



# SAN FRANCISCO PLANNING DEPARTMENT

*Subject to: (Select only if applicable)*

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|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415)           | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412)            | <input type="checkbox"/> Other                             |

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## Planning Commission Motion No. 18606

HEARING DATE: MAY 3, 2012

*Date:* April 26, 2012  
*Case No.:* **2012.0038C**  
*Project Address:* **939 PERALTA AVENUE**  
*Current Zoning:* NC-S (Neighborhood Commercial Shopping Center District)  
40-X Height and Bulk District  
*Block/Lot:* 5695/024  
*Project Sponsor:* Roland Bishop  
1709 Alabama Street  
San Francisco, CA 94110  
*Staff Contact:* Corey Teague – (415) 575-9081  
[corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 713.62 AND 303 TO ALLOW AN APPROXIMATELY 1,500 SQUARE FOOT DOG DAYCARE FACILITY (D.B.A. GOOD DOG!) FOR 12 TO 30 DOGS IN A NC-S (NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT) ZONING DISTRICT AND 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On January 12, 2012 Roland Bishop (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section(s) 713.62 and 303 to allow an approximately 1,500 square foot dog daycare facility (d.b.a. Good Dog!) for 12 to 30 dogs in an existing building in a NC-S (Neighborhood Commercial Shopping Center District) Zoning District and 40-X Height and Bulk District.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption.

On May 3, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0038C.

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. 2012.0038C, 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 an irregularly-shape lot of 16,237 square feet and located on a dead-end block of Peralta Avenue just north of Tompkins Avenue. The rear of the property fronts Alemany Boulevard, but has no access to that street. The site contains an approximately 11,000 square foot, single-story commercial building constructed in 1989 that is divided into multiple units, which have been used for various storage, warehousing, and commercial uses. The subject unit is approximately 1,500 square feet and is the most northern unit in the building.
3. **Surrounding Properties and Neighborhood.** The project site is located at the end of a dead-end block of Peralta Avenue at the southwestern base of Bernal Heights. It is directly north of the Alemany Farmers Market, and directly west of the intersection of Highway 101, Interstate 280, and Alemany Boulevard. The adjacent hillside to the immediate north of the project site is quite steep and undeveloped. However, the slope decreases north of the Jarboe Avenue right-of-way and single-family homes within the Bernal Heights neighborhood begin at that point.
4. **Project Description.** The proposal is to establish an approximately 1,500 square foot dog daycare facility (d.b.a. Good Dog!) for 12 to 30 dogs. The business will use two or three vehicles to pick up dogs in the morning and transport them to the play area, arriving at approximately noon. Play time for the dogs will run for approximately three to four hours, and then the dogs will be transported back to their individual homes. Activity at the subject property will generally occur between 10:00am and 4:00pm daily. There will be no over-night care. There will be no pick-up and drop-off, or payment services for dog owners at the facility.

The existing building will not be altered as part of the proposed project. Almost the entire 1,500 square feet will be used for dog play. Any furnishings will be in the form of low, moveable, agility-style equipment for the dogs to play on or around, which may be relocated within the space on a day-to-day basis depending on the number of dogs cared for on any given day. No permanent barrier will be created, nor will a storefront or service counter be required, as no clients will be coming to the facility. There will be a rubber mat flooring system and some sound insulation panels installed on the walls.

5. **Public Comment.** The Department received no public comment on the proposal.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
  - A. **Use.** Pursuant to Section 713.62, an "Animal Hospital" in NC-S requires a Conditional Use Authorization.

*In January 2007, the Zoning Administrator made the following interpretation:*

*"(1) Neighborhood-serving doggie day care facilities" are those which (a) care for no more than 12 dogs at any one time and (b) provide no outdoor activity on site. This grouping maintains land use characteristics similar to animal groomers, which in turn have been classified as retail uses under previous interpretations."*

*"(2) District-serving canine day care facilities" are those which contain more than 12 dogs and no more than 5,000 gross square feet. Because of the potential greater size and number of animals cared for, these classifications maintains land use characteristics similar to animal hospitals and therefore are to be regulated as such."*

*The proposed dog daycare facility will house more than 12 dogs and will be in a space less than 5,000 gross square feet. As such, the Project is seeking Conditional Use Authorization as required in Planning Code Section 713.62.*

- B. **Vehicle Parking.** Planning Code Section 151 requires off-street parking for various uses, depending on the overall size of the use.

*The previous storage use did not require parking because the space was less than 10,000 square feet. The proposed use only triggers new off-street parking if it is more than 5,000 square feet. The subject space for the proposed dog daycare is only 1,500 square feet. Therefore, no new parking is required.*

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- A. The proposed 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 proposal will make use of an existing building located at the end of a dead end street and bounded by Alemany Boulevard and a steep hill. Because the site is not viable as a traditional retail space, because it has a physical and topographical separation from nearby residences, and because there will be no overnight boarding of dogs, the proposal is a desirable use of the space that will be compatible with the neighborhood.*

- 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 proposal will make use of a 1,500 square foot commercial space within an existing one-story building that is separated from many of the other surrounding uses.*

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

*The proposal is not customer-based, and therefore will create no new demand for customer parking. Traffic created by the proposal will be minimal, including only that for a few employees each day and the drop-off and pick-up of dogs each day.*

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

*The Project will include sound buffering panels on the interior walls. The subject property is separated from most other surrounding uses, including significant topographical change from the closest residential uses. Additionally, the proximity to Alemany Boulevard means there is already a high base level of noise at the site.*

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

*The proposal will have a minimal impact on the existing building and property. The Project includes no additions or changes to the building exterior or new parking.*

- 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.*

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

*The Project falls within the Neighborhood Commercial Shopping Center District, which allows for medium-size commercial uses in low-scale buildings.*

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

## COMMERCE AND INDUSTRY

### Objectives and Policies Neighborhood Commerce

#### **OBJECTIVE 6:**

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

#### **Policy 6.1:**

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

#### **Policy 6.9:**

Regulate uses so that traffic impacts and parking problems are minimized.

*The Project will provide a neighborhood-serving use that is not currently offered in the subject Neighborhood Commercial District, increasing its diversity of uses. The Project will not add new parking and will not generate a significant amount of new vehicle trips.*

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.

*The project will not displace any existing retail uses and will occupy a space that is otherwise unsuited for 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.

*The Project will not displace any existing housing, and is nearly 200 feet from the nearest residential building.*

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

*The Project will not remove or create any housing.*

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

*The proposal is not customer-based, and therefore will create no new demand for customer parking. Traffic created by the proposal will be minimal, including only that for a few employees each day and the drop-off and pick-up of dogs each day.*

- 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 or create any industrial uses, but will add a new service use to an otherwise underused building.*

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

*The Project includes no alterations to the existing building.*

- G. That landmarks and historic buildings be preserved.

*The Project site does not include any landmark or historic buildings.*

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

*The Project will have no impact on any existing permanent parks and open spaces.*

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.

**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. 2012.0038C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated April 16, 2012, 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. 18606. 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 May 3, 2012.

Linda D. Avery  
Commission Secretary

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

NAYES: None

ABSENT: None

ADOPTED: May 3, 2012

## EXHIBIT A

### AUTHORIZATION

This authorization is for a Conditional Use Authorization to allow an approximately 1,500 square foot dog daycare facility (d.b.a. Good Dog!) for 12 to 30 dogs in an existing building in a NC-S (Neighborhood Commercial Shopping Center District) Zoning District and 40-X Height and Bulk District, pursuant to Planning Code Section(s) **713.62 and 303**; in general conformance with plans, dated **April 16, 2012**, and stamped "EXHIBIT B" included in the docket for Case No. **2012.0038C** and subject to conditions of approval reviewed and approved by the Commission on **May 3, 2012** under Motion No. **18606**. 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 **May 3, 2012** under Motion No. **18606**.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **18606** 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).*

## MONITORING

3. **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)*

4. **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**

5. **Hours of Operation.** The subject establishment is limited to the following hours of operation: From 9:00a.m. to 7:00p.m. daily.

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

6. **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](http://www.sf-planning.org).*