



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input type="checkbox"/> Other |

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Planning Commission Motion No. 18699

HEARING DATE: AUGUST 9, 2012
CONTINUED TO: SEPTEMBER 06, 2012

Date: August 30, 2012
Case No.: **2012.0641C**
Project Address: **933-949 STOCKTON STREET**
Zoning: Chinatown Residential Neighborhood Commercial (CRNC) Zoning District
Chinatown Transit Station Special Use District
65-85-N Height and Bulk District
Block/Lot: 0211/001
Project Sponsor: John Funghi
San Francisco Municipal Transportation Agency
821 Howard Street, 2nd Floor
San Francisco, CA 94103
Staff Contact: Elizabeth Watty – (415) 558-6620
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 145.3, 303, 812.82, 890.80, AND 812.14, TO ALLOW CONSTRUCTION OF THE CHINATOWN TRANSIT STATION ENTRANCE STRUCTURE (A "PUBLIC USE") WITH STREET FRONTAGES GREATER THAN 50 FEET, WITHIN THE CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL ZONING DISTRICT, AND 65-85-N HEIGHT AND BULK DISTRICT.

PREAMBLE

On May 16, 2012, John Funghi of the San Francisco Municipal Transportation Agency (hereinafter "SFMTA") (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use authorization under Planning Code Sections 145.3, 303, 812.82, 890.80, and 812.14, to allow construction of the Chinatown Transit Station entrance structure with street frontages greater than 50 feet, within the Chinatown Residential Neighborhood Commercial (hereinafter "CRNC") Zoning District, and 65-85-N Height and Bulk District.

On August 9, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0641C.

The physical effects of the demolition of 939-949 Stockton Street and the construction of a station building were analyzed in the Central Subway/Third Street Light Rail Phase 2 Final Supplemental Environmental Impact Statement/Final Supplemental Environmental Impact Report ("Final SEIS/SEIR") certified by the Planning Commission in 2008, and no subsequent or supplemental environmental review is required under the California Environmental Quality Act Guidelines Section 15162. Planning Department staff has reviewed the design of the station and determined that the station as designed would not result in new significant impacts, require new or modified mitigation measures, or cause impacts of greater severity than previously reported in the Final SEIR/SEIS. On August 09, 2008, the SFMTA adopted the project, including findings under CEQA, in SFMTA Resolution No. 08-150, which CEQA findings are incorporated by reference in this Motion.

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. 2012.0641C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located at the southwest corner of Stockton and Washington Streets, Block 0211, Lot 001. The subject property is located within the CRNC Zoning District, the 40-X Height and Bulk District. The property was developed with a two-story mixed-use building with commercial occupancy at the street level and single room occupancy lodging above. All residential and commercial tenants have been relocated and the building has been secured in preparation for demolition.

On April 4, 2012, Ordinance No.'s 0040-12 and 0041-12 became law, which together amended the Planning Code by adding Section 249.66, creating the Chinatown Transit Station Special Use District (SUD). The Chinatown Transit Station SUD authorized the demolition of the two-story, mixed-use building located on the subject lot without a concurrent approval of a replacement building. The Planning Commission and Board supported the amendment to allow demolition without concurrent new construction approval because the MTA had time constraints surrounding the need for demolition approval in order to secure federal funding, before the design of the proposed "head house" was ready to bring to the Commission for approval.

- 3. Surrounding Properties and Neighborhood.** The Chinatown Residential Neighborhood Commercial District extends along Stockton Street between Sacramento and Broadway and along Powell Street between Washington Street and Broadway. It is generally west and uphill from Grant Avenue and is close to the relatively intensely developed residential areas of lower Nob and Russian Hills. Stockton Street is a major transit corridor which serves as "Main Street" for the Chinatown neighborhood. Both Stockton and Powell Streets contain a significant amount of housing as well as major community institutions supportive to Chinatown and the larger Chinese community. This daytime-oriented district provides local and regional specialty food shopping for fresh vegetables, poultry, fish and meat. Weekends are this area's busiest shopping days.

Because Stockton Street is intended to remain principally in its present character, the Stockton Street controls are designed to preserve neighborhood-serving uses and protect the residential livability of the area. The controls promote new residential development compatible with existing small-scale mixed-use character of the area. Consistent with the residential character of the area, commercial development is directed to the ground story. Daytime-oriented use is protected and tourist-related uses, fast-food restaurants and financial services are limited.

Housing development in new and existing buildings is encouraged above the ground floor. Institutional uses are also encouraged. Existing residential units are protected by limits on demolition and conversion.

- 4. Project Description.** The proposed Central Subway Project is the second phase of the SFMTA's Third Street Light Rail Project. The Central Subway Project will extend Muni transit service improvements from the present terminus of the Third Street Light Rail Line at Fourth and King Streets through South of Market, Downtown, and terminating in Chinatown. The proposed project under review in this Conditional Use is the Chinatown Station entrance building, located at 935 Stockton Street, at Washington.

The proposed project involves construction of a new one-story transit station. The majority of the proposed station, including the subway tube and platforms, will be located underground and is not subject to Commission review. At the street level, however, the project includes construction of a one-story station entrance building, known as the "head house", containing the station entrance and exit, the enclosed glass skylight that illuminates the escalators, back-of-house circulation and mechanical features, and an open plaza at the south end of the site. These features are subject to the Commission's review and approval as part of this Conditional Use authorization for a Public Use and Street Frontages Greater than 50'-0" in the CRNC District.

The proposed building is composed as a three part scheme including a base, glazed body, and a top/fascia element. A public art installation, which has been approved by the Arts Commission, will wrap around the building at the cornice level. The top of the head house (approximately 24 feet above the sidewalk at the corner) is a flat slab capable of supporting future Transit Oriented Development (TOD) or a public park/open space.

However, at this time, the feasibility of TOD and/or public plaza/open space has not been determined. Any Request for Proposals for the TOD will include review requirements by the Planning Department's Preservation staff, and a qualified historic resources consultant hired by SFMTA to ensure that any future proposal meets the Secretary of the Interior's Standards for the Treatment of Historic Properties (SOIS's) based on compatibility with the character-defining features of the Chinatown Historic District (a district listed on the California Register of Historic Resources, but not a locally recognized district).

Attached as Exhibit C, is a memo from the Office of Economic and Workforce Development outlining the proposed schedule for public outreach to conceptually define the site's future programming, with the goal of having a TOD and open space proposal finalized in time for construction of the head house. Within one year of this Conditional Use Authorization, Planning staff will return to the Commission with a full report on the community process's outcomes and resulting site design and program, as conditioned in Exhibit A of this motion.

5. **Public Comment.** To date, the Department has not received any correspondence regarding this Conditional Use authorization.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Public Use.** Planning Code Section 812.82 states that a public use, as defined by Planning Code Section 890.80, is permitted as a Conditional Use at the first floor and above.

The Project includes a transit station, which is a public use, at the ground floor of the new building. A Conditional Use authorization is being sought under this application, the findings for which are outlined in Section 8 below.

- B. **Use Size.** Planning Code Section 812.20 allows a use size up to 2,500 gsf as-of-right, and any use size between 2,501 to 4,000 gsf requires a Conditional Use authorization.

The Project will include approximately 260 gsf of floor area that is not dedicated to public transit circulation, and thus meets the principally permitted use size controls for this District. Access ways to public transit are excluded from gross floor area, pursuant to Planning Code Section 102.9.

- C. **Floor Area Ratio.** Planning Code Section 812.19 allows a floor area ratio (FAR) up to 1.0 to 1.

The project will result in an FAR of .025 to 1, and thus complies with the FAR controls for this District.

- D. **Street Trees.** Planning Code Section 138.1 requires one street tree for every 20 feet of frontage, with an additional tree required for every remaining 10 feet of frontage.

The project includes a combined frontage of 210.9 feet along Washington and Stockton Streets, resulting in a total of 11 required street trees. The project proposes the installation of eight street trees: five along Stockton Street and three along Washington Street. The remaining three required street trees will be paid via an in-lieu fee, as conditioned in Exhibit A. The Zoning Administrator has reviewed and approved the request to waive the requirement to plant the three remaining street trees and instead pay the in-lieu fee, due to several unique features of the site that are associated with its use as a public transit facility. These include an emergency egress hatch located in under the Washington Street Sidewalk, as well as a desire for there to be visibility into the station entrance.

- E. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that Mixed Use Districts provide the following: 1) “active uses” within the first 25 feet of building depth on the ground floor from any facade facing a street at least 30 feet in width; 2) street-facing ground-level spaces that open directly onto the street; and 3) frontages that are fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and that allow visibility to the inside of the building.

The project will not include active uses along the western 19'-6" portion of the Washington Street frontage, where the property abuts Gordon Lau Elementary School. This space is dedicated to mechanical functions of the building along with egress stairs, and is enclosed by glass fiber reinforced cementitious panels.

Planning Code Section 145.1(c)(3) allows the Zoning Administrator to exempt projects from the active use requirement of Section 145.1 in instances where features such as mechanical electrical, and plumbing functions are provided within the front 25 feet of building depth in such a fashion as to not negatively affect the quality of the ground floor space. The Zoning Administrator reviewed the project's street frontage design and has authorized administrative approval to allow certain non-active uses within the front 25 feet of the building since those features do not negatively impact the quality of the ground floor space. The proposal provides active uses for the remainder of the building's two frontages – at depths of more than 25 feet deep – and includes more than the required amount of façade transparency. Furthermore, due to the unique use associated with the building, the topography of the property along Washington Street, and the architectural treatment of this non-active use, the non-active use portion of the Washington Street façade does not negatively impact the quality of the ground floor space.

- F. **Maximum Street Frontages.** Section 145.3 of the Planning Code limits the street frontage of buildings in Chinatown to a maximum of 50 feet in width.

The project includes building street frontages greater than 50 feet in width. An exception to this requirement is being sought under this Conditional Use authorization, the findings for which are outlined below in Section 7.

- G. **Hours of Operation.** Planning Code Section 890.48 allows hours of operation from 6:00 a.m. until 11:00 p.m. as-of-right in the CRNC District, and requires Conditional Use authorization to operate between the hours of 11:00 p.m. and 2:00 a.m.

A transit station is not considered a "commercial establishment", and is thus not subject to these hours of operation controls.

H. **Signage.** Currently, there is not a proposed sign program on file with the Planning Department. Any proposed signage will be subject to the review and approval of the Planning Department.

7. **Planning Code Section 145.3** establishes street frontage maximums of 50 feet wide in Chinatown. Street frontage exceptions may be approved as a Conditional Use in accordance with the criteria outlined below:

A. Projects having more than 50 feet of street frontage shall be divided in architectural treatment to appear as two or more independent buildings reflecting the typical scale of older buildings in the Chinatown area. Architectural treatments may include varied types of windows and entries, individual storefronts and the use of differing colors and textures.

The site design and building massing of the Chinatown Station is designed such that each major component of the building along Stockton and Washington Streets does not exceed 50 feet in width. The proposed project is compatible with the surrounding character and scale of older buildings in the Chinatown area and provides reference to several of the district's character-defining features. The project includes a continuous yet articulated façade, simple rectangular massing, a flat roof, and a regular rhythm of bays and fenestration pattern. The overall low-scale massing, simple horizontal lines, and materials palette of the new construction allows the building to blend in with the surrounding neighborhood.

B. Flat facade surfaces shall be broken up at least every 30 feet by the projection of bay windows or by vertical recesses.

The façade is broken up at least every 30 feet by projecting fins, punched vertical openings, exterior seating elements, or large vertical recesses at the entrance.

C. Facade divisions shall be reinforced by matching changes in height for portions of the building.

The project includes three major changes in height, differentiating the angled escalator feature, the main head house, and the back-of-house features on Washington Street. These three height changes correlate to several of the façade divisions that break up the massing of the building.

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 Chinatown transit station head house building at Stockton and Washington Streets will anchor the historical restoration of the original north-south rail transit axis connecting Chinatown with the Union Square, Market Street, and South of Market Districts. Here, the route under Stockton and Fourth Streets will be underground to increase speed and reliability over the original surface rail line that until the 1940's used the underground Stockton tunnel constructed to speed street cars between Chinatown and the City center.

The single story head house will be the street edge, public portion of the station situated at the northern end corner of the site at Washington and Stockton Streets with the entrance on Stockton Street. The top of the head house will be lower than the mixed-use structure that previously occupied the site. The walls will be largely glass, giving an overall impression of transparency.

The station entrance presents an inviting landmark, integrating the community needs to access mobility, display public art, and provide open space. The result of this public use will be less crowded bus stops, less crowded buses, and faster bus service throughout the Stockton Street commercial corridor, serving a population that is heavily dependent on public transportation. It will also improve congestion on the streets through Chinatown.

- 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 above ground portion of the station will be a net reduction of gross floor area of non-residential space in comparison to the gross floor area of the previous structure on the lot. The size and scale of the station are appropriate to its setting. The intersection of Washington and Stockton Streets is a natural discontinuity in the pervasive character defining mixed-use building typology. The intersection is inhabited by buildings that are either large in size and/or scale, have anomalous proportions, or are institutional in massing. As a tall one-story building with features common to the adjacent street front facades, the design's materiality, features, size, scale, proportion and massing are respectful of, and compatible with, the institutional character of the Stockton and Washington Street corner.

- 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 proposed transit station will improve accessibility for pedestrians and relieve congestion from buses that currently require extensive passenger loading times due to overcrowding. In keeping with the City's Transit First policy, the transit station's design does not include off-street parking or loading facilities.

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

The proposed transit station will not produce noxious or offensive emissions such as noise, glare, dust or odor. The emergency ventilation shafts are situated to the east of the site along the retaining wall, to minimize its proximity to the public realm in case of emergency. The vents extend from the southern side of the head house to the southern property line, and are approximately 25 feet wide in the east west direction. This element is an opaque wall backdrop to the open space south of the station entrance building.

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

The project site will include a landscaped area at grade. Conditions of approval outlined in Exhibit A ensure that a community process is in place to plan for a possible future TOD and open space development at this property. The project includes eight new street trees along the perimeter of the site, and does not include any of-street parking or loading.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The project complies with all relevant requirements and standards of the Planning Code, and is consistent with Objectives and Policies of the General Plan as detailed below.

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

COMMERCE AND INDUSTRY ELEMENT

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 which has substantial undesirable consequences that cannot be mitigated.

The proposed transit station will provide substantial net benefits to the Chinatown community and the City as a whole by linking the neighborhoods in the southeastern portion of the City with the retail and employment centers in the City's downtown and Chinatown Neighborhoods. The underground transit station and rail lines will help to minimize above ground congestion and facilitate improved access to jobs, shopping, and regional destinations such as Chinatown.

This project includes development that has minimized undesirable consequences. All existing residential and commercial tenants have been provided relocation packages that conform to the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The SFMTA has also minimized the undesirable consequences of losing 18 rent-controlled dwelling units (19 households) from the City's housing stock by committing to fund an off-site affordable housing development near Chinatown.

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.

Policy 2.3

Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location.

The proposed transit station will provide substantial benefits to the City as a whole by linking the neighborhoods in the southeastern portion of the City with the retail and employment centers in the City's downtown and Chinatown Neighborhoods. The underground transit station and rail lines will help to minimize above ground congestion and facilitate improved access to jobs, shopping, and regional destinations such as Chinatown. Improved transit access to social and cultural destinations, as well as the new linkage with CalTrain Station at 4th and King Street, will help enhance the City's attractiveness as a place where companies want to locate their businesses.

OBJECTIVE 4

IMPROVE THE VIABILITY OF EXISTING INDUSTRY IN THE CITY AND THE ATTRACTIVENESS OF THE CITY AS A LOCATION FOR NEW INDUSTRY.

Policy 4.4

When displacement does occur, attempt to relocate desired firms within the city.

Policy 4.7

Improve public and private transportation to and from industrial areas.

The proposed transit station will provide substantial net benefits to Chinatown community and the City as a whole by linking the neighborhoods in the more industrial southeastern portion of the City with the retail and employment centers in the City's downtown and Chinatown Neighborhoods. The underground transit station and rail lines will help to minimize above ground congestion and facilitate improved access throughout these neighborhoods.

OBJECTIVE 8

ENHANCE SAN FRANCISCO'S POSITION AS A NATIONAL CENTER FOR CONVENTIONS AND VISITOR TRADE.

Policy 8.3

Assure that areas of particular visitor attraction are provided with adequate public services for both residents and visitors.

Chinatown is one of the City's prominent visitor destinations. Public services such as transit are especially important in areas of particular visitor attraction. Provision of high quality transit services is one direct method that the City can employ to promote visitor trade in San Francisco. Additional public transit facilities, such as the Central Subway extension through Chinatown, will serve expanding visitor trade and should be supported.

URBAN DESIGN ELEMENT

OBJECTIVE 4

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY

Policy 4.13

Improve pedestrian areas by providing human scale and interest.

Surface entrance areas to underground stations provide an opportunity to improve the pedestrian environment and wayfinding along Stockton Street. Station areas should be designed with careful attention to urban design and street and sidewalk design recommendations contained in the City's Better Streets Plan.

CHINATOWN AREA PLAN

OBJECTIVE 1

PRESERVE THE DISTINCTIVE URBAN CHARACTER, PHYSICAL ENVIRONMENT AND CULTURAL HERITAGE OF CHINATOWN.

Policy 1.4

Protect the historic and aesthetic resources of Chinatown.

Although the implementation of the Central Subway project would result in the loss of an historic building in the Chinatown Historic District at 933-949 Stockton Street, SFMTA has complied with the mitigation measures outlined in the SEIS/SEIR help to reduce the impact of the demolition of the building. These measures include documentation of the existing historic building; salvage of architecturally significant building features for incorporation into an interpretative display in the new subway station; and employment of an architectural historian in the design development of the new station and adjoining building to ensure that the design is culturally appropriate to the Chinatown District. Preservation staff has determined that the proposed project is compatible with the surrounding potential historic district, and therefore meets the requirements of the Central Subway Final SEIS/SEIR, Mitigation Measure HARC-1b. SFMTA will continue to work with the Planning Department, including the Preservation staff, on final landscape design details. Any future proposals for TOD and/or open space will be reviewed by a qualified historic resources consultant hired by SFMTA to ensure that future development of the site meets the Secretary of the Interior's Standards for the Treatment of Historic Properties based on compatibility with the character-defining features of the historic district.

OBJECTIVE 7

MANAGE TRANSPORTATION IMPACTS TO STABILIZE OR REDUCE THE DIFFICULTIES OF WALKING, DRIVING, DELIVERING GOODS, PARKING OR USING TRANSIT IN CHINATOWN.

Policy 7.2

Make MUNI routes more reflective of and responsive to Chinatown ridership, including bilingual signage, schedules, and maps.

The station will include bilingual signage and information on Muni routes.

DOWNTOWN PLAN

OBJECTIVE 17

DEVELOP TRANSIT AS THE PRIMARY MODE OF TRAVEL TO AND FROM DOWNTOWN.

Policy 17.1

Build and maintain rapid transit lines from downtown to all suburban corridors and major centers of activity in San Francisco.

The rapid connection from Chinatown to Downtown created by the Central Subway connects Chinatown's residents to the City's major center of activity.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 1

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA.

Policy 1.3

Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.

By creating a visible station at the center of Chinatown's neighborhood commercial district, the station gives priority to public transit and provides a high traffic location for residents and visitors to access transit.

Policy 2.4

Organize the transportation system to reinforce community identity, improve linkages among interrelated activities and provide focus for community activities.

The Chinatown Station is located in the heart of the Chinatown community, and will link the area's residents to neighborhoods in the southeastern section of the city. The Central Subway Public Arts Program will work with communities along the project corridor to develop a comprehensive arts program to reflect the rich culture and history of the neighborhoods in which this new transit system will be located.

Policy 11.2

Continue to favor investment in transit infrastructure and services over investment in highway development and other facilities that accommodate the automobile.

As the one of the only underground subway stations built in San Francisco in over 25 years, the station, and the overall project, represents a significant investment in the City's public transit infrastructure.

Policy 14.7

Encourage the use of transit and other alternative modes of travel to the private automobile through the positioning of building entrances and the convenient location of support facilities that prioritizes access from these modes.

The location of Central Subway transit stations at key locations, including the Chinatown Station at Stockton and Washington Streets, will make access to the Central Subway easily available.

OBJECTIVE 21

DEVELOP TRANSIT AS THE PRIMARY MODE OF TRAVEL TO AND FROM DOWNTOWN AND ALL MAJOR ACTIVITY CENTERS WITHIN THE REGION.

Policy 21.2

Where a high level of transit ridership or potential ridership exists along a corridor, existing transit service or technology should be upgraded to attract and accommodate riders.

Chinatown has one of the City's highest transit ridership rates in the City, and the Central Subway Project, particularly the station in Chinatown will enhance and upgrade transit service and technology to accommodate Chinatown riders.

10. **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 complies 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.

Central Subway construction activities will have impacts to neighborhood retailers adjacent to and in the vicinity of the station; however, these disturbances will cease once construction is completed. Construction of the subway and the opening of the Chinatown station will bring additional visitors and consumers to neighborhood serving retail, with a spin-off effect increasing employment in the area.

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

While the previously approved demolition of the building located on the subject property would result in the loss of 18 rent-controlled units at 933-949 Stockton Street, all commercial and residential tenants were successfully relocated pursuant to federal and state guidelines, and SFMTA has committed to funding an off-site housing development of up to 75 new affordable units in an alternative location in Chinatown. 19 of these units would be reserved for former residents of 933-949 Stockton Street.

The new construction of the Chinatown Transit Station head house, however, will have no adverse effect on housing or neighborhood character. Rather, the addition of a transit facility within the neighborhood will help to conserve and protect the cultural and economic diversity of the neighborhood by bringing improved access to this neighborhood and tourist destination. The architectural treatment of the new station was designed in consultation with the Chinatown community, and the Arts Commission.

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

As noted above, the SFMTA will provide funding for replacement units which would be developed as permanently affordable units, and bring an additional 56 units of affordable housing with their

construction. The relocation of the 19 households was successfully completed in December of 2011 in full compliance with the federal Uniform Relocation Act and the State of California Relocation Act.

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

The implementation of the Central Subway project, the second and final phase of the multi-year Third Street Light Rail Program, is specifically designed to enhance transit service between the southeast and northeast districts of San Francisco in keeping with the City's Transit First policy.

By providing an exclusive right-of-way on the surface or in a subway that does not have to compete with traffic on congested surface streets, the reliability of transit service would be improved and travel times would be reduced for transit riders. This project would serve employment and population growth in this corridor and while reducing neighborhood street and sidewalk congestion. Temporary disruption to traffic and Muni service is likely to occur during construction activities but will cease once completed.

- 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.

As an improvement in the public right-of-way, the Central Subway would not have a direct effect on the displacement of industrial and service sectors. The Central Subway does, however, improve the link of the Stockton/4th Street corridor directly to the South of Market and Eastern Neighborhoods where industrial and service sectors are prevalent.

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

The Chinatown Transit Station is not located on any active faults and therefore rupture resulting from displacement along a fault is not likely to occur. The subway station would be designed to current seismic standards to withstand a major earthquake (magnitude-7) on the San Andreas Fault.

- G. That landmarks and historic buildings be preserved.

While the implementation of the Central Subway project would result in the loss of an historic building in the Chinatown Historic District at 933-949 Stockton Street to accommodate the construction of the Chinatown Station, demolition of this building was identified in the FSEIS/FSEIR as an unavoidable significant impact. Mitigation measures consistent with the Central Subway FSEIS/FSEIR have been taken to reduce the impact of the demolition of the 933-949 Stockton Street building, including: documentation of the existing historic building and salvage of architecturally significant building features for incorporation into an interpretative display in the new subway station. Additionally, Preservation staff has determined that the proposed project is compatible with the surrounding

potential historic district, and therefore meets the requirements of the Central Subway Final SEIS/SEIR, Mitigation Measure HARC-lb.

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

The new station is designed to meet up with the ground level of the Gordon Lau Elementary School playground, and would not create any shadow impacts. The building is less than 40'-0" tall, and is thus exempt from the Section 295 Shadow controls. Should the podium above the station head house be developed to include additional structures as part of a future TOD, it would need to be developed in consultation with the Planning Department and the Chinatown community to ensure that the exterior building articulation is done in such a way as to minimize the shadow impacts on the Gordon Lau Elementary School playground, as well as any other public open spaces.

11. 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.
12. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2012.0641C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated July 07, 2012, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 18699. 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 September 06, 2012.

Linda D. Avery
Commission Secretary

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

NAYS:

ABSENT:

RECUSED: Commissioners Sugaya, Wu

ADOPTED: September 06, 2012

EXHIBIT A

AUTHORIZATION

This authorization is for a Conditional Use to allow a Public Use, specifically the Chinatown Transit Station entrance building, with street frontages greater than 50 feet at 935 Stockton Street, Block 0211, Lot 001 pursuant to Planning Code Sections 145.3, 303 812.82, and 890.80, within the **Chinatown Residential Neighborhood Commercial District** and a **65-85-N** Height and Bulk District; in general conformance with plans, dated **July 7, 2012**, and stamped "EXHIBIT B" included in the docket for Case No. **2012.0641C** and subject to conditions of approval reviewed and approved by the Commission on **September 06, 2012**, under Motion No. **18699**. 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 **September 06, 2012, 2012**, under Motion No. **18699**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **18699** 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

Validity and Expiration. The authorization and right vested by virtue of this action is valid for five 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 five (5) 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 five (5) 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

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

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

PROVISIONS

First Source Hiring. The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.

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

Street Trees. Pursuant to Planning Code Section 138.1, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating the installation of eight (8) street trees: five (5) on Stockton Street and three (3) on Washington Street. The installation of the remaining three (3) required street trees has been waived by the Zoning Administrator and shall be accommodated through the payment of an in-lieu fee.

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

DESIGN – COMPLIANCE AT PLAN STAGE

Final Materials. The Project Sponsor shall continue to work with Planning Department staff on the final building and landscape design. Final materials, glazing, color, texture, landscaping, and detailing shall

be subject to Department staff – including Preservation staff – review and approval as part of the Architectural Addenda and prior to issuance of the Certificate of Final Occupancy.

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

Future TOD/Open Space Design. The Project Sponsor shall adhere to the public engagement schedule outlined in Exhibit C, in order to conceptually define the site’s possible future programming and design, with the goal of having a TOD and open space proposal finalized in time for concurrent construction with the transit station head house.

Within approximately one year from the date of this approval, Planning Staff shall return to the Commission with a full report on the outcome of that community process, along with the resulting site proposal.

Should planning for the TOD be deemed feasible and move forward, the Request for Proposal for any TOD shall require that that TOD design be developed with and reviewed by the Planning Department’s Preservation staff, and a qualified historic resources consultant hired by SFMTA to ensure that the TOD development meets the Secretary of the Interior’s Standards for the Treatment of Historic Properties based on compatibility with the character-defining features of the historic district.

Furthermore, should the TOD be deemed feasible by the SFMTA, the final TOD design – including any design changes that affect the exterior of the station head house – shall be reviewed and approved by the Planning Commission.

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

MONITORING - AFTER ENTITLEMENT

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

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

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