



UNITED GREEK ORTHODOX COMMUNITY  
OF SAN FRANCISCO, THE ANNUNCIATION  
**ANNUNCIATION CATHEDRAL**

245 Valencia St., San Francisco, CA 94103 · Tel.: (415) 864-8000 · Fax: (415) 431-5860  
www.annunciation.org · E-mail: fatherstephen@annunciation.org



December 19<sup>th</sup> 2022

Clerk of the Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

To the Clerk of the Board of Supervisors,

This Letter of Appeal lays out the basis for the appeal of the Market & Octavia Community Infrastructure Fee and also the fee for one year of indexing of the Infrastructure Fee. A waiver is requested for these fees. There is an absence of any reasonable relationship or nexus between the impact of the development and the fees charged.

The Annunciation Cathedral is not in any way adding any impact to the community, the building under construction is a REPLACEMENT for the building that was destroyed in the 1989 earthquake. The congregation has been meeting in an existing multi-use building on the site. With the replacement Cathedral building completion, services will move from the existing multi-use building on the site to the replacement Cathedral building on the site.

In the Findings Section, Paragraphs 10(a) on page 9 of the Planning Commission Motion No.18449 dated September 15, 2011 for this project (a copy of which is included with this Letter of Appeal) it states:

***"The proposed expansion of the existing church is not expected to increase its membership and attendance. Rather, the intent is to replace the cathedral space that previously occupied the site before it was destroyed in 1989, and to relocate religious services from the existing multi-purpose room at the north of the lot. Given that there is an existing off-street parking lot that is accessory to the church, no neighborhood serving uses would be displaced from the lot. Furthermore, the off-street parking that was previously provided was intended for member use and will be replaced."***

Please note that the replacement Cathedral building that is under construction has an underground garage that replaces the off-street parking that was at this site.

The Annunciation Cathedral congregation has met on this site in this neighborhood since the 1930's. There is no impact on the community when the congregation switches and meets in the replacement Cathedral building when it is completed versus the multi-use building on the same site where it meets now.

Thank you for your consideration of our Appeal.

Sincerely,

Paul P. Sogotis

President

United Greek Orthodox Community of San Francisco

The Annunciation Greek Orthodox Cathedral

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BY



# Appeal Filing to the Board of Supervisors Adjustment, Reduction, or Waiver of Development Project Requirements Appeal Planning Code, Section 406

The sponsor of any development project subject to a development fee or development impact requirement may appeal to the Board of Supervisors for a reduction, adjustment, or waiver of the requirement, pursuant to Planning Code, Section 406. These paragraphs are written to provide a summary of the process. In case of a conflict between these paragraphs and the Planning Code, the Planning Code provisions control.

## **Who May File An Appeal:**

The sponsor of any development project subject to a development fee or development impact requirement imposed by this Article may appeal to the Board of Supervisors for a reduction, adjustment, or waiver of the requirement based upon the absence of any reasonable relationship or nexus between the impact of development and either the amount of the fee charged or the on-site requirement.

## **Filing Deadline:**

In accordance with Planning Code, Section 406, the notice of appeal must be filed within 15 days of the department or Planning Commission's decision.

*NOTE: If the 15th day falls on a Saturday, Sunday or holiday, the appeal may be filed before 5:00 p.m. on the next business day.*

## **What to File:**

The following shall be filed with the Clerk of the Board of Supervisors:

(1 original and 2 hard-copies)

- ✓1) Notice of original signed letter of appeal, addressed to the Clerk of the Board, containing the detailed factual and legal basis for the claim of waiver, reduction, or adjustment;
- ✓2) A copy of the final action on the project approval that assessed the requirement; and
- ✓3) Any documentation to be included as evidence to support your appeal.

No appeal fee is required.

*NOTE: Any materials will become public records, therefore, if any private information is included, Appellant is responsible for redacting such information prior to submission.*



# **Appeal Filing to the Board of Supervisors Adjustment, Reduction, or Waiver of Development Project Requirements Appeal Planning Code, Section 406**

**Where to File:**

Clerk of the Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

**Hearing Date:**

Upon receipt, the Clerk shall set a time and place for the hearing.

Appeal hearings are scheduled at regular meetings of the full Board of Supervisors within 60 days of the appeal filing. Appeals are scheduled on the last Tuesday within the 60 day period at 3:00 p.m. If more than one appeal is scheduled the Clerk of the Board may consolidate and/or schedule the second or later appeals at a specified time later than 3:00 p.m.

The appellant shall bear the burden of presenting substantial evidence to support the appeal, including comparable technical information to support their position. Any materials that the appellant would like the Board members to consider must be delivered by 12:00 p.m., 11 days prior to the hearing.

No Committee hearing is held.

**Decision:**

The Board of Supervisors may overrule the department or Planning Commission's decision by a majority vote of all its members.

**Next Steps:**

Once the Appeal is determined ripe and timely, the Clerk will notify the appellant of the date, time, and place for the hearing before the Board of Supervisors.

Additionally, 20 days prior to the hearing, the appellant shall provide the names and addresses of the interested parties to be notified in spreadsheet format.

**Contact:**

Office of the Clerk of the Board  
(415) 554-5184





## DEVELOPMENT IMPACT FEE REPORT

FINAL

AS OF 12/05/2022

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PERMIT APPLICATION: 201008038065

DATE REVIEW OF ESTIMATE COMPLETED BY DEVELOPMENT FEE COLLECTION UNIT: 12/05/2022

PROJECT DESCRIPTION: TO ERECT 2 STORIES, RELIGIOUS WORSHIP BUILDING.

PROJECT SPONSOR: UNITED GREEK ORTHOD COMM OF SF, 245 VALENCIA ST, SAN FRANCISCO, CA 94103 (415) 864-8000

SITE PERMIT: N

FIRST PAYMENT OF IMPACT FEES DUE AT BUILDING PERMIT ISSUANCE

JOB ADDRESS: BLOCK 3532 LOT 091 275 VALENCIA ST

Controlling Entity	Applicable (Yes/No)	Impact Fee	Compliance Options (example = payment, in lieu, development)	Criteria Used in Calculation (example = # square fee X \$)	Estimated Amount	Reviewers Name	Reviewer's Phone Number
Planning Department	YES	Market & Octavia Community Infrastructure Fee (Planning Code Section 421)	Payment	4% 2013 INDEX ADJUSTMENT	\$1,912.00	BRITTANY BENDIX	(415) 575-9114
Planning Department	YES	Market & Octavia Community Infrastructure Fee (Planning Code Section 421)	Payment	\$3.61/s.f.*13,241 s.f.	\$47,800.01	BRITTANY BENDIX	(415) 575-9114
Planning Department	YES	Street Trees, in lieu fee (Planning Code Section 428)	Payment	sec 138.1--new building--516 frontage--26 trees required-5 exist on Valencia; 4 to be planted on Valencia, approx 10 will fit on Stevenson given site constraints. Approx 7 in-lieu fees	\$14,217.00	DPW BUF	(415) 554-6700
Planning Department	YES	Street Trees, in lieu fee (Planning Code Section 428)	Physical Improvement	sec 138.1--new building--516 frontage--26 trees required-5 exist on Valencia; 4 to be planted on Valencia, approx 10 will fit on Stevenson given site constraints. Approx 7 in-lieu fees		DPW BUF	(415) 554-6700
Metropolitan Transportation Agency		Transit Impact Development Fee (TIDF) (Planning Code Section 411)		Project has received a Charitable Exemption from the TIDF fee, approved on 3/28/22 for the assessed amount of \$176,105.30. Calculation: \$13.30 (institutional use) * 13,241 SF	\$0.00	BRITTANY BENDIX	(415) 575-9114
SF Unified School District *	YES	School Impact Fee (State Ed. Code Section 17620)	Payment	29,593 sq.ft. new non-residential Type III-A construction (RTom)		REAL ESTATE & ASSET MGT OFFICE	(415) 241-6090
SF Public Utilities Commission *	YES	Wastewater Capacity Charge (PUC Resolution No. 07-0100)	Payment	Contact SFPUC	\$884.70	Contact SFPUC	(628) 652-6040
SF Public Utilities Commission *	YES	Water Capacity Charge (PUC Resolution No. 07-0099)	Payment	Contact SFPUC	\$4,767.00	Contact SFPUC	(628) 652-6040





**Department of Building Inspection**  
**Development Fee Collection Unit**  
City & County of San Francisco  
49 South Van Ness Ave, Suite 400 San Francisco, CA



## **DEVELOPMENT IMPACT FEE REPORT**

**FINAL**

**AS OF 12/05/2022**

**PERMIT APPLICATION:** 201008038065

**JOB ADDRESS:** 275 VALENCIA ST

\* Fees collected at building/site permit issuance.

Note: Per San Francisco Admin Code Section 83.4, a First Source Hiring Agreement (FSHA) is required on a permit for 25,000 square feet of commercial space or ten (10) or more new residential units. The proposed development is to erect 2 stories, religious worship building. and is not subject to First Source Hiring Agreement (FSHA). Notify the CityBuild at [www.oewd.org/CityBuild](http://www.oewd.org/CityBuild) for questions.



## **DEVELOPMENT IMPACT FEE REPORT**

**FINAL**

**AS OF 12/05/2022**

**PERMIT APPLICATION:** 201008038065

**JOB ADDRESS:** 275 VALENCIA ST

**Impact fees due:**

**\$63,929.01**

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

If the City has not previously given Notice of an earlier discretionary approval of the project, this Development Impact Fee Report issued under Section 107A.13.7 of the San Francisco Building Code and Planning Code Section serves as NOTICE of the imposition of fees or exactions and that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this report does not re-commence the 90-day approval period.

The City's Development Impact Fees will be adjusted annually in accordance with San Francisco Planning Code Article 4, Section 409(b) based on the Annual Infrastructure Construction Cost Inflation Estimate (AICCI) published by Office of the City Administrator's Capital Planning Group and approved by the Capital Planning Committee. The new fee schedule will be posted December 1st each year and effective on January 1st. To obtain a list of the fees and their adjusted rates, go to the Planning website ([www.sfplanning.org](http://www.sfplanning.org)). Fees associated with other departments also may be adjusted annually on this same schedule, effective July 1 of each year, or adjusted at other times in accordance with applicable legislation. The adjusted fee rates apply to development impact fees paid on or after the effective date of any such fee adjustments, regardless of the date of permit filing or issuance of the preliminary fee assessment rate as shown on DBI's Citywide Development Fee Register for the particular project.



2022 DEC 19 PM 12: 25

BY *ll*  
**LETTER OF DETERMINATION**

November 30, 2022

Robert Bernstein  
201 Corte Madera Avenue  
Corte Madera, CA 94925

Record No.: **2022-010103ZAD**  
Site Address: 245 Valencia Street  
Assessor's Block/Lot: 3532/091  
Zoning District: NCT-3 (Moderate=Scale Neighborhood Commercial Transit District)  
Staff Contact: Andrew Perry – (628) 652-7430 or [andrew.perry@sfgov.org](mailto:andrew.perry@sfgov.org)

Dear Robert Bernstein:

This letter serves as a Letter of Determination (LoD) regarding the property at 245 Valencia Street regarding the proposed development project ("Project") submitted under Building Permit (BP) No. 201008038065 to construct a 2-story religious worship building. This LoD is intended to provide confirmation on 1) the impact fees applicable to the project; and 2) the date of "final action on the project approval that assesses the requirement" pursuant to Planning Code Section 406(a)(2).

The Project (Case No. 2010.0681) was to construct a new 2-story cathedral building with below grade off-street parking for the Annunciation Greek Orthodox congregation. The congregation has worshipped on this property since at least 1989 when they used the Valencia Theater for services. Following damage from the 1989 earthquake, the Valencia Theater was condemned, and the congregation moved into an adjacent building for services. The Valencia Theater was demolished, and the congregation constructed a Fellowship Hall in its place, which was then used for services once finished. The temporary adjacent building used for services between the Valencia Theater and Fellowship Hall locations was then proposed for demolition, with the subject permit and cathedral as the replacement building on that portion of the site.

The subject building permit was first approved by Planning on October 12, 2012, and then subsequently re-approved on October 7, 2013, just prior to the permit's final issuance on October 17, 2013. At the time of permit issuance, Planning staff assessed two development impact fees for the permit: 1) the Transit Impact Development Fee (TIDF) pursuant to Planning Code Section 411 in the amount of \$176,105.30; and 2) the Market & Octavia Community Infrastructure Fee (MOCIF) pursuant to Planning Code Section 421 in the amount of \$49,712.01.



Impact fees are calculated at issuance of the first building or site permit and due to be paid at the issuance of the first construction document. Because BP No. 201008038065 was submitted as a full building permit and not a separate site permit with subsequent addenda, the issued building permit was the first construction document. However, the Development Fee Collection Unit (DFCU) at the Department of Building Inspection (DBI) did not provide the project sponsor with a Final Development Impact Fee Report for this permit, nor were the impact fees collected prior to permit issuance on October 17, 2013. It was only toward the end of 2021, when the project was attempting to obtain Certificates of Occupancy, that DBI flagged that there were unpaid impact fees for this permit.

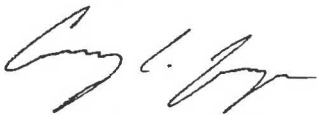
Since that time, the Church has filed and been granted a Charitable Exemption from the TIDF, pursuant to Planning Code Section 411.8. Therefore, the project's only remaining impact fee is the MOCIF, totaling \$49,712.01. Because this impact fee should have been collected in 2013, no subsequent indexing of this fee will occur for the years 2014-2022.

Following issuance of this LoD, the DFCU will issue the project sponsor a Final Development Impact Fee Report. For purposes of Planning Code Section 406(a)(2), because the project sponsor was not provided with a Final Development Impact Fee Report in 2013 prior to building permit issuance, it is my determination that the forthcoming issuance of the Final Development Impact Fee Report for BP No. 201008038065 shall constitute the "final action on the project approval that assesses the requirement," pursuant to that section. The project sponsor would therefore have 15 days following issuance of the Final Development Impact Fee Report to file an appeal of the impact fee with the Clerk of the Board of Supervisors based upon "the absence of any reasonable relationship or nexus between the impact of development and the amount of the fee charged."

**Please note that a Letter of Determination is a determination regarding the classification of uses and interpretation and applicability of the provisions of the Planning Code. This Letter of Determination is not a permit to commence any work or change occupancy. Permits from appropriate Departments must be secured before work is started or occupancy is changed.**

**APPEAL:** An appeal may be filed with the Board of Appeals within 15 days of the date of this letter if you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator. Please contact the Board of Appeals in person at 49 South Van Ness Ave, Suite 1475, call (628) 652-1150, or visit [www.sfgov.org/bdappeal](http://www.sfgov.org/bdappeal).

Sincerely,



Corey A. Teague, AICP  
Zoning Administrator

cc: Property Owner  
Neighborhood Groups  
Andrew Perry, Planner



# SAN FRANCISCO PLANNING DEPARTMENT

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2022 DEC 19 PM 12: 25

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. 18449 HEARING DATE: SEPTEMBER 22, 2011

*Date:* September 15, 2011  
*Case No.:* 2010.0681C  
*Project Address:* 275 VALENCIA STREET  
*Zoning:* NCT-3 (Moderate Scale Neighborhood Commercial Transit)  
50-X Height and Bulk District  
*Block/Lot:* 3532 / 091  
*Project Sponsor:* John Goldman  
Goldman Architects  
172 Russ Street  
San Francisco, CA 94103  
*Staff Contact:* Brittany Bendix – (415) 575-9114  
[brittany.bendix@sfgov.org](mailto:brittany.bendix@sfgov.org)

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 121.1, 121.2, AND 303, FOR AN EXPANSION OF AN EXISTING RELIGIOUS INSTITUTION (ANNUNCIATION CATHEDRAL) TO REPLACE THE EXISTING SURFACE PARKING LOT WITH A NEW 50 FOOT TALL AND 31,218 SQUARE FOOT CATHEDRAL BUILDING WITH A DOME EXTENDING TO A HEIGHT OF 68 FEET WITH 58 OFF-STREET PARKING SPACES WITHIN AN NCT-3 (MODERATE SCALE NEIGHBORHOOD COMMERCIAL TRANSIT) ZONING DISTRICT, 50-X HEIGHT AND BULK DISTRICT, AND THE MARKET & OCTAVIA AREA PLAN.

### PREAMBLE

On August 12, 2010, John Goldman (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 121.1, 121.2, and 303, for an expansion of an existing religious institution (Annunciation Cathedral) to replace the existing surface parking lot with a new 50 foot tall and 31,218 square foot cathedral building with 58 off-street parking spaces within an NCT-3 (Moderate Scale Neighborhood Commercial Transit) Zoning District, 50-X Height and Bulk District, and the Market & Octavia Area Plan.

On September 22, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2010.0681C.

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

The Market & Octavia EIR is a Program EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required of a proposed project, the agency may approve the project as being within the scope of the project covered by the program EIR, and no additional or new environmental review is required. The Commission adopted CEQA Findings in its Motion No. 17661 and hereby incorporates such Findings by reference. All mitigation measures adopted as part of these findings will be applied to the Project, as applicable, and as discussed in the Certificate of Exemption for this Project.

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

Pursuant to the Guidelines of the State Secretary of Resources for the implementation of the California Environmental Quality Act (CEQA), on September 2, 2011, the Planning Department of the City and County of San Francisco (hereinafter "Department") determined that the proposed application was exempt from the environmental review process per Section 15183 of the CEQA Guidelines and California Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Market & Octavia Area Plan and was encompassed within the analysis contained in the Market & Octavia Final EIR. Since the Market & Octavia Final EIR was finalized, there have been no substantial changes to the Market & Octavia Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Market & Octavia Final EIR and the Community Plan Exemption



certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting Program (MMRP) setting forth mitigation measures that were identified in the Market and Octavia Plan EIR that are applicable to the project. These mitigation measures reduce all potential significant impacts to less than significant levels, and are set forth in their entirety in the MMRP attached to the draft Motion as Exhibit C.

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

**MOVED**, that the Commission hereby authorizes the Conditional Use Authorization requested in Application No. 2010.0681C, 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 situated on Lot 091 of Assessor's Block 3532; it is a through-lot with the main frontage of approximately 265-feet on the east side of Valencia Street and the rear frontage of approximately 250-feet on the west side of Stevenson Street. These frontages are bounded by Clinton Park alley to the north and 14<sup>th</sup> Street to the south. The property is located within an NCT-3 (Moderate Scale Neighborhood Commercial Transit) Zoning District, 50-X Height and Bulk District, and the Market & Octavia Area Plan. The site is approximately 46,575 square-feet and is developed with a 36,600 square-foot two-story religious facility (Annunciation Cathedral) which includes a chapel, multi-purpose hall, and classrooms. There is also an accessory surface parking lot immediately south of the existing building that provides 61 on-site parking spaces and is approximately 18,455 square-feet. This is where the proposed building will be located.
3. **Surrounding Properties and Neighborhood.** The Project site is situated at the southwest corner of Block 3532 which is generally bounded to the north by Duboce Avenue, to the east by Mission Street, to the south by 14<sup>th</sup> Street, and to the west by Valencia Street. This block is somewhat atypical in that the Woodward Street, Stevenson Street, and Clinton Park alleys break up the block into smaller sections. Immediately north of the subject property is a one-story auto repair facility. Further north are two- to three-story mixed use buildings. To the east of the property is Stevenson Street, across from which are a two-story industrial warehouse and a surface parking lot. Directly south of the property is a 5-story mixed-use project presently under construction and approved by the Planning Commission (Case 2006.0432C, "299 Valencia Street"). Beyond this structure and across 14<sup>th</sup> Street are two three-story apartment buildings and the former State Armory and Arsenal. Finally, to the west of the property, directly across

Valencia Street, are three- to five-story mixed-use developments with ground floor commercial space and a four-story educational institution, the Friends School.

The partitioning of the block with alleys has served to generate a variety of uses such as medium-density residential, mixed-use, commercial, and light-industrial. The varied zoning of this block reinforces the diversity of such uses - portions of the block are zoned as NCT-3, UMU (Urban Mixed-Use), PDR-1-G (General Production, Distribution and Repair), and RM-1 (Mixed Residential) Districts. The block also has varied height limits ranging from 40-X to 68-X. Ultimately, this mixed development pattern is characteristic of the site's location at the southwest corner of the Market Octavia Neighborhood, which is zoned to serve as a transition from Market Street into the Valencia Neighborhood Commercial corridor upon crossing 14<sup>th</sup> Street.

4. **Project Description.** The Project proposes to demolish an existing surface parking lot and construct a new assembly space for the existing Annunciation Cathedral. This proposed expansion is the second phase of the Project Sponsor's program to rebuild its facilities that were lost in the 1989 Loma Prieta earthquake. The new 31,218 square-foot building would contain 12,718 square-feet of assembly space, provide seating for approximately 677 people, and enable the relocation of religious services from the existing multi-purpose room. The proposed two-story cathedral building would be 50 feet tall, with the dome extending to a height of 68 feet. The remaining area of 18,530 square-feet will contain underground parking that would be accessed from Valencia Street and would provide 58 off-street parking spaces. The existing building on the northern half of the project site would continue to be used for related activities such as community and classroom space with an accessory kitchen, a chapel, and administrative office space for the property owner, the United Greek Orthodox Community of San Francisco.
5. **Public Comment.** The Department has received comment from only one neighbor regarding this project. The concern stems from ongoing construction on this block of Valencia Street and the resulting noise. The neighbor requested that the hours of construction for the subject project be limited to 9AM to 5PM, Monday through Friday. The neighbor also requested that the Project Sponsor be held to expedite the construction as to minimize neighborhood disturbances. The neighbor has been informed that the Department of Building Inspection (DBI) regulates construction hours and that those are set at 7AM to 8PM, 7 days a week. The neighbor was also given information on San Francisco's Noise Ordinance which details the allowable decibel level for construction activities and the manner in which an individual can register complaints with DBI. Although the Project Sponsor has not yet responded to this inquiry, a similar concern was raised at the pre-application meeting held on April 20, 2010. The Project Sponsor plans to comply with the law for allowable construction hours.
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. **Neighborhood Commercial Permit Review.** Planning Code Section 312 requires neighborhood notification for the expansion of a large institution/religious facility, as

defined by Planning Code Section 790.50(d) for lots within a Neighborhood Commercial District.

*The Project Sponsor intends to enlarge an existing large institution/religious facility (Annunciation Cathedral) within a NCT-3 (Moderate Scale Neighborhood Commercial Transit) Zoning District. Section 312 notification was conducted in conjunction with the Conditional Use Authorization notification.*

- B. Large Institutional (Religious Facility) Use.** Planning Code Section 731.81 identifies a large institution as a principally-permitted use on the first story and above in the NCT-3 Zoning District.

*The Proposed Project is for the expansion of an existing religious institution and is a principally permitted use within this zoning district.*

- C. Height and Bulk.** In the 50-X Height and Bulk District, the Planning Code allows building heights up to 50-feet and does not restrict bulk. Section 260(b)(1)(D) permits ornamental and symbolic features of public and religious buildings and structures to extend above the height limit provided that the horizontal areas of these features do not exceed 20 percent of the horizontal area of the roof.

*The Project consists of a two-story cathedral building that would be 50-feet tall, with the dome extending to a height of 68-feet. The cathedral building also has two towers that extend to 52-feet. The horizontal area of these three features does not exceed 20 percent of the total horizontal roof area.*

- D. Floor Area Ratio.** Section 124 establishes a basic floor area ratio limit of 3.6:1 (gross floor area to lot area) within an NCT-3 Zoning District.

*The expansion of the religious facility and subsequent development of the cathedral results in a floor area ratio of 1.1 and is under the limit mandated by Section 124.*

- E. Rear Yard.** Section 134 establishes minimum required rear yards in all zoning districts. The rear yard is generally a function of lot depth, with the exception of corner lots. Planning Code Section 134(a)(1) requires a minimum rear yard depth equal to 25 percent of the total lot depth at the lowest story containing a dwelling unit, and at each succeeding story in all NC districts.

*The Project does not contain a residential use and is not subject to this Code Section.*

- F. Streetscape and Pedestrian Improvements.** Section 138.1 requires that additions greater than 20 percent of the existing floor area provide a street tree for every 20-feet of lot frontage. Additionally, for lots that are also greater than half an acre (21,780 square-feet), proposals must submit a streetscape plan that is consistent with the Better Streets Plan.



*Section 138.1 requires 13 trees along the 265-foot Valencia Street frontage and 13 trees along the 250-foot Stevenson Street frontage. The Project Site has eight existing trees along Valencia Street and ten existing trees along Stevenson Street. The proposal includes adding eight more trees between the two frontages. The Project has also provided a streetscape plan which addresses the lot frontage on Valencia Street where work is to occur. Improvements include enlarged tree beds, additional landscaping, benches, bike racks, and a scored concrete sidewalk.*

- G. **Shadow.** Section 295 prohibits any structure that exceeds 40-feet in height from casting any shade or shadow upon any property under the jurisdiction of, or designated for acquisition by, the Recreation and Parks Commission, with certain exceptions identified in the Sunlight Ordinance.

*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.*

- H. **Parking.** Planning Code Section 731.22 requires no parking for any use in the NCT-3 Zoning District.

*The existing church has a surface parking lot with 61 off-street parking spaces. The new underground garage will contain 58 off-street parking spaces. The maximum allowed parking in the NCT-3 district for a church use would be 1 parking space per 20 seats. The new and existing buildings include 2,324 seats, which would set the maximum allowed off-street parking at 116 spaces. The Project is below this limit.*

- I. **Bicycle Parking.** Planning Code Section 155.2 requires private garages to provide at least 6 bicycle spaces, regardless of the size of the garage. Garages with between 120 and 500 parking spaces must provide one bicycle space for every 20 parking spaces.

*The Project includes a private garage with 58 parking spaces. It complies with the requirement to provide 6 secure bicycle spaces in the underground garage that are accessible through the driveway entrance along Valencia Street.*

7. **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 size of the proposed use is consistent with the mass and scale of other existing buildings on the block face. The proposal will fit within the predominating three- to five-story building scale established by the existing mixed-use structures, the State Armory and Arsenal, and the Friends School. Additionally, the apex of the cathedral's dome is setback 81-feet from the property's Valencia*

*Street frontage, and 99-feet from the Stevenson Street frontage. This setback serves to minimize the impact of the dome's 68-foot height. The design is typical of a religious institution with elements that articulate the mass and provide visual interest.*

*The proposed church expansion will not impact traffic or parking in the area because it will not increase the number of existing members that attend the church.*

- 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. The nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*The height and bulk of the proposed building will not alter the existing appearance or character of the neighborhood. While designed as a religious institution, the scale of the Project is compatible with the dominant building form of the neighborhood.*

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

*The Planning Code does not require parking or loading for the proposed use. The proposed use will not generate significant amounts of additional vehicular trips from the immediate neighborhood or citywide because the site currently contains 61 spaces and will be reduced to 58 spaces.*

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

*The site has functioned as a religious institution with related uses for many decades. While these activities are expected to continue, the religious services will be moved into the new cathedral and should not result in the creation or increase of any noxious or offensive emissions which are otherwise subject to the Conditions of Approval outlined in Exhibit A.*

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

*The Project Sponsor has submitted a streetscape plan that complies with the landscaping and screening requirements of Planning Code Section 138.*

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

*The Project complies with all relevant requirements and standards of the Planning Code 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 applicable Neighborhood Commercial District.

*The Project is consistent with the stated purpose of NCT-3 Districts in that the intended use is located at the ground floor and contributes to an active streetfront.*

9. **Large Lot Development.** Section 121.1 requires the significant enlargement of existing buildings, or new construction, on lots greater than 10,000 square-feet and within the NCT-3 Zoning District to obtain Conditional Use Authorization. The two following criteria shall be considered to obtain such Conditional Use Authorization:

1. The mass and façade of the proposed structure are compatible with the existing scale of the district;

*With regard to height, buildings in the immediate area range from one- to five-stories. The Project's scale is considered appropriate given its immediate context. The existing two-story assembly hall provides a transition from the one-story auto repair facility to the north and the proposed cathedral, as well as the five-story mixed use building situated at the corner of Valencia Street and 14<sup>th</sup> Street to the south of the site. Other structures within the area include three- to five-story mixed use buildings, the Friends School, and the State Armory and Arsenal. Furthermore, the apex of the cathedral's dome is located at the center of the subject lot and is setback 81-feet from the more developed Valencia Street frontage, and 99-feet from the lesser developed Stevenson Street frontage. The Project's façade has been designed to be compatible with the district as a religious institution.*

*With regard to massing of the façade, buildings in the immediate area have frontages ranging from 30-feet to greater than 100-feet. This variation can be attributed to the neighborhood's history as a confluence of residential and industrial uses. To respect the changing setting of this particular area, new construction is designed to break up large masses to reflect neighborhood character. The Project will result in changes to 110-feet of the property's Valencia Street frontage and 95-feet of the Stevenson Street frontage. Of these frontages, the proposed cathedral accounts for approximately 76-feet. To further break up the façade's massing and create a perception of depth, the 50-foot wide cathedral is flanked by two 12-foot wide towers. The Project's massing is compatible with the district.*

2. The façade of the proposed structure is compatible with design features of adjacent façades that contribute to the positive visual quality of the district.

*The Project is designed in a manner that incorporates traditional elements of the religious facility destroyed in the 1989 Loma Prieta earthquake and is consistent with the subsequent rebuilding efforts executed in Phase 1. Although the cathedral's design is very traditional, the use of modern building materials and construction methods will clearly distinguish the completed structure as*



*contemporary. Various elements such as fenestration pattern enable the new construction's compatibility with the overall neighborhood character that consists of a mix of historic and modern architecture. Additionally, the Project will enhance the streetscape of the neighborhood through elements such as additional landscaping, seating and bike parking within the public realm.*

10. **Use Size.** Planning Code Section 121.2 requires a Conditional Use Authorization for a non-residential use that is larger than 6,000 square feet within an NCT-3 Zoning District. Planning Code Section 121.2 sets forth additional criteria which the Commission shall consider in addition to those of Section 303 when reviewing an application for a non-residential use size in excess of that which is permitted as-of-right:

- a. The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.

*The proposed expansion of the existing church is not expected to increase its membership and attendance. Rather, the intent is to replace the cathedral space that previously occupied the site before it was destroyed in 1989, and to relocate religious services from the existing multi-purpose room at the north of the lot. Given that there is an existing off-street parking lot that is accessory to the church, no neighborhood serving uses would be displaced from the lot. Furthermore, the off-street parking that was previously provided was intended for member use and will be replaced.*

- b. The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function.

*Religious institutions have historically required larger spaces in order to serve their congregation. The Project is to replace a worship hall that was destroyed in 1989. The proposed expansion would enable the existing church to continue to serve neighborhood residents.*

- c. The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district.

*The building is to be a cathedral and has been designed as such. While respecting historic cathedral/religious design, modern elements such as fenestration pattern and materials ensure that the building reads as a contemporary structure. The Project respects the scale of the district and will serve as a neighborhood serving religious facility.*

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

## **COMMERCE AND INDUSTRY ELEMENT**

### **Objectives and Policies**

#### **OBJECTIVE 1:**

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

**Policy 1.1:**

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

*The Project will provide and enhance desirable institutional and community, social, and educational services to the neighborhood. Further, it will replace an open paved parking lot with a building that will contribute to the active street life of the neighborhood.*

**HOUSING ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1:**

IN INCREASING THE SUPPLY OF HOUSING, PURSUE PLACE MAKING AND NEIGHBORHOOD BUILDING PRINCIPLES AND PRACTICES TO MAINTAIN SAN FRANCISCO'S DESIRABLE URBAN FABRIC AND ENHANCE LIVABILITY IN ALL NEIGHBORHOODS.

**Policy 11.4:**

Avoid or minimize disruption caused by expansion of institutions, large-scale uses and auto-oriented development into residential areas.

*The Project is an expansion of an existing religious institution within the neighborhood and will not change the church's general operations or result in additional impacts on the neighborhood. The Project is replacing a worship hall that was destroyed in 1989. This will ensure that the church can continue to provide an active use that enhances the neighborhood character. The site has been a religious institution for decades and will not disrupt any residential uses in the neighborhood.*

**TRANSPORTATION ELEMENT**

**Objectives and Policies**

**OBJECTIVE 11:**

ESTABLISH 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.

**Policy 1.1:**

Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well as mitigate traffic problems.

*Members of the congregation will be able to access the site through public transportation. The site is well served by transit. The 22-Fillmore, 33-Stanyan, and 49-Van Ness-Market MUNI bus lines, as well as the F-Line on Market Street are all within a few blocks from the subject property. Additionally, the 16th Street BART station is 3 blocks away.*

## **ARTS ELEMENT**

### **Objectives and Policies**

#### **OBJECTIVE 2:**

SUPPORT ARTS AND CULTURAL PROGRAMS WHICH ADDRESS THE NEEDS OF DIVERSE POPULATIONS.

#### **Policy 5.3:**

Continue to increase City support for organizations and developing institutions which reflect the diverse cultural traditions of the San Francisco population.

*The Project will enhance the cultural and religious diversity through the expansion of the worship area. Annunciation Cathedral has served San Francisco for several decades and the expansion will ensure that it continues to do so for many more in the future. The Project helps maintain and promote the cultural diversity of the neighborhood and the City as a whole by expanding access to community services offered by the church use.*

## **INSTITUTIONAL FACILITIES ELEMENT**

### **Objectives and Policies**

#### **OBJECTIVE 9:**

ASSURE THAT INSTITUTIONAL USES ARE LOCATED IN A MANNER THAT WILL ENHANCE THEIR EFFICIENT AND EFFECTIVE USE.

*The Project is located on a main thoroughfare in a neighborhood commercial area adjacent to a residential neighborhood. The use acts as a buffer between the adjacent residential uses and the adjacent commercial uses. The location of the use adjacent to the residential district is convenient to worshippers living in the vicinity.*

## **12. Market and Octavia Area Plan Compliance.**

### **LAND USE AND URBAN FORM**

#### **Objectives and Policies**

#### **OBJECTIVE 1.1:**

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

**Policy 1.1.2:**

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

*The proposed intensification of the religious facility is within an area well served by public transit. The site is within a few blocks from the 22-Fillmore, 33-Stanyan, and 49-Van Ness-Market MUNI bus lines, the 16<sup>th</sup> Street BART station, and the Market Street F-line.*

**Policy 1.1.6:**

Preserve and enhance the role of cultural and educational institutions in the plan area.

*The Project will enhance the cultural and religious diversity through the expansion of the worship area. Annunciation Cathedral has served San Francisco for several decades and the expansion will ensure that it continues to do so for many more in the future. The Project helps maintain and promote the cultural diversity of the neighborhood and the City as a whole by expanding access to community services offered by the church use.*

## **BUILDING WITH A SENSE OF PLACE**

### **Objectives and Policies**

**OBJECTIVE 3.1:**

ENCOURAGE NEW BUILDINGS THAT CONTRIBUTE TO THE BEAUTY OF THE BUILT ENVIRONMENT AND THE QUALITY OF STREETS AS PUBLIC SPACE.

**Policy 3.1.1:**

Ensure that new development adheres to principles of good urban design.

*The Project is designed in a manner that incorporates the fundamental design principles articulated in the Market and Octavia Area Plan including three-dimensional detailing, a strong rhythm of regular vertical elements, a clear definition of base, middle, and top, the use of towers to help define a gateway, and the use of setbacks to diminish the imposition of the building's mass. It contains elements of traditional religious structures while acknowledging the contemporary nature of its surroundings through incorporating modern design elements.*

**OBJECTIVE 3.2:**

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

**Policy 3.2.7:**

Ensure that changes in the built environment respect the historic character and cultural heritage of the area, and that resource sustainability is supported.

**Policy 3.2.8:**

Encourage new building design that respects the character of nearby older development.



*The Project is designed in a manner that incorporates traditional elements of a religious facility; however, the use of modern building materials and construction methods will clearly distinguish the completed structure as contemporary. Accordingly, the design will not detract from the historic character of any immediate buildings. The subject site is not within an historic district.*

## **STREETS AND OPEN SPACES**

### **Objectives and Policies**

#### **OBJECTIVE 4.1:**

PROVIDE SAFE AND COMFORTABLE PUBLIC RIGHTS-OF-WAY FOR PEDESTRIAN USE AND IMPROVE THE PUBLIC LIFE OF THE NEIGHBORHOOD.

##### **Policy 4.1.2:**

Enhance the pedestrian environment by planting trees along sidewalks, closely planted between pedestrians and vehicles.

##### **Policy 4.1.8:**

Consider making improvements to non-residential alleys that foster the creation of a dynamic, mixed-use place.

*The Project includes a streetscape plan that will provide new street trees along both Valencia Street, which is identified as a high priority street for trees, and Stevenson Street, a non-residential alley. These elements will enhance an area that is dominated by concrete sidewalks and open asphalt lots. The improvements will enhance and improve the streetscape.*

## **BALANCING TRANSPORTATION CHOICES**

### **Objectives and Policies**

#### **OBJECTIVE 5.2:**

DEVELOP AND IMPLEMENT PARKING POLICIES FOR AREAS WELL SERVED BY PUBLIC TRANSIT THAT ENCOURAGE TRAVEL BY PUBLIC TRANSIT AND ALTERNATIVE TRANSPORTATION MODES AND REDUCE TRAFFIC CONGESTION.

##### **Policy 5.2.2:**

Encourage the efficient use of space designated for parking.

##### **Policy 5.2.3:**

Minimize the negative impacts of parking on neighborhood quality.

*The Project will remove the existing surface parking lot, thus generating a more engaging streetfront. Parking spaces will be relocated within the new building. Additionally, the project will not relocate the existing curb cut, thus minimizing the disturbance to existing vehicle and bicycle traffic patterns.*

**OBJECTIVE 5.3:**

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

**Policy 5.3.1:**

Encourage the fronts of buildings to be lined with active uses and, where parking is provided, require that it be setback and screened from the street.

*The Project will remove a non-active use – the parking lot – and replace it with a building that will engage the street and improve the pedestrian experience. The demolition of the surface off-street parking lot and new construction of the cathedral will contribute to the maintenance of an active street front.*

**OBJECTIVE 5.5:**

ESTABLISH A BICYCLE NETWORK THAT PROVIDES A SAFE AND ATTRACTIVE ALTERNATIVE TO DRIVING FOR BOTH LOCAL AND CITYWIDE TRAVEL NEEDS.

**Policy 5.5.2:**

Provide secure and convenient bicycle parking throughout the area.

*The Project includes 6 bicycle parking spaces within the parking garage, as well as street-level bicycle racks for use in the public realm, features which the site currently does not provide. These bike spaces will enhance the neighborhood.*

13. **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.

*No retail uses exist on the Project site. The Project will expand a neighborhood serving cultural/religious institution that has existed on the site for many decades.*

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

*Nearby housing and the surrounding neighborhood would not be adversely affected by the proposed expansion because it has been a religious institution for many decades. It will improve neighborhood character by replacing a parking lot with a religious facility with active uses.*

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

*The Project is to construct a new religious facility. No housing is removed for this Project.*

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

*The site is well served by transit. The 22-Fillmore, 33-Stanyan, and 49-Van Ness-Market MUNI bus lines are within a few blocks. Additionally, the 16th Street BART station is three blocks away and the F-line is accessible on Market Street. The Project will use the existing curb-cut and off-street parking will be provided underground. No dramatic increase in automobile trips is anticipated as the expansion serves primarily to relocate existing religious services to the proposed cathedral.*

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

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

- F. That the City 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 proposal will not impact the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*There are no designated landmarks or historic buildings on the Project site.*

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

*The Project does not adversely affect open spaces or parks. There are no parks in the vicinity of the project site. There is an open parking lot but it does not function as open space.*

14. **Mitigation Measures.** Pursuant to the California Environmental Quality Act (CEQA), the Commission has considered the mitigation measures that were identified in the Market and Octavia Plan EIR that are applicable to the project. These mitigation measures reduce all potential significant impacts to less than significant levels, and are set forth in their entirety in the Mitigation Monitoring and Reporting Program (MMRP) attached to the draft Motion as Exhibit C.
15. 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.

16. 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. 2010.0681C** subject to the following conditions attached hereto as "EXHIBIT A" including all applicable mitigation measures of the Market & Octavia EIR as set forth in the Certificate of Exemption for this project, in general conformance with plans on file, dated April 5, 2011, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Planning Commission has reviewed and considered the Community Plan Exemption and the record as a whole and finds that there is no substantial evidence that the Project will have a significant effect on the environment with the adoption of the mitigation measures contained in the MMRP to avoid potentially significant environmental effects associated with the Project, and hereby adopts the Community Plan Exemption.

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

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 18449. 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 September 22, 2011.

Linda D. Avery  
Commission Secretary

AYES: Commissioners Antonini, Borden, Fong, Miguel, Moore, Olague, and Sugaya

NAYS: None

ABSENT: None

ADOPTED: September 22, 2011

## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to allow a Religious Institution (**Annunciation Cathedral**) located at 275 Valencia Street, Lot 091 in Assessor's Block 3532 pursuant to Planning Code Section(s) **121.1, 121.2, and 303** within the **NCT-3** District and a **50-X** Height and Bulk District; in general conformance with plans, dated **April 5, 2011**, and stamped "EXHIBIT B" included in the docket for Case No. **2010.0681C** and subject to conditions of approval reviewed and approved by the Commission on **September 22, 2011** under Motion No.18449. 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 **September 22, 2011** under Motion No. 18449.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18449 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

### SEVERABILITY

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

### CHANGES AND MODIFICATIONS

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

## Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

1. **Validity 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.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

2. **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](http://www.sf-planning.org)*

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## DESIGN – COMPLIANCE AT PLAN STAGE

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

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

5. **Streetscape Plan.** Pursuant to Planning Code Section 138.1 and the Better Streets Plan, the Project Sponsor shall submit a pedestrian streetscape improvement plan to the Planning Department for review in consultation with the Department of Public Works and the Department of Parking and Traffic prior to Building Permit issuance.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

6. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:
  1. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
  2. On-site, in a driveway, underground;
  3. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
  4. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
  5. Public right-of-way, underground; and based on Better Streets Plan guidelines;
  6. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
  7. On-site, in a ground floor façade (the least desirable location).

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

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

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

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## **PARKING AND TRAFFIC**

8. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1 and 155.4., the Project shall provide no fewer than 6 Class 1 or Class 2 bicycle parking spaces.



*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

9. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than 116 off-street parking spaces.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## PROVISIONS

11. **Market Octavia Community Improvements Fund.** Pursuant to Planning Code Section 421 (formerly 326), the Project Sponsor shall comply with the Market Octavia Community Improvements Fund provisions through payment of an Impact Fee in full to the Treasurer, or the execution of a Waiver Agreement, or an In-Kind agreement approved as described per Planning Code Section 421 (formerly 326) prior to the issuance by Department of Building Inspection of the construction document for the development project.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING - AFTER ENTITLEMENT

12. **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](http://www.sf-planning.org)*

13. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## OPERATION

14. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

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

15. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*

16. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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17. **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.

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<b>MITIGATION MEASURES FOR THE EASTERN NEIGHBORHOODS AREA PLAN</b>				
<b>Archeological Resources</b>				
<p><b>Mitigation Measure 1 – Archeological Mitigation Measure.</b> 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 services of an archaeological consultant from the pool of qualified archaeological consultants maintained by the Planning Department archaeologist. 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 Sect. 15064.5 (a)(c).</p> <p><i>Consultation with Descendant Communities:</i> On discovery of an archeological site<sup>1</sup> associated with descendant Native Americans or</p>				

<sup>1</sup> The term "archeological site" is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

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<p>the Overseas Chinese an appropriate representative<sup>2</sup> of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to consult with ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archaeological Resources Report shall be provided to the representative of the descendant group.</p> <p><i>Archeological Testing Program.</i> 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 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</p>				

<sup>2</sup> An "appropriate representative" of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission and in the case of the Overseas Chinese, the Chinese Historical Society of America.



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<p>data recovery program. 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><i>Archeological Monitoring Program.</i> 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"> <li>▪ The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-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;</li> <li>▪ 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;</li> <li>▪ The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological</li> </ul>	Project sponsor and archeological consultant	If Planning Department (ERO) determines monitoring program required.	Planning Department (ERO)	

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<p>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;</p> <ul style="list-style-type: none"> <li>▪ The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;</li> <li>▪ 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 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.</li> </ul> <p>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>				
<p><i>Archeological Data Recovery Program.</i> 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</p>	Archeological consultant	If ERO requires archeological recovery program	Planning Department (ERO)	

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<p>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 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"> <li>▪ <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations.</li> <li>▪ <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures.</li> <li>▪ <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies.</li> <li>▪ <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.</li> <li>▪ <i>Security Measures.</i> Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.</li> <li>▪ <i>Final Report.</i> Description of proposed report format and distribution of results.</li> <li>▪ <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.</li> </ul>				

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<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 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><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 Environmental Planning division of the Planning Department shall receive one bound, one unbound and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National</p>	Project sponsor and archeological consultant	Following archeological fieldwork and data analysis		

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Register of Historic Places/California Register of Historical Resources. In instances of high public 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.				
<b>Air Quality</b>				
<b>Mitigation Measure 2 – Construction Mitigation Measure for Short-Term Exhaust Emissions.</b> To reduce program or project level short-term exhaust emissions from construction equipment, the following mitigation measures shall be implemented for construction activities in the Project Area: <ul style="list-style-type: none"> <li>• Confine idle time of combustion engine construction equipment at construction sites to five minutes.</li> <li>• Maintain and properly tune construction equipment in accordance to manufacturer's specifications.</li> <li>• Use alternative fueled or electrical construction equipment at the project site when feasible.</li> <li>• Use the minimum practical engine size for construction equipment.</li> <li>• Equip gasoline-powered construction equipment with catalytic converters when feasible.</li> </ul>	Project sponsor	During demolition, excavation, and construction	Department of Building Inspection (DBI)	Maintain on-site observations as warranted; review daily field reports and inspect construction; prepare daily field and monthly compliance reports and submit to the DBI. Compliance through site permit process. DBI to monitor during construction.
<b>Hazardous Materials</b>				
<b>Mitigation Measure 3 – Hazardous Materials Mitigation Measure.</b> Program or project level mitigation measures would vary depending upon the type and extent of contamination associated with each individual project. Mitigation measures to protect the community generally shall include: <ul style="list-style-type: none"> <li>• Airborne particulates shall be minimized by wetting exposed soils, as appropriate, containing runoff, and tarping over-night and weekends.</li> </ul>	Project Sponsor	During construction	Project sponsor/DBI	



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<ul style="list-style-type: none"> <li>Storage stockpiles shall be minimized, where practical, and properly labeled and secured.</li> <li>Vehicle speeds across unpaved areas shall not exceed 15 mph to reduce dust emissions.</li> <li>Activities shall be conducted so as not to track contaminants beyond the regulated area.</li> <li>Misting, fogging, or periodic dampening shall be utilized to minimize fugitive dust, as appropriate.</li> <li>Containments and regulated areas shall be properly maintained.</li> </ul>				