



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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Planning Commission Motion No. 18782 HEARING DATE: JANUARY 17, 2013

Date: November 8, 2012
Case No.: **2010.0627C**
Project Address: **2895 SAN BRUNO AVENUE**
Zoning: Small-Scale Neighborhood Commercial (NC-2) District
 40-X Height and Bulk District
Block/Lots: 5457/037
Project Sponsor: Nelson Tong
 c/o Jeremy Schaub
 Gabriel Ng and Architects Inc.
 1360 9th Avenue, Suite 210
 San Francisco, CA 94122
Staff Contact: Ben Fu – (415) 558-6613
ben.fu@sfgov.org

ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 121.1, 228.3, 303 AND 711.11 TO ALLOW THE DEMOLITION OF AN EXISTING SERVICE STATION, LARGE LOT DEVELOPMENT AND THE CONSTRUCTION OF A NEW DEVELOPMENT CONSISTING OF APPROXIMATELY 14,500 SQUARE FEET, IN FIVE FOUR-STORY, 40-FOOT TALL RESIDENTIAL/MIXED USE BUILDINGS CONTAINING A TOTAL OF TEN DWELLING UNITS, 15 OFF-STREET PARKING SPACES, GROUND-FLOOR RETAIL SPACES, AND SECOND FLOOR BUSINESS OR PROFESSIONAL SERVICE USES IN THE SMALL-SCALE NEIGHBORHOOD COMMERCIAL (NC-2) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On July 29, 2010, Jeremy Schaub of Gabriel Ng and Architects Inc for Nelson Tong (Project Sponsor) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 121.1, 228.3, 303 and 711.11 to allow the demolition of an existing service station and the construction of a new development consisting of five four-story residential/mixed use buildings containing a total of ten dwelling units, 15 off-street parking spaces, ground-floor retail spaces, and second floor business or professional service uses in the Small-Scale Neighborhood Commercial (NC-2) Zoning District and a 40-X Height and Bulk District.

On July 25, 2012, Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared and published for public review; and

The Draft IS/MND was available for public comment until August 15, 2012, and

On September 17, 2012, the Planning Department reviewed and considered the Final Mitigated Negative Declaration (FMND) and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), Title 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

The Planning Department found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Planning Department and the Planning Commission, [and that the summary of comments and responses contained no significant revisions to the Draft IS/MND,] and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

The Planning Department, Jonas P. Ionin, is the custodian of records, located in the File for Case No. 2010.0627CE, at 1650 Mission Street, Fourth Floor, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting program (MMRP), which material was made available to the public and this Commission for this Commission's review, consideration and action.

On November 15, 2012, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2010.0627C.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2010.0627C, 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 northeast corner of San Bruno Avenue and Woolsey Street in the Portola neighborhood, along the San Bruno Avenue commercial corridor. The site block is bounded by Highway 101 to the east, Wayland Street to the north, San Bruno Avenue to the west, and Woolsey Street to the south. The site was most recently used as a gasoline service station. The service station was demolished in 2009 under Building

Permit Application No. 2008-06-19-4830. The site is currently vacant, unpaved and fenced in with a chain-link fence.

3. **Surrounding Properties and Neighborhood.** The Portola neighborhood is a low-to-moderate-density urban neighborhood located in the southeastern quadrant of San Francisco, northeast of McLaren Park. The neighborhood is roughly bounded by San Bruno Avenue and the James Lick Freeway (U.S. Route 101) to the east, Mansell Street to the south, University Street to the west and Interstate 280 to the north.

In addition to the NC-2 Zoning District, there are two other higher density residential districts (RM-1 and RM-2) in the vicinity. Most properties on San Bruno Avenue, between Olmstead and Bacon streets, are zoned NC-2. A few properties on the block between Mansell and Dwight Streets are zoned RM-1. Properties on Woolsey Street, west of San Bruno Avenue are zoned RM-1 and RM-2.

Buildings in the neighborhood contain a mixture of use types, most with residential uses over ground floor retail. Immediately north of the site at 2861 San Bruno is a two-story building occupied by a nail salon on the first floor and two residential units on the second floor. South of the project site, on the southeast corner of Woolsey Street at 2901 San Bruno is a three-story building with a grocery store on the first floor and two dwelling units on second and third floors. Commercial uses on this block include tax services, retail furniture sales, a martial arts training facility and a gas station. On the west side of San Bruno Avenue, between Wayland and Woolsey Streets and across the street from the project site, there are eleven two-story buildings, one is occupied by a single family home operating a childcare center and two buildings have commercial uses on the first floor, including a grocery store and a foot clinic. The remainder buildings are a mix of single and multi-family occupancies.

4. **Project Description.** The project proposes to demolish the existing service station and construct a new development of five four-story residential/mixed use buildings containing a total of ten dwelling units, 15 off-street parking spaces, ground-floor retail spaces, and second floor business or professional service uses. The building would contain a total of approximately 14,500 square feet and would be 40 feet in height.
5. **Public Comment.** The Department has not received any comments on the proposed 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. **Zoning District.** The project site is within an NC-2 (Small-scale Neighborhood Commercial) zoning district. The NC-2 District is intended to serve as the City's Small-Scale Neighborhood Commercial District. These districts are linear shopping streets which provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-

serving offices. NC-2 Districts are commonly located along both collector and arterial streets which have transit routes.

The small-scale district controls provide for mixed-use buildings which approximate or slightly exceed the standard development pattern. Rear yard requirements above the ground story and at residential levels preserve open space corridors of interior blocks.

Most new commercial development is permitted at the ground and second stories. Neighborhood-serving businesses are strongly encouraged. Eating and drinking and entertainment uses, however, are confined to the ground story. The second story may be used by some retail stores, personal services, and medical, business and professional offices. Parking and hotels are monitored at all stories. Limits on late-night activity, drive-up facilities, and other automobile uses protect the livability within and around the district, and promote continuous retail frontage.

Housing development in new buildings is encouraged above the ground story. Existing residential units are protected by limitations on demolition and upper-story conversions. Generally, the surrounding properties to the east, south and northwest of the project site are zoned NC-2.

- B. **Use.** The project site is within an NC-2 Zoning District. NC-2 Districts encourage a combination of medium-density dwellings with supporting commercial uses located in or below the ground story and excluding automobile-oriented establishments. Open spaces are required for dwellings, except that rear yards need not be at ground level and front setback areas are not required.

The proposed project's residential and ground-level retail uses would be permitted in the NC-2 District. The proposed project would require conditional use authorization for the conversion of a service station to another use (per Planning Code Sections 228.3 and 228.3) and large lot development per Planning Code Section 121.1.

- C. **Rear Yard.** Section 134 of the Planning Code, requires residential developments in NC-2 districts to provide a minimum rear yard depth equal to 25 percent of the total depth of the lot on the second story and above and for all residential levels.

In this case, with a lot depth of 90 feet, a rear yard of 22.5 feet would be required. The proposed project provides a rear yard with a depth of 22.6 feet, or 25.1 percent. The proposed project would comply with the rear yard requirement for NC-2 District.

- D. **Exposure.** Planning Code Section 140 requires each dwelling unit to have at least one window facing a public street, code-complying rear yard, or an appropriately sized open area.

All of the proposed dwelling units face either the street or the proposed code complying rear yard; therefore, the project meets the exposure requirement.

- E. **Street Trees.** Planning Code Section 143 requires the owner or developer of a new building in this District to install street trees. Each street tree must be a minimum of 24-inch box for every 20 feet of frontage of the property along each street or public alley.

The Project is required to install six street trees along San Bruno Avenue and five along Woolsey Street. The Project includes six street trees along San Bruno Avenue and five along Woolsey Street.

- F. **Street Frontages.** Planning Code Section 145.1 requires the following for street frontages in Neighborhood Commercial Districts: (1) not more than 1/3 the width of the building facing the street may be devoted to ingress/egress to parking; (2) off-street parking at street grade must be set back at least 25 feet; (3) "active" use shall be provided within the first 25 feet of building depth at the ground floor; (4) ground floor non-residential uses in 40-foot height districts shall have a floor-to-floor height of 10-feet; (5) frontages with active uses shall be fenestrated with transparent windows; and, (6) decorative railings or grillwork placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular views.

The project meets the requirements of Section 145.1 as follows: (1) providing no garage openings at the street frontage; (2) situating parking at the rear through an easement; (3) incorporating an approximately 4,200 square foot ground floor commercial ("active" use) space and residential lobbies that provide full coverage of the ground floor; (4) providing a floor-to-floor ground floor height of 10'-6" for commercial frontage; and, (5) providing transparent windows at the ground floor active use.

- G. **Height.** The project site is located in the 40-X Height and Bulk District. The proposed project would comply with the controls of the 40-foot district in which the project is located, which permits building heights up to 40 feet with some exemptions for items such as stairwell penthouses (per Planning Code Section 260(b)(1)(13)).

- H. **Parking.** Planning Code Section 151 principally allows one parking space per dwelling unit, one space for each 500-square-foot of occupied commercial floor area, where the occupied floor area exceeds 5,000 square feet, and one space for each 1,000-square-foot of occupied office floor area, where the occupied floor area exceeds 5,000 square feet.

The project proposes 15 parking spaces for the ten proposed dwelling units at a ratio of one space per unit, and none for the non-residential uses. The project has a six-space off-street parking requirement for the proposed second floor business/professional service uses, and an eight-space requirement for the proposed ground floor retail spaces. A parking reduction has been requested per Planning Code Sections 161(j) and 307(i) for consideration by the Zoning Administrator to allow a reduction in the off-street parking requirement for the proposed non-residential uses.

- I. **Bicycle parking.** Planning Code Section 155.5 requires projects with up to 50 dwelling units to provide at least one bicycle parking for every two dwelling units. Therefore, the project requires five bicycle parking spaces, and ten bicycle parking spaces are proposed.

- J. **Dwelling Unit Density.** Planning Code Sections 711.91 and 207.4, allow dwelling units within the NC-2 District at a density not to exceed one unit per 800 square feet of lot area.

The property has a lot area of approximately 11,250 square feet, wherein a maximum of 14 dwelling units would be permitted. The project proposes a total of ten units, containing at least two bedrooms.

- L. **Open Space.** Planning Code Section 135 states that residential uses in the NC-2 District must provide either 100 square feet of useable private open space, 133 square feet of common useable open space, or some combination of both.

The proposed project requires either 1,000 square feet of private open space, 1,330 square feet of common open space, or some combination thereof. Each of the 10 units in the project would include a private balcony; however some of the balconies do not comply with the Code provisions with respect to size or dimensions to qualify as private open space. The proposed project would also include a roof deck with a total of approximately 2,410 square feet of common open space. Thus, the project would comply with the Planning Code's open space requirements.

- N. **Inclusionary Affordable Housing Program.** Inclusionary Affordable Housing Program. Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements would apply to projects that consist of ten or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. Pursuant to Planning Code Section 415.5 and 415.6, the Project is meeting the Inclusionary Affordable Housing Program requirement through the On-site Affordable Housing Alternative by providing 15% of the proposed dwelling units as affordable.

The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted a 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project. The Project Sponsor submitted such Affidavit on October 19, 2012. The EE application was submitted on August 5, 2010. One unit (one three-bedroom) of the ten units (four two-bedroom, four three-bedroom, and two four-bedroom) provided will be affordable units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable.

7. **Gasoline Service Station Conversion.** Planning Code Section 228.3 establishes criteria for the Commission's consideration as Conditional Use Authorization for a "conversion," or change in use, from gasoline service station to another use. The Commission shall approve the conversion if it determines from the facts presented that the reduction in availability of automotive goods and services resulting from the gasoline service station conversion would not be unduly detrimental to the public. On balance, the project complies with said criteria:

B. The benefits to the public of the service station conversion would outweigh any reduction in automotive goods and services available because the proposed new use is more necessary or desirable for the neighborhood or community than continued service station use.

i. If the proposed use is a residential use, the total number of units to be provided and the number of those units that are affordable units.

The project will make a noticeable contribution to the City's housing supply by providing ten family-sized residential dwelling units. The Project will also positively contribute to the City's affordable housing supply by providing units on-site.

ii. If the proposed new use is a commercial use, the types of goods and services to be offered and the availability of comparable products and services in the vicinity.

The project includes approximately 4,200 square feet of ground floor commercial/retail space. The retail/commercial area frontage will be provided on San Bruno Avenue as well as a portion of Woolsey Street. The types of goods and services to be offered by the retail/commercial space will be determined at a later time. The retail space shall be divided into five spaces, each with approximately 820 gross square feet.

iii. The relative environmental dangers posed by the current and proposed uses, including but not limited to the quality and the character of waste generated, noxious or offensive emissions, fire and explosion hazards and noise, and whether the service station conversion would facilitate the clean up of existing contamination at the property.

The project will consist of high quality residential units, and ground floor retail/commercial space. The proposed uses will not generate any noxious or offensive emissions, noise, glare, dust or odors, as such effects are inconsistent with the project objectives. The proposed uses will replace the prior gasoline station use and related improvements, which may have generated offensive emissions, noise, and/or odors. The underground storage tanks at the property were removed in 2009. A soil assessment will be conducted, and remediation as necessary will be provided prior to construction of the project.

iv. The relative employment opportunities offered by the gasoline service station and the proposed new use.

No current employment opportunities are offered by the gasoline station because it has been out of operation since 2009. The project will provide employment opportunities in its ground floor commercial/retail space. Also, the residents of the new building will most likely patronize the local businesses.

- v. The relative amount of taxes or other revenues to be received by the City or other governmental bodies from service station use and the proposed new use.

The amount of taxes or other revenues received by the City from the gasoline station, other than property tax, is currently zero, because the gasoline station is no longer in service. The City and County of San Francisco will likely receive substantial property tax revenue from the project's ten residential dwelling units, ground floor commercial/retail uses, and office uses on the second floor.

- vi. Whether the service station use and the proposed use are permitted principal uses, conditional use or non-conforming use.

The former gasoline station was a conditional use pursuant to Planning Code Sections 711.57 and 711.58. Residential use is a principally permitted use in the NC-2 Zoning District pursuant to Planning Code Section 711.90, retail/commercial use is a principally permitted use pursuant to Planning Code Section 711.40, and business / professional service uses are principally permitted pursuant to Planning Code Section 711.53.

- 8. **First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Section 83.4(m) of the Administrative Code), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

The Project Sponsor executed a First Source Hiring Memorandum of Understanding and a First Source Hiring Agreement with the City's First Source Hiring Administration.

- 9. **Conditional Use Authorization.** Planning Code Section 303 establishes criteria for the 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.

The proposed project is in keeping with the intended character of the NC-2 District, where medium-density housing over a commercial ground floor is encouraged. The project is necessary and desirable

in that ten dwelling units will be added to the City's housing stock. The proposed mixed-use development is characteristic of other existing mixed-use buildings located along San Bruno Avenue.

- 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. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The height and bulk of the project proposes a building scale that is compatible with the scale and width of San Bruno Avenue, and other existing developments. The location of the commercial space which fronts onto San Bruno is appropriate in providing a continuous commercial frontage at the ground floor. The location of the parking entrance at the rear is more appropriate and eliminates any interference with the pedestrian experience along San Bruno. The site is currently vacant and underutilized. The project would provide a desirable use in place of a vacant lot.

- 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;

The project proposes 15 parking spaces; including ten spaces for the residential uses. The project eliminates two existing 30-foot wide curb cuts along San Bruno Avenue, and more appropriately provides vehicle entrances to the project at the rear.

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

Noxious or offensive emissions are not typically associated with the residential uses proposed. The proposed commercial spaces, even though commercial tenants have not been identified, are not anticipated to create a nuisance.

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

Eleven street trees are proposed as required by the Planning Code. A separate garage entry is provided at the rear of the property and away from the street frontages.

- 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 as detailed below.

10. For development on large lots, pursuant to Planning Code Section 121.1, in addition to the criteria of Section 303(c) of this Code, the Planning Commission shall consider the extent to which the following criteria are met:

A. The mass and facade of the proposed structure are compatible with the existing scale of the district.

The project proposes five four-story buildings, up to the maximum allowable height of 40 feet. The existing block face is characterized by a range of building heights from 20-foot, two-story buildings to taller three-story buildings of approximately 35 feet. The proposed massing with façade articulation is compatible with the scale of the district.

B. The facade of the proposed structure is compatible with design features of adjacent facades that contribute to the positive visual quality of the district.

There is a mixed architecture style for the existing buildings on the block and the greater district. However, there is a consistent development pattern of distinctive ground floor retail façades from the dwelling units above, greater emphases on corner buildings, and façade variation and articulation. The proposed design, with projecting bays and offsetting balconies and recesses, elevated and distinctive lower level non-residential uses, articulated façade, and emphasized corner elements, is compatible with the context and contributes to the visual quality of the neighborhood.

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

HOUSING ELEMENT

Objectives and Policies – Housing Supply

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

Policy 1.7. Encourage and support the construction of quality, new family housing.

Objectives and Policies -- Housing Density, Design and Quality of Life

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 facilitates the conversion of an underutilized lot in an established neighborhood to more desirable residential and commercial/retail uses. The Project appropriately locates housing units at a site zoned for residential use and increases the supply of housing in conformity with the allowable density of the NC-2 Zoning District. The Project is also consistent with the City's policies of providing housing appropriate for families: all of the units are family-sized and approximately 1,400 square feet in area.

The Project's architectural design is compatible with the existing scale, character of the neighborhood, and the property's corner lot location. The Project is well designed and provides a quality living environment. The Project further promotes neighborhood-serving commercial activities by providing ground floor commercial/retail space.

COMMERCE AND INDUSTRY ELEMENT

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

Policy 6.9. Regulate uses so that traffic impacts and parking problems are minimized.

The project develops an underutilized lot with a desirable mix of residential and commercial/retail uses that will enhance the neighborhood. The project also eliminates the prior abandoned gasoline service station and the temporary surface parking use. The project is consistent with the objectives of the NC-2 Zoning District by proposing a mixed-use development with ground floor retail/commercial and ten dwelling units. The Project's ground floor retail/commercial component will help the City maintain a viable neighborhood area that is accessible to City residents. The Project minimizes parking problems by providing 15 accessible parking spaces at the rear and relieves any potential traffic impacts from the Property by removing curb cuts along San Bruno Avenue.

URBAN DESIGN ELEMENT

City Pattern

OBJECTIVE 1. EMPHASIS OF THE CHARACTERISTIC PATTERN, WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE AND A MEANS OF 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 enhance the NC-2 District by reinforcing the urban nature of the street pattern, and by providing a unified street wall along its San Bruno Avenue and Woolsey Street frontages. The Project's design is compatible with the design features of surrounding buildings, and will result in a better utilization of the Project Site than the current unused gas station and unpaved vacant lot. The Project will also continue the pattern of residential use over ground floor retail/commercial use that predominates along the NC-2 District.

Visual Harmony

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 the 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

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 improve the neighborhood environment by providing ground floor retail/commercial space with pedestrian-oriented active uses. The new building will be compatible in use and design with other buildings in the neighborhood. Further, existing curb cuts along San Bruno Avenue will be removed,

increasing the personal safety and comfort of pedestrians along the sidewalk. Street trees will also be installed along both San Bruno Avenue and Woolsey Street, beautifying a corner that was formerly used as a gas station.

12. **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 neighborhood-serving retail uses as 4,200 square feet of ground floor commercial spaces are proposed.

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

The project will have no negative impact on this policy, as there is no existing housing at the project site.

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

The project sponsor has proposed to provide on-site affordable units to meet the affordable housing requirement.

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

Traffic generated by the residential uses would be intermittent and not significant to overburden local streets. 15 off-street parking spaces are proposed. Traffic would not impede MUNI transit service along San Bruno Avenue as the garage access is proposed from Woolsey Street. The site is also well served by public transit; MUNI lines 9, 9AX, 9X, 29, 54 and SamTrans.

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.

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

The project will be designed and will be constructed to conform to the structural and seismic safety requirements of the 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.

13. 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.
14. 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. 2010.0627C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated October 31, 2012, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Planning Commission has reviewed and considered the IS/MND and the record as a whole and finds that there is no substantial evidence that the Project will have a significant effect on the environment with the adoption of the mitigation measures contained in the MMRP to avoid potentially significant environmental effects associated with the Project, and hereby adopts the FMND.

The Planning Commission hereby adopts the MND and the MMRP attached hereto as Exhibit C and incorporated herein as part of this Resolution/Motion by this reference thereto. All required mitigation measures identified in the IS/MND and contained in the MMRP are included as conditions of approval.

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. 18782. 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 November 15, 2012.

Jonas P. Ionin
Acting Commission Secretary

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

NAYES: None

ABSENT: None

ADOPTED: January 17, 2013

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a mixed use building located at 2895 San Bruno Avenue, Block 5457 and Lot 037, pursuant to Planning Code Sections 121.1, 228.3, 303 and 711.11 to allow the demolition of an existing service station, large lot development and the construction of a new development consisting of approximately five 40-foot tall four-story residential/mixed use buildings containing a total of ten dwelling units, 15 off-street parking spaces, ground-floor retail spaces, and second floor business or professional service uses in the Small-Scale Neighborhood Commercial (NC-2) Zoning District and a 40-X Height and Bulk District, in general conformance with plans, dated October 31, 2012, and stamped "EXHIBIT B" included in the docket for Case No. 2010.0627C and subject to conditions of approval reviewed and approved by the Commission on November 15, 2012, under Motion No. 18782. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use 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 subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on November 15, 2012, under Motion No. 18782.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18782 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

- 1. Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained 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 diligently to completion. The Commission may also consider revoking the approvals 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. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.*
- 2. Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s). *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*
- 3. Parking Reduction.** Approval of this project shall be subject to the granting of a parking reduction by the Zoning Administer, pursuant to Planning Code Sections 161(j) and 307(i).

DESIGN

- 4. Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6613, www.sf-planning.org*
- 5. Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings. *For information about*

compliance, contact the Case Planner, Planning Department at 415-558-6613, www.sf-planning.org

- 6. Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant impacts to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:
- A. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
 - B. On-site, in a driveway, underground;
 - C. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
 - D. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding impacts on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
 - E. Public right-of-way, underground; and based on Better Streets Plan guidelines;
 - F. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
 - G. On-site, in a ground floor façade (the least desirable location).

Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests. *For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>*

PARKING AND TRAFFIC

- 7. Parking for Affordable Units.** All off-street parking spaces shall be made available to Project residents only as a separate "add-on" option for purchase or rent and shall not be bundled with any Project dwelling unit for the life of the dwelling units. The required parking spaces may be made available to residents within a quarter mile of the project. All affordable dwelling units pursuant to Planning Code Section 415 shall have equal access to use of the parking as the market rate units, with parking spaces priced commensurate with the affordability of the dwelling unit. Each unit within the Project shall have the first right of refusal to rent or purchase a parking space until the number of residential parking spaces are no longer available. No conditions may be placed on the purchase or rental of dwelling units, nor may homeowner's rules be established, which prevent or preclude the separation of parking spaces from dwelling units. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.*

- 8. Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation impacts during construction of the Project.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

PROVISIONS

- 9. First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project. *For information about compliance, contact the First Source Hiring Manager at 415-401-4960, www.onestopSF.org*

AFFORDABLE UNITS

- 10. Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is required to provide 12% of the proposed dwelling units as affordable to qualifying households. The Project contains ten units; therefore, one affordable units are required. The Project Sponsor will fulfill this requirement by providing the two affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing ("MOH").
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.
- 11. Unit Mix.** The Project contains four two-bedroom, four three-bedroom units, and two four-bedroom units; therefore, the required affordable unit mix is one three-bedroom unit. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOH.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.
- 12. Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.

- 13. Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than fifteen percent (15%) of the each phase's total number of dwelling units as on-site affordable units.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.

- 14. Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the project.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.

- 15. Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOH at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at:

<http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>.

As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.

- a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long

- they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- b. If the units in the building are offered for sale, the affordable unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of ninety (90) percent of Area Median Income under the income table called "Maximum Income by Household Size derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco." The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply and are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
 - c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOH shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOH at least six months prior to the beginning of marketing for any unit in the building.
 - d. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
 - e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOH or its successor.
 - f. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the Project.
 - g. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute

cause for the City to record a lien against the development project and to pursue any and all available remedies at law.

- h. If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit or may seek a fee deferral as permitted under Ordinances 0107-10 and 0108-10. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOH and pay interest on the Affordable Housing Fee at a rate equal to the Development Fee Deferral Surcharge Rate in Section 107A.13.3.2 of the San Francisco Building Code and penalties, if applicable.

MONITORING

16. Enforcement. Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

17. Revocation due to Violation of Conditions. Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

OPERATION

18. Sidewalk Maintenance. The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. *For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org/>*

19. Community Liaison. Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the

name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

20. Mitigation Measures

Mitigation measures described in the MMRP attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval.