



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Resolution No. 18085

HEARING DATE: MAY 13 2010

*Date:* May 6, 2010  
*Case No.:* **2009.0112CZ**  
*Project Address:* **One Capitol Avenue**  
*Zoning:* P (Public)  
*Proposed Zoning:* RH-1 (Residential, House: One-Family)  
*Height/Bulk:* 40-X  
*Block/Lot:* 7148/040  
*Project Sponsor:* Deny Sepaher, Birch Tree Properties, LLC  
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**RESOLUTION OF THE PLANNING COMMISSION TO ADOPT FINDINGS RECOMMENDING THAT THE BOARD OF SUPERVISORS AMEND SHEET ZN12 OF THE ZONING MAP OF THE CITY AND COUNTY OF SAN FRANCISCO TO RECLASSIFY ONE CAPITOL AVENUE, BEING ALL OF LOT 040 IN ASSESSOR'S BLOCK 7148, FROM P (PUBLIC) TO RH-1 (RESIDENTIAL, HOUSE: ONE-FAMILY), TO FACILITATE THE DEVELOPMENT OF 28 SINGLE-FAMILY DWELLINGS ON 28 NEW LOTS INCLUDING 4 AFFORDABLE DWELLING UNITS, 41 OFF-STREET PARKING SPACES, AND 1 CAR SHARE PARKING SPACE; AND TO MAKE AND ADOPT ENVIRONMENTAL FINDINGS AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.**

WHEREAS, On February 12, 2009, Deny Sepaher of Birch Tree Properties, LLC (hereinafter "Project Sponsor"), submitted an Environmental Evaluation Application with the Planning Department (hereinafter "Department"), Case No. 2009.0112E.

On January 27, 2010 the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared and published for public review; and

The Draft IS/MND was available for public comment until February 16, 2010; and

On May 13, 2010, the Planning Commission reviewed and considered the Final Mitigated Negative Declaration (FMND) and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

The Planning Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Planning Department and the Planning Commission, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

The Planning Department, Linda Avery, is the custodian of records, located in the File for Case No.2009.0112E at 1650 Mission Street, Fourth Floor, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting program (MMRP), which material was made available to the public and this Commission for this Commission's review, consideration and action.

On January 28, 2010, the Project Sponsor submitted a letter to the Planning Director requesting to rezone the Subject Property from P (Public) to RH-1 (Residential House: One-Family), in order to create 28 lots with 28 single-family dwellings and 42 parking spaces as part of a Planned Unit Development (hereinafter "PUD") on an approximately 43,077 square-foot site (Lot 040 in Assessor's Block 7148) at One Capitol Avenue (hereinafter "Subject Property").

On January 28, 2010, the Project Sponsor filed an application with the Department for Conditional Use Authorization under Planning Code Sections 303 and 304, to authorize a Planned Unit Development (PUD) on the Subject Property, that includes the creation of 28 lots with a total of 28 single-family dwellings – including four on-site affordable dwelling-units – and 42 parking spaces (including one car share space) in an RH-1 (Residential, House – One Family) District and 40-X Height and Bulk District. The PUD includes modifications to the lot size and width (Section 121), and to the rear yard (Section 134) and usable open space (Section 135) configurations (Case No. 2009.0112CZ; collectively, hereinafter "Project").

The San Francisco Planning Commission (hereinafter, "Commission") held a duly noticed public hearing at a regularly scheduled meeting on Case No2009.0112CZ on May 13, 2010. At that hearing, after hearing and considering the testimony presented to it and after further considering written materials and oral testimony presented on behalf of the Project Sponsor, Department staff, and other interested parties, the Planning Commission recommended approval of the Zoning Map Amendment to the Board of Supervisors to enable the development of the lot with 28 single-family dwellings as part of a Planned Unit Development.

At that same hearing, the Planning Commission authorized a Planned Unit Development for the Project.

The Map Amendment and the Project will affirmatively promote the Objectives and Policies of the General Plan for the reasons set forth in Section 9 of Planning Commission Motion No. 18084, which authorized the Project as a Planned Unit Development.

The Department received a petition endorsing the Project from eight neighbors, and two letters of support: one from the Housing Action Coalition and from the OMI Neighbors in Action. The Department has received opposition from three people, with concerns including but not limited to public safety, parking demand, density, and increased traffic.

The proposal will promote the following relevant objectives and policies of the General Plan:

**HOUSING ELEMENT:**

**Objectives and Policies**

**OBJECTIVE** **1**  
**TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND.**

**Policy 1.4:**

Locate in-fill housing on appropriate sites in established residential neighborhoods.

**Policy 1.5:**

Support development of affordable housing on surplus public lands.

*The Project is an in-fill development with four on-site affordable dwelling-units on a vacant parcel of land in an established residential neighborhood. The Project Site is zoned P (Public), but as part of this Project will be rezoned to RH-1 (Residential, House: One-Family). The Property was previously owned and used by CalTrans during the construction of the I-280 Freeway, and in 1979, CalTrans sold this surplus property to the Project Sponsor's family.*

**OBJECTIVE 4**  
**SUPPORT AFORDABLE HOUSING PRODUCTION BY INCREASING SITE AVAILABILITY AND CAPACITY.**

**Policy 4.1:**

Actively identify and pursue opportunity sites for permanently affordable housing.

**Policy 4.2:**

Include affordable units in larger housing projects.

**Policy 4.6:**

Support a greater range of housing types and building techniques to promote more economical housing construction and potentially achieve greater affordable housing production.

*The Subject Property is an underutilized, vacant site that is suitable for an in-fill housing development, including four permanently-affordable on-site dwelling-units. The nature and configuration of the Planned Unit Development results in 28 single-family homes that are "affordable by design" in that they are relatively small in size with efficient floor plans.*

**OBJECTIVE 8**  
**ENSURE EQUAL ACCESS TO HOUSING OPPORTUNITIES**

**Policy 8.4:**

Encourage greater economic integration within housing projects and throughout San Francisco.

**Policy 8.7:**

Eliminate discrimination against households with children

**Policy 8.9:**

Encourage the provision of new home ownership opportunities through new construction so that increased owner occupancy does not diminish the supply of rental housing.

*The Project provides new family-sized dwelling-units with a variety of floor plans to meet the diverse needs of San Francisco's population. It will contain 28 new single-family homes suitable for families with children. The Project will not diminish the supply of rental housing in that it will be built on an unutilized vacant parcel of land.*

**Policy 11.10**

Include energy efficient features in new residential development and encourage weatherization in existing housing to reduce overall housing costs and the long-range cost of maintenance.

*According to the Project Sponsor, the proposed new residences are being designed with long-term environmental sustainability in mind. The techniques being adopted to support this goal will augment the new homes' energy efficiency, water efficiency, and community benefits, while lowering the overall carbon footprint as compared to standard construction methods.*

*Since water consumption is one of the key environmental issues, the design of these homes will incorporate the "Best Management Practices" and "Storm Water Design Guidelines" as recommended by the San Francisco PUC. In accordance with these recommendations, a signature design feature will be the landscaped drive aisle or mews. This mews will be designed to function as a space for gathering and recreation for the residents that will feature pavers that reduce the impervious surfaces as compared to standard asphalt paving. This will allow more rainfall to soak into the ground, and reduce the volume and intensity of storm water runoff, ultimately reducing flows that end up in the receiving waters. Also using permeable surfaces will reduce the heat island effect caused by usage of surface materials that are effective heat retainers like an asphalt or pored concrete.*

*For the landscaping, sustainable design techniques will be incorporated into the planning of the open spaces. The vegetated component of this mews will incorporate native plants, low water and drought resistant species. To further reduce water consumption, the Project Sponsor intends to introduce drip system irrigation on an irrigation controller that is tied to the weather stations to make the irrigation as efficient as possible.*

*The 28 new single-family dwellings are being designed with the intent to exceed San Francisco's Green Building Ordinance. For 2009, the minimum GreenPoints for new residential projects over 5 units is 25. Currently the project qualifies for 70 points as defined by the GreenPoint Rating System and will attempt to meet the criteria for a GreenPoint Rating. The Project is also expected to exceed CA Title 24 energy criteria by 15%.*

*To create a healthier indoor environment and reduce overall resource consumption, the Project will include low VOC (Volatile Organic Compound) finishes, ENERGY STAR rated fixtures, and low flow water closets. Whenever possible, recycled content material will be utilized in lieu of virgin materials.*

*Lastly, although not required by Code, one parking space has been incorporated into the site plan for car share use, which will reduce the need for parking on site and contribute to a lesser traffic overall.*

## TRANSPORTATION ELEMENT:

### Objectives and Policies

#### OBJECTIVE 2

**USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.**

##### Policy 2.2

Reduce pollution, noise and energy consumption.

*The Project is designed to help buffer and reduce the noise generated by the I-280 Freeway that currently impacts the residences on Sagamore Street. The reduction provided by the Project would be up to an additional six decibels, which is considered to be a “noticeable” reduction in noise by people of normal sensitivity. Exhibit A includes a diagram that indicates a reduction in freeway noise as a result of this Project.*

*The Project also serves the City’s “Transit First” policy because the site is well-served by public transportation options and is thus a good location for new development. The site is located in close proximity to the 14, 14L, 14X, and 54 bus lines, the 88 BART Shuttle, the M light rail line, and the Daly City BART Station. Additionally, the Project includes one car share parking space that will be accessible to the surrounding community.*

#### OBJECTIVE 11

**ESTABLISH PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.**

##### Policy 11.3

Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well as mitigate traffic problems.

*The Project’s is located in proximity to existing transit service and will provide a car share parking space on-site.*

#### OBJECTIVE 24

**IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.**

**Policy 24.2**

Maintain and expand the planting of street trees and the infrastructure to support them.

**Policy 24.5**

Where consistent with transportation needs, transform streets and alleys into neighborhood-serving open space or "living streets", especially in neighborhoods deficient in open space.

*The Project includes the addition of seven new street trees, including street trees along Sagamore Street that are not required as part of this Project. The proposed mews will act as a living street, in that it will include pervious pavers and landscaping to act as a drive aisle as well as common usable open space for the occupants of the development.*

**OBJECTIVE 26**

**CONSIDER THE SIDEWALK AREA AS AN IMPORTANT ELEMENT IN THE CITYWIDE OPEN SPACE SYSTEM.**

**Policy 26.1**

Retain streets and alleys not required for traffic, or portions thereof, for through pedestrian circulation and open space use.

*The proposed mews is designed to act as pedestrian open space and will allow for quality pedestrian circulation when not being used for vehicular access.*

**OBJECTIVE 27**

**ENSURE THAT BICYCLES CAN BE USED SAFELY AND CONVENIENTLY AS A PRIMARY MEANS OF TRANSPORTATION, AS WELL AS FOR RECREATIONAL PURPOSES.**

**Policy 27.5**

Make available bicycle route and commuter information and encourage increased use of bicycle transportation.

*The inclusion of private bicycle parking within each new single-family dwelling aids in the convenient use of bicycling as a means of transportation and for recreational use.*

**OBJECTIVE 28**

**PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.**

**Policy 28.1:**

Provide secure bicycle parking in new governmental, commercial, and residential developments.

**Policy 28.3:**

Provide parking facilities which are safe, secure, and convenient.

*Two dedicated bicycle parking spaces are provided within the garages of each of the 28 new single-family dwellings, for a total of 56 secure bicycle parking spaces. This Project exceeds the Code-requirement of 14 bicycle parking spaces by a multiplier of four.*

**OBJECTIVE 34**

**RELATE THE AMOUNT OF PARKING IN RESIDENTIAL AREAS AND NEIGHBORHOOD COMMERCIAL DISTRICTS TO THE CAPACITY OF THE CITY'S STREET SYSTEM AND LAND USE PATTERNS.**

**Policy 34.1:**

Regulate off-street parking in new housing so as to guarantee needed spaces without requiring excesses and to encourage low auto ownership in neighborhoods that are well served by transit and are convenient to neighborhood shopping.

*The required parking for the RH-1 District is one parking space per unit, with an allowance to have up to three parking spaces as an accessory use (i.e. a 3:1 ratio). The Project includes a total of 41 off-street parking spaces and one unenclosed car share parking space. Fifteen of the 2-bedroom units would have one off-street parking space, seven of the 2-bedroom units would have two off-street parking spaces, and all of the 3-bedroom units would have two off-street parking spaces, for an overall Project parking ratio of 1.5:1. This parking layout is consistent with the City's efforts to relate parking to unit size as well as density. The on-site parking should adequately accommodate the needs of future residents, as the larger units all have two off-street parking spaces, while some of the two-bedroom units only have one off-street parking space. The second parking space in the three-bedroom units should help to mitigate the lack of on-street parking available for this Project. Furthermore, due to the configuration of this Project, there will be no immediately adjacent street parking available to any of the occupants of the Project.*

**URBAN DESIGN ELEMENT:**

**Objectives and Policies**

**OBJECTIVE 1**

**EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.**

**Policy 1.3:**

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

*The proposed development is consistent with the scale and density in the surrounding neighborhood, in that the buildings range from two-to-three-stories in height and are single-family dwellings. There are 28 proposed dwellings that span the full block width from Capitol to Alemany; this is compatible with the 26 dwellings that span the same width as the Project Site and front Sagamore Street.*

**OBJECTIVE 3**

**MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.**

**Policy 3.1:**

Promote harmony in the visual relationships and transitions between new and older buildings.

**Policy 3.2:**

Avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.

**Policy 3.5:**

Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development.

*The Project will promote harmony by visually relating the 28 two-and-three-story single-family dwellings to the buildings in the neighborhood, which are predominantly two-story single family dwellings. The Project's height, massing, scale, materiality, and overall character have been designed to be respectful to and consistent with the surrounding buildings. The mews provides a rear yard-like functionality to the adjacent properties' rear yards, adding greater distance and privacy between the new dwellings and the existing dwellings that front Sagamore Street. The new construction will greatly enhance the character of the existing site and neighborhood.*

**OBJECTIVE 4**

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

**Policy 4.1:**

Protect residential areas from the noise, pollution and physical danger of excessive traffic.

**Policy 4.10:**

Encourage or require the provision of recreation space in private development.

**Policy 4.11:**

Make use of street space and other unused public areas for recreation, particularly in dense neighborhoods, such as those close to downtown, where land for traditional open spaces is more difficult to assemble.

**Policy 4.12:**

Install, promote and maintain landscaping in public and private areas.

**Policy 4.13:**

Improve pedestrian areas by providing human scale and interest.

**Policy 4.15:**

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

*Due to the Project Site's undeveloped nature, there is currently no buffer to the noise produced by the I-280 Freeway. The Project will permanently reduce the noise by up to six decibels, which will be a*



*noticeable reduction in noise for the existing residents along Sagamore Street. The construction of the Project will also help to improve safety in the neighborhood by converting a currently vacant lot into a continuation of the surrounding low density neighborhood.*

*The proposed Project includes an abundance of landscaping throughout the property, along with seven new trees on public property (four on Capitol Avenue and three on Alemany). The mews will be designed to provide to allow for its shared use by pedestrians and vehicles, by incorporating landscaping and distinctive pervious paving. The mews will function as a drive aisle for vehicular access as well as a shared open space for the recreational use of development's residents.*

*The new buildings are compatible in scale, density, and materiality with the established neighborhood character.*

## **RECREATION AND OPEN SPACE ELEMENT:**

### **Objectives and Policies**

#### **OBJECTIVE 4**

#### **PROVIDE OPPORTUNITIES FOR RECREATION AND THE ENJOYMENT OF OPEN SPACE IN EVERY SAN FRANCISCO NEIGHBORHOOD.**

##### **Policy 4.2:**

Maximize joint use of other properties and facilities.

##### **Policy 4.5:**

Require private usable outdoor open space in new residential development.

*The use of the mews as open space allows for a large outdoor recreation space that is directly accessible to the occupants of the Project. This open space is of a size that enables greater flexibility in how it is used than the standard private open space requirement of 300 square feet per unit. It also adds to the development's sense of community.*

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code 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.

*No existing neighborhood serving uses would be displaced as the Property is currently vacant. By increasing the number of people who live in the neighborhood, the Project increases the opportunities for resident employment in and ownership of neighborhood businesses*

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

*The proposed Project would be a benefit to the neighborhood character, by constructing new single-family dwellings that are consistent with the existing height, density, and general architectural style*

*of the surrounding neighborhood. By providing on-site affordable dwelling-units, along with modestly-sized family housing, the Project would preserve and foster the cultural and economic diversity of the neighborhood.*

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

*The proposed Project would enhance the City's supply of affordable housing by including 4 on-site affordable dwelling-units within the Project.*

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

*The Project would provide 41 off-street parking spaces within private garages for a 1.5:1 parking ratio, along with one car-share space available to the community. The on-site parking should adequately accommodate the needs of future residents, as the larger units all have two off-street parking spaces, while some of the two-bedroom units only have one off-street parking space. The second parking space in the three-bedroom units should help to mitigate the lack of on-street parking available for this Project. The Project site is also well served by public transportation—it is within close proximity of the 14, 14L, 14X, and 54 bus lines, the 88 BART Shuttle, the M-light rail line, and the Daly City BART Station. Overall, the construction of 28 new single-family dwellings with 41 off-street parking spaces will not impede MUNI transit service or overburden the streets or neighborhood parking.*

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

*The Project does not propose any office development, and will not displace any industrial or service uses. The Project should enhance future opportunities for resident employment by providing additional residents to the Ocean View Neighborhood.*

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

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

- G. That landmarks and historic buildings be preserved. There are no landmarks or historic buildings on, or associated with, the Project site.

*The Property is vacant; there are no landmarks or historic buildings on or associated with the Project Site.*

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

*The Project would not cast a shadow on any existing parks or recreation facilities or obscure the vista from any park.*

- I. 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.

The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

Further, for the foregoing reasons and based on the facts presented, the Commission finds, pursuant to Section 302, that the public necessity, convenience, and general welfare require the adoption of this legislation.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board of Supervisors ADOPT the proposed Ordinance.

I hereby certify that the foregoing Resolution was ADOPTED by the Planning Commission on May 13, 2010.

Linda D. Avery

Commission Secretary

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

NAYS: Commissioner Olague

ABSENT:

ADOPTED: May 13, 2010