



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: AUGUST 2, 2012

Date: July 26, 2012
Case No.: **2004.0976ECV**
Project Address: **376 CASTRO STREET**
Zoning: Upper-Market Street Neighborhood Commercial District
65-B Height and Bulk District
Block/Lot: 2623/006
Project Sponsor: David Silverman
Reuben & Junius
One Bush Street Suite 600
San Francisco, CA 94104
Staff Contact: Rick Crawford – (415) 558-6358
rick.crawford@sfgov.org
Recommendation: **Approval with Conditions**

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PROJECT DESCRIPTION

The Project Sponsor proposes to demolish the existing automobile gasoline station and construct a six-story, 65-foot-tall 43,070 square-foot mixed-use building. The new building will include 24 residential units, three of which will be affordable, 3,000 square feet of ground-floor commercial space, and a 14-space underground parking garage, including 12 bicycle parking spaces, with ingress and egress from Castro Street. The residential portion of the project would be 27,000 square feet in area, and includes 18 units two-bedroom, and 6 one-bedroom units.

SITE DESCRIPTION AND PRESENT USE

The project is located on the west side of Castro Street at the northwest corner of Castro Street and Market Street. The property is 9,748-square feet in area and is occupied by an approximately 1,100-square-foot, single-story automotive gas and service station, constructed in 1963. The current development on the property includes one enclosed retail/service building with two automotive service bays, two gasoline pump islands with canopies and three underground storage tanks. Ingress and egress to the gas station is from curb cuts along both Market and Castro Streets. The parcel was included in the fall 2007 Upper Market Community Design Plan as a potential site to be redeveloped with a mixed-use building.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located at the intersection of Castro and Market Streets in the Corona Heights/Castro neighborhood. The land-use pattern in the area is a mix of two- to four-story multi-unit residential buildings, some with ground floor commercial businesses mixed with transportation facilities, professional offices, and some remaining automotive facilities. The parcels immediately adjacent to the site include a three-story, six-unit residential building to the north, a four-story, 34-unit residential building to the northwest, and a three-story mixed-use building with ground floor retail to the west.

Other uses on the subject block include two- to three-story residential and some mixed-use buildings with ground floor commercial uses including a dry cleaning business and a professional office.

Development across Market and Castro Streets includes a one story retail building (Pottery Barn) across Castro, another automobile service and gas station (Chevron) across Market Street to the southeast, two- to four-story mixed-use buildings on the corner of Castro and 17th Streets, and a one story retail building (Diesel) across Market to the south. The surrounding properties are located within the Upper Market Street Neighborhood Commercial District, RM-1 (Residential, Mixed Low Density) District, RH-3 (Residential House Three-Family) and RH-2 (Residential House, Two-Family) Districts. Surrounding parcels are also within the 65-B height and bulk district, with areas transitioning to 50-X and 40-X districts in residential areas.

ENVIRONMENTAL REVIEW

On November 9, 2011 Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the project was prepared and published for public review. The Draft IS/MND was available for public comment until December 2, 2011. On December 2, 2011, an appeal of the Mitigated Negative Declaration was filed with the Department. On July 13, 2012, the Appeal of the Mitigated Negative Declaration was withdrawn.

On July 16, 2012, the Planning Department reviewed and considered the Final Mitigated Negative Declaration (FMND) and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied 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"). The Planning Department found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Department of City Planning and the Planning Commission, and approved the FMND for the project in compliance with CEQA, the CEQA Guidelines, and Chapter 31.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	July 13, 2012	July 11, 2012	22 days
Posted Notice	20 days	July 13, 2012	July 11, 2012	22 days
Mailed Notice	10 days	July 23, 2012	July 12, 2012	21 days

The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the conditional use authorization process.

PUBLIC COMMENT

- The Department has received one call objecting to the demolition of the gas station because of lack of alternatives in the area. The Department has received one letter from the Castro/Upper Market CBD, the Eureka Valley Neighborhood Association, Castro Area Planning & Action, and the Duboce Triangle Neighborhood Association supporting the new mixed-use building.

ISSUES AND OTHER CONSIDERATIONS

- During the fall of 2007, the Planning Department, in conjunction with then Supervisor Bevin Dufty, initiated a series of community workshops in response to development pressures and opportunities in the Upper Market corridor. The workshop identified a number of underutilized sites in the area that could be redeveloped with larger mixed-use buildings. The Project Site was one of several properties investigated during that process and was considered a good site for a more intensive mixed-use development. The design of the project has evolved over time as the result of a collaborative process that included the Project Sponsor, the Department, elected officials, neighborhood groups, and individual neighbors working together over the years since the workshops.

The original design was for a five-story mixed-use building with traditional architectural elements. While the design was contextual, the Planning Department encouraged the sponsor to consider a bolder design with high quality cladding materials. The Sponsor proposed a variety of responses to the Department's comments ranging up to eight stories tall before arriving at the current proposal. The project has become more modernist in design with a spandrel glass corner element, flanked by two more solid elements at the street faces. Cladding materials were revised and balconies and fenestration were added and modified. The design of the project complies with the Upper Market Development Design Guidelines.

- The gas station on the Project Site is an unattractive nonconforming use, and underutilizes the property. The demolition of the gas station will allow full use of the site and will not appreciably diminish access to automotive fuels and services as a 24-hour Chevron station is located across the street from the Project Site and a Shell station is located two blocks east of the Project Site on Market Street. The Project Site is located at a gateway into the Castro neighborhood and is appropriate for a with a more substantial development than the existing gas station. The proximity of the site to the MUNI subway station and transit in general make this site especially suited for residential development. Elimination of the gas station supports the City's transit first policy.
- The project includes a request for rear yard modification to allow the rear yard requirement to be met by an open space in the northwest, rear corner of the site at the first level of the building containing residential units. The size dimensions and configuration of this open space is such that all the dwelling units fronting on space comply with the dwelling unit exposure requirement of Section 140 of the Planning Code. The Zoning Administrator will consider this request as the Planning Commission considers the Conditional Use application.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow demolition of the existing automobile gasoline station and construction of a six-story, 65-foot-tall 43,070 square-foot mixed-use building with 24 residential units, 3,000 square feet of ground-floor commercial space and a 14-space underground parking garage within the Upper Market Street NCD, pursuant to Planning Code Sections 228 and 721.21.

BASIS FOR RECOMMENDATION

- The project creates 24 new one-and two-bedroom dwelling units and 3,000 square feet of new commercial space to expand housing opportunities and enhance the District.
- The project provides three new affordable dwelling units for sale on-site.
- The project provides a new 450 square foot neighborhood community meeting space in a separate room on Castro Street. This space is provided at the request of community groups active in the neighborhood.
- The project complies with the Upper Market Development Design Guidelines and is the result of a collaborative process that included the Project Sponsor, the Department, elected officials, neighborhood groups, and individual neighbors working together over the years.
- The project meets all applicable requirements of the Planning Code.
- The project is consistent with the objectives and policies of the General Plan.
- The project is desirable for, and compatible with the surrounding neighborhood.

RECOMMENDATION: Approval with Conditions
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Attachments:

Block Book Map

Sanborn Map

Zoning Map

Aerial Photograph

Site Photograph

Context Photographs

Residential Pipeline Report

Project Sponsor Submittal, including:

- Site Photographs

- Reduced Plans

Attachment Checklist

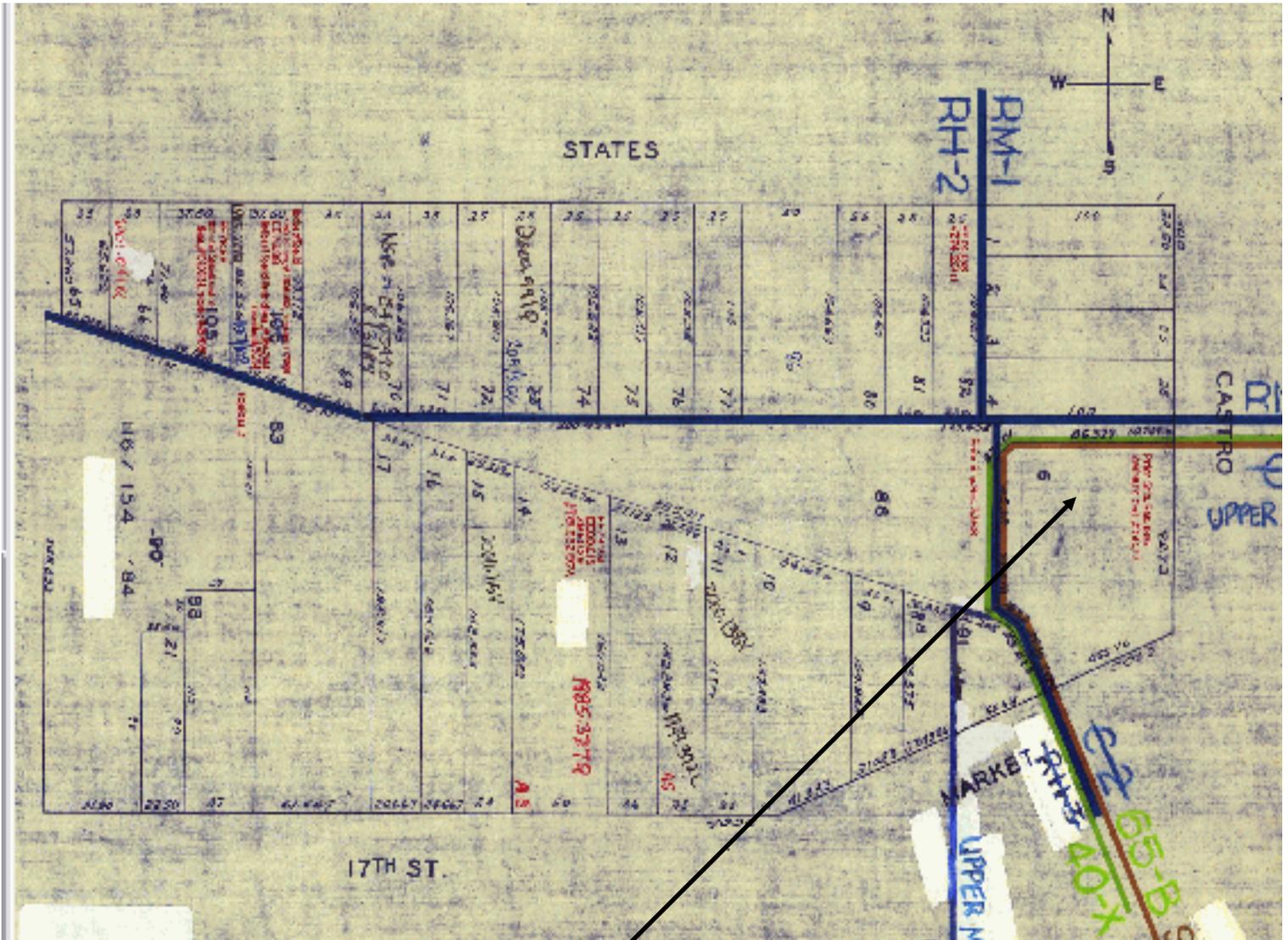
- | | |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | <input type="checkbox"/> Wireless Telecommunications Materials |
| <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 checked="" type="checkbox"/> Context Photos | <input type="checkbox"/> Community Meeting Notice |
| <input checked="" type="checkbox"/> Site Photos | <input type="checkbox"/> Housing Documents |
| | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |
| | <input type="checkbox"/> Residential Pipeline |

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

_____ RC _____

Planner's Initials

Parcel Map

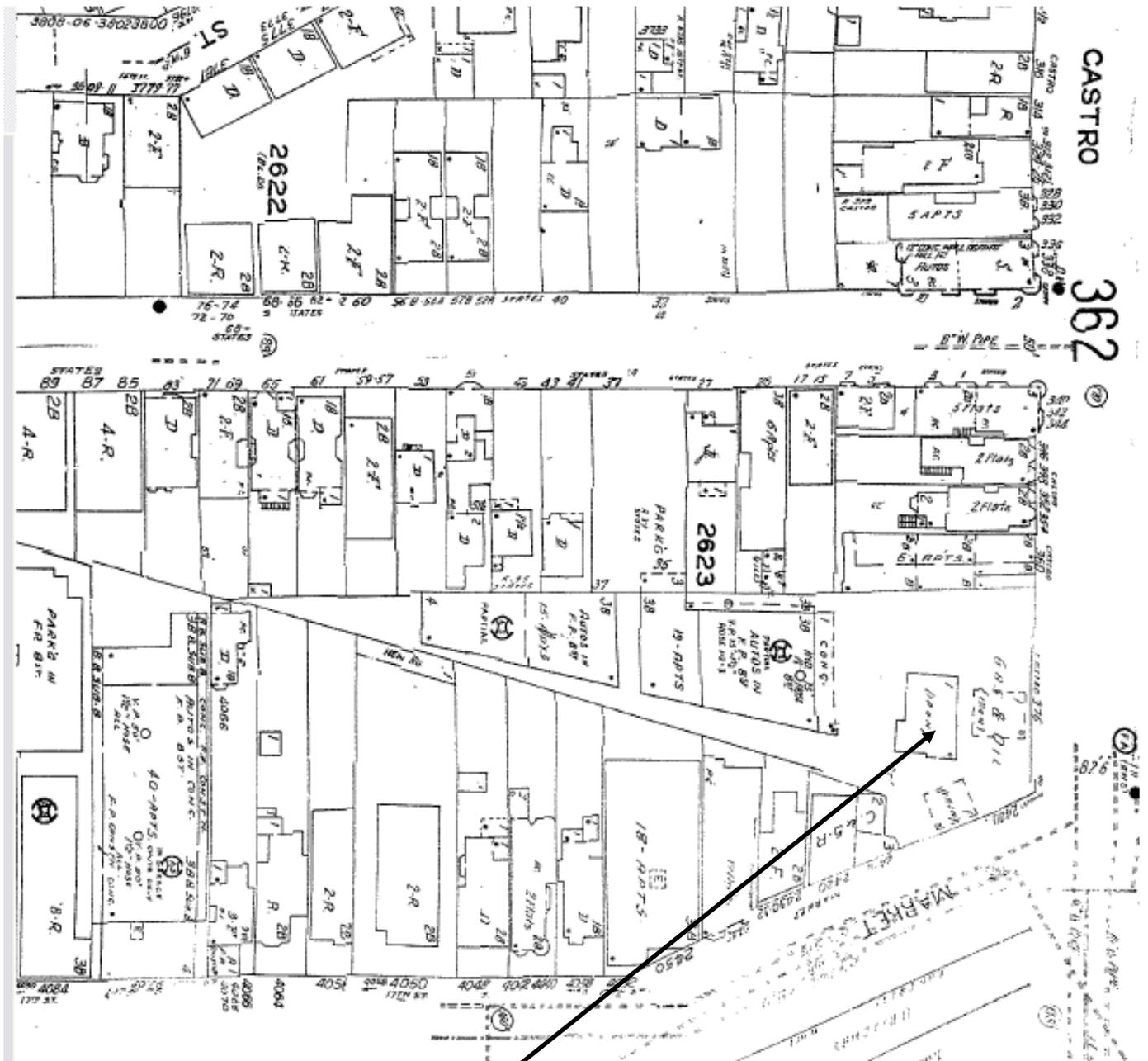


SUBJECT PROPERTY



Conditional Use Authorization
Case Number 2004.0976ECV
376 Castro Street

Sanborn Map*

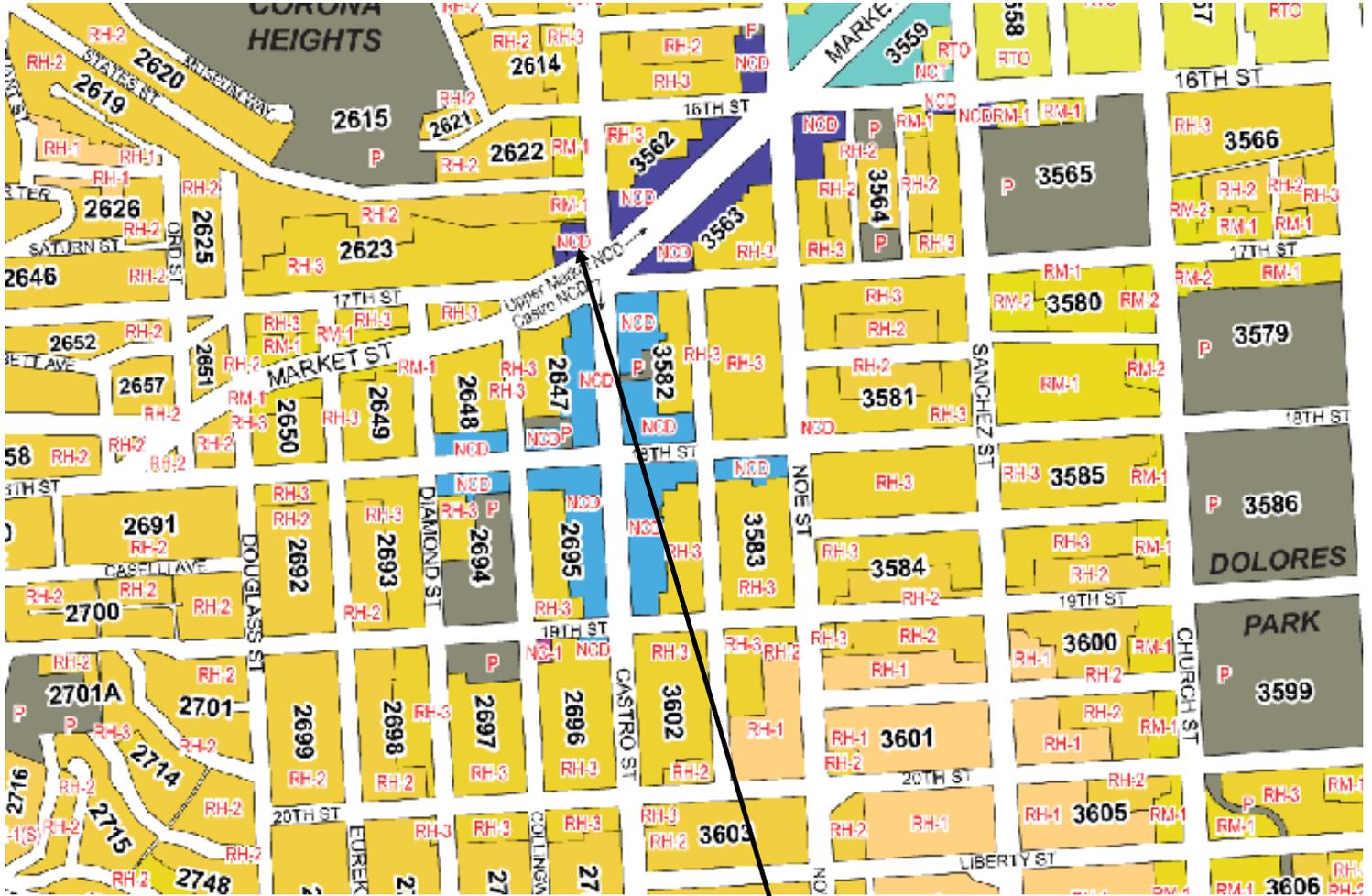


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

SUBJECT PROPERTY

Conditional Use Authorization
Case Number 2004.0976ECV
376 Castro Street

Zoning Map



SUBJECT PROPERTY



Conditional Use Authorization
Case Number 2004.0976ECV
376 Castro Street

Aerial Photo



SUBJECT PROPERTY



Conditional Use Authorization
Case Number 2004.0976ECV
376 Castro Street

Context Photos



**VIEW SOUTH LOOKING DOWN CASTRO ST.
FROM MARKET ST.**



**VIEW OF NORTH-EAST CORNER
OF CASTRO & MARKET STREETS**



Conditional Use Authorization
Case Number 2004.0976ECV
376 Castro Street

Context Photos

376 CASTRO AT MARKET STREET SAN FRANCISCO, CA



VIEW NORTH LOOKING UP CASTRO ST.
FROM MARKET ST.(SUBJECT SITE ON LEFT)



VIEW SOUTH-EAST LOOKING DOWN 17TH STREET
FROM MARKET ST.



Conditional Use Authorization
Case Number 2004.0976ECV
376 Castro Street

Site Photo



Conditional Use Authorization
Case Number 2004.0976ECV
376 Castro Street



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|---|---|
| <input checked="" type="checkbox"/> Affordable Housing (Sec. 415) | <input checked="" 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"/> Other |

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Planning Commission Draft Motion

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 228, 721.21 OF THE PLANNING CODE TO DEMOLISH AN EXISTING GASOLINE SERVICE STATION ON THE PROPERTY AND CONSTRUCT A SIX-STORY, 65 FOOT TALL MIXED USE BUILDING WITH 24 DWELLING UNITS AND 3,000 SQUARE FEET OF GROUND FLOOR COMMERCIAL SPACE WITHIN THE UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL DISTRICT AND A 65-B HEIGHT AND BULK DISTRICT AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On November 10, 2005 David Silverman (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 228, and 721.21 to allow the demolition of an existing gasoline service station on the property and construction of a six-story, 65 foot tall mixed use building with 24 dwelling units and 3,000 square feet of ground floor commercial space within the Upper Market Street Neighborhood Commercial District and a 65-B Height and Bulk District.

On March 12, 2012, the Project Sponsor filed an application for a Variance for a rear yard modification pursuant to Planning Code Section 134(e) to allow the rear yard requirement to be met by an open space in the northwest, rear corner of the site at the first level of the building containing residential units.

On August 2, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2004.0976ECV.

On November 9, 2011 Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the project was prepared and published for public review; and

The Draft IS/MND was available for public comment until December 2, 2011; and

On December 2, 2011, an appeal of the Mitigated Negative Declaration was filed with the Department.

On July 13, 2012, the Appeal of the Mitigated Negative Declaration was withdrawn.

On July 16, 2012, the Planning Department reviewed and considered the Final Mitigated Negative Declaration (FMND) and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied 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"); and

The Planning Department found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Department of City Planning and the Planning Commission, and approved the FMND for the project in compliance with CEQA, the CEQA Guidelines, and Chapter 31.

The Planning Department, Linda Avery, is the custodian of records, located in the File for Case No. 2004.0976E, at 1650 Mission Street, Fourth Floor, San Francisco, California.

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

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. 2004.0976ECV, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the west side of Castro Street at the northwest corner of Castro Street and Market Street. The property is 9,748-square feet in area and is occupied by an approximately 1,100-square-foot, single-story automotive gas and service station, constructed in 1963. The current development on the property includes one enclosed retail/service building with two automotive service bays, two gasoline pump islands with canopies and three underground storage tanks. Ingress and egress to the gas station is from curb cuts along both Market and Castro Streets. The parcel was included in the fall 2007 Upper Market Community Design Plan as a potential site to be redeveloped with a mixed-use building.
3. **Surrounding Properties and Neighborhood.** The project site is located at the intersection of Castro and Market Streets in the Corona Heights/Castro neighborhood. The land-use pattern in the area is a mix of two- to four-story multi-unit residential buildings, some with ground floor commercial businesses mixed with transportation facilities, professional offices, and some remaining automotive facilities. The parcels immediately adjacent to the site include a three-story, six-unit residential building to the north, a four-story, 34-unit residential building to the northwest, and a three-story mixed-use building with ground floor retail to the west. Other uses on the subject block include two- to three-story residential and some mixed-use buildings with ground floor commercial uses including a dry cleaning business and a professional office.

Development across Market and Castro Streets includes a one story retail building (Pottery Barn) across Castro, another automobile service and gas station (Chevron) across Market Street to the southeast, two- to four-story mixed-use buildings on the corner of Castro and 17th Streets, and a one story retail building (Diesel) across Market to the south. The surrounding properties are located within the Upper Market Street Neighborhood Commercial District, RM-1 (Residential, Mixed Low Density) District, RH-3 (Residential House Three-Family) and RH-2 (Residential House, Two-Family) Districts. Surrounding parcels are also within the 65-B height and bulk district, with areas transitioning to 50-X and 40-X districts in residential areas.

4. **Project Description.** The Project Sponsor proposes to demolish the existing automobile gasoline station and construct a six-story, 65-foot-tall 43,070 square-foot mixed-use building. The new building will include 24 residential units, three of which will be affordable, 3,000 square feet of ground-floor commercial space, and a 14-space underground parking garage, including 12 bicycle parking spaces, with ingress and egress from Castro Street. The residential portion of the project would be 27,000 square feet in area, and includes 18 units two-bedroom, and 6 one-bedroom units.
5. **Public Comment.** The Department has received one call objecting to the demolition of the gas station because of lack of alternatives in the area. The Department has received one letter from

the Castro/Upper Market CBD, the Eureka Valley Neighborhood Association, Castro Area Planning & Action, and the Duboce Triangle Neighborhood Association supporting the new mixed-use building.

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. **Rear Yard Modification.** Planning Code Section 134 requires a rear yard equal to 25% of the depth of the lot measured at grade level and all stories above. Planning Code Section 134(e) permits this requirement to be modified or waived by the Zoning Administrator, provided the project meets the following criteria:

- i. Residential uses are included in the new or expanding development and a comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to the residents of the development.

The project includes 24 new dwelling units and provides an open area exceeding 25% of the lot area in the northwest, rear corner of the property at the first level of the building containing dwelling units. This plaza is 2,780 square feet in area and provides open space for the dwelling units. The project would provide an additional 2,600 square feet of open space on a roof deck.

- ii. The proposed new or expanding structure will not significantly impede the access of light and air to and views from adjacent properties.

The original topography of the Project Site sloped steeply up-hill toward the rear of the lot. The slope was removed with the construction of the gas station and retaining walls more than 30 feet tall were constructed at the rear and westerly property lines. The open space proposed for the project is at the first residential level of the building, in the northwest, rear corner of the property adjacent to the rear yards of the adjacent properties. The grade differential and the location of the open space combine to ensure that access of light, air, to and views from the adjacent properties are not be impeded.

- iii. The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of adjacent properties.

The open space proposed for the project is at the first residential level of the building, in the northwest, rear corner of the property adjacent to the rear yards of the adjacent properties. The buildings on the lots adjacent to the Project Site cover most of the lot to the rear property lines such that there is little interior block open space and the open space that does exist does not form a distinct or consistent pattern. The project would provide an open area exceeding 25% of the lot area in the northwest, rear corner of the property.

B. **Open Space.** Planning Code Section 135 requires 60 square feet of private usable open space or 90 square feet of common open space for each dwelling unit.

The project includes 24 dwelling units and is required to provide a total of 1,440 square feet of private open space, 2,160 square feet of common open space, or some equivalent combination of private and common open space. The project proposes 4,900 square feet of common usable open space in a courtyard and on a roof deck. In addition, the project provides private open space for three units.

- C. **Streetscape Improvements.** Planning Code Section 138.1 requires streetscape and pedestrian improvements for new developments. One street tree is required for every 20 lineal feet of street frontage. The Section also requires additional streetscape and pedestrian elements for large projects.

The project has 92 feet of frontage on Castro Street and 71 feet of frontage on Market Street and is required to plant five street trees along Castro Street and three street trees along market Street. The size of the project does not require additional streetscape and pedestrian elements; however, the Project Sponsor has proposed additional improvements at the request of neighborhood groups active in the area. The project would include the following pedestrian streetscape improvements in addition to street trees:

- An irrigated landscaped area with trees and planters or perhaps raised planters to create a seating area;*
- Public seating for reading or just sitting out, either integrated with raised planters as noted above, or separate seating as appropriate to the site plan;*
- Public art appropriate to the neighborhood and site, perhaps integrated with a water feature; and,*
- An artistic "Way Finder" that will provide neighborhood specific and citywide directional signage. Specific items listed should include GLBT History Museum, Harvey Milk Camera Shop, Golden Gate Bridge, Golden Gate Park, Haight, Mission Dolores, Union Square, Ferry Building, Twin Peaks, etc.*

- D. **Exposure.** Planning Code Section 140 requires that each dwelling unit shall face a public street, a Code-compliant rear yard, or another defined open space.

The project provides a large courtyard in the northwest corner of the site. The dimensions of the courtyard exceed the requirements of Section 140 at all levels of the building containing dwelling units such that all units facing the court comply with the exposure requirement. Units that do not face the courtyard have exposure on Market Street or Castro Street.

- E. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that

must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed.

The project would provide active uses along both street frontages including retail space, a neighborhood, community meeting space and a residential lobby. No less than 60 percent of the street frontage at the ground level would be fenestrated with transparent windows to allow visibility to the inside of the building. The parking garage would be setback at least 25 feet from Castro Street.

- F. **Parking.** Section 151.1 of the Planning Code permits up to one parking stall for each two dwelling units. The Section also allows up to one space per 1,500 square feet of occupied floor area for retail uses.

The project includes 24 dwelling units and 3,000 square feet of occupied floor area for retail use and provides 14 off-street parking spaces.

- G. **Loading.** Section 152 of the Planning Code requires off-street loading be provided in the Upper Market NCD for retail uses exceeding 10,000 square feet in area and residential uses exceeding 100,000 square feet in area.

The project contains 3,000 square feet of retail space and 27,000 square feet of residential use. The project is not required to provide off-street loading and provides none.

- H. **Bicycle Parking.** Section 155.5 of the Planning Code requires one bicycle parking space for every two dwelling units in residential buildings with up to 50 dwelling units.

The project includes 24 dwelling units and provides 12 bicycle parking spaces in the parking garage.

- I. **Residential Density.** Section 207.4 of the Planning Code permits a residential density at a ratio of one dwelling units for each 400 square feet of lot area.

The Project Site is 9,748 square-feet in area and provides 24 dwelling units for a ratio of one dwelling unit for each 406 square feet of lot area.

- J. **Dwelling Unit Mix.** Section 207.6 of the Planning Code requires that a minimum of 40% of the dwelling units within a Neighborhood Commercial Transit district shall contain at least two bedrooms. This requirement does not apply to the Upper Market Street NCD.

Eighteen of the 24 units proposed for the project would contain at least two bedrooms representing 75% of the total units in the project.

K. **Service Station Conversion.** Planning Code Section 228 requires that no owner of a property that is used as a service station can change the use of the property to a different type of use without first receiving conditional use approval from the Planning Commission or a conversion determination from the Zoning Administrator. The project proposes to eliminate and demolish the existing service station at the Project Site and replace it with a new mixed-use building. Section 228.3 requires that, with respect to an application for Conditional Use authorization for formula retail use, the Planning Commission shall consider the following criteria:

- i. The types of services offered by the gasoline service station sought to be converted and the hours and days during which such goods and services are available.

The existing gasoline service station on the property sells gas 24 hours each day for seven days per week. The facility provides smog check services from 10:00 a. m. to 5:00 p.m. seven days per week.

- ii. The volume of gasoline and other motor fuel sold and the number of vehicles serviced at such gasoline service station during each of the 24 months preceding the filing of the conditional use authorization application.

The facility sold an average of 1,220,000 gallons of gasoline per month over the 24 months prior to submitting the application for conditional use authorization.

- iii. Whether the volume of gasoline and other motor fuel sold and the number of vehicles serviced each month has increased or decreased during the 24-month period immediately preceding the conditional use authorization.

The volume of gasoline and other motor fuels sold and the number of vehicles served monthly decreased over the 24 months preceding the filing of the application.

- iv. The accessibility of comparable automotive goods and services offered by other gasoline service stations and repair garages which serve the same geographic area and population segments (e.g., neighborhood residents, in-town or out-of-town commuters, tourists) as the service station sought to be converted.

The accessibility of goods and services offered by other gasoline service stations in the same geographic area is very good. There are at least ten gasoline stations within one mile of the Project Site and additional twelve stations within two miles of the site. A 24-hour Chevron station is located across the street from the Project Site and a Shell station is located two blocks east of the Project Site on Market Street.

- v. If the proposed new use is a residential use, the total number of units to be provided and the number of those units that are affordable units.

The project would make a significant contribution to the City's housing supply by providing up to 24 residential dwelling units. The project would contribute three affordable onsite units to increase the City's supply of affordable housing.

- vi. If the proposed new use is a commercial use, the types of goods and services to be offered and the availability of comparable products and services in the vicinity.

The project includes approximately 3,000 square feet of commercial space. The types of goods and services to be offered by the commercial space would be determined later.

- vii. The relative environmental dangers posed by the current and proposed uses, including but not limited to the quality and character of waste generated, noxious or offensive emissions, fire and explosion hazards and noise, and whether the service station conversion would facilitate the cleanup of existing contamination at the property.

There are no known environmental dangers posed by the proposed mixed-use project.

- viii. The relative employment opportunities offered by the gasoline service station and the proposed new use.

The existing gasoline service station employs three people. The proposed new use would provide employment opportunities in its 3,000 square feet of commercial space, most likely more than three people.

- ix. The relative amount of taxes or other revenues to be received by the City or other governmental bodies from service station use and the proposed new use.

The amount of taxes or other revenues to be received by the City from the gasoline service station is approximately \$20,000 per year for property tax and \$24,000 for sales tax and \$1,900 per year for licenses. The City and County of San Francisco would receive substantially more property tax revenue from the project that includes 24 residential units, as well as sales tax revenue from retail sales in the commercial space.

- x. Whether the service station use and the proposed use are permitted principal uses, conditional use, or nonconforming use.

The existing gasoline station is a non-conforming use pursuant to Planning Code Sections 180 and 721.57. The proposed residential and retail uses are principally permitted pursuant to Planning Code Sections 721.90 and 740.40.

1. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements apply to projects that consist of ten or more units, where the first application (EE or BPA) was applied for before July 18, 2006. Pursuant to Planning Code Section 415.5 and 415.6, the Project is meeting the Inclusionary Affordable

Housing Program requirement through the On-site Affordable Housing Alternative by providing 12% of the proposed dwelling units as affordable.

The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project. The Project Sponsor submitted such Affidavit on April 26, 2012. The EE application was submitted on September 28, 2004. Three units (two two-bedroom, and one one-bedroom) of the 24 units provided will be affordable units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable.

- M. **Development Impact Fees.** Sections 416 and 421 of the Planning Code require payment of impact fees for affordable housing and community improvements for all development projects. The fees are based on the number of dwelling units and floor area of the project. In the spring of 2011 the Board of Supervisors adopted Ordinance No. 25-11 (Board File No. 10-1464) to add the "Market and Octavia Plan" controls to the Planning Code. An uncodified portion of the Ordinance (titled "Section 4"), states that, projects in the affected area that had filed a first Application with the Department prior to October 28, 2010 and received Planning entitlements before October 28, 1012 are exempt from payment of the development impact fees relating to the Market and Octavia Plan.

The Department received the first application for the project on September 28, 2004 and Conditional Use authorization and Variance requests are scheduled to be heard on August 2, 1012. The project is exempt from the Development Impact fees in Planning Code Sections 416 and 421.

- N. **Use Size Limits.** Planning Code Section 721.21 states that a Conditional Use Authorization is required for nonresidential uses within this District that exceed a floor area of 2,999 square feet. The proposed use size is approximately 3,000 square feet. In addition to the criteria set forth in Section 303(c), Planning Code Section 121.2 requires that, with respect to an application for Conditional Use authorization for nonresidential use size, the Planning Commission shall consider the following criteria:

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

The area is an active neighborhood commercial district that contains adequate small-scale uses. The project would not foreclose the location of other needed commercial uses in the area.

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

The Project Sponsor does not have a tenant for the commercial space. The project also includes a 450 square foot community room for use by neighborhood organizations and other similar groups. The ultimate tenant in the space would be neighborhood serving.

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

The commercial space is located on the ground floor of the Market Street frontage and respects the scale of development in the area. The design of the building has been developed in consultation with neighborhood groups and the Planning Department and is very respectful of the scale of the neighborhood.

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 project would develop an underutilized in-fill property surrounded by concrete walls with 24 new housing units, including three on-site affordable units, 3,000 square feet of new commercial space and a new community meeting room to serve the needs of area community groups. The project would replace an unsightly gas station with a contemporary mixed-use building, the design of which is compatible with the neighborhood character.

- 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 project site is well suited for residential mixed-use development. The location of the property at the intersection of Castro Street and Market Street is appropriate for the use as it is well served by transit and community services of the Castro neighborhood.

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

The project provides two parking spaces for the 3,000 square foot commercial space and 12 spaces for the 24 dwelling units. All the parking would be underground and served by a driveway to Castro Street. The project is well served by transit. The 24 and 35 bus lines operate on Castro Street, the 37 bus and F streetcar lines operate on Market Street and the Project Site is adjacent to the MUNI subway station at Castro and Market Streets.

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

The project would consist of high quality residential units and neighborhood serving commercial space. The uses would not generate any noxious or offensive emissions, noise, glare, dust, or odors.

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

The project would include attractively landscaped common and private open space on site. The project would include required street trees along the Castro Street and Market Street frontages. The Project Sponsor would provide a community meeting room and significant landscaping streetscape improvements as part of an agreement with neighborhood groups in the area to withdraw an appeal of the environmental document for the project.

- 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 proposed project is consistent with the stated purposes of Upper Market Neighborhood Commercial District in that the project includes residential units on the upper floors, space for neighborhood-serving commercial uses on the ground floor, which would provide compatible convenience service for the immediately surrounding neighborhoods during daytime hours.

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

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

Policy 1.2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

Policy 1.3:

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The proposed development would provide desirable goods and services to the neighborhood and would provide resident employment opportunities to those in the community. The project would replace a marginal, nonconforming, and unattractive gas station use with essential housing, a neighborhood serving commercial use, and a 450 square foot community meeting space. The project would not result in any undesirable consequences. Further, the Project Site is located within a neighborhood commercial district and is thus consistent with activities in the commercial land use plan.

OBJECTIVE 6:

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

Policy 6.1:

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

The project would strengthen the neighborhood commercial district by replacing a gas station with new commercial space for neighborhood-serving commercial uses and much needed housing. The project replaces a marginal use on an underutilized parcel.

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1

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

Policy 1.4

Ensure community based planning processes are used to generate changes to land use controls.

Policy 1.10

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

The project creates 24 new dwelling units, three of which would be affordable units on-site. The project resulted from a community planning process that began in 2007 with a series of community workshops. The Project Site was one of several properties investigated during the process and the design of the project was the result of a collaborative effort between the community, the Department and elected officials. The project is well served by transit. The 24 and 35 bus lines operate on Castro Street, the 37 bus and F streetcar lines operate on Market Street and the Project Site is adjacent to the MUNI subway station at Castro and Market Streets. The project would provide bicycle parking for residents.

OBJECTIVE 4:

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

Policy 4.1

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

The eighteen proposed two bedroom units are sized to provide housing for families with children.

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 proposal would enhance the district by providing 3,000 square feet of new commercial space on the ground floor of a modern building. The new business occupying the space would provide future opportunities for resident employment in and ownership of a new business.

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

The Project Site is located within the Upper Market Neighborhood Commercial District, a mixed-use area consisting of residential and commercial uses. The proposed residential units and new commercial space will complement and enhance the district by providing new housing and business opportunities in the neighborhood. Existing housing in the area would not be affected by the project.

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

No housing is removed for this project.

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

The project provides two parking spaces for the 3,000 square foot commercial space and 12 spaces for the 24 dwelling units. All the parking would be underground and served by a drive to Castro Street. The project is well served by transit. The 24 and 35 bus lines operate on Castro Street, the 37 bus and F streetcar lines operate on Market Street, and the Project Site is adjacent to the MUNI subway station at Castro and Market Streets.

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

The project would not displace any service or industrial establishment. The project would not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses would not be affected by this project.

- 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 would be constructed to conform to the structural and seismic safety requirements of the City Building Code.

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the Project site.

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

The project would have no negative impact on existing parks and 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. 2004.0976ECV** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated April 18, 2007, 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 August 2, 2012.

Linda D. Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: August 2, 2012

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow the demolition of the existing automobile gasoline and service station and construction of a six-story, 65-foot-tall 43,070 square-foot mixed-use building with 24 residential units, 3,000 square feet of ground-floor commercial space and a 14-space underground parking garage located at 376 Castro Street Lot 006 in Assessor's Block 2623 pursuant to Planning Code Section(s) 303, 228, and 721.21 within the Upper Market Neighborhood Commercial District and a 65-B Height and Bulk District; in general conformance with plans, dated February 1, 2012, and stamped "EXHIBIT B" included in the docket for Case No. 2004.0976ECV and subject to conditions of approval reviewed and approved by the Commission on August 2, 2012 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 August 2, 2012 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

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

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

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

DESIGN – COMPLIANCE AT PLAN STAGE

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

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.

5. **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.

6. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.

7. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the building / site permit application.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.

8. **Streetscape Plan.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the Streetscape Plan. The Project Sponsor shall complete final design of all street improvements, including procurement of relevant City permits, prior to issuance of first architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy. The street scape plans shall include, but shall not be limited to, the following elements:

- a. An irrigated landscaped area with trees and planters or perhaps raised planters to create a seating area;
- b. Public seating for reading or just sitting out, either integrated with raised planters as noted above, or separate seating as appropriate to the site plan;
- c. Public art appropriate to the neighborhood and site, perhaps integrated with a water feature; and,
- d. An artistic "Way Finder" that will provide neighborhood specific and citywide directional signage. Specific items listed should include GLBT History Museum, Harvey Milk Camera Shop, Golden Gate Bridge, Golden Gate Park, Haight, Mission Dolores, Union Square, Ferry Building, Twin Peaks, etc.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.

9. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning

Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:

- a. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
- b. On-site, in a driveway, underground;
- c. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
- d. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
- e. Public right-of-way, underground; and based on Better Streets Plan guidelines;
- f. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
- g. On-site, in a ground floor façade (the least desirable location).
- i. Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

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

PARKING AND TRAFFIC

10. **Parking for Affordable Units.** All off-street parking spaces shall be made available to project residents only as a separate "add-on" option for purchase or rent and shall not be bundled with any project dwelling unit for the life of the dwelling units. The required parking spaces may be made available to residents within a quarter mile of the project. All affordable dwelling units pursuant to Planning Code Section 415 shall have equal access to use of the parking as the market rate units, with parking spaces priced commensurate with the affordability of the dwelling unit. Each unit within the project shall have the first right of refusal to rent or purchase a parking space until the number of residential parking spaces are no longer available. No conditions may be placed on the purchase or rental of dwelling units, nor may homeowner's rules be established, which prevent or preclude the separation of parking spaces from dwelling units.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

11. **Bicycle Parking.** The project shall provide no fewer than 12 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

PROVISIONS

12. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor

shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.

For information about compliance, contact the First Source Hiring Manager at 415-581-2335, www.onestopSF.org

13. **Transit Impact Development Fee.** Pursuant to Planning Code Section 411 (formerly Chapter 38 of the Administrative Code), the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) as required by and based on drawings submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy, the Project Sponsor shall provide the Planning Director with certification that the fee has been paid.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

14. **Affordable Units**

- a. **Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is required to provide 12% of the proposed dwelling units as affordable to qualifying households. The Project contains 24 units; therefore, three affordable units are required. The Project Sponsor will fulfill this requirement by providing the three affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing ("MOH").

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.

- b. **Unit Mix.** The Project contains six one-bedroom and 18 two-bedroom unit. The affordable unit mix is one one-bedroom and two two-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOH.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.

- c. **Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.

- d. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than twelve percent (12%) of the each phase's total number of dwelling units as on-site affordable units

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.

- e. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the project.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.
- f. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOH at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at:
<http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>.
As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.
- i. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- ii. If the units in the building are offered for sale, the affordable unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income adjusted for household size does not exceed an average of ninety (90) percent of Area Median Income under the income table called "Maximum Income by Household Size" derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco. The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply and are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.

- iii. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOH shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOH at least six months prior to the beginning of marketing for any unit in the building.
- iv. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
- v. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to the MOH or its successor.
- vi. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415*, to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the Project.
- vii. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and pursue any and all available remedies at law.
- viii. If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit or may seek a fee deferral as permitted under Ordinances 0107-10 and 0108-10. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOH and pay interest on the Affordable Housing Fee at a rate equal to the Development Fee Deferral Surcharge Rate in Section 107A.13.3.2 of the San Francisco Building Code and penalties if applicable.

MONITORING

15. **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

16. **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

OPERATION

17. **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/>*

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

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

19. **Lighting.** All project lighting shall be directed onto the Project Site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863,
www.sf-planning.org*

**EXHIBIT C:
 MITIGATION MONITORING AND REPORTING PROGRAM
 (Including the Text of the Mitigation Measures Adopted as Conditions of Approval)**

Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
1. Archeological Resources				
<p>The following mitigation measure is required to avoid any potential adverse effect from the project on accidentally discovered buried or submerged historical resources as defined in CEQA Guidelines Section 15064.5(a)(c). The project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractors), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.</p>	Project Sponsor.	Prior to any soil-disturbing activities.	Project Sponsor to provide affidavit to the ERO confirming that all field personnel have received copies of the "ALERT" Sheet.	Considered complete upon ERO receipt of affidavit.
<p>Should any indication of an archeological resource be encountered during any soils disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.</p> <p>If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of a qualified archeological consultant. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.</p>	Project Sponsor, Contractor(s), and Archeologist.	During soil-disturbing activities.	Consultant to prepare memorandum to file indicating results of consultation with archeologist.	Considered complete upon later of ERO's drafting of memo or ERO's direction to implement further measures.

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Archeological Resources (cont'd.)				
Measures might include: preservation in situ of the archeological resource; an archeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Major Environmental Analysis (MEA) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.	(see above)	(see above)	(see above)	(see above)
The project archeological consultant shall submit a Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describing the archeological and historical research methods employed in the archeological monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.	Project sponsor and Archeological Consultant.	Following completion of any archeological field program.	ERO to review Draft FARR.	Considered complete upon ERO approval of Draft FARR.
Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.	Project Sponsor.	Upon ERO approval of Draft FARR.	Project Sponsor to provide ERO with copies of transmittals of FARR distribution.	Considered complete upon receipt by ERO of evidence of distribution.
2. Hazardous Materials				
<i>Step 1: Soil Testing</i> Prior to approval of a building permit for the project, the project sponsor shall hire a consultant to collect soil samples (borings) and groundwater samples from areas on the site in which soil would be disturbed and test the soil and groundwater samples for petroleum hydrocarbons. The consultant shall analyze the soil borings as discrete, not composite samples.	Project Sponsor	Prior to soil-disturbing activity.	DPH to review soil testing report and advise ERO and Department of Building Inspection (DBI) if Site Mitigation Plan (SMP) is required.	Prior to issuance of grading or excavation permit. Considered complete upon receipt by DPH, ERO, and DBI of monitoring report.

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Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>Hazardous Materials (cont'd.)</p> <p>The consultant shall prepare a report on the soil and groundwater testing for petroleum hydrocarbons that includes the results of the testing and a map that shows the locations of soils and groundwater tested.</p> <p>The project sponsor shall submit the report on the soil and groundwater testing to the Department of Public Health (DPH) and shall pay the applicable fee required by DPH to review the report pursuant to Section 31.47(c) of the San Francisco Administrative Code. DPH shall review the soil and groundwater testing report to determine whether the soil or groundwater on the project site are contaminated with petroleum hydrocarbons at or above potentially hazardous levels.</p> <p>If DPH determines that the soils and groundwater on the project site are not contaminated with petroleum hydrocarbons at or above a potentially hazardous level, no further mitigation measures with regard to contaminated soils or groundwater on the site would be necessary.</p>	(see above)	(see above)	(see above)	(see above)
<p><i>Step 2: Preparation of Site Mitigation Plan</i></p> <p>If, based on the results of the soil and/or groundwater tests conducted, DPH determines that the soils and/or groundwater on the project site are contaminated with petroleum hydrocarbons at or above potentially hazardous levels, DPH shall determine whether preparation of a Site Mitigation Plan (SMP) is warranted. If such a plan is requested by DPH, the SMP shall include a discussion of the level of contamination of soils and/or groundwater on the project site and mitigation measures for managing contaminated soils on the site, including, but not limited to: 1) the alternatives for managing contaminated soils on the site (e.g., encapsulation, partial or complete removal, treatment, recycling for reuse, or a combination); 2) the preferred alternative for managing contaminated soils on the site and a brief justification; 3) the specific practices to be used to handle, haul, and dispose of contaminated site soils; and 4) the specific practices to be used to handle, treat, and dispose of contaminated groundwater. The SMP shall be submitted to DPH for review and approval. A copy of the SMP shall be submitted to the Planning Department to become part of the case file.</p>	Project Sponsor.	Upon DPH determination that SMP is required.	If SMP is required, Project Sponsor or contractor shall submit a monitoring report to DPH, with a copy to DBI and ERO, at end of construction.	Prior to issuance of certificate of occupancy. Considered complete upon receipt of monitoring report.

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Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>Hazardous Materials (cont'd.)</p> <p><i>Step 3: Handling, Hauling, Treatment, and Disposal of Contaminated Soils and Groundwater</i></p> <p>a) Specific work practices: If, based on the results of the tests conducted, DPH determines that the soil or groundwater on the project site are contaminated with petroleum hydrocarbons at or above potentially hazardous levels, the construction contractor shall be alert for the presence of such soils during excavation and other construction activities on the site (detected through soil or groundwater odor or soil color and texture and results of on-site soil and groundwater testing), and shall be prepared to handle, profile (i.e., characterize), and dispose of such soils appropriately and to treat and dispose of such groundwater appropriately, as dictated by local, state, and federal regulations, including OSHA work practices, when such soils or groundwater are encountered on the site.</p> <p>(b) Dust suppression: Soils exposed during excavation for site preparation and project construction activities shall be kept moist throughout the time they are exposed, both during and after work hours.</p> <p>(c) Surface water runoff control: Where soils are stockpiled, visqueen or comparable plastic sheeting shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles.</p> <p>(d) Soil replacement: If necessary, clean fill or other suitable material(s) shall be used to bring portions of the project site, where contaminated soils have been excavated and removed, up to construction grade.</p> <p>(e) Handling, treatment, and disposal: Contaminated soils shall be hauled off the project site by waste hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California. Contaminated groundwater shall be subject to requirements of the City's Industrial Waste Ordinance (Ordinance Number 199-77), requiring that groundwater meet specified water quality standards before it may be discharged into the sewer system.</p>	<p>Project Sponsor.</p>	<p>During construction.</p>	<p>Project Sponsor to provide DPH with monitoring report following soil-disturbing construction period and final monitoring report at conclusion of building construction. Copies of reports to be provided to DBI and ERO.</p>	<p>Prior to issuance of certificate of occupancy.</p> <p>Considered complete upon receipt of monitoring report.</p>

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Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>Hazardous Materials (cont'd.)</p> <p><i>Step 4: Preparation of Closure/Certification Report</i></p> <p>After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing contaminated soils and groundwater from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.</p>	Project Sponsor.	At completion of foundation.	Project Sponsor to provide closure/certification report to DPH, with copy to DBI and ERO.	<p>Prior to issuance of certificate of occupancy.</p> <p>Considered complete upon receipt of monitoring report.</p>
<p>UST Removal and/or Monitoring:</p> <p>In accordance with San Francisco Health Code Article 21, the project sponsor shall file an application with the San Francisco Department of Public Health (DPH) for removal and/or monitoring of any UST that are identified during project construction. If the proposed excavation activities encounter groundwater, the groundwater shall also be tested for contaminants. Copies of the test results shall be submitted to the DPH, Division of Environmental Health, and to the Planning Department, prior to the start of construction.</p> <p>If contamination or abandoned tanks are encountered, the project sponsor shall immediately notify the DPH, Division of Environmental Health, and shall take all necessary steps to ensure the safety of site workers and members of the public. USTs shall be removed by an appropriate licensed UST contractor under permit by the Hazardous Materials Unified Program Agency (HMUPA) and the San Francisco Fire Department. Imported fill shall be characterized to be below residential ESLs. A health and safety plan shall be submitted two weeks prior to the commencement of work. EHS-HWU requires confirmatory sampling to occur following excavation of the site to confirm the removal of contaminated soils. These steps shall include implementation of a health and safety plan prepared by a qualified professional, and disposal of any contaminated soils removed from the site at an approved facility. In addition, the project shall be constructed, so that all remaining site soils are entirely encapsulated beneath a concrete slab. If confirmation testing following site excavation indicates that contaminated soils remain on site, a deed restriction notifying subsequent property owners of the contamination and the necessity of maintaining the cap, shall be executed, prior to a certificate of occupancy.</p>	Project sponsor and construction contractor(s).	During construction.	Project sponsor and construction contractor(s).	Considered complete on issuance of building permit.

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Air Quality				
<p>Air Quality: Reduction of Diesel Particulate Matter Emissions.</p> <p>The project shall ensure that the project's construction equipment achieves a minimum of a 72% reduction in diesel particulate matter (DPM) emissions as compared to the construction fleet analyzed for the purposes of CEQA. A 72% reduction in DPM emissions can be accomplished by requiring that the project's excavator, drill rig, pump, crane, forklift, and 230 horsepower delivery trucks meet the United States Environmental Protection Agency Tier 3 emissions requirements. Shall the project sponsor choose to comply with this requirement through other means, documentation of compliance with this mitigation measure shall be demonstrated in a plan detailing the effectiveness of other emissions controls to be used and the plan must ensure that the construction fleet meets a minimum of a 72% reduction in DPM as compared to the construction fleet analyzed for purposes of CEQA</p>	Project Sponsor	During construction.	Project sponsor and construction contractor(s).	Considered complete upon receipt of emissions reduction report.

**PROJECT SPONSOR'S SUBMITTAL IN SUPPORT OF
CONDITIONAL USE APPLICATION
FOR CONVERSION OF GAS STATION**

PLANNING CODE SECTIONS 228.3 and 721.21

for

**Property Located at 376 Castro Street
Block 2623, Lot 006**

Planning Department Case No. 2004.0976

**Project Sponsor:
376 Castro Street LLC**

Hearing Date: August 2, 2012

Application Filed: November 10, 2005

Attorneys for Project Sponsor:



One Bush Street, Suite 600, San Francisco, CA 94104
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A. INTRODUCTION

376 Castro Street LLC (“Project Sponsor”) proposes to demolish the existing improvements located at 376 Castro Street, Block 2623/Lot 06 (“Project Site”), and to construct a mixed-use development with up to 24 residential dwelling units, approximately 3,000 square feet of commercial/retail space, and up to 12 residential off-street parking spaces (0.5 per unit as of right) and three off-street commercial parking spaces (“Project”). The Project Site is located within the Upper Market Neighborhood Commercial zoning district and the 65-B height and bulk district. The proposed Project is located at the intersection of Castro Street, Market Street, and 17th Street. The residential portion of the Project is as-of-right and does not require a conditional use.

Pursuant to Planning Code Section 228.3, the Project Sponsor seeks Conditional Use Authorization by the Planning Commission to permit conversion of a gasoline station, and for 3,000 square feet of ground floor commercial space in a neighborhood commercial district, pursuant to Planning Code Sections 721.21 and 121.2.

B. SITE INFORMATION

- Street Address:** 376 Castro Street
- Cross Streets:** Intersection with Market and 17th Streets
- Assessor’s Block/Lot:** 2623 / 06
- Zoning District:** Upper Market Neighborhood Commercial
- Affordable Housing:** Three onsite BMR units
- Height/Bulk District:** 65-B
- Site Size:** 9,748 square feet
- Existing Improvements:** Gasoline Station, including pump structures and one-story gas station building
- Existing Use:** Gasoline Station

C. PROJECT SUMMARY

- Proposed Use:** Mixed-use residential building with up to 24 dwelling units, ground floor retail/commercial space and up to 12 residential off-street parking spaces (0.5 per unit as of right) and three commercial parking spaces.

Building Height: 65'-0"

Gross Square Footage: Approximately 28,805 square feet of residential; approx. 3,000 square feet of ground floor retail/commercial; approx. 6,000 square feet of parking area; approximately 5,275 square feet of circulation space; approximately 3,940 square feet of common deck open space, and 750 square feet of private deck open space.

Number of Stories: 6 Stories over Basement

D. ENVIRONMENTAL REVIEW

The Project Sponsor filed an environmental evaluation application for the Project on December 8, 2004, Planning Department Case No. 2004.0976E. A Preliminary Negative Declaration was issued on November 9, 2011.

E. COMPLIANCE WITH SECTION 228.3 CRITERIA

Pursuant to Planning Code Section 228.3, the proposed use requires conditional use authorization by the Planning Commission to permit a "conversion," or change in use from gasoline service station¹ to any other use, in this case residential and commercial.

Section 228.3 provides that the Planning Commission shall approve the conversion if it determines that the reduction in availability of automotive goods and services resulting from the gasoline service station conversion would not be unduly detrimental to the public because either:

(a) Comparable automotive goods and services are available at other reasonably accessible locations; **or**

(b) the benefits to the public of the service station conversion would outweigh any reduction in automotive goods and services availability because the proposed new use is more necessary or desirable for the neighborhood or community than continued service station use.

(c) In making determinations under Subsection (a), the Planning Commission shall consider the following factors:

- (1) **The types of services offered by the gasoline station sought to be converted and the hours and days during which such goods and services are available.**

Gasoline service station. 24 hours, 7 days. Smog test – 10:00 am to 5:00 pm.

¹ "Gasoline Service Station" means an establishment that sells and dispenses gasoline directly into motor vehicles. Planning Code Section 228.1.

- (2) **The volume of gasoline and other motor fuels sold and the number of vehicles serviced at each gasoline station during each of the 24 months preceding the filing of the conditional use authorization application.**

September 2004 – August 2005: 1,080,000 gallons.

September 2003 – August 2004: 1,800,000 gallons.

- (3) **Whether the volume of gasoline and other motor fuels sold and the number of vehicles serviced each month has increased or decreased during the 24 month period immediately preceding the conditional use authorization.**

The volume of gasoline sold and the number of vehicles serviced has decreased during the 24 months preceding the filing of the application.

- (4) **The accessibility of comparable automotive goods and services offered by other gasoline service stations and repair garages which serve the same geographic area and population segments (e.g., neighborhood residents, in-town our out-of-town commuters, tourists) as the service station sought to be converted.**

*The accessibility of goods and services offered by other gasoline service stations in the same geographic area is excellent. There are at least 10 gasoline stations within one mile from the Project Site, and an additional 12 gasoline stations within two miles from the Project Site. A map showing the locations of the nearby gasoline stations is attached as **Exhibit B**. A 24-hour Chevron station (with a repair garage) is located directly across the street from the Project Site, and a 24-hour Shell station (with a repair garage) is located two blocks down Market Street from the Project Site.*

(d) In making determinations under Subsection (b), the Planning Commission shall consider the following factors:

- (1) **If the proposed use is a residential use, the total number of units to be provided and the number of those units that are affordable units.**

The Project will make a significant contribution to the City's housing supply by providing up to 24 residential dwelling units. The Project will contribute to the City's affordable housing supply by providing 3 affordable onsite units.

- (2) **If the proposed new use is a commercial use, the types of goods and services to be offered and the availability of comparable products and services in the vicinity.**

The Project includes approximately 3,000 square feet of ground floor commercial/retail space. The types of goods and services to be offered by the retail/commercial space will be determined at a later time.

- (3) **The relative environmental dangers posed by the current and proposed uses, including but not limited to the quality and the character of waste generated, noxious or offensive emissions, fire and explosion hazards and noise, and whether the service station conversion would facilitate the clean up of existing contamination at the property.**

There are no known environmental dangers posed by the proposed residential/commercial use. There is no hazardous waste generated by the gasoline station.

- (4) **The relative employment opportunities offered by the gasoline service station and the proposed new use.**

The gas station employs 3 people. The proposed new use will provide employment opportunities in its 3,000 square feet of ground floor commercial/retail space, most likely in excess of 3 people.

- (5) **The relative amount of taxes or other revenues to be received by the City or other governmental bodies from service station use and the proposed new use.**

The amount of taxes or other revenues to be received by the City from the gasoline station is approximately \$20,000 per year for property tax, \$24,000 for sales tax, and \$1,900 for licenses. The City and County of San Francisco will receive substantially more property tax revenue from the Project, which will include up to 24 residential dwelling units, as well as sales tax revenue from retail sales.

- (6) **Whether the service station use and the proposed use are permitted principal uses, conditional use or non-conforming use.**

The gasoline station is a non-conforming use pursuant to Planning Code Section 721.57. Residential use and retail use are principally permitted uses in the Upper Market NCD pursuant to Planning Code Sections 721.90 and 721.40.

The proposed Project satisfies all criteria for conversion of a gasoline service station to other uses.

Commercial Space

Planning Code Section 721.21 allows retail and commercial space of 3,000 square feet and above with conditional use authorization. The proposed retail/commercial area is proposed to be 3,000 square feet. Therefore, a conditional use is required. Ground floor commercial space is encouraged in the Upper Market Neighborhood Commercial District, and will benefit the neighborhood and the pedestrian-oriented character of the district. Mixed-use buildings are encouraged in this district. Planning Code Section 721.21 provides:

“In order to maintain continuous retail frontage and preserve a balanced mix of commercial uses, ground story neighborhood-serving uses are encouraged.”

The Project will comply with Section 721.21 and create a continuous retail frontage in place of a blighted gas station.

F. COMPLIANCE WITH SECTION 121.2 CRITERIA

Pursuant to Planning Code Section 121.2, the proposed ground floor commercial use requires conditional use authorization by the Planning Commission for ground floor commercial space that is equal to or exceeds 3,000 square feet. The project is proposed to include 3,000 square feet for ground floor commercial space.

The Project Sponsor provides the following information relative to satisfaction of the criteria of Section 121.2 for commercial space that would equal or exceed 3,000 square feet:

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

The area is an active commercial district that contains adequate neighborhood-serving uses, and the proposal does not preclude any other neighborhood-serving uses.

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

Four hundred fifty square feet of the ground floor commercial space has been reserved for a community organization space for Castro/Eureka Valley Neighborhood Association, Duboce Triangle Neighborhood Association, Castro Area Planning and Action, and Castro/Upper Market Community Benefit District to be provided without rent. Therefore, the proposed commercial space will serve the community in a very tangible way. In addition, the Project Sponsor has added extensive streetscape improvements as requested by the neighborhood organizations. (See Letter to Planning Department attached as **Exhibit A**).

3. The building in which the use is to be located is designed in discreet elements with respect to the scale of development in the district.

The building has undergone approximately multiple years of review and comments by the Planning Department, UDAT, and more recently by four interested community groups: Castro/Eureka Valley Neighborhood Association, Duboce Triangle Neighborhood Association, Castro Area Planning and Action, and Castro/Upper Market Community Benefit District. The Planning Department has suggested changes that have been incorporated into the Project design, which, among other things, create discreet elements which respect the scale of development in the district. The community groups have been very helpful with the design review.

G. COMPLIANCE WITH SECTION 303(c) CRITERIA

Pursuant to Planning Code Section 303(c), the proposed conversion of the gas station requires that the Project satisfy the following conditional use criteria. The Project's 3,000 square feet of ground floor commercial space may also be subject to the same criteria. This section addresses both elements.

1. Desirability and Compatibility of Project.

Planning Code Section 303(c)(1) requires that facts be established which demonstrate the following:

That 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.

This Project Site, due to its location and size is well suited for this mixed-use, multi-unit residential and commercial development. The development plan is compatible with the scale and character of the surrounding area.

This Project provides the opportunity for a severely underutilized in-fill property surrounded by a concrete wall to be developed to include a community meeting space, ground floor commercial space, and housing to meet the growing needs of the City's residents.

Residential neighborhoods surrounding the Site are developed with multi-family housing. The surrounding property is zoned Upper Market NCD.

(a) The Project will create up to 24 new residential units and a community meeting space in an in-fill project within an established residential neighborhood, fulfilling zoning control standards and General Plan policies that all encourage provision of new housing;

(b) The Project will make a significant contribution to the City's housing supply, and will also contribute to the affordable housing supply by providing affordable units on-site;

- (c) The Project will aesthetically enhance the neighborhood;
- (d) The Project proposes a better use of the existing Project Site by replacing an unsightly gas station;
- (e) The design of the Project is compatible with the neighborhood character and will provide a significant number of quality residential units.

2. **Effect of Project on Health, Safety, Convenience or General Welfare.**

Planning Code section 303(c)(2) requires that facts be established which demonstrate the following:

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

- (a) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of the structure.
 - (b) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed offstreet parking and loading.
 - (c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor.
 - (d) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs.
- (a) The Nature of the Project Site is appropriate for the Project

The Project Site is well suited for multi-unit residential development. The design of the proposed Project is compatible with the scale and context of the surrounding neighborhood and the Upper Market zoning controls.

- (b) Traffic Patterns will not be Affected by the Project and Parking

The Project will provide 3 commercial spaces and 12 residential spaces. All of the parking spaces will be independently accessible and will be underground. Up to .50 parking spaces per unit are permitted as of right. Two commercial spaces are permitted as of right, and one additional space is permitted with a conditional use authorization.

(c) The Project will not Produce Noxious Emissions

The Project will consist of high quality residential units. The proposed uses will not generate any noxious or offensive emissions, noise, glare, dust or odors.

(d) Appropriate Treatment has been Given to Landscaping, Open Space, Parking, Loading, Service Areas and Lighting

The proposed Project is intended to produce an environment where residents can enjoy an attractive, safe and comfortable environment.

The Project will provide both private and common usable open space. Approximately 3,940 square feet of common open space will be provided and an additional 750 square feet of private open space will be provided with decks.

Lighting along the building façade and at the street level, and installation of street trees, will be consistent with the neighborhood character.

The Project proposes to the convert an existing gas station use and to more desirable housing. The Project appropriately locates housing in an established residential neighborhood and increases the City's supply of housing including affordable housing. The Project will create new affordable housing units within the Project itself. The Project's architectural design is compatible with the existing scale and character of the neighborhood.

The Project also promotes neighborhood-serving commercial activities by providing pedestrian-friendly ground commercial use. The Project is well designed and provides a quality living environment.

3. Compliance with the General Plan.

Planning Code Section 303(c)(3) requires that facts be established that demonstrate the following:

That 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 will comply with the Planning Code upon and will affirmatively promote, is consistent with, and will not adversely affect the General Plan, including among others, the following objectives and policies:

Housing Element Objectives and Policies

The objectives and policies of the Residence Element of the General Plan encourage the provision of new housing, the affordability of housing and a quality living environment.

Housing Supply

- Objective 1. 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 1.2. Encourage housing development, particularly affordable housing, in neighborhood commercial areas without displacing existing jobs, particularly blue-collar jobs or discouraging new employment opportunities.
- Policy 1.4. Locate in-fill housing on appropriate sites in established residential neighborhoods.
- Policy 1.7. Encourage and support the construction of quality new housing.

Housing Density, Design and Quality of Life

- Objective 11. In increasing the supply of housing, pursue place making and neighborhood building principles and practices to maintain San Francisco's desirable urban fabric and enhance livability in all neighborhoods.
- Policy 11.1. Use new housing development as a means to enhance neighborhood vitality and diversity.
- Policy 11.2. Ensure housing is provided with adequate public improvements, services, and amenities.
- Policy 11.5. Promote the construction of well-designed housing that enhances existing neighborhood character.
- Policy 11.8. Strongly encourage housing project sponsors to take full advantage of allowable building densities in their housing developments while remaining consistent with neighborhood character.

The Project facilitates the conversion of a gas station use in an established neighborhood to more desirable residential use and commercial use. The Project appropriately locates housing units at a site zoned for residential use and increases the supply of housing. The Project's architectural design is compatible with the existing scale and character of the neighborhood.

The Project will contribute to the City’s affordable housing supply by creating new affordable housing units on site.

- (a) The Project will create up to 24 new housing units in an in-fill project within an established urban area, fulfilling existing zoning control standards, and General Plan policies that encourage provision of new housing;
- (b) The Project will add to the City’s housing supply, and will also contribute to the affordable housing supply by providing affordable units on-site;
- (c) The approximately 3,000 square feet of new commercial space will provide services to the immediate neighborhood, and will create pedestrian oriented, active uses on the street frontage;
- (d) The Project will aesthetically enhance the neighborhood; and
- (e) The design of the Project is compatible with the neighborhood character.

Commerce and Industry Element Objectives and Policies

Objective 6. Maintain and strengthen viable neighborhood commercial areas easily accessible to City residents.

Policy 6.9. Regulate uses so that traffic impacts and parking problems are minimized.

The Project redevelops the Project Site with housing and ground floor commercial space. The Project is consistent with the objectives of the zoning district by proposing ground floor retail use and 24 housing units. The Project’s ground floor commercial component will help the City maintain a viable neighborhood-commercial area that is accessible to City residents. The Project minimizes parking problems by providing 12 independent residential parking spaces and 3 commercial parking spaces.

Urban Design Element Objectives and Policies

The Project promotes the Urban Design Element’s objectives and policies as follows:

City Pattern

Objective 1. Emphasis of the characteristic pattern, which gives to the City and its neighborhoods an image, a sense of purpose and a means of orientation.

Policy 1.2. Protect and reinforce the existing street pattern, especially as it is related to topography.

Policy 1.3. Recognize that buildings, when seen together, produce a total effect that characterizes the City and its districts.

The Project will enhance the District by reinforcing the urban nature of the street pattern. The Project will result in a better utilization of the Project Site than that of the existing gas station. The Project Site is located in an established residential neighborhood.

Neighborhood Environment

Objective 4. Improvement of the neighborhood environment to increase personal safety, comfort, pride and opportunity.

Policy 4.12. Install, promote and maintain landscaping in public and private areas.

The Project will improve the neighborhood safety by providing ground floor commercial/retail uses with pedestrian level interest and increasing pedestrians in the neighborhood.

H. MASTER PLAN PRIORITY POLICIES

Code Section 101.1 establishes the following eight priority planning policies and requires review of permits for consistency with said policies. The Project and this Conditional Use application are consistent with each of the policies as follows:

1. That Existing Neighborhood-Serving Retail Uses Be Preserved and Enhanced and Future Opportunities for Resident Employment in and Ownership of Such Businesses Enhanced

The Project will provide approximately 3,000 square feet of commercial/retail space on the ground floor, and thus will provide new employment and ownership opportunities.

2. That Existing Housing And Neighborhood Character Be Conserved And Protected In Order To Preserve The Cultural And Economic Diversity Of Our Neighborhoods

The Project Site is located within Upper Market Neighborhood Commercial District which is a mixed-use area consisting of residential and commercial uses. The Project will contribute to the neighborhood character and preserve and enhance the cultural and economic diversity of the neighborhood. The Project is compatible with the scale and design of the neighborhood within which the Project Site is located.

3. That the City's Supply Of Affordable Housing Be Preserved And Enhanced

The Project will further this priority policy by creating **three affordable housing units onsite.**

4. That Commuter Traffic Not Impede MUNI Transit Service Or Overburden Our Streets or Neighborhood Parking

This is primarily a residential Project, and will therefore not create significant new commuter traffic that could overburden local streets or neighborhood parking. Residential projects do not create jobs, and therefore do not generate commuter traffic. To the contrary, the housing created by the Project will be in close proximity to downtown near many jobs, and is conveniently located along a major public transit thoroughfare on Market Street. Because of the proximity of the Project to various transit hubs, it is anticipated that the Project will generate *less traffic* than a similar residential building located elsewhere.

5. 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 contribute to a diverse economic base by providing a significant number of new residential dwelling units in San Francisco. By contributing to the City's housing supply, the Project will further help San Francisco increase housing opportunities for resident workers, and thereby maintain a diverse economic base.

6. That The City Achieve the Greatest Possible Preparedness to Protect Against Injury And Loss of Life in an Earthquake

The Project will conform to the structural and seismic requirements of the San Francisco Building Code.

7. That Landmarks And Historic Buildings Be Preserved

This policy does not apply, since the Project Site is not located in a historic district or conservation district, and does not contain any landmark or historic buildings.

8. That Our Parks And Open Space And Their Access To Sunlight And Vistas Be Protected From Development

The Project will not impact parks, open space, or their access to sunlight or vistas.

I. CONCLUSION

The Project satisfies all of the criteria for conversion of a gas station site. The Project will provide up to 24 units of much needed housing for San Francisco. The proposal will be a positive addition to the neighborhood, contributing a 450-square-foot rent-free community space as requested by Castro/Eureka Valley Neighborhood Association, Duboce Triangle Neighborhood Association, Castro Area Planning and Action, and Castro/Upper Market Community Benefit District. The Project complies with the criteria for conversion of the

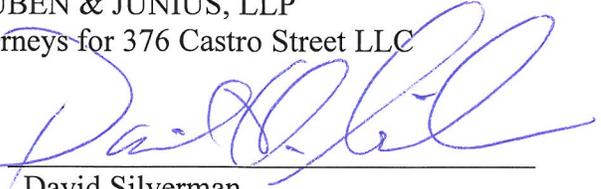
gasoline station Site as the Site is located in close proximity to other gasoline service stations, and the proposed project is more desirable and beneficial than the gasoline station, for all of the reasons set forth above. The Project will provide three onsite affordable housing units.

The Project will give character and interest to a site that is currently underutilized. This in-fill housing and retail project fits very well with the neighborhood, and enjoys strong neighborhood support due to its provision of a rent-free onsite community space, extensive streetscape improvements, and other community benefits.

Respectfully,

REUBEN & JUNIUS, LLP
Attorneys for 376 Castro Street LLC

By:


David Silverman

Dated: July 11, 2012

LIST OF EXHIBITS

- Exhibit A – Letter from Project Sponsor to Planning Department
regarding Streetscape Improvements
- Exhibit B – Map of Nearby Gas Stations

EXHIBIT A

June 22, 2012

Planning Commission
c/o City of San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: 376 Castro Street (Case No. 2004.0976). Agreement for Streetscape Improvements

Dear Commissioners:

We have reached agreement with community organizations regarding streetscape improvements that we will provide as part of our 376 Castro Street project and which we agree to have incorporated into the project's conditions of approval which are before the Commission for adoption.

To be specific, we will provide streetscape improvements in the immediate vicinity of the project to be agreed upon with Eureka Valley Neighborhood Association, Duboce Triangle Neighborhood Association, Castro Area Planning & Action and the Castro/Upper Market Community Benefit District, then coordinated with the Planning Department and the Department of Public Works for implementation. Streetscape improvements will be above and beyond what is otherwise standard required by the city as part of the project approval, i.e., trees, trash receptacles, etc. and replacement of the brick paving.

Added streetscape community benefits may include but are not limited to:

- A. An irrigated landscaped area with trees and planters or perhaps A. raised planters to create a seating area;
- B. Public seating for reading or just sitting out, either integrated with raised planters as noted above, or separate seating as appropriate to the site plan; this should be a discrete area a little less open and public than Jane Warner Plaza to create an additional inviting neighborhood gathering space in the public realm;
- C. Public art appropriate to the neighborhood and site, perhaps integrated with the water feature;
- D. Ideally an artistic "Way Finder" that will provide neighborhood specific and city wide directional signage. Specific items listed to be determined between project sponsors and appellants should include: GLBT History Museum, Harvey Milk Camera Shop, Golden Gate Bridge, Golden Gate Park, Haight, Mission Dolores, Union Square, Ferry Building, Twin Peaks, etc.

We are committed to continuing our collaboration with community stakeholders to work on detailed planning and implementation of these streetscape improvements, and appreciate the Planning Commission's and Planning Department's coordination on this to maximize the success of the 376 Castro Street project.

Should you have any questions regarding this letter of commitment, please do not hesitate to contact me directly at (415) 665-9169

Sincerely,



Joe Tierney, 376 Castro Street, LLC
Managing Member

Cc: John Rahaim, Planning Director
Scott Weiner, Supervisor District 8
Sharon Lai, Planning Department case planner
Alan Beach, Eureka Valley Neighborhood Association
Pat Tura, Duboce Triangle Neighborhood Association
Joe Curtin, Castro Area Planning & Action
Andrea Aiello, Castro/Upper Market Community Benefits District

EXHIBIT B



376 CASTRO AT MARKET STREET SAN FRANCISCO, CA



**EXISTING SITE CONDITIONS
VIEW FROM MARKET STREET**



**EXISTING SITE CONDITIONS
VIEW FROM CASTRO ST.**



STERNBERG
BENJAMIN
ARCHITECTS

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SAN FRANCISCO CA 94103
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376 CASTRO AT MARKET STREET SAN FRANCISCO, CA



**VIEW SOUTH LOOKING DOWN CASTRO ST.
FROM MARKET ST.**



**VIEW OF NORTH-EAST CORNER
OF CASTRO & MARKET STREETS**



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376 CASTRO AT MARKET STREET SAN FRANCISCO, CA



**VIEW NORTH LOOKING UP CASTRO ST.
FROM MARKET ST.(SUBJECT SITE ON LEFT)**



**VIEW SOUTH-EAST LOOKING DOWN 17TH STREET
FROM MARKET ST.**



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GENERAL CONDITIONS

- CONTRACTORS RESPONSIBILITIES:**
- 1.CONTRACTOR TO PROVIDE ALL WORK AND MATERIALS IN ACCORDANCE WITH THE 2007 CBC AS AMENDED BY ALL STATE AND LOCAL CODES, AND CALIFORNIA ADMINISTRATIVE CODE, TITLE 24, DISABLED ACCESS COMPLIANCE REGULATIONS.
 - 2.CONTRACTOR SHALL MAKE SITE INSPECTIONS AND BE RESPONSIBLE FOR ALL NEW AND DEMOLITION WORK, WHETHER DETAILED BY THE SPECIFICATIONS AND DRAWINGS, OR IMPLIED BY EXISTING CONDITIONS.
 - 3.ANY DISCREPANCIES IN THE CONSTRUCTION DOCUMENTS, AS CONFLICTS WITH ACTUAL SITE CONDITIONS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
 - 4.CONTRACTOR SHALL PROVIDE ALL TEMPORARY SHORING & UNDERPINNING AS NECESSARY; WORK TO BE PERFORMED UNDER SEPARATE PERMIT.
 - 5.CONTRACTOR SHALL BE RESPONSIBLE TO COORDINATE AND PROVIDE ALL NECESSARY TEMPORARY UTILITY HOOK-UPS FOR ALL EQUIPMENT DURING CONSTRUCTION.
 - 6.CONTRACTOR SHALL BE RESPONSIBLE FOR DISCONNECTION / CAPPING OFF OF ALL EXISTING UTILITIES AND RE-CONNECTION WHERE RE-USE IS POSSIBLE.
 - 7.CONFIRM ALL WINDOW SIZES WITH ACTUAL / EXISTING ROUGH OPENING DIMENSIONS PRIOR TO ORDERING WINDOWS.
 - 8.SLOPE ALL FLOORS / ROOFS TO DRAIN A MINIMUM OF 1/4" PER 1'-0", UNLESS SPECIFICALLY NOTED OTHERWISE.
 9. CONTRACTOR IS RESPONSIBLE TO PROCURE STATE INDUSTRIAL SAFETY PERMIT FOR ANY WORK OVER 36' IN HEIGHT, INVOLVING EXCAVATION OVER 5' & AS OTHERWISE REQUIRED.

- DRAWINGS:**
- 1.DO NOT SCALE DRAWINGS! ALL WRITTEN DIMENSIONS SUPERSEDE SCALED DIMENSIONS.
 - 2.ALL DIMENSIONS ARE TO "FACE OF STUD" UNLESS SPECIFICALLY NOTED OTHERWISE. EXISTING DIMENSIONS DENOTED BY "EX" ARE TO "FACE OF EXISTING FINISH" UNLESS SPECIFICALLY NOTED OTHERWISE. ALL EXISTING DIMENSIONS SHALL BE FIELD VERIFIED PRIOR TO PROCEEDING WITH THE WORK.
 - 3.LARGE SCALE DRAWINGS TAKE PRECEDENCE OVER SMALL SCALE DRAWINGS. WRITTEN SPECIFICATIONS TAKE PRECEDENCE OVER ALL DRAWINGS.
 - 4.REFER TO EXTERIOR ELEVATIONS FOR INDICATIONS OF WINDOW OPERATION AND HANDING.

ASSEMBLIES:
(SEE COVER SHEET LEGEND FOR RATED WALL DESIGNATIONS AND OTHER WALL TYPES)

- 1.PROVIDE MINIMUM 1-HOUR WALL AND FLOOR / CEILING ASSEMBLY BETWEEN ALL RESIDENTIAL UNITS. SEE PLANS AND BUILDING SECTIONS FOR DESIGNATIONS; AND STANDARD DETAILS FOR COMPLETE ASSEMBLY DESCRIPTIONS.
- 2.PROVIDE MINIMUM 50 STC AND IIC REQUIREMENT AT ALL UNITS AT FLOORS,CEILINGS, AND WALLS. SEE PLANS AND BUILDING SECTIONS FOR DESIGNATIONS; AND STANDARD DETAILS FOR ASSEMBLY DESCRIPTIONS.
- 3.INSULATE ALL ASSEMBLIES BETWEEN HEATED AND UNHEATED AREAS: R-30 AT ROOFS, R-13 AT WALLS, R-19 AT FLOORS; MINIMUM, UNLESS SPECIFICALLY NOTED OTHERWISE. SEE TITLE 24, ENERGY COMPLIANCE STATEMENT MANDATORY MEASURES CHECKLIST FOR SPECIFIC REQUIREMENTS.
- 4.PROVIDE VENTILATION OF ALL JOIST, STUD AND RAFTER SPACES ENCLOSED BY BUILDING ASSEMBLIES BETWEEN HEATED AND UNHEATED AREAS INCLUDING:ATTICS, BASEMENTS, ROOFS, SOFFITS, PARAPET AND RAILING WALLS, ETC.
- 5.ALL DOORS BETWEEN HEATED AND UNHEATED AREAS SHALL BE PROVIDED WITH WEATHER-STRIPPING AND THRESHOLDS.
- 6.ALL PROPERTY LINE WINDOWS (INDICATED ON DRAWINGS BY " ") SHALL BE STEEL SASH WITH FIXED WIRE GLASS, WITH SPRINKLER HEAD PROTECTION PER S.F. BUILDING CODE SECTION 503.5.
- 7.PROVIDE MOISTURE RESISTANT GYPSUM WALL BOARD (MR GWB) ON ALL BATHROOM WALLS. DO NOT USE A CONTINUOUS VAPOR BARRIER BEHIND MR GWB. PROVIDE 30 POUND ROOFING FELT BEHIND FINISH SURFACE OF ALL TUB / SHOWER SURROUNDS; LAPPING ALL SEAMS. DO NOT USE MR GWB ON BATHROOM CEILINGS; USE 5/8" TYPE "X" GWB.

- MECHANICAL AND ELECTRICAL:**
1. MECHANICAL AND ELECTRICAL WORK SHOWN ON DRAWINGS IS SCHEMATIC IN NATURE; CONTRACTOR TO CONFIRM FINAL LAYOUT WITH ARCHITECT, PRIOR TO PROCEEDING WITH THE WORK.
 2. ALL WORK TO BE PERFORMED UNDER SEPARATE PERMIT.
 3. PARKING GARAGE(S), CORRIDORS AND STAIRS SHALL BE VENTILATED AS REQUIRED PER CODE.
 4. PROVIDE EMERGENCY / EXIT LIGHTING AT ALL EXIT PATHS OF TRAVEL AS REQUIRED PER CODE.
 5. ALL INTERIOR COMMON AREA LIGHT FIXTURES, ETC. SHALL BE PROVIDED WITH SWITCHING VIA CENTRAL PHOTO-ELECTRIC SENSOR WITH TIMER CLOCK SWITCH OVERRIDE, UNLESS OTHERWISE SPECIFIED.
 6. PARKING GARAGE(S) AND ALL OTHER COMMON AREAS, NOT SERVED BY DAY LIGHTING WINDOWS, SHALL BE PROVIDED WITH ELECTRIC LIGHTING 24 HOURS PER DAY, UNLESS SPECIFICALLY NOTED OTHERWISE.
 7. STAGGER ALL ELECTRICAL AND MECHANICAL ITEMS IN ALL DEMISING WALLS AND FLOORS BETWEEN UNITS TO MAINTAIN ASSEMBLY'S ACOUSTICAL RATINGS. SEE SPECIFICATIONS AND DETAILS FOR SPECIFIC REQUIREMENTS.
 8. ALL ELECTRICAL RECEPTACLES IN DAMP LOCATIONS TO BE GROUND FAUL INTERRUPTER (GFI) AS REQUIRED PER CODE.

- WATERPROOFING:**
- 1.ALL SHEET METAL WORK TO BE IN ACCORDANCE WITH CURRENT EDITION OF S.M.A.C.N.A. STANDARDS.
 - 2.PROVIDE GALVANIZED SHEET METAL FLASHING AT ALL WINDOW AND DOOR HEADS: INSTALL UNDER EXTERIOR SIDING OR CEMENT PLASTER AND BUILDING PAPER, AND OVER HEAD FRAME OF ALL NEW DOORS AND WINDOWS. PROVIDE ADDITIONAL FLASHING MEMBRANE PER STANDARD WINDOW FLASHING DETAIL (SEE DETAIL SHEETS) AROUND ALL WINDOW AND DOOR OPENINGS.
 - 3.PROVIDE GALVANIZED SHEET METAL FLASHING AT ALL ROOF CONDITIONS INCLUDING BUT NOT LIMITED TO: PERIMETER EDGES, VALLEYS, PARAPET CAPS, WALL / ROOF INTERSECTIONS, ROOF PENETRATIONS, ETC. SEE DETAIL SHEETS FOR SPECIFIC REQUIREMENTS.
 - 4.ALL NEW EXTERIOR FINISHES TO BE INSTALLED OVER A MINIMUM MOISTURE BARRIER OF TWO LAYERS OF 15 POUND (GRADE D) BUILDING PAPER.

DPW STREET IMPROVEMENT NOTES

DPW / BSM SITE MEETING REQUIRED: CALL 415-554-7149 TO ARRANGE APPOINTMENT WITH INSPECTOR.

OFFICIAL SIDEWALK SLOPE IS 1/5" PER FOOT RISE FROM CURB GRADE TO PROPERTY LINE. ALL ENTRANCES, BOTH PEDESTRIAN AND VEHICULAR, SHALL MEET SIDEWALK GRADE. ALL RAMPING SHALL BE INSIDE OF PROPERTY LINE. DRIVEWAYS AND SIDEWALKS MUST CONFORM TO CITY REQUIREMENTS. FOR FURTHER INFORMATION CALL BUREAU OF STREET USE & MAPPING @ 415-554-6060.

ALL ENCROACHMENTS INTO OFFICIAL STREET OR SIDEWALK AREAS MUST BE GRANTED IN WRITING BY THE DIRECTOR OF PUBLIC WORKS OR BY RESOLUTION OF THE BOARD OF SUPERVISORS. ALL RAMPING TO BE INSIDE PROPERTY LINE.

SEPARATE PERMIT REQUIRED FROM BUREAU OF STREET USE & MAPPING FOR POTTED PLANTS & STREET TREES IN SIDEWALK AREAS. FOR FURTHER INFORMATION CALL 415-554-6700.

DPW / BSM SIGN-OFF REQUIRED ON JOB CARD PRIOR TO DBI FINAL.

ALL WORK IS SUBJECT TO THE CONDITIONS NOTED ON PENDING DPW STREET IMPROVEMENT PERMIT (WHERE APPLICABLE).

BUILDING DEPARTMENT NOTES

FIRE DEPARTMENT NOTES:

Sprinkler system required to meet NFPA 13 2007 Edition: Light hazard- This is a Residential Building. Note: Sewer connections to Fire Sprinkler Drains are not permitted in an enclosed stairway. Fire Alarm to meet section 310.10 CBC and be monitored to Central Station over 100 heads. System to be UL certified.

A Standpipe System is required through out per NFPA 13, provide outlet in each stairwell at each level.

Fire Extinguishers, of 2A10BC rating, to be provided on each level with a maximum of 75 feet travel distance form the extinguisher. Plans and Installations to meet NFPA 13 as above and San Francisco Fire Department Administrative Bulletins. Separate electrical and plumbing permits are required.

This building is R-2 Residential building over a S-2 Parking Garage. Provide a lock box per Fire Department District Inspector.

Firestop / Fireblocking in TJI requirement - NFPA 13, 2007, 8.14.1.2

Low level exit signs required with general exit signs.



PLANNING DEPARTMENT NOTES

PROJECT LOCATION: 376 CASTRO STREET, BLOCK 2623, LOT 006, SAN FRANCISCO, CA.

ZONING DISTRICT: UPPER MARKET NCD - NEIGHBORHOOD COMMERCIAL DISTRICT SEC - 721. RETAIL USE OF 3,000 S.F. OR MORE REQUIRE A CONDITIONAL USE. DEVELOPMENTS ON LOT SIZES OF 10,000 S.F. AND MORE SHALL ALSO REQUIRE A CONDITIONAL USE.

DWELLING UNIT DENSITY: 1 UNIT PER 400 SF OF LOT = 9,748 / 400 = 24.37 UNITS (NC DISTRICTS ARE PERMITTED TO ROUND UP).

PROPOSED BUILDING USE: 24 UNIT RESIDENTIAL BUILDING OVER GARAGE, COMMERCIAL, RESIDENTIAL ENTRY AND UTILITY ROOMS.

BUILDING HEIGHT LIMIT: 65-B - BULK LIMIT - ABOVE 50' MAX LENGTH 110' / MAX DIAGONAL 125'. THE PROPOSED BUILDING HEIGHT SHALL BE 65'-0" MEASURED AT CASTRO STREET FRONTAGE FROM CURB AT CENTERLINE OF BUILDING TO ROOF OF BUILDING.

USABLE OPEN SPACE: MINIMUM 60 S.F. OF PRIVATE USABLE OUTDOOR OPEN SPACE, OR 80 S.F. OF COMMON USABLE OUTDOOR OPEN SPACE REQUIRED PER UNIT, WITH A MINIMUM DIMENSION OF 6' REQUIRED FOR PRIVATE AND 15' FOR COMMON. 24 X 80 = 1920 SQ.FT. REQUIRED. 1925 SQ.FT. COMMON TERRACE PROVIDED. IT IS LOCATED AT THE FIRST RESIDENTIAL FLOOR.

REAR YARD SET-BACK: REQUIRED AT GRADE AND ABOVE AT ALL RESIDENTIAL LEVELS. 25% OF LOT AREA = 2,437 S.F. REQUIRED. 2,510 S.F. PROVIDED AT FIRST RESIDENTIAL FLOOR. VARIANCE IS REQUESTED DUE TO TOPGORGAPHY OF ADJOINING PROPERTIES.

FRONT SET-BACK: NONE REQUIRED.

SIDE SET-BACK: NOT REQUIRED IN UPPER MARKET NCD ZONE.

FLOOR AREA RATIO (F.A.R.): FAR IS NOT REQUIRED FOR RESIDENTIAL IN UPPER MARKET NCD ZONE.

AUTO PARKING : UP TO .5 PARKING SPACE PER RESIDENTIAL UNIT PERMITTED. 12 PARKING SPACES PROVIDED. 1 PARKING SPACE PER 1,500 SQ.FT. OF RETAIL PERMITTED. 2 PROVIDED. 14 TOTAL PARKING SPACES PROVIDED. 1 ADA VAN ACCESSIBLE.

BICYCLE PARKING REQUIRED: ONE CLASS 1 PARKING SPACE REQUIRED PER 2 RESIDENTIAL UNITS. = 12 BICYCLE SPACES REQUIRED. 12 CLASS 1 BICYCLE PARKING SPACES PROVIDED.

SCOPE OF WORK

CONSTRUCTION OF NEW SIX STORY OVER BASEMENT, TWENTY FOUR (24) UNIT, RESIDENTIAL OVER COMMERCIAL AND AUTO PARKING BUILDING. TYPE I-A BUILDING. THE BUILDING SHALL CONTAIN A PARKING GARAGE, COMMERCIAL, RESIDENTIAL ENTRY AND UTILITY ROOMS, AND RESIDENTIAL UNITS ON FLOORS ABOVE THE GROUND FLOOR.

DIRECTORY:

- | | |
|---|---|
| OWNER
376 CASTRO STREET LLC
376 CASTRO STREET
SAN FRANCISCO, CA | STRUCTURAL ENGINEER
NAME: |
| ARCHITECT
STERNBERG BENJAMIN ARCHITECTS INC.
1331 HARRISON STREET
SAN FRANCISCO, CA 94103
415.882.9783 | CIVIL ENGINEER
TRANSAMERICAN ENGINEERS
1390 MARKET STREET, #201
SAN FRANCISCO, CA 94102
415.553.4092 |

DRAWING INDEX	
TS.00	COVER SHEET/ DRAWING INDEX
A 2.01	BASEMENT / RETAIL
A 2.02	GROUND FLOOR / RESIDENTIAL PARKING / COMMUNITY ROOM
A 2.03	FIRST FLOOR RESIDENTIAL PLAN
A 2.04	SECOND & THIRD RESIDENTIAL FLOOR PLAN
A 2.05	FOURTH RESIDENTIAL FLOOR PLAN
A 2.06	FIFTH RESIDENTIAL FLOOR PLAN
A2.07	ROOF PLAN & SITE PLAN
A 3.01	CASTRO AND MARKET STREET ELEVATIONS
A 3.02	NORTH & WEST REAR ELVEATIONS
A 3.03	PROPERTY LINE ELEVATIONS
A 4.01	BUILDING CROSS SECTION

LEGEND

- | | |
|--|---|
| § ONE-WAY SWITCH | ○ FLOURESCENT LIGHT FIXTURE |
| § TWO-WAY SWITCH | ○ INCANDESCENT TRACK LIGHT FIXTURE |
| § DIMMER SWITCH | ○ HALOGEN TRACK LIGHT FIXTURE |
| § 24 HOUR TIMERSWITCH | T.V. OUTLET; VIACOM COMPATIBLE CABLE |
| § DUPLEX RECEPTACLE | INTERCOM |
| 240: 220/240 VOLT WP: WATERPROOF CA: ABOVE COUNTER | SMOKE / CARBON MONOXIDE DETECTOR (AC POWERED W/ BATTERY BACK-UP U.O.N.) |
| ○ FLOOR DUPLEX RECEPT. W/ REMOVABLE FLUSH COVER FOURPLEX RECEPT. | THERMOSTAT |
| ○ DIRECT CONNECTION RECEPTACLE | DOOR BELL |
| ○ RECEPTACLE STRIP (OUTLETS @ 6" O.C.) | LIGHTED EXIT SIGN W/ BATTERY BACK-UP SECURITY ALARM |
| RECESS MOUNTED ELEC. PANEL BOX | SECURITY ALARM PANEL BOX |
| TELEPHONE RECEPT. (W: WALL MTD.) | IN-SINK TRASH DISPOSAL EXHAUST FAN |
| ○ CEILING HEATER | GAS METER |
| ○ SURFACE-MOUNTED INCANDESCENT LIGHT FIXTURE AT WALL. PC=PULL CHAIN, LV=LOW VOLTAGE | ELECTRIC METER |
| ○ SURFACE-MOUNTED INCANDESCENT LIGHT FIXTURE AT CEILING. PC=PULL CHAIN, LV=LOW VOLTAGE | WATER CONNECTION AS REQUIRED |
| ○ SURFACE-MOUNTED COMPACT FLUORESCENT LIGHT FIXTURE AT WALL. LV=LOW VOLTAGE | HOSE BIB |
| ○ SURFACE-MOUNTED COMPACT FLUORESCENT LIGHT FIXTURE AT CEILING. LV=LOW VOLTAGE | GAS HOOK-UP |
| ○ RECESSED INCANDESCENT LIGHT FIXTURE AT CEILING. (H: HEAT LAMP LV: LOW VOLT.) | FLOOR SUPPLY |
| ○ RECESSED COMPACT FLUORESCENT LIGHT FIXTURE AT CEILING. | FLOOR RETURN |
| ○ UNDER CABINET FLUOR. LIGHT STRIP | CEILING SUPPLY |
| | CEILING RETURN |
| | WALL/TOE SPACE SUPPLY |
| | WALL/TOE SPACE RETURN |
| | ELECTRIC WALL HEATER |
| | FLOOR DRAIN |



LOCATION PLAN



1331 HARRISON STREET
SAN FRANCISCO, CA 94103
TEL:415.882.9783 FAX:415.882.9788

STERNBERG BENJAMIN ARCHITECTS

www.sternbergbenjamin.com

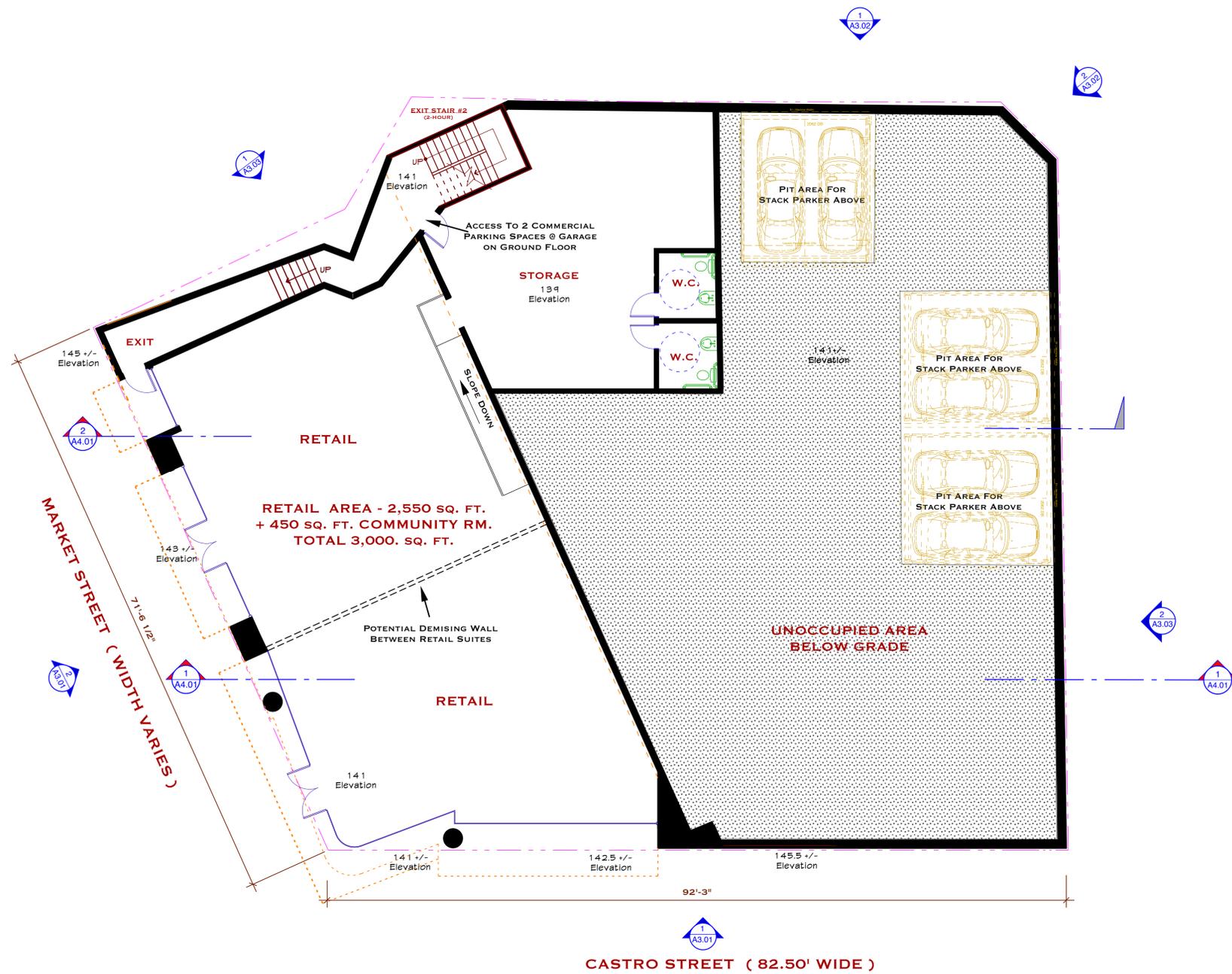
376 CASTRO ST
24 RESIDENTIAL UNITS
BLOCK 2623 LOT 6
SAN FRANCISCO, CA

TITLE SHEET

PLANNING 01.18.12 MPB
UDAT 01.18.11 MPB
EE SUBM. 11.30.05 NP
Rev./Issue. Date

REV./ISSUE. DATE
DATE: 02.01.12
SCALE: N.T.S.
DRAWN: M.P.B.
SHEET:

TS-00



BASEMENT FLOOR PLAN

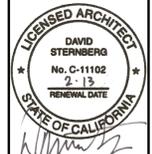
(RETAIL / COMMERCIAL)

1



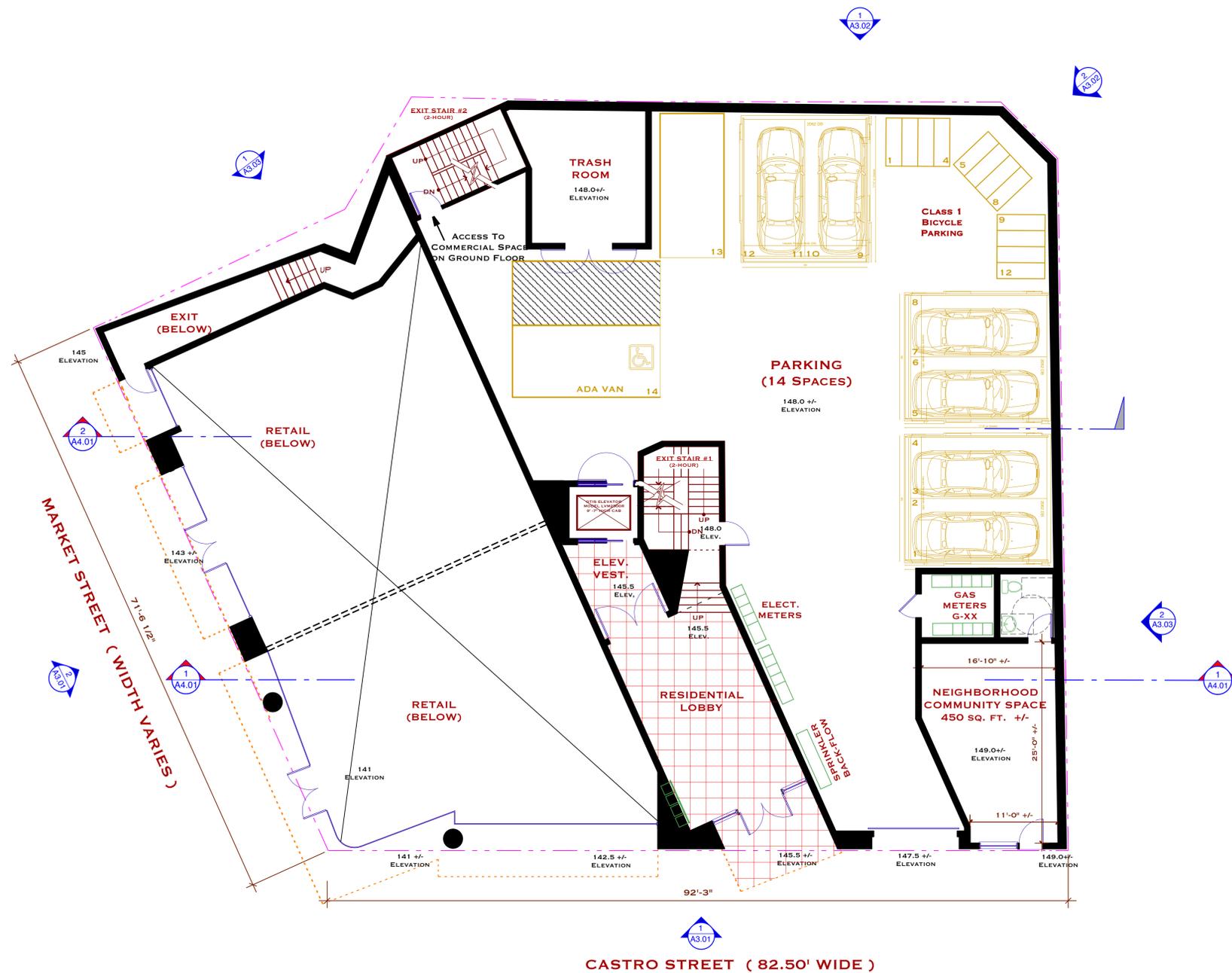
SCALE 1/8" = 1'-0"

PLANNING 03.25.12	MPB
PLANNING 01.18.12	MPB
UDAT 01.18.11	MPB
EE SUBM. 11.30.05	NP
Rev./Issue	Date



Date: 10.05.10
 Scale: 1/8"=1'-0"
 Drawn: MPB
 Sheet:

A2.01



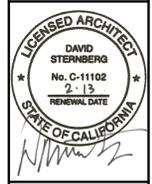
GROUND FLOOR PLAN

(RESIDENTIAL LOBBY & PARKING & COMMUNITY SPACE)

SCALE 1/8" = 1'-0"

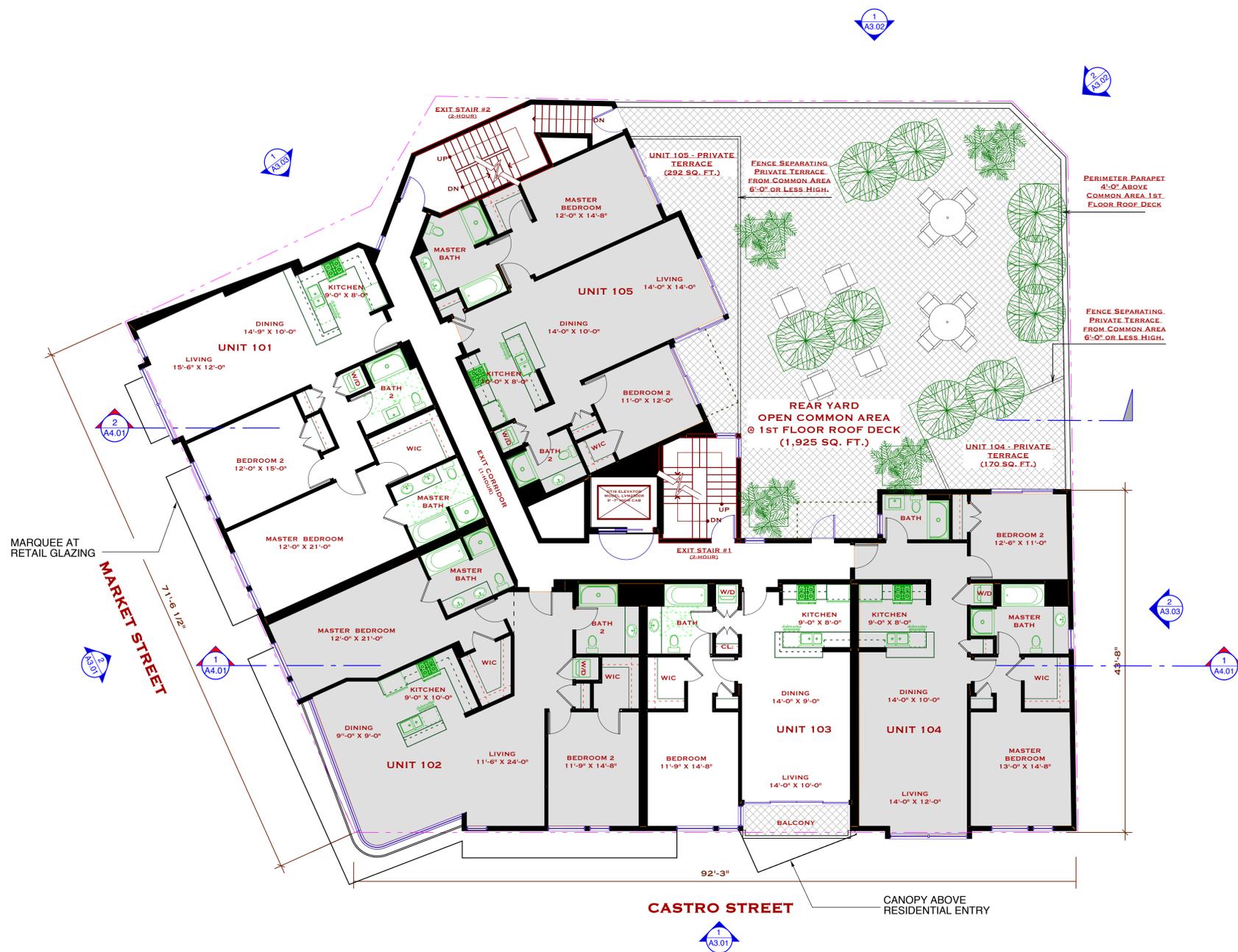


PLANNING 03.25.12	MPB
PLANNING 01.18.12	MPB
UDAT 01.18.11	MPB
EE SUBM. 11.30.05	NP
REV/ISSUE	DATE



DATE: 10.05.10
SCALE: 1/8" = 1'-0"
DRAWN: MPB

SHEET: A2.02

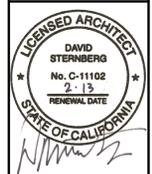


1ST RESIDENTIAL FLOOR PLAN



SCALE 1/8" = 1'-0"

PLANNING 03.25.12	MPB
PLANNING 01.18.12	MPB
UDAT 01.18.11	MPB
EE SUBM. 11.30.05	NP
Rev./Issue	Date



Date: 10.05.10
Scale: 1/8"=1'-0"
Drawn: MPB
Sheet:



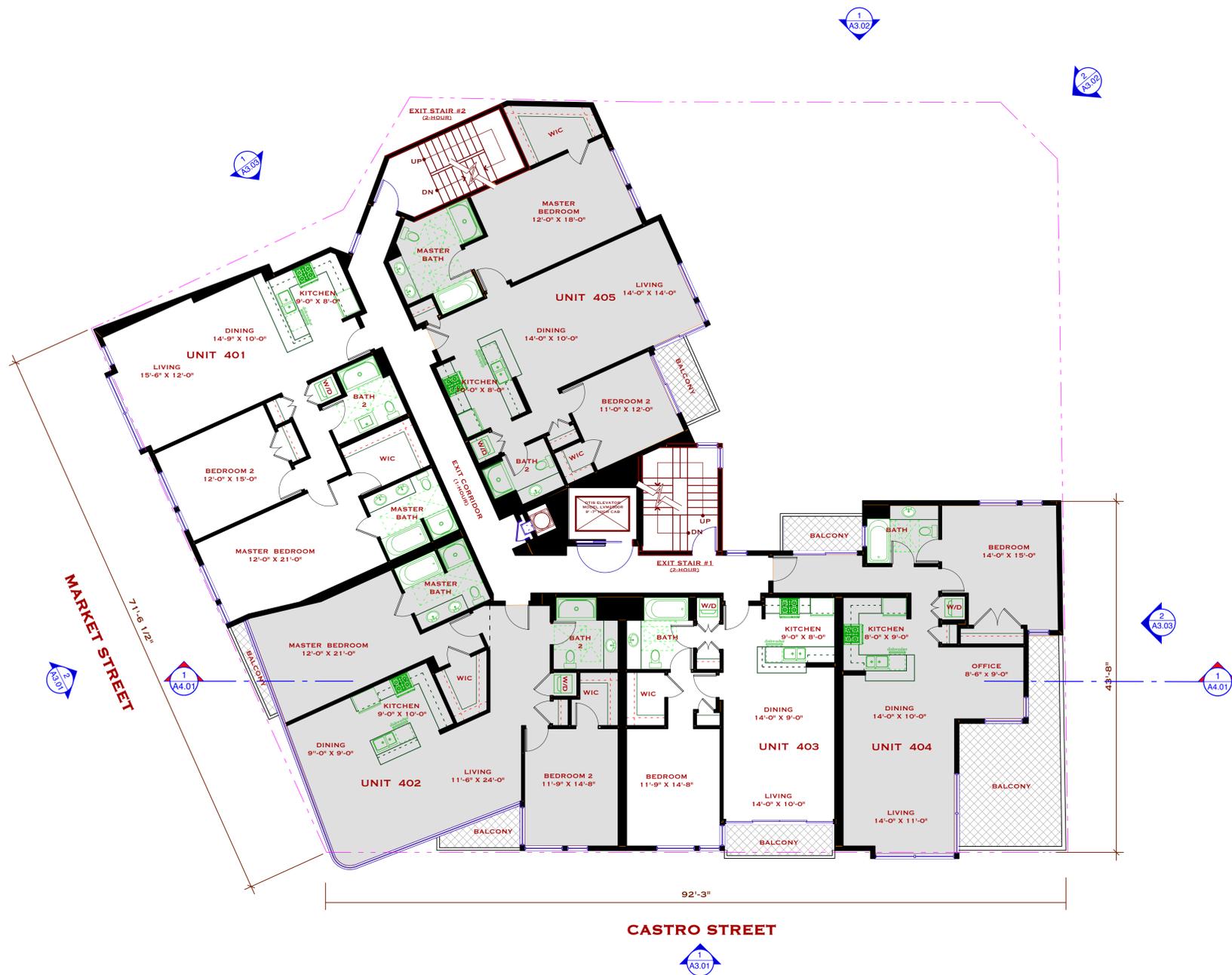
2ND & 3RD RESIDENTIAL FLOOR PLANS 1 NORTH

SCALE 1/8" = 1'-0"

PLANNING 03.25.12	MPB
PLANNING 01.18.12	MPB
UDAT 01.18.11	MPB
EE SUBM. 11.30.05	NP

Rev/Issue/Date

Date: 10.05.10
 Scale: 1/8"=1'-0"
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 Sheet:



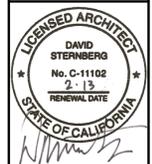
4TH RESIDENTIAL FLOOR PLAN

1



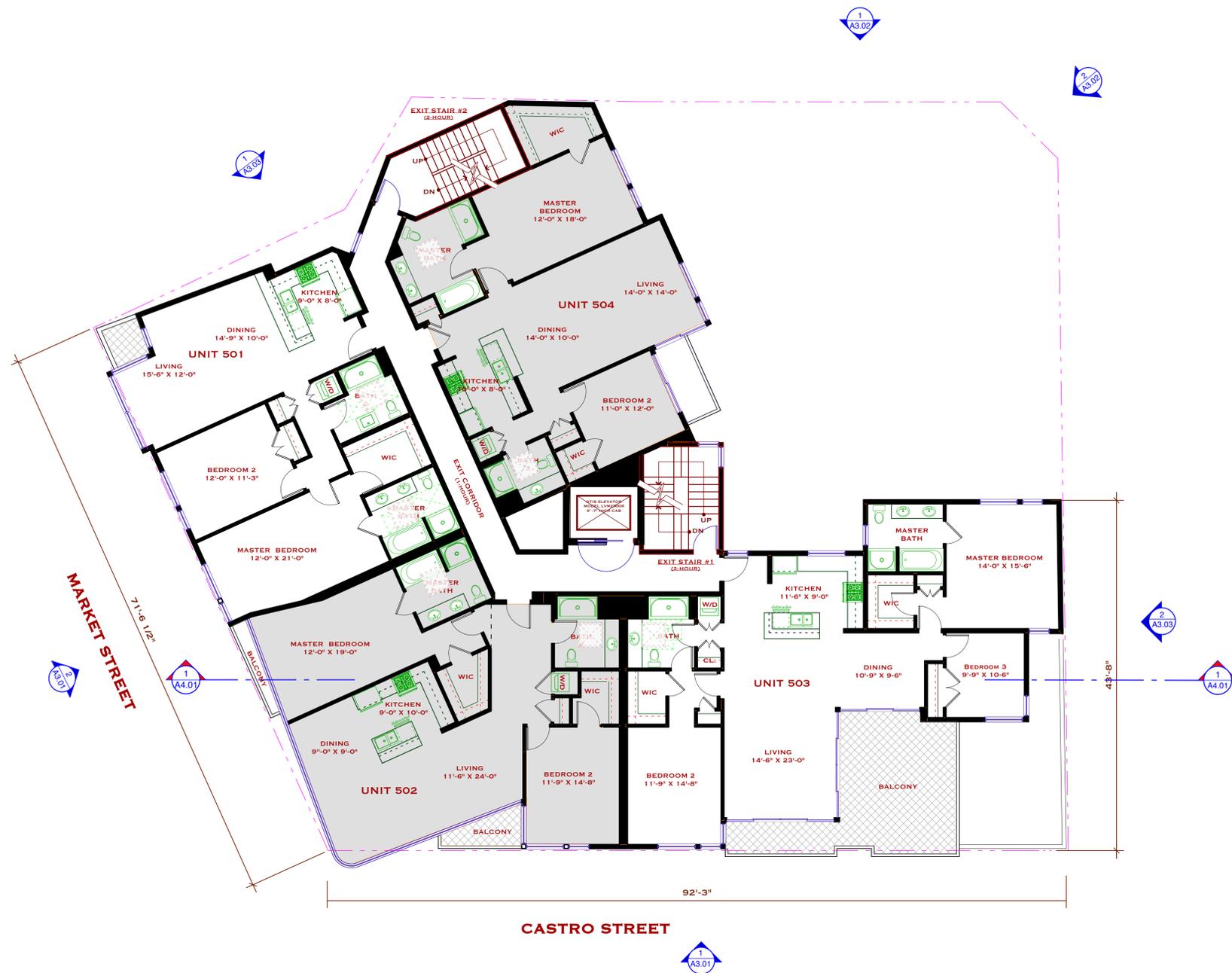
SCALE 1/8" = 1'-0"

PLANNING 03.25.12	MPB
PLANNING 01.18.12	MPB
UDAT 01.18.11	MPB
EE SUBM. 11.30.05	NP
Rev./Issue	Date



Date: 10.05.10
Scale: 1/8"=1'-0"
Drawn: MPB
Sheet:

A2.05



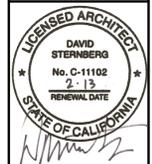
5TH RESIDENTIAL FLOOR PLAN



SCALE 1/8" = 1'-0"

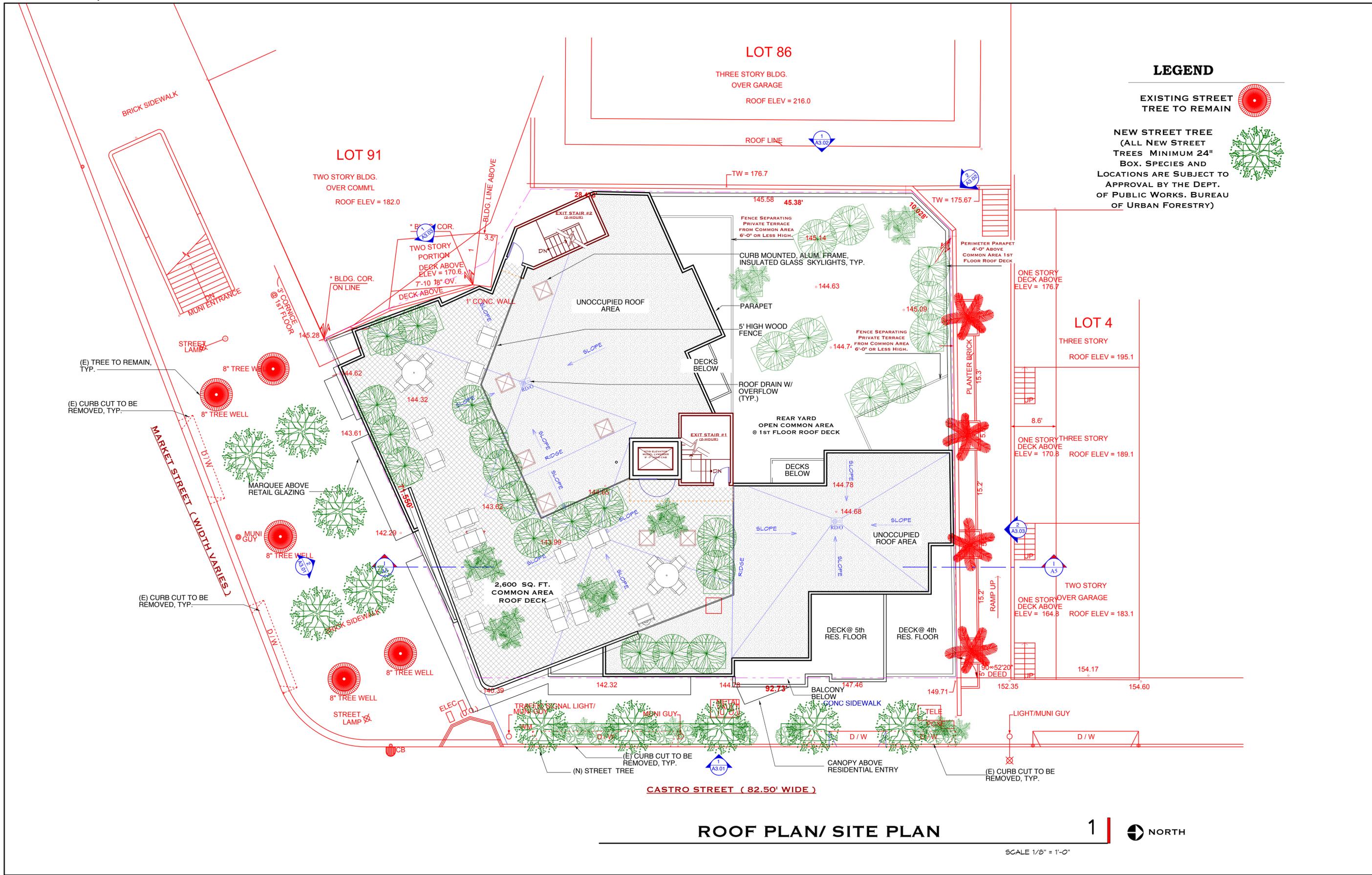
PLANNING 03.25.12	MPB
PLANNING 01.18.12	MPB
UDAT 01.18.11	MPB
EE SUBM. 11.30.05	NP

Rev./Issue Date



Date: 10.05.10
Scale: 1/8"=1'-0"
Drawn: MPB

Sheet: **A2.06**



LEGEND

- EXISTING STREET TREE TO REMAIN 
- NEW STREET TREE (ALL NEW STREET TREES MINIMUM 24" BOX, SPECIES AND LOCATIONS ARE SUBJECT TO APPROVAL BY THE DEPT. OF PUBLIC WORKS, BUREAU OF URBAN FORESTRY) 

ROOF PLAN/ SITE PLAN

1 NORTH

SCALE 1/8" = 1'-0"

1051 WASHINGTON STREET
 SAN FRANCISCO, CA 94103
 TEL: 415.882.9793 FAX: 415.882.9788
STERNBERG BENJAMIN ARCHITECTS
 WWW.STERNBERGBENJAMIN.COM

376 CASTRO ST
 24 RESIDENTIAL UNITS
 BLOCK 2623 LOT 6
 SAN FRANCISCO, CA

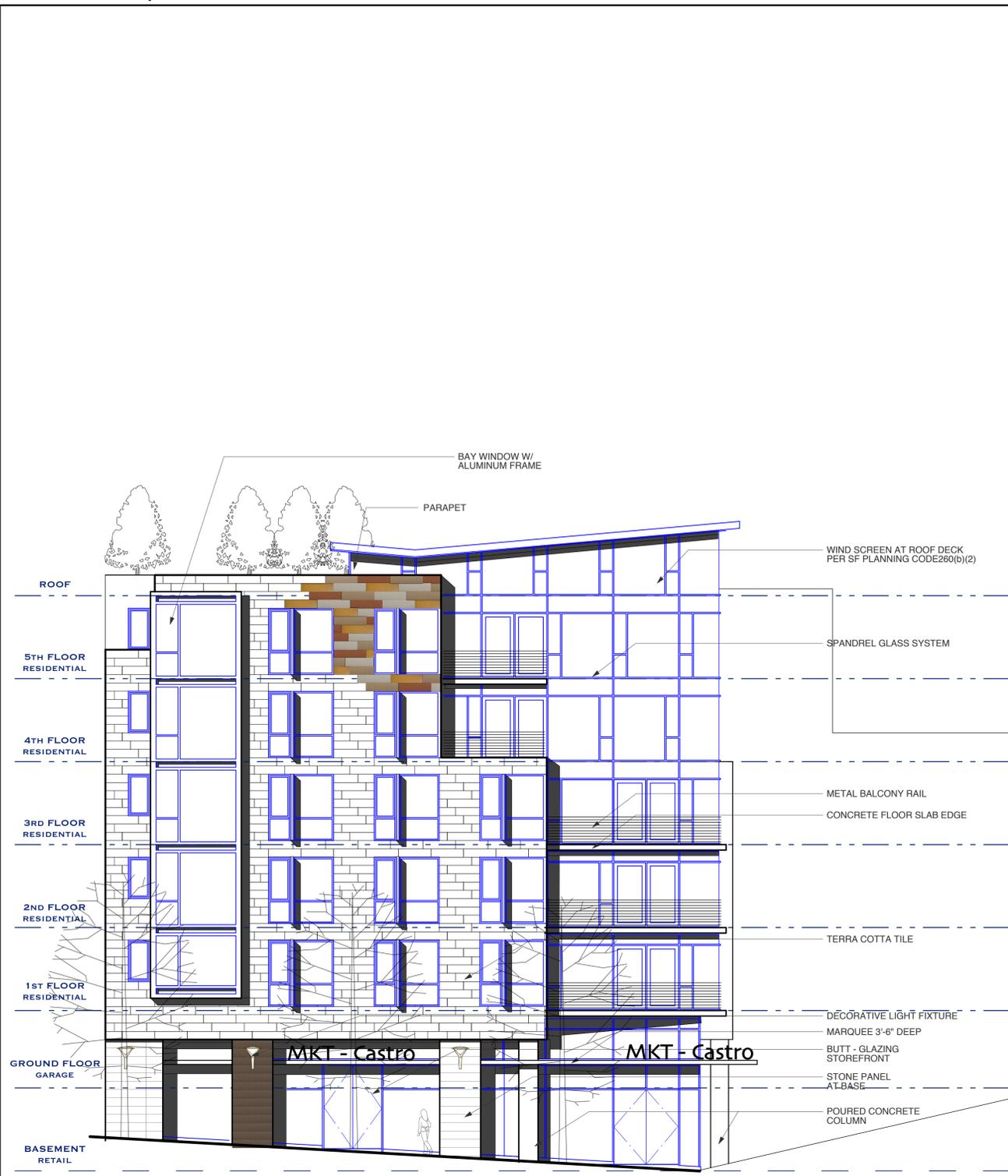
ROOF PLAN
SITE PLAN

PLANNING 03.25.12	MPB
PLANNING 01.18.12	MPB
UDAT 01.18.11	MPB
EE SUBM. 11.30.05	NP
Rev./Issue	Date

LICENSED ARCHITECT
 DAVID STERNBERG
 No. C-11102
 2-13
 RENEWAL DATE

 STATE OF CALIFORNIA

Date: 10.05.10
 Scale: 1/8"=1'-0"
 Drawn: MPB
 Sheet: **A2.07**



MARKET STREET ELEVATION

2

SCALE 1/8" = 1'-0"

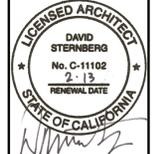


CASTRO STREET ELEVATION

1

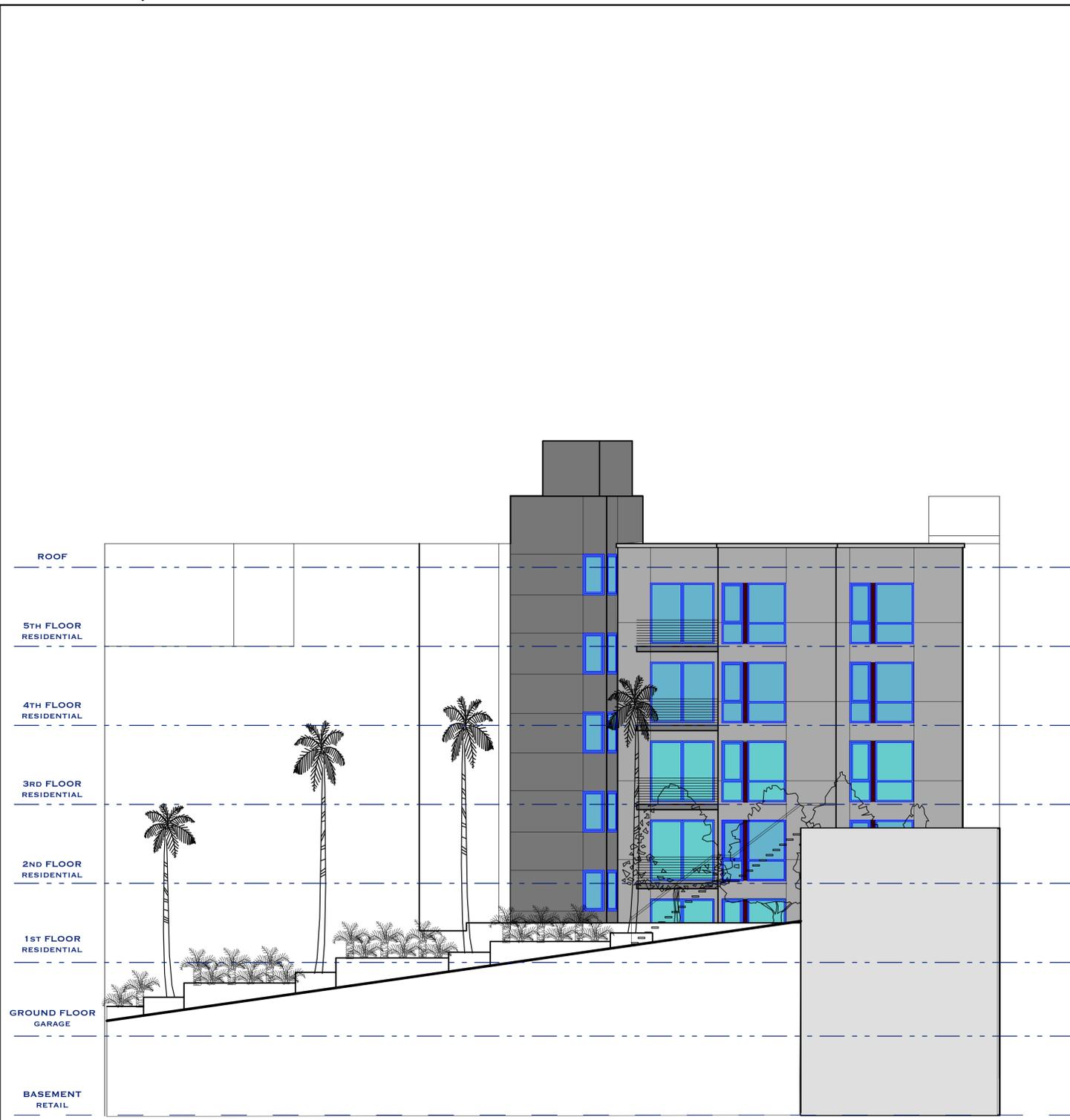
SCALE 1/8" = 1'-0"

PLANNING 03.25.12	MPB
PLANNING 01.18.12	MPB
UDAT 01.18.11	MPB
EE SUBM. 11.30.05	NP
Rev/Issue	Date



Date: 10.05.10
Scale: 1/8" = 1'-0"
Drawn: MPB
Sheet:

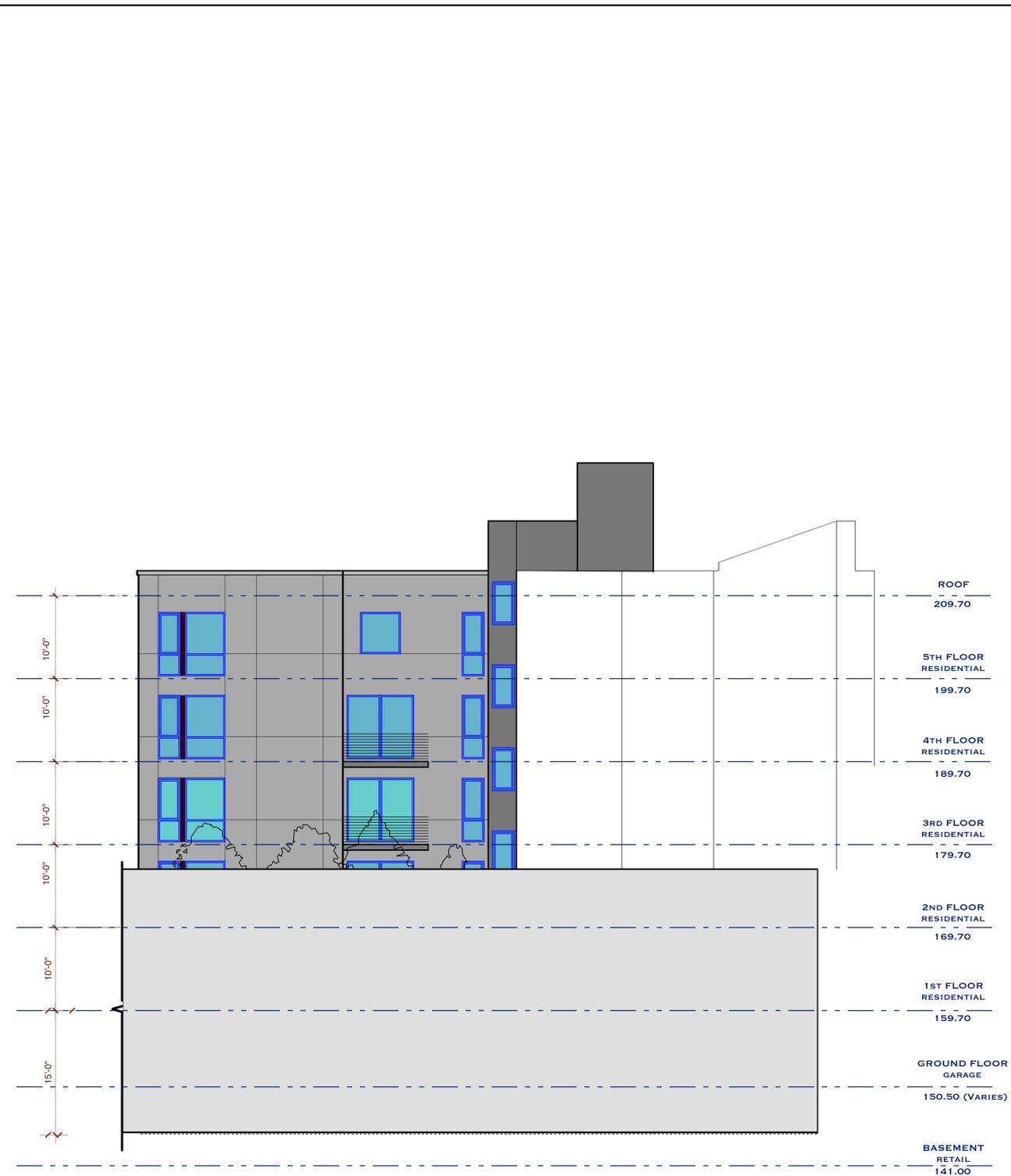
A3.01



REAR (NORTH WEST) ELEVATION

2

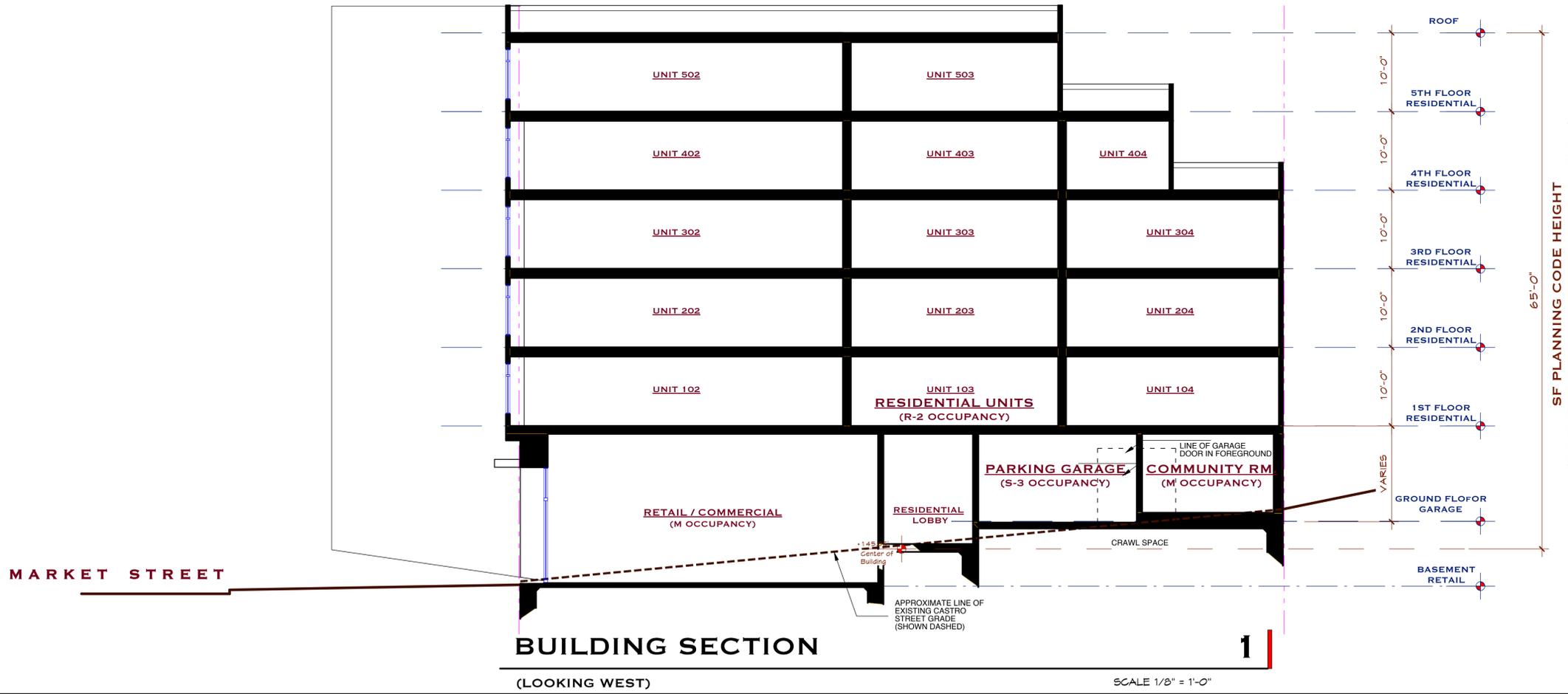
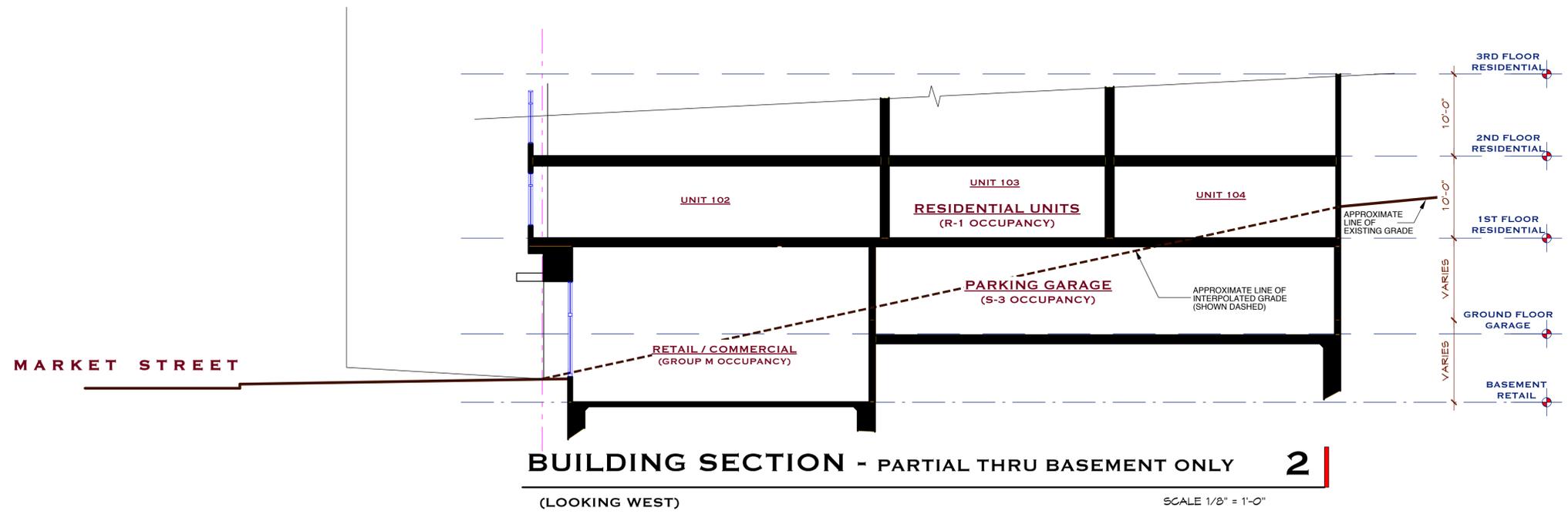
SCALE 1/8" = 1'-0"



REAR (WEST) ELEVATION

1

SCALE 1/8" = 1'-0"



PLANNING 03.25.12 MPB
 PLANNING 01.18.12 MPB
 UDAT 01.18.11 MPB
 EE SUBM. 11.30.05 NP

Rev./Issue	Date

