



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) |
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| <input type="checkbox"/> Downtown Park Fee (Sec. 139) | <input type="checkbox"/> Other |

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Planning Commission Motion No. 17553

Hearing Date: February 14, 2008
Case No.: **2007.1143 CV**
Project Address: **658-666 SHOTWELL STREET**
Zoning: RH-3 (House, Three-Family) District
40-X Height and Bulk District
Block/Lot: 3611/062
Project Sponsor: Larry Mateo & Flordelino Mateo
658-666 Shotwell Street
San Francisco, CA 94103
Staff Contact: Edgar Oropeza – (415) 558-6381
edgar.oropeza@sfgov.org

ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 209.3(C) OF THE PLANNING CODE TO ALLOW EIGHT (8) NEW BEDS WITHIN THE EXISTING RESIDENTIAL CARE FACILITY, DBA “MORNING STAR RESIDENCE,” FOR A TOTAL OF 29 BEDS ON-SITE, WITHIN THE RH-3 (HOUSE, THREE-FAMILY) DISTRICT AND A 40-X HEIGHT AND BULK DESIGNATION.

PREAMBLE

On October 4, 2007 Larry and Flordelino Mateo (Project Sponsors) filed an application with the Planning Department for Conditional Use Authorization under Planning Code Sections 303 and 209.3(c), to allow the addition of eight (8) beds within an existing residential care facility, dba “Morning Star Residence,” for a total of 29 beds on-site, all within the RH-3 (House, Three-Family) District and a 40-X height and bulk designation.

On January 17, 2008, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2007.1143CV.

The Project was determined by the San Francisco Planning Department (hereinafter “Department”) to be categorically exempt from environmental review. 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. 2007.1143CV, 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.** The subject property is located on the west side between 20th and 21st Streets, and is within the RH-3 (House, Three-Family) District with 40-X height and bulk designation. The property measures 75-feet wide by 122-feet deep. Two architecturally significant two-story single-family homes are on the property. 666 Shotwell Street is significantly set back from the front property line and abuts the rear property line. Open space is provided in a large private front yard and is maintained as a community garden providing fresh vegetables to its residents.

Both buildings are currently in use as a 24-hour Residential Care Facility, DBA "Morning Star Residence," housing 21 elderly, mentally ill, and disabled residents (SSI). "Morning Star Residence" has been in operation at the subject site since 1982 offering 24-hour, 7-days a week quality with assisted daily living care in a safe, clean and home-style living facility that promotes valued-health, family values, and recreational programs that enhance the body, renew the mind and nurture the spirit. Approximately six daily vehicle trips are made to the facility. Micro-buses from various organizations shuttle its residents to planned recreational outings at other facilities.

"Morning Star Residence" maintains an on-going contract with San Francisco Department of Public Health, Community Behavioral Mental Services and is expected to comply with the governing rules of the California Department of Social Services, Community Care Licensing California Code of Regulations, Title 22 administered by the CDSS (Division 2 and 6).

3. **Surrounding Neighborhood.** The project site is located within the Mission District on a quiet residential street west of Folsom Street. The surrounding properties are a mixture of two and three-story, single and multiple family dwellings. The building types are varied, however, many of the adjacent structures are older, finely maintained "Stick" Victorians worthy of being considered architectural resources. The west side of the street has a six-foot retaining wall that runs nearly the entire length of the street. Structures on this street, including the subject property are substantially setback from the front property lines.

The southeast corner of Shotwell and 21st Street is public open space offering tennis, kickball, soccer and basketball courts, a jungle gym and recreation club house.

4. **Project Description.** "Morning Star Residence" received Conditional Use Authorization for 21-beds per Planning Commission Motion No. 13833 on 2/23/1995. The project would add a total of eight (8) new beds within the two buildings for a total of 29 on-site. No exterior modifications are proposed to the buildings.

The project requires the addition of one new off-street parking space. None is proposed. The Zoning Administrator shall concurrently consider a Parking Variance.

Public Comment. The Department has received three phone calls and two letters in opposition to the project.

The Planning Department contacted the State Licensing Board on January 4th, 2008 and requested information on any existing and pending violations for the existing residential care facility. No violations exist.

5. **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 Care Facility.** Planning Code Section 209.3(b) permits a residential care facility providing lodging, board and care for a period of 24 hours or more to seven or more persons in need of specialized aid by personnel licensed by the State of California as a Conditional Use of the property in all residential districts. Such facility may display nothing on it or near it which gives an outward indication of the nature of the occupancy except for a sign as permitted by Article 6 of the Planning Code, may not provide outpatient services and is to be located in a structure which remains residential in character. Such facilities may include but are not limited to board and care homes, family care homes, long-term nursery, orphanage, rest home or home for the treatment of addictive, contagious or other diseases or psychological disorders.

In 1982, 658-666 Shotwell received Conditional Use Authorization to establish a residential care facility for 19 elderly persons. In 1994 the property was again granted Conditional Use Authorization to allow the addition of 2 new beds for a total of 21 beds on-site.

The project sponsor is requesting Conditional Use Authorization from the Planning Commission to add an additional 8-new beds to the existing Residential Care facility for the elderly for a total of 29 beds on-site.

- B. **Parking.** Planning Code Section 151 contains the schedule of required off-street parking spaces. For a residential care facility, it requires one space for each ten residents, where the number of residents exceeds nine. No off-street parking is currently provided nor is proposed. A variance for two off-street parking spaces was granted to the property 1994.

No off-street parking is currently provided nor is proposed. The addition of 8 new beds (residents), for a total of 29 on-site, would trigger the requirement of one (1) new off-street parking space for the property. A variance application is scheduled to be heard by the Zoning Administrator concurrently with the Conditional Use Hearing. A variance for two off-street parking spaces was granted to the property in 1994.

- C. **Open Space.** 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). For purposes of these calculations, the number of bedrooms on a lot shall in no case be considered to be less than one bedroom for each two beds. Where the actual number of beds exceeds an average of two beds for each bedroom, each two beds shall be considered equivalent to one bedroom.

The project proposes 8 new beds for the existing residential care facility for a total of 29 beds on-site. Within the RH-3 District, 133 square feet of common usable open space is required per person. For 29 beds (15 bedrooms), the open space requirement would be $133 \times 15 = 1,995$ square feet. $1/3$ of 1,995 = 658 square feet.

The property's large front yard provides more than 1,200 square feet of common open space for its residents and is used as a community garden.

7. **Variance Application** Planning Code Section 151 contains the schedule of required off-street parking spaces. For a residential care facility, it requires one space for each ten residents, where the number of residents exceeds nine. No off-street parking is currently provided nor is proposed. The addition of 8 new beds (residents), for a total of 29 on-site, would trigger the requirement of one (1) new off-street parking space for the property. A variance application shall be heard by the Zoning Administrator concurrently with the Conditional Use Hearing. A variance for two off-street parking spaces was granted to the property in 1994.
8. **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 would be in keeping with the character and scale of the surrounding neighborhood in that it would retain the existing residential use of the buildings. The project would blend well with the surrounding area in that the structures on the subject property are maintained in a neat and attractive manner, have interior space to accommodate the proposed use and would not be altered from their present appearance.

The project would provide beneficial affordable housing for senior citizens and would not have any negative impacts on the surrounding area. In times where the costs of delivering long-term care to

our elderly population is rapidly rising, the existing care facility has provided quality housing to a poor and susceptible population while maintaining its compatibility with the immediate neighborhood and its residents. Therefore, the project would be compatible with and desirable for the neighborhood and community.

- 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 will remain the same and would not alter the existing appearance or character of the project vicinity. There is no proposed work to the subject property or buildings.

- 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;

Residents of the care facility are supervised on a 24-hour basis and neither own nor operate vehicles. Recreational outings for the residents are coordinated daily requiring six (6) vehicle trips during non-peak hours, to mitigate impacts to the street and neighborhood traffic patterns. Residents are instructed to wait for the vehicles at the front of the facility to ensure efficient traffic circulation. (Pick up 9am-10am) (Drop off 2:30 pm-3:30pm)

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

The proposed use is subject to the conditions of approval for a residential care facility. Condition 4 obligates the project sponsor to mitigate inappropriate resident behavior to maintain neighborhood security and quality of life.

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

The proposed addition of beds does not require any additional tenant improvements. The project sponsors keep the existing buildings and open space in a clean and attractive manner. The Department shall review all proposed signs for the Residential Care Facility pursuant to Article 6 of the Code.

- 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 Residential District.

The proposed project would implement the policies of the General Plan which in its Residence Element seeks to provide a quality living environment, to minimize disruption caused by expansion of institutions into residential neighborhoods, to provide maximum housing choice for the handicapped or homeless, to increase the availability of units suitable for special users groups, to ensure a distribution of quality housing capacity of community-based non-profit organizations, and to provide services which deal with the root cause cases of homelessness.

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

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 8:

ENSURE EQUAL ACCESS TO HOUSING OPPORTUNITIES.

Policy 8.6:

Increase the availability of units suitable for users with supportive housing needs.

Policy 8.8:

Promote the adaptability and maximum accessibility of residential dwellings for disabled and elderly occupants.

Policy 8.10:

Ensure an equitable distribution of quality board and care centers, and adult day care facilities throughout the City.

The proposed project will provide desirable, affordable housing, essential services and supervised care to elderly residents (SSI) of San Francisco.

OBJECTIVE 10:

REDUCE HOMELESSNESS AND THE RISK OF HOMELESSNESS IN COORDINATION WITH RELEVANT AGENCIES AND SERVICE PROVIDERS.

Policy 10.1:

Focus efforts on the provision of permanent affordable and service-enriched housing to reduce the need for temporary homeless shelters.

Policy 10.2:

Aggressively pursue other strategies to prevent homelessness and the risk of homelessness by addressing its contributory factors.

10. 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 proposal is within a residential district and would not impact any neighborhood-serving retail uses. The project will not displace a retail use.

- 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 proposes the addition of eight new beds within the existing buildings. Both buildings and the existing open space shall remain positively contributing to its residents and the immediate neighborhood.

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

The project would increase the number of beds available to elderly persons who are at risk of becoming homeless. San Francisco is in need of this type of housing.

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

The addition of eight (8) new beds to the existing residential care facility would not increase the number of car trips to the immediate neighborhood. All residents of the care facility are not permitted to operate a vehicle. "Morning Star Residence" provides a private bus for its planned recreational outings.

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Project will not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.

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

The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic building(s) be preserved.

The architecturally significant building is not proposed to undergo any physical renovation per this application. The buildings will be preserved.

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

The project will have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces.

11. 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.
12. 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. 2007.1143CV** 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. 17553. 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 February 14, 2008.

Linda Avery
Commission Secretary

AYES: Commissioners Antonini, S. Lee, Moore, Olague and Sugaya,

NAYS: None

ABSENT: Commissioners Alexander and W. Lee

ADOPTED: February 14, 2008

Exhibit A

Conditions of Approval

1. The authorization contained herein is for the establishment of a residential care facility serving up to 29 residents in a supervised living environment, in general conformity with plans labeled Exhibit B on file with application No. 2007.1143CV. Final plans for the herein-authorization shall be reviewed and approved by the staff of the department prior to the issuance of a building permit.
2. The applicant shall obtain and maintain the required license from the California Department of Social Services Community Care Licensing Division or its successor.
3. The Project shall appoint a Community Liaison Officer to address issues of concern to neighbors related to the operation of this Project. The Project Sponsor shall report the name and telephone number of this Officer to the Zoning Administrator and the neighborhood for reference. The Applicant will keep the above parties apprised should a different staff liaison be designated.
4. 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).
5. The property owner shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at a minimum, daily litter pickup and disposal of the main entrance and abutting sidewalks at least once each week.
6. Facility staff shall discourage loitering in front of the premise.
7. Signs and exterior lighting for the business shall be reviewed and approved by the Planning Department before they are installed.
8. The Project Sponsor shall maintain the buildings and grounds in a clean and attractive manner.
9. 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.
10. 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.