



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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Planning Commission Final Motion No. 17636

HEARING DATE: JUNE 26, 2008

Date: June 26, 2008
Case No.: **2008.0376CV**
Project Address: **1599 HAIGHT STREET (AKA 612 CLAYTON ST.)**
Zoning: Haight Street Neighborhood Commercial District
 Haight Street Alcohol Restricted Use Subdistrict
 40-X Height and Bulk District
Block/Lot: 1245/023
Project Sponsor: Bassem Sirhed R2001 Trust
 PO Box 626
 Burlingame, CA 94011
Staff Contact: Jonas P. Ionin – (415) 558-6309
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ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 161(j) AND 303 OF THE PLANNING CODE TO ALLOW FOUR NEW RESIDENTIAL UNITS WITHOUT THE REQUIRED INDEPENDENTLY ACCESSIBLE OFF-STREET PARKING SPACES WITHIN THE HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT, HAIGHT STREET ALCOHOL USE SUBDISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On March 25, 2008 Suheil Shatara (hereinafter “Applicant”) filed an application with the Department for Conditional Use Authorization under Planning Code Sections 161(j) and 303 of the Planning Code to allow four new residential units without the required independently accessible off-street parking spaces within the Haight Street Neighborhood Commercial District, Haight Street Alcohol Use Subdistrict and a 40-X Height and Bulk District.

On June 26, 2008, the Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2008.0376CV and the Zoning Administrator heard and considered Variance Application No. 2008.0376CV for usable open space and exposure.

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. 2008.0376CV, 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 southeast corner of Haight and Clayton Streets, Block 1245, Lot 023. The property is located within the Haight Street Neighborhood Commercial District (NCD), the Haight Street Alcohol Restricted Use Subdistrict and 40-X height and bulk district. The subject lot measures approximately 56' x 70'. The property is developed with a building with nearly 100 percent lot coverage. Originally, the building was developed as a mixed-use with residential above and ground floor retail below. In December of 1994 the Haight Ashbury Free Clinic received conditional authorization to legalize the conversion of the upper story residential units to medical office. The upper story medical offices are currently vacant.
3. **Surrounding Properties and Neighborhood.** The project site is at the intersection of Haight and Clayton Streets. Directly south of the site is an RH-3 (Residential, House, Three-Family) zoned district. A mix of food establishments, personal services, and small retail establishments defines the Haight Street NCD corridor in the immediate vicinity.
4. **Project Description.** The proposal is to convert vacant medical offices on the second floor back to residential use without the four required independently accessible off-street parking spaces.
5. **Public Comment.** The Department has not received any correspondence in support of or opposition to the 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. **Off-Street Parking, Neighborhood Commercial Districts.** Planning Code Sections 161(j) and 303 state that a Conditional Use Authorization is required for a reduction in the parking

requirement, in Haight Street NCD and in addition to the criteria of Section 303(c) of the Code requires the Commission to consider the extent to which the following criteria are met:

1. The reduction in the parking requirement is justified by the reasonable anticipated auto usage by residents of and visitors to the project;

The conversion to residential occupancy may, in fact, reduce the anticipated auto usage by residents and visitors in relation to the previous office use demand. The existing configuration has nine individual office spaces and four kitchens. Of the four proposed residential units two are studios, one would be a one-bedroom, and one would contain two bedrooms.

2. 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 existing structure had previously been occupied by ground floor commercial spaces and five residential dwelling units on the second floor without off-street parking. The residential units were then converted to administrative offices for the Haight Ashbury Free Clinic, pursuant to Planning Commission Motion No. 13795, adopted on December 15, 1994. Condition No. 4 of that motion required that "All existing utilities that provide for residential occupancy of the second floor shall be retained for the purpose of facilitating any future conversion of the second floor back to residential occupancy."

3. The project is consistent with the existing character and pattern of development in the area; and

The structure already exists and the Project Sponsor proposes interior tenant improvements and no exterior modifications. Therefore, the project is consistent with the existing character and pattern of development in the area.

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

The structure already exists and the Project Sponsor proposes interior tenant improvements and no exterior modifications. Therefore, the existing scale of development in the district will be preserved.

7. **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 use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.

The conversion of the second floor back to residential occupancy would replace the existing offices with four residential dwellings that are desirable and compatible with the neighborhood.

- B. Such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspect including but not limited to the following:

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

The height and bulk of the existing building will remain the same and will not alter the existing appearance or character of the project site. The proposed work is interior with no exterior modifications.

- 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;

Planning Code Section 161(j) affords a reduction in the off-street parking requirements in neighborhood commercial districts when it is found to be appropriate. The site is well served by public transit (6, 7, 33, 37, 43 and 71 MUNI lines).

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

The proposed use is subject to the standard construction requirements of the Building Code that pertain to offensive emissions. The proposal does not include significant exterior work.

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

There are no proposed changes to existing conditions as they relate to landscaping, screening, open spaces, parking and loading areas, service areas and lighting. New signage will adhere to the provisions of Article 6 of the Code.

- C. The use or feature 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.

- D. That the use or feature as proposed would provide development that is in conformity with the stated purpose of the applicable Neighborhood Commercial District, as set forth in zoning control category .1 of Section 710 through 729 of the Code.

The proposed project is consistent with the stated purposes of the Haight Street Neighborhood Commercial District in that it protects the existing building scale and adds a mixed-use development in character with adjacent buildings, where housing development is encouraged above the ground story.

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 1

TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND.

POLICY 1.1

Encourage higher residential density in areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing, and in neighborhood commercial districts where higher density will not have harmful effects, especially if the higher density provides a significant number of units that are affordable to lower income households. Set allowable densities in established residential areas at levels which will promote compatibility with prevailing neighborhood scale and character where there is neighborhoods support.

POLICY 1.2

Encourage housing development, particularly affordable housing, in neighborhood commercial areas without displacing existing jobs, particularly blue-collar jobs or discouraging new employment opportunities.

OBJECTIVE 11

IN INCREASING THE SUPPLY OF HOUSING, PURSUE PLACE MAKING AND NEIGHBORHOOD BUILDING PRINCIPLES AND PRACTICES TO MAINTAIN SAN FRANCISCO'S DESIRABLE URBAN FABRIC AND ENHANCE LIVABILITY IN ALL NEIGHBORHOODS.

POLICY 11.7

Where there is neighborhood support, reduce or remove minimum parking requirements for housing, increasing the amount of lot area available for housing units.

The proposal is consistent with the Objectives and Policies of the General Plan in that it protects the existing building scale; adds housing where it is encouraged above the ground story; and provides two relatively affordable units and one family sized unit.

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 existing neighborhood-serving retail uses on the ground floor will be retained.

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

The existing structure will not be significantly altered and had been previously occupied with residential dwellings on the second floor.

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

Affordable housing would not be affected by the proposal; however, two relatively affordable studio units will be added to the housing stock.

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

The site is on Haight and Clayton Streets, which are well served by transit.

- 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 would not displace any service or industry establishments. 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 proposal would 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 would 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. 2008.0376CV** 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. 17636. 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 **June 26, 2008**.

Linda Avery
Commission Secretary

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

NAYS: None

ABSENT: Commissioner Lee

ADOPTED: June 26, 2008

Exhibit A

Conditions of Approval

1. This authorization is for a Conditional Use Authorization under Planning Code Sections 161(j) and 303 of the Planning Code to allow the conversion of vacant offices on the second floor back to residential use without the four required independently accessible off-street parking spaces within the Haight Street Neighborhood Commercial District, the Haight Street Alcohol Restricted Use Subdistrict and a 40-X Height and Bulk District, in general conformance with plans filed with the Application submitted on March 25, 2008 and stamped "EXHIBIT B" included in the docket for **Case No. 2008.0376CV**, reviewed and approved by the Commission on June 26, 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 Block 1245, Lot 023), 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 shall be reviewed and approved by the Planning Department before they are installed.
7. 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.
8. 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.

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