

File No. 120866

Committee Item No. \_\_\_\_\_  
Board Item No. 32

**COMMITTEE/BOARD OF SUPERVISORS**  
AGENDA PACKET CONTENTS LIST

Committee \_\_\_\_\_

Date \_\_\_\_\_

Board of Supervisors Meeting

Date September 18, 2012

**Cmte Board**

- |                          |                                     |                                              |
|--------------------------|-------------------------------------|----------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Resolution                                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Budget Analyst Report                        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Analyst Report                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Introduction Form (for hearings)             |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/>            | MOU                                          |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Public Correspondence                        |

**OTHER (Use back side if additional space is needed)**

- |                          |                          |                                                              |
|--------------------------|--------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <u>Conditional Use Appeal - 175 Junipero Serra Boulevard</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____                                                        |
| <input type="checkbox"/> | <input type="checkbox"/> | _____                                                        |

Completed by: Joy Lamug  
Completed by: \_\_\_\_\_

Date September 13, 2012  
Date \_\_\_\_\_

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

**NOTICE TO BOARD OF SUPERVISORS OF APPEAL  
FROM ACTION OF THE CITY PLANNING COMMISSION**

Notice is hereby given of an appeal to the Board of Supervisors from the following action of the City Planning Commission.

The property is located at 175 Junipero Serra Blvd.

July 26, 2012  
Date of City Planning Commission Action  
(Attach a Copy of Planning Commission's Decision)

August 24, 2012  
Appeal Filing Date

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2012 AUG 24 AM 8:51

The Planning Commission disapproved in whole or in part an application for reclassification of property, Case No. \_\_\_\_\_

The Planning Commission disapproved in whole or in part an application for establishment, abolition or modification of a set-back line, Case No. \_\_\_\_\_

The Planning Commission approved in whole or in part an application for conditional use authorization, Case No. 2012 - 0348 C

The Planning Commission disapproved in whole or in part an application for conditional use authorization, Case No. \_\_\_\_\_

Statement of Appeal:

a) Set forth the part(s) of the decision the appeal is taken from:

1. ~~Over-riding RH-1(D) residential zoning District.~~
2. Lack of honoring Bylaws and Deed Restrictions of Balboa Terrace.
3. Lack of recognition of impossibility to remediate extremely congested traffic and student density within a one-block radius of proposed project. See enclosed charts.
4. Several statement errors in Executive Summary to Planning Commissioners. See enclosed marked copy.

b) Set forth the reasons in support of your appeal:

Please see attached letters and signatures of residents.

Person to Whom  
Notices Shall Be Mailed

Name and Address of Person Filing Appeal:

Margaret Finley  
Name

Margaret Finley  
Name

135 San Rafael Wy.  
Address  
S.F. CA 94127

135 San Rafael Wy.  
Address  
S.F. CA 94127

(415) 731-4808  
Telephone Number

(415) 731-4808  
Telephone Number

Margaret Finley  
Signature of Appellant or  
Authorized Agent



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

## Planning Commission Motion No. 18674 HEARING DATE, JULY 26, 2012

*Date:* July 19, 2012  
*Case No.:* 2012.0348 C  
*Project Address:* 175 JUNIPERO SERRA BOULEVARD  
*Zoning:* RH-1(D) (Residential, One-family, Detached) District  
 40-X Height and Bulk District  
*Block/Lot:* 3250/006  
*Project Sponsor:* Magda Bach  
 1791 33<sup>rd</sup> Avenue  
 San Francisco, CA 94122  
*Staff Contact:* Adrian C. Putra – (415) 575-9079  
 adrian.putra@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 209.3(f) AND 303 TO ALLOW A CHILD CARE FACILITY FOR 15 OR MORE CHILDREN (D.B.A. ALPHA KIDS ACADEMY) WITHIN AN RH-1(D) (RESIDENTIAL, ONE-FAMILY, DETACHED) DISTRICT, AND A 40-X HEIGHT AND BULK DISTRICT.

### PREAMBLE

On March 15, 2012, Magda Bach (Project Sponsor) filed an application with the Department for Conditional Use Authorization under Planning Code Sections 209.3(f) and 303 of the Planning Code to allow a child care facility for 15 or more children (d.b.a. Alpha Kids Academy) within an RH-1(D) (Residential, One-family, Detached), and a 40-X Height and Bulk District.

On July 26, 2012, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0348C.

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



The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

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MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2012.0348C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site at 175 Junipero Serra Boulevard is located on the north side of Darien Way, between Junipero Serra Boulevard and San Rafael Way and is developed with a church for the Ninth Church of Christ, Scientist. The subject lot contains approximately 33,410 square-feet with approximately 200 feet of frontage along Junipero Serra Boulevard, 180 feet of frontage along Darien Way, and 190 feet of frontage along San Rafael Way.
3. **Surrounding Properties and Neighborhood.** The project site is located within an RH-1 (D) (Residential, One-family, Detached) District situated in St. Francis Woods-Neighborhood. RH-1 (D) Districts are characterized by lots of greater width and area than in other parts of the City, and by single-family houses with side yards. The structures are relatively large, but rarely exceed 35 feet in height. Ground level open space and landscaping at the front and rear are usually abundant. Much of the development has been in sizable tracts with similarities of building style and narrow streets following the contours of hills. In some cases private covenants have controlled the nature of development and helped to maintain the street areas. Properties directly to the north and east of the project site are developed with detached, single-family dwellings. Directly south of the project site on the opposite side of Darien Way is Commodore Sloat Elementary School.
4. **Project Description.** The project sponsor seeks a Conditional Use Authorization, pursuant to Planning Code Sections 209.3(f) and 303 to establish a child care facility (d.b.a. Alpha Kids Academy) providing less than 24 hour care for 15 or more children. The proposed facility would be located at the eastern end of the church building and occupy existing Sunday school facilities which are not in use during the weekdays. The proposed facility consists of three class rooms, an art/music room, and library room occupying a total area of approximately 2,700 square-feet. Additionally, the proposed facility will have access to an outdoor play area on the subject property. The proposed facility would operate Monday through Friday from 7:30 AM to 6:00 PM, serving children from ages two and a half to six years, and will be operated by a staff of six (one director, one assistant director, three teachers, and one teacher assistant). The project sponsor expects the proposed facility to typically provide care for 20 to 40 children and at the maximum provide care for up to 60 children throughout the day. The project sponsor does not plan to have all children at the school at one time, but rather stagger the times when children are

at the facility by having a system for children to arrive either between 7:30 to 9:00 AM for morning care, and offer early pick-up or afternoon care for children from 3:30 to 6:00 PM. In addition, there is ample on-street parking abutting the subject property along Junipero Serra Boulevard, Darien Way, and San Rafael Way, and the project sponsor has expressed the intention to apply for a passenger loading zone curb along San Rafael Way in front of the entrance to the proposed facility. The operator will also be required to obtain a State issued license to operate the proposed child-care facility and adhere to the Child Care Center General Licensing Requirements of the State of California.

5. **Public Comment.** To date the Department is not aware of any opposition to the project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
  - A. **Institutions – Child Care Facility.** Planning Code Section 209.3(f) requires Conditional Use authorization for child care facilities providing less than 24 hour care for 15 or more children by licensed personnel and meeting the open space and other requirements of the State of California within the RH-1 (D) District.

*The project sponsor seeks Conditional Use Authorization to establish a child care facility providing less than 24 hour care for more than 15 children within an RH-1(D) District.*

- B. **Parking.** Planning Code Section 151 of the Planning Code requires one parking space for each 25 children to be accommodated at any one time, where the number of such children exceeds 24.

*The proposed child care facility will provide child care for a maximum of 60 children, which requires two off-street parking spaces per Planning Code Section 151. The proposed child care facility has up to three off-street parking spaces accessible from Darien Way.*

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:
  - A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

*The project is compatible with the surrounding neighborhood as the proposed child care facility will occupy existing under utilized church facilities currently only used for Sunday school services. The project will not expand the existing building envelope and will not create any further physical impacts upon light, air or midblock open space. The use is desirable as it will provide a vital service for the residents of the neighborhood.*

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*The project is not detrimental to the area since it does not involve any physical expansion to the existing building.*

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

*The project site is located within an established residential neighborhood that is well served by public transit with five MUNI lines within approximately a ¼ mile of the site: K, 17, M, 28, and 28L. Additionally, the proposed child care facility is intended to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips citywide. The project sponsor also intends to apply for a loading zone curb in front of the child care facility's entrance facing San Rafael Way.*

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

*The project will not create any noxious or offensive emissions, such as glare, dust, or odor.*

- iv. 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 propose any change to the existing landscaping or lighting. Any proposed signage will be subject to the review and approval of the Planning Department.*

- 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. General Plan Compliance. The Project is consistent with the Objectives and Policies of the General Plan in that:

## 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.

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**Policy 1.1:**

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

*The project would enhance the city living and working environment by providing needed child care services for residents and workers within the City. The project would also need to comply with State licensing requirements for child care facilities further minimizing possible undesirable consequences from such an operation.*

**OBJECTIVE 2:**  
MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL  
STRUCTURE FOR THE CITY.

**Policy 2.1:**

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

**Policy 3:**

Maintain a favorable social cultural climate in the city in order to enhance its attractiveness as a firm location.

*The project will enhance the diverse economic base of the City.*

**OBJECTIVE 3:**  
PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS,  
PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

**Policy 3.1:**

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

*The project will provide additional employment opportunities for San Francisco residents.*

**GOVERNMENT, HEALTH AND EDUCATION SERVICES**

**Objectives and Policies**

**OBJECTIVE 7:**

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

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Policy 7.2:

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

*The proposed child care center will provide educational services for the children of San Francisco residents. No physical expansion is proposed to the existing church grounds and a majority of the proposed child care facility's activities will take place indoors, hence the adjacent residential uses will not be disrupted.*

9. Planning Code Section 101.1(b) establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

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

*No neighborhood-serving retail use would be displaced by the project.*

- 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 physical alteration or expansion to the project site and thus will not adversely affect existing housing or character of the neighborhood.*

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

*No housing will be removed for this Project.*

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

*Due to the nature of the project there are no anticipated adverse effects upon MUNI service or on neighborhood parking.*

- 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.

*Approval of this project will not adversely affect any industrial or service sector jobs rather it will create new service sector employment opportunities for workers of that sector.*

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

*The project will not impact the subject property's ability to withstand an earthquake and all tenant improvements shall meet the structural and seismic safety requirements of the City Building Code.*

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- G. That landmarks and historic buildings be preserved.

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

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

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

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

### DECISION

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That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES** Conditional Use Application No. 2012.0348C subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 18674. 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, 94012.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on July 26, 2012.

Linda Avery  
Commission Secretary

**AYES:** Commissioners Antonini, Sugaya, Fong, Antonini, Borden, and Wu

**NAYES:** None

**ABSENT:** None

**ADOPTED:** July 26, 2012

## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to allow a child care facility for 15 or more children (d.b.a. Alpha Kids Academy) located at 175 Junipero Serra Boulevard, Block 3250, and Lot 006 pursuant to Planning Code Sections 209.3(f) and 303 and within an RH-1(D) and a 40-X Height and Bulk District; in general conformance with plans, dated June 18, 2012, and stamped "EXHIBIT B" included in the docket for Case No. 2012.0348C and subject to conditions of approval reviewed and approved by the Commission on July 26, 2012 under Motion No. 18674. 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 26, 2012 under Motion No. 18674.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18674 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 and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. 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. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

2. **Extension** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://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](http://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](http://www.sf-planning.org).*

## OPERATION

5. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.  
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)
6. **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/>
7. **Traffic Plan.** The Project Sponsor shall provide a traffic plan that includes providing a passenger loading and unloading "white" zone along a street curb that fronts the subject property. Additionally, crossing guard(s) shall monitor the passenger loading and unloading "white" zone during morning and afternoon pick-up and drop-off hours.  
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)

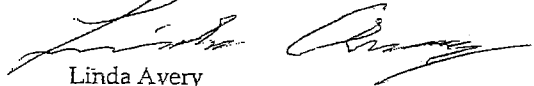


**DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2012.0348C** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 18674. 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, 94012.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on July 26, 2012.



Linda Avery  
Commission Secretary

AYES: Commissioners Antonini, Sugaya, Fong, Antonini, Borden, and Wu

NAYES: None

ABSENT: None

ADOPTED: July 26, 2012





**SAN FRANCISCO  
PLANNING DEPARTMENT**

Errors marked by  
this sign \* -> Please note  
date summary typed vs  
date for hearing  
and residents to  
respond.

**Executive Summary**

**Conditional Use**

HEARING DATE: JULY 26, 2012

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

*Date:* July 19, 2012  
*Case No.:* 2012.0348 C  
*Project Address:* 175 JUNIPERO SERRA BOULEVARD  
*Zoning:* RH-1(D) (Residential, One-family, Detached) District  
40-X Height and Bulk District  
*Block/Lot:* 3250/006  
*Project Sponsor:* Magda Bach  
1791 33<sup>rd</sup> Avenue  
San Francisco, CA 94122  
*Staff Contact:* Adrian C. Putra - (415) 575-9079  
adrian.putra@sfgov.org  
*Recommendation:* Approval with Conditions

**PROJECT DESCRIPTION**

The project sponsor seeks a Conditional Use Authorization, pursuant to Planning Code Sections 209.3(f) and 303 to establish a child care facility (d.b.a. Alpha Kids Academy) providing less than 24 hour care for 15 or more children. The proposed facility would be located at the eastern end of the church building and occupy existing Sunday school facilities which are not in use during the weekdays. The proposed facility consists of three class rooms, an art/music room, and library room occupying a total area of approximately 2,700 square-feet. Additionally, the proposed facility will have access to an outdoor play area on the subject property. The proposed facility would operate Monday through Friday from 7:30 AM to 6:00 PM, serving children from ages two and a half to six years, and will be operated by a staff of six (one director, one assistant director, three teachers, and one teacher assistant). The project sponsor expects the proposed facility to typically provide care for 20 to 40 children and at the maximum provide care for up to 60 children throughout the day. The project sponsor does not plan to have all children at the school at one time, but rather stagger the times when children are at the facility by having a system for children to arrive either between 7:30 to 9:00 AM for morning care, and offer early pick-up or afternoon care for children from 3:30 to 6:00 PM. In addition, there is ample on-street parking abutting the subject property along Junipero Serra Boulevard, Darien Way, and San Rafael Way, and the project sponsor has expressed the intention to apply for a passenger loading zone curb along San Rafael Way in front of the entrance to the proposed facility. The operator will also be required to obtain a State issued license to operate the proposed child-care facility and adhere to the Child Care Center General Licensing Requirements of the State of California.

### SITE DESCRIPTION AND PRESENT USE

The project site at 175 Junipero Serra Boulevard is located on the north side of Darien Way, between Junipero Serra Boulevard and San Rafael Way and is developed with a church that is home to the Ninth Church of Christ, Scientist. The subject lot contains approximately 33,410 square-feet with approximately 200 feet of frontage along Junipero Serra Boulevard, 180 feet of frontage along Darien Way, and 190 feet of frontage along San Rafael Way.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

\* → The project site is located within an RH-1 (D) (Residential, One-family, Detached) District situated in St. Francis Woods Neighborhood. RH-1 (D) Districts are characterized by lots of greater width and area than in other parts of the City, and by single-family houses with side yards. The structures are relatively large, but rarely exceed 35 feet in height. Ground level open space and landscaping at the front and rear are usually abundant. Much of the development has been in sizable tracts with similarities of building style and narrow streets following the contours of hills. In some cases private covenants have controlled the nature of development and helped to maintain the street areas. Properties directly to the north and east of the project site are developed with detached, single-family dwellings. Directly south of the project site on the opposite side of Darien Way is Commodore Sloat Elementary School.

*We are located in Balboa Terrace, not St. Francis Woods. The project site is also in Balboa Terrace.*

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

### HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	July 6, 2012	July 3, 2012	23 days
Posted Notice	20 days	July 6, 2012	July 3, 2012	23 days
Mailed Notice	20 days	July 6, 2012	June 3, 2012	23 days

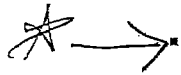
### PUBLIC COMMENT

- \* →
- The Department is not aware of any opposition to the project.

### ISSUES AND OTHER CONSIDERATIONS

- The project site is well-served by public transit as it is within an established residential neighborhood that is well served by public transit with five MUNI lines within approximately a ¼ mile of the site: K, 17, M, 28, and 28L.

*Resident told  
15 - 40 children by one posting hearing site*

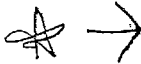


The proposed child care facility will provide child care for a maximum of 60 children, which requires two off-street parking spaces per Planning Code Section 151. The proposed child care facility has up to three off-street parking spaces accessible from Darien Way.

- The project sponsor has expressed the intention to apply for a passenger loading zone curb along San Rafael Way in front of the entrance to the proposed facility.

### REQUIRED COMMISSION ACTION

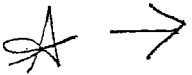
In order for the project to proceed, the Commission must grant Conditional Use Authorization to allow a child care facility for more than 15 children within an RH-1(D) (Residential, One-family, Detached) District, pursuant to Planning Code Section 209.3(f) and 303.



*When was RH-1(D) District zoning changed without notifying neighbors?*

### BASIS FOR RECOMMENDATION

- The project meets all applicable requirements of the Planning Code.
- The project promotes small business ownership and employment opportunities. According to the project sponsor the proposed child care facility will be operated by a staff of six people consisting of a director, assistant director, three teachers, and a teacher assistant.
- The project is compatible with the surrounding neighborhood as the proposed child care facility will occupy existing under utilized church facilities currently only used for Sunday school services.
- The use is desirable as it will provide a vital service for the residents of the neighborhood.
- The operator will be required to obtain a State issued license to operate the proposed child-care facility and adhere to the Child Care Center General Licensing Requirements of the State of California.
- There is ample on-street parking surrounding the project site, and the project sponsor has expressed the intention to apply for a passenger loading zone curb along San Rafael Way in front of the entrance to the proposed facility.



*gross error - Please see attached letters. Also, see chart of impact of educational facilities already in use around San Rafael Way.*

RECOMMENDATION: Approval with Conditions



Attachment Checklist

- Executive Summary
- Draft Motion
- Environmental Determination
- Zoning District Map
- Height & Bulk Map
- Parcel Map
- Sanborn Map
- Aerial Photo
- Context Photos
- Site Photos

- Project sponsor submittal
- Drawings: Existing Conditions
- Check for legibility
- Drawings: Proposed Project
- Check for legibility

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

ACP

Planner's Initials



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

## Draft Planning Commission Motion

HEARING DATE, JULY 26, 2012

*Date:* July 19, 2012  
*Case No.:* 2012.0348 C  
*Project Address:* 175 JUNIPERO SERRA BOULEVARD  
*Zoning:* RH-1(D) (Residential, One-family, Detached) District  
 40-X Height and Bulk District  
*Block/Lot:* 3250/006  
*Project Sponsor:* Magda Bach  
 1791 33<sup>rd</sup> Avenue  
 San Francisco, CA 94122  
*Staff Contact:* Adrian C. Putra -- (415) 575-9079  
 adrian.putra@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 209.3(f) AND 303 TO ALLOW A CHILD CARE FACILITY FOR 15 OR MORE CHILDREN (D.B.A. ALPHA KIDS ACADEMY) WITHIN AN RH-1(D) (RESIDENTIAL, ONE-FAMILY, DETACHED) DISTRICT, AND A 40-X HEIGHT AND BULK DISTRICT.

### PREAMBLE

On March 15, 2012, Magda Bach (Project Sponsor) filed an application with the Department for Conditional Use Authorization under Planning Code Sections 209.3(f) and 303 of the Planning Code to allow a child care facility for 15 or more children (d.b.a. Alpha Kids Academy) within an RH-1(D) (Residential, One-family, Detached), and a 40-X Height and Bulk District.

On July 26, 2012, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0348C.

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

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2012.0348C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site at 175 Junipero Serra Boulevard is located on the north side of Darien Way, between Junipero Serra Boulevard and San Rafael Way and is developed with a church for the Ninth Church of Christ, Scientist. The subject lot contains approximately 33,410 square-feet with approximately 200 feet of frontage along Junipero Serra Boulevard, 180 feet of frontage along Darien Way, and 190 feet of frontage along San Rafael Way.
3. **Surrounding Properties and Neighborhood.** The project site is located within an RH-1 (D) (Residential, One-family, Detached) District situated in St. Francis Woods Neighborhood. RH-1 (D) Districts are characterized by lots of greater width and area than in other parts of the City, and by single-family houses with side yards. The structures are relatively large, but rarely exceed 35 feet in height. Ground level open space and landscaping at the front and rear are usually abundant. Much of the development has been in sizable tracts with similarities of building style and narrow streets following the contours of hills. In some cases private covenants have controlled the nature of development and helped to maintain the street areas. Properties directly to the north and east of the project site are developed with detached, single-family dwellings. Directly south of the project site on the opposite side of Darien Way is Commodore Sloat Elementary School.
4. **Project Description.** The project sponsor seeks a Conditional Use Authorization, pursuant to Planning Code Sections 209.3(f) and 303 to establish a child care facility (d.b.a. Alpha Kids Academy) providing less than 24 hour care for 15 or more children. The proposed facility would be located at the eastern end of the church building and occupy existing Sunday school facilities which are not in use during the weekdays. The proposed facility consists of three class rooms, an art/music room, and library room occupying a total area of approximately 2,700 square-feet. Additionally, the proposed facility will have access to an outdoor play area on the subject property. The proposed facility would operate Monday through Friday from 7:30 AM to 6:00 PM, serving children from ages two and a half to six years, and will be operated by a staff of six (one director, one assistant director, three teachers, and one teacher assistant). The project sponsor expects the proposed facility to typically provide care for 20 to 40 children and at the maximum provide care for up to 60 children throughout the day. The project sponsor does not plan to have all children at the school at one time, but rather stagger the times when children are

at the facility by having a system for children to arrive either between 7:30 to 9:00 AM for morning care, and offer early pick-up or afternoon care for children from 3:30 to 6:00 PM. In addition, there is ample on-street parking abutting the subject property along Junipero Serra Boulevard, Darien Way, and San Rafael Way, and the project sponsor has expressed the intention to apply for a passenger loading zone curb along San Rafael Way in front of the entrance to the proposed facility. The operator will also be required to obtain a State issued license to operate the proposed child-care facility and adhere to the Child Care Center General Licensing Requirements of the State of California.

5. **Public Comment.** To date the Department is not aware of any opposition to the project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
  - A. **Institutions – Child Care Facility.** Planning Code Section 209.3(f) requires Conditional Use authorization for child care facilities providing less than 24 hour care for 15 or more children by licensed personnel and meeting the open space and other requirements of the State of California within the RH-1 (D) District.

*The project sponsor seeks Conditional Use Authorization to establish a child care facility providing less than 24 hour care for more than 15 children within an RH-1(D) District.*

- B. **Parking.** Planning Code Section 151 of the Planning Code requires one parking space for each 25 children to be accommodated at any one time, where the number of such children exceeds 24.

*The proposed child care facility will provide child care for a maximum of 60 children, which requires two off-street parking spaces per Planning Code Section 151. The proposed child care facility has up to three off-street parking spaces accessible from Darien Way.*

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:
  - A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

*The project is compatible with the surrounding neighborhood as the proposed child care facility will occupy existing under utilized church facilities currently only used for Sunday school services. The project will not expand the existing building envelope and will not create any further physical impacts upon light, air or midblock open space. The use is desirable as it will provide a vital service for the residents of the neighborhood.*

B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*The project is not detrimental to the area since it does not involve any physical expansion to the existing building.*

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

*The project site is located within an established residential neighborhood that is well served by public transit with five MUNI lines within approximately a ¼ mile of the site: K, 17, M, 28, and 28L. Additionally, the proposed child care facility is intended to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips citywide. The project sponsor also intends to apply for a loading zone curb in front of the child care facility's entrance facing San Rafael Way.*

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

*The project will not create any noxious or offensive emissions, such as glare, dust, or odor.*

- iv. 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 propose any change to the existing, landscaping or lighting. Any proposed signage will be subject to the review and approval of the Planning Department.*

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. General Plan Compliance. The Project is consistent with the Objectives and Policies of the General Plan in that:

## COMMERCE AND INDUSTRY ELEMENT

### Objectives and Policies

**OBJECTIVE 1:**

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

**Policy 1.1:**

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

*The project would enhance the city living and working environment by providing needed child care services for residents and workers within the City. The project would also need to comply with State licensing requirements for child care facilities further minimizing possible undesirable consequences from such an operation.*

**OBJECTIVE 2:**

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

**Policy 2.1:**

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

**Policy 3:**

Maintain a favorable social cultural climate in the city in order to enhance its attractiveness as a firm location .

*The project will enhance the diverse economic base of the City.*

**OBJECTIVE 3:**

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

**Policy 3.1:**

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

*The project will provide additional employment opportunities for San Francisco residents.*

**GOVERNMENT, HEALTH AND EDUCATION SERVICES**

**Objectives and Policies**

**OBJECTIVE 7:**

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

Policy 7.2:

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

*The proposed child care center will provide educational services for the children of San Francisco residents. No physical expansion is proposed to the existing church grounds and a majority of the proposed child care facility's activities will take place indoors, hence the adjacent residential uses will not be disrupted.*

9. Planning Code Section 101.1(b) establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

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

*No neighborhood-serving retail use would be displaced by the project.*

- 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 physical alteration or expansion to the project site and thus will not adversely affect existing housing or character of the neighborhood.*

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

*No housing will be removed for this Project.*

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

*Due to the nature of the project there are no anticipated adverse effects upon MUNI service or on neighborhood parking.*

- 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.

*Approval of this project will not adversely affect any industrial or service sector jobs rather it will create new service sector employment opportunities for workers of that sector.*

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

*The project will not impact the subject property's ability to withstand an earthquake and all tenant improvements shall meet the structural and seismic safety requirements of the City Building Code.*

G. That landmarks and historic buildings be preserved.

---

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

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

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

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.



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DECISION

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That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby APPROVES Conditional Use Application No. 2012.0348C subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (after the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA, 94012.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on July 26, 2012.

Linda Avery  
Commission Secretary

AYES:

NAYES:

ABSENT:

ADOPTED:

## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to allow a child care facility for 15 or more children (d.b.a. Alpha Kids Academy) located at 175 Junipero Serra Boulevard, Block 3250, and Lot 006 pursuant to Planning Code Sections 209.3(f) and 303 and within an RH-1(D) and a 40-X Height and Bulk District; in general conformance with plans, dated June 18, 2012, and stamped "EXHIBIT B" included in the docket for Case No. 2012.0348C and subject to conditions of approval reviewed and approved by the Commission on July 26, 2012 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 July 26, 2012 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 and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building

Inspection to construct the project and/or commence the approved use must be issued as this ~~Conditional Use authorization is only an approval of the proposed project and conveys no~~ independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. 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. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

2. **Extension** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://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](http://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](http://www.sf-planning.org).*

#### **OPERATION**

5. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number

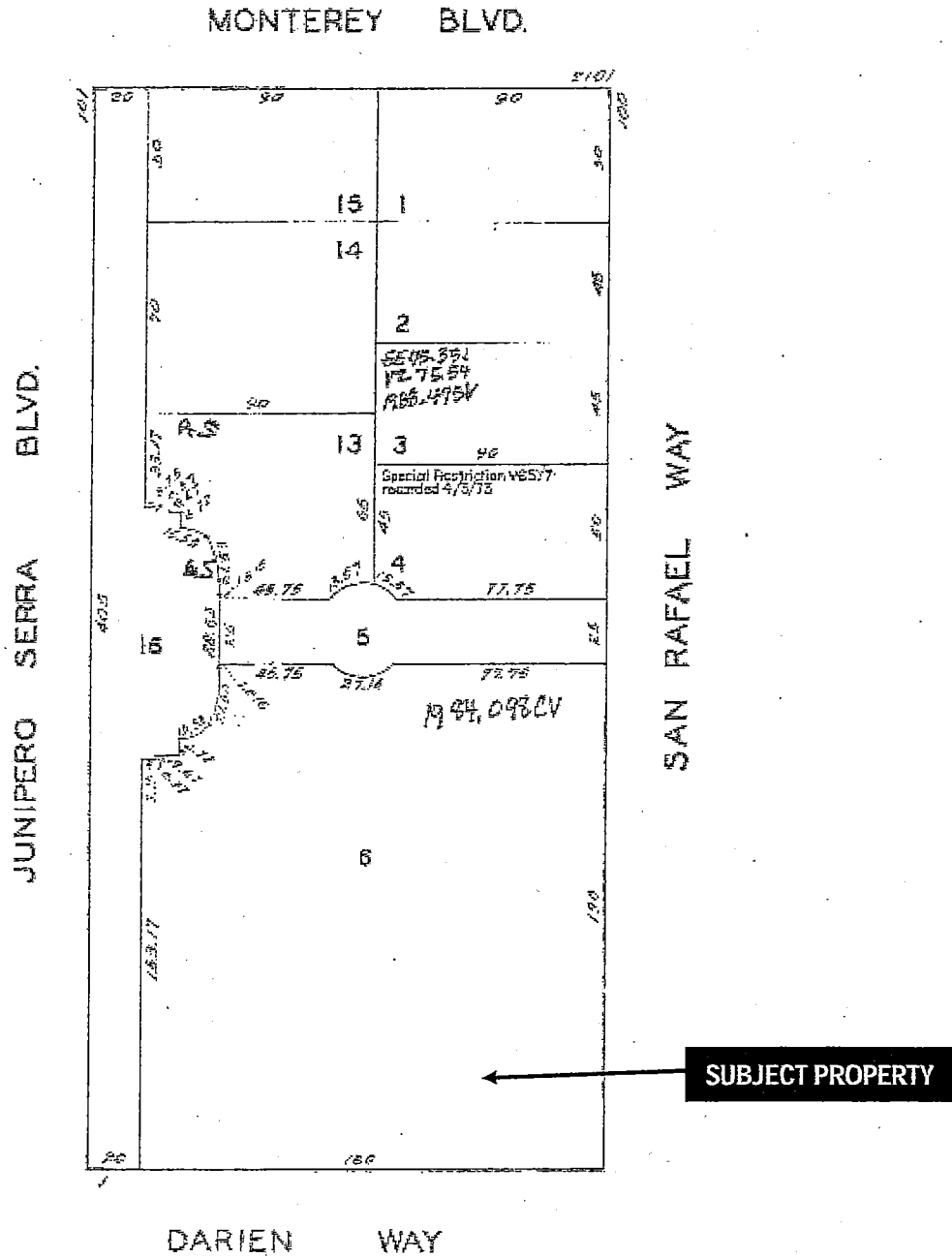
of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)

6. **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/>*

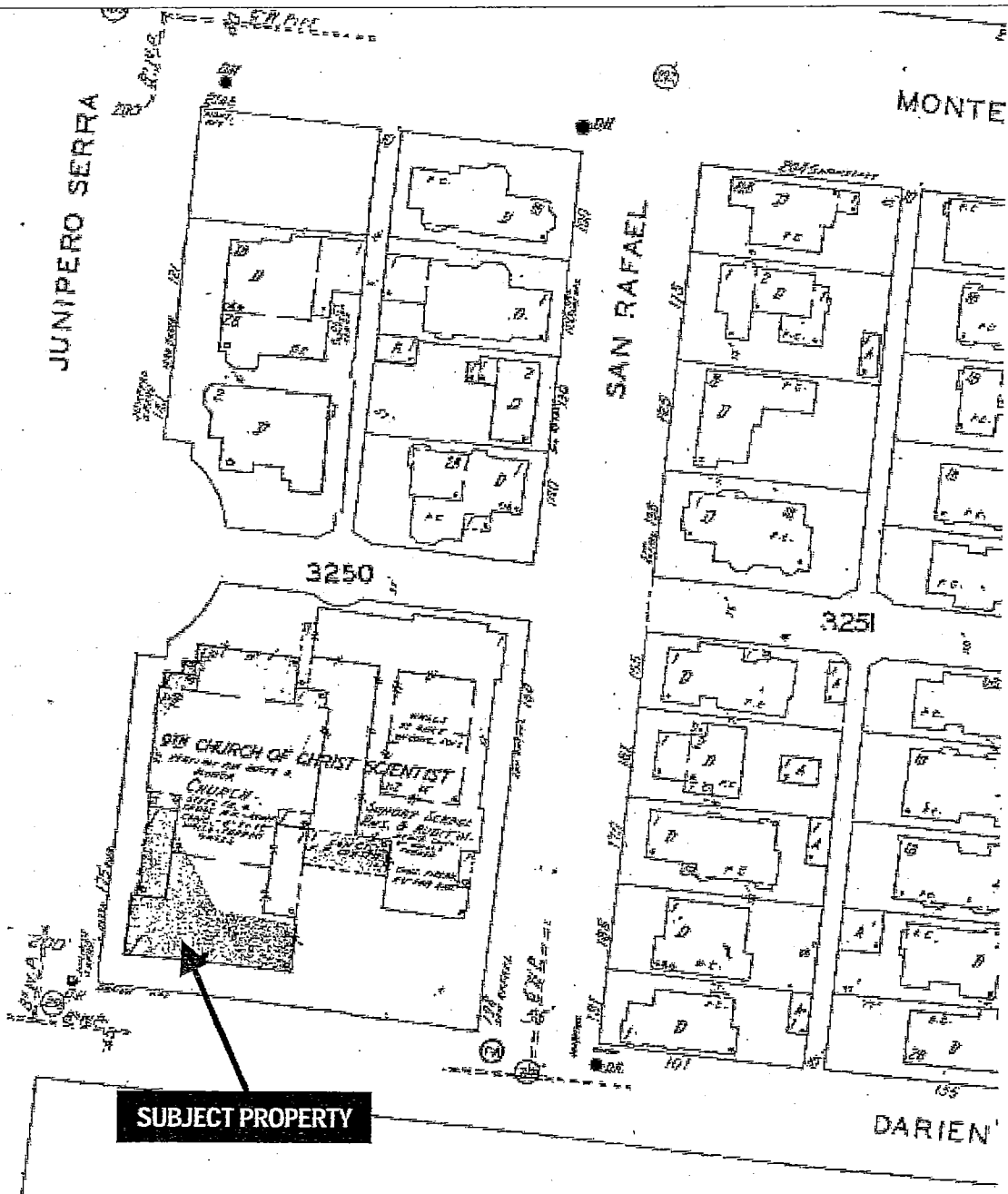
# Parcel Map



Conditional Use Request Hearing  
Case Number 2012.0348 C

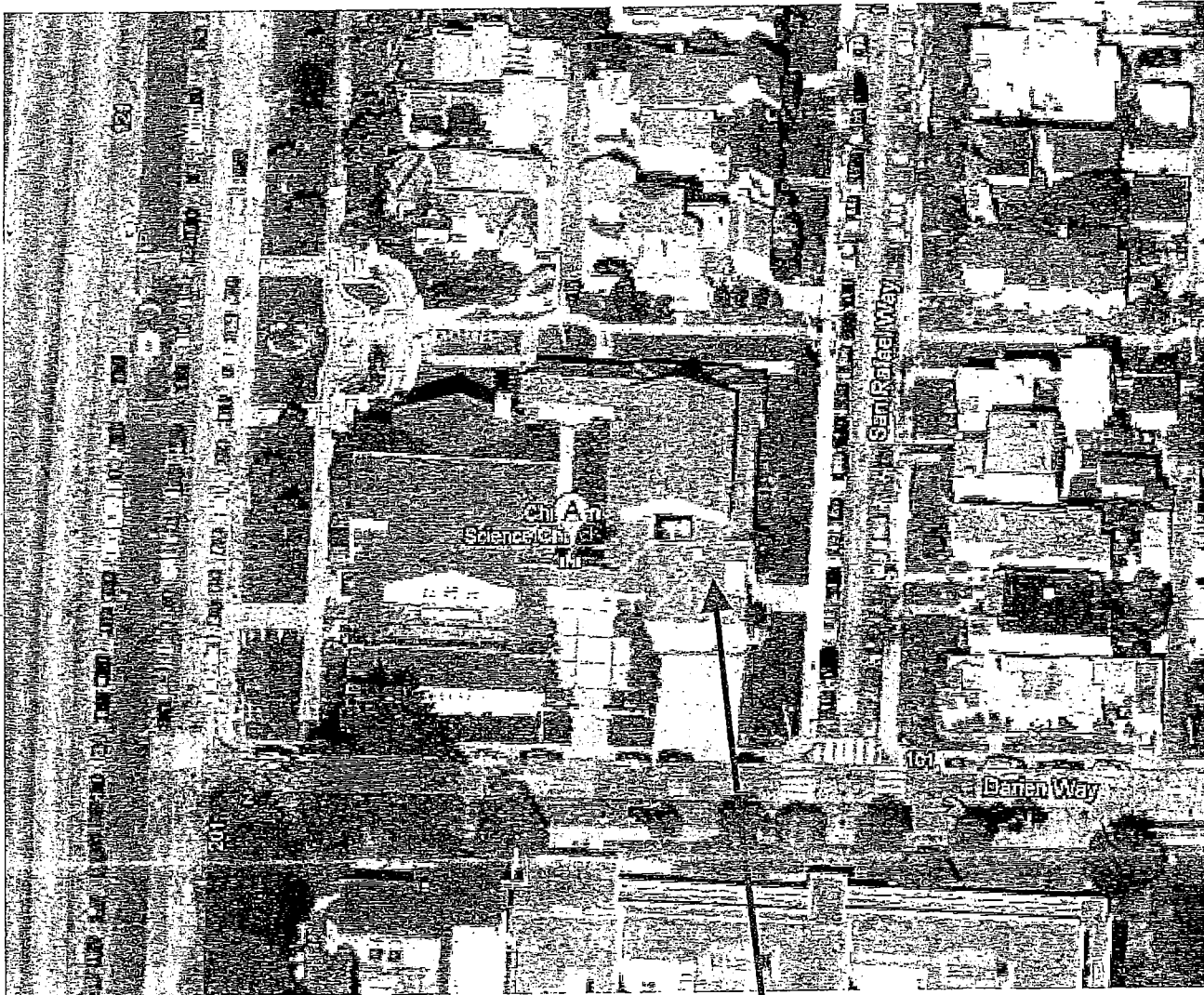
Child Care Facility for more than 15 children  
175 Junipero Serra Boulevard

# Sanborn Map



Conditional Use Request Hearing  
Case Number 2012.0348 C  
Child Care Facility for more than 15 children  
175 Junipero Serra Boulevard

# Aerial Photo view looking North



**SUBJECT PROPERTY**

Conditional Use Request Hearing  
Case Number 2012.0348 C  
Child Care Facility for more than 15 children  
175 Junipero Serra Boulevard

# Aerial Photo view looking East



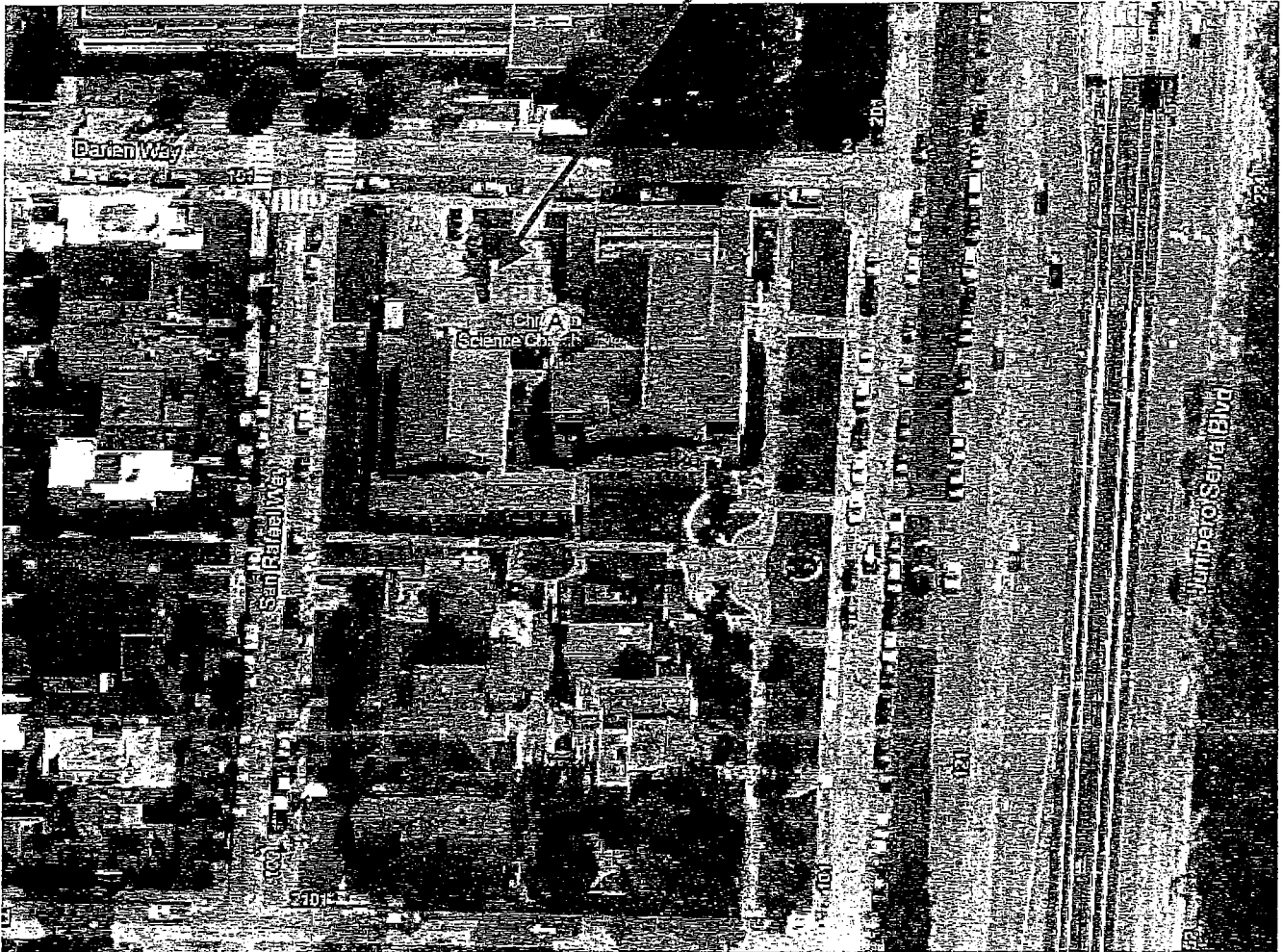
**SUBJECT PROPERTY**

Conditional Use Request Hearing  
Case Number 2012.0348 C  
Child Care Facility for more than 15 children  
175 Junipero Serra Boulevard



# Aerial Photo view looking South

SUBJECT PROPERTY



Conditional Use Request Hearing  
Case Number 2012.0348 C  
Child Care Facility for more than 15 children  
175 Junipero Serra Boulevard

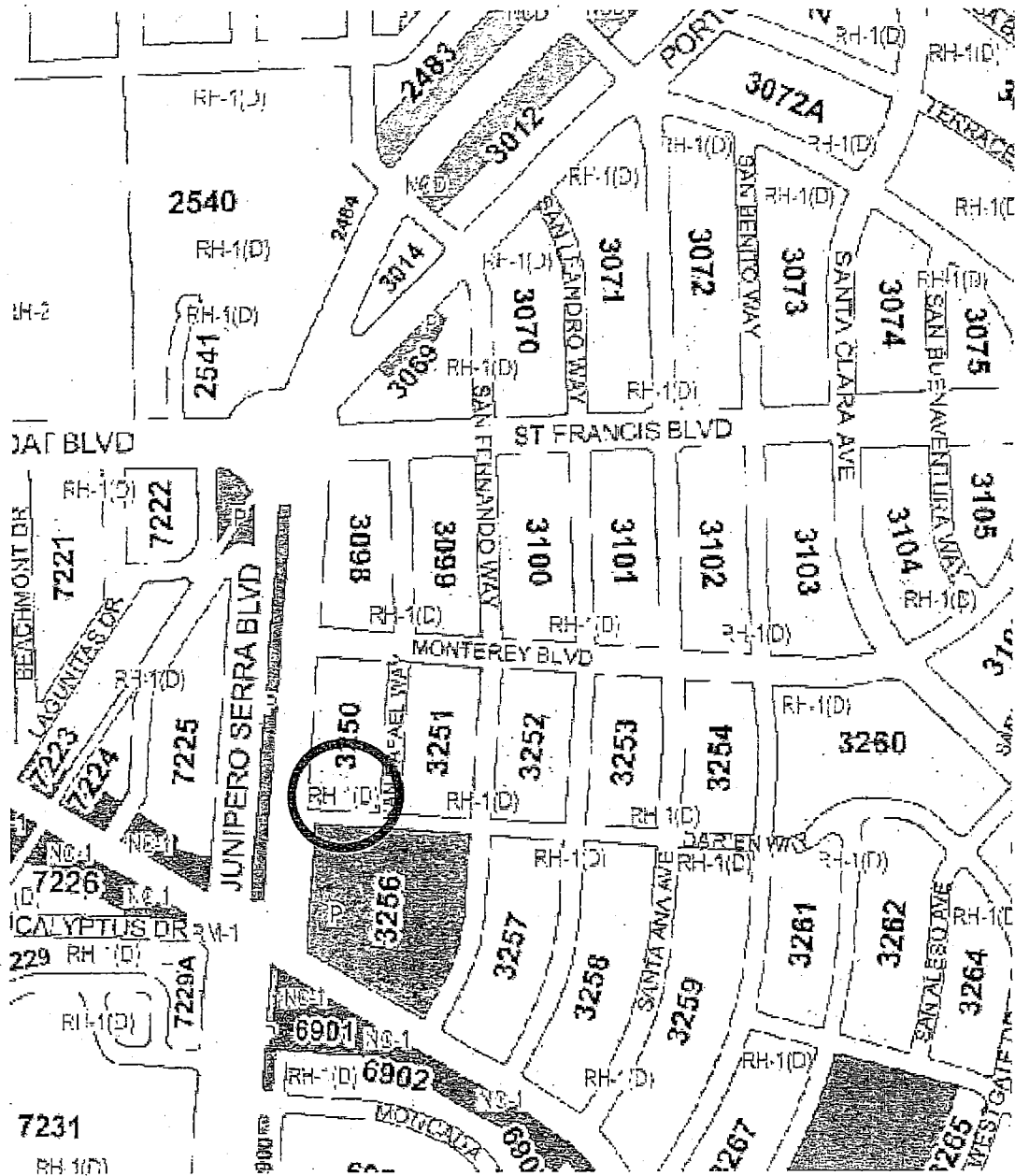
# Aerial Photo view looking West

SUBJECT PROPERTY



Conditional Use Request Hearing  
Case Number 2012.0348 C  
Child Care Facility for more than 15 children  
175 Junipero Serra Boulevard

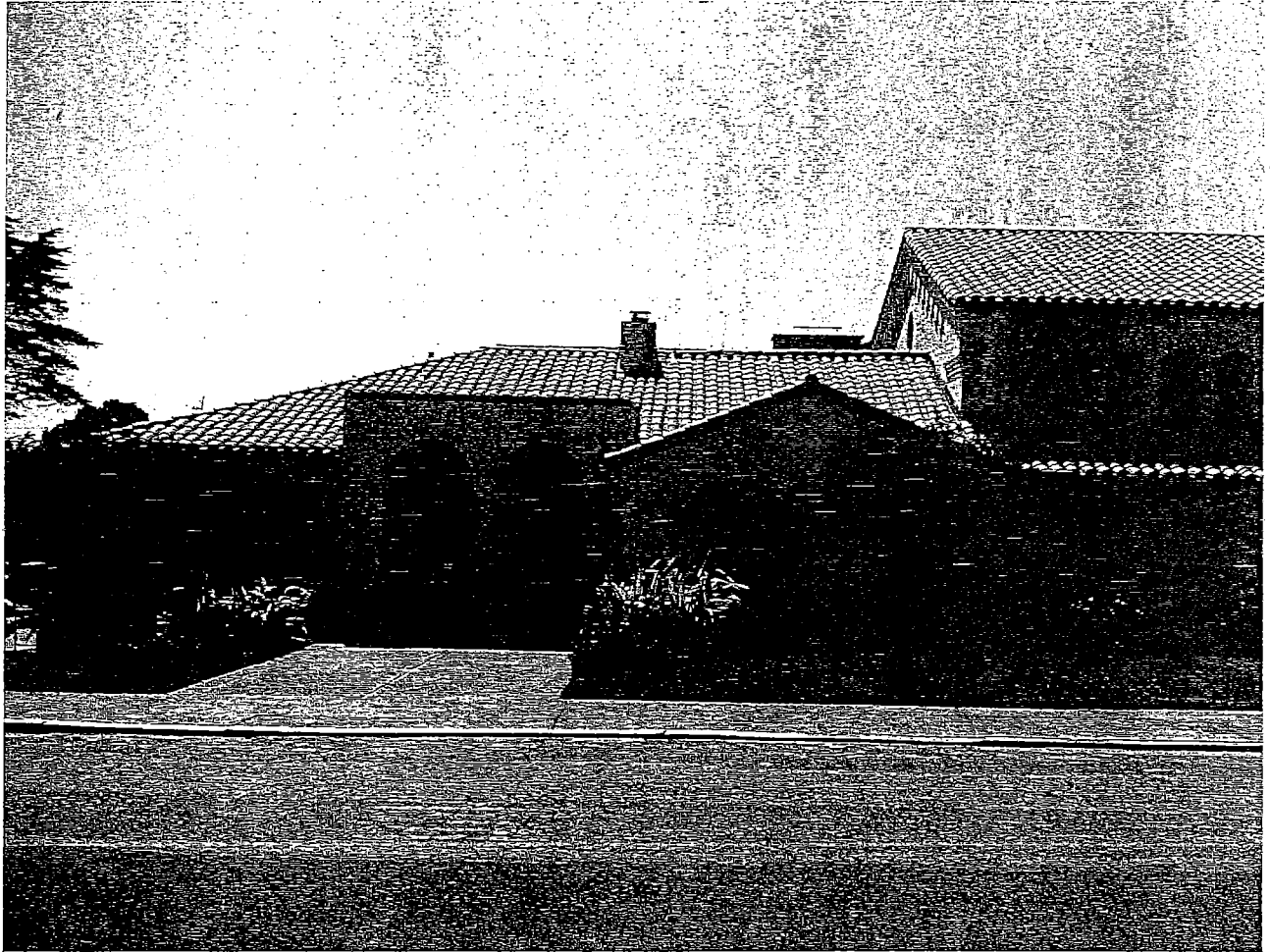
# Zoning Map



Conditional Use Request Hearing  
 Case Number 2012.0348 C  
 Child Care Facility for more than 15 children  
 175 Junipero Serra Boulevard

# Site Photo - Subject Property View of Entrance to Proposed Child Care Facility from San Rafael Way

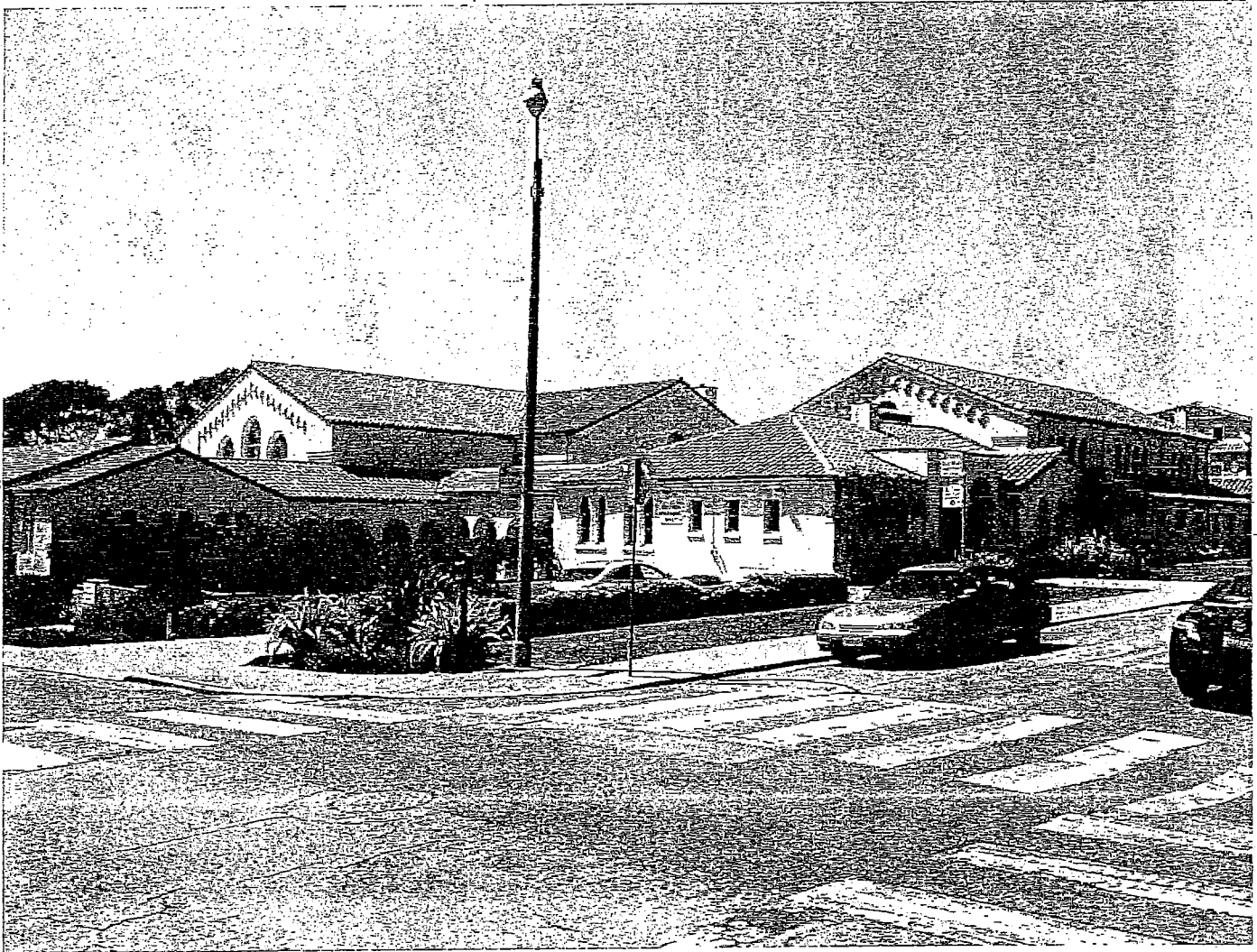
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Conditional Use Request Hearing  
Case Number 2012.0348 C  
Child Care Facility for more than 15 children  
175 Junipero Serra Boulevard

## Site Photo - Subject Property

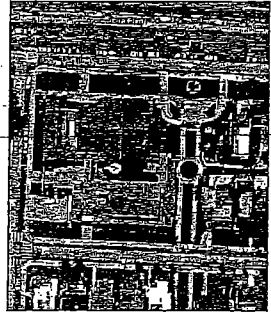
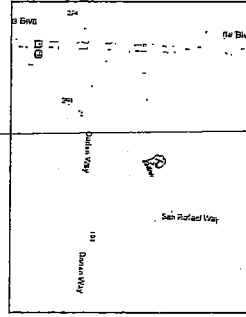
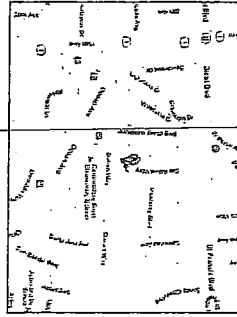
View looking from corner of Darien and San  
Rafael Ways



Conditional Use Request Hearing  
Case Number 2012.0348 C  
Child Care Facility for more than 15 children  
175 Junipero Serra Boulevard

**BUILDING DATA:**  
 ADDRESS: 175 Junipero Serra Blvd.  
 SAN FRANCISCO CALIF 94127  
 STORIES: 1 STORY  
 OCCUPANCY & (SCHOOL)  
 TYPE: KIDDCUPANCY & DAYCARE  
 ZONING: RH-D  
 BLOCK: 3250 LOT: 008

**SCOPE OF WORK:**  
 CHANGE OF USE  
 SUNDAY SCHOOL TO DAYCARE

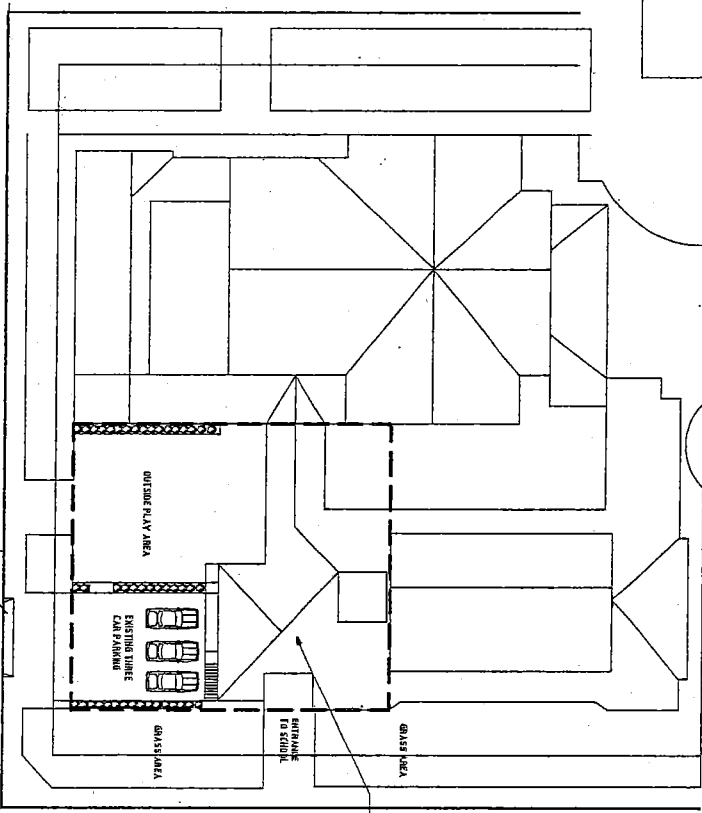


BY USE OF THESE PLANS THE OWNER AND THE GENERAL CONTRACTOR HAVE AGREED TO INDEMNIFY THE ENGINEER FOR ALL LEGAL COST ASSOCIATED WITH ANY AND ALL LITIGATION AND PROCEEDINGS THAT MAY BE BROUGHT AGAINST THE ENGINEER'S LIABILITY IS LIMITED TO FEES RECEIVED FOR SERVICES RENDERED.

CODE REG. ALL CONSTRUCTION WORK SHALL COMPLY WITH THE 2010 CALIFORNIA BUILDING CODE (CBC), 2010 CALIFORNIA PLUMBING CODE (CPC), 2010 CALIFORNIA MECHANICAL CODE (CMC), 2010 CALIFORNIA ELECTRICAL CODE (CEC), AND 2010 SAN FRANCISCO PLUMBING CODE.

**INDEX:**  
 AL. LOCATION PLAN, VICINITY MAP  
 AB. EXISTING AND PROPOSED GROUND FLOOR PLANS

**DEMOLITION NOTE:**  
 ALTERATION IS NOT TO EXCEED THE SCOPE OF DEMOLITION DESCRIBED IN THESE PLANS. A SEPARATE AND ADDITIONAL PERMIT IS REQUIRED TO REPAIR DRY-ROT OR FOR ANY ALTERATION WHICH EXCEEDS THE SCOPE OF DEMOLITION DESCRIBED IN THESE PLANS.



**EXISTING SITE PLAN**  
 (1/16" = 1'-0")



Date: 03-14-15  
 SCALE: AS SHOWN  
 DRAWN: H. LEE  
 JOB: 1745  
 SHEET: A1  
 OF: SHEETS

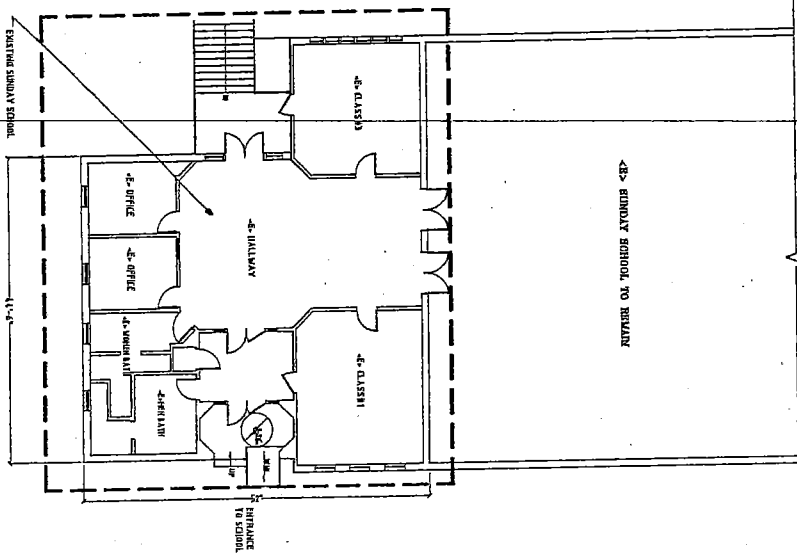
**CHANGE OF USE:**  
 SUNDAY SCHOOL TO DAYCARE

BLOCK 3250 LOT 008  
 175 Junipero Serra Blvd.  
 SAN FRANCISCO, CALIFORNIA

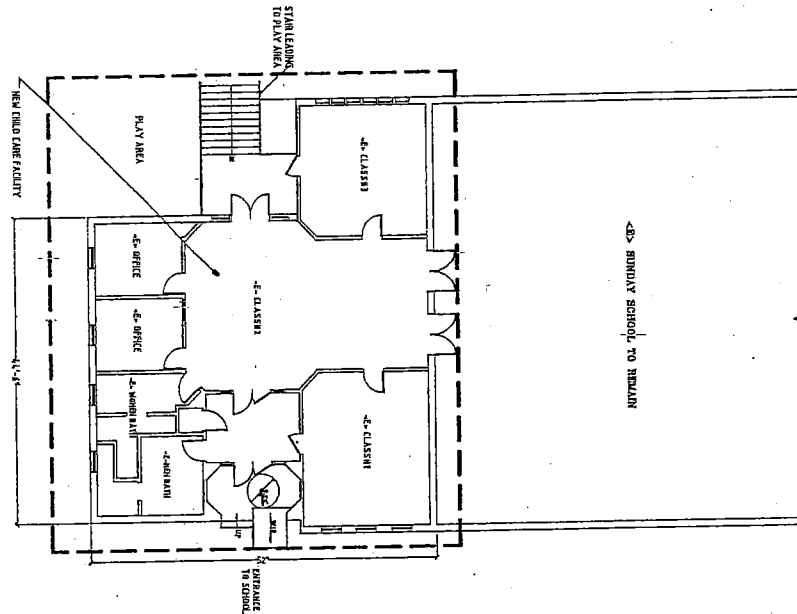
**HAWK N. LEE, P. E.**  
 Consulting Engineer  
 1609 Noriega Street  
 San Francisco, California 94122  
 (415) 881-2325 fax (415) 881-1012

REVISIONS	BY

EXISTING GROUND FLOOR PLAN  
(1/8" = 1'-0")



PROPOSED GROUND FLOOR PLAN  
(1/8" = 1'-0")



<B> SUNDAY SCHOOL TO REMAIN

<B> SUNDAY SCHOOL TO REMAIN

ARCHITECTURAL

1. DURING BIDDING AND NEGOTIATION PERIOD, THE GENERAL AND SUBCONTRACTORS SHALL CONFER IN ORDER TO DETERMINE THE SEQUENCE OF WORK AND THE ORDER OF INSTALLATION AS REQUIRED BY THE CONSTRUCTION SCHEDULES, AND SHALL NOTIFY HAWK N. LEE, P.E. ENGINEER IN WRITING, ANY POSSIBLE CONFLICTING DELAYS AFFECTING SECURITY THAT MAY OCCUR DUE TO THE AVAILABILITY OF THE SPECIFIED PRODUCT.
2. UPON SUBMITTAL OF THE FINAL CONSTRUCTION COSTS, THE GENERAL CONTRACTOR SHALL ALSO SUBMIT A SPECIFIC CONSTRUCTION SCHEDULE SHOWING THE REQUIRED CONSTRUCTION FOR ALL SUB-CONTRACTORS AND GENERAL CONTRACTORS WORK.
3. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR OBTAINING CONTRACT DOCUMENTS, FIELD CONDITIONS, AND OBSERVATIONS FROM ALL SUB-CONTRACTORS AND GENERAL CONTRACTORS. HAWK N. LEE, P.E. ENGINEER SHALL BE RESPONSIBLE FOR OBTAINING A CLARIFICATION FROM HAWK N. LEE, P.E. ENGINEER BEFORE PROCEEDING WITH WORK IN QUESTION, OR RELATED WORK.
4. GENERAL CONTRACTOR SHALL APPLY FOR AND OBTAIN AT THE CONTRACTOR'S SOLE EXPENSE, ALL NECESSARY CONSTRUCTION PERMITS REQUIRED BY ALL APPLICABLE BUILDING CODES AND REGULATORY CITY AND STATE AGENCIES.
5. GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL WORK AND MATERIALS IN ACCORDANCE WITH ALL LOCAL, REGULATORY AGENCIES, APPLICABLE BUILDING CODES AND REGULATORY CITY AND STATE AGENCIES.
6. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR CONNECTING ANY SERVICES EXISTING IN THE FIELD TO THE NEW CONSTRUCTION. THE GENERAL CONTRACTOR SHALL PROVIDE ALL NECESSARY SURFACES TO MATCH ADJACENT ADJOINING SURFACE, ALIGN AND SLOPE SMOOTH.
7. GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL COORDINATE THE LAYOUT AND EXIST LOCATION OF ALL PIPING, DUCTS, TELEPHONE, PLUMBING AND SPRINKLER EQUIPMENT TO INCLUDE ALL PIPING, DUCTING AND CONDUIT AND NOTIFY ALL NEARBY ADJACENT AND EXISTING UTILITIES AND TELEPHONE COMPANIES OF ANY SUCH WORK. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND MAINTENANCE OF ALL EXISTING UTILITIES AND TELEPHONE COMPANIES.
8. CONTRACTOR SHALL PROVIDE ALL NECESSARY CONSTRUCTION AND SUPPORT AND SHALL BE RESPONSIBLE FOR THE PROTECTION AND MAINTENANCE OF ALL EXISTING UTILITIES AND TELEPHONE COMPANIES.
9. GENERAL CONTRACTOR SHALL PROVIDE PROTECTIVE COVERING FOR EXISTING PERMITS, CONDUIT, PIPING, AND OTHER UTILITIES AND EQUIPMENT TO BE PROTECTED BY THE WORK OF THE GENERAL CONTRACTOR OR ANY SUBCONTRACTOR.
10. ALL OPENING BOARD PARTITIONS SHALL BE TYPED AND SAVED SMOOTH WITH NO VISIBLE JOINTS.

DATE: 03-14-12  
DRAWN BY: SUNDAY SCHOOL  
CHECKED BY: SUNDAY SCHOOL  
DATE: 1/28/12  
BY: AS  
OF: Board

CHANGE OF USE:  
SUNDAY SCHOOL TO DAYCARE

BLOCK 3250 LOT 008  
175 Junipero Serra Blvd.  
SAN FRANCISCO, CALIFORNIA

HAWK N. LEE, P. E.  
Consulting Engineer  
1805 Noriega Street  
San Francisco, California 94122  
(415) 881-8225 fax (415) 881-7112

REVISIONS BY

August 22, 2012

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CITY & COUNTY OF SAN FRANCISCO  
BOARD OF APPEALS

**Ref: Christian Science Church – 2012.0348C – 175 Junipero Serra Blvd.**

This is in reference to the San Francisco Planning Department Hearing Decision that we the neighbors of Balboa Terrace that live in the proximities to the Christian Science Church attended on July 26, 2012, at the San Francisco City Hall, to oppose the application for the establishment of a childcare facility (D.B.A. Alpha Kids Academy) within the Christian Science Church.

The Balboa Terrace Homes Association – Amended Articles Of Incorporation By-Laws And Deed Restrictions clearly states on page 23 **“That no building or structure which may hereafter be erected upon said land, or any part thereof, shall be used for any purpose except that of a dwelling house or appurtenances thereto at any time”** and that **no trade, business or manufactures of any kind, or anything of the nature thereof, shall be carried on or conducted upon said real property, or any part hereof”**. We, the neighbors, could not engage in any business, and the Christian Science Church should abide by the same laws. An enrollment of more than 14 students constitutes a business and it is therefore against the Balboa Terrace Homes Association Amended Articles of Incorporation, By-Laws and Deed Restrictions. The proposed child care facility is located within an RH-1 (D) (Residential, single family detached) District.



The Alpha Kids Academy is not a charity organization coming to our area. It is operating as a "for profit" enterprise. Our neighborhood is not lacking options for childcare or schooling. We are surrounded by public schools within walking distance in our community, to name a few, Commodore Sloat Elementary School located directly opposite the proposed child care facility, as well as the after school programs from the YMCA Stonestown at their facility, St. Francis Episcopal School/Church through their frequent functions and mixers, Aptos Middle School, Lakeside Presbyterian offering childcare, St. Stephen School and St. Brendan School. These schools clearly support a wide array of children with differing ages and diversities. These schools are not only attended by the children that live in the neighborhood, but also children that come from other areas of the city, like the Ingleside District, Bayview District, etc... An additional childcare facility is simply unneeded and compounds the congestion of children, parents and traffic on San Rafael Way and the additional adjoining streets. On Sundays, service at the Christian Science Church brings a steady amount of visitors every weekend causing parking to be quite difficult.

The neighbors were misled on the number of children projected to be enrolled in this child care facility. The Notice dated July 5<sup>th</sup>, and received in the mail several days later from the Planning Department states "15 or more children." In the hearing the numbers 20-40 children with the possibility of 60 children were stated.

August 22, 2012  
BOARD OF APPEALS

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In our letter that the residents of San Rafael Way signed and submitted to the San Francisco Planning Department, we stated that the parking issue on San Rafael Way is one of our largest concerns. As we share this community with so many visitors it is taking a toll on all of our residents. Our neighbors on San Fernando Way are also feeling the stress of the traffic congestion. We constantly suffer the burdens of increased walking traffic, such as trash on our lawns, damage to personal property (i.e. keyed cars, backing into bumpers, etc...), noise pollution, and of course the parking issue. All these issues have residual effects like decreased home values, maintenance costs, and constant inconvenience.

We established a two hour Residential Parking several years ago on the advice of the Fire Department. It was found that due to the heavy volume of parked cars in the morning and midday, their emergency vehicles couldn't get through our narrow street in an emergency. A caveat of that is that we pay to park here, which becomes trying when we can't use what we pay for. Safety and medical emergencies are of utmost concern to the neighbors.

Residents of San Rafael Way rely heavily on street parking. We unfortunately have no driveways and must utilize street parking. Sometimes this means parking several houses away. With the fact that many of the residents are in the over 50 demographic, and forced to carry their goods, groceries, and heavy items long distance, this becomes an important concern.

August 22, 2012  
BOARD OF APPEALS

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Though we do not oppose education, or religion, the reality we face is that a third institution in such a close proximity would debilitate the parking situation to the point that the residents would be disenfranchised. In the event of an emergency like a fire or an earthquake this can have serious consequences with this large concentration of children in such proximity with three schools and two churches operating within feet of one another. This would be challenging for the emergency workers.

We respectfully ask the Board of Appeals to assist the residents to oppose the granting of this permit and to enforce our by-laws, allowing us to maintain our designated residential zoning.

Thank you,

**The Residents of the Balboa Terrace**

The local neighbors' strongly oppose approval of this Conditional Use Permit. The northeast corner of San Rafael Way and Darien Way already has a high concentration of young students with Commodore Sloat Elementary School and St Francis Episcopal School/Church adjacent to one another (on San Fernando Way). Both schools have after hour and summer programs further extending neighborhood impacts. Specific concerns:

Vehicular Parking, Street Capacity, Crosswalk Safety, Traffic Volumes, Pollution, and Noise on San Rafael Way

San Rafael Way is a narrow two-way street; parking is allowed on both sides of the street and is limited to two hours (without Residence Permit - Monday-Friday). The homes on San Rafael Way do not have driveways and residents rely heavily on street parking. Street parking is in short supply and permit parking is ineffective as school employees and visitors move their cars throughout the day to avoid violations. When cars are parked on both sides of street, only one moving vehicle at a time can travel up or down the street and emergency vehicles would have a difficult time getting to any of the homes on this street. Traffic is already very heavy during several times of the day especially early evenings.

At the intersection of San Rafael Way and Darien Way is a three-way crosswalk used to cross Darien Way or San Rafael Way. The crosswalks serve as the main way for students to enter or leave Commodore Sloat Elementary School and given the existing vehicle traffic, this crossing presents significant student safety concerns plus St Francis Episcopal School/Church, a Muni downtown Light Rail stop, and several bus stops are also within walking distance to this proposed site. The additional traffic would only exacerbate the existing significant problems with children/pedestrian safety. Lastly, noise (loud voices, constant opening and closing of car doors, and car horns), and trash in general is a serious problem (parents leaving behind fast food wrappers, etc.) Local homeowners on San Rafael Way already endure many hardships given the existing building and neighborhood design limitations. Any change in land use must consider current zoning requirements and the limitations of the existing neighborhood.

Building Design and Function

What is the number of maximum students allowed? (the application shows greater than fifteen). Can the building support the new use (heating, ventilation, space per child, bathrooms, and playground noise) and comply with California State Education Code for preschool use?

Conclusion

We oppose the granting of this Conditional Use Permit. The change in use would have significant impacts on the neighborhood residents' quality of life, reduce home values (especially on San Rafael Way), and is incompatible with existing land use.

Name:

Address:

*[Signature]*

175 San Rafael Way

*[Signature]*

175 SAN RAFAEL WAY

*[Signature]*

185 San Rafael Way

Margaret Finley, 135 San Rafael Way

Leo M. Bennett 2045 MONTEREY BLVD. at SAN RAFAEL WAY

Melissa J. Bennett 2045 Monterey Blvd at San Rafael Way

Mattieu M. Coen 155 San Rafael

Craig J. Collins

155 San Rafael

*[Signature]*

155 San Rafael

*[Signature]*

161 San Rafael Way

*[Signature]*

161 SAN RAFAEL WAY

Hum Madhu

101 DARIEN WAY

Kayala Modse

101 DARIEN WAY

*[Signature]*

130 SAN RAFAEL WAY

*[Signature]*

130 SAN RAFAEL WAY

cc: Sean Eisbernd  
Supervisor District-7

Use Only if CUP Approved at Hearing

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Should the Planning Commission approve this CUP, we request the following conditions be applied:

- Stipulate students must be dropped-off and picked-up at the Church's main entrance on Junipero Serra.
- Establish weekly street sweeping on San Rafael Way (as currently scheduled on Darien Way and Junipero Serra Blvd.).
- Install Speed Limit sign on San Rafael Way "15 MPH when Children are Present", and have a police presence to enforce.
- CUP is not transferable and must be renewed in the event of business/church ownership change.
- All business signs must be placed on Junipero Serra Blvd. (no signs to be placed on San Rafael Way).
- Modify traffic signal timings at Ocean/Junipero Serra Blvd. to accommodate additional pedestrian and auto traffic.

Thank you for your consideration in this matter.

cc: Sean Elsbernd  
Supervisor District-7

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DATE: July 23, 2012

TO: San Francisco Planning Commissioners  
Balboa Terrace Board Members

REF: Neighborhood Petition for:  
CUP # 2012.0348C – 175 Junipero Serra Boulevard

I, Margaret Finley, am a retired teacher and administrator (Principal) who has walked this path already many years ago. We would be grateful if you would review our concerns before the "Hearing" on Thursday, July 26, 2012.

Respectfully,

Balboa Terrace Residents

Christian Science Church  
175 Junipero Serra Blvd  
Conditional Use Permit Application (CUP) #2012.0348C  
July 18, 2012

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The local neighbors' strongly oppose approval of this Conditional Use Permit. The northeast corner of San Rafael Way and Darien Way already has a high concentration of young students with Commodore Sloat Elementary School and St Francis Episcopal School/Church adjacent to one another (on San Fernando Way). Both schools have after hour and summer programs further extending neighborhood impacts. Specific concerns:

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Name:

Address:

<i>[Signature]</i>	175 San Rafael Way
<i>[Signature]</i>	175 SAN RAFAEL Way
<i>[Signature]</i>	185 San Rafael way
Margaret Finley	135 San Rafael Way
Joe M. Bennett	2045 MONTEREY BLVD. at SAN RAFAEL WAY
Melissa J. Bennett	2045 Monterey Blvd at San Rafael wa
Matthew M. Coon	155 San Rafael
Craig J. Collins	155 San Rafael
<i>[Signature]</i>	155 San Rafael
<i>[Signature]</i>	161 San Rafael way
<i>[Signature]</i>	161 SAN RAFAEL WAY
Heim Madsen	101 DARIEN WAY
Kayoko Madsen	101 DARIEN WAY
<i>[Signature]</i>	130 SAN RAFAEL WAY
<i>[Signature]</i>	130 SAN RAFAEL WAY

cc: Sean Eisbernd  
Supervisor District-7

**Educational Facilities Impacting San Rafael Way**  
(Prepared 7/21/2012)

Facility	# of Students	Operation Hrs.	Service Areas	Program Focus	Future Plans
Commodore Sloat Public School	270-320	7:00 am – 8:40 am (at St Francis Epis. Church), 8:40 am – 2:40 pm on site, 3:15 pm – 6:00 pm after school care on site.	SF Unified School District assignments	SFUSD curriculum	Not known
St. Francis Episcopal Church – Stonestown YMCA Preschool	Licensed for 34 (Varies per day)	7:00 am – 6:00 pm	Residents of San Francisco City & County	Play-based “Reggio-Amelia” European Program	Hopes to open a new preschool at Garfield and Junipero Serra at Lutheran Church of Our Savior site
Stonestown YMCA Summer Program	250-350 per session (11 weekly sessions)	7:30 am – 6:00 pm (includes preschool & after school care) 2012: 8 wks. at C. Sloat; 3 wks. at St. Stephen's School	OMI Bayview District, Ingleside	Different weekly themes for 2012	Not known
Christian Science Church Preschool <i>(Proposed - per conversation with person who posted “Hearing Signs” for Alpha Kids Academy)</i>	15-40	7:30 am – 6:00 pm	Open enrollment	Academic focus	Not known

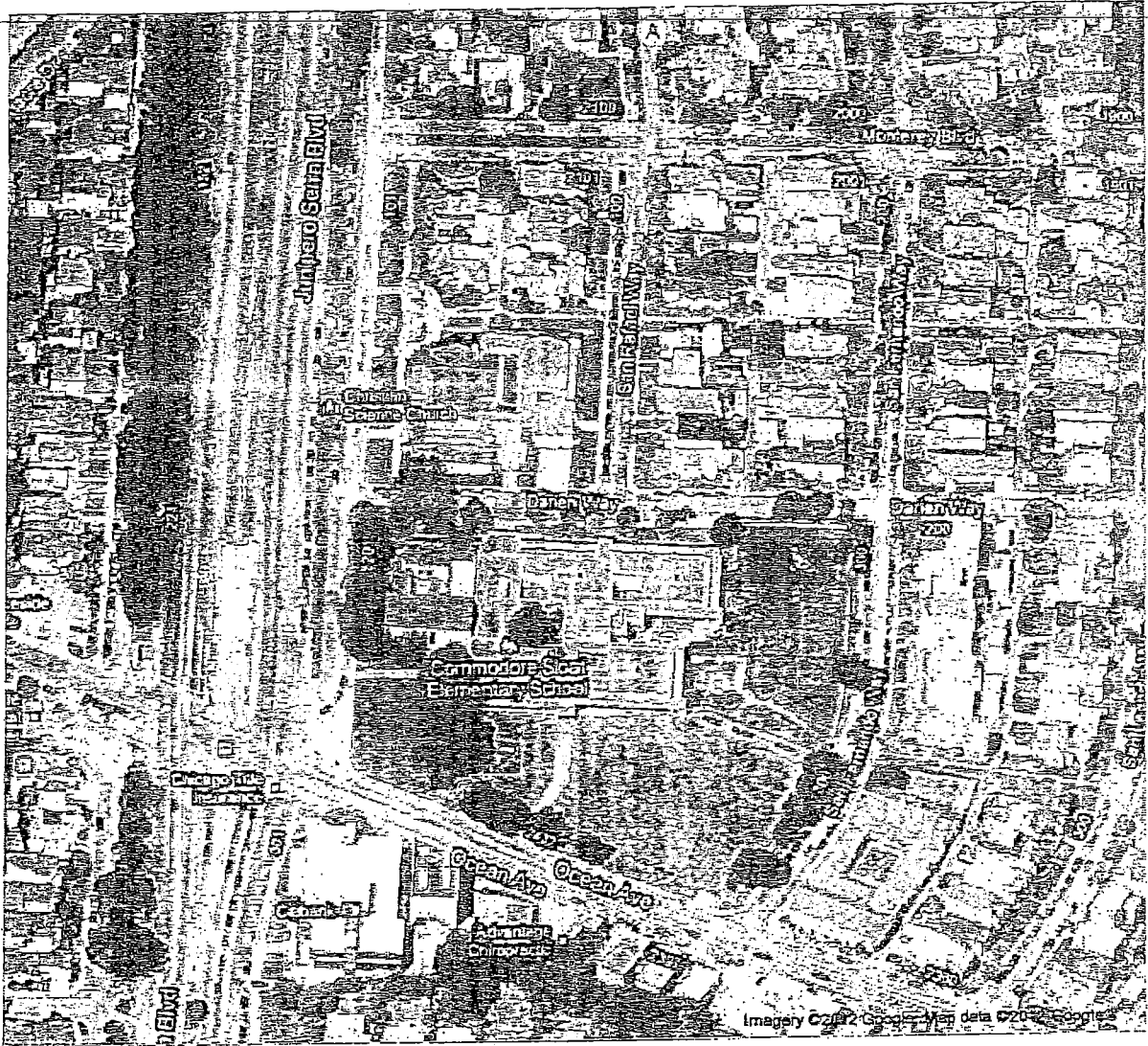
Google

To see all the details that are visible on the screen, use the "Print" link next to the map.



Google

To see all the details that are visible on the screen, use the "Print" link next to the map.



The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. 135 San Rafael Wy.	3251 014	Margaret Finley	Margaret Finley
2. 2045 Monterey Blvd	3251-017	Melissa J Perrott	Melissa J Perrott
3. 2045 MONTEREY BLVD	3251-017	LEO M. PERROTT	Leo M Perrott
4. 115 SAN RAFAEL WAY	3251-016	PHILIP A. DALTON	Philip A. Dalton
5. 115 SAN RAFAEL WAY	3251-016	ANNA D. DALTON	Anna D. Dalton
6. 130 SAN RAFAEL WAY	3250-003	Antoinette Glynn	Antoinette Glynn
7. 130 SAN RAFAEL WAY	3250-003	FRANK GLYNN	Frank Glynn
8. 141 JUNIPERO SERRA	3250-13A	ROBERT BOVILL	Robert Bovill
9. 175 San Rafael	3251-012	Gary Egan	Gary Egan
10. 175 San Rafael Way	3251-012	Monica E. Hernandez	Monica E. Hernandez
11. 185 San Rafael	3251-011	Jean Wang	Jean Wang
12. <del>155 San Rafael</del>	<del>3251</del>	<del>CRISTINA COLLINS</del>	<del>Cristina Collins</del>
13. 155 San Rafael	3251-13A	LYNNE C HEWLE	Lynne C Hewle
14. 101 DARIEN WY.	3251-10	STEVEN MADSEN	Steven Madsen
15. 101 DARIEN WY.	3251-10	KAZUKO MADSEN	Kazuko Madsen
16. 140 SAN RAFAEL WY	3250-004	HERNILDO RODR	Hernildo Rodri
17. 140 SAN RAFAEL WY	3250-004	JOCOLYN QUINTERO	Jocelyn Quintero
18. 161 SAN RAFAEL WAY	3251-12A	DORAE. SAYADA	Dorae Sayada
19. 161 SAN RAFAEL WAY	3251-12A	EMIL SAYADA	Emil Sayada
20. _____	_____	_____	_____
21. _____	_____	_____	_____
22. _____	_____	_____	_____

**STATE OF CALIFORNIA**  
**CERTIFICATION OF VITAL RECORD**

**CITY AND COUNTY OF**  
**SAN FRANCISCO**

3052008029720

**CERTIFICATE OF DEATH**

3200838001100

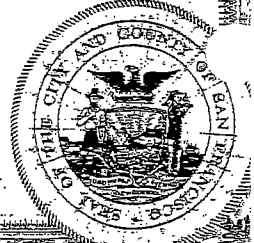
STATE FILE NUMBER		CITY/PROVINCE		LOCAL REGISTRATION NUMBER	
1. NAME OF DECEDENT — FIRST (Given)		2. MIDDLE		3. LAST (Family)	
JAMES		EVERETT		FINLEY JR	
4. DATE OF BIRTH <i>mm/dd/yyyy</i>		5. AGE Yrs.		6. SEX	
12/06/1926		81		M	
7. DATE OF DEATH <i>mm/dd/yyyy</i>		8. HOUR (24 Hours)		9. DECEASED RACE — Up to 3 races may be listed (see worksheet on back)	
03/05/2008		0450		WHITE	
10. EDUCATION — Highest Level/Degree (see worksheet on back)		11. WAS DECEDENT HISPANIC/LATINO (SPANISH)? (If yes, see worksheet on back)		12. DECEASED'S RACE — Up to 3 races may be listed (see worksheet on back)	
SOME COLLEGE <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK		WHITE	
13. USUAL OCCUPATION — Type of work for most of life. DO NOT USE RETIRED		14. KIND OF BUSINESS OR INDUSTRY (e.g., grocery store, road construction, employment agency, etc.)		15. YEARS IN OCCUPATION	
BANKER		BANK		45	
20. DECEDENT'S RESIDENCE (Street and number or location)					
135 SAN RAFAEL WAY					
21. CITY		22. COUNTY/PROVINCE		23. ZIP CODE	
SAN FRANCISCO		SAN FRANCISCO		94127	
24. YEARS IN COUNTY		25. STATE/FOREIGN COUNTRY		26. INFORMANT'S NAME, RELATIONSHIP	
81		CALIFORNIA		MARGARET ANN FINLEY, WIFE	
27. INFORMANT'S MAILING ADDRESS (Street and number or rural route number, city or town, state, ZIP)		28. NAME OF SURVIVING SPOUSE — FIRST			
135 SAN RAFAEL, SAN FRANCISCO, CA 94127		MARGARET			
29. MIDDLE		30. LAST ( Maiden Name)		31. NAME OF FATHER — FIRST	
ANN		THOMSON		JAMES	
32. MIDDLE		33. LAST		34. BIRTH STATE	
EVERETT		FINLEY SR		NV	
35. NAME OF MOTHER — FIRST		36. MIDDLE		37. LAST ( Maiden)	
EVELYN		PRISCILLA		SNOW	
38. BIRTH STATE		39. DISPOSITION DATE <i>mm/dd/yyyy</i>			
MA		03/10/2008			
40. PLACE OF FINAL DISPOSITION		41. TYPE OF DISPOSITION(S)			
OLIVET MEMORIAL PARK 1601 HILLSIDE BLVD., COLMA, CA 94014		BU			
42. SIGNATURE OF EMBALMER		43. LICENSE NUMBER		44. NAME OF FUNERAL ESTABLISHMENT	
ROBERT BOWMAN		EMB6947		HALSTED-N. GRAY-CAREW & ENGLISH	
45. LICENSE NUMBER		46. SIGNATURE OF LOCAL REGISTRAR		47. DATE <i>mm/dd/yyyy</i>	
FD334		MITCHELL KATZ, MD		03/06/2008	
101. PLACE OF DEATH		102. IF HOSPITAL, SPECIFY ONE		103. IF OTHER THAN HOSPITAL, SPECIFY ONE	
LAWTON HEALTHCARE CENTER		<input type="checkbox"/> IP <input type="checkbox"/> ER/OP <input type="checkbox"/> DCA <input type="checkbox"/> Hospice <input checked="" type="checkbox"/> Nursing Home/TC <input type="checkbox"/> Decedent's Home <input type="checkbox"/> Other			
104. COUNTY		105. FACILITY ADDRESS OR LOCATION WHERE FOUND (Street and number or location)		106. CITY	
SAN FRANCISCO		1575 7TH AVENUE		SAN FRANCISCO	
107. CAUSE OF DEATH		108. TIME INTERVAL BETWEEN ONSET AND DEATH		109. DEATH REPORTED TO CORONER	
ACUTE RESPIRATORY FAILURE		IMM		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
IMMEDIATE CAUSE (Final disease or condition resulting in death)		(6) 36 HRS		110. BIOPSY PERFORMED?	
PNEUMONIA				<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
Sequentially, list conditions, if any, leading to cause on Line A. Enter UNDERLYING CAUSE (disease or injury that initiated the events resulting in death) LAST		(7)		111. AUTOPSY PERFORMED?	
				<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
		(8)		112. USED IN DETERMINING CAUSE?	
				<input type="checkbox"/> YES <input type="checkbox"/> NO	
113. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RESULTING IN THE UNDERLYING CAUSE GIVEN IN 107					
CEREBROVASCULAR ACCIDENT; CONGESTIVE HEART FAILURE					
114. WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEM 107 OR 113? (If yes, list type of operation and date.)					
NO					
115. IF FEMALE, PREGNANT IN LAST YEAR?					
<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK					
116. I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE DEATH OCCURRED AT THE HOUR, DATE, AND PLACE STATED FROM THE CAUSES STATED.		117. SIGNATURE AND TITLE OF CERTIFIER		118. LICENSE NUMBER	
Decedent: Attended Since: <i>mm/dd/yyyy</i> <i>mm/dd/yyyy</i>		BENNETT GORDON ZIER M.D.		G23406	
119. TYPE ATTENDING PHYSICIAN'S NAME, MAILING ADDRESS, ZIP CODE		119. DATE <i>mm/dd/yyyy</i>			
02/29/2008 03/04/2008		03/05/2008			
2250 HAYES ST, SAN FRANCISCO, CA 94117					
120. I CERTIFY THAT IN MY OPINION DEATH OCCURRED AT THE HOUR, DATE, AND PLACE STATED FROM THE CAUSES STATED.		121. INJURED AT WORK?		122. INJURY DATE <i>mm/dd/yyyy</i>	
MANNER OF DEATH <input type="checkbox"/> Natural <input type="checkbox"/> Accident <input type="checkbox"/> Homicide <input type="checkbox"/> Suicide <input type="checkbox"/> Pending Investigation <input type="checkbox"/> Could not be determined		<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK			
123. PLACE OF INJURY (e.g., home, construction site, wooded area, etc.)		124. DESCRIBE HOW INJURY OCCURRED (Events which resulted in injury)		125. LOCATION OF INJURY (Street and number, or location, and city, and ZIP)	
126. SIGNATURE OF CORONER / DEPUTY CORONER		127. DATE <i>mm/dd/yyyy</i>		128. TYPE NAME, TITLE OF CORONER / DEPUTY CORONER	
STATE REGISTRAR		A B C D E		FAX AUTH. #	
				CENSUS TRACT	



STATE OF CALIFORNIA, CITY AND COUNTY OF SAN FRANCISCO  
This is to certify that the image reproduced hereupon is a true copy of the record on file in the SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH as of the date issued.  
DATE ISSUED  
This copy is not valid unless prepared on an engraved border, displaying the date, seal and signature of the City and County Health Officer.



*Mitchell Katz*  
Mitchell Katz, M.D.  
Health Officer and Local Registrar



**Educational Facilities Impacting San Rafael Way**  
**(Prepared 7/21/2012)**

<b>Facility</b>	<b># of Students</b>	<b>Operation Hrs.</b>	<b>Service Areas</b>	<b>Program Focus</b>	<b>Future Plans</b>
Commodore Sloat Public School	270-320	7:00 am – 8:40 am (at St Francis Epis. Church), 8:40 am – 2:40 pm on site, 3:15 pm – 6:00 pm after school care on site.	SF Unified School District assignments	SFUUSD curriculum	Not known
St. Francis Episcopal Church – Stonestown YMCA Preschool	Licensed for 34 (Varies per day)	7:00 am – 6:00 pm	Residents of San Francisco City & County	Play-based “Reggio-Amelia” European Program	Hopes to open a new preschool at Garfield and Junipero Serra at Lutheran Church of Our Savior site
Stonestown YMCA Summer Program	250-350 per session (11 weekly sessions)	7:30 am – 6:00 pm (Includes preschool & after school care) 2012: 8 wks. at C. Sloat; 3 wks. at St. Stephen's School	OMI Bayview District, Ingleside	Different weekly themes for 2012	Not known
Christian Science Church Preschool <i>(Proposed - per conversation with person who posted “Hearing Signs” for Alpha Kids Academy)</i>	15-40	7:30 am – 6:00 pm	Open enrollment	Academic focus	Not known

LEON TERRACE HOMES  
ASSOCIATION

1234567890  
1234567890  
1234567890





## VII. DEED RESTRICTIONS

The deed restrictions apply to all BTHA property. The current restrictions were adopted in 2000 by a two-thirds vote of the individual homeowners. They were recorded in the Recorder's Office, City and County of San Francisco, on September 18, 2000, as Recorder's document 09/18/2000 G831827.

### Edited Extracts of Deed Restrictions

(Editor's Note: The following were edited to remove references to dates of expiration, since the deed restrictions have been extended on September 18, 2000, for ten year terms, without limit, unless revoked or amended by a two-thirds vote of the property owners.)

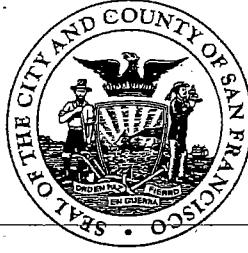
...AND THIS CONVEYANCE and the estate in said above-described real property hereby conveyed are made and created subject to the following express conditions, to wit:

FIRST: [Any] structure or building hereafter erected or constructed upon said premises shall be so erected or constructed [so as] not to come nearer to the front street line than a distance of one-tenth of the depth of lot and not to come nearer to the side street line than a distance of one-tenth of the width of lot, nor shall any garage be built or constructed in front of or nearer to the front or side street line of the said premises than the front or side line of the building nor shall any part or portion of building come nearer than \_\_\_\_\_ feet, or garage come nearer than \_\_\_\_\_ feet of the line of any lot or lots of any contiguous property owner, [Ed. note: side and rear setbacks of lots vary] nor shall any line or division fence be built or constructed from the front line of the building to the front street line or on the said front street line, and the portions of said premises in front of the front line occupied by the building thereon shall be kept free from rubbish, litter and weeds and properly cultivated to grow and maintain plants, flowers, shrubs or a lawn.

SECOND: That no building or structure which may hereafter be erected upon said land, or any part thereof, shall be used for any purpose except that of a dwelling house or appurtenances thereto at any time[.]

THIRD: That [no] trade, business or manufactures of any kind, or anything of the nature thereof, shall be carried on or conducted upon said real property, or any part thereof, and [no] stable fowl or animals (other than household pets) store, grocery or mercantile business shall be located or maintained or kept on any part of said land, or conducted thereon.

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

August 29, 2012

Margaret Finley  
135 San Rafael Way  
San Francisco, CA 94127

**File No. 120866, Planning Case No. 2012.0348C**  
**175 Junipero Serra Boulevard Conditional Use Appeal**

Dear Ms. Finley:

This is in reference to the appeal you submitted from the decision of the Planning Commission by Motion No. 18674, on property located at:

175 Junipero Serra Boulevard, Assessor's Block No. 3250, Lot No. 006.

The Director of Public Works has informed the Board of Supervisors in a letter dated August 28, 2012, (copy attached), that the signatures represented with your appeal of August 24, 2012, have been checked pursuant to the Planning Code and represent owners of more than 20 percent of the property involved and would be sufficient for appeal.

A hearing date has been scheduled for **Tuesday, September 18, 2012, at 4:00 p.m.**, at the meeting of the Board of Supervisors to be held in City Hall, Legislative Chamber, Room 250, located at 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Please provide to the Clerk's Office **by**:

**8 days prior to the hearing:** any documentation which you may want available to the Board members prior to the hearing;

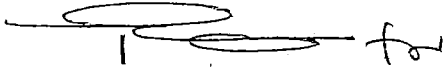
**11 days prior to the hearing:** names of interested parties to be notified of the hearing.

---

Provide 18 copies of the documentation for distribution, and, if possible, names of interested parties to be notified in label format.

If you have any questions, please feel free to contact Rick Caldeira at (415) 554-7711 or Joy Lamug at (415) 554-7712.

Sincerely,



Angela Calvillo  
Clerk of the Board

c:

Project Owner, Lesleah DeFrisco, 175 Junipero Serra Boulevard, San Francisco, CA 94127

Project Sponsor, Magda Bach, 1791 33<sup>rd</sup> Avenue, San Francisco, CA 94122

Jerry Sanguinetti, Manager, Department of Public Works-Bureau of Street Use and Mapping

Fuad Sweiss, City Engineer, Department of Public Works

Scott Sanchez, Zoning Administrator, Planning Department

Joh Givner, Deputy City Attorney

Kate Stacy, Deputy City Attorney

Marlena Byrne, Deputy City Attorney

AnMarie Rodgers, Planning Department

Tina Tam, Planning Department

Adrian Putra, Planning Department

Linda Avery, Planning Department

Bruce Storrs, Department of Public Works

Javier Rivera, Department of Public Works



Department of Public Works  
Office of the City and County Surveyor

875 Stevenson Street, Room 410  
San Francisco, CA 94103

Bruce R. Storrs, City and County Surveyor

Edwin M. Lee, Mayor  
Mohammed Nuru, Director  
Fuad S. Sweiss, PE, PLS,  
City Engineer & Deputy Director of Engineering

August 28, 2012

Ms. Angela Calvillo  
Clerk of the Board  
1 Dr. Carlton B. Goodlet Place  
City Hall - Room 244  
San Francisco, CA 94102

RE: 175 Junipero Serra Blvd.  
Assessor's Block 3250 Lot No. 006  
Appealing Planning Commissions Approval of  
Conditional Use Application No. 2012.0348C

Dear Ms. Calvillo:

This letter is in response to your August 27, 2012 request for our Department to check the sufficiency of the signatures with respect to the above referenced appeal.

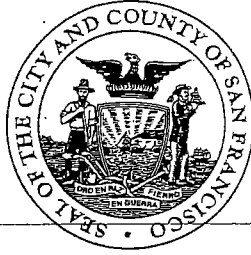
Please be advised that per our calculations the appellants' signatures represent 32.18% of the area within the 300 foot radius of the property of interest; which is more than the minimum required 20% of the area involved and is therefore sufficient for appeal.

If you have any questions concerning this matter, please contact Mr. Javier Rivera of my staff at 554-5864.

Sincerely

Bruce R. Storrs  
City & County Surveyor

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689

Tel. No. 554-5184  
12 AUG 27 PM 4:52  
TDD/TTY No. 544-5227  
DEPT. PUBLIC WORKS  
DIRECTOR'S OFFICE

August 27, 2012

Mohammed Nuru, Director  
Department of Public Works  
City Hall, Room 348  
San Francisco, CA 94102

**Planning Case No. 2012.0348C**  
**175 Junipero Serra Boulevard Conditional Use Appeal**

Dear Director Nuru:

The Office of the Clerk of the Board is in receipt of an appeal filed by Margaret Finley, on August 24, 2012, from the decision of the Planning Commission by its Motion No. 18674 dated July 26, 2012, relating to the approval of a Conditional Use Authorization identified as Planning Case No. 2012.0348C, pursuant to Planning Code Sections 209.3(f) and 303, to allow a child care facility for 15 or more children (d.b.a. Alpha Kids Academy) within an RH-1(D) (Residential, One-Family, Detached) District, and a 40-X Height and Bulk District, on property located at:

175 Junipero Serra Boulevard, Assessor's Block No. 3250, Lot No. 006.

By copy of this letter, the City Engineer's Office is requested to determine the sufficiency of the signatures in regard to the percentage of the area represented by the appellant. Please submit a report not later than 5:00 p.m., August 31, 2012, to allow time to prepare and mail out the hearing notices as the Board of Supervisors has tentatively scheduled the appeal to be heard on September 18, 2012, at 4:00 p.m.

Sincerely,

A handwritten signature in dark ink, appearing to read "Angela Calvillo".

Angela Calvillo  
Clerk of the Board

c:  
Appellant, Margaret Finley, 135 San Rafael Way, San Francisco, CA 94127  
Project Owner, Lesleah L. DeFrisco, 175 Junipero Serra Boulevard, San Francisco, CA 94127, w/ copy of appeal  
Project Sponsor, Magda Bach, 1791 33<sup>rd</sup> Avenue, San Francisco, CA 94122, w/ copy of appeal  
Jerry Sanguinetti, Manager, Department of Public Works-Bureau of Street Use and Mapping, w/copy of appeal  
Fuad Sweiss, City Engineer, Department of Public Works, w/copy of appeal  
Scott Sanchez, Zoning Administrator, Planning Department, w/copy of appeal  
Joh Givner, Deputy City Attorney, w/copy of appeal  
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Marlena Byrne, Deputy City Attorney, w/copy of appeal  
AnMarie Rodgers, Planning Department, w/copy of appeal  
Tina Tam, Planning Department, w/copy of appeal  
Adrian Putra, Planning Department, w/copy of appeal  
Linda Avery, Planning Department, w/copy of appeal  
Bruce Storrs, Department of Public Works, w/copy of appeal  
Javier Rivera, Department of Public Works, w/copy of appeal

September 18, 2012

Board of Supervisors  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 250  
San Francisco, CA 94102

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2012 SEP 10 PM 3:07

**File No. 120866, Planning Case No. 2012.0348C  
175 Junipero Serra Boulevard Conditional Use Appeal**

**BALBOA TERRACE HOMES ASSOCIATION**

**Amended Articles of Incorporation By-Laws and Deed Restrictions**

Clearly states on page 22- 23 "That no building or structure which may hereafter be erected upon said land, or any part thereof, shall be used for any purpose except that of a dwelling house or appurtenances thereto at any time" and that no trade, business or manufactures of any kind, or anything of the nature thereof, shall be carried on or conducted upon said real property, or any part hereof".

- We, the neighbors, could not engage in any business, and the Christian Science Church should abide by the same laws. An enrollment of more than 14 students constitutes a business and it is therefore against the Balboa Terrace Homes Association Amended Articles of Incorporation, By-Laws and Deed Restrictions, Balboa Terrace is zoned RH-1 (D) (Residential, single family detached) District.

**(Exhibit A)**

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**ALPHA KIDS ACADEMY (d.b.a. Kangaroos Preschool)**

- Notice of intent has two names i.e. Alpha Kids Academy and Kangaroos Preschool. Kangaroos Preschool is an LLC i.e. Limited Liability Corporation. We question the non-profit status. Residential zoning is a major concern for the neighbors of Balboa Terrace. The Alpha Kids Academy is not a charity organization coming to our area. It is operating as a “for profit” enterprise.

**NEIGHBORHOOD SCHOOLS/CHILDCARES**

- Our neighborhood is not lacking options for childcare or schooling. We are surrounded by public schools within walking distance in our community, to name a few, Commodore Sloat Elementary School located directly opposite the proposed child care facility, as well as the after school programs from the YMCA Stonestown at their facility, St. Francis Episcopal School/Church through their frequent functions and mixers, Aptos Middle School, Lakeside Presbyterian offering childcare, St. Stephen School and St. Brendan School. These schools clearly support a wide array of children with differing ages and diversities. These schools are not only attended by the children that live in the neighborhood, but also children that come from other areas of the city, like the Ingleside District, Bayview District, etc... An additional childcare facility is simply unneeded and compounds the congestion of children, parents and traffic on San Rafael Way and the additional adjoining streets.



On Sundays, service at the Christian Science Church brings a steady amount of visitors every weekend causing parking to be quite difficult. **(Exhibit B)**

- The neighbors were misled on the number of children projected to be enrolled in this child care facility. We received a notice dated July 5<sup>th</sup> in the mail and received several days later from the Planning Department stating there would be "15 or more children" enrolled. However, in the hearing the numbers 20-40 children with the **possibility** of 60 children were stated. This is a huge difference.
- We understand that this child care also intend to place signage. This is not acceptable for a residential area such as ours. Signage such as this degrades the neighborhood.
- We were also told there will be food truck deliveries to the pre-school center.
- Our street pavement has already been compromised by heavy use there are already many dips and hollows. This pavement is relatively new, repaved after PG&E completed their work less than 4 years ago.
- People purchase homes in our neighborhood because it is one the few real residential areas (i.e. no business) which conforms to our Balboa Terrace by Laws and Deed Restrictions. There is no comparison between St. Francis Episcopal Church &

YMCA situation as they have their entrance on the corner of Ocean Avenue and San Fernando Way facing a school yard. We have only homes to face with no driveways in front of any home. To avoid permanent parkers from coming to San Francisco for the Muni from the Peninsula we had to establish a two hour parking for safety reasons both medical and emergency and for the purpose of getting first responders (i.e. fire trucks, ambulances, etc.) through our narrow street when cars are parked on both sides. It is grid-lock when one car heads North on our block and another car heads South, obviously one has to back up.

- We hope this Board will take a serious look to the importance of allowing one more school in this area because in the event of an emergency this can have serious consequences with this large number of children concentrated in such a proximity, three schools and two churches operating within feet of one another This would be challenging for the emergency workers. **(Exhibit C )**
- We established a two hour residential parking because the parents of the school children were taking most of the parking spaces, leaving their cars parked here and going to work, leaving the residents with fewer parking spaces. This problem will increase with a third school operating in this neighborhood. Another important reason for establishing the two hour residential parking in this neighborhood years ago was on the advice of one of the neighbors that worked

for the Fire Department and saw the danger in the event of a fire or an earthquake making it impossible for the fire trucks to get through on a narrow two way street with cars parked on both sides of the street during school hours.

- Though we do not oppose education, or religion, the reality we face is that a third institution in such a close proximity would debilitate the parking situation to the point that the residents would be disenfranchised.
- Crime seems to increase as more people come to our neighborhood. Commodore Sloat has been burglarized many times and garages are prime targets.

We respectfully ask the Board of Supervisors to assist the residents to oppose the granting of this Conditional Use Permit, allowing us to maintain our designated residential zoning. The change in use would have significant impacts on the neighborhood residents' quality of life, reduce home values (especially on San Rafael Way) and is incompatible with existing land use.

Thank you

**The Residents of Balboa Terrace**

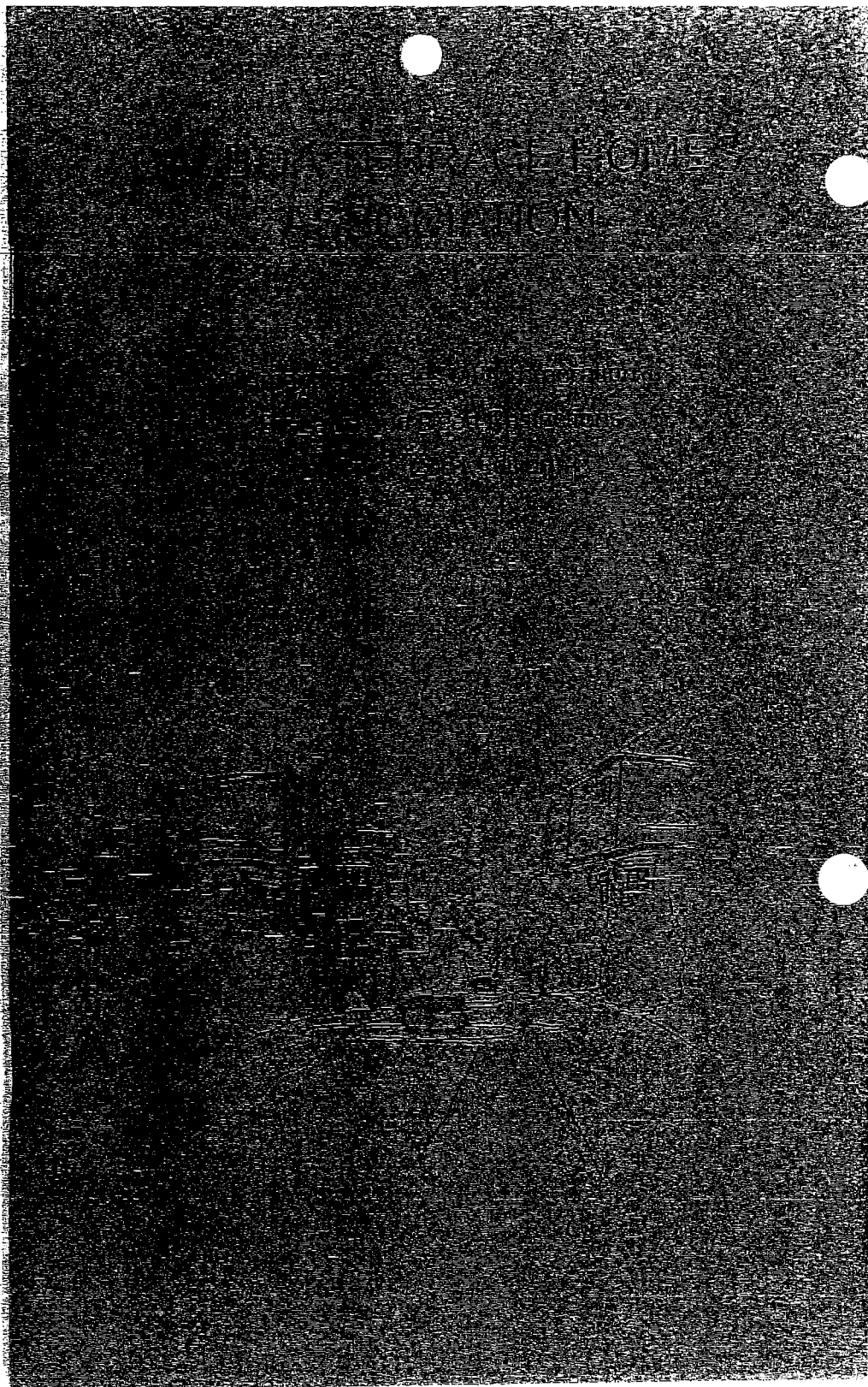


EXHIBIT A

## VII. DEED RESTRICTIONS

The deed restrictions apply to all BTHA property. The current restrictions were adopted in 2000 by a two-thirds vote of the individual homeowners. They were recorded in the Recorder's Office, City and County of San Francisco, on September 18, 2000, as Recorder's document 09/18/2000 G831827.

### Edited Extracts of Deed Restrictions

(Editor's Note: The following were edited to remove references to dates of expiration, since the deed restrictions have been extended on September 18, 2000, for ten-year terms, without limit, unless revoked or amended by a two-thirds vote of the property owners.)

....AND THIS CONVEYANCE and the estate in said above-described real property hereby conveyed are made and created subject to the following express conditions, to wit:

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SECOND: That no building or structure which may hereafter be erected upon said land, or any part thereof, shall be used for any purpose except that of a dwelling house or appurtenances thereto at any time[.]

THIRD: That [no] trade, business or manufactures of any kind, or anything of the nature thereof, shall be carried on or conducted upon said real property, or any part thereof, and [no] stable fowl or animals (other than household pets) store, grocery or mercantile business shall be located or maintained or kept on any part of said land, or conducted thereon.

### Educational Facilities Impacting San Rafael Way

Facility	# of Students	Operation Hrs.	Service Areas	Program Focus	Future Plans
Commodore Sloat Public School	270-320	7:00 am – 8:40 am (at St Francis Epis. Church), 8:40 am – 2:40 pm on site, 3:15 pm – 6:00 pm after school care on site.	SF Unified School District assignment	SFUSD curriculum	Not known
St. Francis Episcopal Church YMCA Preschool	Licensed for 34 (Varies per day)	7:00 am – 6:00 pm	Residents of San Francisco City & County	Play-based "Reggio-Amelia" European program	Hopes to open a new preschool at Garfield and Junipero Serra in Lutheran Church of Our Savior
Stonestown YMCA Summer Program	250-350 per session (11 weekly sessions) 15-40	7:30 am – 6:00 pm (includes preschool & after school care) 2012: 8 wks. at C. Sloat; 3 wks. at St. Stephens School	OMI Bayview District, Ingleside	Different weekly themes for 2012	Not known
Christian Science Church Preschool <i>(Proposed) per conversation with person who posted "Hearing Signs" for Alpha Kids Academy)</i>		7:30 am – 6:00 pm	Open enrollment	Academic focus	Not known

Google

To see all the details that are visible on the screen, use the "Print" link next to the map.

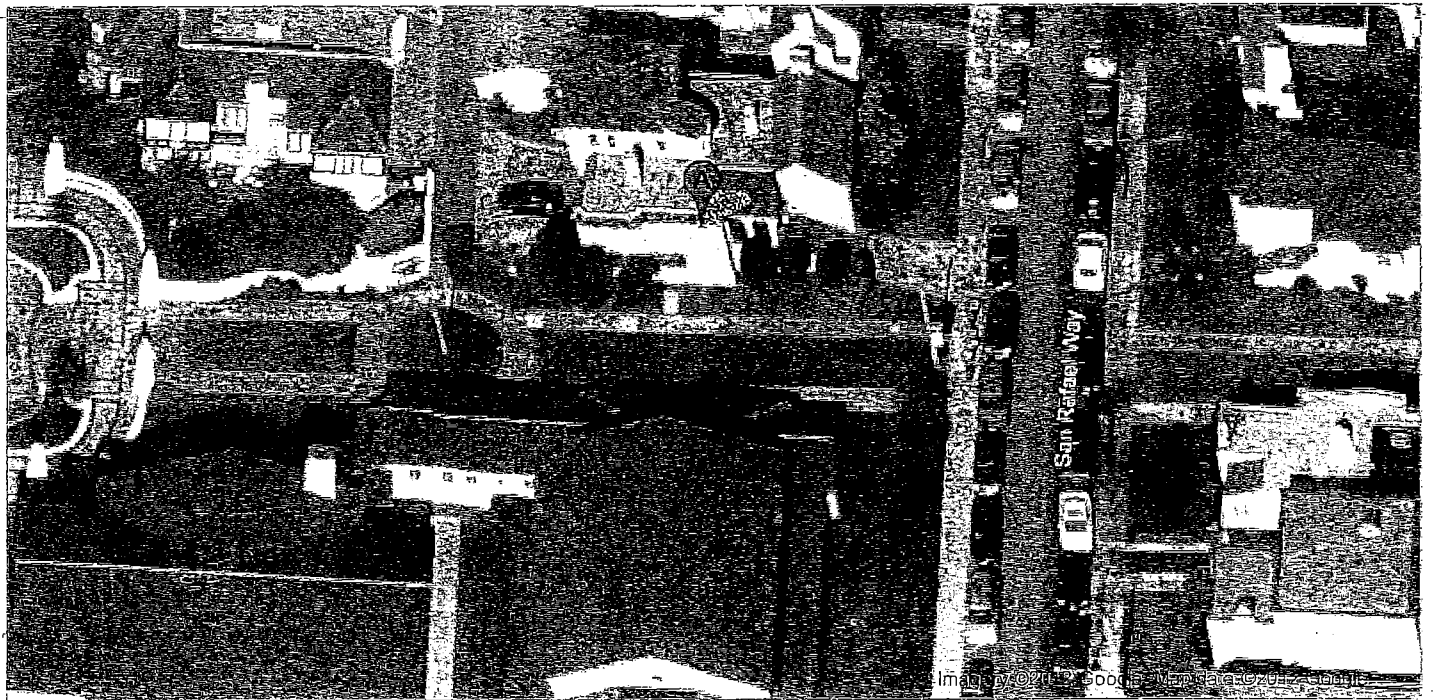


EXHIBIT C

1340





# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

## APPEAL OF CONDITIONAL USE AUTHORIZATION 175 Junipero Serra Boulevard

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

**DATE:** September 10, 2012

**TO:** Angela Calvillo, Clerk of the Board of Supervisors

**FROM:** John Rahaim, Planning Director – Planning Department (415) 558-6411  
Adrian C. Putra, Case Planner – Planning Department (415) 558-6620

**RE:** File No. 12- 0866, Planning Case No. 2012.0348C - Appeal of the approval of Conditional Use authorization for 175 Junipero Serra Boulevard

**HEARING DATE:** September 18, 2012

**ATTACHMENTS:**

- A. Commission Packet (including final motion)
- B. Notice to Board of Supervisors of Appeal and Statement of Appeal (August 24, 2012)
- C. Opposition Letter from Residents of Balboa Terrace (August 22, 2012)
- D. Letter and Opposition Petition submitted from Neighbors (July 18, 2012)
- E. Document titled "Educational Facilities Impacting San Rafael Way submitted by Neighbors (August 21, 2012)
- F. Letter of Support from Ninth Church of Christ, Scientist (July 18, 2012)

**PROJECT SPONSOR:** Magda Bach, 1791 33<sup>rd</sup> Avenue, San Francisco, CA 94122

**APPELLANT:** Margaret Finley, 135 San Rafael Way, San Francisco, CA 94122

RECEIVED  
 BOARD OF SUPERVISORS  
 SAN FRANCISCO  
 2012 SEP 10 PM 12:51  
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**INTRODUCTION:**

This memorandum and the attached documents are a response to the letter of appeal to the Board of Supervisors (the "Board") regarding the Planning Commission's ("Commission") approval of the application for Conditional Use Authorization under Planning Code Sections 303 (Conditional Use Authorization) and 209.3(f) (Institutions – Child-Care Facility providing less than 24 hour care for 15 or more children) to allow a child-care facility for 15 or more children (d.b.a. Alpha Kids Academy) within an existing church building in an RH-1(D) (Residential, One-family, Detached) Zoning District and a 40-X Height and Bulk District ("the Project").

This response addresses the appeal ("Statement of Appeal") to the Board filed on August 24, 2012 by Margaret Finley, owner of 135 San Rafael Way. The Statement of Appeal referenced the proposed project in Case No. 2012.0348C.

Memo

The decision before the Board is whether to uphold or overturn the Planning Commission's approval of Conditional Use Authorization to allow a child care facility for 15 or more children at 175 Junipero Serra Boulevard.

#### SITE DESCRIPTION & PRESENT USE:

The project site at 175 Junipero Serra Boulevard is located on the north side of Darien Way, between Junipero Serra Boulevard and San Rafael Way and is developed with a church for the Ninth Church of Christ, Scientist. The subject lot contains approximately 33,410 square-feet with approximately 200 feet of frontage along Junipero Serra Boulevard, 180 feet of frontage along Darien Way, and 190 feet of frontage along San Rafael Way.

#### SURROUNDING PROPERTIES AND NEIGHBORHOOD:

The project site is located within an RH-1 (D) (Residential, One-family, Detached) District characterized by lots of greater width and area than in other parts of the City, and by single-family houses with side yards. The structures are relatively large, but rarely exceed 35 feet in height. Ground level open space and landscaping at the front and rear are usually abundant. Properties directly to the north and east of the project site are developed with detached, single-family dwellings. Directly south of the project site on the opposite side of Darien Way is Commodore Sloat Elementary School.

#### PROJECT DESCRIPTION:

The project sponsor seeks a Conditional Use Authorization, pursuant to Planning Code Sections 209.3(f) and 303 to establish a child care facility (d.b.a. Alpha Kids Academy) providing less than 24 hour care for 15 or more children. The proposed facility would be located at the eastern end of the church building and occupy existing Sunday school facilities which are not in use during the weekdays. The proposed facility consists of three class rooms, an art/music room, and library room occupying a total area of approximately 2,700 square-feet. Additionally, the proposed facility will have access to an outdoor play area on the subject property. The proposed facility would operate Monday through Friday from 7:30 AM to 6:00 PM, serving children from ages two and a half to six years, and will be operated by a staff of six (one director, one assistant director, three teachers, and one teacher assistant). The project sponsor expects the proposed facility to typically provide care for 20 to 40 children and at the maximum provide care for up to 60 children throughout the day. The project sponsor does not plan to have all children at the school at one time, but rather stagger the times when children are at the facility by having a system for children to arrive either between 7:30 to 9:00 AM for morning care, and offer early pick-up or afternoon care for children from 3:30 to 6:00 PM. The operator will also be required to obtain a State issued license to operate the proposed child-care facility and adhere to the Child Care Center General Licensing Requirements of the State of California.

#### BACKGROUND:

*2012 - Conditional Use Authorization Application filed*

The project sponsor submitted a Conditional Use Authorization application on March 15, 2012.

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

*2012 - Conditional Use Authorization hearing*

At the July 26, 2012 public hearing, the Commission granted a Conditional Use Authorization pursuant to Sections 209.3(f) and 790.80, allowing a child care facility for 15 or more children at the project site.

### CONDITIONAL USE AUTHORIZATION REQUIREMENTS:

Pursuant to Planning Code Section 209.3(f), a child care facility providing less than 24 hour care for more than 15 children is considered an institution use which is permitted with Conditional Use Authorization within an RH-1(D) District.

Planning Code Section 303 establishes the criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. Section 303 states that the following must be met in order for the Commission to grant approval of an application:

- 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.
- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:
  - i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
  - ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;
  - iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
  - iv. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;
- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

Therefore, if the project to allow a child care facility for 15 or more children meets the criteria outlined in Section 303 of the Code, then the Commission may grant Conditional Use Authorization.

### APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES:

The concerns raised in the Appeal Letter are cited in a summary below and are followed by the Department's response:

**ISSUE #1:** The Appellant contends that the proposed child-care facility for 15 or more children is incompatible with the overriding RH-1(D) Residential Zoning District.

RESPONSE #1: Per Planning Code Sections 209.3(f) a child care facility for more than 15 children is permitted with Conditional Use Authorization within an RH-1(D) District. As such, the Commission found the Project to be necessary or desirable, and compatible with, the neighborhood or the community in that:

1. The project is compatible with the surrounding neighborhood as the proposed child care facility will occupy existing under-utilized church facilities currently only used for Sunday school services.
2. The project will not expand the existing building envelope and will not create any further physical impacts upon light, air or midblock open space.
3. The use is desirable as it will provide a vital service for the residents of the neighborhood.
4. The project site is well served by public transit with five MUNI lines within approximately a ¼ mile of the site: K, 17, M, 28, and 28L. Additionally, the project would be conditionally approved to require the Project Sponsor to provide a traffic plan that includes providing a passenger loading and unloading "white" zone along a street curb that fronts the subject property and provide crossing guard(s) to monitor the passenger loading and unloading "white" zone during morning and afternoon pick-up and drop-off hours.

For the above reasons, the Commission found that the proposed child-care facility for 15 or more children at 175 Junipero Serra Boulevard to be compatible with the surrounding neighborhood located within an RH-1(D) Zoning District.

ISSUE #2: The Appellant contends that the proposed child-care facility for 15 or more children does not honor the by-laws and deed restrictions of Balboa Terrace Homes Association. Page 23 of Balboa Terrace Homes Association's by-laws and deed restrictions states "That [no] trade, business or manufactures of any kind, or anything of the nature thereof, shall be carried on or conducted upon said real property, or any part thereof, and [no] stable fowl or animals (other than household pets) store, grocery or mercantile business shall be located or maintained or kept on any part of said land, or conducted thereon."

RESPONSE #2: The subject property appears to be located within the Balboa Terrace Homes Association. However, at the July 26<sup>th</sup> hearing, City staff clarified that the City does not have any jurisdiction over the CC&Rs. The City views CC&Rs as a private matter between individual private parties. Pursuant to Planning Code Sections 209.3(f) and 303, a child care facility for more than 15 children is considered an institution use which is permitted with Conditional Use Authorization within an RH-1(D) District. The Project therefore, was found to be a use which is permitted under the Planning Code with Conditional Use Authorization at the subject property.

ISSUE #3: The Appellant contends that the proposed child-care facility for 15 or more children does not recognize the impossibility to remediate extremely congested traffic and student density within a one-block radius of the proposed project.

RESPONSE #3: To address neighbor concerns regarding traffic congestion the Commission added a Condition of Approval requiring that, "The Project Sponsor shall provide a traffic plan that includes providing a passenger loading and unloading "white" zone along a street curb that fronts the subject

property. Additionally, crossing guard(s) shall monitor the passenger loading and unloading 'white' zone during morning and afternoon pick-up and drop-off hours." The Project Sponsor has also stating a willingness to have the passenger loading and unloading "white" zone located along Junipero Serra Boulevard to further reduce potential traffic congestion along San Rafael Way.

Concerning student density within a one-block radius of the proposed project, after the issuance of the staff report for the project on July 19, 2012, staff was provided a list from neighbors of educational facilities which were found to be located within 1,580 feet of the subject property. The list was titled, "Educational Facilities Impacting San Rafael Way" which was prepared on July 21, 2012. Of the facilities provided on the list, St. Francisco Episcopal Church – Stonestown YMCA Preschool at 399 San Fernando Way is the only child-care facility located within a one-block radius to the project site. The YMCA Preschool at 399 San Fernando Way has a California State License to operate a child-care facility with up to 34 children, which was issued on October 31, 1998. However, it was discovered by the Department that the child-care facility at 399 San Fernando Way does not have Conditional Use authorization to operate a child-care facility for up to 34 children.

**ISSUE #4:** The Appellant contends that there were several statement errors in the Executive Summary to Planning Commissioners.

**RESPONSE #4:** Please refer to the Planning Department's responses in italics to statements in the Executive Summary identified by the Appellant as being in the error.

- "The project site is located within an RH-1(D) (Residential, One-family, Detached) District situated in St. Francis Woods Neighborhood." (pg. 2). The Appellant states that the project site is located in Balboa Terrace and not in St. Francis Woods.  
*The Appellant is correct in stating that the project site is located within Balboa Terrace.*
- "The Department is not aware of any opposition to the project." (pg. 2).  
*Staff was not contacted by neighbors opposed to the project until July 20, 2012, which was a day after the staff report including the executive summary was issued. Prior to the issuance of the staff report the project was publicly noticed at least 20 days before the July 26, 2012 Planning Commission Hearing. At the hearing the Department staff informed the Commission about the public comment received after publication of the report.*
- "The proposed child care facility will provide child care for a maximum of 60 children." (pg. 3). The Appellant states that residents were told 15-40 children by one posting hearing sign.  
*The Planning Commission Hearing Poster stated that the project was to establish a child care facility for 15 or more children pursuant to Planning Code Section 209.3(f). This language is the standard CUs for a child-care facility for 15 or more children.*
- "In order for the project to proceed, the Commission must grant Conditional Use Authorization to allow a child care facility for more than 15 children within an RH-1(D) (Residential, One-family, Detached) District, pursuant to Planning Code Section 209.3(f) and 303." (pg. 3). The Appellant contends that RH-1(D) District Zoning changed without notifying neighbors.  
*A child-care facility providing less than 24 hour care has been permitted as of right or conditionally permitted depending on the number of the children since 10/6/1978, which is when Section 209.3 was added to the Planning Code under Ordinance 44-78.*

*Board of Supervisor's Ordinance 140-11, File No. 110482, approved on 7/5/2011 and made effective on 8/4/2011 amended Planning Code Section 209.3(f) changed the number of children for which a child-care facility providing less than 24-hour care requires conditional use authorization within the R districts from 13 to 15 children. Proper public notice was provided by both the Planning Department and the Clerk of the Board of Supervisors.*

- *"There is ample on-street parking surrounding the project site, and the project sponsor has expressed the intention to apply for a passenger loading zone curb along San Rafael Way in front of the entrance to the proposed facility." The Appellant contends that there are numerous existing educational facilities within proximity to the project site, which negatively impacts the availability of on-street parking around San Rafael Way.  
Planning Code Section 151 requires one off-street parking space for each 25 children to be accommodated at any one time, where the number of such children exceeds 24. The project meets and exceeds the off-street parking requirements of the Planning Code by providing three off-street parking spaces accessible from Darien Way.*

#### CONCLUSION:

For the reasons stated above, the Planning Department recommends that the Board uphold the Planning Commission's decision in approving the Conditional Use authorization to allow a children care facility for 15 or more children at 175 Junipero Serra Boulevard and deny the Appellant's request for appeal.



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use HEARING DATE: JULY 26, 2012

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

*Date:* July 19, 2012  
*Case No.:* 2012.0348 C  
*Project Address:* 175 JUNIPERO SERRA BOULEVARD  
*Zoning:* RH-1(D) (Residential, One-family, Detached) District  
40-X Height and Bulk District  
*Block/Lot:* 3250/006  
*Project Sponsor:* Magda Bach  
1791 33<sup>rd</sup> Avenue  
San Francisco, CA 94122  
*Staff Contact:* Adrian C. Putra - (415) 575-9079  
adrian.putra@sfgov.org  
*Recommendation:* Approval with Conditions

### PROJECT DESCRIPTION

The project sponsor seeks a Conditional Use Authorization, pursuant to Planning Code Sections 209.3(f) and 303 to establish a child care facility (d.b.a. Alpha Kids Academy) providing less than 24 hour care for 15 or more children. The proposed facility would be located at the eastern end of the church building and occupy existing Sunday school facilities which are not in use during the weekdays. The proposed facility consists of three class rooms, an art/music room, and library room occupying a total area of approximately 2,700 square-feet. Additionally, the proposed facility will have access to an outdoor play area on the subject property. The proposed facility would operate Monday through Friday from 7:30 AM to 6:00 PM, serving children from ages two and a half to six years, and will be operated by a staff of six (one director, one assistant director, three teachers, and one teacher assistant). The project sponsor expects the proposed facility to typically provide care for 20 to 40 children and at the maximum provide care for up to 60 children throughout the day. The project sponsor does not plan to have all children at the school at one time, but rather stagger the times when children are at the facility by having a system for children to arrive either between 7:30 to 9:00 AM for morning care, and offer early pick-up or afternoon care for children from 3:30 to 6:00 PM. In addition, there is ample on-street parking abutting the subject property along Junipero Serra Boulevard, Darien Way, and San Rafael Way, and the project sponsor has expressed the intention to apply for a passenger loading zone curb along San Rafael Way in front of the entrance to the proposed facility. The operator will also be required to obtain a State issued license to operate the proposed child-care facility and adhere to the Child Care Center General Licensing Requirements of the State of California.

### SITE DESCRIPTION AND PRESENT USE

The project site at 175 Junipero Serra Boulevard is located on the north side of Darien Way, between Junipero Serra Boulevard and San Rafael Way and is developed with a church that is home to the Ninth Church of Christ, Scientist. The subject lot contains approximately 33,410 square-feet with approximately 200 feet of frontage along Junipero Serra Boulevard, 180 feet of frontage along Darien Way, and 190 feet of frontage along San Rafael Way.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located within an RH-1 (D) (Residential, One-family, Detached) District situated in St. Francis Woods Neighborhood. RH-1 (D) Districts are characterized by lots of greater width and area than in other parts of the City, and by single-family houses with side yards. The structures are relatively large, but rarely exceed 35 feet in height. Ground level open space and landscaping at the front and rear are usually abundant. Much of the development has been in sizable tracts with similarities of building style and narrow streets following the contours of hills. In some cases private covenants have controlled the nature of development and helped to maintain the street areas. Properties directly to the north and east of the project site are developed with detached, single-family dwellings. Directly south of the project site on the opposite side of Darien Way is Commodore Sloat Elementary School.

### ENVIRONMENTAL REVIEW

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

### HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	July 6, 2012	July 3, 2012	23 days
Posted Notice	20 days	July 6, 2012	July 3, 2012	23 days
Mailed Notice	20 days	July 6, 2012	June 3, 2012	23 days

### PUBLIC COMMENT

- The Department is not aware of any opposition to the project.

### ISSUES AND OTHER CONSIDERATIONS

- The project site is well-served by public transit as it is within an established residential neighborhood that is well served by public transit with five MUNI lines within approximately a ¼ mile of the site: K, 17, M, 28, and 28L.



- The proposed child care facility will provide child care for a maximum of 60 children, which requires two off-street parking spaces per Planning Code Section 151. The proposed child care facility has up to three off-street parking spaces accessible from Darien Way.
- The project sponsor has expressed the intention to apply for a passenger loading zone curb along San Rafael Way in front of the entrance to the proposed facility.

### REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant Conditional Use Authorization to allow a child care facility for more than 15 children within an RH-1(D) (Residential, One-family, Detached) District, pursuant to Planning Code Section 209.3(f) and 303.

### BASIS FOR RECOMMENDATION

- The project meets all applicable requirements of the Planning Code.
- The project promotes small business ownership and employment opportunities. According to the project sponsor the proposed child care facility will be operated by a staff of six people consisting of a director, assistant director, three teachers, and a teacher assistant.
- The project is compatible with the surrounding neighborhood as the proposed child care facility will occupy existing under utilized church facilities currently only used for Sunday school services.
- The use is desirable as it will provide a vital service for the residents of the neighborhood.
- The operator will be required to obtain a State issued license to operate the proposed child-care facility and adhere to the Child Care Center General Licensing Requirements of the State of California.
- There is ample on-street parking surrounding the project site, and the project sponsor has expressed the intention to apply for a passenger loading zone curb along San Rafael Way in front of the entrance to the proposed facility.

<b>RECOMMENDATION:</b> Approval with Conditions
-------------------------------------------------

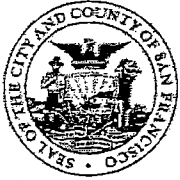
Attachment Checklist

- |                                                         |                                                               |
|---------------------------------------------------------|---------------------------------------------------------------|
| <input checked="" type="checkbox"/> Executive Summary   | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion        | Drawings: <u>Existing Conditions</u>                          |
| <input type="checkbox"/> Environmental Determination    | <input checked="" type="checkbox"/> Check for legibility      |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u>                             |
| <input type="checkbox"/> Height & Bulk Map              | <input checked="" type="checkbox"/> Check for legibility      |
| <input checked="" type="checkbox"/> Parcel Map          |                                                               |
| <input checked="" type="checkbox"/> Sanborn Map         |                                                               |
| <input checked="" type="checkbox"/> Aerial Photo        |                                                               |
| <input type="checkbox"/> Context Photos                 |                                                               |
| <input checked="" type="checkbox"/> Site Photos         |                                                               |

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

ACP

Planner's Initials



# SAN FRANCISCO PLANNING DEPARTMENT

*Subject to: (Select only if applicable)*

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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## Draft Planning Commission Motion HEARING DATE, JULY 26, 2012

*Date:* July 19, 2012  
*Case No.:* 2012.0348 C  
*Project Address:* 175 JUNIPERO SERRA BOULEVARD  
*Zoning:* RH-1(D) (Residential, One-family, Detached) District  
 40-X Height and Bulk District  
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 1791 33<sup>rd</sup> Avenue  
 San Francisco, CA 94122  
*Staff Contact:* Adrian C. Putra - (415) 575-9079  
 adrian.putra@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 209.3(f) AND 303 TO ALLOW A CHILD CARE FACILITY FOR 15 OR MORE CHILDREN (D.B.A. ALPHA KIDS ACADEMY) WITHIN AN RH-1(D) (RESIDENTIAL, ONE-FAMILY, DETACHED) DISTRICT, AND A 40-X HEIGHT AND BULK DISTRICT.

### PREAMBLE

On March 15, 2012, Magda Bach (Project Sponsor) filed an application with the Department for Conditional Use Authorization under Planning Code Sections 209.3(f) and 303 of the Planning Code to allow a child care facility for 15 or more children (d.b.a. Alpha Kids Academy) within an RH-1(D) (Residential, One-family, Detached), and a 40-X Height and Bulk District.

On July 26, 2012, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0348C.

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

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2012.0348C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site at 175 Junipero Serra Boulevard is located on the north side of Darien Way, between Junipero Serra Boulevard and San Rafael Way and is developed with a church for the Ninth Church of Christ, Scientist. The subject lot contains approximately 33,410 square-feet with approximately 200 feet of frontage along Junipero Serra Boulevard, 180 feet of frontage along Darien Way, and 190 feet of frontage along San Rafael Way.
3. **Surrounding Properties and Neighborhood.** The project site is located within an RH-1 (D) (Residential, One-family, Detached) District situated in St. Francis Woods Neighborhood. RH-1 (D) Districts are characterized by lots of greater width and area than in other parts of the City, and by single-family houses with side yards. The structures are relatively large, but rarely exceed 35 feet in height. Ground level open space and landscaping at the front and rear are usually abundant. Much of the development has been in sizable tracts with similarities of building style and narrow streets following the contours of hills. In some cases private covenants have controlled the nature of development and helped to maintain the street areas. Properties directly to the north and east of the project site are developed with detached, single-family dwellings. Directly south of the project site on the opposite side of Darien Way is Commodore Sloat Elementary School.
4. **Project Description.** The project sponsor seeks a Conditional Use Authorization, pursuant to Planning Code Sections 209.3(f) and 303 to establish a child care facility (d.b.a. Alpha Kids Academy) providing less than 24 hour care for 15 or more children. The proposed facility would be located at the eastern end of the church building and occupy existing Sunday school facilities which are not in use during the weekdays. The proposed facility consists of three class rooms, an art/music room, and library room occupying a total area of approximately 2,700 square-feet. Additionally, the proposed facility will have access to an outdoor play area on the subject property. The proposed facility would operate Monday through Friday from 7:30 AM to 6:00 PM, serving children from ages two and a half to six years, and will be operated by a staff of six (one director, one assistant director, three teachers, and one teacher assistant). The project sponsor expects the proposed facility to typically provide care for 20 to 40 children and at the maximum provide care for up to 60 children throughout the day. The project sponsor does not plan to have all children at the school at one time, but rather stagger the times when children are

at the facility by having a system for children to arrive either between 7:30 to 9:00 AM for morning care, and offer early pick-up or afternoon care for children from 3:30 to 6:00 PM. In addition, there is ample on-street parking abutting the subject property along Junipero Serra Boulevard, Darien Way, and San Rafael Way, and the project sponsor has expressed the intention to apply for a passenger loading zone curb along San Rafael Way in front of the entrance to the proposed facility. The operator will also be required to obtain a State issued license to operate the proposed child-care facility and adhere to the Child Care Center General Licensing Requirements of the State of California.

5. **Public Comment.** To date the Department is not aware of any opposition to the project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Institutions – Child Care Facility.** Planning Code Section 209.3(f) requires Conditional Use authorization for child care facilities providing less than 24 hour care for 15 or more children by licensed personnel and meeting the open space and other requirements of the State of California within the RH-1 (D) District.

*The project sponsor seeks Conditional Use Authorization to establish a child care facility providing less than 24 hour care for more than 15 children within an RH-1(D) District.*

- B. **Parking.** Planning Code Section 151 of the Planning Code requires one parking space for each 25 children to be accommodated at any one time, where the number of such children exceeds 24.

*The proposed child care facility will provide child care for a maximum of 60 children, which requires two off-street parking spaces per Planning Code Section 151. The proposed child care facility has up to three off-street parking spaces accessible from Darien Way.*

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

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

*The project is compatible with the surrounding neighborhood as the proposed child care facility will occupy existing under utilized church facilities currently used for Sunday school services. The project will not expand the existing building envelope and will not create any further physical impacts upon light, air or midblock open space. The use is desirable as it will provide a vital service for the residents of the neighborhood.*

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*The project is not detrimental to the area since it does not involve any physical expansion to the existing building.*

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

*The project site is located within an established residential neighborhood that is well served by public transit with five MUNI lines within approximately a ¼ mile of the site: K, 17, M, 28, and 28L. Additionally, the proposed child care facility is intended to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips citywide. The project sponsor also intends to apply for a loading zone curb in front of the child care facility's entrance facing San Rafael Way.*

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

*The project will not create any noxious or offensive emissions, such as glare, dust, or odor.*

- iv. 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 propose any change to the existing, landscaping or lighting. Any proposed signage will be subject to the review and approval of the Planning Department.*

- 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. General Plan Compliance. The Project is consistent with the Objectives and Policies of the General Plan in that:

## COMMERCE AND INDUSTRY ELEMENT

### Objectives and Policies

**OBJECTIVE 1:**

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

**Policy 1.1:**

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

*The project would enhance the city living and working environment by providing needed child care services for residents and workers within the City. The project would also need to comply with State licensing requirements for child care facilities further minimizing possible undesirable consequences from such an operation.*

**OBJECTIVE 2:**

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

**Policy 2.1:**

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

**Policy 3:**

Maintain a favorable social cultural climate in the city in order to enhance its attractiveness as a firm location.

*The project will enhance the diverse economic base of the City.*

**OBJECTIVE 3:**

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

**Policy 3.1:**

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

*The project will provide additional employment opportunities for San Francisco residents.*

**GOVERNMENT, HEALTH AND EDUCATION SERVICES**

**Objectives and Policies**

**OBJECTIVE 7:**

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

**Policy 7.2:**

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

*The proposed child care center will provide educational services for the children of San Francisco residents. No physical expansion is proposed to the existing church grounds and a majority of the proposed child care facility's activities will take place indoors, hence the adjacent residential uses will not be disrupted.*

9. Planning Code Section 101.1(b) establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

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

*No neighborhood-serving retail use would be displaced by the project.*

- 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 physical alteration or expansion to the project site and thus will not adversely affect existing housing or character of the neighborhood.*

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

*No housing will be removed for this Project.*

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

*Due to the nature of the project there are no anticipated adverse effects upon MUNI service or on neighborhood parking.*

- 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.

*Approval of this project will not adversely affect any industrial or service sector jobs rather it will create new service sector employment opportunities for workers of that sector.*

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

*The project will not impact the subject property's ability to withstand an earthquake and all tenant improvements shall meet the structural and seismic safety requirements of the City Building Code.*



G. That landmarks and historic buildings be preserved.

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

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

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

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

Draft Motion No.  
Hearing Date: July 26, 2012

CASE No. 2012.0348C  
175 Junipero Serra Boulevard

### DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby APPROVES Conditional Use Application No. 2012.0348C subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (after the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA, 94012.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on July 26, 2012.

Linda Avery  
Commission Secretary

AYES:

NAYES:

ABSENT:

ADOPTED:

## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to allow a child care facility for 15 or more children (d.b.a: Alpha Kids Academy) located at 175 Junipero Serra Boulevard, Block 3250, and Lot 006 pursuant to Planning Code Sections 209.3(f) and 303 and within an RH-1(D) and a 40-X Height and Bulk District; in general conformance with plans, dated June 18, 2012, and stamped "EXHIBIT B" included in the docket for Case No. 2012.0348C and subject to conditions of approval reviewed and approved by the Commission on July 26, 2012 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 July 26, 2012 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 and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building

Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. 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. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

2. **Extension** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://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](http://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](http://www.sf-planning.org).*

#### OPERATION

5. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number

of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

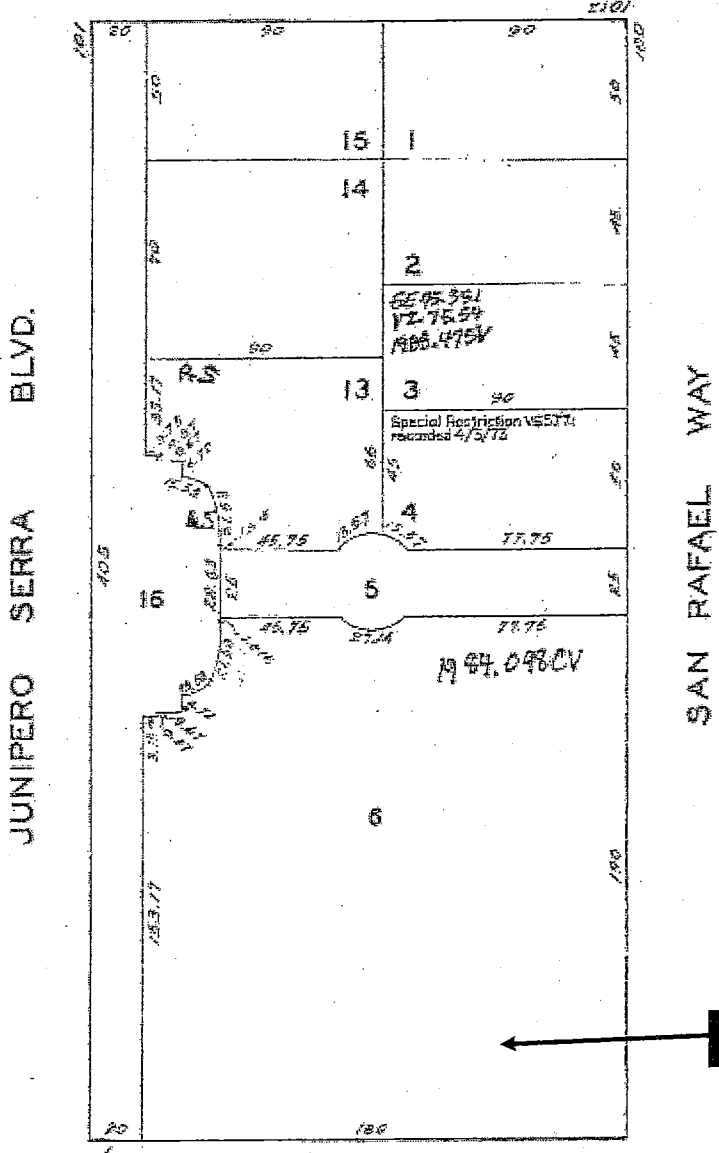
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)

6. **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/>*

# Parcel Map

MONTEREY BLVD.



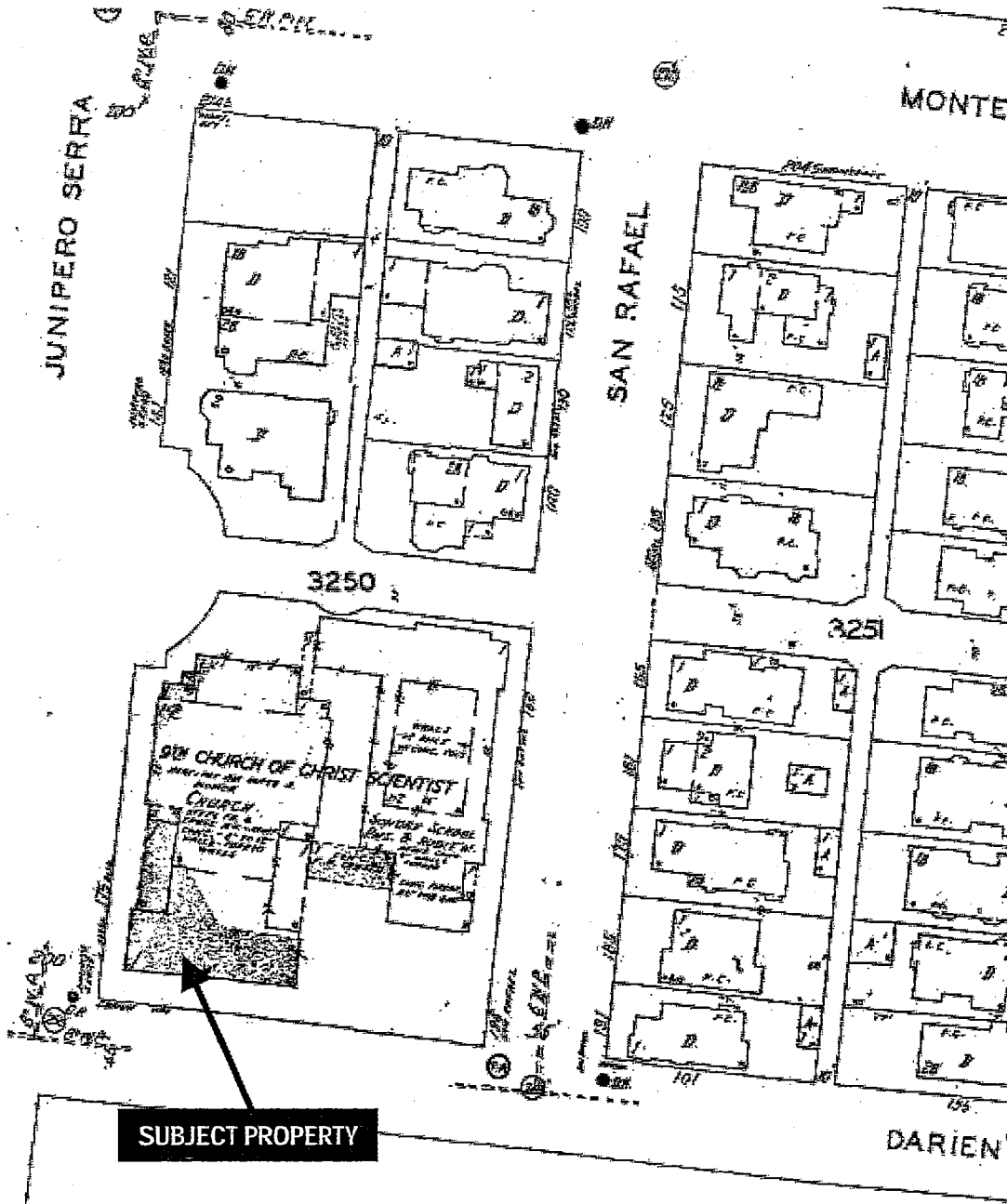
DARIEN WAY

**SUBJECT PROPERTY**



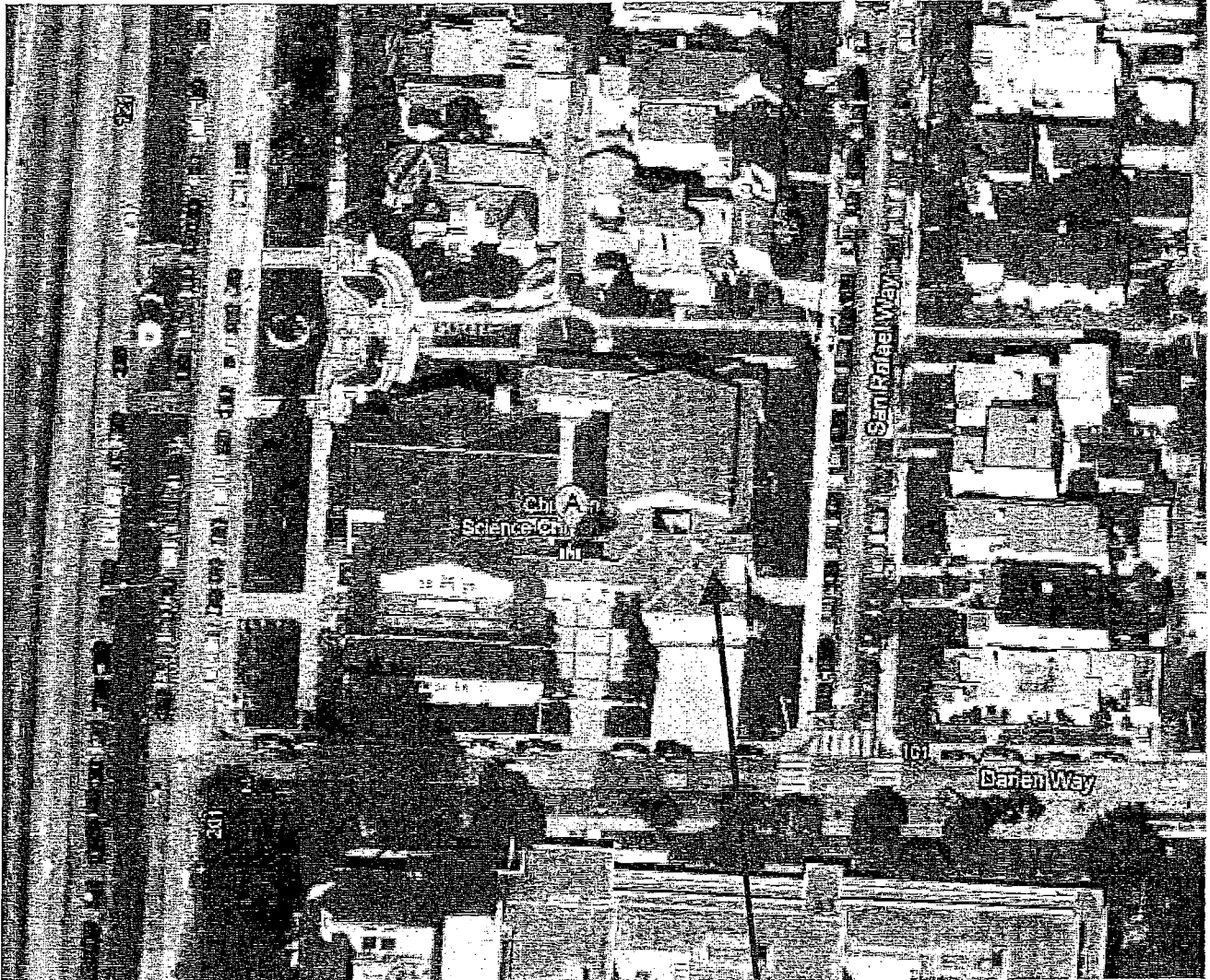
Conditional Use Request Hearing  
 Case Number 2012.0348 C  
 Child Care Facility for more than 15 children  
 175 Junipero Serra Boulevard

# Sanborn Map



Conditional Use Request Hearing  
Case Number 2012.0348 C  
Child Care Facility for more than 15 children  
175 Junipero Serra Boulevard

# Aerial Photo view looking North



**SUBJECT PROPERTY**

Conditional Use Request Hearing  
Case Number 2012.0348 C  
Child Care Facility for more than 15 children  
175 Junipero Serra Boulevard



# Aerial Photo view looking East

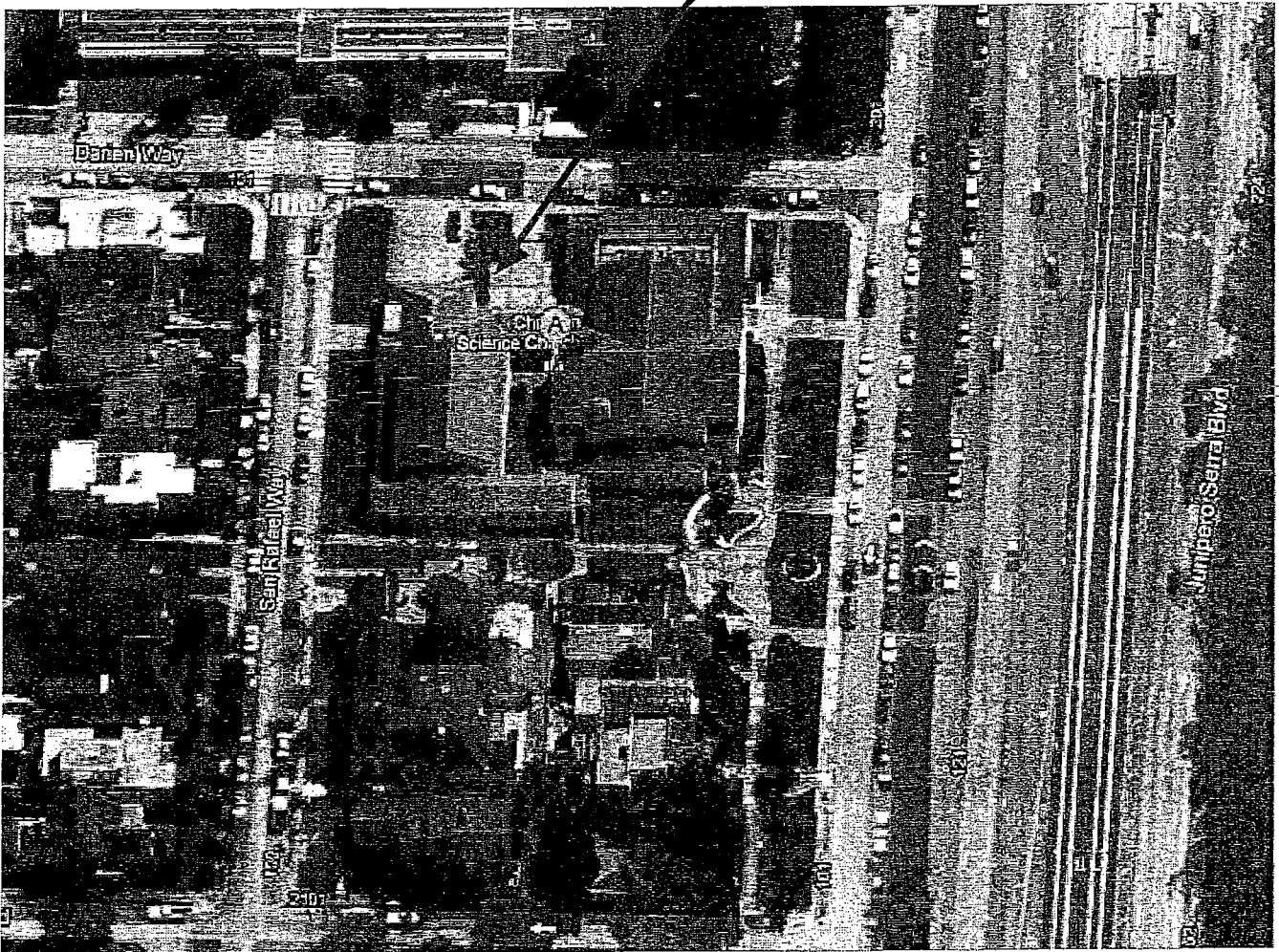


**SUBJECT PROPERTY**

Conditional Use Request Hearing  
Case Number 2012.0348 C  
Child Care Facility for more than 15 children  
175 Junipero Serra Boulevard

# Aerial Photo view looking South

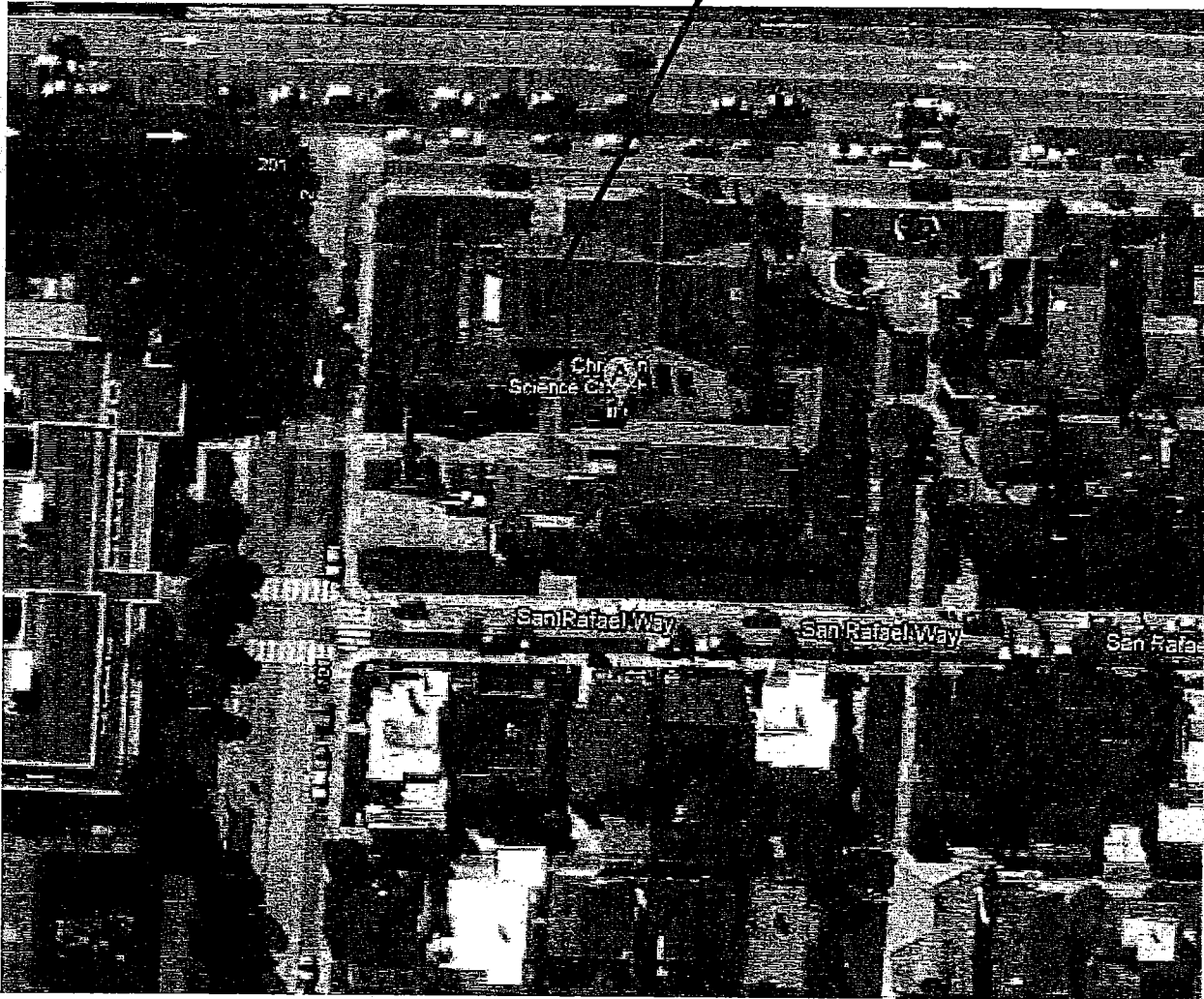
SUBJECT PROPERTY



Conditional Use Request Hearing  
Case Number 2012.0348 C  
Child Care Facility for more than 15 children  
175 Junipero Serra Boulevard

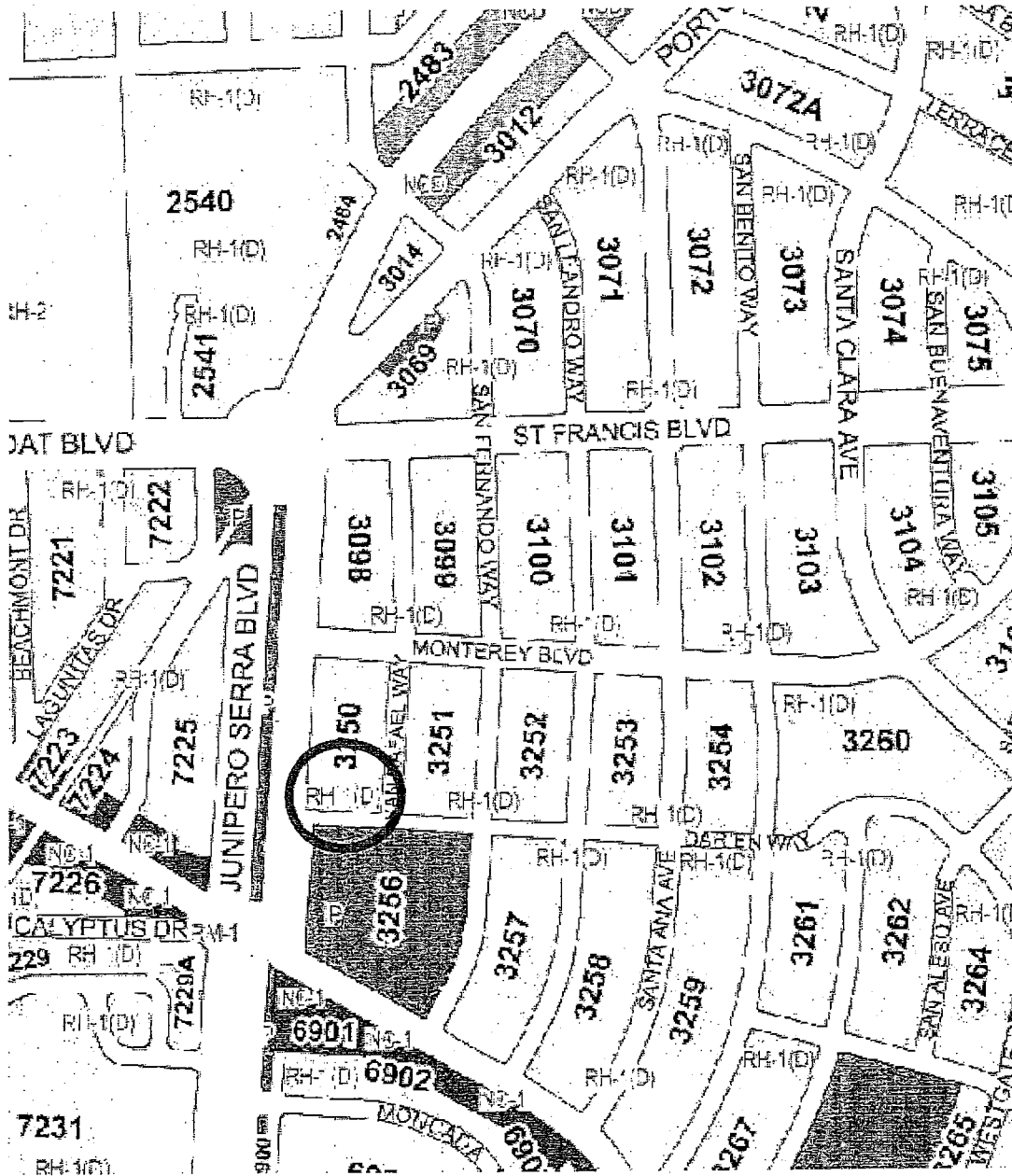
# Aerial Photo view looking West

SUBJECT PROPERTY



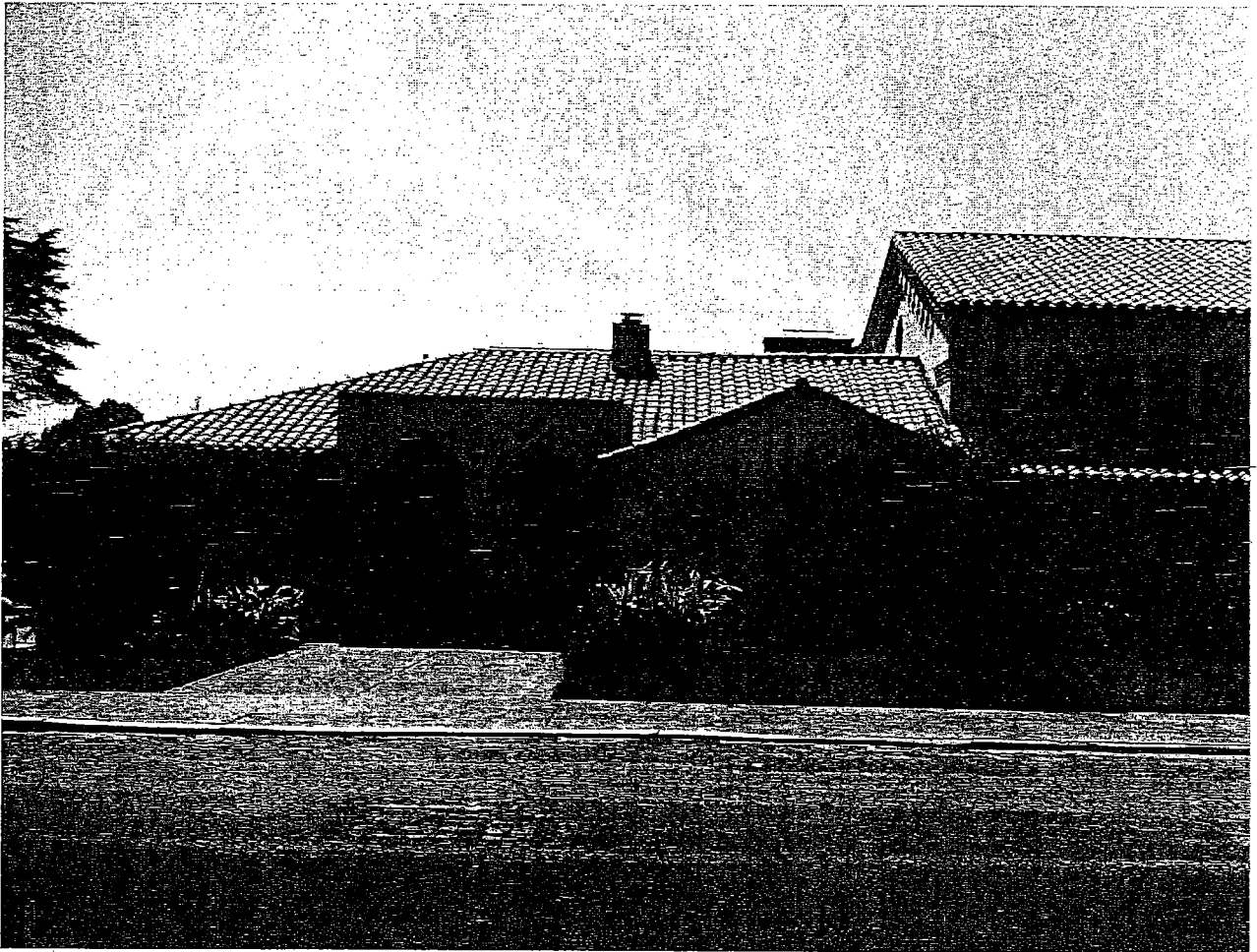
Conditional Use Request Hearing  
Case Number 2012.0348 C  
Child Care Facility for more than 15 children  
175 Junipero Serra Boulevard

# Zoning Map



Conditional Use Request Hearing  
Case Number 2012.0348 C  
Child Care Facility for more than 15 children  
175 Junipero Serra Boulevard

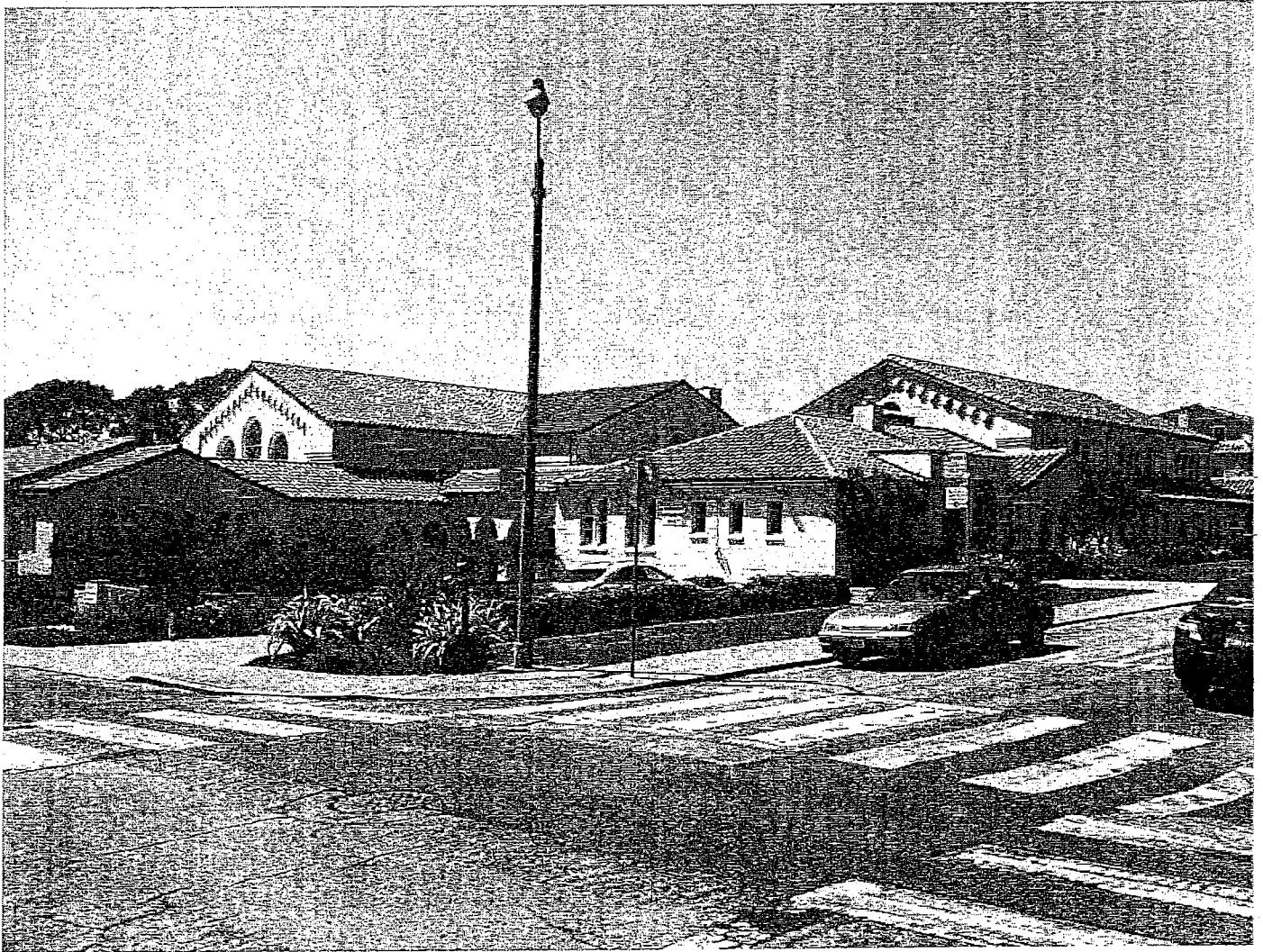
**Site Photo - Subject Property  
View of Entrance to Proposed Child Care  
Facility from San Rafael Way**



Conditional Use Request Hearing  
Case Number 2012.0348 C  
Child Care Facility for more than 15 children  
175 Junipero Serra Boulevard

## Site Photo - Subject Property

View looking from corner of Darien and San Rafael Ways

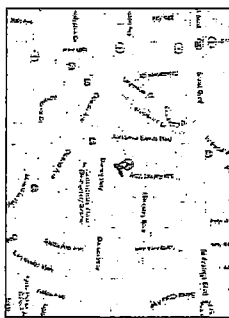


Conditional Use Request Hearing  
Case Number 2012.0348 C  
Child Care Facility for more than 15 children  
175 Junipero Serra Boulevard

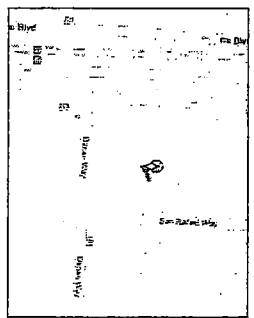
**BUILDING DATA:**  
 ADDRESS: 175 Junipero Serra Blvd.  
 SAN FRANCISCO, CALIF 94127  
 STORES: 1 STORY  
 OCCUPANCY: E (SCHOOL)  
 OCCUPANCY: E (DAYCARE)  
 TYPE: S1  
 ZONING: RH-3  
 BLOCK: 3250  
 LOT: 006

**SCOPE OF WORK:**  
 CHANGE OF USE  
 SUNDAY SCHOOL TO DAYCARE

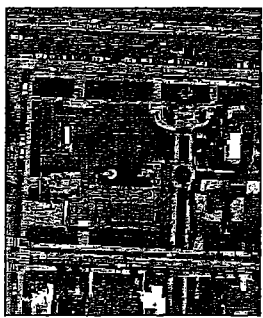
**DEMOLITION NOTE:**  
 ALTERATION IS NOT TO EXCEED THE SCOPE OF DEMOLITION DESCRIBED IN THESE PLANS. A SEPARATE AND ADDITIONAL PERMIT IS REQUIRED TO REPAIR DRY-ROT OR FOR ANY ALTERATION WHICH EXCEEDS THE SCOPE OF DEMOLITION DESCRIBED IN THESE PLANS.



VICINITY MAP



LOCATION PLAN

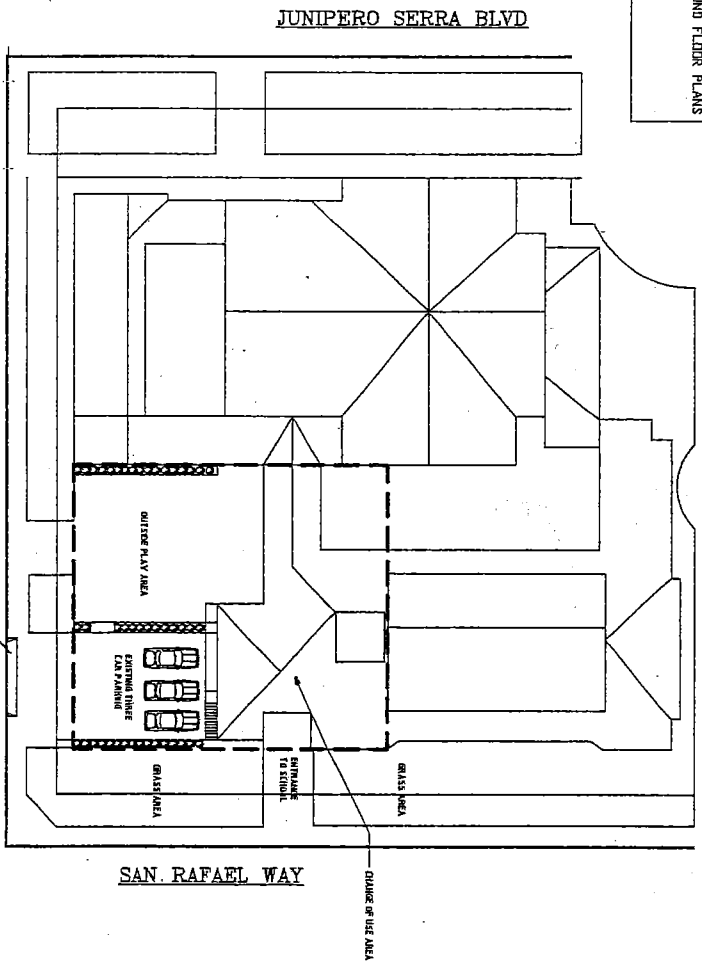


AERIAL VIEW

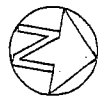
BY USE OF THESE PLANS THE OWNER AND THE GENERAL CONTRACTOR HAVE AGREED TO INDemnIFY THE ENGINEER FOR ALL LEGAL COST ASSOCIATED WITH ANY CLAIMS AND CONTRACTOR DEFENSES AND HOLD ENGINEER HARMLESS. THE ENGINEER'S LIABILITY IS LIMITED TO FEES RECEIVED FOR SERVICES RENDERED.

CODE REF.: ALL CONSTRUCTION WORK SHALL COMPLY WITH THE 2010 CALIFORNIA BUILDING CODE (CBC), 2010 CALIFORNIA PLUMBING CODE (CPC), 2010 CALIFORNIA MECHANICAL CODE (CMC), 2010 CALIFORNIA ELECTRICAL CODE (CEC), 2008 CALIFORNIA BUILDING ENERGY EFFICIENCY STANDARDS (BEES), AND 2010 SAN FRANCISCO BUILDING CODE.

- INDEX:**
- A1. LOCATION PLAN, VICINITY MAP AND SITE PLAN
  - A2. EXISTING AND PROPOSED GROUND FLOOR PLANS

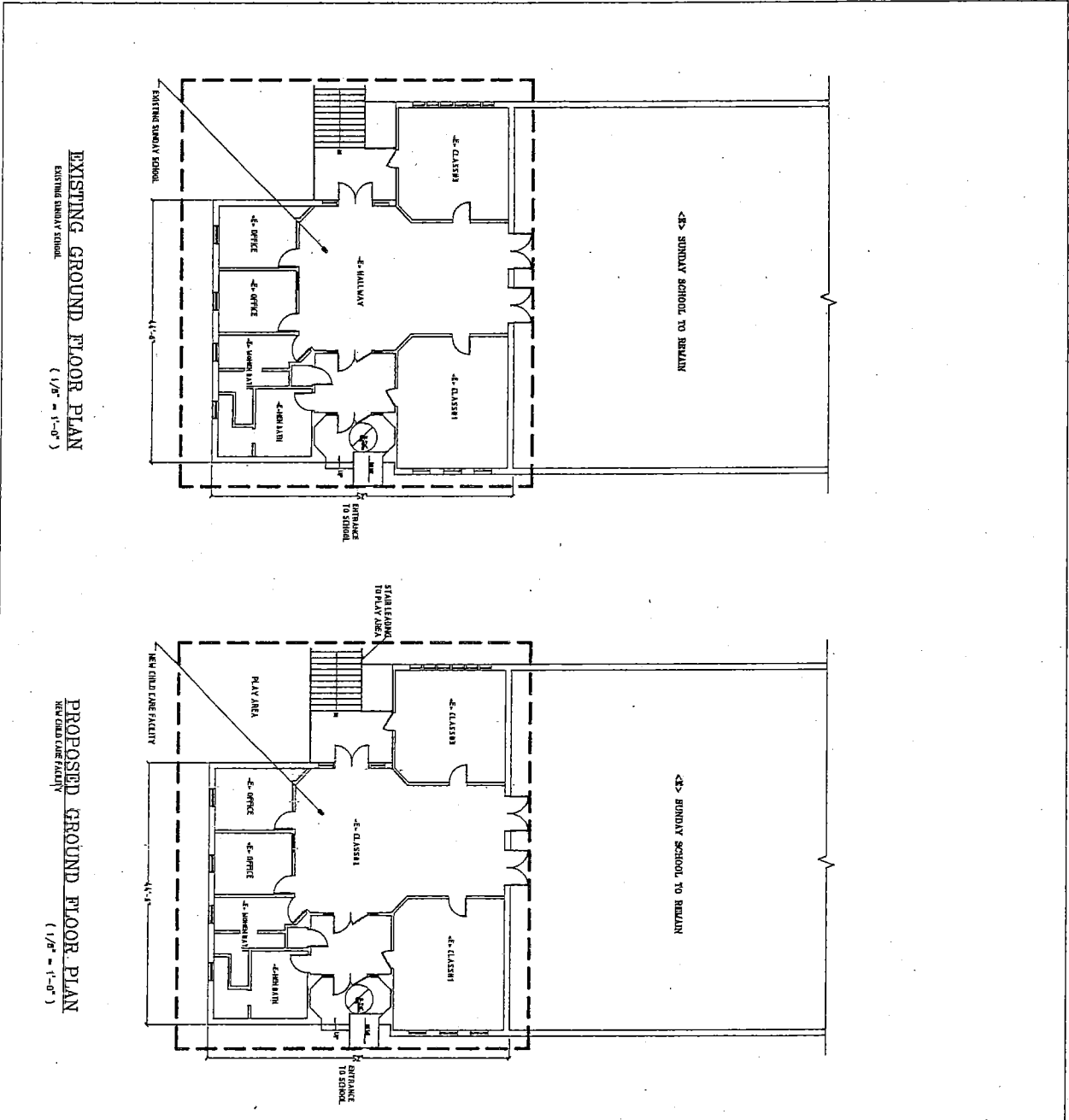


EXISTING SITE PLAN  
 (1/16" = 1'-0")



DATE: 03-14-12 DRAWN BY: HNL CHECKED BY: HNL SHEET: A1 OF: 1	CHANGE OF USE: SUNDAY SCHOOL TO DAYCARE	BLOCK 3250 LOT 006 175 Junipero Serra Blvd. SAN FRANCISCO, CALIFORNIA	HAWK N. LEE, P. E. Consulting Engineer 1829 Herington Street San Francisco, California 94122 (415) 681-8326 fax (415) 681-1012	REVISIONS NO. DATE DESCRIPTION
--------------------------------------------------------------------------	--------------------------------------------	-----------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------





**ARCHITECTURAL**

1. BEFORE BIDDING AND NEGOTIATION PERIOD, THE GENERAL AND SUBCONTRACTORS SHALL CONSULT WITH THE ARCHITECT AND OBTAIN ALL NECESSARY PERMITS FROM ALL AGENCIES AND AUTHORITIES AS REQUIRED BY THE CITY AND COUNTY OF SAN FRANCISCO. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR PAYING ALL FEES AND CHARGES THEREON. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR PAYING ALL FEES AND CHARGES THEREON. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR PAYING ALL FEES AND CHARGES THEREON.

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11. ALL OPEN BOARD PARTITIONS SHALL BE TYPED AND LABELED THROUGH WITH IN VISIBLE PARTS.

DATE: 03-14-15 DRAWN BY: HAWK N. LEE CHECKED BY: HAWK N. LEE JOB: 17431 SHEET: A2	CHANGE OF USE: SUNDAY SCHOOL TO DAYCARE	BLOCK 5250 LOT 008 175 Junipero Serra Blvd. SAN FRANCISCO, CALIFORNIA	HAWK N. LEE, P. E. Consulting Engineer 1009 Noriega Street San Francisco, California 94122 (415) 881-8335 FAX (415) 881-1012
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# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

## Planning Commission Motion No. 18674

HEARING DATE, JULY 26, 2012

*Date:* July 19, 2012  
*Case No.:* 2012.0348 C  
*Project Address:* 175 JUNIPERO SERRA BOULEVARD  
*Zoning:* RH-1(D) (Residential, One-family, Detached) District  
 40-X Height and Bulk District  
*Block/Lot:* 3250/006  
*Project Sponsor:* Magda Bach  
 1791 33<sup>rd</sup> Avenue  
 San Francisco, CA 94122  
*Staff Contact:* Adrian C. Putra – (415) 575-9079  
 adrian.putra@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 209.3(f) AND 303 TO ALLOW A CHILD CARE FACILITY FOR 15 OR MORE CHILDREN (D.B.A. ALPHA KIDS ACADEMY) WITHIN AN RH-1(D) (RESIDENTIAL, ONE-FAMILY, DETACHED) DISTRICT, AND A 40-X HEIGHT AND BULK DISTRICT.

### PREAMBLE

On March 15, 2012, Magda Bach (Project Sponsor) filed an application with the Department for Conditional Use Authorization under Planning Code Sections 209.3(f) and 303 of the Planning Code to allow a child care facility for 15 or more children (d.b.a. Alpha Kids Academy) within an RH-1(D) (Residential, One-family, Detached), and a 40-X Height and Bulk District.

On July 26, 2012, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0348C.

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

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2012.0348C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site at 175 Junipero Serra Boulevard is located on the north side of Darien Way, between Junipero Serra Boulevard and San Rafael Way and is developed with a church for the Ninth Church of Christ, Scientist. The subject lot contains approximately 33,410 square-feet with approximately 200 feet of frontage along Junipero Serra Boulevard, 180 feet of frontage along Darien Way, and 190 feet of frontage along San Rafael Way.
3. **Surrounding Properties and Neighborhood.** The project site is located within an RH-1 (D) (Residential, One-family, Detached) District situated in St. Francis Woods Neighborhood. RH-1 (D) Districts are characterized by lots of greater width and area than in other parts of the City, and by single-family houses with side yards. The structures are relatively large, but rarely exceed 35 feet in height. Ground level open space and landscaping at the front and rear are usually abundant. Much of the development has been in sizable tracts with similarities of building style and narrow streets following the contours of hills. In some cases private covenants have controlled the nature of development and helped to maintain the street areas. Properties directly to the north and east of the project site are developed with detached, single-family dwellings. Directly south of the project site on the opposite side of Darien Way is Commodore Sloat Elementary School.
4. **Project Description.** The project sponsor seeks a Conditional Use Authorization, pursuant to Planning Code Sections 209.3(f) and 303 to establish a child care facility (d.b.a. Alpha Kids Academy) providing less than 24 hour care for 15 or more children. The proposed facility would be located at the eastern end of the church building and occupy existing Sunday school facilities which are not in use during the weekdays. The proposed facility consists of three class rooms, an art/music room, and library room occupying a total area of approximately 2,700 square-feet. Additionally, the proposed facility will have access to an outdoor play area on the subject property. The proposed facility would operate Monday through Friday from 7:30 AM to 6:00 PM, serving children from ages two and a half to six years, and will be operated by a staff of six (one director, one assistant director, three teachers, and one teacher assistant). The project sponsor expects the proposed facility to typically provide care for 20 to 40 children and at the maximum provide care for up to 60 children throughout the day. The project sponsor does not plan to have all children at the school at one time, but rather stagger the times when children are

at the facility by having a system for children to arrive either between 7:30 to 9:00 AM for morning care, and offer early pick-up or afternoon care for children from 3:30 to 6:00 PM. In addition, there is ample on-street parking abutting the subject property along Junipero Serra Boulevard, Darien Way, and San Rafael Way, and the project sponsor has expressed the intention to apply for a passenger loading zone curb along San Rafael Way in front of the entrance to the proposed facility. The operator will also be required to obtain a State issued license to operate the proposed child-care facility and adhere to the Child Care Center General Licensing Requirements of the State of California.

5. **Public Comment.** To date the Department is not aware of any opposition to the project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Institutions – Child Care Facility.** Planning Code Section 209.3(f) requires Conditional Use authorization for child care facilities providing less than 24 hour care for 15 or more children by licensed personnel and meeting the open space and other requirements of the State of California within the RH-1 (D) District.

*The project sponsor seeks Conditional Use Authorization to establish a child care facility providing less than 24 hour care for more than 15 children within an RH-1(D) District.*

- B. **Parking.** Planning Code Section 151 of the Planning Code requires one parking space for each 25 children to be accommodated at any one time, where the number of such children exceeds 24.

*The proposed child care facility will provide child care for a maximum of 60 children, which requires two off-street parking spaces per Planning Code Section 151. The proposed child care facility has up to three off-street parking spaces accessible from Darien Way.*

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that

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

*The project is compatible with the surrounding neighborhood as the proposed child care facility will occupy existing under utilized church facilities currently only used for Sunday school services. The project will not expand the existing building envelope and will not create any further physical impacts upon light, air or midblock open space. The use is desirable as it will provide a vital service for the residents of the neighborhood.*

B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*The project is not detrimental to the area since it does not involve any physical expansion to the existing building.*

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

*The project site is located within an established residential neighborhood that is well served by public transit with five MUNI lines within approximately a ¼ mile of the site: K, 17, M, 28, and 28L. Additionally, the proposed child care facility is intended to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips citywide. The project sponsor also intends to apply for a loading zone curb in front of the child care facility's entrance facing San Rafael Way.*

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

*The project will not create any noxious or offensive emissions, such as glare, dust, or odor.*

- iv. 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 propose any change to the existing, landscaping or lighting. Any proposed signage will be subject to the review and approval of the Planning Department.*

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. General Plan Compliance. The Project is consistent with the Objectives and Policies of the General Plan in that:

## COMMERCE AND INDUSTRY ELEMENT

### Objectives and Policies

**OBJECTIVE 1:**

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

**Policy 1.1:**

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

*The project would enhance the city living and working environment by providing needed child care services for residents and workers within the City. The project would also need to comply with State licensing requirements for child care facilities further minimizing possible undesirable consequences from such an operation.*

**OBJECTIVE 2:**

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

**Policy 2.1:**

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

**Policy 3:**

Maintain a favorable social cultural climate in the city in order to enhance its attractiveness as a firm location.

*The project will enhance the diverse economic base of the City.*

**OBJECTIVE 3:**

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

**Policy 3.1:**

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

*The project will provide additional employment opportunities for San Francisco residents.*

**GOVERNMENT, HEALTH AND EDUCATION SERVICES**

**Objectives and Policies**

**OBJECTIVE 7:**

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

Policy 7.2:

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

*The proposed child care center will provide educational services for the children of San Francisco residents. No physical expansion is proposed to the existing church grounds and a majority of the proposed child care facility's activities will take place indoors, hence the adjacent residential uses will not be disrupted.*

9. Planning Code Section 101.1(b) establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

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

*No neighborhood-serving retail use would be displaced by the project.*

- 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 physical alteration or expansion to the project site and thus will not adversely affect existing housing or character of the neighborhood.*

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

*No housing will be removed for this Project.*

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

*Due to the nature of the project there are no anticipated adverse effects upon MUNI service or on neighborhood parking.*

- 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.

*Approval of this project will not adversely affect any industrial or service sector jobs rather it will create new service sector employment opportunities for workers of that sector.*

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

*The project will not impact the subject property's ability to withstand an earthquake and all tenant improvements shall meet the structural and seismic safety requirements of the City Building Code.*

- G. That landmarks and historic buildings be preserved.

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

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

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

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

**DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2012.0348C** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 18674. 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, 94012.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on July 26, 2012.

Linda Avery  
Commission Secretary

AYES: Commissioners Antonini, Sugaya, Fong, Antonini, Borden, and Wu

NAYES: None

ABSENT: None

ADOPTED: July 26, 2012



## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to allow a child care facility for 15 or more children (d.b.a. Alpha Kids Academy) located at 175 Junipero Serra Boulevard, Block 3250, and Lot 006 pursuant to Planning Code Sections 209.3(f) and 303 and within an RH-1(D) and a 40-X Height and Bulk District; in general conformance with plans, dated June 18, 2012, and stamped "EXHIBIT B" included in the docket for Case No. 2012.0348C and subject to conditions of approval reviewed and approved by the Commission on July 26, 2012 under Motion No. 18674. 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 26, 2012 under Motion No. 18674.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18674 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 and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. 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. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

2. **Extension** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://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](http://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](http://www.sf-planning.org).*

## OPERATION

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

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)

6. **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/>

7. **Traffic Plan.** The Project Sponsor shall provide a traffic plan that includes providing a passenger loading and unloading "white" zone along a street curb that fronts the subject property. Additionally, crossing guard(s) shall monitor the passenger loading and unloading "white" zone during morning and afternoon pick-up and drop-off hours.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)

Christian Science Church  
175 Junipero Serra Blvd  
Conditional Use Permit Application (CUP) #2012.0348C  
July 18, 2012

The local neighbors' strongly oppose approval of this Conditional Use Permit. The northeast corner of San Rafael Way and Darien Way already has a high concentration of young students with Commodore Sloat Elementary School and St Francis Episcopal School/Church adjacent to one another (on San Fernando Way). Both schools have after hour and summer programs further extending neighborhood impacts. Specific concerns:

Vehicular Parking, Street Capacity, Crosswalk Safety, Traffic Volumes, Pollution, and Noise on San Rafael Way

San Rafael Way is a narrow two-way street; parking is allowed on both sides of the street and is limited to two hours (without Residence Permit - Monday-Friday). The homes on San Rafael Way do not have driveways and residents rely heavily on street parking. Street parking is in short supply and permit parking is ineffective as school employees and visitors move their cars throughout the day to avoid violations. When cars are parked on both sides of street, only one moving vehicle at a time can travel up or down the street and emergency vehicles would have a difficult time getting to any of the homes on this street. Traffic is already very heavy during several times of the day especially early evenings.

At the intersection of San Rafael Way and Darien Way is a three-way crosswalk used to cross Darien Way or San Rafael Way. The crosswalks serve as the main way for students to enter or leave Commodore Sloat Elementary School and given the existing vehicle traffic, this crossing presents significant student safety concerns plus St Francis Episcopal School/Church, a Muni downtown Light Rail stop, and several bus stops are also within walking distance to this proposed site. The additional traffic would only exacerbate the existing significant problems with children/pedestrian safety. Lastly, noise (loud voices, constant opening and closing of car doors, and car horns), and trash in general is a serious problem (parents leaving behind fast food wrappers, etc.) Local homeowners on San Rafael Way already endure many hardships given the existing building and neighborhood design limitations. Any change in land use must consider current zoning requirements and the limitations of the existing neighborhood.

Building Design and Function

What is the number of maximum students allowed? (the application shows greater than fifteen). Can the building support the new use (heating, ventilation, space per child, bathrooms, and playground noise) and comply with California State Education Code for preschool use?

Conclusion

We oppose the granting of this Conditional Use Permit. The change in use would have significant impacts on the neighborhood residents' quality of life, reduce home values (especially on San Rafael Way), and is incompatible with existing land use.

Name:

Address:

*[Signature]*

175 (San Rafael Way

*[Signature]*

175 SAN RAFAEL Way

*[Signature]*

185 San Rafael way

Margaret Finley, 135 San Rafael Way

Joe M. Verroff 2045 MONTEREY BLVD. at SAN RAFAEL WAY

Melissa J. Perrot 2045 Monterey Blvd at San Rafael way

Matthew M. Coon 155 San Rafael

Craig J. Collins 155 San Rafael

*[Signature]* 155 San Rafael

*[Signature]* 161 San Rafael way

*[Signature]* 161 SAN RAFAEL WAY

Steen Madsen 101 DARIEN WAY

Karyala Madsen 101 DARIEN WAY

*[Signature]* 130 SAN RAFAEL WAY

*[Signature]* 130 SAN RAFAEL WAY

cc: Sean Elsbernd  
Supervisor District-7

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Use Only if CUP Approved at Hearing

Should the Planning Commission approve this CUP, we request the following conditions be applied:

- Stipulate students must be dropped-off and picked-up at the Church's main entrance on Junipero Serra.
- Establish weekly street sweeping on San Rafael Way (as currently scheduled on Darien Way and Junipero Serra Blvd.).
- Install Speed Limit sign on San Rafael Way "15 MPH when Children are Present", and have a police presence to enforce.
- CUP is not transferable and must be renewed in the event of business/church ownership change.
- All business signs must be placed on Junipero Serra Blvd. (no signs to be placed on San Rafael Way).
- Modify traffic signal timings at Ocean/Junipero Serra Blvd. to accommodate additional pedestrian and auto traffic.

Thank you for your consideration in this matter.

cc: Sean Elsbernd  
Supervisor District-7

## Educational Facilities Impacting San Rafael Way

(Prepared 7/21/2012)

Facility	# of Students	Operation Hrs.	Service Areas	Program Focus	Future Plans
Commodore Sloat Public School	270-320	7:00 am – 8:40 am (at St Francis Epis. Church), 8:40 am – 2:40 pm on site, 3:15 pm – 6:00 pm after school care on site.	SF Unified School District assignments	SFUSD curriculum	Not known
St. Francis Episcopal Church – Stonestown YMCA Preschool	Licensed for 34 (Varies per day)	7:00 am – 6:00 pm	Residents of San Francisco City & County	Play-based “Reggio-Amelia” European Program	Hopes to open a new preschool at Garfield and Junipero Serra at Lutheran Church of Our Savior site
Stonestown YMCA Summer Program	250-350 per session (11 weekly sessions)	7:30 am – 6:00 pm (includes preschool & after school care) 2012: 8 wks. at C. Sloat; 3 wks. at St. Stephen's School	OMI Bayview District, Ingleside	Different weekly themes for 2012	Not known
Christian Science Church Preschool <i>(Proposed - per conversation with person who posted “Hearing Signs” for Alpha Kids Academy)</i>	15-40	7:30 am – 6:00 pm	Open enrollment	Academic focus	Not known

To see all the details that are visible on the screen, use the "Print" link next to the map.

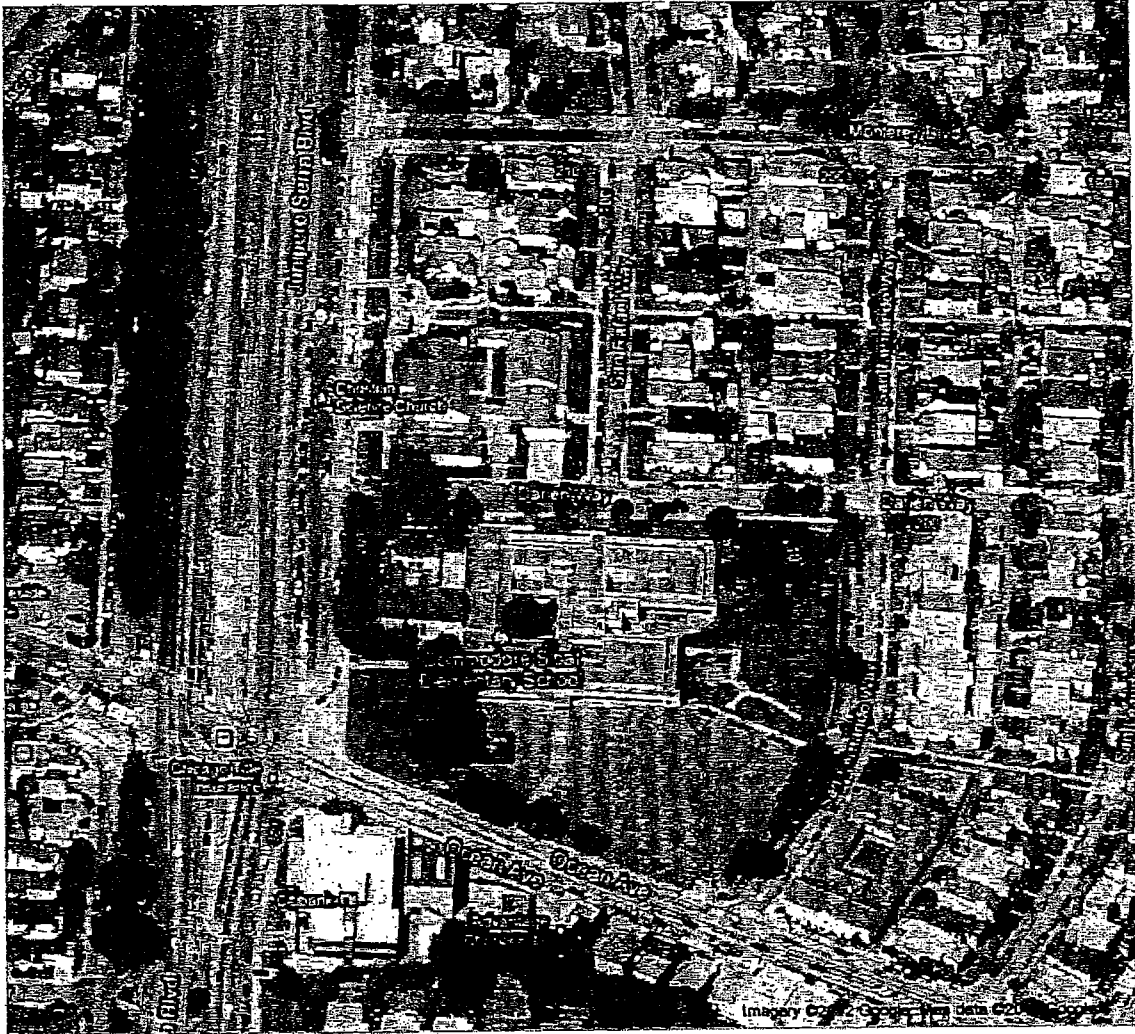
Google

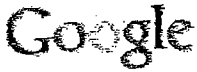




Google


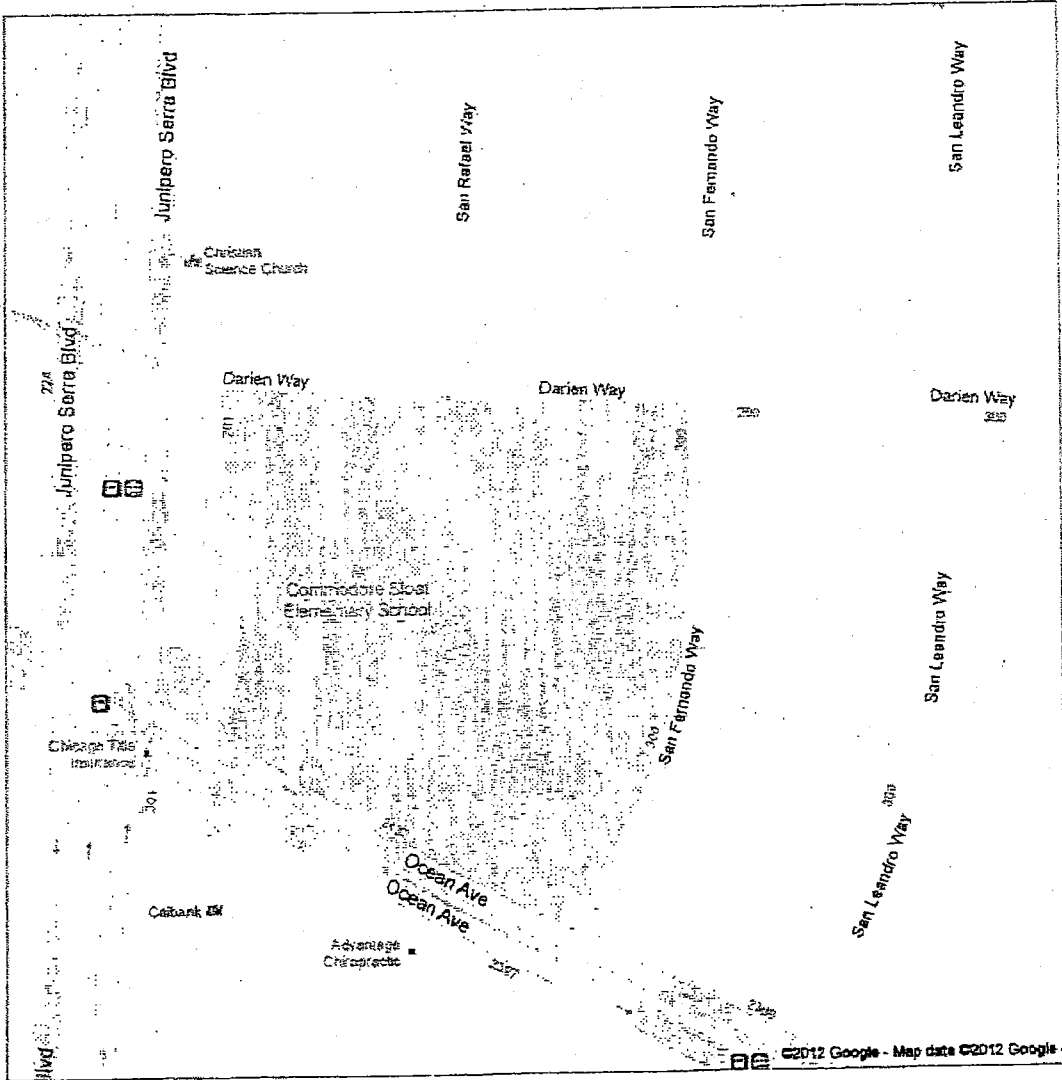
To see all the details that are visible on the screen, use the "Print" link next to the map.





Address San Rafael Way  
San Francisco, CA 94127

Get Google Maps on your phone  
Text the word "GMAPS" to 466453

# Ninth Church of Christ, Scientist

July 18, 2012

San Francisco City/County Planning Commission  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Re: Case # 2012.0348C, Application for Alpha Kids Academy

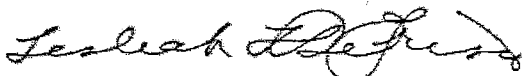
Dear City Planners:

Our church membership would like to express our support for the approval of the Alpha Kids Preschool to operate in our Sunday School building in the Balboa Terrace neighborhood. There are many families in the area, and many with young children who attend the Commodore Sloat Elementary School across the street from our location. Having the preschool here would be a blessing as well as a convenience for these young families.

We have been working with the preschool directors, Magda Bach and Natella Shtern, for several months in planning this new activity, and we have found them to be conscientious, straightforward, and hard-working in their dealings with us, as well as being cheerful and caring parents. Their plan for a preschool in our building would make better use of a beautiful and under-utilized facility, increasing the connection with our community for us and our neighbors. We hope that their application will be approved, and that these plans can come to fruition.

Thank you for your work on making this plan meet all the City's requirements to be a success.

On behalf of our members,



Lesleah L. De Frisco  
President, Executive Board

175 Junipero Serra Boulevard | San Francisco, California 94127-1956 | (415) 664-2098  
9schurchsfca@sbcglobal.net



CASE NUMBER:

12.0348 C

# APPLICATION FOR Conditional Use Authorization

## 1. General Applicant Information

PROPERTY OWNER'S NAME:

Lesleah L. DeFrisco, Board President

PROPERTY OWNER'S ADDRESS:

9th Church of Christ Scientist  
175 Junipero Serra  
San Francisco, CA 94127

TELEPHONE:

(415) 740-0523

EMAIL:

ldefrisco@ardenwood.org

APPLICANT'S NAME:

Magda Bach

APPLICANT'S ADDRESS:

1791 33rd Ave SFOA 94122

TELEPHONE:

(415) 377-1905

EMAIL:

Magdabach@aol.com

Same as Above

CONTACT FOR PROJECT INFORMATION:

Magda Bach

ADDRESS:

TELEPHONE:

( )

EMAIL:

Same as Above X

COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THE ZONING ADMINISTRATOR):

ADDRESS:

TELEPHONE:

( )

EMAIL:

Same as Above X

## 2. Location and Classification

STREET ADDRESS OF PROJECT:

175 JUNIPERO SERRA BLVD SAN FRANCISCO, CALIF.

ZIP CODE:

CROSS STREETS:

DARWIN WAY AND SAN RAFAEL WAY

ASSESSORS BLOCK/LOT:

3250'006

LOT DIMENSIONS:

180'x190'=34,200'

LOT AREA (SQ FT):

RH1D

ZONING DISTRICT:

HEIGHT/BULK DISTRICT:

40X

12.0348 C

3 Project Description

(Please check all that apply)

- Change of Use
- Change of Hours
- New Construction
- Alterations
- Demolition
- Other Please clarify:

ADDITIONS TO BUILDING:

- Rear
- Front
- Height
- Side Yard

PRESENT OR PREVIOUS USE:

SUNDAY SCHOOL

PROPOSED USE:

DAY CARE

BUILDING APPLICATION PERMIT NO.:

DATE FILED:

4 Project Summary Table

If you are not sure of the eventual size of the project, provide the maximum estimates.

	EXISTING USES:	EXISTING USES TO BE RETAINED:	NET NEW CONSTRUCTION AND/OR ADDITION:	PROJECT TOTALS:
<b>PROJECT FEATURES</b>				
Dwelling Units	N/A	-	No Change	0
Hotel Rooms	N/A	-	↓	0
Parking Spaces	3	3		3
Loading Spaces	0	0		0
Number of Buildings	ONE	ONE		1
Height of Building(s)	10 FEET	10'		10'
Number of Stories	ONE	ONE	1	1
Bicycla Spaces	NONE	NONE		NONE
<b>GROSS SQUARE FOOTAGE (GSF)</b>				
Residential	0	N/A	No Change	No Change
Retail	0	N/A	↓	↓
Office	0	N/A		
Industrial/PDR <small>Production, Distribution, &amp; Repair</small>	N/A	N/A		
Parking	3	3		
Other (Specify Use)	2600 sq'.	2600 sq'.		
<b>TOTAL GSF</b>	<b>2600 sq'.</b>	<b>2600 sq'.</b>	<b>0</b>	<b>2600 sq'.</b>

Please describe any additional project features that are not included in this table:  
(Attach a separate sheet if more space is needed.)

CHANGE OF USE ONLY, NO NEW CONSTRUCTION

5. Actions Requested (Include Planning Code Section which authorizes action)

## Conditional Use Findings

Pursuant to Planning Code Section 303(c), before approving a conditional use authorization, the Planning Commission needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding.

1. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community; and
2. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
  - (a) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
  - (b) 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;
  - (c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
  - (d) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and
3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the Master Plan.

1. THE NEW PRE SCHOOL DAY CARE WILL PROVIDE MUCH NEEDED DAY CARE SERVICE IN AN EXISTING SUNDAY SCHOOL FACILITY. THE SUNDAY SCHOOL IS UNDER US DURING THE WEEK. THE DAY CARE WILL PROVIDE WORKING PARENTS WITH A PLACE TO LEAVE THEIR CHILDREN DURING THE WORKING DAY.
- 2a. THE DAY CARE/PRE SCHOOL WILL BE LOCATED IN THE SAME AREA AS SUNDAY SCHOOL.
- b. THE INTENSITY OF THE PRE SCHOOL IS NOT LESS THAN THE SUNDAY SCHOOL USAGE. THERE WILL NOT BE ANY CHANGE TO THE TRAFFIC PATTERN OR ACCESSIBILITY.
- c. THERE WILL NOT BE ANY CHANGE TO EMISSIONS OF NOISE, GLARE, DUST, & ODORS.
- d. THERE WILL NOT BE ANY CHANGE TO LANDSCAPING, OPEN SPACES, PARKING & ENVIRONMENT.
3. THE PRE-SCHOOL IS THE SAME USAGE AS THE SUNDAY SCHOOL AND WILL COMPLY WITH ALL THE CODES AND HAVE NO AFFECT ON THE MASTER PLAN.

## Priority General Plan Policies Findings

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed projects and demolitions are consistent with eight priority policies set forth in Section 101.1 of the City Planning Code. These eight policies are listed below. Please state how the project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. IF A GIVEN POLICY DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

THIS CHANGE OF USE DOES NOT AFFECT ANY RETAIL SPACES.  
THERE WILL NOT BE ANY DISPLACEMENT OR DISRUPTION OF THESE BUSINESSES.

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

THERE IS NO CONSTRUCTION ONLY CHANGE OF USE.  
THE CHARACTER OF THE NEIGHBORHOOD WILL NOT CHANGE.

3. That the City's supply of affordable housing be preserved and enhanced;

NO AFFORDABLE HOUSING WILL BE DISTURB. OR DELETED.

4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;

THE LOW INTENSITY OF THE PRE SCHOOL WILL NOT GENERATE  
MORE TRAFFIC THEN THE CURRENT SUNDAY SCHOOL USAGE.  
NO MUNI TRANSIT SERVICE WILL BE AFFECTED.  
NO OFF STREET PARKING WILL BE ELIMINATED.



12.0348 C

5. 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;

NO AFFECT ON INDUSTRIAL & SERVICES SECTORS.

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

THE EXIST'G BUILDING IS EARTHQUAKE PROOF.

7. That landmarks and historic buildings be preserved; and

THE EXIST'G BUILDING IS BEING PRESERVED. NO EXTERIOR OR INTERIOR RENOVATION BEING PERFORMED

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

ALL OPEN SPACES WILL BE PROTECTED.  
CHANGE OF USE OF INTERIOR SPACE ONLY.  
NO NEW CONSTRUCTION OR ADDITIONS.

12.0348 C

### Estimated Construction Costs

TYPE OF APPLICATION:  
CHANGE OF USE

OCCUPANCY CLASSIFICATION:  
E TO E

BUILDING TYPE:  
TYPE 5B

TOTAL GROSS SQUARE FEET OF CONSTRUCTION: 2600 SF

BY PROPOSED USES: 2600 SF

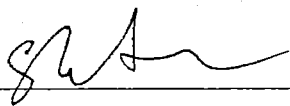
ESTIMATED CONSTRUCTION COST:

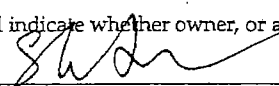
ESTIMATE PREPARED BY:  
HAWK N LEE / Applicant's: LESLEAH L. DEFASCO

FEE ESTABLISHED: ~~2600~~

### Applicant's Affidavit

- Under penalty of perjury the following declarations are made:
- a: The undersigned is the owner or authorized agent of the owner of this property.
  - b: The information presented is true and correct to the best of my knowledge.
  - c: The other information or applications may be required.

Signature:  Date: 3/15/2012

Print name, and indicate whether owner, or authorized agent  
  
Owner / Authorized Agent (circle one)

# Application Submittal Checklist

Applications listed below submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and signed by the applicant or authorized agent and a department staff person.

APPLICATION MATERIALS	CHECKLIST
Application, with all blanks completed	<input checked="" type="checkbox"/>
300-foot radius map, if applicable	<input checked="" type="checkbox"/>
Address labels (original), if applicable	<input checked="" type="checkbox"/>
Address labels (copy of the above), if applicable	<input checked="" type="checkbox"/>
Site Plan	<input checked="" type="checkbox"/>
Floor Plan	<input checked="" type="checkbox"/>
Elevations	<input checked="" type="checkbox"/>
Section 303 Requirements	<input checked="" type="checkbox"/>
Prop. M Findings	<input checked="" type="checkbox"/>
Historic photographs (if possible), and current photographs	<input checked="" type="checkbox"/>
Check payable to Planning Dept.	<input checked="" type="checkbox"/>
Original Application signed by owner or agent	<input checked="" type="checkbox"/>
Letter of authorization for agent	<input type="checkbox"/>
Other: Section Plan, Detail drawings (ie. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (ie. windows, doors)	<input type="checkbox"/>

NOTES:

- Required Material. Write "N/A" if you believe the item is not applicable, (e.g. letter of authorization is not required if application is signed by property owner.)
- Typically would not apply. Nevertheless, in a specific case, staff may require the item.
- Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

After your case is assigned to a planner, you will be contacted and asked to provide an electronic version of this application including associated photos and drawings.

Some applications will require additional materials not listed above. The above checklist does not include material needed for Planning review of a building permit. The "Application Packet" for Building Permit Applications lists those materials.

No application will be accepted by the Department unless the appropriate column on this form is completed. Receipt of this checklist, the accompanying application, and required materials by the Department serves to open a Planning file for the proposed project. After the file is established it will be assigned to a planner. At that time, the planner assigned will review the application to determine whether it is complete or whether additional information is required in order for the Department to make a decision on the proposal.

For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_

Date: \_\_\_\_\_

# Ninth Church of Christ, Scientist

March 21, 2012

San Francisco Planning Department  
Att'n: Angela Huisman (via e-mail: [angela.huisman@sfgov.org](mailto:angela.huisman@sfgov.org))  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-9425

Re: Conditional Use Authorization for Kangaroos Preschool

Dear Ms. Huisman,

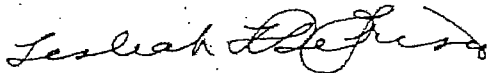
Our church membership voted and approved granting a lease to the Kangaroos Preschool for the use of part of our Sunday School building (see illustrations that follow), and the membership has also approved going ahead with whatever building or construction changes are needed to make the preschool meet city requirements in the rented space.

We have been working closely with Natella Shtern as the agent for the Kangaroos Preschool, and we understand that she needs authorization from the church to work with the city Planning Department. We do give her permission to submit whatever documents or plans are needed to set up the preschool at our location; these plans will also be available to the Executive Board of our church for review upon request.

If there is any further authorization needed in order for Natella Shtern to proceed with the San Francisco Planning Department in obtaining approval for the Kangaroos Preschool to operate in our building, please contact our church's Treasurer, Joseph De Frisco. He can be reached via e-mail at [joedefrisco@comcast.net](mailto:joedefrisco@comcast.net) or by cell phone at (415) 740-0148. The Executive Board has designated him as the point of contact for the preschool planning process.

Thank you very much for your help in moving things forward.

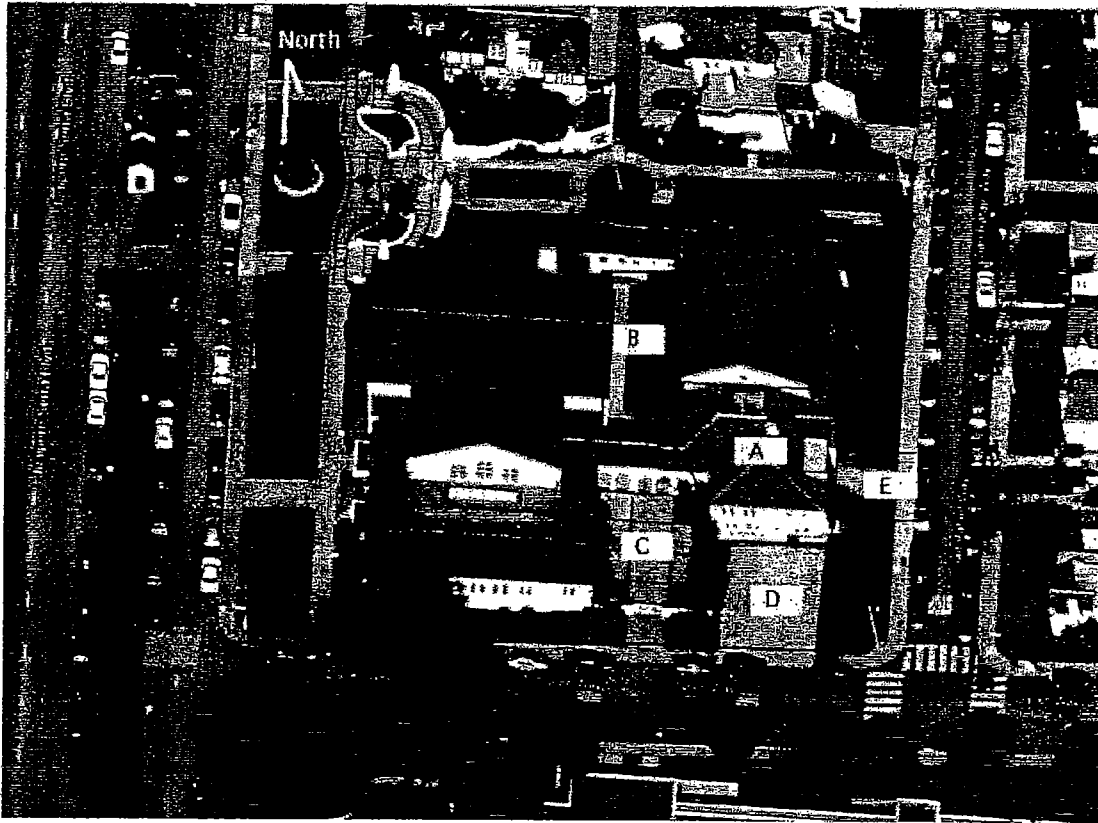
For the Executive Board,



Lesleah L. De Frisco, President

Attached: map of space planned for preschool use at 175 Junipero Serra Blvd, San Francisco 94127

175 Junipero Serra Boulevard | San Francisco, California 94127-1956 | (415) 664-2098  
[9cschurchsfca@sbcglobal.net](mailto:9cschurchsfca@sbcglobal.net)



Preschool planning at Ninth Church of Christ, Scientist  
175 Junipero Serra Blvd.  
San Francisco, CA 94127

- A. Southern Section of Sunday School building to be shared with Kangaroos Preschool
- B. Inner courtyard for preschool play area
- C. Outer courtyard for preschool tricycle area
- D. Parking lot for preschool staff on Darien Way
- E. Main entry on San Rafael Way



**SAN FRANCISCO  
PLANNING DEPARTMENT**

**DOCKET COPY**

*Subject to: (Select only if applicable)*

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

**Planning Commission Motion No. 18674**  
HEARING DATE, JULY 26, 2012

*Date:* July 19, 2012  
*Case No.:* 2012.0348 C  
*Project Address:* 175 JUNIPERO SERRA BOULEVARD  
*Zoning:* RH-1(D) (Residential, One-family, Detached) District  
 40-X Height and Bulk District  
*Block/Lot:* 3250/006  
*Project Sponsor:* Magda Bach  
 1791 33<sup>rd</sup> Avenue  
 San Francisco, CA 94122  
*Staff Contact:* Adrian C. Putra – (415) 575-9079  
 adrian.putra@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 209.3(f) AND 303 TO ALLOW A CHILD CARE FACILITY FOR 15 OR MORE CHILDREN (D.B.A. ALPHA KIDS ACADEMY) WITHIN AN RH-1(D) (RESIDENTIAL, ONE-FAMILY, DETACHED) DISTRICT, AND A 40-X HEIGHT AND BULK DISTRICT.

**PREAMBLE**

On March 15, 2012, Magda Bach (Project Sponsor) filed an application with the Department for Conditional Use Authorization under Planning Code Sections 209.3(f) and 303 of the Planning Code to allow a child care facility for 15 or more children (d.b.a. Alpha Kids Academy) within an RH-1(D) (Residential, One-family, Detached), and a 40-X Height and Bulk District.

On July 26, 2012, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0348C.

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

## OPERATION

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

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)

6. **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://sfapw.org/>

7. **Traffic Plan.** The Project Sponsor shall provide a traffic plan that includes providing a passenger loading and unloading "white" zone along a street curb that fronts the subject property. Additionally, crossing guard(s) shall monitor the passenger loading and unloading "white" zone during morning and afternoon pick-up and drop-off hours.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)





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**Affidavit of Preparation of Notification Map,  
Mailing List and Mailing Labels for Public Notification for  
Residential Building Permits**

I Marilou D. Samson, do hereby declare as follows:

1. I have prepared the Notification Map, Mailing List, and Mailing Labels for Public Notification for Residential Building Permits in accordance with planning Department requirements and instructions for implementing City Planning Code (Section 311)
2. I understand that I am responsible for the accuracy of this information, and that erroneous information may require remailing or revocation of the permit
3. I have prepared these materials in good faith and to the best of my ability.

I declare under penalty of perjury under the laws of the United States of California that I the foregoing and the true and correct.

EXECUTED ON THIS DAY, MARCH 15, 2012 San Francisco, California.

  
\_\_\_\_\_  
Signature

Marilou D. Samson  
\_\_\_\_\_  
Name (type or print)

Agent-designer (BuildCADD)  
\_\_\_\_\_  
Relationship to Project. E.g., Owner, Agent  
(if Agent, give business name and profession)

175 Junipero Serra Blvd. San Francisco, CA 94127  
\_\_\_\_\_  
Project Address

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## NOTICE OF PUBLIC HEARING

### BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

**Date:** Tuesday, September 18, 2012

**Time:** 4:00 p.m.

**Location:** Legislative Chamber, Room 250 located at City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102

**Subject:** File No. 120866. Hearing of persons interested in or objecting to the decision of the Planning Commission's July 26, 2012, Conditional Use Authorization identified as Planning Case No. 2012.0348C, by its Motion No. 18674, under Planning Code Sections 209.3(f) and 303 to allow a child care facility for 15 or more children (dba Alpha Kids Academy) within an RH-1(D) (Residential, One-Family, Detached) District, and a 40-X Height and Bulk District, on property located at 175 Junipero Serra Boulevard, Assessor's Block No. 3250, Lot No. 006. (District 7) (Appellant: Margaret Finley)

Pursuant to Government Code Section 65009, notice is hereby given, if you challenge, in court, the matter described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

In accordance with Section 67.7-1 of the San Francisco Administrative Code, persons who are unable to attend the hearing on these matters may submit written comments to the City prior to the time the hearing begins. These comments will be

made part of the official record in these matters, and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information will be available for public review on Thursday, September 13, 2012.



Angela Calvillo  
Clerk of the Board

DATED: September 6, 2012  
MAILED/POSTED: September 7, 2012

