

SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: MARCH 10, 2016

Date:	March 3, 2016
Case No.:	2015-018387CUA
Project Address:	461 Valencia Street
Zoning:	Valencia Street Neighborhood Commercial Transit District
	55-X Height and Bulk District
Block/Lot:	3554/019
Project Sponsor:	LeAndre Davis
	Takami Engineering Group
	1041A Folger Avenue
	Berkeley, CA 94710
Staff Contact:	Ella Samonsky – (415) 575-9112
	<u>ella.samonsky@sfgov.org</u>
Recommendation:	Approval with Conditions

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

Reception: 415.558.6378

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Planning Information: 415.558.6377

PROJECT DESCRIPTION

The Project Sponsor proposes to establish a real estate brokerage (Professional Service) and café (Limited Restaurant) at 461 Valencia Street. The real estate brokersage, TCGSF, Inc. an affiliate of Keller Williams Realty, would occupy approximately the rear 2,400 square feet of the single story building. A café with seating would occupy the front 750 square feet of the building (approximately the first 30' of the building fronting Valencia Street). The café would also have dispalys of books relateing to real estate, home renovation, design and decorating for retail sale. The real estate brokerage, café and bookstore would be open Monday through Saturday between the hours of 9:00AM and 6:00PM. The Project also includes interior tenant improvements and alterations to the exterior, including the installation of a glass storefront glazing system within the exisintg garage door opening. The existing tenant space measures approximately 3,150 square feet, and the size would not change as part of the Project.

SITE DESCRIPTION AND PRESENT USE

The Project is located on the east side of Valencia Street, between Sparrow and 16th Streets, Block 3554, Lot 019. The subject property is located within the Valencia Street Neighborhood Commercial Transit District ("NCT") and the 55-X Height and Bulk District. The property is developed with a one-story commercial building, containing two tenant spaces. The tenant space at 461 Valencia Street is currently vacant, but was previously occupied (approximately 2 years ago) by an art gallery known as "Zone 461 Gallery." The adjacent tenant space at 467 Valencia Street is occupied by an electrician shop.

Executive Summary Hearing Date March 10, 2016

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The area surrounding the Project Site is mixed-use in character. A variety of commercial establishments are located within ground floor storefronts in the Valencia Street NCT, including grocery stores, restaurants, bars, theaters salons, housewares stores, and other types of retailers. Buildings in the vicinity typically range from one to five stories in height. Upper floors of buildings are generally occupied by residential units. The pattern of ground floor retail continues along the 16th Street corridor and the Mission Street NCT is located two blocks to the east.

ENVIRONMENTAL REVIEW

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 and Class 3 categorical exemption.

HEARING NOTIFICATION

ТҮРЕ	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	February 19, 2011	February 10, 2016	29 days
Posted Notice	20 days	February 19, 2016	February 19, 2016	20 days
Mailed Notice	10 days	March 1, 2016	February 12, 2016	27 days

The Project requires a Section 312-neighborhood notification, which was conducted in conjunction with the Conditional Use Authorization process.

PUBLIC COMMENT/COMMUNITY OUTREACH

To date, the Department has not received any public comment regarding this project.

The Project Sponsor has conducted outreach to the adjacent neighbors and interested community groups, including the Valencia Corridor Merchants Association. The sponsors have hosted two meetings on February 3rd and February 23rd. As a result of comments from the neighborhood the Project scope was revised to incorporate a separate retail use, a café, to activate the street frontage.

ISSUES AND OTHER CONSIDERATIONS.

The real estate brokerage, a Professional and Business Service use, would be located on the ground floor of a single story building fronting on Valencia Street. Active commercial uses are required on the ground floor of all buildings frontings on Valencia Street, between 15th and 23rd Streets in the Valencia Street NCT District, pursuant to Planning Code Section 726.13b. A Professional and Business Service use is not an active commercial use, as defined by Planning Code Section 145.4. A Conditional Use Authorization would be required to allow a Business and Professional Service on the ground floor (see "Required Commission Action" below").

REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant Conditional Use Authorization to allow the establishment of a Professional and Business Service use (a real estate brokerage firm) on the ground floor of a building fronting on Valencia Street between 16th Street and 23rd Street within the Valencia Street NCT District, pursuant to Planning Code Section 145.4.

BASIS FOR RECOMMENDATION

- The Project includes conditions of approval to ensure that the front 25' of commercial space be maintained with an active commercial uses.
- Professional and Business Services are principally permitted in the Valencia Street NCT District, but are not considered "active commercial uses" per Planning Code Section 145.4.
- Limited Restaurants are principally permitted in the Valencia Street NCT District and are an active commercial use per Planning Code Section 145.4.
- The Project would not displace an existing retail or PDR tenant; it would activate a vacant tenant space.
- The Project would remove the garage entrance and replace it with transparent storefront, which is consistent with the pedestrian orientation of the Valencia Street corridor.
- The café (Limited Restaurant) is not a Formula Retail use and would serve the immediate neighborhood; Business and Professional Service uses are not subject to Formula Retail controls.

RECOMMENDATION: Approval with Conditions

Attachments:

Draft Motion CEQA Checklist Zoning District Map Block Book Map Sanborn Map Aerial Photographs Site Photos Project Sponsor Submittal, including: - Reduced Plans Attachment Checklist

\square	Executive Summary	\square	Project sponsor submittal
\square	Draft Motion		Drawings: Existing Conditions
\square	Environmental Determination		Check for legibility
\square	Zoning District Map		Drawings: Proposed Project
	Height & Bulk Map		Check for legibility
\square	Block Book Map		3-D Renderings (new construction or significant addition)
\boxtimes	Sanborn Map		Check for legibility
\square	Aerial Photo		Wireless Telecommunications Materials
	Context Photos		Health Dept. review of RF levels
\square	Site Photos		RF Report
	Public Correspondence		Community Meeting Notice
			Housing Documents
			Inclusionary Affordable Housing Program: Affidavit for Compliance

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

Planner's Initials

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SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- □ Affordable Housing (Sec. 415)
- $\hfill\square$ Jobs Housing Linkage Program (Sec. 413)
- □ Downtown Park Fee (Sec. 412)

- $\hfill\square$ First Source Hiring (Admin. Code)
- □ Child Care Requirement (Sec. 414)
- Other

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Plan	Planning Commission Draft Motion HEARING DATE: MARCH 10, 2016	
ate:	March 03, 2016	

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	ella.samonsky@sfgov.org.

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 145.4 OF THE PLANNING CODE TO ALLOW A BUSINESS AND PROFESSIONAL SERVICE (TCGSF, Inc D.B.A. KELLER WILLIAMS REALTY) ON THE GROUND FLOOR OF 461 VALENCIA STREET, WITHIN THE VALENCIA STREET NCT (NEIGHBORHOOD COMMERCIAL TRANSIT) DISTRICT AND 55-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On January 15, 2016 LeAndre Davis (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section 145.4 to allow a Business and Professional Service (TCGSF, Inc. d.b.a. Keller Williams Realty.) on the ground floor of a building at 461 Valencia Street (hereinafter "Project Site"), in the Valencia Street NCT (Neighborhood Commercial Transit) District and 55-X Height and Bulk District.

On March 10, 2016, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2015-018387CUA.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 and Class 3 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. 2015-018387CUA, 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 subject property is located on the east side of Valencia Street, between Sparrow and 16th Street, Block 3554, Lot 019, within the Valencia Street Neighborhood Commercial Transit District ("NCT") and the 55-X Height and Bulk District. The subject lot is approximately 100 feet deep by 50 feet wide, and is currently developed with a single-story commercial building, containing two tenant spaces. The tenant space at 461 Valencia Street is currently vacant, but was previously occupied by an art gallery known as "Zone 461 Gallery." The tenant space at 467 Valencia Street is occupied by an electrician shop.
- 3. **Surrounding Properties and Neighborhood.** The area surrounding the Project Site is mixed-use in character. A variety of commercial establishments are located within ground floor storefronts in the Valencia Street NCT, including grocery stores, restaurants, bars, theaters salons, housewares stores, and other types of retailers. Buildings in the vicinity typically range from one to five stories in height. Upper floors of buildings are generally occupied by residential units. The pattern of ground floor retail continues along the 16th Street corridor and the Mission Street NCT is located a couple blocks to the east.
- 4. **Project Description.** The Project Sponsor proposes to establish a Business and Professional Service use (a real estate brokerage) and a Limited Restaurant (a café) at 461 Valencia Street. The real estate brokerage, TCGSF, Inc., would occupy the rear two-thirds of the site, approximately 2,400 square feet. A café with seating would occupy the front of the site, approximately 750 square feet, and approximately the first 30-feet in building depth from Valencia Street. In addition to the café, TCGSF would offer books relating to real estate, investment, home renovation, and design for retail sale. The real estate brokerage, café and bookstore would be open Monday through Saturday between the hours of 9:00AM and 6:00PM. The Project also includes interior tenant improvements and alterations to the exterior, including the installation of a glass storefront glazing system in the existing garage door opening. The existing tenant space measures approximately 3,150 square feet, and the size would not change as part of the Project.
- 5. **Public Comment**. To date, the Department has not received any public comment regarding this project.

- 6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Business and Professional Service.** Planning Code Section 726.53 states that a Business and Professional Service is principally permitted on the ground floor and requires a Conditional Use Authorization to locate on the second floor within the Valencia Street NCT District. Business and Professional Service uses are defined in Planning Code Section 790.108 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. It also includes business offices of building, plumbing, electrical, painting, roofing, furnace or pest control contractors, if no storage of equipment or items for wholesale use are located on-site. It may provide services to the business community, provided that it also provides services to the general public.

TCGSF, Inc. is a local real estate brokerage, affiliated with Keller Williams Realty, that is currently located at 350 Rhode Island Street. The company has seven partners and nine employees. During a typical day, the office will be visited by potential buyers and property owners. The company also provides training and classes – open to the public – on real estate and professional development topics at off site locations in the Mission neighborhood; including Sha'ar Zahav Synagogue at 290 Dolores Street and Stage Werx at 446 Valencia Street. The Project would centralize the offices and the training/classes at 461 Valencia Street (with large classes/trainings still being held at off site locations in the Mission District), remaining open to members of the general public who may be interested in sale or purchase of real estate.

B. Limited Restaurant Use. Planning Code Section 726.43 states that a Limited Restaurant is principally permitted on the ground floor within the Valencia Street NCT District. Limited Restaurant is defined in Planning Code Section 790.90 as a retail eating and/or drinking use which serves foods and/or drinks to customers for consumption on or off the premises that may or may not have seating. It includes, but is not limited to, specialty foods provided by bakeries, delicatessens, and confectioneries.

The café will be open to members of the public and will serve sandwiches, baked goods, fresh fruit and vegetable drinks, espresso and other coffee drinks. Seating and tables will be provided for use of customers to consume the food and drink on-site, and food and drinks will also be served to-go.

C. **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. Frontages with active uses 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 proposed storefront is compliant with the requirements of Planning Code Section 145.1. The café and bookstore would occupy the first 30 feet of building depth and the real estate brokerage would occupy the remainder of the floor. The Project will replace the metal garage door, which is 10 feet 6 inches in width, with a glazed, transparent storefront system. The storefront would be fenestrated with transparent windows which exceed 60% of the street frontage.

D. Required Ground Floor Commercial Uses. Planning Code Section 145.4 states that active commercial uses are required on the ground floor fronting Valencia Street, between 15th and 23rd Streets in the Valencia Street NCT District. A Professional and Business Service use is not an active commercial use, as defined by Planning Code Section 145.4. A Conditional Use Authorization is required per Planning Code Section 145.4 to allow a non-active commercial use on the ground floor fronting on Valencia Street between 15th and 23rd Streets within the Valencia Street NCT District.

Although the Project includes a non-active commercial use on the ground floor, it minimizes the adverse effect of such use on the public realm by locating an active use – the café – within the front 30' feet of the storefront. The office space of the real estate brokerage would be located behind the café and bookstore, so that the active commercial use (the Limited Restaurant) would front on Valencia Street. The floor plan of the dual businesses in the tenant space would achieve a similar effect to locating the business and professional service on an upper floor in that a pedestrian oriented active commercial use would be prominent along the frontage but both businesses would be accessible from Valencia Street. A Condition of Approval has been included in this Motion to ensure that an active commercial component of the business remains at the front of the business in perpetuity.

E. **Parking.** Per Planning Code Section 151, no off-street parking is required for commercial uses.

The Project would remove the existing garage door and the curb cut will be correspondingly reduced in size to serve only the garage of the adjacent tenant space. No parking is required for the existing commercial uses or for the proposed Limited Restaurant and Business and Professional Service Use. The Project does not remove any required accessory off-street parking.

- G. **Signage.** Currently, there is not a proposed sign program on file with the Planning Department. *Any proposed signage will be subject to the review and approval of the Planning Department.*
- 7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:
 - A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The size of the proposed uses, 750 square feet for the café and 2,250 square feet for the real estate brokerage, is in-keeping with other small-to-medium size businesses along the Valencia Street corridor.

The conversion of a garage workshop area to a storefront occupied by a cafe creates an active use that is compatible with transit-oriented character of the neighborhood.

- 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 building envelop will not be expanded and the replacement of a now-vacant garage workshop with a glazed storefront will not inhibit, and should reduce conflict with, pedestrian traffic on the sidewalk. The Limited Restaurant use is 750 square feet and Business and Professional Service use is 2,250 square feet, which is consistent with the small-to-medium scale retail character in the Zoning District.

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 removal of the garage workshop will improve traffic within the immediate vicinity for both persons and vehicles. The restoration of the curb line will provide more on-street parking. No off-street parking and loading spaces are required or proposed, consistent with the transit-oriented district.

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

The proposed use as a real estate brokerage and cafe will operate during normal business hours, and will not create any noxious or offensive emissions.

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

The Project will not expand the building footprint and no landscaping, parking, loading, or service areas are proposed. Any proposed signage will be reviewed by the Planning Department prior to approval.

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

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

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

The Valencia Street NCT is mixed-use in character, with commercial uses permitted at the first and second stories, and good access to transit. The removal of a garage workshop to install a storefront system for a Business and Professional Service and Limited Restaurant at the ground floor is consistent with the purpose of the Valencia Street NCT District, as it provides convenient services to the neighborhood business corridor and encourages the use of transit.

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

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

Policy 1.3:

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The Project creates an active ground floor use and removes a garage workshop, which has negative consequences for pedestrian, bicycle, and automotive traffic in a transit oriented district. The new storefront is in-keeping with the character of the NCT District.

OBJECTIVE 6:

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

Policy 6.1:

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

The addition of a Business and Professional Service use in the Valencia Street NCT would diversify the services available within the commercial district and attract patrons from the surrounding neighborhoods

and citywide. The Limited Restaurant use would provide for convenience goods for neighborhood residents and workers.

Policy 6.2:

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to the economic and technological innovation in the marketplace and society.

TCGSF, Inc. is a local real estate brokerage, affiliated with Keller Williams Realty, which also provides real estate and professional development training. The commercial space provided at the front of the tenant space would create opportunity for small enterprises.

MISSION PLAN AREA

Objectives and Policies

OBJECTIVE 1.1:

STRENGTHEN THE MISSION'S EXISTING MIXED USE CHARACTER, WHILE MAINTAINING THE NEIGHBORHOOD AS A PLACE TO LIVE AND WORK.

Policy 1.1.6

Permit and encourage small and moderate size retail establishments in neighborhood commercial areas of the Mission, while allowing larger retail in the formerly industrial areas when part of a mixed-use development.

The Limited Restaurant use is 750 square feet and Business and Professional Service use is 2,250 square feet, which is consistent with the small-to-medium scale retail character in the NCT District.

OBJECTIVE 1.8

MAINTAIN AND STRENGTHEN THE MISSION'S NEIGHBORHOOD COMMERCIAL AREAS

Policy 1.8.2

Ensure that the Mission's neighborhood commercial districts continue to serve the needs of residents, including immigrant and low-income households.

OBJECTIVE 3.2

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

Policy 3.2.2 Make ground floor retail and PDR uses as tall, roomy and permeable as possible.

Policy 3.2.3 Minimize the visual impact of parking. Policy 3.2.4

Strengthen the relationship between a building and its fronting sidewalk.

The existing single-story commercial building has ceiling heights over 12 feet and the project would replace the metal garage door with an aluminum storefront system which will increase the transparency of the street frontage. The new storefront would have operable windows which would allow for greater connect between the interior and exterior of the store.

- 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.

The Project would enhance the district by activating vacant the ground floor commercial space and replacing a garage workshop with a new storefront. The dual businesses of a café and real estate brokerage would serve a wider range of customers than either standalone business. The real estate brokerage would bring fifteen current employees and partners to the neighborhood, as well as property owners and potential buyers. Employees and customers of the proposed real estate brokerage and cafe would patronize other businesses within the area, further enhancing the existing neighborhood-serving retail by expanding their customer base.

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

The Project would enhance the surrounding neighborhood character. The Project would remove a garage workshop within a transit-oriented Zoning District, and would provide an active use at the ground floor, which is consistent with the retail character of Valencia Street.

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

No housing is proposed for this site nor was housing removed for this Project.

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

Valencia Street is well served by transit and the removal of garage workshop space would discourage daily use of personal vehicles and encourage patrons and employees to use alternate modes of transportation. The removal of the driveway and restoration of the curb line would increase on street parking and reduce conflicts with pedestrians, bicyclists and vehicle traffic.

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 will not displace any service or industry establishment as the tenant space is vacant. The Project will not affect industrial or service sector uses or related employment and ownership opportunities.

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

A seismic retrofit of the building was completed in 2006 which improved the safety and integrity if the masonry building during a seismic event

G. That landmarks and historic buildings be preserved.

The building was determined to not be a historic resource as part of the Inner Mission North Historic Resource Survey.

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 include any vertical or horizontal addition to the existing building envelope, and the improvements to the property will not inhibit access to sunlight or vistas.

- 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. 2015-018387CUA**subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated February 5, 2016, 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 March 10, 2016.

Jonas P. Ionin Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: March 10, 2016

EXHIBIT A

AUTHORIZATION

This authorization is for a Conditional Use to allow a Business and Professional Service (d.b.a. Keller Williams Realty) located at 461 Valencia Street, Assessor's Lot 019 in Block 3554 pursuant to Planning Code Section(s) 303 and 145.4 within the Valencia Street NCT District and a 55-X Height and Bulk District; in general conformance with plans, dated February 5, 2016, and stamped "EXHIBIT B" included in the docket for Case No. 2015-018387CUA and subject to conditions of approval reviewed and approved by the Commission on March 10, 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 March 10, 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

 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, <u>www.sf-planning.org</u>

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, <u>www.sf-planning.org</u>

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, <u>www.sf-planning.org</u>

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, <u>www.sf-planning.org</u>

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, <u>www.sf-planning.org</u>

MONITORING

- 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*
- 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, <u>www.sf-planning.org</u>

DESIGN

8. **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, <u>www.sf-planning.org</u>

 Curb Cut. The Project Sponsor shall remove the curb cut and restore the curb line along the frontage of 461 Valencia Street.
 For information about compliance, contact the Case Planner, Planning Department at 415-558-6378,

10. **Garage Door**. The Project Sponsor shall remove the metal roll-down garage door with the installation of the storefront system.

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

11. **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.

www.sf-planning.org

12. **Street Trees.** Pursuant to Planning Code Section 138.1, 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, <u>www.sf-planning.org</u>

OPERATION

1. Active Limited Restaurant Use & Limits on Business and Professional Service Use. This approval is granted to establish an active commercial use, as defined in Section 145.4, at the street, with Business and Professional Service uses occupying the rear of the tenant space. Any modifications that result in the active commercial use not occupying the first 25-feet of the building depth of the tenant space will require a new Conditional Use Authorization from the Planning Commission.

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

- Hours of Operation. The Professional and Business Service use shall not be open to the public during hours when the Limited Restaurant use is not open to the public. For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <u>www.sf-planning.org</u>
- 14. 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,.<u>http://sfdpw.org/</u>
- 15. 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, <u>http://sfdpw.org</u>

16. 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, <u>www.sf-planning.org</u>



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
461	Valencia Street	35	554/019
Case No.	Permit No.	Plans Dated	
2015-018387CUA	2015.1211.4916	Feb	ruary 5, 2016
Addition/	Demolition	New	Project Modification
Alteration	(requires HRER if over 45 years old)	Construction	(GO TO STEP 7)
Project description for	Project description for Planning Department approval.		
Conversion of an approximately 3,150 square foot commercial space from a Retail Sales and Service use to a Business and Professional Service use and Limited Restaurant use, installation of a new storefront system and exterior and interior remodel.			

STEP 1: EXEMPTION CLASS

TO BE COMPLETED BY PROJECT PLANNER

Note: If ne	Note: If neither Class 1 or 3 applies, an Environmental Evaluation Application is required.		
$\mathbf{\mathbf{N}}$	Class 1 – Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.		
\checkmark	Class 3 – New Construction/ Conversion of Small Structures. Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.		
	Class		

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

If any box is	If any box is checked below, an <i>Environmental Evaluation Application</i> is required.		
	Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks)? <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Article 38 program and the project would not have the potential to emit substantial pollutant concentrations. (refer to EP _ArcMap > CEQA Catex Determination Layers > Air Pollutant Exposure Zone)</i>		
	Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I		

	Environmental Site Assessment. Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).
	Transportation: Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
	Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? (<i>refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area</i>)
	Noise: Does the project include new noise-sensitive receptors (schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) fronting roadways located in the noise mitigation area? (<i>refer to EP_ArcMap > CEQA Catex Determination Layers > Noise Mitigation Area</i>)
	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (<i>refer to EP_ArcMap > CEQA Catex Determination Layers > Topography</i>)
	Slope = or > 20%: Does the project involve excavation of 50 cubic yards of soil or more, new construction, or square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint? (<i>refer to EP_ArcMap > CEQA Catex Determination Layers > Topography</i>) If box is checked, a geotechnical report is required.
	Seismic: Landslide Zone: Does the project involve excavation of 50 cubic yards of soil or more, new construction, or square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint? (<i>refer to EP_ArcMap</i> > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required.
	Seismic: Liquefaction Zone: Does the project involve excavation of 50 cubic yards of soil or more, new construction, or square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint? (<i>refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones</i>) If box is checked, a geotechnical report will likely be required.
	are checked above, GO TO STEP 3. <u>If one or more boxes are checked above, an <i>Environmental</i> Application is required, unless reviewed by an Environmental Planner.</u>
	Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.
Comments	and Planner Signature (optional):

STEP 3: PROPERTY STATUS – HISTORIC RESOURCE TO BE COMPLETED BY PROJECT PLANNER

PROPE	PROPERTY IS ONE OF THE FOLLOWING: (refer to Parcel Information Map)	
	Category A: Known Historical Resource. GO TO STEP 5.	
	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.	
\checkmark	✓ Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.	

STEP 4: PROPOSED WORK CHECKLIST TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.		
	1. Change of use and new construction. Tenant improvements not included.	
	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.	
	3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.	
	4. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.	
	5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.	
	6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of- way.	
	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .	
	8. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.	
Note	e: Project Planner must check box below before proceeding.	
	Project is not listed. GO TO STEP 5.	
	Project does not conform to the scopes of work. GO TO STEP 5.	
	Project involves four or more work descriptions. GO TO STEP 5.	
	Project involves less than four work descriptions. GO TO STEP 6.	

STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW TO BE COMPLETED BY PRESERVATION PLANNER

Check a	Check all that apply to the project.		
	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.		
	2. Interior alterations to publicly accessible spaces.		
	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.		
	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.		
	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.		
	6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.		
	7. Addition(s), including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .		

3

	8. Other work consistent with the Secretary of the Interior (specify or add comments):	r Standards for the Treatment of Historic Properties				
	9. Other work that would not materially impair a histor	ric district (specify or add comments):				
	(Requires approval by Senior Preservation Planner/Preservation Plannervation Plan	rvation Coordinator)				
10. Reclassification of property status to Category C. (Requires approval by Senior Preservation Planner/Preservation Coordinator)						
	a. Per HRER dated: (attach HRER b. Other (specify):					
Not	e: If ANY box in STEP 5 above is checked, a Preservation 1	Planner MUST check one box below.				
	Further environmental review required. Based on the information provided, the project requires an Environmental Evaluation Application to be submitted. GO TO STEP 6.					
	Project can proceed with categorical exemption review Preservation Planner and can proceed with categorical					
Prese	ments (<i>optional</i>): ervation Planner Signature: P 6: CATEGORICAL EXEMPTION DETERMINATION SE COMPLETED BY PROJECT PLANNER					
	Further environmental review required. Proposed project apply):					
	STOP! Must file an <i>Environmental Evaluation Applicatio</i> No further environmental review is required. The project					
		Signature:				
	Planner Name: Ella Samonsky	Ella Samonsky Digitally signed by Ella Samonsky DN: do=org, do=afgov, do=cityplanning, ou=CityPlanning, ou=Current Planning, cn=Ella Samonsky, email=Ella.Samonsky@sfgov.org Date: 2016.03.02 13:59:50 -08'00'				
	Project Approval Action: Planning Commission Hearin It Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.					
	Once signed or stamped and dated, this document constitutes a categoric Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code days of the project receiving the first approval action.	·				

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If diffe	Block/Lot(s) (If different than front page)	
Case No.	Previous Building Permit No.	New Building Permit No.
Plans Dated	Previous Approval Action	New Approval Action
Modified Project Descri	ption:	

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:

1	
	Result in expansion of the building envelope, as defined in the Planning Code;
	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?

If at least one of the above boxes is checked, further environmental review is required CATEX FORM

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

		The proposed modifi	cation would not result in any of the above changes.		
	If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project				
approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice.					
Planner Name:		Name:	Signature or Stamp:		

Zoning Map





Parcel Map



16th St





Sanborn Map*



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

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Aerial Photo



SUBJECT PROPERTY



Site Photo



PROJECT SITE



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	TCGS 461 VALENCIA STREET A.P.N. LUNCHBOX CAFE AND REA	F, INC. T SAN FRANCISCO, CA. 3554/019 AL ESTATE BROKERAGE FIRM	TAKAMI ENGINEERING GROUP, INC. 1041A Folger Avenue Berkeley, Ca 94710 510.549.0440 www.takamigroup.com
Metal AB-005 Revised Implementation to 2013 Code AC-013 Michael Kunz, CEPE AO.O	EXPLANT OF STATE	Owner: TCGSF, INC. 350 Rhode Isiand street Suite 240 San Francisco, Ca 94103 415.606.2625 Project Address 461 Valencia Street Zoning district: NCT - VALENCIA ST. NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT APN 3554/019 Existing Number of Stories: 1 Proposed Remodel Area: ±3153 SF Current use: A-3 Proposed use: B Construction type: VB No proposed grading. All existing conditions to remain. M.E.P. UNDER SEPARATE PERMIT M.E.P. UNDER SEPARATE PERMIT CODES ALL WORK SHALL BE IN CONFORMANCE WITH THE FOLLOWING: California Electrical Code 2013 California Electrical Code 2013 California Electrical Code 2013 California File Code 2013 California File Code 2013 California File Code 2013	PROJECT: PROJECT: PROJECT: FROJECT: FRO



















