



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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## Planning Commission Motion No. 18121

HEARING DATE: JUNE 24, 2010

*Date:* June 18, 2010  
*Case No.:* **2004.0557CV**  
*Project Address:* **1601 Larkin Street**  
*Zoning:* RM-3 (Residential, Mixed, Medium Density) District  
 65-A Height and Bulk District  
*Block/Lot:* 0620/006  
*Project Sponsors:* Pacific Polk Properties, LLC  
 - c/o Anasazi Properties  
 1600 Webster Street  
 San Francisco, CA 94115

California-Nevada Annual Conference of the  
 United Methodist Church  
 - c/o Diane Knudson  
 PO Box 980250  
 West Sacramento, CA 95798

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*Recommendation:* **Disapproval**

**ADOPTING FINDINGS RELATED TO THE DISAPPROVAL OF A CONDITIONAL USE AUTHORIZATION, PURSUANT TO SECTIONS 253, 271, AND 303 OF THE PLANNING CODE, TO ALLOW DEVELOPMENT TO EXCEEDING 40 FEET IN HEIGHT WITHIN AN "R" DISTRICT AND TO GRANT AN EXCEPTION TO BULK REQUIREMENTS, WITH RESPECT TO A PROPOSAL TO DEMOLISH AN EXISTING VACANT CHURCH AND SURFACE PARKING LOT AND CONSTRUCT A NEW 6-STORY OVER BASEMENT BUILDING CONTAINING 27 DWELLING UNITS AND 29 OFF-STREET PARKING SPACES, LOCATED AT 1601 LARKIN STREET, LOT 006 IN ASSESSOR'S BLOCK 0620, WITHIN THE RM-3 DISTRICT AND THE 65-A HEIGHT AND BULK DISTRICT.**

## RECITALS

1. On June 15, 2004, Stu During, acting on behalf of Polk Pacific Properties, LLC and the California-Nevada Annual Conference of the United Methodist Church ("Project Sponsor"), submitted an Environmental Evaluation Application with the Planning Department ("Department"), Case No. 2004.0557E. The Department issued a Notification of Project Receiving Environmental Review on February 11, 2005, and issued a Notice of Preparation of Environmental Review on July 8, 2006, to owners of properties within 300 feet, adjacent tenants, and other potentially interested parties.
2. On August 25, 2004, Bruce Baumann, acting on behalf of the Project Sponsor, filed an application with the Department requesting, under Planning Code Sections ("Sections") 303, Conditional Use Authorization to allow development on a lot greater than 40 feet in height within an "R" District for a development at 1601 Larkin Street (Lots 006 in Assessor's Block 0620), northwest corner at Clay Street ("Project Site"). The project proposed to demolish an existing vacant church and surface parking lot and to construct a new six-story over basement building containing 28 dwelling units and 35 off-street parking spaces. The Conditional Use application was subsequently amended to request bulk exceptions per Planning Code section 271, and to modify the project to propose 27 dwelling units and 29 off-street parking spaces. On August 25, 2004, Bruce Baumann, acting on behalf of the Project Sponsor, filed an application with the Department requesting a Variance from the requirements of Section 134(a), because the proposed development does not provide a complying rear yard at grade level (Case No. 2004.0557CV; collectively, "Project").
3. On June 12, 2006, the Project Sponsor submitted a request for review of a proposed development on the Project Site exceeding 40 feet in height, pursuant to Section 295, analyzing the potential impacts of the development to properties under the jurisdiction of the Department of Recreation and Parks (Case No. 2004.0557K). Department staff prepared a shadow fan depicting the potential shadow cast by the development and concluded that the Project would have no impact to properties subject to Section 295.
4. On April 14, 2007, the Department published a draft Environmental Impact Report (EIR) for public review. The draft EIR was available for public comment until May 29, 2007. On May 24, 2007, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to solicit comments regarding the draft EIR. On May 27, 2010, the Department published a Comments and Responses document, responding to comments made regarding the draft EIR prepared for the Project.
5. On June 24, 2010, the Commission reviewed and considered the Final EIR and found that the contents of said report did not comply with the California Environmental Quality Act (California Public Resources Code Sections 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"), because it failed to consider fully feasible alternatives and aesthetic impacts.

6. Disapproval of this application is exempt from environmental review, as set forth in Public Resources Code section 21080(b)(5), and CEQA Guidelines Section 150601 (b)(4) and 15270.
7. The Planning Department, Linda Avery, is the custodian of records, located in the File for Case No. 2005.1085E, at 1650 Mission Street, Fourth Floor, San Francisco, California.
8. On June 24, 2010, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2004.0557C, at which time the Commission reviewed and discussed the findings for disapproval prepared for its review by Department staff.
9. The Commission has reviewed and considered reports, studies, plans and other documents pertaining to the Project.
10. The Commission has heard and considered the testimony presented at the public hearing and has further considered the written materials and oral testimony presented on behalf of the Project Sponsor, Department staff, and other interested parties.

**MOVED**, that the Commission hereby disapproves the request in Application No. 2004.0557C, based on the following findings:

## **FINDINGS**

Having reviewed the materials identified in the recitals 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. **Project Description.** The proposal is to demolish an existing vacant church and surface parking lot, and construct a new six-story over basement building containing 27 dwelling units and 29 off-street parking spaces. The mix of dwelling units is two one-bedroom units, 24 two-bedroom units (including four "one-bedroom-plus" units), and a three-bedroom unit that occupies the entire top story. The project sponsor is requesting exceptions from the bulk limitations of the 65-A Height and Bulk District, as well as a Variance from the requirement to provide a complying rear yard at grade level, as discussed herein.
3. **Site Description and Present Use.** The Project Site is located at the northwest corner of Larkin and Clay Streets, Assessor's Block 0620, Lot 006, within the RM-3 District and the 65-A Height and Bulk District. The site measures 11,181 square feet, and is regularly shaped. The frontage of the site is nearly flat along the Larkin Street frontage, but is steeply sloped along the Clay Street frontage. The property is currently developed with an existing vacant church that measures approximately 19,050 square feet, as well as a surface parking lot accessed via Larkin Street.

4. **Surrounding Properties and Neighborhood.** The immediate area around the Project Site is predominantly residential in character, a pattern which continues eastward up the slopes of Nob Hill. The Polk Street Neighborhood Commercial District (NCD) is located one block to the west, and is a linear commercial strip that extends between Post and Filbert Streets. Ground floor retail spaces are occupied by convenience and specialty uses, as well as numerous restaurants and bars. Many of the buildings within the Polk Street NCD have residential uses situated on upper floors above the ground-floor retail spaces. The intersecting streets adjacent to the Polk Street corridor tend to be more residential in character, with scattered commercial uses interspersed on selected blocks. The Pacific Avenue NCD extends along Pacific Avenue three blocks to the north of the Project Site, between Polk and Taylor Streets. The Pacific Avenue NCD is predominantly residential in character, with some small, neighborhood-serving commercial uses interspersed on the ground floor.

Within one block of the subject property, the majority of buildings measure three to four stories in height, with a few isolated two-story and five-story buildings. The scale of existing buildings varies greatly along the Polk Street corridor, with heights ranging from one-story commercial buildings to five-story residential and mixed use buildings. Residential and commercial buildings exceeding seven stories can be found on Van Ness Avenue further to the west.

5. **Public Comment.** To date, staff has received approximately 250 communications (letters, emails, and petition signatures) in support of the Project from neighbors, business owners, and organizations. These communications express concerns that the existing church is dilapidated and attracts crime, and express support for the design of the proposed building and the creation of new housing. Staff has also received approximately 50 communications in opposition to the Project. These communications contend that the church has not been adequately maintained, and express concern with the loss of the church, as well as the scale and character of the proposed building.
6. **Planning Code Compliance:** The Commission finds that the project is consistent with some, but not all of the relevant provisions of the Planning Code in the following manner:
  - A. **Use and Density.** Section 209.1 permits residential uses within the RM-3 District at a maximum density of one dwelling unit for each 400 square feet of lot area.

*The Project proposes 27 dwelling units on a Project Site measuring 11,181 square feet. A maximum of 28 dwelling units would be permitted on the Project Site, therefore, the Project complies with the use and density regulations of the RM-3 District.*
  - B. **Height and Bulk.** The subject property is located within a 65-A Height and Bulk District, which permits a maximum height of 65 feet. This District also limits the horizontal dimension of a building above 40 feet in height to 110 feet, and the diagonal dimension to 125 feet.

Pursuant to Section 102.12(d), where a lot has frontage on two streets, the project sponsor may choose the street from which the measurement of height is taken.

*Measuring from the Larkin Street frontage, the finished roof of the Project would reach a height of approximately 59 feet. As permitted by Section 260(b), the stair/elevator/mechanical penthouse would exceed the 65-foot height limit, up to a maximum height of approximately 74 feet. The Project complies with the maximum allowable height of the 65-A Height and Bulk District.*

*The fifth and sixth floors exceed 40 feet in height, therefore, these floors are subject to the bulk limitations of the 65-A Height and Bulk District. Both of these floors have a horizontal dimension of approximately 114 feet and a diagonal dimension of 134 feet. Therefore, the Project exceeds the maximum permitted length and diagonal dimensions. The Project Sponsor is requesting that the Commission allow the Project to exceed the specified bulk limits after considering the criteria specified in Section 271(c), through the Conditional Use Authorization process. Conformance with these criteria is discussed under item #8 below.*

- C. **Floor Area Ratio.** In the RM-3 District, Section 124 allows a Floor Area Ratio (FAR) of up to 3.6. The project site has an area of 11,181 square feet, therefore the allowable FAR would permit a building of up to 40,252 square feet of Gross Floor Area as defined in Section 102.9.

*The Project would measure approximately 67,500 square feet. Pursuant to Section 124(b), within "R" Districts, the cited Floor Area Ratio limits do not apply to residential uses. Subtracting the area of the residential uses, approximately 29,000 square feet of Gross Floor Area within the Project would be subject to the allowable FAR. The Project therefore complies with the maximum allowable FAR.*

- D. **Rear Yard.** Section 134(a)(1) of the Planning Code requires a rear yard equal to 25 percent of the lot depth. Within the RM-3 District, the required rear yard must be provided at grade level and at each succeeding story of the building.

*The depth of the lot along the Clay Street frontage measures approximately 97.5 feet, requiring a rear yard that is approximately 24 feet in depth. The Project proposes a rear yard at the second story in the form of a deck that measures approximately 24 feet in depth, therefore the proposed rear yard complies with the required dimension. However, the rear yard is configured as a deck situated atop an at-grade parking garage, and does not comply with the requirement that the yard be provided at grade level. The Project Sponsor is requesting a Variance from this requirement, and this Variance request will be considered by the Zoning Administrator at the Commission hearing on June 24, 2010.*

- E. **Usable Open Space.** Section 135 requires that a minimum of 60 square feet of private usable open space, or 79.8 square feet of common usable open space be provided for dwelling units within the RM-3 District. This Section specifies that the

area counting as usable open space must meet minimum requirements for area, horizontal dimensions, and exposure.

*The Project proposes private decks for four of the second floor units that are partitioned from a larger common deck. These private decks meet the minimum requirements for area, horizontal dimensions, and exposure. Subtracting these private decks, the Project must provide a total of 1,835 square feet of common open space for the remainder of the dwelling units. The rear deck at the second story includes approximately 1,865 square feet of commonly accessible open space that meets the minimum requirements for area, horizontal dimensions, and exposure. The project therefore complies with the usable open space requirements of Section 135.*

- F. **Dwelling Unit Exposure.** Section 140 of the Planning Code requires that at least one room of all dwelling units face onto a public street, a rear yard, or other open area that meets minimum requirements for area and horizontal dimensions.

*All of the dwelling units face onto either Larkin Street, Clay Street, or the rear yard. Six of the dwelling units have exposure exclusively to the rear yard. The Project proposes a rear yard at the second story that measures approximately 24 feet in depth, therefore the proposed rear yard complies with the required dimension and provides exposure for the abutting dwelling units.. However, the rear yard as configured does not comply with the requirement that the yard be provided at grade level and at each succeeding story. The Project Sponsor is requesting a Variance from this requirement, and this Variance request will be considered by the Zoning Administrator at the Commission hearing on June 24, 2010.*

- G. **Off-Street Parking.** Section 151 establishes off-street parking requirements for all uses in all districts. Pursuant to this section, one independently accessible space is required for each dwelling unit. The project proposes 27 dwelling units. The Project therefore requires 27 independently accessible parking spaces. Section 204.5 specifies that up to 150 percent of the required number of spaces may be proposed as accessory parking facilities for a development. Pursuant to this Section, the Project could seek up to 41 off-street parking spaces.

*The Project proposes 29 off-street parking spaces. Therefore, the project meets the minimum requirements for off-street parking, and does not exceed the maximum amount of accessory off-street parking spaces.*

- H. **Off-Street Loading.** Section 152 provides a schedule of required off-street freight loading spaces for all uses in districts other than C-3 or South of Market. Pursuant to this Section, residential uses of less than 100,000 square feet do not require off-street loading spaces.

*The Project proposes approximately 38,500 square feet of residential uses, and is therefore not required to provide off-street loading. The Project proposes no loading spaces.*

- I. **Residential Affordable Housing Program.** Planning Code Section 315 sets forth the requirements and procedures for the Residential Affordable Housing Program. On February 2, 2010 the Board of Supervisors adopted Interim Controls contained in Board of Supervisors Resolution No. 100047 entitled "Planning Code – Interim Controls Related to Affordable Housing Requirements" (the "Affordable Housing Ordinance"). The requirements of the Interim Controls apply to this project. Under Planning Code Section 315.3, these requirements would apply to projects that consist of ten or more units, where the first application was applied for before July 18, 2006. Pursuant to prior Planning Code Section 315.4, the Project is required to provide 12% of the proposed dwelling units as affordable if the Project is eligible for and selects the on-site alternative.

*The Project Sponsor has demonstrated that it is eligible for the on-site alternative under Planning Code Section 315.4(e), and has submitted a Declaration of Intent to satisfy the requirements of the Residential Affordable Housing Ordinance through a combination of providing two affordable housing on-site, and satisfying the balance of the requirements through payment of the Affordable Housing Fee. Should the Project be approved, the Project Sponsor would enter into an agreement with the City by submitting an affidavit to the Planning Department within 30 days of the date of the Authorization stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the Project. The EE application was submitted on June 15, 2004. 2 two-bedroom units of the 27 units provided will be affordable units. If the Project becomes ineligible to meet its Residential Affordable Housing obligation on-site, it must pay the Affordable Housing Fee for the entire requirement, with interest, if applicable.*

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the project complies with some, but not all of the criteria of Section 303, in that:
  - A. The proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.

*As described in item #6 above, the project complies with basic requirements of the Planning Code, such as allowable use, density, floor area ratio, height, and off-street parking. However, the massing and design of the proposed building conflicts with numerous aspects of the Residential Design Guidelines, such as:*

- *(Neighborhood Character): "In areas with a defined visual character, design buildings to be compatible with the patterns and architectural features of surrounding buildings."*
- *(Site Design): "Respect the topography of the site and the surrounding area."*
- *(Building Scale and Form): "Design the height and depth of the building to be compatible with the existing building scale at the street."*

- (Building Scale and Form): *"Design the building's facade width to be compatible with those found on surrounding buildings."*

*The character of the area surrounding the subject property is defined by buildings that are three to four stories in height, generally situated on narrow lots, and developed in a variety of architectural styles. Those buildings in the area that are wider than the prevailing lot pattern often employ variations in roofline, modulation of fenestration patterns, or rich details at the pedestrian level that avoid a dominating appearance.*

*Although the Project technically complies with the height limitation of the Code, the massing of the building is not sculpted to respect the prevailing scale of the neighborhood or to transition to the height of adjacent buildings. The urban fabric along Clay Street is heavily influenced by topography, as buildings step with the sloping terrain to the base of the slope at Polk Street. However, the proposed Project exhibits a consistent roofline across the Project Site, and would exceed the height of the immediately adjacent building along the Clay Street frontage by three stories. While a building reaching the 65-foot height limit could be suitable on the Project Site, the massing of such a building would need to be harmonious with the existing built context and respond to the underlying land forms in the area.*

*The Project, as proposed, is not desirable for or compatible with the neighborhood.*

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

*Within the blocks of Clay Street to the east and west of the Project Site, building heights generally step with the terrain, reflecting and reinforcing the underlying landforms. The Project Site slopes steeply along Clay Street, however, the height of the Project is uniform across the Project Site, and the massing of the building does not respond to the change in grade along this frontage. The overall height of the proposed building and the large size of the Project Site exacerbates the contrast in scale with the immediately adjacent building to the west. At the westerly property line, the roofline of the Project exceeds the height of the roofline of the adjacent building by approximately 30 feet. The size, shape, and arrangement of the proposed structure are not appropriate to the Project Site.*

- 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 and of proposed alternatives to off-street parking, including provisions of car-share parking spaces, as defined in Section 166.



*The EIR prepared for the project found that the project would not result in significant transportation and circulation impacts. The Project Site is located within an urban context, where convenience goods and services are available within walking distance. Residents of the project will be able to walk to such services in the vicinity, as well as the on-site grocery store. In addition, the area is served by ample public transit, so that residents do not need to solely rely on private automobile transportation.*

*The Project proposes less than 100,000 square feet of residential uses, and is therefore not required to provide off-street loading spaces. The Project proposes 29 off-street parking spaces, which meet the minimum requirements for off-street parking without exceeding the maximum amount of accessory off-street parking spaces permitted by the Planning Code. The transportation patterns resulting from the Project will not be detrimental to the area.*

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

*The Project includes residential uses that are typical of the neighborhood, and should not introduce operational noises or odors that are detrimental, excessive, or atypical for the area. While some temporary increase in noise can be expected during construction, this noise is limited in duration and will be regulated by the San Francisco Noise Ordinance which prohibits excessive noise levels from construction activity and limits the permitted hours of work. The Project Sponsor would be required to utilize dust attenuation measures throughout demolition, excavation, and construction to minimize airborne particular matter. The building will not use mirrored glass or other highly reflective materials, therefore, the Project is not expected to cause offensive amounts of glare.*

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

*The Project provides open space in the form of private and common decks at the second story. A bamboo screen at the northerly edge of this deck would introduce a soft living wall that would be visible from some perspectives along the streetscape. Should the Project be approved, street trees would be planted along the Clay and Larkin Street frontages in accordance with the requirements of Section 143. The proposed parking complies with the requirements of the Code, and the Project is not required to provide any loading spaces. Should the Project be approved, conditions of approval would be added requiring that the Project Sponsor will continue to work the Department to refine details of lighting, signage, materials, street trees, and other aspects of the design.*

- C. Such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.

*The Project generally complies with the basic requirements the Code. The residential use and density are permitted at the Project Site, and the Project conforms to the requirements for*

*floor area ratio, height, and off-street parking. As discussed in item #6(D) above, the proposed rear yard is adequately sized. However, the rear yard is configured as a deck situated above an at-grade parking garage, and does not comply with the requirement that the yard be provided at grade level. The Project Sponsor is requesting a Variance from this requirement.*

*The Project conforms with some goals and objectives of the General Plan, such as the provision of housing near commercial areas and transit services. However, the design of the Project strongly conflicts with other aspects of the General Plan. See discussion in Item #10.*

8. **Planning Code Section 271** establishes criteria for the Planning Commission to consider when reviewing application for projects that exceed the applicable bulk limits, through the Conditional Use Process. The 65-A Height and Bulk District limits the horizontal dimension of a building above 40 feet in height to 110 feet, and the diagonal dimension to 125 feet. The fifth and sixth floors of the Project exceed 40 feet in height, and both of these floors have a horizontal dimension of approximately 114 feet and a diagonal dimension of 134 feet. Therefore, the Project exceeds the maximum permitted length and diagonal dimensions. Such deviations might occur for one of two specified positive reasons. The Project does not appear to meet either of the specified reasons, in that:

- A. Achievement of a distinctly better design, in both a public and a private sense, than would be possible with strict adherence to the bulk limits, avoiding an unnecessary prescription of building form while carrying out the intent of the bulk limits and the principles and policies of the General Plan.

*The intent of the bulk regulations, in part, is to shape buildings in a manner that is sensitive to the surrounding context of a proposed development. As discussed elsewhere in this motion, the Project conflicts with a number of aspects of the Residential Design Guidelines (see item #7A), as well as the General Plan (see item #10). The Project Site is a corner lot that is relatively large for the District, and the proposed building is taller than the majority of buildings in the immediate area which reach three to four stories in height. The bulk limitations of the 65-A Height and Bulk District apply above 40 feet in height, corresponding to the fifth and sixth floors of the Project. Adherence to the bulk limits would reconfigure the massing through setbacks or the modulation of the building height across the site. Such modifications would achieve a distinctly better design, in that the resultant building would better respond to the lower scale and sloping topography that characterizes the area.*

- B. Development of a building or structure with widespread public service benefits and significance to the community at large, where compelling functional requirements of the specific building or structure make necessary such a deviation.

*While the Project does provide some public benefit through the provision of housing near commercial services and transit, the Project does not demonstrate widespread public*

*service benefits or significance to the community at large, or benefits that could not otherwise be achieved by a building that complies with bulk limitations.*

On balance, the Project does not comply with the aforementioned criteria, in that:

C. 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.

*Processions of bay windows create a rhythm of voids and projections across the Larkin and Clay Street elevations, articulating the facade and creating depth and shadow. However, these changes in plane do not reduce the apparent scale of the building to a degree that compensates for the difference in scale between the Project and the surrounding context.*

ii. Significant differences in the heights of various portions of the building, structure, or development that divide the mass into distinct elements.

*The building does not utilize upper story setbacks, changes in height, or significant changes in massing or architectural language that would fracture the mass of the Project into distinct elements.*

iii. Differences in materials, colors, or scales of the facades that produce separate major elements.

*The building uses a palette of materials and colors that is consistent across the Project. The height of the building is uniform across the Project Site, and the Project collectively reads as a large, singular development. The scale is not differentiated in a manner that creates discrete separate elements reflecting the narrow lot pattern that is common in the area.*

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.

*The Project generally maximizes the building envelope that is defined by the height limits and rear yard dimensions specified by the Code, and does not compensate for the bulk limit exceedances by corresponding reductions in the volume of the building elsewhere on the Project Site.*

- v. In cases where two or more buildings, structures, or tower are contained within a single development, a wide separation between such buildings, structures, or towers.

*The Project consists of a single building, therefore, this factor does not apply.*

- D. 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 landforms and building patterns, including the patterns produced by height limits.

*The area surrounding the project site is predominantly comprised of three and four story buildings. The Project, proposed at six stories, is taller than the existing built context and is not sculpted in a manner that is sensitive to adjacent buildings. The variation in scale is particularly dramatic along the Clay Street frontage, where the slope of the street exacerbates the difference in height between the Project and adjacent downslope buildings to the west. The resulting silhouette is not harmonious with the natural landforms or building patterns of the area.*

- 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.

*The building heights on the block faces adjacent to the project site are relatively uniform, with the majority of buildings reaching a height of four stories or less. The Project does not employ modulations in height, upper story setbacks, or other changes in building form to help respect the character of surrounding development. Instead, the building represents a dramatic change in scale to the neighboring buildings and other buildings in the vicinity.*

- iii. Use of materials, colors, and scales either similar to or harmonizing with those of nearby developments.

*The building is finished with expanses of glazing set within a concrete grid, alternating with bays wrapped in metal screens. These bays articulate and animate the facade, and are evocative of the traditional bay windows present on some buildings throughout the area. However, the Project does not incorporate the warmer finish materials that strongly define the visual character of nearby development, and the building sharply contrasts with the established scale and character of the area.*

- iv. Preservation and enhancement of the pedestrian environment by maintenance of pleasant scale and visual interest.

*Much of the streetscape of the Project is occupied by utilitarian elements of the project that present blank or uninteresting exteriors to the sidewalk, such as utility vaults, emergency egress doors, garage entries, fire department connections, and garage exhaust equipment. While these may be necessary for the safe or efficient operation of the building, the presence of these items on the streetscape should be less conspicuous and should be balanced by a design that gives texture and scale to the pedestrian realm.*

- E. While the above factors must be present to a considerable degree for any bulk limit to be exceeded, these factors must be present to a greater degree where both the maximum length and the maximum diagonal dimension are to be exceeded than where only one maximum dimension is to be exceeded.

*The Project exceeds both the maximum length and maximum diagonal dimensions specified for the upper stories of the building by the 65-A Height and Bulk District. As discussed above, the Project does not adequately meet the specified criteria of Section 271 that would merit an exception to these bulk limitations.*

9. **Planning Code Section 253** requires that, for projects exceeding 40 feet in height in an "R" District, the Planning Commission consider the expressed purposes of the applicable "R" district and the general purposes of the height and bulk district in which the property is located. On balance, the Project complies with some, but not all of these purposes, in that:

- A. **RM-3 (Residential, Mixed, Medium Density) District.** Section 206.2 describes that the RM-3 District contains, "...some smaller structures", but mostly characterized by, "...apartment buildings of six, eight, 10 or more units." It further states that, "Many buildings exceed 40 feet in height, and in some cases additional building over that height may be accommodated without disruption of the District character.", and that "Although lots and buildings wider than 25 or 35 feet are common, the scale often remains moderate through sensitive facade design and segmentation."

*Section 206.2 recognizes that, on a City-wide basis, many structures within the RM-3 District are six stories or greater in height. However, the area surrounding the Project site is an exception to this description. In addition, Section 206.2 acknowledges the importance of minimizing the apparent scale of development on larger lots through sensitive massing and facade treatment. The Project generally reads as a large, single development, and does not achieve a segmentation of the massing that would help to reconcile the disparate scale of the proposed building with the existing built context.*

- B. **65-A Height and Bulk District.** Section 251 establishes that the general purposes of the height and bulk district are to relate the scale of new development to be harmonious with existing development patterns and the overall form of the City,

respect and protect public open spaces and neighborhood resources, and to synchronize levels of development intensity with an appropriate land use and transportation pattern.

*The Project is situated on a relatively large lot, and the upper stories of the building do not comply with the applicable bulk limitations. The scale of the Project does not relate appropriately to the prevailing height and development pattern of the neighborhood, and is not designed with changes in massing or height that would help to alleviate the transition in scale compared with adjacent buildings.*

10. **General Plan Compliance.** The Project is, on balance, not consistent with the Objectives and Policies of the General Plan, as follows:

## HOUSING ELEMENT:

### 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.

#### **Policy 1.4:**

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

*The Project will add residential units to an area that is well-served by transit, services, and shopping opportunities. The area is suited for additional housing, where residents can commute and satisfy convenience needs without frequent use of a private automobile. The Project Site is located within walking distance of the employment cluster of the Civic Center, and is in an area with abundant transit options routes that travel to the South of Market and Financial District areas. The Project includes a mix of unit types in a range of sizes, to provide housing opportunities for various household types and socioeconomic groups within the neighborhood.*

## URBAN DESIGN ELEMENT:

### Objectives and Policies

**OBJECTIVE 2**

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

**Policy 2.4:**

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

**Policy 2.6:**

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 3.2:**

Avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.

**Policy 3.5:**

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

**Policy 3.7:**

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

*The Project would require the demolition of an existing church that, according to the EIR prepared for the project, is a historical resource under CEQA. The church was constructed in 1911, and is considered a significant historical resource because of its association with reconstruction following the 1906 earthquake and fire, and as a representative example of an innovative church design developed by a leading master architect, William Kramer. In addition, the new development proposed to replace the demolished church does not complement the pattern of existing older development in the area.*

*The character of the surrounding area is defined by lower buildings that are three to four stories in height, generally developed on narrow lots. However, the massing of the Project is not sculpted to respect the prevailing scale of the neighborhood or to transition to the height of adjacent buildings. Within the subject block of Clay Street, buildings step with the sloping terrain to the base of the slope at Polk Street. The roofline of the Project is consistent across the Project Site, resulting in a*

*massing that does not reflect the terrain and creates an abrupt increase in scale compared to the adjacent buildings in the area. The Project Site is a relatively large lot compared with other properties in the area. Projecting a flat roofline across this large lot further accentuates and exacerbates this increase in scale. While buildings in the vicinity exhibit a variety of architectural styles, these different styles harmonize through the use of warm finish materials, such as wood, brick, and stucco. The proposed Project is finished with expanses of glass, concrete, and bays wrapped in metal screens, materials which strongly contrast with the prevailing character of the area. The design of the Project does not adequately complement and respond to the existing development pattern, topography, or neighborhood character of the area.*

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

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

*The Project will not displace any existing retail uses, and the new residents in the Project will patronize area businesses, bolstering the viability of surrounding commercial establishments.*

- 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 will add to the housing stock of the area. However, the design of the Project does not appropriately respond to the scale and character of adjacent buildings in the neighborhood.*

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

*If approved, the Project would be required to comply with the requirements of Planning Code Section 315 regarding the Residential Affordable Housing Program.*

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

*A wide variety of goods and services are available within walking distance of the Project Site without reliance on private automobile use. In addition, the area is well served by public transit, providing connections to all areas of the City and to the larger regional transportation network.*

- 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 propose any office development, and would not displace any existing industrial or service sector uses.*

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

*The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code.*

- G. That landmarks and historic buildings be preserved.

*The existing vacant church that would be demolished as part of the Project is considered to be a historic resource under CEQA, resulting in a significant and unavoidable impact as identified in the EIR prepared for the project.*

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

*The Project will not cast shadows or impede views for parks and open spaces in the area, nor have any negative impact on existing public parks and open spaces.*

12. The Project is not consistent with and would not promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would not contribute to the character and stability of the neighborhood and would not constitute a beneficial development.
13. The Commission hereby finds that approval of the Conditional Use authorization would not promote the health, safety and welfare of the City.

## **DECISION**

That based upon the Record, the submissions by the Project Sponsor, 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 **DISAPPROVES Conditional Use Application No. 2005.1085C.**

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this disapproval of a Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 18121. 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 94012.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 24, 2010.

Linda Avery  
Commission Secretary

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

NAYS: Antonini

ABSENT:

ADOPTED: June 24, 2010

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