



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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Planning Commission Motion No. 18857

Date: May 9, 2013
Case No.: **2012.1341C**
Project Address: **2320 SUTTER STREET**
Zoning: NC-3 (Neighborhood Commercial, Moderate Scale)
40-X Height and Bulk District
Block/Lot: 1051/034
Project Sponsors: 2320 Sutter LLC
c/o Bruce McCormack
2320 Sutter Street, Suite 202
San Francisco, CA 94115
Project Architect: David Sternberg
1331 Harrison Street
San Francisco, CA 94103
Staff Contact: Glenn Cabreros – (415) 558-6169
glenn.cabreros@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 121.2, 303 AND 712.21 TO ALLOW A USE SIZE GREATER THAN 5,999 SQUARE FEET THROUGH THE ENLARGEMENT OF AN EXISTING 9,200 SQUARE-FOOT MEDICAL OFFICE USE TO APPROXIMATELY 14,700 SQUARE FEET WITHIN THE NC-3 (NEIGHBORHOOD COMMERCIAL, MODERATE SCALE) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On December 18, 2012, David Sternberg (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 121.2, 303 and 712.21 to expand the existing 9,200 square foot medical office building to approximately 14,700 square feet within the NC-3 (Neighborhood Commercial, Moderate Scale) District and a 40-X Height and Bulk District.

On May 9, 2013, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.1341C.

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

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. 2012.1341C, 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. **Project Description.** The project proposes construction of a three-story horizontal addition at the rear of the existing two-story medical office building. The subject lot currently contains 10 unenclosed parking spaces at the rear of the building. The project would retain 9 parking spaces to allow for a reconfigured rear entry. Eight new bicycle parking spaces are proposed within the vehicular parking area.
3. **Site Description and Present Use.** The project site is located on the north side of Sutter Street between Divisadero and Scott Streets on Lot 034 in Assessor's Block 1051. The property contains an approximately 9,200 square-foot, two-story medical office building within the NC-3 (Neighborhood Commercial, Moderate Scale) District. The subject lot currently contains 10 unenclosed parking spaces at the rear of the building.
4. **Surrounding Properties and Neighborhood.** The project site is located less than one block from Divisadero Street to the west, which contains an active neighborhood commercial corridor. The buildings within the immediate vicinity of the project site are medical related uses. Directly to the west and across the street from the project site are medical buildings related to UCSF Mount Zion Hospital Campus. Directly to the east and wrapping the rear portion of the project site is an L-shaped medical office building.
5. **Public Comment.** The Department has received four letters in support of the project. The Department has not received public comment in opposition to the project.
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. **Rear Yard Requirement in the NC-3 District.** Planning Code Section 134 states that at all residential levels the minimum rear yard depth shall be equal to 25 percent of the total depth.

The proposal does not include any residential uses; therefore a rear yard area is not required for the project.

- B. **Parking.** Per Planning Code Section 151, a medical office use requires one parking space for each 300 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.

Based on an occupied floor area of approximately 8,300 square feet for the existing medical office use, 28 parking spaces are required. As only 10 parking spaces exist at the existing use, a parking of credit of 18 spaces may be applied to the proposed project. The total occupied floor area including the addition is proposed to be approximately 13,300 square feet, which would require a total of 44 parking spaces. However, as a parking credit may be applied, a total of 27 parking spaces are required per the Planning Code (44 required spaces minus the 18 space credit plus the 1 existing parking space proposed to be removed: $44-18+1=27$ spaces required). As nine existing spaces are proposed to be retained, a reduction of 18 parking spaces is proposed ($27-9=18$ space reduction).

- C. **Parking Reduction.** Per Planning Code Section 161, the Zoning Administrator may reduce the off-street parking requirements in NC (neighborhood commercial) Districts pursuant to the procedures and criteria of Planning Code Section 307(i). On April 24, 2013, the Zoning Administrator reviewed the criteria set forth under Planning Code Section 307(i) and has authorized administrative approval given that the proposed project meets the criteria for the reduction of 18 off-street parking spaces:

- i. The reduction in the parking requirement is justified by the reasonable anticipated auto usage by residents of and visitors to the Project.

The proposal is for expansion of the existing medical office building. The parking provided by the project is not residential in nature and is used during the business hours of the medical office building. The existing building is currently occupied by three doctors, a blood lab, two medical office device companies and an UCSF administrative oncology office. The doctors and UCSF tenants are interested in additional office space. The medical office building is privately owned and not affiliated with the nearby UCSF Mount Zion Medical Center. Reduction of the parking requirement is justified by the availability of nearby public parking garages and access to public transit, both within two blocks of the project site.

- ii. The reduction in the parking requirement will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity.

The reduction of the parking requirement would not be detrimental to the neighborhood since the project would not affect the number of on-street parking spaces on the subject and opposite blocks. Existing curb cuts and vehicular access points are to be retained. In addition, the reduction of the

required parking spaces will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity since the area is well-served by public parking garages and public transit.

- iii. The minimization of conflict of vehicular and pedestrian movements.

Pedestrian and vehicular movement conflicts will be minimized as the project will maintain the existing curb cuts to access the existing parking spaces, and the reduction of required parking spaces will not cause additional vehicular access to the project site. As the current ten spaces will be reduced to nine parking spaces, the vehicular movements associated with the project's use are anticipated to be the same as the existing conditions.

- iv. The availability of transportation modes other than the automobile.

The project proposes 8 new bicycle parking spaces. The project is also well served by public transit, particularly along the Divisadero Street and Geary Boulevard corridors. Muni lines nos. 2, 24 and 38 are within two blocks of the project site.

- v. The pattern of land use and character of development in the vicinity.

The neighborhood features a mix of medical institutional, residential and commercial uses, many of which include no off-street parking. Most of the commercial district along the nearby Divisadero Street corridor located west of the project does not provide parking for individual commercial uses. The land uses in the immediate vicinity of the project are medical uses operated by UCSF Mount Zion Medical Center or private medical offices. Directly to the west of the project is the UCSF Cancer Research Center at 2340 Sutter Street. Directly to the west and north of the project is 2300 Sutter Street containing medical office uses. Numerous public parking garages in the immediate vicinity provide parking to those users travelling by car.

- vi. Such other criteria as the Zoning Administrator deems appropriate in the circumstances of the particular case.

The Zoning Administrator determined that no additional criteria are required for consideration in the circumstances of the particular case.

- D. Non-Residential Use Size Requirement in the NC-3 District.** Planning Code Section 712.21 states that non-residential uses greater than 5,999 square feet may be allow with Conditional Use authorization.

The project sponsor has filed a conditional use application (Case No. 2012.1341C) for the project to request Conditional Use authorization from the Planning Commission to allow expansion of the existing medical office building to approximately 14,700 square feet in area.

- E. **Medical Offices Use Requirement in the NC-3 District.** Planning Code Section 712.51 states that medical services are permitted as-of-right on the first story and above in the NC-3 Zoning District.

The project proposes to retain and expand the existing medical office use.

7. **Conditional Use Criteria.** 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 the size and scale of the immediate neighborhood character, particularly as the proposed project is complimentary to the uses of the surrounding buildings, many of which are related to the UCSF Mount Zion Medical Campus.

- 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 and will not alter the existing appearance or character of the project vicinity as viewed from the street. The project would create a three-story building mass that is adjacent to blank walls of taller buildings.

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

The project proposes a reduction in the amount of required parking. The reduction of the parking requirement would not be detrimental to the neighborhood since the project would not affect the number of on-street parking spaces on the subject and opposite blocks. Existing curb cuts and vehicular access points are to be retained. In addition, the reduction of the required parking spaces will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity since the area is well-served by public parking garages and public transit. (Also see aforementioned "Parking Reduction" findings.)

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

Noxious or offensive emission such as noise, glare, dust and odor are not typically associated with medical office uses.

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

Two additional street trees are proposed to be planted. The existing two-story building and curb cuts toward the front of the lot are proposed to be retained.

- 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 proposed project is consistent with the stated purposes of NC-3 District, which allows medical service uses at the first story and above, and will provide a compatible service for the immediately surrounding neighborhoods during daytime hours.

- 8. **Development of Large Lots in Neighborhood Commercial Districts.** Planning Code Section 121.2(a) states that in addition to the criteria of Section 303, the Planning Commission shall consider the following criteria are met:

- A. The mass and facade of the proposed structure are compatible with the existing scale of the district.

The existing two-story façade will be retained, and the façade is not proposed to be altered. The mass of the proposed three-story addition at the rear of the existing building is compatible with the existing scale of the district as the immediately adjacent buildings are of a similar or larger scale than the project.

- B. The facade of the proposed structure is compatible with design features of adjacent facades that contribute to the positive visual quality of the district.

The existing façade is not proposed to be altered, and the façade is in keeping with the varied architectural styles of various medical buildings found in the immediate area. The proposed planting of additional required street trees adjacent to the front façade will contribute to the positive visual quality of the district.

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

NEIGHBORHOOD COMMERCE

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.

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 services to the neighborhood and additional office space for the surrounding medical community. The expanded scope of the existing use should not result in undesirable consequences. Further, the project is located within a Neighborhood Commercial District and is consistent with activities envisioned for the NC-3 District.

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 project will retain and enlarge an existing medical office use activity, which will enhance the diverse economic base of the City.

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 project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.

10. **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 proposal would enhance the district by retaining and expanding upon an existing medical office use. Existing neighborhood serving uses would be preserved.

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 building is a medical office building surrounded by other medical buildings. Existing housing and neighborhood character would be conserved.

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 surrounding neighborhood is well served by transit. Nearby MUNI bus lines include No. 1AX, 2, 24, 31 and 38AX/BX/NX.

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

The project will not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities.

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

The project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code.

- 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 project does not have an effect on open spaces.

11. 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.
12. 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. 2012.1341C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated May 9, 2013, 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. 18857. 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 9, 2013.

Jonas P. Ionin
Acting Commission Secretary

AYES: Commissioners Fong, Wu, Antonini, Hillis, Moore and Sugaya

NAYS: (none)

ABSENT: Commissioner Borden

ADOPTED: May 9, 2013

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a use size greater than 5,999 square feet in the NC-3 (Neighborhood Commercial, Moderate Scale) District located at 2320 Sutter Street; Lot 034 in Assessor's Block 1051 within the NC-3 District and a 40-X Height and Bulk District; in general conformance with plans, dated March 15, 2013, and stamped "EXHIBIT B" included in the docket for Case No. 2012.1341C and subject to conditions of approval reviewed and approved by the Commission on May 9, 2013 under Motion No. 18857. 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 9, 2013 under Motion No. 18857.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18857 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

Street Trees. Pursuant to Planning Code Section 138.1 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary.

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

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>

Lighting. All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents.

Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org