



SAN FRANCISCO PLANNING DEPARTMENT

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| <input type="checkbox"/> Inclusionary Housing (Sec. 315) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
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| <input type="checkbox"/> Downtown Park Fee (Sec. 139) | <input type="checkbox"/> Other |

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Planning Commission Motion No. 18043

HEARING DATE: MARCH 11, 2010

Date: March 4, 2010
Case No.: **2009.0682C**
Project Address: **1225 STEINER STREET (aka 1150 PIERCE STREET)**
Zoning: RM-2 (Mixed, Moderate Density)
65-A Height and Bulk District
Block/Lot: 0751/001
Project Sponsor: Kate Voshell
Gelfand Architects
165 - 10th Street, Suite 100
San Francisco, CA 94103
Staff Contact: Sara Vellve – (415) 558-6263
sara.vellev@sfgov.org

ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION FOR A PLANNED UNIT DEVELOPMENT PURSUANT TO SECTIONS 303 AND 304 OF THE PLANNING CODE TO CONSTRUCT A BUILDING CONTAINING LAUNDRY AND MAINTENANCE FACILITIES, RELOCATE AND RENOVATE TRASH ENCLOSURES AROUND THE DEVELOPMENT SITE AND ALTER LANDSCAPING ELEMENTS WITHIN AN RM-2 (MIXED, MODERATE DENSITY) DISTRICT AND A 65-A HEIGHT AND BULK DISTRICT.

PREAMBLE

On July 21, 2009 Kate Voshell of Gelfand Architects (Project Sponsor) filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 303, and 304 of the Planning Code to allow construction of a new building containing laundry and maintenance facilities, relocated and renovated trash enclosures around the development site and landscaping elements within the RM-2 (Mixed, Moderate Density) Districts and a 65-A Height and Bulk District.

On March 11, 2010, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2009.0682C. The Project was determined by the Department to be exempt from the California Environmental Quality Act ("CEQA") as a Class 3 categorical exemption. 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. 2009.0682C, 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 within the Western Addition neighborhood and is approximately 113,440 square feet in area. The site is bounded by Eddy Street to the north, Turk Street to the south, Pierce Street to the west and Steiner Street to the east. The property is developed with six residential buildings containing 111 dwelling units comprising the Martin Luther King Co-Op Apartments. Four residential buildings are sited on street frontages and two residential buildings are located within the site's interior. Parking lots front Turk, Pierce and Eddy Streets, and contain approximately 70 off-street parking spaces. An open mid-block area contains a children's playground, a basketball court and a landscaped area. The buildings were constructed in approximately 1969 and an off-street parking variance was required to approve the original project. The site layout does not present a context where obvious front and rear yards are located; however, a contiguous open area is located within the middle of the block/development.
3. **Surrounding Properties and Neighborhood.** The project site is located in a neighborhood containing a number of moderate and high-density housing developments. It is located two blocks south of Geary Boulevard and one block south of Hamilton Square, a public park. Fillmore Street is located approximately one block east of the project site. A number of small commercial stores are scattered throughout the neighborhood. Generally, the surrounding zoning districts encourage high-density residential development.
4. **Project Description.** The project is proposes to construct a new single-story laundry and maintenance facility of approximately 1,500 square feet within the interior of the site, relocate one and reconstruct two existing trash enclosures, and alter a number of landscaping elements including gates and fences around the parking lots. The current laundry facilities are located within the individual buildings. The project sponsor has indicated that the existing laundry facilities are poorly supervised and dangerous, and are not accessible to all residents. It is believed that relocating the laundry facilities into one structure that is close to a children's play area and basketball court will help strengthen the sense of community and increase safety.

The proposed laundry and maintenance facility would be located between the children's play area and the western half of the existing basketball court, in the undeveloped mid-block area. The proposed building would be approximately 1,500 square feet and 12 feet in height. The laundry portion of the building would contain a number of washers and dryers for residents as well as tables and chairs. The maintenance portion of the building would accommodate tools and carts used to maintain the subject development and the adjacent Marcus Garvey development. A small office would project from the building's north side. Windows would be provided on the north and west side for visual access inside and outside the building. To create outside areas for people to congregate under, the building's roof would project approximately 19 feet from its west façade, and approximately 10 feet from its north façade. Proposed construction materials generally include cement plaster, fiber cement board, 4 and 5 inch fiber cement lap siding, and aluminum window systems. The proposed building would not result in the loss of required residential open space or dwelling units.

Two existing trash areas (each containing two large trash receptacles) would be modified to create a more aesthetically pleasing appearance, and to improve trash containment and drop off. The trash area in the parking lot fronting Pierce Street would be relocated and a curb cut is proposed to improve trash collection. The enclosures would range in size from approximately 144 to 260 square feet, with the walls and trellis approximately 12 feet in height. The proposal would not reduce the overall number of off-street parking spaces. Proposed materials include concrete masonry bricks, metal grates and trellis structures.

Landscape features to be modified include existing security fences at building and parking lot entrances at the street on Turk and Ellis Streets. Rolling gates providing access to the parking areas would be replaced. Generally, the existing metal column fences would be replaced with a metal mesh system, and planters and greenery would be updated and reconfigured. Much of the landscaping work is less than three feet from grade. The development's Board of Director's worked with the Department of Public Works (DPW) to address the tree removal and replacement program as indicated in DPW's Order No. 178,229 and approved on July 14, 2009.

5. **Public Comment.** As of March 4, 2010, the Department is not aware of any opposition to this project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Rear Yard Requirement in the RM-2 District.** Planning Code Section 134 states that the minimum rear yard depth shall be equal to 45 percent of the total depth of a lot in which it is situated, but in no case less than 15 feet or 25 percent, and at the lowest story containing a dwelling unit.

The existing buildings are constructed throughout the site and do not comply with Section 134 of the Planning Code. As a result, the development does not contain a compliant rear yard. However, a mid-block open area is present. To appropriately address the siting of the proposed elements, a Planned Unit Development pursuant to Section 304 of the Planning Code is sought.

- B. **Use.** Planning Code Section 209.1 permits dwelling units at a density ratio of one dwelling unit for each 800 square feet of lot area in the RM-2 District.

The proposal does not involve a change to the number of dwelling units in the development.

- C. **Parking.** Planning Section 151 of the Planning Code requires off-street parking for every dwelling unit.

The development required a variance from the parking requirement when the original development proposal was reviewed by the Department in 1967. Currently, the development provides approximately 70 off-street parking spaces.

- D. **Dwelling Unit Exposure.** Planning Code Section 140 generally requires that every dwelling unit must have at least one major room with a window that looks out onto a public way, open space or rear yard at least 25 feet wide.

The proposed laundry facility will not block the visual access from a dwelling unit onto a public way, open space or rear yard at least 25 feet wide.

- E. **Signage.** Currently, there is not a proposed sign program on file with the Planning Department. Any proposed signage will be subject to the review and approval of the Planning Department.

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

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

The size of the proposed laundry and maintenance facility, garbage enclosures, and landscaping features and gates are necessary and desirable as they provide standard resident amenities that are found in similar moderate-density developments. The laundry and maintenance facility will be minimally visible from any offsite location or the street, and the trash enclosures and gates were originally constructed with the development and the current project aims to update their materials and functioning. As the development was constructed in the late 1960s, it is reasonable to assume that modifications such as those proposed are necessary and desirable in order for the development to remain a pleasant place to live.

- 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 laundry and maintenance facility is proposed to be approximately 1,500 square feet and 12 feet in height. It has been deliberately located close to a children's play area and basketball court so the three activities can compliment each other and create a sense of community. Currently, small laundry facilities are located within the buildings and are poorly supervised, dangerous and not accessible to all. The trash enclosures and gates were constructed with the original development and the current proposal will facilitate their renovation and updating.

- 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;

Construction of a laundry and maintenance facility within the interior of the development and alterations to existing trash enclosures and gates would not impact traffic volume and circulation. The trash enclosures were constructed with the original development and will not impact the number of off-street parking spaces.

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

The project is exclusively residential and will not generate unusual noise, odor, dust and glare as a result of its operations.

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

The proposal would improve the quality of landscaping screening and service areas through new plantings and materials.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

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

The proposed project is not located within an NC District.

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

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 3

ENHANCE THE PHYSICAL CONDITION AND SAFETY OF HOUSING WITHOUT JEOPARDIZING USE OR AFFORDABILITY

POLICY 3.1

Ensure that existing housing is maintained in a decent, safe, and sanitary condition, without increasing rents or displacing low-income households.

The proposed facilities and improvements will make the development safer by increasing the visibility of activities and creating a stronger sense of community. The facility will be accessible to residents of all abilities. Improvement of the garbage and entry elements will ensure the development is maintained in a decent condition.

URBAN DESIGN ELEMENT

OBJECTIVE 4

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY

POLICY 4.15

Protect the livability and character of residential properties from the intrusion of incompatible new buildings.

The architecture of the proposed building is compatible with that of the existing residential properties in that it is of a contemporary aesthetic with a flat roof, large windows and minimal detail. . The improved aesthetic of the trash enclosures and gates will be compatible with the character of the residential development. The overall height of the proposed building is approximately 12 feet while the existing residential buildings are approximately 30 feet.

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 proposed facilities are located within an existing residential development will not impact any existing neighborhood-serving retail uses.

- 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 amenities will enhance the livability of the existing residential development and will preserve the cultural and economic diversity of the neighborhood.

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

No housing is removed for this Project.

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

The proposal does not require additional parking and is not expected to generate any pedestrian or vehicular traffic.

- 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 proposal will not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.

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

The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the Project site.

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

The project will have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces.

10. **Planning Code Section 304** for Planned Unit Developments is required as the existing residential development does not provide a strong rear yard and/or open space pattern due to the siting of the buildings and related amenities. Pursuant to Section 304 of the Planning Code, a PUD is necessary to address the rear yard requirement in order to site the laundry facility, trash

enclosures and gates as proposed. Section 304 establishes 9 criteria by which to evaluate the project upon in order to gain approval.

- a. The procedures for Planned Unit Developments are intended for projects on sites of considerable size, developed as integrated units and designed to produce an environment of stable and desirable character which will benefit the occupants, the neighborhood and the City as a whole. In cases of outstanding overall design, complementary to the design and values of the surrounding area, such a project may merit a well reasoned modification of certain of the provisions contained elsewhere in this Code.

The existing site is approximately 113, 440 square feet and was developed as an integrated residential development of six buildings containing up to 111 units a children's play area, a basketball court, green space and off-street parking. The proposed building and related elements are compatible with the surrounding community and subject development. The laundry facility will replace six small and outdated laundry rooms that are poorly supervised and unsafe due to their locations and lack of visual contact amongst residents. The maintenance area will house materials and carts for the subject and Marcus Garvey developments. The proposed consolidated laundry facility will be located close to the children's playground and basketball court and it is hoped that the activity areas will enhance the sense of community amongst residents. The building has been appropriately designed in terms of architecture, scale and height. Proposed alterations to the trash enclosures and gates are considered minor and routine projects. The lot's zoning permits a building height up to 65 feet. At approximately 12 feet high the laundry facility will be much lower than existing buildings, which are generally 30 feet in height.

The surrounding neighborhood includes a wide range of residential development and recreational facilities.

- B. The tract or parcel of land involved must be either in one ownership, or the subject of an application filed jointly by the owners of all the property included or by the Redevelopment Agency of the City. It must constitute all or part of a Redevelopment Project Area, or if not must include an area of not less than 1/2 acre, exclusive of streets, alleys and other public property that will remain undeveloped.

At approximately 113,440 square feet, the contiguous project site exceeds 2 acres. The property is a co-operative and the Board of Directors has authorized the project sponsor to submit the application.

- C. Application and Plans. The application must describe the proposed development in detail, and must be accompanied by an overall development plan showing, among other things, the use or uses, dimensions and locations of structures, parking spaces, and areas, if any, to be reserved for streets, open spaces and other public purposes. The application must include such pertinent information as may be necessary to a determination that the objectives of this Section are met, and that the proposed development warrants the modification of provisions otherwise applicable under this Code.

The application on file, and drawings and site plans attached to this Motion, illustrate the breadth and detail of the proposed laundry facility, trash enclosures and gates, and the sites configuration.

D. Criteria and Limitations. The proposed development must meet the criteria applicable to conditional uses as stated in Section 303(c) and elsewhere in this Code. In addition, it shall:

i. Affirmatively promote applicable objectives and policies of the Master Plan:

As indicated in the Conditional Use findings above, this project furthers multiple General Plan policies relating to housing and urban design. The objectives and policies have been listed and addressed in their entirety.

ii. Provide off-street parking adequate for the occupancy proposed:

The proposal does not require additional parking and would not eliminate any existing parking.

iii. Provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open spaces required by this Code:

Usable Open Space. The project does not require any additional open space as additional dwelling units are not proposed. The open space requirement was addressed by the original development entitlement in 1969. The proposed building would be located in an area that is generally used as open space as it would replace a ramp and stairs.

Rear Yard. The project's minimum rear yard requirement is 25% of the lot area or 28,400 square feet. There are no front or side yard setbacks required. The project's site coverage is approximately 49%, leaving about 51% of the site (57,500 square feet) in undeveloped areas, well in excess of 25% of the lot area. As the undeveloped areas of the lot are not parallel and adjacent to, a defined rear property line, a rear yard modification for the configuration, but not the size, of the yards is sought.

An exception from the rear yard configuration requirement is justified because the subject project represents a minor modification to an existing development that was approved without a contiguous rear yard area. The intent of the proposed laundry and maintenance facility is to cluster community activities in one area to provide a better amenity and increase safety and a feeling of community. To require the existing development to adhere to a rear yard requirement could create a hardship and would be contrary to the original entitlement approved in 1968.

iv. Be limited in dwelling unit density to less than the density that would be allowed by Article 2 of this Code for a district permitting a greater density, so that the Planned Unit Development will not be substantially equivalent to a reclassification of property:

The proposed laundry and maintenance facility, trash enclosures and gates will not change the existing density that is permitted by the Planning Code.

v. In R Districts, include commercial uses only to the extent that such uses are necessary to serve residents of the immediate vicinity, subject to the limitations for NC-1 Districts under this Code:

The property is zoned RM-2 (Mixed, Moderate Density) and does not include any commercial uses.

- vi. Under no circumstances be excepted from any height limit established by Article 2.5 of this Code, unless such exception is explicitly authorized by the terms of this Code. In the absence of such an explicit authorization, exceptions from the provisions of this Code with respect to height shall be confined to minor deviations from the provisions for measurement of height in Sections 260 and 261 of this Code, and no such deviation shall depart from the purposes or intent of those sections.

The project is approximately 12 feet in height. The height limit of the site is 65 feet.

- vii. In NC Districts, be limited in gross floor area to that allowed under the floor area ratio limit permitted for the district in Section 124 and Article 7 of this Code:

The project is located in an R District.

- viii. In NC Districts, not violate the use limitations by story set forth in Article 7 of this Code.

The project is located in an R District.

- i. In RTO and NCT Districts, include the extension of adjacent alleys or streets onto or through the site, and/or the creation of new publicly-accessible streets or alleys through the site as appropriate, in order to break down the scale of the site, continue the surrounding existing pattern of block size, streets and alleys, and foster beneficial pedestrian and vehicular circulation.

The property is zoned RM-2 (Mixed, Moderate Density).

- 11. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
- 12. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2009.0682C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans filed with the Application as received on November 9, 2009 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. 18043. 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 March 11, 2010.

Linda D. Avery
Commission Secretary

AYES: Commissioners Borden, Lee, Moore, Sugaya & Antonini

NAYS: Olague

ABSENT: Miguel

ADOPTED: March 11, 2010

Exhibit A

Conditions of Approval

This authorization is for a Conditional Use Authorization and Planned Unit Development under Planning Code Sections 303 and 304 to permit the construction of a laundry and maintenance facility, one relocated trash enclosure and two reconstructed of trash enclosures and gates and fences at 1225 Steiner Street (aka 1150 Pierce Street) within a lot zoned RM-2 (Mixed, Moderate Density) District and a 65-A Height and Bulk District, in general conformance with plans filed with the Application as received on November 9, 2009 and stamped "EXHIBIT B" included in the docket for **Case No. 2009.0682C**, reviewed and approved by the Commission on March 11, 2010.

1. Prior to the issuance of the Building Permit 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 premises (Assessor's 0730, Lot 044), which notice shall state that construction has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied.
2. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$250 a day in accordance with Planning Code Section 176.
3. Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Planning Code Section 351(e)(1).
4. The Project shall appoint a Community Liaison Officer to address issues of concern to neighbors related to the operation of this Project. The Project Sponsor shall report the name and telephone number of this Officer to the Zoning Administrator and the neighborhood for reference. The Applicant will keep the above parties apprised should a different staff liaison be designated.
5. The authorization and right vested by virtue of this action shall be deemed void and canceled if, within 3 years of the date of this Motion, a site permit or building permit for the Project has not been secured by Project Sponsor. This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection is delayed by a city, state, or federal agency or by appeal of the issuance of such permit.