLANNING
DEPARTMENT

AFFIDAVIT FOR Compliance with the Inclusionary Affordable Housing Program

Date: January 11, 2013

To: Applicants subject to Planning Code Section 415: Inclusionary
Affordable Housing Program

From: San Francisco Planning Department

Re: Compliance with the Inclusionary Affordable Housing Program

Planning Department
1650 Mission Street
Suite 400
San Francisco, CA
94103-9425

T: 415.558.6378
F: 415.558.6409

All projects that involve five or more new dwelling units must participate in the *Inclusionary Affordable Housing Program* contained in Section 415 of the Planning Code. Every project subject to Section 415 must pay an Affordable Housing Fee that is equivalent to the applicable percentage of the number of units in the principal project, which is 20% of the total number of units proposed (or the applicable percentage if subject to different area plan controls or requirements).

A project may be eligible for an Alternative to the Affordable Housing Fee if the developer chooses to commit to sell the new on- or off-residential units rather than offer them as rental units. Second, the project may be eligible for an Alternative to the Affordable Housing Fee if it has demonstrated to the Planning Department that the affordable units are not subject to the Costa Hawkins Rental Housing Act. All projects that can demonstrate that they are eligible for an alternative to the Affordable Housing Fee must provide the necessary documentation to the Planning Department and the Mayor's Office of Housing. Additional material may be required to determine if a project is eligible to fulfill the Program's requirements through an alternative.

Before the Planning Department and/or Planning Commission can act on the project, this *Affidavit for Compliance with the Inclusionary Affordable Housing Program* must be completed.

Affidavit for Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415

September 18, 2013

Date

I, Pacific Polk Properties, LLC, do hereby declare as follows:

a. The subject property is located at (address and block/lot):

1601 Larkin Street, San Francisco, CA 94109

Address

0620/006

Block / Lot

b. The proposed project at the above address is subject to the Inclusionary Affordable Housing Program, Planning Code Section 415 et seq.

The Planning Case Number and/or Building Permit Number is:

Planning Case Number

Building Permit Number

This project requires the following approval:

- Planning Commission approval (e.g. Conditional Use Authorization, Large Project Authorization)
- This project is principally permitted.

The Current Planner assigned to my project within the Planning Department is:

Kevin Guy

Planner Name

Is this project within the Eastern Neighborhoods Plan Area?

- Yes (if yes, please indicate Tier)
- No

This project is exempt from the Inclusionary Affordable Housing Program because:

- This project uses California Debt Limit Allocation Committee (CDLAC) funding.
- This project is 100% affordable.

c. This project will comply with the Inclusionary Affordable Housing Program by:

- Payment of the Affordable Housing Fee prior to the first site or building permit issuance (Planning Code Section 415.5).
- On-site or Off-site Affordable Housing Alternative (Planning Code Sections 415.6 and 416.7).

Affidavit for Compliance with the Inclusionary Affordable Housing Program

d. If the project will comply with the Inclusionary Affordable Housing Program through an On-site or Off-site Affordable Housing Alternative, please fill out the following regarding how the project is eligible for an alternative and the accompanying unit mix tables on page 4.

Ownership. All affordable housing units will be sold as ownership units and will remain as ownership units for the life of the project.

Rental. Exemption from Costa Hawkins Rental Housing Act.² The Project Sponsor has demonstrated to the Department that the affordable units are not subject to the Costa Hawkins Rental Housing Act, under the exception provided in Civil Code Sections 1954.50 through one of the following:

Direct financial contribution from a public entity.

Development or density bonus or other public form of assistance.

Development Agreement with the City. The Project Sponsor has entered into or has applied to enter into a Development Agreement with the City and County of San Francisco pursuant to Chapter 56 of the San Francisco Administrative Code and, as part of that Agreement, is receiving a direct financial contribution, development or density bonus, or other form of public assistance.

e. The Project Sponsor acknowledges that failure to sell the affordable units as ownership units or to eliminate the on-site or off-site affordable ownership-only units at any time will require the Project Sponsor to:

(1) Inform the Planning Department and the Mayor's Office of Housing and, if applicable, fill out a new affidavit;

(2) Record a new Notice of Special Restrictions; and

(3) Pay the Affordable Housing Fee plus applicable interest (using the fee schedule in place at the time that the units are converted from ownership to rental units) and any applicable penalties by law.

f. The Project Sponsor must pay the Affordable Housing Fee in full sum to the Development Fee Collection Unit at the Department of Building Inspection for use by the Mayor's Office of Housing prior to the issuance of the first construction document, with an option for the Project Sponsor to defer a portion of the payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge that would be deposited into the Citywide Affordable Housing Fund in accordance with Section 107A.13.3 of the San Francisco Building Code.

g. I am a duly authorized officer or owner of the subject property.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this day in:

San Francisco
Location

9-18-13
Date

John McInerney
Signature

John McInerney Manager
Name (Print), Title

415 350 1750
Contact Phone Number

cc: Mayor's Office of Housing
Planning Department Case Docket
Historic File, if applicable
Assessor's Office, if applicable

Unit Mix Tables

NUMBER OF ALL UNITS IN PRINCIPAL PROJECT:					
Total Number of Units	SRO	Studios	One-Bedroom Units	Two Bedroom Units	Three Bedroom Units
27	0	1	4	21	1

If you selected an On-site or Off-Site Alternative, please fill out the applicable section below:

- On-site Affordable Housing Alternative (Charter Section 16.110 (g) and Planning Code Section 415.6): calculated at 12% of the unit total.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED ON-SITE					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two Bedroom Units	Three Bedroom Units

- Off-site Affordable Housing Alternative (Planning Code Section 415.7): calculated at 20% of the unit total.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED OFF-SITE					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two Bedroom Units	Three Bedroom Units

Area of Dwellings in Principal Project (in sq. feet)	Off-Site Project Address				
Area of Dwellings in Off-Site Project (in sq. feet)					
Off-Site Block/Lot(s)	Motion No. (if applicable)	Number of Market Rate Units in the Off-site Project			

- Combination of payment of a fee, on-site affordable units, or off-site affordable units with the following distribution:

Indicate what percent of each option would be implemented (from 0% to 99%) and the number of on-site and/or off-site below market rate units for rent and/or for sale.

1. Fee 100 % of affordable housing requirement.

2. On-Site 0 % of affordable housing requirement.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED ON-SITE					
Total Affordable Units	SRO	Studios	One Bedroom Units	Two Bedroom Units	Three Bedroom Units

3. Off-Site 0 % of affordable housing requirement.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED OFF-SITE					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units
None					

Area of Dwellings in Principal Project (in sq. feet)	Off-Site Project Address				
Area of Dwellings in Off-Site Project (in sq. feet)					
Off-Site Block/Lot(s)	Motion No. (if applicable)	Number of Market-Rate Units in the Off-site Project			

Affidavit for Compliance with the Inclusionary Affordable Housing Program

CONTACT INFORMATION AND DECLARATION OF RESPONDER OF PRINCIPAL PROJECT	CONTACT INFORMATION AND DECLARATION OF RESPONDER OF OFF-SITE PROJECT (IF DIFFERENT)
Company Name <i>Pacific Bulk Properties LLC</i>	Company Name
Print Name of Contact Person <i>John McInerney</i>	Print Name of Contact Person
Address <i>1600 Webster St</i>	Address
City, State, Zip <i>SA 94115</i>	City, State, Zip
Phone, Fax <i>415 474 2072 / 2082</i>	Phone, Fax
Email <i>jmcinerney@pacificbulkproperties.com</i>	Email
I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above.	I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above.
Signature <i>John McInerney</i>	Signature
Name (Print), Title <i>John McInerney Manager</i>	Name (Print), Title



Middle Polk Neighborhood Association
PO Box 640918
San Francisco, CA 94164-0918

To: San Francisco Planning Commission
Re: 1601 Larkin Housing Project; Case No. 2013.0890C

July 8, 2013

Dear President Fong and Planning Commissioners,

Since we last spoke to you on this item, there have been significant changes. We present a timeline of these changes and events.

Following the June 24th 2012 guidance of Commissioner Borden, and following the informational presentation before the Planning Commission on December 13th 2012:

1. Middle Polk Neighborhood Association (MPNA) worked with the project sponsor (Pacific Polk Properties) and architect (Ian Birchall Assoc.) to inform neighbors to attend the pre-app presentation at TRI (Van Ness/Sacramento) on December 10th 2012.
2. MPNA hosted the project sponsor and his architect at our January/February monthly meeting in 2013.
3. The MPNA Leadership Team was split on support for the project. We took the question to our members in a formal survey in March 2013. Members voted 55% in favor and 45% opposed to the current design, as proposed. In accordance with our bylaws, MPNA leadership and MPNA support the project based on this majority vote.

Our member survey noted all modifications made by the project sponsor included in the Conditional Use Application and as reiterated in their presentation to the Commission, including a \$60,000 donation towards beautification projects in the Middle Polk area, as a concession given to the neighborhood for the loss of a historic resource. We wish to note that the \$60,000 neighborhood beautification fund is not directed to MPNA but will rather be managed by an unrelated fiscal sponsor organization. These concessions are conditions of MPNA's support. We respectfully request that the Commissioners note this in your deliberations.

We request the Commissioners approve the current design as proposed, with the current slate of concessions and give-backs.

Respectfully,

MPNA Leadership Team

Dawn Trennert – Chair
Wylie Evans – Vice-chair
Frank Cannata – Treasurer
Michael Schoolnik – Secretary
Brian Wallace – Director
Phillip Zackler - Director

Clay Street Homeowners Association

1561 – 1571 Clay Street
San Francisco, CA 94109

To: San Francisco Planning Commission
Re: 1601 Larkin Housing Project; Case No. 2013.0890C

August 26, 2013

Dear President Fong and Planning Commissioners:

This letter is written to you by the current owners of 1561 – 1571 Clay Street. With respect to the conditional use application before you concerning the above named project, we have maintained a review process since the original project was proposed and have reviewed all three past proposals and design iterations for 1601 Larkin. The current design now proposed and before the commission is acceptable to us, whereas the previous two designs were not.

We attended the Pre-Application presentation at TRI earlier this year, and most of us participated in the Middle Polk Neighbor Association (MPNA) survey earlier this year. Our considered view is that the proposed design is a welcome addition in both height, mass, and overall design.

We recognize those neighbors who stood their ground over the years, and welcome their efforts to make sure a design was put forth that we as stakeholders to the vitality and character of the neighborhood can accept and embrace.

The current design does just that, and we respectfully ask you to approve the project as submitted.

Sincerely,

Paul Wiefels
President, Clay Street HOA, 1563 Clay

cc: Jolie Goorjian & Barbara Marcotte, 1561 Clay
Donna Williamson, 1565 Clay
Bryan Fulton, 1567 Clay
Michael Schoolnik & Naoko Matsuda, 1569 Clay
Rebecca Nordset, 1571 Clay

From: [Stephan Coste](#)
To: [Guy, Kevin](#)
Subject: Fwd: Resident of MPNA Approval for 1601 Larkin St.
Date: Tuesday, January 29, 2013 11:57:14 AM

Hello Kevin,

I was given your information by Michael Schoolnik on behalf of the 1601 Larkin Street project, please see my comments to Supervisor David Chiu below and feel free to reach out to me regarding any questions about my stance on this project.

Best,
Stephan

Begin forwarded message:

From: Michael Schoolnik <Michael@storypr.com>
Subject: RE: Resident of MPNA Approval for 1601 Larkin St.
Date: January 29, 2013 11:40:06 AM PST
To: Stephan Coste <scoste@me.com>

Stephan,

Thanks for cc'ing me on this.

I'm sharing your note with my co-owners and other neighbors.

The Planning Commission Hearing will be in March.

If you want to get your note seen by the Planning Commission, I suggest you send it to Kevin Guy Kevin.Guy@sfgov.org

Kevin is the main contact for the project at the Planning Dept. he will present the new project to the Commissioners in March or thereabouts

Michael

From: Stephan Coste [<mailto:scoste@me.com>]
Sent: Tuesday, January 29, 2013 10:49 AM
To: david.chiu@sfgov.org
Cc: Michael Schoolnik
Subject: Resident of MPNA Approval for 1601 Larkin St.

Date: Tuesday January 29th, 2013

Supervisor David Chiu
City Hall - District 3

1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

Supervisor Chiu:

Please receive this email as declaration of my support behind the stalled development project at 1601 Larkin Street and Clay. Having have been a resident of the middle Polk street neighborhood for a little more then half a decade, I want to thank you for speaking at the MPNA meeting, and bringing this redevelopment project to light and to our attention. I currently reside at 1735 Larkin Street, but have been recently looking to purchase a multifamily building in this area. It concerns me however, that this project being stalled and potentially not being approved would give me serious consideration to look elsewhere. One of the primary appeals of choosing to remain in this neighborhood is due in large part to this planned development, in conjunction with the new developments on Van Ness and Clay as well as Pacific and Polk, and their ability to drive young business professionals to live here. In my experience, when the population of a given neighborhood transitions to cater to a 'family friendly/ working professional' area, it more often than not will yield countless benefits including: *lower crime, better quality shops and restaurants, as well as an overall increase in taxation revenues for the city due to increased spending by its residents and other area residents visiting to enjoy the neighborhood amenities.*

With the city planning to repave Polk street in 2015, it would be mutually beneficial to have additional property investors such as myself look to the middle Polk street neighborhood to purchase buildings, renovate them and add to the already beautiful area we call home.

In closing, by allowing the SF Planning Commission to move forward with the proposed plans (which have been adjusted numerous times to accommodate the neighbors and building limits), not only would we increase the overall quality of life for all residents of this area, but it would also help to reduce crime, reduce the homeless population *and* increase the quality of stores and restaurants by which we as residents tend to avoid currently. I thank you for your time in reading this email and look forward to your reply.

Sincerely,

Stephan Coste

Stephan Coste

e: scoste@me.com

m: +1.925.683.6868

Stephan Coste

e: scoste@me.com

m: +1.925.683.6868

RECEIVED

SEP 24 2013

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK

To: All Planning Commissioners

Case No. 2013.0890C - 1601 Larkin (9-24-13)

SF is a historic city, a destination, most of it 100 years old built after the 1906 earthquake. People travel half the globe to come here to see the landmarks like the GG Bridge, Coit Tower, cable cars and of course, the famous neighborhoods, many of which have been used in movies. In fact, I personally witnessed the shooting of The Rock, and met Sean Connery, the orig. James Bond when they were filming the chase scene from Keystone Apts. Down to Cala Foods. That was thrilling to the neighbors. With that said, don't you think we should preserve Nob Hill? What makes a n. great is a mix use of bldgs. some residential, some institutional, some retail and some open green space. In this case, I believe the church is a contributor, which adds to the historic charm of the corner and allows the much needed open green space in a very densely populated area. I still see tourists taking photos of the church, in its current condition.

After the Loma Prieta earthquake of 1989, many buildings needed seismic upgrades, and most owners on this block did the necessary repairs, including my father when he was still the owner of 1561-1571 Clay, six large Edwardian flats built in 1908. My neighbor, at 1595 Clay (the Gables) told me that some fireplaces shifted over 6" and he had to fix them and he repaired his foundation and got a new boiler.

As far as churches I have seen many throughout the city get seismic work done, most notably St. Dominique's at Pine/Steiner. Upgrades are currently being done on Grace Cathedral's steps.

In real estate, privacy, light and views are desirable; which is why so many owners plant very high and dense trees all around their property, to prevent the neighbors from looking in. Why would anyone who has these circumstances want to give them up?

Perhaps some owners may not be aware of their property rights, and may be negotiated into lowering their property values and quality of life, going so far as to close up windows that have been open for decades.

I'm sure this commission has seen many scenarios all over this great city, and will ultimately do what's best for the longterm stakeholders and the community.

I urge you to deny this application for the 3rd time and hopefully the last.

Thank you, Rowena Jen

Support NOB HILL SENIOR HOUSING for 1601 Larkin-- First St John's Church Updated 1 Sept 2013, by Linda Chapman, 516-5063 licwa@yahoo.com

NOB HILL SENIOR HOUSING is the alternative to market-rate condos replacing the historic church that graced the corner of Larkin and Clay for over a century.

Tell Nob Hill Neighbors if your name—or organization-- should be added to support affordable housing and opportunities for partial preservation. We are informing public officials, and the owner (United Methodist Church) of community sentiment.

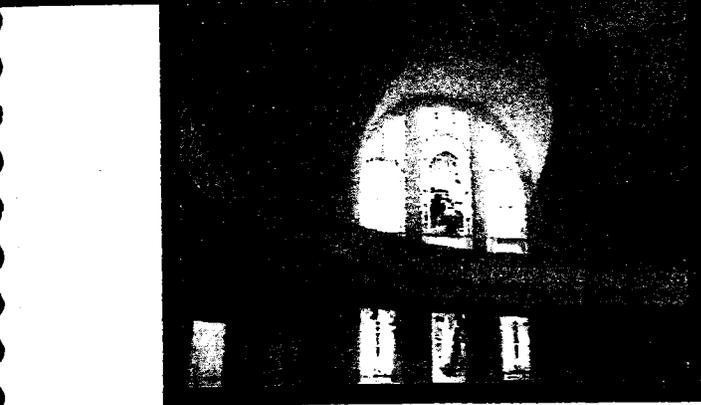
**WE SUPPORT SENIOR HOUSING for 1601 Larkin--
Coalition for San Francisco Neighborhoods (unanimous)
San Francisco Tomorrow (unanimous)
San Francisco Architectural Heritage
Housing Rights Committee of San Francisco
Senior and Disability Action (SDA)
OWL San Francisco "The Voice of Midlife and Older Women"
Nob Hill Neighbors— Telegraph Hill Dwellers-- Save North Beach, Inc**

RECEIVED

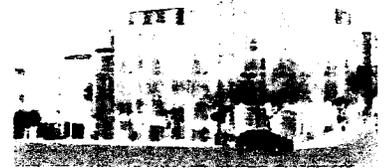
SEP 24 2013
CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK

**Art Agnos, former mayor--
Sue Hestor, former resident 1329 Larkin--
Hene Kelly, Legislative Director California Alliance for Retired Americans, member SDA
Board and SF Democratic County Central Committee—
Jane Morrison former Chair San Francisco Democratic Party—
Brad Paul-- Calvin Welch-- Joe Butler, AIA-- Howard Wong, AIA-- Tom Radulovich—
Robert Friese, Nob Hill Neighbors Executive Director Emeritus--
Randolph Delehanty PhD, former manager 1427 Larkin— Gray Brechin, PhD--
Lorri Ungaretti, Nob Hill resident since 1994-- Charles Fracchia, PhD-- Ron Ross—
Becky Evans, 40-year Nob Hill resident— Brian Wallace, Nob Hill resident--
Bob Planthold-- Marie Jobling-- Melanie Grossman, LCSW-- Richard Ow-- Michael Lyon--
Wilma Pang, 30-year Nob Hill resident-- Sally Martin, resident since 1972—
Judy Berkowitz, President Coalition for San Francisco Neighborhoods—
Hiroshi Fukuda, CSFN Land Use and Housing Chair— Marc Bruno--
Mary Anne Miller, planner— Bernie Choden, planner-- Lois Scott, planner--
Katherine Howard, planner-- Aaron Goodman-- Arthur Chang--
Linda Chapman, Nob Hill Neighbors organizer, resident since 1969--
Robert Garcia, Save Our Streets, Nob Hill resident since 1965—
Rowena Jen, 1600 Larkin and family buildings since 1948—
Natasha Kanhai, First St John's Administrative Council, Nob Hill resident since 1991
Joyce Louie and family residing in 1600 block of Washington since 1957--
Lotus Yee Fong, former resident 1664 Larkin Street—
Helen Mandeville, Nob Hill resident-- Lily Subias, resident since 1967—
Henry Pan, lifelong Nob Hill resident-- Marius Bosc, former resident since age 5—
Susan Sirinne-- Ellen Kernaghan of Potrero Boosters Neighborhood Association---
Nick Pasquariello-- city retiree Claire Zvanski—Joan Wood--**

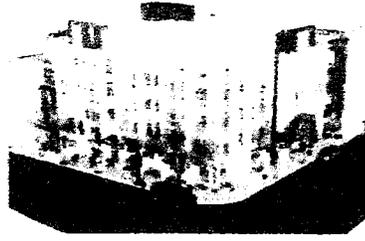
STAFF NOTE: The following page is an excerpt from a petition containing 239 signatures.



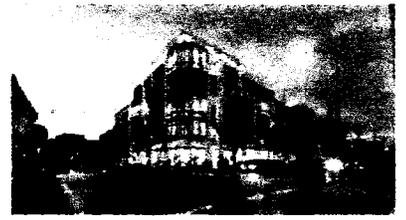
Larkin St. View



Clay St. View



Birds Eye View



Evening View

Proposed replacement apartment building,

Save St. John's United Methodist Church, 1601 Larkin Street at Clay

We the undersigned; oppose the proposed demolition of this landmark quality Church, and believe that the proposed replacement condominium building is completely out of character with its existing 100 year old Nob Hill neighborhood in terms of scale, materials and design.

We call on the Church and their developer to explore viable adaptive reuse proposals for the preservation of this 1917 Methodist Church, the only Church in San Francisco by the renowned architect George Washington Kramer.

Name (Print) M. Flanigan	Name (Print) GIUSEPPE GADALETA
Address 1501 Leavenworth #12	Address 1595 Clay St #14
Date 09/12/13	Date 09/12/2013
Signature m Flanigan	Signature
Phone # 415-902-1042	Phone # 415-706-4977
Name (Print) Carol E. Phillips	Name (Print) CECE IANDOLI
Address 117 Gates Street S.F. 94109	Address 1155 Leavenworth
Date 9-12-13	Date Sept. 12, 2013
Signature Carol E. Phillips	Signature
Phone # carol.bear100@live.com	Phone # 415 8.30.7524
Name (Print) Michael Disend	Name (Print)
Address 1777 Pine St #201	Address
Date 9-12-13	Date
Signature Michael Disend	Signature
Phone # michael@powerhypnosis.com	Phone #

F. JOSEPH BUTLER
ARCHITECT

25 September 2013

Mr. Rodney Fong, President
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

RECEIVED

SEP 25 2013
CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK

324 Chestnut Street
San Francisco
California 94133

415 533 1048
fjosephbutler@hotmail.com

RE: 1601 Larkin Street, First St John's United Methodist Church

Dear President Fong:

The First St. John's United Methodist Church is back before you once again. It remains a landmark Church largely due to your efforts and that of the community who see it as an antidote to their neighborhood's sameness. The history of the Church and its architect bears repeating, it is a landmark quality building which can be reused to the benefit of its community.

Here is an excerpt from Michael Corbett's Case Study of the Church for its nomination as a local landmark.

Evaluation

The First Methodist Church of San Francisco appears eligible for the National Register of Historic Places for two reasons under Criterion C at the local level of significance. Its period of significance is 1911.

It is significant as a representative of an important building type, a Combination Church. The Combination Church, combining an auditorium style church space with an Akron Plan Sunday School, was a widely adopted solution to changing needs of evangelical Protestant Churches in the late nineteenth and early twentieth centuries. First Methodist Church is a classic example of the type which was once common, but is gradually disappearing.

In addition, First Methodist Church is significant as the work of a master, the New York architect George W. Kramer. Kramer was involved in the early development of both the Akron Plan Sunday School and the Combination Church and was the most effective popularizer of both, having designed over 2,000 churches throughout the United States and in several foreign countries and published influential works on church design. Kramer designed five churches in California, two of which have been demolished, one moved, and one which remains unknown. First Methodist Church is the last known church of this extremely important architect in California to remain on its original site.

Don't let the support you have shown fade away. The adaptive reuse of the site and its church as senior housing is the solution to the future of this site. Please support the building once more, deny the Conditional Use Application for 27 units of housing here.

Sincerely,



F. Joseph Butler, AIA
Members of the Commission

Mark Kessler
1155 Leavenworth #15, San Francisco CA 94109
415.806.5209
mdkessler@ucdavis.edu

September 22, 2013

San Francisco Planning Commission
c/o Kevin Guy, Planner
Department of City Planning
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: 1601 Larkin Street, Case #2013.0890C

Dear Commissioners,

I am writing to voice my opposition to the demolition of the church at 1601 Larkin Street. A resident of Nob Hill, I am also an architect and an associate professor of design at UC Davis.

The church is a historic resource situated in a potential historic district. It is a significant contributor to the architectural unity that lies at the heart of the district's unique character. To lose it is to erode this irreplaceable cohesion.

The church binds itself to its context through its siting, scale, construction technology and historical style. However, unlike the common infill apartment building, 1601 Larkin exudes a special presence as a church. Its bell tower, sweeping gable and stained glass windows are expressive of use, distinguishing it from the surrounding residences. Yet in its diminutive scale, material and detailing (roof brackets, entrance porches, etc.), it is knit into the architecture of the neighborhood. The church is at once monumental and contextual--a remarkable and fortuitous combination. The bell tower is literally and figuratively a beacon that celebrates the architectural traditions of Nob Hill.

The proposed condominium is large, bulky and contemporary in its materials, construction technology and architectural detailing. The project is inherently disruptive, despite the efforts made to minimize its impact.

The neighborhood interest lies in (1) preserving the architectural, historical and cultural heritage of Nob Hill, and (2) maintaining access to people from a diverse range of backgrounds and economic levels. These dual goals are better served through a project that adapts the church to a community-oriented use--like housing for senior citizens. By contrast, the proposed condominium project fosters gentrification and the loss of heritage. It therefore does not enhance the neighborhood.

I urge you not to approve the project under consideration. Thank you.

Sincerely,



Mark Kessler

From: Marian Wallace
1251 Pacific Avenue
San Francisco, CA 94109

September 18, 2013

To: San Francisco Planning Commission

RE: Case 2013.0890C, 1601 Larkin Street - Against Demolition

Ladies and Gentlemen of the Planning Commission:

I oppose the demolition of the First St. John's Methodist Church! I would like to see this landmark-quality building be re-purposed for the benefit of the neighborhood community. I feel that there should be a Senior Center or Community Center at this location, making use of the interesting and historic Church building, which already stands on the property. Our community's neighborhood character is enhanced by the presence of this historic church.

Many thanks to the Commission for so far not capitulating to the highly-funded presentations of out-of-scale, out-of-character designs proposed by the architects and developers who are hoping to take over the property. I much appreciate you not allowing the Church to be demolished!

I have lived in the neighborhood over 30 years and the Church has always been a landmark to me that I am back in my neighborhood. I have walked past this unique building and property many times. It is special to our neighborhood and a wonderful urban respite.

The new buildings being erected on Van Ness and Polk Street are where new buildings with such high density should occur, not in our neighborhood of turn-of-the-century, multi-family apartments that already make the area one of the densest San Francisco neighborhoods.

The proposed replacement building is much too large and modern to fit into the scale and character of our neighborhood's early 20th Century context. The Church can still be renovated and kept as part of the neighborhood flavor. Our community of neighbors is invested in this happening! Also, the new proposed building would set an unfortunate precedent.

If one were to make a historic district of our neighborhood, and it is deserving of such an honor, the Church would be a wonderful contribution. However, the replacement building being proposed would detract considerably. Please reject this Conditional Use application, as not valuing the site for the best future of our city. We cannot rebuild history once it is torn down.

Sincerely,

Marian Wallace

A handwritten signature in cursive script that reads "Wallace".

2

To: SF Planning Commission

From: Joyce Louie, Middle Polk Neighborhood resident for >50 years

Date: 9/20/2013

Re: 1601 Larkin St, San Francisco, CA case 2013.0890CV

Dear Commissioners:

I am writing a memo of protest to the above planned development at 1601 Larkin St, SF for 27 dwelling units.

Reasons being:

- The height of the building exceeds 40 feet limit within the R district neighborhood zone.
- The height of the building along Clay Street will increase again much taller than the neighboring buildings.
- With the tall height, the blockage of sun and open air amongst the neighborhood, not just immediately adjacent, but down the block along Clay/Larkin and Washington Streets, will cause the shadow effect in the yards and living units.
- With the building being a multi-unit with 27 units, there will be again more people and car traffic in an already dense neighborhood, with elderly and children.

However, my **support is for the suggested proposal of conversion to a much needed senior housing**, which is greatly needed in San Francisco, and in this neighborhood which is densely populated with multi generations, especially of Asian descent.

In addition, the preservation of the church to housing will also achieve the “green, sustainability effect”.

The SF Planning commission’s serious consideration to deny passage of the plans for 1601 Larkin Street is being requested by a long time resident of the neighborhood.

Thank you.
Joyce Louie

COALITION FOR SAN FRANCISCO NEIGHBORHOODS – from NEWSLETTER JUNE 2012

1601 Larkin: Demolition Proposed for Historic First St John’s United Methodist Church. Planning Commission vote scheduled for Conditional Use.

CSFN members are asked to support George Washington Kramer’s architecturally significant church gracing a corner of Nob Hill, at Larkin and Clay, for over a century. Since 2004, some neighbors and CSFN advocated partial preservation for adaptive reuse.

In 2010, by unanimous vote, CSFN asked the Commission to reject a plan to max out the site with variances for an over-sized building to cover every square inch of the prominent corner lot. Calling for reuse of historic buildings, and CEQA enforcement, CSFN deplored “progressive demolition tactics to win project approval.” Just like today, CSFN supported partial preservation for adaptive reuse.

Now a persistent developer returns with a third out-of-scale project for 27 condos—supporting the demolition of the church with dire structural reports that reflect extensive though not unusual damage to the historic resource. Like the Kokoro Senior Community in Japantown, the adaptive reuse of this historic church could yield an ennobling space for the Tenderloin Neighborhood Development Corporation’s Nob Hill Senior Housing.

Approving demolition for the developer’s outsized condo project entails dangerous precedents:

A 2003 “contract of sale” to deliver an empty site pressures officials to allow demolition so the property can transfer. Could a **contract for demolition** show others a way to evade protections for buildings of architectural or historic interest?

A “significant” building first reported by Staff as “remarkably intact” was vandalized; the developer removed structural elements and architectural features. Photos and structural evaluations were then used to argue the building is too deteriorated to save—and to preclude other potential buyers. Will project sponsors profit from “progressive demolition?”

CEQA mandates considering alternatives (adaptive reuse, partial preservation) before eliminating a significant historic resource. CEQA also prohibited altering this “significant” building before project approval. Will more sponsors make a mockery of the state law by making significant buildings unusable?

The developer ignored years of complaints about homeless encampments and prostitutes-- pressured neighbors and officials to drop opposition by publicizing a “drug den” and “break-ins.” Will more sponsors find it expedient to promote a “crime scene?”

Sponsors reacted to 2010 denial of a Conditional Use application by suing city officials for over \$5 million damages. They by-passed administrative appeal to Board of Supervisors, claiming “futility.” Will settlements and project approvals encourage disappointed sponsors to pressure decision makers with litigation?

United Methodist Church reacted to 2010 denial of the developer’s plan, by suing the city for “constitutional violations” under a federal law that generally protects religious activities, not commercial interests. Will the strategy appeal to churches that hold numerous commercial properties throughout the city?

The developer combatted volunteers with threats at public hearings, publishing denunciations and personal information in the neighborhood, subpoenas for personal records and organization mailing lists. Will sponsors chilling participation be rewarded by public officials?

When the landmark worthy church was vacated nearly 10 years ago, UMC first sought a nonprofit developer to buy its property-- then made an agreement with developer John McInerney that required clearing the site for his 27-unit condominium project.

The historic structure was documented as a unique work of George Kramer (a master of church design). Though found worthy of national, state, and city listing-- state law allowed UMC to reject a city landmark designation.

Barriers to destroying an historic, architecturally significant church are foreseeable. The developer found a strategy to ensure an empty site before taking ownership and paying for it.

The “purchase agreement” was a **contract for demolition**. It set up a church to argue “hardship:” UMC can’t maintain the property, and approving the developer’s plan “benefits religion.” Demands to respect the “religious purpose” were leveraged to circumvent city and state laws that apply to any property owner or development project.

In 2010, Planning Commissioners agreed with CSFN. The EIR was not certified, and the plan for an outsized condo building was rejected, when the developer failed to consider alternatives to preserve the historic resource (as CEQA requires). Removing a significant resource is prohibited without effort to identify options for adaptive reuse or partial preservation.

A nonprofit housing alternative, and resources to accomplish it, have been identified—but the property owner (UMC) declined to revisit what originally was a preferred use for this site. The more damage the building sustains, the harder to implement an alternative to demolition.

At sfplanning.org, you can view previous hearings. Staff persistence modified previous condo designs-- with a new architect. **Hear the commissioner concerns about neighborhood integrity:**

Creating an out-of-scale presence by building higher than the neighbors, on a large prominent lot.

Losing the “light, airy feel of the corner” (respite for pedestrians in a dense neighborhood).

Losing varied architectural forms that contribute to a neighborhood’s texture.

The big issue that makes the new proposal no better than the one rejected: It eliminates “one of the unique San Francisco buildings that visitors stop to photograph.”

Attend the commission hearing in Room 400—verify schedule for October 3-- object to the outsized condo project displacing the historic resource.

Prepared by Linda Chapman from CSFN Land Use and Housing Committee

FROM: NOB HILL NEIGHBORS
FOR: PLANNING COMMISSION
1601 LARKIN- Case 2013.0890C

The condo plan to replace **FIRST ST JOHN'S UNITED METHODIST CHURCH** is opposed by Nob Hill Neighbors steering committee and nearly all who attended our community meetings. Information disseminated by NHN in the past year was the only access anyone in this neighborhood had to the development history, alternatives for use, or policies of the General Plan and CEQA.

WILL DEMOLISHING THE HISTORIC CHURCH FOR CONDOS BE A "LEGACY PROJECT?"

Enable destruction of architectural "gems" contributing to urban texture for more than a century?

Disrupt an historic neighborhood with BIG incompatible structures at a prominent site-- when market-rate condo projects already claimed so many sites in our commercial corridors?

Will we sacrifice needed housing that offers opportunities for activities and a green corner in the densely populated neighborhood with the fewest community places?

Two BIG market-rate projects—not suited to the historic neighborhood—were rejected in 2010 and 2012: commissioners unanimous. Methodists wanted to sell; a nonprofit developer wanted to buy. The city was sued by Sacramento Methodists and their "buyer" – who battered the church instead of buying. Demolition for condo development couldn't win permits in court. Sponsors say **a third design unsuited to the location-- and \$60,000 "benefit"** for a neighborhood group justify demolishing a community's "architectural gem."

Commissioners can stop 10 years of plans to demolish the 1911 church for intrusive condo projects. California Environmental Quality Act requires alternatives before a developer can eliminate this "significant historic resource."

CEQA's NO PROJECT alternative denies a damaging project to allow a better project to emerge. For 1601 Larkin, the ENVIRONMENTALLY PREFERRED alternative is partial preservation for housing.

The Environmentally Preferred Alternative with community support was deemed practical when a leading architect and nonprofit developer analyzed the site in 2010.

Any adaptive reuse alternative that avoids using an architecturally significant structure for landfill is consistent with policies for sustainability-- in addition to policies for preserving significant historic resources.

A condo developer didn't buy UMC property. A nonprofit can pay market price.

Purchase for affordable senior housing with support from the Mayor's Office of Housing remains the preferred alternative. Purchase is a make-whole remedy for United Methodist Church. UMC interest in the condo project begins and ends with selling the land.

Hundreds of hours were volunteered by a prominent architect and attorney, and by the CDC that others in the nonprofit world recommended to me as having resources and experience for a partial preservation alternative.

In 2010, the Mayor's Housing Director endorsed our plan-- after reviewing my concept for nonprofit development to accommodate additional community resources. MOH received the professional analysis that confirmed the site is practical for low-income senior housing.

Reuse of the site could accommodate partial preservation of the principal religious structure, by removing a separate structure on the west side of the 11,200 square-foot lot. Housing can be built on two lots of normal size, fronting Clay and Larkin Streets.

CEQA’s requirement for “overriding considerations” to remove one of two structures that comprise this “significant historic resource” can be met by our alternative:

community benefit associated with our plan to replace previous community-serving uses with different community uses;
needed senior housing at a rare site with conveniences that make Nob Hill attractive to a large elder population.

Zoning flexibilities for affordable senior housing allow up to 55 units for this site.

If part of the site is encumbered by the church, affordable studio and one-bedroom apartments (with minimal space consumed by parking) were calculated to **exceed the maximum number of dwellings added by any condo project.**

On-site BMR was identified by city studies, and analysts like Steve Taber, as the least effective way to add affordable housing. The city has not met goals to add affordable housing.

Developers meet their market-rate and luxury housing goals at locations not eliminating a significant historic resource. This neighborhood contributed numerous sites, built or proposed for condos (below is a partial list).

In 2010, MOH was prepared to look for financial resources. Numerous development projects for the vicinity could also fund our alternative. Some developers proposed contributing funds to MOH. Some were induced to offer BMR on site when the arrangement was not a priority for the developer or a wider community; conditions of Approval can be amended.

Nob Hill Neighbors alternative has citywide support: Save a beautiful sanctuary and exterior.

Affordable senior apartments, in two smaller buildings, can face Larkin and Clay.

Methodist property can be sold for a nonprofit developer to offer a community meeting space, activities, micro-park-- needed housing that adds no traffic.

Nob Hill Neighbors, Coalition for San Francisco Neighborhoods, and others opposed deal-making that subverts our public process, our Planning Code, and “CEQA.”

CSFN urged officials not to let planning policies and the neighbors be defeated by blighting.

The Coalition representing 45 neighborhoods asked for City Attorney action: Enforce Building Codes and CEQA to protect a documented “historic resource.”

Linda Chapman

SAVE FIRST ST JOHN’S UNITED METHODIST CHURCH – 1601 LARKIN @ CLAY

Oct 3- Planning Commission could decide fate of this noted historic resource, other architectural and historic resources city-wide

First Methodist Church was rebuilt at Larkin and Clay, in 1911, by George Washington Kramer for the first Protestant congregation west of the Rockies (founded 1847). The master architect who designed more than 2000 churches on two

continents wrote "The What, How and Why of Church Building" (1898). This remains the only California site with Kramer's original design.

During World War II internment, the Japanese congregation of the Pine Methodist Church entrusted First Methodist with safekeeping artifacts that could have been seized by the government.

In 1972 began two decades of Nob Hill Neighbors organizing against private "redevelopment" throughout the district—using this church as a community meeting place. Organizers worked to pass four rezoning plans that preclude demolishing Nob Hill's historic buildings for high-rises. Nob Hill Neighbors saved nine apartment buildings when they faced demolition for condos on Jones and California Streets. Many other high-rise proposals were stopped, and the elegant Chambord Building was placed on the National Register. Nob Hill Neighbors committees, meeting at the historic church, planted hundreds of trees, negotiated major transportation changes, worked to pass (or initiated) ordinances that stopped rental housing from converting to time-shares, condos, and tourist hotels.



1601 LARKIN FACTS

Built: 1911

Architect: George W. Kramer

Owner: California-Nevada Annual Conference, United Methodist Church

In the 1990s, under the leadership of Rev. John Chamberlain, First St John's housed East Timor Religious Outreach, serving refugees from East Timor and Haiti.

When membership dwindled, the oldest Protestant congregation in California merged with Park Presidio UMC in 2001. Before leaving,

the congregation fought for their church to be retained for community benefit. Sacramento administrators disagreed.

The church has been vacant since 2004. UMC's Annual Conference took control to Sacramento-- and enabled the pillage of property that local Methodists hoped to preserve. The Annual Conference made an agreement with developer John McInerney: they will demolish the church before he will pay for the land. A decade later, the property was not sold. The condo developer, with a history of similar projects, reviled for abusing the Japantown community, claims a "crime scene" and "vandalism" justify demolition.

After two condo proposals for 1601 Larkin were rejected by unanimous votes, Sacramento Methodists stood by the agreement that doesn't obligate their "buyer" to buy. After the project was rejected in 2010, they dismissed the Mayor's Housing Director's support for a plan to purchase the church for partial preservation and senior housing.

From 2010, the church and the condo developer claimed over \$5 million “damages” from city officials rejecting their project. Claims for state and federal courts to order the permits were losing (courts have no authority to grant the unusual demands). Suing to overrule officials’ discretion to deny permits was unprecedented in San Francisco development disputes). Sponsors skipped the city’s appeal procedures.

WHAT’S PROPOSED?

- Condominiums: 27
- Parking Spaces: 32
- Designs Planning Commission rejected: 2
- Significant historic resource to remove: 1
- Mitigating the community impact \$60,000
- Subpoena for community opposition: 7+
- Complaints of violation-neglect: 6+ years

The district supervisor supported the sponsor’s negotiation with four neighbors—by offering to waive appeal to the full Board for the failed project—if condo sponsors show agreement from self-appointed negotiators “for the community.” The project failed never showed from property owners in the vicinity that the law requires before the Board can reconsider a permit denial.

In 2012, the Environmental Impact Report was certified, with these findings: **Removing the historic resource is a significant impact.** CEQA requires project alternatives: partial preservation/adaptive reuse for housing. Otherwise, CEQA requires a finding that “**overriding considerations**” justify removing the historic resource.

Sponsors claim that \$60,000 for a neighborhood group to decide how “the community” benefits is the “overriding consideration” for losing the church that historian Michael Corbett documented as a “significant resource.”

The third condo project was identified by Staff as “the same program” that was previously rejected. Sponsors just redesigned and reduced the envelope for an over-sized modern building to add 27 expensive condominiums, and 32 cars to intensify traffic. **Four times the average lot size**, the project looks like a hotel.

The design drives a stake through the heart of an Edwardian neighborhood that remained so little changed it was intended for study and official historic district designation (“era of post-1906 rebuilding”).

Sponsors relentlessly neglected the architecturally significant church. The developer was reported vandalizing property, removing structural elements and artifacts, inducing neighborhood blight. He has subpoenaed neighbors opposing his plan, and harassed a nonprofit developer. Calls for the City Attorney to enforce violations have not been successful.

Appendix: Some Residential Construction--1998-2013-- Bounded by Van Ness, Broadway, Leavenworth, and California

Name of project	# of units	Year Opened	Type
1611 Pacific Ave	16	1998	Condo
1720 Clay St	16	2000	Condo
1601 Pacific Ave	17	2000	Condo (eff. 2012)
1702 Washington	19	2002	Rental
1478 Pacific Ave	2	2002	Condo
1810 Polk St	13	2006	Condo
1725 Washington St	16	2006	Condo
1638 Larkin St	8	2007	Condo
1536 Pacific Ave	7	2009	Condo
1355 Pacific	23	2010	Condo
1946 Polk	41	2011	Rental
1800 Van Ness “Marlow”	98	Under Construction	Condo
1645 Pacific Ave	38	Under Construction	Condo
Total New Construction	314		

25 September 2013

San Francisco Planning Commission
c/o Kevin Guy, Planner
Department of City Planning
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: 1601 Larkin (Case: 2013.0890C)

Mr. Guy,

My name is Henry Pan. I was born in San Francisco and raised within two blocks of this church. I lived in this neighborhood for 20 years. I was one of the students who attended the Head Start program that was here in the 1990s.

I oppose demolishing the church. This church is identified as a historic resource. It was built by George Washington Kramer, who wrote "The What, How, and Why of Church Building" (1898), for the first protestant congregation west of the Rocky Mountains after the 1906 earthquake. The congregation has long since gone, but this is his only remaining work in Northern California. Demolishing this church will pose a significant and irreversible impact not only to the historic preservation community, but the neighborhood as well.

As you may be aware, gentrification has become a problem in this neighborhood. In the last fifteen years, about 45 families, many of them low-income, were evicted; many more were bought out. Just a block from the project site, eight families, some of whom are elderly and have lived there for 30-60 years, will be forced to leave next year so the developer can sell the building as tenancies-in-common. In addition, just a quarter of a block from the eight families facing eviction, another seven were forced out, their building gutted for conversion into TICs, save for the unit of one elderly couple with a mentally disabled daughter, who the sheriff is poised to evict. Helpless families and individuals are continuously being evicted, all in the name of gentrification, homogenization, and profit, while decimating one of the last Chinese enclaves in the inner city, rendering them either homeless or relegated to the suburbs, where poverty is increasing as a result.

For the most part, the developer has failed to act in good faith with the community. He has vandalized the church for many years, stealing windows, floorboards, and historic elements and enabling illegal, systematic demolition to the church. In addition, he has subpoenaed many residents who have opposed him in an effort to guarantee and impose this project on a neighborhood which has seen an unprecedented building boom meant to house those who fail to embrace the diversity that is San Francisco.

I suggest that the following items be evaluated as an alternative to demolishing the church. The prerequisite for this is that the church should be preserved and adaptively reused, which the developer has failed to suggest and support despite support for such a project. In fact, the developer of the church, who has neglected and willfully done damage to this church for years

while initially refusing to bargain in good faith with the community, including levying subpoenas to many who opposed them, should pay for the full cost of repairs to this church. As part of its rehabilitation, two of these should be incorporated into the church: senior housing, and a community center with free meeting spaces.

Senior housing is desperately needed in San Francisco. We as a nation have done a horrible job treating our elderly, a figure that is expected to rise as the baby boomer population ages. The influx of immigrant elderly will surely contribute to this number. In addition, the recent string of evictions and buyouts displacing the elderly in the neighborhood will only exasperate the problem. Senior housing is *especially* needed in this neighborhood, underscored by its recurring and rampant gentrification.

A community meeting space should also be considered for the neighborhood. This allows the neighborhood, as well as other residents of the city, to gather and meet one another, and discuss issues, without fear of the venue being closed by the host. It will also become the neighborhood's first free meeting space, enabling organizations that advocate for a better neighborhood to flourish. Hopefully, this will be modeled after Freespace, a project launched in June 2013 in the City's South of Market neighborhood by Morgan Fitzgibbons, co-founder of the Wigg Party, in order to foster spontaneous activity, art, and community. Many of my neighbors are unaware of this, since there is no free, spontaneous space for us to congregate. Creating a space where neighbors can meet and recreate will enhance the neighborhood's cultural cohesiveness.

District 3 is the densest district with the least open and community space, and this church as a community space and a senior housing project will reinvigorate this neighborhood and provide a sense of community for us for years to come. The project as proposed by the developer contradicts the goals we as a neighborhood want, and will only make gentrification in this neighborhood worse. People can say that this is becoming more creative-class because it's natural for communities to move out. In fact, people can say that those who lived here before Nob Hill became a Chinese enclave complained about the very same thing. The problem is, rents are high, and low-income minority families are being displaced. Ordinarily, they are able to relocate to other parts of the city. But with rent at an all-time high and affordable housing low, they are forced to the suburbs, where they are *barely* surviving. This is different than the "natural" course of migration, since many of these families are leaving against their will. I hope you will consider rejecting the condominium project, and support a project that emphasizes equity and cultural cohesiveness of our communities.

Henry Pan
San Francisco, CA

Coalition for San Francisco



Neighborhoods

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Jim Lew 771.5250

Members-at-Large

Sue Cauthen

Lorraine Lucas

Gary Noguera

September 24, 2013

Dear President Fong, and Commissioners,

Subject : Case # 2013.0890C 1601 Larkin Street

The Coalition for San Francisco Neighborhoods (CSFN) General Assembly on June 15, 2010 unanimously passed the following resolution concerning 1601 Larkin Street.

Resolved that Coalition of San Francisco Neighborhoods supports any project on the site of 1601 Larkin that shall incorporate architectural elements of the historical First St. John's Methodist Church, and disapproves the FEIR, and the current proposal for Case# 2004.0557CV before the Planning Commission on June 24, 2010.

Motion Passed 19 - 0

Nothing in the new project, Case# 2013.0890C, addresses the concerns of the CSFN Resolution. The new project still does not incorporate architectural elements of the first St. John's Methodist Church.

In two Conditional Use hearings at the Planning Commission on June 28, 2012 and August 15, 2012, the Planning Commission disapproved of the project. The new project is basically the same project, please disapprove the project again. Please do not allow any variances.

CSFN strongly supports efforts to preserve and reuse historic buildings. CSFN believes San Francisco will greatly benefit only if both historic preservation laws and CEQA laws are strictly enforced.

Sincerely,

Judy Berkowitz, President

Coalition for San Francisco Neighborhoods

Barbary Coast Neighborhood Assn
Bayview/Hunters Point
Coordinating Council

Buena Vista Neighborhood Assn

Cathedral Hill Neighbors Assn

Cayuga Improvement Assn

Cole Valley Improvement Assn

Cow Hollow Assn

Diamond Heights Community Assn

Dolores Heights Improvement Club

East Mission Improvement Assn

Eureka Valley Promotions Assn

Ewing Terrace Neighborhood Assn

Excelsior District Improvement Assn

Fair Oaks Community Coalition

Forest Knolls Neighborhood Assn

Francisco Heights Civic Assn

Golden Gate Heights Nghbrd Assn

Greater West Portal Nghbrd Assn

Haight Ashbury Improvement Assn

Inner Sunset Action Committee

Jordan Park Improvement Assn

Laurel Heights Improvement Assn

Lincoln Park Homeowners Assn

Marina Civic Improvement &
Property Owners Assn

Miraloma Park Improvement Club

Mission Creek Harbor Assn

ew Mission Terrace Improvement Assn

North Beach Neighbors

North Park Neighbors

Oceanview, Merced Heights,

Ingleside — Neighbors in Action

Outer Mission Residents Assn

Pacific Heights Residents Assn

Panhandle Residents Organization/
Stanyan-Fulton

Potrero Boosters Neighborhood Assn

Richmond Community Assn

Rincon Point Neighborhood Assn

Russian Hill Improvement Assn

Russian Hill Neighbors

Sunset Helghts Assn of
Responsible People

Sunset-Parkside Education &
Action Committee

Telegraph Hill Dwellers

Twin Peaks Council & Open
Space Conservancy

Twin Peaks Improvement Assn

West Presidio Neighborhood Assn

To: SF Planning Commission

From: Stephanie Hoffland, Middle Polk Neighborhood resident for 25 years

Date: 9/24/2013

Re: 1601 Larkin St, San Francisco, CA case 2013.0890CV

Dear Commissioners:

As a third generation resident of the Middle Polk neighborhood, united with my grandparents : M/M Calvin Louie and my parents: B.Hoffland/J. Louie, I am writing a memo of protest to the above planned development at 1601 Larkin St, SF for 27 dwelling units.

Reasons being:

- The height of the building exceeds 40 feet limit within the R district neighborhood zone.
- The height of the building along Clay Street will increase again much taller than the neighboring buildings.
- With the tall height, the blockage of sun and open air amongst the neighborhood, not just immediately adjacent, but down the block along Clay/Larkin and Washington Streets, will cause the shadow effect in the yards and living units.
- With the building being a multi-unit with 27 units, there will be again more people and car traffic in an already dense neighborhood, with elderly and children.

However, my **support is for the suggested proposal of conversion to a much needed senior housing**, which is greatly needed in San Francisco, and in this neighborhood which is densely populated with multi generations, especially of Asian descent.

The neighborhood has always been diverse, mainly with Asian multi-generational families but with the recent influx of those (majority less than age 35years) with no “real ties” to the neighborhood’s historic significance or its well being, other than to drink, and create noise, destroys its safety and well being. It also will only be available to those who can “afford” to buy these planned luxury condos with the new found money from the tech industry. I am in my 20’s but I have a lifelong tie to this neighborhood and hope the multi-generational family can be preserved, with the added bonus of conversion of 1601 Larkin to a senior housing.

The SF Planning commission’s serious consideration to deny passage of the plans for 1601 Larkin Street is being requested by a long time resident of the neighborhood.

Thank you.

Stephanie Hoffland

From: [James Wall](#)
To: [Guy, Kevin](#); [Secretary, Commissions](#)
Subject: Re: 1601 Larkin, allow market priced housing to proceed under code.
Date: Wednesday, September 11, 2013 3:54:52 PM

Mr. Kevin Guy,

It is difficult to see what is historic about the existing church at 1601 Larkin Street; is neither of significant age nor of appreciable architectural value. It is, however, in its current deteriorated state, a blight on the City and neighborhood.

The City needs more market priced condominium housing, and assuming the project otherwise meets City Planning code requirements, the project for market based housing should proceed.

Additional subsidized housing is excessive for San Francisco given our current significant inventory and the burdens such housing places on City resources.

Without more market priced housing and the taxes it generates, the resources to fund other needed City services and to pay the wages, benefits and pensions of City employees will be impaired, perhaps fatally so.

Allow the developer to proceed in compliance with the planning code.

James Wall
Nob Hill
San Francisco

**Before the
San Francisco Planning Commission**

**PROJECT SPONSOR'S SUBMITTAL IN SUPPORT OF
CONDITIONAL USE AUTHORIZATION
FOR RE-DESIGNED PROJECT AT 1601 LARKIN STREET**

Planning Code Section 253

Project Sponsor:

**California-Nevada Annual Conference of United Methodist
Church and Pacific Polk Properties, LLC**

Hearing Date: October 3, 2013

Attorneys for Project Sponsor:

REUBEN, JUNIUS & ROSE, LLP

One Bush Street, Suite 600, San Francisco, CA 94104
t] 415 567 9000 f] 415 399 9480

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A. INTRODUCTION

1. **Background.** California-Nevada Annual Conference of United Methodist Church (“California-Nevada Conference”) owns the real property located at 1601 Larkin Street, Block 620/Lot 006 (“Project Site”). Pacific Polk Properties, LLC has contracted to purchase the Project Site. California – Nevada Conference and Pacific Polk Properties LLC, are collectively referred to herein as “Project Sponsor”. Project Sponsor proposes to demolish the vacant church at the Project Site, and construct a 27-unit residential development with 32 off-street parking spaces (“Project”). The proposed Project is located at the corner of Larkin and Polk Streets between Clay and Sacramento Streets in the 65-A height and bulk district.

The Project requires a Conditional Use Authorization to allow a height above 40 feet in the 65-A height and bulk district pursuant to Planning Code Section 253. The Project promotes the public welfare, convenience and necessity, and meets all other requirements of San Francisco’s General Plan and Planning Code.

2. **The New Design.** The Project has been completely redesigned by new Project Architects Ian Birchall and Associates, from that presented to the Commission in June 2010 and the redesigned project presented in 2012. The result is a consensus design that was accomplished cooperatively with the neighbors and the Department over a multi-year period of working together. The design changes suggested by the neighbors and accepted by the Project Sponsor are substantial, important, and meaningful. Among other things, the Project Architect has removed the 6th floor and completely redesigned the look, materials, and character of the building as requested by the neighbors and community organizations. Beyond the loss of a floor, the entire northwest corner of the building was carved back to accommodate the neighbor in the adjacent building at 1630 Clay Street, who subsequently sold her unit. The on-grade parking off of Larkin Street was relocated to a proposed new underground garage. The formerly elevated garden has been relocated to grade level. All of the design changes were made with the input and approval of the Planning Department staff.

3. **Community Support.** The Property Owner, California Nevada Conference of the United Methodist Church, and the Project Sponsor, Pacific Polk Properties LLC, conducted extensive door-to-door community outreach for demolition of the church and replacement with a 6 story, 27 unit residential building. Support letters and petitions from 244 neighboring residents, owners and business have been submitted to the Planning Department. A colored block map of Project supporters is attached as **Exhibit A**, reflecting the proximity of the supporters. An address list of those providing support is also included in **Exhibit A**. In summary, after three years of design work by the new Project Architect, working cooperatively with the neighborhood associations, the proposal has achieved virtually unanimous approval and support from the neighbors, from Middle Polk Neighborhood Association (see letter attached as **Exhibit B**) and from Clay Street Homeowners Association (see letter attached as **Exhibit C**).

The district supervisor was instrumental and helpful in bringing the neighborhood associations and the Project Sponsor together to reach a successful consensus and resolution.

4. **Planning Department Structural Report (prepared by Murphy Burr Curry Inc.).** Planning Director John Rahaim commissioned a Structural Report by Murphy Burr Curry Inc., dated April 17, 2012, which documents the condition of the vacant Church building. The report followed a San Francisco Planning Department Scope of Structural Report for 1601 Larkin Street. The Murphy Burr Curry Inc. report documents the following facts and conclusions:

a. The building is considered as unreinforced masonry as defined in Section 1603 of the 2011 San Francisco Building Code.

b. The overall structural condition of the existing building is considered poor, with a significant amount of water damage to both the interior and exterior of the building from numerous leaks in the roof and walls.

c. The framing is in severely deteriorated condition.

d. The condition of the mortar in the brick veneer is in poor condition, with some sections loose and friable to the touch. The overall condition of the brick masonry veneer is poor due to deteriorated mortar, and lack of effective flashings and water-proofing.

e. Severe damage to a number of wood studs, which were rotted through, was observed. Sections of diagonal wall sheathing were also completely rotted through.

f. Nails used to connect the stucco to the wood framing were rusted through and disintegrated at some locations.

g. At the interior walls and ceiling of the building, there are a number of large areas of peeling paint indicating water intrusion through the building exterior. At these locations, there was water staining in the plaster finishes and sections of fallen plaster indicating long-term water intrusion.

Conclusion: The overall condition of the existing building is considered poor, with a significant amount of water damage to both the interior and exterior of the building. The cost for necessary repairs was estimated in 2012 to be approximately \$5,144,943.00.

B. SITE INFORMATION

- Street Address:** 1601 Larkin Street
- Cross Streets:** Clay Street
- Assessor's Block/Lot:** 620/006
- Zoning District:** RM-3
- Height/Bulk District:** 65-A

Site Size: 11,185.28 square feet
Dimensions: Approximately 97 ft. 8.25 in. x 114 ft. 6 in.
Existing Improvements: Vacant former church building
Existing Use: Vacant building for more than nine years

C. PROJECT SUMMARY

Proposed Use: 27 unit residential building with 32 off-street parking spaces
Building Height: 53 feet
Gross Square Footage: Approximately 30,150 square feet of residential space; approximately 16,000 square feet of parking and storage area; and approximately 10,000 square feet of common areas (including stairs, corridors, lobby, service, and open space areas)
Number of Stories: 5 stories (reduced from 6 stories)

D. THE VACANT CHURCH BUILDING

The financially-strapped California –Nevada Conference remains burdened with an unsafe and deteriorated building that it has no resources to rebuild and no use for, having lost a significant portion of its membership over the years. The church closed the building more than nine years ago. As Bishop Brown wrote the Commission on June 11, 2010:

“The church “could no longer sustain the property” and wishes to sell the church and “use the proceeds of the sale...in San Francisco...feeding the hungry and working with the poor.”

In light of the Murphy Burr Curry Structural Report commissioned by the Planning Department, the vacant building should be demolished in the interest of public health and safety. The neighbors are in nearly unanimous support of removal of the vacant building.

In the interim, the Project Sponsor has installed exterior lighting and stair/entry and other barriers to the Church property as requested by the neighbors.

E. NEIGHBORHOOD OUTREACH AND SUPPORT

The Project Sponsor has undertaken perhaps the most extensive neighborhood outreach for a small residential project in San Francisco history. Over the past nine years these efforts have resulted in more than 244 individual letters supporting the Project. The Project Sponsor has

plotted the locations of these supporters on the map attached as **Exhibit A**. In the last 3 years there have been numerous meetings with neighbors, community groups and concerned individuals, resulting in both the Middle Polk Neighborhood Association and the Clay Street Homeowners Association now supporting the proposed Project. (See **Exhibits B and C**).

F. THE PROJECT IMPROVES NEIGHBORHOOD SAFETY

The vacant church building is blighted, lacks a usable foundation and is dry-rotted beyond reasonably affordable repair. The Church has obtained five reports by structural engineers and other experts which establish these facts. The Planning Director commissioned his own report in April 2012 by Murphy Burr Curry Inc., which re-affirms the unsound and unsafe condition of the building. Murphy Burr Curry concluded as follows:

“The overall structural condition of the existing building is considered poor, with a significant amount of water damage to both the interior and exterior of the building from leaks in the roof and walls.”

G. COMPLIANCE WITH SECTION 303 CONDITIONAL USE CRITERIA

The Project requires conditional use authorization by the Planning Commission to allow a height above 40 feet in the 65-A height and bulk district. Under Section 303(c), the Planning Commission shall approve the application and authorize a conditional use if the facts presented establish the following:

1. Desirability and Compatibility of Project

Planning Code section **303(c)(1)** requires that facts be established which demonstrate the following:

That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.

The proposed Project is desirable because it would add 27 new residential units to the City’s housing supply. The Project Site is well suited for this multi-unit residential development. The immediate neighborhood is surrounded by residential multi-unit buildings and is a well-established residential neighborhood offering diverse architectural forms within the RM-3 Zoning District.

The Project proposes a modest height of 53 feet (measured at the Larkin Street entrance) with the portions adjacent to neighboring buildings stepping down in height by one and two stories. The Project Site is not surrounded by public open spaces, and the majority of the adjacent buildings are residential buildings of similar height. Thus, the Project, at 53 feet, will have no adverse impacts on light and air to residential uses or sunlight access to residential (or public) open spaces.

Design

The objections raised at the prior Planning Commission hearings have been carefully addressed to produce a consensus design with the neighbors. There are substantial changes to the architectural character and massing of the proposed design. The overall appearance has changed from what was a modernist cubic composition to a design that could be described as contemporary, well-mannered, and contextually restrained.

Contextual Design

The proposed design displays a more contextual attitude to the appearance of the building, employing materials, features and details re-interpreted from other older buildings in the neighborhood. The expressed concrete structure and metal grills of the previous design have been replaced with a façade of materials more appropriate for multi-family buildings in this part of San Francisco.

The quality of exterior materials has also been increased to give greater visual texture more in appropriate to residential architecture. The primary materials of the street facades include a limestone-based plaster (Eco-Stucco or Thermochromex), painted aluminum windows and French Doors (Custom Windows), profiled matching aluminum spandrel panels and solar shading and canopies, glass balcony rails, horizontal painted aluminum custom siding (Dri-Design), and a faux-stone porcelain tile apron.

Massing

The neo-Euclidean cubic form of the previous design has given way to a design that responds directly to the neighbors' requests:

- break up the massing and step the building roof line;
- give greater emphasis to the corner mass;
- acknowledge the steep slope of Clay Street and the lesser height of adjacent townhouses; and
- remove the 6th floor.

Both street elevations have recessed elements providing massing and material breaks. As the building moves away from the Clay-Larkin intersection, the roof line steps down at these two interruptions creating a transition to the adjacent properties.

A contemporary interpretation of San Francisco's traditional oriel windows has been introduced to the street elevations reinforcing the stepping in the massing along the Clay and Larkin facades.

At the west end of the building on Clay, an entire bay has been setback and reduced in height by two floors to allow for a respectful transition to the adjacent building.

Sidewalk Experience

The first floor has been re-planned with much more transparency and articulation providing for an activated night-time and daytime appearance.

The building is set back from the property line at the sidewalk level to allow for landscape to soften and screen the transition of the building to the ground plane.

a. Additional benefits demonstrating that the Project is necessary and desirable pursuant to Planning Code Section 303 are as follows:

1. Advancement of the Public Health and Safety.

It is the policy of the City and County of San Francisco to provide a safe environment for its citizens and visitors. Based on the findings of fact in the foregoing introduction, it is in the public health and safety interests of the City and County of San Francisco, and its residents and visitors, to demolish the vacant church to prevent injury or death in the event of collapse of all or a portion of the church in a seismic event.

It is the policy and law of the City and County of San Francisco to prevent and eliminate blight in its neighborhoods. The record documents that the church is decayed and not feasibly repairable, that the church has been repeatedly broken into and vandalized, that the church in its present condition is blighted, and that it is in the interests of the City and County of San Francisco and its citizens, in particular the immediate neighbors, businesses and passers-by, and the City's visitors, to demolish the vacant church.

2. Community Support for the Proposed Project.

There is now overwhelming community support for the Project, namely to demolish the church and replace it with a new 5-story residential building. In particular, the Middle Polk Neighbors Association, and the Clay Street Homeowners Association, who previously opposed the Project, are now in strong support.

3. Tax Base Enhancement Provided by the Proposed Project.

The policy of the City and County of San Francisco is to support and enhance its property tax base to provide revenue to pay for the City's operating and capital expenses including programs and services which benefit all citizens of San Francisco. The City budget currently operates on a deficit and the City wishes to increase revenue so it will not be required to reduce or eliminate services. The proposed Project will contain approximately 30,150 square feet of residential space. Upon completion of the building the property tax base will increase and the annual property taxes generated from the parcel will increase nearly fifty-fold. Collecting 50 times the present property taxes would provide a substantial benefit to the City.

4. **Advancement of General Plan Policies Promoting Construction of New Housing.**

The policy and law of the City and County of San Francisco is to create new housing for its residents. That policy is found in the General Plan. The subject parcel is zoned RM3. The only permitted use in the RM-3 district is medium density housing. Based on the size of the subject parcel, the proposed Project would contain 27 residential housing units which density is consistent with the Zoning Ordinance and General Plan. It is desirable and would benefit the City and its residents to have 27 additional units of newly constructed housing to replace a deteriorating building which is out of service and provides no benefit to the City or its residents. Based on the size of the proposed units it is reasonable to expect the addition of approximately fifty (50) new residents to the neighborhood who would contribute to the vitality of street life and enhance the consumer base for local merchants, both of which are positive and desirable effects for the City and its citizens and visitors.

5. **Compliance with Residential Design Standards.**

The Project is in full compliance with the Residential Design Standards.

6. **Green Attributes of the Project.**

The policy and law of the City and County of San Francisco is to create, promote and grow a “green” local economy for the benefit of its citizens and as a model for other cities throughout the United States. Construction of “green” buildings is one area of significant focus. The proposed Project will incorporate “green” materials such as the Ecoclad exterior finish, and create a building rated above that required by code resulting in benefits for the City and County of San Francisco and its citizens, including reduction of utility/gas, electricity and water consumption by residents of the building.

7. **Provision of Community Benefits and Resources.**

Whenever possible, it is the policy of the City and County of San Francisco to provide benefits and resources to its citizens to enhance their betterment and the quality of life. Often, such resources and benefits are provided by non-profits. In connection with this Project, the Methodist Church will receive net proceeds in excess of \$3 million from the sale of the parcel after demolition of the church. The United Methodist Church focuses its ministry in four areas: work with the poor, global health, leadership development, and living the United Methodist way (discipleship). The use of the proceeds from sale of the church by the Methodist Church will greatly benefit the disadvantaged population.

The Project will provide three community parking spaces and two publicly accessible car share spaces. The community will also receive a donation of \$60,000 towards beautification in the Middle Polk area, as a concession to the neighborhood for the loss of a historic resource. The contribution will be managed by an unrelated fiscal sponsor organization.

8. **Reduction of Sprawl.**

The proposed Project will further the City's General Plan goal related to reduction of urban sprawl by concentrating higher density new housing in the City and reducing the pressure to develop on open space in other parts of the Bay Area.

9. **Increase in Housing Supply.**

The proposed Project will create 27 residential units and will increase the City's housing supply. These residential units will help address the City's broader need for additional housing in a citywide context in which job growth and in-migration outpace the provision of new housing by a wide margin.

10. **Affordable Housing Requirement.**

The Project will comply with the City's affordable housing requirements.

11. **Enriching the Visual Elements of the City.**

The juxtaposition of old and new building materials and forms enriches the visual elements of the City. Adding new and exciting architecture will contribute to the revitalization of San Francisco and enhance its reputation as an international City.

b. The Project Will Not Have Any Detrimental Effect on the Surrounding Area

The Project Site provides an excellent potential for much needed housing. In addition, the Project will conform with the Planning policies of maintaining a compact core. The Project is within close proximity to existing transportation, business, cultural, and retail uses, thereby minimizing the need for the use of automobiles during daytime commuter hours.

The Project is necessary, desirable and compatible with the neighborhood and the community for the following additional reasons:

- (a) The Project is necessary and desirable because it will create up to 27 new dwelling units in an in-fill project within an established urban area, fulfilling existing zoning control standards, and General Plan policies that encourage provision of new housing;*
- (b) The Project will aesthetically enhance the neighborhood and remove the existing blight; and*
- (c) The design of the Project is compatible with the neighborhood character.*

2. Effect of Project on Health, Safety, Convenience or General Welfare

Planning Code section 303(c)(2) requires that facts be established which demonstrate the following:

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 injuries to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

- (a) **The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of the structure.**
- (b) **The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed offstreet parking and loading.**
- (c) **The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor.**
- (d) **Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs.**

(a) The Nature of the Project Site is appropriate for the Project

The Project Site is well suited and zoned for multi-unit residential development. The proposed density at one unit per 400 square feet of lot area and the proposed 53-foot height are appropriate for the Site location and size and similar to the other residential buildings in the neighborhood.

(b) The Project will not Produce Noxious Emissions

The Project will consist of high quality residential units. The proposed uses will not generate any noxious or offensive emissions, noise, glare, dust or odors.

(c) Appropriate Treatment has been Given to Landscaping, Open Space, Parking, Service Areas and Lighting

The proposed Project is intended to produce an environment where residents can enjoy an attractive, safe and comfortable environment. Off-street parking will be provided at basement level, will not be visible from the street, and will be accessible from a single opening located on Clay Street. Pedestrian access to the residential units will be provided on Larkin Street.

The Project will provide 2,455 square feet of private usable open space, in addition to 1,986 square feet of common usable open space, for a total of 4,441 square feet of open space. The open space provided by the Project to its residents is in excess of the amount required by the Planning Code.

Lighting along the building façade and at the street level, and installation of street trees, will be consistent with the neighborhood character. No freight loading is required or provided.

3. Compliance with the General Plan

Planning Code Section 303(c)(3) requires that facts be established that demonstrate the following:

That such use or feature as proposed will comply with the applicable provisions of this code and will not adversely affect the General Plan.

The Project will comply with the Planning Code upon and will affirmatively promote, is consistent with, and will not adversely affect the General Plan, including among others, the following objectives and policies:

Housing Element Objectives and Policies

The objectives and policies of the Residence Element of the General Plan encourage the provision of new housing, the affordability of housing and a quality living environment.

Housing Supply

Objective 1. Provide new housing, especially permanently affordable housing, in appropriate locations which meets identified housing needs and takes into account the demand for affordable housing created by employment demand.

Policy 1.1. Encourage higher residential density in areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing, and in neighborhood commercial districts where higher density will not have harmful effects, especially if the higher density provides a significant number of units that are affordable to lower income households.

Policy 1.7. Encourage and support the construction of quality, new family housing.

Housing Density, Design and Quality of Life

Objective 11. In increasing the supply of housing, pursue place making and neighborhood building principles and practices to maintain San Francisco's desirable urban fabric and enhance livability in all neighborhoods.

Policy 11.1. Use new housing development as a means to enhance neighborhood vitality and diversity.

- Policy 11.2. Ensure housing is provided with adequate public improvements, services, and amenities.
- Policy 11.8. Strongly encourage housing project sponsors to take full advantage of allowable building densities in their housing developments while remaining consistent with neighborhood character.

The Project proposes to remove an existing vacant building and provide more desirable residential use. The Project appropriately locates housing units at a site that principally permits residential uses and increases the City's supply of housing, including affordable housing. The Project's architectural design is compatible with the existing scale and character of the neighborhood.

Urban Design Element Objectives and Policies

The Project promotes the Urban Design Element's objectives and policies as follows:

City Pattern

- Objective 1. Emphasis of the characteristic pattern, which gives to the City and its neighborhoods an image, a sense of purpose and a means of orientation.
- Policy 1.2. Protect and reinforce the existing street pattern, especially as it is related to topography.
- Policy 1.3. Recognize that buildings, when seen together, produce a total effect that characterizes the City and its districts.

The Project will enhance this RM-3 District by reinforcing the urban nature of the street pattern. The Project will result in a better utilization of the Project Site than that of the existing vacant building. The Project vicinity is primarily residential units, including several large residential developments in the immediate vicinity.

Neighborhood Environment

- Objective 4. Improvement of the neighborhood environment to increase personal safety, comfort, pride and opportunity.
- Policy 4.12. Install, promote and maintain landscaping in public and private areas.

The Project will improve the neighborhood safety by providing 27 new residential uses in place of a vacant building.

H. MASTER PLAN PRIORITY POLICIES

Planning Code Section 101.1 establishes the following eight priority planning policies and requires review of permits for consistency with said policies. The Project and this

Conditional Use application are consistent with each of these policies as follows:

1. That Existing Neighborhood-Serving Retail Uses Be Preserved and Enhanced and Future Opportunities for Resident Employment in and Ownership of Such Businesses Enhanced

Neighborhood-serving retail uses will benefit from the occupants of the 27 new residential units.

2. That Existing Housing And Neighborhood Character Be Conserved And Protected In Order To Preserve The Cultural And Economic Diversity Of Our Neighborhoods

The Project conserves and enhances neighborhood character by providing a quality new residential building in a residentially zoned neighborhood.

3. That the City's Supply Of Affordable Housing Be Preserved And Enhanced

The Project will further this priority policy by complying with the City's affordable housing requirements.

4. That Commuter Traffic Not Impede MUNI Transit Service Or Overburden Our Streets or Neighborhood Parking

The Project is too small to impede Muni transit service or overburden streets or parking.

5. 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 does not involve any commercial office development.

6. That The City Achieve the Greatest Possible Preparedness to Protect Against Injury And Loss of Life in an Earthquake

The Project will conform to the structural and seismic requirements of the San Francisco Building Code.

7. That Landmarks And Historic Buildings Be Preserved

The existing building at the Project Site is not a landmark. The Project Sponsor has proposed that construction of new housing is a better alternative for the City than keeping the existing vacant structure in place, despite any historical significance.

8. That Our Parks And Open Space And Their Access To Sunlight And Vistas Be Protected From Development

The Project will not adversely affect any public parks or open space. There are no public parks or public open space on the subject or adjacent blocks.

I. CONCLUSION

The Project satisfies all of the criteria of the Planning Code and the Master Plan for approval of a Conditional Use Authorization. The Project will provide up to 27 units of much needed housing for San Franciscans. The proposed density of one unit per 400 square feet of lot area is appropriate for the Project Site size and location. The proposal furthers the objectives and policies of the City's Master Plan, and the existing zoning controls, and will be a positive and welcome addition to the neighborhood.

The Project will increase annual property taxes flowing from the Project Site to the City by 50 times. The immediate community has provided more than 244 letters of support to the Planning Commission. The Middle Polk Neighborhood Association and the Clay Street Homeowners Association are in strong support of the Project.

As described above, the Project's benefits will include:

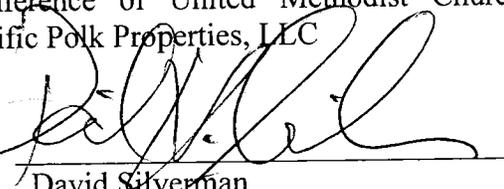
1. Increase in Housing Supply;
2. Advancement of the Public Health and Safety;
3. Annual Tax Enhancement of at least \$336,000 provided by the proposed Project;
4. Job Creation;
5. Advancement of General Plan Policies Promoting Construction of New Housing;
6. Consistency with Residential Design Standards;
7. Reduction of Sprawl; and
8. Community Beautification.

For all of the reasons described above, the California-Nevada Conference of United Methodist Church and Pacific Polk Properties, LLC respectfully request that you approve the substantially re-designed and reduced Project.

Respectfully,

REUBEN, JUNIUS & ROSE, LLP
Attorneys for California-Nevada Annual
Conference of United Methodist Church and
Pacific Polk Properties, LLC

Dated: September 24, 2013

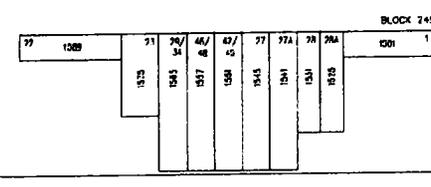
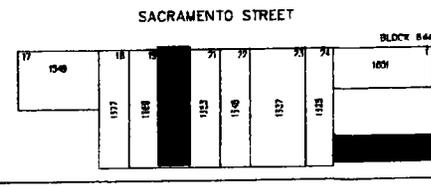
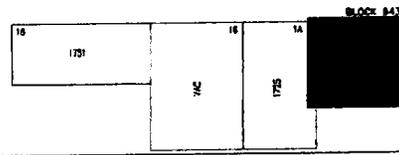
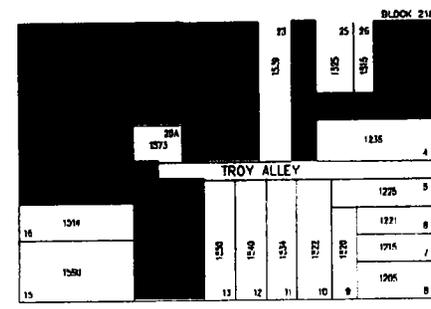
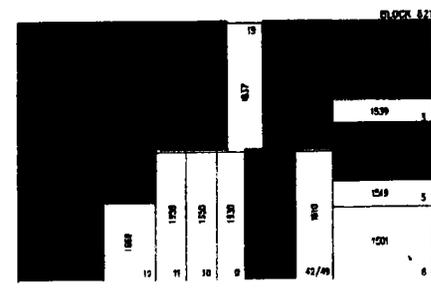
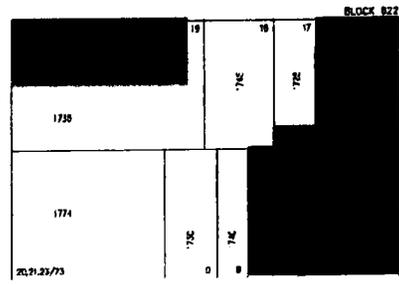
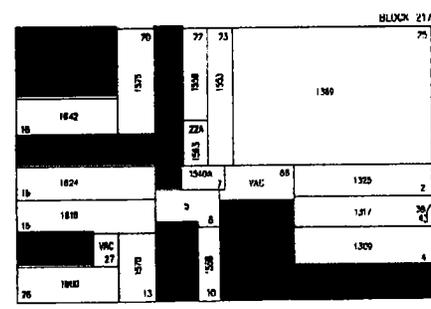
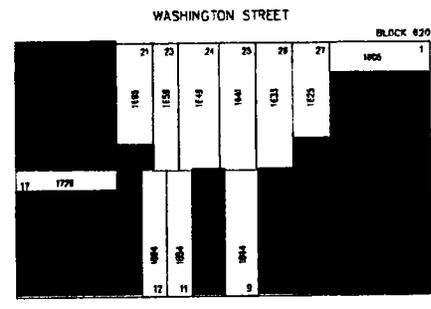
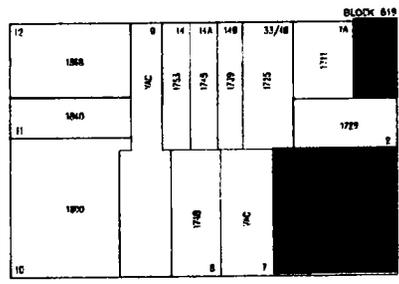
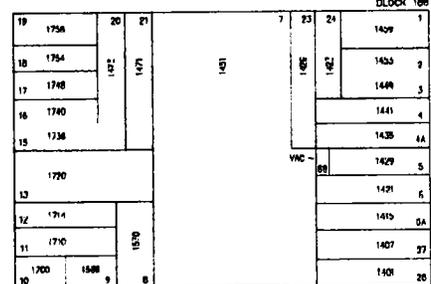
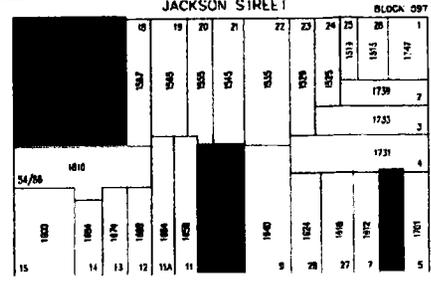
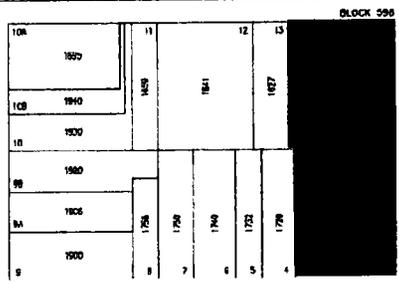
By: 

David Silverman

LIST OF EXHIBITS

- Exhibit A – Block Map of Supporters of the Project and List of Addresses
- Exhibit B – Letter of Support from Middle Polk Neighborhood Association dated July 8, 2013
- Exhibit C – Letter of Support from Clay Street Homeowners Association dated August 26, 2013

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VAN NESS AVENUE

POLK STREET

ARWIN STREET

HYDE STREET

JACKSON STREET

WASHINGTON STREET

CLAY STREET

SACRAMENTO STREET

TROY ALLEY

San Francisco, CA

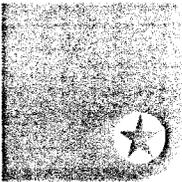


NEIGHBORHOOD SUPPORT MAP

1544 x	1230	1336	1340	1255	1335	1451	1262	2001 Van Ness
1548 x	1291	1390	1340	1306	1355	1801		133 Bernard
1553 x	1306	1418	1435	1647	1536			SFHAC
1603 x	1373	1441	1435		1590			4530 California
1605 x	1418	1520	1440		1590			2001 Van Ness
1609 x	1462	1520	1446		1590			1456 Jones
1617 x	1462	1523	1450		1590			133 Bernard
1619 x	1518	1530	1565		1590			845 California
1622 x	1531	1537	1565		1601			2001 Van Ness
1630 x	1534	1545	1590		1601			1234 Jones
1639 x	1595	1551	1610		1625			1257 Chestnut
1640 x	1535	1602	1644		1625			2001 Van Ness
1649 x	1538	1610	1700					133 Bernard
1649 x	1538	1610	1702					1301 Leavenworth
1650 x	1547	1614	1898					Larkin/Bush
1650 x	1547	1625						291 Clay
1651 x	1558	1631						
1653 x	1563	1631						
1653 x	1564	1631						
1693 x	1575	1637						
1701 x	1595	1637						
1709 x	1595	1638						
1710 x	1595	1638						
1710 x	1611	1651						
1713 x	1611	1651						
1715 x	1611	1664						
1720 x	1615	1664						
1723 x	1627	1664						
1725 x	1630	1664						
1725 x	1630	1664						
1732 x	1635	1664						
1732 x	1638	1710						
1742 x	1640	1714						
1742 x	1645	1718						
1747 x	1645	1735						
1760 x	1654	1754						
1815 x	1654	1754						
1825 x	1665	1758						
1833 x	1670	1824						
1840 x	1670	1824						
1840 x	1670	1824						
1841 x	1670	1824						
1845 x	1675	1824						
	1755	1824						
	1960	1824						
		1859						
		2022						
		2301						

179 plus 55 without addresses on petition GRAND TOTAL 244

Total Signature count:



**middle polk
neighborhood association**

Middle Polk Neighborhood Association
PO Box 640918
San Francisco, CA 94164-0918

To: San Francisco Planning Commission
Re: 1601 Larkin Housing Project; Case No. 2013.0890C

July 8, 2013

Dear President Fong and Planning Commissioners,

Since we last spoke to you on this item, there have been significant changes. We present a timeline of these changes and events.

Following the June 24th 2012 guidance of Commissioner Borden, and following the informational presentation before the Planning Commission on December 13th 2012:

1. Middle Polk Neighborhood Association (MPNA) worked with the project sponsor (Pacific Polk Properties) and architect (Ian Birchall Assoc.) to inform neighbors to attend the pre-app presentation at TRI (Van Ness/Sacramento) on December 10th 2012.
2. MPNA hosted the project sponsor and his architect at our January/February monthly meeting in 2013.
3. The MPNA Leadership Team was split on support for the project. We took the question to our members in a formal survey in March 2013. Members voted 55% in favor and 45% opposed to the current design, as proposed. In accordance with our bylaws, MPNA leadership and MPNA support the project based on this majority vote.

Our member survey noted all modifications made by the project sponsor included in the Conditional Use Application and as reiterated in their presentation to the Commission, including a \$60,000 donation towards beautification projects in the Middle Polk area, as a concession given to the neighborhood for the loss of a historic resource. We wish to note that the \$60,000 neighborhood beautification fund is not directed to MPNA but will rather be managed by an unrelated fiscal sponsor organization. These concessions are conditions of MPNA's support. We respectfully request that the Commissioners note this in your deliberations.

We request the Commissioners approve the current design as proposed, with the current slate of concessions and give-backs.

Respectfully,

MPNA Leadership Team
Dawn Trennert – Chair
Wylie Evans – Vice-chair
Frank Cannata – Treasurer
Michael Schoolnik – Secretary
Brian Wallace – Director
Phillip Zackler - Director

Clay Street Homeowners Association

1561 – 1571 Clay Street
San Francisco, CA 94109

To: San Francisco Planning Commission
Re: 1601 Larkin Housing Project, Case No. 2013.0890C

August 26, 2013

Dear President Fong and Planning Commissioners:

This letter is written to you by the current owners of 1561 – 1571 Clay Street. With respect to the conditional use application before you concerning the above named project, we have maintained a review process since the original project was proposed and have reviewed all three past proposals and design iterations for 1601 Larkin. The current design now proposed and before the commission is acceptable to us, whereas the previous two designs were not.

We attended the Pre-Application presentation at TRI earlier this year, and most of us participated in the Middle Polk Neighbor Association (MPNA) survey earlier this year. Our considered view is that the proposed design is a welcome addition in both height, mass, and overall design.

We recognize those neighbors who stood their ground over the years, and welcome their efforts to make sure a design was put forth that we as stakeholders to the vitality and character of the neighborhood can accept and embrace.

The current design does just that, and we respectfully ask you to approve the project as submitted.

Sincerely,

Paul Wiefels
President, Clay Street HOA, 1563 Clay

cc: Jolie Goorjian & Barbara Marcotte, 1561 Clay
Donna Williamson, 1565 Clay
Bryan Fulton, 1567 Clay
Michael Schoolnik & Naoko Matsuda, 1569 Clay
Rebecca Nordset, 1571 Clay



1601 LARKIN
CONDITIONAL USE APPLICATION

Date of Package: October 3, 2013

Project Sponsor:

Pacific Polk Properties and the
California Nevada Annual Conference of the United Methodist Church
c/o John McInerney

1600 Webster Street
San Francisco, CA 94115



Project Sponsor:
Pacific Polk Properties and the California
Nevada Annual Conference of the United
Methodist Church c/o John McInerney
1600 Webster Street
San Francisco, CA 94115

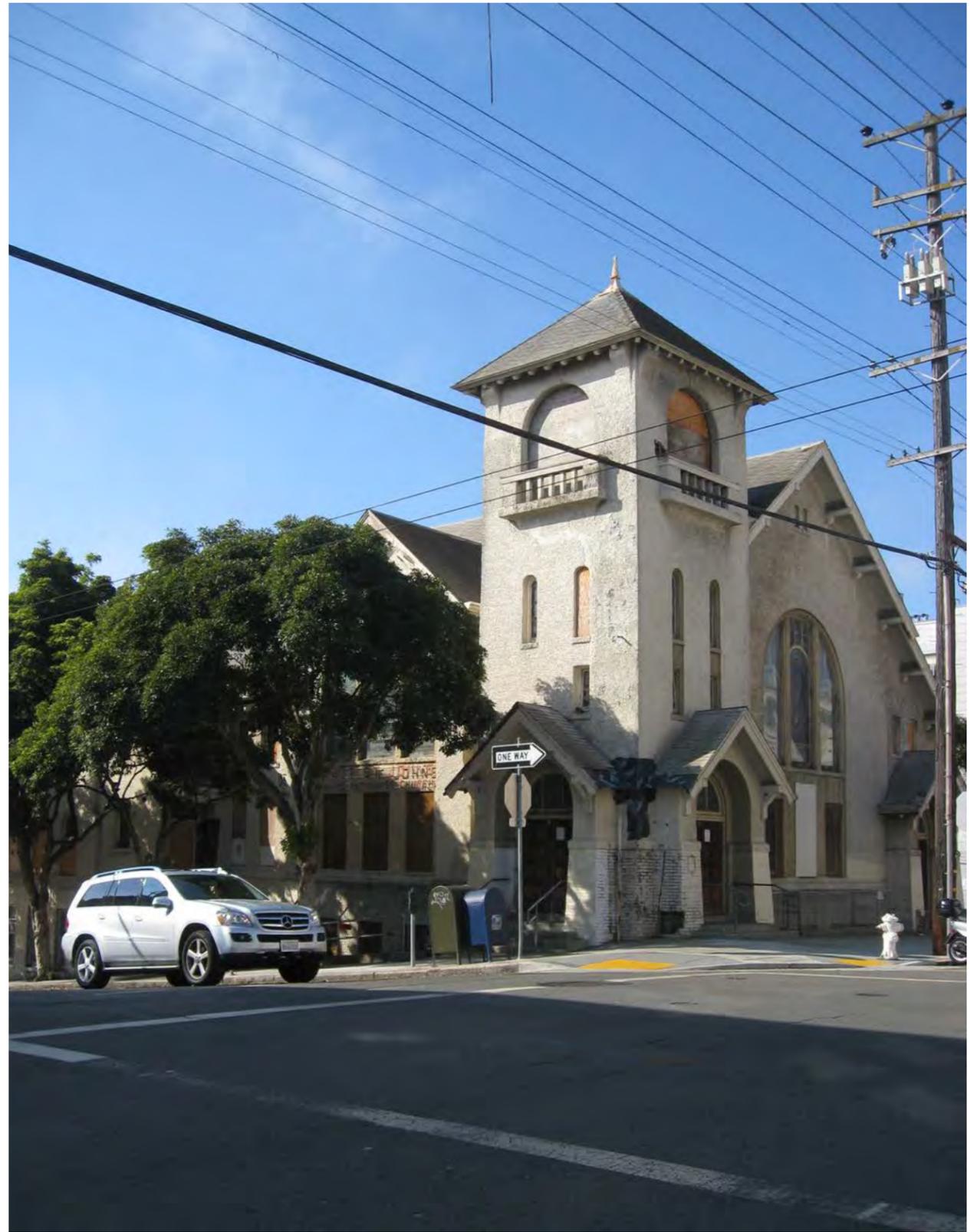
Date of Package:
October 3, 2013

AERIAL SITE MAP

1601 LARKIN STREET



Ian Birchall and Associates
251 South Van Ness Ave, Suite 300
San Francisco, CA 94103
p: 415.512.9660
f: 415.512.9663
www.ibadesign.com



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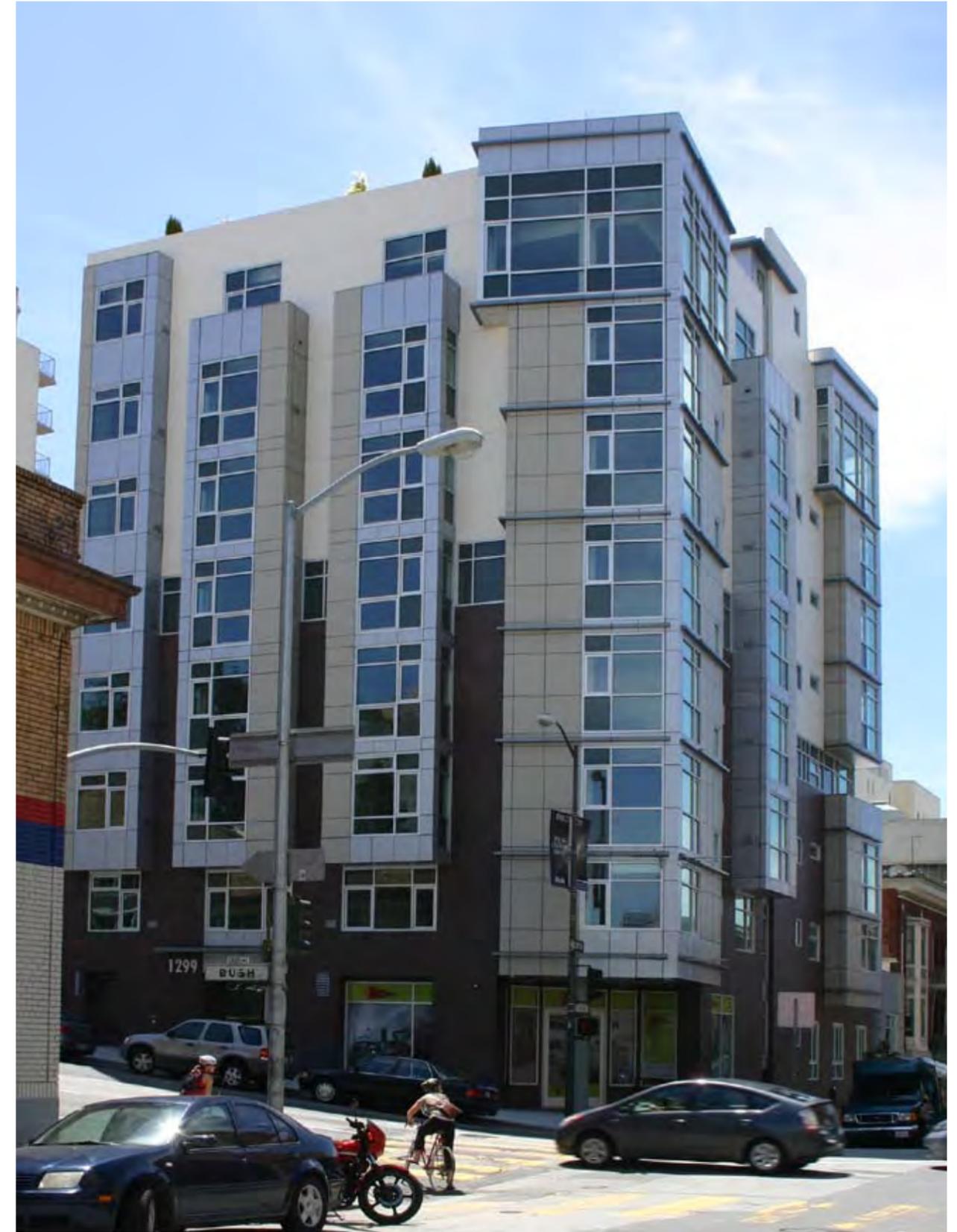
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SITE AND SURROUNDING NEIGHBORHOOD ARCHITECTURE

1601 LARKIN STREET



Ian Birchall and Associates
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 1600 Webster Street
 San Francisco, CA 94115

Date of Package:
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SURROUNDING NEIGHBORHOOD ARCHITECTURE

1601 LARKIN STREET



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AREAS

Floor	Gross Building Area (SF)	Net Residential Area (SF)
Basement Level 2	8,658	0
Basement Level 1	10,999	0
First Floor	7,920	5,648
Second Floor	8,405	6,557
Third Floor	8,381	6,557
Fourth Floor	8,255	6,473
Fifth Floor	6,201	4,915
Building Totals (SF)	58,819	30,150

UNIT MIX & COUNT

Type	Count
Studio	1
One Bedroom	4
Two Bedroom	21
Three Bedroom	1
Total	27

OPEN SPACE

Units with Private Usable Open Space*		PUOS*
103	176	60
105	153	60
106	106	60
406	95	60
501	1665	60
502	260	60
Total PUOS*	2455	360

* PUOS conforming to minimum requirement of Section 135 and contributing to Open Space provision calculation

Required PUOS [27 * 60]	1,620
--------------------------------	--------------

Remainder of Open Space required	1,676
---	--------------

* Remainder multiplied by 1.33

Common Usable Open Space Provided**	1,986
--	--------------

**Courtyard area meeting minimum requirements of Section 135

Total Open Space Provided (Contributing and Non-Contributing)	4,441
--	--------------

Parking

Spaces Required	27
Spaces Provided	32

includes 2 car share and 3 community parking spaces

Bicycle Parking

Bicycle Parking Required	14
Bicycle Parking Provided	18



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San Francisco, CA 94115

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VIEW OF CORNER
CURRENT DESIGN - 5 STORIES

1601 LARKIN STREET

ib+a
architecture

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VIEW UP LARKIN
CURRENT DESIGN - 5 STORIES

1601 LARKIN STREET

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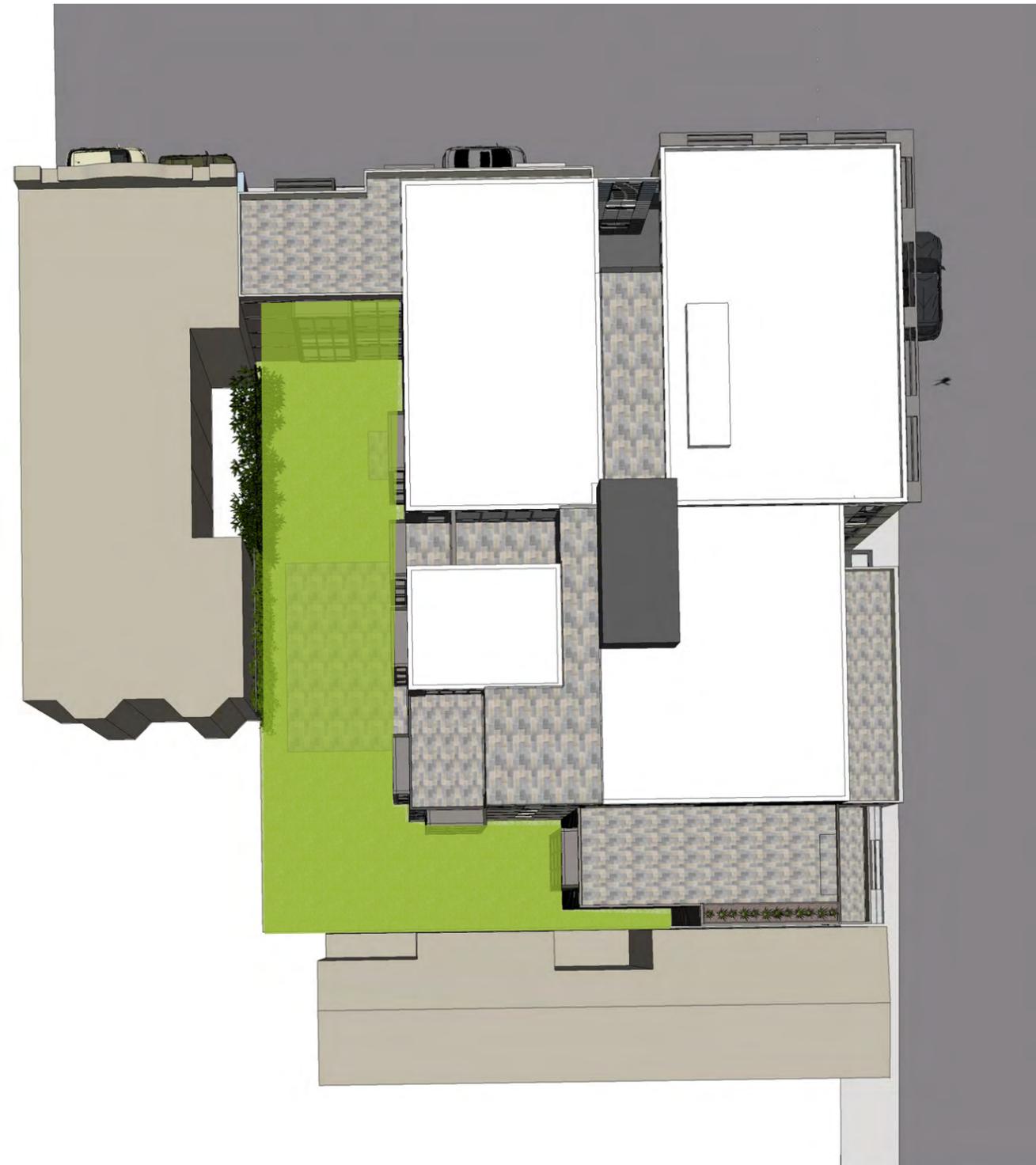
Date of Package:
October 3, 2013

VIEW UP CLAY
CURRENT DESIGN - 5 STORIES

1601 LARKIN STREET



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1600 Webster Street
San Francisco, CA 94115

Date of Package:
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AERIAL VIEW OF COURTYARD

1601 LARKIN STREET

ib+a
architecture

Ian Birchall and Associates
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MASSING FROM 11-7-12

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 1600 Webster Street
 San Francisco, CA 94115

Date of Package:
 October 3, 2013

BIRD'S EYE VIEW - CLAY STREET
CURRENT DESIGN - 5 STORIES

1601 LARKIN STREET

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 architecture

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**4 STORY ELEMENT ADJACENT
TO 4 STORY BUILDING**

MASSING FROM 11-7-12

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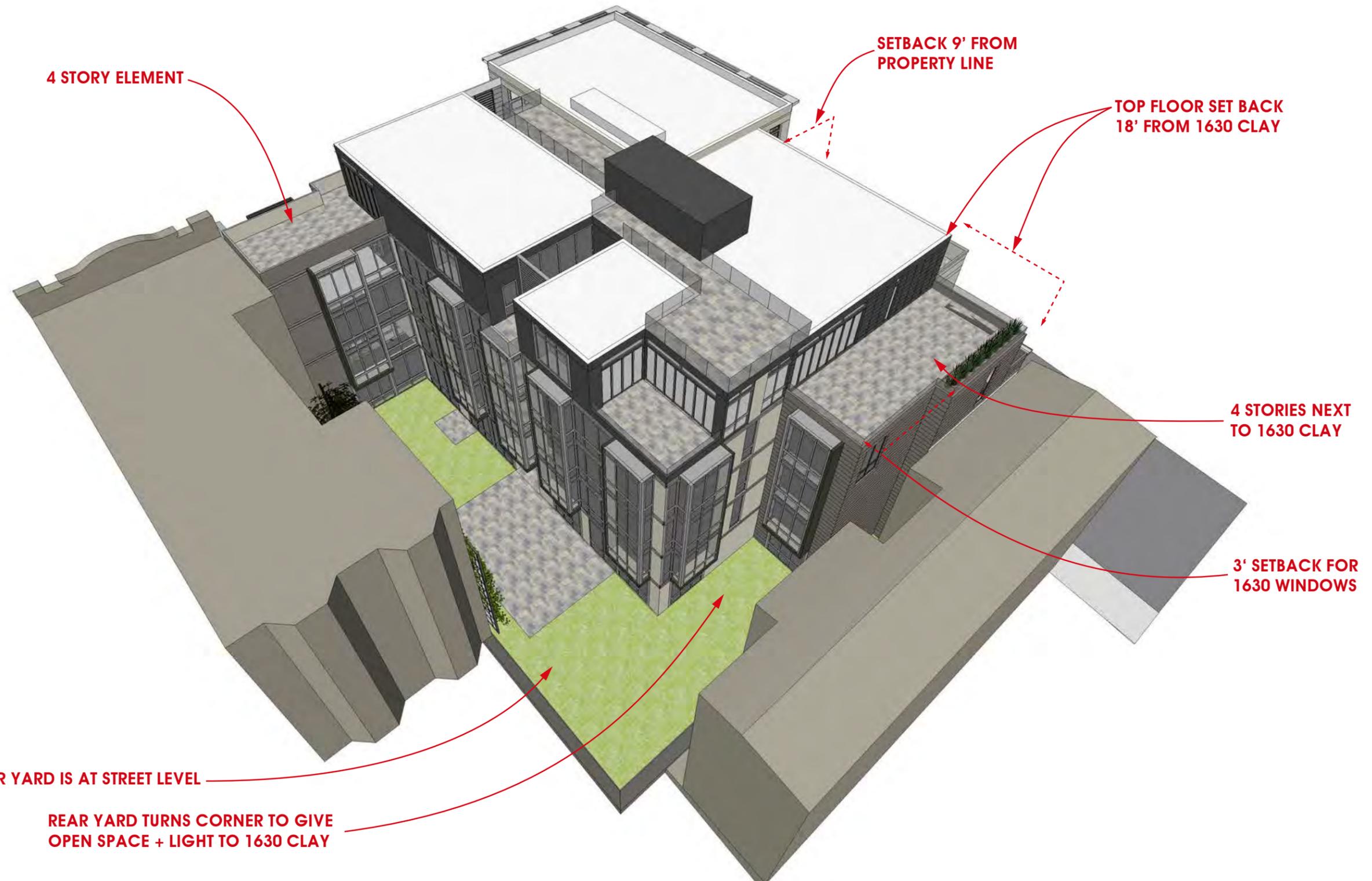
Date of Package:
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**BIRD'S EYE VIEW - LARKIN STREET
CURRENT DESIGN - 5 STORIES**

1601 LARKIN STREET

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architecture

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MASSING FROM 11-7-12

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BIRD'S EYE VIEW - COURTYARD
CURRENT DESIGN - 5 STORIES

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9' SETBACK

3' SETBACK OF 5TH FLOOR

MASSING FROM 11-7-12

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 1600 Webster Street
 San Francisco, CA 94115

Date of Package:
 October 3, 2013

BIRD'S EYE VIEW - CORNER OF CLAY AND LARKIN
CURRENT DESIGN - 5 STORIES

1601 LARKIN STREET



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VIEW DOWN CLAY STREET

1601 LARKIN STREET

ib+a
architecture

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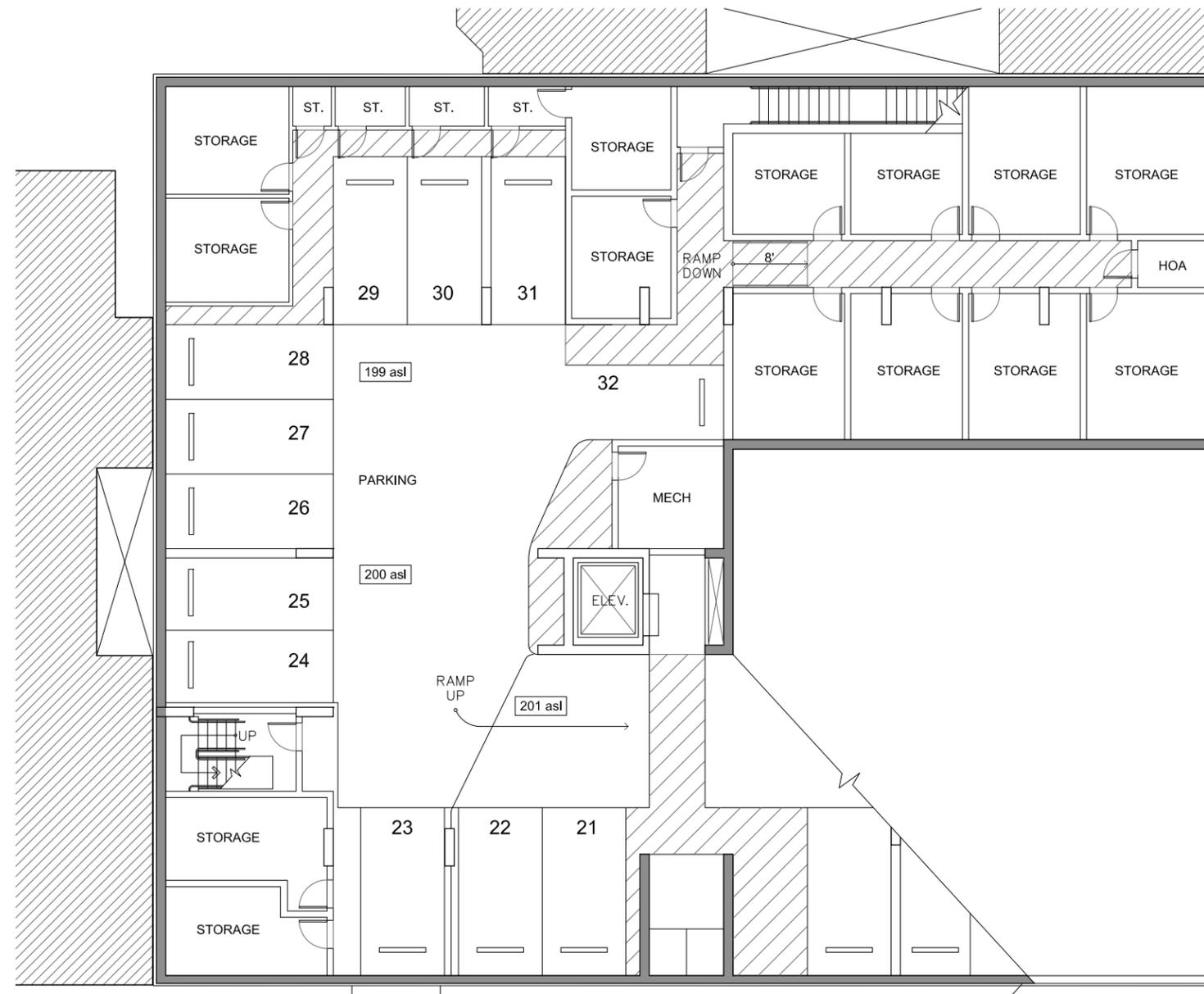
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VIEW UP CLAY STREET

1601 LARKIN STREET

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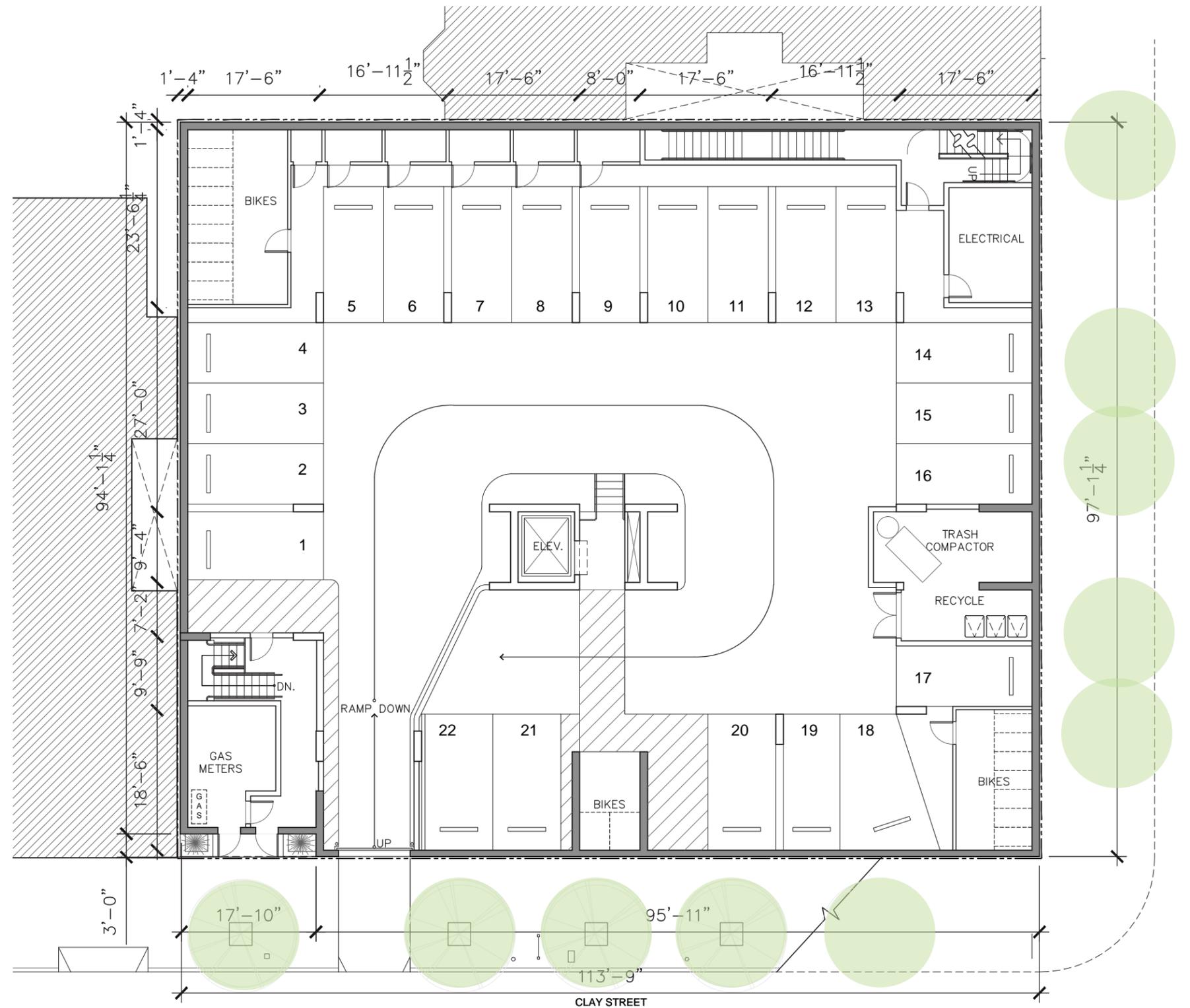
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BASEMENT LEVEL 2 PLAN

1601 LARKIN STREET



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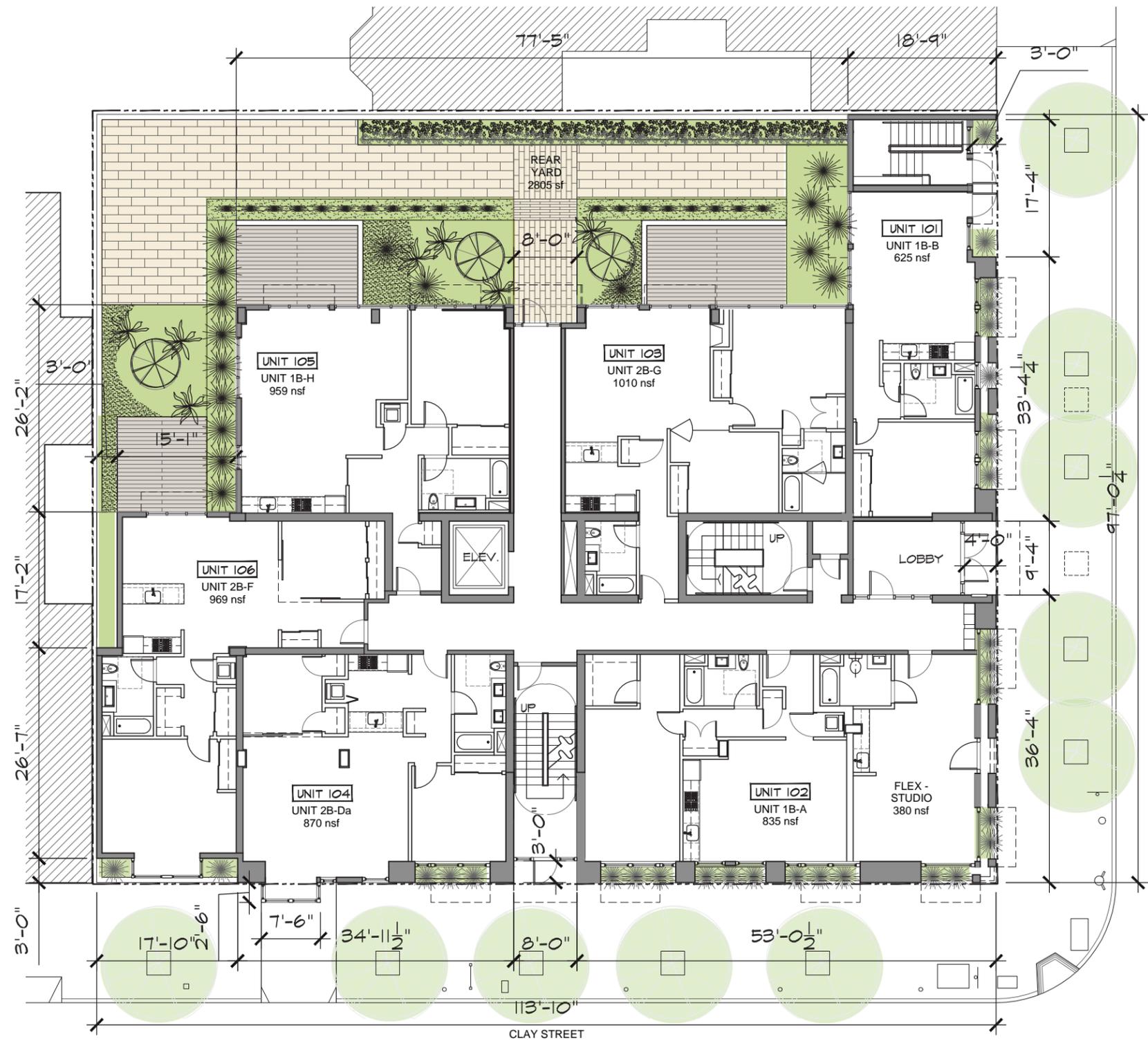
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BASEMENT LEVEL 1 PLAN

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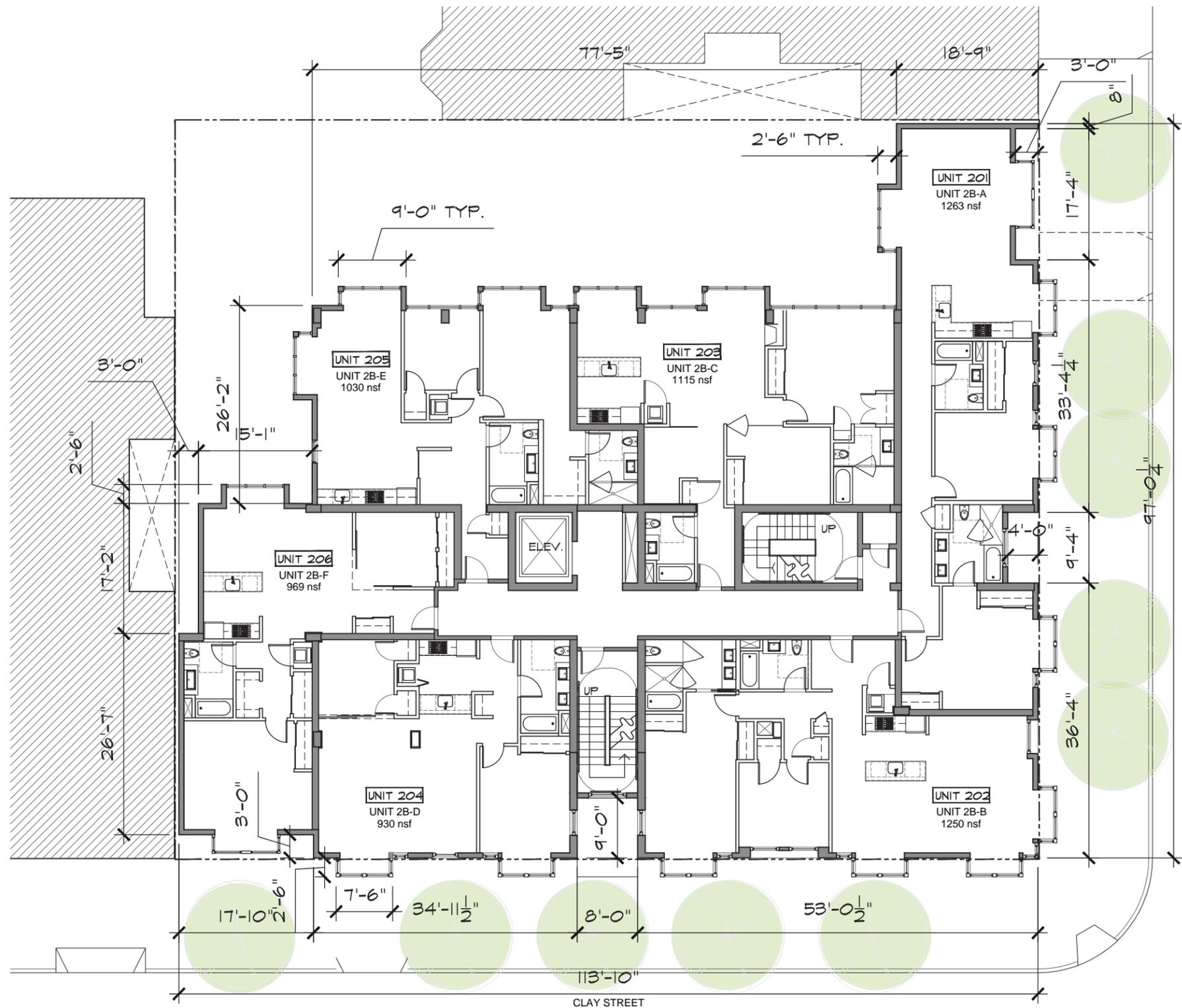
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FIRST FLOOR PLAN

1601 LARKIN STREET



Ian Birchall and Associates
 251 South Van Ness Ave, Suite 300
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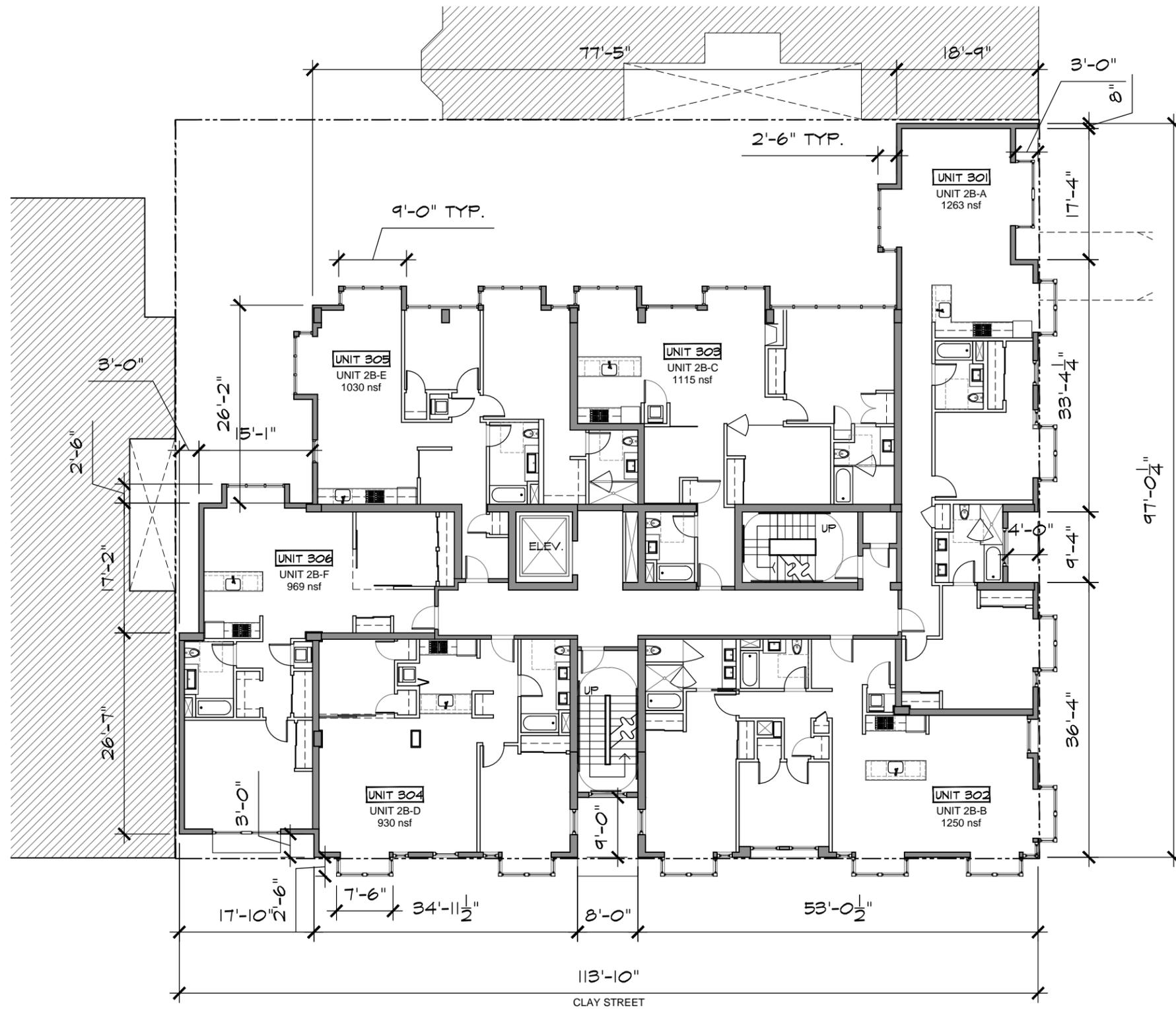
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SECOND FLOOR PLAN

1601 LARKIN STREET



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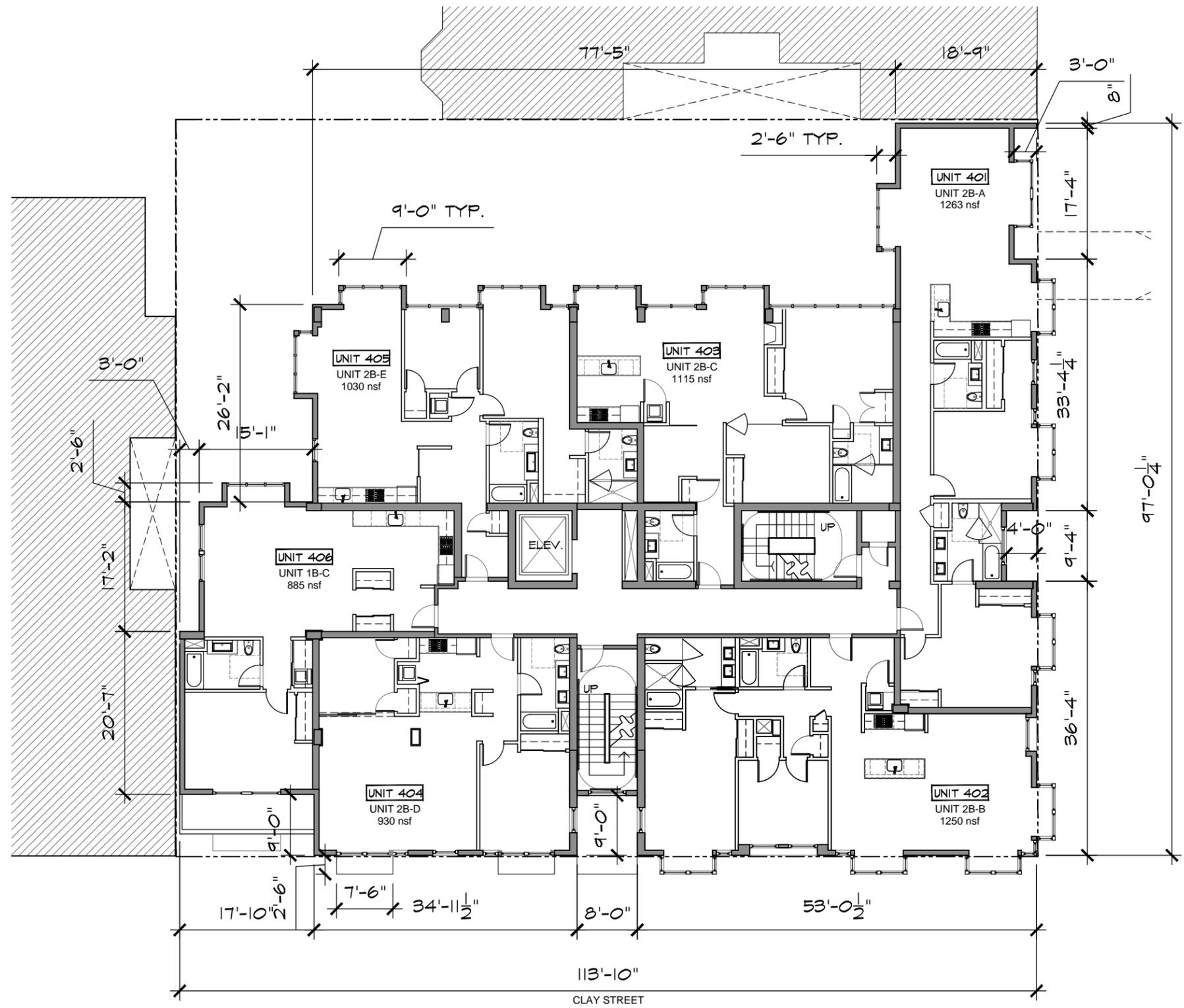
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THIRD FLOOR PLAN

1601 LARKIN STREET



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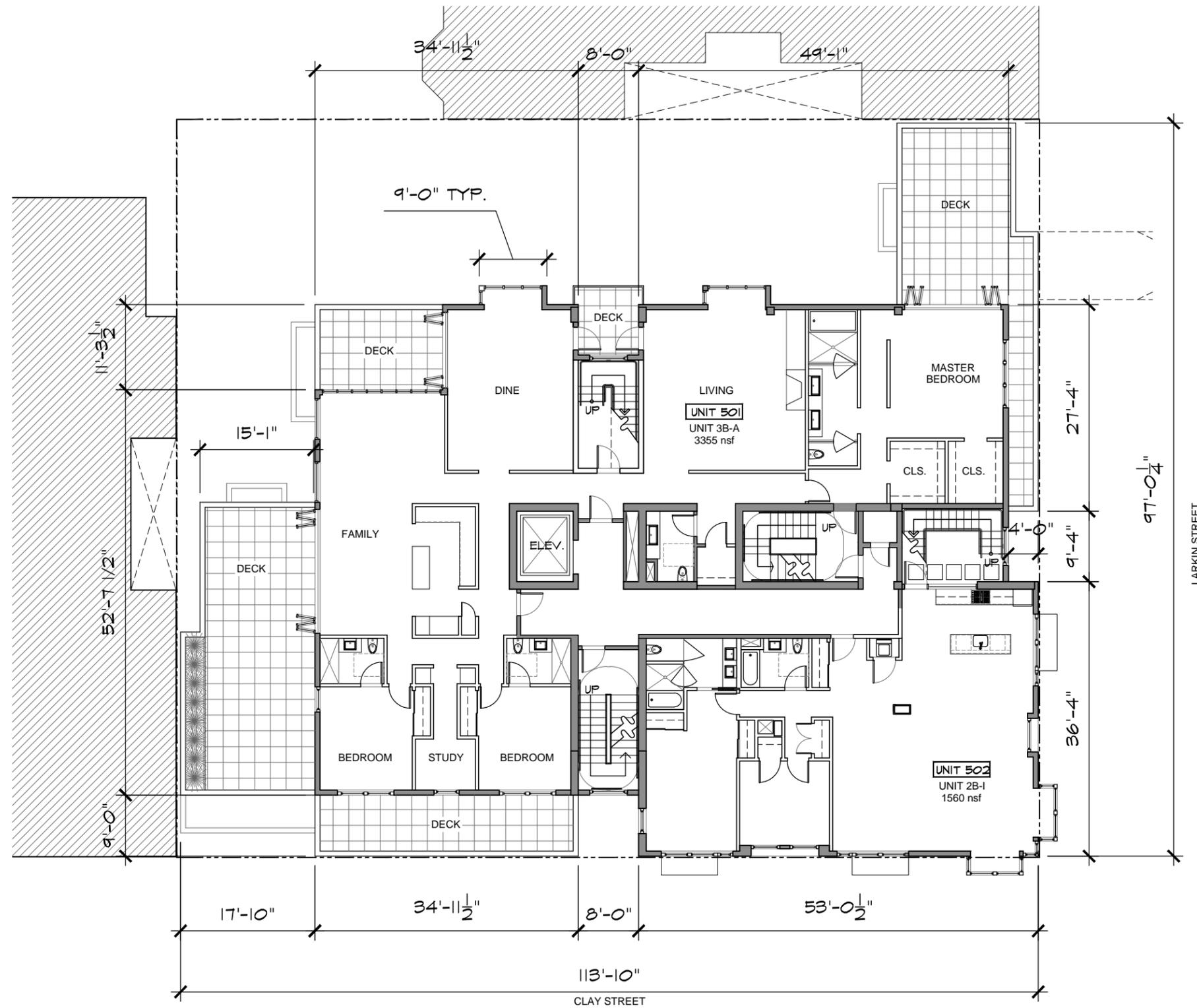
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FOURTH FLOOR PLAN

1601 LARKIN STREET



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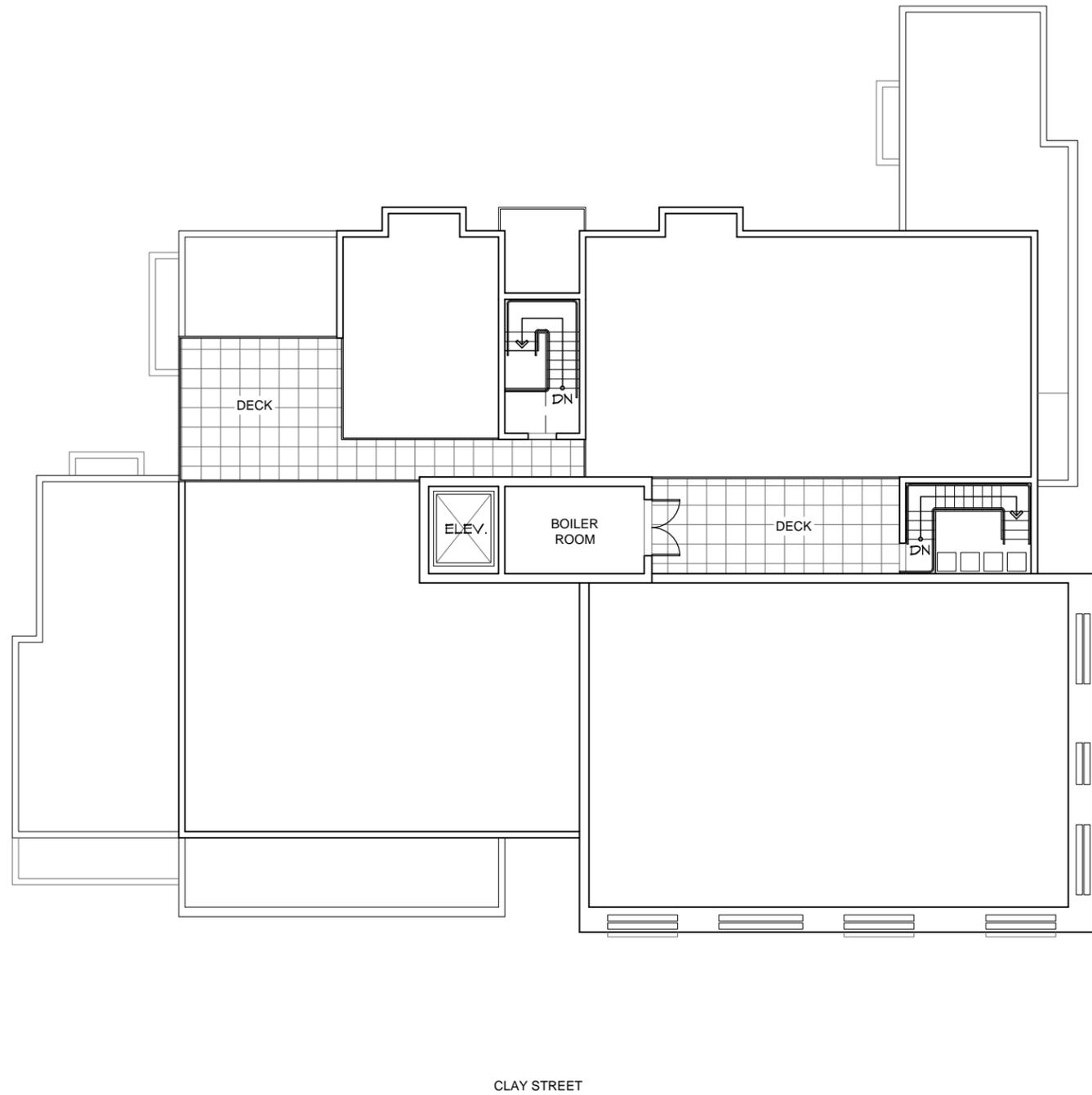
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FIFTH FLOOR PLAN

1601 LARKIN STREET



Ian Birchall and Associates
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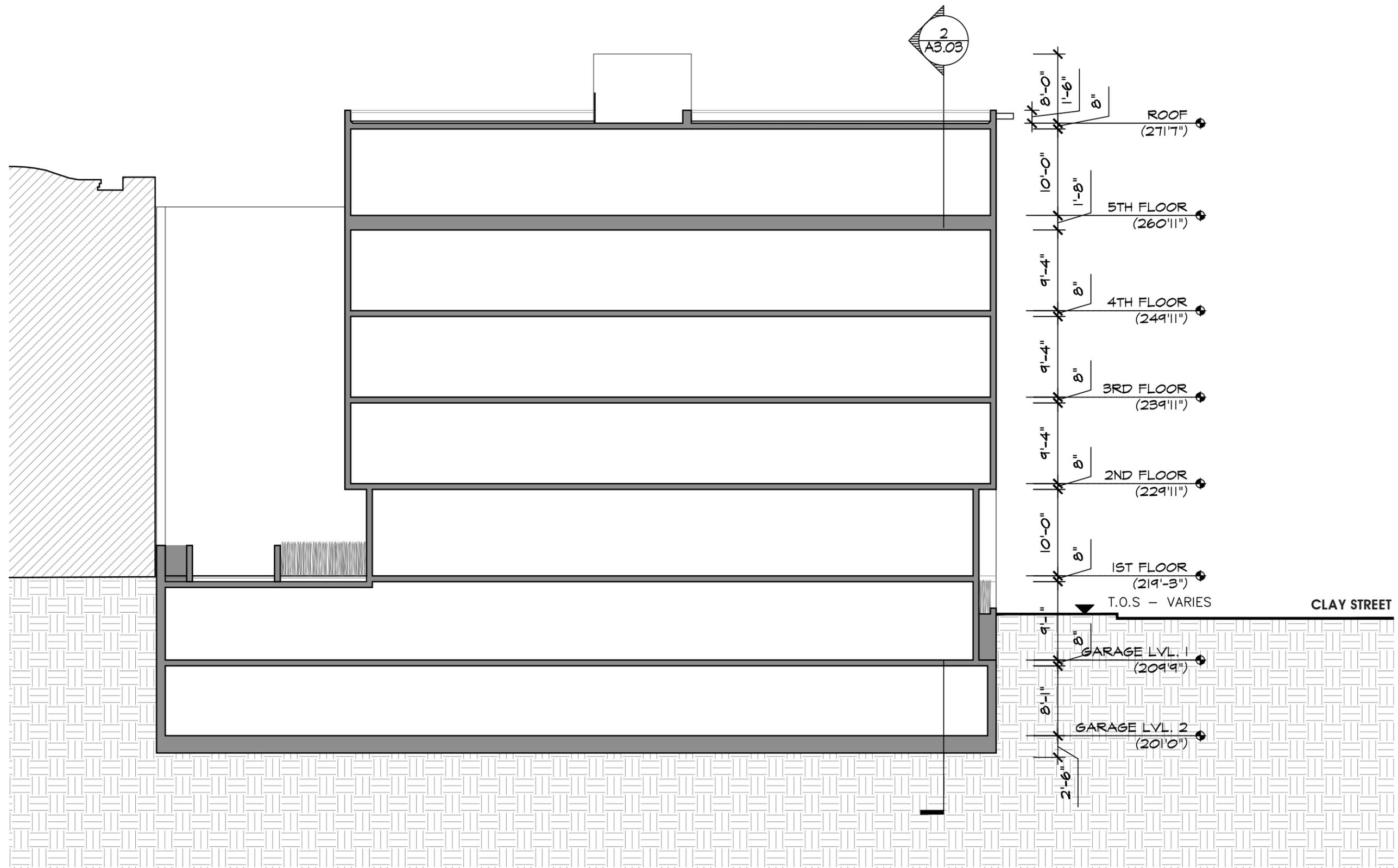
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ROOF PLAN

1601 LARKIN STREET



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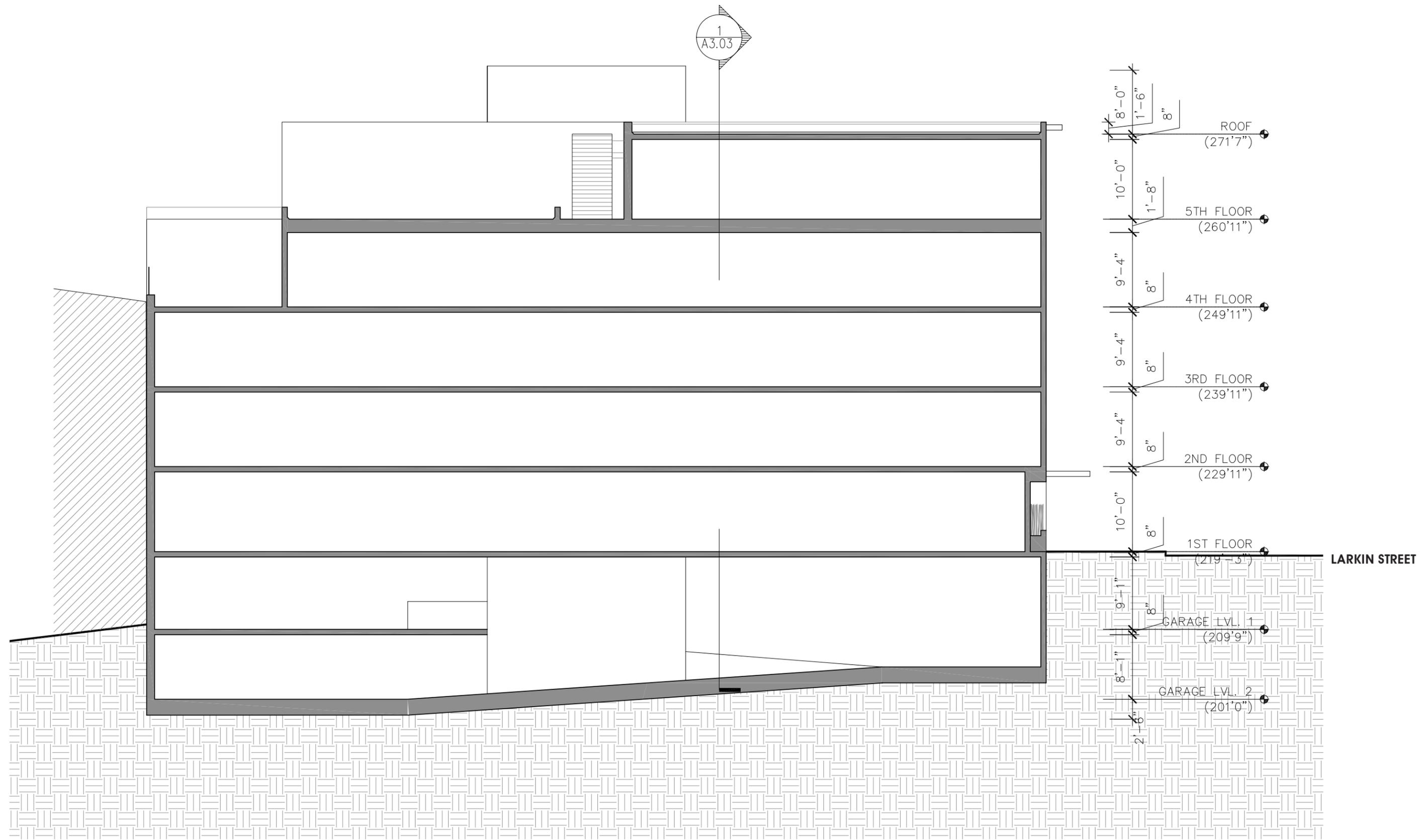
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DIAGRAMATIC CROSS SECTION - CLAY

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DIAGRAMATIC CROSS SECTION - LARKIN

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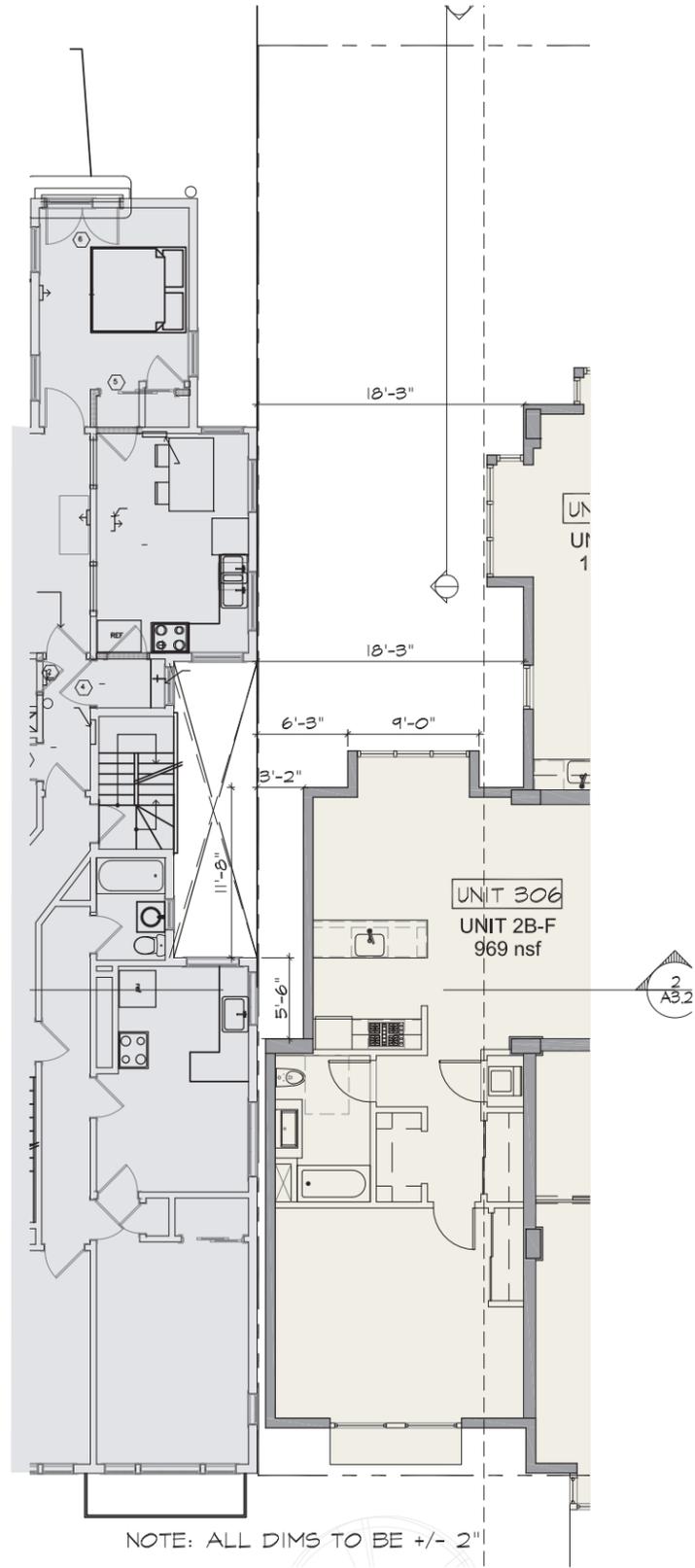


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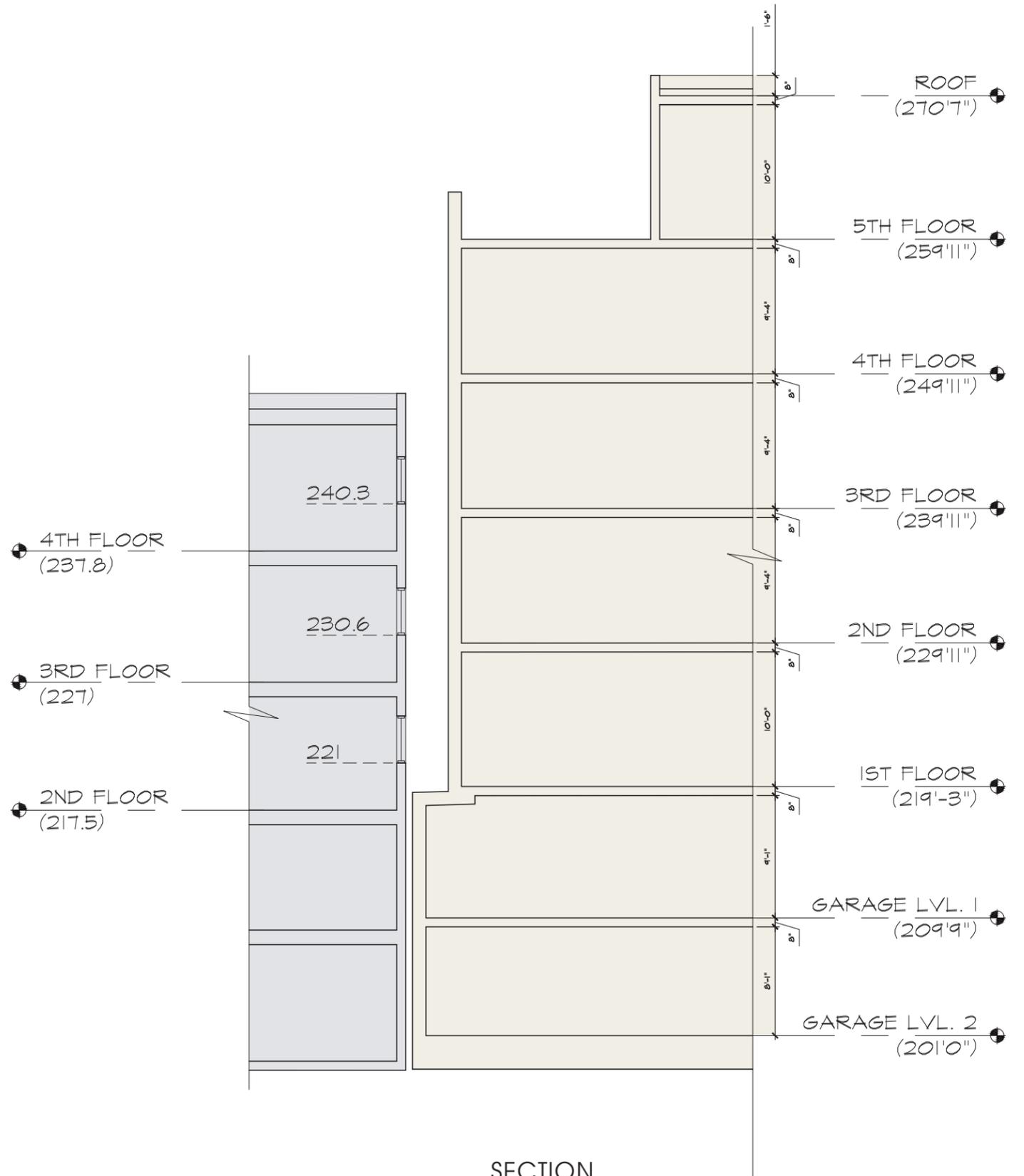
KEY

1630 CLAY

1601 LARKIN



PLAN



SECTION

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1630 CLAY AND 1601 LARKIN PROPERTY LINE RELATIONSHIP

1601 LARKIN STREET



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- 01 - LIMESTONE PLASTER (ECOCLAD)
- 02 - ALUMINUM WINDOW SYSTEM
- 03 - ALUMINUM PANELS
- 04 - RAINSCREEN (VIVIX)
- 05 - GLASS LOUVER WINDOW SYSTEM
- 06 - ALUMINUM BEAM
- 07 - STONE TILE
- 08 - GLASS ENTRY CANOPY



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CLAY STREET ELEVATION - MATERIAL SELECTION

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LARKIN STREET ELEVATION - MATERIAL SELECTION

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VIEW FROM CENTER OF SIDEWALK ACROSS CLAY

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VIEW FROM CENTER OF SIDEWALK ACROSS LARKIN

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DAY VIEW OF LARKIN AND CLAY CORNER

1601 LARKIN STREET

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architecture

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DAY VIEW OF LARKIN ENTRY

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VIEW OF LARKIN AND CLAY CORNER STREETScape

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VIEW OF CLAY EXIT AND STREETScape

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EVENING VIEW OF LARKIN AND CLAY CORNER

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EVENING VIEW OF LARKIN ENTRY

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