



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: JULY 17, 2014

*Date:* July 10, 2014  
*Case No.:* **2014.0888C**  
*Project Address:* 1239 TURK STREET  
*Zoning:* RM-3 (Residential, Mixed, Moderate Scale)  
50-X Height and Bulk District  
*Block/Lot:* 0757/027  
*Project Sponsor:* Benjamin Brandin  
Tenderloin Neighborhood Development Corporation (TNDC)  
215 Taylor Street  
San Francisco, CA 94102  
*Staff Contact:* Sara Vellve – (415) 558-6263  
sara.vellve@sfgov.org  
*Recommendation:* **Approval with Conditions**

1650 Mission St.  
Suite 400  
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CA 94103-2479

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### PROJECT DESCRIPTION

The Tenderloin Neighborhood Development Corporation (TNDC) is requesting an amendment to Condition of Approval Number 19a of Motion Number 18535, and to rescind Condition of Approval Number 19b of Motion Number 18535 to facilitate private financing of an affordable 97-unit senior housing development approved by the Planning Commission through Case Number 2011.0176CEK on February 2, 2012.

Through the financing process, it was found that language pertaining to age and income restrictions in Condition 19a was unnecessary, and detrimental to securing private financing as discussed in TNDC's submittal. The age and income restrictions of the condition are unnecessary because the development is a 100% affordable project that is exempt from Planning Code Section 415 for the Inclusionary Affordable Housing Program. The unit mix is not a project requirement. Condition 19b will be superseded by the amended Condition 19a.

Specifically, Condition No. 19a would be modified to eliminate restrictions on age, income and unit mix. Language added to this condition would stipulate that in the event that the Project changes and some or all of the units become market-rate, the Project shall comply with the inclusionary housing requirements set forth in Section 415 of the Code. Currently, this language is standard for all 100% affordable projects. At the time of original entitlement in 2012, this language was not standardized for 100% affordable projects.

As originally written, Condition of Approval Nos. 19a and 19b of Planning Commission Motion No. 18535 contain the following language:

- a. Condition 19a: **Affordability and Unit Mix.** The Project contains 32 studios, 65 one-bedroom, and 1 two-bedroom units. The project shall be 100% affordable to a person 62 years of age or older, or 55 years of age or older in a senior citizen housing development, whose household income does not exceed 50% of the Area Median Income.”
- b. Condition 19b: **Duration.** Should the affordability restrictions for the units in the RPII development set forth above terminate for any reason, the development must comply with the Inclusionary Affordable Housing Program per Planning Code Section 415.

As proposed, Condition of approval 19a would contain the following language.

**19a. 100% Affordable Project.** As currently proposed the Project will be 100 percent affordable and is therefore exempt from Planning Code Section 415 and the Inclusionary Affordable Housing Program. The Project contains 97 dwelling units and one manager’s unit. In the event that the Project changes and some or all of the units become market-rate, the Project shall comply with the inclusionary affordable housing requirements set forth in Section 415 of the Code. This condition of approval shall constitute the written determination and notice of the inclusionary housing requirement pursuant to the procedures set forth in Code Section 415.

*For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor’s Office of Housing at 415-701-5500, [www.sf-mohcd.org](http://www.sf-mohcd.org).*

Amending the conditions would not alter the intent or outcome of the approved project to provide affordable housing to a specific age range of adults and their household income. The amendments are to facilitate private financing and include standardized language.

## **SITE DESCRIPTION AND PRESENT USE**

The approximately 26,000 square foot development site is located on the south side of Turk Street between Webster and Laguna Streets, Block 0757, Lot 027. The development site is located directly north of the existing Rosa Parks I development, which is owned and operated by the San Francisco Housing Authority. The property is located within the RM-3 (Residential, Mixed, Moderate Scale) District with 50-X height and bulk district. The site is located in the former Western Addition A-2 Redevelopment Area, which expired in December, 2009.

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The site is located in the Rosa Parks Block of the Western Addition Neighborhood and is bounded by Turk Street to the north, Webster Street to the west, Golden Gate Avenue to the south and Buchanan Mall to the east. The “Rosa Parks” neighborhood is dominated by low to mid-rise residential development with community centers and churches scattered throughout the neighborhood. San Francisco Fire Department Station 5 is located directly west of the project across Webster Street. Fillmore Street is one block west of the site and provides a broad range of commercial and retail services.

## **ENVIRONMENTAL REVIEW**

The subject entitlement does not involve any significant changes or provide new information to the project analyzed pursuant to the California Environmental Quality Act (“CEQA”) under Case Numbers

2002.0211E and 2011.0176E. Pursuant to Section 15162 of CEQA, since the Commission adopted the Final Mitigated Negative Declaration (FMND) and approved the Project in 2012, there have been no substantial changes to the Project that would require major revisions to the FMND or result in new or substantially more severe significant environmental impacts that were not evaluated in the FMND; no new information has become available that was not known and could not have been known at the time the FMND was certified as complete and that would result in new or substantially more severe significant environmental impacts not evaluated in the FMND; and no mitigation measures or alternatives previously found infeasible would be feasible or mitigation measures or alternatives considerably different than those analyzed in the FMND would substantially reduce significant environmental impacts, but the project proponent declines to adopt them. Therefore, no further environmental review is required.

### HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	June 27, 2014	June 27, 2014	20 days
Posted Notice	20 days	June 27, 2014	June 27, 2014	20 days
Mailed Notice	10 days	July 7, 2014	June 25, 2014	21 days

The proposal does not require a Section 312-neighborhood notification.

### PUBLIC COMMENT

- As of July 10, 2014, the Department has not received any public comment regarding the proposal.

### ISSUES AND OTHER CONSIDERATIONS

- As demonstrated by letters from TNDC and the Mayor's Office of Housing and Community Development (MOH), these changes are necessary to gain private financing of the proposal and construct approximately 100 units of senior affordable housing.
- The sponsor, TNDC, in conjunction with MOH, is diligently pursuing permits to construct the development for the intended population and level of affordability

### REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization pursuant to Planning Code Section 303 to amend Condition of Approval 19a and rescind Condition of Approval 19b of Motion 18535 in order to facilitate private financing of a 100% affordable senior housing development.

### BASIS FOR RECOMMENDATION

- The project promotes construction of approximately 100 units of 100% affordable senior housing.
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding neighborhood.
- The project promotes consistency with the General Plan.

<b>RECOMMENDATION:</b> <b>Approval with Conditions</b>
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**Attachments:**

Aerial Photograph of Project Site

Motion 18535 of Case Number 2011.0176ECK approved by the Planning Commission on February 2, 2012

Project Sponsor Submittal

Mayor's Office of Housing and Community Development Submittal

*SV: G:\DOCUMENTS\CONDITIONAL USES\2014.0888C - Rosa Park Affordability Condition\ExecutiveSummary.doc*



# SAN FRANCISCO PLANNING DEPARTMENT

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Subject to: (Select only if applicable)

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

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## Planning Commission Draft Motion

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sara.vellve@sfgov.org  
*Recommendation:* **Approval with Conditions**

**ADOPTING FINDINGS TO AMEND CONDITION NO. 19a AND RESCIND NO. 19b OF PLANNING COMMISSION MOTION 18535 (CASE NO. 2011.0176CEK) PURSUANT TO SECTION 303 OF THE PLANNING CODE TO REMOVE LANGUAGE PERTAINING TO AGE AND INCOME RESTRICTIONS, AND UNIT MIX, AND TO ADD A STANDARD CONDITION FOR 100% AFFORDABLE HOUSING DEVELOPMENTS WITH REGARD TO PLANNING CODE SECTION 415 FOR A PROJECT THAT WAS APPROVED BY THE PLANNING COMMISSION ON FEBRUARY 2, 2012 FOR CASE NO. 2011.0176CEK TO DEVELOP UP TO 97 AFFORDABLE DWELLING UNITS FOR SENIOR OCCUPANTS AND ONE MANAGER'S UNIT WITHIN THE RM-3 (RESIDENTIAL, MIXED, MEDIUM DENSITY) DISTRICT AND A 50-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On June 10, 2014, the Tenderloin Neighborhood Development Corporation (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section 303 to amend Condition of Approval No. 19a and rescind No. 19b of Motion No. 18535 to remove language pertaining to age and income restrictions, and unit mix, and add a standard condition for 100% affordable housing developments with regard to Planning Code Section 415 for a project that was approved by the Planning Commission on February 2,

2012 to develop up to 97 affordable dwelling units for senior occupants and one manager's unit through Case No. 2011.0176CEK within the RM-3 (Residential, Mixed, Medium Density) District and a 50-X Height and Bulk District. This approval does not alter any physical or programmatic aspects of the development approved through Case No. 2011.0176CEK.

On July 17, 2014, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2014.0888C.

The subject entitlement does not involve any significant changes or provide new information to the project analyzed pursuant to the California Environmental Quality Act ("CEQA") under Case Numbers 2002.0211E and 2011.0176E. Pursuant to Section 15162 of CEQA, since the Commission adopted the Final Mitigated Negative Declaration (FMND) and approved the Project in 2012, the Commission finds that there have been no substantial changes to the Project that would require major revisions to the FMND or result in new or substantially more severe significant environmental impacts that were not evaluated in the FMND; no new information has become available that was not known and could not have been known at the time the FMND was certified as complete and that would result in new or substantially more severe significant environmental impacts not evaluated in the FMND; and no mitigation measures or alternatives previously found infeasible would be feasible or mitigation measures or alternatives considerably different than those analyzed in the FMND would substantially reduce significant environmental impacts, but the project proponent declines to adopt them. Therefore, no further environmental review is required.

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

**MOVED**, that the Commission hereby authorizes the Conditional Use requested in Application No. 2014.0888C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## **FINDINGS**

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** On February 2, 2012, the Planning Commission approved Case No. 2011.0176CEK to construct a 50-foot tall building containing 97 dwelling units to be occupied by senior residents whose household income does not exceed 50% of the Area Median Income. The sponsor, Tenderloin Neighborhood Development Corporation (TNDC) in conjunction with the Mayor's Office of Housing and Community Development (MOH), are diligently pursuing permits to construct the development for the intended population and level of affordability.

As originally written, Condition of Approval Nos. 19a and 19b of Planning Commission Motion No. 18535 contain the following language:

- a. Condition 19a: **Affordability and Unit Mix.** The Project contains 32 studios, 65 one-bedroom, and 1 two-bedroom units. The project shall be 100% affordable to a person 62 years of age or older, or 55 years of age or older in a senior citizen housing development, whose household income does not exceed 50% of the Area Median Income.”
- b. Condition 19b: **Duration.** Should the affordability restrictions for the units in the RPII development set forth above terminate for any reason, the development must comply with the Inclusionary Affordable Housing Program per Planning Code Section 415.

Through the financing process, it was found that language pertaining to age and income restrictions in Condition 19a was unnecessary, and detrimental to securing financing as discussed in TNDC’s submittal. The age and income restrictions of the condition are unnecessary because the development is a 100% affordable project that is exempt from Planning Code Section 415 for the Inclusionary Affordable Housing Program. The unit mix is not a project requirement. While Condition 19b is adequate as written, the revised Condition 19a will replace it.

To resolve the financing concern and standardize language, the applicant proposes that the Commission amend Condition of Approval No. 19a of Motion No. 18535 as shown below. Condition of Approval No. 19b of Motion No. 18535 would be rescinded.

- a. Condition 19a: **100% Affordable Project.** As currently proposed, the Project will be 100 percent affordable, with 98 dwelling units. In the event that the Project changes and some or all of the units become market-rate, the Project shall comply with the inclusionary housing requirements set forth in Section 415 of the Code. This condition of approval shall constitute the written determination and notice of the inclusionary housing requirement pursuant to the procedures set forth in Code Section 415.

Amending the conditions would not alter the intent or outcome of the approved project to provide affordable housing to a specific age range of adults and their household income. The amendments are to facilitate financing and include standardized language.

3. **Site Description and Present Use.** The approximately 26,000 square foot development site is located on the south side of Turk Street between Webster and Laguna Streets, Block 0757, Lot 027. The development site is located directly north of the existing Rosa Parks I development, which is owned and operated by the San Francisco Housing Authority. The property is located within the RM-3 (Residential, Mixed, Moderate Scale) District with 50-X height and bulk district. The site is located in the former Western Addition A-2 Redevelopment Area, which expired in December, 2009.

4. **Surrounding Properties and Neighborhood.** The site is located in the Rosa Parks Block of the Western Addition Neighborhood and is bounded by Turk Street to the north, Webster Street to the west, Golden Gate Avenue to the south and Buchanan Mall to the east. The “Rosa Parks” neighborhood is dominated by low to mid-rise residential development with community centers and churches scattered throughout the neighborhood. San Francisco Fire Department Station 5 is located directly west of the project across Webster Street. Fillmore Street is one block west of the site and provides a broad range of commercial and retail services.
5. **Public Comment.** As of July 10, 2014, the Department has not received any public comment regarding the proposal.
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. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements would apply to projects that consist of five or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. Pursuant to Section 415.3(c)(4), the Inclusionary Affordable Housing Program does not apply to “[a] 100% affordable housing project in which rents are controlled or regulated by any government unit, agency or authority”.

*As currently approved, the Project is 100% affordable with rents to be controlled by a government unit, agency or authority and is therefore exempt from Planning Code Section 415. As currently proposed, the Project will be 100 percent affordable, with 98 dwelling units. In the event that the Project changes and some or all of the units become market-rate, Section 415 will apply and the Project shall comply with the inclusionary housing requirements set forth in Section 415 of the Code.*

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:
  - A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

*The original development’s (Case No 2011.0176CEK) use, size, density and height are compatible with the surrounding neighborhood and community. The surrounding area is dominated by residential uses in buildings ranging from 2 to 11 stories in height. The Rosa Parks I senior affordable housing development is located directly south of the development site and contains 198 units in 11 stories. Buildings on the opposite side of Turk Street and Buchanan Mall are two and three stories in height. Buildings on the opposite side of Webster Street range from one to seven stories. The subject parcel is located in the former Western Addition A-2 Redevelopment Area and parcels in this area are generally substantially larger than the typical 25 foot by 100 foot lot size.*

*This Conditional Use Authorization does not include a new proposed use or building. The proposal is to amend Condition 19a and rescind Condition 19b of Motion 18535 regarding age, income and unit mix restrictions of a previously approved development's occupants. Amending the conditions would not alter the intent or outcome of the approved project to provide affordable housing to a specific age range of adults and their household income. The amendments are to facilitate financing and include standardized language.*

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:
- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*At approximately 50 feet in height, the original development's (Case No 2011.0176CEK) building will provide an appropriate transition between surrounding buildings of 20, 30, 70 and 110 feet in height. The site and building design more closely resembles other residential developments in the area where buildings are constructed to the sidewalk. Through fenestration, building materials, setbacks and decks, the proposed building's Turk Street frontage will be appropriately segmented to break down its volume at the street.*

*This Conditional Use Authorization does not include a new proposed use or building. The proposal is to amend Condition 19a and rescind Condition 19b of Motion 18535 regarding age, income and unit mix restrictions of a previously approved development's occupants and such a modification will not have a detrimental effect on those residing in the area.*

- 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;

*This Conditional Use Authorization does not include a new proposed use or building. The proposal is to amend Condition 19a and rescind Condition 19b of Motion 18535 regarding age, income and unit mix restrictions of a previously approved development's occupants. Amending Conditions 19a and 19b of Motion 18535 regarding age and income restrictions will not change accessibility and traffic patterns.*

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

*Since the original development (Case No 2011.0176CEK) will be an exclusively residential project, the project will not generate unusual noise, odor, dust and glare as a result of its operations.*

*This Conditional Use Authorization does not include a new proposed use or building. The proposal is to amend Condition 19a and rescind Condition 19b of Motion 18535 regarding age, income and unit mix restrictions previously approved development's occupants. Amending Conditions 19a and 19b of Motion 18535 regarding age and income restrictions will not result in noxious or offensive emissions such as noise, glare, dust and odor.*

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

*The original development's (Case No 2011.0176CEK) includes a number of landscaping improvements. The existing porte cochere on Turk Street will be improved by constructing landscaped "bulb outs" to increase the area devoted to non-vehicular movement around the porte cochere. The sidewalk extending though the driveways will be repaved in the sidewalk material and grid. Landscaping will be incorporated in front of the west building on Turk Street and in the area of the 6-foot building setback at Buchanan Mall. The proposed parking lot at the corner of Golden Gate Avenue and Webster Street will be partially paved with a permeable surface and screened from view with a fence and planted materials. Permeable pavers will be incorporated between street trees along Turk and Webster Streets and landscaped groundcover will be used at the utility doors along Webster Street. An existing community container garden in the proposed parking area will be relocated north closer to the open area between the RPI "wings." Parking in the RPII west building will be wrapped by a program room, display windows and utility rooms.*

*This Conditional Use Authorization does not include a new proposed use or building. The proposal is to amend Condition 19a and rescind Condition 19b of Motion 18535 regarding age, income and unit mix restrictions previously approved development's occupants. Landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs are not relevant to a project that amends Conditions 19a and 19b of Motion 18535 regarding age and income restrictions.*

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

*The Project to amend conditions complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.*

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

## HOUSING ELEMENT

### Objectives and Policies

#### OBJECTIVE 8:

BUILD PUBLIC AND PRIVATE SECTOR CAPACITY TO SUPPORT, FACILITATE, PROVIDE AND MAINTAIN AFFORDABLE HOUSING.

POLICY 8.1:

Support the production and management of permanently affordable housing.

*Amending Condition 19a and rescinding Condition 19b of Motion 18535 will facilitate a partnership between a nonprofit housing developer and private investor to provide funding options to ensure the development authorized through Conditional Use Authorization pursuant to Case No. 2011.0176CEK and Motion No. 18535 is constructed and occupied by the intended population at the intended income level.*

9. **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 subject property is used as a surface parking lot and landscaping, and does not contain a neighborhood-serving retail use.*

- 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 promote the construction of moderate-density housing intended for seniors with limited income. The existing neighborhood is occupied by moderate-density housing developments for people of all income ranges.*

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

*Amending the conditions of approval will facilitate financing of the 100% affordable project authorized through Case No. 2011.0176CEK and result in increasing the City's supply of affordable housing by approximately 100 units.*

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

*Parking and traffic will not change as a result of amending Condition 19a and rescinding Condition 19b of Motion 18535 in order to facilitate financing a 100% affordable housing development.*

- 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 proposal is related to financing a 100% affordable housing development and would not decrease future opportunities for resident employment and ownership in industrial or service sectors.*

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

*Amending Condition 19a and rescinding Condition 19b of Motion 18535 is not related to earthquake safety. The building proposed to be constructed under Case No. 2011.0176CEK, which is related to the subject case, will be built to all current seismic safety standards.*

- G. That landmarks and historic buildings be preserved.

*The subject property is occupied by a surface parking lot and landscaping serving the Rosa Parks I housing development.*

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

*Amending Condition 19a and rescinding Condition 19b of Motion 18535 does not involve a building subject to Section 295 of the Planning Code. The 50-foot tall building proposed pursuant to Case No. 2011.0176CEK and was found to have no negative impact on a park subject to Section 295 of the Planning Code.*

10. The Commission finds it appropriate to amend Condition 19a of Planning Commission Motion No. 18535 to eliminate language pertaining to age, income and unit mix restrictions.
11. The Commission finds it appropriate to rescind Condition 19b of Planning Commission Motion No. 18535 as it will be superseded by the amended Condition 19a.
12. The Commission finds it appropriate to incorporate all Conditions of Approval contained in Motion No. 18535 of Case No. 2011.0176C with the exception of 19a and 19b, which are to be amended and rescinded through the subject case.
13. 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 and intended, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
14. On balance, the Commission hereby finds that approval of the proposed amendments to Conditions of Planning Commission Motion No. 18535 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 Conditional Use Application No. 2014.0888C** subject to the following conditions attached hereto as "EXHIBIT A", which is incorporated herein by reference as though fully set forth. Plans for the proposal were not necessary because the project does not relate to any physical or programmatic changes to the development approved pursuant to Planning Commission Motion 18535 and Case No. 2011.0176CEK.

**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. 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 94102.

**Protest of Fee or Exaction:** You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on July 17, 2014.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: July 17, 2014

## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to allow amendment of Condition of Approval 19a and rescinding of Condition of Approval 19b of Motion No. 18535 of Case No. 2011.0176CEK relating to the 100% affordable senior housing development at 1239 Turk Street, Block 0757, Lot 027 pursuant to Planning Code Section 303 within the **RM-3** District and a **50-X** Height and Bulk District and subject to conditions of approval reviewed and approved by the Commission on **July 17, 2014** 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 **July 17, 2014** under Motion No **XXXXXX**.

### 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

### PROVISIONS

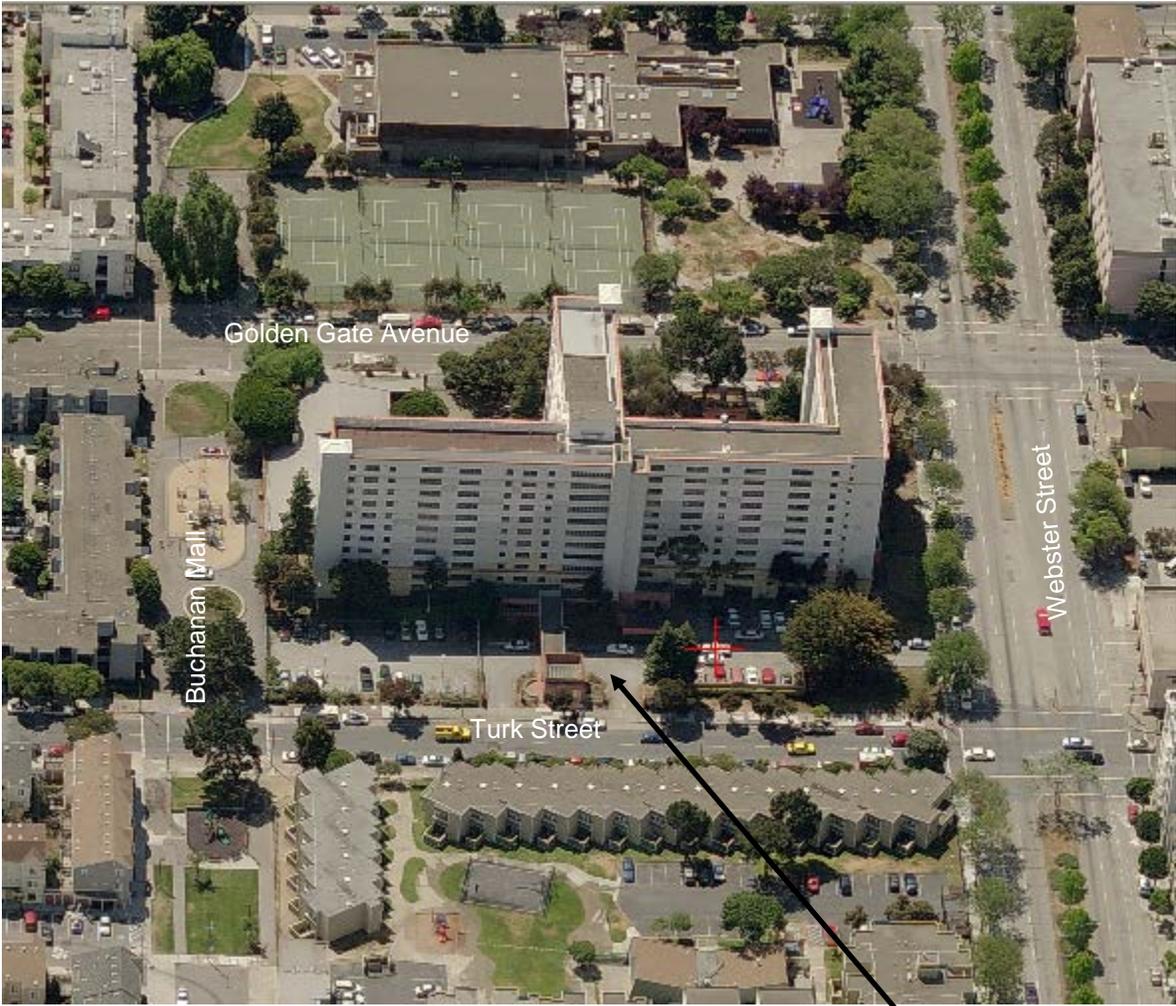
1. Condition of Approval No. 19a of Motion No. 18535 is hereby amended to the Condition 19a of this Motion as shown below:

**19a. 100% Affordable Project.** As currently proposed the Project will be 100 percent affordable and is therefore exempt from Planning Code Section 415 and the Inclusionary Affordable Housing Program. The Project contains 97 dwelling units and one manager's unit. In the event that the Project changes and some or all of the units become market-rate, the Project shall comply with the inclusionary affordable housing requirements set forth in Section 415 of the Code. This condition of approval shall constitute the written determination and notice of the inclusionary housing requirement pursuant to the procedures set forth in Code Section 415.

*For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, [www.sf-mohcd.org](http://www.sf-mohcd.org).*

2. Condition of Approval No. 19b of Motion No. 18535 is hereby rescinded in its entirety.

# Aerial Photo Looking South



SUBJECT PROPERTY/ - LOCATION OF  
ROSA PARKS II DEVELOPMENT



Conditional Use Hearing  
Case Number 2014.0888C  
1251 Turk Street



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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## Planning Commission Motion No. 18535 HEARING DATE: FEBRUARY 2, 2012

*Date:* January 26, 2012  
*Case No.:* **2011.0176E**C**K**  
*Project Address:* **1251 TURK STREET**  
*Zoning:* RM-3 (Residential, Mixed, Moderate Scale)  
 50-X Height and Bulk District  
*Block/Lot:* 0757/027 + 028 (formerly Lot 025)  
*Project Sponsor:* Emily Lin  
 Tenderloin Neighborhood Development Corporation (TNDC)  
 201 Eddy Street  
 San Francisco, CA 94102  
*Staff Contact:* Sara Vellve – (415) 558-6263  
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**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 253, 303 AND 304 OF THE PLANNING CODE FOR A PLANNED UNIT DEVELOPMENT TO CONSTRUCT A FIVE-STORY (50 FOOT) BUILDING CONTAINING UP TO 97 SENIOR AFFORDABLE HOUSING UNITS AND ONE MANAGER’S UNIT OVER A ONE-STORY PODIUM CONTAINING ADMINISTRATIVE OFFICES, COMMUNITY SPACE AND UP TO 24 OFF-STREET PARKING SPACES WITHIN THE RM-3 (RESIDENTIAL, MIXED, MEDIUM DENSITY) DISTRICT AND A 50-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

### PREAMBLE

On February 22, 2011 Emily Lin (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Section(s) 253, 303 and 304 for a Planned Unit Development to construct a five-story building containing up to 97 senior affordable housing units and one manager’s unit over a one-story podium containing offices, community space and up to 24 off-street parking spaces within the RM-3 (Residential, Mixed, Medium Density) District and a 50-X Height and Bulk District.

On April 27, 2004, a Preliminary Mitigated Negative Declaration (PMND) for the Western Addition A-2 Redevelopment Plan Amendments was prepared and published by the Planning Department and the San Francisco Redevelopment Agency, co-lead agencies, for the environmental review under Case No. 2002.0211E, which encompassed the subject project known as Rosa Parks II; and

The PMND was available for public review and comment until May 17, 2004; and

On May 18, 2004, the Planning Department and the Redevelopment Agency adopted the Final Mitigated Negative Declaration (MND) pursuant to 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"). A copy of the MND has been made available to the public and the Commission for review in the Planning Department's file for this Case No. 2011.0176E ; and

On September 2, 2009, the Planning Department issued an Addendum to the Mitigated Negative Declaration under Case No. 2008.1162E specifically for proposed modifications to the Rosa Parks II senior affordable housing project. Initially, this project was considered as part of the Western Addition A-2 Redevelopment Plan Amendments under Case No. 2002.0211E. The Addendum concluded that proposed project changes would not result in new significant environmental impacts or in any substantial increase in the severity of previously identified impacts and that there was no new information requiring preparation of a subsequent or supplemental environmental impact report or negative declaration. A copy of the Addendum has been made available to the public and the Commission for review in the Planning Department's file for this Case No. 2011.0176E; and

Pursuant to Case No. 2008.1162E Planning Department staff prepared a Mitigation Monitoring and Reporting Program (MMRP), which material was made available to the public and the Commission for review, and the Commission for consideration and action. The MMRP is attached hereto as Exhibit C and is incorporated fully by reference herein; and

On January 26, 2012, the Planning Department prepared a Note to File for Case No. 2011.0176C concluding that the proposed project changes did not require further environmental review.

On February 2, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.0176ECK.

The Planning Department, Linda Avery, is the custodian of records, located in the File for Case Nos. 2002.0211E, 2008.1162E and 2011.0176ECK, at 1650 Mission Street, Fourth Floor, San Francisco, California.

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

**MOVED**, that the Commission hereby authorizes the Conditional Use requested in Application No. 2011.0176ECK, subject to the conditions contained in "EXHIBIT A" of this motion, and adopts the attached MMRP contained in "EXHIBIT C" based on the following findings::

## **FINDINGS**

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The approximately 26,000 square foot site proposed to be developed with the Rosa Parks II (RPII) senior affordable housing development is located on the south side of Turk Street between Webster and Laguna Streets, Block 0757, Lot 027. The development site is located directly west of Buchanan Mall, a property under the jurisdiction of the Recreation and Parks Department. The property is located within the RM-3 (Residential, Mixed, Moderate Scale) District with 50-X height and bulk district. The site is located in the former Western Addition A-2 Redevelopment Area, which expired in December, 2009.

The development site is located on the Rosa Parks Block, of approximately 102,000 square feet, owned by the San Francisco Housing Authority, and currently occupied by the RP I senior affordable housing development and senior center. The RP I development contains 198 dwelling units in 11 stories. In December of 2008, the Rosa Parks Block (originally Lot 025) was subdivided into two lots to facilitate a ground lease for the RP II development. Lot 028 contains the RP I development and senior center, and Lot 027 would contain the RP II development to be owned and operated by the Rosa Parks II, L.P with a the Tenderloin Neighborhood Development Corporation requesting the entitlements.

As constructed, the RP I development sits mid-block with an east to west "backbone" with two wings projecting south towards Golden Gate Avenue. Off street parking lots, open space and a porte cochere occupy the northern portion of the Block, now Lot 027, and the project site to contain the RP II development. Areas of Lot 028, not containing the footprint of RPI, are generally landscaped and used as open space for existing development residents. The senior center is located in the lot's southeast corner fronting Buchanan Mall.

**Surrounding Properties and Neighborhood.** The Rosa Parks Block is located in the Western Addition Neighborhood and is bounded by Turk Street to the north, Webster Street to the west, Golden Gate Avenue to the south and Buchanan Mall to the east. The Project site is located in an RM-3 District, which is characterized by smaller structures predominantly devoted to apartment buildings of six, eight, 10 or more units. The units vary in size, but tend to be smaller than in RM-1 and RM-2 Districts. Many buildings exceed 40 feet in height, and in some cases additional buildings over that height may be accommodated without disruption of the district character. Open spaces are smaller, but decks and balconies are used to advantage for many units. Supporting nonresidential uses are often found in these areas. The District contains a mixture of food establishments, personal services, and small retail establishments define the District.

The “Rosa Parks” neighborhood is dominated by low to mid-rise residential development with community centers and churches scattered throughout the neighborhood. San Francisco Fire Department Station 5 is located directly west of the project across Webster Street. Fillmore Street is one block west of the site and provides a broad range of commercial and retail services.

3. **Project Description.** The project proposes to convert an approximately 26,000 square foot lot containing up to 38 off-street parking spaces, landscaping and a porte cochere fronting Turk Street. The development proposes two 5-story, 50 foot tall buildings, known as Rosa Parks II (RPII), would be oriented east to west, would contain up to 98 dwelling units, 97 of them which will be affordable and specifically designed for and occupied by senior citizens under Planning Code Section 102.6.1. With the exception of one manager’s unit, all units would be available only to qualified residents whose household incomes do not exceed 50% of the Area Median Income (AMI) and who are 62 years of age or older. The site is directly contiguous to, and north of, the existing 11-story, 198-unit Rosa Parks I (RPI) senior housing development

As proposed, the two buildings would consist of four residential stories over one-story podiums. The ground floor of the west building would contain up to 24 off-street parking spaces with access off of Webster Street and a community room fronting Turk Street. The community room would wrap the ground-floor parking on Turk Street and provide an active use at the pedestrian level. An existing curb cut on Webster Street would be relocated south to provide garage and loading access. The ground floor of the east building would contain management and programmatic offices, a community room, a courtyard, and a lobby. The two buildings would be connected by a 4-story bridge located mid-block to provide interior access between each building. Open space and circulation between the Rosa Parks I and Rosa Parks II developments is proposed at grade in the approximately 55 foot area separating the two buildings. An existing mid-block porte cochere, located along Turk Street, would be redesigned and landscaped.

The project would provide approximately 3,680 square feet of Code-compliant common open space in a courtyard located on the second floor of the west building, and at grade in the central courtyard. An at-grade courtyard in the east building will be constructed, but is not Code compliant as it does not meet the Planning Code’s dimensional requirements. RP II residents would have access to open space on the RP I property.

Currently, there are 38 on-site, off-street parking spaces for the RP I development located on the proposed RP II site. The RP II development proposes to add two off-street parking spaces for an overall total of 40 off-street parking spaces. In order to secure the ground lease, the developer was required to replace all existing off-street parking during construction and at project completion. As a result, off-street parking will be completed in two phases. During construction, up to 38 off-street parking spaces would be located in the southwest corner of Lot 028 with pick-up and drop-off located between this parking and the senior center. Existing curb cuts will be used for ingress and egress. The southwest corner of Lot 028 is currently used as open space and is used as a community container garden for residents. Upon project completion, up to 24 off-street parking spaces would be located within the ground floor of the west RP II building, and 16

permanent off-street parking spaces would be located in the southwest corner of the RP I lot. This parking lot would be screened from view from Golden Gate Avenue with a landscaping strip between the screening and parking spaces. Permeable ground cover would be used in the parking area. A portion of the community garden would be relocated to the north side of the proposed parking lot. The parking will serve 38 residents of RP I and 2 parking spaces will be utilized by RP II.

4. **Public Comment.** To date, the Department has received phone calls and one letter in opposition to the proposal. In general, the opposition is concerned that the proposed development will result in the loss of housing for existing residents, a loss of off-street parking, overcrowding, problems with emergency medical services, and a reduction in the quality of life for tenants.
5. **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:** Planning Code Section 209.1(m) states that housing specifically designed for seniors pursuant to Planning Code Section 102.6.1 is permitted at a density ratio or number of dwelling units not exceeding twice the number of dwelling units otherwise permitted as a principal use in the RM-3 District.

*Lot 027 in Block 0757 is 26,191 square feet. Pursuant to Planning Code 209.1(k) the ratio of dwelling units to lot area is 1:400. As the development is intended for senior housing, a density of 1:200 is permitted. Therefore, up to 131 senior dwelling units is permitted on the site. As the development is proposed to contain up to 97 senior affordable dwelling units and one managers unit, the project complies with the Planning Code.*

- B. **Open Space:** Planning Code Section 135(d)(3) states that for housing specifically designed for seniors, as defined and regulated by Section 209.1(m) of the Planning Code, the minimum amount of usable open space to be provided for use by each dwelling unit shall be ½ the amount required for each dwelling unit as specified in Planning Code Section 135(d).

*Planning Code Section 135(d) requires 80 square feet of common open space for each dwelling unit in the RM-3 district. The Rosa Parks II development proposes senior housing and requires 40 square feet of open space per unit, for an overall open space requirement of 3,680 square feet. The RP II development will provide 3,680 square feet of Code-compliant common open space in two separate open spaces: one area on the second floor of the west building and one area at grade between the east and west buildings behind the bridge.*

- C. **Rear Yard Requirement in the RM-3 District.** Planning Code Section 134 states that the minimum rear yard depth shall be equal to 25 percent of the total depth of a lot in which it is situated, but in no case less than 15 feet.

*The proposed building footprint generally covers the entire area of Lot 027. As the requirements of Planning Code Section 134 would not be met, the project requires modification of the rear yard requirement through a Planned Unit Development pursuant to Planning Code Section 304. Planning*

*Code Section 102.14 allows for a combination of contiguous Assessor's lots under one ownership to be used to meet Planning Code requirements. As Lots 027 and 028 are contiguous and under ownership by the San Francisco Housing Authority (SFHA) (Rosa Parks II, LC is a lessor of SFHA) they can be considered one development lot.*

- D. **Off-Street Parking.** Planning Section 151 of the Planning Code does not require off-street parking for dwellings specifically designed for and occupied by senior citizens, as defined in Planning Code Section [102.6.1](#).

*The development will create 97 dwellings to be occupied by senior citizens as defined in Planning Code Section 102.6.1; therefore, off-street parking for the development is not required for the senior housing. The development proposes two off-street parking spaces, one for the manager's unit. One additional off-street parking space does not exceed 15 spaces or 7% of the total gross floor area, and is permitted.*

*The east portion of the RPII location is currently used as 38 off-street parking spaces for the RP I development. Under the lease agreement for RPII, the developer must replace all existing off-street parking. As proposed, there would be up to 24 spaces in the ground-floor of the proposed west building of RPII. An existing curb cut on Webster Street would be relocated south and provide ingress and egress to the parking and one existing loading space. Existing open space at the corner of Golden Gate Avenue and Webster Street would be converted into a parking lot containing up to 16 off-street parking spaces. An existing curb cut would accommodate ingress and egress to the lot. Up to 40 off-street parking spaces are proposed for both developments, an increase of two parking spaces for 98 units.*

- E. **Review of Buildings Exceeding a height of 40 feet in RM Districts.** Planning Code Section 253 requires the Planning Commission to consider, through the Conditional Use process, the expressed purposes of Sections 101, 206, 251, 303(c) and the General Plan and provide findings when reviewing any proposal for a building exceeding a height of 40 feet in an RM District where the street frontage of the building is more than 50 feet, and may permit a height of such building or structure up to but not exceeding the height limit prescribed by the height and bulk district in which the property is located.

*The RPII building frontage along Turk Street is proposed to be approximately 364 feet. To address the building's massing along this frontage, the building has been separated into six distinct volumes through the use of material changes and multi-story setbacks. From west to east the building volumes have frontages of 31 feet, 48 feet, 78 feet, 35 feet, 60 feet, and 25 feet. Each of these volumes would be one of three materials: cement board, metal panels or stucco. Between four of the volumes there are setbacks of between 1 foot and 22 feet. One material change from metal panels to glass will separate the east building's volume.*

*The development is consistent with the intent of Planning Code Section 206 and 206.2 in that the proposed building does not displace any existing dwelling units, is an affordable multi-family development with more than 10 units that provides community amenities and adequate open spaces for its occupants. The building exceeds 40 feet in height and is consistent with the neighborhood character*

*through a sensitive design that moderates the façade by segmenting the building volumes through materials and setbacks as described above.*

*The development is consistent with the intent of Planning Code Section 251 as the infill development of 98 dwelling units will create an appropriate architectural transition between a building of approximately 110 feet in height and other surrounding buildings of 20 to 30 feet in height, in a moderate density district within close proximity to public transportation. The proposed development will create stronger street walls along Turk and Webster Streets and Buchanan Park, which is consistent with the surrounding development pattern of buildings constructed to property lines at street frontages.*

*Planning Code Sections 101 and 303(c) findings are discussed below.*

- F. Dwelling Unit Exposure.** Planning Code Section 140 generally requires that every dwelling unit must have at least one major room with a window that looks onto a public way, required open space or rear yard at least 25 feet wide.

*Of the 98 dwelling units, all but 11 units will comply with Planning Code Section 140. Those units that comply with Planning Code Section 140 front on Turk or Webster Streets, or a compliant open space. Two units on Floors 2, 3, 4, and 5 in the east building fronting Buchanan Mall do not meet the requirement as Buchanan Mall is not considered a public way, required open space or a rear yard. Three units on the 5<sup>th</sup> Floor of the east building do not meet the requirement as the courtyard is not set back 5 feet on the top floor, although the courtyard at that level is more than 25 feet wide. An exception for these 11 units from the dwelling unit exposure requirement is sought through a Planned Unit Development pursuant to Planning Code Section 304.*

*The RPII development does not compromise dwelling unit exposure for the RPI development as RPI is a single-loaded building with hallways facing the RPII site.*

- G. Signage:** The project proposes residential uses, which typically do not include signage. Any proposed signage will be subject to review by the Planning Department.
- H. Affordable Housing.** With the exception of the manager's unit, the RPII development is proposed to be 100% affordable to people qualifying under Planning Code Section 102.6.1 whose household incomes do not exceed 50% of the Area Median Income (AMI).
- I. Shadow:** Planning Code Section 295 requires a shadow study for building that exceed a height of 40 feet.

*At a height of 50 feet, the development was required to undergo a shadow study per Planning Code Section 295. Through an analysis of the shadow cast by the project onto Buchanan Mall per Section 295 the additional shadow on the Mall was found to be significant.. However, due to the time and duration of the additional shadow and the project's overriding public benefit to construct 97 affordable senior housing units, the shadow impact is not considered an adverse impact.*

- J. **Street Frontages:** Planning Code Section 144 promotes visually interesting and attractive street frontages in relation to the pattern of the neighborhood so that adequate areas are provided for front landscaping, street trees and on-street parking between driveways. Specifically, entrances to off-street parking may not exceed one-third of any ground-story frontage, any entrance may not exceed 20 feet in width, and entrances to parking shall be at least six feet from a lot corner located at an intersection.

*The RPII development does not propose any new curb cuts on any street frontage. The five existing curb cuts on Turk and Webster Streets, and Golden Gate Avenue will remain. The existing curb cuts accommodating the porte cochere on Turk Street are approximately 80 in length. Under the proposal the entrances would be reduced to approximately 65 feet, where one third of the frontage is approximately 120 feet. The Department and sponsor worked to eliminate the porte cochere; however, this element is integral to picking up and dropping off residents travelling off site. As Turk Street is one way travelling west, a white zone is impractical as passengers would be in traffic when using vans and buses. The existing curb cut along Webster Street is approximately 20 feet wide. When moved south to accommodate parking egress it would be approximately 12 feet wide where one third of the 75 foot building frontage is 25 feet. The permanent curb cut on Golden Gate Avenue is approximately 20 feet wide where one third of the frontage is approximately 124 feet. Parking entrances will be approximately 166 feet from Turk Street, 74 feet from Webster Street and 150 feet from Golden Gate Avenue.*

*Overall, the street frontages will be improved by the proposal as additional landscaping and “bulb outs” will be introduced in the porte cochere’s redesign, landscaping strips will be introduced on Turk Street and additional street trees will be planted. The development will bring pedestrian interest to the frontage by locating a lobby adjacent to the porte cochere and an activity room with unobstructed windows at the ground floor of the west building.*

- K. **Bird-Safe Standards:** Planning Code Section 139 promotes the decrease in bird fatalities through a building’s proximity to open spaces of two acres or more dominated by vegetation and specific building features.

*The development site is immediately adjacent to Buchanan Mall, an open space under the jurisdiction of the Recreation and Parks Department. Although the Mall exceeds two acres in its entirety, the portion adjacent to RPII between Turk Street and Golden Gate Avenue is approximately 19,000 square feet, which is less than half an acre. The park contains some vegetation and mature trees, but is dominated by concrete and a children’s play area. The proposed residential building is located in an R (Residential) zoning district, and exceeds a height of 45 feet; therefore, the project must comply with the feature-related glazing treatments required by Planning Code Section 139.*

- L. **Streetscape and Pedestrian Improvements:** Planning Code Section 138.1 implements the Better Streets Plan to improve the public right-of-way so they are safe, accessible, convenient and attractive to pedestrians and all modes of travel.

*The development will greatly improve an existing porte cochere along Turk Street through landscaping, paving and removing an existing canopy and enclosed waiting area. Bulb outs at the curb cuts to the porte cochere will provide new landscaping and decrease the area dedicated to vehicular circulation. Additional street trees are proposed in appropriate locations and some will be replaced. Basins with a permeable material will be constructed at the line of the street trees. Permeable surfacing will be incorporated into the Webster Street frontage and proposed parking area along Golden Gate Avenue.*

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

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

*The development proposes to convert an approximately 26,000 square-foot parcel containing 38 spaces, a porte cochere and landscaped area on Turk Street between Webster Street and Buchanan Mall, immediately north of the RP I senior affordable housing development to a 97 unit senior affordable housing development plus one manager's unit for a total unit count of 98. All of the 97 units would be affordable to senior households under Planning Code Section 102.6.1. The project would consist of two buildings, each of four stories over a podium, connected by a mid-block bridge on stories 2-5. The two buildings would be oriented east-west and do not exceed a height of 50 feet.*

*The development's use, size, density and height are compatible with the surrounding neighborhood and community. The surrounding area is dominated by residential uses in buildings ranging from 2 to 11 stories in height. The Rosa Parks I senior affordable housing development is located directly south of the development site and contains 198 units in 11 stories. Buildings on the opposite side of Turk Street and Buchanan Mall are two and three stories in height. Buildings on the opposite side of Webster Street range from one to seven stories. The subject parcel is located in the former Western Addition A-2 Redevelopment Area and parcels in this area are generally substantially larger than the typical 25 foot by 100 foot lot size.*

*The density of the development is consistent with the surrounding area. Consistent with residential development in San Francisco and the Western Addition, there are several moderate-density, multi-family buildings and one high density building near the site.*

*The lot's zoning permits a building height up to 50 feet. At no more than 50 feet in height, the project provides an appropriate transition between the 11-story RPI building to the south and those fronting Turk Street and Buchanan Mall, which are generally two and three stories tall. One building at the northwest corner of Turk and Webster Streets is approximately 7 stories.*

*In 2008 a lot split was approved creating a subject lot depth of approximately 72 feet at Webster Street and Buchanan Mall, and a lot width of approximately 365 feet at Turk Street. Currently, with the*

*configuration of RPI, there is no established pattern of mid-block open space on this block that would be compromised by the proposed building. While the proposed building configuration deviates from the traditional rear yard, mid-block open space pattern for single-family residential uses and mid-rise apartment buildings, the proposed buildings allow for an appropriate site design by moderating the building heights and capitalizing on open space and undeveloped areas in other areas of the site owned by the San Francisco Housing Authority. The RPI building does not contain dwelling units that face the RPII site and therefore, the proposed new building would not compromise light, air or exposure for residents of RPI.*

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*At approximately 50 feet in height, the proposed building will provide an appropriate transition between surrounding buildings of 20, 30, 70 and 110 feet in height. The site and building design more closely resembles other residential developments in the area where buildings are constructed to the sidewalk. Through fenestration, building materials, setbacks and decks, the proposed building's Turk Street frontage will be appropriately segmented to break down its volume at the street.*

- 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;

*Planning Code Section 151 does not require parking or loading for senior affordable housing and the subject development is proposing only two off-street parking spaces. As a requirement of RPII's lease agreement, the subject development must replace 38 existing off-street parking spaces for the RPI development. Up to 24 parking spaces will be provided in the proposed west building and 16 spaces will be created at the southwest corner of the RPI development lot. Existing curb cuts on Turk and Webster Streets and Golden Gate Avenue will be used. One existing off-street loading area, accessible off of Webster Street will remain. The existing porte cochere on Turk Street will be retained, but with an enhanced design and minimal curb cuts.*

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

*Since this will be an exclusively residential project, the project will not generate unusual noise, odor, dust and glare as a result of its operations. The building will comply with Title 24 standards for noise insulation. The materials for the facades of the buildings will not result in glare. The project would generate additional night lighting, but not in amounts unusual for an urbanized area. Design of exterior lighting could ensure that off-site glare and lighting spillover would be minimized. However, as with light, this would not result in a substantial change as use of*

*reflective glass is restricted by Planning Commission Resolution 9212. Finally, because the project will not cause a doubling in traffic volumes, the project will not cause a noticeable increase in the ambient noise level in the project vicinity and traffic noise therefore would not be significant.*

*Construction noise impacts would be less than significant because all construction activities would be conducted in compliance with the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code, as amended November 2008). Because parking for the project will be constructed on a surface parking lot and a parking garage that will be located in the ground floor podium, it will not be below-grade and thus, excavation and grading will be minimal and this will result in minimal dust generation. The Final MND found that construction air quality impacts would be less than significant with implementation of Mitigation Measure 2. Since publication of the Final MND, the SF Board of Supervisors approved the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) with the intent of reducing the quantity of dust generated during site preparation, demolition and construction work in order to protect the health of the general public and of on-site workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection. Therefore, the project sponsor and construction contractor would be required to follow specified practices to control construction dust and compliance with this new ordinance, in addition to Mitigation Measure 2 from the MND, would ensure that potential dust-related air quality impacts of the project would be less than significant.*

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

*The proposal includes a number of landscaping improvements. The existing porte cochere on Turk Street will be improved by constructing landscaped "bulb outs" to increase the area devoted to non-vehicular movement around the porte cochere. The sidewalk extending through the driveways will be repaved in the sidewalk material and grid. Landscaping will be incorporated in front of the west building on Turk Street and in the area of the 6-foot building setback at Buchanan Mall. The proposed parking lot at the corner of Golden Gate Avenue and Webster Street will be partially paved with a permeable surface and screened from view with a fence and planted materials. Permeable pavers will be incorporated between street trees along Turk and Webster Streets and decomposed granite will be used as a ground material at the utility doors along Webster Street. An existing community container garden in the proposed parking area will be relocated north closer to the open area between the RPI "wings." Parking in the RPII west building will be wrapped by a program room, display windows and utility rooms.*

*Lighting will be addressed through the building permit(s) and the Conditions of Approval.*

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

*The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.*

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable RM-3 (Residential, Mixed, Moderate Density) District.

*The proposed project is consistent with the stated purposes of RM-3 Districts in that the intended use is located in a building of moderate height and scale providing a balanced transition to the 11 story building located immediately south. The units are generally one-bedroom and studio units, and smaller than the family sized units in surrounding housing developments. It should be noted that the area was developed as the Western Addition Redevelopment Area A-2 which expired in December of 2009. As a result, the area of the proposal has a different overall urban texture, density and development pattern than that of traditional San Francisco neighborhoods.*

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

## **HOUSING ELEMENT 2009**

### **Objectives and Policies**

#### **OBJECTIVE 1:**

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

#### **Policy 1.1:**

Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

#### **Policy 1.3:**

Work proactively to identify and secure opportunity sites for permanently affordable housing.

#### **Policy 1.10:**

Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

*The proposed development would create up to 97 permanently affordable senior units and one manager's unit in an area with close proximity to a number of public transit choices (MUNI lines 22-Fillmore, 5-Fulton, 38-Geary, 31-Balboa) and amenities along Fillmore Street and at the corner of Webster Street and Geary Boulevard.*

#### **Objective 2:**

RETAIN EXISTING HOUSING UNITS, AND PROMOTE SAFETY AND MAINTENANCE STANDARDS, WITHOUT JEOPARDIZING AFFORDABILITY.

#### **Policy 2.3:**

Prevent the removal or reduction of housing for parking.

**Policy 2.4:**

Promote improvements and continued maintenance to existing units to ensure long term habitation and safety.

*The proposed development would not remove any existing affordable housing and will be managed by a reputable affordable housing developer, the Tenderloin Neighborhood Development Corporation.*

**Objective 4:**

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

**Policy 4.3**

Create housing for people with disabilities and aging adults by including universal design principles in new and rehabilitated housing units.

**Policy 4.4:**

Encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible.

**Policy 4.5:**

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

*With the exception of the manager's unit, all units would be available to qualified residents whose household income does not exceed 50% of the Area Median Income and who are 62 years of age or older. The development includes units specifically designed for handicapped occupants. The range of units type includes 32 studios, 65 one-bedroom units and one two- bedroom unit.*

**Transportation Element**  
**Objectives and Policies**

**OBJECTIVE 11:**

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

**Policy 11.3:**

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

*The development is located in a transit rich area in the Western Addition of San Francisco. The site is served by MUNI lines 22-Fillmore, 5-Fulton, 38-Geary and 31-Balboa.*

**OBJECTIVE 24:**

IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

**Policy 24.2:**

Maintain and expand the planting of street trees and the infrastructure to support them.

**Policy 24.4:**

Preserve pedestrian-oriented building frontages.

*The development will enhance the pedestrian environment by improving the porte cochere through the addition of "bulb outs," landscaping, and pavement treatments. The Turk Street frontage will include landscaping in the sidewalk and permeable surfaces between street trees. The west building will provide active uses and displays fronting Turk Street rather than off-street parking. New fences and landscaping will be used to screen the new parking area on Golden Gate Avenue.*

**OBJECTIVE 34:**

RELATE THE AMOUNT OF PARKING IN RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICTS TO THE CAPACITY OF THE CITY'S STREET SYSTEM AND LAND USE PATTERNS.

**Policy 34.1:**

Regulate off-street parking in new housing so as to guarantee needed spaces without requiring excesses and to encourage low auto ownership in neighborhoods that are well served by transit and are convenient to neighborhood shopping.

**Policy 34.3:**

Permit minimal or reduced off-street parking for new buildings in residential and commercial areas adjacent to transit centers and along transit preferential streets.

*The neighborhood is well served by public transit. Planning Code Section 151 does not require off-street parking for the proposed use, and the developer has proposed only two new off-street parking spaces. The development is located close to two transit preferential streets, Geary Boulevard and Fillmore Street.*

**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 3.5:**

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

**Policy 3.6:**

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

*The existing RPI development was constructed in approximately 1960. At 11 stories tall it dominates the landscape and could be considered out of context with the surrounding neighborhood. The proposed RPII building, at 50 feet in height, would create an appropriate transition between the RPI building and surrounding neighborhood, which is predominantly 30 feet or less in height. The RPI development will introduce new contemporary materials against a backdrop of a stucco building with aluminum windows. While the RPI building is one continuous volume along Turk Street, the RPII building is proposed to be segmented into five building volumes through the use of materials, courtyards and small building setbacks.*

8. **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 site is currently surface parking, a porte cochere and landscaping. Thus, no neighborhood-serving retail businesses will be displaced. The project is a 100% affordable senior housing development so it will not provide for resident employment or ownership of any businesses, but will bring additional customers to neighborhood-serving retail uses in the vicinity.*

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

*The site is currently surface parking, a porte cochere and landscaping. The 100% affordable senior housing project proposed for the site will both conserve the neighborhood character generally, and the site in the following ways.*

- *The RPII development uses an underutilized site to create 98 affordable senior housing units.*
- *The project site is contiguous to the Rosa Parks I development providing 198 senior units and thus, the project will be harmonious with existing development in the immediate vicinity. .*
- *The RPII residential use is consistent, harmonious and compatible with existing residential uses in the surrounding neighborhood.*
- *At 50 feet in height, the development is consistent with the low and mid-rise residential buildings in the surrounding blocks and will be of a height that is substantially lower than the 11-story RPI building.*

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

*The site is currently used as surface parking, a porte cochere and landscaping. The proposed development will create up to 97 new affordable senior dwelling units.*

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

*Neither existing on-street parking supply nor MUNI will be detrimentally affected by the project. Existing off-street parking spaces will be reconfigured and existing curb cuts will be used. The project proposes only two additional off-street parking spaces. Under Planning Code Section 151, senior housing projects are not required to provide parking. As established in the development's Initial Study/Negative Declaration, senior housing does not produce significant peak period commuter traffic, such that MUNI transit service will not be impeded.*

*The project's location helps further the City's Transit First policy as the site is well-served by MUNI lines 22-Fillmore, 5-Fulton, 38-Geary and 31-Balboa. Because the project is an affordable senior residential use, no loading spaces are required; although an existing loading space will be retained.*

- 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 site, which contains only a surface parking lot, has never been used for industrial or service oriented functions. Moreover, the project does not propose any commercial office uses. As a rental housing development, it will provide opportunities for employment of apartment managers, reception/security personnel, maintenance personnel, janitors, and social workers.*

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

*The development is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not affect the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*A landmark or historic building does not occupy the development site.*

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

*At a height of 50 feet, the development was required to undergo a shadow study per Planning Code Section 295. Through an analysis of the shadow cast by the project onto Buchanan Mall, per Section 295, the additional shadow on the Mall was found to be significant. However, due to the time and duration of the additional shadow and the project's overriding public benefit to construct 97 affordable senior housing units, the shadow impact is not considered an adverse impact.*

9. **Planning Code Section 304** for Planned Unit Developments is required to modify the location of the development's required rear yard pursuant to Planning Code Section 134, and for dwelling unit exposure for 11 of the 98 units pursuant to Planning Code Section 140. Section 304 establishes 9 criteria by which to evaluate the project upon in order to gain approval.
- a. The procedures for Planned Unit Developments are intended for projects on sites of considerable size, developed as integrated units and designed to produce an environment of stable and desirable character which will benefit the occupants, the neighborhood and the City as a whole. In cases of outstanding overall design, complementary to the design and values of the surrounding area, such a project may

merit a well-reasoned modification of certain of the provisions contained elsewhere in this Code.

*The development's use, size, density and height are compatible with the surrounding community and provide an appropriate transition in height and massing for the RPI development. The surrounding neighborhood is primarily developed with multi-family housing in buildings two to three stories in height. A number of lots in the area sizeable and contain buildings oriented around a mid-block open space area. The lot's zoning permits a building height up to 50 feet. At no more than 50 feet in height, the proposed building is two to three stories taller than surrounding buildings, but will act as a transition between those buildings and the 11 story RPI building. Overall, the development would be consistent with the existing neighborhood in terms of use and scale as it would not disrupt surrounding uses and development.*

- (b) Nature of Site. The tract or parcel of land involved must be either in one ownership, or the subject of an application filed jointly by the owners of all the property included or by the Redevelopment Agency of the City. It must constitute all or part of a Redevelopment Project Area, or if not must include an area of not less than 1/2 acre, exclusive of streets, alleys and other public property that will remain undeveloped.

*The project site is approximately 2.34 acres comprising the entire Rosa Parks block containing RPI and a community center. Lot 27, the project site, is 26,191 square feet, and Lot 28 is 75,902 square feet, for a total of 102,093 square feet. Both the project site and the parcel containing the existing Rosa Parks building are owned entirely by the San Francisco Housing Authority. The San Francisco Housing Authority has leased the property to the project applicant Rosa Parks II, L.P., and the project applicant is proposing to develop it as a 100% affordable senior rental housing project.*

- (c) Application and Plans. The application must describe the proposed development in detail, and must be accompanied by an overall development plan showing, among other things, the use or uses, dimensions and locations of structures, parking spaces, and areas, if any, to be reserved for streets, open spaces and other public purposes. The application must include such pertinent information as may be necessary to a determination that the objectives of this Section are met, and that the proposed development warrants the modification of provisions otherwise applicable under this Code.

*The application on file pursuant to Case No. 2011.0176C, drawings and site plans included in the application and Commission packet illustrate the breadth and detail of the affordable senior housing project, its site configuration and relationship to the uses in the surrounding neighborhood.*

- (d) Criteria and Limitations. The proposed development must meet the criteria applicable to conditional uses as stated in Section 303(c) and elsewhere in this Code. In addition, it shall:

- (1) Affirmatively promote applicable objectives and policies of the Master Plan:

*This project furthers multiple General Plan policies relating to housing, transportation and circulation, and urban design. They are listed in their entirety above in section 3 of the Conditional Use findings.*

- (2) Provide off-street parking adequate for the occupancy proposed:

*Currently the east portion of the site is a surface parking lot providing 38 parking spaces to residents of the adjacent Rosa Parks I senior apartment building. The RPII development is required by its lease to replace any displaced parking as a result of the proposal. Up to 24 regular and compact parking spaces will be located in the ground floor garage of the proposed west building, and up to 16 permanent parking spaces will be located in a new surface parking lot at the corner of Golden Gate Avenue and Webster Street, for a total of up to 40 parking spaces. Until the garage to be located in the ground floor podium of the new building is completed, the project will provide 12 temporary parking spaces in the surface parking lot to the south of the existing building. Planning Code Section 151 does not require any off-street parking for a senior housing project such as this and the existing 38 parking spaces were authorized under the RPI entitlements. Thus, the parking ratio for the entire Rosa Parks block will be .135:1. Because a majority of the units proposed are studio and one-bedroom units and the units are designed for and provided exclusively to lower income seniors that are 62 years or older, the 40 parking spaces that will be included will be sufficient to accommodate the block's residents.*

- (3) Provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open spaces required by this Code:

a. Usable Open Space

*Under Table 135A, in RM-3 districts, a project must provide at least 80 sf of common useable open space per unit. However for senior housing projects, the Planning Code allows a 50% reduction of these requirements. Accordingly, the project would be required to provide 3,680 sf of common open space and 11,840 sf for both Rosa Parks developments.*

*Total common useable open space for RPII is 3,680 sf, and includes an outdoor courtyard in the west portion of the building at the second story, and a second courtyard at ground level between the two portions of the building behind the bridge between the east and west buildings. The total amount of open space provided by the RPI development is 3,680 sf and the overall amount of open space for both developments on contiguous lots under single ownership is 33,132 sf for 296 senior affordable dwelling units where the requirement is approximately 12,000 sf. Although not Code compliant, additional open space is provided in the RPII development at grade in the east building and on the second floor of the west building. To provide varied open space uses for the residents, the courtyards will have street furniture, trees and planters.*

b. Rear Yard

*The rear yard setback requirement for the project is 25% of the lot depth on which the building is situated. There are no front or side yard setbacks required. Because the project provides yards in a series of courtyards spread throughout the block, rather than a single 25% rear yard, it does not meet this requirement. The project accordingly is seeking a rear yard modification for the configuration but not the size of the yards.*

*Under Planning Code Section 102.14 a lot may consist of a combination of contiguous Assessor's lots where such combination is necessary to meet the requirements of the Planning Code. By combining the project site with the immediately contiguous RPI development, which is also owned by the SF Housing Authority, the total lot size is 102,094 sf. The rear yard requirement for the total Rosa Parks block is thus 25% of that total lot amount or 25,524 sf. The site coverage of the project, the RPI building, the existing community center, and the surface parking to be preserved on the site is approximately 54% and this leaves about 46% of the site in easements, courtyards, a rear yard and side yards, well in excess of 25% of the lot area.*

*In the subject application, an exception from the rear yard configuration requirement is justified for the following reasons:*

- *In combining the usable open space of both developments the open space requirement exceeds Planning Code requirements.*
- *Open space is distributed throughout the combined sites and can be readily accessed by all residents.*
- *The proposed building footprint maximizes the land to be used in creating affordable senior housing without compromising the overall amount of required open space or rear yard area on the combined lots.*
- *The proposed configuration preserves open space on the RPI site that is used by its residents and does not locate a building within view of those residents.*

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

*Under Section 209.1(k) residential density for parcels in RM-3 zoning is limited to 1:400 sf, except that under Section 209.1(m), senior housing is permitted at twice that density, or 1:200 sf. That would permit up to 130 senior housing units on the project site and 510 senior housing units on the entire Rosa Parks block. The project proposes 98 new senior housing units for a total of 296 senior units on the block, which is substantially below the unit density allowed under the Planning Code for the project site.*

- (5) In R Districts, include commercial uses only to the extent that such uses are necessary to serve residents of the immediate vicinity, subject to the limitations for NC-1 Districts under this Code:

*Commercial uses are not proposed.*

- (6) 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 stated above, the height of the proposed project would comply with the 50-X height and bulk district applicable to the project site.*

- (7) In NC Districts, be limited in gross floor area to that allowed under the floor area ratio limit permitted for the district in Section 124 and Article 7 of this Code:

*The project is located in an R (Residential) District.*

- (8) In NC Districts, not violate the use limitations by story set forth in Article 7 of this Code.

*The project is located in an R (Residential) District.*

- (9) In RTO and NCT Districts, include the extension of adjacent alleys or streets onto or through the site, and/or the creation of new publicly-accessible streets or alleys through the site as appropriate, in order to break down the scale of the site, continue the surrounding existing pattern of block size, streets and alleys, and foster beneficial pedestrian and vehicular circulation.

*The project is located in an RM-3 (Residential, Mixed, Moderate Density) District.*

10. 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.
11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

**DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby ADOPTS the MND, as modified by the Addendum and Note to file, and the MMRP, attached as "EXHIBIT C" and APPROVES Conditional Use Application No. 2011.0176ECK subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated January 26, 2012, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 18535. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.**

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on February 2, 2012.

Linda D. Avery  
Commission Secretary

AYES: Commissioners Antonini, Borden, Miguel, Moore, Sugaya,

NAYS: None

ABSENT: Commissioner Fong

ADOPTED: February 2, 2012

## **EXHIBIT A**

### **AUTHORIZATION**

This authorization is for a conditional use to allow a housing development containing 97 senior affordable units per Planning Code Section 102.6.1 and one manager's unit (known as Rosa Parks II) located at 1251 Turk Street, Block 0757, Lot 027 pursuant to Planning Code Sections 253, 303 and 304 within the **RM-3 (Residential, Mixed, Moderate Density)** District and a **50-X** Height and Bulk District; in general conformance with plans, dated **January 26, 2012**, and stamped "EXHIBIT B" included in the docket for Case No. **2011.0176CK** and subject to conditions of approval reviewed and approved by the Commission on **February 2, 2012** under Motion No **18535**. 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 **February 2, 2012** under Motion No **18535**.

### **PRINTING OF CONDITIONS OF APPROVAL ON PLANS**

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **18535** shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

### **SEVERABILITY**

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

### **CHANGES AND MODIFICATIONS**

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

## Conditions of Approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

3. **Mitigation Measures.** Mitigation measures described in the MMRP attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

### DESIGN

4. **Final Design and Materials.** The Project Sponsor shall continue to work with Planning Department on the building's design including corner elements, window openings, details, and glazing, the cornice and ground-floor transparency. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

5. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the architectural addenda. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org).*

6. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

7. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the building / site permit application.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

8. **Streetscape Plan.** Pursuant to Planning Code Section 138.1 and the Better Streets Plan, the Project Sponsor shall submit a pedestrian streetscape improvement plan to the Planning Department for review in consultation with the Department of Public Works and the Department of Parking and Traffic prior to Building Permit issuance.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

9. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:

1. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
2. On-site, in a driveway, underground;
3. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
4. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
5. Public right-of-way, underground; and based on Better Streets Plan guidelines;

6. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
7. On-site, in a ground floor façade (the least desirable location).

Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

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

10. **Noise, Ambient.** Interior occupiable spaces shall be insulated from ambient noise levels. Specifically, in areas identified by the Environmental Protection Element, Map1, "Background Noise Levels," of the General Plan that exceed the thresholds of Article 29 in the Police Code, new developments shall install and maintain glazing rated to a level that insulate interior occupiable areas from Background Noise and comply with Title 24.

*For information about compliance, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org)*

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

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

12. **Landscaping.** Pursuant to Planning Code Section 132, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that 50% of the front setback areas shall be surfaced in permeable materials and further, that 20% of the front setback areas shall be landscaped with approved plant species. The size and specie of plant materials and the nature of the permeable surface shall be as approved by the Department of Public Works.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

13. **Landscaping, Screening of Parking and Vehicular Use Areas.** Pursuant to Planning Code Section 142, the Project Sponsor shall submit a site plan to the Planning Department prior to

Planning approval of the building permit application indicating the screening of parking and vehicle use areas not within a building. The design and location of the screening and design of any fencing shall be as approved by the Planning Department. The size and specie of plant materials shall be as approved by the Department of Public Works.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

14. **Landscaping, Permeability.** Pursuant to Planning Code Section 156, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that 20% of the parking lot shall be surfaced with permeable materials and further indicating that parking lot landscaping, at a ratio of one tree, of a size comparable to that required for a street tree and of an approved species, for every 5 parking stalls, shall be provided. Permeable surfaces shall be graded with less than a 5% slope. The size and specie of plant materials and the nature of the permeable surface shall be as approved by the Department of Public Works.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

15. **Bird-Safe Building:** Pursuant to Planning Code Section 139, the Project Sponsor shall submit elevations detailing the amount of glazing on all building facades to determine if specific glazing requirement must be provided to eliminate any feature-related bird hazards. All required treatments must comply with Planning Code Section 139.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## PARKING AND TRAFFIC

16. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than 40 off-street parking spaces.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

17. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## PROVISIONS

18. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor

shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.

*For information about compliance, contact the First Source Hiring Manager at 415-581-2335, [www.onestopSF.org](http://www.onestopSF.org)*

**19. Affordable Units**

- a. **Affordability and Unit Mix.** The Project contains 32 studios, 62 one-bedroom, and 1 two-bedroom units. The project shall be 100% affordable to a person 62 years of age or older, or 55 years of age or older in a senior citizen housing development, whose household income does not exceed 50% of the Area Median Income.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org).*

- b. **Duration.** Should the affordability restrictions for the units in the RPII development set forth above terminate for any reason, the development must comply with the Inclusionary Affordable Housing Program per Planning Code Section 415.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org).*

**MONITORING**

20. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

21. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**OPERATION**

22. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when

being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

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

**23. Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. *For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org/>.*

**24. Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**25. Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**26. Display Window Transparency.** The display windows at the corner of Webster and Turk Streets shall contain attractive and relevant displays. The windows shall not be obstructed by curtains, shutters or other such material that would obstruct visual access to the displays. The display windows shall not be used for storage or commercial advertising.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org).*



June 25, 2014

Sara Vellve  
City and County of San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: Application to amend the Notice of Special Restrictions (Motion No. 18535) for our Rosa Parks II Project located at 1239 Turk Street.

Dear Ms. Vellve,

Planning Code Section 415.3(c)(4) states: "Section 415.1et seq., the Inclusionary Housing Program, shall not apply to: (4) A 100% affordable housing project in which rents are controlled or regulated by any government unit, agency or authority. . ." Accordingly, because this project is a 100% affordable housing project in which rents will be controlled through a tax credit deal and a Mayor's Office of Housing and Community Development regulatory agreement, the City's Inclusionary Housing Program does not apply. However, Condition of Approval 19.a of Motion No. 18535, and the subsequent Notice of Special Restrictions, imposes a 100% affordability restriction on the project, contrary to Section 415.3(c)(4). In order for the project's tax credit deal to qualify, the tax credit equity investor needs to evidence a reasonable scenario for which all debt associated with the project can be repaid. In order to represent this, the investor needs to establish that when the project's affordability restrictions per the City and HUD terminate 55 years from now the property's rents could be elevated in order to cover the debt service. Were the 100% affordable restriction in Condition 19.a to remain, the tax credit investor could not establish that evidence. We are requesting that Condition 19.a be rescinded.

Condition of Approval 19.b correctly states that, "Should the affordability restrictions for the units in the RPII development . . . terminate for any reason, the development must comply with the Inclusionary Affordable Housing Program per Planning Code Section 415." This condition assures that the project will always provide at least the minimum amount of affordable housing required by the Inclusionary Program, even if the tax credit restrictions are lifted. We are not seeking any change to Condition 19.b.

Should you have any questions regarding this matter please contact project manager Ben Brandin by email at [bbrandin@tndc.org](mailto:bbrandin@tndc.org) or phone at (415) 358-3934. Thank you for your assistance with this matter.

TENDERLOIN  
NEIGHBORHOOD  
DEVELOPMENT  
CORPORATION

201 EDDY STREET  
SAN FRANCISCO  
CA 94102

p:(415) 776-2151  
f:(415) 776-3952

WWW.TNDC.ORG

NeighborWorks®  
CHARTERED MEMBER

Sincerely,

A handwritten signature in blue ink, appearing to read "Katie Lamont", is written over a horizontal line.

Katie Lamont  
Director of Housing Development

Mayor's Office of Housing and Community Development  
City and County of San Francisco



EDWIN M. LEE  
MAYOR

OLSON LEE  
DIRECTOR

July 8, 2014

Honorable Cindy Wu, President  
San Francisco Planning Commission  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Re: 1239 Turk Street Application to amend the Notice of Special Restrictions for Rosa Parks II  
Hearing July 17, 2014

Dear President Wu and Commissioners:

I write this letter in support of the request for modification of conditional use authorization 2011.0176ECK by Tenderloin Neighborhood Development Corporation (TNDC) for Rosa Parks II, the proposed affordable senior project to be located at 1239 Turk Street. The proposed project will provide 97 units of affordable senior housing to very low income seniors and one manager's unit, and is supported by financing from our office in the amount of \$14.1 million.

The request to amend Condition of Approval 19 a and rescind Condition of Approval 19b Motion No. 18535 which currently imposes a 100% affordability restriction on the project in perpetuity, is important to the tax credit financing structure of the project. The property will be constructed and owned under a 75 year ground lease with the San Francisco Housing Authority with affordability restrictions at 80% of Area Median Income. In addition, MOHCD financing requires affordability at 50% of the Area Median Income for a period of 55 years. The tax credit equity investor needs to demonstrate an ability to raise rents, refinance, and pay off the public agency debt at the end of the 55 year MOHCD regulatory period for it to be considered real debt per the tax credit program, while adhering to the 75 year ground lease affordability restrictions. Having the rents restricted past the typical 55 year TCAC or MOHCD regulatory period limits the investor's ability to pass the true debt test.

We greatly appreciate your support of this important senior affordable housing project.

Sincerely,

A handwritten signature in black ink, appearing to read "Olson Lee", written over a horizontal line.

Olson Lee  
Director

Cc: John Rahaim