



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Conditional Use

HEARING DATE: NOVEMBER 3, 2016

CONSENT CALENDAR

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Date:* October 24, 2016  
*Case No.:* **2015-006653CUA**  
*Project Address:* **950 CLEMENT STREET**  
*Zoning:* Inner Clement Street Neighborhood Commercial District  
40-X Height and Bulk District  
*Block/Lot:* 1423/022  
*Project Sponsors:* Joyce Cheng (agent)  
A & J Design Associates Inc.  
2354 Taraval Street  
San Francisco, CA 94116  
Fanny Wong, Sam Wong, Charles Nip (applicants / property owners)  
1338 Marlborough Road  
Hillsborough, CA 94010  
*Staff Contact:* Sharon M. Young – (415) 558-6346  
sharon.m.young@sfgov.org  
*Recommendation:* **Approval with Conditions**

### PROJECT DESCRIPTION

The proposal is for Conditional Use Authorization pursuant to Planning Code Sections 303 and 716.53 to allow a Business or Professional Office Use on the second floor of a two-story commercial building within the Inner Clement Street NCD and a 40-X Height and Bulk District. The proposal is to convert a vacant second floor commercial space with approximately 1,900 square feet of floor area (previously occupied by “Olympia Institute”, which provided tutoring instructional services) into a Business or Professional Office Use for a future tenant. The proposal will involve interior tenant improvements to the second floor commercial tenant space. There will be no expansion of the existing building envelope.

### SITE DESCRIPTION AND PRESENT USE

The project site at 950 Clement Street is located on the northeast corner of Clement Street and 11<sup>th</sup> Avenue, Assessor’s Block 1423, Lot 022. It is located within the Inner Clement Street Neighborhood Commercial District (NCD) and a 40-X Height and Bulk District. The subject lot is 4,000 square feet (80 feet wide by 50 feet deep) in size and is occupied by a two-story commercial building built in 1924. The existing building is not listed in the Planning Department’s 1976 Architectural Survey or the National and California Registers as having architectural significance. According to the project sponsors, the subject second floor commercial space was last occupied by “Olympia Institute”, which provided tutoring instructional services to students between 2001 and 2014 and which vacated the premises to relocate to another location in San Francisco. There is a restaurant use on the ground floor of the building.

## SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located within the Inner Richmond Neighborhood. The surrounding development consists of a variety of commercial and mixed-use buildings mostly featuring two-story commercial establishments within the Inner Clement Street NCD. The scale of development in the area consists primarily of two-story structures and a few one and three story structures. The Inner Clement Street NCD is located on Clement Street between Arguello Boulevard and Funston Avenue in the eastern portion of the Richmond District. The shopping area contains a variety of small-scale convenience businesses which primarily include a mix of restaurants, specialty groceries, variety merchandise stores, and personal service establishments. Some of the commercial establishments on the subject block include Groom, Salon 936, Cute T Nails, Impact Communication, Chinese Herbs Medicina Natural China, China Travel, O Salon, DermaTouch Skincare, My Thai, Wang Qi Art Studio, Samuel Fong DDS. Some of the commercial establishments on the opposite block include All Stars Donuts, North Cal Trading, Poon Tammi, Cathy Bank, Tong Palace, House of Banquet, and Shabu Club Eat & Drink. On 10<sup>th</sup> and 11<sup>th</sup> Avenues running north and south of the project site, consist primarily of single and multi-family residential building within an RM-1 (Residential, Mixed Districts, Low Density) Zoning District.

## 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	October 14, 2016	October 12, 2016	22 days
Posted Notice	20 days	October 14, 2016	October 6, 2016	28 days
Mailed Notice	20 days	October 14, 2016	October 14, 2016	20 days

## PUBLIC COMMENT

- As of October 24, 2016, the Department received correspondence from a member of the public requesting information on the proposed plans.

## ISSUES AND OTHER CONSIDERATIONS

- A Business or Professional Service Use would help diversify the type of neighborhood service uses within the immediate neighborhood which primarily consists of restaurants, retail stores, personal service establishments, and a few medical and financial service establishments.

## REQUIRED COMMISSION ACTION

This proposal requires **Conditional Use** authorization pursuant to Planning Code Sections 303 and 716.53 to allow a Business or Professional Office Use on the second floor of a two-story commercial building within the Inner Clement Street Neighborhood Commercial Zoning District and a 40-X Height and Bulk District.

## **BASIS FOR RECOMMENDATION**

- The proposed project meets all applicable requirements of the Planning Code.
- The proposed project will enhance the viability and continuation of a retail-driven commercial corridor by creating an opportunity for an office tenant and employment opportunities in a vacant commercial space on the subject block.
- The Business or Professional Office Use will help diversify the type of neighborhood serving uses within the immediate neighborhood.
- The Department believes that this project is necessary and/or desirable for the following reasons:
  - a) The proposed project will enhance the economic diversity of the neighborhood by allowing a new Business or Professional Service Use in the neighborhood.
  - b) The proposed project would be a neighborhood-serving use which residents can access by walking or taking public transit.
  - c) The proposed project would be consistent with the mixed commercial-residential character of this portion of Clement Street within the Inner Clement Street Neighborhood Commercial Zoning District.

<b>RECOMMENDATION:</b> <b>Approval with Conditions</b>
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**Attachments:**

Zoning District Map

Parcel Map

Sanborn Map

Aerial Photographs

Site and Context Photographs

Reduced Plans

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 type="checkbox"/> Environmental Determination    | <input checked="" type="checkbox"/> Check for legibility                                   |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u>  |
| <input checked="" type="checkbox"/> Height & Bulk Map   | <input checked="" type="checkbox"/> Check for legibility                                   |
| <input checked="" type="checkbox"/> Parcel Map          | 3-D Renderings (new construction or significant addition)                                  |
| <input checked="" type="checkbox"/> Sanborn Map         | <input checked="" type="checkbox"/> Check for legibility                                   |
| <input checked="" type="checkbox"/> Aerial Photo        | <input type="checkbox"/> Wireless Telecommunications Materials                             |
| <input checked="" type="checkbox"/> Context Photos      | <input type="checkbox"/> Health Dept. review of RF levels                                  |
| <input checked="" type="checkbox"/> Site Photos         | <input type="checkbox"/> RF Report   |
|   | <input type="checkbox"/> Community Meeting Notice  |
|   | <input type="checkbox"/> Housing Documents   |
|   | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |

SMY

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

\_\_\_\_\_  
Planner's Initials



# 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 Draft Motion

HEARING DATE: NOVEMBER 3, 2016

*Date:* October 24, 2016  
*Case No.:* **2015-006653CUA**  
*Project Address:* **950 CLEMENT STREET**  
*Zoning:* Inner Clement Street Neighborhood Commercial District (NCD)  
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Hillsborough, CA 94010  
*Staff Contact:* Sharon M. Young – (415) 558-6346  
sharon.m.young@sfgov.org  
*Recommendation:* **Approval with Conditions**

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 716.53 TO ALLOW A BUSINESS OR PROFESSIONAL OFFICE USE ON THE SECOND FLOOR OF A TWO-STORY COMMERCIAL BUILDING AT 950 CLEMENT STREET WITHIN THE INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On May 28, 2015, Joyce Cheng on behalf of property owners (hereinafter "Project Sponsor") made an application for Conditional Use authorization for the property at **950 Clement Street, Lot 022 in Assessor's Block 1423** (hereinafter "Subject Property"), pursuant to Planning Code Sections 303 and 716.53 to allow a business or professional office use on the second floor of a two-story commercial building within the Inner Clement Street Neighborhood Commercial District and a 40-X Height and Bulk District, in general conformity with plans dated February 26, 2014 and labeled "Exhibit B" (hereinafter "Project"). The proposal is to convert a vacant second floor commercial space with approximately 1,900 square feet of floor area (previously occupied by "Olympia Institute", which provided tutoring instructional services) into a Business or Professional Office Use for a future tenant. The proposal will involve interior tenant improvements to the second floor commercial tenant space. There will be no expansion of the existing building envelope.

On November 3, 2016, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. **2015-006653CUA**.

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

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. **2015-006653CUA**, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## **FINDINGS**

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site at 950 Clement Street is located on the northeast corner of Clement Street and 11<sup>th</sup> Avenue, Assessor's Block 1423, Lot 022. It is located within the Inner Clement Street Neighborhood Commercial District (NCD) and a 40-X Height and Bulk District. The subject lot is 4,000 square feet (80 feet wide by 50 feet deep) in size and is occupied by a two-story commercial building built in 1924. The existing building is not listed in the Planning Department's 1976 Architectural Survey or the National and California Registers as having architectural significance. According to the project sponsors, the subject second floor commercial space was last occupied by "Olympia Institute", which provided tutoring instructional services to students between 2001 and 2014 and which vacated the premises to relocate to another location in San Francisco. There is a restaurant use on the ground floor of the building.
3. **Surrounding Properties and Neighborhood.** The project site is located within the Inner Richmond Neighborhood. The surrounding development consists of a variety of commercial and mixed-use buildings mostly featuring two-story commercial establishments within the Inner Clement Street NCD. The scale of development in the area consists primarily of two-story structures and a few one and three story structures. The Inner Clement Street NCD is located on Clement Street between Arguello Boulevard and Funston Avenue in the eastern portion of the Richmond District. The shopping area contains a variety of small-scale convenience businesses which primarily include a mix of restaurants, specialty groceries, variety merchandise stores, and personal service establishments. Some of the commercial establishments on the subject block include Groom, Salon 936, Cute T Nails, Impact Communication, Chinese Herbs Medicina Natural China, China Travel, O Salon, DermaTouch Skincare, My Thai, Wang Qi Art Studio, Samuel Fong DDS. Some of the commercial establishments on the opposite block include All Stars Donuts, North Cal Trading, Poon Tammi, Cathy Bank, Tong Palace, House of Banquet, and Shabu Club Eat & Drink. On 10<sup>th</sup> and 11<sup>th</sup> Avenues running north and south of the project site, consist primarily of single and multi-family residential building within an RM-1 (Residential, Mixed Districts, Low Density) Zoning District.
4. **Project Description.** The proposal is for Conditional Use Authorization pursuant to Planning Code Sections 303 and 716.53 to allow a Business or Professional Office Use on the second floor of a two-story commercial building within the Inner Clement Street NCD and a 40-X Height and Bulk District. The

proposal is to convert a vacant second floor commercial space with approximately 1,900 square feet of floor area (previously occupied by "Olympia Institute", which provided tutoring instructional services) into a Business or Professional Office Use for a future tenant. The proposal will involve interior tenant improvements to the second floor commercial tenant space. There will be no expansion of the existing building envelope.

5. **Issues and Other Considerations.**

- A Business or Professional Service Use would help diversify the type of neighborhood service uses within the immediate neighborhood which primarily consists of restaurants, retail stores, personal service establishments, and a few medical and financial service establishments.

6. **Public Comment.** As of October 24, 2016, the Department received correspondence from a member of the public requesting information on the proposed plans.

7. **Use District.** The project site is within the Inner Clement Street NCD. The Inner Clement Street NCD is located on Clement Street between Arguello Boulevard and Funston Avenue in the eastern portion of the Richmond District of northwest San Francisco. The district provides a wide selection of convenience goods and services for the residents of the Inner Richmond neighborhood. Inner Clement Street has one of the greatest concentrations of restaurants of any commercial street in San Francisco, drawing customers from throughout the City and region. There are also a significant number of professional, realty, and business offices as well as financial institutions. The pleasant pedestrian character of the district is derived directly from the intensely active retail frontage on Clement Street.

8. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Business or Professional Office Use.** Section 716.53 of the Planning Code permits "business or professional office use" establishments on the first floor and requires Conditional Use authorization on the second floor.

Pursuant to Planning Code Section 790.108, a Business or Professional Office Use is defined as a retail use which provides to the general public, general business or professional services, including but not limited to, architectural, management, clerical, accounting, legal, consulting, insurance, real estate brokerage, and travel services.

*The proposal is to convert a vacant second floor commercial space with approximately 1,900 square feet of floor area (previously occupied by "Olympia Institute", which provided tutoring instructional services) into a Business or Professional Office Use for a future tenant. The proposal will involve interior tenant improvements to the second floor commercial tenant space. There will be no expansion of the existing building envelope.*

- A. **Use Size.** Planning Code Section 716.21 establishes size limits on non-residential use sizes in the Inner Clement Street NCD. Within the District, Conditional Use authorization is required for any non-residential use that meets or exceeds 2,500 square feet.

*The proposed Business or Professional Office Use, with approximately 1,900 square feet of floor area will be within the principally permitted use size limitations.*

- B. **Hours of Operation.** Section 716.27 allows hours of operation from 6 a.m. until 2 a.m. as of right and requires Conditional Use authorization to operate between the hours of 2 a.m. and 6 a.m. in the Inner Clement Street NCD.

*According to the project sponsors, the future tenant of the proposed Business or Professional Office space will be advised to operate within the permitted hours of operation of 6 a.m. to 2 a.m. within the Inner Clement Street NCD.*

- C. **Off-Street Parking and Loading.** Section 151 of the Planning Code requires off-street parking for every 200 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet. Section 152 of the Planning Code requires one off-street loading space for retail stores between 10,001 and 60,000 gross square feet.

*The subject commercial tenant space on the second floor with approximately 1,900 square feet of floor area does not exceed 5,000 square feet and will not require any off-street parking or loading spaces.*

- D. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

*Although the proposed second floor commercial space does not have windows on the street frontage, it has a transparent doorway on the ground level which allows for visibility to the staircase which extends to the second floor. The space also has windows onto a lightwell at the rear. The existing building has an active use (restaurant) on the ground floor with transparent windows which have over 60% of the street frontage at the ground level which allows for visibility to inside the building.*

- E. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department and must comply with Article 6 of the Planning Code.
9. **Planning Code Section 303(c)** 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.



*There are no exterior changes or expansion to the existing building envelope proposed. The existing vacant commercial tenant space will be improved with the addition of ventilation equipment, handicap accessible restrooms, and other interior upgrades.*

- 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 size and shape of the site and the arrangement of the structures on the site are adequate for the proposed project. There will be no physical expansion of the existing building.*

- 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;

*Existing traffic patterns will not be significantly affected by the proposed project. Public transit (Muni Lines 2, 28, and 38) is in close proximity to the project site. A bus stop is located on the subject block at the corner of Clement Street and 10<sup>th</sup> Avenue. There is on-street parking in front of the subject property and in the surrounding neighborhood.*

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

*No noxious or offensive emissions such as glare, dust, or odor are expected to be produced by the proposed project.*

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

*There will be no addition of off-street parking spaces, loading facilities, open space or service areas. Any project signage or projections will be consistent with the controls of the Planning Code.*

- 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 proposed project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.*

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

*The proposed project is consistent with the stated purpose of this portion of the Inner Clement Street Neighborhood Commercial Zoning District in that the intended use will be a neighborhood-serving business.*

10. **General Plan Compliance.** The Project is consistent with the Objectives and Policies of the General Plan in that:

**COMMERCE AND INDUSTRY ELEMENT**

**GENERAL/CITYWIDE**

**OBJECTIVE 1:**

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

**Policy 1:**

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

*The proposed project would be compatible with and complimentary to the types of uses characterizing this portion of the Inner Clement NCD, which includes a mixture of restaurants, personal and professional service establishments, and retail establishments.*

**Policy 3:**

Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of affordable housing and the needed expansion of commercial activity.

*Approval of the proposed project would be consistent with the mixed commercial-residential character of this portion of the Inner Clement Street NCD. The proposed project would not adversely affect any affordable housing resources in the neighborhood.*

**NEIGHBORHOOD COMMERCE**

**Objectives and Policies**

**OBJECTIVE 6:**

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

**Policy 1:**

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

*No existing commercial tenant will be displaced. The proposed project will not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.*

The following guidelines, in addition to others in this objective for neighborhood commercial districts, should be employed in the development of overall district zoning controls as well as in the review of individual permit applications, which require case-by-case review and City Planning Commission approval. Pertinent guidelines may be applied as conditions of approval of individual permit applications. In general, uses should be encouraged which meet the guidelines; conversely, uses should be discouraged which do not.

**Policy 3:**

Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed expansion of commercial activity.

*The proposed project will help maintain the existing commercial-residential character in the neighborhood by occupying a vacant second floor commercial space in the neighborhood with a new Business or Professional Service Use.*

**Policy 4:**

Encourage the location of neighborhood shopping areas throughout the city so that essential retail goods and personal services are accessible to all residents.

*The proposed project will be accessible to all residents in this portion of the Inner Clement Street NCD.*

**Policy 8:**

Preserve historically and/or architecturally important buildings or groups of buildings in neighborhood commercial districts.

*The proposal will involve interior tenant improvements (structural modifications and new handicap accessible restrooms to meet Building Code requirements) to the second floor commercial tenant space which is compatible with the building's existing architectural and aesthetic character. There will be no expansion of the existing building envelope.*

**Policy 9:**

Regulate uses so that traffic impacts and parking problems are minimized.

*The proposed project would not adversely affect public transit or place a burden on the existing supply of parking in the neighborhood since it will replace a tutoring instructional services d.b.a. Olympia Institute which previously existed on the project site. Many patrons would be able to walk from their residences or places of employment, and the proposed project is well served by public transportation. There is on-street parking in the surrounding neighborhood.*

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

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

*The proposed project will be complimentary to the existing commercial establishments within the neighborhood. The proposed project will provide future job opportunities to the City once the proposed Business and Professional Business Use is occupied by a future tenant.*

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

*The proposed project will preserve and enhance the cultural and economic diversity of the neighborhood by allowing for a new Business or Professional Office Use on the project site. Existing housing will not be affected by the proposed project.*

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

*The proposed project will not displace any affordable housing.*

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

*The proposed project would not significantly increase the automobile traffic congestion and parking problems in the neighborhood. The proposal is a neighborhood-serving use which residents can access by walking or taking public transit.*

- 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 proposed project will provide for future commercial office development (a Business or Professional Office Use) on the second floor of the commercial building and there would be no displacement of any existing industrial or service businesses in the area.*

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

*The proposed project will comply with all applicable earthquake safety standards and built to the current standards of the California Building Code.*

- G. That landmarks and historic buildings be preserved.

*The proposed project will not significantly affect any landmarks or historic buildings.*

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

*The proposed project will not affect any city-owned park or open space.*

12. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
13. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

**DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2015-006653CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated February 26, 2014, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 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 94102.

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

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

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on November 3, 2016.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED:

## EXHIBIT A

### AUTHORIZATION

This authorization is for conditional use to allow to convert a vacant ground floor commercial space with approximately 1,900 square feet of floor area (previously occupied by "Olympia Institute", which provided tutoring instructional services) into a Business or Professional Office Use for a future tenant located within a two-story commercial building at 950 Clement Street in Assessor's Block 1423, Lot 022 pursuant to Planning Code Sections 303 and 716.53 within the Inner Clement Street Neighborhood Commercial Zoning District and a 40-X Height and Bulk District in general conformance with plans, dated February 26, 2014, and stamped "EXHIBIT B" included in the docket for Case No. 2015-006653CUA and subject to conditions of approval reviewed and approved by the Commission on November 3, 2016 under Motion No. XXXXX. 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 November 3, 2016 under Motion No. XXXXX.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

### SEVERABILITY

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

### CHANGES AND MODIFICATIONS

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

## Conditions of Approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING AFTER ENTITLEMENT

6. **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](http://www.sf-planning.org)*

7. **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](http://www.sf-planning.org)*

## DESIGN

8. **Signage.** Any signs on the property shall be made to comply with the requirements of Article 6 of the Planning Code.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## OPERATION

9. **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>*

10. **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>*

11. **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.

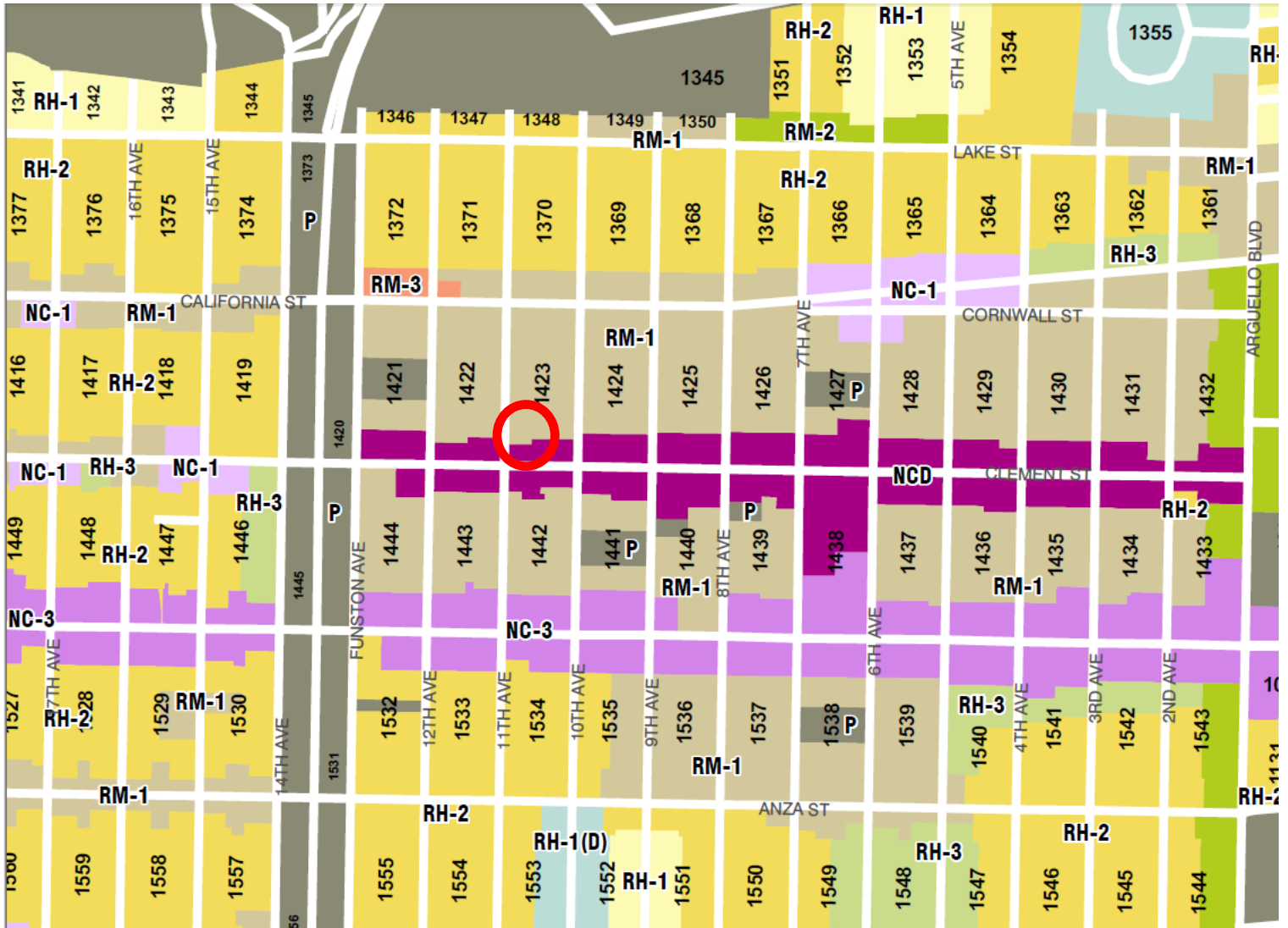
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

12. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

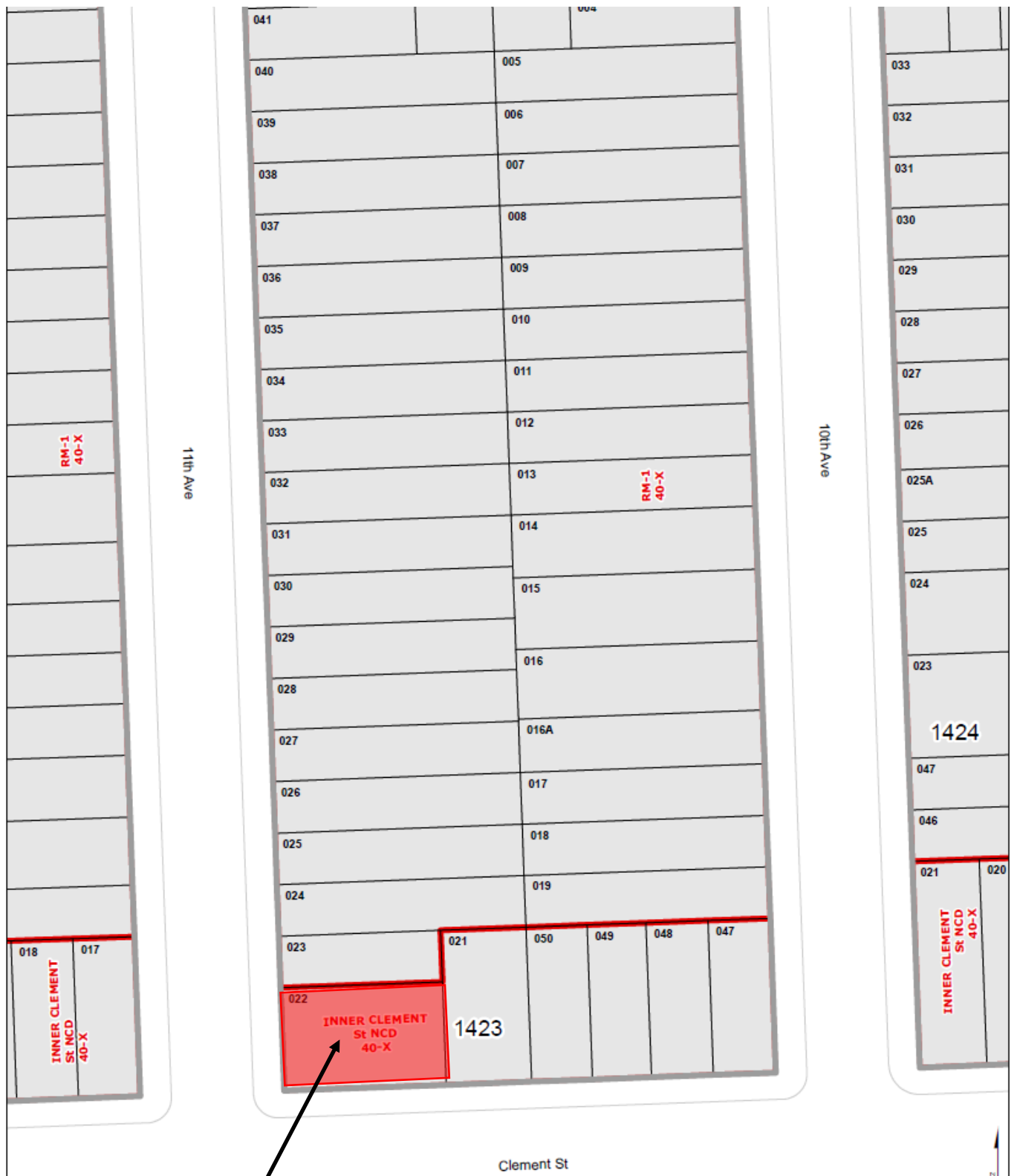


# Zoning Map



Conditional Use Hearing  
Case Number 2015-006653CUA  
950 Clement Street

# Parcel Map

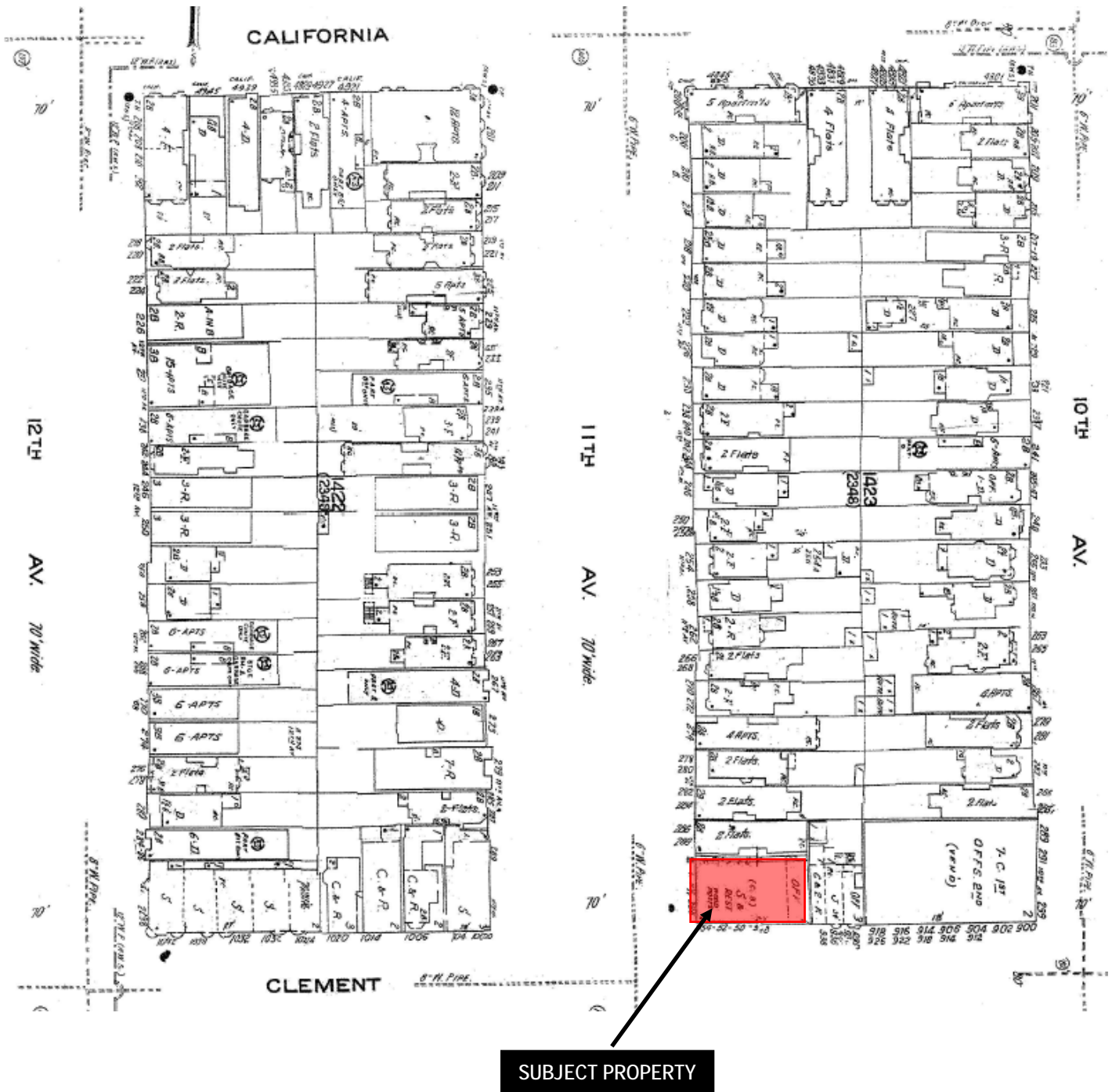


SUBJECT PROPERTY



Conditional Use Hearing  
Case Number 2015-006653CUA  
950 Clement Street

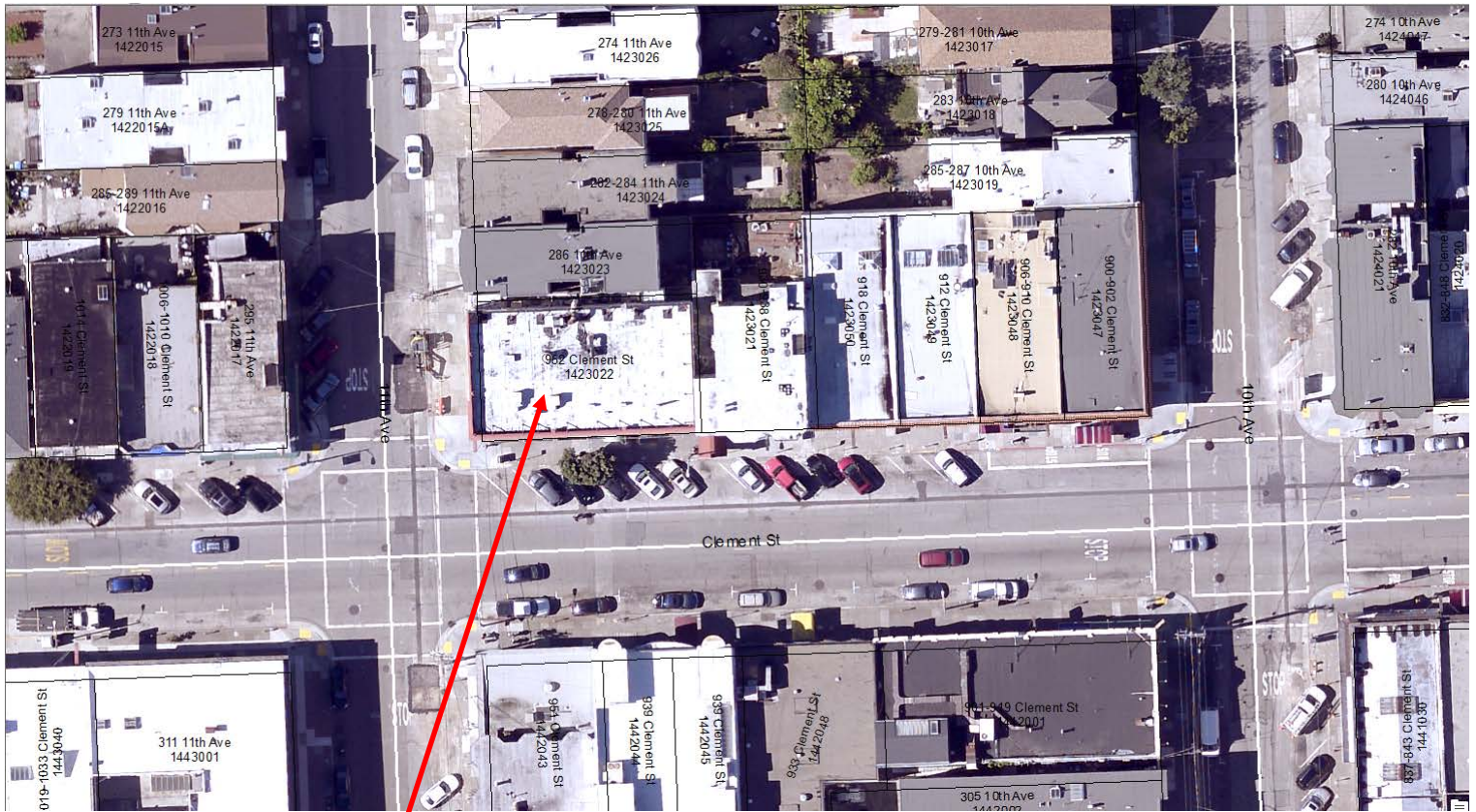
# Sanborn Map\*



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



# Aerial Photo



SUBJECT PROPERTY



Conditional Use Hearing  
Case Number 2015-006653CUA  
950 Clement Street



# Site Photo

## SUBJECT PROPERTY ON CLEMENT STREET



ENTRANCE TO SUBJECT  
PROPERTY ON 2<sup>ND</sup> FLOOR

Conditional Use Hearing  
Case Number 2015-006653CUA  
950 Clement Street

# Site Photo

## SUBJECT BUILDING ON CLEMENT STREET



Conditional Use Hearing  
Case Number 2015-006653CUA  
950 Clement Street



# Site Photo

## SUBJECT BUILDING ON 11TH AVENUE



Conditional Use Hearing  
Case Number 2015-006653CUA  
950 Clement Street

# Site Photo

## SUBJECT BLOCK ON CLEMENT STREET



Conditional Use Hearing  
Case Number 2015-006653CUA  
950 Clement Street



# Site Photo

## OPPOSITE BLOCK ON CLEMENT STREET



Conditional Use Hearing  
Case Number 2015-006653CUA  
950 Clement Street

# PROJECT INFORMATION

CONSTRUCTION TYPE: 3 (CONCRETE WALL)  
 OCCUPANCY GROUP: A3/B (RESTAURANT/OFFICE)  
 NO. OF STORY: 2  
 FIRE SPRINKLER: NO

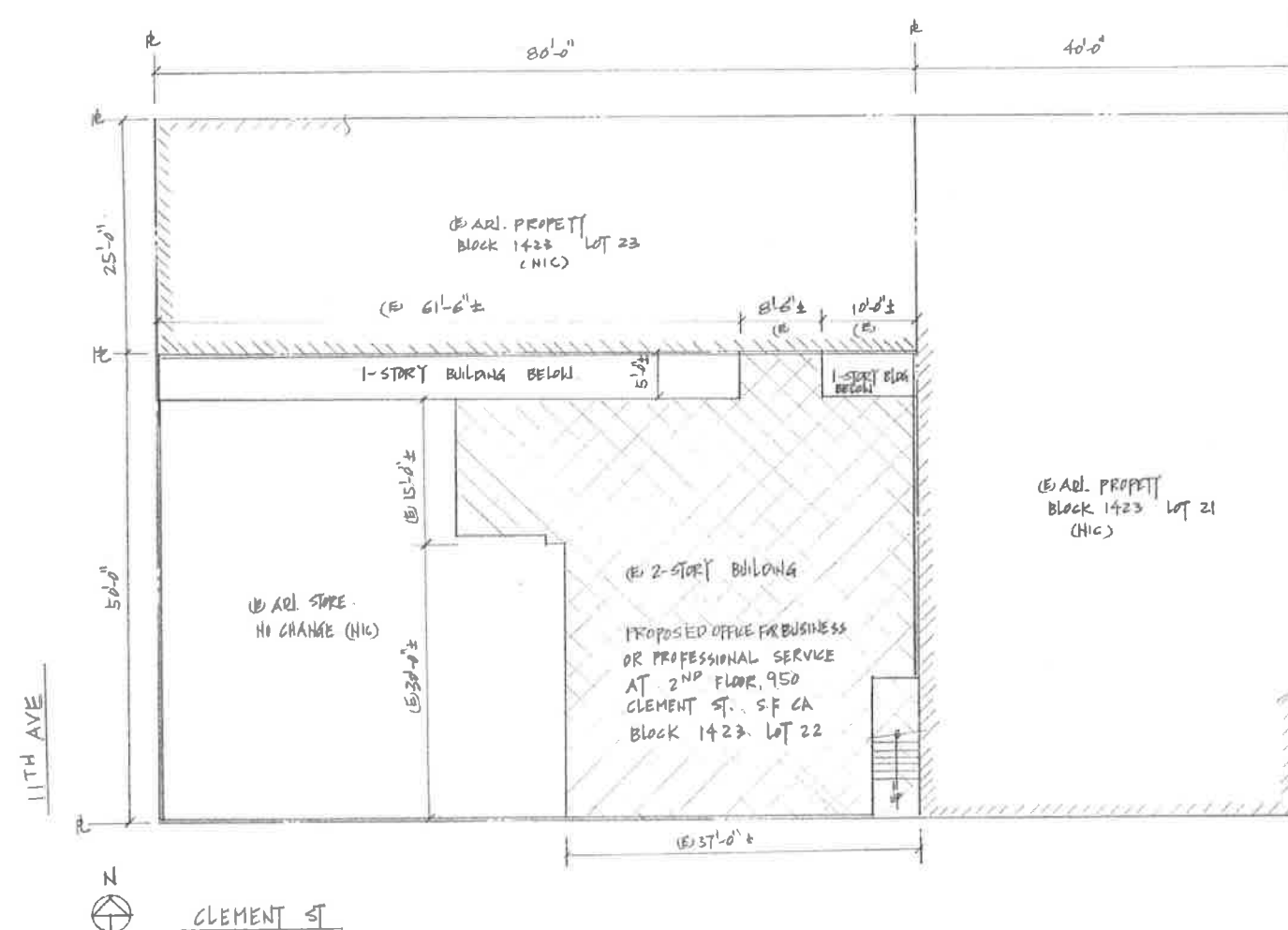
SCOPE OF WORK: CHANGE OF USE OF A VACANT COMMERCIAL SPACE  
 TO OFFICE FOR BUSINESS OR PROFESSIONAL SERVICE.

1. INSTALL 2 ACCESSIBLE RESTROOM
2. INSTALL VENTILATION ON CEILING.
3. REPAIR OR REBUILD CE, DROP DOWN CEILING PANEL.
4. REMOVE CE, NON-BEARING INTERIOR WALLS.

EXISTING GROSS VACANT COMMERCIAL AREA = 1895 SQ. FT.  
 PROPOSED AREA UNDER THIS PERMIT = 1895 SQ. FT.

EXIT REQUIRED: 1

MAX. OCCUPANT CALCULATION =  $\frac{1895}{100} \approx 19$



1/8" = 1'-0"  
 PLOT PLAN

REVISIONS	BY

PLOT PLAN  
 950 CLEMENT ST. S.F. CA  
 BLOCK 1423 LOT 22

A & J Design Associates, Inc.  
 2354 Tarrytown Street  
 San Francisco, CA 94116  
 415-682-4443



DRAWN JOYCE CHEN
CHECKED
DATE 2-28-14
SCALE AS SHOWN
JOB NO. 15-08
SHEET 1
OF 3 SHEETS



