



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Analysis

Residential Conversion

HEARING DATE JULY 15, 2010

Date: July 8, 2010
Case No.: **2009.1004 D**
Project Address: **3131 MISSION STREET**
Zoning: NC-3 (Neighborhood Commercial, Moderate Scale)
50-X Height and Bulk District
Block/Lot: 5501/048
Project Sponsor: Javier Solarzano
3288 21st Street #49
San Francisco, CA 94110
Staff Contact: Diego R Sánchez – (415) 575-9082
diego.sanchez@sfgov.org
Recommendation: **Approve with Conditions**

1650 Mission St.
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San Francisco,
CA 94103-2479

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415.558.6377

PROJECT DESCRIPTION

The project proposes to convert a vacant ground floor, three bedroom one bathroom dwelling unit into a neighborhood serving dental office. The proposed dental office will house the dental practice of the property owner. The scope of work for the conversion consists of tenant improvements, including the eventual addition of signage. There are no proposed changes to the façade.

SITE DESCRIPTION AND PRESENT USE

The proposed project is located on the east side of Mission Street, between Cesar Chavez Street and Precita Avenue. The existing building is a two story multi-family structure constructed in 1906. On the second floor a three bedroom, two bathroom unit is currently occupied. The Project Sponsor reports that the ground floor unit is now vacant and has been used for the storage of personal items/household goods by the owners of the property since June 2009. The Project Sponsor reports that prior to June 2009, the unit had been renter occupied since January 2006.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The proposed project is located within the NC-3 (Moderate Scale Neighborhood Commercial District) that runs from Cesar Chavez Street south to Randall Street. This area is characterized by one to four story buildings primarily with commercial storefronts at the street level and residential uses above. Immediately to the north of the proposed project is a four story residential building and a now vacant commercial building with accompanying parking lot. Across Mission Street to the West is the Career Link Center, Mission Branch as well as a popular nightclub serving the Latino community. To the South

of the proposal are the typical multi-storied buildings with ground floor commercial and second story residential uses found within this Neighborhood Commercial District.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	July 5, 2010	July 5, 2010	10 days
Mailed Notice	10 days	July 5, 2010	July 1, 2010	14 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	<i>none</i>	<i>none</i>	<i>none</i>
Other neighbors on the block or directly across the street	<i>none</i>	<i>none</i>	<i>none</i>
Neighborhood groups	<i>none</i>	<i>none</i>	<i>none</i>

As of the date of this report, there have been no comments from the neighbors.

PROJECT ANALYSIS

RESIDENTIAL CONVERSION CRITERIA

Below are the five criteria to be considered by the Planning Commission in evaluating residential conversion, per Planning Code Section 317:

1. Whether conversion of the unit(s) would eliminate only owner occupied housing, and if so, for how long the unit(s) proposed to be removed were owner occupied;

Project Meets Criteria

The proposed project eliminates a vacant unit occupied by neither the owners nor a renter. The unit has been vacant since June 2009, and during that time period has been used exclusively as a location for the storage of personal items/household goods by the owners.

2. Whether conversion of the unit(s) would provide desirable new non-residential use(s) appropriate for the neighborhood and adjoining district(s);

Project Meets Criteria

The conversion would create a new neighborhood serving medical use (dental office). Within a ¼ mile radius of the site the Planning Department staff found a total two operating dental offices.

3. Whether conversion of the unit(s) will bring the building closer into conformance with the prevailing character of its immediate area and in the same zoning district;

Project Meets Criteria

The project would establish a commercial use on the ground floor, a characteristic of many neighborhood commercial districts. Within this Moderate Scale Neighborhood Commercial District the incidence of commercial storefronts at the street level is not homogenous and there do exist buildings with residential uses at the street level. However, from Cesar Chavez Street to Fair Street there are 34 total lots and no ground floor residential units. This proposal would compliment the overall pattern of non-residential uses at street level.

4. Whether conversion of the unit(s) will be detrimental to the City's housing stock;

Project Does Not Meets Criteria

The proposed project amounts to a loss of a three bedroom unit and therefore is detrimental to the City's housing stock.

5. Whether conversion of the unit(s) is necessary to eliminate design, functional, or habitability deficiencies that cannot otherwise be corrected.

Project Does Not Meet Criteria

The proposed conversion is not necessary to eliminate or address any of the above stated deficiencies. The conversion is being proposed as a means to expand the practice of a local dentist and the site was selected in part because of its proximity to the Latino community, a community that this dental practice aims to serve.

GENERAL PLAN COMPLIANCE:

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

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

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.

The proposal will create employment opportunities and result in net fiscal benefits for the immediate area as the space, now currently vacant, will become an active storefront and contributor to the economic vitality of the neighborhood commercial district in which it is located. There are no adverse environmental effects anticipated from the proposal.

Policy 1.3:

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

The proposal seeks to site a medical service, a dental office, on the ground floor of a two story building within the Moderate Scale Neighborhood Commercial District. The proposed location of the dental office reinforces the typical character of neighborhood commercial districts where commercial activity is found on the ground floor and residential uses are above.

OBJECTIVE 3:

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.1:

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

The proposed project amounts to the expansion of a small business within the City of San Francisco. The expansion will help create new employment opportunities for individuals of various skill levels, including those semi-skilled workers in San Francisco.

Policy 3.2:

Promote measures designed to increase the number of San Francisco jobs held by San Francisco residents.

The proposal can create new employment opportunities of which many may be filled by San Francisco residents. The employment to be created can serve as a quality opportunity for career advancement given the current state of the economy.

OBJECTIVE 6:

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

Policy 6.1:

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

The proposed dental office aims to serve the immediate neighborhood among other markets. The proposed location was selected in part because it is within a neighborhood commercial district. The proposed dental office is a necessary service for the surrounding neighborhoods and is compatible in scale with the Moderate Scale Neighborhood Commercial District in which it is to be located.

The following guidelines, in addition to others in this objective for neighborhood commercial districts, should be employed in the development of overall district zoning controls as well as in the review of individual permit applications which require case by case review and Planning

Commission approval. Pertinent guidelines may be applied as conditions of approval of individual permit applications. In general, uses should be encouraged which meet the guidelines; conversely, uses should be discouraged which do not.

- Existing businesses, especially neighborhood-serving retail stores and services, should be retained wherever feasible and in conformity with the Planning Code.
- New uses should be consistent with the purpose of the district in which they are located as stated in the Planning Code.
- In small-scale districts with limited amounts of commercial space, priority should be given to retail stores and services which primarily serve the needs of nearby residents. Larger-scale districts may include some larger or more specialized uses which serve a broader citywide or regional clientele in addition to convenience oriented businesses. However, no district should include so many specialty stores that space is not available for businesses which serve the needs of nearby residents. The appropriate size of an individual use may vary depending on the type of merchandise or service offered and the volume or intensity of customer activity it generates.
- The use should contribute to the variety of uses in the district and avoid an undesirable concentration of one type of use in a certain location. In low-intensity districts, a balanced mix of various neighborhood-serving uses, with no concentration of a particular use, is desirable. In higher-intensity districts with a special orientation to one type of use (such as antique stores), clustering of such specialty uses may be appropriate. However, one type of use should not occupy an entire block frontage
- The use should not detract from the livability of the district or adjacent residential areas by causing offensive noise, odors, or light, particularly in the late night or very early morning hours
- Establishments operating in the late night or early morning hours should provide goods and services which are necessary or desirable to the community at those hours. For example, longer hours of operation may be appropriate for neighborhood-serving convenience stores such as groceries or pharmacies
- If locating at the ground story, the use should contribute to an active retail frontage. In districts with continuous active retail frontage, individual uses which do not serve the general public during regular business hours, such as churches, are encouraged to share ground story space with more active uses. This guideline may not apply in those districts or parts of a district where retail uses are interspersed with fully residential buildings and institutional facilities. However, in some areas, it may be appropriate to allow conversion of non-commercial ground story space in order to accommodate commercial growth in the district, if such growth would not create unmanageable parking, noise or other unwanted impacts.
- The use should fully utilize available floor area. Uses which require a limited amount of ground story frontage, such as limited financial services and hotel lobbies, should provide access to remaining space for use by other establishments
- The use should not significantly increase traffic congestion or parking problems. The use should be evaluated for its traffic and parking impacts, especially on surrounding residential areas. Significant adverse impacts should be sufficiently mitigated or the use

should not be permitted (See Auto-Oriented Facilities guidelines and Policy 8 of this Objective for more specific guidelines on parking).

The proposed project is in line with the purpose of the Moderate Scale Neighborhood Commercial district in that it offers services to the surrounding neighborhood as well as to a population greater than the immediate neighborhood. While there do exist two other dental offices within a ¼ mile radius of the proposed project, only one is within the same Moderate Scale Commercial Neighborhood District and the concentration of these uses can form a cluster in this portion of the Moderate Scale Neighborhood Commercial District that can add to the character and convenience of the area. The use efficiently utilizes the ground floor space for the purposes of the dental office. Because the proposed location is close to a number of Muni Transit lines, including the 14, 14L and 49, it is not anticipated that the use will generate much traffic congestion or parking problems.

Policy 6.2:

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

The proposal will expand an existing dental practice while utilizing a now vacant and underused structure along the East side of Mission Street within the Moderate Scale Neighborhood Commercial District.

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 proposal seeks to utilize a currently vacant ground floor residential unit for commercial purposes. The addition of the dental practice will introduce a new use on the lot and will result in a mixed use, medical services / residential structure.

Because the appropriateness of residential conversions depends on many factors which vary from district to district, land use controls should be adjusted to reflect the different needs of each district. In most districts certain conversions, such as those at the ground story or third story, can be regulated by permitting or prohibiting them without special review, while those at the second story may need case-by-case review by the City Planning Commission. In other districts, however, proposed conversions at all stories may need case-by-case review. A balance must be struck between the need to retain the housing and the need to provide for commercial expansion. Some upper-story conversions may be appropriate, if based on a review of an individual case, it is found that the need for commercial expansion clearly outweighs the need to preserve affordable housing. In that case-by-case review the following guidelines should be employed:

- The need for additional commercial space in the district should be clearly established. The need to preserve affordable housing may be presumed in light of the citywide shortage of such housing and established policy in the Residence Element.
- The amount of commercial space necessary and desirable to serve the retail and service function of a district varies depending on the size of the trade area, proximity to other commercial districts, and competition from other land uses.
- In neighborhood commercial districts consisting of a small cluster of lots or a short linear commercial strip with low-scale development, commercial uses at the ground story should be focused on the convenience needs (such as groceries and laundry) of nearby residents. In these districts no new commercial use should be permitted above the ground story, nor should conversions of existing residential units above the ground story be permitted.
- In small-scale neighborhood commercial districts most of the anticipated demand for commercial growth can be accommodated through new construction at the first two stories on vacant or underused parcels without the necessity to convert upper story residential units. However, in some of these districts where demand for commercial space is particularly strong, allowing commercial uses above the second story in new construction and allowing some conversion of existing residential units at the first and second stories may be appropriate as long as the general equilibrium between retail, office, and residential uses is maintained.
- In larger, moderate-scale neighborhood commercial districts which are intended to provide a wider range of goods and services to a larger trade area, growth opportunities through new construction at the first two stories on vacant or underused parcels may be insufficient to meet the demand for commercial space
- While the retention of mixed use buildings and the construction of new mixed use buildings is desirable in these districts, construction of new, fully commercial structures, and some conversion of existing upper story residential units may be appropriate to meet demand if the increased commercial activity would not adversely affect existing traffic or parking congestion.
- Conversions should be disallowed if commercial space suitable for occupancy by the proposed commercial use is available elsewhere in the district
- Commercial and institutional uses which do not primarily serve the general public usually are not appropriate in neighborhood commercial areas unless they are minor uses ancillary to those which do serve the general public, such as a small dental laboratory or small business accountant.
- Along predominantly residential secondary side streets and alleys of linear or area wide districts, conversions are inappropriate. The more residential character of the secondary streets should be protected in order to provide a transition between the commercial and surrounding residential districts.
- Conversions should not adversely impact the livability of any remaining units in the building. Entrance to the remaining units should be separate from the access to the commercial uses in the building. In buildings where re-conversion back to dwelling units may be desirable, the kitchens should be retained.

- Buildings with five or more housing units contain a large proportion of the housing stock in the neighborhood commercial districts and should be protected from complete conversion to commercial use.
- Conversion may be appropriate if the unit(s) is unsuitable for residential occupancy because of offensive noise, especially from traffic or late night activity, which is generated on the same site or near the unit, or because of the obstruction of residents' access to light and air by a building adjacent to or near the unit(s).
- Conversion may be appropriate if the housing unit is declared by the Superintendent of the Bureau of Building Inspection or the Chief of the Bureau of Fire Prevention to be unsafe and/or incapable of being made habitable for residential occupancy. However, if the property owner has shown possible willful neglect or a pattern of negligence in performing ordinary maintenance, thereby resulting in uninhabitable or unsafe units, the conversion should not be permitted, or the property owner should add other replacement rental units to the city's housing supply.
- In evaluating the proposed conversion of a unit which is suitable and safe for residential occupancy, consideration should be given to offsetting the loss of such housing by requiring the applicant to provide comparable replacement housing on the site, or within the neighborhood, or to provide financial assistance toward the creation of new rental housing or the rehabilitation of uninhabitable rental housing.
- Tenant should be given ample written notice by the property owner prior to filing the application to convert the unit(s) and, for any conversion that is permitted, property owners should make relocation assistance available to displaced tenants, i.e. efforts to identify housing comparable in size, price, and location; and the payment of moving expenses and a relocation allowance, particularly in the case of units occupied by low or moderate income residents.
- In evaluating proposed conversions, consideration should be given to economic hardships to both property owners and tenants which might result from the denial or approval of the conversion application.

The proposed project is within the NC-3 (Moderate Scale Neighborhood Commercial) District where there are few vacant lots where new construction could provide additional commercial space. The proposed conversion would not adversely affect the existing second dwelling unit and the plans submitted indicate a separate entrance for both uses. As mentioned above, the ground floor unit is currently vacant and there will be no displacement of tenants as a result of the proposed conversion. Within this stretch of the NC-3 (Moderate Scale Neighborhood Commercial) District staff found 16 lots with vacant storefronts. The project sponsor has not provided any documentation or explanation as to why these vacant storefronts are not suitable for this proposal. However, the project sponsor has indicated that a significant intention of the 2006 purchase of the subject property was to relocate the dental practice to the ground floor of the existing structure. Because of the need to relocate their dental practice, denial of the conversion would hamper the sustainability of a community serving medical service use at a time when access to such uses is extremely needed, particularly within the Latino community.

SECTION 101.1 PRIORITY POLICIES

Planning Code Section 101.1 establishes eight priority policies and requires review of permits for consistency, on balance, with these policies. The Project complies with these policies as follows:

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

The proposal would attract potential patrons to the neighborhood commercial district, aiding in the enhancement of retail activity in the immediate vicinity.

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

Although the proposal seeks to convert housing to a medical service use, the neighborhood character – that of ground floor commercial storefronts with residences above – would be conserved. Furthermore, the addition of this dental practice will preserve the economic diversity of this moderate scale neighborhood commercial district.

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

The proposal would not affect the City's supply of deed restricted permanently affordable housing as the unit proposed to be converted is a private unit subject to vacancy decontrol.

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

Because the proposed project is located along Mission Street, a corridor that is served by the 14, 14L, 49, and 67 Muni lines, it is anticipated many of the patients of the dental practice would use public transit or walk to the dental office.

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

The proposal will not adversely affect the industrial and service sectors from displacement due to commercial office development as the project proposes the establishment of a medical service use.

6. The City achieves the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The proposal will require tenant improvements as part of the proposed conversion to a medical service use. Any seismic upgrades required by the Department of Building Inspection (DBI) will be undertaken prior to the final approval by DBI.

7. Landmarks and historic buildings be preserved.

The proposal will not affect any potential historic merit of the building as the scope of work is primarily internal. All proposed signage will be reviewed by the quadrant Historic Preservation Specialist.

8. Parks and open space and their access to sunlight and vistas be protected from development.

The proposal has no effect upon parks and open space as the project consists entirely of internal tenant improvements.

ENVIRONMENTAL REVIEW

The project is categorically exempt from the environmental review process under Section 15061(b)(3) of the State CEQA Guidelines, pursuant to Title 14 of the California Administrative Code.

BASIS FOR RECOMMENDATION

- No tenants will be as a result of this conversion.
- The project promotes small-business ownership by allowing an existing small business that serves the Latino community to relocate its operations within the Mission District.
- The proposal will locate a commercial use on the ground floor, a pattern common within neighborhood commercial districts throughout the City of San Francisco and particularly within this stretch of the Moderate Scale Neighborhood Commercial District.
- The proposal is located within a relatively transit rich area of San Francisco and as such it is anticipated that many of the patrons will utilize this infrastructure and not impact parking or traffic.

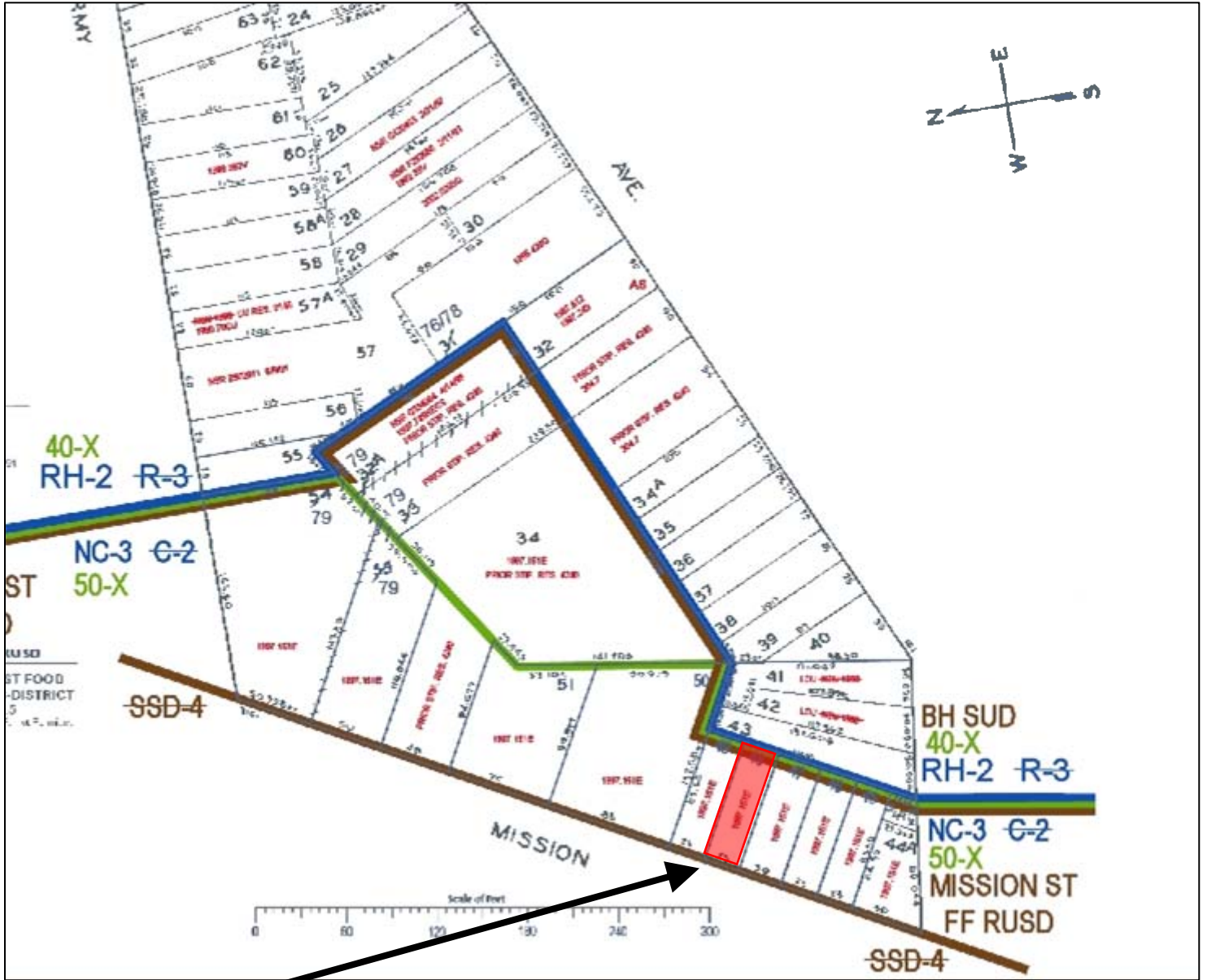
RECOMMENDATION: Approve with Conditions

Attachments:

Parcel Map
Sanborn
Aerial Image
Zoning Map
Site Image
Reduced Plans

DRS: G:\DOCUMENTS\Demolition & Dwelling Unit Merger\3131 Mission\Commission Packet\3131 Mission DR Analysis.doc

Parcel Map

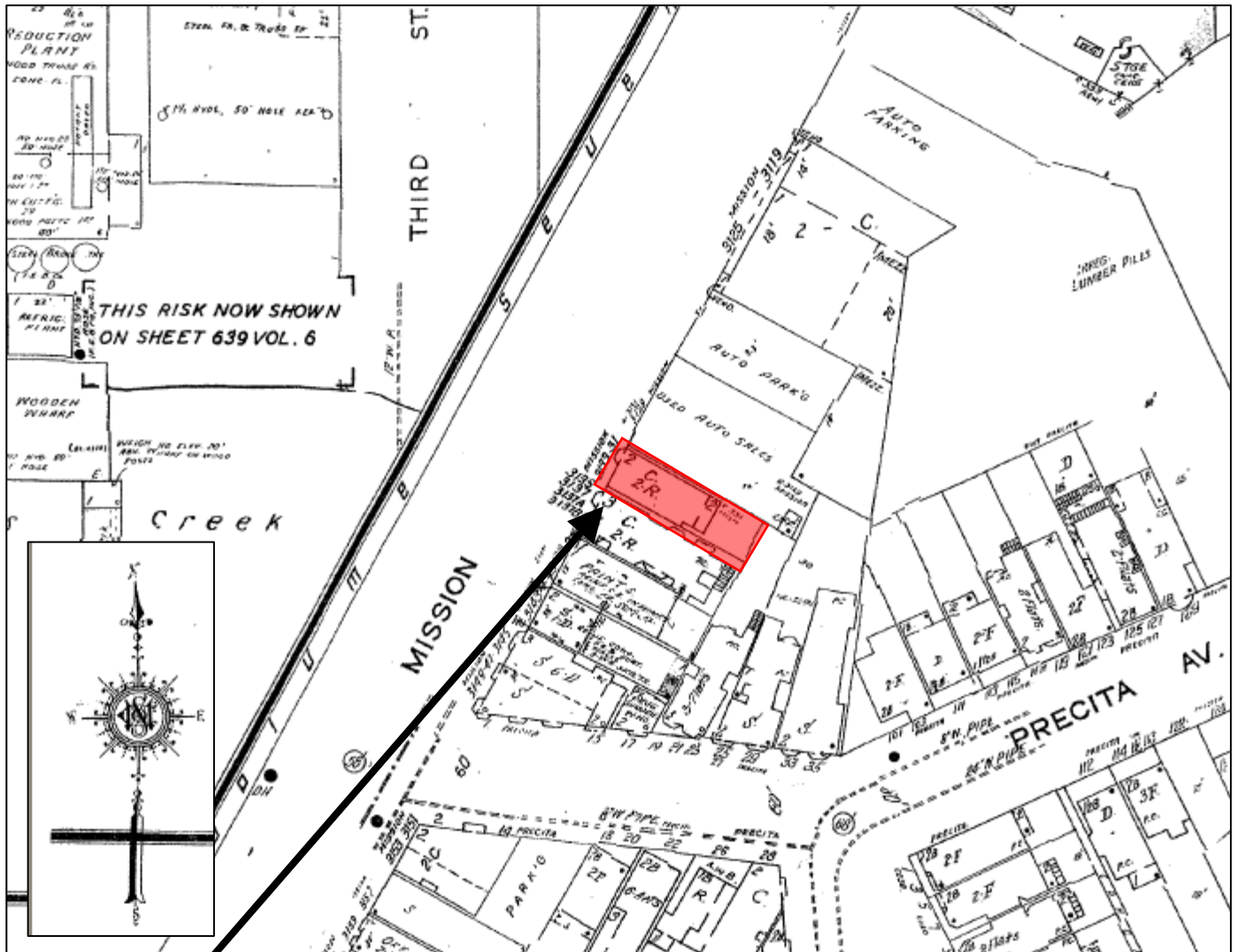


SUBJECT PROPERTY



Discretionary Review Hearing
Case Number 2009.1004D
Residential Conversion
3131 Mission Street

Sanborn Map*

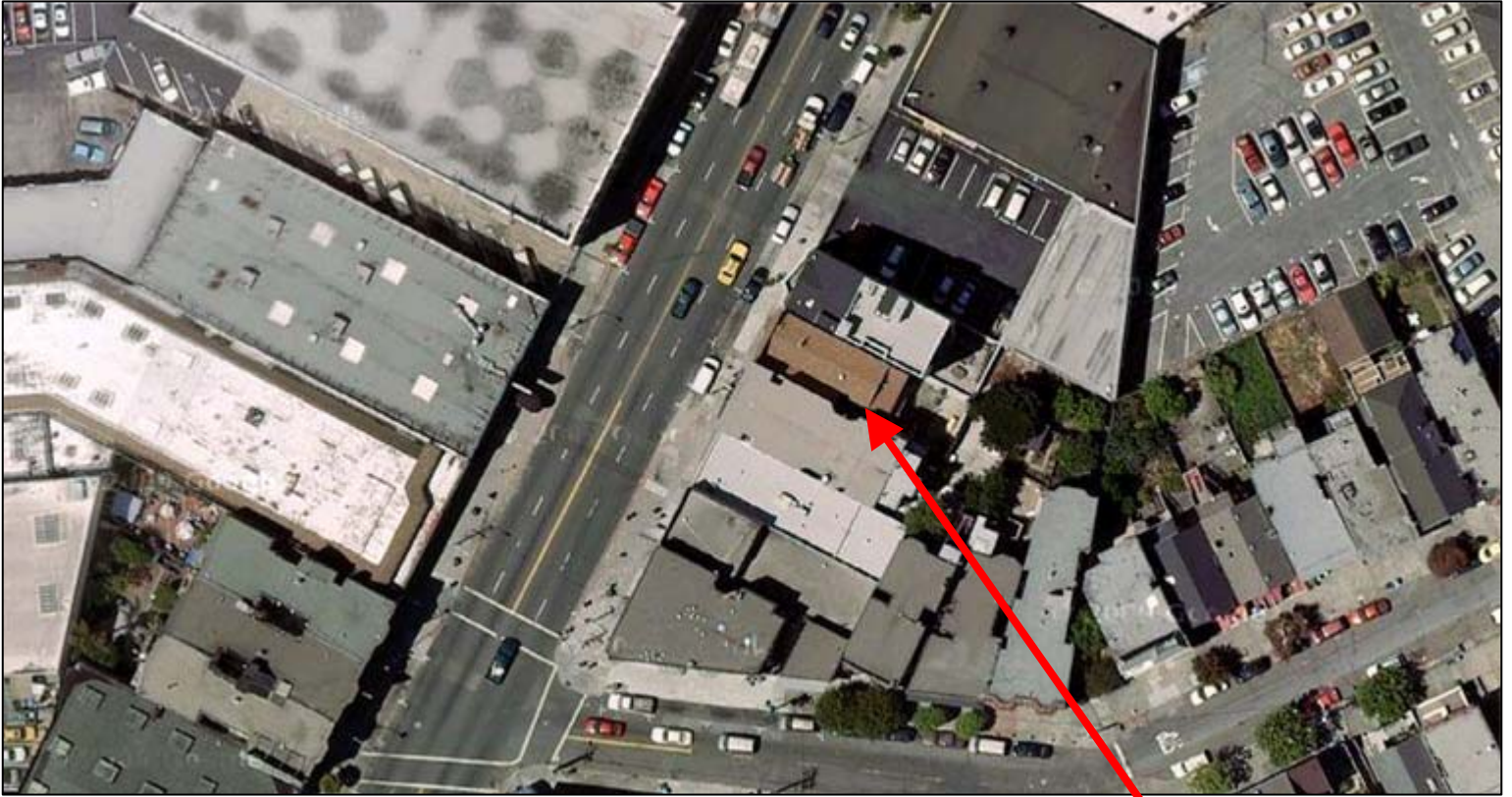


SUBJECT PROPERTY

*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

Discretionary Review Hearing
Case Number 2009.1004D
Residential Conversion
3131 Mission Street

Aerial Photo

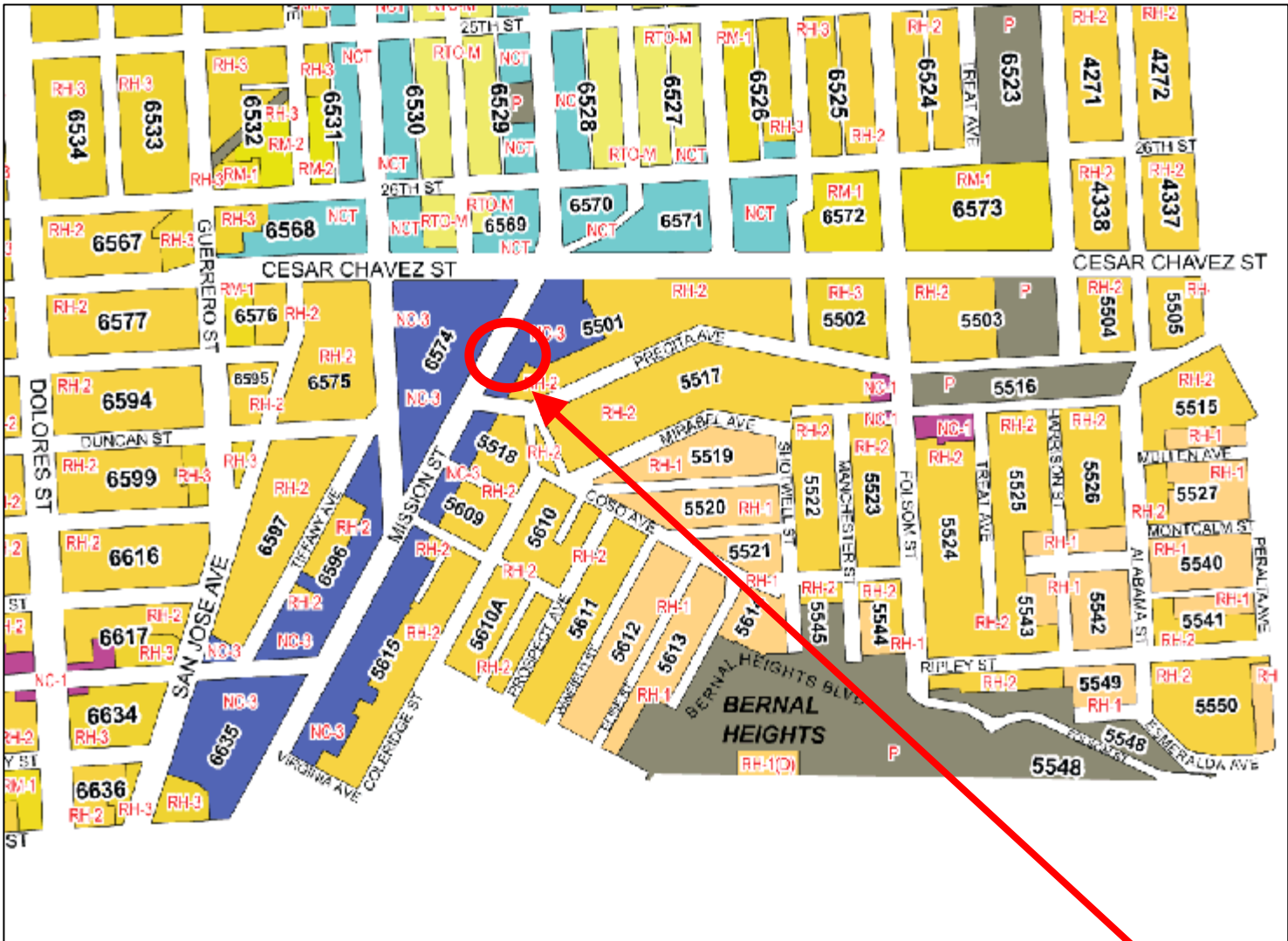


SUBJECT PROPERTY



Discretionary Review Hearing
Case Number 2009.1004D
Residential Conversion
3131 Mission Street

Zoning Map



SUBJECT PROPERTY



Discretionary Review Hearing
Case Number 2009.1004D
Residential Conversion
3131 Mission Street

Site Photo



Discretionary Review Hearing
Case Number 2009.1004D
Residential Conversion
3131 Mission Street

3131 Mission Street Context Images

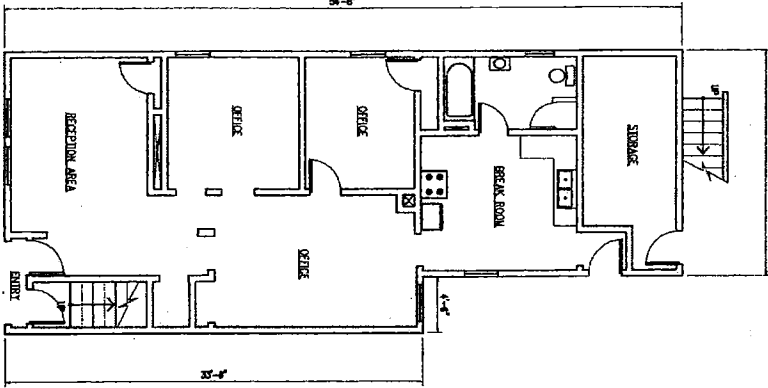
Mission Street, East Side



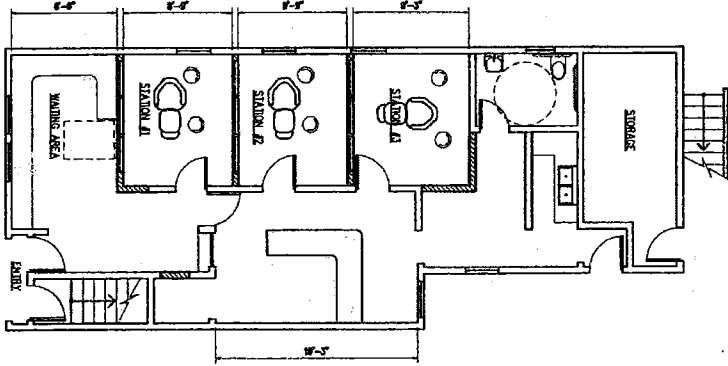
Subject Property

Mission Street, West Side

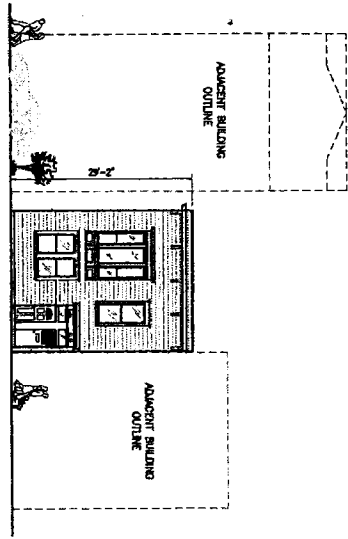




MISSION STREET
EXISTING FLOOR PLAN
1/8" = 1'-0"



MISSION STREET
PROPOSED FLOOR PLAN
1/8" = 1'-0"



EXISTING MISSION STREET ELEVATION
(NO CHANGE)
1/8" = 1'-0"

WALL LEGEND

- EXISTING WALL TO REMAIN
- NEW WOOD FRAME WALL (2x4 @ 16" O.C.)
- EXISTING WALL WITH CEILING REVISIONS
- EXISTING NON-BEARING WALL TO BE REMOVED

10 A2 SHEET	PROPOSED DENTAL OFFICE 3133 MISSION STREET SAN FRANCISCO, CALIFORNIA ASSESSOR'S BLOCK 5501, LOT 046	FLOOR PLAN	DESIGNER: JAVIER SOLORZANO 3288 21st STREET #49 SAN FRANCISCO, CALIFORNIA 94110 (415) 724-5240	REVISION

REVISION	DATE	BY

DESIGNER: JAMES SOKOZYNSKI
 3288 21st STREET #49
 SAN FRANCISCO, CALIFORNIA 94110
 (415) 724-8240

GENERAL NOTES
SITE PLAN

PROJECTED DENTAL OFFICE
 3151 MISSION STREET
 SAN FRANCISCO, CALIFORNIA
 ASSESSOR'S BLOCK 52011, LOT 48

DATE: 09/25/08	SCALE: AS NOTED
DRAWN: VFS	DATE: 08/01/08
BY: JAK	DATE: 08/01/08
PROJECT: A1	DATE: 08/01/08

- GENERAL NOTES**
- THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS ON THE DRAWINGS PRIOR TO THE COMMENCEMENT OF WORK AND BE RESPONSIBLE FOR ANY DISCREPANCIES. THE ATTENTION OF THE OWNER AND ARCHITECT MUST BE NOTIFIED IMMEDIATELY UPON THE DISCOVERY OF ANY DISCREPANCIES. THE CONTRACTOR SHALL CORRECT THE WORK OF ALL TRADES AND COORDINATE ALL REQUIRED PERMITS AND INSPECTIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
 - GENERAL NOTES, FRONT ELEVATION AND SITE PLAN
 - EXISTING AND PROPOSED FIRST FLOOR PLANS.

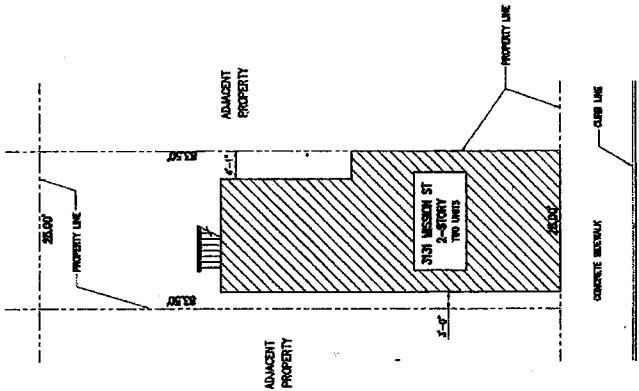
NOTE
 1- ALL LAYOUT AND LEVELS INFORMATION SHOWN ON THESE PLANS ARE TO EXISTING UNLESS NOTED OTHERWISE (OR NEW)

SCOPE OF WORK
 INSTALL DENTAL OFFICE IN RESIDENTIAL FIRST FLOOR UNIT

DRAINAGE INDEX

- GENERAL NOTES, FRONT ELEVATION AND SITE PLAN
- EXISTING AND PROPOSED FIRST FLOOR PLANS.

PROJECT DATA
 DUPLEX
 ZONING: RH-1, RM-1
 BUILDING TYPE: V-B
 OCCUPANCY: R-3
 LOT SIZE: 25.00' x 83.50'
 LOT SQUARE FOOTAGE: 2,087.5 S.F.



MISSION STREET

SITE PLAN
 SCALE 1/8" = 1'-0"