



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. 18959

HEARING DATE: SEPTEMBER 12, 2013

Date: September 5, 2013
Case No.: **2011.0053 CV**
Project Address: **25 ELGIN PARK STREET**
Zoning: RTO (Residential, Transit-Oriented Neighborhood) District
40-X Height and Bulk District
Block/Lot: 3502/111
Project Sponsor: Ron Dudum
1245 31st Avenue
San Francisco, CA 94122
Staff Contact: Diego R Sánchez – (415) 575-9082
diego.sanchez@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 209.1(L) AND 303 TO CONSTRUCT AN ADDITIONAL UNIT WITHIN AN EXISTING EIGHT UNIT MULTIFAMILY BUILDING, FOR A TOTAL OF NINE UNITS, WITHIN THE RTO (RESIDENTIAL, TRANSIT-ORIENTED) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On March 8, 2012 Ron Dudum (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Section(s) 209.1(l) and 303 to construct an additional unit within an existing eight unit multifamily building within the RTO (Residential, Transit-Oriented) District and a 40-X Height and Bulk District.

On September 12, 2013, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.0053CV.

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. 2011.0053C, 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 is located on the east side of Elgin Park Street between McCoppin Street and Duboce Avenue. The subject lot is irregularly shaped, with 75 feet of frontage on Elgin Park Street, a depth of 23 feet at the north property line and a depth of 63 feet at the south property line. The lot has an area of approximately 3,210 square feet. The property is developed with a three-story, eight unit multifamily building built in 1962.
3. **Surrounding Properties and Neighborhood.** The project is located within the Market Octavia Plan Area, approximately 200 feet south of Market Street. The area is primarily residential with numerous multifamily buildings in the area resulting in a generally dense, central city environment. The property is at the northern end of the subject block. To the east and immediately behind the property is the Central Freeway. To the south of the property are residential and institutional uses. The surrounding properties are located within the RTO (Residential, Transit-Oriented) and NCT-3 (Moderate Scale Neighborhood Commercial Transit) Districts.
4. **Project Description.** The project proposes to add a 520 square foot one-bedroom unit to the rear of an existing eight unit multifamily building. The project is located on a 3,210 square foot irregularly shaped lot that provides approximately 75 feet of frontage on Elgin Park. The unit will be located at the rear of the lot and will fill in an existing overhang, thereby not expanding the overall depth of the existing building. The project would result in a total of nine units on the property
5. **Public Comment.** The Planning Department received one anonymous telephone call in opposition to the granting of the requested variances.
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. **Useable Open Space.** Planning Code Section 135 requires a minimum of 100 square of useable open space for the proposed dwelling unit.

The project does not provide the Code-complying 100 square feet of private useable open space for the proposed dwelling unit and is seeking a variance from this requirement.

- B. Streetscape Improvements.** Planning Code Section 138.1 requires one new street tree for each 20 feet of street frontage when a project adds at least one new dwelling unit.

The project is proposing one new dwelling unit and has 77 feet of frontage along Elgin Park Street. The project is proposing to meet the Streetscape Improvements requirement by providing 4 new street trees along Elgin Park Street.

- C. Dwelling Unit Exposure.** Planning Code Section 140 states each dwelling unit shall face directly upon either a public street or alley at least 25 feet in width or a Code-complying rear yard.

The project proposes adding one dwelling unit at the rear of the existing multifamily building and the unit does not face Elgin Park Street or a code-complying rear yard. The Project Sponsor is seeking a variance from Planning Code Section 140.

- D. Off-Street Parking.** Planning Section 151.1 of the Planning Code does not require off-street parking for any use and establishes off-street parking maximums.

The project does not propose to add any new off-street parking as part of the proposed project and meets the requirement under Planning Code Section 151.1.

- E. Dwelling Unit Density.** Planning Section 209.1(l) of the Planning Code allows a maximum density of up to one dwelling unit for each 200 square feet of lot area with Conditional Use authorization.

The project proposes a dwelling unit density of approximately 357 square feet per dwelling unit and is seeking Conditional Use authorization.

- F. Neighborhood Notification.** Planning Code Section 311 requires applications that propose residential alterations, including the addition of a dwelling unit, be subject to neighborhood notification and review procedures.

The project proposes to add one dwelling unit and has conducted Section 311 notification in conjunction with the Conditional Use and Variance notification.

- 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 resultant number of dwelling units from the proposed project, 9 in total, is in keeping with the multifamily character of the area. According to Assessor Records, approximately 20 out of 28 lots on the block of Elgin Park Street between McCoppin Street and Duboce Avenue have at least 2 dwelling units. The new dwelling unit will be located at the rear of the lot, under an existing overhang, and will not affect the neighborhood scale. The zoning district, RTO, does not have a prescribed density control.

- 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 of the existing structure will not change as a result of the proposed project and the increase in floor area will not be perceivable from the public right of way owing to the location of the new dwelling unit.

- 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 off-street parking for any use in the RTO Zoning District and the proposed project complies with this requirement.

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

It is not anticipated that the proposed project will generate noxious or offensive emissions such as noise, glare, dust and odor.

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

The proposed project will provide additional street trees along Elgin Park and will not provide any new off-street parking or loading areas that will disturb the public right of way.

- 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, or is seeking a variance from those requirements, 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:

MARKET OCTAVIA AREA PLAN

Objectives and Policies

OBJECTIVE 2.2:

ENCOURAGE CONSTRUCTION OF RESIDENTIAL INFILL THROUGHOUT THE PLAN AREA.

Policy 2.2.5:

Encourage additional units in existing buildings.

The proposed project will add one unit within an existing eight unit multifamily building.

HOUSING

Objectives and Policies

OBJECTIVE 4:

FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.

Policy 4.4:

Encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible.

Policy 4.6:

Encourage an equitable distribution of growth according to infrastructure and site capacity.

The proposed project will add one unit within an existing eight unit multifamily building, providing an additional rental housing opportunity. Further, the site is located in relative proximity to Market Street, an area rich in public infrastructure including public transportation and retail shopping opportunities.

OBJECTIVE 11:

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

Policy 11.3:

Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

Policy 11.5:

Ensure densities in established residential areas promote compatibility with prevailing neighborhood character.

The proposed project will add one unit to the rear of an existing eight unit multifamily building. This unit will not be visible from the public right of way and is in fact compatible with the multifamily character of the area.

OBJECTIVE 12:

BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTRE THAT SERVES THE CITY'S GROWING POPULATION.

Policy 12.1:

Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.

The proposed project will add one unit to the rear of an existing eight unit multifamily building without providing an additional off-street parking space. Given the proximity to the transit rich Market Street corridor, it is anticipated that the existing public transportation and bicycle infrastructure will be utilized by residents.

OBJECTIVE 13:

PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.

Policy 13.1:

Support "smart" regional growth that locates new housing close to jobs and transit.

The proposed project will locate an additional unit in close proximity to the transit rich Market Street corridor and the employment base that is found throughout the central city portions of San Francisco.

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 proposal would enhance the existing neighborhood serving retail base by providing an additional household to patronize those existing small businesses.

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

The proposed project, the addition of one dwelling unit to the rear of an existing eight unit multifamily building, is compatible with the existing multifamily housing and neighborhood character of the area.

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

The city's supply of affordable housing will not be adversely affected by the proposed project as the proposed project seeks to add one market rate unit to an existing multifamily building.

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

It is not anticipated that the proposed project will impede MUNI transit or overburden the streets and neighborhood parking as the project is located in a transit rich area and does not propose to add off-street parking for a new private automobile.

- 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 as the project is wholly residential in scope.

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

The proposed project will be designed to meet all the relevant seismic safety building codes.

- 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 will have no negative effect 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. 2011.0053C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated January 20, 2011, 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. 18959. 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 September 12, 2013.

Jonas P. Ionin
Acting Commission Secretary

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

NAYES: None

ABSENT: None

ADOPTED: September 12, 2013

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a ninth unit with a dwelling unit density of 357 square feet of lot area per unit located at 25 Elgin Park, Lot 111 in Assessor's Block 3502 pursuant to Planning Code Section(s) 209.1(l) and 303 within the RTO (Residential, Transit Oriented) District and a 40-X Height and Bulk District; in general conformance with plans, dated January 20, 2011, and stamped "EXHIBIT B" included in the docket for Case No. 2011.0053C and subject to conditions of approval reviewed and approved by the Commission on September 12, 2013 under Motion No. **18959**. 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 September 12, 2013 under Motion No. **18959**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **18959** 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.

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

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

3. **Diligent pursuit.** 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. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

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

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

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

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

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

DESIGN

6. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the architectural addenda. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

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

7. **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

MONITORING - AFTER ENTITLEMENT

8. **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

9. **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

10. **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>

11. **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>

12. **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