



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 No. 18148

HEARING DATE: JULY 15, 2010

Date: July 8, 2010
Case No.: **2009.0047C**
Project Address: **60 BURR AVENUE**
Zoning: RH-1 (Residential, House, One Family)
40-X Height and Bulk District
Block/Lot: 6360/001
Project Sponsor: Randy Swayne
201 Sagamore Street
San Francisco, CA 94112
Staff Contact: Diego R Sánchez – (415) 575-9082
diego.sanchez@sfgov.org

ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 304 OF THE PLANNING CODE TO MODIFY THE APPROVAL OF A PLANNED UNIT DEVELOPMENT (GENEVA TERRACE) TO EXPAND AN EXISTING CLUBHOUSE TO ENCLOSE AN ADJACENT SWIMMING POOL WITHIN THE RH-1 (RESIDENTIAL, HOUSE ONE FAMILY) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On April 22, 2010 Randy Swayne (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 modify the approval of a Planned Unit Development (Geneva Terrace) to expand an existing clubhouse to enclose an adjacent swimming pool within the RH-1 (Residential, House One Family) District and a 40-X Height and Bulk District.

On July 15, 2010, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2009.0047C.

The Project was determined by the Department to be Categorically Exempt from the California Environmental Quality Act ("CEQA") as a Class 1(e) exemption under CEQA Guidelines as described in the determination contained in the Planning Department files for this project. The Commission has reviewed and concurs with said determination.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2009.0047C, 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.

Site Description and Present Use. The proposal is located within the midblock of the intersection of Burr, McCarthy, Garrison, Argonaut and Kelloch Avenues within the Visitacion Valley neighborhood, in the southeast sector of San Francisco. Currently the swimming pool sits empty and out of service. The clubhouse is also underused.

Immediately surrounding the clubhouse is the balance of the midblock open space of the PUD and it is landscaped with lawn. The rear yards of the residences of Burr, McCarthy, Garrison, Argonaut and Kelloch Avenues back onto the area adjacent to the proposed site.

2. **Surrounding Properties and Neighborhood.** The proposed project is in the heart of the Visitacion Valley neighborhood, a neighborhood that is overwhelmingly residential in character. Most residential structures in the vicinity are two stories. To the west of the proposed project is the Sunnydale Housing Authority site as well as McLaren Park. To the east of the site, beyond the residences on the block, are commercial structures that are served by Bayshore Boulevard. To the south, also beyond the residences on the block, are the Cow Palace and San Mateo County. Surrounding zoning districts include the RH-1 (Residential, House One Family), RM-1 (Residential, Mixed Low Density) and the P (Public Use) zoning districts.
3. **Project Description.** The project proposes to expand an existing clubhouse to enclose an adjacent swimming pool within the Geneva Terrace Planned Unit Development (PUD). The proposed enclosure would expand the clubhouse by approximately 6,660 square feet, resulting in a renovated clubhouse/natatorium facility of approximately 8,700 square feet.

The clubhouse was part of a Planned Unit Development that was granted approval by the Planning Commission in October 1961, under Resolution 5452. The proposed project is a modification of that October 1961 approval.

4. **Public Comment.** The Department has not received any input from the public regarding this case.

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

- A. **Section 303.** Planning Code Section 303(e) requires Conditional Use authorization to modify approval of a conditional use.

The proposal seeks to expand an existing clubhouse to enclose an adjacent open air swimming pool, resulting in a modification in the original Conditional Use authorization. The project sponsor is seeking Conditional Use authorization for this expansion.

- B. **Section 311 Neighborhood Notification.** Section 311 of the Planning Code requires notification of all building permit applications for demolition and/or new construction, and or alteration of residential buildings in RH, RM and RTO Districts.

While the proposed expansion is not a residential building, Section 311 notification was conducted in conjunction with the notification requirements for Conditional Use authorization as required under Planning Code Section 303.

6. **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 proposed expansion is necessary and desirable because it provides a needed renovation to an existing recreational facility for the Geneva Terrace Planned Unit Development. The size and intensity is appropriate for the neighborhood as it complements the surrounding residences both in height and finish material. The location of the proposal is compatible with the community because it is the site of the existing clubhouse and does not significantly alter the site plan of the PUD.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

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

The proposed site for the expansion of the clubhouse will improve the health and safety of the neighborhood as the project will enclose an existing swimming pool that had attracted trespassers and vandalism. The proposed size, shape and arrangement of the expanded clubhouse will be beneficial to those residing in the area as it provides a natatorium of adequate size for general use

and enjoyment without disrupting the context of the general mass and scale of the area's built environment.

- 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;

Because the facility is for the use of the residents of the Planned Unit Development, it is anticipated that there will be no negative impacts upon accessibility and traffic patterns for persons and vehicles. The proposal is a modification to a Planned Unit Development. The requirements for parking were addressed within the original approval.

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

The proposed use will be required to provide adequately ventilate the natatorium, preventing noxious or offensive odors.

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

The proposed expansion has no negative affects upon existing landscaping or parking areas and is situated to complement existing open spaces. Exterior lighting is part of the proposal and will be beneficial to the project and the neighborhood in general.

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

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

- 7. **Planning Code Section 304** establishes criteria and limitations for the Planning Commission to consider when reviewing applications for Planned Unit Developments. On balance, the project does comply with applicable criteria and limitations as follows:

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

The proposal is in harmony with the applicable objectives and policies of the General Plan. Specifically, the proposal meets the applicable objectives regarding the provision of access to services for residents within the Community Facilities Element.

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

Off-street parking was provided at the time of the initial entitlement. This proposal will not affect the demand for off-street parking on the part of the residents.

- 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;

Open space was provided at the time of the initial entitlement. This proposal will enhance a recreational facility for the use of the residents

- 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 proposal does not affect the dwelling unit density already existing on the site. The existing dwelling unit density was approved at the time of initial entitlement.

- 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;

The proposal does not include any commercial uses as it is an expansion of an existing clubhouse.

- 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.

The proposed expansion, at a height of 32 feet, is under the 40 foot height limit as imposed by the height and bulk district.

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

COMMUNITY FACILITIES

Objectives and Policies

OBJECTIVE 3:

ASSURE THAT NEIGHBORHOOD RESIDENTS HAVE ACCESS TO NEEDED SERVICES AND A FOCUS FOR NEIGHBORHOOD ACTIVITIES.

Policy 3.1:

Provide neighborhood centers in areas lacking adequate community facilities.

The project proposes an enclosed swimming pool facility for the Geneva Terrace Planned Unit Development that will promote community safety by keeping trespassers from entering the pool and possibly inflicting self harm. By expanding the existing clubhouse the project provides a useful space for that community.

Policy 3.3:

Develop centers to serve an identifiable neighborhood.

Policy 3.4:

Locate neighborhood centers so they are easily accessible and near the natural center of activity.

The proposed project will be located on the site of the existing clubhouse, which is at the center of the Geneva Terrace Planned Unit Development. The clubhouse will continue to serve as a gathering place for the neighborhood.

The proposed project is easily accessible to all residents and is a recognized location for resident gathering. Users of the facilities will most likely walk as the site is centrally located within the Planned Unit Development.

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

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

The proposal will not have an effect upon neighborhood serving retail as it is located within an entirely residential area.

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

The proposal will complement the existing neighborhood character and will maintain the cultural and economic diversity of the surrounding neighborhood.

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

No housing is removed for this Project.

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

Because the proposal is intended for the private use of the residents of the Geneva Terrace Planned Unit Development, it is not anticipated that the users of the facility will use private automobiles to arrive at the facility.

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

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

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

- G. That landmarks and historic buildings be preserved.

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

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

The project will have no negative impact on existing parks and open spaces.

10. 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.
11. 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. 2009.0047C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans filed with the Application as received on April 22, 2010 and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 18148. 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 July 15, 2010.

Linda D. Avery
Commission Secretary

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

NAYS: None

ABSENT: Commissioner Borden

ADOPTED: July 15, 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 modify the approval of Planned Unit Development (Geneva Terrace) to expand an existing clubhouse to enclose an adjacent swimming pool at 60 Burr Avenue within the RH-1 (Residential, House One Family) District and a 40-X Height and Bulk District, in general conformance with plans filed with the Application as received on April 22, 2010 and stamped "EXHIBIT B" included in the docket for Case No. 2009.0047C, reviewed and approved by the Commission on July 15, 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 6360, 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.
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 property owner shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at a minimum, daily litter pickup and disposal, and washing or steam cleaning of the main entrance and abutting sidewalks at least once each week.
6. Signs and exterior lighting for the renovated facility shall be reviewed and approved by the Planning Department before they are installed.
7. The Project shall appoint a Community Liaison Officer to address issues of concern to neighbors related to the operation of this Project. The Project Sponsor shall report the name and telephone number of this Officer to the Zoning Administrator and the neighborhood for reference. The Applicant will keep the above parties apprised should a different staff liaison be designated.
8. The project sponsor shall maintain appropriate odor control equipment to prevent any significant noxious or offensive odors from escaping the premises.

9. Refuse containers shall be provided both inside and outside the establishment for use by patrons of the facility. The operator of the use shall be responsible for maintaining the sidewalk within a one-block radius of the site free of paper or litter generated by the restaurant.

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.