



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: FEBRUARY 27, 2020

Record No.: 2019-014842CUA
Project Address: 1905 UNION STREET
Zoning: Union Street Neighborhood Commercial (NCD) Zoning District
40-X Height and Bulk District
Block/Lot: 0542/001
Project Sponsor: Thomas Tunny
Reuben, Junius & Rose LLP
One Bush Street, Suite 600
San Francisco, CA 94104
Property Owner: Ferroni Family Trust
720 Elizabeth Street
San Francisco, CA 94114
Staff Contact: Matt Dito – (415) 575-9164
matthew.dito@sfgov.org
Recommendation: **Approval with Conditions**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The Project proposes to legalize the conversion of a residential unit on the second floor to a nonresidential use. The nonresidential uses will consist of a Health Service use (acupuncture), a Personal Service use (skincare salon), and a Massage Establishment. The Project would abate Enforcement Case No. 2019-000776ENF.

REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 303 and 317 to allow the removal of a residential unit via conversion.

ISSUES AND OTHER CONSIDERATIONS

- **Public Comment & Outreach.**
 - The Department has received 61 letters of support for the Project, including from the Golden Gate Valley Neighborhood Association and the Union Street Association. The general consensus from all supporters was that the businesses occupying the second floor dwelling unit provide vital services to nearby residents, and that the space itself is not suitable for a dwelling unit due to the ground floor bar.

ENVIRONMENTAL REVIEW

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

BASIS FOR RECOMMENDATION

The Department finds that the Project is, on balance, consistent with the Objectives and Policies of the General Plan. Although the Project results in the loss of a residential unit, the unit has not been occupied in a residential capacity for approximately 50 years, and the Project retains three existing neighborhood-serving uses. The Department also finds the project to be necessary, desirable, and compatible with the surrounding neighborhood, and not to be detrimental to persons or adjacent properties in the vicinity.

ATTACHMENTS:

Draft Motion – Conditional Use Authorization with Conditions of Approval
Exhibit B – Plans
Exhibit C – Environmental Determination
Exhibit D – Land Use Data
Exhibit E – Maps and Context Photos
Exhibit F - Project Sponsor Submittal



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Motion

HEARING DATE: FEBRUARY 27, 2020

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 317 FOR THE CONVERSION OF A RESIDENTIAL UNIT TO A NON-RESIDENTIAL USE AT 1905 UNION STREET, LOT 001 IN ASSESSOR'S BLOCK 0542, WITHIN UNION STREET NEIGHBORHOOD COMMERCIAL (NCD) ZONING DISTRICT AND A 40-X HEIGHT & BULK DISTRICT.

PREAMBLE

On July 31, 2019, Thomas Tunny of Reuben, Junius & Rose LLP (hereinafter "Project Sponsor") filed Application No. 2019-014842CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for Conditional Use Authorization to convert a second floor dwelling unit to a nonresidential use (hereinafter "Project") at 1905 Union Street, Block 0542 Lot 001 (hereinafter "Project Site").

On February 27, 2020, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2019-014842CUA.

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2019-014842CUA is located at 1650 Mission Street, Suite 400, San Francisco, California.

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 Authorization as requested in Application No. 2019-014842CUA, subject to the conditions contained in “EXHIBIT A” of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The Project proposes to legalize the conversion of a residential unit on the second floor to a nonresidential use. The nonresidential uses will consist of a Health Service use (acupuncture), a Personal Service use (skincare salon), and a Massage Establishment. The Project would abate Enforcement Case No. 2019-000776ENF.
3. **Site Description and Present Use.** The Project Site is located on the south side of Union Street at the corner of Laguna Street, Lot 001 in Assessor’s Block 0542, and in the Marina neighborhood. The Project is located within a three-story mixed-used building. The building contains two residential flats over a ground floor bar use (d.b.a. Bus Stop Saloon). The ground floor bar use has been in operation since 1900. Per the Application, the second floor residential flat was converted to a nonresidential use approximately 50 years ago, and has remained as such without interruption. The building has been under the ownership of the Ferroni family since 1952, predating the Residential Conversion.
4. **Surrounding Properties and Neighborhood.** The Project Site is located within the Union Street Neighborhood Commercial (NCD) Zoning District and a 40-X Height & Bulk District within the Marina neighborhood. The immediate vicinity on Union Street is predominantly single-story commercial buildings and multi-story mixed-use buildings. The Project Site is nearby low-scale residential zoning districts which typically permit two or three dwelling units. The Project Site is directly adjacent to a single-story specialty grocery store (d.b.a. The Epicurean Trader), and across the street from a financial service use (d.b.a. Wells Fargo).
5. **Public Outreach and Comments.** The Department has received 61 letters of support for the Project, including from the Golden Gate Valley Neighborhood Association and the Union Street Association. The general consensus from all supporters was that the businesses occupying the second floor dwelling unit provide vital services to nearby residents, and that the space itself is not suitable for a dwelling unit due to the ground floor bar.
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. **Use.** The Project proposes to legalize a Health Services use, a Personal Services use, and a Massage Establishment on the second story of the building, all of which have operated without benefit of a Building Permit.

Pursuant to Planning Code Section 725, Health Services and Personal Services uses are principally permitted on the second story in the Union Street NCD. Massage Establishments typically require Conditional Use Authorization, pursuant to Planning Code Section 303, when located on the second story. However, any Massage Establishment that has continually operated without the benefit of a building permit within the Union Street NCD since prior to December 31, 2017 shall not require a Conditional Use Authorization to legally establish the Massage Establishment. However, such establishments must file a building permit application by May 1, 2020 to legally establish the Massage Establishment use, and such building permit application will be subject to neighborhood notification pursuant to Planning Code Section 311. Documentation provided indicates that the proposed Massage Establishment has been operating continually since prior to December 31, 2017, and therefore would not require Conditional Use Authorization.

- B. **Use Size.** Within the Union Street NCD, non-residential uses are principally permitted up to 2,499 square feet, and require Conditional Use Authorization if 2,500 square feet or larger.

The Project proposes to convert the second floor to various non-residential uses. As the entirety of the second floor is 1,650 square feet, no individual use will exceed 2,499 square feet. Therefore, the use sizes are principally permitted.

7. **Loss of Residential Unit Through Conversion Findings.** Planning Code Section 317 establishes additional criteria for the Planning Commission when reviewing applications for the Loss of Residential and Unauthorized Units, Through Demolition, Merger and Conversion. On balance, the Project complies with said criteria in that:

- A. **Residential Conversion.** Pursuant to Planning Code Section 317(g)(3), the Planning Commission shall consider the following criteria in the review of applications to convert Residential or Unauthorized Units:

- a. Conversion of the unit would eliminate only owner occupied housing, and if so, for how long the unit proposed to be removed were owner occupied.

The residential unit proposed for conversion is not owner occupied, and has not been occupied in any residential capacity for approximately 50 years.

- b. The Residential Conversion would provide desirable new Non-Residential Uses appropriate for the neighborhood and adjoining districts.

The Residential Conversion would legalize a Health Services use, a Personal Services use, and a Massage Establishment. These uses are appropriate for the subject building, as they are located on the second floor, as well as the neighborhood and adjoining districts. Significant support, recognizing their contribution to a successful neighborhood corridor, has been received for the legalization of the uses via Residential Conversion.

- c. In districts where Residential Uses are not permitted, whether Residential Conversion will bring the building closer into conformance with the Uses permitted in the zoning district.

Residential Uses are permitted within the Union Street NCD.

- d. Whether conversion of the unit will be detrimental to the City's housing stock.

Given that the residential unit proposed for conversion has not been occupied in a residential capacity for approximately 50 years, legalizing the nonresidential uses will not be detrimental to the City's housing stock.

- e. Whether conversion of the unit is necessary to eliminate design, functional, or habitability deficiencies that cannot otherwise be corrected.

Conversion of the unit is not necessary to eliminate design, functional, or habitability deficiencies.

- f. Whether the Residential Conversion will remove Affordable Housing, or units subject to the Residential Rent Stabilization and Arbitration Ordinance.

Although the residential unit has not been occupied for approximately 50 years, legalization of its removal via conversion will result in the removal of a unit subject to the Residential Rent Stabilization and Arbitration Ordinance.

- 8. **Conditional Use Findings.** Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the project complies 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 and intensity of the proposed non-residential uses are small-scale and low-intensity, in that they will not draw large crowds. Additionally, they will not be disruptive to nearby properties. The uses are necessary and desirable, as they provide key services to the surrounding neighborhood that, due to the personal and intimate nature of all three businesses, are not easily replaced. The conversion is

necessary due to the location of the residential unit above a longstanding, popular bar use. Given the proximity, the residential unit is not viable for tenancy due to the foot traffic and noise emanating from below. The legalization of the existing nonresidential uses on the second floor is compatible with the bar use, and in many ways complementary. The primary hours of operation for the second floor uses will be daytime, in contrast to the more busy evening and nighttime hours that bar uses tend to maintain.

- 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:

- (1) Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The height and bulk of the existing building will remain the same and will not alter the existing appearance or character of the project vicinity. The proposed work will not affect the building envelope. The proposed Project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity.

- (2) 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;

As the legalization of longstanding nonresidential spaces, the Project will have no effect on the accessibility and traffic patterns for persons and vehicles in the area.

- (3) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

The Project contains small-scale, low-intensity nonresidential uses, which will not create noxious or offensive emissions.

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

The Project does not propose any changes to the exterior of the existing building.

- 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 proposed project is consistent with the stated purpose of the Union Street NCD in that the commercial uses are located at the second story, which maintains the same zoning controls as the ground floor, in regards to commercial uses.

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

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 2:

RETAIN EXISTING HOUSING UNITS, AND PROMOTE SAFETY AND MAINTENANCE STANDARDS, WITHOUT JEOPARDIZING AFFORDABILITY.

Policy 2.4

Promote improvements and continued maintenance to existing units to ensure long term habitation and safety.

The Project proposes to legalize the removal of a residential unit via conversion. Although the loss of the residential unit is not desirable or in conformance with the General Plan, given that the unit has not been used in a residential capacity for approximately 50 years, this loss is mitigated. Additionally, due to the unpermitted alterations to the interior of the space, significant corrects may be required to restore the unit to a livable state.

COMMERCE ELEMENT

Objectives and Policies

OBJECTIVE 2:

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

Policy 2.1

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

The Project proposes to retain three separate commercial uses that would otherwise need to relocate or cease operations.

**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.

Policy 6.3

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 Project proposes to legalize a Residential Conversion and retain three separate neighborhood-serving services. While the Project results in the loss of a dwelling unit, the unit has not been used in a residential capacity for approximately 50 years. Therefore, the retention of the commercial uses is prioritized, as the services provided could not be easily replaced elsewhere in the district if the residential use is restored.

10. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project complies 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 will retain all existing neighborhood-serving retail uses, and legalizes three additional neighborhood-serving retail uses.

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

The Project legalizes the conversion of a residential unit to a nonresidential use. However, the unit has not been used in a residential capacity for approximately 50 years, which eliminates the impact the loss of a residential unit otherwise would cause.

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

The Project does not currently possess any existing affordable housing as defined in Planning Code Sections 401 and 415. Therefore, there is no impact to the City's supply of affordable housing.

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

The Project will retain all current uses in the building. As there will be no change in uses, there will not be any impediment to Muni transit services, nor overburdening of our streets or neighborhood parking.

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

The Project does not include commercial office development and would not effect industrial or service sectors.

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

The Project does not impact the property's ability to withstand an earthquake, as the building will be required to maintain compliance with all relevant life and safety ordinances.

- G. That landmarks and historic buildings be preserved.

Currently, the Project Site does not contain any City Landmarks or historic buildings.

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

The Project has no effect on parks or open space.

11. 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.
12. 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 Authorization Application No. 2019-014842CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated July 3, 2019, 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. 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 February 27, 2020.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: February 27, 2020

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a Residential Conversion located at **1905 Union Street** pursuant to Planning Code Sections **303** and **317** within the Union Street Neighborhood Commercial Zoning District and a 40-X Height and Bulk District; in general conformance with plans, dated **July 3, 2019**, and stamped "EXHIBIT B" included in the docket for Record No. **2019-014842CUA** and subject to conditions of approval reviewed and approved by the Commission on **February 27, 2020** under Motion No **XXXXXX**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **February 27, 2020** under Motion No. **XXXXXX**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

1. **Validity.** 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

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

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

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

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

6. **Legalization of Massage Establishment.** Pursuant to Planning Code Section 725, as it has operated since prior to December 31, 2017, the currently unpermitted Massage Establishment must apply for a Building Permit Application by May 1, 2020 to legalize the use. Such building permit application will be subject to neighborhood notification pursuant to Planning Code Section 311. If no Building Permit Application is applied for by May 1, 2020, then Conditional Use Authorization must be sought.

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

MONITORING - AFTER ENTITLEMENT

7. **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

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

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

OPERATION

9. **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 and all registered neighborhood groups for the area with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator and registered neighborhood groups 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

PROJECT DATA:

PROJECT NAME: CONDITIONAL USE AUTHORIZATION
ADDRESS: 1905 UNION ST.
SAN FRANCISCO, CA

BLOCK: 0542 LOT: 001 3 STORIES ABOVE GROUND 0 BASEMENT(S)

LOT AREA: 1799 S.F.
BUILDING AREA: 5050 S.F.
YEAR BUILT: 1900
OCCUPANCY: R3
ZONING DISTRICT: NCD

SCOPE OF WORK:

NO WORK PROPOSED; CONDITIONAL USE AUTHORIZATION TO ALLOW THE CONVERSION OF A DWELLING UNIT

PROJECT TEAM:

CLIENT:

NAME: GABE FERRONI
ADDRESS: 1905 UNION ST, SAN FRANCISCO, CA 94123

ARCHITECT:

NAME: JEFFERSON CHEN
COMPANY: ENERTIA DESIGNS
ADDRESS: 1167 MISSION ST. FL1
PHONE: 415-515-0403

OVERALL FLOOR AREA SUMMARY

	EXISTING TOTAL BUILDING SQUARE FOOTAGE	PROPOSED TOTAL BUILDING SQUARE FOOTAGE (NO CHANGE)
1ST FLOOR	1650 S.F.	1650 S.F.
2ND FLOOR	1650 S.F.	1650 S.F.
3RD FLOOR	1750 S.F.	1750 S.F.
TOTAL	5050 S.F.	5050 S.F.

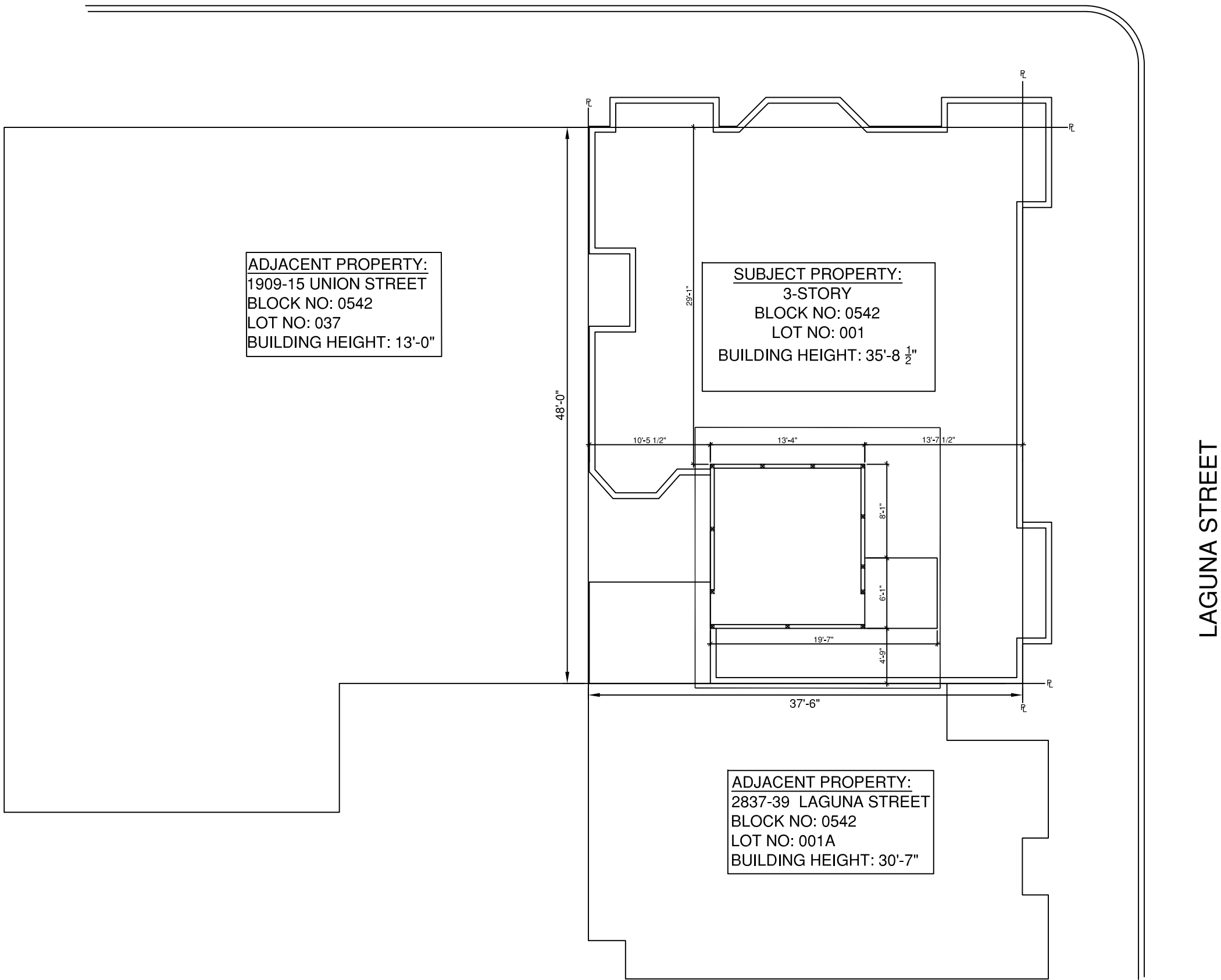
DRAWING INDEX:

- A-1: SITE PLAN, GENERAL NOTES
A-2: EXISTING GROUND FLOOR AND EXISTING THIRD FLOOR PLAN
A-3: EXISTING SECOND FLOOR PLAN AND PROPOSED SECOND FLOOR PLAN
A-4: EXISTING ROOF PLAN

FLOOR AREA SUMMARY BY USE

	EXISTING AREA (S.F.)	PROPOSED AREA (S.F.)
1ST FLOOR SQUARE FOOTAGE BY USE	COMMERCIAL 1500 S.F. COMMON AREA 150 S.F. TOTAL AREA ± 1650 S.F.	COMMERCIAL 1500 S.F. COMMON AREA 150 S.F. TOTAL AREA ± 1650 S.F.
2ND FLOOR SQUARE FOOTAGE BY USE	RESIDENTIAL AREA 1500 S.F. COMMON AREA 150 S.F. TOTAL AREA ± 1650 S.F.	COMMERCIAL AREA 1500 S.F. COMMON AREA 150 S.F. TOTAL AREA ± 1650 S.F.
3RD FLOOR SQUARE FOOTAGE BY USE	RESIDENTIAL AREA 1600 S.F. COMMON AREA 150 S.F. TOTAL AREA ± 1750 S.F.	RESIDENTIAL AREA 1600 S.F. COMMON AREA 150 S.F. TOTAL AREA ± 1750 S.F.

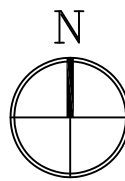
UNION STREET



LAGUNA STREET

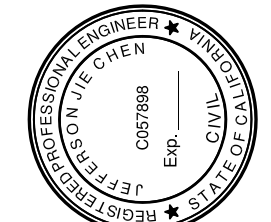
SITE PLAN

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



EMAIL: INFO@ENERTIADESIGNS.NET
OFFICE: 415.626.8000
FAX: 415.701.0212
1167 MISSION STREET, FL1
SAN FRANCISCO, CA 94103

ENERTIA DESIGNS
ARCHITECTURAL ENGINEERING & INTERIOR



DATE	REVISIONS
▲	
▲	
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SITE PLAN

CONDITIONAL USE AUTHORIZATION

1905 UNION ST.
SAN FRANCISCO, CA

Date: 07/03/19

Scale: AS SHOWN

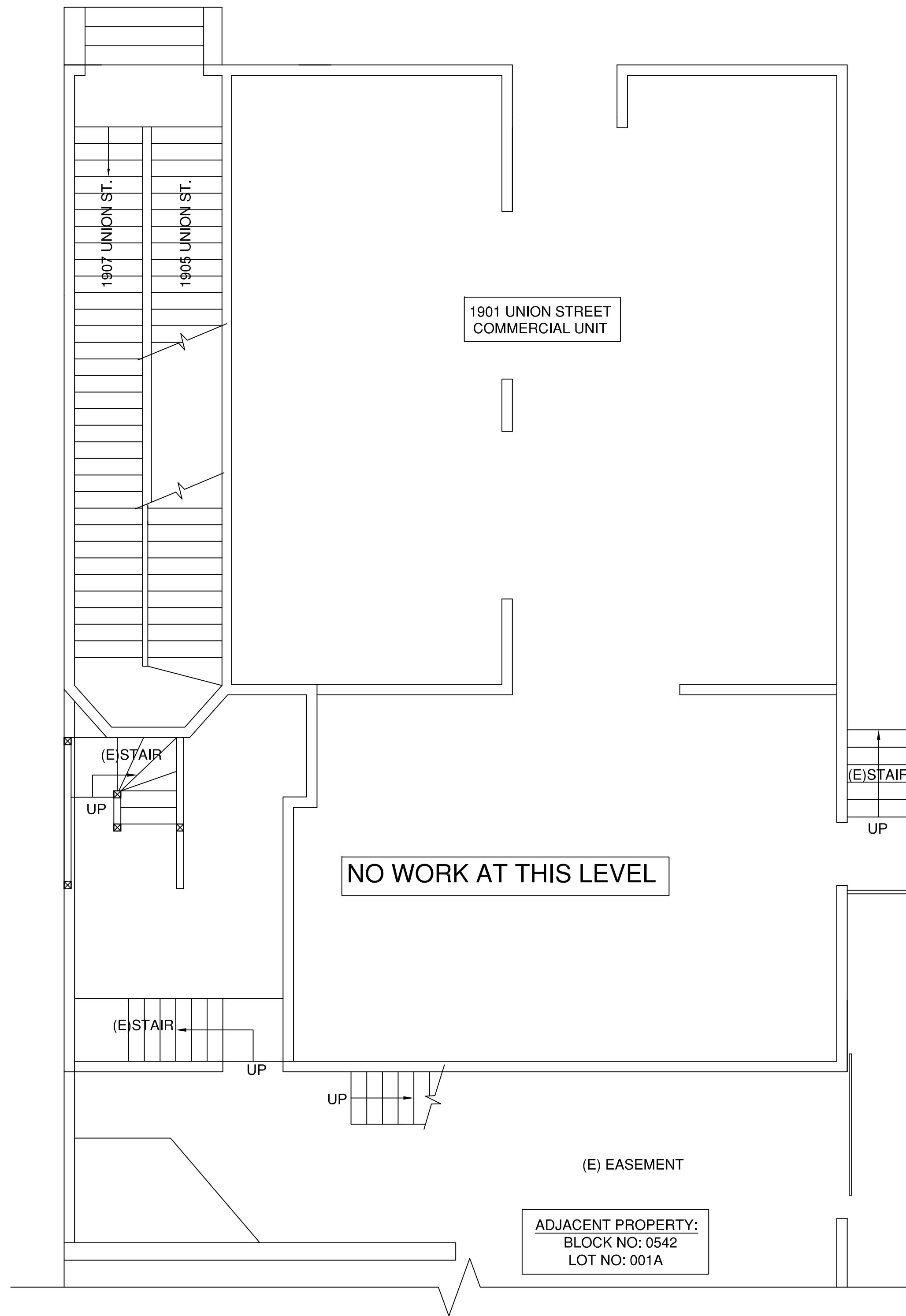
Drawn By: J.C.

Job No: 14505

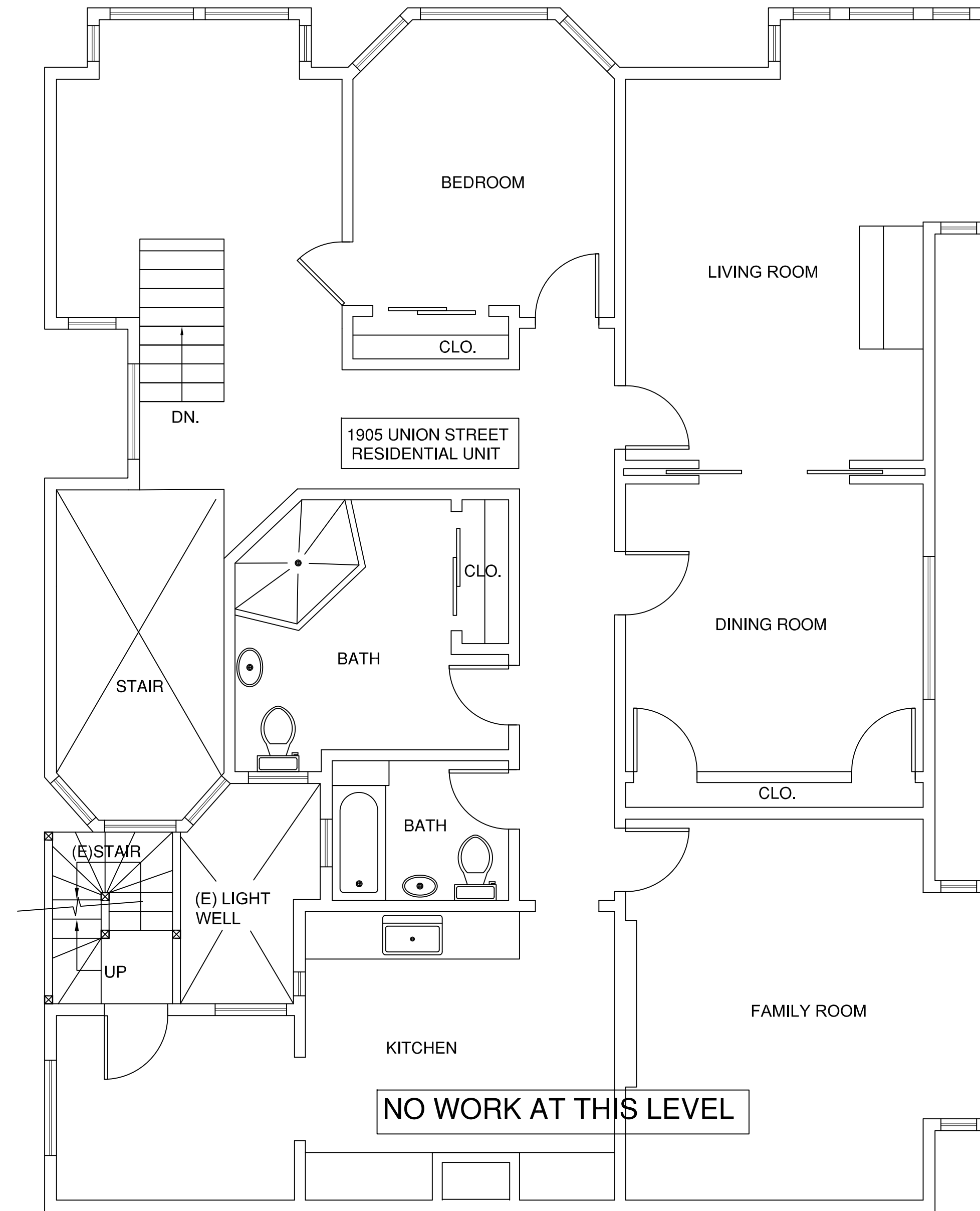
Sheet

A-1

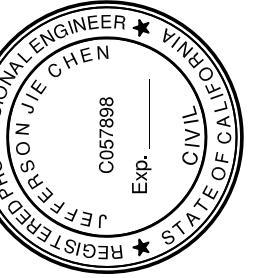
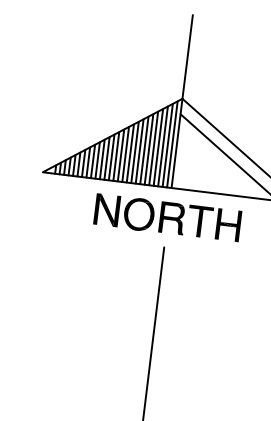
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(E) GROUND FLOOR PLAN
SCALE: 1/4"=1'-0"



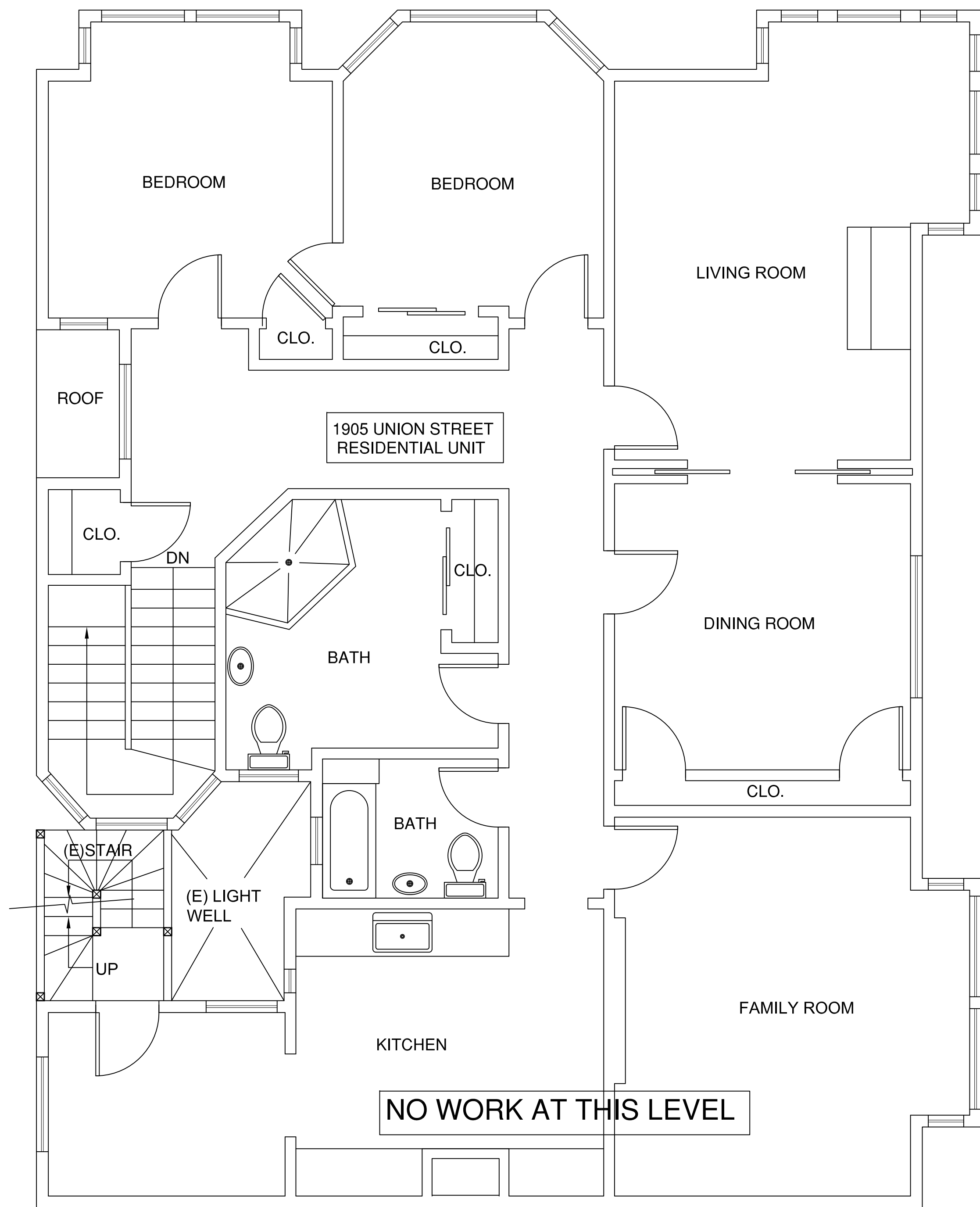
(E) THIRD FLOOR PLAN
SCALE: 1/4"=1'-0"



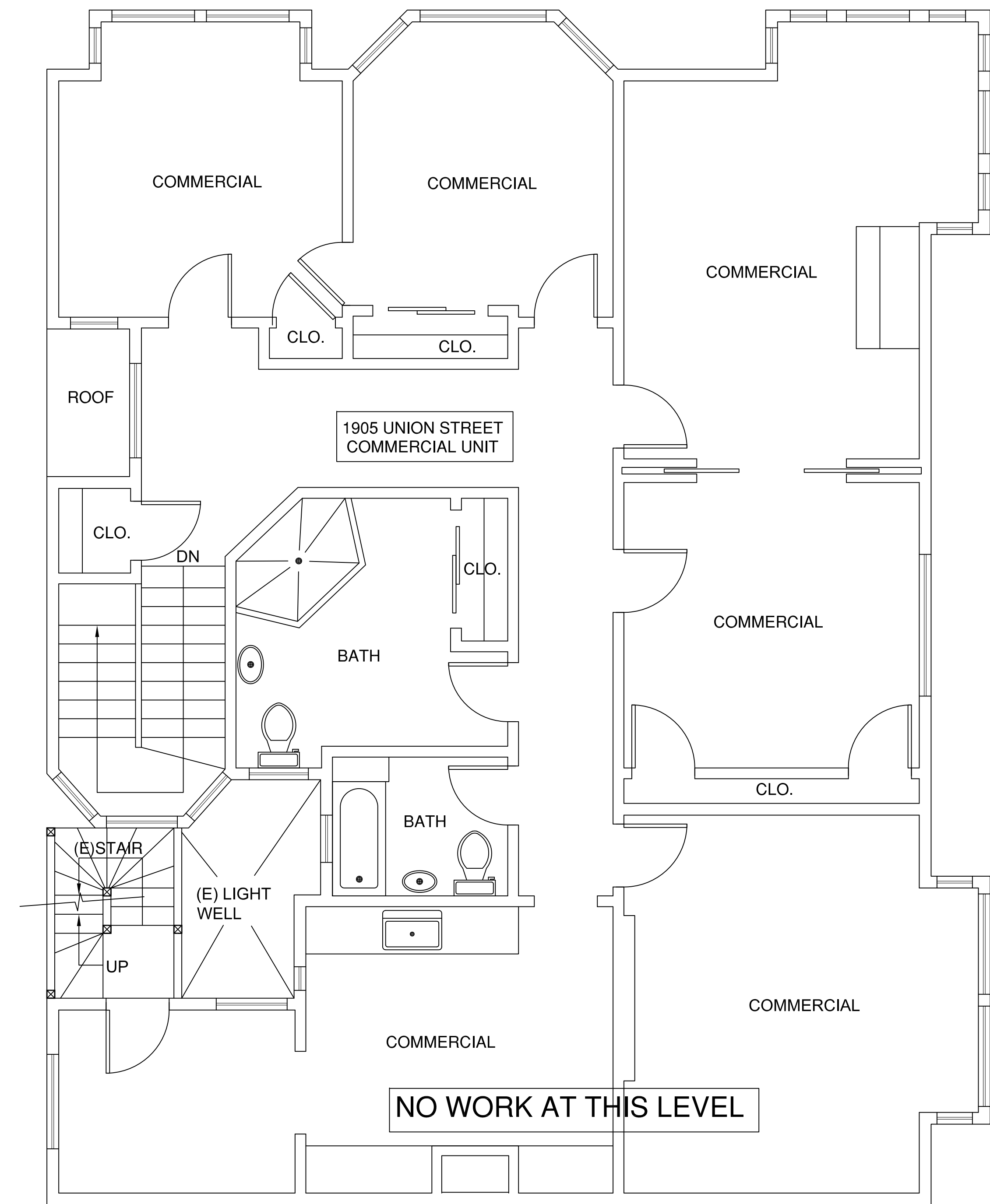
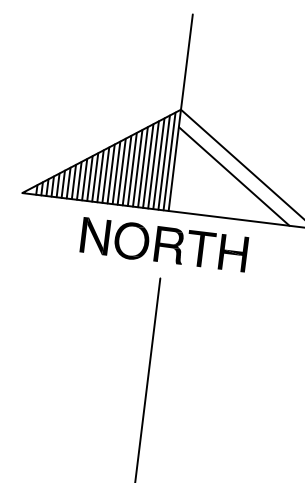
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EXISTING GROUND FLOOR PLAN
EXISTING THIRD FLOOR PLAN

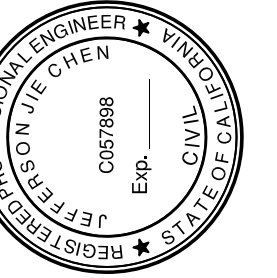
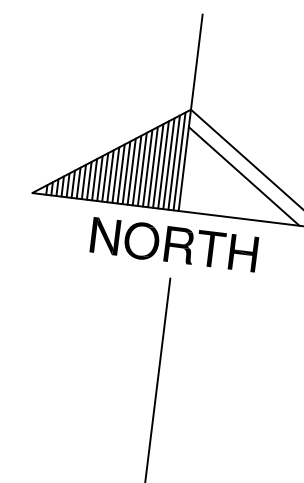
CONDITIONAL USE AUTHORIZATION
1905 UNION ST.
SAN FRANCISCO, CA



(E) SECOND FLOOR PLAN
SCALE: 1/4"=1'-0"



(N) SECOND FLOOR PLAN
SCALE: 1/4"=1'-0"

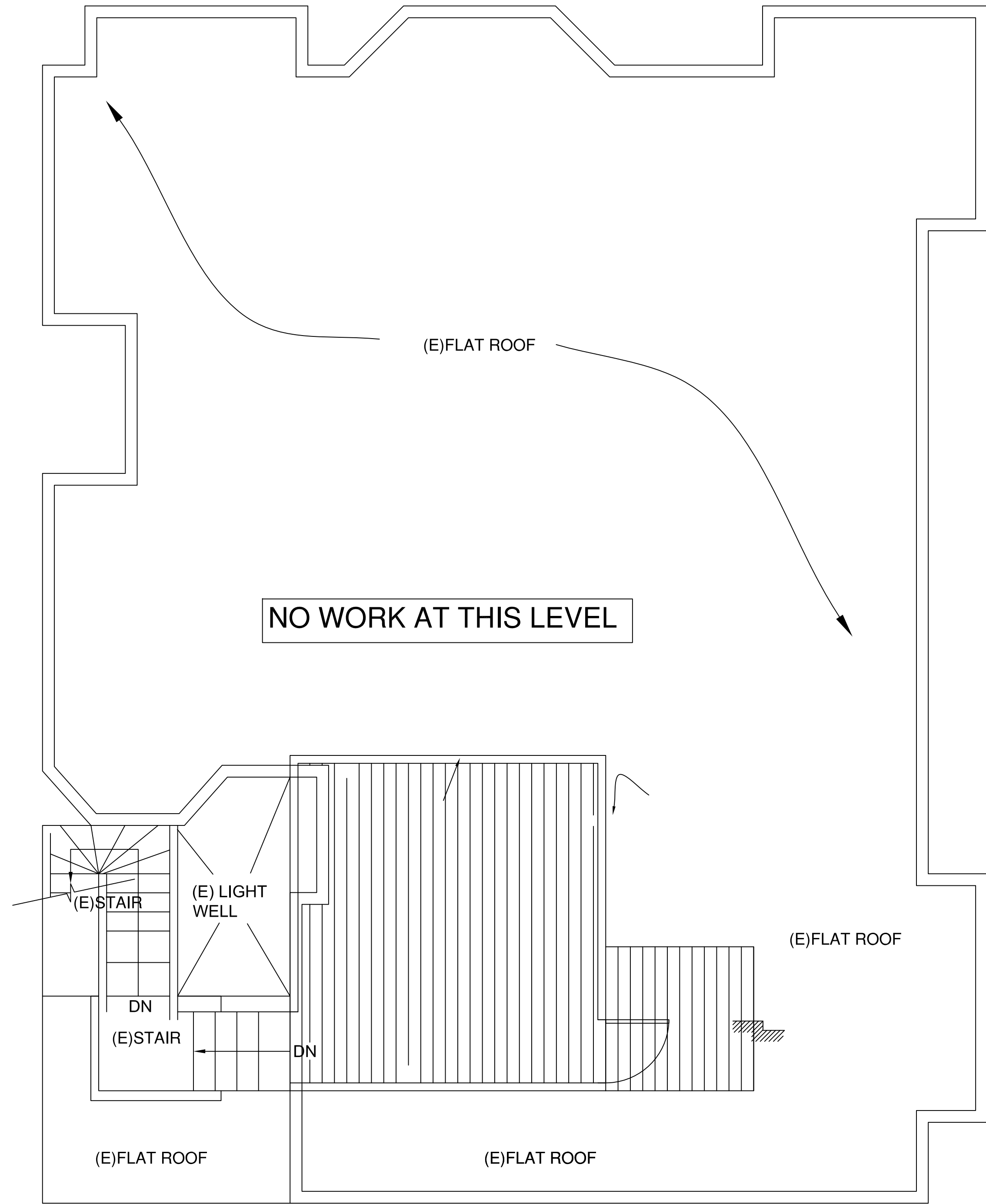


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EXISTING SECOND FLOOR PLAN
PROPOSED SECOND FLOOR PLAN

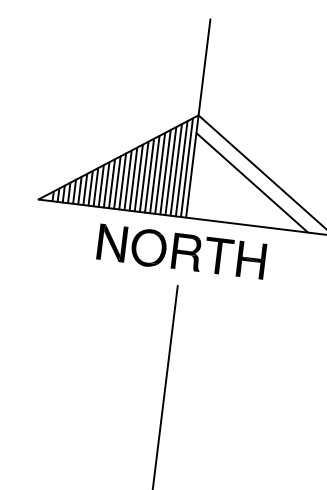
CONDITIONAL USE AUTHORIZATION
1905 UNION ST.
SAN FRANCISCO, CA

Date:	07/03/19
Scale:	AS SHOWN
Drawn By:	J.C.
Job No:	14505
Sheet	A-3
Of	6 Sheets



(E) ROOF PLAN

SCALE: 1/4"=1'-0"



Y

EMAIL: INFO@ENERTIADESIGNS.NET
OFFICE: 415.626.8300
FAX: 415.701.0212
1167 MISSION STREET FL.1,
SAN FRANCISCO, CA 94131

Z

X

ENERTIA DESIGNS
ARCHITECTURAL ENGINEERING & INTERIOR

X

PROFESSIONAL ENGINEER
JENNIFER M. J. CHEN
C067898
Exp. _____
STATE OF CALIFORNIA
CIVIL

	DATE	REVISIONS
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EXISTING ROOF/DECK PLAN

CONDITIONAL USE AUTHORIZATION

1905 UNION ST.
SAN FRANCISCO, CA

Date: 07/03/19

Scale: AS SHOWN

Drawn By: J.C.

Job No: 14505

Sheet

Of 6

Sheets

A-4



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
1905 UNION ST		0542001
Case No.		Permit No.
2019-014842PRJ		
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRE for Category B Building)	<input type="checkbox"/> New Construction
Project description for Planning Department approval. To legalize an unpermitted dwelling unit conversion from residential to commercial.		

STEP 1: EXEMPTION CLASS

The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA).	
<input type="checkbox"/>	Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input checked="" type="checkbox"/>	Class 3 - New Construction. Up to three new single-family residences or six 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.
<input type="checkbox"/>	Class 32 - In-Fill Development. New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services. FOR ENVIRONMENTAL PLANNING USE ONLY
<input type="checkbox"/>	Class ____

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	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, etc.)? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)
<input type="checkbox"/>	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? <i>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).</i>
<input type="checkbox"/>	Transportation: Does the project involve a child care facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? 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?
<input type="checkbox"/>	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? If yes, archeo review is required (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	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? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography). If yes, Environmental Planning must issue the exemption.
<input type="checkbox"/>	Slope = or > 25%: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.
<input type="checkbox"/>	Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.
<input type="checkbox"/>	Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required and Environmental Planning must issue the exemption.
Comments and Planner Signature (optional): 	

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

PROPERTY IS ONE OF THE FOLLOWING: <i>(refer to Property Information Map)</i>	
<input type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input checked="" type="checkbox"/>	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
<input type="checkbox"/>	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.	
<input checked="" type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	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.
<input type="checkbox"/>	5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	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: Project Planner must check box below before proceeding.	
<input type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input checked="" type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.	
<input type="checkbox"/>	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.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.

<input type="checkbox"/>	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> .
<input type="checkbox"/>	8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. Other work that would not materially impair a historic district (specify or add comments): (Requires approval by Senior Preservation Planner/Preservation Coordinator)
<input type="checkbox"/>	10. Reclassification of property status. (Requires approval by Senior Preservation Planner/Preservation <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category A a. Per HRER or PTR dated b. Other (specify): </div> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category C (attach HRER or PTR) </div> </div>
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.	
<input type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature:	

STEP 6: CATEGORICAL EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER

<input checked="" type="checkbox"/>	No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.	
	Project Approval Action: Planning Commission Hearing If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	Signature: Matthew Dito 02/05/2020
Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the approval action. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.		

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 different than front page)		Block/Lot(s) (If different than front page)
1905 UNION ST		0542/001
Case No.	Previous Building Permit No.	New Building Permit No.
2019-014842PRJ		
Plans Dated	Previous Approval Action	New Approval Action
	Planning Commission Hearing	
Modified Project Description:		

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:	
<input type="checkbox"/>	Result in expansion of the building envelope, as defined in the Planning Code;
<input type="checkbox"/>	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
<input type="checkbox"/>	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
<input type="checkbox"/>	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.	

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

<input type="checkbox"/>	The proposed modification 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. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed within 10 days of posting of this determination.	
Planner Name:	Date:



SAN FRANCISCO PLANNING DEPARTMENT

Land Use Information

PROJECT ADDRESS: 1905 UNION ST
RECORD NO.: 2019-014842CUA

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

Reception:
415.558.6378

Fax:
415.558.6409

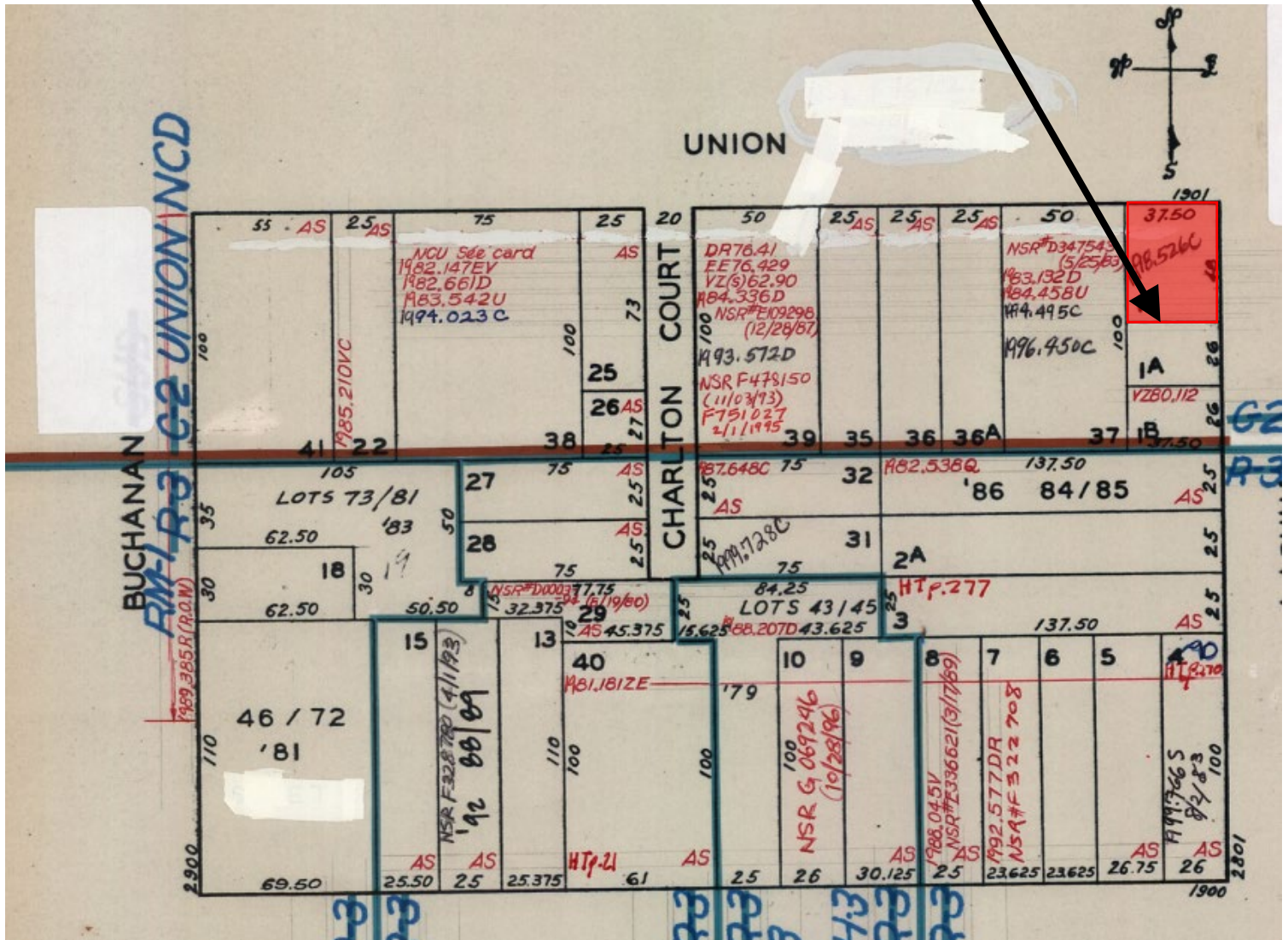
Planning
Information:
415.558.6377

	EXISTING	PROPOSED	NET NEW
GROSS SQUARE FOOTAGE (GSF)			
Parking GSF	0	0	0
Residential GSF	3,100	1,600	-1,500
Retail/Commercial GSF	1,500	3,000	+1,500
Office GSF	0	0	0
Industrial/PDR GSF <i>Production, Distribution, & Repair</i>	0	0	0
Medical GSF	0	0	0
Visitor GSF	0	0	0
CIE GSF	0	0	0
Usable Open Space	0	0	0
Public Open Space	0	0	0
Other ()	0	0	0
TOTAL GSF	4,600	4,600	0
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Dwelling Units - Affordable	0	0	0
Dwelling Units - Market Rate	2	-1	1
Dwelling Units - Total	2	-1	1
Hotel Rooms	0	0	0
Number of Buildings	1	0	1
Number of Stories	3	0	3
Parking Spaces	0	0	0
Loading Spaces	0	0	0
Bicycle Spaces	0	0	0
Car Share Spaces	0	0	0

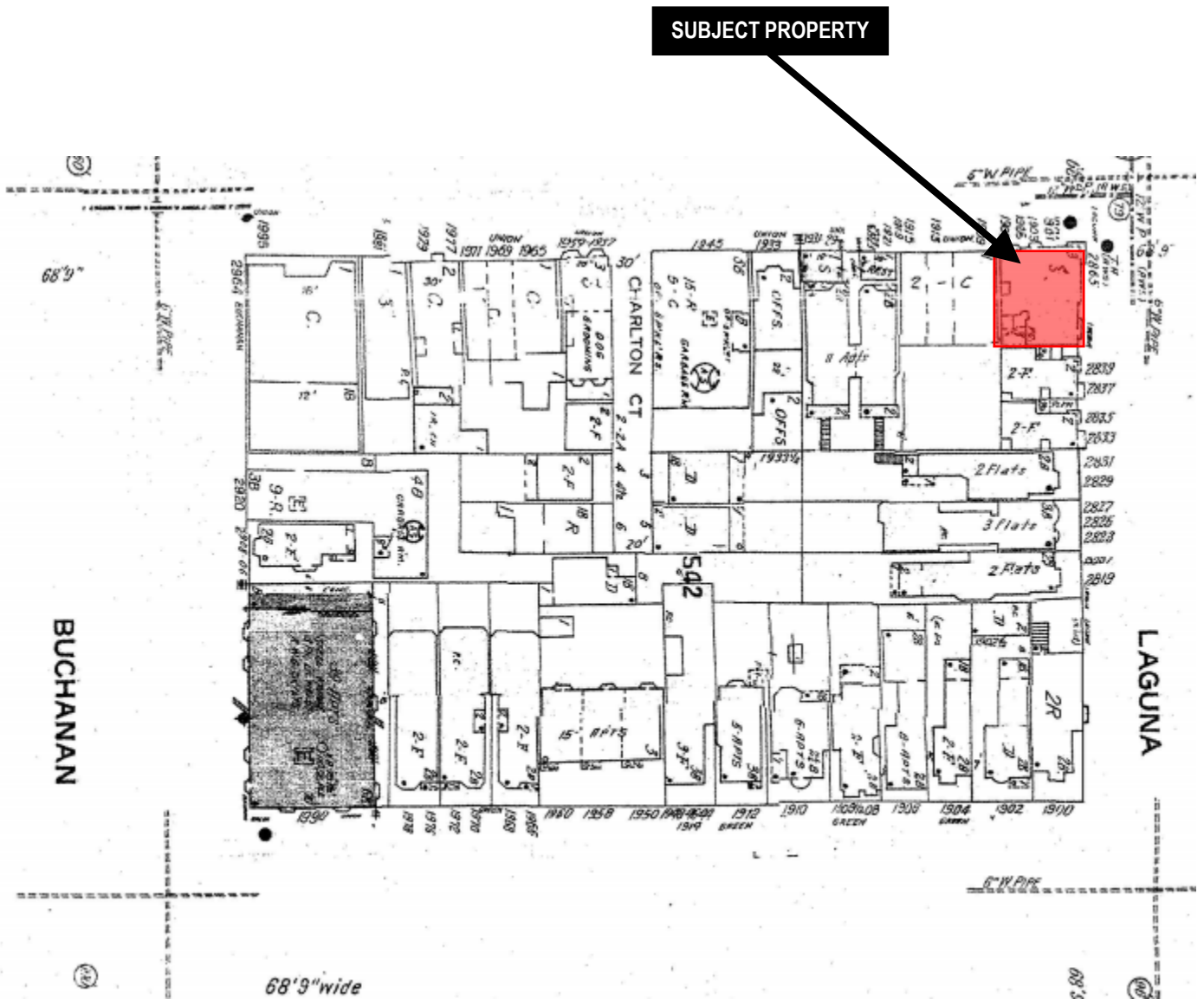
	EXISTING	PROPOSED	NET NEW
LAND USE - RESIDENTIAL			
Studio Units	0	0	0
One Bedroom Units	0	0	0
Two Bedroom Units	2	1	-1
Three Bedroom (or +) Units	0	0	0
Group Housing - Rooms	0	0	0
Group Housing - Beds	0	0	0
SRO Units	0	0	0
Micro Units	0	0	0
Accessory Dwelling Units	0	0	0

Parcel Map

SUBJECT PROPERTY



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 – View 1



SUBJECT PROPERTY



Conditional Use Authorization
Case Number 2019-014842CUA
1905 Union Street
February 27, 2020

Aerial Photo – View 2

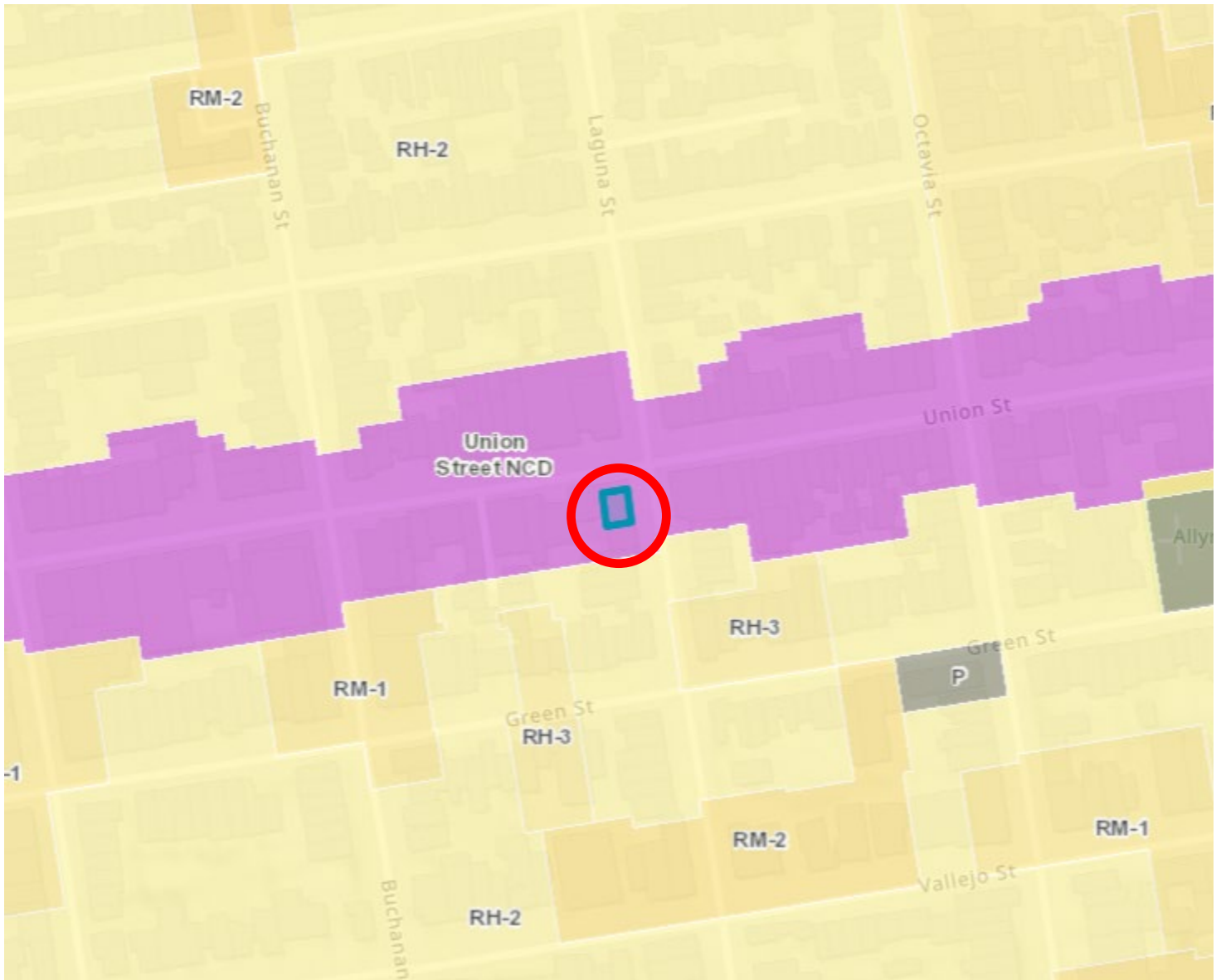


SUBJECT PROPERTY



Conditional Use Authorization
Case Number 2019-014842CUA
1905 Union Street
February 27, 2020

Zoning Map



Conditional Use Authorization
Case Number 2019-014842CUA
1905 Union Street
February 27, 2020

Site Photo



Conditional Use Authorization
Case Number 2019-014842CUA
1905 Union Street
February 27, 2020

REUBEN, JUNIUS & ROSE, LLP

Thomas Tunny
ttunny@reubenlaw.com

February 13, 2020

Delivered Via Email

President Joel Koppel
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

**Re: 1905 Union Street
Brief in Support of the Project
Planning Department Case No. 2019-014842CUA
Hearing Date: February 27, 2020
Our File No.: 11358.01**

Dear President Koppel and Commissioners:

Our office is working with Gabriele and Steffany Ferroni, owners of the three-story building located at 1901 (first floor), 1905 (second floor), and 1907 (third floor) Union Street (the “Property”), in the Union Street Neighborhood Commercial District. The 1,650-square-foot second floor of the Property has been occupied by commercial uses uninterrupted for 50 years. The application before the Planning Commission is a Conditional Use Authorization (“CUA”) to legalize the conversion from residential use to commercial uses that occurred 50 years ago. We urge the Planning Commission to approve the CUA for the following reasons:

- Mr. Ferroni is a fourth-generation San Franciscan and for his entire life his family (father and grandmother) operated the Property’s second floor with commercial businesses. One of the original tenants was Allstate Insurance Company, which occupied the space for approximately 20 years. After Allstate vacated, the space has been occupied by a variety of small, personal and business service tenants. Today the space is occupied by small, neighborhood-serving personal services: an acupuncturist, a skincare salon, and a massage therapist. These uses are especially valuable in today’s increasingly difficult economic climate for retail uses, and the challenge to fill storefronts. This is particularly true on Union Street. Commercial uses on the second floor have been a necessary, desirable, and compatible use for the neighborhood for 50 years.
- The Bus Stop bar is on the ground level of the building and is a historic, vibrant, and thriving neighborhood sports bar that has been in the Ferroni family for a hundred years. However, what makes it such an important and successful neighborhood

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One Bush Street, Suite 600, San Francisco, CA 94104
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Oakland Office
827 Broadway, 2nd Floor, Oakland, CA 94607
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www.reubenlaw.com

institution also makes it very undesirable for a residential use on the second floor above the bar. The noise at night makes the second floor nearly uninhabitable. On the other hand, because the noise is primarily at night, commercial uses are able to operate during the day. The bustling activity of Union Street in general makes residential uses on the second floor impractical. (See Property photos attached as EXHIBIT A.)

- The commercial tenants on the second floor today live nearby, fulfilling an important planning and zoning policy objective of the City: residents living and working in close proximity. The building does not provide parking, encouraging people to walk and use public transportation. The commercial tenants are hardworking small-business contributors to the City who provide a way of life for themselves and their families, and it would be devastating to no longer be able to do so.
- The proposed project is universally supported by the neighborhood. Both the Union Street Association and the Golden Gate Valley Neighborhood Association support the project (their letters of support are attached as EXHIBIT B), and over 60 other neighbors have sent letters of support to the Planning Department. We are not aware of *any* opposition.

I. PROJECT DESCRIPTION

The subject space consists of approximately 1,650 square feet, which is the entirety of the second floor at the Property. Because the conversion to commercial uses happened so long ago, little to nothing is known about the prior residential use. As stated, the current tenants are an acupuncturist, a skincare salon, and a massage therapist, which are expected to continue. Photos of the second floor are attached as EXHIBIT C.

The existing massage establishment qualifies for an exception to the current conditional use requirement for massage establishments. (Plan. Code Section 725.) Because it has operated continually at the Property since before December 31, 2017, the use can be legalized by filing a building permit application by May 1, 2020. But the subject CUA before the Planning Commission must be approved in order for the massage establishment to be allowed to file its building permit.

II. PLANNING CODE FINDINGS

A. Section 317

As established below, we submit that all of the required findings of Planning Code Section 317(g)(3) are met:

(A) whether conversion of the unit(s) would eliminate only owner occupied housing, and if so, for how long the unit(s) proposed to be removed were owner occupied;

The subject space has been occupied by commercial uses for 50 years. The residential use was so long ago, we have no way of knowing whether the residential use was owner-occupied or for how long.

(B) whether Residential Conversion would provide desirable new Non- Residential Use(s) appropriate for the neighborhood and adjoining district(s);

As stated, the second floor has operated as a commercial space for small businesses without interruption for the past 50 years. One of the original tenants was Allstate Insurance Company, which occupied the space for approximately 20 years. After Allstate vacated, the space has been occupied by a variety of small, personal and business service tenants. Today the space is occupied by small, neighborhood-serving personal services: an acupuncturist, a skincare salon, and a massage therapist. Commercial uses on the second floor have been desirable and appropriate for this neighborhood and adjoining districts for 50 years. These uses are especially valuable given today's increasingly difficult economic climate for retail uses, and the challenge to fill storefronts. This is particularly true on Union Street.

The commercial tenants on the second floor today live nearby, fulfilling a policy objective of the City: residents living and working in close proximity. The building does not provide parking, encouraging people to walk and use public transportation. The commercial tenants are hardworking small-business contributors to the City who provide a way of life for themselves and their families, and it would be devastating to no longer be able to do so.

(C) in districts where Residential Uses are not permitted, whether Residential Conversion will bring the building closer into conformance with the Uses permitted in the zoning district;

This finding does not apply because residential uses are permitted in this Zoning District.

(D) whether conversion of the unit(s) will be detrimental to the City's housing stock;

The proposal is not detrimental to the City's housing stock because the second floor has not had a residential use for 50 years.

(E) whether conversion of the unit(s) is necessary to eliminate design, functional, or habitability deficiencies that cannot otherwise be corrected;

The existing and long-time use on the ground floor of the Property presents a major functional and habitability deficiency for residential uses on the second floor. The Bus Stop bar is on the ground level and is a historic, vibrant, and thriving neighborhood sports bar that has been in the Ferroni family for a hundred years. However, what makes it such an important and

successful neighborhood institution also makes it very undesirable for a residential use on the second floor above the bar. The noise at night makes the second floor nearly uninhabitable. On the other hand, because the noise is primarily at night, commercial uses are able to operate during the day.

(F) whether the Residential Conversion will remove Affordable Housing, or units subject to the Residential Rent Stabilization and Arbitration Ordinance.

The proposal will not remove affordable housing or any units subject to the Residential Rent Stabilization and Arbitration Ordinance.

B. Section 303

As established below, we submit that all of the required findings of Planning Code Section 303(c) are met:

(1) That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.

For all of the reasons described in this letter above, the proposed project is necessary and desirable for, and compatible with, the neighborhood or the community.

(2) That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

(a) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of the structure;

The second floor is ideal for commercial uses and inappropriate for residential uses given its location above the Bus Stop bar and close to the street on a busy corner of a commercial district. The existing commercial uses on the second floor have not been detrimental to the health, safety, convenience or general welfare of persons residing or working in the during the last 50 years, and would continue to not be detrimental.

(b) 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;

No off-street parking is required by the Planning Code, and none is provided. The Property has excellent access to public transit, with the 41 and 45 Muni bus lines on Union Street, the 22 bus line nearby, and Van Ness Avenue within walking distance.

- (c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;**

The proposed project will not produce any noxious or offensive emissions.

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

The proposed project will comply with all code requirements concerning landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs.

- (3) That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the Master Plan.**

The Project will affirmatively promote, is consistent with, and will not adversely affect the General Plan, and specifically the Commerce and Industry Element of the General Plan, as follows:

Commerce and Industry Element

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

Policy 1.1 Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

Policy 1.3 Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The project provides for neighborhood commercial uses in a neighborhood commercial district, in fulfillment of the City's land use planning objectives and policies.

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

Policy 2.1 Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

The project allows for the continuation of commercial uses that have been at the subject property for 50 years.

OBJECTIVE 3 PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.1 Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

The project will provide employment opportunities across various skill levels, thereby supporting the local economy.

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.

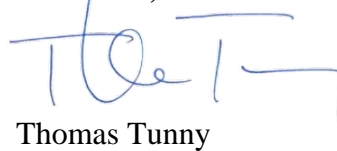
The project would allow for the retention of a diversity of neighborhood-serving retail services in a neighborhood commercial district.

III. CONCLUSION

For all of the reasons discussed above, we urge the Planning Commission to allow the long-standing, neighborhood-serving small businesses at the Property to continue to operate. Thank you for your consideration.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Thomas Tunny

Enclosures

cc: Vice President Kathrin Moore
 Commissioner Sue Diamond
 Commissioner Frank Fung
 Commissioner Milicent Johnson
 Commissioner Dennis Richards

Jonas Ionin, Commission Secretary
Matthew Dito, Project Planner
Steffany Ferroni
Gabriele Ferroni

EXHIBIT A



1905 Union Street



1905 Union Street



1905 Union Street



1905 Union Street

EXHIBIT B

From: Lesley Leonhardt <ll@imagesnorth.com>
Date: October 9, 2019 at 12:40:33 PM PDT
To: matthew.dito@sfgov.org, Gabe Ferroni <gabeferroni@gmail.com>
Subject: 1905 Union

Dear Mr. Dito,

The Union Street Association does **not support** the change of use proposed by the Department for this address. We **support** the property owner in **keeping the commercial usage** on the second floor. Having been in operation for years, these businesses have benefited our neighborhood with the occupants and their clients shopping and dining on Union Street. There can be little appetite for residential uses as there is a bar, namely the Bus Stop, operational for years on the ground floor, that would prevent potential residents to rent due to the activity the bar produces.

Over all the years the bar and its upstairs businesses have co-existed with no problems. The Association believes this usage should continue as it is **successful** in all respects. We urge you to preserve the commercial designation as it is and make no changes.

I can be reached at 415-673-1273 if needed.

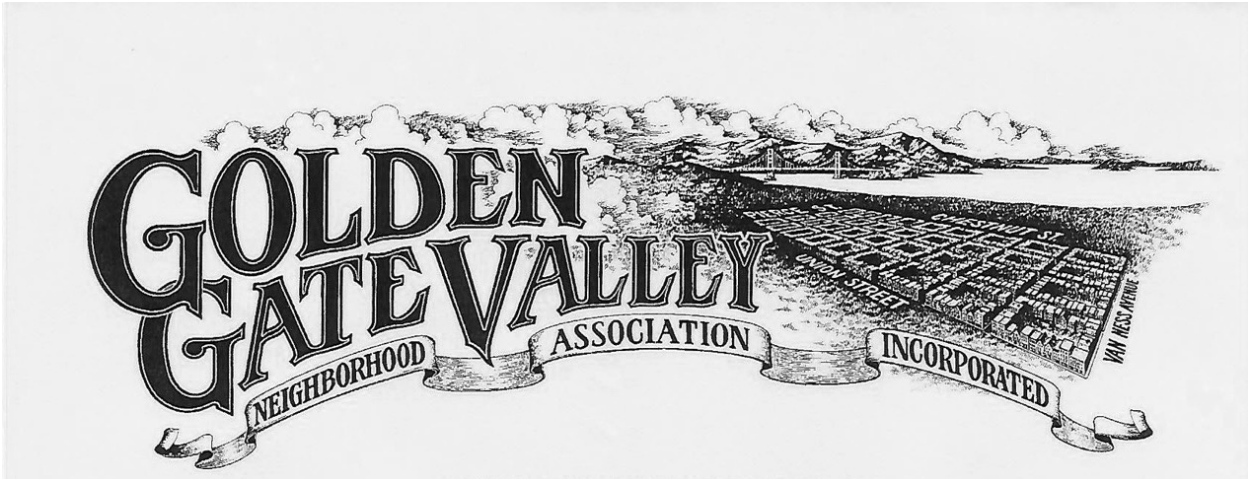
Sincerely,
Lesley Leonhardt

--

Lesley Leonhardt
Executive Director
Union Street Association
2036 Union Street
San Francisco, CA 94123

Tel.: (415) 441-7055

email: ll@imagesnorth.com
website: www.unionstreetsf.com



P.O. Box 29086
Presidio Station
San Francisco, CA 94129

October 21, 2019

Re: 1905 Union Street

Dear San Francisco Planning Department:

Golden Gate Valley Neighborhood Association opposes converting upper floor units at 1905 Union Street from commercial to residential for the following reasons.

First, the commercial usage has been ongoing for over 40 years and has been very beneficial to the success of Union Street's mix of commercial and residential properties. These businesses located at 1905 add to the prosperity of small business when the occupants find lunch and dinner options as well as shopping choices, supporting local entrepreneurs.

Second, the ground floor is occupied by a bar named the Bus Stop, in business for over 50 years and very popular. Having residential tenants directly above the bar will make for noisy and difficult living conditions. Most likely the spaces will go empty and only commercial uses can work in practice.

Third, owner Gabe Ferroni has been a good neighbor and responsible property manager. He keeps the sidewalk spotless at his location and engages in the health and prosperity of our community by joining in neighborhood projects and events. He has been a fair landlord and charged reasonably priced rents. He wants the commercial use to continue.

Fourth, there are too many closed storefronts along Union Street, some shuttered for months. We generally need more commercial and retail options for shoppers to keep the district attractive.

Golden Gate Valley Neighborhood Association urges they city to reject this change of use request for the above reasons. The street will not benefit from losing Mr. Ferroni's commercial tenants and their participation in the economic health of the neighborhood.

Many thanks for your kind attention.

Sincerely yours,

Phil Faroudja

President, GGVNA

EXHIBIT C

1905 Union Street (2nd Floor) Photos









