



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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|---|---|
| <input checked="" type="checkbox"/> Inclusionary Housing (Sec. 315) | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 313) | <input type="checkbox"/> Child Care Requirement (Sec. 314) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 139) | <input type="checkbox"/> Other |
| <input type="checkbox"/> Market & Octavia Fee (Sec. 326) | |

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Planning Commission Motion No. 18617

HEARING DATE: MAY 10, 2012

Date: May 3, 2012
Case No.: **2012.0150C**
Project Address: **870 HARRISON STREET**
Zoning: RSD (Residential/Service Mixed Used District)
40-X / 85-B Height and Bulk District
Youth and Family Special Use District
Block/Lot: 3752 / 019
Project Sponsor: Sean Sullivan, 870 Harrison Street, LLC
Staff Contact: Erika S. Jackson – (415) 558-6363
erika.jackson@sfgov.org
Recommendation: **Approval with Conditions**

ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTION 303 OF THE PLANNING CODE TO EXTEND THE TIME PERIOD TO CONSTRUCT THE PROJECT APPROVED UNDER MOTION NO. 17906 FOR AN ADDITIONAL THREE YEARS TO JUNE 18, 2015.

PREAMBLE

On February 16, 2012, David Silverman, on behalf of 870 Harrison Street, LLC (hereinafter “Project Sponsor”), filed Application No. 2012.0150C (hereinafter “Application”) with the Planning Department (hereinafter “Department”) under Planning Code Sections 303 to extend the time to construct the project approved under Motion No. 17906 for a three-year period to June 18, 2015.

On May 10, 2012, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0150C.

PROJECT BACKGROUND

On September 14, 2006, Sean Sullivan of 870 Harrison Street, LLC (Project Sponsor), filed an application with the Department for Conditional Use Authorization pursuant to Planning Code Section 303 to demolish an existing vacant two-story industrial building and construct a six-story, 65-foot-tall mixed-

use building containing up to 26 dwelling units and Production Distribution and Repair (PDR) space pursuant to Planning Code Section 263.11, and to construct a Community Residential Automobile Parking Garage pursuant to Planning Code Sections 157 and 815.26. The proposed project is located within San Francisco's South of Market Area (SoMa) and within the West SoMa Planning Area. The project site is within the Residential Service District (RSD), a 40-X/85-B Height and Bulk District, and the Youth and Family Special Use District.

On June 18, 2009, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2006.0430C, at which time the Commission reviewed and approved Motion No. 17906 with findings and conditions.

The San Francisco Planning Department (hereinafter "Department") adopted the Amended Final Mitigated Negative Declaration (hereinafter "FMND") for the Project as prepared by the Planning Department in compliance with CEQA, the State CEQA Guidelines and Chapter 31 on June 15, 2009.

The Planning Department, Linda Avery, is the custodian of records, and they are located in the File for Case No.2006.0430 at 1650 Mission Street, Fourth Floor, San Francisco, California.

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. 2012.0150C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site is located on the north side of Harrison Street, between 4th and 5th Streets, in San Francisco's South of Market neighborhood. The 5,844 square foot site (Block 3752, Lot 019) contains a 6,120 square foot, two-story industrial building. The existing building on the site is 25.9 feet tall with a flat roof and an approximately square-shaped plan. The building is set back approximately 25 feet from the property line, with pull-in parking for five vehicles in front of the building. The building presents a ground-floor façade of painted brick, with storefront windows and glass door entry on the left side and a roll-up garage door on the right side. The second story has a simple painted cement exterior punctuated by three metal-framed windows with horizontal divided lights. The level site is 68.75 feet wide along its Harrison Street frontage and 85 feet deep.

3. **Surrounding Properties and Neighborhood.** The project site is located in a highly mixed urban area, with major arterial streets such as Harrison and Folsom Streets dominated by commercial, light industrial, and office uses, while the smaller interior streets such as Clara and Shipley are comprised mainly of residential uses, including multi-unit apartment and condominium buildings, two and three unit buildings, and some live/work developments. On the north side of Harrison Street adjacent to the project site (at 880 Harrison Street) is a three-story, 10-unit cement block building housing office and light industrial uses, including a laboratory, gun shop, architects, and design firms. The ground floor of this building, identified as Project 880, is a Cash and Carry bulk food store. An associated surface parking lot is present. Immediately east of the project site, at 850 Harrison is the International Brotherhood of Teamsters Local 85 headquarters, housed in a two-story painted brick and cement building, with an adjacent parking lot. Low-rise buildings occupy the rest of the block, housing an automotive repair, office, and education uses. Across Harrison Street from the project site is a large Staples office supply store at 855 Harrison Street and Interstate 80 (I-80) freeway ramps. Looking at the larger context of the surrounding neighborhood, there are other residential buildings in the vicinity that are 65 feet or taller including two 10 story buildings on Clara Street behind the project site, an 8 story building at Clara Street and 4th Street, and a 5 story building on Shipley Street.
4. **Project Description.** This authorization is to extend approval for a proposed project for three additional years. The proposed extension would be to June 18, 2015. The property is located within a Residential Service District (RSD) Zoning District, a 40-X/85-B Height and Bulk District, San Francisco's South of Market Area (SoMa), the Western SoMa Special Use District, and the Youth and Family Special Use District. No other changes to the project are proposed at this time. The proposed project, approved under Motion No. 17906, is the demolition of an existing vacant two-story industrial building and new construction of a six-story, 65-foot-tall mixed-use building containing up to 26 dwelling units and Production Distribution and Repair (PDR) space pursuant to Planning Code Section 263.11, and the construction a Community Residential Automobile Parking Garage pursuant to Planning Code Sections 157 and 815.26.
5. **Public Comment.** The Department has received one phone call requesting information regarding the construction.
6. **Planning Code Compliance – RSD Zoning District:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Height.** In the 40-X/85-B Height and Bulk District height exemptions above the 40 foot base height to a maximum of 85 feet may be approved in accordance with the Conditional Use procedures and criteria provided in Section 303 and the following criteria and conditions pursuant to Planning Code Section 263.11:

The Project is proposing a height of 65 feet.

1. Reduction of Shadows on Certain Public, Publicly Accessible or Publicly Financed or Subsidized Private Open Space

A Shadow Study prepared by Adam Noble for the Project indicates that the Project will cast a shadow upon Public, Publicly Accessible or Publicly Financed or Subsidized Private Open Space. The attached Shadow Analysis Memo examines these shadow impacts as well as impacts on adjacent residential properties identified in Section 263.11(b)(2) and recommends the Planning Commission find that the impacts are not adverse. See attached Shadow Analysis Memo.

2. Reduction of Ground Level Wind Currents

The Amended Final Mitigated Negative Declaration adopted June 15, 2009 concluded that the Proposed Project would have a less than significant effect on wind patterns in the Project area.

3. Construction of Live/Work Units Above the 40 Foot Base Height Limit

No Live/Work units are proposed in the project.

4. Affordability

The Project Sponsor is proposing 4 on site Below Market Rate (BMR) units, equaling 17% of the total number of units. The minimum requirement for this project under former Planning Code Section 315 (now Planning Code Section 415) is 3 BMR units, equaling 12% of the total number of units. The Project Sponsor is providing 4 on site BMR units in accord with Planning Department recommendation to require Project Sponsors with projects filed prior to July 18, 2006 to provide BMR units equal to 17% of total units for projects seeking Conditional Use authorization under this Planning Code Section.

- B. **Bulk.** In the 40-X/85-B Height and Bulk District, buildings taller than 40 feet must comply with the 'B' bulk controls per Planning Code Section 270 which limits the bulk of buildings and structures, and assigns maximum plan dimensions.

The Project is proposing a structure of 65 feet in height, exceeding the height limit of 40 feet under the 40-X Height and Bulk District and triggering the bulk limitations under the 'B' Bulk District. The 'B' Bulk District limits the maximum length of a structure to 110 feet and the maximum diagonal dimension to 125 feet. The Project is proposing a structure with a length of 63.75 feet and a diagonal dimension of approximately 94 feet.

- C. **Residential Density.** Planning Code Section 815.03 limits residential density to 1 dwelling unit per 200 square feet of lot area for projects less than 40 feet in height. For projects above 40 feet in height, density is to be determined as part of the Conditional Use authorization process.

The Project proposes 26 dwelling units in a 65 foot structure on a 5,844 square foot lot, resulting in a density of 1 dwelling unit per 225 square feet of lot area. The Project proposal is less dense than what Section 815.03 allows for projects less than 40 feet in height.

- D. **Rear Yard.** Planning Code Section 134 establishes minimum required rear yards in all zoning districts. The rear yard is generally a function of lot depth, with the exception of corner lots. Planning Code Section 134 requires a rear yard of 25% of lot depth at the lowest level containing a dwelling unit for RSD Zoning Districts.

The Proposed Project provides a 21.25 foot rear yard at grade. The proposed rear yard complies both with Planning Code Section 134 and Planning Commission Resolution 17707 policy regarding rear yards at grade in the Western Soma SUD.

- E. **Usable Open Space.** Usable open space is required for dwelling units in all zoning districts. Planning Code Section 135(d) requires 36 square feet of open space per unit if private and 48 square feet per unit if common for projects in the RSD.

The proposal includes one roof deck and an accessible rear yard at grade. The project meets the criterion for common usable open space as it provides 2,865 square feet of usable open space, far in excess of the minimum required 936 square feet.

- F. **Off-Street Parking.** Planning Code Section 151 allows a maximum of one off-street parking space per four dwelling units in the RSD District.

Seven off-street parking spaces are required under Planning Code Section 151. The Project is proposing 16 off-street parking spaces (13 residential, 1 commercial, 2 voluntary car share) in the basement garage. This quantity of off-street parking spaces exceeds the maximum amount under accessory limits (11 off-street parking spaces is the maximum amount under accessory limits) and results in a ratio of 0.5 off-street parking spaces per dwelling unit (not including the commercial space and voluntary car share spaces). The Project Sponsor is seeking Conditional Use to construct a Residential Community Automobile Parking Garage pursuant to Planning Code Section 815.26.

- G. **Dwelling Unit Exposure.** Planning Code Section 140 requires that every dwelling unit in every use district is required to face either a public street, a public alley at least 25 feet in width, a rear yard meeting the requirements of this Code, an outer court with a width greater than 25 feet, or an open area at least 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase in five feet in every horizontal dimension at each subsequent floor.

All units in the Project face either Harrison Street, or the code complying rear yard.

- H. **Inclusionary Housing.** Projects proposing 5 or more dwelling units are required to comply with the inclusionary housing ordinance set forth in former Planning Code Section 315 (now Planning Code Section 415). The specific requirement depends upon the entitlements being sought, the date the required applications were filed, and whether the Below-Market-Rate (BMR) units are being provided on-site or off-site or through the payment of an in-lieu fee.

The on-site BMR unit requirement under former Planning Code Section 315 (now Planning Code Section 415) is 12% as the first development application was submitted prior to July 18, 2006 and the

project is seeking Conditional Use authorization. For the Proposed Project the minimum requirement would be 3 BMR units. The Project Sponsor is proposing 4 BMR units (17%) to meet the requirements under Planning Code Section 263.11 as well as the Department recommendation regarding Conditional Use authorization under Planning Code Section 263.11.

- I. **Street Trees.** Section 143 requires a minimum of one street tree for each 20 feet of frontage along a street or alley.

The Proposed Project is required to provide 3 street trees along the Harrison Street frontage. The Project proposes 4 street trees, in excess of the minimum requirement.

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

A Shadow Analysis was conducted based on the drawings submitted with the application to determine the shadow impact of the project on properties protected by the Sunlight Ordinance. The Analysis indicated that there is no shadow impact from the subject property on any property protected by the Ordinance.

- K. **Bicycle Parking.** Planning Code Section 155.2 requires private garages to provide at least six bicycle parking spaces, regardless of the size of the garage. Planning Code Section 155.5 requires one Class 1 bicycle parking space for every two dwelling units.

The Project includes a private garage with 16 off-street parking spaces and 26 dwelling units. The Proposed Project provides 15 bicycle parking spaces in the basement garage that are accessible through the residential lobby on Harrison Street and garage entrance on Harrison Street. This exceeds the required 13 bicycle parking spaces.

7. **First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Section 83.4(m) of the Administrative Code), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

The Project Sponsor executed a First Source Hiring Memorandum of Understanding and a First Source Hiring Agreement with the City's First Source Hiring Administration.

8. **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 is necessary and desirable because it creates 26 new dwelling units and approximately 2,650 gross square feet of PDR space as an infill development within an established urban area. The dwelling unit mix addresses the need for two bedroom units as 8, or 31%, of the total units are two bedroom units. Providing 5 stories of residential units above the ground floor PDR uses is generally compatible with the surrounding uses and the building's mass and scale are also in general harmony with the residential buildings in the immediate vicinity. The Proposed Project will provide its required affordable housing on-site, will provide PDR opportunities for the immediate neighborhood and will create pedestrian-oriented streetscapes along Harrison Street, all amounting to a desirable development for the area.

- 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's mixed use location lends to the appropriateness of a 5 story mixed used development. The Project's scale is consistent with buildings in the immediate vicinity. The structure is situated on the front of the lot so as to provide the open area facing the existing midblock open space pattern, thereby contributing to access to light, air and views to and from the site.

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

The Project will provide 16 off-street parking spaces in the basement garage. This amount is at a ratio of 0.5 off-street parking spaces per dwelling unit. The project minimizes the number of curb cuts to two 10 foot curb cuts on Harrison Street and eliminates the existing 40 foot wide curb cut on Harrison Street, thereby addressing concerns of pedestrian/automobile impacts upon Harrison Street.

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

The Project includes residential dwelling units and ground floor PDR units, which are not anticipated to generate any noxious or offensive emissions.

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

The project provides an adequate mix of private and common usable open spaces and will address lighting and signage issues in an attractive manner. No loading areas are required or provided. A total of 4 street trees will be located along the Harrison Street frontage, softening the pedestrian experience and adding an integral "green" improvement.

- 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 or is seeking Conditional Use authorization and is consistent with objectives and policies of the General Plan as detailed below.

- 9. **Parking Exceeding Accessory Amounts.** Pursuant to Planning Code Section 157, in considering any application for Conditional Use authorization for parking where the amount of parking exceeds the amount classified as accessory parking in Planning Code Section 204.5, the Planning Commission shall apply the following criteria, in addition to those stated in Planning Code Section 303(c):

- A. Demonstration that trips to the use or uses to be served, and the apparent demand for additional parking, cannot be satisfied by the amount of parking classified by this Code as accessory, by transit service which exists or is likely to be provided in the foreseeable future, by car pool arrangements, by more efficient use of existing on-street and off-street parking available in the area, and by other means;

The Project is proposing 16 off-street parking spaces (13 residential, 1 commercial, 2 voluntary car share) in the basement. This quantity of off-street parking spaces exceeds the maximum amount under accessory limits (11 off-street parking spaces is the maximum amount under accessory limits) and results in a ratio of 0.5 off-street parking spaces per dwelling unit (not including the commercial space and voluntary car share spaces). This is an amount that is necessary for the Proposed Project given the existing transit infrastructure and urban fabric in the vicinity. The existing transit, while present but not in overwhelming amounts, is less accessible than in other central city locations due to the lengths of street blocks in the South of Market Area, creating a situation where transit users would travel greater distances than their counterparts in other central city locations. Furthermore, a project had been recently approved in the area with additional parking at the request of neighborhood residents.

- B. Demonstration that the apparent demand for additional parking cannot be satisfied by the provision by the applicant of one or more car-share parking spaces in addition to those that may already be required by Section 166 of this Code.

The Proposed Project will provide two of the proposed 16 off-street parking spaces as voluntary car share spaces.

- C. The absence of potential detrimental effects of the proposed parking upon the surrounding area, especially through unnecessary demolition of sound structures, contribution to traffic congestion, or disruption of or conflict with transit services;

No unnecessary demolition of sound structures is proposed. Owing in part to an off-street parking to dwelling unit ratio of less than 1, contribution to traffic congestion is not expected. Disruption of or conflict with transit service is not anticipated.

- D. In the case of uses other than housing, limitation of the proposed parking to short-term occupancy by visitors rather than long-term occupancy by employees; and

The off-street parking is proposed to serve the residents of the 26 dwelling units in the Proposed Project and the PDR space on the ground floor. The nature of the car share programs is to allow for short term use by members of the organization.

- E. Availability of the proposed parking to the general public at times when such parking is not needed to serve the use or uses for which it is primarily intended.

The off-street parking is proposed to serve the residents of the 26 dwelling units and the PDR space on the ground floor. Any off-street parking not used by the residents can be made available to the general public and the car share spaces are also available for use by members of the car share program.

10. **Western Soma Planning Process.** Early in the application process, the project sponsor met individually with representatives of the Western Soma Task Force. Initial concerns raised included formula retail controls, affordable units, parking, height limit, air quality in relation to the proximity to the freeway, at grade rear yard, and design. Additionally, the project sponsor held a Community Outreach Meeting combined with the Soma Leadership Council in April 2007 to address concerns by the neighbors and council members.

11. **Resolution No. 17707.** On October 2, 2008, the Planning Commission adopted Resolution No. 17707, modifying the existing PDR loss and replacement policies for the Western Soma SUD and clarifying the 1:1 replacement policies throughout the greater Eastern Neighborhood Plan Areas. Additionally, the policy allows for minor reductions to the required PDR replacement when reductions result in a 25% of lot depth rear yard at grade. The proposed project is generally consistent with this policy as it replaces the entire ground floor with PDR space excluding the area used for circulation and the at grade rear yard.

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

HOUSING

Objectives and Policies – 2004 Housing Element

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. Set allowable densities in established residential areas at levels which will promote compatibility with prevailing neighborhood scale and character where there is neighborhood support.

Policy 1.3:

Identify opportunities for housing and mixed use districts near downtown and former industrial portions of the City.

Policy 1.4:

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

The Proposed Project seeks to develop 26 dwelling units on a 5,844 square foot lot containing a vacant two story industrial building within the South of Market Area neighborhood. There are a number of residential and commercial/light industrial uses surrounding the project site; however in general the area is transitioning toward having more residential uses.

Housing Affordability

OBJECTIVE 4:

SUPPORT AFFORDABLE HOUSING PRODUCTION BY INCREASING SITE AVAILABILITY AND CAPACITY.

Policy 4.2:

Include affordable units in larger housing projects.

The Proposed Project seeks to develop 26 dwelling units. The Project Sponsor is proposing 4 of the 26 units (17%) be Below Market Rate units.

Housing Choice

OBJECTIVE 8:

ENSURE EQUAL ACCESS TO HOUSING OPPORTUNITIES.

Policy 8.4:

Encourage greater economic integration within housing projects and throughout San Francisco.

The Proposed Project seeks to develop 26 dwelling units. The Project Sponsor is proposing 4 of the 26 units (17%) be Below Market Rate units.

Housing Density, Design and Quality of Life

Policy 11.2:

Ensure housing is provided with adequate public improvements, services and amenities.

Policy 11.3:

Encourage appropriate neighborhood-serving commercial activities in residential areas, without causing affordable housing displacement.

The Proposed Project is in the immediate vicinity of the Gene Friend/SOMA Recreation Center, the Victoria Manalo Draves Park and seven Muni bus lines. The Project itself will provide a generous amount of open space as well as the 2,650 gross square feet of PDR space that can serve the immediate neighborhood.

Regional and State Housing Needs

OBJECTIVE 12:

STRENGTHEN CITYWIDE AFFORDABLE HOUSING PROGRAMS THROUGH COORDINATED REGIONAL AND STATE EFFORTS.

Policy 12.2:

Support the production of well-planned housing region-wide that addresses regional housing needs and improve the overall quality of life in the Bay Area.

The Proposed Project will site 26 dwelling units on an infill site within an established neighborhood that is well served by mass transit, thereby meeting the goals of providing housing near employment, transportation and commercial/retail locations.

RECREATION AND OPEN SPACE

Objectives and Policies

OBJECTIVE 4:

PROVIDE OPPORTUNITIES FOR RECREATION AND THE ENJOYMENT OF OPEN SPACE IN EVERY SAN FRANCISCO NEIGHBORHOOD.

Policy 4.5:

Require private usable outdoor open space in new residential development.

The Proposed Project will provide private usable outdoor open space in the form of private decks, a rooftop deck, and a common rear yard at grade.

TRANSPORTATION

Objectives and Policies

OBJECTIVE 24:

IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

Policy 24.2:

Maintain and expand the planting of street trees and the infrastructure to support them.

Policy 24.4:

Preserve pedestrian-oriented building frontages.

The Proposed Project includes the addition of 4 street trees along Harrison Streets. While there are no existing pedestrian-oriented building frontages to preserve, the Project will replace a two story industrial building with a large front setback with new pedestrian-oriented building frontages on each street.

OBJECTIVE 34:

RELATE THE AMOUNT OF PARKING IN RESIDENTIAL AREAS AND NEIGHBORHOOD COMMERCIAL DISTRICTS TO THE CAPACITY OF THE CITY'S STREET SYSTEM AND LAND USE PATTERNS.

Policy 34.4:

Regulate off-street parking in new housing so as to guarantee needed spaces without requiring excesses and to encourage low auto ownership in neighborhoods that are well served by transit and are convenient to neighborhood shopping.

Policy 34.3:

Permit minimal or reduced off-street parking supply for new buildings in residential and commercial areas adjacent to transit centers and along transit preferential streets.

The Proposed Project will provide 16 off-street parking spaces. The Proposed Project is served by the following several MUNI lines.

URBAN DESIGN

Objectives and Policies

OBJECTIVE 3:

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

Policy 3.1:

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

Policy 3.2

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

Policy 3.3

Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.

The project site is located in a highly mixed urban area, with major arterial streets such as Harrison and Folsom Streets dominated by commercial, light industrial, and office uses, while the smaller interior streets such as Clara and Shipley are comprised mainly of residential uses, including multi-unit apartment and condominium buildings, two and three unit buildings, and some live/work developments. The Proposed Project blends well with the immediate area as it is of comparable height and displays a contemporary architectural style. The massing generally compliments the bulk and scale of newly constructed residential buildings in the vicinity, with a ground floor commercial component.

COMMERCE AND INDUSTRY

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.2:

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

OBJECTIVE 2:

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

Policy 2.1:

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

The Project site is currently vacant, underutilized and provides little benefit to the surrounding neighborhood. The Project is a mixed-use development that includes 2,650 gross square feet of ground floor PDR space that can house neighborhood serving uses. Additionally, the 26 dwelling units will house new neighborhood residents to patronize existing commercial establishments in the area.

SOUTH OF MARKET AREA PLAN

Objectives and Policies

Business Activity

OBJECTIVE 1:

PROTECT EXISTING INDUSTRIAL, ARTISAN, HOME AND BUSINESS SERVICE, AND NEIGHBORHOOD-SERVING RETAIL, PERSONAL SERVICE AND COMMUNITY SERVICE ACTIVITIES AND FACILITATE THEIR EXPANSION.

Policy 1.4:

Provide sufficient land and building area to accommodate the reasonable growth and expansion of the South of Market's diverse economic activities.

Policy 1.5:

Locate uses in areas according to a generalized land use plan shown on Map 2. The proposed generalized land use plan shown on Map 2 would carry out the foregoing policies and the housing policies below and would establish coherent land use districts accommodating existing activities as well as facilitating the growth of new, compatible activities.

The Proposed Project is a mixed-use development comparable to other residential and mixed use structures along Harrison Street. The site is located in an area that the generalized land use map outlines as suitable for residential and PDR uses.

Residential Activity

OBJECTIVE 3:

ENCOURAGE THE DEVELOPMENT OF NEW HOUSING, PARTICULARLY AFFORDABLE HOUSING.

Policy 3.1:

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

Policy 3.4:

Encourage high density, predominantly residential mixed-use development on vacant parcels between Stevenson, Harrison, Sixth and Fourth Streets.

The Proposed Project will add 26 dwelling units and 2,650 gross square feet of commercial space on a 5,844 square foot lot containing a vacant two story industrial building within the South of Market Area neighborhood. Surrounding the project site are a number of residential and commercial/light industrial uses. The Proposed Project will display a contemporary architectural design style. The site is within the area bounded by Stevenson, Harrison, Sixth and Fourth Streets.

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

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

No retail uses exist on the property. The Proposed Project will provide 2,650 gross square feet of PDR space that can serve as neighborhood retail and that can enhance opportunities for resident employment.

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

The Proposed Project does not remove any existing housing. Its uses, size, scale, and design are consistent with the surrounding neighborhood.

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

No housing is removed for this project. The Proposed Project will create 4 on-site affordable dwelling units.

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

The site is proposing off-street parking in amounts prescribed within the current zoning district. There are several MUNI lines that all have stops or run within one block of the Proposed Project. It is presumable that the employees of the PDR space will commute by transit thereby mitigating possible impacts on street parking.

- 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 Proposed Project will not displace or negatively affect any currently active service or industry establishment.

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

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

- G. That landmarks and historic buildings be preserved.

No landmark or historic buildings occupy the Proposed Project site.

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

The Proposed Project will have no negative impact on existing parks and public open spaces as demonstrated by the shadow fan analysis conducted.

14. 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.
15. Findings under the California Environmental Quality Act (CEQA).
- A. The Planning Department finalized the Amended Final Mitigated Negative Declaration (FMND) as prepared by the Planning Department (Department) in compliance with CEQA, the State CEQA Guidelines and Chapter 31 on June 15, 2009.
- B. The Planning Commission hereby adopts the FMND and finds the project will not have a significant impact on the environment with the adoption of the mitigation measures.
- C. In accordance with the provisions of CEQA, the State CEQA Guidelines and Chapter 31, the Department and the Planning Commission have reviewed and considered the information contained in the FMND and all information pertaining to the project in the Department's case file.
- D. Any and all documents referenced in this Motion are either attached to this Motion or may be found in the files of the Planning Department, as the custodian of records, at 1660 Mission Street in San Francisco.
- E. The proposed Project as reflected in Application No. 2006.0430C is consistent with the project as described in the FMND and would not result in any significant impacts not identified in the FMND nor cause significant effects identified in the FMND to be substantially more severe.
16. Mitigation. Pursuant to CEQA, the Commission has considered the mitigation measures as described in the FMND and will include these measures and the mitigation monitoring program as conditions of Project approval (see Exhibit C).
17. Potential Environmental Impacts Mitigated To Less Than Significant. With the implementation of the mitigation measures required in Exhibit C, environmental impacts to archeological resources and testing, construction noise and pile driving, hazards and contaminated soil, hazardous building materials, and paleontological resources resulting from the Project would be reduced to a less than significant level as described in the FMND.

18. The Commission finds that granting authorization for the Subject Project would promote the public welfare, convenience, and necessity for the reasons set forth above.

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. 2012.0150C** subject to the following conditions attached hereto as "EXHIBIT A" 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. 18617. 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 May 10, 2012.

Linda Avery
Commission Secretary

AYES: Commissioners Antonini, Borden, Moore, Miguel, Fong, and Wu

NAYES: None

ABSENT: Commissioner Sugaya

ADOPTED: May 10, 2012

Exhibit A

Conditions of Approval

Whenever "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the Project or other persons having an interest in the Project or underlying property.

This approval is pursuant to Planning Code Section 303 to extend the performance period to June 18, 2015. The original proposal, which has not been changed, is the demolition of an existing vacant two-story industrial building and new construction of a six-story, 65-foot-tall mixed-use building containing up to 26 dwelling units and Production Distribution and Repair (PDR) space pursuant to Planning Code Section 263.11, and the construction a Community Residential Automobile Parking Garage pursuant to Planning Code Sections 157 and 815.26. All previous Conditions of Approval under Motion No. 17906 would remain and are attached as Exhibit C.

GENERAL CONDITIONS

1. Performance. This authorization is valid until June 18, 2015. Any subsequent request to modify the project or performance period beyond June 18, 2015 shall be subject to provisions of the Planning Code in force at the time such application is submitted.
2. Recordation. Prior to the issuance of any building or site permit for the construction of 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, which notice shall state that construction of the Project has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied, and record said writing if requested.
3. The property shall be kept free of weeds, debris, and blight. The Project Sponsor shall install a fence to prevent vagrant camping, unlawful dumping and to minimize the security threat to the neighborhood. The fence shall be kept free of graffiti and postings.