



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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| <input type="checkbox"/> Inclusionary Housing (Sec. 315) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 313) | <input type="checkbox"/> Child Care Requirement (Sec. 314) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 139) | <input type="checkbox"/> Other |

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Planning Commission Motion No. 18674 HEARING DATE, JULY 26, 2012

Date: July 19, 2012
Case No.: 2012.0348 C
Project Address: 175 JUNIPERO SERRA BOULEVARD
Zoning: RH-1(D) (Residential, One-family, Detached) District
40-X Height and Bulk District
Block/Lot: 3250/006
Project Sponsor: Magda Bach
1791 33rd Avenue
San Francisco, CA 94122
Staff Contact: Adrian C. Putra – (415) 575-9079
adrian.putra@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 209.3(f) AND 303 TO ALLOW A CHILD CARE FACILITY FOR 15 OR MORE CHILDREN (D.B.A. ALPHA KIDS ACADEMY) WITHIN AN RH-1(D) (RESIDENTIAL, ONE-FAMILY, DETACHED) DISTRICT, AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On March 15, 2012, Magda Bach (Project Sponsor) filed an application with the Department for Conditional Use Authorization under Planning Code Sections 209.3(f) and 303 of the Planning Code to allow a child care facility for 15 or more children (d.b.a. Alpha Kids Academy) within an RH-1(D) (Residential, One-family, Detached), and a 40-X Height and Bulk District.

On July 26, 2012, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0348C.

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

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. 2012.0348C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site at 175 Junipero Serra Boulevard is located on the north side of Darien Way, between Junipero Serra Boulevard and San Rafael Way and is developed with a church for the Ninth Church of Christ, Scientist. The subject lot contains approximately 33,410 square-feet with approximately 200 feet of frontage along Junipero Serra Boulevard, 180 feet of frontage along Darien Way, and 190 feet of frontage along San Rafael Way.
3. **Surrounding Properties and Neighborhood.** The project site is located within an RH-1 (D) (Residential, One-family, Detached) District situated in St. Francis Woods Neighborhood. RH-1 (D) Districts are characterized by lots of greater width and area than in other parts of the City, and by single-family houses with side yards. The structures are relatively large, but rarely exceed 35 feet in height. Ground level open space and landscaping at the front and rear are usually abundant. Much of the development has been in sizable tracts with similarities of building style and narrow streets following the contours of hills. In some cases private covenants have controlled the nature of development and helped to maintain the street areas. Properties directly to the north and east of the project site are developed with detached, single-family dwellings. Directly south of the project site on the opposite side of Darien Way is Commodore Sloat Elementary School.
4. **Project Description.** The project sponsor seeks a Conditional Use Authorization, pursuant to Planning Code Sections 209.3(f) and 303 to establish a child care facility (d.b.a. Alpha Kids Academy) providing less than 24 hour care for 15 or more children. The proposed facility would be located at the eastern end of the church building and occupy existing Sunday school facilities which are not in use during the weekdays. The proposed facility consists of three class rooms, an art/music room, and library room occupying a total area of approximately 2,700 square-feet. Additionally, the proposed facility will have access to an outdoor play area on the subject property. The proposed facility would operate Monday through Friday from 7:30 AM to 6:00 PM, serving children from ages two and a half to six years, and will be operated by a staff of six (one director, one assistant director, three teachers, and one teacher assistant). The project sponsor expects the proposed facility to typically provide care for 20 to 40 children and at the maximum provide care for up to 60 children throughout the day. The project sponsor does not plan to have all children at the school at one time, but rather stagger the times when children are

at the facility by having a system for children to arrive either between 7:30 to 9:00 AM for morning care, and offer early pick-up or afternoon care for children from 3:30 to 6:00 PM. In addition, there is ample on-street parking abutting the subject property along Junipero Serra Boulevard, Darien Way, and San Rafael Way, and the project sponsor has expressed the intention to apply for a passenger loading zone curb along San Rafael Way in front of the entrance to the proposed facility. The operator will also be required to obtain a State issued license to operate the proposed child-care facility and adhere to the Child Care Center General Licensing Requirements of the State of California.

5. **Public Comment.** To date the Department is not aware of any opposition to 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. **Institutions – Child Care Facility.** Planning Code Section 209.3(f) requires Conditional Use authorization for child care facilities providing less than 24 hour care for 15 or more children by licensed personnel and meeting the open space and other requirements of the State of California within the RH-1 (D) District.

The project sponsor seeks Conditional Use Authorization to establish a child care facility providing less than 24 hour care for more than 15 children within an RH-1(D) District.

- B. **Parking.** Planning Code Section 151 of the Planning Code requires one parking space for each 25 children to be accommodated at any one time, where the number of such children exceeds 24.

The proposed child care facility will provide child care for a maximum of 60 children, which requires two off-street parking spaces per Planning Code Section 151. The proposed child care facility has up to three off-street parking spaces accessible from Darien Way.

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 project is compatible with the surrounding neighborhood as the proposed child care facility will occupy existing under utilized church facilities currently only used for Sunday school services. The project will not expand the existing building envelope and will not create any further physical impacts upon light, air or midblock open space. The use is desirable as it will provide a vital service for the residents of the neighborhood.

B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The project is not detrimental to the area since it does not involve any physical expansion to the existing building.

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The project site is located within an established residential neighborhood that is well served by public transit with five MUNI lines within approximately a ¼ mile of the site: K, 17, M, 28, and 28L. Additionally, the proposed child care facility is intended to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips citywide. The project sponsor also intends to apply for a loading zone curb in front of the child care facility's entrance facing San Rafael Way.

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

The project will not create any noxious or offensive emissions, such as glare, dust, or odor.

- iv. 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 change to the existing, landscaping or lighting. Any proposed signage will be subject to the review and approval of the Planning Department.

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.

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

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

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 that has substantial undesirable consequences that cannot be mitigated.

The project would enhance the city living and working environment by providing needed child care services for residents and workers within the City. The project would also need to comply with State licensing requirements for child care facilities further minimizing possible undesirable consequences from such an operation.

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.

Policy 3:

Maintain a favorable social cultural climate in the city in order to enhance its attractiveness as a firm location. .

The project will enhance the diverse economic base of the City.

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 additional employment opportunities for San Francisco residents.

GOVERNMENT, HEALTH AND EDUCATION SERVICES

Objectives and Policies

OBJECTIVE 7:

ENHANCE SAN FRANCISCO'S POSITION AS A NATIONAL AND REGIONAL CENTER FOR GOVERNMENT, HEALTH, AND EDUCATIONAL SERVICES.

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 proposed child care center will provide educational services for the children of San Francisco residents. No physical expansion is proposed to the existing church grounds and a majority of the proposed child care facility's activities will take place indoors, hence the adjacent residential uses will not be disrupted.

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.

No neighborhood-serving retail use 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 does not involve any physical alteration or expansion to the project site and thus will not adversely affect existing housing or character of the neighborhood.

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

No housing will be removed for this Project.

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

Due to the nature of the project there are no anticipated adverse effects upon MUNI service or on 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.

Approval of this project will not adversely affect any industrial or service sector jobs rather it will create new service sector employment opportunities for workers of that sector.

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

The project will not impact the subject property's ability to withstand an earthquake and all tenant improvements shall meet the structural and seismic safety requirements of the City Building Code.

- G. That landmarks and historic buildings be preserved.

No landmarks or historic buildings will be adversely affected by the project.

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

This project will not affect any parks or open space because there would be no physical change to the existing building.

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. 2012.0348C** subject to the following conditions attached hereto as "EXHIBIT A" 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. 18674. 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, 94012.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on July 26, 2012.

Linda Avery
Commission Secretary

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

NAYES: None

ABSENT: None

ADOPTED: July 26, 2012

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a child care facility for 15 or more children (d.b.a. Alpha Kids Academy) located at 175 Junipero Serra Boulevard, Block 3250, and Lot 006 pursuant to Planning Code Sections 209.3(f) and 303 and within an RH-1(D) and a 40-X Height and Bulk District; in general conformance with plans, dated June 18, 2012, and stamped "EXHIBIT B" included in the docket for Case No. 2012.0348C and subject to conditions of approval reviewed and approved by the Commission on July 26, 2012 under Motion No. **18674**. 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 July 26, 2012 under Motion No. **18674**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **18674** 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.

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.

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

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

OPERATION

5. **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

6. **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/>

7. **Traffic Plan.** The Project Sponsor shall provide a traffic plan that includes providing a passenger loading and unloading "white" zone along a street curb that fronts the subject property. Additionally, crossing guard(s) shall monitor the passenger loading and unloading "white" zone during morning and afternoon pick-up and drop-off hours.

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