



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Conditional Use

HEARING DATE: FEBRUARY 24, 2011  
CONSENT CALENDAR

*Date:* February 17, 2011  
*Case No.:* **2010.0423 CV**  
*Project Address:* **140 9<sup>TH</sup> STREET**  
*Zoning:* SLR (Service/Light Industrial/Residential)  
Western SoMa Special Use District  
50-X Height and Bulk District  
*Block/Lot:* 3509/005  
*Project Sponsor:* Harvey Hacker  
528 Bryant Street  
San Francisco, CA 94107  
*Staff Contact:* Corey Teague – (415) 575-9081  
[corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)  
*Recommendation:* **Approval with Conditions**

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### PROJECT DESCRIPTION

The proposal is to convert the existing two-story building into an arts complex including two dwelling units, eight group housing units, and artist studio and gallery space. The ground floor will include six artist studios, an approximately 3,200 square foot gallery, a large shared kitchen and dining area, shared bathrooms, a loading area for bulky items, and bicycle parking. The second floor will include twelve artist studios, two studio dwelling units, eight group housing rooms, four shared full bathrooms, two half-bathrooms and lounge areas. An approximately 800 square foot opening is proposed on the 2<sup>nd</sup> floor directly above the gallery space on the ground floor. The studio spaces will be available for residents and non-resident artists. The art space and dwelling units are principally permitted on the site. The group housing requires Conditional Use.

### SITE DESCRIPTION AND PRESENT USE

The project site is approximately 7,800 square feet and contains an existing two-story, approximately 15,000 square foot building constructed circa 1933 that is a contributor to the Western SoMa Light Industrial and Residential National Register-eligible Historic District. The District was documented as part of the SoMa Historic Resource Survey. The Historic Preservation Commission adopted the survey on February 16, 2011. The building was most recently used for furniture sales, but has been vacant for approximately one year.

## SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located in the Western SoMa Special Use District. The existing building is typical of the surrounding industrial design. Surrounding buildings range from one to four stories and include a wide mix of uses. These include industrial, commercial (i.e. Chevron/Burger King) and retail uses, hotel (i.e. Rodeway Inn), office (i.e. Kryolan), arts (i.e. Ninth Street Independent Film Center), and residential and live/work uses. The area surrounding the site is zoned SLR.

## ENVIRONMENTAL REVIEW

On January 31, 2011, the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 32 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project.

## HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	January 7, 2011	November 12, 2010	20 days
Posted Notice	20 days	January 7, 2011	November 12, 2010	20 days
Mailed Notice	20 days	January 7, 2011	December 22, 2010	36 days

## PUBLIC COMMENT

- The Department received an email from a neighbor stating that parking should be included in the project. However, that individual has withdrawn his statement.
- The Department has received three letters/emails in support of the project. These letters are attached.

## ISSUES AND OTHER CONSIDERATIONS

- The Western SoMa Citizen Planning Task Force's "Complete Neighborhood Fabric" Subcommittee reviewed this project and was generally supportive, although no written support is provided.
- The Western SoMa Special Use District is currently undergoing a long range planning effort that will rezone nearly all of the property in its borders. The subject property is currently proposed to be rezoned to the "Regional Commercial District." This district would permit the dwelling units and arts activity as of right and require a Conditional Use authorization for the group housing rooms, which are the same controls under the current SLR zoning.

- Legislation is pending that would make parking controls in West SoMa consistent with recently adopted Eastern Neighborhoods zoning. The effect of this legislation, if passed, would remove minimum parking requirements for the area.

## VARIANCES

The project is requesting rear yard, open space and parking variances, which will be considered by the Zoning Administrator. The Project proposes to operate within the existing building envelope, which covers the entire lot and provides no useable open space or rear yard. In addition, the project would be required to provide one space for each dwelling unit and no parking is provided. The Department received an email from a neighbor stating that parking should be included in the project. However, the individual has withdrawn his concern. Future parking controls for this area would eliminate the need for parking, as this area is in close proximity to various transit options, including BART, which is two blocks away.

## REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow the eight group housing rooms per Planning Code Section 816.15.

## BASIS FOR RECOMMENDATION

The Department believes this project is necessary and/or desirable under Section 303 of the Planning Code for the following reasons:

- The project will create housing that is “affordable by design.”
- The project will use a creative business model to establish a substantial arts activity in the Western SoMa Special Use District, where arts activities are highly encouraged.
- The project’s mix of uses is appropriate in an area that already includes a wide mix of uses.
- The proposal advances the City’s “Transit First” policy by providing an active neighborhood use with no off-street parking in close proximity to multiple transit options. The area is also well-suited for walking and biking.
- The project is consistent with the South of Market area plan and the General Plan.
- The project is an appropriate adaptive reuse of a historic building which, while maintaining the building, complements the mix of uses in the neighborhood.

<b>RECOMMENDATION:</b> <b>Approval with Conditions</b>
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**Attachments:**

- Draft Motion
- Categorical Exemption
- Parcel Map
- Zoning Map
- Sanborn Map
- Aerial and Site Photographs
- Letters of Support
- Reduced Plans

Attachment Checklist

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary           | <input checked="" type="checkbox"/> Site Photo                |
| <input checked="" type="checkbox"/> Draft Motion                | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Environmental Determination | Drawings: <u>Existing Conditions</u>                          |
| <input checked="" type="checkbox"/> Zoning District Map         | <input checked="" type="checkbox"/> Check for legibility      |
| <input type="checkbox"/> Height & Bulk Map                      | Drawings: <u>Proposed Project</u>                             |
| <input checked="" type="checkbox"/> Parcel Map                  | <input checked="" type="checkbox"/> Check for legibility      |
| <input checked="" type="checkbox"/> Sanborn Map                 | <input type="checkbox"/> Health Dept. review of RF levels     |
| <input checked="" type="checkbox"/> Aerial Photo                | <input type="checkbox"/> RF Report                            |
| <input type="checkbox"/> Context Photos                         | <input type="checkbox"/> Community Meeting Notice             |

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

\_\_\_\_\_  
Planner's Initials

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# SAN FRANCISCO PLANNING DEPARTMENT

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*Subject to: (Select only if applicable)*

- |  |  |
|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415)           | <input type="checkbox"/> First Source Hiring (Admin. Code)           |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414)           |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412)            | <input type="checkbox"/> Eastern Neighborhoods Impact Fee (Sec. 423) |

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## Planning Commission Draft Motion

HEARING DATE: FEBRUARY 24, 2011

*Date:* February 17, 2011  
*Case No.:* **2010.0423 CV**  
*Project Address:* **140 9<sup>TH</sup> STREET**  
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[corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 816.15 AND 303 OF THE PLANNING CODE TO ALLOW EIGHT GROUP ROOMS AS PART OF THE CONVERSION OF THE EXISTING BUILDING TO A PRINCIPALLY PERMITTED ARTS COMPLEX INCLUDING TWO DWELLING UNITS, ARTISTS STUDIOS, AND GALLERY SPACE WITHIN THE SLR (SERVICE/LIGHT INDUSTRIAL/RESIDENTIAL) MIXED USE DISTRICT AND A 50-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On June 3, 2010 Harvey Hacker (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 816.15 and 303 to allow eight group housing rooms as part of the conversion of the existing building into a principally permitted arts complex including two dwelling units, artist studios, and gallery space within the SLR (Service/Light Industrial/Residential) Zoning District, Western SoMa Special Use District, and 50-X Height and Bulk District.

On February 24, 2011 the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2010.0423C.

On January 31, 2011, the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 32 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project.

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 requested in Application No. 2010.0423C, 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 site is approximately 7,800 square feet and contains an existing two-story, approximately 15,000 square foot building constructed in 1933 that is a contributor to the Western SoMa Light Industrial and Residential National Register-eligible Historic District. The District was documented as part of the SoMa Historic Resource Survey. The Historic Preservation Commission adopted the survey on February 16, 2011. The building was most recently used for furniture sales, but has been vacant for approximately one year.
3. **Surrounding Properties and Neighborhood.** The project site is located in the Western SoMa Special Use District. The existing building is typical of the surrounding industrial design. Surrounding buildings range from one to four stories and include a wide mix of uses. These include industrial, commercial (i.e. Chevron/Burger King), hotel (i.e. Rodeway Inn), office (i.e. Kryolan), arts (i.e. Ninth Street Independent Film Center), and residential uses. Surrounding properties are zoned SLR.
4. **Project Description.** The proposal is to convert the existing vacant two-story building—previously used for furniture sales—into an arts complex including two dwelling units, eight group housing units, and artist studio and gallery space. The ground floor will include six artist studios, an approximately 3,200 square foot gallery, a large shared kitchen and dining area, shared bathrooms, a loading area for bulky items, and bicycle parking. The second floor will include twelve artist studios, two studio dwelling units, eight group housing rooms, four shared full bathrooms, two half-bathrooms and lounge areas. An approximately 800 square foot opening is proposed on the 2<sup>nd</sup> floor directly above the gallery space on the ground floor. The studio spaces will be available for residents and non-resident artists.

5. **Public Comment.** The Department received an email from a neighbor stating that parking should be included in the project. However, that individual has withdrawn his statement. The Department has received three letters/emails in support of the project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Use.** Independent dwelling units and arts activities are permitted as of right in the SLR Mixed Use District. However, group housing requires Conditional Use Authorization.

*The Project includes 8 group housing rooms. Therefore, it is seeking Conditional Use Authorization.*

- B. **Rear Yard.** Planning Code Section 134 requires a rear yard equal to 25 percent of the lot depth for this project.

*The Project proposes to operate within the existing building, which covers the entire lot and provides no rear yard. As such, the Project also requests a rear yard variance from the Zoning Administrator.*

- C. **Residential Open Space.** Planning Code Section 135 requires each dwelling unit have either 36 square feet of private useable open space, 48 square feet of common useable open space, or an appropriate combination of the two. Group housing rooms must meet one-third of the open space requirement for independent dwelling units. Therefore, the open space requirement for this project ranges from 168 square feet of private open space to 224 square feet of common open space.

*The Project proposes to operate within the existing building, which covers the entire lot and provides no useable open space (yard, balconies, etc.). As such, the Project also requests an open space variance from the Zoning Administrator.*

- D. **Non-Residential Open Space.** Planning Code Section 135.3 requires one square foot of open space be provided for every 250 square feet of arts activities in South of Market Mixed Use Districts, or the Project Sponsor may elect to pay an in-lieu fee of \$.80 per square foot.

*The Project Sponsor will pay the appropriate in-lieu fee for the non-residential open space.*

- E. **Street Trees.** Planning Code Section 428 requires the owner or developer of a new building in this District, or an addition or change of use of more than 20 percent of the existing building, to install street trees. Each street tree must be a minimum of 24-inch box for every 20 feet of frontage of the property along each street or public alley.

*The Project site has 68 feet of frontage on both 9<sup>th</sup> and Washburn Streets, and no existing street trees on either frontage. The proposal is to change the use of the entire building. Therefore, the project shall install three street trees on each frontage or pay the relevant in-lieu fee per the Department of Public Works.*

- F. **Exposure.** Planning Code Section 140 requires each new dwelling unit to front a public street, public alley at least 25 feet in width, side yard at least 25 feet in width, or rear yard meeting the requirements of this Code.

*Both of the proposed dwelling units front on either 9<sup>th</sup> Street or Washburn Street.*

- F. **Parking.** Planning Section 151 requires one parking space for each of the two new dwelling units.

*The project proposes no off-street parking, which requires a parking variance from the Zoning Administrator.*

- G. **Bicycle Parking.** Planning Code Section 155.5 requires four bicycle parking spaces for this project.

*The Project provides 14 bicycle parking spaces.*

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 existing neighborhood is defined by a mix of industrial, commercial and residential uses. The proposal will not expand the existing building, and will itself include a mix of uses. The arts activities and dwelling units are permitted as of right in the SLR zoning district and are desirable within the neighborhood. The eight group housing rooms will provide affordable, alternative housing options as part of the overall arts complex. Overall, arts related activities are supported and encouraged within the Western SoMa Special Use District.*

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

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

*The existing building is only two stories and the proposed arts complex will not expand the building envelope.*

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



*The Project provides no parking and 14 bicycle parking spaces. The project site is within two blocks of the Civic Center MUNI/BART station and more than six other bus or streetcar routes.*

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

*The Project will not generate significant noise, glare, dust or odor.*

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

*The Project does not include any open spaces or parking areas. Signage for the arts activity will be reviewed under a separate permit.*

- 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 proposal does not fall within a Neighborhood Commercial district. However, it is compatible with the SLR District and the Draft Western SoMa Community Plan.*

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

## HOUSING

### Objectives and Policies

#### **OBJECTIVE 1:**

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

#### **Policy 1.1:**

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

**OBJECTIVE 4:**

SUPPORT AFFORDABLE HOUSING PRODUCTION BY INCREASING SITE AVAILABILITY AND CAPACITY.

**Policy 4.4:**

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

**Policy 4.5:**

Allow greater flexibility in the number and size of units within established building envelopes, potentially increasing the number of affordable units in multi-family structures.

**Policy 4.6:**

Support a greater range of housing types and building techniques to promote more economical housing construction and potentially achieve greater affordable housing production.

*The Project includes two studio dwelling units and eight group housing rooms in an underused commercial building very near downtown and various transit lines. The residential units and rooms are "affordable by design" due to their small sizes. The lack of parking allows the Project to maximize the arts activity within the complex.*

## ARTS

### Objectives and Policies

**OBJECTIVE I-2:**

INCREASE THE CONTRIBUTION OF THE ARTS TO THE ECONOMY OF SAN FRANCISCO.

**Policy I-2.1:**

Encourage and promote opportunities for the arts and artists to contribute to the economic development of San Francisco.

**OBJECTIVE III-1:**

ENHANCE THE CONTRIBUTION OF ARTISTS TO THE CREATIVE LIFE AND VITALITY OF SAN FRANCISCO.

**Policy III-1.3:**

Protect and assist in the creation of artists' live/work spaces.

*The Project is designed to include the living and work spaces for artists without the use of live/work units. As a dedicated arts complex, the Project will provide needed arts space and housing in a highly accessible location.*

## SOMA AREA PLAN

### Objectives and Policies

#### **OBJECTIVE 3:**

ENCOURAGE THE DEVELOPMENT OF NEW HOUSING, PARTICULARLY AFFORDABLE HOUSING.

#### **Policy 3.1:**

Increase the supply of housing without adversely affecting the scale, density, and architectural character of existing residential or mixed use neighborhoods or displacing light industrial and/or business service activities.

#### **OBJECTIVE 7:**

PRESERVE EXISTING AMENITIES WHICH MAKE THE SOUTH OF MARKET A PLEASANT PLACE TO LIVE, WORK AND VISIT.

#### **Policy 7.2:**

Preserve the architectural character and identity of South of Market residential and commercial/industrial buildings.

*The Project includes two studio dwelling units and eight group housing rooms in an existing building constructed in 1933 with no significant exterior impacts to the building.*

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

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

*The existing building is currently vacant. The proposal will convert an underused building into an arts complex that will house and provide work space for artists in the City.*

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

*The proposal represents an appropriate mix of residential and arts uses for the area.*

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

*While the Project is not subject to the City's affordable housing requirements, the two studios and eight group housing rooms are affordable by design and offer a lower cost housing option for working artists.*

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

*The Project will provide no off-street parking and will not create significant traffic or parking issues.*

- 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 an industrial use, but will provide housing and work space for artists in the City.*

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

*The Project is within an existing building and will not impact its ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*The existing building was constructed in 1933, but the proposal does not include any significant work to the building exterior.*

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

*The project will have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces.*

10. 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.

11. 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. 2010.0423C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans filed with the Application as received on January 18, 2011 and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.**

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on February 24, 2011.

Linda D. Avery  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: February 24, 2011

## Exhibit A

### AUTHORIZATION

This authorization is for a conditional use to allow the conversion of the existing building into an arts complex including two dwelling units, eight group housing units, and artist studio and gallery space located at 140 9<sup>th</sup> Street, Block 3509, Lot 005 pursuant to Planning Code Section(s) 816.5 and 303 within the SLR (Service/Light Industrial/Residential) Zoning District, Western SoMa Special Use District, and 50-X Height and Bulk District; in general conformance with plans, dated **January 18, 2011**, and stamped "EXHIBIT B" included in the docket for Case No. **2010.0423CV** and subject to conditions of approval reviewed and approved by the Commission on **February 24, 2011** under Motion No **XXXXXX**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **February 24, 2011** under Motion No **XXXXXX**.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

### SEVERABILITY

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

### CHANGES AND MODIFICATIONS

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

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

### PERFORMANCE (5)

**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).*

**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).*

### DESIGN – COMPLIANCE AT PLAN STAGE

**Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the architectural addenda. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

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

**Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff before submitting any building permits for construction of the Project. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program/plan information shall be submitted and approved as part of the site permit for the Project. All exterior signage shall be designed to compliment, not compete with, the existing architectural character and architectural features of the building.

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

**Street Trees.** Pursuant to Planning Code Section 428, 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.

*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**

**Bicycle Parking.** The Project shall provide no fewer than four Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.5.

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

## **MONITORING - AFTER ENTITLEMENT**

**Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

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

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

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

## **OPERATION**

**Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. *For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org/>.*





# SAN FRANCISCO PLANNING DEPARTMENT

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

## Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Case No.:* 2010.0423E  
*Project Title:* 140 9<sup>th</sup> Street – Arts Complex  
*Zoning:* Service/Light Industrial/Residential (SLR)  
South of Market Mixed Use District  
50-X Height and Bulk District  
*Block/Lot:* 3509/005  
*Lot Size:* 7,788 square feet  
*Project Sponsor:* Harvey Hacker  
(415) 957-0579  
*Staff Contact:* Andrea Contreras – (415) 575-9044  
Andrea.Contreras@sfgov.org

### PROJECT DESCRIPTION:

The project site is located on the west side of Ninth Street between Mission and Howard Streets in the Western South of Market (West SoMa) neighborhood of San Francisco. The project block is bounded by Mission Street to the north, Ninth Street to the east, Howard Street to the south, and Washburn Street to the west. The 7,788 square-foot (sq. ft.) project site is currently occupied by an existing two-story, 23-foot-tall, 14,520 sq.-ft., retail furniture store with no off-street parking. The proposed project would entail a

[Continued on next page.]

### EXEMPT STATUS:

Categorical Exemption, Class 32 [State CEQA Guidelines Section 15332]

### REMARKS:

Please see the next page.

### DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

  
\_\_\_\_\_  
Bill Wycko  
Environmental Review Officer

  
\_\_\_\_\_  
Date

cc: Harvey Hacker, Project Contact  
Supervisor Kim, District 6  
Virna Byrd, M.D.F. / Bulletin Board

Distribution List

**PROJECT DESCRIPTION (continued):**

change of use to an arts complex with eight group housing bedrooms, two efficiency dwelling units, 18 art studios and gallery space. The proposed project would involve interior alterations to reconfigure the space and create 2,495 sq. ft. of residential use and 9,840 sq. ft. of arts-related spaces. A portion of the second floor would be removed to allow for an opening between the two floors. The building envelope would not change and the building would remain a total of 14,520 sq. ft. The project sponsor also proposes minor exterior facade alterations and rear window replacement. The proposed project would offer no off-street parking or loading. The project site is located within the Service/Light Industrial/Residential Use zoning district and a 50-X Height and Bulk district.

**REMARKS (continued):**

The project site is located within the Service/Light Industrial/Residential (SLR) zoning district and a 50-X Height and Bulk district. The project would require Conditional Use authorization per Section 816.15 of the San Francisco *Planning Code (Planning Code)* for group housing use in the SLR zoning district, and a variance from Sections 134, 135, and 151 for rear yard, open space, and parking requirements.

The ground floor would include 2,313 sq. ft. for art studios, 3,231 sq. ft. of art gallery space, 417 sq. ft. of accessory kitchen space, and 18 bicycle parking spaces. The second floor would accommodate ten residential units, composed of eight group housing bedrooms in 1,608 sq. ft., and two efficiency units in 885 sq. ft. for a total residential area of approximately 2,495 sq. ft. The second floor would also accommodate 3,877 sq. ft. of art studio space. The pedestrian entrance would be on 9th Street. No off-street loading is proposed or required.

California Environmental Quality Act (CEQA) State Guidelines Section 15332, or Class 32, provides an exemption from environmental review for in-fill development projects that meet the following conditions:

- a) *The project is consistent with applicable general plan designations and policies as well as with applicable zoning designations.*

The proposed project would be consistent with the *San Francisco General Plan* and with applicable zoning designations. The site is located within the SLR zoning district where dwelling units and arts activities and spaces are permitted, and group housing use is permitted with Conditional Use authorization. Dwelling units are principally permitted in SLR up to a dwelling unit density of one unit per 200 square feet of lot area, and group housing units at one bedroom for each 70 sq. ft. of lot area. The 7,788 sf project area would allow for up to 38 dwelling units or 111 bedrooms of group housing. The proposed 10-unit project is therefore within the allowable density.

Pursuant to *Planning Code* Section 134, the residential uses proposed would require a rear yard of 25%. The proposed project's change of use and alterations would not provide a rear yard. As a result, the project sponsor is requesting a rear yard variance. The *Planning Code* would require provision of 36 sq. ft. of private (or 48 sq. ft. for common) open space for the two proposed dwelling units, and 12 sq. ft. of private (or 16 sq. sf. of common) open space per group housing room. Since open space would not be

provided as part of the project, the project sponsor is requesting a variance from open space provision requirements. Per Section 150(c), the arts activities space would not require the provision of any off-street parking. The group housing use would also not require any off-street parking. However, the two dwelling units proposed would require off-street parking. Since the project sponsor would not provide off-street parking, a variance from the parking requirement would be sought.

*b) The development occurs within city limits on a site of less than five acres surrounded by urban uses.*

The 0.18-acre (7,788 sf) project site is located within a fully developed area of San Francisco. The surrounding area is fully developed with residential, commercial, and retail uses. The proposed project, therefore, would be properly characterized as in-fill development completely surrounded by urban uses.

*c) The project site has no habitat for endangered, rare or threatened species.*

The project site is located within a densely developed urban area. The subject property is a retail furniture store. The project site currently supports no vegetation and does not contain any sensitive vegetation, sensitive species habitat, or wetlands. The proposed project would not disturb the surrounding street trees.

*d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*

Traffic: The project site is located on the west side of Ninth Street, on the block bounded by Mission Street to the north, Ninth Street to the east, Howard Street to the south, and Washburn Street to the west. Street parking is available on all adjacent streets, including metered and two-hour parking with parking restrictions for street cleaning.

Based on the trip rate for residential and recreational community center (#495) use in the Planning Department's October 2002 Transportation Impact Analysis Guidelines for Environmental Review (Guidelines) and the 8<sup>th</sup> Edition of the Institute of Transportation Engineers Trip Generation Manual, the proposed project would generate an estimated 89 average daily person-trips, which is 2,089 fewer trips than the current 2,178 daily person-trips generated by the existing retail use. Of the 89 average daily person-trips generated by the proposed project, there would be about 14 p.m. peak hour person-trips (generally between 4:30 to 6:30 p.m.). These peak hour person-trips would be distributed among various modes of transportation, including three automobile person-trips, five transit trips, five walking trips, and one trip by other means, which include bicycles and motorcycles. Mode split data for the uses were obtained from the Guidelines for Census Tract 176.01 and for Superdistrict 1, where the project site is located.

The proposed project would result in a decrease in the number of auto, transit, walking, bicycling and motorcycle trips in the project vicinity. The project site is located in an area well-served by transit. Specifically, the proposed project is within three blocks of the Civic Center BART and Muni Metro Station, which provides city-wide and regional transit options. Above-ground, there are several Muni lines within walking distance of the project site, including the F-Market, 6-Parnassus, 9-San Bruno, 14-

Mission, 19-Polk, 21-Hayes, 71-Haight-Noriega, K-Ingleside-Owl, M-Ocean View-Owl, N-Judah-Owl, and T-Third Street-Owl. Three bicycle routes (#23, #25 and #30) are within the project vicinity. The small number of transit and bicycle trips generated by the project would be accommodated by the transit and bicycle networks.

There is currently no vehicular access to the project site. Pursuant to Planning Code Section 151, Schedule of Required Off-Street Parking Spaces, the proposed project is required to provide two off-street vehicular parking spaces, or 1 space per dwelling unit. The arts activities use and the group housing rooms would not require parking per Section 151 and 150(c), Off-Street Parking and Loading Requirements. The project would provide no off-street vehicle parking spaces. Therefore, the project sponsor is seeking a variance from the Planning Code's vehicle parking requirement. Planning Code Section 155.5, Bicycle Parking Required for Residential Uses, requires that residential projects of 50 dwelling units or less provide one bicycle space for every two dwelling units, and one space for every 3 bedrooms of group housing. With two dwelling units and eight group housing rooms proposed, the project would be required to provide at least four bicycle parking spaces. As proposed, the project would provide 18 bicycle parking spaces at the ground floor.

San Francisco does not consider parking supply as part of the permanent physical environment and therefore, does not consider changes in parking conditions to be environmental impacts as defined by CEQA. Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel.

Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. Environmental documents should, however, address the secondary physical impacts that could be triggered by a social impact. (CEQA Guidelines § 15131(a).) The social inconvenience of parking deficits, such as having to hunt for scarce parking spaces, is not an environmental impact, but there may be secondary physical environmental impacts, such as increased traffic congestion at intersections, air quality impacts, safety impacts, or noise impacts caused by congestion. In the experience of San Francisco transportation planners, however, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service in particular, would be in keeping with the City's "Transit First" policy. The City's Transit First Policy, established in the City's Charter Section 115 provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation." As mentioned above, the project site is within walking distance of several transit options and three bicycle routes.

Noise: An approximate doubling of traffic volumes in the area would be necessary to produce an increase in ambient noise levels noticeable to most people. The project would not cause a doubling in traffic volumes. The project's decrease to the existing volumes (see Traffic, p.3), would not cause an increase in the ambient noise level in the project vicinity. The noise generated by the occupants of the proposed new use would be considered common and generally acceptable in an urban area, and would not be

considered a significant impact. The proposed construction could temporarily generate noise that may be considered an annoyance by occupants of nearby properties. Construction noise is regulated under Article 29 of the City's Police Code, and would be temporary and intermittent in nature. Thus, the proposed project would not result in a significant impact with respect to noise.

Air Quality: The California Air Resources Board (CARB) established its statewide comprehensive air toxics program in the early 1980s. CARB created California's program in response to the Toxic Air Contaminant Identification and Control Act (AB 1807, Tanner 1983) to reduce exposure to air toxics. CARB identifies 244 substances as Toxic Air Contaminants (TACs) that are known or suspected to be emitted in California and have potential adverse health effects. Public health research consistently demonstrates that pollutant levels are significantly higher near freeways and busy roadways. Human health studies demonstrate that children living within 100 to 200 meters of freeways or busy roadways have poor lung function and more respiratory disease; both chronic and acute health effects may result from exposure to TACs. In 2005, CARB issued guidance on preventing roadway related air quality conflicts, suggesting localities "avoid siting new sensitive land uses within 500 feet of a freeway [or other] urban roads with volumes of more than 100,000 vehicles/day."<sup>1</sup> However, there are no existing federal or state regulations to protect sensitive land uses from roadway air pollutants.

The San Francisco Department of Public Health (DPH) has issued guidance for the identification and assessment of potential air quality hazards and methods for assessing the associated health risks.<sup>2</sup> Consistent with CARB guidance, DPH has identified that a potential public health hazard for sensitive land uses exists when such uses are located within a 150-meter (approximately 500-foot) radius of any boundary of a project site that experiences 100,000 vehicles per day. To this end, San Francisco added Article 38 of the San Francisco Health Code, approved November 25, 2008, which requires that, for new residential projects of 10 or more units located in proximity to high-traffic roadways, as mapped by DPH, an Air Quality Assessment be prepared to determine whether residents would be exposed to potentially unhealthful levels of PM<sub>2.5</sub>. Through air quality modeling, an assessment is conducted to determine if the annual average concentration of PM<sub>2.5</sub> from the roadway sources would exceed a concentration of 0.2 micrograms per cubic meter (annual average).<sup>3</sup> If this standard is met or exceeded, the project sponsor

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<sup>1</sup> California Air Resources Board, 2005 Air Quality and Land Use Handbook: A Community Health Perspective, <http://www.arb.ca.gov/ch/landuse.htm>, accessed September 8, 2008.

<sup>2</sup> San Francisco Department of Public Health, Assessment and Mitigation of Air Pollutant Health Effects from Intra-urban Roadways: Guidance for Land Use Planning and Environmental Review, May 6, 2008, [http://dphwww.sfdph.org/phes/publications/Mitigating\\_Roadway\\_AQLU\\_Conflicts.pdf](http://dphwww.sfdph.org/phes/publications/Mitigating_Roadway_AQLU_Conflicts.pdf), accessed September 8, 2009.

<sup>3</sup> According to DPH, this threshold, or action level, of 0.2 micrograms per cubic meter represents about 8 – 10 percent of the range of ambient PM<sub>2.5</sub> concentrations in San Francisco based on monitoring data, and is based on epidemiological research that indicates that such a concentration can result in an approximately 0.28 percent increase in non-injury mortality, or an increased mortality at a rate of approximately 20 "excess deaths" per year per one million population in San Francisco. "Excess deaths" (also referred to as premature mortality) refer to deaths that occur sooner than otherwise expected, absent the specific condition under evaluation; in this case, exposure to PM<sub>2.5</sub>. (San Francisco Department of Public Health, Occupational and Environmental Health Section, Program on Health, Equity, and Sustainability, "Assessment and Mitigation of Air Pollutant Health Effects from Intra-urban Roadways: Guidance for Land Use Planning and Environmental Review, May 6, 2008. Twenty excess deaths per million based on San Francisco's non-injury, non-homicide, non-suicide mortality rate of approximately

must install a filtered air supply system, with high-efficiency filters, designed to remove at least 80 percent of ambient PM<sub>2.5</sub> from habitable areas of residential units.

The project site, at 140 9<sup>th</sup> Street is located within the Potential Roadway Exposure Zone, as mapped by DPH. Pursuant to Article 38 of the San Francisco Health Code, the project sponsor prepared an Air Quality Assessment consistent with DPH guidance. The Air Quality Assessment concluded that the site is located in an area that experiences PM<sub>2.5</sub> concentrations over 0.2 micrograms per cubic meter.<sup>4</sup> The project is therefore required to be designed and constructed such that ventilation systems remove at least 80 percent of the PM<sub>2.5</sub> pollutants from habitable areas. Since the project would be required to comply with Article 38 of the San Francisco Health Code, it would not result in a significant impact from exposure of sensitive receptors to high concentrations of roadway-related pollutants, and would otherwise have no significant air quality impacts.

Water Quality: The proposed project would not generate wastewater or result in discharges that would have the potential to degrade water quality or contaminate a public water supply. Project-related wastewater and storm water would flow to the City's combined sewer system and would be treated to standards contained in the City's National Pollutant Discharge Elimination System (NPDES) Permit for the Southeast Water Pollution Control Plant prior to discharge. Therefore, the proposed project would not result in significant water quality impacts.

- e) *The site can be adequately served by all required utilities and public services.*

The project site is located in a dense urban area where all public services and facilities are available; no expansion of public services or utilities would be required.

Historic Architectural Resources: In evaluating whether the proposed project would be exempt from environmental review under CEQA, the Planning Department must first determine whether the building at 140 9<sup>th</sup> Street, built in 1933, is an historical resource as defined by CEQA. Based on the SoMa Historic Resource Survey, which has not been adopted, the project site is located within the potential Western SoMa Light Industrial and Residential Historic District and appears to a contributor to this potential historic district. For purposes of CEQA, the subject building at 140 9<sup>th</sup> Street is an historical resource due to its status as a contributor to a potential historic district.<sup>5</sup>

The evaluation of properties for potential impacts to an "historical resource" under CEQA is a two-step process. The first step is to determine whether the property is an "historical resource," and the second is to evaluate whether the action or project proposed by the sponsor would cause a "substantial adverse change" to the "historical resource." Planning Department staff reviewed the proposed modifications to the building at 140 9<sup>th</sup> Street to determine whether the proposed project is consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating,*

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714 per 100,000. Although San Francisco's population is less than one million, the presentation of excess deaths is commonly given as a rate per million population.)

<sup>4</sup> Thomas H. Rivard, Senior Environmental Health Specialist, San Francisco Department of Public Health, 140 9<sup>th</sup> Street Air Quality Assessment, December 15, 2010.

<sup>5</sup> Email communication with Rich Sucre, Planning Department Preservation Technical Specialist, January 25, 2011.

*Restoring, and Reconstructing Historic Buildings* (Secretary's Standards) or if any proposed modification would materially impair the resource.

The Planning Department has determined that the proposed project is consistent with the Secretary's Standards.<sup>6</sup> The scope of work, including facade alterations and the rear window replacement, would not adversely impact the potential historic district. In general, the proposed alterations are focused upon non-contributing/altered elements of the building and would be considered reversible. Other alterations to the property are proposed upon the secondary rear facade, and are in keeping with the historic character of the property and district. The proposed new elements, including the ground floor windows, doors, and second-story door, are compatible with the surrounding historic district. The proposed project does not adversely impact the building's character-defining features or its eligibility for inclusion as part of the potential historic district. The building's character-defining features include rectilinear massing, stucco/plaster finish, pilasters, terracotta ornamentation, and industrial steel-sash windows and openings. Although one window would be removed for a doorway on the second floor of the rear facade, the proposed project would retain the majority of the industrial steel-sash windows, and these features would still contribute to the building's historic character. The proposed project would not impact the other character-defining features on the project site, and the building as a whole would maintain its eligibility for listing as a contributor to a potential historic district. Overall, the project would be consistent with the potential Western SoMa Light Industrial and Residential Historic District. Therefore, the proposed project would result in a less-than-significant historical resource impacts.

### Neighborhood Concerns

A "Notification of Project Receiving Environmental Review" was mailed on December 9, 2010 to owners and occupants of properties within 300 feet of the project site. There was one non-CEQA related comment received regarding the proposed project's potential to increase the occurrence of graffiti in the vicinity. The merit of the project will be considered during other stages of project review, such as issuance of project approvals.

### Conclusion

CEQA State Guidelines Section 15332, or Class 32, allows for an exemption of an in-fill development meeting various conditions. As described above, the proposed project is an in-fill development that would have no significant adverse environmental effects and would meet all the various conditions prescribed by Class 32. Accordingly, the proposed project is appropriately exempt from CEQA under Section 15332.

CEQA State Guidelines Section 15300.2 states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. As a contributor to a potential historic district the property is an historical resource, but the proposed project would not cause a substantial adverse change in the significance of the resource. There are no unusual circumstances surrounding the current proposal that would suggest a reasonable possibility of a significant effect. The proposed project would have no

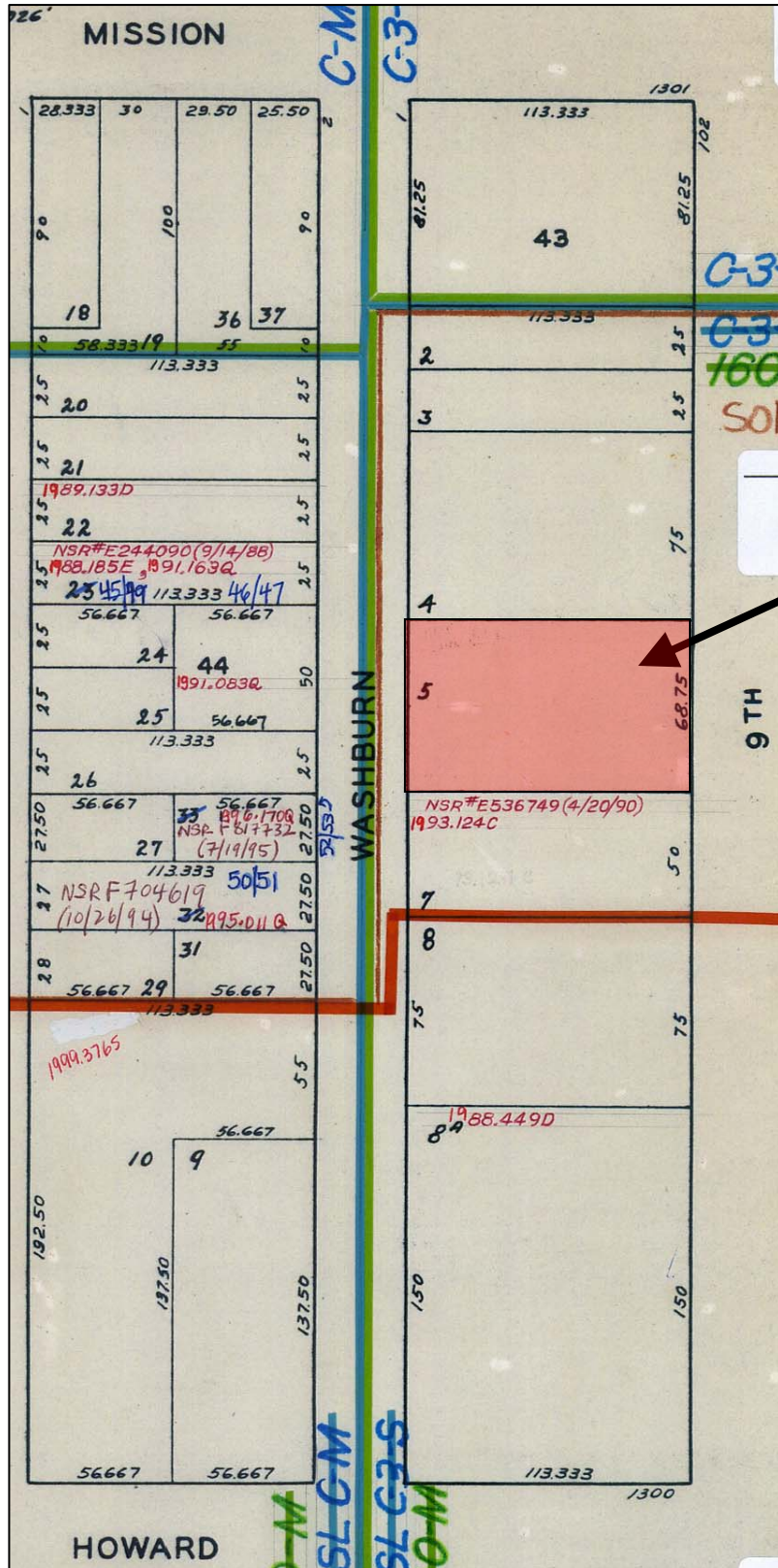
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<sup>6</sup> Rich Sucre, Planning Department Preservation Technical Specialist, *Historical Resource Review Form*, January 24, 2011.

significant environmental effects and therefore, is appropriate exempt under Class 32 of the *CEQA Guidelines*.



# Parcel Map

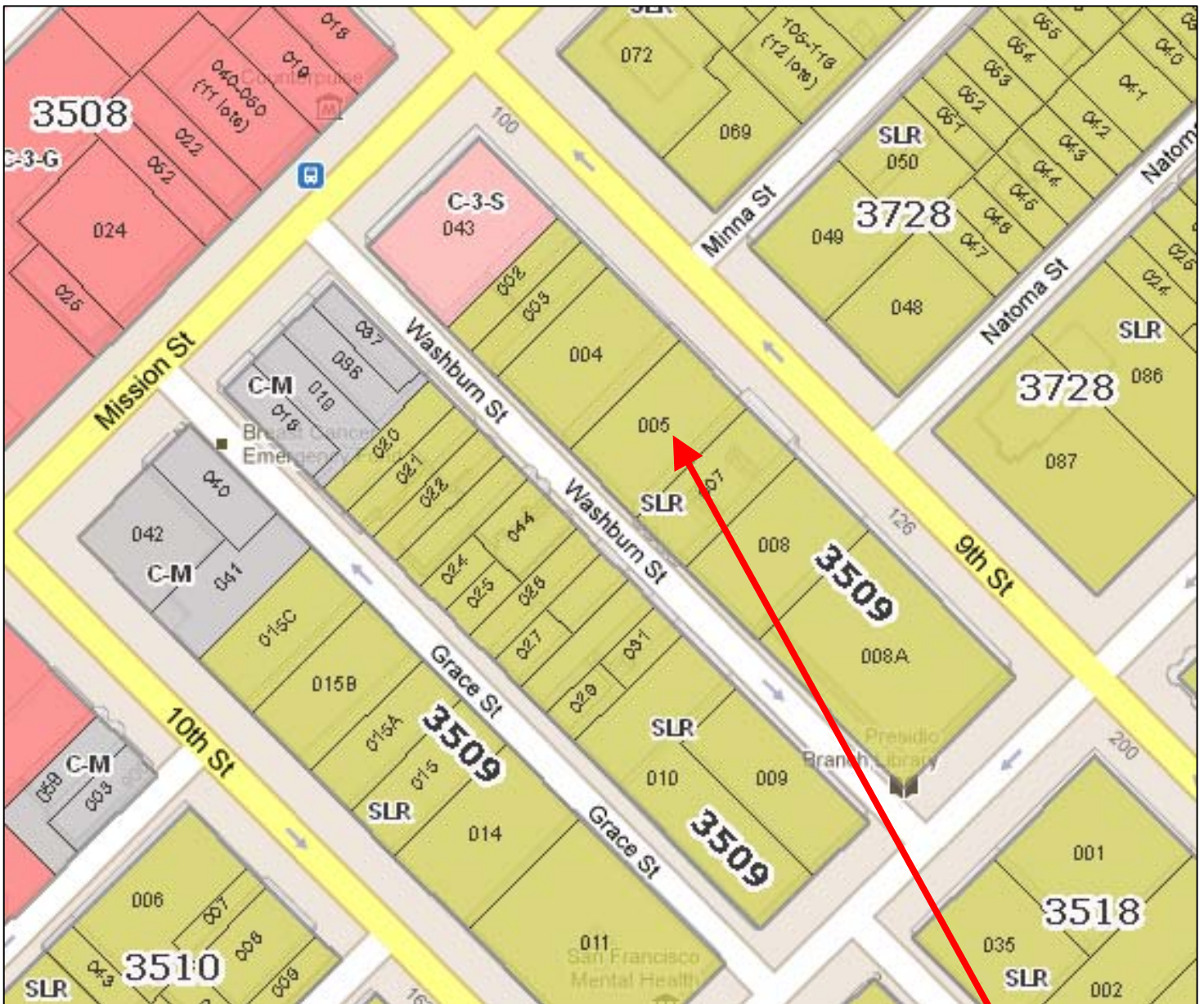


**SUBJECT PROPERTY**

Conditional Use Hearing  
 Case Number 2010.0423CV  
 Arts Complex with Group Housing  
 140 9th Street



# Zoning Map



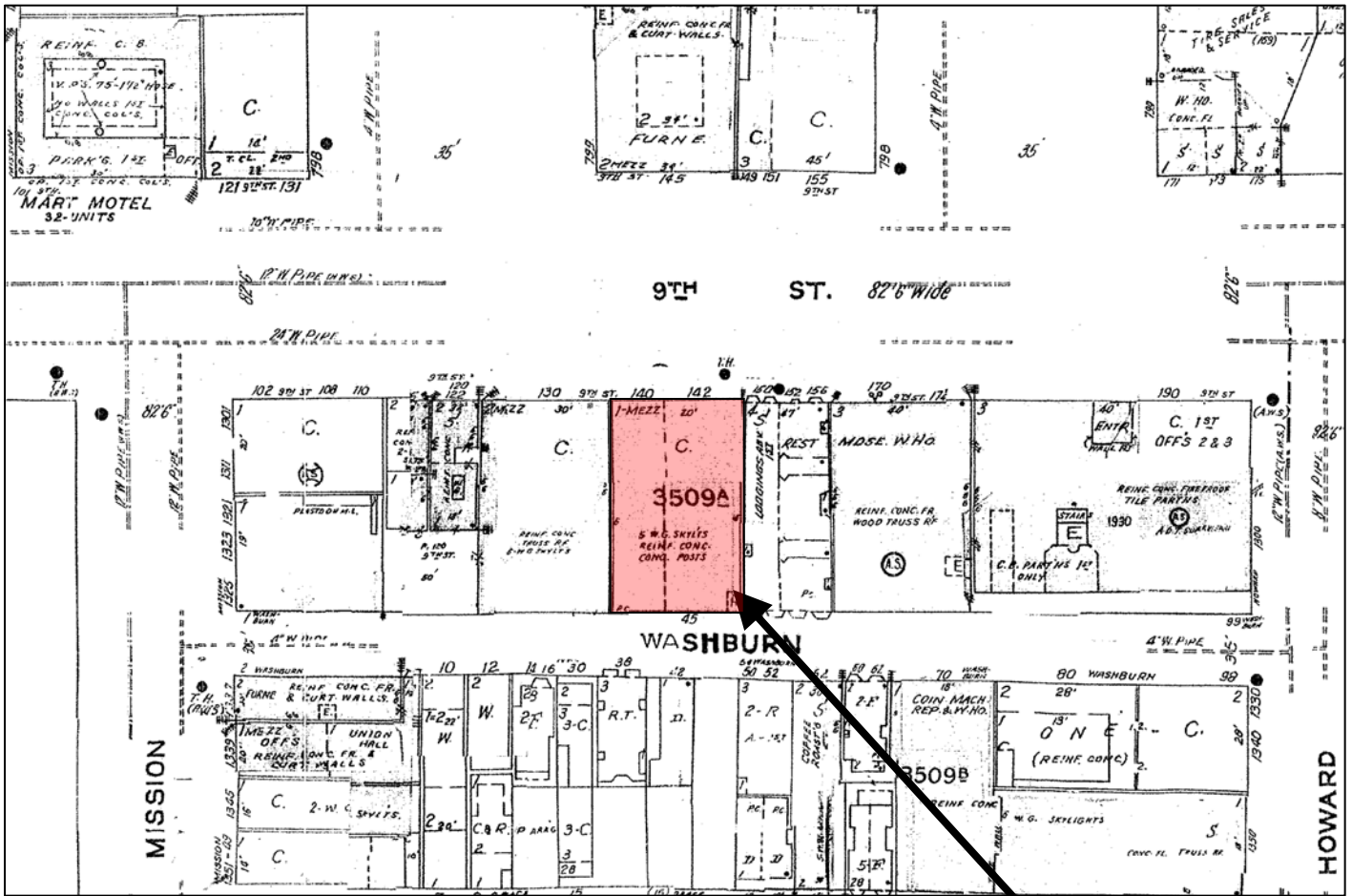
**SUBJECT PROPERTY**



Conditional Use Hearing  
Case Number 2010.0423CV  
Arts Complex with Group Housing  
140 9th Street



# Sanborn Map\*



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



Conditional Use Hearing  
 Case Number 2010.0423CV  
 Arts Complex with Group Housing  
 140 9th Street

# Aerial Photo



SUBJECT PROPERTY



Conditional Use Hearing  
Case Number 2010.0423CV  
Arts Complex with Group Housing  
140 9<sup>th</sup> Street

# Site Photo – 9<sup>th</sup> Street



Conditional Use Hearing  
Case Number 2010.0423CV  
Arts Complex with Group Housing  
140 9<sup>th</sup> Street

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**PLATOON**

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**CULTURAL  
DEVELOPMENT**

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**REFERENCE  
17 FEB 2011**

PLATOON / CULTURAL DEVELOPMENT / ALTE SCHÖNHAUSER STR.3 / 10119 BERLIN / GERMANY

Julian Banales  
San Francisco Planning Department**CHRISTOPH****FRANK**

FOUNDER

+49-30-288821-60

CHRISTOPH@PLATOON.ORG

**LETTER OF SUPPORT FOR "THE MONUMENT" - 140 9TH STREET.**

I'm writing today on behalf of PLATOON cultural development, an international cultural organization, to call on the San Francisco Planning Commission to approve the proposed project at 140 9th Street in San Francisco.

PLATOON was founded in Berlin in 2000 and has since grown to more than 5000 creative professionals worldwide, operating community art spaces in three cities: Berlin, Seoul, and a new space in Gwangju. Besides these home bases we also organize projects all over the world. We invite you to view some projects created by PLATOON and our members on [PLATOON REPORT](#) - [PLATOON KUNSTHALLE](#) - [KUNSTHALLE GWANGJU](#).

PLATOON is acclaimed not just by participating artists, but also by the communities in which we operate. This can be seen, for example, in our sponsorship by the South Korean Ministry of Culture, Sports, and Tourism as well as in the recent [Design Prize of the Federal Republic of Germany 2011](#).

One reason for PLATOON's success and rapid growth is our insight into the value of creating communities around art. Instead of just providing private spaces for artists to work, we create common meeting spaces, events, communication channels, weaving a social fabric that encourages collaborations across disciplines and national borders.

I have met with the project sponsors for 140 9th Street, discussed their objectives, and reviewed their plans. Based on our experience, I believe that these ideas that have been so successful for us in Europe and Asia will also be successful in San Francisco. San Francisco is culturally positioned at the intersection of art, technology, and entrepreneurship, and the people of San Francisco have a long history of exploring new ways to live and work together.

On behalf of PLATOON, I ask you to approve the proposed project. The project will serve as an entry point by which artists in PLATOON's international community can meet and collaborate with the people of San Francisco, and it will increase the city's prestige as an international destination for creativity and innovation.

Christoph Frank - Founder

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**PLATOON**

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**CULTURAL  
DEVELOPMENT**

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■ ■ BERLIN SEUL GWANGJU

ALTE SCHÖNHAUSER STR. 3 / 10119 BERLIN / GERMANY / TEL +49-(0)30-2888-216-0 / FAX+49-(0)30-2888-216-1  
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Michael Broxton  
<broxton@stanford.edu>  
02/17/2011 04:55 AM

To julian.banales@sfgov.org  
cc Geoff Schmidt <geoff@geoffschmidt.com>, harvey@harveyhacker.com  
bcc

Subject A Letter of Support for 140 9th St.

Dear Mr. Banales,

My name is Michael Broxton and I'm writing to express my support for Monument, the art community space proposed at 140 9th Street. I urge the Commission to approve this project.

By day I'm a scientist doing research at Stanford University and NASA Ames Research Center. But when I'm at home in San Francisco I consider myself an artist. My video installations, music, and photography find inspiration in the same mathematical and physical principals that I practice in my day job, but in my free time I aim to help people to appreciate these principals on a more intuitive and aesthetic level. My artwork has allowed people to interact with the mathematical spaces that give rise to fractals, to grasp the diffusion process that gives a tropical fish its stripes, and to understand how symmetry and simple shapes combine to create rich, repeating patterns. My artwork and artwork from other like-minded San Francisco artists has been featured in gallery shows, festivals, technology-themed nights at local bars, and large institutions and museums including NASA Ames Research Center and the California Academy of Sciences.

In other words, I'm a typical example of the exciting and characteristically San Franciscan dialog between art and science that is occurring in our city today. I can speak with some confidence about this dialog because I have been a leader in organizing and promoting it. For example, I was a founding organizer of Yuri's Night, an annual art and music festival held at NASA Ames that celebrates the common values of creativity, fearlessness, and optimism that led to the first human spaceflight. In 2008, roughly 6,500 people gathered for Yuri's Night in an aircraft hanger at Moffett Field to see the latest output of Bay Area artists and musicians right alongside the latest research from Bay Area labs and startups. I've heard from many attendees, exhibitors, and NASA officials alike that this event gave them a renewed sense of common purpose, and I came away from Yuri's Night with the strong conviction that a healthy dialog between artists, scientists, and the public can help us to stay inspired and focused as we work together in our society towards our most ambitious long-term goals.

What does San Francisco need to do today to foster this dialog? In my opinion, the most important need is for community spaces where creative people can come together and exchange ideas. The key is to build strong communities where meaningful relationships are built, conversations continue over months and years, and interdisciplinary projects can be carried out. I know the value of community spaces such as these very well from my own experience. I am a member of a cooperative space on Langton Street in Soma that has succeeded far beyond our expectations. Beyond the group of members that share our building (and there is always a waiting list), there is a broader community in the hundreds that comes to classes and events held under our auspices and collaborates with us in our projects, including Yuri's Night among many others.

From these experiences I have learned that communities such as ours thrive the most when they have buildings that are designed to serve as their home base. However our building, a converted sign painting workshop, is not exactly ideal



for this purpose; nor is much of San Francisco's existing stock of rental art studios or industrial spaces. Monument, on the other hand, will be custom-built around common work areas where resources can be collected and shared by a large group. It will also support a variety of uses that naturally foster interaction and collaboration such as classrooms, workshops, a large shared kitchen and dining area, and gallery/exhibition space. The current floor plans for 140 9th street are of very sound design, as they incorporate these and many other important community use cases.

Perhaps most important to the success of any community space are the experience and passion of its members. As you familiarize yourself with this project and its sponsors I think you will find that the people involved are unusually organized, enthusiastic, and deliberate about what they are trying to create. By supporting this unique proposal, you will be helping this group to further establish itself so that it can continue to enrich the creative and innovative culture that is the hallmark of San Francisco.

Best regards,

Michael Broxton  
32 Langton St  
San Francisco, CA 94103



Sean Stevens  
<i@seanstevens.com>  
02/16/2011 09:46 PM

To julian.banales@sfgov.org  
cc Geoff Schmidt <geoff@geoffschmidt.com>, harvey@harveyhacker.com  
bcc  
Subject Letter of support for the Monument Project at 140 9th Street in SoMA

Hello.

My Name is Sean Stevens.

I am an artist, teacher and community builder from Boston, MA.

I'm writing to tell you how excited I am about Monument (the proposed project at 140 9th Street) - so excited that I'm moving from Boston to San Francisco just to be a part of it. Let me tell you why I'm doing that, and what I see in the project that makes it mean so much. But first, let me tell you a bit about me.

I combine Art, Science, Interactivity and alternative energy to create enveloping experiences that make people think.

In Boston, I helped found the Glitch loft.

Glitch has become a cornerstone in the Boston Underground art scene.

As I've met exceptional, creative people I have pulled them in, we have expanded our live/work community from six people to thirty people in the past five years.

In this space, people have co-inspired, taught each other valuable skills and given a place to show art to others in the community.

I am also President of the board of directors for Firefly, a regional Burning Man art event for the Northeast, generally held in the woods of Vermont.

([Fireflyartscollective.org](http://Fireflyartscollective.org))

Firefly is itself a gathering of about 650 amazing people, and growing each year... This will be Firefly's 8th year.

Firefly is completely volunteer organized and run event, we celebrate Art, Community and Science... interactivity and immediacy.

Firefly has given about \$14,000 in art grants (about 1/4 our total budget) back to our community in the past 4 years since we started our grant program.

And much of that art goes to other events locally and nationally enriching the wider community.

In the past few months I've started teaching at a program called NuVu ([nuvustudio.org](http://nuvustudio.org))... it's an immersive, hands on high school program that aims to help students move beyond memorization and into truly thinking for themselves.

I tell you this to let you know a bit about myself...

And also to start to explain how excited I am about Monument and San Francisco in general.

You see, while I'll still be connected to Boston, I'll have to leave the space I helped create...

Leave The Firefly Board, and won't be able to accept the Full time position I've been offered at NuVu doing work that I love.

That can start to tell you how excited I am for Monument.

I believe that Monument will be a great addition to San Francisco - bringing together artists, scientists, community creators, technologists... incredibly interesting (and well regarded in their

field) people from around the country want to be part of this project.  
People who create, and want to share their creativity.

Monument is being created to be a coherent, intentional community... one that will draw many more educated people into the area to visit or to live... to be closer to the community center that we are creating.

Monument will give them a space to meet, to create, to share their ideas with other people, open minds to new possibilities in collaboration...

We will solve problems... Come up with new challenges and overcome them.

Create new business opportunities as well.

I believe that Monument and San Francisco have a great deal to offer each other.

Monument gives San Francisco another crucible of creativity, where Artists, Engineers, Philosophers and Programmers can learn from each other.

San Francisco gives a Beautiful environment and some of the most incredible, creative, open minded people in the world.

And the SoMA neighborhood is amazing... so close to great restaurants, many startups... and we are thrilled to be a 15 minute walk from the new TechShop SF... which will help us immensely in realizing our creations...

I'm incredibly proud of what I've been able to accomplish in Boston.

But There are hard limits on how things can scale... we can't have public events in the Glitch loft due to zoning issues etc... this limits our ability to share our creativity with people...

Limits our ability to inspire.

And that's what we want to do.

Inspire. Create. Share.

Lead by example, show that intellectual and artistic generosity make the world a better place.

And I can't think of a better place to do that than San Francisco, in SoMA...

An up and coming neighborhood in a beautiful city with a culture rooted in creativity and social progression...

Myself and a great number of people are excited by Monument, so much so that many of us are willing to uproot from already wonderful situations to be part of it.

We have a lot of energy to share.

I believe very strongly that within a year after launch Monument will be a shining Beacon...

A place that people talk about by name as a reason why San Francisco is a world class city, and why it is THE place to start your organization or business that aims to change the world.

Otherwise I wouldn't be leaving everything I've helped create in Boston.

I hope that you also see the promise in this project.

If you would like to talk further on the issue, please feel free to call (617 504 5602) or e-mail me.

Thank you for your time and consideration.

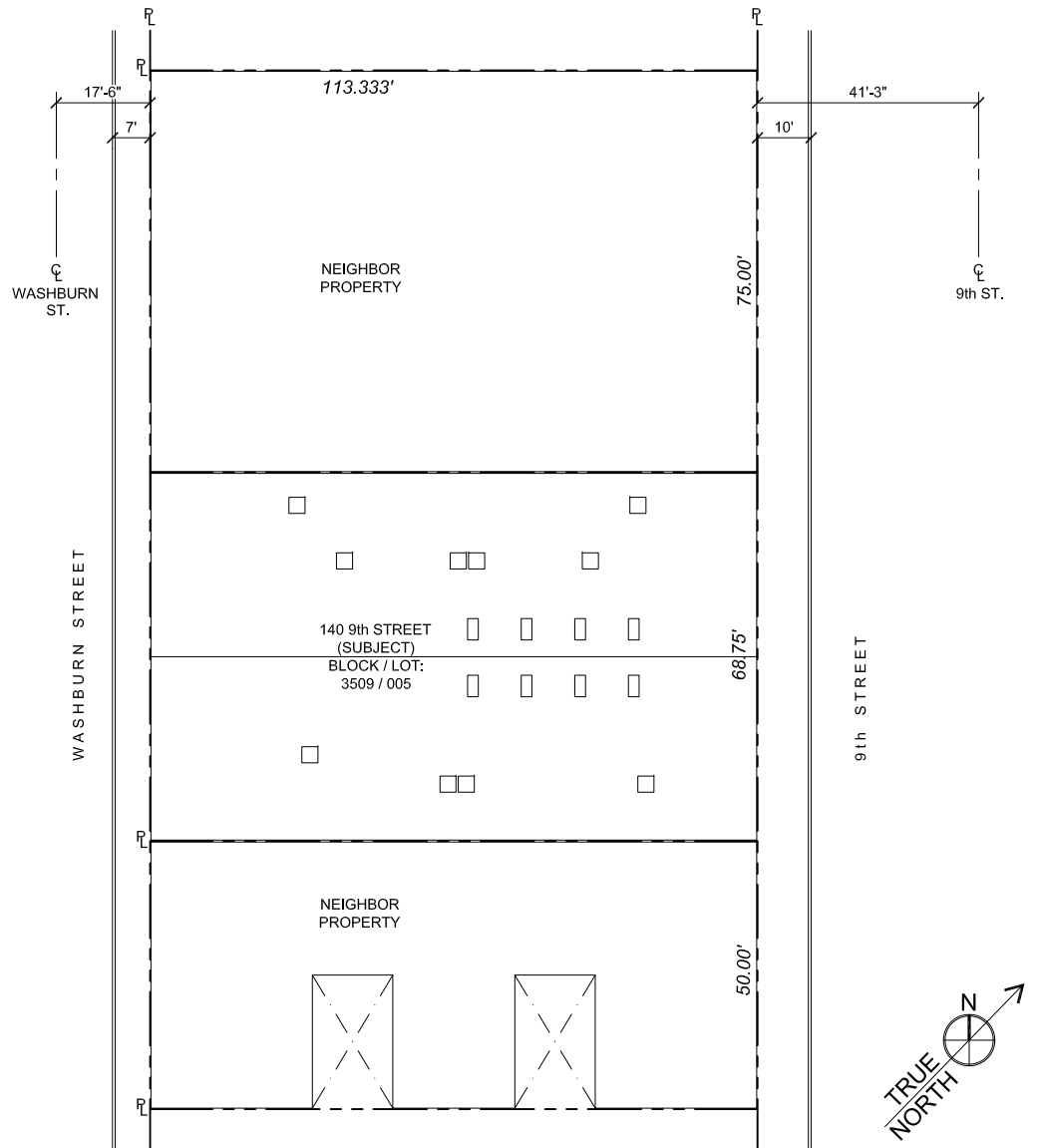
-Sean Stevens

# ARTS COMPLEX 140 9th STREET San Francisco, California

REVISIONS	BY

**SITE PLAN**

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



**PROJECT DIRECTORY**

**OWNER:**  
P.A.A. PROPERTIES  
ATTN: DAVID LAI  
220 SOUTH LINDEN AVE  
SOUTH SAN FRANCISCO, CA 94080  
TEL: (650) 588 8800

**ARCHITECT:**  
HARVEY HACKER ARCHITECTS  
528 BRYANT STREET  
SAN FRANCISCO, CA. 94107  
TEL: (415) 957 0579  
FAX: (415) 957 5851

**PLANNING CODE:**

**CODE:** SAN FRANCISCO PLANNING CODE, NOV/DEC 2007

**PARCEL NUMBER:** BLOCK 3509 / LOT 005

**USE DISTRICT:** SLR

**EXISTING USE & OCCUPIED AREA:** M (RETAIL FURNITURE STORE, 14,519 SF)

**PROPOSED USE & OCCUPIED AREA:**

<b>FLOOR 1:</b>	
ART STUDIOS:	2,313 SF
ART GALLERY:	3,231 SF
ACCESSORY KITCHEN:	417 SF
<b>FLOOR 2:</b>	
ART STUDIOS:	3,877 SF
8 EA. BEDROOMS:	1,608 SF
2 EA. EFFICIENCY APARTMENTS:	885 SF
<b>TOTAL OCCUPIED AREA:</b>	<b>12,331 SF</b>
<b>TOTAL RESIDENTIAL AREA:</b>	<b>2,493 SF</b>

**PARKING ANALYSIS:**

- EXISTING USE (FURNITURE STORE)
  - 14,829 / 1,000 = 15 STALLS REQUIRED
  - 0 STALLS PROVIDED
  - LAWFUL DEFICIENCY = 15 STALLS
- PROPOSED USE
  - 2 EA. DWELLINGS = 2 STALLS
  - 9,838 SF (ARTS SPACE) / 2,000 = 4.92 STALLS
  - TOTAL REQUIRED = 6.92 = 7 STALLS LESS THAN LAWFUL DEFICIENCY (O.K.)

**SHEET INDEX**

**ARCHITECTURAL:**

A0.0	TITLE SHEET
A0.1	PRE-APPLICATION REVIEW DOCUMENTATION & D.A. FORMS
A1.0	EXISTING FIRST FLOOR PLAN
A1.1	EXISTING SECOND FLOOR PLAN
A1.2	PROPOSED FIRST FLOOR PLAN
A1.3	PROPOSED SECOND FLOOR PLAN
A1.4	PROPOSED ROOF PLAN
A1.5	PROPOSED FIRST FLOOR RCP
A1.6	PROPOSED SECOND FLOOR RCP
A2.0	EXISTING ELEVATIONS
A2.1	PROPOSED ELEVATIONS
A2.2	EXISTING & PROPOSED SECTIONS
A2.3	STAIR #1 ELEVATIONS AND SECTIONS
A3.0	RESTROOMS PLANS AND ELEVATIONS
A3.1	RESTROOMS PLANS AND ELEVATIONS
A3.2	ACCESSIBILITY DETAILS
A3.3	ACCESSIBILITY DETAILS
A3.4	ACCESSIBILITY DETAILS
A4.0	KITCHEN ENLARGED PLAN & ELEVATIONS
A4.1	KITCHEN ENLARGED PLAN & ELEVATIONS
A5.0	SCHEDULES
A5.1	SCHEDULES



ARTS COMPLEX  
140 9TH ST  
SAN FRANCISCO CA

**LOCATION MAP**

SCALE: N.T.S.



**BUILDING CODE**

**CODE:** SAN FRANCISCO BUILDING CODE, 2007 ED

**OCCUPANCY CLASSIFICATION:** EXISTING: M (RETAIL STORE)  
PROPOSED: MIXED USE NONSEPARATED OCCUPANCIES PER CBC SEC. 508.3.2, WITH ALLOWABLE AREA BASED UPON A3  
A3 (ART GALLERY)  
B (ARTIST STUDIO)  
R2 (CONGREGATE LIVING FACILITY)  
R3 (EFFICIENCY APARTMENTS)

**CONSTRUCTION TYPE:** EXISTING: III-B, UN-SPRINKLERED  
PROPOSED: III-B, SPRINKLERED

**ALLOWABLE AREA (PER TABLE 503):** 9,500 SF x 2 FLRS. = 19,000 SF

**ACTUAL AREA:** 7,792 SF (FLR. 1) + 7,028 SF (FLR. 2) = 14,820 SF (O.K.)

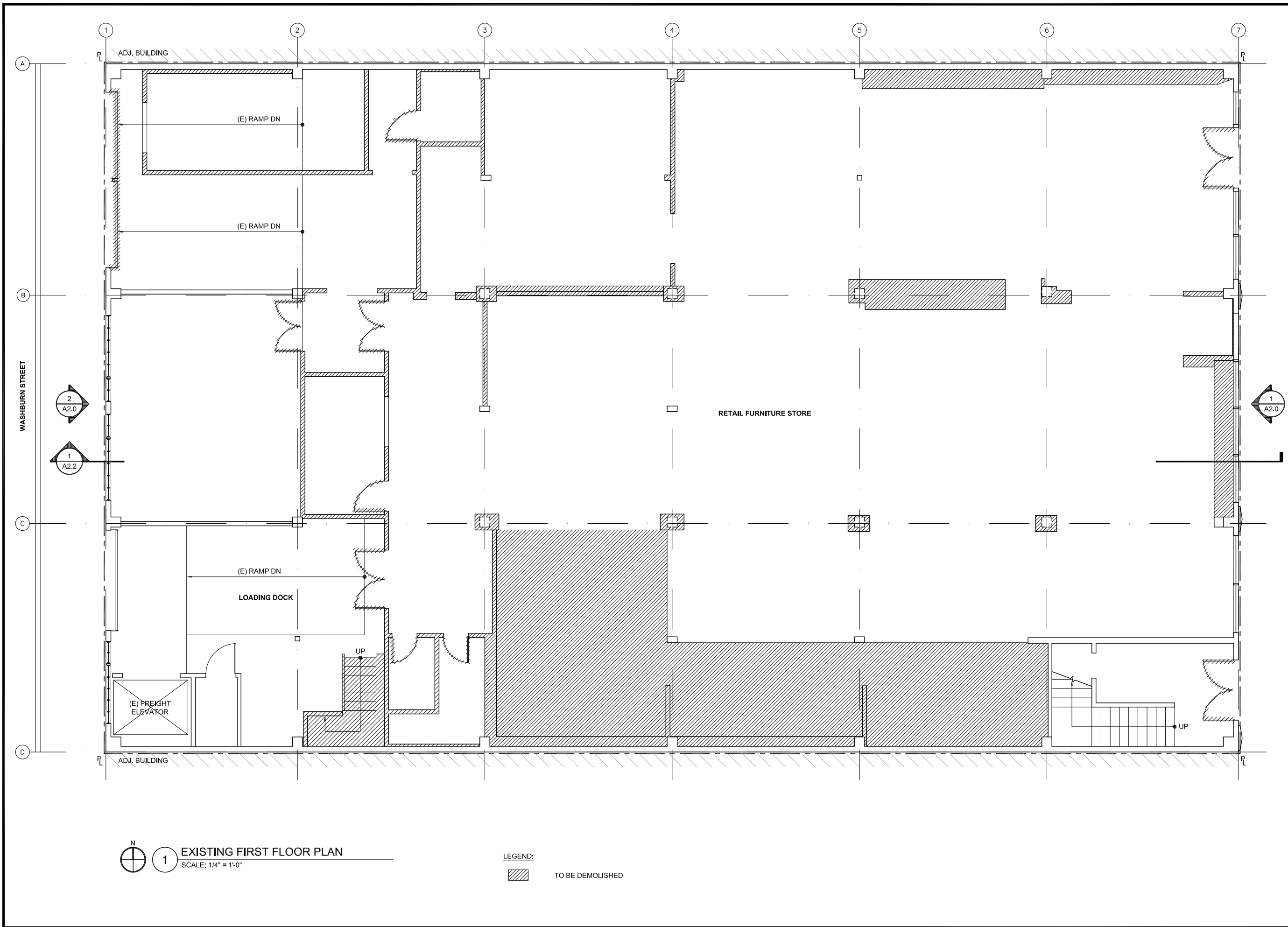
**SCOPE OF CONSTRUCTION:**


1. CHANGE OCCUPANCY FROM RETAIL FURNITURE STORE TO MIXED USE (ART STUDIOS, ART GALLERY, CONGREGATE LIVING FACILITY, EFFICIENCY APARTMENTS).
2. SEISMIC UPGRADE PER SFBC SEC. 3403.5.
3. AUTOMATIC SPRINKLER SYSTEM PER NFPA PAMPHLET 13.
4. PARTITIONS, PLUMBING, MECHANICAL, ELECTRICAL AND FINISH WORK.


TITLE SHEET

DATE	03 JUNE 2010
SCALE	AS NOTED
DRAWN	CR
JOB	1068
SHEET	A0.0



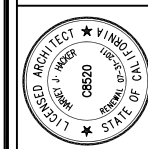



**1** EXISTING FIRST FLOOR PLAN  
 SCALE: 1/4" = 1'-0"

**LEGEND:**  
 TO BE DEMOLISHED

REVISIONS	BY

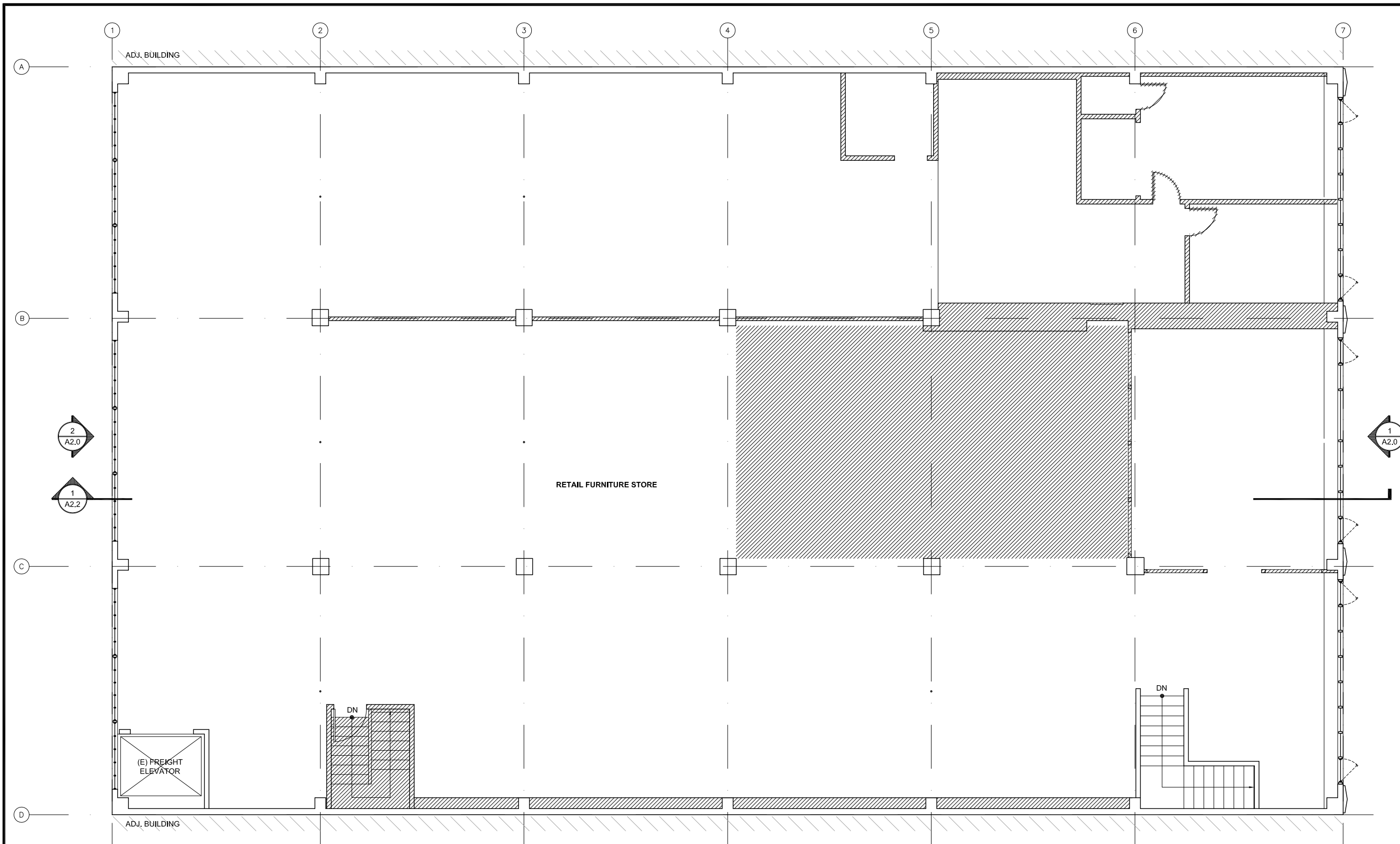
  
**Harvey Hacker Architects**  
 528 Bryant Street  
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 415 957 0579



**ARTS COMPLEX**  
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**EXISTING FIRST FLOOR PLAN**

DATE	03 JUNE 2010
SCALE	AS NOTED
DRAWN	CR
JOB	1068
SHEET	<b>A1.0</b>

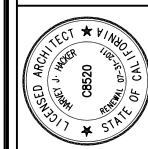


1 EXISTING SECOND FLOOR PLAN  
SCALE: 1/4" = 1'-0"

LEGEND:  
 TO BE DEMOLISHED

REVISIONS	BY

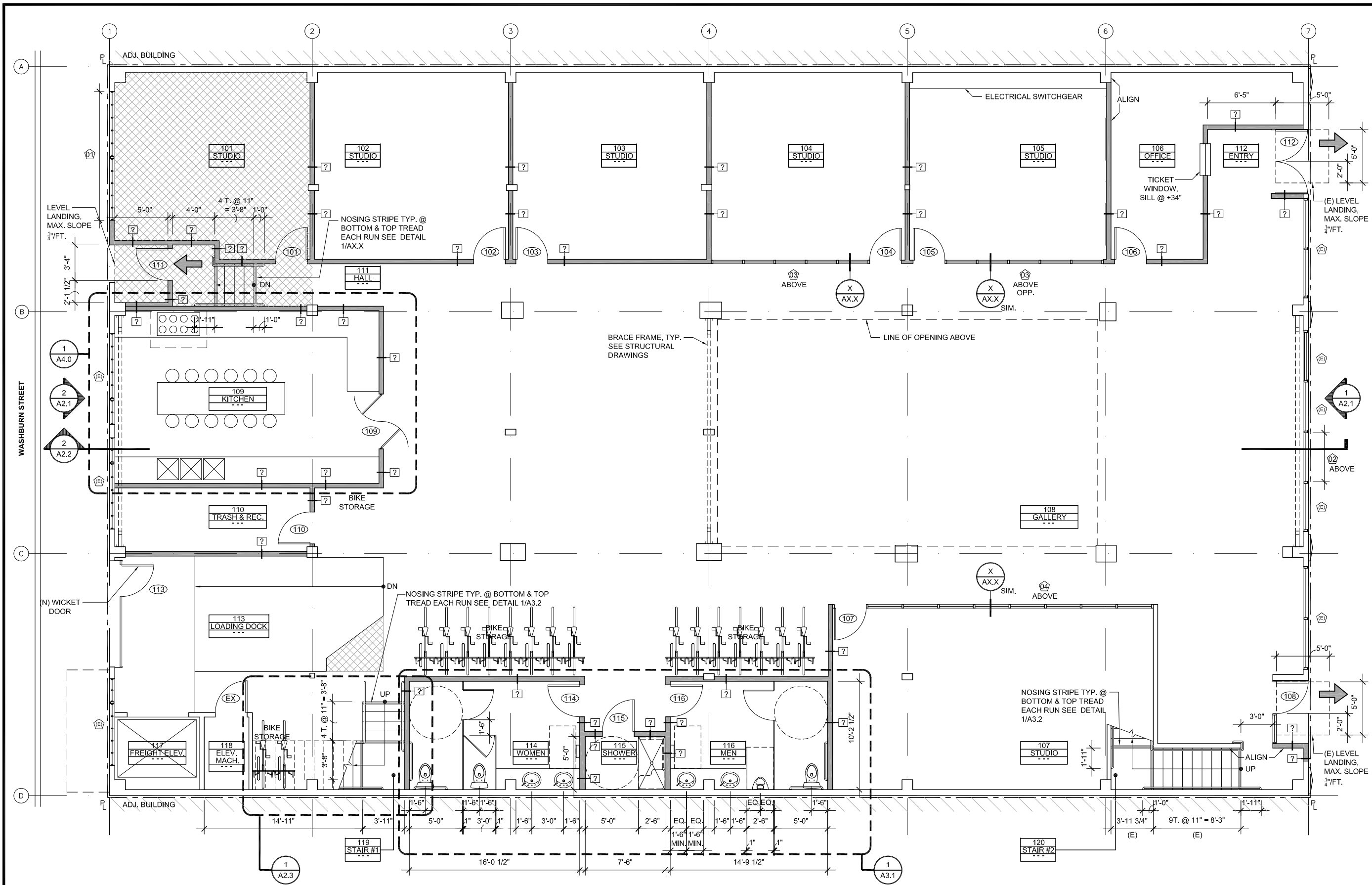
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




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EXISTING SECOND FLOOR PLAN

DATE	03 JUNE 2010
SCALE	AS NOTED
DRAWN	CR
JOB	1068
SHEET	A1.1

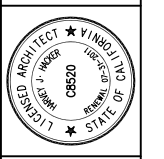



**1** PROPOSED FIRST FLOOR PLAN  
 SCALE: 1/4" = 1'-0"

- LEGEND:**
-  NEW WALL
  -  AREA OF NEW BUILT-UP FLOOR

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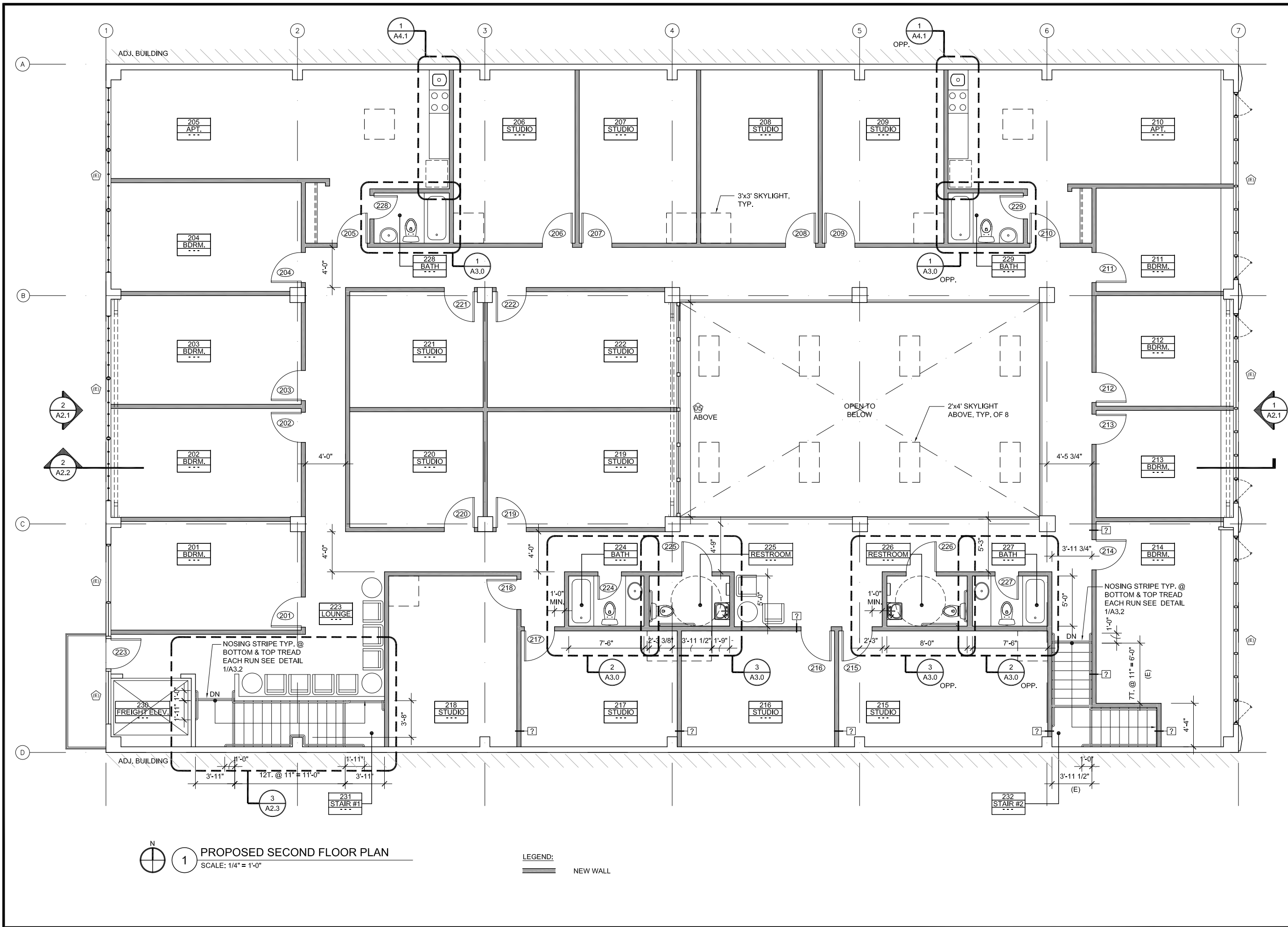


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**PROPOSED FIRST FLOOR PLAN**

DATE	03 JUNE 2010
SCALE	AS NOTED
DRAWN	CR
JOB	1068
SHEET	<b>A1.2</b>



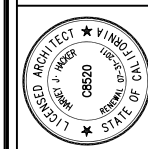


**1** PROPOSED SECOND FLOOR PLAN  
SCALE: 1/4" = 1'-0"

LEGEND:  
 NEW WALL

REVISIONS	BY

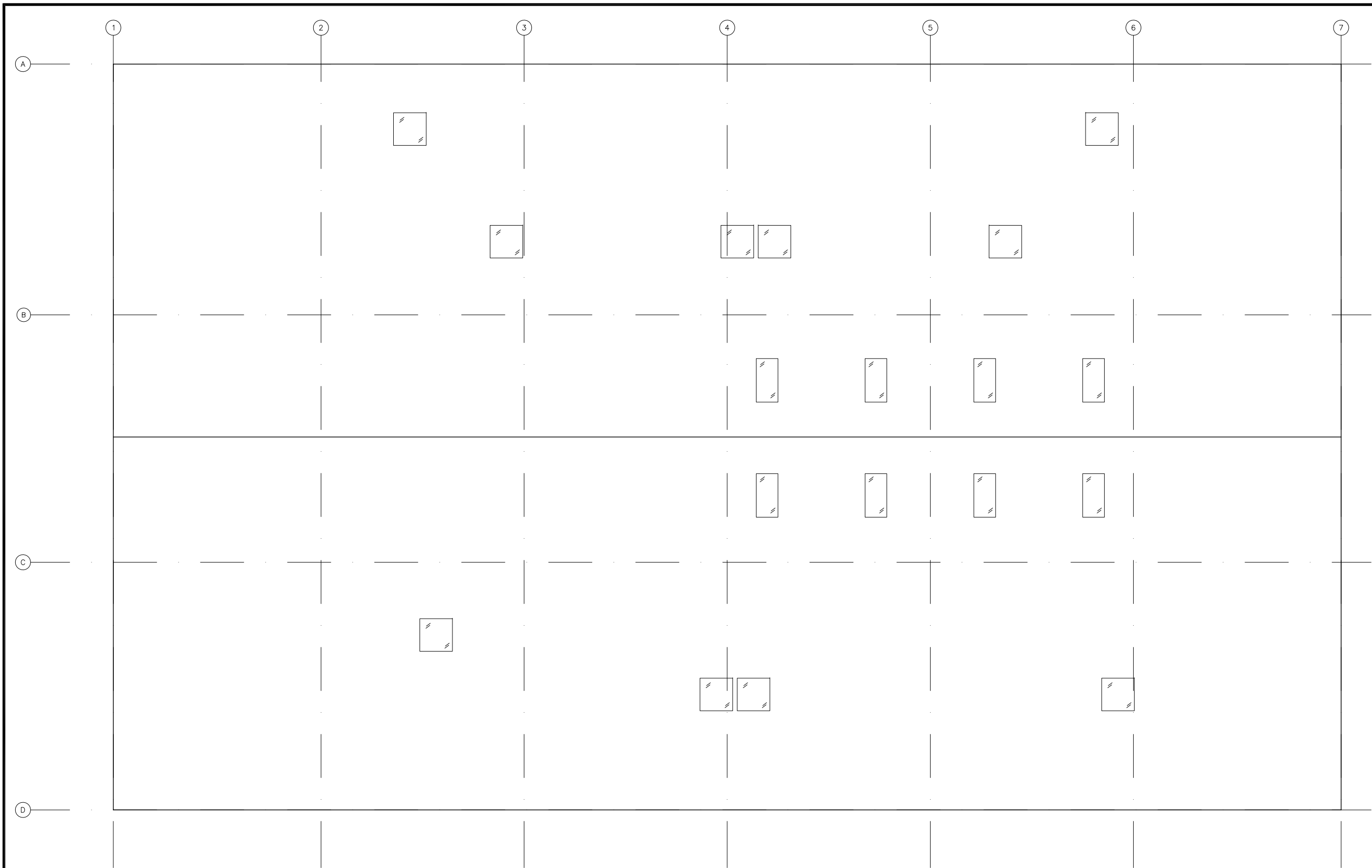
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**PROPOSED SECOND FLOOR PLAN**

DATE	03 JUNE 2010
SCALE	AS NOTED
DRAWN	CR
JOB	1068
SHEET	<b>A1.3</b>

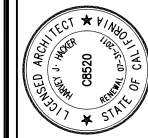


1

PROPOSED ROOF PLAN

SCALE: 1/4" = 1'-0"

REVISIONS	BY



ARTS COMPLEX  
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SAN FRANCISCO CA

PROPOSED  
ROOF PLAN

DATE 03 JUNE 2010

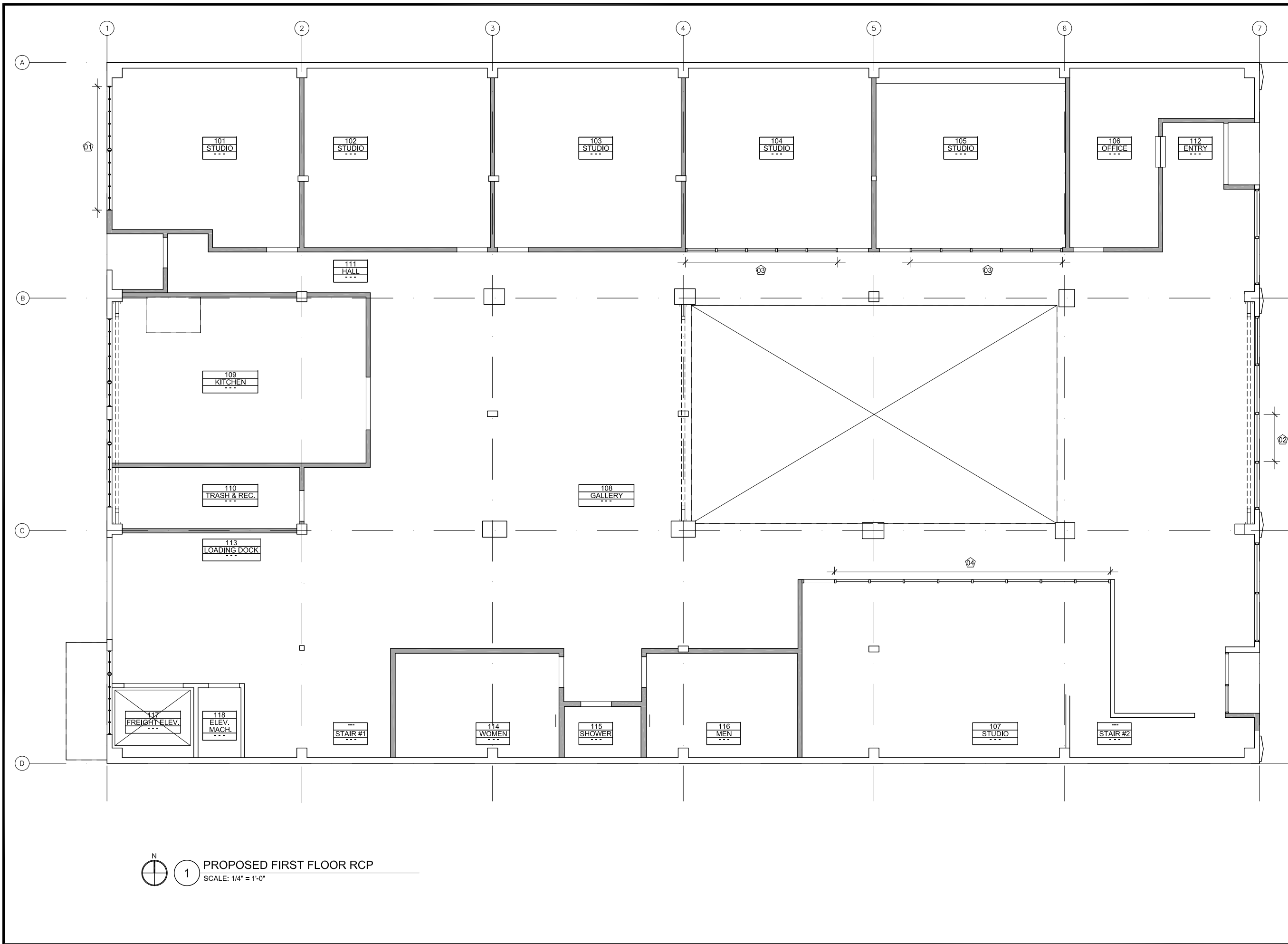
SCALE AS NOTED

DRAWN CR

JOB 1068

SHEET

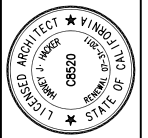
A1.4



1 PROPOSED FIRST FLOOR RCP  
SCALE: 1/4" = 1'-0"

REVISIONS	BY

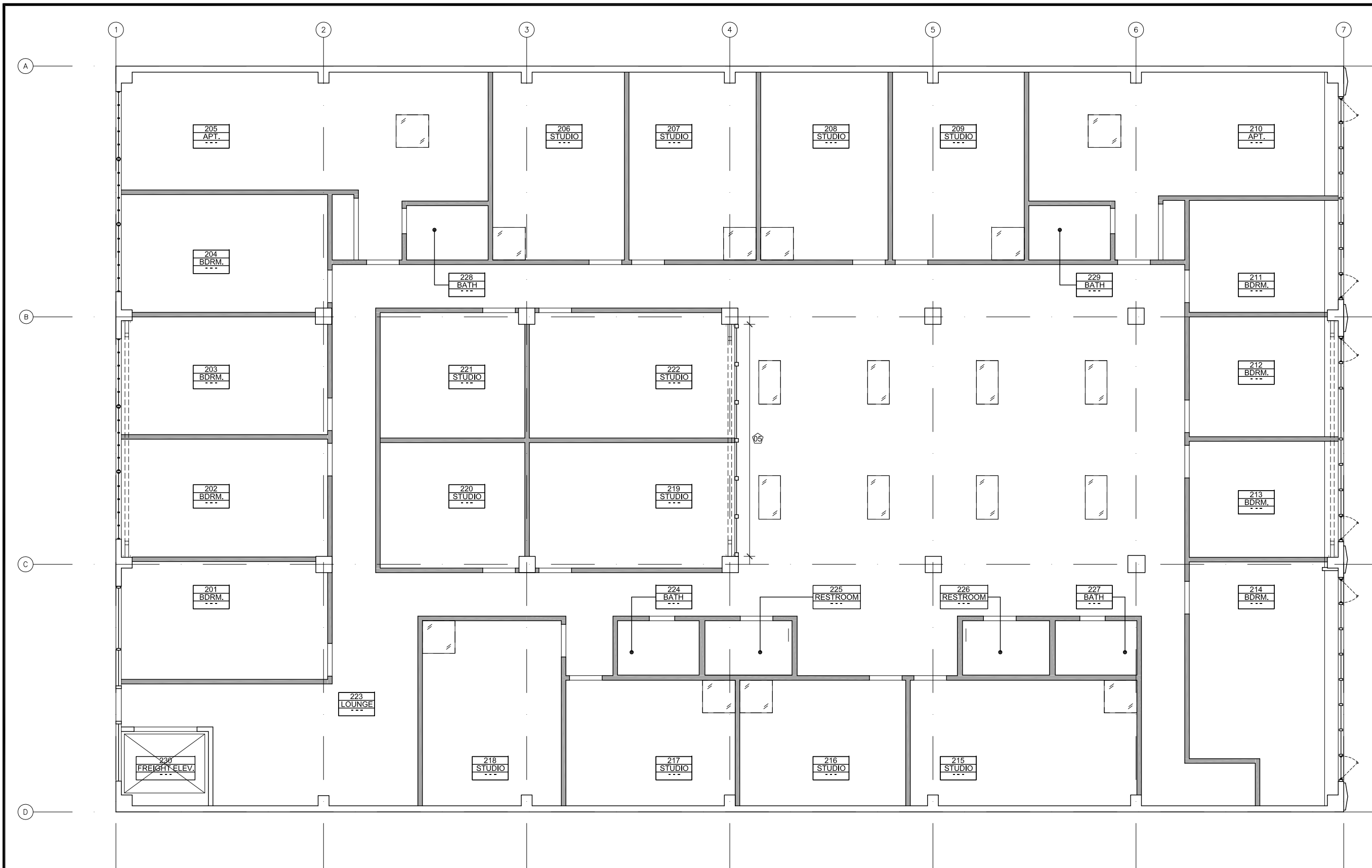
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415 957 0579



**ARTS COMPLEX**  
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**PROPOSED FIRST FLOOR RCP**

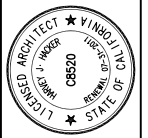
DATE	03 JUNE 2010
SCALE	AS NOTED
DRAWN	CR
JOB	1068
SHEET	<b>A1.5</b>



1 PROPOSED SECOND FLOOR RCP  
SCALE: 1/4" = 1'-0"

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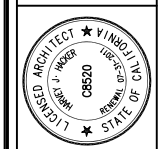
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**PROPOSED SECOND FLOOR RCP**

DATE	03 JUNE 2010
SCALE	AS NOTED
DRAWN	CR
JOB	1068
SHEET	A1.6

REVISIONS	BY


  
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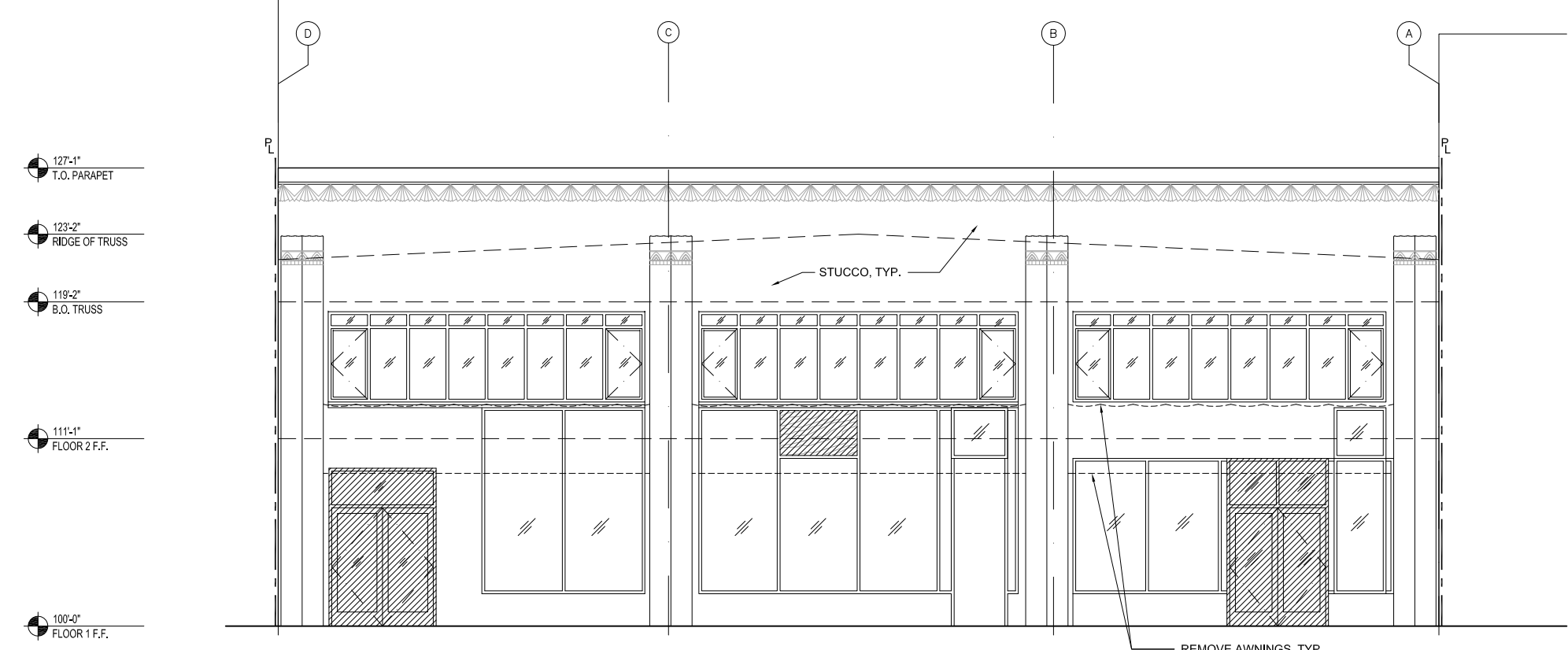


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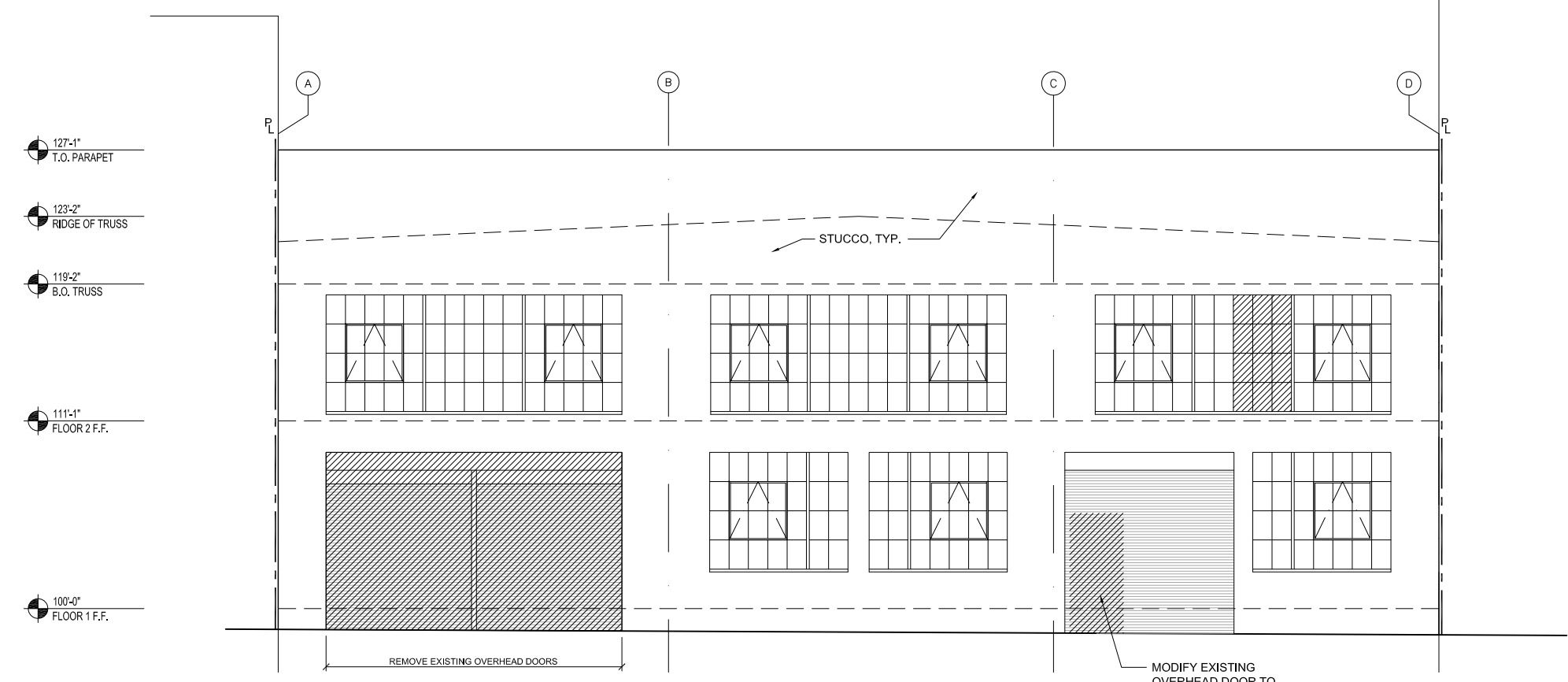
**EXISTING ELEVATIONS**

DATE 03 JUNE 2010
   
 SCALE AS NOTED
   
 DRAWN CR
   
 JOB 1068

SHEET
   
**A2.0**



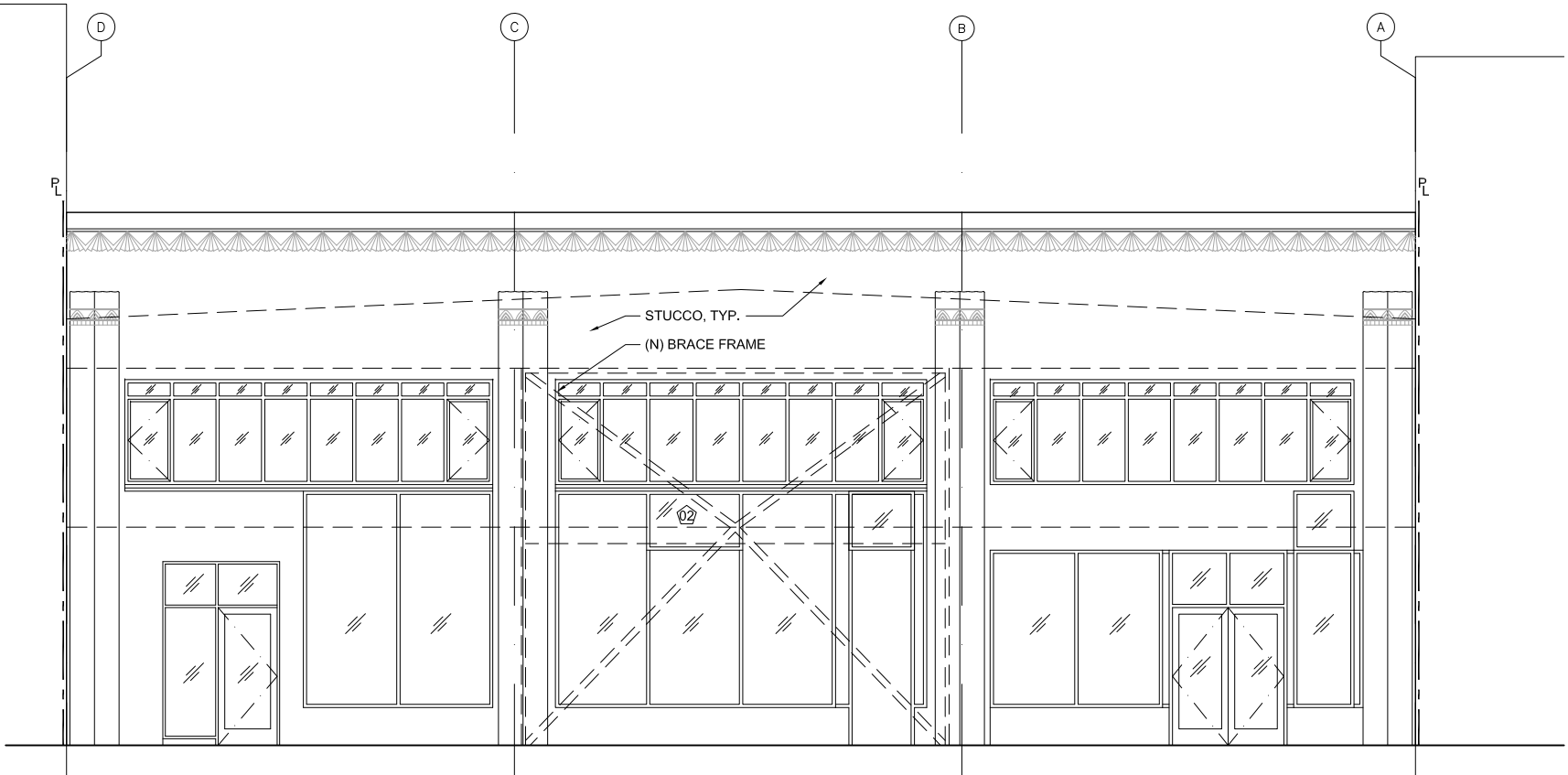
**1 EXISTING EAST (9th STREET) ELEVATION**
  
 SCALE: 1/4" = 1'-0"



**2 EXISTING WEST (WASHBURN STREET) ELEVATION**
  
 SCALE: 1/4" = 1'-0"

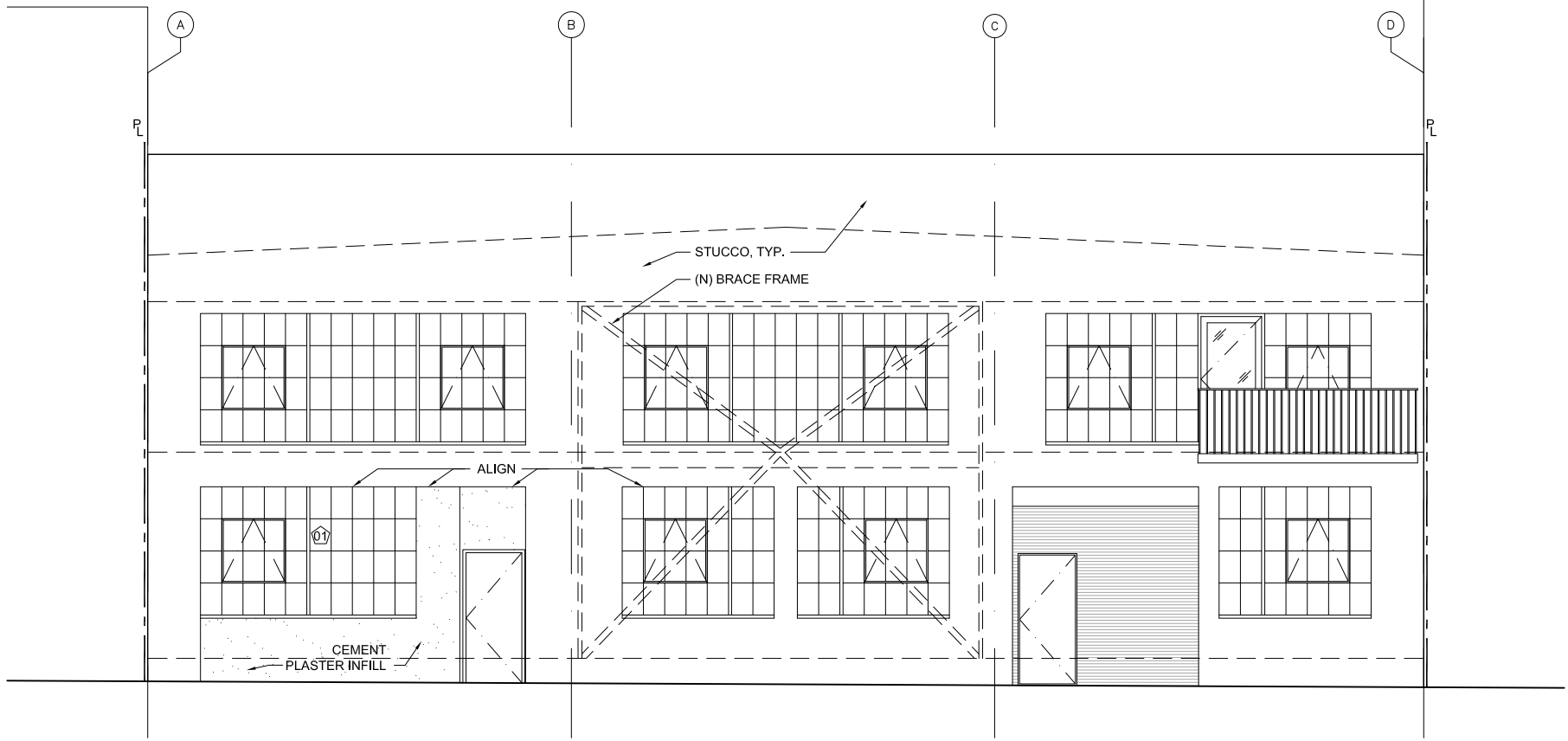
**LEGEND:**
  
 TO BE DEMOLISHED

- 127'-1" T.O. PARAPET
- 123'-2" RIDGE OF TRUSS
- 119'-2" B.O. TRUSS
- 111'-1" FLOOR 2 F.F.
- 100'-0" FLOOR 1 F.F.



**1** PROPOSED EAST (9th STREET) ELEVATION  
SCALE: 1/4" = 1'-0"

- 127'-1" T.O. PARAPET
- 123'-2" RIDGE OF TRUSS
- 119'-2" B.O. TRUSS
- 111'-1" FLOOR 2 F.F.
- 100'-0" FLOOR 1 F.F.

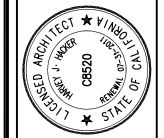


**2** PROPOSED WEST (WASHBURN STREET) ELEVATION  
SCALE: 1/4" = 1'-0"

REVISIONS	BY



Harvey Hacker  
Architects  
528 Bryant Street  
San Francisco, CA 94107  
415 957 0579



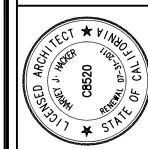
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PROPOSED  
ELEVATIONS

DATE	03 JUNE 2010
SCALE	AS NOTED
DRAWN	CR
JOB	1068
SHEET	A2.1

REVISIONS	BY

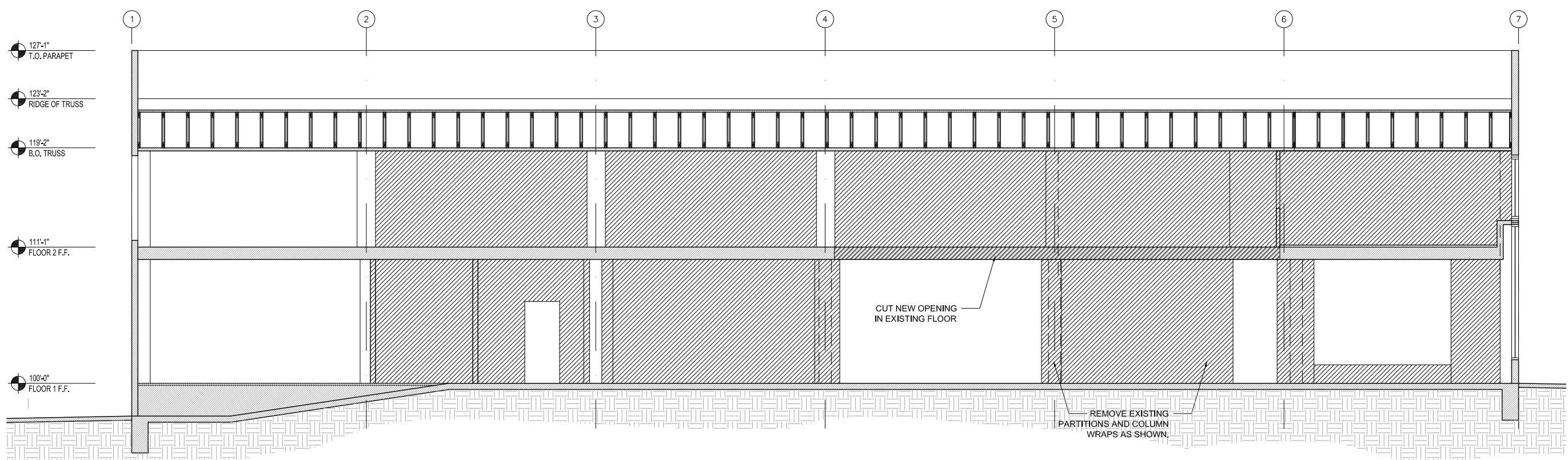
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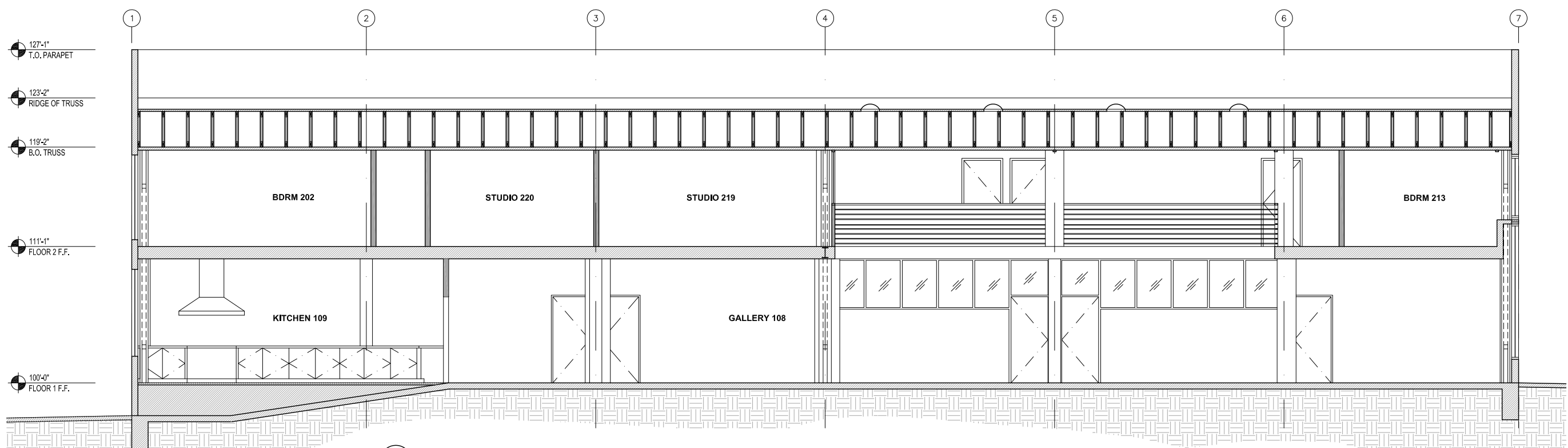
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**EXISTING AND PROPOSED SECTIONS**

DATE	03 JUNE 2010
SCALE	AS NOTED
DRAWN	CR
JOB	1068
SHEET	<b>A2.2</b>



**1 EXISTING LONGITUDINAL SECTION**  
 SCALE: 1/4" = 1'-0"



**2 PROPOSED LONGITUDINAL SECTION**  
 SCALE: 1/4" = 1'-0"

**LEGEND:**  
 TO BE DEMOLISHED  
 NEW WALL