



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Action DRA-0289

HEARING DATE: AUGUST 16, 2012

REVISED

Date: September 14, 2012
Case No.: 2010.1011DD
Project Address: 4334 GEARY BLVD.
Building Permit: 2010.10.04.2197
Zoning: NC-3 (Neighborhood Commercial, Moderate Scale) District
40-X Height and Bulk District
Block/Lot: 1439/021
Project Sponsor: Jeremy Paul
Quick Draw Permits
1325 California Street
San Francisco, CA 94109
DR Requestor: Eva Chao
P.O.BOX 590888
San Francisco, CA 94159
Staff Contact: Aaron Starr – (415) 558-6362
aaron.starr@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

ADOPTING FINDINGS RELATED TO TAKING DISCRETIONARY REVIEW OF CASE NO. 2010.1011DD AND THE APPROVAL WITH MODIFICATIONS OF BUILDING PERMIT APPLICATION NO. 2010.10.04.2197 PROPOSING TO CONSTRUCT A NEW THREE-STORY, APPROXIMATELY 9,515 SQUARE FOOT, 40-FOOT TALL DENTAL OFFICE BUILDING FOLLOWING THE DEMOLITION OF THE EXISTING TWO-STORY, APPROXIMATELY 4,900 SQUARE FOOT COMMERCIAL STRUCTURE WITHIN THE NC-3 (NEIGHBORHOOD COMMERCIAL, MODERATE SCALE) ZONING DISTRICT AND 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On October 4, 2010, William Pashelinsky (hereinafter "Project Architect") filed for Building Permit Application No. 2010.10.04.2197 proposing to construct a new three-story, approximately 9,515 square foot, 40-foot tall dental office building following the demolition of the existing two-story, approximately 4,900 square foot commercial structure within the NC-3 (Neighborhood Commercial, Moderate Scale) Zoning District and 40-X Height and Bulk District.

On April 30, 2012, the Planning Department (hereinafter "Department") initiated a Staff Request for Discretionary Review (2010.1011D) of Building permit Application No. 2010.10.04.2197.

On June 12, 2012 Eva Chao (hereinafter "Discretionary Review (DR) Requestor") filed an application with the Department for Discretionary Review (2010.1011DD) of Building Permit Application No. 2010.10.04.2197.

Memo

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 and 3 (State CEQA Guidelines Section 15301(1) (3) and 15303(c)) categorical exemptions.

On August 16, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Discretionary Review Application 2010.1011DD.

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.

ACTION

The Commission hereby takes Discretionary Review requested in Application No. 2010.1011DD and approves the Building Permit Application 2010.10.04.2197 subject to the following modifications:

1. The proposed project will provide a light well on the upper two floors adjacent to the DR Requestor's northernmost property line windows. The light well will extend two feet below the lowest property line window, measure no less than three feet nine inches deep, and extend two feet beyond the DR Requestor's rear wall at its northern end and two feet beyond the property line windows at its southern end.
2. The proposed project will provide a light well on the upper two floors adjacent to the DR Requestor's light wells. The light well will extend two feet below the southernmost property line window, measure no less than four feet six inches deep, and extend from the DR Requestor's northernmost light well to two feet past the DR Requestor's southernmost property line window.

BASIS FOR RECOMMENDATION

The reasons that the Commission took the action described above include:

1. There are extraordinary or exceptional circumstances in this case. The DR Requestor, her representatives and the tenants of the building demonstrated during the public hearing that the property line windows and windows facing the light well provide essential light and ventilation to the DR Requestor's building.
2. While the Urban Design Guidelines in the General Plan call for maintaining a connection between residential buildings and the midblock open space in neighborhood commercial districts, in this instance the preservation of light to the DR Requestor's property line windows and light wells is more essential to the habitability of the DR Requestor's building than the connection to the midblock open space; therefore the Commission did not take Staff's recommendation to reduce the building's mass at the rear, but instead required larger light wells.

3. The Commission determined that modifications to the project were necessary and they instructed staff to approve the project per plans marked Exhibit A on file with the Planning Department with the modifications listed above.

APPEAL AND EFFECTIVE DATE OF ACTION: Any aggrieved person may appeal this Building Permit Application to the Board of Appeals within fifteen (15) days after the date the permit is issued. For further information, please contact the Board of Appeals at (415) 575-6881, 1650 Mission Street # 304, San Francisco, CA, 94103-2481.

I hereby certify that the Planning Commission did take Discretionary Review and approved the building permit with modifications as reference in this action memo on August 16, 2012

Linda D. Avery
Commission Secretary

AYES: Commissioners Fong, Wu, Sugaya, Antonini and Hillis

NAYS: none

ABSENT: Commissioners Moore, Borden

ADOPTED: August 16, 2012