



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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| <input type="checkbox"/> Inclusionary Housing (Sec. 315) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
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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 17602

HEARING DATE: MAY 29, 2008

Date: May 22, 2008
Case No.: **2007.1034C**
Project Address: **2809-11 SAN BRUNO AVENUE**
Zoning: NC-2 (Small-Scale Neighborhood Commercial)
40-X Height and Bulk District
Block/Lot: 5457/030
Project Sponsor: Van Ly
8 Brussels Street
San Francisco, CA 94134
Staff Contact: Corey Teague – (415) 575-9081
corey.teague@sfgov.org
Recommendation: **Approval with Conditions**

ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 161(j) and 303 OF THE PLANNING CODE TO ALLOW A REDUCTION IN THE OFF-STREET PARKING REQUIREMENT FOR EXISTING AND PROPOSED DWELLING UNITS AT 2809-11 SAN BRUNO AVENUE AS PART OF A GROUND FLOOR COMMERCIAL USE CONVERSION AND 3RD STORY ADDITION TO THE EXISTING BUILDING IN A NC-2 (SMALL-SCALE, NEIGHBORHOOD COMMERCIAL) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On September 7, 2007, Van Ly (Project Sponsor) filed an application with the Department for Conditional Use Authorization under Planning Code Sections 161(j) and 303 of the Planning Code to allow a reduction in the off-street parking required for existing and proposed dwelling units as part of a ground floor commercial use conversion and 3rd floor addition in the NC-2 (Small-Scale, Neighborhood Commercial) District and a 40-X Height and Bulk District.

On May 15, 2008, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2007.1034C.

The Project was determined by the San Francisco Planning Department (hereinafter "Department") to be categorically exempt from environmental review. 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. 2007.1034C, 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 project is located on the east side of San Bruno Avenue, in Assessor's Block 5457, Lot 030. The 2,250 square foot property is located within the NC-2 (Small-Scale, Neighborhood Commercial) District and a 40-X Height and Bulk District. The property is developed with two dwelling units in a 2-story building. There is an approximately 36 foot rear yard on the ground level.
3. **Surrounding Properties and Neighborhood.** The Project site is near the southern end of an NC-2 Zoning District that runs uninterrupted along San Bruno Avenue from Silver Avenue to Woolsey Street. The majority of the surrounding buildings are mixed use structures sited on the front property line, with commercial ground floors and residential upper floors. Commercial uses in the immediate area primarily include personal and business services. On-street parking along San Bruno Avenue is unmetered in the immediate area.

Architectural styles vary in the area, and most buildings were constructed during the 1920s, 1950s, or 1970s. Building heights vary from 1 to 3 stories, although 2-story structures make up the majority.

The area has moderate public transit service, primarily through the 9/9X/9AX MUNI bus routes that serve San Bruno Avenue and provide access to the Outer Mission, Visitacion Valley, Mission, Potrero Hill, and South of Market neighborhoods, as well as the Market Street corridor. The nearest T-Third MUNI rail line stop is approximately ½ mile from the Project site.

4. **Project Description.** The proposal is to convert and expand the ground floor into a 1,523 square foot commercial space. The ground floor currently contains a 1 bedroom dwelling unit and 2 off-street parking spaces. The removal of the parking spaces will result in the subsequent removal of an approximately 17 foot curb cut, creating an additional on-street parking space. An additional

(3rd) story will be constructed and contain a 3 bedroom dwelling unit to replace the dwelling unit originally on the ground floor, increasing the height of the building to 31 feet 9 inches. The 2nd floor dwelling unit will not be altered. A rear 2nd-floor deck will provide common open space for the 2 dwelling units. The replacement façade will include new doors, storefront system, and bay windows.

5. **Public Comment.** The Department received no public comment regarding 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. **Land Use:** Planning Code Section 711.90 permits residential uses in the NC-2 District. Section 711.1 permits various commercial uses in the NC-2 District.

The project would provide approximately 1,523 square feet of commercial space and two dwellings in the NC-2 District.

- B. **Dwelling Unit Density:** Planning Code Section 711.91 allows dwelling units in the NC-2 District at a density ratio not exceeding one unit for each 800 square feet of lot area.

The project site is 2,250 square feet, which permits a maximum of 3 dwelling units. The Project would provide 2 units.

- C. **Floor Area Ratio:** Section 124 establishes floor area ratios (FARs) for all districts. In the NC-2 District, non-residential uses are subject to an FAR limit of 2.5 to 1.

The Project would result in a non-residential FAR of greater than 1.

- E. **Rear Yard:** Section 134 establishes rear yard requirements for all districts. In the NC-2 District, a minimum 25 percent rear yard is required at the lowest story containing a dwelling unit, and at each succeeding level or story of a building. This represents a minimum rear yard of 22 feet 6 inches at the residential levels.

The Project would provide a 36 foot rear yard at the residential levels.

- F. **Open Space:** Section 135 establishes standards for usable open space for dwelling units. In the NC-2 District 100 square feet of usable open space is required for each unit if private, or 133 square feet per unit if shared.

The Project would provide approximately 575 square feet of common usable open space on the rear 2nd floor roof deck.

- G. **Parking:** Section 151 establishes off-street parking requirements for all uses in all districts. In the NC-2 District, one independently accessible space is required for each dwelling unit, or two spaces for this project.

A reduction in this off-street parking requirement is sought pursuant to Conditional Use authorization under Section 161(j) of the Planning Code. No off-street parking is proposed.

- H. **Street Trees:** Section 143 requires one street tree be planted for every 20 feet of street frontage in certain districts, including the NC-2 District.

The project site has 25 feet of street frontage. One street tree will be provided.

- I. **Street Frontage:** Section 145.1 requires that for all new structures or for alterations of existing structures in all NC districts, at least one-half the total width of such new or altered structures at the commercial street frontage shall be devoted to entrances to commercially used space, windows or display space at the pedestrian eye level. Such windows shall use clear, untinted glass, except for decorative or architectural accent.

More than 17 feet of the 25 foot frontage will be devoted to glass doorways and windows into the commercial space.

7. **Planning Code Section 161(j)** allows the reduction of off-street parking requirements for dwelling units in the NC districts subject to conditional use authorization by the Planning Commission. In considering an application under Section 161(j), the Commission shall consider the criteria set forth below in lieu of the criteria set forth in Section 303(c) and may grant the reduction if it finds that:

- A. **The reduction in the parking requirement is justified by the reasonable anticipated auto usage by residents of and visitors to the Project.**

The project site falls within an established NC district where numerous services and employment opportunities may be accessed by walking or public transit. Transit service is provided primarily through the 9/9X/9AX MUNI bus routes that serve San Bruno Avenue and provide access to the Outer Mission, Visitacion Valley, Mission, Potrero Hill, and South of Market neighborhoods, as well as the Market Street corridor. The nearest T-Third MUNI rail line stop is approximately ½ mile from the Project site. Additionally, the existing curb cut will be eliminated and a new on-street parking space will be created.

- B. **The reduction in the parking requirement will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity.**

The project will eliminate 2 off-street parking spaces and a mid-block curb cut, which will improve pedestrian and traffic safety in the area by reducing mid-block vehicular turning movements along a busy NC corridor.

- C. **The project is consistent with the existing character and pattern of development in the area.**

The project will provide a street level commercial space serving the surrounding neighborhood. The size of the proposed use is in keeping with other storefronts on the block face. The mixed use nature of the development is also consistent with the prevailing development in this NC-2 District.

D. The project is consistent with the description and intent of the neighborhood commercial district in which it is located.

The project is consistent with the intent of the NC-2 District, which is to provide convenience goods and services for the surrounding neighborhood, as well as residential dwelling units. Development form is intended to be small-scale (2-4 stories) mixed use buildings, typically with ground floor commercial uses and residential uses above the ground floor. The project falls within all of these intentions.

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

HOUSING

Objectives and Policies

OBJECTIVE 12:
TO PROVIDE A QUALITY LIVING ENVIRONMENT.

Policy 1:
Assure housing is provided with adequate public improvements, services and amenities.

Policy 4:
Promote construction of well-designed housing that conserves existing neighborhood character.

Policy 6:
Relate land use to controls to the appropriate scale for new and existing residential areas.

The project includes adequate open space by providing a rear yard at the residential levels. The design of units maintains the integrity of and compliments the existing building and neighborhood.

COMMERCE & INDUSTRY

Objectives and Policies

OBJECTIVE 6:
MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 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 project proposes a mixed-use development with two dwelling units above a ground floor commercial space.

TRANSPORTATION

Objectives and Policies

OBJECTIVE 24:

IMPROVE THE AMBIANCE OF THE PEDESTRIAN ENVIRONMENT.

Policy 2:

Maintain and expand the planting of street trees.

OBJECTIVE 26:

CONSIDER THE SIDEWALK AREA AS AN IMPORTANT ELEMENT IN THE CITYWIDE OPEN SPACE SYSTEM.

Policy 3:

Encourage pedestrian serving uses on the sidewalk.

The project would improve the pedestrian environment by adding 1 new street tree, removing the existing curb cut and creating 1 additional on-street parking space, and adding ground floor commercial space that will provide new glazing and depth at the pedestrian level.

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 would enhance the district by providing a new commercial space that will provide employment and service opportunities as permitted in the NC-2 District.

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

The height, intensity, and mixed use nature of the project are in keeping with the surrounding neighborhood.

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

The project does not represent a net loss or gain of dwelling units.

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

The project does not provide any off-street parking spaces and should have minimal impact on commuter traffic.

- 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. The Project does not have an impact on 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. 2007.1034C** 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. 17602. 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 May 29, 2008.

Linda Avery
Commission Secretary

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

NAYS: None

ABSENT: None

ADOPTED: May 29, 2008

Exhibit A

Conditions of Approval

1. This authorization is for a Conditional Use Authorization under Planning Code Sections 161(j) and 303 to allow a reduction in the off-street parking required for existing and proposed dwelling units as part of a ground floor commercial use conversion and 3rd floor addition in the NC-2 (Small-Scale, Neighborhood Commercial) District and a 40-X Height and Bulk District, in general conformance with plans filed with the Application as received on September 7, 2007 and stamped "EXHIBIT B" included in the docket for **Case No. 2007.1034C**, reviewed and approved by the Commission on May 15, 2008.
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 5457, Lot 030), 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 \$500 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 business shall be reviewed and approved by the Planning Department before they are installed.
7. The Project dwelling units shall not be marketed for time-share, executive suites or short-term transient use.
8. Covenants, conditions and restrictions approved by the Planning Department shall be imposed upon the project units to restrict use to occupancy for permanent residents and to preclude time-share ownership or occupancy. No residential units shall be used as hotel units, as defined in Section 790.468 of the San Francisco Housing Code.

9. One street tree shall be installed to meet the requirement of Planning Code Section 143.
10. 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.
11. 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.