

SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: OCTOBER 26, 2017

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

Reception:

415.558.6378

Fax:

415.558.6409

Planning Information: 415.558.6377

Date: October 19, 2017

Case No.: 2017-004721CUAVAR
Project Address: 452 OAK STREET

Zoning: RTO (Residential Transit Oriented)

Market and Octavia Area Plan 40-X Height and Bulk District

Block/Lot: 0830 / 011

Project Sponsor: Dennis Johnson

Apparatus Architecture

4450 18th Street

San Francisco, CA 94114

Staff Contact: David Weissglass – (415) 575-9177

david.weissglass@sfgov.org

Recommendation: Approval with Conditions

PROJECT DESCRIPTION

The proposal is the subdivision of through a lot with frontages on Oak Street and Hickory Street. The property is currently developed with a 3-story, 12-unit residential building fronting on Oak Street. This project does not include any construction. The project requires Conditional Use Authorization to allow the newly-created lot fronting on Oak Street to exceed the dwelling unit density limits for RTO Zoning Districts set forth in Section 209.4 of the Planning Code. The project is also seeking Variances from the Planning Code's requirement for rear yard (Section 134) and for dwelling unit exposure onto an open area (Section 140). The Zoning Administrator will consider the Variance requests following the Commission's consideration of the Conditional Use request.

SITE DESCRIPTION AND PRESENT USE

The project site is a through lot located on the north side of Oak Street between Buchanan and Laguna Streets, with the rear of the lot fronting Hickory Street. Lot 011 in Assessor's Block 0830 is approximately 8,250 square feet in area. The property is located within an RTO (Residential Transit Oriented) Zoning District, the Market and Octavia Area Plan, and a 40-X Height and Bulk District, and is developed with a 3-story, 12-unit residential building fronting on Oak Street, constructed circa 1900. The property is a rectangular through lot 120 feet deep with 68 feet 9 inches of frontage on both Oak Street and Hickory Street.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located in an RTO Zoning District within the Western Addition neighborhood. The RTO District generally spans from Golden Gate Avenue in the north to 15th Street in the south where it meets the Upper Market NCT Zoning District. The RTO Zoning District is intended to recognize, protect,

Executive Summary Hearing Date: October 26, 2017

conserve, and enhance areas characterized by a mixture of houses and apartment buildings, covering a range of densities and building forms.

The broader neighborhood is a mix of residential and commercial activity. The surrounding zoning is varied, with a number of RH (Residential – House) and RM (Residential – Mixed) districts as well as NC-1 (Neighborhood Commercial, Low Density) and NC-3 (Neighborhood Commercial, High Density) as well as the Hayes NCT (Neighborhood Commercial Transit) District. The subject block features primarily residential buildings of two to four stories in height.

ENVIRONMENTAL REVIEW

A Certificate of Determination for Exclusion/Exemption from Environmental Review (Certificate) was prepared by the Department for the proposed project at 452 Oak Street. The Certificate consisted of an analysis of the project's eligibility for exemption from California Environmental Quality Act (CEQA) review under CEQA State Guidelines Section 15061(b)(3) or the General Rule Exclusion (GRE). The GRE establishes that CEQA applies only to projects that have the potential to cause a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed project would have no significant environmental effects. Accordingly, the proposed project is appropriately exempt from CEQA under Section 15061(b)(3). The Certificate was signed on October 19, 2017.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUA L PERIOD
Classified News Ad	20 days	October 6, 2017	October 6, 2017	20 days
Posted Notice	20 days	October 6, 2017	October 6, 2017	20 days
Mailed Notice	20 days	October 6, 2017	October 6, 2017	20 days

PUBLIC COMMENT/COMMUNITY OUTREACH

To date, the Planning Department has received one phone call from a neighbor inquiring about the request. The neighbor expressed concern with the potential for future development on the site.

ISSUES AND OTHER CONSIDERATIONS

- Approval of the Project will result in the creation of two lots: one lot of approximately 5,746 square feet facing Oak Street that will contain the entire existing 12-unit residential building; and another lot of approximately 2,504 square feet facing Hickory Street, which will be vacant and developable.
- The existing subject property is one of only three through lots on the subject block. The property is bound on each side by two separate lots, one fronting on Oak Street and the other on Hickory Street. There is a clear pattern of development of residential units fronting on Hickory Street.
- The subject property is the largest lot on the block.

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• The Project is only to allow the subdivision of the lot; no construction is currently planned on the new Hickory Street lot, but it could be developed in the future with up to four residential units. The existing residential building fronting Oak Street will not be altered as a result of this Project.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant Conditional Use Authorization to allow the subdivision of the subject lot, which will result in the property facing Oak Street to exceed its allowed dwelling unit density per Planning Code Sections 207 and 209.4

BASIS FOR RECOMMENDATION

- The Project complies with the applicable requirements of the Planning Code.
- The Project is consistent with the objectives and policies of the General Plan.
- The Project is located in a zoning district where residential units are principally permitted.
- The Project is consistent with and respects the varied neighborhood character.
- The Project will encourage additional residential units to be developed in a central area of the City.

RECOMMENDATION: Approval with Conditions

Executive Summary

CASE NO. 2017-004721CUAVAR

Hearing Date: October 26, 2017

452 Oak Street

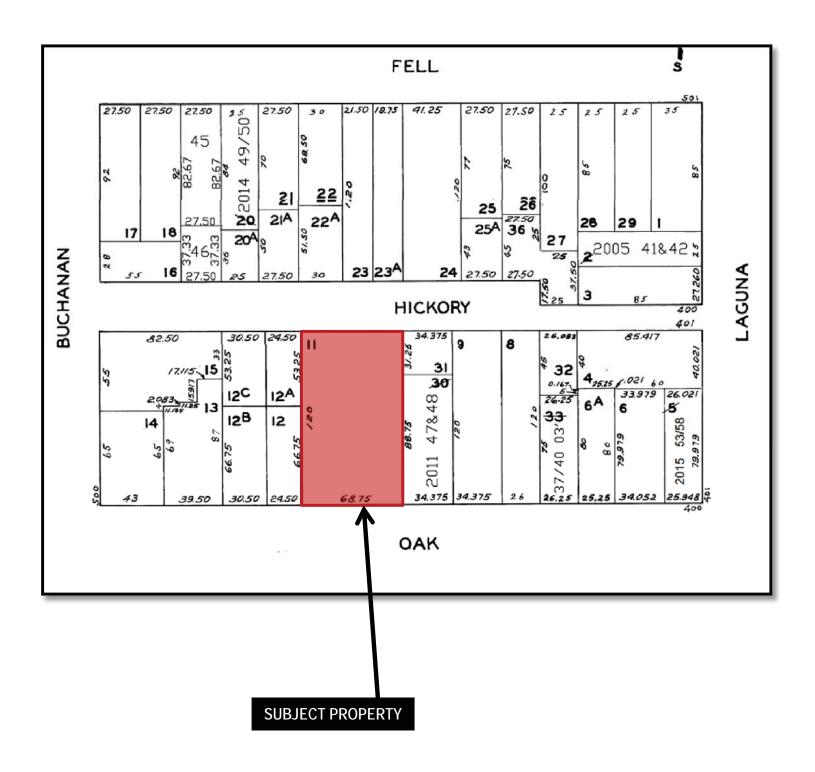
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Draft Motion
Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs
Site Photos
Environmental Determination
Project Sponsor Submittal
Plans

Attachment Checklist

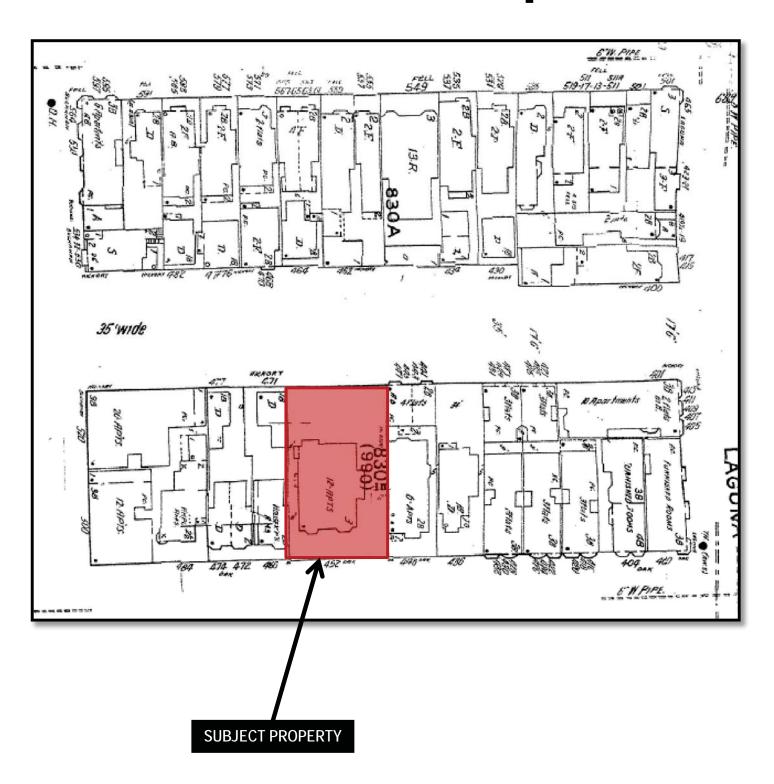
Executive Summary		Project sponsor submittal	
Draft Motion		Drawings: Existing Condi	tions
Environmental Determination		Check for legibility	
Zoning District Map		Drawings: Proposed Proje	<u>ct</u>
Height & Bulk Map		Check for legibility	
Block Book Map		Health Dept. review of RF	levels
Sanborn Map		RF Report	
Aerial Photos		Community Meeting Noti	ce
Context Photo		Public Correspondence	
Site Photo			
Exhibits above marked with an "X" are inc	clude	d in this packet	DNW
		- Plai	nner's Initials

Block Book Map





Sanborn Map



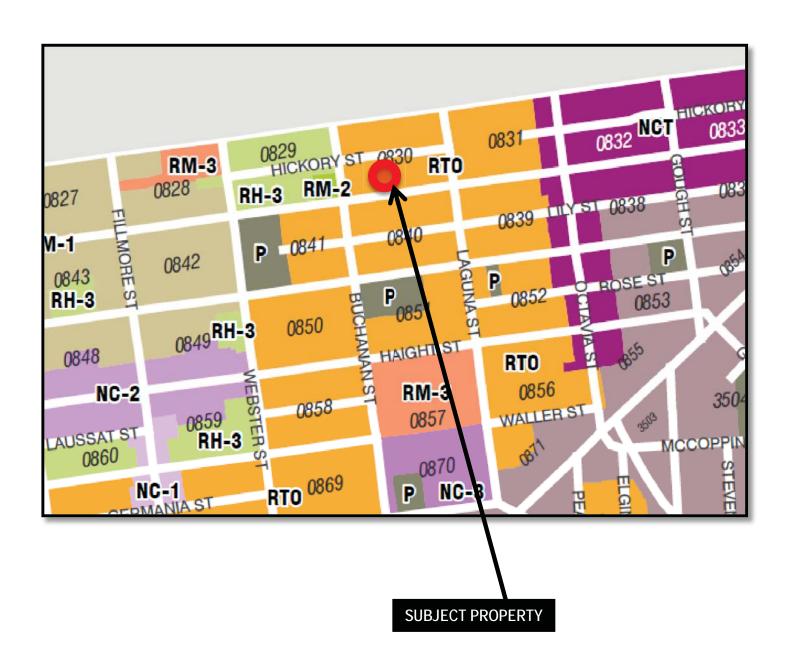




Conditional Use Hearing **Case Number 2017-004721CUAVAR**452 Oak Street

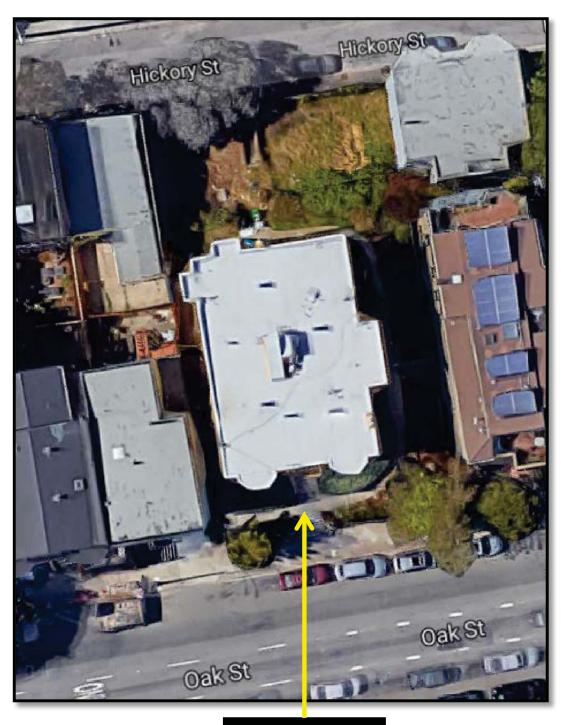
Block 0830 Lot 011

Zoning Map





Aerial Photo



SUBJECT PROPERTY

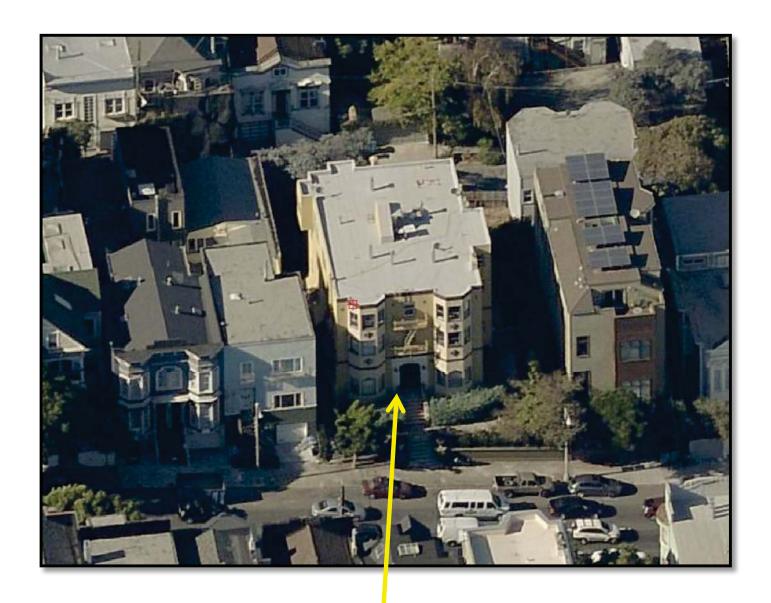




Conditional Use Hearing **Case Number 2017-004721CUAVAR**452 Oak Street

Block 0830 Lot 011

Aerial Photo

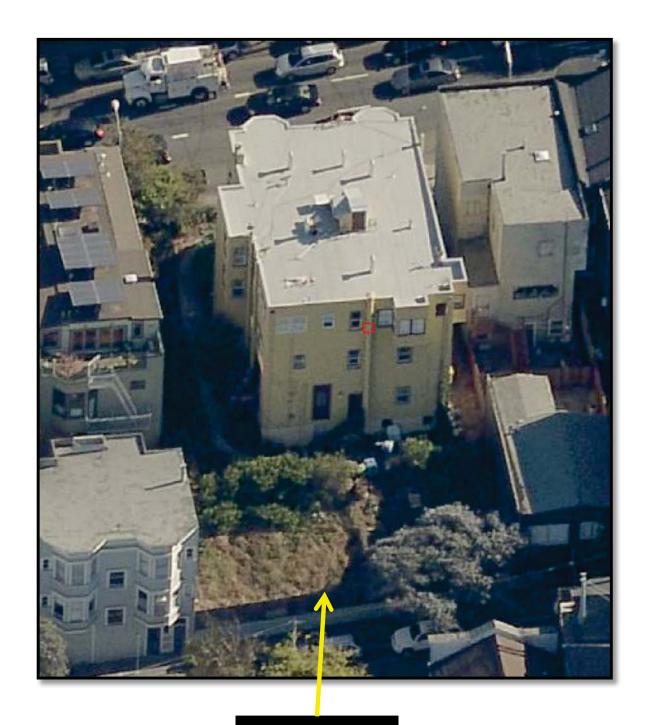


SUBJECT PROPERTY





Aerial Photo

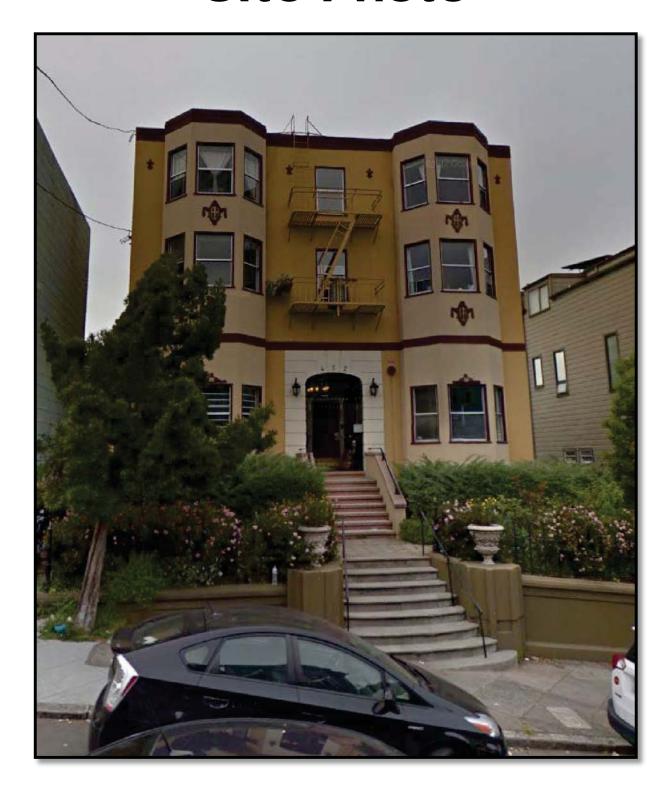


SUBJECT PROPERTY





Site Photo





Site Photo



Certificate of Determination EXCLUSION/EXEMPTION FROM ENVIRONMENTAL REVIEW

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

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415.558.6409

Planning

Information: 415.558.6377

Date:

10/19/2017

Case No.:

2017-004721ENV

Project Title:

452 Oak Street

Zoning:

RTO (Residential, Transit-Oriented District)

40-X Height and Bulk District

Hayes Valley Residential Historic District

Block/Lot:

0830/011

Lot Size:

8,250 square feet

Project Sponsor:

Dennis Johnson, Apparatus Architecture

(415) 703-0904

Staff Contact:

Laura Lynch - (415) 575-9045

Laura.lynch@sfgov.org

PROJECT DESCRIPTION:

The project site is located at 452 Oak Street, an approximately 8,250 square foot (sq ft) (119 ft x 68 ft) lot in the Western Addition neighborhood. The project site is a through lot, with frontages on Hickory Street and Oak Street. The block is bounded by Hickory Street to the north, Laguna Street to the east, Oak Street to the south, and Buchannan Street to the west. The project site consists of a 12-unit multi-family home fronting Oak Street. The proposed project would subdivide the project site, creating a new, separate lot in the rear, undeveloped portion of the existing lot.

EXEMPT STATUS:

General Rule Exclusion (State California Environmental Quality Act (CEQA) Guidelines, section 15061(b)(3))

REMARKS:

See next page.

DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and local requirements.

Lisa Gibson

Environmental Review Officer

Uctober 19, 2017 Date

cc: Dennis Johnson, Project Sponsor

David Weissglass, Current Planner

Pilar LaValley, Preservation Planner

Supervisor London Breed, District 5 (via Clerk of the Board)

Historic Preservation Distribution List

Virna Byrd, M.D.F.

PROJECT DESCRIPTION (CONTINUED):

The new lot would front Hickory Street and would be approximately 2,504 sq ft. The subdivided Oak Street lot would be approximately 5,747 sq ft in area. The proposed project would not include any construction and no change would occur to the existing use.

The proposed project would be subject to a variance for minimum rear yard depth and required open space pursuant to San Francisco Planning Code (planning code) section 134. The project is also subject to a conditional use authorization from the San Francisco Planning Commission (planning commission) because the density is above 600 square feet of lot area. The proposed reduced lot size fronting Oak Street would make the 12 existing units out of compliance at a density of 478 sq ft. The conditional se authorization is identified as the approval action for the whole of the proposed project.

APPROVAL ACTION

The proposed project is subject to notification under section 311 of the City of San Francisco (the City) Planning Code and would require the following approvals:

- Conditional Use Authorization: The project is also subject to a conditional use authorization from the planning commission because the density is above 600 square feet of lot area. The proposed reduced lot size fronting Oak Street would make the 12 existing units out of compliance at a density of 478 sq ft.
- Variance Authorization: The proposed project would require authorization by the Zoning Administrator for a variance for minimum rear yard depth pursuant to planning code section
- Subdivision Authorization: The proposed project would require authorization by San Francisco
 Public Works (public works) to subdivide the existing lot pursuant to provisions of the California
 Subdivision Map Act, and the City's Subdivision Code and Subdivision Regulations.

Approval Action: The San Francisco Planning Commission's approval of the conditional use authorization is the approval action for the project. The approval action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to section 31.04(h) of the San Francisco Administrative Code.

REMARKS:

CEQA State Guidelines section 15061(b)(3) establishes the general rule that CEQA applies only to projects that have the potential to cause a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Land Use

The San Francisco General Plan articulates the objectives and policies that guide the City's decision making as it pertains to, among other issues, environmental protection, urban design, and land use. Permits to construct, alter or demolish buildings, or subdivide lots may not be issued unless the project conforms to the planning code, or an exemption is granted pursuant to provisions of the planning code.

The proposed subdivision of the project site to create a new, separate lot that fronts Hickory Street would be subject to approval by public works pursuant to provisions of the City's Subdivision Code and Subdivision Regulations and the California Subdivision Map Act. However, prior to public works approval, the proposed project must be reviewed by other applicable City agencies, including the planning department. Planning department review ensures the subdivision proposal is consistent with the General Plan, Proposition M (planning code section 101.1), and other provisions of the planning code.

The project site is located in an RTO (Residential, Transit-Oriented) district, which allows a range of residential and neighborhood-oriented commercial development, though the district is primarily residential. As the proposed project would result in two residential lots (the subdivided Oak Street lot and new Hickory Street lot) the proposed land use would be permitted.

In addition to evaluating whether the proposed project would conform to the class of use district in which the project site is located, the planning department also evaluated the following land use provisions for RTO districts:

• Dwelling Density. Pursuant to planning code section 209.1 lots in RTO districts may provide residential dwelling units at a density ratio of one dwelling unit per 600 sq. ft. of lot area. The existing Oak Street lot is approximately 8,250 sq. ft. and is occupied by an existing 12 unit building. Therefore, the project sponsor would be permitted to construct two additional dwelling units on the existing lot for a total of fourteen dwelling units. Should the proposed project be approved, the subdivided Oak Street lot, which would be approximately 5,747 sq. ft., would be permitted to contain ten dwelling units. Therefore, the project is required to receive conditional use authorization in order for the lot to maintain compliance with the dwelling unit density limits of planning code section 209.4. The new Hickory Street lot, which would be approximately 2,504 sq. ft., would be permitted to contain four dwelling units. If the conditional use authorization is granted, the density of the lots could increase by two units.

The majority of the lots on the subject block and in the immediate vicinity of the project site are developed with residential housing. It is not unusual for the planning department to conditionally approve a proposed subdivision, and the zoning administrator may choose to exercise this discretion to limit dwelling density on the project site to ensure that future development on the site is consistent with the subject block. However, planning code section 206.4 describes RTO districts as such: "while some one- and two-family structures are present, the character of the district is primarily of structures with three or more units of a range of sizes and types suitable for a variety of households". Therefore, if the zoning administrator chooses not to limit dwelling density on the project site, the maximum permitted dwelling density and required mix of residential unit sizes would still be consistent with the City's vision for RTO districts.

 Subdivision Pattern: The lots directly adjacent to the project site and those on the east end of the subject block feature a similar subdivision pattern as the one proposed for the 452 Oak Street lot,

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¹planning code section 206.4, RTO (Residential, Transit-Oriented Neighborhood) District. http://www.amlegal.com/nxt/gateway.dll/California/planning/planningcode?f=templates\$fn=default.htm\$3.0\$vid=amlegal:sanfrancisco_ca\$sync=1 Accessed February 27, 2015.

where the longer lot fronts Oak Street and the shorter lot fronts Hickory Street. The same subdivision pattern (the longer lot fronts a street and the shorter lot fronts an alley) may also be observed on blocks north and south of the project site. Therefore, the proposed subdivision would be consistent with the existing subdivision pattern on the subject block and in the vicinity of the project site.

• Variances: The project proposes the subdivision of the subject property to create two lots, one fronting on Oak Street and the other on Hickory Street. The existing three-story, twelve-unit residential building will be wholly within the new Oak Street lot, but its existing rear yard will be reduced to approximately 5 feet 10 inches, whereas the required rear yard for the lot is approximately 21 feet. Therefore, the project requires a variance from the Zoning Administrator to address the rear yard requirements outlined in planning code section 134.

While no construction is currently planned on the new Hickory Street lot, it could be developed in the future with up to four residential units. The new Hickory Street lot is proposed to measure approximately 36 feet 5 inches in depth. As the average depth of the adjacent buildings allows a reduced rear yard, the required rear yard for the Hickory Street lot will be 15 feet.

Though the proposed project would result in two standard-sized lots and a substandard rear yard on the new Oak Street lot, the proposed subdivision and resulting lot areas and rear yard depth would not conflict with planning code provisions as the planning code allows for such substandard lots through the variance process. Nor would the proposed project physically disrupt the established and permitted development pattern in the vicinity of the project site. For these reasons, the proposed project is consistent with applicable general plan objectives and policies as well as applicable zoning designations and would result in less-than-significant impacts to land use.

Historical Resources

In evaluating whether the proposed project would be exempt from environmental review under CEQA, the planning department must determine whether the project site is a historical resource as defined by CEQA. The project site is located in the Hayes Valley Residential Historic District (the historic district), which is listed on the California Register of Historical Resources and is eligible for listing in the National Register of Historical Resources. The three-story, multi-family building at 452 Oak Street was built circa 1886, and is not an identified contributing resource to the historic district. The proposed project would subdivide the subject property to create a new Hickory Street lot on the rear, undeveloped portion of the project site. The proposed project does not include construction on the new Hickory Street lot or the subdivided Oak Street lot. Therefore, the proposed project would not result in direct or indirect impacts on the historic district, including contributing resources. For the above reasons, the proposed project would not result in significant impacts with respect to historical resources.

Neighborhood Concerns

A "Notification of Project Receiving Environmental Review" was mailed on October 3, 2017 to owners and occupants of properties within a 300 foot radius of the project site and other interested parties. The planning department received one comment in response to the notice, which was requesting further information on the project description.

CONCLUSION

CEQA State Guidelines section 15061(b)(3) establishes the general rule that CEQA applies only to projects that have the potential to cause a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed project would have no significant environmental effects and thus it is appropriately exempt from environmental review under the general rule exclusion (CEQA Guidelines section 15061(b)(3)). Additionally, CEQA State Guidelines section 15315, or Class 15, provides an exemption from environmental review for minor land divisions meeting various conditions. As described above, the proposed project would qualify for a Class 15 exemption except that it requires variances. This analysis found no significant impacts from the variances, or any other aspect of the proposed project, and the project would meet all of the other various conditions prescribed by Class 15. For the above reasons, the proposed project is appropriately exempt from environmental review.



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- ☑ Affordable Housing (Sec. 415)
- ☐ Jobs Housing Linkage Program (Sec. 413)
- ☐ Downtown Park Fee (Sec. 412)
- ☑ First Source Hiring (Admin. Code)
- ☐ Child Care Requirement (Sec. 414)
- ☐ Other (EN Fees and TIDF)

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Planning Commission Draft Motion

HEARING DATE: OCTOBER 26, 2017

Date: October 19, 2017

Case No.: 2017-004721CUAVAR
Project Address: 452 OAK STREET

Zoning: RTO (Residential Transit Oriented)

Market and Octavia Area Plan 40-X Height and Bulk District

Block/Lot: 0830 / 011

Project Sponsor: Dennis Johnson

Apparatus Architecture

4450 18th Street

San Francisco, CA 94114

Staff Contact: David Weissglass – (415) 575-9177

david.weissglass@sfgov.org

Recommendation: Approval with Conditions

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 207 AND 209.4 OF THE PLANNING CODE TO ALLOW THE SUBDIVISION OF A THROUGH LOT WITH FRONTAGES ON OAK STREET AND HICKORY STREET CAUSING THE EXISTING STRUCTURE ON THE NEWLY-CREATED LOT FRONTING ON OAK STREET TO EXCEED THE DWELLING UNIT DENSITY LIMITS WITHIN AN RTO (RESIDENTIAL TRANSIT ORIENTED) ZONING DISTRICT, THE MARKET AND OCTAVIA AREA PLAN, AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On June 6, 2017, Dennis Johnson, (hereinafter "Project Sponsor") filed Application No. 2017-004721CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section(s) 207 and 209.4 to allow the subdivision of a through lot with frontages on Oak Street and Hickory Street that will cause the newly-created lot fronting on Oak Street to exceed the dwelling unit density limits within an RTO (Residential Transit Oriented) Zoning District, the Market and Octavia Area Plan, and a 40-X Height and Bulk District.

A Certificate of Determination for Exclusion/Exemption from Environmental Review (Certificate) was prepared by the Department for the proposed project at 452 Oak Street. The Certificate consisted of an analysis of the project's eligibility for exemption from California Environmental Quality Act (CEQA) review under CEQA State Guidelines Section 15061(b)(3) or the General Rule Exclusion (GRE). The GRE establishes that CEQA applies only to projects that have the potential to cause a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed project would have no significant environmental effects. Accordingly, the proposed project is appropriately exempt from CEQA under Section 15061(b)(3). The Certificate was signed on October 19, 2017.

On October 26, 2017, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2017-004721CUA.

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. 2017-004721CUA, 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 is a through lot located on the north side of Oak Street between Buchanan and Laguna Streets, with the rear of the lot fronting Hickory Street. Lot 011 in Assessor's Block 0830 is approximately 8,250 square feet in area. The property is located within an RTO (Residential Transit Oriented) Zoning District, the Market and Octavia Area Plan, and a 40-X Height and Bulk District, and is developed with a 3-story, 12-unit residential building fronting on Oak Street, constructed circa 1900 with a large rear yard extending to Hickory Street. The property is a rectangular through lot 120 feet deep with 68 feet 9 inches of frontage on both Oak Street and Hickory Street.
- 3. **Surrounding Properties and Neighborhood.** The project site is located in an RTO Zoning District within the Western Addition neighborhood. The RTO District generally spans from Golden Gate Avenue in the north to 15th Street in the south where it meets the Upper Market NCT Zoning District. The RTO Zoning District is intended to recognize, protect, conserve, and enhance areas characterized by a mixture of houses and apartment buildings, covering a range of densities and building forms.

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PLANNING DEPARTMENT

The broader neighborhood is a mix of residential and commercial activity. The surrounding zoning is varied, with a number of RH (Residential – House) and RM (Residential – Mixed) districts as well as NC-1 (Neighborhood Commercial, Low Density) and NC-3 (Neighborhood Commercial, High Density) as well as the Hayes NCT (Neighborhood Commercial Transit) District. The subject block features primarily residential buildings of two to four stories in height. With the exception of the project site and a property across Hickory Street, both sides of Hickory Street in this block are developed with residential buildings or garage structures.

4. **Project Description.** The proposal is the subdivision of a through lot with frontages on Oak Street and Hickory Street. The property is currently developed with a 3-story, 12-unit residential building fronting on Oak Street. This project does not include any construction. The project requires Conditional Use Authorization to allow the newly-created lot fronting on Oak Street to exceed the dwelling unit density limits for RTO Zoning Districts set forth in Section 209.4 of the Planning Code. The project is also seeking Variances from the Planning Code's requirement for rear yard (Section 134) and for dwelling unit exposure onto an open area (Section 140). The Zoning Administrator will consider the Variance requests following the Commission's consideration of the Conditional Use request.

While no construction is currently planned for the new Hickory Street lot it could be developed in the future with up to four residential units.

- 5. **Public Comment**. To date, the Department has received one phone call from a neighbor inquiring about the request. The neighbor expressed concern with the potential for future development on the site.
- 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. **Permitted Uses in the RTO Zoning District.** Planning Code Section 209.4 states that residential uses are permitted as of right within the RTO Zoning District.

The project would not affect the existing three-story, twelve-unit residential building that is to remain on the newly-created Oak Street lot. While no construction is currently planned for the new Hickory Street lot, it could be developed in the future with up to four residential units. The project complies with Planning Code Section 209.4 with respect to land use.

B. **Minimum Lot Size.** Planning Code Section 121 states that the minimum area of a lot in all Zoning Districts other than RH-1(D) is 2,500 square feet.

The project would create two lots, one fronting Oak Street and another fronting Hickory Street. The newly-created Oak Street lot is proposed to be approximately 5,747 square feet in area, and the Hickory Street lot is proposed to be approximately 2,504 square feet in area. Therefore, both proposed lots will comply with the minimum lot size requirements of Planning Code Section 121.

C. **Dwelling Unit Density.** The permitted density of dwelling units in the RTO Zoning District is one dwelling per 600 square feet of lot area, pursuant to Planning Code Section 209.4. However, per Planning Code Section 207, a property in the RTO Zoning District may be developed with residential density over this limit with Conditional Use Authorization.

The existing subject property is approximately 8,250 square feet in area, which allows up to 14 dwelling units without Conditional Use Authorization per Planning Code Section 209.4. Therefore, the existing residential building currently complies with the permitted density of dwelling units in the Zoning District. However, the project will reduce the size of the lot containing the residential unit to approximately 5,747 square feet, which only allows up to 10 dwelling units without Conditional Use Authorization. As the existing structure currently contains 12 dwelling units, Conditional Use Authorization is required in order for the lot to maintain compliance with the dwelling unit density limits of Planning Code Section 209.4.

D. **Rear Yard.** Planning Code Section 134 requires that the project provide a rear yard equal to 45 percent of the total lot depth. The required rear yard may be reduced to the average depth of the two adjacent buildings, but must be at least 15 feet or 25% of total lot depth, whichever is greater.

The project proposes the subdivision of the subject property to create two lots, one fronting on Oak Street and the other on Hickory Street. The existing three-story, twelve-unit residential building will be wholly within the new Oak Street lot, but its existing rear yard will be reduced to approximately 5 feet 10 inches, whereas the required rear yard for the lot is approximately 21 feet. Therefore, the project requires a variance from the Zoning Administrator to address the rear yard requirements outlined in Planning Code Section 134.

While no construction is currently planned on the new Hickory Street lot, it could be developed in the future with up to four residential units. The new Hickory Street lot is proposed to measure approximately 36 feet 5 inches in depth. As the average depth of the adjacent buildings allows a reduced rear yard, the required rear yard for the Hickory Street lot will be 15 feet.

E. **Usable Open Space.** Planning Code Section 135 requires that a development include a minimum of 100 square feet of usable open space per unit, if private, or 133 square feet of usable open space per unit if within a common area.

The existing 3-story, 12-unit residential building will be wholly within the new Oak Street lot. As the building has 12 units, the property must provide at least 1,596 square feet of usable open space. The new lot is to provide 3,275 square feet of usable open space. Therefore, the new Oak Street lot will comply with Planning Code Section 135.

While no construction is currently planned on the new Hickory Street lot, it could be developed in the future with up to four residential units. If and when development does occur and the lot maintains its required rear yard of 15 feet, it will provide approximately 1,035 square feet of usable open space, which will satisfy the requirements of common usable open space for a four-unit residential building.

F. **Dwelling Unit Exposure.** Planning Code Section 140 requires the windows of at least one room in each dwelling unit to face directly on an open area that includes a public street, public alley at least 20 feet in width, side yard at least 25 feet in width, rear yard meeting the requirements of the Planning Code, or an inner court (or a space between separate buildings on the same lot) which is unobstructed and is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor.

The project proposes the subdivision of an existing lot into two lots, one fronting on Oak Street and another on Hickory Street. The existing 3-story, 12-unit residential building will be wholly within the Oak Street lot. While no construction is currently planned for the new Hickory Street lot as a part of this project, the subdivision will reduce the rear yard of the new Oak Street lot to only 5 feet 10 inches, creating a condition in which six of the twelve units in the existing residential building do not face a code-compliant rear yard. Therefore, the project requires a variance from the Zoning Administrator to address the exposure requirements specified in Planning Code Section 140 for six units in the Oak Street apartment building.

G. **Off-Street Parking**. Planning Code Section 150 requires no parking spaces for properties in RTO Zoning Districts. Section 151.1 permits a maximum of 3 vehicular parking spaces for each 4 dwelling units.

The project's 12 existing dwelling units will remain in the new Oak Street lot. The property currently has no parking spaces and none are proposed as a part of this project. No construction is currently planned for the new Hickory Street lot.

- 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 proposed project is consistent with the character of the RTO Zoning District in which it is located. The project is necessary and desirable because it will allow development to occur on the new Hickory Street lot that will continue the pattern of residential development fronting on Hickory Street. Further, it will allow for future residential development in a central area of the City well-served by public transit.

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 proposes only the subdivision of an existing through lot and does not include any physical construction or alteration of the existing building. The existing development's size and shape is not detrimental to the health, safety, convenience or general welfare of persons in the neighborhood. Any future construction on the new Hickory Street lot will be subject to all applicable sections of the Planning Code and the Residential Design Guidelines.

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 proposes no physical construction. As such, the traffic patterns existing in the neighborhood will not be negatively affected as a result of this proposal.

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

The existing Oak Street building is residential. Therefore noxious or offensive emissions are not anticipated as part of the project.

iv. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

The project includes no physical construction. Existing landscaping, screening, open space, lighting, and signage treatments are to remain and will not have any detrimental impacts on the neighborhood.

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

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

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

RTO Districts are intended to recognize, protect, conserve, and enhance areas characterized by a mixture of houses and apartment buildings, covering a range of densities and building forms. The proposed project is consistent with the stated purpose of the RTO Zoning District in that it proposes no removal or detrimental renovation of the existing residential building and will enhance the area by allowing the continued development along with the existing pattern of residential buildings fronting on both Oak and Hickory Streets.

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

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1:

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

Policy 1.1:

Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

The project subdivides an existing through lot into two smaller lots to allow more dense residential development. The new Hickory Street lot could be developed in the future with up to four residential units, which will help increase the housing supply in the City.

TRANSPORTATION

Objectives and Policies

OBJECTIVE 25:

IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

Policy 25.4:

Preserve pedestrian-oriented building frontages.

While this project proposes no construction, the proposal to subdivide the through lot into two lots, one fronting on Oak Street and the other on Hickory Street, will create a new developable lot on Hickory Street that could be developed in the future to maintain the existing pattern of a continuous street wall along Hickory Street.

MARKET AND OCTAVIA AREA PLAN

Objectives and Policies

OBJECTIVE 1.1:

CREATE A LAND USE PLAN THAT EMBRACES THE MARKET AND OCTAVIA NEIGHBORHOOD'S POTENTIAL AS A MIXED-USE URBAN NEIGHBORHOOD.

Policy 1.1.2:

Concentrate more intense uses and activities in those areas best served by transit and most accessible on foot.

The project will create a new lot that could be developed in the future, increasing intensity of use in an area of the city served well by transit and accessible by foot.

OBJECTIVE 1.2:

ENCOURAGE URBAN FORM THAT REINFORCES THE PLAN AREA'S UNIQUE PLACE IN THE CITY'S LARGER URBAN FORM AND STRENGTHENS ITS PHYSICAL FABRIC AND CHARACTER.

Policy 1.2.2:

Maximize housing opportunities and encourage high-quality commercial spaces on the ground floor.

Policy 1.2.9:

Discourage land assembly where there is a pattern of individual buildings on small lots.

The project will create a new lot that could be developed with additional housing in the future. While the project is not retaining individual buildings on small lots, it is rather subdividing a larger through lot that is out of character in the area, creating two smaller lots that will continue the existing pattern of individual buildings in the area.

- 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 proposed subdivision will not affect any retail uses in the neighborhood.

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

The proposed subdivision will have no effect on the existing 12-unit residential building on the property.

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

The proposed subdivision will have no effect on the existing 12-unit residential building on the property.

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

The project proposes no physical construction on the property or the public right of way. Therefore, traffic patterns will not be impeded.

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 includes no industrial or commercial elements.

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

The project includes no physical construction. The existing residential building will be retained as is.

G. That landmarks and historic buildings be preserved.

The project site is located within the Hayes Valley Residential Historic District. However, the project proposes no construction on the site, and the existing 12-unit residential building will remain as is.

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

As no construction is proposed as a part of this project, no open spaces will be affected.

- 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. 2017-004721CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated July 18, 2017, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion 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.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on October 26, 2017.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: October 26, 2017

SAN FRANCISCO
PLANNING DEPARTMENT

EXHIBIT A

AUTHORIZATION

This authorization is for Conditional Use Authorization under Planning Code Section(s) 207 and 209.4 to allow the subdivision of a through lot with frontages on Oak Street and Hickory Street that will cause the newly-created lot fronting on Oak Street to exceed the dwelling unit density limits within an RTO (Residential Transit Oriented) Zoning District, the Market and Octavia Area Plan, and a 40-X Height and Bulk District.; in general conformance with plans, dated **July 18**, **2017**, and stamped "EXHIBIT B" included in the docket for Case No. **2016-004721CUA** and subject to conditions of approval reviewed and approved by the Commission on **October 26**, **2017** under Motion No **xxxxx**. 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 **October 26, 2017**, under Motion No xxxxx.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **xxxxx** shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. Validity. The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <u>www.sf-planning.org</u>

2. Expiration and Renewal. Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <u>www.sf-planning.org</u>

3. Diligent pursuit. Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

4. Extension. All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

5. Conformity with Current Law. No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

6. Additional Project Authorization. The Project Sponsor must obtain a variance from the Zoning Administrator to address the Planning Code requirements for rear yard and dwelling unit

SAN FRANCISCO
PLANNING DEPARTMENT

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exposure (Planning Code Section 134 and 140) and satisfy all the conditions thereof. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply. For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

- 7. **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
- 8. 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

SAN FRANCISCO
PLANNING DEPARTMENT

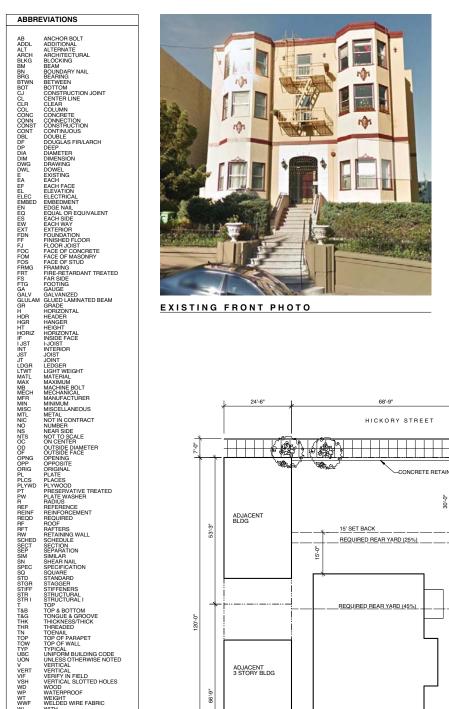
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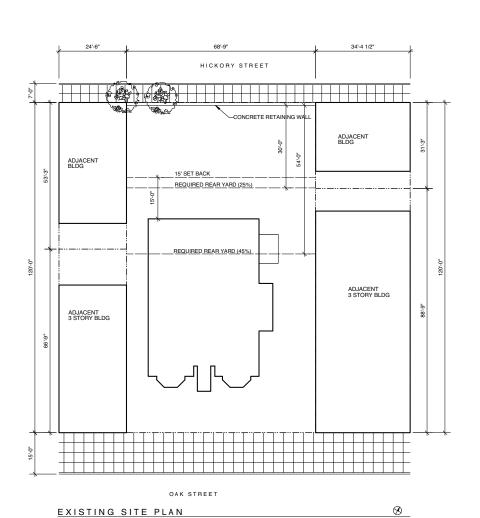
452 OAK STREET

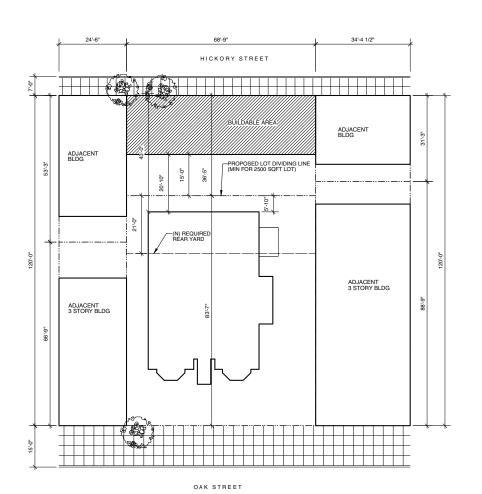


EXISTING FRONT PHOTO

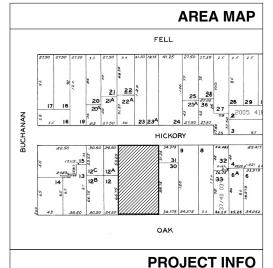


EXISTING REAR YARD PHOTO





PROPOSED SITE PLAN



BLOCK/LOT PROJECT ADDRESS 452 Oak Street San Francisco, California 94102 OWNER NORCAL Holdings 390 Page Street San Francisco, California 94102 ARCHITECT APPARATUS Architecture Stuart David Hills Lic. No. C24966 4450 18th Street San Francisco, CA 94114 (415)703.0904 INFO CONTRACTOR

- 1) Plans shall comply with Title-24 Energy efficiency requirements and all mandatory measures.
- All construction, regardless of details on plans, shall comply with 2013 California Building Code and San Francisco Administrative B 2013 California Plumbing Code 2013 California Mechanical Code 2013 California Electrical Code

- 2013 California Electrical Code
 2013 California Building Energy Standards
 2013 California Fire Code
 San Francisco Municipal Codes
 One and two family dwellings may be designed to the 2013 California Residential Code.
- All construction materials, debris, and equipment shall be stored on site.
 Contractor shall use best management practices for the construction industry to prevent storm drain pollution.

SCOPE OF WORK : Division of Lot

ARCHITECTURAL:

1 Proposed Site Plan, Info

TABLE OF CONTENTS:

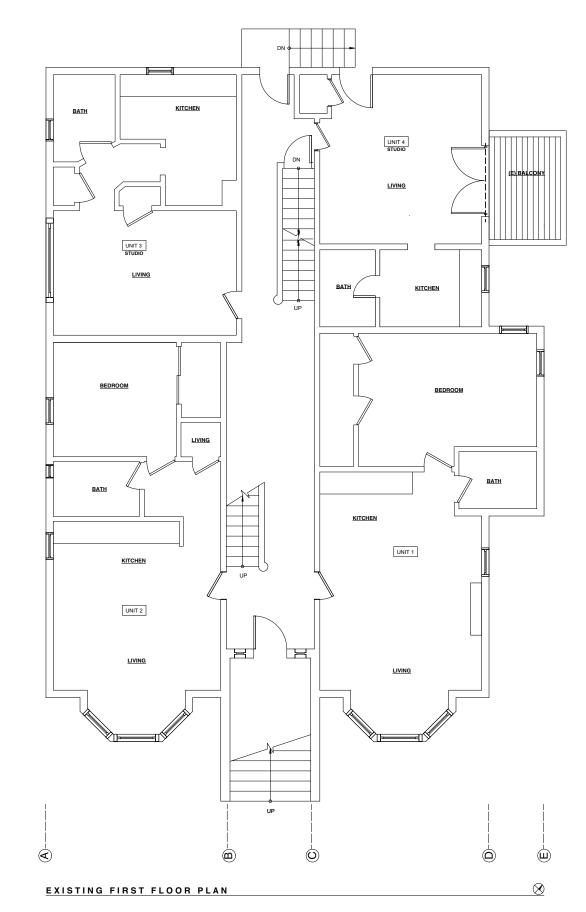
1 OF 5

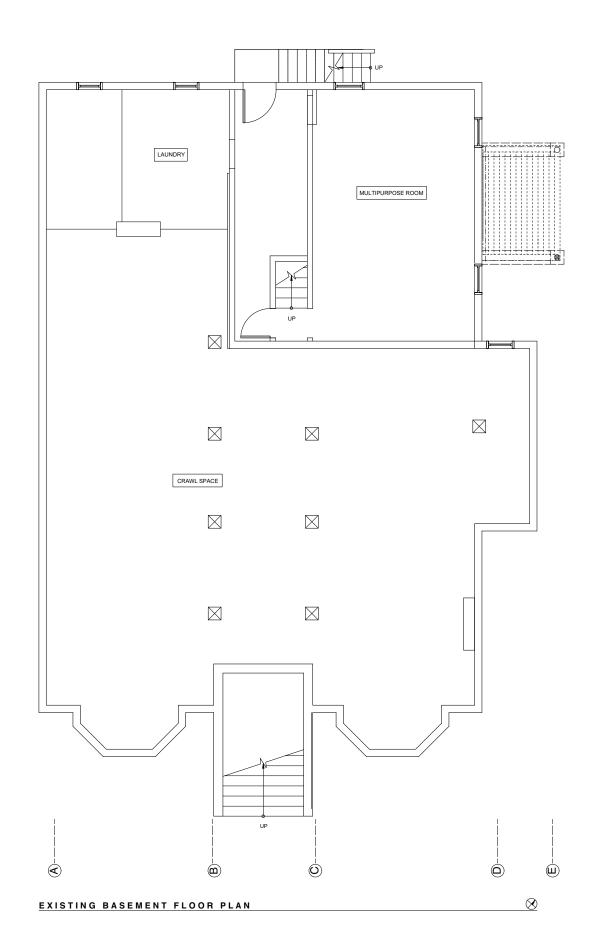


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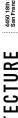


2 OF 5









A APPARATUS ARCHITECTURE











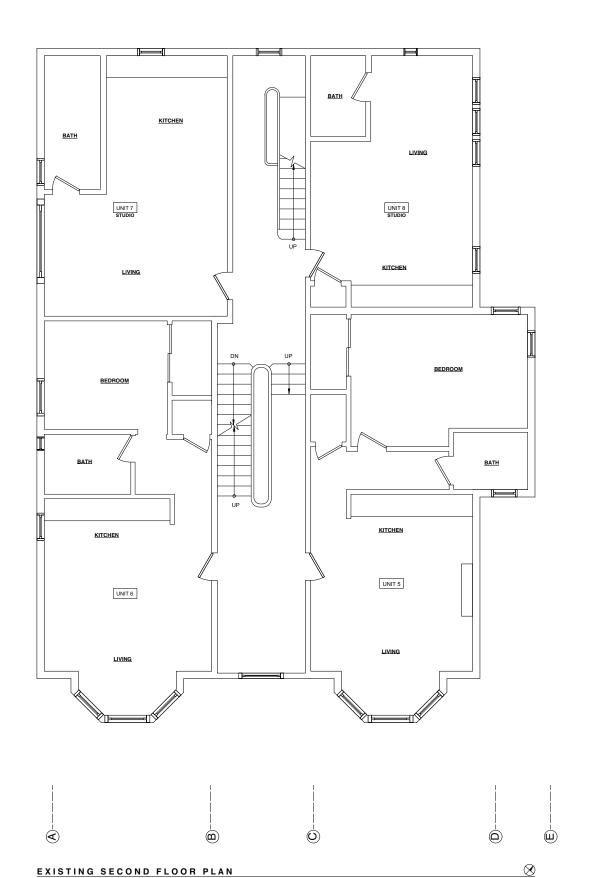
3 OF 5

UNIT 12 STUDIO

KITCHEN

KITCHEN

UNIT 9





EXISTING THIRD FLOOR PLAN

UNIT 10

KITCHEN

APPARATUS ARCHITECTURE

4450 18th Street San Francisco, CA 9



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STREET 0 A K

SAN FRANCISCO, CA 94102 Block 0830, lot 011 452 date JULY 18, 2017 scale 1/4" = 1'-0" MAY 18, 2017

EXISTING EAST ELEVATION

4 OF 5

ROOF LEVEL (+40'-10")

THIRD FLOOR (+30'-10")

SECOND FLOOR (+20'-10")

FIRST FLOOR (+9'-10")

PARAPET (+41'-10")

0 A K

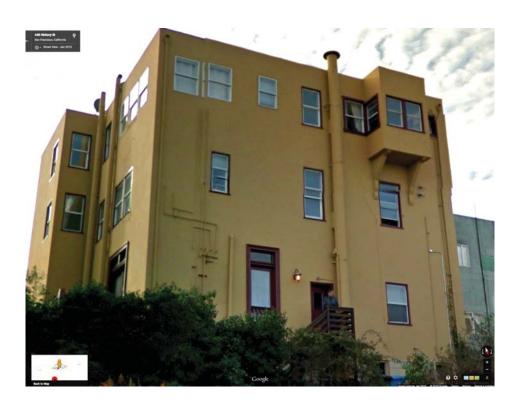
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JULY 18, 2017 1/4" = 1'-0"

MAY 18, 2017

FIRST FLOOR (+9'-10")

BASEMENT (+0'-0")



EXISTING REAR PHOTO

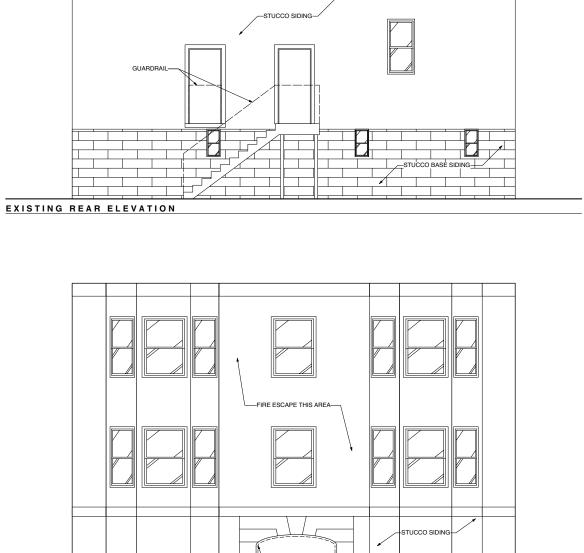
EXISTING LOT AREA: 5747 SQFT

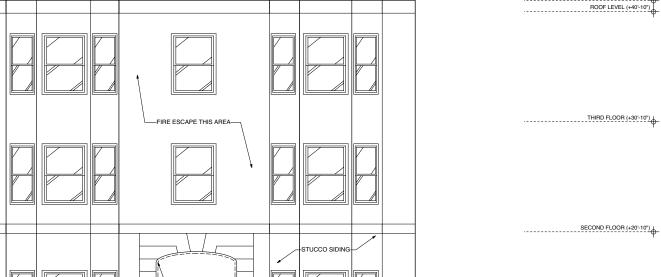
EXISTING LOT AREA: 8250 SQFT

PROPOSED OPEN SPACE: 3275 SQFT

EXISTING OPEN SPACE: 5778 SQFT

OPEN SPACE REQUIREMENT CALCULATIONS





EXISTING FRONT ELEVATION

5 OF 5