



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: MAY 19, 2011

(CONTINUED FROM THE MARCH 10TH PLANNING COMMISSION HEARING)

*Date:* May 12, 2011  
*Case No.:* 2010.0321C  
*Project Address:* 1765 WALLER STREET  
*Zoning:* Haight Street Neighborhood Commercial District (NCD)  
Haight Street Alcohol Restricted Use Subdistrict  
40-X Height and Bulk District  
*Block/Lot:* 1250/028  
*Project Sponsors:* Theobald Survivors Trust (property owner)  
Nola K Theobald Trustee  
317 Second Avenue  
San Francisco, CA 94118  
Tracy Boxer Zill, Esq. (agent)  
3042 Jackson Street, Suite 4  
San Francisco, CA 94115  
Sol Santos (architect)  
SSS Designs LLC  
1931 Middlefield Way, Unit F  
Mountain View, CA 94043  
*Staff Contact:* Sharon M. Young – (415) 558-6346  
[sharon.m.young@sfgov.org](mailto:sharon.m.young@sfgov.org)

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

### PROJECT DESCRIPTION

The proposal is a request for Conditional Use authorization under Sections 121.2 and 303 of the Planning Code to allow a use size that exceeds 2,499 square feet of floor area on the ground floor of a two-story, mixed-use building within the Haight Street NCD, Haight Street Alcohol RUSD and 40-X Height and Bulk District. The proposal will also involve an exemption for a residential off-street parking space which was converted to retail commercial space that is used in conjunction with the authorized commercial space at the rear of the ground floor.<sup>1</sup> The expanded commercial space contains 2,870 square feet of floor area.

Currently, the existing retail commercial space is utilized by a silk screening retail store with accessory printing production area d.b.a. Free Gold Watch, consisting of a retail and sales area with approximately 1,900

---

<sup>1</sup> The original proposal (filed on May 4, 2010) included a request for Conditional Use authorization from the Planning Commission under Section 161(j) to legalize the elimination of the residential off-street parking space. In April 2010, the Board of Supervisors passed Ordinance No. 85-10 (Consistent Street Frontages) effective May 7, 2011, which amended Section 161(j) and added Section 307(i) to allow the Zoning Administrator to administratively reduce off-street parking requirements in NC and RC Districts; therefore Conditional Use authorization under Planning Code Section 161(j) for the project is no longer required.

square feet of floor area and a production area with approximately 970 square feet of floor area. The proposal will not involve any additional tenant improvements in the existing ground floor commercial tenant space. The existing curb cut will remain since the property owner anticipates converting the retail commercial space back into a residential off-street parking space sometime in the future.

According to the Project Sponsor, Free Gold Watch operates as a neighborhood-serving artisan retail establishment providing hand printed clothing along with printed art canvases. Retail merchandise includes an assortment of accessories such as wallets and sunglasses. In addition to original designs, Free Gold Watch creates custom printed tees and garments for customers who bring in their own designs. Everything is printed by hand without the use of any automatic machines. Free Gold Watch also conducts basic screen-printing workshops for schools and other groups interested in the craft.

### **SITE DESCRIPTION AND PRESENT USE**

The Project Site is on the south side of Waller Street between Stanyan and Shrader Streets, on Lot 028 of Assessor's Block 1250. The project is located within the Haight Street Neighborhood Commercial District (NCD), Haight Street Alcohol Restricted Use Subdistrict (RUSD) and a 40-X Height and Bulk District. The subject lot is 3,437.50 square-feet (25 feet wide by 137.50 feet deep) in size and is occupied by a two-story mixed-use building built circa 1900. The residential off-street parking space has been converted to retail commercial space that is used in conjunction with the authorized commercial space at the rear of the ground floor; the ground floor commercial space is currently occupied by a silk screening retail store with an accessory printing production area d.b.a. Free Gold Watch. There is one residential unit on the second floor of the building.

### **SURROUNDING PROPERTIES & NEIGHBORHOOD**

The Project Site is located within the Haight-Ashbury Neighborhood. The majority of the surrounding development consists of one-to three-story commercial, residential and mixed-use buildings. Some of the commercial establishments characterizing this portion of Waller Street include a personal service establishment (d.b.a. Birkham Yoga), a hotel (d.b.a. Stanyan Park Hotel), a child abuse prevention center (d.b.a. San Francisco Child Abuse Prevention Center), and a professional service establishment (d.b.a. Cobra Creative LLC). Approximately one block west of the subject block fronting Stanyan Street is Golden Gate Park. Haight Street is located one block north of the Project Site.

### **ENVIRONMENTAL REVIEW**

The proposed project was determined by the San Francisco Planning Department to be categorically exempt from environmental review, under Class 1(a) of the State CEQA Guidelines, Section 15301, pursuant to Title 14 of the California Administrative Code.

### **HEARING NOTIFICATION**

<b>TYPE</b>	<b>REQUIRED PERIOD</b>	<b>REQUIRED NOTICE DATE</b>	<b>ACTUAL NOTICE DATE</b>	<b>ACTUAL PERIOD</b>
Classified News Ad	20 days	February 18, 2011	February 18, 2011	20 days
Posted Notice	20 days	February 18, 2011	February 18, 2011	90 days
Mailed Notice	20 days	February 18, 2011	February 18, 2011	20 days

## PUBLIC COMMENT

- As of May 12, 2011, the Department received correspondence from a representative of the adjacent property at 1757 Waller Street (San Francisco Child Abuse Prevention Center), who indicated that the project should include conditions of approval which would address the potential problems of chemical odors being emitted from the Gold Watch silk screening business. The Project Sponsor has submitted 5 letters in support of the project.

## ISSUES AND OTHER CONSIDERATIONS

- In January 1983, a Rear Yard Variance under Case No. 82.561V was granted to allow the reconstruction of the rear portion of the existing building with the condition that one off-street parking space be retained for the dwelling unit on the second floor.
- According to the Project Sponsor, from 1983 - 2007, the subject commercial tenant space operated as an antique store that incorporated the required parking space into its commercial area. In 2008, Free Gold Watch entered into a lease of the commercial space and continued to use the parking area (which appeared to Free Gold Watch to be part of the commercial space) as part of their establishment.
- In August 2009, the Planning Department's Enforcement Planner sent a Notice of Violation notifying the property owner and business owner that the Planning Department received complaints that the silk screening business is a manufacturing use, which is not compatible with nearby residential and commercial uses: the business uses odor- and fume-producing noxious chemicals to clean the ink and residue from the silk screens, the business uses more than half its floor area for silk screen printing use, and at the time of the conversion of the residential garage space into commercial use without Conditional Use authorization was in violation of Planning Code Section 161(j). In response to the Notice of Violation, the project sponsors reconfigured the total business space so that the printing production area occupied 1/3 of the commercial space and the retail and sales area for the silk screening business occupied 2/3 of the commercial space to abate the violation. With regard to concerns about the odors, fumes, and use of chemicals, the project sponsor has indicated that the silk screening business is in compliance with the health requirements from the San Francisco Department of Public Health based on a health inspection report and will provide appropriate odor control equipment to address these concerns from adjacent properties.
- The project sponsor requested that the proposed project be continued from the March 10 to the May 19 Planning Commission hearing to allow for time to develop a private agreement with the adjacent property at 1757 Waller Street regarding the Gold Watch silk screening production process, which would address their concerns regarding the potential problems of chemical odors.

## OFF-STREET PARKING CRITERIA

Planning Code Sections 161(j) and 307(i) allow the Zoning Administrator to reduce off-street parking requirements in NC and RC Districts. The Zoning Administrator reviewed the criteria set forth under Planning Code Section 307(i) and has determined that the proposed project meets the criteria for the elimination of one residential off-street parking space on the Project Site. *See Draft Motion.*

## **REQUIRED COMMISSION ACTION**

This proposal requires **Conditional Use** authorization pursuant to Sections 121.2 and 303 of the Planning Code to allow a use size that exceeds 2,499 square feet of floor area on the ground floor of a two-story, mixed-use building within the Haight Street Neighborhood Commercial District, Haight Street Alcohol Restricted Use Subdistrict, and 40-X Height and Bulk District. The residential off-street parking space has been converted to retail commercial space that is used in conjunction with the authorized commercial space at the rear of the ground floor.

## **BASIS FOR RECOMMENDATION**

- The proposed project meets all applicable requirements of the Planning Code.
- The Haight Street NCD is well served by public transit; therefore the proposal should not significantly impact traffic.
- The Department believes that this project is necessary and/or desirable for the following reasons:
  - a) The proposed project is a neighborhood-serving use which residents can access by walking or taking public transit.
  - b) The proposed project would be consistent with the mixed commercial-residential character of this portion of the Haight Street NCD.

<b>RECOMMENDATION:</b> <b>Approval with Conditions</b>
--

### **Attachments:**

Zoning District Map  
Parcel Map  
Sanborn Map  
Aerial Photographs  
Site and Context Photographs  
Reduced Plans

Attachment Checklist

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary   | <input checked="" type="checkbox"/> Project sponsor submittal                           |
| <input checked="" type="checkbox"/> Draft Motion        | Drawings: <u>Existing Conditions</u>  |
| <input type="checkbox"/> Environmental Determination    | <input checked="" type="checkbox"/> Check for legibility                                |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u>   |
| <input type="checkbox"/> Height & Bulk Map              | <input checked="" type="checkbox"/> Check for legibility                                |
| <input checked="" type="checkbox"/> Parcel Map          | <input checked="" type="checkbox"/> Zoning Administrator Action Memo dated May 12, 2011 |
| <input checked="" type="checkbox"/> Sanborn Map         | <input checked="" type="checkbox"/> Project Sponsor submittal dated May 3, 2011         |
| <input checked="" type="checkbox"/> Aerial Photo        | <input type="checkbox"/>  |
| <input checked="" type="checkbox"/> Context Photos      | <input type="checkbox"/>  |
| <input checked="" type="checkbox"/> Site Photos         | <input type="checkbox"/>  |

SMY

Exhibits above marked with an "X" are included in this packet

\_\_\_\_\_  
Planner's Initials

SMY: C:\1765 Waller St - summary-smy.doc



# 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)
- 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. XXXXX HEARING DATE: MAY 19, 2011

*Date:* May 12, 2011  
*Case No.:* 2010.0321C  
*Project Address:* 1765 WALLER STREET  
*Zoning:* Haight Street Neighborhood Commercial District (NCD)  
 Haight Street Alcohol Restricted Use Subdistrict  
 40-X Height and Bulk District  
*Block/Lot:* 1250/028  
*Project Sponsors:* Theobald Survivors Trust (property owner)  
 Nola K Theobald Trustee  
 317 Second Avenue  
 San Francisco, CA 94118  
 Tracy Boxer Zill, Esq. (agent)  
 3042 Jackson Street, Suite Four  
 San Francisco, CA 94115  
 Sol Santos (architect)  
 SSS Designs LLC  
 1931 Middlefield Way, Unit F  
 Mountain View, CA 94043

*Staff Contact:* Sharon M. Young – (415) 558-6346  
[sharon.m.young@sfgov.org](mailto:sharon.m.young@sfgov.org)

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER SECTIONS 121.2 AND 303 OF THE PLANNING CODE TO ALLOW A USE SIZE THAT EXCEEDS 2,499 SQUARE FEET OF FLOOR AREA LOCATED AT 1765 WALLER STREET ON THE GROUND FLOOR OF A TWO-STORY, MIXED-USE BUILDING WITHIN THE HAIGHT STREET NEIGHBORHOOD COMMERCIAL ZONING DISTRICT, HAIGHT STREET ALCOHOL RESTRICTED USE SUBDISTRICT AND 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On May 4, 2010, Tracy Boxer Zill, acting agent on behalf of Theobald Survivors Trust (hereinafter "Project Sponsor") made an application for Conditional Use authorization for the property at **1765 Waller Street, Lot 028 in Assessor's Block 1250** (hereinafter "Subject Property"), pursuant to Planning Code Sections 121.2 and 303 to allow a use size that exceeds 2,499 square feet of floor area on the ground floor of a two-story, mixed-use building within the Haight Street Neighborhood Commercial Zoning District, Haight Street Alcohol Restricted Use Subdistrict, and 40-X Height and Bulk District, in general conformity with plans dated October 15, 2009, and labeled "Exhibit B" (hereinafter "Project").

On **May 19, 2011**, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on **Conditional Use Application No. 2010.0321C**.

Pursuant to the Guidelines of the State Secretary of Resources for the implementation of the California Environmental Quality Act (hereinafter "CEQA"), the Planning Department of the City and County of San Francisco (hereinafter "Department") determined that the proposed Conditional Use Application was categorically exempt from the environmental review process under Class 1(a) of the State CEQA Guidelines, Section 15301, pursuant to Title 14 of the California Administrative Code. The Commission has reviewed and concurs with said determination.

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. 2010.0321C, 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 on the south side of Waller Street between Stanyan and Shrader Streets, on Lot 028 of Assessor's Block 1250. The project is located within the Haight Street Neighborhood Commercial District (NCD), Haight Street Alcohol Restricted Use Subdistrict (RUSD) and a 40-X Height and Bulk District. The subject lot is 3,437.50 square-feet (25 feet wide by 137.50 feet deep) in size and is occupied by a two-story mixed-use building built circa 1900. The residential off-street parking space has been converted to retail commercial space that is used in conjunction with the authorized commercial space at the rear of the ground floor; the ground floor commercial space is currently occupied by a silk screening retail store with an accessory printing production area d.b.a. Free Gold Watch. There is one residential unit on the second floor of the building.
3. **Surrounding Properties and Neighborhood.** The Project Site is located within the Haight-Ashbury Neighborhood. The majority of the surrounding development consists of one-to three-story commercial, residential and mixed-use buildings. Some of the commercial establishments characterizing this portion of Waller Street include a personal service establishment (d.b.a. Birkham Yoga), a hotel (d.b.a. Stanyan Park Hotel), a child abuse prevention center (d.b.a. San Francisco Child Abuse Prevention Center), and a professional service establishment (d.b.a. Cobra Creative LLC). Approximately one block west of the subject block fronting Stanyan Street is Golden Gate Park. Haight Street is located one block north of the Project Site.

4. **Project Description.** The proposal is a request for Conditional Use authorization under Sections 121.2 and 303 of the Planning Code to allow a use size that exceeds 2,499 square feet of floor area on the ground floor of a two-story, mixed-use building within the Haight Street NCD, Haight Street Alcohol RUSD and 40-X Height and Bulk District. The residential off-street parking space was converted to retail commercial space that is used in conjunction with the authorized commercial space at the rear of the ground floor. The expanded commercial space contains 2,870 square feet of floor area.

Currently, the existing retail commercial space is utilized by a silk screening retail store with accessory printing production area d.b.a. Free Gold Watch, consisting of a retail and sales area with approximately 1,900 square feet of floor area and a production area with approximately 970 square feet of floor area. The proposal will not involve any additional tenant improvements in the existing ground floor commercial tenant space. The existing curb cut will remain since the property owner anticipates converting the retail commercial space back into a residential off-street parking space sometime in the future.

According to the Project Sponsor, Free Gold Watch operates as a neighborhood-serving artisan retail establishment providing hand printed clothing along with printed art canvases. Retail merchandise includes an assortment of accessories such as wallets and sunglasses. In addition to original designs, Free Gold Watch creates custom printed tees and garments for customers who bring in their own designs. Everything is printed by hand without the use of any automatic machines. Free Gold Watch also conducts basic screen-printing workshops for schools and other groups interested in the craft.

5. **Issues and Other Considerations.**

- In January 1983, a Rear Yard Variance under Case No. 82.561V was granted to allow the reconstruction of the rear portion of the existing building with the condition that one off-street parking space be retained for the dwelling unit on the second floor.
- According to the Project Sponsor, from 1983 - 2007, the subject commercial tenant space operated as an antique store that incorporated the required parking space into its commercial area. In 2008, Free Gold Watch entered into a lease of the commercial space and continued to use the parking area (which appeared to Free Gold Watch to be part of the commercial space) as part of their establishment.
- In August 2009, the Planning Department's Enforcement Planner sent a Notice of Violation notifying the property owner and business owner that the Planning Department received complaints that the silk screening business is a manufacturing use, which is not compatible with nearby residential and commercial uses: the business uses odor- and fume-producing noxious chemicals to clean the ink and residue from the silk screens, the business uses more than half its floor area for silk screen printing use, and at the time of the conversion of the residential garage space into commercial use without Conditional Use authorization was in violation of Planning Code Section 161(j). In response to the Notice of Violation, the project sponsors reconfigured the total business space so that the printing production area occupied



- 1/3 of the commercial space and the retail and sales area for the silk screening business occupied 2/3 of the commercial space to abate the violation. With regard to concerns about the odors, fumes, and use of chemicals, the project sponsor has indicated that the silk screening business is in compliance with the health requirements from the San Francisco Department of Public Health based on a health inspection report and will provide appropriate odor control equipment to address these concerns from adjacent properties.
- The original proposal (filed on May 4, 2010) included a request for Conditional Use authorization from the Planning Commission under Section 161(j) to legalize the elimination of the residential off-street parking space. In April 2010, the Board of Supervisors passed Ordinance No. 85-10 (Consistent Street Frontages) effective May 7, 2011, which amended Section 161(j) and added Section 307(i) to allow the Zoning Administrator to administratively reduce off-street parking requirements in NC and RC Districts; therefore Conditional Use authorization under Planning Code Section 161(j) for the project is no longer required.
  - The project sponsor requested that the proposed project be continued from the March 10 to the May 19 Planning Commission hearing to allow for time to develop a private agreement with the adjacent property at 1757 Waller Street regarding the Gold Watch silk screening production process, which would address their concerns regarding the potential problems of chemical odors.
6. **Public Comment.** As of May 12, 2011, the Department received correspondence from a representative of the adjacent property at 1757 Waller Street (San Francisco Child Abuse Prevention Center), who indicated that the project should include the conditions of approval which would address the potential problems of chemical odors being emitted from the Gold Watch silk screening business. The Project Sponsor has submitted 5 letters in support of the project.
7. **Use District.** The project site is within the Haight Street Neighborhood Commercial District (NCD). The Haight Street NCD is located on Haight Street between Stanyan and Central Avenue, including a portion of Stanyan Street between Haight and Beulah. The shopping area provides convenience goods and services to local Haight-Ashbury residents, as well as comparison shopping goods and services to a larger market area. The commercial district is also frequented by users of Golden Gate Park on weekends and by City residents for its eating, drinking, and entertainment places. Numerous housing units establish the district's mixed residential-commercial character.

Planning Code Section 719.1 sets forth provisions applicable in the Haight Street Neighborhood Commercial District. The Haight Street NCD controls are designed to protect the existing building scale and promote new mixed-use development which is in character with adjacent buildings. The building standards regulate large-lot and use development and protect rear yards above the ground story and at residential levels. To promote the prevailing mixed-use character, most commercial uses are directed primarily to the ground story with some upper-story restrictions in new buildings. In order to maintain the balanced mix and variety of neighborhood-serving commercial uses and regulate the more intensive commercial uses which can generate congestion and nuisance problems, special controls prohibit additional eating and

drinking uses, restrict expansion and intensification of existing eating and drinking establishments, and limit entertainment, and tourist hotels. Prohibitions of most automobile and drive-up uses protect the district's continuous retail frontage. Housing development in new buildings is encouraged above the ground story. Existing residential units are protected by prohibition of upper-story conversions and limitations on demolitions.

8. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Land Use.** Section 719.90 allows dwelling units in the Haight Street NCD. Section 719.40 permits retail sales and services in the Haight Street NCD. Section 719.65 permits a trade shop on the 1<sup>st</sup> story in the Haight Street NCD.

*The existing 1<sup>st</sup> (ground) story retail commercial space is utilized by a silk screening retail store with an accessory printing trade shop d.b.a. Free Gold Watch consisting of a retail and sales area with approximately 1,900 square feet of floor area and a production area with approximately 970 square feet of floor area.*

- B. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 requires that NC Districts containing specific uses, including retail stores, have at least ½ the total width of the new or altered structure at the commercial street frontage devoted to entrances to commercially used space, windows or display space at the pedestrian eye-level. Such windows shall use clear, un-tinted glass, except for decorative or architectural accent. Any decorative railings or decorated grille work, other than wire mesh, which is placed in front or behind such windows, shall be at least 75 percent open to perpendicular view and no more than six feet in height above grade.

*The subject commercial space has approximately 20' of frontage on Waller Street, and 10'6" of the frontage are devoted to either the entrance or window space.*

- C. **Use Size Limits.** Section 121.2 establishes size limits on non-residential use sizes in the Haight Street NCD. Within the NCD, Conditional Use authorization is required for any non-residential use that meets or exceeds 2,500 square feet.

*The existing silk screening business, with approximately 2,870 square feet of floor area, exceeds the principally permitted use size limitations by approximately 370 square feet of floor area. Conditional Use authorization is required pursuant to Planning Code Section 121.2 to legalize the expansion of the existing silk screening business to a floor area that exceeds 2,500 square feet.*

- D. **Hours of Operation.** Section 719.27 allows hours of operation from 6 a.m. until 2 a.m. as-of-right and requires Conditional Use authorization to operate between the hours of 2 a.m. and 6 a.m.

*The existing hours of operation of the silk screening business are Monday through Friday, 9 a.m. to 6 p.m., and Saturday and Sunday 12 p.m. to 6 p.m.*

9. **Planning Code Sections 161(j) and 307(i)** allow the Zoning Administrator to reduce off-street parking requirements in NC and RC Districts. The Zoning Administrator shall consider the criteria set forth below and may reduce off-street parking requirements if they find that:

- (a) 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 to remove the requirement for one required off-street parking space for the property's residential unit. The existing curb cut will remain since the property owner anticipates converting the retail commercial space back into a residential off-street parking space sometime in the future. There is adequate on-street parking in the neighborhood.*

- (b) 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 elimination of the parking space would not be detrimental to the neighborhood since there is on-street parking on the subject and opposite blocks. In addition, the elimination of the parking space will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity since the area is served by public transit.*

- (c) The minimization of conflict of vehicular and pedestrian movements.

*Pedestrian safety will be enhanced to the extent that a vehicle will not transverse the sidewalk on Waller Street to access the garage on the property and traffic flow will not be impeded by a vehicle entering the roadway from the property.*

- (d) The availability of transportation modes other than the automobile.

*There is public transit (Muni Lines 33, 71, and 71L) that is in close proximity to the Project Site. In addition, the Project Site is also accessible by walking and biking.*

- (e) The pattern of land use and character of development in the vicinity.

*The neighborhood features a mix of residential and commercial uses, many of which include no off-street parking. The required off-street parking space has not been used for several years, and the elimination of a requirement for such a space would preserve the existing pattern of development. The Haight Street NCD is intended to promote mixed-use development with residential uses above ground floor commercial uses and approval of this exemption from the off-street parking requirement will allow Free Gold Watch to continue to operate on the ground floor and the upper floor will continue as a residential unit in accordance with the District's intent and design.*

- (f) 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.*

The Zoning Administrator reviewed the criteria set forth under Planning Code Section 307(i) and has determined that the proposed project meets the criteria for the elimination of one residential off-street parking space on the Project Site.

10. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the component of the project to allow a use size that exceeds 2,499 square feet of floor area does comply with said criteria in that:

A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

*The proposal will not involve any additional tenant improvements to the existing ground floor commercial tenant space. No changes will be made to the existing building envelope.*

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 size and shape of the site and the size, shape and arrangement of the building are adequate for the Project. There will be no physical expansion of the existing building or commercial space.*

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;

*Existing traffic patterns will not be significantly affected by the proposed Project. Public transit is within close proximity to the existing business within walking distance of the Project Site. There is on-street parking in front of the subject property and in the surrounding neighborhood.*

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

*The Project Sponsor shall comply with the Conditions of Approval of the proposed project with regard to odor control.*

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 does not propose any exterior tenant improvements. There will be no addition of parking spaces, loading facilities, open space or service areas. All Project signage and projections must be consistent with the controls of the Planning Code.*

- 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.*

- 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 purpose of the Haight Street NCD in that the intended use is a neighborhood-serving business.*

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

## **COMMERCE AND INDUSTRY ELEMENT**

### **GENERAL/CITYWIDE**

#### **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, which 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 proposal would be compatible with the type of uses characterizing this portion of the Haight Street NCD since the principal use of the commercial tenant space is a silk screening retail store.*

**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 such new activity to the City.

**Policy 2.3:**

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

*The proposed Project will retain an existing commercial space and will enhance the diverse economic base of the City.*

**NEIGHBORHOOD COMMERCE**

**Objectives and Policies**

**OBJECTIVE 6:**

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

**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 existing use is a neighborhood-serving use, thereby encouraging the vitality of the commercial corridor.*

12. **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 proposed Project will preserve and enhance existing neighborhood-serving retail uses by continuing to occupy a commercial tenant space which continues to diversify the type of commercial establishments within the immediate neighborhood. The proposed Project will continue to provide job opportunities to the City.*

- 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 will not displace housing. The second story residential unit will remain.*

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

*The proposed Project will not have any impacts on the City's supply of affordable housing. No housing will be removed as part of this project.*

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

*The proposed Project would not significantly increase the automobile traffic congestion and parking problems in the neighborhood. The proposal is a neighborhood-serving use to which residents can access by walking or taking public transit.*

- 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.

*There is no commercial office development associated with the proposed Project. No industrial or service sector uses would be displaced.*

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

*The proposed Project will comply with all applicable earthquake safety standards and built to the current standards of the California Building Code.*

- G. That landmarks and historic buildings be preserved.

*The proposed Project will not significantly affect any landmarks or historic buildings.*

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

*The proposed Project will not affect any city-owned park or open space.*

13. 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.

14. 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. 2010.0321C** 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. XXXX. 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 19, 2011.

Linda D. Avery  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: May 19, 2011



## **EXHIBIT A**

### **AUTHORIZATION**

This authorization is for a Conditional Use to allow a use size that exceeds 2,499 square feet of floor area on the ground floor of a two-story, mixed-use building located at 1765 Waller Street in Assessor's Block 1250, Lot 028, pursuant to Planning Code Sections 121.2 and 303 within the Haight Street Neighborhood Commercial District, Haight Street Alcohol Restricted Use Subdistrict, and 40-X Height and Bulk District and a 40-X Height and Bulk District; in general conformance with plans, dated October 15, 2009, and stamped "EXHIBIT B" included in the docket for Case No. 2010.0321C and subject to conditions of approval reviewed and approved by the Commission on May 19, 2011, under Motion No. XXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

The residential off-street parking space was converted to retail commercial space that is used in conjunction with the authorized commercial space at the rear of the ground floor. The expanded commercial space contains 2,870 square feet of floor area. Currently, the existing retail commercial space is utilized by a silk screening retail store with accessory printing production area d.b.a. Free Gold Watch, consisting of a retail and sales area with approximately 1,900 square feet of floor area and a production area with approximately 970 square feet of floor area. The proposal will not involve any additional tenant improvements in the existing ground floor commercial tenant space. The existing curb cut will be retained.

### **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 19, 2011, under Motion No. XXXXX.

### **PRINTING OF CONDITIONS OF APPROVAL ON PLANS**

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXX 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. Additionally, the Planning Commission may revoke this Conditional Use Authorization if the Department of Public Health revokes the health permit for massage.

*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).*

3. **Building Permit to Implement the Approved Project.** A Building Permit from the Department of Building Inspection must be obtained to implement the approved use within three years from the effective date of Motion No. \_\_\_\_\_ approving the proposal to legalize the elimination of a residential off-street parking space and to allow a use size that exceeds 2,499 square feet of floor area on the ground floor of the subject building. The Building Permit Application shall include plans in conformance with the plans on file with the Department in the docket for 2010.0321C (labeled EXHIBIT B), reviewed and approved by the Planning Commission on May 19, 2011 under the **Motion No. \_\_\_\_\_**. The plans are required to record the approved use of the premises even if there is no new construction or minor interior changes.

The project shall also comply with all other applicable city codes as required by other city departments. Additionally, no change in the character of occupancy or change to a different group of occupancy as described under the Building Code shall be made without first obtaining a Certificate of Occupancy from the Department of Building Inspection and approval from Planning and other city departments as necessary.

## **PROVISIONS**

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. **Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
6. **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).*

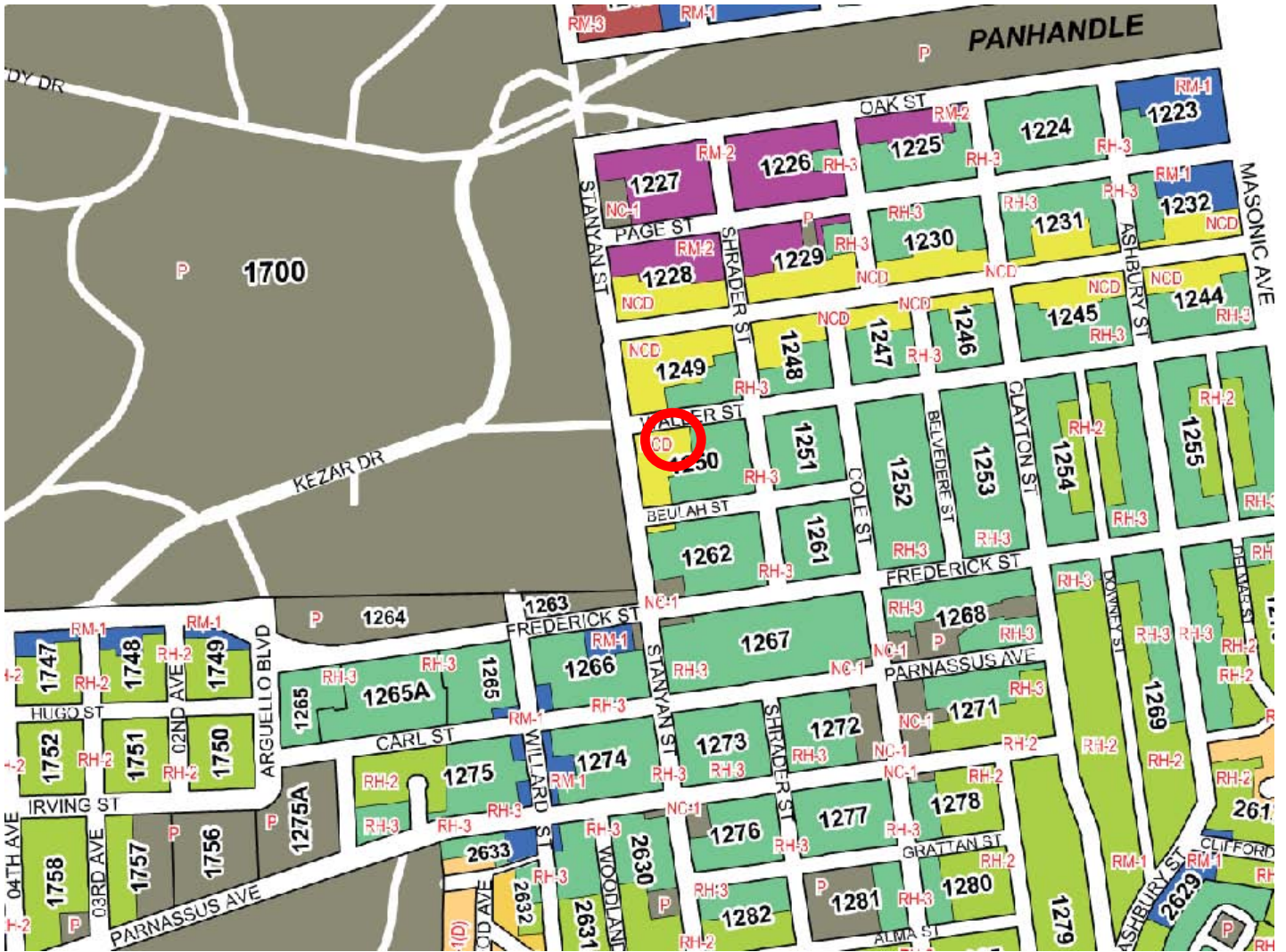
## **DESIGN – COMPLIANCE AT PLAN STAGE**

7. **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 building permit plans. 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](http://www.sf-planning.org).*
8. **Signage.** All existing and proposed exterior signage shall be designed to compliment, not compete with, the existing architectural character and architectural features of the building and shall be consistent with the controls of Article 6 of the Planning Code. Project signage shall be reviewed and approved by the Planning Department. A Building Permit from the Department of Building Inspection must be obtained to legalize all exterior and proposed project signage.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org).*

## OPERATION

9. **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 off 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/>.*
10. **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/>*
11. **Community Liaison.** Prior to issuance of a building permit application 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 written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
12. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.  
*For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), [www.baaqmd.gov](http://www.baaqmd.gov) and Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
13. **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](http://www.sf-planning.org)*

# Zoning Map



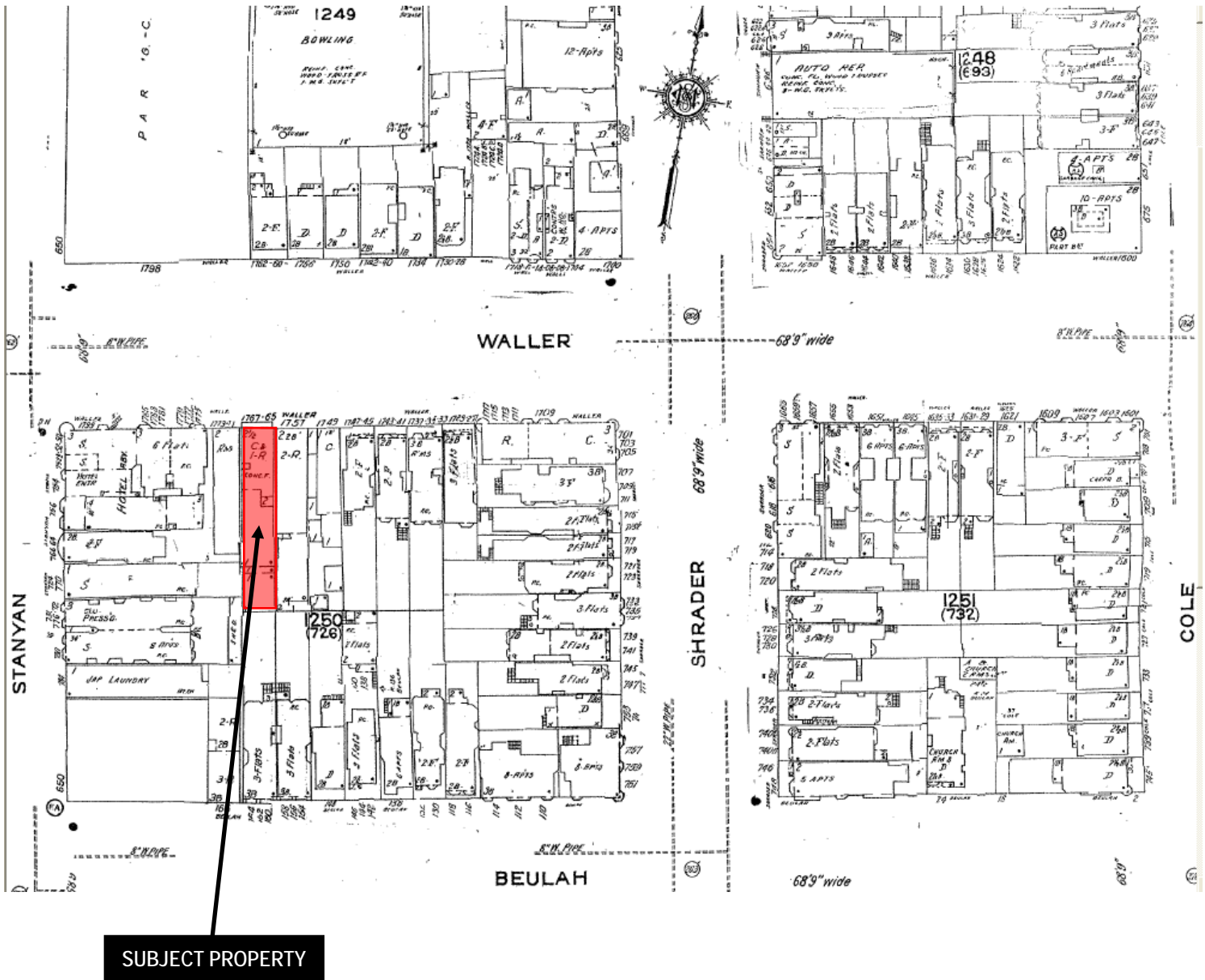
Conditional Use Hearing  
Case Number 2010.0321C  
1765 Waller Street



# Parcel Map



# Sanborn Map\*



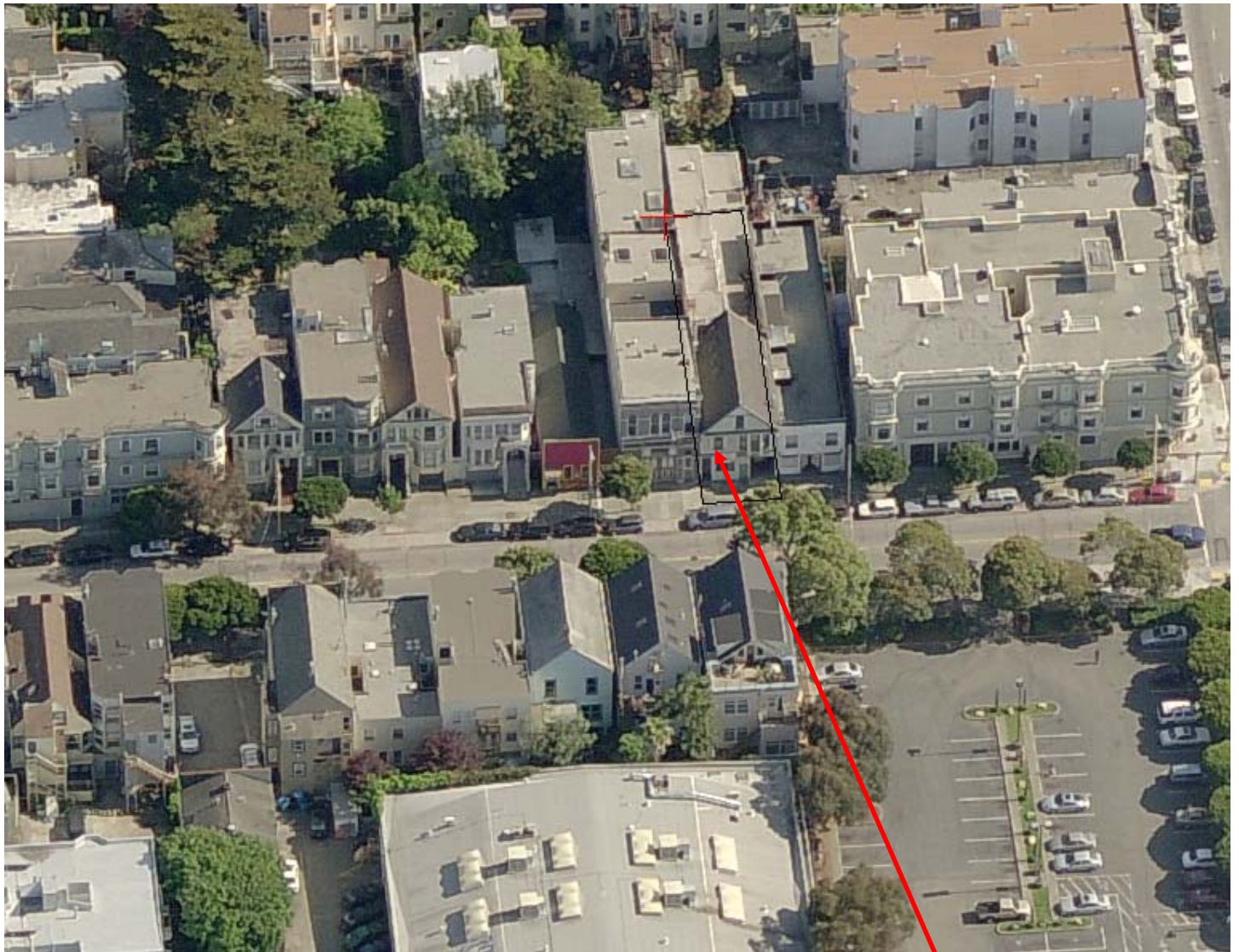
**SUBJECT PROPERTY**

\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

Conditional Use Hearing  
 Case Number 2010.0321C  
 1765 Waller Street



# Aerial Photo\*



**SUBJECT PROPERTY**

*\*The Aerial Maps reflect existing conditions in March 2009.*





# Aerial Photo\*



**SUBJECT PROPERTY**

*\*The Aerial Maps reflect existing conditions in March 2009.*



Conditional Use Hearing  
Case Number 2010.0321C  
1765 Waller Street

# Site Photo

SUBJECT PROPERTY



Conditional Use Hearing  
Case Number 2010.0321C  
1765 Waller Street

# Site Photo

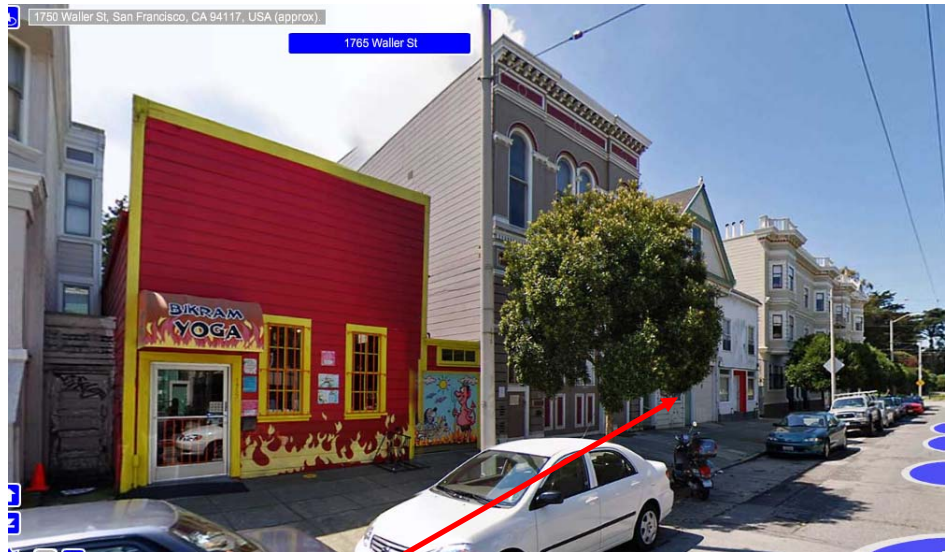
SUBJECT PROPERTY



Conditional Use Hearing  
Case Number 2010.0321C  
1765 Waller Street

# Site Photo

## SUBJECT BLOCK



**SUBJECT PROPERTY**

Conditional Use Hearing  
Case Number 2010.0321C  
1765 Waller Street

# Site Photo

## OPPOSITE BLOCK



Conditional Use Hearing  
Case Number 2010.0321C  
1765 Waller Street



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

## Zoning Administrator Action Memo Administrative Review of Off-Street Parking Reduction

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Date:* May 12, 2011  
*Case No.:* **2010.0321C**  
*Project Address:* **1765 WALLER STREET**  
*Zoning:* Haight Street Neighborhood Commercial District (NCD)  
Haight Street Alcohol Restricted Use Subdistrict  
40-X Height and Bulk District  
*Block/Lot:* 1250/028  
*Project Sponsors:* Theobald Survivors Trust (property owner)  
Nola K Theobald Trustee  
317 Second Avenue  
San Francisco, CA 94118  
Tracy Boxer Zill, Esq. (agent)  
3042 Jackson Street, Suite Four  
San Francisco, CA 94115  
*Staff Contact:* Sharon M. Young – (415) 558-6346  
[sharon.m.young@sfgov.org](mailto:sharon.m.young@sfgov.org)  
Sol Santos (architect)  
SSS Designs LLC  
1931 Middlefield Way, Unit F  
Mountain View, CA 94043

### PROJECT DESCRIPTION

The proposal is a request for Conditional Use authorization under Sections 121.2 and 303 of the Planning Code to allow a use size that exceeds 2,499 square feet of floor area on the ground floor of a two-story, mixed-use building within the Haight Street NCD, Haight Street Alcohol RUSD and 40-X Height and Bulk District. The residential off-street parking space was converted to retail commercial space that is used in conjunction with the authorized commercial space at the rear of the ground floor. The expanded commercial space contains 2,870 square feet of floor area.

Currently, the existing retail commercial space is utilized by a silk screening retail store with accessory printing production area d.b.a. Free Gold Watch, consisting of a retail and sales area with approximately 1,900 square feet of floor area and a production area with approximately 970 square feet of floor area. The proposal will not involve any additional tenant improvements in the existing ground floor commercial tenant space. The existing curb cut will remain since the property owner anticipates converting the retail commercial space back into a residential off-street parking space sometime in the future.

According to the Project Sponsor, Free Gold Watch operates as a neighborhood-serving artisan retail establishment providing hand printed clothing along with printed art canvases. Retail merchandise includes an assortment of accessories such as wallets and sunglasses. In addition to original designs, Free Gold Watch creates custom printed tees and garments for customers who bring in their own designs.

Everything is printed by hand without the use of any automatic machines. Free Gold Watch also conducts basic screen-printing workshops for schools and other groups interested in the craft.

The original proposal (filed on May 4, 2010) included a request for Conditional Use authorization from the Planning Commission under Section 161(j) to legalize the elimination of the residential off-street parking space. In April 2010, the Board of Supervisors passed Ordinance No. 85-10 (Consistent Street Frontages) effective May 7, 2011, which amended Section 161(j) and added Section 307(i) to allow the Zoning Administrator to administratively reduce off-street parking requirements in NC and RC Districts; therefore Conditional Use authorization under Planning Code Section 161(j) for the project is no longer required.

## ACTION

Planning Code Sections 161(j) and 307(i) allow the Zoning Administrator to reduce off-street parking requirements in NC and RC Districts. The Zoning Administrator reviewed the criteria set forth under Planning Code Section 307(i) and has **AUTHORIZED ADMINISTRATIVE APPROVAL** that the proposed project meets the criteria for the elimination of one residential off-street parking space on the Project Site.

## FINDINGS

The Zoning Administrator took the action described above because the proposal meets the six off-street parking criteria outlined in Planning Code Section 307(i) as follows:

- (1) 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 to remove the requirement for one required off-street parking space for the property's residential unit. The existing curb cut will remain since the property owner anticipates converting the retail commercial space back into a residential off-street parking space sometime in the future. There is adequate on-street parking in the neighborhood.*

- (2) 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 elimination of the parking space would not be detrimental to the neighborhood since there is on-street parking on the subject and opposite blocks. In addition, the elimination of the parking space will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity since the area is served by public transit.*

- (3) The minimization of conflict of vehicular and pedestrian movements.

*Pedestrian safety will be enhanced to the extent that a vehicle will not transverse the sidewalk on Waller Street to access the garage on the property and traffic flow will not be impeded by a vehicle entering the roadway from the property.*

- (4) The availability of transportation modes other than the automobile.

*There is public transit (Muni Lines 33, 71, and 71L) that is in close proximity to the Project Site. In addition, the Project Site is also accessible by walking and biking.*

- (5) The pattern of land use and character of development in the vicinity.

*The neighborhood features a mix of residential and commercial uses, many of which include no off-street parking. The required off-street parking space has not been used for several years, and the elimination of a requirement for such a space would preserve the existing pattern of development. The Haight Street NCD is intended to promote mixed-use development with residential uses above ground floor commercial uses and approval of this exemption from the off-street parking requirement will allow Free Gold Watch to continue to operate on the ground floor and the upper floor will continue as a residential unit in accordance with the District's intent and design.*

- (6) 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.*

The review of an off-street parking reduction requested under Sections 161(j) and 307(i) shall be conducted as part of, and incorporated into, a related building permit application or other required project authorizations. The Zoning Administrator's action is not appealable separately from the related Building Permit Application or other required project authorizations associated with the subject project. For more information on those appeal processes, please contact the staff planner listed above.

cc: Zoning Administrator Files



**LAW OFFICES OF TRACY BOXER ZILL**

3042 Jackson Street, Suite Four  
San Francisco, CA 94115  
415 601 8401

May 3, 2011

**VIA HAND DELIVERY**

Mr. Ron Miguel  
Planning Commission President  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

**Re: Brief in Support of Project**  
**Property Address: 1767 Waller Street**  
**Planning Department Application No. 2010.0321C**  
**Hearing Date: ~~May 19~~, 2011, MAY 19**  
**Our File No.: 2009.03**

Dear President Miguel and Commissioners:

This office represents Free Gold Watch, leasee of the real property at 1767 Waller Street ("Property") from the Theobald Survivors Trust ("Owner"). Free Gold Watch ("Project Sponsor"), in concert with Owner, is requesting an exemption from a requirement for one off-street parking space per Variance Decision No. 82.516V ("Project"). Please accept this letter in support of the application filed on May 4, 2010 requesting Conditional Use authorization to remove the parking requirement.

**A. Summary of Project Benefits**

- **Preserve a locally owned neighborhood serving small business:** The Project will preserve a small, locally owned, neighborhood serving artisan retail use in the Haight Street Neighborhood Commercial District ("HSNCD").
- **Preserve the character of the HSCND:** Free Gold Watch is exactly the type of small, artisan retail use that the HSCND is famous for and that design controls seek to attract and retain.

**B. 1983 Variance**

A Variance granted in 1983 to allow reconstruction of the rear part of the existing building was conditioned on the provision of one off-street parking space for the dwelling

Mr. Ron Miguel  
May 3, 2011  
Page 2

unit above the commercial space.<sup>1</sup> From 1983-2007, the commercial space at 1767 Waller operated as an antique store that had incorporated the required parking space into its commercial area. In 2008, Free Gold Watch entered into a lease with the Owner and continued to use the parking area (which appeared to be part of the commercial space) as part of their trade shop.

The Sponsor wishes to remedy the situation and bring the trade shop use into Code compliance by obtaining Conditional Use Authorization (“CU”) from the Planning Commission to remove the requirement for one off-street parking space.

Reduced plans for the Project are attached as **Exhibit A**.

**C. Notice of Violation and Remediation**

On May 5, 2009, the neighbors immediately to the east of the Property filed a complaint with the Zoning Administrator alleging that Free Gold Watch’s silkscreen process was responsible for the emanation of noxious odors.<sup>2</sup> To address this, Free Gold Watch has ceased using a room adjacent to the complainant for screen cleaning, and has built an entirely separate screen cleaning room on the opposite side of the building in the rear corner (see **Exhibit A**) that includes a top-of-the-line ventilation system with charcoal filters. Screen cleaning is exclusively performed in that designated area. Furthermore, Free Gold Watch has replaced screen cleaning products believed to be responsible for the complaint with odor neutral “green” cleaning products derived from soy and corn.

There have been no complaints of which Free Gold Watch is aware since these modifications were introduced over a year ago. Free Gold Watch has abated the odor situation, and has agreed with the complainant to record a private Agreement against the Property to insure that its present methods are continued as long as the Property is used as a silk screen trade shop. Planning Department investigation of the Property revealed the existence of the 1983 Variance, which prompts this Conditional Use application to remove the parking requirement.

**D. Summary of Argument**

Approval of this Conditional Use will preserve an existing artisan small business in a Neighborhood Commercial District designed to encourage just such a use. There will be no effect on anticipated auto usage or the general welfare as the existing required space has not been used for many years. The Project is consistent with the area and the District. The Property owner and the residential tenant are not losing the *right* to ground

---

<sup>1</sup> Variance Decision No. 82.561V, granted January 14, 1983.

<sup>2</sup> A copy of the complaint letter is included with the CU Application.

Mr. Ron Miguel  
May 3, 2011  
Page 3

floor parking; this Authorization simply removes the Planning Code *requirement* for parking.

A Neighborhood meeting was conducted on March 1, 2011 at the Property to solicit neighborhood input. We are aware of no opposition to the Project. Letters in support from neighbors are attached as **Exhibit B**.

**E. Section 161 Criteria**

On April 5, 2011 the Board of Supervisors passed Ordinance 63-11 which amended several sections of the Planning Code. Under Planning Code Section 161(i), the City Planning Commission shall consider the following when approving a reduction of off-street parking requirements:

- 1. The reduction in the parking requirement is justified by the reasonably anticipated automobile usage by residents of and visitors to the project;**

*The project proposes the removal of the requirement for one off-street parking space for the Property's residential unit. The existing tenant has lived at the Property for years and does not use or require an off-street parking space. Elimination of the parking requirement would have no effect on the existing tenant. Further, prospective new tenants would take occupancy without expectation of off-street parking and thus be encouraged to use public transit, bicycle, or walk in accordance with the City's Transit First Policy.*

- 2. The reduction in the parking requirement will not be detrimental to the health, safety, convenience, or general welfare of persons residing in or working in the vicinity;**
- 3. The minimization of conflict of vehicular and pedestrian movements;**

*Elimination of the required off-street parking space will affirmatively promote the public welfare as pedestrian safety will be enhanced to the extent that a vehicle will not traverse the sidewalk on Waller Street to access a required garage on the Property. Further, traffic flow will not be impeded by a vehicle entering the roadway from the Property.*

- 4. The availability of transportation modes other than the automobile;**

*Current employees live in the immediate neighborhood or commute by public transit to the Project Site. The Project Site is located within 2 blocks from several Muni lines, and the area is well served by public transit.*

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

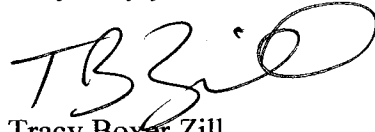
Mr. Ron Miguel  
May 3, 2011  
Page 4

*The neighborhood features a mix of residential and commercial uses, many of which include no off-street parking. The required off-street parking space has not been used for several years, and elimination of a requirement for such a space would preserve the existing pattern of development.*

**E. Conclusion**

The Project significantly furthers and advances many policies and principles of the City's General Plan. It simply removes a requirement for parking pursuant to a 1983 Variance. The City is sorely lacking in small artisan retail uses; the Project affirmatively addresses that need by allowing Free Gold Watch to continue its current operations. Approval of this Conditional Use will allow the Sponsor to bring its trade shop use into Code compliance.

Very truly yours,



Tracy Boxer Zill  
Attorney for Project Sponsor

Attachments

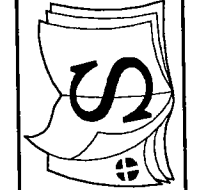
cc: Vice President Christina Olague  
Commissioner Michael J. Antonini  
Commissioner Gwyneth Borden  
Commissioner Kathrin Moore  
Commissioner Hisashi Sugaya  
Commissioner Rodney Fong  
John Rahaim – Director of Planning  
Scott F. Sanchez – Zoning Administrator  
Linda Avery – Commission Secretary  
Sharon Young – Planner  
Matthew Henri  
Richard Romano, Esq.



REVISIONS	BY

THE DRAWING AND OTHER DOCUMENTS HEREBY REFERRED TO ARE THE PROPERTY OF SSS DESIGNS LLC. NO PART OF THIS PROJECT ARE TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF SSS DESIGNS LLC. APPROVED FOR THE PROJECT BY: [Signature]

DESIGN & DOCUMENTATION BY  
**SSS DESIGNS LLC**  
 1931 DEL MAR BLVD, SUITE 100, SAN FRANCISCO, CA 94115  
 PHONE: (415) 961-1142 FAX: (415) 961-1143  
 EMAIL: SSSANTO@SSSDESIGNS.COM WEB: WWW.SSSDESIGNS.COM



EXISTING FLOOR PLAN  
 PROPOSED FLOOR PLAN

TENANT IMPROVEMENT FOR  
**FREE GOLD WATCH**  
 1767 WALLER STREET  
 SAN FRANCISCO, CA

DRAWN BY: RM / SS  
 CHECKED BY: SSS  
 DATE: OCTOBER 15, 2009  
 SCALE: AS NOTED  
 JOB NUMBER: FGW - 0609  
 SHEET: **2**  
 OF 2 SHEETS

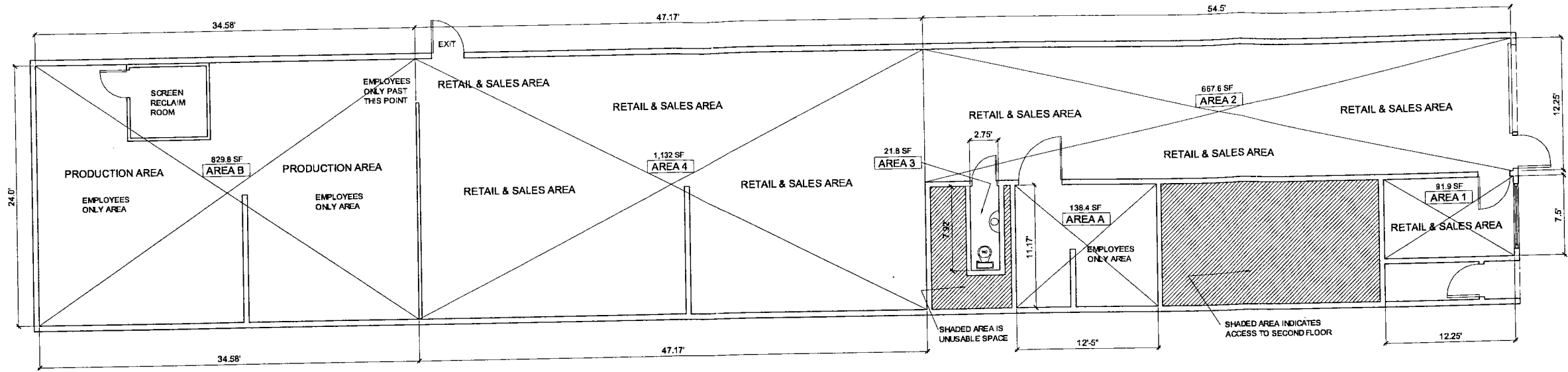
TOTAL USABLE FLOOR = 2,883.5 SF

RETAIL & SALES

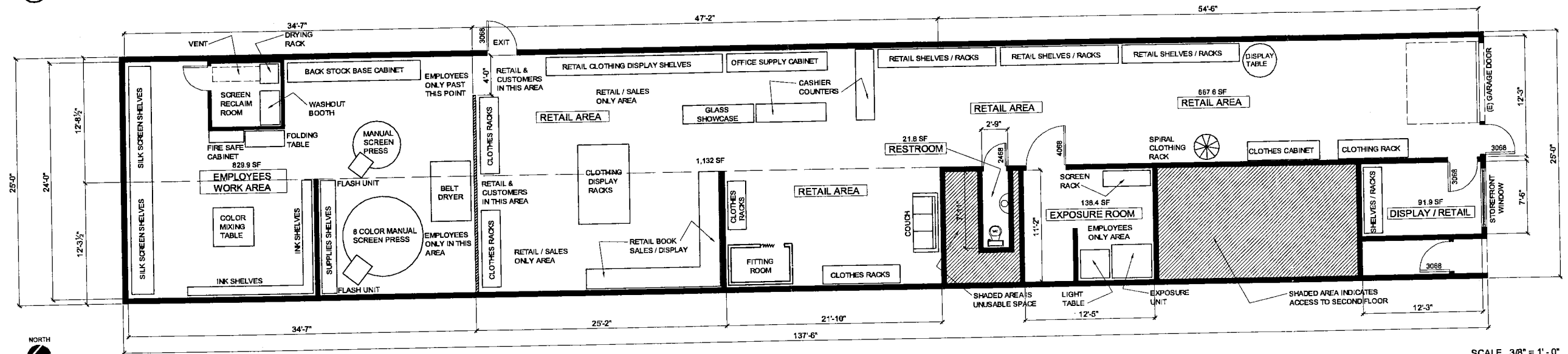
AREA TABULATION		
MARK	AREA SIZE	FLOOR AREA
A-1	12.25' X 7.5'	91.9 SF
A-2	12.25' X 54.5'	667.6 SF
A-3	2.75' X 7.92'	21.8 SF
A-4	47.17' X 24.0'	1,132.0 SF
TOTAL FLOOR AREA		1,913.3 SF
FLOOR AREA PERCENTAGE (1913.3 SF / 2883.50 SF)		66 %

PRODUCTION AREA

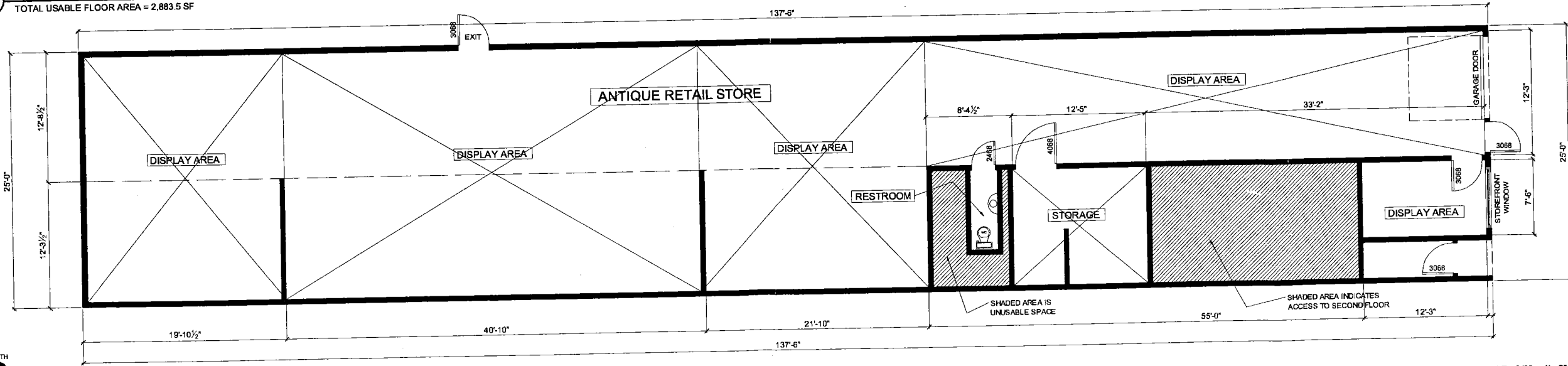
AREA TABULATION		
MARK	AREA SIZE	FLOOR AREA
A-A	12.42' X 11.17'	138.4 SF
A-B	34.58' X 24.0'	829.8 SF
TOTAL FLOOR AREA		968.2 SF
FLOOR AREA PERCENTAGE (968.2 SF / 2883.50 SF)		33 %



**3 FLOOR AREA DIAGRAM**  
 TOTAL USABLE FLOOR AREA = 2,883.5 SF



**2 PROPOSED FLOOR PLAN**  
 TOTAL USABLE FLOOR AREA = 2,883.5 SF



**1 EXISTING FLOOR PLAN**  
 TOTAL USABLE FLOOR AREA = 2,883.5 SF

June 2, 2009

To: San Francisco Planning Commission

From: Officer Christopher Hayes #1221  
San Francisco Police Department Mass Transit K9 Unit  
Hunter's Point Shipyard Bldg #606  
San Francisco, CA 94124

Re: Free Gold Watch 1767 Waller St. SF CA 94117

Dear SF Planning Commission,

This letter is to inform you that our K9 unit is currently a customer at Free Gold Watch. We were referred to this business by a fellow police officer who works in the park district.

Free Gold Watch has successfully designed and produced a t-shirt for our K9 Unit. The employees at Free Gold Watch have been professional and honest throughout our business relationship. We are very pleased with the product and intend to continue doing business at Free Gold Watch.

We feel that Free Gold Watch is an asset to the community and the city of San Francisco.

Sincerely,



Christopher Hayes

06/03/2009

To Whom It May Concern:

I write this letter in support of the small family run business Free Gold Watch that recently set up shop @ 1767 Waller Street. My business premises directly abut their building. My kitchen area is right next to their facility and we have not smelled a thing from their business. I have not encountered or foresee any problems with having this business in our neighborhood, in fact I believe that the city and the neighborhood needs to encourage more entrepreneurs like Matt to set up business in the city. These are difficult enough times for businesses in San Francisco without trying to make it more expensive and difficult for anyone to operate any business in San Francisco.

Sincerely  
Cyril Hackett  
Owner

KEZAR PUB  
770 Stanyan Street  
San Francisco  
CA 94117  
415 386-9292



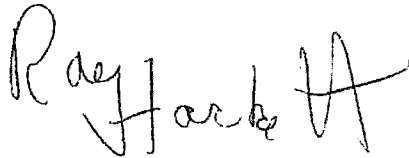
June 4<sup>th</sup>, 2009

San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

To whom it may concern,

My name is Ray Hackett and I am the tenant and resident at 1765 Waller located directly above the business, Free Gold Watch, located at 1767 Waller. I have never had any complaint with their operation. I have had no issue what so ever with their business. There is no smell, no excessive noise, or any odor being emitted from their establishment. I would know, I live right on top of them. They are hard workers and very personable people and I think they are a great addition to the neighborhood.

Sincerely,

A handwritten signature in black ink that reads "Ray Hackett". The signature is written in a cursive style with a large, stylized "H" at the end.

Ray Hackett  
Resident  
1765 Waller St.  
San Francisco, CA 94117  
415-752-4741

To whom it may concern,

I Martha Hoffman, would like to keep Free Gold Watch in my neighborhood, the business located at 1767 Waller Street. I support what they are doing and believe they are a positive addition to the Haight Ashbury.

I understand that all information I am providing will become part of the public record.

(signature) Martha A. Hoffman

(printed name) Martha Hoffman

(date) 10/13/09

RESIDENTIAL

(Address) owner 1750 Waller St 94117

or

LOCAL BUSINESS

(Business Name) \_\_\_\_\_

(Business Address) \_\_\_\_\_

(Position at Business) \_\_\_\_\_

Additional comments:

This is a very appropriate small business for this street & these people have been very responsible & courteous neighbors. That is very

# HAIGHT-ASHBURY STREET FAIR™

P. O. Box 170578

San Francisco, CA 94117

[www.haightashburystreetfair.org](http://www.haightashburystreetfair.org)

June 8, 2009

San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2479

To Whom It May Concern:

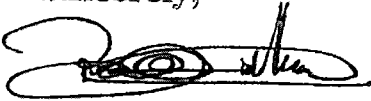
I am writing in support and verification of Free Gold Watch as contributing retail merchant in the Haight-Ashbury District. Their merchandise and the on-site printing facilities make it an ideal mercantile addition for the local businesses that cater to the young consumers that shop in this neighborhood.

The Haight-Ashbury Street Fair, a non-profit organization that produces the annual street fair on Haight Street, has been in direct communications with Free Gold Watch (FGW) since they open their storefront at 1767 Waller Street. FGW impressed me with their marketing skills, merchandise and retail facilities. In fact, FGW will be introducing its wares at this year's street fair.

In these difficult economic times, it is an encouraging sign for this neighborhood to have a new business offering useful and creative products. As a retail merchant in The Haight, FGW is a welcome addition.

Please do not hesitate to contact me if you have any questions or if you need more information.

Sincerely,



Robert M. Leon  
HASF Executive Director  
Cell: (415) 933 - 5116



Robert M. Leon  
Executive Director  
& Treasurer

CELL: (415) 933-5116

Phone: 415.292.3293

[www.haightashburystreetfair.org](http://www.haightashburystreetfair.org)

[robmleon@haightashburystreetfair.org](mailto:robmleon@haightashburystreetfair.org)