



# SAN FRANCISCO PLANNING DEPARTMENT

*Subject to: (Select only if applicable)*

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

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## Planning Commission Motion No. 18517

HEARING DATE: DECEMBER 1, 2011

*Date:* April 28, 2011  
*Case No.:* **2011.0716C**  
*Project Address:* **259 BROAD STREET**  
*Zoning:* RH-1 (Residential, House, One-Family) District  
40-X Height and Bulk District  
*Block/Lot:* 7114/052  
*Project Sponsor:* Tommy Lee  
Merced Residential Care Facility  
259 Broad Street  
San Francisco, CA 94112  
*Staff Contact:* Michael Smith – (415) 558-6322  
[michael.e.smith@sfgov.org](mailto:michael.e.smith@sfgov.org)

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTION 303 OF THE PLANNING CODE TO MODIFY THE CONDITIONS OF APPROVAL PLACED UPON THE EXISTING RESIDENTIAL CARE FACILITY (D.B.A. "MERCED RESIDENTIAL CARE FACILITY") IN MOTION NO. 14958 TO ALLOW FOR THE CONSTRUCTION OF A ONE STORY VERTICAL ADDITION THAT WOULD ADD A CARETAKER'S UNIT TO THE EXISTING FACILITY, LOCATED WITHIN A RH-1 (RESIDENTIAL, HOUSE, ONE-FAMILY) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On July 7, 2011 Augustine Fallay on behalf of Tommy Lee (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section 303 to modify the conditions of approval placed on the existing residential care facility in Motion No. 14958, Case No. 1999.644C, to allow for the construction of a one-story vertical addition that would add rooms for a caretaker's unit to the existing facility, located within a RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.

On December 1, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.0716C.

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

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

**MOVED**, that the Commission hereby authorizes the Conditional Use requested in Application No. 2011.0716C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## **FINDINGS**

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the south side of the street between Capitol and Orizaba Avenues, Assessor's Block 7114, Lot 052. The property is located within the RH-1 (Residential, House, One-Family) District and 40-X height and bulk districts. The subject property is a mid-block lot that measures 25 feet in width and 125 feet in depth and is improved with a two-story building that was constructed in 1999, it has six bedrooms and three full baths in approximately 3,230 square-feet and is residential in character. In January 2000 the subject property was granted a conditional use authorization to operate as a residential care facility for up to 12 people (d.b.a. "Merced Residential Care Facility").

The facility provides long-term care for twelve individuals with Alzheimer's disease or other forms of dementia, who do not require skilled nursing care. The facility allows these individuals, who are at risk for being unnecessarily placed in institutions, to be treated in a family-like setting in a community. The facility is licensed by the California Department of Social Services (DSS), which primarily licenses facilities for mental health and the developmentally disabled. Basic services at the site are for men and women and include a furnished room, meals and planned activities. Referrals are made to health care professionals and social service agencies that can assist the residents and their family members, where appropriate. These services are not provided on-site.

3. **Surrounding Properties and Neighborhood.** The neighborhood is defined by one- and two-story single-family dwellings and is architecturally mixed. The neighborhood is close to a number of commercial and institutional uses. The adjacent building to the east

was also constructed in 1999 and is nearly identical to the subject building but has a third floor addition that is set back 15-feet from the front of the building.

4. **Project Description.** The proposal is to construct a one-story vertical addition on the existing building that would add a caretaker's unit to the existing facility. The addition would add approximately 1,150 square-feet to the building and would contain two bedrooms, one full bath, and a living room. The property was conditionally permitted as a residential care facility for twelve patients in January, 2000. The addition would not add an independent dwelling unit to the property or increase the facilities overall number of patients. The addition would provide caretaker housing for the facility and is only accessed through the facility below. The addition would not be used to add patient capacity beyond the existing 12 persons to the facility. The addition would be set back 15 feet from the front of the building and 10-feet from the rear of the building with roof decks within the setback areas.
5. **Public Comment.** The Department has not received any comments from the public 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. **Land Use.** Planning Code Section 209.3 conditionally permits a residential care facility for seven or more persons within a RH-1 District.

*The project proposes to add a caretaker's unit to an existing conditionally permitted residential care facility for twelve persons.*

- B. **Parking.** Planning Code Section 151 requires one off-street parking space for each 10 residents, where the number of residents exceeds nine.

*The property has one existing off-street parking space for twelve existing persons. The project would not increase the capacity of the facility but instead provide living space for a caretaker.*

- C. **Open Space.** For group housing structures Section 135 of the Planning Code requires that the minimum amount of usable open space provided for use by each bedroom shall be 1/3 the amount required for a dwelling unit in the District. This Code Section further states that dwellings specifically designed for and occupied by senior citizens or physically handicapped persons, as defined and regulated by Section 209.1(m) of this Code, the minimum amount of usable open space to be provided for use by each dwelling unit shall be 1/2 the amount.

*The Code requires 600 square-feet of usable open space for the proposed use. The requirement would be met with the open space located in the rear yard and within the third floor roof decks.*

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

## COMMERCE AND INDUSTRY ELEMENT

### Objectives and Policies

#### **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 would promote the retention of a commercial use that provides employment opportunities for semi-skilled workers.*

#### **OBJECTIVE 7:**

ENHANCE SAN FRANCISCO'S POSITION AS A NATIONAL AND REGIONAL CENTER FOR GOVERNMENTAL, HEALTH, AND EDUCATIONAL SERVICE

#### **Policy 7.2:**

Encourage the extension of needed health and educational services, but manage expansion to avoid or minimize disruption of adjacent residential areas.

*The project would expand a health related service within a residential district in a manner that minimizes disruption on adjacent residential uses. The addition would be set back and articulated in a manner that retains the residential scale of the property and minimizes light and air blockage to adjacent properties.*

#### **Policy 7.3:**

Promote the provision of adequate health and educational services to all geographical districts and cultural groups in the city

*The project would strengthen an existing residential care facility for persons suffering from dementia and related diseases in an area of the City that is underserved by such uses.*

8. **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.

*There are no retail uses on the site that would be displaced by the project.*

- 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 preserve the existing residential care facility on the site thereby protecting the cultural and economic diversity of the neighborhood.*

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

*The Project would not result in the loss of affordable housing.*

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

*The site is located on Broad Street which is served by the M-Oceanview transit line. The proposed dwelling would not have required off-street parking but because it is located along a transit line it is presumable that potential occupants of the dwelling could use transit instead of a private automobile. The additional ridership would not impact the M-Oceanview transit line.*

- 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. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.*

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

*The Project will not negatively impact the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*The subject building is not a landmark or historic building.*

- 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 have an impact on open spaces.*

9. 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.
10. 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. 2011.0716C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated May 2010, 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. 18517. 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.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on December 1, 2011.

Linda D. Avery  
Commission Secretary

AYES: Commissioners Sugaya, Fong, Antonini, Borden, and Moore

NAYES: None

ABSENT: Commissioner Miguel

ADOPTED: January 12, 2012

## **EXHIBIT A**

### **AUTHORIZATION**

This authorization is for a conditional use to amend Motion No. 14958 pursuant to Planning Code Section 303 to expand an existing conditionally permitted residential care facility by adding a third floor to the property at 259 Broad Street, Block 7114, and Lot 052 located within a RH-1 District and a 40-X Height and Bulk District; in general conformance with plans, dated May 2010, and stamped "EXHIBIT B" included in the docket for Case No. 2011.0716C and subject to conditions of approval reviewed and approved by the Commission on December 1, 2011 under Motion No. **18517X**. 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 December 1, 2011 under Motion No. **18517X**.

### **PRINTING OF CONDITIONS OF APPROVAL ON PLANS**

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **18517X** shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

### **SEVERABILITY**

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

### **CHANGES AND MODIFICATIONS**

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



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

### PERFORMANCE

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

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

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

### DESIGN

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

### MONITORING - AFTER ENTITLEMENT

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

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

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

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

## OPERATION

5. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org/>*

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

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