



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- Market & Octavia Fee (Sec. 326)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion No. 18675

HEARING DATE: JULY 26, 2012

Date: July 19, 2012
Case No.: **2012.0200C**
Project Address: **3730 MISSION STREET**
Zoning: NC-2 (Small-Scale Neighborhood Commercial)
 RH-2 (Residential, House, Two-Family)
 40-X Height and Bulk District
Block/Lot: 6688 / 045
Project Sponsor: Jeremy R. Hubbard
 Selecta Auto Body
 4050 24th Street
 San Francisco, CA 94114
Staff Contact: Erika S. Jackson – (415) 558-6363
Recommendation: **Approval with Conditions**

ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 185, 303, AND 711.59, TO ALLOW A NEW AUTOMOTIVE REPAIR SHOP WITHIN AN EXISTING 12,250 SQUARE FOOT COMMERCIAL BUILDING WITHIN NC-2 (SMALL-SCALE NEIGHBORHOOD COMMERCIAL) AND RH-2 (RESIDENTIAL, HOUSE, TWO-FAMILY) ZONING DISTRICTS, AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On March 1, 2012, Jeremy R. Hubbard (hereinafter "Project Sponsor"), filed Application No. 2012.0200C (hereinafter "Application") with the Planning Department (hereinafter "Department") for Conditional Use Authorization pursuant to Planning Code Sections 185, 303 and 711.59 to allow a new Automotive Repair shop within an existing 12,250 square foot commercial building. The project is located within NC-2 (Small-Scale Neighborhood Commercial) and RH-2 (Residential, House, Two-Family) Zoning Districts, and a 40-X Height and Bulk District.

On July 26, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0200C.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 3 categorical exemption.

The Planning Department, Linda Avery, is the custodian of records, and they are located in the File for Case No. 2012.0200C at 1650 Mission Street, Fourth Floor, San Francisco, California.

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. 2012.0200C, 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 west side between Park Street and Highland Avenue, within NC-2 (Small-Scale Neighborhood Commercial) and RH-2 (Residential, House, Two-Family) Zoning Districts, and a 40-X Height and Bulk District. The Proposed Project is located on one 12,250 square foot lot. The lot with 75 linear feet of frontage on Mission Street is improved with one approximately 12,250 square foot single-story industrial building built circa 1922. The front portion of the lot is zoned NC-2, with approximately 7,500 square feet, and the rear portion of the lot is zoned RH-2.
3. **Surrounding Properties and Neighborhood.** The Project site is located near the corner of Park Street and Mission Street. A number of neighborhood serving uses including bakeries, professional and business services, eating establishments, personal service uses and retail sales and services uses characterize this neighborhood commercial district. In general, residential uses are found in the immediate vicinity and are located in one to three story buildings. Many of the commercial uses stated above contain residential uses on the upper stories. Properties in the vicinity are located within NC-2 (Small-Scale Neighborhood Commercial) and RH-2 (Residential, House, Two-Family) Zoning Districts. The site is well served by transit.
4. **Project Description.** The Proposed Project is to allow a new Automotive Repair shop within an existing 12,250 square foot commercial building. The proposal is to relocate Selecta Auto Body from its current leased location at 4050 24th Street to 3730 Mission Street. The existing building will not be expanded. The ground floor will be used for auto repair activities and office uses accessory to the business. The back rooms on the ground floor will be used for painting. The mezzanine will be used for storage and an employee break area. The new location will allow the

owner to install new equipment and provide at least 4 new jobs for the community. Currently the business employs 6 people.

5. **Public Comment.** The Department has received two phone calls from nearby property owners with requests to view the case file and concerns regarding noise and odor from the proposed use.
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. **Nonconforming Use.** Planning Code Section 185 allows nonconforming uses to be located within an R Zoning District as long as they are a principal or conditional use in an NC Zoning District. Any nonconforming use affected by this Section shall be qualified for consideration by the Planning Commission as a conditional use.

The Project is proposing a 12,250 square foot automotive repair shop within an existing building. This use is permitted as a conditional use in an NC Zoning District.

- B. **Use.** Planning Code Section 711.59 requires a Conditional Use Authorization for Automotive Repair located within an NC-2 Zoning District.

The Project is proposing a 12,250 square foot automotive repair shop within an existing building. Although the previous use was related to automotive repair, the building has been vacant and the use abandoned for a time period longer than three years. Therefore a Conditional Use Authorization 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 size of the proposed use is in keeping with other storefronts on the block face. The proposed automotive repair shop is not anticipated to adversely impact traffic or parking in the District. This will compliment the mix of goods and services currently available in the district and contribute to the economic vitality of the neighborhood by removing a vacant storefront.

- 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 existing building will remain the same. The Project will not alter the existing appearance or character of the Project vicinity. The proposed work will not affect the building envelope.

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

The Planning Code does not require parking or loading in the NC-2 for the proposed use. The proposed use should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide because the neighborhood is well served by public transit.

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

The proposed use is subject to the standard conditions of approval outlined in Exhibit A. In addition, the Project Sponsor shall operate the proposed uses such that noise is kept at reasonable levels so as not to unduly disturb neighboring businesses and residents.

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

The Department shall review all lighting and signs proposed for the new business in accordance with Condition 7 of Exhibit A. Landscaping and screening of the outdoor activity area will be reviewed by the Planning Department during review of the Building Permit Application.

- 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 Proposed 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.

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

The Proposed Project is consistent with the stated purposes of an NC-2 Zoning District in that the intended use is located at the ground floor, will provide a compatible convenience service for the immediately surrounding area.

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

General/Citywide

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.

Policy 1.2:

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

Policy 1.3:

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The proposed development will provide desirable goods and services to the neighborhood and will provide resident employment opportunities to those in the community. Further, the Project Site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1:

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

The subject property contains a vacant industrial building. Therefore, the Proposed Project will not displace an existing commercial or industrial activity. The addition of the proposed uses will enhance the diverse economic base of the City.

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

Policy 3.1:

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

Policy 3.2:

Promote measures designed to increase the number of San Francisco jobs held by San Francisco residents.

The Proposed Project will provide employment opportunities, including entry-level employment opportunities, for the area's unskilled and semi-skilled workers.

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.

No commercial tenant would be displaced and the Proposed Project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.

Policy 6.2:

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to the economic and technological innovation in the marketplace and society.

An independent entrepreneur is sponsoring the proposal. The proposed use is a neighborhood serving use. This is not a Formula Retail use.

MISSION AREA PLAN

Objectives and Policies

Land Use

OBJECTIVE 1.5 :

MINIMIZE THE IMPACT OF NOISE ON AFFECTED AREAS AND ENSURE GENERAL PLAN NOISE REQUIREMENTS ARE MET.

Policy 1.5.1:

Reduce potential land use conflicts by providing accurate background noise-level data for planning.

Policy 1.5.2:

Reduce potential land use conflicts by carefully considering the location and design of both noise generating uses and sensitive uses in the Mission.

The proposed use is subject to the standard conditions of approval outlined in Exhibit A. In addition, the Project Sponsor shall operate the proposed uses such that noise is kept at reasonable levels so as not to unduly disturb neighboring businesses and residents.

OBJECTIVE 1.8:

MAINTAIN AND STRENGTHEN THE MISSION'S NEIGHBORHOOD COMMERCIAL AREAS.

Policy 1.8.2:

Ensure that the Mission's neighborhood commercial districts continue to serve the needs of residents, including immigrant and low-income households.

No commercial tenant would be displaced and the Proposed Project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.

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 Proposed 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 proposal would enhance the district by providing an automotive repair shop in an area that is not over concentrated by such uses. The business would be locally owned and it creates more employment opportunities for the community. The Proposed Project will provide employment opportunities, including entry-level employment opportunities, for the area's unskilled and semi-skilled workers.

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

The existing units in the surrounding neighborhood would not be adversely affected. The Proposed Use is required to operate within the guidelines set up by the Bay Area Air Quality Management District.

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

No housing is removed for this Project.

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

The site is on Mission Street and is well served by public transit. It is presumable that the employees would commute by transit thereby mitigating possible impacts on street 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 Proposed Project will not displace any service or industry establishment. The Proposed Project will further protect the industrial and service sectors by providing employment and ownership in this sector.

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

Improvements will be constructed to conform to the structural and seismic safety requirements of the City 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.

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

The Proposed Project will have no negative impact on existing parks and open spaces. The Proposed Project does not have an impact on 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. 2012.0200C** 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. 17855. 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 July 26, 2012.

Linda Avery
Commission Secretary

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

NAYES: None

ABSENT: None

ADOPTED: July 26, 2012

Exhibit A

Conditions of Approval

AUTHORIZATION

This authorization is for a conditional use to allow an Automotive Repair shop (d.b.a. **Selecta Auto Body**) located at 3730 Mission Street, Block 6688, and Lot 045 pursuant to Planning Code Sections 185, 303 and 711.59 within NC-2 (Small-Scale Neighborhood Commercial) and RH-2 (Residential, House, Two-Family) Zoning Districts, and a 40-X Height and Bulk District; in general conformance with plans, dated **February 20, 2012**, and stamped "EXHIBIT B" included in the docket for Case No. **2012.0200C** and subject to conditions of approval reviewed and approved by the Commission on **July 26, 2012** under Motion No. **18675**. 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 **July 26, 2012** under Motion No. **18675**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **18675** 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

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

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 – COMPLIANCE AT PLAN STAGE

Rooftop Mechanical Equipment. Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

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

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

OPERATION

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>

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

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