



# SAN FRANCISCO PLANNING DEPARTMENT

*Subject to: (Select only if applicable)*

- |  |  |
|--|--|
| <input type="checkbox"/> Inclusionary Housing (Sec. 315)         | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 313) | <input type="checkbox"/> Child Care Requirement (Sec. 314) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 139)            | <input type="checkbox"/> 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 18110

HEARING DATE: JUNE 17, 2010

*Date:* June 10, 2010  
*Case No.:* **2008.0794C**  
*Project Address:* **2115 – 2117 TARAVAL SREET**  
*Zoning:* NC-2 (Neighborhood Commercial – Small Scale),  
50-X Height and Bulk District  
*Block/Lot:* 2394/046  
*Project Sponsor:* Kevin Ma  
1359 Broadway Street  
San Francisco, CA 94109  
*Staff Contact:* Elizabeth Watty – (415) 558-6620  
[Elizabeth.Watty@sfgov.org](mailto:Elizabeth.Watty@sfgov.org)

**ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 161(j), 317, 711.39, AND 790.86, TO ALLOW THE DEMOLITION OF TWO RESIDENTIAL DWELLING-UNITS WITHIN AN EXISTING MIXED-USE BUILDING AND THE NEW CONSTRUCTION OF A FOUR-STORY, MIXED-USE STRUCTURE WITH TWO-DWELLING-UNITS, GROUND FLOOR COMMERCIAL AND SECOND FLOOR OFFICE SPACE WITH NO OFF-STREET PARKING WITHIN THE NC-2 (NEIGHBORHOOD COMMERCIAL – SMALL-SCALE) DISTRICT, TARAVAL STREET RESTAURANT AND FAST-FOOD SUB-DISTRICT, AND A 50-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On June 4, 2009, Kevin Ma (hereinafter “Project Sponsor”) filed an application (hereinafter “Application”), to demolish a two-story mixed-use building, including two single-family residences, and to construct a new, four-level, mixed-use structure to include a commercial and an office space, and two single-family residential dwelling-units, without on-site parking. The project is in an NC-2 (Neighborhood Commercial – Small-Scale) District, the Taraval Street Restaurant and Fast-Food Sub-District, and a 50-X Height and Bulk District.

On April 8, 2010, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2008.0794C. The Commission continued the item to June 10, 2010 to allow for further refinement of the design.

On June 10, 2010, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional use Application No. 2008.0794C. This item was continued to June 17, 2010, at the request of the Project Sponsor.

On June 17, 2010, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2008.0794C.

On March 6, 2009, the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 1 and 3 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project

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. 2008.0794C, 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 site contains a 25-foot wide by 100-foot deep lot fronting on Taraval Street, between 31<sup>st</sup> and 32<sup>nd</sup> Avenues. The subject property contains a building constructed in 1926 with retail/commercial space on the ground floor at the front of the structure containing approximately 2,000 square feet; this portion of the structure is one level. The existing structure contains one 500-square foot residential dwelling-unit behind the commercial space and one 500-square residential dwelling-unit above. This portion of the structure is two levels. The retail space formerly contained a kitchen and bath supply store, but has been vacant for five years. The two residential units are vacant and were previously used as one dwelling-unit, although there is no permit history that authorizes a dwelling-unit merger for the Subject Property. The building does not contain any on-site parking.

The project block contains a slight downward slope from east to west along Taraval Street, and the roof line of existing structures generally follows the laterally-sloping topography of the block. The project site contains a two-level structure proposed to be demolished. Although the two residential units have been vacant for approximately five years, due to the size of the units, the previous owner utilized them as a single-family dwelling unit.

- 3. Surrounding Properties and Neighborhood.** The Project site is located in the NC-2 (Neighborhood Commercial – Small Scale) and Taraval Street Taraval Restaurant and Fast-Food Sub-District (RUSD) as defined in 711.1 and 781.1, respectively. The NC-2 District along Taraval Street spans from Funston to 36<sup>th</sup> Avenues, and is approximately 25 blocks long. The Project Site is located between 31<sup>st</sup> and 32<sup>nd</sup> Avenues, within the middle a mixed-use neighborhood along Taraval Street, which contains predominantly single-family dwellings along the Avenues running perpendicular to Taraval Street. Retail and commercial uses in this area include restaurants, grocery stores, bakeries, and general retail stores which serve the surrounding residents within this area.

The NC-2 Districts are linear shopping streets which provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices. NC-2 Districts are commonly located along both collector and arterial streets which have transit routes.

These districts range in size from two or three blocks to many blocks, although the commercial development in longer districts may be interspersed with housing or other land uses. Buildings typically range in height from two to four stories with occasional one-story commercial buildings.

The small-scale district controls provide for mixed-use buildings which approximate or slightly exceed the standard development pattern. Rear yard requirements above the ground story and at residential levels preserve open space corridors of interior blocks.

Most new commercial development is permitted at the ground and second stories. Neighborhood-serving businesses are strongly encouraged. Eating and drinking and entertainment uses, however, are confined to the ground story. The second story may be used by some retail stores, personal services, and medical, business and professional offices. Parking and hotels are monitored at all stories. Limits on late-night activity, drive-up facilities, and other automobile uses protect the livability within and around the district, and promote continuous retail frontage.

Housing development in new buildings is encouraged above the ground story. Existing residential units are protected by limitations on demolition and upper-story conversions.

The RUSD is intended to preserve the mix and variety of goods and services provided to the Sunset and Parkside neighborhoods and City residents, prevent further proliferation of restaurant uses and prevent further aggravation of parking and traffic congestion in this district. This District is generally applicable for the NC-1-zoned portions of Taraval Street located between 40th and 41st Avenues and between 45th and 47th Avenues, and for the NC-2-zoned portion of Taraval Street located between 12th and 36th Avenues, as designated on Sectional Maps 5SU and 6SU of the Zoning Map.

4. **Project Description.** The Project includes the demolition of an existing two-story mixed-use building – containing two residential dwelling-units (one on the ground floor, one on the second floor) and ground-floor commercial space – and the construction of a new, four-story, mixed-use structure – containing commercial space on the ground floor, office space on the second floor, and two dwelling units (one on the third floor, one on the fourth floor). The replacement structure would not provide any off-street parking.

Pursuant to Planning Code 317 (c), “where an application for a permit that would result in the loss of one or more Residential Units is required to obtain Conditional Use Authorization by other sections of this Code, the application for a replacement building or alteration permit shall also be subject to Conditional Use requirements.” This report includes finding for a Conditional Use Authorization in addition to Demolition Criteria established in Planning Code Section 317.

5. **Public Comment.** The Department has received two letters in opposition to the project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Off-Street Parking.** Planning Code Section 151 provides that one off-street parking space is required for each dwelling unit.

*The Project includes the construction of two new dwelling-units, which requires two off-street parking spaces. The Project does not include any off-street parking. Per Section 161(j), the Planning Commission may grant Conditional Use Authorization to allow reduced on-site parking within the NC-2 District.*

- B. **Reduction in Off-Street Parking.** Planning Code Section 161(j) provides that off-street parking requirements for dwelling units in NC Districts, as described in Article 7 of this Code, may be reduced by the Planning Commission pursuant to the procedures for conditional use authorization set forth in Section 303 of this Code. In acting upon any application for a reduction of requirements, the Planning Commission shall consider the criteria set forth below in lieu of the criteria set forth in Section 303(c), and may grant the reduction if it finds that:

- (1) The reduction in the parking requirement is justified by the reasonably anticipated auto usage by residents of and visitors to the project;
- (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;
- (3) The project is consistent with the existing character and pattern of development in the area; and
- (4) The project is consistent with the description and intent of the neighborhood commercial district in which it is located.

*The project is to construct a new, four-level, mixed-use structure, which includes two commercial spaces and two dwelling-units, without on-site parking, where two off-street parking spaces are*

*required. The subject site is well served by public transit (MUNI rail and bus) so that potential customers to the ground floor retail/commercial use and residents and visitors to the residential units would not be adversely affecting the traffic flow. Further, NC-2 Districts are generally linear shopping streets which provide convenience goods and services to the surrounding neighborhoods which are commonly located along both collector and arterial streets which have transit routes*

- C. **Rear Yard Requirement.** Planning Code Section 711.12 provides that in the NC-2 District, a rear yard is required at the second story and above and at all residential levels. Section 134 of the Planning Code requires a minimum rear yard of 25% at all residential levels.

*The second level would be 25-feet wide by 75-feet deep to include a 25-foot wide by 20-foot deep rear deck. The structure would be built five feet from the rear property line, complying with the 25% rear yard requirement.*

- D. **Usable Open Space.** Planning Codes 135 and 711.93 require either 100 square feet of private space per residential dwelling-unit, if private, or 133 square feet per unit if common space is provided.

*The subject property contains a 600 square foot rooftop deck that is accessible to both dwelling-units. The third floor dwelling-unit also contains a 150 square-foot private deck.*

- E. **Height Limits.** The subject property is within a 50-X Height and Bulk District, allowing structures to be built to 50 feet in height.

*Although the proposed structure complies with the 50-foot height limit, the Department believes the design, as proposed does not meet the Residential Design Guidelines and would like to see a greater front setback at the fourth level than the proposed six feet. An increased front setback and removal of the parapet would allow for a stronger pedestrian connection between the new structure and the street.*

- F. **Use.** Pursuant to Planning Code Sections 317, 711.39 and 790.86, Conditional Use Authorization is required for the demolition of dwelling units in an NC-2 District.

- G. **Loss of Residential Units through Demolitions.** Planning Code Sections 711.39 and 790.86 require Conditional Use Authorization to allow the demolition of a dwelling-unit at the second floor in an NC-2 District. The demolition of the ground-floor dwelling-unit is subject to a Mandatory Discretionary Review under Sections 711.39 and 317; however, Section 317(d)(2) states that if a Conditional Use is required under any other Section of the Planning Code, the Commission shall consider the residential demolition that is subject to a Mandatory DR as part of the Conditional Use request.

Section 317 also establishes additional criteria in the review of applications to demolish residential dwelling-units, which are included under Item 8 of this Motion.

7. Under **Planning Code Section 303** the Planning Commission may approve an application for Conditional Use if the facts presented are such to establish:

- A. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community:

*The Project would replace an existing two-story structure, containing retail/commercial space on the ground floor and two, 500-square foot, dwelling-units at the rear of the structure. This development is consistent with the General Plan, which promotes the creation of family-sized dwellings. The new structure is a contemporary design that will add aesthetic value to the mixed-use district in this neighborhood.*

*The Project Site is within a desirable neighborhood, in close proximity to several public transit lines along Taraval Street and 19<sup>th</sup> Avenue.*

- B. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

- i. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of the structures;

*The size and shape of the proposed structure would meet the General Plan and Planning Code. However, the project would not comply with the Residential Design Guidelines and the Department recommends a greater front setback at the top level, from six feet to 15 feet.*

*Although the existing structure is a sound building, the existing 500-square-foot dwelling-units are sub-standard in size and the building has been vacant for several years. The new building will add two-family-sized units to the housing stock and retain the retail/commercial use on the ground floor.*

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

*The project does not include any on-site parking and is located on a transit-oriented street. Therefore, the project would have minimal impact on accessibility and traffic patterns for persons and vehicles arriving at and departing from the Project Site. The Project Site is in close proximity to several public transit line located on Taraval Street and 19<sup>th</sup> Avenue.*

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

*Since the Project is residential in nature with retail/commercial, it would not be considered to generate noxious or offensive emissions.*

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

*A street tree would be planted along the public right-of-way on Taraval Street.*

- 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 applicable provisions 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 NC-2 District.

*The Project is consistent with the stated purpose of the NC-2 Districts, which are intended to recognize, protect, conserve and enhance areas characterized by neighborhood serving and mixed uses.*

- 8. **Additional Findings pursuant to Section 317** establishes criteria for the Planning Commission to consider when reviewing applications to demolish or convert Residential Buildings. On balance, the Project does comply with said criteria in that:

- i. Whether the Project Sponsor has demonstrated that the residential structure is unsound, where *soundness* is an economic measure of the feasibility of upgrading a residence that is deficient with respect to habitability and Housing Code requirements, due to its original construction;

***Project Does Not Meet Criteria***

*The applicant does not contend that the existing mixed-use structure is unsound.*

- ii. Whether the property is free of a history of serious, continuing code violations;

***Project Meets Criteria***

*A review of the Department of Building Inspection and the Planning Department databases showed no enforcement cases or notices of violation for the existing structure.*

- iii. Whether the housing has been maintained in a decent, safe, and sanitary condition;

***Project Meets Criteria***

*The structure appears to have been properly maintained.*

- iv. Whether the property is an “historic resource” under CEQA;

***Criteria Not Applicable***

*Although the existing single-family dwelling is more than 50 years old, a review of the supplemental information resulted in a determination that the structure is not an historical resource.*

- v. Whether the removal of the resource will have a substantial adverse impact under CEQA;

***Criteria Not Applicable***

*Not applicable. The existing structure is not an historical resource.*

- vi. Whether the Project converts rental housing to other forms of tenure or occupancy;

***Project Meets Criteria***

*The two existing dwelling-units were rental units and the property owner has stated indicated that the new dwelling-units will be rental housing.*

- vii. Whether the Project removes rental units subject to the Rent Stabilization and Arbitration Ordinance;

***Project Does Not Meet Criteria***

*The two existing dwelling-units were rental units subject to rent control; however, they have been vacant for five years since the purchase of the property. The property owner will continue to utilize the residential units as rental housing, although they will not be rent-controlled.*

- viii. Whether the Project conserves existing housing to preserve cultural and economic neighborhood diversity;

***Project Does Not Meet Criteria***

*The Project includes the demolition of the existing housing and thus does not preserve the existing housing.*

- ix. Whether the Project conserves neighborhood character to preserve neighborhood cultural and economic diversity;

***Project Meets Criteria***

*The Project would create family-sized housing to the City's housing stock and add one retail/commercial space, therefore, the project would conserve neighborhood character with appropriate scale, design, and materials, and promote economic diversity by creating family-sized housing and adding a retail/commercial space.*

- x. Whether the Project protects the relative affordability of existing housing;

***Project Does Not Meet Criteria***



*The proposed two dwellings would both be larger than the existing dwelling units to be demolished and would be market rate housing; therefore, they would be less affordable than the existing dwelling.*

- xi. Whether the Project increases the number of permanently affordable units as governed by Section 315;

***Project Does Not Meet Criteria***

*The Project proposes no permanently affordable units.*

- xii. Whether the Project locates in-fill housing on appropriate sites in established neighborhoods;

***Project Meets Criteria***

*The Project would replace a mixed-use building containing two small dwelling-units with a new mixed-use building containing two new family-sized dwelling-units; the Project creates in-fill housing on an appropriate in-fill development site in the NC-2 District. The project would generally conform to the neighborhood character, with respect to scale and architectural style.*

- xiii. Whether the Project creates quality, new family housing;

***Project Meets Criteria***

*The Project would create two, quality family-sized housing units, each containing approximately 1,000 square feet.*

- xiv. Whether the Project creates new supportive housing;

***Project Does Not Meet Criteria***

*The Project does not create supportive housing.*

- xv. Whether the Project promotes construction of well-designed housing to enhance existing neighborhood character;

***Project Meets Criteria***

*Although the proposed building would be taller than the existing structures on the block face, the overall scale, design, and materials of the proposed structure would mirror the four-level structure across the street, would be compatible with existing buildings on the block, and would compliment the neighborhood character with a contemporary design. The Department is recommending an additional setback to the top floor in order improve the overall scale of the building.*

- xvi. Whether the Project increases the number of on-site dwelling units;

***Project Does Not Meet Criteria***

*The Project proposes two family-sized dwellings to replace two, sub-standard single-family units.*

- xvii. Whether the Project increases the number of on-site bedrooms.

***Project Meets Criteria***

*The Proposed two dwellings would provide a total of five on-site bedrooms; three bedrooms more than the existing two bedrooms provided within the existing building.*

9. **General Plan Compliance.** The Project is, on balance, consistent with, and will not adversely affect the General Plan, including, among others, the following objectives and policies:

**HOUSING ELEMENT**

**OBJECTIVE 1:**

**TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED 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.**

*The Project is located in an established mixed-use neighborhood with residential and retail/commercial uses. The existing dwelling units are approximately 500 square-feet each and have been utilized as a single-family dwelling for many years by the previous owner. Therefore, the lot has been underutilized for the zoning district. The proposed project would add two, family-sized dwellings to the housing stock and built to acceptable levels of seismic safety without an undue financial burden.*

**OBJECTIVE 2:**

**RETAIN THE EXISTING SUPPLY OF HOUSING.**

**Policy 2.1:**

Discourage the demolition of sound existing housing.

*The existing structure has not been determined to be unsound. However, the two, existing single-family dwellings are sub-standard and would be replaced by family-sized units.*

**OBJECTIVE 8**

**ENSURE EQUAL ACCESS TO HOUSING OPPORTUNITIES.**

**Policy 8.7:**

Eliminate discrimination against households with children.

*The Project provides a total of three additional bedrooms, within two, family-sized single-family dwellings; suitable for households with children.*

## COMMERCE AND INDUSTRY ELEMENT

### 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 1.3:**

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

*The project creates new commercial and office space within an established NC-2 District. The NC-2 zoning controls encourage development at the ground and second stories, as it is consistent with the surrounding neighborhood development.*

### OBJECTIVE 4

#### **IMPROVE THE VIABILITY OF EXISTING INDUSTRY IN THE CITY AND THE ATTRACTIVENESS OF THE CITY AS A LOCATION FOR NEW INDUSTRY.**

##### **Policy 4.1:**

Maintain and enhance a favorable business climate in the city.

*The project will result in the construction of a new four-story mixed-use building, which will include new commercial and office space facilities.*

### OBJECTIVE 6

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

##### **Policy 6.2**

Promote economically vital neighborhood commercial district which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.

##### **Policy 6.3**

Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed expansion of commercial activity.

*The Project includes construction of a new mixed-use building within an established neighborhood commercial district. The new commercial and office spaces will be attractive to small business entrepreneurs who wish to locate their business in the Parkside neighborhood.*

## **URBAN DESIGN ELEMENT**

### **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.

#### **Policy 1.6:**

Make centers of activity more prominent through design of street features and by other means.

*The new construction results in a well-designed building that is compatible with the broader neighborhood-context of the NC-2 District along Taraval Street.*

10. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

*No neighborhood serving retail uses would be displaced or otherwise adversely affected by the Project. Rather, the additional retail/commercial space and increased size of dwelling units would provide more residents to patron the 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 Project increases the number of on-site bedrooms from one to five allowing for two family-sized dwelling-units, which enhances the diversity of the neighborhood*

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

*The existing structure does not contribute to the City's supply of affordable housing in that the dwellings are sub-standard in size and have been vacant for approximately five years. Further, due to the size of the dwellings, the previous owner has utilized the units as one dwelling-unit.*

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

*The Project does not include any on-site parking and would not result in any significant impact on automobile traffic flow, on-street parking in the neighborhood, or MUNI service.*

- 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 would not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses would not be affected by the Project.*

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

*The proposed mixed-use structure would be built in compliance with the City's current Building Code Standards to protect against injury and loss of life in an earthquake.*

- G. That landmarks and historic buildings be preserved.

*The existing structure is not an individual landmark and is neither within a recognized historic district nor included on any historic or architectural surveys. It has been determined by the Department not to be an historic resource, thus the proposed demolition of this building will not affect any historic properties*

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

*The Department determined that the project would not have any negative impact on and land under the jurisdiction of the Recreation and Park Commission, per Section 295 of the Planning Code.*

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. 2008.0794C** 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. 18110. 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 94012.**

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 17, 2010.

Linda D. Avery  
Commission Secretary

AYES: Commissioners Olague, Antonini, Lee, Moore, Miguel  
and Sugaya

NAYES: None

ABSENT: Commissioner Borden

ADOPTED: June 17, 2010

## Exhibit A

# Conditions of Approval

1. This authorization is for a Conditional Use Authorization under Planning Code Sections 161(j) for reduced parking within an N-2 (Neighborhood Commercial – Small-Scale); and 317, 711.39, and 790.86, to demolish a mixed-use building containing two dwelling-units and to construct a new four-story, mixed-use building containing two commercial spaces and two dwelling-units, with no off-street parking. The Project is in an NC-2 (Neighborhood Commercial – Small-Scale) District, the Taraval Street Restaurant and Fast Food Sub-District, and a 50 X Height and Bulk District.
2. 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 Block 2394, Lots 046), 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.
3. 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.
4. 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).
5. The Project Sponsor shall assure the execution and recordation of the specified conditions as a Notice of Special Restrictions at the Office of the County Recorder / County Clerk.
6. 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 the 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.
7. Final tile design and texture for the ground floor façade shall be reviewed and approved by the Planning Department prior to the approval of any building permit application.
8. One 24-inch box street-tree shall be installed, pursuant to Planning Code Section 143.
9. The second floor shall be specified on the final building permit plans as “business/professional service” rather than office space.

10. The final building shall include a 15' setback of the top floor from front façade.
11. The parapet surrounding the roof deck shall be pulled off the side property lines by 5'-0", and shall be an open or transparent railing.

G:\Documents\CUs\2115-2117 Taraval Street\6.17.10 Hearing\Final Motion - 6.17.10.doc