



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Motion No. 18938

HEARING DATE: AUGUST 1, 2013

Date: July 25, 2013
Case No.: **2011.0119 ECKV**
Project Address: **200 6th Street**
Zoning: SoMa NCT (Neighborhood Commercial Transit)
SoMa Youth and Family Special Use District
85-X Height and Bulk District
Block/Lot: 3731/001
Project Sponsor: Sharon Christen
Mercy Housing California
1360 Mission Street
San Francisco, CA 94103
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 121.1, 249.40A, 303, 317, AND 735.38 TO DEMOLISH THE EXISTING RESIDENTIAL BUILDING AND CONSTRUCT A 9-STORY, 85-FOOT TALL MIXED USE BUILDING CONTAINING 67 AFFORDABLE DWELLING UNITS AND AN APPROXIMATELY 2,550 GROUND FLOOR RESTAURANT SPACE WITHIN THE SOMA NCT (NEIGHBORHOOD COMMERCIAL TRANSIT) ZONING DISTRICT, THE SOMA YOUTH AND FAMILY SPECIAL USE DISTRICT, AND 85-X HEIGHT AND BULK DISTRICT, INCLUDING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

PREAMBLE

On November 10, 2011 Sharon Christen, representing Mercy Housing California (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Section(s) 121.1, 249.40A, 303, 317, and 735.38 to demolish the existing residential building and construct a 9-story, 85-foot tall mixed use building containing 67 permanently affordable dwelling units and an approximately 2,550 ground floor restaurant space within the SoMa NCT (Neighborhood Commercial Transit) Zoning District, the SoMa Youth and Family Special Use District, and 85-X Height and Bulk District.

On April 29, 2011, the Project Sponsor filed a Review of Shadow Impacts on Public Parks (Case No. 2011.0119K).

The Department determined that an Environmental Impact Report (“EIR”) was required and the Department printed and circulated a Notice of Preparation on August 15, 2012, that solicited comments regarding the content of the proposed EIR for the Project. The Department accepted comments on the EIR content through September 14, 2012. Subsequently, the Department published the Draft EIR on February 27, 2013, on which comments were accepted until April 15, 2013. A public hearing on the Draft EIR was held on April 4, 2013. Following the close of the public review and comment period, the Department prepared written responses that addressed all of the substantive written and oral comments on the Draft EIR, and the EIR was revised accordingly.

On March 6, 2013 and March 20, 2013, the San Francisco Historic Preservation Commission (hereinafter “Preservation Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to review the Draft EIR and provide comment.

Several comments on the Draft EIR were made both in writing and at a public hearing in front of the Planning Commission (hereinafter “Commission”) on April 4, 2013, and those comments were incorporated in the Final EIR with a response. The Comments and Responses added a new alternative in response to the comments provided by the Preservation Commission, but did not substantially revise the analysis and conclusions regarding significant impacts of the Draft EIR and therefore no recirculation was required under the State CEQA Guidelines Section 15073.3.

On August 1, 2013, the Commission certified the final EIR (hereinafter “FEIR”) for the Project. The Project’s FEIR identifies a Project specific unavoidable significant impact on the existing building resulting from its demolition. Mitigation measures that are recommended for implementation by the Project Sponsor would reduce but not eliminate this impact.

On August 1, 2013, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting and adopted Motion No. **18937** that included the necessary CEQA findings, including a statement of overriding considerations, and a Mitigation Monitoring and Reporting Program (hereinafter “MMRP”), which is hereby incorporated in this Motion by reference as if set forth in full. The MMRP was made available to the public and this Commission for this Commission’s review, consideration and action.

On August 1, 2013, the Zoning Administrator conducted a duly noticed public hearing at a regularly scheduled meeting on Variance Application No. 2011.0119V.

On August 1, 2013, the San Francisco Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.0119C.

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. 2011.0119C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the southwest corner of 6th and Howard Streets, Block 3731, Lot 001. The property currently contains a four-story residential building with ground floor commercial space that covers the entire property and was constructed in 1909. It is identified as a historic resource as a contributor to the Sixth Street Lodging House District, and is commonly known as the Hugo Hotel, or alternately as the "Defenestration" building because of an art installation of pieces of furniture attached to the exterior of the building. The building contained 23 apartments, but was damaged by fire and earthquake in the late 1980s and has not been occupied since 1987. The former San Francisco Redevelopment Agency purchased the property in 2009 through eminent domain in order to develop affordable housing on the site.
3. **Surrounding Properties and Neighborhood.** The project site falls in the East SoMa Plan Area and the South of Market Redevelopment Project Area, which runs along 6th Street from Stevenson Street to Harrison Street. The area includes a variety of small businesses and housing types, and substantial Residential Enclave Districts is nearby along Minna, Natoma, Harriet, Russ, and Moss Streets between 6th and 7th Streets. Additionally, the Gene Friend Recreation Center is on the same block at the corner of 6th and Folsom Streets.

The SoMa NCT is located along a portion of the 6th Street and Folsom Street corridors in the South of Market neighborhood. The commercial area provides a limited selection of convenience goods for the residents of SoMa. A moderate number of eating and drinking establishments contribute to the street's mixed-use character and activity in the evening hours. A number of upper-story professional and business offices are located in the district. In general, residential uses are found above the commercial uses on the ground floor.

4. **Project Description.** The proposal is to demolish the existing building and construct a 9-story, 85-foot tall mixed use building containing 67 permanently affordable dwelling units, one manager's unit, and an approximately 2,550 square foot ground floor restaurant space. Fourteen of the 67 dwelling units will be provided for the sole use of developmentally disabled persons. The

building will also contain a community room on the ground floor, no off-street parking, and 29 bicycle parking spaces.

5. **Public Comment.** The Department received 14 letters of support for the project neighborhood residents and various community groups and organizations, and no letters of opposition.
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. **Land Uses.** Planning Code Section 735.1 permits residential uses and restaurants as of right. However, Section 249.40A (SoMa Youth and Family Special Use District) requires a conditional use authorization for new restaurants.

The project is seeking a conditional use authorization for the ground floor restaurant space pursuant to Section 249.40A.

- B. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements would apply to projects that consist of 10 or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006.

As currently proposed, the Project will be 100 percent affordable, with 67 dwelling units. In the event that the Project changes and some or all of the units become market-rate, the Project shall comply with the inclusionary housing requirements set forth in Section 415 of the Code.

- C. **Eastern Neighborhoods Infrastructure Impact Fee.** Planning Code Section 423 et seq. establishes specific impact fees that are required for new developments within the East SoMa Plan Area.

Planning Code Section 406 grants a waiver to the Eastern Neighborhood Infrastructure Impact Fee for affordable dwelling units that 1) are affordable to a household at or below 80% of the Area Median Income (as published by HUD), including units that qualify as replacement Section 8 units under the HOPE SF program, 2) are subsidized by MOH, the San Francisco Housing Authority, and/or the San Francisco Redevelopment Agency, and 3) are subsidized in a manner which maintains its affordability for a term no less than 55 years, whether it is a rental or ownership opportunity. Project sponsors must demonstrate to the Planning Department staff that a governmental agency will be enforcing the term of affordability and reviewing performance and service plans as necessary. All dwelling units within the project will be affordable to a household at or below 80% of the Area Median Income, and therefore will not be subject to the Eastern Neighborhoods Infrastructure Impact Fee.

- D. **Shadow.** Planning Code Section 295 allows no building permit authorizing the construction of any structure that will cast any shade or shadow upon any property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission to be issued except

upon appropriate action of the City Planning and, if needed, the Recreation and Park Commission.

A shadow analysis was conducted that determined no net new shadow from the project would be cast onto any property under the jurisdiction of, or designated for acquisition for, the Recreation and Park Commission.

- E. **Rear Yard.** Planning Code Section 134 requires residential developments in the SoMa NCT Zoning District to provide a rear yard of at least 25 percent of the depth of the property at the lowest story containing a dwelling unit, and at each succeeding level or story of the building. However, Section 134(e)(1) allows the Zoning Administrator to modify the required rear yard in NC Zoning Districts through typical variance procedures, but under different criteria.

The project proposes a rear yard beginning at grade level in the interior corner of the parcel that equals approximately 14 percent of the lot area. The project is requesting that the Zoning Administrator grant a rear yard modification pursuant to Planning Code Section 134(e)(1).

- F. **Open Space.** Planning Code Section 135 requires each dwelling unit in the SoMa NCT Zoning District to have access to at least 80 square feet of private open space, 106 square feet of common open space, or some combination of the two.

The project provides a combination of private decks, a nearly 1,400 square foot common rear yard, and a common roof deck of nearly 2,300 square feet, which combine to meet the minimum square feet of open space required for the project. However, because the rear yard is not code-compliant and not of a sufficient size to qualify as an interior court, the private decks fronting the rear yard are not considered useable open space pursuant to Section 135(f). Therefore, the project is seeking an open space variance from the Zoning Administrator.

- G. **Exposure.** Planning Code Section 140 requires dwelling units to front a public street, public alley at least 25 feet in width, side yard at least 25 feet in width, a code-complying rear yard, or a sufficient open area.

The project includes 24 dwelling units that only front the proposed rear yard, which is not code-complying and does otherwise constitute a sufficient open area pursuant to Section 140(a)(2). Therefore, the project is seeking an exposure variance from the Zoning Administrator.

- H. **Vehicle and Bicycle Parking.** Planning Section 151.1 provides a maximum amount of off-street vehicle parking that may be provided for residential and commercial uses, but does not require a minimum amount. Planning Code Section 155.5 requires one Class 1 bicycle parking space for every two dwelling units in projects greater than 50 units.

The project includes no off-street parking. The project meets the requirements of Planning Code Section 155.5 for bicycle parking for 53 dwelling units and 14 dwelling units for developmentally disabled persons by providing 29 Class 1 bicycle parking spaces.

- I. **Street Frontage in Neighborhood Commercial Districts.** Planning Code Section 145.1 requires the following for street frontages in Eastern Neighborhood Mixed Use Districts: (1) not more than 1/3 the width of the building facing the street may be devoted to ingress/egress to parking; (2) off-street parking at street grade must be set back at least 25 feet; (3) “active” use shall be provided within the first 25 feet of building depth at the ground floor; (4) ground floor non-residential uses in the SoMa NCT Zoning District shall have a floor-to-floor height of 14-feet; (5) frontages with active uses shall be fenestrated with transparent windows; and, (6) decorative railings or grillwork placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular views.

The project meets the requirements of Section 145.1 as follows: (1) and (2) the project includes no off-street parking; (3) the project includes a restaurant space, a community room, residential entries and exits, and building operation space on the ground floor; (4) the project includes a floor-to-floor ground floor height of nearly twenty feet at the corner, but only provides a height of approximately 11 feet for the remainder of the space, resulting in a request for a ground floor height variance from the Zoning Administrator; (5) the project includes transparent windows at the ground floor active use; and, (6) the project includes no decorative railings or grillwork.

- J. **Ground Floor Commercial Space.** Planning Code Section 145.4 requires that all ground floor spaces along 6th Street for the entirety of the SoMa NCT Zoning District include active commercial uses.

Other than required egress and building mechanical space, the entirety of the 6th Street ground floor frontage of the proposed building is occupied by active commercial space (i.e. restaurant space).

- K. **Street Trees.** Planning Code Section 138.1 requires properties proposing new construction to provide one street tree for every 20 feet of frontage.

The project will provide the required number of street trees and/or pay the associated in-lieu fee as outlined in Section 138.1 if applicable.

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The project is necessary and desirable because it will contribute to the urban revitalization of the neighborhood and 6th Street commercial corridor by adding 67 units of affordable housing and ground floor commercial space. The proposed project will be compatible with the surrounding community as the orientation and street frontage of the new building will be similar to the existing building (i.e. with

the residential entry on Howard Street), while the height and massing are similar to the structure immediately across 6th Street (The Plaza Apartments). The project will incorporate architectural features that relate to neighboring structures.

- 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 subject property is a prominent corner lot on 6th Street that was up-zoned to 85 feet through the Eastern Neighborhoods planning process. The parcel is flat and has an area of 10,000 square feet, which is larger than typical lots in NC Zoning Districts. The project appropriately takes full advantage of the 85 foot height district and lot size and is designed to emphasize the corner, which is encouraged by the East SoMa Area Plan. The design also arranges the heights to respond appropriately to the adjacent buildings along 6th and Howard Streets. Additionally, the project was reviewed several times by the Historic Preservation Commission (HPC) and adequately responded to their comments regarding the proposed building's design.

- 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 Planning Code does not require parking or loading for this project, and no existing off-street parking spaces will be removed by the project. The anticipated occupants of the project are low-income residents that are less likely to own cars than higher income tenants. The anticipated occupants are expected to primarily use walking, bicycling, and transit for transportation.

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

The project will not be a source of significant noise, glare, dust, or odor. The project will comply with any and all applicable regulation and provision of the Building Code, Health Code, and Planning Code regarding noise, glare, dust, and odor. Demolition and construction activities will comply with the provisions of the Municipal Code to provide safeguards minimizing noise, dust, and odor that may be offensive to nearby businesses, residents, and visitors.

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

The project will provide no off-street parking, loading areas, or setback areas for landscaping. All signs will meet the standards of Article 6 of the Planning Code. The open spaces in the rear yard and on the roof will be appropriately programmed and landscaped.

- 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 requires a variance for open space, exposure, and ground floor commercial ceiling height, and a rear yard modification from the Zoning Administrator. It otherwise complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

The SoMa NCT Zoning District is located along the 6th Street and Folsom Street corridors and is intended to be a corridor that provides a limited selection of convenience goods for the residents of the South of Market. Eating and drinking establishments contribute to the street's mixed-use character and activity in the evening hours. The SoMa NCT has a pattern of ground floor commercial and upper story residential units. Controls are designed to permit moderate-scale buildings and uses, protecting rear yards above the ground story and at residential levels. Active, neighborhood-serving commercial development is required at the ground story, curb cuts are prohibited and ground floor transparency and fenestration adds to the activation of the ground story. Continuous retail frontage is promoted by prohibiting drive-up facilities, some automobile uses, and new non-retail commercial uses. Above-ground parking is required to be setback or below ground. Active, pedestrian-oriented ground floor uses are required. Housing development in new buildings is encouraged above the ground story. Housing density is not controlled by the size of the lot or by density controls, but by bedroom counts. Given the area's central location and accessibility to the City's transit network, parking for residential and commercial uses is not required.

The proposal is consistent with the intent of the SoMa NCT Zoning District because it is a mid-rise building with a mix of active uses on the ground floor and residential uses above. Additionally, the project will provide no parking, which is consistent with the District's proximity to Market Street and downtown, and its prohibition of new curb cuts on 6th Street.

8. **Development of Large Lot in NC Zoning Districts.** In order to promote, protect, and maintain a scale of development which is appropriate to each district and compatible with adjacent buildings, new construction or significant enlargement of existing buildings on lots of the same size or larger than 10,000 square feet in the SoMa NCT Zoning District shall be permitted only as conditional uses subject to the provisions listed below:

- A. The mass and facade of the proposed structure are compatible with the existing scale of the district.

The mass and façade of the proposed building are similar to several buildings in the near vicinity, including 1) the Plaza Apartments (988 Howard Street), which is a 9-story building on a large lot of 8,400 square feet, 2) the Knox SRO (241 6th Street), which is an 8-story building on a large lot of

8,000 square feet, and 3) the Dudley Apartments (172 6th Street) which is a 6-story building on a large lot of nearly 8,800 square feet. Additionally, the façade of the proposed building is compatible with the scale of the district because it will include higher floor-to-ceiling heights in the ground floor retail space and in the upper residential floors. Finally, the project was reviewed several times by the HPC and adequately responded to HPC comments regarding the proposed building's design, including issues of mass and façade design.

- B. The facade of the proposed structure is compatible with design features of adjacent facades that contribute to the positive visual quality of the district.

The design of the proposed building was reviewed several times by the HPC and adequately responds to the Sixth Street Lodging House District. The design includes simple rectangular massing that is differentiated, with a taller element on Howard Street and one floor less on 6th Street relating to the adjacent structures on those streets. Both streets' façade include relatively symmetrical design with deep window reveals incorporated into the façade on Howard Street.

9. **Demolition of Dwelling Units.** The demolition of residential units in the SoMa NCT Zoning District requires a conditional use authorization pursuant to Planning Code Section 735.38. Additionally, pursuant to Section 317(e), the Planning Commission shall consider the following additional criteria in the review of applications to demolish Residential Buildings:

- A. Whether the property is free of a history of serious, continuing Code violations;

The property is not free of a history of serious, continuing Code violations. The existing building has been vacant for more than 20 years due to the previous owner's unwillingness to address code violations. The building was purchased by the former San Francisco Redevelopment Agency through eminent domain due in part to the previous owner's unwillingness to address code violations.

- B. Whether the housing has been maintained in a decent, safe, and sanitary condition;

The dwelling units have not been habitable since approximately 1987.

- C. Whether the property is an "historical resource" under CEQA;

The existing building is a historical resource under CEQA as a contributor to the proposed Sixth Street Lodging House District.

- D. Whether the removal of the resource will have a substantial adverse impact under CEQA;

Removing the existing building will have a substantial adverse impact under CEQA. The Planning Commission certified the focused EIR for this project and adopted the related CEQA findings and Mitigation Monitoring and Reporting Program, which included a Statement of Overriding Considerations for the demolition of a historic resource.

- E. Whether the project converts rental housing to other forms of tenure or occupancy;

The building was used as rental housing when last occupied more than 20 years ago. The proposed new units will be rental units affordable to lower income residents. The property under the proposed project will be ground leased to the developer from the Mayor's Office of Housing and Community Development (MOHCD), the Housing Successor Agency to The San Francisco Redevelopment. The Successor Agency will provide a long term (67 years or more) ground lease and require that the improvements be leased to lower income (50% of AMI or lower) households.

- F. Whether the project removes rental units subject to the Rent Stabilization and Arbitration Ordinance;

Although there are no existing habitable units in the existing building, if there were any habitable units they would likely be subject to the Rent Stabilization and Arbitration Ordinance.

- G. Whether the project conserves existing housing to preserve cultural and economic neighborhood diversity;

The project will provide 67 units of affordable housing, which is in keeping with the cultural and economic diversity of the 6th Street corridor and the larger SoMa neighborhood.

- H. Whether the project conserves neighborhood character to preserve neighborhood cultural and economic diversity;

The project will provide 67 units of affordable housing, a ground floor community room, and a ground floor restaurant space, all of which are in keeping with the cultural and economic diversity of the 6th Street corridor and the larger SoMa neighborhood.

- I. Whether the project protects the relative affordability of existing housing;

The project will replace dwelling units that are not habitable with 67 permanently affordable housing units.

- J. Whether the project increases the number of permanently affordable units as governed by Section 415;

The project will increase the number of permanently affordable dwelling units. The new units will be governed by the Ground Lease by the Successor Agency and Regulatory Agreements by the MOHCD, the Housing Successor Agency to The San Francisco Redevelopment, and the California Tax Credit

Allocation Committee requiring that the units be leased to very low income (50% of AMI maximum) households.

- K. Whether the project locates in-fill housing on appropriate sites in established neighborhoods;

The subject property was up-zoned to 85 feet by the Eastern Neighborhoods planning effort and density limits were removed. Considering this, and the fact that the existing building has been vacant for more than 20 years, the project represents an appropriate in-fill development in an established, high-density neighborhood adjacent to downtown.

- L. Whether the project creates Quality, new family housing;

The project is designed to maximize quality while providing much needed affordability for very low income households. Additionally, it will include 25 two-bedroom units and 8 three-bedroom units, representing 49 percent of the total units.

- M. Whether the project creates new supportive housing;

The project will employ staff to provide supportive services on-site. Those services will include information and referral to services available in the community, after school educational enrichment programming, and community building activities. However, the project will not be targeted to formerly homeless households or households with specific special needs requiring intensive on-site support services.

- N. Whether the project promotes construction of well-designed housing to enhance existing neighborhood character;

The project will provide high quality design that was reviewed several times by the HPC and adequately responded to HPC comments regarding the proposed building's design.

- O. Whether the project increases the number of on-site dwelling units;

The project will increase the number of on-site dwelling units from the estimated 23 that were in the existing building to 67 dwelling units in the new building.

- P. Whether the project increases the number of on-site bedrooms.

The existing building is estimated to have had 23 two-room dwelling units. The proposed project will include 67 dwelling units and far larger number of bedrooms than the existing building.

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

COMMERCE AND INDUSTRY

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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.

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.

OBJECTIVE 6:

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

Policy 6.1:

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

The project will not displace any commercial uses, but instead will introduce active ground floor commercial use to a site that has been vacant for more than 20 years. The proposed restaurant will provide a needed service to the neighborhood and will be subject to the standard operating conditions for restaurants.

The following guidelines, in addition to others in this objective for neighborhood commercial districts, should be employed in the development of overall district zoning controls as well as in the review of individual permit applications, which require case-by-case review and City

Planning Commission approval. Pertinent guidelines may be applied as conditions of approval of individual permit applications. In general, uses should be encouraged which meet the guidelines; conversely, uses should be discouraged which do not.

Eating and Drinking Establishments

Eating and drinking establishments include bars, sit-down restaurants, fast food restaurants, self-service restaurants, and take-out food. Associated uses, which can serve similar functions and create similar land use impacts, include ice cream stores, bakeries and cookie stores. Guidelines for eating and drinking establishments are needed to achieve the following purposes:

- Regulate the distribution and proliferation of eating and drinking establishments, especially in districts experiencing increased commercial activity;
- Control nuisances associated with their proliferation;
- Preserve storefronts for other types of local-serving businesses; and
- Maintain a balanced mix of commercial goods and services.
- The regulation of eating and drinking establishments should consider the following:
 - Balance of retail sales and services;
 - Current inventory and composition of eating and drinking establishments;
 - Total occupied commercial linear frontage, relative to the total district frontage;
 - Uses on surrounding properties;
 - Available parking facilities, both existing and proposed;
 - Existing traffic and parking congestion; and
 - Potential impacts on the surrounding community.

There is a concern with the potential over-concentration of food-service establishments. The Commerce and Industry Element of the General Plan contains Guidelines for Specific Uses. For eating and drinking establishments, the Guidelines state, "the balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage." Planning staff has performed a site survey of the SoMa NCT Zoning District which contains the proposed building. With the proposed restaurant use, approximately 17% of the frontage of the District is attributed to eating and drinking establishments.

Policy 6.2:

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to the economic and technological innovation in the marketplace and society.

The proposed restaurant space does not yet have a tenant, but the eventual tenant will not be a Formula Retail use.

EAST SOMA AREA PLAN

Objectives and Policies

OBJECTIVE 1:

ENCOURAGE PRODUCTION OF HOUSING AND OTHER MIXED-USE DEVELOPMENT IN EAST SOMA WHILE MAINTAINING ITS EXISTING SPECIAL MIXED-USE CHARACTER.

6th Street Neighborhood Commercial Transit District

This new neighborhood commercial district is proposed along 6th Street. The intent of this district is to encourage more small-scale neighborhood-serving uses with housing encouraged above the ground floor.

Policy 1.1.3

Encourage housing development, especially affordable housing, by requiring housing and an increased inclusionary requirement in the area between 5th and 6th and Folsom and Howard Streets, extending along Folsom to 3rd Street.

Policy 1.1.9

Require active commercial uses and encourage a more neighborhood commercial character along 4th and 6th Streets.

OBJECTIVE 1.2

MAXIMIZE HOUSING DEVELOPMENT POTENTIAL IN KEEPING WITH NEIGHBORHOOD CHARACTER.

Policy 1.2.1

Encourage development of new housing throughout East SoMa.

Policy 1.2.2

Ensure that in-fill housing development is compatible with its surroundings.

Policy 1.2.3

For new construction, and as part of major expansion of existing buildings, encourage housing development over commercial.

OBJECTIVE 2.1

ENSURE THAT A SIGNIFICANT PERCENTAGE OF NEW HOUSING CREATED IN THE EAST SOMA IS AFFORDABLE TO PEOPLE WITH A WIDE RANGE OF INCOMES.

OBJECTIVE 2.3

ENSURE THAT NEW RESIDENTIAL DEVELOPMENTS SATISFY AN ARRAY OF HOUSING NEEDS WITH RESPECT TO TENURE, UNIT MIX and COMMUNITY SERVICES.

Policy 2.3.1

Target the provision of affordable units for families

Policy 2.3.2

Prioritize the development of affordable family housing, both rental and ownership, particularly along transit corridors and adjacent to community amenities.

OBJECTIVE 3.1

PROMOTE AN URBAN FORM THAT REINFORCES EAST SOMA'S DISTINCTIVE PLACE IN THE CITY'S LARGER FORM AND STRENGTHENS ITS PHYSICAL FABRIC AND CHARACTER.

Policy 3.1.3

Relate the prevailing heights of buildings to street and alley width throughout the plan area.

Generally, the height of buildings is set to relate to street widths throughout the plan area. An important urban design tool, in specific applications, is to frame streets with buildings or cornice lines that roughly reflect the street's width. A core goal of the height districts is to create an urban form that will be intimate for the pedestrian, while improving opportunities for cost-effective housing and allowing for pedestrian-supportive ground floors.

Policy 3.1.6

New buildings should epitomize the best in contemporary architecture, but should do so with full awareness of, and respect for, the height, mass, articulation and materials of the best of the older buildings that surrounds them.

Policy 3.1.7

Attractively screen rooftop HVAC systems and other building utilities from view.

OBJECTIVE 3.2

PROMOTE AN URBAN FORM AND ARCHITECTURAL CHARACTER THAT SUPPORTS WALKING AND SUSTAINS A DIVERSE, ACTIVE AND SAFE PUBLIC REALM.

Policy 3.2.5

Building form should celebrate corner locations.

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 proposal will not displace any existing buildings or residents and will enhance economic and employment opportunities by serving low income residents and creating new ground floor commercial space.

- 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 will not displace any existing housing, but instead will replace a deteriorated, vacant building with a new building that will enliven the street with new commercial space and provide affordable housing for lower income persons. The proposed building will be compatible in scale and design with the surrounding neighborhood and the Sixth Street Lodging House District.

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

The project will enhance the City's supply of affordable housing by providing 67 new affordable housing units.

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

The project will not remove or create any off-street parking spaces. The location is well served by pedestrian, bicycle, and transit facilities. Lower income tenants are expected to occupy all of the units, and they typically have lower rates of vehicle use and ownership, and are expected to primarily use walking, bicycling, and transit for transportation. The location is within easy walking distance to the Civic Center and Powell Street MUNI and BART stations, the 14, 14L, 14X, 27, 30, 45, 8X, 12, 19, 6, and 71 MUNI bus lines, and a Golden Gate Transit bus line.

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

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

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

The existing building proposed to be demolished is severely debilitated and unable to be occupied in its current condition. The proposed building will meet all requirements of the San Francisco Building Code.

- G. That landmarks and historic buildings be preserved.

The existing building to be demolished is not a designated City Landmark, but it is identified as a contributor to the Sixth Street Lodging House District. Required mitigation measures for demolishing the historic resource are included in the Mitigation Monitoring and Reporting Program as part of the CEQA findings adopted by the Planning Commission for this project.

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

The project will have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces.

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 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. 2011.0119C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated July 25, 2013, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth, and adopts the Mitigation Monitoring and Reporting Program included as Exhibit A of Motion No. 18937.

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. 18938. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on August 1, 2013.

Jonas P. Ionin
Acting Commission Secretary

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

NAYS:

ABSENT:

ADOPTED: August 1, 2013

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow the demolition of the existing residential building and construction of a 9-story, 85-foot tall mixed use building containing 67 permanently affordable dwelling units and an approximately 2,550 ground floor restaurant space located at 200 6th Street, Block 3731, and Lot 001 pursuant to Planning Code Section(s) **121.1, 249.40A, 303, 317, and 735.38** within the **SoMa NCT (Neighborhood Commercial Transit)** Zoning District, the SoMa Youth and Family Special Use District, and **85-X Height and Bulk District**; in general conformance with plans, dated **July 25, 2013**, and stamped "EXHIBIT B" included in the docket for Case No. **2011.0119C** and subject to conditions of approval reviewed and approved by the Commission on **August 1, 2013** under Motion No. **18938**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **August 1, 2013** under Motion No. **18938**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **18938** 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.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.
- 2. Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.
- 3. Diligent pursuit.** 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. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.
- 4. Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.
- 5. Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.
- 6. Additional Project Authorization.** The Project Sponsor must obtain a variance and rear yard modification under Sections 134(e) and 305 for providing a rear yard, residential open space,

dwelling unit exposure, and commercial ground floor ceiling height that do not meet all relevant Planning Code requirements, and satisfy all the conditions thereof. 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.

7. **Mitigation Measures.** Mitigation measures described in the MMRP (Exhibit A of CEQA Findings Motion No. 18937) are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval.

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

DESIGN

8. **Street Trees.** Pursuant to Planning Code Section 138.1 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary.

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

PARKING AND TRAFFIC

9. **Bicycle Parking.** The Project shall provide no fewer than **XXX** Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.5.

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

PROVISIONS

10. **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.

11. **Inclusionary Affordable Housing Program.** Section 415 of the Code set forth the requirements and procedures for the Residential Inclusionary Affordable Housing Program (hereinafter "Program"). As currently proposed, the Project will be 100 percent affordable, with 67 dwelling units. In the event that the Project changes and some or all of the units become market-rate, the Project shall comply with the inclusionary housing requirements set forth in Section 415 of the Code. This condition of approval shall constitute the written determination and notice of the inclusionary housing requirement pursuant to the procedures set forth in Code Section 415.

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

12. **Eastern Neighborhoods Infrastructure Impact Fee.** Pursuant to Planning Code Section 423 (formerly 327), the Project Sponsor shall comply with the Eastern Neighborhoods Public Benefit Fund provisions through payment of an Impact Fee pursuant to Article 4.

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

MONITORING

13. **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.

14. **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

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

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

16. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>.

17. **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.