# **Executive Summary**Conditional Use/Parking Modification

**HEARING DATE: MAY 3, 2012** 

Date: April 26, 2012 Case No.: **2012.0009C** 

Project Address: 1528-1540 PINE STREET

Zoning: Polk Street NCD (Neighborhood Commercial District)

40-X Height and Bulk District

*Block/Lot:* 0646/005

Project Sponsor: Walter Dawydiak

Vespa of San Francisco/Cars Dawydiak

1450 Franklin Street San Francisco, CA 94109

*Staff Contact:* Kevin Guy – (415) 558-6163

kevin.guy@sfgov.org

Recommendation: Approval with Conditions

## PROJECT DESCRIPTION

The project would continue the existing automotive repair uses at the basement level, with some reconfiguration of the space and the addition of new equipment to service both automobiles and scooters. Automotive and scooter repairs would replace the existing public parking garage at the second floor, with body repair and painting facilities to be installed. Accessory automobile and scooter sales would be located at the ground level. The business would operate as a factory-authorized Vespa dealer, but would also sell sports and vintage automobiles on a consignment basis. The roof is currently unoccupied, however, the rear portion of the roof is proposed for use as temporary storage for vehicles being repaired or offered for sale. This parking would not be accessible to customers or the public. Tenant improvements are proposed for the interior of the building, however, the size of the space will not change. Aside from the removal of existing signage and a fire escape, no changes are proposed for the exterior of the building.

## SITE DESCRIPTION AND PRESENT USE

The project is located on the north side of Pine Street, between Polk Street and Van Ness Avenue, Block 0646, Lot 005. The property is located within the Polk Street NCD and the 65-A Height and Bulk District. The property is developed with a two-story over basement building that covers the entire lot. The basement level is currently used for automotive and motorcycle repair uses, the ground level is used for motorcycle sales, and the second level is used as a public parking garage.

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

Reception: 415.558.6378

Fax:

415.558.6409

Planning Information: 415.558.6377 Executive Summary Hearing Date: May 3, 2012

## SURROUNDING PROPERTIES AND NEIGHBORHOOD

The area surrounding the project site is mixed-use in character. A variety of commercial establishments are located within ground floor storefronts in the Polk Street NCD, including restaurants, bars, apparel stores, convenience stores, and other types of retailers. Historically, automotive-related businesses such as repair shops and parking garages have been located along the side streets along the Van Ness Corridor, in support of the historic auto sales uses along Van Ness Avenue. Buildings in the vicinity typically range from one to five stories in height. Upper floors of buildings are generally occupied by offices or residential units. Larger scale retail uses, tourist hotels, and residential uses are situated along the Van Ness Corridor, outside of the Polk Street NCD to the west.

## **ENVIRONMENTAL REVIEW**

The project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption.

## **HEARING NOTIFICATION**

ТҮРЕ	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	April 13, 2012	April 13, 2012	20 days
Posted Notice	20 days	April 13, 2012	April 13, 2012	22 days
Mailed Notice	20 days	April 13, 2012	April 13, 2012	22 days

## **PUBLIC COMMENT**

• Staff has received one letter in support of the project, and no communications in opposition to the project.

## ISSUES AND OTHER CONSIDERATIONS

- The Polk Street NCD does not permit automotive repair uses above the first story. However, Section 186.2 allows that a non-conforming use (such as the proposed automotive repair) may be established at the upper stories of a building through Conditional Use Authorization if the use is conditionally permitted at the first story, if the building was originally constructed for single-tenant occupancy, and if the entire building will be occupied by a single tenant. The existing building was originally constructed in 1922 for use in its entirety as an automotive repair shop. In addition, the business proposed by the project sponsor would occupy the entire building. Therefore, the project meets the specified criteria of Section 186.2 to allow the non-conforming automotive repair use to be established on the second level through Conditional Use Authorization.
- Automobile sales are not a permitted use within the Polk Street NCD. However, Section 703.2 states that a use such as the proposed scooter and automobile sales may be considered accessory to a conditional use if the accessory use is appropriate, incidental, and subordinate to the

Executive Summary Hearing Date: May 3, 2012

conditional use, and the accessory use occupies no more than one-third of the total floor area of the conditional use. The sales area would occupy a portion of the ground level in an area measuring less than 1/3 of the total floor area of the building. This sales use would be subordinate to the primary automobile repair use that occurs on the basement and second levels.

- Pursuant to Planning Code Section 151, the Project would be required to provide 39 off-street parking spaces. However, the project sponsor is requesting that the Zoning Administrator eliminate the off-street parking requirement for the proposed uses, pursuant to Sections 161(j) and 307(i). The rear portion of the roof would be used on a rotational basis as temporary storage for vehicles being repaired or offered for sale. This parking would not be accessible to customers or the public, and would not fulfill the requirements for off-street parking.
- The subject business currently operates within a tenant space at Franklin and Bush Street. However, this building would be demolished to allow for the construction of a new development approved under the jurisdiction of the former Redevelopment Agency. Approval of the project would allow for the relocation and continued operation of the business within close proximity of its former location.

### REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to establish an automotive repair use at the basement level, establish a non-conforming automotive repair use at the second level, establish an accessory scooter and automotive sales use at the ground level, establish an accessory scooter and automotive sales use at the ground level, and establish a use size greater than 2,000 square feet, pursuant to Planning Code Section 121.2, 186.2, 303, 723.21, and 723.59. In addition, the Zoning Administrator would need to eliminate the requirement for off-street parking, pursuant to Planning Code Sections 161(j) and 307(i).

## BASIS FOR RECOMMENDATION

The Department believes this project is necessary and/or desirable under Section 303 of the Planning Code for the following reasons:

- The project promotes the continued operation of an established, locally-owned business and contributes to the viability of the overall Polk Street NCD.
- The project would not displace an existing retail tenant providing convenience goods and services to the neighborhood, and would operate in a similar manner to the existing motorcycle repair and sale business at the site.
- The accessory sales of scooters and specialty automobiles at the ground level will contribute to an interesting and active streetscape.
- With the exception of the requested elimination of required parking, the project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding neighborhood.

RECOMMENDATION: Approval with Conditions

# **Attachments:**

Block Book Map Sanborn Map Aerial Photographs Public Correspondence Project Sponsor Submittal

# Attachment Checklist

	Executive Summary		Project sponsor submittal			
	Draft Motion		Drawings: Existing Conditions			
	Environmental Determination		Check for legibility			
	Zoning District Map		Drawings: <u>Proposed Project</u>			
$\boxtimes$	Height & Bulk Map		Check for legibility			
	Parcel Map		Health Dept. review of RF levels			
	Sanborn Map		RF Report			
	Aerial Photo		Community Meeting Notice			
	Context Photos		Inclusionary Affordable Housing Program: Affidavit for Compliance			
	Site Photos					
	Exhibits above marked with an "X" are included in this packet					
			Planner's Initials			

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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 Draft Motion**

**HEARING DATE: MAY 3, 2012** 

 Date:
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 Case No.:
 2012.0009C

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Zoning: Polk Street NCD (Neighborhood Commercial District)

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1450 Franklin Street San Francisco, CA 94109

*Staff Contact:* Kevin Guy – (415) 558-6163

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 121.2, 186.2, 303, 723.21, AND 723.59 OF THE PLANNING CODE TO ESTABLISH AN AUTOMOTIVE REPAIR USE AT THE BASEMENT LEVEL, ESTABLISH A NON-CONFORMING AUTOMOTIVE REPAIR USE AT THE SECOND LEVEL, ESTABLISH AN ACCESSORY SCOOTER AND AUTOMOTIVE SALES USE AT THE GROUND LEVEL, AND TO ESTABLISH A USE SIZE GREATER THAN 2,000 SQUARE FEET WITHIN THE POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT AND THE 65-A HEIGHT AND BULK DISTRICT.

## **PREAMBLE**

On January 4, 2012, Daniel Frattin, on behalf of Walter Dawydiak ("Project Sponsor") filed an application with the Planning Department ("Department") for Conditional Use Authorization under Planning Code Section(s) ("Sections") 121.2, 186.2, 303, 723.21, and 723.59 to establish an automotive repair use at the basement level, establish a non-conforming automotive repair use at the second level, establish an accessory scooter and automotive sales use at the ground level, establish an accessory scooter and automotive sales use at the ground level, and establish a use size greater than 2,000 square feet within the Polk Street Neighborhood Commercial District ("NCD") and the 65-A Height and Bulk District. Tenant improvements are proposed for the building, however, the size of the space will not change.

On April 11, 2012, the Project Sponsor submitted a request that the Zoning Administrator eliminate the off-street parking requirement for the proposed uses, pursuant to Sections 161(j) and 307(i) (Case No. 2012.0009V).

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption.

On May 3, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0009C.

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. 2012.0009C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

### **FINDINGS**

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

- 1. The above recitals are accurate and constitute findings of this Commission.
- 2. **Site Description and Present Use.** The project is located on the north side of Pine Street, between Polk Street and Van Ness Avenue, Block 0646, Lot 005. The property is located within the Polk Street NCD and the 65-A Height and Bulk District. The property is developed with a two-story over basement building that covers the entire lot. The basement level is currently used for automotive and motorcycle repair uses, the ground level is used for motorcycle sales, and the second level is used as a public parking garage.
- 3. Surrounding Properties and Neighborhood. The area surrounding the Project Site is mixed-use in character. A variety of commercial establishments are located within ground floor storefronts in the Polk Street NCD, including restaurants, bars, apparel stores, convenience stores, and other types of retailers. Historically, automotive-related businesses such as repair shops and parking garages have been located along the side streets along the Van Ness Corridor, in support of the historic auto sales uses along Van Ness Avenue. Buildings in the vicinity typically range from one to five stories in height. Upper floors of buildings are generally occupied by offices or residential units. Larger scale retail uses, tourist hotels, and residential uses are situated along the Van Ness Corridor, outside of the Polk Street NCD to the west.
- 4. **Project Description.** The Project would continue the existing automotive repair uses at the basement level, with some reconfiguration of the space and the addition of new equipment to service both automobiles and scooters. Automotive and scooter repairs would replace the existing public parking garage at the second floor, with body repair and painting facilities to be

installed. Accessory automobile and scooter sales would be located at the ground level. The business would operate as a factory-authorized Vespa dealer, but would also sell sports and vintage automobiles on a consignment basis. The roof is currently unoccupied, however, the rear portion of the roof is proposed for use as temporary storage for vehicles being repaired or offered for sale. This parking would not be accessible to customers or the public. Tenant improvements are proposed for the interior of the building, however, the size of the space will not change. Aside from the removal of existing signage and a fire escape, no changes are proposed for the exterior of the building.

- 5. **Public Comment**. Staff has received one letter in support of the Project, and no communications in opposition to the Project.
- 6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
  - A. Use. Per Section 723.59, automotive repair uses are permitted on the ground floor or below within the Polk Street NCD with Conditional Use Authorization. Per Sections 121.2 and 723.21, non-residential uses greater than 2,000 square feet are permitted within the Polk Street NCD with Conditional Use Authorization. Per Section 186.2, a non-conforming use (such as the proposed automotive repair at the second level) may be established at the upper stories of a building through Conditional Use Authorization if the use is conditionally permitted at the first story, if the building was originally constructed for single-tenant occupancy, and if the entire building will be occupied by a single tenant. Per Section 703.2, a use such as the proposed scooter and automobile sales may be considered accessory to a conditional use if the accessory use is appropriate, incidental, and subordinate to the conditional use, and the accessory use occupies no more than one-third of the total floor area of the conditional use.

The Project Sponsor is requesting Conditional Use Authorization to establish the automobile repair use at the basement level, and to establish a non-residential use size greater than 2,000 square feet. According to the "Van Ness Auto Row Support Structures" Historic Survey, the subject building was originally constructed in 1922 for use in its entirety as an automotive repair shop. In addition, the business proposed by the Project Sponsor would occupy the entire building. Therefore, the Project meets the specified criteria of Section 186.2 to allow the non-conforming automotive repair use to be established on the second level through Conditional Use Authorization. The proposed scooter and automobile sales use would occupy a portion of the ground level in an area measuring less than 1/3 of the total floor area of the building. This sales use would be subordinate to the primary automobile repair use that occurs on the basement and second levels. The rear portion of the roof would be used on a rotational basis as temporary storage for vehicles being repaired or offered for sale. This parking would not be accessible to customers or the public, and is therefore considered accessory parking that is not regulated as a separate use. This parking area would be set back from the roofline by approximately 50 feet, and would not be visible from the street.

B. **Hours of Operation.** Planning Code Section 723.27 states that a Conditional Use Authorization is required for maintaining hours of operation from 2a.m to 6a.m., as defined by Planning Code Section 790.48.

The Project Sponsor proposes to operate between the hours of 7a.m and 6p.m., therefore, no Conditional Use authorization is required

C. **Parking**. Planning Section 151 of the Planning Code requires off-street parking for the automotive repair, and for the scooter and automobile sales uses, for every 1,000 square-feet of occupied floor area, where the occupied floor area exceeds 5,000 square-feet.

The Subject Property contains approximately 39,444 square feet of floor area subject to the off-street parking requirement. Therefore, 39 off-street parking spaces would be required to serve the various uses of the business. The rear portion of the roof would be used on a rotational basis as temporary storage for vehicles being repaired or offered for sale. This parking would not be accessible to customers or the public, and would not fulfill the requirements for off-street parking. The Project Sponsor is requesting that the Zoning Administrator eliminate the off-street parking requirement for the proposed uses, pursuant to Sections 161(j) and 307(i).

D. Street Frontage in Neighborhood Commercial Districts. Section 145.1 of the Planning Code requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

The Project would not modify the existing configuration of the storefront and vehicular entries at the ground floor. Approximately 56 percent of the ground level frontage is devoted to transparent storefront that will allow views into the scooter and automobile sales area, activating the adjacent Pine Street sidewalk.

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The subject business currently operates within a tenant space at Franklin and Bush Street. However, this building would be demolished to allow for the construction of a new development approved under the jurisdiction of the former Redevelopment Agency. Approval of the Project is desirable because it will allow for the relocation and continued operation of an established, locally-owned business within close proximity of its former location. The business will continue the historic tradition of automotive sales and support uses within the Van Ness Avenue corridor and adjacent side streets, and would not operate in a manner that differs dramatically from the existing motorcycle sales, motorcycle repair, and public parking uses on the property. This business will compliment the mix of goods and services currently available in the district and contribute to the economic vitality of the neighborhood.

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

The height and bulk of the existing building will remain the same and will not alter the existing appearance or character of the project vicinity. The configuration of the building is well suited for the repair, sale, and storage of vehicles.

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 Sponsor is requesting that the Zoning Administrator eliminate the off-street parking requirement for the proposed uses, pursuant to Sections 161(j) and 307(i). The proposed business emphasizes the repair and sale of specialty vehicles (scooters, as well as and sports and vintage automobiles), and is not expected to generate substantial amounts of vehicular trips. The area is well served by public transit, and there are abundant public parking facilities available in the vicinity.

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

The proposed use is subject to the standard conditions of approval for as outlined in Exhibit A. Condition 11 specifically obligates the project sponsor to control noise generated by the uses onsite. All automobile repairs would occur within enclosed portions of the building.

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

Tenant improvements are proposed for the building, however, the size of the space will not change. The existing building covers the entire subject property, therefore, there are no suitable locations for the addition of landscaping. The Project would remove several existing signs from the face of the building, removing clutter and improving the overall appearance of the building as viewed from the public right-of-way. The rear portion of the roof would be used on a rotational basis as temporary storage for vehicles being repaired or offered for sale. This parking area would be set back from the roofline by approximately 50 feet, and would not be visible from the street. The Department shall review all lighting and signs proposed for the new business.

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.

D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

The Polk Street NCD functions as a neighborhood-serving marketplace, providing convenience and specialty goods and services to residents in the Polk Gulch, Nob Hill, Russian Hill, and Pacific Heights areas. The NCD is further described in Section 723.1, which states that the District contains, "...many apparel and specialty stores, as well as some automobile uses, which serve a broader trade area." The Project would relocate an existing business, and would not substantially differ from the operations of the existing business on the site. The business will continue the historic tradition of automotive sales and support uses within the Van Ness Avenue corridor and adjacent side streets, and will provide an active streetscape with views into the ground-level scooter and specialty automobile sales area.

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

## NEIGHBORHOOD COMMERCE

### **Objectives and Policies**

#### **OBJECTIVE 1:**

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKINIG ENVIRONMENT.

### Policy 1.1:

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

## Policy 1.2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

## Policy 1.3:

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The Project will allow the continued operation of a locally-owned business that is not a formula retail use, creating continued opportunities for employment of area residents. The business will compliment the mix of goods and services currently available in the district and contribute to the economic vitality of the neighborhood. This business will compliment the mix of goods and services currently available in the district and contribute to the economic vitality of the neighborhood. The business would operate during daytime hours, and would not differ substantially from the existing uses on the site. All repair activities would occur within enclosed portions of the building, minimizing negative consequences to surrounding properties.

## **OBJECTIVE 2:**

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

#### Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

The Project will retain an existing commercial activity and will enhance the diverse economic base of the City.

## **OBJECTIVE 6:**

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

### Policy 6.1:

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

The Project would enable the retention of an established, locally-owned business within close proximity of its former location. The Project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.

## Policy 6.2:

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to the economic and technological innovation in the marketplace and society.

An independent entrepreneur is sponsoring the proposal. The proposed use is a neighborhood serving use. This is not a Formula Retail use.

- 9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:
  - A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The Project would allow the continued operation of a locally-owned business. The business would repair and sell specialty vehicles, operating in a manner similar to the existing motorcycle sales and repair business on the site. Therefore, the Project will not displace a current retail tenant that provides convenience goods and services to the surrounding neighborhood.

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

The existing units in the surrounding neighborhood would not be adversely affected. All repair activities would occur within the building, and the business would operate during daytime hours. The business is consistent with the tradition of automotive-related businesses that have historically located along the Van Ness Avenue corridor and adjacent side streets, and is therefore compatible with the neighborhood character.

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

No housing is removed for this Project.

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

The site is on Noriega Street and is well served by transit. While the business would not provide any off-street customer or employee parking, there are abundant public parking facilities available in the immediate vicinity.

E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Project would continue to provide employment opportunities in the "Production, Distribution, and Repair" sector, similar to the existing business on the site. The business is being relocated from its

current nearby location at Franklin and Bush Streets, and is a locally-owned business that is not a formula retail use.

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

Although there would be some interior tenant improvements to the subject commercial space, the Project does not involve any construction activities that would compromise the structural integrity of the existing building. This proposal will not impact the property's ability to withstand an earthquake.

G. That landmarks and historic buildings be preserved.

The Project proposes only minor alterations to the existing exterior of the building, including the removal of a fire escape and existing tenant signage. The alterations would not negatively impact any historic features of the building.

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.

- 10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
- 11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

## **DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2012.0009C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated May 3, 2012, and stamped "EXHIBIT B", 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. XXXXX. 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 May 3, 2012.

Linda D. Avery Commission Secretary	
AYES:	
NAYS:	
ABSENT:	

May 3, 2012

ADOPTED:

# **EXHIBIT A**

### **AUTHORIZATION**

This authorization is for a conditional use to establish an automotive repair use at the basement level, establish a non-conforming automotive repair use at the second level, establish an accessory scooter and automotive sales use at the ground level, establish an accessory scooter and automotive sales use at the ground level, and establish a use size greater than 2,000 square feet located at 1528-1540 Pine Street, Block 0646, Lot 005, within the Polk Street Neighborhood Commercial District and the 65-A Height and Bulk District, pursuant to Planning Code Sections 121.2, 186.2, 303, 723.21, and 723.59; in general conformance with plans, dated May 3, 2012, and stamped "EXHIBIT B" included in the docket for Case No. 2012.0097C and subject to conditions of approval reviewed and approved by the Commission on May 3, 2012 under Motion No XXXXX. 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 May 3, 2012 under Motion No XXXXXX.

## PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXX 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, <a href="www.sf-planning.org">www.sf-planning.org</a>

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, <u>www.sf-planning.org</u>

# **DESIGN - COMPLIANCE AT PLAN STAGE**

- 3. 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 415-558-6378, <u>www.sf-planning.org</u>
- 4. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

5. **Overhead Wiring.** The Property owner will allow MUNI to install eyebolts in the building adjacent to its electric streetcar line to support its overhead wire system if requested by MUNI or MTA.

For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415-701-4500, www.sfmta.org

### MONITORING - AFTER ENTITLEMENT

6. **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

7. **Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance.

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

8. **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, <a href="https://www.sf-planning.org">www.sf-planning.org</a>

## **OPERATION**

9. Garbage, Recycling, and Composting Receptacles. Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <a href="http://sfdpw.org">http://sfdpw.org</a>

10. 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, <a href="http://sfdpw.org">http://sfdpw.org</a>

11. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org

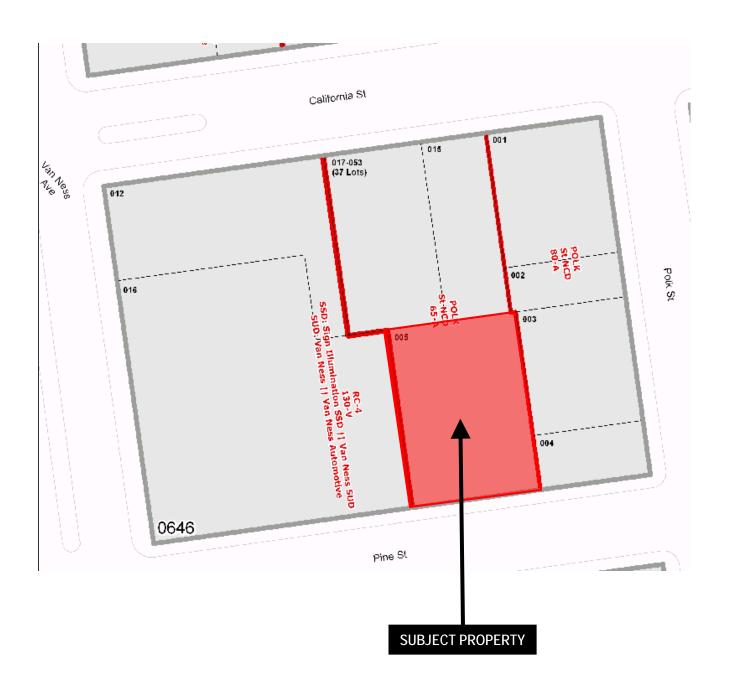
For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, <u>www.sfdbi.org</u>

For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-1012 or 415-5530123, <u>www.sf-police.org</u>

12. **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.

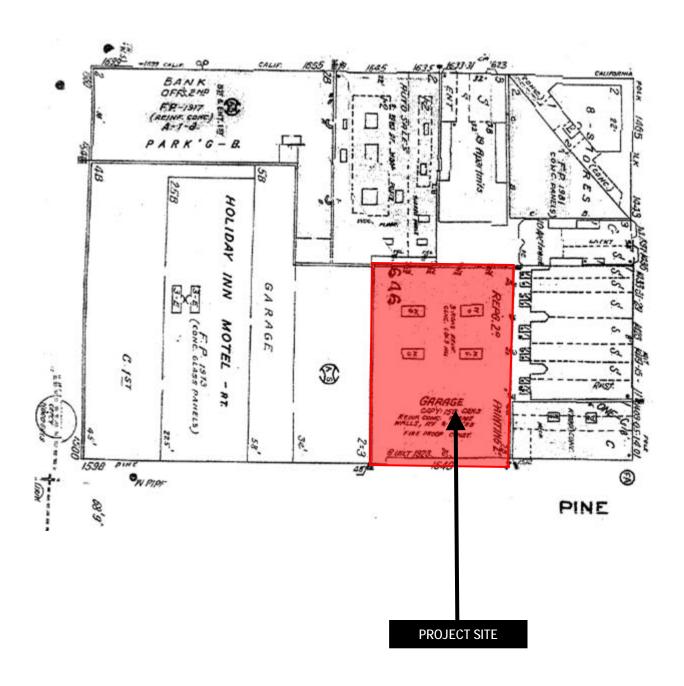
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <a href="https://www.sf-planning.org">www.sf-planning.org</a>

# **Parcel Map**





# Sanborn Map\*



\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Authorization Case Number 2012.0009C 1528-1540 Pine Street

# **Aerial Photo**



PROJECT SITE



# **Zoning Map**





# SMITH-BRENNAN PROPERTIES, LLC

P.O.BOX 641343

SAN FRANCISCO, CA 94164-1343

TEL. +1 (415) 673 4045

FAX. +1 (415) 345 1827

EMAIL: smith-brennan@pacbell.net

San Francisco Planning Commission c/o Kevin Guy, SF Planning Department City & County of San Francisco 1650 Mission Street, #400 CA 94103-2479

4/23/2012

# Re. Case 2012.0009CV 1528 Pine St.

Dear Commissioners,

I write to express my support for the applicant's plans in this case. We own and manage a multiuse residential and commercial property at 1630 California St., located on the next block to the proposed project. It is important that the Polk St. NCD contain neighborhood-serving businesses such as that proposed in this case. The proposed use is consistent with prior use of the building, utilizes space that would be very hard to use for other purposes. This business seemingly would not be viable without more than 2,000sqft of floor space.

Please note that Section 723.21 of the current code book is <u>wrong</u>: the CU use size restriction should be 3,000sqft: it was reduced by the Peskin ordinance 251.07 in 2007 temporarily for a period of one year (this was supposed not to be codified however it found its way into the code in error) and returned to 3,000sqft in November 2008. Please consult with staff member Tara Sullivan in regards to this matter — she has been in the process of correcting the code book for several years now but this has not yet occurred (over 3 years late) and, clearly, the public is still being mislead by planning staff on this point.

Please note also that your Hearing Notice letter contains an error in referencing code section 721.21 instead of 723.21.

I believe that I speak on behalf of the upwards of 70 tenants in our building in saying that implementation of this proposal would be beneficial to the neighborhood and we urge you to approve the requested Conditional Use and uphold the Variance requested of the Zoning Administrator.

Sincerely,

AUSINUM

Manager

# REUBEN & JUNIUS ...

April 24, 2012

# By Hand Delivery

Mr. Rodney Fong President Planning Commission 1650 Mission Street, 4<sup>th</sup> Floor San Francisco, CA 94103

Re: 1528-1540 Pine Street

Case No. 2012.0009C

Hearing Date: May 9, 2012

Our File No. 7024.01

Dear President Fong and Commissioners:

Our office is working with Vespa of San Francisco/Cars Dawydiak ("Cars Dawydiak" or the "Sponsor"), an auto and scooter repair shop, with an accessory auto and scooter sales component. For the past 22 years, Cars Dawydiak has been located at 1450 Franklin Street, but is moving to make way for a planned development project. The Sponsor is fortunate to have found a perfectly suited building for sale only three blocks away at 1528-1540 Pine Street ("Property"). The Sponsor proposes to use the basement and second floor of the Property for scooter/auto repair with accessory sales and administrative functions at the ground floor ("Project").

The Property is in the Polk Street Neighborhood Commercial District, where a conditional use authorization is required for auto repair uses at or below the ground floor, and for uses over 2,000 sq. ft. in size. Though generally prohibited above the ground floor, a second-floor auto repair use may be approved under a Planning Code provision intended to facilitate the adaptive reuse of buildings originally built for single-tenant use. We respectfully request that the Commission grant the conditional use and approve the Project for the following reasons:

The Property is an ideal fit for Cars Dawydiak. Staying close to its longstanding customer base and the auto dealerships on the Van Ness Corridor was the most important consideration in the Sponsor's search for a new location. The Property was a lucky find. It is ideally located and comparable in size to the Sponsor's current location. It was built as a single-tenant auto repair garage in 1922 and has been in auto-related use ever since. In fact, the Sponsor's present and proposed location are such a good match that auto repair shops have moved

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www.reubenlaw.com

from one to the other in the past. The prior tenant at the Sponsor's current location moved there after vacating 1528-1540 Pine Street.

- The Planning Code itself attests to the compatibility of auto-sales and support uses along the Van Ness Corridor. The Property is immediately adjacent to the Automotive Special Use District, where the Planning Code provides for a "major automotive area with a citywide and regional market." The neighborhood has been a center for auto sales and services for over 100 years. There are many extant auto repair and sales facilities that are both operationally and architecturally compatible with the neighborhood.
- PDR Jobs and Sales Tax Revenues. Cars Dawydiak currently employs 40+ repair technicians, apprentices, salespersons and administrative staffers. scooter and auto sales are a source of sales tax revenue for the City.
- Clean and Green Auto Repair Facility. Cars Dawydiak is one of a limited number of auto and scooter repair shops to have this designation. All of its refinishing processes are as environmentally friendly as technology permits. Cars Dawydiak uses the most current "green" materials, processes and equipment, and actively promotes scooters in the community as a green and practical alternate form of transportation.
- The Project involves minor exterior alterations. The street-facing façade, including the storefront and driveways for vehicular entry, would remain in its present condition. Skylights would be removed, tenant signs would be changed, a new ramp and stair penthouse to the rooftop would be constructed, and the rear portion of the rooftop would be used for accessory vehicle storage.

To our knowledge, there is no opposition to the Project. We look forward to your hearing on May 3rd.

# 1. Cars Dawydiak's Business and Service Model

Cars Dawydiak is an auto/scooter repair shop that has been providing services to the Polk Street Neighborhood for over 22 years. Founded in 1981 by a San Francisco native who had a love of cars and an aptitude for fixing vehicles, Cars Dawydiak delivers unparalleled quality in its repair services. It provides collision repair services to every car dealership of Van Ness Avenue, all of which are within one-half mile of the Property:

- Penske Nissan/Infiniti, 1395 Van Ness Avenue at Bush
- SF Toyota/Scion, 1701 Van Ness Avenue corner of Sacramento

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tel: 415-567-9000

- British Motor Cars Distributer, Jaguar & Land Rover, 901 Van Ness corner of Ellis
- Bentley SF/ Lotus SF/ Lamborghini of San Francisco, 999 Van Ness corner of O'Farrell
- San Francisco Ford/Lincoln Mercury, 1595 Van Ness corner of California (now closed)

In addition, the Sponsor is the only authorized Vespa dealer in San Francisco, and sells a limited number of cars on consignment.

Cars Dawydiak currently employs over 40 employees. Though its workers are highly skilled and provide award-winning services, many do not have college degrees and perfected their skills through on-the-job training. Cars Dawydiak creates jobs for City residents who otherwise may have difficulty finding employment.

Cars Dawydiak is devoted to the environment and has been designated as one of a few Clean and Green designated Auto Repair facilities by the Department of Public Health. It employs pollution prevention measures, it reuses and recycles hazardous waste materials, and it has implemented several measures to reduce storm water runoff.

## 2. Historic and Present Use

The Property is located between the dense mixed-use corridors of Polk Street and Van Ness Avenue. Van Ness Avenue and its surroundings were among the nation's earliest auto rows, with dealerships on Van Ness and supporting facilities located on side streets. The existing building on the Property was part of that development. It was constructed in 1922 for use, in its entirety, as an auto repair shop. It has been in continuous use for autorelated services ever since.

At present, the basement and ground-floor are occupied by the Property's owner, Golden Gate Cycles, which has a motorcycle sales floor at street level and a repair shop in the basement. The second floor was most recently used as a public-parking garage, which recently ceased operation.

## 3. Project Description

Overview. The Project would make interior and minor exterior improvements to adapt the Property to current standards for an auto repair facility with scooter and accessory auto sales at the ground floor.

Interior and Structural Upgrades. Interior alterations would retrofit the basement level and second floor to accommodate both auto and scooter repair. At the second-floor, a

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new lunch room, paint booth, and frame rack would be installed. At the ground floor, solid-backed displays behind street-facing windows would be removed to provide better views from the street to a showroom for scooters and cars. Interior partitions at the ground-floor would be removed to create a more spacious and open sales area. An existing stair from the basement to the ground-floor would be extended to the rooftop. Fire and life safety systems would be upgraded throughout.

Minor Exterior Alterations. Exterior alterations to the building will be limited. The prior tenant's signs will be removed and a new copy for the Sponsor's business will be installed. The skylights on the rooftop will be removed. A new ramp and stairs to the rooftop will be built. The rear portion of the rooftop will be used for accessory vehicle repair storage. The street-facing façade, including the storefront and driveways for vehicular entry will remain in its present condition.

## 4. Operations

The Project will allow Cars Dawydiak to continue its business operations in the same neighborhood it has been serving for the past 22 years. The Project will improve the interior of the building and return it to its historic single-tenant use, while upgrading the fire and life safety system. No increase in daily use is planned, and the Sponsor's overall operations will be much the same as they are now:

- Employment. Cars Dawydiak provides opportunities for resident employment. It currently employs 40+ repair technicians, apprentices, salespersons and administrative staffers.
- Completion of Construction. Construction is expected to take approximately six months, and the Sponsor anticipates completion in early 2013.
- Hours of Operation. Hours of operation are expected to be the same as in its current location, 7 a.m. to 6 p.m. Sunday – Monday.

## 5. Approvals

The Polk Street NCD requires conditional use authorization for any use size over 2,000 sq. ft. Auto repair uses are permitted as a conditional use at and below the ground-floor. The "vertical zoning" of the Polk Street NCD encourages residential uses at the upper floors. Commercial uses are limited at the upper levels. Though auto repair is generally prohibited at the second floor, the Planning Commission may approve auto repair as a nonconforming use pursuant to Section 186.2 of the Planning Code. This provision was adopted to facilitate the adaptive reuse of buildings originally constructed for single-tenant

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tel: 415-567-9000 fax: 415-399-9480

occupancy. These types of buildings may not be suitable for the upper level uses encouraged under Neighborhood Commercial zoning controls.

As described above, the requested approvals would simply authorize the building to return to its original use as a single-tenant auto repair facility of approximately 39,444 sq. ft. and allow a longstanding neighborhood business to relocate in close proximity to its current customer base. As a practical matter, the Sponsor's operations would be nearly indistinguishable from those of the current occupant and would be wholly compatible with the neighborhood.

In conjunction with the conditional use, the Sponsor requests a modification to the parking requirement, which calls for one parking space for each 1,000 occupied sq. ft. of floor area. The modification is justified, because the the area is well-served by public transportation and most nearby businesses do not offer off-street parking. As well, the Sponsor's business primarily deals with vehicle repair, which diminishes the need for parking. Clients drop their cars off for repair and return to pick them up by some other mode of transportation. The sales component of the Sponsor's business attracts a relatively low volume of customers compared to other retailers, and parking facilities nearby are sufficient to absorb the demand.

# 6. Conclusion

The Project would allow a locally owned retail auto repair and scooter sales business to relocate within the neighborhood where it has successfully operated for 22 years. It would return the building to its historic use as a single-tenant auto repair use. We respectfully request that you vote to approve it.

Very truly yours,

REUBEN & JUNIUS, LLP

Daniel A. Frattin

Enclosures

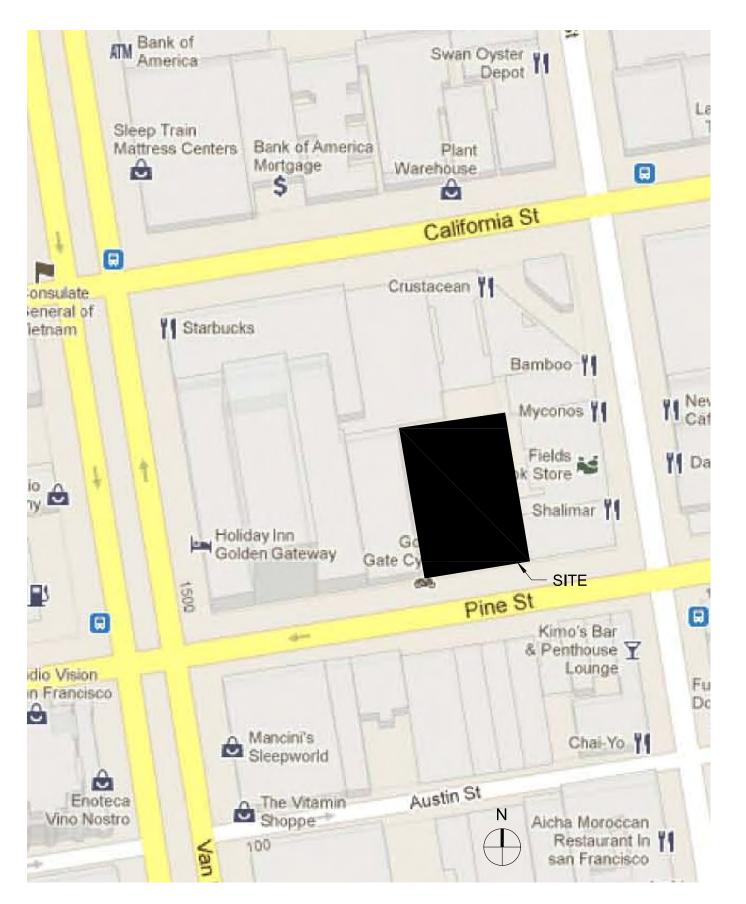
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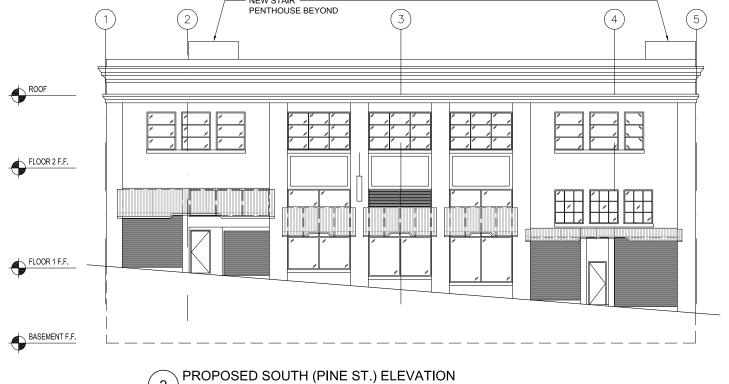
cc: Cindy Wu, Vice President
Michael J. Antonini, Commissioner
Gwyneth Borden, Commissioner
Kathrin Moore, Commissioner
Hisashi Sugaya, Commissioner
Rodney Fong, Commissioner
John Rahaim, Planning Director
Scott Sanchez, Zoning Administrator
Linda Avery, Planning Commission Secretary
Kevin Guy, Planning Department
Walter Dawydiak, Cars Dawydiak
Harvey Hacker, Harvey Hacker Architects

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tel: 415-567-9000 fax: 415-399-9480

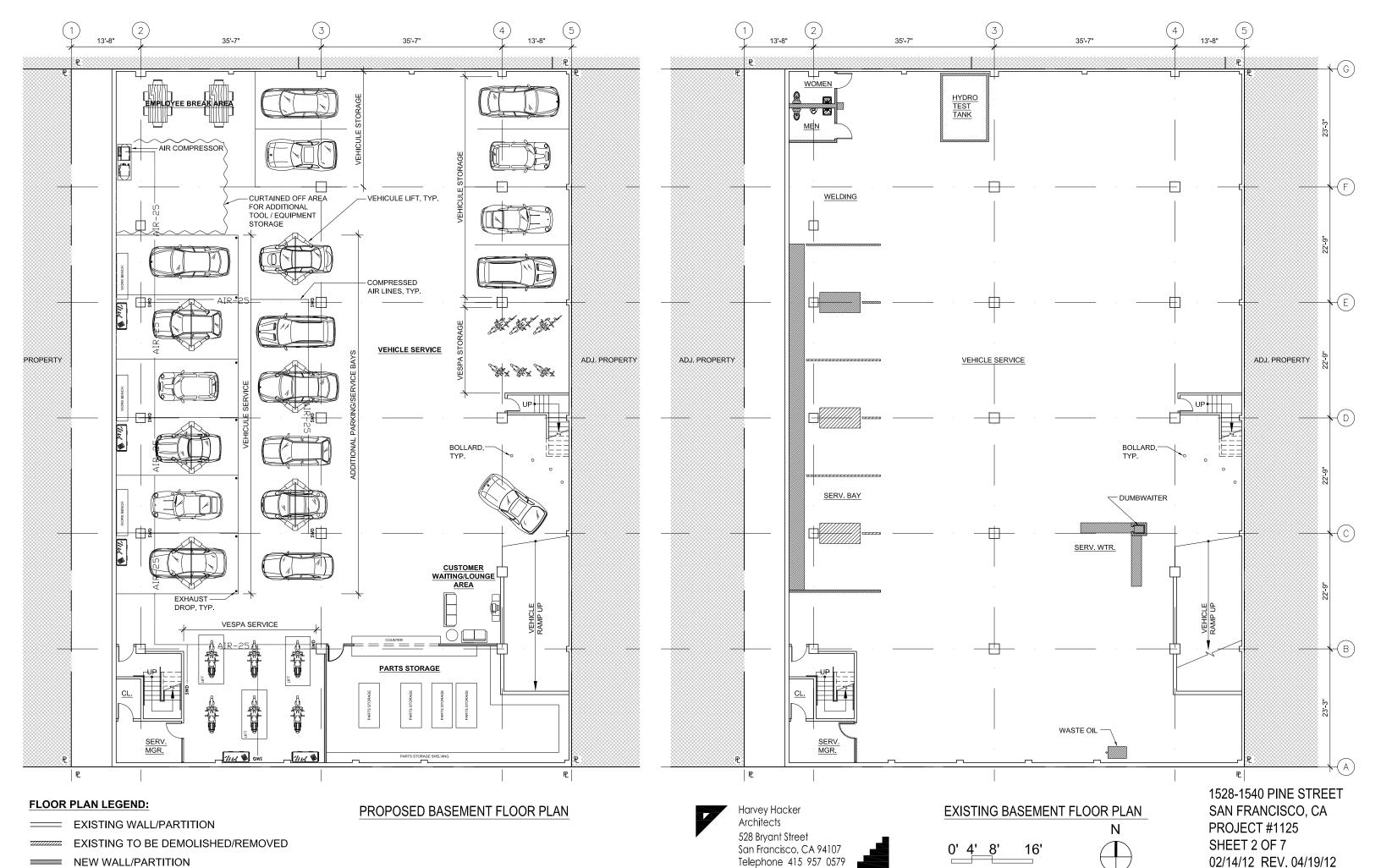


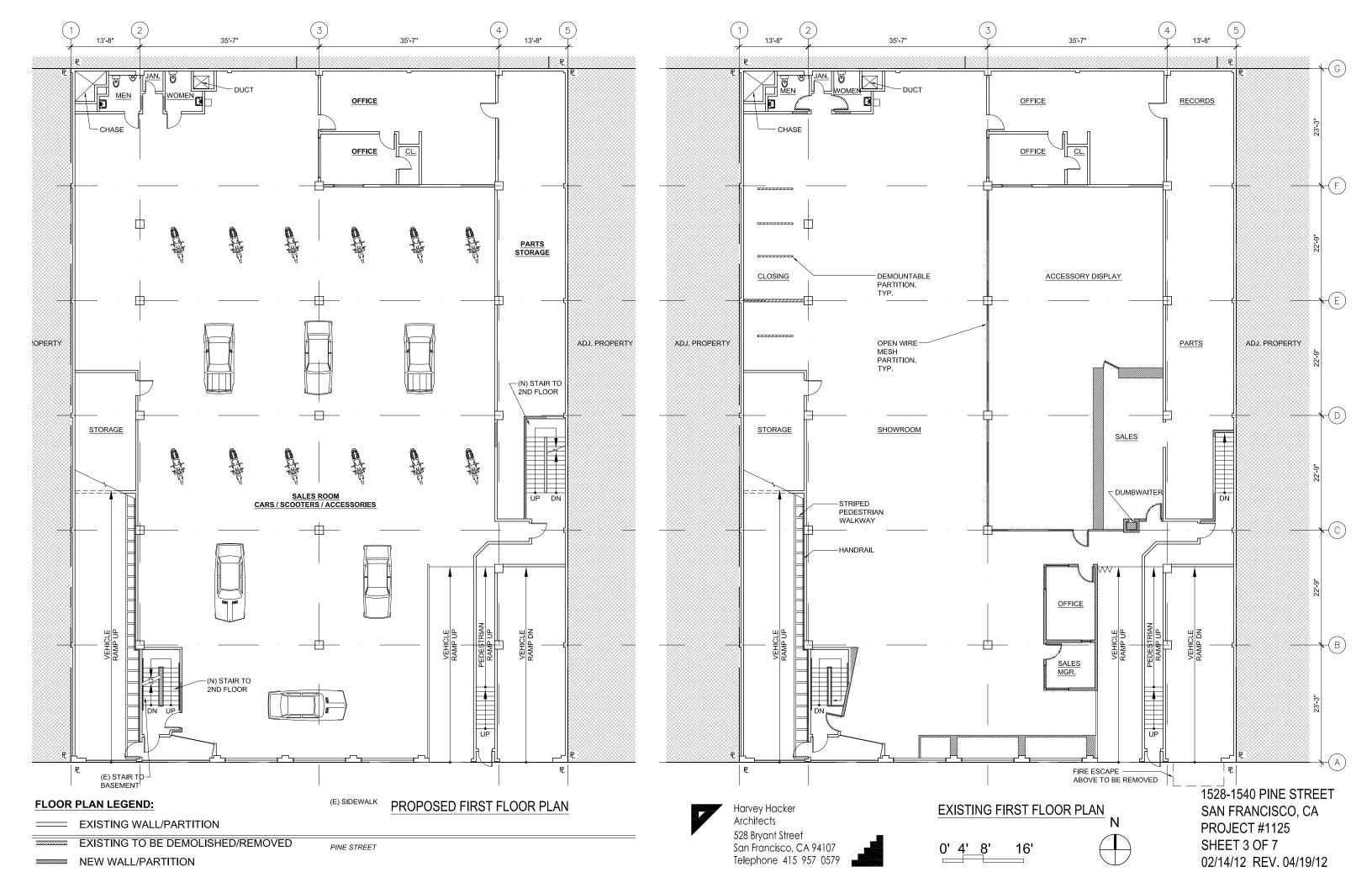


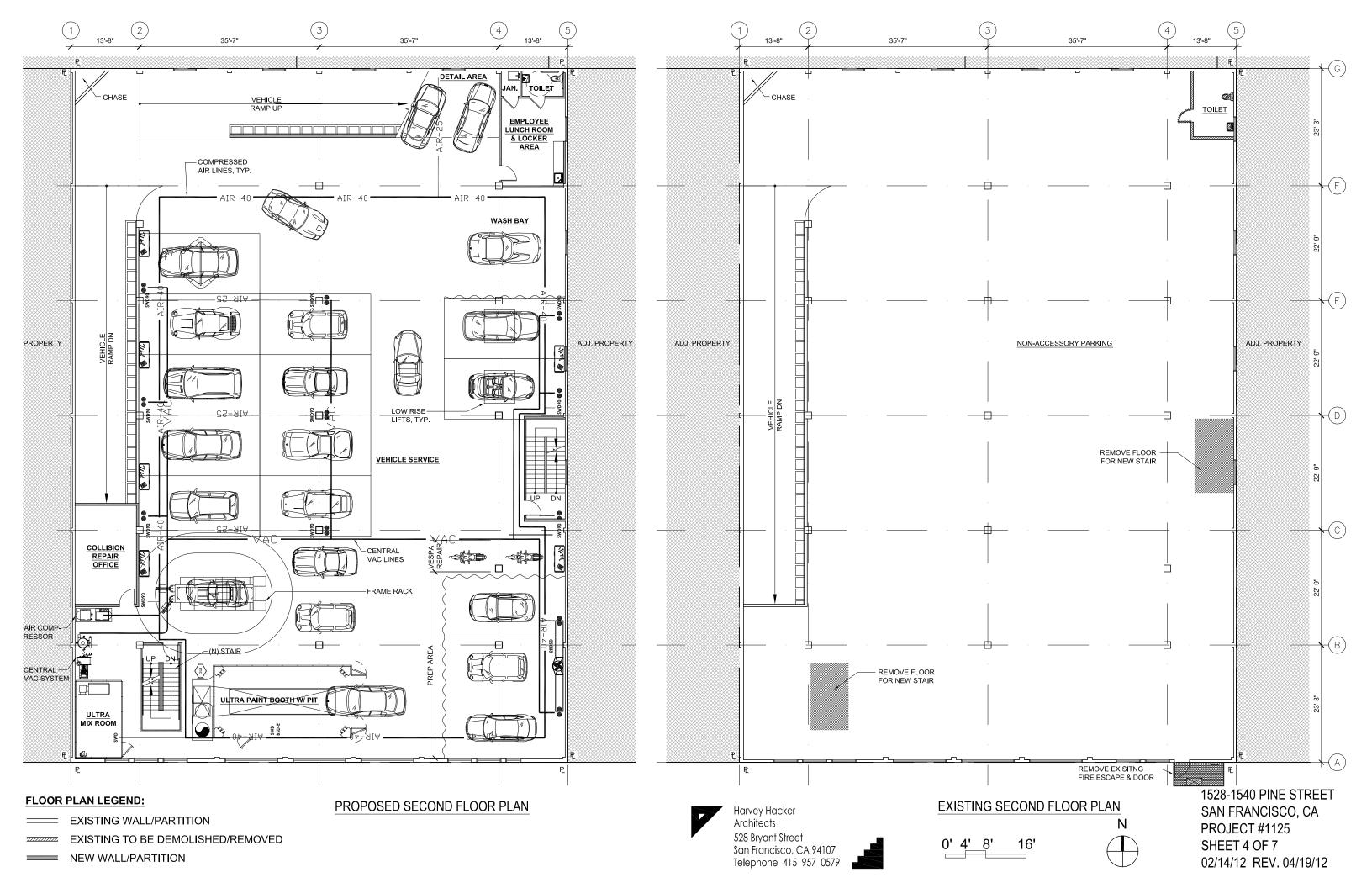


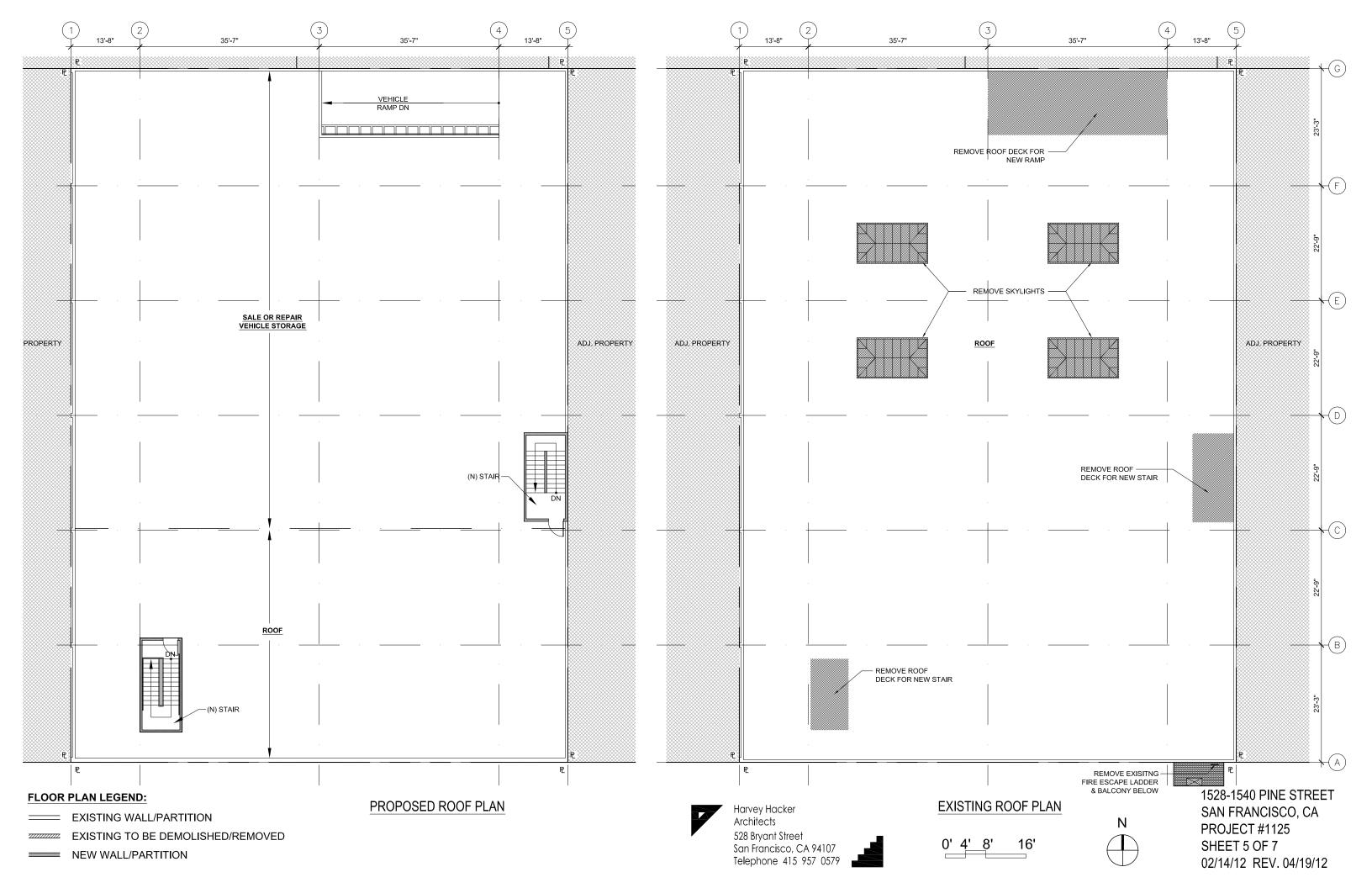


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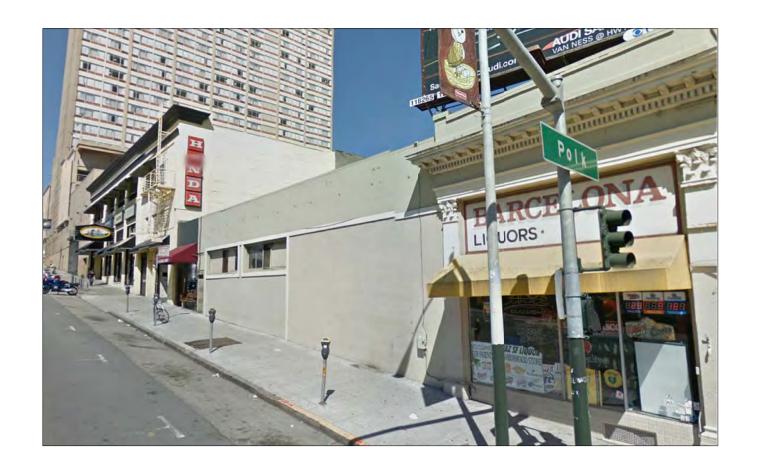




















VIEW OF PRESENT CONDITION AT 1528-1540 PINE STREET 1528-1540 PINE STREET SAN FRANCISCO, CA PROJECT #1125 SHEET 6 OF 7 02/14/12 REV. 04/19/12