



REVISED LETTER OF DETERMINATION

June 3, 2021

Jim Abrams
J. Abrams Law, P.C.
One Maritime Plaza
Suite 1900
San Francisco, CA 94111

Record No.: 2020-007103ZAD
Site Address: 1640 Scott Street
Assessor's Block/Lot: 0681/043
Zoning District: RH-3 (Residential-House, Three Family)
Staff Contact: Moses Corrette- (628) 652-7356 or moses.corrette@sfgov.org

Dear Jim Abrams:

This letter is in response to your request for a Letter of Determination (LoD) regarding the property at 1640 Scott Street (Property). This parcel is located in the RH-3 (Residential-House, Three Family) Zoning District and 40-X Height and Bulk District. The request seeks confirmation of the following: 1) all allowable uses for the Property and 2) whether an associated Conditional Use Authorization (Case No. 86.135ECV - Motion No. 10865 - attached) would allow a non-profit co-housing operator to operate at the Property. This letter was originally issued on May 19, 2021; however, it has been revised based upon the submittal of additional information from the current property owner¹.

Allowable Uses

Regarding allowed uses on this lot, the Property is located within the RH-3 Zoning District and the general use controls for this district can be found in Planning Code Section 209.1 (see attached). As noted in Table 209.1, uses fall into either Residential or Non-Residential use categories. Given the characteristics of this zoning district, which is primarily Residential with limited Non-Residential uses, this response will focus on allowed Residential and Institutional uses.

Residential uses can be as Dwelling Units, Senior Housing, Group Housing*, and Homeless Shelter* (* denotes that the use requires Conditional Use Authorization). Dwelling Units have an allowed density of one unit per 1,000 square feet of lot area* (with a maximum of 3 units principally permitted per lot) and Group Housing has an allowed density of one bedroom for every 275 square feet of lot area*. With a lot area of 4,375 square feet (per Assessor

¹ The Letter of Determination Request was initially submitted by, and issued to, Kalah Espinoza; however, Ms. Espinoza transferred the request to Mr. Abrams in an email dated May 28, 2021. Mr. Abrams has been identified as the property owner's representative for this matter.

records), 4 Dwelling Units or Group Housing with up to 16 bedrooms would be allowed by Conditional Use Authorization.

Institutional uses include Child Care Facility, Community Facility*, Hospital*, Post-Secondary Educational Institution*, Public Facilities, Religious Institution*, Residential Care Facility for seven or more persons, and School* (* denotes that the use requires Conditional Use Authorization). Other types of Institutional use are not permitted.

Background for Prior Conditional Use Authorization

On December 4, 1986, the Planning Commission approved a Conditional Use Authorization to allow construction of a Group Housing use with up to 10 guest bedrooms and one manager's unit (Motion No. 10865 – Case No. 86.165ECV). It is noted that this item was continued numerous times by the Planning Commission before finally being approved. In the calendar language of the initial hearings, the project was simply described as a "Group Housing" use. However, in the language for the final approval hearing, the project description was amended to note that the project was for the "construction of Ronald McDonald House, a facility for the families of critically ill children receiving care in San Francisco hospitals."

Your request seeks clarity on the limitations of the Conditional Use Authorization and whether a non-profit co-housing operator would be allowed to operate under the current authorization. While not explicitly stated, it is presumed that this clarification is centered on Condition of Approval No. 4, which states the following:

"This authorization is for the operation Ronald McDonald house to house up to ten families of critically ill children and conversion of the structure to other uses shall require the authorization of a new Conditional Use."

Relevant to this clarification are the following two points. First, a Zoning Administrator interpretation of Planning Code Section 303(e) dated August 1996 finds that Conditional Use Authorizations with Conditions of Approval that attach the decision to a particular person or business, rather than the subject property, may be transferred to a subsequent property owner or entity. As such, Condition of Approval No. 4 does not limit the authorization to the Ronald McDonald House.

On May 29, 1997, the Zoning Administrator issued a Variance Decision Letter for Case No. 97.187V to allow a front setback variance for a proposed one-story ground floor addition with an open roof deck and trellis on the Property (see attached). In this decision, the Zoning Administrator referenced the Planning Commission's Conditional Use Authorization and noted the facility "provides housing for the families of critically ill children undergoing treatment in San Francisco Hospitals."

On June 1, 2006, the Zoning Administrator issued an LoD finding that the manager's unit could be converted into an 11th guest bedroom consistent with the Conditional Use Authorization (see attached). The LoD also noted that the facility "provides a much-needed service to the families of critically ill children receiving treatment in San Francisco Hospitals."

Determination

In reviewing Condition of Approval No. 4 of Motion No. 10865, it is my determination that use of the Property as Group Housing for any type of use other than one which provides housing for families of critically ill patients would

require a new Conditional Use Authorization to modify or remove Condition of Approval No. 4. This determination is based upon the plain language of Condition of Approval No. 4 and past records including the specificity of the Planning Commission's agenda language and the Zoning Administrator's Variance Decision Letter and June 1, 2006 LoD. Consistent with past Zoning Administrator interpretations, the Conditional Use Authorization may be transferred to a subsequent property owner or party provided that all other conditions are fulfilled.

You also requested confirmation that a non-profit co-housing operator would be allowed to operate under the current authorization. Based upon recent information, it is understood that the Property is now owned by Jewish Family and Children's Services (JFCS). JFCS proposes to operate the Property as a Group Housing use for families of critically ill elderly persons residing in the nearby Rhoda Goldman Plaza. Such use of the Property would be in substantial conformance with the Conditional Use Authorization (Case No. 86.135ECV - Motion No. 10865) and would not require a new Conditional Use Authorization.

Please note that a Letter of Determination is a determination regarding the classification of uses and interpretation and applicability of the provisions of the Planning Code. This Letter of Determination is not a permit to commence any work or change occupancy. Permits from appropriate Departments must be secured before work is started or occupancy is changed.

APPEAL: An appeal may be filed with the Board of Appeals within 15 days of the date of this letter if you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator. Please contact the Board of Appeals in person at 49 South Van Ness Ave, Suite 1475, call (628) 652-1150, or visit www.sfgov.org/bdappeal.

Sincerely,



Corey A. Teague, AICP
Zoning Administrator

Attachments: Planning Code Section 209.1
Motion No. 10865 (Case No. 86.165ECV)
Variance Decision Letter (Case No. 97.187V)
Letter of Determination (June 1, 2006)

cc: Neighborhood Groups
Moses Corrette, Planner

SEC. 209.1. RH (RESIDENTIAL, HOUSE) DISTRICTS.

These Districts are intended to recognize, protect, conserve and enhance areas characterized by dwellings in the form of houses, usually with one, two or three units with separate entrances, and limited scale in terms of building width and height. Such areas tend to have similarity of building styles and predominantly contain large units suitable for family occupancy, considerable open space, and limited nonresidential uses. The RH Districts are composed of five separate classes of districts, as follows:

RH-1(D) Districts: One-Family (Detached Dwellings). These 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.

RH-1 Districts: One-Family. These Districts are occupied almost entirely by single-family houses on lots 25 feet in width, without side yards. Floor sizes and building styles vary, but tend to be uniform within tracts developed in distinct time periods. Though built on separate lots, the structures have the appearance of small-scale row housing, rarely exceeding 35 feet in height. Front setbacks are common, and ground level open space is generous. In most cases the single-family character of these Districts has been maintained for a considerable time.

RH-1(S) Districts: One-Family with Minor Second Unit. These Districts are similar in character to RH-1 Districts, except that a small second dwelling unit has been installed in many structures, usually by conversion of a ground-story space formerly part of the main unit or devoted to storage. The second unit remains subordinate to the owner's unit, and may house one or two persons related to the owner or be rented to others. Despite these conversions, the structures retain the appearance of single-family dwellings.

RH-2 Districts: Two-Family. These Districts are devoted to one-family and two-family houses, with the latter commonly consisting of two large flats, one occupied by the owner and the other available for rental. Structures are finely scaled and usually do not exceed 25 feet in width or 40 feet in height. Building styles are often more varied than in single-family areas, but certain streets and tracts are quite uniform. Considerable ground-level open space is available, and it frequently is private for each unit. The Districts may have easy access to shopping facilities and transit lines. In some cases, Group Housing and institutions are found in these areas, although nonresidential uses tend to be quite limited.

RH-3 Districts: Three-Family. These Districts have many similarities to RH-2 Districts, but structures with three units are common in addition to one-family and two-family houses. The predominant form is large flats rather than apartments, with lots 25 feet wide, a fine or moderate scale and separate entrances for each unit. Building styles tend to be varied but complementary to one another. Outdoor space is available at ground level, and also on decks and balconies for individual units. Nonresidential uses are more common in these areas than in RH-2 Districts.

Table 209.1

ZONING CONTROL TABLE FOR RH DISTRICTS

Zoning Category	§ References	RH-1(D)	RH-1	RH-1(S)	RH-2	RH-3
BUILDING STANDARDS						
Massing and Setbacks						
Height and Bulk Limits	§§ 102, 105, 106, 250-252, 253, 260, 261, 261.1, 270, 271. See also Height and Bulk District Maps.	No portion of a Dwelling may be taller than 35 feet. Structures with uses other than Dwellings may be constructed to the prescribed height limit, which is generally 40 feet. Per § 261 the height limit may be decreased or increased based on the slope of the lot.			No portion of a Dwelling may be taller than 40 feet. Structures with uses other than Dwellings may be constructed to the prescribed height limit. Per § 261 the height limit may be decreased based on the slope of the lot.	Varies, but generally 40 feet. Height sculpting on Alleys per § 261.1.
Front Setback	§§ 130, 131, 132	Required. Based on average of adjacent properties or if subject property has a Legislated Setback. When front setback is based on adjacent properties, in no case shall the required setback be greater than 15 feet.				
Rear Yard	§§ 130, 134	30% of lot depth, but in no case less than 15 feet.	45% of lot depth or average of adjacent neighbors. If averaged, no less than 25% or 15 feet, whichever is greater.			

Side Yard	§§ 130, 133	Required for lots 28 feet and wider. Width of side setback depends on width of lot.	Not Required.
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Residential Design Guidelines	§ 311	Subject to the Residential Design Guidelines. Other design guidelines that have been approved by the Planning Commission may also apply.		
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Street Frontage and Public Realm

Front Setback Landscaping and Permeability Requirements	§ 132	Required. At least 50% of Front Setback shall be permeable so as to increase storm water infiltration and 20% of Front Setback shall be unpaved and devoted to plant material.		
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Streetscape and Pedestrian Improvements (Street Trees)	§ 138.1	Required.		
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Street Frontage Requirements	§ 144	§ 144 applies generally. Additional requirements apply to Limited Commercial Uses, as specified in § 186.		
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Street Frontage, Parking and Loading Access Restrictions	§ 155(r)	As specified in § 155(r)		
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Miscellaneous

Large Project Review	§ 253	C required for projects over 40 feet in height.		
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Planned Unit Development	§ 304	C	C	C	C	C
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Awning	§ 136.1	P (1)	P (1)	P (1)	P (1)	P (1)
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Canopy or Marquee	§ 136.1	NP	NP	NP	NP	NP
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Signs	§ 606	As permitted by Section § 606		
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RESIDENTIAL STANDARDS AND USES

Development Standards

Usable Open Space [Per Dwelling Unit]	§§ 135, 136	At least 300 square feet if private, and 400 square feet if common.	At least 300 square feet if private, and 400 square feet if common.	At least 300 square feet for the first unit and 100 for the minor second unit if private, and 400 square feet for the first unit and 133 square feet for the second unit if common.	At least 125 square feet if private, and 166 square feet if common.	At least 100 square feet if private, and 133 square feet if common.
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Parking Requirements	§§ 151, 161	None required. Maximum permitted per § 151.		
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Residential Conversion, Demolition, or Merger	§ 317	C for Removal of one or more Residential Units or Unauthorized Units.		
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Use Characteristics

Intermediate Length Occupancy	§§ 102, 202.10	P(9)	P(9)	P(9)	P(9)	P(9)
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Single Room Occupancy	§ 102	P	P	P	P	P
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Student Housing	§ 102	P	P	P	P	P
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Residential Uses

Residential Density, Dwelling Units (6)	§ 207	One unit per lot.	P up to one unit per lot. C up to one unit per 3,000 square feet of lot area, with no more than three units per lot.	P up to two units per lot, if the second unit is 600 sq. ft. or less. C up to one unit per 3,000 square feet of lot area, with no more than three units per lot.	P up to two units per lot. C up to one unit per 1,500 square feet of lot area.	P up to three units per lot. C up to one unit per 1,000 square feet of lot area.
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Senior Housing	§§ 102, 202.2(f)	P up to twice the number of dwelling units otherwise permitted as a principal use in the district and meeting all the requirements of § 202.2(f)(1). C up to twice the number of dwelling units otherwise permitted as a principal use in the district and meeting all requirements of Section § 202.2(f)(1) except for § 202.2(f)(1)(D)(iv), related to location.		
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Residential Density, Group Housing	§ 208	NP	NP	NP	C, up to one bedroom for every 415 square feet of lot area.	C, up to one bedroom for every 275 square feet of lot area.
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Homeless Shelter	§§ 102, 208	NP	NP	NP	C	C
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NON-RESIDENTIAL STANDARDS AND USES

Development Standards

Floor Area Ratio	§§ 102, 123, 124	1.8 to 1	1.8 to 1	1.8 to 1	1.8 to 1	1.8 to 1
Off-Street Parking	§§ 150, 151, 161	None required. Maximum permitted per § 151.				
Limited Commercial Uses	§§ 186, 186.3	Continuing nonconforming uses are permitted, subject to the requirements of § 186. Limited Commercial Uses may be conditionally permitted in historic buildings subject to § 186.3.				
<i>Agricultural Use Category</i>						
Agricultural Uses*	§§ 102, 202.2(c)	C	C	C	C	C
Agriculture, Industrial	§§ 102, 202.2(c)	NP	NP	NP	NP	NP
Agriculture, Neighborhood	§§ 102, 202.2(c)	P	P	P	P	P
<i>Automotive Use Category</i>						
Automotive Uses*	§ 102	NP	NP	NP	NP	NP
Parking Garage, Private	§ 102	C	C	C	C	C
Parking Lot, Private	§ 102	C	C	C	C	C
Parking Lot, Public	§§ 102, 142, 156	NP	NP	NP	NP (8)	NP
<i>Entertainment, Arts and Recreation Use Category</i>						
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP	NP	NP
Open Recreation Area	§ 102	C	C	C	C	C
Passive Outdoor Recreation	§ 102	P	P	P	P	P
<i>Industrial Use Category</i>						
Industrial Uses*	§ 102	NP	NP	NP	NP	NP
<i>Institutional Use Category</i>						
Institutional Uses*	§ 102	NP	NP	NP	NP	NP
Child Care Facility	§ 102	P	P	P	P	P
Community Facility	§ 102	C	C	C	C	C
Hospital	§ 102	C	C	C	C	C
Post-Secondary Ed. Institution	§ 102	C	C	C	C	C
Public Facilities	§ 102	P	P	P	P	P
Religious Institution	§ 102	C	C	C	C	C
Residential Care Facility	§ 102	P (3)	P (3)	P (3)	P (3)	P
School	§ 102	C	C	C	C	C
<i>Sales and Service Category</i>						
Retail Sales and Service Uses*	§ 102	NP	NP	NP	NP	NP
Hotel	§ 102	NP	NP	NP	C (4)	C (4)
Mortuary	§ 102	C (5)	C (5)	C (5)	C (5)	C (5)
Non-Retail Sales and Service*	§ 102	NP	NP	NP	NP	NP
<i>Utility and Infrastructure Use Category</i>						
Utility and Infrastructure*	§ 102	NP	NP	NP	NP	NP
Internet Service Exchange	§ 102	C	C	C	C	C
Utility Installation	§ 102	C	C	C	C	C
Wireless Telecommunications Services Facility	§ 102	C or P (7)	C or P (7)	C or P (7)	C or P (7)	C or P (7)

* Not listed below.

(1) P for Limited Commercial Uses per § 136.1(a) only; otherwise NP.

(2) [Note Deleted]

(3) C required for seven or more persons.

(4) C for five or fewer guest rooms or suites of rooms; NP for six or more guest rooms.

(5) Must be located on a landmark site, and where the site is within a Height and Bulk District of 40 feet or less, and where a columbarium use has lawfully and continuously operated since the time of designation.

(6) Construction of Accessory Dwelling Units may be permitted pursuant to Sections 207(c)(4) and 207(c)(6).

(7) C if a Macro WTS Facility; P if a Micro WTS Facility.

(8) P only for parcels located in both the Glen Park NCT and RH-2 zoning districts where the property has been used as a Public

Parking Lot for the past 10 years without the benefit of a permit, and the adjoining RH-2 parcel is no larger than 40 feet by 110 feet. Unless reenacted, this note shall expire by operation of law 72 months after the effective date of the ordinance in Board File No. 180191. Upon its expiration, any approved Public Parking Lot shall be removed and the current zoning control shall apply. Any approval of a Public Parking Lot use pursuant to this note shall be conditioned upon the recordation of a Notice of Special Restrictions reflecting these conditions, subject to the approval as to form of the Planning Department and the City Attorney. Upon the expiration of this note, the City Attorney is authorized to take steps to remove this note from the Planning Code.

(9) C for buildings with 10 or more Dwelling Units.

(Added as Sec. 206.1 by Ord. 443-78, App. 10/6/78; redesignated and amended by Ord. [22-15](#), File No. 141253, App. 2/20/2015, Eff. 3/22/2015; amended by Ord. [161-15](#), File No. 150804, App. 9/18/2015, Eff. 10/18/2015; Ord. [162-15](#), File No. 150805, App. 9/18/2015, Eff. 10/18/2015; Ord. [188-15](#), File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. [33-16](#), File No. 160115, App. 3/11/2016, Eff. 4/10/2016; Ord. [162-16](#), File No. 160657, App. 8/4/2016, Eff. 9/3/2016; Ord. [166-16](#), File No. 160477, App. 8/11/2016, Eff. 9/10/2016; Ord. [129-17](#), File No. 170203, App. 6/30/2017, Eff. 7/30/2017; Ord. [189-17](#), File No. 170693, App. 9/15/2017, Eff. 10/15/2017; Ord. [229-17](#), File No. 171041, App. 12/6/2017, Eff. 1/5/2018; Ord. [168-18](#), File No. 180191, App. 7/17/2018, Eff. 8/17/2018; Ord. [303-18](#), File No. 180915, App. 12/21/2018, Eff. 1/21/2019; Ord. [311-18](#), File No. 181028, App. 12/21/2018, Eff. 1/21/2019; Ord. [116-19](#), File No. 181156, App. 6/28/2019, Eff. 7/29/2019; Ord. [206-19](#), File No. 190048, App. 9/13/2019, Eff. 10/14/2019; Ord. [63-20](#), File No. 200077, App. 4/24/2020, Eff. 5/25/2020; Ord. [78-20](#), File No. 191075, App. 5/22/2020, Eff. 6/22/2020)

(Former Sec. 209.1 added by Ord. 443-78, App. 10/6/78; amended by Ord. 72-08, File No. 071157, App. 4/3/2008; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 130-10, File No. 090906, App. 6/24/2010; repealed by Ord. [22-15](#), File No. 141253, App. 2/20/2015, Eff. 3/22/2015)

AMENDMENT HISTORY

Former Sec. 206.1 redesignated as Sec. 209.1; Table 209.1 added; Ord. [22-15](#), Eff. 3/22/2015. Note (7) added; Ords. [161-15](#) and [162-15](#), Eff. 10/18/2015. Table 209.1 amended; Ord. [188-15](#), Eff. 12/4/2015. Table 209.1 amended; Ord. [33-16](#), Eff. 4/10/2016. Note (7) amended; Ord. [162-16](#), Eff. 9/3/2016. Table 209.1 amended; second Note (7) added; Ord. [166-16](#), Eff. 9/10/2016. Table 209.1 amended; Note (5) deleted; Note (6) and first Note (7) redesignated as Notes (5) and (6); Ord. [129-17](#), Eff. 7/30/2017. Table 209.1 amended; Note (2) deleted; Ord. [189-17](#), Eff. 10/15/2017. Table 209.1 amended; Ord. [229-17](#), Eff. 1/5/2018. Table 209.1 amended; Ord. 229-17, Eff. 1/5/2018. Table 209.1 and Notes (3) and (4) amended; Note (8) added; Ord. [168-18](#), Eff. 8/17/2018. Note (6) amended; Ord. [116-19](#), Eff. 7/29/2019. Table 209.1 amended; Ord. [206-19](#), Eff. 10/14/2019. Table 209.1 amended; Ord. [63-20](#), Eff. 5/25/2020. Table 209.1 amended; Note (9) added; Ord. [78-20](#), Eff. 6/22/2020.

File No. 86.165 ECV
1640-4 Scott Street

SAN FRANCISCO
CITY PLANNING COMMISSION
MOTION No. 10865

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZING GROUP HOUSING AT 1640 and 1646 Scott Street in an FH-3 District.

Preamble

On or about December 4, 1986, the San Francisco City Planning Commission (hereinafter "Commission") conducted duly noticed public hearings at a regularly scheduled meeting on Conditional Use Application No. 86.165EC at which time the Commission reviewed and discussed the findings prepared for its review.

The proposed conditional use application was determined by the San Francisco Department of City Planning (hereinafter "Department"), in accordance with the provisions of the California Environmental Quality Act (hereinafter "CEQA"), the State Guidelines for the implementation of CEQA and Chapter 31 of the San Francisco Administrative Code, that the proposed project would not cause significant impacts such that an environmental impact report would be required, and in accordance with the above provisions and on or about December 4, 1986 the Commission reviewed and approved the information contained in the Final Negative Declaration for the project under File No. 86.165E.

The Commission has reviewed and considered reports, plans studies and other documents pertaining to this proposed project.

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.

Findings

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

1. On or about April 3, 1986 ELS Architects on behalf of Mt Zion Hospital owners (hereinafter "Applicant") made application (hereinafter "Application") for Conditional Use on the property at 1640 and 1646 Scott Street, lots 24 and 25 in Assessor's Block 681 (hereinafter "Subject Property") to demolish two existing structures and to construct a group housing facility Ronald McDonald House in conformity with plans filed with the Application and labeled "Exhibit B" (hereinafter "Project") in an RH-3 (House Three Family) district and a 40X Height and Bulk District.

2. Section 209.2 (a) of the City Planning Code (hereinafter "Code") provides that group housing for six or more persons by prearrangement for a week or more at a time may be authorized as a Conditional Use in an RH-3 district subject to the criteria of Section 303 of the Code.

3. The project would involve the demolition of two existing structures on the subject property. Both structures are presently used as offices and both were legally converted to office use. Neither structure is a rated building in the City's architectural survey.

4. The project would be to construct a three-story group housing facility. The facility would contain ten bedrooms with private baths and a common lounge, dining area, and kitchen. A manager's unit would also be included. The facility would serve to house the families of critically ill children who may be patients of local hospitals.

5. The Project is under 40 feet in height, covers the full width of the lot and provides a front set-back and an approximately 22 foot rear yard. Projections into the yards at the upper stories will require that a variance be justified.

6. Parking is to be provided in the to be constructed garage to be developed in conjunction with the medical office building on Divisadero Street between Post and Sutter Streets. In that this garage is approximately 860 feet from the Project when the Code requires that parking be within 800 feet, a variance for providing parking in this way must also be justified.

7. a. Recently adopted ("Proposition M") Policies relating to neighborhood serving retail, commuter traffic, the economic base, and parks do not apply to this case.

b. Neither structure is used for housing and both were legally converted to their present use as offices, therefore no loss of existing housing or affordable housing is involved.

c. Neither structure is an official landmarks structure, and neither is rated in the City's architectural survey therefore no loss of landmarks, historic, or architecturally significant buildings is involved.

d. The project is designed to relate to other distinguished buildings on the subject block, and the facade is articulated to add to the residential character and the sponsors have agreed to provide street trees for the entire block frontage, thereby preserving and enhancing the character of the neighborhood.

e. The project will be a modern code-complying structure replacing a seventy and a ninety-year-old structure thereby lessening the possibility of loss of life in case of an earthquake.

CITY PLANNING COMMISSION

File No. 86.165ECV
1640-Scott Street
Motion No. 10865
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8. The project in that it is a residential use, and in that the design is compatible with neighboring development, and in that the scale of development is compatible with the neighborhood, and in that the project sponsor has volunteered to provide landscaping for this entire block frontage, and in that the facility will provide a needed service to house the families of critically ill children undergoing treatment in San Francisco Hospitals is a desirable for and compatible with the neighborhood and will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, and will not be injurious to property, improvements or potential development in the vicinity, and will not adversely affect the Master Plan.

9. The Commission after carefully balancing the competing public and private interests, hereby finds that approval of the conditional use authorization promotes 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. 86.165C subject to the following conditions attached hereto as Exhibit A which is incorporated herein by reference thereto as though fully set forth.

I hereby certify that the foregoin motion was ADOPTED by the City Planning Commission on December 4, 1986

Lori Yamauchi
Secretary

AYES: Commissioners Allen, Bierman, Karasick, Hemphill, Nakashima and Wright

NOES: Commissioner Rosenblatt

ABSENT None

ADOPTED December 4, 1986

CITY PLANNING COMMISSION

File No. 86.165 ECV
1640-4 Scott Street
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EXHIBIT A

CONDITIONS OF APPROVAL

1. All applicable codes and standards shall be met.
2. The applicants shall seek and justify variances as necessary including that of providing parking over 800 feet of walking distance from the project, and for upper floor projections into required yards and/or setbacks.
3. The applicants shall, as agreed, provide street trees for the full block frontage of the east side of the 1600 block of Scott Street.
4. This authorization is for the operation Ronald McDonald house to house up to ten families of critically ill children and conversion of the structure to other uses shall require the authorization of a new Conditional Use.
5. Staff shall approve final plans with modifications as necessary to include but not limited to window details, cornices, materials color and finish.

JWP/ema
ID#



PLANNING DEPARTMENT

City and County of San Francisco 1660 Mission Street San Francisco, CA 94103-2414

(415) 558-6378

PLANNING COMMISSION
FAX: 558-6409

ADMINISTRATION
FAX: 558-6426

CURRENT PLANNING/ZONING
FAX: 558-6409

LONG RANGE PLANNING
FAX: 558-6426

May 29, 1997

VARIANCE DECISION

UNDER THE CITY PLANNING CODE

CASE NO. 97.187V

APPLICANT: **Mr. Steven Rajninger**
Locus Architecture
476 Jackson Street
San Francisco, CA 94111

PROPERTY IDENTIFICATION: **1640 SCOTT STREET** (Ronald McDonald House of San Francisco), east side of Scott Street between Sutter and Post Streets; Lot 43 in Assessor's Block 681 in an RH-3 (Residential, House, Three-Family) District.

DESCRIPTION OF VARIANCE SOUGHT:

FRONT SETBACK VARIANCE SOUGHT: The proposal is a one-story ground floor addition with an open roof deck and trellis at the front of an existing three-story group housing (also known as Ronald McDonald House of San Francisco approved as a Conditional Use by the Planning Commission on December 4, 1986).

Section 132(d)(2) of the City Planning Code requires a front setback of 14 feet, measured from the front property line, for the subject property. The proposed addition would extend to within 5 feet 3 inches of the front property line, and encroach into the required front setback.

PROCEDURAL BACKGROUND:

1. This proposal was determined to be categorically exempt from Environmental Review.
2. The Zoning Administrator held a public hearing on Variance Application No. **97.187V** on **April 23, 1997**.

DECISION: **GRANTED**, to construct a one-story ground floor addition with an open roof deck and trellis at the front of an existing three-story group housing in general conformity with plans on file with this application, shown as Exhibit A and dated March 18, 1997; subject to the following conditions:

1. The owner of Ronald McDonald House shall maintain its building in good condition and repair and shall provide proper landscaping in the front setback of its lot.
2. A liaison officer representing Ronald McDonald House shall be appointed to participate in the Western Addition Neighborhood Association's meetings. The name and telephone number shall be reported to the Zoning Administrator for reference.
3. The owners of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.

Section 305(c) of the City Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

FINDINGS

- FINDING 1. That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district.

REQUIREMENT MET

- The subject facility that provides housing for the families of critically ill children undergoing treatment in San Francisco Hospitals currently needs an addition of administrative office space and a more spacious handicapped accessible bedroom with its own full bathroom on the ground floor to improve its service capabilities.
- The front setback area required for the subject lot under the Planning Code is caused by a building on the immediately adjacent lot to the south. Only the subject lot and said adjacent lot are residentially zoned properties, subject to the front setback requirements under the Planning Code while the majority remaining lots, fronting on Scott Street on this block, are in an NC-3 zoning district (Moderate-Scale Neighborhood Commercial) District which has no applicable requirements for minimum front setback areas under the Planning Code. These NC-3 zoned neighboring lots mostly have had buildings built out to the front property line so that the existing subject block frontage has no strongly definable front setback pattern.

- The proposed project would still leave a 5-foot 3-inch front setback on the subject lot to be used for landscaping and would not look out of neighborhood character, in terms of scale and design.

FINDING 2. That owing to such exception and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical

difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property.

REQUIREMENT MET

- Literal enforcement of the Planning Code would require the applicant forego the additionally needed space described in Finding 1 which would result in an unnecessary hardship with no compensating public benefit.
- The proposed project is the most practical, efficient, and reasonable way to add needed space for the subject facility. The proposed project could not be accomplished elsewhere on the subject lot without creating a more obtrusive addition. Expansion of the subject ground floor towards the rear of the lot would not only require the justification of a rear yard variance but also would affect the light, air and privacy amenities of a few abutting residential properties to the north and east of the subject property.

FINDING 3. That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

REQUIREMENT MET

- The approval of this variance will allow the applicant a reasonable addition of floor space to meet the service needs of the subject facility; a substantial property right enjoyed by similarly situated properties in the same class of district.

FINDING 4. That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

REQUIREMENT MET

- The approval of this variance will not significantly change the existing neighborhood character.

- Based upon the conditions attached to this variance, the Western Addition Neighborhood Association has contacted the Department that the proposed project has their support.
- The Department received a letter from the neighbor, occupying the property immediately adjacent to the south of the subject property, who expressed concerns regarding view and sight line blockage from the front windows of their building that might be caused by the project. At the request of the Zoning Administrator, a letter responding to the concerns about the project was sent to that neighbor from the applicant. That letter provides further clarification of the project as follows: (1) the proposed one-story ground floor extension will not abut the front staircase of the neighbor's building and will be four feet six inches away from such front staircase; (2) the proposed one-story ground floor extension, with a height rising just above the rings below the mid-point of the columns at the top of such staircase, will not block either light or view from the main windows, facing Scott Street, at the front of the neighbor's building; and (3) the entry area of the subject building will not be enlarged while the proposed one-story ground floor extension only occurs at the north and south corners of the subject building.

Furthermore, the letter offered a meeting opportunity between the neighbor and the project sponsor for discussion of the project; however, the neighbor didn't respond to the letter or make any additional contact with the Department. The Zoning Administrator believes that the proposed project in the manner described above in conjunction with the circumstantial evidence filed under this variance will not be materially detrimental to the neighboring property.

FINDING 5. The granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

REQUIREMENT MET

- The proposal is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. The proposal is in harmony with the Residence Element of the General Plan to encourage residential development when it preserves or improves the quality of life for residents of the City.
- Code Section 101.1 establishes eight priority planning policies and requires review of variance applications for consistency with said policies. Review of the relevant priority planning policies yielded the following determinations:

- A. That the proposed project will be in keeping with the existing housing and neighborhood character.
- B. That the proposed project will have no significant effect on the City's supply of affordable housing, public transit or neighborhood parking, preparedness to protect against injury and loss of life in an earthquake, commercial activity, business or employment, landmarks and historic buildings, or public parks and open space.
- C. That the design of the proposed project will conserve and protect the existing housing and neighborhood character.

The effective date of this decision shall be either the date of this decision letter if not appealed or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

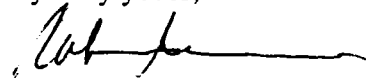
Once any portion of the granted variance is utilized, all specifications and conditions of the variance authorization became immediately operative.

The authorization and rights vested by virtue of this decision letter shall be deemed void and canceled if a Building Permit has not been issued within three years from the effective date of this decision; however, this authorization may be extended by the Zoning Administrator when the issuance of a necessary Building Permit is delayed by a City agency or by appeal of the issuance of such a permit.

Building Permit Applications filed within one year of the effective date of this decision shall be exempt from the public notification (Section 311 Notification). If Building Permit Application also proposes work separate from the Variance or is filed after one year, public notification shall be required.

APPEAL. Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 875 Stevenson Street, Room 440 or call 554-6720.

Very truly yours,



Robert W. Passmore
Assistant Director of
Planning-Implementation
(Zoning Administrator)

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THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OCCUPANCY.
PERMITS FROM APPROPRIATE DEPARTMENTS MUST BE SECURED BEFORE WORK IS
STATED OR OCCUPANCY IS CHANGED.



PLANNING DEPARTMENT

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INTERNET WEB SITE
WWW.SFGOV.ORG/PLANNING

June 1, 2006

Steven Rajninger, President
Ronald McDonald House of San Francisco
1640 Scott Street
San Francisco, CA 94115

RE: Written Determination regarding additional guest bedroom
Property Address: 1640 Scott Street
Assessor's Block/Lot: 0681/043
Zoning District: RH-3 (Residential House, Three-Family)

Dear Mr. Rajninger:

This is in response to your request for written determination regarding the conversion of an existing living space occupied by the Manager's Unit into an additional guest bedroom for out of town parents of critically ill children.

The subject property is located in an RH-3 District that limits the number of group housing bedrooms to one for every 275 square feet of lot area. Assessor's lot 43 in block 681 is approximately 4,375 square feet in area. Through conditional authorization the property could contain up to 15 guest bedrooms or 30 beds (where every two beds would constitute one bedroom).

On December 4, 1986, the Ronald McDonald House ("RMH") at 1640 Scott Street was conditionally authorized to establish the group housing facility, pursuant to Motion No. 10865. On May 29, 1997, the RMH was granted a variance decision, Case 97.187V to encroach into the required front setback for additional administrative space and a larger accessible restroom on the ground floor.

Motion No. 10865 authorized the group housing facility, but conditioned it to provide lodging for up to ten families. The RMH provides a much needed service to the families of critically-ill children receiving treatment in San Francisco Hospitals. Had the original application for the group housing requested 15 guest bedrooms as is the maximum permitted density for group housing the RH-3 zoned district, it would have been so conditioned. Therefore, it is my determination that because there would be no exterior expansion or recognizable change in use to the existing facility, the conversion of space already used and occupied as living space to an eleventh guest bedroom for the exclusive use of the RMH is within the spirit and intent of the 1986 authorization from the Planning Commission.

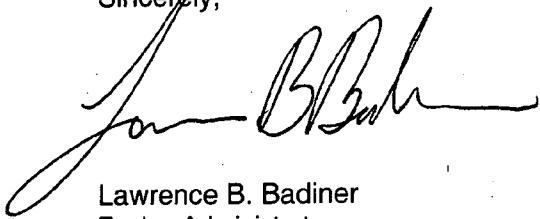
1640 Scott St

Ms. Judith Hoyem
June 4, 2003
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Zoning District: RH-3 (Residential House, Three-Family)

Should you have any questions about the contents of this letter, please contact **Jonas P. Ionin** at **(415) 558-6309**. If you believe that this determination represents an error in interpretation of the Planning Code or abuse of discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Appeals located at 1660 Mission Street, Room 3036, San Francisco, or call (415) 575-6880.

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence B. Badiner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Lawrence B. Badiner
Zoning Administrator

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