



# 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) |
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| <input type="checkbox"/> Downtown Park Fee (Sec. 412)            | <input type="checkbox"/> Other                             |

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## Planning Commission Motion No. 18645

HEARING DATE: JUNE 14, 2012

*Date:* June 7, 2012  
*Case No.:* **2011.1285 C**  
*Project Address:* **2641-2645 LINCOLN WAY**  
*Zoning:* RH-1(D) (Residential, House – One-Family Detached Dwelling)  
40-X Height and Bulk District  
*Block/Lot:* 1723/048  
*Project Sponsor:* M. Brett Gladstone, Gladstone & Associates  
177 Post Street, Penthouse  
San Francisco, CA 94108  
*Staff Contact:* Doug Vu – (415) 575-9120  
[doug.vu@sfgov.org](mailto:doug.vu@sfgov.org)

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 209.3(j) AND 303 OF THE PLANNING CODE, TO ESTABLISH THE DUAL USE OF A RELIGIOUS INSTITUTION (SAN FRAN DHAMMARAM TEMPLE) WITHIN AN EXISTING TWO-FAMILY DWELLING STRUCTURE IN AN RH-1(D) (RESIDENTIAL, HOUSE – ONE-FAMILY DETACHED DWELLING) DISTRICT AND 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On November 10, 2011, M. Brett Gladstone (hereinafter “Project Sponsor”) filed an application (hereinafter “Application”) with the Planning Department (hereinafter “Department”) for Conditional Use Authorization pursuant to Planning Code Sections 209.3(j) and 303, on the property located at 2641-2645 Lincoln Way, Assessor’s Lot 048 in Block 1723 (hereinafter “Property”), to establish the dual use of a religious institution (San Fran Dhammaram Temple) within an existing two-family dwelling structure, in an RH-1(D) (Residential, House – One-Family Detached Dwelling) Zoning District and 40-X Height and Bulk District, in general conformity with the plans filed with the application and labeled “EXHIBIT B” (hereinafter “Project”).

On June 14, 2012, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2011.1285C.

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

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 Sponsor, Department staff, and other interested parties.

**MOVED**, that the Commission hereby authorizes the Conditional Use requested in Application No. 2011.1285C, 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 Subject Property is located on the south side of Lincoln Way between 27th and 28th Avenues. The relatively flat lot is 81.5' wide by 75' deep and is developed with a 4,036 sq. ft., three-story residential building constructed circa 1917 that is divided into two legal dwelling units, 2641 and 2645 Lincoln Way. The subject property is within the RH-1(D) Zoning District and 40-X Height and Bulk District.

Since 2009, the Property has been leased to San Fran Dhammaram Temple, a non-profit Buddhist group that has utilized it as a residence for two monks and a religious facility where members of the group can congregate to pray and receive Buddhist teachings. The two living rooms on the main floor are used as discussion and prayer rooms, while the dining and family rooms on the basement level are used as classrooms for small group teachings, primarily for members who are college students that reside in the City. There is currently no signage that identifies the religious institution.

3. **Surrounding Properties and Neighborhood.** The Subject Property is located in the Outer Sunset Neighborhood immediately south of Golden Gate Park. The neighborhood is residential in character with primarily single-family houses and a few multi-family dwellings. An NC-2 Small-Scale Neighborhood Commercial District along Irving Street is at the end of the block to the southeast.
4. **Project Description.** The Project necessitates a Conditional Use Authorization pursuant to Planning Code Sections 209.3(j) and 303, to establish a religious institution (San Fran Dhammaram Temple) within an existing two-family dwelling structure. Although the Subject Property currently operates as a religious institution in an accessory capacity, the granting of this Conditional Use Authorization would establish the dual use of this property as a residential structure and a religious institution, without the loss of any dwelling units.

The building is currently leased to San Fran Dhammaram Temple, a non-profit Buddhist religious organization, and the Project does not propose any interior or exterior alterations to the building aside from the installation of signage. The Project Sponsor requests Conditional Use Authorization to allow the religious institution to utilize more than 25% of the floor area of the dwelling units for religious purposes, employ an individual that does not reside at the property, and install signage that complies with Article 6 of the Planning Code, all of which are not permitted as an accessory use pursuant to Section 204.1.

5. **Public Comment.** The Department has received two letters of support and is not aware of any opposition to this project. The Project Sponsor conducted community outreach by inviting neighbors to an open house at the Property on May 31, 2012 to review the proposal and discuss concerns and comments.
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. **Institutions – Church or Other Religious Institution.** Planning Code Section 209.3(j) specifies that Conditional Use Authorization is required for the use of a property as a church or other religious institution in all residential zoning districts.

*This Conditional Use Authorization seeks to establish the dual use of the existing residentially zoned property to include a religious institution which has a tax-exempt status as a religious institution granted by the United States government and which institution is used primarily for the collective worship or ritual observance of common religious beliefs.*

- B. **Off-Street Parking.** Planning Code Section 151 contains the schedule of required off-street parking spaces.

*Planning Code Section 151 requires one off-street parking space for each 20 seats by which the number of seats in the main auditorium exceeds 200. The Project will establish the dual use of the Property as a religious institution and a two-family dwelling structure. Although San Fran Dhammaram Temple will not have an auditorium with seats, the large events that will occur at the Property will be limited to a maximum of 75 individuals and therefore, no off-street 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 Project will provide a use that is necessary and desirable for the neighborhood in that it is conveniently located to members of the religious organization who are students. The Property has*

*been utilized as an accessory religious institution since 2009 and is compatible with the existing residential uses in the general vicinity of the Property. The envelope of the existing building will not be enlarged, and aside from signage that will identify the temple, the façade of the building will not be altered to maintain its residential character.*

- 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;

*Aside from signage to identify the temple, there are no proposed modifications to the exterior of the structure on the Property. The interior layout of the building will also not be modified to accommodate teachings and gatherings for religious members.*

- 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;

*Two existing off-street parking spaces will be maintained on the Subject Property. Traffic conditions will remain substantially unaltered by this Project because of the small number of visitors that are received by the temple on a daily basis, who primarily arrive by public transportation. During the five events per year that will be attended by no more than 75 individuals, parking along Lincoln Way will not adversely impact the supply of parking in the neighborhood. Finally, off-street parking is not required for religious institutions that do not provide more than 200 seats in its auditorium.*

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

*The Property will continue to function as a residence for Buddhist monks and a facility for religious teachings and gatherings. Therefore, the Project will not create any noxious or offensive emissions such as glare, dust or odors and will be subject to the Conditions of Approval contained in Exhibit A.*

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

*There are no proposed changes to the landscaping, screening, parking or lighting. Any newly proposed signage shall be subject to review by the Department and required to meet all applicable provisions set forth in Article 6.*

- 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.*

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

## **COMMERCE AND INDUSTRY ELEMENT**

### **Objectives and Policies**

#### **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 that has substantial undesirable consequences that cannot be mitigated.

*The Project will help enhance and continue desirable institutional and community, social and educational services to the neighborhood.*

## **HOUSING ELEMENT**

### **Objectives and Policies**

#### **OBJECTIVE 1:**

IN INCREASING THE SUPPLY OF HOUSING, PURSUE PLACE MAKING AND NEIGHBORHOOD BUILDING PRINCIPLES AND PRACTICES TO MAINTAIN SAN FRANCISCO'S DESIRABLE URBAN FABRIC AND ENHANCE LIVABILITY IN ALL NEIGHBORHOODS.

#### **Policy 11.4:**

Avoid or minimize disruption caused by expansion of institutions, large-scale uses and auto-oriented development into residential areas.

*Although the Property has been used as an accessory religious institution since 2009, any potential minor disruption to the residential area caused by the expansion will be minimized by limiting the number of large events to five per year, and the number of participants to no more than 75 per event.*

## **INSTITUTIONAL FACILITIES ELEMENT**

### **Objectives and Policies**

#### **OBJECTIVE 9:**

ASSURE THAT INSTITUTIONAL USES ARE LOCATED IN A MANNER THAT WILL ENHANCE THEIR EFFICIENT AND EFFECTIVE USE.

**Policy 9.1:**

Locate institutional uses according to the Institutional Facilities Plan.

*San Fran Dhammaram Temple is located on Lincoln Way, a main thoroughfare and in a neighborhood that is primarily residential. The location of this institutional use is convenient for members that live in the surrounding neighborhoods and nearby colleges and universities.*

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.

*No retail uses exist on the Property. The Project is intended to enable religious members to visit the temple for Buddhist teachings, cook for the monks that reside at the Property and to attend occasional gatherings. The Project will enhance an existing accessory religious institutional use that has been established since 2009.*

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

*The neighborhood is characterized predominantly by single-family dwellings, with a few multi-family dwellings. No changes are proposed to the existing building envelope and no existing housing will be removed. The Project will allow for the dual use of the Property as a residential structure and a small religious institution that will continue to serve the neighborhood and the Buddhist community.*

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

*No housing will be removed as a result of this Project.*

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

*The intensity of the use on the Property will not be significantly changed with the approval of this Conditional Use Authorization. The temple receives less than twenty visitors daily, and the number of large events for up to 75 visitors will be limited to five per year. Since many visitors to the temple already utilize public transportation, the Project will not generate significant amounts of vehicular trips from the immediate neighborhood or citywide. The area is well served by the Muni N light rail line and 29 bus line. The Project will not impede Muni transit nor will it overburden the City's streets or neighborhood parking.*

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

*The Project will not displace any industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this Project.*

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

*The Property will comply with all required seismic and life safety codes in order to achieve the possible preparedness to protect against injury and loss of life in the event of an earthquake.*

- G. That landmarks and historic buildings be preserved.

*The existing structure is not a designated landmark or historic building, and the Project does not propose any exterior alterations.*

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

*The Project does not include any changes to the existing building envelope and will have no negative impact on existing 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. 2011.1285C** 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. 18645. 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 June 14, 2012.

Linda D. Avery  
Commission Secretary

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

NAYES: None

ABSENT: None

ADOPTED: June 14, 2012



## EXHIBIT A

### AUTHORIZATION

This authorization is for a Conditional Use, pursuant to Planning Code Sections 209.3(j) and 303, to establish the dual use of a religious institution (San Fran Dhammaram Temple) within an existing two-family dwelling structure, located at 2641-2645 Lincoln Way (Block 1723, Lot 048) within an RH-1(D) (Residential, House – One-Family Detached Dwelling) and 40-X Height and Bulk District; in general conformance with the plans stamped “EXHIBIT B” included in the docket for Case No. 2011.1285C and subject to Conditions of Approval reviewed and approved by the Commission on June 14, 2012 under Motion No. 18645. 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 June 14, 2012 under Motion No. 18645.

### 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)*

## DESIGN

3. **Signage.** Any signs on the property shall be made to comply with the requirements of Article 6 of the Planning Code.

## MONITORING

4. **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)*

5. **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

6. **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>*

7. **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>*

8. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

*For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org)*

*For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, [www.sfdbi.org](http://www.sfdbi.org)*

*For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, [www.sf-police.org](http://www.sf-police.org)*

9. **Community Liaison.** Prior to the implementation of 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 community liaison officer will be Neecha Thian-Ngern, who can be contacted at (415) 828-0660. 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)*

10. **Large Events.** The subject property shall be limited to no more than five large events per calendar year, and each large event shall accommodate no more than 75 individuals.

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