



EXECUTIVE SUMMARY CONDITIONAL USE

HEARING DATE: MAY 6, 2021

Record No.: 2021-001979CUA
Project Address: 141 Leland Avenue
Zoning: Neighborhood Commercial, Small Scale (NC-2) District and Residential- House, One Family (RH-1)
40-X Height and Bulk District
Block/Lot: 6250/014, 015, 016, 017, 018, 019, 020
Project Sponsor: Esmeralda Compos
Mercy Properties California
1256 Market Street
San Francisco, CA 94102
Property Owner: Mercy Properties California
1256 Market Street
San Francisco, CA 94102
Staff Contact: Jeff Horn – (628) 652-7366
jeffrey.horn@sfgov.org

Recommendation: Approval with Conditions

Project Description

This proposal is to change the use of an existing 45-guest Residential Care Facility to 45 bedrooms of group housing within an existing 20,424 gross square foot, two-story building.

The Project is utilizing the California State Density Bonus law and requests Incentives / Concessions for rear yard, and a waiver for usable open space.

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 Interim Zoning Control 2019-017654PCA to allow the for a change of use from Residential Care Facility to a Group Housing.

Issues and Other Considerations

- **Public Comment & Outreach.**

- **Support/Opposition:** The Department has not received any comment letters in support or opposition to the Project.
- **Outreach:** As part the RCFCI delicensing project by the City of San Francisco, the following outreach has occurred:

The following resident outreach has occurred off-site:

- A. Mayor's Office Update – March 15
- B. Community HIV Housing Plan Update – March 18
- C. HIV Planning Council Update – March 22
- D. Community Care Licensing Update – March 24
- E. Primary Care Provider Update – April 7
- F. Supervisor Mandelman and Staff – April 19

Resident and Staff Outreach

- G. Town Hall and individual meetings have been ongoing since the week of March 8

- **Interim Zoning Controls.** On October 11, 2019, the Board of Supervisors passed Board File No. 190907 enacting a resolution to require Conditional Use Authorization from the Planning Commission to change the use of a Residential Care Facility to another use. As part of this resolution, the Commission must adopt certain findings, as detailed in the draft motion.
- **Facility Operations.** Owner by Mercy Housing, and Operated Catholic Charities, the existing facility is licensed by the State of California as a Residential Care Facility for the Chronically Ill for people living with HIV or AIDS, and the change of use to residential group housing is to allow the City of San Francisco to develop an intermediate level of supportive housing that does not require licensure. The proposed use change will maintain the same number of residents (45), and some of the existing residents will remain in the facility. There will also be a potential decrease in on-site staffing due to the lower level of acuity of the residents under the new category. The project is 100% affordable housing per the requirements of the federal funding source (HOPWA).

Environmental Review

The Project is “Not a Project” under the California Environmental Quality Act (“CEQA”)

Basis for Recommendation

The Department finds that the Project is, on balance, consistent with the Objectives and Policies of the General Plan, and the findings of the Interim Zoning Controls adopted by the Board of Supervisors. The proposed new residential group housing will be located within the existing buildings on-site, no changes are proposed to the exterior or interior. The proposed change will maintain the same number of residents (45) that reside on the property. The Project will provide a development that is necessary or desirable, and compatible with, the

neighborhood or the community by providing an intermediate level of congregate care for persons living with HIV/AIDS within an existing facility established in the 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 and Renderings

Exhibit C – Land Use Data

Exhibit D– Maps and Context Photos



PLANNING COMMISSION DRAFT MOTION

HEARING DATE: May 6, 2021

Record No.: 2021-001979CUA
Project Address: 141 Leland Avenue
Zoning: Neighborhood Commercial, Small Scale (NC-2) District and Residential- House, One Family (RH-1)
40-X Height and Bulk District
Block/Lot: 6250/014, 015, 016, 017, 018, 019, 020
Project Sponsor: Esmeralda Compos
Mercy Properties California
1256 Market Street
San Francisco, CA 94102
Property Owner: Mercy Properties California
1256 Market Street
San Francisco, CA 94102
Staff Contact: Jeff Horn – (628) 652-7366
jeffrey.horn@sfgov.org

ADOPTING FINDINGS RELATING TO A CONDITIONAL USE AUTHORIZATION, PURSUANT TO PLANNING CODE SECTION 303 AND BOARD OF SUPERVISORS FILE NO. 190908 AND FOR CONCESSION/INCENTIVE AND WAIVER FROM DEVELOPMENT STANDARDS, PURSUANT TO PLANNING CODE SECTION 206.6 AND CALIFORNIA GOVERNMENT CODE SECTION 65915 PURSUANT TO STATE DENSITY BONUS LAW TO ALLOW THE CHANGE IN USE OF A RESIDENTIAL CARE FACILITY USE TO A GROUP HOUSING WITHIN AN EXISTING TWO-STORY BUILDING, LOCATED AT 141 LELAND AVENUE, LOTS 014-020 IN ASSESSOR'S BLOCK 6250, WITHIN AN NEIGHBORHOOD COMMERCIAL, SMALL SCALE (NC-2) DISTRICT AND RESIDENTIAL- HOUSE, ONE FAMILY (RH-1) AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On February 25, 2021, Esmeralda Compos of Mercy Properties California (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for a Conditional Use Authorization under Planning Code Sections 303 and Interim Zoning Control 2019-017654PCA and for Concession/Incentive and Waiver from Development Standards, pursuant to Planning Code Section 206.6 and California Government Code Section 65915 pursuant to State Density Bonus Law to allow the for a change of use from Residential Care Facility to a Group Housing at 141 Leland Avenue, Block 6250, Lots 014 through 020 (hereinafter "Project Site").

On May 6, 2021, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2021-001979CUA.

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2021-001979CUA is located at 49 South Van Ness Avenue, Suite 1400, San Francisco, California.

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. 2021-001979CUA, 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.

Project Description. This proposal is to change the use of an existing 45-guest Residential Care Facility to 45 bedrooms of group housing within an existing 20,424 gross square foot, two-story building.

Operated under a contract to the City and County of San Francisco through the Mayor's Office of Housing and Community Development, the existing facility is licensed by the State of California as a Residential Care Facility for the Chronically Ill for people living with HIV or AIDS, and the change of use to residential group housing is to allow the City of San Francisco to develop an intermediate level of supportive housing that does not require licensure. The proposed change will maintain the same number of residents (45), and some of the existing residents will remain in the facility. There will also be a potential decrease in on-site staffing due to the lower level of acuity of the residents under the new category.

2. Site Description and Present Use. The Project site is comprised of seven lots located at the corner of Leland Avenue and Peabody Street, and combined have any area of approximately 21,217 square feet. The four lots fronting on Leland are located within the NC-2 District and are developed with the two-story building. The Remaining three lots to the south are within the RH-1 District and are developed with an 18 vehicle accessory parking lot that is accessed off Peabody Street.

3. Surrounding Properties and Neighborhood. The subject property located within a length of neighborhood along Leland Avenue, which is surrounded by properties zoned RH-1 and strip of P (Public) across Leland Avenue that is the terminus point of the Visitacion Valley Greenway. Leland Avenue is developed with 2- to 3-story mixed use and residential buildings and the surrounding areas are predominantly two-story single-family-homes.

4. Public Outreach and Comments. No public comments were received on the project. As part the RCFCI delicensing project by the City of San Francisco, the following outreach has occurred:

The following resident outreach has occurred off-site:

- A. Mayor's Office Update – March 15
- B. Community HIV Housing Plan Update – March 18
- C. HIV Planning Council Update – March 22
- D. Community Care Licensing Update – March 24
- E. Primary Care Provider Update – April 7
- F. Supervisor Mandelman and Staff – April 19

Resident and Staff Outreach

- G. Town Hall and individual meetings have been ongoing since the week of March 8

5. Planning Code Section 206.6 Findings. Pursuant to Planning Code Section 206.6(e), the Planning Commission shall make the following findings as applicable for any application for a Density Bonus,

Incentive, Concession or Waiver for any Individually Requested State Density Bonus Project:

- A. The Housing Project is eligible for the Individually Requested State Density Bonus Program pursuant to Planning Code Section 206.6(b) and meets all the following criteria:
- (1) The project contains five or more residential units;
 - (2) The project is not seeking and receiving any density or development bonus under Section 207; the HOME-SF program, Section 206.3; the 100% Affordable Housing Bonus Program, Section 206.4; Section 304, or any other local or state bonus program that provides development bonuses;
 - (3) Provides Restricted Affordable Housing Units, including but not limited to Inclusionary Housing Units, at minimum levels as provided in Table 206.6A;
 - (4) Provides replacement units for any units demolished or renovated that are subject to the San Francisco Rent Stabilization and Arbitration Ordinance, Administrative Code Section 37, or are units qualifying for replacement as units being occupied by households of low or very low income, consistent with the requirements of Government Code Section 65915(c)(3); and
 - (5) Is in any zoning district except for RH-1 or RH-2, unless the Code permits the development of a project of five units or more on a site or sites.

The Project contains 45 residential units, which exceeds the minimum of five units required to qualify for the State Density Bonus Law. The project is not seeking any other density or development bonus outside of the additional density, waivers, and incentives/concessions provided by the State Density Bonus Law. The project provides more than 24% of the proposed rental dwelling units as affordable to lower income households, defined as those earning 80% of area median income, and is therefore entitled to a 50% density bonus under the State Law. The Project is seeking a density bonus of approximately 15%. The project does not propose to demolish any units which are subject to the San Francisco Rent Stabilization and Arbitration Ordinance. A portion of the project is in the RH-1 District, but the structure proposed to be converted to residential uses is wholly located in the NC-2 Zoning District, which permits a density greater than five units at the site.

- B. The Housing Project has demonstrated that any Concessions or Incentives reduce actual housing costs, as defined in Section 50052.5 of the California Health and Safety Code, or for rents for the targeted units, based upon the financial analysis and documentation provided.

The Project is seeking an incentive or concession from the development standards for Rear Yard (Planning Code Section 134). The existing Residential Care Facility includes 18 parking spaces behind the existing building which serve both residents and staff. Parking is usually not permitted within the rear yard setback; however, removing the parking would have significant financial implications for the project, which does not propose any alterations or construction. Not only would the project require construction work to remove the parking lot and install another use, but would also result in the loss of an amenity to tenants and potential loss of rental income.

- C. If a waiver or modification is requested, a finding that the Development Standards for which the waiver is requested would have the effect of physically precluding the construction of the Housing Project with the Density Bonus or Concessions and Incentives permitted.

The maximum density at the site would permit 39 group housing rooms. In its current operations, the Residential Care Facility serves 45 existing residents. To maintain the existing occupancy through the proposed change of use from institutional use (residential care) to residential use (group housing), the project requires a density bonus of approximately 15%. In addition to the density standards, the change of use to residential also triggers the development standards for residential uses.

The Project requests a waiver from the Planning Code Development Standard for Usable Open Space (Planning Code Section 135); without these waivers, the conversion to residential use would be physically precluded. While the project provides outdoor open areas to the tenants, these outdoor areas do not meet the standards set forth in Section 135 for common usable open space. To bring these open areas into compliance would require modifications to the existing building envelope, resulting in a loss of density.

- D. If the Density Bonus is based all or in part on donation of land, a finding that all the requirements included in Government Code Section 65915(g) have been met.

The Density Bonus for the Project is not based on any donation of land; and is therefore not applicable.

- E. If the Density Bonus, Concession or Incentive is based all or in part on the inclusion of a Child Care Facility, a finding that all the requirements included in Government Code Section 65915(h) have been met.

The requested Density Bonus for the Project is not based on the inclusion of a Child Care Facility; and is therefore not applicable.

- F. If a waiver or modification is requested, a finding that the Development Standards for which the waiver is requested would have the effect of physically precluding the construction of the Housing Project with the Density Bonus or Concessions and Incentives permitted.

The Project requests the following waivers of Planning Code Development Standards: 1) Rear Yard (Planning Code Section 134); 2) Usable Open Space (Planning Code Section 135);

6. Planning Code Compliance. The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Use.** Planning Code permits Group Housing with a density limits of 1 bed for every 225 square feet of lot area within an NC-2 District and it is not permit and RH-1 District.

The Project provides 45 beds of group housing within the existing site. The area of the lot zoned NC-2 is

10,518 square feet, which allows for 38 group housing units. Per Section 206.6, the project requests a density bonus of 18% to provide a total of 45 beds.

- B. **Rear Yard.** Section 134 of the Planning Code requires a rear yard equal to 45% of lot depth within an NC-2 District and 30% in the RH-1 District.

The rear yard of the property is located entirety in the RH-1 zoned portion, when measured from the Leland Street frontage. The entirety of the properties rear yard is developed with an 18 vehicle parking lot and therefore a waiver to rear yard is requested per the State Density Bonus Program and Section 206.6.

- C. **Open Space.** Section 135 of the Planning Code requires that for all group housing projects, the minimum amount of usable open space provided for use by each bedroom shall be one-third the amount required for a dwelling unit. A minimum of 100 square feet of private outdoor space, or 133 square feet of common outdoor space, are required for residential units within the NC-2 Zoning District.

The 45-bed group housing project would be required to provide 1,796 square feet of common usable open space. The project requests a waiver to rear yard is requested per the State Density Bonus Program and Section 206.6.

- D. **Dwelling Unit Exposure.** Section 140 of the Planning Code requires that for all group housing projects, either each bedroom or at least one interior common area that meets the 120 square-foot minimum superficial floor area requirement of Section 503 of the Housing Code at least one room that faces a street, yard, or open space that is at least 20-feet deep.

The project provides a common area of at least 120 square feet in area that faces onto Leland Avenue.

- E. **Bicycle Parking.** Section 155.2 of the Planning Code requires one Class 1 bicycle parking space four beds of group housing and a minimum of two Class 2 bicycle parking spaces.

The proposed 45-bedroom group housing project will provide 11 Class 1 bicycle storage lockers within the site's rear yard and two Class 2 bicycle parking spaces off-site. The Class 1 bicycle parking will be stored within the allowable 100 square feet yard obstruction as provided in Planning Code Section 136(c)(23).

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 new residential group housing will be located within the buildings on site, no changes are proposed to the exterior or interior. The proposed change will maintain the same

number of residents (45), and even some of the residents will live in this facility. There will also be a potential decrease in on-site staffing due to the lower level of acuity of the residents under the new category. The Project will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community by providing an intermediate level of congregate care for persons living with HIV/AIDS.

- 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 size and shape of the site and the size, shape, and arrangement of the building, e.g. height and bulk, will not be modified as part of this Project.

- (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 Planning Code does not require off-street parking for Residential uses. The existing site will retain the one off-street parking space.

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

The Project will not produce noxious or offensive emissions related to noise, glare, dust, or odor.

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

The Project currently provides a front setback that is within compliance with landscaping and permeability requirements. The existing side property line along Alert Alley is fenced and provides screening of the existing off-street parking space.

- 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 Use District.

The Project Site is located in an NC-2 Zoning District in which group housing is a principally

permitted use.

- 8. Interim Zoning Controls Findings: Change of Use to a Residential Care Facility.** Effective on October 11, 2019, the Board of Supervisors passed an interim zoning control to require Conditional Use Authorization for a change in use of a residential care facility. 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. Any findings by the Department of Public Health, the Human Services Agency, the Department of Aging and Adult Services, or the San Francisco Long-Term Care Coordinating Council regarding the capacity of the existing Residential Care Facility Use, the population served, and the nature and quality of services provided.

Operated under contract to the City and County of San Francisco through the Mayor's Office of Housing and Community Development, the existing facility is licensed by the State of California as a Residential Care Facility for the Chronically Ill for people living with HIV or AIDS, and the change of use to residential group housing is to allow the City of San Francisco to develop an intermediate level of supportive housing that does not require licensure. The proposed change will maintain the same number of residents (45), and some of the existing residents will remain in the facility. There will also be a potential decrease in on-site staffing due to the lower level of acuity of the residents under the new category.

- B. The impact of the change of use on the neighborhood and community.

The Project Site is on a primarily residential block with single-family homes and multifamily buildings. The change of use would not alter the existing structures. The proposed change will maintain the same number of residents (45), and some of the existing residents will remain in the facility. There will also be a potential decrease in on-site staffing due to the lower level of acuity of the residents under the new category.

- C. Whether there are sufficient available beds at a licensed Residential Care Facility within a one-mile radius of the site.

The residents of the existing Residential Care Facility for the Chronically Ill for people living with HIV or AIDS have a unique housing need that not all licensed Residential Care Facilities provide. As a result of MOHCD's RCFCI Delicensure Project, beds for persons living with HIV or AIDS would be available at Maitri (15 beds) located at 401 Duboce Avenue and Peter Claver Community (32 beds) located at 1340 Golden Gate.

- D. Whether the Residential Care Facility Use to be converted will be relocated or replaced with another Residential Care Facility Use. 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 proposed new residential group housing will be located within the buildings on site, no changes are proposed to the exterior or interior. The proposed change will maintain the same

number of residents (45), including some of the residents that currently live in the facility. There will also be a potential decrease in on-site staffing due to the lower level of acuity of the residents under the new category. The Project will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community by providing an intermediate level of congregate care for persons living with HIV/AIDS.

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

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 2

RETAIN EXISTING HOUSING UNITS, AND PROMOTE SAFETY AND MAINTENANCE STANDARDS, WITHOUT JEOPARDIZING AFFORDABILITY.

Policy 2.1

Discourage the demolition of sound existing housing, unless the demolition results in a net increase in affordable housing.

Policy 2.2

Retain existing housing by controlling the merger of residential units, except where a merger clearly creates new family housing.

Policy 2.4

Promote improvements and continued maintenance to existing units to ensure long term habitation and safety.

Policy 2.5

Encourage and support the seismic retrofitting of the existing housing stock.

OBJECTIVE 11

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

Policy 11.1

Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

Policy 11.2

Ensure implementation of accepted design standards in project approvals.

Policy 11.3

Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

Policy 11.4

Continue to utilize zoning districts which conform to a generalized residential land use and density plan and the general plan.

Policy 11.5

Ensure densities in established residential areas promote compatibility with prevailing neighborhood character.

Policy 11.6

Foster a sense of community through architectural design, using features that promote community interaction.

Policy 11.7

Respect San Francisco's historic fabric, by preserving landmark buildings and ensuring consistency with historic districts.

Policy 11.8

Consider a neighborhood's character when integrating new uses, and minimize disruption caused by expansion of institutions into residential areas.

The Project includes the conversion of a vacant Residential Care Facility use to a Residential use containing is changing the use of an existing 45-guest Residential Care to a residential use of 45-beds of group housing within the two existing buildings located on the lot. Operated under contract to the City and County of San Francisco through the Mayor's Office of Housing and Community Development, the existing facility is licensed by the State of California as a Residential Care Facility for the Chronically Ill for people living with HIV or AIDS, and the change of use to residential group housing is to allow the City of San Francisco to develop an intermediate level of supportive housing that does not require licensure. The proposed change will maintain the same number of residents (45), and some of the existing residents will remain in the facility. There will also be a potential decrease in on-site staffing due to the lower level of acuity of the residents under the new category.

The proposed new residential group housing will be located within the buildings on site, no changes are proposed to the exterior or interior. The proposed change will maintain the same number of residents (10), and even some of the residents will live in this facility. There will also be a potential decrease in on-site staffing due to the lower level of acuity of the residents under the new category. The Project will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community by providing an intermediate level of congregate care for persons living with HIV/AIDS.

The proposal to change the use to group housing to provide an intermediate level of congregate care for persons living with HIV/AIDS is, on balance, consistent with the Objectives and Policies of the General Plan.

- 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 complies 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 is not anticipated to significantly affect the existing mix of neighborhood-serving retail uses. The Project is a residential rather than commercial use.

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

The Project is not anticipated to adversely affect the character or diversity of the neighborhood. The Project will create new group housing to provide an intermediate level of congregate care as a Transitional Residential Care Facility.

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

The Project would not have any adverse effect on the City's supply of affordable housing.

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

The Project Site is served by nearby public transportation options. The Project is located within a ¼ mile of the 8 Bayshore Muni bus lines and the K and T MUNI subway lines. The Project is retaining 18 on-site parking space within the yard. Therefore, traffic and transit ridership generated by the Project will not overburden the streets or MUNI service.

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

The Project will not displace or adversely affect any service sector or industrial businesses and it does not include any commercial office development.

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

This Project will not adversely affect the property's ability to withstand an earthquake. The Project will comply with the requirements of the San Francisco Building Code.

- G. That landmarks and historic buildings be preserved.

The subject property is not considered to be an historic resource.

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

The Project will have no negative effect on existing parks and open spaces, and will not adversely

affect their access to sunlight, or vistas.

- 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. 2021-001979CUA** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, undated, 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 May 6, 2021.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: May 6, 2021

EXHIBIT A

Authorization

This authorization is for a conditional use to allow a change in use from Residential Care Facility to a dwelling unit, located at 141 Leland Avenue, Lot 014 through 020 of Block 6250, pursuant to Planning Code Sections Planning Code Section 303 and Board of Supervisors File No. 190908 and for Concession/Incentive and Waiver from Development Standards, pursuant to Planning Code Section 206.6 and California Government Code Section 65915 pursuant to State Density Bonus Law, within the NC-2 and RH-1 Zoning District and 40-X Height and Bulk District; in general conformance with plans, undated, and stamped "EXHIBIT B" included in the docket for Record No. 2021-001979CUA and subject to conditions of approval reviewed and approved by the Commission on May 6, 2021 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 XXXXXX 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 628.652.7463, www.sfplanning.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 628.652.7463, www.sfplanning.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 628.652.7463, www.sfplanning.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 628.652.7463, www.sfplanning.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 628.652.7463,
www.sfplanning.org*

Parking and Traffic

- 6. Bicycle Parking.** The Project shall provide no fewer than 11 Class 1 Bicycle and 2 Class 2 Bicycle parking spaces as required by Planning Code Sections 155.1 and 155.2.

*For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463,
www.sfplanning.org*

- 7. 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 628.652.7463,
www.sfplanning.org*

Monitoring - After Entitlement

- 8. 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 628.652.7463,
www.sfplanning.org*

- 9. 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 628.652.7463,
www.sfplanning.org*

Operation

- 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, 628.271.2000, www.sfpublishworks.org

- 11. 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 628.652.7463, www.sfplanning.org

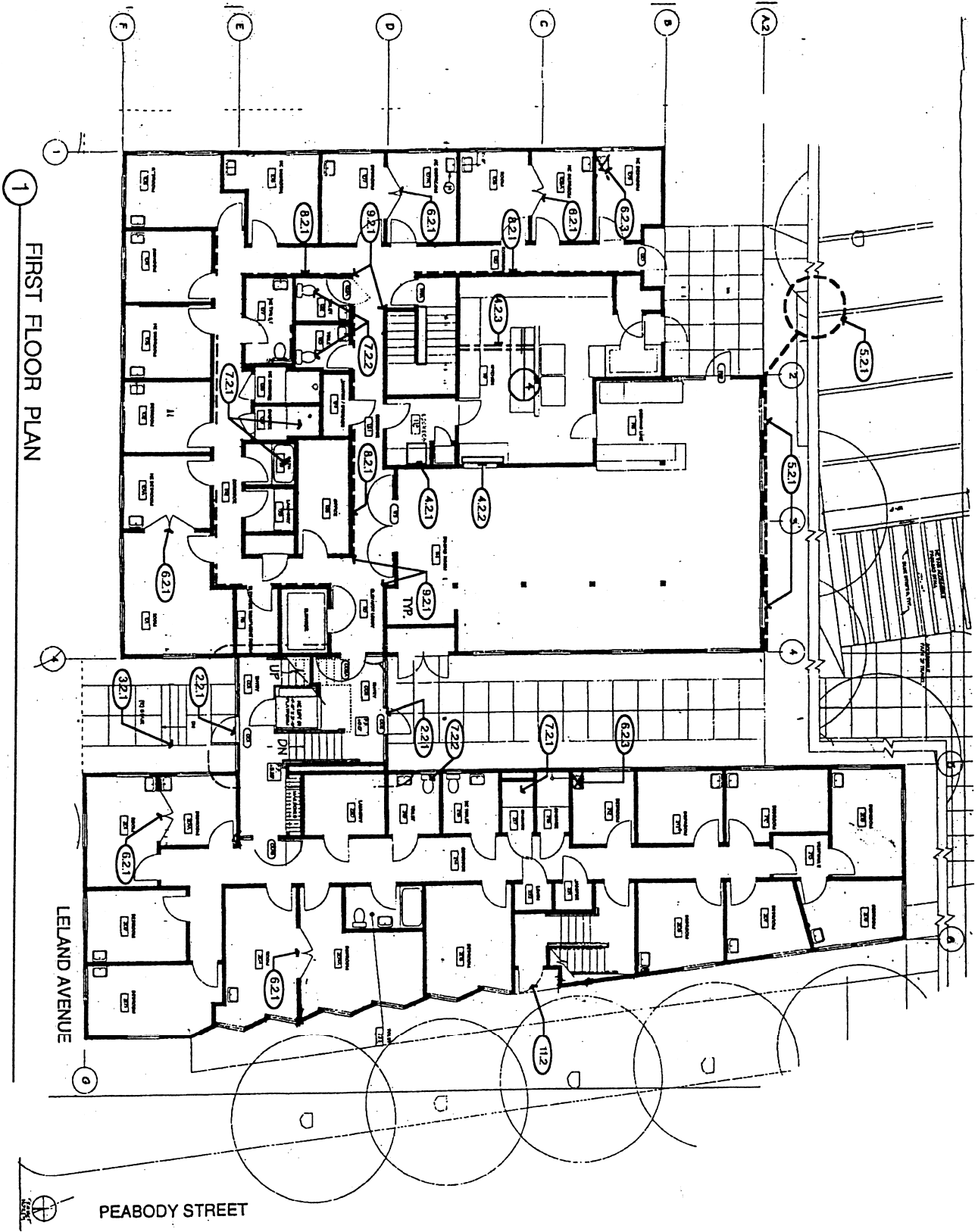
- 12. State Density Bonus.** The Project currently operates as a 100% affordable housing project with units restricted at a maximum of 80% AMI. Pursuant to CA Govt. Code Section 65915 and Planning Code Section 206.6 (The State Density Bonus Law), the project is seeking a 15% density bonus to provide a maximum of 45 units, exceeding the maximum allowable density on the site (or base density, a total of 39 units) by six units. In order to qualify for this density bonus, the project sponsor shall restrict at least 10% of the base units, or four units, to Lower Income Households as defined in CA Govt. Code Section 65915. Alternatively, the sponsor may restrict at least 5% of the base units, or two units, to very low income households as defined in CA Govt. Code Section 65915. Affordable units provided pursuant to the State Density Bonus Law shall remain affordable for 55 years.

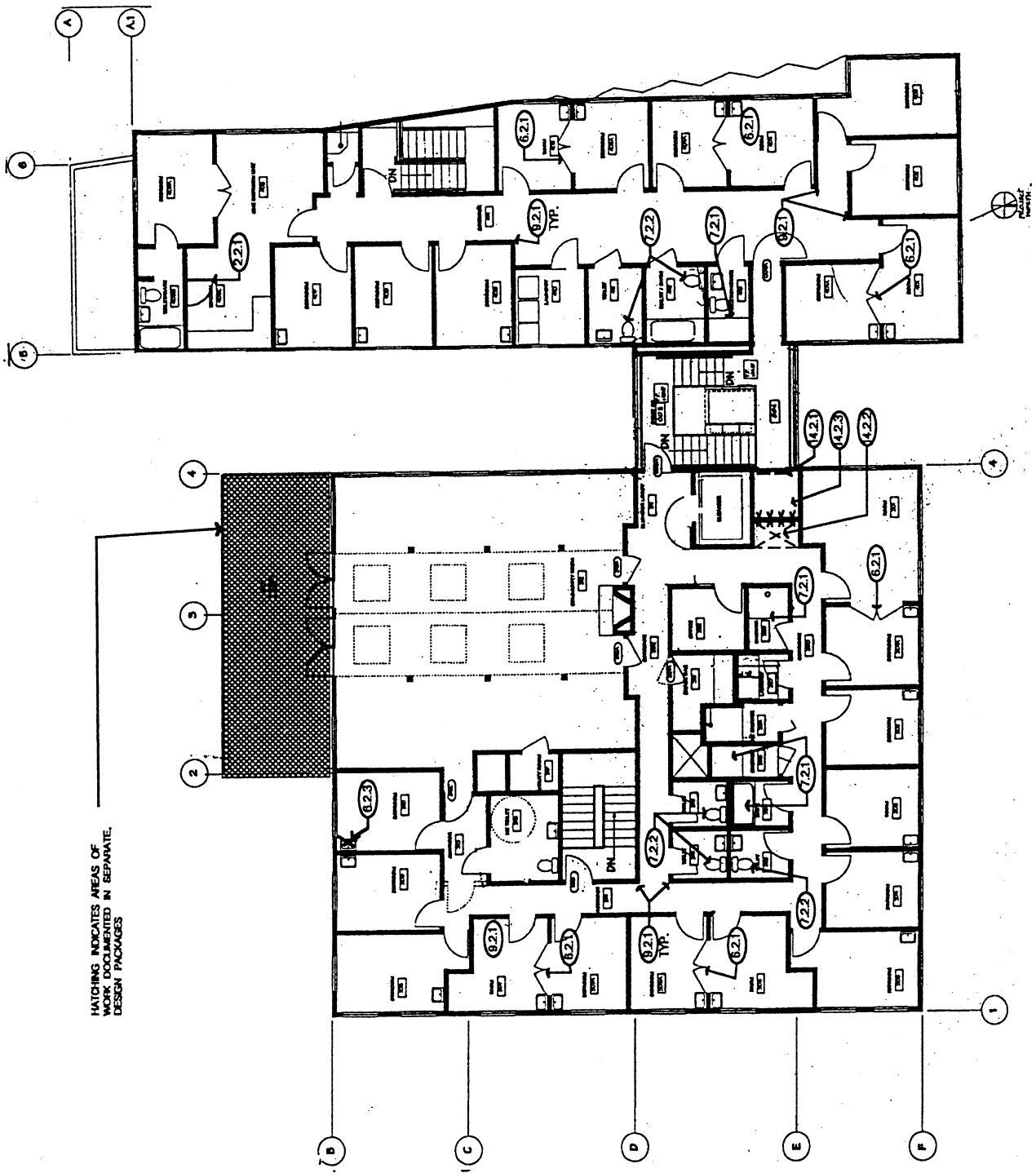
For information about compliance, contact the Case Planner, Planning Department at 628.652.7463, www.sfplanning.org

- 13. Inclusionary Affordable Housing Program.** As currently proposed, the Project is exempt from the Inclusionary Affordable Housing Program because it is a 100% affordable housing project in which rents are controlled or regulated by any government unit, agency or authority, excepting those unsubsidized and/or unassisted units which are insured by the United States Department of Housing and Urban Development. In the event that the Project changes and some or all of the units become market-rate, the Project shall comply with the inclusionary housing requirements set forth in Section 415 of the Code. This condition of approval shall constitute the written determination and notice of the inclusionary housing requirement pursuant to the procedures set forth in Code Section 415.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7463, www.sfplanning.org

FIRST FLOOR PLAN





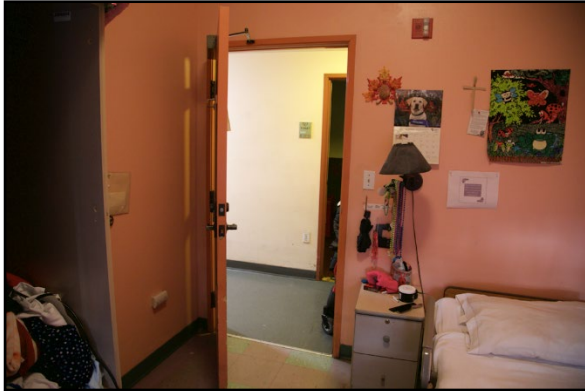
Leland Descriptions and Photos

Leland House is composed of two physical buildings that are joined by a central staircase. Each building has two floors, but they are on slightly different levels, so floors 1 and 3 are the respective ground levels in each building, and 2 and 4 are the upper levels in each building, with a central stairwell that joins them all.

For each building floor:

	Floor 1	Floor 2	Floor 3	Floor 4
# of resident rooms	10	12	12	11
# of bathrooms with sink and toilet	3	2	4	2
# of showers	2	3	4	4
List of common areas	1	1		
Number of staff offices	3	1	3	2
List of any utility/laundry spaces	2	1		

Leland House – Property Photographs



Resident Room



Resident Room/Sink



Resident Room



Typical Shower



Dining Room



Community Kitchen

Leland House – Property Photographs



Common Area



Parking Lot



Garden/Outdoor Space



Garden/Outdoor Space



Exterior – Leland and Peabody



Exterior/Entry – Leland St.



LAND USE INFORMATION

PROJECT ADDRESS: 141 LELAND AVE
RECORD NO.: 2021-001979CUA

	EXISTING	PROPOSED	NET NEW
GROSS SQUARE FOOTAGE (GSF)			
Parking GSF			
Residential GSF		20,424	20,424
Retail/Commercial GSF			
Office GSF			
Industrial/PDR GSF <i>Production, Distribution, & Repair</i>			
Medical GSF			
Visitor GSF			
CIE GSF	20,424		
Usable Open Space			
Public Open Space			
Other ()			
TOTAL GSF	20,424	20,424	0
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Dwelling Units - Affordable		45	45
Dwelling Units - Market Rate			
Dwelling Units - Total		45	45
Hotel Rooms			
Number of Buildings	2		2
Number of Stories	2		2
Parking Spaces	18		18
Loading Spaces			
Bicycle Spaces			
Car Share Spaces			
Other ()			

	EXISTING	PROPOSED	NET NEW
LAND USE - RESIDENTIAL			
Studio Units			
One Bedroom Units			
Two Bedroom Units			
Three Bedroom (or +) Units			
Group Housing - Rooms		45	45
Group Housing - Beds			
SRO Units			
Micro Units			
Accessory Dwelling Units			



San Francisco Planning

AFFIDAVIT

49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103
www.sfplanning.org

COMPLIANCE WITH THE STATE DENSITY BONUS PROGRAM

Applicants seeking a density bonus pursuant to CA Government Code Section 65915 must complete this Affidavit and provide it to the Project Planner no later than 30 days prior to project approval by the Planning Commission. Additional information about the State Density Bonus Program is available in Planning Director Bulletin 6 and in the Individually Requested State Density Bonus Program Informational and Supplemental Application Packet.

Date: April 23, 2021

I, Ramie Dare, do hereby declare as follows:

The subject property is located at:

Address: 141 Leland Avenue Block and Lot: 6250/017,018,019,020

The subject property is located within the following zoning district:

Zoning District South Central Height and Bulk District: 40-X

Special Use District(s) if applicable: _____

The Planning Application Number is _____ and the Building Permit Application Number is _____.

The Current Planner assigned to my project within the Planning Department is: Jeff Horn

Please indicate the tenure of the project.

☐ **Ownership.** Affordable housing units provided on-site will be sold as ownership units and remain ownership units for the life of the project.

☒ **Rental.** Affordable housing units provided on-site will be rental units and remain rental units for the life of the project.

I acknowledge that changing the project tenure throughout the life of the project may impact the density bonus that the project is eligible for. Changes in tenure, especially from a rental project to an ownership project, may require additional affordable units be provided on-site, or may require ownership units to be provided at lower affordability levels.

(Initial) RD

The project includes 45 total dwelling units and/or group housing rooms. If the project proposes 10 units or more, please complete the Inclusionary Section below. An Affidavit of Compliance with the Inclusionary Affordable Housing Program is required for projects with 10 or more housing units.

☐ This project is exempt from the Inclusionary Affordable Housing Program because:

☐ This project is 100% Affordable

☐ This project is 100% Student Housing

Inclusionary Information

On-site Inclusionary Rate: _____ %

Low Income: _____ % at 55% AMI* (rental) or 80% AMI (ownership)

Moderate Income: 100 % at 80% AMI (rental) or 105% AMI (ownership)

Middle Income: _____ % at 110% AMI (rental) or 130% AMI (ownership)

Inclusionary Fee Rate: _____ %

**Inclusionary Units provided at 55% AMI may qualify for a bonus at the Very Low Income Level (50% AMI).*

I acknowledge that the project is seeking authorization pursuant to Section 415.5(g)(1)(D). On-site affordable units will be credited against the Inclusionary Affordable Housing Fee, as calculated by staff below. The remainder of the fee is required to comply with the Inclusionary Affordable Housing Program.

The Project is seeking the following density bonus:

- ☐ This project is seeking a _____ % density bonus by providing _____ % of units at Very Low Income (50% AMI)
- ☒ This project is seeking a 20 % density bonus by providing 10 % of units at Lower Income (80% AMI)
- ☐ This project is seeking a _____ % density bonus by providing _____ % of units at Moderate Income (120% AMI)
- ☐ This project is 100% affordable and seeking form-based density with three additional stories of height.
- ☐ This project is seeking a 35% density bonus by providing 20% of units to Lower Income Students in a qualifying Student Housing Development.
- ☐ This project is seeking a 20% density bonus by providing senior housing.
- ☐ This project is seeking a 20% density bonus by providing 10% of units to transitional foster youth, disabled veterans, or homeless persons.

I acknowledge that any affordable housing units provided to qualify for a density bonus will be put into the Inclusionary Affordable Housing Program and is generally subject to the procedures set forth in Section 415 and in the Inclusionary Affordable Housing Monitoring and Procedures Manual.

Project Information

The unit mix of the project is as follows:

Unit Type	Number of Units in the Project
Group Housing	45
Studio	
1 BR	
2 BR	
3 BR	
4 BR	
Other (please specify):	

A code-compliant base density study has been provided to the Planning Department. The base density of the subject property is 38 residential square feet / units (choose one). For the purposes of calculating the density bonus, Residential Gross Floor Area means any floor area that would be counted as Gross Floor Area, as defined in Planning Code Section 102 that is dedicated to the residential uses on the property.

The project includes 20,424 total residential gross square feet.

The project is seeking the following waivers:

Residential Density

The project is seeking the following incentives/concessions:

Please attach any supplemental information to demonstrate that the requested incentives/concessions result in actual, identifiable cost reductions for the project.

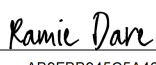
A Regulatory Agreement is required for this project. A Draft Regulatory Agreement must be provided to the Planning Department prior to the first discretionary hearing or building permit approval, as applicable. The regulatory agreement must be finalized and recorded prior to the issuance of the site or building permit.

I have read and understand [Planning Director Bulletin 6: Implementing the State Density Bonus](#) in its entirety.

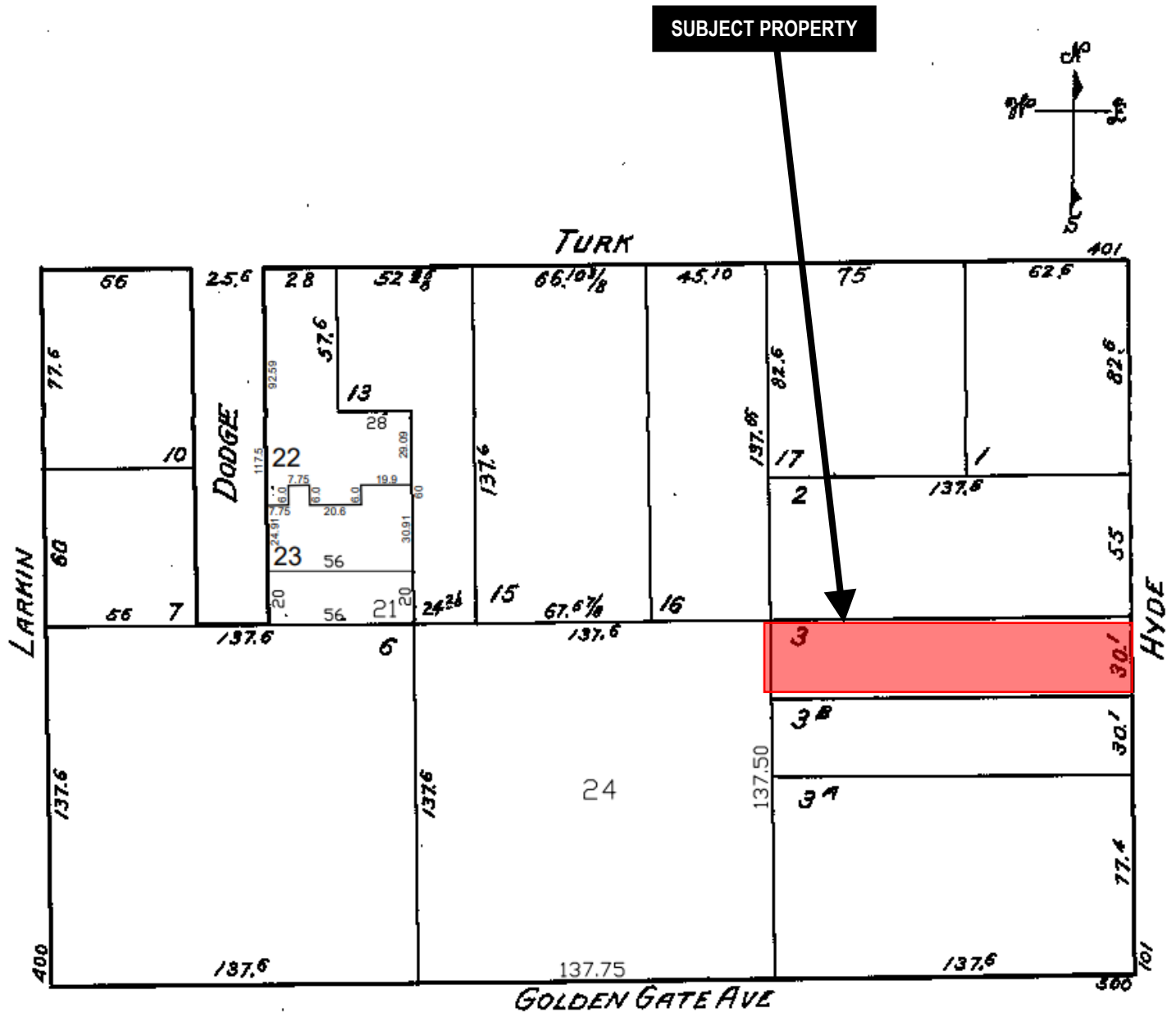
Contact Information and Declaration of Project Sponsor

Company Name: Mercy Housing Name of Contact Person: Ramie Dare
 Address: 1256 Market Street, San Francisco, CA 94102 Phone: (415)355-7118 Email: rdare@mercyhoursing.org

I am a duly authorized agent or owner of the subject property. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of CA Govt. Code Section 65915, Planning Code Section 206.6 and 415 as indicated above.

DocuSigned by:
 Signature: 
 AB9FBB945C5A46A...
 Name (Printed), Title: Owner Date: 4/23/2021

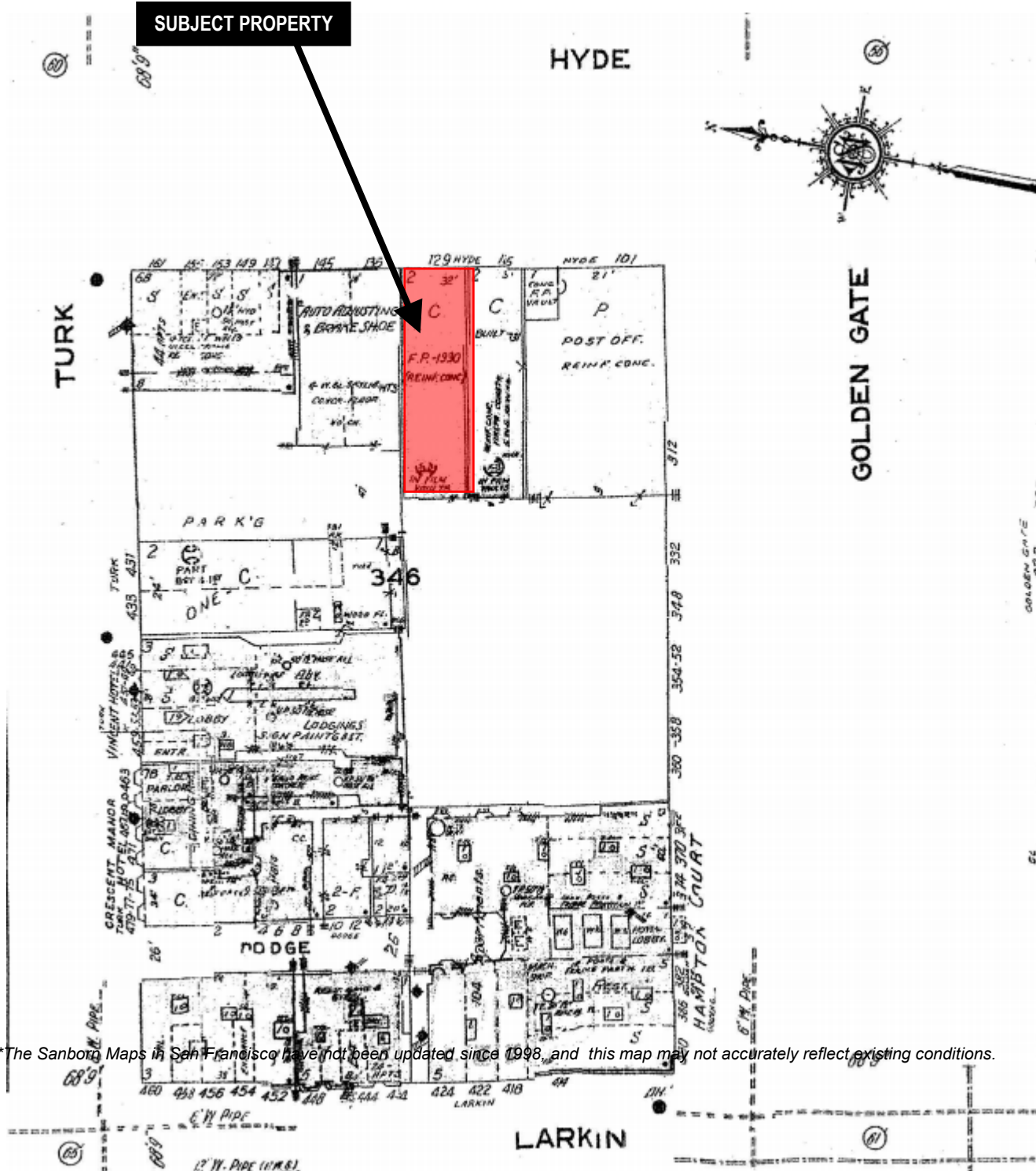
Sanborn Map*



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



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 and Variance Hearing
2021-002736CUAVAR
Removal of Residential Care Facility
129 Hyde Street



Aerial Photo – View 1

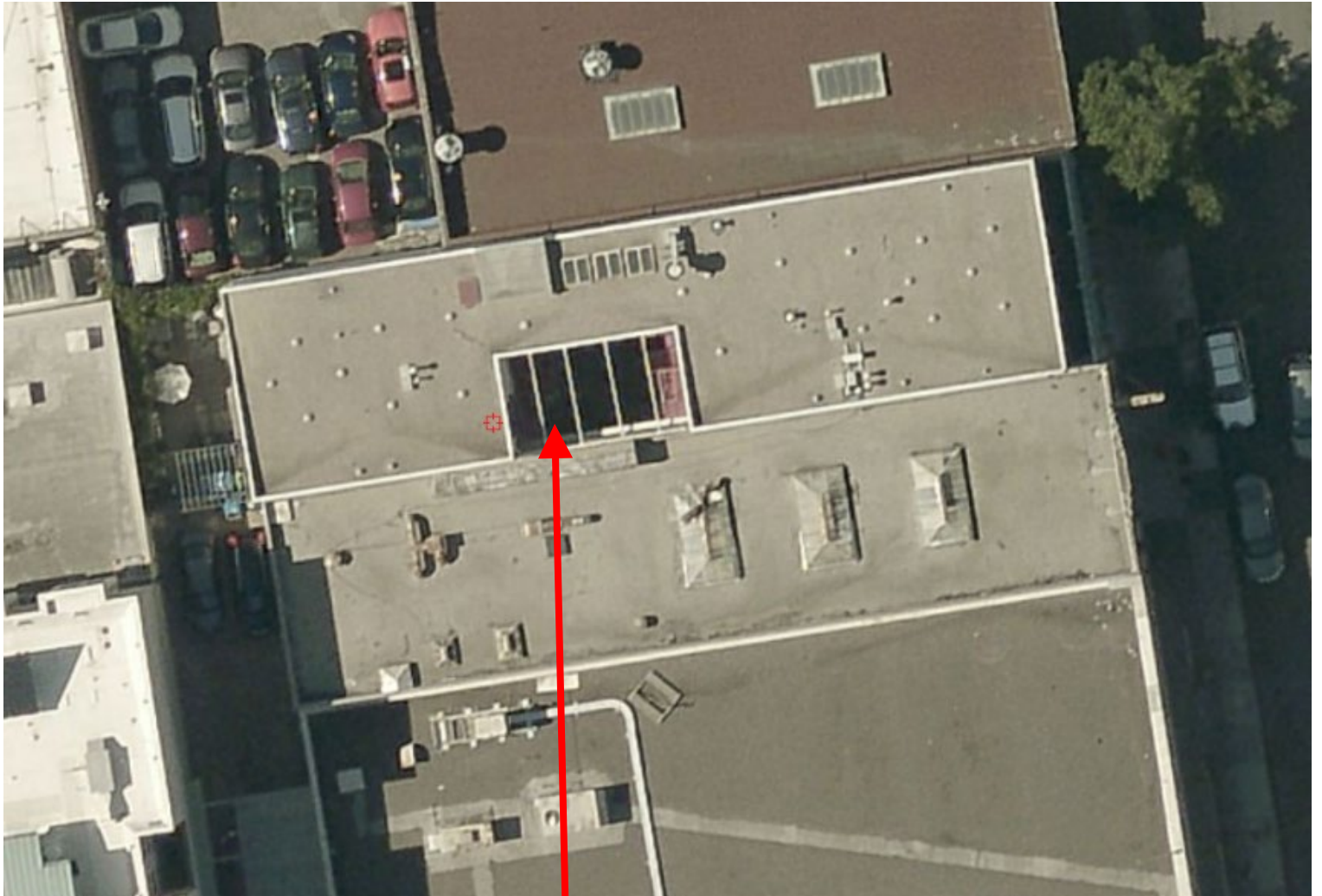


SUBJECT PROPERTY



Conditional Use and Variance Hearing
2021-002736CUAVAR
Removal of Residential Care Facility
129 Hyde Street

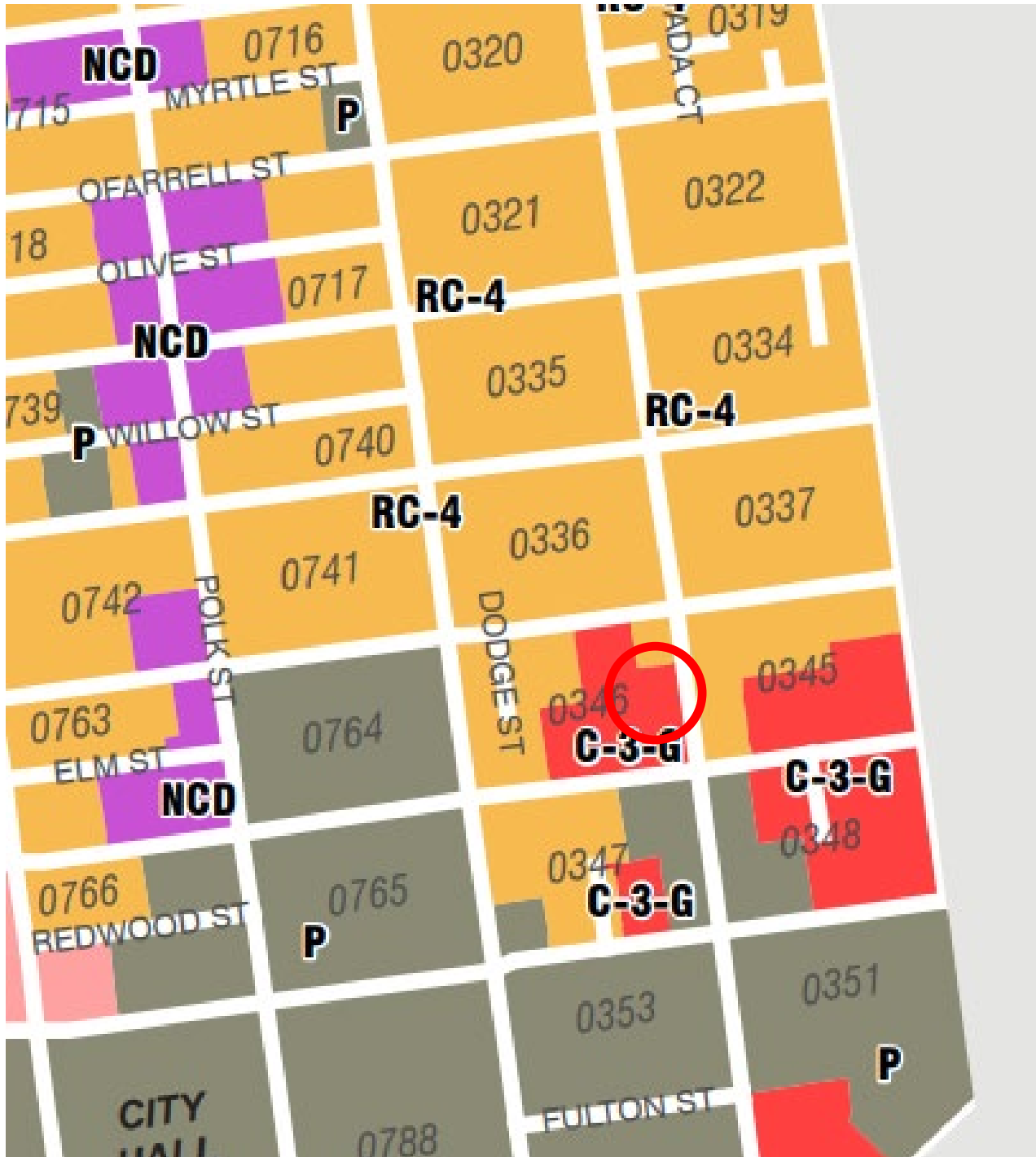
Aerial Photo – View 2



SUBJECT PROPERTY



Zoning Map



Conditional Use and Variance Hearing
2021-002736CUAVAR
Removal of Residential Care Facility
129 Hyde Street

Site Photo



Conditional Use and Variance Hearing
2021-002736CUAVAR
Removal of Residential Care Facility
129 Hyde Street