



SAN FRANCISCO PLANNING DEPARTMENT

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| <input checked="" type="checkbox"/> Inclusionary Housing (Sec. 315) | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
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| <input type="checkbox"/> Downtown Park Fee (Sec. 139) | <input type="checkbox"/> Other |

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Planning Commission Motion No. 18538

HEARING DATE: FEBRUARY 9, 2012

Date: February 2, 2012
Case No.: **2011.1064C**
Project Address: **2800 SLOAT BOULEVARD**
Zoning: NC-2 (Neighborhood Commercial, Small-Scale)
100-A Height and Bulk District
Block/Lot: 2515/001
Project Sponsor: Rachel Hamilton
2054 University Avenue #200
Berkeley, CA 94704
Staff Contact: Sophie Hayward – (415) 558-6372
sophie.hayward@sfgov.org

ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303(e) TO MODIFY PRIOR CONDITIONS OF APPROVAL (MOTION NO. 17760) RELATED TO THE CONDITION OF APPROVAL NUMBER 16 TO EXTEND THE TIME PERIOD TO “SECURE A SITE PERMIT OR A BUILDING PERMIT” FOR AN ADDITIONAL THREE YEARS TO FEBRUARY 9, 2015.

PREAMBLE

On September 15, 2011, Rachel Hamilton (hereinafter "Project Sponsor") filed Application No. 2011.1064C (hereinafter "Application") with the Planning Department (hereinafter "Department") for the extension of performance period per Planning Code Sections 303(e), 711.11, 790.56, 711.21, 790.130, 415, and 330 for an additional three years from the approval under Motion No. 17760. The proposal was originally approved on November 13, 2008 to allow the demolition of the three existing commercial buildings and the construction of a new mixed-use building totaling approximately 117,000 gross square feet (gsf), and a one-story building dedicated to commercial space that together provide approximately 23,000 gsf of commercial space, four levels of residential occupancy with 56 dwelling units (consisting of 19 one-bedroom units, 24 two-bedroom units, and 13 three-bedroom units), and a below-grade parking garage divided into two separated parking areas: one dedicated to 56 residential parking spaces and the other with 56 commercial spaces, for a total of 112 proposed off-street parking spaces and a

residential bicycle storage area for approximately 25 bicycles, and for the granting of exceptions from the rear yard requirements under Planning Code Sections 711.12 and 134.

On October 27, 2007 the Department determined that the Project could not have a significant effect on the environment and published a Preliminary Mitigated Negative Declaration (PMND) in compliance with California Environmental Quality Act (CEQA), the State CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code (Chapter 31).

On November 16, 2007, an appeal of the Mitigated Negative Declaration was filed with the Department.

On May 22, 2008, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2005.1066CP and the Appeal of the Mitigated Negative Declaration, 2005.1066E. Both items were continued indefinitely.

On October 28, 2008 the Appeal of the Mitigated Negative Declaration was withdrawn.

On November 13, 2008, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting of Conditional Use Application No. 2005.1066CP.

On November 13, 2008, the Commission upheld the PMND and approved the issuance of the Final Mitigated Negative Declaration (FMND) as prepared by the Planning Department in compliance with CEQA, the State CEQA Guidelines and Chapter 31.

On February 9, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2011.1064C.

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 extension of the performance period requested in Application No. 2011.1064C, subject to the previously approved conditions and 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 encompasses an entire City block (Assessor's Block 2515, Lot 001) measuring approximately 33,985 square feet in area and is located two blocks east of the Great Highway and the Pacific Coast, bounded by

Wawona Street, Sloat Boulevard, 46th and 47th Avenues in the Outer Parkside neighborhood. The Project Site is within the NC-2 (Small-Scale Neighborhood Commercial) Zoning District and is within a 100-A Height and Bulk District. The Subject Property has approximately 240 feet of frontage on Sloat Boulevard and Wawona Street, 134 feet of frontage on 47th Avenue, and 148 feet of frontage on 46th Avenue.

Approximately 34% of the lot is covered by three existing buildings, totaling approximately 11,411 sf. The remainder of the lot is a 34-space surface parking lot. The three detached, commercial buildings on the Project Site currently include a retail shop (DBA "Aqua Surf Shop") and a restaurant/café (DBA "John's Ocean Beach Café"), a motel (DBA "Robert's Motel"), and a one-story, vacant restaurant building. Robert's Motel is a detached two-story, approximately 43-foot-tall building with a 34-space asphalt parking lot, located toward the center of the Project Site and surrounded by a chain-link fence. The building that houses John's Ocean Beach Café and Aqua Surf Shop is a one-story, approximately 36-foot-tall building located on the southwest corner of the Project Site and facing Sloat Boulevard. The vacant, one-story, approximately 26-foot-tall, commercial building is located at the corner of Sloat Boulevard and 46th Avenue on the southeast corner of the Site. The existing surface parking lot owned and operated by Robert's Motel is accessed by two driveways with curb cuts on Sloat Boulevard. The Site also includes an undeveloped open area on the corner of Wawona Street and 47th Avenue. There are no trees on the Site and very minimal, low-growing vegetation on the undeveloped areas.

The Subject Property is also located within the Coastal Zone, as determined by the California Coastal Commission.

3. **Past History and Actions.** On November 15, 2005, Gretchen Parker (hereinafter Project Sponsor) filed an application with the San Francisco Planning Department (hereinafter the "Department") for an Environmental Evaluation Application to allow a Planned Unit Development per Planning Code Section 304, with special exceptions from Planning Code Sections 711.22, 151 (parking), 711.93, 135 (open space), 711.12, 134 (rear yard), and 711.91, 207 (residential density) within the coastal zone and is within the NC-2 (Small-Scale Neighborhood Commercial) District and a 100-A Height and Bulk District.

On July 17, 2007, Rachel Hamilton (Project Sponsor and Project Architect) filed an application with the Department for Conditional Use Authorization under Planning Code Sections 303, 711.21, 790.130, 315, 330.1, of the Planning Code to allow a Planned Unit Development per Planning Code Section 304, with special exceptions from Planning Code Sections 711.22, 151 (parking), 711.93, 135 (open space), and 711.12, 134 (rear yard) within the coastal zone and is within the NC-2 (Small-Scale Neighborhood Commercial) District and a 100-A Height and Bulk District.

On October 27, 2007 the Department determined that the Project could not have a significant effect on the environment and published a Preliminary Mitigated Negative Declaration (PMND) in compliance with California Environmental Quality Act (CEQA),

the State CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code (Chapter 31).

On November 16, 2007, an appeal of the Mitigated Negative Declaration was filed with the Department.

On May 22, 2008, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2005.1066CP and the Appeal of the Mitigated Negative Declaration, 2005.1066E. Both items were continued indefinitely.

On October 15, 2008, the Project Sponsor filed modification to the applications to a Code-complying project with regard to off-street parking and open space requirements. The proposed project required a Conditional Use Authorization as well as a change of use authorization. Section 312-neighborhood notification was conducted in conjunction with the Conditional Use Authorization process.

On October 28, 2008 the Appeal of the Mitigated Negative Declaration was withdrawn.

On November 13, 2008, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting of Conditional Use Application No. 2005.1066CP.

On November 13, 2008, the Commission upheld the PMND and approved the issuance of the Final Mitigated Negative Declaration (FMND) as prepared by the Planning Department in compliance with CEQA, the State CEQA Guidelines and Chapter 31.

On November 13, 2008, an application was approved for the proposed project, which includes:

- Demolition of the three existing commercial buildings;
- Construction of a new five-story, 60' tall mixed-use building with 23,000 gsf of commercial space and four levels of residential occupancy that provide 56 units (19 one bedroom units, 24 two bedroom units, and 13 three-bedroom units)
- A one-story building dedicated to commercial space;
- Below grade parking garage that provides 56 residential parking spaces, 56 commercial parking spaces, and a bicycle storage area that can accommodate 25 bicycles;
- Approximately 10,564 square feet of open space and 3,126 square feet of open space for the public.
- Two proposed commercial spaces that will be occupied by independent business that are locally owned. Aqua Surf and John's Ocean Beach Café are both being relocated within the new building. The other tenant spaces are a combination of retail and restaurant uses and, as proposed, will not be Formula Retail uses.

The November, 2008 project approval was supported by the Final Mitigated Negative Declaration.

4. **Proposal.** The project proposes to extend the performance period for another 3 years, taken from the date of expiration of the previous extension granted per Motion No. 17760.
5. **Public Comment.** The Department has received no opposition to the proposal.
6. **NC-District.** The Project Site is located in an NC-2 (Small-Scale Neighborhood Commercial) Zoning District. Per Section 711.1 of the Planning Code, the NC-2 District consists of primarily neighborhood-serving commercial uses interspersed with housing and other land uses. The NC-2 District is intended to provide convenience goods and services to the surrounding neighborhoods and limited comparison shopping goods for a wider market. New commercial development is permitted at the ground and second stories; however, eating, drinking, and entertainment uses are confined to the ground floor. Limits on late night activity, drive-up facilities, and other automobile uses protect the livability within and around the District.
7. **Findings Under the California Environmental Quality Act (CEQA).** After considering the 2008 FMND and other information in the record, the Commission hereby makes the following findings:
 - A. The Commission has independently reviewed and analyzed the 2008 FMND, the findings contained in Motion No. 17760, and the other information in the record and has considered the information contained therein and hereby finds that no additional environmental review is required for the Project for the following reasons:
 - i. No changes have been made to the Project that constitute substantial changes requiring major revisions in the 2008 FMND due to the involvement of new significant environmental effects or a substantial increase of the severity of previously identified effects;
 - ii. Substantial changes have not occurred with respect to the circumstances under which the Project will be undertaken which require major revisions to the 2008 FMND due to the involvement of new significant environmental effects; and
 - iii. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 FMND was certified, which shows (a) that the Project will have one or more significant effects not discussed in the 2008 FMND; or (b) that mitigated effects previously examined will be substantially more severe than shown in the 2008 FMND.

- B. The Commission has reviewed and considered the FMND and record as a whole, and finds that the FMND is adequate for its use as the decision-making body for the action taken herein and incorporates the CEQA findings contained in Motion No.17760, including the adoption of a Mitigation Monitoring and Reporting Program, by this reference thereto as though set forth in this Motion.
8. **Mitigation Monitoring and Reporting Program.** The Mitigation Monitoring and Reporting Program for the Project, adopted as Exhibit C to Commission Motion No.17760, continues to apply to the Modified Project.
9. 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.
10. The Commission hereby finds that approval of the request for extension 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. 2011.1064C** 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. 18538. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on February 9, 2012.

Linda D. Avery
Commission Secretary

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

NAYES: None

ABSENT: None

ADOPTED: February 9, 2012

Exhibit A

Conditions of Approval

Whenever "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the Project or other persons having an interest in the Project or underlying property.

This approval is pursuant to Sections 303(e) to modify a condition of approval to extend the time period in which to secure a site permit or building permit for three years from February 9, 2012 per Planning Code Sections 303(e), 711.11, 790.56, 711.21, 790.130, 415, and 330 for a project approved under under Motion No. 17760. The proposal was originally approved on November 13, 2008 to allow the demolition of the three existing commercial buildings and the construction of a new mixed-use building totaling approximately 117,000 gross square feet (gsf), and a one-story building dedicated to commercial space that together provide approximately 23,000 gsf of commercial space, four levels of residential occupancy with 56 dwelling units (consisting of 19 one-bedroom units, 24 two-bedroom units, and 13 three-bedroom units), and a below-grade parking garage divided into two separated parking areas: one dedicated to 56 residential parking spaces and the other with 56 commercial spaces, for a total of 112 proposed off-street parking spaces and a residential bicycle storage area for approximately 25 bicycles, and for the granting of exceptions from the rear yard requirements under Planning Code Sections 711.12 and 134.

All previously granted exceptions and Conditions of Approval would remain and are attached as Exhibit C. The amendment extends the approval to February 9, 2015.

GENERAL CONDITIONS

1. Performance. This authorization is valid for a period of 36 months after the date of this motion, February 9, 2012. Specific procedures regarding the modification of the Condition of Approval follow Planning Code Section 303(e).
2. Recordation. Prior to the issuance of any building or site permit for the construction of 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, which notice shall state that construction of the Project has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied, and record said writing if requested.
3. The property shall be kept free of weeds, debris, and blight. The Project Sponsor shall install a fence to prevent vagrant camping, unlawful dumping and to minimize the security threat to the neighborhood. The fence shall be kept free of graffiti and postings.

Motion No. 18538
Hearing Date: February 9, 2012

CASE NO 2011.1064C
2800 Sloat Boulevard