



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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## Planning Commission Motion 18623

HEARING DATE: MAY 10, 2012

*Date:* May 3, 2012  
*Case No.:* **2012.0354C**  
*Project Address:* **827 PACIFIC AVENUE**  
*Zoning:* CRNC (Chinatown Residential Neighborhood Commercial) District  
Washington Broadway Special Use District No. 1  
65-N Height and Bulk District  
*Block/Lot:* 0179/039  
*Project Sponsor:* Gerald Green  
7765 Greenly Drive  
Oakland, CA 94605  
*Staff Contact:* Rick Crawford – (415) 558-6358  
[rick.crawford@sfgov.org](mailto:rick.crawford@sfgov.org)

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, AND 812.80 OF THE PLANNING CODE TO ALLOW A 2,800 SQUARE FOOT MEDICAL CENTER USE ON THE SECOND FLOOR OF THE BUILDING WITHIN THE CRNC (CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL) DISTRICT AND A 65-N HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On March 19, 2012 Gerald Green (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 303 and 812.80 to allow a 2,800 square foot medical center use on the second floor of the building within the CRNC (Chinatown Residential Neighborhood Commercial) District and a 65-N Height and Bulk District.

On May 10, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0354C.

The project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1(a) categorical exemption. Additionally this project was determined to have no adverse effect on historic properties.

The Commission has reviewed and concurs with said determination. The categorical exemption and all pertinent documents may be found in the files of the Planning Department (hereinafter "Department"), as the custodian of records, at 1650 Mission Street, San Francisco.

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. 2012.0354C, 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 Pacific Avenue, between Powell and Stockton Streets, Block 0179, Lot 039. The property is located within the CRNC (Chinatown Residential Neighborhood Commercial) Zoning District and the 65-N Height and Bulk district. The property is developed with an 8,600 square foot commercial building with two stories over a basement, previously used for a furniture retail business. The building is vacant.
3. **Surrounding Properties and Neighborhood.** The project site is located in the Chinatown neighborhood. The area surrounding the project site features a mix of residential, retail, restaurant, educational, and institutional uses. The Ping Yuen Housing complex is located nearby, as are the Chinatown Public Library, Gordon Lau Public Elementary School, and the Chinese Hospital.
4. **Project Description.** The proposed project is to relocate the infusion clinic for Chinese Hospital to the second floor of the existing building. The use would occupy approximately 2,800 square feet of floor area. Chinese Hospital's Radiology Center, a principally permitted medical service use, is relocating to the building's basement and first floors. The remainder of the first floor would be used for health insurance offices, a principally permitted professional services use. The project was identified in the most recent Institutional Master Plan for Chinese Hospital that was accepted by the Planning Commission on May 19, 2011.
5. **Public Comment.** As of May 3, 2012, the Department has received no public comment on the 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. **Institutional Master Plan.** Planning Code Section 304.5 states that each medical institution in San Francisco shall have on file with the Planning Department a current institutional master plan (IMP) describing the existing and anticipated future development of that institution. IMPs for medical institutions shall be reviewed by a health planner overseen by the Department of Public Health to comment on the institution's long-range development goals and their relationship to citywide health care needs. The IMP must be updated every ten years.

*The IMP for Chinese Hospital was reviewed by the Health Planner supervised by the Department of Public Health and accepted by the Planning Commission at their meeting of May 19, 2011. The project was identified in the IMP.*

- B. **Nonresidential Use Size.** Planning Code Sections 812.20 and 121.4 states that a Conditional Use Authorization is required for a nonresidential use between 2,501 and 4,000 square feet in area. The Sections also prohibits a single nonresidential use that exceeds 4,000 square feet in area.

*The proposed Medical Center use would occupy 2,800 square-feet of floor area on the second floor of the building. Pursuant to a Zoning Administrator's Interpretation of Planning Code Section 121.2, a conforming use which was over the nonresidential use size threshold, but which predated the use size limit requirement, could change to a different use occupying the same floor area without conditional use authorization, provided there is no increase in floor area. The subject building was constructed circa 1926 with 8,600 square-feet of commercial space on three levels. The space has been used in the current, or larger, configuration since construction by conforming uses, therefore; conditional use authorization for nonresidential use size is not required for the proposed change of use.*

- C. **Medical Center Use.** Planning Code Section 812.80 states that a Conditional Use Authorization is required for Medical Center uses on any floor of a building in the CRNC District, as defined by Planning Code Section 890.44.

*Planning Code Section 890.44 defines medical center as a public or private institutional use, which provides medical facilities for inpatient care, medical offices, clinics, and laboratories. The proposed infusion clinic is a medical clinic within the definition of medical center and it is part of Chinese Hospital, a medical facility providing inpatient care. The infusion clinic would be located on the second floor of the building.*

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 use is in keeping with other storefronts on the block face. The proposed medical center use would not affect traffic or parking in the District because the use is a relocation of facilities for Chinese Hospital one block away from the project site. The use would help activate a vacant storefront.*

- 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 height and bulk of the existing building would remain the same and the project would not alter the existing appearance or character of the project vicinity. The proposed work would not affect the building envelope.*

- 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 project relocates services from Chinese Hospital, one block away, to the project site. The traffic patterns would be unchanged and there would be no disruptions to pedestrian or vehicular traffic around the building in connection with the project. Many of the visitors to the medical center will come from within walking distance and the project will not generate significant amounts of vehicular trips. The project is well served by transit with three MUNI bus lines operating nearby. Off-street parking is available in public parking garages in the area.*

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

*The proposed use is not expected to produce 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 subject building occupies almost the entire project site with little area for landscaping.*

- 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 project is not located in a Neighborhood Commercial district. The use is a neighborhood serving medical center that is consistent with the stated purposed of CRNC District.*

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

## COMMUNITY SAFETY ELEMENT

### Objectives and Policies

#### **OBJECTIVE 1:**

REDUCE STRUCTURAL AND NON-STRUCTURAL HAZARDS TO LIFE SAFETY AND MINIMIZE PROPERTY DAMAGE RESULTING FROM FUTURE DISASTERS.

#### **Policy 1.25:**

Prepare for medical emergencies and pandemics.

*The project would increase the availability of healthcare services and of medical professionals in Chinatown, which would better prepare the Chinatown neighborhood for emergencies and pandemics.*

## CHINATOWN AREA PLAN

### Objectives and Policies

#### **OBJECTIVE 1:**

PRESERVE THE DISTINCTIVE URBAN CHARACTER, PHYSICAL ENVIRONMENT AND CULTURAL HERITAGE OF CHINATOWN.

#### **Policy 1.4:**

Protect the historic and aesthetic resources of Chinatown.

*The project does not involve exterior modifications to the building and would preserve the building's aesthetic contributions to Chinatown.*

#### **OBJECTIVE 4:**

PRESERVE THE URBAN ROLE OF CHINATOWN AS A RESIDENTIAL NEIGHBORHOOD.

#### **Policy 4.1:**

Protect and enhance neighborhood serving character of commercial uses in predominantly residential areas.

#### **Policy 4.2:**

Control proliferation of uses that tend to crowd out the needed neighborhood services.

*The project would provide healthcare services to residents of the Chinatown neighborhood, which would strengthen the Chinatown neighborhood. By providing healthcare services to the Chinatown area and community residents, the project would protect and enhance the neighborhood serving character of commercial uses in Chinatown. The medical center use is an important neighborhood service that would complement and not crowd out other neighborhood services,*

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 provide new employment opportunities for residents of the Chinatown community.*

- 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 help preserve the Chinatown neighborhood by improving health care opportunities for the residents of the Chinatown community.*

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

*No housing would be removed for this project.*

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

*The project would have no significant impacts on Muni transit service, streets, or neighborhood parking. The area is well served by transit with three MUNI bus lines operating nearby. Many of the expected patrons of the project would be residents of the Chinatown neighborhood who would walk to the property. It is anticipated that many employees would commute by transit thereby mitigating any possible effects on street 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 would not displace any service or industry establishment. The project would not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses would 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 is designed and would be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal would not affect the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*The subject building was constructed circa 1926 and is a potential historic resource. The project would not alter the exterior of the building and would preserve the historic character of the façade.*

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

*The project would have no effect on existing parks and open spaces. The project does not have an impact on open spaces.*

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. 2012.0354C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated March 16, 2012, 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. 18623. 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 May 10, 2012.

Linda D. Avery  
Commission Secretary

AYES: Antonini, Bordon, Fong, Miguel, Moore, Wu

NAYS: none

ABSENT: Sugaya

ADOPTED: May 10, 2012



## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to allow a medical center use located at 827 Pacific Avenue, Block 0179, Lot 030 pursuant to Planning Code Sections 303 and 812.80 within the Chinatown Residential Neighborhood Commercial (CRNC) District and a 65-N Height and Bulk District; in general conformance with plans, dated March 16, 2012, and stamped "EXHIBIT B" included in the docket for Case No. 2012.0354C and subject to conditions of approval reviewed and approved by the Commission on May 10, 2012 under Motion No 18623. 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 May 10, 2012 under Motion No 18623.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18623 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

### SEVERABILITY

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

### CHANGES AND MODIFICATIONS

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

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

### PERFORMANCE

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as

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

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

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

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

## DESIGN

3. **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).*

4. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## PROVISIONS

5. **Transit Impact Development Fee.** Pursuant to Planning Code Section 411 (formerly Chapter 38 of the Administrative Code), the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) as required by and based on drawings submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy, the Project Sponsor shall provide the Planning Director with certification that the fee has been paid.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## 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](http://www.sf-planning.org)*
7. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## OPERATION

8. **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/>*
9. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.  
*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>*
10. **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.

**Motion 18623**  
**May 10, 2012**

**CASE NO. 2012.0354C**  
**827 Pacific Avenue**

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