



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 17593

HEARING DATE MAY 15, 2008

Date: May 15, 2008
Case No.: **2007.0094CEKZ**
Project Address: **1401-1417 Divisadero Street (aka 2108 O'Farrell Street)**
Zoning: NC-2 (Neighborhood Commercial, Small-Scale) and
NC-3 (Neighborhood Commercial, Moderate-Scale)
105-E Height and Bulk District
Block/Lot: 1098/9; -38
Project Sponsor: Alice Suet Yee Barkley
121 Spear Street, Suite 200
San Francisco, CA 94105
Staff Contact: Tina Tam – (415) 558-6325
tina.tam@sfgov.org
Recommendation: **Recommend Approval to the Board of Supervisors**

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

RESOLUTION OF THE PLANNING COMMISSION (“COMMISSION”) RECOMMENDING THAT THE BOARD OF SUPERVISORS AMEND THE ZONING MAP (MAP 2) OF THE CITY AND COUNTY OF SAN FRANCISCO AND RECLASSIFY THE PROPERTY AT 1401-1417 DIVISADERO STREET, LOT 9 IN BLOCK 1098 (“PROPERTY”), FROM NEIGHBORHOOD COMMERCIAL, SMALL-SCALE (“NC-2”) TO NEIGHBORHOOD COMMERCIAL, MODERATE-SCALE (“NC-3”); AND ADOPTING FINDINGS AND A MITIGATION MONITORING AND REPORTING PROGRAM UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, on April 24, 2007, Supervisor Ross Mirkarimi introduced (for the second time) legislation to amend the Zoning Map (Map 2) of the City and County of San Francisco and reclassify the property at 1401-1417 Divisadero Street, Lot 9 in Block 1098 from NC-2 to NC-3. Since then, there have been several extensions granted to allow the Project Sponsor sufficient time to provide all the necessary information and material associated with the proposed outpatient clinic and medical office building; and

WHEREAS, the zoning reclassification and Zoning Map amendment for the subject property from NC-2 to NC-3 is consistent with the highest and best use of the property; and

WHEREAS, the property is developed with a three-story, mixed-use building (with 21 dwelling units) but is currently vacant; and

WHEREAS, on April 10, 1997, the San Francisco Planning Commission, by adopting Motion No. 14347 certified a Final Environmental Impact Report (FEIR) for the Project.

WHEREAS, on January 23, 2007, the Project Sponsor requested an Addendum to the 1997 Final Environmental Impact Report ("FEIR"), for the proposed zoning reclassification and outpatient clinic and medical office building on the subject and adjacent property (Lot 38 in Block 1098); and

WHEREAS, on May 1, 2008, the Planning Department ("Department") published an Addendum to the 1997 Final Environmental Impact Report which determined that the revised project would not cause new significant impacts not identified in the FEIR; and

WHEREAS, based on this Addendum, which evaluates the revised project in relation to the original project contained in the FEIR, the project as revised is consistent with and within the scope of the Project analyzed in the FEIR and would not result in any new significant impacts compared to those determined for the 1997 EIR project. The Addendum was prepared in accordance with the requirements of Section 15164 of the Guidelines; and

WHEREAS, under Section 15162 of the CEQA Guidelines, a subsequent EIR is not required. In light of the whole record before the Commission, the Commission finds on the basis of substantial evidence in the record that: (a) no substantial changes have occurred in the Project proposed for approval that will require revisions in the Final EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, no substantial changes have occurred with respect to the circumstances under which the Project proposed for approval are undertaken which will require major revisions to the Final EIR due to the involvement of new environmental effects or a substantial increase in the severity of effects identified in the Final EIR and no new information of substantial importance to the Project as proposed has become available which indicates that (1) the Project will have significant effects not discussed in the Final EIR, (2) significant environmental effects will be substantially more severe, (3) mitigation measure or alternatives found not feasible which would reduce one or more significant effects have become feasible or (4) mitigation measures or alternatives which are considerably different from those in the Final EIR would substantially reduce one or more significant effects on the environment; (5) the Project as proposed is within the scope of the project analyzed in the FEIR; and (6) no new environmental documentation is required; and

WHEREAS, in the corresponding conditions of approval for the Project, the Project Sponsor has agreed to comply with the measures set forth in the Mitigation Monitoring and Reporting Program (MMRP) attached to Motion No. 17594, as Exhibit C; and

WHEREAS, the current zoning designation for the subject property (NC-2) would prohibit an outpatient clinic and medical office use on the property. An outpatient clinic and medical office use however, would be allowed in an NC-3 District. The NC-3 District also allows for a larger non-residential use size than in an NC-2 District; and

WHEREAS, the proposed zoning classification is consistent with the existing NC-3 zoning in the neighborhood. Other than the subject lot (Lot 9), all of Kaiser's building at the Geary Campus is in the NC-3 District; and

WHEREAS, the proposed reclassification and Zoning Map amendment are consistent with the objectives and policies of the General Plan as set forth in **Planning Commission Motion No. 17594** which findings are incorporated herein by this reference thereto as if fully set forth in this Resolution; and

WHEREAS, the proposed reclassification and Zoning Map amendment meet the priority policies of Planning Code Section 101.1(b) as set forth in **Planning Commission Motion No. 17594** which findings are incorporated herein by this reference thereto as if fully set forth in this Resolution; and

WHEREAS, the Planning Commission (“Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Zoning Map amendment on May 15, 2008 and found that the public necessity, convenience, and general welfare require amending the Zoning Map (Map 2) of the City and County of San Francisco and reclassifying the zoning designation for the property at 1401-1417 Divisadero Street, Lot 9 in Block 1098 from NC-2 to NC-3; and

THEREFORE BE IT RESOLVED, the Commission recommends that Board of Supervisors adopt the aforementioned amendment to the Zoning Map of the City and County of San Francisco and reclassify the subject property.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on May 15, 2008.

Linda Avery
Commission Secretary

AYES: Commissioners Lee, Sugaya, Moore, and Antonini

NAYS: None

ABSENT: Commissioner Miguel

EXCUSED: Commissioner Olague

ADOPTED: May 15, 2008

G:\TBT\ZMAP\1401 Divisadero Street Resolution.doc