

SAN FRANCISCO PLANNING DEPARTMENT

| Subject to: (Select only if applicable) | |
|-------------------------------------------|-------------------------------------|
| ☐ Affordable Housing (Sec. 415) | ☐ First Source Hiring (Admin. Code) |
| ☐ Jobs Housing Linkage Program (Sec. 413) | ☐ Child Care Requirement (Sec. 414) |
| □ Downtown Park Fee (Sec. 412) | □ Other |
| | |

1650 Mission St. Suite 400 San Francisco, CA 94103-2479

Reception: 415.558.6378

Planning Commission Motion No. 19742

HEARING DATE: SEPTEMBER 22, 2016

415.558.6409

Planning Information: 415.558.6377

Case No .:

2016-010665CUA

Project Address:

25TH STREET NAVIGATION CENTER

Zoning:

PDR-1-G (Production, Distribution & Repair -1-General);

M-2 (Heavy Manufacturing); 40-X Height and Bulk District

Block/Lot:

Not Applicable

Paul De Freitas Project Sponsor:

San Francisco Public Works 30 Van Ness Avenue, Suite 4100

San Francisco, CA 94102

Staff Contact:

Ella Samonsky - (415) 575-9112

ella.samonsky@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 210.3 AND 303 OF THE PLANNING CODE TO ALLOW A TEMPORARY HOMELESS SHELTER WITH ACCESSORY SOCIAL SERVICE FACILITY USE WITHIN THE PDR-1-G (PRODUCTION, DISTRIBUTION AND REPAIR) AND M-2 (HEAVY MANUFACTURING) DISTRICTS AND A 40-X HEIGHT AND BULK DISTRICT, AND ADOPT FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On August 17, 2016, San Francisco Public Works (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section(s) 210.3 and 303 to establish an approximately 9,200 square foot temporary Homeless Shelter use, with accessory Social Service Facility use, in a temporarily vacated right-of-way within the PDR-1-G and M-2 Zoning Districts, and the 40-X Height and Bulk District.

On September 22, 2016, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2016-010665CUA.

On September 8, 2016 the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 3 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project.

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. 2016-010665CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

- 1. The above recitals are accurate and constitute findings of this Commission.
- 2. Site Description and Present Use. The Project is located at the eastern terminus of 25th Street, east of the intersection of Michigan Street, adjacent to the entrance to the MTA's Muni Metro East facility. The site is an approximately 14,000 square foot portion of the public right-of-way, which measure 55 feet 9 inches in width and 271 feet in length. The project site consists of an asphalt paved roadway with 6 foot wide concrete sidewalks and street trees on the southern side of the street. Parallel parking is permitted along the northern side and angled parking along the southern side of the street. The area of the project site includes the roadway and the northern sidewalk. Currently, the end of the street is closed by a chain link fence.
- 3. Surrounding Properties and Neighborhood. The immediate vicinity is industrial in character, and includes one-story tall buildings located on large fenced lots. The MTA Muni Metro East facility and yard abuts the project site to the south and to the north is a large drayage yard. Warm Water Cove Park is located approximately 200 feet to the northeast. Retail and residential uses are situated further west along 3rd Street and in the Dogpatch neighborhood approximately 1,000 feet to the northwest of the site.
- 4. **Project Description.** The Project would establish a temporary Navigation Center, a homeless shelter with accessory social services facility, on a temporarily vacated right-of way at the eastern terminus of 25th Street. The operation of the 25th Street Navigation Center would be for up to three years, with an additional six months of construction and removal of the Navigation Center. The Navigation Center would be constructed of sixteen modular trailers postioned on top of a deck approximately 3 feet above grade. The trailers would be single-story, approximately 9 feet in height and range in length from 20 to 60 feet. The Navigation Center would have 68 beds in four dormitories, with a community room, showers, restrooms and laundry for residents use, and approximately 2,800 square feet of work space for social service providers to meet and provide homeless residents with counseling, housing assistance, benefits advocacy, medical services and meals. The site would have approximately 3,200 square feet of open space provided in three central courtyards, which feature shade trellises, string lights and temporary ornamental

landscaping in planter boxes. The main entrance into the facility would be along the western façade and a 6-foot tall redwood fence would enclose the permeter of the facility. A chain link fence would secure the side walk to the south of the project site as emergency access and the rear of the facility.

The homeless shelter would operate 24 hours a day, seven days a week. The associated social services would operate daily between the hours of 8:00 am and 6:00 pm. An estimated 20 to 25 staff would be on site over three shifts for 24-hour staffing, and additional 3 to 5 service providers would visit the site daily

- 5. **Public Comment.** To date, the Planning Department has not received correspondence in support or opposition to 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. Homeless Shelter Use. Planning Code Section 210.4 principally permits Homeless Shelters in the M-2 Zoning District, while Planning Code Section 210.3 permits a Homeless Shelters in the PDR-1-G Zoning District with Conditional Use Authorization.

Per Planning Code Section 210.3, a Homeless Shelter Use is permitted with Conditional Use Authorization, only if each such use (a) would operate for no more than four years, and (b) would be owned or leased by, operated by, and/or under the management or day-to-day control of the City and County of San Francisco. If such a use is to be located within a building or structure, the building or structure must be either (a) preexisting, having been completed and previously occupied by a use other than a Homeless Shelter, or (b) temporary.

The proposed shelter would be owned by the City and County of San Francisco (Port of San Francisco) and managed by the Department of Homelessness and Supportive Housing (HSH), in partnership with community based nonprofit organizations for a term of three years. The Navigation Center would be located in temporary structures, which would be completely removed at the end of the operational term of the Navigation Center and the site returned to use as right-of-way.

B. Social Service Facility Use. Planning Code Section 210.3 principally permits a Social Services Facility Use, of less than 5,000 square feet, in the PDR-1-G Zoning District. Planning Code Section 210.4 principally permits Institutional Uses, including a Social Services Facility, in the M-2 Zoning District.

The proposed Navigation Center would have 2,800 square feet of space for social service providers that would be accessory to the principal use of the site as a Homeless Shelter.

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

The temporary Navigation Center will offer comprehensive health, mental health, and other services to homeless people, and assists moving homeless people off the streets and into housing. The Navigation Center will improve the welfare and safety of individuals and the community as a whole by reducing homelessness and activating an underutilized portion of 25th Street. Furthermore, Ordinance No. 117-16 gives strong preference to use of underutilized City properties for Navigation Centers; after consultation with the Port of San Francisco the project site was identified as one that would have minimal impact to public use.

- B. Such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
 - i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The Navigation Center is single-story and oriented around courtyards that provides approximately 3,200 square feet of outdoor space for use by the residents and is screened from the surrounding industrial and transportation related uses.

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

The Planning Code does not require off-street parking or loading for Homeless Shelter uses. The project site is located at the terminus of 25th Street; therefore, the project would have minimal effect on circulation routes and traffic and would not affect Muni transit service. The proposed use is designed to provide services for the homeless residents of the City that are staying at the Navigation Center and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide.

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

The proposed use is primarily residential in nature, with services, such as counseling, housing assistance, benefits advocacy, medical services and meals, being conducted within enclosed buildings. The Navigation Center would have staff on site 24 hours a day supervise the facilities and would not be anticipated to create noxious or offensive emissions.

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

The proposed Navigation Center provides an open space in a central courtyard for the use of residents and ornamental landscaping would be provided throughout the site. The trailers used for the social service facility would be located by the main entrance and would screen and provide some privacy for the dormitories from the street.

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

The Project 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. Such use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Use District.

The proposed project is consistent with the stated purpose of the applicable use districts in that it is a temporary homeless shelter and social service facility, that and would not diminish the districts suitability for manufacturing, production, distribution, repair and other industrial activities.

8. **General Plan Referral.** San Francisco Charter Section 4.105 and 2A.53 of the San Francisco Administrative Code require that, for projects that include certain actions, the Department or the Commission must review these actions and determine whether the project is in conformity with the objectives and policies of the General Plan, as well as the Priority Policies of Section 101.1. The following aspects of the project trigger the requirement for a General Plan referral:

Sale, Vacation, and Change of Use of a Portion of the 25th Street Right-of-Way, between Michigan Street and Louisiana Street. This right-of-way measures approximately 14,000 gsf. The City would temporarily vacate this portion of the right-of-way, on which the Project would be located, subject to certain conditions, including a term of no more than 42 months.

The Commission finds the street vacation is, on balance, in conformity with the General Plan and the Priority Policies of Section 101.1 (See Below).

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

HOUSING ELEMENT

OBJECTIVE 6:

REDUCE HOMELESSNESS AND THE RISK OF HOMELESSNESS

POLICY 6.1

Prioritize permanent housing and service-enriched solutions while pursuing both short- and long-term strategies to eliminate homelessness.

The 25th Street Navigation Center will provide temporary shelter, services and amenities for the city's homeless residents as well as provide homeless individuals with assistance to locate more permanent housing.

POLICY 6.2

Prioritize the highest incidences of homelessness, as well as those most in need, including families and immigrants.

The 25th Street Navigation Center will provide opportunities to serve the highest incidences of homelessness and other homeless individuals in need of housing and supportive services.

POLICY 6.3

Aggressively pursue other strategies to prevent homelessness and the risk of homelessness by addressing its contributory factors.

In addition to providing shelter, the 25th Street Navigation Center will involve partnerships with community-based nonprofit organizations serving the homeless, as well as provide medical and mental health supportive services to address the contributory factors to homelessness.

POLICY 6.4

Improve coordination among emergency assistance efforts, existing shelter programs, and health care outreach services.

The 25th Street Navigation Center and its services will be coordinated with other existing programs and services for the city's homeless population.

URBAN DESIGN ELEMENT

POLICY 2.8

Maintain a strong presumption against the giving up of street areas for private ownership or use, or for construction of public buildings.

The General Plan very strongly recommends against giving up any street area for non-public use or public buildings. The Urban Design Element has several policies and principles expressing the importance of retaining the street pattern to provide relief from the built environment, provide orienting public vistas, providing open space, moderating the scale of development, and establishing a unique city pattern. The proposed 25th Street Navigation Center will temporarily vacate a 14,000 square foot portion of the 25th Street right-of-way to facilitate construction and operation of a temporary Navigation Center (homeless shelter) for up to 42 months. After that, the project site will revert back to serving as a public right-of-way and all of the temporary structures will be removed. The Project represents no permanent loss of street area.

POLICY 2.9

Review proposals for the giving up of street areas in terms of all the public values that streets afford.

The temporary vacation of a portion of the 25th Street right-of-way to provide urgently needed temporary housing (68 beds), facilities and supportive services for the city's homeless will provide considerable public benefit. Located at the terminus of 25th Street, the Navigation Center will not impact circulation in the area and will provide a full time shelter with 68 beds, community/dining area, and bathrooms and shower facilities. After a maximum of 42 months, the project site will revert back to serving as a public right-of-way and all of the temporary structures will be removed. The Project represents no permanent loss of street area.

- 10. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project 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 Project would not affect neighborhood-serving retail uses and future opportunities for resident employment in and ownership of such businesses. The project site does not possess any existing 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 is located in an industrially zoned area and borders industrial uses. No housing exists within the lots immediately adjacent to the Project site.
 - C. That the City's supply of affordable housing be preserved and enhanced,
 - The Project will help create temporary housing for homeless individuals and will not adversely affect the City's supply of affordable housing. Currently, the project site does not possess any housing.
 - D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.
 - The Project will not impede MUNI transit service or overburden local streets or neighborhood parking.
 - 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.
 - Located in the public right-of-way, the Project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by the Project. The project does not involve commercial office development.
 - F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The Project will not affect preparedness to protect against injury and loss of life in the event of an earthquake.

G. That landmarks and historic buildings be preserved.

No landmarks or historic buildings will be affected by the Project.

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

The Project will not affect access to sunlight and vistas in parks and open spaces.

- 11. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
- 12. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby APPROVES Conditional Use Application No. 2016-010665CUA subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated September 14, 2016, 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. 19742. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30day 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 September 22, 2016.

Ionas P. Ionin

Commission Secretary

AYES:

Fong, Hillis, Johnson, Koppel, Moore, Melgar and Richards

NAYS:

None

ADOPTED:

September 22, 2016

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a Homeless Shelter with accessory Social Service Facility (dba 25th Street Navigation Center) located at the eastern terminus of 25th Street, pursuant to Planning Code Section(s) 210.3 and 303, within the PDR-1-G and M-2 Zoning Districts and a 40-X Height and Bulk District; in general conformance with plans, dated September 14, 2016, and stamped "EXHIBIT B" included in the docket for Case No. 2016-010665CUA and subject to conditions of approval reviewed and approved by the Commission on September 22, 2016 under Motion No. 19742. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on September 22, 2016 under Motion No. 19742.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19742 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.

2. Conformity with Current Law. No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

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

3. Additional Project Authorization. The Project Sponsor must obtain a Planning Code Text Amendment to Planning Code Section 210.3 authorizing temporary homeless shelters in the Production, Distribution, and Repair (PDR) Zoning Districts and a Street Vacation Ordinance for the temporary vacation of the portion of 25th St. between Michigan St. and Louisiana St. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply. This approval is contingent on and will be of no further force and effect until the date that the ordinances approving the Planning Code Text Amendment to the Production, Distribution and Repair Zoning Districts to permit Homeless Shelter Use and the temporary street vacation are affective and operative.

For information about compliance, contact the Case Planner, Planning Department at 415-575-9112, www.sf-planning.org.

DESIGN

4. 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.

MONITORING

- 5. **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
- 6. Revocation due to Violation of Conditions. Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

OPERATION

- 7. 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
- 8. 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/
- 9. 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