



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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. 19537 HEARING DATE: DECEMBER 17, 2015

Date: December 17, 2015
Case No.: **2014-003157CUA VAR**
Project Address: **1598 BAY STREET**
Zoning: NC-2 (Small-Scale Neighborhood Commercial)
 40-X Height and Bulk District
Block/Lot: 0459/007
Project Sponsor: Mark Conroe
 Presidio Development Partners
 1390 Market Street, Suite 303
 San Francisco, CA 94102
Staff Contact: Brittany Bendix – (415) 575-9114
brittany.bendix@sfgov.org
Recommendation: **Approval with Conditions**

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 121.1, 202.5, AND 303 OF THE PLANNING CODE TO ALLOW THE DEMOLITION OF A CLOSED AUTOMOTIVE SERVICE STATION AND THE CONSTRUCTION OF AN APPROXIMATELY 50,900 SQUARE FOOT, 40-FOOT TALL, FOUR-STORY RESIDENTIAL BUILDING CONTAINING UP TO 28 DWELLING UNITS, 2,875 SQUARE FEET OF COMMON USEABLE OPEN SPACE, 42 OFF-STREET PARKING SPACES AND 40 BICYCLE PARKING SPACES ON A 12,541 SQUARE FOOT LOT WITHIN AN NC-2 (SMALL-SCALE NEIGHBORHOOD COMMERCIAL) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On August 19, 2015, Mark Conroe, (hereinafter “Project Sponsor”) filed Application No. 2014.003157CUA (hereinafter “Application”) with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Section(s) 121.1, 202.5, and 303, to allow the demolition of a closed automotive service station and the construction of an approximately 50,900 square foot, 40-foot tall, four-story residential building containing up to 28 dwelling units, 2,875 square feet of common useable open space, 42 off-street parking spaces and 40 bicycle parking spaces on a 12,541 square foot lot

within an NC-2 (Small-Scale Neighborhood Commercial) Zoning District and a 40-X Height and Bulk District.

On December 8, 2015, the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 32 Categorical Exemption and a General Rule Exclusion under CEQA as described in the determination contained in the Planning Department files for this Project;

On December 17, 2015, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2014-003157CUA.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2014-003157CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site is located on the southeast corner of Buchanan and Bay Streets; Lot 007 in Assessor's Block 0459 and is approximately 12,541 square feet in area. The property is located within an NC-2 (Small-Scale Neighborhood Commercial) Zoning District and a 40-X Height and Bulk District, and is improved with an automotive service station including two single story buildings and a canopy. The service station (formerly d.b.a. Chevron) has been out of operation since 2009. The fuel dispensers and underground storage tanks were removed in 2010. The site is fenced and has remained vacant since closure of the service station. The property is a corner lot with 100.33 feet of frontage on Buchanan Street and 125 feet of frontage on Bay Street.
3. **Surrounding Properties and Neighborhood.** The project site is located at the southern edge of a small NC-2 Zoning District that spans two blocks of Buchanan Street in the Marina District. The district is generally bounded to the north by a retail grocery store (d.b.a. Safeway) on Marina Boulevard, and to the south by the Moscone Recreation Center on Bay Street. The broader neighborhood is a mix of residential zoning districts classified as either RH-2 (Residential, House, Two-Family), RM-3 (Residential, Mixed, Medium Density), or RM-4 (Residential, Mixed, High Density). The subject block features a combination of residential and commercial uses which reflect the intersection of the zoning districts. Additionally, the subject block includes two- to four-story buildings that are characteristic of the neighborhood's massing.

More specifically, immediately north of the subject property is the former headquarters of the San Francisco Gas Light Company, a two story Richardsonian Romanesque brick building and a single story greenhouse. The Gas Light Building is a San Francisco Landmark and is currently occupied by a professional service firm (d.b.a. Tusker Corporation Property Management) and offices for the Pacific Gas and Electric Company (PG&E). Directly east of the subject property is a 25.5-foot wide private alley which accesses the former PG&E Manufactured Gas Plant occupying the center of the block. Further east, beyond the alley, is a four-story apartment complex (d.b.a. Marina Cove Apartments) containing approximately 241 dwelling units. South of the subject property, and across Bay Street, are the open fields of the Moscone Recreation Center. West of the subject property, and across Buchanan Street, is a four-story 12-unit condo building with two ground floor commercial retail tenants (d.b.a. The Goodwill, and Crown Cleaners and Laundry). The subject property is also within .25-miles of stops for the following MUNI transit lines: the 22-Fillmore, the 28-19th Avenue, the 30-Stockton, the 43-Masonic, and the 76X-Marin Headlands Express.

4. **Project Description.** The proposal is the demolition of a closed automotive service station and the construction of a new 40-foot tall residential building of approximately 50,900 square feet. The new building will contain 28 dwelling units, 2,875 square feet of common open space, 42 off-street parking spaces, and 40 bicycle parking spaces. The project requires Conditional Use Authorization to 1) demolish a service station and 2) new construction on a property greater than 10,000 square feet in an NC-2 Zoning District. The project is also seeking a Rear Yard Modification per Planning Code Section 134, and Variances from the Planning Code's requirement for open space (Section 135) and for dwelling unit exposure onto an open area (Section 140).
5. **Public Comment.** As of December 10, 2015, the Department has received seven letters expressing support for the project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Automotive Service Stations in NC-2 Districts.** Planning Code Section 202.5 requires Conditional Use Authorization to convert an automotive service station to another use.

The proposal will result in the conversion of an automotive service station to a residential use and is seeking Conditional Use Authorization from the Planning Commission. The required criteria for consideration by the Planning Commission per Planning Code Section 202.5 are outlined below.

- B. **Permitted Uses in the NC-2 Zoning District.** Planning Code Section 711.90 states that residential uses are permitted as of right within the NC-2 Zoning District.

The Project would construct a new residential building within the NC-2 Zoning District; therefore, the Project complies with Planning Code Section 711.90.

- C. **Dwelling Unit Density.** The permitted ratio of dwelling units in the NC-2 Zoning District is one dwelling per 800 square feet of lot area, pursuant to Planning Code Section 711.91. However, pursuant to Planning Code Section 207(b)(6), dwelling unit density in NC Districts may be based on the proximity to the nearest residential district, which is the RM-4 (Residential, Mixed) Zoning District. The permitted ratio of dwelling units in the RM-4 Zoning District is one dwelling per 200 square feet of lot area, pursuant to Planning Code Section 209.2.

The subject property is approximately 12,541 square feet, thus a maximum of 63 dwelling units are permitted. The project is proposing 28 dwelling units.

- D. **Development of Large Lots.** Planning Code Section 121.1 requires Conditional Use Authorization for new construction on lots greater than 10,000 square feet within an NC-2 Zoning District.

The subject property is approximately 12,541 square feet and located within an NC-2 Zoning District. The proposal is seeking Conditional Use Authorization to construct a new residential building. The required criteria per Planning Code Section 121.1, for consideration by the Planning Commission, are outlined below.

- E. **Rear Yard.** Planning Code Section 134 requires that the project provide a rear yard equal to 25 percent of the total lot depth at the lowest level containing a residential unit, and at each succeeding level or story of the building. Alternatively, the rear yard requirement in NC Districts may be modified or waived by the Zoning Administrator pursuant to the procedures which are applicable to variances in the case of NC Districts if all of the following criteria are met: (A) residential uses are included in the new or expanding development and a comparable amount of open space is provided elsewhere on the lot or within the development where it is more accessible to the residents of the developments; and, (B) the proposed new or expanding structure will not significantly impede the access of light and air to and views from adjacent properties; and (C) the proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of adjacent properties. .

The subject property is a corner lot with a width of 125 feet and a depth of 100.33 feet, thereby requiring a rear yard 25.1 feet deep and 3,135.31 square feet in area. The project includes new construction of a residential building and provides a rear yard area of 2,850 square feet at the ground floor level and an additional common roof deck of 2,875 square feet; maximizing the amount of open area accessible to residents. Additionally, the siting of the proposed building includes setbacks from both the northern and eastern neighbors so that the new development will not significantly impede the access of light and air to adjacent properties. Finally, the development pattern of the subject block does not provide an interior midblock open space. The Project is seeking a modification of the rear yard requirements from the Zoning Administrator (Case No. 2014-003157VAR).

- F. **Open Space.** Planning Code Section 135 requires that a development include a minimum of 100 square feet of open space per unit, if private, or 133 square feet of open per unit if within a common area. However, any space credited as private or common useable open space shall meet the following minimum area and exposure requirements:

Private useable open space shall have a minimum horizontal dimension of six feet and a minimum area of 36 square feet if it is located on a deck, balcony, porch or roof, and shall have a minimum horizontal dimension of 10 feet and a minimum area of 100 square feet if located on open ground, a terrace or the surface of an inner or outer court.

Common useable open space shall be at least 15 feet in every horizontal dimension and shall be a minimum of 300 square feet. Further, inner courts may be credited as common useable open space if the enclosed space is not less than 20 feet in every horizontal dimension and 400 square feet in area, and if the height of the walls and projections above the court on at least three sides is such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court.

In total, the project provides approximately 5,285 square feet of open space through a combination of common open areas in the rear yard and on the roof deck, as well as private patios, decks, and balconies. However, not all of the areas provided meet the minimum requirements for either private or common open space. This is because the rear yard area, which is considered an inner court, does not comply with the vertical dimensional requirements of the Planning Code at the third story where the building does not step back according to the prescribed methodology noted above. As a result, the 1,300 square feet of common area at grade does not count towards satisfying the overall requirement. Neither do the private ground floor patios for Units 106 and 107, or the private decks for Units 206, 306, and 405, all which must face a code-complying inner court in order to qualify.

The project provides 2,875 square feet of code-complying common open space on a roof deck, in addition to a code-complying private deck for Unit 205. As a result, the project provides code-complying open space for 22 of the 28 dwelling units. Therefore, the Project requires a variance from the Zoning Administrator to address the open space requirements outlined in Planning Code Section 135 (See Case No. 2014-003157VAR).

- G. **Street Trees.** Planning Code Section 138.1 requires installation of one street tree per every 20 feet of lot frontage.

The subject property has 100.33 feet of lot frontage on Buchanan Street and 125 feet of frontage on Bay Street, requiring a total of 11 trees which are included in the proposal.

- H. **Bird Safety.** Planning Code Section 139 requires bird-safe treatments for new construction projects that are within 300 feet of an urban bird refuge and have an unobstructed line to the refuge.

The subject property is within 300 feet of an urban bird refuge (the Moscone Recreation Center) and is within an unobstructed line to that refuge, as it is directly across Bay Street. Accordingly, the project will comply with the glazing treatments required by Planning Code Section 139.

- I. **Dwelling Unit Exposure.** Planning Code Section 140 requires the windows of at least one room in each dwelling unit to face directly on an open area that includes a public street, public alley at least 20 feet in width, side yard at least 25 feet in width, rear yard meeting the requirements of the Planning Code, or an inner court or a space between separate buildings on the same lot) which is unobstructed and is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor.

The project organizes the units to face Buchanan Street, Bay Street, or the rear inner court area. However, the inner court does not meet the dimensional requirements of the Planning Code, since it does not increase in horizontal dimension on the upper floors. As a result the units on the first and second stories that have exposure only to the rear yard do not meet the requirements of Planning Code Section 140. Therefore, the project is seeking a variance from the Zoning Administrator to address the exposure requirements specified in Planning Code Section 140 (Case No. 2014-003157VAR).

- J. **Street Frontage in NC and Mixed Use Districts.** Planning Code Section 145.1 requires that any new development include the following: 1) a 25-foot setback on the ground floor for any off-street parking provided at street grade; 2) street frontage dedicated to parking and loading ingress or egress that is no greater than 20-feet in width and placed to minimize interference with street-fronting active uses, as well as the movement of pedestrians, cyclists, public transit, and autos; 3) residential active uses at the ground floor that occupy more than 50 percent of the linear residential street frontage and feature walk-up dwelling units that provide direct, individual pedestrian access to a public sidewalk, and are consistent with the Ground Floor Residential Design Guidelines; and 4) street-facing, ground-level, principal entrances to the interior spaces of non-residential uses or lobbies.

The project meets the requirements of Planning Code Section 145.1. Off-street parking is located below grade and the project has only one 12 foot wide garage entrance to the below-grade off-street parking located on Buchanan Street. Further, the project results in the elimination of two curb cuts and thereby minimizes the site's interference with the movement of pedestrians, cyclists, public transit, and autos. The streetscape improvements also facilitate the active residential uses which occupy more than 50 percent of both the Bay and Buchanan Street frontages and feature walk-up dwelling units. The project also includes a gracious street-facing, ground-level lobby for the residential building.

- K. **Off-Street Parking.** Planning Code Section 151(b) requires a minimum of one off-street parking space per dwelling unit. Planning Code Section 151(c) further sets a maximum of accessory parking at 150 percent of the required number of spaces where three or more spaces are required by this section.

The project proposes 28 dwelling units. Therefore, a minimum of 28 off-street parking spaces are required and a maximum of 42 off-street parking spaces are principally permitted. The project proposes the maximum of 42 spaces which are below grade and organized through space efficient means.

- L. **Bicycle Parking.** Planning Code Section 155.2 requires new developments provide one Class 1 bicycle parking space for every dwelling unit and one Class 2 bicycle parking space for every 20 dwelling units.

The project includes 28 dwelling units. Therefore, the project is required to provide 28 Class 1 bicycle parking spaces and one Class 2 bicycle parking space. The project will provide 40 Class 1 bicycle parking spaces and one Class 2 bicycle space, thus exceeding the requirement. Therefore, the project complies with Planning Code Section 155.2.

- M. **Unbundled Parking.** Planning Code Section 167 requires that all off-street parking spaces accessory to residential uses in new structures of 10 dwelling units or more be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units.

The Project is providing off-street parking that is accessory to 28 dwelling units. These spaces will be unbundled and sold and/or leased separately from the dwelling units; therefore, the Project meets this requirement.

- N. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program for projects that include ten or more dwelling units to provide either 12 percent affordable units on-site, 20 percent affordable units off-site, or a fee equivalent to 20 percent.

The Project Sponsor has elected to pay the Affordable Housing Fee per Planning Code Section 415, and has submitted an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program through payment of the Fee, in an amount to be established by the Mayor's Office of Housing and Community Development at a rate equivalent to an off-site requirement of 20%. The project sponsor has not selected an alternative to payment of the Fee. The Environmental Evaluation application was submitted on February 13, 2015.

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

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

Although the proposed project is all residential, it is consistent with the character of the NC-2 Zoning District in which it is located and serves as an effective transition from the residential and recreational

activities along Bay Street to the increasingly commercial activities further north on Buchanan Street. The project is necessary and desirable because it reactivates a long vacant corner lot and results in 28 dwelling units that will be added to the City's housing stock in a location where denser development is encouraged.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

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

The project proposes a building form that is compatible with the scale and width of both Buchanan and Bay Streets, as well as other nearby developments. The four-story massing is appropriate given the neighborhood context and the site plan is sensitive to the adjacent neighbors. The massing steps down to the landmark property to the north and a side setback is provided along the eastern property line to accommodate the west facing windows of the Marina Cove Apartments on Bay Street.

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The project proposes 42 off-street residential accessory parking spaces that are appropriately accessed by a single 12-foot wide vehicular driveway and 16-foot wide curb cut along Buchanan Street. The parking is below grade and will minimize interference with pedestrian, cyclist, and transit activities because the project also results in the elimination of two existing curb cuts.

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

The proposed use is entirely residential, therefore noxious or offensive emissions are not anticipated as part of the project.

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

The project will improve the streetscape with street trees and stooped residential entries that will activate both Buchanan and Bay Streets. Off-street parking will be accommodated through space-efficient means, and bicycle parking will be easily accessed from the lobby. The project includes approximately 5,285 square feet of open space through a mix of the common rear yard area, patios, decks, balconies, and roof deck.

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

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

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

The proposed project is consistent with the stated purpose of the NC-2 District in that the residential use is principally permitted and will house patrons for the small-scale neighborhood serving uses within the area.

8. **Development of Large Lots.** Planning Code Sections 121.1 requires a Conditional Use Authorization for new developments on lots larger than 10,000 square feet in an NC-2 (Small-Scale Neighborhood Commercial) Zoning District. Planning Code Section 121.1 sets forth additional criteria which the Commission shall consider in addition to those of Section 303 when reviewing an application for development of a large lot.

- a. The mass and façade of the proposed structure are compatible with the existing scale of the district.

The proposed project's mass and façade are in keeping with the existing and intended scale and character of the neighborhood, where buildings generally range up to four stories. Additionally, the proposed design will build cohesiveness among the varied design context of the site's immediate neighbors – the Gas Light Building, the +200 unit apartment complex, a recreational field, and a 12-unit condo building.

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

The proposed project's architectural treatments, façade design and building materials include bay windows, open balconies, brick veneer, anodized metal windows, metal paneling, and stooped entries with landscaping. The project's two street frontages offer a unified façade treatment, yet also correspond directly to their respective block faces. The Buchanan Street façade has wider brick bays which reflect the more commercialized nature of that street, and the northern bay shifts from brick to glass at the fourth floor which helps lighten the mass as the building transitions into the neighboring landmark site. The Bay Street façade breaks the brick bays up into more regularized 25-foot wide sections that reflect the residential nature of the site.

9. **Conversion of Automotive Service Stations.** Planning Code Section 202.5 establishes the criteria the Commission shall consider when authorizing the conversion of an automotive service station to another use. The Commission shall approve the conversion if it determines from the facts presented that the reduction in availability of automotive goods and services resulting from the service station conversion would not be unduly detrimental to the public. On balance, the project complies with said criteria:

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

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

The project will contribute to the City's housing supply by providing 28 dwelling units, of which 17 will have either two or three bedrooms. The project will also contribute to the City's affordable housing supply by complying with the City's Inclusionary Affordable Housing Program through the payment of an in-lieu fee.

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

The project does not include commercial uses; however, new residents will likely patronize the local neighborhood serving businesses.

3. The importance of the street on which the service station fronts to walking, cycling, and public transit, and the impact of automobile access and egress to the service station and of the proposed new uses and structures on the safety and comfort of pedestrians, cyclists and transit riders;

Per the Better Streets Plan, Bay Street is a Neighborhood Residential Street and Buchanan Street is a Neighborhood Commercial Street. Both street types encourage walkability and discourage automotive oriented uses, such as automotive service stations. Bay Street is also part of the city's growing bicycle network and the elimination of the Bay Street curb cut will facilitate a safer cycling route.

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

The project consists of residential units that will not generate any noxious or offensive emissions, noise, glare, dust or odors. The proposed use will replace the prior automotive service station use that generated significantly higher levels of offensive emissions, noise, and/or odors. The underground storage tanks on the property were removed in 2010 and site remediation in compliance with City regulations and Department of Public Health standards will be completed as necessary prior to construction and occupancy of the project.

5. The relative employment opportunities offered by the service station and the proposed new use;

The previous service station has not been in operation since 2009 (with the underground tanks subsequently removed in 2010) and does not provide any current employment opportunities. The proposed project includes 28 dwellings units that will house patrons for local commercial activities and help sustain and build existing businesses. Additionally, the project will provide short-term employment for construction workers and other allied trades and professions opportunities during the construction of the project.

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

Aside from annual property taxes, the City does not currently receive any other taxes or revenue from use of the property because the automotive service station has not been in operation since 2009. The City and County of San Francisco will likely receive a substantial increase in property tax revenue from the project's 28 residential dwelling units.

7. The compatibility of the existing service station and of the proposed new use or structure with the General Plan and area plan urban design policies and the street frontage standards of this Code;

The proposed project fully complies with the street frontage standards of Planning Code Section 145.1 and is also consistent with the General Plan and applicable urban design guidelines as described in detail below. In addition, the residential development is a more compatible use with the NC-2 Zoning District than the former service station, which is only allowed through Conditional Use Authorization within this district.

8. Whether the service station use and the proposed use are permitted principal uses, conditional uses or nonconforming uses.

Per Planning Code Section 711.58, Automotive Service Stations require Conditional Use Authorization by the Planning Commission. Whereas, per Planning Code Section 711.90, Residential Uses are principally permitted.

10. **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:

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

Policy 1.1:

Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

The project is ideal in that it in-fills a vacant automotive service site. The project will provide a unit mix of 39% one-bedroom, 36% two-bedroom, and 25% three-bedroom. Additionally, the Project Sponsor has indicated that they will pay the Affordable Housing Fee which will be calculated based on the cost of providing 20 percent of the units (5.6) off-site. Projects of this scale are appropriately sized to contribute through payment of the Affordable Housing Fee which is then used to fund a broad range of affordable housing projects within the City.

OBJECTIVE 11:

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

Policy 11.1:

Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

Policy 11.2:

Ensure implementation of accepted design standards in project approvals.

Policy 11.3:

Ensure growth is accommodated without substantially and adversely impacting existing residential character.

Policy 11.4:

Continue to utilize zoning districts which conform to a generalized residential land use and density plan and the General Plan.

Policy 11.6:

Foster a sense of community through architectural design, using features that promote community interaction.

Policy 11.8:

Consider a neighborhood's character when integrating new uses, and minimize disruption caused by expansion of institutions into residential areas.

The architecture of this project responds to the site's location as a transition between moderately dense residential districts, commercial uses within the immediate zoning district, and the Gas Light Building landmark north of the property. The project's facades provide a simple expression of form and materials and emphasize the residential uses at the ground floor. The application of brick is a nod to the older landmark building but its pairing with metallic windows and panels help facilitate the building's assertion of quality contemporary design.

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 4.5:

Require private usable outdoor open space in new residential development.

The Project will create private and common open space areas in a new residential development through private balconies and decks, a rear yard inner court, and a roof deck. The project will also not cast shadows over any open spaces under the jurisdiction of the Recreation and Park Department.

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

The existing service station has been vacant since 2009. The proposed development results in an activation of the block corner and generates new residents that will become patrons of the neighboring commercial district on Buchanan Street that spans from Bay Street to Marina Boulevard.

OBJECTIVE 6:

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

Policy 6.1:

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

The subject property is located at the edge of the NC-2 Zoning District, directly across from a recreational site. The General Plan states that auto-oriented facilities at such locations are inappropriate, especially when located within 500 feet of areas where large numbers of children are present. Therefore, although the

proposal results in the loss of a commercial use, the project brings the site into greater conformity with the intent of the Neighborhood Commerce element.

TRANSPORTATION

Objectives and Policies

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 24.4:

Preserve pedestrian-oriented building frontages.

The Project will install new street trees along Buchanan Street and Bay Street. In addition, frontages are designed with active spaces oriented at the pedestrian level.

OBJECTIVE 28:

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

Policy 28.2:

Provide secure bicycle parking at existing city buildings and facilities and encourage it in existing commercial and residential buildings.

Policy 28.3:

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

The project includes 40 Class 1 bicycle parking spaces in a secure and convenient location.

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 1.7:

Recognize the natural boundaries of districts, and promote connections between districts.

OBJECTIVE 2:

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

Policy 2.6:

Respect the character of older development nearby in the design of new buildings.

The Project is adjacent to a Landmark Building, a recreation field, an apartment complex of +200 units and a 12-unit residential condominium, all of which have varied design aesthetics. In order to transition from one area to another, the proposal must therefore serve as a bridge between the buildings and highlight similar characteristics. Accordingly, the Project provides articulated street façades, which respond to the form, scale and material palette of surrounding buildings, while also providing a new contemporary architectural vocabulary.

OBJECTIVE 4:

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

Policy 4.5:

Design walkways and parking facilities to minimize danger to pedestrians.

Policy 4.13:

Improve pedestrian areas by providing human scale and interest.

Although the project site has two street frontages, it only provides one vehicular access point for the entire project, limiting conflicts with pedestrians and bicyclists. Street trees will be planted on each street. Ample frontages, common and private open spaces, and ground floor active uses directly accessing the street will be provided. Along the project site, the pedestrian experience will be greatly improved. Currently, the site contains a vacant automotive service station.

11. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

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

The automotive service station was abandoned in 2009 and the tanks were removed in 2010. Therefore, the proposal does not displace neighborhood-serving retail uses. Further, the residential use will increase the demand for neighborhood-serving retail uses in the surrounding neighborhood.

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

No housing exists on the project site. The project will provide up to 28 new dwelling units, thus resulting in a significant increase in the neighborhood housing stock. The Project is simple in design, and relates to the scale and form of the surrounding neighborhood by providing relationships to the

other buildings. For these reasons, the proposed project would protect and preserve the cultural and economic diversity of the neighborhood.

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

The Project will not displace any affordable housing because there is currently no housing on the site. The Project will comply with the City's Inclusionary Housing Program by paying the in-lieu fee, therefore increasing the available funding dedicated to construction of affordable housing units in the City.

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

The project is well served by MUNI bus routes. It is also situated on Bay Street, which is part of the City's growing bicycle network and which will become safer because of the elimination of the Bay Street curb cut. The Neighborhood Commerce element specifically discourages automotive oriented uses at the subject property, as they are considered to cause conflict with alternative transit methods and be heavy trip generators. Therefore, the proposed residential use will be more compatible with the Zoning District requirements.

- 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 replace a former automotive service station; however, that use was displaced nearly six years ago and has since sat vacant. Furthermore, the automotive service use is less compatible with the zoning district than the proposed residential use.

- 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. This proposal will not affect the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

There are no landmarks or historic buildings on the project site.

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

The Project will not affect the City's parks or open space or their access to sunlight and vistas. A shadow study was completed and concluded that the Project will not cast shadows on any property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission.

12. 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.
13. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2014-003157CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated December 7, 2015, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 19537. 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.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on December 17, 2015.

Jonas P. Ionin
Commission Secretary

AYES: Commissioners Moore, Wu, Richards, Johnson, Fong, and Antonini.

NAYS: None.

ABSENT: Commissioner Hillis.

ADOPTED: December 17, 2015

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow the demolition of a closed service station and the construction of an approximately 50,900 square foot, 40-foot tall, four-story residential building containing up to 28 dwelling units, 2,875 square feet of common useable open space, 42 off-street parking spaces and 40 bicycle parking spaces within a Small-Scale Neighborhood Commercial Zoning District and a 40-X Height and Bulk District; in general conformance with plans, dated **December 7, 2015**, and stamped "EXHIBIT B" included in the docket for Case No. **2014-003157CUA** and subject to conditions of approval reviewed and approved by the Commission on **December 17, 2015** under Motion No **19537**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **December 17, 2015**, under Motion No **19537**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **19537** shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

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

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

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

3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

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

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

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

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

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

6. **Additional Project Authorization.** The Project Sponsor must obtain a variance from the Zoning Administrator to address the Planning Code requirements for open space and dwelling unit exposure (Planning Code Section 135 and 140); as well as a rear yard modification from the Zoning Administrator to address the Planning Code requirements for rear yard (Planning Code Section 134), and satisfy all the conditions thereof. 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.

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

DESIGN

7. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

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

8. **Garbage, Composting and Recycling Storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the architectural addenda. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

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

9. **Street Trees.** Pursuant to Planning Code Section 138.1 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary.

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

PARKING AND TRAFFIC

- 10. Bicycle Parking.** Pursuant to Planning Code Sections 155.1 and 155.4., the Project shall provide no fewer than 28 Class 1 and 1 Class 2 bicycle parking spaces.

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

PROVISIONS

- 11. First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.

For information about compliance, contact the First Source Hiring Manager at 415-581-2335, www.onestopSF.org

AFFORDABLE UNITS

- 12. Requirement.** Pursuant to Planning Code 415.5, the Project Sponsor must pay an Affordable Housing Fee at a rate equivalent to the applicable percentage of the number of units in an off-site project needed to satisfy the Inclusionary Affordable Housing Program Requirement for the principal project. The applicable percentage for this project is twenty percent (20%).

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

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

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

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

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

- a. The Project Sponsor must pay the Fee in full sum to the Development Fee Collection Unit at the DBI for use by MOHCD prior to the issuance of the first construction document.
- b. Prior to the issuance of the first construction permit by the DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
- c. If project applicant fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Sections 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all other remedies at law.

MONITORING – AFTER ENTITLEMENT

14. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
15. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

OPERATION

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

17. Community Liaison. Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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