



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. 18522

HEARING DATE: JANUARY 26, 2012

Date: November 10, 2011
Case No.: **2005.0233C**
Project Address: **49 JULIAN AVENUE**
Zoning: UMU (Urban Mixed Use) District
 45-X Height and Bulk District.
Former Zoning: C-M (Heavy Commercial) Zoning District
 50-X Height and Bulk District
Block/Lots: 3547/032
Project Sponsor: Tom McInerney
 49 Julian Avenue
 San Francisco, CA 94103
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ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 215(A), 175.6(E)(1)(C), 151.1 AND 303 TO ALLOW THE DEMOLITION OF AN EXISTING ONE-STORY, INDUSTRIAL BUILDING AND THE CONSTRUCTION OF A NEW APPROXIMATELY 10,500-SQUARE FOOT, 50-FOOT TALL, FIVE-STORY RESIDENTIAL BUILDING CONTAINING EIGHT DWELLING UNITS AND EIGHT GROUND FLOOR PARKING SPACES UTILIZING ITS EASTERN NEIGHBORHOODS PIPELINE STATUS PER PLANNING CODE SECTION 175.6(E) TO ELECT TO CONFORM TO THE CONTROLS UNDER THE FORMER C-M (HEAVY COMMERCIAL) ZONING DISTRICT AND THE 50-X HEIGHT AND BULK DISTRICT, WHILE CONFORMING TO ARTICLES 1, 1.2, 1.5 AND 2.5, AS AMENDED BY THE EASTERN NEIGHBORHOODS CONTROLS, OR REQUESTING CONDITIONAL USE AUTHORIZATION TO SEEK RELIEF FROM THOSE AMENDED ARTICLES. THE PROJECT SITE IS CURRENTLY IN THE UMU (URBAN MIXED USE) DISTRICT AND A 45-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On May 26, 2005, Tom McInerney (Project Sponsor) filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 215(a), 175.6(e)(1)(c), 151.1 and 303 to allow the demolition of an existing one-story,

industrial building and the construction of a new approximately 10,500-square foot, 50-foot tall, five-story residential building containing eight dwelling units and eight ground floor parking spaces under the former C-M (Heavy Commercial) Zoning District and the 50-X Height and Bulk District.

On December 16, 2010, the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 32 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project;

On September 8, 2011, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2005.0233C.

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. 2005.0233C, 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 site is located on the east side of Julian Avenue between 14th and 15th Streets in the Mission District. The project site is located within the UMU (Urban Mixed Use) zoning district and a 45-X Height and Bulk District pursuant to the Eastern Neighborhoods rezoning which became effective on January 10, 2009. Prior to the rezoning, and at the time the project's environmental and entitlement applications were filed, the project site was zoned C-M (Heavy Commercial Use) and was located within a 50-X Height and Bulk District. The property is improved with a vacant, single-story warehouse of approximately 2,910 square feet and constructed in 1962.
3. **Surrounding Properties and Neighborhood.** The project site is located on the east side of Julian Avenue on the block bounded by 14th Street to the north, Mission Street to the east, 15th Street to the south, and Julian Avenue to the west. Properties located starting from the north side of 14th Street between Julian Avenue and Mission Street and to 15th Street, including the subject property, are in a pocket zoned UMU. Other properties on adjacent lots to the west are zoned Valencia NCT, and the adjacent properties to the east are zoned Mission Street NCT.

Land uses in the immediate vicinity of the site vary. They include retail, service, office, light industrial and residential uses along Mission Street, multi-family residential uses along 15th Street and social services and residential care facilities along Julian Avenue. Immediately south of the project site at 1850 Mission Street is a two-story, office building occupied by Arriba Juntos Social Services. Adjacent and north of the site at the corner of 14th Street and Julian Avenue is 1800 Mission Street, also known as the Mission Armory or State Armory and Arsenal. The Armory is listed as an individual resource in the National Register of Historic Places (National Register), California Register of Historical Resources (California Register), and also listed in Article 10 of the San Francisco Planning Code as City Landmark No. 108 – State Armory and Arsenal (designated in February 1980). Two properties to the south is 1880 Mission Street, a seven-story mixed-use project consisting of up to 194 dwelling units, up to 9,000 square feet of ground floor commercial space fronting mostly on Mission Street, and up to 181 independently accessible off-street parking spaces and up to 40 valet spaces that would be accessed by 15th Street, which has been approved and moving forward with construction.

4. **Project Description.** The project proposes to demolish the existing one-story, industrial building and construct an approximately 10,500-square foot, 50-foot tall, five-story residential building containing eight dwelling units and eight ground floor parking spaces utilizing its Eastern Neighborhoods Pipeline status. The ground floor would include 2,155 square feet of space for a parking garage, residential lobby, and utilities. The parking garage would accommodate up to eight off-street parking spaces and at least four Class 1 bicycle parking spaces. The second through the fifth floors would accommodate eight, two-bedroom dwelling units.

The project utilizes its Eastern Neighborhoods Pipeline status per Planning Code Section 175.6(e) to elect to conform to the controls under the former C-M (Heavy Commercial) Zoning District and the 50-X Height and Bulk District, while conforming to Articles 1, 1.2, 1.5 and 2.5, as amended by the Eastern Neighborhoods Controls, or requesting Conditional Use authorization to seek relief from those amended Articles. The project site is currently in the UMU (Urban Mixed Use) District and a 45-X Height and Bulk District.

5. **Public Comment.** The Department has received opposition from the owner and operator at the Mission Armory and phone calls and letters inquiring about the project. The project was reviewed by and received support from the Historic Preservation Commission.
6. **Past Actions.** Prior to January 19, 2009, the project site was located in the C-M (Heavy Commercial Use) and was located within a 50-X Height and Bulk District. The first development application for the project at the property was filed with the Planning Department on March 09, 2005, and pursuant to Planning Code Section 175.6(e) the project is eligible, and has elected, to be reviewed and processed in accordance with the prior C-M zoning regulations. Per Section 175.6(e) residential projects for which a code compliant application was filed prior to April 1, 2006, shall be subject to controls in effect

prior to the adoption of the Eastern Neighborhoods rezoning, except for the amended Articles 1,1.2, 1.5, and 2.5. The project site is currently in the UMU (Urban Mixed Use) zoning district and a 45-X Height and Bulk District.

On October 19, 2011, The Historic Preservation Commission (HPC) reviewed the project and provided general support with options to refine and sculpt the portion of the building that will block light to the Mission Armory's Drill Court windows. Options included the reduction of roof projections and the introduction of additional setbacks along the side elevation of the development that is adjacent to the Drill Court. The hearing closed with the Sponsor agreeing to work with staff and the Architectural Review Committee of the HPC to make these refinements. Project sponsor subsequently minimized the rooftop projections and provided an 18-foot long by 2-foot rear side setback at the northeast corner.

7. **Eastern Neighborhood Pipeline.** Planning Code Section 175.6 applies Articles 1, 1.2, 1.5 and 2.5, as amended by the Eastern Neighborhoods Controls, and allows complete or partial relief from those requirements through the Conditional Use authorization process to Residential Code Conforming Projects that filed a first development application with the Planning Department prior to April 1, 2006.

The Project Sponsor filed a first development application with the Planning Department on March 9, 2005. The Project Sponsor has elected the Project be subject to the controls under the former C-M zoning district and is seeking relief from the parking requirement under Article 1.2 through the Conditional Use authorization process.

8. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Zoning Districts.** On the date of the first development application, the project site was zoned as a C-M District. As part of the Eastern Neighborhoods rezoning, the Project site was rezoned to UMU District. The UMU District is intended to promote a vibrant mix of uses while maintaining the characteristics of this formerly industrially-zoned area. Within the UMU, allowed uses include production, distribution, and repair uses such as light manufacturing, home and business services, arts activities, warehouse, and wholesaling. Additional permitted uses include retail, educational facilities, and nighttime entertainment. Housing is also permitted, but is subject to higher affordability requirements. Family-sized dwelling units are encouraged. The project proposes eight two-bedroom units, or family-sized units in the UMU Zoning District.
 - B. **Use.** This project falls within the Eastern Neighborhoods Plan Area and filed its first development application in March 2005. As such, it is subject to the land use controls that applied at that filing date, per Planning Code Section 175.6. At that time the

subject property was zoned C-M, which required Conditional Use authorization for the construction of dwelling units per Planning Code Section 215(a).

The Project proposes eight two-bedroom residential units. The residential uses are now permitted as of right and are encouraged.

- B. **Rear Yard.** Planning Code Section 134 requires a 25 percent minimum rear yard depth of the total depth of the lot on which the building is situated, but in no case less than 15 feet.

The project meets the requirement by providing the required 23'-6" rear yard, or 25% of the total lot depth.

- D. **Exposure.** Planning Code Section 140 requires each dwelling unit to have at least one window facing a public street, code-complying rear yard, or an appropriately sized open area.

All of the proposed dwelling units have at least one room facing either Julian Avenue, or the code complying rear yard, which meets the minimum dimensional requirements per Section 140(a)(2).

- E. **Street Trees.** Planning Code Section 143 requires the owner or developer of a new building in this District to install street trees. Each street tree must be a minimum of 24-inch box for every 20 feet of frontage of the property along each street or public alley.

The Project is required to install two street trees along Julian Avenue. The Project includes two street trees along Julian Avenue.

- F. **Street Frontages.** Planning Code Section 145.1 requires the following for street frontages in Mixed Use Districts: (1) not more than 1/3 the width of the building facing the street may be devoted to ingress/egress to parking; (2) off-street parking at street grade must be set back at least 25 feet; (3) "active" use shall be provided within the first 25 feet of building depth at the ground floor; (4) ground floor non-residential uses in shall have a floor-to-floor height of 17-feet; (5) frontages with active uses shall be fenestrated with transparent windows; and, (6) decorative railings or grillwork placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular views.

The project meets the requirements of Section 145.1 as follows: (1) providing an approximately 10-foot wide garage opening, which is less than 1/3 the width of the building; (2) street level off-street parking is set back approximately 30 feet; (3) incorporating a lobby as an "active use" at the ground floor; (4) no non-residential ground floor use; and, (5) providing transparent windows at the ground floor active use.

- G. **Height.** Per Planning Code Section 175.6 and the pipeline guidelines, in cases where height limits have been reduced by the Eastern Neighborhoods Plan, the height limit in affect at the time of the first development application shall apply.

The project complies with the 50-foot height limit in affect at the time of the first development application in 2005.

- H. **Parking.** Planning Code Section 151.1 principally allows 0.75 parking space per dwelling unit, and up to 1 space per unit for projects with at least 2 bedrooms and at least 1,000 square feet of occupied floor area. Planning Code Section 175.6(e)(1)(c) allows complete or partial relief from that requirement through the Conditional Use authorization process.

Although all eight proposed dwelling units are two-bedroom units, they do not meet the minimum 1,000 square-foot occupied floor area requirement. Eight parking spaces were required at the time of project submittal. Under current controls, six spaces are permitted as accessory parking. Therefore, the project seeks relief through the Conditional Use process to allow one parking space per unit, resulting in a total of eight spaces proposed. The residential units all feature two bedrooms averaging approximately 700 square feet, and are ideal for occupancy by families.

- I. **Bicycle parking.** Planning Code Section 155.5 requires projects with up to 50 dwelling units to provide at least one bicycle parking for every two dwelling units.

The project requires four bicycle parking spaces, and four bicycle parking spaces are proposed.

- J. **Dwelling Unit Density.** Planning Code Sections 215 and 209.1(l), allows dwelling units within the C-M District at a density not to exceed one unit per 200 square feet of lot area.

As an Eastern Neighborhoods pipeline project, the project is subject to the use controls under Article 2 of the former zoning district, the C-M District. The C-M District allowed dwellings at a density not to exceed one unit per 200 square feet of lot area. The property has a lot area of 2,914 square feet, wherein a maximum of 14 dwelling units would be permitted. The project proposes a total of eight units, as permitted by the prior zoning. Current UMU District has removed the density limit.

- L. **Open Space Requirement in the C-M District.** Planning Code Section 135 states that residential uses in the C-M District must provide either 36 square feet of useable private open space, 48 square feet of common useable open space, or some combination of both.

For the proposed eight units, a total of 384 square feet of common space is required. Common open space is provided in the rear yard on the second level in the amount of approximately 409 square feet, in compliance with the open space requirements.

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

The Shadow Analysis conducted for the Project indicates that the Project will not cast shadow upon Public, Publicly Accessible or Publicly Financed or Subsidized Open Space.

- N. **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, the current percentage requirements would apply to projects that consist of ten or more units, where the first application (EE or BPA) was applied for before July 18, 2006. Pursuant to Planning Code Section 415.5, the Project must pay the Affordable Housing Fee ("Fee"). This Fee is made payable to the Department of Building Inspection ("DBI") for use by the Mayor's Office of Housing for the purpose of increasing affordable housing citywide.

The Project is a pipeline project submitted prior to 2006. The inclusionary housing requirement at the time of the project submittal was triggered if ten or more dwelling units are proposed. The project proposes a total of eight units; therefore, the project is not subject to the affordable housing requirements.

9. **First Source Hiring.** The First Source Hiring Program applies to permits for residential development (Section 83.4(m) of the Administrative Code) over ten new units or more than 25,000 square feet of new or additional gross floor area.

The proposed eight-unit, 11,000- square-foot project will not require the execution of a First Source Hiring Memorandum of Understanding or a First Source Hiring Agreement with the City's First Source Hiring Administration.

10. **Conditional Use Authorization.** Planning Code Section 303 establishes criteria for the 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 proposed project is in keeping with the intended character of the UMU District and the Mission neighborhood, where high-density housing is encouraged. The project is necessary and desirable in that eight dwelling units will be added to the City's housing stock in location where larger development is encouraged and is under construction.

- 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 height and bulk of the project proposes a building scale that is compatible with the scale and width of Julian Avenue and other existing and approved developments. The location of the residential entry and parking entrance are appropriate and eliminates any interference with the pedestrian experience on the street. The proposed project will complement the nature of approved developments in the area, and it is an appropriate infill residential project.

- 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 project proposes eight parking spaces. The project creates a new curb cut on a street with other curb cuts for much larger residential developments.

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

Noxious or offensive emissions are not typically associated with the residential uses proposed.

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

Two street trees are proposed and as required by the Planning Code.

- 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.

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

HOUSING

Objectives and Policies – 2009 Housing Element

OBJECTIVE 1

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

Policy 1.1

Plan for the full range of housing needs in the city and county of San Francisco, especially 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.

The Project is a high density residential-use development in an underutilized, transitioning industrial area. The Project site is a standard site that is currently only used as an empty warehouse, which significantly degrades the built and pedestrian environment that surrounds it. The area around the Project site was recently rezoned to UMU as part of a long range planning goal to create a cohesive, high density residential and mixed-use neighborhood.

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 11.2

Ensure implementation of accepted design standards in project approvals.

Policy 11.3

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

Policy 11.4

Continue to utilize zoning districts which conform to a generalized residential land use and density plan and the General Plan.

Policy 11.5

Ensure densities in established residential areas promote compatibility with prevailing neighborhood character.

Policy 11.6

Foster a sense of community through architectural design, using features that promote community interaction.

Policy 11.8

Consider a neighborhood's character when integrating new uses, and minimize disruption caused by expansion of institutions into residential areas.

The architecture of this Project responds to the site's location as a transitional industrial and residential Mission neighborhood. The Project main facade presents fenestration patterns and scale similar to the expressed frame of residential and industrial uses common in the area. The exterior building is designed with modern materials including aluminum, cement plaster, and wood. Additionally, the metal punched window openings with cement plaster pop-outs and bay projections provide a stimulating and visually interesting element from the public right of way.

OBJECTIVE 12

BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.

Policy 12.2

Consider the proximity of quality of life elements, such as open space, child care, and neighborhood services, when developing new housing units.

The project provides adequate open space, all on-site. The open spaces are provided in the form of accessible rear yard.

URBAN DESIGN ELEMENT

City Pattern

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. 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 will enhance the District by reinforcing the urban nature of the street pattern, and by providing a unified street wall along Julian Avenue. The Project's design is compatible with the

design features of surrounding buildings, and will result in a better utilization of the Project Site than the current vacant warehouse.

Visual Harmony

OBJECTIVE 3. MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 3.1. Promote harmony in the visual relationships and transitions between new and older buildings.

Policy 3.3. Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.

Neighborhood Environment

OBJECTIVE 4. IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

Policy 4.12. Install, promote and maintain landscaping in public and private areas.

The Project will improve the neighborhood environment by providing pedestrian-oriented active uses. The new building will be compatible in use and design with other buildings in the neighborhood. Street trees will also be installed Julian Avenue, beautifying a property that was formerly used as a warehouse.

MISSION AREA PLAN

Land Use

OBJECTIVE 1.2. IN AREAS OF THE MISSION WHERE HOUSING AND MIXED-USE IS ENCOURAGED, MAXIMIZE DEVELOPMENT POTENTIAL IN KEEPING WITH NEIGHBORHOOD CHARACTER.

Policy 1.2.1: Ensure that in-fill housing development is compatible with its surroundings.

The Proposed Project is designed to fit within the existing context of residential and commercial/industrial buildings. The Project proposes to meet the height limit and provides a fair amount of residential density while not compromising amenities that contribute to the quality of life for the dwelling units, including usable open space. The Proposed Project features a contemporary architectural style that respects its surroundings while providing some distinction and is an appropriate infill development.

Housing

OBJECTIVE 2.5. PROMOTE HEALTH THROUGH RESIDENTIAL DEVELOPMENT DESIGN AND LOCATION

Policy 2.5.3: Require new development to meet minimum levels of “green” construction.

The Proposed Project will be required to meet the standards for new construction as required by the Green Building Ordinance, the mechanism which the City of San Francisco uses to ensure “green” construction.

Built Form

OBJECTIVE 3.1. PROMOTE AN URBAN FORM THAT REINFORCES THE MISSION'S DISTINCTIVE PLACE IN THE CITY'S LARGER FORM AND STRENGTHENS 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.

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 Proposed Project features a contemporary architectural style that respects its surroundings while providing some distinction. The proposed height and massing of the Project blend well with the surrounding context of multistoried buildings. The exterior finish materials are of good quality. There is no strong mid block open space pattern on the block. The Project proposes an open area at the rear of the lot and beginning on the lowest residential level.

OBJECTIVE 3.2. PROMOTE AN URBAN FORM AND ARCHITECTURAL CHARACTER THAT SUPPORTS WALKING AND SUSTAINS A DIVERSE, ACTIVE AND SAFE PUBLIC REALM.

POLICY 3.2.3: Minimize the visual impact of parking.

POLICY 3.2.4: Strengthen the relationship between a building and its fronting sidewalk.

The automobile entry is minimized at ten feet wide, de-emphasizing the presence of automobiles at the site. The ground floor is free of blank walls and the entry is clearly identified. Streets are provided and offer an adequate buffer between public and private spaces.

Streets and Open Space

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.

Policy 5.2.3: Encourage private open space to be provided as common spaces for residents and workers of the building wherever possible

The Proposed Project satisfies its usable open space requirement through a common rear yard that meets the minimum size required by Code.

12. **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.

There are no existing neighborhood-serving retail uses on the site. The residential project proposes no 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.

The project will have no negative impact on this policy, as there is no existing housing at the project site.

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

The pipeline project does not trigger the inclusionary housing requirement.

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

Traffic generated by the residential uses would be intermittent and not significant to overburden local streets. Eight off-street parking spaces are proposed. BART and Muni are located within two blocks of the site.

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 will not displace any service or industry establishment as the existing warehouse has been vacant.

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

The project will be designed and will be constructed to conform to the structural and seismic safety requirements of the Building Code. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the Project site. The project has been revised to minimize rooftop structures and provide an 18-foot long by 2-foot rear side setback at the northeast corner to preserve light and visibility to the adjacent Mission Armory, a City Landmark.

- 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 have an impact on open spaces.

13. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
14. 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. 2005.0233C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated November 02, 2011, 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. 18522. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on January 26, 2012.

Linda D. Avery
Commission Secretary

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

NAYES: None

ABSENT: None

ADOPTED: January 26, 2012

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow Conditional Use authorization under Planning Code Sections 215(a), 175.6(e)(1)(c), 151.1 and 303 to allow the demolition of an existing one-story, industrial building and the construction of a new approximately 10,500-square foot, 50-foot tall, five-story residential building containing eight dwelling units and eight ground floor parking spaces utilizing its Eastern Neighborhoods Pipeline status per Planning Code Section 175.6(e) to elect to conform to the controls under the former C-M (Heavy Commercial) Zoning District and the 50-X Height and Bulk District; in general conformance with plans, dated November 2, 2011, and stamped "EXHIBIT B" included in the docket for Case No. 2005.0233C and subject to conditions of approval reviewed and approved by the Commission on November 17, 2011, under Motion No. 18522. 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 November 17, 2011, under Motion No. 18522.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18522 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. **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*

DESIGN

3. **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 415-558-6613, www.sf-planning.org*
4. **Street Trees.** Pursuant to Planning Code Section 428 (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.

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 building permit plans. 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 415-558-6613, www.sf-planning.org*

6. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant impacts to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:
 - A. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
 - B. On-site, in a driveway, underground;
 - C. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
 - D. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding impacts on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
 - E. Public right-of-way, underground; and based on Better Streets Plan guidelines;
 - F. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
 - G. On-site, in a ground floor façade (the least desirable location).

Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests. *For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>*

PARKING AND TRAFFIC

7. **Bicycle Parking.** The Project shall provide no fewer than four Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.5. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

MONITORING

8. **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*

OPERATION

9. **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/>*
10. **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*

Motion No. 18522
November 10, 2011

CASE NO. 2005.0233C
49 Julian Avenue

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