

Received at CPC Hearing

10/19/17

E. Jardines

Mark Brecke has been documenting the stories of individuals victimized by war, ethnic conflict, and genocide over the last 20 years in Cambodia, Vietnam, Rwanda, Kosovo, Iraq, Darfur, West Bank, and Somalia. His work is in the public collection of the U.S. Holocaust museum in Washington DC and the Museo of memory in tolerance in Mexico City. Solo and group multimedia exhibitions of his photography and films have been exhibited in the Hammer Museum in Los Angeles, Toronto International Film Festival and Institute of Contemporary Art in Boston. Mark's first feature documentary film *They Turned Our Desert into Fire*, had its world premiere in 2007 at the 31st Sao Paulo International Film Festival where it won the International Jury Prize for Best Documentary. The film won "Best Feature – Human Rights" award at the 2008 Artist Film Festival in Los Angeles. The film received a grant from Humanity United to start its production.

Emerging from the film community in San Francisco, Brecke studied cinema at City College of San Francisco with Phillip Greene (apprentice of Ansel Adams and assistant to Dorothea Lange), and continued his studies at UC Berkeley with found-footage filmmaker, Craig Baldwin.

Brecke was based in Kenya for two years developing a new project in Somalia.

Received at CPC Hearing 10/19/17
R. Sucre



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 (EN Impact Fees, Sec 423)

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Planning Commission Draft Motion

HEARING DATE: ~~JULY 27~~ OCTOBER 19, 2017

Case No.: 2013.0975ENX
 Project Address: 888 Tennessee Street
 Zoning: UMU (Urban Mixed-Use) Zoning District;
 45-X Height and Bulk District;
 Dogpatch Landmark District
 Block/Lot: 4060/001 and 004
 Project Sponsor: Melinda Sarjapur, Reuben, Junius and Rose, LLP
 One Bush Street, Ste. 600
 San Francisco, CA 94104
 Staff Contact: Richard Sucre - (415) 575-9108
 richard.sucre@sfgov.org
 Recommendation: **Approval with Conditions**

ADOPTING FINDINGS RELATING TO A LARGE PROJECT AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 329, TO ALLOW EXCEPTIONS TO 1) REAR YARD PURSUANT TO PLANNING CODE SECTION 134, 2) PERMITTED OBSTRUCTIONS, PURSUANT TO PLANNING CODE SECTION 136, 3) STREET FRONTAGE, PURSUANT TO PLANNING CODE SECTION 145.1, 4) OFF-STREET LOADING, PURSUANT TO PLANNING CODE SECTION 152.1, AND 5) MEASUREMENT OF HEIGHT, PURSUANT TO PLANNING CODE SECTION 260, TO ALLOW CONSTRUCTION OF A NEW FOUR-STORY-WITH-BASEMENT MIXED-USE BUILDING (MEASURING APPROXIMATELY ~~411,442~~ 112,733 GROSS SQUARE FEET) WITH 110 DWELLING UNITS (CONSISTING OF 16 STUDIOS, 47 1-BEDROOM UNITS, 39 2-BEDROOM UNITS, AND 8 3-BEDROOM UNITS), 5,472 SQUARE FEET OF GROUND FLOOR COMMERCIAL SPACE, AND 83 OFF-STREET PARKING SPACES, LOCATED AT 888 TENNESSEE STREET, LOTS 001 AND 004 IN ASSESSOR'S BLOCK 4060, WITHIN THE DOGPATCH LANDMARK DISTRICT, UMU (URBAN MIXED-USE) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On November 6, 2014, Melinda Sarjapur of Reuben, Junius and Rose, LLP (hereinafter "Project Sponsor"), on behalf of 888 Tennessee Partners, LLP (Property Owner), filed Application No. 2013.0975ENX (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Large Project

Authorization to construct a new four-story mixed-use building with 110 dwelling units and 5,472 square feet of ground floor commercial space at 888 Tennessee Street (Block 4060 Lots 001 and 004) in San Francisco, California.

The environmental effects of the proposed project (Project) were determined by the San Francisco Planning Department to have been fully reviewed under the Eastern Neighborhoods Area Plan Environmental Impact Report (hereinafter "EIR"). The EIR was prepared, circulated for public review and comment, and, at a public hearing on August 7, 2008, by Motion No. 17661, certified by the Commission as complying with the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., hereinafter "CEQA"). The Commission has reviewed the Final EIR, which has been available for this Commission's review as well as public review.

The Eastern Neighborhoods EIR is a Program EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required of a proposed project, the agency may approve the project as being within the scope of the project covered by the program EIR, and no additional or new environmental review is required. In approving the Eastern Neighborhoods Plan, the Commission adopted CEQA Findings in its Motion No. 17661 and hereby incorporates such Findings by reference.

Additionally, State CEQA Guidelines Section 15183 provides a streamlined environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that (a) are peculiar to the project or parcel on which the project would be located, (b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent, (c) are potentially significant off-site and cumulative impacts which were not discussed in the underlying EIR, or (d) are previously identified in the EIR, but which are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for that project solely on the basis of that impact.

On January 23, 2017, the Department determined that the proposed application did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Eastern Neighborhoods Area Plan and was encompassed within the analysis contained in the Eastern Neighborhoods Final EIR. Since the Eastern Neighborhoods Final EIR was finalized, there have been no substantial changes to the Eastern Neighborhoods Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Eastern Neighborhoods Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting Program (MMRP) setting forth mitigation measures that were identified in the Eastern Neighborhoods Plan EIR that are applicable to the project. These mitigation measures are set forth in their entirety in the MMRP attached to the draft Motion as Exhibit C.

The Planning Department Commission Secretary is the custodian of records, located in the File for Case No. 2013.0975ENX at 1650 Mission Street, Fourth Floor, San Francisco, California.

On ~~July 27~~ October 19, 2017, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Large Project Authorization Application No. 2013.0975ENX.

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 Large Project Authorization requested in Application No. 2013.0975ENX, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project is located across two parcels (collectively measuring approximately 39,650 square feet) located at the northwest intersection of Tennessee and 20th Streets. The subject parcel has 198.25-ft of frontage along Tennessee Street, 200-ft of frontage along 20th Street, and 198.25-ft of frontage along Tennessee Street. Currently, the subject lot contains a two-story industrial building that measures approximately 38,520 square feet.
3. **Surrounding Properties and Neighborhood.** The project site is located in the Dogpatch Landmark District along a mixed industrial-residential corridor within the Central Waterfront Area Plan. The immediate neighborhood to the north is 701 Minnesota Street, which is a three-story former warehouse that has been converted into live/work condominiums. The project site is located directly across from Espirit Park (to the west) and is located one block away from 3rd Street, which is a transit corridor for the Muni T-Line. Along this portion of 3rd Street are a series of smaller-scale commercial and industrial properties. Along Tennessee Street further south are a number of smaller-scale residential properties, which start mid-block and demarcate the Dogpatch Landmark District. Other zoning districts in the vicinity of the project site include: P (Public); RH-2 (Residential, House, Two-Family); RH-3 (Residential, House, Three-Family) and, PDR-1-G (Production, Distribution and Repair-General).

4. **Project Description.** The Project entails the demolition of the existing two-story industrial building, and the new construction of a four-story-with-basement (45-ft tall) mixed-use building with approximately ~~411,442~~112,733 gross square feet (gsf). The Project includes 110 dwelling units, which consists of eight three-bedroom units, 39 two-bedroom units, 47 one-bedroom units, and 16 studios. The Project also includes 5,472 gsf of ground floor commercial use, 83 off-street parking spaces, 1 car-share parking space, 110 Class 1 bicycle parking spaces, and 34 Class 2 bicycle parking spaces. The Project incorporates approximately 1,985 sq ft of publically-accessible open space along 20th Street, a common area on the ground floor measuring approximately 5,567 sq ft, and a series of private decks. In addition, the Project will undertake living alley improvements for the portion of 20th Street, adjacent to the overpass, between Tennessee and Minnesota Streets, as part of their streetscape requirements.
5. **Public Comment.** The Department has received one letter of support from the Dogpatch Neighborhood Association, and has not received any public correspondence against the Project.
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. **Permitted Uses in UMU Zoning Districts.** Planning Code Sections 843.20 and 843.45 states that residential and retail uses are principally permitted use within the UMU Zoning District.

The Project would construct new residential and retail uses within the UMU Zoning District; therefore, the Project complies with Planning Code Sections 843.20 and 843.45.

- B. **Rear Yard.** Planning Code Section 134 requires a minimum rear yard equal to 25 percent of the total lot depth of the lot to be provided at every residential level. Therefore, the Project would have to provide a rear yard, which measures approximately 9,900 sq ft, located along the rear property line.

Currently, the Project occupies a rectangular-shaped corner lot at the northwest intersection of Tennessee and 20th Streets. Since the adjacent property is live/work (a former industrial warehouse), the immediate block does not possess a pattern of mid-block open space.

The Project features a publically-accessible open space and an interior court on the ground floor. The Project provides open space through the interior courtyard (measuring approximately 5,567 sq ft), a series of private balconies (collectively measuring approximately 540 sq ft), private stoops along Minnesota Street, and a publically-accessible open space along 20th Street (measuring 1,985 sq ft)—all of which collectively measure 8,092 sq ft. Thus, the total amount of open space, which would have been provided through the required rear yard (9,900 square feet), is close to the amount that would have been provided in the rear yard. The Project is providing publically-accessible open space, which will assist in enhancing the adjacent living alley. The Project is seeking an exception of the rear yard requirement as part of the Large Project Authorization, since the Project does not a code-complying rear yard (See Below).

- C. **Useable Open Space.** Planning Code Section 135 requires a minimum of 80 sq ft of open space per dwelling unit, if not publically accessible, or 54 sq ft of open space per dwelling unit, if publically accessible. Private useable open space shall have a minimum horizontal dimension of six feet and a minimum area of 36 sq ft is located on a deck, balcony, porch or roof, and shall have a minimum horizontal dimension of 10 feet and a minimum area of 100 sq ft if located on open ground, a terrace or the surface of an inner or outer court. Common useable open space shall be at least 15 feet in every horizontal dimension and shall be a minimum of 300 sq ft. Further, inner courts may be credited as common useable open space if the enclosed space is not less than 20 feet in every horizontal dimension and 400 sq ft in area, and if the height of the walls and projections above the court on at least three sides is such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court.

In total, the Project exceeds the amount of required open space by constructing: a publically-accessible open space along 20th Street (measuring 1,985 sq ft)—addressing the open space for 36 dwelling units; a series of private balconies (collectively measuring approximately 540 sq ft)—addressing the open space for ten dwelling units; three private stoops along Minnesota Street—addressing open space for three dwelling units; and, an interior courtyard (measuring approximately 5,567 sq ft)—addressing open space for the remaining 61 dwelling units. All of the provided open spaces meet the dimensional requirements of the Planning Code. Overall, the Project complies with Planning Code Section 135.

- D. **Streetscape and Pedestrian Improvements.** Planning Code Section 138.1 requires a streetscape plan in compliance with the Better Streets Plan for new construction on a lot that is greater than one-half acre in area.

The Project includes the new construction of a four-story-over-basement mixed-use building on a corner lot (collectively measuring 39,650 sq ft) with approximately 198.25-ft of frontage along Minnesota Street, 200-ft of frontage along 20th Street, and 198.25-ft of frontage along Tennessee Street.

In compliance with the Better Streets Plan, the Project minimizes the number of vehicular opening to one along Minnesota Street. The Project includes several streetscape improvements, including new street trees, curb extensions, sidewalk improvements, site furnishings, historic lamp posts and construction of a publically-accessible open space along 20th Street. Therefore, the Project complies with Planning Code Section 138.1.

- E. **Bird Safety.** Planning Code Section 139 outlines the standards for bird-safe buildings, including the requirements for location-related and feature-related hazards.

The subject lot is not located in close proximity to an Urban Bird Refuge. The proposed project meets the requirements of feature-related standards and does not include any unbroken glazed segments 24-sq ft and larger in size; therefore, the Project complies with Planning Code Section 139.

- F. **Dwelling Unit Exposure.** Planning Code Section 140 requires that at least one room of all dwelling units face onto a public street, rear yard or other open area that meets minimum requirements for area and horizontal dimensions. To meet exposure requirements, a public street, public alley, side yard or rear yard must be at least 25 ft in width, or an open area (inner court) must be no less than 25 ft in every horizontal dimension for the floor at which the dwelling unit is located.

The Project organizes the dwelling units to have exposure either on Minnesota or Tennessee Streets, or along the inner court, which meets the dimensional requirements of the Planning Code. Therefore, the Project complies with Planning Code Section 140.

- G. **Street Frontage in Mixed Use Districts.** Planning Code Section 145.1 requires off-street parking at street grade on a development lot to be set back at least 25 feet on the ground floor; that no more than one-third of the width or 20 feet, whichever is less, of any given street frontage of a new structure parallel to and facing a street shall be devoted to parking and loading ingress or egress; that space for active uses be provided within the first 25 feet of building depth on the ground floor; that non-residential uses have a minimum floor-to-floor height of 17 feet; that the floors of street-fronting interior spaces housing non-residential active uses and lobbies be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces; and that frontages with active uses that are not residential or PDR be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level.

The Project meets most of the requirements of Planning Code Section 145.1. The off-street parking is located below grade. The Project has only one 11-ft wide garage entrance to the off-street parking located along Minnesota Street. The Project features active uses on the ground floor with walk-up dwelling units with direct, individual pedestrian access to a public sidewalk, and/or ground floor commercial use. Finally, the Project features appropriate street-facing ground level spaces, as well as the ground level transparency and fenestration requirements.

The Project does not provide a 17-ft tall ground floor ceiling height. Rather, the Project provides a ground floor ceiling height, which ranges from 13-ft 6-in to 14-ft. Therefore, the Project is seeking an exception to the street frontage requirements as part of the Large Project Authorization (See Below).

- H. **Off-Street Parking.** Planning Section 151.1 of the Planning Code allows off-street parking at a maximum ratio of .75 per dwelling unit.

Currently, the Project provides 83 below-grade off-street parking spaces via stackers for the proposed 110 dwelling units. Therefore, the Project complies with Planning Code Section 151.1.

- I. **Off-Street Freight Loading.** Planning Section 152.1 of the Planning Code requires one off-street freight loading space for apartment use between 100,001 and 200,000 gsf.

The Project includes approximately 107,183 gsf of new residential use; thus, the Project requires at one off-street freight loading space. The Project is proposing one on-street loading space along Minnesota Street, and does not possess any off-street freight loading within the below-grade garage. Therefore, the Project is seeking an exception to the off-street freight loading requirement as part of the Large Project Authorization.

- J. **Bicycle Parking.** For projects with over 100 dwelling units, Planning Code Section 155.2 requires at least 100 Class 1 bicycle parking spaces plus one Class 1 bicycle parking space for every four dwelling units above 100, and one Class 2 bicycle parking spaces for every 20 dwelling units.

The Project includes 110 dwelling units; therefore, the Project is required to provide 103 Class 1 bicycle parking spaces and 5 Class 2 bicycle parking spaces. The Project will provide 110 Class 1 bicycle parking spaces and 34 Class 2 bicycle parking spaces, thus exceeding the requirement. Therefore, the Project complies with Planning Code Section 155.2.

- K. **Car Share.** Planning Code Section 166 requires one car-share parking space for projects with 50 to 200 residential units.

Since the Project includes 110 dwelling units, it is required to provide a minimum of one car-share parking space. The Project will provides ~~one~~ two car-share parking spaces. Therefore, the Project complies with Planning Code Section 166.

- L. **Unbundled Parking.** Planning Code Section 167 requires that all off-street parking spaces accessory to residential uses in new structures of 10 dwelling units or more be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units.

The Project is providing off-street parking that is accessory to the dwelling units. These spaces will be unbundled and sold and/or leased separately from the dwelling units; therefore, the Project meets this requirement.

- M. **Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, the Project shall finalize a TDM Plan prior Planning Department approval of the first Building Permit or Site Permit. As currently proposed, the Project must achieve a target of 20 points for 5,472 sq ft of ground floor commercial use and 110 dwelling units.

The Project submitted a completed Environmental Evaluation Application prior to September 4, 2016. Therefore, the Project must only achieve 50% of the point target established in the TDM Program Standards, resulting in a required target of 10 points. As currently proposed, the Project will achieve its required 10 points through the following TDM measures:

- *Unbundled Parking*
- *Bicycle Parking (Option B)*

- Car-share Parking (Option A)
- Multimodal Wayfinding Signage
- On-Site Affordable Housing

N. **Dwelling Unit Mix.** Planning Code Section 207.6 requires that no less than 40 percent of the total number of proposed dwelling units contain at least two bedrooms, or no less than 30 percent of the total number of proposed dwelling units contain at least three bedrooms.

For the 110 dwelling units, the Project is required to provide at least 44 two-bedroom units or 33 three-bedroom units. The Project provides 16 studios, 47 one-bedroom units, 39 two-bedroom units, and 8 three-bedroom units. Therefore, the Project meets and exceeds the requirements for dwelling unit mix.

O. **Shadow.** Planning Code Section 295 restricts net new shadow, cast by structures exceeding a height of 40 feet, upon property under the jurisdiction of the Recreation and Park Commission. Any project in excess of 40 feet in height and found to cast net new shadow must be found by the Planning Commission, with comment from the General Manager of the Recreation and Parks Department, in consultation with the Recreation and Park Commission, to have no adverse impact upon the property under the jurisdiction of the Recreation and Park Commission.

Based upon a detail shadow analysis, the Project would cast new shadow upon Espirit Park, which is a property under the jurisdiction of the Recreation and Parks Commission. Based upon the recommendation of the General Manager of the Recreation and Parks Department, in consultation with Recreation and Park Commission (See Recreation and Park Commission Resolution No. 1706-014), the net new shadow would not be adverse to the use of Espirit Park. The Commission has adopted findings regarding the impact of shadow on Espirit, as documented in Motion No. XXXXX.

P. **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 apply to projects that consist of 10 or more units. The applicable percentage is dependent on the number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application was submitted on December 3, 2013; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 15.4% of the proposed dwelling units as affordable.

The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must

submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project or submit to the Department a contract demonstrating that the project's on- or off-site units are not subject to the Costa Hawkins Rental Housing Act, California Civil Code Section 1954.50 because, under Section 1954.52(b), the Project Sponsor has entered into an agreement with a public entity in consideration for a direct financial contribution or any other form of assistance specified in California Government Code Sections 65915 et seq. and submits an Affidavit of such to the Department. All such contracts entered into with the City and County of San Francisco must be reviewed and approved by the Mayor's Office Housing and Community Development and the City Attorney's Office. The Project Sponsor has indicated the intention to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions provided by the City and approved herein. The Project Sponsor submitted such Affidavit on October 10, 2016. The applicable percentage is dependent on the total number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application was submitted on December 3, 2013; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 15.4% of the total proposed dwelling units as affordable. 17 units (3 studios, 7 one-bedroom, 6 two-bedroom, and 1 three-bedroom) of the total 110 units provided will be affordable units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable.

- Q. **Transportation Sustainability Fee.** Planning Code Section 411A is applicable to any development, which results in new construction of twenty dwelling units or more.

The Project includes approximately 107,183 gsf of new residential use and 5,972 gsf of new commercial use. These uses are subject to Transportation Sustainability Fee, as outlined in Planning Code Section 411A. This fee must be paid prior to the issuance of the building permit application.

- R. **Residential Child-Care Impact Fee.** Planning Code Section 411 is applicable to any residential development that results in at least one new residential unit.

The Project includes approximately 107,183 gsf of new residential use. This use is subject to Residential Child-Care Impact Fee, as outlined in Planning Code Section 411A. This fee must be paid prior to the issuance of the building permit application.

- S. **Eastern Neighborhood Infrastructure Impact Fees.** Planning Code Section 423 is applicable to any development project within the UMU (Urban Mixed-Use) Zoning District that results in the addition of gross square feet of non-residential space.

The Project includes approximately 107,183 gsf of new residential use and 5,472 gsf of new non-residential use. The Project shall receive credit for existing uses on the project site. These uses are

subject to Eastern Neighborhood Infrastructure Impact Fees, as outlined in Planning Code Section 423. These fees must be paid prior to the issuance of the building permit application.

- T. **Certificate of Appropriateness.** Planning Code Section 1006 outlines the requirements for a Certificate of Appropriateness for projects involving new construction within a designated landmark district identified in Article 10 of the San Francisco Planning Code.

On July 19, 2017, the Project received a Certificate of Appropriateness from the Historic Preservation Commission (HPC), as outlined in HPC Motion No. XXXX.

7. **Large Project Authorization in Eastern Neighborhoods Mixed Use District.** Planning Code Section 329(c) lists nine aspects of design review in which a project must comply; the Planning Commission finds that the project is compliant with these nine aspects as follows:

- A. Overall building mass and scale.

The Project's mass and scale are appropriate for a large corner lot and the surrounding context, which includes a large three-story former brick warehouse, several smaller-scale industrial properties and larger-scale residential buildings that create a varied street wall. As noted by the Historic Preservation Commission, 888 Tennessee Street appears to be consistent and compatible with the overall form and continuity of the Dogpatch Landmark District with its large rectangular bulk and four-story height. The industrial properties in the surrounding district are one-to-four-stories in height. The Project relates to this overall form, since the Project features a four-story massing and a large blocky massing. Thus, the Project is appropriate and consistent with the mass and scale of the surrounding neighborhood.

- B. Architectural treatments, facade design and building materials:

The proposed project's architectural treatments, facade design and building materials include light and dark brick tile, painted horizontal fiber cement siding, white and dark cement plaster, board textured concrete, and dark anodized aluminum-sash windows. The Project provides for a unique expression along the street, which draws from the residential and industrial language of the surrounding landmark district. The Project divides the architectural treatment into two masses, which are further articulated into three-to-four individual blocks. As noted by the Historic Preservation Commission, 888 Tennessee Street appears to be largely consistent and compatible with aspects of the district's predominant materials, colors and textures. The residential properties in the surrounding district are primarily characterized by painted horizontal rustic wood siding. The industrial properties in the surrounding district are primarily characterized by standard brick masonry (either red brick or yellow brick), reinforced concrete and stucco, which feature a rough textured or smooth appearance in earth tones of red, brown, green, gray and blue. The Project's material palette is consistent with the qualities of the district's characteristics. Overall, the brick tile relates to the traditional red brick found among several of the historic industrial properties. All of the Project materials are matte in finish. Similarly, the proposed color of the exterior materials, which include brown, white and gray, are consistent with the district's characteristics. Overall, the Project offers a high quality architectural treatment, which

provides for unique and expressive architectural design that is consistent and compatible with the surrounding neighborhood.

- C. The design of lower floors, including building setback areas, commercial space, townhouses, entries, utilities, and the design and siting of rear yards, parking and loading access;

Along the lower floors, the Project provides for ground floor commercial use along 20th Street, and walk-up dwelling units with individual pedestrian access on Minnesota and Tennessee Streets. These dwelling units provide for activity along the street. The Project minimizes conflicts between pedestrian and vehicles by providing only one 11-ft wide garage entrance along Minnesota Street. The Project will apply for an on-street loading space.

- D. The provision of required open space, both on- and off-site. In the case of off-site publicly accessible open space, the design, location, access, size, and equivalence in quality with that otherwise required on-site;

The Project provides the required open space for the 110 dwelling units through an interior courtyard, a publically-accessible open space along 20th Street, private stoops, and a series of private balconies. The publically-accessible open space will complement the planned living alley improvements along 20th Street, which will be undertaken by the Project Sponsor. Overall, the Project includes several streetscape improvements, including new street trees, curb extensions, sidewalk improvements, site furnishings, historic lamp posts and construction of a publically-accessible open space along 20th Street.

- E. The provision of mid-block alleys and pathways on frontages between 200 and 300 linear feet per the criteria of Section 270, and the design of mid-block alleys and pathways as required by and pursuant to the criteria set forth in Section 270.2;

The Project is not subject to the mid-block alley requirements of Planning Code Section 270.2.

- F. Streetscape and other public improvements, including tree planting, street furniture, and lighting.

In compliance with Planning Code Section 138.1, the Project includes several streetscape improvements, including new street trees, curb extensions, sidewalk improvements, site furnishings, historic lamp posts and construction of a publically-accessible open space along 20th Street.

- G. Circulation, including streets, alleys and mid-block pedestrian pathways;

The Project provides ample circulation in and around the project site through the publically-accessible open space and sidewalk improvements. Automobile access is limited to the one entry/exit (measuring 11-ft wide) on the Minnesota Street façade.

H. Bulk limits;

The Project is within an 'X' Bulk District, which does not restrict bulk.

I. Other changes necessary to bring a project into conformance with any relevant design guidelines, Area Plan or Element of the General Plan;

The Project, on balance, meets the Objectives and Policies of the General Plan. See Below.

8. **Large Project Authorization Exceptions.** Proposed Planning Code Section 329 allows exceptions for Large Projects in the Eastern Neighborhoods Mixed Use Districts:

A. Exception for rear yards, pursuant to the requirements of Section 134(f);

Modification of Requirements in the Eastern Neighborhoods Mixed Use Districts. The rear yard requirement in Eastern Neighborhoods Mixed Use Districts may be modified or waived by the Planning Commission pursuant to Section 329. The rear yard requirement in Eastern Neighborhoods Mixed Use Districts may be modified by the Zoning Administrator pursuant to the procedures set forth in Section 307(h) for other projects, provided that:

(1) A comparable, but not necessarily equal amount of square footage as would be created in a code conforming rear yard is provided elsewhere within the development;

The Project provides for a comparable amount of open space, in lieu of the required rear yard. Overall, the project site is 39,650 sq ft in size, and would be required to provide a rear yard measuring 9,900 sq ft. The Project provides a total of 8,092 sq ft of open space through an interior courtyard, a publically-accessible open space along 20th Street, private stoops, and a series of private balconies, thus providing for sufficient open space for the dwelling units. Although the Project provides less open space than would have been required through a code-complying rear yard, some of the provided open space is publically-accessible, which complements the adjacent alley improvements (on 20th Street between Minnesota and Tennessee Streets), thus providing a greater public benefit to the surrounding neighborhood.

(2) The proposed new or expanding structure will not significantly impede the access to light and air from adjacent properties or adversely affect the interior block open space formed by the rear yards of adjacent properties; and

The Project does not impede access to light and air for the adjacent properties. The adjacent property to the north is a live/work development within a former industrial warehouse. The adjacent buildings on the subject block do not form a pattern of rear yard open space.

(3) The modification request is not combined with any other residential open space modification or exposure variance for the project, except exposure modifications in designated landmark buildings under Section 307(h)(1).

The Project is not seeking an exception to the open space or dwelling unit exposure requirements.

- B. Exception from satisfaction of loading requirements per Section 152.1 pursuant to the criteria contained therein

The Project would provide one on-street loading space on Minnesota Street. The on-street loading would meet the retail and residential needs of the Project. Overall, the Project's proposed loading assists in improving the ground floor street frontage and would improve character of the streets.

- C. Where not specified elsewhere in Planning Code Section 329(d), modification of other Code requirements which could otherwise be modified as a Planned Unit Development (as set forth in Section 304), irrespective of the zoning district in which the property is located;

In addition to the exceptions to the requirements for rear yard and off-street loading, the Project is seeking an exception to the requirements for permitted obstructions (Planning Code Section 136), street frontage (Planning Code Section 145.1), and measurement of height (Planning Code Section 260).

Under Planning Code Section 136, permitted obstructions over open spaces are limited in width and dimension. The Project provides awnings over the useable open spaces, which do not align to the strict dimensions permitted by the Planning Code. Given the quality of the ground floor design and the overall uses, the Commission supports this exception, since the awnings provide an appropriate design element that would encourage an active ground floor.

Under Planning Code Section 145.1(c)(3), active use is required within the first 25 feet of building depth on the ground floor facing any public street at least 30-ft wide. Residential uses are considered active uses on the ground floor only if more than 50 percent of the linear residential street frontage features walk-up dwelling units that provide direct, individual pedestrian access to a public sidewalk and are consistent with the Ground Floor Residential Design Guidelines. Currently the project does not provide walk-up dwelling units along Tennessee Street, due to the grade of the project site and the interior layout and unit design. Given the Project's overall high quality, the Commission supports this exception, since the Project provides a corner commercial space and active uses along the other street frontages on Minnesota and 20th Street.

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Under Planning Code Section 145.1(c)(4), the ground floor ceiling height for non-residential uses is required to be a minimum of 17-ft in the UMU Zoning District. Currently, the Project specifies a ground floor ceiling height, which ranges from 13.5-ft to 14-ft, due to the existing grade of the site and the need to keep the overall building height minimal to avoid casting additional shadow on the adjacent park. Although the ground floor ceiling height varies, the architectural expression along the street frontage is consistent and the overall design reinforces the concept of a tall ground floor. The