



SAN FRANCISCO PLANNING DEPARTMENT

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| <input type="checkbox"/> Inclusionary Housing (Sec. 315) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
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| <input type="checkbox"/> Downtown Park Fee (Sec. 139) | <input type="checkbox"/> Other |

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Planning Commission Motion No. 17654

HEARING DATE: JULY 24, 2008

Release Date: July 17, 2008
Case No.: **2008.0474 CV**
Project Address: **953-955 VALENCIA STREET**
Zoning: Valencia Street Neighborhood Commercial District
Liberty Hill Historic District
50-X Height and Bulk District
Block/Lot: 3609 / 033
Project Sponsor: Andrew Morrall, of Andrew Morrall Architecture
2730 Mission Street
San Francisco, CA 94110
Staff Contact: Edgar Oropeza – (415) 558-6381
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE PURSUANT TO PLANNING CODE SECTION 161(j), TO ALLOW A REDUCTION IN THE OFF-STREET PARKING REQUIREMENT FOR A PROPOSED SECOND DWELLING UNIT AT 955 VALENCIA STREET ALL WITHIN THE VALENCIA STREET NEIGHBORHOOD COMMERCIAL DISTRICT, THE LIBERTY HILL HISTORIC DISTRICT AND THE PROPOSED EASTERN NEIGHBORHOODS PLAN AREA WITH A 50-X HEIGHT AND BULK DESIGNATION.

PREAMBLE

On April 24, 2008 Andrew Morrall (Project Sponsor) filed an application with the Department for Conditional Use Authorization under Planning Code Section 161(j), to allow the conversion of an existing ground floor commercial unit to a dwelling unit without providing the required off-street parking space, all within the Valencia Street Neighborhood Commercial District, The Liberty Hill Historic District, the proposed Eastern Neighborhoods plan area and a 50-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. 2008.0474CV.

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. 2008.0474 CV, 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 site is located on the east side of Valencia Street, between 20th and 21st Streets, Assessor's Block 3609, Lot 033. The property is located within the Valencia Street Neighborhood Commercial District, the Liberty Hill Historic District, and the Eastern Neighborhoods plan area with 50-X height and bulk district. The property is improved with a two-story mixed-use Italianate Victorian having 1-dwelling unit over a ground floor commercial unit. The commercial space has been used as "bath house" since the early 1970's.

The subject building is considered a contributor to the Liberty Hill Historic District. It has a deep front set-back measuring approximately 15-feet from the front property line and set approximately 3 to 4 feet above the level of the sidewalk creating a unique situation on the block.

The Liberty-Hill Historic District is significant as an intact representation of nineteenth century middle class housing and developmental practices. It is one of the earliest residential "suburbs" to be developed in San Francisco, with major development starting in the 1860s and continuing until the turn of the century. Since the fire following the 1906 earthquake was stopped at the Twentieth Street boundary of the District, the District contains examples of all architectural styles prevalent during the developmental period.

3. **Surrounding Properties and Neighborhood.** The subject block exhibits an extensive variety of building types and uses meant to serve a wide trade area. The building types include an assortment of residential, commercial, industrial and mixed-use buildings with a sizable number of upper-story residential units ranging from 1 to 4 stories in height. Uses on the subject block include industrial (automotive repair), eating and drinking facilities, retail and personal service, institution and office.

The subject block is unlike other blocks that form the Valencia Street Neighborhood Commercial District as it includes 5 residential-only buildings, 4 of which form a row. Generally, the established built form within the Valencia NCD is that of commercial only or mixed-use buildings with strong ground floor commercial storefronts opening directly onto the street. These row houses (Italianate Victorians), located just north of the subject site, are near replicas of the subject building in that they are of the same architecture type and function, are all 2-stories tall, and are set approximately 15-feet from the front property line.

4. **Project Description.** The project proposes the conversion of the existing ground floor commercial unit, currently in use as a Bath house, into a dwelling unit with no off-street parking. All building alterations are proposed within the existing envelope. No exterior alterations are proposed. A Usable Open Space variance request will be concurrently heard by the Zoning Administrator.
5. **Public Comment.** The Department has received two phone calls in support of the project. No opposition in any form has been received.
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 726.90 permits residential uses on the ground story within the Valencia Street Neighborhood Commercial District.

The project would provide 1-new dwelling unit on the ground floor of the existing building resulting in a total of two dwellings on the property.

- B. **Dwelling Unit Density:** Planning Code Section 726.91 allows dwelling units in the Valencia Street Neighborhood Commercial District at a density ratio not exceeding one unit for each 600 square feet of lot area.

The project site measures 2,156 square feet, which, at a density of one unit per 600 square feet would permit a total of three dwelling units. The Project proposes a total of two dwelling units at the subject site.

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

An existing rear and side yard provide the available open space on the property. However, these yards do not qualify as areas of common usable open space. The project sponsor has applied for a Usable Open Space Variance request and will be concurrently heard by the Zoning Administrator.

- G. **Parking:** Section 151 establishes off-street parking requirements for all uses in all districts. In the Valencia Neighborhood Commercial District, one independently accessible space is required for each dwelling unit, or one space for the existing building. Additionally, Section

150(c) (1) allows for a legal parking deficiency to be carried over. 953-955 Valencia Street, built in 1900, before the introduction of parking regulation contains one dwelling unit over a commercial ground story. The project site therefore has a legal parking deficiency for one dwelling unit. A total of one parking space would be required, as a result of 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.

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 Commission finds that the Mission District's compact built environment and its varied mix of uses make walking, bicycling and public transit attractive, high-demand transportation modes. Abundant transit options (local and regional), vibrant, pedestrian-scale commercial corridors (Mission Street, Valencia Street and 24th Street) and a popular network of bicycle lanes and routes make the Mission an easy neighborhood to get around in without a car. The vision for an improved transportation system within the Mission District includes improvements for all modes, especially pedestrians and transit.

There are roughly 16 Zipcar sites with approximately 70 vehicles available within the Mission District. Recent data has demonstrated that 1 Zipcar vehicle takes approximately 15 personally-owned cars off the road or approximately 1,050 vehicles within the Mission District. Zipcar is a critical element of the transportation network of many cities including San Francisco, enabling residents and businesses to dispose of their cars and still meet their transportation needs.

The Commission finds that the existing Valencia Street NCD is proposed to become the Valencia Street NC-T District, which is a transit-oriented moderate- to high-density mixed-use neighborhood of varying scale concentrated near transit services. These districts are well served by public transit and aim to maximize residential and commercial opportunities on or near major transit services. Residential parking will not be required and will be generally limited. Commercial establishments are discouraged or prohibited from building accessory off-street parking in order to preserve the pedestrian-oriented character of the district and prevent attracting auto traffic.

- 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 Commission finds that the proposed reduction in parking would not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the neighborhood. The project is not expected to significantly increase parking, traffic or congestion problems. On the other hand, the provision of a new curb cut and garage structure would have significant negative impacts to a Historic Resource considered a contributor to the Liberty Hill Historic District. The building's historic placement and front retaining wall (garden) would be significantly altered in order to accommodate the off-street parking space.

Additionally, if off-street parking is required, 1 on-street meter parking space would be lost while creating a pedestrian unfriendly environment on an intensely used public right-of-way.

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

The Commission finds that the established built form within the Valencia NCD is that of commercial only or of a mixed-use building having residential over a ground floor commercial storefront. However, the subject block face is an anomaly to this established neighborhood pattern in that there are 5 residential only buildings on the block. These houses (Italianate Victorians) located just north of the subject site are near replicas of the subject building in that they are of the same architecture type and function, are all 2-stories tall, and are set approximately 15-feet from the front property line.

The project will result in a building and uses consistent with these historic Italianate Victorians and are considered contributors to the Liberty Hill Historic District.

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

The Commission finds that the project is consistent with the intent of the Valencia Street Neighborhood Commercial District and the Liberty Hill Historic District.

The Valencia Street Neighborhood Commercial District encourages "new development" to be of a mixed-use nature. However, the proposed project is not a new development and would only convert the existing mixed use building, which was originally intended as a residence, back into a residence. Converting the ground floor commercial space back into a dwelling unit conforms to Planning Code Section 726.90, and no physical alteration to the existing façade would be required to achieve this result.

The Liberty-Hill Historic District is significant as an intact representation of nineteenth century middle class housing and developmental practices. It is one of the earliest residential "suburbs" to be developed in San Francisco, with major development starting in the 1860s and continuing until the turn of the century. Since the fire following the 1906 earthquake was stopped at the Twentieth Street boundary of the District, the District contains examples of all architectural styles prevalent during the developmental period.

Futhermore, the Commission finds that the existing Valencia Street NCD is proposed to become the Valencia Street NC-T District under the Eastern Neighborhoods planning process. The Valencia NC-T District is described as a transit-oriented moderate- to high-density mixed-use neighborhood of varying scale concentrated near transit services. Residential parking will not be required and will be generally limited.

8. **General Plan Compliance.** The Project is consistent with the Objectives and Policies of the General Plan in that:

HOUSING ELEMENT:

Objectives and Policies

OBJECTIVE 1:

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.

Policy 1.4:

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

Policy 1.7:

Encourage and support the construction of quality, new family housing.

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 11.1:

Use new housing development as a means to enhance neighborhood vitality and diversity.

Policy 11.2:

Ensure housing is provided with adequate public improvements, services, and amenities.

Policy 11.3:

Encourage appropriate neighborhood-serving commercial activities in residential areas, without causing affordable housing displacement.

Policy 11.5:

Promote the construction of well-designed housing that enhances existing neighborhood character.

Policy 11.8:

Strongly encourage housing project sponsors to take full advantage of allowable building densities in their housing developments while remaining consistent with neighborhood character.

The Project is an appropriate in-fill proposal on a site in an established mixed-use neighborhood. The Project will provide 1 new market rate housing unit at a site zoned for mixed-use developments. The Project's architectural design is compatible with the existing scale and mixed-use character of the neighborhood.

Common open areas of the development are located at the rear and side of the property to create a usable open space with adequate light and air. The configuration allows the ground floor area to be maximized to provide for a family-sized dwelling unit.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1:

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE AND A MEANS OR ORIENTATION.

Policy 1.2:

Protect and reinforce the existing street pattern, especially as it is related to topography.

Policy 1.3:

Recognize that buildings, when seen together, produce a total effect that characterizes the City and its districts.

The Project will preserve a Historic resource within the Liberty Hill District by reinforcing the urban nature of the street pattern through the preservation of the historic front retaining wall, thereby continuing a unified street wall along Valencia Street. The Project will result in a better use of the Project Site than the existing configuration. The Project will contribute positively to the mixed-use neighborhood context and Mission District.

VISUAL HARMONY

Objectives and Policies

OBJECTIVE 3:

MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 3.1:

Promote harmony in visual relationships and transitions between new and older buildings.

Policy 3.3:

Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.

NEIGHBORHOOD ENVIRONMENT

Objectives and Policies

OBJECTIVE 4:

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

Policy 4.12:

Install, promote and maintain landscaping in public and private areas.

The Project will maintain the historic front retaining wall and garden thereby providing pedestrian-level interest along Valencia Street.

THE TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 1: MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA.

Policy 1.2:

Ensure the safety and comfort of pedestrians throughout the city.

Policy 1.3:

Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.

Policy 1.6:

Ensure choices among modes of travel and accommodate each mode when and where it is most appropriate.

OBJECTIVE 2: USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.

Policy 2.1:

Use rapid transit and other transportation improvements in the city and region as the catalyst for desirable development, and coordinate new facilities with public and private development.

Policy 2.2:

Reduce pollution, noise and energy consumption.

The project does not propose a new off-street parking space for the dwelling unit, forcing those persons inhabiting the units to consider public transit as their primary mode of transportation. This is appropriate, especially within the Mission District, since several local and regional transit lines are within a short walk from most sites.

Additionally, the benefits of supporting such proposals will help reduce pollution, noise and energy consumption associated with the automobiles, improve pedestrian safety on the sidewalks, and further strengthen the pedestrian nature and sense of place on the City's streets.

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 not introduce a new curb cut thereby preserving a safe pedestrian environment and will reinforce the sense of place on a heavily pedestrian transited street.

9. **Section 101.1 of the Planning Code** establishes eight priority planning policies and requires review of permits for consistency with these policies. Overall, the Project complies with these policies as follows:

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

The proposed project would eliminate a legal-nonconforming use (Bathhouse) within a building that was originally intended as a residence. Additionally, project sponsor has stated that bringing the use into conformance with the Health Code would require resources currently unavailable to the owner of the property.

The subject building does not contain a storefront façade, is recessed approximately 15 feet from the front property line and is approximately 3 to 4 feet above the street level. The project proposes to convert the Historic building back to its original residential use.

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

The Liberty-Hill Historic District is significant as an intact representation of nineteenth century middle class housing and developmental practices. It is one of the earliest residential "suburbs" to be developed in San Francisco, with major development starting in the 1860s and continuing until the turn of the century. Since the fire following the 1906 earthquake was stopped at the Twentieth Street boundary of the District, the District contains examples of all architectural styles prevalent during the developmental period.

The project proposes to reintroduce a dwelling unit within a Historic building originally intended as a residence and not as a mixed use commercial building, thereby preserving the cultural resources in the neighborhood.

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

The Project would not remove or displace affordable housing. Rather, it would provide one new family-sized, market-rate housing unit. No housing would be lost.

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

The Mission District's compact built environment and its varied mix of uses make walking, bicycling and public transit attractive, high-demand transportation modes. Abundant transit options (local and regional), vibrant, pedestrian-scale commercial corridors (Mission Street, Valencia Street and 24th Street) and a popular network of bicycle lanes and routes make the Mission a great neighborhood to get around in without a car. The vision for an improved transportation system within the Mission District includes improvements for all modes, especially pedestrians and 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 is not a commercial office project. It is a residential project.

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

The Project would provide a seismically reinforced building to current standards of the Building Code.

G. That landmark and historic buildings be preserved.

The existing building is a historic building and a contributor to the Liberty Hill Historic District. No building alterations to the existing building envelope are proposed.

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 parks or open space. The Project would enhance the streetscape with a new street tree.

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

Motion No. 17654
Hearing Date: July 24, 2008

CASE NO 2008.0474CV
953-955 Valencia Street

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. 2008.0474CV** 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. 17654. 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 Antonini, Borden, Lee, Miguel, Moore, Olague, and Sugaya

NAYS: None

ABSENT: None

ADOPTED: July 24, 2008

Exhibit A

Conditions of Approval

1. This authorization is for a Conditional Use Authorization under Planning Code Section 161(j) of the Planning Code to allow the conversion of the existing commercial unit into a dwelling unit without off-street parking within the Valencia Street Neighborhood Commercial District, the Liberty Hill Historic District, the proposed Eastern Neighborhoods Plan area with a 50-X Height and Bulk District, in general conformance with plans filed with the Application as received on April 24, 2008 and stamped "EXHIBIT B" included in the docket for **Case No. 2008.0474CV**, reviewed and approved by the Commission on July 24, 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 3609, Lot 033), 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 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.
6. 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.