File No. 100467

Committee Item No. 7
Board Item No. 25

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development **Date** July 19, 2010

Board of Supervisors Meeting **Date** July 27, 2010

Cmte	Board	
☐	☐	Motion
☐	☐	Resolution
☒	☒	Ordinance
☒	☒	Legislative Digest
☐	☐	Budget Analyst Report
☐	☐	Legislative Analyst Report
☐	☐	Youth Commission Report
☐	☐	Introduction Form (for hearings)
☒	☒	Department/Agency Cover Letter and/or Report
☐	☐	MOU
☐	☐	Grant Information Form
☐	☐	Grant Budget
☐	☐	Subcontract Budget
☐	☐	Contract/Agreement
☐	☐	Form 126 – Ethics Commission
☐	☐	Award Letter
☐	☐	Application
☐	☐	Public Correspondence

OTHER **(Use back side if additional space is needed)**

☒	☒	Planning Commission Motion No. 18084
☒	☒	Planning Commission Resolution No. 18085
☒	☒	Mitigated Negative Declaration (Initial study*)
☒	☒	Farella Braun+Martel Letter (Exhibits*)
☐	☐	
☐	☐	
☐	☐	
☐	☐	

Completed by: Alisa Somera **Date** July 16, 2010
Completed by: [signature] **Date** July 21, 2010

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

FILE NO. 100467 ORDINANCE NO.

[Zoning Map Amendment for One Capitol Avenue]

Ordinance amending Section Maps ZN12 of the Zoning Maps of the City and County of San Francisco for the real property at One Capitol Avenue (Assessor's Block 7148/Lot 040), to reclassify the property from a P (Public) Zoning District to an RH-1 (Residential, House, One-Family) Zoning District; and adopting General Plan, Planning Code Section 101.1, and environmental findings.

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*strikethrough italics Times New Roman*~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings. The Board of Supervisors of the City and County of San Francisco hereby finds and determines that:

(a) On January 28, 2010, the Project Sponsor filed an application for an amendment of Sectional Map 12 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 040) ("Project Site") from P (Public) to RH-1 (Residential, House: One-Family) (the "Proposed Zoning Map Amendment").

(b) The Proposed Zoning Map Amendment is part of a project proposed by the Project Sponsor to construct 28 single-family dwellings as part of a Planned Unit Development. The dwelling-units range in size from approximately 1,450 to 2,330 square feet, with a total of 41 off-street parking spaces and one car share parking space. Each of the 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. Currently, the property at One Capitol Avenue is an undeveloped parcel zoned P (Public), under private ownership. The property, which is located north of, and runs parallel to, the Interstate 280 Freeway, was previously owned by Caltrans, and transferred to the current owner in 1979. The owner of the site proposes to subdivide the existing 43,077 square-foot parcel into 28 parcels, with lot sizes ranging from 942 to 3,317 square feet ("Project").

(c) The Project Sponsor has also filed an application for a Conditional Use authorization pursuant to Planning Code Section 303 and 304 to construct a Planned Unit Development with modifications to the lot size and width (Section 121), to the location and configuration of the rear yard (Section 134) and open space (Section 135), and to the dwelling-unit exposure (Section 140).

(d) 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"). The Planning Commission found that 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. Documentation of that review is on file with the Clerk of the Board of Supervisors in File No. 100467.

(e) At the same hearing during which the Planning Commission reviewed and considered the Final Mitigated Negative Declaration, the Planning Commission adopted

CEQA Findings with respect to the approval of the proposed Project, in Motion No. 18084 and adopted the Proposed Zoning Map Amendment in Resolution No. 18085.

(f) The letter from the Planning Department transmitting the Proposed Zoning Map Amendment to the Board of Supervisors, the Final Mitigated Negative Declaration, the CEQA Findings adopted by the Planning Commission with respect to the approval of the Project, including a mitigation monitoring and reporting program, the Proposed Zoning Map Amendments and the Resolution approving the Proposed Zoning Map Amendments are on file with the Clerk of the Board in File No. 100467. These and any and all other documents reference in this Ordinance have been made available to, and have been reviewed by, the Board of Supervisors, and may be found in either the files of the Planning Department or the custodian of records, at 1650 Mission Street in San Francisco, or in File No. 100467 with the Clerk of the Board of Supervisors at 1 Dr. Carlton B. Goodlett Place, San Francisco, and are incorporated herein by reference thereto.

(g) The Board of Supervisors has reviewed and considered the Final Mitigated Negative Declaration, the environmental documents on file referred to herein, and the CEQA Findings adopted by the Planning Commission in support of the approval of the proposed Project, including the mitigation monitoring and reporting program. The Board of Supervisors has adopted the Planning Commission's CEQA findings as its own and hereby incorporates them by reference as though fully set forth herein.

(h) The Board of Supervisors finds, pursuant to Planning Code Section 302, that the Proposed Zoning Map Amendment will serve the public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 18085 and incorporates those reasons herein by reference.

(i) The Board of Supervisors finds that the Proposed Zoning Map Amendment is in conformity with the General Plan, as amended, and the eight priority policies of Planning Code Section 101.1 for the reasons set forth in Planning Commission Resolution No. 18085. The Board hereby adopts the findings set forth in Planning Commission Resolution No. 18085 and incorporates those findings herein by reference.

Section 2. Pursuant to Sections 106 and 302(c) of the Planning Code, the following change in use classifications is hereby adopted as an amendment to Sectional Map 12 of the Zoning Map of the City and County of San Francisco:

Description of Property	**Zoning District to be Superseded**	**Zoning District Approved**
1 Capitol Avenue (Assessor's Block 7148, Lot 040) (as shown in the drawings on file with the Clerk of the Board of Supervisors in File No. 100467)	P (Public)	RH-1 (Residential, House: One-Family)

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: Kate Herrmann Stacy
Deputy City Attorney

FILE NO. 100467

LEGISLATIVE DIGEST

[Zoning Map Amendment for One Capitol Avenue]

Ordinance amending Section Maps ZN12 of the Zoning Maps of the City and County of San Francisco for the real property at One Capitol Avenue (Assessor's Block 7148/Lot 040), to reclassify the property from a P (Public) Zoning District to an RH-1 (Residential, House, One-Family) Zoning District; and adopting General Plan, Planning Code Section 101.1, and environmental findings.

Existing Law

The Zoning Map for the City and County of San Francisco provides a "public" zoning designation for this site. Under the "public" zoning designation, public structures and uses of governmental entities are principally permitted uses.

Amendments to Current Law

This ordinance re-zones the real property to RH-1, to allow residential (house, one-family) uses on the site.

Background Information

The proposal would allow construction of a proposed project, consisting of 28 single-family dwellings as part of a Planned Unit Development.

SAN FRANCISCO
PLANNING DEPARTMENT

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

May 17, 2010

File 100467

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*

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 13th 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 Rahaim
Director of Planning

cc: Supervisor Avalos

Attachments [one original and four copies of each of the following]
Planning Commission Resolution Number 18085
Draft Ordinance
Planning Commission Executive Summary
Planning Commission Motion Number 18084 (Planned Unit Development Approval)
Exhibits

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2010 JUN -1 PM 3:42
BY

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 requirement 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 projects 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".[1] *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.

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

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 IMIPROTANT 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.

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.

    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.

SAN FRANCISCO
PLANNING DEPARTMENT

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 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

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 mewss will incorporate native plants, low water and drought resistant species. To further reduce water consumption, the Project Sponsor indents 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 IMIPROTANT 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 case 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

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

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
Recommendation:	**Approval with Conditions**

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

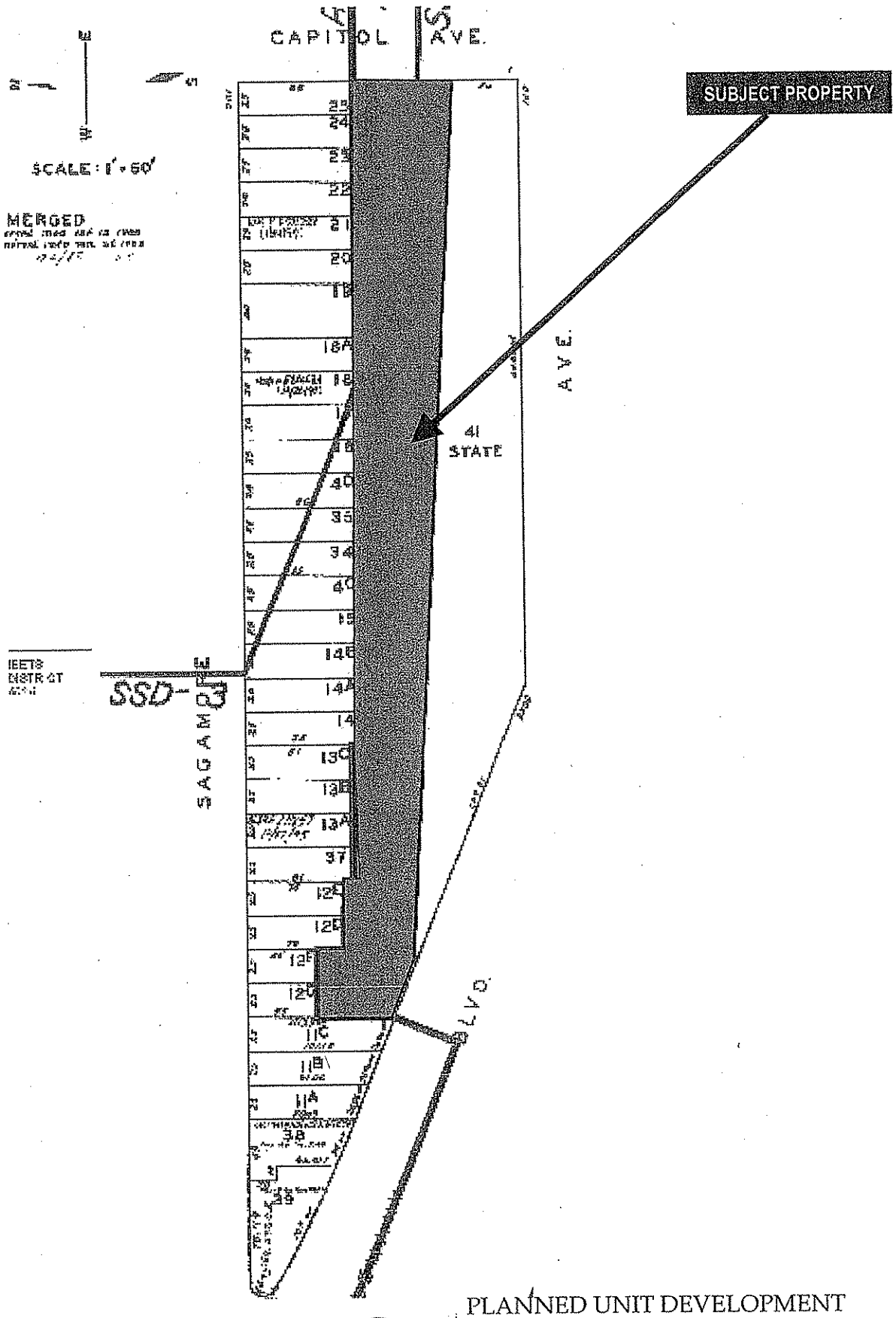
The Department believes this project is necessary and/or desirable under Section 303 of the Planning Code for the following reasons:

- 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**

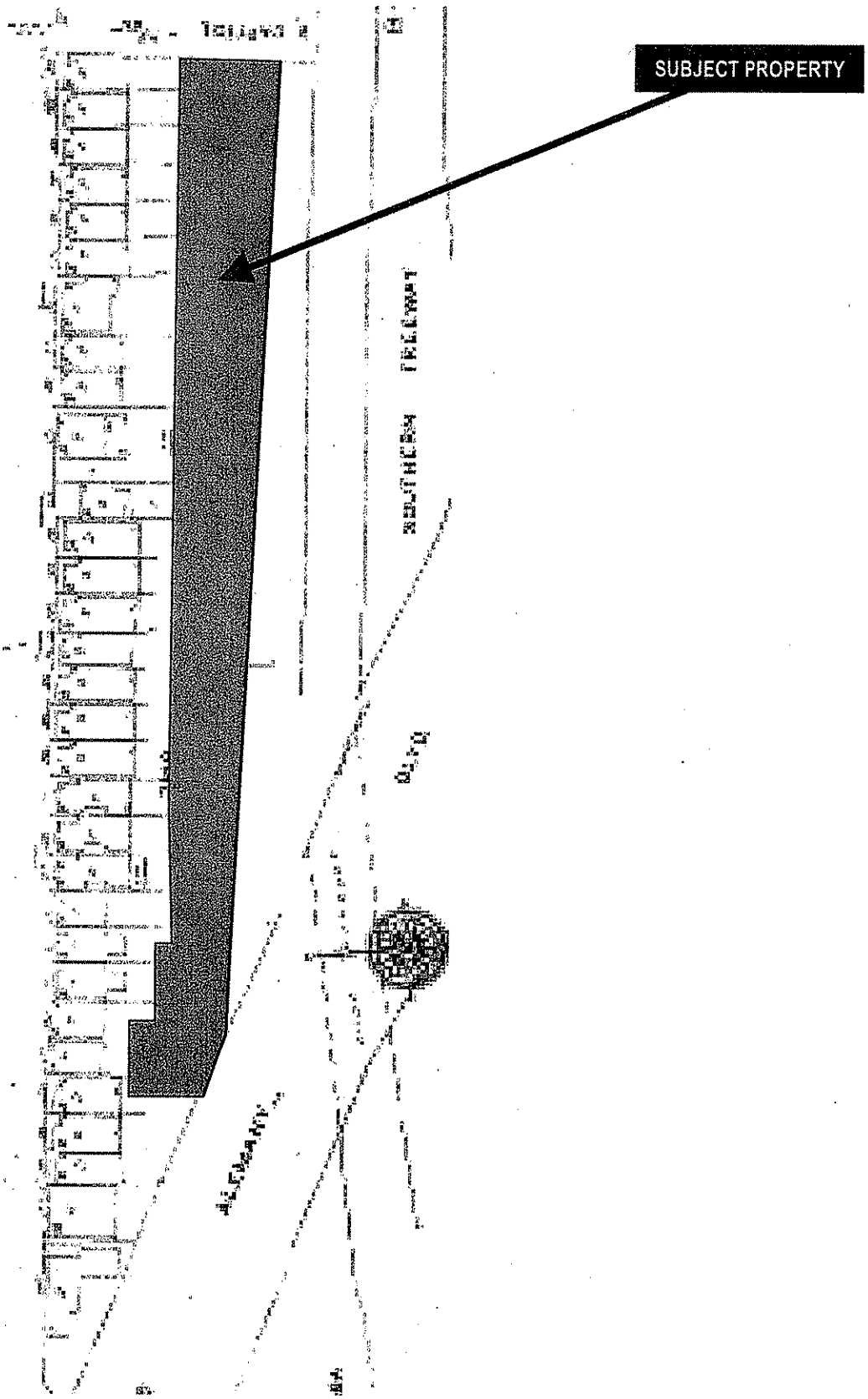
Attachments:
Draft Motion
Draft Resolution
Draft Ordinance
MMRP
Mitigated Negative Declaration
Noise Study
Parcel Map
Sanborn Map
Zoning Map
Aerial Photographs
Context Photos
Project Sponsor Submittal
Letter of Support/Opposition
Reduced Plans

Parcel Map



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

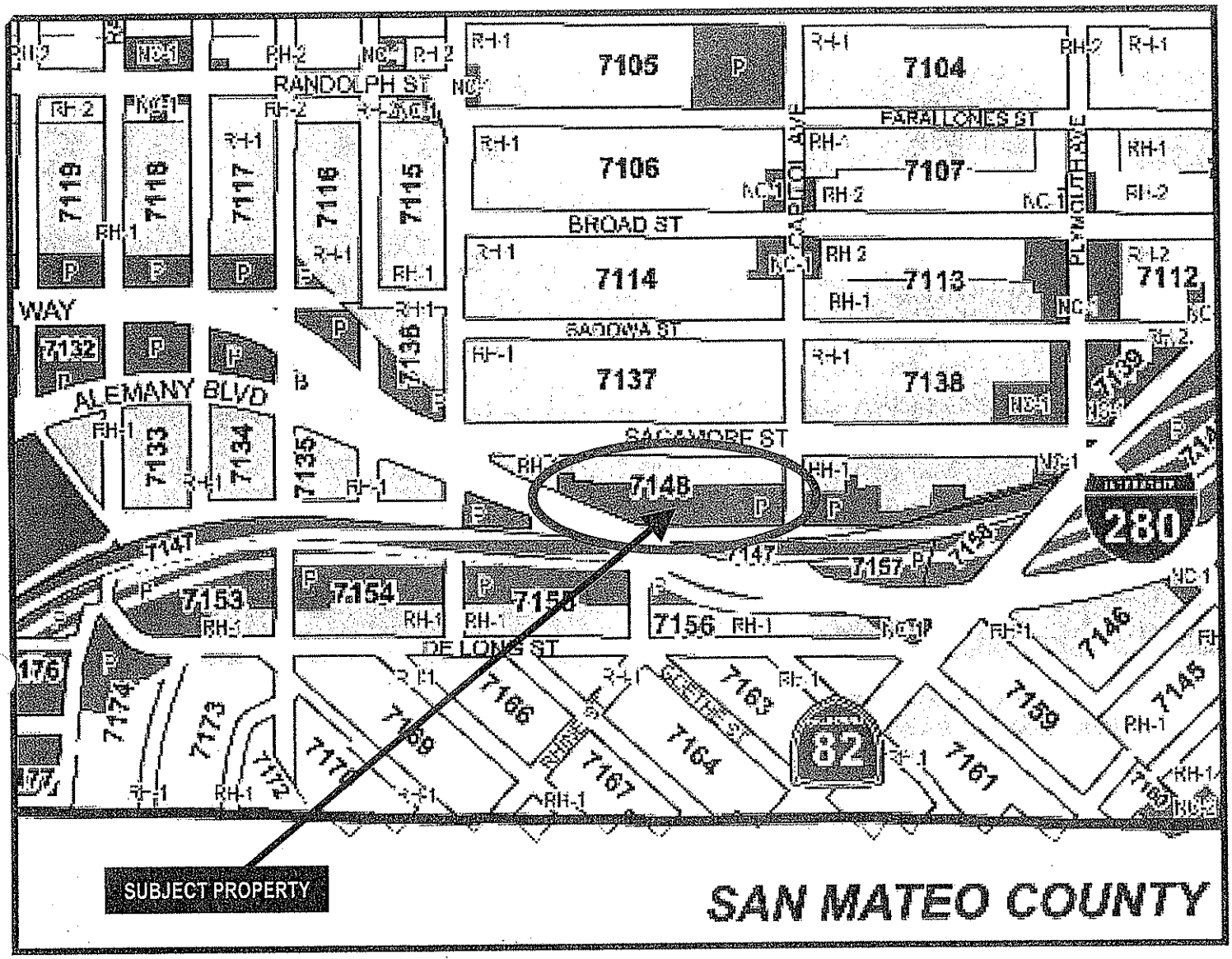
Sanborn Map



The 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
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-S | C-3-G | C-3-R | C-3-O | C-3-O(SD)

INDUSTRIAL DISTRICTS
C-M | M-1 | M-2

CHINATOWN MIXED USE DISTRICTS
CRNC | CVR | CCB

RESIDENTIAL-COMMERCIAL DISTRICTS
RC-3 | RC-4

REDEVELOPMENT AGENCY DISTRICTS
MB-RA | HP-RA

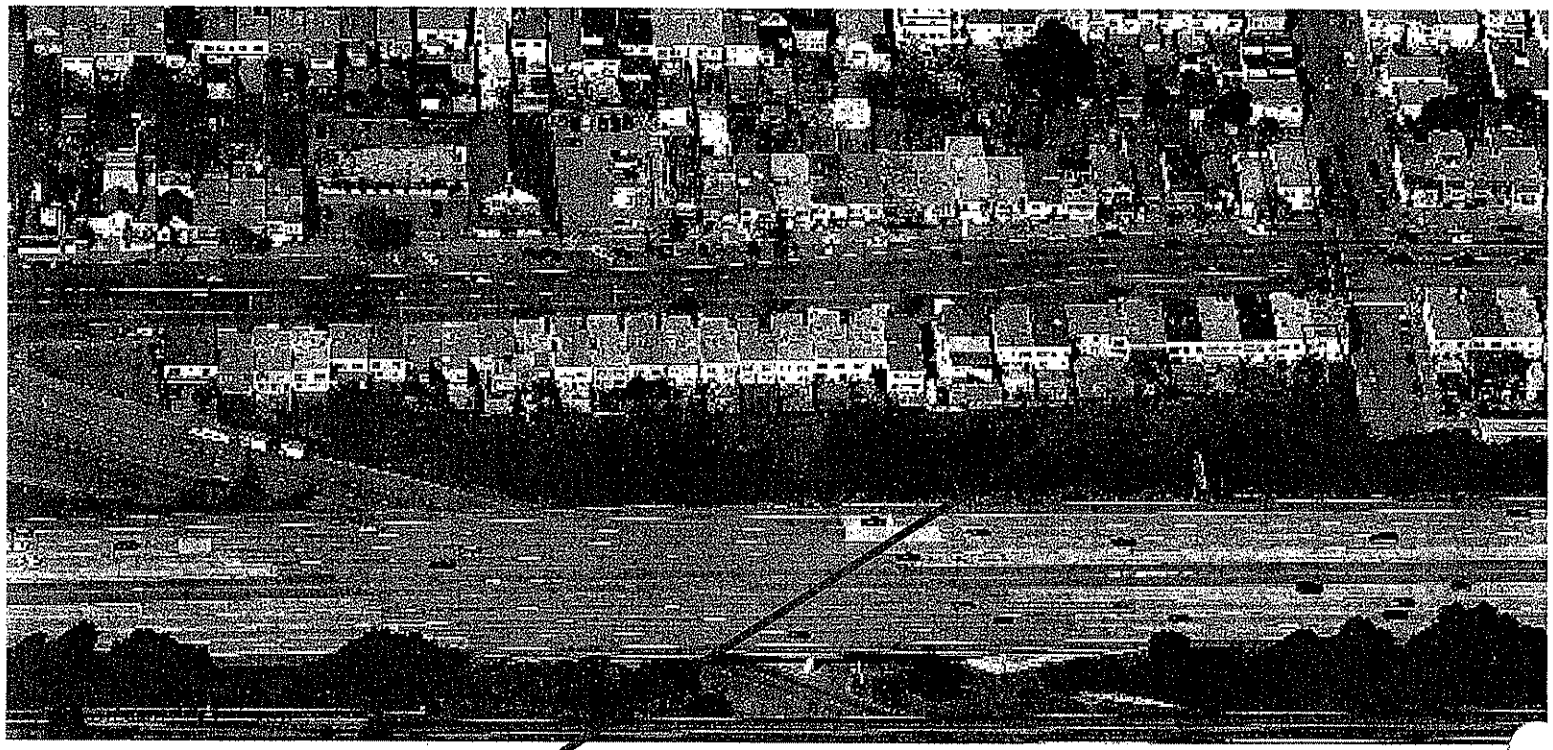
DOWNTOWN RESIDENTIAL DISTRICTS
RH DTR | TB DTR

MISSION BAY DISTRICTS
MB-OS | MB-O

PUBLIC DISTRICT
P

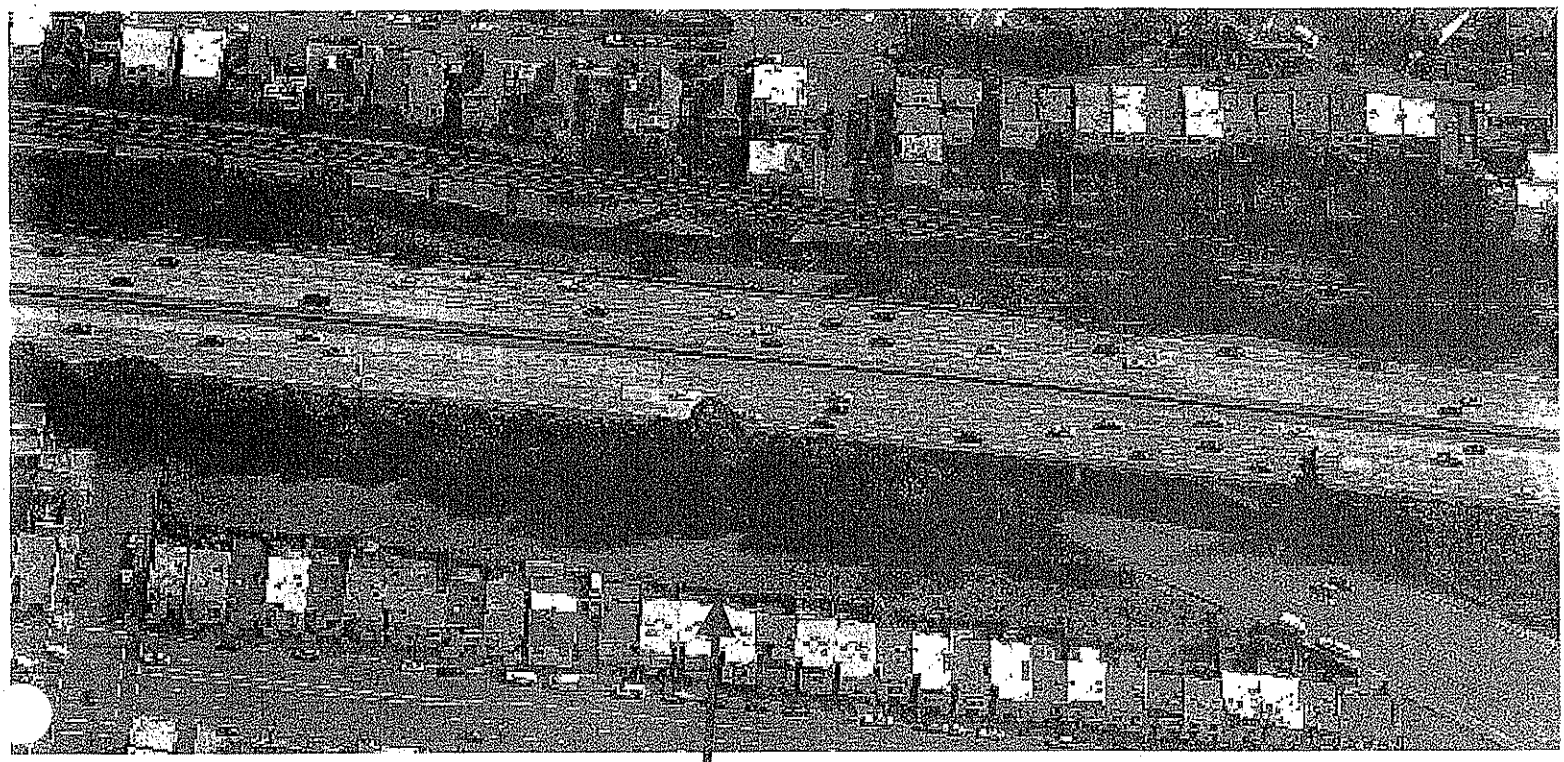
PLANNED UNIT DEVELOPMENT
28 new single-family dwellings
Case Number 2009.0112CZ
One Capitol Avenue

Aerial Photos



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

Aerial Photos

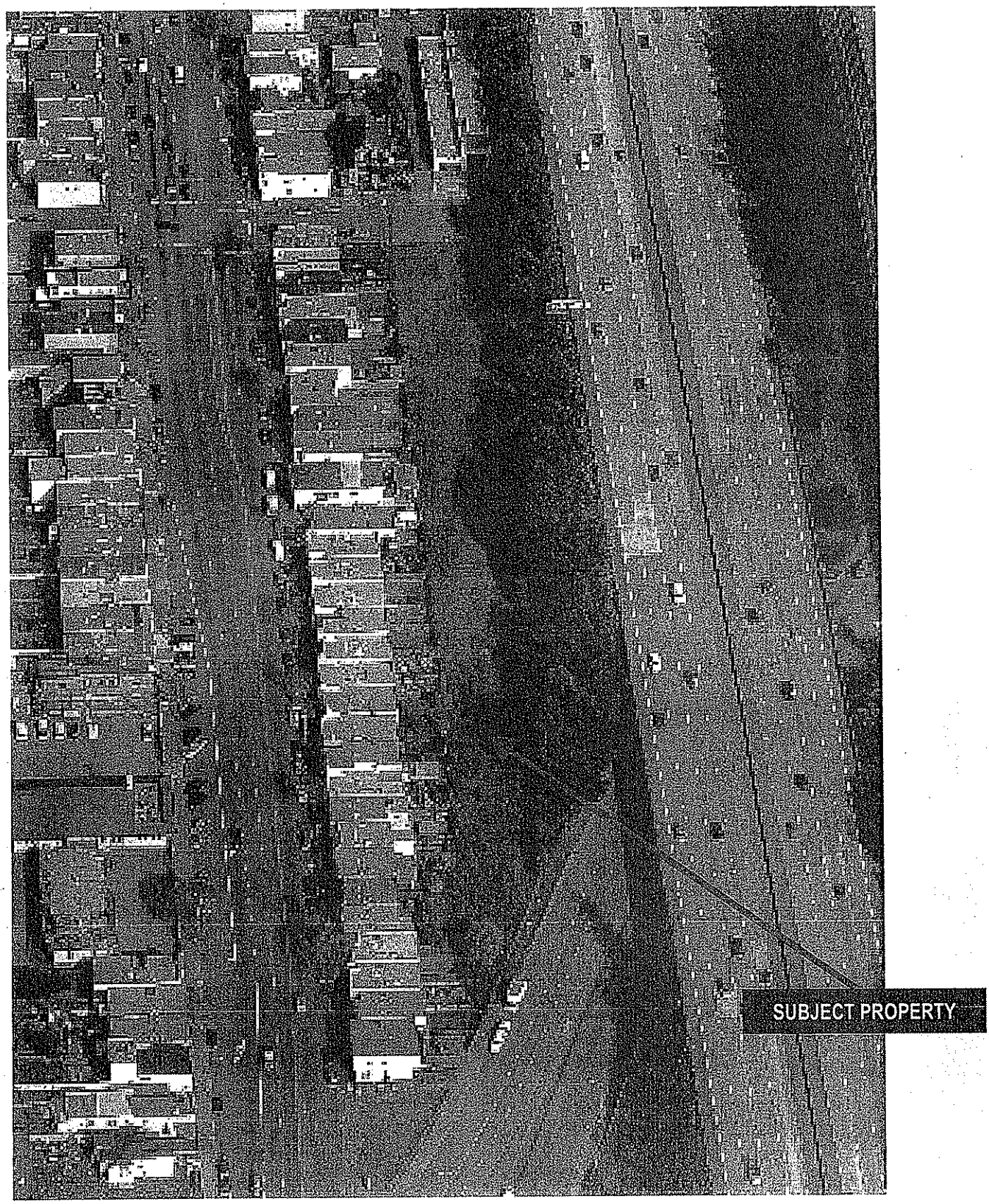


PLANNED UNIT DEVELOPMENT
28 new single-family dwellings
Case Number 2009.0112CZ
One Capitol Avenue

Aerial Photos

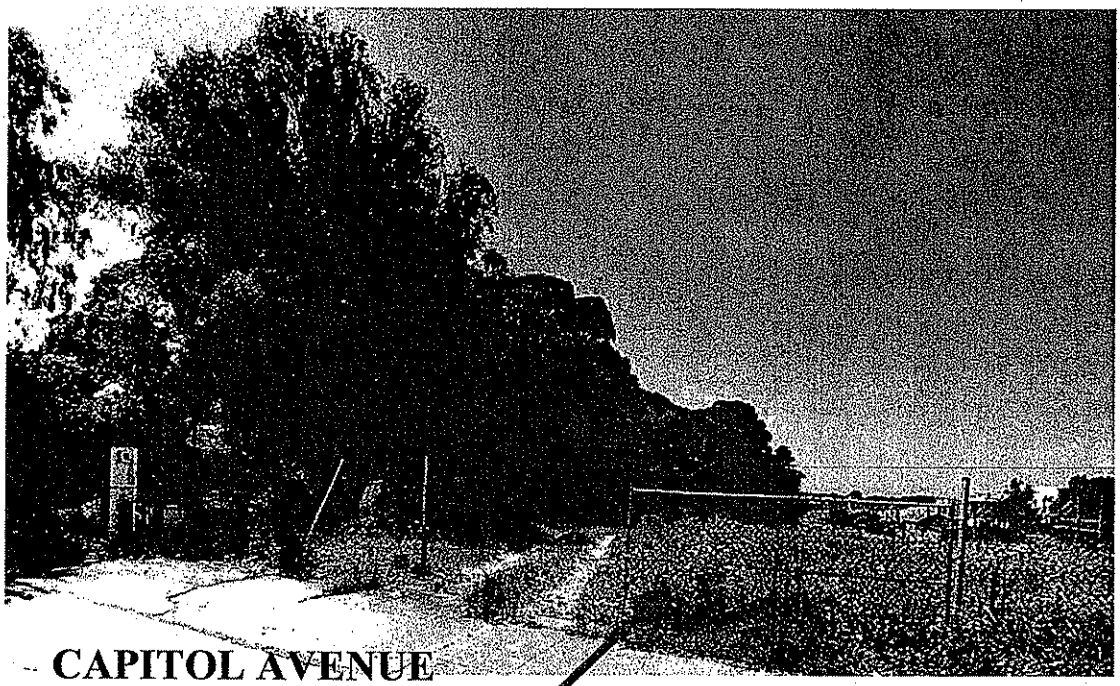
PLANNED UNIT DEVELOPMENT
28 new single-family dwellings
Case Number 2009.0112CZ
One Capitol Avenue

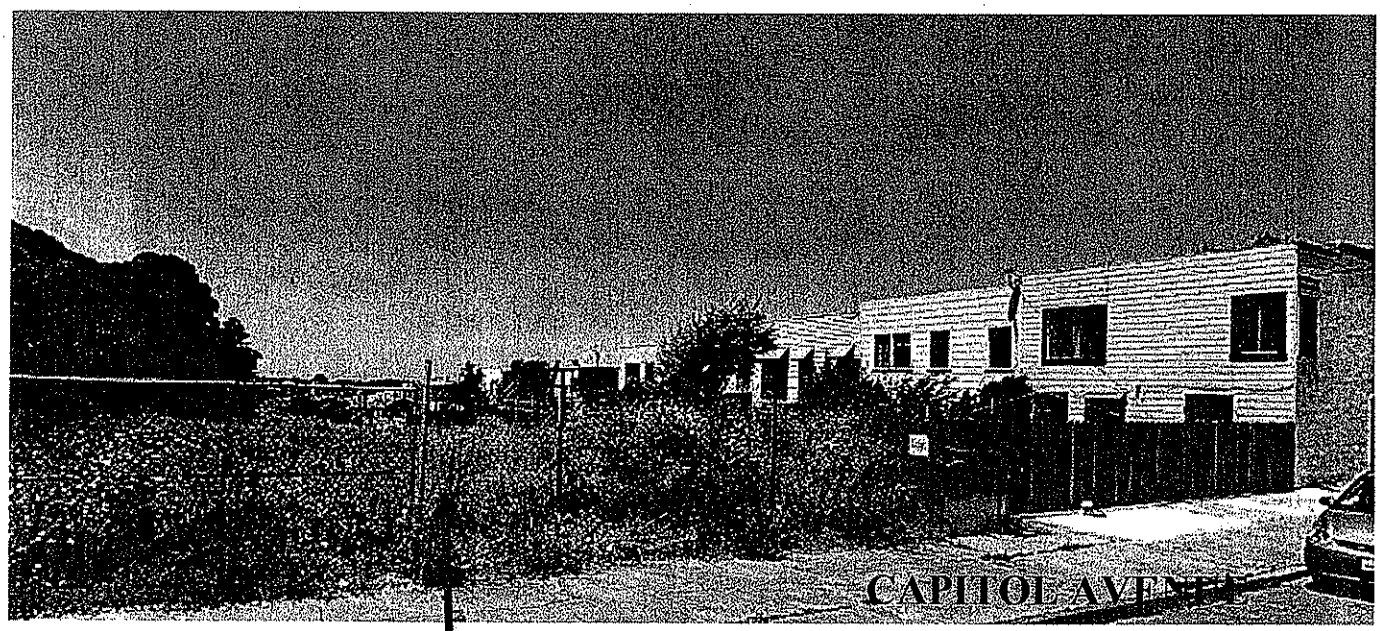
Aerial Photos



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

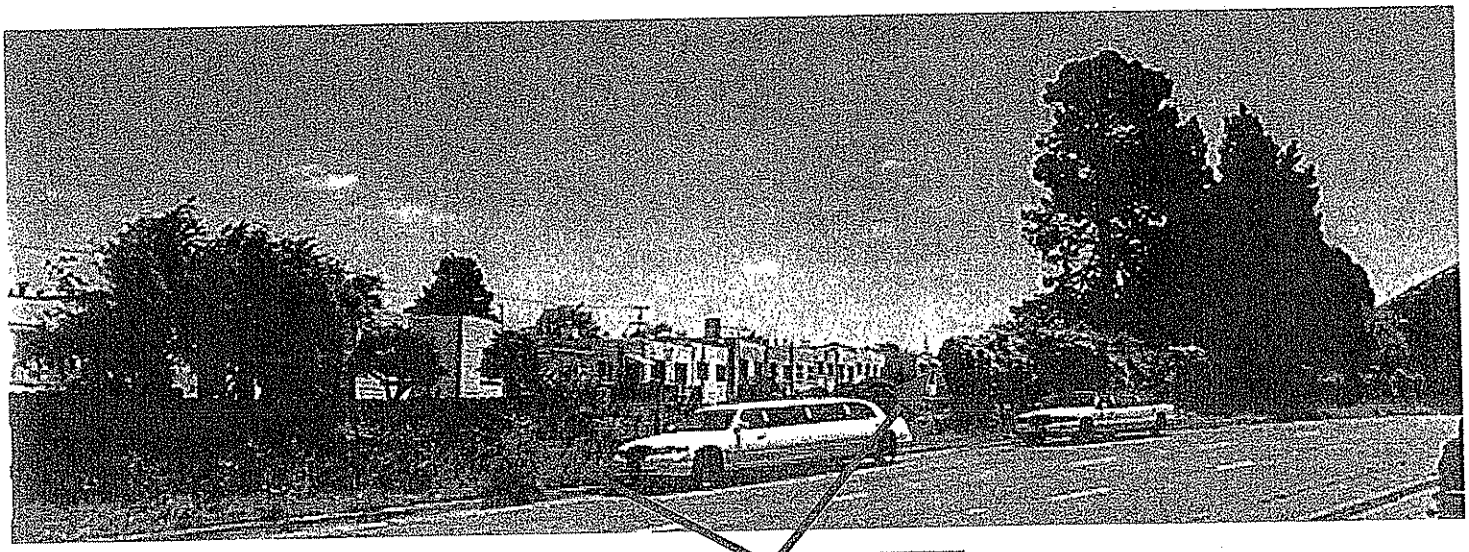
Context Photos

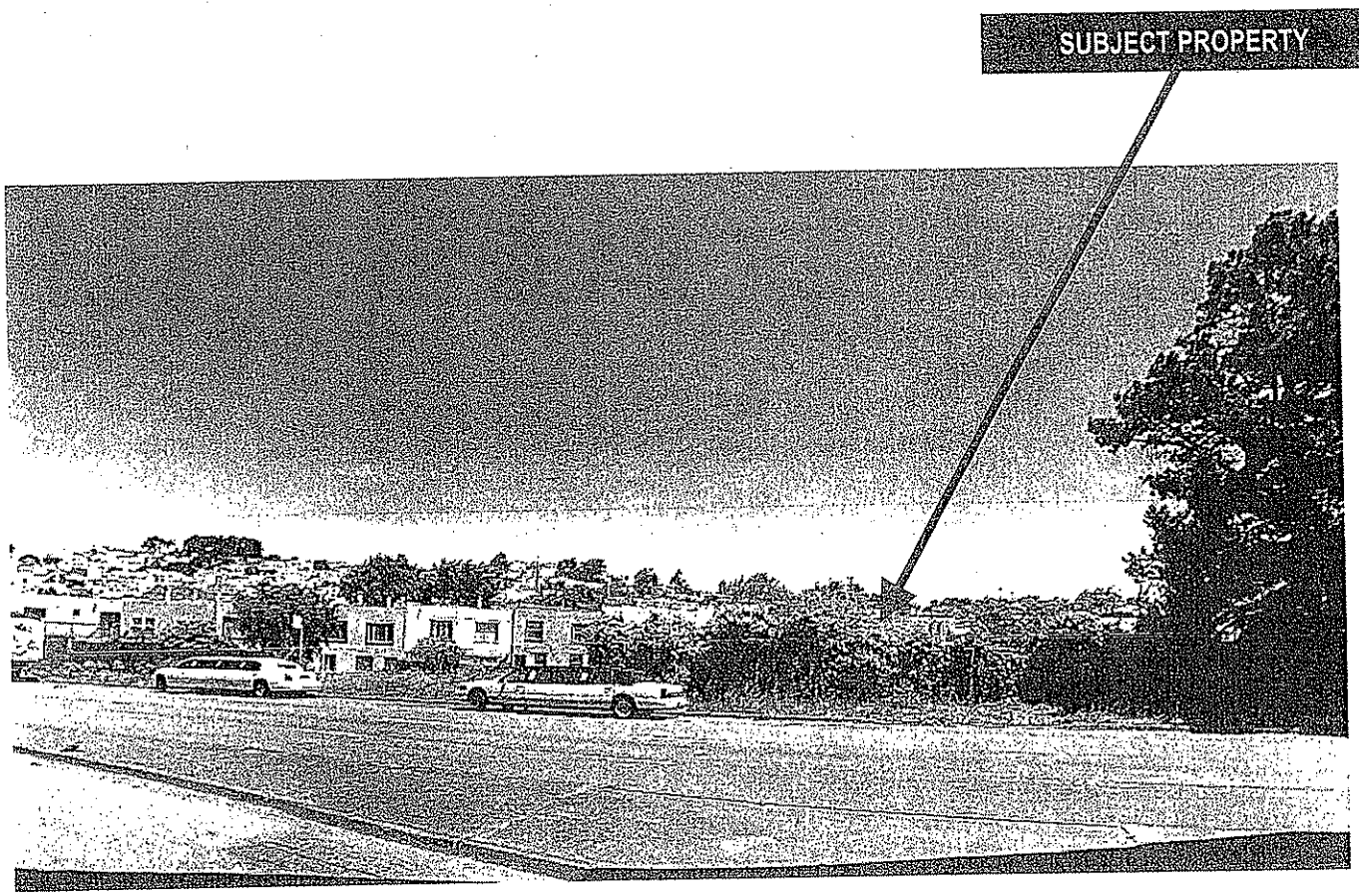




PLANNED UNIT DEVELOPMENT
28 new single-family dwellings
Case Number 2009.0112CZ
One Capitol Avenue

Context Photos





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

SAN FRANCISCO
PLANNING DEPARTMENT

Mitigated Negative Declaration

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PMND Date:	January 27, 2010
Case No.:	2009.0112E
Project Address:	One Capitol Avenue
BPA Nos.:	none yet filed
Zoning:	P (Public) District
	40-X Height and Bulk District
Block/Lot:	Block 7148, Lot 040
Lot Size:	43,077 square feet
Project Sponsor	Steve Vettel, Farella Braun + Martell LLP, 415-954-4902
	Representing Deny Sepaher, BTP Capitol Ave, LLC, 310-607-9244
Lead Agency:	San Francisco Planning Department
Staff Contact:	Jeremy D. Battis – 415 575-9022
	jeremy.battis@sfgov.org

PROJECT DESCRIPTION:

The proposed project is the construction of 28 single-family dwellings, each approximately 30-feet-high and ranging in size from approximately 1,450 to 2,330 square feet (sq ft). The proposed project would consist of 22 two-bedroom units and 6 three-bedroom units with 41 surface-level garage parking spaces and one unenclosed car share parking space within a Planned Unit Development (PUD). 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; all 3-bedroom units would have two off-street parking spaces. The proposed development would total approximately 53,400 sq ft and would subdivide the existing vacant 43,077-sq ft parcel into 28 parcels with lot sizes ranging from 942 sq ft to 3,317 sq ft. Each of the resulting 28 parcels would grant an easement for a common 20-foot-wide one-way westbound driveway connecting Capitol Avenue and Alemany Boulevard that would provide vehicular and pedestrian access to each unit. The vacant project site is located within the block bounded by Sagamore Street to the north, Capitol Avenue to the east, Palmetto Avenue (paper street) to the south, and Orizaba Avenue to the west in the Ocean View neighborhood. Alemany Boulevard bisects the block and borders the parcel to the southwest and Interstate 280 borders the parcel to the south. The proposed project would require a conditional use authorization for approval of a PUD and a rezoning of the project site from P (Public Use) to RH-2 (Residential, House – Two-Family).

FINDING:

This project could not have a significant effect on the environment. This finding is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance), and 15070 (Decision to prepare a Negative Declaration), and the following reasons as documented in the Initial Evaluation (Initial Study) for the project, which is attached. Mitigation measures are included in this project to avoid potentially significant effects. See **Section F., Mitigation Measures, page 83** of the attached Initial Study.

BILL WYCKO
Environmental Review Officer

March 8, 2010
Date of Adoption of Final Mitigated Negative Declaration

FARELLA BRAUN + MARTEL LLP
Attorneys At Law

Russ Building / 235 Montgomery Street
San Francisco / CA 94104

T 415.954.4400 / F 415.954.4480
www.fbm.com

STEVEN L. VETTEL
svettel@fbm.com
D 415.954.4902

July 12, 2010

Hon. Sophie Maxwell, Chair
Hon. Eric Mar, Vice-Chair
Hon. David Chiu
Land Use and Economic Development Committee
San Francisco Board of Supervisors
City Hall, Room 244
One Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: 1 Capitol Avenue: Rezoning from P to RH-1
Land Use Committee Hearing Date: July 19, 2010
File No. 100467

Dear Supervisors Maxwell, Mar and Chiu:

We represent BTP Capitol Ave LLC, the owner of 1 Capitol Avenue—a vacant, one acre irregularly shaped parcel in the Ocean View neighborhood (District 11). Our client is proposing to subdivide the property into 28 lots and construct 28 new two- and three-bedroom single-family homes. The principals of BTP Capitol Ave LLC, the Sepaher family, have owned the site for over 30 years after purchasing it as surplus property from Caltrans after the I-280 freeway was constructed.

The property has remained zoned P (Public) despite its sale by Caltrans to the Sepaher family over 30 years ago. In order to develop the proposed project, we are seeking a Zoning Map amendment to change the zoning from P to RH-1 (One Family, Residential). The proposed zoning is similar and consistent with the surrounding neighborhood. No change to the 40-X height limit is sought. This zoning would permit one house for each of the 28 new lots.

This proposed development satisfies numerous General Plan policies, including provision of family-sized, ownership housing that, because of the modest size of the units, will be affordable to moderate income households. The project's four (4) BMR units will also be on-site. Even with the unique site constraints of narrow width, irregular shape and immediate adjacency to Highway I-280, the creative design and site orientation results in substantial private and common open space and "green" single-family homes. Moreover, these homes and their

proposed density and scale seamlessly fit in with the prevailing neighborhood character of small single-family homes each with its own off-street parking garage.

PROJECT CHARACTERISTICS

This vacant approximately one acre parcel is located within the block bounded by Sagamore Street to the north, Capitol Avenue to the east, I-280 to the south, and Alemany Boulevard to the west in the Ocean View neighborhood. The parcel is narrow and irregularly shaped, running from Capitol Avenue to Alemany Boulevard. Its southern boundary abuts the elevated I-280 freeway.

The site was formerly zoned residential (and contained several residential buildings), but is currently zoned P (Public). We believe that the zoning was changed from its original residential zoning to Public when Caltrans acquired the site to construct the I-280 freeway (the then-existing residential buildings were demolished). Caltrans declared the parcel surplus and the Sepaher family acquired the site from Caltrans in 1979.

The neighborhood surrounding this site is almost exclusively residential in character. The vast majority of homes are, like the proposed project, 2-3 story single-family houses. Most of this area is zoned RH-1. Thus, RH-1 zoning exists in proximity to this site and is the predominant zoning in the neighborhood.

The Planning Department published a Preliminary Negative Declaration on January 27, 2010, determining that rezoning and construction of 28 homes will have no unmitigated environmental impacts. No party appealed the PMND and it became Final on March 8, 2010. The Planning Department recommended approval of the rezoning to the Planning Commission, and on May 13, 2010, the Planning Commission approved the 28 new homes and recommended that this Board rezone the site from P to RH-1.

REZONING TO RH-1 IS APPROPRIATE FOR THE NEIGHBORHOOD

RH-1 zoning is appropriate for this site because it allows residential development of the site at a density similar to that of the surrounding neighborhood. Changing zoning from P to RH-1 would enable the site to be developed with moderately priced, for-sale, family-sized, single-family homes. Most of the surrounding neighborhood is zoned RH-1. Like the rest of the neighborhood, RH-1 zoning would permit each home to be on its own lot. The currently vacant parcel is not only an eyesore but is also an attractive nuisance for illegal dumping and other criminal activity.

With the exception of the other P-zoned parcels underlying the freeway, the surrounding neighborhood is fully developed with predominantly single-family homes. Development of this parcel for residential use would be consistent with the prevailing pattern of development in the neighborhood and existing neighborhood character. The zoning map for the surrounding area is attached as Exhibit A.

The specific project design by noted local architect Donald MacDonald is also compatible with the prevailing design, massing and scale of houses in the neighborhood. Like the other single-family homes in the surrounding neighborhood, each of the proposed new homes would be on its own lot, and have its own garage, accessible from a private landscaped mews running east to west from Capitol Avenue to Alemany Boulevard. Because the site has limited street frontage, this mews is needed to provide access to the homes. Other compatible design features of the proposed homes are their massing and articulation provided by extended bay windows at the upper levels.

Although the height limit is 40 feet, these 2 and 3-story homes will not exceed 29 feet in height.

Because of the site's unique constraints, it cannot support traditional rear yards. Yet, the proposed project provides generous open space. There would be 7,500 square feet of common open space in the landscaped portion of the mews at the northern boundary of the site. This would create mid-block open space as it would face the rear yards of the homes on Sagamore Street, directly across from the project site. Each unit will also have private roof decks and/or balconies of an average of 133 square feet and a 3-foot wide strip of open space at the rear of the homes adjacent to the landscaped berm on which I-280 sits. The mews will be pedestrian friendly with pervious paving, landscaping and other traffic calming features.

The project plans approved by the Planning Commission are attached.

MANY SURROUNDING NEIGHBORS AND NEIGHBORHOOD ORGANIZATIONS SUPPORT THE PROJECT

There is significant neighborhood support for this project from both individual neighbors and organizations. The OMI Neighbors in Action (OMI-NIA) endorsed the project because it would (1) eliminate the attractive nuisance that the lot has become; (2) be only 29 feet high, much lower than the permitted 40 foot height limit; (3) provide parking at greater than 1:1 ratio to avoid project residents' use of on-street parking; (4) be affordable by design; and, (5) provide the 4 (four) required BMR units on-site. The San Francisco Housing Action Coalition (SFHAC) endorsed the project for similar reasons. Copies of their endorsement letters are attached as Exhibit B.

Both organizations recognized the project's thoughtful response to neighborhood concerns. For example, neighbors' privacy concerns were addressed by setting the new homes significantly back from the lots on Sagamore Street, buffered by the mews. Fencing and trees will further enhance the neighbors' and project residents' privacy. A shadow study was conducted that showed minimal shadow impact; nonetheless, the project sponsor lowered several proposed 3-story units to 2.5 stories. Neighbors' safety concerns were addressed by the sponsor agreeing to light dark areas of the project to deter criminal activity. Attached as Exhibit C is an April 2009 letter to Supervisor Avalos with a summary of the concerns expressed during our public outreach and the sponsor's response to each.

Several neighbors abutting the subject site have also endorsed the proposed development and zoning change, citing that the new homes would improve the neighborhood, remove dumping and other criminal activity and reduce noise to their homes. Due to the proximity to the elevated I-280, the proposed new homes would act as a sound wall, permanently and significantly reducing noise levels to the existing homes situated along Sagamore Street, according to an Environmental Noise Study prepared by Charles M. Salter Associates, Inc. and summarized in the Final Mitigated Negative Declaration.

CONCLUSION

The above reasons support approval of the rezoning of the site from P to RH-1. Doing so would optimize residential development on an extremely constrained site, allowing for a project that will enhance the site and contribute to the safety and character of the neighborhood.

Based on the above, we request your approval of the RH-1 rezoning. Please do not hesitate to contact me at (415) 954-4902 if you have any additional questions or concerns, would like to tour the site or otherwise meet before July 19.

Sincerely,

Steven L. Vettel

cc: Supervisor John Avalos, District 11
Deny Sepaher, BTP Capitol Ave LLC
Spencer Bailey, BTP Capitol Ave LLC

23892\2307213.1