

File No. 121219

Committee Item No. \_\_\_\_\_

Board Item No. 27

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee \_\_\_\_\_

Date \_\_\_\_\_

Board of Supervisors Meeting

Date January 15, 2013

#### Cmte Board

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|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Resolution                                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Budget Analyst Report                        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Analyst Report                   |
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| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Subcontract Budget                           |
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#### OTHER (Use back side if additional space is needed)

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| <input type="checkbox"/> | <input type="checkbox"/> | Planning Department's Response |
| <input type="checkbox"/> | <input type="checkbox"/> | Apellant's Letter              |
| <input type="checkbox"/> | <input type="checkbox"/> | _____                          |

Completed by: Robert Moyer

Date: January 10, 2013

Completed by: \_\_\_\_\_

Date \_\_\_\_\_

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

L de Lam  
273 Sagemore<sup>st.</sup>  
San Francisco, CA 94117  
Block 7148, Lot 12G

December 20<sup>th</sup>, 2012

Dear Sir/Madam:

I am writing to formally appeal the  
for building 1 Capitol ave (Block 7148, Lot 04C) for  
29 Lot Subdivisions for the following reasons:

- The ownership has changed
- The property plans have changed

I just became aware of this last night, 12/19/12 when  
I read the letter advising of the Approval of Tentative Map  
fr. the City & County of S.F. (dated 12/10/12) & ~~the~~ the  
letter from Habitat for Humanity.

I previously worked/corresponded with Dery Sephaler,  
partner/previous owner working on this project. He advised  
that the plan (at the time) would help improve the  
neighborhood by providing modern homes for families.  
This <sup>original</sup> project would include only a few units for  
low income families (i.e. not create an area that would  
diminish the neighborhood). Additionally the original plan

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2012 DEC 20 PM 4:47

would not affect my home as there would be plenty of space between my backyard and the ~~first~~ first lot (behind my home). ~~Deny the off~~  
Deny confided in me that he was having a lot of pushback from the neighborhood & asked if I could show support at their hearing at City Hall — if I did I & my family would be able to utilize some space behind our yard ~~(about an extra~~ (an extra few feet) in return as it would not affect their plans. I happily agreed & spoke at the hearing to show my support.

However, now ownership has changed & the plans have changed. ~~While there ~~seem~~ seems to be just a small change,~~ <sup>white</sup> ~~small change, but this change~~  
this directly affects my home (Lot 12G) as the new plans show a ~~receding~~ (receding?) wall lined right up against my fence — this is not what I originally approved. Additionally <sup>as the new owner,</sup> ~~the plans as~~ Habitat for Humanity is a non profit focused on providing housing for low income families/individuals. I & several of my neighbors <sup>(a ~~list~~ <sup>signed</sup> list can be provided as an addendum upon request)</sup> oppose this as it creates many concerns & is not part of the original plan. Lastly, as ownership changed & the plans changed I no longer have the extra space that Deny promised me from the original plan.

For these above stated reasons, I'd like to  
formerly appeal the plans for 1 Capital ave.  
~~I & my~~ My neighbors & I do not feel that  
this is a project that would be good for us  
as home owners nor do we feel that it would  
benefit the City of S.F. This project has not  
been transparent. Additionally we do not  
welcome "project homes" that lead to degraded  
home values & increased crime in our neighborhood.

Please accept my appeal & thank you  
for your time & consideration.

Sincerely,

~~Linda Lam~~



Linda Lam

neighbor & homeowner

(415) 401-5300

[linda.lam824@gmail.com](mailto:linda.lam824@gmail.com)

P.S. ① A signed list <sup>from</sup> my neighbors that  
agree to my appeal can be  
provided upon request.

② A copy of the two letters  
attached for ease of reference.



**Department of Public Works  
Office of the City and County Surveyor**

875 Stevenson Street, Room 410  
San Francisco, CA 94103

**Bruce R. Storrs, City and County Surveyor**

**Edwin M. Lee, Mayor**  
**Mohammed Nuru, Director**  
**Fuad S. Sweiss, PE, PLS,**  
City Engineer & Deputy Director of Engineering

Date: December 10, 2012

Approval of Tentative Map for

**29 Lot Subdivision**

Address	Block	Lot
1 CAPITOL AVE	7148	040

Dear Sir/Madam:

Lot: 126 vs. Lot 1 & 2

This is to advise you that based on our findings the City and County Surveyor has made his decision affirming the approval of the subject Tentative Map.

The City and County Surveyor, together with the Planning Department and Department of Building Inspection have reviewed the application for conformity with the General Plan, and with the requirements of the Subdivision Map Act, the San Francisco Subdivision Code and applicable regulations for the Tentative Map.

Subdivision Code Section 1314 provides that an appeal of the decision of the City and County Surveyor may be made to the Board of Supervisors, located at 1 Dr. Carlton B. Goodlett Place, Room 244, telephone number (415) 554-5184.

**Any such appeal must be filed in writing with the Clerk of the Board within ten (10) days of the date of this letter along with a check in the amount of \$284 made out to the Department of Public Works.**

The file for this project is available for viewing at the Office of the City and County Surveyor located at 875 Stevenson Street, Room 410 during regular business hours.

If you have any questions on this matter, please contact us at (415) 554-5827, or our email address: [subdivision.mapping@sfdpw.org](mailto:subdivision.mapping@sfdpw.org)

Sincerely,

Bruce R. Storrs, P.L.S.  
City and County Surveyor  
City and County of San Francisco



December 7, 2012

Dear Neighbor,

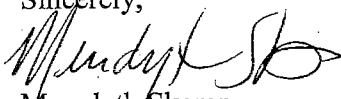
The purpose of this letter is to provide an update on our residential development located at One Capitol Avenue. As you may recall, the previous property owner obtained approvals to construct 28 single family homes on the lot behind the 200 block of Sagamore Street. In May of this year, Habitat for Humanity Greater San Francisco purchased the land with the approvals. We are now moving forward with plans to build 28 homeownership homes for working families.

This development will feature 28 three-story single family townhomes with 11 two-bedroom units and 17 three-bedroom units. The units include garages on the ground floor with one parking space per unit and a back yard. There will be two car share spaces to provide an incentive for people to use car share instead of owning a second car. These homes will also be GreenPoint Rated through Build It Green.

We are excited to begin site work this month. We will have workers on site beginning Monday, December 17th. This first phase of construction will include clearing out the site, installing temporary shoring, and excavating and re-compacting the soil. We anticipate that this work will be completed over the course of three months, pending any weather delays. Following this site work and upon receipt of our building permit, we will continue with vertical construction, currently expected to start next summer.

Should you have any questions or concerns regarding this development, please call me at (415) 625-1045 or email me at [mskemp@habitatgsf.org](mailto:mskemp@habitatgsf.org).

Sincerely,

  
Meredyth Skemp  
Project Manager

I hope to connect with you when our staff is on site next week. In the meantime, please call with any questions. Best,

1400

Meredyth

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

December 21, 2012

Mohammed Nuru, Director  
Department of Public Works  
City Hall, Room 348  
San Francisco, CA 94102

**File Number 121219**  
**Appeal of Tentative Final Map - 1 Capitol Avenue**  
**Lot No. 040 Assessor's Block No. 7148**  
**29-Lot Subdivision**

RECEIVED  
12 DEC 21 PM 2:48  
DEPT. PUBLIC WORKS  
DIRECTOR'S OFFICE

*NR*

Dear Director Nuru:

The Office of the Clerk of the Board is in receipt of an appeal filed by Linda Lam (copy attached), from the decision of the Department of Public Works dated December 10, 2012, affirming the approval of a Tentative Final Map for a 29-lot subdivision located at 1 Capitol Avenue.

By copy of this letter, the City Engineer's Office is advised the Board of Supervisors will have the appeal scheduled for public hearing on Tuesday, January 15, 2013, at 3:00 p.m.

Pursuant to Subdivision Code Section 1315, enclosed is a filing fee of \$284.00 paid by the appellant for deposit to your Subdivision Fund.

Sincerely,

A handwritten signature in cursive script that reads "Madeline Licavoli".

*for* Angela Calvillo  
Clerk of the Board

- c:
- Appellant, Linda Lam, 273 Sagamore Street, San Francisco, CA 94112
  - Property Owner, Habitat for Humanity Great San Francisco, Inc., 645 Harrison St., Ste. 201, San Francisco, CA 94107
  - Att: Meredyth Skemp, Project Manager
  - Jerry Sanguinetti, Manager, Department of Public Works-Bureau of Street Use and Mapping
  - Fuad Sweiss, City Engineer, Department of Public Works
  - Bruce Storrs, PLS, County Surveyor, Department of Public Works
  - Scott Sanchez, Zoning Administrator, Planning Department
  - AnMarie Rodgers, Planning Department
  - Jon Givner, Deputy City Attorney
  - John Malamut, Deputy City Attorney

Enclosures: 5

## Moyer, Robert

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**From:** Chan, Cheryl [Cheryl.Chan@sfdpw.org]  
**Sent:** Tuesday, January 08, 2013 9:21 AM  
**To:** Lamug, Joy  
**Cc:** Moyer, Robert  
**Subject:** RE: CHECKLIST - Tentative Final Map - 1 Capitol Avenue  
**Attachments:** 7341\_D. Application.pdf; 7341\_DCP Approval\_102412.pdf; PC Resolution 18084.pdf; PC Resolution 18085.pdf; 7341\_Tent.map.app\_121012.pdf(signed).pdf

Hi Joy,

Per your request, please see the attached documents.

Thank you,

### Cheryl Chan

Department of Public Works  
Bureau of Street-Use & Mapping  
875 Stevenson Street, Room 410  
San Francisco, CA 94103

Main: (415) 554-5827  
Direct: (415) 554-4885  
Fax: (415) 554-5324  
Email: [Cheryl.Chan@sfdpw.org](mailto:Cheryl.Chan@sfdpw.org)  
Website: [bsm.sfdpw.org](http://bsm.sfdpw.org)

*Please note that the DPW-BSM office will be moving to 1155 Market Street, 3rd Floor in late January 2013.*

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**From:** Lamug, Joy [<mailto:joy.lamug@sfgov.org>]  
**Sent:** Tuesday, January 08, 2013 9:14 AM  
**To:** Chan, Cheryl  
**Cc:** Moyer, Robert  
**Subject:** CHECKLIST - Tentative Final Map - 1 Capitol Avenue

Good Morning Cheryl,

Please find below the checklist for the above mentioned appeal.

- 1) Letter from Planning stating that the Parcel Map Application had been reviewed by the Zoning Administrator.
- 2) Property Information Report
- 3) Planning Commission's Action
- 4) County Surveyor's approval of the Parcel Map

Please email or call me if any questions.

Thank you in advance.

Joy Lamug  
Board of Supervisors-Clerk's Office



1 Dr. Carlton B. Goodlett Place,  
City Hall, Room 244  
San Francisco, CA 94102  
Phone: (415) 554-7712  
Email: [joy.lamug@sfgov.org](mailto:joy.lamug@sfgov.org)

### D. APPLICATION FOR PARCEL MAP / FINAL MAP SUBDIVISION

Property Address: One Capitol Avenue

Assessor's Block: 7148 Lot Number(s): 40

For DPW-BSM use only  
ID No.: 7041

Owner: <u>Habitat for Humanity Greater San Francisco, Inc.</u>			
Name:	<u>Meredyth Skemp</u>		
Address:	<u>645 Harrison St, Suite 201 SF, CA 94107</u>		
Phone:	<u>(415) 625-1045</u>	E-mail:	<u>mskemp@habitatgsf.org</u>
Person to be contacted concerning this project (if different from owner)			
Name:	<u>Same as above</u>		
Address:			
Phone:		E-mail:	
Firm or agent preparing the subdivision map: <u>Lea + Braze Engineering, Inc.</u>			
Name:	<u>Jim Toby</u>		
Address:	<u>2495 Industrial Parkway West Hayward CA 94545</u>		
Phone:	<u>(510) 887-4086 x109</u>	E-mail:	<u>jtoby@leabraze.com</u>
Subdivider: (if different from owner)			
Name:			
Address:			

Existing number of lots: 1 Proposed number of lots: 29

This subdivision results in an airspace:  No  Yes (shown on Tentative Map)

STATE OF CALIFORNIA  
CITY AND COUNTY OF SAN FRANCISCO

I (We) Habitat for Humanity Greater San Francisco  
(Print Subdivider's Name in full)

declare, under penalty of perjury, that I am (we are) the owner(s) [authorized agent of the owner(s)] of the property that is the subject of this application, that the statements herein and in the attached exhibits present the information required for this application, and the information presented is true and correct to the best of my (our) knowledge and belief.

Date: 8/16/2012 Signed: Meredyth Skemp

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

12 AUG 20 2012 1:11



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

## Appeal of Tentative Parcel Map 1 Capitol Avenue

**DATE:** January 7, 2013

**TO:** Angela Calvillo, Clerk of the Board of Supervisors

**FROM:** AnMarie Rodgers, Manager of Legislative Affairs – Planning (415) 558-6395  
Aaron Hollister, Case Planner – Planning Department (415) 575-9078

**RE:** Board File No. 12-1219, Planning Case No. 2009.0112S –  
Appeal of the Tentative Parcel Map for 1 Capitol Avenue

**HEARING DATE:** January 15, 2013

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

**ATTACHMENTS:**

- A. Planning Department Transmittal Letter to the Clerk of the Board for the Zoning Map Reclassification, dated May 17, 2010. Includes the following attachments:
  - i. Planning Commission Resolution Number 18085 (Zoning Reclassification)
  - ii. Planning Commission Motion Number 18084 (PUD Approval)
  - iii. Planning Commission Executive Summary
  - iv. Exhibits (including pictures)
- B. Subdivision Referral from Department of Public Works to the Planning Department. Includes the following attachments:
  - i. Proposition "M" Findings that the project is in conformity with the Eight Priority General Plan Policies

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2013 JAN -8 AM 8:10

**PROJECT SPONSOR:** Habitat for Humanity, 645 Harrison Street, Suite 201, San Francisco, CA 94107

**APPELLANT:** Linda Lam, 273 Sagamore Street, San Francisco, CA 94112

**INTRODUCTION:**

This memorandum and the attached documents are in response to the letter of appeal ("Appeal Letter") to the Board of Supervisors (the "Board") regarding the Department of Public Works ("DPW") December 10, 2012 approval of a Tentative Parcel Map for a 29 unit (28 lots residential, each with single-family dwellings and 1 lot for vehicular access to the dwellings) condominium project consisting of 28 new single-family dwellings with 28 off-street parking spaces on the currently vacant Assessors Block 7148 Lot 040. The application was filed with DPW on August 20, 2012 and referred to the Planning Department (the "Department") for review on September 25, 2012. Recommendation for approval by the Department was made on October 19, 2012 and issued by DPW on December 10, 2012. The Appeal Letter to the Board was filed on December 20, 2012 by Linda Lam, neighbor, and referenced the proposed project in Case No. 2009.0112S.

The decision before the Board is whether to uphold or overturn the Tentative Parcel Map approval.

## SURROUNDING PROPERTIES AND NEIGHBORHOOD

The area surrounding the subject property is residential in character, with the exception of the I-280 Freeway, which abuts the property to the south, and the San Francisco Fire Station No. 33, which abuts the property to the east. The surrounding residential development consists of predominantly low-density, two-story, single-family dwellings, zoned RH-1 (Residential, House; One-Family). To the north of the subject property are 32 private lots that front Sagamore Street; they are zoned RH-1 and have an average depth of approximately 85 feet. The subject property is located in the Ocean View Neighborhood.

## BACKGROUND:

### *2009-2010 – Applications for Development filed*

On February 12, 2009, an Environmental Evaluation Initial Study was filed to the Planning Department. The Planning Department determined that a Mitigated Negative Declaration (“Mitigated Neg Dec”) was required for the proposed project, and provided public notice.

On January 28, 2010, the Project Sponsor submitted a letter to the Planning Director requesting to rezone the Subject Property from P (Public) to RH-1 (Residential House, One-Family), in order to create 28 lots with 28 single-family dwellings as part of a Planned Unit Development (hereinafter “PUD”) on an approximately 43,077 square-foot site (Lot. 040 in Assessor’s Block 7148) at One Capitol Avenue (hereinafter “Subject Property”).

On January 28, 2010, the Project Sponsor filed an application with the Department for Conditional Use Authorization under Planning Code Sections 303 and 304, to authorize a Planned Unit Development (PUD) on the Subject Property, that includes the creation of 28 lots with a total of 28 single-family dwellings – including four on-site affordable dwelling-units – and 42 parking spaces (including one car share space) in an RH-1 (Residential, House – One Family) District and 40-X Height and Bulk District. The PUD includes modifications to the lot size and width (Section 121), to the rear yard (Section 134) and usable open space (Section 135) configurations, and to the dwelling-unit exposure (Section 140) (Case No. 2009.0112CZ; collectively, hereinafter “Project”).

### *2010 – Planning Commission approves Conditional Use Authorization, Planned Unit Development Authorization, CEQA Findings, and General Plan Consistency*

On March 8, 2010, the Planning Department issued a Final Mitigated Neg Dec, finding that the proposed project could not have a significant effect on the environment. This finding, pursuant to the California Environmental Quality Act (“CEQA”) review procedures, is described in the determination contained in the Planning Department files for this project.

On May 13, 2010, the San Francisco Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed project. At that time, the proposed development would total approximately 53,400 square feet and would subdivide the existing vacant 43,077 square foot parcel into 28 parcels with lot sizes ranging from 942 to 3,317 square feet. Each of the resulting 28 parcels would grant an easement from a common 20-foot-wide one-way westbound driveway connecting Capitol

Avenue to Alemany Boulevard that would provide vehicular and pedestrian access to each unit. The common drive would be designed in such a way that it would act as common usable open space for occupants of this development. The 28 new two-and-three-story single-family detached dwellings would range in size from approximately 1,450 to 2,330 square feet. The development would include 22 two-bedroom dwelling units, and 6 three-bedroom dwelling units. Four of the dwelling units would be on-site affordable dwelling units. Twenty-eight parking spaces would be provided for the residential units and two parking spaces would be provided for car-sharing services.

On May 13, 2010, the Planning Commission reviewed and considered the Final Mitigated Negative Declaration (FMND) and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31").

At that same hearing, the Planning Commission authorized a Planned Unit Development for the Project and recommended approval of the Zoning Map Amendment to the Board of Supervisors and found the project conforming with the General Plan.

#### *2010 – Board of Supervisors hearing on the Zoning Map Amendment*

On August 3, 2010, the San Francisco Board of Supervisors finally approved the related Zoning Map Amendment to rezone the property from "P" (Public) to "RH-1" (residential, House, One-Family). Mayor Edwin Lee signed this ordinance into law on August 12, 2010.

#### **APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES:**

The Appellant for the Appeal of the Tentative Parcel Map raises issues that may be summarized as following.

1. **The Ownership and Project Have Changed.** The ownership of the property is irrelevant to the Planning Department and Commission review. The revised project must stay within the bounds of the Commission approval. In this case, the revised project not only stays within the bounds but also the overall building footprint has been slightly reduced. Further, the project exceeds the Commission requires with regards to affordability. The Commission's approvals required at least 15% of the units to be subject to Planning Code Requirements for Inclusionary Affordable Housing as regulated by Planning Code Section 415. In this case the new owner, Habitat for Humanity will be providing all 28 units as affordable home-ownership units to those making between 50-80% of AMI.

The Department will be attending the Board hearing and can provide additional details as requested at that time.

#### **CONCLUSION:**

In the Commission's authorization of the Conditional Use and the Planned Unit Development, the Planning Commission found the project to be necessary, desirable and well designed. The project is

necessary to create much needed affordable housing for the City. The Project's use, size, density, height, and architecture are compatible with the surrounding RH-1 zoning and single-family character of the neighborhood. Most of surrounding single-family dwellings are under 40 feet in height and are modest in size, similar to the Project. The Project maximizes the use of the irregular-shaped parcel by developing single-family homes closer to the freeway while minimizing negative impacts on the Project's residents and on the neighboring properties on Sagamore Street. The currently vacant site is a long narrow, irregularly shaped parcel that has limited street frontage due to its location next to the elevated I-280 Freeway. Given this constraint, the Project is designed to be both compact and to provide noise buffering for the new homes from the adjacent freeway traffic and visual buffering from the existing homes on Sagamore Street to mitigate privacy concerns. The Project achieves this by clustering the homes along the southern portion of the site, reserving the northern portion of the mews for landscaped common open space.

The proposed configuration also maintains a height, density and development pattern that match that of the surrounding neighborhood. The new buildings will have features similar to the single-family homes on the block and elsewhere in the neighborhood. The Project generally complies with the applicable sections of the Code, with certain modifications. The residential density is permitted within the RH-1 Zoning District, and the height and bulk of the Project are consistent with the 40-X Height and Bulk District. The purpose of the PUD process is to allow well-designed development on larger sites to request modifications from the strict requirements of the Planning Code, provided that the project generally meets the intent of these Planning Code requirements and will not adversely affect the General Plan.

Considered as a whole, the Project would add affordable family housing in the Ocean View neighborhood. The changes made by the new project sponsor, Habitat for Humanity, increase the benefits of this project. The Project Site is well-served by transit and in close proximity to commercial services, which allows residents to commute, shop, and reach amenities by transit and bicycling, rather than being solely dependent on private automobile usage. The Project includes a mix of units in a range of sizes. This mix of units with the inclusion of on-site affordable housing will ensure that the Project will serve a diversity of household sizes and people with varied housing needs.

The Board in Motion 10-220 affirmed that the Commission's findings and incorporated into its findings into the Board's own approval, the additional information contained in this response regarding how the Project is on balance consistent with the General Plan.

For the reasons stated above, the Planning Department recommends that the Board uphold the Department of Public Work's decision in approving the Tentative Parcel Map for 1 Capitol and deny the Appellant's request for appeal.



# SAN FRANCISCO PLANNING DEPARTMENT

May 17, 2010

Ms. Angela Calvillo, Clerk  
Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Re: Transmittal of Planning Case No. 2009.0112CZ  
One Capitol Avenue—Map Amendment to reclassify the Property from P to RH-1  
Planning Commission Recommendation: *Approval*

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

Dear Ms. Calvillo:

On May 13, 2010, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance.


The proposed Ordinance would amend Sheet ZN12 of the Zoning Map of the City and County of San Francisco to change the zoning classification of the Property located at One Capitol Avenue, Assessor's Block 7148, Lot No. 040, from P (Public) to RH-1 (Residential, House; One-Family). Although the Property is zoned for Public use, it was surplus Caltrans property and transferred to a private property owner in 1979. It is not a City surplus sale.

The proposed Ordinance – in conjunction with the associated Planned Unit Development – was issued a Final Mitigated Negative Declaration on March 8, 2010. The Mitigated Negative Declaration was not appealed.

At the May 13<sup>th</sup> hearing, the Commission adopted Resolution Number 18085 with a *recommendation of approval to the Board of Supervisors* for the zoning reclassification at the Subject Property.

Please find attached documents relating to the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

  
John Bahaim  
Director of Planning

cc: Supervisor Avalos

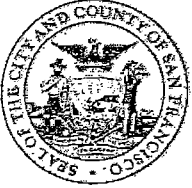
Attachments (one original and four copies of each of the following)

Planning Commission Resolution Number 18085

Planning Commission Executive Summary

Planning Commission Motion Number 18084 (Planned Unit Development Approval)

Exhibits



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Resolution No. 18085

HEARING DATE: MAY 13 2010

*Date:* May 6, 2010  
*Case No.:* 2009.0112CZ  
*Project Address:* One Capitol Avenue  
*Zoning:* P (Public)  
*Proposed Zoning:* RH-1 (Residential, House: One-Family)  
*Height/Bulk:* 40-X  
*Block/Lot:* 7148/040  
*Project Sponsor:* Deny Sepaher, Birch Tree Properties, LLC  
4061 East Castro Valley Boulevard, Suite 502  
Castro Valley, CA 94552  
*Staff Contact:* Elizabeth Watty – (415) 558-6620  
[Elizabeth.Watty@sfgov.org](mailto:Elizabeth.Watty@sfgov.org)

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

RESOLUTION OF THE PLANNING COMMISSION TO ADOPT FINDINGS RECOMMENDING THAT THE BOARD OF SUPERVISORS AMEND SHEET ZN12 OF THE ZONING MAP OF THE CITY AND COUNTY OF SAN FRANCISCO TO RECLASSIFY ONE CAPITOL AVENUE, BEING ALL OF LOT 040 IN ASSESSOR'S BLOCK 7148, FROM P (PUBLIC) TO RH-1 (RESIDENTIAL, HOUSE: ONE-FAMILY), TO FACILITATE THE DEVELOPMENT OF 28 SINGLE-FAMILY DWELLINGS ON 28 NEW LOTS INCLUDING 4 AFFORDABLE DWELLING UNITS, 41 OFF-STREET PARKING SPACES, AND 1 CAR SHARE PARKING SPACE; AND TO MAKE AND ADOPT ENVIRONMENTAL FINDINGS AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.

WHEREAS, On February 12, 2009, Deny Sepaher of Birch Tree Properties, LLC (hereinafter "Project Sponsor"), submitted an Environmental Evaluation Application with the Planning Department (hereinafter "Department"), Case No. 2009.0112E.

On January 27, 2010 the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared and published for public review; and

The Draft IS/MND was available for public comment until February 16, 2010; and

On May 13, 2010, the Planning Commission reviewed and considered the Final Mitigated Negative Declaration (FMND) and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and



The Planning Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Planning Department and the Planning Commission, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

The Planning Department, Linda Avery, is the custodian of records, located in the File for Case No.2009.0112E at 1650 Mission Street, Fourth Floor, San Francisco, California.

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

On January 28, 2010, the Project Sponsor submitted a letter to the Planning Director requesting to rezone the Subject Property from P (Public) to RH-1 (Residential House: One-Family), in order to create 28 lots with 28 single-family dwellings and 42 parking spaces as part of a Planned Unit Development (hereinafter "PUD") on an approximately 43,077 square-foot site (Lot 040 in Assessor's Block 7148) at One Capitol Avenue (hereinafter "Subject Property").

On January 28, 2010, the Project Sponsor filed an application with the Department for Conditional Use Authorization under Planning Code Sections 303 and 304, to authorize a Planned Unit Development (PUD) on the Subject Property, that includes the creation of 28 lots with a total of 28 single-family dwellings - including four on-site affordable dwelling-units - and 42 parking spaces (including one car share space) in an RH-1 (Residential, House - One Family) District and 40-X Height and Bulk District. The PUD includes modifications to the lot size and width (Section 121), and to the rear yard (Section 134) and usable open space (Section 135) configurations (Case No. 2009.0112CZ; collectively, hereinafter "Project").

The San Francisco Planning Commission (hereinafter, "Commission") held a duly noticed public hearing at a regularly scheduled meeting on Case No.2009.0112CZ on May 13, 2010. At that hearing, after hearing and considering the testimony presented to it and after further considering written materials and oral testimony presented on behalf of the Project Sponsor, Department staff, and other interested parties, the Planning Commission recommended approval of the Zoning Map Amendment to the Board of Supervisors to enable the development of the lot with 28 single-family dwellings as part of a Planned Unit Development.

At that same hearing, the Planning Commission authorized a Planned Unit Development for the Project.

The Map Amendment and the Project will affirmatively promote the Objectives and Policies of the General Plan for the reasons set forth in Section 9 of Planning Commission Motion No. 18084, which authorized the Project as a Planned Unit Development.

The Department received a petition endorsing the Project from eight neighbors, and two letters of support: one from the Housing Action Coalition and from the OMI Neighbors in Action. The Department has received opposition from three people, with concerns including but not limited to public safety, parking demand, density, and increased traffic.

The proposal will promote the following relevant objectives and policies of the General Plan:

**HOUSING ELEMENT:**

**Objectives and Policies**

**OBJECTIVE**

**1**

**TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND.**

**Policy 1.4:**

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

**Policy 1.5:**

Support development of affordable housing on surplus public lands.

*The Project is an in-fill development with four on-site affordable dwelling-units on a vacant parcel of land in an established residential neighborhood. The Project Site is zoned P (Public), but as part of this Project will be rezoned to RH-1 (Residential, House: One-Family). The Property was previously owned and used by CalTrans during the construction of the I-280 Freeway, and in 1979, CalTrans sold this surplus property to the Project Sponsor's family.*

**OBJECTIVE 4**

**SUPPORT AFFORDABLE HOUSING PRODUCTION BY INCREASING SITE AVAILABILITY AND CAPACITY.**

**Policy 4.1:**

Actively identify and pursue opportunity sites for permanently affordable housing.

**Policy 4.2:**

Include affordable units in larger housing projects.

**Policy 4.6:**

Support a greater range of housing types and building techniques to promote more economical housing construction and potentially achieve greater affordable housing production.

*The Subject Property is an underutilized, vacant site that is suitable for an in-fill housing development, including four permanently-affordable on-site dwelling-units. The nature and configuration of the Planned Unit Development results in 28 single-family homes that are "affordable by design" in that they are relatively small in size with efficient floor plans.*

**OBJECTIVE 8**

**ENSURE EQUAL ACCESS TO HOUSING OPPORTUNITIES**

**Policy 8.4:**

Encourage greater economic integration within housing projects and throughout San Francisco.

**Policy 8.7:**

Eliminate discrimination against households with children

**Policy 8.9:**

Encourage the provision of new home ownership opportunities through new construction so that increased owner occupancy does not diminish the supply of rental housing.

*The Project provides new family-sized dwelling-units with a variety of floor plans to meet the diverse needs of San Francisco's population. It will contain 28 new single-family homes suitable for families with children. The Project will not diminish the supply of rental housing in that it will be built on an unutilized vacant parcel of land.*

**Policy 11.10**

Include energy efficient features in new residential development and encourage weatherization in existing housing to reduce overall housing costs and the long-range cost of maintenance.

*According to the Project Sponsor, the proposed new residences are being designed with long-term environmental sustainability in mind. The techniques being adopted to support this goal will augment the new homes' energy efficiency, water efficiency, and community benefits, while lowering the overall carbon footprint as compared to standard construction methods.*

*Since water consumption is one of the key environmental issues, the design of these homes will incorporate the "Best Management Practices" and "Storm Water Design Guidelines" as recommended by the San Francisco PLIC. In accordance with these recommendations, a signature design feature will be the landscaped drive aisle or mews. This mews will be designed to function as a space for gathering and recreation for the residents that will feature pavers that reduce the impervious surfaces as compared to standard asphalt paving. This will allow more rainfall to soak into the ground, and reduce the volume and intensity of storm water runoff, ultimately reducing flows that end up in the receiving waters. Also using permeable surfaces will reduce the heat island effect caused by usage of surface materials that are effective heat retainers like an asphalt or pored concrete.*

*For the landscaping, sustainable design techniques will be incorporated into the planning of the open spaces. The vegetated component of this mews will incorporate native plants, low water and drought resistant species. To further reduce water consumption, the Project Sponsor intends to introduce drip system irrigation on an irrigation controller that is tied to the weather stations to make the irrigation as efficient as possible.*

*The 28 new single-family dwellings are being designed with the intent to exceed San Francisco's Green Building Ordinance. For 2009, the minimum GreenPoints for new residential projects over 5 units is 25. Currently the project qualifies for 70 points as defined by the GreenPoint Rating System and will attempt to meet the criteria for a GreenPoint Rating. The Project is also expected to exceed CA Title 24 energy criteria by 15%.*

*To create a healthier indoor environment and reduce overall resource consumption, the Project will include low VOC (Volatile Organic Compound) finishes, ENERGY STAR rated fixtures, and low flow water closets. Whenever possible, recycled content material will be utilized in lieu of virgin materials.*

*Lastly, although not required by Code, one parking space has been incorporated into the site plan for car share use, which will reduce the need for parking on site and contribute to a lesser traffic overall.*

## TRANSPORTATION ELEMENT:

### Objectives and Policies

#### OBJECTIVE 2

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

#### Policy 2.2

Reduce pollution, noise and energy consumption.

*The Project is designed to help buffer and reduce the noise generated by the I-280 Freeway that currently impacts the residences on Sagamore Street. The reduction provided by the Project would be up to an additional six decibels, which is considered to be a "noticeable" reduction in noise by people of normal sensitivity. Exhibit A includes a diagram that indicates a reduction in freeway noise as a result of this Project.*

*The Project also serves the City's "Transit First" policy because the site is well-served by public transportation options and is thus a good location for new development. The site is located in close proximity to the 14, 14L, 14X, and 54 bus lines, the 88 BART Shuttle, the M light rail line, and the Daly City BART Station. Additionally, the Project includes one car share parking space that will be accessible to the surrounding community.*

#### OBJECTIVE 11

ESTABLISH PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.

#### Policy 11.3

Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well as mitigate traffic problems.

*The Project's is located in proximity to existing transit service and will provide a car share parking space on-site.*

#### OBJECTIVE 24

IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

**Policy 24.2**

Maintain and expand the planting of street trees and the infrastructure to support them.

**Policy 24.5**

Where consistent with transportation needs, transform streets and alleys into neighborhood-serving open space or "living streets", especially in neighborhoods deficient in open space.

*The Project includes the addition of seven new street trees, including street trees along Sagamore Street that are not required as part of this Project. The proposed mews will act as a living street, in that it will include pervious pavers and landscaping to act as a drive aisle as well as common usable open space for the occupants of the development.*

**OBJECTIVE 26**

**CONSIDER THE SIDEWALK AREA AS AN IMPROTANT ELEMENT IN THE CITYWIDE OPEN SPACE SYSTEM.**

**Policy 26.1**

Retain streets and alleys not required for traffic, or portions thereof, for through pedestrian circulation and open space use.

*The proposed mews is designed to act as pedestrian open space and will allow for quality pedestrian circulation when not being used for vehicular access.*

**OBJECTIVE 27**

**ENSURE THAT BICYCLES CAN BE USED SAFELY AND CONVENIENTLY AS A PRIMARY MEANS OF TRANSPORTATION, AS WELL AS FOR RECREATIONAL PURPOSES.**

**Policy 27.5**

Make available bicycle route and commuter information and encourage increased use of bicycle transportation.

*The inclusion of private bicycle parking within each new single-family dwelling aids in the convenient use of bicycling as a means of transportation and for recreational use.*

**OBJECTIVE 28**

**PROVIDE SECURE AND CONVENIENT PARKING FACILITEIS FOR BICYCLES.**

**Policy 28.1:**

Provide secure bicycle parking in new governmental, commercial, and residential developments.

**Policy 28.3:**

Provide parking facilities which are safe, secure, and convenient.

*Two dedicated bicycle parking spaces are provided within the garages of each of the 28 new single-family dwellings, for a total of 56 secure bicycle parking spaces. This Project exceeds the Code-requirement of 14 bicycle parking spaces by a multiplier of four.*

**OBJECTIVE 34**

**RELATE THE AMOUNT OF PARKING IN RESIDENTIAL AREAS AND NEIGHBORHOOD COMMERCIAL DISTRICTS TO THE CAPACITY OF THE CITY'S STREET SYSTEM AND LAND USE PATTERNS.**

**Policy 34.1:**

Regulate off-street parking in new housing so as to guarantee needed spaces without requiring excesses and to encourage low auto ownership in neighborhoods that are well served by transit and are convenient to neighborhood shopping.

*The required parking for the RH-1 District is one parking space per unit, with an allowance to have up to three parking spaces as an accessory use (i.e. a 3:1 ratio). The Project includes a total of 41 off-street parking spaces and one unenclosed car share parking space. Fifteen of the 2-bedroom units would have one off-street parking space, seven of the 2-bedroom units would have two off-street parking spaces, and all of the 3-bedroom units would have two off-street parking spaces, for an overall Project parking ratio of 1.5:1. This parking layout is consistent with the City's efforts to relate parking to unit size as well as density. The on-site parking should adequately accommodate the needs of future residents, as the larger units all have two off-street parking spaces, while some of the two-bedroom units only have one off-street parking space. The second parking space in the three-bedroom units should help to mitigate the lack of on-street parking available for this Project. Furthermore, due to the configuration of this Project, there will be no immediately adjacent street parking available to any of the occupants of the Project.*

**URBAN DESIGN ELEMENT:**

**Objectives and Policies**

**OBJECTIVE 1**

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

**Policy 1.3:**

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

*The proposed development is consistent with the scale and density in the surrounding neighborhood, in that the buildings range from two-to-three-stories in height and are single-family dwellings. There are 28 proposed dwellings that span the full block width from Capitol to Alemany; this is compatible with the 26 dwellings that span the same width as the Project Site and front Sagamore Street.*

**OBJECTIVE 3**

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

**Policy 3.1:**

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

**Policy 3.2:**

Avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.

**Policy 3.5:**

Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development.

*The Project will promote harmony by visually relating the 28 two-and-three-story single-family dwellings to the buildings in the neighborhood, which are predominantly two-story single family dwellings. The Project's height, massing, scale, materiality, and overall character have been designed to be respectful to and consistent with the surrounding buildings. The mews provides a rear yard-like functionality to the adjacent properties' rear yards, adding greater distance and privacy between the new dwellings and the existing dwellings that front Sagamore Street. The new construction will greatly enhance the character of the existing site and neighborhood.*

**OBJECTIVE 4**

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

**Policy 4.1:**

Protect residential areas from the noise, pollution and physical danger of excessive traffic.

**Policy 4.10:**

Encourage or require the provision of recreation space in private development.

**Policy 4.11:**

Make use of street space and other unused public areas for recreation, particularly in dense neighborhoods, such as those close to downtown, where land for traditional open spaces is more difficult to assemble.

**Policy 4.12:**

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

**Policy 4.13:**

Improve pedestrian areas by providing human scale and interest.

**Policy 4.15:**

Protect the livability and character of residential properties from the intrusion of incompatible new buildings.

*Due to the Project Site's undeveloped nature, there is currently no buffer to the noise produced by the I-280 Freeway. The Project will permanently reduce the noise by up to six decibels, which will be a*

*noticeable reduction in noise for the existing residents along Sagamore Street. The construction of the Project will also help to improve safety in the neighborhood by converting a currently vacant lot into a continuation of the surrounding low density neighborhood.*

*The proposed Project includes an abundance of landscaping throughout the property, along with seven new trees on public property (four on Capitol Avenue and three on Alemany). The mews will be designed to provide to allow for its shared use by pedestrians and vehicles, by incorporating landscaping and distinctive pervious paving. The mews will function as a drive aisle for vehicular access as well as a shared open space for the recreational use of development's residents.*

*The new buildings are compatible in scale, density, and materiality with the established neighborhood character.*

## RECREATION AND OPEN SPACE ELEMENT:

### Objectives and Policies

#### OBJECTIVE 4

#### PROVIDE OPPORTUNITIES FOR RECREATION AND THE ENJOYMENT OF OPEN SPACE IN EVERY SAN FRANCISCO NEIGHBORHOOD.

##### Policy 4.2:

Maximize joint use of other properties and facilities.

##### Policy 4.5:

Require private usable outdoor open space in new residential development.

*The use of the mews as open space allows for a large outdoor recreation space that is directly accessible to the occupants of the Project. This open space is of a size that enables greater flexibility in how it is used than the standard private open space requirement of 300 square feet per unit. It also adds to the development's sense of community.*

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code 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.

*No existing neighborhood serving uses would be displaced as the Property is currently vacant. By increasing the number of people who live in the neighborhood, the Project increases the opportunities for resident employment in and ownership of neighborhood businesses*

- 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 would be a benefit to the neighborhood character, by constructing new single-family dwellings that are consistent with the existing height, density, and general architectural style*



*of the surrounding neighborhood. By providing on-site affordable dwelling-units, along with modestly-sized family housing, the Project would preserve and foster the cultural and economic diversity of the neighborhood.*

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

*The proposed Project would enhance the City's supply of affordable housing by including 4 on-site affordable dwelling-units within the Project.*

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

*The Project would provide 41 off-street parking spaces within private garages for a 1.5:1 parking ratio, along with one car-share space available to the community. The on-site parking should adequately accommodate the needs of future residents, as the larger units all have two off-street parking spaces, while some of the two-bedroom units only have one off-street parking space. The second parking space in the three-bedroom units should help to mitigate the lack of on-street parking available for this Project. The Project site is also well served by public transportation—it is within close proximity of the 14, 14L, 14X, and 54 bus lines, the 88 BART Shuttle, the M-light rail line, and the Daly City BART Station. Overall, the construction of 28 new single-family dwellings with 41 off-street parking spaces will not impede MUNI transit service or overburden the streets or neighborhood parking.*

- 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 does not propose any office development, and will not displace any industrial or service uses. The Project should enhance future opportunities for resident employment by providing additional residents to the Ocean View Neighborhood.*

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

*The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code.*

- G. That landmarks and historic buildings be preserved. There are no landmarks or historic buildings on, or associated with, the Project site.

*The Property is vacant; there are no landmarks or historic buildings on or associated with the Project Site.*

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

*The Project would not cast a shadow on any existing parks or recreation facilities or obscure the vista from any park.*

- I. 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.

The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

Further, for the foregoing reasons and based on the facts presented, the Commission finds, pursuant to Section 302, that the public necessity, convenience, and general welfare require the adoption of this legislation.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board of Supervisors ADOPT the proposed Ordinance.

I hereby certify that the foregoing Resolution was ADOPTED by the Planning Commission on May 13, 2010.

Linda D. Avery

Commission Secretary

AYES: Commissioners Antonini, Borden, Lee, Miguel, Moore, Sugaya

NAYS: Commissioner Olague

ABSENT:

ADOPTED: May 13, 2010



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use Authorization & Map Amendment HEARING DATE: MAY 13, 2010

*Date:* May 6, 2010  
*Case No.:* 2009.0112CZ  
*Project Address:* One Capitol Avenue  
*Zoning:* P (Public)  
*Proposed Zoning:* RH-1 (Residential, House, One-Family)  
*Height/Bulk:* 40-X  
*Block/Lot:* 7148/040  
*Project Sponsor:* Deny Sepaher  
Birch Tree Properties, LLC  
4061 East Castro Valley Boulevard, Suite 502  
Castro Valley, CA 94552  
*Staff Contact:* Elizabeth Watty – (415) 558-6620  
[Elizabeth.Watty@sfgov.org](mailto:Elizabeth.Watty@sfgov.org)  
*Recommendation:* Approval with Conditions

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### PROJECT DESCRIPTION

The Project seeks Conditional Use Authorization, pursuant to Planning Code Sections 303 and 304, to authorize a Planned Unit Development (PUD) on a vacant lot measuring approximately one acre in size, that includes the creation of 28 lots with a total of 28 single-family dwellings and 41 off-street parking spaces, and one car share space in an RH-1 Zoning District and 40-X Height and Bulk District.

The proposed development would total approximately 53,400 square feet and would subdivide the existing vacant 43,077 square foot parcel into 28 parcels with lot sizes ranging from 942 to 3,317 square feet. Each of the resulting 28 parcels would grant an easement from a common 20-foot-wide one-way westbound driveway connecting Capitol Avenue to Alemany Boulevard that would provide vehicular and pedestrian access to each unit. The common drive would be designed in such a way that it would act as common usable open space for occupants of this development. The 28 new two-and-three-story single-family detached dwellings would range in size from approximately 1,450 to 2,330 square feet. The development would include 22 two-bedroom dwelling units, and 6 three-bedroom dwelling units. Four of the dwelling units would be on-site affordable dwelling units.

This Project includes modifications to the lot size and width (Section 121), rear yard (Section 134), usable open space (Section 135), and dwelling-unit exposure (Section 140).

The Project also seeks a Zoning Map Amendment to change the existing zoning from P (Public) to RH-1 (Residential, House; One-Family). Although the property is zoned for public use it has been privately held since 1979, when CalTrans transferred the property to the Project Sponsor's family.

**SITE DESCRIPTION AND PRESENT USE**

The Project Site is located at One Capitol Avenue, between Capitol Avenue to the east and Alemany Boulevard to the west, and Sagamore Street to the north and parallel to Interstate 280 Freeway to the south; Block 7148, Lot 040, within the RH-1 (Residential, House: One-Family) District and 40-X Height and Bulk District. The site is a relatively flat, irregularly-shaped undeveloped through lot that extends from Alemany Boulevard to Capitol Avenue.

The Subject Property is currently zoned "P", for Public Use, but is undeveloped and privately owned. The Property was surplus Caltrans property, used during the construction of the adjacent Interstate (I-280) freeway and was sold to the Project Sponsor's family in 1979.

**SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The area surrounding the subject property is residential in character, with the exception of the I-280 Freeway, which abuts the property to the south, and the San Francisco Fire Station No. 33, which abuts the property to the east. The surrounding residential development consists of predominantly low-density, two-story, single-family dwellings, zoned RH-1 (Residential, House; One-Family). To the north of the subject property are 32 private lots that front Sagamore Street; they are zoned RH-1 and have an average depth of approximately 85 feet. The subject property is located in the Ocean View Neighborhood.

**ENVIRONMENTAL REVIEW**

On March 8, 2010, the Planning Department issued a Final Mitigated Negative Declaration, finding that the proposed project could not have a significant effect on the environment. This finding, pursuant to the California Environmental Quality Act ("CEQA") review procedures, is described in the determination contained in the Planning Department files for this project.

**HEARING NOTIFICATION - PUD**

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	April 23, 2010	April 21, 2010	22 days
Posted Notice	20 days	April 23, 2010	April 23, 2010	20 days
Mailed Notice	20 days	April 23, 2010	April 23, 2010	20 days

**HEARING NOTIFICATION - MAP AMENDMENT**

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	April 23, 2010	April 21, 2010	22 days
Posted Notice - site	20 days	April 23, 2010	April 23, 2010	20 days

Posted Notice - intersection	10 days	May 3, 2010	May 3, 2010	10 days
Mailed Notice	10 days	May 3, 2010	April 23, 2010	20 days

## PUBLIC COMMENT

- The Department received two letters of support for the Project: one from the Housing Action Coalition and from OMI Neighbors in Action. The Department has received opposition from one person. Her concerns include, but are not limited to the size of the development and traffic. The Department has also received endorsement for the Project from eight neighbors.

## ISSUES AND OTHER CONSIDERATIONS

- This Project is contingent on the Board of Supervisors enacting the Map Amendment to rezone the Subject Property from P (Public) to RH-1 (Residential House: One-Family). If the Map Amendment is not approved, the Project will not be permitted on the Property.
- Although the Property is zoned P, it is not City-owned surplus property. This property is privately held and has been since it was transferred to the Project Sponsor's family by CalTrans in 1979.
- As part of the PUD, the Project seeks modifications to the lot width, lot area, rear yard configuration, open space configuration, and dwelling-unit exposure.
- In cases of outstanding overall design, complementary to the design and values of the surrounding area, a project – as part of a Planned Unit Development – may merit well-reasoned modifications of certain provisions of the Code.
- The project includes numerous “green” features, and is being designed with long-term environmental sustainability in mind. Some such features include: a pervious paving system along the mews/drive isle; native and drought resistant plantings for all landscaped areas; a controlled drip irrigation system that is tied to weather stations; low VOC finishes; Energy Star rated fixtures; and low flow water closets. The Project is being designed with the intent of exceeding San Francisco's Green Building Ordinance, and with the hope of achieving a GreenPoint Rating.
- The Project includes four on-site ownership affordable dwelling units: three 2-bedroom units and one 3-bedroom unit.

## REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant Conditional Use Authorization for the Planned Unit Development per Planning Code Sections 303 and 304. Additionally, the Commission may make a recommendation of approval or denial to the Board of Supervisors for the proposed Zoning Reclassification.

## 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 will create 28 “family-sized” dwelling units of two bedrooms or more without displacing any existing housing stock.
- The Project will include four on-site affordable dwelling units that are family-sized, which adds to the overall economic diversity of the neighborhood.
- The Project is of outstanding overall design and of a scale, density, and architectural character compatible with the surrounding low-density residential neighborhood. The exterior facades of the 28 new single-family dwellings that face the I-280 freeway and Alemany Boulevard will also be designed to buffer noise from the I-280 freeway from the interior of the dwellings.
- The Project will provide a sound buffer from the I-280 freeway for the people who live on Sagamore Street; the Project will substantially reduce the noise from the freeway by up to 6 decibels.
- The proposed Project meets all applicable Sections of the Planning Code, Residential Design Guidelines, and General Plan.

**RECOMMENDATION (PUD): Approval with Conditions**

**RECOMMENDATION (REZONING): Recommend Approval to the Board of Supervisors**

### Attachments:

Draft Motion  
Draft Resolution  
Draft Ordinance  
MMRP  
Mitigated Negative Declaration  
Noise Study  
Parcel Map  
Sanborn Map  
Zoning Map  
Aerial Photographs  
Context Photos  
Project Sponsor Submittal  
Letter of Support/Opposition  
Reduced Plans



# SAN FRANCISCO PLANNING DEPARTMENT

*Subject to: (Select only if applicable)*

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Inclusionary Housing (Sec. 315) | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 313)    | <input type="checkbox"/> Child Care Requirement (Sec. 314)            |
| <input type="checkbox"/> Downtown Park Fee (Sec. 139)               | <input type="checkbox"/> Other  |

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## Planning Commission Motion No. 18084

HEARING DATE: MAY 13, 2010

*Date:* May 6, 2010  
*Case No.:* 2009.0112CZ  
*Project Address:* One Capitol Avenue  
*Zoning:* RH-1 (Residential, House; One-Family) District  
*Height/Bulk:* 40-X  
*Block/Lot:* 7148/040  
*Project Sponsor:* Deny Sepaher  
Birch Tree Properties, LLC  
4061 Castro Valley Boulevard, Suite 502  
Castro Valley, CA 94552  
*Staff Contact:* Elizabeth Watty – (415) 558-6620  
Elizabeth.Watty@sfgov.org  
*Recommendation:* Approval with Conditions

ADOPTING FINDINGS RELATED TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION FOR A PLANNED UNIT DEVELOPMENT, PURSUANT TO PLANNING CODE SECTIONS 303 AND 304, WITH SPECIFIC MODIFICATIONS TO PLANNING CODE REGULATIONS RELATED TO LOT SIZE AND WIDTH (SECTION 121), REAR YARD (SECTION 134), OPEN SPACE CONFIGURATION (SECTION 135), AND DWELLING-UNIT EXPOSURE (SECTION 140), WITH RESPECT TO A PROPOSAL THAT WOULD ALLOW THE CONSTRUCTION OF 28 SINGLE-FAMILY DWELLINGS ON 28 NEW LOTS WITH 4 ON-SITE AFFORDABLE DWELLING-UNITS, WITH 41 OFF-STREET PARKING SPACES AND ONE CAR SHARE PARKING SPACE, LOCATED AT ONE CAPITOL AVENUE, LOT 040 IN ASSESSOR'S BLOCK 7148, WITHIN THE RH-1 (RESIDENTIAL, HOUSE, ONE-FAMILY) DISTRICT AND 40-X HEIGHT AND BULK DISTRICT; AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

### PREAMBLE

On February 12, 2009, Deny Sepaher of Birch Tree Properties, LLC (hereinafter "Project Sponsor"), submitted an Environmental Evaluation Application with the Planning Department (hereinafter "Department"), Case No. 2009.0112E.

On January 27, 2010 the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared and published for public review; and

The Draft IS/MND was available for public comment until February 16, 2010; and

On May 13, 2010, the Planning Commission reviewed and considered the Final Mitigated Negative Declaration (FMND) and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"): and

The Planning Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Planning Department and the Planning Commission, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

The Planning Department, Linda Avery, is the custodian of records, located in the File for Case No.2009.0112E at 1650 Mission Street, Fourth Floor, San Francisco, California.

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

On January 28, 2010, the Project Sponsor submitted a letter to the Planning Director requesting to rezone the Subject Property from P (Public) to RH-1 (Residential House, One-Family), in order to create 28 lots with 28 single-family dwellings and 42 parking spaces as part of a Planned Unit Development (hereinafter "PUD") on an approximately 43,077 square-foot site (Lot 040 in Assessor's Block 7148) at One Capitol Avenue (hereinafter "Subject Property").

On January 28, 2010, the Project Sponsor filed an application with the Department for Conditional Use Authorization under Planning Code Sections 303 and 304, to authorize a Planned Unit Development (PUD) on the Subject Property, that includes the creation of 28 lots with a total of 28 single-family dwellings – including four on-site affordable dwelling-units – and 42 parking spaces (including one car share space) in an RH-1 (Residential, House – One Family) District and 40-X Height and Bulk District. The PUD includes modifications to the lot size and width (Section 121), to the rear yard (Section 134) and usable open space (Section 135) configurations, and to the dwelling-unit exposure (Section 140) (Case No. 2009.0112CZ; collectively, hereinafter "Project").

The San Francisco Planning Commission (hereinafter, "Commission") held a duly noticed public hearing at a regularly scheduled meeting on Case No2009.0112CZ on May 13, 2010. At that hearing, the Planning Commission recommended approval of the Zoning Map Amendment to the Board of Supervisors.

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 Project Sponsor, Department staff, and other interested parties.



MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2009.0112CZ, 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 is located at One Capitol Avenue, between Capitol Avenue to the east and Alemany Boulevard to the west, and Sagamore Street to the north and parallel to Interstate 280 Freeway to the south; Block 7148, Lot 040, within the RH-1 (Residential, House: One-Family) District and 40-X Height and Bulk District. The site is an irregularly-shaped undeveloped through lot that extends from Alemany Boulevard to Capitol Avenue, measuring approximately 43,077 square feet in area.
3. **Surrounding Properties and Neighborhood.** The area surrounding the Subject Property is residential in character, with the exception of the I-280 Freeway, which abuts the Property to the south, and the San Francisco Fire Station No. 33, which abuts the Property to the east. The surrounding residential development consists of predominantly low-density, two-story, single-family dwellings, zoned RH-1 (Residential, House: One-Family). To the north of the Subject Property are 32 private lots that front Sagamore Street; they are zoned RH-1 and have an average depth of approximately 85 feet. The Subject Property is located in the Ocean View Neighborhood.
4. **Project Description.** The Project seeks Conditional Use Authorization, pursuant to Planning Code Sections 303 and 304, to authorize a Planned Unit Development (PUD) on a vacant lot measuring approximately one acre in size, that includes the creation of 28 lots with a total of 28 single-family dwellings and 42 parking spaces (including one car share space) in an RH-1 Zoning District and 40-X Height and Bulk District.

The proposed development would total approximately 53,400 square feet and would subdivide the existing vacant 43,077 square foot parcel into 28 parcels with lot sizes ranging from 942 to 3,317 square feet. Each of the resulting 28 parcels would grant an easement from a common 20-foot-wide one-way westbound driveway connecting Capitol Avenue to Alemany Boulevard that would provide vehicular and pedestrian access to each unit. The common drive would be designed in such a way that it would act as common usable open space for occupants of this development. The 28 new two-and-three-story single-family detached dwellings would range in size from approximately 1,450 to 2,330 square feet. The development would include 22 two-bedroom dwelling-units, and six three-bedroom dwelling-units. Four of the dwelling-units would be on-site affordable dwelling-units.

This Project includes modifications to the lot size and width (Section 121), rear yard (Section 134), usable open space (Section 135), and dwelling-unit exposure (Section 140).

5. **Public Comment.** The Department received two letters of support for the Project: one from the Housing Action Coalition and from the OMI Neighbors in Action. The Department has received opposition from one person. Her concerns include, but are not limited to the size of the development and traffic. The Department has also received endorsement for the Project from eight neighbors.
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. **Lot Width and Area.** Planning Code Section 121(d) requires a minimum lot width of 25'-0". Planning Code Section 121(e) requires a minimum lot area of 2,500 square feet.

*The Project includes the subdivision of the existing vacant 43,077 square foot parcel into 28 lots, with lot widths varying from 16.00 to 45.38 feet wide. Fifteen of the 28 properties will have lots widths less than the required 25'-0".*

*The Project proposes to subdivide the 43,077 square foot Property into 28 lots. The lots will range in area from 942 to 3,317 square feet; of the 28 lots, only two will meet the Code minimum of 2,500 square feet in area.*

*The Project is seeking modifications of the Code provisions governing the width and area of lots through the PUD process. Because the constraints created by a narrow, long and irregularly-shaped lot adjacent to an elevated freeway, the Project requires a modification for both lot width and area. This modification is justified because of the cumulative site constraints. First, the irregular and narrow shape of the site makes it difficult to meet the minimum lot area requirements. The shape does not support 28 rectangular 25x100 foot lots. Second, because the lot lacks street frontage, the means of vehicular and pedestrian access and parking must be provided on the site. While this creates minimal on-street parking demand, it also constrains the size and width of the lots. Third, in order to maximize the number of family-sized units and minimize privacy impacts on the homes on Sagamore Street, the homes are being built near the rear of the lot. This clustering also limits the available lot area and width.*

- B. **Rear Yard.** Section 134(a)(1) of the Planning Code requires a rear yard equal to 25 percent of the lot depth, but in no case less than 15'-0", to be provided at grade level and each succeeding level. The rear yard requirements are intended to assure the protection and continuation of established midblock, landscaped open spaces, and maintenance of a scale of development appropriate to each district, consistent with the location of adjacent buildings.

*Due to the unique lot shape and location, the Project has been designed to put the 28 new dwellings toward the rear of their own lots, with a mews/landscaped drive isle along the front of the Property that acts as a "rear yard" and buffer to the neighboring properties' rear. The Project's lot coverage is approximately 46%, leaving the remaining 54% of the site dedicated to the 21,000 square foot mews and the 2,285 square feet of open space at the rear of the homes. Each of the 28 lots contains an undeveloped "rear yard" across the mews of at least 25% of the lot depth. The Project is seeking a modification of the Code provision governing the rear yard requirements; although the project satisfies the Code-required distance to the neighbors' rear property lines of 25% of the subject lot depths, the Project requires a rear yard modification for the location and configuration of the rear yards.*

*An exception from the rear yard configuration requirement is justified for the following reasons. First, the site has more than adequate usable open space for the development's residents. The mews provides 20,978 square feet of common open space along the mews. Private open space is provided by the roof decks and/or balconies for each unit and at the rear of the single-family dwellings. These amounts exceed the Code's yard requirements in terms of total square footage. Second, the proposed configuration respects the established pattern of mid-block open space on this block for rear yards because the mews will be adjacent to the rear yards of the homes on Sagamore Street. Third, the optimal way for this site to accommodate 28 family-sized units, each with their own unit entrance, is to cluster the buildings and open space as proposed. If the Project had to comply with the Code's rear yard configuration requirements, the trade-off would be the loss of moderately-priced, family-sized homeownership units in the Ocean View Neighborhood.*

- C. **Usable Open Space.** Section 135 requires that a minimum amount of usable open space be provided for dwelling units within the RH-1 District. This Section specifies that the area counting as usable open space must meet minimum requirements for area and horizontal dimensions.

*The Code requires that 300 square feet of private open space or 399 square feet of common usable open space, or a combination of the two, be provided for each dwelling unit within the RH-1 District. The Project therefore must provide a minimum of 11,172 square feet of common usable open space or 8,400 square feet of private open space, or a combination of the two. The Project includes a total of 27,746 square feet of usable open space at grade (20,978 square feet of commonly accessible usable open space along the mews, and 6,768 square feet of open space within the individual lots), and an additional 3,737 square feet on privately accessible decks, for a total of 31,484 square feet of open space. The Project is seeking a modification of the Code provision governing the location of the open space requirements since the majority of the open space is provided on the mews that also functions as a drive aisle.*

*An exception from the common open space configuration requirement is justified for the following reasons. First, the irregularly shaped and narrow parcel limits open space opportunities. Nonetheless, the site design provides substantial open space in the form of private decks and balconies and in common open space along the mews. Second, the proposed configuration respects the established pattern of mid-block open space on this block for the rear yards because the mews will be adjacent to the rear yards of the homes on Sagamore Street. Third, even through the hardscaped portion of the drive aisle of the mews does not count toward open space calculations, it will be designed as a primarily pedestrian mews with traffic calming design features that will allow it to function as usable open space. Finally, the optimal way for this site to accommodate 28 family-sized units, each with their own unit entrance, is to cluster the buildings and open space as proposed. If the Project had to strictly comply with the Code's common open space configuration requirements, the trade-off would be the loss of moderately-priced, family-sized homeownership units in the Ocean View Neighborhood.*

- D. **Dwelling Unit Exposure.** Planning Code Section 140 requires that at least one room of all dwelling units face onto a public street, a rear yard, or other open area that meets minimum requirements for area and horizontal dimensions.

*The 28 new single-family dwellings are arranged in a linear pattern, fronting the open space mews. The mews is not a public street, Code-compliant rear yard, or qualifying open space, nor does it meet the minimum horizontal dimensions required to satisfy the dwelling-unit exposure Code-requirement. As*

*part of this PUD, the Project is seeking a modification to the Code-requirement for dwelling-unit exposure.*

*An exception from the dwelling-unit exposure requirement is justified for the following reasons. First, each dwelling-unit will face the large open mews area on the Subject Property, which will remain free and clear of any permanent obstructions. This area does not meet the 25'-0" minimum dimension for all dwelling-units; some of the units will face a portion of the mews with a minimum horizontal dimension of 21'-0". Second, all of the dwelling-units will face the tree-lined adjacent property to the south that is owned by Caltrans and abuts the I-280 Freeway. Although this view may not be a desirable one, it does provide exposure and access to light for every dwelling-unit in the development. Finally, the optimal way for this site to accommodate 28 family-sized units, each with their own unit entrance, is to cluster the buildings and open space as proposed. If the Project had to strictly comply with the Code's common dwelling-unit exposure requirements, the trade-off would be the loss of moderately-priced, family-sized homeownership units in the Ocean View Neighborhood.*

- E. **Street Trees.** Planning Code Section 143 requires installation of one 24-inch box street tree in the case of new construction for every 20 feet of frontage of the property along each street or alley, with any remaining fraction of 10 feet or more of frontage requiring an additional tree.

*The Project includes the installation of 3 street trees along Alemany and 4 street trees along Capitol Avenue, in compliance with Planning Code Section 143. The project also includes substantial landscaping and tree plantings along the north, east, and west property lines.*

- F. **Off-Street Parking.** Planning Code Section 151 establishes off-street parking requirements for all uses in all districts. Pursuant to this Section, one parking space is required for each dwelling and up to three off-street parking spaces are permitted as an accessory use.

*The required parking for the RH-1 District is one parking space per unit, with an allowance to have up to three parking spaces as an accessory use (i.e. a 3:1 ratio). The Project includes a total of 41 off-street parking spaces and one unenclosed car share parking space. Fifteen of the two-bedroom units would have one off-street parking space, seven of the two-bedroom units would have two off-street parking spaces, and all of the three-bedroom units would have two off-street parking spaces, for an overall Project parking ratio of 1.5:1. This parking layout is consistent with the City's efforts to relate parking to unit size as well as density. The on-site parking should adequately accommodate the needs of future residents, as the larger units all have two off-street parking spaces, while some of the two-bedroom units only have one off-street parking space. The second parking space in the three-bedroom units should help to mitigate the lack of on-street parking available for this Project. Furthermore, due to the siting and configuration of this Project, there will be no immediately adjacent street parking available to any of the occupants of the Project.*

*The Project complies with the off-street parking provisions of Planning Code Section 151 in that the proposed 41 off-street and one car share parking spaces comply with the minimum parking requirements and with the permitted amount of accessory parking.*

- G. **Bicycle Parking.** Planning Code Section 155.5 establishes bicycle parking requirements for new construction of four or more residential dwelling units. For projects up to 50 dwelling units, one Class 1 space is required for every 2 dwelling units.

*Two dedicated bicycle parking spaces are provided within the garages of each of the 28 new single-family dwellings, for a total of 56 secure bicycle parking spaces. This Project exceeds the Code requirement of 14 bicycle parking spaces by a multiplier of four.*

- H. **Car Share Parking.** Section 166 establishes car share parking requirements for newly constructed buildings containing residential uses, where parking is provided.

*The Project includes the construction of 28 new single-family dwellings, which is below the 50 dwelling-unit threshold that requires car share parking spaces. Nonetheless, the Project Sponsor has voluntarily included one car share parking space within the new development.*

- I. **Use and Density.** Section 209.1(b) permits residential uses within the RH-1 District, and permits residential densities up to one dwelling unit per lot.

*The Project proposes a total of 28 dwelling units for the Subject Property. As part of this Project, the Project Sponsor is seeking to rezone the Subject Property from P (Public) to RH-1 (Residential, House: One-Family per Lot), and to subdivide the Subject Property into 28 individual lots. The lots would vary in size from 942 to 3,317 square feet. Accordingly, the residential density of the Project conforms to the maximum density allowed by the Planning Code for the RH-1 District, as there will be one single-family dwelling on each of the 28 new lots.*

- J. **Height/Bulk.** The Subject Property is located in the 40-X Height and Bulk District. Planning Code Section 261 further limits the height of a dwelling in an RH-1 District to 35 feet when located on a relatively flat lot.

*The proposed Project would comply with the height and bulk limits of the 40-X District and Planning Code Section 261. The height of the buildings would be as follows:*

Type A ( 2 bedroom )	Type B (2 Bedroom )	Type C (3 Bedroom)
29'-0" (plus stair penthouse)	29'-0"	29'-0"

- K. **Residential Affordable Housing Program.** Planning Code Section 315 sets forth the requirements and procedures for the Residential Affordable Housing Program. On February 2, 2010, the Board of Supervisors adopted Interim Controls contained in Board of Supervisors' Resolution No. 100047 entitled "Planning Code - Interim Controls Related to Affordable Housing Requirements" (the "Affordable Housing Ordinance"), the requirements of the Interim Controls apply to this Project. Under Planning Code Section 315.3, these requirements would apply to projects that consist of five or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. Pursuant to Planning Code Section 315.6, the Project is required to provide 15% of the proposed dwelling units as affordable if the Project is eligible for and selects the on-site alternative.

*The Project Sponsor has demonstrated that it is eligible for the on-site alternative under Planning Code Section 315.4(e), and has submitted a Declaration of Intent to satisfy the requirements of the Residential Affordable Housing Ordinance by providing the affordable housing on-site instead of payment of the Affordable Housing Fee. In order for the project sponsor to be eligible for the on-site*

*option under the Interim Controls, the project sponsor must submit an Affidavit to the Planning Department that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project. A condition of approval is for the Project Sponsor to enter into this agreement with the City by submitting an affidavit to the Planning Department within 30 days of the date of this Authorization. The EE application was submitted on February 12, 2009. Four units (3 two-bedroom, and 1 three-bedroom) of the 28 units provided will be affordable units. If the Project becomes ineligible to meet its Residential Affordable Housing obligation on-site, it must pay the Affordable Housing Fee with interest, if applicable.*

7. Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use Authorization. Projects that propose a Planned Unit Development through the Conditional Use authorization process must meet these criteria, in addition to the criteria in Section 304, discussed under item 8 below. On balance, the Project complies with the criteria of Section 303, in that:

- A. The proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.

*The Subject Property is a vacant lot, measuring approximately one acre in size (43,077 square feet), comprising of a long, narrow strip of land situated between 26 existing single family homes that front Sagamore Street to the north and the elevated I-280 Freeway to the south. The site is located within the block bounded by Sagamore Street, Capitol Avenue, I-280 Freeway, and Alemany Boulevard.*

*The Project includes the construction of 28 new two-and three-story single-family dwellings, each approximately 29'-0" tall, ranging in size from approximately 1,450 to 2,330 square feet in size. All 28 units are family-sized ownership units, including 22 two-bedroom units and 6 three-bedroom units. There will be four on-site affordable dwellings units: three 2-bedroom units and one 3-bedroom unit. There will be a total of 41 off-street parking spaces and one car share space. The off-street parking will be provided in private garages, with fifteen of the 2-bedroom units having one off-street parking space, seven of the 2-bedroom units would have two off-street parking spaces, and all six of the 3-bedroom units will have two off-street parking spaces. Each garage has room for two secure bicycle parking spaces.*

*The proposed development would total approximately 53,400 gross square feet, with approximately 43,400 square feet of residential space and approximately 10,000 square feet of garage space. The Project would subdivide the lot into 28 new lots – each with one single-family dwelling – ranging in size from 942 to 3,317 square feet. The Project would include an approximately 21,000 square foot mews that runs along the front of every property, with easements granted across all parcels to allow vehicular and pedestrian access along the mews.*

*The Project's use, size, density, height, and architecture are compatible with the surrounding RH-1 zoning and single-family character of the neighborhood. Most of surrounding single-family dwellings are under 40 feet in height and are modest in size, similar to the Project. The Project maximizes the use of the irregular-shaped parcel by developing single-family homes closer to the freeway while minimizing negative impacts on the Project's residents and on the neighboring properties on Sagamore Street. To*

*further buffer the new homes from those on Sagamore Street, a solid 8-foot high fence will also be built along the northern boundary. The distance from the front of the proposed new homes to the back of the existing homes on Sagamore ranges from 53 to 70 feet, which is equal to the width of a typical City street. The exterior facades of the 28 new single-family dwellings that face the I-280 Freeway and Alemania Boulevard will be designed to buffer noise from the I-280 Freeway from the interior of the dwellings*

B. The use or feature as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to property, improvements, or potential development in the vicinity, with respect to aspects including, but not limited to the following:

(i) The nature of the proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures.

*The currently vacant site is a long narrow, irregularly shaped parcel that has limited street frontage due to its location next to the elevated I-280 Freeway. Given this constraint, the Project is designed to be both compact and to provide noise buffering for the new homes from the adjacent freeway traffic and visual buffering from the existing homes on Sagamore Street to mitigate privacy concerns. The Project achieves this by clustering the homes along the southern portion of the site, reserving the northern portion of the mews for landscaped common open space.*

*The proposed configuration also maintains a height, density and development pattern that match that of the surrounding neighborhood. The new buildings will have features similar to the single-family homes on the block and elsewhere in the neighborhood. They will have an at-grade entrance and garage door at the front of each dwelling, with living space on the upper floor(s). The design utilizes sustainable practices including windows and materials that exceed current energy efficiency standards by 15%. The massing and scale of the Project is further broken down with the use of materials, colors, and architectural features, including setbacks, bay windows, and building articulation. These building elements are consistent with the prevailing residential pattern of nearby streets.*

(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.

*Currently the site is vacant, and Capitol Avenue dead-ends at the end of the Subject Property. Residents of the development will gain vehicular and pedestrian access to their individual homes and garages via a one-way, 20-foot wide, 675-foot long 13,500s square foot private pedestrian/vehicular headspace in the mews. This feature will significantly limit on-street parking demand from the project. Moreover the proposed access would be used almost exclusively by residents of the development because it provides direct access only to their homes. The San Francisco Fire Department, which has a station across Capitol Avenue, has approved of this vehicular access strategy.*

*The Project will include 41 off-street parking spaces and a total of 56 secure bicycle parking spaces. The off-street parking will be provided in private garages, with fifteen of the two-bedroom units having one off-street parking space, seven of the two-bedroom units would have two off-street parking spaces, and all six of the three-bedroom units will have two off-street parking spaces. Each garage has room for two secure bicycle parking spaces. The Project's parking ratio is 1.5:1, which exceeds the minimum parking requirement of 1:1 by 50%, but is under the maximum parking requirement by 150% (3:1). Due to the lack of on-street parking, the 1.5:1 parking ratio is appropriate for and consistent with the low density residential neighborhood.*

*The Project will enhance the pedestrian experience in the neighborhood by marking the mews welcoming for use by pedestrians as open space. Although not required pursuant to the Planning Code, the Project would also include one car-share parking space for use by the developments residents and near by car share members. The Project site is well served by public transportation; it is located in close proximity to the 14, 14L, 14X, and 54 bus lines, the 88 BART Shuttle, the M light rail line, and the Daly City BART Station.*

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

*The Project includes residential uses that are typical of the surrounding context, and would not introduce operational noises or odors that are detrimental, excessive, or atypical for the area. While some temporary increase in noise can be expected during construction, the noise from the I-280 Freeway is expected to be reduced by "up to ... six decibels, which is considered to be a 'noticeable' reduction in noise by people of normal sensitivity".<sup>1</sup> Construction related noise is limited in duration and will be regulated by the San Francisco Noise Ordinance which prohibits excessive noise levels from construction activity and limits the permitted hours of work. Excavation and grading will result in a minimal amount of dust generation, as there are no below-grade uses as part of this Project. Furthermore, the building will not exhibit an excessive amount of glazing or other reflective materials. Therefore, the Project is not expected to cause offensive amounts of glare.*

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

*The Project provides both common and private open space, including 27,746 square feet of open space at grade (20,978 square feet of commonly accessible usable open space along the mews, and 6768 square feet of open space within the individual lots'), and an additional 3,737 square feet on privately accessible decks, for a total of 31,484 square feet of open space.*

*The northern property line, which abuts the rear yards of the dwellings that front Sagamore Street, will be landscaped, as well as the development's access points on Alemany Boulevard and Capitol*

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Attachment D – Salter, Charles M. "Ocean View Villas, San Francisco, California: Environmental Noise Study." 13 May 2009: 6.



*Avenue. Seven new street trees will also be added along the street frontages. A landscape architect was hired to ensure that the appropriate plants are incorporated into the development's design.*

*All 41 off-street parking spaces will be provided in private garages, with one car-share parking space unenclosed and accessible to the public. No loading space is proposed, and signage would be minimal and comply with the requirements of Article 6 of the Planning Code.*

- C. Such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.

*The Project generally complies with the applicable sections of the Code, with certain modifications. The residential density is permitted within the RH-1 Zoning District, and the height and bulk of the Project are consistent with the 40-X Height and Bulk District. The purpose of the PUD process is to allow well-designed development on larger sites to request modifications from the strict requirements of the Planning Code, provided that the project generally meets the intent of these Planning Code requirements and will not adversely affect the General Plan.*

*Considered as a whole, the Project would add affordable housing and relatively affordable market-rate family housing in the Ocean View neighborhood. The Project Site is well-served by transit and in close proximity to commercial services, which allows residents to commute, shop, and reach amenities by transit and bicycling, rather than being solely dependant on private automobile usage. The Project includes a mix of units in a range of sizes. This mix of units with the inclusion of on-site affordable housing will ensure that the Project will serve a diversity of household sizes and people with varied housing needs.*

8. Planning Code Section 304 establishes procedures for Planned Unit Developments, which are intended for projects on sites of considerable size, including an area of not less than half-acre, developed as integrated units and designed to produce an environment of stable and desirable character, which will benefit the occupants, the neighborhood and the City as a whole. In the cases of outstanding overall design, complementary to the design and values of the surrounding area, such a project may merit a well-reasoned modification of certain provisions contained elsewhere in the Planning Code.

- A. **Modifications.** The Project Sponsor requests five modifications from the requirements of the Planning Code. These modifications are listed below, along with a reference to the relevant discussion for each modification.

- (i) Lot Area: Item #6C
- (ii) Lot Width: Item #6C
- (iii) Rear Yard Configuration: Item #6D
- (iv) Open Space Configuration: Item #6E
- (v) Dwelling Unit Exposure: Item #6F

*These modifications are justified because, as a whole, the Project has outstanding overall design, and will promote harmony by visually relating to the single-family dwellings in the neighborhood. The Project's density, height, dimensions, and character are designed to be respectful to and compatible with the surrounding buildings. The efficient use and quality design of the mews allows for shared use of a necessary drive aisle that can function both as a rear yard that increases the feel of a midblock open space, as well as common usable open space accessible to all residents of the development. Although 26 of the new lots will not meet the minimum lot area and 15 of the lots will not meet the minimum lot width required by Section 121, the uniquely shaped lot and outstanding design of the Project creates a development that is articulated well and compatible with the surrounding context. Along approximately the same distance on Sagamore Street, there are 26 single-family dwellings compared to the 28 dwellings within the Project Site. If this Project had to strictly comply with the Code's lot width, lot area, rear yard, open space, and dwelling-unit exposure requirements, the trade-off would be the loss of moderately-priced, family-sized homeownership units in the Ocean View Neighborhood.*

B. **Criteria and Limitations.** Section 304(d) establishes criteria and limitations for the authorization of PUDs over and above those applicable to Conditional Uses in general and contained in Section 303 and elsewhere in the Code. On balance, the Project complies with said criteria in that it:

(i) Affirmatively promotes applicable objectives and policies of the General Plan;

*See discussion under item #9.*

(ii) Provides off-street parking adequate for the occupancy proposed.

*Pursuant to the requirements of Section 151, one off-street parking space is required per dwelling in an RH-1 District, for a total of 28 spaces. The Project will include 41 off-street parking spaces. The off-street parking will be provided in private garages, with fifteen of the 2-bedroom units having one off-street parking space, seven of the 2-bedroom units would have two off-street parking spaces, and all six of the 3-bedroom units will have two off-street parking spaces. The Project's parking ratio is 1.5:1, which exceeds the minimum parking requirement of 1:1 by 50%, but is under the maximum parking requirement by 150% (3:1). Due to the lack of any adjacent on-street parking and the number of family-sized units, the 1.5:1 parking ratio is appropriate for and consistent with the parking pattern found throughout the surrounding low density residential neighborhood.*

(iii) Provides open space usable by the occupants and, where appropriate, by the general public, at least equal to the open space required by this Code;

*The Code requires that 300 square feet of private open space or 399 square feet of common usable open space, or a combination of the two, be provided for each dwelling unit within the RH-1 District. The Project therefore must provide a minimum of 11,172 square feet of common usable open space or 8,400 square feet of private open space, or a combination of the two. The Project includes a total of 27,746 square feet of usable open space at grade (20,978 square feet of commonly accessible usable open space along the mews, and 6768 square feet of open space within the*

*individual lots'), and an additional 3,737 square feet on privately accessible decks, for a total of 31,484 square feet of open space, which is in excess of what is required by Code.*

- (iv) Be limited in dwelling unit density to less than the density that would be allowed by Article 2 of the Code for a district permitting a greater density, so that the Planned Unit Development will not be substantially equivalent to a reclassification of property.

*The Project proposes a total of 28 dwelling-units on the Subject Property. Based on the allowable density specified by Section 209.1(b) for the RH-1 District, up to 28 dwelling-units would be allowed on the 28 lots, and thus will not be substantially equivalent to a reclassification of the Subject Property. As part of this Project, the Subject Property will be rezoned from P (Public) to RH-1 (Residential, House, One-Family), and will be subdivided to created 28 individual lots.*

- (v) In R Districts, include commercial uses only to the extent that such uses are necessary to serve residents of the immediate vicinity, subject to the limitations for NC-1 Districts under this Code.

*There are no commercial uses proposed as part of this Project.*

- (vi) Under no circumstances be excepted from any height limit established by Article 2.5 of this Code, unless such exception is explicitly authorized by the terms of this Code. In the absence of such an explicit authorization, exceptions from the provisions of this Code with respect to height shall be confined to minor deviations from the provisions for measurement of height in Sections 260 and 261 of this Code, and no such deviation shall depart from the purposes or intent of those sections.

*As measured by the provisions of Planning Code Sections 102.12 and 260, the Project would not exceed the height limits of the 40-X Height and Bulk District. All dwellings are approximately 29'-0" tall (Type A has a stair penthouse that extends above 29'-0" but remains under the 40'-0" height limit). All of the buildings within the Project would comply with the 40-X Height and Bulk District.*

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

## HOUSING ELEMENT:

### Objectives and Policies

**OBJECTIVE** 1  
**TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND.**

#### Policy 1.4:

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

**Policy 1.5:**

Support development of affordable housing on surplus public lands.

*The Project is an in-fill development with four on-site affordable dwelling-units on a vacant parcel of land in an established residential neighborhood. The Project Site is zoned P (Public), but as part of this project is being rezoned to RH-1 (Residential, House: One-Family). The Property was previously owned and used by CalTrans during the construction of the I-280 Freeway, and in 1979, CalTrans sold this surplus Property to the Project Sponsor's family.*

**OBJECTIVE 4  
SUPPORT AFFORDABLE HOUSING PRODUCTION BY INCREASING SITE AVAILABILITY  
AND CAPACITY.**

**Policy 4.1:**

Actively identify and pursue opportunity sites for permanently affordable housing.

**Policy 4.2:**

Include affordable units in larger housing projects.

**Policy 4.6:**

Support a greater range of housing types and building techniques to promote more economical housing construction and potentially achieve greater affordable housing production.

*The Subject Property is an underutilized, vacant site that is suitable for an in-fill housing development, including four permanently-affordable on-site dwelling-units. The nature and configuration of the Planned Unit Development results in 28 single-family homes that are "affordable by design" in that they are relatively small in size with efficient floor plans.*

**OBJECTIVE 8  
ENSURE EQUAL ACCESS TO HOUSING OPPORTUNITIES**

**Policy 8.4:**

Encourage greater economic integration within housing projects and throughout San Francisco.

**Policy 8.7:**

Eliminate discrimination against households with children

**Policy 8.9:**

Encourage the provision of new home ownership opportunities through new construction so that increased owner occupancy does not diminish the supply of rental housing.

*The Project provides new family-sized dwelling-units with a variety of floor plans to meet the diverse needs of San Francisco's population. It will contain 28 new single-family homes suitable for families with children. The Project will not diminish the supply of rental housing in that it will be built on an unutilized vacant parcel of land.*

**Policy 11.10**

Include energy efficient features in new residential development and encourage weatherization in existing housing to reduce overall housing costs and the long-range cost of maintenance.

*According to the Project Sponsor, the proposed new residences are being designed with long-term environmental sustainability in mind. The techniques being adopted to support this goal will augment the new homes' energy efficiency, water efficiency, and community benefits, while lowering the overall carbon footprint as compared to standard construction methods.*

*Since water consumption is one of the key environmental issues, the design of these homes will incorporate the "Best Management Practices" and "Storm Water Design Guidelines" as recommended by the San Francisco PUC. In accordance with these recommendations, a signature design feature will be the landscaped drive aisle/mews. This mews will be designed to function as a space for gathering and recreation for the residents that will feature pavers that reduce the impervious surfaces as compared to standard asphalt paving. This will allow more rainfall to soak into the ground, and reduce the volume and intensity of storm water runoff, ultimately reducing flows that end up in the receiving waters. Also using permeable surfaces will reduce the heat island effect caused by usage of surface materials that are effective heat retainers like an asphalt or pored concrete.*

*For the landscaping, sustainable design techniques will be incorporated into the planning of the open spaces. The vegetated component of this mews will incorporate native plants, low water and drought resistant species. To further reduce water consumption, the Project Sponsor intends to introduce drip system irrigation on an irrigation controller that is tied to the weather stations to make the irrigation as efficient as possible.*

*The 28 new single-family dwellings are being designed with the intent to exceed San Francisco's Green Building Ordinance. For 2009, the minimum GreenPoints for new residential projects over 5 units is 25. Currently the project qualifies for 70 points as defined by the GreenPoint Rating System and will attempt to meet the criteria for a GreenPoint Rating. The Project is also expected to exceed CA Title 24 energy criteria by 15%.*

*To create a healthier indoor environment and reduce overall resource consumption, the Project will include low VOC (Volatile Organic Compound) finishes, ENERGY STAR rated fixtures, and low flow water closets. Whenever possible, recycled content material will be utilized in lieu of virgin materials.*

*Lastly, although not required by Code, one parking space has been incorporated into the site plan for car share use, which will reduce the need for parking on site and contribute to a lesser traffic overall.*

**TRANSPORTATION ELEMENT:**

**Objectives and Policies**

**OBJECTIVE 2**

**USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.**

**Policy 2.2**

Reduce pollution, noise and energy consumption.

*The Project is designed to help buffer and reduce the noise generated by the I-280 Freeway that currently impacts the residences on Sagamore Street. The reduction provided by the Project would be up to an additional six decibels, which is considered to be a "noticeable" reduction in noise by people of normal sensitivity. Exhibit A includes a diagram that indicates a reduction in Freeway noise as a result of this Project.*

*The Project also serves the City's "Transit First" policy because the site is well-served by public transportation options and is thus a good location for new development. The site is located in close proximity to the 14, 14L, 14X, and 54 bus lines, the 88 BART Shuttle, the M light rail line, and the Daly City BART Station. Additionally, the Project includes one car share parking space that will be accessible to the surrounding community.*

**OBJECTIVE 11**

**ESTABLISH PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.**

**Policy 11.3**

Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well as mitigate traffic problems.

*The Project is located in proximity to existing transit service and will provide a car share parking space on-site.*

**OBJECTIVE 24**

**IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.**

**Policy 24.2**

Maintain and expand the planting of street trees and the infrastructure to support them.

**Policy 24.5**

Where consistent with transportation needs, transform streets and alleys into neighborhood-serving open space or "living streets", especially in neighborhoods deficient in open space.

*The Project includes the addition of seven new street trees, including street trees along Sagamore Street that are not required as part of this Project. The proposed mews will act as a living street, in that it will include pervious pavers and landscaping to act as a drive aisle as well as common usable open space for the occupants of the development.*

**OBJECTIVE 26**

**CONSIDER THE SIDEWALK AREA AS AN IMPORTANT ELEMENT IN THE CITYWIDE OPEN SPACE SYSTEM.**

**Policy 26.1**

Retain streets and alleys not required for traffic, or portions thereof, for through pedestrian circulation and open space use.

*The proposed mews is designed to act as pedestrian open space and will allow for quality pedestrian circulation when not being used for vehicular access.*

**OBJECTIVE 27**

**ENSURE THAT BICYCLES CAN BE USED SAFELY AND CONVENIENTLY AS A PRIMARY MEANS OF TRANSPORTATION, AS WELL AS FOR RECREATIONAL PURPOSES.**

**Policy 27.5**

Make available bicycle route and commuter information and encourage increased use of bicycle transportation.

*The inclusion of private bicycle parking within each new single-family dwelling aids in the convenient use of bicycling as a means of transportation and for recreational use.*

**OBJECTIVE 28**

**PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.**

**Policy 28.1:**

Provide secure bicycle parking in new governmental, commercial, and residential developments.

**Policy 28.3:**

Provide parking facilities which are safe, secure, and convenient.

*Two dedicated bicycle parking spaces are provided within the garages of each of the 28 new single-family dwellings, for a total of 56 secure bicycle parking spaces. This Project exceeds the Code-requirement of 14 bicycle parking spaces by a multiplier of four.*

**OBJECTIVE 34**

**RELATE THE AMOUNT OF PARKING IN RESIDENTIAL AREAS AND NEIGHBORHOOD COMMERCIAL DISTRICTS TO THE CAPACITY OF THE CITY'S STREET SYSTEM AND LAND USE PATTERNS.**

**Policy 34.1:**

Regulate off-street parking in new housing so as to guarantee needed spaces without requiring excesses and to encourage low auto ownership in neighborhoods that are well served by transit and are convenient to neighborhood shopping.

*The required parking for the RH-1 District is one parking space per unit, with an allowance to have up to three parking spaces as an accessory use (i.e. a 3:1 ratio). The Project includes a total of 41 off-street parking spaces and one unenclosed car share parking space. Fifteen of the 2-bedroom units would have one off-street parking space, seven of the 2-bedroom units would have two off-street parking spaces, and all of the 3-bedroom units would have two off-street parking spaces, for an overall Project parking ratio of 1.5:1. This parking layout is consistent with the City's efforts to relate parking to unit size as well as density. Furthermore, due to the configuration of this Project, there will be no immediately adjacent street parking available to any of the occupants of the Project.*

## URBAN DESIGN ELEMENT:

### Objectives and Policies

#### OBJECTIVE 1

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

##### Policy 1.3:

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

*The proposed development is consistent with the scale and density in the surrounding neighborhood, in that the buildings range from two-to-three-stories in height and are single-family dwellings. There are 28 proposed dwellings that span the full block width from Capitol to Alemany; this is compatible with the 26 dwellings that span the same width as the Project Site and front Sagamore Street.*

#### OBJECTIVE 3

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

##### Policy 3.1:

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

##### Policy 3.2:

Avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.

##### Policy 3.5:

Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development.

*The Project will promote harmony by visually relating the 28 two-and-three-story single-family dwellings to the buildings in the neighborhood, which are predominantly two-story single family dwellings. The Project's height, massing, scale, materiality, and overall character have been designed to be respectful to and consistent with the surrounding buildings. The news provides a rear yard-like functionality to the adjacent*



*properties' rear yards, adding greater distance and privacy between the new dwellings and the existing dwellings that front Sagamore Street. The new construction will greatly enhance the character of the existing site and neighborhood.*

#### OBJECTIVE 4

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

**Policy 4.1:**

Protect residential areas from the noise, pollution and physical danger of excessive traffic.

**Policy 4.10:**

Encourage or require the provision of recreation space in private development.

**Policy 4.11:**

Make use of street space and other unused public areas for recreation, particularly in dense neighborhoods, such as those close to downtown, where land for traditional open spaces is more difficult to assemble.

**Policy 4.12:**

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

**Policy 4.13:**

Improve pedestrian areas by providing human scale and interest.

**Policy 4.15:**

Protect the livability and character of residential properties from the intrusion of incompatible new buildings.

*Due to the Project Site's undeveloped nature, there is currently no buffer to the noise produced by the I-280 Freeway. The Project will permanently reduce the noise by up to six decibels, which will be a noticeable reduction in noise for the existing residents along Sagamore Street. The construction of the Project will also help to improve safety in the neighborhood by converting a currently vacant lot into a continuation of the surrounding low density neighborhood.*

*The proposed Project includes an abundance of landscaping throughout the Property, along with seven new trees on public property (four on Capitol Avenue and three on Alemany). The mews will be designed to provide to allow for its shared use by pedestrians and vehicles, by incorporating landscaping and distinctive pervious paving. The mews will function as a drive aisle for vehicular access as well as a shared open space for the recreational use of development's residents.*

*The new buildings are compatible in scale, density, and materiality with the established neighborhood character.*

## RECREATION AND OPEN SPACE ELEMENT:

### Objectives and Policies

#### OBJECTIVE 4

PROVIDE OPPORTUNITIES FOR RECREATION AND THE ENJOYMENT OF OPEN SPACE IN EVERY SAN FRANCISCO NEIGHBORHOOD.

#### Policy 4.2:

Maximize joint use of other properties and facilities.

#### Policy 4.5:

Require private usable outdoor open space in new residential development.

*The use of the mews as open space allows for a large outdoor recreation space that is directly accessible to the occupants of the Project. This open space is of a size that enables greater flexibility in how it is used than the standard private open space requirement of 300 square feet per unit. It also adds to the development's sense of community.*

10. 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.

*No existing neighborhood serving uses would be displaced as the Property is currently vacant. By increasing the number of people who live in the neighborhood, the Project increases the opportunities for resident employment in and ownership of neighborhood businesses*

- 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 would be a benefit to the neighborhood character, by constructing new single-family dwellings that are consistent with the existing height, density, and general architectural style of the surrounding neighborhood. By providing on-site affordable dwelling-units, along with modestly-sized family housing, the Project would preserve and foster the cultural and economic diversity of the neighborhood.*

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

*The proposed Project would enhance the City's supply of affordable housing by including four on-site affordable dwelling-units within the Project.*

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

*The Project would provide 41 off-street parking spaces within private garages for a 1.5:1 parking ratio, along with one car-share space available to the community. The on-site parking should adequately accommodate the needs of future residents, as the larger units all have two off-street parking spaces, while some of the two-bedroom units only have one off-street parking space. The second parking space in the three-bedroom units should help to mitigate the lack of on-street parking available for this Project. The Project site is also well served by public transportation—it is within close proximity of the 14, 14L, 14X, and 54 bus lines, the 88 BART Shuttle, the M-light rail line, and the Daly City BART Station. Overall, the construction of 28 new single-family dwellings with 41 off-street parking spaces will not impede MUNI transit service or overburden the streets or neighborhood parking.*

- 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 does not propose any office development, and will not displace any industrial or service uses. The Project should enhance future opportunities for resident employment by providing additional residents to the Ocean View Neighborhood.*

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

*The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code.*

- G. That landmarks and historic buildings be preserved. There are no landmarks or historic buildings on, or associated with, the Project site.

*The Subject Property is vacant; there are no landmarks or historic buildings on or associated with the Project Site.*

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

*The Project would not cast a shadow on any existing parks or recreation facilities or obscure the vista from any park.*

- I. 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.

- J. 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 Project Sponsor, 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. 2009.0112CZ 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. 18084. 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.

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

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

The Planning Commission further finds that since the MND was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the MND due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the MND.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on May 13, 2010.

Linda D. Avery  
Commission Secretary

AYES: Commissioners Antonini, Borden, Lee, Miguel, Moore, Sugaya

NAYS: Commissioner Olague

ABSENT:

ADOPTED: May 13, 2010

## Exhibit A

# Conditions of Approval

Wherever "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the Project or other persons having an interest in the Project or underlying property.

This Conditional Use Authorization is for a proposed Planned Unit Development, at One Capitol Avenue, between Capitol Avenue to the east and Alemany Boulevard to the west, Sagamore Street to the north, and parallel to Interstate 280 Freeway to the south; Block 7148, Lot 040, within the RH-1 (Residential, House: One-Family) District and 40-X Height and Bulk District, in general conformance with the plans dated April 19, 2010, and marked "Exhibit B." The proposed Project seeks Conditional Use Authorization, pursuant to Planning Code Sections 303 and 304, to authorize a Planned Unit Development (PUD) on a vacant lot measuring approximately one acre in size, that includes the creation of 28 lots with a total of 28 single-family dwellings and 42 parking spaces (including one car share space) in an RH-1 Zoning District and 40-X Height and Bulk District. The Project includes modifications to the lot size and width (Section 121), rear yard (Section 134), usable open space (Section 135), and dwelling-unit exposure (Section 140).

### Compliance with Other Requirements

1. The approved density of 28 dwelling-units is contingent on the Board of Supervisors enacting the ordinance to rezone the Subject Property from P (Public) to RH-1 (Residential House: One-Family). If the Map Amendment is not approved, the Project will not be permitted on the Property.
2. This decision conveys no right to construct. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply. The conditions set forth below shall remain in effect for the life of the Project, unless specifically noted otherwise.

### Mitigation Measures

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

### General Conditions

1. **Recordation.** Prior to the issuance of any building permit for the construction of 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, which notice shall state that construction of the Project has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied, and record said writing if requested.
2. **Performance.** The Commission may consider revocation of this Conditional Use Authorization if a permit for the Project has been issued, but is allowed to expire and more than three years have passed

since this Motion was approved. This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection within three years is delayed by a City, state or federal agency, or by appeal of the issuance of such permit.

3. **Severability.** 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 of the remaining provisions, clauses, sentences, or sections of these conditions. It is hereby declared to be the intent of the Commission that these conditions of approval would have been adopted had such invalid sentence, clause, or section or part thereof not been included herein.
4. **First Source Hiring Program.** The Project is subject to the requirements of the First Source Hiring Program (Chapter 83 of the Administrative Code) and the Project Sponsor shall comply with the requirements of this Program.
5. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$250 a day in accordance with Section 176.
6. Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Section 351(e)(1).
7. An enclosed garbage area shall be provided within each of the 28 dwelling-units of the Project. All garbage containers shall be kept within the dwellings until pick-up by the disposal company.

**Conditions to be met prior to the issuance of an architectural addendum to a Building (or Site) Permit**

1. Except as otherwise provided in this Motion, the Project shall be completed in compliance with the Planning Code and in general conformity with plans dated April 19, 2010, labeled "Exhibit B".
2. Final detailed building plans shall be reviewed and approved by the Planning Department. Detailed building plans shall include a final site plan, elevations, sections, and a landscape plan, and shall specify final architectural and decorative materials, glazing, color and texture of exterior finishes, and details of construction.

**Conditions to be met prior to Issuance of Any Certificates of Occupancy for the Project**

1. All usable open spaces shall be completed and available for use.
2. All street trees and landscaping shall be installed.

**Below Market Rate Units (BMR Units)**

1. **Number of Required Units.** Pursuant to Planning Code Section 315.6, the Project is required to provide 15% of the proposed dwelling units as affordable to qualifying households ("BMR Units"). The Project contains 28 units; therefore, 4 BMR units are required. The Project Sponsor will fulfill this requirement by providing the 4 BMR units on-site.

2. **Unit Mix.** The Project contains 22 two-bedroom and 6 three-bedroom units; therefore, the required BMR unit mix is 3 two-bedroom and 1 three-bedroom units. If the market-rate unit mix changes, the BMR unit mix will be modified accordingly.
3. **Unit Location.** The BMR units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the Property prior to the issuance of the first site or building permit.
4. **Phasing.** If any building permit is issued for any partial phase of the Project, the Project Sponsor shall have designated not less than fifteen percent (15%) of the each phase's total number of dwelling units as on-site BMR units.
5. **Duration.** Under Planning Code Section 315.7, all units constructed pursuant to Sections 315.6 must remain affordable to qualifying households for the life of the project.
6. **Other Conditions.** The Project is subject to the requirements of the Affordable Housing Ordinance under Section 315 et seq. of the Planning Code and the terms of the Residential Inclusionary Affordable Housing Monitoring and Procedures Manual (hereinafter "Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 315 (collectively the "Inclusionary Housing Ordinance"). Terms used in these Conditions of Approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the Mayor's Office of Housing at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at: <http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>. As provided in the Affordable Housing Ordinance, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale or rent.
  - a. The BMR units shall be designated on the building plans prior to the issuance of the first site or building permit by the Department of Building Inspection (DBI). The BMR units shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) shall be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) shall be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project.
  - b. Unless the Project Sponsor has entered into an agreement with the City, the units in the building must be offered for sale, and the BMR unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of one hundred (100) percent of the median income for the City and County of San Francisco as defined in the Affordable Housing Ordinance, Section 315.1. The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) marketing; (ii) renting; (iii) recouping capital improvements, and (iv) procedures for inheritance apply and are set forth in the Affordable Housing Ordinance and the Procedures Manual.
  - c. If the Project Sponsor has entered into an agreement with the City permitting the on-site units to be rental, the BMR unit(s) shall be rented to a household of low income, as defined in the Affordable Housing Ordinance and as further defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed sixty (60) percent of the median income for the City and

County of San Francisco as defined in the Affordable Housing Ordinance, Section 315.1. The qualifying household income limits and maximum monthly rent for BMR units shall be calculated by Mayor's Office of Housing (MOH).

- d. The Applicant is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. The Mayor's Office of Housing shall be responsible for overseeing and monitoring the marketing of affordable units.
- e. Required parking spaces shall be made available to initial buyers or renters of BMR units according to the Procedures Manual.
- f. Prior to the issuance of the first site or building permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the Property that contains these conditions of approval and a reduced set of plans that identify the BMR units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to the Mayor's Office of Housing or its successor (MOH), the monitoring agency for the BMR unit(s).
- g. The Project Sponsor has demonstrated that it is eligible for the on-site alternative under Planning Code Section 315.4(e) instead of payment of the Affordable Housing Fee, and shall submit an affidavit to the Planning Department within 30 days of the date of this Authorization stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the Project.
- h. If project applicant fails to comply with the Affordable Housing requirement, the Director of Building Inspection shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A project sponsor's failure to comply with the requirements of Planning Code Sections 315 to 315.10 shall constitute cause for the City to record a lien against the development project.
- i. If the Project becomes ineligible at any time for the on-site alternative, the Project Sponsor or its successor in interest shall pay the Affordable Housing Fee prior to issuance of the first site or building permit. If the Project becomes ineligible after issuance of its first site or building permit, the Project Sponsor shall pay interest on the Affordable Housing Fee.
- j. **Future Applicable Controls:** Interim Controls contained in Board of Supervisors Resolution No. 100047 approved by the Board on February 02, 2010, entitled "Planning Code - Interim Controls Related to Affordable Housing Requirements" apply to this Project. The Board of Supervisors is currently considering permanent controls in Ordinance No. 100046 entitled "Planning Code - Amending Inclusionary Housing Ordinance" proposing amendments to Planning Code Section 315 et seq. ("applicable future controls"). If Ordinance No. 100046 is approved by the Board prior to issuance of the first certificate of occupancy for the Project, the Project shall be subject to the applicable future controls and not the current Interim Controls. The Affordable Housing Fee currently designated in the draft applicable future controls is set at the same amount as the current Interim Controls and the former in-lieu fee in Planning Code Section 315.6 and the Planning Commission does not anticipate,

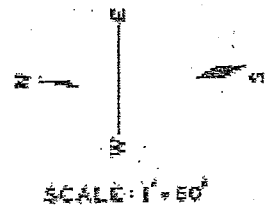


Motion 18084  
Hearing Date: May 13, 2010

CASE NO 2009.0112CZ  
One Capitol Avenue

except for standard indexing provided for by ordinance, that it shall increase as a result of the future permanent controls.

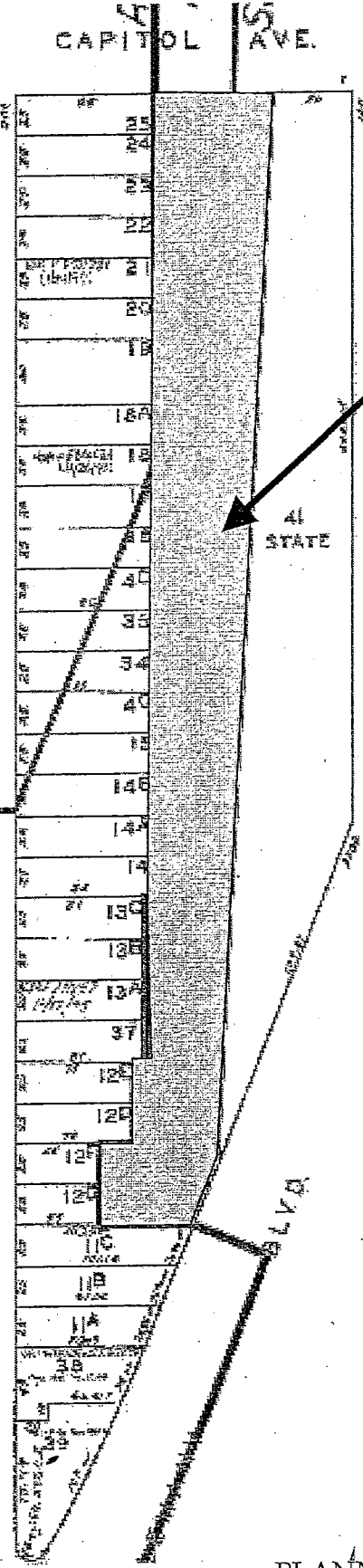
# Parcel Map



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merged map and to case  
 original map and case  
 02/15 11

FEETS  
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 2007

SSD-03  
 SAGAMORE



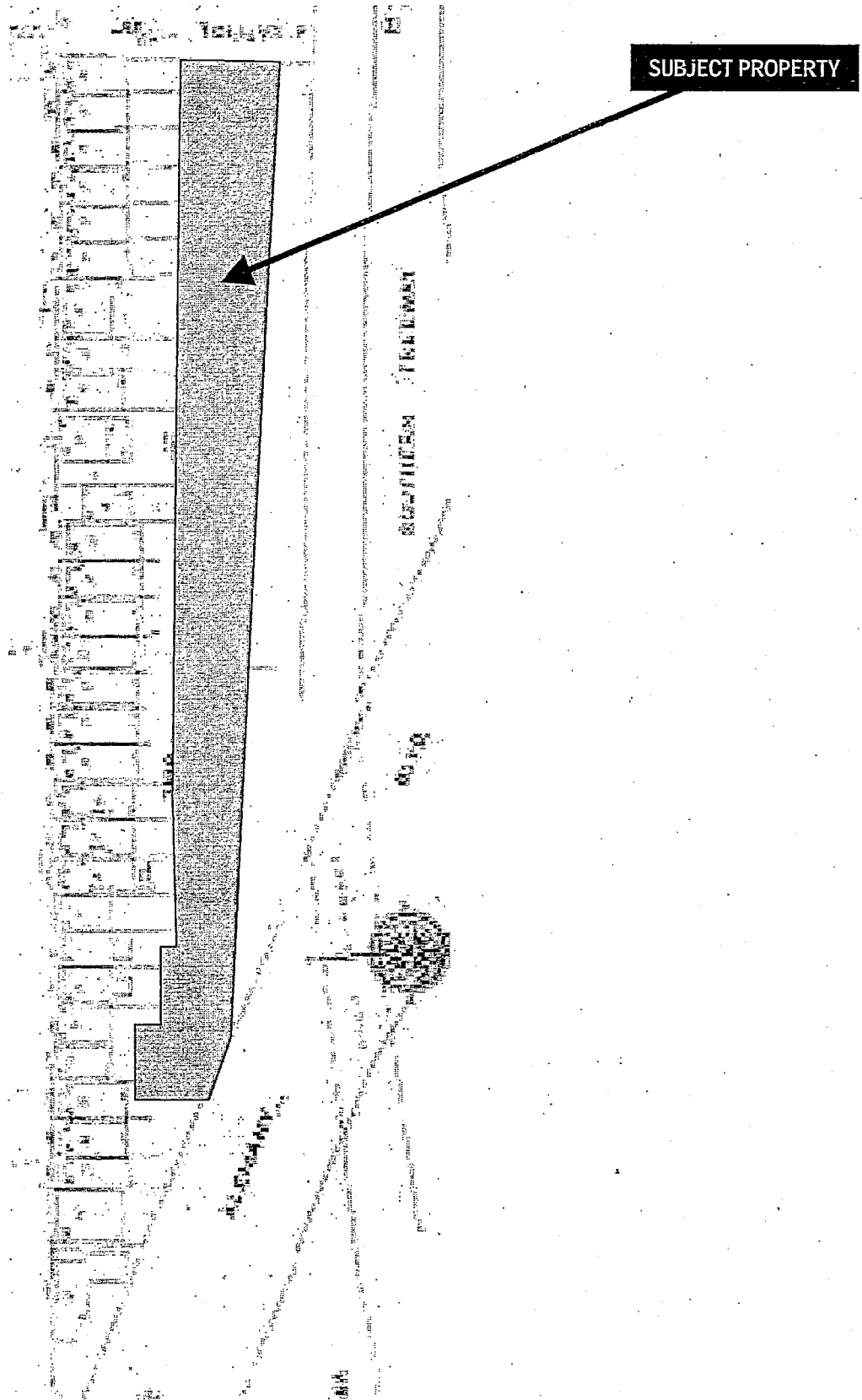
**SUBJECT PROPERTY**



PLANNED UNIT DEVELOPMENT  
 28 new single-family dwellings  
 Case Number 2009.0112CZ  
 One Capitol Avenue

1452

# Sanborn Map

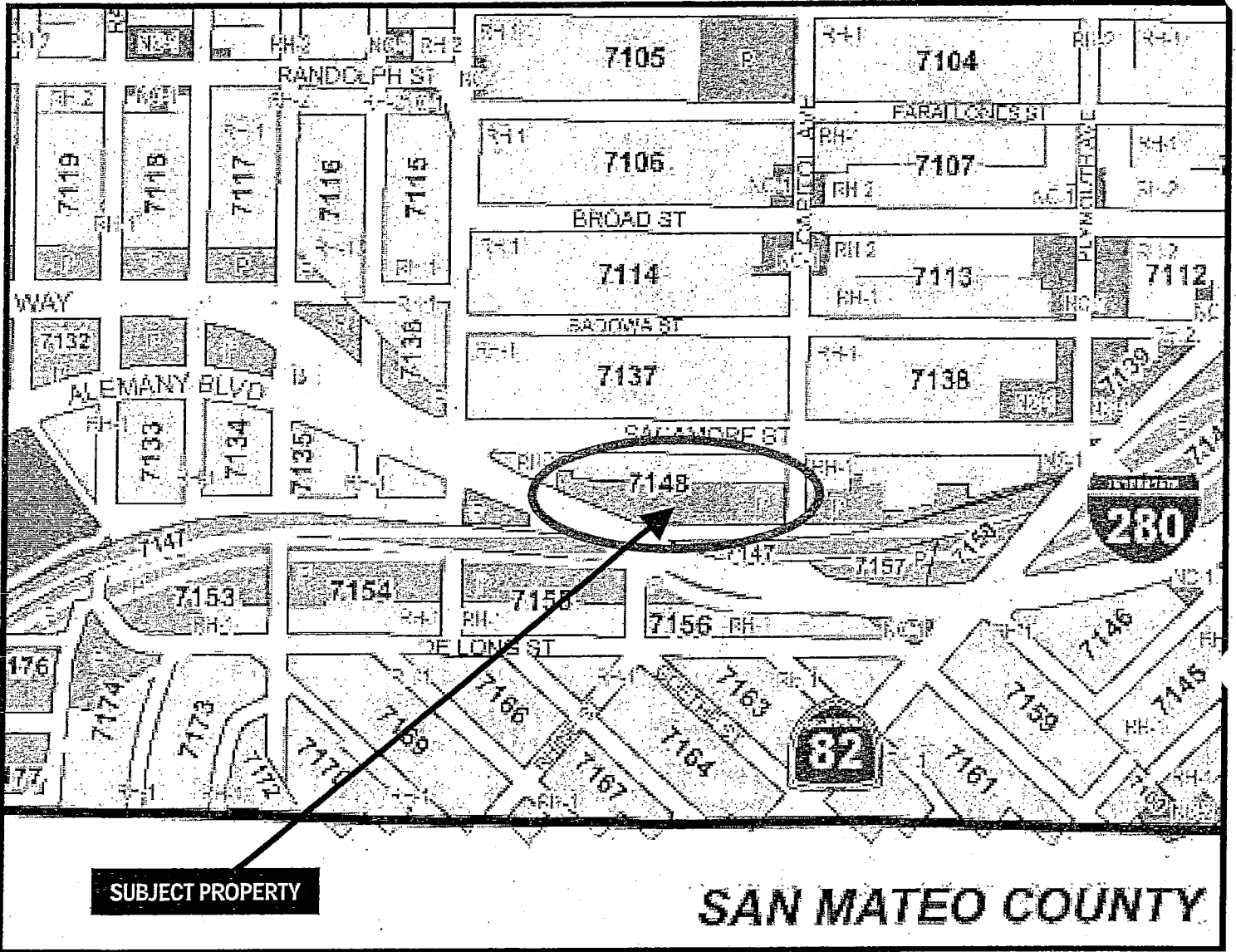


Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



PLANNED UNIT DEVELOPMENT  
28 new single-family dwellings  
Case Number 2009.0112CZ  
1453 One Capitol Avenue

# Zoning Map



## ZONING USE DISTRICTS

### RESIDENTIAL, HOUSE DISTRICTS

RH-1(D) RH-1 RH-1(S) RH-2 RH-3

### RESIDENTIAL, MIXED (APARTMENTS & HOUSES) DISTRICTS

RM-1 RM-2 RM-3 RM-4

### NEIGHBORHOOD COMMERCIAL DISTRICTS

NC-1 NC-2 NC-3 NCD NC-S

### SOUTH OF MARKET MIXED USE DISTRICTS

SPD RED RSD SLR SLI SSO

### COMMERCIAL DISTRICTS

C-2 C-3 C-3-S C-3-R C-3-O C-3-O(S)

### INDUSTRIAL DISTRICTS

C-M M-1 M-2

### CHINATOWN MIXED USE DISTRICTS

CRMC CVR CCB

### RESIDENTIAL-COMMERCIAL DISTRICTS

RC-3 RC-4

### REDEVELOPMENT AGENCY DISTRICTS

MB-RA MB-RS

### DOWNTOWN RESIDENTIAL DISTRICTS

RH(DIR) TB(DIR)

### MISSION BAY DISTRICTS

MB-OS MB-O

### PUBLIC DISTRICT

P

PLANNED UNIT DEVELOPMENT

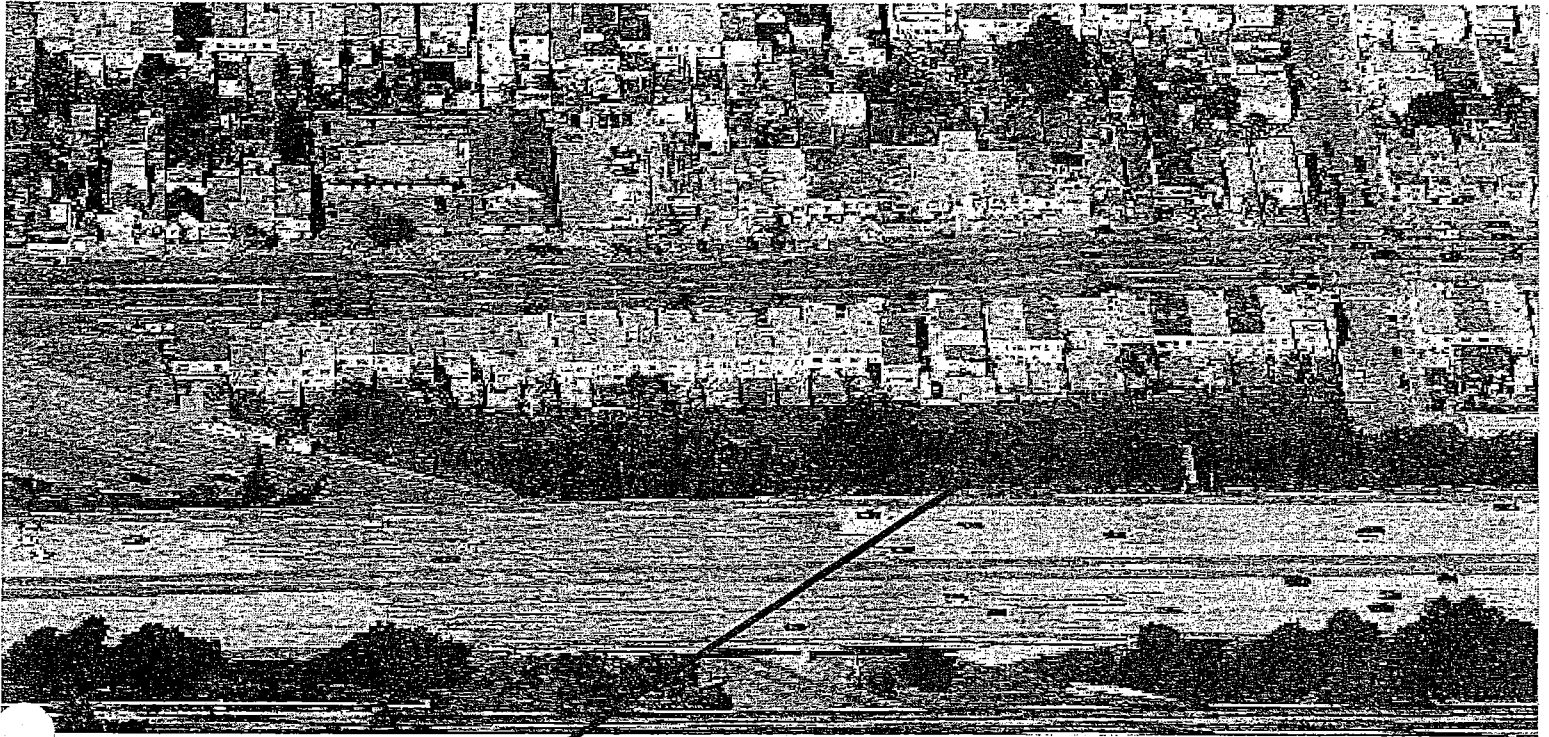
28 new single-family dwellings

Case Number 2009.0112CZ

1454 One Capitol Avenue



# Aerial Photos



**SUBJECT PROPERTY**

PLANNED UNIT DEVELOPMENT

28 new single-family dwellings

Case Number 2009.0112CZ

One Capitol Avenue



# Aerial Photos



**SUBJECT PROPERTY**



PLANNED UNIT DEVELOPMENT  
28 new single-family dwellings  
Case Number 2009.0112CZ  
One Capitol Avenue

# Aerial Photos



SUBJECT PROPERTY



PLANNED UNIT DEVELOPMENT

28 new single-family dwellings

Case Number 2009.0112CZ

One Capitol Avenue

1457

# Aerial Photos



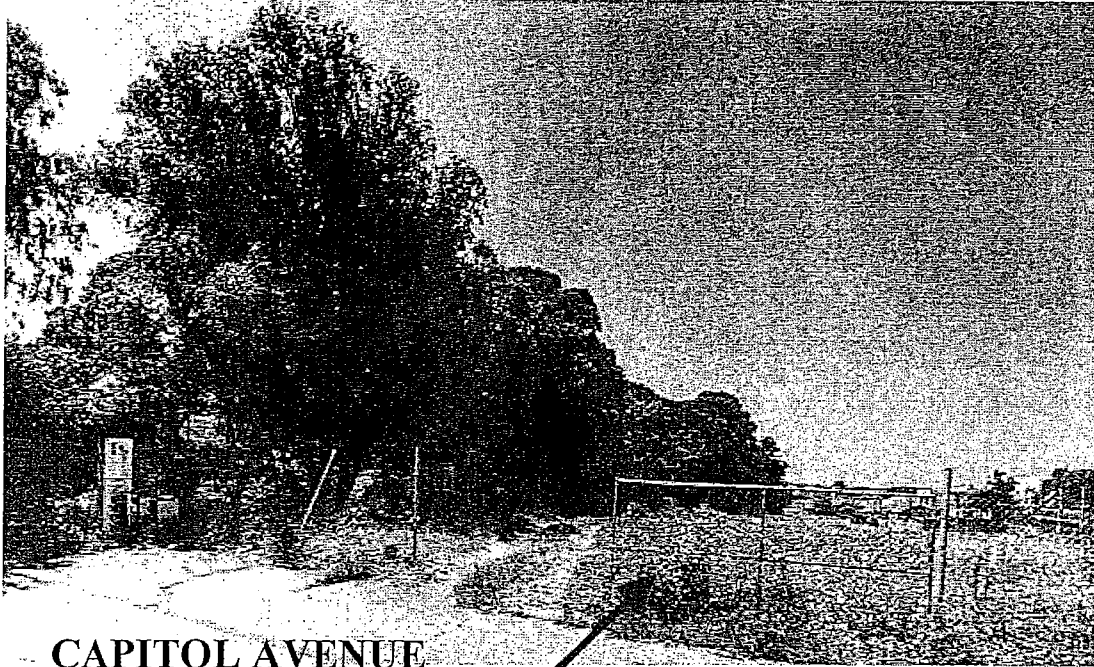
**SUBJECT PROPERTY**

PLANNED UNIT DEVELOPMENT  
28 new single-family dwellings  
Case Number 2009.0112CZ  
One Capitol Avenue



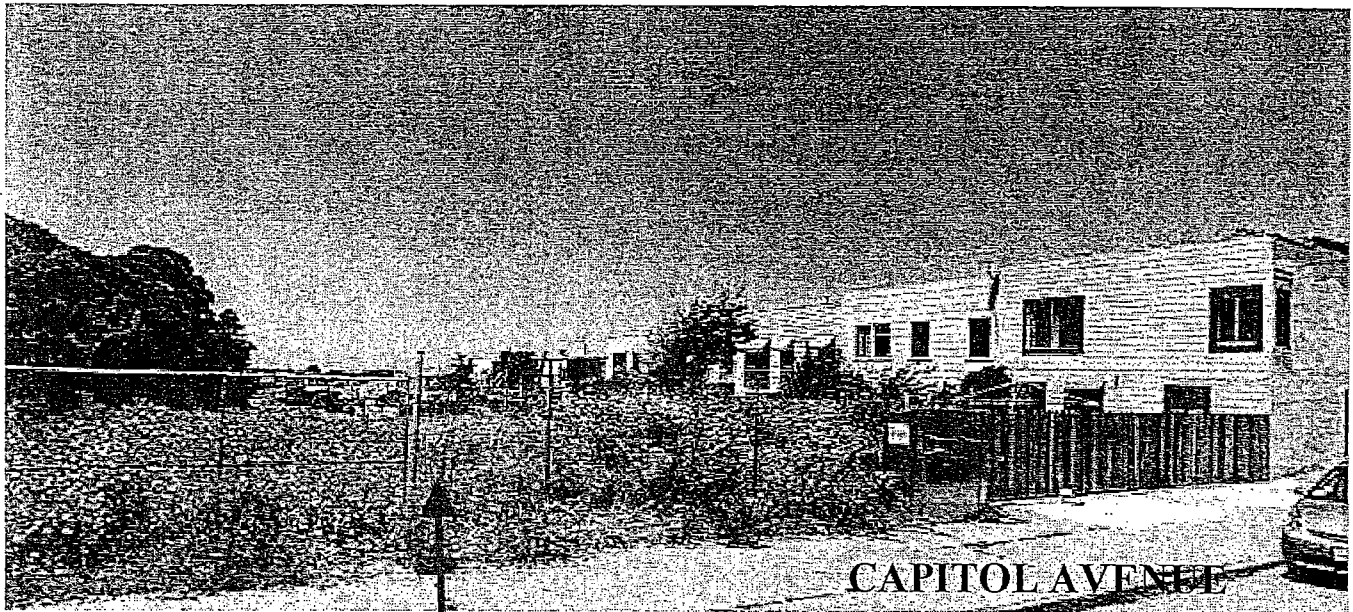


# Context Photos



CAPITOL AVENUE

SUBJECT PROPERTY



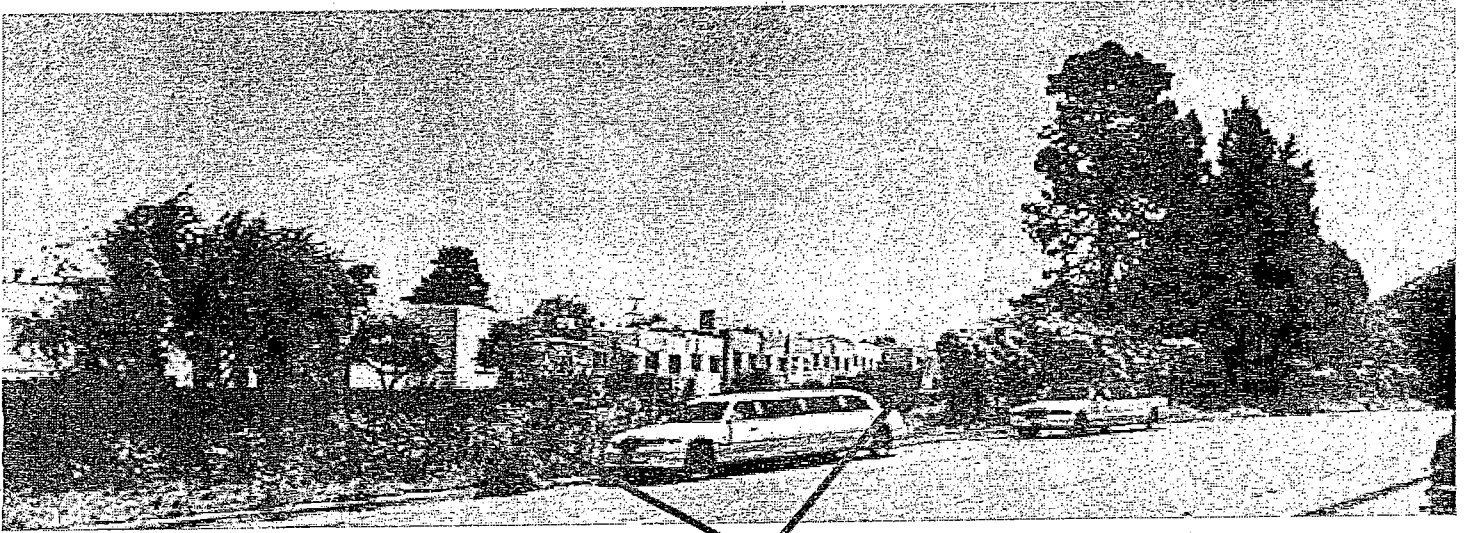
CAPITOL AVENUE

SUBJECT PROPERTY



PLANNED UNIT DEVELOPMENT  
28 new single-family dwellings  
Case Number 2009.0112CZ  
One Capitol Avenue

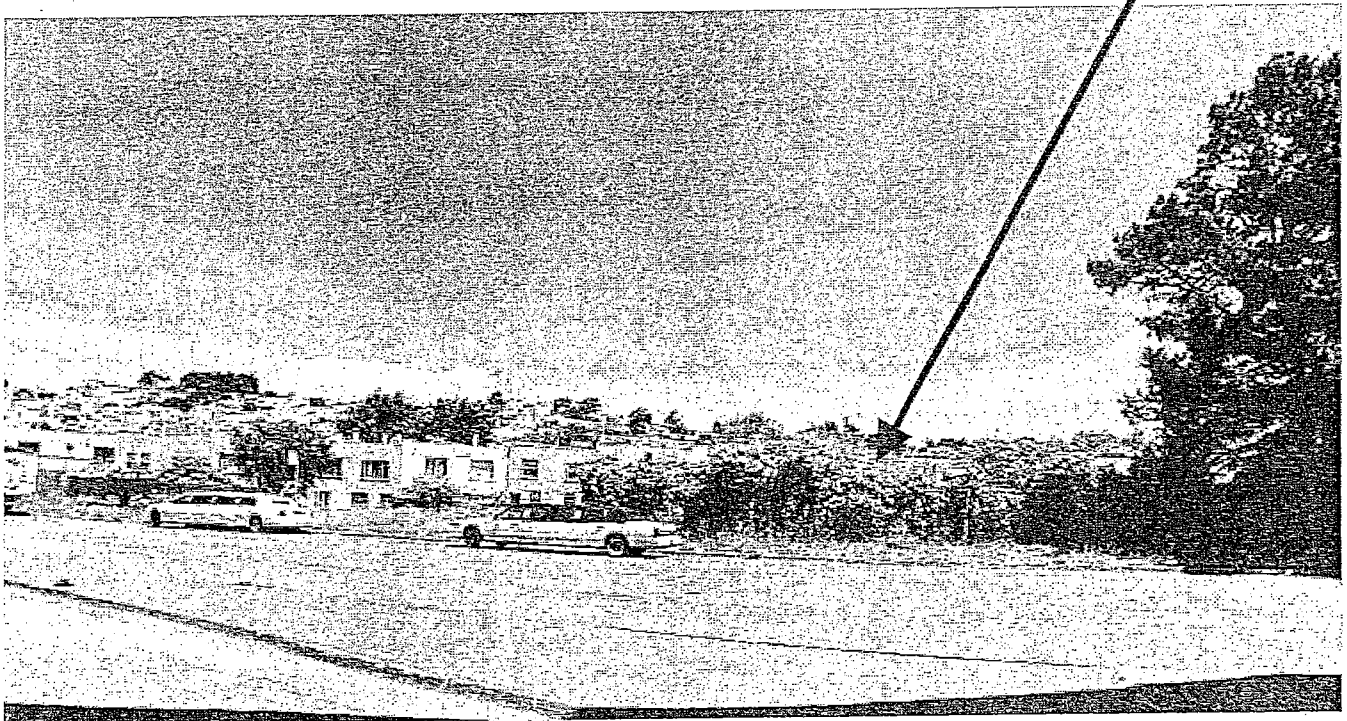
# Context Photos



**SUBJECT PROPERTY**



**SUBJECT PROPERTY**



PLANNED UNIT DEVELOPMENT  
28 new single-family dwellings  
Case Number 2009.0112CZ  
One Capitol Avenue



Department of Public Works  
Office of the City and County Surveyor

875 Stevenson Street, Room 410  
San Francisco, CA 94103

Bruce R. Storrs, City and County Surveyor

Edwin M. Lee, Mayor  
Mohammed Nuru, Director

Fuad S. Sweiss, PE, PLS,  
City Engineer & Deputy Director of Engineering

Date: September 25, 2012

Department of City Planning  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

2009.0125

Project ID: 7341			
Project Type: 29 Lot Subdivision (28 Lots Residential, 1 for road)			
Address#	Street Name	Block	Lot
1	CAPITOL AVE	7148	040
Tentative Map Referral			

Attention: Mr. Scott F. Sanchez

Pursuant to Section 1325 of the City and County of San Francisco Subdivision Code and Section 4.105 of the 1996 City Charter, a print of the above referenced Map is submitted for your review, CEQA and General Plan conformity determination. Under the provisions of the Subdivision Map Act and the City and County of San Francisco Subdivision Code, your Department must respond to the Bureau of Street-Use and Mapping within 30 days of the receipt of the application or CEQA Determination per SMA 664521(c). Under these same state and local codes, DPW is required to approve, conditionally approve, or disapprove the above referenced map within 50 days of the receipt of the application or CEQA Determination per SMA 664521(c). Failure to do so constitutes automatic approval. Thank you for your timely review of this Map.

Enclosures:

- [Redacted]
- [Redacted]
- Proposition "M" Findings
- [Redacted]

Sincerely,

*[Signature]*  
Bruce R. Storrs (P.L.S.)  
City and County Surveyor

The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code. On balance, the Tentative Map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 based on the attached findings. ~~The subject referral is exempt from environmental review per Class 1 California Environmental Quality Act Guidelines.~~

*See Attached*

The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code subject to the following conditions (Any requested documents should be sent in with a copy of this letter to Scott F. Sanchez at the above address):

The subject Tentative Map has been reviewed by the Planning Department and does not comply with applicable provisions of the Planning Code. Due to the following reasons (Any requested documents should be sent in with a copy of this letter to Scott F. Sanchez at the above address):

PLANNING DEPARTMENT

DATE 10/19/2012

*[Signature]*  
for Mr. Scott F. Sanchez, Zoning Administrator



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

Approved per the Final Mitigated Negative Declaration (Case No. 2009.0112E) approved by the Planning Commission on 13 May 2010 and per Motion No. 18084 for Case No. 2009.0112C approved by the Planning Commission on 13 May 2010 as set forth in Planning Commission Motion No. 18084.

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

G. FORMS

Form No. 1

Proposition "M" Findings Form

The Eight Priority Policies of Section 101.1 of the San Francisco Planning Code

Date: 8/16/2012

City Planning Case No. 2009.0112CZ (if available)

Address One Capitol Avenue

Assessor's Block 7148 Lot(s) 40

Proposal: 28 affordable homeownership units.

EIGHT PRIORITY GENERAL PLAN POLICIES

As a result of the passage of Proposition M (Section 101.1 of the San Francisco Planning Code), findings that demonstrate consistency with the eight priority policies of Section 101.1 must be presented to the Department of City Planning as part of your project application review for general conformity with San Francisco's General Plan.

Photographs of the subject property are required for priority policy review and must be submitted as part of the application.

INSTRUCTIONS TO APPLICANTS: Please present information in detail about how your application relates to each of the eight priority policies listed below. The application will be found to be incomplete if the responses are not thorough. Use a separate document and attach if more space is needed. \* See attached \*

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

Three horizontal lines for handwritten response to policy 1.

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

Three horizontal lines for handwritten response to policy 2.

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. 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;

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. That landmarks and historic buildings be preserved; and

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

**Form No. 1**  
**Proposition "M" Findings Form**

**EIGHT PRIORITY GENERAL PLAN POLICIES**

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

*No existing neighborhood-serving uses would be displaced as the Property is currently vacant. By increasing the number of people who live in the neighborhood, the Project increases the opportunities for resident employment in and ownership of neighborhood businesses.*

- 2) 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 would be a benefit to the neighborhood character, by constructing new single family dwellings that are consistent with the existing height, density, and general architectural style of the surrounding neighborhood. By providing affordable dwelling units, along with modestly sized family housing, the Project would preserve and foster the cultural and economic diversity of the neighborhood.*

- 3) That the City's supply of affordable housing be preserved and enhanced.

*The proposed Project would enhance the City's supply of affordable housing by providing 28 affordable homes for low income households.*

- 4) That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

*The Project would provide 28 off-street parking spaces within private garages for a 1:1 parking ratio, along with two car-share spaces available to the community. The Project site is also well served by public transportation—it is within close proximity of the 14, 14L, 14X, and 54 bus lines, the 88 BART Shuttle, the M-light rail line, and the Daly City BART Station. Overall, the construction of 28 new single-family dwellings with 28 off-street parking spaces will not impede MUNI transit service or overburden the streets or neighborhood parking.*

- 5) 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.

**Form No. 1**  
**Proposition "M" Findings Form**

*The Project does not propose any office development, and will not displace any industrial or service uses. The Project will enhance future opportunities for resident employment by providing additional residents to the Ocean View Neighborhood.*

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

*The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code.*

- 7) That landmarks and historic buildings be preserved. There are no landmarks or historic buildings on, or associated with, the Project site.

*The Subject Property is vacant; there are no landmarks or historic buildings on or associated with the Project Site.*

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

*The Project would not cast a shadow on any existing parks or recreation facilities or obscure the vista from any park.*



## Moyer, Robert

---

**From:** Caldeira, Rick  
**Sent:** Monday, January 07, 2013 1:51 PM  
**To:** BOS Legislation  
**Subject:** FW: Appeal of Tentative Final Map - 1 Capitol Avenue  
**Attachments:** Habitat Greater SF Response to Tentative Map Appeal (1 Capitol Ave).pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

For file and processing.

---

**From:** Meredyth Skemp [<mailto:MSkemp@habitatgsf.org>]  
**Sent:** Monday, January 07, 2013 11:49 AM  
**To:** Board of Supervisors  
**Cc:** Sanguinetti, Jerry; Sweiss, Fuad; Storrs, Bruce; Sanchez, Scott; Rodgers, AnMarie; Givner, Jon; Malamut, John; Calvillo, Angela; Caldeira, Rick; Lamug, Joy; Moyer, Robert; Nuru, Mohammed; Deven Richardson  
**Subject:** RE: Appeal of Tentative Final Map - 1 Capitol Avenue

Attached please find a letter in response to the appeal of our Tentative Final Map for our 28-unit development at 1 Capitol Avenue. Please include this response in the packet to be distributed to the full Board of Supervisors in preparation for the meeting on January 15<sup>th</sup>.



Many thanks,  
Meredyth

Meredyth Skemp  
Project Manager  
645 Harrison St., Suite 201  
San Francisco, CA 94107

TEL 415.625.1045  
[mskemp@habitatgsf.org](mailto:mस्कemp@habitatgsf.org)

**From:** Moyer, Robert [<mailto:robert.moyer@sfgov.org>]  
**Sent:** Friday, December 21, 2012 2:29 PM  
**To:** Nuru, Mohammed  
**Cc:** Sanguinetti, Jerry; Sweiss, Fuad; Storrs, Bruce; Sanchez, Scott; Rodgers, AnMarie; Givner, Jon; Malamut, John; BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela; Caldeira, Rick; Lamug, Joy; [linda.lam824@gmail.com](mailto:linda.lam824@gmail.com); Meredyth Skemp; [jtoby@leabraze.com](mailto:jtoby@leabraze.com)  
**Subject:** Appeal of Tentative Final Map - 1 Capitol Avenue

Dear Director Nuru:

The Office of the Clerk of the Board is in receipt of an appeal filed by Linda Lam (copy attached), from the decision of the Department of Public Works dated December 10, 2012, affirming the approval of a Tentative Final Map for a 29-lot subdivision located at 1 Capitol Avenue.

By copy of this letter, the City Engineer's Office is advised the Board of Supervisors will have the appeal scheduled for public hearing on Tuesday, January 15, 2013, at 3:00 p.m.

Pursuant to Subdivision Code Section 1315, enclosed is a filing fee of \$284.00 paid by the appellant for deposit to your Subdivision Fund.

Sincerely,

**Robert Moyer**

**Legislation Clerk**

Board of Supervisors

1 Dr. Carlton B. Goodlett Place, City Hall, Room 244

San Francisco, CA 94102

Phone: (415) 554-4445 | Fax: (415) 554-5163

[robert.moyer@sfgov.org](mailto:robert.moyer@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.

<http://www.sfbos.org/index.aspx?page=104>



**Habitat**  
for Humanity®  
Greater San Francisco

645 Harrison Street  
Suite 201  
San Francisco  
California 94107  
TEL 415 625.1000  
FAX 415 625.1815

[www.habitatgsf.org](http://www.habitatgsf.org)

January 7, 2013

Supervisor John Avalos  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102-4689

RE: File Number 121219  
Appeal of Tentative Final Map – One Capitol Avenue  
Block 7148 / Lot 040  
29-Lot Subdivision

Dear Supervisor Avalos:

On December 10, 2012, the City and County Surveyor approved the Tentative Final Map for One Capitol Avenue with numerous conditions. Habitat has no objections to any of the conditions and will work directly with City staff to be sure that all conditions are addressed or otherwise satisfied with the City.

This letter is in response to the appeal filed by Ms. Linda Lam opposing the approval of our Tentative Final Map for our 28-unit affordable residential development located at One Capitol Avenue. In response to the two reasons explicitly outlined in Ms. Lam's appeal, we offer the following information.

**1) The ownership has changed.**

Habitat for Humanity Greater San Francisco (Habitat) purchased the one-acre site and its entitlements at One Capitol Avenue in the Ocean View neighborhood in May 2012. Habitat first entered into contract for this site in December 2011. In advance of Habitat closing on and taking ownership of the parcel at One Capitol Avenue, Habitat staff and consultants met with City Planning staff to confirm that a change of ownership did not adversely affect the entitlements already in place. These three meetings took place between June 2011 and February 2012. Moreover, outreach since and before acquisition has been extensive (see below) and this is the first concern raised during that time.

**2) The property plans have changed.**

The proposed development is in keeping with the project approved by the Planning Commission in May 2010. A copy of the originally approved site plan and the current site plan, both attached, shows that the footprint of the buildings is the same, excepting the fact that several buildings now have a *smaller* footprint. In addition, the development was approved as a market-rate project; it is now 100% affordable and units will be sold to qualified households earning between 50 and 80% of AMI.

Building homes  
and hope in Marin  
San Francisco  
and the Peninsula

Habitat provides a zero-percent interest loan and requires 500 hours of "sweat equity" in lieu of a down payment. Applicants for Habitat's program go through an extensive selection process, including a review of their financial status, job history, residency and other qualifications. Applicants must meet certain income guidelines, have good credit, a minimal level of debt, and be willing and able to perform the 500 hours of sweat equity to build their own home.

The development features 28 three-story single family townhomes with 11 - two bedroom units and 17 - three bedroom units. The units include garages on the ground floor with one parking space per unit and a back yard. There will be two car share spaces and the homes will be GreenPoint Rated through Build It Green.

Historically the grading in this area of the site has sat in a bowl and was considerably lower than the connection point to Alemany Blvd. To allow for better traffic circulation and provide for overland release of drainage should there be any issues with the site storm drain system, the project is designed with retaining walls along the north property line, thus raising the grade and allowing for proper traffic circulation and drainage patterns.

As part of this re-design, there is a new retaining wall planned for a portion of the northern property boundary on the west end of the site. This concrete retaining wall will be between 1 ft. and 3 ft. high along the neighboring back fence; a new wood fence on top of this retaining wall would be an additional 5 ft. This resulting fence will start at the same height as the neighboring fence and rise to a maximum height of 2 ft. higher than that fence only at the far Southwest corner of the neighboring lot. Habitat is providing a stepped landscaping area of shrubs behind this fence line that will maintain privacy, while letting in the maximum amount of light to this back yard.

Throughout due diligence and since closing on the site, Habitat staff has met with neighbors over the past year to discuss our development plans and to listen to neighbors' concerns. Building on the extensive outreach completed by the previous owner, we engaged with the community as follows:

- 8/25/2011: Meeting with Supervisor Avalos
- 3/2/2012: Meeting with Supervisor Avalos
- 5/9/2012: Mailing to neighbors with introduction
- 5/12/2012: Door-to-door outreach
- 6/19/2012: Mailing to neighbors with project update
- 7/26/2012: Presentation at OMI Meeting
- 8/26/2012: Potluck with neighbors
- 9/23/2012: Potluck with neighbors
- 12/7/2012: Mailing to neighbors with project update
- 12/11/2012: Door-to-door outreach

Habitat pulled its grading permit and began sitework early this month. Habitat also submitted its building permit application, and has been working on plans in response to the conditions of approval of the Tentative Map. It is expected that sitework – including excavation, shoring, and grading – will progress over the next few months and it is likely that comments will be provided to Habitat's building permit application by the spring, with the ultimate goal of breaking ground this summer.

ABOUT HABITAT GREATER SAN FRANCISCO

Habitat for Humanity Greater San Francisco partners with working families and the community to build affordable ownership homes for low- and very-low income families throughout Marin, San Francisco and the Peninsula. In its 22-year history, Habitat Greater SF has partnered with more than 88,000 volunteers and community partners to empower over 180 families to become homeowners in Marin, San Francisco and San Mateo counties.

Habitat Greater San Francisco can reach levels of affordability no other developer of ownership homes can, partnering with families earning between 40-80% of the Area Median Income (AMI), serving a severely underserved community. Habitat homeowners are employed, productive and vital members of the community, great neighbors for anyone, but simply do not qualify for a conventional mortgage.

Habitat's commitment to the positive, long term outcomes of affordable ownership housing allows people to live where they work, thereby increasing job retention and stabilizing the local workforce. For Habitat partner families, homeownership means more than just having a roof over their heads. Homeownership gives families the chance to break the cycle of poverty, establish financial stability and to build an equity stake in their communities.

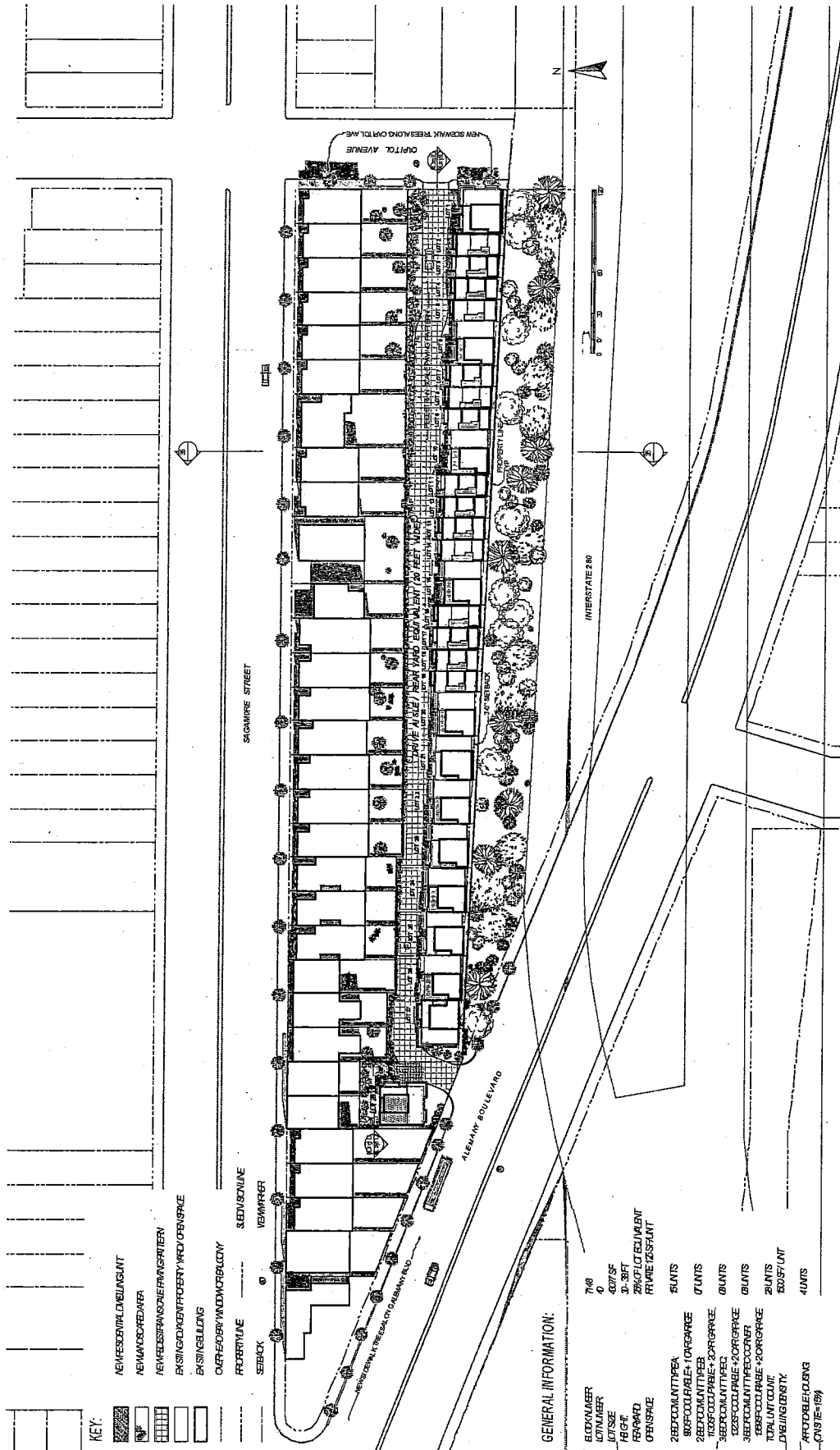
Habitat Greater San Francisco is proud to continue our work in San Francisco, and to be moving forward with this development of 28 homes for working families. If you have any questions or need additional information please feel free to contact me at [drichardson@habitatgsf.org](mailto:drichardson@habitatgsf.org) or (415) 625-1042.

Sincerely,



Deven Richardson  
Director of Real Estate Development

Cc Supervisor London Breed  
Supervisor David Campos  
Supervisor David Chiu  
Supervisor Carmen Chu  
Supervisor Malia Cohen  
Supervisor Mark Farrell  
Supervisor Jane Kim  
Supervisor Eric Mar  
Supervisor Scott Wiener  
Supervisor Norman Yee  
Angela Calvillo, Clerk of the Board  
Mohammed Nuru, Director of Public Works  
Jerry Sanguinetti, Department of Public Works-Bureau of Street Use and Mapping  
Fuad Sweiss, City Engineer, Department of Public Works  
Bruce Storrs, County Surveyor, Department of Public Works  
Scott Sanchez, Zoning Administrator, Planning Department  
AnMarie Rodgers, Planning Department  
Jon Givner, Deputy City Attorney  
John Malamut, Deputy City Attorney



- KEY:**
- NEW RESIDENTIAL UNIT
  - NEW WALKWAY
  - NEW PAVEMENT AREA
  - NEW PAVEMENT AREA WITH TREES
  - EXISTING ADJACENT PROPERTY AND OPEN SPACE
  - EXISTING BUILDING
  - OVERHEAD WIND CORRIDOR
  - FRONT YARD
  - SEBACK
  - SEMI-PRIVATE
  - REAR YARD

**GENERAL INFORMATION:**

BLOCK NUMBER	748
LOT NUMBER	0
LOT SIZE	4,07 SF
HEIGHT	3-38 FT
REAR YARD	25% FLOOR AREA
OPEN SPACE	FRONT 125 FT
2 BED ROOM UNIT AREA	5 UNITS
3 BED ROOM UNIT AREA	0 UNITS
4 BED ROOM UNIT AREA	0 UNITS
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JOHN SCHLESINGER, AIA,  
ARCHITECT  
351 Valley Street  
San Francisco, Ca. 94131  
(415) 826-3553

HABITAT TERRACE (FORMERLY 1 CAPITOL AVENUE)  
SAN FRANCISCO, CA.  
HABITAT FOR HUMANITY GREATER SAN FRANCISCO

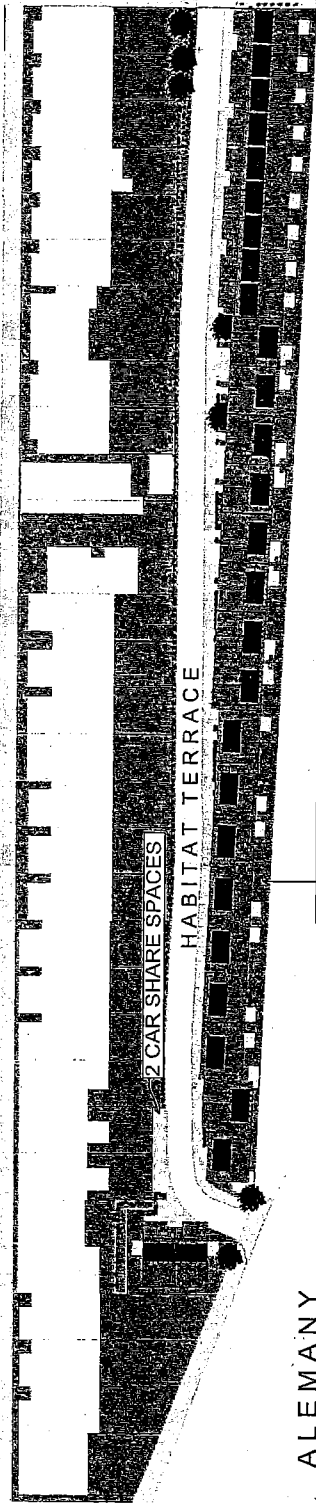
SITE PLAN

Job: 201101  
Scale: 1"=300'  
Date: 7/17/12  
Rev:

A1.0

SAGAMORE STREET

CAPITOL AVE.



ALEMANY  
BOULEVARD

INTERSTATE 280 FREEWAY



## Moyer, Robert

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**From:** Caldeira, Rick  
**Sent:** Monday, January 07, 2013 1:50 PM  
**To:** BOS Legislation  
**Subject:** FW: Appeal of Tentative Final Map - 1 Capitol Avenue  
**Attachments:** Planning Response to 1 Capitol Subdivision Appeal.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

For file and processing.

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**From:** Rodgers, AnMarie  
**Sent:** Monday, January 07, 2013 12:03 PM  
**To:** Meredyth Skemp; Board of Supervisors  
**Cc:** Sanguinetti, Jerry; Sweiss, Fuad; Storrs, Bruce; Sanchez, Scott; Givner, Jon; Malamut, John; Calvillo, Angela; Caldeira, Rick; Lamug, Joy; Moyer, Robert; Nuru, Mohammed; Deven Richardson; Hollister, Aaron; Watty, Elizabeth; Wang, Thomas  
**Subject:** RE: Appeal of Tentative Final Map - 1 Capitol Avenue

The Planning Department submits the following response for BF 12-1219 Appeal of the Tentative Parcel Map for 1 Capitol Avenue.

**AnMarie Rodgers**  
Manager of Legislative Affairs  
SF Planning Department  
415-558-6395

Public access to property information and permit history is just a click away:  
<http://propertymap.sfplanning.org>

---

**From:** Meredyth Skemp [<mailto:MSkemp@habitatgsf.org>]  
**Sent:** Monday, January 07, 2013 11:49 AM  
**To:** Board of Supervisors  
**Cc:** Sanguinetti, Jerry; Sweiss, Fuad; Storrs, Bruce; Sanchez, Scott; Rodgers, AnMarie; Givner, Jon; Malamut, John; Calvillo, Angela; Caldeira, Rick; Lamug, Joy; Moyer, Robert; Nuru, Mohammed; Deven Richardson  
**Subject:** RE: Appeal of Tentative Final Map - 1 Capitol Avenue

Attached please find a letter in response to the appeal of our Tentative Final Map for our 28-unit development at 1 Capitol Avenue. Please include this response in the packet to be distributed to the full Board of Supervisors in preparation for the meeting on January 15<sup>th</sup>.

Many thanks,  
Meredyth



Meredyth Skemp  
Project Manager



645 Harrison St., Suite 201  
San Francisco, CA 94107

TEL 415.625.1045  
[mskemp@habitatgsf.org](mailto:mskemp@habitatgsf.org)

**From:** Moyer, Robert [<mailto:robert.moyer@sfgov.org>]

**Sent:** Friday, December 21, 2012 2:29 PM

**To:** Nuru, Mohammed

**Cc:** Sanguinetti, Jerry; Sweiss, Fuad; Storrs, Bruce; Sanchez, Scott; Rodgers, AnMarie; Givner, Jon; Malamut, John; BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela; Caldeira, Rick; Lamug, Joy; [linda.lam824@gmail.com](mailto:linda.lam824@gmail.com); Meredyth Skemp; [jtoby@leabraze.com](mailto:jtoby@leabraze.com)

**Subject:** Appeal of Tentative Final Map - 1 Capitol Avenue

Dear Director Nuru:

The Office of the Clerk of the Board is in receipt of an appeal filed by Linda Lam (copy attached), from the decision of the Department of Public Works dated December 10, 2012, affirming the approval of a Tentative Final Map for a 29-lot subdivision located at 1 Capitol Avenue.

By copy of this letter, the City Engineer's Office is advised the Board of Supervisors will have the appeal scheduled for public hearing on Tuesday, January 15, 2013, at 3:00 p.m.

Pursuant to Subdivision Code Section 1315, enclosed is a filing fee of \$284.00 paid by the appellant for deposit to your Subdivision Fund.

Sincerely,

**Robert Moyer**

**Legislation Clerk**

Board of Supervisors

1 Dr. Carlton B. Goodlett Place, City Hall, Room 244

San Francisco, CA 94102

Phone: (415) 554-4445 | Fax: (415) 554-5163

[robert.moyer@sfgov.org](mailto:robert.moyer@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.

<http://www.sfbos.org/index.aspx?page=104>



# 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

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

## Planning Commission Motion No. 18084

HEARING DATE: MAY 13, 2010

*Date:* May 6, 2010  
*Case No.:* 2009.0112CZ  
*Project Address:* One Capitol Avenue  
*Zoning:* RH-1 (Residential, House; One-Family) District  
*Height/Bulk:* 40-X  
*Block/Lot:* 7148/040  
*Project Sponsor:* Deny Sepaher  
 Birch Tree Properties, LLC  
 4061 Castro Valley Boulevard, Suite 502  
 Castro Valley, CA 94552  
*Staff Contact:* Elizabeth Watty – (415) 558-6620  
 Elizabeth.Watty@sfgov.org  
*Recommendation:* Approval with Conditions

ADOPTING FINDINGS RELATED TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION FOR A PLANNED UNIT DEVELOPMENT, PURSUANT TO PLANNING CODE SECTIONS 303 AND 304, WITH SPECIFIC MODIFICATIONS TO PLANNING CODE REGULATIONS RELATED TO LOT SIZE AND WIDTH (SECTION 121), REAR YARD (SECTION 134), OPEN SPACE CONFIGURATION (SECTION 135), AND DWELLING-UNIT EXPOSURE (SECTION 140), WITH RESPECT TO A PROPOSAL THAT WOULD ALLOW THE CONSTRUCTION OF 28 SINGLE-FAMILY DWELLINGS ON 28 NEW LOTS WITH 4 ON-SITE AFFORDABLE DWELLING-UNITS, WITH 41 OFF-STREET PARKING SPACES AND ONE CAR SHARE PARKING SPACE, LOCATED AT ONE CAPITOL AVENUE, LOT 040 IN ASSESSOR'S BLOCK 7148, WITHIN THE RH-1 (RESIDENTIAL, HOUSE, ONE-FAMILY) DISTRICT AND 40-X HEIGHT AND BULK DISTRICT; AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

### PREAMBLE

On February 12, 2009, Deny Sepaher of Birch Tree Properties, LLC (hereinafter "Project Sponsor"), submitted an Environmental Evaluation Application with the Planning Department (hereinafter "Department"), Case No. 2009.0112E.

On January 27, 2010 the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared and published for public review; and

The Draft IS/MND was available for public comment until February 16, 2010; and

On May 13, 2010, the Planning Commission reviewed and considered the Final Mitigated Negative Declaration (FMND) and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

The Planning Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Planning Department and the Planning Commission, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

The Planning Department, Linda Avery, is the custodian of records, located in the File for Case No.2009.0112E at 1650 Mission Street, Fourth Floor, San Francisco, California.

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

On January 28, 2010, the Project Sponsor submitted a letter to the Planning Director requesting to rezone the Subject Property from P (Public) to RH-1 (Residential House, One-Family), in order to create 28 lots with 28 single-family dwellings and 42 parking spaces as part of a Planned Unit Development (hereinafter "PUD") on an approximately 43,077 square-foot site (Lot 040 in Assessor's Block 7148) at One Capitol Avenue (hereinafter "Subject Property").

On January 28, 2010, the Project Sponsor filed an application with the Department for Conditional Use Authorization under Planning Code Sections 303 and 304, to authorize a Planned Unit Development (PUD) on the Subject Property, that includes the creation of 28 lots with a total of 28 single-family dwellings – including four on-site affordable dwelling-units – and 42 parking spaces (including one car share space) in an RH-1 (Residential, House – One Family) District and 40-X Height and Bulk District. The PUD includes modifications to the lot size and width (Section 121), to the rear yard (Section 134) and usable open space (Section 135) configurations, and to the dwelling-unit exposure (Section 140) (Case No. 2009.0112CZ; collectively, hereinafter "Project").

The San Francisco Planning Commission (hereinafter, "Commission") held a duly noticed public hearing at a regularly scheduled meeting on Case No2009.0112CZ on May 13, 2010. At that hearing, the Planning Commission recommended approval of the Zoning Map Amendment to the Board of Supervisors.

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 Project Sponsor, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2009.0112CZ, 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 is located at One Capitol Avenue, between Capitol Avenue to the east and Alemany Boulevard to the west, and Sagamore Street to the north and parallel to Interstate 280 Freeway to the south; Block 7148, Lot 040, within the RH-1 (Residential, House: One-Family) District and 40-X Height and Bulk District. The site is an irregularly-shaped undeveloped through lot that extends from Alemany Boulevard to Capitol Avenue, measuring approximately 43,077 square feet in area.
3. **Surrounding Properties and Neighborhood.** The area surrounding the Subject Property is residential in character, with the exception of the I-280 Freeway, which abuts the Property to the south, and the San Francisco Fire Station No. 33, which abuts the Property to the east. The surrounding residential development consists of predominantly low-density, two-story, single-family dwellings, zoned RH-1 (Residential, House: One-Family). To the north of the Subject Property are 32 private lots that front Sagamore Street; they are zoned RH-1 and have an average depth of approximately 85 feet. The Subject Property is located in the Ocean View Neighborhood.
4. **Project Description.** The Project seeks Conditional Use Authorization, pursuant to Planning Code Sections 303 and 304, to authorize a Planned Unit Development (PUD) on a vacant lot measuring approximately one acre in size, that includes the creation of 28 lots with a total of 28 single-family dwellings and 42 parking spaces (including one car share space) in an RH-1 Zoning District and 40-X Height and Bulk District.

The proposed development would total approximately 53,400 square feet and would subdivide the existing vacant 43,077 square foot parcel into 28 parcels with lot sizes ranging from 942 to 3,317 square feet. Each of the resulting 28 parcels would grant an easement from a common 20-foot-wide one-way westbound driveway connecting Capitol Avenue to Alemany Boulevard that would provide vehicular and pedestrian access to each unit. The common drive would be designed in such a way that it would act as common usable open space for occupants of this development. The 28 new two-and-three-story single-family detached dwellings would range in size from approximately 1,450 to 2,330 square feet. The development would include 22 two-bedroom dwelling-units, and six three-bedroom dwelling-units. Four of the dwelling-units would be on-site affordable dwelling-units.

This Project includes modifications to the lot size and width (Section 121), rear yard (Section 134), usable open space (Section 135), and dwelling-unit exposure (Section 140).

5. **Public Comment.** The Department received two letters of support for the Project: one from the Housing Action Coalition and from the OMI Neighbors in Action. The Department has received opposition from one person. Her concerns include, but are not limited to the size of the development and traffic. The Department has also received endorsement for the Project from eight neighbors.
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. **Lot Width and Area.** Planning Code Section 121(d) requires a minimum lot width of 25'-0". Planning Code Section 121(e) requires a minimum lot area of 2,500 square feet.

*The Project includes the subdivision of the existing vacant 43,077 square foot parcel into 28 lots, with lot widths varying from 16.00 to 45.38 feet wide. Fifteen of the 28 properties will have lots widths less than the required 25'-0".*

*The Project proposes to subdivide the 43,077 square foot Property into 28 lots. The lots will range in area from 942 to 3,317 square feet; of the 28 lots, only two will meet the Code minimum of 2,500 square feet in area.*

*The Project is seeking modifications of the Code provisions governing the width and area of lots through the PUD process. Because the constraints created by a narrow, long and irregularly-shaped lot adjacent to an elevated freeway, the Project requires a modification for both lot width and area. This modification is justified because of the cumulative site constraints. First, the irregular and narrow shape of the site makes it difficult to meet the minimum lot area requirements. The shape does not support 28 rectangular 25x100 foot lots. Second, because the lot lacks street frontage, the means of vehicular and pedestrian access and parking must be provided on the site. While this creates minimal on-street parking demand, it also constrains the size and width of the lots. Third, in order to maximize the number of family-sized units and minimize privacy impacts on the homes on Sagamore Street, the homes are being built near the rear of the lot. This clustering also limits the available lot area and width.*

- B. **Rear Yard.** Section 134(a)(1) of the Planning Code requires a rear yard equal to 25 percent of the lot depth, but in no case less than 15'-0", to be provided at grade level and each succeeding level. The rear yard requirements are intended to assure the protection and continuation of established midblock, landscaped open spaces, and maintenance of a scale of development appropriate to each district, consistent with the location of adjacent buildings.

*Due to the unique lot shape and location, the Project has been designed to put the 28 new dwellings toward the rear of their own lots, with a mews/landscaped drive isle along the front of the Property that acts as a "rear yard" and buffer to the neighboring properties' rear. The Project's lot coverage is approximately 46%, leaving the remaining 54% of the site dedicated to the 21,000 square foot mews and the 2,285 square feet of open space at the rear of the homes. Each of the 28 lots contains an undeveloped "rear yard" across the mews of at least 25% of the lot depth. The Project is seeking a modification of the Code provision governing the rear yard requirements; although the project satisfies the Code-required distance to the neighbors' rear property lines of 25% of the subject lot depths, the Project requires a rear yard modification for the location and configuration of the rear yards.*

*An exception from the rear yard configuration requirement is justified for the following reasons. First, the site has more than adequate usable open space for the development's residents. The mews provides 20,978 square feet of common open space along the mews. Private open space is provided by the roof decks and/or balconies for each unit and at the rear of the single-family dwellings. These amounts exceed the Code's yard requirements in terms of total square footage. Second, the proposed configuration respects the established pattern of mid-block open space on this block for rear yards because the mews will be adjacent to the rear yards of the homes on Sagamore Street. Third, the optimal way for this site to accommodate 28 family-sized units, each with their own unit entrance, is to cluster the buildings and open space as proposed. If the Project had to comply with the Code's rear yard configuration requirements, the trade-off would be the loss of moderately-priced, family-sized homeownership units in the Ocean View Neighborhood.*

- C. **Usable Open Space.** Section 135 requires that a minimum amount of usable open space be provided for dwelling units within the RH-1 District. This Section specifies that the area counting as usable open space must meet minimum requirements for area and horizontal dimensions.

*The Code requires that 300 square feet of private open space or 399 square feet of common usable open space, or a combination of the two, be provided for each dwelling unit within the RH-1 District. The Project therefore must provide a minimum of 11,172 square feet of common usable open space or 8,400 square feet of private open space, or a combination of the two. The Project includes a total of 27,746 square feet of usable open space at grade (20,978 square feet of commonly accessible usable open space along the mews, and 6,768 square feet of open space within the individual lots), and an additional 3,737 square feet on privately accessible decks, for a total of 31,484 square feet of open space. The Project is seeking a modification of the Code provision governing the location of the open space requirements since the majority of the open space is provided on the mews that also functions as a drive aisle.*

*An exception from the common open space configuration requirement is justified for the following reasons. First, the irregularly shaped and narrow parcel limits open space opportunities. Nonetheless, the site design provides substantial open space in the form of private decks and balconies and in common open space along the mews. Second, the proposed configuration respects the established pattern of mid-block open space on this block for the rear yards because the mews will be adjacent to the rear yards of the homes on Sagamore Street. Third, even through the hardscaped portion of the drive aisle of the mews does not count toward open space calculations, it will be designed as a primarily pedestrian mews with traffic calming design features that will allow it to function as usable open space. Finally, the optimal way for this site to accommodate 28 family-sized units, each with their own unit entrance, is to cluster the buildings and open space as proposed. If the Project had to strictly comply with the Code's common open space configuration requirements, the trade-off would be the loss of moderately-priced, family-sized homeownership units in the Ocean View Neighborhood.*

- D. **Dwelling Unit Exposure.** Planning Code Section 140 requires that at least one room of all dwelling units face onto a public street, a rear yard, or other open area that meets minimum requirements for area and horizontal dimensions.

*The 28 new single-family dwellings are arranged in a linear pattern, fronting the open space mews. The mews is not a public street, Code-compliant rear yard, or qualifying open space, nor does it meet the minimum horizontal dimensions required to satisfy the dwelling-unit exposure Code-requirement. As*

part of this PUD, the Project is seeking a modification to the Code-requirement for dwelling-unit exposure.

An exception from the dwelling-unit exposure requirement is justified for the following reasons. First, each dwelling-unit will face the large open mews area on the Subject Property, which will remain free and clear of any permanent obstructions. This area does not meet the 25'-0" minimum dimension for all dwelling-units; some of the units will face a portion of the mews with a minimum horizontal dimension of 21'-0". Second, all of the dwelling-units will face the tree-lined adjacent property to the south that is owned by Caltrans and abuts the I-280 Freeway. Although this view may not be a desirable one, it does provide exposure and access to light for every dwelling-unit in the development. Finally, the optimal way for this site to accommodate 28 family-sized units, each with their own unit entrance, is to cluster the buildings and open space as proposed. If the Project had to strictly comply with the Code's common dwelling-unit exposure requirements, the trade-off would be the loss of moderately-priced, family-sized homeownership units in the Ocean View Neighborhood.

- E. **Street Trees.** Planning Code Section 143 requires installation of one 24-inch box street tree in the case of new construction for every 20 feet of frontage of the property along each street or alley, with any remaining fraction of 10 feet or more of frontage requiring an additional tree.

The Project includes the installation of 3 street trees along Alemany and 4 street trees along Capitol Avenue, in compliance with Planning Code Section 143. The project also includes substantial landscaping and tree plantings along the north, east, and west property lines.

- F. **Off-Street Parking.** Planning Code Section 151 establishes off-street parking requirements for all uses in all districts. Pursuant to this Section, one parking space is required for each dwelling and up to three off-street parking spaces are permitted as an accessory use.

The required parking for the RH-1 District is one parking space per unit, with an allowance to have up to three parking spaces as an accessory use (i.e. a 3:1 ratio). The Project includes a total of 41 off-street parking spaces and one unenclosed car share parking space. Fifteen of the two-bedroom units would have one off-street parking space, seven of the two-bedroom units would have two off-street parking spaces, and all of the three-bedroom units would have two off-street parking spaces, for an overall Project parking ratio of 1.5:1. This parking layout is consistent with the City's efforts to relate parking to unit size as well as density. The on-site parking should adequately accommodate the needs of future residents, as the larger units all have two off-street parking spaces, while some of the two-bedroom units only have one off-street parking space. The second parking space in the three-bedroom units should help to mitigate the lack of on-street parking available for this Project. Furthermore, due to the siting and configuration of this Project, there will be no immediately adjacent street parking available to any of the occupants of the Project.

The Project complies with the off-street parking provisions of Planning Code Section 151 in that the proposed 41 off-street and one car share parking spaces comply with the minimum parking requirements and with the permitted amount of accessory parking.

- G. **Bicycle Parking.** Planning Code Section 155.5 establishes bicycle parking requirements for new construction of four or more residential dwelling units. For projects up to 50 dwelling units, one Class 1 space is required for every 2 dwelling units.

*Two dedicated bicycle parking spaces are provided within the garages of each of the 28 new single-family dwellings, for a total of 56 secure bicycle parking spaces. This Project exceeds the Code-requirement of 14 bicycle parking spaces by a multiplier of four.*

- H. **Car Share Parking.** Section 166 establishes car share parking requirements for newly constructed buildings containing residential uses, where parking is provided.

*The Project includes the construction of 28 new single-family dwellings, which is below the 50 dwelling-unit threshold that requires car share parking spaces. Nonetheless, the Project Sponsor has voluntarily included one car share parking space within the new development.*

- I. **Use and Density.** Section 209.1(b) permits residential uses within the RH-1 District, and permits residential densities up to one dwelling unit per lot.

*The Project proposes a total of 28 dwelling units for the Subject Property. As part of this Project, the Project Sponsor is seeking to rezone the Subject Property from P (Public) to RH-1 (Residential, House: One-Family per Lot), and to subdivide the Subject Property into 28 individual lots. The lots would vary in size from 942 to 3,317 square feet. Accordingly, the residential density of the Project conforms to the maximum density allowed by the Planning Code for the RH-1 District, as there will be one single-family dwelling on each of the 28 new lots.*

- J. **Height/Bulk.** The Subject Property is located in the 40-X Height and Bulk District. Planning Code Section 261 further limits the height of a dwelling in an RH-1 District to 35 feet when located on a relatively flat lot.

*The proposed Project would comply with the height and bulk limits of the 40-X District and Planning Code Section 261. The height of the buildings would be as follows:*

Type A ( 2 bedroom )	Type B (2 Bedroom )	Type C (3 Bedroom)
29'-0" (plus stair penthouse)	29'-0"	29'-0"

- K. **Residential Affordable Housing Program.** Planning Code Section 315 sets forth the requirements and procedures for the Residential Affordable Housing Program. On February 2, 2010, the Board of Supervisors adopted Interim Controls contained in Board of Supervisors' Resolution No. 100047 entitled "Planning Code – Interim Controls Related to Affordable Housing Requirements" (the "Affordable Housing Ordinance"), the requirements of the Interim Controls apply to this Project. Under Planning Code Section 315.3, these requirements would apply to projects that consist of five or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. Pursuant to Planning Code Section 315.6, the Project is required to provide 15% of the proposed dwelling units as affordable if the Project is eligible for and selects the on-site alternative.

*The Project Sponsor has demonstrated that it is eligible for the on-site alternative under Planning Code Section 315.4(e), and has submitted a Declaration of Intent to satisfy the requirements of the Residential Affordable Housing Ordinance by providing the affordable housing on-site instead of payment of the Affordable Housing Fee. In order for the project sponsor to be eligible for the on-site*



*option under the Interim Controls, the project sponsor must submit an Affidavit to the Planning Department that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project. A condition of approval is for the Project Sponsor to enter into this agreement with the City by submitting an affidavit to the Planning Department within 30 days of the date of this Authorization. The EE application was submitted on February 12, 2009. Four units (3 two-bedroom, and 1 three-bedroom) of the 28 units provided will be affordable units. If the Project becomes ineligible to meet its Residential Affordable Housing obligation on-site, it must pay the Affordable Housing Fee with interest, if applicable.*

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use Authorization. Projects that propose a Planned Unit Development through the Conditional Use authorization process must meet these criteria, in addition to the criteria in Section 304, discussed under item 8 below. On balance, the Project complies with the criteria of Section 303, in that:

- A. The proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.

*The Subject Property is a vacant lot, measuring approximately one acre in size (43,077square feet), comprising of a long, narrow strip of land situated between 26 existing single family homes that front Sagamore Street to the north and the elevated I-280 Freeway to the south. The site is located within the block bounded by Sagamore Street, Capitol Avenue, I-280 Freeway, and Alemany Boulevard.*

*The Project includes the construction of 28 new two-and three-story single-family dwellings, each approximately 29'-0" tall, ranging in size from approximately 1,450 to 2,330 square feet in size. All 28 units are family-sized ownership units, including 22 two-bedroom units and 6 three-bedroom units. There will be four on-site affordable dwellings units: three 2-bedroom units and one 3-bedroom unit. There will be a total of 41 off-street parking spaces and one car share space. The off-street parking will be provided in private garages, with fifteen of the 2-bedroom units having one off-street parking space, seven of the 2-bedroom units would have two off-street parking spaces, and all six of the 3-bedroom units will have two off-street parking spaces. Each garage has room for two secure bicycle parking spaces.*

*The proposed development would total approximately 53,400 gross square feet, with approximately 43,400 square feet of residential space and approximately 10,000 square feet of garage space. The Project would subdivide the lot into 28 new lots – each with one single-family dwelling – ranging in size from 942 to 3,317 square feet. The Project would include an approximately 21,000 square foot mews that runs along the front of every property, with easements granted across all parcels to allow vehicular and pedestrian access along the mews.*

*The Project's use, size, density, height, and architecture are compatible with the surrounding RH-1 zoning and single-family character of the neighborhood. Most of surrounding single-family dwellings are under 40 feet in height and are modest in size, similar to the Project. The Project maximizes the use of the irregular-shaped parcel by developing single-family homes closer to the freeway while minimizing negative impacts on the Project's residents and on the neighboring properties on Sagamore Street. To*

*further buffer the new homes from those on Sagamore Street, a solid 8-foot high fence will also be built along the northern boundary. The distance from the front of the proposed new homes to the back of the existing homes on Sagamore ranges from 53 to 70 feet, which is equal to the width of a typical City street. The exterior facades of the 28 new single-family dwellings that face the I-280 Freeway and Alemany Boulevard will be designed to buffer noise from the I-280 Freeway from the interior of the dwellings*

- B. The use or feature as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to property, improvements, or potential development in the vicinity, with respect to aspects including, but not limited to the following:

- (i) The nature of the proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures.

*The currently vacant site is a long narrow, irregularly shaped parcel that has limited street frontage due to its location next to the elevated I-280 Freeway. Given this constraint, the Project is designed to be both compact and to provide noise buffering for the new homes from the adjacent freeway traffic and visual buffering from the existing homes on Sagamore Street to mitigate privacy concerns. The Project achieves this by clustering the homes along the southern portion of the site, reserving the northern portion of the mews for landscaped common open space.*

*The proposed configuration also maintains a height, density and development pattern that match that of the surrounding neighborhood. The new buildings will have features similar to the single-family homes on the block and elsewhere in the neighborhood. They will have an at-grade entrance and garage door at the front of each dwelling, with living space on the upper floor(s). The design utilizes sustainable practices including windows and materials that exceed current energy efficiency standards by 15%. The massing and scale of the Project is further broken down with the use of materials, colors, and architectural features, including setbacks, bay windows, and building articulation. These building elements are consistent with the prevailing residential pattern of nearby streets.*

- (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.

*Currently the site is vacant, and Capitol Avenue dead-ends at the end of the Subject Property. Residents of the development will gain vehicular and pedestrian access to their individual homes and garages via a one-way, 20-foot wide, 675-foot long 13,500s square foot private pedestrian/vehicular headspace in the mews. This feature will significantly limit on-street parking demand from the project. Moreover the proposed access would be used almost exclusively by residents of the development because it provides direct access only to their homes. The San Francisco Fire Department, which has a station across Capitol Avenue, has approved of this vehicular access strategy.*

*The Project will include 41 off-street parking spaces and a total of 56 secure bicycle parking spaces. The off-street parking will be provided in private garages, with fifteen of the two-bedroom units having one off-street parking space, seven of the two-bedroom units would have two off-street parking spaces, and all six of the three-bedroom units will have two off-street parking spaces. Each garage has room for two secure bicycle parking spaces. The Project's parking ratio is 1.5:1, which exceeds the minimum parking requirement of 1:1 by 50%, but is under the maximum parking requirement by 150% (3:1). Due to the lack of on-street parking, the 1.5:1 parking ratio is appropriate for and consistent with the low density residential neighborhood.*

*The Project will enhance the pedestrian experience in the neighborhood by marking the mews welcoming for use by pedestrians as open space. Although not required pursuant to the Planning Code, the Project would also include one car-share parking space for use by the developments residents and near by car share members. The Project site is well served by public transportation; it is located in close proximity to the 14, 14L, 14X, and 54 bus lines, the 88 BART Shuttle, the M light rail line, and the Daly City BART Station.*

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

*The Project includes residential uses that are typical of the surrounding context, and would not introduce operational noises or odors that are detrimental, excessive, or atypical for the area. While some temporary increase in noise can be expected during construction, the noise from the I-280 Freeway is expected to be reduced by "up to ... six decibels, which is considered to be a 'noticeable' reduction in noise by people of normal sensitivity".<sup>1</sup> Construction related noise is limited in duration and will be regulated by the San Francisco Noise Ordinance which prohibits excessive noise levels from construction activity and limits the permitted hours of work. Excavation and grading will result in a minimal amount of dust generation, as there are no below-grade uses as part of this Project. Furthermore, the building will not exhibit an excessive amount of glazing or other reflective materials. Therefore, the Project is not expected to cause offensive amounts of glare.*

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

*The Project provides both common and private open space, including 27,746 square feet of open space at grade (20,978 square feet of commonly accessible usable open space along the mews, and 6768 square feet of open space within the individual lots'), and an additional 3,737 square feet on privately accessible decks, for a total of 31,484 square feet of open space.*

*The northern property line, which abuts the rear yards of the dwellings that front Sagamore Street, will be landscaped, as well as the development's access points on Alemany Boulevard and Capitol*

*Avenue. Seven new street trees will also be added along the street frontages. A landscape architect was hired to ensure that the appropriate plants are incorporated into the development's design.*

*All 41 off-street parking spaces will be provided in private garages, with one car-share parking space unenclosed and accessible to the public. No loading space is proposed, and signage would be minimal and comply with the requirements of Article 6 of the Planning Code.*

- C. Such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.

*The Project generally complies with the applicable sections of the Code, with certain modifications. The residential density is permitted within the RH-1 Zoning District, and the height and bulk of the Project are consistent with the 40-X Height and Bulk District. The purpose of the PUD process is to allow well-designed development on larger sites to request modifications from the strict requirements of the Planning Code, provided that the project generally meets the intent of these Planning Code requirements and will not adversely affect the General Plan.*

*Considered as a whole, the Project would add affordable housing and relatively affordable market-rate family housing in the Ocean View neighborhood. The Project Site is well-served by transit and in close proximity to commercial services, which allows residents to commute, shop, and reach amenities by transit and bicycling, rather than being solely dependant on private automobile usage. The Project includes a mix of units in a range of sizes. This mix of units with the inclusion of on-site affordable housing will ensure that the Project will serve a diversity of household sizes and people with varied housing needs.*

8. **Planning Code Section 304** establishes procedures for Planned Unit Developments, which are intended for projects on sites of considerable size, including an area of not less than half-acre, developed as integrated units and designed to produce an environment of stable and desirable character, which will benefit the occupants, the neighborhood and the City as a whole. In the cases of outstanding overall design, complementary to the design and values of the surrounding area, such a project may merit a well-reasoned modification of certain provisions contained elsewhere in the Planning Code.

- A. **Modifications.** The Project Sponsor requests five modifications from the requirements of the Planning Code. These modifications are listed below, along with a reference to the relevant discussion for each modification.

- (i) Lot Area: Item #6C
- (ii) Lot Width: Item #6C
- (iii) Rear Yard Configuration: Item #6D
- (iv) Open Space Configuration: Item #6E
- (v) Dwelling Unit Exposure: Item #6F

*These modifications are justified because, as a whole, the Project has outstanding overall design, and will promote harmony by visually relating to the single-family dwellings in the neighborhood. The Project's density, height, dimensions, and character are designed to be respectful to and compatible with the surrounding buildings. The efficient use and quality design of the mews allows for shared use of a necessary drive aisle that can function both as a rear yard that increases the feel of a midblock open space, as well as common usable open space accessible to all residents of the development. Although 26 of the new lots will not meet the minimum lot area and 15 of the lots will not meet the minimum lot width required by Section 121, the uniquely shaped lot and outstanding design of the Project creates a development that is articulated well and compatible with the surrounding context. Along approximately the same distance on Sagamore Street, there are 26 single-family dwellings compared to the 28 dwellings within the Project Site. If this Project had to strictly comply with the Code's lot width, lot area, rear yard, open space, and dwelling-unit exposure requirements, the trade-off would be the loss of moderately-priced, family-sized homeownership units in the Ocean View Neighborhood.*

**B. Criteria and Limitations.** Section 304(d) establishes criteria and limitations for the authorization of PUDs over and above those applicable to Conditional Uses in general and contained in Section 303 and elsewhere in the Code. On balance, the Project complies with said criteria in that it:

(i) Affirmatively promotes applicable objectives and policies of the General Plan;

*See discussion under item #9.*

(ii) Provides off-street parking adequate for the occupancy proposed.

*Pursuant to the requirements of Section 151, one off-street parking space is required per dwelling in an RH-1 District, for a total of 28 spaces. The Project will include 41 off-street parking spaces. The off-street parking will be provided in private garages, with fifteen of the 2-bedroom units having one off-street parking space, seven of the 2-bedroom units would have two off-street parking spaces, and all six of the 3-bedroom units will have two off-street parking spaces. The Project's parking ratio is 1.5:1, which exceeds the minimum parking requirement of 1:1 by 50%, but is under the maximum parking requirement by 150% (3:1). Due to the lack of any adjacent on-street parking and the number of family-sized units, the 1.5:1 parking ratio is appropriate for and consistent with the parking pattern found throughout the surrounding low density residential neighborhood.*

(iii) Provides open space usable by the occupants and, where appropriate, by the general public, at least equal to the open space required by this Code;

*The Code requires that 300 square feet of private open space or 399 square feet of common usable open space, or a combination of the two, be provided for each dwelling unit within the RH-1 District. The Project therefore must provide a minimum of 11,172 square feet of common usable open space or 8,400 square feet of private open space, or a combination of the two. The Project includes a total of 27,746 square feet of usable open space at grade (20,978 square feet of commonly accessible usable open space along the mews, and 6768 square feet of open space within the*

*individual lots'), and an additional 3,737 square feet on privately accessible decks, for a total of 31,484 square feet of open space, which is in excess of what is required by Code.*

- (iv) Be limited in dwelling unit density to less than the density that would be allowed by Article 2 of the Code for a district permitting a greater density, so that the Planned Unit Development will not be substantially equivalent to a reclassification of property.

*The Project proposes a total of 28 dwelling-units on the Subject Property. Based on the allowable density specified by Section 209.1(b) for the RH-1 District, up to 28 dwelling-units would be allowed on the 28 lots, and thus will not be substantially equivalent to a reclassification of the Subject Property. As part of this Project, the Subject Property will be rezoned from P (Public) to RH-1 (Residential, House, One-Family), and will be subdivided to created 28 individual lots.*

- (v) In R Districts, include commercial uses only to the extent that such uses are necessary to serve residents of the immediate vicinity, subject to the limitations for NC-1 Districts under this Code.

*There are no commercial uses proposed as part of this Project.*

- (vi) Under no circumstances be excepted from any height limit established by Article 2.5 of this Code, unless such exception is explicitly authorized by the terms of this Code. In the absence of such an explicit authorization, exceptions from the provisions of this Code with respect to height shall be confined to minor deviations from the provisions for measurement of height in Sections 260 and 261 of this Code, and no such deviation shall depart from the purposes or intent of those sections.

*As measured by the provisions of Planning Code Sections 102.12 and 260, the Project would not exceed the height limits of the 40-X Height and Bulk District. All dwellings are approximately 29'-0" tall (Type A has a stair penthouse that extends above 29'-0" but remains under the 40'-0" height limit). All of the buildings within the Project would comply with the 40-X Height and Bulk District.*

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

## HOUSING ELEMENT:

### Objectives and Policies

#### OBJECTIVE

1

TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND.

#### Policy 1.4:

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

**Policy 1.5:**

Support development of affordable housing on surplus public lands.

*The Project is an in-fill development with four on-site affordable dwelling-units on a vacant parcel of land in an established residential neighborhood. The Project Site is zoned P (Public), but as part of this project is being rezoned to RH-1 (Residential, House: One-Family). The Property was previously owned and used by CalTrans during the construction of the I-280 Freeway, and in 1979, CalTrans sold this surplus Property to the Project Sponsor's family.*

**OBJECTIVE 4**

**SUPPORT AFORDABLE HOUSING PRODUCTION BY INCREASING SITE AVAILABILITY AND CAPACITY.**

**Policy 4.1:**

Actively identify and pursue opportunity sites for permanently affordable housing.

**Policy 4.2:**

Include affordable units in larger housing projects.

**Policy 4.6:**

Support a greater range of housing types and building techniques to promote more economical housing construction and potentially achieve greater affordable housing production.

*The Subject Property is an underutilized, vacant site that is suitable for an in-fill housing development, including four permanently-affordable on-site dwelling-units. The nature and configuration of the Planned Unit Development results in 28 single-family homes that are "affordable by design" in that they are relatively small in size with efficient floor plans.*

**OBJECTIVE 8**

**ENSURE EQUAL ACCESS TO HOUSING OPPORTUNITIES**

**Policy 8.4:**

Encourage greater economic integration within housing projects and throughout San Francisco.

**Policy 8.7:**

Eliminate discrimination against households with children

**Policy 8.9:**

Encourage the provision of new home ownership opportunities through new construction so that increased owner occupancy does not diminish the supply of rental housing.

*The Project provides new family-sized dwelling-units with a variety of floor plans to meet the diverse needs of San Francisco's population. It will contain 28 new single-family homes suitable for families with children. The Project will not diminish the supply of rental housing in that it will be built on an unutilized vacant parcel of land.*

**Policy 11.10**

Include energy efficient features in new residential development and encourage weatherization in existing housing to reduce overall housing costs and the long-range cost of maintenance.

*According to the Project Sponsor, the proposed new residences are being designed with long-term environmental sustainability in mind. The techniques being adopted to support this goal will augment the new homes' energy efficiency, water efficiency, and community benefits, while lowering the overall carbon footprint as compared to standard construction methods.*

*Since water consumption is one of the key environmental issues, the design of these homes will incorporate the "Best Management Practices" and "Storm Water Design Guidelines" as recommended by the San Francisco PUC. In accordance with these recommendations, a signature design feature will be the landscaped drive aisle/mews. This mews will be designed to function as a space for gathering and recreation for the residents that will feature pavers that reduce the impervious surfaces as compared to standard asphalt paving. This will allow more rainfall to soak into the ground, and reduce the volume and intensity of storm water runoff, ultimately reducing flows that end up in the receiving waters. Also using permeable surfaces will reduce the heat island effect caused by usage of surface materials that are effective heat retainers like an asphalt or pored concrete.*

*For the landscaping, sustainable design techniques will be incorporated into the planning of the open spaces. The vegetated component of this mews will incorporate native plants, low water and drought resistant species. To further reduce water consumption, the Project Sponsor intends to introduce drip system irrigation on an irrigation controller that is tied to the weather stations to make the irrigation as efficient as possible.*

*The 28 new single-family dwellings are being designed with the intent to exceed San Francisco's Green Building Ordinance. For 2009, the minimum GreenPoints for new residential projects over 5 units is 25. Currently the project qualifies for 70 points as defined by the GreenPoint Rating System and will attempt to meet the criteria for a GreenPoint Rating. The Project is also expected to exceed CA Title 24 energy criteria by 15%.*

*To create a healthier indoor environment and reduce overall resource consumption, the Project will include low VOC (Volatile Organic Compound) finishes, ENERGY STAR rated fixtures, and low flow water closets. Whenever possible, recycled content material will be utilized in lieu of virgin materials.*

*Lastly, although not required by Code, one parking space has been incorporated into the site plan for car share use, which will reduce the need for parking on site and contribute to a lesser traffic overall.*

**TRANSPORTATION ELEMENT:**

**Objectives and Policies**



**OBJECTIVE 2**

**USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.**

**Policy 2.2**

Reduce pollution, noise and energy consumption.

*The Project is designed to help buffer and reduce the noise generated by the I-280 Freeway that currently impacts the residences on Sagamore Street. The reduction provided by the Project would be up to an additional six decibels, which is considered to be a "noticeable" reduction in noise by people of normal sensitivity. Exhibit A includes a diagram that indicates a reduction in Freeway noise as a result of this Project.*

*The Project also serves the City's "Transit First" policy because the site is well-served by public transportation options and is thus a good location for new development. The site is located in close proximity to the 14, 14L, 14X, and 54 bus lines, the 88 BART Shuttle, the M light rail line, and the Daly City BART Station. Additionally, the Project includes one car share parking space that will be accessible to the surrounding community.*

**OBJECTIVE 11**

**ESTABLISH PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.**

**Policy 11.3**

Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well as mitigate traffic problems.

*The Project is located in proximity to existing transit service and will provide a car share parking space on-site.*

**OBJECTIVE 24**

**IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.**

**Policy 24.2**

Maintain and expand the planting of street trees and the infrastructure to support them.

**Policy 24.5**

Where consistent with transportation needs, transform streets and alleys into neighborhood-serving open space or "living streets", especially in neighborhoods deficient in open space.

*The Project includes the addition of seven new street trees, including street trees along Sagamore Street that are not required as part of this Project. The proposed mews will act as a living street, in that it will include pervious pavers and landscaping to act as a drive aisle as well as common usable open space for the occupants of the development.*

**OBJECTIVE 26**  
**CONSIDER THE SIDEWALK AREA AS AN IMPROTANT ELEMENT IN THE CITYWIDE OPEN SPACE SYSTEM.**

**Policy 26.1**

Retain streets and alleys not required for traffic, or portions thereof, for through pedestrian circulation and open space use.

*The proposed news is designed to act as pedestrian open space and will allow for quality pedestrian circulation when not being used for vehicular access.*

**OBJECTIVE 27**  
**ENSURE THAT BICYCLES CAN BE USED SAFELY AND CONVENIENTLY AS A PRIMARY MEANS OF TRANSPORTATION, AS WELL AS FOR RECREATIONAL PURPOSES.**

**Policy 27.5**

Make available bicycle route and commuter information and encourage increased use of bicycle transportation.

*The inclusion of private bicycle parking within each new single-family dwelling aids in the convenient use of bicycling as a means of transportation and for recreational use.*

**OBJECTIVE 28**  
**PROVIDE SECURE AND CONVENIENT PARKING FACILITEIS FOR BICYCLES.**

**Policy 28.1:**

Provide secure bicycle parking in new governmental, commercial, and residential developments.

**Policy 28.3:**

Provide parking facilities which are safe, secure, and convenient.

*Two dedicated bicycle parking spaces are provided within the garages of each of the 28 new single-family dwellings, for a total of 56 secure bicycle parking spaces. This Project exceeds the Code-requirement of 14 bicycle parking spaces by a multiplier of four.*

**OBJECTIVE 34**  
**RELATE THE AMOUNT OF PARKING IN RESIDENTIAL AREAS AND NEIGHBORHOOD COMMERCIAL DISTRICTS TO THE CAPACITY OF THE CITY'S STREET SYSTEM AND LAND USE PATTERNS.**

**Policy 34.1:**

Regulate off-street parking in new housing so as to guarantee needed spaces without requiring excesses and to encourage low auto ownership in neighborhoods that are well served by transit and are convenient to neighborhood shopping.

*The required parking for the RH-1 District is one parking space per unit, with an allowance to have up to three parking spaces as an accessory use (i.e. a 3:1 ratio). The Project includes a total of 41 off-street parking spaces and one unenclosed car share parking space. Fifteen of the 2-bedroom units would have one off-street parking space, seven of the 2-bedroom units would have two off-street parking spaces, and all of the 3-bedroom units would have two off-street parking spaces, for an overall Project parking ratio of 1.5:1. This parking layout is consistent with the City's efforts to relate parking to unit size as well as density. Furthermore, due to the configuration of this Project, there will be no immediately adjacent street parking available to any of the occupants of the Project.*

## URBAN DESIGN ELEMENT:

### Objectives and Policies

#### OBJECTIVE 1

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

#### Policy 1.3:

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

*The proposed development is consistent with the scale and density in the surrounding neighborhood, in that the buildings range from two-to-three-stories in height and are single-family dwellings. There are 28 proposed dwellings that span the full block width from Capitol to Alemany; this is compatible with the 26 dwellings that span the same width as the Project Site and front Sagamore Street.*

#### OBJECTIVE 3

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

#### Policy 3.1:

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

#### Policy 3.2:

Avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.

#### Policy 3.5:

Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development.

*The Project will promote harmony by visually relating the 28 two-and-three-story single-family dwellings to the buildings in the neighborhood, which are predominantly two-story single family dwellings. The Project's height, massing, scale, materiality, and overall character have been designed to be respectful to and consistent with the surrounding buildings. The mews provides a rear yard-like functionality to the adjacent*

*properties' rear yards, adding greater distance and privacy between the new dwellings and the existing dwellings that front Sagamore Street. The new construction will greatly enhance the character of the existing site and neighborhood.*

**OBJECTIVE 4**

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

**Policy 4.1:**

Protect residential areas from the noise, pollution and physical danger of excessive traffic.

**Policy 4.10:**

Encourage or require the provision of recreation space in private development.

**Policy 4.11:**

Make use of street space and other unused public areas for recreation, particularly in dense neighborhoods, such as those close to downtown, where land for traditional open spaces is more difficult to assemble.

**Policy 4.12:**

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

**Policy 4.13:**

Improve pedestrian areas by providing human scale and interest.

**Policy 4.15:**

Protect the livability and character of residential properties from the intrusion of incompatible new buildings.

*Due to the Project Site's undeveloped nature, there is currently no buffer to the noise produced by the I-280 Freeway. The Project will permanently reduce the noise by up to six decibels, which will be a noticeable reduction in noise for the existing residents along Sagamore Street. The construction of the Project will also help to improve safety in the neighborhood by converting a currently vacant lot into a continuation of the surrounding low density neighborhood.*

*The proposed Project includes an abundance of landscaping throughout the Property, along with seven new trees on public property (four on Capitol Avenue and three on Alemany). The mews will be designed to provide to allow for its shared use by pedestrians and vehicles, by incorporating landscaping and distinctive pervious paving. The mews will function as a drive aisle for vehicular access as well as a shared open space for the recreational use of development's residents.*

*The new buildings are compatible in scale, density, and materiality with the established neighborhood character.*

## RECREATION AND OPEN SPACE ELEMENT:

### Objectives and Policies

#### OBJECTIVE 4

PROVIDE OPPORTUNITIES FOR RECREATION AND THE ENJOYMENT OF OPEN SPACE IN EVERY SAN FRANCISCO NEIGHBORHOOD.

#### Policy 4.2:

Maximize joint use of other properties and facilities.

#### Policy 4.5:

Require private usable outdoor open space in new residential development.

*The use of the mews as open space allows for a large outdoor recreation space that is directly accessible to the occupants of the Project. This open space is of a size that enables greater flexibility in how it is used than the standard private open space requirement of 300 square feet per unit. It also adds to the development's sense of community.*

10. **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.

*No existing neighborhood serving uses would be displaced as the Property is currently vacant. By increasing the number of people who live in the neighborhood, the Project increases the opportunities for resident employment in and ownership of neighborhood businesses*

- 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 would be a benefit to the neighborhood character, by constructing new single-family dwellings that are consistent with the existing height, density, and general architectural style of the surrounding neighborhood. By providing on-site affordable dwelling-units, along with modestly-sized family housing, the Project would preserve and foster the cultural and economic diversity of the neighborhood.*

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

*The proposed Project would enhance the City's supply of affordable housing by including four on-site affordable dwelling-units within the Project.*

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



## RECREATION AND OPEN SPACE ELEMENT:

### Objectives and Policies

#### OBJECTIVE 4

PROVIDE OPPORTUNITIES FOR RECREATION AND THE ENJOYMENT OF OPEN SPACE IN EVERY SAN FRANCISCO NEIGHBORHOOD.

#### Policy 4.2:

Maximize joint use of other properties and facilities.

#### Policy 4.5:

Require private usable outdoor open space in new residential development.

*The use of the mews as open space allows for a large outdoor recreation space that is directly accessible to the occupants of the Project. This open space is of a size that enables greater flexibility in how it is used than the standard private open space requirement of 300 square feet per unit. It also adds to the development's sense of community.*

10. 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.

*No existing neighborhood serving uses would be displaced as the Property is currently vacant. By increasing the number of people who live in the neighborhood, the Project increases the opportunities for resident employment in and ownership of neighborhood businesses*

- 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 would be a benefit to the neighborhood character, by constructing new single-family dwellings that are consistent with the existing height, density, and general architectural style of the surrounding neighborhood. By providing on-site affordable dwelling-units, along with modestly-sized family housing, the Project would preserve and foster the cultural and economic diversity of the neighborhood.*

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

*The proposed Project would enhance the City's supply of affordable housing by including four on-site affordable dwelling-units within the Project.*

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

*The Project would provide 41 off-street parking spaces within private garages for a 1.5:1 parking ratio, along with one car-share space available to the community. The on-site parking should adequately accommodate the needs of future residents, as the larger units all have two off-street parking spaces, while some of the two-bedroom units only have one off-street parking space. The second parking space in the three-bedroom units should help to mitigate the lack of on-street parking available for this Project. The Project site is also well served by public transportation—it is within close proximity of the 14, 14L, 14X, and 54 bus lines, the 88 BART Shuttle, the M-light rail line, and the Daly City BART Station. Overall, the construction of 28 new single-family dwellings with 41 off-street parking spaces will not impede MUNI transit service or overburden the streets or neighborhood parking.*

- 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 does not propose any office development, and will not displace any industrial or service uses. The Project should enhance future opportunities for resident employment by providing additional residents to the Ocean View Neighborhood.*

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

*The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code.*

- G. That landmarks and historic buildings be preserved. There are no landmarks or historic buildings on, or associated with, the Project site.

*The Subject Property is vacant; there are no landmarks or historic buildings on or associated with the Project Site.*

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

*The Project would not cast a shadow on any existing parks or recreation facilities or obscure the vista from any park.*

- I. 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.

- J. 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 Project Sponsor, 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. 2009.0112CZ** 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. 18084. 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.

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

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

The Planning Commission further finds that since the MND was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the MND due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the MND.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on May 13, 2010.

Linda D. Avery  
Commission Secretary

AYES: Commissioners Antonini, Borden, Lee, Miguel, Moore, Sugaya

NAYS: Commissioner Olague

ABSENT:

ADOPTED: May 13, 2010

## Exhibit A

# Conditions of Approval

Wherever "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the Project or other persons having an interest in the Project or underlying property.

This Conditional Use Authorization is for a proposed Planned Unit Development, at One Capitol Avenue, between Capitol Avenue to the east and Alemany Boulevard to the west, Sagamore Street to the north, and parallel to Interstate 280 Freeway to the south; Block 7148, Lot 040, within the RH-1 (Residential, House: One-Family) District and 40-X Height and Bulk District, in general conformance with the plans dated April 19, 2010, and marked "Exhibit B." The proposed Project seeks Conditional Use Authorization, pursuant to Planning Code Sections 303 and 304, to authorize a Planned Unit Development (PUD) on a vacant lot measuring approximately one acre in size, that includes the creation of 28 lots with a total of 28 single-family dwellings and 42 parking spaces (including one car share space) in an RH-1 Zoning District and 40-X Height and Bulk District. The Project includes modifications to the lot size and width (Section 121), rear yard (Section 134), usable open space (Section 135), and dwelling-unit exposure (Section 140).

### Compliance with Other Requirements

1. The approved density of 28 dwelling-units is contingent on the Board of Supervisors enacting the ordinance to rezone the Subject Property from P (Public) to RH-1 (Residential House: One-Family). If the Map Amendment is not approved, the Project will not be permitted on the Property.
2. This decision conveys no right to construct. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply. The conditions set forth below shall remain in effect for the life of the Project, unless specifically noted otherwise.

### Mitigation Measures

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

### General Conditions

1. **Recordation.** Prior to the issuance of any building permit for the construction of 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, which notice shall state that construction of the Project has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied, and record said writing if requested.
2. **Performance.** The Commission may consider revocation of this Conditional Use Authorization if a permit for the Project has been issued, but is allowed to expire and more than three years have passed

since this Motion was approved. This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection within three years is delayed by a City, state or federal agency, or by appeal of the issuance of such permit.

3. **Severability.** 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 of the remaining provisions, clauses, sentences, or sections of these conditions. It is hereby declared to be the intent of the Commission that these conditions of approval would have been adopted had such invalid sentence, clause, or section or part thereof not been included herein.
4. **First Source Hiring Program.** The Project is subject to the requirements of the First Source Hiring Program (Chapter 83 of the Administrative Code) and the Project Sponsor shall comply with the requirements of this Program.
5. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$250 a day in accordance with Section 176.
6. Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Section 351(e)(1).
7. An enclosed garbage area shall be provided within each of the 28 dwelling-units of the Project. All garbage containers shall be kept within the dwellings until pick-up by the disposal company.

**Conditions to be met prior to the issuance of an architectural addendum to a Building (or Site) Permit**

1. Except as otherwise provided in this Motion, the Project shall be completed in compliance with the Planning Code and in general conformity with plans dated April 19, 2010, labeled "Exhibit B".
2. Final detailed building plans shall be reviewed and approved by the Planning Department. Detailed building plans shall include a final site plan, elevations, sections, and a landscape plan, and shall specify final architectural and decorative materials, glazing, color and texture of exterior finishes, and details of construction.

**Conditions to be met prior to Issuance of Any Certificates of Occupancy for the Project**

1. All usable open spaces shall be completed and available for use.
2. All street trees and landscaping shall be installed.

**Below Market Rate Units (BMR Units)**

1. **Number of Required Units.** Pursuant to Planning Code Section 315.6, the Project is required to provide 15% of the proposed dwelling units as affordable to qualifying households ("BMR Units"). The Project contains 28 units; therefore, 4 BMR units are required. The Project Sponsor will fulfill this requirement by providing the 4 BMR units on-site.

2. **Unit Mix.** The Project contains 22 two-bedroom and 6 three-bedroom units; therefore, the required BMR unit mix is 3 two-bedroom and 1 three-bedroom units. If the market-rate unit mix changes, the BMR unit mix will be modified accordingly.
3. **Unit Location.** The BMR units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the Property prior to the issuance of the first site or building permit.
4. **Phasing.** If any building permit is issued for any partial phase of the Project, the Project Sponsor shall have designated not less than fifteen percent (15%) of the each phase's total number of dwelling units as on-site BMR units.
5. **Duration.** Under Planning Code Section 315.7, all units constructed pursuant to Sections 315.6 must remain affordable to qualifying households for the life of the project.
6. **Other Conditions.** The Project is subject to the requirements of the Affordable Housing Ordinance under Section 315 et seq. of the Planning Code and the terms of the Residential Inclusionary Affordable Housing Monitoring and Procedures Manual (hereinafter "Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 315 (collectively the "Inclusionary Housing Ordinance"). Terms used in these Conditions of Approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the Mayor's Office of Housing at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at: <http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>. As provided in the Affordable Housing Ordinance, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale or rent.
  - a. The BMR units shall be designated on the building plans prior to the issuance of the first site or building permit by the Department of Building Inspection (DBI). The BMR units shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) shall be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) shall be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project.
  - b. Unless the Project Sponsor has entered into an agreement with the City, the units in the building must be offered for sale, and the BMR unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of one hundred (100) percent of the median income for the City and County of San Francisco as defined in the Affordable Housing Ordinance, Section 315.1. The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) marketing; (ii) renting; (iii) recouping capital improvements, and (iv) procedures for inheritance apply and are set forth in the Affordable Housing Ordinance and the Procedures Manual.
  - c. If the Project Sponsor has entered into an agreement with the City permitting the on-site units to be rental, the BMR unit(s) shall be rented to a household of low income, as defined in the Affordable Housing Ordinance and as further defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed sixty (60) percent of the median income for the City and

County of San Francisco as defined in the Affordable Housing Ordinance, Section 315.1. The qualifying household income limits and maximum monthly rent for BMR units shall be calculated by Mayor's Office of Housing (MOH.).

- d. The Applicant is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. The Mayor's Office of Housing shall be responsible for overseeing and monitoring the marketing of affordable units.
- e. Required parking spaces shall be made available to initial buyers or renters of BMR units according to the Procedures Manual.
- f. Prior to the issuance of the first site or building permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the Property that contains these conditions of approval and a reduced set of plans that identify the BMR units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to the Mayor's Office of Housing or its successor (MOH), the monitoring agency for the BMR unit(s).
- g. The Project Sponsor has demonstrated that it is eligible for the on-site alternative under Planning Code Section 315.4(e) instead of payment of the Affordable Housing Fee, and shall submit an affidavit to the Planning Department within 30 days of the date of this Authorization stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the Project.
- h. If project applicant fails to comply with the Affordable Housing requirement, the Director of Building Inspection shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A project sponsor's failure to comply with the requirements of Planning Code Sections 315 to 315.10 shall constitute cause for the City to record a lien against the development project.
- i. If the Project becomes ineligible at any time for the on-site alternative, the Project Sponsor or its successor in interest shall pay the Affordable Housing Fee prior to issuance of the first site or building permit. If the Project becomes ineligible after issuance of its first site or building permit, the Project Sponsor shall pay interest on the Affordable Housing Fee.
- j. **Future Applicable Controls:** Interim Controls contained in Board of Supervisors Resolution No. 100047 approved by the Board on February 02, 2010, entitled "Planning Code – Interim Controls Related to Affordable Housing Requirements" apply to this Project. The Board of Supervisors is currently considering permanent controls in Ordinance No. 100046 entitled "Planning Code – Amending Inclusionary Housing Ordinance" proposing amendments to Planning Code Section 315 et seq. ("applicable future controls"). If Ordinance No. 100046 is approved by the Board prior to issuance of the first certificate of occupancy for the Project, the Project shall be subject to the applicable future controls and not the current Interim Controls. The Affordable Housing Fee currently designated in the draft applicable future controls is set at the same amount as the current Interim Controls and the former in-lieu fee in Planning Code Section 315.6 and the Planning Commission does not anticipate,

except for standard indexing provided for by ordinance, that it shall increase as a result of the future permanent controls.



Edwin M. Lee, Mayor  
Mohammed Nuru, Director  
Fuad S. Sweiss, PE, PLS,  
City Engineer & Deputy Director of Engineering



Phone: (415) 554-5827  
Fax: (415) 554-5324  
www.sfdpw.org  
Subdivision.Mapping@sfdpw.org

Department of Public Works  
Office of the City and County Surveyor  
875 Stevenson Street, Room 410  
San Francisco, CA 94103

Bruce R. Storrs, City and County Surveyor

Lea & Braze Engineering, Inc.  
2495 Industrial Parkway West  
Hayward, CA 94545

<b>Tentative Map Approval</b>
<b>PID: 7341</b>
<b>Assessor's Block No. 7148 Lot(s) 040</b>
<b>Address: 1 Capitol Ave.</b>
<b>Project type: 29 Lot Subdivision</b>
<b>Date: December 10, 2012</b>

Dear Mr. James Toby:

The Tentative Map which you submitted to this Agency for review is approved, subject to compliance with the following:

The C.C.S.F. Planning Code and all Planning Department conditions outlined in the attached Planning Department memo dated Oct 19, 2012

Copy of Planning Department approval/conditions (check if attached)

The C.C.S.F. Building Code and all Department of Building Inspection conditions outlined in the attached D.B.I. memo dated \_\_\_\_\_

Copy of D.B.I. approval/conditions (check if attached)

The San Francisco Redevelopment Agency conditions outlined in the attached S.F.R.A. memo dated \_\_\_\_\_

Copy of S.F.R.A. approval/conditions (check if attached)

The C.C.S.F. Subdivision Code and the California State Map Act

Additionally, please submit:

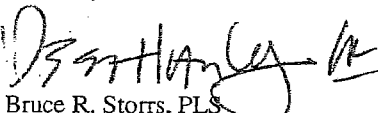
Two (2) Check Prints of the final version of this map

One (1) copy of C.F.C. (Certificate of Final Completion)

One (1) copy of the Map Checklist (found at our website under: "Information for Mapping Professionals")

**Do not submit check prints without complying with ALL of the above.**  
**Incomplete submittals will be returned and subject to additional handling charges.**

Sincerely,

  
Bruce R. Storrs, PLS  
City and County Surveyor

**Tentative approval valid for 36 months:**

This Tentative Map Approval is valid for 36 months, unless a written request for an extension is received prior to the expiration date. When the approved time frame expires, the project is terminated. A completely new application packet together with new fees must then be submitted to DPW/BSM to reopen or reactivate the project.

**Contesting this decision:**

If you wish to contest this decision, you may do so by filing an appeal (together with an appeal fee check for \$250) with the Clerk of the Board of Supervisors, 1 Dr. Carlton B. Goodlett Place (formerly 400 Van Ness Ave.), Room 244, within ten (10) days of the date of this letter per Section 1314 of the San Francisco Subdivision Code.



Department of Public Works  
Office of the City and County Surveyor

875 Stevenson Street, Room 410  
San Francisco, CA 94103

Bruce R. Storrs, City and County Surveyor

12 007 21 11:21

Edwin M. Lee, Mayor  
Mohammed Nuru, Director

Fuad S. Sweiss, PE, PLS,  
City Engineer & Deputy Director of Engineering

Date: September 25, 2012

Department of City Planning  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

2009.01125

Project ID: 7341			
Project Type: 29 Lot Subdivision (28 Lots Residential, 1 for road)			
Address#	Street Name	Block	Lot
I	CAPITOL AVE	7148	040
Tentative Map Referral			

Attention: Mr. Scott F. Sanchez

Pursuant to Section 1325 of the City and County of San Francisco Subdivision Code and Section 4.105 of the 1996 City Charter, a print of the above referenced Map is submitted for your review, CEQA and General Plan conformity determination. Under the provisions of the Subdivision Map Act and the City and County of San Francisco Subdivision Code, your Department must respond to the Bureau of Street-Use and Mapping within 30 days of the receipt of the application or CEQA Determination per SMA 664521(c). Under these same state and local codes, DPW is required to approve, conditionally approve, or disapprove the above referenced map within 50 days of the receipt of the application or CEQA Determination per SMA 664521(c). Failure to do so constitutes automatic approval. Thank you for your timely review of this Map.

Enclosures:

- Print of Parcel Map
- List "B"
- Proposition "M" Findings
- Photos

Sincerely,

Bruce R. Storrs, P.L.S.  
City and County Surveyor

The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code. On balance, the Tentative Map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 based on the attached findings. ~~The subject referral is exempt from environmental review under Class 4 California Environmental Quality Act Guidelines.~~

- See Attached -

The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code subject to the following conditions (Any requested documents should be sent in with a copy of this letter to Scott F. Sanchez at the above address):

The subject Tentative Map has been reviewed by the Planning Department and does not comply with applicable provisions of the Planning Code. Due to the following reasons (Any requested documents should be sent in with a copy of this letter to Scott F. Sanchez at the above address):

PLANNING DEPARTMENT

DATE 10/19/2012

for Mr. Scott F. Sanchez, Zoning Administrator





# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

Approved per the Final Mitigated Negative Declaration (Case No. 2009.0112E) approved by the Planning Commission on 13 May 2010 and per Motion No. 18084 for Case No. 2009.0112C approved by the Planning Commission on 13 May 2010 as set forth in Planning Commission Motion No. 18084.

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

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Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Resolution No. 18085

HEARING DATE: MAY 13 2010

*Date:* May 6, 2010  
*Case No.:* 2009.0112CZ  
*Project Address:* One Capitol Avenue  
*Zoning:* P (Public)  
*Proposed Zoning:* RH-1 (Residential, House: One-Family)  
*Height/Bulk:* 40-X  
*Block/Lot:* 7148/040  
*Project Sponsor:* Deny Sepaher, Birch Tree Properties, LLC  
4061 East Castro Valley Boulevard, Suite 502  
Castro Valley, CA 94552  
*Staff Contact:* Elizabeth Watty – (415) 558-6620  
[Elizabeth.Watty@sfgov.org](mailto:Elizabeth.Watty@sfgov.org)

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RESOLUTION OF THE PLANNING COMMISSION TO ADOPT FINDINGS RECOMMENDING THAT THE BOARD OF SUPERVISORS AMEND SHEET ZN12 OF THE ZONING MAP OF THE CITY AND COUNTY OF SAN FRANCISCO TO RECLASSIFY ONE CAPITOL AVENUE, BEING ALL OF LOT 040 IN ASSESSOR'S BLOCK 7148, FROM P (PUBLIC) TO RH-1 (RESIDENTIAL, HOUSE: ONE-FAMILY), TO FACILITATE THE DEVELOPMENT OF 28 SINGLE-FAMILY DWELLINGS ON 28 NEW LOTS INCLUDING 4 AFFORDABLE DWELLING UNITS, 41 OFF-STREET PARKING SPACES, AND 1 CAR SHARE PARKING SPACE; AND TO MAKE AND ADOPT ENVIRONMENTAL FINDINGS AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.

WHEREAS, On February 12, 2009, Deny Sepaher of Birch Tree Properties, LLC (hereinafter "Project Sponsor"), submitted an Environmental Evaluation Application with the Planning Department (hereinafter "Department"), Case No. 2009.0112E.

On January 27, 2010 the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared and published for public review; and

The Draft IS/MND was available for public comment until February 16, 2010; and

On May 13, 2010, the Planning Commission reviewed and considered the Final Mitigated Negative Declaration (FMND) and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

The Planning Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Planning Department and the Planning Commission, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

The Planning Department, Linda Avery, is the custodian of records, located in the File for Case No.2009.0112E at 1650 Mission Street, Fourth Floor, San Francisco, California.

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

On January 28, 2010, the Project Sponsor submitted a letter to the Planning Director requesting to rezone the Subject Property from P (Public) to RH-1 (Residential House: One-Family), in order to create 28 lots with 28 single-family dwellings and 42 parking spaces as part of a Planned Unit Development (hereinafter "PUD") on an approximately 43,077 square-foot site (Lot 040 in Assessor's Block 7148) at One Capitol Avenue (hereinafter "Subject Property").

On January 28, 2010, the Project Sponsor filed an application with the Department for Conditional Use Authorization under Planning Code Sections 303 and 304, to authorize a Planned Unit Development (PUD) on the Subject Property, that includes the creation of 28 lots with a total of 28 single-family dwellings – including four on-site affordable dwelling-units – and 42 parking spaces (including one car share space) in an RH-1 (Residential, House – One Family) District and 40-X Height and Bulk District. The PUD includes modifications to the lot size and width (Section 121), and to the rear yard (Section 134) and usable open space (Section 135) configurations (Case No. 2009.0112CZ; collectively, hereinafter "Project").

The San Francisco Planning Commission (hereinafter, "Commission") held a duly noticed public hearing at a regularly scheduled meeting on Case No2009.0112CZ on May 13, 2010. At that hearing, after hearing and considering the testimony presented to it and after further considering written materials and oral testimony presented on behalf of the Project Sponsor, Department staff, and other interested parties, the Planning Commission recommended approval of the Zoning Map Amendment to the Board of Supervisors to enable the development of the lot with 28 single-family dwellings as part of a Planned Unit Development.

At that same hearing, the Planning Commission authorized a Planned Unit Development for the Project.

The Map Amendment and the Project will affirmatively promote the Objectives and Policies of the General Plan for the reasons set forth in Section 9 of Planning Commission Motion No. 18084, which authorized the Project as a Planned Unit Development.

The Department received a petition endorsing the Project from eight neighbors, and two letters of support: one from the Housing Action Coalition and from the OMI Neighbors in Action. The Department has received opposition from three people, with concerns including but not limited to public safety, parking demand, density, and increased traffic.

The proposal will promote the following relevant objectives and policies of the General Plan:

**HOUSING ELEMENT:**

**Objectives and Policies**

**OBJECTIVE** 1  
**TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND.**

**Policy 1.4:**

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

**Policy 1.5:**

Support development of affordable housing on surplus public lands.

*The Project is an in-fill development with four on-site affordable dwelling-units on a vacant parcel of land in an established residential neighborhood. The Project Site is zoned P (Public), but as part of this Project will be rezoned to RH-1 (Residential, House: One-Family). The Property was previously owned and used by CalTrans during the construction of the I-280 Freeway, and in 1979, CalTrans sold this surplus property to the Project Sponsor's family.*

**OBJECTIVE 4**  
**SUPPORT AFORDABLE HOUSING PRODUCTION BY INCREASING SITE AVAILABILITY AND CAPACITY.**

**Policy 4.1:**

Actively identify and pursue opportunity sites for permanently affordable housing.

**Policy 4.2:**

Include affordable units in larger housing projects.

**Policy 4.6:**

Support a greater range of housing types and building techniques to promote more economical housing construction and potentially achieve greater affordable housing production.

*The Subject Property is an underutilized, vacant site that is suitable for an in-fill housing development, including four permanently-affordable on-site dwelling-units. The nature and configuration of the Planned Unit Development results in 28 single-family homes that are "affordable by design" in that they are relatively small in size with efficient floor plans.*

**OBJECTIVE 8**  
**ENSURE EQUAL ACCESS TO HOUSING OPPORTUNITIES**

**Policy 8.4:**

Encourage greater economic integration within housing projects and throughout San Francisco.

**Policy 8.7:**

Eliminate discrimination against households with children

**Policy 8.9:**

Encourage the provision of new home ownership opportunities through new construction so that increased owner occupancy does not diminish the supply of rental housing.

*The Project provides new family-sized dwelling-units with a variety of floor plans to meet the diverse needs of San Francisco's population. It will contain 28 new single-family homes suitable for families with children. The Project will not diminish the supply of rental housing in that it will be built on an unutilized vacant parcel of land.*

**Policy 11.10**

Include energy efficient features in new residential development and encourage weatherization in existing housing to reduce overall housing costs and the long-range cost of maintenance.

*According to the Project Sponsor, the proposed new residences are being designed with long-term environmental sustainability in mind. The techniques being adopted to support this goal will augment the new homes' energy efficiency, water efficiency, and community benefits, while lowering the overall carbon footprint as compared to standard construction methods.*

*Since water consumption is one of the key environmental issues, the design of these homes will incorporate the "Best Management Practices" and "Storm Water Design Guidelines" as recommended by the San Francisco PUC. In accordance with these recommendations, a signature design feature will be the landscaped drive aisle or mews. This mews will be designed to function as a space for gathering and recreation for the residents that will feature pavers that reduce the impervious surfaces as compared to standard asphalt paving. This will allow more rainfall to soak into the ground, and reduce the volume and intensity of storm water runoff, ultimately reducing flows that end up in the receiving waters. Also using permeable surfaces will reduce the heat island effect caused by usage of surface materials that are effective heat retainers like an asphalt or pored concrete.*

*For the landscaping, sustainable design techniques will be incorporated into the planning of the open spaces. The vegetated component of this mews will incorporate native plants, low water and drought resistant species. To further reduce water consumption, the Project Sponsor intends to introduce drip system irrigation on an irrigation controller that is tied to the weather stations to make the irrigation as efficient as possible.*

*The 28 new single-family dwellings are being designed with the intent to exceed San Francisco's Green Building Ordinance. For 2009, the minimum GreenPoints for new residential projects over 5 units is 25. Currently the project qualifies for 70 points as defined by the GreenPoint Rating System and will attempt to meet the criteria for a GreenPoint Rating. The Project is also expected to exceed CA Title 24 energy criteria by 15%.*

*To create a healthier indoor environment and reduce overall resource consumption, the Project will include low VOC (Volatile Organic Compound) finishes, ENERGY STAR rated fixtures, and low flow water closets. Whenever possible, recycled content material will be utilized in lieu of virgin materials.*

*Lastly, although not required by Code, one parking space has been incorporated into the site plan for car share use, which will reduce the need for parking on site and contribute to a lesser traffic overall.*

## **TRANSPORTATION ELEMENT:**

### **Objectives and Policies**

#### **OBJECTIVE 2**

**USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.**

##### **Policy 2.2**

Reduce pollution, noise and energy consumption.

*The Project is designed to help buffer and reduce the noise generated by the I-280 Freeway that currently impacts the residences on Sagamore Street. The reduction provided by the Project would be up to an additional six decibels, which is considered to be a "noticeable" reduction in noise by people of normal sensitivity. Exhibit A includes a diagram that indicates a reduction in freeway noise as a result of this Project.*

*The Project also serves the City's "Transit First" policy because the site is well-served by public transportation options and is thus a good location for new development. The site is located in close proximity to the 14, 14L, 14X, and 54 bus lines, the 88 BART Shuttle, the M light rail line, and the Daly City BART Station. Additionally, the Project includes one car share parking space that will be accessible to the surrounding community.*

#### **OBJECTIVE 11**

**ESTABLISH PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.**

##### **Policy 11.3**

Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well as mitigate traffic problems.

*The Project's is located in proximity to existing transit service and will provide a car share parking space on-site.*

#### **OBJECTIVE 24**

**IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.**

**Policy 24.2**

Maintain and expand the planting of street trees and the infrastructure to support them.

**Policy 24.5**

Where consistent with transportation needs, transform streets and alleys into neighborhood-serving open space or "living streets", especially in neighborhoods deficient in open space.

*The Project includes the addition of seven new street trees, including street trees along Sagamore Street that are not required as part of this Project. The proposed mews will act as a living street, in that it will include pervious pavers and landscaping to act as a drive aisle as well as common usable open space for the occupants of the development.*

**OBJECTIVE 26**

**CONSIDER THE SIDEWALK AREA AS AN IMPORTANT ELEMENT IN THE CITYWIDE OPEN SPACE SYSTEM.**

**Policy 26.1**

Retain streets and alleys not required for traffic, or portions thereof, for through pedestrian circulation and open space use.

*The proposed mews is designed to act as pedestrian open space and will allow for quality pedestrian circulation when not being used for vehicular access.*

**OBJECTIVE 27**

**ENSURE THAT BICYCLES CAN BE USED SAFELY AND CONVENIENTLY AS A PRIMARY MEANS OF TRANSPORTATION, AS WELL AS FOR RECREATIONAL PURPOSES.**

**Policy 27.5**

Make available bicycle route and commuter information and encourage increased use of bicycle transportation.

*The inclusion of private bicycle parking within each new single-family dwelling aids in the convenient use of bicycling as a means of transportation and for recreational use.*

**OBJECTIVE 28**

**PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.**

**Policy 28.1:**

Provide secure bicycle parking in new governmental, commercial, and residential developments.

**Policy 28.3:**

Provide parking facilities which are safe, secure, and convenient.

*Two dedicated bicycle parking spaces are provided within the garages of each of the 28 new single-family dwellings, for a total of 56 secure bicycle parking spaces. This Project exceeds the Code-requirement of 14 bicycle parking spaces by a multiplier of four.*

**OBJECTIVE 34**

**RELATE THE AMOUNT OF PARKING IN RESIDENTIAL AREAS AND NEIGHBORHOOD COMMERCIAL DISTRICTS TO THE CAPACITY OF THE CITY'S STREET SYSTEM AND LAND USE PATTERNS.**

**Policy 34.1:**

Regulate off-street parking in new housing so as to guarantee needed spaces without requiring excesses and to encourage low auto ownership in neighborhoods that are well served by transit and are convenient to neighborhood shopping.

*The required parking for the RH-1 District is one parking space per unit, with an allowance to have up to three parking spaces as an accessory use (i.e. a 3:1 ratio). The Project includes a total of 41 off-street parking spaces and one unenclosed car share parking space. Fifteen of the 2-bedroom units would have one off-street parking space, seven of the 2-bedroom units would have two off-street parking spaces, and all of the 3-bedroom units would have two off-street parking spaces, for an overall Project parking ratio of 1.5:1. This parking layout is consistent with the City's efforts to relate parking to unit size as well as density. The on-site parking should adequately accommodate the needs of future residents, as the larger units all have two off-street parking spaces, while some of the two-bedroom units only have one off-street parking space. The second parking space in the three-bedroom units should help to mitigate the lack of on-street parking available for this Project. Furthermore, due to the configuration of this Project, there will be no immediately adjacent street parking available to any of the occupants of the Project.*

**URBAN DESIGN ELEMENT:**

**Objectives and Policies**

**OBJECTIVE 1**

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

**Policy 1.3:**

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

*The proposed development is consistent with the scale and density in the surrounding neighborhood, in that the buildings range from two-to-three-stories in height and are single-family dwellings. There are 28 proposed dwellings that span the full block width from Capitol to Alemany; this is compatible with the 26 dwellings that span the same width as the Project Site and front Sagamore Street.*

**OBJECTIVE 3**

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

**Policy 3.1:**



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

**Policy 3.2:**

Avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.

**Policy 3.5:**

Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development.

*The Project will promote harmony by visually relating the 28 two-and-three-story single-family dwellings to the buildings in the neighborhood, which are predominantly two-story single family dwellings. The Project's height, massing, scale, materiality, and overall character have been designed to be respectful to and consistent with the surrounding buildings. The mews provides a rear yard-like functionality to the adjacent properties' rear yards, adding greater distance and privacy between the new dwellings and the existing dwellings that front Sagamore Street. The new construction will greatly enhance the character of the existing site and neighborhood.*

**OBJECTIVE 4**

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

**Policy 4.1:**

Protect residential areas from the noise, pollution and physical danger of excessive traffic.

**Policy 4.10:**

Encourage or require the provision of recreation space in private development.

**Policy 4.11:**

Make use of street space and other unused public areas for recreation, particularly in dense neighborhoods, such as those close to downtown, where land for traditional open spaces is more difficult to assemble.

**Policy 4.12:**

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

**Policy 4.13:**

Improve pedestrian areas by providing human scale and interest.

**Policy 4.15:**

Protect the livability and character of residential properties from the intrusion of incompatible new buildings.

*Due to the Project Site's undeveloped nature, there is currently no buffer to the noise produced by the I-280 Freeway. The Project will permanently reduce the noise by up to six decibels, which will be a*

*noticeable reduction in noise for the existing residents along Sagamore Street. The construction of the Project will also help to improve safety in the neighborhood by converting a currently vacant lot into a continuation of the surrounding low density neighborhood.*

*The proposed Project includes an abundance of landscaping throughout the property, along with seven new trees on public property (four on Capitol Avenue and three on Alemany). The mews will be designed to provide to allow for its shared use by pedestrians and vehicles, by incorporating landscaping and distinctive pervious paving. The mews will function as a drive aisle for vehicular access as well as a shared open space for the recreational use of development's residents.*

*The new buildings are compatible in scale, density, and materiality with the established neighborhood character.*

## RECREATION AND OPEN SPACE ELEMENT:

### Objectives and Policies

#### OBJECTIVE 4

**PROVIDE OPPORTUNITIES FOR RECREATION AND THE ENJOYMENT OF OPEN SPACE IN EVERY SAN FRANCISCO NEIGHBORHOOD.**

#### Policy 4.2:

Maximize joint use of other properties and facilities.

#### Policy 4.5:

Require private usable outdoor open space in new residential development.

*The use of the mews as open space allows for a large outdoor recreation space that is directly accessible to the occupants of the Project. This open space is of a size that enables greater flexibility in how it is used than the standard private open space requirement of 300 square feet per unit. It also adds to the development's sense of community.*

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code 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.

*No existing neighborhood serving uses would be displaced as the Property is currently vacant. By increasing the number of people who live in the neighborhood, the Project increases the opportunities for resident employment in and ownership of neighborhood businesses*

- 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 would be a benefit to the neighborhood character, by constructing new single-family dwellings that are consistent with the existing height, density, and general architectural style*

*of the surrounding neighborhood. By providing on-site affordable dwelling-units, along with modestly-sized family housing, the Project would preserve and foster the cultural and economic diversity of the neighborhood.*

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

*The proposed Project would enhance the City's supply of affordable housing by including 4 on-site affordable dwelling-units within the Project.*

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

*The Project would provide 41 off-street parking spaces within private garages for a 1.5:1 parking ratio, along with one car-share space available to the community. The on-site parking should adequately accommodate the needs of future residents, as the larger units all have two off-street parking spaces, while some of the two-bedroom units only have one off-street parking space. The second parking space in the three-bedroom units should help to mitigate the lack of on-street parking available for this Project. The Project site is also well served by public transportation—it is within close proximity of the 14, 14L, 14X, and 54 bus lines, the 88 BART Shuttle, the M-light rail line, and the Daly City BART Station. Overall, the construction of 28 new single-family dwellings with 41 off-street parking spaces will not impede MUNI transit service or overburden the streets or neighborhood parking.*

- 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 does not propose any office development, and will not displace any industrial or service uses. The Project should enhance future opportunities for resident employment by providing additional residents to the Ocean View Neighborhood.*

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

*The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code.*

- G. That landmarks and historic buildings be preserved. There are no landmarks or historic buildings on, or associated with, the Project site.

*The Property is vacant; there are no landmarks or historic buildings on or associated with the Project Site.*

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

*The Project would not cast a shadow on any existing parks or recreation facilities or obscure the vista from any park.*

- I. 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.

The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

Further, for the foregoing reasons and based on the facts presented, the Commission finds, pursuant to Section 302, that the public necessity, convenience, and general welfare require the adoption of this legislation.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board of Supervisors ADOPT the proposed Ordinance.

I hereby certify that the foregoing Resolution was ADOPTED by the Planning Commission on May 13, 2010.

Linda D. Avery

Commission Secretary

AYES: Commissioners Antonini, Borden, Lee, Miguel, Moore, Sugaya

NAYS: Commissioner Olague

ABSENT:

ADOPTED: May 13, 2010

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
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## NOTICE OF PUBLIC HEARING

### BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

**Date:** Tuesday, January 15, 2013

**Time:** 3:00 p.m.

**Location:** Legislative Chamber, Room 250 located at City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102

**Subject:** File No. 121219. Hearing of persons interested in or objecting to the decision of the Department of Public Works dated December 10, 2012, approving a Tentative Final Map for a 29-lot subdivision located at 1 Capitol Avenue, Lot No. 040, in Assessor's Block No. 7148. (District No. 11) (Appellant: Linda Lam) (Filed December 20, 2012).

Pursuant to Government Code Section 65009, notice is hereby given, if you challenge, in court, the matter described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

In accordance with Section 67.7-1 of the San Francisco Administrative Code, persons who are unable to attend the hearing on these matters may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official public record in these matters, and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information will be available for public review on Thursday, January 10, 2013.

A handwritten signature in black ink, appearing to read "Angela Calvillo".

Angela Calvillo  
Clerk of the Board

DATED: January 2, 2013  
PUBLISHED: January 4, 2013  
MAILED/POSTED: January 4, 2013

Print Form

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee:
- An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee:
- 4. Request for letter beginning "Supervisor  inquires"
- 5. City Attorney request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No.
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a different form.**

**Sponsor(s):**

**Subject:**

**The text is listed below or attached:**

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated December 10, 2012, approving a Tentative Final Map for a 29-lot subdivision located at 1 Capitol Avenue, Lot No. 040, in Assessor's Block No. 7148. (District No. 11) (Appellant: Linda Lam) (Filed December 20, 2012).

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: