



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: NOVEMBER 8, 2012

*Date:* November 1, 2012  
*Case No.:* **2012.0725 C**  
*Project Address:* **475 EUCALYPTUS DRIVE**  
*Zoning:* RH-1(D) (Residential House One-Family, Detached)  
40-X Height and Bulk District  
*Block/Lot:* 7295/030  
*Project Sponsor:* Fernando Farol  
Farol's Residential Care Homes  
801 38<sup>th</sup> Avenue  
San Francisco, CA 94121  
*Staff Contact:* Rick Crawford – (415) 558-6358  
[rick.crawford@sfgov.org](mailto:rick.crawford@sfgov.org)  
*Recommendation:* **Approval with Conditions**

1650 Mission St.  
Suite 400  
San Francisco,  
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Reception:  
**415.558.6378**

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Information:  
**415.558.6377**

### PROJECT DESCRIPTION

The applicant proposes to expand the existing residential care facility for the elderly from five beds to ten beds. The expanded facility would include six beds for ambulatory patients and four beds for non-ambulatory patients. The project requires Conditional Use authorization under Planning Code Sections 303 and 209.3(c) to allow the expansion of an existing residential care facility.

### SITE DESCRIPTION AND PRESENT USE

The project is located on southerly side of Eucalyptus Drive between Melba Street and 22<sup>nd</sup> Avenue, Block 7295, Lot 030. The property is located within the RH-1(D) (Residential House, One-Family Detached) District and a 40-X Height and Bulk District. The property is developed with a single-family housing unit that has been converted to a residential care facility for the elderly with five beds for ambulatory patients. The facility is licensed by the State of California Department of Social Services.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Project site is within a fully developed mixed-use area surrounded by residential uses to the west and north and commercial and institutional buildings to the east and south. St Stephens Church and School are located on the adjacent property to the east. Other nearby institutional uses along Eucalyptus Drive include Lowell High School, Lakeside Presbyterian Church, and Stonestown YMCA. Stonestown shopping center is immediately south of the Project Site. The Merced branch of the San Francisco Public Library is approximately ¼ mile from the Project site.

## ENVIRONMENTAL REVIEW

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

## HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	October 19, 2012	October 17, 2012	22 days
Posted Notice	20 days	October 19, 2012	October 16, 2012	23 days
Mailed Notice	20 days	October 29, 2012	October 16, 2012	23 days

The proposal requires a Section 311-neighborhood notification, which was conducted in conjunction with the conditional use authorization process.

## PUBLIC COMMENT

- To date, the Department has received one letter from a neighbor concerned about traffic impacts of the project and growth of institutional uses on the block.

## ISSUES AND OTHER CONSIDERATIONS

- The project includes one required parking space. The project is the expansion of a small residential care facility for the elderly and as such is not expected to affect traffic, parking, or transit operations in the neighborhood. Other institutional uses in the area have sufficient off-street parking for their own use.

## REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow the expansion of an existing residential care facility for the elderly from five beds to ten beds within the RH-1(D) (Residential House, One-Family Detached) District, pursuant to Planning Code Section 209.3(c).

## BASIS FOR RECOMMENDATION

- The size of the proposed use is in keeping with character of the adjacent residential neighborhood. The building on the site would remain residential in character with no external evidence of the use within.
- The use is also compatible with the other institutional use in the area and serves as a buffer between Stonestown, St. Stephens, and the neighboring residential uses.
- The project promotes the provision of community-based residential care for the elderly.
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding neighborhood.

<b>RECOMMENDATION:</b> <b>Approval with Conditions</b>
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### Attachments:

Block Book Map  
Sanborn Map  
Aerial Photographs

Attachment Checklist

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary   | <input type="checkbox"/> Project sponsor submittal   |
| <input checked="" type="checkbox"/> Draft Motion        | Drawings: <u>Existing Conditions</u>   |
| <input type="checkbox"/> Environmental Determination    | <input type="checkbox"/> Check for legibility  |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u>  |
| <input checked="" type="checkbox"/> Height & Bulk Map   | <input type="checkbox"/> Check for legibility  |
| <input checked="" type="checkbox"/> Parcel Map          | <input type="checkbox"/> Wireless Telecommunications Materials                             |
| <input checked="" type="checkbox"/> Sanborn Map         | <input type="checkbox"/> Health Dept. review of RF levels                                  |
| <input checked="" type="checkbox"/> Aerial Photo        | <input type="checkbox"/> RF Report   |
| <input checked="" type="checkbox"/> Context Photos      | <input type="checkbox"/> Community Meeting Notice  |
| <input checked="" type="checkbox"/> Site Photos         | <input type="checkbox"/> Housing Documents   |
|   | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |
|   | <input type="checkbox"/> Residential Pipeline  |

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

\_\_\_\_\_ RC \_\_\_\_\_  
Planner's Initials



# SAN FRANCISCO PLANNING DEPARTMENT

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Subject to: (Select only if applicable)

- |  |  |
|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415)           | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412)            | <input type="checkbox"/> Other                             |

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## Planning Commission Draft Motion

HEARING DATE: NOVEMBER 8, 2012

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[rick.crawford@sfgov.org](mailto:rick.crawford@sfgov.org)

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, AND 209.3(c) OF THE PLANNING CODE TO ALLOW THE EXPANSION OF AN EXISTING RESIDENTIAL CARE FACILITY FOR THE ELDERLY FROM FIVE BEDS TO TEN BEDS WITHIN THE RH-1(D) (RESIDENTIAL HOUSE, ONE-FAMILY DETACHED) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On June 7, 2012 Fernando Farol (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section(s) 303 and 209.3(c) to allow the expansion of an existing residential care facility for the elderly from five beds to ten beds within the RH-1(D) (Residential House, One-Family Detached) District and a 40-X Height and Bulk District.

On November 8, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0725C.

The project is categorically exempt as a Class 1 exemption under CEQA Guidelines.

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. 2012.0725C, 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 is located on southerly side of Eucalyptus Drive between Melba Street and 22<sup>nd</sup> Avenue, Block 7295, Lot 030. The property is located within the RH-1(D) (Residential House, One-Family Detached) District and a 40-X Height and Bulk District. The property is developed with a single-family housing unit that has been converted to a residential care facility for the elderly with five beds for ambulatory patients. The facility is licensed by the State of California Department of Social Services.
3. **Surrounding Properties and Neighborhood.** The Project site is within a fully developed mixed-use area surrounded by residential uses to the west and north and commercial and institutional buildings to the east and south. St Stephens Church and School are located on the adjacent property to the east. Other nearby institutional uses along Eucalyptus Drive includes Lowell High School, Lakeside Presbyterian Church, and Stonestown YMCA. Stonestown shopping center is immediately south of the Project Site. The Merced branch of the San Francisco Public Library is approximately ¼ mile from the Project site.
4. **Project Description.** The applicant proposes to expand the existing residential care facility for the elderly from five beds to ten beds. The expanded facility would include six beds for ambulatory patients and four beds for non-ambulatory patients.
5. **Public Comment.** The Department has received one letter from a neighbor concerned about traffic impacts of the project and growth of institutional uses on the block.
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. **Residential Care Facility.** Planning Code Section 209.3(c), states that a Conditional Use Authorization is required for a residential care facility providing lodging, board and care for a period of 24 hours or more to seven or more persons in need of specialized aid by personnel licensed by the State of California. Such facility shall display nothing on or near the facility that gives an outward indication of the nature of the occupancy except for a sign as permitted by Article 6 of this Code, shall not provide outpatient services and shall be located in a structure that remains residential in character. Such facilities shall include but not necessarily be limited to a board and care home, family care home, long-term nursery, orphanage, rest home or home for the treatment of addictive, contagious, or other diseases or psychological disorders.

*The project would expand the existing residential care facility for the elderly from five beds for ambulatory patients to ten beds, six for ambulatory patients, and four for non-ambulatory patients. The facility would not provide outpatient services and is located in a structure, which remains residential in character.*

- B. **Streetscape and Pedestrian Improvements.** Planning Code Section 138.1(c) states that street trees shall be required under the following conditions: construction of a new building; relocation of a building; the addition of gross floor area equal to 20 percent or more of the gross floor area of an existing building; the addition of a new dwelling unit, a garage, or additional parking; or paving or repaving more than 200 square feet of the front setback.

*While there are no street trees existing on the Project Site, a street tree is not required because the project would expand the residential care use of the property but would not expand the building or add a dwelling unit.*

- C. **Parking.** Planning Code Section 151(b) one parking space for each 10 residents of a residential care facility, where the number of residents exceeds nine.

*The existing residential care facility is proposing to expand from five to ten patients. One off-street parking space is required. One off-street parking space is provided in the existing garage on the property.*

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 size of the proposed use is in keeping with character of the adjacent residential neighborhood. The building on the site would remain residential in character with no external evidence of the use within. The use is also compatible with the other institutional uses in the area and serves as a buffer between St. Stephens and the neighboring residential uses. The expansion of the existing residential care facility would not affect traffic or parking in the area because the scale of the use is quite small and the patients of the facility are not likely to drive or own cars. This would complement the blend of residential and institutional uses on the block. The use is a necessary and desirable facility as it fulfills an important role in delivering community-based health care to the elderly and allows patients to remain in a community setting.*

- 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 height and bulk of the existing building would remain the same and would not alter the existing appearance or character of the project vicinity. The subject property and the building on the site would remain residential in character.*

- 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 includes one required parking space. The project is the expansion of a small residential care facility for the elderly and as such is not expected to affect traffic, parking, or transit operations in the neighborhood.*

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

*The project is an expansion of a small residential care facility for the elderly and as such is not expected to generate noxious or offensive emissions.*

- 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 new landscaping, lighting or signage. Any modifications to the Project Site would be in keeping with the residential character of the building.*

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

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

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

*The proposed project is an institutional use in a Residential District. The Project Site is not located in a Neighborhood Commercial District.*

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

## COMMUNITY FACILITIES

### Objectives and Policies

#### OBJECTIVE 9:

ASSURE THAT INSTITUTIONAL USES ARE LOCATED IN A MANNER THAT WILL ENHANCE THEIR EFFICIENT AND EFFECTIVE USE.

*The existing residential care facility is well located to provide a buffer between the intensive neighborhood commercial site at Stonestown Shopping Center to the south, the more intense institutional uses such as St Stephen's, and the low density single family residential area to the north. The facility is located in close proximity to other institutional uses, such as St. Stephen's Church and School, Stonestown YMCA and Lakeside Presbyterian Church, which together with the Project Site, separate uses of significantly different intensities. The site is well served by public transit in the vicinity allowing people without access to autos to visit the project*

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.

*The proposal is an expansion of a residential care facility for the elderly from five beds to ten beds and would not affect existing neighborhood-serving retail uses.*

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

*The existing units in the surrounding neighborhood would not be adversely affected. The proposal would expand the number of patients in the existing facility from five to ten but would not expand the building. The building housing the care facility would retain its residential character.*

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

*No housing is removed for this project.*

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

*The project includes one required parking space. The project is the expansion of a small residential care facility for the elderly and as such is not expected to affect traffic, parking, or transit operations in the neighborhood.*

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

*The Project would not displace any service or industry establishment. The project would not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses would not be affected by this project.*

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

*This proposal would not affect the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*A landmark or historic building does not occupy the Project Site.*

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

*The project would have no effect on existing parks and open spaces. The project does not have an impact on open spaces.*

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 is necessary and desirable and 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. 2012.0725C** 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 94102.**

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on November 8, 2012.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: November 8, 2012

## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to allow an expansion of an existing residential care facility for the elderly from five beds to ten beds (d.b.a. Farol's Residential Care Homes) located at 475 Eucalyptus Drive, Block 7295, Lot 030 pursuant to Planning Code Section(s) 303 and 209.3(c) within the RH-1(D) (Residential House, One-Family Detached) District and a 40-X Height and Bulk District and subject to conditions of approval reviewed and approved by the Commission on November 8, 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 November 8, 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).*

## DESIGN – COMPLIANCE AT PLAN STAGE

3. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the architectural addenda. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) .*

## MONITORING - AFTER ENTITLEMENT

4. **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)*

5. **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

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/>*

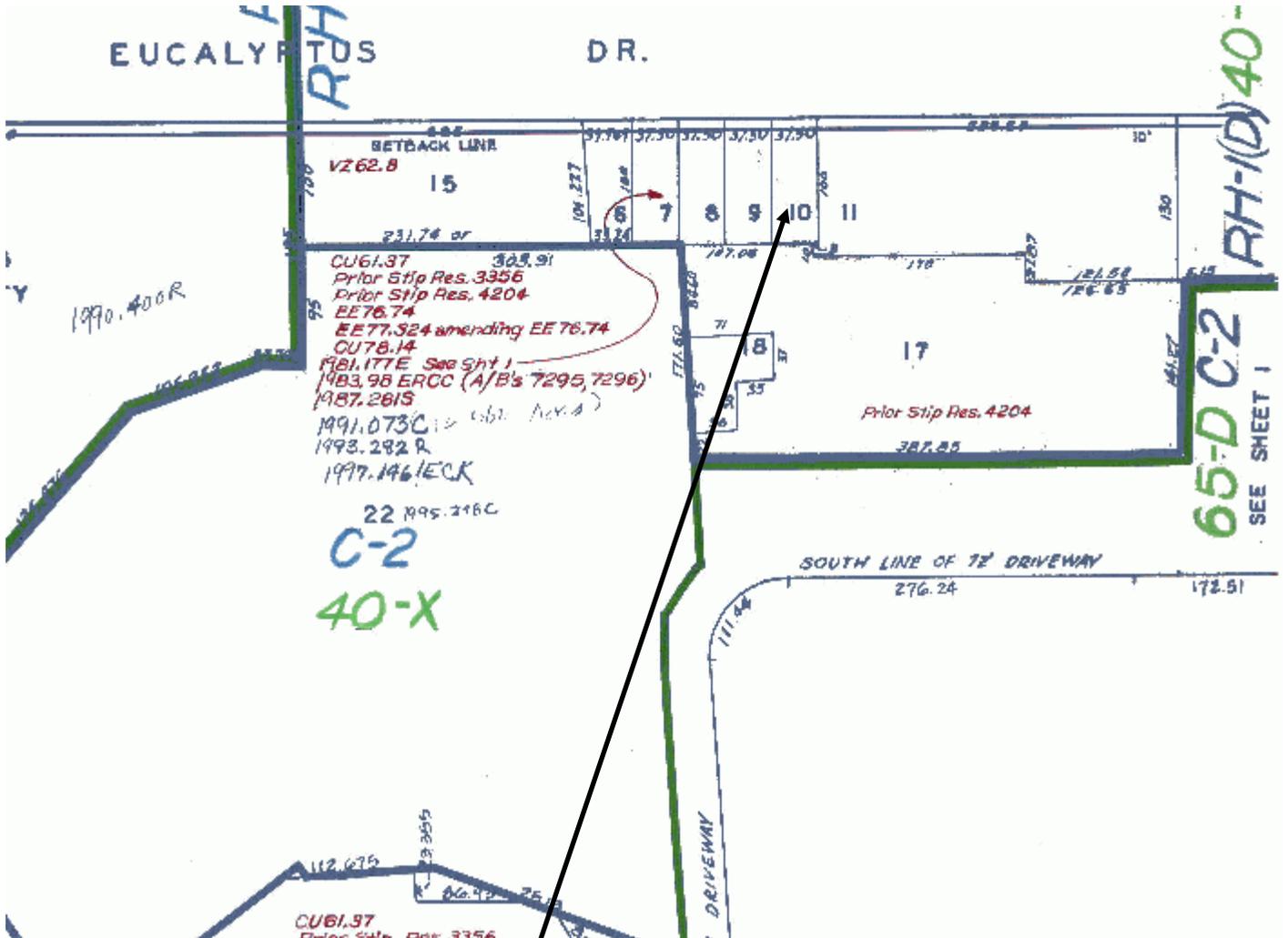
7. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>*

8. **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)*

# Parcel Map



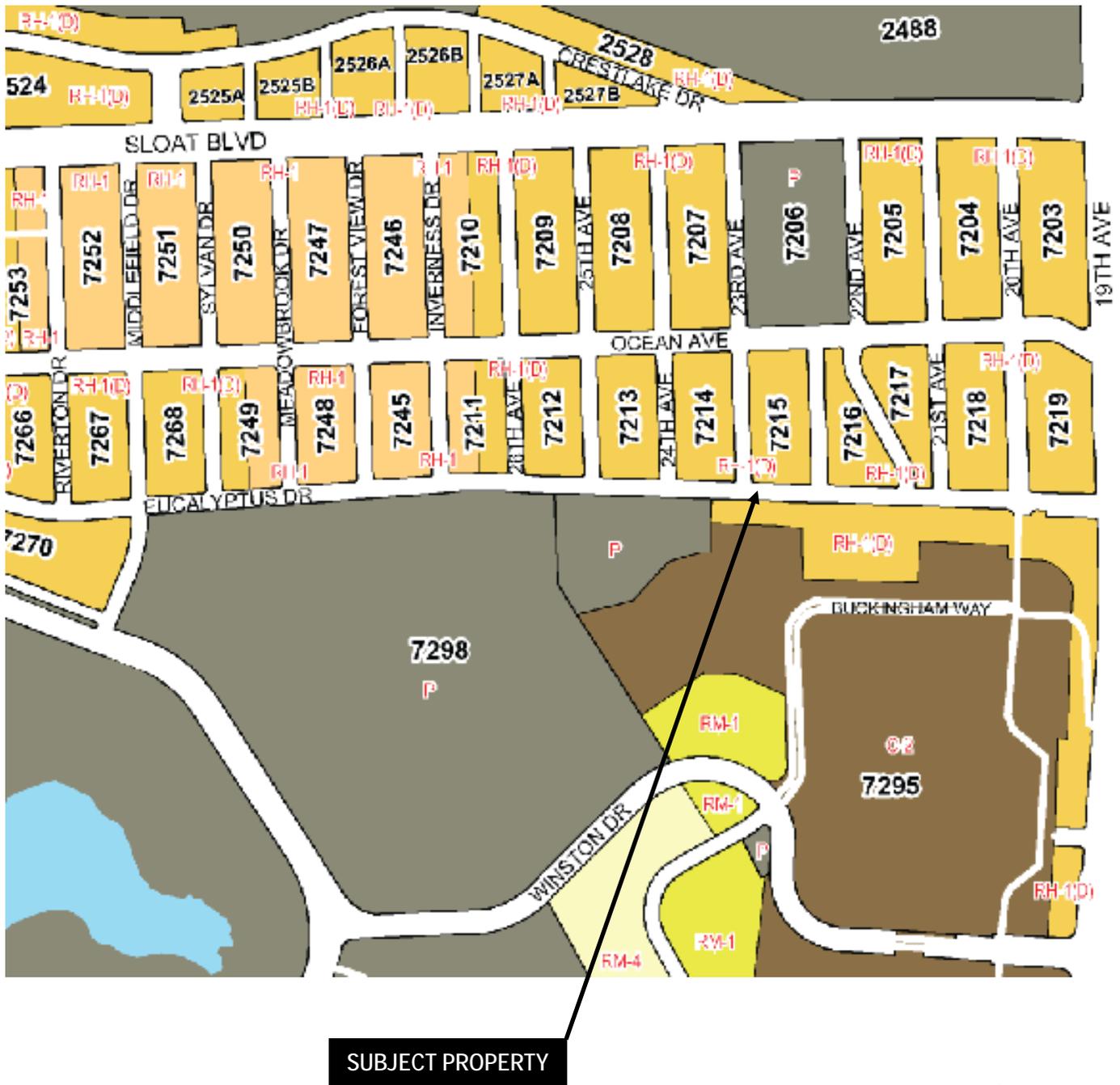
**SUBJECT PROPERTY**



Conditional Use Authorization  
 Case Number 2012.0725D  
 Farol's Residential Care Homes  
 475 Eucalyptus Drive



# Zoning Map



Conditional Use Authorization  
Case Number 2012.0725D  
Farol's Residential Care Homes  
475 Eucalyptus Drive

# Aerial Photo



SUBJECT PROPERTY



Conditional Use Authorization  
Case Number 2012.0725D  
Farol's Residential Care Homes  
475 Eucalyptus Drive

# Site Photo



Conditional Use Authorization  
Case Number 2012.0725D  
Farol's Residential Care Homes  
475 Eucalyptus Drive

# Context Photos



Conditional Use Authorization  
Case Number 2012.0725D  
Farol's Residential Care Homes  
475 Eucalyptus Drive