



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use Authorization

HEARING DATE: JULY 23, 2020

Record No.: 2019-016388CUA
Project Address: 1760 Ocean Avenue
Zoning: NCT (Ocean Avenue Neighborhood Commercial Transit) Zoning District
45-X Height and Bulk District
Block/Lot: 3283/195
Project Sponsor: Savely Healthcare Architects
18008 Sky Park Circle, Ste 290
Irvine, CA 92614
Property Owner: Burton Siu
Ocean Garden Center Associates
San Francisco, CA 94121
Staff Contact: Jeff Horn – (415) 575-6925
Jeffrey.Horn@sfgov.org
Recommendation: **Approval with Conditions**

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
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Information:
415.558.6377

PROJECT DESCRIPTION

The Project proposes to establish a Health Services Use (DBA Fresenius Dialysis Center) within a currently vacant, 15,312 square foot, tenant space most recently occupied by a formula retail pharmacy use (DBA CVS). The proposal will involve interior tenant improvements to provide 36 treatment stations, one isolated treatment stations, 6 exam rooms, 3 staff offices, a staff lounge, conference room and support spaces. There is no expansion to the existing tenant space or building envelope and no alterations to the exterior. The project proposes to operate Monday through Saturday from the hours of 5:00AM to 10:30PM.

REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 303 and 755 to allow a health service use and to allow a 5:00 AM opening time within the Ocean Avenue NCT Zoning District.

ISSUES AND OTHER CONSIDERATIONS

- **Public Comment & Outreach.**
 - Support/Opposition: The Department has received three letters from neighborhood groups in opposition to the project. The groups in opposition to the project include the Ocean Avenue Association, Ocean Gardens Homeowners Association, and the Ingleside Merchants Association. The opposition expressed concerns over the project's adverse effect on the existing businesses and residents within the Ocean Avenue commercial district and surrounding residential neighborhoods. Specifically, concerns have been expressed that the proposed use is

- not active or neighborhood-serving and that the operator is not engaged in the community, that the loading and unloading of patients causes traffic impacts and pedestrian safety concerns on Ocean Avenue, and that the use (loading) and building operations create noise impacts to adjacent residents. The Department has received no correspondence in support.
- **Outreach:** The Sponsor has hosted one virtual meeting with the community and neighborhood groups on June 15, 2020.
 - **Additional On-Street Loading.** In response to the public comment received on potential Paratransit (and other vehicle) loading issues potentially caused by this project and currently occurring at the existing facility at 1738 Ocean Avenue, the project was reviewed by the Street Design Advisory Team (SDAT). SDAT found the paratransit vehicles will be less likely to block the traffic lane at the new 1760 Ocean Avenue location due to the entrance of the new space being located closer to the existing curbside loading. Additionally, SDAT recommends the project sponsor work with the SFMTA and Public Works to:
 - Expand available on-street loading adjacent to the project site by creating a new 66' on-street passenger-loading zone (white curb) on the project's Dorado Terrace frontage between Ocean Ave and the 1760 Ocean garage entrance. The 66' passenger-loading zone can accommodate two paratransit vehicles. To accommodate the passenger-loading zone SDAT recommends the blue zone on Dorado Terrace and Ocean Ave. be relocated two blocks eastwards to the Miramar Ave/Ocean Ave intersection.
 - Improve the existing Ocean Ave on-street passenger loading zone to bring it into compliance with the Americans with Disability Act.

ENVIRONMENTAL REVIEW

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

BASIS FOR RECOMMENDATION

The Department finds that the Project is, on balance, consistent with the Ocean Avenue Neighborhood Commercial Transit and the Objectives and Policies of the General Plan in that it will provide a necessary health service use and occupy an existing vacant store front. The Department also finds the project to be necessary, desirable, and compatible with the surrounding neighborhood, and not to be detrimental to persons or adjacent properties in the vicinity.

ATTACHMENTS:

Draft Motion – Conditional Use Authorization with Conditions of Approval
Exhibit B – Plans
Exhibit C – Environmental Determination
Exhibit D – Maps and Context Photos
Exhibit E – Neighborhood Association Letters



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Motion No. XXXXX

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 755 TO ESTABLISH A HEALTH SERVICES (RETAIL SALES AND SERVICE) USE WITHIN A CURRENTLY VACANT 15,312 SQUARE FOOT TENANT SPACE MOST RECENTLY USED AS AN FORMULA RETAIL PHARMACY, OPERATING FROM THE HOURS OF 5:00 AM TO 10:30 PM. THE SUBJECT PROPERTY IS LOCATED WITHIN THE OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT ZONING DISTRICT, 45-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On January 22, 2020, Keith Hansell of Savely Healthcare Architects (hereinafter "Project Sponsor") filed Application No. 2019-016388CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization to allow a Health Services Use (hereinafter "Project") that opens at 5:00AM at 1760 Ocean Avenue, Block 3283 Lot 195 (hereinafter "Project Site").

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2019-016388CUA is located at 1650 Mission Street, Suite 400, San Francisco, California.

On May 7, 2020 the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 3 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project.

On July 23, 2020, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2019-016388CUA.

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 Authorization as requested in Application No. 2019-016388CUA, 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. **Project Description.** The Project proposes to establish a Health Services (Retail Sales and Service) Use (DBA Fresenius Dialysis Center) within a currently vacant, 15,312 square foot, tenant space most recently occupied by a formula retail pharmacy use (DBA CVS). The proposal will involve interior tenant improvements to provide 36 treatment stations, one isolated treatment stations, 6 exam rooms, 3 staff offices, a staff lounge, conference room and support spaces. There is no expansion to the existing tenant space or building envelope and no alterations to the façade. The main entrance to this care facility is at the corner of Ocean Avenue and Dorado Terrace. The project would retain 42 existing off-street parking spaces at the property within a garage located on Dorado Terrace and will be served by an existing off-street loading zone along Ocean Avenue and proposes to add an additional 60-foot loading zone on Dorado Terrace.

The project proposes to operate Monday through Saturday from the hours of 5:00AM to 10:30PM.

The project will replace an existing dialysis center (DBA RAI Care Center) that currently operates within the same building, located within the adjacent, approximately 8,000 square, retail space at 1738 Ocean Avenue.

3. **Site Description and Present Use.** The project site is located at the intersection of Ocean Avenue and Dorado Terrace on the borders of the West of Twin Peaks and Ocean View neighborhoods in Balboa Park. The project site is 51,527 square feet in area and is occupied by a structure consisting of a mixed use building constructed in 1990 with 28 dwelling units on three levels and 24,689 square feet of commercial space on a one-story podium fronting on Ocean Avenue. The 15,312 square foot space intended for the project is vacant and was formerly occupied by a CVS pharmacy, and a prior to that a Blockbuster Video store. The remainder of the retail space in the building is occupied by a kidney dialysis center (DBA RAI Care Center) and a UPS retail store.
4. **Surrounding Properties and Neighborhood.** The project site is located at the intersection of Ocean Avenue and Dorado Terrace on the borders of the West of Twin Peaks and Ocean View neighborhoods in Balboa Park. The area is developed with commercial uses along Ocean Avenue

in a mix of single-story commercial buildings and two to four-story mixed-use buildings with ground floor commercial uses. Residential uses are located behind the project site and behind the commercial frontage across Ocean Avenue. The K MUNI line operates in front of the property on Ocean Avenue. Several bus lines including the 8X, 8BX, 29, 43 and 49 are located about one half mile away and the Balboa Park BART and Muni Metro station approximately 0.8 miles from the property.

5. **Public Outreach and Comments.** The Department has received three letters from neighborhood groups in opposition to the project and no letters in support. The groups in opposition to the project include the Ocean Avenue Association, Ocean Gardens Homeowners Association, and the Ingleside Merchants Association. The opposition expressed concerns over the project's adverse effect on the existing businesses and within the Ocean Avenue commercial district. Specifically, concerns have been expressed that the proposed use is not active or neighborhood serving and that the operator is not engaged in the community, that the loading and unloading of patients causes traffic impacts and pedestrian safety concerns on Ocean Avenue, and that the use (loading) and building operations create noise impacts to adjacent residents.

The Sponsor has hosted one virtual meeting with the community and neighborhood groups on June 15, 2020.

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 Size Limits.** Planning Code Section 121.2 states that a Conditional Use Authorization is required for uses within this District that exceed 3,999 square feet. The proposed use size is approximately 15,300 square feet. In addition to the criteria set forth in Section 303(c) as set forth, the project is consistent with the following criteria set forth in Section 121.2.

The existing 15,312 square foot retail space exceeds the principally permitted use size of 3,999 square feet. Use size of the 15,300 square foot commercial units was approved within Motion No. 18338. The use size is therefore considered to be legal non-complying and no expansion of the retail space is proposed.

- B. **Use.** Planning Code Section 755 states that a Conditional Use Authorization is required to establish a health service use in the Ocean Avenue Neighborhood Commercial Transit District. *The Project Sponsor is requesting a Conditional Use Authorization to establish a Health Services use within the Ocean Avenue NCT District*

- C. **Health Care Services Master Plan.** Planning Code Section 342 states that this Health Services Use project must complete and submit a HCSMP Consistency Determination Application as it would exceed 10,000 gross square feet, subject to approval by the Planning Department with input from the San Francisco Department of Public Health. (SFDPH).

The Sponsor intends to occupy the subject building with a Health Services Use of approximately 15,312 square feet and is subject to Planning Code Section 342 because the proposed use is in excess of 10,000 square feet.

On June 16, 2020 the Project Sponsor submitted an application for a Health Care Services Master Plan Consistency Determination to the Planning Department. The Application and supporting documentation was forwarded to the SFDPH for review. On July 15, 2020 SFDPH issued a Memorandum recommending a finding of consistency with the Health Care Services Master Plan. The Planning Department concurs in the SFDPH's recommendation and has approved the HCSMP application.

- D. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that NC Districts containing specific uses have at least ½ the total width of the new or altered structure at the commercial street frontage devoted to entrances to commercially used space, windows or display space at the pedestrian eye-level. Such windows shall use clear, un-tinted glass, except for decorative or architectural accent. Any decorative railings or decorated grille work, other than wire mesh, which is placed in front or behind such windows, shall be at least 75 percent open to perpendicular view and no more than six feet in height above grade.

The use would occupy an existing commercial space and no expansion or major modifications will occur to the space and therefore is not subject to the requirements of this Section. The project has been designed internally so that the windows are clear and unobstructed. There are no changes proposed to the commercial frontage.

- E. **Ground Floor Commercial.** Section 145.4 of the Planning Code requires "Active commercial uses" at the groundfloor within the Ocean Avenue NCT District.

Health Services is a use identified as an active commercial use for Commercial, Neighborhood Commercial, and Residential- Commercial Districts per Table 145.4. The use would occupy an existing commercial space and no expansion or major modifications will occur to the space.

- F. **Off-Street Loading.** Planning Code Section 152 requires two off-street loading spaces for retail sales and service and industrial uses that have between 60,001 and 100,000 sq. ft. of gross floor area.

The proposed 15,312 square foot health services use is not required to provide off-street loading. However, the existing development contains a two-vehicle off-street loading space (bulb-in) on Ocean Avenue located near the project's entrance and the project will seek to add additional on-street loading along the building's Dorado Terrace frontage through MTA's Color Curb Program.

- G. **Parking.** Off-street parking is not required for non-residential uses in the Ocean Avenue NCT Zoning District per Planning Code Section 151.1.

The property currently has 42 vehicle parking spaces within a subterranean garage. No additional off-street parking is proposed.

- H. **Signage.** Currently, there is not a proposed sign program on file with the Planning Department. Any proposed signage will be subject to the review and approval of the Planning Department per separate permit.
- I. **Hours of Operation.** Pursuant to Sections 755 of the Code, the principally permitted hours of operation are from 6 a.m. to 2 a.m., and the conditionally permitted hours of operation are from 2 a.m. to 6 a.m.

The proposed project to maintain the hours of operation of 5 a.m. to 10:30 p.m. that currently is provided at the existing dialysis center at 1738 Ocean Avenue. The Project Sponsor is requesting Conditional Use Authorization to open their Health Services use at 5 a.m.

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

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

The proposed Retail Sales and Services use is compatible with the surrounding mixed-use neighborhood. Such uses include large-sized retail services, a health services use (to be replaced) and commercial and retail uses such a restaurant, personal services, banking, grocery, and residential mixed-use buildings. The retail unit that the project will occupy is vacant and has become a source of blight in the neighborhood. The blight extends the full half block occupied by the subject retail space. The project will restore the retail space and frontage to active use and reactivate the area for pedestrians.

- 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:

- (1) 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 alter the existing appearance or character of the project vicinity. The proposed work will not affect the building envelope.

- (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 does not require additional parking or loading for this Retail Sales and Service. The Project site is well served by public transit, with multiple public transit alternatives The K MUNI line operates in front of the property on Ocean Avenue. Several bus lines including the 8X, 8BX, 29, 43 and 49 are located about one half mile away and the Balboa Park BART and Muni Metro station approximately 0.8 miles from the property.

The existing development contains a two-vehicle bulb-in off-street loading space on Ocean Avenue and will seek to add additional on-street loading along the building's Dorado Terrace frontage. Parking is available either along surrounding neighborhood streets or within the on-site parking garage. This garage provides 42 parking spaces available. Access to the parking would not change as a result of the subject space's occupant or use.

- (3) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

Appropriate measures will be taken to minimize the generation of and impacts from noise, dust and odor as required by law during the tenant improvement construction. Should future uses be proposed that may cause noise or odor, they will be required to abide by standard conditions of approval applicable to the use.

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

The project does not require any additional landscaping or screening, and no new off-street parking spaces, open space, or service areas are proposed. The project will seek additional loading is feasible. Any proposed signage will be consistent with the controls of the Planning Code.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

8. **Non-Residential Use Size in NC District Findings.** In addition to the criteria of Section 303(c) of this Code, the Commission shall consider the extent to which the following criteria are met:
- A. The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.

The Project will fill an existing vacant storefront that exceeds the Ocean Avenue non-residential use size limitations. The proposed use requires a large area to operate and will generate a health services use.

- B. The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function.

The Project will provide a health services use that is by nature neighborhood-serving and requires a large size in order to function.

- C. The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district.

The Project will fill an existing vacant storefront and will not alter the existing building envelope or exterior.

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

BALBOA PARK AREA PLAN

Objectives and Policies

OBJECTIVE 1.2:

STRENGTHEN THE OCEAN AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

Policy 1.2.3:

Retain and improve the neighborhood's existing businesses while attracting new businesses that address unmet retail and service needs of the diverse local neighborhood.

The project furthers this policy by adding a new retail tenant along the Ocean Avenue corridor and occupying a vacant storefront. The project would also increase the vitality of the neighborhood commercial corridor by cleaning up and remodeling a vacant retail space that is becoming a blighting influence on the neighborhood. The project will expand and modernize a critical health service to the area.

OBJECTIVE 5.3:

PROMOTE AN URBAN FORM AND ARCHITECTURAL CHARACTER THAT SUPPORTS WALKING AND SUSTAINS A DIVERSE, ACTIVE AND SAFE PUBLIC REALM.

Policy 5.3.1:

Improve the visual and physical character of the Ocean Avenue Neighborhood Commercial District.

The façade of the retail space to be occupied by the project is currently in a neglected condition. The activated site would bring renewed vitality to this portion of the Ocean Avenue corridor.

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 which has substantial undesirable consequences that cannot be mitigated.

The proposed project will provide desirable services to the neighborhood and will provide resident employment opportunities to those in the community. The conditions of approval will ensure that the use meets minimum, reasonable performance standards. Further, the project site is located within the Ocean Avenue NCT Zoning District and is thus consistent with activities in the commercial land use plan.

OBJECTIVE 6:

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

POLICY 6.9:

Regulate uses so that traffic impacts and parking problems are minimized

The Project will utilize the existing parking garage at the basement and ground floors and does not propose any increase in parking. Additionally, the Project Site is readily accessible by public transit, and is within the pedestrian-friendly Ocean Avenue corridor.

10. **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 not displace any existing retail uses.

- 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 does not involve any residential use or dwelling unit. Neighborhood character will remain unchanged as the building envelope is not proposed to change.

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

The Proposal is to change the use of a commercial space and does not involve any residential unit or building.

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

The project does not require additional parking or loading for this Retail Sales and Service. The Project site is well served by public transit, with multiple public transit alternatives The K MUNI line operates in front of the property on Ocean Avenue. Several bus lines including the 8X, 8BX, 29, 43 and 49 are located about one half mile away and the Balboa Park BART and Muni Metro station approximately 0.8 miles from the property.

The existing development contains a two-vehicle bulb-in off-street loading space on Ocean Avenue and will seek to add additional on-street loading along the building's Dorado Terrace frontage. Parking is available either along surrounding neighborhood streets or within the on-site parking garage. This garage provides 42 parking spaces available. Access to the parking would not change as a result of the subject space's occupant or use.

- E. That a diverse economic base be maintained by protecting our industrial and Services 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.

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

All construction associated with the tenant improvement will be done in compliance with applicable San Francisco Building and Fire Code fire and life safety standards, adhering to all emergency code requirements.

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the Project site.

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

The Project does not have an impact on open spaces. The building envelope is not proposed to change.

11. 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.
12. 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 Authorization Application No. 2019-016388CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated November 12, 2019, 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. 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 July 23, 2020.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: July 23, 2020

SAN FRANCISCO
PLANNING DEPARTMENT

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a Health Services (Retail Sales and Service) Use located at 1760 Ocean Avenue, Block 3283, and Lot 195 pursuant to Planning Code Sections **303 and 755** within the Ocean Avenue Neighborhood Commercial Transit Zoning District and a **45-X** Height and Bulk District; in general conformance with plans, dated **November 12, 2019**, and stamped "EXHIBIT B" included in the docket for Record No. **2019-016388CUA** and subject to conditions of approval reviewed and approved by the Commission on **July 23, 2020** under Motion No. **XXXXX**. 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 **July 23, 2020** under Motion No. **XXXXX**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **XXXXX** 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 – COMPLIANCE AT PLAN STAGE

6. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

For information about compliance, contact the Case Planner, Planning Department at 415-575-9187, www.sf-planning.org

7. **SFMTA and Public Works Coordination.** The Project Sponsor shall meet with SFMTA's Color Curb Program Manager and the Public Works Accessibility Coordinator Section to coordinate the design, legislation, and implementation of the accessible on-street loading zones.

For information about compliance, contact the Case Planner, Planning Department at 415-575-9187, www.sf-planning.org

PARKING AND TRAFFIC

1. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1 and 155.4, the Project shall provide no fewer than 4 Class 2 bicycle parking spaces. SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the project sponsor shall contact the SFMTA Bike Parking Program at bikeparking@sfmta.com to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code.

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

2. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

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

MONITORING - AFTER ENTITLEMENT

3. **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

4. **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

5. **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>

6. **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>

7. **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 and all registered neighborhood groups for the area with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator and registered neighborhood groups 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



FRESENIUS
KIDNEY CARE

OCEAN AVE CLINIC

7105-4-RL-W-BO OCEAN AVE, CA

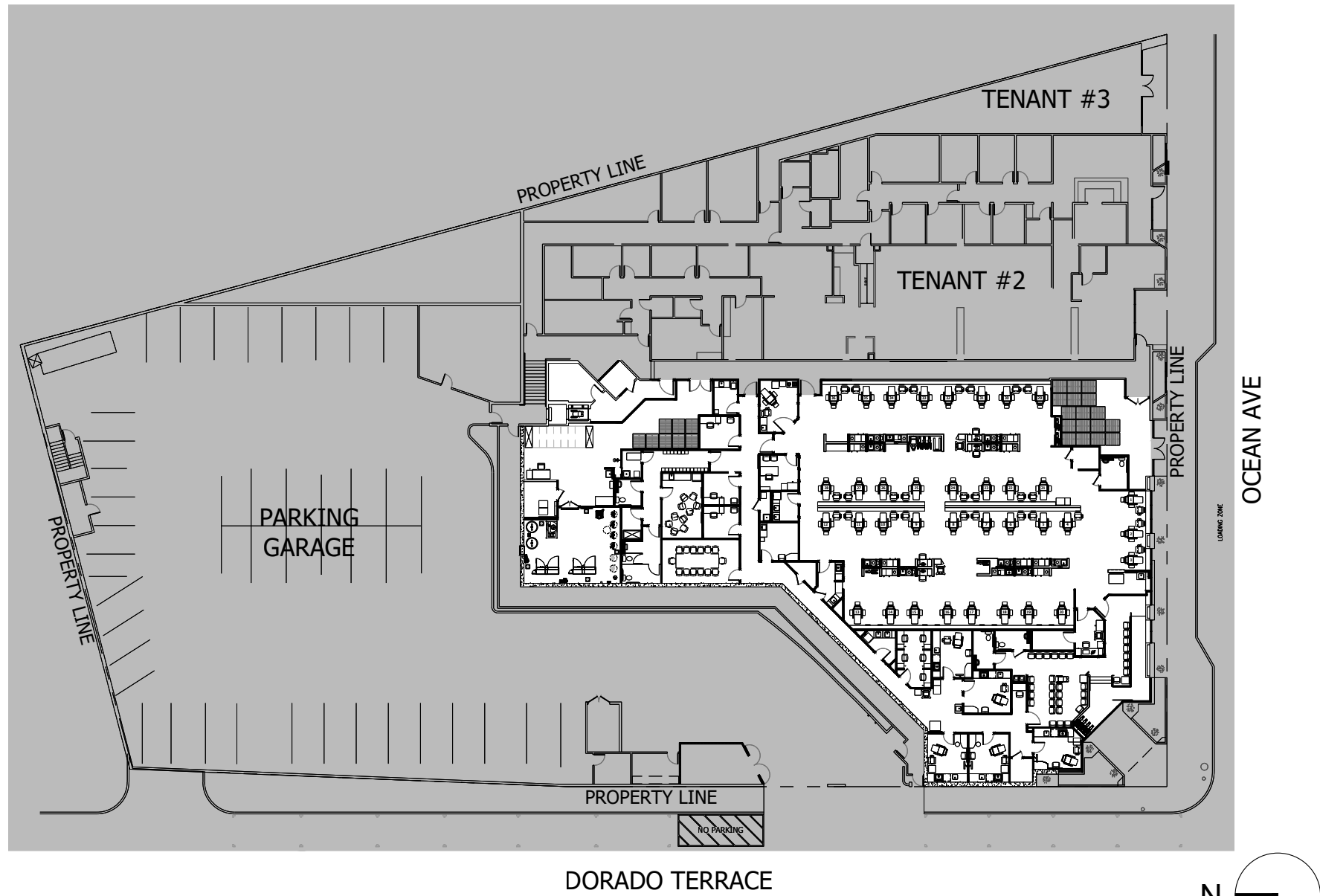
1760 OCEAN AVE SAN FRANCISCO, CA

PERMIT # 2019.0830.0314

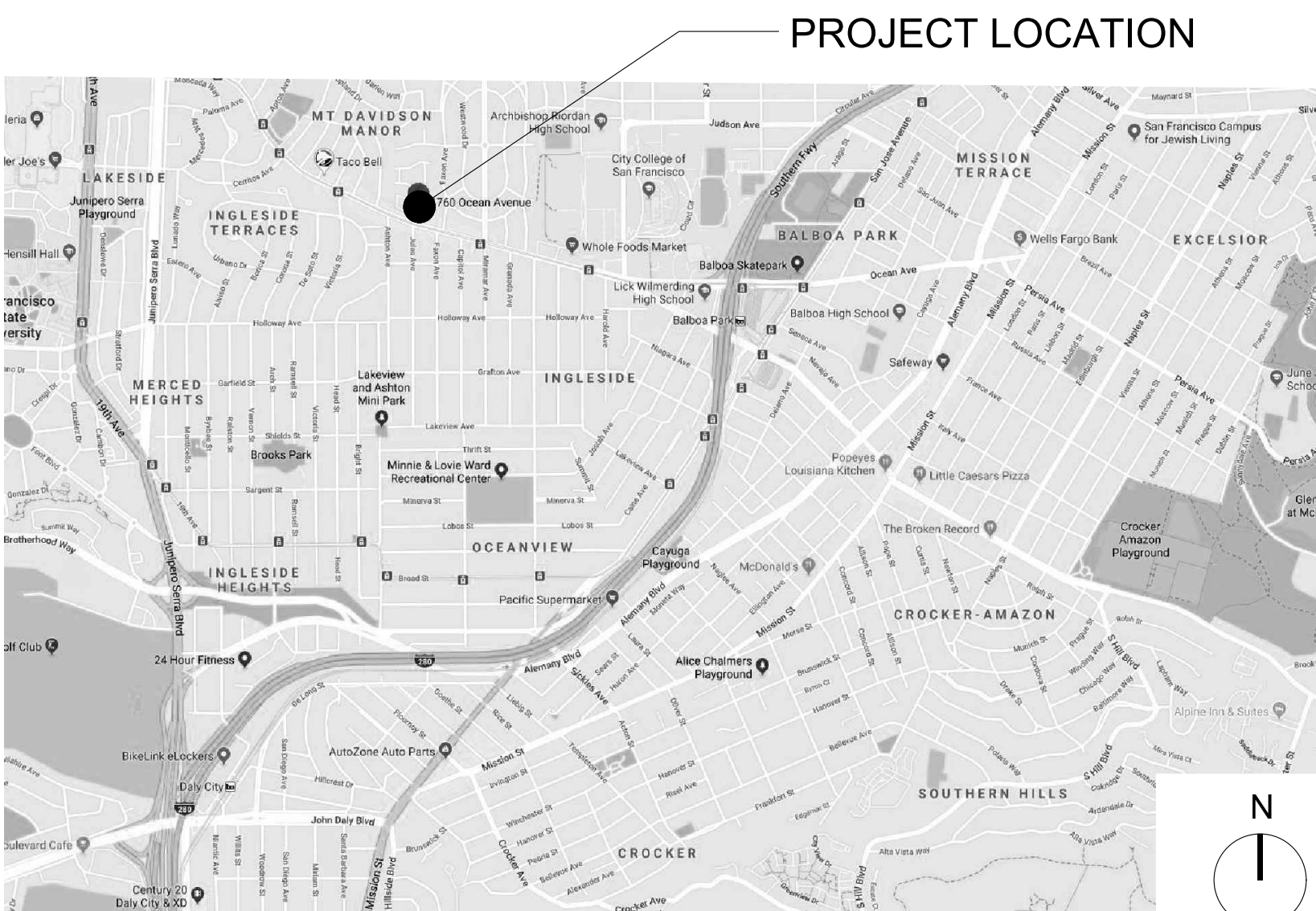
GENERAL NOTES

- SCOPE OF DOCUMENTS: THESE DRAWINGS INDICATE THE GENERAL SCOPE OF THE DESIGN CONCEPT, THE DIMENSIONS OF THE BUILDING, THE MAJOR ARCHITECTURAL ELEMENTS AND THE TYPE OF STRUCTURAL, MECHANICAL AND ELECTRICAL SYSTEMS. ON THE BASIS OF THE GENERAL SCOPE INDICATED OR DESCRIBED, FURNISH ALL ITEMS REQUIRED FOR THE EXECUTION AND COMPLETION OF THE WORK.
- THE CONTRACTOR SHALL KEEP AN UP TO DATE SET OF CONTRACT DOCUMENTS PERMIT SET, INCLUDING AMENDED DOCUMENTS, AT THE JOB SITE IN A LOCATION CONVENIENT FOR REFERENCE.
- CONTRACTOR SHALL COORDINATE ALL NECESSARY UTILITY RELOCATIONS WITH THE APPROPRIATE UTILITY COMPANIES.
- ALL CONSTRUCTION AND MATERIALS SHALL COMPLY WITH THE REQUIREMENTS OF THE CALIFORNIA BUILDING CODES (CBC) AND LOCAL GOVERNING CODES AND AUTHORITIES.
- VERIFY ALL DIMENSIONS AND SITE CONDITIONS BEFORE STARTING WORK. SHOULD A DISCREPANCY APPEAR IN THE SPECIFICATIONS OR DRAWINGS, OR IN THE WORK DONE BY OTHERS FROM THE CONTRACT DOCUMENTS THAT AFFECT ANY WORK, NOTIFY THE ARCHITECT AT ONCE FOR INSTRUCTION ON HOW TO PROCEED; IF THE CONTRACTOR PROCEEDS WITH THE WORK AFFECTED WITHOUT INSTRUCTIONS FROM THE ARCHITECT CONTRACTOR SHALL MAKE GOOD ANY RESULTING DAMAGE OR DEFECT.
- CONFINE ALL OPERATIONS ON THE SITE TO AREAS PERMITTED BY THE OWNER. PERFORM THE WORK IN ACCORDANCE WITH ALL APPLICABLE LAWS, LOCAL ORDINANCES, PERMITS AND THE CONTRACT DOCUMENTS. MAINTAIN THE JOB SITE IN A CLEAN, ORDERLY CONDITION FREE OF DEBRIS AND LITTER. THE JOB SITE SHALL NOT BE UNREASONABLY ENCUMBERED WITH ANY MATERIAL OR EQUIPMENT. EACH SUBCONTRACTOR IMMEDIATELY UPON COMPLETION OF EACH PHASE OF HIS WORK SHALL REMOVE ALL TRASH AND DEBRIS AS A RESULT OF HIS OPERATION.
- STACK AND PROTECT ALL MATERIAL STORED ON THE SITE TO PREVENT DAMAGE AND DETERIORATION UNTIL USE. FAILURE TO PROTECT MATERIALS MAY BE CAUSE FOR REJECTION OF WORK.
- PERFORM ALL CUTTING, FITTING OR PATCHING THAT MAY BE REQUIRED TO MAKE SEVERAL PARTS FIT TOGETHER PROPERLY SO AS NOT TO ENDANGER ANY OTHER WORK BY CUTTING, EXCAVATING OR OTHERWISE ALTERING THE TOTAL WORK OR ANY PART OF IT. PERFORM ALL PATCHING, REPAIRING AND REPLACING OF MATERIALS AND SURFACES. CUT OR DAMAGED IN EXECUTION OF WORK WITH APPLICABLE MATERIAL SO THAT SURFACES REPLACED WILL, UPON COMPLETION, MATCH SURROUNDING SIMILAR SURFACES.
- DO NOT COMMENCE ANY PORTION OF THE WORK REQUIRING A SHOP DRAWING OR SAMPLE SUBMISSION UNTIL THE SUBMISSION HAS BEEN REVIEWED AND ACCEPTED BY THE ARCHITECT. ALL SUCH PORTIONS OF THE WORK SHALL BE IN ACCORDANCE WITH ACCEPTED SHOP DRAWINGS AND SAMPLES.
- DIMENSIONS:
 - ALL DIMENSIONS SHALL HAVE PREFERENCE OVER SCALE.
 - ALL DIMENSIONS ARE TO THE FACE OF FINISH UNLESS OTHERWISE NOTED.
 - CEILING HEIGHT DIMENSIONS ARE FROM FINISH FLOOR SLAB TO FINISH FACE OF CEILING.
- PROVIDE ALL NECESSARY BLOCKING, BACKING, AND FRAMING FOR EQUIPMENT AND ALL OTHER ITEMS REQUIRING IT.
- COMPLY WITH FIRE RESISTIVE REQUIREMENTS THROUGHOUT THE ENTIRE BUILDING PER CBC.
- MAINTAIN FIRE RATED CONSTRUCTION AT ALL CABINETS, ACCESSORIES, PANELS AND SIMILAR FABRICATIONS OR ASSEMBLIES RECESSED RATED PARTITIONS.
- INITIATE, MAINTAIN AND SUPERVISE A REASONABLE AND PRUDENT SAFETY PROGRAM INCLUDING, BUT NOT LIMITED TO, THE ISOLATION OF WORK AREAS AND THE PROMPT REMOVAL OF ANY DEBRIS OR TOOLS WHICH MIGHT ENDANGER VISITORS, PATIENTS OR EMPLOYEES OF THE HOSPITAL. ALL ROADS AND WALKWAYS SHALL REMAIN CLEAR AND UNOBSTRUCTED.
- VERIFY CLEARANCES, MOUNTING HEIGHTS AND LOCATIONS OF FIXTURES, EQUIPMENT, DEVICES AND ACCESSORIES WITH LATEST EDITION OF GOVERNING CODE. NOTIFY THE ARCHITECT IN CASE OF DISCREPANCY.
- FIRE CAULKING SHALL BE PERFORMED BY A SINGLE SOURCE CONTRACTOR FOR PENETRATIONS OF STRUCTURAL, MECHANICAL, ELECTRICAL & ARCHITECTURAL ELEMENTS. PROVIDE FIRECAULKING AT PENETRATIONS OF FIRE RATED ASSEMBLIES PER THE SPECIFICATIONS.
- G.C. IS TO INSTALL OWNER FURNISHED MILLWORK ONLY.
- SEE 3/T1.1 FOR TYPICAL MOUNTING HEIGHTS OF ACCESSORIES AND FURNISHINGS.
- SEE 1/T1.1 FOR SIGNAGE REQUIREMENTS.

SITE PLAN



VICINITY MAP



PROJECT INFORMATION

- PROJECT SCOPE: THIS PROJECT CONSISTS OF REMODEL OF EXISTING FORMER RETAIN SHELL SPACE 15,000 S.F. TO NEW DIALYSIS CLINIC, INCLUDING 36 TREATMENT BEDS, X-PATIENT ROOMS, AND SUPPORT SPACES
- CLINIC HOURS ARE 8:00 AM - 5:00 PM M-F
- THIS CLINIC IS A LICENSED OSHPD 3 FACILITY. IT IS IN COMPLIANCE WITH CALIFORNIA BUILDING CODES SECTIONS 422A & 422A.18, ARTICLE 517 OF THE CALIFORNIA ELECTRICAL CODE, SECTION 613 OF THE CALIFORNIA PLUMBING CODE, AND SECTIONS 406 THROUGH 418 OF THE CALIFORNIA MECHANICAL CODES.
- PROJECT WILL BE FULLY SPRINKLERED

EXISTING BUILDING DESCRIPTION

APN:.....3283-195 (BLOCK: 3283, LOT: 195)

YEAR BUILT:.....1990

TYPE OF CONSTRUCTION:.....TYPE IIB

STORIES:.....1 STORY BASE, 2 STORY RESIDENTIAL ABOVE

ZONING:.....NCT, OCEAN AVE. NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

FIRE SPRINKLERS:.....FULLY SPRINKLERED

OCCUPANCY:.....I-2.1/B

PROJECT FLOOR AREA:

SITE:23,931 S.F.(.549 ACRES)

BUILDING SIZE:.....23,390 S.F.

TENANT SUITE SIZE:.....15,180 S.F.

AREA OF REMODEL:.....15,180 S.F.

APPLICABLE CODES

NOTE: WHERE CODE REQUIREMENTS CONFLICT, THE MORE STRINGENT SHALL BE APPLICABLE

2016 California Administrative Code (CAC)
Part 1, Title 24, California Code of Regulations (CCR)

2016 California Building Code (CBC) Part 2, Title 24, CCR
Based on the 2015 International Building Code (IBC)

2016 California Electrical Code (CEC) Part 3, Title 24, CCR
Based on the 2014 National Electrical Code (NEC)

2016 California Mechanical Code (CMC) Part 4, Title 24, CCR
Based on the 2015 Uniform Mechanical Code (UMC)

2016 California Plumbing Code (CPC) Part 5, Title 24, CCR
Based on the 2015 Uniform Plumbing Code (UPC)

2016 California Fire Code (CFC) Part 9, Title 24, CCR
Based on the 2015 International Fire Code (IFC)

CITY OF SAN FRANCISCO AMENDMENTS

CITY OF SAN FRANCISCO PLANNING CODE

DRAFTING SYMBOLS

NOTE:
SYMBOLS LEGEND IS FOR REFERENCE ONLY, NOT ALL SYMBOLS THAT APPEAR IN THE LEGEND ARE PRESENT IN THE PROJECT

BUILDING SECTION		EQUIPMENT REFERENCE	
INTERIOR ELEVATION		EXTERIOR ELEVATION	
DETAIL SECTION		CEILING HEIGHT	
DETAIL REFERENCE		WINDOW REFERENCE	
DETAIL REFERENCE		WALL TYPE REFERENCE	
MATCH LINE		DOOR REFERENCE	
ROOM IDENTIFICATION		ELEVATION INDICATOR	
GRID REFERENCE		CENTERLINE	
REVISION NO.			

PROJECT TEAM

ARCHITECT

SAVELY HEALTHCARE ARCHITECTS
18008 SKYPARK CIRCLE
SUITE 290
IRVINE, CA, 92614
P: (949) 431-0071
CONTACT: RICK SAVELY, ARCHITECT OF RECORD C19900
RSVELY1@SAVELYHEALTHCAREARCHITECTS.COM

FMC PROJECT MANAGER

CHRISTOPHER HUME
PROJECT MANAGER - WEST DIVISION
REAL ESTATES AND CONSTRUCTION SERVICES - RECS
FRESENIUS MEDICAL CARE | NORTH AMERICA
PH: 805-368-3852

BUILDING TENANT

FRESENIUS MEDICAL CARE
OF NORTH AMERICA
DIALYSIS AND RENAL SERVICES
1760 OCEAN AVE
SAN FRANCISCO, CA

BUILDING OWNER

BURTON SIU
PROPERTY OWNER
707 4TH AVENUE
SAN FRANCISCO, CA 94118
BSIU29@YAHOO.COM

DRAWING INDEX

ARCHITECTURAL

TS-1 TITLE SHEET
ES-1 EXISTING SITE PLAN
SP-1 SITE PLAN
FP-1 PROPOSED FLOOR PLAN
EL-1 EXTERIOR ELEVATIONS

PLANNING PROJECT #2019.0830.0314

ENTITLEMENT PACKAGE

Proposed Dialysis Clinic for:

OCEAN AVE CLINIC
7105-4-RL-W-BO OCEAN AVE
1760 OCEAN AVENUE
San Francisco, CA



This is the place where a disclaimer statement can be placed.

Drafted By: KH

Checked By: KH

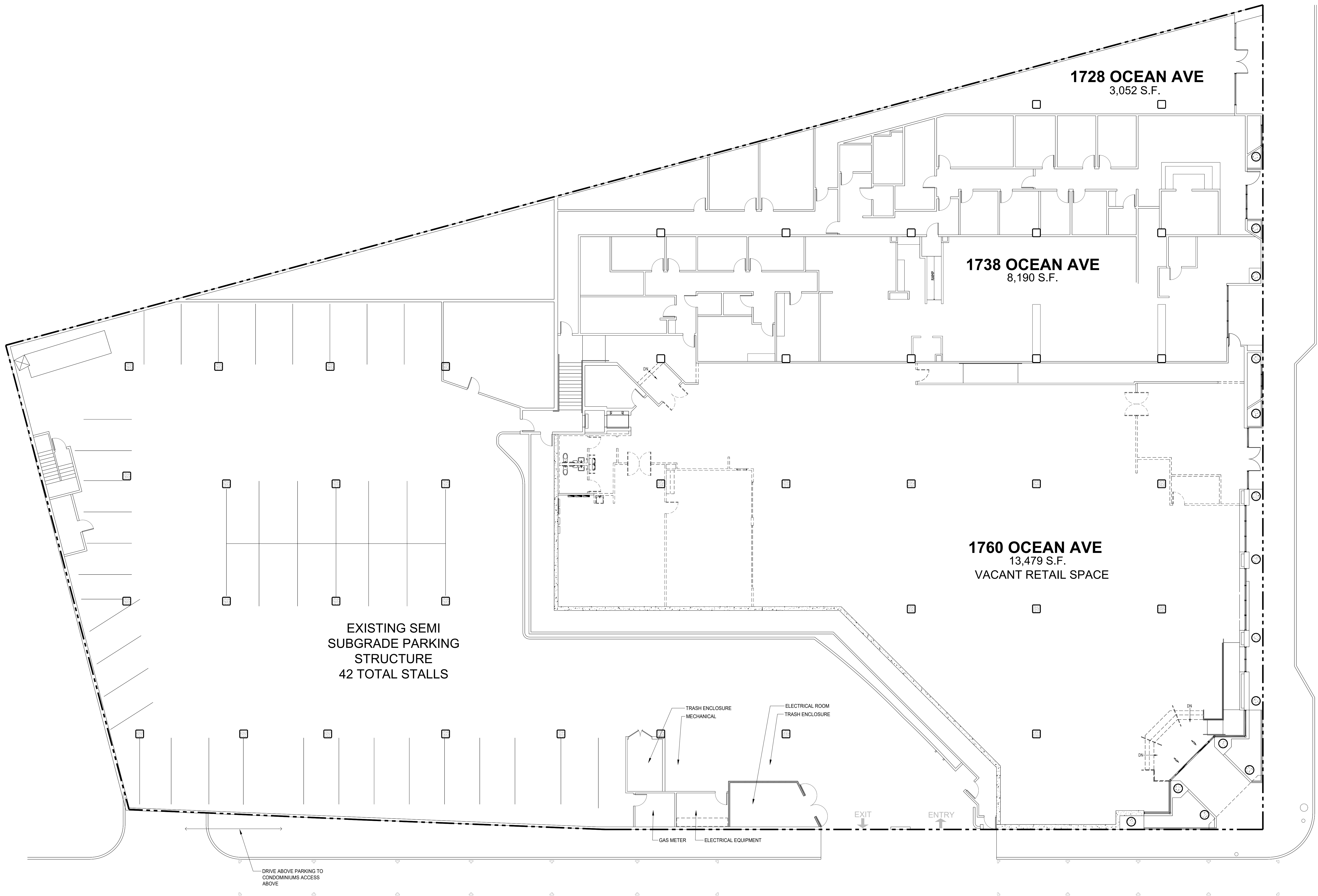
Date Drawn: 11/12/2019

Project #: 7105-4-RL-W-BO

REV #	DATE	REVISION DESCRIPTION

TS-1

Sheet Number

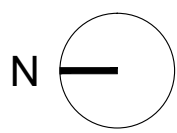


LEGEND

EXISTING WALL

EXISTING CONCRETE WALL

CITY OF SAN FRANCISCO PLANNING CODE
FLOOR AREA RATIO (TABLE 124).....1.8 TO 1
ZONE.....NCT
APN.....3283-195
PLANNING DISTRICT.....DISTRICT 13 INGLESIDE

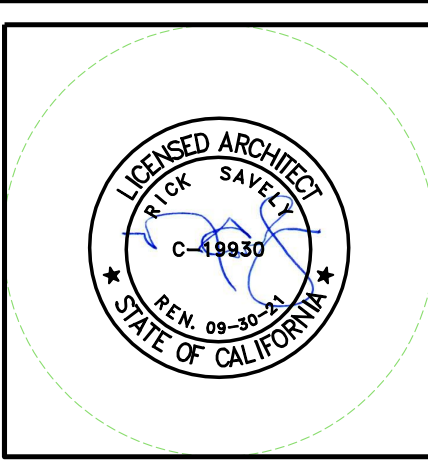


EXISTING SITE PLAN SCALE: 1"=10'-0"

OCEAN AVE

PLANNING PROJECT #2019.0830.0314

ENTITLEMENT PACKAGE



Proposed Dialysis Clinic for:

OCEAN AVE CLINIC

7105-4-RL-W-BO OCEAN AVE

1760 OCEAN AVENUE

San Francisco, CA

FRESENIUS

KIDNEY CARE

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ES-1

Sheet Number

PLANNING CODE §145.1 STREET FRONTAGES IN NEIGHBORHOOD COMMERCIAL, RESIDENTIAL-COMMERCIAL, COMMERCIAL, AND MIXED USE DISTRICTS

(b) (2) Active Use: An Active Use shall mean any principal, conditional, or accessory use that by it's nature does not require non-transparent walls facing a public street or involves the storage of goods or vehicles

Project Response: A portion of the project qualifies at 'active use' - see SITE PLAN SP-1

(c) (2) Parking and Loading Entrances: No more than one-third of the width or 20 feet, whichever is less, of any given street frontage of a new or altered structure parallel to and facing a street shall be devoted to parking and loading ingress or egress. In NC-S Districts, no more than one-third or 50 feet, whichever is less, of each lot frontage shall be devoted to ingress/egress of parking. In RED Districts, no more than one garage door shall be permitted per lot, and the garage door shall be limited to no more than 10 feet in width. Street-facing garage structures and garage doors may not extend closer to the street than a primary building facade unless the garage structure and garage door are consistent with the features listed in Section 136 of this Code. The total street frontage dedicated to parking and loading access should be minimized, and combining entrances for off-street parking with those for off-street loading is encouraged. The placement of parking and loading entrances should minimize interference with street-fronting active uses and with the movement of pedestrians, cyclists, public transit, and autos. Entrances to off-street parking shall be located at least six feet from a lot corner located at the intersection of two public rights-of-way. Off-street parking and loading entrances should minimize the loss of on-street parking and loading spaces. Off-street parking and loading are also subject to the provisions of Section 155 of this Code. In C-3 Districts, so as not to preclude the conversion of parking space to other uses in the future, parking at the ground-level shall not be sloped, and the floor shall be aligned as closely as possible to sidewalk level along the principal pedestrian frontage and/or to those of the street-fronting commercial spaces and shall have a minimum clear ceiling height of 14 feet or equal to that of street-fronting commercial spaces, whichever is greater. Removable parking ramps are excluded from this requirement.

Project Response: Parking and curb cuts are existing to remain. Entrance to underground parking is more than 6'-0" from the lot corner. Existing entry & exit are approximately 38'-0" wide

(c) (6) Transparency and Fenestration: Frontages with active users that are not PDR must be fenestrated with transparent windows and doorways for no less than 60% of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count toward the transparent area. Buildings located inside of, or within an unobstructed line of than 300 feet of an Urban Bird Refuge, as defined in Section 139(c)(1), shall follow glazing requirements within Section 139(c) of this Code.

Project Response: Project provided 58.8% clear fenestration at Ocean Avenue frontage

Project provides 24.8% clear fenestration at Dorado Terrace Frontage

PLANNING CODE §145.4 REQUIRED GROUND FLOOR COMMERCIAL USES

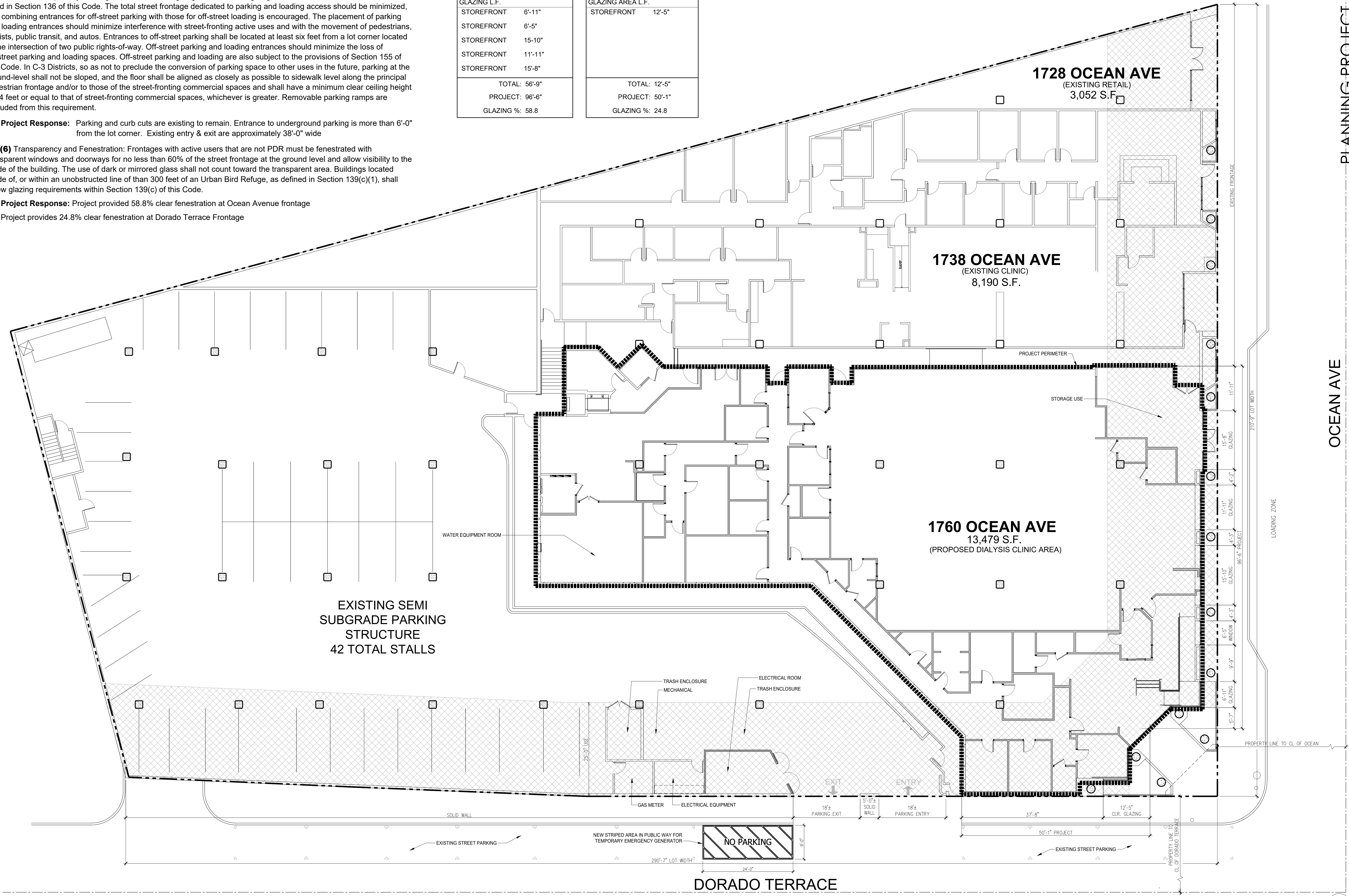
(b) (19) Ocean Avenue, for the entirety of the Ocean Avenue NCT District, except on the north side of Ocean Avenue between Plymouth and Brighton Avenues;

Project Response: The entire 1st floor is dedicated to Commercial use, and complies with this section.

CLEAR GLAZING CALCULATION

OCEAN AVENUE		DORADO TERRACE	
GLAZING L.F.		GLAZING AREA L.F.	
STOREFRONT	6'-11"	STOREFRONT	12'-5"
STOREFRONT	6'-5"		
STOREFRONT	15'-10"		
STOREFRONT	11'-11"		
STOREFRONT	15'-8"		
TOTAL: 56'-9"		TOTAL: 12'-5"	
PROJECT: 96'-6"		PROJECT: 50'-1"	
GLAZING %: 58.8		GLAZING %: 24.8	

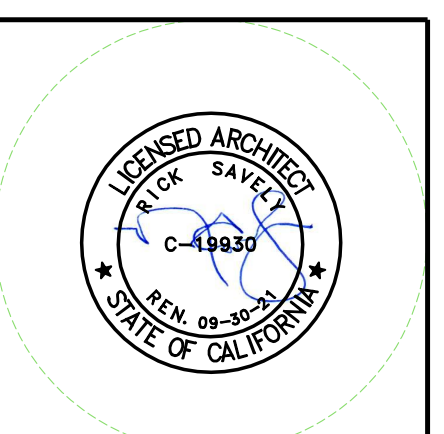
CITY OF SAN FRANCISCO PLANNING CODE
FLOOR AREA RATIO (TABLE 124)..... 1.8 TO 1
ZONE.....NCT
APN.....3283-195
PLANNING DISTRICT.....DISTRICT 13 INGLESIDE



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

PLANNING PROJECT #2019.0830.0314

ENTITLEMENT PACKAGE



Proposed Dialysis Clinic for:
OCEAN AVE CLINIC
7105-4-RL-W-BO OCEAN AVE
1760 OCEAN AVENUE
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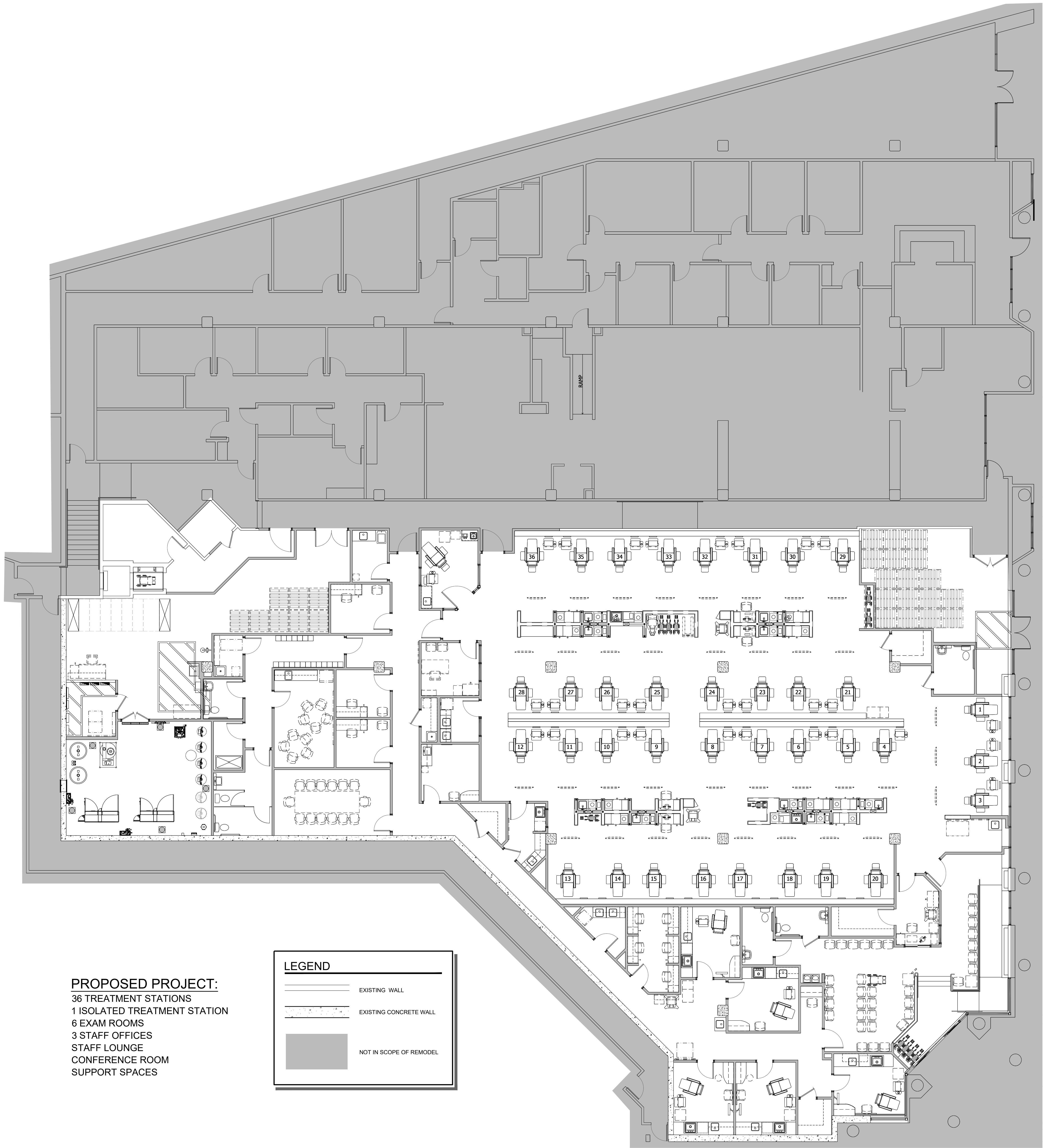
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Date Drawn: 11/12/2019

Project #: 7105-4-RL-W-BO

REVISION DESCRIPTION	DATE	REV #

SP-1
Sheet Number



PROPOSED PROJECT:
36 TREATMENT STATIONS
1 ISOLATED TREATMENT STATION
6 EXAM ROOMS
3 STAFF OFFICES
STAFF LOUNGE
CONFERENCE ROOM
SUPPORT SPACES

LEGEND

EXISTING WALL

EXISTING CONCRETE WALL

NOT IN SCOPE OF REMODEL

PROPOSED FLOOR PLAN SCALE: 1/8"=1'-0"

PLANNING PROJECT #2019.0830.0314

ENTITLEMENT PACKAGE

SEALED ARCHITECT

STATE OF CALIFORNIA

C-45930

DATE: 05-30-2019

Proposed Dialysis Clinic for:

OCEAN AVE CLINIC

7105-4-RL-W-BO OCEAN AVE

1760 OCEAN AVENUE

San Francisco, CA

FRESENIUS

KIDNEY CARE

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Checked By: KH

Date Drawn: 11/12/2019

Project #: 7105-4-RL-W-BO

REV #	DATE	REVISION DESCRIPTION

FP-1

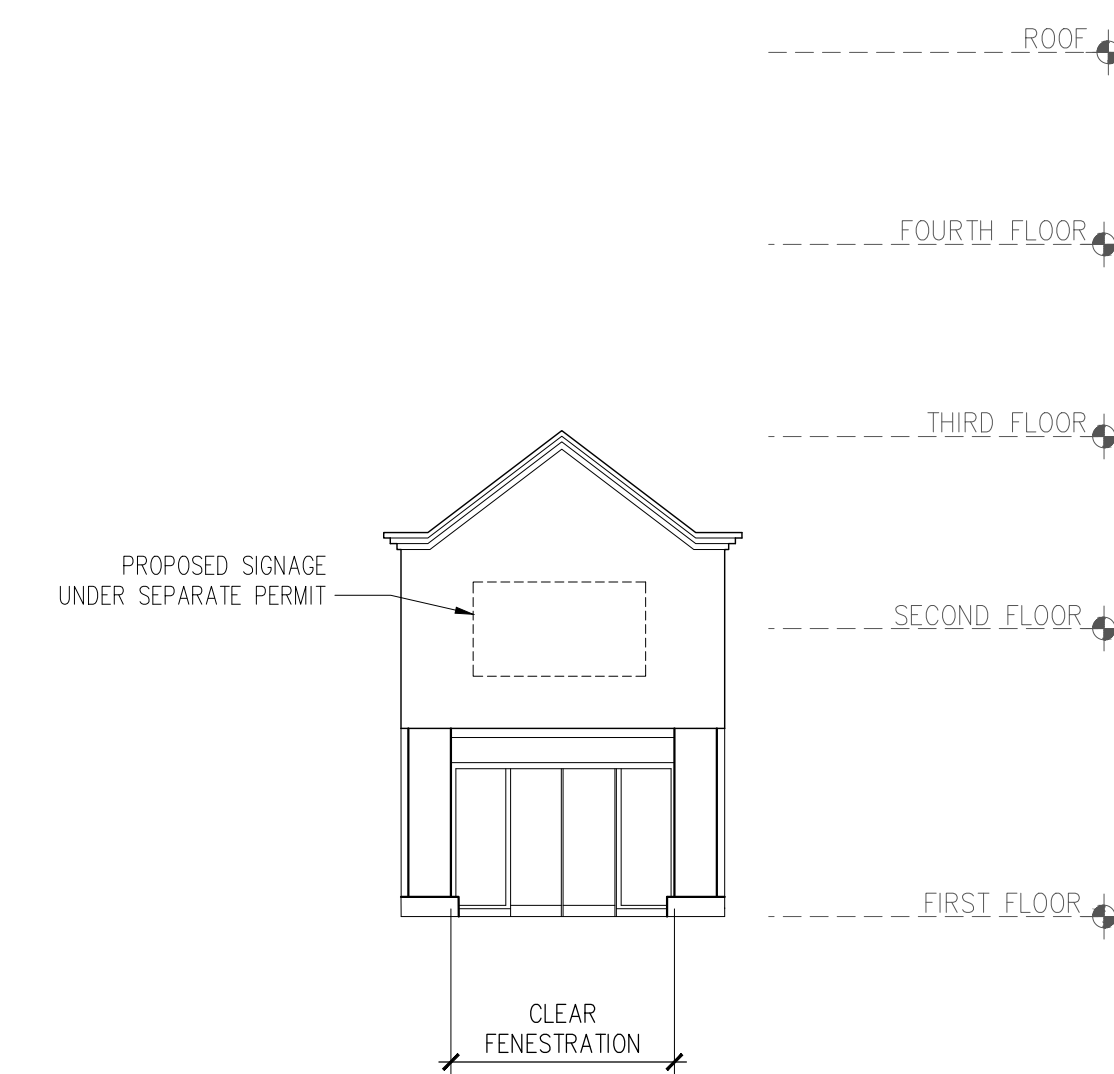
Sheet Number



3 DORADO TERRACE ELEVATION SCALE: 1"=10'-0"

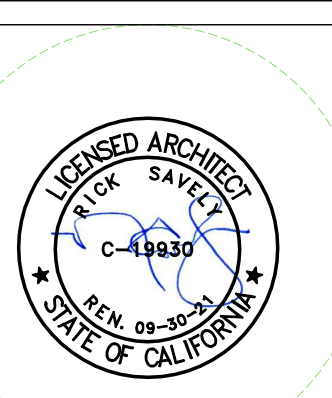


1 OCEAN AVENUE ELEVATION SCALE: 1"=10'-0"



2 ENTRANC ELEVATION (FACING INTERSECTION) SCALE: 1"=10'-0"

EXTERIOR ELEVATIONS



Proposed Dialysis Clinic for:
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Drafted By: KH

Checked By: KH

Date Drawn: 11/12/2019

Project #: 7105-4-RL-W-BO

REV #	DATE	REVISION DESCRIPTION

EL-1

Sheet Number

ENTITLEMENT PACKAGE

PLANNING PROJECT #2019.0830.0314



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
1760 Ocean Avenue		3283195
Case No.		Permit No.
2019-016388PRJ		201908300314
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRE for Category B Building)	<input type="checkbox"/> New Construction
Project description for Planning Department approval. Change of occupancy from vacated commercial space to new dialysis clinic approx. 15,100 SF. Renovation.**maher n/a*		

STEP 1: EXEMPTION CLASS

The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA).	
<input checked="" type="checkbox"/>	Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	Class 3 - New Construction. Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	Class 32 - In-Fill Development. New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services. FOR ENVIRONMENTAL PLANNING USE ONLY
<input type="checkbox"/>	Class ____

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)
<input type="checkbox"/>	Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? Note that a categorical exemption shall not be issued for a project located on the Cortese List if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).
<input type="checkbox"/>	Transportation: Does the project involve a child care facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non -archeological sensitive area? If yes, archeo review is required (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography). If yes, Environmental Planning must issue the exemption.
<input type="checkbox"/>	Slope = or > 25%: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.
<input type="checkbox"/>	Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.
<input type="checkbox"/>	Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required and Environmental Planning must issue the exemption.
Comments and Planner Signature (optional): Jeffrey Horn	

STEP 3: PROPERTY STATUS - HISTORIC RESOURCE
TO BE COMPLETED BY PROJECT PLANNER

PROPERTY IS ONE OF THE FOLLOWING: (refer to Property Information Map)	
<input type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input type="checkbox"/>	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
<input checked="" type="checkbox"/>	Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.

STEP 4: PROPOSED WORK CHECKLIST
TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.	
<input checked="" type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
Note: Project Planner must check box below before proceeding.	
<input type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input checked="" type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.

<input type="checkbox"/>	7. Addition(s) , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
<input type="checkbox"/>	8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. Other work that would not materially impair a historic district (specify or add comments): (Requires approval by Senior Preservation Planner/Preservation Coordinator)
<input type="checkbox"/>	10. Reclassification of property status. (Requires approval by Senior Preservation Planner/Preservation <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category A a. Per HRER or PTR dated b. Other (specify): </div> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category C (attach HRER or PTR) </div> </div>
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.	
<input type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature:	

STEP 6: CATEGORICAL EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER

<input checked="" type="checkbox"/>	No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.	
	Project Approval Action: Planning Commission Hearing	Signature: Jeffrey Horn 05/07/2020
	Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the approval action. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.	

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

MODIFIED PROJECT DESCRIPTION

Modified Project Description:

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:

- | | |
|--------------------------|--|
| <input type="checkbox"/> | Result in expansion of the building envelope, as defined in the Planning Code; |
| <input type="checkbox"/> | Result in the change of use that would require public notice under Planning Code Sections 311 or 312; |
| <input type="checkbox"/> | Result in demolition as defined under Planning Code Section 317 or 19005(f)? |
| <input type="checkbox"/> | Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption? |

If at least one of the above boxes is checked, further environmental review is required.

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

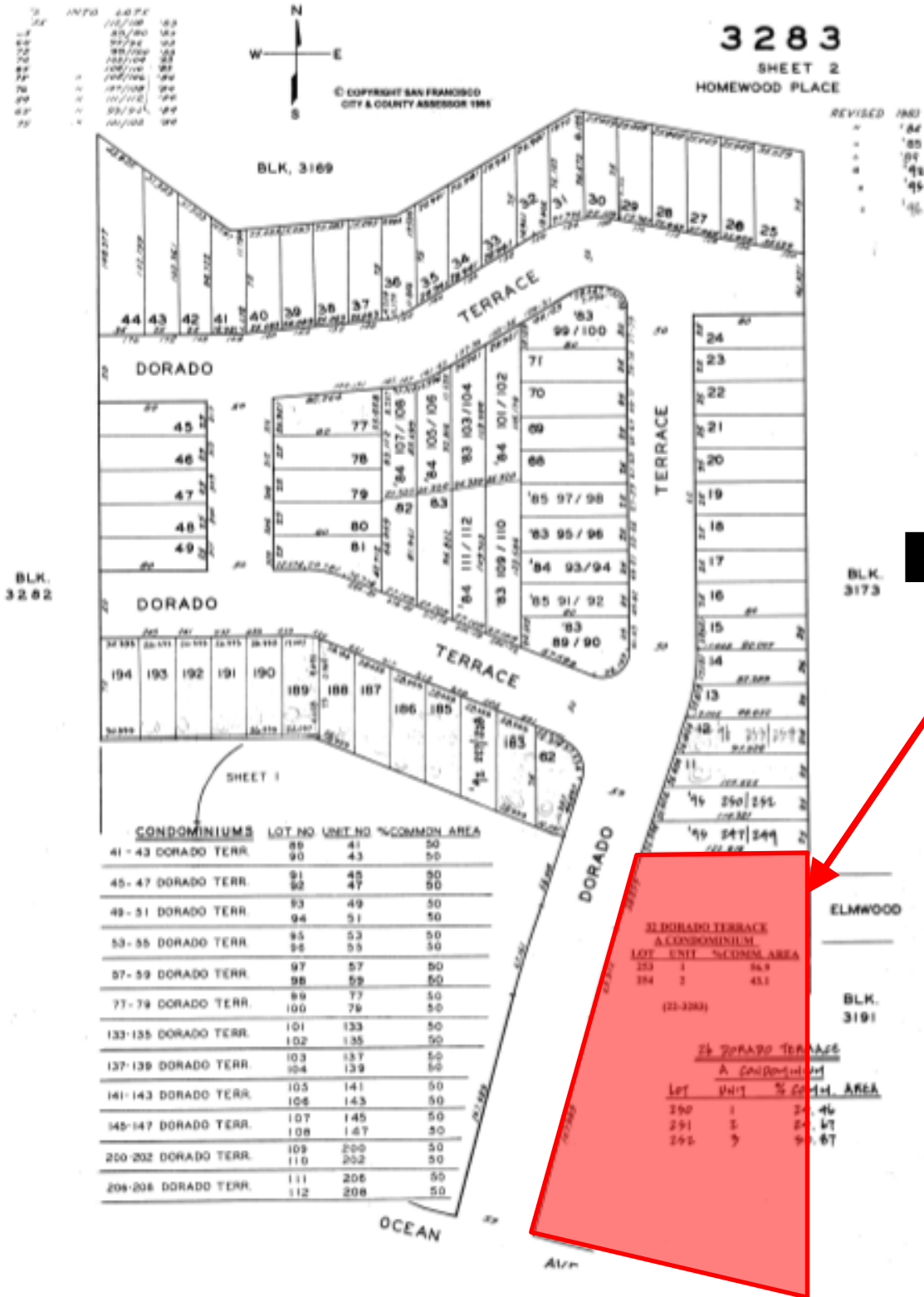
- | | |
|--------------------------|---|
| <input type="checkbox"/> | The proposed modification would not result in any of the above changes. |
|--------------------------|---|

If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed within 10 days of posting of this determination.

Planner Name:

Date:

Parcel Map



Conditional Use Authorization
Case Number 2019-016388CUA
1760 Ocean Avenue



Sanborn Map*

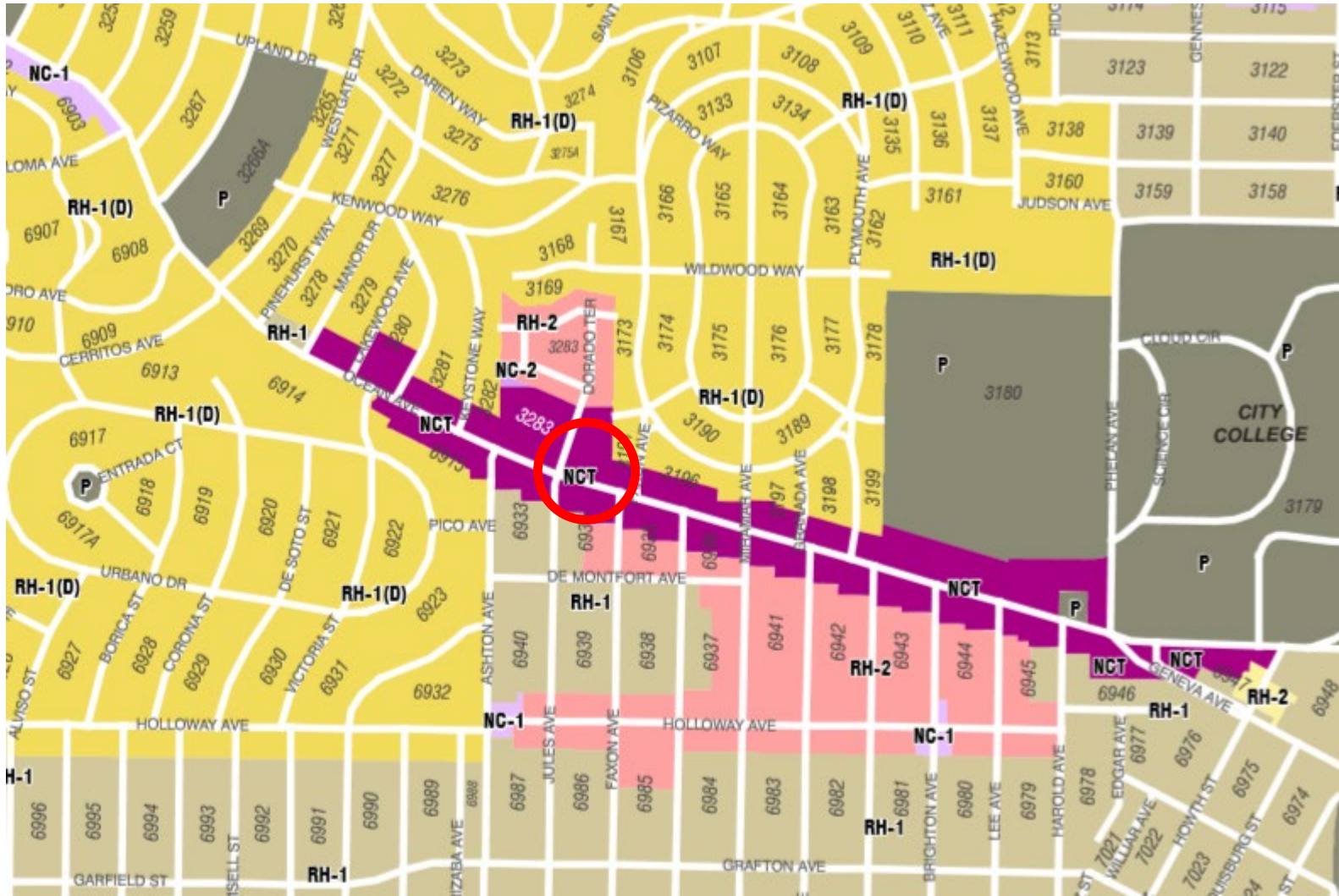


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Authorization
Case Number 2019-016388CUA
1760 Ocean Avenue

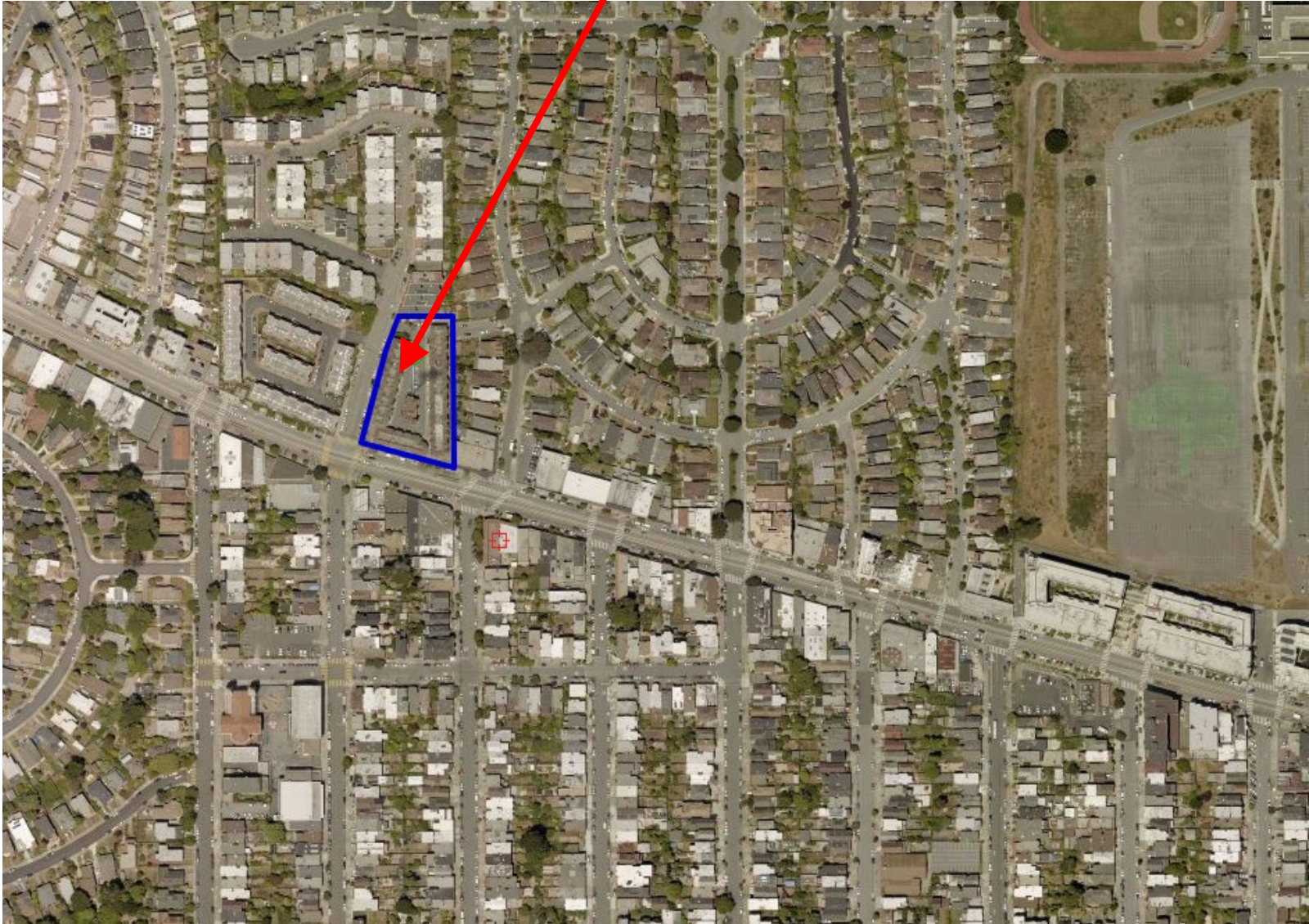
Zoning Map



Conditional Use Authorization
Case Number 2019-016388CUA
1760 Ocean Avenue

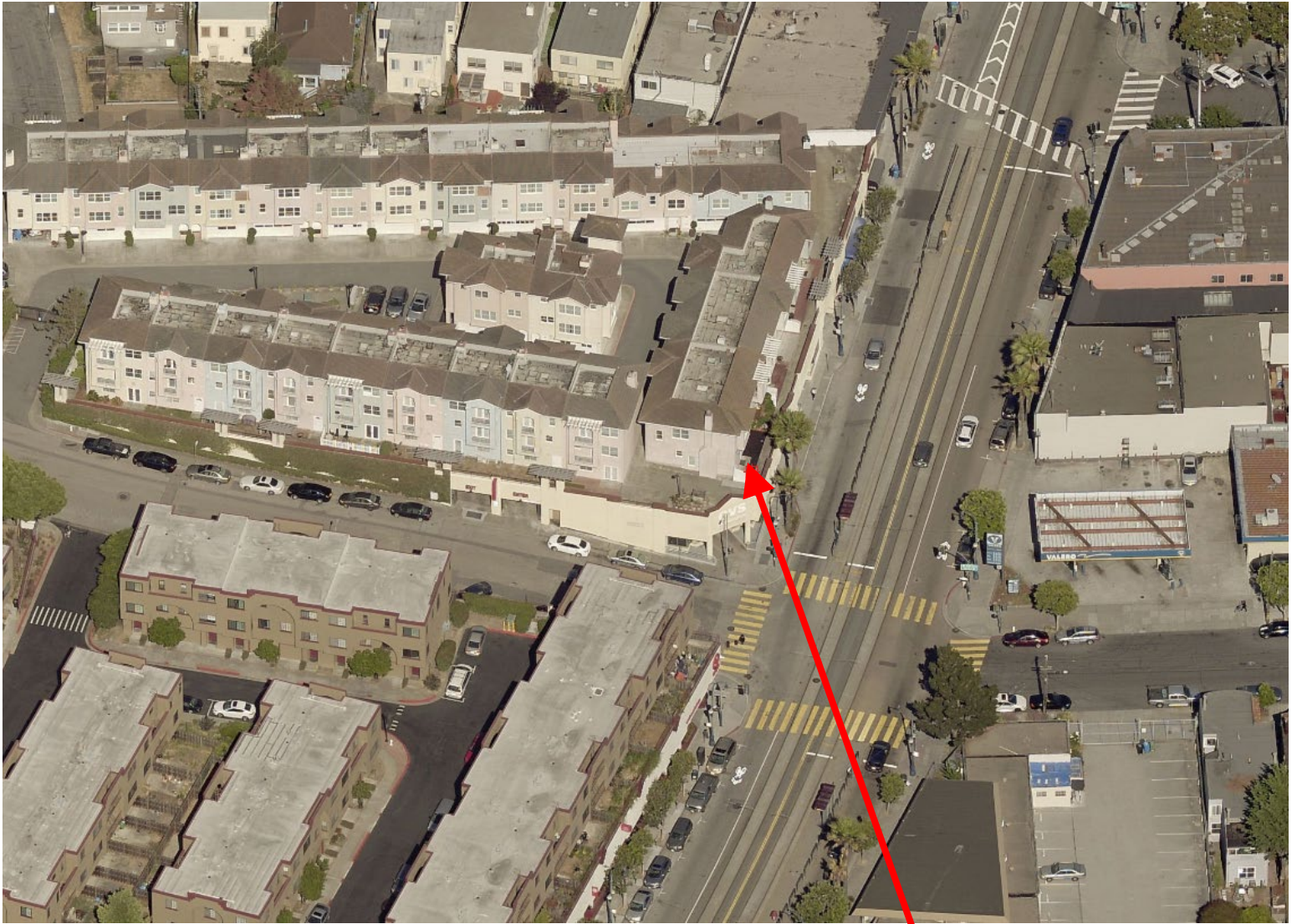
Aerial Photo

SUBJECT PROPERTY



Conditional Use Authorization
Case Number 2019-016388CUA
1760 Ocean Avenue

Aerial Photo



SUBJECT PROPERTY



Conditional Use Authorization
Case Number 2019-016388CUA
1760 Ocean Avenue

Aerial Photo



SUBJECT PROPERTY



Conditional Use Authorization
Case Number 2019-016388CUA
1760 Ocean Avenue

Existing Site Photo



Conditional Use Authorization
Case Number 2019-016388CUA
1760 Ocean Avenue

Existing Site Photo



Conditional Use Authorization
Case Number 2019-016388CUA
1760 Ocean Avenue

Existing Site Photo



Conditional Use Authorization
Case Number 2019-016388CUA
1760 Ocean Avenue

June 8, 2020

Keith Hansell
Saverly Healthcare Architects
18008 Sky Park Circle, Suite 290
Irvine, CA 92614
(562)761.8080

Via Email

keithh@saverlyhealthcarearchitects.com

Re: Conditional Use Hearing for 1760 Ocean Avenue, San Francisco, CA 94112

Dear Mr. Hansell,

As Executive Director of the Ocean Avenue Association I invite you to present and respond to questions about your project at 1760 Ocean Ave., San Francisco, on June 15, at 6:30 pm at a Ocean Avenue community public meeting site to describe and respond to neighborhood questions about the plan and its impact on the Ocean Avenue neighborhood retail district. We want a public community meeting, if possible, before the Conditional Use hearing of the San Francisco Planning Commission. If that is not possible we want a virtual meeting on line with you, or a postponement of the current Conditional Use meeting at the Planning Commission.

Here are some issues that have been brought up in the Ingleside neighborhood so far:

1. Existing noise from the building and its cooling system in retail, parking and residential spaces that include 1760 Ocean Avenue need to be evaluated and abated.
2. There are 4 units that face Ocean Avenue from the residential space above. Those units are currently subjected to noise from paratransit vans during the loading / unloading process from as early as 4am to as late as 9pm, six days a week. In addition, the vans tend to idle at the curb and pollute the residential units above with exhaust fumes.
3. The parking garage that is available for the RAI dialysis center currently cannot accommodate the main vehicles utilized for pick-up and drop-off. Therefore, the Paratransit vans are thus forced to operate on Ocean Avenue and a small parking area carved out of the sidewalk, and traffic is constantly blocking the west-bound traffic lane, creating extremely hazardous conditions for other vehicles, pedestrians, and people on bikes. Traffic from the dialysis center also slows down the light rail vehicles that operate on the center west-bound lane of Ocean Ave. It would be better if the garage or another off-street location were used for patient pick-up, drop-off, and waiting, with elevator access from garage level to the medical area. A thorough traffic study of these issues is necessary.
4. The architectural facade of the building is a disaster from a pedestrian, architectural, and urban design perspective, and does not meet current planning code standards. The proposed expansion is not suitable for Ocean Avenue's neighborhood commercial zoning, character, and limitations on use size. Users of the dialysis center do not patronize Ocean Ave businesses and thereby do not contribute to the neighborhood commercial district. Adding small and attractive retail spaces facing the sidewalk would

create neighborhood-serving, and pedestrian-oriented storefronts to house more of the neighborhood commercial uses encouraged by the zoning.

5. The existing RAI facility has virtually no connection with the other businesses or the community along Ocean Ave. The managers and employees do not participate in events and do not properly maintain their spaces. No one has been available to discuss community events or needed storefront improvements. The existing location of RAI on Ocean Ave seems better suited to an industrially-zoned area than a neighborhood commercial district where pedestrians are welcome and encouraged. How does the RAI facility expansion propose to become a better neighbor?

Sincerely,

Daniel Weaver
Executive Director
Ocean Avenue Association
1728 Ocean Ave., PMB 154
San Francisco, CA 94112
415.404.1296
info.oacbd@gmail.com



Ocean Gardens Homeowners Association

18 Dorado Terrace, #88 • San Francisco, CA 94112

June 12, 2020

Via Email
commissions.secretary@sfgov.org

To: San Francisco Planning Commission

Re: 1760 Ocean Avenue
Block/Lot 3283 / 195
Record Number: 2019-016388CUA

cc: Jeffrey Horn, San Francisco Planning Commission
Keith Hansell, Savely Healthcare Architects

Dear Member of the San Francisco Planning Commission:

On behalf of the Ocean Gardens Homeowners Association (for the residential complex located at 18 Dorado Terrace), we are writing to let you know that we are opposed to the granting of the Conditional Use Authorization for the expansion of the dialysis center, Fresenius Kidney Care, at 1760 Ocean Avenue for the reasons set forth below.

1. The Ocean Gardens Residential Project is situated on top of the commercial parcel at Ocean Gardens. The residential and commercial parcels share the same air space parcel. While this is a proposal for commercial property business expansion, the neighborhood is very much residential except for the ground level on the Ocean Avenue corridor. Permitting the expansion of the dialysis clinic will have a profound negative impact on the neighborhood's residents.
2. The proposed expansion will likely triple the size and patient capacity of the dialysis center. This will increase the current noise level when the expanded dialysis center becomes operational. Currently the dialysis center opens for business around 4:30 a.m. when the paratransit vans start delivering patients. The steady flow of patients generally

continues until about 9:00 p.m. or so, six days a week from Monday through Saturday. The paratransit vans are especially noisy with their "safety" back-up beepers, and often the drivers let their diesel engines idle while waiting to pick up their patients from the dialysis center. Taking what exists now and multiplying it by a factor of three would be very disconcerting if the proposal was approved.

3. Traffic Concerns

The traffic situation will get worse in the areas around the dialysis center due to increase in patient volume which will increase and escalate noise and traffic issues. Currently during business hours, the dialysis center invariably blocks off one of the two travel lanes in the westbound direction on Ocean Avenue. There is a small bulb out that allows for maybe two vans to park, which always seems to be full. Yet whether the bulb out has vans in it or not, many drivers simply park near the entrance to the center because the bulb out is inconveniently closer to the Dorado Terrace corner than the entrance to the dialysis center which is closer to Faxon. The situation does not improve even when the illegally parked vans move on. The van drivers lined up behind the illegally parked vans do not appear to want to use the vacated loading spaces since they have already started the patient loading/unloading process while blocking traffic. The owners of the dialysis center have never made any attempt to alleviate this situation.

Besides the small bulb out there is no street parking on Ocean Avenue between Faxon and Dorado because of the Muni Island in the middle of westbound Ocean Avenue. This Muni island extends all the way from Faxon to Dorado. If this expansion project is approved, patient volume in and out of the center will no doubt substantially increase which in turn will substantially increase noise and traffic issues.

Due to illegal paratransit van parking, motorists have a difficult time making a right turn onto Dorado because, as mentioned above, the paratransit vans tend to block the right lane of Ocean Avenue when picking up and dropping off patients. With the right lane blocked, and the Muni island in place, it is dangerous and difficult for motorists to make a right turn to access Dorado Terrace when traveling westbound on Ocean Avenue. If the curb lane of traffic is blocked, which might not be apparent until one is stuck behind a van, a driver must back up on Ocean Avenue to Faxon, go around the Muni island, get into the left lane on Ocean Avenue, and make an illegal right turn onto Dorado Terrace from the left lane. (See photographs in Appendix A, enclosed herewith.)

The Conditional Use Authorization (Supplemental Application) incorrectly states that, "Traffic will not change as the space currently has a dedicated parking garage." This is not true because the dialysis center will be unable to have paratransit vans utilize this parking garage due to the limited height clearance of 8'2". (See photograph in Appendix B, enclosed herewith.) A typical paratransit model is the Ford E450 with a height of 111" (9'1/4"). While patients who drive themselves to dialysis are able to park in the garage, it seems that most patients are brought to dialysis by van.

4. The dialysis center does not serve the needs of the area residents who shop the Ocean Avenue corridor. In fact, it contributes to the retail leakage in the neighborhood since its patients are largely transported from outside neighborhoods and then leave to shop elsewhere. 1760 Ocean Avenue has always been a retail space and should remain so and

marketed as such. Permitting the expanded use of the dialysis center will permanently remove this retail space.

5. Concerns for Certain Units at Ocean Gardens Residential Project

Units 21, 23, 25, and 30 all border Ocean Avenue from two stories above street level and are subjected to the current noise levels when the dialysis center opens around 4:30 a.m. The proposed expansion will greatly increase noise in the area. (See 2, Above.)

Several units located farther away from Ocean Avenue and closer to the driveway entrance to the Residential Project on Dorado Terrace have voiced concerns about the HVAC noise in the past when CVS occupied the space. The HVAC equipment for the commercial parcel is located next to the driveway of the Residential Project and has an exhaust tower in the center of the Residential Project incorporated into one of the residential units. Both the HVAC equipment and exhaust tower have been quite noisy in the past requiring Department of Public Health intervention to remediate. There is concern that with more medical equipment and a vast increase in patient volume, the HVAC related noise level will increase significantly while the quality of life for those residing in the residential project will decrease proportionately.

Ocean Gardens Residential and Commercial Projects are governed by a common Master Association that was created to deal with issues related to both parcels. The Master Association is inactive and has been for some time. However, there are recorded CC&Rs that still govern the permitted activities and uses to which the parcels may be put, as well as restrictions on use.

One such restriction (Section 7.4 of the Master CC&Rs) deals with nuisances, and states as follows: “No illegal or seriously offensive activity shall be transacted on conducted on any Parcel or in any part of the Property, **nor shall anything be done thereon which is a serious annoyance or a nuisance to or which may in any way interfere with the quiet enjoyment of the Owners of interests in the Property**, which shall violate any law or ordinance or which shall in any way increase the rate of insurance for the Property, or cause any insurance policy to be cancelled or to cause a refusal to renew the same or which will impair the structural integrity of any building.

We believe that even before the proposed expansion, the current noise level related to the dialysis center constitutes a prohibited nuisance under the CC&Rs of the Master Association because of its interference with the quiet enjoyment of the residents of residential parcel. However, and regardless of whether current activity constitutes a nuisance, any expansion thereof, especially as planned, surely would qualify as a prohibited nuisance. As such, Ocean Gardens HOA reserves all of its legal rights should the conditional use for the expansion of the dialysis clinic be approved.

If the Planning Department approves this project (which we strongly urge it not to do), we request that it to limit construction activity to between the hours of 7:00 a.m. and 5:00 p.m. Based on previous remodels on this site, we have experienced excessive noise due to the concrete and steel frame acting as an echo chamber for residents living above the commercial parcel. Also, please take into consideration the current shelter in place order and the impact construction noise would have on residents in the area.

We want to remind the Planning Commission that the Ocean Avenue corridor has changed greatly in the last decade. The City has gone to great lengths to ensure a housing-oriented approach is implemented, and, because of this, we have the welcome addition of Avalon Ocean Avenue apartment complex, and another new apartment complex at the Phelan Loop. There has also been new multi-unit residential construction at Ocean and Brighton and Ocean and Miramar, and the planned future development at Balboa Park Reservoir. This, in turn, has invited a number of retail services (Target, Whole Foods, Ace Hardware, Philz Coffee, Wells Fargo Bank, and several new restaurants) to move in to support the needs of the residents.

While the dialysis center has been in place for quite some time, we feel it is better suited in a location where there is an open parking lot that can better serve its patients. The expansion of the dialysis center is just not a positive step for the neighborhood. The neighborhood needs more walkable retail services, not a large dialysis center.

Thank you for your consideration.

Ocean Gardens HOA
David I. Blumenfeld, President

Appendix A: Photos of traffic backed up on right lane of Ocean Avenue





Appendix B: Photo of Garage Clearance at 1738 / 1760 Ocean Ave which shows clearance as 8'2":





CHAIR

Miles Escobedo
Ocean Ale House

VICE CHAIR

Sabine Taliaferro
Ocean Cyclery

SECRETARY-TREASURER

Neil Ballard
Ingleside Community Fund

DIRECTORS

Raj Bhatt
Indulgence Tea Bar

Ahmad Murad
Fog Lifter Cafe

Peter Tham
Loc Tham Real Estate Group

Lucia Fuentes Zarate
The Ave Bar

Eric Heaney
Ingleside Community Power

June 15, 2020

To: Mayor London Breed, Director Joaquin Torres, Supervisor Norman Yee, Planning Director Rich Hillis, and Planner Jeffrey Horn

CC: Savely Architects and Burton Siu

Re: **RAI Care Center**

To whom it may concern,

The Ingleside Merchants Association strongly urges the Planning Commission to reject RAI Care Center's application to expand its premises into 1760 Ocean Avenue.

RAI Care Center has long been a source of concern and consternation to the Ocean Avenue business community. The clinic's lack of curbside management for its patients causes pedestrian and vehicle congestion and stoppages several times daily. The management of RAI Care Center allows the facade to remain in a state of poor repair, employees smoke cigarettes outside near the entrances, and the clinic does not meaningfully engage with neighbors or the business community.

The proposed 15,000-square-foot expansion of the dialysis center would amplify a number of these longstanding problems. It would result in a sharp increase in traffic congestion, create an impediment to K Ingleside light rail service, jeopardize pedestrian safety at the loading zone, and result in a negative impact on parking.

1760 Ocean Avenue is a corner commercial space designed for an anchor tenant. In the not-so-distant past, the landlord rejected a bid from BevMo! to lease the space, leaving it vacant for years while CVS Pharmacy dutifully paid the remainder of its lease rents.

California and San Francisco are dependent on sales tax. For the sake of the long term economic recovery of the neighborhood and city, our commercial corridors must remain available to retail operations.

The project sponsor has conducted no community outreach in advance of their bid to expand into 1760 Ocean Avenue, which we view as regrettable and further cause for the disqualification of their application.

On top of all of these reasons, it was widely reported that Fresenius Medical Care, RAI Care Center's parent company, paid a whopping \$231 million last year to settle corruption charges brought by the U.S. Department of Justice.

Thank you,
Ingleside Merchants Association