



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

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Planning Commission Motion No. 18113

HEARING DATE: JUNE 24, 2010

Date: June 17, 2010
Case No.: **2009.0457ACE**
Project Address: **1 LORAIN COURT**
Zoning: RH-1 (Residential, House, Single-Family)
 40-X Height and Bulk District
Block/Lot: 1084/002, 1132/001
Project Sponsor: The Neptune Society of Northern California
 c/o Gregg Miller, Pillsbury Winthrop Shaw Pittman LLP
 50 Fremont Street
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ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 304 OF THE PLANNING CODE TO EXPAND AND INTENSIFY AN EXISTING COLUMBARIUM AND MORTUARY USE WITHIN A RESIDENTIAL AREA AS PROVIDED IN PLANNING CODE SECTION 209.9 AND TO ALLOW TREATMENT OF THE APPROXIMATELY 45,067-SQUARE-FOOT SITE AS A PLANNED UNIT DEVELOPMENT ALLOWING CONSTRUCTION OF NEW BUILDINGS, A PORTION OF WHICH WOULD BE WITHIN THE REQUIRED FRONT AND REAR YARD SETBACKS REQUIRING MODIFICATION OF THE REQUIREMENTS OF SECTIONS 132 AND 134 OF THE PLANNING CODE, AND REVIEW FOR CONSISTENCY WITH SECTION 101.1 OF THE PLANNING CODE, IN AN RH-1 (RESIDENTIAL, HOUSE, SINGLE-FAMILY) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On June 4, 2009 The Neptune Society of Northern California (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 expand and intensify an existing columbarium and mortuary use within a residential area pursuant to Planning Code Section 209.9 an to treat the approximately 45,067-square-foot site as a Planned Unit Development to allow construction of new buildings that would be partially within the required front and rear yard setbacks, and for review of the

Project for compliance with the General Plan pursuant to Planning Code Section 101.1 for a property located within a RH-1 (Residential, House, Single-Family) District and a 40-X Height and Bulk District.

On June 24, 2010, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2009.0457ACE.

On May 12, 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 June 1, 2010; and

On June 2, 2010, the Planning Department 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 Department found the FMND was adequate, accurate and objective, and reflected the independent analysis and judgment of the Department of City Planning 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. 2009.0457ACE, 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.

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. 2009.0457ACE, 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 Subject Property is located on an irregularly shaped property at the north end of Loraine Court between Stanyan Street and Arguello Boulevard in the Lone Mountain neighborhood of the Richmond District. The Property has approximately 60 feet of frontage on Loraine Court. The Property is 45,067 square feet in area and contains a 10,250-square-foot Columbarium at the center of the site. A 3,300-square-foot office and reception area are located at the north end of the site in a support building. The property also includes a driveway, parking lot, loading area, lawn, planters, sidewalks, and outdoor niche walls, and footings and foundations constructed for a previous proposal approved in 1996. The site is San Francisco Landmark No. 209: Odd Fellows Columbarium, designated in 1996. The Columbarium was constructed in 1898 and is the only surviving remnant of the original Lone Mountain Cemetery District, pre-dating the surrounding residential neighborhood.
3. **Surrounding Properties and Neighborhood.** The Property is located within a primarily single-family residential area with a moderate-scale, neighborhood commercial corridor located immediately to the north of the site along Geary Boulevard. Height is generally limited to 40 feet in the area, with the exception of an 80-foot height district located to the northwest of the site along Geary Boulevard. The buildings facing Loraine Court were constructed primarily in the 1930s. The streetscape is characterized by one-to-two-story, stucco-clad buildings designed in Mediterranean and Tudor Revival styles.
4. **Project Description.** The proposed Project involves construction, in two phases, of new single-story niche enclosure buildings to the east and west of the existing Columbarium that would contain approximately 5,300 new niches for the permanent keeping of cremation ashes. The 400 existing outdoor niches would remain unenclosed. The buildings would measure approximately 14.5 feet tall and would be constructed within the boundaries of the existing footings located along the eastern and western edges of the lot, which were constructed after the 1996 approval of 5,900 exterior niches. The eastern buildings would contain approximately 3,240 square feet, and the western buildings would contain approximately 2,165 square feet. The new buildings would be detailed to match the existing support building, which was constructed in 1998-2001 and is located at the northern edge of the lot. A new window in the existing support building will replace an existing garage door as the garage in the existing support building north of the Columbarium would be converted to office or other support space. The proposed project would also include constructing a screen wall between the existing building and the new building at the northwest corner of the lot and cultivating a dense redwood hedge around the perimeter of the property.
5. **Public Comment.** 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. **Required Rear Yard in RH-1 Districts.** Planning Code Section 134 establishes a rear yard requirement of 25 percent of the lot depth in an RH-1 District. The Subject Property is an irregularly-shaped lot with a staggered rear property line with an average lot depth of

approximately 200 feet. Therefore, the required rear yard for the property is approximately 50 feet in depth, following the staggered line of the rear property line.

The Project would result in construction of a niche enclosure building that would be located partially within the required rear yard area, extending fully to the rear property line at the northeast corner of the property. The Project Sponsor has requested the Commission to authorize a Planned Unit Development (hereinafter PUD), which is addressed in Finding 8. The rear yard is the most beneficial area for the proposed structure because it would visually buffer the residential area from Geary Boulevard commercial buildings, enhance security by blocking entrance by intruders to the Columbarium grounds from Geary Boulevard, and maintain the remaining area as open space. The rear yard location is best suited for the proposed structure and not suited for open space because it abuts Geary Boulevard commercial uses and is furthest from the residential neighborhood on Loraine Court.

- B. **Required Front Setback in RH-1 Districts.** Planning Code Section 132 establishes a front setback requirement of 15 percent of the lot depth or 15 feet, whichever is less. The Subject Property is an irregularly-shaped lot with a staggered rear property line with an average lot depth of approximately 200 feet. Therefore, the required front setback for the property is 15 feet.

The Project would result in construction of a niche enclosure building that would be located partially within the required front setback area, extending fully to the front property line at the south end of the property. The Project Sponsor has requested the Commission to authorize a PUD, which is addressed in Finding 8. The location of the building in this area would maximize the use of the open area of the site and provide a buffer between the Columbarium and neighboring residences, resulting in greater privacy for adjacent properties on Loraine Court.

- C. **Columbarium and Mortuary Use.** Planning Code Section 209.9 allows columbarium and mortuary use with Conditional Use Authorization on landmark sites within Height and Bulk Districts with a height limit of 40 feet or less, where a columbarium use has lawfully and continuously operated since the time of designation.

The Subject Property is City Landmark 209, designated in 1996, and is located within a 40-X Height and Bulk District. The Columbarium has lawfully and continuously operated at the site since the time of designation.

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 Columbarium, built in 1898, is an important historic resource and an irreplaceable asset to the community as well as the neighborhood. Preservation of this historically significant landmark building for future generations is necessary and desirable. The Project is an integral part of the property owner's long-term plan to repair and maintain the Columbarium and would permit the Project Sponsor to continue to operate as a columbarium and mortuary and to remain economically viable while preserving the historic building. The proposed improvements, including the additional niches for storage of cremated remains, would allow the Columbarium to continue to be economically self-supporting and to generate sufficient funding to ensure the long-term upkeep of the historic building.

The community would benefit from the expansion of the Columbarium as this is one of only two facilities where non-military interment occurs within the City. The San Francisco Columbarium is the only such facility that provides both interment and non-sectarian funeral and memorial services.

The Project would be compatible with the character of the surrounding neighborhood as it would preserve a historic building and use that pre-dates the surrounding residential neighborhood. The Project has been designed to be compatible with the architectural design of the Columbarium. The Project would also protect the site by constructing structures along the perimeter of the site to restrict access by trespassers.

- 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;

Historically the site has been used as a columbarium and mortuary, including the provision of funeral and memorial arrangements and services. The site is 45,067 square feet in size, most of which is to remain undeveloped open space or as a surface parking area. The Project would allow for the continuation of the columbarium and mortuary use of the property without changing the nature of the site. The proposed new buildings would be architecturally compatible with the Columbarium. The façades of the new buildings would make historic reference to the original colonnade planned for the Columbarium site in 1898 by architect Bernard J.S. Cahill.

- 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 existing on-site parking lot accommodates 43 vehicles through the use of a parking attendant. The proposed expansion of the number of niches is intended to provide for the long-term use of the site as a columbarium and not a significant change in the nature of the operation. The application of the Conditions of Approval, contained in Exhibit A of this Motion, would limit the ability of the facility to substantially increase the number of services held at the site each week.

The Project would provide for the management of the parking and traffic congestion generated by the site activities through the use of an on-site parking attendant. The attendant would facilitate the parking of vehicles when services are held in order to make efficient use of the on-site parking lot. In addition, the Project would result in the installation of speed humps or similar "slow street" devices within the Loraine Court public right-of-way if desired by neighbors and requested by the Department. The Project Sponsor would provide written information to clients when funeral and memorial service arrangements are made, disclosing the limited on-site and on-street neighborhood parking. Further, such disclosure would include advice to clients and visitors of the need to park on-site if arriving by automobile when possible so as to reduce parking and traffic congestion on Loraine Court and of alternate travel options including transit and ridesharing and would encourage their use whenever possible.

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

During construction, appropriate mitigation measures would be used to minimize noise, dust and odor. Because the site would continue to be used as a columbarium and mortuary, no permanent noxious or offensive emissions would be generated by the Project. The perimeter hedge and new structures would enclose the site and thereby reduce noise generated by site activities. To reduce noise, general freight loading would be conducted on-site and delivery of supplies to and removal of medical waste from the site would be restricted to the use of vans and small trucks. All freight loading, delivery of supplies and removal of medical waste would occur during the hours of 9:00 a.m. to 5:00 p.m. Monday through Friday.

The Project Sponsor would appoint a community liaison officer to deal with such issues as noise, neighborhood parking, and other matters of concern to nearby residents. The Project Sponsor would report the name and telephone number of this officer to the Zoning Administrator for reference. Should the implementation of the Project result in complaints from property owners and residents of the neighborhood which are not resolved by the Project Sponsor (and/or the appointed community liaison for the Project) and are subsequently reported to the Zoning Administrator and found to be in violation of the City Planning Code and/or specific conditions of approval for the Project, as set forth in Exhibit A of this Motion, the Zoning Administrator would report such complaints to the City Planning Commission after which the Commission may hold a hearing on the matter in accordance with the hearing notification and conduct procedures as set forth in Sections 174, 306.3 and 306.4 of the Code, to consider revocation of the Conditional Use Authorization.

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

The Project would preserve and enhance the Columbarium's park-like open space by maintaining a perimeter hedge and cultivating appropriate trees and other greenery. The proposed structures would further screen the site from the neighborhood, and the rear of the commercial building which front on Geary Boulevard. The use of on-site parking would improve through use of a

parking attendant during services, and provision of written notice to Columbarium clients of the limited on- and off-site parking.

- 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 except as noted in Finding 6 above, and would be consistent with the relevant objectives and policies of the Master Plan as set forth in Finding 9.

8. **Planning Code Section 304.** Under provisions of Planning Code Section 304 the Commission may authorize modification of certain of the provisions of the Planning Code for a Planned Unit Development (“PUD”).

The 45,067 square-foot site meets the one-half-acre size requirement of Section 304; the Project would help preserve “an environment of stable and desirable character” that dates from 1898 and the new niche buildings would be designed as an integrated unit that would benefit visitors, neighbors and the community as a whole. The community would benefit from the Project because San Franciscans would continue to be able to choose the Columbarium as a final resting place for the interment of cremated remains as one of two such facilities in the City and the only such facility that provides both interment and on-sectarian memorial services. The Project would satisfy all applicable requirements of Planning Code Section 303 as noted above. The Project is hereby found to be consistent with the requirements of Section 304 of the Planning Code related to PUDs as follows:

- A. Affirmatively promote applicable objectives and policies of the General Plan.

The Project would affirmatively promote applicable objectives and policies of the General Plan in accordance with Section 304(d)(1) of the Planning Code. The Project supports the applicable objectives and policies as stated in Finding 9, including those of the Urban Design, Recreation and Open Space, and Community Safety Elements.

- B. Provide off-street parking adequate for the occupancy proposed.

The Project would provide off-street parking adequate for the occupancy proposed in accordance with Section 304(d)(2) of the Planning Code. A minimum of five off-street parking spaces are required for mortuaries by the Code. The Columbarium provides 20 independent or 43 attendant-serviced parking spaces, well in excess of Code requirements.

- C. 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.

The Project would provide open space usable by the occupants, and where appropriate, by the general public at least equal to the open spaces required by the Planning Code in accordance with Section 304(d)(3). The Project includes the request to reduce the required rear yard in order to permit the construction of a new niche building in this area. Likewise, the Project includes a

request to reduce the front yard setback in order to permit construction of a new building in this area. These requested modifications are well reasoned modification in that the standard front and rear setback requirements applicable to RH-1 properties would require the Project Sponsor to locate the proposed buildings away from the north and south property lines thereby reducing the Project benefits such as screening the site activities from neighboring residences and preserving the setting of the historic Columbarium building. Further the majority of the site would remain as landscaped open area or as a surface parking lot.

While the Planning Code does not require any open space to support the site activities, ample open space area which may be used by visitors would be maintained. The Project would improve the existing open space making it more usable for the Columbarium staff and the public.

- D. 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 Project does not include any dwelling units.

- E. 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, and in RTO Districts include commercial uses only according to the provisions of Section 231 of this Code.

The Columbarium and the proposed use have been a part of the neighborhood for over 100 years. The use serves residents of the immediate vicinity by providing open space, greenery, and a beautiful historic structure that is available to view from a distance or experience firsthand. This striking architectural work is an amenity that enhances the neighborhood by providing stunning views of the structure. By preserving this landmark building, the Project promotes a neighborhood-serving use by allowing the views and open space to continue to serve the residents of the immediate vicinity.

- F. 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 not requesting any exceptions to the height limits. The proposed new buildings would be one-story in height.

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

URBAN DESIGN

Objectives and Policies

OBJECTIVE 2:

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

Policy 2.4:

Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

The Project responds to the historic, aesthetic and architectural values of the Columbarium. The niche enclosures are designed with features that provide continuity with and deference to the past development of the site. The Project would preserve a historically significant landmark building for future generations. The Columbarium is the single surviving element of the City's former Lone Mountain Cemetery District. Additionally, the Project would preserve open space in a park-like setting.

Policy 2.6:

Respect the character of older development nearby in the design of new buildings.

The Project promotes visual harmony and is an appropriate development within a neighborhood that has buildings of varied use and similar scale. The niche enclosures will be deferential to the Columbarium building and will be limited in height to 14'-6". The San Francisco Columbarium is the oldest building in the area and has been a part of the Richmond district since 1898. Older buildings, such as the Columbarium, have significant and distinctive design characteristics which exemplify the best of the past architectural styles of development. The Project responds to the historic, aesthetic, and architectural values of the Columbarium and the Project Site and the niche enclosures would be designed with features that would be consistent with the overall development of the Project. The niche enclosures would serve as a backdrop for the historic Columbarium, and, with their long low structures, would create unity to the perimeter of the grounds, and visually would make the Columbarium stand out as a strong architectural element.

Policy 2.7:

Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.

The Project's improvements would preserve and protect a striking visual landmark. In particular the Project's improvements would provide economic stability for the maintenance and upkeep of the Columbarium for the enjoyment and use of future generations.

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.

The Project promotes visual harmony and is an appropriate design compatible with the surrounding development. The completion and enclosure of the niche wall wings will be deferential to the Columbarium building. The height of the niche enclosures will reach only 14'-6". Older buildings, such as the Columbarium, have significant and distinctive design characteristics which exemplify the best in past styles of development. The proposal responds to the historic, aesthetic and architectural values of the site and the niche enclosures are designed with features that provide continuity with the overall development of the site.

OBJECTIVE 4:

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

Policy 4.12:

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

The Project's open space improvements would maintain and enhance the park-like atmosphere of the Project Site. A perimeter of redwood hedges would be planted behind the three new niche wall wings, and a large portion of the Project Site would remain as undeveloped open space or surface parking. A perimeter lining of trees would also provide an attractive visual and physical screening for neighbors. This extensive landscaping element of the Project would not only enhance the park-like character of the Project Site, but it would also soften the visual appearance of the parking area.

RECREATION AND OPEN SPACE

Objectives and Policies

OBJECTIVE 4:

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

Policy 4.1:

Make better use of existing facilities.

The Columbarium and the Neptune Society Property is situated in a neighborhood with very little public open space for the neighbors to enjoy. The grounds of the Neptune Society Property provide a serene, open area which can be enjoyed by the neighborhood. The Project will preserve the visual beauty of the park-like grounds for residents of San Francisco to enjoy.

COMMUNITY SAFETY

Objectives and Policies

OBJECTIVE 2:

REDUCE STRUCTURAL AND NON-STRUCTURAL HAZARDS TO LIFE SAFETY, MINIMIZE PROPERTY DAMAGE AND RESULTING SOCIAL, CULTURAL AND ECONOMIC DISLOCATIONS RESULTING FROM FUTURE DISASTERS.

Policy 2.1:

Assure that new construction meets current structural and life safety standards.

The Project would improve safety of the Property through the installation of exit upgrades that would include a new west exit and sidewalk for the existing support building.

Policy 2.8:

Preserve, consistent with life safety considerations, the architectural character of buildings and structures important to the unique visual image of San Francisco, and increase the likelihood that architecturally and historically valuable structures will survive future earthquakes.

The Project would improve the safety of the historic property while maintaining the special historic and architectural character of the Columbarium building and setting.

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.

The proposed Project is for the construction of niches for the storage of cremated remains and will not have any impact on neighborhood-serving retail uses. Residents, tourists, and memorial service attendees who visit the Columbarium will continue to visit the existing neighborhood retail establishments.

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 strengthen neighborhood character by respecting the character-defining features of the landmark in conformance with the Secretary of the Interior's Standards.

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

The Project will not reduce the affordable housing supply.

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

There will be no change in the number of employees or change in commuter traffic at this site. The amount of commuter traffic generated by this Project will not impede Muni transit service or overburden streets or neighborhood parking. The Planning Code requires five parking spaces for mortuary uses. The Columbarium provides 20 independent or 43 attendant-serviced parking spaces, well in excess of Code requirements.

- 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 will not displace any service or industry establishment.

- 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.

The Project does not involve any changes to the Columbarium building and will not negatively impact the building's setting. The Project will provide the economic stability necessary to continue to preserve and maintain the Columbarium building and ground in the future.

- 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 will slightly enlarge the amount of landscaped open space around the Columbarium building.

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. 2009.0457ACE** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans filed with the Application as received on June 4, 2009 and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Planning Commission has reviewed and considered the IS/MND and the record as a whole and finds that there is no substantial evidence that the Project will have a significant effect on the environment with the adoption of the mitigation measures contained in the MMRP to avoid potentially significant environmental effects associated with the Project, and hereby adopts the FMND.

The Planning Commission hereby adopts the MMRP attached hereto as "EXHIBIT C" and incorporated herein as part of this Motion by this reference thereto. All required mitigation measures identified in the IS/MND and contained in the MMRP are included as conditions of approval.

The Planning Commission further finds that since the MND was finalized, there have been no substantial Project changes and no substantial changes in Project circumstances that would require major revisions to the MND due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the MND.

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. 18113. 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 June 24, 2010.

Linda D. Avery
Commission Secretary

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

NAYS: 0

ABSENT: 0

ADOPTED: June 24, 2010

Exhibit A

Conditions of Approval

1. This authorization is for a Conditional Use Authorization under Planning Code Sections 303 and 304 of the Planning Code to expand and intensify and existing columbarium and mortuary use in a residential area and to treat the site as a Planned Unit Development to allow construction of new buildings that would be partially within the required front and rear yard setbacks within a RH-1 (Residential, House, Single-Family) District and a 40-X Height and Bulk District, in general conformance with plans filed with the Application as received on June 4, 2010 and stamped "EXHIBIT B" included in the docket for **Case No. 2009.0457ACE**, reviewed and approved by the Commission on June 24, 2010.
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 1084, Lot 002 and Assessor's 1132, Lot 001), 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.

Air Quality

4. The Project Sponsor shall require the contractor(s) to sprinkle the site with water during demolition, excavation, and construction activities; sprinkle unpaved construction areas with water at least twice per day; cover stockpiles of soil, and other material; cover trucks hauling debris, soils, sand or other such material; and sweep surrounding streets during demolition and excavation, as needed, during construction at least once per day to reduce particulate emissions. The Project Sponsor shall require that the contractor(s) obtain reclaimed water from the Clean Water Program for this purpose. The Project Sponsor shall require the project contractor(s) to maintain and operate construction equipment so as to minimize exhaust emissions of particulate and other pollutants, by such means as a prohibition on idling motors when equipment is not in use or when trucks are waiting in queues, and implementation of specific maintenance programs to reduce emissions for equipment that would be in frequent use for much of the construction period.

Transportation

5. The Project Sponsor shall maintain an on-site parking area, which through the use of a parking attendant during funeral and memorial services can accommodate approximately 43 vehicles.

6. A parking attendant shall be provided during all memorial and funeral services to direct visitors arriving by automobile to the on-site parking area and to direct overflow parking to available parking within the neighborhood when the parking lot is full. The attendant shall coordinate the use of the on-site parking during memorial and funeral services in order to maximize the number of vehicles that can be accommodated on-site.
7. The Project Sponsor shall offer subsidized Muni Fast Passes to all employees that work at the site and shall encourage the use of transit and ridesharing for travel to and from work.
8. The Project Sponsor shall provide written information to clients when funeral and memorial service arrangements are made disclosing the limited on-site and on-street neighborhood parking. Further, such disclosure shall advise clients and visitors of the need to park on-site if arriving by automobile when possible in order to reduce parking and traffic congestion on Loraine Court and of alternative travel options, including transit and ridesharing, and shall encourage their use.
9. General freight loading shall be conducted on-site, delivery of supplies to and removal of medical waste from the site shall be restricted to the use of vans and small trucks. All freight loading, delivery of supplies, and removal of medical waste shall occur during the hours of 9:00 a.m. to 5:00 p.m. Monday through Friday.
10. 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.

Services

11. Visitor and customer hours for viewing the property, visiting niches, or to inquire about interment, funeral, or memorial services shall be limited to 9:00 a.m. to 5:00 p.m. The hours of operation during which funeral and memorial services can be conducted shall be 9:00 a.m. to 9:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturday and Sunday. No more than one memorial or funeral service shall occur at a time on the site.
12. There shall be no more than four non-accessory events such as concerts, recitals, or readings permitted within the Columbarium structure each year. The Project Sponsor shall offer the use of the Columbarium for a minimum of one neighborhood meeting per year. Neighborhood meetings held on site shall not be counted as non-accessory events. Such non-accessory use shall be limited to events which do not charge admission or which are sponsored by non-profit charitable organizations. Events shall be limited to groups of up to 100 persons.
13. No funeral processions or the use of hearses shall be permitted in connection with funerals and memorial services.
14. No amplification shall be permitted outside of the buildings on the site.

15. Funeral and memorial services shall be permitted up to six days and four evenings per week.
16. All funeral and memorial services shall occur indoors within the Columbarium or within the new niche enclosure buildings. Interment services shall be permitted both within the Columbarium and outdoors at the niche wall.
17. The Project Sponsor shall have the right to construct and maintain an embalming facility on-site, including the right to equip the facility with all the necessary supplies and equipment, and the right to sell embalmings and other services that include embalmings, such as closed casket funerals, open casket funerals, and viewings. The Project Sponsor shall have the right to perform up to 25 embalmings per year on-site. However, if the Project Sponsor is permitted to perform such embalmings off-site under local, state, and federal law, rule, regulation, order, or interpretation, the Project Sponsor shall perform such embalmings off-site until such law, rule, regulation, order, or interpretation is changed to prohibit the Project Sponsor from performing such embalmings off-site, in which case, the Project Sponsor shall be able to perform such embalmings on-site.

Construction

18. Project construction shall be conducted between the hours of 7:30 a.m. and 4 p.m. Monday through Friday. There shall be no construction permitted on Saturday or Sunday.
19. All temporary and permanent illumination of the structures and site shall be installed so as to be directed away from adjacent residential properties.

Performance

20. The Project shall appoint a Community Liaison Officer to address issues of concern to neighbors related to the operation of this Project, including noise and neighborhood parking. 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. Should the implementation of the Project result in complaints from interested property owners and residents of the neighborhood that are not resolved by the Project Sponsor (and/or the appointed community liaison for the Project) and are subsequently reported to the Zoning Administrator and found to be in violation of the City Planning Code and/or specific conditions of approval for the Project, as set forth in Exhibit A of this Motion, then the Zoning Administrator shall report such complaints to the City Planning Commission after which the Commission may hold a hearing on the matter, in accordance with the hearing notification and conduct procedures as set forth in Sections 174, 306.3, and 306.4 or the Code, to consider revocation of this Conditional Use Authorization.
21. 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).
22. The Project Sponsor shall prepare a report for Department and Commission review disclosing the level of activity at the site one year after the construction of the new support buildings and niche walls. The report shall include the number of funeral and memorial services, embalmings, non-accessory events held, and number of interments that have occurred during the course of the year.

Mitigation Measures

23. Mitigation measures described in the MMRP attached as Exhibit C are necessary to avoid potential significant effects of the proposed Project and have been agreed to by the Project sponsor. Their implementation is a condition of Project approval