



SAN FRANCISCO PLANNING DEPARTMENT

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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 #17634

HEARING DATE: JUNE 26, 2008

Date: June 17, 2008
Case No.: **2008.0461 CVP**
Project Address: **4245 LAWTON STREET (AKA 1600 GREAT HIGHWAY)**
Zoning: RH-2 (Residential House, Two-Family)
Coastal Zone
40-X Height and Bulk District
Block/Lot: 1895/043
Project Sponsor: Sunset Co-Op Nursery School
4245 Lawton Street
San Francisco, CA 94112
Staff Contact: Elizabeth Watty – (415) 558-6620
Elizabeth.Watty@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTIONS 209.3(f) AND 303, TO ALLOW A CHILD-CARE FACILITY FOR 13 OR MORE CHILDREN (DBA "SUNSET CO-OP NURSERY SCHOOL") WITHIN A NEW STRUCTURE IN THE RH-2 (RESIDENTIAL HOUSE, TWO-FAMILY) ZONING DISTRICT, COASTAL ZONE PERMIT AREA, AND 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On April 17, 2008, Sunset Co-Op Nursery School (hereinafter "Project Sponsor"), made an application (hereinafter "Application") for Conditional Use Authorization on the property at 4245 Lawton Street, Assessor's Lot 043 in Block 1895 (hereinafter "Property") to demolish the existing one-story concrete block structure and construct a new child-care facility for more than 13 children (dba "Sunset Co-Op Nursery School") within the RH-2 (Residential House, Two-Family) Zoning District, Local Coastal Zone Permit Area, and 40-X Height and Bulk District, in general conformity with plans filed with the Application and labeled "EXHIBIT B" (hereinafter "Project").

On June 26, 2008, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2008.0461CVP. Conditional Use Authorization is required pursuant to Planning Code Sections 209.3(f) and 303 in order to establish a child-care facility for 13 or more children in the RH-2 District.

The Application was determined by the San Francisco Planning Department (hereinafter "Department") to be categorically exempt from environmental review pursuant to Class 2 [State CEQA Guidelines Section 15302(a)] of Title 14 of the California Administrative Code. The Commission has reviewed and concurs with said determination.

This Commission has heard and considered the testimony presented to it at the public hearing and has further considered the written materials and oral testimony presented on behalf of the Project Sponsor, the Department staff, and other interested parties.

MOVED, that the Commission hereby approves the Conditional Use requested in Application No. 2008.0461CVP subject to the conditions contained in "EXHIBIT A", attached hereto and incorporated herein by reference thereto, 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.

Project Description. The Project seeks a Conditional Use Authorization, pursuant to Planning Code Sections 209.3(f) and 303, to allow a child-care facility for 13 or more children in the RH-2 (Residential House, Two-Family) Zoning District, 40-X Height and Bulk District, and the Local Coastal Zone Permit Area. The Project includes rear yard and parking variances, and a local coastal zone permit. The Project consists of the demolition of the existing one-story, 2,100-square-foot concrete block child-care facility, and the construction of a new, one-story plus mezzanine, 2,420-square-foot child-care facility. The current ratio of usable interior and exterior yard space is critical in maintaining the facilities enrollment capacity of and licensing requirements, which currently allow for 34 children.

The proposed design maintains the existing building footprint and yard spaces, and there is no proposed modification to the existing facility's playground and yard area. The new building design incorporates a more defined entrance area and larger clear story windows along the exposed exterior walls to make better use of the site's location, orientation, and natural light. A new parent/teacher loft space will be used as an area for planning, community building, and meetings. This space is removed from the educational floor but has a visual connection throughout the facility's interior space. The design includes an observation loft area for the children that mimics the adult loft and provides a view of both the interior spaces and the rear yard. The design also includes a second, lower tier of windows at the children's eye level on the main floor to allow them visual access to their community outside. The proposed building utilizes a butterfly roof form, with a maximum height of approximately 22-feet at the west (entrance) side, and gradually slopes down to approximately 10'-6" at the east (rear) side.

The Project Sponsor states that the design was inspired by the Reggio-Emilia educational philosophy that defines the building environment as the "third teacher". As such, design

elements that foster self-directed learning were incorporated wherever possible. The building's interior will have an exposed structural system in an effort to give the children a physical awareness of construction and assembly, while visually stimulating them with warm-colored geometric and tactile shapes and materials at the same time. The facility's vertically open design allows for flexibility in how the space is used by the children, which is not provided by the existing structure. This flexibility of space allows for the children to explore both horizontally and vertically on their own, with greater visual supervision, but without having their creativity limited by compartmentalization. The new facility will also include an expanded and central kitchen to foster a warmer and more home-like feeling.

- 2. Site Description and Present Use.** The Subject Property is located at 4245 Lawton Street (aka 1600 Great Highway), at the southeast corner of Great Highway in the Outer Sunset Neighborhood. The lot is "L-shaped", and currently contains a one-story concrete block structure that is occupied by a child-care facility licensed to care for 34 children (dba Sunset Co-Op Nursery School). The facility was built in 1951 to house Sunset Nursery School. Sunset Nursery School was founded in 1940 as a "Works Progress Administration" (WPA) project and is the oldest, continually operating co-op pre-school in San Francisco. The existing one-story structure sits along the Great Highway and Lawton Street property lines, contains approximately 31 feet of frontage along Great Highway and approximately 69 feet of frontage along Lawton Street. The building occupies approximately 37 percent of the lot area. The existing building contains clear-story windows on the north and west facades and large full-height glazing on the east elevation facing the rear yard. The roof is flat, and the architecture of the building is of the International Style. It is a linear building with simple detailing, which is consistent with the architectural styles of the 1950's. The rear yard, which is located at the east end of the lot, opposite the Great Highway frontage, operates as the children's playground. There are two climbing structures, a slide, two swings, and a covered ancillary structure on the southwest corner of the lot that has a tire swing under it, as well as covered storage for yard toys and instructional materials.

Lastly, the Project Sponsor has incorporated environmental design principles in an effort to decrease the building's environmental footprint. Designed as a "passive" building using site specific climatic conditions and orientation, the building is primarily lit by natural north light and cooled by high windows and passive circulation principles in an effort to use natural resources in the most energy-efficient manner. As much as the budget will allow, it is desired to incorporate green building materials where appropriate, which are sustainable, non-toxic, reclaimed and recycled. The use of solar panels and power will be incorporated into the design to fulfill the facilities energy needs and possibly provide power back to the community via the energy companies, and a rain water catchment and retention system will be used for site irrigation.

- 3. Surrounding Properties and Neighborhood.** Land uses located within the subject block of Great Highway and Lawton Street include primarily two- and three-story residential buildings, which typically contain between one and three dwelling-units. The Subject Property contains the only single-story building on the 4200 block of Lawton Street and the 1600 block of Great Highway, and there are a few four-story multi-family dwelling scattered throughout the surrounding neighborhood. Across Great Highway is the seawall promenade that separates the residential properties of the Outer Sunset from the Highway One.

The Subject Property is located within the RH-2 (Residential House, Two-Family) Zoning District. The RH-2 Districts are devoted to one-family and two-family houses, with the latter commonly consisting of two large flats, one occupied by the owner and the other available for rental. Structures are finely scaled and usually do not exceed 25 feet in width or 40 feet in height. Building styles are often more varied than in single-family areas, but certain streets and tracts are quite uniform. Considerable ground-level open space is available, and it frequently is private for each unit. The Districts may have easy access to shopping facilities and transit lines. In some cases, group housing and institutions are found in these areas, although nonresidential uses tend to be quite limited.

4. **Public Comment.** The Department has received 47 letters in support of the Project, and no correspondence in opposition.
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. **Land Use.** Planning Code Section 209.3(f) states that a Conditional Use Authorization is required for the establishment of a child-care facility providing less than 24-hour care for 13 or more children by licensed personnel, which meets the open-space and licensing requirements of the State of California.

The Project is consistent with the description noted above [Section 209.3(f)] in that it will provide daytime care for 34 pre-school-aged children and will provide the required outdoor activity space (per the State of California requirements). The amount of open space required is 75 square feet per child and the total amount of open space required for 34 children is 2,550. The Project includes approximately 3,623 square feet of open space in the back yard/playground area, which is fully accessible to the children.

- B. **Parking.** Planning Code Section 151 of the Planning Code requires off-street parking for every 25 students of a child-care facility.

The Subject Property has a maximum occupancy of 34 students, which requires 1.36 parking spaces. According to Planning Code Section 153(a)(5), a fraction of ½ or more shall be adjusted to the next higher whole number of spaces, and a fraction of less than ½ may be disregarded. As such, one-off street parking space is required. The existing child-care facility is noncomplying in that it does not provide any off-street parking spaces for its 34 pupils. The Project seeks to retain this nonconformity by providing no off-street parking in the new facility, as parking would reduce the interior programming space, thus reducing the number of children permitted. The Project Sponsors are seeking a parking variance from this Planning Code Section, which will be heard by the Zoning Administrator.

- C. **Rear Yard.** Planning Code Section 134 requires 45% of the lot – measured from and parallel to the rear property line – to be an unobstructed rear yard.

The existing child-care facility extends approximately 3'-0" into the 54-foot required rear yard. The proposed new building will extend 6'-6" into the required rear yard. The additional 3'-6" encroachment takes the form of a bay window abutting the north side property line, although the design of this bay window does not meet the permitted obstruction requirements of Planning Code Section 136. The footprint at the foundation level is the same for the existing and proposed structures. The Project Sponsors are seeking a rear yard variance from Planning Code Section 134, which will be heard by the Zoning Administrator.

D. **Signage.** Currently, there is not a proposed sign program on file with the Planning Department. Any new signage will be subject to the Scenic Sign provisions of the Planning Code and will be reviewed by the Planning Department prior to the issuance of any sign permit.

6. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project complies with said criteria in that:

A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The size of the proposed use is in keeping with the size and intensity of the existing child-care facility proposed for demolition at this Site. The footprint will remain the same as the existing facility, and the number of occupancy will also remain at 34 children. The Sunset Co-Op Nursery School has been located at this site since 1951, and has a long established history of servicing the community's pre-school educational needs. The school was founded in 1940 as a "Works Progress Administration" (SPA) project and is the oldest continually operating cooperative pre-school in San Francisco. The current building has benefited and continues to benefit its local community and greater San Francisco, and the Project enables the pre-school to continue serving the pre-school needs of San Franciscans. The existing structure has seen substantial wear over the years, particularly due to the construction type and its proximity to the Pacific Ocean, and a new facility allows for green construction and a better use and educational experience for the children.

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 footprint of the facility will not increase, and the increase in height provides a more compatible architectural style for the surrounding neighborhood. The butterfly roof and choice of materials provides visual interest – particularly in comparison to the concrete block construction of the existing facility.

- 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 intensity of use at this site will not change with the granting of this Conditional Use Authorization. The existing facility does not have an adverse affect on traffic patterns, and thus it can be deduced that the proposed facility accommodating the same number of people will not have an adverse affect on traffic patters. Many of the children live within the surrounding neighborhood, and have the ability to walk to and from school. The Great Highway only has structures on the east side of the street; the west side is free of curb cuts and available for parking.

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

Childcare facilities generally do not emit noxious or offensive emissions. The existing facility contains the same number of students and the same size rear yard, thus any noise associated with children's playing should not be increased as a result of this Project from the existing conditions on the lot.

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

The Property will retain the existing rear yard accommodations, which includes landscaping. The Project includes the installation of three new 15-gallon street trees, in addition to the existing five street trees. There are no service-areas included as part of this Project, and any lighting or signage will be reviewed by the Planning Department prior to the issuance of any permits. Signage must comply with the Scenic Sign provisions of the Planning 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 Project is consistent with the stated purposed of RH-2 Districts in that the intended use is a child-care facility for 12 or more children, which is permitted conditionally in the RH-2 Districts.

- 7. **General Plan Compliance.** The Project meets the criteria in Section 303(c)(3) by complying with applicable provisions of the Planning Code as established in Finding 6 above and by affirmatively promoting the Objectives and Policies of the General Plan as outlined below:

RESIDENCE ELEMENT: HOUSING DENSITY, DESIGN, AND QUALITY OF LIFE

Objectives and Policies

OBJECTIVE 11:

PURSUE PLACE MAKING AND NEIGHBORHOOD BUILDING PRINCIPLES AND PRACTICES TO CONTINUE SAN FRANCISCO'S DESIRABLE URBAN FABRIC AND ENHANCE LIVABILITY IN ALL NEIGHBORHOODS.

Policy 11.2:

Assure housing is provided with adequate public services and amenities.

Policy 11.3:

Encourage appropriate neighborhood-serving commercial activities in residential areas, without causing affordable housing displacement.

The subject childcare facility is located within an established residential neighborhood and is within walking distance for many of the enrolled families. The childcare facility's new structure will retain the same sized building footprint, and it will utilize the existing large rear yard area to accommodate all open space requirements. The design of the building will be compatible with the surrounding residential architectural style and constructed with high-quality materials.

COMMUNITY FACILITIES

Objectives and Policies

OBJECTIVE 3:

ASSURE THAT NEIGHBORHOOD RESIDENTS HAVE ACCESS TO NEEDED SERVICES AND A FOCUS FOR NEIGHBORHOOD ACTIVITIES.

Policy 3.7:

Program the centers to fill the gap in needed services, and provide adequate facilities for ill-housed existing services.

The Project will provide better accommodations for growing San Francisco families who are in need of quality child-care and pre-school educational options. Sunset Co-Op Nursery School has been operating for 57 years, and it has served the pre-school needs of several generations of San Francisco families. The program has substantial parental participation, creating a sense of community in the Outer Sunset, and the demand for this nursery school continuously outnumbers the permitting abilities.

8. **Planning Code Section 101.1(b)** establishes the following eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the Project complies with said policies in that:
 - A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The Project would enhance the District by retaining a locally-owned cooperative pre-school at its current location. The pre-school is neighborhood-serving, and has been a part of the Outer Sunset neighborhood for approximately 57 years.

- 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 structure is not compatible with the architectural styles of surrounding properties, being of concrete block construction with no façade articulation. It was created as an inexpensive way to meet programmatic demands of the Sunset Co-Op Nursery School in the 1950s. The replacement structure is contemporary in style, yet compatible in form, massing, and materials with the surrounding properties.

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

This Project does not impact housing affordability.

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

The intensity of the use on this lot will not change with the approval of this Conditional Use Authorization. The existing child-care facility has capacity for 34 students, and the proposed will also serve 34 students.

- 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.

This Project would not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be adversely affected by this Project, seeing as the Project seeks to demolish the existing child-care facility and build a similarly-sized child-care facility with the same footprint.

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

The Project Sponsor is seeking authorization to demolish the existing structure and rebuild a new structure in order provide – among other things – a more structurally sound facility for the students to occupy. The existing structure is built of concrete blocks, and has deteriorated over the years because of the close proximity to the Pacific Ocean. The Project Sponsor designed a new structure that meets current seismic and safety requirements so to protect against injury and loss of life in an earthquake.

- G. That landmarks and historic buildings be preserved.

The existing structure has been reviewed under California Environmental Quality Act and has been determined not to be a historical resource.

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

The Project includes the demolition of an existing one-story structure and the new construction of a new one-story plus mezzanine building that is under 40-feet in height, thus not requiring shadow analysis under Section 295 of the Planning Code. As such, the proposed new structure will not adversely affect the vistas or access to sunlight from any park or open space.

9. 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.
10. The Commission hereby finds that authorization of this Conditional Use Application 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. 2008.0461CVP** 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. 17634. 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 94103.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 26, 2008.

Linda Avery
Commission Secretary

AYES: Commissioners Christina Olague, Michael J. Antonini, Kathrin Moore, Bill Sugaya, Ron Miguel

NAYS: None

ABSENT: Commissioner William L. Lee

ADOPTED: June 26, 2008

Exhibit A

Conditions of Approval

1. This Conditional Use Authorization allows the reconstruction of a child-care facility for 13 or more children in the RH-2 (Residential House, Two-Family) District and a 40-X Height and Bulk District, in general conformance with plans filed with the Application as received on April 17, 2008 and stamped "EXHIBIT B" included in the docket for Case No. 2008.0461CVP, reviewed and approved by the Commission on June 26, 2008.
2. 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 1895, Lot 043), which notice shall state that the use 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.
3. The Project Sponsor 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. 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 no less than \$200 a day in accordance with Planning Code Section 176.
6. Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees that are not resolved by the Project Sponsor and are subsequently reported to the Zoning Administrator 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 in accordance with the hearing notification and conduct procedures as set forth in Section 174, 306.3 and 306.4 of the Planning Code to consider revocation of this Conditional Use Authorization.
7. Employees and/or volunteers of the child-care facility shall walk a 100-foot radius from the premises some time between 30 minutes after closing time and 8:00 A.M. the following morning and shall pick up and dispose of any discarded trash left by staff, parents and/or children of the child-care facility.

8. Signs and exterior lighting for the business shall be reviewed and approved by the Planning Department before they are installed.

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.

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