

1 [Adopting findings related to the conditional use appeal on property located at 965-985
2 Geneva Avenue and 852 Paris Street (aka Apollo Theater).]

3 **Motion adopting findings related to the appeal of the Planning Director’s approval of**
4 **Conditional Use Application No. 2001.1126C, which approved the merger of six lots into**
5 **one lot with a total area greater than 9,999 square feet pursuant to Planning Code**
6 **Section 712.11, allowed the construction of eight dwelling units without the required**
7 **off-street parking pursuant to Section 161(j), allowed a large retail store (Walgreens**
8 **Pharmacy) to occupy commercial space (10,000 gross square feet) on the ground floor**
9 **and on a new mezzanine in excess of 5,999 square feet pursuant to Section 712.21**
10 **under Planning Department’s modification to the proposed project, in an NC-3**
11 **(Moderate Scale Neighborhood Commercial) District and in a 65-X Height and Bulk**
12 **District, and in an RH-1 (Residential, One-Family) District in a 40-X height and Bulk**
13 **District on property located at 965-985 Geneva Avenue and 852 Paris Street (aka Apollo**
14 **Theater), north side of Geneva Avenue, between Paris and London Streets (Lots 5-10**
15 **on Assessor’s Block 6409).**

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17 Consistent with the provisions of Emergency Ordinance No. 186-02, the appellant,
18 Lawrence Lee, filed a timely appeal on October 23, 2002, protesting the approval by the
19 Planning Director of an application for a conditional use authorization (Conditional Use
20 Application No. 2001.1126C), which authorized, subject to conditions imposed by the
21 Planning Director, the merger of six lots into one lot with a total area greater than 9,999
22 square feet pursuant to Planning Code Section 712.11, allowed the construction of eight
23 dwelling units without the required off-street parking pursuant to Section 161(j), allowed a
24 large retail store (Walgreens Pharmacy) to occupy commercial space (10,000 gross square
25 feet) on the ground floor and on a new mezzanine in excess of 5,999 square feet pursuant to

1 Section 712.21 under planning Department's modifications to proposed project, and adopted
2 findings relating to the disapproval of a conditional use application to allow a large retail store
3 (Walgreens Pharmacy) to occupy commercial space (12,800 gross square feet) on the ground
4 floor and on a new mezzanine in excess of 5,999 square feet pursuant to Section 712.21
5 under the proposal submitted to the Department by the project sponsor, located in an NC-3
6 (Moderate-Scale Neighborhood Commercial) District and in a 65-Height and Bulk District, and
7 in an RH-1 (Residential, One-Family) District in a 40-X Height and Bulk District on property
8 located at 965-985 Geneva Avenue, between Paris and London Streets (Lots 5-10 on
9 Assessor's Block 6409).

10 The public hearing before the Board of Supervisors on said appeal was scheduled for
11 November 18, 2002. On November 18, 2002, the Board opened the public hearing and
12 received a limited amount of testimony, and then continued the hearing to November 25,
13 2002. On November 25, 2002, the Board reopened the duly noticed hearing on the appeal
14 from the Planning Director's approval referred to in the first paragraph of this motion.
15 Following the conclusion of the public hearing on November 25, the Board disapproved the
16 decision of the Planning Director (his Motion No. 16468), and approved the issuance of the
17 requested Conditional Use Application No. 2001.1126C, subject to the conditions imposed by
18 the Planning Director, as modified by the Board of Supervisors, and subject to additional
19 conditions imposed by the Board of Supervisors.

20 In reviewing the appeal of the approval of the requested conditional use authorization,
21 this Board reviewed and considered the written record before the Board and all of the public
22 comments made in support of and in opposition to the appeal.

23 NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and
24 County of San Francisco hereby adopts as its own and incorporates by reference herein, as
25 though fully set forth, the findings made by the Director of Planning in his Motion No. 16468,

1 dated October 10, 2002, except as indicated below; and, be it

2 FURTHER MOVED, That the Board of Supervisors further took notice that the Planning
3 Commission considered the appeal of the Preliminary Negative Declaration on June 13, 2002,
4 upheld the Negative Declaration, and determined that an Environmental Impact Report was
5 not required for this project. The Board finds that there have been no substantial changes in
6 project circumstances, and there has been no new information of substantial importance that
7 would change the environmental determination made by the Planning Commission.

8 FURTHER MOVED, That the primary objection to the Planning Director's decision was
9 his decision to reduce the size of the largest retail space on the ground floor of the project
10 site. The Board of Supervisors finds that the project, with a slight expansion in the size of the
11 largest of the three retail units, and a reduction in the street frontage of the two remaining
12 retail units to 15' of frontage, will not discourage the retention and provision of neighborhood-
13 serving goods and services in the Geneva Avenue commercial corridor, and will preserve and
14 enhance future opportunities for resident employment and ownership. The presence of three
15 vibrant and robust retail tenants at the project site will ensure and encourage the retention and
16 provision of neighborhood-serving goods and services in this district, and will help other retail
17 establishments in the neighborhood survive and prosper by attracting residents to the
18 shopping area, thereby promoting the employment of neighborhood residents in prevailing
19 wage jobs. In addition, the Board of Supervisors has encouraged the retention and provision
20 of neighborhood serving goods and services at the project site by requiring that retail unit #2
21 on the project site map in Board File No. 021766 be reserved for a neighborhood serving
22 youth retail establishment. (If, after one year from the date of availability for occupancy, retail
23 unit # 2 has not been leased at a reasonable lease rate, and providing that the project
24 sponsor has made a genuine effort to lease retail unit #2, retail unit #2 may be leased by the
25 project sponsor to a business that is not a neighborhood serving youth retail establishment.)

1 The Board further finds that the project sponsor agreed that four of the eight housing
2 units shall be affordable at 100% of the median income for fifty years, and the remaining four
3 housing units shall be affordable at 60% of the median income for fifty years. This will provide
4 greater conservation and protection for housing, neighborhood character, and the cultural and
5 economic diversity of this neighborhood, and will preserve and enhance the affordable
6 housing supply in the City and in this neighborhood.

7 FURTHER MOVED, That at its November 25, 2002, meeting the Board of Supervisors
8 disapproved the decision of the Planning Director, and approved the issuance of requested
9 Conditional Use Application No. 2001.1126C, with the following conditions:

10 1. The Board of Supervisors imposed the conditions imposed by the Planning Director
11 in his Motion No. 16468, except as noted in Conditions 2 and 3 below.

12 2. Conditions 1 and 2 imposed by the Planning Director were amended to reflect the
13 following additional condition imposed by the Board of Supervisors:

14 As indicated in the site map included in Board File No. 021766, retail units #1
15 and #2 shall each be at least 15 feet wide, and at least 28' 9" deep (these two units shall each
16 be approximately 450 square feet in area) with the remainder of the available retail ground
17 floor space at the site being reserved for the larger retail unit.

18 3. Condition 5 imposed by the Planning Director was deleted.

19 4. Four of the eight housing units shall be affordable at 100% of median income for
20 fifty years.

21 5. The four remaining housing units shall be affordable at 60% of median income for
22 fifty years.

23 6. Retail unit # 2 on the site map shall be reserved for a neighborhood serving youth
24 retail establishment. If, after one year from the date of availability for occupancy, retail unit #2
25 has not been leased at a reasonable lease rate, and providing that the project sponsor has

1 made a genuine effort to lease retail unit #2, retail unit #2 may be leased by the project
2 sponsor to a business that is not a neighborhood serving youth retail establishment.

3 7. The awning at the site shall be maintained.

4 8. The exterior to the project shall be transparent, relying primarily on glass and similar
5 materials, and shall simulate the character of the exteriors of other commercial buildings in the
6 neighborhood.

7 FURTHER MOVED, That with the imposition of the revised Conditions, as listed above,
8 the Board of Supervisors finds that the Project, as proposed and approved with the conditions
9 imposed by the Planning Commission and as amended by the Board, will meet the
10 requirements of Planning Code Section 303. The revised Project will provide a development
11 that is necessary or desirable for, and compatible with, the neighborhood of the community,
12 and that such use will not be detrimental to the health, safety, convenience or general welfare
13 of persons residing or working in the vicinity, or injurious to property, improvements or
14 potential development in the vicinity, and that such use will not adversely affect the General
15 Plan.

16 FURTHER MOVED, That, on balance, the Project, as revised by the Board of
17 Supervisors, is consistent with the objective and Policies of the General Plan, and is
18 consistent with the Priority Policies of Planning Code Section 101.1.

19 FURTHER MOVED, That the Board of Supervisors, after carefully balancing the
20 competing public and private interests, disapproved the decision of the Planning Director by
21 his Motion 16468, dated October 10, 2002, and approved the issuance of Conditional Use
22 Application No. 2001.1126C on property located at 965-985 Geneva Avenue, between Paris
23 and London Streets (Lots 5-10 on Assessor's Block 6409), subject to the revised conditions
24 imposed by the Board on November 25, 2002, as referred to earlier in this motion.

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