



# SAN FRANCISCO PLANNING DEPARTMENT

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*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. 17655

HEARING DATE: JULY 24, 2008

*Date:* July 17, 2008  
*Case No.:* **2008.0404C**  
*Project Address:* **3275-3279 16<sup>th</sup> STREET**  
*Zoning:* RM-1 (Residential, Mixed, Low-Density)  
40-X Height and Bulk District  
*Block/Lot:* 3567/035  
*Project Sponsor:* Richard Hylton  
400 Pennsylvania Street  
San Francisco, CA 94107  
*Staff Contact:* Michael Smith – (415) 558.6322  
[michael.e.smith@sfgov.org](mailto:michael.e.smith@sfgov.org)

**ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 209.3(g), AND 317 OF THE PLANNING CODE TO ALLOW THE CHILDREN'S DAY SCHOOL TO CONVERT THE THREE-UNIT RESIDENTIAL BUILDING AT 3275-79 16<sup>TH</sup> STREET TO PART OF THE SCHOOL (INSTITUTIONAL USE), LOCATED WITHIN A RM-1 (RESIDENTIAL, MIXED, LOW-DENSITY) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On April 3, 2008, Richard Hylton (Project Sponsor) filed an application with the Department for Conditional Use Authorization under Planning Code Sections 303, 209.3(g), and 317 of the Planning Code to allow the Children's Day School to convert the three-unit residential building at 3275-79 16<sup>th</sup> Street to part of the school (institutional use), located within a RM-1 (Residential, Mixed, Low-Density) District and a 40-X Height and Bulk District.

On July 24, 2008, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2007.0404C.

The Project was determined by the San Francisco Planning Department (hereinafter "Department") to be categorically exempt from environmental review pursuant to Class 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. 2008.0404C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## **FINDINGS**

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the south side of 16<sup>th</sup> Street, between Dolores and Guerrero Streets, in Assessor's Block 3567, Lot 035. The property is located within the RM-1 (Residential, Mixed, Low-Density) District and a 40-X height and bulk district. The property is improved with a three-story, residential building with 6,579 square-feet of habitable area and no off-street parking. The lot is regularly shaped and measures 25.5-feet in width and 110-feet in depth. The building is currently vacant and was formerly owner occupied before being purchased by the Children's Day School.
3. **Surrounding Properties and Neighborhood.** The subject property is located in the Mission neighborhood on a block that is split zoned RM-1 and Valencia Neighborhood Commercial District (Valencia NCD). The RM-1 District is generally defined by low-density multi-unit, residential buildings. The Valencia NCD is defined by mixed-use buildings with ground floor retail and residential units at the upper levels. The Valencia NCD terminates at the adjacent property to the east. Building types and uses vary on the block and reflect the change in zoning. On the opposite side (north side) of the street there are six mixed-use buildings all of which are located within the Valencia NCD. The remainder of the properties are occupied by multi-unit residential buildings. There are two churches and six mixed-use buildings on the subject side (south side) of the street. Mission Dolores is located around the corner on Dolores Street.

The Children's Day School campus is accessed from Dolores Street and located behind the Notre Dame Senior Housing Center at the interior of the block bounded by Dolores, 16<sup>th</sup>, Guerrero, and 17<sup>th</sup> Streets. 3275-79 16<sup>th</sup> Street backs to the driveway that exits the school onto Dolores Street.

4. **Project Description.** The applicant proposes to change the use of the three-unit residential building at 3275-79 16<sup>th</sup> Street into part of the school operated by Children's Day School. At this time the school proposes to use the building for staff offices but wants to reserve the right to also use the building for other school related purposes. No interior or exterior changes are proposed at this time.

5. **Public Comment.** The applicant submitted several letters of support from other tenants and organizations that are located on the subject block. The Department has not received any opposition to the project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Elementary School.** Planning Code Section 209.3(g) states that Conditional Use Authorization is required for an elementary school to operate in a RM-1 District.

*This Conditional Use Authorization will allow Children's Day School to operate an elementary school on the site..*

- B. **Parking.** Section 151 of the Planning Code requires one off-street parking space for every six elementary school classrooms.

*The school does not intend to add any classrooms to the property, therefore no parking is required for the proposed conversion. Parking might be required for the property if classrooms are added to the property in the future.*

- C. **Conversion of Dwelling Units to Other Uses.** Section 317 of the Planning Code requires conditional use authorization for the removal or conversion of three or more dwelling units. The Planning Commission shall consider these criteria in the review of applications for Conversion of Residential Units.

- (i) whether conversion of the unit(s) would eliminate only owner occupied housing, and if so, for how long the unit(s) proposed to be removed were owner occupied;

*The proposed conversion would eliminate owner occupied housing. Children's Day School purchased the property less than a year ago and the previous owners lived in the building since 2004.*

- (ii) whether conversion of the unit(s) would provide desirable new non-residential use(s) appropriate for the neighborhood and adjoining district(s);

*The proposed conversion is desirable because it is difficult to find sites for institutional uses and the project would allow an existing elementary school to remain in the neighborhood and continue to provide an alternate educational choice for city residents. Providing such educational choice is essential to the City's ability to retain families.*

- (iii) whether conversion of the unit(s) will bring the building closer into conformance with the prevailing character of its immediate area and in the same zoning district;

*The proposed conversion would bring the building into closer conformance with the prevailing character of the block. There are two churches on the block face, including the adjacent*

*building to the west, and the other properties have ground floor retail. There is one other wholly residential building on the subject block face.*

- (iv) whether conversion of the unit(s) will be detrimental to the City's housing stock;

*The proposed conversion would be detrimental to the City's housing stock by removing three dwelling units.*

- (v) whether conversion of the unit(s) is necessary to eliminate design, functional, or habitability deficiencies that cannot otherwise be corrected.

*The building has no design, functional, or habitability deficiencies.*

D. **Signage.** Currently, there is not a proposed sign program on file with the Planning Department. Any proposed signage will be subject to the review and approval of the Planning Department and must comply with Section 606 of the Code.

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

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

*Currently the school has approximately 280 students enrolled and is unable to operate at its maximum permitted enrollment of 350 students because it does not have enough classroom space. The proposed conversion would allow for more classrooms to be created on the primary campus. Currently, the school is forced to hold some of its classes off site in buildings owned by other organizations around the neighborhood. The daily process of relocating students to the off-site classrooms is very disruptive to their educational experience. The project is desirable because it would help the school provide a better educational experience for its students thereby helping to retain families in the City.*

*The use is compatible with the neighborhood because the subject block face does not have very many residential uses and would not result in tenant displacement.*

- 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 will not alter the building envelope or the arrangement of the structure on the site.*

- 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 school already received approval to enroll 350 students; the current project would not result in increased enrollment and therefore would not impact traffic or parking in the neighborhood.*

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

*The noise, glare, dust, and odor generated by the occupants of the proposed use would be considered common and generally acceptable in an urban environment, and would not be considered a significant impact.*

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

*The existing landscaping and open space would be retained. No new parking, loading areas, service areas, or lighting is proposed. Any new signage would be reviewed by the Department for compliance with Section 606 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 RM-1 District.

*The proposal would maintain the scale of the building in a District characterized by a mixture of housing types and facilitate the retention of supporting nonresidential uses.*

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

## NEIGHBORHOOD COMMERCE

### Objectives and Policies

#### OBJECTIVE 7:

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

**POLICY 7.2:**

Encourage the extension of needed health and education services, but manage expansion to avoid or minimize disruption of adjacent residential areas.

**POLICY 7.3:**

Promote the provision of adequate health and education services to all geographic districts and cultural groups in the city.

*The school has run out of classroom space at its current location and is forced to hold certain classes off site. To meet the needs of its current enrollment the school would need to reduce the amount of financial aid it offers and raise fees to build additional space. Financial aid helps to diversify the school's enrollment. Forcing the school to reduce its financial aid and raise its fees would have an adverse impact on the diversity of the school's enrollment.*

**RESIDENCE ELEMENT**

**Objectives and Policies**

**OBJECTIVE 11:**

IN INCREASING THE SUPPLY OF HOUSING, PURSUE PLACE MAKING AND NEIGHBORHOOD BUILDING PRINCIPLES AND PRACTICES TO CONTINUE SAN FRANCISCO'S DESIRABLE URBAN FABRIC AND ENHANCE LIVABILITY IN ALL NEIGHBORHOODS.

**POLICY 11.4:**

Avoid or minimize disruption caused by expansion of institutions, large-scale uses and auto-oriented development into residential areas.

*The proposed residential conversion would not disrupt the neighborhood because the immediate neighborhood is adjacent to a mixed-use district and is not defined by a high concentration of residential uses.*

**TRANSPORTATION ELEMENT**

**Objectives and Policies**

**OBJECTIVE 33:**

CONTAIN AND LESSEN THE TRAFFIC AND PARKING IMPACT OF INSTITUTIONS ON SURROUNDING RESIDENTIAL AREAS

**POLICY 33.2:**

Protect residential neighborhoods from the parking impacts of nearby traffic generators.

*A total of 40 off-street parking spaces would be maintained for the exclusive use of the school in the 54-space joint use parking lot that is shared by Notre Dame Senior Housing Complex and the Children's*

*Day School. These 40 parking spaces although far in excess of the Planning Code requirement for such uses were required by the Planning Commission as a condition of authorization of the Conditional Use for a day care operation in 1995. The occupants of the subject property would also use this parking lot thereby eliminating the school's need for on-street parking. Furthermore, the proposed conversion would not increase school enrollment above the approved 350 students.*

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

*The proposal would not impact neighborhood-serving retail uses because the property is wholly residential.*

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

*The project would not conserve existing housing as three dwelling units would be converted to an institutional use.*

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

*The project would remove three dwelling units from the City's housing stock. The dwelling units to be removed are not designated as affordable housing.*

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

*The site is well served by transit and draws many of its students from the surrounding neighborhoods. The school is well served by 40- off-street parking spaces which reduce the school's impact on neighborhood parking.*

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

*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.

*This proposal will not impact the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*The subject building appears on the Department's 1976 Architectural Survey but it is not a landmark. No changes are proposed for the exterior of the building.*

- 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.*

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.



**DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2008.0404C** 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. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.**

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on July 24, 2008.

Linda Avery  
Commission Secretary

AYES: Commissioners Michael J. Antonini, William L. Lee, Kathrin Moore, Christina Olague, Bill Sugaya, Sue Lee, Ryan Brooks

NAYS: None

ABSENT: None

ADOPTED: July 24, 2008

## Exhibit A

# Conditions of Approval

1. This authorization is for a Conditional Use Authorization under Sections 209.3(g) and 317 of the Planning Code to allow the Children's Day School to convert three-dwelling units to part of the school, for the property at 3275-3279 16<sup>th</sup> Street, within a RM-1 (Residential, Mixed, Low-Density) District and a 40-X Height and Bulk District, in general conformance with plans filed with the Application as received on April 3, 2008 and stamped "EXHIBIT B" included in the docket for Case No. 2008.0404C, reviewed and approved by the Commission on July 24, 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 3567, Lot 035), 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.
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. The Project shall be equipped with sufficient outdoor and indoor trash receptacles to avoid litter problems in the surrounding neighborhood.
7. 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.
8. Noise and light shall be contained within the premises so as not to be a nuisance to nearby residents or neighbors. Project lighting shall be directed onto the property so as not to directly illuminate adjacent properties.
9. The Applicant shall take all reasonable measures to prevent loitering by students (and possible associated nuisances) during break times or before and after classes in the immediate neighborhood.

10. Any new signage for the 3275-3279 16<sup>th</sup> Street shall be reviewed and approved by the Planning Department before it is installed.
11. Except as otherwise stated herein, all conditions set forth in Exhibit A, of Planning Commission Motions 13847 and 16683 shall remain in effect and without modification.
12. Should implementation of this project result in complaints from neighborhood residents which 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 report such complaints to the Planning Commission which may thereafter hold a public hearing on the matter in accordance with the hearing notification and conduct procedures as set forth in Sections 174, 306.3 and 396.4 of the Code to consider revocation of this Conditional Use Authorization.
13. The authorization and right vested by virtue of this action shall be deemed void and canceled, if within 3 years of this Motion a site permit or building permit for the Project has not been secured by Project Sponsor. 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.