



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: AUGUST 13, 2015
(CONTINUED FROM MARCH 19, JUNE 11, JULY 9)

Date: August 6, 2015
Case No.: **2015-000060CUA**
Project Address: **327 CAPITOL AVENUE**
Zoning: NC-1 (Neighborhood Commercial, Cluster)
RH-1 (Residential House, One-Family)
40-X Height and Bulk District
Block/Lot: 7106/052
Project Sponsor: Jeremy Paul
Quickdraw Permit Consulting
1325 California Street
San Francisco, CA 94109
Staff Contact: Andrew Perry – (415) 575-9017
Andrew.Perry@sfgov.org
Recommendation: **Approval with Conditions**

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PROJECT DESCRIPTION

The project sponsor proposes to convert the existing 3,100 square foot, two-story building on the site from a Religious Facility (d.b.a. Pilgrim Rest Missionary Baptist Church) to a Large Institution Child Care Facility (d.b.a. Little Bear School) with enrollment of up to 70 students between the ages of 2.5 and 6. The existing Little Bear School, currently located at 65 Ocean Avenue within the same zip code, would close and relocate its operations to the 327 Capitol Avenue address. The project does not seek to physically expand the building, but would include interior renovations, window replacements at the front façade, and the addition of windows and doors along the non-street facing south façade. Also along the southern side, a new deck will be constructed along with the installation of outdoor play equipment. The proposed child care facility would operate Monday through Friday, between the hours of 8 a.m. and 6 p.m.

In order to minimize impacts to traffic in the neighborhood, the Project proposes to eliminate the existing curb cut, and reinstate an MTA passenger loading and unloading "white" zone that measures 55 feet long along the west side of Capitol Avenue, which could accommodate two cars. Little Bear School will implement a supervised drop-off and pick-up program with staggered times to further minimize congestion. Additional bicycle parking has been proposed to replace the required off-street vehicle parking. A proposed 10-foot high sound barrier will surround the play area to minimize noise impacts to surrounding properties. The proposed facility will meet the standard requirements for state certification.

SITE DESCRIPTION AND PRESENT USE

The project is located on the west side of Capitol Avenue, between Farallones and Broad Streets in the Ocean View neighborhood, on Assessor's Lot 052 in Block 7106. The subject property is located within

both the NC-1 (Neighborhood Commercial, Cluster) and the RH-1 (Residential House, One-Family) Districts, and the 40-X Height and Bulk District. The project site is a midblock, double-width lot with 55 feet of street frontage along Capitol Avenue, and is developed with a two-story, 3100 square foot building on the northern portion of the lot. The remainder of the lot is undeveloped, with a curb cut and gate providing access from the street. The building is currently vacant, but previously housed the Pilgrim Rest Missionary Baptist Church.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The area surrounding the project site is primarily residential houses with one or two units, with small pockets of commercially-zoned properties around the intersection of Broad Street and Capitol Avenue and also one block east at the intersection of Broad Street and Plymouth Avenue. The commercial establishments are predominantly small general grocery stores along with a couple other daily-needs serving establishments, such as a barbershop. There are also a number of storefront churches in this neighborhood. Sheridan Elementary School is located one half-block north of the project site and the Ocean View Recreation Center/Minnie & Lovie Ward Recreation Center is located further to the north by one more block as the two Public zoned parcels in the vicinity. The I-280 freeway is located within a quarter-mile to the south of the project site, and the Muni M-Ocean View rail line is located one half-block south, with a stop at the intersection of Broad Street and Capitol Avenue.

ENVIRONMENTAL REVIEW

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	February 27, 2015	February 25, 2015	22 days
Posted Notice	20 days	February 27, 2015	February 27, 2015	20 days
Mailed Notice	20 days	February 27, 2015	February 25, 2015	22 days

The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the conditional use authorization process.

The original notice occurred for the first March 19th hearing date. As the current hearing is held within 6 months of the original notice date, this notice is still valid.

PUBLIC COMMENT

- To date, the Department has received no comments regarding the proposal.

ISSUES AND OTHER CONSIDERATIONS

- The Zoning Control Table within Planning Code Section 209.1 conditionally permits a Child Care Facility with more than 15 children within an RH-1 District. Planning Code Section 710.81

conditionally permits a Child Care Facility with more than 13 children on the second floor within an NC-1 District.

- Little Bear School is an independently owned and operated business that fostered a good relationship with the community in their existing location, employs 15 teachers and staff and will look to hire up to four (4) additional people after relocation. The zip code (94112) for both the existing and proposed location was identified in a 2013 report from the SF Child Care Planning & Advisory Council as one of the most deficient in the city in terms of the gap between child population and licensed facilities. Any loss of capacity in this district would be undesirable.
- The proposed transportation impacts have been analyzed under CEQA and were found to have less than significant impacts. A Circulation Memo was independently prepared for the project and the project sponsor has agreed to implement several improvement measures, which have been formalized through the Conditions of Approval of this project's Motion. These include the removal of the existing curb cut along Capitol Avenue, the creation of a 55-foot long "white" loading zone, and a staggered student drop-off and pick-up plan.
- Noise mitigation, often a concern with child-care facilities, will be achieved by providing a 10'-tall sound barrier around the perimeter of the play area. Additionally, per state requirements, the outdoor play area will be limited to 43 children in the yard at one time.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow the establishment of a Child Care Facility with enrollment for up to 70 students at two floors within the NC-1 and RH-1 Districts, pursuant to Planning Code Section 710.81 and the Zoning Control Table within Section 209.1.

BASIS FOR RECOMMENDATION

- The project promotes the continued operation of an established, locally-owned business and helps ensure that there is no reduction in the availability of child care coverage within a part of the city that is most deficient in terms of facility capacity.
- The project would not displace an existing tenant, as the previous Church moved their location, responding to the fact that the majority of their congregation no longer lives in San Francisco.
- The project will not adversely impact any potential historic resource, performing window replacements in keeping with the Secretary of the Interior's Standards, and introducing new windows and doors only on the non-street facing façade.
- The project has submitted a Circulation Memo and was found to have less than significant impacts on transportation and traffic in the vicinity. The project sponsor has agreed to a number of improvement measures including an enlarged loading zone and staggered student drop-off and pick-up plans.
- The project will not have significant noise impacts to the surrounding neighbors.
- The project will meet all state requirements for the certification of child-care facilities.
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding neighborhood.
- The business is not a Formula Retail use and would serve the immediate neighborhood.

RECOMMENDATION: Approval with Conditions
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Attachments:

Draft Conditional Use Authorization Motion
Environmental Determination
Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs
Site Photographs
Reduced Plans
Project Licensing Requirements

Attachment Checklist

- | | |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input checked="" type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | 3-D Renderings (new construction or significant addition) |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Wireless Telecommunications Materials |
| <input type="checkbox"/> Context Photos | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Site Photos | <input type="checkbox"/> RF Report |
| | <input type="checkbox"/> Community Meeting Notice |
| | <input type="checkbox"/> Housing Documents |
| | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |

Exhibits above marked with an "X" are included in this packet

____AWP_____
Planner's Initials

AWP: G:\Documents\CUUs\2015-000060CUA - 327 Capitol Ave\Full Report\ExecutiveSummary_327 Capitol Ave.doc



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input type="checkbox"/> Other |

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Planning Commission Draft Motion

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 710.81 AND 209.1 OF THE PLANNING CODE TO ALLOW A CHILD CARE FACILITY (D.B.A. LITTLE BEAR SCHOOL) WITH ENROLLMENT OF UP TO 70 STUDENTS BETWEEN THE AGES OF 2.5 AND 6, WITHIN AN NC-1 (NEIGHBORHOOD COMMERCIAL, CLUSTER) DISTRICT, AN RH-1 (RESIDENTIAL HOUSE, ONE-FAMILY) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On January 3, 2015, Jeremy Paul (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section(s) 303, 710.81, and 209.1 to allow a Child Care Facility (d.b.a. Little Bear School) with enrollment of up to 70 students between the ages of 2.5 and 6, within an NC-1 (Neighborhood Commercial, Cluster) District, an RH-1 (Residential House, One-Family) District, and a 40-X Height and Bulk District.

On July 9, 2015, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2015-000060CUA.

The project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption under CEQA.

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. 2015-000060CUA, 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 west side of Capitol Avenue, between Farallones and Broad Streets in the Ocean View neighborhood, on Assessor's Lot 052 in Block 7106. The subject property is located within both the NC-1 (Neighborhood Commercial, Cluster) and the RH-1 (Residential House, One-Family) Districts, and the 40-X Height and Bulk District. The project site is a midblock, double-width lot with 55 feet of street frontage along Capitol Avenue, and is developed with a two-story, 3100 square foot building on the northern portion of the lot. The remainder of the lot is undeveloped, with a curb cut and gate providing access from the street. The building is currently vacant, but previously housed the Pilgrim Rest Missionary Baptist Church.
3. **Surrounding Properties and Neighborhood.** The area surrounding the project site is primarily residential houses with one or two units, with small pockets of commercially-zoned properties around the intersection of Broad Street and Capitol Avenue and also one block east at the intersection of Broad Street and Plymouth Avenue. The commercial establishments are predominantly small general grocery stores along with a couple other daily-needs serving establishments, such as a barbershop. There are also a number of storefront churches in this neighborhood. Sheridan Elementary School is located one half-block north of the project site and the Ocean View Recreation Center/Minnie & Lovie Ward Recreation Center is located further to the north by one more block as the two Public zoned parcels in the vicinity. The I-280 freeway is located within a quarter-mile to the south of the project site, and the Muni M-Ocean View rail line is located one half-block south, with a stop at the intersection of Broad Street and Capitol Avenue.
4. **Project Description.** The project sponsor proposes to convert the existing 3,100 square foot, two-story building on the site from a Religious Facility (d.b.a. Pilgrim Rest Missionary Baptist Church) to a Large Institution Child Care Facility (d.b.a. Little Bear School) with enrollment of up

to 70 students between the ages of 2.5 and 6. The existing Little Bear School, currently located at 65 Ocean Avenue within the same zip code, would close and relocate its operations to the 327 Capitol Avenue address. The project does not seek to physically expand the building, but would include interior renovations, window replacements at the front façade, and the addition of windows and doors along the non-street facing south façade. Also along the southern side, a new deck will be constructed along with the installation of outdoor play equipment. The proposed child care facility would operate Monday through Friday, between the hours of 8 a.m. and 6 p.m.

In order to minimize impacts to traffic in the neighborhood, the Project proposes to eliminate the existing curb cut, and reinstate an MTA passenger loading and unloading “white” zone that measures 55-feet long along the west side of Capitol Avenue, which could accommodate two cars. Little Bear School will implement a supervised drop-off and pick-up program with staggered times to further minimize congestion. Additional bicycle parking has been proposed to replace the required off-street vehicle parking. A proposed 10-foot high sound barrier will surround the play area to minimize noise impacts to surrounding properties. The proposed facility meets the standard requirements for state certification, providing 35 square feet of indoor space per child, and 75 square feet of outdoor space per child by limiting the number of children in the play yard to no more than 43 at one time. This is similar to the constraints at their current location. Additionally, sinks and toilets for children will be installed at a rate of 1:15, and Little Bear School provides a staff to children ratio of 1:8, while the State would only require a 1:12 ratio for this type of facility.

5. **Public Comment.** The Department has not received any public comment regarding this 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.** The Zoning Control table of Planning Code Section 209.1 requires Conditional Use Authorization for a Child Care Facility providing care for 15 or more children within an RH-1 District. Additionally, Planning Code Section 710.81 requires Conditional Use Authorization for a Child Care Facility providing care for 13 or more children when located at the second story within a NC-1 District.

The Project proposes to establish a Child Care Facility with enrollment for up to 70 children in the existing building. The proposed floor plan is open in nature and the classroom and teaching spaces will be located at both the first and second floors. Little Bear School is currently licensed by the State of California, and they intend to meet the open space requirements in their new location through provision of recreational equipment and open space in the side setback and limiting the number of children in the play yard at any one time. The business will also meet the other requirements for state certification with regard to indoor classroom space, numbers of sinks and toilets, availability of drinking water and staff to children ratio. Pursuant to Planning Code Sections 209.1 and 710.81, the Project Sponsor is seeking Conditional Use Authorization to establish this use.

- B. **Rear Yard Requirement in the NC-1 and RH-1 Districts.** Planning Code Section 134 states that the minimum rear yard depth shall be equal to 25 percent of the total depth of a lot in which it is situated, but in no case less than 15 feet.

The existing structure was built in 1908 and is considered a legal, noncomplying structure with respect to the rear yard requirement as it is partially located in the required rear yard area. The Project does not propose any additional building expansion, and is permitted to continue as a noncomplying structure per Planning Code Section 180(c).

- C. **Use Size.** Planning Code Section 710.21 states that Conditional Use Authorization is required for non-residential uses 3,000 square feet and larger within the NC-1 District.

The existing church is considered legal, non-conforming with respect to the use size requirement within the zoning district. The Project does not propose any additional building expansion, and is permitted to continue as a noncomplying structure per Planning Code Section 180(c).

- D. **Off-Street Parking.** Planning Code Section 151 requires one (1) off-street parking space for every 25 children to be accommodated at any one time, where the number of such children exceeds 24.

The Project proposes to accommodate up to 70 children at the site, which requires three (3) off-street parking spaces. The existing Church does not provide any off-street parking, nor would Code require them to do so today as they only have seating for approximately 100 people, therefore there is no parking deficiency that may be carried forward. The Project Sponsor will provide an additional one (1) Class 1 and two (2) Class 2 bicycle parking spaces to replace the required off-street parking, pursuant to Planning Code Section 150(e). The Zoning Administrator may also reduce the off-street parking for this Project pursuant to Planning Code Section 161(g).

- E. **Bicycle Parking.** The bicycle parking requirements of Planning Code Section 155.2 apply when a change of occupancy or use would increase the number of total required bicycle parking spaces (inclusive of Class 1 and 2 spaces in aggregate) by 15 percent. This same Code Section requires Churches to provide five (5) Class 1 spaces for facilities with a capacity less than 500 people, and Child Care Facilities to provide one (1) Class 1 space AND one (1) Class 2 space for every 20 children.

The bicycle parking requirements of this Code Section apply as the requirement for number of spaces is being increased from 5 to 8, which is more than 15%. The Project is proposing to provide, in total, five (5) Class 1 spaces within the building as shown on the proposed ground floor plan, and six (6) Class 2 spaces will be provided by installing three (3) racks on the sidewalk, as shown on the site plan.

- F. **Street Frontage in Neighborhood Commercial Districts.** Planning Code Section 145.1(c)(6) states that frontages with active uses that are not residential or PDR must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building.

This Project is a change of use from Religious Facility to Child Care, however these uses both fall within the broader "Other Large Institution" use category. The existing building and use does not meet this Code requirement, as the existing façade is only about 5% transparent at the ground floor. The Project does not propose further expansion of the existing fenestration, but will replace the recessed door at the right side of the building with glazing at the main façade, bringing the overall transparency to approximately 14% at the ground floor. Additionally, the Project is proposing substantial new fenestration along the southern side of the building, which will bring light and air into the teaching space at the ground floor. Given the proposed Child Care use, the required 60% transparency under this Code section may not be desirable at the primary façade.

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.

Although the use size of 3,100 square feet exceeds the threshold permitted by right within the district, the size of the proposed use is in keeping with the surrounding buildings as it is of similar height and depth with others in the neighborhood, and the proposed Child Care Facility does not seek to further expand the existing structure. Within the city generally, and this zip code and neighborhood specifically, child care services are in high demand. The neighborhoods near the Project have higher rates of young children, and the difficulty of finding quality, affordable child care has contributed to working families leaving the city. Little Bear School must reject dozens of requests for placement every year at their current location due to lack of capacity, and the Project will allow them to better serve the neighborhood needs of Mission Terrace, Merced Extension, and Oceanview. As such, the Project is found to be necessary, desirable and compatible with the surrounding community.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:
- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The height and bulk of the existing building will remain the same and will not significantly alter the existing appearance or character of the project or buildings in the vicinity. The parcel also has open space at the side of the lot and the Little Bear School will facilitate proper age segregation of play areas, as well as different play schedules to ensure each child has the minimum required amount of outdoor space available to them, along with ample interior classroom space and

community gathering space. The Project will not be detrimental to the health, safety, convenience or general welfare of those in the vicinity.

- 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;

Anticipated traffic impacts of the Project were analyzed under CEQA and it was determined that the Project would not have any significant environmental impacts. The Project location is accessible by foot, bicycle, and Muni and currently enrolled families make use of these alternative methods of transportation. The Muni M-Ocean View line is one half-block to the south, with a stop at the intersection of Capitol Ave. and Broad St. The Project Sponsor has also agreed to implement a number of improvement measures.

The Little Bear School will utilize a staggered drop-off and pick-up program to alleviate some of the traffic burden. Additionally, the Project will fill in the existing curb cut, and apply to reinstate a 55-foot MTA "White" Loading Zone. The Project will provide five (5) Class 1 and six (6) Class 2 bicycle parking spaces to comply with the provisions of the Planning Code. These bicycle spaces will also serve to replace the required three (3) off-street parking spaces required pursuant to Section 151 of the Planning Code.

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

The Project will not create any noxious or offensive emissions such as glare, dust or odor. Little Bear School is working with architect and retained the services of CM Salter, an acoustical engineering firm, to manage noise impacts from the building. Additionally, the play area in the side yard will be shielded from the majority of neighboring residents through the installation of a 10-foot high sound barrier surrounding the property at the side and rear yard, so that disruptions to neighbors are minimal.

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

There are no proposed changes to the existing landscaping and screening of the site, and will obtain the necessary building permits for any new signs.

- 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 Neighborhood Commercial District.

The proposed project is consistent with the stated purpose of NC-1 Districts in that the intended use is located at the first two floors, and will provide a compatible neighborhood-serving use for the immediately surrounding neighborhoods during daytime hours.

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

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1:

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

Policy 1.2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

Policy 1.3:

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The Project would enhance the city living and working environment by providing needed child care services for residents and workers within the City. The Project will comply with State licensing requirements for child care facilities, further minimizing possible undesirable consequences from such an operation. The Project Site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

The Project will retain an existing commercial activity and will enhance the diverse economic base of the City.

OBJECTIVE 3:

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.1:

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

The Project will provide additional employment opportunities for San Francisco residents. Also, the provision of child care services is an amenity that would attract or retain workers.

OBJECTIVE 7:

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

Policy 7.2:

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

Policy 7.3:

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

The proposed child care center will provide educational services for the children of San Francisco residents, particularly to the Oceanview and surrounding neighborhoods, which have been shown as one of the most deficient in the city in terms of child care capacity compared to number of children. No physical expansion is proposed to the existing building and a majority of the proposed child care facility's activities will take place indoors, hence the adjacent residential uses will not be disrupted.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 4:

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

Policy 4.4:

Design walkways and parking facilities to minimize danger to pedestrians.

The Project will eliminate the existing 10-foot wide curb cut, which will increase pedestrian safety of young children and their caregivers by eliminating the need for cars to cross the sidewalk to access off-street parking adjacent to a pre-school.

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 Project will be located in a vacant structure that was formerly a Church, so there will not be any displacement of existing neighborhood-serving retail uses. Little Bear School will enhance future opportunities for resident employment, as they currently employ about 15 people, and will look to hire up to four additional positions, preferring to hire from within the district.

- 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 will not require any expansion or major alteration of the building, therefore there will be no impact to the existing neighborhood character or housing.

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

No housing will be removed for this Project.

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

The Project will not impede Muni transit service or overburden City streets or neighborhood parking, as traffic impacts were analyzed and found not to be significant under CEQA. The Project will remove an existing curb cut and provide an extended MTA "White" Loading Zone and incorporate a staggered drop-off and pick-up plan to minimize impacts to street traffic and parking. Eleven (11) bike parking spaces will be provided, and many of the school's staff and enrolled families utilize alternative means of transport to and from the Project site.

- 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 adds to the local economic base, while not displacing any service or industry establishment.

- 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.

No landmarks or historic buildings will be adversely affected by the Project.

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

This Project will not affect any parks or open space because there would be no physical change to the existing building.

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. 2015-000060CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated July 7, 2015, and stamped "EXHIBIT B", 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.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on August 13, 2015.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: August 13, 2015

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a Child Care Facility (d.b.a. Little Bear School) located at 327 Capitol Avenue, Block 7106, Lot 052 pursuant to Planning Code Section(s) 303, 710.81 and 209.1 within an RH-1 (Residential House, One-Family) District, an NC-1 (Neighborhood Commercial, Cluster) District and a 40-X Height and Bulk District; in general conformance with plans, dated July 7, 2015, and stamped "EXHIBIT B" included in the docket for Case No. 2015-00060CUA and subject to conditions of approval reviewed and approved by the Commission on August 13, 2015 under Motion No XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use 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 subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on August 13, 2015 under Motion No XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXXX shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
3. **Diligent pursuit.** 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 diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

DESIGN

6. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

MONITORING

7. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

8. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor 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 to consider revocation of this authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

OPERATION

9. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>

10. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>

11. **Traffic Plan.** Prior to permit approval, the Project Sponsor shall provide the Department with a Transportation Management Plan (TMP) that includes removing an existing curb cut and creating a 55-foot passenger loading and unloading “white” zone along Capitol Ave. in front of the entrance to the proposed child-care facility. Additionally, the Sponsor shall monitor the “white” zone for passenger loading and unloading during morning drop-off and afternoon pick-up hours, helping to direct vehicles to alternative on-street parking in the surrounding blocks. The TMP shall be adequately distributed among parents/guardians and the public with detailed information about drop-off/pick-up procedures, a map of the site and surrounding area with additional parking options, and descriptions for how to reach the school by transit or bicycle.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

12. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org

For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, www.sfdbi.org

For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, www.sf-police.org

13. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

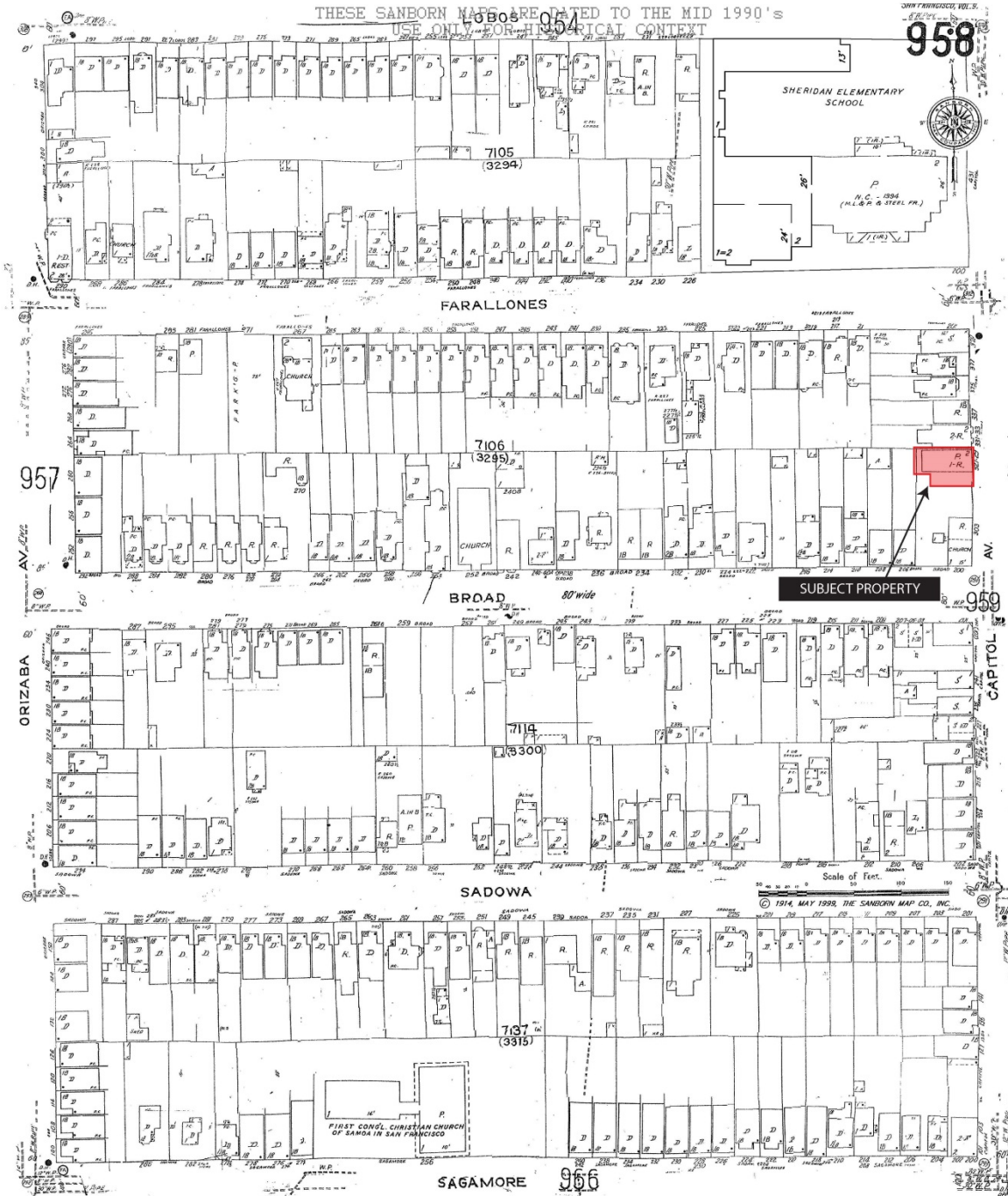
Exhibits

Lot 5 34 & 32 omitted 1949
Lot 17 merged into lot 16 1952

R.R.HD.ASSN.2 BLK.1
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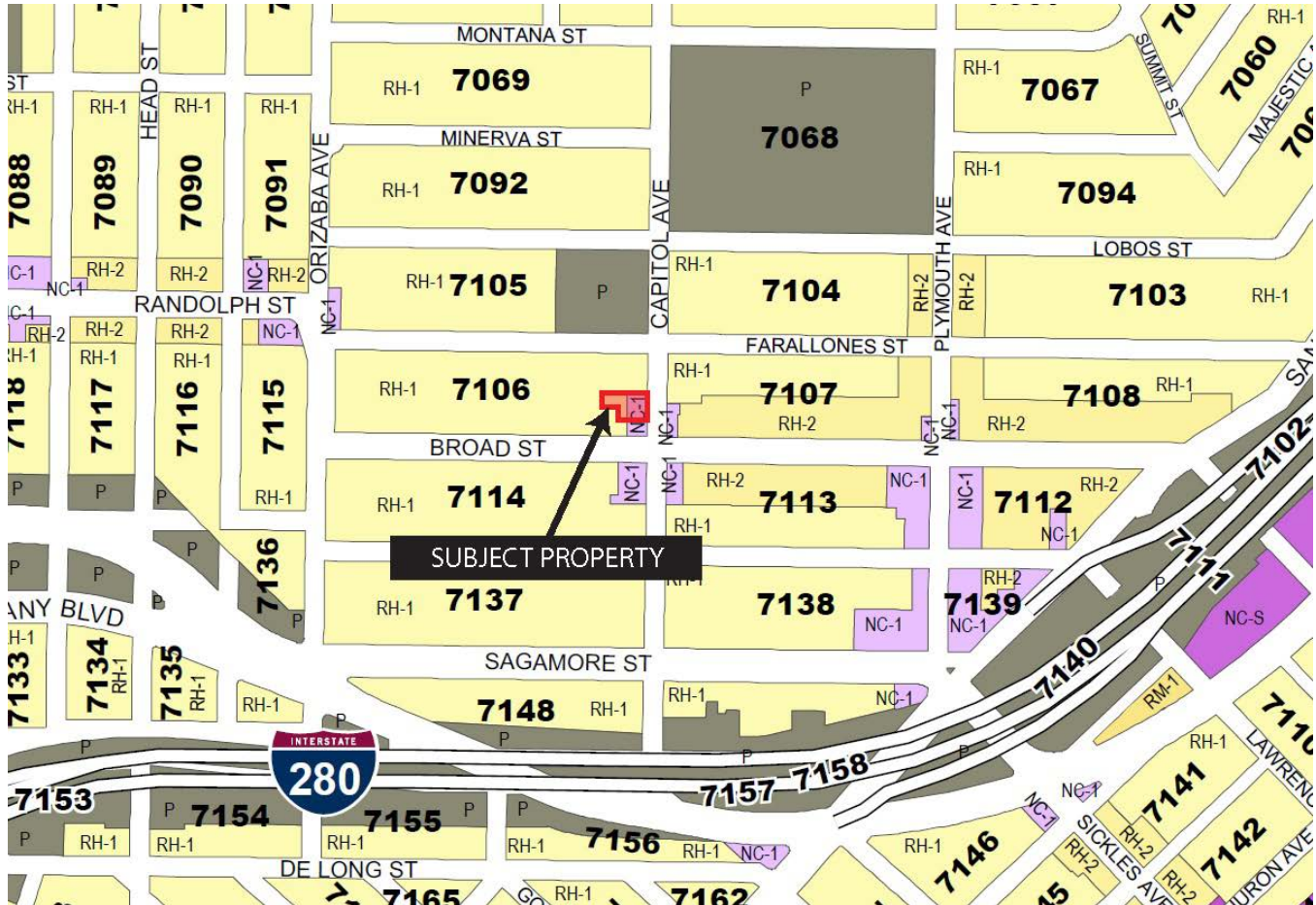
Conditional Use Authorization Hearing
Case Number 2015-000060CUA
 327 Capitol Avenue
 Block 7106 Lot 052

Sanborn Map*



* The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

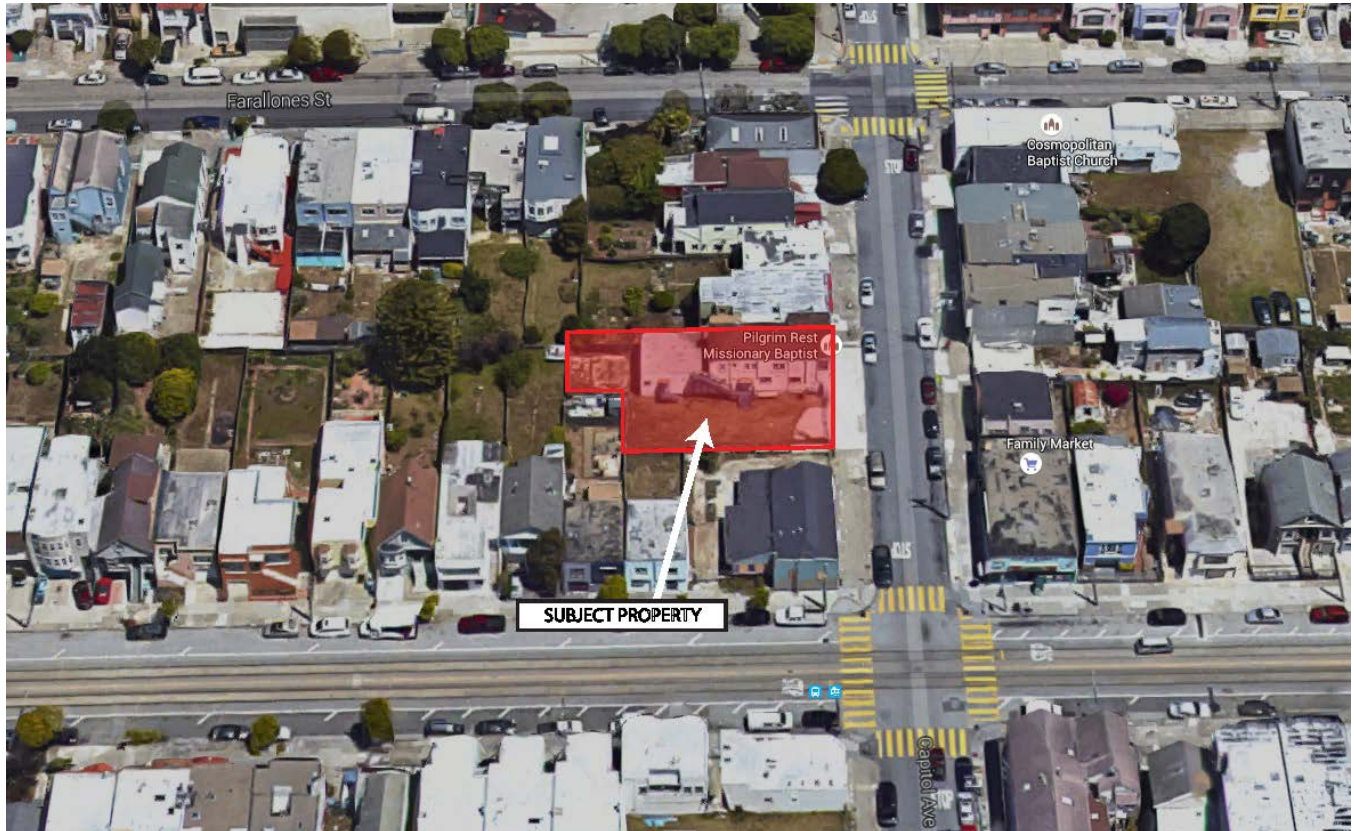
Zoning Map



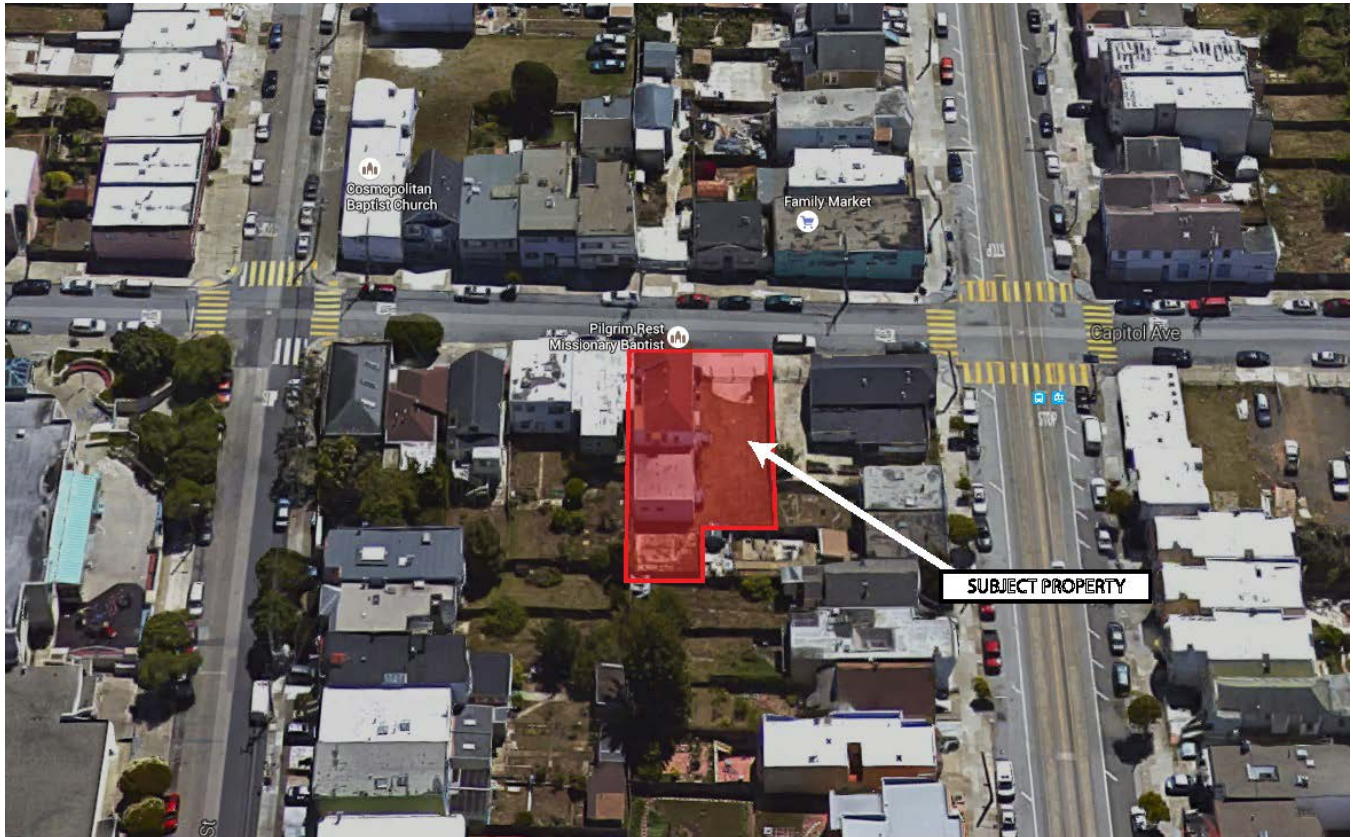
Aerial Photo (looking west)



Aerial Photo (looking north)



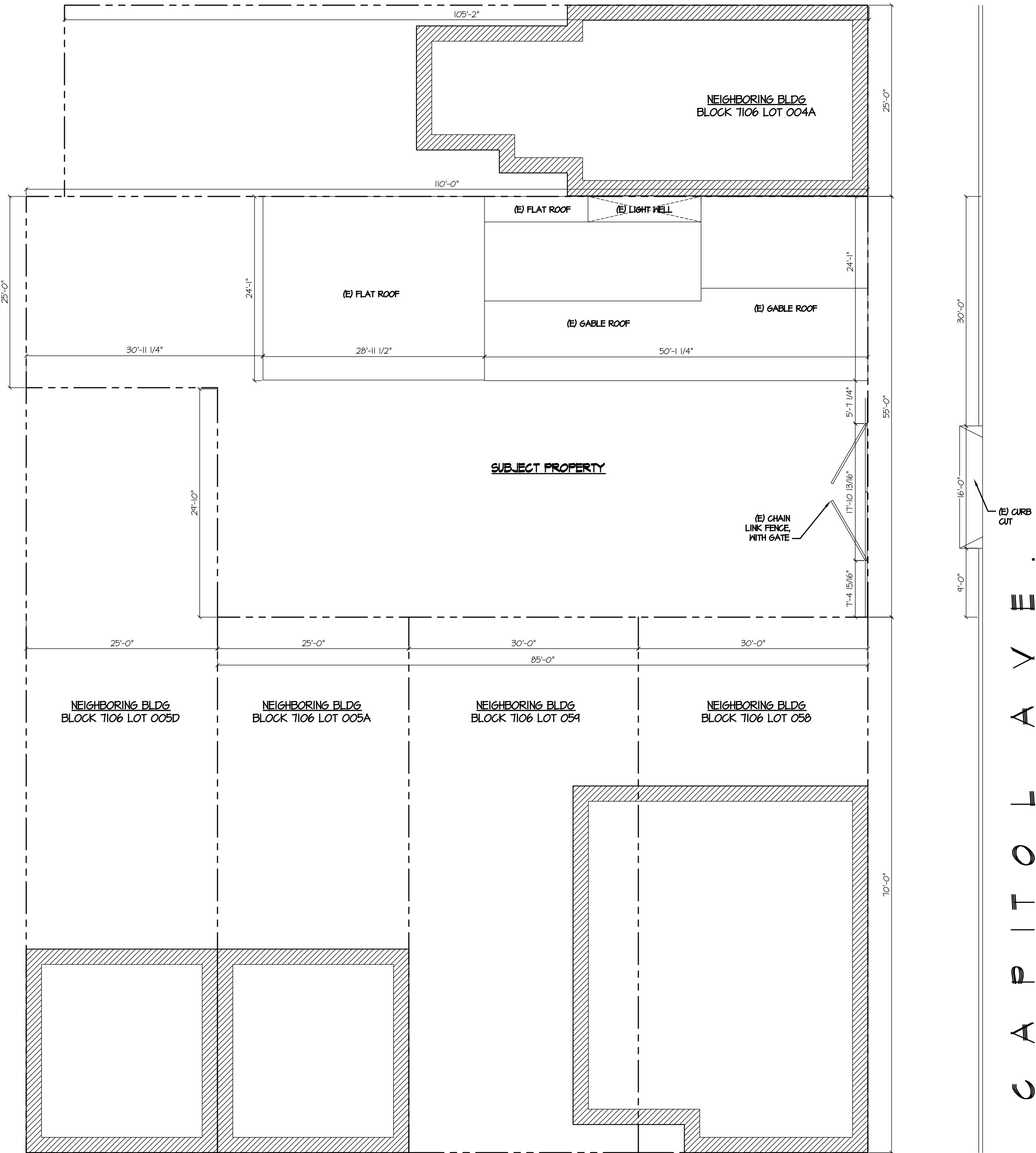
Aerial Photo (looking east)



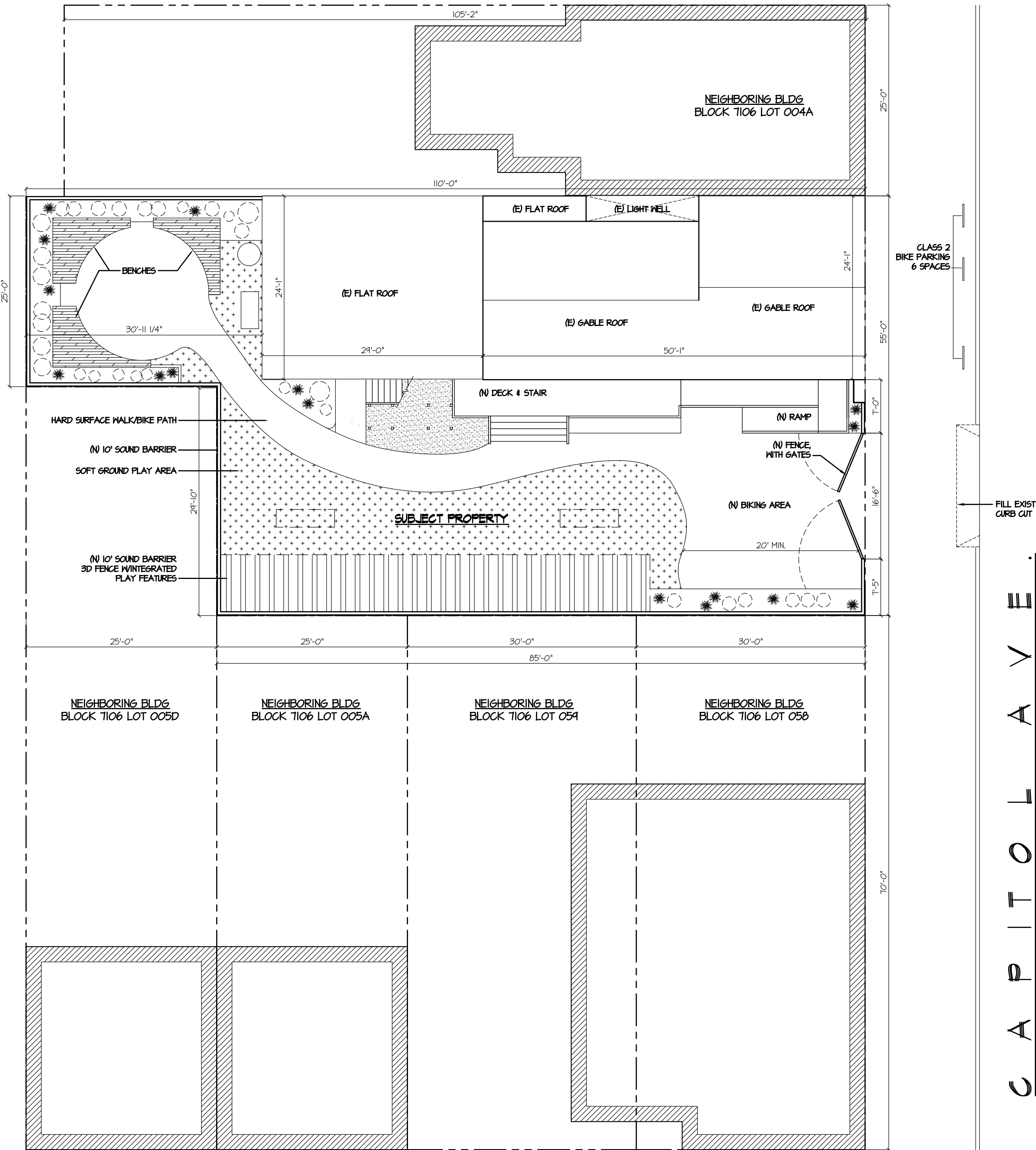
Site Photo

(on Capitol Avenue, looking northwest)

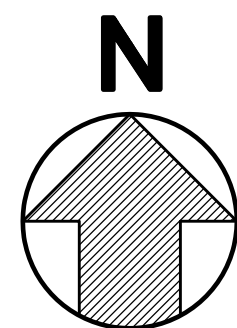




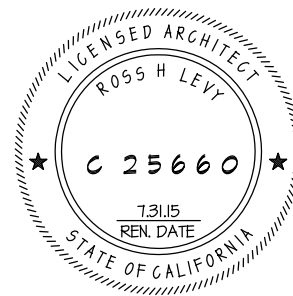
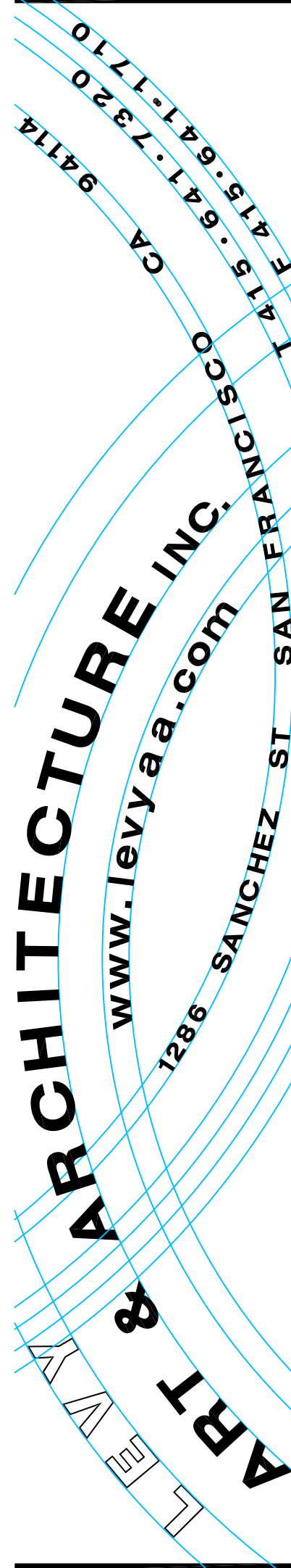
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1 PROPOSED SITE PLAN
SCALE: 1" = 10'-0"



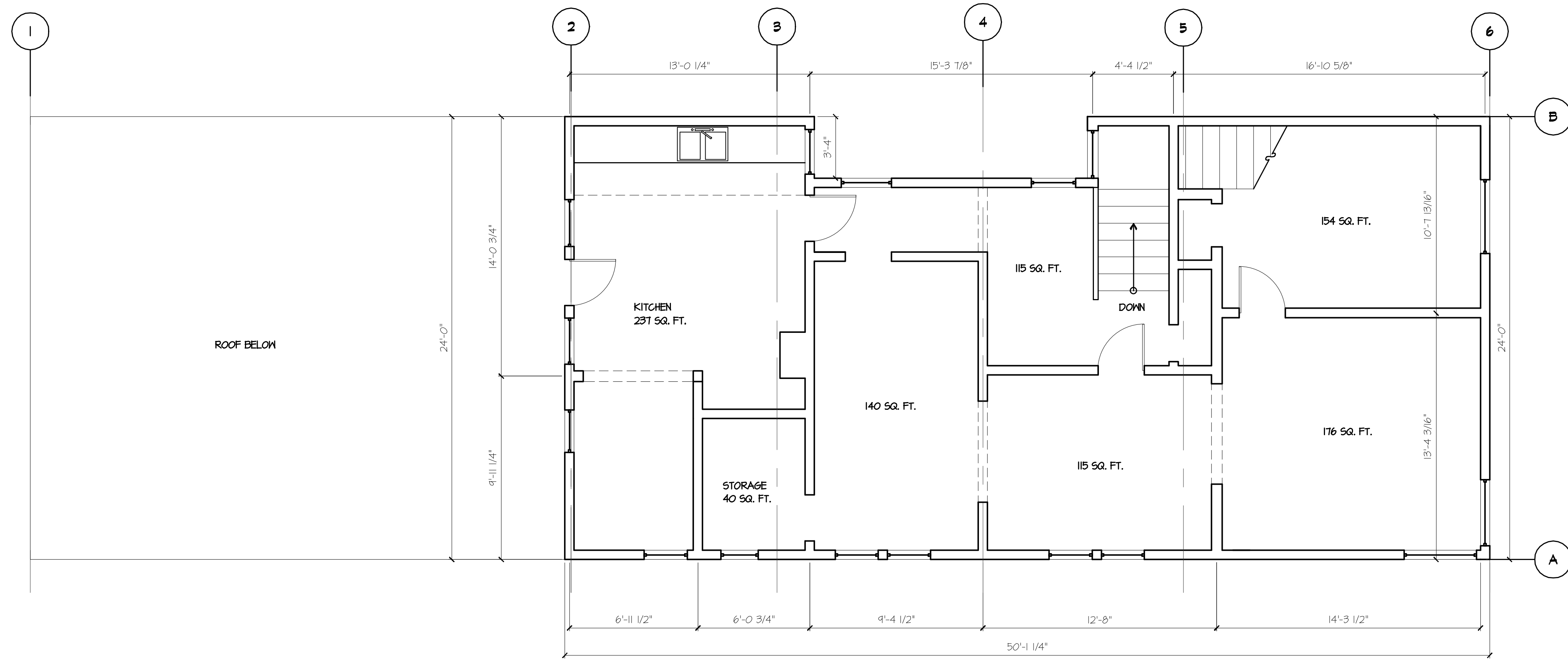
REVISIONS	BY



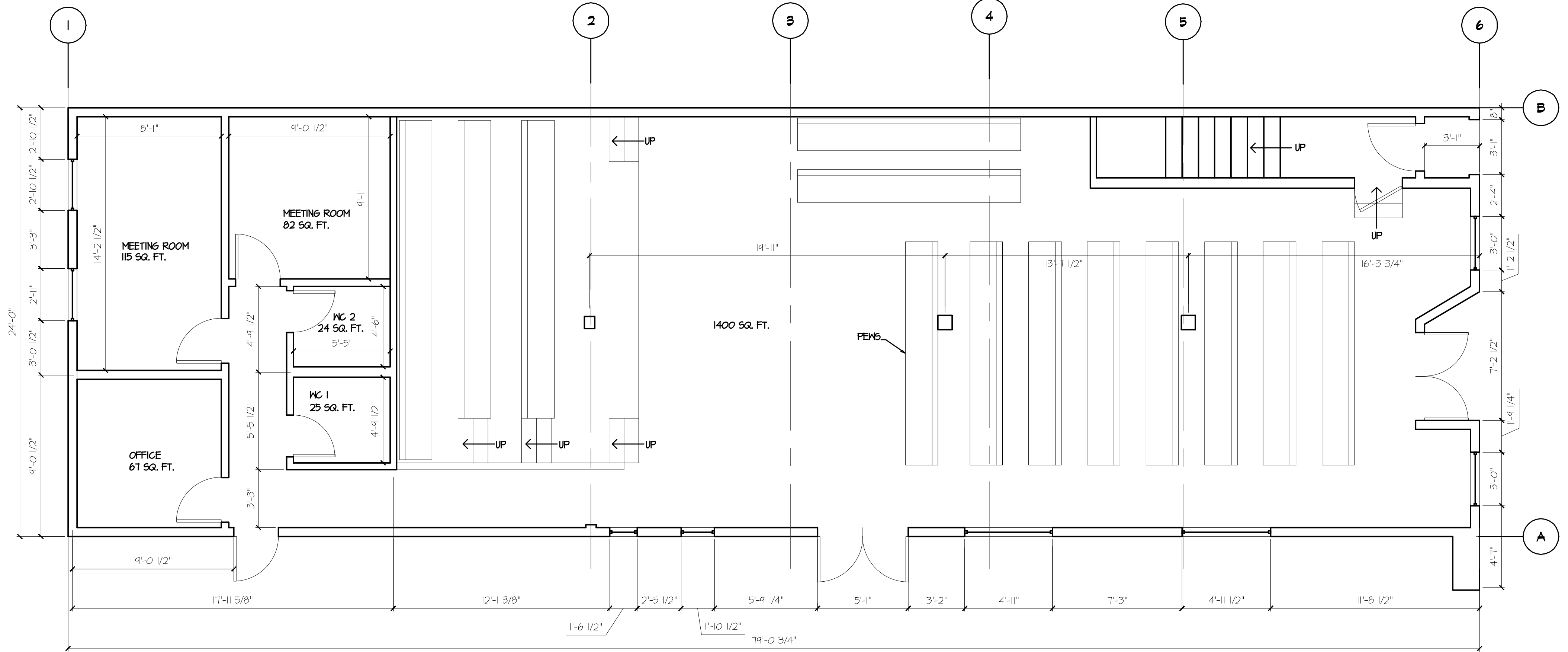
Little Bear School
327 Capitol Ave.
San Francisco, CA 94112
Block 7106 Lot 052

Description	DATE
SITE PLANS	
Date:	1.1.2015
Scale:	A5 NOTED
Drawn:	CM
Job	LITTLE-BEAR
Sheet	

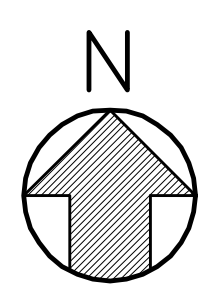
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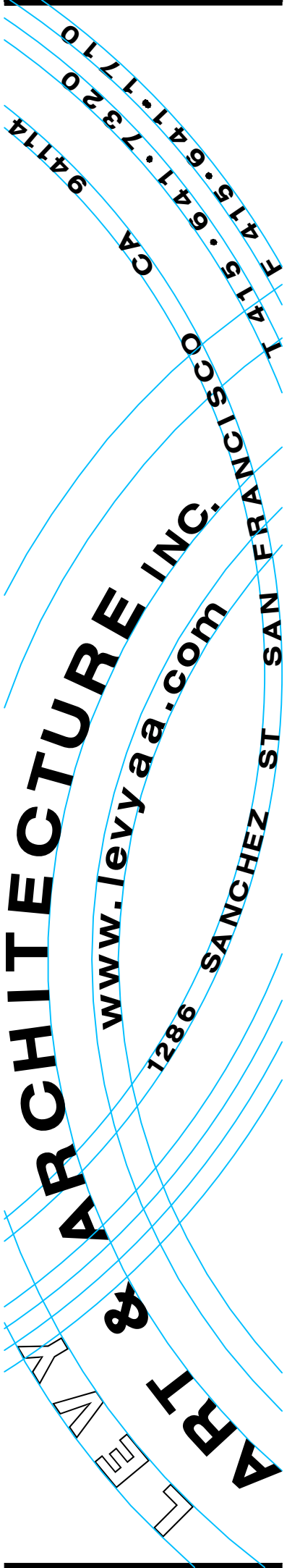
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1 EXISTING FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



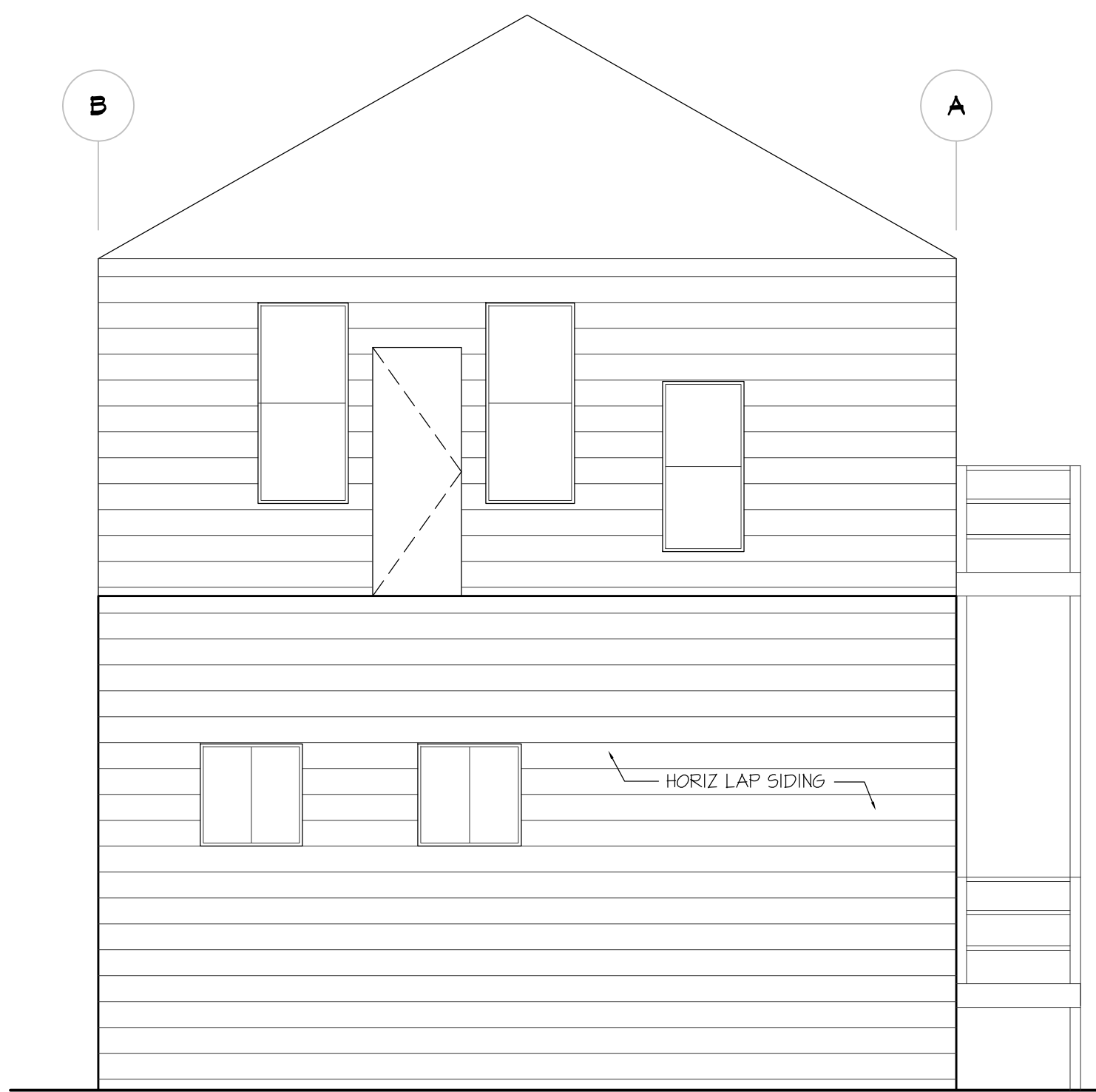
REVISIONS	BY



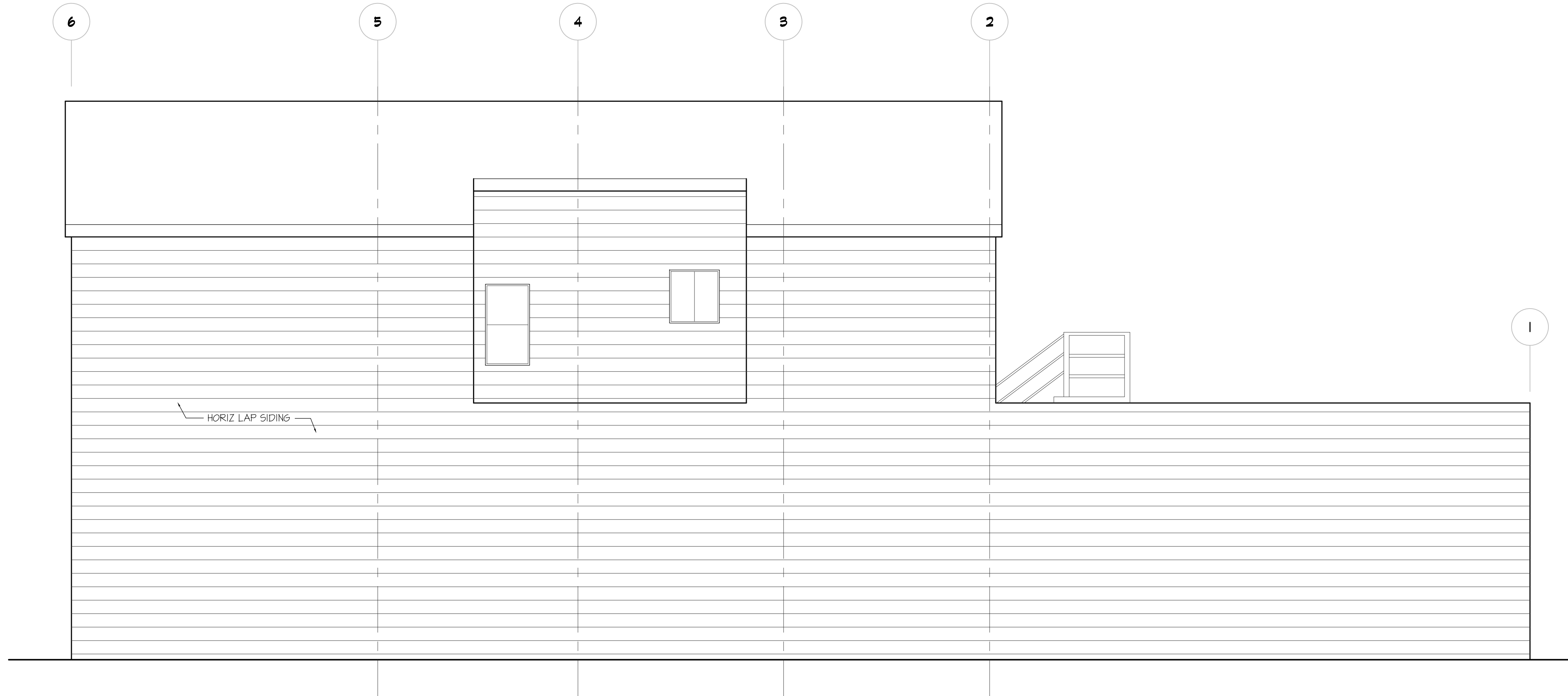
Little Bear School
327 Capitol Ave.
San Francisco, CA 94112
Block 7106 Lot 052

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Job	LITTLE-BEAR
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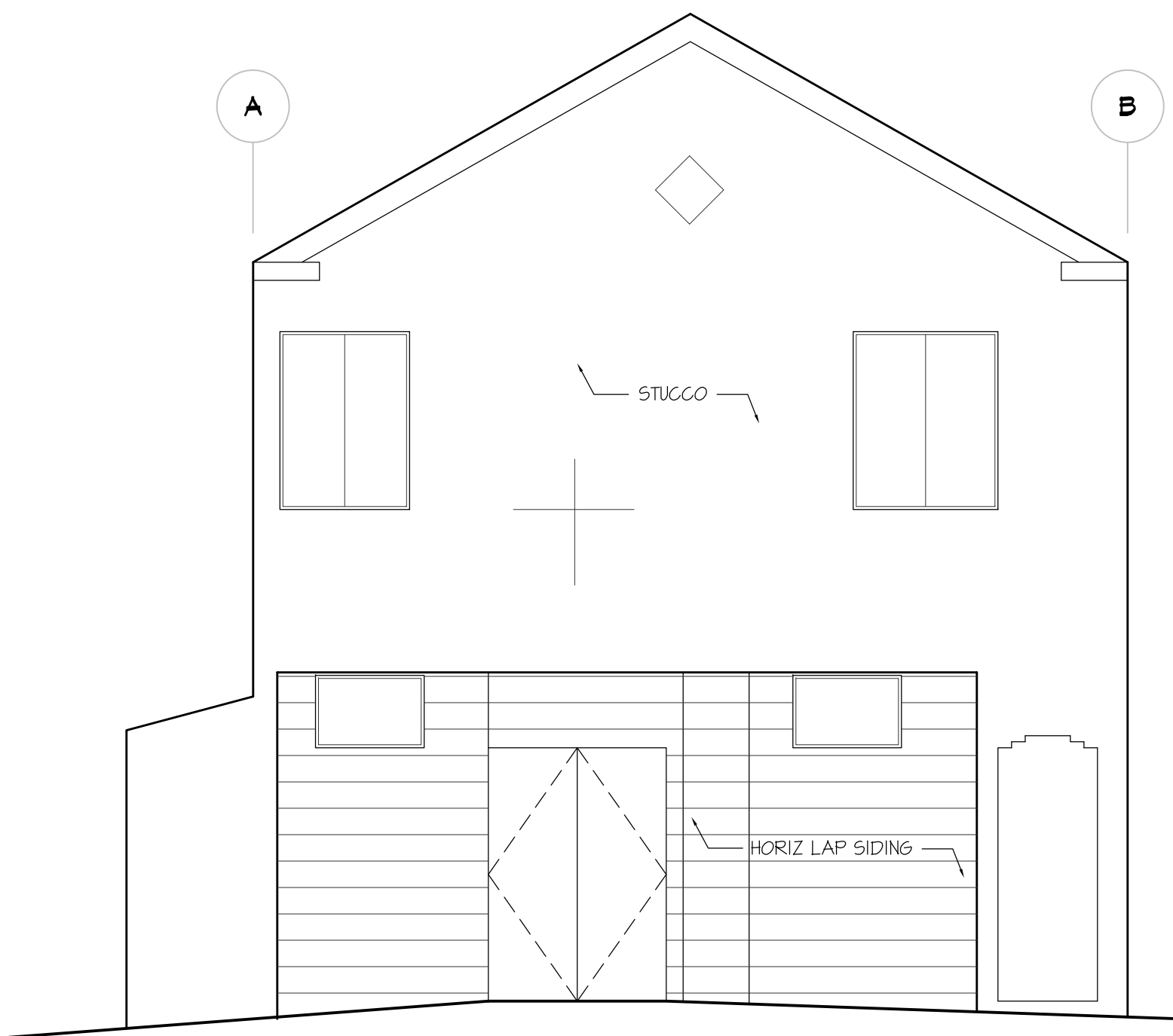
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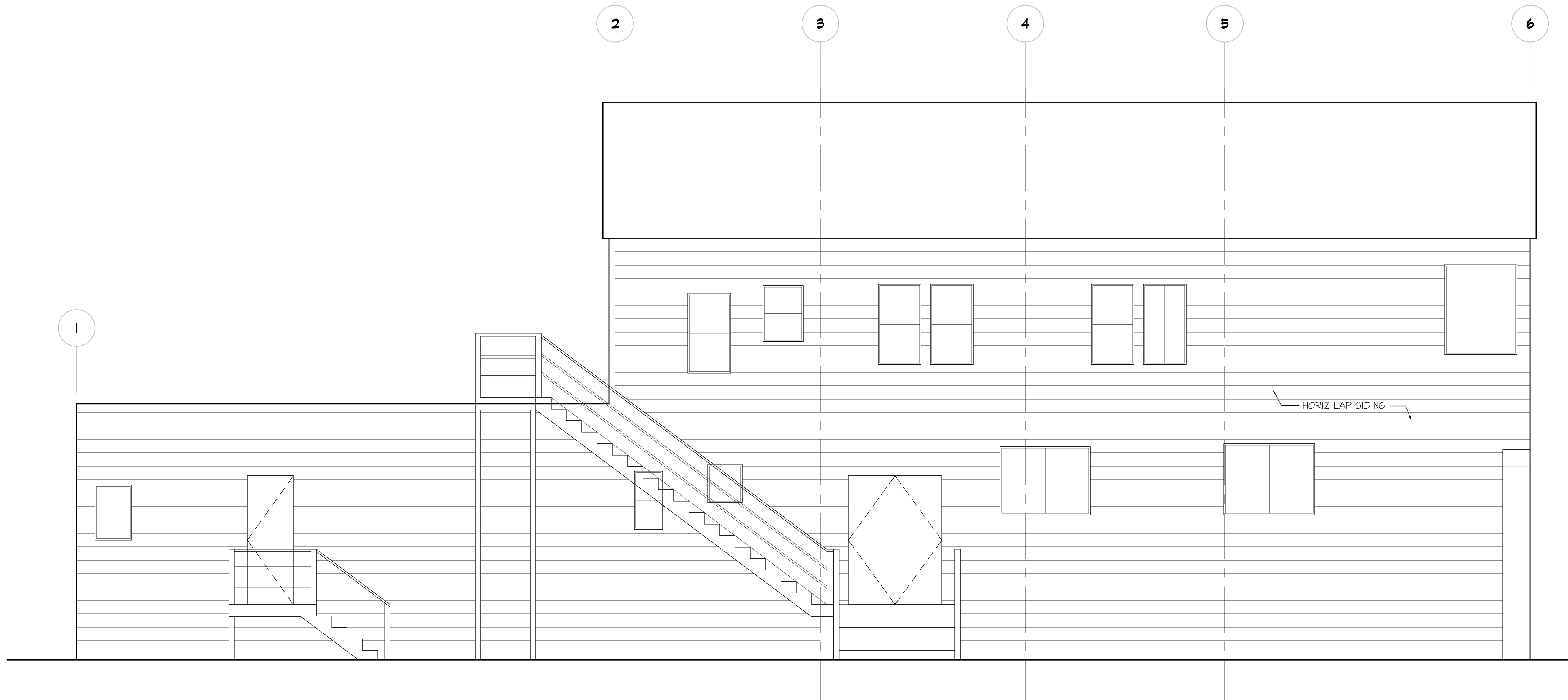
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2 NORTH ELEVATION
SCALE: 1/4" = 1'-0"

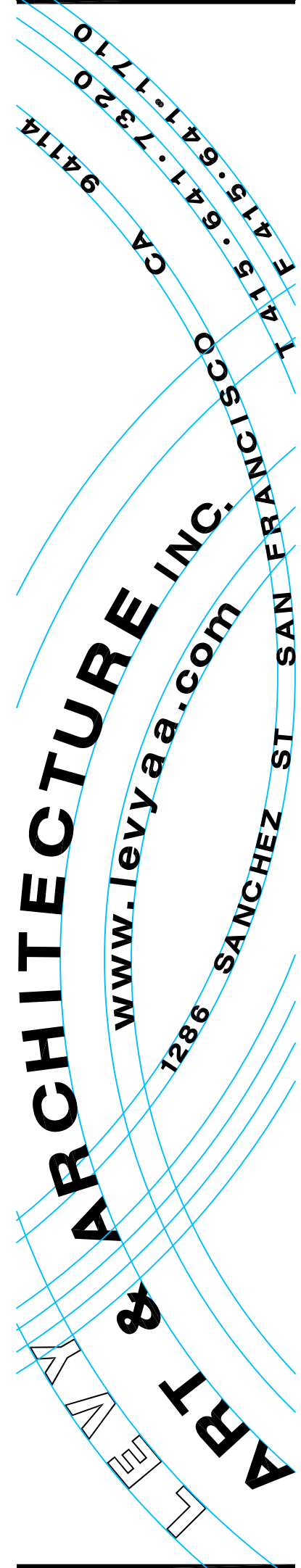


3 EAST ELEVATION
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4 SOUTH ELEVATION
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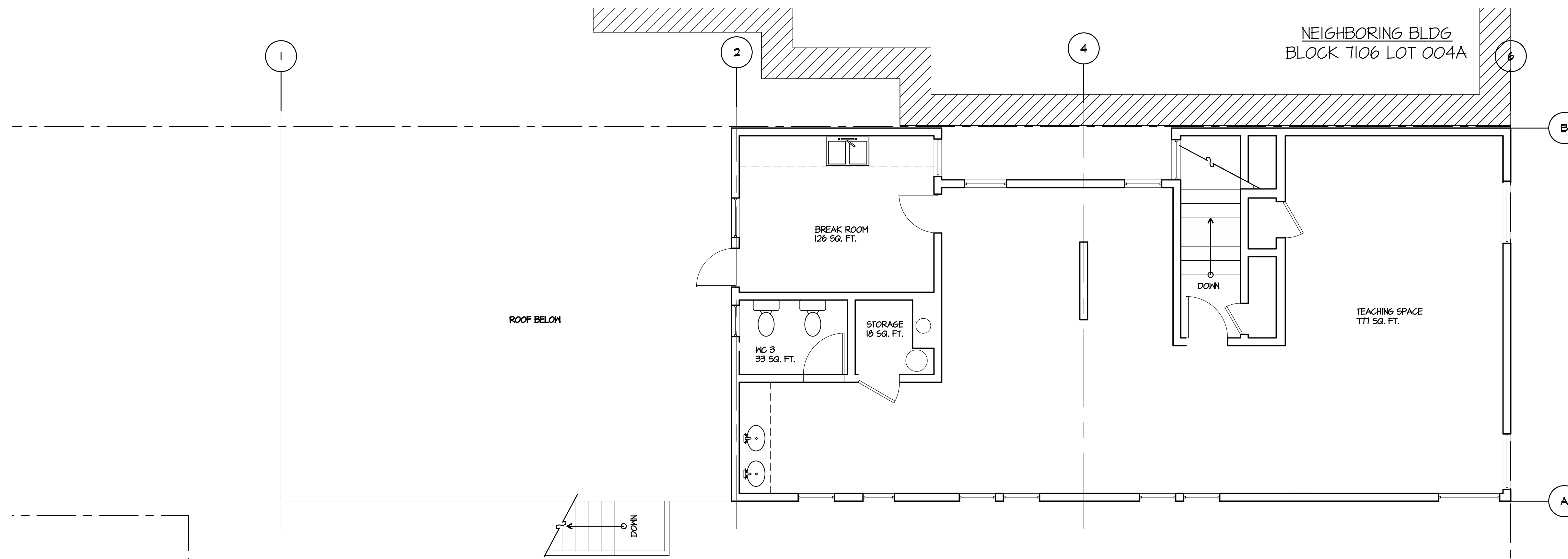
REVISIONS	BY



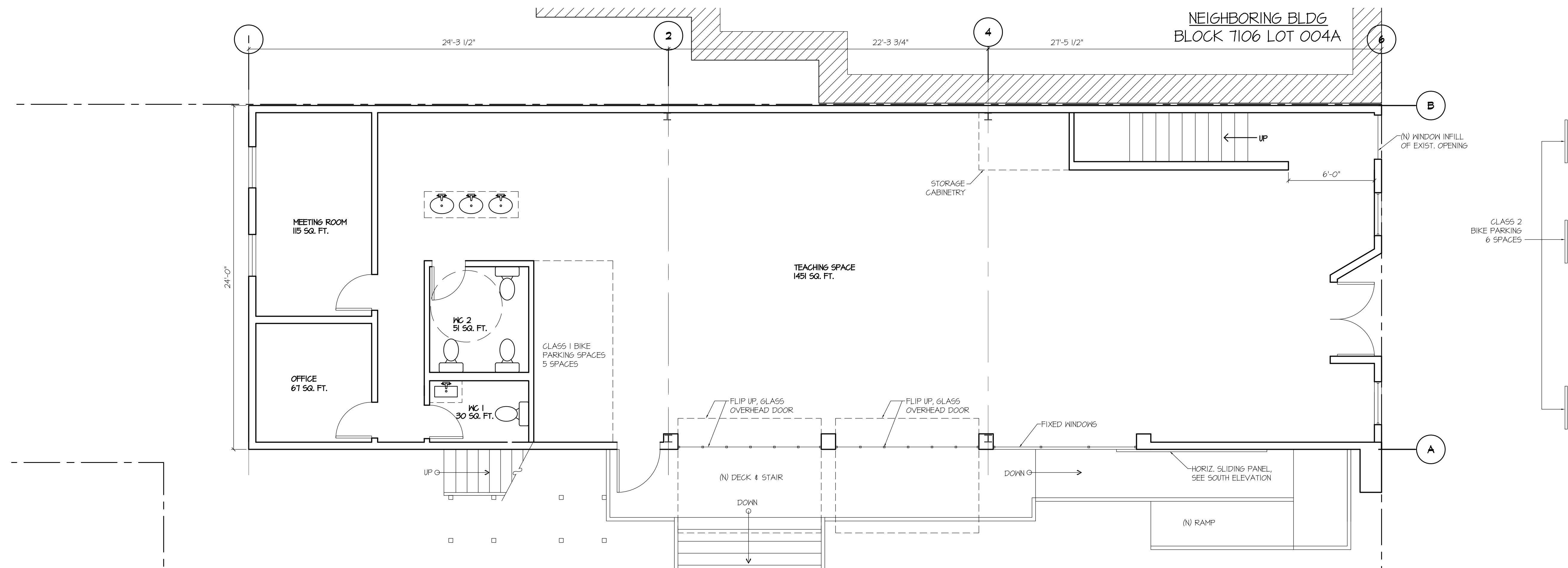
Little Bear School
327 Capitol Ave.
San Francisco, CA 94112
Block 7106 Lot 052

Description
EXISTING ELEVATIONS
Date: 1.1.2015
Scale: AS NOTED
Drawn: CH
Job: LITTLE-BEAR
Sheet

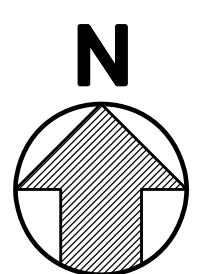
A1.2



2 PROPOSED SECOND FLOOR PLAN
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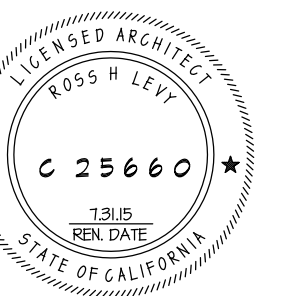


1 PROPOSED FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



REVISIONS	BY

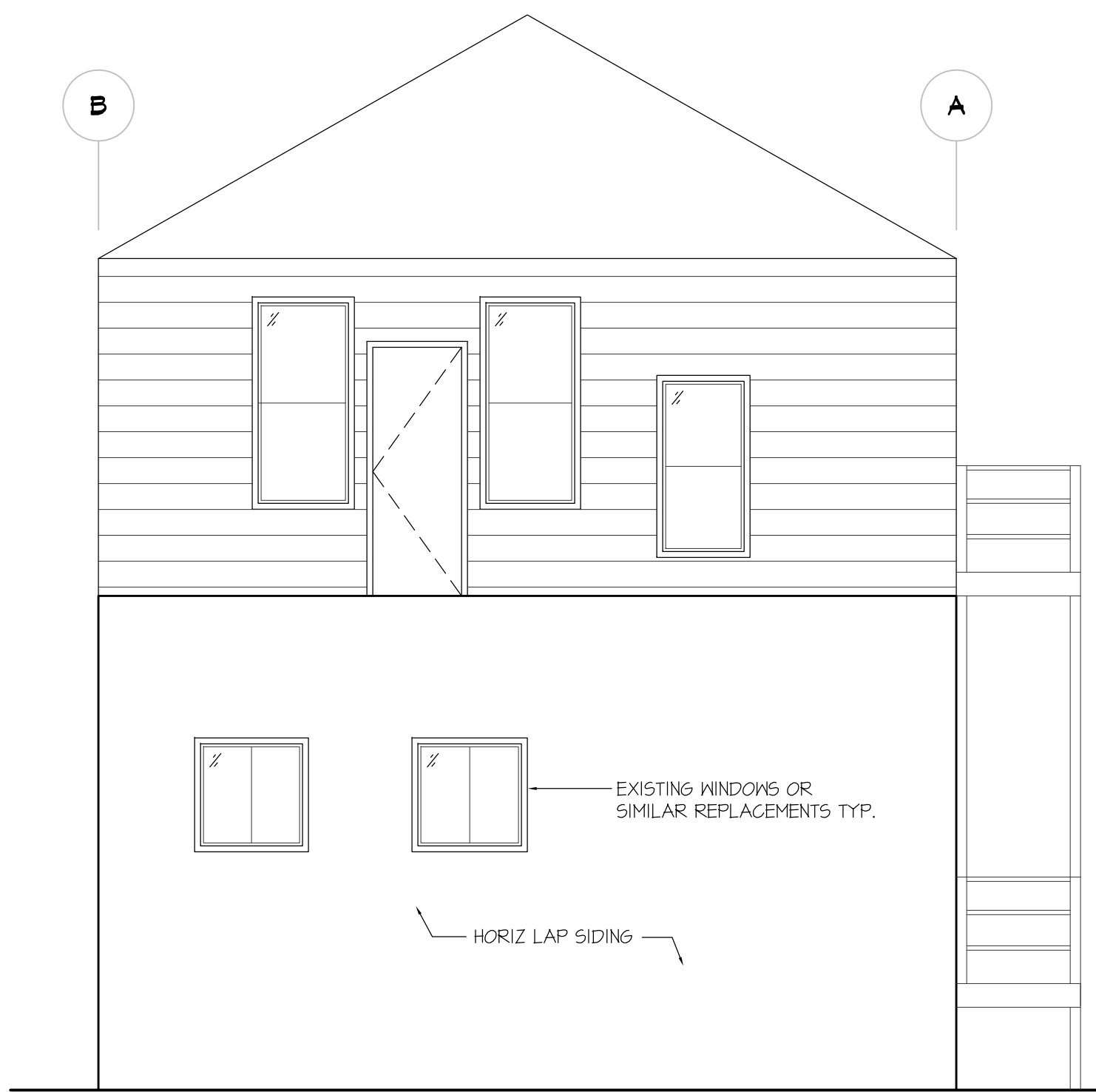
ART & ARCHITECTURE INC.
WWW.LEVYAA.COM
1286 SANCHEZ ST SAN FRANCISCO CA 94114
F 415.641.7320
T 415.641.7320



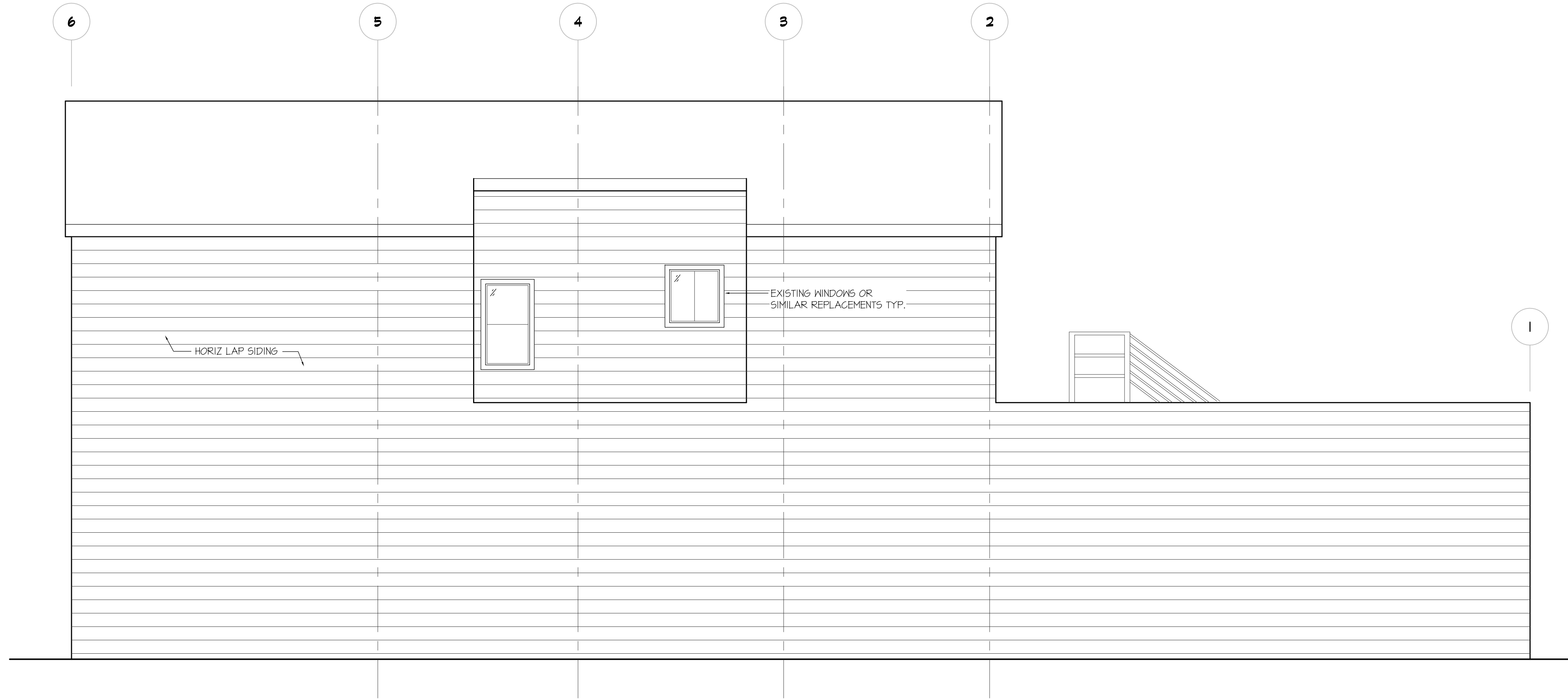
Little Bear School
327 Capitol Ave.
San Francisco, CA 94112
Block 7106 Lot 052

Description	PROPOSED FLOOR PLANS
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Job	LITTLE-BEAR
Sheet	

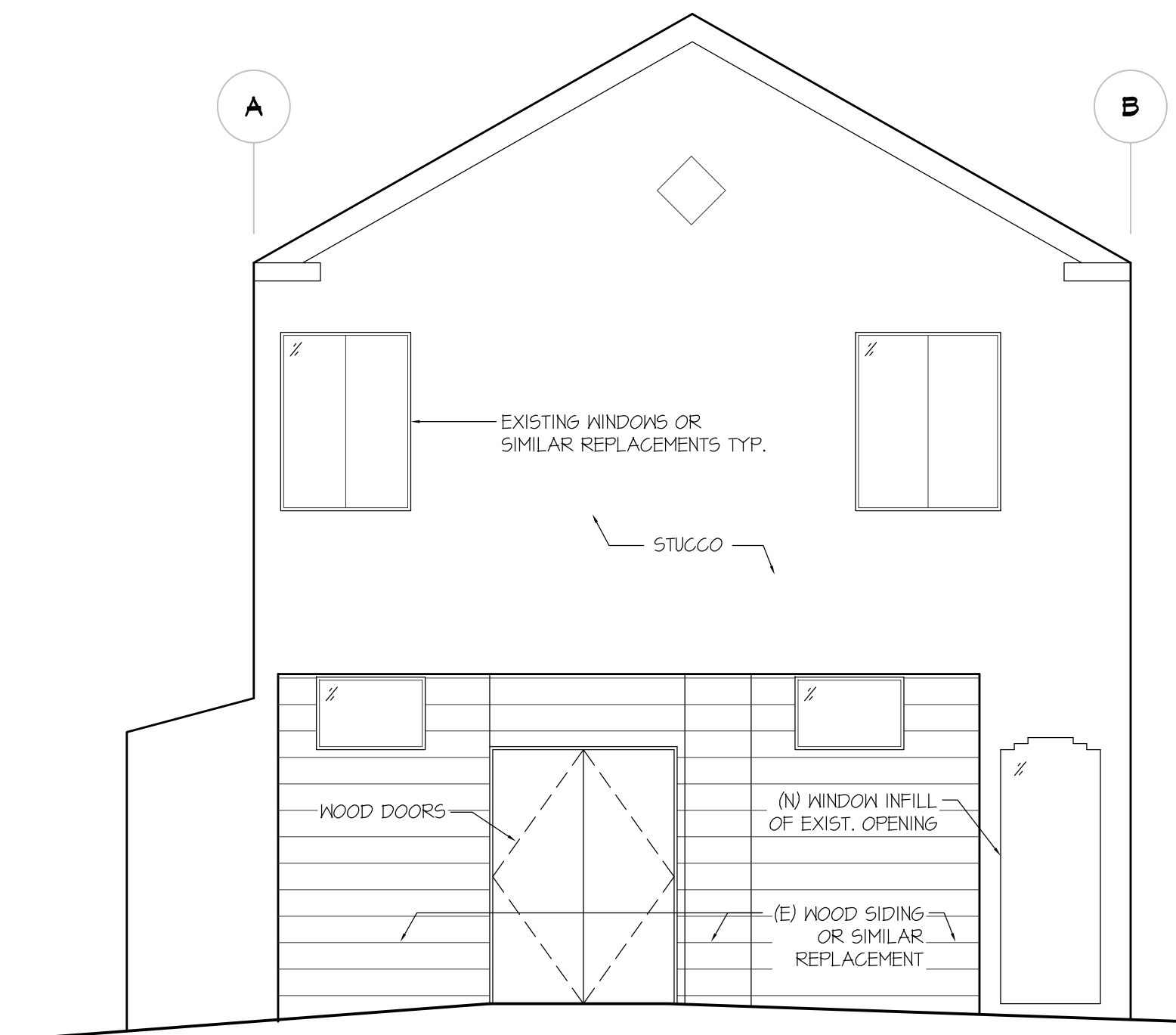
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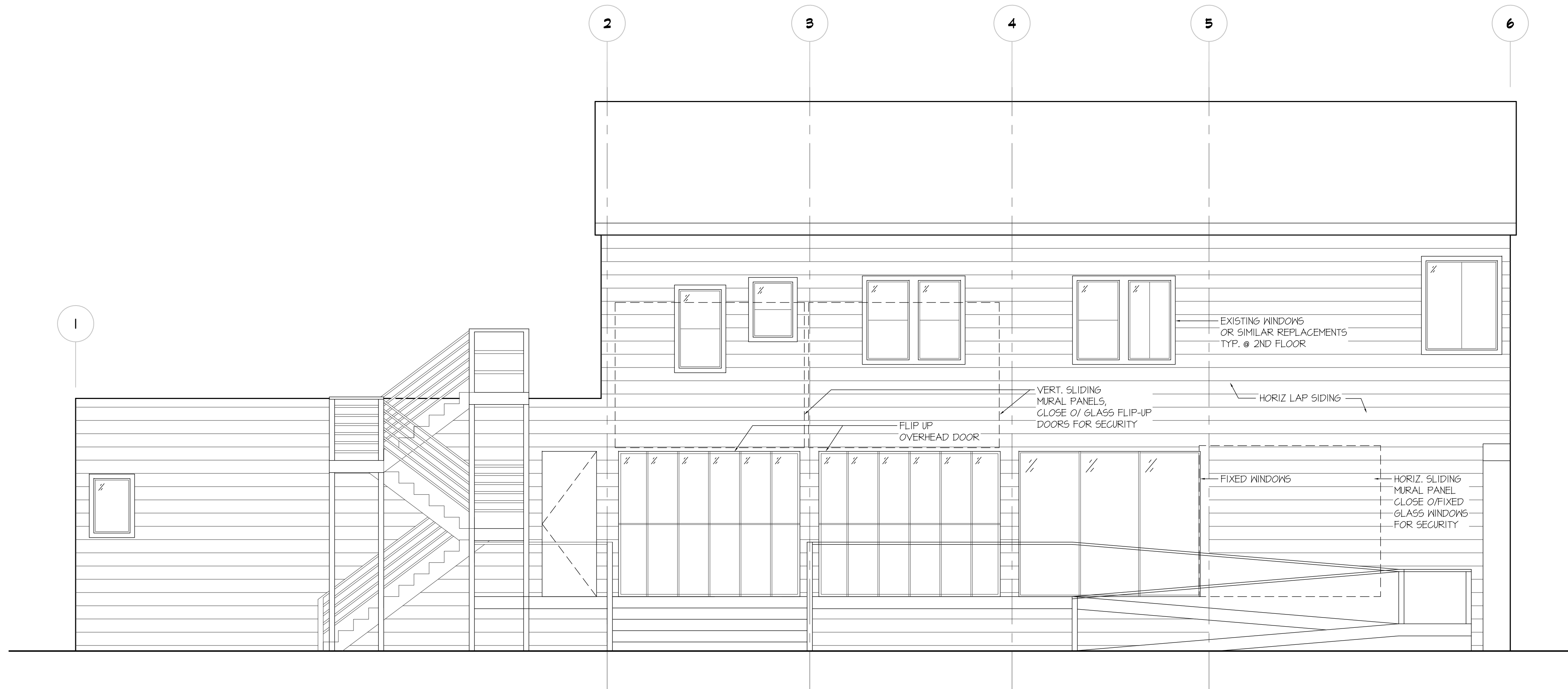
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2 NORTH ELEVATION
SCALE: 1/4" = 1'-0"



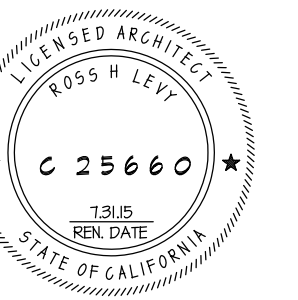
3 EAST ELEVATION
SCALE: 1/4" = 1'-0"



4 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

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1286 SANCHEZ ST SAN FRANCISCO CA 94114
F.415.641.7320
T.415.641.7320



Little Bear School
327 Capitol Ave.
San Francisco, CA 94112
Block 7106 Lot 052

Description
PROPOSED ELEVATIONS
Date: 1.1.2015
Scale: AS NOTED
Drawn: CH
Job: LITTLE-BEAR
Sheet

A2.2

The California Department of Social Services, Child Care Licensing Division requires 35 square feet of indoor space and 75 sq. feet outdoors. The plans show 777 square feet of classroom space upstairs, which means that our upstairs classroom will have space for 22 children. We will be putting in two child-sized sinks and toilets to accommodate that classroom (licensing requires 1 toilet and sink for every 15 children). On the first floor, we will have approximately 1450 square feet of classroom space, giving us the capacity for 41 children. The children's bathroom on the first floor will have three toilets and sinks; there will also be a bathroom for adults.

CCLD requires a 1:12 ratio for staffing a child care facility. We currently staff at a 1:8 ratio, and plan to continue that. We will have three teachers in the second floor classroom and at least five teachers for the first floor. In addition, the director will be on site at least four days a week. Currently all Little Bear School staff members have passed criminal record background checks. Our staff consists of myself, as director of the school, 11 qualified teachers and three teacher's aides, as defined by The California DSS Manual CCL.

The outside space is approximately 3294 square feet, which means we will have a schedule for the playground which makes it possible for no more than 43 children on the yard at a time. We employ a similar schedule at our current location.

Both the first and second floors will have a water cooler so that children will have access to drinking water throughout the day.

We plan to obtain fire and water supply clearance, as we will develop a disaster plan in accordance with licensing regulations.