



# SAN FRANCISCO PLANNING DEPARTMENT

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*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) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 313) | <input type="checkbox"/> Child Care Requirement (Sec. 314) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 139)            | <input type="checkbox"/> Other                             |

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## Planning Commission Motion No. 17653

HEARING DATE: JULY 24, 2008

*Date:* July 24, 2008  
*Case No.:* 2007.1171 C  
*Project Address:* 4847 MISSION STREET  
*Zoning:* NC-3 (Moderate-Scale Neighborhood Commercial)  
40-X Height and Bulk District  
*Block/Lot:* 6272/018  
*Project Sponsor:* Julia Liu  
50 Rizal Street, #517  
San Francisco, CA 94107  
*Staff Contact:* Cecilia Jaroslowsky – (415) 558-6348  
*cecilia.jaroslowsky@sfgov.org*

**ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTION 161(j) OF THE PLANNING CODE TO ALLOW REDUCED PARKING FOR RESIDENTIAL WITHIN THE NC-3 (MODERATE-SCALE NEIGHBORHOOD COMMERCIAL) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On October 11, 2007 Julia Liu (Project Sponsor) filed an application with the Department for Conditional Use Authorization under Planning Code Section 161(j) of the Planning Code to allow reduced on-site parking for a residential unit within the NC-3 (Moderate-Scale, Neighborhood Commercial) District and a 40-X Height and Bulk District.

On July 24, 2008, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2007.1171C.

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. 2007.1171C, 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 southern side of Mission Street, between Russia and France Avenues, Block 6272, Lot 018. The property is located within the NC-3 (Moderate-Scale Neighborhood Commercial) District and a 40-X height and bulk District. The subject lot is centrally located within the block, with 25 feet of frontage, 83 feet deep and approximately 2,000 square feet. The lot is developed with a three-level, mixed use structure with ground-floor commercial and a two-level, residential unit on the second and third levels. The property does not contain any on-site parking.
3. **Surrounding Properties and Neighborhood.** The NC-3 District in this area spans the length of Mission Street between Guttenberg Street and Alemany Boulevard, on both sides of the street, which contains a variety of commercial/retail uses and is surrounded generally, by single-family residential uses.
4. **Project Description.** The proposal is to add one dwelling unit within an existing, three-level, structure, containing ground floor commercial space, and one residential unit above. The structure The existing structure does not contain any on-site parking spaces and none are proposed. There would be no expansion to the existing structure. The proposal would require the approval of the Planning Commission for a Conditional Use Permit to allow reduced parking for residential units within a Neighborhood Commercial District, pursuant to section 161(j) of the Planning Code. The existing structure contains approximately 1,000 square feet on each level. The second level would be modified to add a kitchen and create a new dwelling unit. The kitchen located on the third level would remain. An existing rear roof would be modified to create a roof deck, 25-feet wide by 21-feet deep, to comply with open space requirements. A separate Section 312 neighborhood notification was completed on April 6, 2008. The proposal would add one residential dwelling unit to the City's housing stock.
5. **Public Comment.** The Department has received no comments from the public.
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. **Exemptions From Off-Street Parking.** Planning Code Section 161(j) states that off-street parking requirements for dwelling units in NC Districts may be reduced by the Planning Commission pursuant to the procedures for conditional use authorization set forth in Section 303 of the Code. The Planning 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:

- (1) The reduction in the parking requirement is justified by the reasonably anticipated auto usage by residents of and visitors to the project;
- (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;
- (3) The project is consistent with the existing character and pattern of development in the area; and
- (4) 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 neighborhood character and pattern of development in the district and would add a residential unit to the housing stock. The site is well served by transit, therefore the project would not impact traffic and meets all applicable requirements of the Planning Code.*

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 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.

*There would be no expansion to the existing structure and the project would add one dwelling unit to the City's housing stock. The project would be compatible with the district.*

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. *The project would not be a detriment to the health and safety of the community*

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 complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan.*

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

**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** **1.2**  
*Encourage housing development, particularly affordable housing, in neighborhood commercial areas without displacing existing jobs, particularly blue-collar jobs or discouraging new employment opportunities.*

**POLICY** **1.4**  
*Locate in-fill housing on appropriate sites in established residential neighborhoods.*

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 preserve the existing ground-floor, retail space and maintain opportunities for the community. The proposed alterations are within the existing building footprint.*

- 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 residential unit in the building would remain and one residential unit would be added to the City's housing stock.*

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

*No housing is removed for this Project and one unit would 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 located on Mission Street and is well served by transit.*

- E. 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.*

- F. That landmarks and historic buildings be preserved.

*A landmark or historic building does not occupy the Project site.*

- G. 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. 2007.1171C** 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. 17653. 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 July 24, 2008.

Linda Avery  
Commission Secretary

AYES: Commissioners Michael J. Antonini, William L. Lee, Kathrin Moore, Christina Olague, Bill Sugaya, Sue Lee, Ryan Brooks

NAYS: None

ABSENT: None

ADOPTED: July 24, 2008

## Exhibit A

# Conditions of Approval

1. This approval is for an additional dwelling unit to an existing, three-level, mixed-use structure in an NC-3 (Moderate-Scale Neighborhood Commercial District) on Assessor's Block 6272, Lot 018 in a 40-X Height and Bulk District in general conformance with plans dated January 11, 2008, and stamped "Exhibit B." The existing structure does not contain any on-site parking spaces and none are proposed. There would be no expansion to the existing structure.
2. This authorization is for a Conditional Use Authorization under Planning Code Section 161(j) to allow for reduced parking for the proposed residential unit within an NC-3 (Moderate-Scale Neighborhood Commercial District) and a 40-X Height and Bulk District, in general conformance with plans filed with the Application as received on October 10, 2007 and stamped "EXHIBIT B" included in the docket for Case No. 2007.1171C, reviewed and approved by the Commission on July 24, 2008.
3. 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 6272, Lot 018), which notice shall state that construction has been authorized by and is subject to the conditions of this Motion.
4. 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.
5. 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).
6. Signs and exterior lighting for the business shall be reviewed and approved by the Planning Department before they are installed.
7. The Project Sponsor shall maintain an attractive storefront providing visibility of the business interior through the storefront windows.
8. An enclosed garbage area shall be provided within the establishment. All garbage containers shall be kept within the building until pick-up by the disposal company.
9. 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.

10. The authorization and right vested by virtue of this action shall be deemed void and canceled, if within 3 years of this Motion a site permit or building permit for the Project has not been secured by Project Sponsor. 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.



**RECORDING REQUESTED BY** )  
 )  
**And When Recorded Mail to** )  
 )  
**Name:** )  
 )  
**Address:** )  
 )  
**City:** )  
 )  
**State:** ) Space Above This Line For Recorder's Use

**NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE**

I, (We) \_\_\_\_\_, the owner(s) of that certain real property situated in the City and County of San Francisco, State of California, more particularly described as follows: (LEGAL DESCRIPTION AS ON DEED).

BEING Assessor's **Block 6272, Lot 018**, commonly known as **4847 Mission Street**, hereby give notice that there are special restrictions on the use of said property under Part II, Chapter II of the San Francisco Municipal Code (Planning Code).

Said restrictions consist of conditions attached to the Conditional Use Application No. **2007.1171C** approved by the Planning Commission of the City and County of San Francisco on **July 24, 2008**, as set forth in Planning Commission Motion No. **17653**.

The restrictions and conditions of which notice is hereby given are:

1. This approval is for an additional dwelling unit to an existing, three-level, mixed-use structure in an NC-3 (Moderate-Scale Neighborhood Commercial District) on Assessor's Block 6272, Lot 018 in a 40-X Height and Bulk District in general conformance with plans dated January 11, 2008, and stamped "Exhibit B." The existing structure does not contain any on-site parking spaces and none are proposed. There would be no expansion to the existing structure.

## NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

2. This authorization is for a Conditional Use Authorization under Planning Code Section 161(j) to allow for reduced parking for the proposed residential unit within an NC-3 (Moderate-Scale Neighborhood Commercial District) and a 40-X Height and Bulk District, in general conformance with plans filed with the Application as received on October 10, 2007 and stamped "EXHIBIT B" included in the docket for **Case No. 2007.1171C**, reviewed and approved by the Commission on July 24, 2008.
3. 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 6272, Lot 018), which notice shall state that construction has been authorized by and is subject to the conditions of this Motion.
4. 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.
5. 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).
6. Signs and exterior lighting for the business shall be reviewed and approved by the Planning Department before they are installed.
7. The Project Sponsor shall maintain an attractive storefront providing visibility of the business interior through the storefront windows.
8. An enclosed garbage area shall be provided within the establishment. All garbage containers shall be kept within the building until pick-up by the disposal company.
9. 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.
10. The authorization and right vested by virtue of this action shall be deemed void and canceled, if within 3 years of this Motion a site permit or building permit for the Project has not been secured by Project Sponsor. 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.

The use of said property contrary to these special restrictions shall constitute a violation of the Planning Code, and no release, modification or elimination of these restrictions shall be valid unless notice thereof is recorded on the Land Records by the Zoning Administrator of the City and County of San Francisco.

**NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE**

Dated: \_\_\_\_\_ at San Francisco, California

\_\_\_\_\_  
(Signature of owner)

\_\_\_\_\_  
(Signature of owner)

**This signature must be notarized prior to recordation; add Notary Public Certification and Official Notarial Seal below.**

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