

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

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

The property is located at 450-474 O'Farrell Street / 532 Jones

September 13, 2018

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

October 15, 2018

Appeal Filing Date

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2018 OCT 15 PM 4:41  
BY [Signature]

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

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

☒ The Planning Commission approved in whole or in part an application for conditional use authorization, Case No. 2013.1535 ENV/CUA

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

Statement of Appeal:

- a) Set forth the part(s) of the decision the appeal is taken from:

Certification of Final EIR +  
Conditional Use Authorization

- b) Set forth the reasons in support of your appeal:

Proposed project incompatible with  
Uptown Tenderloin Historic District and  
adversely affects General Plan. Project is  
not necessary or desirable, and mitigation  
measures are inadequate.

Person to Whom  
Notices Shall Be Mailed

Name and Address of Person Filing Appeal:

Mike Buhler

Name

Mike Buhler

Name

San Francisco Heritage  
2007 Franklin St.

Address

SF, CA 94109

San Francisco Heritage  
2007 Franklin St.

Address

SF, CA 94109

415-441-3000 x15

Telephone Number

415-441-3000 x15

Telephone Number

mbuhler@sfteritage.org

Mike Buhler

Signature of Appellant or  
Authorized Agent

City Planning Commission  
Case No. \_\_\_\_\_

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

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

	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
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22.	_____	_____	_____	_____

Pursuant to Planning Code Section 308.1(b), the undersigned members of the Board of Supervisors believe that there is sufficient public interest and concern to warrant an appeal of the Planning Commission on Case No. 2013 1535 ENV/LMA, a conditional use authorization regarding (address) 450 - 474 O'Farrell /  
532 Jones, District 6. The undersigned members respectfully request the Clerk of the Board to calendar this item at the soonest possible date.

SIGNATURE

DATE

[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]

10/18/18  
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BY 

October 15, 2018

Clerk of the Board of Supervisors  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94103

Re: Letter of Appeal - Conditional Use Authorization for 450-474 O'Farrell  
Street/532 Jones Street Project

Dear Clerk of the Board and President Cohen:

Pursuant to Planning Code Section 308.1, San Francisco Heritage (Heritage) is appealing the Planning Commission's September 13 Approval of Conditional Use Authorization for the 450-474 O'Farrell Street/532 Jones Street project. The proposed project is not "necessary or desirable" for the Tenderloin community, contravenes General Plan policies promoting preservation of historic buildings, and requires a raft of conditional uses. It proposes to demolish three historic resources within the Uptown Tenderloin National Register Historic District, most notably Fifth Church of Christ, Scientist (1923), while providing nominal mitigation to help compensate for their destruction. The corresponding benefits to the immediate Tenderloin community are illusory: of the 176 apartments to be built, only 23 (or 13.5%) will be new below-market-rate units.

Section 303 of the Planning Code states that "the Planning Commission shall...authorize a Conditional Use if...[t]he proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is *necessary or desirable for, and compatible with, the neighborhood or the community*. Such use or feature as proposed will comply with the applicable provisions of this Code and will *not adversely affect the General Plan*." (Italics added.) The proposed project fails to meet this threshold test in several key respects:

- **The proposed demolition of three historic resources is inherently incompatible with the goals and character of the Uptown Tenderloin Historic District.** The project would be the first to demolish an individually-significant historic building — Fifth Church of Christ, Scientist — within the historic district for *market-rate housing*. Its approval will likely spur future proposals to demolish other historic buildings in the Tenderloin, regardless of their significance, for market-rate housing.



- **Demolition of three historic resources violates the General Plan.** A major objective of the General Plan is to conserve resources that provide “continuity with the past.” To this end, the Urban Design Element includes “fundamental principles for conservation” and specific policies that highlight and reinforce the importance of preserving historic buildings.<sup>1</sup> Policy 2.4 is to “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.” The project sponsors forged ahead with demolition plans in contravention of these core principles in the General Plan.
- **The project’s market-rate units will not be accessible to most Tenderloin residents.** A key project objective listed in the EIR is to construct “*financially feasible mixed-use residential housing units that contribute to the well-being of the community.*” (Italics added.) The proposed project will build 176 apartments, including 23 new below-market-rate units, with an average monthly rent of \$4,400 — significantly more expensive than the neighborhood median. The overwhelming majority of the proposed residential units will not benefit the immediate Tenderloin community.

The city has failed to impose conditions of approval and feasible mitigation measures to avoid or reduce the project’s significant adverse impacts on the Uptown Tenderloin Historic District. Planning Code Section 303(d) authorizes the Board of Supervisors to “prescribe such additional conditions...as are in its opinion necessary to secure the objectives of the Code.” Two economic studies included in the EIR find that the preferred project’s anticipated rate of return is “below the typical feasibility range” to secure necessary financing. Given the project’s questionable financial feasibility, Heritage asks the Board to impose an additional condition to safeguard against speculative demolition of the three historic resources on the project site. Specifically, no demolition permits should be issued until the project sponsors (or their successor) have demonstrated that (1) commercially reasonable financial resources are available to complete the new construction project, and (2) commencement of new construction will take place within six months of receipt of all necessary city approvals.

Likewise, the mitigation measures prescribed by the Planning Commission to address impacts on historic resources are patently inadequate, comprising documentation, an interpretive display, and limited salvage. Heritage recommends an additional exaction of at least \$1.5 million for off-site mitigation, including city-administered programs to fund

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<sup>1</sup> Policies in the Urban Design Element that promote historic preservation and sensitivity to historic resources include Policy 2.4 (Preserve notable landmarks and areas of historic, architectural or aesthetic value), Policy 2.5 (Use care in remodeling of older buildings), and Policy 2.6 (Respect the character of older development nearby in the design of new buildings).

historic preservation, façade improvement, and affordable housing projects within the Uptown Tenderloin Historic District.<sup>2</sup>

Thank you for your consideration of this appeal. Should you have questions, please do not hesitate to contact me directly at [mbuhler@sfheritage.org](mailto:mbuhler@sfheritage.org) or 415/441-3000 x15.

Sincerely,



Mike Buhler  
President & CEO

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<sup>2</sup> The project sponsors have stated that they had budgeted \$5 million to prop up, shore, retrofit, and restore the historic façade during excavation and construction. The Planning Commission removed the historic façade from the design when it approved the project on September 13. As a result, Heritage estimates that the sponsors will realize a net savings of over \$3.5 million, taking into account new hard and soft costs associated with redesigning that portion of the building and assuming roughly the same volume.



# SAN FRANCISCO PLANNING DEPARTMENT

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BY BA

## Planning Commission Draft Motion

HEARING DATE: JUNE 28, 2018

CONTINUED TO: SEPTEMBER 13, 2018

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

Reception:  
415.558.6378

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415.558.6409

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Information:  
415.558.6377

*Case No.:* 2013.1535ENV/CUA  
*Project Address:* 450-474 O'FARRELL STREET/ 532 JONES STREET  
*Zoning:* RC-4 (Residential-Commercial, High Density) District  
80-T-130-T Height and Bulk District  
North of Market Special Use District No. 1  
*Block/Lot:* 0317/007, 009, 011  
*Project Sponsor:* Fifth Church of Christ, Scientist  
450 O'Farrell Partners, LLC  
39 Forrest Street, Suite 201  
Mill Valley, CA 94941  
Attn: Tyler Evje  
te@thompsondorman.com  
*Staff Contact:* Marcelle Boudreaux - (415) 575-9140  
[Marcelle.boudreaux@sfgov.org](mailto:Marcelle.boudreaux@sfgov.org)

ADOPTING FINDINGS RELATING TO A CONDITIONAL USE AUTHORIZATION PURSUANT PURSUANT TO PLANNING CODE SECTION 303 FOR: I) PLANNED UNIT DEVELOPMENT PURSUANT TO SECTION 304, WITH MODIFICATIONS FOR REAR YARD (SECTION 134(G)), DWELLING UNIT EXPOSURE (SECTION 140); OFF-STREET LOADING (SECTION 152) AND PERMITTED OBSTRUCTIONS (SECTION 136(C)); II) FOR DEMOLITION OF FIVE EXISTING DWELLING UNITS (SECTION 317); III) EXCEEDING HEIGHT OF 50 FEET WITH STREET FRONTAGE GREATER THAN 50 FEET (SECTION 253); IV) HEIGHT GREATER THAN 80 FEET IN NORTH OF MARKET RESIDENTIAL SPECIAL USE DISTRICT NO. 1 (SECTION 249.5/263.7); V) BULK EXCEEDANCE (SECTION 270); VI) ESTABLISHMENT OF NEW RELIGIOUS INSTITUTION USE (SECTION 303). THE PROJECT, LOCATED AT 450-474 O'FARRELL STREET AND 532 JONES STREET, TO DEMOLISH THE EXISTING COMMERCIAL BUILDING (474 O'FARRELL STREET), EXISTING COMMERCIAL AND RESIDENTIAL BUILDING (532 JONES STREET), AND EXISTING RELIGIOUS BUILDING (450 O'FARRELL STREET), AND CONSTRUCT A 13-STORY MIXED USE BUILDING CONTAINING UP TO 176 RESIDENTIAL UNITS, AND APPROXIMATELY 3,827 SQUARE FEET GROUND FLOOR RETAIL, 9,555 SQUARE FEET NEW RELIGIOUS (CHURCH) USE, AND BELOW-GRADE PARKING FOR UP TO 46 VEHICLES, LOCATED AT LOTS 007, 009 AND 011 IN ASSESSOR'S BLOCK 0317, WITHIN THE RC-4 (RESIDENTIAL-COMMERCIAL, HIGH DENSITY), NORTH OF MARKET RESIDENTIAL SPECIAL USE DISTRICT NO. 1, AND 80-T-130-T HEIGHT AND BULK DISTRICT.

### PREAMBLE



On September 8, 2015, Bruce Fairty of 450 O'Farrell Partners, LLC (hereinafter "Project Sponsor") filed a complete application with the Department for the project, as modified by subsequent submittals, with the San Francisco Planning Department (hereinafter "Department") for a Conditional Use Authorization request pursuant to Section 303 for Planned Unit Development under Section 304, with modifications to Section 132(c) (permitted obstructions), Section 134 (rear yard modification), Section 140 (dwelling unit exposure), and Section 152 (residential off-street loading), and additional Conditional Use Authorization to the Planning Code under Section 317(g)(5) for demolition of existing residential units; Section 253(b) for new construction over 40 feet in height and a street frontage greater than 50 feet; Section 263.7 for an exception to the 80-foot base height limit in North of Market Residential Special Use District No. 1; Section 271 for exceptions to Section 270, governing the bulk of the building; and Section 303 for the new religious institution (church) use. The project proposes demolition of three buildings: 450 O'Farrell Street (currently occupied by the Fifth Church of Christ, Scientist); 474 O'Farrell Street (one-story, vacant retail building); and 532 Jones Street (one-story restaurant use, with five existing residential units). The proposal is to merge these three lots, and construct a new mixed-use building rising up to 130-foot-tall (13-story), with up to 176 dwelling units, restaurant and/or retail space on the ground floors, and a replacement church (proposed religious institution) incorporated into the ground and two upper levels, with up to 46 below grade parking spaces, private and common open space and Class 1 and 2 bicycle parking spaces, (the "Project") on the subject property located on Lots 007, 009, 011 in Assessor's Block 0317.

On November 21, 2014, Project Sponsor had on file a complete environmental evaluation application with the Department for environmental review for the Project.

The Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on February 22, 2017.

On October 25, 2017, the Department published a Draft EIR ("DEIR") for public review (Case No. 2013.1535ENV). The DEIR was available for public comment until December 11, 2017. On November 30, 2017, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to solicit comments regarding the DEIR. On June 13, 2018, the Department published a Comments and Responses document, responding to comments made regarding the DEIR prepared for the Project.

On September 13, 2018, the Commission reviewed and considered the Final EIR ("FEIR") and found that the contents of said report and the procedures through which the FEIR was prepared and publicized in compliance with the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.) ("CEQA"), 14 California Code of Regulations Sections 15000 et seq ("the CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31").

The Commission found that the FEIR was adequate, accurate, and objective, reflected the independent analysis and judgment of the Department and the Commission, and that the summary of comments and responses contained no significant revisions to the DEIR, and certified the FEIR by Motion No. ##### for the Project in compliance with CEQA, the CEQA Guidelines, and Chapter 31.

Department staff prepared a Mitigation Monitoring and Reporting program ("MMRP"), which material was made available to the public and this Commission for this Commission's review, consideration and action. These improvement and mitigation measures are set forth in their entirety in the MMRP attached to the draft Motion as Exhibit C.

On September 13, 2018, the Commission adopted Motion No. #####, adopting CEQA findings, including a Statement of Overriding Considerations, and adopting the MMRP, which findings and adoption of the MMRP are hereby incorporated by reference as though fully set forth herein.

On March 2, 2016, the Project Sponsor submitted a request for review of development exceeding 40 feet (Case No. 2013.1535SHD), pursuant to Section 295, analyzing the potential shadow impacts of the Project to properties under the jurisdiction of the Recreation and Parks Department (RPD). Department staff prepared a preliminary shadow fan analysis depicting the potential shadow cast by the development which indicated that the project could potentially cast shadow on Boedekker Park and Tenderloin Recreation Center, parks under the jurisdiction of RPD. A shadow study was prepared by CADP (dated January 21, 2016) that included more precise articulation of the envelope and accounted for shadows from existing buildings. Staff analyzed this study and concluded that the Project could not potentially cast shadow on properties under the jurisdiction. Therefore, the Project would have no impact to properties subject to Section 295.

The Planning Department, Office of the Commission Secretary, is the custodian of records for these actions, and such records are located at 1650 Mission Street, Fourth Floor, San Francisco, California.

On September 13, 2018, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2013.1535ENVCUA. The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, the Planning Department staff, and other interested parties.

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 as requested in Application No. 2013.1535ENVCUA, 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:

- A. The above recitals are accurate and constitute findings of this Commission.
- B. **Project Description.** The project proposes demolition of three buildings: 450 O'Farrell Street (currently occupied by the Fifth Church of Christ, Scientist); 474 O'Farrell Street (one-story, vacant retail building); and 532 Jones Street (one-story restaurant use, with five existing residential units). The proposal is to merge these three lots, and construct a new mixed-use building rising up to 130-foot-tall (13-story), with up to 176 dwelling units, restaurant and/or retail space on the ground floors, and a replacement church (proposed religious institution) incorporated into the ground and two upper levels, below grade parking and mechanical spaces, private and common open space and 116 Class 1 and 9 Class 2 bicycle parking spaces. The project

would construct a total of approximately 218,155 square feet ("sf") of development, including 182,668 sf of residential space, 3,827 sf of restaurant/retail space, 9,555 sf for religious institution use, 8,398 sf of residential open space (288 sf of private open space and 8,110 sf of common open space), and 21,105 sf of below-grade parking (up to 46 spaces). The project also proposes merger of three Lots 007, 009, and 011 in Assessor's Block 0317.

- C. **Site Description and Present Use.** The project site is currently occupied by the three-story, 26,904-square-foot Fifth Church of Christ, Scientist, including a 1,400-square-foot parking lot with four parking spaces at 450 O'Farrell Street; a one-story, 4,415-square-foot vacant retail building at 474 O'Farrell Street; and a one-story, 1,012-square-foot restaurant and residential building with five units at 532 Jones Street.
- D. **Surrounding Properties and Neighborhood.** The Project Site is located within the RC-4 zoning district, a District defined by its compact, walkable, transit-oriented and mixed-use nature, within the Downtown/ Civic Center neighborhood. The immediate context is primarily residential with neighborhood-serving commercial uses. The immediate vicinity includes buildings ranging from five to 12 stories, and within a two-block radius up to 16-stories (including at the end of the subject site block). Within ¼-mile radius east of the site is the dense commercial retail area surrounding Union Square and the western boundary of the Financial District, and within ¼-mile south of the site is the City's major ceremonial and transit corridor Market Street. The project site is located within the boundaries of the Uptown Tenderloin Historic District which is listed in the National Register. Other zoning districts in the vicinity of the project site include: C-3-G (Downtown General), C-3-R (Downtown Retail), and P (Public), which exhibit a range of height and bulk districts: 80-T, 80-A, 80-130-F, and 225-S.
- E. **Public Outreach and Comments.** The Department received public comment during the environmental review process, some focused outside of the scope of EIR and included concerns about increased traffic, excess noise, and gentrification. Since the notice period for this hearing, the Department has received one letter directly in support of the project's additional rental housing and the church project (attached). A letter of objection to the surrounding safety due to the project was received (attached). The sponsor team has submitted a detailed outreach report (attached), outlining the numbers and details of outreach conducted with local nonprofits, businesses and residents, over approximately two years. In addition, the sponsor has submitted over 60 letters of support (attached) from neighborhood businesses, residents and members of area churches in support of a project that provides an adequate size church, provides rental housing and retail space on this site.
- F. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
1. **Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, the Project shall finalize a TDM Plan prior Planning Department approval of the first Building Permit or Site Permit. As currently proposed, the Project must achieve a target of 15 points.

*The Project submitted a completed Environmental Evaluation Application prior to September 4, 2016. Therefore, the Project must only achieve 50% of the point target established in the TDM Program Standards, resulting in a required target of 15 points (residential). As currently proposed, the Project will achieve its required 15 points through the following TDM measures:*

- *Unbundled Parking*
- *Parking Supply*
- *On-Site Affordable Housing*

2. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.6, these requirements apply to projects that consist of 10 or more units. The applicable percentage is dependent on the number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application was submitted on November 21, 2014; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 13.5% of the proposed dwelling units as affordable. In addition, pursuant to Section 415.6(a)(9), the Commission shall require that the project sponsor replace the number of existing affordable units removed with units of a comparable number of bedrooms and sales prices or rents on the site, in addition to compliance with the requirements set forth in this Section.

*The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any affordable units designated as on-site units shall be rental units and will remain as rental units for the life of the project. The Project Sponsor submitted such Affidavit on June 4, 2018. The applicable percentage is dependent on the total number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application was submitted on November 21, 2014; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 13.5% of the total proposed dwelling units as affordable. Twenty-three (23) units (5 studios, 9 one-bedrooms, 9 two-bedrooms) of the total 171 net new units provided will be affordable units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable. In addition, the Project proposes demolition of five studio units currently existing at the site presumed to be subject to the Rent Stabilization and Arbitration Ordinance and these five will be replaced as on-site affordable units. Total number of on-site affordable units for the Project will be 28 of the 176 total dwelling units, or 16%.*

G. **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 Section 303(c) in that:

1. 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 Downtown/ Civic Center neighborhood contains a mix of residential, commercial and institutional uses, including religious facilities. This mixed-use building will be compatible with that neighborhood mix of uses. The project will provide rental housing, ground floor retail space, and a new Christian Science church and Reading Room (institutional use) to replace the existing church site (deemed obsolete and oversized), a vacant commercial building adjacent to the church, and a one-story restaurant building containing five existing residential units that will be replaced on-site. Specifically, this mixed-use project includes 176 newly constructed dwelling units (with 28 on-site affordable units including the five replacement units), supporting a need in the City, a new church facility, retail space, and below grade parking.*

2. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

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

*The project's proposed building massing is consistent with the character and design of the neighborhood, and will not impede any development of surrounding properties. The project would be a contemporary, but compatible, design that references the character-defining features of the surrounding district and is compatible with size and scale, composition, materials and architectural details. The massing is compatible in terms of lot occupancy, solid-to-void ratio, and vertical articulation. The elements include the retained church façade and colonnade, the new church structure, and two different architectural styles for floors seven and above. The façade of the main building is set back from the street, beyond the existing 450 O'Farrell building façade and the new church building. The expression of the upper levels is compatible with the overall design and district, but read as secondary elevations. Finally, a vertical notch is proposed at the corner of O'Farrell Street and Shannon Alley, further reducing the building's massing impact. The building's design is well-articulated horizontally and vertically in order to reduce the apparent massing and includes retention of a unique urban design feature as a device to orient the community.*

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



*The Project site is located accessible by public transit, with multiple public transit alternatives (MUNI Bus lines 2-Clement, 3-Jackson, 27-Bryant, 31-Balboa, 38-Geary, 38R-Geary Rapid, and 45-Union/Stockton; Powell Street and Civic Center BART/MUNI) within close walking distance. Additionally, the Project site is directly adjacent to O'Farrell and Jones Streets, both major thoroughfares which provide ready access to those driving.*

*Parking is available either along surrounding neighborhood streets or within the proposed underground parking garage. The proposed below-grade garage proposes up to 46 parking spaces, of which 10 are to be dedicated to the church and one car share space. The vehicular entrance is located on Shannon Street, which will be less detrimental to the existing traffic pattern than would be a garage entrance on O'Farrell Street, which has a dedicated transit lane and one vehicular travel lane. The residential entrance, including entrance to the on-site bicycle parking, is located along Shannon Street, a feature designed to activate this elevation of the project site. Pedestrian entrances to the retail and church uses are on O'Farrell and additional retail use from Jones Streets, further activating those major streets. Given the small amount of retail space (less than 4,000 square feet) and limited loading needs as discussed in the project EIR, the project will seek an exception to off-street loading requirements by providing an on-street solution. The development will not be detrimental to the convenience of persons residing or working in the vicinity.*

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

*The Project will not emit any noxious odors or emissions. As a primarily residential and religious building, there will be limited generation of dusts or odors, and all activities are contained inside the building, which prevents noise pollution from emanating. The location of exhaust fans and louvers will comply with applicable regulations to prevent emissions from directly affecting surrounding residents and the public. The design does not contain large expanses of glazing or highly reflective glass that would create unwanted glare. During construction, appropriate measures will be taken to minimize the generation of and impacts from noise, dust and odor as required by the Building Code and any other applicable limitations.*

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

*Street trees are proposed along O'Farrell and Jones Streets as appropriate to meet Better Streets requirements and introduce a greening element downtown. The project proposes common and private open space in the form of private decks, setbacks, and portions of the property at the upper levels behind the retained colonnade; and common open space through a lower level courtyard, and a roof deck. The common open space areas will include landscaping and screening. The project will be properly and minimally lit, with signage to in conformance with Code requirements to promote easy access to, from, and within the building. Parking is all located below grade, with the parking garage entrance screened per Code.*

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

*The Project generally complies with the applicable sections of the Code, with certain exceptions. The residential uses contemplated for the Project within the RC-4 are generally permitted, and the proposed commercial uses are permitted within the RC-4 zoning district. Some of the project massing, including the contemplated maximum height and bulk exceedance, require additional Conditional Use authorization. The Project seeks several modifications to the requirements of the Planning Code through the PUD process. The purpose of the PUD process is to allow a well-designed development on larger sites to request modifications from the strict requirements of the Planning Code, provided that the Project generally meets the intent of these Planning Code requirements and will not adversely affect the General Plan.*

4. Such use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Use District.

*The project site is located within the RC-4 zoning district and subarea No. 1 of the North of Market Residential Special Use District. This SUD has a stated purpose which includes protect and enhance important housing resources in an area near downtown, conserve and upgrade existing low and moderate income housing stock, preserve buildings of architectural and historic importance and preserve the existing scale of development, maintain sunlight in public spaces, encourage new infill housing at a compatible density, limit the development of tourist hotels and other commercial uses that could adversely impact the residential nature of the area, and limit the number of commercial establishments which are not intended primarily for customers who are residents of the area. Considered as a whole, although the project demolishes historic resources, the Project would add housing and commercial goods and services to add to and to support the residential-commercial District, in addition to a new church facility, into one mixed-use building. The Project site is well-served by transit and existing commercial services, with amenities accessible by foot, bike or transit. The Project includes a mix of unit types, including 45 studios, 69 one-bedroom units, 62 two-bedroom units, and provision of on-site affordable units. This mix of units can serve diverse housing sizes. On balance, the Project conforms with multiple goals and policies of the General Plan.*

H. **Planned Unit Development.** Section 304 establishes criteria and limitations for the authorization of Planned Unit Development (PUD)'s over and above those applicable to Conditional Uses in general and contained in Section 303 and elsewhere in the Code. In cases of projects on sites ½-acre or greater that exhibit outstanding overall design and are complementary to the design and values of the surrounding area, such projects may merit modification of certain Code requirements.

1. Specifically the project seeks these modifications:
  - a) *A modification of the rear yard requirements per Section 134(g) of the Planning Code, as a modification through the PUD process, to allow for open space in a configuration other than a rear yard. Although the building does propose full lot coverage, the L-shaped design combined with sculpting of the mass produce a configuration of lower floors adjacent to the northern neighbor's*

*lightwell. The project proposes a compliant amount of residential open space, as follows: private open space in the form of private decks, setbacks; and common open space through a lower level courtyard, and a roof deck.*

- b) *An exception to dwelling unit exposure requirements per Section 140 of the Planning Code for 21 of the 176 units. Although these units do not look onto an area that meets the exact dimensional requirements for an inner court that expands five feet at each upper level the, buildings L-shape creates an open area that allows these units to face onto an area with access to light and air.*
- c) *An exception to the off-street loading requirements per Section 152 of the Planning Code, which requires one residential loading space for the project. Instead, the project proposes to convert one of the three existing general on-street metered parking spaces on O'Farrell Street adjacent to the project site to a metered commercial loading space, and would request from the San Francisco Municipal Transportation Agency (SFMTA) that the hours of operation of the existing two vehicle passenger loading/unloading zone adjacent to the project site be revised from only during church service to all day passenger loading/unloading, with an exception during the tow away peak periods.*
- d) *An exception to permitted obstructions. The balconies at upper residential levels project over Shannon Street 4 inches beyond what is permitted per technical dimensions at public rights of way when sidewalk is less than 9 feet, as outlined in Section 136(c) of the Planning Code. This exceedance will be minimally perceptible but allow additional habitable space at these balconies.*

2. On balance, the Project complies with said criteria of Section 304(d) in that it:

- a) Affirmatively promotes applicable objectives and policies of the General Plan;

*See General Plan Compliance discussion under Item #J.*

- b) Provides off-street parking adequate for the occupancy proposed;

*Off-street parking is not required in the RC-4 zoning district. The project provides off-street parking for residential use at a ratio less than .25 in a below grade garage. Up to 46 spaces are proposed, with 10 dedicated to visitors to the religious institution and one car share space. Balanced with multiple transit lines within ¼-mile, options for walking, and over 125 bicycle parking spaces, both on-site and on the sidewalks, this off-street parking is adequate for the proposed uses, for this downtown location.*

- c) Provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open spaces required by this Code;

*The open space provided by the project complies with the residential open space requirements under the Code. Private open space is provided in the form of decks and balconies to eight residential units; and common open space is provided for the balance of residential units through a lower level roof deck courtyard and at the roof deck.*

- d) Be limited in dwelling unit density to less than the density that would be allowed by Article 2 of this Code for a district permitting a greater density, so that the Planned Unit Development will not be substantially equivalent to a reclassification of property;

*Pursuant to Section 249.5, in the North of Market Residential Special Use District No. 1 the density ratio for the site is one dwelling unit for each 125 square feet of lot area, allowing up to 176 units on this 22,106 square foot site. Accordingly, no increase in density is being sought.*

- e) In R Districts, include Commercial Uses only to the extent that such uses are necessary to serve residents of the immediate vicinity, subject to the limitations for NC-1 Districts under this Code, and in RTO Districts include Commercial Uses only according to the provisions of Section 231 of this Code;

*The proposed retail use is properly scaled for the neighborhood and the project as a whole. The project proposes two retail spaces, totaling less than 4,000 square feet. This is in accord with other small, ground floor retail uses on the surrounding blocks, and appropriate for the overall size of the project.*

- f) Under no circumstances be excepted from any height limit established by Article 2.5 of this Code, unless such exception is explicitly authorized by the terms of this Code. In the absence of such an explicit authorization, exceptions from the provisions of this Code with respect to height shall be confined to minor deviations from the provisions for measurement of height in Sections 260 and 261 of this Code, and no such deviation shall depart from the purposes or intent of those sections;

*No exception to the 130-foot height limit is being sought. Please review discussion of Conditional Use Authorization in Items #(I)(2) and #(I)(3).*

- g) In NC Districts, be limited in gross floor area to that allowed under the floor area ratio limit permitted for the district in Section 124 and Article 7 of this Code;

*The site is located within the RC-4 zoning district, therefore, this is not applicable.*

- h) In NC Districts, not violate the use limitations by story set forth in Article 7 of this Code;

*The site is located within the RC-4 zoning district, therefore, this is not applicable.*

- i) In RTO and NCT Districts, include the extension of adjacent alleys or streets onto or through the site, and/or the creation of new publicly-accessible streets or alleys through the site as appropriate, in order to break down the scale of the site, continue the surrounding existing pattern of block size, streets and alleys, and foster beneficial pedestrian and vehicular circulation.

*The site is located within the RC-4 zoning district, therefore, this is not applicable.*

- j) Provide street trees as per the requirements of Section 138.1 of the Code.

*The project will comply with all street tree requirements per requirements pursuant to the Public Works Code.*

- k) Provide landscaping and permeable surfaces in any required setbacks in accordance with Section 132 (g) and (h).

*The site is located within the RC-4 zoning district, therefore, this Code Section is not applicable to the Project.*

**I. Additional Findings to Section 303(c) for Conditional Use Authorization request.** Each Planning Code Section may establish criteria for the Planning Commission to consider when reviewing applications for Conditional Use Authorization.

1. **Additional Findings pursuant to Section 317** establishes criteria for the Planning Commission to consider in addition to Section 303(c) when reviewing applications to demolish or convert Residential Buildings. On balance, the Project does comply with said criteria in that:

- a. whether the property is free of a history of serious, continuing Code violations;

*The mixed use property has housed a restaurant and residential uses. Although some violations are on file for the property for both uses, these have been abated through the Department of Building Inspection (DBI) process. There are no pending Building Code complaints associated with the 532 Jones Street property.*

- b. whether the housing has been maintained in a decent, safe, and sanitary condition;

*Currently, per information provided by the Sponsor, two of the residential units are used as storage for non-residential uses, and one residential unit is vacant. The remaining two residential units are occupied by employees of the ground floor restaurant in the building (d.b.a. Shalimar). There are no open complaints for the residential use.*

- c. whether the property is an "historical resource" under CEQA;

*The building is considered a contributor to the Uptown Tenderloin National Register Historic District, therefore is an historical resource under CEQA, however*



*is not listed as individually significant in either the National Register or California Register.*

- d. whether the removal of the resource will have a substantial adverse impact under CEQA;

*The EIR for the project determined that demolition of the 532 Jones building would not have a significant adverse impact to historical resources (Uptown Tenderloin National Register Historic District) under CEQA. The replacement project will be compatible with the scale of the surrounding neighborhood.*

- e. whether the project converts rental housing to other forms of tenure or occupancy;

*The existing units are rental housing, and the project proposes to initially offer all dwelling units as rental units. Therefore, as proposed the project sponsor indicates that there is no conversion to other forms of tenure or occupancy.*

- f. whether the project removes rental units subject to the Residential Rent Stabilization and Arbitration Ordinance or affordable housing;

*The existing five units are not deed-restricted, tax-credit funded affordable housing. Although Planning Staff does not have the authority to make a determination on the rent control status of a property, it is to be assumed that the units to be demolished are subject to the Residential Rent Stabilization and Arbitration Ordinance due to building construction date circa 1950. Only two of the five units are occupied, and the project sponsor will be working with MOH and other parties to ensure a relocation plan. The project includes five additional on-site affordable units in excess of its inclusionary housing requirement (13.5%, or 23 units) as new, on-site replacement units. The project proposes a total of 28 on-site affordable units pursuant to Section 415 of the Planning Code.*

- g. whether the project conserves existing housing to preserve cultural and economic neighborhood diversity;

*Although the existing housing will not be conserved, the mixed-use project, which merges three lots, will replace the five existing units – only two of which are currently occupied – with 176 newly constructed units. The five replacement residential units and 171 new residential units in the project meet the stated purpose of the North of Market Residential Special Use District and the City's priority policies to encouraging dense infill housing in close proximity to transit. By providing a varied unit mix and on-site affordable units (23 inclusionary units and 5 replacement inclusionary units), the surrounding neighborhood's cultural and economic diversity will be enhanced.*

- h. whether the project conserves neighborhood character to preserve neighborhood cultural and economic diversity;

*The project conserves neighborhood character with a mixed-use project including 176 newly constructed dwelling units, including 16%, or 28 units, as on-site affordable, a church, retail space, and below grade parking, all while including features that are consistent with the character defining features of the Uptown Tenderloin National Register Historic District. Architectural elements from existing structures will be incorporated into the new building design to maintain its connection to the neighborhood's history. Additionally, retention of the existing 450 O'Farrell building facade and colonnade along O'Farrell Street will preserve a unique urban design feature of this building, as a key orientation element for the block and neighborhood. The new building design is compatible with the prevailing development pattern and neighborhood character on the project and surrounding blocks. The unit mix – studios, junior one bedrooms, one bedrooms, and two bedrooms – is balanced with compliant residential open space at various levels, and enables individuals and families to live in a building together. The minimal amount of ground floor retail supports the new and existing residential uses, and, overall, the project seeks to enhance the neighborhood's economic and cultural diversity.*

- i. whether the project protects the relative affordability of existing housing;

*None of the five units in the existing building are deed-restricted affordable housing, however, are presumed to be subject to the Rent Stabilization and Arbitration Ordinance. The project as a whole is required to comply with San Francisco's inclusionary housing program under Section 415 of the Planning Code. In addition, the five units to be demolished will be replaced as on-site inclusionary. As a result, 16% of the dwelling units provided on-site will be affordable (23 required inclusionary units and 5 replacement inclusionary units).*

- j. whether the project increases the number of permanently affordable units as governed by Section 415;

*By demolishing the five existing units, and replacing them with a project that will comply with Section 415 of the Planning Code, the number of affordable units will increase. The Project's required inclusionary is 13.5% or 23 affordable units and the replacement five affordable units, will produce a project with 28 on-site affordable units, thereby increasing the supply of newly constructed affordable units within a market-rate project.*

- k. whether the project locates in-fill housing on appropriate sites in established neighborhoods;

*The project locates in-fill housing in close proximity to transit, in the Downtown/ Civic Center neighborhood within the dense residential-commercial Uptown Tenderloin Historic District.*

- l. whether the project increases the number of family-sized units on- site;

*The five existing units are all studios, and therefore are not family-sized. The project currently proposes a diverse unit mix, with 45 studio units, 69 one-bedroom units, and 62 two-bedroom units proposed. Thus, the number of family-size units will increase as a result of the project.*

- m. whether the project creates new supportive housing;

*The project does not provide supportive housing.*

- n. whether the project is of superb architectural and urban design, meeting all relevant design guidelines, to enhance existing neighborhood character;

*The project is of superb architectural and urban design quality and enhances existing neighborhood character. The EIR for the project, the new building has been determined compatible with the Uptown Tenderloin National Register Historic District. The project will be a contemporary, but compatible, design that references the character-defining features of the surrounding district, in terms of size and scale, composition, and materials. The massing is compatible in terms of lot occupancy, solid-to-void ratio, and vertical articulation. Materials selection includes pre-cast concrete, with varying finishes, with deep recesses for glazing at the primary elevations fronting the street, and non-reflective metal panel systems with vertical oriented glazing and spandrel panel at the elevations setback from the street and secondary elevations.*

*The project retains the 450 O'Farrell building facade and colonnade along O'Farrell Street in order to preserve a unique urban design feature of this building, as a key orientation element for the block and neighborhood. Further, the design minimizes the building's mass with alternating setbacks, which seeks to minimize the appearance of bulk and minimize impacts to adjacent neighbors light and air, consistently applied design guidelines.*

- o. whether the project increases the number of on-site Dwelling Units;

*The existing 532 Jones Street building contains five dwelling units, while the project proposes 176 dwelling units – an increase of 171 total dwelling units.*

- p. whether the project increases the number of on-site bedrooms;

*The existing 532 Jones Street building contains five studio units, i.e. no bedrooms. The project currently proposes a total of 193 bedrooms, in addition to 45 studios, which includes the junior one-bedrooms.*

- q. whether or not the replacement project would maximize density on the subject lot;

*The project maximizes density by proposing to merge three lots - the 532 Jones Street, 474 O'Farrell Street and 450 O'Farrell Street lots - and developing one building to maximize the permitted density in the North of Market Residential Special Use District, subarea No. 1. The project will increase the dwelling units from 5 units by adding 171 units, for a total of 176 units. By merging three lots and building vertically to the permitted height limit for the site, the project is able to provide full use of the density available on the subject lot, as well as the adjacent two lots. Notably, the project sculpts the massing adjacent to the existing neighbors to preserve light and air. The maximum units in this project given the density allowed in this special use district is 176 units.*

- r. if replacing a building not subject to the Residential Rent Stabilization and Arbitration Ordinance, whether the new project replaces all of the existing units with new Dwelling Units of a similar size and with the same number of bedrooms.

*Not applicable. The building to be replaced is assumed to be subject to the Residential Rent Stabilization and Arbitration Ordinance.*

2. **Additional Findings pursuant to Section 253(b)(1)** establishes criteria for the Planning Commission to consider in addition to Section 303(c) when reviewing applications for a building exceeding a height of 40 feet in a RM or RC District where the street frontage is more than 50 feet. In reviewing any such proposal for a building or structure exceeding 40 feet in height in a RH District, 50 feet in height in a RM or RC District, or 40 feet in a RM or RC District where the street frontage of the building is more than 50 feet the Planning Commission shall consider the expressed purposes of this Code, of the RH, RM, or RC Districts, and of the height and bulk districts, set forth in Sections 101, 209.1, 209.2, 209.3, and 251 hereof, as well as the criteria stated in Section 303(c) of this Code and the objectives, policies and principles of the General Plan, and may permit a height of such building or structure up to but not exceeding the height limit prescribed by the height and bulk district in which the property is located. On balance, the Project does comply with said criteria in that:

*The height of the building varies from 55 feet to 130 feet, exceeding the 40 feet in height on a site with more than 50 feet of street frontage in an RC district, but in compliance with the 80-T-130-T height and bulk district applicable to this project site. As discussed at length in the Section 303(c) findings and further in the General Plan Compliance section, the project is on balance compatible with the criteria, objectives, and policies and principles of the RC-4*

*district, North of Market Residential Special Use District subarea No. 1, and the General Plan. Specifically, RC-4 districts call for a mixture of high-density dwellings with supporting commercial uses and open space. The project provides that 176 dwelling units in a diverse mix, with retail and religious institution uses on the lower levels.*

3. **Additional Findings pursuant to Section 249.5(c)(1) for Section 263.7** establishes criteria for the Planning Commission to consider in addition to Section 303(c) when reviewing applications for a building exceeding a height of 80 feet in the North of Market Residential Special Use District. In the 80-120-T and 80-130-T Height and Bulk Districts located within the North of Market Residential Special Use District (NOMRSUD), heights higher than 80 feet would be appropriate in order to effect a transition from the higher downtown heights to the generally lower heights of the existing buildings in the NOMRSUD core area and the Civic Center area and to make more feasible the construction of new housing, provided that development of the site is also consistent with the general purposes of the NOMRSUD as set forth in Section 249.5(b). In making determinations on applications for Conditional Use authorizations required for uses located within the North of Market Residential Special Use District, the Planning Commission shall consider the purposes as set forth in Subsection 249.5(b) as delineated below. On balance, the Project does comply with said criteria in that:

- a) protect and enhance important housing resources in an area near downtown;

*The project increases housing resources, with a varied unit mix, in the downtown area by a total of 171 units.*

- b) conserve and upgrade existing low and moderate income housing stock;

*The project replaces the existing five residential units with newly constructed replacement units. As such, the project provides a total of 28 on-site inclusionary affordable units.*

- c) preserve buildings of architectural and historic importance and preserve the existing scale of development:

*Although the project demolishes buildings of architectural and historic importance, the replacement project is compatible with the scale of development in the neighborhood.*

- d) maintain sunlight in public spaces;

*The project EIR determined that the project would not cause any shadow impacts on area parks and open spaces or any other significant shadow impacts. Further,*



*analysis conducted pursuant to Section 295 of the Planning Code determined that no parks under the jurisdiction of Recreation and Parks Department would be impacted by the project.*

- e) encourage new infill housing at a compatible density;

*The project is an infill housing development in close proximity to various modes of transit, with additional options for walking and biking, at a density consistent with the special use district and compatible with the dense urban neighborhood*

- f) limit the development of tourist hotels and other commercial uses that could adversely impact the residential nature of the area;

*No tourist hotel is contemplated by the project.*

- g) limit the number of commercial establishments which are not intended primarily for customers who are residents of the area.

*The limited retail space proposed is compatible with other mixed-use projects in the area and of a scale that would be primarily intended to serve residents of the area.*

**Additional Findings pursuant to Section 271(c)** establishes criteria for the Planning Commission to consider in addition to Section 303(c) when reviewing applications for a building's bulk limits to be exceeded. Section 270 of the Planning Code establishes the bulk districts and the maximum dimensions within each bulk district. Within the "T" bulk district, at a setback height established pursuant to Section 132.2, but no higher than 80 feet, the maximum plan dimension is established at 110 feet (plan length) and 125 feet (diagonal). The project exceeds these dimensions with a proposed diagonal of approximately 165 feet 6 inches and plan dimension of approximately 115 feet. Exceptions to the Section 270 bulk limits are permitted through Section 271. On balance, the Project does comply with said criteria in that:

- a. The appearance of bulk in the building, structure or development shall be reduced by means of at least one and preferably a combination of the following factors, so as to produce the impression of an aggregate of parts rather than a single building mass:
  - i. Major variations in the planes of wall surfaces, in either depth or direction, that significantly alter the mass;
  - ii. Significant differences in the heights of various portions of the building, structure or development that divide the mass into distinct elements;
  - iii. Differences in materials, colors or scales of the facades that produce separate major elements;

- iv. Compensation for those portions of the building, structure or development that may exceed the bulk limits by corresponding reduction of other portions below the maximum bulk permitted; and
  - v. In cases where two or more buildings, structures or towers are contained within a single development, a wide separation between such buildings, structures or towers.
- b. In every case the building, structure or development shall be made compatible with the character and development of the surrounding area by means of all of the following factors:
- i. A silhouette harmonious with natural land-forms and building patterns, including the patterns produced by height limits;
  - ii. Either maintenance of an overall height similar to that of surrounding development or a sensitive transition, where appropriate, to development of a dissimilar character;
  - iii. Use of materials, colors and scales either similar to or harmonizing with those of nearby development; and
  - iv. Preservation or enhancement of the pedestrian environment by maintenance of pleasant scale and visual interest.

*The project's O'Farrell Street elevation is articulated to break the massing down into several distinct sections. The front façade of the 450 O'Farrell building would be retained and incorporated into the proposed project as a unique urban design feature and create a distinct entry to the O'Farrell Street retail use. The 13-story massing would be setback from the street/retained façade. The building component to the west will rise to eight stories and will house the church on the street level and residences above. The rest of the structure will be set back from O'Farrell Street, helping to reduce the building's massing at the street.*

*The proposed O'Farrell Street elevation references the tripartite composition characteristic of the district. Specifically, the existing 450 O'Farrell Street façade and the proposed church façade will be the base, the apartments will be the middle, and the parapet will define the top. The proposed base at the new church and at the Jones Street elevation will be further articulated as a two-part vertical composition with a high ground floor, similar to the bases of the adjacent and surrounding district contributors.*

*The articulation of the proposed façade along on O'Farrell Street will divide the façade in vertical subzones and will reflect the verticality of the nearby buildings by breaking up the horizontal form. The projecting precast concrete sections (rendered in white) with punched rectangular windows accentuate the elongated form of the building. On the western half of the elevation, the orientation of the rectangular windows strengthens verticality while adding rhythm to the façade, through application of an alternate materials palette: non-reflective metal, spandrel panel and glazing system. The secondary façades, including the western setback and the Shannon Street elevation, will be relatively flat, broken by lines and projecting balconies on Shannon Street.*

*Continuous street walls are typical of the district. Along O'Farrell Street, the existing 450 O'Farrell Street façade will be retained. The 8-story building component to the west, which will be clad in a textured pre-clad concrete and will house the new church, will extend to the property line. In addition, the Jones Street elevation will also extend to the property line, creating a continuous street wall. This urban design move preserves and enhances the pedestrian environment since the required use of transparency at these elevations provides an openness for pedestrians and users.*

*The building's design is well-articulated in order to reduce the apparent massing and includes retention of a unique urban design feature as a device to orient the community. The site is within the Uptown Tenderloin National Register Historic District, and the new building has been determined compatible with the District and the character of the surrounding neighborhood, specifically the scale and size, composition, materials, and architectural details.*

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

## **HOUSING ELEMENT**

### **Objectives and Policies**

#### **OBJECTIVE 1:**

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

##### **Policy 1.1**

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

##### **Policy 1.10**

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

#### **OBJECTIVE 2:**

RETAIN EXISTING HOUSING UNITS, AND PROMOTE SAFETY AND MAINTENANCE STANDARDS, WITHOUT JEOPARDIZING AFFORDABILITY.

##### **Policy 2.1**

Discourage the demolition of sound existing housing, unless the demolition results in a net increase in affordable housing.

#### **OBJECTIVE 4:**

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

**Policy 4.1**

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

**OBJECTIVE 11:**

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

**Policy 11.1**

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

**Policy 11.2**

Ensure implementation of accepted design standards in project approvals.

**Policy 11.3**

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

**Policy 11.4:**

Continue to utilize zoning districts which conform to a generalized residential land use and density plan and the General Plan.

**Policy 11.6**

Foster a sense of community through architectural design, using features that promote community interaction.

**URBAN DESIGN ELEMENT**

**Objectives and Policies**

**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 2.6**

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

**OBJECTIVE 3:**

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

**Policy 3.1**

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

**Policy 3.5**

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

**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 which has substantial undesirable consequences that cannot be mitigated.

**OBJECTIVE 2:**

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

**Policy 2.1**

Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

**OBJECTIVE 6:**

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

**Policy 6.4**

Encourage the location of neighborhood shopping areas throughout the city so that essential retail goods and personal services are accessible to all residents.

*The Project is a high-density residential development at an infill site, providing 176 new dwelling units in a mixed-use area. The Project includes 28 on-site affordable housing units for rent, which assist in meeting the City's affordable housing goals. The Project is also in close proximity to ample public transportation.*



*The Project generally promotes the purpose of the North of Market Residential Special Use District through infill housing at compatible density. The project introduces 171 new residential units with on-site affordable units near downtown, provides five new replacement residential units on-site, proposes less than 4,000 square feet of ground floor commercial which can support existing and new residents, and does not shade public open spaces. Although the proposal does not preserve historic architectural resources, the new building scale, materials and architectural features are compatible with the surrounding neighborhood character and buildings. The Project will activate O'Farrell Street with the re-located church site and retail use, Shannon Street with the residential lobby, and Jones Street with additional retail use. Further, street improvements such as street trees and bicycle parking will further enhance the public realm, consistent with the better street plan policies in the General Plan.*

*The proposed new construction would produce high-quality architectural design that is compatible with the surrounding neighborhood and with the Uptown Tenderloin National Register Historic District, in which the site is located. The new building will reflect the characteristic pattern which gives to the City and its neighborhood an image, sense of purpose, and a means of orientation; and, moderating major new development to complement the City pattern, by providing a new, mixed-use development consistent with neighboring 6- to 19-story development in close proximity to the site. In addition, the project maintains a sense of scale on the block through retaining a portion of the façade of the 450 O'Farrell building, which is to be incorporated into the new building. The Project would provide a new religious facility that will enable an existing church, which in its current location has been located at this site for more than 90 years, to continue to be located within the community and provide updated, code compliant, and expanded religious instructional and outreach facilities, while salvaging and reusing certain features of the building's interior elements.*

*The project, on balance, promotes the policies and objectives of the General Plan by locating housing for all at a mixed-use infill development site, with neighborhood-serving commercial, and at a density to support it, where households can easily rely on public transportation, walking and bicycling for a majority of daily trips.*

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

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

*The project proposes demolishing the existing restaurant and retail spaces, and replacing those with new retail spaces that are consistent in size and intensity with the rest of the block. The overall retail space proposed is less than 4,000 square feet, thereby creating opportunities for residents while not diminishing the residential nature of the mixed-use block.*

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 introduces 171 new residential units with on-site affordable units near downtown, provides five new replacement residential units as on-site affordable units, proposes less than 4,000 square feet of ground floor commercial which can support existing and new residents, and does not shade public open spaces. Although the proposal does not preserve historic architectural resources, the new building scale, materials and architectural features are compatible with the surrounding neighborhood character and buildings. The Project will activate O'Farrell Street with the re-located church site and retail use, Shannon Street with the residential lobby, and Jones Street with additional retail use. The new building will reflect the characteristic pattern which gives to the City and its neighborhood an image, sense of purpose, and a means of orientation; and, moderating major new development to complement the City pattern, by providing a new, mixed-use development consistent with neighboring 6- to 19-story development in close proximity to the site.*

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

*The project proposes to replace the five existing residential units, none of which are deed-restricted affordable units but are presumed to be subject to the Rent Stabilization and Arbitration Ordinance, with 176 total residential units, 28 of which are designated on-site affordable housing. As a result, the project creates an increase in the City's supply of affordable housing.*

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

*The Project Site is served by nearby public transportation options. The Project site is very accessible by public transit, with multiple public transit alternatives (MUNI Bus lines 2-Clement, 3-Jackson, 27-Bryant, 31-Balboa, 38-Geary, 38R-Geary Rapid, and 45-Union/Stockton; Powell Street and Civic Center BART/MUNI) within close walking distance. Additionally, the Project site is directly adjacent to O'Farrell and Jones Streets, both major thoroughfares which provide ready access to those driving. Parking is available either along surrounding neighborhood streets or within the proposed below grade parking garage. This garage has up to 46 parking spaces, of which 10 parking spaces will be dedicated to churchgoers, and one car share space, in addition to 125 Class 1 and Class 2 bicycle spaces. Given the accessibility of the project site, and the limited retail uses proposed, the project will not create community traffic that impedes MUNI service or overburdens the streets.*

- 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. Although the Project would remove a small existing service sector use, the Project does provide new housing, which is a top priority for the City and proposes replacement of ground floor commercial retail space.*

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

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

- G. That landmarks and historic buildings be preserved.

*Part of the project includes demolition of a building (450 O'Farrell Street) determined individually eligible for the California Register of Historic Resources. In certifying the Project's Environmental Impact Report (EIR), the Planning Commission adopted a Statement of Overriding Considerations, Motion No. #####, finding that the impacts of demolition of the individual historic architectural resource are outweighed by the benefits of the Project. The proposed new construction would produce high-quality architectural design that is compatible with the Uptown Tenderloin National Register Historic District, in which the site is located.*

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

*A shadow analysis prepared by CADP (dated January 21, 2016) determined that the Project would not cast any net new shadow on nearby open spaces or spaces under the jurisdiction of the Recreation and Parks Department (Boeddeker Park and Tenderloin Recreation Center).*

4. 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.
5. The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City.

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2013.1535ENVCUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated June 28, 2018, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Planning Commission has reviewed and considered the FEIR and the record as a whole and hereby adopts the CEQA findings contained in Planning Commission Motion No. XXXXX, incorporated herein as part of this motion, by this reference thereto, and the MMRP attached to Motion No. XXXXX as Exhibit B and incorporated herein as part of this Motion by this reference thereto. All required mitigation measures identified in the FEIR 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. The effective date of this Motion shall be the date of this Motion if not appealed (after the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 13, 2018.

Jonas P. Ionin  
Commission Secretary

AYES:

Draft Motion  
September 13, 2018

CASE NO. 2013.1535ENVCUA  
450-474 O'Farrell/ 532 Jones Streets

NAYS:

ABSENT:

ADOPTED: September 13, 2018

San Francisco Architectural Heritage  
2007 Franklin St  
San Francisco, CA 94109  
415 441 3000

First Republic Bank  
2001 Van Ness Ave  
San Francisco, CA 94109  
11-8166/3210

9494

10/15/18

PAY TO THE  
ORDER OF

San Francisco Planning Department \$ 617<sup>00</sup>

Six hundred and Seventeen dollars  $\frac{00}{100}$  DOLLARS

Two Signatures req over \$5000


MEMO 450 O'Farrell Cond. Use Appeal

  
AUTHORIZED SIGNATURE

Recycled paper utilizes 30% post-consumer content

San Francisco Architectural Heritage

9494

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2018 OCT 15 PM 4:41  
BY 

San Francisco Architectural Heritage

9494





2018 OCT 15 PM 4:40

## BOARD OF SUPERVISORS APPEAL FEE WAIVER FOR NEIGHBORHOOD ORGANIZATIONS

### APPLICATION

#### Appellant's Information

Name: Mike Buhler, President & CEO, SF Heritage  
Address: 2007 Franklin St. Email Address: mbuhler@sfheritage.org  
San Francisco, CA 94109 Telephone: 415/441-3000 x15

#### Neighborhood Group Organization Information

Name of Organization: San Francisco Architectural Heritage  
Address: 2007 Franklin St. Email Address: mbuhler@sfheritage.org  
San Francisco, CA 94109 Telephone: 415/441-3000 x15

#### Property Information

Project Address: 450-474 O'Farrell St. / 532 Jones St.  
Project Application (PRJ) Record No: \_\_\_\_\_ Building Permit No: \_\_\_\_\_  
Date of Decision (if any): September 13, 2018

#### Required Criteria for Granting Waiver

All must be satisfied; please attach supporting materials.

REQUIRED CRITERIA	YES	NO
The appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of the organization. Authorization may take the form of a letter signed by the President or other officer of the organization.	✓	
The appellant is appealing on behalf of an organization that is registered with the Planning Department and that appears on the Department's current list of neighborhood organizations.	✓	
The appellant is appealing on behalf of an organization that has been in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications and rosters.	✓	
The appellant is appealing on behalf of a neighborhood organization that is affected by the project and that is the subject of the appeal.	✓	

For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_

Date: \_\_\_\_\_

#### Submission Checklist:

- ☐ APPELLANT AUTHORIZATION    ☐ CURRENT ORGANIZATION REGISTRATION    ☐ MINIMUM ORGANIZATION AGE  
☐ PROJECT IMPACT ON ORGANIZATION  
  
☐ WAIVER APPROVED    ☐ WAIVER DENIED





## **BOARD OF SUPERVISORS APPEAL FEE WAIVER FOR NEIGHBORHOOD ORGANIZATIONS**

### **INFORMATIONAL AND APPLICATION PACKET**

Pursuant to Planning Code Section 350(j)(3) and Ordinance No. 149-16, Section 4, the Planning Director shall consider and make determinations regarding applications for the authorization of a Board of Supervisors Appeal Fee Waiver.

For questions, call 415.558.6377, email [pic@sfgov.org](mailto:pic@sfgov.org), or visit the Planning Information Center (PIC) at 1660 Mission Street, First Floor, San Francisco, where planners are available to assist you.

**Español:** Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 415.575.9010. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder

**中文:** 如果您希望獲得使用中文填寫這份申請表的幫助, 請致電415.575.9010。請注意, 規劃部門需要至少一個工作日來回應。

**Tagalog:** Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 415.575.9120. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.

### **WHAT IS AN APPLICATION FOR A BOARD OF SUPERVISORS APPEAL FEE WAIVER?**

Planning Code Section 350(j)(3) and Ordinance No. 149-16, Section 4, establishes a waiver from the Board of Supervisor Appeal fees if the appeal is filed by a neighborhood organization that has been in existence for 24 months prior to the filing date of the request, is on the Planning Department's neighborhood organization notification list and can demonstrate to the Planning Director or his/her designee that the organization is substantially affected by the proposed project.

### **WHO MAY APPLY FOR A DISCRETIONARY REVIEW FEE WAIVER?**

Any individual or neighborhood group can file for a Board of Supervisors Appeal. Exact criteria for neighborhood group organizations in order to qualify for a fee waiver are specified below:

- the appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of the organization. Authorization may take the form of a letter signed by the President or other officer of the organization;
- the appellant is appealing on behalf of the organization that is registered with the Planning Department and that appears on the Planning Department's current list of neighborhood organization. To determine if the neighborhood group organization is registered with the Planning Department, visit <http://sf-planning.org/neighborhood-groups-map>;
- the appellant is appealing on behalf of an organization that has been in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications, website or roster; and
- the appellant is appealing on behalf of a neighborhood organization that is affected by the project and that is the subject of the appeal.

### **HOW DO I SUBMIT THE APPLICATION?**

If the requirements above are met, complete the following application, along with any necessary supporting materials, and submit it to the Planning Information Center (PIC) at 1660 Mission Street, First Floor, San Francisco, CA 94013.

A check must be made for the correct amount per the [Planning Department Fee Schedule](#), payable to San Francisco Planning Department. Once the Department determines that the requestor is eligible for the fee waiver, the Department will mail the check back to the entity.