



# SAN FRANCISCO PLANNING DEPARTMENT

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## Letter of Determination

August 11, 2016

Mel Lee  
1035 Van Ness Avenue  
San Francisco CA 94109

**Site Address:** 1035 Van Ness Avenue  
**Assessor's Block/Lot:** 0714/028  
**Zoning District:** RC-4 (Residential-Commercial Combined, High Density)  
Van Ness Special Use District  
Van Ness Automotive Special Use District  
130-V Height and Bulk District  
**Staff Contact:** Wayne Farrens, (415) 575 – 9172 or [wayne.farrens@sfgov.org](mailto:wayne.farrens@sfgov.org)  
**Record No.:** 2016-007385ZAD

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

Dear Mr. Lee:

This letter is in response to your request for a Letter of Determination regarding the property at 1035 Van Ness Avenue. This parcel is located in the RC-4 (Residential-Commercial Combined, High Density) Zoning District, Van Ness Special Use District, Van Ness Automotive Special Use District, and 130-V Height and Bulk District. The request is for clarification regarding the existing use of the subject property and the ability to convert the use to Student Housing.

According to your letter, The Avenue is an assisted living facility specifically serving seniors and includes supportive services such as hospice care, meal preparation, and distribution of medications. As such, The Avenue is considered to be a Residential Care Facility, as defined in Planning Code Section 102. Residential Care Facility is a subcategory of Institutional Uses, as defined in Planning Code Section 102; therefore, the subject use is considered to be an Institutional Use under the Planning Code.

Student Housing is defined in Planning Code Section 102 as follows:

***Student Housing.** A Residential Use characteristic defined as a living space for students of accredited Post-Secondary Educational Institutions that may take the form of Dwelling Units, Group Housing, or SRO Unit and is owned, operated, or otherwise controlled by an accredited Post-Secondary Educational Institution. Unless expressly provided for elsewhere in this Code, the use of Student Housing is permitted where the form of housing is permitted in the underlying Zoning District in which it is located. Student Housing may consist of all or part of a building, and Student Housing owned, operated, or controlled by more than one Post-Secondary Educational Institution may be located in one building.*

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1035 Van ness Avenue  
San Francisco, CA 94109

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Given this definition, Student Housing is not identified as a use category for the purposes of the Planning Code, but is a use characteristic applicable to the underlying land use. Student Housing, as a use characteristic, is principally permitted in the RC-4 Zoning District; however, the controls for the underlying land use category still apply. The underlying land use category for Student Housing may take the form of Dwelling Units, Group Housing, or SRO (Single Room Occupancy) Units.

In the RC-4 Zoning District, Dwelling Units are principally permitted with no limit on density for parcels located within the Van Ness Special Use District. Group Housing is principally permitted (up to one bedroom per 70 square feet of lot area); however, Conditional Use authorization is required if the Group Housing is affiliated with and operated by an Institutional Educational Use. SRO Units are principally permitted in the RC-4 Zoning District.

It should be noted that this property is subject to a Restated and Amended Declaration of Restrictions which requires the property owner (San Francisco Care Center, SFCC) to provide 25 Affordable Residential Care Units. These units are subject to monitoring by the Mayor's Office of Housing and Community Development (MOHCD). Based upon current information, it appears that the property owner is not complying with this requirement. Please contact Lourdes Chang, Senior Community Housing Development Specialist at MOHCD, to discuss this requirement. Ms. Chang can be reached at 415-701-5585 or [lourdes.chang@sfgov.org](mailto:lourdes.chang@sfgov.org). The subject property must maintain these units in accordance with the Restated and Amended Declaration of Restrictions and failure to comply will result in enforcement action by the City.

**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.**

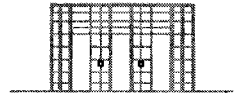
**APPEAL:** If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely,



Scott F. Sanchez  
Zoning Administrator

cc: Lourdes Chang, MOHCD  
Wayne Farrens, Planner  
Neighborhood Groups



R# 2016 - 007385 ZAD  
CK# 7978 \$ 645 -  
D. LINDSAY (NW)

May 25, 2016

Mr. Scott Sanchez, Zoning Administrator  
City Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: Request for Letter of Determination  
The Avenue Assisted Living, 1035 Van Ness Ave., S. F, CA 94109

Dear Mr. Sanchez,

(0714/028)

The Avenue Assisted Living was built under the jurisdiction of SF Redevelopment Area, Western Addition A-2. The project was completed in 2004.

The Avenue was designed-built for the primary usage under the California Department of Social Services, Community Care Licensing (CCL) Division specifically intended for Care for the Elderly. Please see attached State of California Facility Number 385600277, effective date of Nov. 5, 2004. Companion to the CCL is the Property Information Report of the SF Planning Department classifying the *Assessor Use* as: Convalescent/Nursing Homes, a.k.a. Care for the Elderly.

As a prerequisite to be licensed as CCL, every senior care living unit is built *without kitchens or cook tops*. All units are ADA approved with walk-in showers (no steps) and elevated toilets. Three meals per/day are served to all seniors, prepared in one common kitchen at the dining floor. The units are leased on month-to-month terms. The monthly fees include meals, house-keeping, personal laundry, entertainment of daily activities and 24-hour emergency monitoring.

Medications are store in a secured room. Medicines are dispensed by trained Med-techs to each resident. When medicines are nearly depleted, medication will be ordered and delivered daily to our premises as needed.

Average age of our seniors are approximately 85 years old. Nearly 70% has "dementia/Alzheimer" or, early stages of "Minor Cognitive Impairment". Almost 60% are wheel-chair dependent, if not, walkers are necessary. Seniors in "Hospice" program, average length of occupancies are from 10 days to approximately 60 days, coupled with 24-hr. care services.



Elements of this request:

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The existing facility has no building or fire code violations. All egress, ingress, health ADA and fire safety essentials are code compliance. No alterations or modifications for the facility are necessary for student housing conversion.

With the established information contained herein, we respectfully request your concurrence that the Avenue, as framed, is an "Institutional Use". Therefore request the Planning Department for a "Letter of Determination" to permit for the Conversion to Student Housing.

Thank you

Mel Lee:

General Partner  
San Francisco Care Center (aka The Avenue)



**State of California**  
Department of Social Services

Facility Number: 385600277  
Effective Date: 11/05/04 Total Capacity: 145

In accordance with applicable provisions of the Health and Safety Code of California, and its rules and regulations; the Department of Social Services hereby issues

**this License to**

SAN FRANCISCO CARE CENTER, LP / MEL LEE MGMT, INC.

to operate and maintain a RESIDENTIAL-ELDERLY

**Name of Facility**

SFAL - THE AVENUE  
1035 VAN NESS AVENUE  
SAN FRANCISCO CA 94109

This License is not transferable and is granted solely upon the following:

AGE RANGE 60 AND OVER. ALL MAY BE NONAMBULATORY. DEMENTIA SPECIAL CARE. SUBJECT TO THE TERMS AND CONDITIONS OF HOSPICE WAIVER.

Client Groups Served: RCFE/DEMENTIA

Complaints regarding services provided in this facility should be directed to:

CENTRAL COAST SC/RES DISTRICT OFFIC (650) 266-8800

David Dodds

Deputy Director,  
Community Care Licensing Division

*Kevin J. Tom*  
Authorized Representative  
of Licensing Agency

**POST IN A PROMINENT PLACE**