



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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Planning Commission Motion 18665

HEARING DATE: JULY 19, 2012

Date: July 12, 2012
Case No.: 2012.0457C
Project Address: 168-186 Eddy Street
Zoning: RC-4 (Residential-Commercial Combined, High Density) District
80-130-T Height and Bulk District
North of Market Residential Special Use District (Subarea 1)
Block/Lot: 0311/010-011
Project Sponsor: Sarah Brett
Tenderloin Neighborhood Development Corporation
201 Eddy Street
San Francisco, CA 94102
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ADOPTING FINDINGS TO AMEND THE CONDITIONS OF APPROVAL ON A CONDITIONAL USE AUTHORIZATION FOR A PLANNED UNIT DEVELOPMENT (PLANNING CODE SECTIONS 303 AND 304) TO EXTEND THE PERFORMANCE PERIOD FOR THREE YEARS FOR A PREVIOUSLY APPROVED PROJECT TO DEMOLISH AN EXISTING SURFACE PARKING LOT AND CONSTRUCT A NEW 14-STORY MIXED-USE BUILDING CONTAINING APPROXIMATELY 153 AFFORDABLE DWELLING UNITS AND APPROXIMATELY 13,750 SQUARE FEET OF GROUND-FLOOR COMMERCIAL SPACE, A SUPPORTIVE SERVICES OFFICE, ROOFTOP AND SECOND FLOOR OPEN SPACE, ONE LOADING SPACE, AND NO OFF-STREET PARKING, LOCATED AT 168-186 EDDY STREET, LOTS 010 AND 011 IN ASSESSOR'S BLOCK 0331, WITHIN THE RC-4 (RESIDENTIAL-COMMERCIAL COMBINED, HIGH DENSITY) DISTRICT, THE NORTH OF MARKET RESIDENTIAL SPECIAL USE DISTRICT (SUBAREA 1), THE 80-130-T HEIGHT AND BULK DISTRICT, AND THE UPTOWN TENDERLOIN NATIONAL REGISTER HISTORIC DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On April 4, 2012, Sarah Brett, acting on behalf of Tenderloin Neighborhood Development Corporation ("Project Sponsor"), submitted a request (Case No. 2012.0457C) with the City and County of San

Francisco Planning Department ("Department") for an amendment to the conditions of approval for a previously approved project in order to extend the performance period for three years. The project was originally approved by the Planning Commission ("Commission") on March 26, 2009 (Case No. 2007.1342CK), and would demolish an existing surface parking lot and construct a new mixed-use building reaching a height of 14 stories, containing approximately 153 affordable dwelling units, approximately 13,750 square feet of ground-floor commercial space, a supportive services office, rooftop and second floor open space, one loading space, and no off-street parking, within the RC-4 Zoning District, the 80-130-T Height and Bulk District, the North of Market Residential Special Use District (Subarea 1), and the Uptown Tenderloin National Register Historic District (collectively, "Project").

At the hearing on March 26, 2009, the Commission approved a Conditional Use Authorization for a Planned Unit Development, pursuant to Planning Code Sections ("Sections") 303 and 304, and granted modifications of Planning Code requirements related to bulk, height measurement, streetwall setbacks, rear yard, dwelling unit exposure, and off-street parking.

At the hearing on March 26, 2009, the Commission also adopted a joint resolution with the Recreation and Park Commission to raise the absolute cumulative limit for additional shadow on Boeddeker Park from zero percent to 0.244 percent, an amount sufficient to accommodate the net new shadow cast by the Project (Resolution No. 17847, Case No. 2008.1294K). In addition, the Commission, upon the recommendation of the General Manager of the Recreation and Park Department, in consultation with the Recreation and Park Commission, found that the additional shadow cast by the Project on Boeddeker Park would not be adverse, and allocated the additional shadow to the Project (Motion No. 17850, Case No. 2007.1342K).

On February 4, 2009, a Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared and published for public review; and

On March 2, 2009, the Planning Department/ Planning Commission 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/ Planning Commission 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 that the summary of comments and responses contained no significant revisions to the Draft IS/MND,] 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. 2007.1342E, 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.

Since the FMND was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the FMND due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the FMND.

On July 19, 2012, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2012.0457C.

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 approves the three-year extension of the performance period requested in Application No. 2012.0457C, subject to the conditions of Motion No. 17849 and the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The project sponsor requests an amendment to the conditions of approval for a previously approved project in order to extend the performance period for three years (to July 19, 2015). The project was originally approved by the Planning Commission on March 26, 2009, and would demolish an existing surface parking lot and construct a new mixed-use building reaching a height of 14 stories, containing approximately 153 affordable dwelling units, approximately 13,750 square feet of ground-floor commercial space, a supportive services office, rooftop and second floor open space, one loading space, and no off-street parking (Case No 2007.1342CK). No modifications are proposed to the design or intensity of the project as originally approved.
3. **Site Description and Present Use.** The project site is located at the northeast corner of the intersection of Eddy and Taylor Streets, Block 0331, Lots 010 and 011, within the RC-4 (Residential-Commercial Combined, High Density) District, the North of Market Residential Special Use District (Subarea 1), the 80-130-T Height and Bulk District, and the Uptown Tenderloin National Register Historic District. The site is a rectangular corner lot that measures 22,341 square feet, and is currently used as a surface parking lot.

4. **Surrounding Properties and Neighborhood.** The area surrounding the project site is mixed-use in character. The site is located within the Tenderloin neighborhood, an area characterized by high-density residential development, including a substantial number of residential hotels. Retail uses are typically found on the ground floors of residential buildings.

The scale of development varies greatly in the vicinity of the project site. Older buildings in the immediate area are generally six stories or less in height. Tall residential towers of more recent construction are interspersed among the older mid-rise structures. Tall hotel structures, such as the Hotel Nikko and the Hilton can be found in the blocks to the north and the east.

Boeddeker Park is located one-half block to the west of the project site. The park is roughly L-shaped, with frontage on Ellis, Eddy, and Jones Streets, and measures nearly one acre in size. Improvements in the park include planters, seating areas, lawns, a playground, and a basketball half-court. The larger southerly portion that fronts on Eddy and Jones Streets is generally the sunniest portion of the park, although shadow conditions vary throughout the day.

5. **Public Comment.** Through the Project Sponsor, the Department has received a number of letters in support of the extension from community organizations. The Department has received no letters in opposition to the extension.
6. This Commission adopts the findings of the previous Planning Commission Motion No. 17849, as though fully set forth herein.
7. 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.
8. The Commission finds that, given the fiscal conditions of local, State, and Federal government, and the associated difficulties in securing financing for an affordable housing project, which is beyond the control of the Project Sponsor, and given the merits of the proposed Project, it is appropriate to amend condition of approval No. 2(E) of Planning Commission Motion No. 17849 to extend the performance period of the Project to July 19, 2015.
9. On balance, the Commission hereby finds that approval of the proposed amendment to condition of approval No. 2(E) of Planning Commission Motion No. 17849 in this case 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 Application No. 2012.0457C**, subject to the following conditions attached hereto as "EXHIBIT A", and subject to the Conditions of Approval of Planning Commission Motion No. 17849, as amended by this approval to modify Condition 2(F) to extend the performance period of the project to July 19, 2015.

The Planning Commission further finds that since the FMND was finalized, and the Addendum to the FEIR was published, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the FMND due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the FMND.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this approval of a Conditional Use Authorization application to the Board of Supervisors within thirty (30) days after the date of this Motion No. 18665. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94012.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on July 19, 2012.

Linda Avery
Commission Secretary

AYES: Antonini, Borden, Moore, Sugaya, Wu

NAYS:

ABSENT: Fong

ADOPTED: July 19, 2012

EXHIBIT A

AUTHORIZATION

This authorization is extend the performance period under Motion No. 17849 until July 19, 2017, for a project located at 168-186 Eddy Street, Block 0331, Lots 010-011, within the RC-4 District, the 80-130-T Height and Bulk District, and the North of Market Residential Special Use District (Subarea 1) to demolish an existing surface parking lot and construct a new mixed-use building reaching a height of 14 stories, containing approximately 153 affordable dwelling units, approximately 13,750 square feet of ground-floor commercial space, a supportive services office, rooftop and second floor open space, one loading space, and no off-street parking, subject to conditions of approval reviewed and approved by the Commission on March 26, 2009 under Motion No. 17849, as amended by the Planning Commission on July 19, 2012 under Motion No 18665. 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 March 26, 2009 under Motion No. 17849, as amended by the Planning Commission on July 19, 2012 under Motion No. 18665.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18665 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, amending the expiration date of the performance specified the approval granted per Motion No. 17849 (until July 19, 2017). 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.