



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|---|---|
| <input checked="" type="checkbox"/> Inclusionary 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 checked="" type="checkbox"/> Other |

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion 19135

HEARING DATE: MAY 1, 2014

Date: April 24, 2014
Case No.: **2014.0103CVX**
Project Address: **1036 MISSION STREET**
Zoning: C-3-G (Downtown, General Commercial) District
120-X Height and Bulk District
Block/Lots: 3703/079 & 080
Project Sponsor: Christopher Cummings
Tenderloin Neighborhood Development Corporation
201 Eddy Street
San Francisco, CA 94102
Staff Contact: Kate Conner – (415) 575-6914
kate.conner@sfgov.org

ADOPTING FINDINGS AUTHORIZING A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 124(F) TO ALLOW ADDITIONAL SQUARE FOOTAGE ABOVE THE BASE FLOOR AREA RATIO FOR DWELLING UNITS THAT WILL BE AFFORDABLE FOR A MINIMUM OF 20 YEARS TO HOUSEHOLDS WHOSE INCOMES ARE WITHIN 150 PERCENT OF THE MEDIAN INCOME, IN CONNECTION WITH A PROPOSAL TO CONSTRUCT A NINE-STORY, 100% AFFORDABLE 83-UNIT BUILDING WITH APPROXIMATELY 963 GROSS SQUARE FEET (GSF) OF GROUND FLOOR RETAIL ON A SITE THAT CURRENTLY CONTAINS A SURFACE PARKING LOT WITHIN THE C-3-G ZONING DISTRICT AND THE 120-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On November 5, 2008, Tenderloin Neighborhood Development Corporation (hereinafter "Applicant") filed an application (Case No. 2007.1464EKXCV) with the Planning Department (hereinafter "Department") seeking authorization for new construction of a residential building, nine to 13 stories tall and approximately 120 feet in height, containing approximately 100 dwelling units, 1,250 square feet of ground floor retail space, common community rooms and no off-street parking spaces at 1036 Mission Street, north side between Sixth and Seventh Streets, within the C-3-G (Downtown General Commercial) District and a 120-F Height and Bulk District.

On April 22, 2009, the Planning Department determined that the proposed Project could not have a significant effect on the environment and published a Preliminary Mitigated Negative Declaration (PMND) in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code.

As there were no appeals of the PMND filed, on May 12, 2009 the Department published a Final mitigated Negative Declaration (FMND) in compliance with CEQA, the State CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code.

On May 14, 2009, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Application No. 2007.1464EKXCV and approved 2007.1464EKXCV subject to conditions stipulated in Motion Nos. 17875 and 17876.

On January 15, 2014, Christopher Cummings of Tenderloin Neighborhood Development Corporation ("Project Sponsor"), submitted a request (Case No. 2014.0103CVX) with the City and County of San Francisco Planning Department ("Department") for a Determination of Compliance pursuant to Section 309 with requested Exceptions from Planning Code ("Code") Section 134(d), Rear Yard and 148, Ground-Level Wind Currents to construct a 9-story, 100% affordable 83-unit building with approximately 963 gross square feet (gsf) of ground floor retail on a site that currently contains a surface parking lot within the C-3-G Zoning District and the 120-X Height and Bulk District (collectively, "Project"). This Project is similar to the project (Case No. 2007.1464EKXCV) entitled in 2009 subject to conditions stipulated in Motion Nos. 17875 and 17876; however it is smaller in scope.

On April 16, 2014, the Planning Department issued a memo to file determining that the FMND completed pursuant to Case No. 2007.1464EKXCV was adequate for the scope of work proposed as part of the current application, Case No. 2014.0103CVX, and that no further environmental review is required.

The Planning Department, Jonas P. Ionin, is the custodian of records, located in the File for Case No. 2014.0103CVX at 1650 Mission Street, Fourth Floor, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting program (MMRP) as part of the Environmental Determination made for 2007.1464EKXCV and this material was made available to the public and this Commission for this Commission's review, consideration and action.

On May 1, 2014, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2014.0103CVX.

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 conditional use authorization to allow additional square footage above the base floor area ratio for dwelling units that will be affordable for a minimum of 20 years to households whose incomes are within 150 percent of the median income requested in Application No. 2014.0103CVX, subject to 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. **Site Description and Present Use.** The Project Site is vacant and located on the north side of Mission Street, Lots 079 & 080 in Assessor's Block 3703 (hereinafter "Subject Property"). The property is in a C-3-G (Downtown General Commercial) District and a 120-X Height and Bulk District and has a lot area of approximately 15,192 square feet. The property is currently used as an 80-space surface parking lot. There are four handicapped spaces and five Zip Car spaces. The site also contains a 12-foot by 25-foot billboard attached to the adjacent building to the east. The billboard would be removed as part of the proposed project. Parking on the lot is available on a daily and monthly basis with one attendant on duty Monday through Friday.

The subject block is bonded by Sixth Street to the east, Market Street to the north, Seventh Street to the west, and Mission Street to the south. Jessie Street runs parallel to Mission Street and provides access to the rear of the site. There is 95 feet of frontage on Jessie and Mission Streets.

3. **Surrounding Properties and Neighborhood.** The Project Site is located in the South-of-Market neighborhood. To the west lie parking lots and the U.S. Courthouse (formerly the main Post Office building) at Seventh and Mission Streets. Small and mid-sized business structures line Jessie Street east of the project site and small retail businesses line Sixth Street between Market and Mission Streets nearby. Some of these buildings contain upper-floor residential hotels. The site is one block south of Market Street and about two blocks from the Civic Center Station serving BART and MUNI. The Project is well served by transit of all varieties.

The Project Site is located in the C-3-G District: Downtown General Commercial Zoning District. This District covers the western portions of downtown and is composed of a variety of uses: retail, offices, hotels, entertainment, clubs and institutions, and high-density residential. Many of these uses have a Citywide or regional function, although the intensity of development is lower here than in the downtown core area. As in the case of other downtown districts, no off-street parking is required for individual commercial buildings. In the vicinity of Market Street, the configuration of this district reflects easy accessibility by rapid transit.

4. **Project History.** In 2009, the Planning Commission approved a similar development proposal for the Project Site. Case No. 2007.1464EKXCV authorized new construction of a residential building, nine to 13 stories tall and approximately 120 feet in height, containing approximately 100 dwelling units, 1250 square feet of ground floor retail space, common community rooms and no off-street parking spaces at the Project Site. A FMND was prepared and finalized in May 2009. The current proposal is smaller in scope; therefore, a Note to File will satisfy the environmental review requirements under the California Environmental Quality Act.

The previous project, 2007.1464EKXCV, was for a 100-unit 100% affordable project that was 120 feet in height and 13 stories. The FAR was 7.7 to 1.0. 12 of the units required variances for exposure requirements. The layout was similar to the current Project, with an interior courtyard and a roof deck. The current proposal is for 83 units to be located in a nine-story 90-foot high building. The change in project description was determined by the Zoning Administrator to be significant enough to warrant new entitlements.

5. **Project Description.** The Project Sponsor proposes to construct a nine-story 83-unit 100% affordable housing project with approximately 963 gsf of ground floor retail on two lots currently used as surface parking lots. A similar project larger in scope was entitled in 2009 with the same Project Sponsor and approved by the Planning Commission through Motion Numbers 17875 and 17876. The Project Site is located within the C-3-G (Downtown General) Zoning District and 120-X Height and Bulk District.

The Project consists of approximately 96,576 gsf consisting of 963 gsf of retail uses and 95,613 gsf of residential uses consisting of 100% affordable housing. The 83 affordable units range from junior one-bedroom to three-bedroom flats. The project also includes common rooms, management offices, laundry, lobby, circulation and supportive service spaces designed to serve the intended family population. The Project will also include 84 indoor bicycle storage spaces. There will be no on-site automobile parking. The Project will achieve GreenPoint status.

The Project includes exceptions pursuant to Planning Code Section 309, a Conditional Use Authorization, and three Variances. The 309 exceptions include an exception to Reduction of Ground-Level Wind Currents in C-3 Districts and a reduction in Rear Yard requirements. The Project is receiving a Conditional Use Authorization for exempting affordable units from floor area ratio ("FAR") calculations. The Variance is for residential open space, public open space, and exposure requirements. Since the original entitlement, Case No. 2007.1464EKXCV, the Project has been designed to be more Code-conforming.

The Project would be one hundred percent affordable. 100% of the 83 units will be restricted to persons and families earning no more than 50% of area median income (AMI), and 40 of the total units will be targeted for homeless persons and families or persons and families at risk of homelessness, earning no more than 30% of AMI. One of the one-bedroom units will be designated as a manager's unit.

The Project is intended to support the City of San Francisco's goal of ending chronic homelessness and increasing availability of affordable housing units specifically for families. The Project will provide affordable rental housing for families and, as a TNDC property, on-site supportive services staff would coordinate medical and health care for residents free of charge, offer employment and training services, and provide counseling regarding benefits and money management skills.

The retail space on Mission Street is intended as neighborhood serving retail and/or non-profit space. This space would likely employ up to 10 persons.

6. **Design.** The lobby entrance occurs under a steel and glass canopy, within a deep notch in the building mass which extends the full height of the building. The notch articulates the Mission Street façade into three vertically proportioned segments, each with its own fenestration pattern. The second floor façade is incorporated into a two-story order of articulate concrete columns at the base of the building and will be occupied by residential and common spaces. Above this level are seven residential floors with paired bay windows on the widest segment, commercial-grade aluminum windows, metal siding accent and metal sunshades. The cladding on these levels would be a mix of stucco and metal panels. As viewed from the west, the building would form a U-shape around a mid-block 2nd floor courtyard. The blind wall at the west property line is highly visible from Mission Street. The Project Sponsor is proposing to install public art at this location. The adjacent property is federally owned and there are no development plans proposed in the immediate future. The Project Sponsor understands that if there is public art approved at this location, it will be conditioned so that if the adjacent is ever developed, the art will need to be removed and installed elsewhere on the property.

There is set in glazing at the residential corridors and it is articulated in proportioned segments which will receive an accent color. The east walls will receive a similar treatment. The ground floor of the Jessie Street elevation includes utility spaces, clad in metal panels, with a larger section of storefront glazing at the residents' common room. Above the ground floor, the Jessie Street elevation would be stucco and ribbed metal siding.

A long skylight, located above a large fountain in the lobby, would allow daylight to fill in the lobby and office spaces facing it and provide a visual connection between the lobby and 2nd floor courtyard. The second level abuts an exterior courtyard and will include a laundry room, staff conference room, staff lounge, 10 residential units and an open stair which will connect the 1st and 2nd floor lobbies. Levels three to eight are residential floors which typically include 12 units. The ninth floor includes 8 units and a roof deck.

7. **Public Comment.** The Department has received six letters expressing support of this project.
8. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - a. **Floor Area Ratio (Section 124).** The floor area ratio (FAR) limit as defined by Planning Code Section 124 for the Downtown General Commercial District is 6.0 to 1. Section 124(f) provides that in C-3-G Districts, additional square footage above the base FAR of 6.0 to 1 may be approved by conditional use for the construction of dwelling units affordable for 20 years to households whose incomes are within 150 percent of the median income, as defined in Section 124(f).

In the C-3-G District, the maximum floor area ratio (FAR) is 6.0:1. However, under Planning Code Section 124(f), the floor area of affordable housing to be constructed on a project site in a C-3-G District can be approved with Conditional Use Authorization over and above that permitted by the base FAR limits, provided certain requirements are met. Thus, a Conditional Use

Authorization is required for all of the floor area dedicated to households whose incomes are within 150 percent of the median income, regardless of the exact amount of FAR proposed. The proposed residential gsf is 95,613 on a 15,192 sf lot, thereby yielding a FAR of 6.3 to 1.0. The 963 gsf of retail on the ground floor is exempt from FAR calculations pursuant to Planning Code Section 102.9. The Project requests Conditional Use Authorization for approximately 4,461 sf of housing pursuant to Planning Code Section 124(f).

- b. **Density (Section 215).** Planning Code Section 215(a) permits up to 197 dwelling units (a ratio of 1 unit per 125 sf of lot area) and allows a density greater than that through a Conditional Use Authorization.

The proposed residential density of 83 dwelling units would be within the permitted density for the C-3-G Zoning District. The Project Site is 15,192 square feet in size and would permit up to 122 dwelling units.

- c. **Use (Sections 215(a), 218(b)).** The Project Site is located in a Downtown General (C-3-G) District wherein residential and commercial uses are permitted. Areas in the City identified as Downtown General include a variety of different uses, such as retail, offices, hotels, entertainment, clubs and institutions, and high-density residential. Many of these uses have a Citywide or regional function, although the intensity of development is lower here than in the downtown core area.

The residential and retail uses of the proposed project at the density proposed would be consistent with the permitted Downtown General uses, pursuant to Planning Code Sections 215(a) and 218(b).

9. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the project complies with the criteria of Section 303, in that:

- a. The proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.

The Project would provide 83 desperately-needed affordable family housing units (approximately 54% of which would be two-bedroom units or larger). Residents of the Project will be able to walk, bicycle, or take transit to commute, shop, and meet other needs without reliance on private automobile use. The active residential uses at the ground floor and public realm improvements along the public rights-of-way will create a vibrant focal point for the area, activating the streetscape and creating visual interest for pedestrians at a prominent site location. The Project is compatible with the neighborhood and community in terms of use and scale; and offers residents access to important amenities and support services.

- b. The use or feature as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to property

improvements, or potential development in the vicinity, with respect to aspects including, but not limited to the following:

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

The Project site is a regularly-shaped site composed of two rectangular lots that is adequately sized to accommodate the development. The Project footprint will occupy the entire site and will match the development pattern of the immediately surrounding built environment that features office, civic, and institutional buildings with full lot coverage.

The Project will be constructed within the existing height and density limits with a nine-story façade on the major Mission Street frontage and an eight-story portion on Jessie Street. Current zoning allows for a substantial increase in height, density, and FAR on adjacent parcels, and it is expected that, over time, adjacent buildings will be of a similar scale as the proposed Project.

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading and of proposed alternatives to off-street parking, including provisions of car-share parking spaces, as defined in Section 166.

The Project Site is located within an urban context, where convenience goods and services are available within walking distance. Residents of the project will be able to walk to such services in the vicinity. In addition, the area is served by ample public transit. The project will be providing 84 indoor bicycle storage units.

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

The Project is residential in nature, and should not introduce operational noises or odors that are detrimental, excessive, or atypical for the area. While some temporary increase in noise can be expected during construction, this noise is limited in duration and will be regulated by the San Francisco Noise Ordinance which prohibits excessive noise levels from construction activity and limits the permitted hours of work. The building will not utilize mirrored glass or other highly reflective materials; therefore, the Project is not expected to cause offensive amounts of glare. All window glazing will comply with the Planning Code and relevant design guidelines to eliminate or reduce glare.

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

The Project includes street trees along Mission Street and Jessie Street frontages, as well as trees and other vegetation which would be located in the courtyard. The Project proposes approximately 5,230 sf of open space between the courtyard and roof deck. The Project does not include parking or loading; however striped loading zones would be provided on both Mission and Jessie streets to

allow access to the main entrance and service entrances. Street-level mechanical elements would be screened from view and the loading area would be recessed within the building and accessed from Jessie Street. Signage would be typical for a residential project. The detailed lighting and signage plans would be subject to approval by the Planning Department.

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

The Project generally complies with the applicable sections of the Code. The residential uses contemplated for the Project are permitted within the C-3-G District. The Project complies with use and density requirements. The Project Site is well-served by transit and commercial services, allowing residents to commute, shop, and reach amenities by walking, transit, and bicycling. The Project conforms with multiple goals and policies of the General Plan, as described in further detail in Item #10.

10. **General Plan Conformity.** The Project would affirmatively promote the following objectives and policies of the General Plan:

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.

The proposed mixed-use Project responds to the need for new affordable housing by creating 83 affordable dwelling units.

OBJECTIVE 4:

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

Policy 4.5:

Ensure that new permanently affordable housing is located in all of the City's neighborhoods, and encourage integrated neighborhoods, with a diversity of unit types provided at a range of income levels.

The Project would provide 100% affordable housing for low income households. All 83 of the units will be restricted to persons or families earning no more than 50% of area median income (AMI) and 40 of the total units will be targeted for homeless persons and families or persons and families at risk of homelessness, earning no more than 30% of AMI. One of the one-bedroom units will be designated as a manager's unit.

The building includes a mix of unit sizes, further adding to the diversity of unit types provided at a range of income levels. There will be approximately 30 junior one-bedroom units, nine one-bedroom units, 37 two-bedroom units, and seven three-bedroom units.

OBJECTIVE 5:

INCREASE THE EFFECTIVENESS AND EFFICIENCY OF THE CITY'S AFFORDABLE HOUSING PRODUCTION SYSTEM.

Policy 5.1

Ensure all residents of San Francisco have equal access to subsidized housing units.

Policy 5.2:

Support efforts of for-profit and non-profit organizations and other community-based groups and expand their capacity to produce and manage permanently affordable housing.

Policy 5.4

Provide a range of unit types for all segments of need, and work to move residents between unit types as their needs change.

The Tenderloin Neighborhood Development Corporation (TNDC), a non-profit, community-based group, will be able to expand programs and services they offer to the citizens of San Francisco with the proposed common community space located in the building. Additionally, TNDC will manage the all-affordable project. TNDC will be offering supportive housing, or housing for the formerly homeless, in addition to permanently affordable.

OBJECTIVE 6:

REDUCE HOMELESSNESS AND THE RISK OF HOMELESSNESS.

Policy 6.1:

Prioritize permanent housing solutions while pursuing both short- and long-term strategies to eliminate homelessness.

The Project would provide 100% affordable housing for low income households. All 83 of the units will be restricted to persons or families earning no more than 50% of area median income (AMI) and 40 of the total units will be targeted for homeless persons and families or persons and families at risk of homelessness, earning no more than 30% of AMI.

OBJECTIVE 11:

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

Policy 11.1:

Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

Policy 11.6:

Foster a sense of community through architectural design, using features that promote community interaction.

The Project is well designed and compatible with the scale and proportions of buildings in the area, and will be built with high quality materials. The design is compatible with design elements in the neighborhood and would add to the image and mixed-use orientation of the downtown district. The design of the building incorporates contemporary design and detailing that responds appropriately to the variety of heights, scales, styles and periods found in the area. The design and proportions feature clean lines with appropriately scaled massing coupled with quality materials and fixtures that will add to the evolving rich and varied pedestrian experience in this neighborhood.

COMMERCE AND INDUSTRY ELEMENT

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 Project would add approximately 963 sf of new commercial space that is intended to serve residents in the building and likely draw a wider range of new neighborhood-serving retail businesses than it does today. Retail is encouraged and principally permitted on the ground floor of buildings in the Downtown General District, and is thus consistent with activities in the commercial land use plan.

TRANSPORTATION ELEMENT

OBJECTIVE 2:

USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.

Policy 2.1:

Use rapid transit and other transportation improvements in the city and region as the catalyst for desirable development, and coordinate new facilities with public and private development.

OBJECTIVE 11:

ESTABLISH PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.

Policy 11.3:

Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well as mitigate traffic problems.

The Project is located within a neighborhood rich with public transportation and the people occupying the building are expected to rely heavily on public transit, bicycling, or walking for the majority of their daily trips. The project includes bicycle parking for 149 bicycles (84 Class 1, 5 Class 2, and 60 additional bike parking spaces). Within a few blocks of the project site, there is an abundance of local and regional transit lines, including MUNI bus lines 6, 9, 12, 14, 19, 21, 47, 71, all six MUNI Metro rail lines, BART, and by SAMTrans. Additionally such transit lines also provide access to AC Transit (Transbay Terminal) and CalTrain.

URBAN DESIGN ELEMENT

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 1.3:

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

The height, massing, and shape of the proposed building would ensure its compatibility with the other buildings in the vicinity by transitioning appropriately with the context of the surrounding neighborhood.

OBJECTIVE 3:

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

Policy 3.1:

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

Policy 3.2:

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

Policy 3.5:

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

Policy 3.6:

Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

The Project would be compatible with the visual relationship and transitions between new and older buildings in the neighborhood. The design and proportions of the building would be compatible with the varying sizes of the buildings in the vicinity. The design of the building incorporates contemporary design that responds appropriately to the variety of styles and periods of this Downtown General District. Accordingly, the Project would reflect the design elements of nearby existing buildings and would avoid extreme contrasts in color, shape and other characteristics that would make it stand out in excess of its civic importance. The Project's height and bulk would be consistent with the surrounding streetscape and would be visually compatible with the surrounding buildings.

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 includes a well landscaped second story courtyard and 10 street trees.

DOWNTOWN AREA PLAN

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 produces substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences which cannot be mitigated.

The Project will bring additional housing with no off-street parking and an abundance of bicycle parking into a neighborhood that is well served by public transit on the outskirts of Downtown. The Project will create substantial net benefits for the City without any undesirable consequences that cannot be mitigated.

OBJECTIVE 7:

EXPAND THE SUPPLY OF HOUSING IN AND ADJACENT TO DOWNTOWN.

Policy 7.1:

Promote the inclusion of housing in downtown commercial developments.

Policy 7.2:

Facilitate conversion of underused industrial and commercial areas to residential use.

The Project would construct a nine-story, 83-unit residential building, intended for use as affordable housing, thereby increasing the City's limited supply of affordable housing.

The Project also includes approximately 963 sf of ground floor commercial space, which will provide services to the immediate neighborhood. Unlike the existing undeveloped lot, this new commercial space will create pedestrian-oriented, active uses along Mission and Jessie Streets.

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

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

The Project would not displace existing neighborhood-serving retail uses because no retail uses currently exist at the project site. The proposed project would enhance neighborhood-serving retail uses by providing approximately 963 square feet of neighborhood-serving retail space. The Project Sponsor anticipates that the retail space will employ 10 individuals and another 14 people for building maintenance and management.

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 would not remove any existing housing, and would create 83 new affordable dwelling units. The Project Site is located within a dense, urban-infill neighborhood on Mission Street between 6th and 7th Streets and within a C-3-G Downtown General Commercial District. Existing properties within the vicinity of the project site include high-density residential (SOMA Grand), government buildings, hotel (intercontinental Hotel), retail, office and light industrial uses of varying intensities. The Project would enhance the character of the neighborhood by replacing a surface parking lot on the site with affordable housing. The design relates to the mass and vertical articulation of the existing warehouse building in the neighborhood, while incorporating bays, sunshades, and canopies whose detailing related to the more modern structures in the area. The Project adds to the continuous ground level streetscape on Mission Street by providing active uses which will animate the street level. The height of the building extends below the 120-height limit which is compatible with the higher-density development that has been planned for the mid-market area. The Project would add to the cultural and economic diversity of the area by providing 83 new housing units, which would be affordable to a variety of income levels and household sizes.

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

There is currently no housing on the site; therefore, no affordable housing will be lost as part of this project. The Project would, however, significantly enhance the City's supply of affordable housing serving moderate income households. The Project would be an affordable housing development (with ground-floor retail space) which would provide approximately 83 affordable dwelling-units in a combination of junior one-bedrooms, one-bedroom, two-bedroom and three-bedroom units. Approximately 54% of the units provided will have two or more bedrooms, which will help advance the City's priority for family housing. Additionally, 100% of the new residential units will be made available to persons and families earning less than 50% AMI. The Project will also enhance the quality of the City's affordable housing and minimize its impact upon the larger environment by achieving GreenPoint rating.

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

Commuter traffic would be extremely limited, consisting primarily of support staff and retail space employees. The project site, located within one block of Market Street and about two blocks from the Civic Center BART and MUNI station, is well-served by public transportation.

- 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.

No industrial or service sector business would be displaced by the proposed project, and there is no commercial office space in the development. The Project includes only residential dwelling units and neighborhood-serving retail. Many of the building's new residents will support the existing industrial or service sector businesses in the neighborhood, prompting the creation of more employment opportunities.

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

The Project would be constructed to meet all of the most current and rigorous seismic and life-safety requirements of the San Francisco Building Code. This proposal will not adversely affect the property's ability to withstand an earthquake; rather, it will result in the production of seismically safe affordable housing.

- G. That landmarks and historic buildings be preserved.

No landmarks or historic buildings would be demolished, and the property is not part of a historic or conservation district.

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

The Project will have not have any negative impact on existing parks and open spaces. Existing public parks and open space areas in the project vicinity include the Civic Center Plaza, the United Nations Plaza, the South of Market Recreation Center and Victoria Manalo Draves Park, which are all at least .2 miles away. The project would not shade any of these parks.

12. 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.
13. The Commission hereby finds that approval of the Determination of Compliance with exceptions would promote the health, safety and welfare of the City.

DECISION

Based upon the whole record, the submissions by the Project Sponsor, the staff of the Department, and other interested parties, the oral testimony presented to the Commission at the public hearing, and all other written materials submitted by all parties, in accordance with the standards specified in the Code, the Commission hereby **APPROVES Application No. 2014.0103CVX** and grants exceptions to Sections 134(d) and 148, pursuant to Section 309, subject to the following conditions attached hereto as Exhibit A which are incorporated herein by reference as though fully set forth, in general conformance with the plans stamped Exhibit B and on file in Case Docket No. **2014.0103CVX**.

The Planning Commission hereby adopts the MMRP associated with 2007.1464EKXCV attached hereto as Exhibit C and incorporated herein as part of this Motion by this reference thereto. All required mitigation measures contained in the MMRP are included as conditions of approval.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 309 Determination of Compliance and Request for Exceptions to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of adoption of this Motion if not appealed (after the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals in person at 1650 Mission Street, 3rd Floor (Room 304) or call 575-6880.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on May 1, 2014.

Jonas P. Ionin
Acting Commission Secretary

AYES: Commissioners Wu, Fong, Antonini, Borden, Hillis, Moore, Sugaya

NAYS: None

ABSENT: None

ADOPTED: May 1, 2014

EXHIBIT A

AUTHORIZATION

This authorization is to grant a Conditional Use Authorization pursuant to Planning Code Sections 303 and 124(f) to allow additional square footage above the base floor area ratio for dwelling units that will be affordable for a minimum of 20 years to households whose incomes are within 150 percent of the median income, in connection with a proposal to construct a nine-story, 100% affordable 83-unit building with approximately 963 gross square feet (gsf) of ground floor retail on a site that currently contains a surface parking lot within the C-3-G Zoning District and the 120-X Height and Bulk District, in general conformance with plans dated April 10, 2014, and stamped "EXHIBIT B" included in the docket for Case No. 2014.0103CVX and subject to conditions of approval reviewed and approved by the Commission on May 1, 2014 under Motion No. 19135. 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 May 1, 2014, under Motion No 19135.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19135 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 construct the project and/or commence the approved use 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. **Additional Project Authorizations.** The Project Sponsor must obtain a Planning Code Section 309 Determination of Compliance with Request for Exceptions to Rear Yard (Section 134(d)) and Ground-Level Wind Currents in C-3 Districts (Section 148). The Project Sponsor must obtain Variances pursuant to Planning Code Sections 305, 135, and 140 to provide less residential open space than is required by the Planning Code and provide 12 units that do not meet exposure requirements. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

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

4. **Mitigation Measures.** Mitigation measures described in the MMRP associated with 2007.1464EKXCV attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the Project Sponsor. The implementation of the mitigation measures is a condition of approval.

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

MONITORING - AFTER ENTITLEMENT

5. **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

6. **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

7. **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