



# SAN FRANCISCO PLANNING DEPARTMENT

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Subject to: (Select only if applicable)

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| <input type="checkbox"/> Downtown Park Fee (Sec. 139)            | <input type="checkbox"/> Other                             |

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## Planning Commission Motion No. 17561

*Hearing Date:* February 21, 2008  
*Case No.:* **2007.0305C**  
*Project Address:* **1042-1044 Post Street**  
*Zoning:* Polk Street Neighborhood Commercial District  
130-E Height and Bulk District  
*Block/Lot:* 00692/008  
*Project Sponsor:* Harry Ja Wong  
Community Youth Center  
1237 Van Vess Avenue  
San Francisco, CA 94103  
*Staff Contact:* Aaron Hollister – (415) 575-9078  
[aaron.hollister@sfgov.org](mailto:aaron.hollister@sfgov.org)

**ADOPTING FINDINGS RELATED TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZING THE ESTABLISHMENT OF A LARGE INSTITUTION EXCEEDING 2000 GROSS SQUARE FEET LOCATED AT 1042-1044 POST STREET ON ASSESSOR'S BLOCK 0692, LOT 008, LOCATED WITHIN THE POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT AND A 130-E HEIGHT AND BULK DISTRICT.**

### RECITALS

1. On March 28, 2007, Community Youth Center c/o Harry Ja Wong (Project Sponsor) applied for a Conditional Use, Application No. 2007.0305C, on the property at 1042-1044 Post Street, Lot 008 in Assessor's Block 0692 (Project Site), to establish a large institution exceeding 2000 gross square feet (Community Youth Center) as defined in Planning Code Section 790.50(a) occupying the entire subject building, in general conformity with plans dated March 28, 2007, and labeled Exhibit B (Project). The proposed use is not formula retail as defined in Section 703.3 of the Planning Code. There would be no physical expansion of the existing building. The site is within the Polk Street NCD and a 130-E Height and Bulk District.
2. On February 21, 2008, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2007.0305C.

3. The Project was determined by the Planning Department (Department) to be categorically exempt from the environmental review process pursuant to Title 14 of the California Code of Regulations.
4. This Commission has reviewed and considered reports, studies, plans, and other documents pertaining to this Project.
5. 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.
6. **MOVED**, that the Commission hereby approves the conditional use requested in Application No. 2007.0305C, subject to conditions contained in Exhibit A attached hereto and incorporated by reference, based on the following findings:

## **FINDINGS**

Having reviewed the materials identified in the recitals 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.** The project is located on the north side of Post Street, mid-block between Polk and Larkin Streets, Assessor's Block 0692, Lot 008. The property is located within the Polk Street Neighborhood Commercial District and a 130-E Height and Bulk District.

The Project Site is occupied by a two-story, rectangular building which has street frontages on both Post Street and Hemlock Street (alleyway). The subject building was built in 1946 and has experienced remodeling and alterations throughout its lifetime. Currently, the subject building is vacant, but has most recently housed an auto parts store in the ground-floor retail area and offices on the second floor. No housing units are present at the subject site.

3. **Surrounding Neighborhood.** The Polk Street NCD, located in the gulch between Nob Hill, Russian Hill, and Pacific Heights, provides convenience goods and services to the residents of the Polk Gulch neighborhood and the west slopes of Nob Hill and Russian Hill. The district has a very active and continuous commercial frontage along Polk Street, while the side streets have a greater proportion of residences. The zoning controls are designed to encourage residential development above neighborhood-serving commercial uses on the ground floor.

The immediate surrounding development is a variety of multi-story, mixed-use buildings. Nearby ground-floor uses include eating and drinking establishments, small-scale retail stores, and nighttime entertainment. The upper stories are generally occupied by apartments, and residential hotels. Automotive uses including service centers and automotive retail as well as Fire Station Number 3 are also present in the immediate project vicinity. The scale of

development throughout the area consists of low- and mid-rise buildings (one- to four-story structures). The height limit in the area ranges between 65 and 130 feet.

4. **Project Description.** The project proposes to establish a large institution (Community Youth Center) as defined in Planning Code Section 790.50(a) that will occupy the entire subject building, which contains 5,760 gross square feet of which 4,800 square feet is occupiable. The Community Youth Center (CYC), a non-profit public benefit corporation, assists the Asian population throughout San Francisco. CYC's programs include substance abuse prevention and education, domestic violence education and prevention, higher education/financial aid counseling and services which assist recently-arrived immigrant youth as they transition into the public school system. CYC is expected to have a staff of 20 and will serve approximately 50 participants in the programs that will be offered on-site.

There would be no physical expansion of the building. Interior tenant improvements will be necessary to accommodate the youth center such as the addition of a computer/classroom area, counseling areas, bathroom facilities and elevators.

5. **Public Comment.** A residential neighbor has voiced concerns regarding noise generated from a drum which is emanating from the subject building. Department staff has learned that the drum is part of a program for Chinese New Year celebrations. The Project Sponsor indicated that will sound-muffling materials will be installed in the room that the drum has been used. The time and duration of the drumming will also be limited.

No correspondences were received regarding the Project indicating support or opposition of the project other than the aforementioned concern regarding drumming in the building.

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. **Floor Area Ratio.** Section 124 establishes basic floor area ratios (FAR) for all zoning districts. FAR is the ratio of the gross floor area of all the buildings on a lot to the total area of the lot. Under Section 124(a), the FAR for the Polk Street NCD is 1.8 to 1. Under Section 124(b), in NCDs, the floor area ratio limits listed in Subsection (a) do not apply to dwellings or other residential units.

*With a lot area of 2,910 square feet, 5,238 nonresidential gross square feet can be developed on the Project Site. Although the current gross square footage of the building exceeds the allowed FAR in the Polk Street NCD, the Project will not include the physical expansion of commercial space. Therefore, the non-conforming, non-residential gross floor area of the subject building will not be increased.*

- B. **Parking Requirement.** Section 151 requires institutions to provide one parking space for every 200 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.

*With an occupied floor area of under 5,000 square feet, the Project is not required to provide parking. The occupied floor area of the Project is 4,800 square feet.*

- C. **Loading.** Section 152 requires off-street freight loading for uses above a certain size. Non-residential uses up to 10,000 square feet in gross floor area are not required to provide off-street freight loading.

*With a gross floor area of under 10,000 square feet, the Project is not required to provide off-street loading. The alleyway can be used for off-street loading. Additionally, there are nearby yellow zones that can be used for deliveries.*

- D. **Formula Retail.** Section 703.3 places notification requirements and other restrictions on formula retail uses.

*The Project is not considered to be a Formula Retail Use as defined by Section 703.3 of the Planning Code.*

- E. **Hours of Operation.** Section 722.27 allows hours of operation from 6:00AM until 2:00AM as of right and requires conditional use authorization to operate between the hours of 2:00AM and 6:00AM.

*The Project Sponsor is not requesting conditional use authorization to operate between the hours of 2:00AM and 6:00AM.*

- F. **Use Size.** Section 121.2(a) establishes size limits on nonresidential uses in all NCDs. In the Polk Street NCD, conditional use authorization is required for any nonresidential use that exceeds 1,999 square feet.

*At 5,760 gross square feet (4,800 square feet of occupiable space), the Project does require conditional use authorization for use size.*

7. **Conditional Use Findings.** Under Section 303(c), the Commission may authorize a conditional use after finding 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 Project has been found to be necessary, desirable and compatible with the neighborhood and community. The project is consistent with the scale and intensity of other uses in the area, and therefore is compatible with the neighborhood. The use size exceeding 2000 gross square feet is necessary for the youth center to effectively implement its programs considering the number of employees (20) and participants (50) expected at the youth center.*

*Because the programs and educational services that the youth center will provide are expected to support and enhance the quality of life for residents of the neighborhood and Citywide, the Project has been found to be necessary and desirable. Furthermore, the Project will provide recreational and educational facilities in a densely-populated area of the City where these facilities are limited.*

*Additionally, the Project meets all applicable requirements of the Planning Code. The proposal is consistent with the objectives and policies of the Commerce and Industry Element of the General Plan, as it would enhance social services, recreational opportunities and education offered to residents of the neighborhood and residents Citywide. The Project will also be compatible with the mixed-use character of the Polk Street NCD.*

*Recognizing that the project vicinity contains numerous land uses, such as medical cannabis dispensaries, which could be perceived as incompatible with the proposed youth center, these uses pre-date the youth center. The Project Sponsor and Planning Commission acknowledge the lawful presence and operations of these facilities that have pre-dated the proposed subject use.*

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 size and shape of the site and the size, shape and arrangement of the building will not change, and are adequate for the Project.*

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

*The Project will not adversely impact public transit or overburden the existing supply of parking in the neighborhood. Furthermore, the Project site is well-served by public transportation (2-Clement, 3-Jackson, 4-Sutter, 19-Polk, 27-Bryant, 38-Geary, 47-Van Ness and the 49-Van Ness-Mission). Off-street parking and loading are not required for the Project.*

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

*Because noise from musical instruments (drums) could possibly be heard emanating from the building, a Condition of Approval has been provided which will address this. The condition will require noise reduction materials to be installed in rooms where the instruments are played. The condition will also provide for limited hours which the instruments can be played. The Project Sponsor has already agreed to the hours. No other offensive emissions such as glare, dust and odor, are expected with the Project.*

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

*The project site is completely built-out, therefore, no landscaping will need to be provided. All lighting and signage will comply with the requirements of the Planning Code and the Urban Design Element of the General Plan.*

- 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 will comply with the applicable requirements of the Planning Code, and will be in conformity with the Priority Policies, the Commerce and Industry Element and the Community Facilities Element of the General Plan, as it would enhance social services, recreational opportunities and education offered to residents of the neighborhood and residents Citywide. The Project will also be compatible with the mixed-use character of the Polk Street NCD.*

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

*The Project will provide development that is in conformity with the purpose of the zoning controls for the Polk Street NCD as set forth in Planning Code Section 723.1. The Polk Street NCD controls are designed to encourage development that is compatible with the existing moderate scale and mixed-use character, and that maintains the district's balance of entertainment uses, restaurants, and small-scale retail stores and services. Neighborhood-serving uses, such as community facilities, are strongly encouraged.*

*The Project would enhance the Polk Street NCD by adding services that will enhance the quality of life for neighborhood residents, particularly immigrant youth.*

- 8. **General Plan Compliance.** The Project is consistent with the Objectives and Policies of the General Plan as follows:

## **NEIGHBORHOOD COMMERCE**

### **Commerce and Industry Element**

#### **OBJECTIVE 3:**

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

#### **Policy 3:**

Emphasize job training and retraining programs that will impart skills necessary for participation in the San Francisco labor market.

*The youth center will provide education and training that will provide San Francisco immigrant youth with skills necessary to successfully participate in the San Francisco labor market.*

**OBJECTIVE 6:**

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

**Policy 1:**

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

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 programs and educational services that the youth center will provide will support and enhance the quality of life for residents of the neighborhood and Citywide. Furthermore, the Project will provide recreational and educational facilities in a densely-populated area of the City where these facilities are limited.*

**Policy 3:**

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

*The Project will not adversely impact any affordable housing resources in the neighborhood. Furthermore, the Project will be compatible with the mixed-use character of the Polk Street NCD.*

**Policy 9:**

Regulate uses so that traffic impacts and parking problems are minimized.

*The Project will not adversely impact public transit or overburden the existing supply of parking in the neighborhood. The Project Site is well-served by public transportation (2-Clement, 3-Jackson, 4-Sutter, 19-Polk, 27-Bryant, 38-Geary, 47-Van Ness and the 49-Van Ness-Mission).*

*Off-street parking is not required for the Project. Off-street loading is not required for the Project. There are nearby yellow zones that can be used for deliveries. Furthermore, a parking garage is available for parking on the subject block.*

- 9. General Plan Findings.** Section 101.1(b) establishes eight priority planning policies and requires the review of permits for consistency with said policies:

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

*The subject building currently is vacant. Consequently, no retail uses will be displaced. Opportunities for resident employment will be enhanced. The youth center is expected to employ 20 people.*

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

*The existing building does not have any existing housing. With the use of the building by Community Youth Center's staff and participants, the cultural and economic diversity of the neighborhood will be enhanced.*

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

*The Project will not have any impacts on the City's supply of affordable housing.*

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

*The Project will not adversely impact public transit or place a burden on the existing supply of parking in the neighborhood. The Project Site is well-served by public transportation.*

- (5) 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.

*There is no commercial office development associated with the Project. No industrial or service sector uses will be displaced. Furthermore, the Project could potentially employ 20 residents.*

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

*Although there will be some interior tenant improvements to the subject commercial space, the Project does not involve any construction activities that will compromise the structural integrity of the existing building or trigger any Building Code requirements for a seismic upgrade.*

- (7) That landmarks and historic buildings be preserved.

*The subject building was included in the San Francisco Architectural Survey of 1976, is listed on the California Register Survey and is located in a National Registered-District, the Lower Nob Hill Apartment Hotel District. However, most or all of the historic fabric of the building was*



*removed on the Post Street frontage in the mid-1980s. Furthermore, no major alterations are proposed to the exterior of the building.*

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

*The Project will not impact any parks or open spaces or their access to sunlight.*

10. On balance, 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. 2007.0305C** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 17561. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94012.**

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on February 21, 2008.

Linda Avery  
Commission Secretary

AYES: Olague, Antonini, S. Lee, Moore, Sugaya

NAYS: None

ABSENT: W. Lee

ADOPTED: February 21, 2008

## Exhibit A

### Conditions of Approval

1. This authorization is to establish a large institution of approximately 5760 gross square feet, or 4,800 occupiable square feet, as defined in Planning Code Section 790.50(a) within the entire extant of the existing building located at 1042-1044 Post Street, Lot 0692 in Assessor's Block 008, in general conformity with the plans identified as Exhibit B, dated February 21, 2008, and reviewed by the Commission on February 21, 2008.
2. The Commission may consider revocation of this conditional use authorization if a permit for the project has been issued, but is allowed to expire and more than three years have passed since the Motion was approved. 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 within three years is delayed by a City, state or federal agency, or by appeal of the issuance of such permit.
3. The operator of the establishment shall maintain the entrances and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at minimum, daily sweeping, litter pickup and disposal, and washing or steam/pressure cleaning of the main entrance and abutting sidewalks at least once every two weeks.
4. Noise and odors shall be regulated so as not to be a nuisance to nearby businesses or residents. Any room(s) where musical instruments are expected to be played shall contain sound insulation. Playing of musical instruments shall occur only between the hours of 10:30 AM and 6:00 PM.
5. An enclosed waste storage area shall be provided within the establishment. All trash and recycling containers shall be kept within the building until pick-up by the disposal company.
6. The Project Sponsor shall appoint a Community Liaison to address issues and matters of concern to nearby residents or commercial lessees. This liaison or designated representative shall be available at the establishment at all times during business hours. The Project Sponsor shall report the name and telephone number of this liaison to the Zoning Administrator for reference.
7. Should monitoring of the Conditions of Approval of this Motion be required, the Project Sponsor shall pay fees as established in Planning Code Section 351(e)(1).
8. Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and are

subsequently reported to the Zoning Administrator and found to be in violation of the Planning Code and/or the specific Conditions of Approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public 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 this conditional use authorization.

9. The Planning Commission may, in a public hearing, consider the revocation of this conditional use authorization if a site or building permit has not been issued within three (3) years of the date of the Motion approving the project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued thenceforth diligently to completion. The Commission may also consider revoking this conditional use authorization if a permit for the project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved. 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.
  
10. The Project Sponsor shall assure the execution and recordation of the specified conditions as a Notice of Special Restrictions at the Office of the County Recorder / County Clerk.