



**SAN FRANCISCO
PLANNING DEPARTMENT**

**Historic Preservation Commission
Motion No. 0335
Certificate of Appropriateness
HEARING DATE: APRIL 4, 2018**

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Case No.: 2016-007850COA
Project Address: 88 Broadway Street/ 735 Davis Street
Landmark District: Northeast Waterfront Landmark District
Zoning: C-2 (Community Business) Zoning District
 65-X Height and Bulk District
 Waterfront Special Use District No. 3
Block/Lot: 0140 / 007, 008
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ADOPTING FINDINGS FOR A CERTIFICATE OF APPROPRIATENESS FOR PROPOSED WORK DETERMINED TO BE APPROPRIATE FOR AND CONSISTENT WITH THE PURPOSES OF ARTICLE 10, TO MEET THE STANDARDS OF APPENDIX D IN ARTICLE 10 OF THE PLANNING CODE AND TO MEET THE SECRETARY OF INTERIOR’S STANDARDS FOR REHABILITATION, FOR THE PROPERTY LOCATED ON LOTS 007 AND 008 IN ASSESSOR’S BLOCK 0140, WITHIN A C-2 (COMMERCIAL-BUSINESS) ZONING DISTRICT, A 65-X HEIGHT AND BULK DISTRICT AND WATERFRONT SPECIAL USE DISTRICT NO. 3.

PREAMBLE

WHEREAS, on January 4, 2017, Aaron Thornton, LMS Architects (“Applicant”) filed an application on behalf of the Owner with the San Francisco Planning Department (hereinafter “Department”) for a Certificate of Appropriateness for new construction of two buildings, on the subject property located on Lot 007 and Lot 008 in Assessor’s Block 0140. The Project includes new construction of two six-story, mixed-use buildings (approximately 189,947 gross square feet) with up to 176 affordable dwelling units, two manager’s units, ground floor commercial space (approximately 6,436 square feet), childcare space (approximately 4,306 square feet), community spaces and ground floor support space (approximately 12,038 square feet), 120 Class 1 bicycle parking spaces. 20 Class 2 bicycle parking spaces will be located along the curb. The Project includes a dwelling unit mix consisting of 24 three-bedroom units, 49 two-

bedroom units, 66 one-bedroom units, and 39 studio units. The Project includes 2,270 square feet of usable open space for the childcare and 10,230 sf of useable open space for the residents; and

On November 15, 2017, the Project Sponsor filed Building Permit Applications (BPA) No. 2017.1115.4095 & 2017.1115.4101 with the Department of Building Inspection (DBI).

WHEREAS, On October 25, 2017 the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared and published for public review; and

The Draft IS/MND was available for public comment until November 27, 2017; and

On November 27, 2017, an appeal of the Mitigated Negative Declaration was filed with the Department.

On March 8, 2018, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the Appeal of the Mitigated Negative Declaration, 2016-007850ENV.

On March 8, 2018, the Commission upheld the PMND and approved the issuance of the Final Mitigated Negative Declaration (FMND) and initial Study as prepared by the Planning Department in compliance with CEQA, the State CEQA Guidelines and Chapter 31.

On March 9, 2018, the Planning Department reviewed and considered the FMND and Initial Study and found that the contents of said report and the procedures through which the FMND and Initial Study were prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), Title 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

The Planning Department found the FMND and Initial Study were adequate, accurate and objective, reflected the independent analysis and judgment of the Department of City Planning and the Planning Commission, [and that the summary of comments and responses contained no significant revisions to the Draft IS/MND,] and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

Planning Department staff prepared a Mitigation Monitoring and Reporting program (MMRP), which was made available to the public and this Commission for this Commission's review and consideration and action.

The Planning Department is the custodian of records located at 1650 Mission Street, Fourth Floor, San Francisco, California, for Case No. 2016-007850COA;

WHEREAS, The Historic Preservation Commission (hereinafter "Commission") has reviewed and concurs with said determination.

WHEREAS, on April 4, 2018, the Commission conducted a duly noticed public hearing on Certificate of Appropriateness application no. 2016-007850COA ("Project").

WHEREAS, in reviewing the Application, the Commission has had available for its review and consideration case reports, plans, and other materials pertaining to the Project contained in the Department's case files, has reviewed and heard testimony and received materials from interested parties during the public hearing on the Project.

MOVED, that the Commission hereby **APPROVES WITH CONDITIONS** the Certificate of Appropriateness, in conformance with the architectural plans dated March 9, 2018 and labeled Exhibit A on file in the docket for Case No. 2016-007850COA based on the following findings:

CONDITIONS OF APPROVAL

1. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design, especially the elevations facing onto the mid block crossing. The final design, including but not limited to the final color, finishes, textures, glazing details and storefront display shall be reviewed and approved by the Planning Department prior to the issuance of architectural addenda.
2. **Signs.** The Project Sponsor shall submit an exterior signage plan to the Planning Department. The proposed signage plan shall be reviewed by the Planning Department as an Administrative Certificate of Appropriateness pursuant to delegation for such review outlined by the Historic Preservation Commission in Motion No. 0289, unless the scope exceeds parameters of said delegation.

FINDINGS

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

1. The above recitals are accurate and also constitute findings of the Commission.
2. Findings pursuant to Article 10:

The Commission has determined that the proposed work is compatible with the character-defining features of the Landmark District and meets the requirements of Appendix D of Article 10 of the Planning Code:

- In the Designating Ordinance for the Landmark District, the area of the parking lots was deemed Incompatible to the importance of the District;

- The project proposes construction of two new buildings which respect the character-defining features of and is generally in conformance with the Landmark District through scale, proportion, materials, detailing, color, texture and fenestration pattern;
- That the proposed project meets the following Secretary of the Interior's Standards for Rehabilitation:

Standard 9.

New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

The proposed project would not destroy or damage any contributing elements within the Landmark District. The project is contemporary infill within a district that is reflective of and compatible with the surrounding and contributing buildings, as outlined in the description of the project's compliance with Article 10 of the Planning Code, such as scale, proportion, materials, detailing, color, texture and fenestration pattern. Therefore, the project complies with Rehabilitation Standard 9.

Standard 10.

New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The proposed project is new construction on vacant surface parking lots, which are not character-defining features in the district. In the Designating Ordinance for this Landmark District, new infill construction on these vacant lots is identified. The project does not impact character-defining features of the district and if removed in the future the essential form and integrity of the district would be unimpaired. Therefore, the project complies with Rehabilitation Standard 10.

3. **General Plan Compliance.** The proposed Permit to Alter is, on balance, consistent with the following Objectives and Policies of the General Plan:

I. URBAN DESIGN ELEMENT

THE URBAN DESIGN ELEMENT CONCERNS THE PHYSICAL CHARACTER AND ORDER OF THE CITY, AND THE RELATIONSHIP BETWEEN PEOPLE AND THEIR ENVIRONMENT.

GOALS

The Urban Design Element is concerned both with development and with preservation. It is a concerted effort to recognize the positive attributes of the city, to enhance and conserve those attributes, and to improve the living environment where it is less than satisfactory. The Plan is a definition of quality, a definition based upon human needs.

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 1.3

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

OBJECTIVE 2

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

POLICY 2.4

Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

POLICY 2.5

Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.

POLICY 2.7

Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.

The goal of a Certificate of Appropriateness is to provide additional oversight for buildings and districts that are architecturally or culturally significant to the City in order to protect the qualities that are associated with that significance.

The proposed project qualifies for a Certificate of Appropriateness and therefore furthers these policies and objectives by maintaining and preserving the character-defining features of the Northeast Waterfront Landmark District for the future enjoyment and education of San Francisco residents and visitors.

4. The proposed project is generally consistent with the eight General Plan priority policies set forth in Section 101.1 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 proposal would remove an under-developed lot, and would enhance the neighborhood by providing a childcare facility and commercial space, as well as introducing new residents, who will patronize nearby neighborhood-serving retail uses.

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

The Project site does not currently possess housing. The Project preserves the surrounding neighborhood character by providing for infill development that is compatible with the neighborhood character. The Project is supportive of the City's larger housing goals by providing for permanent affordable housing.

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

The Project provides 176 new permanently affordable housing units and two manager's units.

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

The Project site is located within a third of a mile of several local transit lines including Muni lines E and F. In addition, the growing ferry and water taxi systems that are now using the Ferry Building and other locations along the Embarcadero, and the Embarcadero BART station, a major regional transit station, is five blocks from the Project site. The Project is supportive of the City's transit first policies and is not anticipated to impede Muni transit service.

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

The Project does not include commercial office development and will not displace any service or industry establishment. Ownership of industrial or service sector businesses will not be affected by this Project.

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

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

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the Project site. The proposed Project, which lies within the boundaries of the Northeast Waterfront Landmark District, is in conformance with Article 10 of the Planning Code and the Secretary of the Interior's Standards.

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

The Project will have no negative impact on existing parks and open spaces or their access to sunlight and vistas. A shadow study was completed and concluded that the Project will not cast shadows on any property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission.

5. For these reasons, the proposal overall, appears to meet *Secretary of Interior's Standards* and the provisions of Article 10 of the Planning Code regarding new construction within the Northeast Waterfront Landmark District.

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 WITH CONDITIONS a Certificate of Appropriateness** for the property located at Lot 007 and 008 in Assessor's Block 0140 for proposed work in conformance with the renderings and architectural sketches dated March 9, 2018 and labeled Exhibit A on file in the docket for Case No. 2016-007850COA.

APPEAL AND EFFECTIVE DATE OF MOTION: The Commission's decision on a Certificate of Appropriateness shall be final unless appealed within thirty (30) days after the date of this Motion No. 0335. Any appeal shall be made to the Board of Appeals, unless the proposed project requires Board of Supervisors approval or is appealed to the Board of Supervisors as a conditional use, in which case any appeal shall be made to the Board of Supervisors (see Charter Section 4.135). For further information, please contact the Board of Appeals in person at 1650 Mission Street, (Room 304) or call (415) 575-6880.

Duration of this Permit to Alter: This Certificate of Appropriateness is issued pursuant to Article 10 of the Planning Code and is valid for a period of three (3) years from the effective date of approval by the Historic Preservation Commission. The authorization and right vested by virtue of this action shall be deemed void and canceled if, within 3 years of the date of this Motion, a site permit or building permit for the Project has not been secured by Project Sponsor.

THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OF OCCUPANCY UNLESS NO BUILDING PERMIT IS REQUIRED. PERMITS FROM THE DEPARTMENT OF BUILDING INSPECTION (and any other appropriate agencies) MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.

I hereby certify that the Historic Preservation Commission ADOPTED the foregoing Motion on April 4, 2018.


Jonas P. Ionin
Commission Secretary

AYES: Wolfram, Hyland, Black, Johnck, Johns, Matsuda, Pearlman

NAYS: None

ABSENT: None

ADOPTED: April 4, 2018