



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: SEPTEMBER 12, 2013
CONSENT CALENDAR

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: September 5, 2013
Case No.: **2013.0282C**
Project Address: **2701-2703 Folsom Street**
Zoning: RH-2 (Residential, House, Two-Family) Zoning District
40-X Height and Bulk District
Mission Alcoholic Beverage Special Use District
Fringe Financial Service Restricted Use District
Block/Lot: 3640/035
Project Sponsor: Barbara Armstrong
165 Basinside Way
Alameda, CA 94502
Staff Contact: Danielle J. Harris – (415) 575-9102
danielle.j.harris@sfgov.org
Recommendation: **Approval with Conditions**

PROJECT DESCRIPTION

The proposal is a request for Conditional Use authorization pursuant to Planning Code Sections 303, 209.3(j), and 186(g) to allow an approximately 2,400 square foot religious institution at 2701 Folsom Street and reactivate an approximately 400 square foot retail use at 2703 Folsom Street within two vacant commercial tenant spaces within an RH-2 (Residential-House, Two Family) Zoning District, the Mission Alcoholic Beverage Special Use District, and a 40-X Height and Bulk designation.

The proposal will involve interior tenant improvements to the ground floor commercial tenant space. The proposed religious institution will be a Buddhist Meditation Center associated with Spirit Rock specializing in silent meditation instruction. The tenant spaces were last occupied in 2008 and 2010, and have been vacant since then. There will be no expansion of the existing building envelope.

SITE DESCRIPTION AND PRESENT USE

The project site at 2701–2703 Folsom Street is on the southeast corner of Folsom and 23rd Streets; Assessor's Block 3640; Lot 035. It is located within the RH-2 (Residential, House, Two-Family) Zoning District, the Mission Alcoholic Beverage Special Use District, Fringe Financial Service Restricted Use District, and 40-X Height and Bulk District. It is also located within ¼ mile of the 24th Street- Mission Neighborhood Commercial District. The subject lot is approximately 3,150 square feet (35 feet wide by 90 feet) in size and is occupied by a two story mixed-use building. The commercial tenant spaces located on the ground floor of the building had previously been occupied by Neighborhood Legal Aid, Mission Reading Clinic, a church, book store, music store, and church again. The 2701 Folsom Street space was vacated in 2008 and the 2703 Folsom Street space was vacated in 2010. There are currently two residential units on the second floor of the building.

SURROUNDING PROPERTIES & NEIGHBORHOOD

The project site is located within the Mission Neighborhood. The surrounding development consists primarily of single and multi-family residential buildings. The scale of development in the area consists of a mix of low-and mid-rise buildings (one- to three-story structures), most of which were built in the early 1900s. The adjacent property located west of the subject building is an industrial use. There is a cultural arts establishment located across the intersection from the subject property at the northwest corner of Folsom and 23rd Street occupied by arts entertainment space d.b.a. Red Poppy Art House. The surrounding zoning districts are RH-2 (Residential, House, Two-Family) District, UMU (Urban Mixed Use) District, and 24th Street – Mission Neighborhood Commercial Transit District.

ENVIRONMENTAL REVIEW

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

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	August 23, 2013	August 21, 2013	22 days
Posted Notice	20 days	August 23, 2013	August 23, 2013	20 days
Mailed Notice	20 days	August 23, 2013	August 23, 2013	20 days

The proposal requires a Section 311-neighborhood notification, which was conducted in conjunction with the conditional use authorization process.

PUBLIC COMMENT

- As of September 5, 2013, the Department has not received any phone calls, letters, or emails.

ISSUES AND OTHER CONSIDERATIONS

- The proposed 400 square-foot retail use has not been specified as formula retail use under Section 703.3 of the Planning Code.
- Building Permits indicate the 2701 Folsom Street tenant space was a commercial use throughout the 1950s. According to the Project Sponsor, 2701 Folsom Street unit was occupied by Neighborhood Legal Aid and then Mission Reading Clinic. Later a church moved into the unit in 1987 and continued there until approximately September 2007. At that point the unit converted back to a retail shop, until returning to a church use until August 2008 due to a Planning violation.
- Commercial uses in residential districts that have vacated for a period of three years or more are allowed to reactivate per Planning Code Section 186(g).

REQUIRED COMMISSION ACTION

This proposal requires **Conditional Use** authorization under Planning Code Sections 209.3(j), and 303 to establish an approximately 2,400 square-foot religious institution at 2701 Folsom Street and under Planning Code Section 186(g) and 303 to reactivate an approximately 400 square foot vacant ground floor commercial tenant as a retail use at 2703 Folsom Street.

BASIS FOR RECOMMENDATION

- The proposed project will occupy vacant commercial tenant spaces on the subject block which will be complimentary to the mix of existing neighborhood-serving uses within the neighborhood. It will also provide new job opportunities to the City. The proposed project meets all applicable requirements of the Planning Code.
- The Department believes that this project is necessary and/or desirable for the following reasons:
 - a) The proposed project will enhance the economic diversity of the neighborhood by allowing new businesses (to establish two vacant commercial spaces) in the area.
 - b) The proposed project is a neighborhood-serving use which residents can access by walking or taking public transit.
 - c) The proposed project would be consistent with the existing limited commercial use within this portion of the RH-2 Zoning District.

RECOMMENDATION: Approval with Conditions
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Attachments:

- Draft Motion
- Zoning District Map
- Parcel Map
- Sanborn Map
- Aerial Photographs
- Site and Context Photographs
- Reduced Plans

Attachment Checklist

- | | |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Context Photos | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Site Photos | <input type="checkbox"/> |

Exhibits above marked with an "X" are included in this packet

DJH
Planner's Initials



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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Planning Commission Motion No. XXXXX

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ADOPTING FINDINGS RELATED TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTIONS 186(g), 209.3(j), AND 303 TO ALLOW TWO VACANT GROUND FLOOR COMMERCIAL TENANT SPACES AT 2701 AND 2703 FOLSOM STREET TO ESTABLISH AN APPROXIMATELY 2,400 SQUARE-FOOT RELIGIOUS INSTITUTION AND AN APPROXIMATELY 400 SQUARE-FOOT RETAIL USE WITHIN THE RH-2 (RESIDENTIAL, HOUSE, TWO-FAMILY) ZONING DISTRICT, THE MISSION ALCOHOLIC BEVERAGE SPECIAL USE DISTRICT, AND A 40-X HEIGHT AND BULK DESIGNATION.

PREAMBLE

On February 22, 2013, Barbara Armstrong (hereinafter “Project Sponsor”) made an application for Conditional Use authorization for the property at **2701-2703 Folsom Street, Lot 035 in Assessor’s Block 3640** (hereinafter “Subject Property”), to allow two vacant ground floor commercial tenant spaces at 2701 and 2703 Folsom Street to establish an approximately 2,400 square-foot religious institution and an approximately 400 square-foot retail use within the RH-2 (Residential, House, Two-Family) Zoning District, the Mission Alcoholic Beverage Special Use District, and a 40-X Height and Bulk designation, in general conformity with plans submitted May 10, 2013, and labeled “Exhibit B” (hereinafter “Project”). The proposal will involve interior tenant improvements to the ground floor commercial tenant spaces. There will be no expansion of the existing building envelope.

On **September 12, 2013**, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on **Conditional Use Application No. 2013.0282C**.

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

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. 2013.0282C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the recitals 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 at 2701–2703 Folsom Street is on the southeast corner of Folsom and 23rd Streets; Assessor's Block 3640; Lot 035. It is located within the RH-2 (Residential, House, Two-Family) Zoning District, the Mission Alcoholic Beverage Special Use District, Fringe Financial Service Restricted Use District, and 40-X Height and Bulk District. It is also located within ¼ mile of the 24th Street- Mission Neighborhood Commercial District. The subject lot is approximately 3,150 square feet (35 feet wide by 90 feet) in size and is occupied by a two story mixed-use building. The commercial tenant spaces located on the ground floor of the building had previously been occupied by a Neighborhood Legal Aid, Mission Reading Clinic, a church, book store, music store, and church again. The 2701 Folsom Street space was vacated in 2008 and the 2703 Folsom Street space was vacated in 2010. There are currently two residential units on the second floor of the building.
3. **Surrounding Properties and Neighborhood.** The project site is located within the Mission Neighborhood. The surrounding development consists primarily of single and multi-family residential buildings. The scale of development in the area consists of a mix of low-and mid-rise buildings (one- to three-story structures), most of which were built in the early 1900s. The adjacent property located west of the subject building is an industrial use. There is a cultural arts establishment located across the intersection from the subject property at the northwest corner of Folsom and 23rd Street occupied by arts entertainment space d.b.a. Red Poppy Art House. The surrounding zoning districts are RH-2 (Residential, House, Two-Family) District, UMU (Urban Mixed Use) District, and 24th Street – Mission Neighborhood Commercial Transit District.
4. **Project Description.** The proposal is a request for Conditional Use authorization pursuant to Planning Code Sections 303, 209.3(j), and 186(g) to allow an approximately 2,400 square foot

religious institution at 2701 Folsom Street and reactivate an approximately 400 square foot retail use at 2703 Folsom Street within two vacant commercial tenant spaces within an RH-2 (Residential-House, Two Family) Zoning District, the Mission Alcoholic Beverage Special Use District, and a 40-X Height and Bulk designation.

The proposal will involve interior tenant improvements to the ground floor commercial tenant space. The proposed religious institution will be a Buddhist Meditation Center associated with Spirit Rock specializing in silent meditation instruction. The tenant spaces were last occupied in 2008 and 2010, and have been vacant since then. There will be no expansion of the existing building envelope.

5. **Public Comment.** As of September 5, 2013, the Department has not received any phone calls, letters, or emails.
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. **Establishment of a religious institution use within the RH-2 Zoning District.** Planning Code Section 209.3(j) permits a religious institution which has a tax-exempt status as a religious institution granted by the United States Government, and which institution is used primarily for collective worship or ritual or observance of common religious beliefs within RH, RM, RTO, and RC Districts with Conditional Use authorization.

The current proposal is a request for Conditional Use authorization pursuant to Planning Code Sections 303 and 209.3(j), to allow an approximately 2,400 square foot religious institution at 2701 Folsom Street. There will be no expansion of the existing building envelope. The proposed religious institution will be a Buddhist Meditation Center associated with Spirit Rock specializing in silent meditation instruction. The tenant space was last occupied in 2008 and has been vacant since then.

- B. **Reactivation of a Limited Commercial Use within the RH-2 Zoning District.** Planning Code Section 186(g) states that limited commercial uses in RH, RM, RTO, and RED Districts that have been discontinued or abandoned, as defined in Section 183, may be reactivated with Conditional Use authorization.

The current proposal is a request for Conditional Use authorization per Planning Code Section 303 and 186(g) to reactivate an approximately 400 square foot retail use at 2703 Folsom Street. The tenant space was last occupied in 2010 and has been vacant since then.

- C. **Conditions on Limited Conforming Uses.** Planning Code Section 186(b) states that limited nonconforming uses shall meet the following conditions:

- (1) The building shall be maintained in a sound and attractive condition, consistent with the general appearance of the neighborhood;

The proposed project involves interior tenant improvements to the ground floor commercial tenant spaces. There will be no expansion of the existing building envelope.

- (2) Any signs on the property shall be made to comply with the requirements of Article 6 of this Code applying to nonconforming uses;

All proposed project signage and projections will comply with Article 6 of the Planning Code.

- (3) The hours during which the use is open to the public shall be limited to the period between 6:00 a.m. and 10:00 p.m.;

The project sponsor intends to operate the proposed religious institution and retail use within the permitted hours of operation.

- (4) Public sidewalk space may be occupied in connection with the use provided that it is only occupied with tables and chairs as permitted by this Municipal Code;

The proposed project will not occupy the public sidewalk space with tables and chairs.

- (5) Truck loading shall be limited in such a way as to avoid undue interference with sidewalks, or with crosswalks, bus stops, hydrants and other public features;

The proposed project does not involve truck loading which would interfere with sidewalks, crosswalks, bus stops, hydrants and other public features.

- (6) Noise, odors and other nuisance factors shall be adequately controlled; and

Noise, odors, and other nuisance factors shall be adequately controlled under the Conditions of Approval for the proposed project under Exhibit A.

- (7) All other applicable provisions of this Code shall be complied with.

- D. **Formula Retail Use.** All uses meeting the definition of "formula retail" use per Section 703.3(b) shall not be permitted except by conditional use authorization under the procedures of Section 303 of this Code.

The proposed retail establishment has not been specified as Formula Retail use under Section 703.3 of the Planning Code.

- E. **Off-Street Parking and Loading.** Planning Code Section 151 requires religious institution uses provide one off-street parking space for each 20 seats by which the number of seats in the main auditorium exceeds 200. Section 151 requires retail uses provide on off-street parking space for each 500 square feet of occupied floor area.

The subject main meditation hall of the religious institution yields a capacity of 160 occupants and will not require any off-street parking or loading spaces. The commercial tenant space, with approximately 400 square feet of floor area, will not require any off-street parking or loading spaces.

7. **Planning Code Section 186(g)(c)** 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 subject space is located on or below the ground floor and was in commercial or industrial use prior to January 1, 1960; and

The proposed 400 square foot retail space at 2703 Folsom Street is located on the ground floor of a commercial mixed use building. Prior to 1960 the tenant space at 2703 Folsom Street was a neighborhood serving beauty parlor. The tenant space was last occupied in 2010 and has been vacant since then.

- B. The proposed commercial use meets all the requirements of this section and other applicable sections of this Code.

The proposed retail use is within ¼ mile of the 24th Street – Mission NCT (Neighborhood Commercial Transit) District and complies with the most restrictive use limitations specified for first story uses in the District.

8. **Planning Code Section 303(c)** 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 proposed project is to allow the establishment of a religious institution and retail uses on the ground floor of the building. There will be tenant improvements made to the existing tenant space with no expansion of the existing building envelope. The uses are compatible with other small scale LCUs (Limited Commercial Uses) and institutional uses located in residential area.

- 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 size and shape of the site and the arrangement of the structures on the site are adequate for the proposed project. There will be no physical expansion of the existing building envelope.

- 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;

Existing traffic patterns will not be significantly affected by the proposed project. Public transit that is in close proximity to the proposed religious institution and retail uses includes BART and Muni Lines 12, 67, 14, 14L, 49, 27, and 48. There is on-street parking in front of the subject property and in the surrounding neighborhood.

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

No noxious or offensive emissions such as glare, dust, or odor are expected to be produced by the proposed project.

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

There will be no addition of off-street parking spaces, loading facilities, open space or service areas. Project signage will be consistent with the controls of the Planning Code.

- C. That the uses as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The proposed 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.

Although the proposed project is located within the RH-2 Zoning District, it is located ¼ mile from the 24th Street Mission Neighborhood Commercial District and the intended use will be a neighborhood-serving use.

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

COMMERCE AND INDUSTRY ELEMENT

GENERAL/CITYWIDE

OBJECTIVE 1:

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

Policy 1:

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

The proposed project would be compatible with and complimentary to the other nearby limited commercial uses (arts and entertainment use) and institutional uses located within the vicinity.

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 6:

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

Policy 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.

No existing commercial tenant will be displaced. The proposed project will allow and reactivate two commercial tenant spaces which have been vacant for a number of years.

Policy 4:

Encourage the location of neighborhood shopping areas throughout the city so that essential retail goods and personal services are accessible to all residents.

The proposed project will be accessible to all residents in the neighborhood.

Policy 9:

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

The proposed project would not adversely affect public transit or place a burden on the existing supply of parking in the neighborhood. Many patrons would be able to walk from their residences or places of employment, and the proposed uses are well served by public transportation. There is on-street parking in front of the subject property and in the surrounding neighborhood.

MISSION AREA PLAN

Objectives and Policies

OBJECTIVE 1.1:

STRENGTHEN THE MISSION'S EXISTING MIXED USE CHARACTER, WHILE MAINTAINING THE NEIGHBORHOOD AS A PLACE TO LIVE AND WORK.

Policy 1.1.3:

Maintain the successful Mission Street, 24th Street, and Valencia Street Neighborhood Commercial districts; recognize the proximity to good transit service by eliminating density limits and minimum parking requirements.

Policy 1.1.6:

Permit and encourage small and moderate size retail establishments in neighborhood commercial areas of the Mission, while allowing larger retail in the formerly industrial areas when part of a mixed-use development.

The proposed addition of a religious institution and retail space will help preserve neighborhood serving uses. It will provide the neighborhood with convenient access to diverse neighborhood uses. The uses will complement the neighborhood and surrounding small-scale uses in the neighborhood. The location and size of the uses will serve to enhance and promote small business. Traffic and parking will not be affected.

10. **Section 101.1(b)** establishes eight priority planning policies and requires the review of permits that authorize changes of use for consistency with said policies:

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 proposed project will be complimentary to the existing commercial establishments within the immediate neighborhood. The proposed uses will provide new job opportunities to the City.

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

The proposed project will preserve and enhance the cultural and economic diversity of the neighborhood by establishing new businesses in the area. Existing housing will not be affected by the proposed project.

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

The proposed project will not displace any affordable housing.

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

The proposed project would not significantly increase the automobile traffic congestion and parking problems in the neighborhood. The proposal is a neighborhood-serving use accessible by walking or public transit.

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

There is no commercial office development associated with the proposed project and there would be no displacement of any existing industrial or service businesses in the area.

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

The proposed project will comply with all applicable earthquake safety standards and built to the current standards of the California Building Code.

- G. That landmarks and historic buildings be preserved.

The proposed project will not significantly affect any landmarks or historic buildings.

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

The proposed project will not affect any city-owned park or open space.

11. 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.
12. 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. 2013.0282C** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 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 September 12, 2013.

Jonas P. Ionin
Acting Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED:

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to establish two vacant ground floor commercial tenant spaces as an approximately 2,400 square foot religious institution at 2701 Folsom Street and an approximately 400 square foot retail use at 2703 Folsom Street in Assessor's Block 3640, Lot 035, pursuant to Planning Code Sections 303, 209.3(j), and 186(g) within a Residential-House, Two Family Zoning District (RH-2), the Mission Alcoholic Beverage Special Use District, and a 40-X Height and Bulk designation; in general conformance with plans and stamped "EXHIBIT B" included in the docket for Case No. 2013.0282C and subject to conditions of approval reviewed and approved by the Commission on September 12, 2013, 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 September 12, 2013 under Motion No. XXXXX.

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, 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

MONITORING - AFTER ENTITLEMENT

3. **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

4. **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

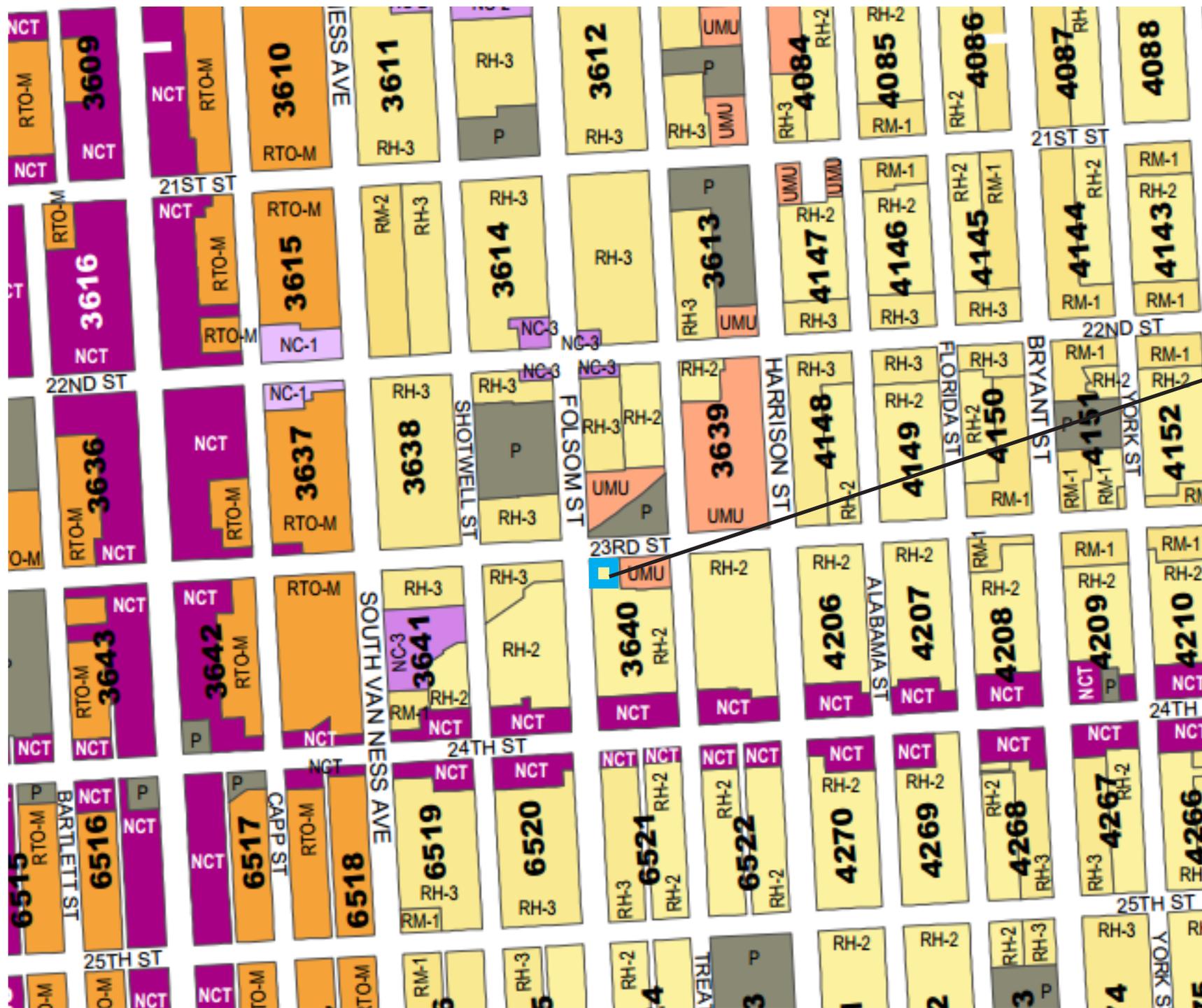
OPERATION

5. **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, <http://sfdpw.org>
6. **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>
7. **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, www.sfdbi.org
For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, www.sf-police.org
8. **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
9. **Lighting.** All project lighting shall be directed onto the project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

10. **Conditions on Limited Nonconforming Uses.** The proposed personal service establishment, a limited nonconforming use, shall meet the following conditions:

- a. The building shall be maintained in a sound and attractive condition, consistent with the general appearance of the neighborhood;
- b. Any signs on the property shall be made to comply with the requirements of Article 6 of this Code applying to nonconforming uses;
- c. The hours during which the use is open to the public shall be limited to the period between 6:00 a.m. and 10:00 p.m.;
- d. Public sidewalk space may be occupied in connection with the use provided that it is only occupied with tables and chairs as permitted by this Municipal Code;
- e. Truck loading shall be limited in such a way as to avoid undue interference with sidewalks, or with crosswalks, bus stops, hydrants and other public features;
- f. Noise, odors and other nuisance factors shall be adequately controlled; and
- g. All other applicable provisions of this Code shall be complied with.

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



Project Site
2701-2703
Folsom St.



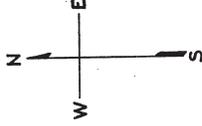
3640

MISSION BLK.152

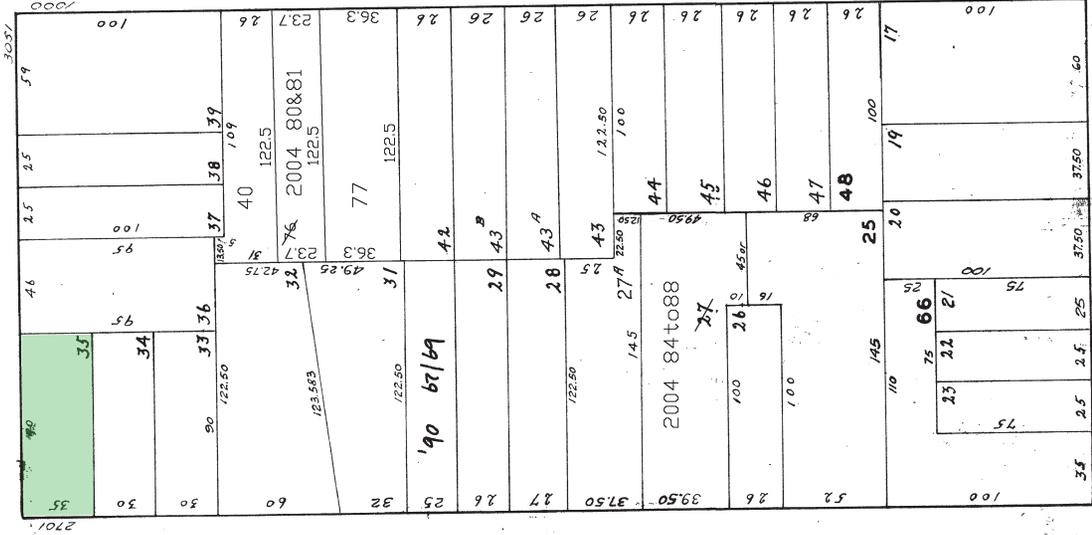
LOTS MERGED
 lots 24 into lot 3 1999
 " 18 " " 17 " "
 " 58A " " 58 " 52
 lot 4 into lots 76&77 for 1998 roll
 lot 53 into lots 76 to 79 for 1999 roll
 lot 16 into lots 80, 81 for 2001 roll
 lot 15 into lots 80&81 for 2004 roll
 lot 17 into lots 84 to 88 for 2004 roll

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lot 1 into lots 82&83 for 2005 roll
 lot 83 into lots 91&92 for 2005 roll
 lot 82 into lots 89&90 for 2005 roll
 lot 65 into lots 93&94 for 2007 roll
 lot 9C into lots 95&96 for 2008 roll



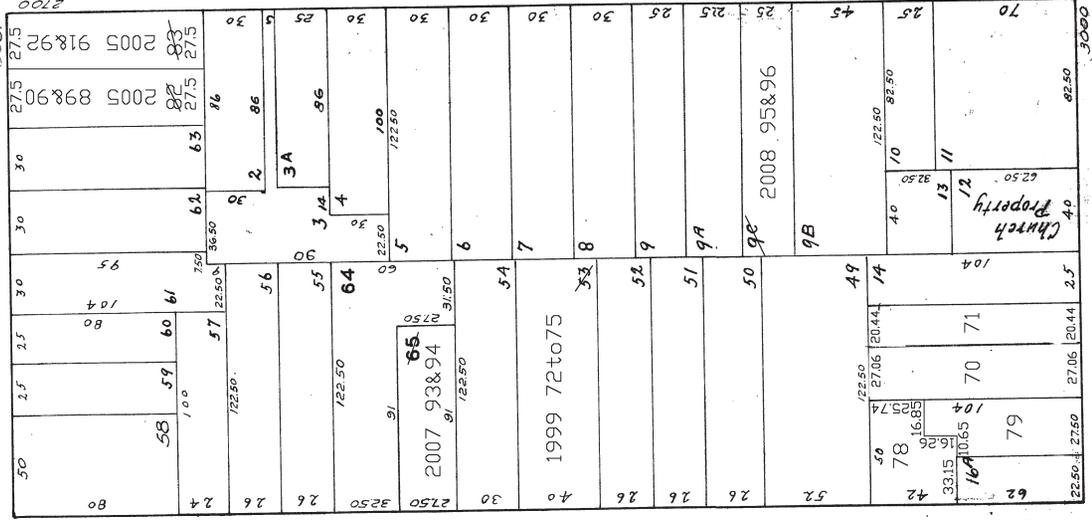
23RD



FOLSOM

TREAT AVE.

HARRISON



REVISED '61
 " " '71
 " " '90
 " " '96
 Revised 1999,
 Revised 2001,
 Revised 2004,
 Revised 2005,
 Revised 2007,
 Revised 2008

24TH

2737-2739-2741 FOLSOM ST.

A. CONDOMINIUM		% COMM. AREA	
LOT	UNIT	LOT	UNIT
67	2737	32	332
68	2739	34	580
69	2741	33	108

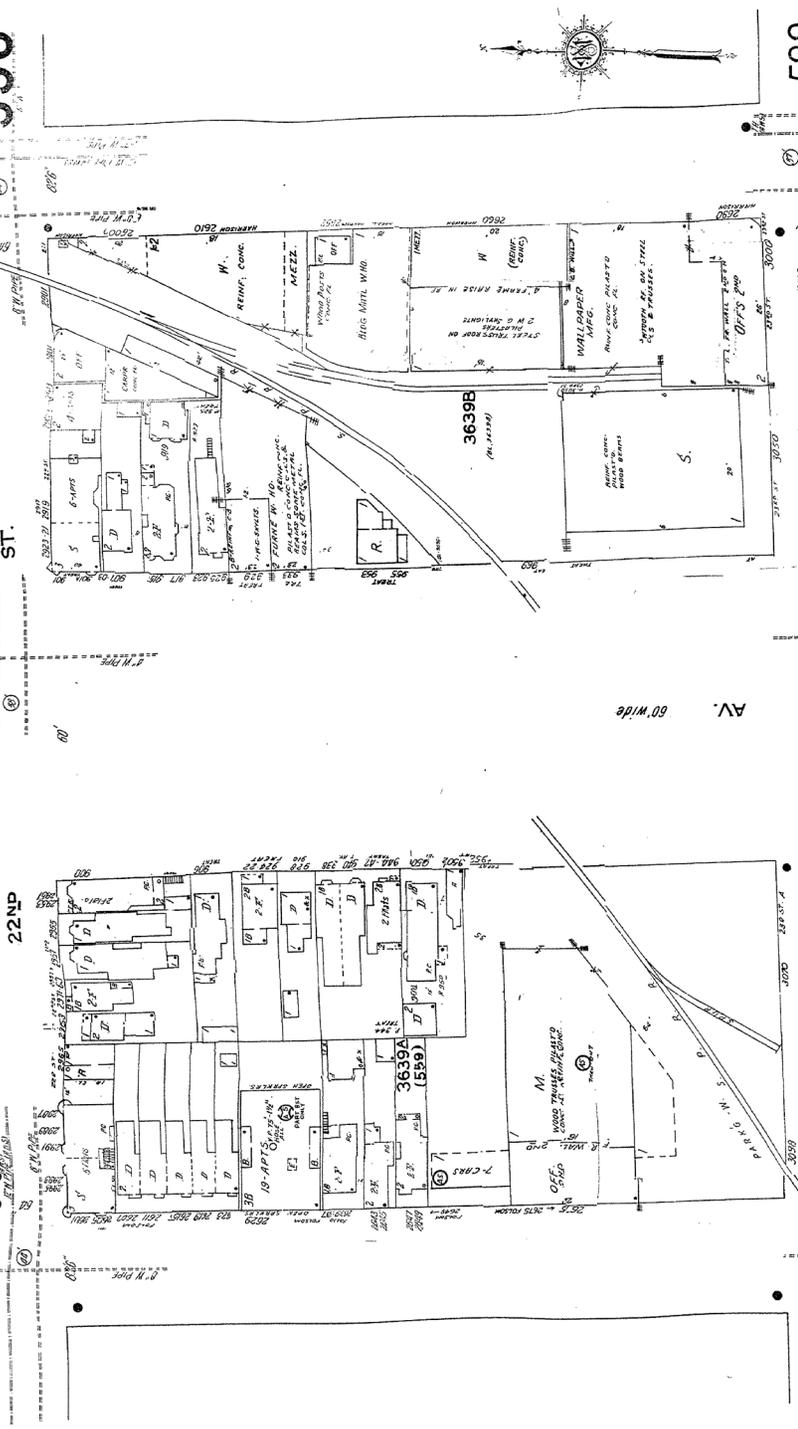
1049-1053B TREAT AVE.		1024-1026 TREAT AVE.	
A. CONDOMINIUM		A. CONDOMINIUM	
LOT	UNIT % COMM. AREA	LOT	UNIT % COMM. AREA
72	1049 34.84	80	1024 50
73	1051 31.08	81	1026 50
74	1053 12.34	86	301 17.94
75	1053B 21.74	87	302 17.94
		88	101 38.34

3003&3005 23RD ST.		2773 FOLSOM ST.	
A. CONDOMINIUM		A. CONDOMINIUM	
LOT	UNIT % COMM. AREA	LOT	UNIT % COMM. AREA
91	1 45.83	84	201 12.89
92	2 54.17	85	202 12.89
		86	301 17.94
		87	302 17.94
		88	101 38.34

3007-3009 23RD ST.		1039-1041 TREAT AVE.	
A. CONDOMINIUM		A. CONDOMINIUM	
LOT	UNIT % COMM. AREA	LOT	UNIT % COMM. AREA
89	1 46.67	93	1039 47.764
90	2 53.33	94	1041 52.236

THESE SANBORN MAPS ARE DATED TO THE MID 1990'S
USE ONLY 580 HISTORICAL CONTEXT

598



599

HARRISON

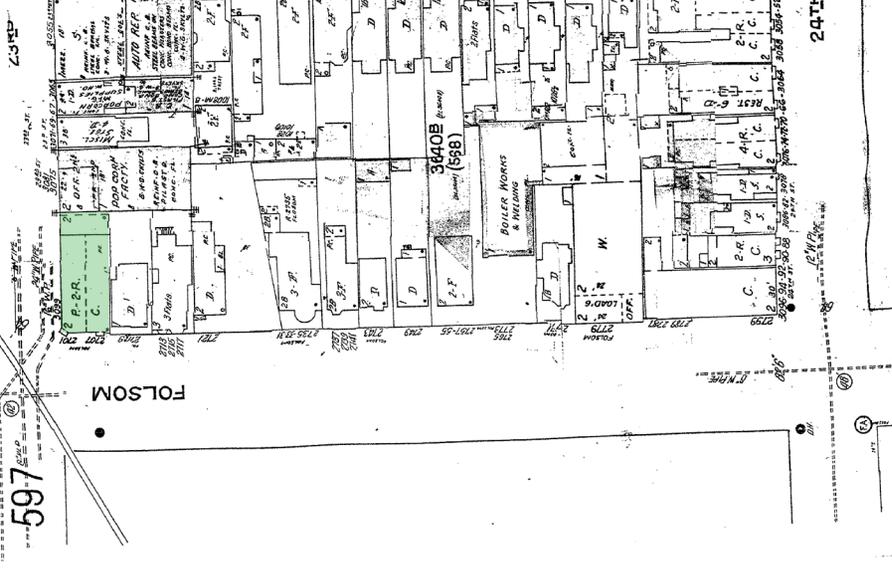
ST.

AV. 60 WIDE

TREAT

597

FOLSOM

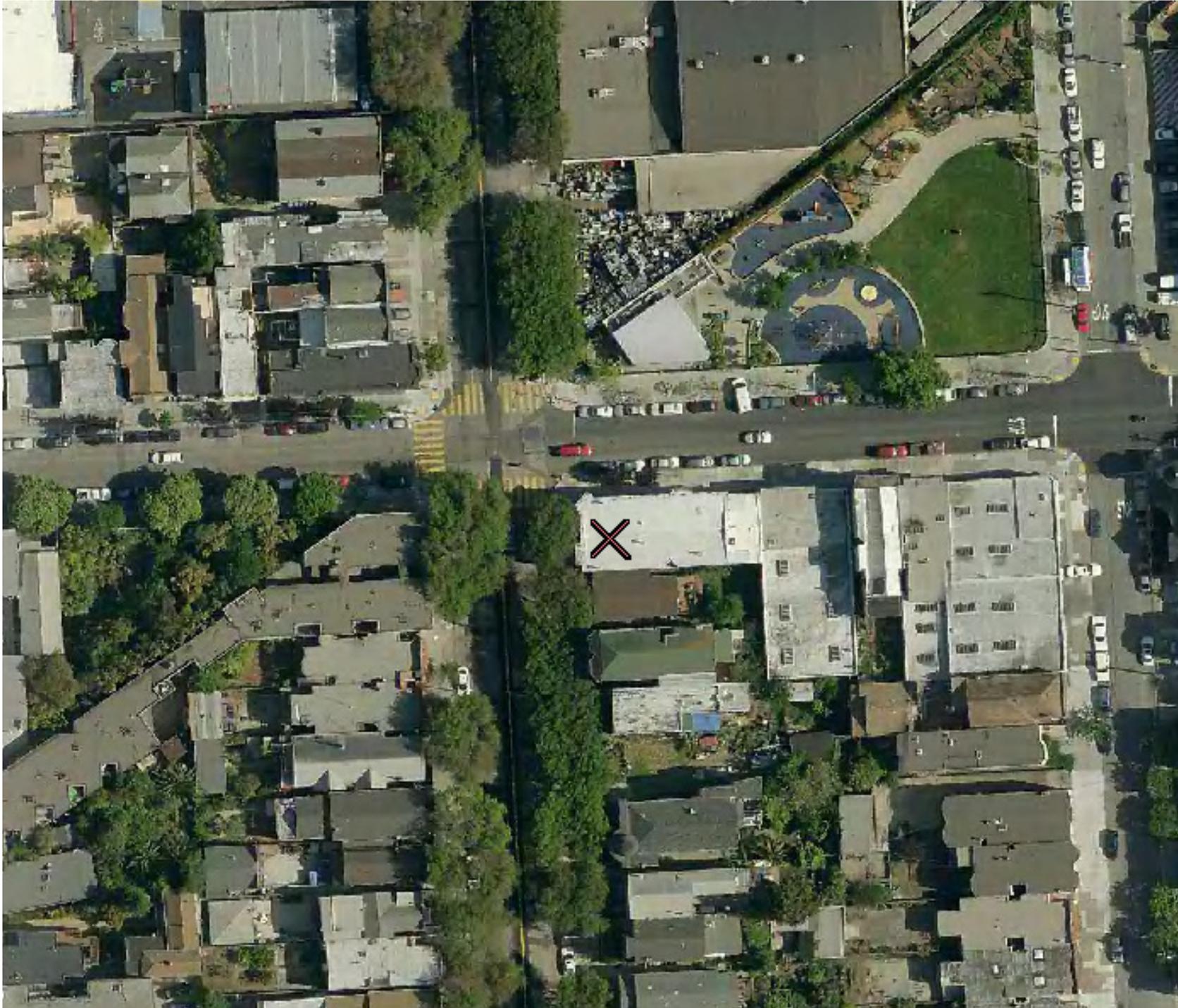


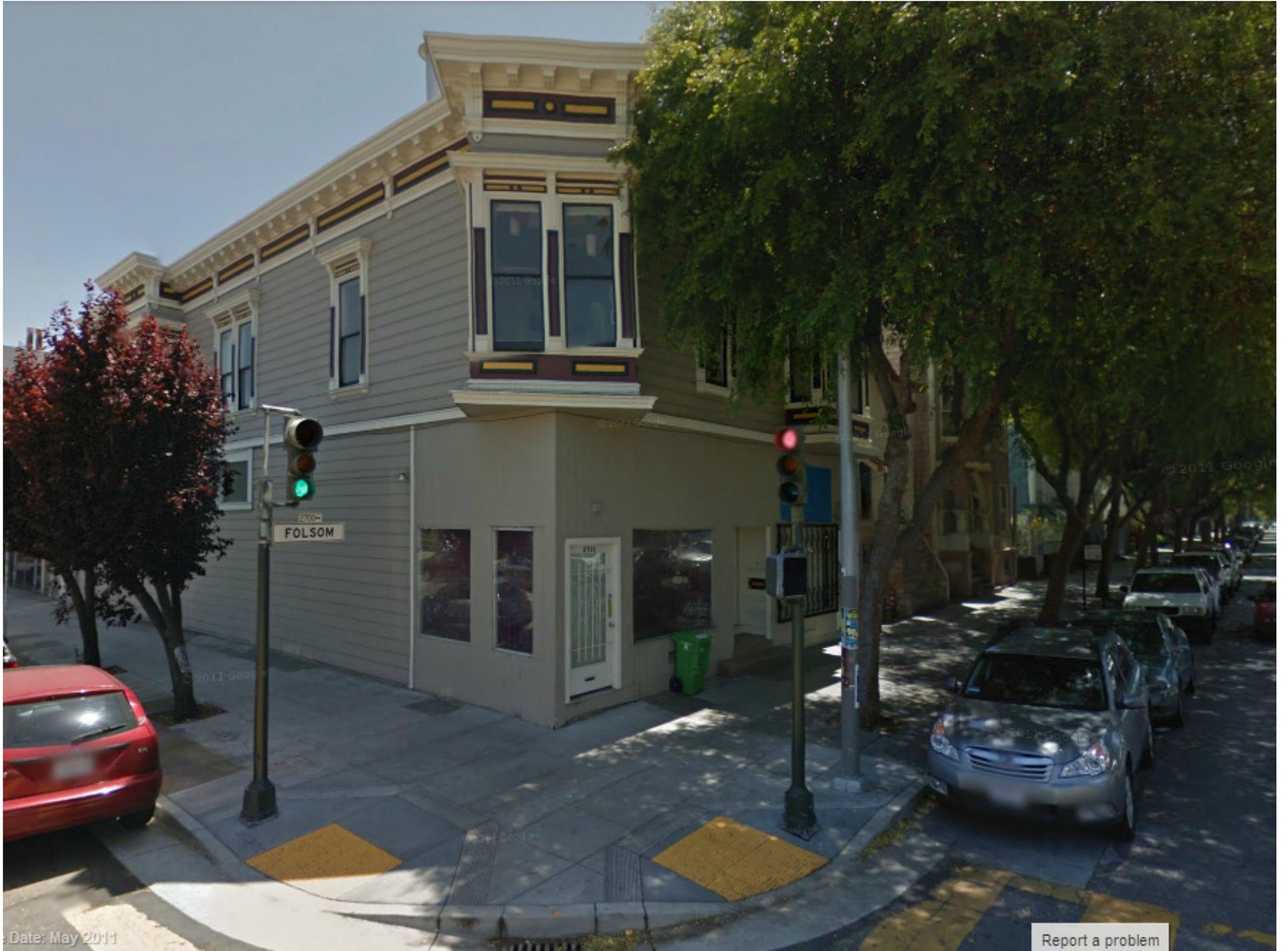
24TH

615

Scale of feet

ST.





2705 Folsom Street, San Francisco, United States
Address is approximate



Image Date: April 2011

Report a problem

s approximate



April 2011

[Report a problem](#)



Image Date: May 2011

Report a problem

23rd Street, San Francisco, United States
Address is approximate



Image Date: May 2011

Report a problem

13.0282 C



Tu.

Photo from corner of
Folsom + 23rd St.

13.0282 C



2701-2705 Folgom
Folgom St. Facade (West.)



13.0282 C

Existing
corner @ 2701 Folsom - will
be proposed ADA Entry

