



# 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. 18519

HEARING DATE: JANUARY 19, 2012

*Date:* January 12, 2012  
*Case No.:* **2010.0959CV**  
*Project Address:* **147 SOUTH PARK AVENUE**  
*Zoning:* SPD (South Park) District  
 40-X Height and Bulk District  
*Block/Lot:* 3775/031  
*Project Sponsor:* Daniel Frattin  
 Reuben & Junius, LLP  
 One Bush Street  
 San Francisco, CA 94104  
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**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303, 317 AND 814.13 REQUIRING CONDITIONAL USE AUTHORIZATION FOR THE DEMOLITION OF ONE RESIDENTIAL UNIT AND THE NEW CONSTRUCTION OF FOUR-STORY 2 UNIT MULTIFAMILY BUILDING WITH A GROUND FLOOR COMMERCIAL USE IDENTIFIED AS AN EATING AND DRINKING ESTABLISHMENT IN THE SPD (SOUTH PARK DISTRICT) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On June 16, 2010 Daniel Frattin (Project Sponsor) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 303, 317 and 814.13 to demolish one residential unit at 147 South Park Avenue and to construct a four-story, two unit multifamily building with a ground floor commercial use identified as an eating and drinking establishment as a replacement structure within the SPD (South Park District) Zoning District and a 40-X Height and Bulk District.

On January 19, 2012, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2010.0959C.

On March 15, 2011, the Project was determined by the Department to be categorically exempt from environmental review as a Class 1 exemption. The Commission has reviewed and concurs with said determination.

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. 2010.0959C, 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.** The Project proposes to demolish an existing two-story single family dwelling and proposes a four-story two-unit multifamily building with a ground floor commercial space identified as an eating and drinking establishment as the replacement structure. One off-street parking space will be provided for the ground floor eating and drinking use and one for a dwelling unit. Automobile access is proposed to be from Varney Place, an alley at the rear of the lot.
3. **Site Description and Present Use.** The project site is located on the south side of South Park Avenue between 3rd Street and Jack London Place, Lot 031 in Assessor's Block 3775. The project site is within the SPD (South Park) District and a 40-X Height and Bulk district. The lot, approximately 2,235 square feet in area, is irregularly shaped, providing 21 feet of street frontage on South Park Avenue and 26 feet of street frontage on Varney Place, at the rear of the lot. The project site currently contains a vacant single family home.
4. **Surrounding Properties and Neighborhood.** The project site is located in the South Park District, immediately across from South Park. The subject property is approximately in the middle of the block-face. The adjacent building to the west is a three-story mixed use building with a ground floor retail use and two stories of residential uses above. The adjacent lot to the east has a storage shed at the rear and is fenced off from the South Park Avenue street frontage. The area around South Park is characterized primarily by two- and three-story buildings, with ground floor commercial uses and residential uses above. Properties in the vicinity of the subject property are zoned SPD (South Park District), SLI (Service Light Industrial) and MUO (Mixed Use Office).

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. **Rear Yard Requirement.** Planning Code Section 134 requires a minimum rear yard depth equal to 25% of the total depth for lots in the South Park District.

*The Project does not propose a rear yard and does not meet the rear yard requirement of 25% of lot depth (24 feet 5 inches for the subject lot). However, because the project is in an Eastern Neighborhoods Mixed Use District, the Project is seeking relief from the rear yard requirement through Administrative Review by the Zoning Administrator as outlined in Planning Code Section 307(h).*

- B. **Usable Open Space.** Planning Code Section 135 requires a minimum of 80 square feet of usable open space, if not publicly accessible, per unit.

*The Project proposes to meet the usable open space requirement by providing each unit with private usable open space on decks either at the rear of the lot or on the roof. Each dwelling unit will be provided more than 80 square feet of useable open space.*

- C. **Street Frontage Requirement.** Planning Code Section 145.1 prohibits more than one-third of the width of any given street frontage be devoted to parking ingress or egress and requires a minimum floor to floor height of 14 feet at the ground floor.

*The Project is proposing a garage door of 16 feet, in excess of the one-third requirement (8 feet 8 inches for the subject lot) and is proposing a floor to floor height of 9 feet 6 inches at the ground floor. The Project is seeking a variance from this section of the Planning Code.*

- D. **Off-Street Parking.** Planning Code Section 151.1 establishes off-street parking maximums for all uses within the Eastern Neighborhoods Mixed Use Districts. For retail uses less than ¼ mile from 3<sup>rd</sup> Street the Planning Code allows up to one off-street parking space for each 1,500 square feet of gross floor area.

*One off-street parking space is dedicated to the proposed eating and drinking establishment as it contains in excess of 1,500 square feet of gross floor area. One off-street parking space is dedicated to a dwelling unit, as well.*

- E. **Height.** Planning Code Section 260 requires that all structures be no taller than the height prescribed in the subject height and bulk district. The proposed Project is located in a 40-X Height and Bulk District, with a 40-foot height limit.

*The Project proposes a height of 40 feet for the replacement structure, which is within the height district limits.*

- F. **Neighborhood Notification.** Planning Code Section 312 requires neighborhood notification for projects within the Eastern Neighborhood Mixed Use Districts that propose to change from one land use category to another.

*The Project proposes to establish a retail use (an eating and drinking establishment) at the ground floor of the replacement structure and the notification for this proposal was done in conjunction with the notification for the Conditional Use authorization*

- G. **Residential Demolition and New Construction.** Planning Code Section 814.13 requires Conditional Use authorization for any residential demolition. Planning Code Section 317 establishes a checklist of criteria that delineates the relevant General Plan Policies and Objectives given a proposal for residential demolition.

*The Project seeks to demolish an existing single family dwelling and construct a two unit multifamily building with a ground floor commercial space identified as an eating and drinking establishment as the replacement structure. The Project is seeking Conditional Use Authorization in accordance with Planning Code Section 814.13. The additional criteria for this proposal, as specified under Section 317, have been incorporated as findings under this Motion under Item 7, "Additional Findings pursuant to Section 317."*

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 use and size of the proposed project is compatible with the immediate neighborhood, as the prevailing pattern in the area is of ground floor commercial uses with residential uses above. The replacement structure follows this pattern in that it proposes a ground floor commercial space, identified as an eating and drinking establishment, with two dwelling units above. The 40 foot height of the proposed project is compatible with the immediate neighborhood as there are a number of three story buildings in the neighborhood and the proposed fourth story will be adequately setback from the main building wall so as to meet the typical setback of upper floors and in doing so will be adequately screened from view.*

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

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

*The Project proposes to demolish an existing single family dwelling and construct a four-story, two-unit multifamily building with a ground floor commercial use identified as an eating and drinking establishment on the existing lot. The Project is designed to complement the existing pattern of multi-storied structures with ground floor commercial uses. The proposed size and shape of the structure follows the existing pattern on the block in that the proposed structure fronts South Park Avenue and backs onto Varney Place, the alley at the rear of the lot.*

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

*The Planning Code establishes a maximum number of off-street parking spaces for the Project and the Project meets this maximum. The Project proposes to locate the automobile access on Varney Place, a minor alley at the rear of the lot, so as to preserve the South Park Avenue frontage free of off-street parking entrances.*

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

*Both commercial and residential aspects of the project are designed to avoid 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;

*Although designed in a contemporary aesthetic, the façade treatment and materials of the replacement buildings have been appropriately selected to be harmonious with the surrounding neighborhood.*

- 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.*

- 7. **Additional Findings pursuant to Section 317** establishes criteria for the Planning Commission to consider when reviewing applications to demolish or convert Residential Buildings. On balance, the Project does comply with said criteria in that:

- i. Whether the Project Sponsor has demonstrated that the residential structure is unsound, where *soundness* is an economic measure of the feasibility of upgrading a residence that is deficient with respect to habitability and Housing Code requirements, due to its original construction. The *soundness factor* for a structure shall be the ratio of a construction upgrade to the replacement cost, expressed as

a percent. A building is unsound if its soundness factor exceeds 50-percent. A residential building that is unsound may be approved for demolition.

***Project does not meet criterion.***

*The Soundness Study did not determine that the upgrade costs, given allowable expenses, exceeded the 50% threshold. However, the building is in a state of disrepair and appears very much uninhabitable. In 2003, the Planning Commission, under Motion No. 16563, granted Conditional Use authorization to demolish the subject property. The authorization expired and the subject property has remained in a state of neglect since that date. The current owners, who acquired the property in 2010 and are represented by the Project Sponsor, are seeking Conditional Use authorization to realize the demolition of the existing single family home and to provide a replacement structure that will result in a net gain of a four bedroom unit and one ground floor commercial space identified as an eating and drinking establishment.*

- ii. Whether the property is free of a history of serious, continuing code violations;

***Project meets criterion.***

*A review of the Department of Building Inspection and the Planning Department databases indicates that there is one open Department of Building Inspection violation for the subject property regarding blight and abandonment. The Project will address this complaint as it proposes to demolish the existing structure and construct a mixed use building as the replacement structure.*

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

***Project does not meet criterion.***

*The structure is in poor condition and is unmaintained.*

- iv. Whether the property is an "historic resource" under CEQA;

***Project meets criterion.***

*Although the existing structure is more than 50 years old, a Historic Resource Evaluation Response from March 2011 indicates that the Historic Preservation Commission found that the existing property is not a resource and that it does not contribute to the South Park Historic District.*

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

***Project meets criterion.***

*The structure is not an historical resource and will not have a substantial adverse impact under CEQA.*

- vi. Whether the Project converts rental housing to other forms of tenure or occupancy;

***Project meets criterion.***

*The Project does not convert rental housing to other forms of tenure or occupancy, as the existing property has been vacant for more than 10 years.*

- vii. Whether the Project removes rental units subject to the Rent Stabilization and Arbitration Ordinance;

***Project meets criterion.***

*There are no rental units on site.*

- viii. Whether the Project conserves existing housing to preserve cultural and economic neighborhood diversity;

***Project does not meet criterion.***

*Because the Project proposes to demolish an existing single family dwelling unit, the Project does not conserve existing housing. However, the proposed replacement structure will provide two dwelling units above a ground floor commercial space which is much more in line with the prevalent pattern along South Park Avenue than the existing situation, and which can contribute to the cultural and economic diversity of the area.*

- ix. Whether the Project conserves neighborhood character to preserve neighborhood cultural and economic diversity;

***Project meets criterion.***

*The replacement building is designed in accordance with the prevailing neighborhood character in that it proposes two dwelling units over a ground floor commercial space. While the design is contemporary, it draws inspiration from its surrounding so that it complements the existing architecture. The Project results in a net gain of one dwelling unit and one commercial space to the subject property, conserving the mixed use and multifamily neighborhood character.*

- x. Whether the Project protects the relative affordability of existing housing;

***Project meets criterion.***

*While the Project proposes demolition of an existing structure, said structure is not in sanitary or habitable condition and therefore there is no loss in the relative affordability of the existing housing.*

- xi. Whether the Project increases the number of permanently affordable units as governed by Section 315;

***Not Applicable.***

*The Project is not subject to the provisions of Planning Code Section 415, as the project proposes less than five units.*

- xii. Whether the Project locates in-fill housing on appropriate sites in established neighborhoods;

***Project meets criterion.***

*The Project has been designed to be compatible with the scale and development pattern of the established neighborhood character.*

- xiii. Whether the Project creates quality, new family housing;

***Project meets criterion.***

*The Project creates one three-bedroom unit and one four-bedroom unit, both adequate for family use.*

- xiv. Whether the Project creates new supportive housing;

***Project does not meet criterion.***

*The Project does not create supportive housing.*

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

***Project meets criterion.***

*The overall scale, design, and materials of the proposed buildings are consistent with the South Park area and compliment the neighborhood character with a contemporary design.*

- xvi. Whether the Project increases the number of on-site dwelling units;

***Project meets criterion.***

*The Project increases the number of on-site dwelling units from one to two.*

- xvii. Whether the Project increases the number of on-site bedrooms.

***Project meets criterion.***

*The Project increases the number of on-site bedrooms from three to seven.*

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



## HOUSING ELEMENT

### OBJECTIVE 1:

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

#### Policy 1.8:

Promote mixed use development, and include housing, particularly permanently affordable housing, in new commercial, institutional or other single use development projects.

#### 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 Project is located in the South Park neighborhood, a neighborhood that is within the Eastern Neighborhoods Community Plan Area. The Project proposes a mixed use replacement structure with one three-bedroom dwelling unit and one four-bedroom unit, representing a net gain of one dwelling unit over the existing condition, and a ground floor commercial use identified as an eating and drinking establishment. The South Park neighborhood is a neighborhood in close proximity to public transit as the MUNI 10, 30, 45 and T lines are within a reasonable walking distance.*

### OBJECTIVE 4:

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

#### Policy 4.1:

Develop new housing, and encourage the remodeling of existing housing, for families with children.

*The Project will create two new dwelling units each with multiple bedrooms. These new dwelling units will provide a housing opportunity for families with children.*

### OBJECTIVE 11:

**SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.**

#### Policy 11.1:

Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

#### Policy 11.3:

Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

**Policy 11.9:**

Foster development that strengthens local culture sense of place and history.

*The Project proposes two dwelling units over a ground floor commercial space identified as an eating and drinking establishment and is a proposal that complements the existing pattern within South Park of mixed use developments featuring ground floor commercial uses and residential uses on the second floor and above.*

*The design of the Project is contemporary in nature and displays an innovative use of finish materials at the South Park Avenue façade, the primary interface with the public realm. In particular, the use of polish steel on the primary façade creates an interface between the iconic South Park and the Project and in doing so reinforces the particular sense of place that South Park provides. While many early 1900's buildings are found within the South Park neighborhood, South Park is also the location of newer development proposals featuring a contemporary architectural style and the Proposed Project is another well-designed contemporary addition to South Park.*

**OBJECTIVE 13:**

**PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.**

**Policy 13.1:**

Support "smart" regional growth that locates new housing close to jobs and transit.

*The Project is located within a reasonable distance from the jobs rich downtown core and is within a reasonable walking distance from a number of transit lines, including the Caltrain station at 4<sup>th</sup> and King Streets, offering access to the jobs within San Mateo County.*

**COMMERCE AND INDUSTRY**

**OBJECTIVE 1:**

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

**Policy 1.1:**

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

**Policy 1.2:**

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

*The Project proposes a ground floor commercial space that is identified as an eating and drinking establishment. This use will help to further enliven South Park Avenue and contribute to the area's economic vitality. The commercial space will be designed to meet all building code requirements regarding safety and the emission of offensive or noxious odors and noise.*

**OBJECTIVE 2:**  
**MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.**

**Policy 2.1:**

Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

**Policy 2.3**

Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location.

*The proposed ground floor commercial space is designed to provide a new business adequate accommodation and will attract new commercial activity to the City. The combination of the new commercial tenant and its location immediately across from South Park create a favorable cultural climate that will enhance the attractiveness of the City and the South Park area as a firm location.*

**OBJECTIVE 3:**  
**PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.**

**Policy 3.1:**

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

*The proposed ground floor commercial space is identified as an eating and drinking establishment. The restaurant industry is one where employment opportunities for unskilled and semi-skilled workers are abundant and it is reasonable to assume that this aspect of the Project will provide such opportunities.*

**URBAN DESIGN**

**OBJECTIVE 1:**  
**EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.**

**Policy 1.2:**

Recognize, protect and reinforce the existing street pattern, especially as it is related to topography.

**Policy 1.3:**

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

*The Project proposes demolition of an existing two-story single family dwelling unit and, as a replacement structure, proposes to construct a four story mixed use building with two family sized dwelling units over a ground floor commercial space. The proposed replacement structure is designed to front South Park Avenue in a manner similar to the buildings in the vicinity. The massing and proportions of the building also complement the existing architecture and block pattern, both at South Park Avenue and at Varney Place, the alley at the rear of the lot.*

**OBJECTIVE 2:**

**CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.**

**Policy 2.6:**

Respect the character of older development nearby in the design of new buildings.

*The massing of the replacement building's façades is designed to be compatible with the prevailing street wall height and presence at South Park Avenue and Varney Place. While the design of the replacement structure is in a contemporary architectural style, the proposed building proportions, massing and scale are compatible with the adjacent buildings and the immediate neighborhood character.*

**EAST SOMA AREA PLAN**

**OBJECTIVE 1.1:**

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

**Policy 1.1.7:**

Retain the existing small-scale uses and character around South Park.

**Policy 1.1.8:**

Permit small and moderate size retail establishments in mixed use areas of East SoMa, but permit larger retail only as part of a mixed-use development.

*The Project proposes a four-story two-unit building with a ground floor commercial space that is identified as an eating and drinking establishment. This development is designed to complement the existing character of the South Park neighborhood in that it creates an active retail use at the*

*ground floor while providing family sized residential uses above. The subject lot is approximately 2,000 square feet in area, a size smaller than the standard San Francisco lot and this aspect helps the Project fit into the smaller scale of South Park.*

**OBJECTIVE 1.2:**  
**MAXIMIZE HOUSING DEVELOPMENT POTENTIAL IN KEEPING WITH NEIGHBORHOOD CHARACTER.**

**Policy 1.2.1:**  
Encourage development of new housing throughout East SoMa.

**Policy 1.2.2:**  
Ensure that in-fill housing development is compatible with its surroundings.

**Policy 1.2.3:**  
For new construction, and as part of major expansion of existing buildings, encourage housing development over commercial.

*The proposed Project is an infill development that will result in a net gain of one four-bedroom unit. A ground floor commercial space, identified as an eating and drinking establishment, is also proposed.*

**OBJECTIVE 3.1:**  
**PROMOTE AN URBAN FORM THAT REINFORCES EAST SOMA'S DISTINCTIVE PLACE IN THE CITY'S LARGER FORM AND STENGTHEN ITS PHYSICAL FABRIC AND CHARACTER.**

**Policy 3.1.6:**  
New buildings should epitomize the best in contemporary architecture, but should do so with full awareness of, and respect for, the height, mass, articulation and materials of the best of the older buildings that surrounds them development of new housing throughout East SoMa

**Policy 3.1.8:**  
New development should respect existing patterns of rear yard open space. Where an existing pattern of rear yard open space does not exist, new development on mixed-use-zoned parcels should have greater flexibility as to where open space can be located

*The Project proposes a contemporary design that also respects the prevailing patterns of mass and scale. Because there is no pattern of rear yard open space on the subject block, the Project is seeking administrative relief from the rear yard requirement and is providing the required usable open space on decks or on the roof.*

**OBJECTIVE 3.2:**

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

**Policy 3.2.1:**

Require high quality design of street-facing building exteriors.

**Policy 3.2.3:**

Minimize the visual impact of parking.

*The design of the Project is contemporary in nature and utilizes materials with a substantial appearance such as the polished steel. The Project proposes to locate its off-street parking entrance on Varney Place, a minor alley at the rear of the lot and far from South Park Avenue.*

**OBJECTIVE 5.2:**

**ENSURE THAT NEW DEVELOPMENT INCLUDES HIGH QUALITY PRIVATE OPEN SPACE.**

**Policy 5.2.1:**

Require new residential and mixed-use residential development to provide on-site private open space designed to meet the needs of residents

*The Project proposes to locate its required usable open space on decks or on the roof, and in an amount that exceeds the minimum Planning Code requirement.*

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.

*Existing neighborhood-serving retail uses would not be displaced or otherwise adversely affected by the proposal, as the existing building does not contain commercial uses/spaces and because the Project increases the number of dwelling units from one to two, providing more individuals to patronize the existing neighborhood-serving retail uses.*

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

*While the existing housing is proposed to be demolished, the replacement building complements the existing neighborhood character in that it proposes two dwelling units over a ground floor commercial space.*

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

*The Project does not adversely affect the City's supply of affordable housing as it seeks to replace an inhabitable structure with two family sized dwelling units.*

- 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 streets or neighborhood parking as the Project proposes only one off-street parking space, in accordance with the Planning Code limits for the Project.*

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

*The Project is not a commercial office development and will not adversely affect the industrial or service sectors.*

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

*The replacement structure will be built in compliance with San Francisco's current Building Code Standards and would meet all earthquake safety requirements.*

- G. That landmarks and historic buildings be preserved.

*No landmark or historic buildings occupy the Project site.*

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

*The project will have no negative impact on existing parks and open spaces. The Project does not exceed the 40-foot height limit, and is thus not subject to the requirements of Planning Code Section 295 – Height Restrictions on Structures Shadowing Property under the Jurisdiction of the Recreation and Park Commission. The height of the proposed structure is compatible with the established neighborhood development.*

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.

**Motion No. 18519**  
**Hearing Date: January 19, 2012**

**CASE NO 2010.0959CV**  
**147 South Park Avenue**



**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. 2010.0959C** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 18519. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94012.

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

Linda Avery  
Commission Secretary

AYES: Commissioners Sugaya, Fong, Antonini, Borden, Moore, and Migue

NAYES: None

ABSENT: None

ADOPTED: January 19, 2012

## **EXHIBIT A**

### **AUTHORIZATION**

This authorization is for a conditional use to allow the demolition of an existing single family dwelling and the new construction of a four-story, two-unit multifamily dwelling with a ground floor commercial use identified as an eating and drinking establishment located at 147 South Park Avenue, Lot 031 in Assessor's Block 3775 pursuant to Planning Code Section(s) **814.13, 317 and 303** within the **South Park** District and a **40-X** Height and Bulk District; in general conformance with plans, dated January 19, 2012, and stamped "EXHIBIT B" included in the docket for Case No. **2010.0959C** and subject to conditions of approval reviewed and approved by the Commission on **January 19, 2012** under Motion No. **18519**. 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 **January 19, 2012** under Motion No. **18519**.

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

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **18519** 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. The Conditional Use authorization is subject to the approval of the requested Variances from Planning Code Section 145.1 and the granting of Administrative Relief from the rear yard requirement under Planning Code Section 134.

### DESIGN

4. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. 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. **Noise.** Plans submitted with the building permit application for the approved project shall incorporate acoustical insulation and other sound proofing measures to control noise.

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

7. **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)*

## **PARKING AND TRAFFIC**

8. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than **two (2)** independently accessible 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)*

## **PROVISIONS**

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

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

## MONITORING

10. **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)*

11. **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

12. **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>*

13. **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/>*

14. **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.

**Motion No. 18519**  
**Hearing Date: January 19, 2012**

**CASE NO 2010.0959CV**  
**147 South Park Avenue**

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