



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use / Residential Demolition

HEARING DATE: JANUARY 19, 2012

Date: January 12, 2012
Case No.: **2010.0959CV**
Project Address: **147 SOUTH PARK AVENUE**
Zoning: SPD (South Park) District
 40-X Height and Bulk District
Block/Lot: 3775/031
Project Sponsor: Daniel Frattin
 Reuben & Junius, LLP
 One Bush Street
 San Francisco, CA 94104
Staff Contact: Diego R Sánchez – (415) 575-9082
diego.sanchez@sfgov.org
Recommendation: Approval with Conditions

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
 Information:
415.558.6377

PROJECT DESCRIPTION

The Project proposes to demolish an existing two-story single family dwelling and proposes a four-story two-unit multifamily building with a ground floor commercial space identified as an eating and drinking establishment as the replacement structure. One off-street parking space will be provided for the ground floor eating and drinking use and one for a dwelling unit. Automobile access is proposed to be from Varney Place, an alley at the rear of the lot.

Pursuant to Planning Code 317 (c), “where an application for a permit that would result in the loss of one or more Residential Units is required to obtain Conditional Use authorization by other sections of this Code, the application for a replacement building or alteration permit shall also be subject to Conditional Use requirements.” This report includes findings for Conditional Use Authorization in addition to Demolition Criteria established in Planning Code Section 317.

DEMOLITION APPLICATION		NEW BUILDING APPLICATION	
Demolition Application Number	2011.02.17.0503	New Building Application Number	2011.02.17.0507
Number Of Existing Units	1	Number Of New Units	2
Existing Parking	2	New Parking	2
Number Of Existing Bedrooms	3	Number Of New Bedrooms	7

Existing Building Area	±2,285 Sq. Ft.	New Building Area	±9,007 Sq. Ft.
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SITE DESCRIPTION AND PRESENT USE

The project site is located on the south side of South Park Avenue between 3rd Street and Jack London Place, Lot 031 in Assessor's Block 3775. The project site is within the SPD (South Park) District and a 40-X Height and Bulk district. The lot, approximately 2,235 square feet in area, is irregularly shaped, providing 21 feet of street frontage on South Park Avenue and 26 feet of street frontage on Varney Place, at the rear of the lot. The project site currently contains a vacant single family home.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located in the South Park District, immediately across from South Park. The subject property is approximately in the middle of the block-face. The adjacent building to the west is a three-story mixed use building with a ground floor retail use and two stories of residential uses above. The adjacent lot to the east has a storage shed at the rear and is fenced off from the South Park Avenue street frontage. The area around South Park is characterized primarily by two- and three-story buildings, with ground floor commercial uses and residential uses above. Properties in the vicinity of the subject property are zoned SPD (South Park District), SLI (Service Light Industrial) and MUO (Mixed Use Office).

REPLACEMENT STRUCTURE

The proposed replacement structure is a four-story, 40 foot high, two-unit multifamily building with a ground floor commercial space identified as an eating and drinking establishment. The Project proposes to meet the usable open space requirement on site, through the provision of open space on decks at the 3rd floor, 4th floor and the roof. The Project will provide one off-street parking space designated for the ground floor commercial use and one off-street parking space for a dwelling unit. Automobile access is from the rear of the lot, on Varney Place, and away from South Park Avenue. While the Project does not meet the rear yard requirement under Planning Code Section 134, it is seeking administrative relief from the Zoning Administrator under Planning Code Section 307(h) from this requirement and provides more than a comparable amount of open space elsewhere on the site. It is also seeking a variance from the Street Frontages requirement under Planning Code Section 145.1 as the proposed garage door is in excess of 1/3 of the lot width and the floor to floor height at the ground floor is less than 14 feet. The design of the replacement structure is contemporary in nature while demonstrating influences from its immediate surroundings.

ENVIRONMENTAL REVIEW

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

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	July 8, 2011	July 8, 2011	20 days
Posted Notice	20 days	July 8, 2011	July 8, 2011	20 days
Mailed Notice	20 days	July 8, 2011	July 8, 2011	20 days

PUBLIC COMMENT

- As of January 12, 2012, the Planning Department has received multiple telephone calls and one letter regarding the Project. The concerns voiced by the public include the interface of the Project at Varney Place, the alley to the rear of the subject property, as well as overall height of the Project. The Department has also received input from the public in support of the Project, claiming that the Project is an appropriate addition to the neighborhood.

ISSUES AND OTHER CONSIDERATIONS

- While the soundness study on the structure proposed for demolition did not find allowable upgrade expenses to reach the 50% threshold, the structure is in disrepair and in an uninhabitable condition. The Planning Commission granted Conditional Use authorization in 2003 for the demolition of the existing single family home as it was found to be unsound under the criteria in effect at the time. Since 2003 the structure has sat in neglect. The current owner, represented by the Project Sponsor, acquired the subject property in 2010 and is seeking to construct a replacement structure that would result in a net gain of a four bedroom unit and a ground floor commercial space.
- The hearing was originally scheduled for the July 28, 2011 Planning Commission hearing. The Proposed Project was continued to October 6, 2011 hearing and then the January 19, 2012 hearing. The continuances were done to provide additional time for the Project Sponsor and the Planning Department to refine the design and the overall proposal with respect to Planning Code compliance.
- The Department seeks to continue working with the Project Sponsor on the finish materials so as to reduce the level of reflectivity as shown on the submitted renderings. In addition the Department recommends that the fourth floor be set back 15 feet from the main building wall, as is standard for any proposed floor whose height exceeds those on adjacent structures.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant Conditional Use authorization to allow the demolition of an existing single family dwelling and the construction of a four-story, two-unit multifamily dwelling with a ground floor commercial space identified as an eating and drinking

establishment as the replacement structure within the South Park District, pursuant to Planning Code Sections 317 and 814.13.

BASIS FOR RECOMMENDATION

The Department recommends that the demolition of the existing single-family dwelling and the construction of a new two unit multifamily dwelling with a ground floor commercial use identified as an eating and drinking establishment be approved. The Project is consistent with the Objectives and Policies of the General Plan and Planning Code. The Project meets the criteria set forth in Section 101.1 and the criteria set forth in Section 317 of the Planning Code in that:

- The Project results in a net gain of a four bedroom unit and a ground floor commercial space identified as an eating and drinking establishment.
- The Project would demolition a structure that is in a state of disrepair, uninhabitable and approved for demolition, by the Planning Commission, in 2003.
- The Project meets all applicable requirements of the Planning Code or is seeking a Variance from the Planning Code.
- The Project is desirable for, and compatible with the surrounding neighborhood in its scale and the proposed uses.
- Although the structure is more than 50-years old, the Historic Resource Evaluation concluded that the existing building is not an historic resource or landmark.

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

- The new residential units and commercial use, at the size and intensity proposed, provide a development that is desirable and compatible with the neighborhood.
- The Proposed Project removes a blighted structure from the area and results in a preferable use of the property.
- The neighborhood is well served by transit providing patrons of the commercial use adequate opportunity to travel to the site using public transit.

RECOMMENDATION: Approval with Conditions.

Attachments:
Block Book Map

Sanborn Map
Zoning Map
Aerial Photographs
Residential Demolition Application
Prop M findings
Environmental Evaluation / Historic Resources Information
Reduced Plans
Context Photos

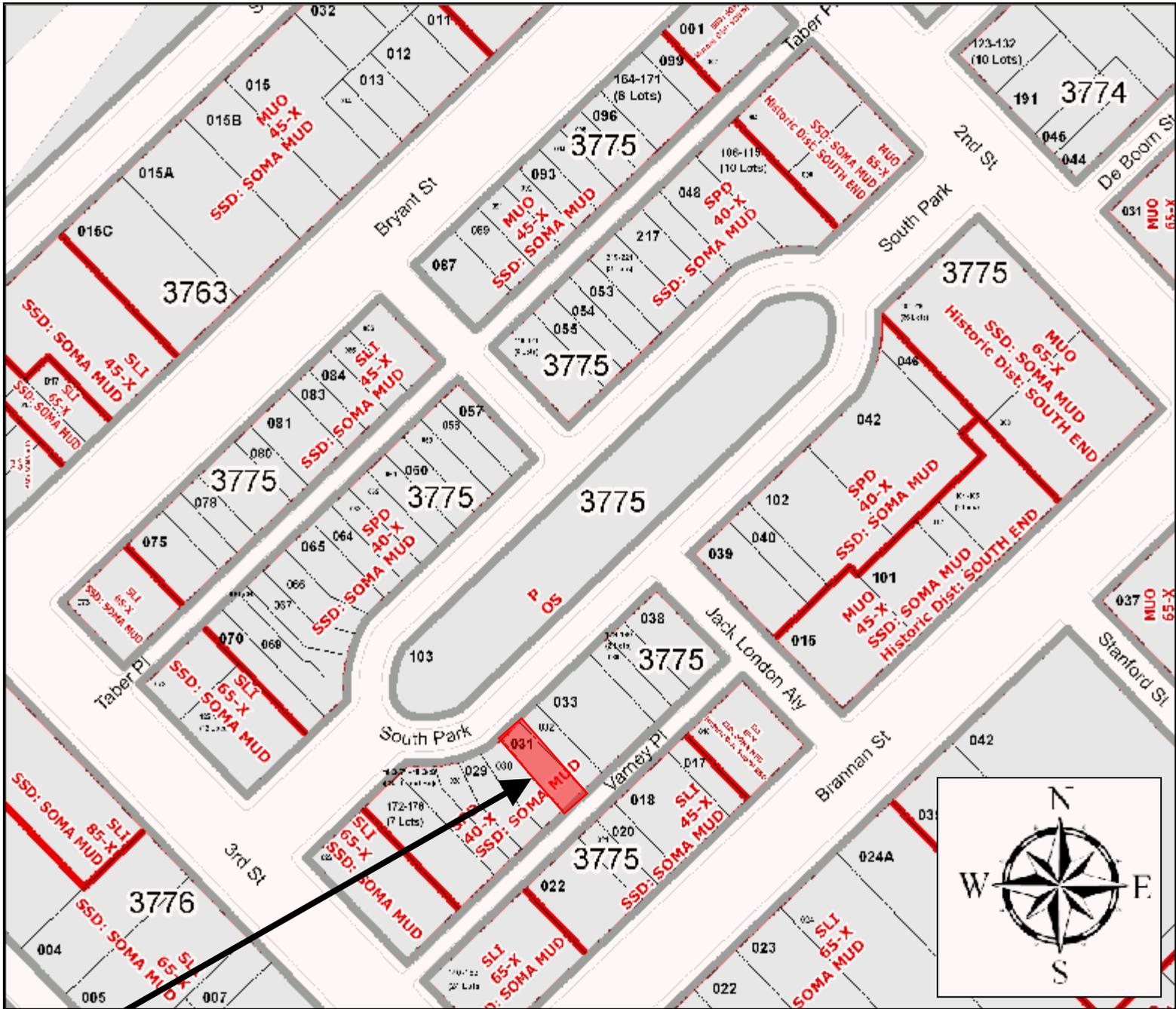
Attachment Checklist

- | | |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input checked="" type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> RF Report |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Community Meeting Notice |
| <input checked="" type="checkbox"/> Context Photos | |
| <input checked="" type="checkbox"/> Site Photos | |

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

Planner's Initials

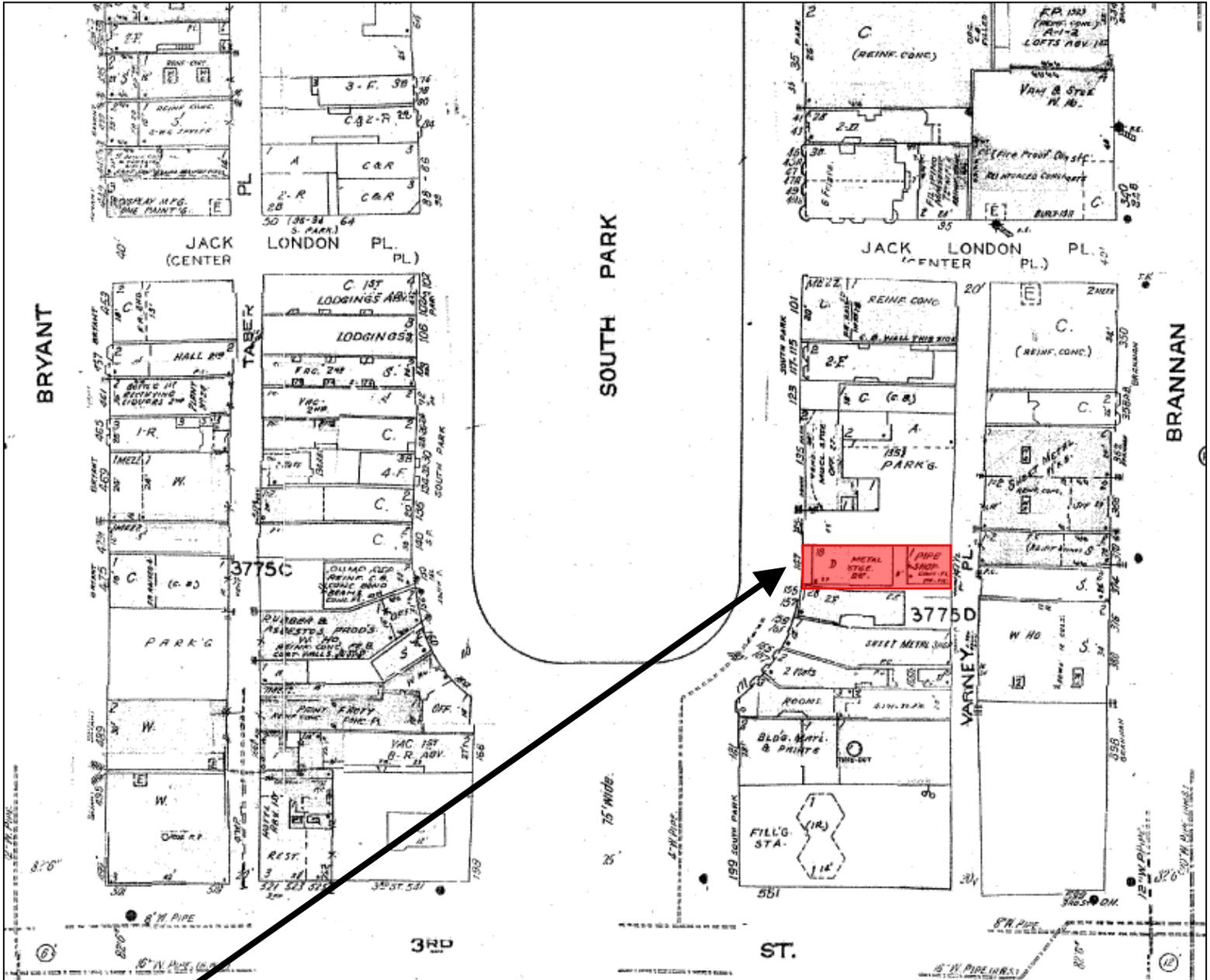
Parcel Map



SUBJECT PROPERTY

Conditional Use authorization
Case Number 2010.0959C
Demolition and New Construction
147 South Park Avenue

Sanborn Map*



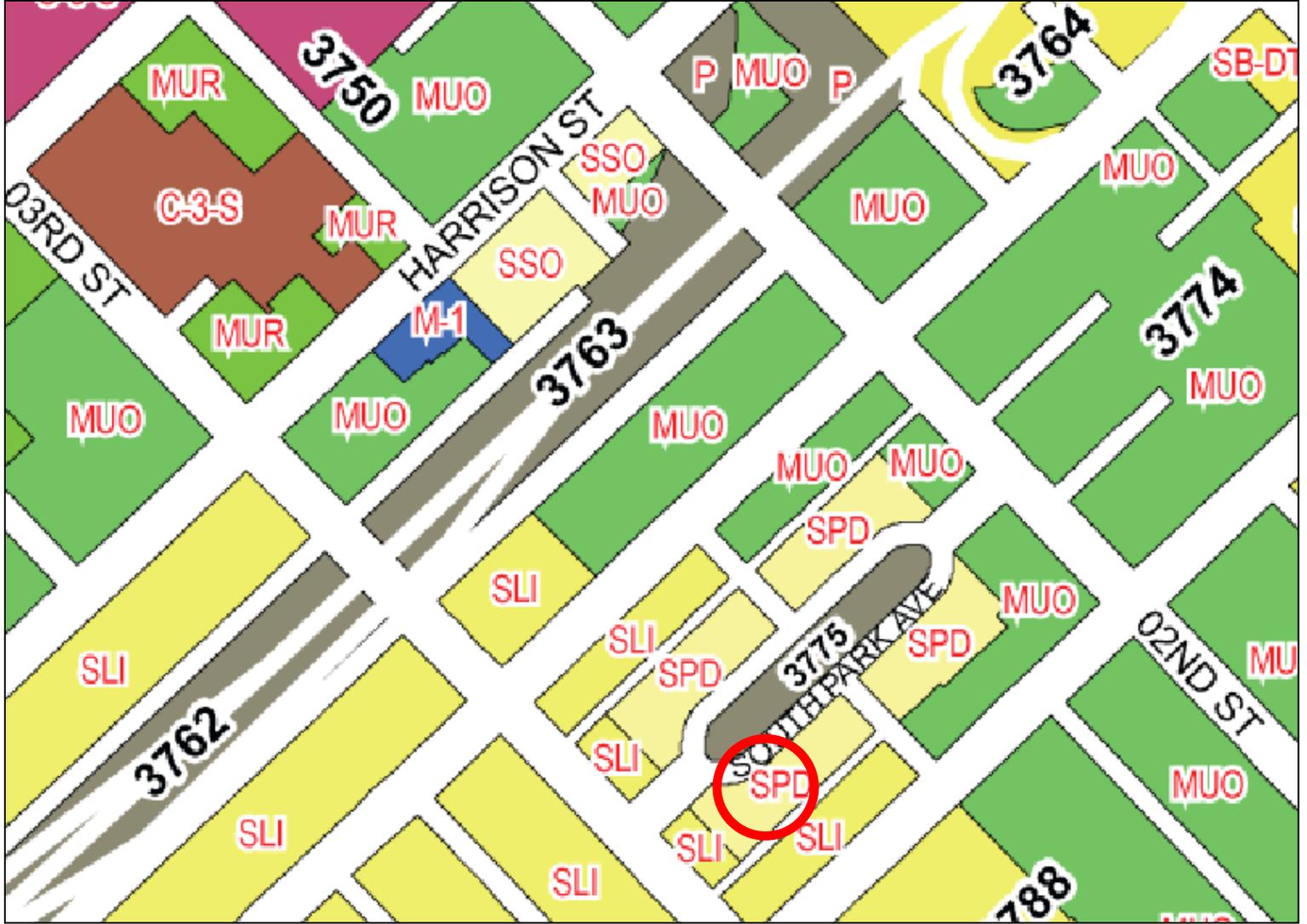
*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

SUBJECT PROPERTY



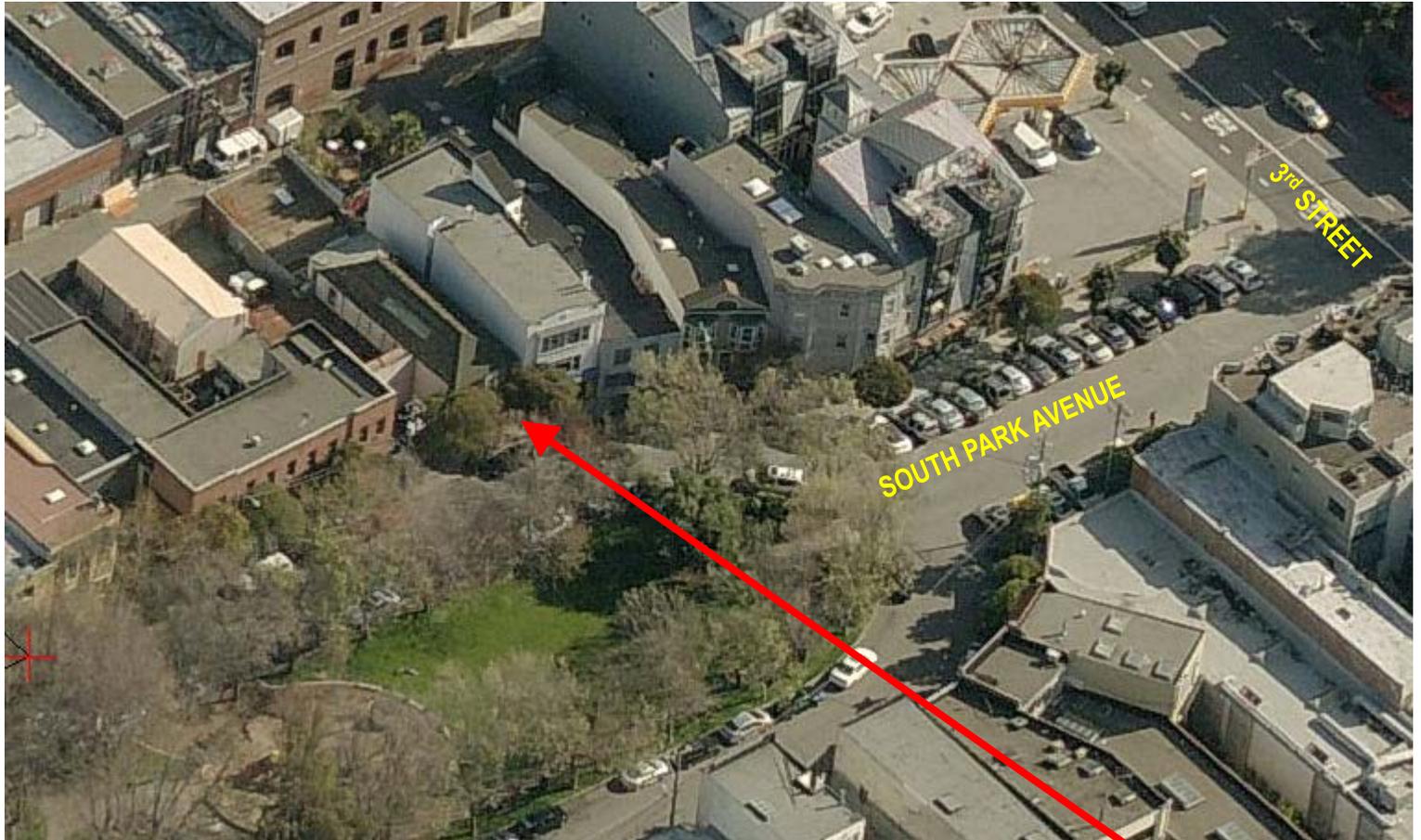
Conditional Use authorization
 Case Number 2010.0959C
 Demolition and New Construction
 147 South Park Avenue

Zoning Map



Conditional Use authorization
Case Number 2010.0959C
Demolition and New Construction
147 South Park Avenue

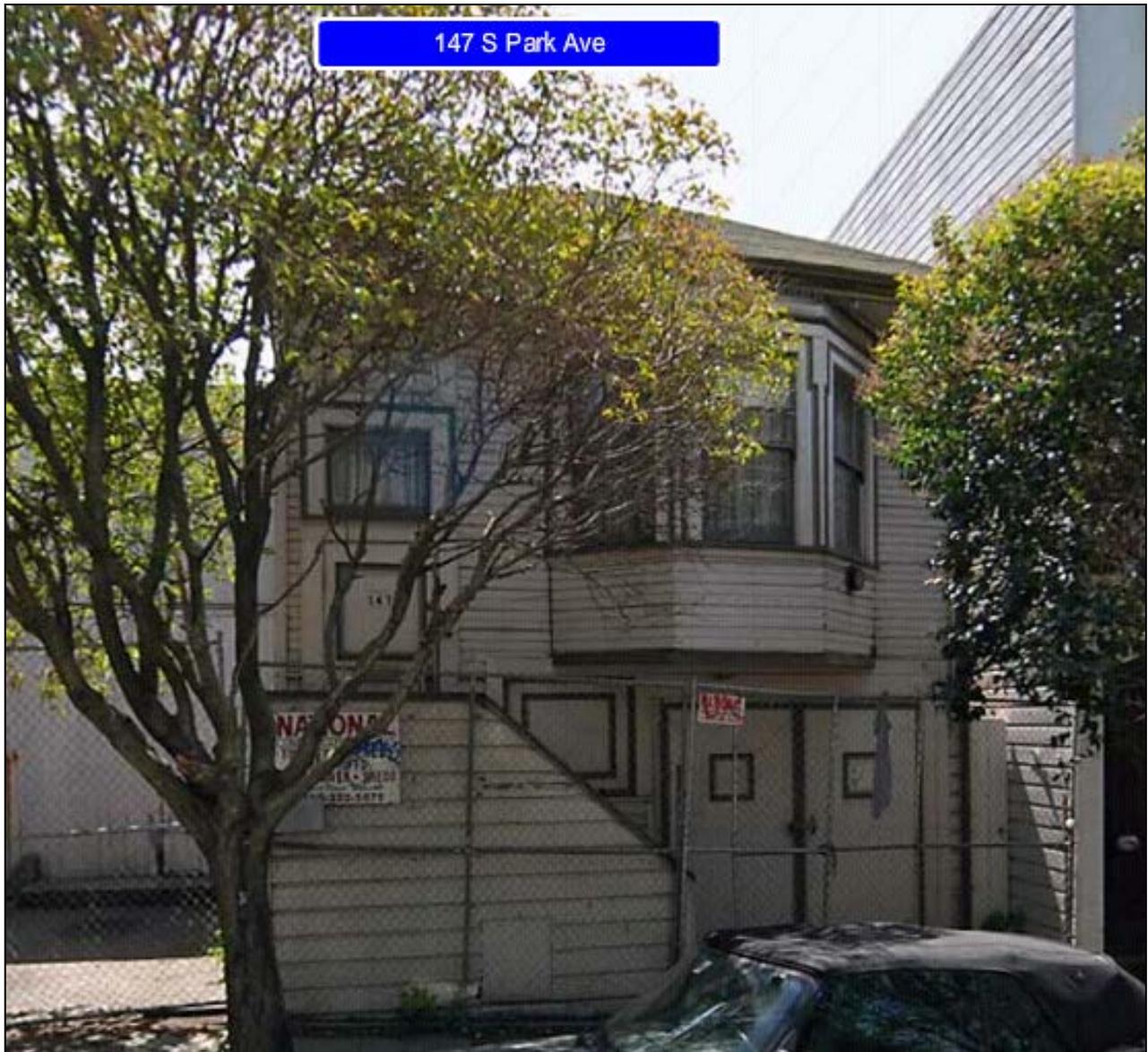
Aerial Photo



SUBJECT PROPERTY



Site Photo



Conditional Use authorization
Case Number 2010.0959C
Demolition and New Construction
147 South Park Avenue

JULY 19, 2011

Application for Dwelling Unit Removal

CASE NUMBER:
For Staff Use only

APPLICATION FOR

Dwelling Unit Removal Merger, Conversion, or Demolition

1. Owner/Applicant Information

PROPERTY OWNER'S NAME: JESSE TOMKO, VICTOR MEZHVINSKY	
PROPERTY OWNER'S ADDRESS: 300 THIRD STREET, # 502 SAN FRANCISCO, CA, 94107	TELEPHONE: (415) 217. 9958
	EMAIL: jesse@mtventure.com

APPLICANT'S NAME: GEDDES ULINSKAS ARCHITECTS		Same as Above <input type="checkbox"/>
APPLICANT'S ADDRESS: 52 2ND STREET SAN FRANCISCO, CA. 94105	TELEPHONE: (415) 904. 0483	
	EMAIL: gulinskas@ularch.com	

CONTACT FOR PROJECT INFORMATION: GEDDES ULINSKAS		Same as Above <input type="checkbox"/>
ADDRESS: 52 2ND STREET SAN FRANCISCO, CA. 94105	TELEPHONE: (415) 904. 0483	
	EMAIL: gulinskas@ularch.com	

COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THE ZONING ADMINISTRATOR):		Same as Above <input checked="" type="checkbox"/>
ADDRESS:	TELEPHONE: ()	
	EMAIL:	

2. Location and Classification

STREET ADDRESS OF PROJECT: 147 South Park		ZIP CODE: 94107
CROSS STREETS: 3RD STREET + CENTER STREET		
ASSESSORS BLOCK/LOT: 3775 / 31	LOT DIMENSIONS: 26'x91'	LOT AREA (SQ FT): 2,435
ZONING DISTRICT: SPD	HEIGHT/BULK DISTRICT: 40'-X	

PROJECT INFORMATION		EXISTING	PROPOSED	NET CHANGE
1	Total number of units	1	3	2
2	Total number of parking spaces	1	2	1
3	Total gross habitable square footage	985	6159	5,174
4	Total number of bedrooms	3	7	4
5	Date of property purchase			
6	Total number of rental units	0	0	0
7	Number of bedrooms rented	0	0	0
8	Number of units subject to rent control	0	0	0
9	Number of bedrooms subject to rent control	0	0	0
10	Number of units currently vacant	1	0	0
11	Was the building subject to the Ellis Act within the last decade?	No	No	No
12	Number of owner-occupied units	0	0	0

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Signature: _____

Geddes Ulinskas

Date: _____

07.18.11

Print name, and indicate whether owner, or authorized agent:

GEDDES ULINSKAS, AGENT

Owner / Authorized Agent (circle one)

Loss of Dwelling Units Through Demolition

(FORM A - COMPLETE IF APPLICABLE)

Pursuant to Planning Code Section 317(d), the demolition of residential dwellings not otherwise subject to a Conditional Use Authorization shall be either subject to a Mandatory Discretionary Review hearing or will qualify for administrative approval. Administrative approval only applies to (1) single-family dwellings in RH-1 Districts proposed for Demolition that are not affordable or financially accessible housing (valued by a credible appraisal within the past six months to be greater than 80% of combined land and structure value of single-family homes in San Francisco); or (2) residential buildings of two units or fewer that are found to be unsound housing. Please see website under Publications for Loss of Dwelling Units Numerical Values.

The Planning Commission will consider the following criteria in the review of applications to demolish Residential Buildings. Please fill out answers to the criteria below:

Existing Value and Soundness

1. Whether the Project Sponsor has demonstrated that the value of the existing land and structure of a single-family dwelling is not affordable or financially accessible housing (above the 80% average price of single-family homes in San Francisco, as determined by a credible appraisal within six months);

Existing structure shall be demolished on basis of unsound condition of the property - see response on following item.

2. Whether the housing has been found to be unsound at the 50% threshold (applicable to one- and two-family dwellings).

To salvage the existing structure and restore it to even minimal safety and habitability standards would easily exceed the 50% replacement cost threshold. See soundness report for 147 South Park prepared by Bonza Engineering Inc. dated June 24, 2011

3. Whether the property is free of a history of serious, continuing code violations;

The property has not been inhabited in over ten years and was approved for demolition in 2003. There are no outstanding or continuing code violations resulting from the use of the property.

Existing Building (continued)

4. Whether the housing has been maintained in a decent, safe, and sanitary condition;
The building suffers from many types of deficiencies ranging from fundamental structural deficiencies that are related to the original construction to defects and long term degradation due to age, and serious damage and decay related to water infiltration - See soundness report for 147 South Park prepared by Bonza Engineering Inc. dated June 24, 2011

5. Whether the property is a *historical resource* under CEQA;

The property has been determined to have "no resource present" for the purposes of CEQA. See Historical Resource Evaluation Response - issued by the San Francisco Planning Department - case no. 2010.0950 dated March 14, 2011.

6. If the property is a historical resource, whether the removal of the resource will have a substantial adverse impact under CEQA;

Please see response above.

Rental Protection

7. Whether the Project converts rental housing to other forms of tenure or occupancy;

There is no rental housing currently on the property - the existing use is for single family dwelling.

8. Whether the Project removes rental units subject to the Rent Stabilization and Arbitration Ordinance;

There is no rental housing currently on the property - the existing use is for single family dwelling.

Priority Policies

9. Whether the Project conserves existing housing to preserve cultural and economic neighborhood diversity;
The project conserves the neighborhood cultural and economic diversity. The proposed building will be similar in size to a number of existing buildings in the neighborhood. The neighborhood is characterized by mixed use buildings offer commercial, retail and residential uses. The project preserves that balance of uses.

10. Whether the Project conserves neighborhood character to preserve neighborhood cultural and economic diversity;
The neighborhood is characterized by buildings that reflect the mix of light industrial activities and retail shops though the use of industrial materials such as metal and brick. The proposed project also acknowledges this connection to light industrial functions in the neighborhood though its proportions and use of large panels of glass and slender metal curtain systems.

11. Whether the Project protects the relative affordability of existing housing;
The project does not decrease the total amount of housing units, rather it increases the amount of housing by one unit. In adding an additional housing unit to the area, the project allow the relative value of housing to stay down and protects the affordability of existing housing.

12. Whether the Project increases the number of permanently affordable units as governed by Section 415;
The project is planned to provide market rate housing. There are no plans to provide affordable units as governed by Section 415.

Replacement Structure

13. Whether the Project located in-fill housing on appropriate sites in established neighborhoods;
The project is proposed for an underdeveloped lot in the center of South Park. The consistency and density of restaurants, shops and businesses that has made South Park successful will only be reinforced by the in-fill provided by this project.

Replacement Structure

14. Whether the Project creates quality, new family housing;

For market rate housing to compete and be comparable to the housing stock in South Park, a minimum level of quality must be achieved in terms of light, views and quality of space. The goal of the project is to provide new housing that meets and exceeds the quality of existing residential developments in South Park.

15. Whether the Project creates new supportive housing;

The intent of the project is to create market rate housing. No supportive housing is planned for the project.

16. Whether the Project promotes construction of well-designed housing to enhance existing neighborhood character;

The goal of the project is to create an attractive restaurant and desirable housing that function well in the same building and are respectful of each other and the neighborhood. This design approach will generate a unique identity for the housing and will enhance the existing neighborhood.

17. Whether the Project increases the number of on-site dwelling units;

There is currently one dwelling unit on the site. When the project is completed, there will be two dwelling units.

18. Whether the Project increases the number of on-site bedrooms.

The existing single family home has three bedrooms. The proposal will provide seven bedrooms, adding three bedrooms to the site.

Loss of Dwelling Units Through Merger

(FORM B – COMPLETE IF APPLICABLE)

Pursuant to Planning Code Section 317(e), the merger of residential dwelling-units not otherwise subject to a Conditional Use Authorization shall be either subject to a Mandatory Discretionary Review hearing or will qualify for administrative approval. Administrative review criteria only apply to those Residential Units proposed for Merger that are (1) not affordable or financially accessible housing are exempt from Mandatory DR (valued by a credible appraisal within the past six months to be greater than 80% of combined land and structure value of single-family homes in San Francisco); or (2) meet a supermajority of the merger criteria listed below. Please see website under Publications for Loss of Dwelling Units Numerical Values.

Please state how the project meets or does not meet the following criteria:

1. Does the removal of the unit(s) eliminate only owner-occupied housing, and if so, for how long was the unit(s) proposed to be removed owner-occupied?

n/a

2. Is the removal of the unit(s) and the merger with another intended for owner occupancy?

n/a

3. Will the removal of the unit(s) bring the building closer into conformance with the prevailing density in its immediate area and in the same zoning district?

n/a

4. Will the removal of the unit(s) bring the building closer into conformance with the prescribed zoning?

n/a

5. Is the removal of the unit(s) necessary to correct design or functional deficiencies that cannot be corrected through interior alterations?

n/a

Loss of Dwelling Units Through Conversion

(FORM C – COMPLETE IF APPLICABLE)

Pursuant to Planning Code Section 317(f), the Conversion of residential dwelling-units not otherwise subject to a Conditional Use Authorization shall be subject to a Mandatory Discretionary Review. In reviewing proposals for the Conversion of residential dwelling-units to other forms of occupancy, the Planning Commission will review criteria 1-5 listed below.

Please state how the project meets or does not meet the following criteria:	
1. Will the conversion of the unit(s) eliminate only owner occupied housing, and if so, for how long has the unit(s) proposed to be removed been owner occupied?	n/a
2. Will the conversion of the unit(s) provide desirable new non-residential use(s) appropriate for the neighborhood and adjoining district(s)?	n/a
3. Will the conversion of the unit(s) bring the building closer into conformance with the prevailing character of its immediate area and in the same zoning district?	n/a
4. Will the conversion of the unit(s) be detrimental to the City's housing stock?	n/a
5. Is the conversion of the unit(s) necessary to eliminate design, functional, or habitability deficiencies that cannot otherwise be corrected?	n/a

Priority General Plan Policies – Planning Code Section 101.1 (APPLICABLE TO ALL PROJECTS SUBJECT TO THIS APPLICATION)

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed alterations and demolitions are consistent with eight priority policies set forth in Section 101.1 of the Planning Code. These eight policies are listed below. Please state how the Project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. If a given policy does not apply to your project, explain why it is not applicable.

Please respond to each policy; if it's not applicable explain why:

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

The project is consistent with this policy, since it does not constitute any change in neighborhood-serving retail uses. The project will provide two residential units and a restaurant in lieu of one residential unit. The restaurant will provide neighborhood employment opportunity.

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

The project is consistent with this policy. The proposed building will be similar in size to a number of existing buildings in the neighborhood. The neighborhood is characterized by mixed use buildings offering commercial, retail and residential uses. This project preserves that mixture of uses.

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

The project replaces one unit with two housing units allowing for a more affordable use of the property. The net result of the project represents no loss of housing units.

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

The proposed project is consistent with this policy. The two residential units will have their own parking spaces and the proposed restaurant will not create additional traffic, since it is an existing facility that will be relocating from the adjacent building.

Please respond to each policy; if it's not applicable explain why:

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

The proposed project is consistent with this policy. The proposed project does not incorporate any commercial office development or displace existing industrial or service sectors. The restaurant will provide a base of continuing neighborhood employment.

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

The existing unit on the site is deteriorated and in hazardous condition. The new project will meet current seismic and fire code and will protect its users in an earthquake.

7. That landmarks and historic buildings be preserved; and

This project has been approved as environmentally exempt by the San Francisco Planning Department, Historic Preservation - no historic resources are effected by this project - case no. 2010.0959.

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

This project is consistent with this policy. The proposed building steps back from the property line at 21'-0" above grade, and is set back 10'-0" from the south property line to reduce shading on the adjacent alley.



**SAN FRANCISCO
PLANNING DEPARTMENT**

Date received:

Environmental Evaluation Application

The California Environmental Quality Act (CEQA) requires public agencies to review the environmental impacts of proposed projects. In San Francisco, environmental review under CEQA is administered by the Major Environmental Analysis (MEA) division of the Planning Department. The environmental review process begins with the submittal of a completed Environmental Evaluation (EE) Application to the Planning Department. Only the current EE Application form will be accepted. No appointment is required but staff is available to meet with applicants upon request.

The EE Application will not be processed unless it is completely filled out and the appropriate fees are paid in full. Checks should be made payable to the San Francisco Planning Department. See the current *Schedule of Application Fees* and contact the staff person listed below for verification of the appropriate fees. Fees are generally non-refundable. Documents in italics are available online at sfgov.org/planning.

The EE Application is comprised of four parts. Part 1 is a checklist to ensure that the EE Application is complete; Part 2 requests basic information about the site and the project; Part 3 is a series of questions to help determine if additional information is needed for the EE Application; and Part 4 is a project summary table.

The complete EE Application should be submitted to the Planning Department staff as follows: For projects greater than 10,000 square feet in size and where Part 3 Questions #3, #8, #10, or #11 are answered in the affirmative, or for projects that require mitigation measures, please send the application materials to the attention of Ms. Fordham or Ms. Pereira. For all other projects, please send the application materials to the attention of Mr. Bollinger.

Brett Bollinger
1650 Mission Street, Suite 400
San Francisco, CA 94103
(415) 575-9024, brett.bollinger@sfgov.org

Chelsea Fordham or Jeanie Poling
1650 Mission Street, Suite 400
San Francisco, CA 94103
(415) 575-9071, chelsea.fordham@sfgov.org
(415) 575-9072, jeanie.poling@sfgov.org

PART 1 – EE APPLICATION CHECKLIST	Provided	Not Applicable
Two copies of this application with all blanks filled in	<input checked="" type="checkbox"/>	
Two sets of project drawings (see "Additional Information" at the end of page 4,)	<input checked="" type="checkbox"/>	
Photos of the project site and its immediate vicinity, with viewpoints labeled	<input checked="" type="checkbox"/>	
Fee	<input checked="" type="checkbox"/>	
<i>Supplemental Information Form for Historical Resource Evaluation</i> and/or Historic Resource Evaluation Report, as indicated in Part 3 Questions 1 and 2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Geotechnical Report, as indicated in Part 3 Questions 3a and 3b	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Tree Disclosure Statement</i> , as indicated in Part 3 Question 4	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Phase I Environmental Site Assessment, as indicated in Part 3 Question 8	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Additional studies (list)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Applicant's Affidavit. I certify the accuracy of the following declarations:

- a. The undersigned is the owner or authorized agent of the owner(s) of this property.
- b. The information presented is true and correct to the best of my knowledge.
- c. I understand that other applications and information may be required.

Signed (owner or agent): 
(For Staff Use Only) Case No. 2010.0969E

Date: 10.18.10
Address: 147 SOUTH PARK
Block/Lot: 3775 / 031

PART 2 - PROJECT INFORMATION

Owner/Agent Information

Property Owner	<u>VICTOR MEZHVINSKY</u>	Telephone No.	<u>(415) 322 8402</u>
Address	<u>JESSE TOMKO</u>	Fax No.	<u>(415) 525 3376</u>
	<u>300 3RD ST. # 502</u>	Email	<u>VICTOR@MIVENTURE.COM</u>
	<u>SAN FRANCISCO, CA 94107</u>		
Project Contact	<u>GEDDES ULINSKAS</u>	Telephone No.	<u>(415) 904-0483</u>
Company	<u>GEDDES ULINSKAS ARCH.</u>	Fax No.	<u>(415) 904-8643</u>
Address	<u>52 @ 2ND ST. # 300</u>	Email	<u>GULINSKAS @ ULARCH.COM</u>
	<u>SAN FRANCISCO, CA 94105</u>		<u>ASAIERNO @ ULARCH.COM</u>

Site Information

Site Address(es): 147 SOUTH PARK

Nearest Cross Street(s) SECOND ST. , THIRD ST.

Block(s)/Lot(s) 3775 / 031 Zoning District(s) SOUTH PARK

Site Square Footage 2,439 SF Height/Bulk District 40X

Present or previous site use RESIDENTIAL

Community Plan Area (if any) _____

Project Description - please check all that apply

- | | | | |
|---|---|---|--|
| <input type="checkbox"/> Addition | <input checked="" type="checkbox"/> Change of use | <input type="checkbox"/> Zoning change | <input checked="" type="checkbox"/> New construction |
| <input type="checkbox"/> Alteration | <input checked="" type="checkbox"/> Demolition | <input type="checkbox"/> Lot split/subdivision or lot line adjustment | |
| <input type="checkbox"/> Other (describe) _____ | | Estimated Cost _____ | |

Describe proposed use MIXED USE BUILDING

Narrative project description. Please summarize and describe the purpose of the project.

PROJECT CONSISTS OF A 4 STORY MIXED USE BUILDING, WITH A RESTAURANT ON THE FIRST FLOOR, AND TWO RESIDENTIAL UNITS ON THE UPPER FLOORS

PART 3 – ADDITIONAL PROJECT INFORMATION	Yes	No
1. Would the project involve a major alteration of a structure constructed 50 or more years ago or a structure in an historic district? If yes, submit a <i>Supplemental Information Form for Historical Resource Evaluation</i> . Instructions on how to fill out the form are outlined in the <i>San Francisco Preservation Bulletin No. 16</i> (see pages 28-34 in Appendix B).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Would the project involve demolition of a structure constructed 50 or more years ago or a structure located in an historic district? If yes, a Historic Resource Evaluation Report (HRER)* will be required. The scope of the HRER will be determined in consultation with the Department's Preservation Coordinator.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3a. Would the project result in excavation or soil disturbance/modification greater than 10 feet below grade? If yes, how many feet below grade would be excavated? _____ What type of foundation would be used (if known)? _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3b. Is the project site located in an area of potential geotechnical hazard as identified in the San Francisco General Plan or on a steep slope or would the project be located on a site with an average slope of 20% or more? If yes to either Question 3a or 3b, please submit a Geotechnical Report.*	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Would the project involve expansion of an existing building envelope, or new construction, or grading, or new curb cuts, or demolition? If yes, please submit a <i>Tree Disclosure Statement</i> .	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Would the project result in ground disturbance of 5,000 gross square feet or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Would the project result in any construction over 40 feet in height? If yes, apply for a Section 295 (Proposition K) Shadow Study. This application is available on the Planning Department's website and should be submitted at the Planning Information Center , 1660 Mission Street, First Floor.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Would the project result in a construction of a structure 80 feet or higher? If yes, an initial review by a wind expert, including a recommendation as to whether a wind analysis* is needed, may be required, as determined by Department staff.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Would the project involve work on a site with an existing or former gas station, auto repair, dry cleaners, or heavy manufacturing use, or a site with underground storage tanks? If yes, please submit a Phase I Environmental Site Assessment (ESA).* A Phase II ESA (for example, soil testing) may be required, as determined by Department staff.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Would the project require any variances, special authorizations, or changes to the Planning Code or Zoning Maps? If yes, please describe.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Is the project related to a larger project, series of projects, or program? If yes, please describe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Is the project in Eastern Neighborhoods or Market & Octavia Community Plan Area? If yes, and the project would be over 55 feet tall or 10 feet taller than an adjacent building built before 1963, please submit an elevation or renderings showing the project with the adjacent buildings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

* Report or study to be prepared by a qualified consultant who is contracted directly by the project sponsor.

PART 4 – PROJECT SUMMARY TABLE

If you are not sure of the eventual size of the project, provide the **maximum** estimates.

Gross Square Footage (GSF)	Existing Uses	Existing Uses to be Retained	Net New Construction and/or Addition	Project Totals
Residential	2000	-	6,225	6,225
Retail	-	-	-	-
Office	-	-	-	-
Industrial	-	-	-	-
Parking	500	-	300	300
Other (specify use)	-	-	COMMERCIAL 1286	COMMERCIAL 1286
Total GSF			7,811	7,811

Dwelling units	1	-	2	2
Hotel rooms	-	-	-	-
Parking spaces	2	-	4	4
Loading spaces	-	-	-	-
Number of buildings	1	-	1	1
Height of building(s)	22'	-	40'	40'
Number of stories	ONE STORY OVER BASEMENT	-	4	4

Please describe any additional project features that are not included in this table:

Additional Information: Project drawings in 11x17 format should include existing and proposed site plans, floor plans, elevations, and sections, as well as all applicable dimensions and calculations for existing and proposed floor area and height. The plans should clearly show existing and proposed off-street parking and loading spaces; driveways and trash loading areas; vehicular and pedestrian access to the site, including access to off-street parking and parking configuration; and bus stops and curbside loading zones within 150 feet of the site. A **transportation study** may be required, depending on existing traffic conditions in the project area and the potential traffic generation of the proposed project, as determined by the Department's transportation planners. **Neighborhood notification** may also be required as part of the environmental review processes.

SAN FRANCISCO DEPARTMENT OF CITY PLANNING
CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW

CLASS

[Signature]
 3-15-11



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

Historic Resource Evaluation Response

MEA Planner: Brett Bollinger
Project Address: 147 South Park Avenue
Block/Lot: 3775/031
Case No.: 2010.0959E
Date of Review: March 14, 2011
Planning Dept. Reviewer: Moses Corrette
 (415) 558-6295 | moses.corrette@sfgov.org

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PROPOSED PROJECT Demolition New Construction

PROJECT DESCRIPTION

The proposed project is to demolish the existing vacant single-family building and construct a new 4-story, 40'-0" tall, mixed-use building, with a restaurant on the first floor and two residential units on the upper floors within the SPD (South Park District) Zoning District, in a 40-X Height and Bulk District, and within the East SoMa Area Plan.

The subject property, is a two-story, two-bay wood framed single-family building on a through lot between South Park Avenue and Varney Place. The Assessor's date of construction is 1923; however, a report submitted to the Department by Tim Kelley Consulting suggests that the building dates to 1906, and was altered in the 1950s, likely in 1951.

PRE-EXISTING HISTORIC RATING / SURVEY

The subject property and surrounding neighborhood was subject to intensive survey activities as part of the SoMa Survey (<http://somasurvey.sf-planning.org>). It is located in, and, as amended by the HPC, identified as a non-contributor to the determined-eligible South Park Historic District (see explanatory note below). The SoMa Survey was adopted by the Historic Preservation Commission on February 16, 2011. The district contains 23 contributory elements, and 15 non-contributory elements. The district is locally significant under National Register Criteria¹ A and C.

HISTORIC DISTRICT / NEIGHBORHOOD CONTEXT

The property is located within the boundaries of the determined-eligible South Park Historic District (Historic District), significant on a local level for its representation of industrial and residential reconstruction and development. The Historic District developed primarily between the years 1854 and 1935, and consists of a group of resources that are cohesive in regard to scale, materials, architectural styles, and relationship to the street and park. Contributors to the South Park Historic District are industrial, commercial, and residential buildings that feature wood frame or concrete construction. The district has associations with both the Japanese and Philippine communities. The buildings that were constructed around South Park after the earthquake and fire of 1906 were comparatively similar in scale

¹ The Historic Preservation Commission has adopted the National Register Criteria to assess local significance. Use of the Criteria does not imply eligibility to the National Register.

and massing to the former row houses and flats buildings. Like their predecessors, they were generally low scale, two- to three story buildings, tightly packed around the perimeter of the park. By 1935, the existing buildings within the district consisted of three constructed of brick, four of concrete, and 31 of wood.

1. **California Register Criteria of Significance:** Note, a building may be an historical resource if it meets any of the California Register criteria listed below. If more information is needed to make such a determination please specify what information is needed. *(This determination for California Register Eligibility is made based on existing data and research provided to the Planning Department by the above named preparer / consultant and other parties. Key pages of report and a photograph of the subject building are attached.)*

- Event:** or Yes No Unable to determine
Persons: or Yes No Unable to determine
Architecture: or Yes No Unable to determine
Information Potential: Further investigation recommended.
District or Context: Yes, as noted above, the subject property does not contribute to, but is located within the determined-eligible South Park Historic District potential district.
If Yes; Period of significance: 1854-1935

Explanatory Note: In accordance with the Eastern Neighborhoods Interim Preservation Procedures, the Historic Preservation Commission (HPC) reviewed the proposed demolition and new construction, and by HPC Motion 100 (attached), found that the building is not a resource, and that it does not contribute to the South Park Historic District. The HPC did not directly address the compatibility of the new construction within the South Park District context. The Department and the HPC concluded that the subject building was erected in 1906, and significantly altered in 1951, such that the changes would have occurred outside the South Park Historic District's period of significance, therefore, the building is not be considered a historic resource.

Criterion 1: *It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;*

The subject property, built as a residential property in 1906 is one of a number of buildings of the period located within the South Park Historic District that were built within the District's period of significance. The district has been found to be locally significant. However, there is no indication that the building itself played a significant role in the history or development of San Francisco to qualify an individual property for the California Register.

Criterion 2: *It is associated with the lives of persons important in our local, regional or national past;*

The property is associated with its first owner Catherine J. Carrick, a widow from 1907-1916; It was used as a rental property from 1916-c.1968. Non-resident owners included: E.W. Lick (real estate broker) 1916-1923; Reeder Construction Co. 1923-1925; Arthur and Annie Mullan 1925-1942; Luigi and Margherita Imberti 1942-1968; and Joseph and Lora Bruno 1968-1998. Known occupants include

Thomas Martin (general repairman c.1940) and James Worley (chauffer c.1953). None of the persons associated with the property named above appears to have been important in local, state or national history that could qualify this property for the California Register.

Criterion 3: It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values;

Buildings within the South Park Historic district have been noted for their architectural significance; however, this property has been substantially altered since it was built, and does not contribute to the district. See "Integrity", below for details. In its present form, the building is a typical modest and altered small residential building that does not possess any distinctive characteristics of a 1906 frame residential building. The subject property was erected by local builder William Kreling, a resident of 2005 Oak Street, who does not seem to have been a significant builder. There was no architect. The building is not a significant example of any style.

Criterion 4: It yields, or may be likely to yield, information important in prehistory or history;

It does not appear that the subject property is likely to yield information important to a better understanding of prehistory or history.

-
2. **Integrity** is the ability of a property to convey its significance. To be a resource for the purposes of CEQA, a property must not only be shown to be significant under the California Register criteria, but it also must have integrity. To retain historic integrity a property will always possess several, and usually most, of the aspects. The subject property has retained or lacks integrity from the period of significance noted above:

Location:	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks	Setting:	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks
Association:	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks	Feeling:	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks
Design:	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks	Materials:	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks
Workmanship:	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks			

Alterations to the building likely occurred first circa 1923, followed by further alterations circa 1951. Together the alterations caused the building to be redesigned stylistically, raised, and extended to the rear of the lot. Cumulatively, the alterations have significantly affected the buildings integrity such that it can no longer contribute to the South Park Historic District.

-
3. **Determination of whether the property is an "historical resource" for purposes of CEQA.**

No Resource Present (*Go to 6 below.*) Historical Resource Present (*Continue to 4.*)

-
4. If the property appears to be an historical resource, whether the proposed project would materially impair the resource (i.e. alter in an adverse manner those physical characteristics which justify the property's inclusion in any registry to which it belongs).



SAN FRANCISCO PLANNING DEPARTMENT

Historic Preservation Commission Motion No. 100

HEARING DATE: FEBRUARY 2, 2011

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Date: January 24, 2011
Case No.: 2010.0959E
Project Address: 147 South Park Avenue
Zoning: SPD (south Park District) District
40-X Height and Bulk District
Block/Lot: 3775/031
Project Sponsor: Victor Mezhvinsky & Jesse Tomko c/o
Geddes Ulinskas Architects
52 2nd St. #300
San Francisco, CA 94105
Staff Contact: Moses Corrette – (415) 558-6295 Moses.Corrette@sfgov.org
Reviewed By: Tina Tam, Senior Preservation Planner – (415) 558-6325

ADOPTING FINDINGS RELATED TO THE INTERIM PROCEDURES FOR PERMIT REVIEW IN THE EASTERN NEIGHBORHOODS PLAN AREA FOR THE PROPOSED DEMOLITION OF AN EXISTING SINGLE-FAMILY DWELLING, AND CONSTRUCTION OF A NEW MIXED-USE, FOUR-STORY, 40'-0" TALL BUILDING AT 147 SOUTH PARK AVENUE (ASSESSOR'S BLOCK 3775, LOT 31), LOCATED WITHIN SPD (SOUTH PARK DISTRICT), AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

1. On August 7, 2008, the San Francisco Planning Commission Certified the Final Environmental Impact Report (FEIR) for the Eastern Neighborhoods Rezoning and Area Plans (Case No. 2004.0160E). The FEIR analyzed amendments to the Planning Code and Zoning Maps and to the Eastern Neighborhoods, an element of the San Francisco General Plan. The FEIR analysis was based upon an assumed development and activity that were anticipated to occur under the Eastern Neighborhoods Rezoning and Area Plans.

2. The FEIR provided Interim Permit Review Procedures for Historic Resources that would be in effect until the Historic Preservation Commission (HPC) adopts the Historic Resource Survey. These procedures were developed to provide additional protection for potential historic resources within the Plan Area while the historic resources survey is being completed. Once the historic resources survey is endorsed and the Plan is amended to incorporate the results of these policies would expire and the Preservation Policies in the Area Plan would become effective.

There are two types of review per the Interim Procedures. The first type is for projects that propose demolition or major alteration to a property constructed prior to 1963 within the Plan Area. These projects shall be forwarded to the Historic Preservation Commission for review and comment. Within 30 days of receiving the Environmental Evaluation and supporting Historic Resources Evaluation (HRE) documents, the HPC members may forward comments directly to the Environmental Review Officer and Senior Preservation Planner. No public hearing is required.

The second type of review is for projects that propose new construction within the Plan Area over 55 feet, or 10 feet taller than adjacent buildings, built before 1963. These projects shall be forwarded to the HPC for review and comment during a regularly scheduled hearing. After such hearing, the HPC's comment will be forwarded to the

Planning Department for incorporation into the project's final submittal and in advance of any required final hearing before the Planning Commission.

3. On October 18, 2010, pursuant to the provisions of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, the Planning Department ("Department") received an Environmental Evaluation Application form for the Project, in order that it might conduct an initial evaluation to determine whether the Project might have a significant impact on the environment.

4. On February 2, 2011, the Department presented the proposed project to the Historic Preservation Commission. The Commission's comments would be forwarded to the Planning Department for incorporation into the project's final submittal and in advance of any required final hearing before the Planning Commission.

COMMENTS

Having reviewed the materials identified in the recitals above, and having heard all testimony and arguments, this Commission has provided the following comments regarding the proposed project:

1. none
- 2.
- 3.
- 4.

I hereby certify that the foregoing Motion was ADOPTED by the Historic Preservation Commission at its regularly scheduled meeting on February 2 2011.

Linda Avery
Commission Secretary

AYES: Chase, Hasz, Johns, Martinez, Matsuda, Wolfram

NAYS: Damkroger

ABSENT: none

RECUSED: none

ADOPTED: February 2, 2011

HISTORICAL RESOURCE EVALUATION

147 SOUTH PARK
SAN FRANCISCO,
CALIFORNIA



TIM KELLEY CONSULTING
HISTORICAL RESOURCES
2912 DIAMOND STREET #330
SAN FRANCISCO, CA 94131
415.337-5824
TIM@TIMKELLEYCONSULTING.COM



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input type="checkbox"/> Other |

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Planning Commission Motion No. XXXXX

HEARING DATE: JANUARY 19, 2012

Date: January 12, 2012
Case No.: **2010.0959CV**
Project Address: **147 SOUTH PARK AVENUE**
Zoning: SPD (South Park) District
40-X Height and Bulk District
Block/Lot: 3775/031
Project Sponsor: Daniel Frattin
Reuben & Junius, LLP
One Bush Street
San Francisco, CA 94104
Staff Contact: Diego R Sánchez – (415) 575-9082
diego.sanchez@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303, 317 AND 814.13 REQUIRING CONDITIONAL USE AUTHORIZATION FOR THE DEMOLITION OF ONE RESIDENTIAL UNIT AND THE NEW CONSTRUCTION OF FOUR-STORY 2 UNIT MULTIFAMILY BUILDING WITH A GROUND FLOOR COMMERCIAL USE IDENTIFIED AS AN EATING AND DRINKING ESTABLISHMENT IN THE SPD (SOUTH PARK DISTRICT) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On June 16, 2010 Daniel Frattin (Project Sponsor) filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 303, 317 and 814.13 to demolish one residential unit at 147 South Park Avenue and to construct a four-story, two unit multifamily building with a ground floor commercial use identified as an eating and drinking establishment as a replacement structure within the SPD (South Park District) Zoning District and a 40-X Height and Bulk District.

On January 19, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2010.0959C.

On March 15, 2011, the Project was determined by the Department to be categorically exempt from environmental review as a Class 1 exemption. The Commission has reviewed and concurs with said determination.

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2010.0959C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The Project proposes to demolish an existing two-story single family dwelling and proposes a four-story two-unit multifamily building with a ground floor commercial space identified as an eating and drinking establishment as the replacement structure. One off-street parking space will be provided for the ground floor eating and drinking use and one for a dwelling unit. Automobile access is proposed to be from Varney Place, an alley at the rear of the lot.
3. **Site Description and Present Use.** The project site is located on the south side of South Park Avenue between 3rd Street and Jack London Place, Lot 031 in Assessor's Block 3775. The project site is within the SPD (South Park) District and a 40-X Height and Bulk district. The lot, approximately 2,235 square feet in area, is irregularly shaped, providing 21 feet of street frontage on South Park Avenue and 26 feet of street frontage on Varney Place, at the rear of the lot. The project site currently contains a vacant single family home.
4. **Surrounding Properties and Neighborhood.** The project site is located in the South Park District, immediately across from South Park. The subject property is approximately in the middle of the block-face. The adjacent building to the west is a three-story mixed use building with a ground floor retail use and two stories of residential uses above. The adjacent lot to the east has a storage shed at the rear and is fenced off from the South Park Avenue street frontage. The area around South Park is characterized primarily by two- and three-story buildings, with ground floor commercial uses and residential uses above. Properties in the vicinity of the subject property are zoned SPD (South Park District), SLI (Service Light Industrial) and MUO (Mixed Use Office).
5. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Rear Yard Requirement.** Planning Code Section 134 requires a minimum rear yard depth equal to 25% of the total depth for lots in the South Park District.

The Project does not propose a rear yard and does not meet the rear yard requirement of 25% of lot depth (24 feet 5 inches for the subject lot). However, because the project is in an Eastern Neighborhoods Mixed Use District, the Project is seeking relief from the rear yard requirement through Administrative Review by the Zoning Administrator as outlined in Planning Code Section 307(h).

- B. **Usable Open Space.** Planning Code Section 135 requires a minimum of 80 square feet of usable open space, if not publicly accessible, per unit.

The Project proposes to meet the usable open space requirement by providing each unit with private usable open space on decks either at the rear of the lot or on the roof. Each dwelling unit will be provided more than 80 square feet of useable open space.

- C. **Street Frontage Requirement.** Planning Code Section 145.1 prohibits more than one-third of the width of any given street frontage be devoted to parking ingress or egress and requires a minimum floor to floor height of 14 feet at the ground floor.

The Project is proposing a garage door of 16 feet, in excess of the one-third requirement (8 feet 8 inches for the subject lot) and is proposing a floor to floor height of 9 feet 6 inches at the ground floor. The Project is seeking a variance from this section of the Planning Code.

- D. **Off-Street Parking.** Planning Code Section 151.1 establishes off-street parking maximums for all uses within the Eastern Neighborhoods Mixed Use Districts. For retail uses less than ¼ mile from 3rd Street the Planning Code allows up to one off-street parking space for each 1,500 square feet of gross floor area.

One off-street parking space is dedicated to the proposed eating and drinking establishment as it contains in excess of 1,500 square feet of gross floor area. One off-street parking space is dedicated to a dwelling unit, as well.

- E. **Height.** Planning Code Section 260 requires that all structures be no taller than the height prescribed in the subject height and bulk district. The proposed Project is located in a 40-X Height and Bulk District, with a 40-foot height limit.

The Project proposes a height of 40 feet for the replacement structure, which is within the height district limits.

- F. **Neighborhood Notification.** Planning Code Section 312 requires neighborhood notification for projects within the Eastern Neighborhood Mixed Use Districts that propose to change from one land use category to another.

The Project proposes to establish a retail use (an eating and drinking establishment) at the ground floor of the replacement structure and the notification for this proposal was done in conjunction with the notification for the Conditional Use authorization

- G. **Residential Demolition and New Construction.** Planning Code Section 814.13 requires Conditional Use authorization for any residential demolition. Planning Code Section 317 establishes a checklist of criteria that delineates the relevant General Plan Policies and Objectives given a proposal for residential demolition.

The Project seeks to demolish an existing single family dwelling and construct a two unit multifamily building with a ground floor commercial space identified as an eating and drinking establishment as the replacement structure. The Project is seeking Conditional Use Authorization in accordance with Planning Code Section 814.13. The additional criteria for this proposal, as specified under Section 317, have been incorporated as findings under this Motion under Item 7, "Additional Findings pursuant to Section 317."

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

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

The use and size of the proposed project is compatible with the immediate neighborhood, as the prevailing pattern in the area is of ground floor commercial uses with residential uses above. The replacement structure follows this pattern in that it proposes a ground floor commercial space, identified as an eating and drinking establishment, with two dwelling units above. The 40 foot height of the proposed project is compatible with the immediate neighborhood as there are a number of three story buildings in the neighborhood and the proposed fourth story will be adequately setback from the main building wall so as to meet the typical setback of upper floors and in doing so will be adequately screened from view.

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

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

The Project proposes to demolish an existing single family dwelling and construct a four-story, two-unit multifamily building with a ground floor commercial use identified as an eating and

drinking establishment on the existing lot. The Project is designed to complement the existing pattern of multi-storied structures with ground floor commercial uses. The proposed size and shape of the structure follows the existing pattern on the block in that the proposed structure fronts South Park Avenue and backs onto Varney Place, the alley at the rear of the lot.

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

The Planning Code establishes a maximum number of off-street parking spaces for the Project and the Project meets this maximum. The Project proposes to locate the automobile access on Varney Place, a minor alley at the rear of the lot, so as to preserve the South Park Avenue frontage free of off-street parking entrances.

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

Both commercial and residential aspects of the project are designed to avoid noxious or offensive emissions such as noise, glare dust and odor.

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

Although designed in a contemporary aesthetic, the façade treatment and materials of the replacement buildings have been appropriately selected to be harmonious with the surrounding neighborhood.

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

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

- 7. **Additional Findings pursuant to Section 317** establishes criteria for the Planning Commission to consider when reviewing applications to demolish or convert Residential Buildings. On balance, the Project does comply with said criteria in that:

- i. Whether the Project Sponsor has demonstrated that the residential structure is unsound, where *soundness* is an economic measure of the feasibility of upgrading a residence that is deficient with respect to habitability and Housing Code requirements, due to its original construction. The *soundness factor* for a structure shall be the ratio of a construction upgrade to the replacement cost, expressed as a percent. A building is unsound if its soundness factor exceeds 50-percent. A residential building that is unsound may be approved for demolition.

Project does not meet criterion.

The Soundness Study did not determine that the upgrade costs, given allowable expenses, exceeded the 50% threshold. However, the building is in a state of disrepair and appears very much uninhabitable. In 2003, the Planning Commission, under Motion No. 16563, granted Conditional Use authorization to demolish the subject property. The authorization expired and the subject property has remained in a state of neglect since that date. The current owners, who acquired the property in 2010 and are represented by the Project Sponsor, are seeking Conditional Use authorization to realize the demolition of the existing single family home and to provide a replacement structure that will result in a net gain of a four bedroom unit and one ground floor commercial space identified as an eating and drinking establishment.

- ii. Whether the property is free of a history of serious, continuing code violations;

Project meets criterion.

A review of the Department of Building Inspection and the Planning Department databases indicates that there is one open Department of Building Inspection violation for the subject property regarding blight and abandonment. The Project will address this complaint as it proposes to demolish the existing structure and construct a mixed use building as the replacement structure.

- iii. Whether the housing has been maintained in a decent, safe, and sanitary condition;

Project does not meet criterion.

The structure is in poor condition and is unmaintained.

- iv. Whether the property is an "historic resource" under CEQA;

Project meets criterion.

Although the existing structure is more than 50 years old, a Historic Resource Evaluation Response from March 2011 indicates that the Historic Preservation Commission found that the existing property is not a resource and that it does not contribute to the South Park Historic District.

- v. Whether the removal of the resource will have a substantial adverse impact under CEQA;

Project meets criterion.

The structure is not an historical resource and will not have a substantial adverse impact under CEQA.

- vi. Whether the Project converts rental housing to other forms of tenure or occupancy;

Project meets criterion.

The Project does not convert rental housing to other forms of tenure or occupancy, as the existing property has been vacant for more than 10 years.

- vii. Whether the Project removes rental units subject to the Rent Stabilization and Arbitration Ordinance;

Project meets criterion.

There are no rental units on site.

- viii. Whether the Project conserves existing housing to preserve cultural and economic neighborhood diversity;

Project does not meet criterion.

Because the Project proposes to demolish an existing single family dwelling unit, the Project does not conserve existing housing. However, the proposed replacement structure will provide two dwelling units above a ground floor commercial space which is much more in line with the prevalent pattern along South Park Avenue than the existing situation, and which can contribute to the cultural and economic diversity of the area.

- ix. Whether the Project conserves neighborhood character to preserve neighborhood cultural and economic diversity;

Project meets criterion.

The replacement building is designed in accordance with the prevailing neighborhood character in that it proposes two dwelling units over a ground floor commercial space. While the design is contemporary, it draws inspiration from its surrounding so that it complements the existing architecture. The Project results in a net gain of one dwelling unit and one commercial space to the subject property, conserving the mixed use and multifamily neighborhood character.

- x. Whether the Project protects the relative affordability of existing housing;

Project meets criterion.

While the Project proposes demolition of an existing structure, said structure is not in sanitary or habitable condition and therefore there is no loss in the relative affordability of the existing housing.

- xi. Whether the Project increases the number of permanently affordable units as governed by Section 315;

Not Applicable.

The Project is not subject to the provisions of Planning Code Section 415, as the project proposes less than five units.

- xii. Whether the Project locates in-fill housing on appropriate sites in established neighborhoods;

Project meets criterion.

The Project has been designed to be compatible with the scale and development pattern of the established neighborhood character.

- xiii. Whether the Project creates quality, new family housing;

Project meets criterion.

The Project creates one three-bedroom unit and one four-bedroom unit, both adequate for family use.

- xiv. Whether the Project creates new supportive housing;

Project does not meet criterion.

The Project does not create supportive housing.

- xv. Whether the Project promotes construction of well-designed housing to enhance existing neighborhood character;

Project meets criterion.

The overall scale, design, and materials of the proposed buildings are consistent with the South Park area and compliment the neighborhood character with a contemporary design.

- xvi. Whether the Project increases the number of on-site dwelling units;

Project meets criterion.

The Project increases the number of on-site dwelling units from one to two.

- xvii. Whether the Project increases the number of on-site bedrooms.

Project meets criterion.

The Project increases the number of on-site bedrooms from three to seven.

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

HOUSING ELEMENT

OBJECTIVE 1:

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

Policy 1.8:

Promote mixed use development, and include housing, particularly permanently affordable housing, in new commercial, institutional or other single use development projects.

Policy 1.10:

Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

The Project is located in the South Park neighborhood, a neighborhood that is within the Eastern Neighborhoods Community Plan Area. The Project proposes a mixed use replacement structure with one three-bedroom dwelling unit and one four-bedroom unit, representing a net gain of one dwelling unit over the existing condition, and a ground floor commercial use identified as an eating and drinking establishment. The South Park neighborhood is a neighborhood in close proximity to public transit as the MUNI 10, 30, 45 and T lines are within a reasonable walking distance.

OBJECTIVE 4:

FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.

Policy 4.1:

Develop new housing, and encourage the remodeling of existing housing, for families with children.

The Project will create two new dwelling units each with multiple bedrooms. These new dwelling units will provide a housing opportunity for families with children.

OBJECTIVE 11:

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

Policy 11.1:

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

Policy 11.3:

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

Policy 11.9:

Foster development that strengthens local culture sense of place and history.

The Project proposes two dwelling units over a ground floor commercial space identified as an eating and drinking establishment and is a proposal that complements the existing pattern within South Park of mixed use developments featuring ground floor commercial uses and residential uses on the second floor and above.

The design of the Project is contemporary in nature and displays an innovative use of finish materials at the South Park Avenue façade, the primary interface with the public realm. In particular, the use of polish steel

on the primary façade creates an interface between the iconic South Park and the Project and in doing so reinforces the particular sense of place that South Park provides. While many early 1900's buildings are found within the South Park neighborhood, South Park is also the location of newer development proposals featuring a contemporary architectural style and the Proposed Project is another well-designed contemporary addition to South Park.

OBJECTIVE 13:
PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.

Policy 13.1:

Support "smart" regional growth that locates new housing close to jobs and transit.

The Project is located within a reasonable distance from the jobs rich downtown core and is within a reasonable walking distance from a number of transit lines, including the Caltrain station at 4th and King Streets, offering access to the jobs within San Mateo County.

COMMERCE AND INDUSTRY

OBJECTIVE 1:
MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1:

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

Policy 1.2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

The Project proposes a ground floor commercial space that is identified as an eating and drinking establishment. This use will help to further enliven South Park Avenue and contribute to the area's economic vitality. The commercial space will be designed to meet all building code requirements regarding safety and the emission of offensive or noxious odors and noise.

OBJECTIVE 2:
MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

Policy 2.3

Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location.

The proposed ground floor commercial space is designed to provide a new business adequate accommodation and will attract new commercial activity to the City. The combination of the new commercial tenant and its location immediately across from South Park create a favorable cultural climate that will enhance the attractiveness of the City and the South Park area as a firm location.

OBJECTIVE 3:

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.1:

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

The proposed ground floor commercial space is identified as an eating and drinking establishment. The restaurant industry is one where employment opportunities for unskilled and semi-skilled workers are abundant and it is reasonable to assume that this aspect of the Project will provide such opportunities.

URBAN DESIGN

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 1.2:

Recognize, protect and reinforce the existing street pattern, especially as it is related to topography.

Policy 1.3:

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

The Project proposes demolition of an existing two-story single family dwelling unit and, as a replacement structure, proposes to construct a four story mixed use building with two family sized dwelling units over a ground floor commercial space. The proposed replacement structure is designed to front South Park Avenue in a manner similar to the buildings in the vicinity. The massing and proportions of the building also complement the existing architecture and block pattern, both at South Park Avenue and at Varney Place, the alley at the rear of the lot.

OBJECTIVE 2:

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

Policy 2.6:

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

The massing of the replacement building's façades is designed to be compatible with the prevailing street wall height and presence at South Park Avenue and Varney Place. While the design of the replacement structure is in a contemporary architectural style, the proposed building proportions, massing and scale are compatible with the adjacent buildings and the immediate neighborhood character.

EAST SOMA AREA PLAN

OBJECTIVE 1.1:

**ENCOURAGE PRODUCTION OF HOUSING AND OTHER MIXED-USE DEVELOPMENT
IN EAST SOMA WHILE MAINTAINING ITS EXISTING SPECIAL MIXED-USE
CHARACTER.**

Policy 1.1.7:

Retain the existing small-scale uses and character around South Park.

Policy 1.1.8:

Permit small and moderate size retail establishments in mixed use areas of East SoMa, but permit larger retail only as part of a mixed-use development.

The Project proposes a four-story two-unit building with a ground floor commercial space that is identified as an eating and drinking establishment. This development is designed to complement the existing character of the South Park neighborhood in that it creates an active retail use at the ground floor while providing family sized residential uses above. The subject lot is approximately 2,000 square feet in area, a size smaller than the standard San Francisco lot and this aspect helps the Project fit into the smaller scale of South Park.

OBJECTIVE 1.2:

**MAXIMIZE HOUSING DEVELOPMENT POTENTIAL IN KEEPING WITH
NEIGHBORHOOD CHARACTER.**

Policy 1.2.1:

Encourage development of new housing throughout East SoMa.

Policy 1.2.2:

Ensure that in-fill housing development is compatible with its surroundings.

Policy 1.2.3:

For new construction, and as part of major expansion of existing buildings, encourage housing development over commercial.

The proposed Project is an infill development that will result in a net gain of one four-bedroom unit. A ground floor commercial space, identified as an eating and drinking establishment, is also proposed.

OBJECTIVE 3.1:
PROMOTE AN URBAN FORM THAT REINFORCES EAST SOMA'S DISTINCTIVE PLACE IN THE CITY'S LARGER FORM AND STENGTHEN ITS PHYSICAL FABRIC AND CHARACTER.

Policy 3.1.6:

New buildings should epitomize the best in contemporary architecture, but should do so with full awareness of, and respect for, the height, mass, articulation and materials of the best of the older buildings that surrounds them development of new housing throughout East SoMa

Policy 3.1.8:

New development should respect existing patterns of rear yard open space. Where an existing pattern of rear yard open space does not exist, new development on mixed-use-zoned parcels should have greater flexibility as to where open space can be located

The Project proposes a contemporary design that also respects the prevailing patterns of mass and scale. Because there is no pattern of rear yard open space on the subject block, the Project is seeking administrative relief from the rear yard requirement and is providing the required usable open space on decks or on the roof.

OBJECTIVE 3.2:
PROMOTE AN URBAN FORM AND ARCHITECTURAL CHARACTER THAT SUPPORTS WALKING AND SUSTAINS A DIVERSE, ACTIVE AND SAFE PUBLIC REALM.

Policy 3.2.1:

Require high quality design of street-facing building exteriors.

Policy 3.2.3:

Minimize the visual impact of parking.

The design of the Project is contemporary in nature and utilizes materials with a substantial appearance such as the polished steel. The Project proposes to locate its off-street parking entrance on Varney Place, a minor alley at the rear of the lot and far from South Park Avenue.

OBJECTIVE 5.2:
ENSURE THAT NEW DEVELOPMENT INCLUDES HIGH QUALITY PRIVATE OPEN SPACE.

Policy 5.2.1:

Require new residential and mixed-use residential development to provide on-site private open space designed to meet the needs of residents

The Project proposes to locate its required usable open space on decks or on the roof, and in an amount that exceeds the minimum Planning Code requirement.

9. **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.

Existing neighborhood-serving retail uses would not be displaced or otherwise adversely affected by the proposal, as the existing building does not contain commercial uses/spaces and because the Project increases the number of dwelling units from one to two, providing more individuals to patronize the existing neighborhood-serving retail uses.

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

While the existing housing is proposed to be demolished, the replacement building complements the existing neighborhood character in that it proposes two dwelling units over a ground floor commercial space.

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

The Project does not adversely affect the City's supply of affordable housing as it seeks to replace an inhabitable structure with two family sized dwelling units.

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

The Project will not impede MUNI transit service or overburden streets or neighborhood parking as the Project proposes only one off-street parking space, in accordance with the Planning Code limits for the Project.

- 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 is not a commercial office development and will not adversely affect the industrial or service sectors.

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

The replacement structure will be built in compliance with San Francisco's current Building Code Standards and would meet all earthquake safety requirements.

- G. That landmarks and historic buildings be preserved.

No landmark or historic buildings occupy the Project site.

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

The project will have no negative impact on existing parks and open spaces. The Project does not exceed the 40-foot height limit, and is thus not subject to the requirements of Planning Code Section 295 – Height Restrictions on Structures Shadowing Property under the Jurisdiction of the Recreation and Park Commission. The height of the proposed structure is compatible with the established neighborhood development.

10. 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.
11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2010.0959C** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94012.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on January 19, 2012.

Linda Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

RECUSED:

ADOPTED: January 19, 2012

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow the demolition of an existing single family dwelling and the new construction of a four-story, two-unit multifamily dwelling with a ground floor commercial use identified as an eating and drinking establishment located at 147 South Park Avenue, Lot 031 in Assessor's Block 3775 pursuant to Planning Code Section(s) **814.13, 317 and 303** within the **South Park** District and a **40-X** Height and Bulk District; in general conformance with plans, dated **XXXXXX**, and stamped "EXHIBIT B" included in the docket for Case No. **2010.0959C** and subject to conditions of approval reviewed and approved by the Commission on **January 19, 2012** under Motion No **XXXXXX**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **January 19, 2012** under Motion No **XXXXXX**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

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

2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

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

3. The Conditional Use authorization is subject to the approval of the requested Variances from Planning Code Section 145.1 and the granting of Administrative Relief from the rear yard requirement under Planning Code Section 134.

DESIGN

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

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

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

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

6. **Noise.** Plans submitted with the building permit application for the approved project shall incorporate acoustical insulation and other sound proofing measures to control noise.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

7. **Street Trees.** Pursuant to Planning Code Section 138.1 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

PARKING AND TRAFFIC

8. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than **two (2)** independently accessible off-street parking spaces.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

PROVISIONS

9. **Eastern Neighborhoods Infrastructure Impact Fee.** Pursuant to Planning Code Section 423 (formerly 327), the Project Sponsor shall comply with the Eastern Neighborhoods Public Benefit Fund provisions through payment of an Impact Fee pursuant to Article 4.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

MONITORING

10. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

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

11. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

OPERATION

12. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>

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

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

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

147 SOUTHPARK

147 Southpark St
San Francisco, CA

Designer architect:
CCS Architecture
44 McLea Ct., San Francisco, CA 94103
(415) 864-2800

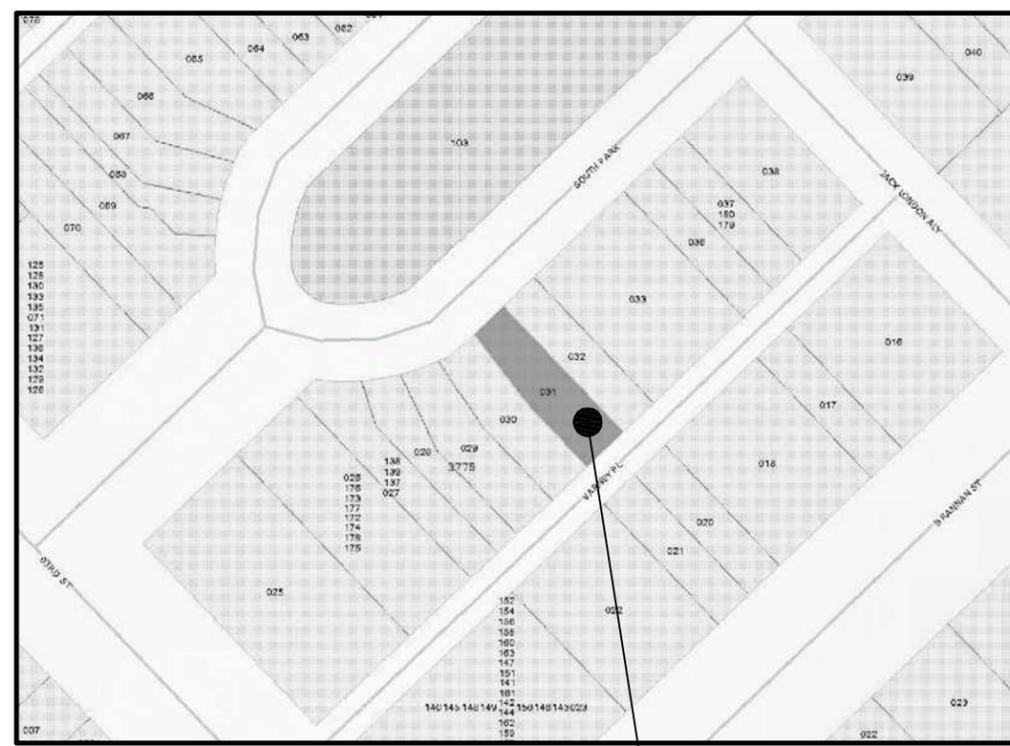
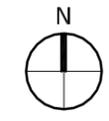
DATE: 01/19/12

4 PLANNING COMMISSION 01.19.12



SITE INFORMATION

G000



PROJECT LOCATION

LOCATION MAP

NTS

BLDG AREA	EXISTING	PROPOSED
RESIDENTIAL	3085 SQ. FT.	6874 SQ. FT.
COMMERCIAL	0 SQ. FT.	2133 SQ. FT.
TOTAL	3085 SQ. FT.	9007 SQ. FT.

AREA CALCULATION

NTS

DEMOLITION OF THE EXISTING SINGLE FAMILY RESIDENCE AT 147 SOUTH PARK AVENUE. CONSTRUCTION OF A NEW FOUR STORY MIXED USE BUILDING OVER A PARTIAL BASEMENT. BUILDING SHALL HOUSE A RESTAURANT AT THE GROUND LEVEL WITH THREE PARKING SPACES ACCESSED FROM VARNEY STREET. TWO LIVING UNITS SHALL BE CONSTRUCTED ABOVE THE RESTAURANT.

SCOPE OF WORK

NTS

ADDRESS: 147 Southpark Ave.
San Francisco, CA 94107
BLOCK #: 3775
LOT #: 31

ZONING USE DISTRICT: SPD
MAXIMUM HEIGHT: 40'-X
OCCUPANCY: A-2, RH3
CONSTRUCTION TYPE: 5

PARKING - TWO PARKING SPACES PROVIDED

SITE INFORMATION

NTS

3

1

4

2

147 SOUTHPARK

147 Southpark St
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44 McLea Ct., San Francisco, CA 94103
(415) 864-2800

EXISTING BUILDING
- FRONT



EXISTING BUILDING
- REAR



EXISTING BUILDING
- DETAILS



DATE: 11/20/12

BY: [Signature]

NO. DESCRIPTION DATE

4 PLANNING COMMISSION 01.19.12



EXISTING
PICTURES

EXISTING PICTURES

MTS



GEDDES ULINSKAS ARCHITECTS

82 Second Street
San Francisco CA 94105
T 415 904 0488
F 415 904 8048

147 SOUTHPARK

147 Southpark St
San Francisco, CA

Designer architect:
CCS Architecture
44 McLea Ct., San Francisco, CA 94103
(415) 864-2800

DATE: 01/19/12

DESCRIPTION:

DATE:

4 PLANNING COMMISSION 01.19.12



RENDERING

NFS

1

RENDERING

G200

147 SOUTHPARK

147 Southpark St
San Francisco, CA

Designer architect:
CCS Architecture
44 McLea Ct., San Francisco, CA 94103
(415) 864-2800

DATE: 11/20/12

DESCRIPTION:

DATE:

4 PLANNING COMMISSION 01.19.12



RENDERING

G201



RENDERING

NFS

1

147 SOUTHPARK

147 Southpark St
San Francisco, CA

Designer architect:
CCS Architecture
44 McLea Ct., San Francisco, CA 94103
(415) 864-2800

DATE: 01.19.12

DESCRIPTION: PLANNING COMMISSION

4 PLANNING COMMISSION 01.19.12



RENDERING

G202



RENDERING

NTS

1



GEDDES ULINSKAS ARCHITECTS

82 Second Street
San Francisco CA 94105
T 415 904 0488
F 415 904 8548

147 SOUTHPARK

147 Southpark St
San Francisco, CA

Designer architect:
CCS Architecture
44 McLea Ct., San Francisco, CA 94103
(415) 864-2800

DATE: 01/19/12

DESCRIPTION: PLANNING COMMISSION

DATE: 01/19/12

4 PLANNING COMMISSION 01.19.12



RENDERING

RENDERING

NTS

1

G203



GEDDES ULINSKAS
ARCHITECTS

82 Second Street
San Francisco CA 94105
T 415 904 0488
F 415 904 8548

147 SOUTHPARK

147 Southpark St
San Francisco, CA

Designer architect:
CCS Architecture
44 McLea Ct., San Francisco, CA 94103
(415) 864-2800

DATE: 01/19/12

DESCRIPTION: PLANNING COMMISSION

4 PLANNING COMMISSION 01.19.12



RENDERING

RENDERING

NTS

1

G204

147 SOUTHPARK

147 Southpark St
San Francisco, CA

JACK LONDON ALLEY



PROPOSED PROJECT AT
147 SOUTH PARK STREET

THIRD STREET

SOUTH PARK AVENUE

NTS

1

DATE: 11/20/12

BY: [Signature]

NO. DESCRIPTION DATE

4 PLANNING COMMISSION 01.19.12

THIRD STREET



PROPOSED PROJECT AT
147 SOUTH PARK STREET

JACK LONDON ALLEY

VARNEY PLACE

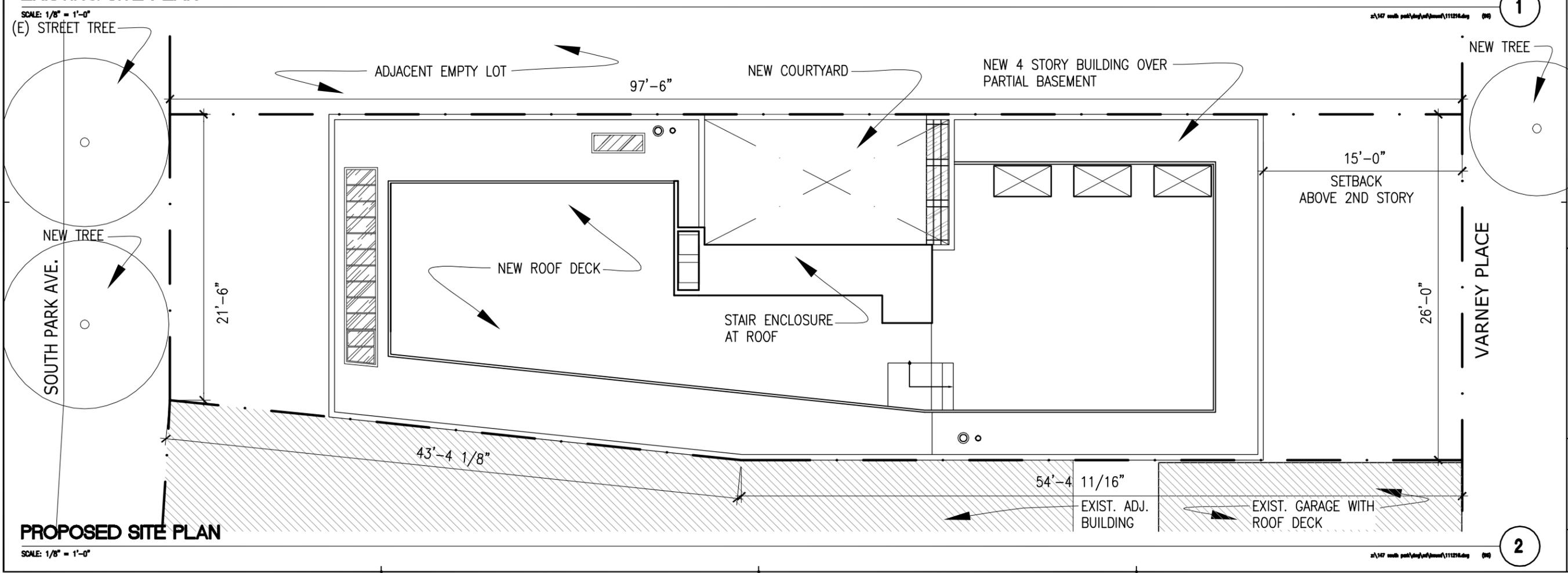
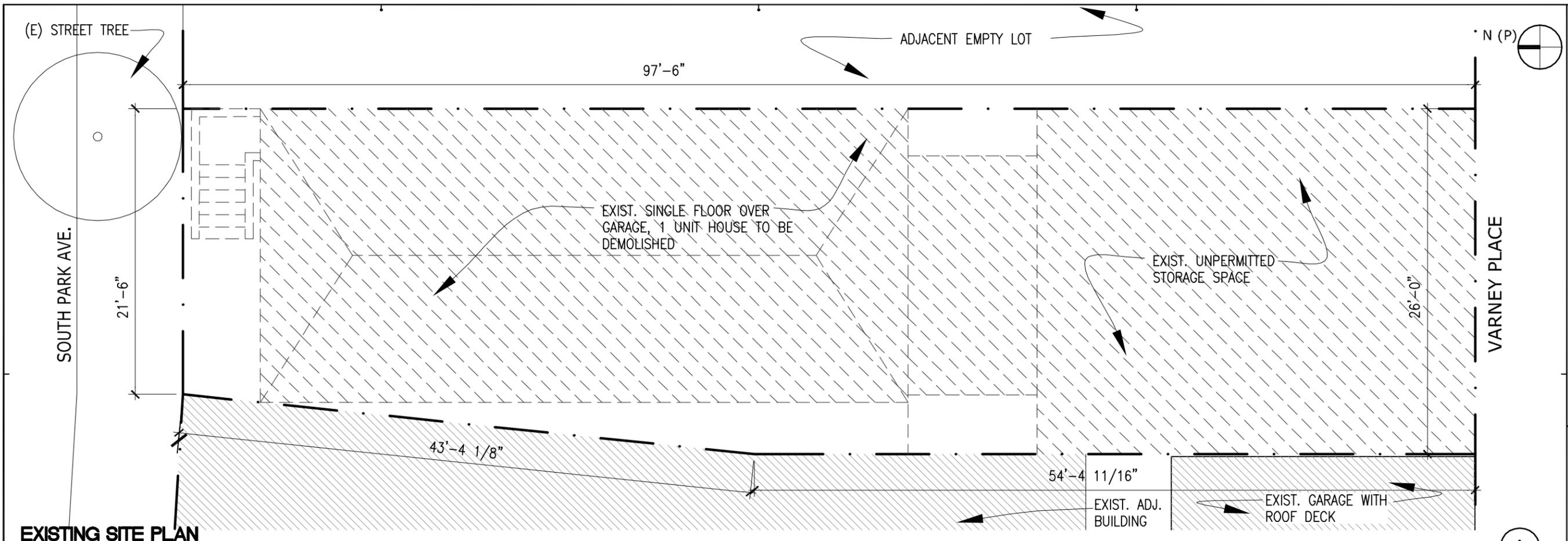
NTS

2



STREET
PHOTOMONTAGES

G205



GEDDES ULINSKAS ARCHITECTS
 82 Second Street
 San Francisco CA 94105
 T 415 904 0488
 F 415 904 9545

147 SOUTHPARK
 147 Southpark St
 San Francisco, CA

Designer architect:
 CCS Architecture
 44 McLea Ct., San Francisco, CA 94103
 (415) 864-2800

NO.	DESCRIPTION	DATE
4	PLANNING COMMISSION	01.19.12



EXISTING AND PROPOSED SITE PLAN

AD00

147 SOUTHPARK

147 Southpark St
San Francisco, CA

Designer architect:
CCS Architecture
44 McLea Ct., San Francisco, CA 94103
(415) 864-2800

DATE: 01/19/12 PLAN NAME: XX/XX/XX

OWNER: CCS ARCHITECTURE

DATE: 01/19/12

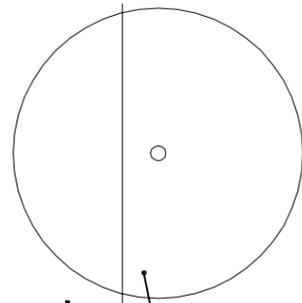
3 PLANNING COMMISSION 07.18.11

4 PLANNING COMMISSION 01.19.12



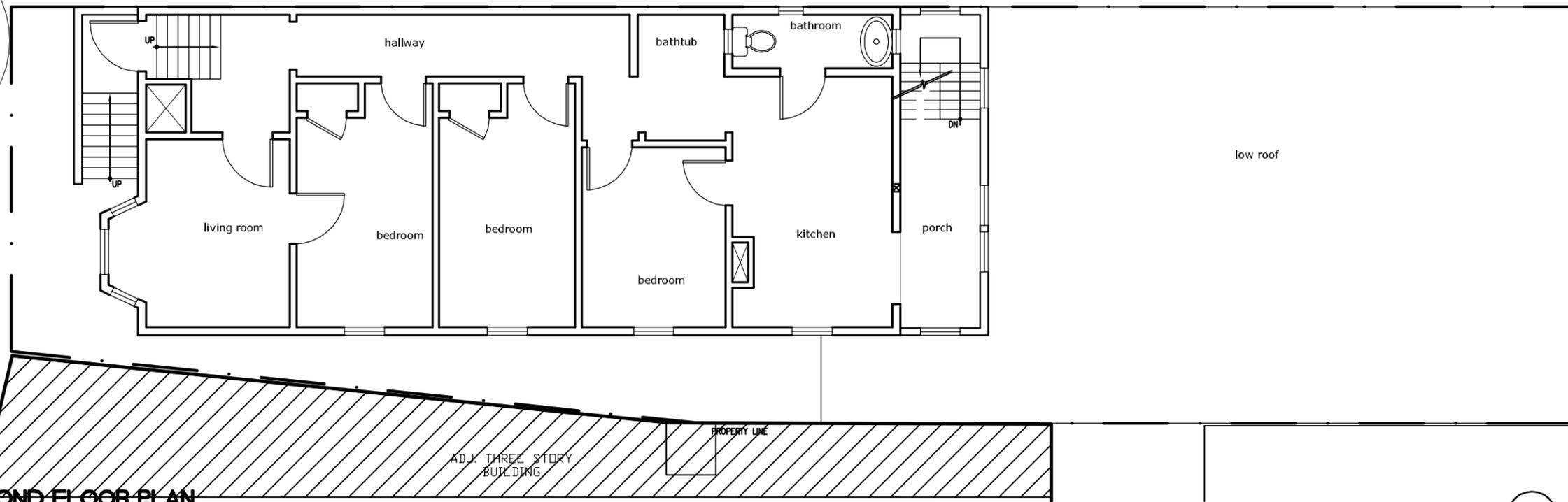
EXISTING FIRST AND SECOND FLOOR PLANS

AD100



SOUTH PARK AVE.

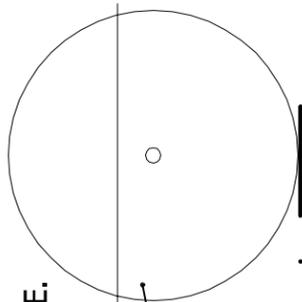
(E) STREET TREE



EXISTING SECOND FLOOR PLAN

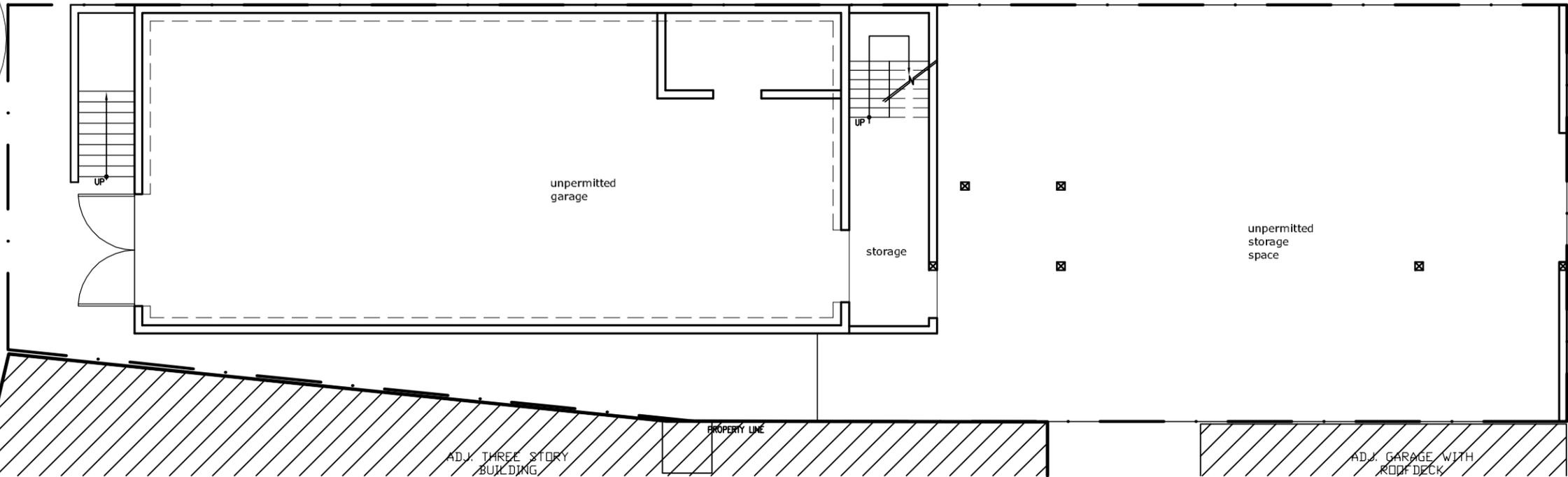
SCALE: 1/8" = 1'-0"

1



SOUTH PARK AVE.

(E) STREET TREE



EXISTING GARAGE PLAN

SCALE: 1/8" = 1'-0"

2



VARNEY PLACE

VARNEY PLACE

147 SOUTHPARK

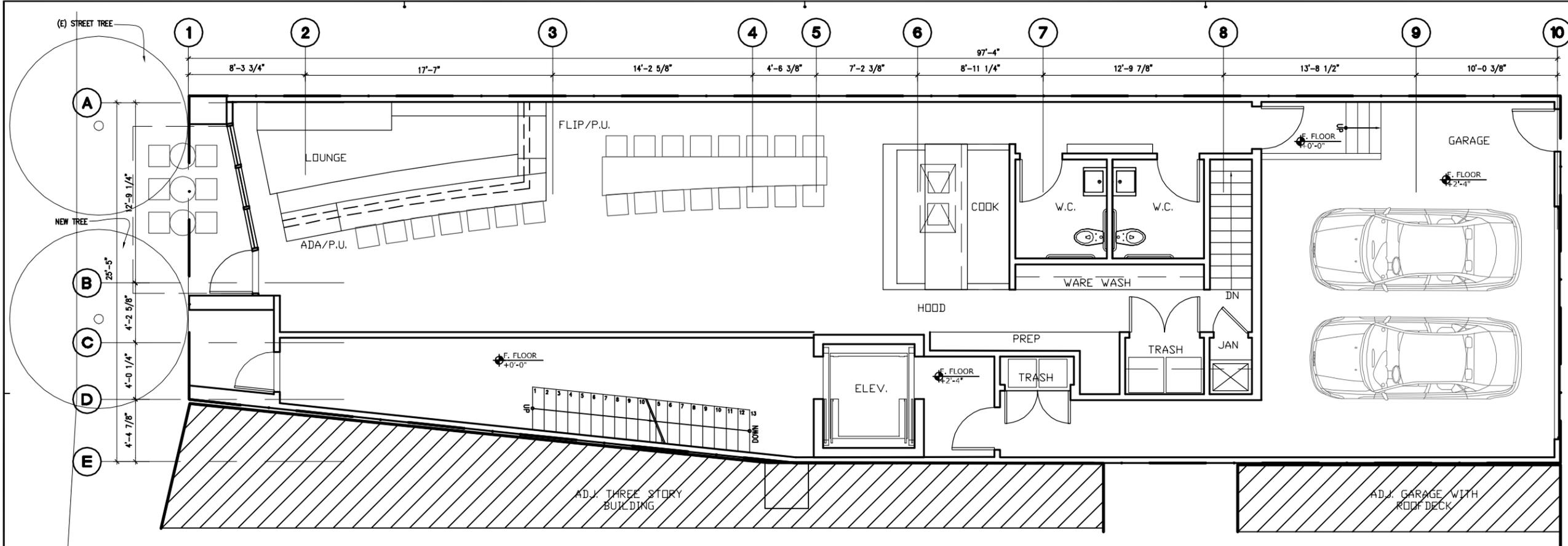
147 Southpark St
San Francisco, CA

Designer architect:
CCS Architecture
44 McLea Ct., San Francisco, CA 94103
(415) 864-2800

DATE: 01/19/12

DESCRIPTION: 147 SOUTH PARK

NO.	DESCRIPTION	DATE
1	ISSUE FOR PLANNING	02.10.11
2	PLANNING COMMENTS	07.12.11
3	PLANNING COMMISSION	07.18.11
4	PLANNING COMMISSION	01.19.12

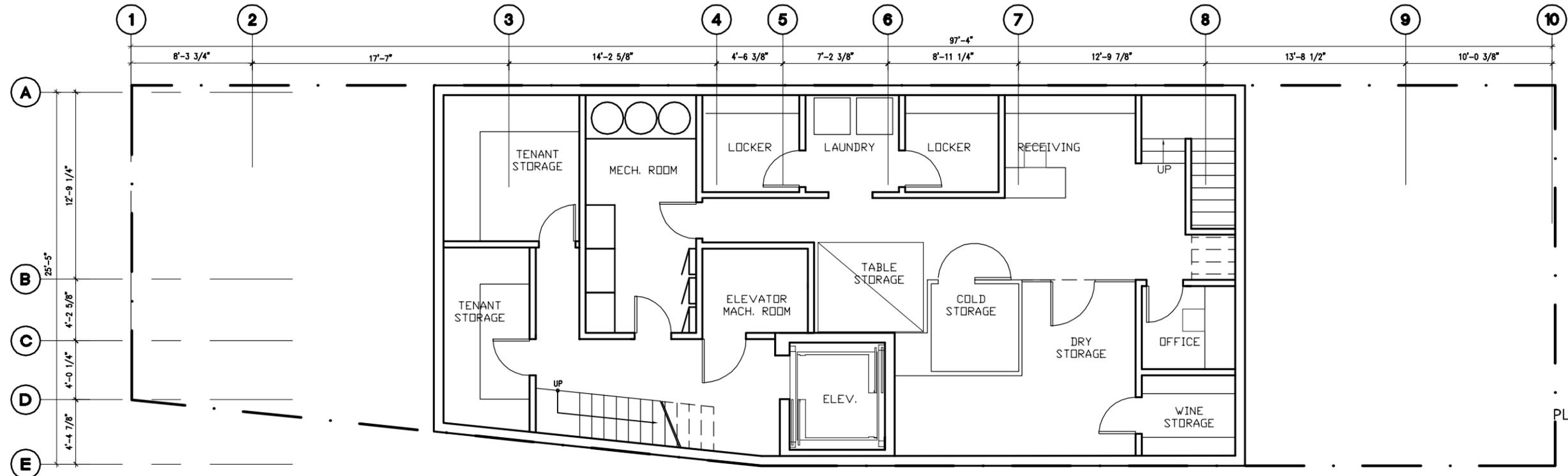


FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"

z:\147 south park\dwg\110700\110700 program.dwg (0)

1



BASEMENT LEVEL PLAN

SCALE: 1/8" = 1'-0"

z:\147 south park\dwg\110700\110700 program.dwg (0)

2



BASEMENT AND FIRST FLOOR PLAN

A100

147 SOUTHPARK

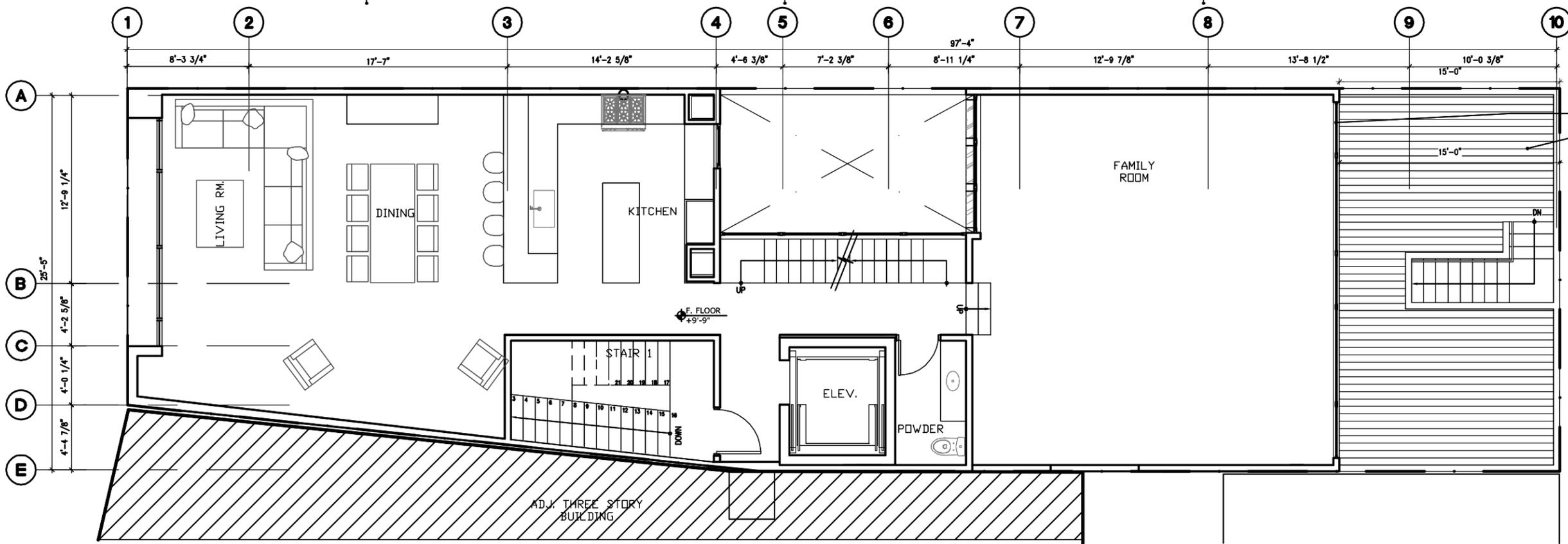
147 Southpark St
San Francisco, CA

Designer architect:
CCS Architecture
44 McLea Ct., San Francisco, CA 94103
(415) 864-2800

DATE: 11/20/11

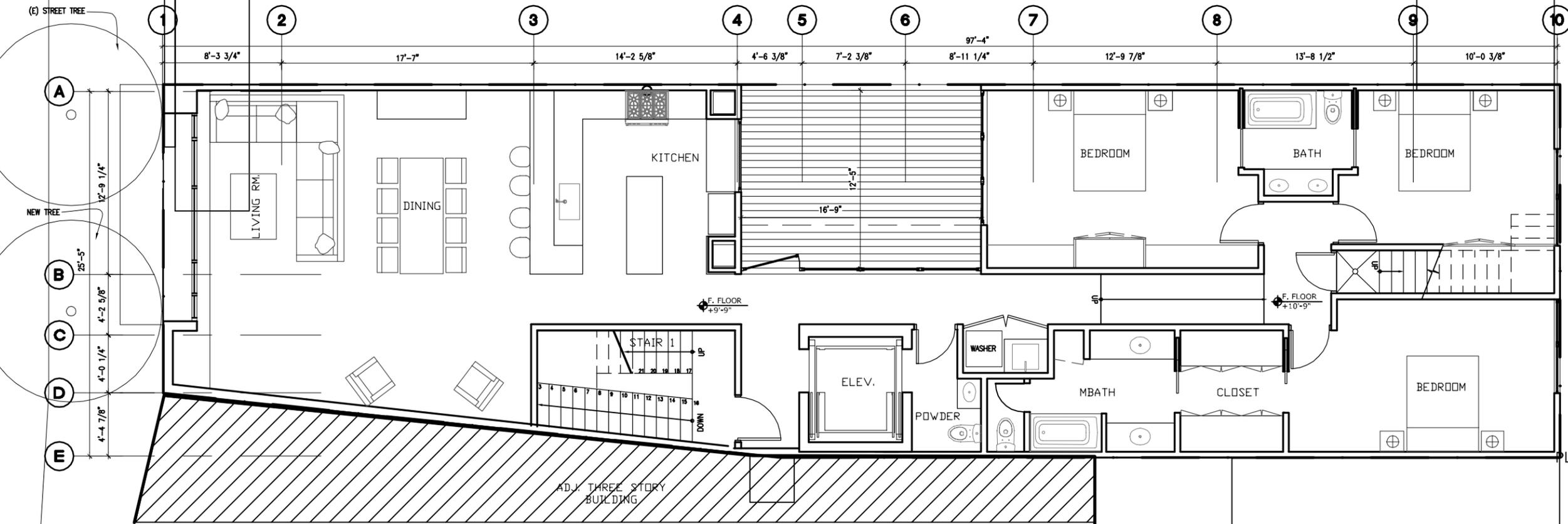
DESCRIPTION: 147 SOUTH PARK

NO.	DESCRIPTION	DATE
1	ISSUE FOR PLANNING	02.10.11
2	PLANNING COMMENTS	07.12.11
3	PLANNING COMMISSION	07.18.11
4	PLANNING COMMISSION	01.19.12



THIRD FLOOR PLAN

SCALE: 1/8" = 1'-0"



SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"



SECOND AND THIRD FLOOR PLAN

A101

147 SOUTHPARK

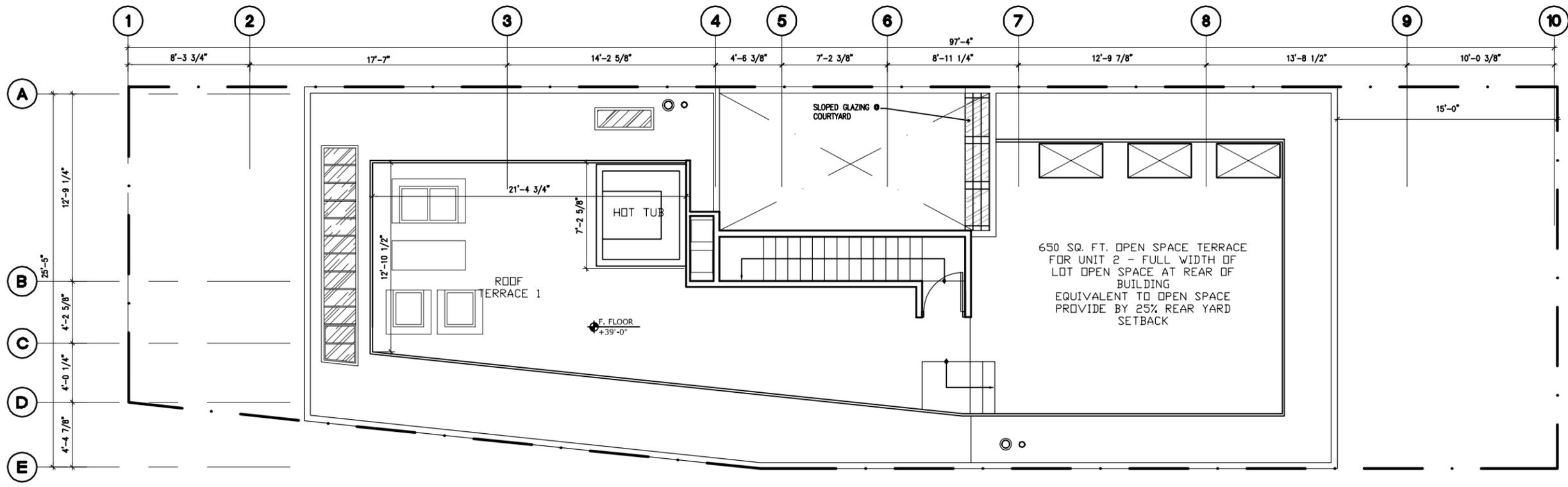
147 Southpark St
San Francisco, CA

Designer architect:
CCS Architecture
44 McLea Ct., San Francisco, CA 94103
(415) 864-2800

DATE: 11/10/11

DATE: 11/10/11

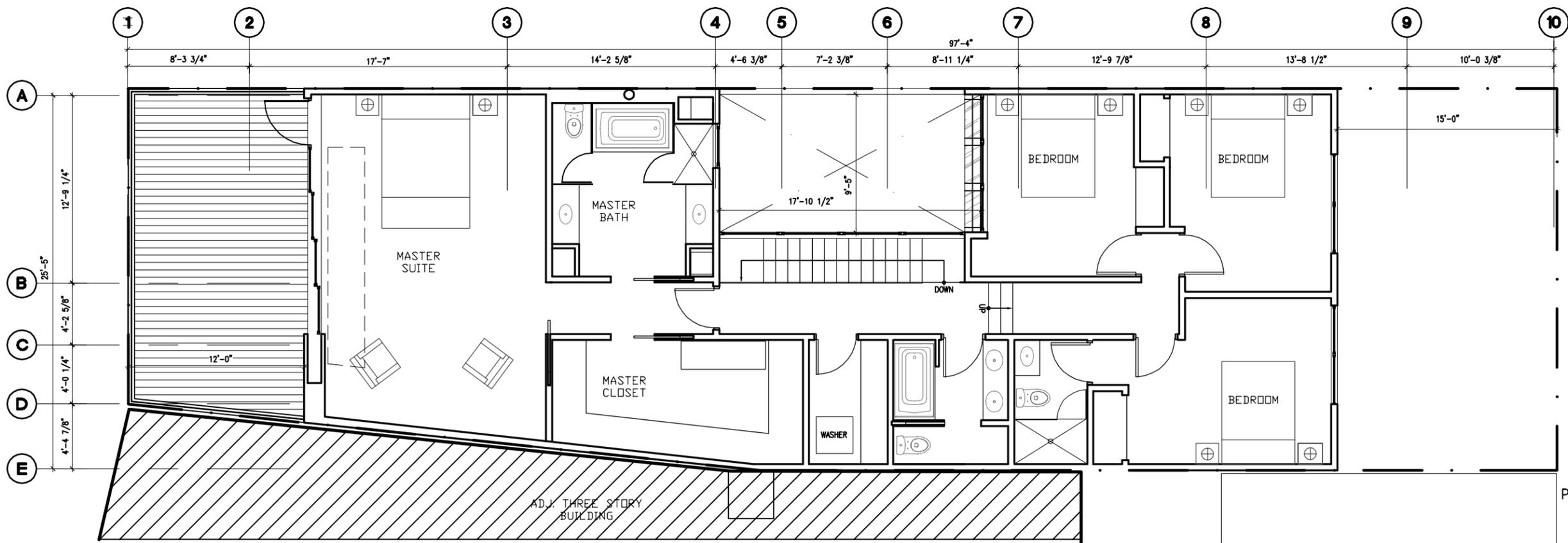
NO.	DESCRIPTION	DATE
1	ISSUE FOR PLANNING	02.10.11
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3	PLANNING COMMISSION	07.18.11
4	PLANNING COMMISSION	01.19.12



ROOF FLOOR PLAN

SCALE: 1/8" = 1'-0"

147 south park.dwg(11/10/11) 11/10/11 programming (0)



FOURTH FLOOR PLAN

SCALE: 1/8" = 1'-0"

147 south park.dwg(11/10/11) 11/10/11 programming (0)



FOURTH FLOOR AND ROOF PLAN

A102

147 SOUTHPARK

147 Southpark St
San Francisco, CA

Designer architect:
CCS Architecture
44 McLea Ct., San Francisco, CA 94103
(415) 864-2800

DATE: 01/19/12

BY: [Signature]

NO.	DESCRIPTION	DATE
1	ISSUE FOR PLANNING	02.10.11
2	PLANNING COMMENTS	07.12.11
3	PLANNING COMMISSION	07.18.11
4	PLANNING COMMISSION	01.19.12



FRONT ELEVATION - SOUTH PARK STREET

SCALE 1/8" = 1'-0"

1



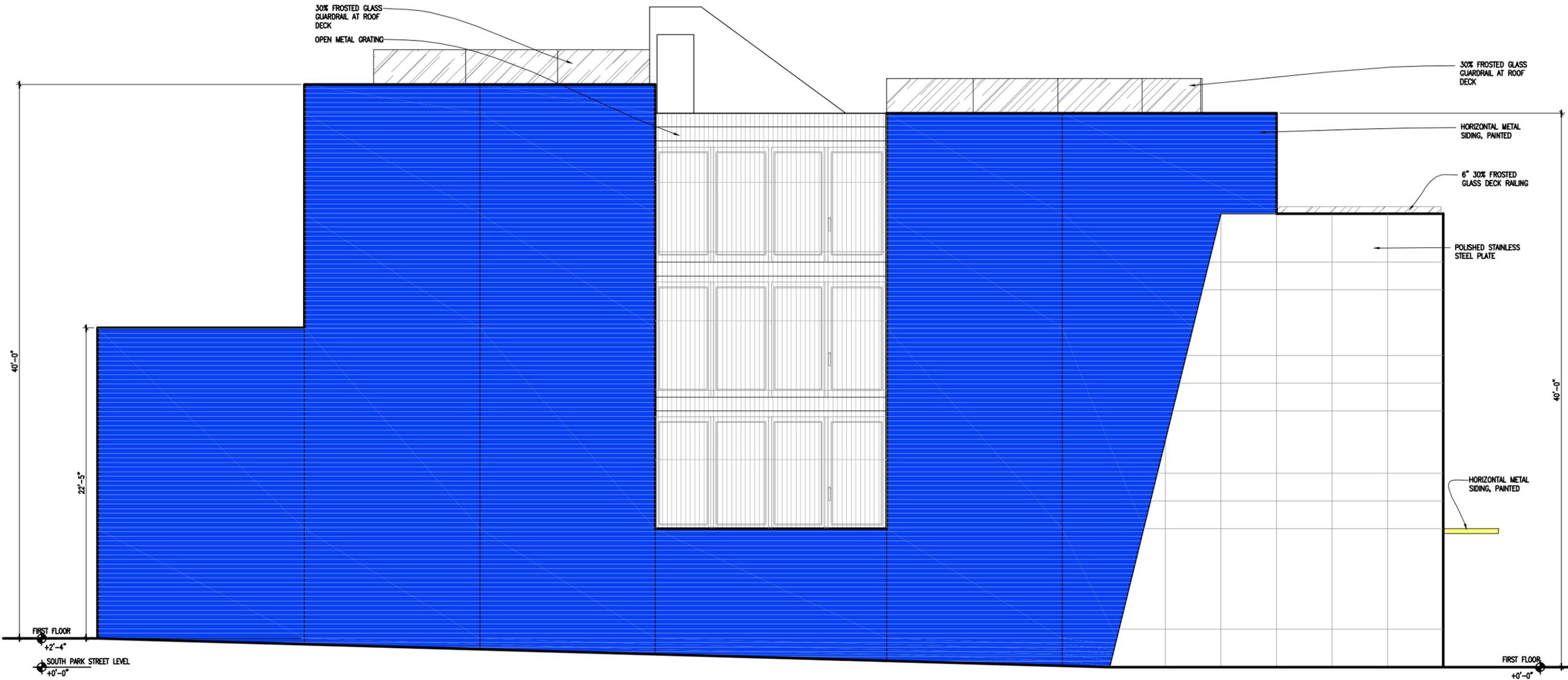
FRONT
ELEVATION -
SOUTH PARK AV.

A200

147 SOUTHPARK

147 Southpark St
San Francisco, CA

Designer architect:
CCS Architecture
44 McLea Ct., San Francisco, CA 94103
(415) 864-2800



DATE: 02/10/11

DATE: 07/12/11

DATE: 07/18/11

DATE: 01/19/12

NO.	DESCRIPTION	DATE
1	ISSUE FOR PLANNING	02.10.11
2	PLANNING COMMENTS	07.12.11
3	PLANNING COMMISSION	07.18.11
4	PLANNING COMMISSION	01.19.12



EAST ELEVATION

SCALE 1/8" = 1'-0"

1

EAST ELEVATION

A201

147 SOUTHPARK

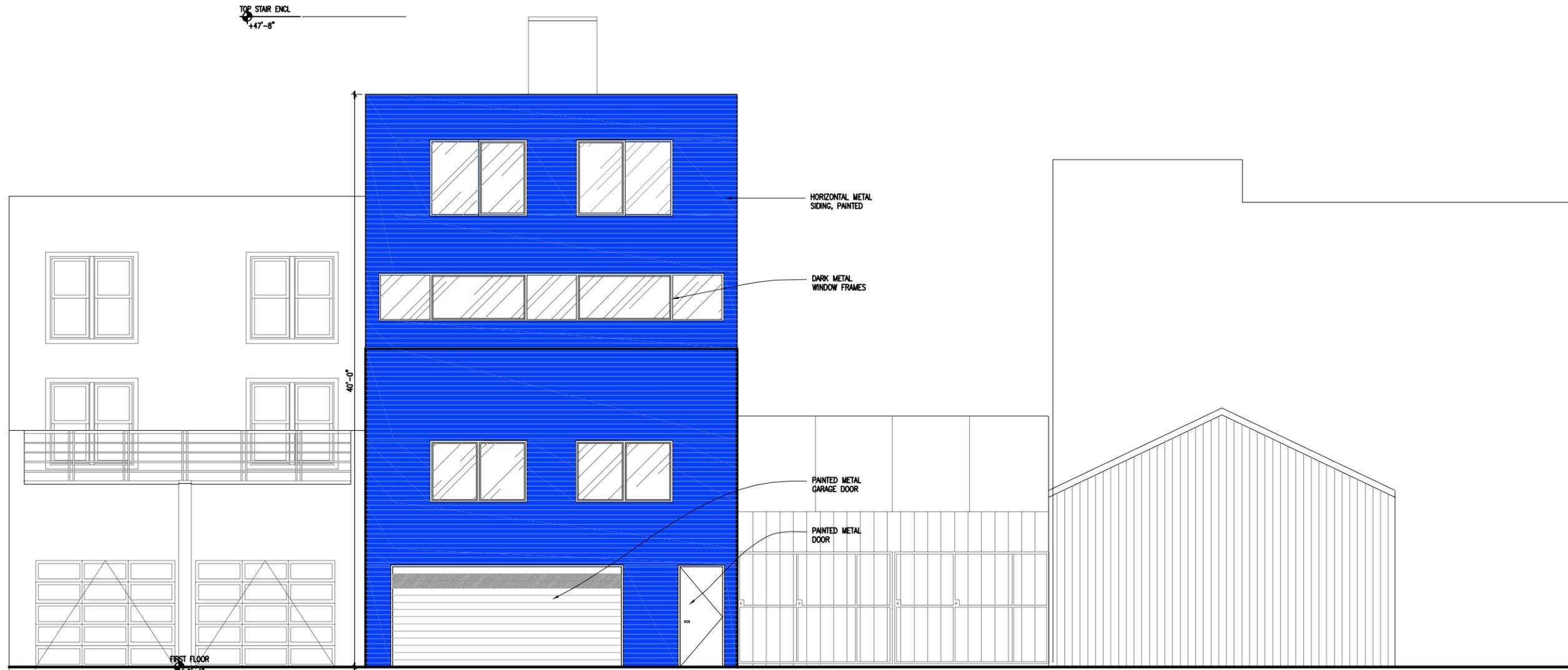
147 Southpark St
San Francisco, CA

Designer architect:
CCS Architecture
44 McLea Ct., San Francisco, CA 94103
(415) 864-2800

DATE: 01/19/12

BY: [Signature]

NO.	DESCRIPTION	DATE
1	ISSUE FOR PLANNING	02.10.11
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3	PLANNING COMMISSION	07.18.11
4	PLANNING COMMISSION	01.19.12



REAR ELEVATION - VARNEY PLACE

SCALE 1/8" = 1'-0"

1



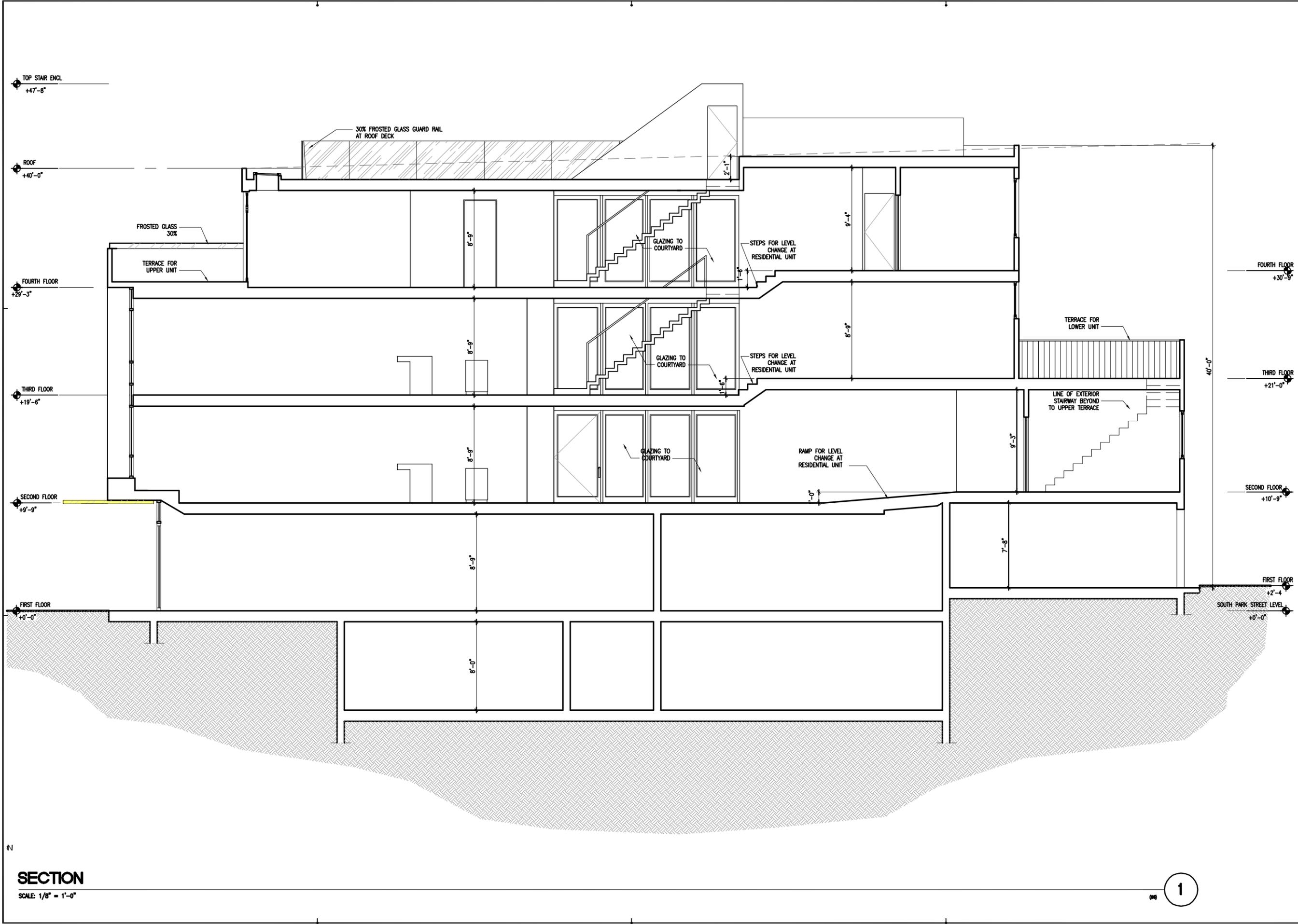
REAR ELEVATION
- VARNEY PLACE

A202

147 SOUTHPARK

147 Southpark St
San Francisco, CA

Designer architect:
CCS Architecture
44 McLea Ct., San Francisco, CA 94103
(415) 864-2800



DATE: 01/10/12

BY: [Signature]

DATE: 01/10/12

BY: [Signature]

2 PLANNING COMMENTS 07.12.11

3 PLANNING COMMISSION 07.18.11

4 PLANNING COMMISSION 01.19.12



SECTION
SCALE 1/8" = 1'-0"

1

SECTION

A204

Case No. 2001.0041CD
141 - 147 South Park
Assessor=s Lots 31 and 32 and Block 3775

SAN FRANCISCO
PLANNING COMMISSION

MOTION NO. 16563

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTIONS 818.14, ALLOWING THE DEMOLITION OF A DWELLING UNIT AND UNDER PLANNING COMMISSION RESOLUTION 14844 ALLOWING THE ESTABLISHMENT OF A SURFACE PARKING LOT IN THE SOUTH PARK DISTRICT, A 40-X HEIGHT AND BULK DISTRICT, AND THE BALLPARK VICINITY SPECIAL USE DISTRICT AS DESIGNATED IN PLANNING COMMISSION RESOLUTION NO. 14844.

Preamble

On January 18, 2001 Jim Bruno, Owner (hereinafter "Applicant,"), made an application (hereinafter "Application") for Conditional Use authorization on the property at 141-147 South Park Lots 31 and 32 in Assessor's Block 3775 (hereinafter "Property") to allow for the demolition of a dwelling unit and the establishment of a surface parking lot within the South Park District, a 40-X Height and Bulk District, and a Ballpark Vicinity Special Use District in general conformity with Plans filed with the Application and labeled "Exhibit B" (hereinafter "Project").

On April 3, 2003, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2001.0041C. Conditional Use authorization is required for the demolition of a dwelling unit.

The proposed Conditional Use application was determined by the San Francisco Planning Department (hereinafter "Department") to be categorically exempt from the environmental review process pursuant to Title 14 of the California Administrative Code. The Commission has reviewed and concurs with said determination.

Findings

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

1. **Existing Use / Site Condition.** The subject site is comprised of lots 31 and 32 in Assessor's Block 3775. The two lots are across the street from South Park, and run between South Park Avenue on the north and Varney Place, a narrow service alley to the

Summary of existing conditions in 2003 and last date of occupancy.

rear. Lot 31 is currently improved with a single-family house that was constructed in 1923 and is currently in very poor condition. A shed, which is currently used to store equipment and supplies for Standard Sheet Metal, a business that encompasses several nearby buildings, is located at the rear of the house. The one-story-over-garage single-family house has about 1,100 square feet of occupiable floor area and needs substantial repair, including a new roof, a new foundation, and dry rot repair and structural upgrades throughout. It was last occupied in 1999 and its rent was approximately \$60 per month. Lot 32, immediately adjacent and to the east of Lot 31, is improved with a one story shed that is also used for Standard Sheet Metal, and has two off-street parking spaces that are accessed off of South Park.

2. **Existing Context.** The subject site is within the SPD (South Park) District in the South of Market neighborhood. South Park Avenue is a street that runs one block between 2nd and 3rd Streets. The street circumnavigates South Park, an elongated oval green open space park that reads as a town square or commons. A very wide mix of uses, including residential, live/work, retail, restaurant, and light industrial uses boarder the park along South Park Avenue. Over the past few years, the South Park area has been experiencing an increasing presence of residential uses. Buildings in the area are generally small scale and range from one to five stories. Most of the buildings have no setbacks creating a consistent street wall that defines the area. The surrounding blocks of 2nd Street, 3rd Street, and Brannan Street, are bordered by much larger buildings, many of them historic warehouses. Like South Park; these larger scaled streets feature a wide variety of uses.
3. **Proposed Project.** The project includes the demolition of the single-family house and the shed structures to its rear and to its side. The site would then be improved with a surface parking lot for up to ten spaces for Standard Sheet Metal, a business located both two doors down along South Park Avenue, and across Varney Place within two buildings that face Brannan Street. The demolished residential unit would be replaced within the adjacent building immediately to the east. The parking lot would feature a solid wall along the South Park Avenue border to help maintain the existing street wall.
4. **Conditional Use Required.** The intent of the SPD (South Park) District is to encourage the retention of the small scale and mixed-use nature of the immediate area. A wide ranges of uses is permitted within the District, including open parking lots for residential, commercial and public uses. However, like in all South of Market Mixed-use Districts, the demolition of a dwelling unit requires Conditional Use. The area surrounding South Park is also subject to controls established by the Planning Commission in Resolution 14844, which aimed to bridge the gap between current land-use controls and controls that were once contemplated for the area surrounding the Ballpark. Within those controls, open parking lots were to be considered by the Planning Commission under Discretionary Review as if it were a Conditional Use.

5. **Dwelling Unit Demolition Guidelines.** On May 11, 1995, the Planning Commission adopted Resolution No. 13873, which established the "Residential Conversion and Demolition Guidelines" (hereinafter "Guidelines"). The Guidelines are specifically meant for those cases where Conditional Use authorization is required for either dwelling unit demolition or conversion. The Guidelines establish criteria and standard conditions that the Commission can use in evaluating proposals for residential demolition. Section 6 of the Guidelines sets forth criteria for approval that the Commission can consider in deliberating the merits of a demolition proposal. Section 7 of the Guidelines sets forth standard conditions that the Commission can apply when they move to approve a residential demolition proposal. The subject site is within an SPD Use District where Conditional Use authorization is required for dwelling unit demolition; therefore, the Guidelines can be used in evaluating this proposal.

6. **Demolition Guidelines Criteria for Allowing Demolition under Conditional Use.** The Commission has determined that the proposed Project complies with the policies of the Residential Demolition and Conversion Guidelines as established in Planning Commission Resolution 13879, in that the proposed demolition meets criteria Nos. 1 and 3 of Section 6.
 - a. Criterion 1 reads as follows:

The subject dwelling unit has been declared by the Superintendent of the Bureau of Building Inspection (BBI) or the Chief of the Bureau of Fire Prevention to be unsafe and uninhabitable and it has been determined that the current property owner or any preceding owner did not cause the unit, through neglect of the maintenance of the building or unit, to be uninhabitable and it is deemed by the Mayor's Office of Housing or its designee, to be economically infeasible to rehabilitate for residential occupancy because costs of rehabilitation exceed the cost of replacement housing pursuant to the Housing Mitigation Formula presented in these Guidelines.

The procedure used by Department staff to determine whether a proposed demolition meets the above-referenced criteria, including in this specific case, is as follows:

Require the project sponsor to provide a written report by a qualified person who is not the applicant, engineer or architect of the project, which demonstrates why the building cannot be retained. This could be an engineering study, a financial study, or a description of other reasons that make retention infeasible. (See attached letter report from Smith Engineering dated July 3, 2000.)

Request a written determination from the Department of Building Inspection (DBI) that repairs rendering the structure safe and habitable would cost 50 percent or

more of the cost to replace the structure. The request must include a report by a licensed building contractor itemizing each housing code violation and the estimated cost to correct each violation. (See itemized cost estimate from Roberts and Sons Builders)

Repair costs in 2003 estimated at 150% of replacement cost.

The cost to repair the structure, would, in fact, cost almost 150 percent of the cost to replace the structure.

- b. Criteria 3 of the Guidelines reads as follows:

The Commission determines that, in South of Market Districts, such action is deemed to be the most reasonable means of balancing competing space needs in order to facilitate the expansion of an immediately adjacent artisan, light industrial, home or business service or community service activity.

Standard Sheet Metal and Plumbing, which is located in several buildings surrounding the subject site, has been experiencing ongoing difficulty in finding adequate space for parking and loading their vehicles and for their employees. The development of Pacific Bell Park and other large developments have made parking more difficult for the business. Furthermore, Varney Place is a very narrow service alley where street parking is prohibited. There are no other alternative locations to provide parking for the business's needs.

- 7. **Need for Affordable Housing.** The Commission finds the following:
 - a. Affordable housing is a paramount statewide concern. In 1980, the Legislature declared in Government Code Section 65580:
 - i. The availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every California family is a priority of the highest order.
 - ii. The early attainment of this goal requires the cooperative participation of government and the private sector in an effort to expand housing opportunities and accommodate the housing needs of Californians of all economic levels
 - iii. The provision of housing affordable to low-and moderate- income households requires the cooperation of all levels of government.
 - iv. Local and state governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the

community.

- b. The 2000 Consolidated Plan for July 1, 2000 - June 30, 2005, issued by the Mayor's Office of Community Development and the Mayor's Office of Housing establishes that extreme housing pressures face San Francisco, particularly in regard to low- and moderate-income residents. Many elements constrain housing production in the City. This is especially true of affordable housing. San Francisco is largely built out, and its geographical location at the northern end of a peninsula inherently prevents substantial new development. There is no available adjacent land to be annexed, as the cities located on San Francisco's southern border are also dense urban areas. Thus new construction of housing is limited to areas of the City not previously designated as residential areas, infill sites, or to areas with increased density. New market-rate housing absorbs a significant amount of the remaining supply of land and other resources available for development and thus limits the supply of affordable housing.
 - c. Development of new market-rate housing makes it possible for new residents to move to the City. These new residents place demands on services provided by both public and private sectors. Some of the public and private sector employees needed to meet the needs of the new residents earn incomes only adequate to pay for affordable housing. Because affordable housing is in short supply within the City, such employees may be forced to live in less than adequate housing within the City, pay a disproportionate share of their incomes to live in adequate housing within the City, or commute ever-increasing distances to their jobs from housing located outside the City. These circumstances harm the City's ability to attain goals articulated in the City's General Plan and place strains on the City's ability to accept and service new market-rate housing development.
 - d. Therefore, the Commission finds it desirable to retain the existing housing stock as much as possible, and where it is appropriate to allow the demolition of an existing housing unit, it is appropriate that a new unit be created and made available at approximately the same level of affordability.
8. Section 7 of the Demolition Guidelines provides conditions that the Commission can place on the approval of the project to mitigate the loss of an affordable unit. The proposal satisfies the general intent of condition 1 of the Guidelines as set forth in Section 7, which reads as follows:

One-for-one replacement housing meeting the standards for Comparable Units described in the Guidelines.

A new unit will be established in the building to the immediate north at 135 South Park.

The unit can be considered “comparable units” in that they meet the following criteria, as outlined in Section 10 of the Guidelines:

- a. *The unit contains equal or greater habitable floor area than the unit it is replacing:*

The new unit will be approximately 2,000 square feet, whereas the dwelling unit to be demolished has only 1,100 habitable floor area.

- b. *The unit meets Building, Housing, Planning and Health Code standards or is specifically authorized by the permitting agency to be exempt from a particular standard, such as parking, rear yard, sprinklers or ADA accessibility:*

The subject building will meet all applicable City code requirements. One of the parking spaces in the new parking lot at the subject site will be designated for parking for the new dwelling unit. The conditions of this Conditional Use authorization has been conditioned that one of the new parking spaces shall be designated for the new unit. The condition stipulates that the project sponsor can seek and justify a parking variance to free him of the parking requirement if he chooses. The Variance application will be evaluated on its merits at the time of the Variance hearing by the Zoning Administrator. If the project sponsor is not granted a parking variance, the requirement to designate one of the new parking spaces for the use of the residential unit shall stand.

- c. *The unit offers equal or greater residential services and amenities to the occupant such as light and air, in-unit kitchen and bathroom facilities, usable open space, building security, utilities, parking and/or proximity to transit, as that of the unit to be removed from the City's housing supply;*

The replacement unit will have access to adequate open space, will have exposure to South Park, will provide kitchen and bathroom facilities, and will provide a parking space within the new parking lot (unless a parking variance was been successfully sought and justified). Because the replacement unit will be immediately adjacent to the existing single-family house, the units will have the same access to public transit and neighborhood amenities.

- d. *At first occupancy the unit is rented for a price equal to or less than the rental rate of the unit to be removed from the City's housing supply. In general, the Guidelines consider comparable housing units to meet either of the following two criteria: (1) where the existing unit was subject to rent control, the new unit should be subject to rent control; or (2) where there is no available rental history and the unit has been vacant for three or more years, the new unit should have a rental rate affordable to those households making no more than 60-percent of the San Francisco Primary*

Metropolitan Statistical Area (PMSA) median income.

The existing single-family house was last occupied in November of 2001, when the tenant vacated the house voluntarily. According to the Project Sponsor, the tenant only paid \$60 per month. The subject unit does not meet either of the two stated criteria because as a single-family house it was not subject to rent control and does have an available rental history. However, the Planning Commission finds that it is appropriate to assign an affordability component to the replacement unit as a means of assuring the replacement unit will meet the housing needs of the general population served by the previous unit. Therefore, a condition has been placed on this Conditional Use authorization that the unit must be affordable to households making no more than 80-percent of the San Francisco Metropolitan Statistical Area (PMSA) median income at first occupancy.

- e. *The unit may be long vacant comparable dwelling unit owned by the San Francisco Housing Authority or another City agency.*

This criterion is not applicable.

- f. *Any tenant displaced by conversion or demolition of units shall be given first right-of-refusal or the replacement unit.*

This criterion is not applicable. The building is currently vacant.

- 9. **Ballpark Vicinity Special Use District / South End Zoning Controls.** On July 10, 1999, the Planning Commission initiated a Discretionary Review process under Planning Commission Resolution 14844, for those uses that were allowed under the permanent controls but were being contemplated as Conditional Uses under new zoning, *the South End Zoning controls*; open parking lots were one of these uses. The resolution stated that such uses were to be taken before the Planning Commission under Discretionary Review, as if they were Conditional Uses. Therefore, the Conditional Use Findings include discussions relating to the parking lot.
- 10. **Conditional Use Findings.** The Commission has determined that the proposed Project complies with the criteria of Section 303 of the Code in that:
 - a. *The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community .*

The demolition of the existing single-family house and two sheds and the development of a surface parking lot for Standard Sheet Metal is necessary and

desirable for the neighborhood and community. Standard Sheet Metal is a Production, Distribution and Repair business that has been in the South Park area for more than 60-years. It is a business that provides jobs for up to 40 workers. Because of the intensifying development of the area around South Park, it has become increasingly difficult for workers and for business related vehicles to park. The establishment of the parking lot will help assure the on-going viability of business. The parking lot will be designed to help maintain the unique character of the South Park area.

b. *The proposed demolition of the existing house and the development of the surface parking lot will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:*

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

The removal of the dwelling unit at the subject site and its replacement with a new dwelling unit within the structure at 135 South Park will not adversely effect neighboring properties or the public realm as no new structure will be constructed. Though the parking lot will create a partial void in the street wall where a house once stood, it will be mitigated by the construction of a tall wall that will border the parking lot and shield the parked vehicles from public view. The wall will feature landscaping in front of it; the wall and landscaping together will help maintain the continuity of the street wall while softening the effect of a blank wall surface.

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

The parking lot will create a parking lot for a business that currently has an off-street parking deficit. The parking lot will enable workers and business oriented vehicles to park off the street and thereby free up on-parking space for neighboring residents, as well as workers and patrons of nearby businesses. This Conditional Use has been conditioned that one of the new parking spaces will be designated for use by the new residential dwelling unit unless a parking variance is successfully sought and justified.

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

The project only includes the establishment of a surface parking lot and not the expansion of the existing business. Conditions have been incorporated into this approval that restricts the use of the surface parking lot from any activity other than parking and loading. No outdoor light industrial activity or storage will be allowed within the surface parking lot.

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

The project design incorporates a tall wall and ample landscaping to hide parked vehicles, and maintain the continuity of the street wall, while softening the blank surface of the wall.

- 11. The Project meets the criteria in Section 303(c)(3) by complying with applicable provisions of the Planning Code as established in the Findings and affirmatively promoting the objectives and policies of the General Plan.

RESIDENCE ELEMENT

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 GROWTH.

POLICY 4 Locate infill housing opportunities on appropriate sites in established neighborhoods.

OBJECTIVE 12 PROVIDE A QUALITY LIVING ENVIRONMENT.

POLICY 1 Assure housing is provided with adequate public improvements, services and amenities.

POLICY 4 Promote the development of well designed housing.

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 2 MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

- POLICY 1 Seek to retain existing commercial and industrial activity and to attract new such activity to the City.
- OBJECTIVE 4 IMPROVE THE VIABILITY OF EXISTING INDUSTRY IN THE CITY AND THE ATTRACTIVENESS OR THE CITY AS A LOCATION FOR NEW INDUSTRY.
- POLICY 1 Maintain and enhance a favorable business climate in the city.
- POLICY 3 Avoid public actions that displace existing viable industrial firms.
- POLICY 6 Assist in the provision of available land for site expansion.
- OBJECTIVE 6 MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.
- POLICY 9 Regulate uses so that traffic impacts and parking problems are minimized.

SOUTH OF MARKET PLAN

- OBJECTIVE 1 PROMOTE EXISTING INDUSTRIAL, ARTISAN, HOME AND BUSINESS SERVICE, AND NEIGHBORHOOD-SERVING RETIAL, PERSONAL SERVICE AND COMMUNITY SERVICE ACTIVITIES FROM DISPLACEMENT AND FACILITATE THEIR EXPANSION.
- POLICY 4 Provide sufficient land and building area to accommodate the reasonable growth and expansion of the South of Market's diverse economic activities.
12. **Eastern Neighborhoods Community Planning Process.** The Planning Department and the Planning Commission are currently undertaking an effort to rezone the South of Market area, including the subject parcel. No permanent or interim controls have yet been introduced. In the "Community Planning in the Eastern Neighborhoods – Rezoning Options Workbook – First Draft", the Planning Department laid out three rezoning options for the South of Market Area. All options allows moderate PDR uses, such as Standard Sheet Metal, to exist at the current site.
13. Planning Code Section 101.1 establishes Eight Priority Planning Policies and requires review of permits for consistency with said policies. The Project complies with said policies

in that:

- a. No neighborhood serving retail uses are being displaced or otherwise affected by the proposal.
 - b. Existing housing and neighborhood character will not be adversely affected by the proposed project. The existing street wall will partially be maintained by the proposed new wall.
 - c. The Project would have no adverse impact on the City's existing supply of affordable housing. As conditioned, the single-family house to be demolished would be replaced by a unit within the building at 135 South Park, and would be made available to families making no more than 80-percent of the median of the area income.
 - d. The Project will not significantly effect automobile traffic congestion or parking problems in the neighborhood. The project will provide off-street parking and thereby free up on-street parking for nearby residents, workers, and patrons.
 - e. No industrial or service industry establishment would be displaced by the Project. The use of the lot will help the ongoing viability of Standard Sheet Metal.
 - f. Earthquake safety requirements would be considered during review of any building permit applications.
 - g. The subject building is not a landmark, within an historic district, and is not included on any historic or architectural surveys; they proposal will therefore not effect any historic properties.
 - h. The Project has no impact on open space or parks or their access to sunlight and vistas.
14. 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.
 15. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby APPROVES Conditional Use Application No. **2001.0041CD** subject to the following conditions attached hereto as EXHIBIT B which is incorporated here in by reference as though fully set forth.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission on **April 3, 2003**.

Linda Avery
Commission Secretary

AYES: Commissioners Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

NOES: Commissioner Feldstein

ABSENT: None

ADOPTED: April 3, 2003

EXHIBIT A

CONDITIONS OF APPROVAL

1. This authorization is for the demolition of the existing single-family house at the establishment of a new surface parking lot at 141-147 South Park Avenue, Lots 31 and 32 in Assessor's Block 3775 in the SPD (South Park) District, a 40-X Height and Bulk District, and Ballpark Vicinity Special Use District as designated in Planning Commission Resolution 14844, in general conformity with the plans labeled Exhibit B, and dated April 3, 2003, and included in the docket for Case No. 2001.0041CD.
2. This authorization is valid for a period of three (3) years from the date of approval by the Planning Commission. This Authorization may be extended at the discretion of the Zoning Administrator for up to two (2) years where the failure to construct the project is caused by delay by any other public agency or by legal challenge.
3. The Conditions of approval shall be graphically incorporated onto the approved plan set; prior to release by the Planning Department.
4. The project sponsor shall continue to work with staff to refine the design and assure that all building materials, including finishes and detailing as well as landscaping are appropriate for the site and neighborhood. The landscaping shall be maintained.
5. All applicable City Codes and standards shall be met.
6. The subject parking lot shall be used for parking and loading only. The open lot shall not be used for any light-industrial activity or storage. The use of the parking lot for any activity other than parking and loading that has not received Planning Department or Commission approval shall be considered violating these conditions of approval and shall be subject to abatement proceedings as detailed in Conditions 12-14 below.
7. One of the new spaces in the new parking lot shall be designated for use by the dwelling unit only. The project sponsor shall record a Notice of Special Restriction (NSR) on both subject lots' land records that will designate the space for the life of the dwelling unit pursuant to Planning Code Section 159 on a form approved by the Zoning Administrator; or the project sponsor shall successfully seek and justify a parking variance for the new unit.

CONDITIONS OF APPROVAL -- AFFORDABLE UNIT

8. The Project Sponsor shall establish a new dwelling unit within the existing building at 135 South Park Avenue, as detailed in the plans included in docket for Case No. 2001.0041C. If for any reason a Planning Code requirement cannot be met for the new unit, a Variance shall be successfully sought and justified.
9. If the Project Sponsor cannot provide the new unit at 135 South Park, or if a better site is identified for the replacement unit, the new site for the replacement unit shall be identified and shall meet the "comparable" unit criteria of Section 10 of the Residential Demolition and Conversion Guidelines to the satisfaction of the Zoning Administrator.
10. The demolition permit for the existing single-family house shall not be approved by the Planning Department until a site permit, and any other required entitlement, has been approved by the Planning Department, or if applicable, by the Planning Commission or Zoning Administrator, for the replacement unit.
11. The replacement unit shall be rented, at first occupancy, to qualifying households, whose gross annual income, adjusted for household size, does not exceed 80 percent of the median income for the San Francisco Principal Metropolitan Statistical Area (PMSA); income of qualifying household shall be verified by the Mayor's Office of Housing. The percentage of median income specified herein shall be the maximum income for qualifying households and the basis of base rent for the replacement unit.

CONDITIONS OF APPROVAL – MONITORING AND VIOLATIONS

12. The owners of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this Conditional Use authorization as a Notice of Special Restrictions in a form approved by the Zoning Administrator.
13. Violation of the conditions noted above or any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$500 a day in accordance with Code Section 176.
14. Should implementation of this Project result in complaints from neighborhood residents or business owners and tenants, which are not resolved by the Project Sponsor and are subsequently reported to the Zoning Administrator and found to be in violation of the City Planning Code and/or the specific Conditions of Approval for the Project as set forth in Exhibit A of this motion, the Zoning Administrator shall report such complaints to the City Planning Commission which may thereafter hold a public hearing on the matter in accordance with the hearing notification and conduct procedures as set forth in Sections 174, 306.3 and 306.4 of the Code to consider revocation of this Conditional Use

PLANNING COMMISSION

Case No. 2001.0041CD
141-147 South Park
Motion No. 16563
Exhibit A
Assessor=s Lots 31 and 32 and Block
3775
Page 3

Authorization.

15. Should the 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 Planning Code Section 351(f)(2).

Daniel Frattin

From: victor mezhvinsky [victor@mtdevco.com]
Sent: Monday, January 09, 2012 12:24 PM
To: Daniel Frattin
Subject: Fwd: 147 South Park Support

Begin forwarded message:

From: Scott Pelichoff <pelichoff@comcast.net>
Date: December 22, 2011 11:18:34 AM PST
To: Cass Smith <Cass@ccs-architecture.com>
Subject: 147 South Park Support

Dear Planning Commission and Mr. Cass Calder Smith,

After reviewing the design drawings dated 12.16.11 for the new mixed use building to be located at 147 South Park, I would like to hereby express my support for the project as designed. I am strongly in favor of replacing the existing, long abandoned, structure with this new infill development.

In my opinion, the active grade level commercial space, the setback park-front massing and the unique exterior finishes of the proposed building will all contribute positively to the Southwest quadrant of South Park.

Thank you.

Sincerely,

Scott Pelichoff
41 South Park
San Francisco, CA 94107
(415) 305-8234
pelichoff@comcast.net

147 south park email letter from craig forrest.

From: Cass Smith [Cass@ccs-architecture.com]
Sent: Monday, January 09, 2012 9:33 AM
To: Daniel Frattin; victor mezhvinsky (victor@mtdevco.com); Jesse Tomko (jesse@mtventure.com); James Reuben
Subject: 147 south park email letter from craig forrest.

-----Original Message-----

From: craig forrest [mailto:csf@javajaded.com]
Sent: Monday, January 09, 2012 7:59 AM
To: Cass Smith
Subject: 147 south park

Dear Cass Smith,

I have been owned property on South Park since 2007, and I have been extremely pleased with the architectural innovation and improvements that occurred on the properties that have faced the park, since I have become a landowner. I have review the drawings on the proposed development at 147 South Park, as detailed in the attached drawings of 16th December 2011, and I wholeheartedly endorse this project.

Best Regards,
Craig Forrest

Jeff Sand
Sand Studios
449 Bryant Street
San Francisco Ca 94107

Tuesday, December 27, 2011

Subject: Project at 147 South Park

This letter is in support of the project at 147 South Park.

As a property owner on South Park I am interested in maintaining the area's unique character. South of market in general and South Park in particular have benefited from mixed use projects. Small mixed use like this one with a restaurant and residences will engage the community in a way that is tangible to the locals here. I would like to see this property developed to the high level in the proposal as I think it will add value to all that encounter it; from the local people that work here and to us who have lived and worked here for decades. I say proceed!

All the best,

Jeff Sand

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January 9, 2011

By Hand Delivery

Mr. Ron Miguel
President
Planning Commission
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Re: 147 South Park Avenue – Case No. 2010.0959CV
Building Permit Application Nos. 2011-02-17-0503; 2001-02-17-0507
Hearing Date: January 19, 2012
Our File No. 7072.01

Dear President Miguel and Commissioners:

Our office is working with Victor Mezhvinsky and Jesse Tomko (“Sponsors”), the sponsors of a proposed mixed-use building (“Project”), designed by Cass Calder Smith in collaboration with Geddes Ulinskas Architects, at 147 South Park Avenue (“Property”). The Property is currently occupied by a severely dilapidated single-family house, which the Commission previously approved for demolition in 2003. In place of the existing structure, the Sponsors propose a new four-story building with two residential units above a ground-floor restaurant. Although the demolition was previously approved, the Planning Department has indicated a new conditional use is required due to intervening changes in demolition regulations.

We respectfully request that the Commission approve the conditional use authorizing the demolition because:

- The existing single-family home has no historic value and was a vacant, unsafe eyesore long before the Sponsors purchased it in August 2010. Its condition justified demolition in 2003. It has steadily deteriorated since then, and it certainly merits demolition now. (See discussion at pp. 4-5.)
- The Project will include two family-sized units with large, sunny open spaces. With high-quality exterior materials and careful consideration given to the scale of neighboring buildings, the Project will be a handsome addition to South Park Avenue. (See discussion at pp. 2-3.)

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James A. Reuben | Andrew J. Junius | Kevin H. Rose | David Silverman | Sheryl Reuben¹ | Jay F. Drake

Daniel A. Frattin | Lindsay M. Petrone | John Kevlin | Benjamin J. Schnayerson | Jared Eigerman^{2,3} | John McInerney III²

1. Also admitted in New York 2. Of Counsel 3. Also admitted in Massachusetts

- The Project will improve the pedestrian quality of South Park Avenue by creating a new restaurant at the ground floor. All parking entries will be located at a service alley at the rear of the building. (See discussion at pp. 2-3.)
- The Project's design has been carefully vetted with neighbors and Planning Department staff. We are not aware of any active opposition at this time, and several neighbors have expressed support. (See discussion at p. 7.)

We look forward to presenting the Project to you on January 19th.

1. Background

The Property is located on the south side of South Park Avenue, between Third Street and Jack London Alley. The Property is a 2,438 sq. ft., flat lot within the SPD (South Park) Zoning District and a 40-X Height and Bulk District. Planning Code § 814 describes the South Park District as “characterized by small-scale, continuous-frontage warehouse, retail and residential structures in a ring” around South Park. Buildings range from one to four stories in height. Varney Place is a 20-foot-wide, one-block-long service alley with no sidewalks. Building frontages on Varney Place are, almost without exception, given over to service, loading and parking entrances.

The one-story, single-family home on the Property was built in 1906. In 1951, the building was raised—apparently without a building permit—to accommodate a parking garage. The “shed” at the rear of the building was also constructed without permits: it is a makeshift roof supported by a fence and a few supplemental posts.



Front View of 147 South Park Av.

Rear View of 147 South Park and
Adjacent Storage Yard

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In 2003, the Planning Commission found the house to be in “very poor condition” and approved a conditional use authorizing its demolition and replacement with a surface parking lot. (See **Exhibit A** for an annotated copy of Planning Commission Motion No. 16563.) Since the earlier demolition approval, the home has remained unoccupied and continued to deteriorate to its present condition.

The Sponsors acquired the Property in August 2010, and immediately commenced design and other studies necessary to bring the Project to the Commission for approval.

2. Project Description

Overview. The Project is a four-story-over-basement, 40-foot tall building. The ground floor would be occupied by an approximately 2,133 sq. ft. restaurant fronting on South Park Avenue, and a garage on Varney Place. A three-bedroom dwelling unit (“Lower Unit”) would be located on the second floor, and a four-bedroom dwelling unit (“Upper Unit”) would occupy the third and fourth floors. A basement level would provide storage for both dwelling units and the restaurant, as well as a mechanical room. One residential and one commercial parking space would be provided in a ground-level garage accessed via Varney Place.



Proposed New Building at 147 South Park Avenue

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Setbacks and Open Space. Like most buildings in the neighborhood, the Project would cover the entire lot at the first and second floors. At the third floor, the rear of the building would be set back approximately 15 feet from Varney Place, and the setback area would be improved as a 321 sq. ft. terrace for the Lower Unit. To match the scale of the neighboring building, the Project's fourth floor would be set back 12 feet from the South Park frontage, creating a 266 sq. ft. terrace for the Upper Unit. A 650 sq. ft. roof deck would also be available for the Upper Unit.

3. The Project meets the criteria for approval of a demolition.

In granting the prior demolition approval, the Planning Commission noted that the building was "in very poor condition...and needs substantial repair, including a new roof, a new foundation, and dry rot repair and structural upgrades throughout."¹ The Commission indicated that the "cost to repair the structure would, in fact, cost almost 150 percent of the cost to replace the structure."²

Since the prior approval, Planning Code Section 317 was adopted, establishing more stringent criteria for evaluating residential demolitions. However, even under these stricter rules, the Project is a logical candidate for demolition:

- **Soundness Factor Exceeds 50%.** The soundness factor for a structure is the ratio of the cost of repairing a residential building to the cost of replacing it. A building is considered unsound and a candidate for demolition where the soundness factor exceeds 50 percent. By policy, the Commission excludes deferred maintenance from the calculation of repair costs.

In a detailed report ("Soundness Report") that was carefully reviewed on three occasions by Planning Department staff, Bonza Engineering determined that the building's soundness factor was approximately 55 percent. This is attributed primarily to the inadequacy of critical structural elements, and a failing, 100-year-old brick foundation that requires complete replacement.

- **Real World Rehabilitation Costs.** The Soundness Report is conservative in the extreme. The Department's methodology for determining soundness categorically excludes many costs—deferred maintenance is one example—that would have to be incurred to restore the building to habitable condition.

¹ Planning Commission Motion No. 16563, p. 2

² *Id.*, p. 4

However, cessation of maintenance is a logical response when a building has been approved for demolition. In reality, substantial expenditures will have to be made to correcting conditions – extensive dry rot, water damage, and other deterioration – exacerbated by a decade of little or no maintenance. According to Bonza Engineering, once actual conditions are accounted for, the house:

[N]o longer represents a building that should be preserved. At this point, there are real questions about whether this building even could be salvaged and restored...[T]he assumption of salvageability is made to conform to the format of a soundness report, and it is essentially an academic assumption. The building was suffering from enough significant deficiencies to qualify for demolition in 2003. During the intervening years, no maintenance has been performed and its long process of decay has continued unabated...To salvage the existing structure and restore it to even minimal safety and habitability standards would easily exceed the 50% replacement cost threshold. In fact, any actual effort, i.e. not an exercise on paper, to salvage and rehabilitate this building would likely qualify as a de facto demolition.³

- **No historic resource impacts.** The Project was evaluated by a well-qualified preservation architect (Tim Kelley), Planning Department preservation staff (Moses Corrette), and the Historic Preservation Commission. All reached the same conclusion: the existing building is not a historic resource; neither the demolition nor the new construction will have a significant impact on historic resources.
- **Existing Housing Supply/Rent Control.** As a single-family home that was built before 1978, the existing house is not subject to rent control. It has not been occupied since 1999 and is not in habitable condition. As such, its demolition will have no effect on the supply of housing, including affordable and rent-controlled housing.
- **Increased Family-Housing Supply on an Infill Site.** The Project would double the number of housing units on this infill site, increasing the number of bedrooms from three to seven. Each of the new units would have at least three bedrooms, as well as quality outdoor space, making them suitable for families with children.

³ Soundness Report at p. 13

4. Variances and Modifications

In conjunction with the conditional use, the Sponsors have requested a variance from standards limiting the size of the Project's garage door and dictating a minimum height for the ground-floor commercial space. As well, the Sponsors are seeking a modification of the rear yard requirement. These minor exceptions are justified as follows:

- **Ground-Floor Commercial Height.** Like many other viable businesses fronting on South Park, the Project proposes a ten-foot-high ground floor. When the Project was filed, there was no minimum height requirement for the ground-floor commercial space. Last November—months after the Sponsors delayed their originally scheduled hearing to work with neighbors on the design—Eastern Neighborhoods “cleanup” legislation passed mandating 14-foot-tall ground-floor commercial spaces without increasing the 40-foot height limit. If applied to the Project, the Sponsors would have to eliminate the top residential floor from the building. Alternatively, the commercial space could be repurposed for residential use, which is not subject to the minimum height requirement. Either result would impose a hardship on the Sponsors, and would alternately conflict with City policies encouraging the production of family-sized housing on the one hand and those encouraging the activation of South Park with commercial spaces on the other.
- **Garage Door Width.** The Code limits the Project's garage door to a maximum width of 8'-8". This may be sufficient for garage doors on wider streets. However, at only 20 feet wide, Varney Place is among the narrowest alleys in SoMa, making it difficult for cars to maneuver into a garage door less than nine feet wide. Due to this condition, other buildings on Varney Place have wider-than-average garage doors. Because Varney Place is wholly lacking in pedestrian amenity—it has no sidewalks—and serves almost exclusively as a vehicular service alley, the wider garage door will not have a negative effect on the pedestrian environment.
- **Rear Yard Modification.** The Planning Code allows for modification of the rear yard requirement, where an equivalent amount of open space is provided elsewhere on site. Here, there is no pattern of rear yards. Many buildings fully occupy their lots. Consequently, a code-compliant rear yard is undesirable as it would largely be shaded by surrounding buildings. Instead, the Project's open space is located on sunny terraces and decks at the upper levels. In total, the amount of open space is almost double what would be provided in a code-compliant rear yard.

5. Community Outreach & Project Revisions

Since the initial submittal, the Project's design has been reworked in a series of revisions made in close consultation with neighbors and Planning Department staff. The Sponsors and/or their architects met with Toby Levy and Jeffrey Liebovitz of the South Park Improvement Association, as well as with other unaffiliated neighborhood residents, business owners, and property owners. In response to feedback from both neighbors and the Planning Department, the following changes have been made to the Project:

- Eight different facades spanning two architects have been proposed;
- On the South Park frontage, a 12-foot fourth-floor setback was incorporated to match the scale of the adjacent building and balconies were eliminated;
- The rear setback was increased in response to the owner of the adjacent building;
- Additional outdoor open space was provided; and
- The number of parking spaces was decreased.

As of the date of this letter, we are not aware of any active opposition to the Project. Ms. Levy has indicated she is satisfied with the revised design; Mr. Liebovitz and several other neighbors support the Project. See **Exhibit B** for letters in support of the Project.

6. Conclusion

The Project will demolish an uninhabitable single-family house that has been vacant for over a decade. The well-designed structure that will take its place will activate South Park with a new ground-floor restaurant and provide two family-sized residences at the upper floors. This is precisely the type of compatible, infill development called for by the Eastern SoMa Plan. We respectfully request that you vote to approve the Project.

Very truly yours,

REUBEN & JUNIUS, LLP



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Mr. Ron Miguel, President

January 9, 2012

Page 8

Enclosures

cc: Michael J. Antonini, Commissioner
Gwyneth Borden, Commissioner
Kathrin Moore, Commissioner
Hisashi Sugaya, Commissioner
Rodney Fong, Commissioner
John Rahaim, Planning Director
Scott Sanchez, Zoning Administrator
Linda Avery, Planning Commission Secretary
Diego Sanchez, Planning Department
Victor Mezhvinsky, MT Development
Jesse Tomko, MT Development
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LIST OF EXHIBITS

- Exhibit A** Annotated Copy of Planning Commission Motion No. 16563
- Exhibit B** Letters of Support

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