



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. 18162

HEARING DATE: AUGUST 5, 2010

Date: July 29, 2010
Case No.: **2009.1095C**
Project Address: **80 JULIAN AVENUE**
Zoning: Valencia Street Neighborhood Commercial Transit District
45-X Height and Bulk District
Block/Lot: 3547/ 027
Project Sponsor: Cort Gross, Agent for
"Native American Health Center"
220 Montgomery Street, Suite 905
San Francisco, CA 94104
Staff Contact: Edgar Oropeza – (415) 558-6381
edgar.oropeza@sfgov.org

ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303, 317, 790.86, 726.21, 726.81 AND 726.24 FOR THE REMOVAL OF RESIDENTIAL UNITS, PROPOSING A USE SIZE GREATER THAN 2,999 SQUARE FEET, TO ESTABLISH AN OTHER INSTITUTIONS, LARGE USE WITH AN OUTDOOR ACTIVITY AREA DBA, NATIVE AMERICAN HEALTH CENTER, ALL WITHIN THE VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT WITH A 45-X HEIGHT AND BULK DESIGNATION.

PREAMBLE

On November 30, 2009, Cort Gross agent for the "Native American Health Center," (Project Sponsor) filed an application with the Planning Department for Conditional Use Authorization under Planning Code Sections 303, 317, 790.86, 726.21, 726.81 and 726.24 to demolish the existing two-story single family dwelling with 15 guest bedrooms building, and construct in its place a four-story, 45-foot tall 16,000 square foot building operated by the Native American Health Center (NAHC) consisting of medical and dental clinics, office space, and transitional housing for single mothers all within the Valencia Street Neighborhood Commercial Transit District with a 45-X Height and Bulk Designation.

On August 5, 2010, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2009.1095C.

The Planning Department determined that the project is exempt from environmental review per Section 15183 of the California Environmental Quality Act (CEQA) Guidelines and California Public Resources Code Section 21083.3. The Commission has reviewed and concurs with said determination.

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. 2009.1095C, 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 demolish the existing two-story single family dwelling with 15 guest bedrooms building (Single Room Occupancy Hotel), and construct in its place a four-story, 45-foot tall 16,000 square foot building operated by the Native American Health Center (NAHC) consisting of medical and dental clinics, office space, and transitional housing for single mothers all within the Valencia Street Neighborhood Commercial Transit District with a 45-X Height and Bulk Designation.

The Valencia Street Neighborhood Commercial Transit District is located near the center of San Francisco in the Mission District. It lies along Valencia Street between 14th and Cesar Chavez (Army) Street, and includes a portion of 16th Street extending west toward Dolores Street. The Valencia Street District has a pattern of large lots and businesses, as well as a sizable number of upper-story residential units.

3. **Site Description and Present Use.** The project site measures 66 feet in width by 100 feet in depth for a total square footage of approximately 6,600 square feet. The site is improved with a 2-story single family dwelling with 15 guest bedrooms building and is located on a through lot fronting Julian Avenue and Caledonia Street. Caledonia Street is a narrow alley way measuring only 15 feet in width property line to property line.

The building's original use was as a single room occupancy hotel. In May of 1994, The Friendship House Association of American Indians (FHAAI) applied for Conditional Use at 80 Julian Avenue to establish an Other Institution, Large use (residential care facility,

drug and alcohol treatment center) for up to 20 persons in five bedrooms. FHAAI vacated the building approximately eight years ago.

The building has been vacant; red tagged and boarded up for the last two years. The actual use of the building in recent years as reported by the Mission District precinct police, the City Attorney's and FHAAI has been a crash pad, along with notable drug use and prostitution. The Department of Building Inspection has cited the property in the past four years for numerous code violations which have been never addressed.

- 4. Surrounding Properties and Neighborhood.** Julian Avenue is located in the north east area of the Mission District. It is in close proximity to the 16th Street Mission Street BART Station and runs parallel to both Valencia and Mission Streets. Its development is mixed including but no limited to six at grade parking lots, an apartment complex, the Friendship House Complex, and the Armory (housing Kink.Com). Overall the northern portion of Julian Avenue is developed with taller buildings than the south end. Uses on this block include, film production, residential, institutional, and parking lots.

To the west is Valencia Street. This portion of Valencia Street is improved with a wide variety of building types housing several different uses. It is improved with large apartment blocks and industrial type buildings ranging from 2 to 4 stories in height. Uses on Valencia Street include residential, retail, office, gym and industrial (auto repair) uses.

- 5. Environmental Review.** The Planning Department determined that the project is exempt from environmental review per Section 15183 of the California Environmental Quality Act (CEQA) Guidelines and California Public Resources Code Section 21083.3. The Eastern Neighborhoods EIR incorporated and adequately addressed all potential impacts of the proposed 80 Julian Avenue project. The 80 Julian Avenue project would not have any additional or peculiar significant adverse effects not examined in the Eastern Neighborhoods EIR, nor has any new or additional information come to light that would alter the conclusions of the Eastern Neighborhoods EIR. Thus, the proposed 80 Julian Avenue project would not have any new significant or peculiar effects on the environment not previously identified in the Final EIR for the Eastern Neighborhoods Rezoning and Area Plans, nor would any environmental impacts be substantially greater than described in the Eastern Neighborhoods EIR. No mitigation measures previously found infeasible have been determined to be feasible, nor have any new mitigation measures or alternatives been identified but rejected by the project sponsor. Therefore, in addition to being exempt from environmental review under Section 15183 of the CEQA Guidelines, the proposed project is also exempt under Section 21083.3 of the California Public Resources Code.
- 6. Variance Application.** The project also includes a rear yard modification request and usable open space request per Sections 134 (e) and 135.

7. **Public Comment.** The Department has received one comment in opposition to the project proposal. An adjacent neighbor to the west (Valencia Street) has voiced concern that his family's light and air would be considerably impacted if the building were built as proposed.

Project sponsor has had multiple outreach meetings primarily with concerned residents along the Valencia Street corridor to address their issues with the subject proposal.

8. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Residential Demolition – Section 317:** Pursuant to Planning Code Section 317, Conditional Use Authorization is required for applications proposing to remove residential units within the Valencia Street Neighborhood Commercial Transit District. This Code Section establishes a checklist of criteria that delineate the relevant General Plan Policies and Objectives.

As the project requires Conditional Use Authorization per the requirements of the Section 317, the additional criteria specified under Section 317 have been incorporated as findings a part of this Motion. "Additional Findings pursuant to Section 317" below.

- B. **Use Size.** Planning Code Section 121.2 states that a new use greater than 2,999 square feet, requires Conditional Use within in the Valencia Street NCT Districts.

The Project proposes an Other, Institutions Large Use of approximately 16,000 square feet operated by the Native American Health Center (NAHC) consisting of medical and dental clinics, office space, and transitional housing for single mothers and has applied for Conditional Use Authorization before the Planning Commission per case No. 2009.1095C.

- C. **Use.** Planning Code Section 726.81 states that Other Institutions, Large uses, as defined per Code Section 790.50 are principally permitted on the ground floor and required conditional use on the second story and above.

The Project proposes an Other, Institutions Large Use on all floors (1-4) and has applied for Conditional Use Authorization before the Planning Commission per case No. 2009.1095C.

- D. **Outdoor Activity Area.** Planning Code Section 726.24 states that an outdoor activity area as defined per Code Section 790.70 requires Conditional Use Authorization if it's not located at the front of the property.

The Project proposes an outdoor activity area for the Other, Institutions, Large use at the side yard and has applied for Conditional Use authorization before the Planning Commission per case No. 2009.1095C.

- E. **Height.** Planning Code Section 260 requires that all structures be no taller than the height prescribed in the subject height and bulk district. The proposed Project is located in a 45-X Height and Bulk District.

The project proposes a replacement building at 45 feet in height. The proposed building will not cast shadows on properties owned by the Park and Recreation Department.

- F. **Rear Yard Requirement.** Planning Code Section 134 requires, in the Valencia Street NCT District, a rear yard measuring 25 percent of the total depth.

The Project does not propose a rear yard but rather a side yard that is contiguous to the adjacent open space to the north. The project sponsor is seeking a rear yard modification pursuant to Planning Code Section 143(e).

- G. **Open Space Requirement.** Planning Code Section 135 states that for group housing structures, the minimum amount of usable open space provided for use by each bedroom shall be 1/3 the amount required for a dwelling unit as specified in paragraph (d) (1).

In this case the project proposes eight new bedrooms for a total of sixteen beds on-site. The Valencia Street NCT District requires 106 square feet of common usable open space per person. Therefore, the open space requirement would be approximately 280 square feet. The proposed courtyard does not meet the minimum dimension requirements to be credited as usable open space. The project sponsor is seeking an open space variance.

- H. **Floor Area Ratio.** The FAR limit in the Valencia Street NCT District is 2.5 to 1 pursuant to Section 124, and applies to non-residential uses only.

The existing lot dimensions are 66 feet in width by 100 feet in depth or approximately 6,600 square feet. In this case a non-residential building may be up to but not exceed 16,500 square feet. The proposed building square foot is approximately 16,000 square feet in size.

9. **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 use and size of the proposed project is compatible with the immediate neighborhood. The project is a commercial building that will house a medical and dental clinic, allowing significant expansion of services NAHC already provides in the neighborhood from its current site at 160 Capp Street as well as the provision of transitional housing for single mothers through a lease to a partner organization. The Native American community has

historically recognized the proposed project's location as a neighborhood where social, medical, and residential services can be afforded to Native Americans. With NAHC's history with the neighborhood and historical recognition among Native American community, the project's location is desirable and compatible with 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 would demolish a vacant two story SRO building used illicitly by trespassers as a place of prostitution and drug dealing and construct in its place a four story medical clinic providing transitional housing and medical services. The site is currently vacant; red tagged and has been boarded up for approximately two years.

The design of the Project is compatible with the scale and context of the surrounding neighborhood, and will activate Julian Avenue further by introducing a pedestrian-friendly use along Julian Avenue. The NAHC has planned a new building on the site using a lot line adjustment with FHAAL, a project that will bring these organizations' development of Julian Street block full circle, establishing a small state of the art campus for healing and care based on close to 40 years of work in the neighborhood.

- 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 in close proximity to the 16th Street Mission Bart Station with several bus lines along Mission Street and the surrounding areas. Since the proposed project serves the homeless and low-income population in the neighborhood, the participants usually cannot afford to purchase cars and typically take public transportation.

The Mission District's compact built environment and its varied mix of uses make walking, bicycling and public transit attractive, high-demand transportation modes. Abundant transit options (local and regional), vibrant, pedestrian-scale commercial corridors (Mission Street, Valencia Street and 24th Street) and a popular network of bicycle lanes and routes make the Mission a great neighborhood to get around in without a car.

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

Due diligence standard construction practices in reducing noise, glare, dust and odor will be maintained during the construction process. Utmost care will be taken during the construction and operations to ensure that no noxious or offensive emissions are produced, from either construction related activities or the activities of a medical or dental clinic in their normal course of business.

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

The design of the project will share a landscape entry court, perimeter fencing and street trees as well as exterior lighting to enhance security.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

While the Project complies with the majority of relevant requirements and standards of the Planning Code, the project requires a rear yard modification and an open space variance request. The project 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 District.

The proposed project is consistent with the stated purpose of the Valencia Street Neighborhood Commercial Transit District. The existing property, as recently maintained, is an eyesore, fire hazard and neighborhood detriment. The new property is designed better to compliment neighborhood use and to conform to the existing character of the block particularly with the adjoining Native American Friendship House Healing Center at 56 Julian Avenue. Since the Native American Community has historically recognized the proposed project's location as a neighborhood where social, medical and residential services can be afforded to Native Americans, the construction of a new health care and residential facility with supportive services for Native Americans and their neighbors will retain the cultural history of the neighborhood.

- 10. **Additional Findings pursuant to Section 317** establishes criteria for the Planning Commission to consider when reviewing applications to demolish or convert Residential Buildings. On balance, the Project does comply with said criteria in that:

- i. Whether the Project Sponsor has demonstrated that the residential structure is unsound, where *soundness* is an economic measure of the feasibility of upgrading a residence that is deficient with respect to habitability and Housing Code requirements, due to its original construction. The *soundness factor* for a structure shall be the ratio of a construction upgrade to the replacement cost, expressed as a percent. A building is unsound if its soundness factor exceeds 50-percent. A residential building that is unsound may be approved for demolition.

The existing property has not been leased successfully for residential uses in more than 30 years. It is currently red tagged and boarded up and was purchased in a short sale at a price less than financing liens against the property.

The proposed use is restricted to a nonprofit ownership and commercial activity serving very low income people. Sponsor's analysis of the market value of the property for housing demonstrates that it is extremely limited. The proposed use is demonstrably superior to all market uses, including market rate housing.

- ii. Whether the property is free of a history of serious, continuing code violations;

The property has a long history of serious, continuing code violations.

- iii. Whether the housing has been maintained in a decent, safe, and sanitary condition;

The building has not been maintained as decent safe or sanitary. It has been red tagged by the City and is well known to local police as a hot spot for illegal and disruptive activity.

- iv. Whether the property is an "historic resource" under CEQA;

Although the existing structures are more than 50 years old, a review of the supplemental information resulted in a determination that the structure is not a historical resource.

- v. Whether the removal of the resource will have a substantial adverse impact under CEQA;

Not applicable. The structures are not historical resources.

- vi. Whether the Project converts rental housing to other forms of tenure or occupancy;

The Project does not convert rental housing to other forms of tenure or occupancy, as existing building was being used as a SRO hotel. While permitted as an SRO, the property has not been legally used in this way for a generation. The new project creates eight new bedrooms for transitional housing, a significant improvement over recent use and current use.

- vii. Whether the Project removes rental units subject to the Rent Stabilization and Arbitration Ordinance;

No rent controlled units will be removed.

- viii. Whether the Project conserves existing housing to preserve cultural and economic neighborhood diversity;

The current property has not been used as housing in at least 30 years, and then it was a boarding house, not permanent housing. Its use for most of the last 3 decades, until very recent has been as a residential care facility operating under the Native American Healing paradigm. To the extent that the caring and social service aspects of the site's history since the early 70's are being revitalized, the project represents not merely preservation of character, but a deepening and strengthen of it. With regards to economic diversity, the presence of a new health and dental clinic will diversify the block positively and considerably.

- ix. Whether the Project conserves neighborhood character to preserve neighborhood cultural and economic diversity;

A defunct and unsafe SRO hotel is being replaced with 8 bedrooms for single mothers and their infant children, in a newly constructed project that, as a health clinic and transitional housing facility, advances and supplements the neighborhood character, referring to the more than 40 years of history of Native American community and its neighbors in the Mission District and deepening an already well-established healing presence on this block in the City. It is designed to use the courtyard that already exists adjacent to the property, and will be integrated with the residential care facility at 56 Julian Avenue in its programmatic use.

- x. Whether the Project protects the relative affordability of existing housing;

No permanent affordable housing will be lost. Eight bedrooms of transitional housing, a stepping stone for their residents towards capacity to live in a permanently affordable housing, will be created. The affordable nature of the neighborhood, given the property's non-profit ownership and mission will be maintained.

- xi. Whether the Project increases the number of permanently affordable units as governed by Section 315;

The Project is not subject to the provisions of Planning Code Section 315, as the project does not technically propose dwelling units.

- xii. Whether the Project locates in-fill housing on appropriate sites in established neighborhoods;

The project is not permanent housing but can be described as in-fill, making the best possible use of the site with commercial uses serving the poor's health and transitional dwelling needs.

- xiii. Whether the Project creates quality, new family housing;

New permanent family housing is not created.

- xiv. Whether the Project creates new supportive housing;

While permanent supportive housing will not be created, transitional supportive housing will. Units for eight households consisting of mothers with their infant children will occupy the ground floor.

- xv. Whether the Project promotes construction of well-designed housing to enhance existing neighborhood character;

The project is designed by an expert architectural team with deep sensitivity to the neighborhood and cultural issues-the same architects who designed the neighboring property at 56 Julian Avenue that this new property is designed to compliment.

- xvi. Whether the Project increases the number of on-site dwelling units;

There will be no new permanent dwelling units on site.

- xvii. Whether the Project increases the number of on-site bedrooms.

There will be bedrooms for eight households on site.

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

HOUSING ELEMENT (2004)

OBJECTIVE 2:

RETAIN THE EXISTING SUPPLY OF HOUSING.

Policy 2.1:

Discourage the demolition of sound existing housing.

The current property has not been used as housing in at least 30 years and does not convert rental housing to other forms of tenure or occupancy. The new project creates eight new bedrooms for transitional housing, a significant improvement over recent use and current use.

OBJECTIVE 11:

IN INCREASING THE SUPPLY OF HOUSING, PURSUE PLACE MAKING AND NEIGHBORHOOD BUILDING PRINCIPLES AND PRACTICES TO MAINTAIN

SAN FRANCISCO'S DESIRABLE URBAN FABRIC AND ENHANCE LIVABILITY IN ALL NEIGHBORHOODS.

Policy 11.2:

Ensure housing is provided with adequate public improvements, services, and amenities.

Well-designed buildings are amenities to neighborhoods. The project proposes a well-designed building that further activates the street face, provides eight units (bedrooms) of transitional housing for single mothers and their infant children and is in keeping with the existing built scale of the immediate neighborhood.

URBAN DESIGN

OBJECTIVE 1:

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

Policy 1.2:

Recognize, protect and reinforce the existing street pattern, especially as it is related to topography.

Policy 1.3:

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

The proposed replacement building reflects the existing neighborhood character and development pattern, particularly by proposing buildings of similar mass, width and height as the existing structures along the block-face.

OBJECTIVE 2:

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

Policy 2.6:

Respect the character of older development nearby in the design of new buildings.

The massing of the replacement buildings' main front façades has been designed to be compatible with the prevailing street wall height, particularly the height and proportions of the adjacent buildings. Although interpreted in a contemporary architectural style, the proposed building proportions and exterior materials have been selected to be compatible with the adjacent buildings and the immediate neighborhood character.

VISUAL HARMONY

Objectives and Policies

OBJECTIVE 3:

MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 3.1:

Promote harmony in visual relationships and transitions between new and older buildings.

Policy 3.3:

Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.

NEIGHBORHOOD ENVIRONMENT

Objectives and Policies

OBJECTIVE 4:

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

Policy 4.12:

Install, promote and maintain landscaping in public and private areas.

The Project will provide pedestrian-level interest by including a tall ground floor commercial space along the Julian Avenue frontage. The new building will be compatible in use and design with other buildings in the neighborhood.

MISSION AREA PLAN

OBJECTIVE 7.1:

PROVIDE ESSENTIAL COMMUNITY SERVICES AND FACILITIES.

Policy 7.1.1:

Support the siting of new facilities to meet the needs of a growing community and to provide opportunities for residents of all age levels.

Policy 7.1.2:

Recognize the value of existing facilities, including recreational and cultural facilities, and support their expansion and continued use.

OBJECTIVE 7.2:
**ENSURE CONTINUED SUPPORT FOR HUMAN SERVICE PROVIDERS
THROUGHOUT THE EASTERN NEIGHBORHOODS.**

Policy 7.2.1:

Promote the continued operation of existing human and health services that serve low-income and immigrant communities in the Eastern Neighborhoods.

Nonprofit providers often serve under contract with City agencies, leverage substantial additional funding from state, federal, corporate, foundation and private sources. In a 2001 survey, nonprofit human service providers laid claim to exactly how important it was to be located close to their clients, in their own neighborhoods: the majority stated that it was "essential" that their activities were located in a specific neighborhood; the neighborhoods most often cited were the Mission, Potrero Hill, and SoMa. This information demonstrates just how important the existing facilities are to the local communities of the Eastern Neighborhoods, and how critical it is that services continue.

Community facilities are key elements that can help to create a strong sense of community and identity. They are an integral element of socially and sustainable communities and they include community anchors like schools and libraries, child care facilities, community centers (where youth, after school, and other activities can occur), cultural and arts centers, clinics and a range of other amenities. In the Eastern Neighborhoods, the expected level of need for these community facilities is based on existing needs as well as future ones, derived from projected population growth and new development demand.

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:

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

The Project will redevelop an underused lot with a community facility use. The Project is consistent with the objectives of the Mission Area plan and the Valencia Street NCT District by proposing a development that provides active ground floors and locates up to 8 bedrooms for transitional housing. The Project's active ground floor commercial component will help augment a neighborhood commercial area that is accessible to City residents.

The Project will enhance this District by reinforcing the urban nature of the street pattern, and by creating a unified street wall along Julian Avenue. The Project will result in a better utilization of the Project Site than that of the existing improvements that have not been in operation for almost 10 years. The Project will contribute positively to the neighborhood context and Mission District.

12. **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 retail uses will be changed and a new business use will be created. A health and dental clinic will be constructed on site as well as administrative office. Additionally, space will also be leased for provisions of transitional housing. Consumer's uses will increase on site with approximately 20 new employees –new to the site but not to the greater neighborhood as well as regular foot traffic from clients of the health clinic.

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

The existing property, as recently maintained, is an eyesore, fire hazard and neighborhood detriment. The new property is designed better to compliment neighborhood use and to conform to the existing character of the block particularly with the adjoining Native American Friendship House Healing Center at 56 Julian Avenue. Since the Native American Community has historically recognized the proposed project's location as a neighborhood where social, medical and residential services can be afforded to Native Americans, the construction of a new health care and residential facility with supportive services for Native Americans and their neighbors will retain the cultural history of the neighborhood.

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

With the demolition of the existing Single Residential Occupancy Hotel, the 14 existing rooms will be replaced with eight rooms for transitional housing for single mothers and their infant children.

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

The project site is in close proximity to the 16th Street Mission Bart Station with several bus lines along Mission Street and the surrounding areas. Since the proposed project

serves the homeless and low-income population in the neighborhood, the participants usually cannot afford to purchase cars and typically take public transportation.

The Mission District's compact built environment and its varied mix of uses make walking, bicycling and public transit attractive, high-demand transportation modes. Abundant transit options (local and regional), vibrant, pedestrian-scale commercial corridors (Mission Street, Valencia Street and 24th Street) and a popular network of bicycle lanes and routes make the Mission a great neighborhood to get around in without a car.

- 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 represents a relatively new economic use for the block and the immediate neighborhood, although the Sponsor did operate a similar facility at this approximate site for many years until 2002. New jobs will be provided both construction and operation of the dental and medical clinics as well as the congregate residence facility.

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

The replacement structures would be built in compliance with San Francisco's current Building Code Standards and would meet all earthquake safety requirements.

- G. That landmarks and historic buildings be preserved.

The project proposes to demolish a structure built in 1911, however it has been determined by preservation staff that a Landmark or historic buildings do not occupy the Project site.

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

The project's height is proposed to be approximately 45 feet tall. A shadow study was performed pursuant to Planning Code Section 295. It was determined that no new shadows would be created as a result of the proposed construction on existing parks owned by the Park and Recreation Department.

13. 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.

14. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

Motion No. 18162
Hearing Date: August 5, 2010

CASE NO 2009.1095C
80 Julian Avenue

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. 2009.1095C** 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. 18162. 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 August 5, 2010.

Linda Avery
Commission Secretary

AYES: Commissioners Antonini, Borden, Lee, Miguel, Moore, Olague and Sugaya

NAYS: None

ABSENT: None

ADOPTED: August 5, 2010

Exhibit A

Conditions of Approval

1. This authorization is for a Conditional Use Authorization under Planning Code Sections 303, 317, 790.86, 726.21, 726.81 and 726.24 to demolish the existing two-story single family dwelling with 15 guest bedrooms building (Single Room Occupancy Hotel), and construct in its place a four-story, 45-foot tall 16,000 square foot building operated by the Native American Health Center (NAHC) consisting of medical and dental clinics, office space, and transitional housing for single mothers all within the Valencia Street Neighborhood Commercial Transit District with a 45-X Height and Bulk Designation, in general conformance with plans filed with the Application dated 11/30/2009 and stamped "EXHIBIT B" included in the docket for **Case No. 2009.1095C** reviewed and approved by the Commission on **August 5, 2010**.
2. Final design, materials, glazing, color, texture, and detailing shall be reviewed and approved by the Planning Department prior to the approval of any building permit application.
3. One street tree shall be planted per each 20 feet of street frontage.
4. Prior to the issuance of the Building Permit 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 premises (Assessor's 3547, Lot 027), which notice shall state that construction has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied.
5. The Project Sponsor shall assure the execution and recordation of the specified conditions as a Notice of Special Restrictions at the Office of the County Recorder / County Clerk.
6. Should the implementation of this Project result in complaints from interested property owners or residents, which are not resolved by the Project Sponsor (and/or the appointed Community Liaison for the Project) and are subsequently reported to the Zoning Administrator who finds the Project in violation of the Planning Code and/or 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 Planning Commission, after which they may hold a public hearing on the matter in accordance with hearing notification and conduct procedures as set forth in Section 174, 306.3 and 306.4 of the Code to consider revocation of this Conditional Use Authorization.

7. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$500 a day in accordance with Planning Code Section 176.
8. Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Planning Code Section 351(e)(1).
9. The Planning Commission may, in a public hearing, consider the revocation of this conditional use authorization if a site or building permit has not been issued 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 thenceforth diligently to completion. The Commission may also consider revoking this conditional use authorization 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. This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection is delayed by a City, state or federal agency or by appeal of the issuance of such permit.