

File No. 110702

Committee Item No. _____

Board Item No. 43

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee _____

Date _____

Board of Supervisors Meeting

Date June 21, 2011

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
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| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

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|-------------------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <u>Conditional Use Appeal – 800 Presidio Avenue Project</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Project Sponsor's Brief (Exhibits A-E)</u> |

Completed by: Joy Lamug

Date June 16, 2011

Completed by: _____

Date _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.



May 31, 2011

David Chiu, President
San Francisco Board of Supervisors
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94103

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAY 31 PM 3:51
BY: [Signature]

Re: **800 Presidio Av.: 2006.0868CEKTZ -Appeal of Conditional Use Authorization**

Dear President Chiu and Members of the Board:

INTRODUCTION

Neighbors For Fair Planning are residents and owners of property in the immediate vicinity of the low density, Victorian era neighborhood surrounding the site of the proposed out-of scale project at The Booker T. Washington Community Service Center, (BTW). The proposed project is an absurd, 70,000 square foot building which violates numerous provisions of the Planning Code and all common sense or fairness in planning.

By definition, a Conditional Use Authorization concerns those within a 300 foot radius of the site. This Appeal was qualified by obtaining signatures of property owners within that 300 foot radius. The legal test for a Conditional Use Authorization is whether it is "necessary and desirable" for those affected neighbors. In this instance, at the proposed size, the answer is a resounding "NO." The project has virtually no support with the surrounding neighbors given it overwhelming size and negative impacts. As stated in the Planning Department's Application:

"A Conditional Use is a use that is not principally permitted in a particular Zoning District. Conditional Uses require a Planning Commission hearing in order to determine if the proposed use is necessary and desirable to the neighborhood, whether it may potentially have a negative impact on the surrounding neighborhood, and whether the use complies with the San Francisco General Plan"

This project fails to meet any of these requirements. The site is currently zoned RM-1, Residential Mixed Use-Low Density, has a 40 foot height limit and is surrounded on all sides by small wooden Victorian era houses of one and two stories. (NOT three stories as again mistakenly set forth in the Planning Dept materials) Many buildings on the block and in the surrounding area are historically significant and date from the late 1870's-1880's when the area was first settled as part of the "western addition" to San Francisco. There are some apartment buildings dating from the early 1900's across Sutter Street to the north. BTW is located on a large lot of a little more than 1/2 acre in size and has residential uses on all sides. Historically, the subject lot was part of the Sutter Street Cable Car turnaround in conjunction with the Muni Building and bus yard are located across Presidio Avenue to the west.

Presently BTW fits in with the residential neighborhood and blends in seamlessly because of its relatively small scale. Under the proposal the square footage on the lot would increase from its current 11,600 s.f. to an astounding increase of more than 500% to 70,000 s.f. the new proposed "monster" project unfairly exceeds the maximum zoning in all categories.

The project is so far out of step with the zoning of the area that the only way to achieve the overambitious project is to "spot re-zone" this particular lot and to amend the Planning Code and create the "Presidio Sutter Special Use District at 800 Presidio" just for its lot. The proposed project will also exceed the height limit of 40 feet and be 55 feet tall on Presidio and up to 65 feet tall as it moves down the hill on Sutter Street. The maximum density of the current zoning is 28 dwelling units; the project would nearly double that maximum density at 50 units (leaping up not just one zoning classification but four). The project would eliminate the rear yard requirements and would extend some 25 feet into the required minimum rear yard. The project is presented as a Planned Unit Development in order to eliminate required parking and will have 22 spaces (11 are "tandem") instead of 62 required because of the 200 seat gym.

Hundreds of neighboring residents and homeowners oppose the project as do the associated near-by Neighborhood Groups, Pacific Heights Residents' Association, Jordan Park Improvement Association, The Presidio Heights Association of neighbors and the Laurel Heights Improvement Association. The neighbors and residents believe the proposed project is grossly out of scale and far too bulky, tall and dense to fit in with this low density, smaller scale historic neighborhood. The neighbors believe this project represents the worst type of "spot-zoning" and special gift for a particular lot and a particular development and developer. It is an unfair and inequitable increase in density without respect for numerous provisions of the Planning Code which controls and binds all other lots in the vicinity. The neighbors are requesting that any project at the site conform to the Planning Code as all other lots must and that it be dramatically reduced in size and scale to be compatible with this historic neighborhood.

1. A Conditional Use is Not Appropriate for an Out of Scale Development

The proposed use is NOT compatible with the policies in terms of the zoning ordinances, and the use is NOT essential or desirable to the public convenience or welfare, and will dramatically impair the integrity and character of the district and will be detrimental to the public health, safety, morals and welfare of the residents. Under the provisions of the Planning Code, a Community Center is not a permitted use on an RM-1-Residential Mixed Use-- Low Density zoned lot, it is a CONDITIONAL USE. At the very core of the approval of a conditional use as reflected in the Planning Department's motion, is a basic requirement that the conditional use must be "desirable for and compatible with the neighborhood" in which it is to be placed. The use must not be detrimental to the health, safety, convenience, etc., of the neighbors. Absent this finding, no portion of the Conditional Use may be granted. No such testimony or evidence was received by the Commission and none can be given the negative impacts of the project.

May 31, 2011

In this instance, all of the neighbors of the surrounding project and the residents of the vicinity oppose this inappropriate and massive project. The neighbors are not opposed to development on the site. They simply want the development to be keeping with neighborhood character and to be appropriate in size.

The proposed project is not necessary or desirable and the Commission gave no consideration at all to the citizen testimony or the impacts on the neighborhood. This project was "pre-approved" as noted above and the input from neighbors has been largely ignored. The "finding" from the Commissioners were mostly anecdotal tales of why they support the BTW mission and its history and did not touch on the dramatic and overwhelming impacts of the project.

The immediate neighbors have obtained 100's signatures on petitions opposing the size of this development and those signatures and petitions have been submitted to the Department for consideration. The various neighborhood associations and groups have also taken a second look at the project and all oppose the project.

2. The Project Violates Numerous Provisions of the General Plan

The Department has already determined this project violates the Urban Design Element of the General Plan and yet that fact has never been adequately addressed. The Dept and the developer offer no support or discussion of the Elements of the General Plan and the impacts of the project. The neighborhood is one of the oldest in the City and virtually intact with many buildings dating from the 1870's-1890's. Before the project goes forward a complete Historic Resources Survey of the buildings from Geary Street to California and from Divisadero to Presidio should be completed. The Application is inadequate and contains insufficient information to allow the decision makers to reach correct conclusions and findings regarding the project's impact on historical resources and the existing neighborhood. Cumulative impacts and the development of other sites are also completely unstudied based on completely incorrect information. The project calls for a new Special Use District ("SUD") and would relax existing development standards creating new incentives for development of other near-by lots and thereby threatening known and potential historic resources in historically sensitive neighborhoods—that too has not been reviewed or discussed in the Application.

LAND USE IMPACTS

The Dept offers nothing save bare conclusions that the proposed project will not violate the existing character of site and vicinity. This conclusion is completely unsupported by the facts and the obvious overwhelming impacts of the building in this modest Victorian neighborhood of two-three story buildings. The immediate neighboring homes, which are not considered or specifically discussed (they refer constantly to the apartment building across Sutter Street), are one and two stories tall. Similarly, the conclusion that the proposed project would not conflict with an adopted land use plan or policy, the General Plan and its various Elements is completely unsupported. The conclusions are unsupported as drawings showing the neighboring buildings in scale are not included

anywhere in the project materials. The developer and the Dept define the entire neighborhood only by the apartment building across Sutter Street and miss-label the adjacent buildings as “three story.”

As correspondence confirms, some of the most senior planners in the Department previously acknowledged that the project violates the General Plan and the Urban Design Element, yet these policies are completely ignored in the recent assessment and the exact opposite conclusion is reached without adequate discussion or any facts or law to justify these erroneous conclusions.

There is no discussion of the specific policies of the Urban Design Element of the General Plan and how the proposed project satisfies the policies. The Application is devoid of any mention of single specific policy and provides only bare conclusions of “general compatibility.” The Dept and developer should discuss and illustrate how this “monster building” satisfies a majority of the law use objectives and policies to affirmatively demonstrate how the bare conclusions were reached. The conclusions appear erroneous because the project appears to violate, at some level, nearly every aspect of the Urban Design Element. The following principals and policies and objectives should be fully discussed and reconciled: It is insufficient to simply state conclusions without a deeper discussion of the elements of the General Plan.

**“OBJECTIVE 2
CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE,
CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.**

New development can enhance and preserve San Francisco's distinctive qualities if it is designed with consideration for the prevailing design character and the effect on surroundings.

To conserve important design character in historic or distinctive older areas, some uniformity of detail, scale, proportion, texture, materials, color and building form is necessary.

A: Large buildings impair the character of older, small scale areas if no transition is made between small-scale and large-scale elements.”
--

This project does not meet these criteria. The present building “fits in” because it is essentially one story and creates a transition from the Victorian structures on Post Street and Presidio Avenue to those on Sutter Street. The proposed building will define and overwhelm the existing neighborhood just by its sheer size.

“D: Visually strong buildings which contrast severely with their surroundings impair the character of the area.”

There is no reconciliation of this policy and of the jarring visual impact of the proposed project. The project makes no attempt to "fit in" or to match the character of the neighborhood. Other principals and policies from the Urban Design Element should be discussed and reconciled with the project. The lack of any discussion and reference to the policies in the Urban Design Element makes the analysis completely inadequate. Other policies which need to be reconciled include the principal that:

"POLICY 2.6

Respect the character of older development nearby in the design of new buildings.

Similar care should be exercised in the design of new buildings to be constructed near historic landmarks and in older areas of established character. The new and old can stand next to one another with pleasing effects, but only if there is a similarity or successful transition in scale, building form and proportion. The detail, texture, color and materials of the old should be repeated or complemented by the new.

Often, as in the downtown area and many district centers, existing buildings provide strong facades that give continuous enclosure to the street space or to public plazas. This established character should also be respected. In some cases, formal height limits and other building controls may be required to assure that prevailing heights or building lines or the dominance of certain buildings and features will not be broken by new construction."

The desirability and compatibility of the proposed SUD and the CU is not justified in any evidence or testimony. The Dept's analysis is nearly devoid of any discussion of the potential impacts of a dramatic change in the zoning for one lot in a historic neighborhood. There are no discussions any of these important and directly applicable policies.

There is no discussion in the Application of the principals noted above from the Urban Design element of the General Plan---merely a conclusion that the building is not disruptive and causes no incompatible impact---a bare conclusion not supported by the facts, any reasonable discussion or reconciliation of the principals and policies and appears erroneous. An in depth discussion is needed as to how the proposed building is sympathetic to the scale and form of the existing neighborhood so as to reconcile the erroneous conclusions.

Visual Harmony

POLICY 3.1

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

New buildings should be made sympathetic to the scale, form and proportion of older development. This can often be done by repeating existing building lines and surface treatment. Where new buildings reach exceptional height and bulk, large surfaces should be articulated and textured to reduce their apparent size and to reflect the pattern of older buildings.

Although contrasts and juxtapositions at the edges of districts of different scale are sometimes pleasing, the transitions between such districts should generally be gradual in order to make the city's larger pattern visible and avoid overwhelming of the district of smaller scale. In transitions between districts and between properties, especially in areas of high intensity, the lower portions of buildings should be designed to promote easy circulation, good access to transit, good relationships among open spaces and maximum penetration of sunlight to the ground level.

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.

Large buildings are most consistent with the visual unity of the city when they are light in color. The characteristics of San Francisco's climate and the varied effects of sunlight through the day in clear and fog-filled skies make bright but subtle hues a life-giving element in the skyline. Prominent new buildings should reflect this pattern.

Buildings of unusual shape stand out in the skyline. They call attention to themselves and correspondingly reduce the visual significance of other features in the city pattern. Such buildings may also create a jarring disharmony that counteracts the traditional blending of regular rectilinear forms in the San Francisco skyline. Unusual shapes, especially in large buildings, should therefore be reserved for structures of broad public significance such as those providing community-wide services."

There is no discussion or reconciliation of these important design elements and principals in the Application. The Application also fails to adequately address the issue of height and bulk as set forth in the Urban Design Element. Given that the height and bulk issues are directly tied to the visual impacts and the issue of aesthetics, the Application should necessarily contain extensive discussions of the General Plan policies and elements which deal with such topics. The Application lacks any discussion of these issues as follows:

Height and Bulk

POLICY 3.4

Promote building forms that will respect and improve the integrity of open spaces and other public areas.

New buildings should not block significant views of public open spaces, especially large parks and the Bay. Buildings near these open spaces should permit visual access, and in some cases physical access, to them.

Buildings to the south, east and west of parks and plazas should be limited in height or effectively oriented so as not to prevent the penetration of sunlight to such parks and plazas. Larger squares and plazas will benefit, in addition, from uniform facade lines and cornice heights around them which will visually contain the open space.

Large buildings and developments should, where feasible, provide ground level open space on their sites, well situated for public access and for sunlight penetration. The location and dimensions of such open space should be carefully considered with respect to the placement of other buildings and open spaces in the area, and with respect to the siting and functioning of the building with which it is provided. Where separation of pedestrian and vehicular circulation levels is possible in provision of such open space, such separation should be considered.

POLICY 3.5

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

The height of new buildings should take into account the guidelines expressed in this Plan. These guidelines are intended to promote the objectives, principles and policies of the Plan, and especially to complement the established city pattern. They weigh and apply many factors affecting building height, recognizing the special nature of each topographic and development situation.

POLICY 3.6

Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

When buildings reach extreme bulk, by exceeding the prevailing height and prevailing horizontal dimensions of existing buildings in the area, especially at prominent and exposed locations, they can overwhelm other buildings, open spaces and the natural land forms, block views and disrupt the city's character. Such extremes in bulk should be avoided by establishment of maximum horizontal dimensions for new construction above the prevailing height of development in each area of the city.

The Application has no adequate discussion regarding the proposed placement of a tall, bulky building at the most prominent place in the neighborhood which will completely overwhelm and dominate the neighborhood. The Application should discuss and reconcile this important design principal and fully explain how the proposed project satisfies the General Plan and will not result in a significant impact. The proposed project not only exceeds the prevailing pattern of the neighborhood, it exceeds the Code mandated limits themselves. The conclusion of no significant impact is erroneous and must be reconciled in the Application by an in depth discussion of these guiding principles and policies. The complete lack of such discussions makes the Application inadequate.

The Application also does not address the design principals and policies relating to the development of a large lot and how the project can be reconciled with the policies and principals intended to guide such developments.

"Large Land Areas

POLICY 3.7

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

The larger a potential site for development, the greater are apt to be the size and variety of the urban design questions raised. Larger sites may mean greater visual prominence of development and greater impact upon the city pattern. As more land area is included in a single project, the possibilities are increased that the public resources in natural areas, historic buildings and street space will be affected. Larger developments also have substantial requirements for public services, including transportation.

Under normal land use controls, most large development is governed by a "floor area ratio", which permits floor space to be built in each project in proportion to the amount of land area available. The floor area ratio limit tends to be geared to development of sites of small and moderate size, but not to take account of the impact of occasional developments that take up one or more whole blocks of land. Such developments, under this type of formula, may have a single building of truly massive proportions, or a series of building forms constructed in one or more phases.

These differences in nature and impact require that large sites be given close consideration in urban design planning.

POLICY 3.8

Discourage accumulation and development of large properties, unless such development is carefully designed with respect to its impact upon the surrounding area and upon the city.

The height and bulk guidelines of this Plan will help to some extent in reducing the negative effects of development on large sites. They will not, however, deal with all the special problems raised or guarantee good quality of design.

Other measures are available and may be necessary. In some cases, ordinary zoning restrictions might be tightened, or rezoning to permit a large development might be deferred in the absence of adequate assurances of compatible development. New standards might be added to require open space in large projects, and floor area ratios might be reduced or made less advantageous for larger sites.

Because government involvement often occurs as larger sites are developed, through marketing of the site itself, through redevelopment powers, through vacation of streets or in some other manner, the government role might be made more restrictive in such involvement.

There is no substitute, however, for early and frequent communication as to the merits and design of a proposed project between the developer and his architects on the one hand and public urban design professionals and interested citizens on the other. Such communication will give an early and more reasoned assessment of the positive and negative effects of the project upon the city and the surrounding area, and will reduce the chances of later delays and controversies. Processes toward these ends should be employed for all major projects in the city.

POLICY 3.9

Encourage a continuing awareness of the long-term effects of growth upon the physical form of the city.

Development of large properties, by condensing growth and change in certain areas of the city, emphasizes the effects that long-term growth and change can have upon the physical makeup of San Francisco. There is nothing in the nature of cities that will guarantee the continued livability of this or any other city. The citizens of San Francisco have an uncommon awareness that the environment is finite, and that the advantages of greater size and intensity may have ultimate limits.

That awareness is healthy and progressive and should be fostered. It should be given new outlets to help shape the physical form of the city. As in this Urban Design Plan, it can identify the attributes of the city that need to be protected and enhanced. Good planning, supported by an interested public, can channel growth to the right places in the city, build growth around previously established transportation systems and other services, cause other public costs to be borne in part by the developers who benefit from them, and hold in place the natural regulators of growth such as streets and open spaces. Above all, it can and should control the form of individual buildings so that they will be compatible with the character of the city.

More should be known as to the long term effects of growth in San Francisco. These effects and the means for moderating them should be studied in a rational manner through the normal processes of planning, and none of the important factors should be overlooked. Ultimately, certain limits upon total growth may prove to be necessary if the integrity of the city is to be preserved

POLICY 4.15

Protect the livability and character of residential properties from the intrusion of incompatible new buildings.

Whatever steps are taken in the street areas, they may be lost in the changed atmosphere produced by new buildings. Human scale can be retained if new buildings, even large ones, avoid the appearance of massiveness by maintaining established building lines and providing human scale at their lower levels through use of texture and details. If the ground level of existing buildings in the area is devoted to shops, then new buildings should avoid breaking the continuity of retail space.

In residential areas of lower density, the established form of development is protected by limitations on coverage and requirements for yards and front setbacks. These standards assure provision of open space with new buildings and maintenance of sunlight and views. Such standards, and others that contribute to the livability and character of residential neighborhoods, should be safeguarded and strengthened.

The conclusions reached in the Land Use Section of the APPLICATION are unsupported with facts and devoid of in-depth discussions of how the project satisfies the Urban Design Element of the General Plan

The bare conclusions reached by the Application that the proposed project would NOT alter the visual character of the project site and the immediate vicinity are unsupported by any facts or law. The Application lacks any serious discussions on the issue and does not adequately reconcile this conclusion with the numerous principals of the General Plan which seeks to guide such a proposed development. The first object of the Urban Design Element singles out views as the most important "city pattern" to be preserved and protected. All proposed views of the project make it clear that the project will have a direct and overwhelming impact on views from City streets and for dozens of homes in the vicinity. An in-depth discussion of how the conclusions are reached of no significant impacts on views and reconciliation with the Urban Design Element should included in the application

San Francisco has an image and character in its city pattern which depends especially upon views, topography, streets, building form and major landscaping. This pattern gives an organization and sense of purpose to the city, denotes the extent and special nature of districts, and identifies and makes prominent the centers of human activity. The pattern

May 31, 2011

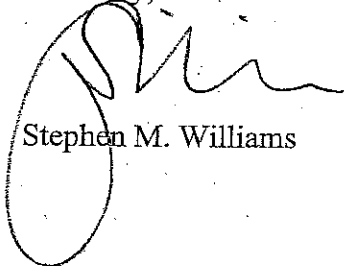
also assists in orientation for travel on foot, by automobile and by public transportation. The city pattern should be recognized, protected and enhanced.”

Placing a large out of scale building at the top of the hill is not reconciled or discussed in the Application. The conclusion that the project will have no significant impact because it generally fits in with buildings in the “larger project area” must be explained and appears completely erroneous. The surrounding blocks are all modest scale residential buildings. The “larger project area” should be defined and explained in detail. It should not include different zoned areas such as the old Sears building at Masonic and Geary Street or Kaiser Hospital which are both in a major transit corridor and in differing zoning. Even if the comparison is made to the newly constructed Jewish Community Center at California and Presidio, that building is also in a transit corridor and busy commercial center AND, it is much smaller in height and bulk than the proposed project. The new credit union building at the same corner is smaller and shorter. These new developments should be discussed in depth and why the proposed project exceeds these projects although it is in a 100 % residentially zoned area. Discussion and reconciliation is needed of the different projects in the nearby commercial corridors and how it can be justified under the General Plan that a larger, taller bulkier building is to be constructed in a RM-1 district.

CONCLUSION

Neighbors for Fair Planning believes the Project, as currently conceived, is the wrong project for this area of San Francisco because it is completely at odds with existing planning and should have been rejected wholesale. The Neighbors would welcome in a smaller scale project. The Project will also set precedents for land use decisions that will undermine the comprehensive stakeholder planning efforts that went into the City “Better Neighborhoods” planning and numerous other programs and policies to assure compatible uses in the residential neighborhoods.

Sincerely,



Stephen M. Williams

**NOTICE TO BOARD OF SUPERVISORS OF APPEAL
FROM ACTION OF THE CITY PLANNING COMMISSION**

Notice is hereby given of an appeal to the Board of Supervisors from the following action of the City Planning Commission.

The property is located at 800 Presidio Ave.

April 28, 2011

Date of City Planning Commission Action
(Attach a Copy of Planning Commission's Decision)

May 31, 2011

Appeal Filing Date

The Planning Commission disapproved in whole or in part an application for reclassification of property, Case No. _____

The Planning Commission disapproved in whole or in part an application for establishment, abolition or modification of a set-back line, Case No. _____

The Planning Commission approved in whole or in part an application for conditional use authorization, Case No. 2006.0868CEKTZ

The Planning Commission disapproved in whole or in part an application for conditional use authorization, Case No. _____

Statement of Appeal:

a) Set forth the part(s) of the decision the appeal is taken from: Entire Decision.

b) Set forth the reasons in support of your appeal: See Attached.

Person to Whom
Notices Shall Be Mailed

Name and Address of Person Filing Appeal:

Stephen M. Williams

Neighbors for Fair Planning

Name

Name

1934 Divisadero Street, San Francisco, CA 94115

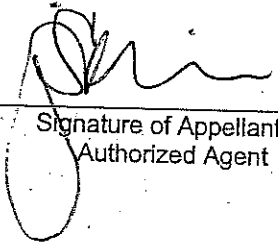
Address

Address

(415) 292-3656

Telephone Number

Telephone Number



Signature of Appellant or
Authorized Agent

800 Presidio

City Planning Commission
Case No. 2006-0868 CEKTZ

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	850-858 Presidio Ave	1073/32-33 ¹²	John Manley	
2.	2755 SUTTER ST.	1083/065	RONALD KARDON	
3.	750 Presidio	1055/11	Donald Strain	
4.	2646 Post #1	1073/26-29	Andrea Agnew	
5.	2646 Post #1	1073/26-29	BARRY BROWN	
6.	2731 A/B Sutter	1073/24-25	BRENT TRACY LEWELLEN	
7.	2733 SUTTER ST.	1073/34	MARCOLM R. CAMERON	
8.	2735 SUTTER ST.	1073/35	PAUL G. MAESTRE	
9.	2907 BUSH ST	1055/22	MATTHEW S DAHLMAN	
10.	880 Presidio Ave	1073/11a	Kevin Sinclair	
11.	2609 POST STS	1082/19	MICHAEL SESTER	
12.	2646 Post St #3	1073/26-29	Patrice Motley	
13.	2755 Sutter St	1073/015	Joyce Kively	
14.	1497 Lyon St	1073/3	Sandy Minella	
15.	1429 Lyon St	1073/4	Jasmine Erwin	
16.	1405 Lyon St	1073/7	Kathy Peck Denny	
17.	1410 Lyon St	1074/20A	ANTOINETTE PATRINO	
18.	2611 Post	1082/18	Joanna Kaiser	
19.	1515 Lyon	1055/2	Richard J. Richardus	
20.	"	"	Nicole Leonard	
21.	2525-2727 Sutter	1073/20	NICOLE NOLLETTE	
22.	2719 Sutter	1073/41-42	Michael Kaiser	
23.	2717 Sutter	1073/41-42	DARA KALOOP	
24.	2717 Sutter	1073/41-42	William Woodland	

300 Presidio

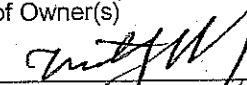
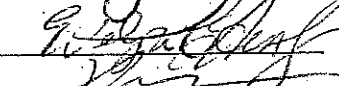
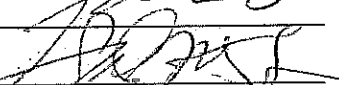
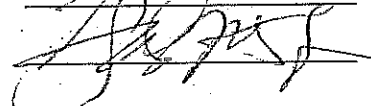
The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)	
1.	900 Presidio Av	1082-014	Gia Group LLC & Alex Varum		Gia group manager
2.	910 Presidio Av	1082-014	Gia Group LLC & Alex Varum		Gia Group manager
3.	2909 Bush Street	1055-21	ALEX ZECCA FA		
4.			ZECCA TRUST		
5.	4888				
6.	726-730 Presidio	1055/13	SENGIO IANTORNO GOLDEND PROPERTIES LLC		
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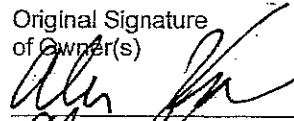
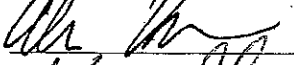
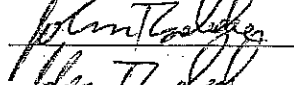
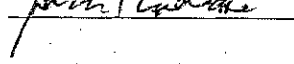
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If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>2760 Sutter</u>	<u>1035/10A</u>	<u>Martin Healy</u>	
2.	<u>✓</u>	<u>✓</u>	<u>Evelyn Healy</u>	
3.	<u>✓</u>	<u>✓</u>	<u>JOHN HEALY</u>	
4.	<u>✓</u>	<u>✓</u>	<u>SARAH HOAG</u>	
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)	
1.	900 Presidio Av	1082-014	Gia Group LLC & Alex Varum		Gia group manager
2.	910 Presidio Av	1082-014	Gia Group LLC & Alex Varum		Gia Group manager
3.	2742 - 2744 Sutter	1055/9	John Thoelecke		
4.	2742-44 Sutter St.	1055/9	John Thoelecke TRUST		
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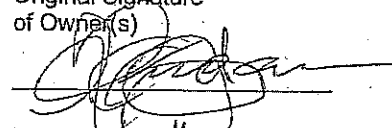

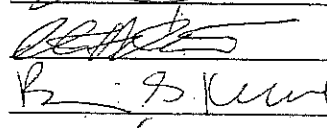
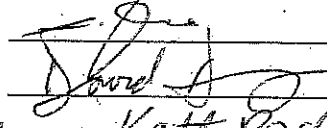
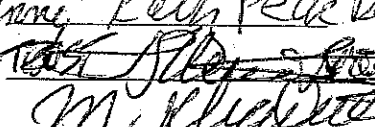
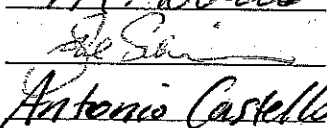
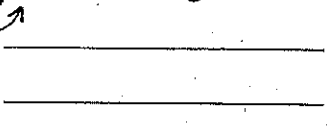
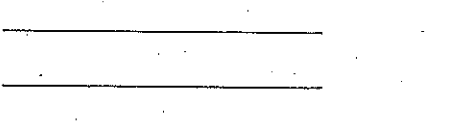
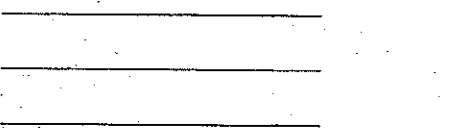
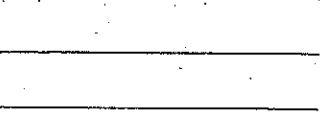
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Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. 2640 Post #4 SF 94115	1073 011	Sarah L. Kerley	<i>Sarah L. Kerley</i>
2. 2640 Post St #3 SF 94115	1073 11	BRANDY A. LEE	<i>Brandy A. Lee</i>
3. 2640 Post St #1 SF 94115	1073 11	ALINA E. EDGELL	<i>Alina E. Edgell</i>
4. 2646 Post St #2 SF 94115	1073 27	KAMALA TULLY	<i>Kamala Tully</i>
5. 2646 Post St #4 SF 94115	1073 29	Astrid Thurzen	<i>Astrid Thurzen</i>
6. _____	_____	_____	_____
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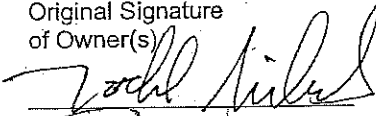
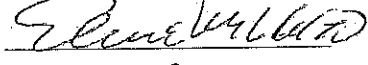
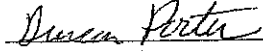
Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>2696-98 SALTER</u>	<u>1054/22</u>	<u>KEITH JORDAN</u>	
2. <u>1504 LYON</u>	<u>"</u>	<u>"</u>	<u>"</u>
3. <u>1511 LYON</u>	<u>1055/3</u>	<u>LS Nichols</u>	
4. <u>2607 Post St.</u>	<u>1082/20</u>	<u>Greg Massialas</u>	
5. <u>2607 Post St.</u>	<u>1082/20</u>	<u>Chwan-Hai Chen</u>	
6. <u>2659 Post St.</u>	<u>1082/15</u>	<u>Brian S. Kemble</u>	
7. <u>900-910 Presidio Ave</u>	<u>1082-014</u>	<u>Gary Varum</u>	
8. <u>1405 Lyon St</u>	<u>1073/7</u>	<u>David Denny</u>	
9. <u>1405 Lyon St</u>	<u>1073/7</u>	<u>Kathy E. Peck Denny</u>	<u>Kathy Peck Denny</u>
10. <u>1445 LYON STR</u>	<u>1073/2</u>	<u>M + M KHAVIR</u>	
11. <u>1445 LYON STR</u>	<u>1073/2</u>	<u>Marg. Khavir</u>	
12. <u>2638 Post</u>	<u>1073/10</u>	<u>Gail Schreckle</u>	
13. <u>2750 SUTHER ST</u>	<u>1055/10</u>	<u>Antonio Castellucci</u>	<u>Antonio Castellucci</u>
14. _____	_____	_____	_____
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800 Presidio

City Planning Commission
Case No. 2006.0860CEKTZ

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	1403-1403 1/2 LYON ST.	1073 / 7A	TODD RICHARDS	
2.	2651 Post St	1082/33-34	Elaine Lupo	
3.	2653 Post St	1082/33-34	Duncan Porter	
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Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>1405 A LYON ST.</u>	<u>1073, Lot 7</u>	<u>WILLIAM CANIHAN</u>	<u>William Canihan</u>
2. <u>1405 A LYON ST.</u>	<u>1073, LOT 7</u>	<u>JODY CANIHAN</u>	<u>Jody Canih</u>
3. _____	_____	_____	_____
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800 Presidio

City Clerk's Office/Appeal Information/Condition Use Appeal Process7 updated 8/26/08

City Planning Commission
Case No. _____

2006-0868 CEKTZ

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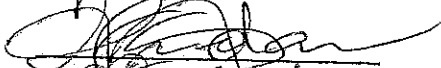
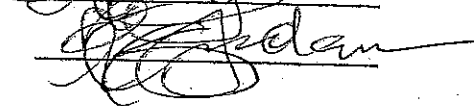
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Street Address, Assessor's Printed Name of Owner(s) Original Signature
property owned, Block & Lot of Owner(s)

- 3. _____
- 4. _____
- 5. 2602 POST + 1401 LYON DALY 1073 007B Cathleen Daly
- 6. 1414/1416/1418 LYON DALY 1074 021 Cathleen Daly
- 7. 2600-2602 POST + 1401 LYON 1073/7B CATHLEEN DALY
- 8. 1414-1418 LYON 1074/21 CATHLEEN DALY
- 9. _____
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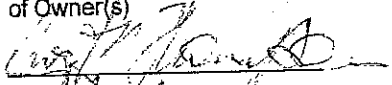
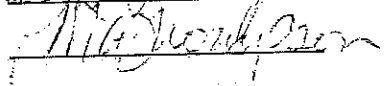
Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>2696-98 SUTTER</u>	<u>1054/22</u>	<u>KEITH V. JORDAN</u>	
2. <u>1504 LYON</u>	<u>1054/22</u>	<u>KEITH V. JORDAN</u>	
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400 Presidio

City Planning Commission
Case No. 2006-0263 CEKTZ

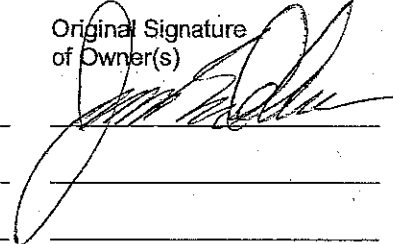
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>1409 LYON ST.</u>	<u>Blk 1073 Lots 30-31</u>	<u>CURTIS THOMPSON</u>	
2.	<u>"</u>	<u>"</u>	<u>PAHELICIA THOMPSON</u>	
3.	_____	_____	_____	_____
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18.	_____	_____	_____	_____
19.	_____	_____	_____	_____
20.	_____	_____	_____	_____
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Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>2712-18 SOUTHERST</u>	<u>1055 / 5</u>	<u>JAMES B. DELMAH</u>	
2. _____	_____	_____	_____
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4. _____	_____	_____	_____
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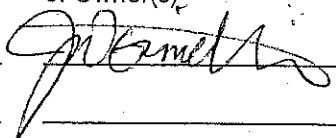
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>1407 Lyon</u>	<u>Block 1073 Lot 6</u>	<u>PAUL SCHEFFERT</u>	<u>Paul Schffert</u>
2.	<u>"</u>	<u>"</u>	<u>Theresa Sauvé</u>	<u>Theresa Sauvé</u>
3.	_____	_____	_____	_____
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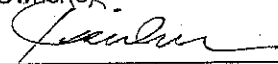
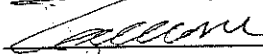
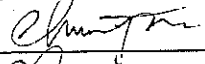
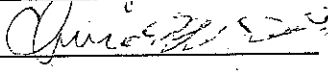
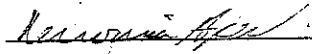
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1.	<u>2640 Post Street</u>	<u>1073/11</u>	<u>Joanne Gimelli</u>	
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The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>844 PRESIDIO AVE</u>	<u>1073 032</u>	<u>TIEN LUU</u>	
2.	<u>844 PRESIDIO AVE.</u>	<u>1073 032</u>	<u>CHONG TA</u>	
3.	<u>842 PRESIDIO AVE</u>	<u>1073 032</u>	<u>CHRISTINE PAN</u>	
4.	<u>842 PRESIDIO AVE</u>	<u>1073 032</u>	<u>CHIA TANG JING</u>	
5.	<u>844A PRESIDIO AVE</u>	<u>1073 032</u>	<u>VERONICA APEN</u>	
6.	_____	_____	_____	_____
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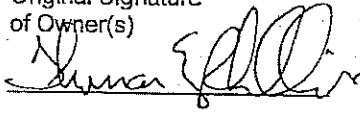
goc presideo

City Planning Commission

Case No. 2006-0868 CERTZ

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

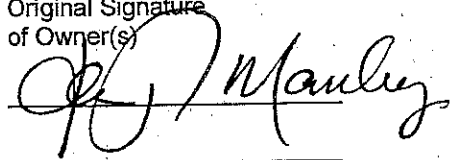
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>1409 1/2 Lyon St.</u>	<u>1073-31</u>	<u>Thomas E. Phillips</u>	
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800 Presidio City Planning Commission
 Case No. 2006-0869 CEKT2

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	850-858 Presidio	1073 / 32-33 12	John R Manley	
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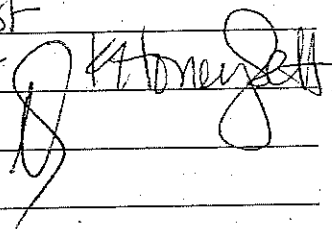
Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>2737 Sutter St.</u>	<u>BK1073</u> ^{Lot 17}	<u>Beriong Investments, LLC</u>	<u>Remmie B. Ocasio</u> <u>For Beriong Investments, LLC</u> <u>as its managing member</u>
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800 Presidio

City Planning Commission
Case No. 2006.0268 CEKTZ

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. 2720 Sutter Street	1055-30	Honeysett Family Trust Kimberly & Christopher Honeysett, Trustees	
2. _____	_____	_____	_____
3. _____	_____	_____	_____
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SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion No. 18342

Hearing Date: April 28, 2011
 Case No.: 2006.0868CEKTZ
 Project Address: 800 PRESIDIO AVENUE
 Zoning: Presidio-Sutter Special Use District
 RM-1 (Residential, Mixed, Low-Density) District
 40-X/55-X Height and Bulk District
 Block/Lot: 1073/013
 Project Sponsor: Booker T. Washington Community Service Center
 800 Presidio Avenue
 San Francisco, CA 94115
 Sponsor Contact: Alice Barkley, Esq. - (415) 356-4635
 Staff Contact: Glenn Cabrerros - (415) 558-6169
glenn.cabreros@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 304 TO ALLOW CONSTRUCTION OF A 55-FOOT TALL PLANNED UNIT DEVELOPMENT CONTAINING COMMUNITY FACILITIES AND A FIVE-STORY, RESIDENTIAL BUILDING WITH UP TO 50 AFFORDABLE HOUSING UNITS WITHIN THE RM-1 (RESIDENTIAL, MIXED, LOW-DENSITY) DISTRICT, THE PRESIDIO-SUTTER SPECIAL USE DISTRICT AND A 40-X/55-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On March 16, 2011, Alice Barkley (hereinafter "Project Sponsor") for Booker T. Washington Community Service Center (hereinafter "BTWCSC") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 303 and 304 allow construction of a 55-foot tall, planned unit development containing community facilities and a five-story residential building with up to 50 affordable housing units within the RM-1 (Residential, Mixed, Low-Density) District, the Presidio-Sutter Special Use District and a 40-X/55-X Height and Bulk District.

On January 25, 2008, the Department conducted a shadow study, Case No. 2006.0868K, for the project pursuant to Planning Code Section 295 and found that the project would not cast shadows any Recreation and Park Department properties.

On April 28, 2011, the San Francisco Planning Commission (hereinafter "Commission"), by Motion No. 18340 certified the Final Environmental Impact Report, Case No. 2006.0868E, for the project at 800 Presidio Avenue.

On April 28, 2011, the Commission adopted Resolution No. 18341, Case No. 2006.0868TZ, on April 28, 2011 adopting CEQA findings for the project, recommending the Board of Supervisors adopt the text change and map amendments to create the Presidio-Sutter Special Use District and amending the height and bulk limits to 40-X/55-X; and,

On April 28, 2011, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2006.086C requesting authorization to construct a Planned Unit Development:

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

MOVED, that the Commission hereby authorizes the Conditional Use for a Planned Unit Development requested in Application No. 2006.0868C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the east side of Presidio Avenue between Sutter Street and Post Street on Lot 013 is Assessor's Block 1073. The property is located within the RM-1 (Residential, Mixed, Low-Density) District, the Presidio-Sutter Special Use District and a 40-X/55-X Height and Bulk District. The property is within the Western Addition neighborhood and is developed with a one-story over partial basement building containing a community facility for BTWCSC. The project site occupies over 50 percent of the length of the block-face along Presidio Avenue. The site slopes downward to the east along Sutter Street and is fairly flat along Presidio Avenue. The subject lot is a large L-shaped lot, over a half-acre in size, containing 22,360 square feet.
3. **Surrounding Properties and Neighborhood.** The project site is located at the westernmost portion of the Western Addition neighborhood. The project site is within four blocks or less from the Pacific Heights neighborhood to the north, the Presidio Heights neighborhood to the west

and the Inner Richmond neighborhood to the southwest. Directly west and across the street from the project site is a "super-block", spanning the length of three standard-sized lots along Presidio Avenue from Geary Boulevard to Bush Street and containing a MUNI bus yard. The southern portion of the bus yard is developed with a tall two-story bus garage. Directly north and across Sutter Street from the project site is a large, 45-foot tall, four-story multi-unit apartment building. Directly east and adjacent to the project site's eastern property line is a one-story, single-family residence located downhill from the site along Sutter Street. Directly south and adjacent to the project site's southern property line is a lot containing two residential buildings with a total of three dwelling units; one of the residential buildings is a tall two-story, two-unit building fronting Presidio Avenue. Other lots on the subject block and downhill from the project site contain a mix of residential buildings from single-family residences to multi-unit apartment buildings, mostly ranging from two- to four-stories tall and of varied architectural styles.

4. **Project Description.** The project proposes to demolish an existing 31-foot tall, one-story-over-partial-basement building, and to construct a five-story-over-basement, 55-foot tall mixed-use building. The project proposes to construct a state-of-the-art community facility space to support BTWCSC's programs (which are targeted at at-risk youth), a gymnasium, and 50 units of housing, of which 24 units are affordable to low income households and 24 units are for low and very low income transitional age youth.

The approximately 68,206 gross square foot (gsf) mixed-use building would contain a 7,506 gsf, 175-seat gymnasium, 11,529 gsf of program space, a 1,691-sf child care center for 24 children, up to 50 units of affordable housing with supportive service space, building storage, and a basement garage containing 21 off-street parking spaces. The housing component and the community service space would have a shared entrance on Presidio Avenue.

5. **Public Comment.** The Commission heard and considered the testimony presented to it at the public hearing and also considered written materials and oral testimony presented by the applicant and other interested parties, including neighborhood residents and groups. The Commission also considered written testimony from Supervisor Mark Farrell, District 2, opposing the project (with five stories and 50 units); however supporting a reduced project of four stories, 41 units and to a height of 45 feet.
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. **Presidio-Sutter Special Use District (SUD).** Planning Code Section 249.53 establishes the Presidio-Sutter SUD which allows affordable housing projects, with Commission approval, an increase in height above 40 feet and an increased dwelling unit density when 60 percent of the dwelling units are permanently affordable.

The project is proposed to contain up to 50 permanently affordable housing units; thus the Commission may approve the increased height and unit density for the project.

- B. **Rear Yard and Dwelling Unit Exposure.** Planning Code Section 134 requires a rear yard equal to 45-percent of the lot depth. Planning Code Section 140 requires every dwelling unit to face onto a Code-complying rear yard or a 25-foot wide street or side yard. Per Planning Code Section 304, the Commission in considering a Planned Unit Development may approve exceptions to Planning Code requirements in order to achieve an outstanding overall design.

As it is desirable to place the residential component of the project at the corner of Presidio Avenue and Sutter Street (See "Conditional Use Findings" below), the required rear yard depth of 21 feet for the portion of the lot that measures approximately 84 feet along Sutter Street is not provided. As a Code-complying rear yard is not provided behind the residential component of the project, 21 units along the rear of the building do not meet the dwelling unit exposure requirement. Although the rear yard and dwelling unit exposure requirements are not met, the placement of the residential uses and the design of the residential structure are found to be desirable. The residential uses and building design in combination with the large lot size and odd lot shape are found to produce an overall project design that is appropriate for the neighborhood character, the adjacent residential buildings and the protection of the mid-block open space/rear yard area.

- C. **Parking.** Planning Code Section 151 requires one parking space for every 15 seats for stadium/sports arena use (gymnasium) and one space for each 2,000 square feet of art/activities space (community facilities) where the occupied floor area exceeds 7,500 square feet. For child care facilities, parking is not required for facilities for 24 or less children. Off-street parking is not required for affordable housing units.

A 21-space parking garage containing 18 required parking spaces per Planning Code Section 151 and 3 accessory spaces as allowed per Planning Code Section 204.5 is proposed. The project contains a 175-seat gymnasium requiring 12 off-street parking spaces and a 10,175 square foot (occupied floor area) community facility space requiring 5 spaces. One (1) car share space is required for residential buildings with 50 to 200 units. Beyond the required number of parking spaces, three accessory parking spaces are provided: one additional car share space and two spaces for the two managers' units.

- D. **Bicycle Parking.** Planning Code Section 155.5 requires one Class 1 bicycle parking space per every two dwellings units for projects with up to 50 dwelling units.

The project proposes the 25 required Class 1 bicycle parking spaces within the basement level garage.

- E. **Car Sharing.** Planning Code Section 166 requires one car share parking space for project with 50-200 dwelling units.

The project proposes two car share spaces in the basement level. One car share space is required by the Planning Code, and a second car share space is allowed as an accessory parking use per Planning Code Section 204.5.

7. **Conditional Use Findings:** Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

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

The proposed uses will provide for the continuation of a long-standing community service center with an expanded, modern facility serving the low and very low income population. The affordable housing component at the density proposed, especially the dwelling units for at-risk emancipated foster care youth, is needed by the City and will diversify the City's housing stock.

The project's siting, size, massing and scale have been designed to be harmonious with the street face along Presidio Avenue, while transitioning to the finer-scaled residential buildings along Sutter Street. The siting of the five-story, residential building at the corner of Presidio Avenue and Sutter Street is consistent with the pattern of larger-scaled, multi-unit buildings found on corner lots in the immediate neighborhood. As is typical in most residential neighborhoods throughout the City, large corner buildings often serve as structures that define and anchor city blocks. The project location is desirable as it is located where the Western Addition neighborhood transitions into the neighborhoods of Pacific Heights, Presidio Heights and the Inner Richmond, thus enhancing the diversity of housing types integrated into the City's existing neighborhoods. Therefore, the project's use and location are necessary and desirable for the neighborhood and the City at large.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The residential component of the project is placed on the corner of Presidio Avenue and Sutter Street which is consistent with the pattern of larger residential buildings typically found on corners/intersections within residential districts. The wide residential façade along Presidio Avenue is derived from the urban form and patterns created by other wide, corner buildings along Presidio Avenue in the immediate vicinity. The location of the gymnasium provides for a shorter building form that steps down to the two-story residential building along Presidio Avenue and directly south of the project. The height and scale of the project balances out the arrangement of structures at the intersection as a wide, 45-foot tall apartment building along Presidio Avenue exists across Sutter Street from the project. At the Sutter Street façade, the project width is modulated to address the pattern of narrower lot widths and building forms along Sutter Street. Building setbacks along the Sutter Street façade are proposed to address the finer-grained, residential-scaled buildings that abut the project site's east property line. Setbacks at the upper floors at the rear of the residential component of the project are proposed to provide a more

residential-scale to the building and to reduce the visual impact of the rear façade to the mid-block open space and abutting rear yards.

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

The project's single garage entrance will be located off Sutter Street east of the MUNI line No. 2 bus stop. Vehicular access to the project's garage is appropriately located from Sutter Street, as it does not interfere with the entrance to the MUNI Bus Yard or traffic along Presidio Avenue, which is more heavily trafficked. The project provides the required amount of parking spaces as specified by the Planning Code. With respect to the proposed residential component, typically tenants of affordable housing do not have sufficient income to own and operate a car. The project is located in a transit-rich area, well-served by public transportation and is in keeping general planning principles that higher density projects should be located where public transit is easily accessible. The parking proposed at the project reasonable and in keeping with the City's Transit First Policy. Furthermore, the project's Environmental Impact Report has fully analyzed the project's impact on traffic and parking. Implementation of the improvement measures identified in the DEIR will ensure that any passenger pick-up will not affect the afternoon/evening peak hour traffic on Presidio Avenue. These improvement measures will help to diminish minor vehicular conflicts noted in the DEIR. BTWCSC will encourage the attendees, volunteers and staff to use public transit.

Attendees of the project's afterschool program arrive by school bus, public transit or on foot, arriving between 1:30 PM and 2:30 PM. Pick-up occurs during the PM peak period. To ensure that the current white zone is utilized appropriately without creating traffic conflicts, BTWCSC will implement a community center safety program which will focus on cars picking up students and pedestrians crossing Presidio Avenue and Sutter Street from 4 PM to 6 PM. BTWCSC will request a white zone in front of the center to facilitate drop-offs and pick-ups. The Transportation Study and the EIR concluded that with the implementation of improvement measures, the additional programs will not create traffic problems.¹

The addition of the residential component will not adversely affect on-street parking availability because the income of the residents (ranging from 30% to 60% of the City's median income) historically precludes automobile ownership. To promote the City's transit first policy, only 21 off-street parking spaces will be provided, of which 18 spaces will meet the Planning Code requirement for a community facility. Three spaces beyond the 18 spaces required are proposed to provide a parking space for each of the two managers and one additional car share space. The basement parking level will include secure parking space for 25 bicycles for the residents.

¹ A Transportation Study dated May 4, 2010, prepared by EAS is part of the environmental review for this project. This study concludes that the project will have no significant project-related or cumulative effect on transportation and traffic. A copy of the Transportation Study is part of the Planning Department's environmental review file.

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

Noxious or offensive emissions are not associated with residential or community facility uses. The intermittent use of the rear yard area and noise associated with such use would occur during daylight hours. Noise from recreational use is temporary and intermittent and is not found to be significant. Other potential noise generated by the community facility would not be significant as the gymnasium component of the project occurs within the interior of the building. Glare from the community center, particularly nighttime lighting, is proposed to be addressed by the selection of glazing materials to diffuse indoor lighting necessary for the gymnasium. No reflective glass will be used in order to minimize glare. The lighting will not produce glare that would be offensive to nearby residences. A double-glazed translucent channel glass system will mute the interior gymnasium lights. The channel glass system also has an acoustical rating to minimize noise from the gymnasium. All interior and exterior lighting will direct illumination downward and minimize impact on the night sky and nearby residences. Activities associated with the community center are not proposed to be late night activities, so ambient light to the mid-block open space should not occur late at night.

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

Large areas of the current rear yard conditions are paved to provide playground areas; however the project proposes to remove the paved areas and proposes landscaped areas and recreational areas that have more permeable surfaces. A portion of the rear yard will include a vegetable garden and other educational elements for the after-school program. The proposed treatment of the project's rear yard would be a positive contribution to the quality of the mid-block open space and the abutting residential rear yards. New street trees are proposed along Presidio Avenue, while no street trees are proposed along Sutter Street due to the MUNI bus shelter, underground utilities and the garage access. The required parking is screened from view by a garage door, and parking is proposed within the basement level.

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

The project complies with the relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

- D. That the use as proposed would provide development that is in conformity with the purpose of the Presidio-Sutter Special Use District.

The proposed project is consistent with the stated purpose of Presidio-Sutter Special Use District. The project will allow for the continued services of a long-established community service center and provides needed affordable housing for emancipated youth and low to very low income households.

8. **Planned Unit Development Findings:** Planning Code Section 304 sets forth criteria, which must be met before the Commission may authorize a Conditional Use for a Planned Unit Development. This project generally complies with all applicable criteria:

- A. The development shall affirmatively promote applicable objectives and policies of the General Plan.

See "General Plan Compliance" findings below.

- B. The development shall provide off-street parking adequate for the occupancy proposed.

The project currently proposes 18 parking spaces as required by the Planning Code and three (3) accessory parking spaces as allowed by the Planning Code for a total of 21 off-street parking spaces. Off-street parking is not required by the Planning Code for affordable housing units. Adverse impacts to the neighborhood's off-street parking spaces are not found to be significant, as low-income residents of affordable housing projects typically do not own cars.

- C. The development shall provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open space required by the Planning Code.

The 50-unit residential component of the project requires approximately 6,650 square feet of common useable open space per Planning Code Section 135. The project proposes approximately 2,500 square feet of common open space on a roof deck. While the project is deficient 4,150 square feet in common useable open space, the community center offers a 7,506 square foot gymnasium available for use by the residents of the project. Access to the rear yard area is not proposed to be made available to the residents of the project, as the rear yard is proposed to be used by the after-school program and the teen center. BTWCSC has decided not to provide residential access to the rear yard, as this presents a potential liability issue, since BTWCSC is responsible for minors attending the facility.

- D. The development shall be limited in dwelling unit density to less than the density that would be allowed by Article 2 of this Code for a district permitting a greater density, so that the PUD will not be substantially equivalent to a reclassification of property.

The project is within the Presidio-Sutter Special Use District, which allows for increased dwelling unit density beyond that allowed conditionally under the Planning Code provided that 60 percent of the total units are permanently affordable housing. The project is consistent with the Presidio-Sutter Special Use District, as all dwelling units are proposed to be affordable housing units.

- E. The development shall include commercial uses only to the extent that such uses are necessary to the serve residents of the immediate vicinity.

Commercial uses are not proposed as part of the project; however the ground floor of the project is primarily devoted to community activities and uses. See "Community Facilities Element" findings below.

- F. The development shall under no circumstances be excepted from any height limit.

The project is within the Presidio-Sutter Special Use District and a 40-X/55-X height limit. Under the provisions of the Presidio-Sutter Special Use District, the Planning Commission may approve a height increase above 40 feet provided the project includes an affordable housing component.

- G. Provide street trees as required by the Code.

The project proposes nine street trees along Presidio Avenue as required by Code. Four street trees are required along Sutter Street; however street trees are not proposed along Sutter Street due to the location of a MUNI bus shelter, utilities and garage access. Ultimately, the appropriate number and location of street trees falls under the jurisdiction of the Department of Public Works.

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

URBAN DESIGN ELEMENT

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: Recognize and reinforce the existing street pattern, especially as it is related to the topography.

The project's residential component at a height of 55 feet will be taller than the 45-foot tall building across Sutter Street, and the 43-foot tall gymnasium component will be about 20 feet taller than the building to the south on Presidio Avenue. As discussed above, the project will step down to the east to reflect the slope of Sutter Street. While the project is taller than the surrounding buildings, it recognizes and reinforces the existing street pattern and topography.

Policy 3: Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

The project is of a modern architectural style that relates positively to the nearby residential buildings. The project is grounded in the common rhythms and elements of architectural expression found in the surrounding neighborhood. The massing of the project is broken down to reflect the patterns of each block face with larger massing elements facing Presidio Avenue, a 60-foot wide avenue, and smaller massing facing Sutter Street, a 38-foot wide city street. The composition of each massing element relies on the predominant building proportions (base, middle and top) found on other buildings in the area. The scale is broken down further with vertically oriented windows, belt courses, and a strong cornice as found in many other building in the neighborhood. The project will complement and be harmonious with the surrounding neighborhood character.

OBJECTIVE 3:

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

Policy 1: Promote harmony in the visual relationship and transitions between new and older buildings.

Beyond the massing and architectural features described in Objective 1, Policy 3, the project will relate to the massing of the neighborhood buildings. The massing on the Sutter Street facade of the building will be divided into two segments reflecting the width of the neighboring buildings. The segment adjacent to the building immediately to the east will be set back 10 feet at the residential level from the property line demising the two buildings. The street face of the building will be set back 11 feet at the fourth floor providing a three-story expression at Sutter Street. The fifth floor massing will be set back an additional 15 feet from the main rear facade.

The massing along Presidio Avenue is divided into three components: residential, building entrance and community center/gymnasium. The residential component reflects the massing of the residential building across Sutter Street and is terminated by the vertical entry articulation. The community center will drop approximately 11 feet in height from the entrance element and will provide a transition to the lower neighboring building to the south. This massing strategy will provide a transition between new and old buildings as seen in the pattern of other buildings in the neighborhood.

Policy 6: Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

See Objective 1 Policy 3 and Objective 3 Policy 1, above, for a description of how the bulk and massing of the building relates to the neighborhood.

Policy 7: Recognize the special urban design problems posed in development of large properties.

Some of the design problems typically occurring in larger urban developments are addressed by the project by responding to the visual character of the neighborhood with regard to the project's site design and the building scale and form. The project building will draw from elements that are common to the block including a base-middle-top configuration, and architectural elements such as vertically-oriented windows, belt courses and strong projecting cornices. Additional problems often occur at the base of larger residential buildings where multiple garage entrances dominate the pedestrian level as seen in many large residential buildings in the neighborhood. The base of the project building will have one garage entrance on Sutter Street. The shared entrance and storefront-style windows that make up the balance of the sidewalk frontage on Presidio Avenue will create a stronger relationship to the street. The massing of the building will reflect the site characteristics of the existing topography and will not obscure any public views. The massing of the proposed building will reflect the pattern of each block-face with a larger massing on Presidio Avenue and massing that is narrower and descending on Sutter Street similar to the buildings directly across from the project site on Sutter Street.

Policy 3: Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.

BTWCSC is an integral part of the neighborhood even though its current institutional design -- when compared to the character of the immediately surrounding residential buildings -- does not positively contribute to the neighborhood character. The project has been divided into segments to reflect the proportion and scale of nearby existing residential buildings, and the project's architectural style complements the older residential buildings as well as the newer mixed-use and commercial buildings in the neighborhood. The project is designed so that the massing, bulk, height, design, color, shape and other features will be contextually more appropriate in the neighborhood than the current one-story building.

OBJECTIVE 4:

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

Policy 1: Protect residential areas from the noise, pollution and physical danger of excessive traffic.

The Transportation Study for the Draft Environmental Impact Report concluded that the project will not generate excessive traffic. The San Francisco Noise Ordinance (Police Code Article 29) and Title 24 of the California Building Code will ensure that the nearby residences will not be exposed to excessive noise. The project sponsor is developing proposed "House Rules," which will be presented to the Commission at the hearing. As a mixed use residential and community service center, the project will not cause pollution. Therefore, the project will not expose the nearby residential areas to noise, pollution or the physical danger of excessive traffic.

Policy 3: Provide adequate lighting in public areas.

The use of glazed elements on the ground floor and the residential units above will provide "eyes on the street" and will increase pedestrian safety and comfort. The community center component will consume less environmental resources than the current building. The ground floor community service space will provide additional lighting for pedestrians during the early evening hours in the winter.

Policy 10: Encourage or require the provisions of recreation space in private development.

The project will include both indoor and outdoor recreational space for the residents by providing common usable open space for the residents on a roof deck and terraced outdoor space for the community service center and for the childcare center in the rear yard.

Policy 12: Install, promote and maintain landscaping in public and private areas.

The rear yard will be landscaped and a landscaping plan will be provided to the Planning Department for review and approval. Any street trees removed during construction will be replaced as approved by Department of Public Works.

2004 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 1.4: Locate in-fill housing on appropriate sites in established residential neighborhoods.

The project site is a large under-developed lot in an established residential neighborhood. The addition of a residential component to the replacement facility for BTWCSC is appropriate and promotes this policy.

Policy 1.6: Create incentives for the inclusion of housing, particularly permanently affordable housing, in new commercial development projects.

The Presidio-Sutter Special Use District (SUD) allows increased density for permanently affordable housing. The incentive bonus provided for height and density by the SUD is calibrated by a percentage of affordable housing units provided on site. The City has consistently identified the need for affordable housing units. The project will provide up to 50 new permanently affordable housing units in an area easily accessed by public transit.

OBJECTIVE 4:

SUPPORT AFFORDABLE HOUSING PRODUCTION BY INCREASING SITE AVAILABILITY AND CAPACITY.

Policy 4.1: Actively identify and pursue opportunity sites for permanently affordable housing;

The BTWCSC site, located in a residential area, is currently underutilized and can accommodate a residential component with permanently affordable housing units, which is consistent with this policy.

Policy 4.3: Encourage the construction of affordable units for single households in residential hotels and "efficiency" units.

Except for two manager units, the project proposes 48 studio units, thus promotes this policy.

Policy 4.4: Consider granting density bonuses and parking requirement exemptions for the construction of affordable housing or senior housing.

The project is located in the Presidio-Sutter Special Use District, which allows a density bonus for the construction of housing affordable to very low income households and individuals. The Planning Code does not require off-street parking for affordable housing units

OBJECTIVE 5:

INCREASE THE EFFECTIVENESS AND EFFICIENCY OF THE CITY'S AFFORDABLE HOUSING PRODUCTION SYSTEM.

Policy 5.2: Support efforts of for-profit and non-profit organizations and other community based groups and expand their capacity to produce and manage permanently affordable housing.

The project is sponsored by the BTWSCS, a community-based organization that has continuously served San Francisco for more than 90 years. BTWSCS has entered into an agreement with the John Steward Company (JSCO), a firm with demonstrated ability to develop and manage affordable housing projects. The partnership with JSCO will enable BTWSCS to gain experience and the capacity to manage permanently affordable housing projects.

OBJECTIVE 8:

ENSURE EQUAL ACCESS TO HOUSING OPPORTUNITIES.

Policy 8.1: Encourage sufficient and suitable rental housing opportunities and emphasize permanently affordable rental units wherever possible.

The housing units in the project will be rental units that are permanently affordable and will promote this objective and policy.

Policy 8.6: Increase the availability of units suitable for users with supportive housing needs.

Of the 48 studio units, 24 will be transitional housing designated for emancipated foster youth, who will require on-site counseling and other supportive services to transition to independent living and to successfully integrate into society.

OBJECTIVE 10:

REDUCE HOMELESSNESS AND THE RISK OF HOMELESSNESS IN COORDINATION WITH RELEVANT AGENCIES AND SERVICE PROVIDERS.

Policy 10.1: Focus efforts on the provisions of permanent affordable and service-enriched housing to reduce the need for temporary homeless shelters.

Policy 10.2: Aggressively pursue other strategies to prevent homelessness and the risk of homelessness by addressing its contributory factors.

Policy 10.4: Facilitate childcare and educational opportunities for homeless families and children.

The housing and services provided by BTWSCS have been designed to provide the tenants a stable residential environment, career counseling, educational and specialized employment skills, tutoring, childcare services, and other supportive services to help them become productive members of society.

TRANSPORTATION ELEMENT

OBJECTIVE 2:

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

OBJECTIVE 11 (TRANSIT FIRST):

MAINTAIN PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.

The project site is easily accessible by public transit; two MUNI lines (Nos. 2 and 43) are within one block of the Site. MUNI lines 1, 1BX, 3, 31 and 31L are within three blocks of the project site.

OBJECTIVE 16:

DEVELOP AND IMPLEMENT PROGRAMS THAT WILL EFFICIENTLY MANAGE THE SUPPLY OF PARKING AT EMPLOYMENT CENTERS THROUGHOUT THE CITY SO AS TO DISCOURAGE SINGLE-OCCUPANT RIDERSHIP AND ENCOURAGE RIDESHARING, TRANSIT AND OTHER ALTERNATIVES TO THE SINGLE-OCCUPANT AUTOMOBILE.

Policy 16.5: Reduce parking demand through limiting the absolute amount of spaces and prioritizing the spaces for short-term and ride-share uses.

The project's 21 on-site parking spaces will be sufficient to meet the project's parking demand because it has been historically demonstrated that low-income residents do not usually own automobiles. The project will provide two (2) car-share spaces.

Policy 16.6: Encourage alternatives to the private automobile by locating public transit access and ride-sharing vehicle and bicycle parking at more close-in and convenient locations on site, and by location parking facilities for single-occupancy vehicles more remotely.

BTWCSC will have twenty-five (25) secured bicycle parking spaces in the garage for residents and employees. BTWCSC has a bicycle program as part its recreational program that will include teaching bicycle repair and the use of alternative modes of transportation.

OBJECTIVE 28:

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

Policy 28.1: Provide Secure and bicycle parking in new governmental, commercial, and residential developments.

Twenty-five (25) secured bicycle parking spaces are proposed in the basement level.

OBJECTIVE 33:

CONTAIN AND LESSEN THE TRAFFIC AND PARKING IMPACT OF INSTITUTIONS ON SURROUNDING RESIDENTIAL AREAS.

Policy 33.2: Protect Residential Neighborhoods From The Parking Impacts Of Nearby Traffic Generators.

BTWCSC has implemented and will enhance a monitoring program for pick-up and drop-off of users of the facility to ensure minimal conflict with and avoid traffic congestion created by these activities.

COMMUNITY FACILITIES ELEMENT

OBJECTIVE 3:

ASSURE THAT NEIGHBORHOOD RESIDENTS HAVE ACCESS TO NEEDED SERVICES AND A FOCUS FOR NEIGHBORHOOD ACTIVITIES.

Policy 1: Provide neighborhood centers in areas lacking adequate community facilities.

Policy 3: Develop centers to serve an identifiable neighborhood.

BTWCSC has been operating at the project site since 1952, serving the youth and the elderly in the Western Addition community. As the demographics of the neighborhood change, the population served by BTWCSC has followed, reflecting the ethnic diversity of the City and the neighborhood

The BTWCSCS site has convenient access to public transit, is located near support facilities such as Drew School and is 5 1/2 blocks from a branch public library. The continuing use of this site as a community center in the Western Addition as it has been for the last 58 years will not disrupt nor detract from the adjoining uses in the neighborhood.

Policy 2: Assure that neighborhood centers complement and do not duplicate existing public and private facilities.

Policy 8: Provide neighborhood centers with a network of links to other neighborhood and citywide services.

BTWCSC works closely with other educational institutions such as USF and Drew School, whose resources benefit the underprivileged youth served by BTWCSC. The project's gymnasium will be used by Drew School, Lycee Francais, Sports for Good and others, which will eliminate the need for construction of costly duplicative facilities.

Policy 5: Develop neighborhood centers that are multi-purpose in character, attractive in design, secure and comfortable, and inherently flexible to meeting the current and changing needs of the neighborhood served.

The new BTWSCS building has been designed with multi-purpose space that can evolve to meet the changing educational and career development needs of the community it serves. As discussed under the Urban Design Element Objectives and Policies, the Section 303 Conditional Use findings and the Section 304 Planned Unit Development findings, the design of the building is compatible with the existing neighboring buildings.

Policy 7: Program the centers to fill gaps in needed services, and provide adequate facilities for ill-housed existing services.

The project will replace an aging neighborhood facility that can no longer meet the needs of the current and future programs and services sorely needed by the community.

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 would not affect neighborhood-serving retail uses, as there is no neighborhood-serving retail use at the Site. The project site is zoned for residential use, and retail uses are not permitted. The proposed unit density may provide nearby commercial uses with additional business.

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

There are no existing dwelling units on the site. The community center use will continue on the site; the cultural diversity of the neighborhood will be enhanced with the new residential component. The housing component will consist of units affordable to persons and households with very low income. The neighborhood character will not be impaired and the housing component will add economic diversity to the neighborhood.

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

The building to be demolished contains no housing. The addition of 48 affordable units permanently affordable to those with incomes not exceeding 60% of the area median income will enhance the City's supply of affordable housing.

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

The Transportation Study for the existing BTWCSC analyzed the transportation effects of a proposed increase of 694 net new daily person trips (282 for the center and 412 for the residential component),² of which 116 (44 for Center and 72 for the residential component) would occur during the PM peak hour and determined it would have no significant effect on traffic, public transportation or parking. The project will increase the number of youth served by approximately 50 (from 100 to 150).³ It is not anticipated that additional staff would be required; however, there will likely be more volunteers from Drew School, USF and other institutions who will act as resources for the afterschool programs. The seating capacity of the gymnasium will be decreased and the number of attendees for special evening events would be the same although the frequency may increase to an average of once a month.⁴ The Transportation Study and the Draft EIR concluded that the project will not have any significant effect on the streets, neighborhood parking and MUNI services.

- 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.

Industrial or service sector businesses are not permitted in a residential area.

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

The proposed building will comply with all current Building Code seismic and fire safety standards.

- G. That landmarks and historic buildings be preserved.

The project would demolish an historic resource to make way for a new construction project. The BTWCSC building is an historic resource because BTWCSC is the first community organization to provide services to the African-American community. The building is not located in a potential historic district. The adverse impact of the project on the historic resource has been fully analyzed in the Project EIR. While the project proposes demolition of the existing building, the project would allow BTWCSC to continue and enhance its long-standing community service uses.

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

² The projected net new daily person trips are based on land use and not the actual number of youths served by BTWCSC. It is noted that the daily trips include both in-bound and out-bound trips.

³ The program spaces can only accommodate an increase of 50 youths attending the various afterschool programs and teen center.

⁴ Special events will be held at the gymnasium only after funds to purchase special floor covering become available. The size of the gymnasium would be the same as the current gymnasium on the site because its dimensions are dictated by the size of a regulation basketball court.

The project proposes a building up to 55 feet in height. A shadow fan study was prepared by the Planning Department and determined that the Project will not affect the sunlight access to any public parks or open space. The building is an infill development and will not impair any public view corridor.

11. 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.
12. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES** Conditional Use Application No. 2006.0868C subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated April 18, 2007, 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 Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 18342. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on April 28, 2011.

Linda D. Avery
Commission Secretary

AYES: Commissioners Olague, Miguel, Borden, Moore, Sugaya

NAYS: Commissioner Antonini

RECUSED: Commissioner Fong

ADOPTED: April 28, 2011

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow new construction of a Planning Unit Development consisting a five-story-over-basement, 55-foot-tall mixed-use building (containing community facility uses, up to 50 units of affordable housing and 21 off-street parking spaces, of which 24 units are affordable to low income households and 24 units are for low and very low income transitional aged youth) located at 800 Presidio Avenue, Block 013 in Assessor's Lot 1073 pursuant to Planning Code Sections 303 and 304 within the RM-1 (Residential, Mixed, Low-Density) District, the Presidio-Sutter Special Use District and a 40-x/50-X Height and Bulk District; in general conformance with plans, dated April 20, 2011, and stamped "EXHIBIT B" included in the docket for Case No. 2006.0868C and subject to conditions of approval reviewed and approved by the Commission on April 28, 2011 under Motion No. 18342. 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 April 28, 2011 under Motion No 18342.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18342 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.

PERFORMANCE

Mitigation Measures. The "Mitigation Monitoring and Reporting Program," attached herein as EXHIBIT C and which identifies Mitigation Measures and Improvement Measures to be included as part of the project as outlined in the Final EIR, Case No. 2006.0868E, shall be Conditions of Approval and are accepted by the project applicant and the successors-in-interest. If any measures of the Mitigation Monitoring and Reporting Program are less restrictive than the following conditions of approval, the more restrictive and more protective condition of approval shall apply.

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

Validity and Expiration. The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. 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. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

Extension. This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).
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.

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

Glazing at Gymnasium. Final glazing selection, particularly at the rear façade of the gymnasium component of the project, shall be subject to Department staff review and approval in order to ensure light pollution and glare into the mid-block open space are minimized. 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.

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

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

Street Trees. Nine (9) street trees shall be proposed along Presidio Avenue. Per the Planned Unit Development authorization, no street trees are required along Sutter Street. Pursuant to Planning Code Section 428 (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.

Landscaping. Pursuant to Planning Code Section 142, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating the screening of parking and vehicle use areas not within a building. The design and location of the screening and design of any fencing shall be as approved by the Planning Department. The size and specie of plant materials shall be as approved by the Department of Public Works.

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

PARKING AND TRAFFIC

Car Share. Pursuant to Planning Code Section 166, no less than one (1) car share space shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers.

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

Bicycle Parking (Residential Only). The Project shall provide no fewer than 25 Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.5.

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 eighteen (18) independently accessible off-street parking spaces.

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

OPERATION

Child Care. Enrollment of the child care use shall be limited to 24 or less children. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org*

Community Liaison. Prior to issuance of a building permit application 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 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*

Lighting. All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

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

MONITORING

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

**EXHIBIT C
MITIGATION MONITORING
AND REPORTING PROGRAM**

File No. Project Title: 2006.0868C
800 Presidio Avenue Mixed-Use Project

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Page 1

Mitigation Measures Agreed to by Project Sponsor	Responsibility for Implementation	Mitigation Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
<p>MITIGATION MEASURE M-CP-1 HABS-Level Recordation</p> <p>A common strategy for the mitigation of historical resources that would be lost as part of the proposed project is through documentation and recordation of the resource(s) prior to their demolition using historic narrative, photographs and/or architectural drawings. While not required for state or local resources, such efforts often comply with the federal standards provided by the National Park Service's Historic American Building Survey (HABS). As such, the project sponsor shall document the existing exterior conditions of the Booker T. Washington Community Center according to HABS Level II documentation standards. According to HABS Standards, Level II documentation consists of the following tasks:</p> <ul style="list-style-type: none"> • Drawings: Existing drawings, where available, should be photographed with large format negatives or photographically reproduced on mylar. • Photographs: Black and white photographs with large-format negatives should be shot of exterior of the Booker T. Washington Community Center, including a few shots of this building in its existing context. Historic photos, where available, should be reproduced using large-format photography, and all photographs should be printed on archival (acid-free) fiber paper. Some historic photos of the site are known to exist, as they were cited in the HRER. • Written data: A report should be prepared that documents the existing conditions of the Booker T. Washington Community Center, as well as the overall history and importance of this African- 	Project sponsor.	Prior to demolition activities.	Project sponsor.	Considered complete upon completion of the drawings, photographs, and written report and distribution of written report to all required parties.

**EXHIBIT C
 MITIGATION MONITORING
 AND REPORTING PROGRAM**

Mitigation Measures Agreed to by Project Sponsor	Responsibility for Implementation	Mitigation Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
<p>American institution within San Francisco. Much of the historical and descriptive data used in preparation of the HRER can be reused for this task.</p> <p>Documentation of the Booker T. Washington Community Center shall be submitted to the following four repositories:</p> <ul style="list-style-type: none"> • Documentation report and one set of photographs and negatives shall be submitted to the History Room of the San Francisco Public Library. • Documentation report and one set of photographs and negatives shall be submitted to Booker T. Washington Community Center. • Documentation report and xerographic copies of the photographs should be submitted to the Northwest Information Center of the California Historical Resources Information Resources System. • Documentation report and xerographic copies of the photographs should be submitted to the San Francisco Planning Department for review prior to issuance of any permit that may be required by the City and County of San Francisco for demolition of Booker T. Washington Community Center. 				
<p>MITIGATION MEASURE M-CP-2: Archeological Resources</p>				
<p>Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the</p>	<p>Project sponsor/ archeological consultant at the direction of the</p>	<p>Prior to soil-disturbing activities.</p>	<p>Archeological consultant shall report to the ERO.</p>	<p>During excavation, demolition and construction.</p>

**EXHIBIT C
MITIGATION MONITORING
AND REPORTING PROGRAM**

File No. Project Title: 2006.0868C
800 Presidio Avenue Mixed-Use Project

Motion No. 18342
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Mitigation Measures Agreed to by Project Sponsor	Responsibility for Implementation	Mitigation Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
<p>services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sections 15064.5 (a) and (c).</p>	<p>Environmental Review Officer (ERO).</p>			<p>Considered complete upon receipt of final monitoring report at completion of construction.</p>
<p>Archeological Testing Program. The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical</p>	<p>Project sponsor/ archeological consultant/ archeological monitor/ contractor(s), at the direction of the ERO.</p>	<p>During all soil-disturbing activities.</p>	<p>Project sponsor/ archeological consultant/ archeological monitor/ Contractor(s), and the ERO.</p>	<p>During excavation, demolition and construction. Considered complete upon submittal of the written report of the findings to the ERO.</p>

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<p>resource under CEQA.</p> <p>At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program.</p> <p>If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <p>A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or</p> <p>B) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</p>	<p>Project sponsor</p>	<p>If a significant archeological resource is present</p>	<p>Project sponsor/ archeological consultant/ archeological monitor/ contractor(s), and the ERO. Monitor throughout all soil-disturbing activities.</p>	<p>During excavation, demolition and construction. Considered complete upon receipt of final monitoring report at completion of construction.</p>
<p>Archeological Monitoring Program. If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project- 	<p>Project sponsor/ archeological consultant/ archeological monitor/ contractor(s), at the</p>	<p>Monitor throughout all soil-disturbing activities.</p>	<p>Project sponsor/ archeological consultant/ archeological monitor/ Contractor(s), and</p>	<p>During excavation, demolition and construction. Considered complete upon</p>

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<p>related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context.</p> <ul style="list-style-type: none"> The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource; The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits; The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis; If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and 	<p>direction of the ERO.</p>		<p>the ERO. Monitor throughout all soils-disturbing activities.</p>	<p>receipt of final monitoring report at completion of construction.</p>

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<p>equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.</p> <ul style="list-style-type: none"> • Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO. <p>If an archeological data recovery program is required by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive</p>	<p>Archeological consultant at the direction of the ERO</p>	<p>If there is a determination that an ADRP program is required</p>	<p>Project sponsor/ archeological consultant/ archeological monitor/ contractor(s), and the ERO. Monitor throughout all soils-disturbing activities.</p>	<p>During excavation, demolition and construction. Considered complete upon receipt of final monitoring report at completion of construction.</p>

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<p>data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> • <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations. • <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures. • <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies. • <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program. • <i>Security Measures.</i> Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities. • <i>Final Report.</i> Description of proposed report format and distribution of results. • <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities. <p><i>Human Remains and Associated or Unassociated Funerary Objects.</i> The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable</p>	<p>Project sponsor / archeological consultant in</p>	<p>In the event human remains and/or funerary</p>	<p>Project sponsor/ archeological consultant/ San</p>	<p>During excavation, demolition and</p>

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<p>State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.</p>	<p>consultation with the San Francisco Coroner, NAHC, and MLD.</p>	<p>objects are found.</p>	<p>Francisco Coroner/ NAHC/ MLD. Monitor throughout all soils-disturbing activities</p>	<p>construction. Considered complete upon receipt of final monitoring report at completion of construction.</p>
<p><i>Final Archeological Resources Report.</i> The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/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>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) 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</p>	<p>Project sponsor/ archeological consultant at the direction of the ERO.</p>	<p>After completion of the archeological data recovery, inventorying, analysis and interpretation.</p>	<p>Project sponsor/ archeological consultant/ ERO</p>	<p>Following completion of soil disturbing activities. Considered complete upon Planning Department receipt of final monitoring report at completion of construction.</p>

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<p>interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.</p> <p>MITIGATION MEASURE M-BI-1: Breeding Birds</p> <p>If active construction work (i.e., demolition, ground clearing and grading, including removal of site vegetation) is scheduled to take place during the non-breeding season (September 1 through January 31), no mitigation is required. If such construction activities are scheduled during the breeding season (February 1 through August 31), the following measures will be implemented to avoid and minimize impacts on nesting raptors and other protected birds:</p> <p>No more than two weeks before construction, a qualified wildlife biologist will conduct preconstruction surveys of all potential nesting habitat within 250 feet of the construction site where access is available.</p> <p>If active nests of protected birds are found during preconstruction surveys, a no-disturbance buffer will be created around active nests during the breeding season, or until it is determined that all young have fledged. Typical buffers include 250 feet for non-raptor nesting birds (e.g., shorebirds, waterfowl, and passerine birds). The size of these buffer zones and types of construction activities restricted in these areas will be based on existing noise and human disturbance levels in the project area.</p> <p>If preconstruction surveys indicate that protected bird nests are inactive or potential habitat is unoccupied during the construction period, no further</p>	<p>Project sponsor and a qualified wildlife biologist.</p>	<p>If construction is scheduled between February 1st and August 31st, within two weeks prior to construction commencement.</p>	<p>Project sponsor and a qualified wildlife biologist.</p>	<p>Considered complete upon preparation of a memorandum summarizing findings by the qualified wildlife biologist.</p>

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<p>mitigation will be required. If construction commences during the non-breeding season and continues into the breeding season, birds that nest adjacent to the project area could acclimate to construction activities. However, surveys of nesting sites will be conducted and no-disturbance buffer zones established around active nests as needed to prevent impacts on nesting birds and their young.</p>				
<p>MITIGATION MEASURE M-HZ-2:</p>				
<p>Hazardous Building Materials</p>	<p>Project sponsor.</p>	<p>During demolition activities.</p>	<p>San Francisco Planning Department to review building materials surveys and monitor abatement compliance</p>	<p>Considered complete upon receipt by the San Francisco Planning Department of final abatement compliance report.</p>
<p>The City shall condition future development approvals to require that the subsequent project sponsors ensure that any equipment containing PCBs or mercury, such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any fluorescent light tubes, which could contain mercury, are similarly removed and properly disposed of. Any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state, and local laws.</p>				

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Improvement Measures Identified by Planning Department Staff	Responsibility for Implementation	Implementation Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
IMPROVEMENT MEASURE I-TR-1: Leasing of Parking				
The project sponsors should investigate the possibility of long-term leasing of parking spaces at the shopping center lot (at 2575 Geary Boulevard) for use by the community center for evening programs and events.	Project Sponsor.	Prior to reopening of the new community center.	Project sponsor to report to Planning Department Northwest Quadrant	Ongoing.
IMPROVEMENT MEASURE I-TR-2: Garage Safety				
The project sponsor should install a directional mirror in the garage so that drivers would have a view of Sutter Street. The garage would provide a vehicle approach warning signal (buzzer or beeper) to alert pedestrians of cars exiting the garage.	Project Sponsor, building management.	Prior to building occupation.	Project sponsor to report to Planning Department Northwest Quadrant	Considered complete upon submittal of a memo to Planning Department stating that this measure was implemented.

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<p>IMPROVEMENT MEASURE I-TR-3: Loading Management Plan</p>	<p>As part of the project, the project sponsor could establish a loading management plan. The intent of the plan would be to eliminate the potential of double-parked freight trucks on Presidio Avenue in front of the building. Large deliveries and tenant move-ins and move-outs would be scheduled and coordinated through the property manager to ensure that the designated on-street loading spaces would be available as needed. Tenants would be required to provide advance notification to the property manager of date and time of move-ins and move-outs. The freight management plan would be extended to all freight deliveries and service calls to the building. Delivery and service calls at the building to the extent possible shall be scheduled between the hours of 9:00 a.m. and 3:30 p.m. in order to avoid the peak periods of Muni's Presidio Electric Trolley Coach Division pull-out and pull-in activities.</p>	<p>Project Sponsor, building management.</p>	<p>Prior to building occupation..</p>	<p>Project sponsor to report to Planning Department Northwest Quadrant</p>	<p>Considered complete upon submittal of the loading management plan.</p>
<p>IMPROVEMENT MEASURE I-TR-4: Coordination with Waste Hauler</p>	<p>As part of the project, building management would coordinate with Sunset Scavenger as to specific location of garbage containers on pick-up day, consistent with collection services currently provided for other residential buildings in the area, to ensure minimal disruption of traffic flow on the streets.</p>	<p>Project Sponsor, building management.</p>	<p>Prior to building occupation.</p>	<p>Project sponsor to report to Planning Department Northwest Quadrant</p>	<p>Considered complete upon receipt by the San Francisco Planning Department of a memo summarizing the coordination.</p>

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				outcomes with Sunset Scavenger.
IMPROVEMENT MEASURE I-TR-5: Community Center Safety Program				
<p>In order to reduce potential circulation conflicts associated with passenger loading, the project sponsor would establish a community center safety program, which would focus on safe (assisted) crossings of Presidio Avenue and Sutter Street during the weekday evening commute period (4:00 p.m. to 6:00 p.m.). The program could rely on employees or volunteers to serve as crossing guards, or contract with a private company for these services. The community center would also provide weekday evening commute period curbside assistance to drivers arriving to pick-up children and other center users. A goal of this effort would be to limit incidents of double parking on Presidio Avenue through coordination with drivers, center staff and passengers. Community center staff would assemble children at the curb prior to a scheduled pick-up, thus reducing the need for drivers to leave their double parked vehicle and enter the center, as currently occurs. While double parking would not be eliminated, the average length of time of double parked vehicles could be substantially reduced. In addition to assisted street crossings and passenger loading assistance, community center management would make a concerted effort to identify and facilitate ridesharing opportunities among drivers who consistently pick-up passengers at the center.</p>	<p>Project Sponsor/ community center management.</p>	<p>Prior to reopening of the new community center and compliance with the program would be ongoing.</p>	<p>Project sponsor to report to Planning Department Northwest Quadrant</p>	<p>Considered complete upon receipt by the San Francisco Planning Department of a memo summarizing the community center safety program.</p>

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<p>IMPROVEMENT MEASURE I-TR-6: Passenger Loading Zone</p>	<p>The project sponsors would meet with the Sustainable Streets Division of the San Francisco Municipal Transportation Agency regarding the possibility of securing curbside frontage on Presidio Avenue for passenger loading. An extended passenger loading zone in front of the community center between the hours of 4:00 p.m. and 6:00 p.m. would reduce the incidents of double parking and improve peak period vehicle, pedestrian and bicycle circulation. It should be noted that a consequence of establishing a curbside loading zone in this area would exacerbate already constrained parking conditions (by displacing two general-use parking spaces) and would require a high level of enforcement activity (including vehicle towing).</p>	<p>Project Sponsor.</p>	<p>Prior to reopening of the new community center, ongoing enforcement.</p>	<p>SFMTA</p>	<p>Prior to completion of construction</p>
<p>IMPROVEMENT MEASURE I-TR-7: Construction Traffic Management</p>	<p>During the construction period, the project sponsor would limit construction truck movement to the hours between 9:00 a.m. and 3:30 p.m., or other hours if approved by SFMTA, and to prohibit staging or unloading of equipment and materials during the periods of 7:00 a.m. to 9:00 a.m. and 3:30 p.m. to 6:00 p.m., to minimize peak-period traffic conflicts and to accommodate queuing of Muni buses during the peak hours of service. The project sponsor and construction contractor would meet with SFMTA, the Fire Department, Muni and the Planning Department to determine feasible traffic management and improvement measures to reduce traffic congestion during construction of this project.</p>	<p>Project Sponsor.</p>	<p>During project construction.</p>	<p>SFMTA</p>	<p>Prior to completion of construction</p>

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<p>IMPROVEMENT MEASURE I-TR-8: Parking Leasing for Construction Workers</p> <p>The project sponsors should investigate the possibility of leasing parking spaces at the shopping center (2575 Geary Boulevard) lot for use by construction workers for the duration (estimated 18 months) of the construction activity.</p>	<p>Project Sponsor.</p>	<p>Prior to commencement of construction activities.</p>	<p>Project sponsor to report to Planning Department Northwest Quadrant</p>	<p>Considered complete upon receipt by the San Francisco Planning Department of a memo summarizing outcome of coordination with 2575 Geary Boulevard property managers.</p>
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LIMITED LIABILITY COMPANY AGREEMENT
FOR
BERIONG INVESTMENTS, LLC

A DELAWARE LIMITED LIABILITY COMPANY

THE SECURITIES REPRESENTED BY THIS AGREEMENT HAVE NOT BEEN REGISTERED UNDER THE SECURITIES ACT OF 1933 NOR REGISTERED NOR QUALIFIED UNDER ANY STATE SECURITIES LAWS. SUCH SECURITIES MAY NOT BE OFFERED FOR SALE, SOLD, DELIVERED AFTER SALE, TRANSFERRED, PLEDGED, OR HYPOTHECATED UNLESS QUALIFIED AND REGISTERED UNDER APPLICABLE STATE AND FEDERAL SECURITIES LAWS OR UNLESS, IN THE OPINION OF COUNSEL SATISFACTORY TO THE COMPANY, SUCH QUALIFICATION AND REGISTRATION IS NOT REQUIRED. ANY TRANSFER OF THE SECURITIES REPRESENTED BY THIS AGREEMENT IS FURTHER SUBJECT TO OTHER RESTRICTIONS, TERMS AND CONDITIONS WHICH ARE SET FORTH HEREIN.

**LIMITED LIABILITY COMPANY AGREEMENT
OF
BERIONG INVESTMENTS, LLC**

THIS LIMITED LIABILITY COMPANY AGREEMENT is made effective as of April 25, 2001 by and between Perry S. Acosta and Demmie B. Acosta, Trustees of the Perry S. Acosta and Demmie B. Acosta Revocable Living Trust, dated November 15, 1993 (individually a "Member" and collectively the "Members").

The parties hereto have formed a limited liability company under the laws of the State of Delaware and desire to enter into this Agreement in connection therewith. In consideration of the premises and of the mutual covenants, terms and conditions hereinafter set forth, the parties hereto hereby agree as follows:

**ARTICLE I
GENERAL PROVISIONS**

1.1 Formation of the Company. The parties hereto have caused a limited liability company (the "Company") to be formed under the Delaware Limited Liability Company Act (the "Act").

1.2 Name of the Company. The name of the Company shall be BERIONG INVESTMENTS, LLC, or such other name as shall be selected from time to time by the Members upon written notice to the Members, but in no event shall such other name include the personal or proprietary name of the Members.

1.3 Purposes. The purpose of the Company is to engage in the business of real estate investment. The Company shall have the authority to do all things necessary or convenient to accomplish its purpose and operate its business as described in this Section. The Company shall exist only for the purpose specified in this Section, and may not conduct any other business without the unanimous consent of the Members. Each Series established hereunder may engage in and operate such business or businesses as established by members of that Series, provided that such business or businesses fall within the purposes of the Company identified above.

1.4 Other Acts/Filings. The Members shall from time to time execute or cause to be executed all such certificates, fictitious name or business statements and other documents, and make or cause to be made all such filings, recordings and publishings, and to do such other acts as the Members may deem necessary or appropriate to comply with the requirements of law for the formation and operation of the Company in all jurisdictions in which the Company shall desire to conduct business.

1.5 Office and Agent. The Company shall continuously maintain an office and registered agent in the State of Delaware as required by the Act. The registered agent shall be as stated in the Certificate of Formation filed with the Delaware Secretary of State or as otherwise determined by the Members. The principal place of business and office of the Company shall be

located at 171 Kenwood Way, San Francisco, California 94127, or such other place or places as the Members may from time to time designate. In addition, the Company may maintain such other offices as the Members deem advisable.

1.6 Term. The Company shall commence upon the date hereof and shall continue in perpetuity, unless sooner dissolved and liquidated pursuant to the provisions of Article VIII hereof.

1.7 Certificate of Formation. The Members have caused a Certificate of Formation of the Company to be executed and filed with the office of the Delaware Secretary of State in accordance with the terms of the Act. The Members shall retain at the Company's office a certified copy of the Company's Certificate of Formation, or any amendment thereto, for review by any Member, and shall deliver a copy of same to any Member upon request. In the event that any of the provisions of the Certificate of Formation are inconsistent with any of the provisions of this Agreement, the provisions of this Agreement shall govern and control as among the parties, to the extent permitted by law.

1.8 Establishment and Maintenance of Series. The Members hereby establish Series of members, managers and/or limited liability company interests as set forth more particularly in the Exhibit or Exhibits attached hereto, as amended from time to time. Each Series established under this Agreement shall have separate rights, powers and duties with respect to the specified property and obligations within such Series and the profits and losses associated with such Series shall be allocated among the Members of such Series and Cash Available for Distribution shall be distributed among such Members based on and in accordance with their respective Ownership Interests or as otherwise provided in the Exhibits attached hereto relating to such Series. Any such Series may have a separate business purpose or purposes or investment objective or objectives as determined by the Members in each Series. The Members hereby authorize the Managers to establish additional Series by amendment to this Agreement by addendum thereto. The Company shall maintain separate and distinct records for each such Series and the assets associated with any such Series shall be held and accounted for separately from the other assets of the Company, or any other Series thereof.

1.9 Limitation on Liabilities. Pursuant to Section 18-215(b) of the Act, the debts, liabilities and obligations incurred, contracted for or otherwise existing with respect to a particular series shall be enforceable against the assets of such series only, and not against the assets of the Company generally or any other series thereof, and none of the debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to the Company generally or any other series thereof shall be enforceable against the assets of such series. The Members shall set forth notice of the limitation on liabilities of the Series in the certificate of formation filed in the office of the Secretary of State.

ARTICLE II CERTAIN DEFINITIONS

Unless otherwise expressly provided herein or unless the context otherwise requires, the terms with initial capital letters in this Agreement shall be defined as follows:

2.1 "Act" shall mean the Delaware Limited Liability Company Act, as amended.

2.2 "Affiliate(s)" of another Person shall mean (a) any Person directly or indirectly owning, controlling or holding with power to vote ten percent (10%) or more of the outstanding voting securities of such other Person; (b) any Person ten percent (10%) or more of whose outstanding voting securities are directly or indirectly owned, controlled or held with power to vote by such other Person; (c) any Person directly or indirectly controlling, controlled by or under common control with such other Person; (d) any officer, director or partner of such other Person; and (e) if such other Person is an officer, director or partner, any company for which such Person acts in any such capacity.

2.3 "Agreement" shall mean this limited liability company agreement pursuant to which the Company is governed, as the same may be amended from time to time.

2.4 "Bankruptcy" of a Member shall mean any Member who: (a) has become the subject of an Order for Relief under the United States Bankruptcy Code, or (b) has initiated, either in an original proceeding or by way of answer in any state insolvency or receivership proceeding, an action for liquidation arrangement, composition, readjustment, dissolution, or similar relief.

2.5 "Capital Account" shall mean, with respect to each Member, the Capital Account maintained for such Member in accordance with the following provisions:

- (a) To each Member's Capital Account there shall be credited such Member's Capital Contributions, such Member's distributive share of Net Income and the amount of any Company liabilities assumed by such Member or which are secured by any property distributed to such Member,
- (b) To each Member's Capital Account there shall be debited the amount of cash and property distributed to such Member pursuant to any provision of this Agreement, such Member's distributive share of Net Loss, and the amount of any liabilities of such Member assumed by the Company or which are secured by any property contributed by such Member to the Company;
- (c) In the event all or a portion of an interest in the Company is transferred in accordance with the terms of this Agreement, the transferee shall succeed to the Capital Account of the transferor to the extent it relates to the transferred interest.

The foregoing provisions and the other provisions of this Agreement relating to the maintenance of Capital Accounts are intended to comply with Regulations Section 1.704-1(b) relating to the maintenance of capital accounts, and shall be interpreted and applied in a manner consistent with such Regulations. In the event the Members shall determine that it is prudent to modify the manner in which the Capital Accounts, or any debits or credits thereto are computed in order to comply with such Regulations, the Members may make such modification, provided that it is not likely to have a material effect on the amounts distributable to any Member pursuant to Article VIII hereof upon the dissolution of the Company.

2.6 "Capital Contributions" shall mean the amounts contributed by each Member pursuant to Section 3.1 hereof.

2.7 "Cash Available for Distribution" shall mean the excess of cash receipts the Company (or a Series, as the case may be) (exclusive of Capital Contributions and, except to the extent the Members otherwise determine, proceeds received from any loan transactions) over cash disbursements the Company (or a Series, as the case may be), without deduction for depreciation and other non-cash charges, for (i) all operating costs of the Company (or a Series, as the case may be), (ii) all principal and interest payments on debts of the Company (or a Series, as the case may be), including all loans made by the Members pursuant to Section 3.2 hereof, (iii) all capital costs necessary for the maintenance and improvement of the assets of the Company (or a Series, as the case may be), and (iv) reasonable reserves, all as determined by the Managers.

2.8 "Code" shall mean the Internal Revenue Code of 1986, as amended.

2.9 "Company" shall mean BERIONG INVESTMENTS, LLC, the limited liability company governed by this Agreement.

2.10 "Major Decisions" shall have the meaning set forth in Section 5.5.

2.11 "Majority in Interest" shall mean one or more of the Members who, in the aggregate, possess more than fifty percent (50%) of the ownership interests in the Company or in any Series, as the case may be.

2.12 "Managers" shall initially mean Perry S. Acosta and Demmie B. Acosta, Trustees of the Perry S. Acosta and Demmie B. Acosta Revocable Living Trust, dated November 15, 1993, who shall serve as Managers of the Company. The Members of each Series may designate one or more Persons to serve as managers of their Series as set forth in the Exhibits attached hereto, as amended from time to time. In the absence of such designation, the Managers of the Company shall also serve as the managers of each Series.

2.13 "Member" or "Members" shall mean the Persons set forth in the Preamble hereto, and any other Persons who are admitted to the Company as Members, as provided herein. Each Series may contain one or more, but not necessarily all, of the Members.

2.14 "Net Income" or "Net Loss" shall mean, for each fiscal year or other period, an amount equal to the taxable income or loss of the Company (or a Series, as the case may be) for such year or period, determined in accordance with Code Section 703(a) (for this purpose, all items of income, gain, loss or deduction required to be stated separately pursuant to Code Section 703(a)(1) shall be included in taxable income or loss), with the following adjustments:

(a) Income of the Company (or a Series, as the case may be) that is exempt from federal income tax and not otherwise taken into account in computing Net Income or Net Loss pursuant to this definition shall be added to such taxable income or loss; and

(b) Any expenditures of the Company (or a Series, as the case may be) described in Code Section 705(a)(2)(B) or treated as Code Section 705(a)(2)(B) expenditures pursuant to

Regulations Section 1.704-1(b)(2)(iv)(i), and not otherwise taken into account in computing Net Income or Net Loss pursuant to this definition shall be subtracted from such taxable income or loss.

2.15 "Ownership Interest" shall mean a Member's percentage interest in the Company (or a Series, as the case may be) as reflected in the then Capital Account of such Member relative to the then Capital Accounts of all the Members of the Company (or a Series, as the case may be). The initial Ownership Interests of the Members, based on the relative amounts of their Capital Contributions, are set forth in the Exhibits attached hereto.

2.16 "Person" shall mean any natural person, partnership, joint venture, corporation, limited liability company, estate, trust, association or other legal entity.

2.17 "Regulations" shall mean the Income Tax Regulations promulgated under the Code, as such regulations may be amended or superseded from time to time.

2.18 "Series" shall have the same meaning as set forth in Section 18-215 of the Act and shall mean those designated Series set forth in the Exhibits attached hereto, as from time to time amended, and the Members, Managers and Ownership Interests thereof. Each Series established under this Agreement shall have separate rights, powers and duties with respect to the specified property and obligations within such Series and the profits and losses associated with such Series shall be allocated among the Members of such Series and Cash Available for Distribution shall be distributed among such Members based on and in accordance with their respective Ownership Interests or as otherwise provided in the Exhibits attached hereto relating to such Series. Each Series may have a separate business purpose or purposes or investment objective or objectives as set forth herein or the Exhibits hereto.

ARTICLE III CAPITAL CONTRIBUTIONS AND RELATED MATTERS

3.1 Capital Contributions. Each Member shall contribute to the initial capital of the Company (or a Series, as the case may be) (the "Capital Contribution") cash and/or property in such amounts and descriptions as set forth in the Exhibits attached hereto.

3.2 Loans by Members to the Company. Any Member may, upon the approval of all of the Members of the Company (or a Series, as the case may be), advance monies (not to exceed One Hundred Thousand Dollars (\$100,000) outstanding principal balance at any one time) to the Company (or a Series, as the case may be) for use in the operations of the Company (or a Series, as the case may be). The aggregate amount of such advances shall be an obligation of the Company (or a Series, as the case may be) to the Member who advanced the monies and shall bear interest at the rate of interest determined by the Members of the Company (or a Series, as the case may be), provided such rate of interest shall be not less than the lowest rate necessary to avoid the imputation of interest under the Code nor higher than the maximum rate permitted by the applicable usury law. Such advances shall be deemed a loan by the Member to the Company (or a Series, as the case may be) and shall not be deemed a Capital Contribution. Any unpaid advances, together with accrued and unpaid interest, shall be payable solely out of the first Cash Available for Distribution.

3.3 No Withdrawal of Capital Contributions. Except upon dissolution and liquidation of the Company (or a Series, as the case may be), no Member shall have the right to withdraw its Capital Contribution from the Company (or a Series, as the case may be).

3.4 No Interest on Capital Contributions. No Member shall be entitled to interest of any kind on account of a Capital Contribution.

3.5 No Priority. Except as expressly set forth herein, no Member shall have priority over any other Member as to return of Capital Contributions, allocations of income, gain, losses, credits, deductions, or as to distributions.

ARTICLE IV ALLOCATIONS AND DISTRIBUTIONS, INCOME, LOSSES AND OTHER ITEMS AMONG THE MEMBERS

4.1 Allocation of Net Income and Net Loss. Net Income or Net Loss for any fiscal year shall be allocated to the Members pro rata in accordance with their respective Ownership Interests in the Company (or a Series, as the case may be).

4.2 Distribution of Cash. The Managers of the Company (or a Series, as the case may be) shall determine the Cash Available for Distribution from time to time but not less often than annually and in accordance with Section 2.7 hereof. Except for distributions upon dissolution of the Company (or a Series, as the case may be) as provided in Article VIII, the Cash Available for Distribution shall be distributed to the Members pro rata based on their Ownership Interests.

4.3 Withholding. The Company shall withhold all such amounts as may be required by applicable tax law and any amounts so withheld shall be deemed to have been distributed under Section 4.1 to the Member with respect to whom such withholding obligation arose and, to the extent such amounts exceed the amount such Member would have otherwise received, shall be counted towards future distributions to such Member. If any sums are withheld with respect to a Member, the Company shall remit the sums so withheld to and file the required forms with the Internal Revenue Service or other applicable government agency, and in the event of any claimed over-withholding, the Member shall be limited to an action against the Internal Revenue Service or other applicable government agency for refund and hereby waives any claim or right of action against the Company on account of such withholding.

ARTICLE V MANAGEMENT OF THE COMPANY

5.1 Management Powers of the Managers. The Company shall be managed by the Managers. The Members of each Series may designate one or more Persons to serve as managers of their Series as set forth in the Exhibits attached hereto, as amended from time to time. In the absence of such designation, the Managers of the Company shall also serve as the managers of each Series. For purposes of the Agreement, the term Managers shall refer to the Managers of the Company or the manager of a particular Series as the context so requires. Except as otherwise provided herein or required by law, all management decisions involving the business of the Company and of each Series shall be made by the Managers of the Company, or

the Series, as the case may be. The Managers shall have the full, exclusive and absolute right, power and authority to manage and control the Company and each Series, as the case may be, and the property, assets and business thereof. The Managers may sign and execute documents, agreements and instruments on behalf of the Company (or a Series, as the case may be). Subject to the restrictions specifically contained in this Agreement, the Managers may perform any and all acts the Managers deems necessary or appropriate to the business of the Company (or a Series, as the case may be), including without limitation executing, acknowledging and delivering any and all instruments to effectuate the same.

5.2 Limitation on Authority. Notwithstanding any other provision of this Agreement, the Managers may not undertake any of the following acts without first obtaining the consent of all the Members:

- (a) Doing, approving or consenting to any act in contravention of this Agreement;
- (b) Doing, approving or consenting to any act which would make it impossible for the Company (or a Series, as the case may be) to carry on the ordinary business of the Company (or such Series);
- (c) Confessing a judgment in excess of One Hundred Thousand Dollars (\$100,000) against the Company (or a Series, as the case may be) or delivering any general assignment for the benefit of creditors of the Company (or such Series);
- (d) Borrowing from the Company (or a Series, as the case may be);
- (e) Encumbering, or approving or consenting to the encumbering of, any assets of the Company (or a Series, as the case may be) for anything other than a Company (or Series) purpose; and
- (f) Causing any obligation of the Company (or a Series, as the case may be) to be cross-defaulted with any non-Company (or non-Series) obligation.

5.3 Outside Services. Nothing in this Agreement shall be deemed to restrict the freedom of the Managers to retain architects, engineers, accountants, attorneys, appraisers, mortgage brokers, real estate brokers or other third parties to the extent that the Managers believe that the services of such parties are reasonably necessary in the conduct of the business of the Company (or a Series, as the case may be). The Company (or a Series, as the case may be) shall pay all fees or other costs incurred in connection with the retention of any such third parties.

5.4 Payment of Expenses of the Company (or Series). The Company (or a Series, as the case may be) shall pay the following expenses related to its organization and operation:

- (a) Organization expenses, including legal fees, filing fees, documentation costs, travel and other similar out-of-pocket costs;
- (b) Expenses related to the assets of the Company (or a Series, as the case may be) (including expenses related to possible investments that are ultimately not consummated);

(c) Expenses of Company (or Series, as the case may be) administration, including all accounting, legal, travel, documentation, professional and reporting expenses of the Company (or Series), which may include, but are not limited to: (1) preparation and documentation of Company (or Series) financial statements and tax returns; (2) expenses and taxes incurred in connection with the issuance, distribution, transfer, registration and recording of documents evidencing ownership of an interest in the Company (or Series) or in connection with the business of the Company (or Series), and (3) costs incurred in connection with any litigation in which the Company (or Series) is involved, as well as any examination, investigation or other proceedings conducted by any regulatory agency of the Company (or Series), including legal and accounting fees incurred in connection therewith; and

(d) Other expenses necessary or advisable for the operation of the business of the Company (or a Series, as the case may be).

Expenses incurred by the Company for the benefit of the entire Company shall be borne equally among the Series (or upon such other basis) as reasonably determined by the Managers of the Company; provided, if any expenses are incurred by the Company for the benefit of or with respect to a particular Series, such expenses shall be borne by such Series.

5.5 Major Decisions. Notwithstanding anything to the contrary contained herein, the Managers shall not take any action or make any decision or expend any sum or undertake or suffer any obligation on behalf of the Company (or a Series, as the case may be) which comes within the scope of the Major Decisions enumerated below without first obtaining the consent of all of the Members of the Company (or Series). "Major Decisions" shall be defined as the following actions:

- (a) Admitting additional Members to the Company (or a Series, as the case may be);
- (b) Approving any transaction between the Company (or a Series, as the case may be) and any Member or any Affiliate thereof which is not specifically provided in this Agreement or allowed pursuant to Section 5.7;
- (c) Instituting or consenting to the institution of any insolvency or bankruptcy proceeding on behalf of the Company (or a Series, as the case may be);
- (d) Selecting contractors to develop the Property;
- (e) Encumbering the Property;
- (f) Selling the Property and determining the sales price for the Property; and
- (g) Accepting any offer relating to the sale of the Property.

5.6 Other Activities of Managers

(a) The Managers shall devote such time and effort to the business of the Company (or a Series, as the case may be) as may, in their reasonable judgment, be required.

The Managers may engage in or own an interest in other business ventures of every nature and description, independently or with others, including by way of illustration but without limitation the ownership, financing, leasing, operation, management, syndication and development of real property.

(b) Nothing in this Agreement shall be construed to grant any right, privilege or option to any Member to participate in any manner in any other business, corporation, partnership or investment in which the other Member hereto may participate, including those which may be the same as or similar to the business of the Company (or a Series, as the case may be) or in direct competition therewith, and each of the Members expressly waives the doctrine of partnership opportunity and, subject to the rights and obligations of the Members as set forth in any other agreements among the parties hereto, consents to the participation by any of the Members in any such business, corporation, partnership or investment.

5.7 Dealing With the Company (or Series). The Members shall have the right to contract or otherwise deal with the Company (or a Series, as the case may be) for the sale of goods or services after obtaining the consent of all of the other Members in respect of such transaction. Any contract with a Member for goods and services shall be in writing and shall contain a clause allowing termination by the Company (or a Series, as the case may be) without penalty on sixty (60) days' notice or immediately in the event of the Bankruptcy, withdrawal, removal or dissolution of the Member.

5.8 Compensation of Managers. The Company (or a Series, as the case may be) shall not pay the Managers any fees or other compensation for their services set forth in this Agreement, except as provided in Sections 5.7 and 5.9 hereof.

5.9 Reimbursement to the Members. The Company (or a Series, as the case may be) shall reimburse the Members for any organizational expenses they incur on behalf of the Company (or Series).

5.10 Indemnity. To the extent not inconsistent with applicable law, and to the extent of the assets of the Company (or a Series, as the case may be), the Company (or Series), its receiver or its trustee shall indemnify the Members against and save them harmless from any claim, demand, judgment or liability, and against and from any loss, cost or expense (including, but not limited to, reasonable attorneys' fees and court costs, which shall be paid by the Company (or Series) as incurred), which may be made or imposed upon a Member by reason of any (1) act performed for or on behalf of the Company (or Series) or in furtherance of the Company (or Series) business within the scope of the authority conferred on such Member by this Agreement, (2) inaction on the part of such Member which does not constitute a violation of any provision of this Agreement, or (3) liabilities arising under federal and state securities laws to the extent permitted by law, as long as such act, inaction or liability did not arise from failure to exercise reasonable business judgment in good faith, gross negligence, willful misconduct or fraud. All judgments against the Company (or Series) and the Members (wherein the Members are entitled to indemnification), must first be satisfied from Company (or Series) assets before the Members are responsible for these obligations.

5.11 Delegation of Authority. The Managers may delegate all or any of their powers, rights and obligations hereunder, and may appoint, employ, contract or otherwise deal with any Person for the transaction of the business of the Company (or a Series, as the case may be), which Person may, under supervision of the Managers, perform any acts or services for the Company (or Series) as the Managers may approve, provided, however, that such delegation shall not release the Managers of their responsibility as to such matters.

5.12 Fiduciary Duty of the Managers. The Managers shall have the fiduciary responsibility for the safekeeping and use of all funds, property and assets of the Company (or a Series, as the case may be), whether or not in their immediate possession or control, and they shall not employ, or permit another to employ, such funds, property or assets in any manner except for the benefit of the Company (or Series).

5.13 Members' Particular Covenants. Each Member covenants and agrees with the other Members that such Member at all times shall:

(i) Defend at such Member's sole cost and expense any claim made against such Member's interest in the Company (or a Series, as the case may be) (including such Member's right in the future to receive income or profits from the Company (or a Series)) or the assets of the Company (or a Series) resulting from the personal indebtedness of such Member or the claims of such Member's individual creditors;

(ii) Give full and complete information of any material nature to the Company (or a Series, as the case may be) as to letters, accounts, legal process or papers, writings or other things which shall come into such Member's knowledge or possession concerning the business of the Company (or Series) as then constituted; and

(iii) Promptly notify the other Members as to any claims asserted or threatened against such Member's interest in the Company (or a Series, as the case may be) (including such Member's right in the future to receive income or profits from the Company (or Series) or the Company or the assets of the Company (or a Series or the assets of such Series).

5.14 Rights, Obligations and Liabilities of Members. The Company and each Series shall be governed by the provisions of the Act, and to the extent not provided otherwise in this Agreement, the rights and obligations of the Members shall be governed by the provisions of the Act. No Member shall be liable as such for the liabilities of the Company or any Series. The failure of the Company or any Series to observe any formalities or requirements relating to the exercise of its powers or management of its business or affairs under this Agreement or the Act shall not be grounds for imposing personal liability on the Members for liabilities of the Company or any Series.

5.15 Right to Rely Upon the Authority of the Managers. Persons dealing with the Company or any Series may rely conclusively upon the power and authority of the Managers as set forth in this Agreement and upon the representation of the Managers that the Managers has the authority to make any commitment or undertaking on behalf of the Company (or a Series, as the case may be). No person dealing with the Managers shall be required to determine their authority to make any such commitment or undertaking. In addition, no purchaser of any

property or interest therein owned by the Company (or a Series, as the case may be) shall be required to determine the sole and exclusive authority of the Managers to sign and deliver on behalf of the Company (or Series) any instrument of transfer with respect thereto or to see to the application or distribution of revenues or proceeds paid or credited in connection therewith.

ARTICLE VI BOOKS, RECORDS, REPORTS AND TAX MATTERS

6.1 Books and Records. The Managers, at Company expense, shall maintain complete books of account with respect to the operations of the Company and each Series at the principal place of business of the Company set forth in Section 1.5 hereof. The Company shall maintain separate and distinct records for any Series as set forth in the attached Exhibits hereto and in any future addenda thereto, and the assets associated with any such Series shall be held and accounted for separately from the other assets of the Company, or any other Series thereof. Such books shall be maintained in accordance with generally accepted accounting principles. The Managers shall also maintain at the Company's principal place of business the following records: (i) a current list of the full name and last known business address of each Member set forth in alphabetical order, (ii) copies of the Company's federal, state and local income tax returns and reports, if any, for the five most recent years, and (iii) copies of any then effective limited liability company agreements and any financial statements of the Company for the three most recent years. All Members, and their duly authorized representatives, shall at all reasonable times have access to inspect and copy the books and records of the Company maintained in accordance with this Section 6.1. No Member shall have any right to inspect or copy the books and records of the other Members.

6.2 Financial Statements and Reports

(a) Within ninety (90) days after the end of each fiscal year, the Company shall cause to be prepared and delivered to each Member the financial statements of the Company (and any Series in the Managers' discretion) for the prior fiscal year (which may be audited or unaudited), including a balance sheet, income statement and statement of Members' equity, accompanied by a report of the activities of the Company (or Series, as the case may be) during such fiscal year.

(b) Within ninety (90) days after the end of each fiscal year, the Company shall cause to be prepared and delivered to each person who was a Member at any time during such fiscal year all information pertaining to the Company (and any Series) as may be necessary for the preparation of such Member's federal income tax return, including a statement showing such Member's share of profit or loss, deductions or credits for such year for federal income tax purposes and the amount of any distribution made to or for the account of such Member pursuant to this Agreement.

6.3 Tax Returns. The Company shall cause to be prepared income tax returns for the Company and shall further cause such returns to be timely filed with the appropriate authorities. If any Member desires to inspect the proposed return such Member will be provided with a copy thereof prior to filing. A copy of the return as filed shall be provided by the Company to the Members.

6.4 Filings With Regulatory Agencies. The Company shall cause to be prepared and timely filed with appropriate federal and state regulatory and administrative bodies, all reports required to be filed with such entities under then current applicable laws, rules and regulations.

6.5 Tax Matters Partner. In the event the Company is subject to administrative or judicial proceedings for the assessment and collection of deficiencies for federal taxes or for the refund of overpayments of federal taxes arising out of a Member's distributive share of income, losses, gain, credits and deductions, the Members shall designate one of themselves to act as the tax matters partner ("TMP") of the Company, at the expense of the Company, and such TMP shall have all the powers and duties assigned to the TMP under Sections 6221-6232 (and any related or successor Sections) of the Code and the Regulations thereunder; provided, however, that agreement to any adjustment which will result in a net federal tax deficiency of more than One Hundred Thousand Dollars (\$100,000) for any fiscal year shall require the approval of all of the Members. The Members agree to perform all acts necessary under Section 6231 of the Code and the Regulations thereunder to designate one of the Members as the TMP.

6.6 Fiscal Year. The fiscal and tax year of the Company shall be the calendar year.

6.7 Tax Elections and Decisions. All elections, decisions or determinations required to be made by the Company under the Code, including, but not limited to, Section 754 thereof, and under state and local income tax, franchise tax and other tax laws shall be made by the Members based on their aggregate Ownership Interests in the Company.

6.8 Tax Characterization. The Members acknowledge that it is the intent of the Company that it be treated as a "partnership" for federal and Delaware state tax purposes. All provisions of this Agreement and the Company's Certificate of Formation are to be construed so as to effect and preserve that tax status.

6.9 Custodial Procedures. The Members shall establish procedures to ensure that all deeds, leases, contracts, title matters, surveys and other documentation, records and financial information relating to the business of the Company (or a Series, as the case may be) are maintained in safekeeping and organized and accessible to the Members.

ARTICLE VII
TRANSFER OF MEMBER'S INTEREST;
ASSIGNEE'S RIGHTS; ADDITIONAL MEMBERS

7.1 Transfer of Member's Interest.

(a) A Member shall not be entitled to do any of the following without first obtaining the consent of all of the other Members of the Company (or a Series, as the case may be):

(i) voluntarily withdraw as a Member of the Company (or a Series, as the case may be); or

(ii) sell, assign, transfer, pledge, hypothecate, encumber or grant any security interest in all or any part of its interest in the Company (or a Series, as the case may be)

or its right to receive income or profit from the Company (or Series) (a "Disposition"); provided, however, subject to Section 7.2(b), the interest of any Member may be transferred by inter vivos gift or by testamentary transfer to any spouse, parent, sibling, child or grandchild of the Member, or to a trust for the benefit of the Member or such spouse, parent, sibling, child or grandchild of the Member. If the transfer is to a revocable living trust, the transferring Member may reacquire the interest in whole or in part, subject to Section 7.2(b). If a Member is a trust, it may transfer its interest in the Company (or a Series, as the case may be) to any beneficiary of the trust, subject to Section 7.2(b).

Any attempted Disposition of a Member's interest, or any part thereof, not in compliance with this Section shall be null and void *ab initio*.

(b) In the event that a Member withdraws from or transfers its interest in the Company pursuant to Section 7.1(a) above, such Member shall be and shall remain liable for all obligations and liabilities incurred by it before such withdrawal, sale, transfer or assignment shall have become effective, but shall be free of any obligation or liability incurred on account of the activities of the Company from and after the time of such withdrawal, sale, transfer or assignment. To the extent of the assets of the Company, the Company shall indemnify and hold such Member harmless from and against all costs, liabilities, damages or expenses, including without limitation reasonable attorneys' fees and disbursements, which arise after the date of such sale, withdrawal, transfer or assignment and do not result from action or inaction for which the Member would not be entitled to be indemnified under Section 5.10.

7.2 Rights of Assignees.

(a) Except as provided below in Section 7.2(b), the assignee of a Member's interest shall have no right to participate in the management of the business and affairs of the Company (or a Series, as the case may be) or to become a Member. The assignee shall only be entitled to receive distributions and return of capital, and to be allocated the Net Income and Net Losses attributable to the assignee's Ownership Interest.

(b) An assignee of a Member's interest shall be admitted as a "substituted member" of the Company (or a Series, as the case may be) and admitted to all the rights of the Member who initially assigned the interest, but only with the approval of all of the Members of the Company (or Series). The Members may grant or withhold the approval of such admission for any assignee in their sole and absolute discretion. If so admitted, the substituted member shall have all the rights and powers and shall be subject to all the restrictions and liabilities of the Member originally assigning the interest.

7.3 Admission of Additional Members. Upon the consent of all of the Members of the Company (or a Series, as the case may be), additional Members may be admitted into the Company (or Series). The Members shall determine the capital contributions of such additional Members. A substituted member shall execute an instrument satisfactory to the Members accepting and adopting the terms and provisions of this Agreement, and shall pay any reasonable expenses in connection with his or her admission as a new Member.

ARTICLE VIII
DISSOLUTION AND TERMINATION OF THE COMPANY

8.1 Dissolution. The Company (and each Series) shall continue until the first to occur of the following events ("Dissolution Events"):

- (a) a written agreement to dissolve by all of the Members;
- (b) the sale of all of the assets of the Company (or a Series, as the case may be) and the collection and distribution of all proceeds therefrom;
- (c) the death, withdrawal, resignation, Bankruptcy or dissolution of a Member;
- (d) the occurrence of any other event, not specifically set forth in this Section 8.1, which causes the dissolution of the Company (or a Series, as the case may be) under Delaware law; or
- (e) the occurrence of any event which makes it unlawful for the business of the Company (or a Series, as the case may be) to be carried on or for the Members to carry on that business in a limited liability company.

Upon dissolution of the Company, the Members shall cause to be filed a certificate of dissolution with the Delaware Secretary of State. Upon dissolution of a Series, the Managers of such Series shall cause to be filed such instruments as may be necessary to reflect the sale or disposition of the assets thereof and the dissolution of such Series. Notwithstanding the occurrence of any of the Dissolution Events described subparagraphs (a) through (d) of this Section 8.1, the business of the Company (or a Series, as the case may be) may be continued by consent of all the remaining Members of the Company (or Series) within ninety (90) days of the happening of that event.

8.2 Liquidation.

(a) Upon dissolution of the Company (or a Series, as the case may be), the affairs of the Company (or such Series) shall be wound up and all of its debts and liabilities discharged in the order of priority as provided by law. Any gain or loss on disposition of Company (or Series) properties in the process of liquidation shall be allocated to the Members of the Company (or Series) in the manner set forth in Article IV hereof. No property shall be distributed in kind, unless permitted by consent of the Members. The fair market value of any property to be distributed in kind shall then be determined by an independent appraiser selected by the Members. The difference between the value of property to be distributed in kind and its book value shall be treated as a gain or loss on the sale of the property and shall be allocated to the Members in the manner set forth in Article IV hereof.

The proceeds from liquidation of the Company assets shall be applied as follows:

1. Payment to creditors of the Company (or Series, as the case may be) in the order of priority provided by law.

2. Payment to the Members for loans, if any, made to the Company (or Series, as the case may be) pursuant to Section 3.2.
3. Payment to Members in proportion to their respective positive Capital Account balances determined after allocation of gain or loss on disposition of the assets of the Company or Series.

(b) The winding up of the affairs of the Company (or Series, as the case may be) and the distribution of its assets shall be conducted by the Members or such other Persons designated by the Members, who are hereby authorized to do all acts authorized by law for these purposes. Without limiting the generality of the foregoing, the Members or such other Persons, in carrying out such winding up and distribution, shall have full power and authority, in their discretion, to sell all or any of the Company (or Series) assets, or, subject to consent of the Members, to distribute the same in kind to the Members (and the proportion of such share that is received may vary from Member to Member), and may, subject to consent of the Members, themselves purchase any Company (or Series) assets for the fair market value thereof. Any assets distributed in kind shall be subject to all agreements relating thereto which shall survive the termination of the Company (or Series).

8.3 Termination. Upon the completion of the distribution of Company (or Series) assets as provided in this Article VIII, the Company (or Series) shall be terminated, and the Members or other Person acting as liquidator shall cause this Agreement to be canceled and shall take such other actions as may be necessary to terminate the Company (or Series), including the filing of a certificate of cancellation with the Delaware Secretary of State.

ARTICLE IX MEETINGS AND VOTING RIGHTS

9.1 Notice of Meetings. Any Member holding at least ten percent (10%) of the interests of the Company (or a Series, as the case may be) may at any time call a meeting or a vote of the Members of the Company (or Series). The Members or Member calling the meeting shall mail written notice of any such meeting or vote to all Members of record as of the date of mailing and to the most recent addresses shown on the records of the Company (or Series, as the case may be), which notice shall include the purpose or requested purpose of such meeting or vote. Any such meeting or vote shall be held not less than ten (10) nor more than sixty (60) days following mailing of, the notice. Notice given in the foregoing manner shall be deemed complete three (3) business days after its deposit by the Member in any regular U.S. Postal Service depository. All expenses of the meeting or vote and of notice thereof shall be borne by the Company (or Series, as the case may be). Any Member may require that such meeting be held by telephone. The Members may make use of telephones and other electronic devices to hold meetings, provided that each Member may simultaneously participate with the other Members with respect to all discussions and votes of the Members. No action taken at any meeting of Members shall be valid unless a quorum is present either in person or by proxy. A Majority in Interest represented in person or by proxy shall constitute a quorum at a meeting of Members. Written minutes shall be taken at each meeting of the Members; however, any action taken or matter agreed upon by the Members shall be deemed final, whether or not written minutes are prepared or finalized.

9.2 Consents. Any action which may be taken by Members at a meeting may be taken without a meeting if a consent in writing, setting forth the action so taken, is signed by the Members whose consent would be necessary to authorize or take that action at a meeting. Any such consent may be signed in counterpart.

ARTICLE X AMENDMENTS OF COMPANY DOCUMENTS

10.1 Amendments. This Agreement and the Company's Certificate of Formation may only be amended with the written consent of all of the Members. The provisions pertaining to any Series may only be amended by the written consent of all of the Members of such Series.

ARTICLE XI MISCELLANEOUS PROVISIONS

11.1 Notices.

(a) Any written notice, offer, demand or communication required or permitted to be given by any provision of this Agreement shall be deemed to have been sufficiently given for all purposes if delivered personally to the party to whom the same is directed or if sent by certified mail, return receipt requested, or by overnight express carrier addressed (1) if to the Company to the principal place of business and office of the Company specified in this Agreement, and (2) if to any Member to such Member's address as specified in the Company's books and records.

(b) Any such notice that is sent by certified mail, return receipt requested, shall be deemed to be given three (3) business days after the date on which the same is mailed. Any such notice that is sent by overnight express carrier shall be deemed to be given the next business day after the date on which the same is sent.

(c) The Members may change their address for purposes of this Agreement by giving written notice of such change to the Company in the manner hereinbefore provided for the giving of notices.

11.2 Article and Section Headings. The Article and Section headings in this Agreement are inserted for convenience and identification only and are in no way intended to define or limit the scope, extent or intent of this Agreement or any of the provisions hereof.

11.3 Construction. Whenever the singular number is used herein, the same shall include the plural, as appropriate; and the neuter, masculine and feminine genders shall include each other, as appropriate. If any language is stricken or deleted from this Agreement, such language shall be deemed never to have appeared herein and no other implication shall be drawn therefrom.

11.4 Severability. If any covenant, condition, term or provision of this Agreement is illegal, or if the application thereof to any person or in any circumstance shall to any extent be judicially determined to be invalid or unenforceable, the remainder of this Agreement, or the application of such covenant, condition, term or provision to persons or in circumstances other

than those to which it is held invalid or unenforceable, shall not be affected thereby, and each covenant, condition, term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

11.5 Governing Law. This Agreement shall be construed and enforced in accordance with, and governed by, Delaware law.

11.6 Counterparts. This Agreement may be executed in one or more counterparts, each of which shall, for all purposes, be deemed an original and all of such counterparts, taken together, shall constitute one and the same Agreement.

11.7 Entire Agreement. This Agreement constitutes the entire agreement of the parties relating to the subject matter hereof. All prior agreements among the parties, whether written or oral, are merged herein and shall be of no force or effect. This Agreement may be changed, modified or discharged only by an agreement in writing.

11.8 Power of Attorney to the Managers. The Members, by the execution of this Agreement or any counterpart hereof, do hereby irrevocably constitute and appoint each of the Managers, or any Person or entity which becomes a substitute, successor or additional Manager of the Company, and each of them acting singly, in each case with full power of substitution, its true and lawful agent and attorney in fact ("attorney"), with full power and authority in its name, place and stead:

(a) To make, execute, sign, verify, consent to, swear to, make oath as to, acknowledge, publish, deliver, record and file all of the following:

(i) Any certificate, consent or other instrument which may be required to be filed by the Company or by the Managers under the law of any state or other jurisdiction, if the attorneys, or any of them, deem such filing necessary, advisable or desirable, including but not limited to any such certificate, consent or other instrument to permit the Company to become or to continue as a limited liability company, the execution and delivery by any of said attorneys of any such certificate, consent or instrument being conclusive evidence that said execution and delivery was authorized hereby; and

(ii) Any and all conveyances, certificates and other instruments properly authorized under this Agreement and deemed advisable by the Managers, including, without limitation, any such conveyance, certificate or other instrument which may be required to effectuate the dissolution and termination of the Company, including, but not limited to, a certificate of cancellation of the Company.

It is expressly understood and intended by the Members that the power of attorney hereby granted:

(i) shall be deemed to be a power coupled with an interest, is irrevocable and shall survive the death or incapacity of the Member granting the power, or, if the Member is a partnership, corporation, trust or other entity, the power of attorney shall survive the dissolution, liquidation or termination thereof;

(ii) may be exercised by said attorneys, or any of them, on behalf of the Members by a facsimile signature; and

(iii) shall survive the delivery of an assignment by the Members of the whole or any portion of their interest; except that, where the assignee of the whole of the Members' interest has been approved by the Members for admission to the Company as a substituted Member, the power of attorney of the assignor shall survive the delivery of such assignment for the sole purpose of enabling said attorneys to execute, acknowledge, make, swear to, make oath as to, deliver, file and/or record any instrument necessary to effect such substitution.

(b) The provisions of this Section shall not be construed to limit in any respect the powers the Managers have by this Agreement, law or otherwise to act for and on behalf of the Company.

11.9 Further Assurances. The Members will execute and deliver such further instruments and perform such further acts and things as may be required to carry out the intent and purposes of this Agreement.

11.10 Successors and Assigns. Subject in all respects to the limitations on transferability contained herein, this Agreement shall be binding upon, and shall inure to the benefit of, the heirs, administrators, personal representatives, successors and assigns of the respective parties hereto.

11.11 Waiver of Action for Partition. Each of the parties hereto irrevocably waives during the term of the Company and during the period of its liquidation following any dissolution, any right that it may have to maintain any action for partition with respect to any of the assets of the Company.

11.12 Attorneys' Fees. In the event any party to this Agreement shall be required to initiate legal proceedings to enforce performance of any term or condition of this Agreement, including, but not limited to, the payment of monies or the enjoining of any action prohibited hereunder, the prevailing party shall be entitled to recover such sums, in addition to any other damages or compensation received, as will reimburse the prevailing party for reasonable attorneys' fees and court costs incurred on account thereof notwithstanding the nature of the claim or cause of action asserted by the prevailing party.

11.13 Rights of Creditors and Third Parties. This Agreement is entered into among the Company and the Members for the exclusive benefit of the Company, its Members, and their successors and assigns. None of the provisions of this Agreement shall be for the benefit of or enforceable by any creditor of the Company or the Members or by any other person. Except and only to the extent provided by law, no such creditor or third person shall have any rights under this Agreement or any agreement between the Company and any Member with respect to any Capital Contribution or otherwise.

11.14 Remedies. The rights and remedies of the Members hereunder shall not be mutually exclusive, and the exercise by any Member of any right to which it is entitled shall not preclude the exercise of any other right it may have.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first set forth above.

Perry S. Acosta

Perry S. Acosta, Trustee of the Perry S. Acosta and
Demmie B. Acosta Revocable Living Trust, dated
November 15, 1993, Manager and Member

Demmie B. Acosta

Demmie B. Acosta, Trustee of the Perry S. Acosta
and Demmie B. Acosta Revocable Living Trust,
dated November 15, 1993, Manager and Member



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

Conditional Use Authorization Appeal 800 Presidio Avenue

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DATE: June 14, 2011

TO: Angela Calvillo, Clerk of the Board of Supervisors

FROM: John Rahaim, Planning Director – Planning Department (415) 558-6411
Glenn Cabrerros, Case Planner – Planning Department (415) 558-6169

RE: File No. 11-0702 Planning Case No. 2006.0868C –
Appeal of the approval of Conditional Use Authorization for 800 Presidio Avenue

HEARING DATE: June 21, 2011

ATTACHMENTS:

- A. Commission Packet (including Motion No. 18342, CEQA Findings, and Statement of Overriding Considerations)
- B. Appeal Letter (May 31, 2011)

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BOARD OF SUPERVISORS
SAN FRANCISCO

PROJECT SPONSOR: Booker T. Washington Community Service Center, 800 Presidio Avenue, San Francisco, CA 94115

APPELLANT: Stephen Williams, Law Offices of Stephen Williams, 1934 Divisadero Street, San Francisco, CA 94115

INTRODUCTION:

This memorandum and the attached documents are a response to the letter of appeal to the Board of Supervisors (the "Board") regarding the Planning Commission's ("Commission") approval of the application for Conditional Use Authorization under Planning Code Sections 303 (Conditional Use Authorization) and 304 (Planned Unit Development) to allow construction of a 55-foot tall building containing community facilities and a five-story, residential building with up to 50 affordable housing units within the RM-1 (Residential, Mixed, Low-Density) District and a 40-X/55-X Height and Bulk District ("the Project").

This response addresses the appeal ("Appeal Letter") to the Board filed on May 31, 2011 by Stephen Williams, Law Offices of Stephen Williams at 1934 Divisadero Street. The Appeal Letter referenced the proposed project in Case No. 2006.0868C.

The decision before the Board is whether to uphold or overturn the Planning Commission's approval of Conditional Use Authorization/Planned Unit Development to allow new construction of community facilities and up to 50 units of affordable housing.

SITE DESCRIPTION & PRESENT USE:

The project is located on the east side of Presidio Avenue between Sutter Street and Post Street on Lot 013 is Assessor's Block 1073. The property is located within the RM-1 (Residential, Mixed, Low-Density) District, the Presidio-Sutter Special Use District and a 40-X/55-X Height and Bulk District. The property is within the Western Addition neighborhood and is developed with a one-story over partial basement building containing a community facility for Booker T. Washington Community Services Center (BTWCSC). The project site occupies over 50 percent of the length of the block-face along Presidio Avenue. The site slopes downward to the east along Sutter Street and is fairly flat along Presidio Avenue. The subject lot is a large L-shaped lot, over a half-acre in size, containing 22,360 square feet.

SURROUNDING PROPERTIES AND NEIGHBORHOOD:

The project site is located at the westernmost portion of the Western Addition neighborhood. The project site is within four blocks or less from the Pacific Heights neighborhood to the north, the Presidio-Heights neighborhood to the west and the Inner Richmond neighborhood to the southwest. Directly west and across the street from the project site is a "super-block", spanning the length of three standard-sized City blocks along Presidio Avenue from Geary Boulevard to Bush Street and containing a MUNI bus yard. The southern portion of the bus yard is developed with a tall two-story bus garage. Directly north and across Sutter Street from the project site is a large, 45-foot tall, four-story multi-unit apartment building. Directly east and adjacent to the project site's eastern property line is a one-story, single-family residence located downhill from the site along Sutter Street. Directly south and adjacent to the project site's southern property line is a lot containing two residential buildings with a total of three dwelling units. One of the residential buildings is a tall two-story, two-unit building fronting Presidio Avenue; the other buildings are two to three story residential structures. Other lots on the subject block and downhill from the project site on Sutter Street contain a mix of residential buildings from single-family residences to multi-unit apartment buildings, mostly ranging from two- to four-stories tall and of varied architectural styles.

PROJECT DESCRIPTION:

The project proposes to demolish an existing 31-foot tall, one-story-over-partial-basement building, and to construct a five-story-over-basement, 55-foot tall mixed-use building. The project proposes to construct a state-of-the-art community facility space to support BTWCSC's programs (which are targeted at at-risk youth), a gymnasium, and 50 units of housing, of which 24 units are affordable to low income households and 24 units are for low and very low income transitional age youth.

The approximately 68,206 gross square foot (gsf) mixed-use building would contain a 7,506 gsf, 175-seat gymnasium, 11,529 gsf of program space, a 1,691-sf child care center for 24 children, up to 50 units of affordable housing with supportive service space, building storage, and a basement garage containing 21 off-street parking spaces. The housing component and the community service space would have a shared entrance on Presidio Avenue.

BACKGROUND:

2011 – Conditional Use Authorization Application filed

On March 16, 2011, Alice Barkley for Booker T. Washington Community Service Center (hereinafter "BTWCSC") filed a Conditional Use application with the Planning Department.

On January 25, 2008, the Department conducted a shadow study, Case No. 2006.0868K, for the project pursuant to Planning Code Section 295 and found that the project would not cast shadows any Recreation and Park Department properties.

2011 – EIR Certification

On April 28, 2011, the San Francisco Planning Commission (hereinafter "Commission"), by Motion No. 18340 certified the Final Environmental Impact Report, Case No. 2006.0868E, for the project at 800 Presidio Avenue.

2011 – Conditional Use Authorization hearing, CEQA Findings and Project Approval

On April 28, 2011, the Commission adopted Resolution No. 18341, Case No. 2006.0868TZ, adopting CEQA findings for the project, recommending the Board of Supervisors adopt the text change and map amendments to create the Presidio-Sutter Special Use District and amending the height and bulk limits to 40-X/55-X; and,

On April 28, 2011, the Commission also approved Conditional Use Authorization to construct a Planned Unit Development pursuant to Planning Code Sections 303 and 304 at a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2006.0868C.

CONDITIONAL USE AUTHORIZATION AND PLANNED UNIT DEVELOPMENT REQUIREMENTS:

To approve a conditional use application, the Planning Commission must adopt findings that the criteria outlined in Section 303 (Conditional Use) of the Planning Code have been met. Section 303 states that the Commission shall approve an application and authorize a conditional use if the facts presented are such to establish::

1. 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; and
2. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development 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 structures;
 - b. 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 of this Code.

- 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; and
- e. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the Master Plan.

In addition, the Commission must consider applicable code requirements, in this case, the criteria outlined in Section 304 (Planned Unit Development) of the Planning Code, and determine that the Project will not adversely affect the General Plan. Section 304 states that the following must be met for the Commission to approve a Planned Unit Development application:

1. The development shall affirmatively promote applicable objectives and policies of the General Plan.
2. The development shall provide off-street parking adequate for the occupancy proposed.
3. The development shall provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open space required by the Planning Code.
4. The development shall be limited in dwelling unit density to less than the density that would be allowed by Article 2 of this Code for a district permitting a greater density, so that the Planned Unit Development will not be substantially equivalent to a reclassification of property.
5. The development shall include commercial uses only to the extent that such uses are necessary to the serve residents of the immediate vicinity.
6. The development shall under no circumstances be exempted from any height limit.
7. Provide street trees as required by the Code.

APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES:

INTRODUCTION

Conditional Use Authorizations ask that decision makers review the facts of the case and grant approvals where facts support that the project is necessary or desirable for and compatible with, the neighborhood or the community. The appellant argues that the sole consideration is whether the project is "necessary and desirable" for neighbors within a 300 foot radius of the project. But Section 303(c)(1) of the Planning Code allows the Planning Commission to base its findings on community as well as neighborhood considerations. The Planning Commission findings consider both the neighborhood and the broader City.

Section 303(c)(2) also requires the decision makers to determine that a project 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" and lists considerations for the Planning Commission to take into account in this analysis. The Planning Commission motion approving the conditional use application made the findings required by Section 303(c)(2) of the Planning Code for a conditional use approval.

The appellant states that the Department has determined that this project violates the Urban Design Element of the General Plan. The appellant provides no factual support for this statement and the statement is contradicted by the conditional use motion, which contains findings in support of the Planning Commission's determination that the project is, on balance, consistent with the General Plan, including the Urban Design Element. A determination of consistency with the General Plan necessitates a holistic review of policies that are pertinent to the project and then a conclusion of whether the project is on balance consistent with the applicable General Plan goals and policies. In addition to consideration of policies from the Urban Design Element, the Planning Commission motion approving the conditional use application finds that the Project is, on balance, consistent with policies in the Urban Design Element. The Urban Design concerns raised in the Appeal Letter are cited in a summary further below and are followed by the Department's response. But first, the Department would like to draw the Board's attention to the more holistic analysis of General Plan issues considered by the Commission. From the Commission's Motion 18324, here's a select discussion of relevant policies that provide a more balanced review of the project against the General Plan.

COMMISSION FINDINGS – HOUSING ELEMENT, RELEVANT TO DECISION

While not discussed by the appellant, decision makers should consider the Planning Commission's analysis of the following policies from the 2004 Housing Element in weighing the project's overall consistency with the General Plan. These policies (and others) were included in Commission Motion Number 18324 of the project and provide a more balanced review of the project against the General Plan:

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

Policy 1.6: Create incentives for the inclusion of housing, particularly permanently affordable housing, in new commercial development projects.

OBJECTIVE 4: SUPPORT AFFORDABLE HOUSING PRODUCTION BY INCREASING SITE AVAILABILITY AND CAPACITY.

Policy 4.1: Actively identify and pursue opportunity sites for permanently affordable housing;

Policy 4.3: Encourage the construction of affordable units for single households in residential hotels and "efficiency" units.

Policy 4.4: Consider granting density bonuses and parking requirement exemptions for the construction of affordable housing or senior housing.

Policy 5.2: Support efforts of for-profit and non-profit organizations and other community based groups and expand their capacity to produce and manage permanently affordable housing.

OBJECTIVE 8: ENSURE EQUAL ACCESS TO HOUSING OPPORTUNITIES.

Policy 8.1: Encourage sufficient and suitable rental housing opportunities and emphasize permanently affordable rental units wherever possible

**OBJECTIVE 10:
REDUCE HOMELESSNESS AND THE RISK OF HOMELESSNESS IN COORDINATION WITH
RELEVANT AGENCIES AND SERVICE PROVIDERS.**

Policy 10.1: Focus efforts on the provisions of permanent affordable and service-enriched housing to reduce the need for temporary homeless shelters.

Policy 10.2: Aggressively pursue other strategies to prevent homelessness and the risk of homelessness by addressing its contributory factors.

***DISCUSSION OF COMMISSION FINDINGS- HOUSING ELEMENT, RELEVANT TO
DECISION***

Current state law calls for local jurisdiction to offer a density bonus for projects which provide affordable housing. In order to comply with State Law, the City provides affordable housing developers with the ability to pursue additional density through Special Use Districts, such as the one provided by the Presidio-Sutter Special Use District (SUD). This SUD allows increased density for permanently affordable housing, as mandated by State Law. The incentive bonus provided for height and density by the SUD is calibrated by a percentage of affordable housing units provided on site. The City has consistently identified the need for affordable housing units. The project will provide up to 50 new permanently affordable housing units in an area easily accessed by public transit.

The BTWSCS site, located in a residential area, is currently underutilized and can accommodate a residential component with permanently affordable housing units, which is consistent with General Plan policy. The project site is a large under-developed lot in an established residential neighborhood. The addition of a residential component to the replacement facility for BTWSCS is appropriate and consistent with policies to add residential uses, especially affordable residential units, to commercial developments.

Consistent with both State Law to provide bonuses for affordable housing and General Plan policies for transit-oriented development, the Planning Code does not require off-street parking for affordable housing units.

Of the proposed 48 studio units, 24 will be transitional housing designated for emancipated foster youth, who will require on-site counseling and other supportive services to transition to

independent living and to successfully integrate into society. The housing and services provided by BTWCSC have been designed to provide the tenants a stable residential environment, career counseling, educational and specialized employment skills, tutoring, childcare services, and other supportive services to help them become productive members of society.

COMMISSION FINDINGS – TRANSPORTATION ELEMENT, RELEVANT TO DECISION

While not discussed by the appellant, decision makers should consider the Planning Commission's analysis of the following policies from the Transportation Element in weighing the project's overall consistency with the General Plan. These policies (and others) were included in Commission Motion Number 18324 of the project and provide a more balanced review of the project against the General Plan:

OBJECTIVE 2: USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT

OBJECTIVE 11 (TRANSIT FIRST): MAINTAIN PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.

OBJECTIVE 28: PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

Policy 28.1: Provide Secure and bicycle parking in new governmental, commercial, and residential developments.

DISCUSSION OF COMMISSION FINDINGS – TRANSPORTATION ELEMENT, RELEVANT TO DECISION

The project site is excellent for supporting transit-oriented development as it is easily accessible by public transit; two MUNI lines (Nos. 2 and 43) are within one block of the Site. The site is within 1.5 blocks of the busiest Muni bus line, the 38 Geary, which travels 6.5 miles (10.5 km) in the east-west direction along the Geary corridor¹. MUNI lines 1, IBX, 3,31 and 31L are within three blocks of the project site. The project's 21 on-site parking spaces will be sufficient to meet the project's parking demand because it has been historically demonstrated that low-income residents do not usually own automobiles. The project will provide two car-share spaces. BTWCSC will have twenty-five (25) secured bicycle parking spaces in the garage for residents and employees. BTWCSC has a bicycle program as part its recreational program that will include teaching bicycle repair and the use of alternative modes of transportation.

APPELLANT ISSUE No. 2F – COMMUNITY FACILITIES ELEMENT, RELEVANT TO DECISION

While not discussed by the appellant, decision makers should consider the Planning Commission's analysis of the following policies from the Community Facilities Element in weighing the project's overall consistency with the General Plan. These policies (and others) were

included in Commission Motion Number 18324 of the project and provide a more balanced review of the project against the General Plan:

OBJECTIVE 3: ASSURE THAT NEIGHBORHOOD RESIDENTS HAVE ACCESS TO NEEDED SERVICES AND A FOCUS FOR NEIGHBORHOOD ACTIVITIES.

Policy 1: Provide neighborhood centers in areas lacking adequate community facilities.

Policy 3: Develop centers to serve an identifiable neighborhood.

Policy 8: Provide neighborhood centers with a network of links to other neighborhood and citywide services.

Policy 5: Develop neighborhood centers that are multi-purpose in character, attractive in design, secure and comfortable, and inherently flexible to meeting the current and changing needs of the neighborhood served.

Policy 7: Program the centers to fill gaps in needed services, and provide adequate facilities for ill-housed existing services.

***DISCUSSION OF COMMISSION FINDINGS— COMMUNITY FACILITY ELEMENT,
RELEVANT TO DECISION***

After the Second World War, the Western Addition became a population base and a cultural center for San Francisco's African American community. BTWCSC has been operating at the project site since 1952, serving the youth and the elderly in the Western Addition community. As the demographics of the neighborhood change, the population served by BTWCSC has followed, reflecting the ethnic diversity of the City and the neighborhood. The BTWCSC site is located near support facilities such as Drew School and is 5.5 blocks from a branch public library. The continuing use of this site as a community center in the Western Addition as it has been for the last 58 years will not disrupt nor detract from the adjoining uses in the neighborhood.

At this point, the Department will review the Urban Design concerns raised in the Appeal Letter in summary below and will respond to each issue.

APPELLANT ISSUE No. 1 – PROJECT APPROVAL VIA CONDITIONAL USE QUESTIONED. The Appellant contends that approval by Conditional Use Authorization is not appropriate for the proposed development and that the project is not compatible with local zoning ordinances nor is the use essential or desirable. The Appellant contends the project would be detrimental to the neighborhood and its residents. The Appellant argues that the Commission gave no consideration to public testimony, and that the Commission must, but failed to find the project to be “necessary or desirable for and compatible with the neighborhood.”

RESPONSE No. 1: CONDITIONAL USE IS APPROPRIATE AS THE PROJECT IS NECESSARY OR DESIRABLE AND COMPATIBLE WITH NEIGHBORHOOD OR COMMUNITY. Planning Code Section 303(c) requires the Planning Commission, in approving Conditional Use Authorization, to approve the application and authorize the conditional use if facts are presented to support the findings required by this section of the Code. In addition, as the project is a proposed Planned Unit Development, Planning Code Section 304 requires, and the Commission considered, the appropriateness of the project on a large development site. At the Conditional Use hearing on April 28, 2011, the Commission heard and considered public comment prior to taking action on the project. Commission Motion No. 18342 makes findings that the project complies with the Planning Code and would not be detrimental to either the neighborhood or its residents.

Authorizations. At the April 28, 2011 hearing, the Planning Commission considered two authorizations: a Conditional Use and a Planned Unit Development. Pursuant to Planning Code Section 303, a Conditional Use Authorization is required to establish a Community Facility² in this district. Pursuant to Planning Code Section 304, a Planned Unit Development Authorization is required to allow height and density bonuses for the affordable housing component of the project as is allowed for lots that are over a half-acre area in size. In considering and authorizing the Conditional Use and Planned Unit Development requests, the Commission acknowledged the appropriateness of the proposed uses and recognized the large nature of the site and project.

Commission Findings. In approving a Conditional Use Authorization, the Commission must find “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* [emphasis added] desirable for, and compatible with, the neighborhood or the community” pursuant to Planning Code Section 303(c)(1). In Motion No. 18342, the Commission found the project to be both necessary *and* desirable to the community or neighborhood. The project is necessary as it adds up to 50 much-needed affordable housing units to the City’s housing stock, while allowing the continuation of a long established community service center. The project is desirable as the design (siting, configuration, massing, scale and materials) is harmonious with the immediate neighborhood, not only as visible from the street but also as viewed from the mid-block open space. The proposed uses are desirable and not found to be detrimental to nearby residents. The proposed uses are residential and community-oriented in nature.

Neighborhood Context. As the appellant noted, the immediate neighborhood character consists of the residential uses on the block where the project is located, but the nearby neighborhood context includes a variety of non-residential uses. Directly across the street and west of the project is the Presidio Division MUNI bus yard and service building occupying the equivalent of three city blocks. This complex stores, maintains and dispatches approximately 165 trolley coaches on a 5.4-acre site at Presidio Avenue and Geary Boulevard. Presidio Division is Muni’s only operating and maintenance facility in the west or northwestern parts of the City, and as

such, is essential to the operation of several trolley coach lines that serve those parts of the City. Built in 1912, the entire facility is antiquated and is planned for a rebuild.

Beyond the MUNI bus yard and within a quarter mile west (equal to approximately three city blocks) of the project, uses include large multi-unit residential buildings within the Laurel Heights neighborhood, Trader Joe's grocery store, Lucky Penny Restaurant and a large Public Storage building near the corner of Masonic Street and Geary Boulevard. Within a quarter-mile north the project and easily walkable along Presidio Avenue, uses other than residential uses include a fire station, UCSF Laurel Heights Campus, San Francisco Fire Credit Union, the Jewish Community Center, Laurel Inn, and Ella's restaurant. One block south of the project and across Geary Boulevard is a large shopping center and nearby Kaiser Foundation Hospital/Medical Building. Within approximately a quarter mile east of the project, uses are comprised predominantly of residential uses until Divisadero Street, which contains various neighborhood retail sales and service uses and the UCSF Mount Zion Medical Campus at Divisadero and Sutter Streets.

The project location is desirable as it is located where various uses and neighborhoods (the Western Addition, Laurel Heights, Pacific Heights, Presidio Heights and the Inner Richmond) meet. In this mixed setting, the proposed uses fit well with the variety of existing uses within the immediate vicinity.

Community Comment. At the Conditional Use hearing, the Planning Commission considered a great deal of written and verbal testimony from the public. The public comment was varied and included many supporters of and opponents to the project. Generally, the opponents of the project expressed concern regarding the size and height of the project. Some opponents expressed support for the proposed uses but requested that the project should be reduced to 45 feet in height. The project proponents described the value of continuing the community service center use; the dire shortage of affordable housing, particularly for Transitional Aged Youth; and the importance of Booker T. Washington Center in the neighborhood since it was established in 1919 by Black women who were concerned about the absence of social services available to Black military personnel and their families. Motion No. 18342 records the Commission's decision that the project is compatible with the nearby built environment, and that the uses proposed at the project, particularly the affordable housing component, are desirable and necessary for the neighborhood and the community at large.

The Commission also adopted findings as required by Planning Code Section 304, which concerns Planned Unit Developments. Findings adopted by the Commission that relate to how the Project will promote applicable objectives and policies of the General Plan, as required by Planning Code Section 304, are detailed below, including General Plan findings that address the development of large land areas.

APPELLANT ISSUE No. 2: GENERAL PLAN CONSISTENCY QUESTIONED. The Appellant states "the Department has already determined this project violates the Urban Design Element of the General Plan and yet that fact has never been adequately addressed." The Appellant argues the project does not meet specific Objectives and Policies of the Urban Design Element, and the Appellant cites three topics (Conservation, New Major Development and Large Land Areas). All of these topics are from one topic area of the General Plan: the Urban Design Element. The

appellant states that the Department offers no support or discussion of the Elements of the General Plan

RESPONSE No. 2: THE PROJECT IS, ON BALANCE, CONSISTENT WITH THE GENERAL PLAN. The Planning Commission adopted findings in Motion No. 18342, Finding No. 9, that the project is, on balance, consistent with the applicable Objectives and Policies of the General Plan. Findings of consistency with the General Plan requires a balancing of General Plan policies and a determination of overall consistency, not a microscopic look at each individual phrase of the General Plan. In preparing proposed findings for the Planning Commission's consideration, the Planning Department identified those Objectives and Policies of the General Plan that were most applicable to the Project, as is its practice, rather than proposing findings on all General Plan Objectives and Policies that have any conceivably relevancy to the Project. Although the Objectives and Policies called out by Appellant were not among those judged most pertinent by Planning Department staff, the Planning Department addresses each of the Objectives and Policies called out by Appellant, and explains how the Project is consistent with these Objectives and Policies. Should the Board uphold the approval of the Planning Commission, the Board may choose to incorporate this additional information into Board findings in support of the consistency of the Project with the General Plan.

Summary of Consistency Findings. The first item listed under Planning Commission Motion No. 18342, Finding No. 9, demonstrates the project's compliance with the Urban Design Element. In approving the Conditional Use and Planning Unit Development authorizations, the Commission is required to make findings the the project will not adversely the General Plan and will affirmatively promote applicable Objectives and Policies of the General Plan. The Planning Commission adopted findings that satisfy this requirement. Specifically, three Objectives and ten corresponding Policies of the General Plan are contained with the Motion, and they discuss how the project complies with each of the applicable Policies (Motion No. 18342, pages 9-11). In addition to the Urban Design Element, Motion No. 18342 also identifies and provides findings from the 2004 Housing Element, the Transportation Element and the Community Facilities Element. The Department, in its recommendation to the Commission to approve the Conditional Use and Planned Unit Development, determined that the project meets the applicable Objectives and Policies of the Urban Design Element and the Commission, in approving the motion, embraced the Findings as its own.

Appellant does not dispute these findings, but instead argues that the Planning Department and Commission overlooked other policies in the General Plan and that the project is not consistent with these other policies called out by Appellant in its appeal. Although the Planning Department did not judge these policies as the most relevant to address, Planning staff discusses these policies below and explains how the project is on balance consistent with these policies too.

APPELLANT ISSUE No. 2a – URBAN DESIGN ELEMENT: CONSERVATION

The Appellant argues that the project does not comply with Objective 2, Policy 2.6 of the Conservation section of the Urban Design Element:

OBJECTIVE 2: CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING

POLICY 2.6: Respect the character of older development nearby in the design of new buildings.

DEPARTMENT RESPONSE No. 2a – URBAN DESIGN ELEMENT: CONSERVATION

The project has been designed to specifically respect nearby development and the existing neighborhood character. The project's scale, detail, proportions, texture, materials and building form have been carefully studied against the project's surroundings so that the proposed building is compatible with the neighborhood. It is acknowledged that the overall building is a large development; however attention has been paid to the transition of scale, building form and proportions of the proposed building to the surrounding neighborhood development.

The residential component of the project is placed on the corner of Presidio Avenue and Sutter Street. This placement is consistent with the pattern of large corner residential buildings often found at intersections in residential districts. The widest façade is placed along Presidio Avenue, as this is consistent with the urban form created by other wide, corner buildings along Presidio Avenue in the immediate vicinity (from Geary Boulevard to Bush Street). See the attached the plans as part of Motion No. 18342, which feature a massing study that illustrates this pattern of development.

Along Sutter Street, the façade is divided into two parts to give the appearance of two buildings. The stepped rooflines and the windows proposed in the two areas of the Sutter Street façade are also different to further augment the appearance of two separate structures. This design modulates the project width in response to the pattern of narrower lot widths and building forms along Sutter Street. Building setbacks along the Sutter Street façade are also proposed to address the finer-grained, residential-scaled buildings that abut the project site's east property line.

The location of the gymnasium provides for a shorter building form that steps down from the taller residential component of the project to the adjacent, two-story residential building along Presidio Avenue and directly south of the project. As viewed from the intersection of Presidio Avenue and Sutter Street, the height and scale of the project balances out the composition of structures at the intersection with an existing wide, 45-foot tall apartment building on Presidio Avenue across Sutter Street from the project.

At the rear of the project, setbacks at the upper floors provide a transition to a more residential-scale and help to reduce the visual impact of the rear façade as viewed from the mid-block open space. The use of setbacks at the upper floors also relates the building form to topography of the lot and the broader urban land forms. The rear façade of the residential building is also detailed to architecturally relate to the narrower residential building widths as viewed from the mid-block open space. This architectural detailing provides vertical proportions and a finer residential scale to the project and helps to visually break down the building mass at the rear façade. The location of the gymnasium building is a design strategy that allows the community center facility component to be nestled within the surrounding residential development on the block—allowing for the taller residential component of the project to occur at the corner of the intersection. The arrangement of the proposed structures creates a building form that steps down from the corner to the existing residential development on both Sutter Street and Presidio Avenue. The gymnasium, as it is a shorter structure than the residential component, is appropriately located as the shorter building mass faces onto an approximately 60-foot deep rear yard and thus preserves the openness of the mid-block open space.

Given the question of "continuity with the past," the rebuilding and continuation of the Booker T. Washington institution itself must be considered. The Booker T. Washington Community Center grew out of the WWI Victory Club, a facility for black soldiers. Quickly thereafter, the center became a multi-purpose organization with a wider scope and by the 1920s, offered activities such as boxing, basketball, industrial crafts, dance and social clubs. Ensuring that these community service uses are available to the next generation will help maintain that "continuity with the past."

APPELLANT ISSUE No. 2b – URBAN DESIGN ELEMENT: MAJOR NEW DEVELOPMENT

The Appellant argues that the project does not comply with Objective 3, Policies 3.1, 3.2, 3.4, 3.5, 3.6, 3.7, 3.8 and 3.9 of the Major New Development section of the Urban Design Element:

OBJECTIVE 3: MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Visual Harmony – Policies 3.1 and 3.2

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.

Height and Bulk – Policies 3.4, 3.5 and 3.6

POLICY 3.4: Promote building forms that will respect and improve the integrity of open spaces and other public areas.

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 3.6: Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

Large Land Areas – Policies 3.7, 3.8 and 3.9

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

POLICY 3.8: Discourage accumulation and development of large properties, unless such development is carefully designed with respect to its impact upon the surrounding area and upon the city.

POLICY 3.9: Encourage a continuing awareness of the long-term effects of growth upon the physical form of the city.

DEPARTMENT RESPONSE No. 2b – URBAN DESIGN ELEMENT: MAJOR NEW DEVELOPMENT

The three topics above are specifically discussed in Motion No. 18342 on page 10 of the Motion. In addition to the Findings contained within the Motion, the additional information provided below further elaborates on the findings adopted by the Commission.

The project is Planned Unit Development, and therefore the project is a large development and was reviewed under controls specific to large development. Pursuant to Planning Code Section 304, a Planned Unit Development is intended for sites of 1/2 acre or larger. Section 304 governs development of such site with an intent to produce an environment of stable and desirable character which benefits the occupants, the neighborhood and the City as a whole. Findings to authorize the Planned Unit Development mirror the Objectives and Policies of the Urban Design Element as specifically related to the topic of Major New Development.

Visual Harmony. The project is visually harmonious with its surroundings as it takes cues from the surrounding neighborhood and has incorporated existing characteristics and patterns of the immediate context into the building design. Also, the project does not propose extreme or unusual colors, shapes or materials to make the building overtly distinctive.

Per page 10 of the Motion, the massing along Presidio Avenue is divided into three components: residential, building entrance and community center/gymnasium. The residential component reflects the massing of the residential building across Sutter Street and is terminated by the vertical entry articulation. The community center will drop approximately 11 feet in height from the entrance element and will provide a transition to the lower neighboring building to the south. This massing strategy will provide a transition between new and old buildings as seen in the pattern of other buildings in the neighborhood.

As recommended by the policies that address Visual Harmony, the project is sympathetic to the scale, form and proportion of the existing immediate older development. The project achieves this by repeating existing building lines and exterior materials. The proposed building mass is also articulated and textured with various exterior materials to reduce the project's apparent size and to reflect the predominant development patterns.

The policies that speak to Visual Harmony state that large buildings are most consistent with the visual unity of the City when they are light in color. The characteristics of San Francisco's climate and the varied effects of sunlight through the day in clear and fog-filled skies make bright but subtle hues -- a life-giving element in the skyline. The proposed project reflects this pattern as light-colored exterior materials are proposed.

Furthermore the Visual Harmony policies recognize that buildings of unusual shape stand out in the skyline. Such buildings call attention to themselves and correspondingly reduce the visual significance of other features in the city pattern. Such buildings may also create a jarring disharmony that counteracts the traditional blending of regular rectilinear forms in the San Francisco skyline. Unusual shapes, especially in large buildings, should therefore be reserved for structures of broad public significance such as those providing community-wide services. As the project is a community facility, the General Plan provides the project an opportunity to propose a unique, distinctive building; however in an effort to respond to neighborhood concerns and

taking an approach to meld with the surround built environment, the project proposes a building of a contextual design that is quietly distinctive yet responds the surrounding building shapes and forms.

Height and Bulk – The height and bulk of the project have been studied and designed to produce a project that addresses the surrounding built environment and open spaces, the neighborhood residents concerns and the site topography.

Per page 10 of the Motion, the project will relate to the massing of the neighborhood buildings. The massing on the Sutter Street facade of the building will be divided into two segments reflecting the width of the neighboring buildings. The segment adjacent to the building immediately to the east will be set back 10 feet at the residential level from the property line demising the two buildings. The street face of the building will be set back 11 feet at the fourth floor providing a three-story expression at Sutter Street. The fifth floor massing will be set back an additional 15 feet from the main rear facade. In providing various setbacks throughout the project, the overall massing of the project also reflects the sloped topography of the lot and the overall block, and thus expresses the natural topography and the built urban environment.

Large Land Areas and Open Space. It is recognized in Motion No.18342 that the subject lot is a large L-shaped lot, over a half-acre in size, containing 22,360 square feet. Due to the large size and shape of the lot, the project will continue to provide the largest amount of rear yard area to the mid-block open space. The rear yard area of the project will preserve the feeling of openness to adjacent rear yards particularly as most of the block is contains legal, non-complying residential structures with the mid-block open space. General Plan polices recommend that large buildings and developments should, where feasible, provide ground level open space on their sites, to allow for sunlight penetration. Per page 7 of the Motion, the project proposes to remove the large existing paved areas within the existing rear yard. The project proposes landscaped areas and recreational areas that have more permeable surfaces. A portion of the rear yard will include a vegetable garden and other educational elements for the after-school program. The proposed treatment of the project's rear yard would be a positive contribution to the quality of the mid-block open space and the abutting residential rear yards.

APPELLANT ISSUE No. 2c – URBAN DESIGN ELEMENT: NEIGHBORHOOD ENVIRONMENT

The Appellant argues that the project does not comply with Objective 4, Policy 4.15 of the Urban Design Element:

OBJECTIVE 4: IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

POLICY 4.15: Protect the livability and character of residential properties from the intrusion of incompatible new buildings.

DEPARTMENT RESPONSE No. 2c – URBAN DESIGN ELEMENT: NEIGHBORHOOD ENVIRONMENT The existing community facility's institutional design particularly when compared to the character of the immediately surrounding residential buildings is not in keeping

with quality and character of existing residential development within the neighborhood. The proposed project better protects the livability and character of residential properties as the project's features as described above contribute positively to the neighborhood character. The project's various facades have been divided into segments to reflect the proportion and scale of nearby existing residential buildings, and the project's architectural style complements the older residential buildings as well as the newer mixed-use and commercial buildings in the neighborhood. The project is designed so that the massing, bulk, height, design, color, shape and other features will be contextually more appropriate to the neighborhood than the current one-story building. The Commission, in discussing the project, spoke specifically about how the project fits not only the residential character but also about how the project helps transition from the larger industrial, commercial, and institutional uses in the area to the residential uses.

CONCLUSION:

In the Commission's authorization of the Conditional Use and the Planned Unit Development, the Planning Commission found the project to be necessary, desirable and well designed. The project is necessary for the continuance of an existing community facility, but also to create much needed affordable housing for the City. The project design responds to the surrounding, existing development patterns as viewed from the public rights-of-way, the mid-block open space and adjacent residential buildings. As the physical attributes and the uses of the project are compatible with the existing neighborhood uses, the topographic forms of the urban environment and the surrounding structures, the project is proposed in a desirable location. The arrangement of structures and the diversity of uses the project brings to the immediate neighborhood and the City as a whole are also desirable. In granting the Conditional Use and Planned Unit Development authorizations, the Commission made Findings that the project promotes the applicable Objectives and Policies of General Plan. Planning staff, in response to Appellants' critique of the findings adopted by the Planning Commission did not address certain Objectives and Policies of the General Plan, has pointed out in the response, how the project is, on balance, consistent with the General Plan when these additional Objectives and Policies called out by Appellant are considered as well as those policies called out in the Planning Commission findings. The Board, if it upholds the Planning Commission decision, may wish to incorporate into its findings, the additional information contained in this response regarding how the Project is on balance consistent with the General Plan.

For the reasons stated above, the Planning Department recommends that the Board uphold the Planning Commission's decision in approving the Conditional Use and Planned Unit Development authorizations for 800 Presidio Avenue and deny the Appellant's request for appeal.



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary

HEARING DATE APRIL 28, 2011

Date: April 21, 2011
Case No.: 2006.0868TZ
Project Address: 800 PRESIDIO AVENUE
Current Zoning: RM-1 (Residential, Mixed, Low-Density)
40-X Height and Bulk District
Proposed Zoning: Presidio-Sutter Special Use District
RM-1 (Residential, Mixed, Low-Density)
40-X/55-X Height and Bulk District
Block/Lot: 1073/013
Project Sponsor: Booker T. Washington Community Service Center
800 Presidio Avenue
San Francisco, CA 94115
Sponsor Contact: Alice Barkley, Esq. – (415) 356-4635
Staff Contact: Glenn Cabreros – (415) 558-6169
glenn.cabreros@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The project proposes to demolish an existing 31-foot tall, one-story-over-partial-basement building (Booker T. Washington Community Services Center), and to construct a five-story-over-basement, 55-foot tall mixed-use building. The project proposes to construct a state-of-the-art community facility space to support BTWCSC's programs (which are targeted at at-risk youth), a gymnasium, and 50 units of housing, of which 24 units are affordable to low income households and 24 units are for low and very low income transitional age youth. The approximately 68,206 gross square foot (gsf) mixed-use building would contain a 7,506 gsf, 175-seat gymnasium, 11,529 gsf of program space, a 1,691-sf child care center for 24 children, up to 50 units of affordable housing with supportive service space, building storage, and a basement garage containing 21 off-street parking spaces. The housing component and the community service space would have a shared entrance on Presidio Avenue.

The project as proposed requires Planning Code and Zoning Map Amendments to create the Presidio-Sutter Special Use District. On June 24, 2008, Supervisors Farrell, Mar and Mirkarimi introduced an Ordinance proposing to create the Presidio-Sutter Special Use District (SUD) at 800 Presidio Avenue. The Planning Commission will consider a Planning Code Text Amendment that would establish the Presidio-Sutter SUD by adding Planning Code Section 249.53 pursuant to Planning Code Sections 302 and 306. The SUD would allow dwelling unit density and building height bonuses for projects with an affordable housing component beyond the amount required by the Planning Code. The Planning Commission will also consider Zoning Map Amendments pursuant to Planning Code Sections 302 and 306 that would

include (1) establishing the Presidio-Sutter SUD at Lot 013 in Assessor's Block 1073 on Zoning Map Sheet SU03 and (2) amending the height limit from 40-X to 40-X/55-X on Zoning Map Sheet HT03.

SITE DESCRIPTION AND PRESENT USE

The project is located on the east side of Presidio Avenue between Sutter Street and Post Street on Lot 013 is Assessor's Block 1073. The property is located within the RM-1 (Residential, Mixed, Low-Density) District, the Presidio-Sutter Special Use District and a 40-X/55-X Height and Bulk District. The property is within the Western Addition neighborhood and is developed with a one-story over partial basement building containing a community facility for BTWCSC. The project site occupies over 50 percent of the length of the block-face along Presidio Avenue. The site slopes downward to the east along Sutter Street and is fairly flat along Presidio Avenue. The subject lot is a large L-shaped lot, over a half-acre in size, containing 22,360 square feet.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located at the westernmost portion of the Western Addition neighborhood. The project site is within four blocks or less from the Pacific Heights neighborhood to the north, the Presidio Heights neighborhood to the west and the Inner Richmond neighborhood to the southwest. Directly west and across the street from the project site is a "super-block", spanning the length of three standard-sized lots along Presidio Avenue from Geary Boulevard to Bush Street and containing a MUNI bus yard. The southern portion of the bus yard is developed with a tall two-story bus garage. Directly north and across Sutter Street from the project site is a large, 45-foot tall, four-story multi-unit apartment building. Directly east and adjacent to the project site's eastern property line is a one-story, single-family residence located downhill from the site along Sutter Street. Directly south and adjacent to the project site's southern property line is a lot containing two residential buildings with a total of three dwelling units; one of the residential buildings is a tall two-story, two-unit building fronting Presidio Avenue. Other lots on the subject block and downhill from the project site contain a mix of residential buildings from single-family residences to multi-unit apartment buildings, mostly ranging from two- to four-stories tall and of varied architectural styles.

ENVIRONMENTAL REVIEW

The Planning Department, the Lead Agency responsible for the implementation of the California Environmental Quality Act ("CEQA") has undertaken the environmental review process for the proposed Booker T. Washington Community Services Center Mixed-use Project, Case No. 2006.0868E, and has prepared a Final Environmental Impact Report for the Planning Commission's consideration.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	April 8, 2011	April 8, 2011	20 days
Posted Notice	20 days	April 8, 2006	April 7, 2006	21 days
Mailed Notice	10 days	April 8, 2006	April 8, 2006	20 days

PUBLIC COMMENT

- The Department has not received any public comment for the project. With regard to the environmental review application for the project, public input to the Draft Environmental Impact Report (DEIR) was provided during a public hearing of the DEIR and during the public comment period at the time of publication of the DEIR. Responses to public comment provided to the DEIR are provided in the "Comments and Responses" publication under Case No. 2008.0868E.

ISSUES AND OTHER CONSIDERATIONS

- On January 25, 2008, the Department conducted a shadow study, Case No. 2006.0868K, for the project pursuant to Planning Code Section 295 and found that the project would not cast shadows any Recreation and Park Department properties.
- The project would demolish an historic resource to make way for a new construction project. The BTWCSC building is an historic resource because BTWCSC is the first community organization to provide services to the African-American community. The building is not located in a potential historic district. The adverse impact of the project on the historic resource has been fully analyzed in the Project EIR. While the project proposes demolition of the existing building, the project would allow BTWCSC to continue and enhance its long-standing community service uses.

REQUIRED COMMISSION ACTION

Upon Certification of the Final EIR, if the Commission is to adopt the proposed Planning Code and Zoning Map Amendments to create the Presidio-Sutter Special Use District and it is to approve Conditional Use Authorization for construction of Planned Unit Development, must adopt CEQA findings and a Statement of Overriding Considerations. See attached "CEQA Finding Draft Motion."

In considering Planning Code and Zoning Map Amendments including the proposed Ordinance to establish the Presidio-Sutter Special Use District, the Commission may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

In considering the project as proposed, the Commission may disapprove the project, approve the project with conditions or approve the project with modifications with conditions. Approval of the proposed project requires Conditional Use and Planned Unit Development authorization pursuant to Planning Codes Section 303 and 304.

BASIS FOR RECOMMENDATION

The Department recommend approval of the project for the following reasons:

- On balance the project, including the Planning Code and Zoning Map Amendments to establish the Presidio-Sutter Special Use District, is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1.

- Specifically, establishing the Presidio-Sutter Special Use District is consistent with the General Plan's objectives and policies to create incentives to encourage the construction of permanently affordable housing.
- The project would ensure the continuation and enhancement of long-standing community service programs offered by Booker T. Washington Community Services Center.
- The project would provide up to 50 new permanently affordable housing units, which are woefully needed to increase and diversify the City's housing stock
- The project is well served by transit and does not propose excessive amount of parking beyond the amount required by Code; therefore the project is in line with the City's Transit First Policy and should not adversely impact traffic, public transit or access to off-street parking.
- The project's location, siting and design (including its proposed scale, massing and materials) are found to be compatible with surrounding neighborhood character, the adjacent residential uses, the mid-block open space, and, in the general, the urban form of the City.
- The proposed project meets all applicable requirements of the Planning Code.

RECOMMENDATION:	1) Adopt CEQA Findings and Statement of Overriding Considerations
	2) Recommend Board of Supervisors Adopt proposed Ordinance
	3) Approve CU/PUD with Conditions

Attachment Checklist

- Executive Summary
- CEQA Findings Draft Motion
- Rezoning Draft Motion
- CU/PUD Draft Motion
- Shadow Study
- Parcel Map
- Sanborn Map
- Aerial Photos
- Zoning Map

- Project sponsor submittal

Drawings: Existing Conditions

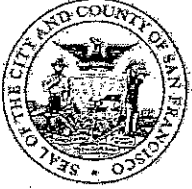
- Check for legibility

Drawings: Proposed Project

- Check for legibility

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

Planner's Initials



SAN FRANCISCO PLANNING DEPARTMENT

January 25, 2008

Ms. Bre Jones
AF Evans
1000 Broadway, Suite 300
Oakland, CA 94607

CASE NO. 2006.0868K
ADDRESS: 800 Presidio Avenue
BLOCK/LOTS: 1073/013
PROJECT SPONSOR: AF Evans

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Dear Ms. Jones:

The Department has reviewed the proposed project for compliance with Section 295 of the San Francisco Planning Code. Section 295 restricts new shadow, cast by structures exceeding a height of forty feet, upon property under the jurisdiction of the Recreation and Park Commission.

A shadow fan was developed based on the drawings submitted with the application to determine the shadow impact of the project on properties protected by the Sunlight Ordinance. **The fan indicates that there is no shadow impact from the subject property on any property protected by the Ordinance.** Therefore, this Department concludes that the proposed project is in compliance with Section 295 of the Planning Code.

Please call me at (415) 558-6169 if you have any questions.

Sincerely,

Glenn Cabreros
Planner






Enclosures

c: Michael Jacinto, MEA (w/ enclosures)
Jonas Ionin, NW Quadrant (w/ enclosures)

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Legend

-  Parcel 1073013
-  Shadow Fan
-  Open Spaces
-  Public
-  Private

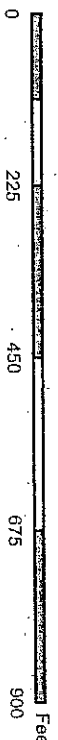
Title: 2006.0868K - 800 Presidio Avenue - Shadow Study

Comments: Booker T. Washington Community Service Center
 75-foot building height assumed for entire lot.

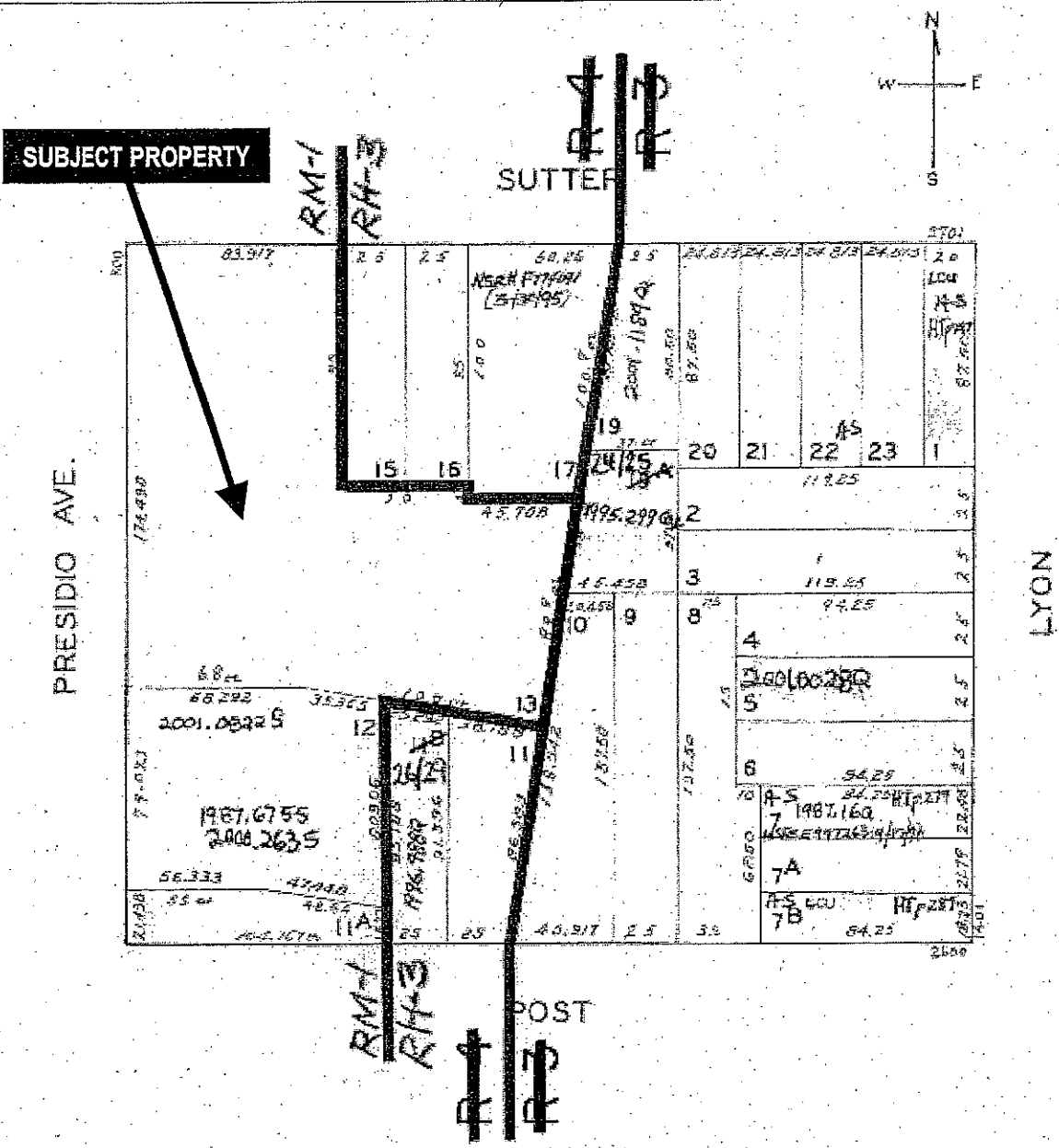
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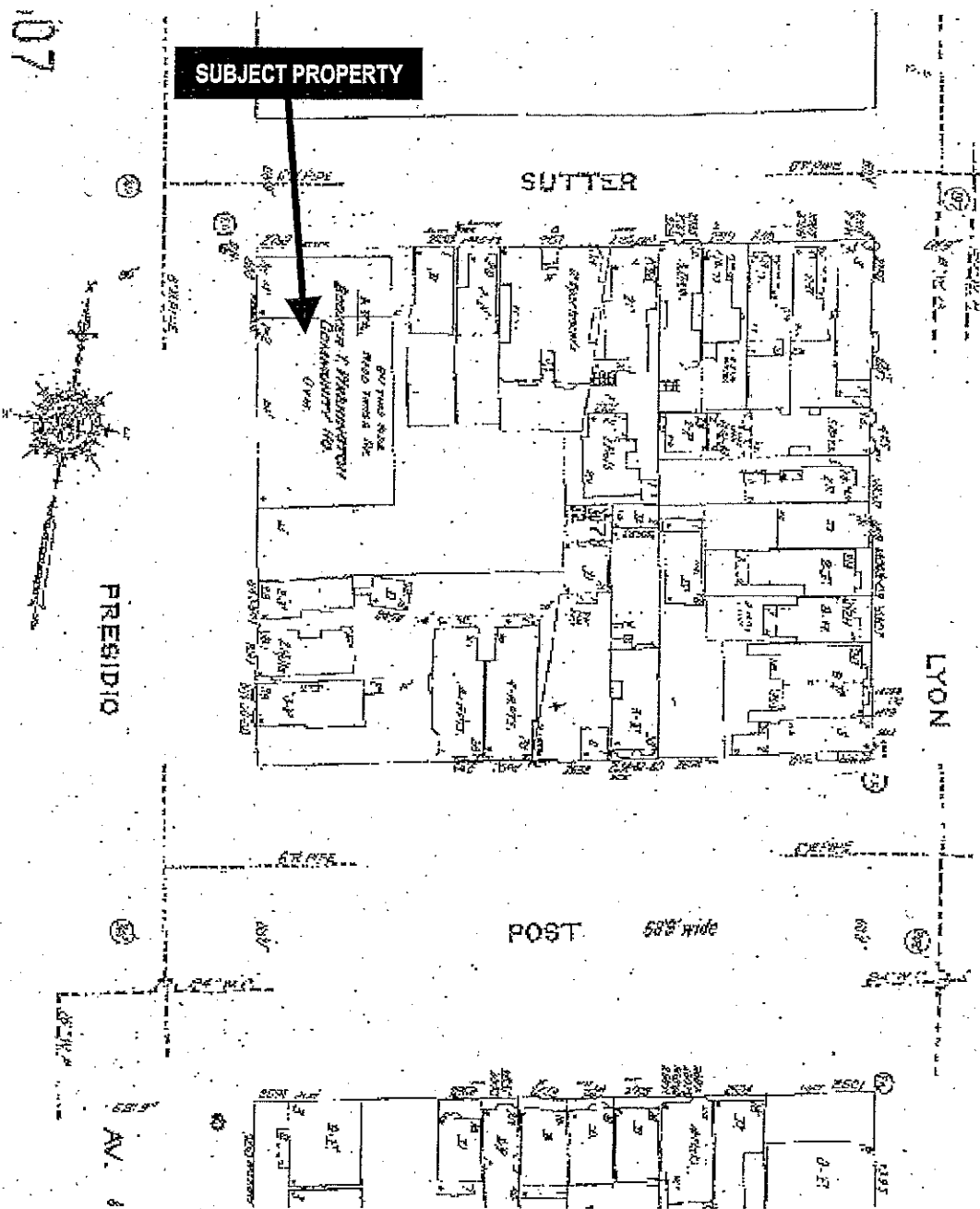
The City and County of San Francisco (CCSF) does not guarantee the accuracy, adequacy, completeness, or usefulness of this information. CCSF provides this information on an "as is" basis without warranty of any kind, but not limited to merchantability or fitness for a particular purpose, and assumes no responsibility for any use of the information.



Parcel Map



Sanborn Map*



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



Planning Commission Hearing
Case Number 2006.0868CEKTZ
Booker T. Washington Community Center
800 Presidio Avenue

Aerial Photo 1

SUBJECT PROPERTY



Aerial Photo 2



SUBJECT PROPERTY



Aerial Photo 3



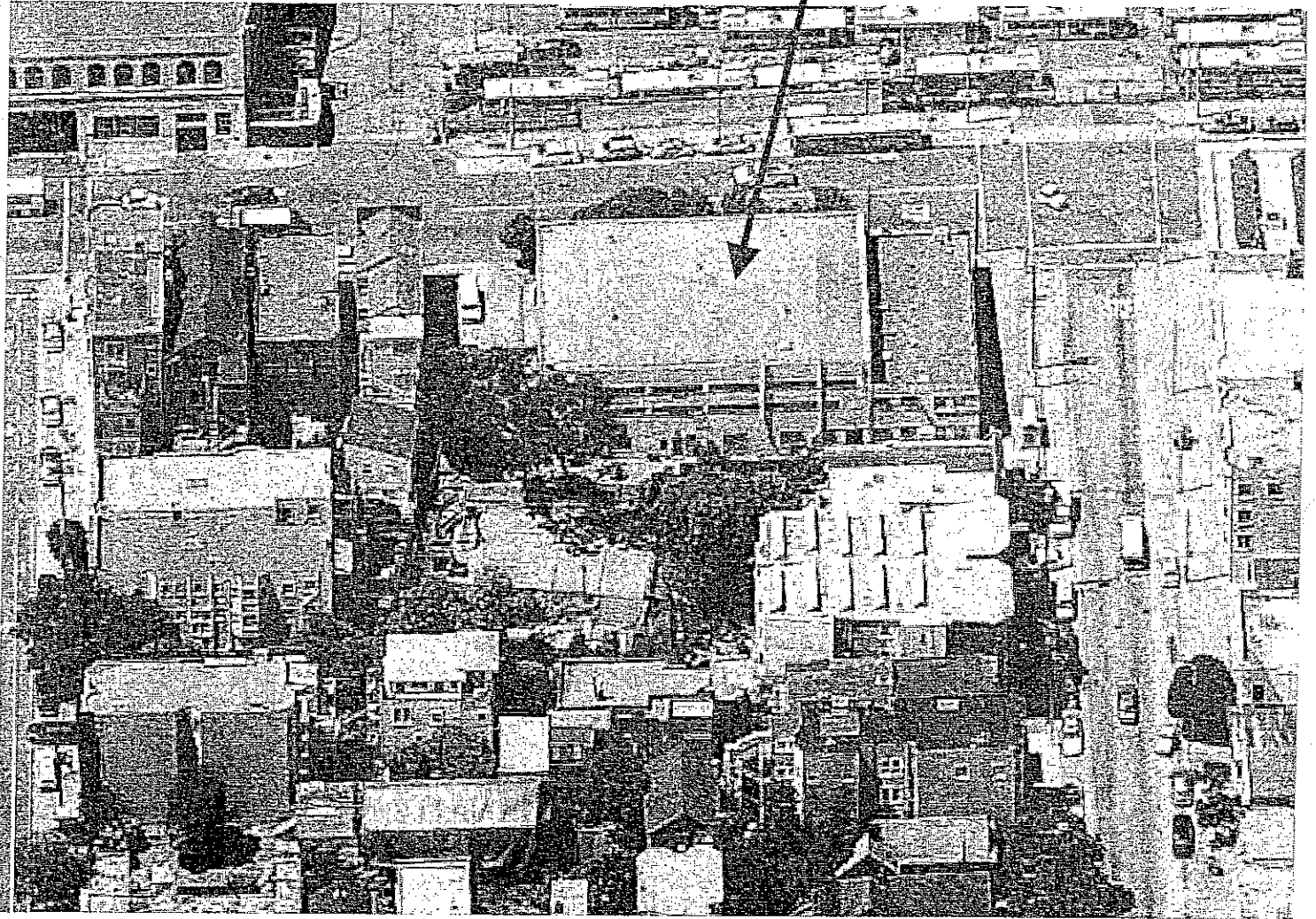
SUBJECT PROPERTY



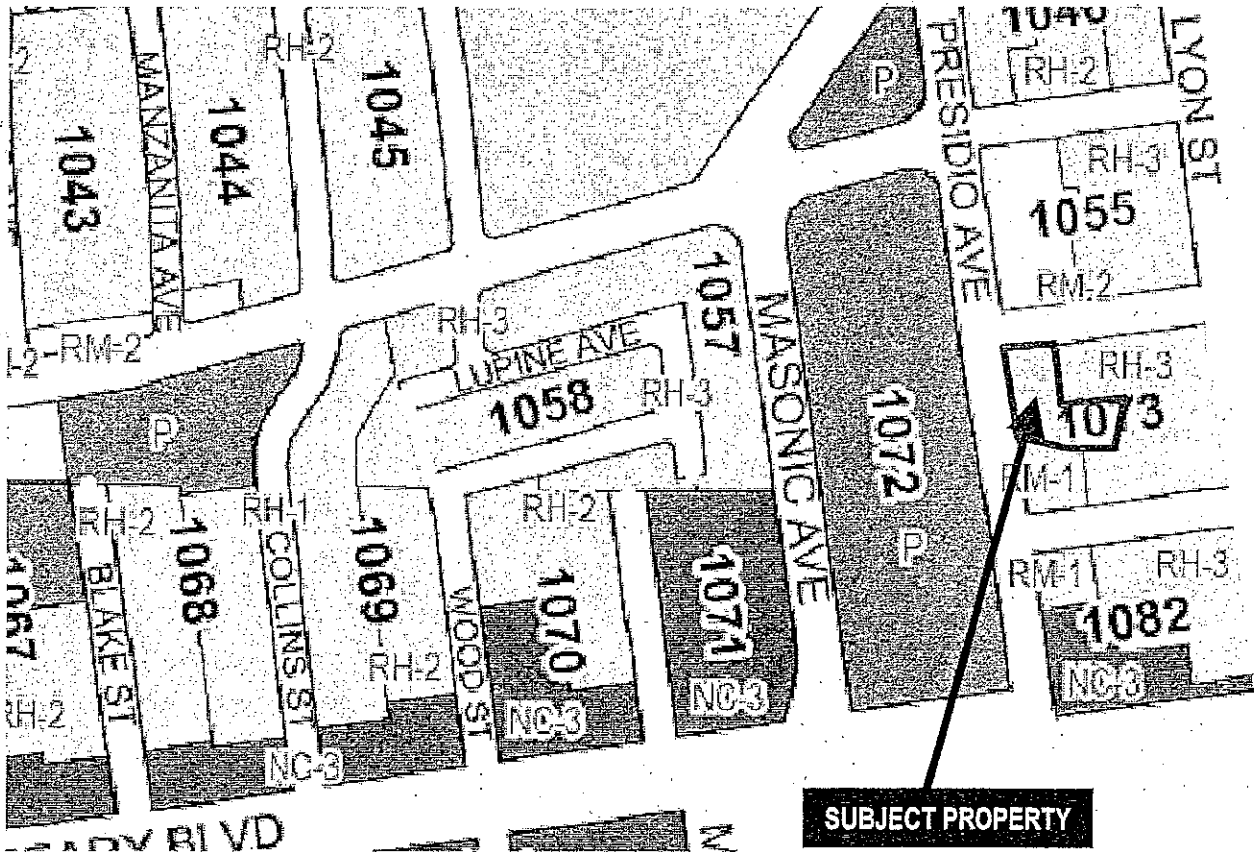
Planning Commission Hearing
Case Number 2006.0868CEKTZ
Booker T. Washington Community Center
800 Presidio Avenue

Aerial Photo 4

SUBJECT PROPERTY

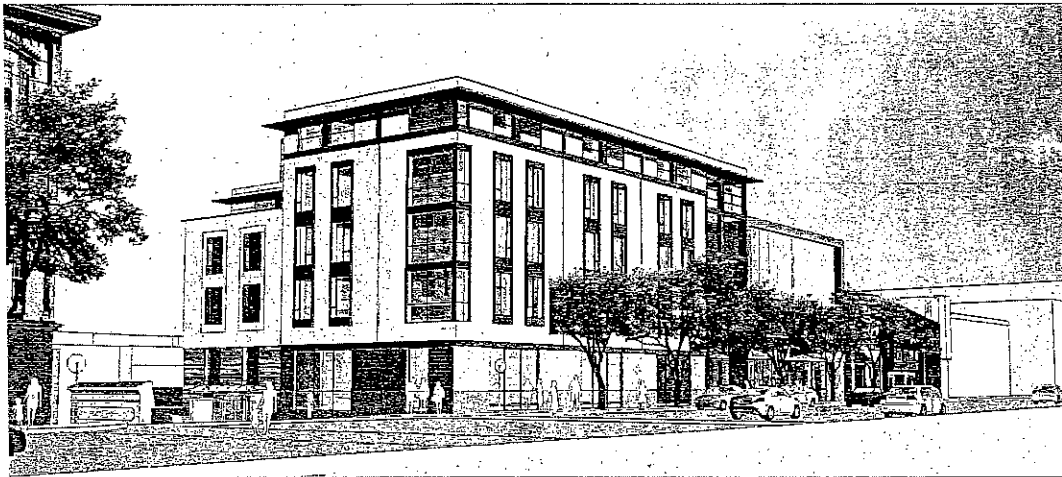


Zoning Map



Planning Commission Hearing
Case Number 2006.0868CEKTZ
Booker T. Washington Community Center
800 Presidio Avenue

BOOKER T. WASHINGTON COMMUNITY SERVICE CENTER



SHEET INDEX

	TITLE BLOCK
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A2	BASEMENT PLAN
A3	REAR YARD PLAN
A4	FIRST FLOOR PLAN
A5	SECOND FLOOR PLAN
A6	THIRD FLOOR PLAN
A7	FOURTH FLOOR PLAN
A8	FIFTH FLOOR PLAN
A9	SECTIONS
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A11	MASSING RELATIONSHIP
A12	CONTEXT PHOTOGRAPHS
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A19	PERSPECTIVE
A20	PERSPECTIVE
A21	PERSPECTIVE
A22	PERSPECTIVE
A23	PERSPECTIVE
A24	PERSPECTIVE
A25	PERSPECTIVE
A26	PERSPECTIVE
A27	PERSPECTIVE

LAND USE

LUCE FORWARD
121 SPEAR STREET
SAN FRANCISCO, CA 94108
T: 415.628.8222
CONTACT: ALICE BARKLEY
E-MAIL: ABARKLEY@LUCE.COM

PROJECT SPONSOR

BOOKER T. WASHINGTON
890 PRESIDIO AVENUE
SAN FRANCISCO, CA 94115
T: 415.628.8222
CONTACT: PAUL
E-MAIL: PSCOTT@BOOKER.TW.COM

DEVELOPER

ECB EQUITY COMMUNITY BUILDERS
38 KEYS AVENUE
SAN FRANCISCO, CA 94129
T: 910.338.7885
CONTACTS: RANDI GERSON
E-MAIL: RANDI@ECBSF.COM

ARCHITECT

BRAND + ALLEN ARCHITECTS, INC.
801 CALIFORNIA ST., SUITE 1200
SAN FRANCISCO CA 94108
T: 415.441.0788
CONTACTS: STEVE PERRY
E-MAIL: S.PERRY@BRANDALLEN.COM

PLANNING COMMISSION SUBMISSION
APRIL 20, 2011



Planning Code Analysis

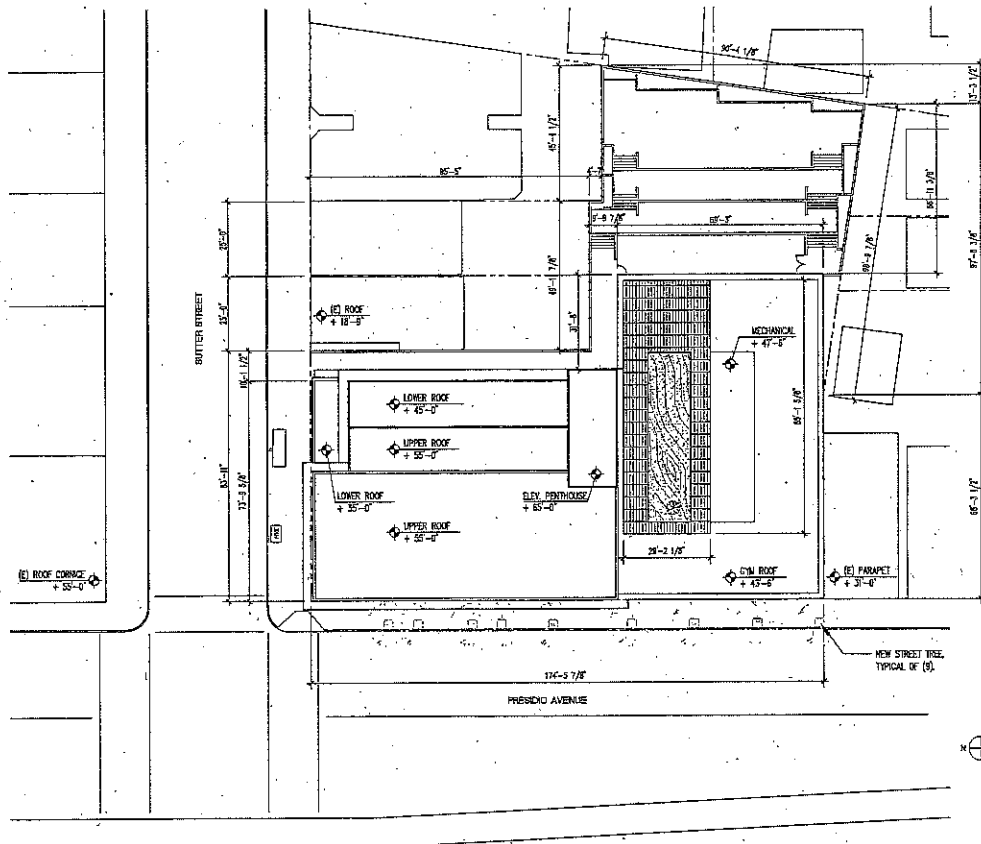
Assessor's Parcel Number	Block 1023, Lot 013
Lot Size	22,383 sq. ft.
Historic Status	None
Use District	SFFPC Map 213 PUD Use District Map 205
Height	SFFPC Map HT3 Requirement: 40'0" Proposed: 35'0" (Noncompliant with code)
Bulk	SFFPC Table 210 Map HT3 Requirement: X (No Limitations)
Floor Area Ratio	SFFPC sec. 124 SFFPC sec. 125 a SFFPC sec. 124 b Requirement: RM1: 1.8 to 1 Corner Lot Premium: Lot x 25% increase FAR shall not apply to residential Proposed: 22,383 x 1.8 = 40,289 allowable area 22,383 x 25% = 5,596 27,984 x 1.8 = 50,371 allowable area Gross Bldg Area = 58,208 s.f. Residential Area = 32,021 s.f. 50,185 applied to FAR = 50,317 allowable
Rear Yard Set Back	SFFPC sec. 134 d.4.A Requirement: Corner Lots: forward edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear building wall of the one adjacent building. Proposed: Noncompliance with Code
Open Space	SFFPC Table 135A Requirement: RM1: 18% s.f. of usable open space required for each dwelling unit = 50 x 18% = 9,000 Proposed: Roof top open space = 3,744 s.f. < 9,000 s.f. Noncompliant with code State Reg. 101298.2 Outdoor Activity Space for Child Care Centers Requirement: 75 s.f. required for each child = 24 x 75 = 1800 s.f. Proposed: 1,800 s.f. Outdoor Activity Space for Child Care
Street Trees	SFFPC sec. 138.1 Requirement: Be a minimum of one tree of 24-inch box size for each 20 feet of frontage of the property along each street Proposed: Compliance along Presidio Ave. (8 trees) Noncompliance along Sutter due to MUNI pole, City High Voltage Electrical Full Bac, and bus stop
Dwelling Unit Exposure	SFFPC sec. 140 Requirement: DU must face directly onto an open area no less than 25' from the window line Proposed: 21 Units will be noncompliant with code

Off Street Parking Schedule

SFFPC sec. 151	Required:																																																																						
Residential	0 None required in an affordable housing projects																																																																						
Child Care	0 Child care will not exceed 24 children.																																																																						
Community Center	5 Per SFFPC approval																																																																						
Gym	10 One for each 15 seats (175 seats provided)																																																																						
Office	0 None req. under 5000 sq. ft.																																																																						
Storage	0 None required under 10,000 sq. ft.																																																																						
	Proposed:																																																																						
	15 Parking Stalls Required, 21 Parking Stalls Proposed																																																																						
Off Street Loading	SFFPC sec. 152 Requirement: Apartment Use: 0-100,000 sq. ft. = 0 Proposed: None																																																																						
Bicycle Parking	Table 155.5 Requirement: 0-50 Dwelling Units: 1 Class 1 Bicycle space for every 2 dwelling units = 50/2 = 25 Proposed: 25																																																																						
Car Share	Table 159 SFFPC sec. 158 C Requirement: 50-200 residential units req. 1 car share space. Space must be accessible to non-resident subscribers from outside the building. Proposed: 2 Car Share Space																																																																						
Permitted Uses	SFFPC sec. 201 SFFPC sec. 205.3 SFFPC sec. 205.3.1 SFFPC sec. 205.4 Residential: Permitted Social Services or philanthropic facility: Permitted Child Care: Permitted with CUP Community Center: Permitted with CUP																																																																						
Unit Density	SFFPC sec. 209.1 (RM1) SFFPC sec. 209.1 (RM2 per PUD) RM1: 1 unit per 800 s.f. = 28 Require 4: 4022 / 1 unit per 800 s.f. = 50.27 Proposed: 30 Units 50-37 Noncompliant with code																																																																						
Shadow Study	SFFPC sec. 209 New construction over 40' is subject to a shadow study.																																																																						
Planned Unit Development	SFFPC sec. 304 & 209.9 Requirement: A tract or parcel of land may be determined a Planned Unit Development if the area is not less than 1/2 acre, (P-21.780) Proposed: Permitted with CUP																																																																						
Dwelling Units	<table border="1"> <thead> <tr> <th>Unit A</th> <th>Unit B</th> <th>Unit C</th> <th>Unit D</th> <th>Unit E</th> <th>Unit F</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>776 S.F., 2 Bdrms</td> <td>335 S.F., 1 Bdrms</td> <td>432 S.F., 1 Bdrms</td> <td>450 S.F., 1 Bdrms</td> <td>618 S.F., 1 Bdrms</td> <td>350 S.F., 1 Bdrms</td> <td>0</td> </tr> <tr> <td>2 Bdrms</td> <td>Studio</td> <td>1 Bdrms</td> <td>Studio</td> <td>1 Bdrms</td> <td>Studio</td> <td>0</td> </tr> <tr> <td>Basement</td> <td>n/a</td> <td>n/a</td> <td>n/a</td> <td>n/a</td> <td>n/a</td> <td>0</td> </tr> <tr> <td>First Floor</td> <td>1</td> <td>4</td> <td>n/a</td> <td>n/a</td> <td>n/a</td> <td>5</td> </tr> <tr> <td>Second Floor</td> <td>1</td> <td>4</td> <td>1</td> <td>5</td> <td>n/a</td> <td>11</td> </tr> <tr> <td>Third Floor</td> <td>1</td> <td>4</td> <td>1</td> <td>5</td> <td>n/a</td> <td>11</td> </tr> <tr> <td>Fourth Floor</td> <td>n/a</td> <td>5</td> <td>1</td> <td>5</td> <td>1</td> <td>12</td> </tr> <tr> <td>Fifth Floor</td> <td>n/a</td> <td>n/a</td> <td>1</td> <td>5</td> <td>1</td> <td>7</td> </tr> <tr> <td>Total:</td> <td>2</td> <td>19</td> <td>4</td> <td>20</td> <td>2</td> <td>30</td> </tr> </tbody> </table>	Unit A	Unit B	Unit C	Unit D	Unit E	Unit F	Total	776 S.F., 2 Bdrms	335 S.F., 1 Bdrms	432 S.F., 1 Bdrms	450 S.F., 1 Bdrms	618 S.F., 1 Bdrms	350 S.F., 1 Bdrms	0	2 Bdrms	Studio	1 Bdrms	Studio	1 Bdrms	Studio	0	Basement	n/a	n/a	n/a	n/a	n/a	0	First Floor	1	4	n/a	n/a	n/a	5	Second Floor	1	4	1	5	n/a	11	Third Floor	1	4	1	5	n/a	11	Fourth Floor	n/a	5	1	5	1	12	Fifth Floor	n/a	n/a	1	5	1	7	Total:	2	19	4	20	2	30
Unit A	Unit B	Unit C	Unit D	Unit E	Unit F	Total																																																																	
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First Floor	1	4	n/a	n/a	n/a	5																																																																	
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Fourth Floor	n/a	5	1	5	1	12																																																																	
Fifth Floor	n/a	n/a	1	5	1	7																																																																	
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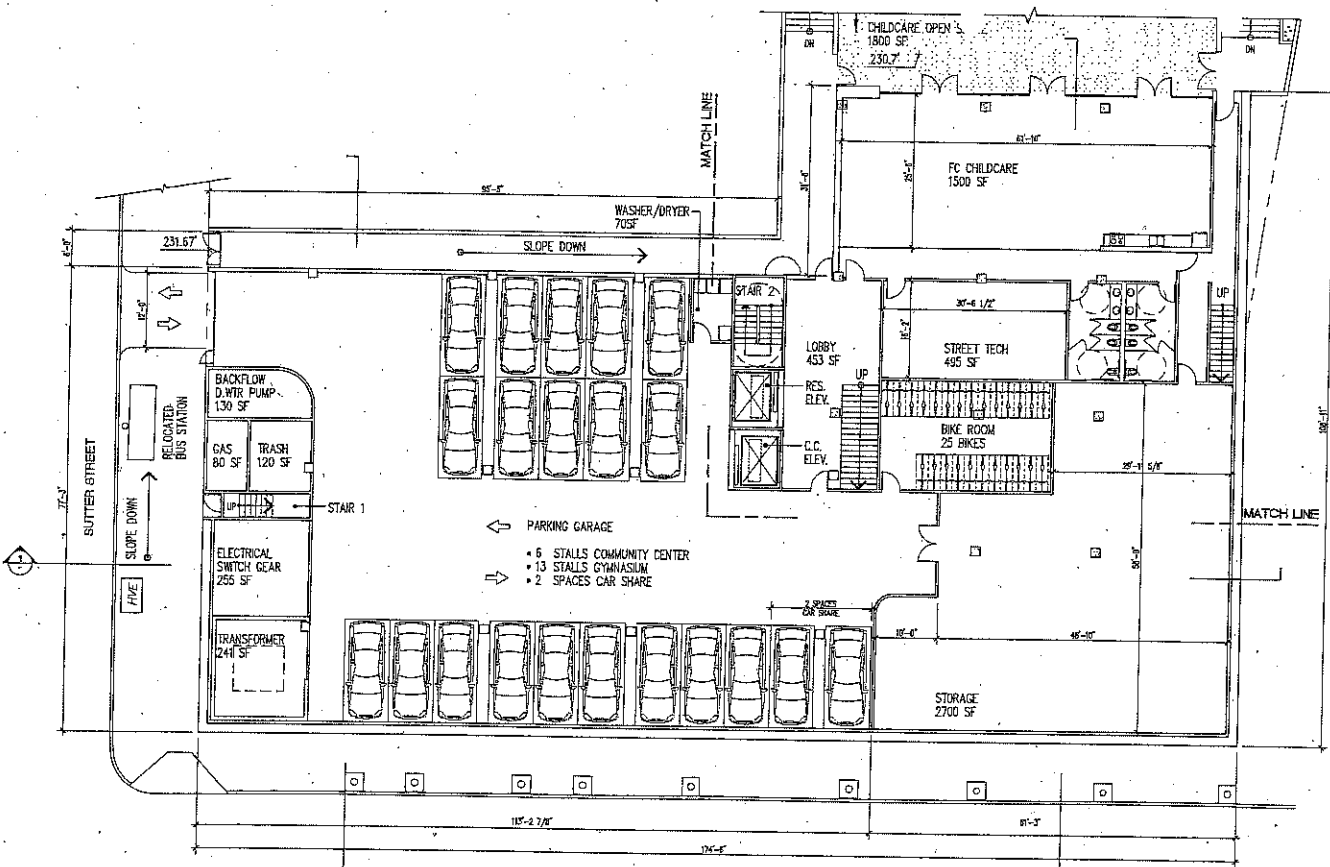
Program Area: Proposed Project

	Parking	Residential	Community & tel	Residential Storage Bldg	Child Care	Gymnasium	Occupation	Utilities	Community Center	Total Gross Square Footage
Basement	6,717			3,520	1,691		996	1,113	1,095	15,638
First Floor		3,440	2,868				1,212		7,728	15,247
Second Floor		6,379				7,508	542		850	15,278
Third Floor		6,379					542		1,254	8,165
Fourth Floor		7,037					374			7,411
Fifth Floor		6,335					374			6,709
Total:	6,717	28,152	2,868	3,520	1,691	7,508	2,946	1,113	11,525	66,047
Gross Building Area: Proposed Project										
Comm. Ctr.										27,221
Residential										32,896
Parking										6,717
Utilities										1,113
										66,047
Occupied Floor Area										
Admin. / Office										1,870
Teen Center										809
Youth Raft										400
After School										1586
Street Tech										498
Child Care										1500
Building Area: Existing Building										
Basement										3,923
First Floor						7,450			2,370	9,820
Total:	0	0	0	0	0	7,450	0	0	6,293	13,743
Open Space										
Community Center @ Rear Yard										4,195 s.f.
Child Care - Enclosed Area @ Rear Yard										1,800 s.f.
Residential @ Roof Top										2,500 s.f.



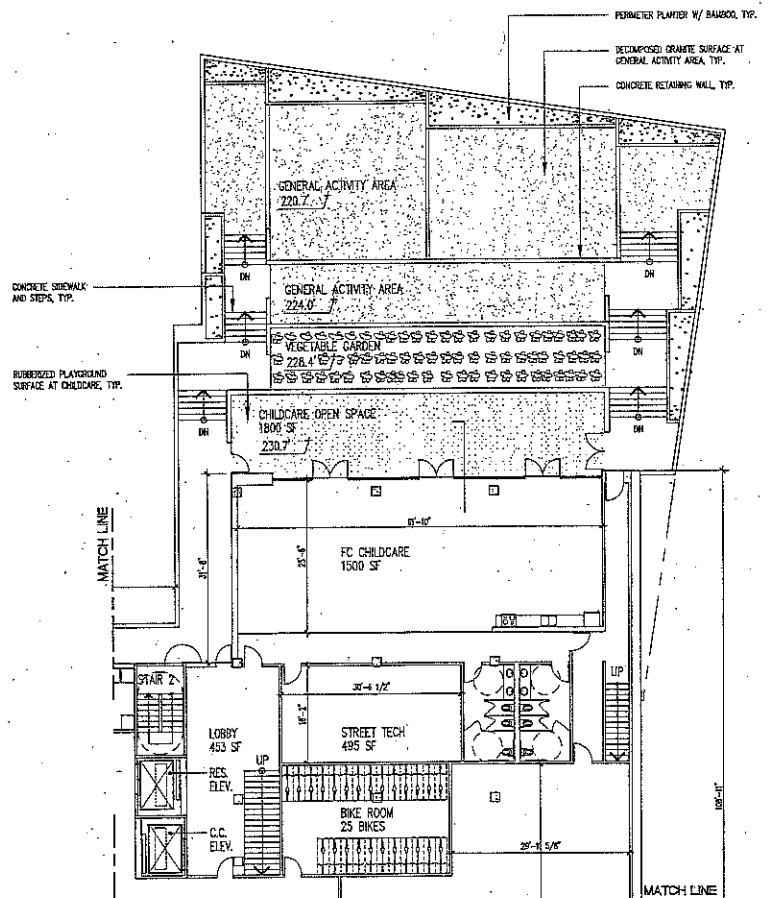
SITE PLAN SCALE 1/32" = 1'-0"

1339



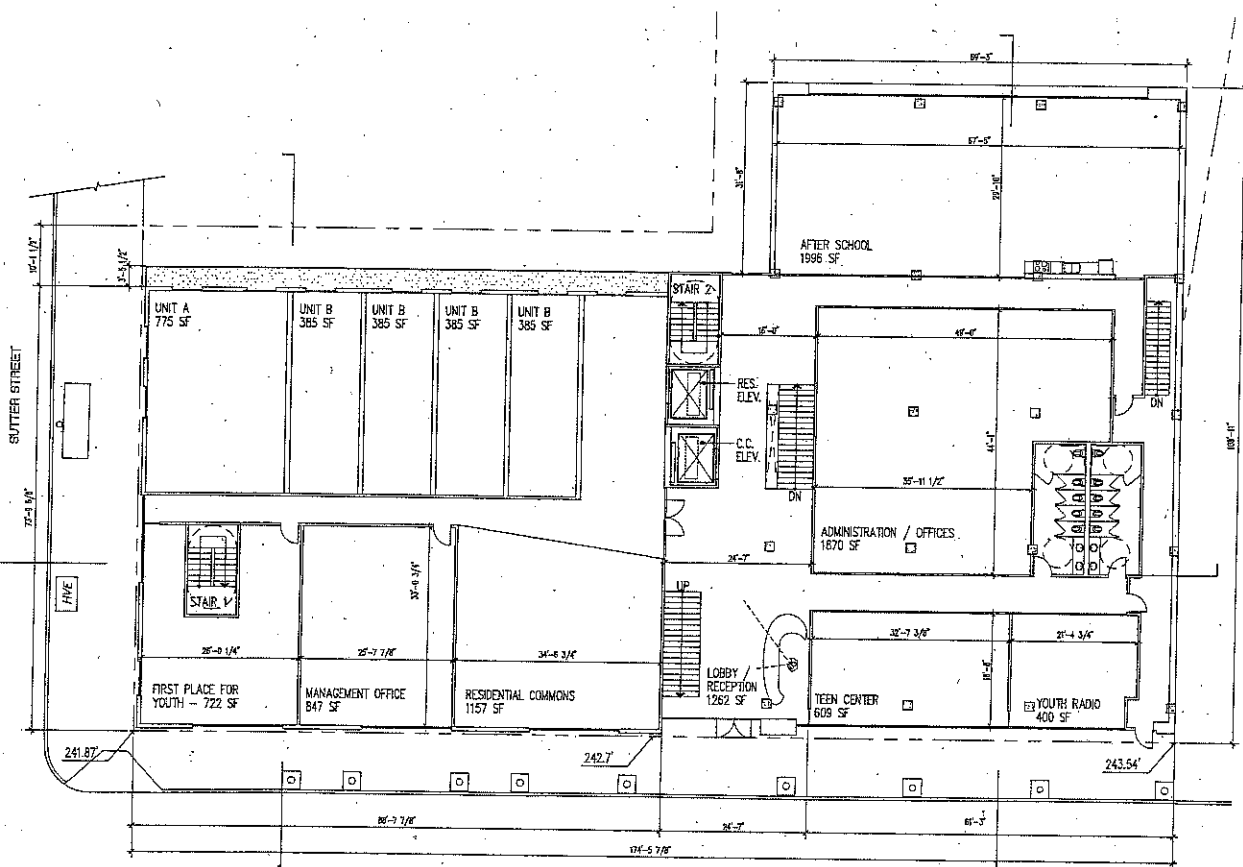
BASEMENT FLOOR PLAN
SCALE 1/8" = 1'-0"

PRESIDIO AVENUE
1340



REAR-YARD PLAN
SCALE 3/16" = 1'-0"

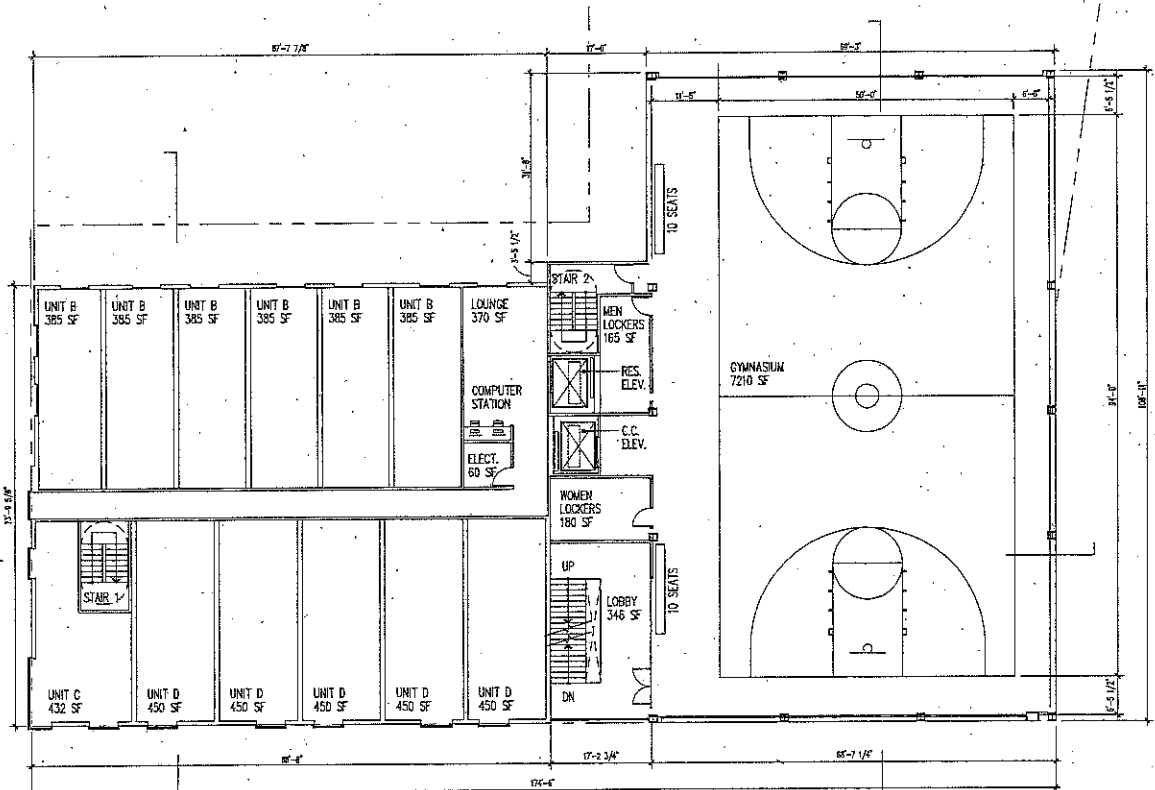
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FIRST FLOOR PLAN
SCALE 1/8" = 1'-0"

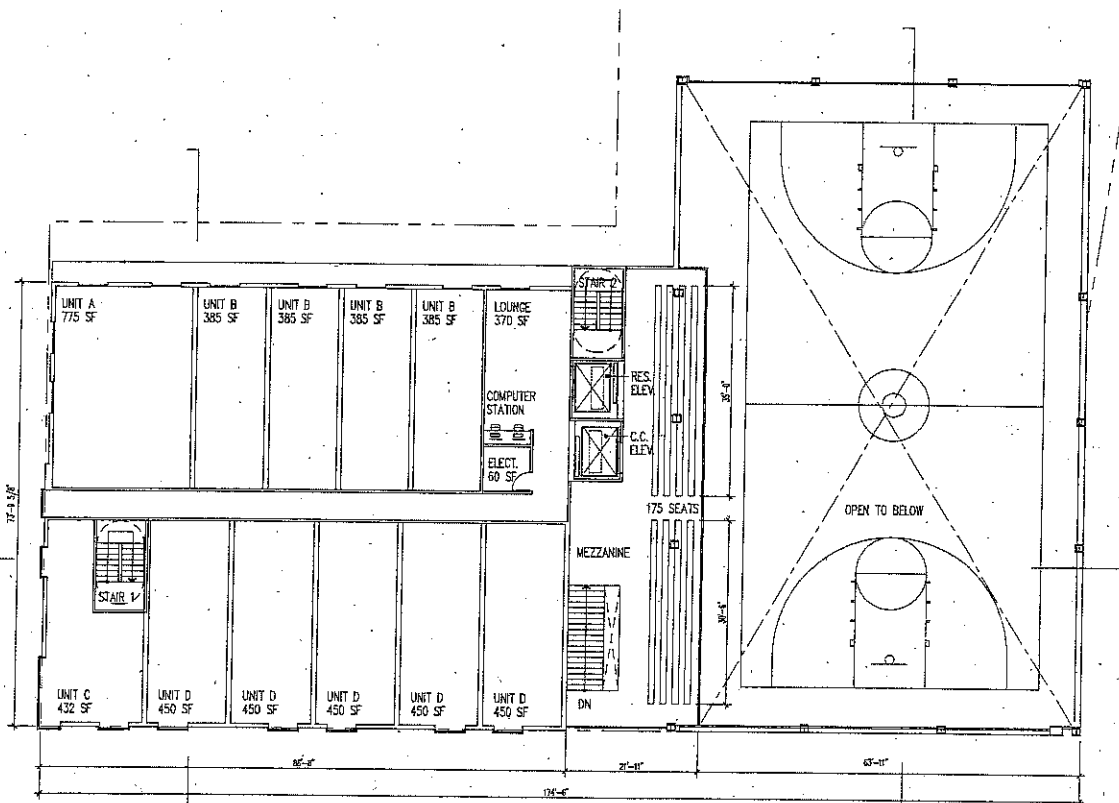
1342

A4



SECOND FLOOR PLAN
SCALE 1/8" = 1'-0"

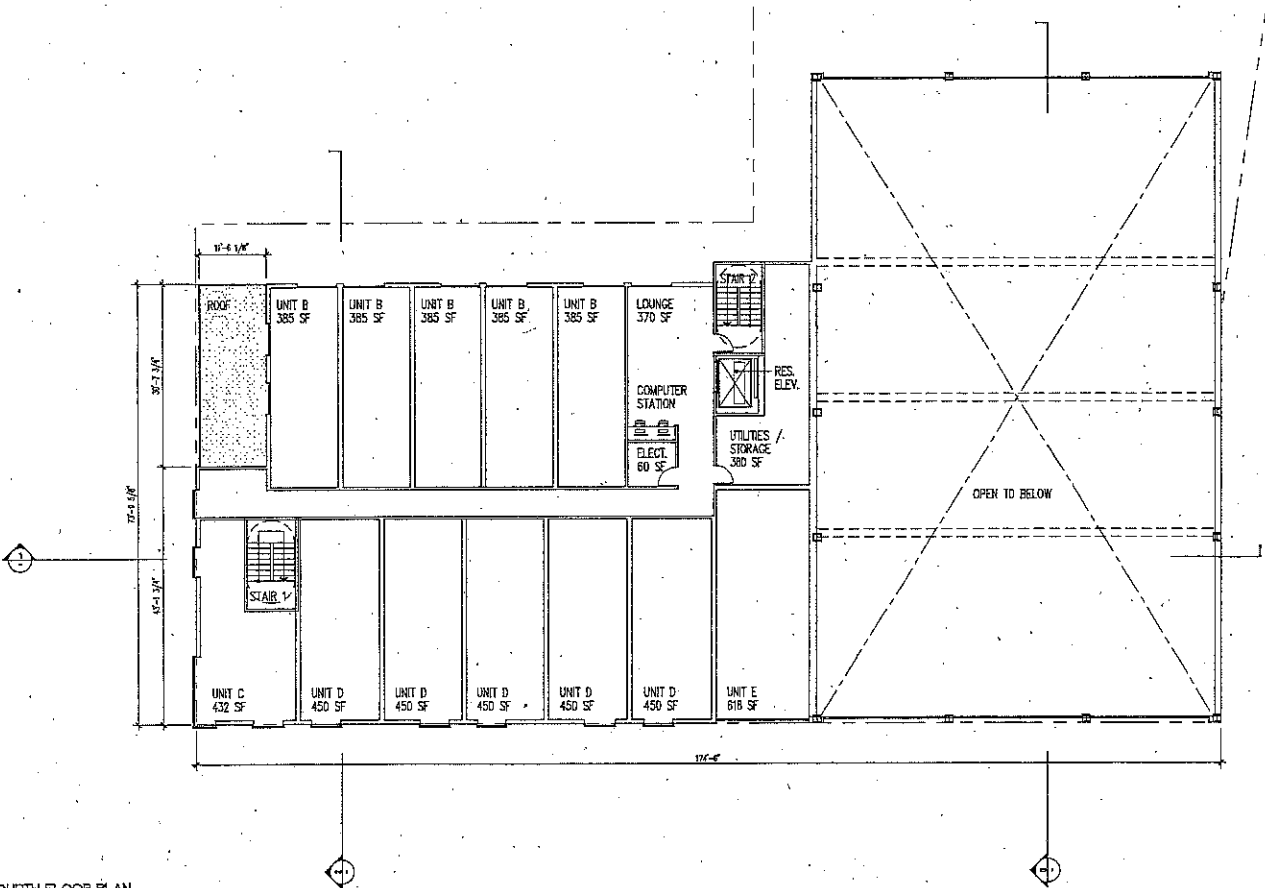
1343



THIRD FLOOR (GYM. MEZZ.) PLAN
SCALE 1/8" = 1'-0"

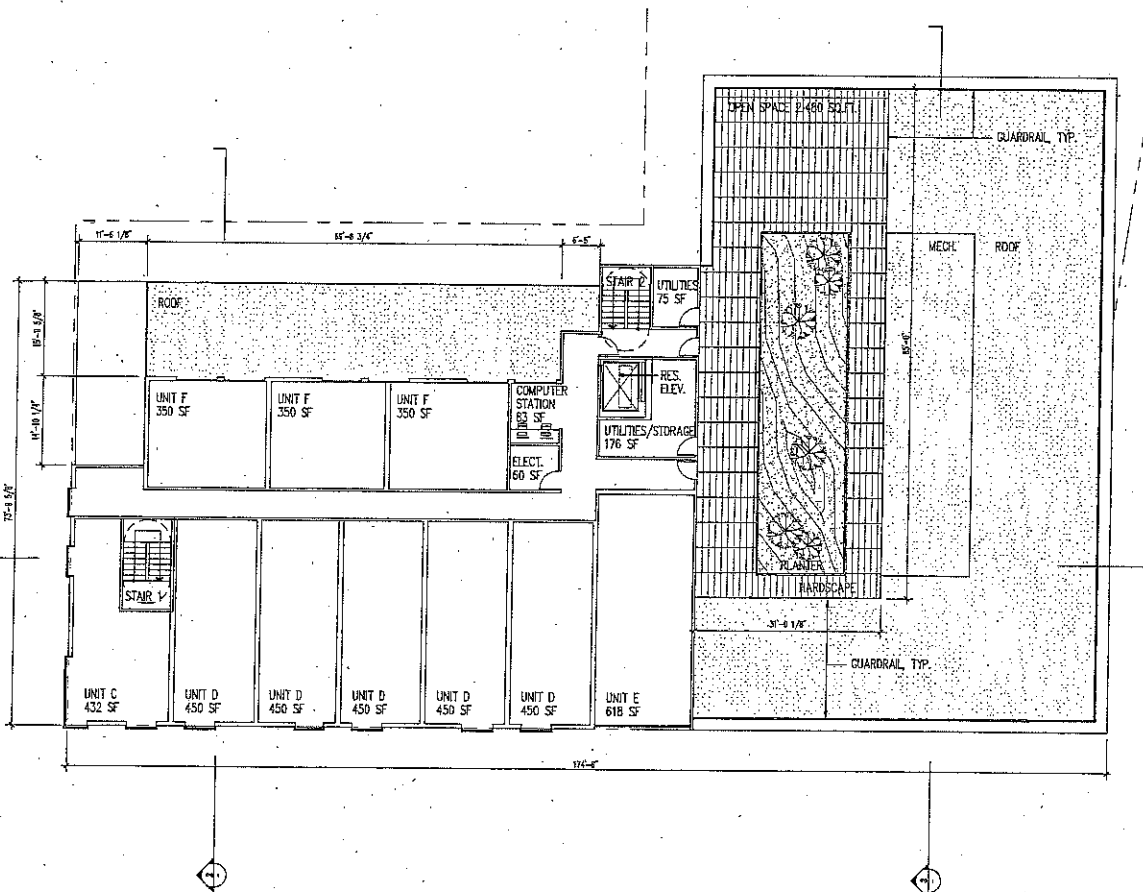
1344

A6



FOURTH FLOOR PLAN,
SCALE 1/8" = 1'-0"

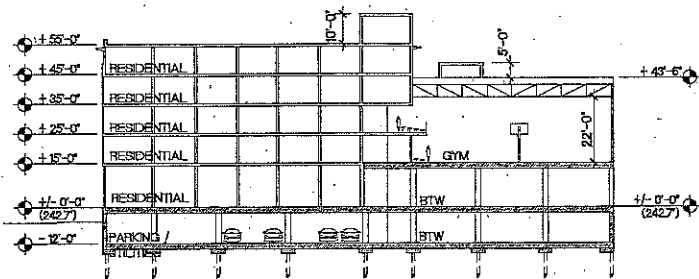
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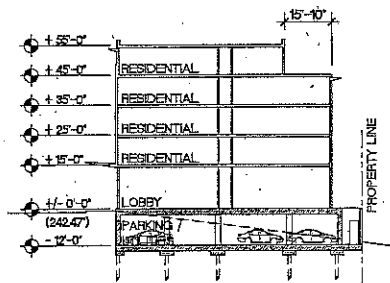
FIFTH FLOOR PLAN
SCALE 1/8" = 1'-0"

1346

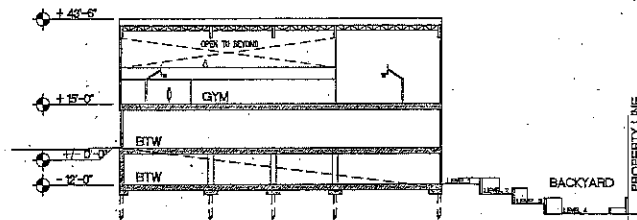
A8



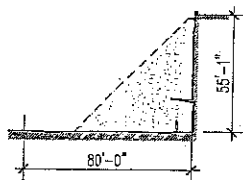
SECTION 1
SCALE: $\frac{1}{8}'' = 1'-0''$



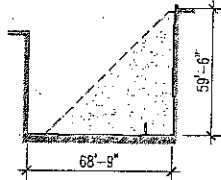
SECTION 2
SCALE: $\frac{1}{8}'' = 1'-0''$



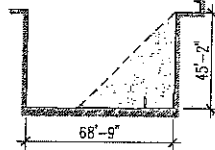
SECTION 3
SCALE: $\frac{1}{8}'' = 1'-0''$



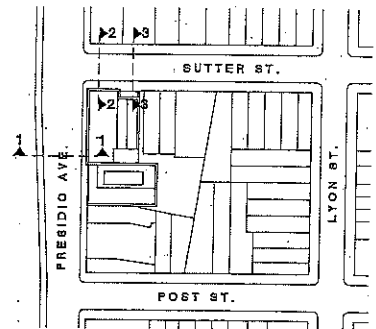
1 - PRESIDIO AVE.



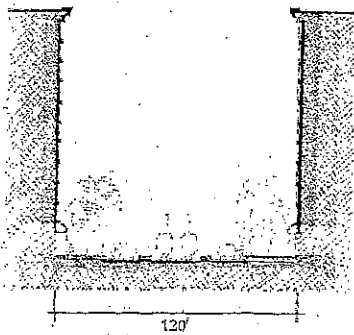
2 - SUTTER ST.



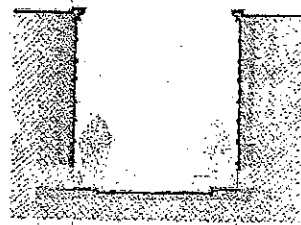
3 - SUTTER ST.



PROPOSED BUILDING HEIGHT TO STREET WIDTH RATIOS



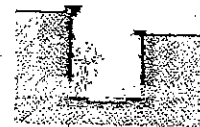
Market Street / Van Ness



South of Market Street

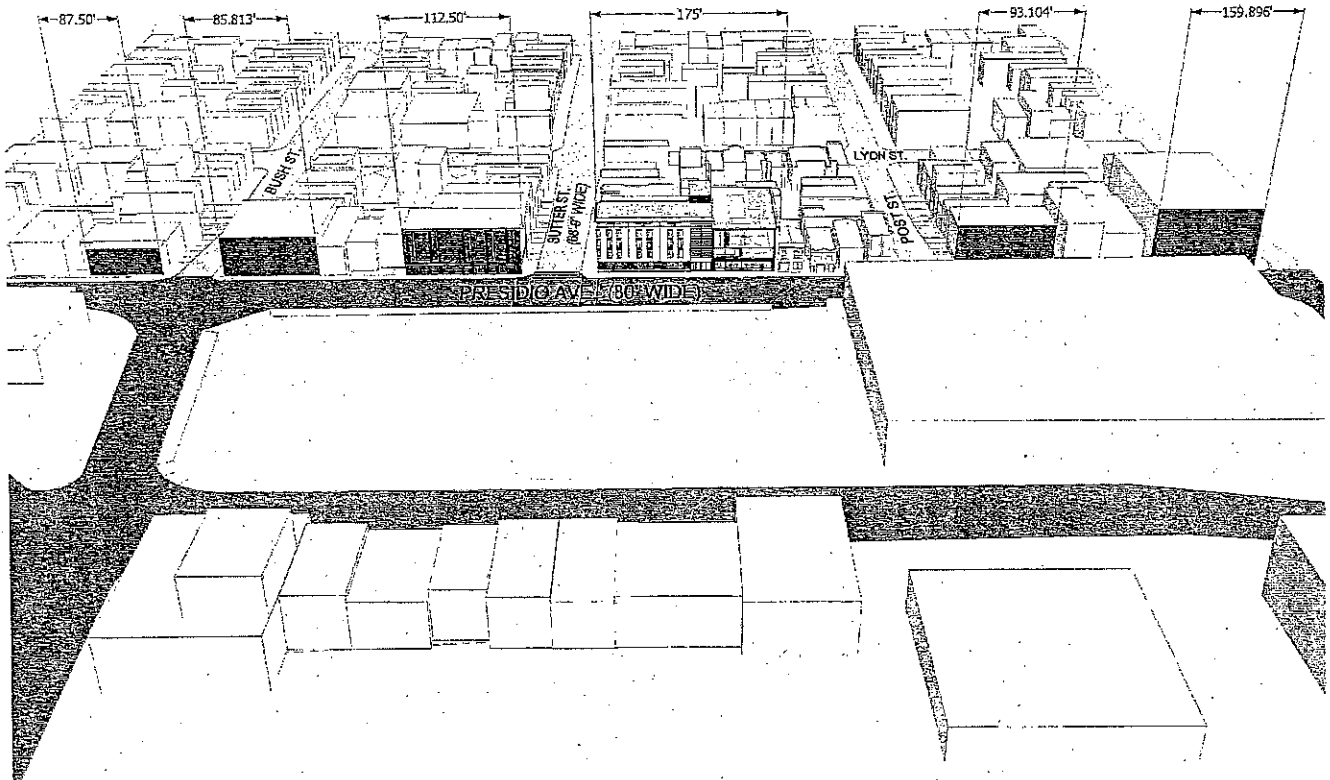


North of Market Street



Typical Alley

HISTORICAL BUILDING HEIGHT TO STREET WIDTH RATIOS IN SAN FRANCISCO
IMAGES BY SAN FRANCISCO PLANNING DEPARTMENT

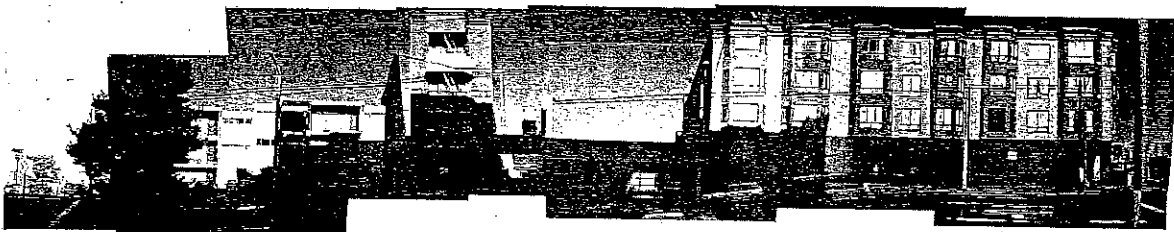




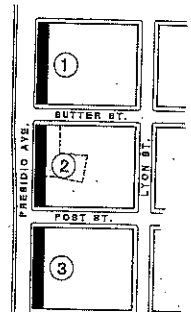
① PRESIDIO EAST ELEVATION

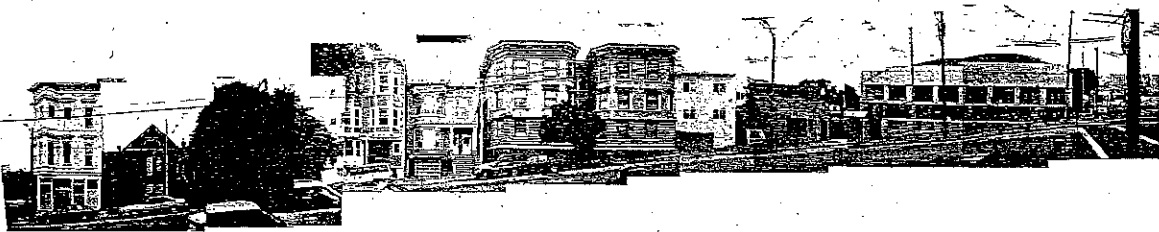


② PRESIDIO EAST ELEVATION



③ PRESIDIO EAST ELEVATION

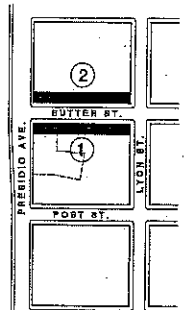


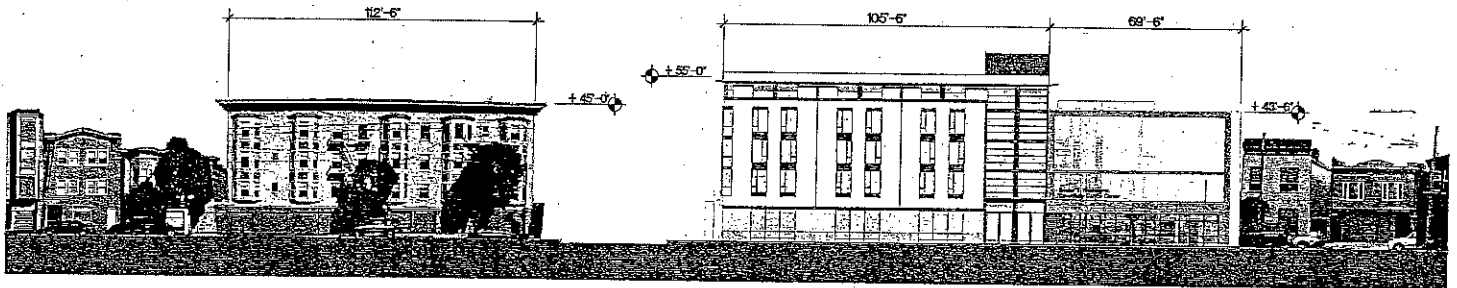


① SUTTER STREET SOUTH ELEVATION

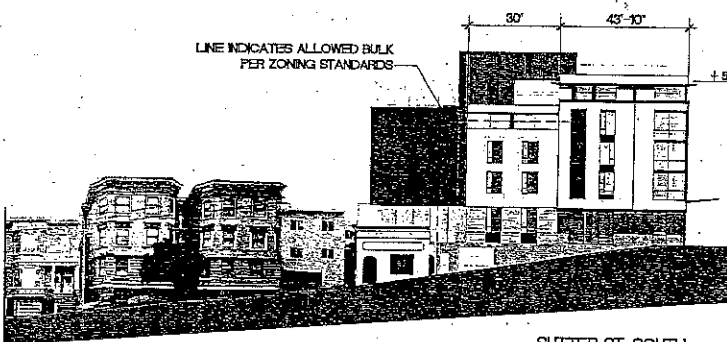


② SUTTER STREET NORTH ELEVATION

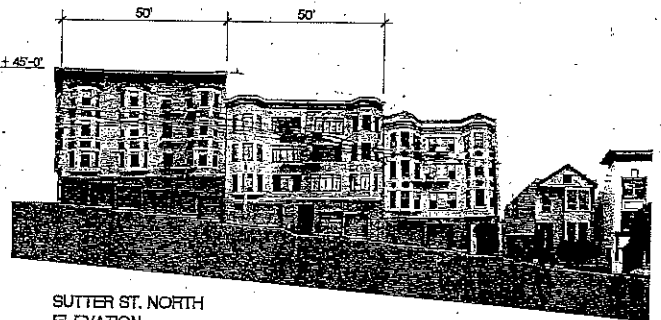




PRESIDIO AVE. EAST
ELEVATION



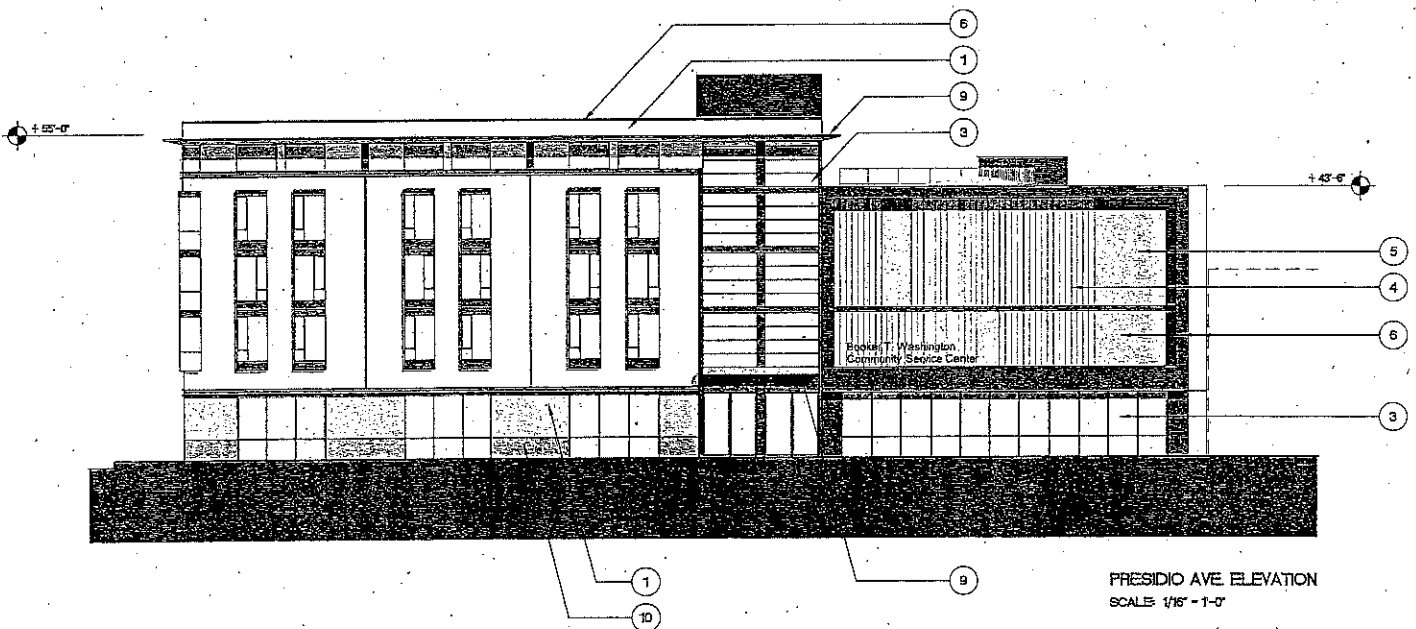
SUTTER ST. SOUTH
ELEVATION



SUTTER ST. NORTH
ELEVATION

LEGEND:

- | | |
|---|--|
| ① EXTERIOR PLASTER ON CAVITY WALL | ⑦ CAST IN PLACE CONCRETE |
| ② HARDIE PLANK ON CAVITY WALL | ⑧ GUARDRAIL VERT. PTD STL. POCKET, TOP + BOT. RAIL |
| ③ 1" INSULATED GLASS UNIT W/ ALUM. FRAME | ⑨ PROJECTED CORNICE W/ MTL. PANEL FINISH |
| ④ DOUBLE GLAZED TRANSLUCENT CHANNEL GLASS W/ INSULATION | ⑩ EXTERIOR TILE |
| ⑤ INSULATED METAL PANEL | ⑪ CAST CONCRETE |
| ⑥ METAL PANEL | ⑫ HIGH DENSITY PHENOLIC RESIN PANEL W/ WOOD FINISH |



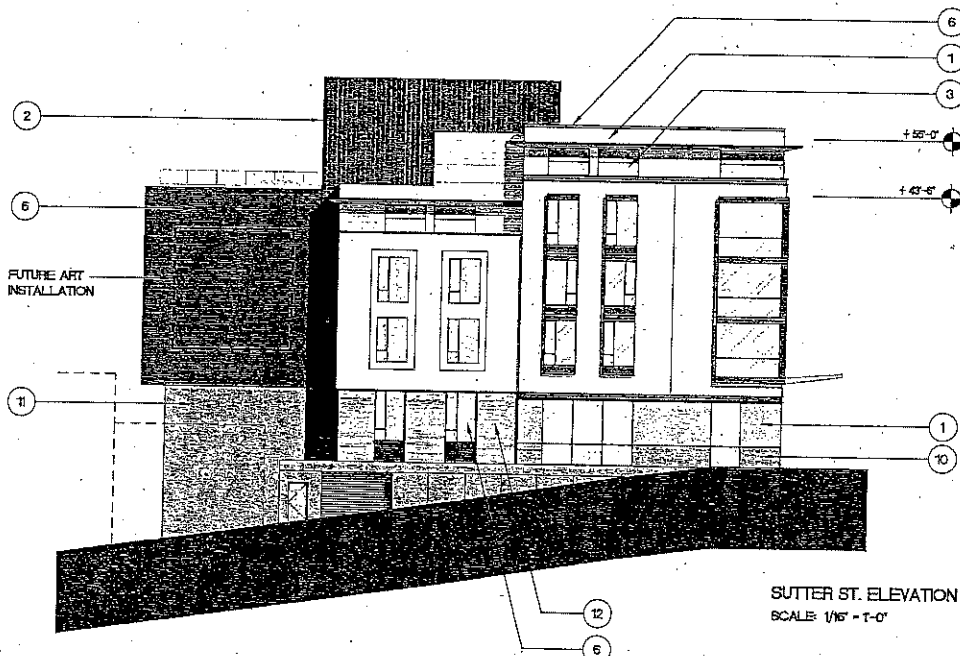
PRESIDIO AVE ELEVATION
SCALE: 1/16" = 1'-0"

1353

A15

LEGEND:

- ① EXTERIOR PLASTER ON CAVITY WALL
- ② HARDIE PLANK ON CAVITY WALL
- ③ 1" INSULATED GLASS UNIT W/ ALUM. FRAME
- ④ DOUBLE GLAZED TRANSLUCENT CHANNEL GLASS W/ INSULATION
- ⑤ INSULATED METAL PANEL
- ⑥ METAL PANEL
- ⑦ CAST IN PLACE CONCRETE
- ⑧ GUARDRAIL VERT. FTD STL. PICKET, TOP + BOT. RAIL
- ⑨ PROJECTED CORNICE W/ MTL. PANEL FINISH
- ⑩ EXTERIOR TILE
- ⑪ CAST CONCRETE
- ⑫ HIGH DENSITY PHENOLIC RESIN PANEL W/ WOOD FINISH

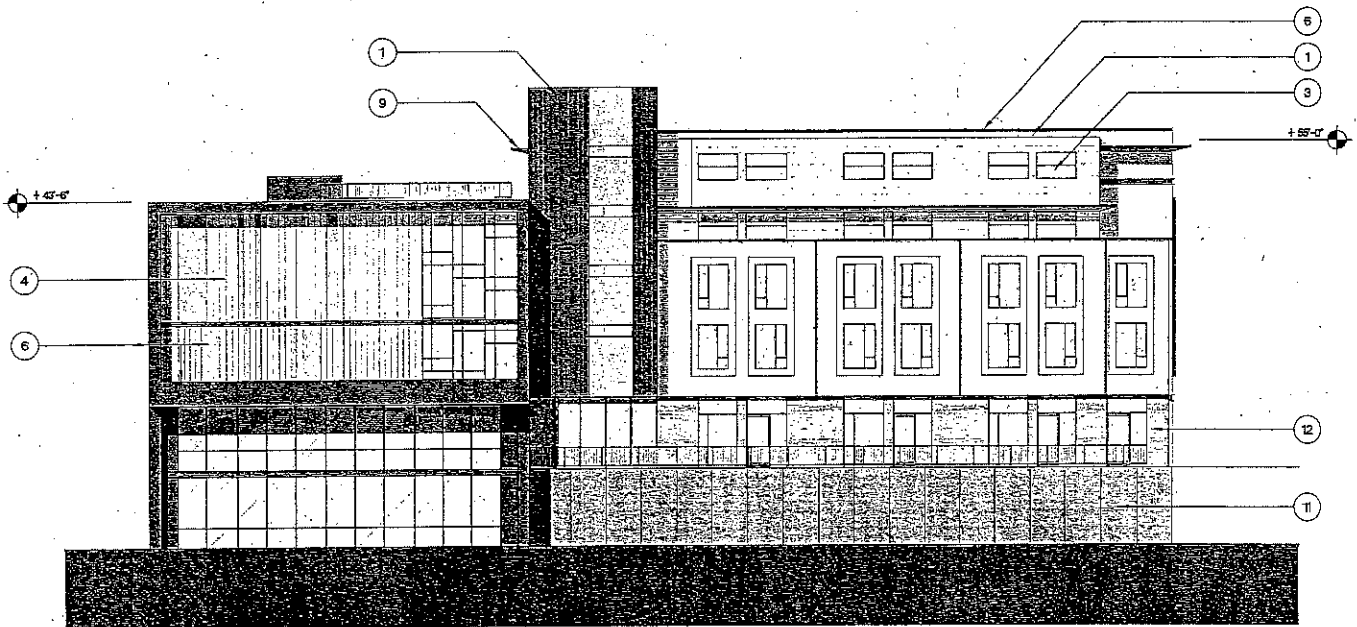


1354

SUTTER ST. ELEVATION
SCALE: 1/16" = 1'-0"

LEGEND:

- ① EXTERIOR PLASTER ON CAVITY WALL
- ② HARDIE PLANK ON CAVITY WALL
- ③ 1" INSULATED GLASS UNIT W/ ALUM. FRAME
- ④ DOUBLE GLAZED TRANSLUCENT CHANNEL GLASS W/ INSULATION
- ⑤ INSULATED METAL PANEL
- ⑥ METAL PANEL
- ⑦ CAST IN PLACE CONCRETE
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- ⑪ CAST CONCRETE
- ⑫ HIGH DENSITY PHENOLIC RESIN PANEL W/ WOOD FINISH

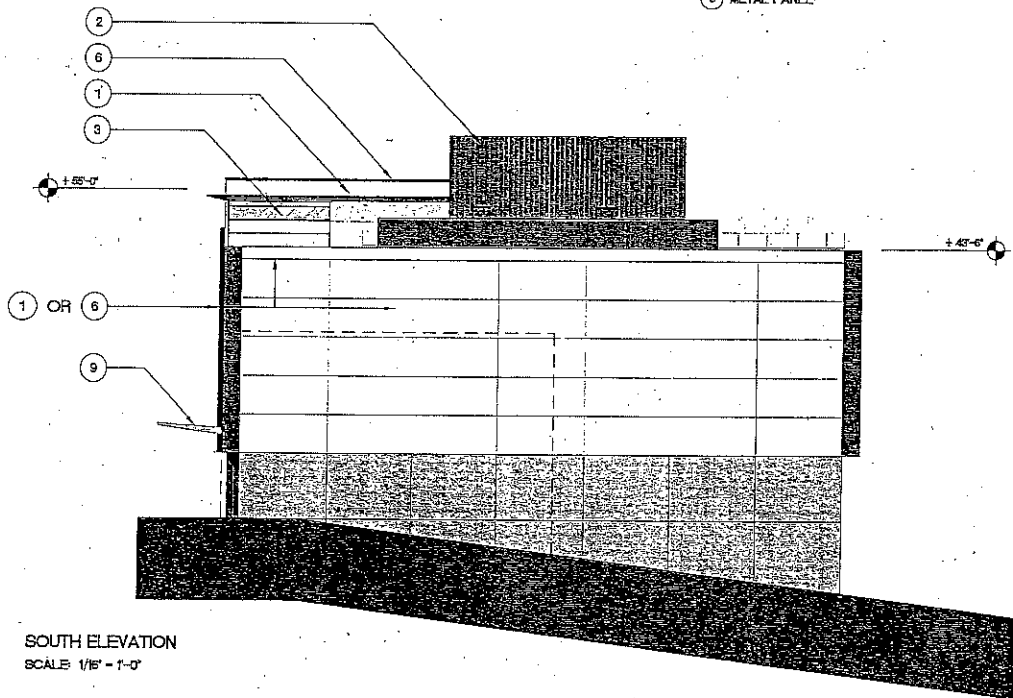


REAR YARD ELEVATION
SCALE: 1/16" = 1'-0"

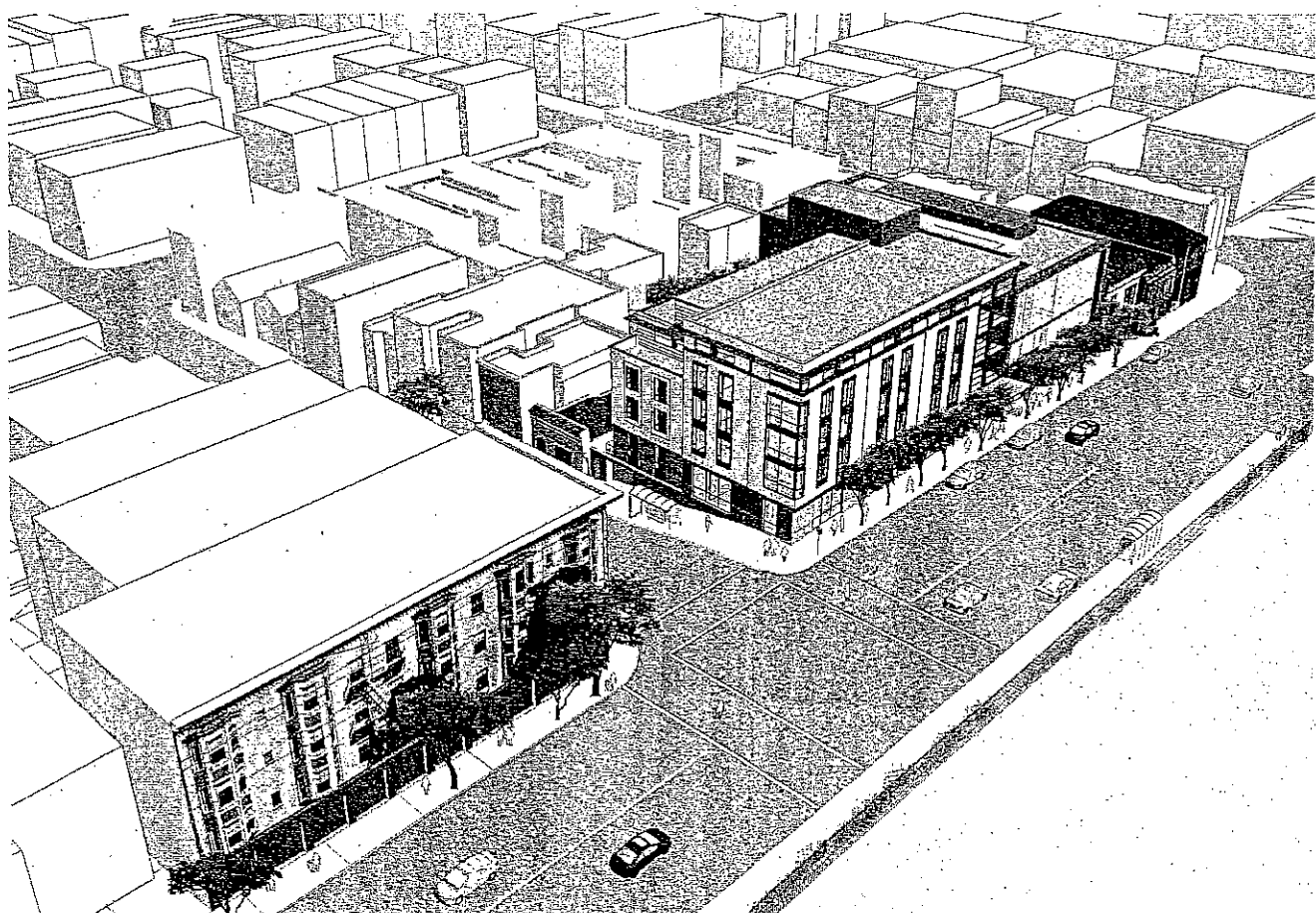
1355

LEGEND:

- ① EXTERIOR PLASTER ON CAVITY WALL
- ② HARDIE PLANK ON CAVITY WALL
- ③ 1" INSULATED GLASS UNIT W/ ALUM. FRAME
- ④ DOUBLE GLAZED TRANSLUCENT CHANNEL GLASS W/ INSULATION
- ⑤ INSULATED METAL PANEL
- ⑥ METAL PANEL
- ⑦ CAST IN PLACE CONCRETE
- ⑧ GUARDRAIL VERT. PTD STL. PICKET, TOP + BOT. RAIL
- ⑨ PROJECTED CORNICE W/ MTL. PANEL. FINISH
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- ⑪ CAST CONCRETE
- ⑫ HIGH DENSITY PHENOLIC RESIN PANEL W/ WOOD FINISH

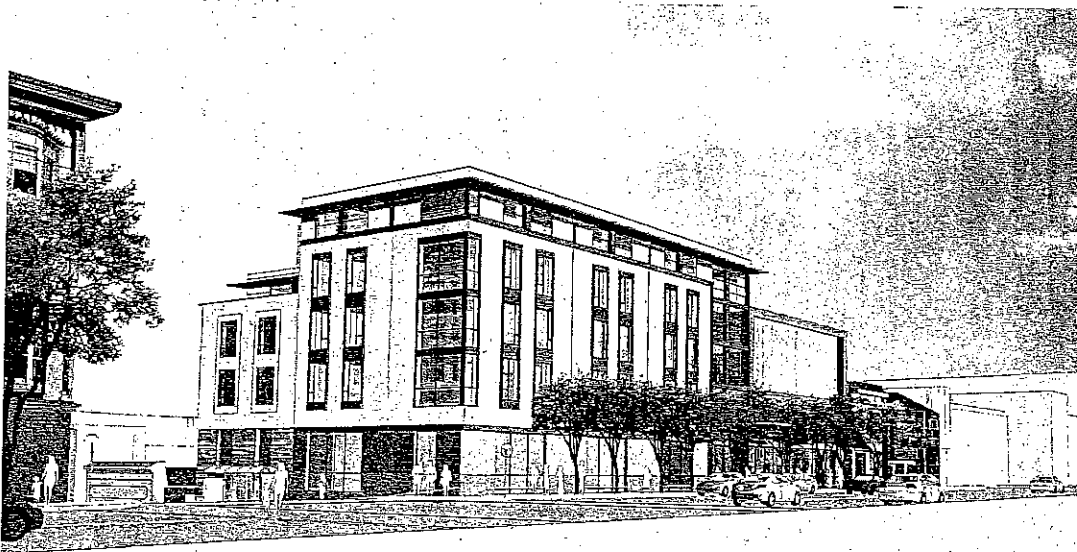


SOUTH ELEVATION
SCALE: 1/16" = 1'-0"



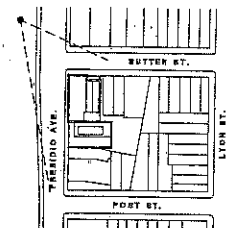
BIRDS-EYE VIEW FROM PRESIDIO AVE.

1357



VIEW FROM PRESIDIO AVE.

1358



A20



VIEW FROM PRESIDIO AVE. / POST STREET

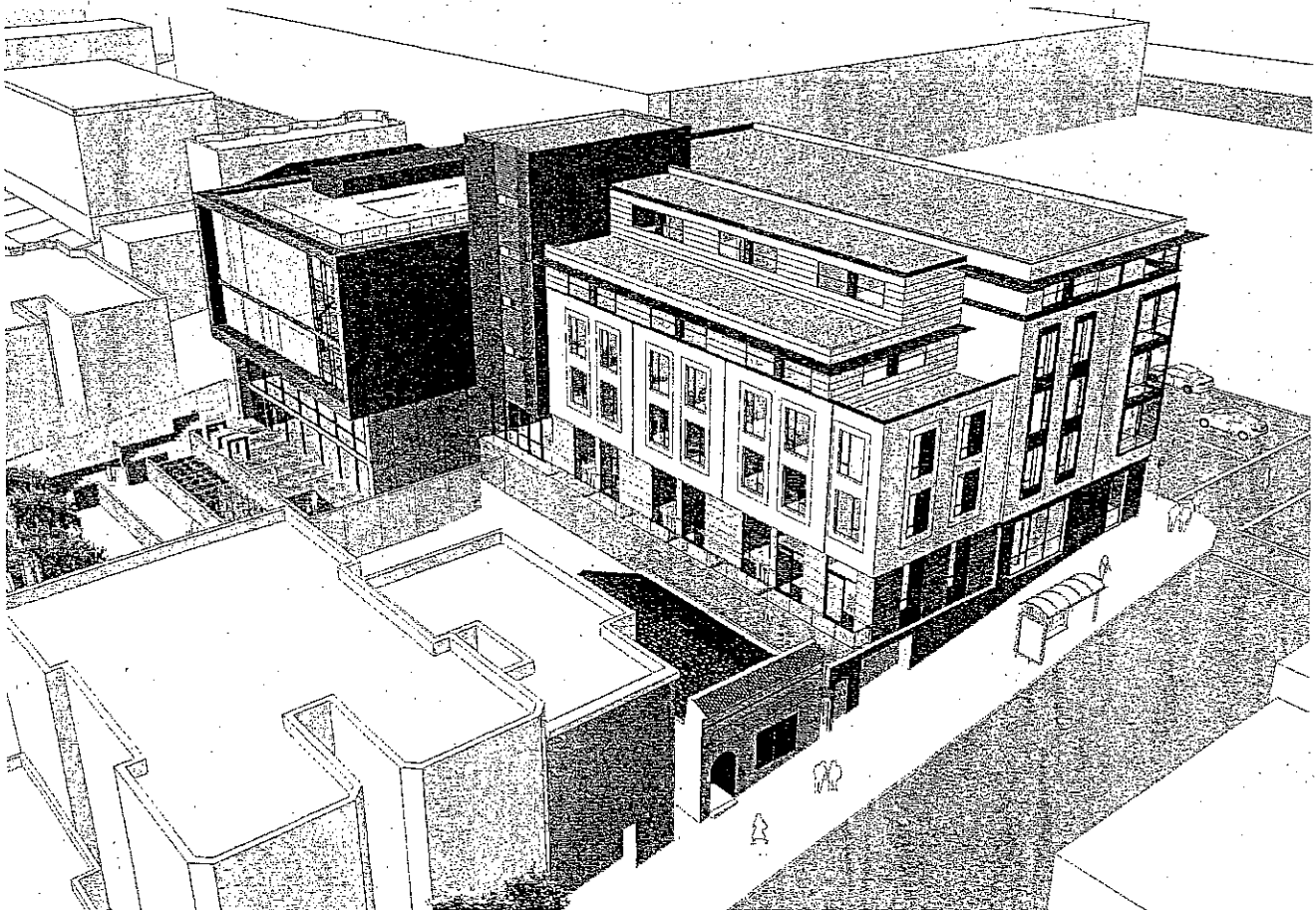
1359



VIEW FROM BUTTER STREET

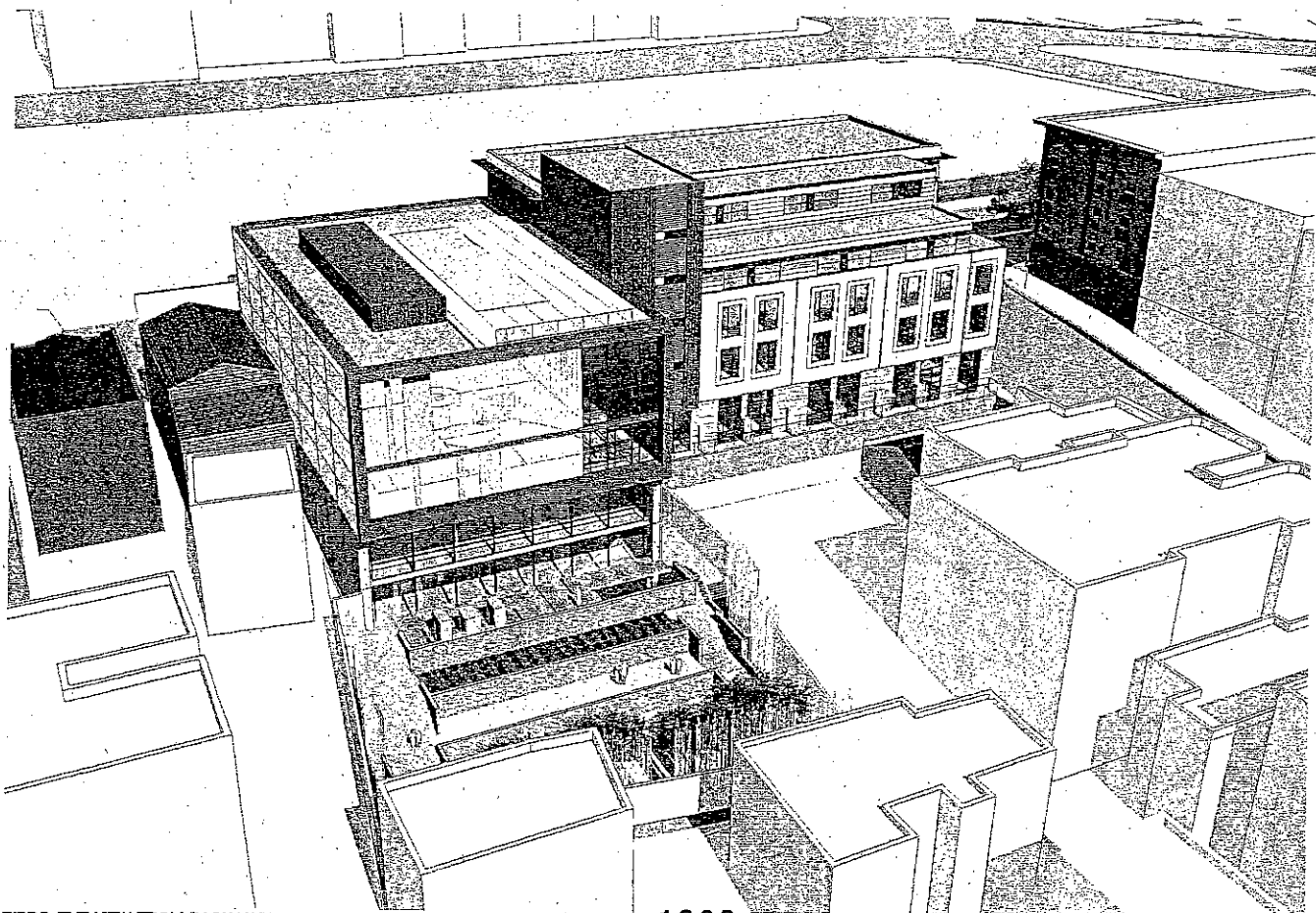
1360

A22



BIRDS-EYE VIEW FROM SUTTER STREET

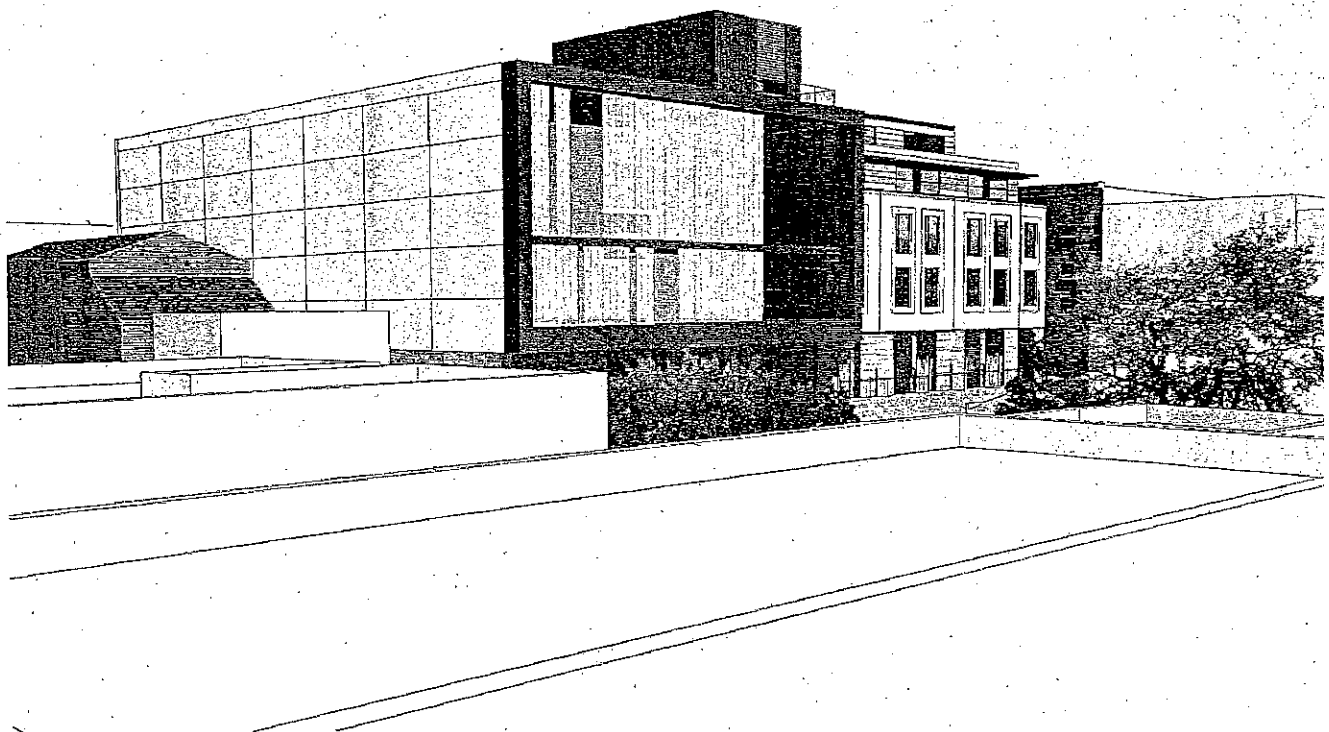
1361



BIRDS-EYE VIEW FROM BACK YARD

1362

A24



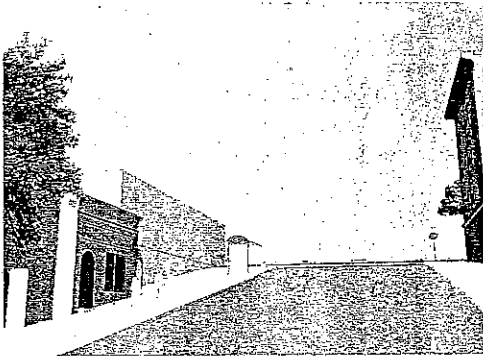
VIEW FROM POST STREET, VIEWPOINT 45° ABOVE STREET LEVEL

1363

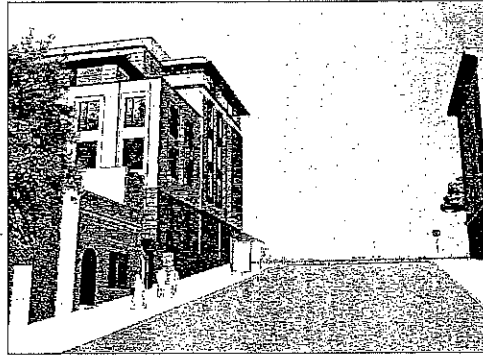


EW FROM MASONIC AVE. (SIDEWALK)

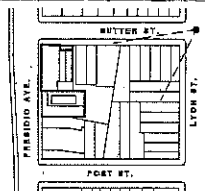
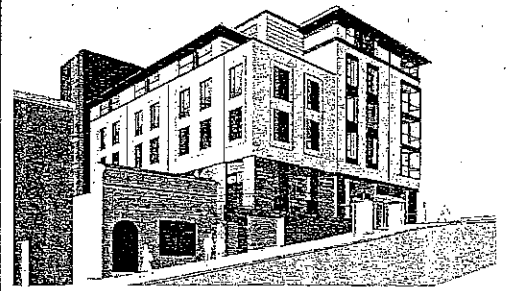
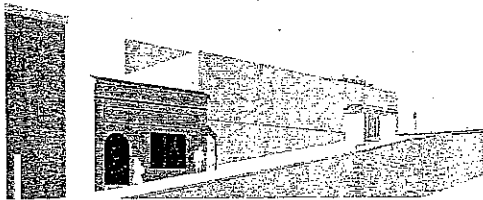
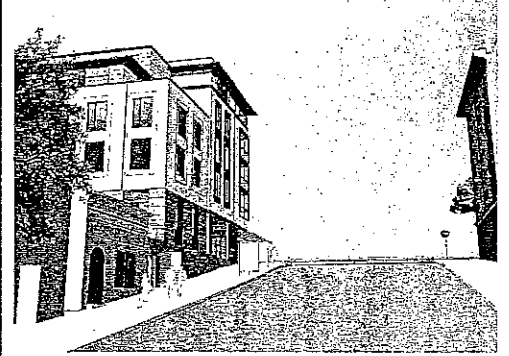
EXISTING BTW COMMUNITY CENT (SUTTER ST)



ALLOWABLE MASSING (SUTTER ST)



CURRENT DESIGN (SUTTER ST)





SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion No. 18342

Hearing Date: April 28, 2011
Case No.: 2006.0868CEKTZ
Project Address: 800 PRESIDIO AVENUE
Zoning: Presidio-Sutter Special Use District
 RM-1 (Residential, Mixed, Low-Density) District
 40-X/55-X Height and Bulk District
Block/Lot: 1073/013
Project Sponsor: Booker T. Washington Community Service Center
 800 Presidio Avenue
 San Francisco, CA 94115
Sponsor Contact: Alice Barkley, Esq. – (415) 356-4635
Staff Contact: Glenn Cabrerros – (415) 558-6169
glenn.cabreros@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 304 TO ALLOW CONSTRUCTION OF A 55-FOOT TALL PLANNED UNIT DEVELOPMENT CONTAINING COMMUNITY FACILITIES AND A FIVE-STORY, RESIDENTIAL BUILDING WITH UP TO 50 AFFORDABLE HOUSING UNITS WITHIN THE RM-1 (RESIDENTIAL, MIXED, LOW-DENSITY) DISTRICT, THE PRESIDIO-SUTTER SPECIAL USE DISTRICT AND A 40-X/55-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On March 16, 2011, Alice Barkley (hereinafter "Project Sponsor") for Booker T. Washington Community Service Center (hereinafter "BTWCSC") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 303 and 304 allow construction of a 55-foot tall, planned unit development containing community facilities and a five-story residential building with up to 50 affordable housing units within the RM-1 (Residential, Mixed, Low-Density) District, the Presidio-Sutter Special Use District and a 40-X/55-X Height and Bulk District.

On January 25, 2008, the Department conducted a shadow study, Case No. 2006.0868K, for the project pursuant to Planning Code Section 295 and found that the project would not cast shadows any Recreation and Park Department properties.

On April 28, 2011, the San Francisco Planning Commission (hereinafter "Commission"), by Motion No. 18340 certified the Final Environmental Impact Report, Case No. 2006.0868E, for the project at 800 Presidio Avenue.

On April 28, 2011, the Commission adopted Resolution No. 18341, Case No. 2006.0868TZ, on April 28, 2011 adopting CEQA findings for the project, recommending the Board of Supervisors adopt the text change and map amendments to create the Presidio-Sutter Special Use District and amending the height and bulk limits to 40-X/55-X; and,

On April 28, 2011, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2006.086C requesting authorization to construct a Planned Unit Development.

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

MOVED, that the Commission hereby authorizes the Conditional Use for a Planned Unit Development requested in Application No. 2006.0868C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the east side of Presidio Avenue between Sutter Street and Post Street on Lot 013 is Assessor's Block 1073. The property is located within the RM-1 (Residential, Mixed, Low-Density) District, the Presidio-Sutter Special Use District and a 40-X/55-X Height and Bulk District. The property is within the Western Addition neighborhood and is developed with a one-story over partial basement building containing a community facility for BTWCSC. The project site occupies over 50 percent of the length of the block-face along Presidio Avenue. The site slopes downward to the east along Sutter Street and is fairly flat along Presidio Avenue. The subject lot is a large L-shaped lot, over a half-acre in size, containing 22,360 square feet.
3. **Surrounding Properties and Neighborhood.** The project site is located at the westernmost portion of the Western Addition neighborhood. The project site is within four blocks or less from the Pacific Heights neighborhood to the north, the Presidio Heights neighborhood to the west

and the Inner Richmond neighborhood to the southwest. Directly west and across the street from the project site is a "super-block", spanning the length of three standard-sized lots along Presidio Avenue from Geary Boulevard to Bush Street and containing a MUNI bus yard. The southern portion of the bus yard is developed with a tall two-story bus garage. Directly north and across Sutter Street from the project site is a large, 45-foot tall, four-story multi-unit apartment building. Directly east and adjacent to the project site's eastern property line is a one-story, single-family residence located downhill from the site along Sutter Street. Directly south and adjacent to the project site's southern property line is a lot containing two residential buildings with a total of three dwelling units; one of the residential buildings is a tall two-story, two-unit building fronting Presidio Avenue. Other lots on the subject block and downhill from the project site contain a mix of residential buildings from single-family residences to multi-unit apartment buildings, mostly ranging from two- to four-stories tall and of varied architectural styles.

4. **Project Description.** The project proposes to demolish an existing 31-foot tall, one-story-over-partial-basement building, and to construct a five-story-over-basement, 55-foot tall mixed-use building. The project proposes to construct a state-of-the-art community facility space to support BTWCSC's programs (which are targeted at at-risk youth), a gymnasium, and 50 units of housing, of which 24 units are affordable to low income households and 24 units are for low and very low income transitional age youth.

The approximately 68,206 gross square foot (gsf) mixed-use building would contain a 7,506 gsf, 175-seat gymnasium, 11,529 gsf of program space, a 1,691-sf child care center for 24 children, up to 50 units of affordable housing with supportive service space, building storage, and a basement garage containing 21 off-street parking spaces. The housing component and the community service space would have a shared entrance on Presidio Avenue.

5. **Public Comment.** The Commission heard and considered the testimony presented to it at the public hearing and also considered written materials and oral testimony presented by the applicant and other interested parties, including neighborhood residents and groups. The Commission also considered written testimony from Supervisor Mark Farrell, District 2, opposing the project (with five stories and 50 units); however supporting a reduced project of four stories, 41 units and to a height of 45 feet.
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. **Presidio-Sutter Special Use District (SUD).** Planning Code Section 249.53 establishes the Presidio-Sutter SUD which allows affordable housing projects, with Commission approval, an increase in height above 40 feet and an increased dwelling unit density when 60 percent of the dwelling units are permanently affordable.

The project is proposed to contain up to 50 permanently affordable housing units; thus the Commission may approve the increased height and unit density for the project.

- B. **Rear Yard and Dwelling Unit Exposure.** Planning Code Section 134 requires a rear yard equal to 45-percent of the lot depth. Planning Code Section 140 requires every dwelling unit to face onto a Code-complying rear yard or a 25-foot wide street or side yard. Per Planning Code Section 304, the Commission in considering a Planned Unit Development may approve exceptions to Planning Code requirements in order to achieve an outstanding overall design.

As it is desirable to place the residential component of the project at the corner of Presidio Avenue and Sutter Street (See "Conditional Use Findings" below), the required rear yard depth of 21 feet for the portion of the lot that measures approximately 84 feet along Sutter Street is not provided. As a Code-complying rear yard is not provided behind the residential component of the project, 21 units along the rear of the building do not meet the dwelling unit exposure requirement. Although the rear yard and dwelling unit exposure requirements are not met, the placement of the residential uses and the design of the residential structure are found to be desirable. The residential uses and building design in combination with the large lot size and odd lot shape are found to produce an overall project design that is appropriate for the neighborhood character, the adjacent residential buildings and the protection of the mid-block open space/rear yard area.

- C. **Parking.** Planning Code Section 151 requires one parking space for every 15 seats for stadium/sports arena use (gymnasium) and one space for each 2,000 square feet of art/activities space (community facilities) where the occupied floor area exceeds 7,500 square feet. For child care facilities, parking is not required for facilities for 24 or less children. Off-street parking is not required for affordable housing units.

A 21-space parking garage containing 18 required parking spaces per Planning Code Section 151 and 3 accessory spaces as allowed per Planning Code Section 204.5 is proposed. The project contains a 175-seat gymnasium requiring 12 off-street parking spaces and a 10,175 square foot (occupied floor area) community facility space requiring 5 spaces. One (1) car share space is required for residential buildings with 50 to 200 units. Beyond the required number of parking spaces, three accessory parking spaces are provided: one additional car share space and two spaces for the two managers' units.

- D. **Bicycle Parking.** Planning Code Section 155.5 requires one Class 1 bicycle parking space per every two dwellings units for projects with up to 50 dwelling units.

The project proposes the 25 required Class 1 bicycle parking spaces within the basement level garage.

- E. **Car Sharing.** Planning Code Section 166 requires one car share parking space for project with 50-200 dwelling units.

The project proposes two car share spaces in the basement level. One car share space is required by the Planning Code, and a second car share space is allowed as an accessory parking use per Planning Code Section 204.5.

7. **Conditional Use Findings:** Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

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

The proposed uses will provide for the continuation of a long-standing community service center with an expanded, modern facility serving the low and very low income population. The affordable housing component at the density proposed, especially the dwelling units for at-risk emancipated foster care youth, is needed by the City and will diversify the City's housing stock.

The project's siting, size, massing and scale have been designed to be harmonious with the street face along Presidio Avenue, while transitioning to the finer-scaled residential buildings along Sutter Street. The siting of the five-story, residential building at the corner of Presidio Avenue and Sutter Street is consistent with the pattern of larger-scaled, multi-unit buildings found on corner lots in the immediate neighborhood. As is typical in most residential neighborhoods throughout the City, large corner buildings often serve as structures that define and anchor city blocks. The project location is desirable as it is located where the Western Addition neighborhood transitions into the neighborhoods of Pacific Heights, Presidio Heights and the Inner Richmond, thus enhancing the diversity of housing types integrated into the City's existing neighborhoods. Therefore, the project's use and location are necessary and desirable for the neighborhood and the City at large.

B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The residential component of the project is placed on the corner of Presidio Avenue and Sutter Street which is consistent with the pattern of larger residential buildings typically found on corners/intersections within residential districts. The wide residential façade along Presidio Avenue is derived from the urban form and patterns created by other wide, corner buildings along Presidio Avenue in the immediate vicinity. The location of the gymnasium provides for a shorter building form that steps down to the two-story residential building along Presidio Avenue and directly south of the project. The height and scale of the project balances out the arrangement of structures at the intersection as a wide, 45-foot tall apartment building along Presidio Avenue exists across Sutter Street from the project. At the Sutter Street façade, the project width is modulated to address the pattern of narrower lot widths and building forms along Sutter Street. Building setbacks along the Sutter Street façade are proposed to address the finer-grained, residential-scaled buildings that abut the project site's east property line. Setbacks at the upper floors at the rear of the residential component of the project are proposed to provide a more

residential-scale to the building and to reduce the visual impact of the rear façade to the mid-block open space and abutting rear yards.

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

The project's single garage entrance will be located off Sutter Street east of the MUNI line No. 2 bus stop. Vehicular access to the project's garage is appropriately located from Sutter Street, as it does not interfere with the entrance to the MUNI Bus Yard or traffic along Presidio Avenue, which is more heavily trafficked. The project provides the required amount of parking spaces as specified by the Planning Code. With respect to the proposed residential component, typically tenants of affordable housing do not have sufficient income to own and operate a car. The project is located in a transit-rich area, well-served by public transportation and is in keeping general planning principles that higher density projects should be located where public transit is easily accessible. The parking proposed at the project reasonable and in keeping with the City's Transit First Policy. Furthermore, the project's Environmental Impact Report has fully analyzed the project's impact on traffic and parking. Implementation of the improvement measures identified in the DEIR will ensure that any passenger pick-up will not affect the afternoon/evening peak hour traffic on Presidio Avenue. These improvement measures will help to diminish minor vehicular conflicts noted in the DEIR. BTWCSC will encourage the attendees, volunteers and staff to use public transit.

Attendees of the project's afterschool program arrive by school bus, public transit or on foot, arriving between 1:30 PM and 2:30 PM. Pick-up occurs during the PM peak period. To ensure that the current white zone is utilized appropriately without creating traffic conflicts, BTWCSC will implement a community center safety program which will focus on cars picking up students and pedestrians crossing Presidio Avenue and Sutter Street from 4 PM to 6 PM. BTWCSC will request a white zone in front of the center to facilitate drop-offs and pick-ups. The Transportation Study and the EIR concluded that with the implementation of improvement measures, the additional programs will not create traffic problems.¹

The addition of the residential component will not adversely affect on-street parking availability because the income of the residents, (ranging from 30% to 60% of the City's median income) historically precludes automobile ownership. To promote the City's transit first policy, only 21 off-street parking spaces will be provided, of which 18 spaces will meet the Planning Code requirement for a community facility. Three spaces beyond the 18 spaces required are proposed to provide a parking space for each of the two managers and one additional car share space. The basement parking level will include secure parking space for 25 bicycles for the residents.

¹ A Transportation Study dated May 4, 2010, prepared by EAS is part of the environmental review for this project. This study concludes that the project will have no significant project-related or cumulative effect on transportation and traffic. A copy of the Transportation Study is part of the Planning Department's environmental review file.

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

Noxious or offensive emissions are not associated with residential or community facility uses. The intermittent use of the rear yard area and noise associated with such use would occur during daylight hours. Noise from recreational use is temporary and intermittent and is not found to be significant. Other potential noise generated by the community facility would not be significant as the gymnasium component of the project occurs within the interior of the building. Glare from the community center, particularly nighttime lighting, is proposed to be addressed by the selection of glazing materials to diffuse indoor lighting necessary for the gymnasium. No reflective glass will be used in order to minimize glare. The lighting will not produce glare that would be offensive to nearby residences. A double-glazed translucent channel glass system will mute the interior gymnasium lights. The channel glass system also has an acoustical rating to minimize noise from the gymnasium. All interior and exterior lighting will direct illumination downward and minimize impact on the night sky and nearby residences. Activities associated with the community center are not proposed to be late night activities, so ambient light to the mid-block open space should not occur late at night.

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

Large areas of the current rear yard conditions are paved to provide playground areas; however the project proposes to remove the paved areas and proposes landscaped areas and recreational areas that have more permeable surfaces. A portion of the rear yard will include a vegetable garden and other educational elements for the after-school program. The proposed treatment of the project's rear yard would be a positive contribution to the quality of the mid-block open space and the abutting residential rear yards. New street trees are proposed along Presidio Avenue, while no street trees are proposed along Sutter Street due to the MUNI bus shelter, underground utilities and the garage access. The required parking is screened from view by a garage door, and parking is proposed within the basement level.

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

The project complies with the relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

- D. That the use as proposed would provide development that is in conformity with the purpose of the Presidio-Sutter Special Use District.

The proposed project is consistent with the stated purpose of Presidio-Sutter Special Use District. The project will allow for the continued services of a long-established community service center and provides needed affordable housing for emancipated youth and low to very low income households.

8. **Planned Unit Development Findings:** Planning Code Section 304 sets forth criteria, which must be met before the Commission may authorize a Conditional Use for a Planned Unit Development. This project generally complies with all applicable criteria:

- A. The development shall affirmatively promote applicable objectives and policies of the General Plan.

See "General Plan Compliance" findings below.

- B. The development shall provide off-street parking adequate for the occupancy proposed.

The project currently proposes 18 parking spaces as required by the Planning Code and three (3) accessory parking spaces as allowed by the Planning Code for a total of 21 off-street parking spaces. Off-street parking is not required by the Planning Code for affordable housing units. Adverse impacts to the neighborhood's off-street parking spaces are not found to be significant, as low-income residents of affordable housing projects typically do not own cars.

- C. The development shall provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open space required by the Planning Code.

The 50-unit residential component of the project requires approximately 6,650 square feet of common useable open space per Planning Code Section 135. The project proposes approximately 2,500 square feet of common open space on a roof deck. While the project is deficient 4,150 square feet in common useable open space, the community center offers a 7,506 square foot gymnasium available for use by the residents of the project. Access to the rear yard area is not proposed to be made available to the residents of the project, as the rear yard is proposed to be used by the after-school program and the teen center. BTWCSC has decided not to provide residential access to the rear yard, as this presents a potential liability issue, since BTWCSC is responsible for minors attending the facility.

- D. The development shall be limited in dwelling unit density to less than the density that would be allowed by Article 2 of this Code for a district permitting a greater density, so that the PUD will not be substantially equivalent to a reclassification of property.

The project is within the Presidio-Sutter Special Use District, which allows for increased dwelling unit density beyond that allowed conditionally under the Planning Code provided that 60 percent of the total units are permanently affordable housing. The project is consistent with the Presidio-Sutter Special Use District, as all dwelling units are proposed to be affordable housing units.

- E. The development shall include commercial uses only to the extent that such uses are necessary to the serve residents of the immediate vicinity.

Commercial uses are not proposed as part of the project; however the ground floor of the project is primarily devoted to community activities and uses. See "Community Facilities Element" findings below.

- F. The development shall under no circumstances be excepted from any height limit.

The project is within the Presidio-Sutter Special Use District and a 40-X/55-X height limit. Under the provisions of the Presidio-Sutter Special Use District, the Planning Commission may approve a height increase above 40 feet provided the project includes an affordable housing component.

- G. Provide street trees as required by the Code.

The project proposes nine street trees along Presidio Avenue as required by Code. Four street trees are required along Sutter Street; however street trees are not proposed along Sutter Street due to the location of a MUNI bus shelter, utilities and garage access. Ultimately, the appropriate number and location of street trees falls under the jurisdiction of the Department of Public Works.

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

URBAN DESIGN ELEMENT

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: Recognize and reinforce the existing street pattern, especially as it is related to the topography.

The project's residential component at a height of 55 feet will be taller than the 45-foot tall building across Sutter Street, and the 43-foot tall gymnasium component will be about 20 feet taller than the building to the south on Presidio Avenue. As discussed above, the project will step down to the east to reflect the slope of Sutter Street. While the project is taller than the surrounding buildings, it recognizes and reinforces the existing street pattern and topography.

Policy 3: Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

The project is of a modern architectural style that relates positively to the nearby residential buildings. The project is grounded in the common rhythms and elements of architectural expression found in the surrounding neighborhood. The massing of the project is broken down to reflect the patterns of each block face with larger massing elements facing Presidio Avenue, a 60-foot wide avenue, and smaller massing facing Sutter Street, a 38-foot wide city street. The composition of each massing element relies on the predominant building proportions (base, middle and top) found on other buildings in the area. The scale is broken down further with vertically oriented windows, belt courses, and a strong cornice as found in many other building in the neighborhood. The project will complement and be harmonious with the surrounding neighborhood character.

OBJECTIVE 3:

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

Policy 1: Promote harmony in the visual relationship and transitions between new and older buildings.

Beyond the massing and architectural features described in Objective 1, Policy 3, the project will relate to the massing of the neighborhood buildings. The massing on the Sutter Street facade of the building will be divided into two segments reflecting the width of the neighboring buildings. The segment adjacent to the building immediately to the east will be set back 10 feet at the residential level from the property line demising the two buildings. The street face of the building will be set back 11 feet at the fourth floor providing a three-story expression at Sutter Street. The fifth floor massing will be set back an additional 15 feet from the main rear facade.

The massing along Presidio Avenue is divided into three components: residential, building entrance and community center/gymnasium. The residential component reflects the massing of the residential building across Sutter Street and is terminated by the vertical entry articulation. The community center will drop approximately 11 feet in height from the entrance element and will provide a transition to the lower neighboring building to the south. This massing strategy will provide a transition between new and old buildings as seen in the pattern of other buildings in the neighborhood.

Policy 6: Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

See Objective 1 Policy 3 and Objective 3 Policy 1, above, for a description of how the bulk and massing of the building relates to the neighborhood.

Policy 7: Recognize the special urban design problems posed in development of large properties.

Some of the design problems typically occurring in larger urban developments are addressed by the project by responding to the visual character of the neighborhood with regard to the project's site design and the building scale and form. The project building will draw from elements that are common to the block including a base-middle-top configuration, and architectural elements such as vertically-oriented windows, belt courses and strong projecting cornices. Additional problems often occur at the base of larger developments where multiple garage entrances dominate the pedestrian level as seen in many large residential buildings in the neighborhood. The base of the project building will have one garage entrance on Sutter Street. The shared entrance and storefront-style windows that make up the balance of the sidewalk frontage on Presidio Avenue will create a stronger relationship to the street. The massing of the building will reflect the site characteristics of the existing topography and will not obscure any public views. The massing of the proposed building will reflect the pattern of each block-face with a larger massing on Presidio Avenue and massing that is narrower and descending on Sutter Street similar to the buildings directly across from the project site on Sutter Street.

Policy 3: Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.

BTWCSC is an integral part of the neighborhood even though its current institutional design — *when compared to the character of the immediately surrounding residential buildings — does not positively contribute to the neighborhood character. The project has been divided into segments to reflect the proportion and scale of nearby existing residential buildings, and the project's architectural style complements the older residential buildings as well as the newer mixed-use and commercial buildings in the neighborhood. The project is designed so that the massing, bulk, height, design, color, shape and other features will be contextually more appropriate in the neighborhood than the current one-story building.*

OBJECTIVE 4:

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

Policy 1: Protect residential areas from the noise, pollution and physical danger of excessive traffic.

The Transportation Study for the Draft Environmental Impact Report concluded that the project will not generate excessive traffic. The San Francisco Noise Ordinance (Police Code Article 29) and Title 24 of the California Building Code will ensure that the nearby residences will not be exposed to excessive noise. The project sponsor is developing proposed "House Rules," which will be presented to the Commission at the hearing. As a mixed use residential and community service center, the project will not cause pollution. Therefore, the project will not expose the nearby residential areas to noise, pollution or the physical danger of excessive traffic.

Policy 3: Provide adequate lighting in public areas.

The use of glazed elements on the ground floor and the residential units above will provide "eyes on the street" and will increase pedestrian safety and comfort. The community center component will consume less environmental resources than the current building. The ground floor community service space will provide additional lighting for pedestrians during the early evening hours in the winter.

Policy 10: Encourage or require the provisions of recreation space in private development.

The project will include both indoor and outdoor recreational space for the residents by providing common usable open space for the residents on a roof deck and terraced outdoor space for the community service center and for the childcare center in the rear yard.

Policy 12: Install, promote and maintain landscaping in public and private areas.

The rear yard will be landscaped and a landscaping plan will be provided to the Planning Department for review and approval. Any street trees removed during construction will be replaced as approved by Department of Public Works.

2004 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 1.4: Locate in-fill housing on appropriate sites in established residential neighborhoods.

The project site is a large under-developed lot in an established residential neighborhood. The addition of a residential component to the replacement facility for BTWCSC is appropriate and promotes this policy.

Policy 1.6: Create incentives for the inclusion of housing, particularly permanently affordable housing, in new commercial development projects.

The Presidio-Sutter Special Use District (SUD) allows increased density for permanently affordable housing. The incentive bonus provided for height and density by the SUD is calibrated by a percentage of affordable housing units provided on site. The City has consistently identified the need for affordable housing units. The project will provide up to 50 new permanently affordable housing units in an area easily accessed by public transit.

OBJECTIVE 4:

SUPPORT AFFORDABLE HOUSING PRODUCTION BY INCREASING SITE AVAILABILITY AND CAPACITY.

Policy 4.1: Actively identify and pursue opportunity sites for permanently affordable housing;

The BTWCSC site, located in a residential area, is currently underutilized and can accommodate a residential component with permanently affordable housing units, which is consistent with this policy.

Policy 4.3: Encourage the construction of affordable units for single households in residential hotels and "efficiency" units.

Except for two manager units, the project proposes 48 studio units, thus promotes this policy.

Policy 4.4: Consider granting density bonuses and parking requirement exemptions for the construction of affordable housing or senior housing.

The project is located in the Presidio-Sutter Special Use District, which allows a density bonus for the construction of housing affordable to very low income households and individuals. The Planning Code does not require off-street parking for affordable housing units

OBJECTIVE 5:

INCREASE THE EFFECTIVENESS AND EFFICIENCY OF THE CITY'S AFFORDABLE HOUSING PRODUCTION SYSTEM.

Policy 5.2: Support efforts of for-profit and non-profit organizations and other community based groups and expand their capacity to produce and manage permanently affordable housing.

The project is sponsored by the BTWSCS, a community-based organization that has continuously served San Francisco for more than 90 years. BTWSCS has entered into an agreement with the John Steward Company (JSCO), a firm with demonstrated ability to develop and manage affordable housing projects. The partnership with JSCO will enable BTWSCS to gain experience and the capacity to manage permanently affordable housing projects.

OBJECTIVE 8:

ENSURE EQUAL ACCESS TO HOUSING OPPORTUNITIES.

Policy 8.1: Encourage sufficient and suitable rental housing opportunities and emphasize permanently affordable rental units wherever possible.

The housing units in the project will be rental units that are permanently affordable and will promote this objective and policy.

Policy 8.6: Increase the availability of units suitable for users with supportive housing needs.

Of the 48 studio units, 24 will be transitional housing designated for emancipated foster youth, who will require on-site counseling and other supportive services to transition to independent living and to successfully integrate into society.

OBJECTIVE 10:

REDUCE HOMELESSNESS AND THE RISK OF HOMELESSNESS IN COORDINATION WITH RELEVANT AGENCIES AND SERVICE PROVIDERS.

Policy 10.1: Focus efforts on the provisions of permanent affordable and service-enriched housing to reduce the need for temporary homeless shelters.

Policy 10.2: Aggressively pursue other strategies to prevent homelessness and the risk of homelessness by addressing its contributory factors.

Policy 10.4: Facilitate childcare and educational opportunities for homeless families and children.

The housing and services provided by BTWSCS have been designed to provide the tenants a stable residential environment, career counseling, educational and specialized employment skills, tutoring, childcare services, and other supportive services to help them become productive members of society.

TRANSPORTATION ELEMENT

OBJECTIVE 2:

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

OBJECTIVE 11 (TRANSIT FIRST):

MAINTAIN PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.

The project site is easily accessible by public transit; two MUNI lines (Nos. 2 and 43) are within one block of the Site. MUNI lines 1, 1BX, 3, 31 and 31L are within three blocks of the project site.

OBJECTIVE 16:

DEVELOP AND IMPLEMENT PROGRAMS THAT WILL EFFICIENTLY MANAGE THE SUPPLY OF PARKING AT EMPLOYMENT CENTERS THROUGHOUT THE CITY SO AS TO DISCOURAGE SINGLE-OCCUPANT RIDERSHIP AND ENCOURAGE RIDESHARING, TRANSIT AND OTHER ALTERNATIVES TO THE SINGLE-OCCUPANT AUTOMOBILE.

Policy 16.5: Reduce parking demand through limiting the absolute amount of spaces and prioritizing the spaces for short-term and ride-share uses.

The project's 21 on-site parking spaces will be sufficient to meet the project's parking demand because it has been historically demonstrated that low-income residents do not usually own automobiles. The project will provide two (2) car-share spaces.

Policy 16.6: Encourage alternatives to the private automobile by locating public transit access and ride-sharing vehicle and bicycle parking at more close-in and convenient locations on site, and by location parking facilities for single-occupancy vehicles more remotely.

BTWCSC will have twenty-five (25) secured bicycle parking spaces in the garage for residents and employees. BTWCSC has a bicycle program as part its recreational program that will include teaching bicycle repair and the use of alternative modes of transportation.

OBJECTIVE 28:

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

Policy 28.1: Provide Secure and bicycle parking in new governmental, commercial, and residential developments.

Twenty-five (25) secured bicycle parking spaces are proposed in the basement level.

OBJECTIVE 33:

CONTAIN AND LESSEN THE TRAFFIC AND PARKING IMPACT OF INSTITUTIONS ON SURROUNDING RESIDENTIAL AREAS.

Policy 33.2: Protect Residential Neighborhoods From The Parking Impacts Of Nearby Traffic Generators.

BTWCSC has implemented and will enhance a monitoring program for pick-up and drop-off of users of the facility to ensure minimal conflict with and avoid traffic congestion created by these activities.

COMMUNITY FACILITIES ELEMENT

OBJECTIVE 3:

ASSURE THAT NEIGHBORHOOD RESIDENTS HAVE ACCESS TO NEEDED SERVICES AND A FOCUS FOR NEIGHBORHOOD ACTIVITIES.

Policy 1: Provide neighborhood centers in areas lacking adequate community facilities.

Policy 3: Develop centers to serve an identifiable neighborhood.

BTWCSC has been operating at the project site since 1952, serving the youth and the elderly in the Western Addition community. As the demographics of the neighborhood change, the population served by BTWCSC has followed, reflecting the ethnic diversity of the City and the neighborhood

The BTWCSC site has convenient access to public transit, is located near support facilities such as Drew School and is 5 1/2 blocks from a branch public library. The continuing use of this site as a community center in the Western Addition as it has been for the last 58 years will not disrupt nor detract from the adjoining uses in the neighborhood.

Policy 2: Assure that neighborhood centers complement and do not duplicate existing public and private facilities.

Policy 8: Provide neighborhood centers with a network of links to other neighborhood and citywide services.

BTWCSC works closely with other educational institutions such as USF and Drew School, whose resources benefit the underprivileged youth served by BTWCSC. The project's gymnasium will be used by Drew School, Lycee Francais, Sports for Good and others, which will eliminate the need for construction of costly duplicative facilities.

Policy 5: Develop neighborhood centers that are multi-purpose in character, attractive in design, secure and comfortable, and inherently flexible to meeting the current and changing needs of the neighborhood served.

The new BTWSCS building has been designed with multi-purpose space that can evolve to meet the changing educational and career development needs of the community it serves. As discussed under the Urban Design Element Objectives and Policies, the Section 303 Conditional Use findings and the Section 304 Planned Unit Development findings, the design of the building is compatible with the existing neighboring buildings.

Policy 7: Program the centers to fill gaps in needed services, and provide adequate facilities for ill-housed existing services.

The project will replace an aging neighborhood facility that can no longer meet the needs of the current and future programs and services sorely needed by the community.

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 would not affect neighborhood-serving retail uses, as there is no neighborhood-serving retail use at the Site. The project site is zoned for residential use, and retail uses are not permitted. The proposed unit density may provide nearby commercial uses with additional business.

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

There are no existing dwelling units on the site. The community center use will continue on the site; the cultural diversity of the neighborhood will be enhanced with the new residential component. The housing component will consist of units affordable to persons and households with very low income. The neighborhood character will not be impaired and the housing component will add economic diversity to the neighborhood.

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

The building to be demolished contains no housing. The addition of 48 affordable units permanently affordable to those with incomes not exceeding 60% of the area median income will enhance the City's supply of affordable housing.

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

The Transportation Study for the existing BTWCSC analyzed the transportation effects of a proposed increase of 694 net new daily person trips (282 for the center and 412 for the residential component),² of which 116 (44 for Center and 72 for the residential component) would occur during the PM peak hour and determined it would have no significant effect on traffic, public transportation or parking. The project will increase the number of youth served by approximately 50 (from 100 to 150).³ It is not anticipated that additional staff would be required; however, there will likely be more volunteers from Drew School, USF and other institutions who will act as resources for the afterschool programs. The seating capacity of the gymnasium will be decreased and the number of attendees for special evening events would be the same although the frequency may increase to an average of once a month.⁴ The Transportation Study and the Draft EIR concluded that the project will not have any significant effect on the streets, neighborhood parking and MUNI services.

- 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.

Industrial or service sector businesses are not permitted in a residential area.

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

The proposed building will comply with all current Building Code seismic and fire safety standards.

- G. That landmarks and historic buildings be preserved.

The project would demolish an historic resource to make way for a new construction project. The BTWCSC building is an historic resource because BTWCSC is the first community organization to provide services to the African-American community. The building is not located in a potential historic district. The adverse impact of the project on the historic resource has been fully analyzed in the Project EIR. While the project proposes demolition of the existing building, the project would allow BTWCSC to continue and enhance its long-standing community service uses.

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

² The projected net new daily person trips are based on land use and not the actual number of youths served by BTWCSC. It is noted that the daily trips include both in-bound and out-bound trips.

³ The program spaces can only accommodate an increase of 50 youths attending the various afterschool programs and teen center.

⁴ Special events will be held at the gymnasium only after funds to purchase special floor covering become available. The size of the gymnasium would be the same as the current gymnasium on the site because its dimensions are dictated by the size of a regulation basketball court.

The project proposes a building up to 55 feet in height. A shadow fan study was prepared by the Planning Department and determined that the Project will not affect the sunlight access to any public parks or open space. The building is an infill development and will not impair any public view corridor.

11. 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.
12. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2006.0868C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated April 18, 2007, 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 Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 18342. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on April 28, 2011.

Linda D. Avery
Commission Secretary

AYES: Commissioners Olague, Miguel, Borden, Moore, Sugaya

NAYS: Commissioner Antonini

RECUSED: Commissioner Fong

ADOPTED: April 28, 2011

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow new construction of a Planning Unit Development consisting a five-story-over-basement, 55-foot-tall mixed-use building (containing community facility uses, up to 50 units of affordable housing and 21 off-street parking spaces, of which 24 units are affordable to low income households and 24 units are for low and very low income transitional aged youth) located at 800 Presidio Avenue, Block 013 in Assessor's Lot 1073 pursuant to Planning Code Sections 303 and 304 within the RM-1 (Residential, Mixed, Low-Density) District, the Presidio-Sutter Special Use District and a 40-x/50-X Height and Bulk District; in general conformance with plans, dated April 20, 2011, and stamped "EXHIBIT B" included in the docket for Case No. 2006.0868C and subject to conditions of approval reviewed and approved by the Commission on April 28, 2011 under Motion No. 18342. 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 April 28, 2011 under Motion No 18342.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18342 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.

PERFORMANCE

Mitigation Measures. The "Mitigation Monitoring and Reporting Program," attached herein as EXHIBIT C and which identifies Mitigation Measures and Improvement Measures to be included as part of the project as outlined in the Final EIR, Case No. 2006.0868E, shall be Conditions of Approval and are accepted by the project applicant and the successors-in-interest. If any measures of the Mitigation Monitoring and Reporting Program are less restrictive than the following conditions of approval, the more restrictive and more protective condition of approval shall apply.

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

Validity and Expiration. The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. 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. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

Extension. This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

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.

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

Glazing at Gymnasium. Final glazing selection, particularly at the rear façade of the gymnasium component of the project, shall be subject to Department staff review and approval in order to ensure light pollution and glare into the mid-block open space are minimized. 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.

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

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

Street Trees. Nine (9) street trees shall be proposed along Presidio Avenue. Per the Planned Unit Development authorization, no street trees are required along Sutter Street. Pursuant to Planning Code Section 428 (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.

Landscaping. Pursuant to Planning Code Section 142, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating the screening of parking and vehicle use areas not within a building. The design and location of the screening and design of any fencing shall be as approved by the Planning Department. The size and specie of plant materials shall be as approved by the Department of Public Works.

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

PARKING AND TRAFFIC

Car Share. Pursuant to Planning Code Section 166, no less than one (1) car share space shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers.

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

Bicycle Parking (Residential Only). The Project shall provide no fewer than 25 Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.5.

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 eighteen (18) independently accessible off-street parking spaces.

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

OPERATION

Child Care. Enrollment of the child care use shall be limited to 24 or less children. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org*

Community Liaison. Prior to issuance of a building permit application 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 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*

Lighting. All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

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

MONITORING

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

**EXHIBIT C
MITIGATION MONITORING
AND REPORTING PROGRAM**

File No. Project Title: 2006-0868C
800 Presidio Avenue Mixed-Use Project

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Mitigation Measures Agreed to by Project Sponsor	Responsibility for Implementation	Mitigation Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
<p>MITIGATION MEASURE M-CP-1 HABS-Level Recordation</p> <p>A common strategy for the mitigation of historical resources that would be lost as part of the proposed project is through documentation and recordation of the resource(s) prior to their demolition using historic narrative, photographs and/or architectural drawings. While not required for state or local resources, such efforts often comply with the federal standards provided by the National Park Service's Historic American Building Survey (HABS). As such, the project sponsor shall document the existing exterior conditions of the Booker T. Washington Community Center according to HABS Level II documentation standards. According to HABS Standards, Level II documentation consists of the following tasks:</p> <ul style="list-style-type: none"> • Drawings: Existing drawings, where available, should be photographed with large format negatives or photographically reproduced on mylar. • Photographs: Black and white photographs with large-format negatives should be shot of exterior of the Booker T. Washington Community Center, including a few shots of this building in its existing context. Historic photos, where available, should be reproduced using large-format photography, and all photographs should be printed on archival (acid-free) fiber paper. Some historic photos of the site are known to exist, as they were cited in the HRER. • Written data: A report should be prepared that documents the existing conditions of the Booker T. Washington Community Center, as well as the overall history and importance of this African- 	Project sponsor.	Prior to demolition activities.	Project sponsor.	Considered complete upon completion of the drawings, photographs, and written report and distribution of written report to all required parties.

**EXHIBIT C
MITIGATION MONITORING
AND REPORTING PROGRAM**

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Mitigation Measures Agreed to by Project Sponsor	Responsibility for Implementation	Mitigation Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
<p>American institution within San Francisco. Much of the historical and descriptive data used in preparation of the HRR can be reused for this task.</p> <p>Documentation of the Booker T. Washington Community Center shall be submitted to the following four repositories:</p> <ul style="list-style-type: none"> • Documentation report and one set of photographs and negatives shall be submitted to the History Room of the San Francisco Public Library. • Documentation report and one set of photographs and negatives shall be submitted to Booker T. Washington Community Center. • Documentation report and xerographic copies of the photographs should be submitted to the Northwest Information Center of the California Historical Resources Information Resources System. • Documentation report and xerographic copies of the photographs should be submitted to the San Francisco Planning Department for review prior to issuance of any permit that may be required by the City and County of San Francisco for demolition of Booker T. Washington Community Center. 				
<p>MITIGATION MEASURE M-CP-2: Archeological Resources</p>				
<p>Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the</p>	<p>Project sponsor/ archeological consultant at the direction of the</p>	<p>Prior to soil- disturbing activities.</p>	<p>Archeological consultant shall report to the ERO.</p>	<p>During excavation, demolition and construction.</p>

EXHIBIT C

MITIGATION MONITORING AND REPORTING PROGRAM

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Mitigation Measures Agreed to by Project Sponsor	Responsibility for Implementation	Mitigation Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
<p>services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sections 15064.5 (a) and (c).</p>	<p>Environmental Review Officer (ERO).</p>			<p>Considered complete upon receipt of final monitoring report at completion of construction.</p>
<p>Archeological Testing Program. The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical</p>	<p>Project sponsor/ archeological consultant/ archeological monitor/ contractor(s), at the direction of the ERO.</p>	<p>During all soil-disturbing activities.</p>	<p>Project sponsor/ archeological consultant/ archeological monitor/ Contractor(s), and the ERO.</p>	<p>During excavation, demolition and construction. Considered complete upon submittal of the written report of the findings to the ERO.</p>

**EXHIBIT C
MITIGATION MONITORING
AND REPORTING PROGRAM**

File No. Project Title: 2006.0868C
800 Presidio Avenue Mixed-Use Project

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Mitigation Measures Agreed to by Project Sponsor	Responsibility for Implementation	Mitigation Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
<p>resource under CEQA.</p> <p>At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program.</p>				
<p>If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <p>A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or</p> <p>B) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</p>	Project sponsor	If a significant archeological resource is present	Project sponsor/ archeological consultant/ archeological monitor/ contractor(s), and the ERO. Monitor throughout all soils-disturbing activities.	During excavation, demolition and construction. Considered complete upon receipt of final monitoring report at completion of construction.
<p>Archeological Monitoring Program. If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project- 	Project sponsor/ archeological consultant/ archeological monitor/ contractor(s), at the	Monitor throughout all soil-disturbing activities.	Project sponsor/ archeological consultant/ archeological monitor/ Contractor(s), and	During excavation, demolition and construction. Considered complete upon

EXHIBIT C

MITIGATION MONITORING AND REPORTING PROGRAM

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800 Presidio Avenue Mixed-Use Project

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Mitigation Measures Agreed to by Project Sponsor	Responsibility for Implementation	Mitigation Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
<p>related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;</p> <ul style="list-style-type: none"> • The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource; • The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits; • The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis; • If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and 	<p>direction of the ERO.</p>		<p>the ERO. Monitor throughout all soils-disturbing activities.</p>	<p>receipt of final monitoring report at completion of construction.</p>

EXHIBIT C MITIGATION MONITORING AND REPORTING PROGRAM

File No: Project Title: 2006.0868C
800 Presidio Avenue Mixed-Use Project

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<p>equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.</p> <ul style="list-style-type: none"> • Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO. 	<p>Archeological consultant at the direction of the ERO</p>	<p>If there is a determination that an ADRP program is required</p>	<p>Project sponsor/ archeological consultant/ archeological monitor/ contractor(s), and the ERO. Monitor throughout all soils-disturbing activities.</p>	<p>During excavation, demolition and construction. Considered complete upon receipt of final monitoring report at completion of construction.</p>
<p>If an archeological data recovery program is required by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive</p>				

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<p>data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> • <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations. • <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures. • <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies. • <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program. • <i>Security Measures.</i> Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities. • <i>Final Report.</i> Description of proposed report format and distribution of results. • <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities. <p><i>Human Remains and Associated or Unassociated Funerary Objects.</i> The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable</p>	<p>Project sponsor / archeological consultant in</p>	<p>In the event human remains and/or funerary</p>	<p>Project sponsor/ archeological consultant/ San</p>	<p>During excavation, demolition and</p>

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<p>State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.</p>	<p>consultation with the San Francisco Coroner, NAHC, and MLD.</p>	<p>objects are found.</p>	<p>Francisco Coroner/ NAHC/ MLD. Monitor throughout all soils-disturbing activities</p>	<p>construction. Considered complete upon receipt of final monitoring report at completion of construction.</p>
<p><i>Final Archeological Resources Report.</i> The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/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. 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) 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</p>	<p>Project sponsor/ archeological consultant at the direction of the ERO.</p>	<p>After completion of the archeological data recovery, inventorying, analysis and interpretation.</p>	<p>Project sponsor/ archeological consultant/ ERO</p>	<p>Following completion of soil disturbing activities. Considered complete upon Planning Department receipt of final monitoring report at completion of construction.</p>

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<p>interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.</p> <p>MITIGATION MEASURE M-BI-1: Breeding Birds</p> <p>If active construction work (i.e., demolition, ground clearing and grading, including removal of site vegetation) is scheduled to take place during the non-breeding season (September 1 through January 31), no mitigation is required. If such construction activities are scheduled during the breeding season (February 1 through August 31), the following measures will be implemented to avoid and minimize impacts on nesting raptors and other protected birds:</p> <p>No more than two weeks before construction, a qualified wildlife biologist will conduct preconstruction surveys of all potential nesting habitat within 250 feet of the construction site where access is available.</p> <p>If active nests of protected birds are found during preconstruction surveys, a no-disturbance buffer will be created around active nests during the breeding season, or until it is determined that all young have fledged. Typical buffers include 250 feet for non-raptor nesting birds (e.g., shorebirds, waterfowl, and passerine birds). The size of these buffer zones and types of construction activities restricted in these areas will be based on existing noise and human disturbance levels in the project area.</p> <p>If preconstruction surveys indicate that protected bird nests are inactive or potential habitat is unoccupied during the construction period, no further</p>	<p>Project sponsor and a qualified wildlife biologist.</p>	<p>If construction is scheduled between February 1st and August 31st, within two weeks prior to construction commencement.</p>	<p>Project sponsor and a qualified wildlife biologist.</p>	<p>Considered complete upon preparation of a memorandum summarizing findings by the qualified wildlife biologist.</p>

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<p>mitigation will be required. If construction commences during the non-breeding season and continues into the breeding season, birds that nest adjacent to the project area could acclimate to construction activities. However, surveys of nesting sites will be conducted and no-disturbance buffer zones established around active nests as needed to prevent impacts on nesting birds and their young.</p>				
<p>MITIGATION MEASURE M-HZ-2: Hazardous Building Materials</p>				
<p>The City shall condition future development approvals to require that the subsequent project sponsors ensure that any equipment containing PCBs or mercury, such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any fluorescent light tubes, which could contain mercury, are similarly removed and properly disposed of. Any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state, and local laws.</p>	<p>Project sponsor.</p>	<p>During demolition activities.</p>	<p>San Francisco Planning Department to review building materials surveys and monitor abatement compliance</p>	<p>Considered complete upon receipt by the San Francisco Planning Department of final abatement compliance report.</p>

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Improvement Measures Identified by Planning Department Staff	Responsibility for Implementation	Implementation Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
IMPROVEMENT MEASURE I-TR-1: Leasing of Parking				
The project sponsors should investigate the possibility of long-term leasing of parking spaces at the shopping center lot (at 2575 Geary Boulevard) for use by the community center for evening programs and events.	Project Sponsor.	Prior to reopening of the new community center.	Project sponsor to report to Planning Department Northwest Quadrant	Ongoing.
IMPROVEMENT MEASURE I-TR-2: Garage Safety				
The project sponsor should install a directional mirror in the garage so that drivers would have a view of Sutter Street. The garage would provide a vehicle approach warning signal (buzzer or beeper) to alert pedestrians of cars exiting the garage.	Project Sponsor, building management.	Prior to building occupation..	Project sponsor to report to Planning Department Northwest Quadrant	Considered complete upon submittal of a memo to Planning Department stating that this measure was implemented.

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<p>IMPROVEMENT MEASURE I-TR-3: Loading Management Plan</p>	<p>As part of the project, the project sponsor could establish a loading management plan. The intent of the plan would be to eliminate the potential of double-parked freight trucks on Presidio Avenue in front of the building. Large deliveries and tenant move-ins and move-outs would be scheduled and coordinated through the property manager to ensure that the designated on-street loading spaces would be available as needed. Tenants would be required to provide advance notification to the property manager of date and time of move-ins and move-outs. The freight management plan would be extended to all freight deliveries and service calls to the building. Delivery and service calls at the building to the extent possible shall be scheduled between the hours of 9:00 a.m. and 3:30 p.m. in order to avoid the peak periods of Muni's Presidio Electric Trolley Coach Division pull-out and pull-in activities.</p>	<p>Project Sponsor, building management.</p>	<p>Prior to building occupation.</p>	<p>Project sponsor to report to Planning Department Northwest Quadrant</p>	<p>Considered complete upon submittal of the loading management plan.</p>
<p>IMPROVEMENT MEASURE I-TR-4: Coordination with Waste Hauler</p>	<p>As part of the project, building management would coordinate with Sunset Scavenger as to specific location of garbage containers on pick-up day, consistent with collection services currently provided for other residential buildings in the area, to ensure minimal disruption of traffic flow on the streets.</p>	<p>Project Sponsor, building management.</p>	<p>Prior to building occupation.</p>	<p>Project sponsor to report to Planning Department Northwest Quadrant</p>	<p>Considered complete upon receipt by the San Francisco Planning Department of a memo summarizing the coordination</p>

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				outcomes with Sunset Scavenger.
IMPROVEMENT MEASURE I-TR-5: Community Center Safety Program				
<p>In order to reduce potential circulation conflicts associated with passenger loading, the project sponsor would establish a community center safety program, which would focus on safe (assisted) crossings of Presidio Avenue and Sutter Street during the weekday evening commute period (4:00 p.m. to 6:00 p.m.). The program could rely on employees or volunteers to serve as crossing guards, or contract with a private company for these services. The community center would also provide weekday evening commute period curbside assistance to drivers arriving to pick-up children and other center users. A goal of this effort would be to limit incidents of double parking on Presidio Avenue through coordination with drivers, center staff and passengers. Community center staff would assemble children at the curb prior to a scheduled pick-up, thus reducing the need for drivers to leave their double parked vehicle and enter the center, as currently occurs. While double parking would not be eliminated, the average length of time of double parked vehicles could be substantially reduced. In addition to assisted street crossings and passenger loading assistance, community center management would make a concerted effort to identify and facilitate ridesharing opportunities among drivers who consistently pick-up passengers at the center.</p>	Project Sponsor/ community center management.	Prior to reopening of the new community center and compliance with the program would be ongoing.	Project sponsor to report to Planning Department Northwest Quadrant	Considered complete upon receipt by the San Francisco Planning Department of a memo summarizing the community center safety program.

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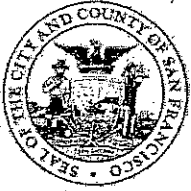
<p>IMPROVEMENT MEASURE I-TR-6: Passenger Loading Zone</p>				
<p>The project sponsors would meet with the Sustainable Streets Division of the San Francisco Municipal Transportation Agency regarding the possibility of securing curbside frontage on Presidio Avenue for passenger loading. An extended passenger loading zone in front of the community center between the hours of 4:00 p.m. and 6:00 p.m. would reduce the incidents of double parking and improve peak period vehicle, pedestrian and bicycle circulation. It should be noted that a consequence of establishing a curbside loading zone in this area would exacerbate already constrained parking conditions (by displacing two general-use parking spaces) and would require a high level of enforcement activity (including vehicle towing).</p>	<p>Project Sponsor.</p>	<p>Prior to reopening of the new community center, ongoing enforcement.</p>	<p>SFMTA</p>	<p>Prior to completion of construction</p>
<p>IMPROVEMENT MEASURE I-TR-7: Construction Traffic Management</p>				
<p>During the construction period, the project sponsor would limit construction truck movement to the hours between 9:00 a.m. and 3:30 p.m., or other hours if approved by SFMTA, and to prohibit staging or unloading of equipment and materials during the periods of 7:00 a.m. to 9:00 a.m. and 3:30 p.m. to 6:00 p.m., to minimize peak-period traffic conflicts and to accommodate queuing of Muni buses during the peak hours of service. The project sponsor and construction contractor would meet with SFMTA, the Fire Department, Muni, and the Planning Department to determine feasible traffic management and improvement measures to reduce traffic congestion during construction of this project.</p>	<p>Project Sponsor.</p>	<p>During project construction.</p>	<p>SFMTA</p>	<p>Prior to completion of construction</p>

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<p>IMPROVEMENT MEASURE I-TR-8: Parking Leasing for Construction Workers</p> <p>The project sponsors should investigate the possibility of leasing parking spaces at the shopping center (2575 Geary Boulevard) lot for use by construction workers for the duration (estimated 18 months) of the construction activity.</p>	<p>Project Sponsor.</p>	<p>Prior to commencement of construction activities.</p>	<p>Project sponsor to report to Planning Department Northwest Quadrant</p>	<p>Considered complete upon receipt by the San Francisco Planning Department of a memo summarizing outcome of coordination with 2575 Geary Boulevard property managers.</p>
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SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Text Amendment/Rezoning Resolution No. 18341

HEARING DATE APRIL 28, 2011

Date: April 28, 2011
Case No.: 2006.0868TZ
Project Address: 800 PRESIDIO AVENUE
Current Zoning: RM-1 (Residential, Mixed, Low-Density)
 40-X Height and Bulk District
Proposed Zoning: Presidio-Sutter Special Use District
 RM-1 (Residential, Mixed, Low-Density)
 40-X/55-X Height and Bulk District
Block/Lot: 1073/013
Project Sponsor: Booker T. Washington Community Service Center
 800 Presidio Avenue
 San Francisco, CA 94115
Sponsor Contact: Alice Barkley, Esq. – (415) 356-4635
Staff Contact: Glenn Cabrerros – (415) 558-6169
glenn.cabreros@sfgov.org

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

Reception:
415.558.6378

Fax
415.558.6409

Planning
Information:
415.558.6377

ADOPTING ENVIRONMENTAL FINDINGS RELATED TO THE PROPOSED BOOKER T. WASHINGTON COMMUNITY SERVICES CENTER MIXED-USE PROJECT AT 800 PRESIDIO AVENUE. THE PROJECT INCLUDES DEMOLITION OF AN EXISTING 12,600-SQUARE-FOOT COMMUNITY CENTER AND CONSTRUCTION OF A 55-FOOT-TALL, 68,206-SQUARE-FOOT BUILDING CONTAINING 20,726-SQUARE FEET OF COMMUNITY CENTER AND GYMNASIUM SPACE AND 32,684-SQUARE FEET OF RESIDENTIAL SPACE ON ITS UPPER FLOORS. THE HOUSING COMPONENT OF THE PROJECT WOULD CONTAIN UP TO 50 UNITS OF AFFORDABLE HOUSING UNITS AT ITS UPPER LEVELS AND 21 OFF-STREET PARKING SPACES IN A BASEMENT GARAGE; AND RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE A PROPOSED ORDINANCE TO AMEND THE PLANNING CODE BY ADDING SECTION 249.53 CREATING THE PRESIDIO-SUTTER SPECIAL USE DISTRICT; TO AMEND SPECIAL USE DISTRICT ZONING MAP SHEET SU03 TO INCLUDE THE PRESIDIO-SUTTER SPECIAL USE DISTRICT; AND TO AMEND THE HEIGHT AND BULK LIMIT FROM 40-X TO 40-X/55-X ON HEIGHT AND BULK LIMIT ZONING MAP SHEET HT03 FOR THE PROPERTY AT 800 PRESIDIO AVENUE, LOT 013 IN ASSESSOR'S BLOCK 1073 WITHIN THE RM-1 (RESIDENTIAL, MIXED, LOW-DENSITY) DISTRICT, AND TO MAKE AND ADOPT ENVIRONMENTAL FINDINGS AND FINDINGS OF CONSISTENCY WITH THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1 AND THE GENERAL PLAN.

Whereas, the Planning Department, the Lead Agency responsible for the implementation of the California Environmental Quality Act ("CEQA") has undertaken the environmental review process for the proposed Booker T. Washington Community Services Center Mixed-use Project and provided for appropriate public hearings before the Planning Commission; and

Whereas, the Booker T. Washington Community Services Center ("BTWCSC") seeks to demolish an existing 31-foot tall, one-story building with a partial basement including a gymnasium at 800 Presidio Avenue and to construct a new mixed use building with a new community center and gymnasium that would serve the Western Addition and surrounding communities and an affordable housing component; and

Whereas, the gymnasium is a facility that is shared with Drew School and other schools and organizations who do not have a gymnasium; and

Whereas, the mixed-use project would include 48 units of affordable housing for low income households and two units for on-site managers; and

Whereas, 24 of the affordable units will be for Transitional Age Youths that require special programmatic support services; and

Whereas, the actions listed in Section I(c) of Attachment A to this Motion and referred to herein as "Approval Actions," are part of a series of City discretionary actions in connection with the approval of the Booker T. Washington Community Center Mixed-use Project; and

Whereas, the Planning Department determined that an Environmental Impact Report ("EIR") was required for the proposed project, and provided public notice of that determination by publication in a newspaper of general circulation on March 8, 2008; and

Whereas, the Planning Department, on June 23, 2010, published the Draft Environmental Impact Report ("DEIR"). The DEIR was circulated for public review in accordance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, California Public Resources Code section 21000 et seq., ("CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Planning Commission held a duly advertised public hearing on said DEIR on August 5, 2010, at which opportunity for public comment was given, and public comment was received on the DEIR; and

Whereas, the Planning Department prepared responses to comments on the DEIR and published the Comments and Responses document on April 14, 2011, which together with the DEIR constitute the Final Environmental Impact Report ("FEIR"); and

Whereas, the sponsor has proposed minor modifications to the project as described in the FEIR (see discussion of "Modified Project" in Section C of the Response to Comments document), and the Department finds that these changes would not result in any new significant impacts not disclosed in the DEIR; impacts of greater severity than reported in the DEIR; or require new or substantially altered mitigation measures than those included in the DEIR; and

Whereas, by adopting this Motion, the Planning Commission makes Environmental Findings for the project identified in the Final EIR as the "Modified Project," which is referred to herein as the "Project"; and

Whereas, the Planning Commission, on April 28, 2011, by Motion No. 18340 reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed complied with the provisions of CEQA, the CEQA Guidelines and Chapter 31; and

Whereas, the Planning Commission, by Motion No. 18340 also certified the FEIR and found that the EIR was adequate, accurate, and objective, reflected the independent judgment of the Planning Commission, in compliance with CEQA, the CEQA Guidelines, and Chapter 31; and

Whereas, the Planning Department prepared proposed Environmental Findings, as required by CEQA, regarding the alternatives, mitigation measures and significant environmental impacts analyzed in the FEIR and overriding considerations for approving the Project, including all the actions listed in Attachment A and a proposed Mitigation Monitoring and Reporting Program, attached as Attachment B, which material was made available to the public and this Planning Commission for the Commission's review, considerations and actions; and

Whereas, on February 1, 2011, Supervisor Farrell introduced an Ordinance under Board of Supervisors (hereinafter "Board") File Number 110116 for a text change and map amendment to create the Presidio-Sutter Special Use District, which would 1) create a new Planning Code Section 249.53 establishing the Presidio-Sutter Special Use District, 2) amend the Special Use District Zoning Map Sheet SU03 to map this new Special Use District; and, 3) amend the Height and Bulk Limit from 40-X to 40-X/55-X on Height and Bulk Zoning Map HT03 of the City and County of San Francisco to refer to this new Special Use District; and

Whereas, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance for Application No. 2006.0868TZ on April 28, 2011; and,

Whereas, the Commission adopted the resolution on April 28, 2011, to approve the text change and zoning map amendments creating the Presidio-Sutter Special Use District and amending the height and bulk limit to 40-X/55-X; and,

Whereas, 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 by Department staff and other interested parties; and

Whereas, the project site consists of one Assessor's parcel (Lot 013) of approximately 22,360 square feet in area on Assessor's Block 1073. The parcel is at the east side of Presidio Avenue between Sutter and Post Streets; and

Whereas, the Commission has reviewed all the files before it relating to all the discretionary Approval Actions in connection with the approval of the Booker T. Washington Community Services Center Mixed-use Project which includes the proposed Ordinance described above; and

Whereas, affordable housing specifically designed for transitional age youth with support services are woefully lacking and necessary to ensure their successful integration into and be a contributing member of society; and

Whereas, the new Presidio-Sutter Special Use District (SUD) would allow for a project that proposes to construct a five-story-over-basement, 55-foot tall mixed-use building to house a state-of-the-art community facility space to support BTWCSC's programs, a gymnasium, and up to 50 units of housing, for low to very-low income households and transitional age youths; and

Whereas, the proposed map changes and text amendment have been found to be consistent with the following relevant Objectives and Policies of the General Plan:

URBAN DESIGN ELEMENT

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: Recognize and reinforce the existing street pattern, especially as it is related to the topography.

The proposed SUD would allow for a height bonus for affordable housing projects. The height change of 15 feet (from 40-X to 55-X) is not found to be a significant deviation from the existing height limit, particularly as the project is at a corner lot and on the uphill portion of the subject block. The height change recognizes and reinforces the existing street pattern.

Policy 3: Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

The SUD will allow for an affordable housing project up to 55 feet in height. The proposed height limit at the project site would be harmonious with the street-face along Presidio Avenue. With regard to the City's urban form, the height limit amendment would allow for a slightly taller building at the uphill edge of the subject block and would be in keeping with the overall topography and building forms of the surrounding area. A height increase at the subject site is consistent with the pattern of larger-scaled, multi-unit buildings found on corner lots in the immediate neighborhood. As is typical in most residential neighborhoods throughout the City, large corner buildings often serve as structures that define and anchor city blocks.

OBJECTIVE 3:

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

Policy 1: Promote harmony in the visual relationship and transitions between new and older buildings.

The proposed controls for the SUD would limit density and height bonuses to projects with an affordable component. The controls for the dwelling unit density would allow for increased unit density for projects in which 60 percent of the proposed units are permanently affordable to very low and low income households. Establishment of the SUD would retain the base zoning for the property within the RM-1 Zoning District and the 40-X Height and Bulk District.

The project proposed within the SUD is of a modern architectural style that relates positively to the nearby residential buildings. The project is grounded in the common rhythms and elements of architectural expression found in the surrounding neighborhood. The massing of the project is broken down to reflect the patterns of each block-face with larger massing elements facing Presidio Avenue, a 60-foot wide avenue, and smaller massing facing Sutter Street, a 38-foot wide city street. The project would complement and be harmonious with the surrounding neighborhood character.

The massing on the Sutter Street facade of the project would be divided into two segments reflecting the width of the neighboring buildings. The segment adjacent to the building immediately to the east will be set back 10 feet at the residential level from the property line demising the two buildings. The street face of the building will be set back 11 feet at the fourth floor providing a three-story expression at Sutter Street. The fifth floor massing will be set back an additional 15 feet from the main rear facade.

The massing along Presidio Avenue will be divided into three components: residential, building entrance and community center/gymnasium. The residential component reflects the massing of the residential building across Sutter Street and is terminated by the vertical entry articulation. The community center will drop approximately 11 feet in height from the entrance element and will provide a transition to the lower neighboring building to the south. This massing strategy will provide a transition between the project and older adjacent buildings.

Policy 6: Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

The SUD provides flexibility in building height for affordable housing projects. A Planning Code-complying project within the existing 40-X height limit in combination with the proposed dwelling unit density bonus contemplated as part of the new SUD, could result in buildings that are more massive, squat and bulky in appearance.

Policy 7: Recognize the special urban design problems posed in development of large properties.

The establishment of the SUD is proposed in conjunction with an application for Conditional Use Authorization of a Planned Unit Development, which is allowed for a large property of at least a half-acre in size. Some of the design problems typically occurring in larger urban developments are addressed by the project by responding to the visual character of the neighborhood with regard to the project's site design and the building scale and form. The project building will draw from elements that are common to the block including a base-middle-top configuration, and architectural elements such as vertically-oriented windows, belt courses and strong projecting cornices. Additional problems often occur at the base of larger developments where multiple garage entrances dominate the pedestrian level as seen in many large residential buildings in the neighborhood. The base of the project building will have one garage entrance on Sutter Street. The shared entrance and storefront-style windows that would make up the balance of the sidewalk frontage on Presidio Avenue will create a strong relationship to the street. The massing of the building will reflect the site characteristics of the existing topography and will not obscure any public views. The massing of the proposed building will reflect the pattern of each block-face with a larger massing on Presidio Avenue and massing that is narrower and descending on Sutter Street similar to the buildings directly across from the project site on Sutter Street.

Policy 3: Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.

The SUD would allow for the creation of much needed affordable housing with the density bonus, and the SUD provides flexibility in achieving a high-quality design for an affordable housing project by providing a height bonus. BTWCSC is an integral part of the neighborhood even though its current institutional design – when compared to the character of the immediately surrounding residential buildings – does not positively contribute to the neighborhood character. The project has been divided into segments to reflect the proportion and scale of nearby existing residential buildings, and the project's architectural style complements the older residential buildings as well as the newer mixed-use and commercial buildings in the neighborhood. The project is designed so that the massing, bulk, height, design, color, shape and other features will be contextually more appropriate in the neighborhood than the current one-story building.

OBJECTIVE 4:

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

Policy 1: Protect residential areas from the noise, pollution and physical danger of excessive traffic.

The SUD proposes amendments that affect only dwelling unit density and height. The underlying, existing RM-1 Zoning District would remain in place to regulate future uses and to protect other nearby residential areas. The Transportation Study for the Draft Environmental Impact Report concluded that the Project will not generate excessive traffic. The San Francisco Noise Ordinance (Police Code Article 29) and Title 24 of the California Building Code will ensure that nearby residences will not be exposed to excessive noise. As a mixed-use residential and community service center, the project will not cause pollution. Therefore, the project will not expose the nearby residential areas to noise, pollution or the physical danger of excessive traffic.

2004 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 1.4: Locate in-fill housing on appropriate sites in established residential neighborhoods.

The SUD would be consistent with this policy as the existing RM-1 Zoning District is retained, while providing opportunities specific to affordable housing projects. The project site is a large under-developed lot in an established residential neighborhood. The addition of a residential component to the replacement facility for BTWCSC is appropriate and promotes this policy.

Policy 1.6: Create incentives for the inclusion of housing, particularly permanently affordable housing, in new commercial development projects.

The SUD will increase inclusion of permanently affordable housing. The incentive bonus provided for height and density by the SUD is calibrated by a percentage of affordable housing units provided on site. The City has consistently identified the need for affordable housing units. The project will provide up to 50 new permanently affordable housing units in an area easily accessed by public transit.

OBJECTIVE 4:

SUPPORT AFFORDABLE HOUSING PRODUCTION BY INCREASING SITE AVAILABILITY AND CAPACITY.

Policy 4.1: Actively identify and pursue opportunity sites for permanently affordable housing. The BTWSCS site, located in a residential area, is currently underutilized, can accommodate a residential component with permanently affordable housing units, which is consistent with this policy.

The location of the SUD is desirable as it is located where the Western Addition neighborhood transitions into the neighborhoods of Pacific Heights, Presidio Heights and the Inner Richmond, and thus provides an opportunity for a diversity of housing types integrated into the City's existing neighborhoods.

Policy 4.4: Consider granting density bonuses and parking requirement exemptions for the construction of affordable housing or senior housing.

The SUD specifically identifies a density bonus only for projects that include permanently affordable housing units. The Planning Code does not require off-street parking for affordable housing units.

OBJECTIVE 5:

INCREASE THE EFFECTIVENESS AND EFFICIENCY OF THE CITY'S AFFORDABLE HOUSING PRODUCTION SYSTEM.

Policy 5.2: Support efforts of for-profit and non-profit organizations and other community based groups and expand their capacity to produce and manage permanently affordable housing.

The SUD is proposed in conjunction with a project that is sponsored by the BTWSCS, a community-based organization that has continuously served San Francisco for more than 90 years. BTWSCS has entered into an agreement with the John Steward Company (JSCO), a firm with demonstrated ability to develop and manage affordable housing projects. The partnership with JSCO will enable BTWSCS to gain experience and the capacity to manage permanently affordable housing projects.

OBJECTIVE 8:

ENSURE EQUAL ACCESS TO HOUSING OPPORTUNITIES.

Policy 8.1: Encourage sufficient and suitable rental housing opportunities and emphasize permanently affordable rental units wherever possible.

The SUD would allow for an increased density for affordable housing projects. The housing units in the project will be rental units that are permanently affordable and will promote this objective and policy.

Policy 8.6: Increase the availability of units suitable for users with supportive housing needs.

Without the creation of the SUD, the subject site would be limited to 28 dwelling units pursuant to the density controls of the RM-1 Zoning District or up to 36 dwelling units with Conditional Use Authorization by the Planning Commission for development of a Planned Unit Development. The SUD would allow BTWCSC to create up to 50 affordable dwelling units, all of which are proposed to be studio units except for two manager units. Of the 48 studio units, 24 units will be transitional housing designated for emancipated foster youth, who will require on-site counseling and other supportive services to transition to independent living and to successfully integrate into society.

OBJECTIVE 10:

REDUCE HOMELESSNESS AND THE RISK OF HOMELESSNESS IN COORDINATION WITH RELEVANT AGENCIES AND SERVICE PROVIDERS.

Policy 10.1: Focus efforts on the provisions of permanent affordable and service-enriched housing to reduce the need for temporary homeless shelters.

The SUD would allow for increased density at the project site, which in combination with services provided by BTWCSC, actively promotes this policy. The housing and services provided by BTWCSC have been designed to provide the tenants a stable residential environment, career counseling, educational and specialized employment skills, tutoring, childcare services, and other supportive services to help them become productive members of society.

TRANSPORTATION ELEMENT

OBJECTIVE 2:

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

OBJECTIVE 11 (TRANSIT FIRST):

MAINTAIN PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.

The provisions of the SUD to increase the height limit and provide density bonuses at the subject site is appropriate, as the project site is easily accessible by public transit; two MUNI lines (Nos. 2 and 43) are within one block of the Site. MUNI lines 1, 1BX, 3, 31 and 31L are within three blocks of the project site. The location of the SUD is consistent with the City's Transit First Policy.

COMMUNITY FACILITIES ELEMENT

OBJECTIVE 3:

ASSURE THAT NEIGHBORHOOD RESIDENTS HAVE ACCESS TO NEEDED SERVICES AND A FOCUS FOR NEIGHBORHOOD ACTIVITIES.

Policy 1: Provide neighborhood centers in areas lacking adequate community facilities.

Policy 3: Develop centers to serve an identifiable neighborhood.

The SUD will allow for the continuation of the BTWCSC and provide the opportunity for the BTWCSC to create and operate permanently affordable housing. BTWCSC has been operating at the project site since 1952, serving the youth and the elderly in the Western Addition community. As the demographics of the neighborhood have changed, the population served by BTWCSC has followed, reflecting the ethnic diversity of the City and the neighborhood.

The BTWCSC site has convenient access to public transit, is located near support facilities such as Drew School and is 5-1/2 blocks from a branch public library. The continuing use of this site as a community center in the Western Addition as it has been for the last 58 years will not disrupt nor detract from the adjoining uses in the neighborhood.

Policy 2: Assure that neighborhood centers complement and do not duplicate existing public and private facilities.

Policy 8: Provide neighborhood centers with a network of links to other neighborhood and citywide services.

BTWCSC works closely with other educational institutions such as USF and Drew School, whose resources benefit the underprivileged youth served by BTWCSC. The project's gymnasium will be used by Drew School, Lycee Francais, Sports for Good and others, which will eliminate the need for construction of costly duplicative facilities.

Policy 5: Develop neighborhood centers that are multi-purpose in character, attractive in design, secure and comfortable, and inherently flexible to meeting the current and changing needs of the neighborhood served.

The SUD will allow for BTWCSC to add an affordable housing component to their existing community services center. The SUD will provide more affordable units than what the base RM-1 Zoning would allow. Additionally, the SUD provides flexibility in the building design by providing a height bonus for affordable housing projects. The proposed BTWCSC building has been designed with multi-purpose space that can evolve to meet the changing educational and career development needs of the community it serves.

Policy 7: Program the centers to fill gaps in needed services, and provide adequate facilities for ill-housed existing services.

The project proposed concurrent with the legislation for the SUD will replace an aging neighborhood facility that can no longer meet the needs of current and future programs and services sorely needed by the community.

Whereas, the proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code 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 creation of the SUD would not affect neighborhood-serving retail uses, as there is no neighborhood-serving retail use at the Site. The project site is zoned for residential use, and retail uses are not permitted. The increased unit density may provide nearby commercial uses with additional business.

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

The SUD, with the unit density bonuses for affordable housing, would expand the cultural and economic diversity of the neighborhood and the City. The height incentive provided by the SUD allows for additional design flexibility with regard to shaping the project's height, massing and scale as compared to the constraints of the current 40-foot height limit. There are no existing dwelling units on site. The community center use will continue on the site; the cultural diversity of the neighborhood will be enhanced with the new residential component.

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

The creation of the SUD and the associated project would enhance the City's supply of permanently affordable housing. The building to be demolished contains no housing. The addition of up to 50 affordable units permanently affordable to those with incomes not exceeding 60 percent of the area median income will enhance the City's supply of affordable housing.

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

With regard to the project proposed as part of the creation of this new SUD, the Transportation Study for the existing BTWCSC analyzed the transportation effects of a proposed increase of 694 net new daily person trips (282 for the center and 412 for the residential component),¹ of which 116 (44 for Center and 72 for the residential component) would occur during the PM peak hour and determined it would have no significant effect on traffic, public transportation or parking. The project will increase the number of youth served by approximately 50 (from 100 to 150).² It is not anticipated that

¹ The projected net new daily person trips are based on land use and not the actual number of youths served by BTWCSC. It is noted that the daily trips include both in-bound and out-bound trips.

² The program spaces can only accommodate an increase of 50 youths attending the various afterschool programs and teen center.

additional staff would be required; however, there will likely be more volunteers from Drew School, USF and other institutions who will act as resources for the afterschool programs. The seating capacity of the gymnasium will be decreased and the number of attendees for special evening events would be the same although the frequency may increase to an average of once a month.³ The Transportation Study and the Draft EIR concluded that the project will not have any significant effect on the streets, neighborhood parking and MUNI services.

- 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 SUD does not affect industrial or service sector businesses. Such uses are not permitted in a residential area.

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

Affordable housing projects contemplated under the height and density bonuses provided by the SUD would be required to comply with all current Building Code seismic and fire safety standards.

- G. That landmarks and historic buildings be preserved.

The proposed SUD would encourage the demolition of an historic resource to make way for a new construction project. The BTWCSC building is an historic resource because BTWCSC is the first community organization to provide services to the African-American community. The building is not located in a potential historic district. The adverse impact of the project on the historic resource has been fully analyzed in the Project EIR. While the project proposes demolition of the existing building, the project would allow BTWCSC to continue and enhance its long-standing community service uses.

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

The SUD would create a height limit over 40 feet. Per the Planning Code, buildings proposed over 40 feet in height are required to provide a shadow study pursuant to Planning Code Section 295. The proposed building would be up to 55 feet tall. A shadow fan study was prepared by the Planning Department and determined that the Project will not affect the sunlight access to any public parks or open space. The building is an infill development and will not impair any public view corridor.

NOW THEREFORE BE IT RESOLVED that the Commission hereby adopts the environmental findings attached hereto as Attachment A and the Mitigation and Monitoring and Reporting Program attached hereto as Attachment B.

³ Special events will be held at the gymnasium only after funds to purchase special floor covering become available. The size of the gymnasium would be the same as the current gymnasium on the site because its dimensions are dictated by the size of a regulation basketball court.

BE IT FUTHER RESOLVED that the Commission hereby recommends that the Board APPROVE the proposed Ordinance as described in this Resolution No. 18341 to create the Presidio-Sutter Special Use District.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on April 28, 2011.

Linda D. Avery
Commission Secretary

AYES: Commissioners Olague, Miguel, Borden, Moore and Sugaya

NOES: Commissioner Antonini

RECUSED: Commissioner Fong

ADOPTED: April 28, 2011

Attachment A

PREAMBLE

In determining to approve the project described in Section I, Project Description below, the ("Project"), the San Francisco Planning Commission ("Planning Commission," "Commission" or "City") makes and adopts the following findings of fact and decisions regarding the Project description and objectives, significant impacts, mitigation measures and alternatives, including a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), and Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Commission adopts these findings in conjunction with the Approval Actions described in Section I(c), below, as required by CEQA. In approving the Project, the Planning Commission has required the Project Sponsor to commit to implementing all mitigation measures identified in the Final EIR; the Project Sponsor has acknowledged in writing the feasibility of the mitigation measures contained in the MMRP.

This document is organized as follows:

Section I provides a description of the proposed Booker T. Washington Community Center Mixed-Use Project, the environmental review process for the Project, the Planning Commission actions to be taken, and the location and custodian of the record.

Section II lists the Project's less-than-significant impacts and sets forth findings as to the disposition of the mitigation measures proposed in the Final EIR. (The Draft EIR and the Comments and Responses document together comprise the Final EIR.) Attachment B to this Planning Commission Motion contains the Mitigation Monitoring and Reporting Program ("MMRP"), which provides a table setting forth each mitigation measure listed in the Final Environmental Impact Report that is required to reduce or avoid a significant adverse impact. The MMRP is required by CEQA Section 21081.6 and CEQA Guidelines Section 15091. The MMRP specifies the agency responsible for implementation of each measure, establishes monitoring actions and a monitoring schedule.

Section III identifies significant project-specific or cumulative impacts that would not be eliminated or reduced to a less-than-significant level by the mitigation measures presented in the Final EIR.

Section IV identifies the project alternatives that were analyzed in the EIR and discusses the reasons for their rejection.

Section V sets forth the Planning Commission's Statement of Overriding Considerations pursuant to CEQA Guidelines Section 15093.

I. PROJECT DESCRIPTION AND PROCEDURAL BACKGROUND

a. Project Description

These environmental findings refer to the project identified in the Final EIR as the "Modified Project" (see Comments and Responses Document, Section C), referred to herein as the "Project." The Booker T. Washington Community Center ("BTWCSC" or "Project Sponsor") proposes to demolish an existing 31-foot-4-inch tall, one-story with a partial basement building, and to construct a five-story-over-basement

55-foot-tall mixed-use structure at 800 Presidio Avenue (Assessor's Block 1073, Lot 13). The purpose of the project is to construct state-of-the-art space to support BTWCSC's programs, which are targeted at at-risk youth, a gymnasium, and 50 units of housing, of which 24 units are affordable to low income households and 24 units are for low and very low income transitional aged youth. (See Project Objectives in Section IV(b), below.)

The proposed project site is in San Francisco's Western Addition neighborhood and is improved with a 13,745 gross square foot ("gsf") community service building that includes a gymnasium on a 22,360 square-foot (over 0.5 acre) lot at the southeast corner of Presidio Avenue and Sutter Street. The existing building was constructed in 1952 and has been determined to be a historic resource for purposes of environmental review because of its association with BTWCSC, which is the oldest community service agency providing continuous service to the African American community since 1919. The 800 Presidio Avenue lot contains the existing building, a small parking lot for three independent accessible cars (or six in tandem), and rear yard. The site slopes steeply downward to the east on Sutter Street and is fairly flat along Presidio Avenue. The site is within a residential, Mixed, Low Density (RM-1) zoning district and the 40-X height and bulk district.

The approximately 68,206 gsf mixed-use building would contain a 7,506 gsf gymnasium, 11,529 gsf of program space, a 1,691-sf child care center, 50 units of affordable housing with supportive service space, building storage, and a basement garage containing 21-off-street spaces. The housing component and the community service space would have a shared entrance on Presidio Avenue.

The seating capacity of the gymnasium would decrease from the existing 200 seats to 175 seats. BTWCSC would continue to have 10 full time and part-time staff, although some of part-time staff will become full time or be given more hours. The new building would allow BTWCSC to expand its after school and teen program from 100 to 150 attendees and to add a day care center for 24 children. The project requires a Planned Unit Development, Conditional Use authorization, exceptions from the rear yard, unit exposure requirement, usable open space, and street tree requirements, as well as reclassification of the site as an Affordable Housing Special Use District to increase the allowable dwelling density and the maximum allowable height.

b. Environmental Review

On March 8, 2008, the Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation.

On June 23, 2010, the Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.

Notices of availability of the DEIR and of the date and time of the public hearing were posted near the project site by Department staff on August 25, 2010.

On August 24, 2010, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse.

Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on August 24, 2010.

The Commission held a duly advertised public hearing on said DEIR on August 5, 2010 at which opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on August 10, 2010.

The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 48-day public review period for the DEIR, 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 DEIR. This material was presented in a Draft Comments and Responses document, published on April 14, 2011, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request to the Department.

A Final Environmental Impact Report ("Final EIR" or "EIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Comments and Responses document, all as required by law. Since publication of the DEIR, no new information of significance has become available that would require recirculation of the EIR under CEQA Guidelines Section 15088.5.

Project Environmental Impact Report files have been made available for review by the 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 the Commission.

On April 28, 2011, the Commission reviewed and considered the Final Environmental Impact Report and certified that the contents of said report and the procedures through which the Final Environmental Impact Report was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31.

c. Planning Commission Actions

The Planning Commission is currently considering various actions ("Approval Actions") in furtherance of the Project, which include the following:

- Affirmative recommendation by the Planning Commission to the Board of Supervisors regarding the establishment of the "Presidio-Sutter Affordable Housing Special Use District" to allow for reclassification of the subject property's 40-X height limit to 55-X and to permit residential density as proposed;
- Zoning map amendments related to the reclassification of the 40-X height district to 55-X and the overlay Special Use District;
- Conditional Use authorization pursuant to Planning Code 303 for:
 - A building greater than 40 feet in height in a residential district
 - A childcare center caring for 13 or more children
 - A social or philanthropic facility use
- Establishment of a Planned Unit Development, with Planning Code exceptions sought for:
 - Common usable open space (Planning Code Section 135)

- o Rear Yard (Planning Code Section 136)
- o Dwelling Unit Light and Exposure (Planning Code Section 140); and,
- o Street Trees (Planning Code Section 143)

d. **Location of Records**

The records upon which all findings and determinations related to the adoption of the proposed project are based include the following:

- The EIR, and all documents referenced in or relied upon by the EIR;
- All information (including written evidence and testimony) provided by City staff to the Planning Commission relating to the EIR, the proposed approvals and entitlements, the Project, and the alternatives set forth in the EIR;
- All information (including written evidence and testimony) presented to the Planning Commission by the environmental consultant and subconsultants who prepared the EIR, or incorporated into reports presented to the Planning Commission;
- All information (including written evidence and testimony) presented to the City from other public agencies relating to the project or the EIR;
- All applications, letters, testimony, and presentations presented to the City by the project sponsor and its consultants in connection with the project;
- All information (including written evidence and testimony) presented at any public hearing or workshop related to the project and the EIR;
- The MMRP; and
- All other documents comprising the record pursuant to Public Resources Code Section 21167.6(e).

The public hearing transcript, a copy of all letters regarding the Final EIR received during the public review period, the administrative record, and background documentation for the Final EIR are located at the Planning Department, 1650 Mission Street, 4th Floor, San Francisco. The Planning Department is the custodian of these documents and materials.

These findings are based upon substantial evidence in the entire record before the Planning Commission. The references set forth in these findings to certain pages or sections of the EIR or responses to comments 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.

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

The Final EIR finds that implementation of the Project would result in less-than-significant impacts in the following environmental topic areas: Land Use and Land Use Planning; Aesthetics; Population and Housing; Cultural (Archeological and Paleontological) Resources; Transportation and Circulation; Noise; Air Quality; Greenhouse Gas Emissions; Wind and Shadow; Utilities and Service Systems; Recreation; Public Services; Biological Resources; Hydrology and Water Quality; Hazards and Hazardous Materials; Mineral Resources; and Agricultural and Forestry Resources.

CEQA requires agencies to adopt mitigation measures that would avoid or substantially lessen a project's identified significant impacts or potential significant impacts if such measures are feasible. The findings in this section concern mitigation measures discussed in the Final EIR and presented in a Mitigation

Monitoring and Reporting Program (“MMRP”). A copy of the MMRP is included as Attachment 2 to the Planning Commission Motion adopting these findings. The Final EIR includes a series of mitigation measures that have been identified that would eliminate or reduce to a less-than-significant level potential environmental impacts of the Project listed in this section. All of the mitigation measures set forth in the Final EIR that are needed to reduce or avoid these significant adverse environmental impacts are contained the MMRP.

The Project Sponsor has agreed to implement all mitigation measures and improvement measures identified in the Final EIR (and MMRP). 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 Planning Commission finds that, unless otherwise stated, the Project has been required to incorporate mitigation measures identified in the EIR into the project to mitigate or to avoid significant or potentially significant environmental impacts. Except as otherwise noted, these mitigation measures will reduce or avoid the potentially significant impacts described in the Final EIR, and the Commission finds that 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.

Additionally, the required mitigation measures are fully enforceable and are included as conditions of approval in the Planning Commission’s Planning Code Section 303 proceeding or will be enforced through inclusion as conditions of approval in any building permits issued for the Project by the San Francisco Department of Building Inspection. With the required mitigation measures, all potential project impacts, except for those associated with historical architecture resource impacts, would be avoided or reduced to a less-than-significant level (see Section III, below). The Planning Commission finds that the mitigation measures presented in the MMRP are feasible and shall be adopted as conditions of project approval.

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 Planning Commission finds that there are significant project-specific and cumulative impacts 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 community center building at 800 Presidio Avenue. The Final EIR also indicates that implementation of the project would result in an adverse cumulative impacts related to the loss of an eligible historic resource in the Western Addition neighborhood. The FEIR identifies the following mitigation measure, which has been agreed to by the project sponsor:

a. Cultural Resources (Historic Architectural Resources)

M-C-P-1, Historic American Building Survey and Recordation: A common strategy for the mitigation of historical resources that would be adversely affected as part of the proposed project is through documentation and recordation of the resource prior to demolition using historic narrative, photographs and/or architectural drawings. While not required for state or local resources, such efforts often comply with the federal standards provided by the National Park Service’s Historic American Building Survey (HABS). As such, the project sponsor shall document the existing exterior conditions of the Booker T. Washington Community Center according to HABS Level II documentation standards. According to HABS Standards, Level II documentation consists of the following tasks:

- Drawings: Existing drawings, where available, should be photographed with large format negatives or photographically reproduced on mylar.
- Photographs: Black and white photographs with large-format negatives should be shot of exterior of the Booker T. Washington Community Center, including a few shots of this building in its existing context. Historic photos, where available, should be reproduced using large-format photography, and all photographs should be printed on archival (acid-free) fiber paper. Some historic photos of the site are known to exist, as they were cited in the HRER.
- Written data: A report should be prepared that documents the existing conditions of the Booker T. Washington Community Center, as well as the overall history and importance of this African-American institution within San Francisco. Much of the historical and descriptive data used in preparation of the HRER can be reused for this task.

Documentation of the Booker T. Washington Community Center shall be submitted to the following four repositories:

- Documentation report and one set of photographs and negatives shall be submitted to the History Room of the San Francisco Public Library.
- Documentation report and one set of photographs and negatives shall be submitted to Booker T. Washington Community Center.
- Documentation report and xerographic copies of the photographs should be submitted to the Northwest Information Center of the California Historical Resources Information Resources System.
- Documentation report and xerographic copies of the photographs should be submitted to the San Francisco Planning Department for review prior to issuance of any permit that may be required by the City and County of San Francisco for demolition of Booker T. Washington Community Center.

The Commission considers this measure feasible, and although the sponsor has agreed to adopt the measure, though its implementation would not reduce the impacts to historical architectural resources to less-than-significant levels.

IV. EVALUATION OF PROJECT ALTERNATIVES

a. Alternatives Analyzed in the FEIR

This section describes the Project as well as alternatives and the reasons for approving the Project and for rejecting the alternatives. CEQA mandates that an 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 Planning Department considered a range of alternatives in Chapter VI of the Final EIR. The Final EIR considered but rejected a Preservation Alternative and an Adaptive Reuse Alternative due to inability to meet most of the Project's objectives and infeasibility. The Final EIR analyzed the No Project (Alternative A) and the Code Compliant alternative (Alternative B) as full Project alternatives. Each alternative is discussed and analyzed in these findings, in addition to being analyzed in Chapter VI of the Final EIR. The Planning 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 Planning Commission's and the City's independent judgment as to the alternatives. The Planning Commission finds that the Project provides the best balance between satisfaction of Project objectives and mitigation of environmental impacts to the extent feasible, as described and analyzed in the Final EIR, and adopts a statement of overriding considerations.

b. Project Objectives

As described above, the Project seeks to demolish a building that is a historic resource and to construct a new mixed-use building with a new BTWCSC and an housing component with 48 affordable units and two managers' units. The following are the Project Sponsors' objectives, as identified in Chapter III of the Final EIR:

- To continue, and expand community center uses at the project site.
- To replace the existing dilapidated building at the project site with a new, larger community center facility that could provide and expand on the types of services currently offered at the BTWCSC.
- To create a mixed-use project that contains a diverse mix of affordability levels services and programs that will help meet the needs of underserved, and often overlooked, populations in the City of San Francisco, including emancipated foster youth and low-income residents.
- To construct a building that is modern yet respectful of the architectural character of the neighborhood and provides a substantial amount of at grade rear yard open space.
- To provide moderate-density, affordable housing near existing public transit, thereby implementing mixed-income housing objectives articulated in the General Plan.
- To increase the supply of affordable rental housing in a high land cost area through new construction.
- To create jobs for the local construction workforce.
- To create a building that accommodates the spatial needs of BTWCSC while being consistent with the overall scale and character of the surrounding neighborhood.

c. Alternatives Rejected and Reasons for Rejection

CEQA provides that alternatives analyzed in an EIR may be rejected if "specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible . . . the project alternatives identified in the EIR." (CEQA Guidelines § 15091(a)(3).) The Commission has reviewed each of the alternatives to the Project as described in the Final EIR that would reduce or avoid the impacts of the Project and finds that there is substantial

evidence of specific economic, legal, social, technological and other considerations that make these Alternatives infeasible, for the reasons set forth below.

In making these determinations, the Planning 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 is also aware that under CEQA case law the concept of “feasibility” encompasses (i) the question of whether a particular alternative promotes the underlying goals and objectives of a project, and (ii) the question of whether an alternative is “desirable” from a policy standpoint to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.

FEIR Alternative A: No Project Alternative

The No Project Alternative would entail no physical land use changes at the project site (see analysis in Final EIR, Chapter VI.A). The No Project Alternative would prevent the Project's significant and unavoidable historical resources impact by avoiding demolition of the Center. It would, however, not meet the BTWCSC Project objectives. These include the objectives that pertain to the development of an enlarged community center, the creation of affordable housing, and the Center's ability to meet the needs of underserved populations by providing residential units intended to exclusively serve them. The Planning Commission rejects the No Project alternative as infeasible because would fail to meet Project Sponsor Objectives for reasons including, but not limited to, the following:

1. The 13,745 sf existing facility contains a 7,450 sf gymnasium, leaving only 6,295 gsf program, office, bath rooms, circulation, storage and building service. It does not have adequate program spaces for current programs to support contemporary educational and job skill training programs planned for the Center and lacks adequate space and infrastructure to meet the future programmatic needs of the Center, including quality programs for development of vocational and basic academic skills. The Project Sponsor's objective is the development of a larger state-of-the-art community facility that can accommodate additional programs, including but not limited to an early childhood development program and an affordable housing component that includes 24 affordable transitional aged youth units with integrated supportive program designed specifically for them. The proposed project before the Commission has large common space planned for the ground floor of the housing component provides opportunities for social intercourse among residents. It also allows space for case management services for the transition-aged youth. Transition-aged youth living in the apartments would have the opportunity to integrate into the community and to develop and practice self-sufficiency skills in a real world setting with the assistance and support of case managers. It is intended that the residents in the other 24 affordable housing units will act as informal role models. Housing and community center uses together provide a venue whereby community activities can occur and natural bonds and supportive relationships can develop naturally and over time. Such opportunities would not occur under the No Project alternative. It is infeasible to achieve Project Sponsor's objectives to accommodate its future programs that would require 20,726 gsf through rehabilitation of the internal elements of the existing structure, not to mention the affordable housing component.
2. The No Project alternative would not result in a structurally sound facility to continue the work of BTWCSC with expanded programs, including a child care center, Youth Radio Studios,

vocational training, and other programs, nor use of this underutilized site to include an affordable housing component.

For the foregoing reasons, the Planning Commission rejects the No Project Alternative.

FEIR Alternative B: Code Compliant Alternative

The Code Compliant Alternative was selected because it would meet some of the Project Sponsor's objectives and would reduce overall environmental impacts relative to the Project (see analysis in Final EIR, Chapter VI.B). The Code Compliant Alternative would replace the existing community center structure on the project site with a mixed-use development that would consist of residential and community serving uses (consisting of a community center, a gymnasium, and a child-care facility). Under this alternative, the structure would be developed at a smaller scale and density than what is currently proposed. In addition, 59 parking spaces would be provided within a two-level, belowground parking garage, meeting the Planning Code requirement that would require 30 parking spaces for residential uses, 26 parking spaces for the gymnasium uses, and 3 parking spaces for childcare-related uses. The Code Compliant Alternative would orient the proposed gymnasium in a north-south orientation (parallel to Presidio Avenue), rather than in an east-west orientation as proposed by the project.

The CEQA Guidelines require that if the No-Project Alternative is found to be environmentally superior, "the EIR shall also identify an environmentally superior alternative among the other alternatives" (CEQA Guidelines, Section 15126.6[c]). Therefore, the Code-Compliant Alternative has been identified in Chapter VI of the DEIR as the environmentally superior alternative. This alternative, however, would not avoid, reduce or fully mitigate the project-related direct and cumulative significant unavoidable impacts to historic architectural resources to a less-than-significant level, since the existing structure on the site would be demolished. However, the Code Compliant Alternative would further reduce the magnitude of the project's less-than-significant impacts that pertain to the project's visual effects, land use compatibility and neighborhood character, and parking deficiencies.

The Planning Commission rejects the Code Compliant Alternative because, although a code compliant building would accommodate some of the BTWCSC programs, it would require the Project Sponsor to reduce the number of affordable housing units by 20 (i.e., 30 total units as opposed to 50 for the Project). A 30-unit housing development will not include specialize housing for transitional age youth, a primary objective of BTWCSC.

The Planning Commission was presented with information that a 41 unit building without a housing component for transitional aged youth housing would have a negative operating cash flow after 12 years, and a 41-unit affordable housing component will have a negative operation cash flow residential from the first year. This deficit will increase annually because the City's rent control ordinance limit the amount of annual rent increase, which will be lower than the projected average 3.5% cost of living increase. In addition, the Code Compliant Alternative would not provide an opportunity to design the southwest corner of the proposed building to provide transition to the lower downhill buildings on Sutter Street without further decreasing the number of affordable housing unit on site. In order to maximize the number of units under this alternative, the building would be constructed to the permitted height and bulk with no opportunity to decrease the mass of the building so that it would better relate to the adjacent one story single family home on Sutter Street, such as incorporating set backs on the Sutter Street facade. The Code Compliant alternative would also reduce the height of the gymnasium from 22

feet to 20 feet when the NCAA's minimum requirement and the preferred gymnasium height are 25 feet, thereby inhibiting the functionality of the gymnasium.

For the foregoing reasons, the Planning Commission rejects the Code Compliant Alternative as infeasible.

Alternatives Considered But Rejected From Further Consideration in the Draft EIR

In addition to the No Project and Code Compliant Alternatives, the Draft EIR analyzed two preservation alternatives that would have avoided demolition of the existing Center and potentially avoided the Project's historical resources impact. The Planning Department considered two variants of the preservation alternative: (1) an "Addition to the Existing Building" variant and (2) an Adaptive Reuse Variant. The Planning Department did not carry these alternatives forward for full analysis because due to basic lack of feasibility (see DEIR Chapter VI.C, and additional discussion in the Responses to Comments document at page C&R-113 to 118, and C&R-136 to 141. The preservation variants are further discussed in detail below.)

1. Addition to the Existing Building

This alternative would require seismic and structural upgrade of the existing Center -- a structurally unsound building with a rotated and cracked foundation and no shear wall. In order to structurally upgrade the building to meet current Building Code requirements, it would need new reinforced concrete foundations with micro-piles at each foundation point, new grade beams, diagonal steel bracing and top cords on all walls to provide shear for the building. The existing truss system also requires substantial reinforcing. Rehabilitation of the existing building would decrease the amount of program space because the building is required to meet the accessibility and other current Building Code requirements and would not allow BTWCSC to expand its existing programs nor add new programs.

Under this alternative, a housing component would be constructed in the parking lot area and the rear yard. The 19,740-gsf residential component would be 40-foot-tall with only 27 units. The residential component would eliminate some of the windows on the eastern end of the buildings facing the rear yard. The community center would not be able to expand to accommodate the new programs. There would be no available space for supportive services for emancipated foster and transitional youth residing in the housing component. The community center program space would not be integrated except through a long tunnel in the basement area rendering supervision difficult. This alternative also would not accommodate a child care center or provide sufficient room to expand the BTWCSC program. Consequently, this alternative would not meet the Project Sponsor's objectives and is not a cost effective alternative.

This housing component design has a very high exterior-wall-to-plan area ratio, which would drive up the cost due to its inefficient plan layout. The pro-forma prepared for a 41 unit affordable component show that such a project would be operating with a cash flow deficit. A 27 units building generate, it

In addition, this preservation alternative is inconsistent with some of the objectives and goals of the Housing Element of the General Plan, including but not limited to:

2004 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 1.6: Create incentives for the inclusion of housing, particularly permanently affordable housing, in new commercial development projects.
- Objective 4: Support affordable housing production by increasing site availability and capacity.
- Policy 4.4: Consider granting density bonuses and parking requirement exemptions for the construction of affordable housing or senior housing.
- Objective 8: Ensure equal access to housing opportunities.
- Policy 8.6: Increase the availability of units suitable for users with supportive housing needs.
- Objective 10: Reduce homelessness and the risk of homelessness in coordination with relevant agencies and service providers.
- Policy 10.1: Focus efforts on the provisions of permanent affordable and service-enriched housing to reduce the need for temporary homeless shelters.
- Policy 10.2: Aggressively pursue other strategies to prevent homelessness and the risk of homelessness by addressing its contributory factors.

Community Facilities Element

- Policy 7: Program the centers to fill gaps in needed services, and provide adequate facilities for ill-housed existing services.

Alternative C (1) is infeasible and rejected by the Commission because it will decrease the number of on-site affordable housing units, will not provide expanded space for the programs, is not a cost effective alternative, and will not meet the Project Sponsor's objectives.

(2) Adaptive reuse of the Existing Building for Housing

Adaptive reuse of this building for housing would require a complete demolition of the interior of the existing building and necessitate structural strengthening described in the preservation variant above. This alternative would yield 22 to 25 units of affordable housing. The exterior walls would require modification to add additional windows. BTWCSC would be left with a 2-story residential building with no community program space. The affordable units would not be transitional aged youth units because the building would lack space for supportive services, which ensure that the transitional age youth and emancipated foster youth will be successfully integrated into and become a contributing member of society. This alternative would force BTWCSC to relocate or cease to exist. The historic significance is not credited to the architecture or the architect of the building, but the use of the building. Elimination of BTWCSC at the site would terminate historic significance of the building's association with BTWCSC.

In addition, the Adaptive Reuse Alternative is inconsistent with some of the objectives and goals of the Housing Element of the General Plan, including but not limited to:

2004 Housing Element

- Objective 4: Support affordable housing production by increasing site availability and capacity.
- Policy 4.4: Consider granting density bonuses and parking requirement exemptions for the construction of affordable housing or senior housing.
- Objective 10: Reduce homelessness and the risk of homelessness in coordination with relevant agencies and service providers.
- Policy 10.1: Focus efforts on the provisions of permanent affordable and service-enriched housing to reduce the need for temporary homeless shelters.
- Policy 10.2: Aggressively pursue other strategies to prevent homelessness and the risk of homelessness by addressing its contributory factors.

Community Facilities Element

- Objective 3: Assure that neighborhood Residents have access to needed services and a focus for neighborhood activities.
- Policy 1: Provide neighborhood centers in areas lacking adequate community facilities.
- Policy 2: Assure that neighborhood centers complement and do not duplicate existing public and private facilities.
- Policy 3: Develop Centers to serve an identifiable neighborhood.
- Policy 5: Develop neighborhood centers that are multi-purpose in character, attractive in design, secure and comfortable, and inherently flexible to meeting the current and changing needs of the neighborhood served.
- Policy 7: Program the centers to fill gaps in needed services, and provide adequate facilities for ill-housed existing services.
- Policy 8: Provide neighborhood centers with a network of links to other neighborhood and citywide services.

The adaptive reuse alternative is infeasible and rejected by the Commission because it will produce fewer number of affordable housing and eliminate BTWCSC at this Site. The gymnasium currently serves as a shared facility with other schools will be eliminated. Finally, the preservation alternative is infeasible and rejected because it would preserve the façade only and not the overall structure or use itself.

V. STATEMENT OF OVERRIDING CONSIDERATIONS

The Planning Commission finds that, notwithstanding the imposition of all feasible mitigation measures and alternatives, significant impacts related to Historic Resources will remain significant and unavoidable. Pursuant to CEQA section 21081 and CEQA Guideline Section 15093, the Planning 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 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, as defined in Section I.

On the basis of the above findings and the substantial evidence in the whole record of this proceeding, the Planning Commission specifically finds that there are significant benefits of the Project to support approval of the Project in spite of the unavoidable significant impacts, and therefore makes this Statement of Overriding Considerations. 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 substantially lessened where feasible. All mitigation measures proposed in the EIR and MMRP are adopted as part of the Approval Actions described in Section I, above.

Furthermore, the Commission has determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to the following specific overriding economic, technical, legal, social and other considerations.

The Project will have the following benefits:

1. The Project would increase the number of individuals served by the BTWCSC program by 50 (from 100 to 150), add a child care center component for 24 children, and otherwise expand the type of programs provided on site.
2. The Project would enable the center to increase the hours of the part time staff.
3. The BTWCSC programs result in increased ethnic and socio-economic diversity.
4. The BTWCSC after-school programs target at-risk youth and provide corresponding support services.
5. The housing component of the Project would add 48 permanently affordable units to the City's Housing stock managed by a non-profit organization. According to the 2010 Larkin Street Youth Services Report, there are an estimated 5,700 homeless and marginally house youth between the ages of 12-24 each year. Their housing need is served by basic center (dropped in shelters) and transitional housing in San Francisco. There are a total of 324 beds serving approximately 1,312 youth per year. 292 of the 324 beds have an average stay of over 365 days, and the 24-unit apartment house at Ellis Street has an average stay of 1,414 days. Due to high demand for transitional aged youth housing, the number of youth able to access transitional aged youth housing has decreased dramatically. Based on the 2010 report by Larkin Street Youth Services, of the youth requiring transitional aged youth housing, 64 percent are male, 31 percent female, 3 percent male transgender, 1 percent female transgender and 1 percent other. These youth are from diverse ethnic background, 30 percent are white/Caucasian, 28 percent African American, 21 percent Latino, 5 percent Asian and Pacific Islanders, 2 percent American Indian, 11 percent multiracial, and 3 percent other.

6. Homeless youth need a wide range of services to enable them to transition successfully from the street to more stable, healthy, and gainful conditions.
7. The housing component of the Center has been designed as an integral part of the BTWCSC's service programs. Twenty-four of the transitional aged youth units will be for at risk emancipated foster youth. A housing program integrated with supportive services would enhance the success rate of these youth to become contributing members of society and act as role model for other at-risk youth.
8. Childcare centers are in high demand; affordable childcare is virtually non-existent. The inclusion of a childcare center for 24 children would provide access to on-site childcare to parenting youth while they develop skills that would enable them to enhance their employment, earn a living wage, and achieve positive, long term outcomes for their families.
9. The BTWCSC programs and services would strengthen life skills, motivate high school graduation, support higher education goals and prepare participants for careers in the 21st century.
10. In partnership with the University of San Francisco Environmental Science and Service Learning Department, students and youth served by BTWCSC would incorporate health and wellness activities in their daily lives.
11. The computer training program would bridge the digital divide and bring practical computer use and the internet to low-income homes, including the neighboring public housing residents, and help to prepare youth as well as adults from low-income families' job skills necessary to compete in the 21st century job market.
12. The transitional aged youth housing proposed for this Project is a 24-month housing support program, allows former foster youth ages 18 to 24 the opportunity to develop a sense of permanency for the first time in their lives. The on-site supportive services provide stability, build communities, and pave the way for successful, independent living.
13. The Food Pantry, organized by senior volunteers provides weekly produce, bread, dry foods and can goods to families in need and emergency food, a need that has grown during the current economic downturn.
14. Participants in Youth Radio program undergo creative professional development, media education, technical training, and academic support. They learn professional expectations and appropriate workplace behavior, long-term commitment and how to be viable contributors and leaders in the media/arts, journalism and civic life.
15. The Draft conditional use approval motion before this commission discusses and demonstrates that the Project is consistent with and implements many of the objective and policies of the General Plan.

17. The Conditions of Approval for the Project include all the mitigation and improvement measures that would mitigate the Project's potentially significant impact to insignificant levels, except for its impact on an Architectural Historic Resource.

Having considered the above, the Planning Commission finds that the benefits of the Project outweigh the unavoidable adverse environmental effects identified in the Final EIR, and that those adverse environmental effects are therefore acceptable.

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

June 2, 2011

Edward Reiskin
Director of Public Works
City Hall, Room 348
San Francisco, CA 94102

Planning Case No. 2006.0868CEKTZ
800 Presidio Avenue Conditional Use Appeal

Dear Director Reiskin:

The Office of the Clerk of the Board is in receipt of an appeal filed by Stephen M. Williams, on behalf of Neighbors for Fair Planning on May 31, 2011, from the decision of the Planning Commission by its Motion No. 18342 dated April 28, 2011, relating to the approval, subject to certain conditions, of a conditional use authorization (Case No. 2006.0868CEKTZ), under Planning Code Sections 303 and 304, to allow construction of a 55-foot tall planned unit development containing community facilities and a five-story, residential building with up to 50 affordable housing units within the RM-1 (Residential, Mixed, Low-Density) District, the Presidio-Sutter Special Use District and a 40-X/55-X Height and Bulk District, on property located at:

800 Presidio Avenue, Lot No. 013 in Assessor's Block No. 1073.

By copy of this letter, the City Engineer's Office is requested to determine the sufficiency of the signatures in regard to the percentage of the area represented by the appellant. Please submit a report not later than 5:00 p.m., June 9, 2011, to give us time to prepare and mail out the hearing notices as the Board of Supervisors has tentatively scheduled the appeal to be heard on June 28, 2011, at 4:00 p.m.

Sincerely,

A handwritten signature in black ink, appearing to read "Angela Calvillo".

Angela Calvillo
Clerk of the Board

c:
Jerry Sanguinetti, Manager, DPW-BSM, w/copy of appeal
Fuad Sweiss, City Engineer, Department of Public Works, w/copy of appeal
Appellant, Stephen M. Williams, Law Offices of Stephen M. Williams, 1934 Divisadero Street, San Francisco, CA 94115
Property Owner, Booker T. Washington Community Service Center, 800 Presidio Avenue, San Francisco, CA 94115, Attn: Patricia Scott, Executive Director, w/copy of appeal
Project Contact, Alice Barkley, Esq., Luce Forward, 121 Spear Street, Suite 200, San Francisco, CA 94105, w/copy of appeal
Scott Sanchez, Zoning Administrator, Planning Department, w/copy of appeal
AnMarie Rodgers, Planning Department, w/copy of appeal
Tina Tam, Planning Department, w/copy of appeal
Nannie Turrell, Planning Department, w/copy of appeal
Glenn Cabrerros, Planning Department, w/copy of appeal
Linda Avery, Planning Department, w/copy of appeal
Cheryl Adams, Deputy City Attorney, w/copy of appeal
Kate Stacy, Deputy City Attorney, w/copy of appeal
Mariena Byrne, Deputy City Attorney, w/copy of appeal



May 31, 2011

David Chiu, President
San Francisco Board of Supervisors
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94103

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAY 31 PM 3:51
BY [Signature]

Re: 800 Presidio Av.: 2006.0868CEKTZ -Appeal of Conditional Use Authorization

Dear President Chiu and Members of the Board:

INTRODUCTION

Neighbors For Fair Planning are residents and owners of property in the immediate vicinity of the low density, Victorian era neighborhood surrounding the site of the proposed out-of scale project at The Booker T. Washington Community Service Center, (BTW): The proposed project is an absurd, 70,000 square foot building which violates numerous provisions of the Planning Code and all common sense or fairness in planning.

By definition, a Conditional Use Authorization concerns those within a 300 foot radius of the site. This Appeal was qualified by obtaining signatures of property owners within that 300 foot radius. The legal test for a Conditional Use Authorization is whether it is "necessary and desirable" for those affected neighbors. In this instance, at the proposed size, the answer is a resounding "NO." The project has virtually no support with the surrounding neighbors given it overwhelming size and negative impacts. As stated in the Planning Department's Application:

"A Conditional Use is a use that is not principally permitted in a particular Zoning District. Conditional Uses require a Planning Commission hearing in order to determine if the proposed use is necessary and desirable to the neighborhood, whether it may potentially have a negative impact on the surrounding neighborhood, and whether the use complies with the San Francisco General Plan"

This project fails to meet any of these requirements. The site is currently zoned RM-1, Residential Mixed Use-Low Density, has a 40 foot height limit and is surrounded on all sides by small wooden Victorian era houses of one and two stories. (NOT three stories as again mistakenly set forth in the Planning Dept materials) Many buildings on the block and in the surrounding area are historically significant and date from the late 1870's-1880's when the area was first settled as part of the "western addition" to San Francisco. There are some apartment buildings dating from the early 1900's across Sutter Street to the north. BTW is located on a large lot of a little more than 1/2 acre in size and has residential uses on all sides. Historically, the subject lot was part of the Sutter Street Cable Car turnaround in conjunction with the Muni Building and bus yard are located across Presidio Avenue to the west.

Presently BTW fits in with the residential neighborhood and blends in seamlessly because of its relatively small scale. Under the proposal the square footage on the lot would increase from its current 11,600 s.f to an astounding increase of more than 500% to 70,000 s.f. the new proposed "monster" project unfairly exceeds the maximum zoning in all categories.

The project is so far out of step with the zoning of the area that the only way to achieve the overambitious project is to "spot re-zone" this particular lot and to amend the Planning Code and create the "Presidio Sutter Special Use District at 800 Presidio" just for its lot. The proposed project will also exceed the height limit of 40 feet and be 55 feet tall on Presidio and up to 65 feet tall as it moves down the hill on Sutter Street. The maximum density of the current zoning is 28 dwelling units; the project would nearly double that maximum density at 50 units (leaping up not just one zoning classification but four). The project would eliminate the rear yard requirements and would extend some 25 feet into the required minimum rear yard. The project is presented as a Planned Unit Development in order to eliminate required parking and will have 22 spaces (11 are "tandem") instead of 62 required because of the 200 seat gym.

Hundreds of neighboring residents and homeowners oppose the project as do the associated near-by Neighborhood Groups, Pacific Heights Residents' Association, Jordan Park Improvement Association, The Presidio Heights Association of neighbors and the Laurel Heights Improvement Association. The neighbors and residents believe the proposed project is grossly out of scale and far too bulky, tall and dense to fit in with this low density, smaller scale historic neighborhood. The neighbors believe this project represents the worst type of "spot-zoning" and special gift for a particular lot and a particular development and developer. It is an unfair and inequitable increase in density without respect for numerous provisions of the Planning Code which controls and binds all other lots in the vicinity. The neighbors are requesting that any project at the site conform to the Planning Code as all other lots must and that it be dramatically reduced in size and scale to be compatible with this historic neighborhood.

1. A Conditional Use is Not Appropriate for an Out of Scale Development

The proposed use is NOT compatible with the policies in terms of the zoning ordinances, and the use is NOT essential or desirable to the public convenience or welfare, and will dramatically impair the integrity and character of the district and will be detrimental to the public health, safety, morals and welfare of the residents. Under the provisions of the Planning Code, a Community Center is not a permitted use on an RM-1-Residential Mixed Use-- Low Density zoned lot, it is a CONDITIONAL USE. At the very core of the approval of a conditional use as reflected in the Planning Department's motion, is a basic requirement that the conditional use must be "desirable for and compatible with the neighborhood" in which it is to be placed. The use must not be detrimental to the health, safety, convenience, etc., of the neighbors. Absent this finding, no portion of the Conditional Use may be granted. No such testimony or evidence was received by the Commission and none can be given the negative impacts of the project.

In this instance, all of the neighbors of the surrounding project and the residents of the vicinity oppose this inappropriate and massive project. The neighbors are not opposed to development on the site. They simply want the development to be keeping with neighborhood character and to be appropriate in size.

The proposed project is not necessary or desirable and the Commission gave no consideration at all to the citizen testimony or the impacts on the neighborhood. This project was "pre-approved" as noted above and the input from neighbors has been largely ignored. The "finding" from the Commissioners were mostly anecdotal tales of why they support the BTW mission and its history and did not touch on the dramatic and overwhelming impacts of the project.

The immediate neighbors have obtained 100's signatures on petitions opposing the size of this development and those signatures and petitions have been submitted to the Department for consideration. The various neighborhood associations and groups have also taken a second look at the project and all oppose the project.

2. The Project Violates Numerous Provisions of the General Plan

The Department has already determined this project violates the Urban Design Element of the General Plan and yet that fact has never been adequately addressed. The Dept and the developer offer no support or discussion of the Elements of the General Plan and the impacts of the project. The neighborhood is one of the oldest in the City and virtually intact with many buildings dating from the 1870's-1890's. Before the project goes forward a complete Historic Resources Survey of the buildings from Geary Street to California and from Divisadero to Presidio should be completed. The Application is inadequate and contains insufficient information to allow the decision makers to reach correct conclusions and findings regarding the project's impact on historical resources and the existing neighborhood. Cumulative impacts and the development of other sites are also completely unstudied based on completely incorrect information. The project calls for a new Special Use District ("SUD") and would relax existing development standards creating new incentives for development of other near-by lots and thereby threatening known and potential historic resources in historically sensitive neighborhoods—that too has not been reviewed or discussed in the Application.

LAND USE IMPACTS

The Dept offers nothing save bare conclusions that the proposed project will not violate the existing character of site and vicinity. This conclusion is completely unsupported by the facts and the obvious overwhelming impacts of the building in this modest Victorian neighborhood of two-three story buildings. The immediate neighboring homes, which are not considered or specifically discussed (they refer constantly to the apartment building across Sutter Street), are one and two stories tall. Similarly, the conclusion that the proposed project would not conflict with an adopted land use plan or policy a, the General Plan and its various Elements is completely unsupported. The conclusions are unsupported as drawings showing the neighboring buildings in scale are not included

anywhere in the project materials. The developer and the Dept define the entire neighborhood only by the apartment building across Sutter Street and miss-label the adjacent buildings as "three story."

As correspondence confirms, some of the most senior planners in the Department previously acknowledged that the project violates the General Plan and the Urban Design Element, yet these policies are completely ignored in the recent assessment and the exact opposite conclusion is reached without adequate discussion or any facts or law to justify these erroneous conclusions.

There is no discussion of the specific policies of the Urban Design Element of the General Plan and how the proposed project satisfies the policies. The Application is devoid of any mention of single specific policy and provides only bare conclusions of "general compatibility." The Dept and developer should discuss and illustrate how this "monster building" satisfies a majority of the law use objectives and policies to affirmatively demonstrate how the bare conclusions were reached. The conclusions appear erroneous because the project appears to violate, at some level, nearly every aspect of the Urban Design Element. The following principals and policies and objectives should be fully discussed and reconciled: It is insufficient to simply state conclusions without a deeper discussion of the elements of the General Plan.

**"OBJECTIVE 2
CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE,
CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.**

New development can enhance and preserve San Francisco's distinctive qualities if it is designed with consideration for the prevailing design character and the effect on surroundings.

To conserve important design character in historic or distinctive older areas, some uniformity of detail, scale, proportion, texture, materials, color and building form is necessary.	
A: Large buildings impair the character of older, small scale areas if no transition is made between small-scale and large-scale elements."	

This project does not meet these criteria. The present building "fits in" because it is essentially one story and creates a transition from the Victorian structures on Post Street and Presidio Avenue to those on Sutter Street. The proposed building will define and overwhelm the existing neighborhood just by its sheer size.

"D: Visually strong buildings which contrast severely with their surroundings impair the character of the area."

There is no reconciliation of this policy and of the jarring visual impact of the proposed project. The project makes no attempt to "fit in" or to match the character of the neighborhood. Other principals and policies from the Urban Design Element should be discussed and reconciled with the project. The lack of any discussion and reference to the policies in the Urban Design Element makes the analysis completely inadequate. Other policies which need to be reconciled include the principal that:

"POLICY 2.6

Respect the character of older development nearby in the design of new buildings.

Similar care should be exercised in the design of new buildings to be constructed near historic landmarks and in older areas of established character. The new and old can stand next to one another with pleasing effects, but only if there is a similarity or successful transition in scale, building form and proportion. The detail, texture, color and materials of the old should be repeated or complemented by the new.

Often, as in the downtown area and many district centers, existing buildings provide strong facades that give continuous enclosure to the street space or to public plazas. This established character should also be respected. In some cases, formal height limits and other building controls may be required to assure that prevailing heights or building lines or the dominance of certain buildings and features will not be broken by new construction."

The desirability and compatibility of the proposed SUD and the CU is not justified in any evidence or testimony. The Dept's analysis is nearly devoid of any discussion of the potential impacts of a dramatic change in the zoning for one lot in a historic neighborhood. There are no discussions any of these important and directly applicable policies.

There is no discussion in the Application of the principals noted above from the Urban Design element of the General Plan---merely a conclusion that the building is not disruptive and causes no incompatible impact---a bare conclusion not supported by the facts, any reasonable discussion or reconciliation of the principals and policies and appears erroneous. An in depth discussion is needed as to how the proposed building is sympathetic to the scale and form of the existing neighborhood so as to reconcile the erroneous conclusions.

Visual Harmony

POLICY 3.1

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

New buildings should be made sympathetic to the scale, form and proportion of older development. This can often be done by repeating existing building lines and surface treatment. Where new buildings reach exceptional height and bulk, large surfaces should be articulated and textured to reduce their apparent size and to reflect the pattern of older buildings.

Although contrasts and juxtapositions at the edges of districts of different scale are sometimes pleasing, the transitions between such districts should generally be gradual in order to make the city's larger pattern visible and avoid overwhelming of the district of smaller scale. In transitions between districts and between properties, especially in areas of high intensity, the lower portions of buildings should be designed to promote easy circulation, good access to transit, good relationships among open spaces and maximum penetration of sunlight to the ground level.

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.

Large buildings are most consistent with the visual unity of the city when they are light in color. The characteristics of San Francisco's climate and the varied effects of sunlight through the day in clear and fog-filled skies make bright but subtle hues a life-giving element in the skyline. Prominent new buildings should reflect this pattern.

Buildings of unusual shape stand out in the skyline. They call attention to themselves and correspondingly reduce the visual significance of other features in the city pattern. Such buildings may also create a jarring disharmony that counteracts the traditional blending of regular rectilinear forms in the San Francisco skyline. Unusual shapes, especially in large buildings, should therefore be reserved for structures of broad public significance such as those providing community-wide services."

There is no discussion or reconciliation of these important design elements and principals in the Application. The Application also fails to adequately address the issue of height and bulk as set forth in the Urban Design Element. Given that the height and bulk issues are directly tied to the visual impacts and the issue of aesthetics, the Application should necessarily contain extensive discussions of the General Plan policies and elements which deal with such topics. The Application lacks any discussion of these issues as follows:

Height and Bulk

POLICY 3.4

Promote building forms that will respect and improve the integrity of open spaces and other public areas.

New buildings should not block significant views of public open spaces, especially large parks and the Bay. Buildings near these open spaces should permit visual access, and in some cases physical access, to them.

Buildings to the south, east and west of parks and plazas should be limited in height or effectively oriented so as not to prevent the penetration of sunlight to such parks and plazas. Larger squares and plazas will benefit, in addition, from uniform facade lines and cornice heights around them which will visually contain the open space.

Large buildings and developments should, where feasible, provide ground level open space on their sites, well situated for public access and for sunlight penetration. The location and dimensions of such open space should be carefully considered with respect to the placement of other buildings and open spaces in the area, and with respect to the siting and functioning of the building with which it is provided. Where separation of pedestrian and vehicular circulation levels is possible in provision of such open space, such separation should be considered.

POLICY 3.5

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

The height of new buildings should take into account the guidelines expressed in this Plan. These guidelines are intended to promote the objectives, principles and policies of the Plan, and especially to complement the established city pattern. They weigh and apply many factors affecting building height, recognizing the special nature of each topographic and development situation.

POLICY 3.6

Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

When buildings reach extreme bulk, by exceeding the prevailing height and prevailing horizontal dimensions of existing buildings in the area, especially at prominent and exposed locations, they can overwhelm other buildings, open spaces and the natural land forms, block views and disrupt the city's character. Such extremes in bulk should be avoided by establishment of maximum horizontal dimensions for new construction above the prevailing height of development in each area of the city.

The Application has no adequate discussion regarding the proposed placement of a tall, bulky building at the most prominent place in the neighborhood which will completely overwhelm and dominant the neighborhood. The Application should discuss and reconcile this important design principal and fully explain how the proposed project satisfies the General Plan and will not result in a significant impact. The proposed project not only exceeds the prevailing pattern of the neighborhood, it exceeds the Code mandated limits themselves. The conclusion of no significant impact is erroneous and must be reconciled in the Application by an in depth discussion of these guiding principles and policies. The complete lack of such discussions makes the Application inadequate.

The Application also does not address the design principals and policies relating to the development of a large lot and how the project can be reconciled with the policies and principals intended to guide such developments.

"Large Land Areas

POLICY 3.7

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

The larger a potential site for development, the greater are apt to be the size and variety of the urban design questions raised. Larger sites may mean greater visual prominence of development and greater impact upon the city pattern. As more land area is included in a single project, the possibilities are increased that the public resources in natural areas, historic buildings and street space will be affected. Larger developments also have substantial requirements for public services, including transportation.

Under normal land use controls, most large development is governed by a "floor area ratio", which permits floor space to be built in each project in proportion to the amount of land area available. The floor area ratio limit tends to be geared to development of sites of small and moderate size, but not to take account of the impact of occasional developments that take up one or more whole blocks of land. Such developments, under this type of formula, may have a single building of truly massive proportions, or a series of building forms constructed in one or more phases.

These differences in nature and impact require that large sites be given close consideration in urban design planning.

POLICY 3.8

Discourage accumulation and development of large properties, unless such development is carefully designed with respect to its impact upon the surrounding area and upon the city.

The height and bulk guidelines of this Plan will help to some extent in reducing the negative effects of development on large sites. They will not, however, deal with all the special problems raised or guarantee good quality of design.

Other measures are available and may be necessary. In some cases, ordinary zoning restrictions might be tightened, or rezoning to permit a large development might be deferred in the absence of adequate assurances of compatible development. New standards might be added to require open space in large projects, and floor area ratios might be reduced or made less advantageous for larger sites.

Because government involvement often occurs as larger sites are developed, through marketing of the site itself, through redevelopment powers, through vacation of streets or in some other manner, the government role might be made more restrictive in such involvement.

There is no substitute, however, for early and frequent communication as to the merits and design of a proposed project between the developer and his architects on the one hand and public urban design professionals and interested citizens on the other. Such communication will give an early and more reasoned assessment of the positive and negative effects of the project upon the city and the surrounding area, and will reduce the chances of later delays and controversies. Processes toward these ends should be employed for all major projects in the city.

POLICY 3.9

Encourage a continuing awareness of the long-term effects of growth upon the physical form of the city.

Development of large properties, by condensing growth and change in certain areas of the city, emphasizes the effects that long-term growth and change can have upon the physical makeup of San Francisco. There is nothing in the nature of cities that will guarantee the continued livability of this or any other city. The citizens of San Francisco have an uncommon awareness that the environment is finite, and that the advantages of greater size and intensity may have ultimate limits.

That awareness is healthy and progressive and should be fostered. It should be given new outlets to help shape the physical form of the city. As in this Urban Design Plan, it can identify the attributes of the city that need to be protected and enhanced. Good planning, supported by an interested public, can channel growth to the right places in the city, build growth around previously established transportation systems and other services, cause other public costs to be borne in part by the developers who benefit from them, and hold in place the natural regulators of growth such as streets and open spaces. Above all, it can and should control the form of individual buildings so that they will be compatible with the character of the city.

More should be known as to the long term effects of growth in San Francisco. These effects and the means for moderating them should be studied in a rational manner through the normal processes of planning, and none of the important factors should be overlooked. Ultimately, certain limits upon total growth may prove to be necessary if the integrity of the city is to be preserved.

POLICY 4.15

Protect the livability and character of residential properties from the intrusion of incompatible new buildings.

Whatever steps are taken in the street areas, they may be lost in the changed atmosphere produced by new buildings. Human scale can be retained if new buildings, even large ones, avoid the appearance of massiveness by maintaining established building lines and providing human scale at their lower levels through use of texture and details. If the ground level of existing buildings in the area is devoted to shops, then new buildings should avoid breaking the continuity of retail space.

In residential areas of lower density, the established form of development is protected by limitations on coverage and requirements for yards and front setbacks. These standards assure provision of open space with new buildings and maintenance of sunlight and views. Such standards, and others that contribute to the livability and character of residential neighborhoods, should be safeguarded and strengthened.

The conclusions reached in the Land Use Section of the APPLICATION are unsupported with facts and devoid of in-depth discussions of how the project satisfies the Urban Design Element of the General Plan

The bare conclusions reached by the Application that the proposed project would NOT alter the visual character of the project site and the immediate vicinity are unsupported by any facts or law. The Application lacks any serious discussions on the issue and does not adequately reconcile this conclusion with the numerous principals of the General Plan which seeks to guide such a proposed development. The first object of the Urban Design Element singles out views as the most important "city pattern" to be preserved and protected. All proposed views of the project make it clear that the project will have a direct and overwhelming impact on views from City streets and for dozens of homes in the vicinity. An in-depth discussion of how the conclusions are reached of no significant impacts on views and reconciliation with the Urban Design Element should included in the application

San Francisco has an image and character in its city pattern which depends especially upon views, topography, streets, building form and major landscaping. This pattern gives an organization and sense of purpose to the city, denotes the extent and special nature of districts, and identifies and makes prominent the centers of human activity. The pattern

May 31, 2011

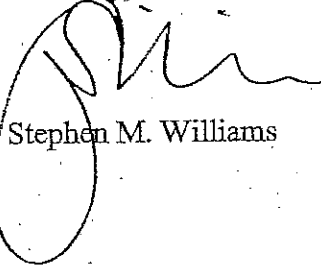
also assists in orientation for travel on foot, by automobile and by public transportation. The city pattern should be recognized, protected and enhanced.”

Placing a large out of scale building at the top of the hill is not reconciled or discussed in the Application. The conclusion that the project will have no significant impact because it generally fits in with buildings in the “larger project area” must be explained and appears completely erroneous. The surrounding blocks are all modest scale residential buildings. The “larger project area” should be defined and explained in detail. It should not include different zoned areas such as the old Sears building at Masonic and Geary Street or Kaiser Hospital which are both in a major transit corridor and in differing zoning. Even if the comparison is made to the newly constructed Jewish Community Center at California and Presidio, that building is also in a transit corridor and busy commercial center AND, it is much smaller in height and bulk than the proposed project. The new credit union building at the same corner is smaller and shorter. These new developments should be discussed in depth and why the proposed project exceeds these projects although it is in a 100 % residentially zoned area. Discussion and reconciliation is needed of the different projects in the nearby commercial corridors and how it can be justified under the General Plan that a larger, taller bulkier building is to be constructed in a RM-1 district.

CONCLUSION

Neighbors for Fair Planning believes the Project, as currently conceived, is the wrong project for this area of San Francisco because it is completely at odds with existing planning and should have been rejected wholesale. The Neighbors would welcome in a smaller scale project. The Project will also set precedents for land use decisions that will undermine the comprehensive stakeholder planning efforts that went into the City “Better Neighborhoods” planning and numerous other programs and policies to assure compatible uses in the residential neighborhoods.

Sincerely,



Stephen M. Williams

LUCE FORWARD

ATTORNEYS AT LAW • FOUNDED 1873
LUCE, FORWARD, HAMILTON & SCRIPPS LLP

121 Spear Street
Suite 200
San Francisco, CA 94105
415.356.4600
415.356.4610 fax
www.luce.com

ALICE SUET YEE BARKLEY
DIRECT DIAL NUMBER 415.356.4635
DIRECT FAX NUMBER 415.356.3888
EMAIL ADDRESS abarkley@luce.com

June 14, 2011

Supervisor David Chiu
President, Board of Supervisors
City Hall, Room 244
San Francisco, California, 94102

SUBJECT: Board of Supervisors File No. 110702
Planning Department Case No. 2006.0868CETZ
Appeal of Conditional Use Authorization For
Proposed Mixed Used Project at 800 Presidio Avenue, San Francisco

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Dear President Chiu:

After a duly noticed public hearing, the Planning Commission ("Commission") granted a conditional use ("CU") for the Project after certifying the Final Environmental Impact Report ("FEIR"), and adopted CEQA findings and a Statement of Overriding Consideration on April 28, 2011. On May 31, 2011 the Neighbors for Fair Planning ("Appellant"), opponents of the Project, appealed the CU authorization for the Project to the Board of Supervisors ("Board"). Appellant's lengthy appeal letter contains nothing more than unsupported allegations and misstatements of both fact and law. Appellant's purported analysis of the Commission's action is nothing more than pages of verbatim citations from the Urban Design Element of the City's General Plan. Appellant repeatedly asserts that BTWCSC's CU application is nothing more than a conclusionary statement; apparently Appellant never read the attachment to the application which discussed the CU criteria in-depth. The CU application is not at issue on appeal. Despite its length, the Appellant has yet to offer a single factual argument showing where the Planning Commission Motion failed to discuss the criteria set forth in Section 303(c) for a CU authorization and in Section 304 for a planned unit development. Therefore, Appellant's appeal is devoid of any merit.

The Planning Department has submitted a case report to this Board responding to the appeal and urges this Board to uphold the Commission's CU authorization. BTWCSC joins in the Department's responses and offers the additional discussion below.

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SUMMARY OF RELATED PROCEEDINGS

Booker T. Washington Community Service Center (“BTWCSC” or “Applicant”) proposes to demolish its existing two-story community facility and construct a five-story, approximately 55’ high mixed-use building with approximately 20,726 gross square foot (“gsf”) of community center and gymnasium, 6,807 gsf of parking at the basement level, and 32,684 gsf for 50-affordable dwelling units (the “Project”). The Project will require height and unit density increases above those currently permitted under the Planning Code.

A. *Environmental Review*

Supervisor Mirkarimi proposed the Presidio-Sutter Street Special Use District (“SUD”) which will allow a height increase from 40’ to 55’ and a maximum dwelling unit density under the current Planning Code from 37 to 50 units.¹ Because the Project will also demolish a historic resource, the Planning Department determined that an environmental impact report must be prepared. The Commission voted unanimously to certify FEIR for the proposed Presidio-Sutter Street Special Use District (“SUD”) Presidio and the Project and adopted Motion No. 18341 on April 28, 2011. The findings contain in Motion No. 18340 (“FEIR Motion”) incorporated herein by reference as though fully set forth.

Appellant appealed the FEIR to this Board on May 18, 2011. This Board scheduled a duly noticed *de novo* public hearing on Appellant’s FEIR appeal on June 14, 2011. The hearing was continued to June 21 in order to consolidate hearings for the FEIR appeal and the CU appeal.

B. *Status of Presidio-Sutter SUD*

As stated before, the Project will require amendments to the Planning Code to allow height and unit density increases. Under the SUD, the increased height and unit density is tied to the affordability of the Project. After a duly noticed public hearing on April 18, 2011, the Commission adopted Motion No. 18341 (“SUD Motion”) recommending approval of the SUD to this Board. The SUD Motion contains extensive findings, a copy of which is in the Board’s File No. 110658 and is incorporated herein by reference as through fully set forth.

¹ A complete history of the proposed Presidio-Sutter Street SUD is set forth on pp. 2 and 3 of BTWCSC’s letter to this Board dated May 31, 2011 supporting the proposed SUD.

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On June 6, 2011, the Land Use and Economic Development Committee of this Board (“Committee”) conducted a duly noticed public hearing on the SUD. The City Attorney’s Office advised the Committee that, due to the FEIR appeal, it can forward the SUD to the full board without recommendation, but it cannot act to recommend approval, disapproval or modify the substantive provisions of the SUD. At the end of the public hearing, the Committee forwarded the SUD to this Board without recommendation. This Board will consider and vote on the SUD on June 21 at its first reading.

C. *Conditional Use Authorization*

In 2006, working with AF Evans as co-developer and Kava Massey Architect, BTWCSC, discussed with the Planning Department construction of an eight- to nine-story mixed unit building that would include a community center with a gymnasium and a 110 unit housing component for a diverse population; this project would have been a companion project to a highrise market rate development to satisfy the Section 315 affordable housing requirement.² AF Evans intended to submit a reclassification of property for this project. When the Department informed AF Evans that the 110 unit project was too large, the project was revised to include 83 dwelling units (22 affordable units for emancipated youth with support services, and 59 work force housing, 3 managers units). An environmental review application was submitted in 2006 and assigned case number 2006.0868 EIK. (See page 38 of San Francisco Housing Inventory which is attached hereto as **Exhibit A**.) The Planning Department advised BTWCSC to scale down the project in that such the would be considered inappropriate for the site.

BTWCSC retained a new architect, Brand + Allen to design the project. Based on comments from the Planning Department, Brand+Allan revised the project and submitted an environmental review application for a 65’ high, 85,000 sf mixed-unit building with a 20,059 sf community center and 72 dwelling units on October 12, 2006. The 72 unit housing component included 47 units for low-income households. This project was presented to the Planning Department and the neighbors, who voiced its objection to the height and density of the building. Consequently, BTWCSC revised the project to a 55’ high building with 47 affordable housing units for households with incomes not exceeding 100% of the Area Median Income. (See **Exhibit B** for copies of the schematic drawings showing reduction of the building’s massing between 2006 and 2010.) This project was the subject of the draft environmental impact report (“DEIR”). At the DEIR hearing, the neighbors and several of the Commissioners expressed concerns over the scale and bulk of the building. The project architect revised the project to

² This section has been changed to Section 415.

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address the concerns by creating a set back along Sutter Street. This modified design was presented to the neighbors. While many neighbors applaud the design change, others continued to oppose the project.

On or about March 16, 2011, BTWCSC submitted an amended conditional use application with an attachment for the Modified Project discussed in the FEIR. A copy of the application and attachment is attached hereto as **Exhibit C**. On April 20, 2011, BTWCSC submitted a letter to the Commission supporting the conditional use application, which is attached hereto as **Exhibit D** and is incorporated herein by reference as though fully set forth. On April 28, 2011, the Commission adopted Motion No. 18432 ("CU Motion") approving the Project's conditional use application after adopting CEQA findings and Statement of Overriding Considerations. A copy of the CU Motion is in the file of this Board. Appellant appealed the Commission's conditional use authorization to this Board on May 31. This Board will hold a consolidated hearing on the conditional use appeal and the appeal of the FEIR on June 21, 2011.

ISSUES RAISED IN THE CU APPEAL

Appellant raises the following issues in the CU appeal:

1. The Project fails to comply with applicable provisions of the Planning Code;
2. The Project is neither necessary nor desirable, and the proposed project is an inappropriate out-of-scale development;
3. The Project violates numerous objectives and policies of the City's General Plan;
4. The Project's impact on the neighborhood were not analyzed, and failed to discuss a potential historic district bounded by Geary, Divisadero, California and Presidio and the Project's cumulative impacts on land use.

RESPONSES TO APPEAL

For the sake of brevity BTWCSC joins in the Planning Department's responses and incorporate herein by reference the analysis in BTWCSC's April 20, 2011 letter to the Commission (Exhibit A). Additionally, BTWCSC offers the following responses.

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1. *The Project Complies With Applicable Provisions Of The Planning Code.*

Appellant asserts that the Project does not comply with the height, density, off-street parking and other quantitative standards of the Planning Code. While the Project exceeds the current maximum height limit and dwelling unit density and will require deviations from rear yard, open space and other requirements, this Project is linked to the adoption of the SUD by the Board of Supervisors. If the Board finds the SUD appropriate and passes it, the Project will comply with all applicable provisions of the Planning Code pursuant to a CU authorization as a planned unit development. As for off-street parking and other quantitative standards, Appellant simply refuses to acknowledge that this Board had amended the Planning Code eliminating any off-street parking requirement for affordable housing projects, and that other quantitative standards could be deviated under a planned unit development if approved as part of a CU authorization.

Appellant ignores that deviations from the quantitative standards of the planning Code, such as but not limited to rear yard and usable open space, can be granted through the variance process or through the Planned Unit Development Process if the Project is on a lot with more than ½ acre. The Commission found the Project in compliance with the applicable Planning Code provisions. See p. 4 of the CU Motion. This case is nothing more than Appellant's disagreement with the Commission's decision to recommend approval of the SUD and to authorize the CU. Mere disagreement with the Commission's decision does not and cannot support Appellant's appeal. Increasing the height and dwelling unit density is not only common to promote the financial feasibility of an affordable housing project, but is also a state wide housing policy.

2. *The Legal Requirements For A Conditional Use Authorization Are The Criteria Listed In Section 303(C)³ And Not Appellant's Misstated "Legal Test" of "Necessary And Desirable Test To The Neighborhood;" The Project Is Not Out Of Scale.*

One of the criteria for authorizing a conditional use is set forth in Section 303(c)(1) through (c)(4). Section 303(c)(1) is worded in the disjunctive and not in the conjunctive as stated by the Appellant, and states:

"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

³ Unless otherwise specified, all section references are to the Planning Code.

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for, and compatible with, the neighborhood *or* the community.” [*Emphasis added.*]

This criterion addresses both scale and the necessity or desirability of the project.

A. The Project Is Necessary And Desirable

Appellant misstated that the legal test for a conditional use authorization as “necessary and desirable to the neighborhood.” Appellant’s contention that this Project is not necessary and desirable because of overwhelming neighborhood opposition has no basis in law. The desirability and necessity of the proposed use was thoroughly discussed on pp. 24-27 of SUD Motion, pp. 5-10 and the exhibits attached to Exhibit D, and pp. 12, 13 and 15 of CU Motion. Public testimony before the Commission demonstrated beyond any doubt about the desirability or necessity of the Project. (See SFGOVTV, 4/28/11, Items 12, 13a and 13b of Planning Commission hearing.) Additionally, the Planning Department noted that in 2006, the Western Addition area only gained 39 new housing units when the City gained a total of 1,914 units. The San Francisco 2006 Housing also showed that 44% of the units in Western Addition has 20 or more units. See Exhibit E attached hereto.

Conditional use began as uses that are necessary or desirable but may not be strictly compatible with the neighborhood or community, including but not limited to schools, churches, mortuaries and hospitals. In San Francisco, the Planning Code requires the Department to notify property owners within a 300’ radius of the site when a CU application has been submitted. The CU notification requirement and the number of signatures needed to qualify for an appeal of the CU authorization for this Project cannot be confused with or elevated to the “legal test” urged on this Board by the Appellant.

A CU authorization is an adjudicatory action that requires the balance of neighborhood opposition against the Project’s benefits on public goods. To disapprove or modify a project merely because of neighborhood opposition would be an illegal delegation of this Board’s police power and an abdication of this Board’s responsibilities. Contrary to Appellant’s contention, whether the project is necessary or desirable to the neighborhood is only one of many criteria set forth in Section 303(c). Appellant failed to provide any reasons why the Project is not necessary or desirable, besides the fact that they simply disagree with the Commissions findings.

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B. The Project Is Not Out Of Scale And Contextually Appropriate.

The scale, size, feature and intensity of use under Section 303(c)(1) and Section 303(c)(2)(A) are fully discussed in pp. 2, 3, 5, 6, 9-11, 15 and 16 of the Motion No. 18342; pp. 5, 7, 8, 9, and 11-14 of Exhibit 5 C; pp. 4 and 5 of Exhibit D; pp. IV-2 to IV 29 of the DEIR; and pp. C&R-4 to C&R-15, C&R-25 to C&R-71 of the Comments and Responses. In the CEQA Findings, the Commission found alternatives that are within the allowable height and density not feasible. (See pp.18 to 24 of SUD Motion.)

At the Commission hearing, the Project architect explained the Urban Design guidelines applicable to street width and building heights.⁴ In essence, the height of the building in a residential neighborhood should not exceed the width of the street. In this case, Presidio Avenue is 80' wide and the building height varies from 45' to 55'. Sutter Street is 68'-6" and the building height is 59'-6" from the center line of the property line along Sutter Street. The differing height segments allow the building to step down towards the adjacent buildings. See Sheets A10, A19 and A21 of the Plans attached to SUD Motion. Therefore, the height is appropriate.

The bulk and scale of the building is also analyzed graphically in the architect's presentation to the Commission. The widths of the buildings on Presidio range between the normal 25' wide lot to the 159.895' wide apartment building at the corner of Presidio and Geary. The total Project width is 175 with two distinct segments; one 105'-6" and one 69'-6" wide. See Sheets A11 and A14 of plans attached to Motion 18341. On Sutter Street, the 73'-10" width is again treated in two distinct segment, one is 43'-10" and the other is 30'. The Sutter Street façade segment width is narrower than the two 50' wide buildings across the street and the 30' wide segment is designed to relate to the finer scale of a more conventional lot width. See Sheet A14 of plans attached to SUD Motion 18341.

The massing of the Project at the corner of Sutter and Presidio has been carefully sculpted by setting back the fourth and fifth floors 11'-6" from Sutter Street; additionally the rear façade of the fifth floor is set back 15'-9". The set back decreases the visual height of the building of the northeast corner of the building due to the fact that, when viewed from the street, the sight line angle does not allow for a view of the two upper floors. See Sheets A19, A20, A22 to A25. In addition to the height differences of the façade, architectural treatment of these

⁴ The street width to building height ratio is from the Market-Octavia Area Plan, an element of the City's General Plan adopted by the Commission and this Board.

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segments is also different. On the Presidio façade, the residential component is on the northern portion of the site and is residential in character; whereas the community center with the Gymnasium is institutional in character. See Sheets A15 to A17 of plans attached to SUD Motion.

3. *The Project Complies With Applicable Objectives And Policies Of The City's General Plan.*

Appellant complains the Project violates numerous provisions of the General Plan, and that the CU application lacks discussion of specific policies of the Urban Design Element of the General Plan. Contrary to Appellant's contention, the CU application discussed the applicable Objectives and policies of the Urban Design Element, the Housing Element, the Transportation Element and Community Facilities Element of the City's General Plan.⁵ See pp. 11-18 of Exhibit C; pp. 9-16 of CU Motion.

On pp. 4-10 of Appellant's appeal letter, Appellant cited selected objectives and policies verbatim from the Urban Design Element without offering any contextual analysis of how those objectives and policies applied. Appellant cited Objective 2 of the Urban Design Element to support Appellant's contention of a need to maintain "certain irreplaceable resources," "distinctive buildings and areas of established character" in the neighborhood. However, the FEIR has determined that the existing BTWCSC buildings is not the work of a master architect, that the design is not distinctive, and that any potential historic district would be two blocks away and would not include the Project site or Project block. The FEIR also concluded that the Project will have no impact on nearby historic resources.

Commissioner Moore, who is a planner by profession, examined the neighborhood surrounding the Project site and found Presidio Avenue to be a transition street with residential uses to the east and institutional uses to the west across the street. In deed, there are no residential buildings on the west side of Presidio Avenue between California Street and Geary Boulevard, and contains the MUNI bus yard and administrative building, a Fire Station, the Fire

⁵ CU Motion and Exhibit C specifically discussed Urban Design Element Objective 1, policies 1 and 3; Objective 3, policies 1, 3, 6, and 7; Objective 4, policies 1, 3, 10, and 12; 2004 Housing Element Objective 1, policies 1.4 and 1.6, Objective 4, policies 4.1, 4.3, and 4.4; Objective 5, policies 3.2; Objective 8, policies 8.1 and 8.6; Objective 10, policies 10.1, 10.2, and 10.4; Transportation Element, Objectives 2 and 11; Objective 16, policies 16.5 and 16.6; Objective 28, policy 28.1; Objective 33, policy 33.2'; and Community Facilities Element, Objective 3, policies 1, 2, 3, 5, 7 and 8.

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Museum, the Fireman's Credit Union, and the south end of the UCSF Laurel Height Campus. Within two blocks to the south and southeast is a shopping center and Kaiser Hospital. Five blocks away on Divisadero Street are medical office buildings and the UCSF Mt. Zion Campus. Given this urban context, the Project has been designed with the applicable fundamental principles for conservation in mind. For example, Principle 2 states that "new development can enhance and preserve San Francisco's distinct qualities if it is designed with consideration of the prevailing design character and the effect on surroundings." As discussed above, care has been taken to ensure that the building relates to its neighbors, that the exterior material are compatible with the surrounding buildings, and the façades have been divided into segments to reflect and be respectfully of the character of the older development pattern by providing transition in height and width. Any new building on the project site will be taller than the one story single family home to the east, which is an anomaly on the block. One of the charms of San Francisco's residential neighborhood near transit and/or commercial corridors is having taller buildings intersperse amongst lower buildings. Therefore, this building also reflects the development pattern of the City.

The objective and policies of the General Plan addresses competing public and private interests and no project can be consistent with all the objective and policies. Again, Appellant disagrees with the judgment of the Commission, but has failed to articulate any reason why the Project is inconsistent with applicable policies and objectives of the General Plan. Indeed, Appellant fails to discuss how this project does not promote the policies and objectives of the Housing Element or the priority policies adopted by the voters that is embodied in Section 101.1(b)(3) calling for enhancing the supply of affordable housing in the City.

4. *All Of The Project's Impacts Have Been Thoroughly Analyzed In The FEIR And In The Discussion Of The Section 303(C) Criteria.*

Prior to acting on the appeal of the CU, this Board would have conducted a public hearing on Appellant's appeal of the FEIR. The FEIR analyzed all of the Project's impacts, both project-related and cumulatively. Sections 303(c)(2)(B) and (C) specifically require discussion of the project's impact on traffic, on-street parking, noise, noxious or offensive emissions of odor, and dust. These impacts were discussed on pp. 6 and 7 of the CU Motion and pp. 9 and 10 of Exhibit C. Some of the neighbors expressed concerns over the potential glare from the Gymnasium. Essentially the glazed elements at the rear of the Gymnasium will be made up of channel glass that has a void in which insulation will be inserted to dim both light and noise

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LUCE, FORWARD, HAMILTON & SCRIPPS LLP

Supervisor David Chiu

June 14, 2011

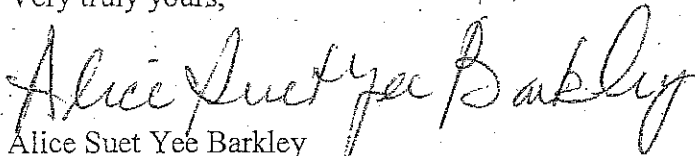
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transmission. A sample of the channel glass was shown to the Commission and the Commission is satisfied that it will be sufficient to remedy the neighbors concerns.⁶

CONCLUSION

Based on the forgoing, it is respectfully submitted that the appeal of the CU authorization is devoid of merit and unsupported by fact or law. Accordingly, this Board should dismiss Appellant's claims, contentions, and assertions as the Appellant has offered this Board no factual support. The appeal should be denied and the Commission's decision to grant a CU authorization should be granted. However, this Board should add an additional condition that the CU authorization is contingent on approval of the proposed Presidio-Sutter Street SUD.

Very truly yours,



Alice Suet Yee Barkley
Luce Forward Hamilton & Scripps LLP

Enclosure: Exhibits A to D

⁶ The architect will bring a sample of the glass to the hearing.

LUCE FORWARD

ATTORNEYS AT LAW • FOUNDED 1873

LUCE, FORWARD, HAMILTON & SCRIPPS LLP

Supervisor David Chiu

June 14, 2011

Page 11 of 12

cc: Supervisor John Avalos
Supervisor David Campos
Supervisor Carmen Chu
Supervisor Malia Cohen
Supervisor Sean Elsbernd
Supervisor Mark Farrell
Supervisor Jane Kim
Supervisor Eric Mar
Supervisor Ross Mirkarimi
Supervisor Scott Wiener
Angela Cavillo, Clerk of the Board
AnMarie Rogers (Planning Department [via e-mail])
Scott Sanchez (Planning Department [via e-mail])
Glenn Cabrerros (Planning Department [via e-mail])
Susan Cleveland Knowles (City Attorney's Office)
Patricia Scott (via e-mail)
Steve Perry (via e-mail)
Marc Slutzkin (via e-mail)
Randi Gerson (via e-mail)



Supervisor David Chiu
June 14, 2011
Page 12 of 12

TABLE OF EXHIBITS

- Exhibit A Project Review Application and the Project Coordination meeting summary
- Exhibit B 2006 schematic massing
- Exhibit C Letter dated April 20, 2011 from BTWCSC to Planning Commission Supporting Conditional Use Application
- Exhibit D BTWCSC's Conditional Use Application Attachment and Application



Fw: Please Read: 800 Presidio (Booker T. Washington project) Items to be
Heard on Tuesday, June 21
Rick Caldeira to: Joy Lamug

06/14/2011 12:26 PM

file

— Forwarded by Judson True/BOS/SFGOV on 06/14/2011 11:53 AM —

From: Julian Davis <julian.n.davis@gmail.com>
To: "Judson.True@sfgov.org" <Judson.True@sfgov.org>
Date: 06/11/2011 12:28 PM
Subject: Re: Please Read: 800 Presidio (Booker T. Washington project) Items to be Heard on Tuesday,
June 21

The project sponsors agree to the continuance. Thanks Judson,
Julian

Sent from my iPhone

On Jun 10, 2011, at 3:49 PM, "Judson.True@sfgov.org" <Judson.True@sfgov.org> wrote:

Hello All:

After much back and forth between numerous stakeholders, I wanted to let everyone know that the items and appeal hearings related to the Booker T. Washington project at 800 Presidio will happen on Tuesday, June 21 at a 4 p.m. special order. Given the expected Board agenda for that day, I anticipate that the hearings will begin close to that time.

This means that Items 27 (the Special Use District ordinance) and Items 31-34 (the Final Environmental Impact Report appeal) that are agendized for this coming Tuesday, June 14 will be continued by the Board to Tuesday, June 21.

I respectfully request that an Appellant Representative and the Project Sponsor please confirm with an email to me our verbal agreement that these items will be continued.

The Conditional Use Appeal originally scheduled for June 28 has been re-noticed and scheduled for June 21. Thank you to the Clerk's Office and Planning for this re-noticing.

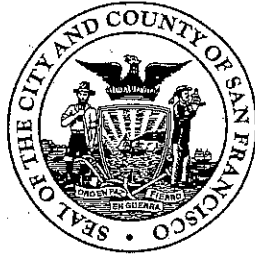
Please let me know if you have any questions.

Best,
Judson

Judson True
Office of Supervisor David Chiu
City Hall, Room 264
San Francisco, CA 94102
415.554.7451 desk

415.554.7454 fax

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

June 10, 2011

Stephen M. Williams
Law Offices of Stephen M. Williams
1934 Divisadero Street
San Francisco, CA 94115

**File No. 110702, Planning Case No. 2006.0868CEKTZ
800 Presidio Avenue Conditional Use Appeal**

Dear Mr. Williams:

This is in reference to the appeal you submitted on behalf of the Neighbors for Fair Planning from the decision of the Planning Commission by Motion No. 18342, on property located at:

800 Presidio Avenue, Lot No. 013 in Assessor's Block No. 1073.

The Director of Public Works has informed the Board of Supervisors in a letter dated June 7, 2011, (copy attached), that the signatures represented with your appeal of May 31, 2011, have been checked pursuant to the Planning Code and represent owners of more than 20 percent of the property involved and would be sufficient for appeal.

A hearing date has been scheduled on **Tuesday, June 21, 2011, at 4:00 p.m.**, at the Board of Supervisors meeting to be held in City Hall, Legislative Chamber, Room 250, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Please provide 18 copies to the Clerk's Office by:

8 days prior to the hearing: any documentation which you may want available to the Board members prior to the hearing;
11 days prior to the hearing: names of interested parties to be notified of the hearing in label format.

800 Presidio Avenue Conditional Use Appeal
June 10, 2011
Page 2

If you have any questions, please feel free to contact Legislative Deputy Director, Rick Caldeira, at (415) 554-7711 or Legislative Clerk, Joy Lamug, at (415) 554-7712.

Sincerely,

A handwritten signature in black ink, appearing to read "Angela Calvillo" followed by a flourish and the word "for".

Angela Calvillo
Clerk of the Board

c:

Edward Reiskin, Director, Department of Public Works
Jerry Sanguinetti, Manager, Department of Public Works-Bureau of Street Use and Mapping
Fuad Sweiss, City Engineer, Department of Public Works
Scott Sanchez, Zoning Administrator, Planning Department
AnMarie Rodgers, Planning Department
Tina Tam, Planning Department
Nannie Turrell, Planning Department
Glenn Cabrerros, Planning Department
Linda Avery, Planning Department
Cheryl Adams, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
Elaine Warren, Deputy City Attorney
Property Owner, Booker T. Washington Community Service Center, 800 Presidio Avenue, San Francisco,
CA 94115, Attn: Patricia Scott, Executive Director
Project Contact, Alice Barkley, Esq., Luce Forward, 121 Spear Street, Suite 200, San Francisco, CA 94105



Edwin M. Lee, Mayor
Edward D. Reiskin, Director
Fuad S. Sweiss, PE, PLS,
City Engineer & Deputy Director of Engineering

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2011 JUN - 8 AM 9:40
BY RBC



Phone: (415) 554-5827
Fax: (415) 554-5324
www.sfdpw.org
Subdivision.Mapping@sfdpw.org

Department of Public Works
Office of the City and County Surveyor
875 Stevenson Street, Room 410
San Francisco, CA 94103

Bruce R. Storrs, City and County Surveyor

June 7, 2011

Ms. Angela Calvillo
Clerk of the Board
1 Dr. Carlton B. Goodlet Place
City Hall - Room 244
San Francisco, CA 94102

RE: 800 Presidio Ave
Lots 013 of Assessor's Block 1073
Appealing Planning Commissions Approval of
Conditional Use Application No. 2006.0868CEKTZ

Dear Ms. Calvillo:

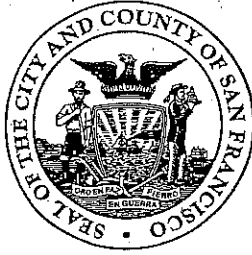
This letter is in response to your June 2, 2011 request for our Department to check the sufficiency of the signatures with respect to the above referenced appeal. Please be advised that per our calculations the appellants' signatures represent 39.82% of area represented, which is greater than 20% of the area involved and is therefore sufficient for appeal.

If you have any questions concerning this matter, please contact Mr. Javier Rivera of my staff at 554-5864.

Sincerely

Bruce R. Storrs
City & County Surveyor

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

June 9, 2011

Stephen M. Williams
Law Offices of Stephen M. Williams
1934 Divisadero Street
San Francisco, CA 94115

File No. 110702, Planning Case No. 2006.0868CEKTZ
800 Presidio Avenue Conditional Use Appeal

Dear Mr. Williams:

This is in reference to the appeal you submitted on behalf of the Neighbors for Fair Planning from the decision of the Planning Commission by Motion No. 18342, on property located at:

800 Presidio Avenue, Lot No. 013 in Assessor's Block No. 1073.

The Director of Public Works has informed the Board of Supervisors in a letter dated June 7, 2011, (copy attached), that the signatures represented with your appeal of May 31, 2011, have been checked pursuant to the Planning Code and represent owners of more than 20 percent of the property involved and would be sufficient for appeal.

A hearing date has been scheduled on **Tuesday, June 28, 2011, at 4:00 p.m.**, at the Board of Supervisors meeting to be held in City Hall, Legislative Chamber, Room 250, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Please provide 18 copies to the Clerk's Office by:

8 days prior to the hearing: any documentation which you may want available to the Board members prior to the hearing;
11 days prior to the hearing: names of interested parties to be notified of the hearing in label format.

800 Presidio Avenue Conditional Use Appeal
June 9, 2011
Page 2

If you have any questions, please feel free to contact Legislative Deputy Director, Rick Caldeira, at (415) 554-7711 or Legislative Clerk, Joy Lamug, at (415) 554-7712.

Sincerely,

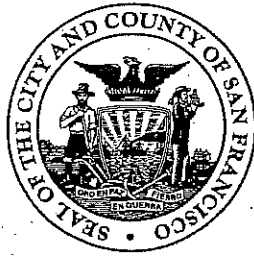
A handwritten signature in black ink, appearing to read "Angela Calvillo", with a stylized flourish at the end.

Angela Calvillo
Clerk of the Board

c:

Edward Reiskin, Director, Department of Public Works
Jerry Sanguinetti, Manager, Department of Public Works-Bureau of Street Use and Mapping
Fuad Sweiss, City Engineer, Department of Public Works
Scott Sanchez, Zoning Administrator, Planning Department
AnMarie Rodgers, Planning Department
Tina Tam, Planning Department
Nannie Turrell, Planning Department
Glenn Cabrerros, Planning Department
Linda Avery, Planning Department
Cheryl Adams, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
Elaine Warren, Deputy City Attorney
Property Owner, Booker T. Washington Community Service Center, 800 Presidio Avenue, San Francisco,
CA 94115, Attn: Patricia Scott, Executive Director
Project Contact, Alice Barkley, Esq., Luce Forward, 121 Spear Street, Suite 200, San Francisco, CA 94105

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

June 2, 2011

Edward Reiskin
Director of Public Works
City Hall, Room 348
San Francisco, CA 94102

Planning Case No. 2006.0868CEKTZ
800 Presidio Avenue Conditional Use Appeal

RECEIVED
11 MAY 33 PM 3:56
DEPT. PUBLIC WORKS
DIRECTOR'S OFFICE
R. Reiskin

Dear Director Reiskin:

The Office of the Clerk of the Board is in receipt of an appeal filed by Stephen M. Williams, on behalf of Neighbors for Fair Planning on May 31, 2011, from the decision of the Planning Commission by its Motion No. 18342 dated April 28, 2011, relating to the approval, subject to certain conditions, of a conditional use authorization (Case No. 2006.0868CEKTZ), under Planning Code Sections 303 and 304, to allow construction of a 55-foot tall planned unit development containing community facilities and a five-story, residential building with up to 50 affordable housing units within the RM-1 (Residential, Mixed, Low-Density) District, the Presidio-Sutter Special Use District and a 40-X/55-X Height and Bulk District, on property located at:

800 Presidio Avenue, Lot No. 013 in Assessor's Block No. 1073.

By copy of this letter, the City Engineer's Office is requested to determine the sufficiency of the signatures in regard to the percentage of the area represented by the appellant. Please submit a report not later than 5:00 p.m., June 9, 2011, to give us time to prepare and mail out the hearing notices as the Board of Supervisors has tentatively scheduled the appeal to be heard on June 28, 2011, at 4:00 p.m.

Sincerely,

Angela Calvillo
Clerk of the Board

- c:
- Jerry Sanguinetti, Manager, DPW-BSM, w/copy of appeal
- Fuad Sweiss, City Engineer, Department of Public Works, w/copy of appeal
- Appellant, Stephen M. Williams, Law Offices of Stephen M. Williams, 1934 Divisadero Street, San Francisco, CA 94115
- Property Owner, Booker T. Washington Community Service Center, 800 Presidio Avenue, San Francisco, CA 94115, Attn: Patricia Scott, Executive Director, w/copy of appeal
- Project Contact, Alice Barkley, Esq., Luce Forward, 121 Spear Street, Suite 200, San Francisco, CA 94105, w/copy of appeal
- Scott Sanchez, Zoning Administrator, Planning Department, w/copy of appeal
- AnMarie Rodgers, Planning Department, w/copy of appeal
- Tina Tam, Planning Department, w/copy of appeal
- Nannie Turrell, Planning Department, w/copy of appeal
- Glenn Cabrerros, Planning Department, w/copy of appeal
- Linda Avery, Planning Department, w/copy of appeal
- Cheryl Adams, Deputy City Attorney, w/copy of appeal
- Kate Stacy, Deputy City Attorney, w/copy of appeal
- Marlena Byrne, Deputy City Attorney, w/copy of appeal

BOARD of SUPERVISORS



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1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: Tuesday, June 21, 2011

Time: 4:00 p.m.

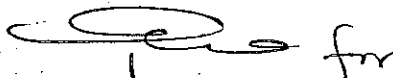
Location: Legislative Chamber, Room 250 located at City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102

Subject: File No. 110702. Hearing of persons interested in or objecting to the decision of the Planning Commission's April 28, 2011, Conditional Use Permit identified as Planning Case No. 2006.0868CEKTZ, by its Motion No. 18342, under Planning Code Sections 303 and 304, to allow construction of a 55-foot tall planned unit development containing community facilities and a five-story, residential building with up to 50 affordable housing units within the RM-1 (Residential, Mixed, Low-Density) District, the Presidio-Sutter Special Use District and a 40-X/55-X Height and Bulk District, on property located at 800 Presidio Avenue, Lot No. 013 in Assessor's Block No. 1073. (District 2) (Appellant: Stephen M. Williams, on behalf of the Neighbors for Fair Planning).

Pursuant to Government Code Section 65009, notice is hereby given, if you challenge, in court, the matter described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

In accordance with Section 67.7-1 of the San Francisco Administrative Code, persons who are unable to attend the hearing on these matters may submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public records in these matters, and shall be brought to the

attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information will be available for public review on Thursday, June 16, 2011.

A handwritten signature in black ink, appearing to read 'Angela Calvillo' with a stylized flourish at the end.

Angela Calvillo
Clerk of the Board

DATED: June 10, 2011
POSTED: June 10, 2011

