



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 No. 17656

HEARING DATE: JULY 24, 2008

Date: July 17, 2008
Case No.: **2007.0081CVE**
Project Address: **129-139 GIRARD STREET**
Zoning: RH-2 (Residential, House, Two-Family)
40-X Height and Bulk District
Block/Lot: 5925 / 025-026
Project Sponsor: Tommy Lee
259 Broad Street
San Francisco, CA 94112
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ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 209.3, 303, AND 317 OF THE PLANNING CODE TO DEMOLISH OR CONVERT THREE EXISTING SINGLE-FAMILY RESIDENCES AND TO CONSTRUCT A NEW 36-BED RESIDENTIAL CARE FACILITY WITHIN AN RH-2 (RESIDENTIAL, HOUSE, TWO-FAMILY) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On May 22, 2008, Tommy Lee (Project Sponsor) filed an application with the Department for Conditional Use Authorization under Planning Code Sections 209.3, 303, and 317 of the Planning Code to demolish or convert three existing single-family residences and to construct a new 36-bed residential care facility within an RH-2 (Residential, House, Two-Family) Zoning District with a 40-X Height and Bulk designation.

On July 24, 2008, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2007.0081CVE.

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. 2007.0081CVE, 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 east side of Girard Street between Silliman and Felton Streets, Block 5925, Lots 025-026. The property is located within an RH-2 (Residential, House, Two-Family) Zoning District with a 40-X Height and Bulk designation. The Project site consists of the 6,000 square foot Lot 026 at 129 Girard Street, and the adjacent 3,360 square foot Lot 025 at 137-139 Girard Street. The Project site is currently occupied by a two-story 1,875-sq ft single-family dwelling at 129 Girard Street, a one-story over garage, 1,875-sq ft single-family dwelling at 137 Girard Street, and a rear dwelling at 139 Girard Street. Lot 025 has 31 feet of street frontage and Lot 026 has 50 feet of street frontage.
3. **Surrounding Properties and Neighborhood.** The Project site is located within an RH-2 (Residential House, Two-Family) District characterized by single and two-family dwellings between one and three stories tall. The Project site is located one block west of an NC-2 (Small Scale, Two-Story, Neighborhood Commercial) District along San Bruno Avenue with a variety of neighborhood-serving uses. A mixture of food establishments, personal services, and small retail establishments defines the District. The Project site is also located one block east of an RH-1 (Residential House, One-Family) District.
4. **Project Description.** The proposed Project is the demolition of two single-family homes on two adjacent parcels and construction of a 36-bed residential care facility and a two-family dwelling. The existing two-story 1,875 square foot single-family dwelling at 129 Girard Street would be demolished. A new 36-bed, 30'-6" high, three-story, 8,685 square foot residential care facility with off-street basement parking for five cars is proposed. The existing one-story over garage, 1,875 square foot single-family dwelling at 137 Girard Street would be demolished. A new 33'-6" high, two-story plus attic over garage, 4,266 square foot two-family dwelling with off-street parking for two cars is proposed. The rear dwelling at 139 Girard Street would remain and would be converted from a residential use to a storage use. The Project would require a conditional use authorization for a residential care facility with seven or more persons in a residential zone and for the demolition or conversion of the existing residential structures, as well as a variance for a 3'-6" front yard setback at 129 Girard.

The proposed residential care facility will provide long-term care for a maximum of 36 senior citizens who do not require skilled nursing care. Basic services at the site include a furnished room, meals, and planned activities. The proposed building will be residential in appearance with three stories over a basement garage. The third floor is setback 15 feet from the front building wall. The structure contains 19 bedrooms and 16 bathrooms, five off-street parking spaces in an underground parking garage, and a kitchen with dining room on the third floor.

The proposed residential care facility would provide a family like setting in a community for senior citizens who are at risk for being unnecessarily placed in institutions. Despite the close proximity of the Project to surrounding dwellings, the Project would not disrupt or detract from the livability of the neighborhood. The proposed building will be in keeping with the established residential character and scale of the area.

The proposed residential care facility would be licensed by the California Department of Social Services (DSS). The applicant is a local owner and currently operates two other residential care facilities for senior citizens in San Francisco.

The proposed residential care facility operation consists of approximately 15 employees divided into two shifts. The facility will be staffed 24 hours a day. The employees will be hired from the immediate surrounding area and will walk or take public transit to work. The services provided will include cooking, assistance with taking medicine, and assistance with personal hygiene. Three meals with snacks in between will be available to residents. Visiting hours will be from 8am to 9pm.

Trash will be collected in the basement garage and stored there until collection day. There will be few deliveries to the residential care facility. All delivery of groceries and supplies will be done with a private van and will be unloaded in the basement parking garage. In addition, the van will pick up residents in the basement parking garage to take them to doctor's appointments and activities. Five off-street parking spaces will be provided for guests. These spaces may also be used by residents and employees, however, it is expected that no residents or employees will drive a car to the facility.

5. **Public Comment.** The public notice for the Categorical Exemption was mailed on May 18, 2007. Major Environmental Analysis Planning Staff received phone calls and emails from 15 neighbors with concerns regarding the project. On September 7, 2007, the Project Sponsor mailed a letter to these neighbors asking them to contact him with any questions and inviting them to an open house on September 15, 2007. Four neighbors attended the open house and two neighbors wrote letters or emails with questions regarding the Project. In response to neighborhood concern regarding the lack of off-street parking, the Project Sponsor amended the original proposal by removing the proposal for a parking variance with the addition of an underground parking garage for five off-street parking spaces for the residential care facility.

As of the close of business on July 16, 2008, the Department has received two phone calls and one email in opposition to the proposal. The neighbors expressed concern regarding on-street

parking availability, the appropriateness of the use in a residential neighborhood, and traffic congestion. In addition, the Department received two additional phone calls with general questions regarding 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. **Use.** Planning Code Section 209.3 requires a Conditional Use for the construction of a residential care facility housing seven or more persons in an RH-2 (Residential, House, Two-Family) Zoning District.

The Project proposes the construction of a residential care facility for 36 senior citizens on Lot 026.

- B. **Density.** Planning Code Section 209.1 permits a two-family dwelling in an RH-2 (Residential, House, Two-Family) Zoning District.

The Project proposes the construction of a two-family dwelling on Lot 025.

- C. **Residential Demolition.** Planning Code Section 317 requires a Conditional Use for the loss, removal or demolition of three or more dwelling units.

The Project proposes the demolition of two dwelling units at 129 and 137 Girard Street and the conversion of one dwelling unit at 139 Girard Street into storage.

- D. **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 40-X height and bulk district, with a 40-foot height limit.

The building on Lot 025 would be approximately 33'-6" in height and the building on Lot 026 would be approximately 30'-6".

- E. **Bulk.** Planning Code Section 270 limits the bulk of buildings and structures, and assigns maximum plan dimensions. The proposed Project is located in a 40-X height and bulk district, with an "X" bulk control.

Planning Code Section 270 does not regulate bulk dimensions for sites with "X" controls.

- F. **Open Space.** Section 135 requires 166.25 square feet of common open space for each dwelling unit in an RH-2 (Residential, House, Two-Family) Zoning District. 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. 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. Although the proposed residential care facility is not group housing as defined by the Planning Code, the Planning Department believes that this

standard is an appropriate guideline to use in evaluating the appropriateness of such facilities with respect to the Planning Code standards.

The residential care facility proposes 36 beds in 19 bedrooms. The proposed Project will create 2,907 square feet of common open space (1,975 square feet in the rear yard and 932 square feet on third floor decks), exceeding the minimum required amount of common open space of 1,053 square feet. The two-family dwelling proposes 750 square feet of common open space, exceeding the minimum required amount of common open space of 332.5 square feet.

- G. **Exposure.** Planning Section 140 of the Planning Code requires each dwelling unit to face directly an open area (whether an inner court or a space between separate buildings on the same lot) which is unobstructed and is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor.

The Project is compliant with the above-cited requirement of the Planning Code.

- H. **Rear Yard.** Planning Code Section 134(a) (2) requires the minimum rear yard to be equal to 45 percent of the lot depth. Section 134(c)(1) allows the minimum rear yard to be reduced to the average between the depths of the rear building walls of the two adjacent buildings, but in no case less than 15 feet or 25 percent of the lot depth (whichever is greater). Where there are two buildings on the lot, the required rear yard may be provided between the buildings.

The Project is compliant with the above-cited requirement of the Planning Code. Lot 025 is providing a 30 foot rear yard (25 percent of lot depth) between the two buildings on the lot. Lot 026 is providing a rear yard of 39'-6" as determined by the average of the adjacent buildings.

- I. **Front Yard.** Planning Code Section 132 requires a front yard equal to the average of the two adjacent front setbacks with a maximum setback of 15 feet.

Lot 025 complies with the above-cited requirement of the Planning Code. However, a 3'-6" front yard setback is proposed for Lot 026 where a 15 foot front yard setback is required. The Project would require a front yard Variance.

- J. **Parking.** Planning Code Section 151 requires off-street parking to be provided for residential uses at a ratio of 1 space per dwelling unit, and for a residential care facility at a ratio of 1 space for each 10 residents, where the number of residents exceeds nine.

The Project includes two dwelling units (Lot 025) and a 36-bed residential care facility (Lot 026). Thus, the Project requires 2 off-street parking spaces for the two-family dwelling, and 4 spaces for the residential care facility. The Project will provide 2 off-street parking spaces and 5 off-street parking spaces respectively; and thus complying with the Planning Code requirement.

- K. **Bicycle Parking.** Section 155.5 of the Planning Code requires bicycle parking spaces for buildings of 4 dwelling units or more.

Bicycle parking spaces are not required for this Project.

- L. **Street Trees.** Section 143 of the Planning Code requires that a minimum of one tree of 15-gallon size for each 20 feet of frontage of the property along each street or alley shall be installed in the case of the construction of a new building within an R, SPD, RSD, NC, C-3, SLR, SLI, or SSO District.

Lot 025 requires 2 street trees and Lot 026 requires 3 street trees. A total of 5 street trees will be installed along Girard Street.

- M. **Signage.** Planning Code Section 209.3 states that a residential care facility shall display nothing on or near the facility which give an outward indication of the nature of the occupancy except for a sign as permitted by Article 6 of the Planning Code.

No signage is proposed at this time. Any proposed signage will be subject to the review and approval of the Planning Department.

7. **Variance Application.** Planning Code Section 132 requires a front yard equal to the average of the two adjacent front setbacks with a maximum setback of 15 feet. A 15 foot front yard setback is required for Lot 026. A 3'-6" front yard setback is proposed for Lot 026. The Project would require a front yard Variance. The Zoning Administrator will consider the variance application concurrently with the Planning Commission.
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 proposed uses are residential in nature and are necessary and desirable for, and compatible with, the neighborhood and community. The Project will provide specialized health care and placement services to underserved populations within the City. The proposed Project will provide a development that is necessary or desirable for the community in that it will provide a critically needed service for senior citizens without contributing to the over concentration of residential care facilities in the neighborhood. The facility will be residential in character. The overall scale, design, and materials of the proposed buildings are consistent with the block face and complement the neighborhood character.

- 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 proposed buildings will not be out of scale with the character of the Project vicinity. The third floor on the residential care facility is setback 15 feet from the front building wall to transition the building into a district with primarily 2 story with some 3 story 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 facility will not be permitted to bring cars to the subject property and therefore impacts to the accessibility and traffic patterns will be minimized. The Project site is also easily accessed by MUNI. The basement parking garage provides more than the required number of off-street parking spaces also provides a loading and unloading zone for the facility. The proposed two-family dwelling also meets the required parking. The proposed residential use is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide.

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

The proposed buildings will be residential in character and will not generate noxious or offensive emissions, such as noise, glare and odor.

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

The rear and front yards will be landscaped and will provide adequate lighting inside and outside of the proposed buildings for safety. Parking and loading areas will be provided in the basement parking garage.

- 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 is consistent with the stated purposes of RH-2 Districts in that the intended residential use will provide an essential service needed in the community.

9. **Planning Code 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 property is free of a history of serious, continuing code violations;

A review of the Department of Building Inspection and the Planning Department databases showed no enforcement cases or notices of violation.

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

Most of the factors leading to unsoundness are due to original construction deficiencies. Therefore, the structure appears to have been well maintained by the owners.

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

Although the structure is more than 50 years old, a review of the supplemental information resulted in a determination that it is not an historical resource (attached).

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

The structure is not an historical resource, nor will its removal have a substantial adverse impact on the neighborhood or district.

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

There are no restrictions on whether the two new units will be rental or ownership.

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

No rent controlled units will be removed.

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

The proposal is to convert or demolish 3 dwelling units. However, the replacement structures will create two dwelling units and a 36-bed residential care facility, so the number of existing bedrooms will be increased.

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

The replacement building conserves neighborhood character with appropriate scale, design, and materials, and improves cultural and economic diversity by creating two dwelling units, a residential care facility, and 6 new off-street parking spaces (in addition to the 1 existing off-street parking space).

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

Though the Project replaces existing housing units, the existing neighborhood is zoned for two units. Better housing quality and quantity, with more efficient use of space, tend to increase the per unit affordability. In addition, the residential care facility will provide relatively affordable housing for senior citizens.

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

The Project proposes no permanently affordable units governed by Planning Code Section 315.

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

Though the Project replaces 3 dwelling units, the neighborhood is zoned for two units. The Project proposes two dwelling units and a 36-bed residential care facility in a RH-2 zoned neighborhood characterized by a mixture of densities from single-family units up to multi-unit apartment buildings.

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

The Project will replace 2 units with 4 bedrooms with 2 units with 9 bedrooms on Lot 025. The Project will replace 1 unit with 3 bedrooms with a 36-bed residential care facility with 19 bedrooms. Existing family sized housing will be preserved.

- xiii. Whether the Project creates new supportive housing;

The replacement Project is specifically designed to accommodate senior citizens, a Special Population Group as defined in the Draft Housing Element.

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

The overall scale, design, and materials of the proposed buildings are consistent with the block face and complement the neighborhood character.

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

The subject lot is zoned for two-family units. The Project proposes two units in a RH-2 District on Lot 025 and a 36-bed residential care facility on Lot 026.

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

The Project will replace 2 units with 4 bedrooms with 2 units with 9 bedrooms on Lot 025. The Project will replace 1 unit with 3 bedrooms with a 36-bed residential care facility with 19 bedrooms. The Project increases the number of on-site bedrooms by 21 bedrooms.

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

**RESIDENCE ELEMENT
Objectives and Policies**

OBJECTIVE 1:

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

Policy 1.4:

Locate infill housing opportunities on appropriate sites in established neighborhoods.

OBJECTIVE 2:

TO INCREASE THE SUPPLY OF HOUSING WITHOUT OVERCROWDING OR ADVERSELY AFFECTING THE PREVAILING CHARACTER OF EXISTING NEIGHBORHOODS.

Policy 2.1:

Directs the City to set allowable densities in established residential areas at levels which will promote compatibility with prevailing neighborhood scale and character.

Policy 2.3:

Allow flexibility in the number and size of units with permitted volumes of larger multi-unit structures, especially if the flexibility results in creation of a significant number of dwelling units that are permanently affordable to lower income households.

OBJECTIVE 12:

PROVIDE A QUALITY LIVING ENVIRONMENT.

Policy 12.1:

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

Policy 12.4:

Promote the development of well designed housing.

The proposed uses are residential in nature and are necessary and desirable for, and compatible with, the neighborhood and community. The Project will provide specialized health care and placement services to underserved populations within the City. The proposed Project will provide a development that is necessary or desirable for the community in that it will provide a critically needed service for senior citizens without contributing to the over concentration of residential care facilities in the neighborhood. The facility will be residential in character. The Project Site is located in area identified in the General Plan as appropriate for residential use.

The overall scale, design, and materials of the proposed buildings are consistent with the block face and complement the neighborhood character. The Project furthers the General Plan objectives and policies by providing a well designed building that will conserve and enhance the character of this neighborhood street. In addition, the Project will provide 5 new street trees along Girard Street. The Project will replace dilapidated residential buildings with well designed residential buildings. The dilapidated structure that exists at the Project site detracts from the neighborhood character. This neighborhood contains buildings of various scale and size. The Project at the proposed density is compatible with the prevailing neighborhood character. The Project is consistent with the varied nature of this street and neighborhood.

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.2:

Encourage housing development, particularly affordable housing, in neighborhood commercial areas without displacing existing jobs, particularly blue-collar jobs or discouraging new employment opportunities.

OBJECTIVE 3:

ENHANCE THE PHYSICAL CONDITION AND SAFETY OF HOUSING WITHOUT JEOPARDIZING USE OR AFFORDABILITY.

Policy 3.1:

Ensure that existing housing is maintained in a decent, safe, and sanitary condition, without increasing rents or displacing low-income households.

OBJECTIVE 4:

SUPPORT AFFORDABLE HOUSING PRODUCTION BY INCREASING SITE AVAILABILITY AND CAPACITY.

Policy 4.1:

Actively identify and pursue opportunity sites for permanently affordable housing.

Policy 4.5:

Allow greater flexibility in the number and size of units within established building envelopes, potentially increasing the number of affordable units in multi-family structures.

OBJECTIVE 5:

INCREASE THE EFFECTIVENESS AND EFFICIENCY OF THE CITY'S AFFORDABLE HOUSING PRODUCTION SYSTEM.

Policy 5.2:

Support efforts of for-profit and non-profit organizations and other community-based groups and expand their capacity to produce and manage permanently affordable housing.

Policy 5.3:

Create greater public awareness about the quality and character of affordable housing projects and generate community-wide support for new affordable housing.

OBJECTIVE 6:

PROTECT THE AFFORDABILITY OF EXISTING HOUSING.

Policy 6.1:

Protect the affordability of units in existing buildings at risk of losing their subsidies or being converted to market rate housing.

Policy 6.2:

Ensure that housing developed to be affordable is kept affordable.

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 senior citizens.

Policy 8.10:

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

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.

Policy 10.3:

Improve coordination among emergency assistance efforts, existing shelter programs, and health care outreach services.

The Project would supply needed housing in an established residential neighborhood. The Project would be compatible with and would not disrupt the existing scale and character of the surrounding area. The number of beds proposed is appropriate for the density of the Zoning District and would not overcrowd the Project site. The affordable housing capacity of San Francisco would be expanded through approval of this Project. This Project would increase the availability of housing for senior citizens with very low incomes who would otherwise be homeless. The proposed Project will provide desirable, affordable housing, essential services and supervised care to senior citizens of San Francisco.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

Policy 1.3:

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

Policy 1.6:

Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

OBJECTIVE 3:

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

The bulk of the Project is consistent with the prevailing scale of development in the immediate neighborhood. The Project design expresses the character of the overall district and the City and is consistent with the historical pattern of development. The Project proposes a well-designed structure that captures the character and vitality of the neighborhood through its use of materials, massing, scale, and details. The design of the new residential buildings will add to the character of the neighborhood in terms of the quality and style of the design.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 2:

USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.

OBJECTIVE 12:

DEVELOP AND IMPLEMENT PROGRAMS IN THE PUBLIC AND PRIVATE SECTORS, WHICH WILL SUPPORT CONGESTION MANAGEMENT AND AIR QUALITY OBJECTIVES, MAINTAIN MOBILITY AND ENHANCE BUSINESS VITALITY AT MINIMUM COST.

Policy 12.1:

Develop and implement strategies which provide incentives for individuals to use public transit, ridesharing, bicycling and walking to the best advantage, thereby reducing the number of single occupant auto trips.

The proposed Project is situated within proximity of local transit lines and is well-served by public transit.

COMMUNITY FACILITIES ELEMENT

Objectives and Policies

OBJECTIVE 3:

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

Policy 3.1:

Provide neighborhood centers in areas lacking adequate community facilities.

Policy 3.2:

Assure that neighborhood centers complement and do not duplicate existing public and private facilities.

Policy 3.4:

Locate neighborhood centers so they are easily accessible and near the natural center of activity.

The Project will provide needed services to large numbers of people from underserved populations within the community. The Project is easily accessible by walking and public transportation.

11. **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 proposal is to convert or demolish 3 dwelling units. However, the replacement structures will create two dwelling units and a 36-bed residential care facility, so the number of existing bedrooms will be increased.

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

The Project would increase the number of beds available to senior citizens 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 construction of a two-family dwelling and a residential care facility would not increase the number of car trips to the immediate neighborhood. Both buildings comply with the required amount of off-street parking spaces. The residential care facility provides a private van for its planned 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 buildings be preserved.

The structure is not an historical resource, nor will its removal have a substantial adverse impact on the neighborhood or district.

- 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.

12. 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.
13. 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. 2007.0081CVE** 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. 17656. 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 Antonini, Borden, Lee, Miguel, Moore, and Olague

NAYS: None

ABSENT: None

ADOPTED: July 24, 2008

Exhibit A

Conditions of Approval

1. This authorization is for a Conditional Use Authorization under Planning Code Sections 209.3, 303, and 317 of the Planning Code to demolish or convert three existing single-family residences and construct a new 36-bed residential care facility within an RH-2 (Residential, House, Two-Family) Zoning District with a 40-X Height and Bulk designation, in general conformance with plans filed with the Application as received on April 18, 2007 and stamped "EXHIBIT B" included in the docket for Case No. 2007.0081CVE, 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 5925, Lots 025-026), 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. 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.
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, and washing or steam cleaning of the main entrance and abutting sidewalks at least once each week.
6. Signs and exterior lighting for the business shall be reviewed and approved by the Planning Department before they are installed.
7. The Project Sponsor shall maintain appropriate odor control equipment to prevent any significant noxious or offensive kitchen odors from escaping the premises.
8. The Project Sponsor shall operate the proposed facility such that noise is kept at reasonable levels so as not to unduly disturb neighboring businesses and residents.
9. An enclosed garbage area shall be provided within the basement parking garage. All garbage containers shall be kept within the building until pick-up by the disposal company.

10. The hours of visitation shall be 8am to 9pm daily. Visitors shall be allowed to park in the basement parking garage.
11. 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.
12. The applicant shall obtain and maintain the required license from the California Department of Social Services Community Care Licensing Division or its successor.
13. Facility staff shall discourage loitering in front of the premise.
14. The Project Sponsor shall maintain the buildings and grounds in a clean and attractive manner.
15. In fulfillment of the requirements of Code Section 143, one street tree shall be provided for each 20 feet of street frontage. Lot 025 requires 2 street trees, and Lot 026 requires 3 street trees. A total of 5 street trees will be installed along Girard Street.
16. 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.
17. The Project sponsor shall continue to work with staff to refine the design and assure that all building materials, including finishes, windows, entries, storefronts, and detailing are appropriate for the site and neighborhood.
18. The new building on Lot 025 shall be limited to a density no greater than a two-family dwelling.