



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: May 12, 2011
TO: Planning Commissioners
FROM: Michael Smith, Neighborhood Planning
RE: 259 Broad Street, Case No. 2010.0937CV

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On May 5, 2011, following public testimony the Commission closed public hearing and 1) entertained a motion of intent to disapprove by a vote of +7 -0; 2) continued the matter to May 19, 2011 by a vote of +6 -1, Sugaya dissented. Attached is a draft motion for disapproval.



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 Draft Motion

HEARING DATE: MAY 19, 2011

Date: May 12, 2011
Case No.: **2010.0937CV**
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
259 Broad Street
San Francisco, CA 94112
Staff Contact: Michael Smith – (415) 558-6322
michael.e.smith@sfgov.org

ADOPTING FINDINGS RELATING TO THE DISAPPROVAL 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 AN INDEPENDENT DWELLING UNIT TO THE EXISTING BUILDING, LOCATED WITHIN A RH-1 (RESIDENTIAL, HOUSE, ONE-FAMILY) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On October 14, 2010, Ronald Yu on behalf of Tommy Lee (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization pursuant to Section 303 of the Planning Code to modify the conditions of approval placed on the existing residential care facility (d.b.a "Merced 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 an independent dwelling unit to the existing building, located within a RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.

On May 5, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2010.0937C.

The Department has determined that the proposed project is categorically exempt from environmental review, pursuant to CEQA Guideline Sections 15301(e)(1).

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 disapproves the Conditional Use requested in Application No. 2010.0937C, 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 of 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 was conditionally permitted as a residential care facility in January, 2000. The addition would add a dwelling unit to the property. The addition would be set back 15 feet from

the front of the building and measure 63 feet in depth. The dwelling would have two bedrooms and one bath in approximately 1,527 gross square-feet and have independent street access.

5. **Public Comment.** The Department one email from a neighbor opposed to the granting of the parking variance.
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 209.1 principally permits a single-family dwelling within a RH-1 District.

The project proposes to add a single-family dwelling to the property. The Department has determined that a principally permitted use can be added to an existing conditionally permitted use with the granting of a new conditional use to amend the original approval.

- B. **Parking.** Planning Code Section 151 requires one off-street parking space for each dwelling unit.

The property has one existing off-street parking space which satisfies the parking requirement for the existing use. One additional off-street parking space is required for the proposed dwelling unit but it is not being provided. The sponsor is seeking a parking variance for the lack of the requisite parking space.

- C. **Open Space.** Planning Code Section 135 requires all dwellings in RH-1 Districts to have access to 300 square-feet of usable open space.

The proposed dwelling would have direct access to 360 square-feet of usable open space located within the roof deck at the front of the building.

- G. **Dwelling Unit Exposure.** Planning Code Section 140 requires that every dwelling unit in every use district face either a public street, a public alley at least 25 feet in width, a rear yard meeting the requirements of the Planning Code, an outer court with a width greater than 25 feet, or an open area at least 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase in five feet in every horizontal dimension at each subsequent floor.

The proposed dwelling would meet the dwelling unit exposure requirement with windows that face the street and windows that face the Code complying rear yard.

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

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1:

TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND.

Policy 1.4:

Locate in-fill housing on appropriate sites in established residential neighborhoods.

The project would add one unit of housing to the City's housing stock in a neighborhood that is characterized by single-family dwellings. The site is already developed with a residential care facility for up to 12 residents. The addition of an independent dwelling to the property would greatly increase the development intensity of the site to an extent that it would no longer be compatible with the single-family residential nature of the neighborhood.

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 not comply with the City's policy to conserve and protect existing housing and neighborhood character in order to preserve the cultural and economic diversity of our neighborhoods.

- 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 denial of the Project will have no impact on 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 would over develop the site to an extent that it would not be incompatible with the single-family residential character of the neighborhood.

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

The denial of the Project will 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 project sought an off-street parking variance to provide a new dwelling without required parking. The denial of the Project will maintain the existing off-street parking condition in the neighborhood. The denial of the Project will have no impact on MUNI transit service.

- 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 denial of the Project will not displace any service or industry establishment. Ownership of industrial or service sector businesses will not be affected by the denial of this project.

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

The denial of 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 denial of the project will have no negative impact on existing parks and open spaces.

9. The Project is not consistent with and would not promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would not contribute to the character and stability of the neighborhood and would not constitute a beneficial development.
10. The Commission hereby finds that approval of the Conditional Use authorization would not 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 **DISAPPROVES Conditional Use Application No. 2010.0937C** as indicated on the plans on file with this application, dated October 14, 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. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on May 19, 2011.

Linda D. Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: May 19, 2011