



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Extension of Performance Period

HEARING DATE: JULY 19, 2012

Date: July 12, 2012
Case No.: **2012.0457C**
Project Address: **168-186 Eddy Street**
Zoning: RC-4 (Residential-Commercial Combined, High Density) District
80-130-T Height and Bulk District
North of Market Residential Special Use District (Subarea 1)
Block/Lot: 0311/010-011
Project Sponsor: Sarah Brett
Tenderloin Neighborhood Development Corporation
201 Eddy Street
San Francisco, CA 94102
Staff Contact: Kevin Guy– (415) 558-6163
kevin.guy@sfgov.org
Recommendation: **Approval with Conditions**

1650 Mission St.
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San Francisco,
CA 94103-2479

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415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The project sponsor requests an amendment to the conditions of approval for a previously approved project in order to extend the performance period for three years (to July 19, 2015). The project was originally approved by the Planning Commission on March 26, 2009, and would demolish an existing surface parking lot and construct a new mixed-use building reaching a height of 14 stories, containing approximately 153 affordable dwelling units, approximately 13,750 square feet of ground-floor commercial space, a supportive services office, rooftop and second floor open space, one loading space, and no off-street parking (Case No 2007.1342CK). No modifications are proposed to the design or intensity of the project as originally approved.

SITE DESCRIPTION AND PRESENT USE

The project site is located at the northeast corner of the intersection of Eddy and Taylor Streets, Block 0331, Lots 010 and 011, within the RC-4 (Residential-Commercial Combined, High Density) District, the North of Market Residential Special Use District (Subarea 1), the 80-130-T Height and Bulk District, and the Uptown Tenderloin National Register Historic District. The site is a rectangular corner lot that measures 22,341 square feet, and is currently used as a surface parking lot.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

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

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

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

ENVIRONMENTAL REVIEW

On March 2, 2007, the Planning Department published a Final Mitigated Negative Declaration (MND) for the project. Since the Final MND was published, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the Final MND, and there is no new information of substantial importance that would change the conclusions set forth in the Final MND.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	June 29, 2012	June 29, 2012	20 days
Posted Notice	20 days	June 29, 2012	June 27, 2012	22 days
Mailed Notice	20 days	June 29, 2012	June 26, 2012	23 days

PUBLIC COMMENT

- Through the Project Sponsor, the Department has received a number of letters in support of the extension from community organizations. The Department has received no letters in opposition to the extension.

ISSUES AND OTHER CONSIDERATIONS

- At the hearing on March 26, 2009, the Planning Commission approved a Conditional Use Authorization for a Planned Unit Development, pursuant to Planning Code Sections 303 and 304, and granted modifications of Planning Code requirements related to bulk, height measurement, streetwall setbacks, rear yard, dwelling unit exposure, and off-street parking.
- At the hearing on March 26, 2009, the Planning Commission adopted actions (in consultation with the Recreation and Park Commission), to raise the absolute cumulative shadow limit for Boeddeker Park, found that the additional shadow cast by the project on Boeddeker Park would not be adverse, and allocated the additional shadow to the project.

- The project has not been constructed following the original 2009 approval, due to the continuing poor fiscal conditions of local, State, and Federal government, and the associated difficulties in securing financing for an affordable housing project. The sponsor wishes to preserve the opportunity to construct the projects pending future improvements in funding sources.
- The Project Sponsor is requesting an extension of the performance period for five years (to July 19, 2017). The standard Department practice is to recommend a three year term for entitlements, and a three year term for an extension of entitlements. Therefore, the draft motion has been written to extend the performance period for three years (to July 19, 2015). However, the Commission has the discretion to modify the length of the term of the extension.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant an amendment to the conditions of approval for the original Conditional Use authorization and Planned Unit Development, to extend the performance period for three years (to July 19, 2015).

BASIS FOR RECOMMENDATION

- The requested extension is appropriate given the present fiscal climate, which is beyond the control of the project sponsor.
- The project would develop an underutilized site, currently used for surface parking, with a mixed-use project that is suitable for its intense, urban context.
- The project would add 153 affordable dwelling units to the City's housing stock, and would provide needed goods and services within the significant ground-floor commercial component.
- The project is desirable for, and compatible with the surrounding neighborhood.

RECOMMENDATION: <i>Approval with Conditions</i>
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Attachments:

- Draft Motion
- Block Book Map
- Sanborn Map
- Aerial Photograph
- Zoning Map
- Residential Pipeline
- Project Sponsor Submittal Package:
 - Approved Plans
 - Previous Approval Motions
 - Project Sponsor Submittal Letter
 - Letters in Support

Attachment Checklist

- | | |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: Existing Conditions (11" by 17") |
| <input type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: Proposed Project (11" by 17") |
| <input checked="" type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | <input type="checkbox"/> Wireless Telecommunications Materials |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> RF Report |
| <input checked="" type="checkbox"/> Context Photos | <input type="checkbox"/> Community Meeting Notice |
| <input checked="" type="checkbox"/> Site Photos | <input type="checkbox"/> Housing Documents |
| | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |
| | <input checked="" type="checkbox"/> Residential Pipeline |

Exhibits above marked with an "X" are included in this packet

Planner's Initials



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Draft Motion

HEARING DATE: JULY 19, 2012

Date: July 12, 2012
Case No.: **2012.0457C**
Project Address: **168-186 Eddy Street**
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Staff Contact: Kevin Guy- (415) 558-6163
 kevin.guy@sfgov.org

ADOPTING FINDINGS TO AMEND THE CONDITIONS OF APPROVAL ON A CONDITIONAL USE AUTHORIZATION FOR A PLANNED UNIT DEVELOPMENT (PLANNING CODE SECTIONS 303 AND 304) TO EXTEND THE PERFORMANCE PERIOD FOR THREE YEARS FOR A PREVIOUSLY APPROVED PROJECT TO DEMOLISH AN EXISTING SURFACE PARKING LOT AND CONSTRUCT A NEW 14-STORY MIXED-USE BUILDING CONTAINING APPROXIMATELY 153 AFFORDABLE DWELLING UNITS AND APPROXIMATELY 13,750 SQUARE FEET OF GROUND-FLOOR COMMERCIAL SPACE, A SUPPORTIVE SERVICES OFFICE, ROOFTOP AND SECOND FLOOR OPEN SPACE, ONE LOADING SPACE, AND NO OFF-STREET PARKING, LOCATED AT 168-186 EDDY STREET, LOTS 010 AND 011 IN ASSESSOR'S BLOCK 0331, WITHIN THE RC-4 (RESIDENTIAL-COMMERCIAL COMBINED, HIGH DENSITY) DISTRICT, THE NORTH OF MARKET RESIDENTIAL SPECIAL USE DISTRICT (SUBAREA 1), THE 80-130-T HEIGHT AND BULK DISTRICT, AND THE UPTOWN TENDERLOIN NATIONAL REGISTER HISTORIC DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On April 4, 2012, Sarah Brett, acting on behalf of Tenderloin Neighborhood Development Corporation ("Project Sponsor"), submitted a request (Case No. 2012.0457C) with the City and County of San Francisco Planning Department ("Department") for an amendment to the conditions of approval for a previously approved project in order to extend the performance period for three years. The project was originally approved by the Planning Commission ("Commission") on March 26, 2009 (Case No. 2007.1342CK), and would demolish an existing surface parking lot and construct a new mixed-use building reaching a height of 14 stories, containing approximately 153 affordable dwelling units, approximately 13,750 square feet of ground-floor commercial space, a supportive services office, rooftop and second floor open space, one loading space, and no off-street parking, within the RC-4 Zoning District, the 80-130-T Height and Bulk District, the North of Market Residential Special Use District (Subarea 1), and the Uptown Tenderloin National Register Historic District (collectively, "Project").

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

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

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

On March 2, 2009, the Planning Department/ Planning Commission reviewed and considered the Final Mitigated Negative Declaration (FMND) and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

The Planning Department/ Planning Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Department of City Planning and the Planning Commission, [and that the summary of comments and responses contained no significant revisions to the Draft IS/MND,] and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

The Planning Department, Linda Avery, is the custodian of records, located in the File for Case No. 2007.1342E, at 1650 Mission Street, Fourth Floor, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting program (MMRP), which material was made available to the public and this Commission for this Commission's review, consideration and action.

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

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

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

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

FINDINGS

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

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

Tenderloin National Register Historic District. The site is a rectangular corner lot that measures 22,341 square feet, and is currently used as a surface parking lot.

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

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

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

5. **Public Comment.** Through the Project Sponsor, the Department has received a number of letters in support of the extension from community organizations. The Department has received no letters in opposition to the extension.
6. This Commission adopts the findings of the previous Planning Commission Motion No. 17849, as though fully set forth herein.
7. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
8. The Commission finds that, given the fiscal conditions of local, State, and Federal government, and the associated difficulties in securing financing for an affordable housing project, which is beyond the control of the Project Sponsor, and given the merits of the proposed Project, it is appropriate to amend condition of approval No. 2(E) of Planning Commission Motion No. 17849 to extend the performance period of the Project to July 19, 2015.
9. On balance, the Commission hereby finds that approval of the proposed amendment to condition of approval No. 2(E) of Planning Commission Motion No. 17849 in this case would promote the health, safety, and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Application No. 2012.0457C**, subject to the following conditions attached hereto as "EXHIBIT A", and subject to the Conditions of Approval of Planning Commission Motion No. 17849, as amended by this approval to modify Condition 2(F) to extend the performance period of the project to July 19, 2015.

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

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

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

Linda Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: July 19, 2012

EXHIBIT A

AUTHORIZATION

This authorization is extend the performance period under Motion No. 17849 until July 19, 2017, for a project located at 168-186 Eddy Street, Block 0331, Lots 010-011, within the RC-4 District, the 80-130-T Height and Bulk District, and the North of Market Residential Special Use District (Subarea 1) to demolish an existing surface parking lot and construct a new mixed-use building reaching a height of 14 stories, containing approximately 153 affordable dwelling units, approximately 13,750 square feet of ground-floor commercial space, a supportive services office, rooftop and second floor open space, one loading space, and no off-street parking, subject to conditions of approval reviewed and approved by the Commission on March 26, 2009 under Motion No. 17849, as amended by the Planning Commission on July 19, 2012 under Motion No. XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on March 26, 2009 under Motion No. 17849, as amended by the Planning Commission on July 19, 2012 under Motion No. XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXXX shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion, amending the expiration date of the performance specified the approval granted per Motion No. 17849 (until July 19, 2017). A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

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

Parcel Map

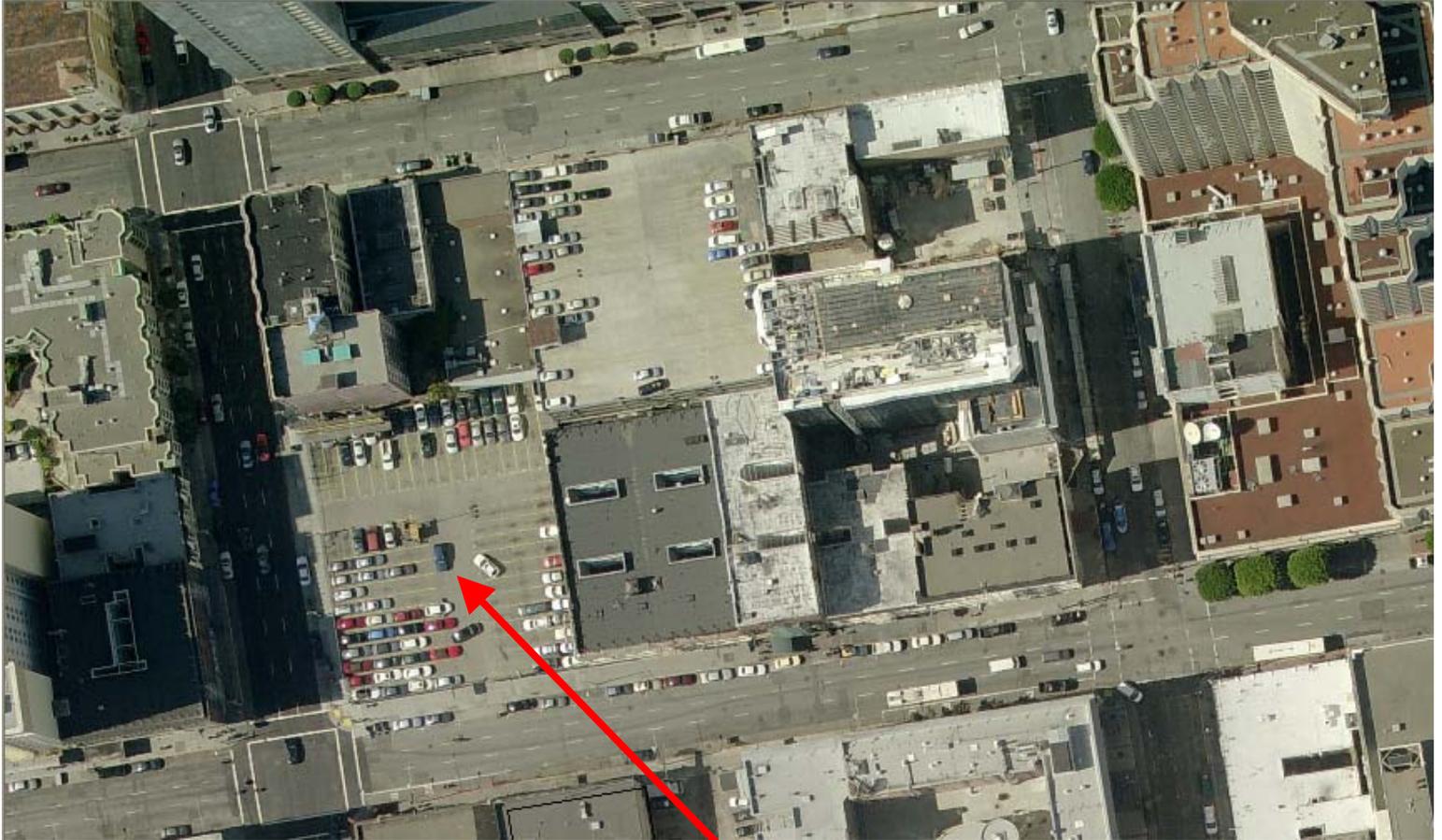


Project Site



Case No. 2012.0457C
168-186 Eddy Street
Extension of Entitlements

Aerial Photo

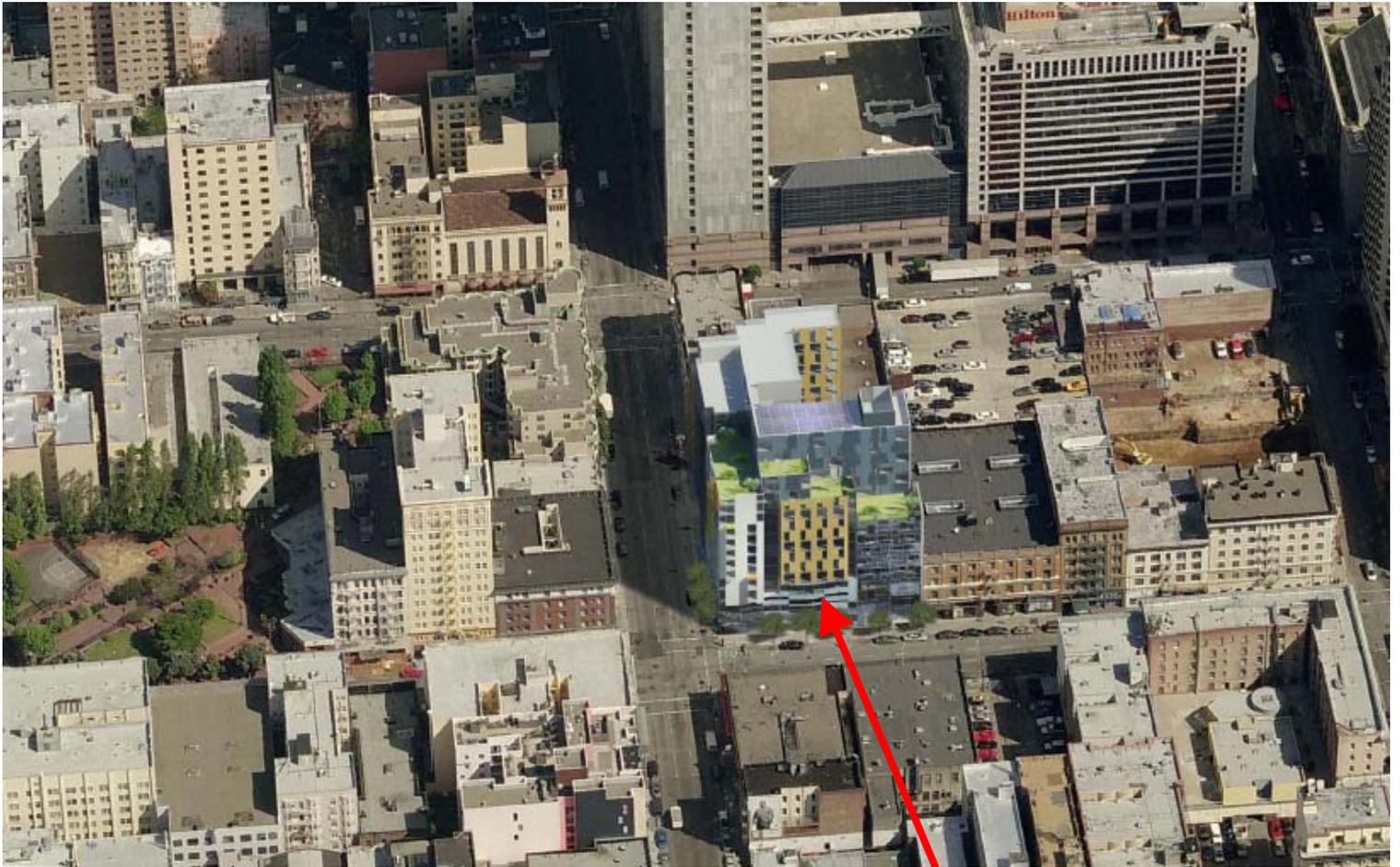


Project Site



Case No. 2012.0457C
168-186 Eddy Street
Extension of Entitlements

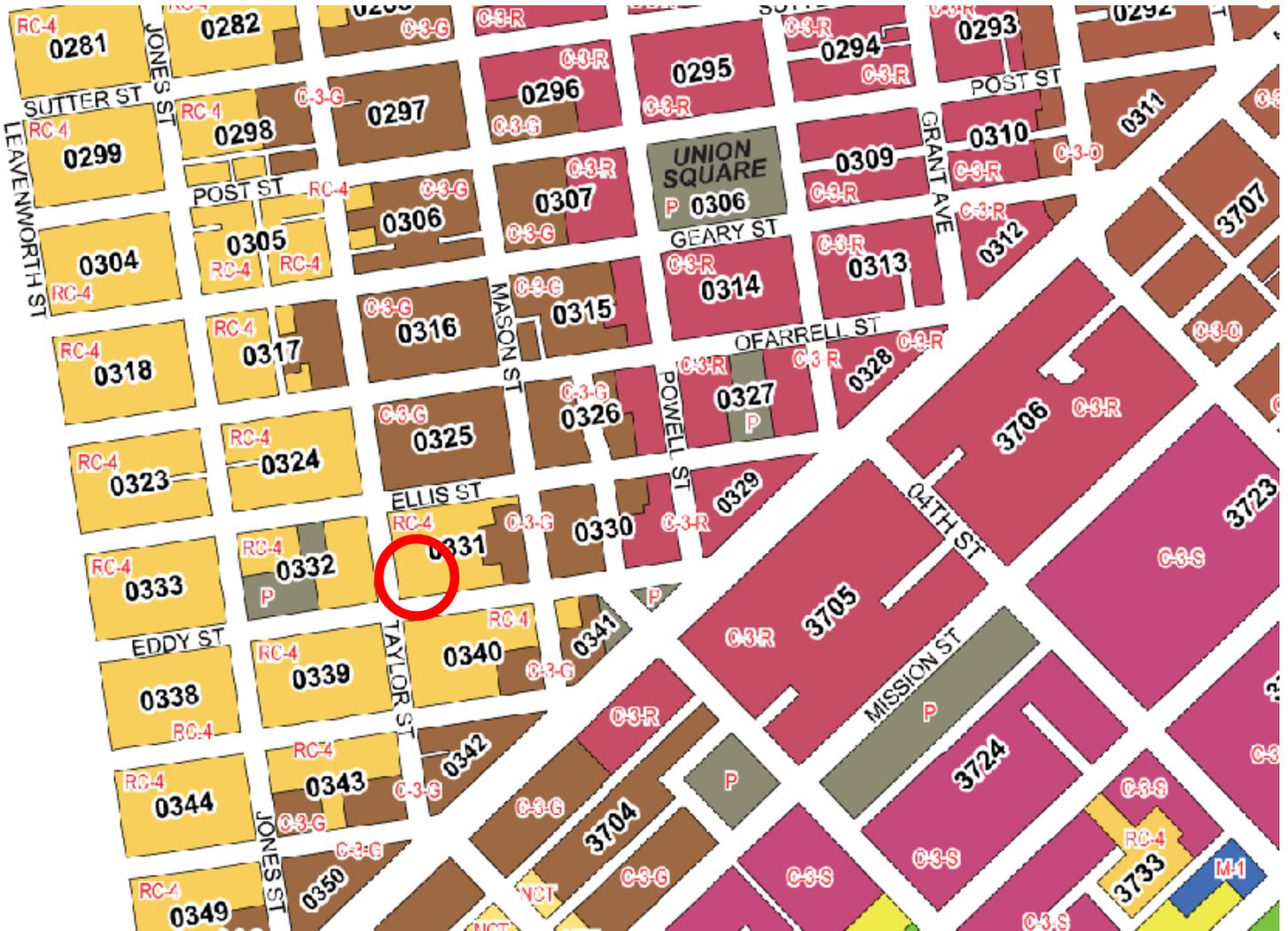
Photosimulation



Project Site

Case No. 2012.0457C
168-186 Eddy Street
Extension of Entitlements

Zoning Map



Case No. 2012.0457C
168-186 Eddy Street
Extension of Entitlements



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Residential Pipeline

ENTITLED HOUSING UNITS 2007 TO Q1 2012

State law requires each city and county to adopt a Housing Element as a part of its general plan. The State Department of Housing and Community Development (HCD) determines a Regional Housing Need Allocation (RHNA) that the Housing Element must address. The need is the minimum number of housing units that a region must plan for in each RHNA period.

This table represents all development projects adding residential units that have been entitled since January 2007. The total number of entitled units is tracked by the San Francisco Planning Department, and is updated quarterly in coordination with the Pipeline Report. Subsidized housing units, including moderate and low income units, are tracked by the Mayor's Office of Housing, and are also updated quarterly.

2012 - QUARTER 1	RHNA Allocation 2007-2014	Units Entitled To Date	Percent Entitled
Total Units Entitled¹	31,193	11,130	35.7%
Above Moderate (> 120% AMI)	12,315	7,457	60.6%
Moderate Income (80-120% AMI)	6,754	360	5.3%
Low Income (< 80% AMI)	12,124	3,313	27.3%

¹ Total does not include entitled major development projects such as Treasure Island, Candlestick, and Park Merced. While entitled, these projects are not projected to be completed within the current RHNA reporting period (through June 2014).

Eddy & Taylor Housing and Grocery Store
Extension of Conditional Use Authorization
and Other Entitlements
Case No. 2012.0457C

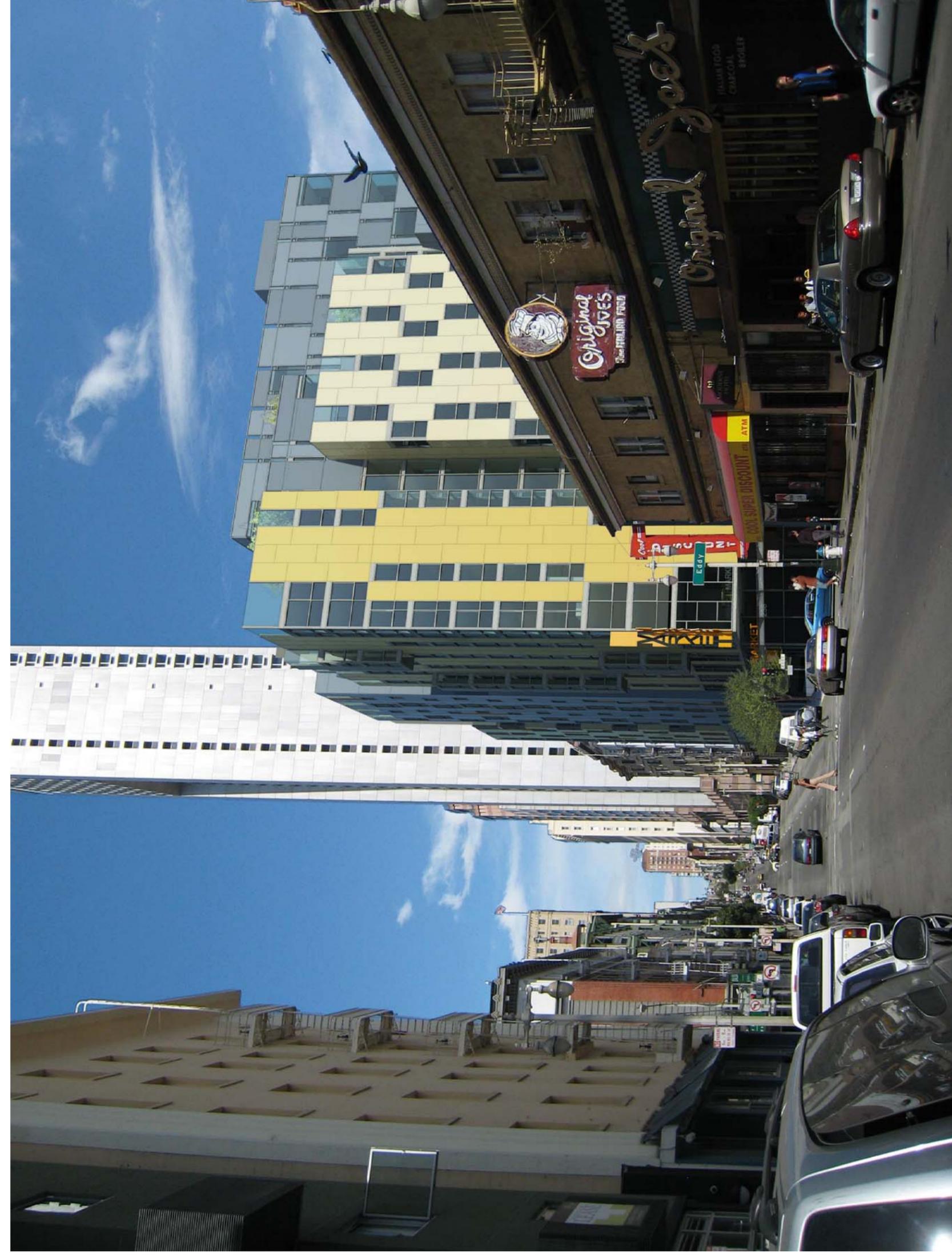
Date Submitted: July 10, 2012

Hearing Date: July 19, 2012

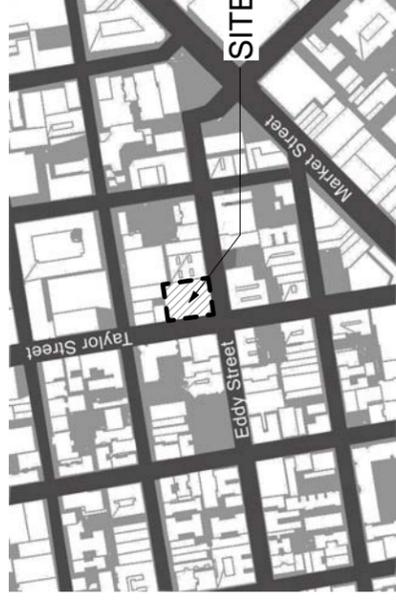
Owner: Tenderloin Neighborhood Development Corporation

Contact: Sarah Brett/sbrett@tndc.org/415.358.3930

Approved Plans



VICINITY MAP



PROJECT DESCRIPTION

The site is located at the southwest corner of Eddy and Taylor Streets in San Francisco, California.

Proposed use is for a 14 story mixed-use residential with retail development. The Project will provide 153 units, comprised of studios, one, two and three bedroom units with landscaped open space. Additionally, the development will contain ground floor commercial space, which could accommodate a mid-size grocery store (approximately 14,206 sf retail space).

PROJECT BLOCK & LOT

50 VARA BLK. 198
CITY BLOCK 331
LOTS 10 AND 11

Property Boundary
Name Area Acreage
Block 0331, Lots 10 & 11 22,355 SF 0.51

PROJECT TEAM

ARCHITECT

David Baker FAIA + Partners
461 Second Street, Suite C-127
San Francisco, CA 94107
415-886-6700 TEL
415-886-6703 FAX
Attn: Peter MacKenzie

CIVIL ENGINEER

Sandis
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510-873-8866 TEL
510-873-8868 FAX
Attn: Mike Kuykendall

DEVELOPER

Tenderloin Neighborhood
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(415) 614-9654 FAX
Attn: Nick Griffin

GENERAL CONTRACTOR

Cahill Contractors, Inc.
425 California Street, #2200
San Francisco, CA 94104
415-986-0600 TEL
415-986-4406 FAX

DRAWING LIST

- .1 Title Sheet
- .2.1 Perspective
- .2.2 Perspective
- .2.3 Perspective
- .3 Context Photos
- .A1.0 Site Plan
- .A2.1 Ground Floor Plan
- .A2.2 Levels 2 and 3
- .A2.3 Levels 4 - 10
- .A2.4 Levels 11 and 12
- .A2.5 Levels 13 and 14
- .A3.1 Elevations
- .A4.1 Sections
- S SURVEY

TNDC



Eddy / Taylor Family Housing

Title Sheet

job #: 20618
date: 03.06.2009
scale: as noted

.1



TNDC



Eddy / Taylor Family Housing

Perspective

job #: 20618
date: 03.06.2009
scale:



TNDC



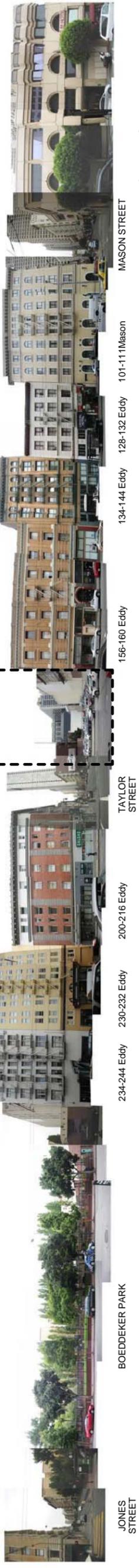
Eddy / Taylor Family Housing

Perspective

job #: 20618
date: 03.06.2009
scale:



SITE



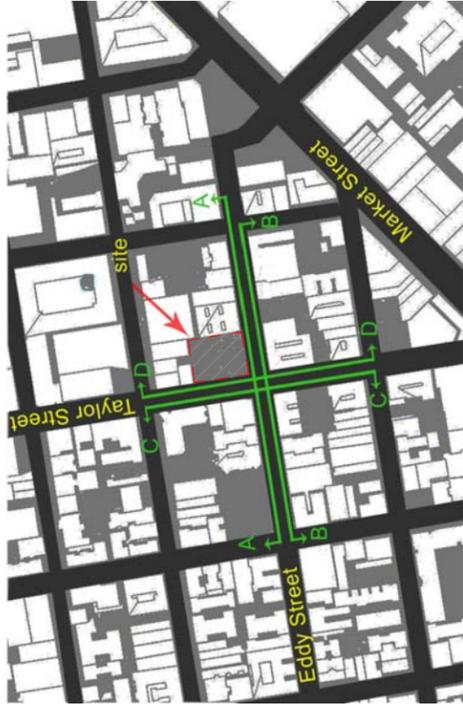
AA | Eddy Street North Elevation



BB | Eddy Street South Elevation



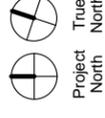
CC | Taylor Street West Elevation



SITE



DD | Taylor Street East Elevation



TNDC



Eddy / Taylor Family Housing

Site Plan

job #: 20618
 date: 03.06.2009
 scale: 1" = 50'-0"

.A1.0

BUILDING INFORMATION

Building Area	Area
Occupancy	586 SF
bike room	27998 SF
circulation	10996 SF
commercial	2738 SF
commercial service	6703 SF
common area	117914 SF
residential	5785 SF
service / trash	8624 SF
stairs / elevator	181342 SF

Unit Mix	Name	Count
	Studio	30
	1 BD	16
	2 BD	85
	3 BD	22
		153

Level	Name	Area
Level 2	Courtyard	5962 SF
Level 9	Roof Garden	1295 SF
Level 11	Roof Garden	1013 SF
Level 12	Roof Garden	1984 SF
Level 13	Roof Garden	631 SF
		10885 SF

Level 2 Courtyard - % of lot area: 5976/22,355 = 26.7% (> 25%)
 Open Space per unit: 10,899/153 = 71.2 SF/unit

Retail Area Break Down	Name	Area
	Retail Sales Floor	10996 SF
	Retail Back of House	1601 SF
	Retail Loading Dock	800 SF
	Retail Receiving	338 SF
	Grand total	13734 SF



Point of Height Measurement -
 High point on Taylor
 Elevation 44.27'

TNDC

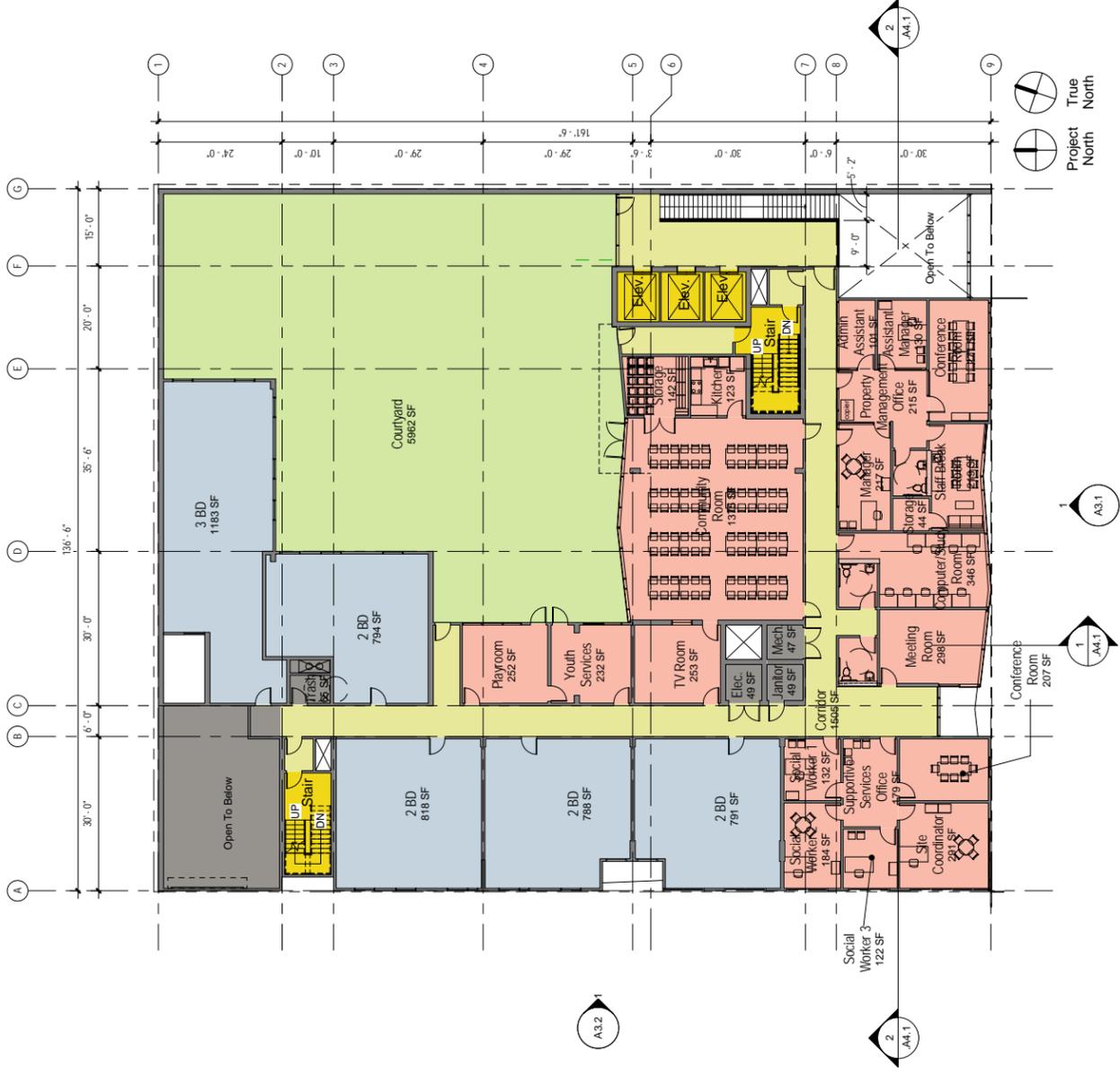
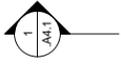


Eddy / Taylor Family Housing

Ground Floor Plan

job #: 20618
 date: 03.06.2009
 scale: 1/16" = 1'-0"

.A2.1



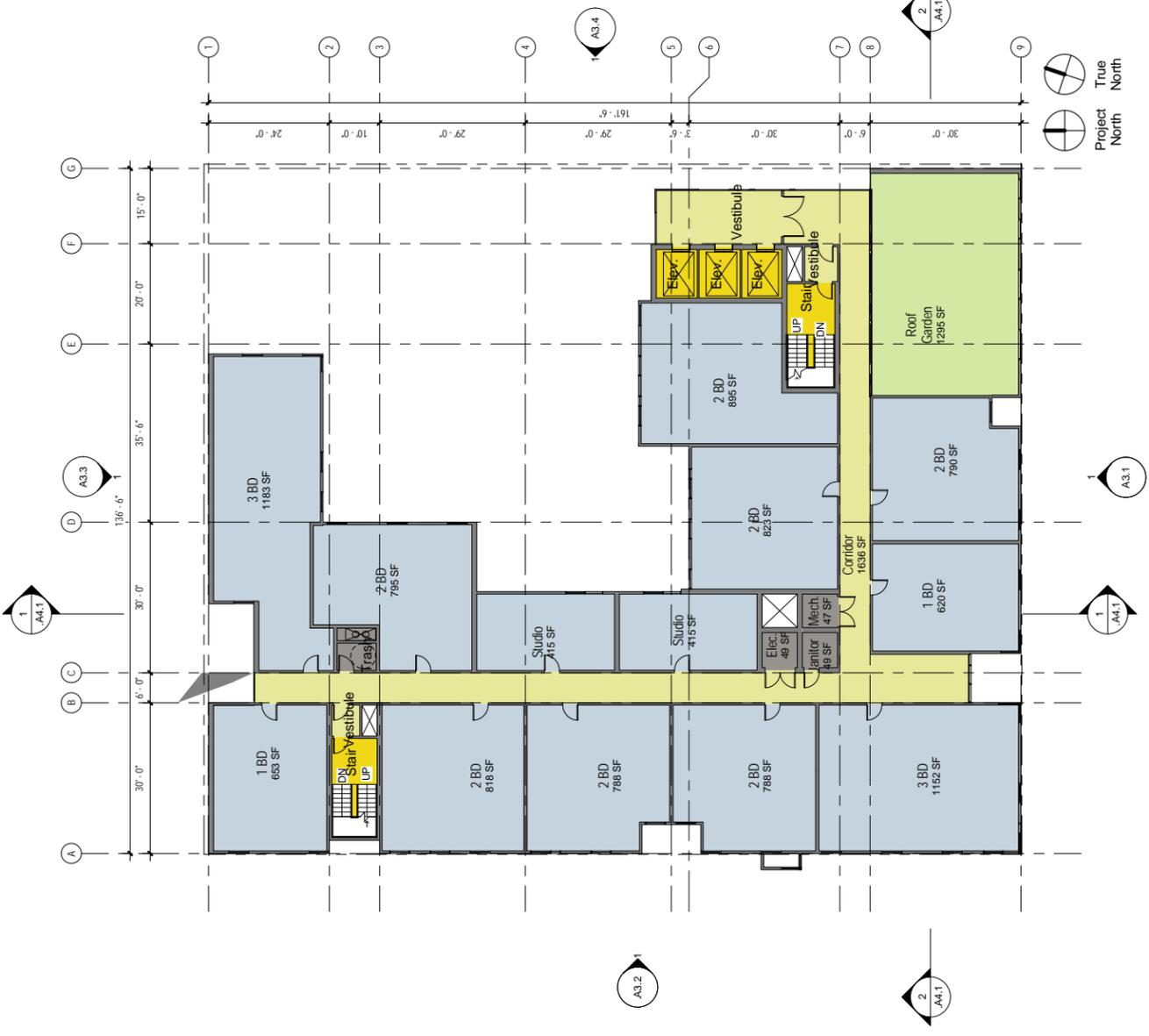
2 Level 2
1/16" = 1'-0"



1 Level 3
1/16" = 1'-0"



① Levels 4-8
1/16" = 1'-0"



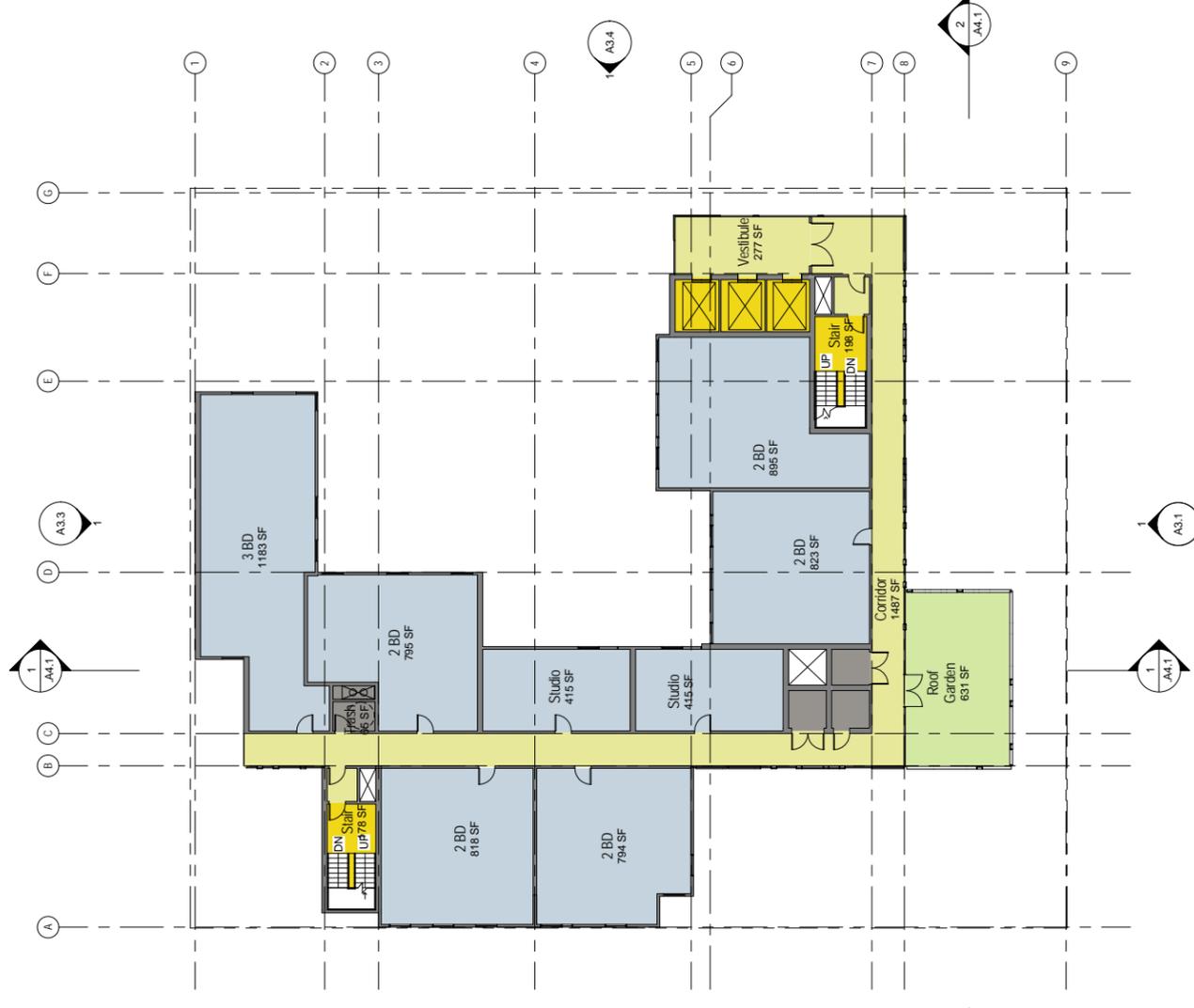
② Level 9 (10 similar)
1/16" = 1'-0"



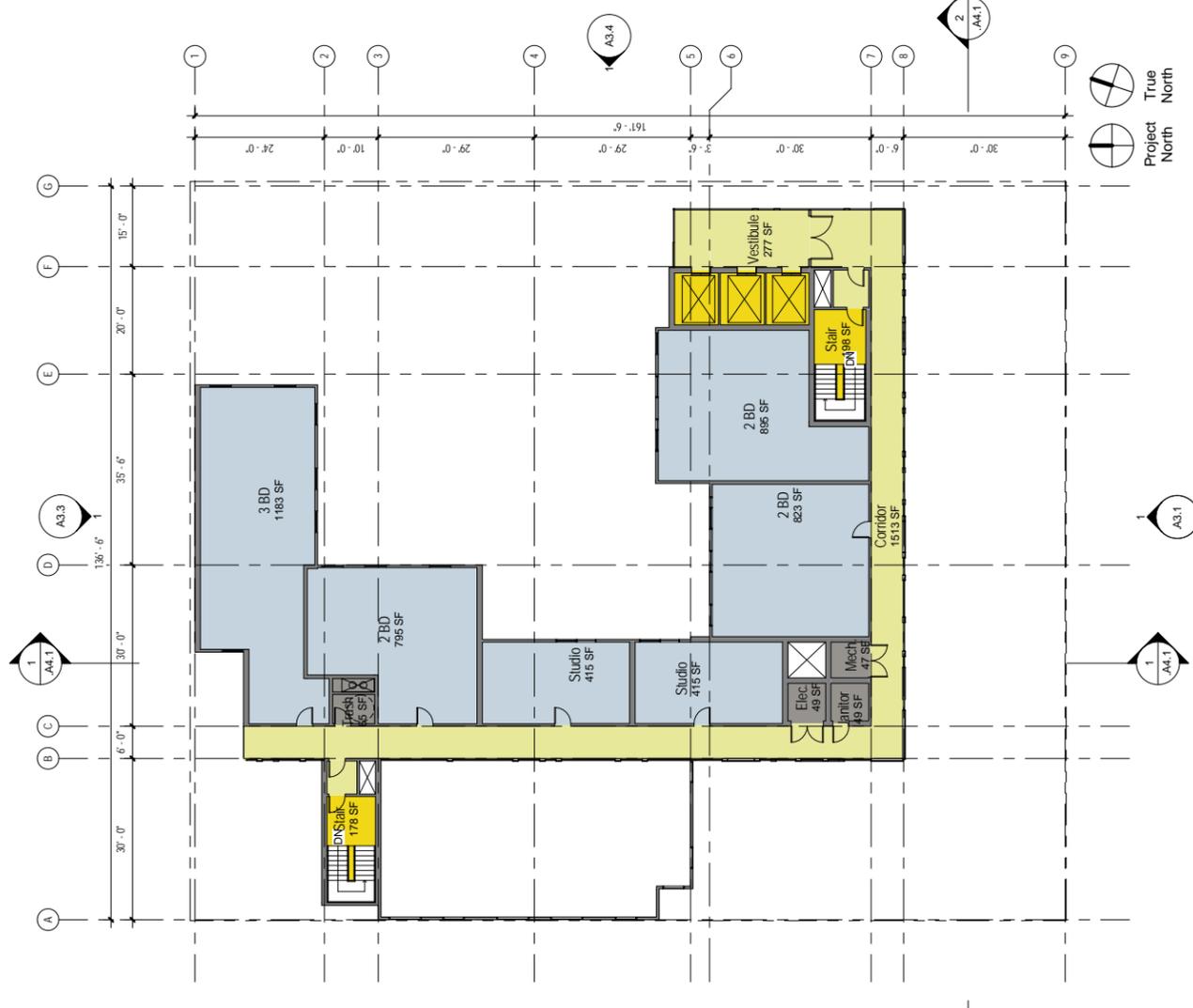
① Level 11
1/16" = 1'-0"



② Level 12
1/16" = 1'-0"



1 Level 13
1/16" = 1'-0"



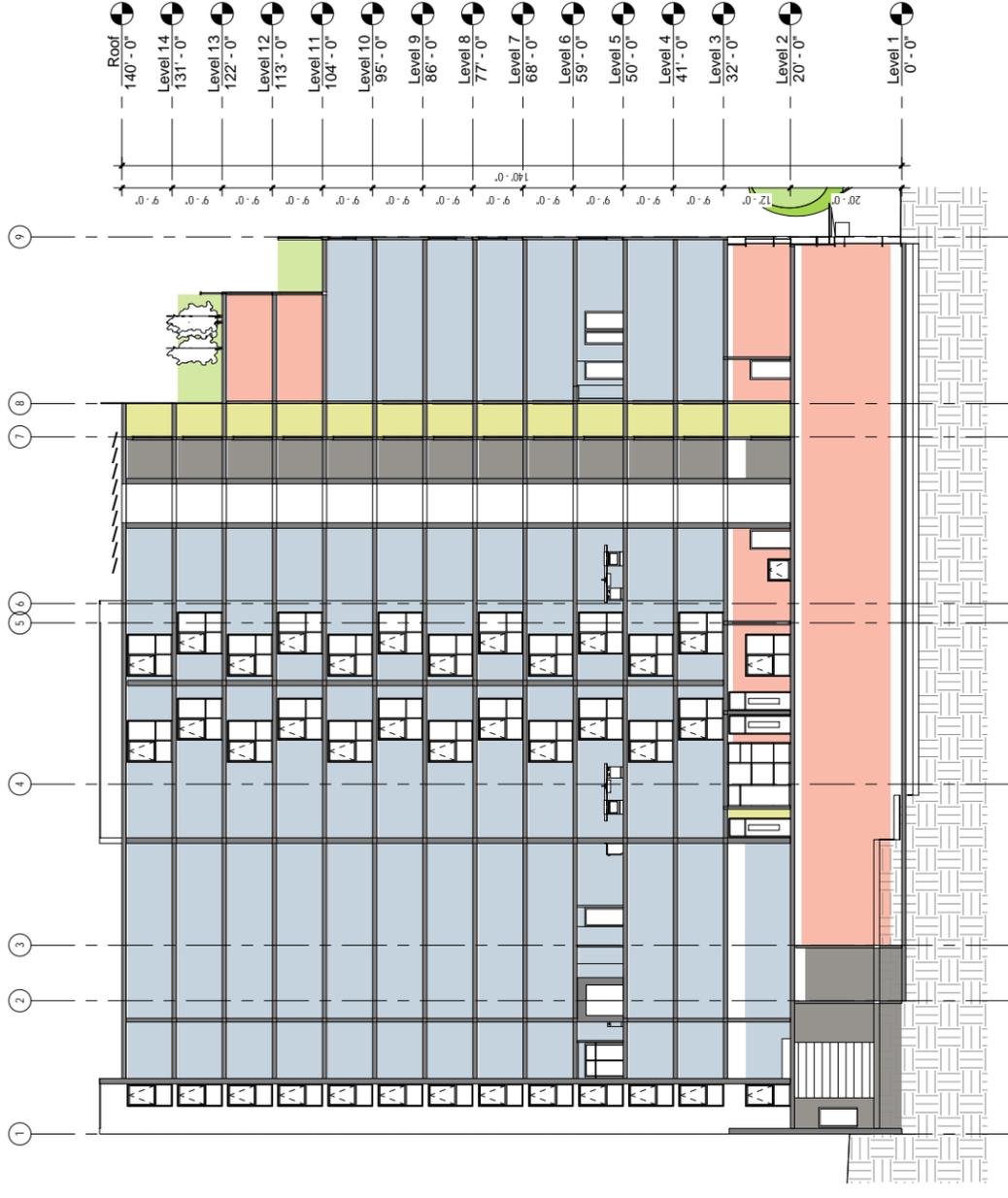
2 Level 14
1/16" = 1'-0"

Project True North





② Building Section 2
1/16" = 1'-0"



① Building Section 1
1/16" = 1'-0"

Approved Motion



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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Planning Commission Motion No. 17849

HEARING DATE: MARCH 26, 2009

Date: March 20, 2009
Case No.: 2007.1342CK (168-186 Eddy Street)
Project Address: 168-186 Eddy Street
Zoning: RC-4 (Residential-Commercial Combined, High Density)
 North of Market Residential Special Use District (Subarea 1)
 80-130-T Height and Bulk District
Block/Lot: 0331/010-011
Project Sponsor: Nick Griffin
 Tenderloin Neighborhood Development Corporation
 201 Eddy Street
 San Francisco, CA 94102
Staff Contact: Kevin Guy – (415) 558-6163
kevin.guy@sfgov.org
Recommendation: Approval with Conditions

ADOPTING FINDINGS RELATED TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION FOR A PLANNED UNIT DEVELOPMENT, PURSUANT TO SECTIONS 303 AND 304 OF THE PLANNING CODE, WITH SPECIFIC MODIFICATIONS TO PLANNING CODE REGULATIONS RELATED TO BULK, HEIGHT MEASUREMENT, STREETWALL SETBACKS, REAR YARD, DWELLING UNIT EXPOSURE, OFF-STREET PARKING, AND OFF-STREET LOADING, WITH RESPECT TO A PROPOSAL TO CONSTRUCT A NEW 14-STORY MIXED-USE BUILDING CONTAINING APPROXIMATELY 153 AFFORDABLE DWELLING UNITS AND APPROXIMATELY 13,750 SQUARE FEET OF GROUND-FLOOR COMMERCIAL SPACE, A SUPPORTIVE SERVICES OFFICE, ROOFTOP AND SECOND FLOOR OPEN SPACE, ONE LOADING SPACE, AND NO OFF-STREET PARKING, LOCATED AT 168-186 EDDY STREET, LOTS 010 AND 011 IN ASSESSOR'S BLOCK 0331, WITHIN THE RC-4 (RESIDENTIAL-COMMERCIAL COMBINED, HIGH DENSITY) DISTRICT, THE NORTH OF MARKET RESIDENTIAL SPECIAL USE DISTRICT (SUBAREA 1), THE 80-130-T HEIGHT AND BULK DISTRICT, AND THE UPTOWN TENDERLOIN NATIONAL REGISTER HISTORIC DISTRICT.

RECITALS

1. On November 20, 2007, Nick Griffin of Tenderloin Neighborhood Development Corporation (hereinafter "Project Sponsor"), submitted an Environmental Evaluation Application with the Planning Department (hereinafter "Department"), Case No. 2007.1342E. A Notification of Project Receiving Environmental Review was sent on February 28, 2008 to owners of properties within 300 feet, adjacent occupants of the project site, and interested parties. An Initial Study/Preliminary Mitigated Negative Declaration (hereinafter "MND") was published on February 4, 2009. Subsequent to publication of the Preliminary MND, the Planning Department published a Final MND on March 2, 2009.
2. On February 4, 2008, the Project Sponsor submitted a request for review of the Project under Planning Code Section ("Section") 295, analyzing the potential impacts of the proposed development to properties under the jurisdiction of the Department of Recreation and Parks.
3. On July 30, 2008, the Project Sponsor filed an application with the Planning Department requesting, under Sections 303 and 304, Conditional Use Authorization to allow a Planned Unit Development (PUD), with specific modifications to Planning Code regulations related to streetwall setbacks (Section 132.2), rear yard (Section 134), exposure (Section 140), parking (Section 151), loading (Section 152), and bulk (Section 270), for a development on a 22,341 square-foot site (Lots 010 and 011 in Assessor's Block 0331) at 168-186 Eddy Street, northeast corner at Taylor Street (hereinafter "Subject Property"). The proposed new building would be 14 stories in height and would contain approximately 153 affordable dwelling units, approximately 13,750 square feet of ground-floor commercial space, a supportive services office, rooftop and second floor open space, one loading space, and no off-street parking (Case No. 2007.1342CK; collectively, hereinafter "Project").
4. On November 19, 2008, the Project Sponsor filed an application requesting to raise the Absolute Cumulative Shadow Limit for Boeddeker Park, File No, Case No. 2008.1294K. Pursuant to Section 295, the Planning Commission and the Recreation and Park Commission, on February 7, 1989, adopted standards for allowing additional shadows on the greater downtown parks (Resolution No. 11595). The quantitative standard that was established for Boeddeker Park was zero percent or no net new shadow. Detailed analysis prepared by the Project Sponsor concluded that the Project would cast new shadows on Boeddeker Park.
5. The Planning Commission and the Recreation and Park Commission held a duly advertised joint public hearing on December 4, 2008 to consider the recommendation to increase the absolute cumulative shadow limit for Boeddeker Park from zero percent to 0.244 percent in order to allow the construction of the Project. At that hearing, both Commissions adopted motions of intent to raise the absolute cumulative shadow limit, to determine that the shadows cast by the Project on Boeddeker Park will not be adverse, and to allocate to the Project up to 375,676 square-foot hours of shadow on Boeddeker Park.
6. On March 19, 2009, the Recreation and Park Commission conducted a duly noticed public hearing at a regularly scheduled meeting to formally approve the motion of intent adopted on December 4, 2008, recommending that the Planning Commission raise the absolute

cumulative shadow limit on Boeddeker Park (Case No. 2008.1294K), determining that the shadows cast by the Project on Boeddeker Park will not be adverse, and recommending that the Planning Commission allocate the increased shadow allowance to the Project (Case No. 2007.1342K).

7. On March 26, 2009, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to formally approve the motion of intent adopted on December 4, 2008, raising the absolute cumulative shadow limit on Boeddeker Park (Case No. 2008.1294K), determining that the shadows cast by the Project on Boeddeker Park will not be adverse, and allocating the increased shadow allowance to the Project (Case No. 2007.1342K).
8. The San Francisco Planning Commission (hereinafter, "Commission") held a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2007.1342C on March 26, 2009. At that hearing, the Commission approved a Final MND for the Project, Motion No. 17848. The Commission concluded that, with the mitigations identified in the MND and accepted by the Project Sponsor, no significant impacts would be generated by this Project.
9. 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 Project Sponsor, Department staff, and other interested parties.
10. **MOVED**, that the Commission hereby authorizes the Conditional Use requested in Application No. 2007.1342C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site is located at the northeast corner of the intersection of Eddy and Taylor Streets, Block 0331, Lots 010 and 011, within the RC-4 (Residential-Commercial Combined, High Density) District, the North of Market Residential Special Use District (Subarea 1), the 80-130-T Height and Bulk District, and the Uptown Tenderloin National Register Historic District. The site is a rectangular corner lot that measures 22,341 square feet, and is currently used as a surface parking lot.
3. **Surrounding Properties and Neighborhood.** The area surrounding the project site is mixed-use in character. The site is located within the Tenderloin neighborhood, an area characterized by high-density residential development, including a substantial number of residential hotels. Retail uses are typically found on the ground floors of residential buildings.

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

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

4. **Project Description.** The Project proposes to demolish the existing surface parking lot and construct a new mixed-use building reaching a height of 14 stories, containing approximately 153 affordable dwelling units, approximately 13,750 square feet of ground-floor commercial space, a supportive services office, rooftop and second floor open space, one loading space, and no off-street parking. The mix of dwelling units includes approximately 30 studio units, 16 one-bedroom units, 85 two-bedroom units, and 22 three-bedroom units.
5. **Public Comment.** Prior to the joint hearing with the Planning Commission and the Recreation and Park Commission, held on December 4, 2008 to discuss shadow impacts to Boeddeker Park, staff received several communications in support of the project from individuals and organizations that highlight the provision of affordable housing and commercial services for the Tenderloin neighborhood. These letters also emphasize that the area and duration of shadowing on Boeddeker Park is relatively small, and that the addition of shadows to the park should not outweigh the social and economic benefits of the project.

At the joint hearing on December 4, 2008, several members of the public spoke in opposition to increasing the shadow budget for Boeddeker Park, citing concerns with the additional shadow that would be cast by the building onto Boeddeker Park.

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. **Use and Density.** Section 209.1 permits residential uses within the RC-4 District. Section 209.8 permits a variety of ground-floor commercial establishments within the RC-4 District. Section 249.5 permits residential densities up to one dwelling unit for each 125 square feet of lot area, within the North of Market Residential Use Subdistrict (Subarea 1). The Project Site measures 22,341 square feet.

The Project proposes a total of 153 dwelling units for the subject property. Based on the allowable density specified by Section 249.5, up to 179 dwelling units would be allowed on the subject property. The Project also proposes approximately 14,250 square feet of ground-floor commercial space, fronting on both Eddy and Taylor Streets. Both the residential and commercial components of the Project conform to the use and density allowed by the Planning Code for the RC-4 District.

- B. **Height.** The subject property is located within a 80-130-T Height and Bulk District. Pursuant to Section 263.7, buildings within this District are limited to a base height of 80 feet, while buildings of up to 130 feet may be permitted with Conditional Use authorization. In addition, the property is located within an "R" zoning district, where development over 40 feet in height requires conditional use authorization, pursuant to Section 253.

Section 263.7 permits buildings to exceed 80 feet in height within the North of Market Residential Special Use District (hereinafter, "SUD"), provided that contributions are paid into the "North of Market Affordable Housing Fund". The purpose of this fund is to ameliorate the pressures on existing affordable housing resulting from the development of taller market-rate residential structures. The Project proposes only affordable dwelling units, therefore the Project would not create pressures on existing affordable housing in the area.

As measured by the provisions of Sections 102.12 and 260, the proposed project would exceed the height limits of the 80-130-T Height and Bulk District. The Project Sponsor is requesting a modification of the height measurement methodology of the Planning Code, as defined by Sections 102.12 and 260. See item #8(E) below.

The Commission may approve a project exceeding 40 feet in height within an "R" district through the conditional use authorization process, after considering the expressed purposes of the Planning Code, the applicable "R" district, the applicable height and bulk district, the policies and principles of the General Plan, and the criteria specified in Section 303. Conformance with the Planning Code and the General Plan is discussed throughout this motion, while conformance with the specific criteria of Section 303 is discussed under item #7 below.

- C. **Bulk.** The subject property is located within a 80-130-T Height and Bulk District. Pursuant to Section 270, maximum bulk dimensions apply to portions of the building above the prevailing streetwall height, as defined by Section 132.2, but no higher than 80 feet. Above this height, the building may not exceed a length of 110 feet, or a diagonal dimension of 125 feet.

The scale of development varies greatly in the vicinity of the Project Site. Older buildings in the immediate area are generally six stories or less in height. Tall residential and hotel towers of more recent construction are interspersed among the older mid-rise structures.

The prevailing height of the streetwall within a given block is defined by the typical height of buildings flanking the abutting street. The streetwall height is most strongly defined and readily perceived when individual buildings are fairly close in height. When the heights of buildings vary greatly, the perception of a prevailing streetwall height is diluted.

For buildings on the block faces of Eddy and Taylor Streets shared by the project site, buildings range from approximately 50 feet to 80 feet in height. Buildings on the opposing block faces range from approximately 30 feet to 70 feet in height. Due to the variety of building heights, the streetwall is poorly defined on these block faces. The presence of existing surface parking lot on the subject property, particularly given its corner location, further detracts from the definition of a streetwall. The surveyed buildings reach a maximum height of 80 feet, which is the minimum height for application of bulk limitations per Section 132.2. Therefore, it is appropriate to apply the bulk limitations to all portions of the building above 80 feet in height. This height corresponds with the upper portion of the 8th floor through the 14th floor of the proposed building.

On the 8th, 9th, and 10th floors, the maximum proposed length dimension is approximately 162 feet, and the maximum proposed diagonal dimension is approximately 211 feet. Therefore, these floors exceed the maximum permitted length dimension by approximately 52 feet, and the maximum permitted diagonal dimension by approximately 86 feet.

On the 11th floor, the maximum proposed length dimension is approximately 162 feet, and the maximum proposed diagonal dimension is approximately 191 feet. Therefore, this floor exceeds the maximum permitted length dimension by approximately 52 feet, and the maximum permitted diagonal dimension by approximately 66 feet.

On the 12th floor, the maximum proposed length dimension is approximately 133 feet, and the maximum proposed diagonal dimension is approximately 191 feet. Therefore, this floor exceeds the maximum permitted length dimension by approximately 23 feet, and the maximum permitted diagonal dimension by approximately 66 feet.

On the 13th and 14th floors, the maximum proposed length dimension is approximately 122 feet, and the maximum proposed diagonal dimension is approximately 158 feet. Therefore, these floors exceed the maximum permitted length dimension by approximately 12 feet, and the maximum permitted diagonal dimension by approximately 33 feet.

Section 271 identifies a process whereby the Planning Commission may permit exceptions to the applicable bulk limitations if a project meets one of the following reasons:

- i. Achievement of a distinctly better design, in both a public and a private sense, than would be possible with strict adherence to the bulk limits, avoiding an unnecessary prescription of building form while carrying out the intent of the bulk limits and the principles and policies of the General Plan; or

- ii. Development of a building or structure with widespread public service benefits and significance to the community at large, where compelling functional requirements of the specific building or structure make necessary such a deviation.

Because the Project is seeking a modification of the bulk limitations through the PUD process, the process described by Section 271 does not apply. It should be noted, however, that the project meets both of the specified reasons for granting bulk exceptions.

With authorization to exceed the specified bulk limits, the Project will be able to achieve a distinctly better design, both architecturally and programmatically. The Project seeks to provide public benefits to the community by delivering a large number of affordable dwelling units and a large ground floor commercial space to provide goods and services to the community. The requested bulk approval will directly permit the achievement of these goals, allowing the ground floor to be reserved for a large, open commercial space with additional units to be provided on upper levels, including those above 80 feet. Strict adherence to the "T" bulk limits would require the Project to either sacrifice commercial space for residential units, or provide fewer affordable dwelling units. The Project's architectural design, with discrete horizontal and vertical elements and a varied, stepped roof-line, would minimize the perception of the increased bulk.

In addition, the project complies with the specified criteria of Section 271, as follows:

- i. The appearance of bulk in the building, structure or development shall be reduced by means of at least one and preferably a combination of the following factors, so as to produce the impression of an aggregate of parts rather than a single building mass:
 - a. Major variations in the planes of wall surfaces, in either depth or direction, that significantly alter the mass;
 - b. Significant differences in the heights of various portions of the building, structure or development that divide the mass into distinct elements;
 - c. Differences in materials, colors or scales of the facades that produce separate major elements;
 - d. Compensation for those portions of the building, structure or development that may exceed the bulk limits by corresponding reduction of other portions below the maximum bulk permitted; and
 - e. In cases where two or more buildings, structures or towers are contained within a single development, a wide separation between such buildings, structures or towers.

The appearance of bulk in the Project would be reduced by means of incorporating at least three of the five above factors into the proposed design. The Project design employs major variations in the plane of its exterior wall surfaces in both depth and height, with significant differences in the heights of various portions of the building along both Eddy and Taylor Streets. Such variation divides the mass of the Project structure into distinct architectural

elements and is enhanced by the Project's use of different colors and materials in its proposed façade.

- ii. The building, structure or development shall be made compatible with the character and development of the surrounding area by means of all of the following factors:
 - a. A silhouette harmonious with natural land-forms and building patterns, including the patterns produced by height limits;
 - b. A smooth visual transition from the Project to the surrounding development or a sensitive transition, where appropriate, to development of a dissimilar character;
 - c. Use of materials, colors and scales either similar to or harmonizing with those of nearby development; and
 - d. Preservation or enhancement of the pedestrian environment by maintenance of pleasant scale and visual interest.

The Project would comply with all required compatibility factors. The Project's height would enhance the public streetscape by prominently marking the corner of Eddy and Taylor Streets and providing pedestrian-friendly corner access to its commercial space. Pedestrian views and comfort would be preserved by the Project's sculpted massing, with lower heights along both street-frontages and maximum height toward the center of the Project site. The Project's varied, stepped roof-line would ensure a smooth visual transition between its corner-marking height and the lower buildings immediately adjacent to it along both Eddy Street (to the east) and Taylor Street (to the north). The Project proposes a varied palette of façade colors and materials that, while modern, are both consistent and harmonious with those of surrounding structures.

While the Project meets the specified criteria for exceeding bulk limits per Section 271, in order for the Project to move forward, the Commission must grant the a modification to exceed the specified bulk limits through the PUD process. Conformance with the criteria of Section 304 is discussed under item #8 below.

- D. **Streetwall Setbacks.** Section 132.2 specifies that, within the North of Market Residential SUD, the Commission may impose setbacks to the upper portions of structures to maintain the continuity of a predominant street wall height. The dimension of the setback varies depending on the prevailing height of the streetwall.

As discussed under item #6(C) above, the scale of development varies greatly in the vicinity of the Project Site. For buildings on the block faces of Eddy and Taylor Streets near the project site, heights range from approximately 30 feet to 80 feet in height. Due to the variety of building heights, the streetwall is poorly defined on these block faces.

The upper portions of the Project are sculpted, set back up to 30 feet from the property line. While the setbacks do not strictly align with the cornice lines of adjacent buildings, they help

to transition to the heights of adjacent development and generally reduce the apparent bulk of the building. The Project Site is currently a surface parking lot which severely impairs any sense of enclosure within the block. By constructing the Project at a critical corner site, the building will help to form a streetwall that is currently absent, and will reinforce the continuity of the pedestrian experience at the sidewalk by contributing to the pattern of ground-floor commercial in the area.

The Commission may grant the Project a modification from the streetwall setback requirements through the PUD process, after considering the criteria specified in Section 304. Conformance with these criteria is discussed under item #8 .

- E. **Basic Floor Area Ratio.** In the RC-4 District, Section 124 allows a Floor Area Ratio (FAR) of up to 4.8 to 1. The project site has an area of 22,341 square feet, therefore the allowable FAR would permit a building of up to 107,237 square feet of Gross Floor Area as defined in Section 102.9.

The Project would measure approximately 181,350 square feet. Pursuant to Section 124(b), the cited Floor Area Ratio limits do not apply to residential uses. Subtracting the area of the residential uses, approximately 63,4000 square feet of Gross Floor Area within the Project would be subject to the allowable FAR. The Project therefore complies with the maximum allowable FAR.

- F. **Rear Yard.** Section 134(a)(1) of the Planning Code requires a rear yard equal to 25 percent of the lot depth to be provided at every residential level.

The Project proposes an L-shaped building on a corner lot, with a courtyard at the second level situated toward the interior of the lot. The configuration of this courtyard does not meet the requirements for a rear yard pursuant to the Code, and thus the Project requires a modification of the rear yard requirement through the PUD process. Compliance with the PUD criteria for open space is discussed under #8 .

Section 134.1(f) identifies a process whereby the Zoning Administrator may reduce the rear yard requirements for a project within the North of Market Residential Special Use District. Because the Project is seeking a rear yard modification through the PUD, the process described by Section 134.1(f) does not apply. It should be noted, however, that the project complies with the specified criteria of Section 134.1(f), as follows:

- i. *The substituted open space in the proposed new or expanding structure will improve the access of light and air to and views from existing abutting properties.*
- ii. *The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of existing abutting properties.*

A code-complying rear yard would provide an open area of approximately 5,585 square feet. The proposed common courtyard measures approximately 6,000 square feet. In addition, common roof gardens are located on Floors 9, 11, 12, and 13 that total approximately 4,900 square feet. The total area of usable open space equals approximately 10,900 square feet, exceeding the amount of open area that would be provided by a code-complying rear yard. In

addition, the project exceeds the requirements for usable open space pursuant to Section 135 of the Code, as discussed under item #6(G) .

There is a general lack of mid-block open space within the subject block. The rear yard of the project is configured as a courtyard that restores a traditional pattern of mid-block open space, preserving light and air access for abutting properties to the degree feasible.

- G. **Usable Open Space.** Section 135 requires that a minimum amount of usable open space be provided for dwelling units within the RC-4 District. This Section specifies that the area counting as usable open space must meet minimum requirements for area and horizontal dimensions.

The Code requires that 47.88 square feet of common usable open space be provided for each dwelling unit within the RC-4 District. The Project therefore must provide a minimum of 7,326 square feet of common open space. The Project proposes a common courtyard at the second floor that measures approximately 6,000 square feet. In addition, common roof gardens are located on Floors 9, 11, 12, and 13 that total approximately 4,900 square feet. The total area of usable open space equals approximately 10,900 square feet, exceeding the requirements of Section 135.

- H. **Dwelling Unit Exposure.** Section 140 of the Planning Code requires that at least one room of all dwelling units face onto a public street, a rear yard, or other open area that meets minimum requirements for area and horizontal dimensions.

The dwelling units are arranged along a double-loaded corridor. Some units face onto Eddy and Taylor Streets, while others face onto the courtyard. Section 140 specifies that an open area (such as the proposed courtyard) must have minimum horizontal dimensions of 25 feet at the lowest floor containing a dwelling unit and floor immediately above, with an increase of five feet in horizontal dimensions for each subsequent floor above. According to this methodology, the open area above the courtyard would need to measure at least 60 feet in horizontal dimensions at the 10th floor, 65 feet at the 11th floor, 70 feet at the 12th floor, 75 feet at the 13th floor, and 80 feet at the 14th (top) floor of the Project.

The central open area of the courtyard measures approximately 70 feet by 60 feet. Therefore, floors 11 through 14 intrude into the volume of open area required by Section 140(a)(2). The Commission may grant the Project a modification from the dwelling unit exposure requirements through the PUD process, after considering the criteria specified in Section 304. Conformance with these criteria is discussed under item #8 .

- I. **Shadows on Parks.** Pursuant to Section 295, no building permit authorizing the construction of any structure exceeding 40 feet in height that will cast any shade or shadow upon any property under the jurisdiction of the Recreation and Park Commission during the times of one hour after sunrise and one hour before sunset, all year round, may be issued except on prior action of the Commission pursuant to the provisions of this Section. The Commission must conduct a hearing and must

disapprove the issuance of any building permit governed by the provisions of this Section if it finds that the proposed project will have any adverse impact on the use of the property under the jurisdiction of the Recreation and Park Commission because of the shading or shadowing that it will cause, unless it is determined that the impact would be insignificant.

The MND analyzed the potential shadow impacts on properties protected by Planning Section 295 (Height Restrictions on Structures Shadowing Property Under the Jurisdiction of the Recreation and Park Commission). This analysis determined that the Project would cast an additional 369,409 square-foot hours of shadow onto Boeddeker Park, equivalent to 0.39 percent of the existing available annual square foot-hours of sunlight on the Park.

In 1989, the Recreation and Park Commission and the Planning Commission jointly adopted criteria establishing absolute cumulative limits for additional shadows on 14 downtown parks throughout San Francisco (Planning Commission Resolution No. 11595). The memo specified that Boeddeker Park is a "zero-tolerance" park, meaning that no new shadows could be cast upon the park. An absolute cumulative limit of zero percent new shadow was adopted for the Park in 1989.

On December 4, 2008, the Recreation and Park Commission and the Planning Commission met jointly to discuss the shadows cast by the new project on Boeddeker Park. At that meeting, the Commissions jointly adopted Motions of Intent to raise the allowable shadow limit on Boeddeker Park, to find that the new shadows cast by the Project would not be adverse to the Park, and to allocate up to 376,626 square-foot hours of allowable new shadow to the Project. On March 19, 2009, the Recreation and Park Commission held a duly noticed public hearing on the Project and reaffirmed their previous Motions of Intent. In order for the Project to move forward, the Planning Commission would need to also reaffirm their previous Motions of Intent by raising the allowable shadow limit on Boeddeker Park, adopting findings that the new shadow would not be adverse to the use of the Park, and allocating new square-foot hours of allowable shadow to the Project.

The additional shadow cast by the Project would not have an adverse impact for the following reasons: (1) the new shadow would be cast on a narrow slot of sunlit area of the Park formed by flanking shadows cast by two existing buildings; (2) the area to be shaded consists primarily of walkways and planters, along with several small seating areas; 3) the largest portion of the Park, which fronts on Eddy Street and contains a playground, a basketball court, and grassy lawns would not be impacted by the Project; (4) all net new shadows would be cast prior to 9:30am, when usage of the park is generally low; and (5) sculpting the building to avoid casting net new shadows on the Park would require the reduction or elimination of several of the upper floors of the building, resulting in the loss of potential affordable housing units and open space terraces intended for the use of the residents of the Project. Findings associated with shadow impacts are discussed in further detail in Planning Commission Motion No. 17847 and 17850, adopted on March 26, 2009.

- J. **Affordable Housing.** Pursuant to provisions of Section 315, new residential developments involving five or more dwelling units are required to comply with the inclusionary housing requirements by constructing 15% of the proposed dwelling units as affordable if they are provided on-site, 20% if the affordable units are provided off-site, or by payment of an in lieu-fee.

All of the proposed dwelling units within the Project qualify as affordable units, therefore, the project complies with the inclusionary housing requirements.

- K. **Off-Street Parking.** Section 151 establishes off-street parking requirements for all uses in all districts. Pursuant to this section, no off-street parking spaces are required for affordable dwelling units. Commercial uses that exceed 5,000 square feet of occupied floor area require one off-street parking space for each 500 square feet of occupied floor area. The project proposes approximately 11,000 square feet of occupied commercial floor area. The Project therefore requires 23 off-street parking spaces.

The Project proposes no off-street parking spaces. The subject property is situated within a dense, urban context that is well-served by transit. It is expected that many patrons of the commercial uses would walk or ride transit to reach the Project Site. Eliminating the required parking within such a context furthers the goals of the City's Transit First policy. By deleting the garage and curb cut that would be required to access the parking, the Project reduces the potential for conflicts between vehicles and pedestrians, and presents a greater length of commercial storefront that will help to active the adjacent sidewalks. The Project also provides a substantial, secure bicycle parking area, giving residents another transportation option that reduces private automobile use. The Commission may grant the Project a modification from the off-street parking requirements through the PUD process, after considering the criteria specified in Section 304. Conformance with these criteria is discussed under item #8 below.

- L. **Off-Street Loading.** Section 152 provides a schedule of required off-street freight loading spaces for all uses in districts other than C-3 or South of Market. Pursuant to this Section, residential uses measuring between 100,001 to 200,000 square feet require one off-street loading space. In addition, retail uses measuring between 10,001 to 30,000 square feet require one off-street loading space. The Project therefore requires two off-street loading spaces.

One off-street loading space is proposed, which is one space fewer than required by Section 152. The MND concludes that the Project would generate approximately six daily truck trips, which would be accommodated in the one loading space proposed. Depending on the nature of the commercial use (such as a grocery store), loading demand could potentially be greater, and trucks would likely be forced to double-park on Eddy or Taylor Streets in the event that the loading space is occupied. While this double-parking could potentially disrupt traffic flow, traffic volumes on these streets are generally light to moderate, and the impacts

would not be significant. The MND also includes an improvement measure requiring that the Project Sponsor seek to install yellow zones along portions of the project frontage to accommodate loading (both for residential and commercial deliveries) and minimize impacts resulting from double parking. In addition, reducing the number of required loading spaces allows for a narrower garage entry that will contribute to a more pedestrian-friendly streetscape.

The Commission may grant the Project a modification from the off-street loading requirements through the PUD process, after considering the criteria specified in Section 304. Conformance with these criteria is discussed under item #8.

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. Projects that proposed a Planned Unit Development through the Conditional Use authorization process must meet these criteria, in addition to the criteria in Section 304, discussed under item #8. On balance, the project complies with the criteria of Section 303, in that:

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

The Project will add significant affordable housing opportunities at a density that is suitable for an intensely-developed urban context served by ample public transit. In addition, the project will add significant new commercial space that will provide employment opportunities, and will serve the residents of the Project and the larger neighborhood. By targeting infill, mixed-use development at such locations, residents of the Project will be able to walk, bicycle, or take transit to commute, shop, and meet other needs without reliance on private automobile use. The proposed ground floor commercial space will continue the procession of ground-floor commercial uses that are prevalent throughout the area, activating the streetscape and creating visual interest for pedestrians.

The existing development in the area surrounding the Project site is varied in scale and intensity. While the Project is taller than the immediately adjacent buildings, the building utilizes setbacks on the upper stories to reduce the apparent height of the structure. In addition, the varied facade treatments and fenestration divide the elevations into discrete sections that complement the prevailing narrow lot pattern of the district. The proposed uses are necessary and desirable for, and are compatible with the neighborhood.

- B. The use or feature as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to property, improvements, or potential development in the vicinity, with respect to aspects including, but not limited to the following:

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

The Project site is a regularly-shaped corner lot that is adequately sized to accommodate the development. Existing development in the vicinity varies in size and intensity, and the Project is generally compatible with the eclectic character of the area. The upper stories of the Project are sculpted to transition to the scale of adjacent properties and reduce the apparent bulk of the development. The rear yard of the project is configured as a courtyard that establishes a pattern of mid-block open space that is currently missing on the subject block. The shape and size of development on the subject property will not detrimental to persons or adjacent properties in the vicinity.

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

The MND prepared for the project found that the project would not result in a significant net increase in vehicular traffic, and would not negatively affect transit services. The Project Site is located within a intense, mixed-use context where many convenience goods and services are available within walking distance. In addition, the area is served by ample public transit, allowing residents to travel without reliance on private automobile use. Approximately 20 MUNI bus lines are located within four blocks of the subject property, as well as the MUNI Metro routes and BART service along Market Street, and the Powell-Hyde and Powell-Mason Cable Car Lines. Improvement Measures have been incorporated into the MND to avoid traffic congestion and transit disruption during construction of the Project.

No off-street parking is proposed for the Project. The affordable housing component requires no parking under the requirements of the Code, however, the commercial component requires 23 off-street spaces. The Commission may modify or eliminate the off-street parking requirements of the Code through the PUD process. By not providing the required parking, the Project reinforces the City's Transit First Policy, and the lack of a garage entry and curb-cut helps to create a more pedestrian-oriented streetscape. See further discussion under item #6(K).

The Project provides one off-street loading space, while two loading spaces are required by the Code. The Commission may modify or eliminate the off-street loading requirements of the Code through the PUD process. In the analysis of loading demand for the Project, the MND concludes that a single loading space should be adequate to serve the users of the building. The MND also includes an improvement measure that the Project Sponsor will seek to install yellow zones along portions of the project frontage to minimize impacts that could result from double parking of delivery vehicles. See further discussion under item #6(L).

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

The Project includes residential and commercial uses that are typical of the surrounding context, and should not introduce operational noises or odors that are detrimental, excessive, or atypical for the area. While some temporary increase in noise can be expected during construction, this noise is limited in duration and will be regulated by the San Francisco Noise Ordinance which prohibits excessive noise levels from construction activity and limits the permitted hours of work. The Project Sponsor will be required to submit a Dust Control Plan to the Department of Public Health that specifies how airborne dust will be attenuated during construction. The requirements of this plan will ensure that demolition, excavation, and construction activities do not generate significant airborne dust. The building will not exhibit an excessive amount of glazing or other reflective materials, therefore, the Project is not expected to cause offensive amounts of glare.

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

The Project provides open space within a common courtyard at the second floor, as well as multiple decks scattered throughout the upper floors of the building. The conceptual plans show landscaping in the form of street trees along Eddy and Taylor Streets. No parking is proposed for the project, but the area is well-served by transit and a variety of goods and services within walking distance. As discussed elsewhere in this Motion, the proposed off-street loading space appears adequate to serve the Project. Conditions of approval require that, as the Project proceeds through the review of building permits, the Project Sponsor will continue to work the Planning staff to refine details of lighting, signage, materials, street trees, and other aspects of the design.

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

The Project generally complies with the applicable sections of the Code, with certain exceptions. The residential and commercial uses contemplated for the Project, and the proposed density are permitted within the RC-4 Zoning District, the 80-130-T Height and Bulk District, and the North of Market Residential Special Use District (Subarea 1). The Project seeks a number of modifications to the requirements of the Planning Code through the PUD process. The purpose of the PUD process is to allow well-designed development on larger sites to request modifications from the strict requirements of the Planning Code, provided that the project generally meets the intent of these Planning Code requirements and will not adversely affect the General Plan. The requested Modifications, and compliance with the PUD criteria are discussed under item #8.

Considered as a whole, the Project would add affordable housing and commercial space to enhance a vibrant, active commercial corridor. The Project Site is well-served by transit and commercial services, allowing residents to commute, shop, and reach amenities by walking, transit, and bicycling. The Project includes a mix of affordable units in a range of sizes, including 30 studio units, 16 one-bedroom units, 85 two-bedroom units, and 22 three-bedroom units. This mix of units will ensure that the Project will serve a diversity of household sizes and people with varied housing needs. The Project conforms with multiple goals and policies of the General Plan, as described in further detail in item #10.

8. **Planned Unit Development.** Section 304 establishes criteria and limitations for the authorization of PUD's over and above those applicable to Conditional Uses in general and contained in Section 303 and elsewhere in the Code. In cases of outstanding overall design, projects may merit modification of certain Code requirements. On balance, the Project complies with said criteria in that it:

A. Affirmatively promotes applicable objectives and policies of the General Plan;

See discussion under item #10.

B. Provides off-street parking adequate for the occupancy proposed.

Pursuant to the requirements of Section 151, no off-street parking is required for the affordable housing component. While Section 151 requires 23 off-street spaces are required to serve the commercial uses, no off-street parking is proposed for the Project. The area surrounding the Project Site is served by abundant transit and retail services within walking distance. Residents would be able to commute and shop for goods and services without reliance on private automobile use. See further discussion under items #6(K).

C. Provides open space usable by the occupants and, where appropriate, by the general public, at least equal to the open space required by this Code;

The Code requires that the Project provide a minimum of 7,326 square feet of common open space. The Project proposes a common courtyard at the second floor that measures approximately 6,000 square feet. In addition, common roof gardens are located on Floors 9, 11, 12, and 13 that total approximately 4,900 square feet. The roof gardens are scattered throughout floors 9 through 13, providing convenient access to open space for residents throughout the Project. The total area of usable open space equals approximately 10,900 square feet, exceeding the requirements of Section 135.

D. Be limited in dwelling unit density to less than the density that would be allowed by Article 2 of the Code for a district permitting a greater density, so that the Planned Unit Development will not be substantially equivalent to a reclassification of property.

Section 249.5 permits residential densities of up to one dwelling unit for each 125 square feet of lot area within the North of Market Residential Use Subdistrict (Subarea 1), where the Project Site is located. Based on this density, up to 179 dwelling units could be developed on the subject property. The Project proposes a total of 153 dwelling units, and therefore complies with the density permitted by Article 2 of the Code. Approval of the PUD could not be substantially equivalent to a reclassification of property.

E. Under no circumstances be excepted from any height limit established by Article 2.5 of this Code, unless such exception is explicitly authorized by the terms of this Code. In the absence of such an explicit authorization, exceptions from the provisions of this Code with respect to height shall be confined to minor deviations from the provisions for measurement of height in Sections 260 and 261 of this Code, and no such deviation shall depart from the purposes or intent of those sections.

As measured by the provisions of Sections 102.12 and 260, the proposed project would exceed the height limits of the 80-130-T Height and Bulk District. Because the frontage of the Project Site slopes along Taylor Street, the degree of exceedance varies depending on the point where the height measurement is taken. The Project Sponsor is requesting a modification of the height measurement methodology of the Planning Code, as defined by Sections 102.12 and 260.

Specifically, the Project Sponsor requests that the height measurement be taken from the high point of the Taylor Street frontage, at the northwest corner of the Project Site. Taken from this point, the finished roof of the building would reach a maximum height of 130 feet, and would therefore comply with the 80-130-T Height and Bulk District. This modification is justified because, as a whole, the Project is well articulated, using varied facade treatments and fenestration to break the massing of the building into narrower, discrete units. The upper portions of the building are sculpted with generous setbacks to help reduce the visible height of the building and to transition to the scale of existing adjacent buildings.

9. **Planned Unit Development Modifications.** The Project Sponsor requests a number of modifications from the requirements of the Planning Code. These modifications are listed below, along with a reference to the relevant discussion for each modification.

- i. *Bulk: Item #6(C)*
- ii. *Height Measurement: Item #6(B) and #8(E)*
- iii. *Streetwall Setbacks: Item #6(D)*
- iv. *Rear Yard Configuration: Item #6(F)*
- v. *Dwelling Unit Exposure: Item #6(H)*
- vi. *Off-Street Parking: Item #6(K)*
- vii. *Off-Street Loading: Item #6(L)*

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

COMMERCE AND INDUSTRY ELEMENT:

Objectives and Policies

OBJECTIVE 6

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

Policy 6.9:

Encourage the location of neighborhood shopping areas throughout the city so that essential retail goods and personal services are accessible to all residents.

Policy 6.10:

Promote neighborhood commercial revitalization, including community-based and other economic development efforts where feasible.

The Project would convert an underutilized property (currently a surface parking lot) to a mixed-use development suited to the existing urban context. The Project includes 153 affordable dwelling units. Residents of these units would shop for goods and services in the area, bolstering the viability of the existing businesses. In addition, the ground floor of the project includes approximately 13,750 square feet of commercial uses. As a single commercial unit, this space could be occupied by a grocery store, in an area that is currently underserved by such a use. If a grocery store tenant is not secured, the space could be demised to accommodate a variety of smaller businesses offering a variety of goods and personal services. In either configuration, the ground floor commercial will contribute to the economic vitality of the area, fulfill shopping needs for residents, and will activate the streetscape of a corner that is ill-defined by the existing surface parking lot.

HOUSING ELEMENT:

Objectives and Policies

OBJECTIVE 1

TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND.

Policy 1.1:

Encourage higher residential density in areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing, and in neighborhood commercial districts where higher density will not have harmful effects, especially if the higher density provides a significant number of units that are affordable to lower income households. Set allowable densities in established residential areas at

levels which will promote compatibility with prevailing neighborhood scale and character where there is neighborhoods support.

Policy 1.2:

Encourage housing development, particularly affordable housing, in neighborhood commercial areas without displacing existing jobs, particularly blue-collar jobs or discouraging new employment opportunities.

Policy 1.3

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

OBJECTIVE 5

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

Policy 5.2

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

The Project is being developed by the Tenderloin Neighborhood Development Corporation, a locally-based non-profit organization that has constructed, and currently manages numerous affordable housing developments in the area. Many of these projects, including the proposed Project, offer on-site support services for residents.

**RESIDENCE ELEMENT:
Objectives and Policies**

OBJECTIVE 1

TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT GROWTH

Policy 1.2:

Facilitate the conversion of underused industrial and commercial areas to residential use, giving preference to permanently affordable housing uses.

Policy 1.4

Locate infill housing on appropriate sites in established neighborhoods.

The Project would convert an underutilized property to a development suited to the existing, intense urban context. The Project includes 153 affordable dwelling units, as well as ground-floor commercial space to serve residents of the Project and existing residents of the area. The Project Site is well-situated to give residents access to job opportunities in the nearby Union Square, South of Market, and Financial District areas. The area is served by a rich network of transit, providing multiple transportation options for residents without a private automobile.

OBJECTIVE 2

TO INCREASE THE SUPPLY OF HOUSING WITHOUT OVERCROWDING OR ADVERSELY AFFECTING THE PREVAILING CHARACTER OF EXISTING NEIGHBORHOODS.

Policy 2.2

Encourage higher residential density in areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing, and in neighborhood commercial districts where higher density will not have harmful effects, especially if the higher density provides a significant number of units that are permanently affordable to lower income households.

The Project will not displace or demolish any existing housing, and will introduce new affordable residential units and commercial spaces that will reinforce and complement the mixed-use nature of the District. The density proposed by the Project is compatible with the intense character of the surrounding neighborhood, and is less than the density permitted by the RC-4 Zoning District. The area has abundant transit, commercial services, and other amenities that will can accommodate increased residential densities without negatively impacting the surrounding neighborhood.

TRANSPORTATION ELEMENT: Objectives and Policies

OBJECTIVE 2

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

Policy 2.1:

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

Policy 2.2:

Reduce pollution, noise and energy consumption.

Due to the abundant transit and commercial services in the area, residents of the Project can minimize use of the private automobile to commute and fulfill shopping needs. The Project Site is suitable for accommodating dense residential development that will discourage sprawling regional development patterns that are strongly auto-oriented and contribute to greenhouse gas emissions.

**URBAN DESIGN ELEMENT:
Objectives and Policies**

OBJECTIVE 3

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

Policy 3.1:

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

Policy 3.7

Recognize the special urban design problems posed in development of large properties.

OBJECTIVE 12

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.

The ground floor of the Project includes commercial spaces that define an attractive and vibrant pedestrian realm on Taylor and Eddy Streets while broadening the availability of good and services. Residents of the Project will activate the sidewalks and open spaces in the area, and will help to support establishments in the neighborhood. While the Project is taller than the immediately adjacent buildings, the building utilizes setbacks on the upper stories to reduce the apparent height of the structure. In addition, the varied facade treatments and fenestration divide the elevations into discrete sections that complement the existing development pattern of the area.

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 new residents in the Project will patronize area businesses, bolstering the viability of surrounding commercial establishments. In addition, the Project would include new commercial space to provide goods and services to residents in the area. This space could be occupied by a single commercial unit such as a grocery store, or could be demised to accommodate a variety of similar businesses offering a variety of goods and personal services. In either configuration, the ground floor commercial will contribute to the economic vitality of the area, provide shopping opportunities for residents, and will define the streetscape.

- 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 diminish the existing housing stock, and will add affordable dwelling units in a manner that enhances the vitality of the neighborhood.

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

The Project would add not demolish any dwelling units, and will add approximately 153 affordable dwelling units in a variety of sizes and bedroom configurations.

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

The property is located within the Tenderloin neighborhood and within walking distance of Union Square, therefore, a wide variety of goods and services are available within walking distance of the Project Site. In addition, the area is well served by public transit, providing connections to all areas of the City and to the larger regional transportation network. The Project provides no off-street parking, and will encourage transit usage and deemphasize reliance on the private automobile.

- 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 does not propose any office development, and will not displace any industrial or service uses. The new development will include commercial services that will provide employment and/or business ownership opportunities for area residents.

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

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

- G. That landmarks and historic buildings be preserved.

There are no existing buildings that would be demolished in association with the Project. The Project Site is situated within the Uptown Tenderloin National Register Historic District. While the architecture of the Project is contemporary, the massing and exterior treatment has been designed in a manner that is compatible with, and sensitive to other properties within the District. The Project will not adversely affect any on-site or off-site historic resources.

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

The Project will not cast some new shadow on Boeddeker Park, located one-half block to the west. The affected area is relatively small, and is not located within the central portion of the park. In addition, the shadows would be cast prior to 9:30am, when usage of the park is generally low. Sculpting the building to avoid casting new shadows on the Park would require the elimination of several of the upper floors of the building and the commensurate loss of affordable dwelling units. On balance, the Project has been designed to preserve access to sunlight on Boeddeker Park to the degree feasible.

The Project Site is located in a relatively flat area with few public vistas. Within the subject block, Eddy and Taylor Streets are not identified as "Streets Important for their Quality of Views" (General Plan, Urban Design Element, Map 5). The Project will not impede access to important vistas.

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 Project Sponsor, 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. 2007.1342C** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 17849. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94012.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on March 26, 2009.

Linda Avery
Commission Secretary

AYES: Miguel, Antonini, Borden, Lee, Moore, Olague, Sugaya

NAYS:

ABSENT:

ADOPTED: March 26, 2009

Exhibit A

Conditions of Approval

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

This Conditional Use Authorization is for a proposed Planned Unit Development, a mixed-use Project with residential and commercial uses located at 168-186 Eddy Street, Lots 010 and 011 in Assessor's Block 0331, within the RC-4 Zoning District, the 80-130-T Height and Bulk District, the North of Market Residential Special Use District (Subarea 1), and the Uptown Tenderloin Historic District, in general conformance with the plans dated March 26, 2009 and marked "Exhibit B." The proposed Project would demolish the existing surface parking lot on the site, and construct a 14-story building containing approximately 153 dwelling units, approximately 13,750 square feet of ground floor commercial space, a supportive services office, rooftop and second floor open space, one loading space, and no off-street parking.

1. COMPLIANCE WITH OTHER REQUIREMENTS

This decision conveys no right to construct. 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. The conditions set forth below shall remain in effect for the life of the Project, unless specifically noted otherwise

2. GENERAL CONDITIONS

A. Mitigation Measures. The Project Sponsor shall implement the mitigation and improvement measures set forth in and otherwise comply with, the Mitigation Monitoring Program to attached Motion No. 17849 as "Exhibit A" and incorporated herein by this reference.

B. Recordation. Prior to the issuance of any building permit for the construction of the Project, the Zoning Administrator shall approve and order the recordation of a notice in the Official Records of the Recorder of the City and County of San Francisco, which notice shall state that construction of the Project has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied, and record said writing if requested.

- H. The Project is subject to the requirements of the First Source Hiring Program (Chapter 83 of the Administrative Code) and the Project Sponsor shall comply with the requirements of this Program.
- I. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$500 a day in accordance with Section 176.
- J. Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Section 351(e)(1).
- K. The Property Owner shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at a minimum, daily litter pickup and disposal, and washing or steam cleaning of the main entrance and abutting sidewalks at least once each week
- L. Signs and exterior lighting for ground floor commercial uses shall be consistent with the approved signage program and shall be reviewed and approved by the Planning Department before they are installed.
- M. Ground level storefronts in general conformity with Exhibit B shall be maintained in an attractive manner, providing transparency into the tenancy behind. Visibility of the commercial interiors and activity through all storefront windows shall be maintained in order to ensure that the ground level of the building remains visually active, provides visual interest to pedestrians, and enhances sidewalk security. Commercial interior layouts should be designed with these requirements in mind. Generally, storefront windows should not be visually obscured with the following: blinds, shades or curtains; shelving; equipment; darkly tinted, translucent or opaque film; painted, stenciled or adhesive signage applied to individual window surfaces that has an overall transparency of less than 50%, or any signage that covers more than 1/3 of the area of any individual window; full or partial height interior partition walls placed directly against or within 10 feet from the window glazing; or any other items that significantly block the vision of pedestrians through the storefront windows into the occupiable commercial space. Solid roll-down security gates shall not be installed in storefront openings. The Property Owner shall ensure that this condition of approval is incorporated into all commercial leases.
- N. An enclosed garbage area shall be provided within the Project. All garbage containers shall be kept within the building until pick-up by the disposal company.

3. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF A BUILDING (OR SITE) PERMIT

A. Design. The Project Sponsor and the Project architects shall continue to work on design development with the Department, with particular attention given to:

- (1). Ground floor storefront and exterior wall treatments
- (2). Reveal dimensions at all windows, moldings, and other details
- (3). Building materials and colors.

4. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF AN ARCHITECTURAL ADDENDUM TO A BUILDING (OR SITE) PERMIT

A. Except as otherwise provided in this Motion, the Project shall be completed in compliance with the Planning Code and in general conformity with plans dated March 26, 2009, labeled "Exhibit B".

B. Final detailed building plans shall be reviewed and approved by the Planning Department. Detailed building plans shall include a final site plan, elevations, sections, and a landscape plan, and shall specify final architectural and decorative detailing, materials, glazing, color and texture of exterior finishes, and details of construction.

C. Highly reflective spandrel glass, mirror glass, or deeply tinted glass shall not be permitted. Only clear glass shall be used at pedestrian levels.

D. Pursuant to Planning Code Section 141, rooftop mechanical equipment is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

E. Signage. The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff. All subsequent sign permits shall conform to the approved signage program. Once approved by Department staff, the signage program information shall be submitted and approved as part of the first building or site permit for the Project.

F. Lighting. The Project Sponsor shall develop a lighting program for the Project which shall be subject to review and approval by Planning Department staff. The lighting program shall include any lighting required or proposed within the public right-of-way as well as lighting attached to the building. Once approved by Department staff, the lighting program information shall be submitted and approved as part of the first building or site permit for the Project.

G. A final pedestrian streetscape improvement plan, including landscaping and paving materials and patterns, shall be submitted for review by, and shall be satisfactory to the

Planning Director, in consultation with staff from the Department of Public Works, the Department of Parking and Traffic, and the Bureau of Urban Forestry. Other agencies shall be contacted as appropriate. The Project shall include street trees in conformance with Section 143. Relocation of some existing underground utilities may be necessary to accommodate the required street trees. The street trees planted pursuant to this condition shall be maintained in perpetuity by the Project Sponsor.

5. CONDITIONS TO BE MET PRIOR TO ISSUANCE OF ANY CERTIFICATES OF OCCUPANCY FOR THE PROJECT.

- A. All usable open spaces shall be completed and available for use.
- B. An evacuation and emergency response plan shall be developed by the Project Sponsor or building management staff, in consultation with the Mayor's Office of Emergency Services, to ensure coordination between the City's emergency planning activities and the Project's plan and to provide for building occupants in the event of an emergency. The Project's plan shall be reviewed by the Office of Emergency Services and implemented by the building management insofar as feasible before issuance of the final certificate of occupancy by the Department of Public Works. A copy of the transmittal and the plan submitted to the Office of Emergency Services shall be submitted to the Department. To expedite the implementation of the City's Emergency Response Plan, the Project Sponsor shall post information (with locations noted on the final plans) for building occupants concerning actions to take in the event of a disaster.

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Letters of Support

Memo

To: Planning Commission, c/o Kevin Guy
From: Sarah Brett, Assistant Project Manager
Date: July 10, 2012
Re: Eddy & Taylor Family Housing – Support Letters



At the time of the approval of the initial Conditional Use Authorization and other entitlements we received strong support for the Eddy & Taylor affordable family housing and a grocery store at 168-186 Eddy Street, including 175 letters from individuals.

This year we held a neighborhood summit attended by 80 community members and a main issue raised was the lack of healthful, affordable food in the neighborhood. Subsequently, 60 Tenderloin residents attended a convening on food issues and the number one issue there was the lack of access to healthy food at local retail outlets.

We have attached letters of support from individuals representing agencies, organizations, associations and residents who have continued to support the project. Sample letters included:

Olson Lee, Director, San Francisco Mayor's Office of Housing
Dina Hilliard, Executive Director, North of Market/Tenderloin Community Benefit District
Randy Shaw, Executive Director, Tenderloin Housing Clinic
Tim Colen, Executive Director, San Francisco Housing Action Coalition
Garrett Hilliard, Tenderloin Resident

If you have any questions, please don't hesitate to contact me at (415) 358-3930 or sbrett@tndc.org. Thank you very much.

**MAYOR'S OFFICE OF HOUSING
CITY AND COUNTY OF SAN FRANCISCO**



**EDWIN M. LEE
MAYOR**

**OLSON LEE
DIRECTOR**

July 3, 2012

Rodney Fong, President
San Francisco Planning Commission
San Francisco Planning Department
1650 Mission St., Suite 400
San Francisco, CA 94103

*RE: Eddy & Taylor Family Housing and Grocery Store
Extension of Conditional Use Authorization and Other Entitlements
(Case No. 2007.1342CK)*

Dear Commissioners:

This letter is written to express my strong support for Tenderloin Neighborhood Development Corporation's request to renew the previously approved Conditional Use (CU) Authorization and other entitlements on the Eddy & Taylor affordable housing development and grocery store located at 168-186 Eddy Street. The Mayor's Office of Housing provided \$5.9 million in acquisition funding for the site in 2007 to create quality affordable family housing. Due to funding constraints, MOH has not been able to provide additional financing to advance design at this time. TNDC is actively working to attract additional lenders and investors to the project. Without the extension, the City will not only lose the opportunity for much-needed affordable housing units, but also the possibility for the neighborhood's first full-service grocery store.

Tenderloin Neighborhood Development Corporation (TNDC), a neighborhood-based low-income housing developer with over 30 years of experience in our community, has proposed a 14 story building comprising ground floor commercial, hopefully a grocery store, and up to 153 units, with many targeted to families. TNDC remains committed to improving the site for the benefit of the Tenderloin and is working to establish viable alternatives. In the meantime, TNDC has also launched a food justice campaign, which includes the successful Tenderloin People's Garden, and has several improvements to the Lower Eddy area in the works, including possible food trucks and parklets close to the site.

While the Tenderloin neighborhood is home to many low-income families with children, there are few units that are large enough to adequately house families and access to healthful foods is

limited. The Eddy & Taylor project will provide needed units to properly house these families, as well as on-site open space for their enjoyment, and fresh produce at their fingertips.

Due to the importance of this site to create quality affordable family housing in the Tenderloin, I strongly support TNDC's request for a renewal of the existing authorization and entitlements on the site. Your support will help increase the number of quality, affordable housing units in San Francisco.

Sincerely,

A handwritten signature in blue ink, appearing to read "Olson Lee". The signature is fluid and cursive, with a long horizontal stroke connecting the first and last names.

Olson Lee
Director
Mayor's Office of Housing



north of market
tenderloin
community
benefit district

Cleaning, Beautification and Safety for a Healthy Neighborhood for Everyone

June 24, 2012

Rodney Fong, President
San Francisco Planning Commission
San Francisco Planning Department
1650 Mission Street Suite 400
San Francisco, CA 94104

*RE: Eddy & Taylor Housing and Grocery Store
Extension of Conditional Use Authorization and Other Entitlements
(Case No. 2007.1342CK)*

Dear Commissioners,

This letter is to express my strong support for Tenderloin Neighborhood Development Corporation (TNDC) and its request to renew the previously approved Conditional use (CU) Authorization and other entitlements on the Eddy & Taylor affordable housing development and grocery store located at 168-186 Eddy Street. Without the extension we will not only lose the opportunity for much-needed affordable housing units, but also the possibility for the neighborhood's first full-service grocery store.

TNDC, a neighborhood-based low-income housing developer with over 30 years of experience in our community, has proposed a 14 story building comprising ground floor commercial, hopefully a grocery store, and up to 153 units, with many targeted to families. TNDC has spearheaded the neighborhood's efforts to bring a full-service grocery to the Tenderloin. As a 13-year resident of the Tenderloin, I am extremely appreciative of these efforts, because healthy and affordable food in the neighborhood is difficult to access. TNDC has launched a food-justice campaign, which includes the successful Tenderloin People's Garden, and has several improvements to the Lower Eddy area in the works, including possible food trucks and parklets close to the site.

The Tenderloin is home to many low-income families with children, there are few units that are large enough to adequately house families and access to healthful foods is limited. For this reason, I strongly urge you to approve TNDC's request for a renewal of the existing authorization and entitlements on the site. Your support will help increase the number of quality, affordable housing units in San Francisco and support Mayor Lee's current push for food justice in the Central Market/Tenderloin neighborhoods.

Sincerely,

Dina Hilliard

Executive Director

North of Market/Tenderloin Community Benefit District

TENDERLOIN HOUSING CLINIC

RANDALL M. SHAW
STEPHEN L. COLLIER
RAQUEL FOX
MATT MCFARLAND

126 Hyde Street
San Francisco, CA 94102
Tel. (415) 771-9850
Fax. (415) 771-1287

Contact:

Email: randy@thclinic.org
Phone: 771-9850 ext. 123

June 28, 2012

Rodney Fong, President
San Francisco Planning Commission
San Francisco Planning Department
1650 Mission St., Suite 400
San Francisco, CA 94103

*RE: Eddy & Taylor Family Housing and Grocery Store
Extension of Conditional Use Authorization and Other Entitlements
(Case No. 2007.1342CK)*

Dear Commissioners:

This is to express my strong support for Tenderloin Neighborhood Development Corporation (TNDC) and its request to renew the previously approved Conditional Use (CU) Authorization and other entitlements on the Eddy & Taylor affordable housing development and grocery store located at 168-186 Eddy Street. In this challenging funding climate, more time is needed to attract lenders and investors to the project. Without the extension we will not only lose the opportunity for much-needed affordable housing units, but also the important new retail space.

TNDC, a neighborhood-based low-income housing developer with over 30 years of experience in our community, has proposed a 14 story building comprising ground floor commercial, hopefully a grocery store, and up to 153 units, with many targeted to families. The developer remains committed to improving the site for the benefit of the Tenderloin and is working to establish viable alternatives. In the meantime, TNDC has also launched a food justice campaign, which includes the successful Tenderloin People's Garden, and has several improvements to the Lower Eddy area in the works, including possible food trucks and parklets close to the site.

While the Tenderloin neighborhood is home to many low-income families with children, there are few units that are large enough to adequately house families and access to healthful foods is limited. The Eddy & Taylor project will provide the needed units to properly house these families, as well as on-site open space for their enjoyment, and put fresh produce at their fingertips.

For this reason, I strongly urge you to approve TNDC's request for a renewal of the existing authorization and entitlements on the site. Your support will help increase the number of quality, affordable housing units in San Francisco and support Mayor Lee's current push for food justice in the Central Market/Tenderloin neighborhoods.

Sincerely,



Randy Shaw
Executive Director



June 28, 2012

Rodney Fong, President
San Francisco Planning Commission
1650 Mission St., Suite 400
San Francisco, CA 94103

***RE: Eddy & Taylor Family Housing and Grocery Store
Extension of Conditional Use Authorization and Other
Entitlements (Case No. 2007.1342CK)***

Dear President Fong and Commissioners:

On behalf of the San Francisco Housing Action Coalition (SFHAC), I would like to express our strong support for Tenderloin Neighborhood Development Corporation's (TNDC's) request to renew the previously approved Conditional Use (CU) Authorization and other entitlements on their proposed Eddy & Taylor affordable housing development and grocery store located at 168-186 Eddy Street. In this challenging funding climate, more time is needed to attract lenders and investors to the project. Without an extension we might not only lose the opportunity for much needed affordable housing, but also the possibility for the neighborhood's first full-service grocery store.

TNDC, a neighborhood-based low-income housing developer with over 30 years of experience, has proposed a 14-story building comprised of ground floor commercial, a grocery store, and up to 153 units, largely targeted to families. The developer remains committed to improving the Tenderloin neighborhood in a variety of ways. In addition, TNDC has launched a food justice campaign, including the successful Tenderloin People's Garden. TNDC is looking at other improvements to the Lower Eddy Street area, including possible food trucks and "parklets" near this site.

While the Tenderloin neighborhood is home to many low-income families with children, there is precious little housing large enough for families. Access to healthy foods is limited. The excellent Eddy & Taylor project will provide the needed housing for families as well as open space for their enjoyment and bring fresh produce to their neighborhood.

I strongly urge you to approve TNDC's request for a renewal of the existing authorization and entitlements of this project. Your support will help increase quality, affordable housing in San Francisco and support Mayor Lee's current push for food justice in the Central Market and Tenderloin neighborhoods.

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Sincerely,

A handwritten signature in black ink, appearing to read "Tim Colen", with a long horizontal flourish extending to the right.

Tim Colen, Executive Director
SAN FRANCISCO HOUSING ACTION COALITION

June 24, 2012

Rodney Fong, President
San Francisco Planning Commission
San Francisco Planning Department
1650 Mission Street Suite 400
San Francisco, CA 94104

*RE: Eddy & Taylor Housing and Grocery Store
Extension of Conditional Use Authorization and Other Entitlements
(Case No. 2007.1342CK)*

Dear Commissioners,

As a long-term resident of the Tenderloin neighborhood, I am writing to urge you to support Tenderloin Neighborhood Development Corporation and its request to renew the previously approved Conditional Use Authorization and other entitlements on the Eddy & Taylor affordable housing development and grocery store located at 168-186 Eddy Street.

The Tenderloin is home to many low-income families who would greatly benefit from the opportunity to be housed in a family unit that is appropriate for the size of their family. These families, and residents of the Tenderloin (including me) would also greatly benefit from having a full-service grocery store in the neighborhood.

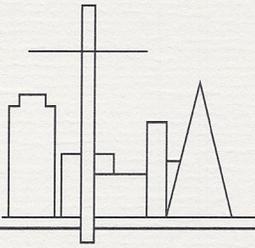
Affordable housing, and affordable food improves the quality of life for Tenderloin and San Franciscan residents. The project at Eddy & Taylor Streets is a perfect site for family housing, and a grocery store...a project that the Tenderloin neighborhood is highly anticipating.

For this reason, I ask you to approve TNDC's request for renewal of the existing authorization and entitlements on the site.

Sincerely,



Garrett Hilliard
Tenderloin Resident
146 McAllister Street



SAN FRANCISCO NETWORK MINISTRIES

July 6, 2012

Rodney Fong, President
San Francisco Planning Commission
San Francisco Planning Department
1650 Mission St., Suite 400
San Francisco, CA 94103

*RE: Eddy & Taylor Family Housing and Grocery Store
Extension of Conditional Use Authorization and Other Entitlements
(Case No. 2007.1342CK)*

Dear Commissioners:

San Francisco Network Ministries has been serving very low income residents and homeless people of the Tenderloin Neighborhood for 40 years. Every day we see people in our classes at the Tenderloin Technology Lab and on the streets who are searching for affordable housing and who are living in substandard and overcrowded units. Our own affordable family apartment building has a waiting list that is years long. Good quality, stable housing is the basis for so much that we take for granted. Having a kitchen to cook your dinner. A quiet bedroom to get a good night's sleep. A place your kids can do their homework. Safe community rooms to mix with other people and build friendships. A secure mailbox so people can reach you by mail. Our neighborhood residents desperately need affordable housing and a full-service grocery store so they can have the chance other families have to live stable and healthy lives.

We strongly support for Tenderloin Neighborhood Development Corporation (TNDC), which is an anchor in our community, and its request to renew the previously approved Conditional Use (CU) Authorization and other entitlements on the 168-186 Eddy Street project. As you know, these are very difficult times for project funding and we ask that you give TNDC more time to make this project work.

Thank you for your support of this much needed project.

Sincerely,

A handwritten signature in blue ink that reads "Susie Wong". The signature is written in a cursive, flowing style.

Susie Wong
Director of Operations
San Francisco Network Ministries