

**SAN FRANCISCO
PLANNING COMMISSION
MOTION NO. 16199**

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION TO ALLOW A SOCIAL SERVICE USE AS DEFINED BY PLANNING CODE SECTION 890.50(A), IN A SLR (SERVICE/LIGHT INDUSTRIAL/RESIDENTIAL MIXED USED) DISTRICT WITH A 65-X HEIGHT AND BULK DESIGNATION, PURSUANT TO CODE SECTION 816.21.

Preamble

On June 21, 2001, Norma Hotaling, project sponsor (hereinafter "Applicant"), made application (hereinafter "Application") for Conditional Use on the property at 1271-1275 Mission Street, Lot 075 in Assessor's Block 35728 (hereinafter "Property") to allow a social service center in general conformity with plans filed with the Application and labeled EXHIBIT B (hereinafter "Project") within a SLR (Service/Light Industrial/Residential Mixed Used) District with a 65-X Height and Bulk designation.

On August 02, 2001, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2001.0641C at which the Commission has reviewed and discussed the findings prepared and presented.

The proposed Application was determined by the San Francisco Planning Department (hereinafter "Department") to be categorically exempted from the environment review process pursuant to Title 14 of the California Administrative Code. The Commission has reviewed and concurs with the 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 on behalf of the Applicant, Department Staff, and other interested parties.

Findings

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

1. The above recitals are accurate and also constitute findings of this Commission.
2. Section 816 of the Planning Code (hereinafter "Code") specifies that the SLR (Service/Light Industrial/Residential Mixed Used) District is designed to maintain and facilitate the growth and expansion of small-scale light industrial, home and business service, wholesale distribution, arts production and performance/exhibition activities, general commercial and neighborhood-serving retail and personal service activities while protecting existing housing at a scale and density compatible with the existing neighborhood.
3. Section 816.21 of the Code (hereinafter "Code") requires a conditional use authorization for assembly and social service uses. Code Section 890.50 further defines assembly and social service as a public or private, nonprofit or profit making use that provides social, fraternal, counseling or recreational gathering services to the community.

4. The proposal is to allow an outpatient substance abuse treatment, recovery, and counseling service. The Project will implement State Proposition 36, the voter approved measure that mandates treatment for substance abusers that went into effect on July 01, 2001. The program will be operated by SAGE Project, Inc., a non-profit agency that provides substance abuse treatment and counseling since 1995, funded by public and private agencies and services. The proposal involves no building expansion, construction, or any façade alterations to the existing structure, and retains all existing site and building characteristics.
5. Code Section 151 contains the schedule of required off-street parking spaces. Per Planning records, the existing legal commercial retail use has a parking deficit of 12 spaces. The project requires a total of 13 parking spaces as the result of the change of use, which is one more than the parking deficiency. Planning Code Section 150 states that off-street parking spaces must be provided only in the case of a major addition. A major addition, defined as any enlargement, alteration, change of occupancy or increase in intensity of use, would increase the number of off-street parking spaces required for uses other than dwelling units by at least 15 percent or five spaces, whichever is greater. Since the required parking spaces for the proposed project is less than five, no additional off-street parking spaces are required. The project proposes no off-street parking spaces.
6. Under the provisions of Code Section 303, the Commission may authorize a conditional use after finding the proposed use will provide a development that is necessary or desirable for and compatible with the neighborhood or the community. The proposed project does comply with the criteria of Code Section 303 as described below.
 - a. The proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community:

The Project is at a central location that is close to the Hall of Justice (District Attorney, Sheriff's Department), Department of Social Service, homeless shelters, detoxification programs, and clinics. The close proximity of the Project complements the neighborhood by providing solutions to the lack of treatment and counseling of the local substance abusers. Through SAGE's cooperative relationships with health, criminal justice, and private service providers, the Project will improve the health, safety, convenience, and general welfare of persons residing or working in the vicinity.

- b. The proposed use will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
 1. The nature of the proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures:

There will be no change to the nature of the site, or to the structure. No building expansion or construction is proposed.

2. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading:

The project site is well served by public transit system of both BART and MUNI. An existing public parking lot across the street, and all existing metered street parking spaces will remain.

3. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust, and odor:

The proposed use will not produce any noxious odors or emissions. No medications are used in any treatment and counseling services.

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

No additional treatment given to the existing site.

8. The Project will affirmatively promote, be consistent with, and will not adversely affect the San Francisco General Plan, including the following relevant objectives and policies:

Community Facilities

OBJECTIVE 3: ASSURE THAT NEIGHBORHOOD RESIDENTS HAVE ACCESS TO NEEDED SERVICES AND A FOCUS FOR NEIGHBORHOOD ACTIVITIES.

Policy 1

Provide neighborhood centers in areas lacking adequate community facilities.

Policy 2

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

Policy 4

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

The Project not only serves to treat and counsel substance abusers but also women and children who are survivors of abuse and sexual trauma. The proposed services complements the existing neighboring Department of Social Services and help provide services to the needed in the community. The Project is easily accessible by foot or public transit systems to all neighborhood activities, such as shopping centers, libraries, schools, and health centers.

OBJECTIVE 7: DISTRIBUTION THROUGHOUT THE CITY OF DISTRICT PUBLIC HEALTH CENTERS TO MAKE THE EDUCATIONAL AND PREVENTIVE SERVICES OF THE DEPARTMENT OF PUBLIC HEALTH CONVENIENT TO THE PEOPLE, THEREBY HELPING TO ACHIEVE THE GOALS OF THE PUBLIC HEALTH PROGRAM IN SAN FRANCISCO.

The proposed facilities serve clients who reside in the neighborhood. The subject property is well-served by public transit, with a BART station and a number of MUNI bus lines within a very comfortable walking distance.

South of Market

OBJECTIVE 7: PRESERVE EXISTING AMENITIES WHICH MAKE THE SOUTH OF MARKET A PLEASANT PLACE TO LIVE, WORK AND VISIT.

Policy 2

preserve the architectural character and identity of south of market residential and commercial/industrial buildings.

The Project proposes no building alteration of expansion, and requires no construction to the existing structure.

OBJECTIVE 8: IMPROVE AREA LIVABILITY BY PROVIDING ESSENTIAL COMMUNITY SERVICES AND FACILITIES.

Policy 1

Encourage the careful location and expansion of essential neighborhood-serving community and human service activities throughout the South of Market, exclusive of the residential enclaves.

The proposed substance abuse treatment and counseling center locates near the Hall of Justice and the Department of Social Service, which provides adequate policing and care without over concentrating the existing neighborhood.

9. The proposed project will comply with the following eight Priority Policies as established in Code Section 101.1 for the Master Plan consistency and implementation:

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

The existing neighborhood retail uses will not be affected by the Project.

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

No physical change will be made to the façade. All existing character will remain.

- c. The City's supply of affordable housing be preserved and enhanced.

The subject property has never been used as residential units. The City's affordable housing will not be affected by this proposal.

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

The proposed use will not effect commuter traffic. The Project is near public transit services such as BART and MUNI.

- e. 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 proposed project is a social service use, so commercial office and residential development will not be affected.

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

The existing structure provides adequate seismic stability.

- g. The landmarks and historic buildings be preserved.

There are no landmarks or historic buildings involved in the proposed project.

- h. The parks and open space and their access to sunlight and vistas be protected from development.

The Project will not affect the access to sunlight or vistas from any park or open space.

- 10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1 in that, as designed, the Project would not be detrimental to the character and stability of the neighborhood and would constitute a beneficial development.
- 11. The Commission finds that granting the Conditional Use Authorization for the Project will promote the health, safety, and welfare of the City for the reasons set forth above.

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 hearing, and all other written materials submitted by all parties, the Commission hereby APPROVES Conditional Use Application Number 2001.0641C subject to the following conditions attached hereto as EXHIBIT A which are incorporated herein by reference as though fully set forth.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on August 02, 2001.

Linda Avery
Commission Secretary

AYES: Commissioners Baltimore, Chinchilla, Joe, Lim, Salinas and Theoharis

NOES: None

ABSENT: Commissioner Fay

ADOPTED: August 02, 2001

EXHIBIT A

CONDITIONS OF APPROVAL

The Conditional Use Authorization herein is to allow an outpatient substance abuse treatment, recovery, and counseling service. The Project will implement State Proposition 36, the voter approved measure that mandates treatment for substance abusers. The proposal involves no building expansion, construction, or any façade alterations to the existing structure, and retains all existing site and building characteristics.

1. The square footage occupied for the use of a social service is limited to up to 6,000 square feet. Any increase in the use size, or any change of use at the Project Site shall require approval of a new or amended Conditional Use Authorization by the Commission.
2. The extent of construction work authorized herein is limited to that described in the plans labeled EXHIBIT B and dated 07.25.01
3. All existing street metered parking spaces shall remain.
4. The hours of operation shall be restricted to 9:00 a.m. to 5:00 p.m. Monday to Friday.
5. The project sponsor, including any and all agents or operators of the facility shall be prohibited from double-parking along Mission Street and adjacent side streets.
6. The Applicant shall provide a proposal to the reduction of criminal activity and loitering in the surrounding neighborhood. The Applicant shall provide a monitoring system for activities outside of and adjacent to the establishment.
7. The operator of the establishment shall be responsible for cleaning and sweeping the sidewalk along the Mission Street frontage each day to keep the sidewalk free of litter.
8. An enclosed garbage area shall be provided within the establishment. All garbage containers shall be kept within the building until scheduled pick-up time by the disposal company.
9. Noise and light shall be contained within the premise so as not to be a nuisance to nearby residents or neighbors. Lighting shall be directed onto the Property so as not to directly illuminate adjacent properties.
10. The Applicant shall appoint a community liaison officer to deal with concerns related to the operation of this Project. The name and telephone number of such person shall be reported to the Zoning Administrator.
11. The Project Sponsor shall comply with the following applicable South of Market "Good Neighbor Policies" for programs and services for indigent transient and homeless populations:
 - a. Adequate waiting area shall be provided within the premises for clients and prospective clients such that sidewalk are not used for queuing or waiting areas.
 - b. Sufficient toilets/restrooms shall be provided for clients and prospective clients to have access to use during the hours of operation of the social service center.

- c. The Project Sponsor shall continuously monitor waiting areas to inform prospective clients whether they can be served by the provider because of time or resource constraints, the monitor shall inform the client of alternative programs and locations where they might seek similar services.
 - d. The Project Sponsor shall maintain up-to-date information and referral sheets to give clients and other persons who, for any reason, cannot be served by the establishment.
 - e. The Project Sponsor shall prominently display and properly illuminate at all entrances to and exists from the establishment urging clients leaving the premises and neighborhood to do so in a quiet, peaceful and orderly fashion and to not loiter or litter.
12. Should implementation of this project result in complaints from neighborhood residents that are not resolved by the Project Sponsor and are subsequently reported to the Zoning Administrator and found to be in violation of the 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 Commission which may thereafter hold a public hearing on the matter in accordance with the hearing notification and conduct procedures as set forth in Code Sections 174, 306.3, and 396.4 of the Code to consider revocation of this Conditional Use Authorization.
13. Should the monitoring of Conditions of Approval contained in EXHIBIT A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Code Section 351(f)(2).
14. Prior to the issuance of a building or site permit, the Project Sponsor shall assure the execution and recordation of the specified conditions as a Notice of Special Restrictions at the Office of the County Recorder / County Clerk.