

Received at CPC Hearing 10/11/18
C. Campbell

DR Hearing -- 2420 Taraval St.

(Application No. 2017.03.24.2277)

Zhongmei Li

(Property Owner of 2426 Taraval St.)

Oct. 11, 2018

Enjoy Living in 2426 Taraval



- A canvas for garden creativity
- Patios on the front and back
- Wood Deck



Enjoy Living in 2426 Taraval



Our Major Concerns of 2420 Proposal:

- Big extra shadows overcast onto our backyard
- Windows
 - ✓ 3 windows facing toward our backyard
 - ✓ 1 window too close to our window (2nd floor)

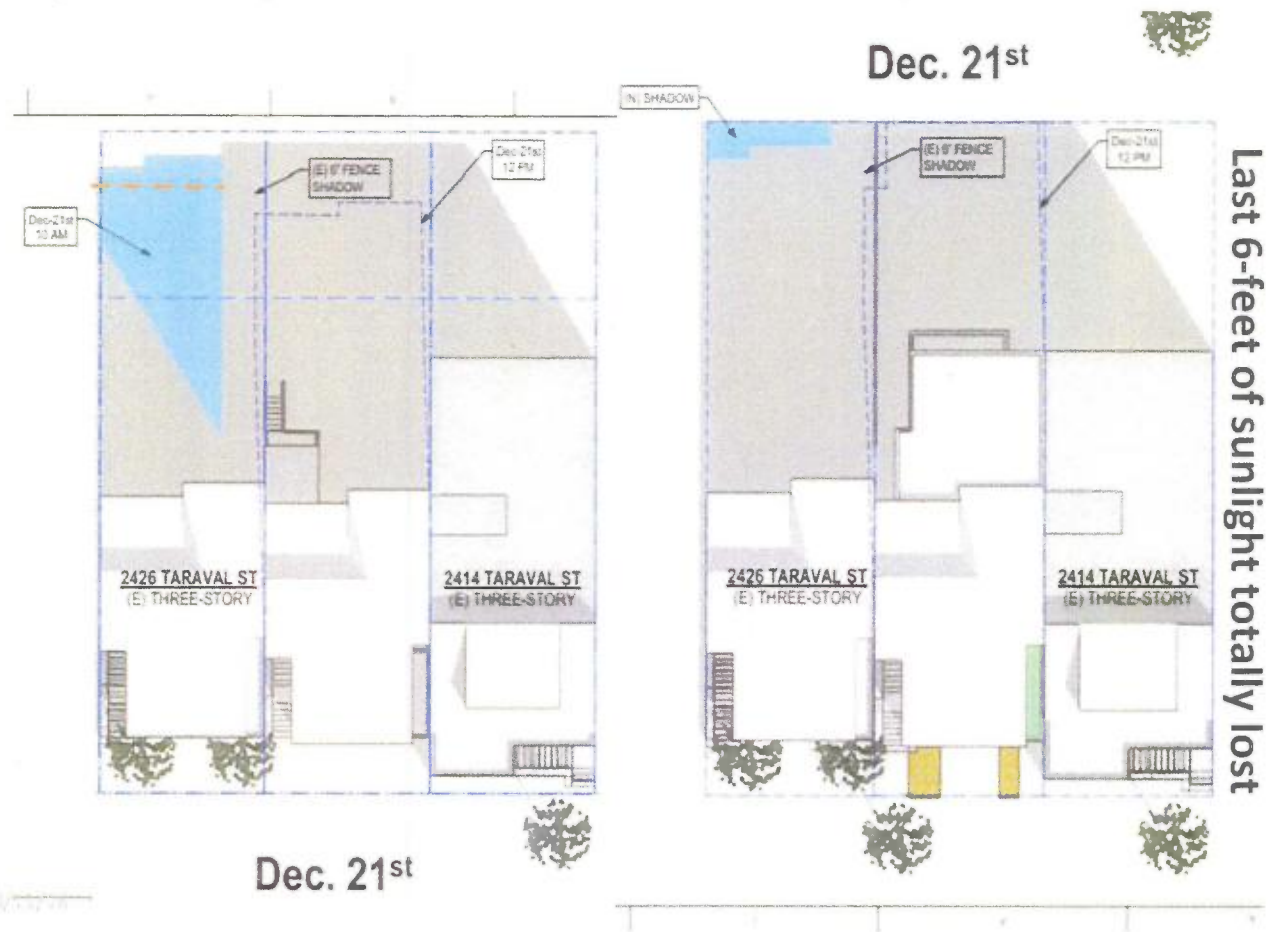


Google Map

10AM (Jun 21st, Sept. 21, Dec. 21st)



10AM (Dec. 21)



Our Major Concerns of 2420 Proposal:

- Big extra shadows overcast onto our backyard

- Scale down the project sufficient enough to save 6-feet sunshine in the back

(We lost 8-feet of sunshine after 2420 raising in 2014. We cannot lose the only 6-feet sunshine in the back.)

- Windows
 - ✓ 3 windows facing toward our backyard
 - ✓ 1 window too close to our window (wall thickness

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2420 Taraval Street
SAN FRANCISCO, CA



SiA Consulting
ARCHITECTURAL DESIGN
INTERIOR DESIGN
LANDSCAPE ARCHITECTURE
PLANNING
CONSTRUCTION MANAGEMENT

PROJECT NAME

Left Elevations

Notes: 1. All elevations are to be constructed in accordance with the City of San Francisco Planning Department's "Guidelines for the Design and Construction of Buildings" (2015).
2. All elevations are to be constructed in accordance with the City of San Francisco Planning Department's "Guidelines for the Design and Construction of Buildings" (2015).

DATE: 01/11/14

DESIGNER: SiA

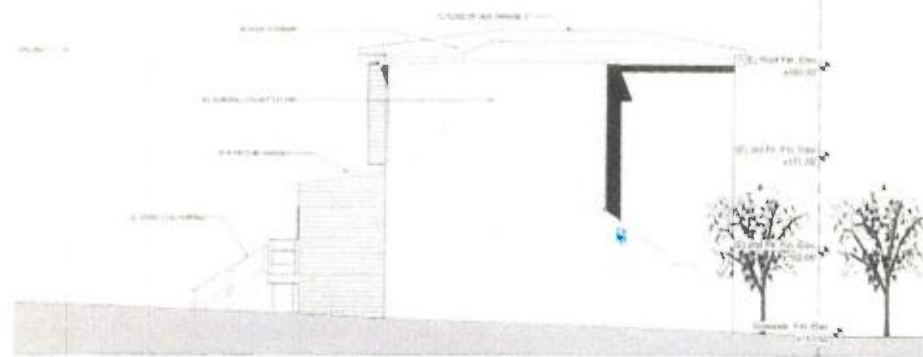
CLIENT: SFS

DATE: 01/11/14

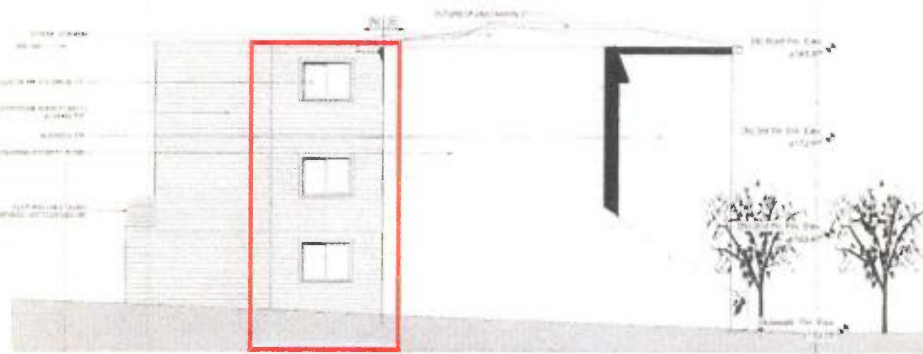
PROJECT NAME: 2420 Taraval Street

JOB NO.: 14-001

SHEET NO.: A-3.2

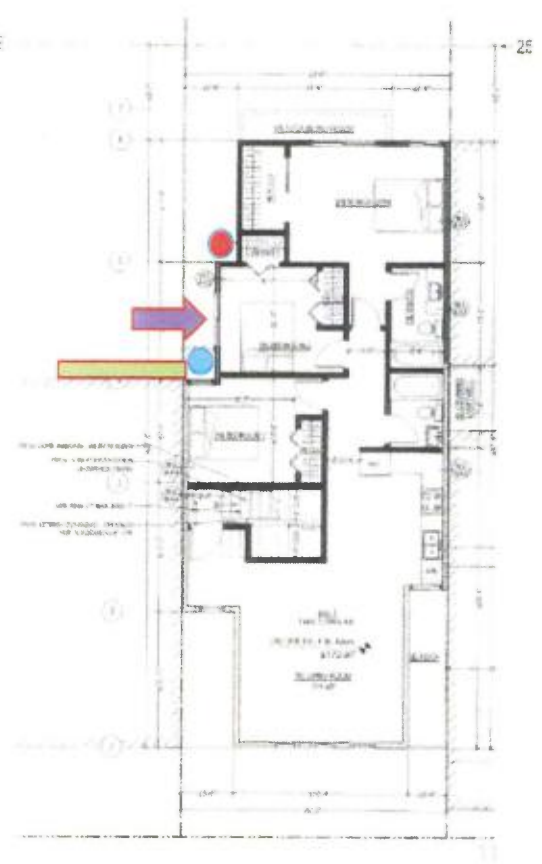
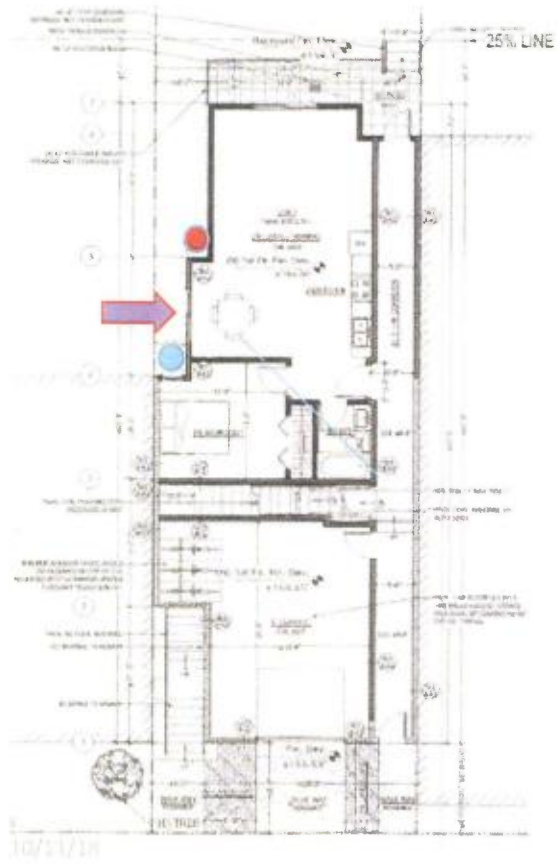


Existing Left Elevation (West)



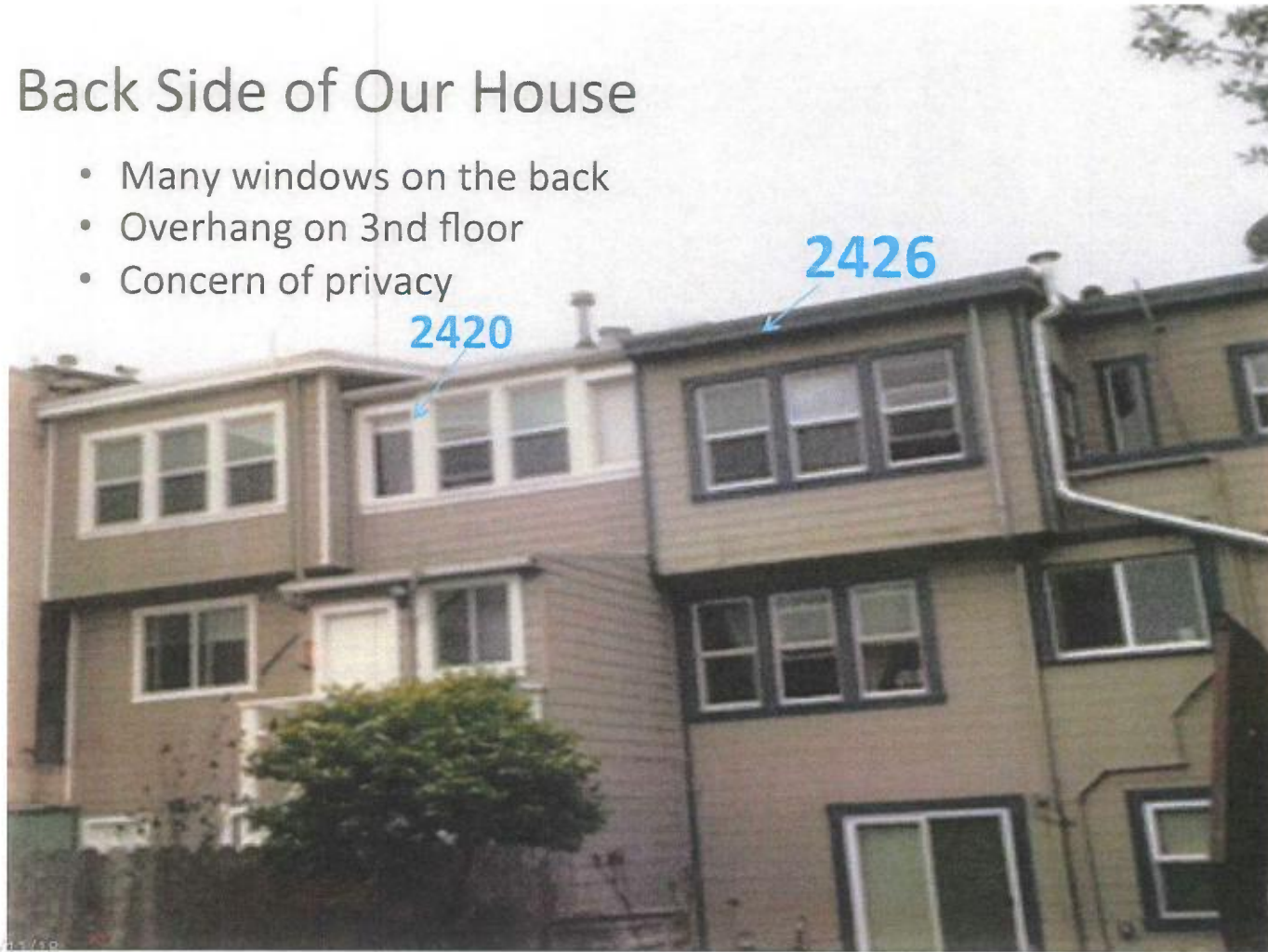
Proposed Left Elevation (West)





Back Side of Our House

- Many windows on the back
- Overhang on 3rd floor
- Concern of privacy



Our Major Concerns of 2420 Proposal:

- Big extra shadows overcast onto our backyard
 - Scale down the project sufficient enough to save 6-feet sunshine in the back
(We lost 8-feet of sunshine after 2420 raising in 2014. We cannot lose the only 6-feet sunshine in the back.)
- Windows
 - ✓ 3 windows facing toward our backyard
 - Move windows to the back
 - ✓ 1 window too close to our window (2nd floor)
 - Move window away from my wall

10/11/18

C. Campbell

DR hearing 10/11/2018

Good Evening, Commissioners!

I am here to voice my concerns of possible impacts regarding 2420 Proposal.

We enjoyed living here. Here are some photos during these years.

Let's talk the first concern: shadow.

Here is the google map of our block:

3-story houses, front facing to the south, backyard to the north. 2420 and ours are same depth, shorter than others. We are relying on backyard of 2420 for morning sunlight. The addition of 2420 will fill that space and we lose sunlight.

Let's look at the shadow study to better understand what I mean.

Here is the shadow study. The worst impact is in winter when sun is low. The current shadow shows there are still 6 feet left all the way back. I should point out that we lost 8-feet of the patio area after 2420 raising in 2014. That only 6-feet will be totally lost because of the addition. From some sunlight to no sunlight at all, it is extraordinary or exceptional circumstance. I want to save that 6-feet sunlight.

For shadow concern, I request to scale down the project sufficient enough to save 6-feet sunshine on the back in winter times.

Let's move onto the windows.

First, those three windows facing toward our backyard. Privacy will become a big issue.

Here are the three windows on the floor plan. Let's look at the back of our house. Do a calculation of the distance between our windows and those three windows, $3 \text{ square} + 3 \text{ square}$, and square root, will be 4 feet, 3rd floor will be little over 3 feet due to the 2-feet overhang, which is missing in the drawing. Those three windows are way too close to ours, literally can shake hand.

I request to move those 3 windows to the back of the room (red dots). Just as Room1 (section 3-4) has a window (blue dots) facing to the back.

I would like to mention another window here, 2nd floor, room1 (section3-4). This window is against to the wall. We have a window against to the wall, too. So the distance between 2 windows is just the thickness of the walls. about 1 feet? It concerns me there are safety/security issues. I request to move this window away from the wall to give some distance from our window.

And I hope that all my concerns can be addressed.

Thank you so much!



Zhongmei Li

(Property Owner of 2426 Taraval St)

Find messages, documents, photos or people

Received at CPC Hearing 10/11/18

C. Cayhall

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Synced Messages

2426 Taraval DR Hearing 2

Yahoo/Inbox



Gilbert Lam <spud814@gmail.com>

Oct 9 at 8:33 PM

To: Zhongmei Li

Cc: Amir Afifi

Gilbert Lam

<spud814@gmail.com>

Dear Zhongmei,

As you are aware we will be attending the Planning Commission in order to respond to your request for Discretionary Review for our [redacted] project for our home.

I understand there may be some confusion that I want to clarify about my proposed project. While we will be expanding to provide two additional small units in order to accommodate my extended family, we will NOT be further raising the building (first level) from its existing height at the first level. The project only proposes a vertical and horizontal addition all within the parameters of the planning code and residential design guidelines. We will not be adding any existing height to the first level but just legalizing what is already existing. The existing height of the first level was achieved without a benefit of a permit and we are retroactively obtaining the required approvals.

We plan on keeping this home and would really welcome a neighborly relationship with you. It is unfortunate that our renovation has caused such a rift in our relationship.

We have only expanded very minimally and we are not sure what else we could do to appease you. While we are confident that we will get our approval at the hearing, in the spirit of trying to keep neighbor relations, we are reaching out to keep listening to your concerns while preserving our rights under the Planning Code.

Please let us know whether we would both be able to save time, and money to avoid the need for the Discretionary Review hearing.

Gilbert

...



Zhongmei Li <drzhongmei@yahoo.com>

Oct 10 at 8:59 AM

To: Benjamin Liu

[Show original message](#)[Reply](#), [Reply All](#) or [Forward](#)

C. Coughlin 10/11/18

9/20/2017

Hi Cathleen,

I am the owner of 2426 Taraval St, next door neighbor to the right side of 2420 Taraval St. It is my pleasure to talk to you yesterday morning regarding the proposal of extension + converting to 3-unit of 2420 Taraval St., San Francisco, CA94116. As I mentioned on the phone, we are opposing the proposal, based on the reasons below:

1. The extension will block the sun light on the back side of our house and the backyard. Our next door houses, both 2420 Taraval and 2432 Taraval, are 3-story homes. The neighbors down further are all 3-story buildings. The 3-story houses cast bigger shadows to the back than the 2-story ones. Since the front of the houses are facing south, the shadows will block the sunshine on the back. The blockage of the backyard varies around the year. On the winter days, when the sun is low and on the south, the shadow will cover majority of my backyard. Fortunately, there were still 14 feet of our backyard had the sunshine, even in the winter times. But in 2014, our current owner of 2420 Taraval bought the house and did major remodeling from bottom to the top, from outside to inside, including raising up the whole house for 2-steps. The standard height of each step is $7 \frac{3}{4}$ inches, so the added height is $15 \frac{1}{2}$ inches. Because of that 2-step height added to the house, I lost 8 feet of my patio on the back where our family spent lots of good times. It is now no sunshine in the winter time, where originally had sunshine. Now I have only 6 feet area left on the back where we planted flowers and fruit trees still have sunshine in the winter. The blockage of the sunshine is not only in the winter time, it is all year round in the backyard where I planted so many different flowers and other plants. Everyone know that plants need sunshine to grow. Without the sunshine, my garden will totally be lost. We have lost my sunny patio in the backyard, we would save every inch of our garden with all our efforts. We have a wood deck outside of kitchen, which is a good place for entertainment with sunshine in the summer days. It will get lost because of the blockage. Even though the proposal won't change the height of the building, 17-foot extension of 3-story height to the back will have even worse negative impact to us. The added $15 \frac{1}{2}$ inches made my 8 feet patio lost. Even one inch of the addition to their back will make our backyard lost in the dark for another inch. The 17-foot extension will make our backyard totally no sunshine at all.
2. The extension will block the natural light get into the rooms on the back. As I mentioned above, the neighboring houses on this side of Taraval St. are all 3-story buildings. But the depth of the property varies. 2420 Taraval has exact same depth as ours, if not including that shed-like structure attached to their house, 2432 Taraval has deeper depth for the first and second floor (a sunroom right next to our property). When we bought our property in 2011, the sunroom was there already. We accepted that. But we are totally not allowed 2420 Taraval to build an extension to block the other side of our house. The proposed extension of 2420 Taraval will add another 17 feet depth, which will almost double the depth of the original property, it will block the natural light entering inside the house. If the extension would be build, our house will be squeezed in between and our backyard in the back become their "light well", where six windows of their rooms to get the light into their house. We cannot imagine how we can live in our house with majority of the nature lights blocked. Not even mention how limited views I can have when

8/14/18
July 2018

I prepare dinners for our family, and how awkward that our life is constantly exposed to 3 different families which are not previously existed at all.

3. The extension and conversion will lower the value of our property and lower the quality of life. As mentioned above, because of the blockage of the sunshine and the natural light, the value of our house is much lower. As a gardening lover, it is painful. Because of the blockage, our wood deck right outside of the kitchen became useless and easier to be damaged. Because of limited view in the back, because of the loss of privacy, the quality of life is lower. Because of the conversion of 3-unit building next door, our neighborhood will change the feature of typical single family house, even though our house kept as the single family house status. It is always our dream to have a single family house in USA. Now our come-true dream would be fading.
4. We could not be cheated again by the owner of 2420 Taraval. We cannot forget the night that the owner of 2420 Taraval and his mom rang our door bell and asked if it was ok for them to raise the house "a little bit" to allow their truck to be parked inside the garage. They emphasized how hard it was to find a parking spot around the neighborhood. They emphasized how tiring it was after a long day of construction work. And they also mentioned that the other side of the neighbor had agreed their request. We agreed, too. But it turned out that they raised up 2-steps, which 15 ½ inches. It was not "little bit" at all. Because of that 2-step height, I lost my 8-foot patio in the winter time, no sunshine at all. Because of that 2-step height, our roof became their gutter to drain rain during the rainy days. Ironically, there was no single day that their trunk was parked in that raised garage. More ironically, I found out this March that there is no permit or job card mentioning anything of the raise-up in the city record. The owner is a licensed general contractor. How ridiculous it is! We learned that we cannot believe what they said and we cannot trust them at all. We learned that the raising is not intended for parking a Tacoma, which was totally fine to park in the original garage. We learned that the raising is for the extension and conversion. We were cheated once. That is enough.
5. We understand that our property is located in the small business zoning. When we bought our house in 2011, we know its zoning as NC2. There are some small businesses, like laudromat, hair salon, et al, to meet the needs of our neighborhood. We accept it "as is". You mentioned that our zoning is ok to have 3-units, not only 2420 Taraval, but also our property. We are totally fine if 2420 Taraval has a plan to convert their existing square footage inside their building envelope to 3 units, or even more. But anything outside, especially anything that sacrifice our benefit, is not acceptable at all. We want to emphasize that any changes to lower our quality of life or lower value of our property will not acceptable at all.

Thank you so much for your time and patience!

Zhongmei

Sue Jew
66 Clifford Terrace
San Francisco, California 94117

October 11, 2018



San Francisco Planning Commission
San Francisco Zoning Administrator
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, California 94103

Re: Case No.:	2015-000737DRP/VAR
Project Address:	60 Clifford Terrace, SF, CA 94117
Building Permit Application Nos.:	2014.04.30.4544 / 2018.01.16.8698
Block / Lots:	2618A / Lots 21 (main house) and 31 (back garage)
Project Owners:	Dorian & Julie Stone
DR Requestor:	Thomas Madill & Lizbeth Gordon (50 Clifford Terrace)

Dear Planning Commission, Zoning Administrator and Planning Department:

My now late wife, Annie, and I wrote you in July 2015 of our objection to the proposed project, and then asked that it not be approved. I enclose another copy of our prior letter to you.

Annie recently passed, but together, we have owned and lived in 66 Clifford Terrace, immediately next door, to the west, of Dorian and Julie Stone's home at 60 Clifford Terrace, for over 51 years.

I now live with our son, John, and his wife, Lin, both of whom plan to remain at 66 Clifford Terrace for many years to come. John was raised in this home, and it will always be home to him. I am now battling cancer and undergoing chemo, including with an appointment this afternoon, or else I would be here to testify before you myself (with the assistance of my daughter in law). John is on a business trip, or else he would be here in my stead. I have asked Tom Madill and Liz Gordon, our neighbors on the other side of the Stones, to read this letter into the record at your hearing today.

Today, I support Tom's and Liz's request for DR and ask that you NOT approve legalization of the back garage roof deck, and NOT approve the variance for the stairs and landing associated with that back garage roof deck.

Yes, Annie and I had previously opposed the Stones' proposed 4th floor addition, as it will very dramatically adversely impact, and almost eliminate, the light and air we now enjoy from the 16-foot wide existing windows on the 3rd floor of our home. Our concern, though, appears to have no merit in the eyes of the Planning Department and with the Stones. As such, I would like to focus my opposition today on where it truly will hopefully make a difference – and that is with respect to that back garage roof deck, and associated stairs and landing.

As an adjacent neighbor of the Stones, and before that, their prior owner (for many decades), I can attest to the fact that the prior owner never used that back garage roof deck as the Stones do – for entertainment purposes. It is one thing if a deck is tucked in close to one's home (where peering eyes and noise would be largely directed back into the home), but a deck that is essentially on an elevated island (the top of an unattached back garage) and set back so that peering eyes and noise are invading the privacy of the immediate neighbors and the tranquility of homes in the immediate vicinity is quite another thing.

As one whose profession was that of an architect for decades, I know all too well that the enjoyment of one family should not outweigh the need for privacy and tranquility of numerous other families in the immediate area.

Our neighborhood has been, mostly, one of mutual respect, for decades, but there feels like there has been a shift with the Stones' arrival. An overall peacefulness to the neighborhood has given way to a seeming disregard for the impact that they have on their immediate neighbors. I am not asking for special treatment due to our family's longevity in the neighborhood, or my age, current medical condition, or recent loss of my wife, but rather, just equal respect (for my family, and for our immediate neighbors). There are no exceptional or extraordinary circumstances that entitle the Stones to special treatment to the detriment of the rest of us.

Finally, please know that Annie, John and I have valued Tom and Liz as neighbors. When they were contemplating a roof deck years ago for their own home, they designed it so as not to block our 16 feet of windows on our 3rd floor. When the Stones dismissed our concerns about our windows and proposed to block them, as they still do now, Tom and Liz made our concerns theirs as well, and advocated for us. Like us, Tom and Liz have already raised their children (two daughters), and bring a wonderful element to the neighborhood of stability, maturity, consideration, kindness and fairness. They are neighbors who I feel are there for us, if and when we need them. That means a lot.

Thank you for your consideration in this matter.

Most sincerely,


Sue Jew

Attachment:

Sue and Annie Jew letter dated 7/20/15

10/11/18

J. Horn

Horn, Jeffrey (CPC)

From: Elizabeth Scott <elizabethscott08@gmail.com>
Sent: Wednesday, October 10, 2018 12:52 PM
To: Horn, Jeffrey (CPC)
Subject: 60 Clifford Terrace

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To the Discretionary Review Committee, Planning Commission, San Francisco, CA,

We live at 57 Clifford Terrace, directly across the street from Dorian & Julie Stone. We are writing in support of the proposed facade changes due to the setback and upward expansion of their house. We understand this is a much bigger project, but the facade is the only portion of the proposed changes that have a direct impact on our property.

We purchased our home in May 2015 and were able to gain permits and complete construction allowing us to occupy the residence in summer of 2017. We moved into the neighborhood after the Stone's started their efforts to gain a permit. We found them proactive in communicating their project with us, and open and transparent in communications about their progress.

We are empathetic to the Stone family, who seem to have had a considerably more difficult and lengthy process. They have two young children, as do we, and we are hopeful that they are able to resolve any outstanding issues to enable their construction to begin and for the family to return and remain in the neighborhood.

Best,
Patrick & Elizabeth Scott
57 Clifford Terrace

J. Horn

Project owners' desire for the roof decks has nothing to do with their children, but rather, their own entertainment purposes -- as when they hosted a standing room only (40+ people) holiday cocktail party for colleagues of the consulting firm of McKinsey & Co. and their significant others, and everyone was invited out to the elevated structures, and were not in the home or in the backyard.

As child psychiatrist Patricia Heldman testified to the effect before the Planning Commission on 8/30/18: roof decks are the playground for adults – not children.

Legalization/Approval also rewards project owners who have refused to develop their 1st floor basement GSF [which would require some (but not total) excavation – like so many other property owners do all the time in the subject neighborhood and elsewhere all over the City] – all because project owners are in pursuit of that large living, giving rise to large profits, and adding to the unaffordability of housing.

3. **Alternatives/Changes That Would Respond to Reasons for DR**

- a. Demolish the back garage roof deck, and eliminate the proposed staircase and landing – being satisfied with the abundance of outdoor space that this home will enjoy even so.
- b. Relinquish the proposed 4th floor roof deck – again, being satisfied with the abundance of outdoor space that this home will enjoy even so.
- c. If any of 4th floor vertical addition is to be approved:

Preserve (and do not block) at least 5' (if not more) of the Jews' 16' of windows by pushing the 4th floor addition closer to the home's front (variance or not), or by reducing the 30' master suite on the 4th floor, or some combination thereof.

Increase the setback of the 4th floor addition by an additional 1', for a total of 5', from the project's west exterior wall.

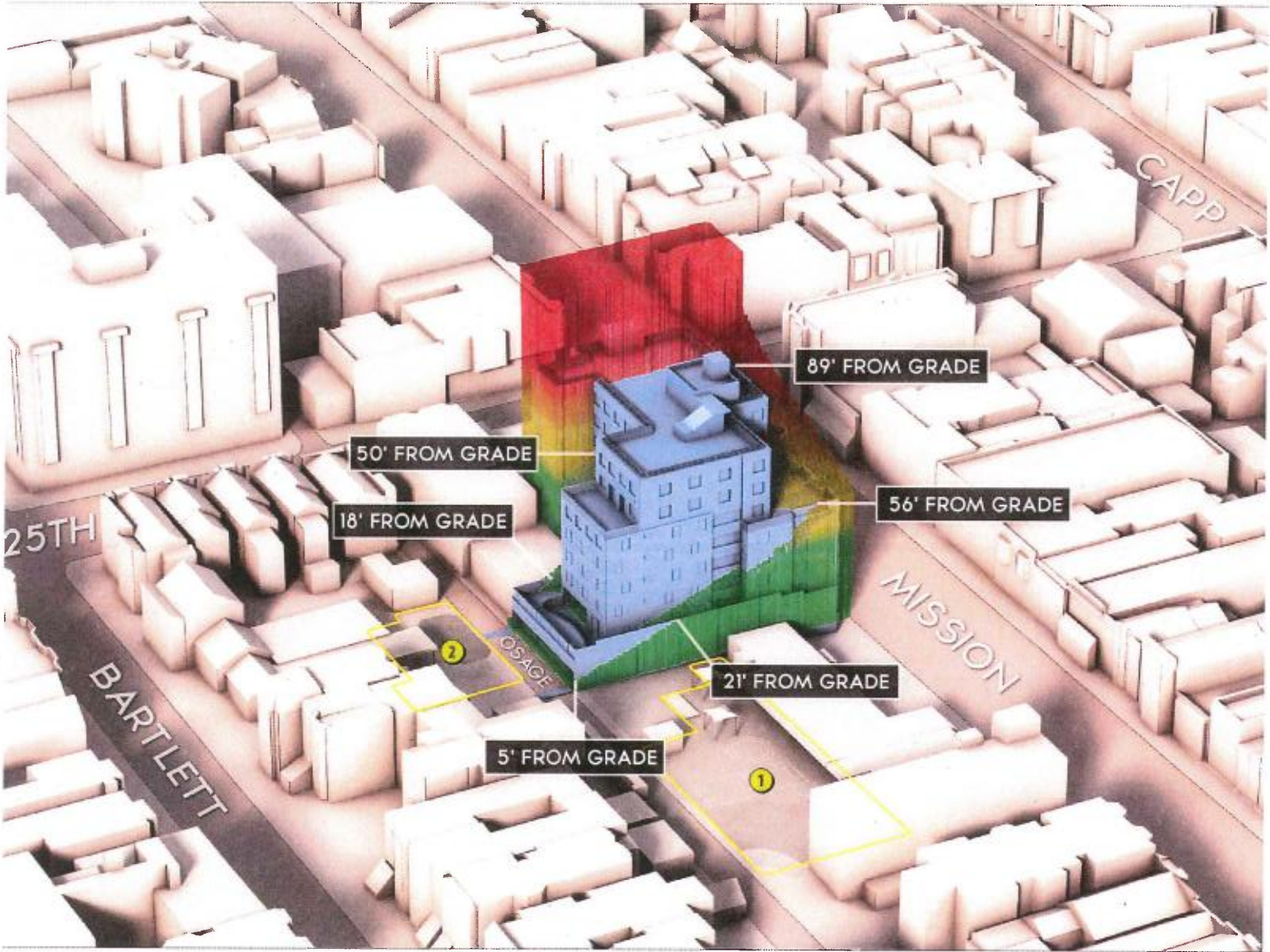
#

C1

2918 MISSION STREET PROJECT

Shadow Envelope - Zaida T Rodriguez Secondary Playground

Received at CPC Hearing 10/11/18
L. Hoegland



NO APPROXIMATE DATE OR TIME

LEGEND

- | | | | |
|--|-----------------------------|---|---|
|  | Existing Structures |  | School Playgrounds |
|  | Existing Shadows |  | 1 Zaida T Rodriguez Main Playground |
|  | 2918 Mission Street Project |  | 2 Zaida T Rodriguez Secondary Play Area |



SAN FRANCISCO PLANNING DEPARTMENT

Received at CPC Hearing 10/11/18
L. Hoagland

Subject to: (Select only if applicable)

☒ Affordable Housing (Sec. 415)

☒ Transportation Sustainability Fee (Sec. 411A)

☒ Eastern Neighborhoods Impact Fee (Sec. 423)

☒ First Source Hiring (Admin. Code)

☒ Residential Child Care Fee (Sec. 414A)

☐ Other

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion No. XXXXX

HEARING DATE: OCTOBER 11, 2018

Case No.: 2014.0376CUA
Project Address: 2918 Mission Street
Zoning: Mission St NCT (Neighborhood Commercial Transit) Zoning District
45-X, 55-X and 65-B Height and Bulk Districts
Block/Lot: 6529/002, 002A and 003
Project Sponsor: Mark Loper – Reuben, Junius & Rose, LLP
One Bush Street, Suite 600
San Francisco, CA 94104
Staff Contact: Linda Ajello Hoagland – (415) 575-6823
linda.ajellohoagland@sfgov.org

ADOPTING FINDINGS RELATING TO THE DISAPPROVAL OF A CONDITIONAL USE AUTHORIZATION, PURSUANT TO PLANNING CODE SECTION 121.1, 127.7 AND 303, FOR NEW DEVELOPMENT OF A LOT LARGER THAN 10,000 SQUARE FEET IN THE MISSION ST NCT ZONING DISTRICT AND A LOT MERGER RESULTING IN LOT FRONTAGE EXCEEDING 100 FEET IN THE MISSION ST NCT ZONING DISTRICT FOR THE PROPOSED PROJECT CONSISTING OF THE DEMOLITION OF A 5,200 SQUARE FOOT, SINGLE-STORY COMMERCIAL BUILDING, AND NEW CONSTRUCTION OF AN EIGHT-STORY, 84-FOOT, 8-INCH-TALL, 67,314 SQUARE FOOT MIXED-USE BUILDING WITH 75 DWELLING UNITS AND APPROXIMATELY 6,724 SQUARE FEET OF GROUND FLOOR RETAIL, WHICH WOULD UTILIZE THE STATE DENSITY BONUS LAW (CALIFORNIA GOVERNMENT CODE SECTIONS 65915-65918), AND PROPOSES WAIVERS FROM 1) REAR YARD (PLANNING CODE SECTION 134); 2) DWELLING UNIT EXPOSURE (PLANNING CODE SECTION 140); 3) HEIGHT (PLANNING CODE SECTIONS 250); AND, 4) BULK (PLANNING CODE SECTION 270), AT 2918 MISSION STREET WITHIN THE MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT (NCT) ZONING DISTRICT AND A 45-X, 55-X AND 65-B HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On January 8, 2016, Mark Loper (hereinafter "Project Sponsor"), on behalf of RRTI, Inc. (Property Owner), filed an application with the Planning Department (hereinafter "Department") for a Conditional Use Authorization for the proposed project at 2918 Mission Street, Lots 002, 002A, 003, Block 6529 (hereinafter

“subject property”), pursuant to Planning Code Sections 121.1, 303 and 754, and the Mission 2016 Interim Zoning Controls, to demolish a 5,200 square-foot (sq. ft.), single-story, approximately 15-foot-tall commercial building and to construct an eight-story, 84-foot, 8-inch-tall 67,314 sq. ft. mixed-use building with 75 dwelling units and 6,724 sq. ft. of ground floor retail within the Mission Street NCT (Neighborhood Commercial Transit) Zoning District, and 45-X, 55-X and 65-B Height and Bulk District.

The Project Sponsor seeks to proceed under the State Density Bonus Law, Government Code Section 65915 et seq (“the State Law”). Under the State Law, a housing development that includes affordable housing is entitled to additional density, concessions and incentives, and waivers from development standards that might otherwise preclude the construction of the project. In accordance with the Planning Department’s policies regarding projects seeking to proceed under the State Law, the Project Sponsor has provided the Department with a 55 unit “Base Project” that would include housing affordable to very-low income households. Because the Project Sponsor is providing 7 units of housing affordable to very-low income households, the Project seeks a density bonus of 35% and waivers of the following development standards: 1) Rear Yard (Planning Code Section 134); 2) Dwelling Unit Exposure (Planning Code Section 140); 3) Height (Planning Code Sections 250); and, 4) Bulk (Planning Code Section 270).

The environmental effects of the Project were determined by the San Francisco Planning Department to have been reviewed under the Eastern Neighborhoods Area Plan Environmental Impact Report (hereinafter “EIR”). The EIR was prepared, circulated for public review and comment, and, at a public hearing on August 7, 2008, by Motion No. 17661 certified by the Commission as complying with the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., (hereinafter “CEQA”). The Commission has reviewed the Final EIR, which has been available for this Commission’s review as well as public review.

The Eastern Neighborhoods EIR is a Program EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required of a proposed project, the agency may approve the project as being within the scope of the project covered by the program EIR, and no additional or new environmental review is required. In approving the Eastern Neighborhoods Plan, the Commission adopted CEQA Findings in its Motion No. 17661 and hereby incorporates such Findings by reference.

State CEQA Guidelines Section 15183 provides a streamlined environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific effects which are peculiar to the project or its site. The Project does not comply with existing zoning, in that the project requires the merger of lots which results in a lot frontage on Mission Street of more than 100 feet. Because the Project does not comply with existing zoning, Section 15183 does not apply.

On September 27, 2018, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2014-0376CUA. At this public hearing, the Commission adopted a motion of intent to disapprove the Project and continued the Project to the public hearing on October 11, 2018.

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 disapproves the Conditional Use Authorization requested in Application No. 2014.0376CUA, 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 site ("Project Site"), Lots 002, 002A and 003 in the Assessor's Block 6529, is located on the west side of Mission Street, between 25th and 26th Streets in the Mission Street Neighborhood Commercial Transit (NCT) Zoning District. The property is currently developed with a single-story, 5,200 square foot commercial building that is 15 feet in height and an associated surface parking lot. The subject properties are located mid-block with a combined street frontage of approximately 120 feet on Mission Street. In total, the site is approximately 11,653 square feet.
3. **Surrounding Properties and Neighborhood.** The Project Site is located along a mixed-use corridor within the Mission Area Plan. The Project Site has two frontages: Mission Street, which is a two-way street with parallel on-street parking on both sides of the street; and Osage Alley, which is a one-way alley with no on-street parking. The immediate context is mixed in character with a mix of residential, commercial, retail and public uses. Buildings in the immediate neighborhood range from one to four stories in height. The immediate neighborhood includes a commercial bank to the north at the corner of Mission and 25th Street, the Zaida T. Rodriguez Early Education School to the south, and a residential apartment building and parking garage to the west. The Zaida T. Rodriguez annex child development center on Bartlett Street is across Osage Alley from the project site, as are two- to three-story multi-family residential uses. There are three schools (Zaida T. Rodriguez Early Education School, Synergy Elementary School and Saint Anthony – Immaculate Conception School) located within 1,000 feet of the Project Site. The majority of parcels in the vicinity, however, are residential uses. Access to Highway 101 and Interstate 80 is about one block to the east at the on- and off-ramps located at South Van Ness Avenue and the Central Freeway. The Project Site is located along Mission Street, which is a high injury pedestrian and vehicular corridor. Other zoning districts in the vicinity of the Project Site include: PDR-1-G (Production, Distribution, and Repair - General); RM-1 (Residential Mixed - Low Density); NCT-3 (Moderate Scale Neighborhood Commercial Transit); and, P (Public).
4. **Project Description.** The project includes the demolition of an existing 5,200 square foot, single-story, approximately 15-foot-tall commercial building and new construction of an eight-story, 84-foot, 8-inch-tall 67,314 sq. ft. mixed-use building with 75 dwelling units, 6,724 sq. ft. of ground floor retail, 76 Class 1 bicycle parking spaces and 14 Class 2 bicycle parking spaces. The project does not

propose any off-street vehicular parking. The dwelling unit mix includes 18 studios, 27 one-bedroom units and 30 two-bedroom units. The Project includes 9,046 sf of usable open space through a combination of private (10 units totaling 2,045 sf) and common open space (7,001 sf). Six new trees would be planted adjacent to the subject property along Mission Street and the existing curb cut on Mission Street will be removed and replaced with new sidewalk. The Project would also merge three existing lots to create one 11,653 square foot lot. The merger of the lots would result in a lot frontage on Mission street of more than 100 feet. Pursuant to California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law.

5. **Public Comment.** In addition to the prior public correspondence received and reviewed by the Commission at the public hearing on November 30, 2017, the Department has received an additional two (2) e-mails in opposition to the Project, as of September 20, 2018. Both correspondences cited that the building is too tall for the neighborhood.

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 NCT Zoning Districts.** Planning Code Section 754 states that residential uses are a principally permitted use within the Mission Street NCT Zoning District. Retail uses are principally, conditionally or not permitted.

The Project would construct new residential and retail uses within the Mission Street NCT Zoning District; therefore, the Project complies with Planning Code Section 754. Depending on the specific retail tenant(s), they will comply as principally permitted retail uses per Sec. 754 or seek a Conditional Use, as required by the Planning Code.

- B. **Restriction of Lot Mergers in the Mission St NCT.** Planning Code Section 121.7 requires Conditional Use Authorization for the merger of lots in the Mission St NCT Zoning District, which result in a street frontage of larger than 100-ft.

The Project is seeking Conditional Use Authorization for the merger of Lots 002, 002A and 003 on Block 6529. The merger of these would result in a lot frontage larger than 100-ft. See Below.

- C. **Floor Area Ratio.** Planning Code Section 124 establishes a FAR (Floor Area Ratio) of 3.6:1 for properties within the Mission Street NCT Zoning District and a 45-X, 55-X and 65-B Height and Bulk District.

The subject lots are 11,653 sq. ft. in total, thus resulting in a maximum allowable floor area of 41,950 sq. ft. for non-residential uses. The Project would construct approximately 6,954 sq. ft. of retail space, and would comply with Planning Code Section 124.

- D. **Rear Yard.** Planning Code Section 134 requires a minimum rear yard equal to 25 percent of the total lot depth of the lot to be provided at every residential level.

The Project includes an above-grade rear yard, which measures approximately 2,570 sq. ft. The required rear yard does not measure the entire length of the lot. In certain locations, the required rear yard depth is less than 25 percent.

Per California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law, and proposes a waiver from the development standards for rear yard requirements, which are defined in Planning Code 134. This reduction in the rear yard requirements is necessary to enable the construction of the project with the increased density provided by as required under Government Code Section 65915(d).

- E. **Usable Open Space.** Within the Mission Street NCT, Planning Code Section 754, a minimum of 80 sq. ft. of open space per dwelling unit if private or 100 sq. ft. if common is required for each dwelling unit.

Per Planning Code Section 134(g), private usable open space shall have a minimum horizontal dimension of six feet and a minimum area of 36 sq ft if located on a deck, balcony, porch or roof, and shall have a minimum horizontal dimension of 10 feet and a minimum area of 100 sq ft if located on open ground, a terrace or the surface of an inner or outer court. Common usable open space shall be at least 15 feet in every horizontal dimension and shall be a minimum area of 300 sq. ft. Further, inner courts may be credited as common useable open space if the enclosed space is not less than 20 feet in every horizontal dimension and 400 sq ft in area, and if the height of the walls and projections above the court on at least three sides is such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court.

The Project includes 10 units with private open space meeting the size and dimensional requirements of the Planning Code. For the remaining 65 units, 7,001 sq. ft. of common open space is provided with common terraces on the second and sixth floors and roof deck; therefore, the Project complies with Planning Code Section 754.

- F. **Bird Safety.** Planning Code Section 139 outlines the standards for bird-safe buildings, including the requirements for location-related and feature-related hazards.

The subject lot is not located in close proximity to an Urban Bird Refuge as defined in Section 139, and the Project meets the requirements for feature-related hazards.

- G. **Dwelling Unit Exposure.** Planning Code Section 140 requires that at least one room of all dwelling units face onto a public street, rear yard or other open area that meets minimum requirements for area and horizontal dimensions. To meet exposure requirements, a public street, public alley at least 20 feet wide, side yard or rear yard must be at least 25 feet in width, or an open area (either inner court or a space between separate buildings on the same lot) must be no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit is located.

The Project organizes the dwelling units to have exposure on Mission Street or along the rear yard. As proposed, 39 dwelling units face the non-complying rear yard and 3 south-facing units only face a side yard that does not meet the dimensional requirements. Therefore, 42 of the 75 dwelling units do not meet the dwelling unit exposure requirements of the Planning Code; therefore, the Project does not comply with Planning Code Section 140.

Per California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law, and proposes a waiver from the development standards for dwelling unit exposure, which are defined in Planning Code 140. This reduction in the dwelling unit exposure requirement is necessary to enable the construction of the project with the increased density provided by Government Code Section 65915(d).

- H. **Street Frontage in Neighborhood Commercial Districts.** Planning Code Section 145.1 requires off-street parking at street grade on a development lot to be set back at least 25 feet on the ground floor; that no more than one-third of the width or 20 feet, whichever is less, of any given street frontage of a new structure parallel to and facing a street shall be devoted to parking and loading ingress or egress; that space for active uses be provided within the first 25 feet of building depth on the ground floor; that non-residential uses have a minimum floor-to-floor height of 14 feet; that the floors of street-fronting interior spaces housing non-residential active uses and lobbies be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces; and that frontages with active uses that are not residential or PDR be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level.

The Project meets the requirements of Planning Code Section 145.1. The Project does not possess off-street parking. The Project features active uses on the ground floor with a residential lobby, and retail space along Mission Street. The ground floor ceiling height of the non-residential uses are at least 14 feet tall and provide required ground level transparency and fenestration. Therefore, the Project complies with Planning Code Section 145.1.

- I. **Bicycle Parking.** Planning Section 155.2 of the Planning Code requires one Class 1 bicycle parking space per dwelling unit and one Class 2 bicycle parking spaces for every 20 dwelling units. Additional bicycle parking requirements apply based on classification of non-residential uses; at least two Class 2 spaces are required for retail uses.

The Project includes 75 dwelling units; therefore, the Project is required to provide 75 Class 1 bicycle parking spaces and four Class 2 bicycle parking spaces for residential uses and one Class 1 bicycle space and three Class 2 bicycle parking spaces for the ground floor non-residential uses. The Project will provide seventy-six (76) Class 1 bicycle parking spaces and fourteen (14) Class 2 bicycle parking spaces, which exceeds the requirement. Therefore, the Project complies with Planning Code Section 155.2.

- J. **Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, the Project shall finalize a TDM Plan prior to Planning Department approval of the first Building Permit or Site Permit. As currently proposed, the Project must achieve a target of 14 points.

The Project submitted a completed Environmental Evaluation Application prior to September 4, 2016. Therefore, the Project must only achieve 50% of the point target established in the TDM Program Standards, resulting in a target of 7 points. As currently proposed, the Project will achieve its required 7 points through the following TDM measures:

- *Bicycle Parking (Option A)*
- *On-site Affordable Housing (Option B)*
- *Parking Supply (Option K)*

- K. Dwelling Unit Mix.** Planning Code Section 207.6 requires that no less than 40 percent of the total number of proposed dwelling units contain at least two bedrooms, or no less than 30 percent of the total number of proposed dwelling units contain at least three bedrooms.

For the 75 dwelling units, the Project is required to provide at least 30 two-bedroom units or 23 three-bedroom units. The Project provides 18 studios, 27 one-bedroom units and 30 two-bedroom. Therefore, the Project meets the requirements for dwelling unit mix.

- L. Height and Bulk.** Planning Code Section 250 and 252 outlines the height and bulk districts within the City and County of San Francisco. The Project is located in three height and bulk districts: 45-X, 55-X and 65-B. Therefore, the proposed development is permitted up to a height of 45 to 55 feet with no bulk limit in the 45-X and 55-X Height and Bulk Districts, and up to a height of 65 feet and a 110 foot maximum length and 125 foot maximum diagonal for a height above 50 feet in the 65-B Height and Bulk District.

The Project would construct a new mixed-use development up to 84 feet, 8 inches tall and exceeds the height limits by approximately 20 feet. The portion of the Project located in the 65-B bulk district above 50 feet in height has a maximum length of 117 feet, exceeding the 110 foot limit, and a maximum diagonal dimension of 122 feet, 8 inches, complying with bulk restrictions. The total diagonal dimension of the Project above 50 feet is 146 feet, 1 inch, including the portion of the Project site zoned 45-X and 55-X, which is not subject to bulk limits.

Per California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law, and proposes a waiver from the development standards for height and bulk, which are defined in Planning Codes 250, 252, and 270. These expansions beyond the height and bulk requirements are necessary to enable the construction of the project with the increased density provided by Government Code Section 65915(f)(2).

- M. Narrow Streets.** Planning Code Section 261.1 outlines height and massing requirements for projects that front onto a “narrow street”, which is defined as a public right of way less than or equal to 40-feet in width. Osage Alley measures approximately 15-feet wide and is considered a narrow street. For the subject frontage along a narrow street, a 10 foot setback is required above a height of 31-feet, 4-inches. Subject frontage is defined as any building frontage more than 60-ft from an intersection with a street wider than 40-feet.

Along Osage Alley, the Project is setback at least 10-feet from the property line where the height is above 31-feet, 4-inches; therefore, the Project complies with Planning Code Section 261.1.

- N. **Shadow.** Planning Code Sections 147 and 295 restrict net new shadow, cast by structures exceeding a height of 40-feet, upon property under the jurisdiction of the Recreation and Park Commission. Any project in excess of 40-feet in height and found to cast net new shadow must be found by the Planning Commission, with comment from the General Manager of the Recreation and Parks Department, in consultation with the Recreation and Park Commission, to have no adverse impact upon the property under the jurisdiction of the Recreation and Park Commission.

The Planning Department prepared a preliminary shadow fan analysis and determined that the proposed project would not cast shadows on any public parks at any time during the year. The Department has also included additional study of the shadow on an adjacent school, as requested by the Board of Supervisors.

- O. **Transportation Sustainability Fee.** Planning Code Section 411A is applicable to new development that results in more than twenty dwelling units.

The Project includes approximately 60,006 gsf of new residential use and 6,724 gsf of non-residential use. This square footage shall be subject to the Transportation Sustainability Fee, as outlined in Planning Code Section 411A. The Project filed an environmental review application on or before July 21, 2015, thus the residential use will be subject to 50 percent of the applicable residential TSF.

- P. **Residential Childcare Impact Fee.** Planning Code Section 414A is applicable to any residential development citywide that results in the addition of a residential unit.

The Project includes approximately 60,006 gsf of residential use. The proposed Project is subject to fees as outlined in Planning Code Section 414A.

- Q. **Inclusionary Affordable Housing Program in Mission Street NCT Zoning District.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements would apply to any housing project that consists of 10 or more units where an individual project or a phased project is to be undertaken and where the total undertaking comprises a project with 10 or more units, even if the development is on separate but adjacent lots. For any development project that submitted a complete Environmental Evaluation application on or prior to January 12, 2016, affordable units in the amount of 14.5 percent of the number of units shall be constructed on-site.

The Project Sponsor seeks to develop under the State Density Bonus Law, and therefore must include on-site affordable units in order to construct the Project at the requested density and with the requested waivers of development standards. The Project Sponsor submitted a complete Environmental Evaluation on July 21, 2015, thus is required to provide affordable units in the amount of 14.5 percent of the number of units constructed on site. The Project Sponsor has demonstrated that it is eligible for the On-Site

Affordable Housing Alternative under Planning Code Sections 415.5 and 415.6 and has submitted an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing on-site affordable housing. The Project Sponsor is providing 14.5 percent of the base project units as affordable to satisfy the Inclusionary Affordable Housing Program obligation, which includes 8 units (2 studios, 3 one-bedroom and 3 two-bedroom) of the 75 units provided will be affordable units.

The Project Sponsor will satisfy the Inclusionary Housing requirements by providing seven units, or 11 percent of the total proposed dwelling units in the Base Project as affordable to very-low income households (as defined in California Health and Safety Code section 50105) and by providing one additional inclusionary unit at the affordability levels specified in the City's Inclusionary Housing Program or any successor program applicable to on-site below-market rate units, totaling 14.5% of the proposed dwelling units in the Base Project. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative prior to issuance of the first construction document, this conditional use approval shall be deemed null and void. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative after construction, the City shall pursue any and all available remedies at law.

- R. Eastern Neighborhood Infrastructure Impact Fee.** Planning Code Section 423 is applicable to any development project within the Mission Street NCT (Neighborhood Commercial Transit) Zoning District that results in the addition of gross square feet of residential and non-residential space.

The Project includes approximately 67,314 gsf of new development consisting of approximately 60,006 sq. ft. of residential use and 6,724 sq. ft. of retail use. These uses are subject to Eastern Neighborhood Infrastructure Impact Fees, as outlined in Planning Code Section 423. These fees must be paid prior to the issuance of the building permit application.

- 7. State Density Bonus Law:** Per California Government Code Section 65915-65918 and Planning Code section 206.6, the Project Sponsor has elected to utilize the State Density Bonus Law. The State Law permits a 35 percent density bonus if at least 11 percent of the "Base Project" units are affordable to very-low-income households (as defined in California Health and Safety Code section 50105). The "Base Project" includes the amount of residential development that could occur on the project site as of right without modifications to the physical aspects of the Planning Code (ex: open space, dwelling unit exposure, etc.). Under the State Density Bonus Law, the Project Sponsor is entitled to a specified number of concessions or incentives, as well as waivers for any development standard that would physically preclude construction of the project at the proposed density and with the concessions or incentives.

The Project is providing 11 percent of units in the Base Project as affordable to very-low income households (as defined in California Health and Safety Code section 50105) and is entitled to a 35 percent density bonus and three concessions or incentives under State Law. The Project has not requested any concessions or incentives. However, the Project seeks waivers to the development standards for: 1) Rear Yard (Planning

Code Section 134); 2) Dwelling Unit Exposure (Planning Code Section 140); 3) Height (Planning Code Sections 250); and, 4) Bulk (Planning Code Section 270), which are necessary to construct the Project at the proposed density.

8. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Authorization. On balance, the Commission finds that the Project does not comply with said criteria in that:

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

The merger of the three lots to allow the construction of one large-scale building is not necessary or desirable. This new large-scale building would result in a street frontage on Mission Street of more than 100 feet, which is not in keeping with the small scale nature of buildings and commercial spaces in the Mission Street Neighborhood Commercial District. In addition, the large-scale building would cast significant new shadow on the adjacent school and playground, which would limit the access of sunlight for the children attending the school and any other potential users. Each of the three parcels could be developed individually or the two smaller parcels could be merged, and two separate buildings could be constructed, which would result in individual buildings and would not result in a building with a large street frontage, which is prohibited in the Mission Street NCT. Therefore, the Project, as a whole, is not considered to be compatible with the surrounding neighborhood due to size of the building resulting in a street frontage of over 100 feet, and the negative impacts on the users of the adjacent school playground.

- 2) That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development on the vicinity, with respect to aspects including but not limited to the following:

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

The Project site is a three-parcel, L-shaped lot with frontage on both Mission Street and Osage Alley, totaling 11,653 square feet in area. The site is currently developed with a 6,433 square foot surface parking lot and a 5,500 square foot commercial building containing a laundromat. Overall, the Project, would establish a new six- to eight-story residential building with ground floor retail in an existing mixed-use neighborhood. However, the merger of three lots to construct one building is not necessary to develop a residential mixed-use project. Further, the construction of one large-scale residential building would cast new shadow upon an adjacent preschool and transitional kindergarten playground, which would negatively impact the users of the playground.

- 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 would not adversely affect public transit in the neighborhood. The Project site is located one block from the 24th Street BART Station and is close to several MUNI bus lines, including the 12, 14, 14R, 27, 48, 49, 55, 67 and 800. The Project provides no off-street parking, which supports the City's transit first policies. Provision of bicycle storage areas along with the close proximity to mass transit is anticipated to encourage residents, employees and visitors to use alternate modes of transportation. The Project also incorporates an on-street loading zone in front of the building on Mission Street.

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

The Project will comply with Title 24 standards for noise insulation. The Project will also be subject to the standard conditions of approval for lighting and construction noise. Construction noise impacts would be less than significant because all construction activities would be conducted in compliance with the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code, as amended November 2008). The SF Board of Supervisors approved the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) with the intent of reducing the quantity of dust generated during site preparation, demolition and construction work in order to protect the health of the general public and of on-site workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection. Therefore, the Project would be required to follow specified practices to control construction dust and to comply with this ordinance. Overall, the Project is not expected to generate dust or odor impacts.

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

The Project will provide the required number of street trees and bicycle parking along the public-rights-of-way. The Project will also remove a curb cut along the Mission Street frontage and replace it with new sidewalk. However, the project would merge three lots and result in a street frontage on Mission Street that is longer than 100 feet, which would not be appropriate for the small-to-moderate scale nature of buildings in the neighborhood.

- 3) 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 does not comply with the lot merger requirements of the Mission Street Neighborhood Commercial District because it results in a lot that has a frontage greater than 100 feet and does not serve a unique public interest that cannot be met on a smaller lot. In addition, the Project does not provide a non-residential use of less than 2500 square feet on the ground floor.

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

Per Planning Code Section 754, the Mission St NCT Zoning District is described as:

This District has a mixed pattern of larger and smaller lots and businesses, as well as a sizable number of upper-story residential units. Controls are designed to permit moderate-scale buildings and uses, protecting rear yards above the ground story and at residential levels. New neighborhood-serving commercial development is encouraged mainly at the ground story. While offices and general retail sales uses may locate at the second story of new buildings under certain circumstances, most commercial uses are prohibited above the second story. Continuous retail frontage is promoted by requiring ground floor commercial uses in new developments and prohibiting curb cuts. Housing development in new buildings is encouraged above the ground story. Housing density is not controlled by the size of the lot but by requirements to supply a high percentage of larger units and by physical envelope controls. Existing residential units are protected by prohibitions on upper-story conversions and limitations on demolitions, mergers, and subdivisions. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.

The Project will be in conformity with the Mission Street NCT in that it will provide a mixed-use development that provides ground floor retail space with a continuous retail frontage and residential units above, consistent with surrounding neighborhood.

9. **Planning Code Section 121.1** establishes criteria for the Planning Commission to consider when reviewing applications for Developments of Large Lots In Neighborhood Commercial Districts. On balance, the project complies with said criteria in that:

- a) The mass and facade of the proposed structure are compatible with the existing scale of the district.

The façade of the Project borrows elements present in the surrounding neighborhood, such as traditional bay windows, painted plaster and terracotta cladding. The Mission Street façade's massing is broken up horizontally by two large retail storefronts on the ground floor and differentiated exterior finished on the 8th floor. Vertically, the façade is broken up with a series of bay window projections with accent colors and varying wall planes. However, the mass of the building, which is a result of the merger of the three lots resulting in a street frontage of more than 100 feet, is not compatible with the existing scale of the district, which predominantly consists of one to four story buildings.

- b) The facade of the proposed structure is compatible with design features of adjacent facades that contribute to the positive visual quality of the district.

The proposed facade design and architectural treatments with various vertical and horizontal elements and a pedestrian scale ground floor is consistent with the unique identity of the Mission.

10. **Planning Code Section 121.7** establishes criteria for the Planning Commission to consider when reviewing applications for Lot Mergers In Neighborhood Commercial Districts. The project does not comply with said criteria in that:

- a) The lot merger does not enable a specific residential project that provides housing on-site at affordability levels significantly exceeding the requirements of Section 415.

The Project will provide 14.5% of its units as on-site units, which is the Planning Code Section 415 requirement. The Project does not provide housing at affordability levels significantly exceeding the requirements of Section 415.

- b) The lot merger will facilitate development of an underutilized site historically used as a single use and the new project is comprised of multiple individual buildings.

The lot merger will not facilitate the development of an underutilized site. The Project site is currently used as a laundromat that has served the community, as well as an adjacent parking lot. The site has not historically been used as a single use. Moreover, the project is not comprised of multiple individual buildings. It is a single building and is out of scale with the neighboring one to four story buildings.

- c) The lot merger serves a unique public interest that cannot be met by building a project on a smaller lot.

The Project will provide new residential dwelling units, however, the construction of housing, although important, is not a unique public interest in San Francisco or in the Mission Neighborhood Commercial District. Moreover, the number of residential units and commercial space could potentially be accomplished by developing each site individually or merging only two of the three lots so that the lot frontage was less than 100 feet.

- d) In the Mission Street NCT, projects that propose lot mergers resulting in street frontages on Mission Street greater than 50 feet shall provide at least one non-residential space of no more than 2,500 square feet on the ground floor fronting Mission Street.

The Project provides a total of 6,724 square feet of non-residential space on the ground floor fronting on Mission Street which is divided into two spaces. However, both of the spaces are greater than 2,500 square feet and, therefore does not meet the requirement.

11. **Planning Code Section 206.6** establishes criteria for the Planning Commission to consider when reviewing applications for State Density Bonus Program: Individually Requested. On balance, the project complies with said criteria in that:

(1) Before approving an application for a Density Bonus, Incentive, Concession, or waiver, for any Individually Requested Density Bonus Project, the Planning Commission shall make the following findings as applicable.

- (A) The Housing Project is eligible for the Individually Requested Density Bonus Program.

The Project is eligible for the Individually Requested Density Bonus Program in that it consists of five or more dwelling units; is subject to a recorded covenant that restricts rent levels to affordable levels for very low or low-income persons or families; and is not located in the RH-1 or RH-2 Zoning District.

- (B) The Housing Project has demonstrated that any Concessions or Incentives reduce actual housing costs, as defined in Section 50052.5 of the California Health and Safety Code, or for rents for the targeted units, based upon the financial analysis and documentation provided.

The Project has not invoked any Concessions or Incentives under the State Density Bonus Law.

- (C) If a waiver or modification is requested, a finding that the Development Standards for which the waiver is requested would have the effect of physically precluding the construction of the Housing Project with the Density Bonus or Concessions and Incentives permitted.

In order to achieve the maximum number of units on the site, the Project is seeking waivers from height, bulk, rear yard and dwelling unit exposure requirements. Without said waivers, construction of the Project at the at the proposed density would be physically precluded by the Development Standards for which the waiver is requested. A code-compliant project on the site would allow for 55 units with a building height of 45 to 65 feet. Through the application of the State Density Bonus, an additional 20 units can be provided on the site.

- (D) If the Density Bonus is based all or in part on donation of land, a finding that all the requirements included in Government Code Section 65915(g) have been met.

The Project does not involve the donation of land.

- (E) If the Density Bonus, Concession or Incentive is based all or in part on the inclusion of a Child Care Facility, a finding that all the requirements included in Government Code Section 65915(h) have been met.

The Project does not include a Child Care Facility.

- (F) If the Concession or Incentive includes mixed-use development, a finding that all the requirements included in Government Code Section 65915(k)(2) have been met.

The Project has not invoked any Concessions or Incentives under the State Density Bonus Law.

12. General Plan Compliance. The Project is, on balance, not consistent with the following Objectives and Policies of the General Plan:

URBAN DESIGN ELEMENT

OBJECTIVE 4:

MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 3.5:

Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development.

The Project's height and scale is out of scale and character with the immediately adjacent development. The Project's height causes new shadows to be cast on an adjacent school playground.

OBJECTIVE 4:

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

Policy 4.15:

Protect the livability and character of residential properties from the intrusion of incompatible new buildings.

The scale of the Project is not compatible with the existing scale of the neighborhood.

RECREATION AND OPEN SPACE ELEMENT

OBJECTIVE 1:

ENSURE A WELL-MAINTAINED, HIGHLY UTILIZED AND INTEGRATED OPEN SPACE SYSTEM

Policy 1.9:

Preserve sunlight in public open spaces.

The Project would cast new shadow which would adversely impact the usage and enjoyment of an adjacent school playground.

MISSION AREA PLAN

Objectives and Policies

OBJECTIVE 1.2

IN AREAS OF THE MISSION WHERE HOUSING AND MIXED-USE IS ENCOURAGED, MAXIMIZE DEVELOPMENT POTENTIAL IN KEEPING WITH NEIGHBORHOOD CHARACTER.

Policy 1.2.1

Ensure that in-fill housing development is compatible with its surroundings.

The Project will replace a single-story commercial building and associated parking lot with a new mixed-use building with ground floor retail space and residential units above, consistent with the existing residential and commercial uses in the neighborhood. Additionally, the Project complies with the applicable the bedroom mix requirements and is seeking waivers from the height and bulk standards through utilization of the State Density Bonus Law. However, the scale and design of the Project are not compatible with the immediately surrounding properties, which are comprised of one- to four-story buildings with shorter street frontages(?).

Built Form

OBJECTIVE 3.1

PROMOTE AN URBAN FORM THAT REINFORCES THE MISSION'S DISTINCTIVE PLACE IN THE CITY'S LARGER FORM AND STRENGTHENS ITS PHYSICAL FABRIC AND CHARACTER.

Policy 3.1.6

New buildings should epitomize the best in contemporary architecture, but should do so with full awareness of, and respect for, the height, mass, articulation and materials of the best of the older buildings that surrounds them.

The Project will replace an unremarkable single-story commercial building with a, contemporary, mixed-use building. The Project will be constructed with high quality materials but would be significantly taller than allowed height in the zoning district. The Project does not respect the adjacent buildings which are much smaller at one- to four-stories with smaller street frontages (?).

13. **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 not 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.

Currently, the existing building on the Project Site is a one-story laundromat. Although the Project would remove this use, the Project does provide for 6,724 square feet of new retail space at the ground level. However, the size of the new retail space is larger than necessary for a neighborhood-serving retail and does not comply with the requirements of Planning Code section 121.7.

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

Although no housing exists on the Project Site, the merging of the three lots is not necessary to develop new housing. The Project is out of scale with the neighborhood character and, therefore does not preserve the cultural and economic diversity of the surrounding neighborhood.

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

The Project will not displace any affordable housing because there is currently no housing on the site. The Project will comply with the City's Inclusionary Housing Program, therefore increasing the stock of affordable housing units in the City.

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

The Project Site is served by public transportation. Future residents would be afforded close proximity to bus or rail transit. The Project also provides bicycle parking for residents and their guests.

- 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 is consistent with the Mission Area Plan, which encourages mixed-use development along Mission Street. The Project does not involve the creation of commercial office development. The Project would only modestly enhance opportunities for resident employment and ownership in retail sales and service sectors by providing for new housing and retail space.

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

The Project will be designed and will be constructed to conform to the structural and seismic safety requirements of the Building Code. This proposal will not adversely affect the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

There are no landmarks or historic buildings on the Project Site.

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

The Planning Department prepared a preliminary shadow fan analysis and determined that the proposed project would not cast shadows on any parks at any time during the year. Based upon the shadow study, the Project would cast shadow on the Zaida T. Rodriguez Early Education School, a San Francisco Unified School District Public School. Currently, the Project would increase the shadow coverage of the TK Schoolyard significantly. For the Pre-Kindergarten Schoolyard, the Project would increase the shadow coverage from 8.11 to 8.29 percent. Given the impacts to the schoolyard open space, the Commission finds that the Project unduly impacts this open space's access to sunlight.

14. **California Housing Accountability Act Compliance.** When a proposed housing development project complies with objective General Plan and zoning standards and criteria, including design review standards in effect at the time, local governments may not deny the housing project or

impose conditions that reduce its density or render the project infeasible without making certain findings. The Housing Accountability Act does not apply to this proposed housing development because it does not comply with the General Plan and zoning standards and criteria. Even assuming that the Housing Accountability Act applies, the the Commission hereby finds that the Project would have a “specific adverse effect” on the public health or safety and that there is no feasible method to satisfactorily mitigate or avoid the adverse impact other than disapproval, as set forth below.

- A. **Applicability.** The California Housing Accountability Act applies to proposed housing development projects that “comply with objective General Plan and zoning standards and criteria”, including design review standards in effect at the time.

The Project does not comply with the Planning Code, specifically section 121.7, and also does not comply with several of the Objectives and Policies of the General Plan, as outlined in Subsection 12 above. Furthermore, the Commission finds that there are feasible methods to satisfactorily mitigate or avoid the adverse impact caused by the Project, since the Commission’s concerns with Project are related to the shadow impacts to the adjacent school property, based on the proposed building height. Because an alternative to construct two or three separate buildings without the proposed lot merger of all three parcels could achieve the same density while providing lot frontages less than 100 feet in width, the Commission finds that the Sponsor has not satisfactorily considered alternatives that lessen the adverse impact of the proposed lot merger while maintaining the proposed density. As such the California Housing Accountability Act does not apply to the Commission’s disapproval of the proposed lot merger.

- B. **Public Health and Safety.** The California Housing Accountability Act requires local governments to make findings relating to “specific adverse effects” on the public health or safety when disapproving certain housing projects. The Act defines a “specific adverse impact” as a “significant, quantifiable, direct and unavoidable impact based on objective, identified written public health or safety standards, policies or conditions” that existed on the date the application was deemed complete. Although the Housing Accountability Act does not apply for the reasons set forth above, the Planning Commission finds that the proposed project would have the following specific adverse effects on public health and safety:

- i. **Quality Neighborhoods.** *The Project would have a specific adverse effect on public health and safety in that, as proposed, the Project will cast additional shadow on the adjacent school yard, as follows:*

On an annual basis, the existing shadow coverage of the yard from nearby buildings is 3.75 percent of TAAS. The proposed project would increase shadow by approximately 17 percent on an annual basis resulting in overall shadow totaling 20.75 percent of TAAS. Net new shadow would fall on the TK yard year-round beginning at 6:47 a.m. at the summer solstice (approximately June 21) and 8:20 a.m. at the winter solstice (approximately December 21). Shadow would leave the yard by about 11:30 a.m. from late February through mid-November, and by about 10:20 a.m. during the remainder of the year. The area of net new shadow on the yard would vary by season and time of day but would be up to as much as 97 percent of the schoolyard.

Although the proposed shadow does not cause an impact under the California Environmental Quality Act (CEQA), the Project does cause a significant public health and safety concern given the amount of shadow on the adjacent schoolyard.

15. **First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Section 83.4(m) of the Administrative Code), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

The Project Sponsor submitted a First Source Hiring Affidavit and prior to issuance of a building permit will execute a First Source Hiring Memorandum of Understanding and a First Source Hiring Agreement with the City's First Source Hiring Administration.

16. The Project is not consistent with and would not promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would not contribute to the character and stability of the neighborhood nor would it constitute a beneficial development.
17. The Commission hereby finds that approval of the Conditional Use Authorization would not promote the health, safety and welfare of the City, and that the authorization should be denied.

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 **DENIES Conditional Use Authorization Application No. 2014.0376CUA** pursuant to Planning Code Sections 121.1, 127.7 and 303 to allow the demolition of an existing 5,200 square foot, single-story, approximately 15-foot-tall commercial building and new construction of an eight-story, 84-foot, 8-inch-tall 67,314 sq. ft. mixed-use building with 75 dwelling units, 6,724 sq. ft. of ground floor retail, 76 Class 1 bicycle parking spaces and 14 Class 2 bicycle parking spaces. The property is located within the Mission Street NCT (Neighborhood Commercial Transit) Zoning District, and 45-X, 55-X and 65-B Height and Bulk District.

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

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.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on October 11, 2018.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: October 11, 2018

TELEPHONE (415) 626-2000



Received at CPC Hearing 10/11/18
R. Suarez
FACSIMILE (415) 626-2009
EMAIL: UALOCAL38@UALOCAL38.ORG

**UNITED ASSOCIATION OF JOURNEYMEN AND APPRENTICES
OF THE PLUMBING AND PIPE FITTING INDUSTRY**

LOCAL UNION NO. 38

1621 MARKET STREET • SAN FRANCISCO, CA 94103

October 9, 2018

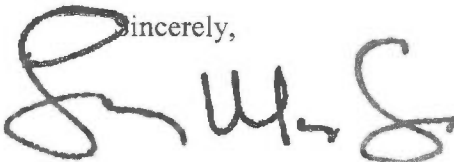
Re: 1629 Market Street Development Agreement Amendment

Dear Commissioners,

I am writing on behalf of U.A. Local 38 Plumbers and Pipefitters to urge your approval of the amendment to the Development Agreement for the 1629 Market Street Project to allow for application of affordable housing credits and ensure preservation of affordable units at South Beach Marina Apartments. This amendment will enable the 1629 Market Street Project to move forward and deliver a number of valuable community benefits including union construction jobs, new publicly accessible open space, and one-of-a-kind affordable supportive housing project on private land.

The 1629 Market Street Project also includes a new home for the U.A. Local 38 and our Pension Trust Fund. The development will allow U.A. Local 38 to maintain a long-term presence in San Francisco and support our organization's 2,500 members in the Bay Area.

We look forward to seeing this important development project come to fruition.

Sincerely,


Larry Mazzola Jr.
Bus.Mgr. & Fin.Secty-Treas.
U.A. Local 38

ORIGINALLY SUBMITTED 3/2/2017

RESUBMITTED

10/11/2018

March 2, 2017 MAP 2020 Suggestions for Additional Protection of Housing.

From: Georgia Schuttish

To: San Francisco Planning Commission and Staff

Received at CPC Hearing

A. Nelson

ITEM #14

Dear President Hillis and Fellow Planning Commissioners:

Please consider the following Section 317 reforms for the Calle 24 area of MAP 2020 you are hearing today. Please view it as a good opportunity to do a test case for 317 and meet some of the goals of the MAP 2020. Here are some options:

1. Do not allow Section 317 (b) (7) for this area, as right, but require a Mandatory Discretionary Review hearing to protect existing equal sized units in older flats. There are many pairs of flats in this area.

2. Change the Tantamount to Demolition language. Here is a suggestion: If any or all sections of the front or rear facade or wall of a structure are proposed for removal, then the project is considered Tantamount to a Demolition and must have a CUA hearing. If the rear facade or wall of a structure is removed for a horizontal addition and does not exceed the rear yard requirements, it will be considered an alteration. Any project with a vertical addition that adds square footage to a structure should be considered Tantamount to Demolition. A roof deck is a vertical addition, but not skylights or clerestory. If any portion of the front facade is altered during construction other than replacement windows per the Planning and Building Code the project would be considered Tantamount a Demolition. Garages can be added under the soft story program and the ADU provision or a Variance may be sought. Repairs to a front or rear facade due to poor conditions would require a special Building Permit that would have scrutiny from both the Building Department and the Enforcement section of the Planning Department.

3. Use your current powers under Section 317 to Adjust the Numerical Criteria for Demolitions. Further Discussion may be required. Please see attached.

Georgia Schuttish

Received at CPC Hearing 10/11/18
A. Nelson

PRIORITY PLANNING PROJECT



San Francisco
Planning

Community Stabilization Strategy

October 11, 2018



**Rent increases for
artists, small
businesses, and
non-profits**



**Housing
affordability
crisis**



**Increased
displacement and
gentrification**



**Severe impacts
on vulnerable
populations**

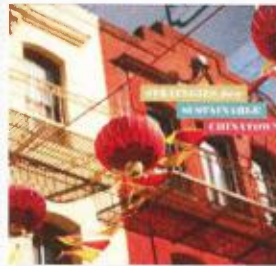
Why this project?

Community Stabilization Strategy



**Mission Action Plan
2020 - Phase I**

2015-2017



**Strategies for a
Sustainable Chinatown**

*Collaboration with
community stakeholders*
2017



**Tenderloin Development
Without Displacement**

*Collaboration with
community stakeholders*
2017



**Neighborhood Strategies
TBD**

2016-present
Excelsior, Bayview,
Western Addition

**Created a new team
for Community
Development**
2015

**Community
Stabilization and
Anti-Displacement
Strategy**
2017-present

Context and Background: Community Development Initiatives

Community Stabilization Strategy



Collaboration with City & Community Partners

Community Stabilization Strategy

**Protect and
stabilize
communities
especially
vulnerable
populations**



Project Purpose

Community Stabilization Strategy



1

Mitigate impacts of displacement



2

Prevent displacement as an impact of economic growth

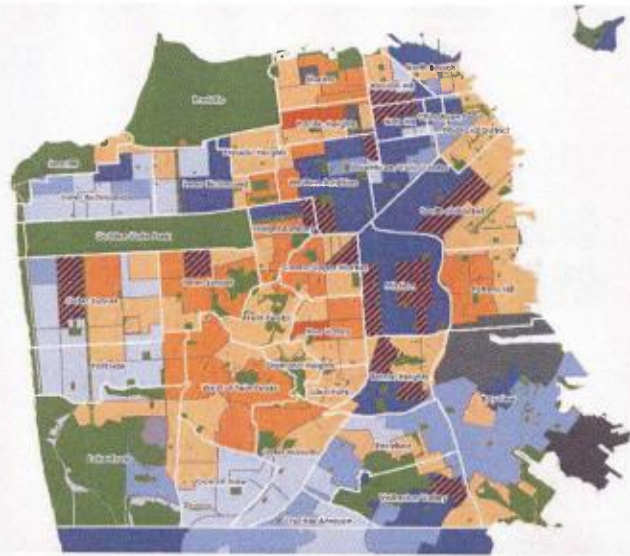


3

Ensure economic growth offers benefits to existing communities

Project Goals

Community Stabilization Strategy



Understand stages of displacement, gentrification and exclusion in different neighborhoods



Compile and assess the City's existing stabilization and anti-displacement programs and policies

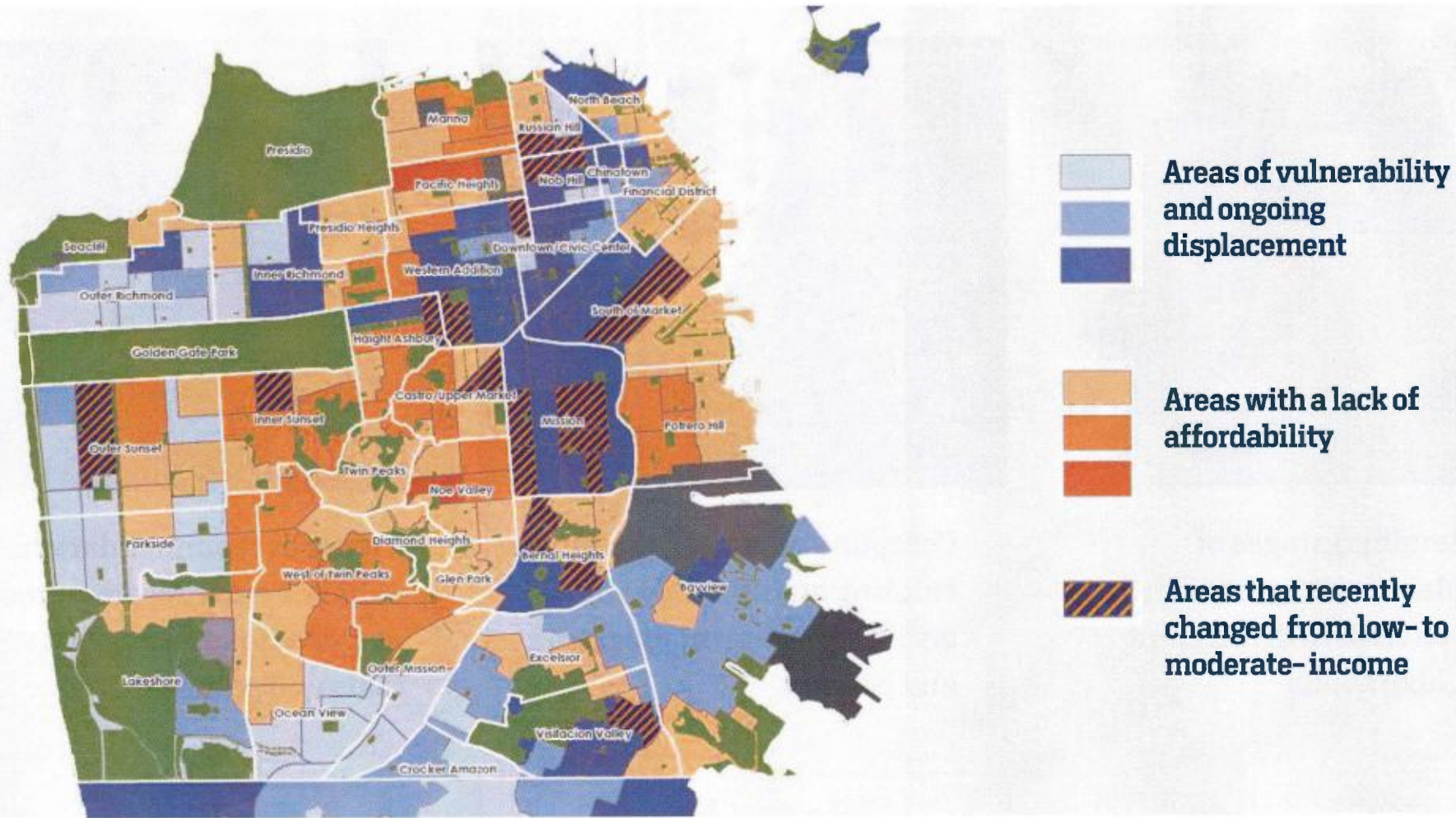


Propose recommendations to enhance existing programs and policies and suggest new tools and policies

We are here!

Project Components

Community Stabilization Strategy



1 Understanding Stages of Gentrification and Displacement

Community Stabilization Strategy



Evictions/Buyouts



Building type



BMR Units



**SRO locations and
vacancy**



**Renovation
permits**



**Demographics of
service recipients**



**Locations of loan
recipients**



**Small Sites
purchased**



**Homeownership
loans received**



Language isolation

1

Further Understanding of Neighborhood Trends

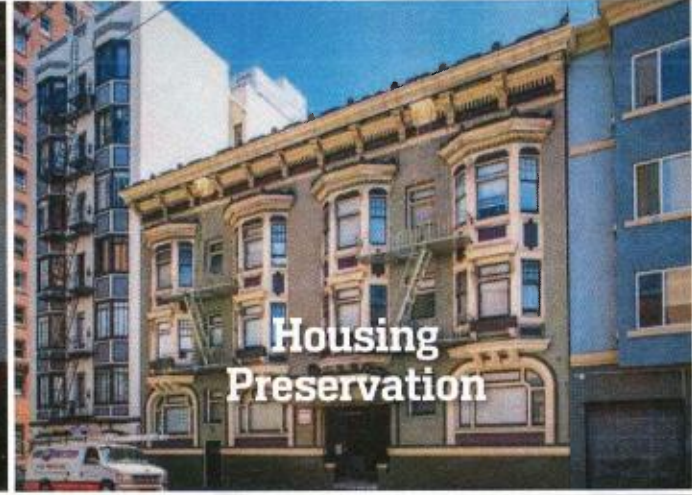
Community Stabilization Strategy



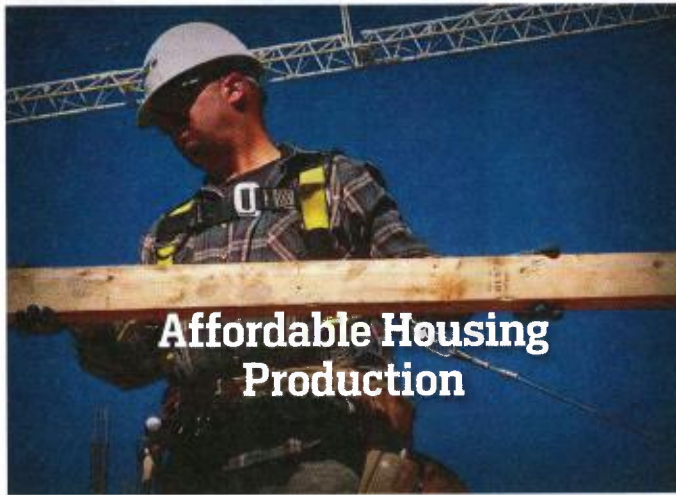
**Tenant Empowerment and
Eviction Prevention**



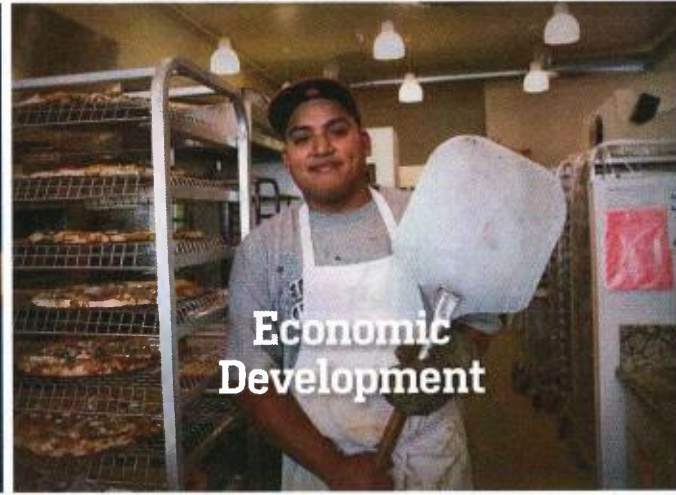
**Access to
Homeownership**



**Housing
Preservation**



**Affordable Housing
Production**



**Economic
Development**



Homelessness

2 **Assessing** Existing Programs and Policies

Community Stabilization Strategy

TOOLKIT SAMPLE

POLICY / PROGRAM	SERVICE	LEAD AGENCY
Small Sites Program	Acquisition and rehabilitation financing	Mayor's Office of Housing and Community Development
Preservation of Sound Housing	Limit dwelling unit removals	Planning
Residential Hotel Conversion Ordinance	Enforcement for illegal conversion of SROs	Department of Building Inspection
Workforce Training and Placement	Workforce programs targeting vulnerable populations	Office of Economic and Workforce Development
Small Business Technical Assistance	Guidance for businesses	Office of Economic and Workforce Development
Tenant Protections	Tenant counseling, education, and legal representation	Mayor's Office of Housing and Community Development

2 Assessing Existing Programs and Policies



2 Assessing Existing Programs and Policies

Community Stabilization Strategy

Example: Single Room Occupancy Hotels

Data



Vacancy rate, average monthly rent, private and public SRO hotel locations, and housing stock changes over time

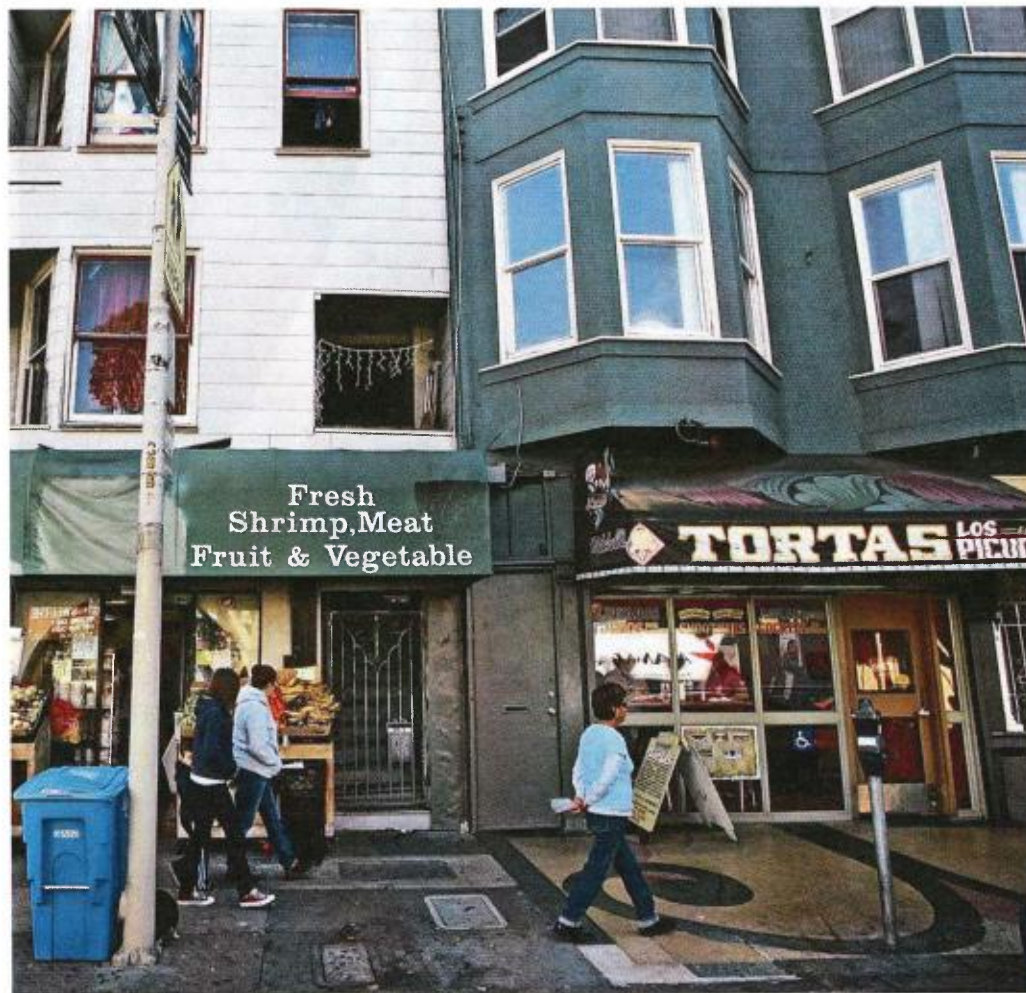
Engagement



City agency and community stakeholder engagement between DBI and Planning Department

Chinatown SRO Collaborative, Tenderloin Neighborhood Development Corporation (TNDC), Senior and Disability Action, SRO United Families Collaborative, Mission SRO Collaborative, Glide Foundation, Faithful Fools, and Market Street for the Masses

2 Assessing Existing Programs and Policies



3

Recommending Enhancements to Existing Programs and Policies and New Tools and Policies

Community Stabilization Strategy



Community Organization Stakeholder Meetings

AUGUST 2016 - PRESENT



Survey

FALL 2018



Community Meetings with Broader Public

WINTER 2018/2019

Community Outreach and Engagement

Community Stabilization Strategy

2017

2018

2019

WINTER SPRING SUMMER FALL JAN FEB MAR APR MAY JUNE JULY AUG SEP OCT NOV DEC JAN FEB MAR

MAP 2020 released

Draft Existing
Toolkit Released

UDP Map updates



Evaluating existing toolkit:
Outreach to city agencies



Evaluating existing toolkit:
Outreach to community stakeholders and public



Further outreach/
develop the strategy

Preliminary recommendations

Draft for Public Review
Released

Timeline and Next Steps



San Francisco
Planning

Andrea Nelson
Senior Community
Development Specialist
Citywide Planning

andrea.nelson@sfgov.org
www.sfplanning.org

Maria Benjamin
Mayor's Office of Housing and
Community Development

INCLUSIONARY MONITORING AND PROCEDURES MANUAL UPDATE

Planning Commission
October 11, 2018



UPDATE PROCESS

Since 2013, MOHCD has solicited and when possible implemented suggestions for improving program policies and procedures that increase access to Inclusionary housing while protecting the integrity of the program.

Beginning in 2016, MOHCD met with key stakeholders to brainstorm policy and procedure changes.

- BiShoP
- HomeownershipSF
- Lenders and Leasing Agents
- Planning Department
- Developers



MOHCD 2

INCLUSIONARY MANUAL UPDATE SUMMARY

Major changes made to the 2013 Manual in four categories.

- Applicant Barrier Removal
- Program Sustainability and Protections
- Modernization of Project Sponsor Requirements
- Planning Code Amendments

MOHCD

3

APPLICANT BARRIER REMOVAL

Income and Asset Requirements

Sections II and III

2013 Manual

- Missing details and standard practices.

2018 Manual

- More transparency.
- Standard practices codified.

MOHCD

4

APPLICANT BARRIER REMOVAL

Below Market Rate Ownership Program

Section IV

2013 Manual

- All household members age 24 or older must appear on Title.
- **Full application, with all income and asset documentation required prior to lottery.**
- Lender pre-approvals must be property specific and expire in 90 days.
- 5% down payment required.
- Increase qualifying AMI to 120% if an eligible buyer cannot be found at the maximum allowable resale price.

2018 Manual

- If they don't count toward the unit size or income eligibility, household members do not have to appear on Title.
- **Short application with proof of first time homebuyer education and loan pre-approval prior to the lottery.**
- General loan pre-approval is allowed and expires in 120 days.
- 3% down payment required.
- Seller lowers the purchase price until a qualified buyer is in contract.

MOHCD

5

APPLICANT BARRIER REMOVAL

Below Market Rate Rental Program

Section V

2013 Manual

- As long as the same requirement is applied to market rate applicants, the eviction history allowed is left up to the project sponsor.
- Criminal history left up to the project sponsor.
- When an applicant uses a Section 8 housing voucher, project sponsors are allowed to charge rents above the Maximum Allowable Rent.

2018 Manual

- **Eviction history limited to the last 3 years. Project sponsors must consider mitigating circumstances including "no fault" evictions.**
- Project sponsors must be compliant with the Fair Chance Ordinance.
- Project Sponsors cannot enter into a lease with a BMR tenant with a rent higher than the Maximum Allowable Rent at any time.
- Clarified the meaning of "rent with utilities" and "rent without utilities" and adds rules limiting a project sponsors ability to charge fees in addition to rent.

MOHCD

6

PROGRAM SUSTAINABILITY AND PROTECTION

Below Market Rate Ownership Program

Section IV

2013 Manual

- Silent, missing details and standard practices.

2018 Manual

- Added requirement for a general home inspection for the purchase of a resale BMR unit.
- Added post purchase homeowner education requirement with a refundable deposit taken at closing.
- **Clarified policies with regard to renting, insurance, resale pricing, financial hardships, title changes and annual monitoring.**

MOHCD

7

PROGRAM SUSTAINABILITY AND PROTECTION

Below Market Rate Rental Program

Section VI

2013 Manual

- Household composition changes must meet the current eligibility standards.
- **Units must be maintained by owners and renters.**
- No transfers between BMR units at any time.

2018 Manual

- Added no household changes within the first year of a lease, except for special circumstances.
- **Requires owners to maintain BMR units as they do market rate units.**
- Allows transfers between BMR units within the same building, under special circumstances.
- Added rules prohibiting subletting of parking spaces.
- Renters sign an acknowledgment of restrictions.
- Project Owners can never increase rent more than the most recent year's increase in AMI.

MOHCD

8

PROJECT SPONSOR UPDATES

Marketing, Fees and Parking

Section VII

2013 Manual

- Missing details on marketing and lottery as well as DAHLIA SF Housing Portal.
- **Project Sponsor must take out ads in major newspapers over two weekends.**
- BMR buyers that do not purchase parking pay less than the maximum allowable purchase price.
- If parking spaces allocated to BMR units are not leased or sold at initial occupancy, the developer can lease or sell them at market rate.

2018 Manual

- Detailed all pertinent information to the Housing Preferences and Lottery Procedures Manual.
- Newspaper requirement removed. Expanded community and social media outreach.
- **Added requirement for an onsite BMR marketing sign to be posted at construction start.**
- Ownership units without parking are priced at the maximum allowable sales price. Parking is allocated in lottery rank order and pricing for both rental and ownership units is limited. Rental spaces can be temporarily leased at market rate but Project Sponsor must keep a waiting list for all BMR renters interested in parking and allocate parking according to the waitlist.

MOHCD

9

PLANNING CODE AMENDMENTS

Effective August 26, 2017

2013 Manual

- All new ownership BMR units priced at 90% AMI with maximum income 100%.
- All new rental BMR units priced at 55% AMI.
- Minimum household size must match number of bedrooms in a unit.
- Minimal or no information on programs other than Planning Code Sec. 415 that are governed by this Manual.

2018 Manual

- Tiered purchase price amount between 80% and 130% AMI, with tiered maximum allowable income limits from 100% to 150% AMI.
- Tiered rent amount between 55% and 110% AMI with tiered maximum allowable income limits from 65% to 130% AMI.
- Households that rent units priced at 110% or buy units priced at 130% AMI must have a minimum occupancy of 2 persons.
- Added information about the State Density Bonus, HOME SF, Planning Code Section 124(f) and 419, Condo Conversion, and Replacement Units.

MOHCD

10

C. Grol

Mayor's Office of Housing and Community Development
City and County of San Francisco



London N. Breed
Mayor

Kate Hartley
Director

MEMORANDUM

DATE: 10/11/2018
TO: PLANNING COMMISSION
FROM: MARIA BENJAMIN, MAYOR'S OFFICE OF HOUSING & COMMUNITY DEVELOPMENT
RE: CHANGES TO THE PROCEDURES MANUAL DRAFT

The Mayor's Office of Housing and Community Development (MOHCD) staff submitted the 2018 Inclusionary Affordable Housing Program Monitoring and Procedures Manual (the "Manual") to the Planning Commission on October 4, 2018. MOHCD proposes additional typographical and technical clarifications as indicated below:

Section II (C) Non-homeowner/First-time Homebuyer Requirement

In the three years prior to the date of application, no member of an applicant Household may own any interest in any residential property, as that term is defined in the Planning Code, regardless of:

- Whether or not that residential property produces a financial gain ~~to the applicant~~; or
- Where the residential property is located ; or
- Whether the residential property was ever used as the ~~applicant's~~ Primary Residence.

Section III (B)(2) Method#2: Calculating Last Year's Income

Step 1: Use the total income from the immediate past year's federal income tax return (line 22 of IRS form 1040, or line 4 of IRS form 1040EZ, or line 15 of IRS form 1040A);

Step 2: ~~If applicable, a~~Add back any losses and ~~tax-exempt income from the tax return such as tax-deferred deductions, social security benefits, interest, and etc., or unreported income on the tax return such as child support payments~~ set forth on the immediate past year's federal income tax return. ~~If there are no losses, skip this step.~~

Step 3: Add back any of the allowable adjustments for a business or self-employment, such as non-recurring income and expenses, depreciation, depletion, and amortization and casualty loss. If there is no self-employment income for a sole proprietorship reported on line 12 of IRS form 1040, skip this step.

Section III (C)(3)(a) Using Retirement Assets as Reserves

At escrow closing for the purchase of a BMR Ownership Unit, applicants must have funds for a reserve equal to at least three (3) months of ~~household housing~~ expenses available. Funds from retirement accounts can be used to meet this reserve requirement.

Section IV (B)(8)(c) Financing

Debt Ratios: Front-end or housing ratio: no lower than 28% and no higher than 40%

31:17:41

The front-end ratio includes: principal and interest payments on the first mortgage, principal and interest payments on subordinate, non-deferred loan (if any), private mortgage insurance premium (if applicable), property taxes, hazard insurance, and monthly Homeowner's Association Dues.

MOHCD may consider a maximum front-end ratio up to 43% if two or more of the following indicators are present: (i) proven ability to devote a larger amount of income to housing expenses. The applicant has successfully demonstrated an ability to make rental payments for twelve (12) consecutive months that are equal to or greater than the proposed monthly payments for the housing being purchased; (ii) at least twelve (12) months of housing expenses in reserves through non-liquid assets and retirement accounts; (iii) FICO score greater than 700; and (iv) the proposed housing expenses will not increase more than five (5) percent over previous housing expenses.

Down Payment Requirement

- Minimum 3% down payment
- The entire down payment and closing costs can come from gift funds ~~or grants~~

Reserves Requirement

- 3 month's housing payments (principal, interest, property taxes, hazard insurance and homeowners association dues) in reserves after purchase
- ~~Reserves must come from BMR Buyer's own funds~~
- Funds from BMR Buyer's retirement accounts can be used to meet the reserve requirement (see Section III (C)(3)(a) for additional guidelines)

Section V (D)(3) Household Size

BMR Renter Households must maintain a minimum Household size of at least one person per bedroom. Any violation of this rule, including changes in Household size after commencement of the lease term, could result in non-renewal of the lease for a BMR Household. In the case of BMR Units with rents priced for Middle-Income Households (110% AMI), the minimum Household requirement is two people ~~per bedroom~~, including studio units.

Section VI (F)(1) Pricing and Maximum Income Levels

MOHCD will monitor to ensure that ~~at no time shall~~ the Maximum Annual Rents or Sales Prices ~~be are not~~ higher than twenty percent (20%) of the median ~~market rate~~ rents or sales prices for the neighborhood within which the project is located. In accordance with the American Community Survey Neighborhood Profile Boundaries Map, MOHCD will adjust the allowable rents and sales prices, accordingly. MOHCD shall review the updated data on neighborhood rents and sales prices on an annual basis.

Enclosures: Updated sections with font color changes and strike-throughs

- Any maximum Household size requirement enforced by the Project Owner must comply with this Manual and be applied fairly and evenly to all residents in the building. Maximum Household size requirements must also adhere to maximum occupancy requirements of the San Francisco Building Code.

C. Non-homeowner/First-time Homebuyer Requirement

In the three years prior to the date of application, no member of an applicant Household may own any interest in any residential property, as that term is defined in the Planning Code, regardless of:

- Whether or not that residential property produces a financial gain ~~to the applicant~~; or
- Where the residential property is located ; or
- Whether the residential property was ever used as the ~~applicant's~~ Primary Residence.

The following exceptions may apply:

- Timeshares
- Loan co-signers from previous real estate transactions if the applicant was not on title and there was no financial gain to the applicant
- Acting solely as a trustee with no beneficiary interest for a trust that includes a residential property, subject to MOHCD verification of income and assets from the trust
- Being a named beneficiary of a trust that includes a residential property, but only if the trustor is living at the time
- Ownership of shares in a not for profit limited equity co-op (rental income, if any, will be included when determining eligibility)
- An individual who was divorced or legally separated in the past 3 years and had no ownership in any residential property, other than the marital residence that was awarded to the spouse through a legal marital settlement.

D. Non-Student Household Requirement

100% student Households are ineligible for BMR Rental or Ownership Units. A full-time student is defined as a person who attends an educational institution with regular facilities including enrollment in on-line classes, other than a correspondence or night school, during at least five months of the calendar year during the BMR application and eligibility review. Certain exceptions apply and student Households should note the exceptions carefully.

Households with full-time students may be BMR-eligible if one or more of the following applies:

- Any member of the Household is married or in a Domestic Partnership and either filing or is entitled to file a joint tax return.
- The Household consists of a single parent and his or her minor children, and neither the parent nor children are a dependent of a third party.

Example: Calculating Non-Employment Income with a Monthly Statement:

Monthly income as stated on the most recent statement = \$500

Total number of pay periods in one year = 12

Annual income = \$6,000 (\$500 x 12)

d) Income from All Sources

Once all sources of income from each adult Household member are verified and calculated, MOHCD will calculate the current total Household income.

Example: Adding all income to arrive at the current total income:

As shown in the above examples, a Household of 4 applying for a BMR Ownership Unit receives a salary income of \$48,000 (paystub on year-to-date method), self-employed income of \$36,000 (P&L statement), and non-employment income of \$6,000 (official statement).

Method #1 Result: The Household's current total income = \$90,000 (\$48,000 + \$36,000 + \$6,000).

2. Method #2: Calculating Last Year's Income

This section describes an alternate procedure for determining a Household's total annual income earned in the last tax year.

Step 1: Use the total income from the immediate past year's federal income tax return (line 22 of IRS form 1040, or line 4 of IRS form 1040EZ, or line 15 of IRS form 1040A);

Step 2: If applicable, add back any losses and tax-exempt income from the tax return such as tax-deferred deductions, social security benefits, interest, and etc., or unreported income on the tax return such as child support payments set forth on the immediate past year's federal income tax return. If there are no losses, skip this step.

Step 3: Add back any of the allowable adjustments for a business or self-employment, such as non-recurring income and expenses, depreciation, depletion, and amortization and casualty loss. If there is no self-employment income for a sole proprietorship reported on line 12 of IRS form 1040, skip this step.

Example: Calculating Last Year's Total Annual Income:

Total Income (line 22 of IRS Form 1040): \$80,000

Capital loss (line 13 of IRS form 1040): -\$5,000 (negative losses)

Depreciation on Schedule C: \$3,000 (allowable adjustments)

2. Gifts

If applicable, funds for use as down payment, closing costs or financial reserves to purchase a BMR Unit can be provided by a relative (defined as an individual who is related by blood, adoption or legal guardianship and who is not part of the Household). In the case of purchase of a BMR Ownership Unit, there is a minimum down payment requirement of 3% of the purchase price (see Section IV (B)(8) *(Sales Contract and First Mortgage Financing)* for more details). If necessary, the entire 3% can come from gifts.

3. Retirement Accounts

a) *Using Retirement Assets as Reserves*

At escrow closing for the purchase of a BMR Ownership Unit, applicants must have funds for a reserve equal to at least three (3) months of ~~household~~-housing expenses available. Funds from retirement accounts can be used to meet this reserve requirement. Retirement accounts do not have to be liquidated. The applicant must provide a complete copy of the most current quarterly, or three consecutive monthly, retirement account statement(s) identifying the applicant's vested amount and the terms of the retirement plan that permits the applicant to make withdrawals. Funds in a retirement account will not be considered as reserves when the retirement account only allows withdrawals in connection with the applicant's employment termination, retirement, or death.

If applicable, to account for income taxes and any early withdrawal penalties, MOHCD will count only sixty percent (60%) of retirement account funds towards reserves.

b) *Borrowing from Retirement Accounts*

When an applicant borrows against their retirement account, there may be a monthly repayment amount. MOHCD will include this monthly payment as part of the applicant's recurring monthly debt obligations when determining the applicant's total Debt-to-Income ratio.

c) *Withdrawal from Retirement Accounts*

Withdrawal of funds from unrestricted retirement accounts toward down payment and closing costs is generally allowed with proof of liquidation. If an applicant uses a portion of the retirement account toward the purchase of the BMR Unit, then that portion of the retirement account withdrawn or liquidated will be counted as an asset. The applicant should consider all options before using a retirement account, and consult a tax advisor to fully understand the potential tax consequences of a withdrawal in addition to any applicable early withdrawal penalty.

4. Annuities

In the case of annuities, if an applicant has begun receiving annuity payments, then these payments are counted as income. If the applicant has the option of withdrawing all funds from an annuity, either with or without penalty, the annuity will be treated like any other liquid asset account. To account for income

c) **Financing**

Once an applicant is in contract, the MOHCD-Approved Lender will prepare and submit a mortgage loan commitment and provide ALL of the following documentation to MOHCD:

- Completed MOHCD Lender Checklist
- Sales Contract
- Lender Loan Application and Underwriting Transmittal Summary (mortgage forms 1003 and 1008)
- Final Fair Market Appraisal
- General Home Inspection Report (not required for newly constructed BMR Units)
- Preliminary Title Report
- Mortgage Loan Commitment Letter
- Loan Estimate
- Copy of applicant's most recent Credit Report
- Certificate of Completion of Homebuyer Education
- Federal Income Tax Transcripts
- Estimated Combined Settlement Statement
- All other documents listed on MOHCD Lender Checklist

All loans in a BMR transaction must meet the following financing criteria:

- **LTV/CLTV Ratio**
 - Minimum Loan to Value Ratio 50%
 - Maximum Combined Loan to Value Ratio 97%
- **Debt Ratios**
 - Front-end or housing ratio: no lower than 28% and no higher than 40%
 - The front-end ratio includes: principal and interest payments on the first mortgage, principal and interest payments on subordinate, non-deferred loan (if any), private mortgage insurance premium (if applicable), property taxes, hazard insurance, and monthly Homeowner's Association Dues.
 - MOHCD may consider a maximum front-end ratio up to 43% if two or more of the following indicators are present: (i) proven ability to devote a larger amount of income to housing expenses. The applicant has successfully demonstrated an ability to make rental payments for twelve (12) consecutive months that are equal to or greater than the proposed monthly payments for the housing being purchased; (ii) at least twelve (12) months of housing expenses in reserves through non-liquid assets and retirement accounts; (iii) FICO score greater than 700; and (iv) the proposed housing expenses will not increase more than five (5) percent over previous housing expenses.
 - Back-end ratio or total debt-to-income (DTI) ratio: no higher than 45%

- **Down Payment Requirement**
 - Minimum 3% down payment
 - The entire down payment and closing costs can come from gift funds ~~or grants~~
- **Reserves Requirement**
 - 3 month's housing payments (principal, interest, property taxes, hazard insurance and homeowners association dues) in reserves after purchase
 - ~~Reserves must come from BMR Buyer's own funds~~
 - Funds from BMR Buyer's retirement accounts can be used to meet the reserve requirement (see Section III (C)(3)(a) for additional guidelines)
- **First Mortgage Loan Term**
 - 30-year loan term
 - Fixed interest rate with fully amortizing mortgage payments
- **Loan Originator**
 - BMR Buyers must obtain financing from MOHCD-Approved Lenders listed at www.sfmohcd.org/lender-list
- **Interest Rates and Fees**
 - First mortgage interest rate and other fees associated with the transaction must be usual, customary and reasonable
 - No upfront fees (except third party credit reporting, appraisal and inspection fees)
- **FICO Score**
 - MOHCD does not establish a minimum FICO score for BMR Buyers
 - Lenders determine the minimum FICO score according to their own guidelines and loan products
- **Co-Signing**
 - Co-signing is not allowed
- **Third Party Credits and Contributions**
 - Credits and contributions from a third party, such as seller, realtor, lender, are allowed for non-recurring closing costs and/or prepaids
 - All credits must be used in escrow
- **Impound Account**
 - Taxes and insurance impound account is required
- **Appraisal Report**
 - A Fair Market Appraisal report using only market rate units as comparable is required
 - The report must be no more than 90 days old at the time of submission of lender package to MOHCD
- **Loan Prepayment**
 - BMR Owners may prepay first mortgage loans before the loan term but BMR Owners who also have Below Market Rate Downpayment Assistance Loan

1. **Occupancy**

All members of the Household that applied must move into the BMR Rental Unit within 60 days of the start of the lease and occupy the BMR Unit as their Primary Residence for at least 10 out of 12 months of each calendar year.

2. **No Subletting**

BMR Renters may not sublet any part of the BMR Rental Unit to anyone that is not a part of the Household at any time. BMR Rental Units cannot be subleased for long-term or short-term vacation rentals at any time. There is also no renting or subletting of a parking space or any other space provided with the BMR. Any violation of this rule will lead to the termination of the lease and fines enforced by the Planning Department and/or City Attorney's Office.

3. **Household Size**

BMR Renter Households must maintain a minimum Household size of at least one person per bedroom. Any violation of this rule, including changes in Household size after commencement of the lease term, could result in non-renewal of the lease for a BMR Household. In the case of BMR Units with rents priced for Middle-Income Households (110% AMI), the minimum Household requirement is two people **per bedroom**, including studio units.

4. **Household Changes**

A Project Owner must not allow any changes to a lease for a BMR Unit within the first lease year, except in following situations: in the case of death, dissolution of marriage or domestic partnership within the Household and only with the written consent of MOHCD and the Project Owner.

Should MOHCD approve the Household composition change, the new Household must submit a new application for the BMR Rental Unit and meet the current qualification standards. If a Household adds or removes anyone within the first twelve (12) months, the new Household income must be at or below the limit that was applicable at the time the continuing members of the Household initially applied. After the first 12 months, if the Household composition changes, the new Household income must remain at or below the allowable recertification limits. Moreover, additions to the Household may be subject to a credit and criminal background check when qualifying.

5. **Transferring BMR Rental Units**

BMR Renters may apply for other BMR Rental Units by participating in the full application and lottery process for any available BMR Rental Units, but are not given a priority to such units. BMR renters in one building may not transfer to another BMR Rental Unit in the same building once they have begun their lease term unless specifically authorized by MOHCD to address compelling circumstances such as death of a Household member, divorce or separation, or mobility accessibility needs of one or more Household members. A BMR renter will be responsible for any costs associated with an approved transfer.

F. Pricing New BMR Units

1. Pricing and Maximum Income Levels

Pricing a BMR unit begins once a Project's NSR is finalized with the Planning Department confirming the number, type, location, and permissible pricing levels and income limits of purchasers or tenants.

Per the Planning Code, the maximum income levels specified in the NSR for the Project are the required income limits for the pricing and qualifying of BMR Units for the Life of the Project. However, BMR Ownership Units can be sold to Households earning ten percent (10%) more than the income limit used to establish pricing.

MOHCD will monitor to ensure that ~~At no time shall~~ the Maximum Annual Rents or Sales Prices ~~be are~~ not higher than twenty percent (20%) of the median market rate rents or sales prices for the neighborhood within which the project is located. In accordance with the American Community Survey Neighborhood Profile Boundaries Map, MOHCD will adjust the allowable rents and sales prices, accordingly. MOHCD shall review the updated data on neighborhood rents and sales prices on an annual basis.

2. Income Table

Each BMR Ownership Unit is typically priced between 80% and 130% of AMI in accordance with the Planning Code, as amended from time to time. This means that the sales price is calculated to be Affordable to Households at these income levels. BMR Rental Units are typically priced between 55% and 110% of AMI.

The income table used for pricing all BMR Units is the table published annually by MOHCD. It takes the middle income for all Households in our local area (San Francisco, Marin and San Mateo Counties combined) according to the Housing and Urban Development Department (HUD) and adjusts those incomes by Household size. The table is called the "Maximum Income by Household size derived from the Unadjusted Area Median Income (AMI) for HUD Metro Fair Market Rent Area (HMFA) that contains San Francisco". It is posted at www.sfmohcd.org once those numbers are released by HUD within the first 5 months of each calendar year.

3. Pricing Request Process

In preparation for the pricing and marketing of BMR Ownership or Rental Units, Project Owners are required to meet with MOHCD staff to review the documents needed. This meeting takes place approximately six months prior to pricing to ensure sufficient time should a document require revisions.

To begin the pricing process, the Project Sponsor must submit a request for determination of initial sales or rental pricing on a form provided by MOHCD, together with electronic copies of at least the following:

- Completed Affordable Housing Plan.
- Planning Motion from the Planning Commission Or in the case of smaller projects, the approved building permit application.

COMPLIANCE THROUGH LAND DEDICATION IN EASTERN NEIGHBORHOODS

Project Sponsors choosing the land dedication option under Section 419.5 of the Planning Code shall adhere to all requirements contained in such section and shall adhere to the following procedures.

Initial Planning Department Review of Project

Prior to any project approvals from the Planning Department or Planning Commission, the Planning Department through its designated Planner shall require the Project Sponsor to indicate the intent to satisfy the Inclusionary Housing Program requirement partially or completely through land dedication on the Affidavit for Compliance with the Inclusionary Housing Program.

On an additional standardized form provided by MOHCD, the Planner shall:

- (1) define the tier and percent requirement of the Project under Section 419;
- (2) identify whether the Principal Project for which the land dedication is provided applies to a single site or to a collective of sites within a 1-mile radius;
- (3) confirm that the land dedication requirement meets the required percent of total developable area of the Principal Project [which excludes land already substantially developed, subsequent non-developable uses required in connection with the project approval (ie. Open spaces, streets, alleys, walkways, or other public infrastructure), easements and other parts of the land that are not developable];
- (3) confirm that the percentage of land being dedicated to fully or partially fulfill the Project Sponsor's requirement under the Program accommodates at least the same percent of total potential units to be constructed on the Principal Project;
- (4) calculate the total number of BMR Units that would have been owed if they were provided as on-site BMR Units on the Principal Project;
- (5) state whether the dedicated land is in the form of air rights; and
- (6) note if the Section 419.5 rental incentive applies.

The Planner will then submit the standardized land dedication form to MOHCD.

MOHCD Review and Recommendation

The Project Sponsor must deliver to MOHCD all site information at least 120 days prior to the scheduled approval hearing by the Planning Commission. MOHCD will issue a denial or conditional approval letter prior to issuance of project approvals from the Planning Commission or Planning Department and after MOHCD has completed its due diligence review of complete information submitted by the Project Sponsor.

In order to determine whether to issue a letter verifying acceptance, MOHCD will review the proposed land dedication to determine whether it satisfies the following requirements of Section 419.5, among others:

- (1) The dedicated site will result in a total amount of inclusionary units not less than forty (40) units. MOHCD may conditionally approve and accept dedicated sites which result in no less than twenty-five (25) units at its discretion;
- (2) The dedicated site will result in a total amount of units that is equivalent or greater than the minimum percentage of the units that would have been provided on-site at the Principal Project, as required by Table 419.5, had the BMR Units been provided on-site. MOHCD may also accept dedicated sites that represent the equivalent of or greater than the required percentage of units for all units that could be provided on a collective of sites within a one-mile radius, provided the total amount of inclusionary units provided on the dedicated site is equivalent to or greater than the total requirements for all Principal Projects participating in the collective, according to the requirements of Table 419.5;
- (3) The dedicated site is suitable from the perspective of size, configuration, physical characteristics, physical and environmental constraints, access, location, adjacent use, and other relevant planning criteria. The site must allow development of affordable housing that is sound, safe and acceptable;
- (4) The dedicated site includes or will include infrastructure necessary to serve the units, including sewer, utilities, water, light, street access and sidewalks;
- (5) The developer must apply for and pay for environmental review under CEQA of the land dedication and complete any applicable CEQA review prior or simultaneous to approval of the Principal Project;
- (6) The value of the dedicated land is equal to or greater than the value of the Principal Project multiplied by the applicable required land dedication percentage. Value shall be determined by Fair Market Appraisals of the Principal Project and the proposed land dedication submitted by the Project Sponsor and subject to review and approval by MOHCD.

Required Materials

In order for MOHCD to perform this review of the proposed land dedication site, the Project Sponsor must provide the following due diligence documents to MOHCD with respect to the proposed site:

- (1) Preliminary Title Report dated within 30 days of submittal;
- (2) Recent Land/Site Surveys;
- (3) Geotechnical Report;
- (4) Phase I Report;
- (5) Phase II Report if hazardous materials are suspected in the Phase I Report;
- (6) Cost estimate for mitigation of any hazardous materials;
- (7) Land Use Memo that assesses the conformance of the proposed affordable housing project at the land dedication site with existing zoning, occupancy and use restrictions;
- (8) Fair Market Value Appraisal to be completed to Uniform Standards of Professional Appraisal Practice standards by qualified appraisers holding a California Certified General Appraisal License (issued by the Office of Real Estate Appraisers), preferably with a Member of the Appraisal Institute member designation (issued by the Appraisal Institute), and with experience valuing similar properties in the Bay Area;
- (9) Infrastructure Study assessing the availability and capacity of infrastructure (sewer, utilities, water, light, street access and sidewalk) available to support the proposed affordable housing project. If

adequate infrastructure is not provided, a third-party cost estimate of providing such infrastructure must be provided;

- (10) Density Studies compliant with site's underlying zoning, including one version that assumes Principal Project stated unit mix and size standards and one version that assumes 30% of units are 3-bedroom units;
- (11) Cost study for each version of the density study in order to estimate how much it would cost to develop affordable housing according to each density study, taking into account federal prevailing wage labor rates;
- (12) Schedule for delivery of land, including estimated dates for First Construction Document, demolition, lot division, etc;
- (13) Intent of developer to deliver vacant site.

Developable units as assumed for the preceding studies should be comparable in size to the Principal Project unit sizes and at no time smaller than the following unit sizes:

- Studios = 350
- 1-BR = 550 square feet
- 2-BR = 800 square feet
- 3-BR = 1,000 square feet
- 4-BR = 1,250 square feet

Developable projects as assumed for the preceding studies must be able to accommodate the same parking ratio as that being provided by the Principal Project.

Approval Letter and Conditions

If MOHCD determines that the site is acceptable in accordance with Code Section 419, MOHCD will issue a formal approval letter. If MOHCD's acceptance of the site is dependent on certain conditions being satisfied prior to the conveyance of the site, MOHCD shall identify such conditions in the letter. At a minimum, MOHCD's acceptance of the site shall always be conditioned on a finding of consistency with the General Plan and approval of the conveyance by the Board of Supervisors and Mayor. Other conditions may include, but shall not be limited to:

- (1) If the proposed land dedication site is found to have any hazardous materials or other environmental damage that requires remediation prior to development of Housing Units, MOHCD's acceptance of the site shall also be conditioned on the Project Sponsor clearing the site of such hazardous materials to the satisfaction of MOHCD in its sole discretion prior to conveyance to City. Alternatively, if approved by MOHCD, any required environmental remediation may be able to be mitigated after conveyance within a mitigation cost standard that is determined by MOHCD and borne by the Project Sponsor. If MOHCD agrees to allow environmental remediation work to be done after conveyance, MOHCD's acceptance of the site shall also be conditioned on the Project Sponsor placing sufficient funds (as determined by MOHCD) to pay for such remediation in an escrow account concurrently with the conveyance, which funds shall be released to MOHCD when the environmental remediation costs are incurred.
- (2) If mitigation measures relevant to the land dedication are required as part of the Principal Project's environmental clearance, MOHCD's acceptance of the site shall also be conditioned, when appropriate, on the Project Sponsor completing such measures for the dedicated site concurrently

with the Principal Site. If applicable, the Project Sponsor shall be obligated under the Conditions of Approval to satisfy this condition post-conveyance.

- (3) Removal of exceptions to title deemed unacceptable to MOHCD shall be in its sole discretion.
- (4) MOHCD shall not be required to identify all conditions in the letter; failure to reference any conditions in the letter shall not preclude the City from imposing such reasonable conditions after the letter is issued as may be deemed appropriate by MOHCD in light of any new information discovered after the letter is issued. Notwithstanding the foregoing, no new conditions may be added after the Agreement (as defined below) has been approved by the Board of Supervisors and Mayor and executed by MOHCD.

Should MOHCD issue a formal conditional approval letter, the Project Sponsor will seek entitlement for the Principal Project. Should the Project become entitled, the Board of Supervisors must then approve the land dedication per the standard City land conveyance process by grant deed, unless another method is approved. If approved by the Planning Commission, the Board of Supervisors, and the Mayor, the Project Sponsor must convey the land before issuance of First Construction Document for the Principal Project, with all conditions set forth in the Agreement (as defined below) and the MOHCD conditional approval letter having been met. In certain circumstances, the City may provide for a later conveyance if adequate security is provided to the City by the Project Sponsor.

If MOHCD issues an acceptance letter, MOHCD and Project Sponsor will enter into a purchase and sale agreement in a form prepared by MOHCD (the "Agreement"). The Agreement will state that the sale of the land dedication site will be for \$1, and will be subject to all of the conditions precedent as identified by MOHCD. Upon execution of the Agreement by Project Sponsor, MOHCD shall present the Agreement and the proposed conveyance to the Board of Supervisors for approval. Upon approval of the Agreement and approval of the conveyance by the Board of Supervisors and the Mayor, and upon satisfaction or waiver of all of the conditions precedent, the Project Sponsor shall convey the land to MOHCD. Subject to the terms of the Agreement, in the event that any conditions have not been satisfied or waived by the issuance of the First Construction Document for the Project (or such later date as agreed to by the Planning Commission in the Principal Project's condition of approval), regardless of reason, the Project Sponsor shall not be able to use land dedication to satisfy its Inclusionary Housing Program Requirements and must satisfy the requirements of the Program through another means.

Received at CPC Hearing 10/11/18
A. Butkus

Butkus, Audrey (CPC)

From: Butkus, Audrey (CPC)
Sent: Wednesday, September 12, 2018 1:47 PM
To: Robert van Ravenswaay
Subject: RE: 430 29th Ave Special Use Application

Dear Mr. Ravenswaay,

The Ordinance was sponsored by Supervisor Fewer, therefore it is not an application but rather a proposed legislative amendment. A staff report of the case which will contain the Department's recommendation to the Commission, will be published the week before the hearing. In the meantime, here is the link for all documentation on the Ordinance:

<https://sfgov.legistar.com/LegislationDetail.aspx?ID=3585887&GUID=AB721706-3CFC-47AD-A488-BA6350421A13&Options=ID|Text|&Search=180776>

The Ordinance is being proposed by the Supervisor so that a non-profit can use one of the church's buildings for its offices.

Sincerely,

Audrey Butkus

From: Robert van Ravenswaay [mailto:robvanr@gmail.com]
Sent: Wednesday, September 12, 2018 1:09 PM
To: Butkus, Audrey (CPC)
Subject: 430 29th Ave Special Use Application

Dear Ms Butkus:

Please provide me with details on the special use application for 430 29th Avenue, Case No 2018-011152PCA/MAP; Board file 180776.

A PDF of the application would be helpful., along with any correspondence from your office, such as the CEQA compliance finding and findings of consistency with the General Plan and other planning plocies referenced in your public hearing notice.

I live at 446 29th Avenue.

Sincerely,

Robert van Ravenswaay
robvanr@gmail.com

Butkus, Audrey (CPC)

From: Butkus, Audrey (CPC)
Sent: Wednesday, October 10, 2018 11:52 AM
To: Fregosi, Ian (BOS)
Subject: FW: Case Number 2018-011152PCA/MAP

From: Butkus, Audrey (CPC)
Sent: Thursday, September 27, 2018 5:07 PM
To: Aaron Rasey <raseyta@gmail.com>
Subject: RE: Case Number 2018-011152PCA/MAP

Dear Mr. Rasey,

The legislation was request by the St. Peter's Episcopal Church which owns both the subject property and the supportive housing which borders the site to the north. I believe they also go by Trinity St. Peter's Church. Currently, there are no mandated hours of operation for the office use being proposed. If you would like, I can include any of your comments or concerns into the Planning Commissioner's packets. I would need your comments no later than October 3rd in order to be included in the packets.

Sincerely,

Audrey Butkus

From: Aaron Rasey [<mailto:raseyta@gmail.com>]
Sent: Thursday, September 27, 2018 4:57 PM
To: Butkus, Audrey (CPC)
Subject: Re: Case Number 2018-011152PCA/MAP

To clarify, by "responsible" I mean owner/operator of the structure - hopefully a person and not just the church entity. Just trying to get a clearer idea of who we need to reach out to in the event of any issues.

On Thu, Sep 27, 2018 at 4:44 PM Aaron Rasey <raseyta@gmail.com> wrote:

Thanks Audrey. A few questions:

- Are there any considerations around hours of operation?
- I see in Legislative Digest (File No. 180776), notes reference the bordering parcels' usage to the north and west, but not east or south. Is that common?

"The surrounding neighborhood contains a mix of existing residential, institutional, and related uses. Of the two buildings on the site, the building facing the right-of-way currently serves as the rectory for Trinity + Saint Peter's Episcopal Church. A Child Care Facility previously occupied the rear building on the site. To the north of the site, the adjacent parcel contains a supportive housing facility for developmentally disabled adults. Presidio Middle School occupies the entire block across the street to the west of the site."

- Assuming the zoning gains approval, who is the ultimate person responsible? We've had a bit of trouble finding that out during the construction phase, as no one seems to be a real owner or accountable party for the building so far as we can tell.

Appreciate any insight.

Thanks,
Aaron

On Thu, Sep 27, 2018 at 4:15 PM Butkus, Audrey (CPC) <audrey.butkus@sfgov.org> wrote:

Dear Mr. Rasey,

This case will be heard by the Planning Commission on October 11th. The zoning map change was sponsored by Supervisor Fewer. The change would allow a back building, located in the rear yard of 430 29th Avenue, to operate as offices for non-profits. The link below will direct you to the summary of the legislation and all published documents:

<https://sfgov.legistar.com/LegislationDetail.aspx?ID=3585887&GUID=AB721706-3CFC-47AD-A488-BA6350421A13&Options=ID|Text|&Search=180776>

Please feel free to reach out if you have any additional questions.

Sincerely,

Audrey Butkus

From: Aaron Rasey [mailto:raseyta@gmail.com]
Sent: Thursday, September 27, 2018 1:30 PM
To: Butkus, Audrey (CPC)
Subject: Case Number 2018-011152PCA/MAP

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Hi Audrey -

I hope this message finds you well. I was hoping to get a bit more information on the subject case number. Let me know any further detail I can provide, thanks!

Aaron Rasey

434 29th Ave, San Francisco, CA 94121

Butkus, Audrey (CPC)

From: Butkus, Audrey (CPC)
Sent: Friday, October 05, 2018 4:54 PM
To: 'Christopher and Iris Jones'
Subject: RE: Request for information

Dear Ms. Jones,

Thank you for your patience. It's been quite a busy week. I see that you received the information from Mr. Rasy and I have received your comments and forwarded them to the Commissioners.

Sincerely,

Audrey Butkus

From: Christopher and Iris Jones <ckewinjones@yahoo.com>
Sent: Thursday, October 04, 2018 6:55 PM
To: Butkus, Audrey (CPC) <audrey.butkus@sfgov.org>
Subject: Fw: Request for information

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----- Forwarded Message -----

From: Christopher and Iris Jones <ckewinjones@yahoo.com>
To: audrey.butkus@sfgove.org <audrey.butkus@sfgove.org>
Sent: Thursday, October 4, 2018, 6:39:09 PM EDT
Subject: Request for information

Hi,

Can you provide information for the specific nature of the proposed variance for 430 29th Avenue? This is Case # 2018-011152PCA/MAP.

If approved, what changes can be expected to those living in the immediate vicinity of the building? I own the abutting house at 434 29th Avenue.

Any light you can cast on this project would be much appreciated!

Iris Jones

Butkus, Audrey (CPC)

From: Butkus, Audrey (CPC)
Sent: Wednesday, October 10, 2018 11:51 AM
To: Fregosi, Ian (BOS)
Subject: FW: Comments to Commissioners for Oct 11 CPC, Agenda Items 12a&b

From: Butkus, Audrey (CPC)
Sent: Friday, October 05, 2018 4:50 PM
To: CTYPLN - COMMISSION SECRETARY <CPC.COMMISSIONSECRETARY@sfgov.org>
Subject: Comments to Commissioners for Oct 11 CPC, Agenda Items 12a&b

From: ckewinjones <ckewinjones@yahoo.com>
Sent: Thursday, October 04, 2018 10:46 PM
To: Butkus, Audrey (CPC) <audrey.butkus@sfgov.org>
Subject: Got the info

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi,

Aaron Rasey, my tenant forwarded your emails and I was then able to see the proposed ordinance. Thank you for the information!

We do have concerns about the project as the church has not always proven to be either a responsible or responsive neighbor. From the time of the Loma Prieta Earthquake in 1989, the back building (subject of the variance) was left to the elements. The paint was peeling, most of the windows broken. Visitors speculated that "squatters" had taken over. I had extensively remodeled my house (434, next door) but it was difficult to find a tenant willing to live next to what came to be known as "the eyesore". Finally, at the end of 2017, repairs began on the building. But in the process, contractors hired by St. Peters continually gained access to the backyard of my property without asking permission, in other words, trespassing. This resulted in a series of emails between myself and the Senior Warden of St. Peters, with the final result that I gave limited permission for workers to come in to complete the project. So imagine my surprise when my tenants announced this week that workers once again had been taking over the back yard. We don't know if they climbed over a fence or crossed through the garage. They caused some damage and much concern for my tenants. When informed, the pastor did not seem to take the situation seriously! Her response was, "Oh the man who oversees the workers is out of town,"

The original 2009 variance approval resulted in attractive buildings facing the street, but a dilapidated ruin of a building hidden in the back, where only the neighbors could see. So, I fear, this organization presents an attractive and civic-minded appearance to the public, but privately only cares about its own entitlement.

I hope that there is some way of remediating this problem.

Thank you,

Iris Jones

Butkus, Audrey (CPC)

From: Butkus, Audrey (CPC)
Sent: Wednesday, October 10, 2018 11:45 AM
To: Fregosi, Ian (BOS)
Subject: FW: Case # 2018-011152 PCA/MAP, 430 29th Avenue

From: Christopher and Iris Jones <ckewinjones@yahoo.com>
Sent: Tuesday, October 09, 2018 6:42 PM
To: Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Butkus, Audrey (CPC) <audrey.butkus@sfgov.org>; Aaron Rasey <raseyta@gmail.com>; Janelle Moritz Rasey <moritzjm@gmail.com>
Subject: Case # 2018-011152 PCA/MAP, 430 29th Avenue

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi Supervisor Fewer,

My name is Iris Jones and I own 434 29th Avenue, next door to the proposed Special Use District at 430 29th Avenue. This house has been in my family since 1957, and it is where I grew up. I hope to return some day. I have some serious concerns about what this proposal could mean for the future of this neighborhood.

The Trinity/St. Peters people have demonstrated little concern or consideration for those living around them. In 2009, they received approval to move from operating a church to building housing for the developmentally disabled. Housing the disabled is a fine thing, I know as our disabled adult son lives with us. However, this variance took the use of the property one remove from its original designation as a church, to non-church affiliated housing. The new building facing the street was well-designed and very attractive and to all appearances an asset to the block. But behind that facade, unseen by anyone but the unfortunate neighbors, remained the old Parish Hall building, untouched at least since the Loma Prieta earthquake, a derelict structure with many broken windows open to the elements, paint peeling from its sides. Meanwhile, for two years my house underwent an extensive remodel. When it was time to rent it out, prospective tenants loved the interior, but lost interest as soon as they saw the building looming above our backyard. Some people speculated that it looked like squatters had moved in. Realtors and tenants called it "the eyesore". It certainly looked like that side of the building, or pieces of it, could easily fall down on our property during any decent sized earthquake. Meanwhile, Trinity/St Peters offered no explanations or apologies. Evidently the effect of this negligence on the neighbors was of no concern to them.

In 2017, Gary Seto, my realtor, told me that he had heard that the priest was going to move in and that some work would be done on the "eyesore", but for awhile I heard nothing more. Then, in late December of 2017, Aaron and Janelle Rasey, my current tenants, informed me that workers had gained access to the backyard and were working on the exterior of the building. The workmen had entered the property and put up scaffolding without permission. Then tenants were concerned for their privacy and safety (including potential asbestos). This went on for days, and instead of calling on the authorities, I contacted Patrick Anderson, Senior Warden of Trinity/St Peters. After consulting with him and my tenants, I granted one-time permission for the workers to continue to do their work there.

Imagine our surprise when this happened again two weeks ago! Contractors from Trinity/St Peters had returned to our backyard! Did they come in through the garage, or climb over the fence? We never found out. I wrote to priest Patricia Cunningham and received a breezy response. Weren't we glad that the work was being done? And, after all, the man

supervising the project was out of town. Patricia Cunningham, representing the church, seemed totally unconcerned that their contractors had been trespassing for at least a week, and made it clear that we should not be concerned either. This response reeks of entitlement and a total lack of consideration for the surrounding community.

Now they want to take that once-abandoned building and turn it into offices. Again, as before, the stated goal is as laudable and as community-minded as this organization seems not to be. My concern is: what happens in five or ten years? Will Trinity/St Peters come back once again for yet another variance? Will these social service and non profit offices once again morph into regular offices? Or something else? As the property moves farther and farther from its original character, the residential nature of the neighborhood is at risk. What was once a beloved, historic church building is being replaced with an income generating venture for the church. And it well may not end there.

Churches always need money, now more than ever as church attendance is dropping and expenses are increasing. I am very familiar with this as a lifelong church member. My husband and I were married in the SF Episcopal Diocese in 1979, and he is a Senior Elder at our church in Boston. When money runs short and a roof or foundation has to be replaced, a youth group funded, etc, committees meet and look wherever they can for sources of funding. A large property such as 430 29th Avenue, already supporting housing and offices, would be a valuable asset and an obvious target for sale.

So, I have serious questions: What legal limits can be placed on the use of this property? Can these limits be made permanent? What recourse does the community have if the owner of this property deviates from its stated mission? And even before this, who is responsible for any difficulties that arise from the use of the property? For example, when my tenants and I sought to stop the latest trespassing, both the Senior Warden and the priest (and neighbor) eschewed all responsibility.

My tenants and the other neighbors have no political clout, our voices are weak compared to that of a large community organization. And I'm just a retired teacher who depends on the rent from 434 in order to raise two little grandsons and care for our disabled son. But we have some rights, too, and I hope someone with more sway than we can listen and mitigate any dangers arising from this proposal.

Thank you,

Iris Jones
8 Cranberry Lane
Chelmsford, MA
01824

General Public Comment

San Francisco Planning Commission, October 11, 2018

Anastasia Yovanopoulos

At the October 4, 2018 CUA hearing for 3939 24th Street, the attorney for the project proponent stated the building is "designated a historic resource", and this presented an "obstacle" to adding housing to the project because a very time consuming and costly CEQA study would be required to demolish the existing structure.

Regrettably, his testimony is false, based on Planning Department documents from October 2007 when a previous owner presented a project to the community that included housing above retail. These documents conclude the project site at 3939 24th Street is not considered a historic resource:

- 1) Certificate of Determination- EXEMPTION FROM ENVIRONMENTAL REVIEW, October 19, 2007
- 2) MEMORANDUM: HISTORIC RESOURCE EVALUATION RESPONSE, August 20, 2007

We need housing in our neighborhood Commissioners. I'm dismayed you had to base your decision on inaccurate information. You may have reached a different conclusion with respect to housing above retail if you had the facts. Hopefully the project sponsor will reconsider building housing at this location.

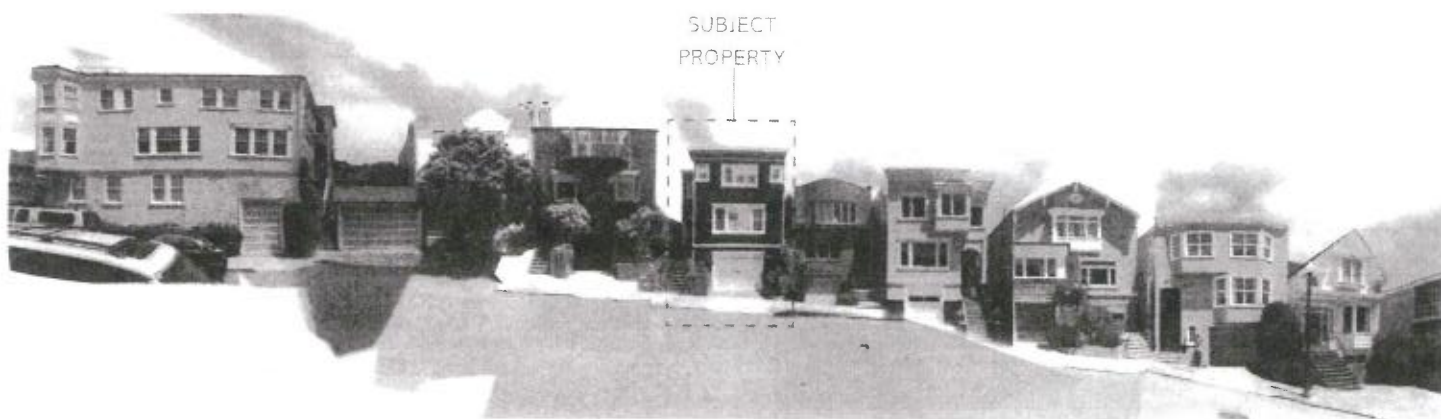
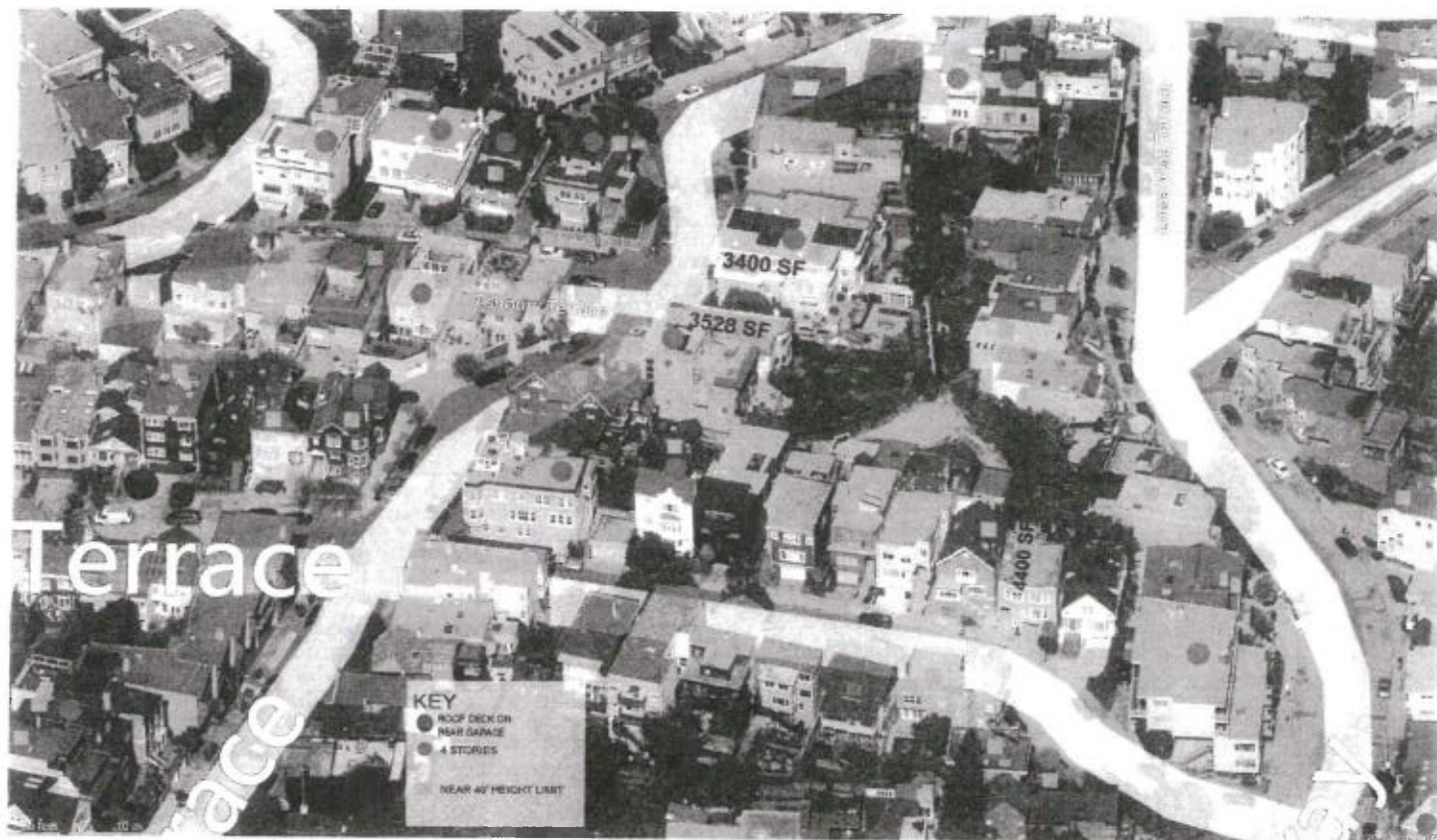
RECEIVED

OCT 11 2018

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
CPC/HPC

60

CLIFFORD
TERRACE



NORTH VIEW - CLIFFORD TERRACE



SOUTH VIEW - CLIFFORD TERRACE



Terrace

1000

KEY

- ROOF DECK ON REAR GARAGE
- 4 STORES

NEAR 40' HEIGHT LIMIT

Asbury Terrace

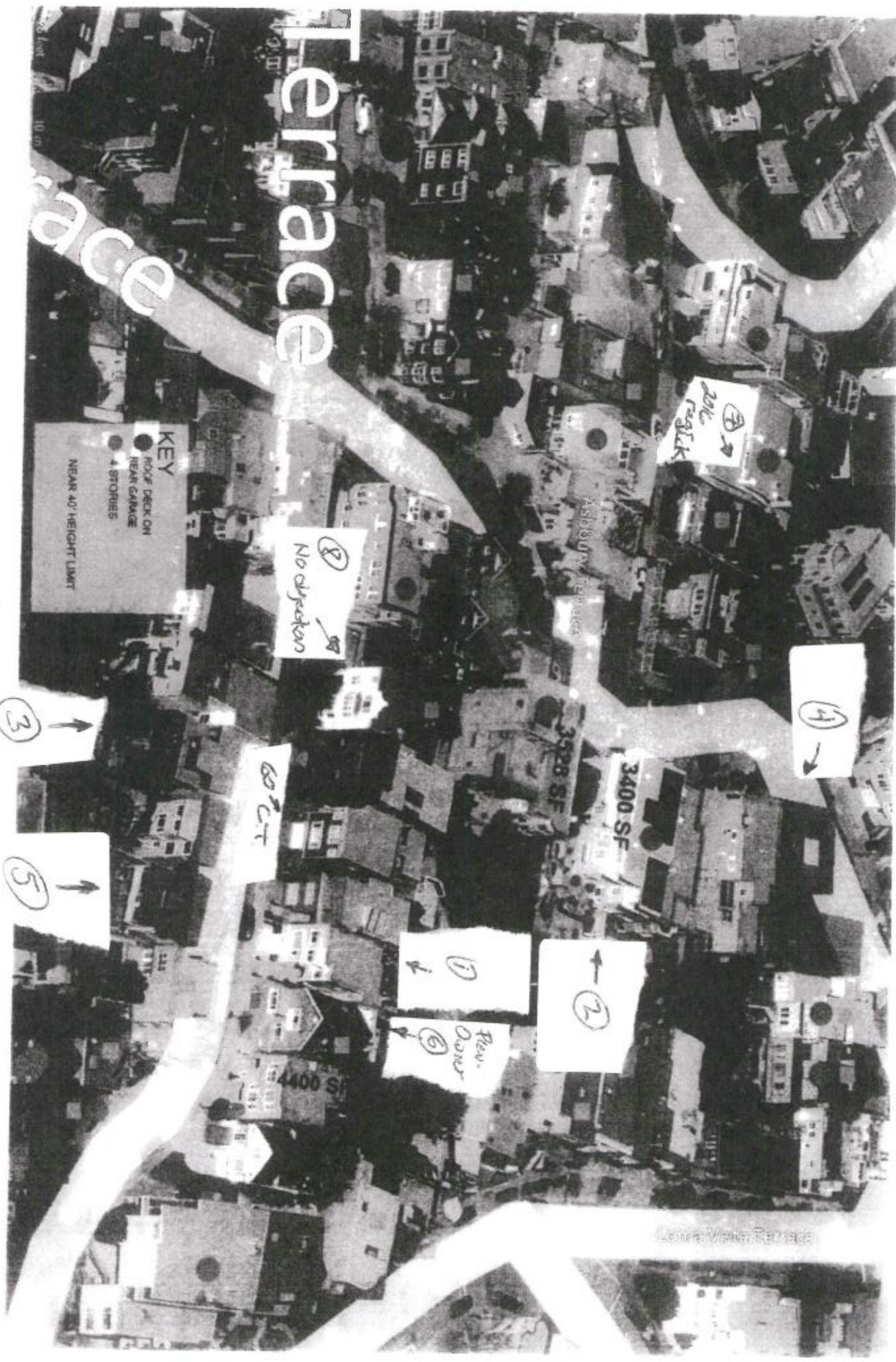
3400 SF

3928 SF

4400 SF

Long View Terrace

SUBJECT
PROPERTY



Terrace

60' Ct

KEY
● ROOF DECK ON
● REAR GARAGE
● 4 STORIES
NEAR 40' HEIGHT LIMIT

⑧
No objection

⑦
20k
1940s
1950s

①

③

60' Ct

3400 SF

3528 SF

②

①

⑥
Play - Over

⑤

4400 SF

LOOSE: VINTAGE RETAIL

SUBJECT
PROPERTY

Oct. 8, 18

Dear Planning Commissioners,

My husband and I are writing in support of the proposed project at 60 Clifford Terrace.

We live at 48 Clifford Terrace, 2 doors down from Dorian and Julie, owners of 60 Clifford Terrace and next to Liz and Tom, DR applicants.

Over 4 years ago, I was at the first neighborhood outreach meeting when Dorian and Julie presented their project. Their project seemed reasonable, given that their vertical addition seemed modest when compared to some of the homes in our neighborhood which already have 4 stories and/or reach the 40' height limit. Nevertheless, some neighbors had concerns. Dorian and Julie listened to them and have been collaborative and responsive in trying to address those concerns, for years.

The main concern from DR applicants is that of noise and privacy. We find it ironic as DR applicants totally disregarded our concerns when they built her own huge second floor deck. This deck completely overlooks our entire garden, hot tub and first story deck, and is 3 feet away from the property line and approximately 10 feet away from our hot tub.

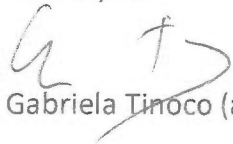
We find it hard to believe that DR applicants would object to Dorian and Julie's vertical addition given that DR applicants have asked us in writing for "unconditional" support for their vertical addition.

We have come to understand that Liz is always very aggressive in trying to negotiate the best deal for herself, threatening lawsuits when she does not get her own way. It is a shame that Liz is putting neighbors against neighbors when all of us, unlike her, have kids who go to the same schools, play in the same parks and are just trying to do what is best for our community and families.

We also want to thank the Commissioners for unanimously supporting our roof deck. DR applicants also filed a DR against us and the public hearing was held on September 27, 2018.

We ask you to grant Dorian and Julie their permit so they can improve their property and make it more comfortable for their growing family.

Thank you



Gabriela Tinoco (and Michael McGee)

October 7, 2018

Catherine Muther
153 Upper Terrace,
San Francisco, 94117

Dear Planning Commission,

I am a neighbor of the Stone family. My home has direct views of the back of their home and rear yard from multiple rooms and floor levels. It is located around the corner from the Stone family house. As context, my residence is a historical residence that I have taken responsibility for maintaining.

I support their original and revised project designs. Regarding specific features, the proposed rear façade and upward expansion appear reasonable and appropriate to me. The existing rear walkway is not an issue for me as a neighbor; and, I have no concerns about how the Stones have used their existing home and structure. I support both of these elements of their project. I have seen the revised plans for the rear-deck and related design as they have made updates. I also support the redesigned rear-deck and related back yard plan.

Additionally, in previous years, I have pre-approved plans for 50 Clifford Terrace's (the DR Sponsor) expansion of a rear balcony and garage conversion that facilitated development of their property adjacent to #60. I also signed off on extensive changes and expansion of rear decks at two levels for a neighbor property at 175 Upper Terrace (support of the DR Sponsor) that overlooks the rear side of 60 Clifford Terrace. I would hope that these neighbors would be equally supportive of the Stone family plans.

Finally, I have watched the Stone's move in and start their family at 60 Clifford Terrace over the past 6 years. In my experience over this time, the Stones have been transparent and proactive in communicating with neighbors about their project plans. The neighborhood and community benefit from having young families in the city like the Stones.

Catherine Muther

60 Clifford Terrace

1 message

Elizabeth Scott <elizabethscott08@gmail.com>
To: jeffrey.horn@sfgov.org

Wed, Oct 10, 2018 at 12:51 PM

To the Discretionary Review Committee, Planning Commission, San Francisco, CA,

We live at 57 Clifford Terrace, directly across the street from Dorian & Julie Stone. We are writing in support of the proposed facade changes due to the setback and upward expansion of their house. We understand this is a much bigger project, but the facade is the only portion of the proposed changes that have a direct impact on our property.

We purchased our home in May 2015 and were able to gain permits and complete construction allowing us to occupy the residence in summer of 2017. We moved into the neighborhood after the Stone's started their efforts to gain a permit. We found them proactive in communicating their project with us, and open and transparent in communications about their progress.

We are empathetic to the Stone family, who seem to have had a considerably more difficult and lengthy process. They have two young children, as do we, and we are hopeful that they are able to resolve any outstanding issues to enable their construction to begin and for the family to return and remain in the neighborhood.

Best,
Patrick & Elizabeth Scott
57 Clifford Terrace

4
October 4, 2018

San Francisco Planning Commission:

Rich Hillis, President
Myrna Melgar, Vice President
Rodney Fong, Commissioner
Milicent Johnson, Commissioner
Joel Koppel, Commissioner
Kathrin Moore, Commissioner
Dennis Richards, Commissioner

Re: 60 Clifford Terrace discretionary review application

On reviewing applicants' discretionary review request, it appears there have not been any evidence of "exceptional and extraordinary circumstances associated" with this proposed project to warrant discretionary review by the Planning Commission. The concerns listed appear vague and general. There does not appear to be any violation of laws or the planning code.

The Stones are making the effort to correct the work the previous homeowners did without permits as well as make the changes to accommodate their young family.

Sincerely,

Esther Marks
125 Upper Terrace
San Francisco, CA 94117

6

5
October 1, 2018

My name is Sarah Monroy and I live at 47 Clifford Terrace, diagonally across the street from 60 Clifford Terrace. My husband, Darren Platt, and I support the proposed remodel of the Stone's home at 60 Clifford Terrace, for the following reasons:

1. We are a family, like the Stones, who has tried to make a home in the Ashbury/Corona Heights neighborhood. We know how hard it is to buy a house and afford to remodel a home in this city. We think every family should have the option to make their home fit their family's needs.
2. We have seen the proposal and design for the Stone's home. We also live in a home constructed in the early 1900s and value the design and character of our neighborhood. We find their proposal in the front and back of the home appealing and reasonable.
3. We don't believe any of the changes the Stones have proposed would be unseemly for our neighborhood or out of character for the height of homes already in the vicinity. So long as their plans consider the light and privacy of their adjacent neighbors, and we believe the Stones have tried to do this, we feel going up a level would not be inappropriate.

We are more than a little surprised to be writing to you again following so closely on our last letter in support of 48 Clifford Terrace. We are not aware of the specifics of the particular disputes that lead to the current Discretionary Review but, in all honesty, we prefer not to know. The fact that yet another DR is currently involving our neighbors is distressing enough.

All of our neighbors will eventually need a remodel. Given the age of our homes, it will be sooner rather than later. If we opposed every project and every minute change/remodel that went on in our neighbor's homes, we would have no neighbors, we would only have enemies.

We reiterate our hope that a process of mediation be developed with the Planning Department and DBI which would be suited to promoting greater collaboration and resolution in situations like the current one. We need to promote and incentivize greater neighbor collaboration, rather than linger in these multiyear disputes that promote discord and distress in our neighborhoods.



Sarah Monroy & Darren Platt
47 Clifford Terrace
San Francisco, CA 94117

(6)

Thursday, October 4, 2018

To: Discretionary Review Committee

From: Mackenzie Keller and Erol Tamer
300 Cornwall Street
San Francisco, CA 94118

Re: 60 Clifford Terrace – DR – Letter of Support

We are writing a letter of support for the Stone's project at 60 Clifford Terrace. We lived at 40 Clifford Terrace when the Stones started this process.

We believe it is important to support new families that move into the neighborhood. It is often necessary to upgrade existing homes from long-standing prior owners. We support the Stone's effort in doing this.

We have seen their proposal, and we like the design and layout – including keeping the original back deck and walkway. We believe the Stone's remodel plans are reasonable and fit with the neighborhood.

The Stone's communication regarding this process has been open and collaborative. They engaged us as well as others in the neighborhood in a collaborative, positive and productive manner. The Stones have been positive members of the community.

Finally, the actions taken by other neighbors during this process have been disheartening. We know the Stones have had to endure a lot of pain due to the dynamics and challenges inflicted by certain neighbors using city departments and processes.

In conclusion, we fully support the Stone's efforts and we believe their remodel would make a positive addition to the neighborhood.

Kind regards,

Mackenzie Keller and Erol Tamer

(6)

7
October 7, 2018

To: Discretionary Review Committee

From: Ann and Chris Baker, 80 Ashbury Terrace, San Francisco

Re: 60 Clifford Terrace - DR - Letter of Support

To Whom It May Concern,

We live at 80 Ashbury Terrace. We have been at this address for 4.5 years and in this neighborhood for over 10 years. We are writing a letter of support for the Stone's project at 60 Clifford Terrace.

Like the Stones, we are a family with two young children. We wholeheartedly believe that it is important to ensure that families like the Stones are able to stay in the neighborhood. This process of keeping families with children in San Francisco should be made easier by the city, not harder. By endorsing the Stone's project the city would be supporting families living and working in San Francisco.

We have seen the Stone's proposal. We like the design and think that it enhances and aligns the character of the neighborhood. Their proposal seems modest and very reasonable.

We recently completed a project on our home that shares characteristics with the Stone's project in regards to the back walkway and deck over a separate garage. Our plans are attached.

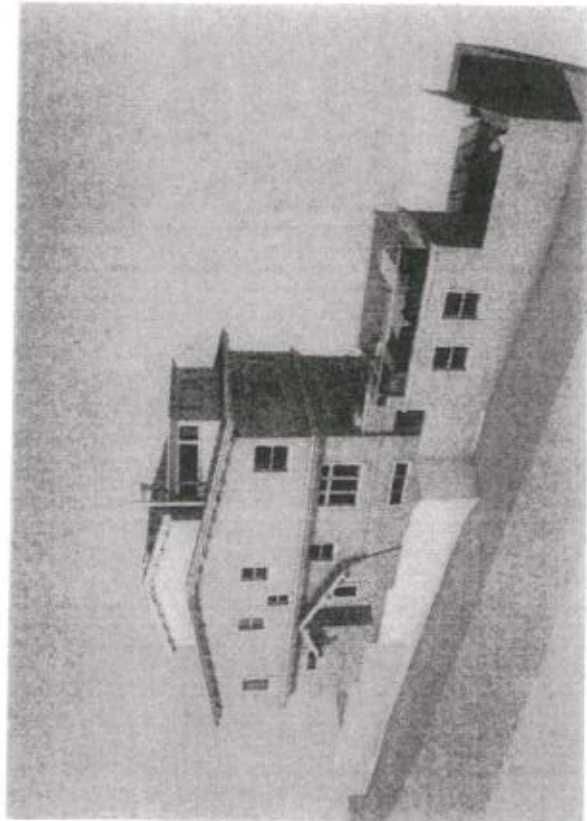
We submitted our plans to the city in early Fall of 2015, received approval in early summer of 2016, began construction in late summer of 2016 and completed the project in the spring of 2017. Our neighbors were nothing but supportive throughout the process. We have been surprised at the different experience the Stones have had to protect and existing feature of their home when we were able to built the same feature new, without resistance from any neighbor nor the city.

Please do not hesitate to reach out to us with any questions regarding our experience or the Stone's project and we thank you for your consideration.

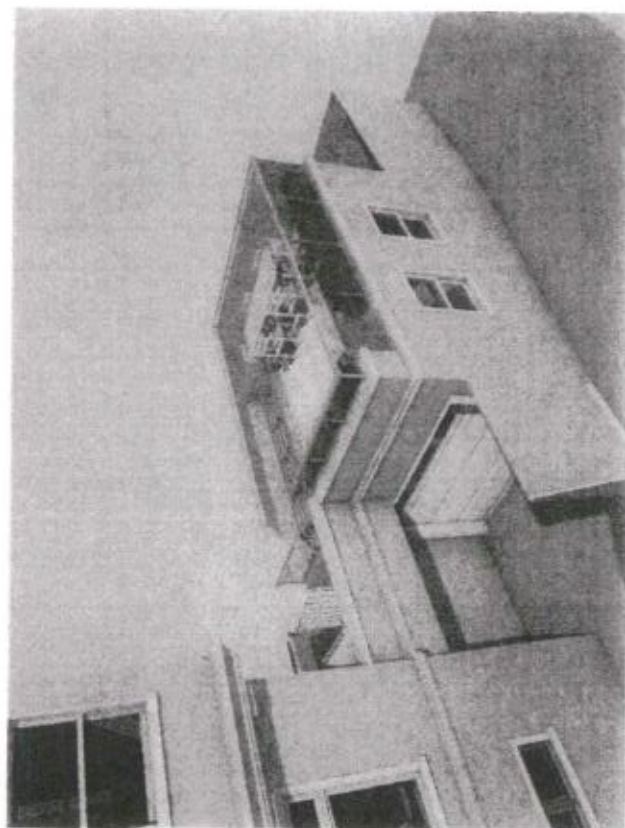
Sincerely,

Ann and Chris Baker

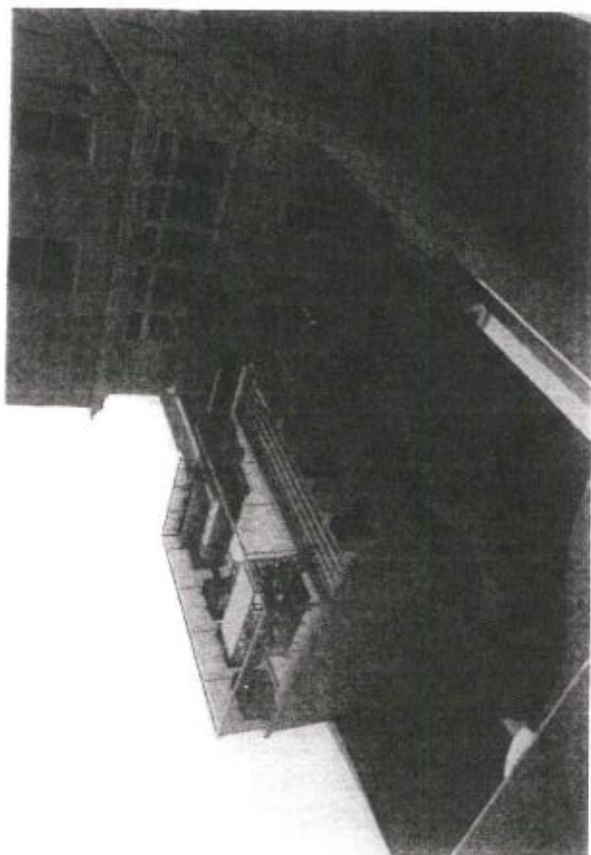
7



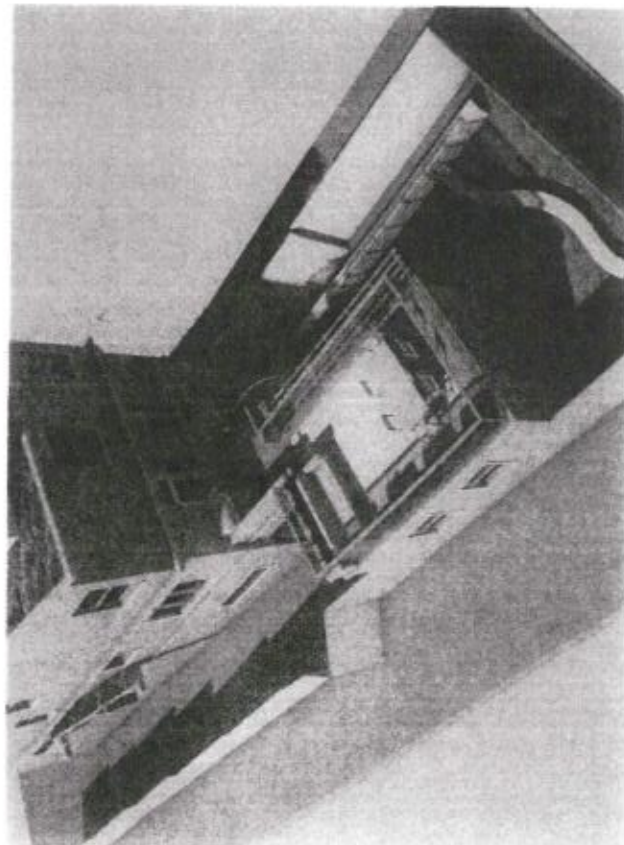
2 EAST BIRD'S EYE
SCALE 1:18.48



4 FRONT ROOF DECK
SCALE 1:10.61



1 REAR ROOF DECK & STAIR
SCALE 1:10.11



3 ROOF DECK AERIAL
SCALE 1:10.11

Variance

Peggy and Tim Brown <timpeggybrown@sbcglobal.net>

Wed, Apr 6, 2016 at 8:41 PM

To: Dorian and Julie Stone <stonesrockhere@gmail.com>, Lizbeth Gordon <liz@lizbethgordon.com>

Dear Neighbors,

After careful reflection, we have decided that we have no opinion regarding the Notice of Violation regarding the Stones' backyard walkway and garage-top deck and have no opinion regarding the Stones' request for a variance respecting the same and shall therefore stay neutral on this subject. We shall not attend the Stones' neighborhood meeting on April 7 and do not intend to become involved in this controversy.

With best regards to all,

Tim and Peggy Brown

9

Oct. 5, '18

To: Discretionary Review Committee

From: Marlene Burt and Scott Frieze

Re: 60 Clifford Terrace – DR – Letter of Support

We live at 916 Ashbury St. in San Francisco, CA. We have been in the neighborhood for four years. We are writing a letter of support for the Stone's project at 60 Clifford Terrace.

We are a family, like the Stone's, that has tried to make a home in the Cole Valley and Ashbury Heights neighborhood. We think the city should help families like the Stone's make it easier to stay in the neighborhood.

We have seen the proposal and design. And, we also live in a home constructed in the early 1900's and value the design and character of the neighborhood. We find their proposal in the front and back of the home appealing and reasonable. We support it.

I know how hard it is for those of us – like Julie Stone that work as a nurse at the UCSF hospital - to make a home in San Francisco. I have been dismayed at the additional hardship that Julie and her husband have had to go through in this process to make their home their own.

It is frustrating to see Julie have to take so much energy away from raising her children and taking care of others at the hospital to deal with these processes.

Thank you for your attention to this matter,



Marlene Burt

9

To: Discretionary Review Committee, Planning Commission, San Francisco, CA

From: Dan Ewing and Alison Ludwig

Re: 60 Clifford Terrace – DR – Letter of Support

We lived at 1306 Cole Street, in Cole Valley, when the Stone's started their design and permitting process. We are writing a letter of support for the Stone's project at 60 Clifford Terrace.

We think the proposed expansion is well thought out and attractive. We believed it fit with the broader neighborhood when we lived there, and we still believe the design fits well today. We support the design.

And, we know that Dorian and Julie are the type of family that we valued having in the neighborhood. For example, Julie spends time on the Volunteer Board for the neighborhood's Randall Museum; and Dorian has actively participated in the non-profit, Tipping Point for years. The City should help them make a home here.

Finally, the dynamics that the Stone's have endured seem unreasonable.

Since we purchased our current home in Noe Valley as well as when we lived in Cole Valley. We had multiple childrens' parties and get togethers with no complaints from neighbors – much less complaints or actions taken in response to how we use our home. And, we/our neighbors have had less privacy than the Stone's and their neighbors (e.g., decks along property lines, visibility into adjacent homes, neighboring windows adjacent to each other, etc.).

We believe that all neighbors in the city should accept our close quarters and celebrate how families make the most of being in the city and making a home here.

Thank you.



10/5/18

10

(11)
October 5, 2018

Planning Commissioners,

I am writing in regards to the hearing related to work proposed for 60 Clifford Terrace. As a San Francisco homeowner and friend of Julie Stone. I would like to submit a statement in support of her project. Julie and Dorian made every effort to take into account the feedback from their neighbors while considering the proposed renovations to their home. They are seeking to increase the space in their home to accommodate a growing family with no intent to harm their neighbors or negatively affect the spirit of the area. The purchase of their home on Clifford Terrace marked a significant financial and emotional investment, as it does for many families hoping to remain in this city.

Individual families in the city of San Francisco stand at a high risk of being victimized, harassed, and negatively impacted by aggressive developers, attorneys or other self interested parties. It is even harder when those individuals have education, access, and insight into the inner workings of the Planning Commission and the Building Department. How is a family supposed to bear the financial and emotional stress placed upon them when they are being lobbied with continual complaints that require them to seek legal counsel, attend hearings during normal working hours, pay others to care for their children while attending such hearings and somehow stay on top of the confusing and convoluted process while living, working, and raising a family? I know first hand how incredibly stressful it can be to be victimized by someone with intimate knowledge of the system. Having been victimized ourselves by an unethical developer my husband and I have had to expend literally hundreds of hours and thousands of our hard earned dollars to protect ourselves from further property damage and financial losses. City offices such as the planning commission and the building department exist for the purposes of protecting those of us who do not possess the knowledge of real estate attorneys, contractors or developers. These parties are at the department of building inspection on an almost daily basis. They stand to lose nothing by repeatedly filing complaints, abusing the systems flaws, and creating stressful situations for others.

Please ask yourselves why the complainant is objecting to the existence of elements at 60 Clifford Terrace that have been there somewhere between 30 and 60 years? If these elements were so objectionable why did it take the neighbor 12 years before objecting to them? Removal of these elements serves only to further financially damage Julie and Dorian Stone. The Stone family has been placed under continual stress by this situation. They were advised not to allow their children to play in their yard and were discouraged from sitting outside during reasonable hours of the day or evening for fear of further unnecessary complaints. This type of harassment of families serves only to worsen the city's reputation as not family friendly. Families are the foundation of communities and are heavily invested in fostering strong community ties to local schools, businesses and local governments. We need the city officials to stand up to those that would abuse the system for selfish gains and support those who are seeking to grow their families and call San Francisco their home.

I have chosen to submit this letter anonymously for fear of retribution.

Thank you for your time,

Concerned San Francisco Homeowner

(17)

12
Discretionary Review Committee
Planning Commission
San Francisco, CA

October 11, 2018

Re: 60 Clifford Terrace – DR – Letter of Support

To whom it may concern:

We lived at 585 Buena Vista Avenue West, adjacent to Buena Vista Park, when the Stone's started their design and permitting process. We still live in the city today. We are writing a letter of support for the Stone's project at 60 Clifford Terrace.

We think the proposed expansion is well thought out and attractive. We believed it fit with our neighborhood when we lived there, and we still believe the design fits well today. We support the design.

We also know the Stone's have proactively thought through multiple design elements to minimize impact to neighbors and try to use the project to enhance the quality of the neighborhood. We also found them open in sharing their plans with us during the process.

And, we have found the Stone's to be dedicated to the improvement of the neighborhood and the city and think they are the type of families that we need to keep in the city. For example, Julie is on the Volunteer Board for the neighborhood's Randall Museum; Dorian actively participates in the non-profit, Tipping Point. The City should help them make a home here.

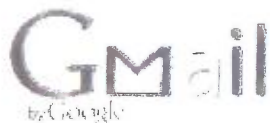
Finally, the project and related dynamics the Stone's have endured seem unreasonable. In part, we decided the neighborhood would be hard for us to stay in long-term if these were the types of burdens a family would have to deal with in advancing a project. We supported our immediate neighbors in a much more significant renovation and believe neighbors should try to help each other build the homes they desire whenever possible. The strain on the Stone's has been hard to watch.

We cannot imagine having to had go through an experience like the Stone's as a young family trying to make a home in the city.

Thank you.

Harper Matheson & Robert Schiff

12



Karen Curtiss <kcurtiss@reddotstudio.com>

Fwd: From Next door 2

1 message

Family Stone <stonesrockhere@gmail.com>
 To: Karen Curtiss <kcurtiss@reddotstudio.com>

Thu, Jul 30, 2015 at 8:14 PM

Begin forwarded message:

From: Family Stone <stonesrockhere@gmail.com>
Subject: From Next door
Date: June 25, 2015 at 8:36:51 PM PDT
To: Karen Curtiss <kcurtiss@reddotstudio.com>
Cc: Dorian Stone <dorian@medallia.com>

Project at 60 Clifford Terrace

11 Jun 13

Julie Stone from Mt. Olympus

We just wanted to post a follow up to our session on June 6th (at 60 Clifford Terrace). We had six people show up (and two more families that let us know that they could not make it, but would like to follow up). We just wanted to say thanks to those that took time to be there. This was the first session...an informal one, but we found it very helpful to make sure our plans are optimized as best possible.

A brief synopsis for those that did not make it, but want to know what is going on:

We are in the fact-finding stages of a remodel that would shift our footprint a little (ie, fill in lightwells) and add a bedroom (vertical addition)

We did not review drawings or specifics - but overviewed what we are thinking, as well as shared a few neighborhood maps on the location of homes of similar height, etc.

We spent most of the time listening to concerns and ideas, which were all helpful. They included: 1. Consider how the side facade looks driving up Clifford Terrace from Roosevelt; 2. Review and where possible mitigate impact to adjacent views from uphill on Clifford Terrace; 3. Keep the overall height and bulk minimal from the street, so it does not appear overly tall on the block; and 4. Maintain the facade consistency (ie, avoid a 'box on top')

We will have another session in the coming weeks and will invite this group to attend that session as well

Please feel free to reach out with any questions. Our email is stonesrockhere@gmail.com.

September 16, 2015

To Whom It May Concern:

As the former owners of 50 Clifford Terrace, we were told when putting in our single-car garage that excavation would be limited due to stability and drainage issues with adjacent properties. Thus, instead of a double garage we were limited to a single car garage. We also were aware that excavation by others uphill of our property encounter several underground springs. Indeed the property on 60 Clifford Terrace appeared to have ongoing issues with these springs that required extensive engineering and retrofits of their first floor garage. I suspect that these issues could become quite severe with the El Nino and heavy rains predicted to occur this winter. Drainage in that area of Ashbury Heights can be problematic with heavy rains, and when we lived there, this was certainly our experience.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Holly', followed by a long, sweeping horizontal line.

Holly A. Ingraham and David J. Julius

Cc: Patrick Buscovich; Thomas Madill

Subject: Re: Request for Meeting: 60 Clifford Terrace

Jeff:

Thank you for getting back to us. I apologize but I need until next week to substantively respond to you on the proposed hearing dates, and otherwise. At this time, those hearing dates do not work for us (we have conflicts), but we should know by next week if we can adjust to remove the conflicts.

Does it work for you to hear further from me on this matter next week?

Otherwise, have a nice 4th of July,

Liz (and Tom)

On Jun 29, 2018, at 6:20 PM, Horn, Jeffrey (CPC) <jeffrey.horn@sfgov.org> wrote:

Hi Liz,

Planning finds no reason to add an additional permit to this project, the scope of work is already included on an active permit that has been filed. The last meeting we had, at the request of Patrick, was wholly unproductive, and I do not see a reason to put either party through that again. This issue needs to be acted upon by the decision makers, which is the Planning Commission.

To achieve an expeditious resolution to this issue, please confirm that you are available for a DR hearing on either September 13th or 20th, which are currently the next available Commission dates.

Thank you,

Jeff Horn, Senior Planner

Southwest Team, Current Planning Division

San Francisco Planning Department

1650 Mission Street, Suite 400, San Francisco, CA 94103

Direct: 415-575-6925 | **Email:** jeffrey.horn@sfgov.org

www.sfplanning.org | San Francisco Property Information Map

Fwd: 60 Clifford Terrace

1 message

StonesRock <stonesrockhere@gmail.com>

Wed, Oct 10, 2018 at 1:41 PM

To: Dorian Stone <dorianrstone@gmail.com>

Sent from my iPhone

Begin forwarded message:

From: Esther Marks <esthermk@pacbell.net>
Date: March 30, 2016 at 2:51:42 PM PDT
To: Family Stone <stonesrockhere@gmail.com>
Subject: Fwd: RE: 60 Clifford Terrace

Received below email from Pat this afternoon.

----- Forwarded Message -----

Subject: RE: 60 Clifford Terrace
Date: Wed, 30 Mar 2016 11:38:33 -0700
From: Pat Montague
To: Esther Marks

Hi, Esther

Always great to hear from you and hope you had a nice Easter weekend too. Thanks again for forwarding the letter that got misdirected by the city about my tenant's desire to do short term sublet.

This is interesting that a deck and walkway that are over a half century old are suddenly coming up. And I am saddened that the new owners are being legally harassed about it.

I don't have much in the way of memories about the projects in the back since it was all handled by my late husband. He was the initiator and driver of the various projects in back of the house and did not seek my input or help, nor did he share details about its administration. Wisely, he did not trust me with a hammer and a saw and felt my tool using skills were probably better confined to the kitchen. Morgan was also responsible for the record keeping on the house. Building things (like the many businesses he started) was his forte, not mine. Furthermore, I was involved with our newly adopted infant daughter, running the household, doing the bookkeeping and ordering for the restaurant, and volunteering at JACKIE and Tiger's elementary school. All our neighbors at the time have been long gone and have probably passed away. To the best of my knowledge not a single person ever complained about the deck and some made use of it to trim hedges, get sight lines for their remodels, or show their friends the view.

I think the important thing to take away here is that Morgan over a number of years had many projects, both inside and outside of the house, to improve its livability and comfort. This should not be seen as one giant project that resulted in the deck and walkway, but as an ongoing landscaping, improvements, and repairs.

7
October 7, 2018

To: Discretionary Review Committee

From: Ann and Chris Baker, 80 Ashbury Terrace, San Francisco

Re: 60 Clifford Terrace - DR - Letter of Support

To Whom It May Concern:

We live at 80 Ashbury Terrace. We have been at this address for 4.5 years and in this neighborhood for over 10 years. We are writing a letter of support for the Stone's project at 60 Clifford Terrace.

Like the Stones, we are a family with two young children. We wholeheartedly believe that it is important to ensure that families like the Stones are able to stay in the neighborhood. This process of keeping families with children in San Francisco should be made easier by the city, not harder. By endorsing the Stone's project the city would be supporting families living and working in San Francisco.

We have seen the Stone's proposal. We like the design and think that it enhances and aligns the character of the neighborhood. Their proposal seems modest and very reasonable.

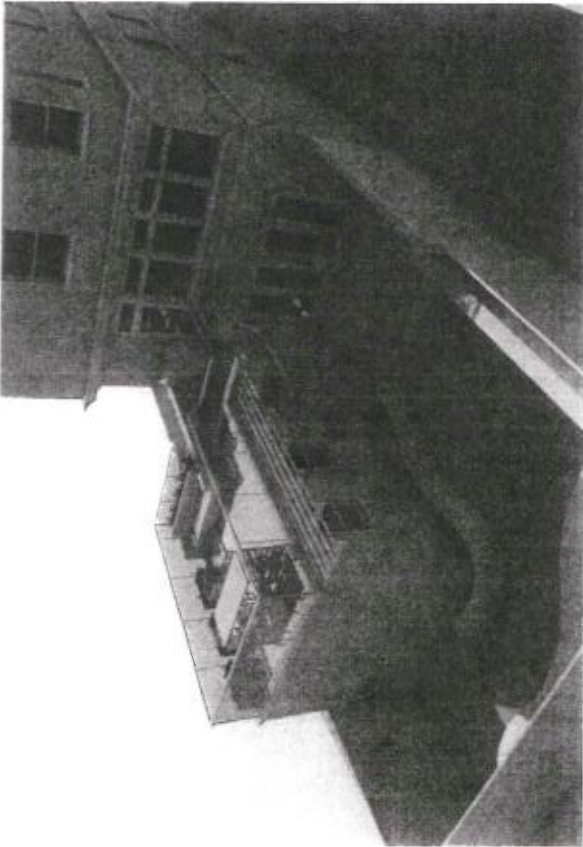
We recently completed a project on our home that shares characteristics with the Stone's project in regards to the back walkway and deck over a separate garage. Our plans are attached.

We submitted our plans to the city in early Fall of 2015, received approval in early summer of 2016, began construction in late summer of 2016 and completed the project in the spring of 2017. Our neighbors were nothing but supportive throughout the process. We have been surprised at the different experience the Stones have had to protect and existing feature of their home when we were able to built the same feature new, without resistance from any neighbor nor the city.

Please do not hesitate to reach out to us with any questions regarding our experience or the Stone's project and we thank you for your consideration.

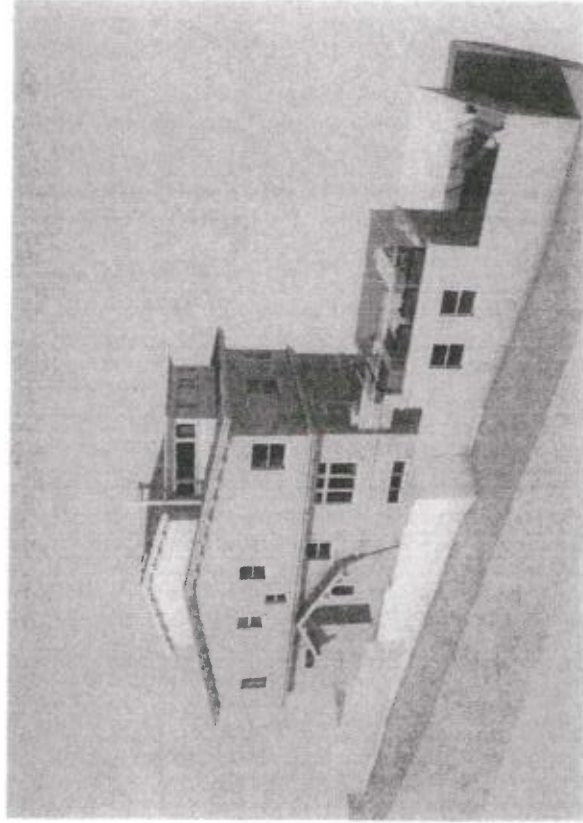
Sincerely
Ann and Chris Baker

7



1 REAR ROOF DECK & STAIR

SCALE 1/8" = 1'-0"



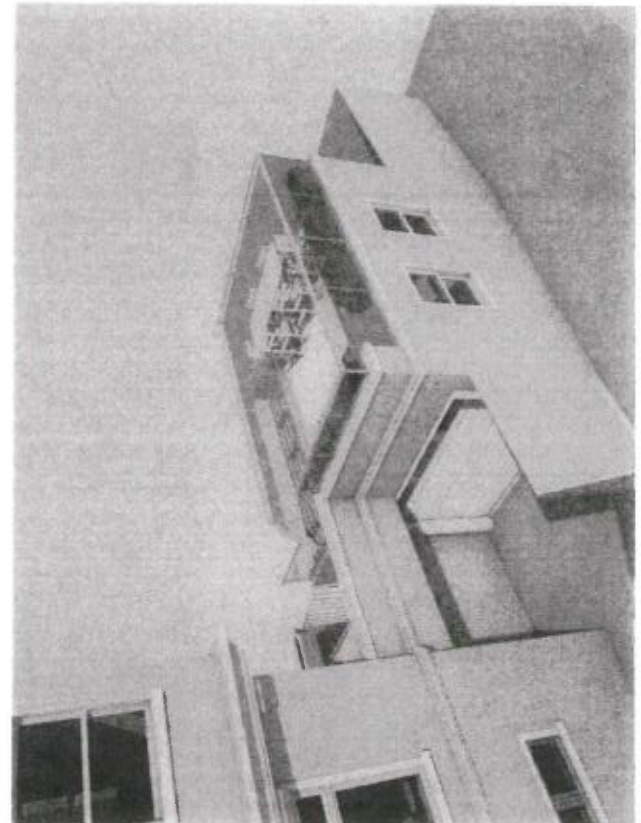
3 EAST BIRD'S EYE

SCALE 1/8" = 1'-0"



2 ROOF DECK AERIAL

SCALE 1/8" = 1'-0"



4 FRONT ROOF DECK

SCALE 1/8" = 1'-0"

7/20

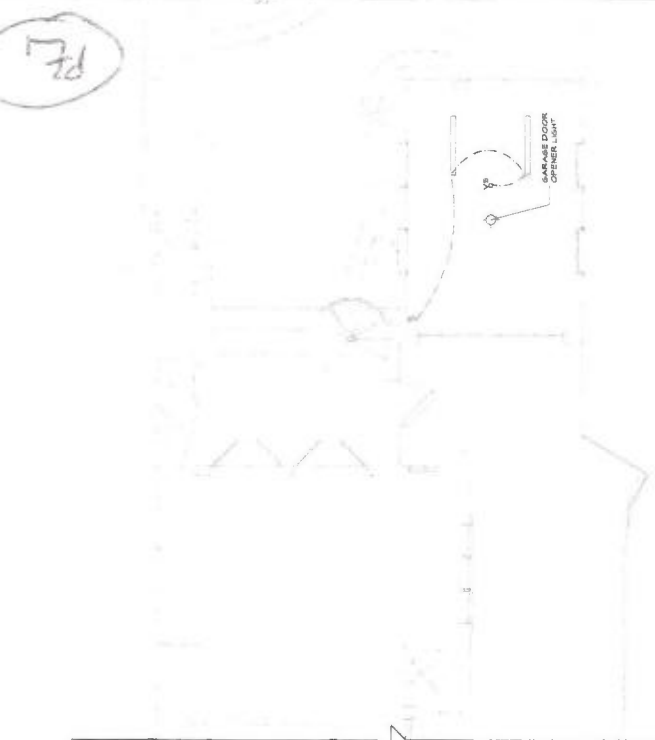
7/20



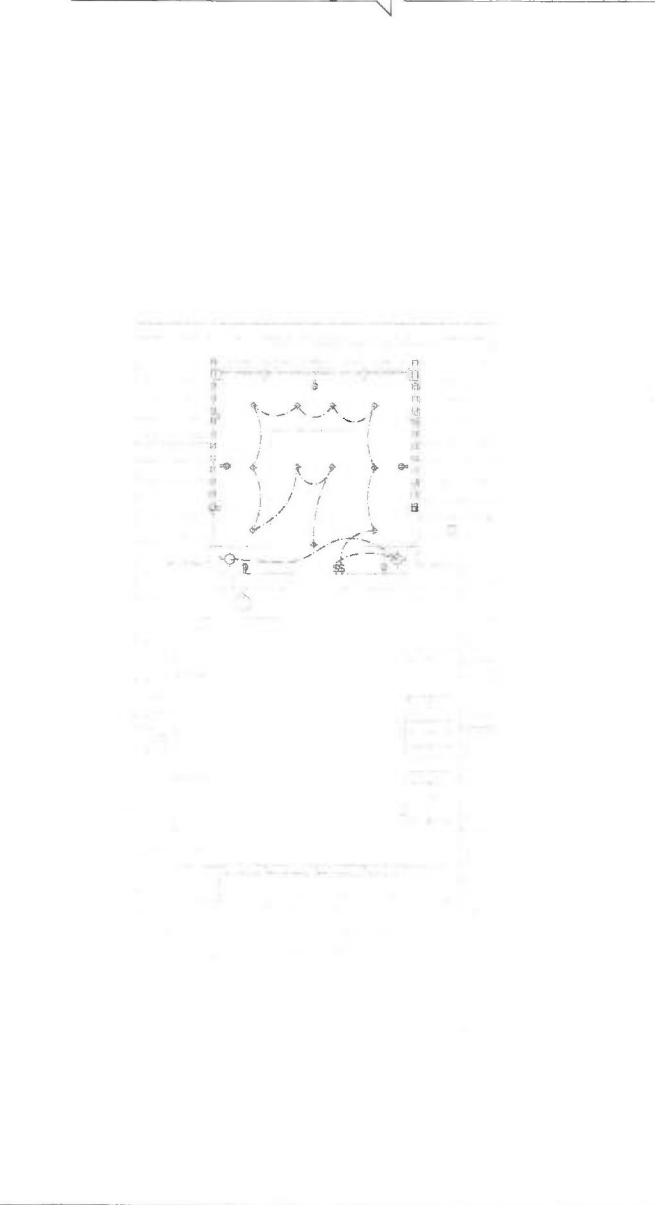
131

12

REV	DATE	BY	CHK	APP
1	10/1/10	10/1/10	10/1/10	10/1/10
2	10/1/10	10/1/10	10/1/10	10/1/10
3	10/1/10	10/1/10	10/1/10	10/1/10
4	10/1/10	10/1/10	10/1/10	10/1/10
5	10/1/10	10/1/10	10/1/10	10/1/10
6	10/1/10	10/1/10	10/1/10	10/1/10
7	10/1/10	10/1/10	10/1/10	10/1/10
8	10/1/10	10/1/10	10/1/10	10/1/10
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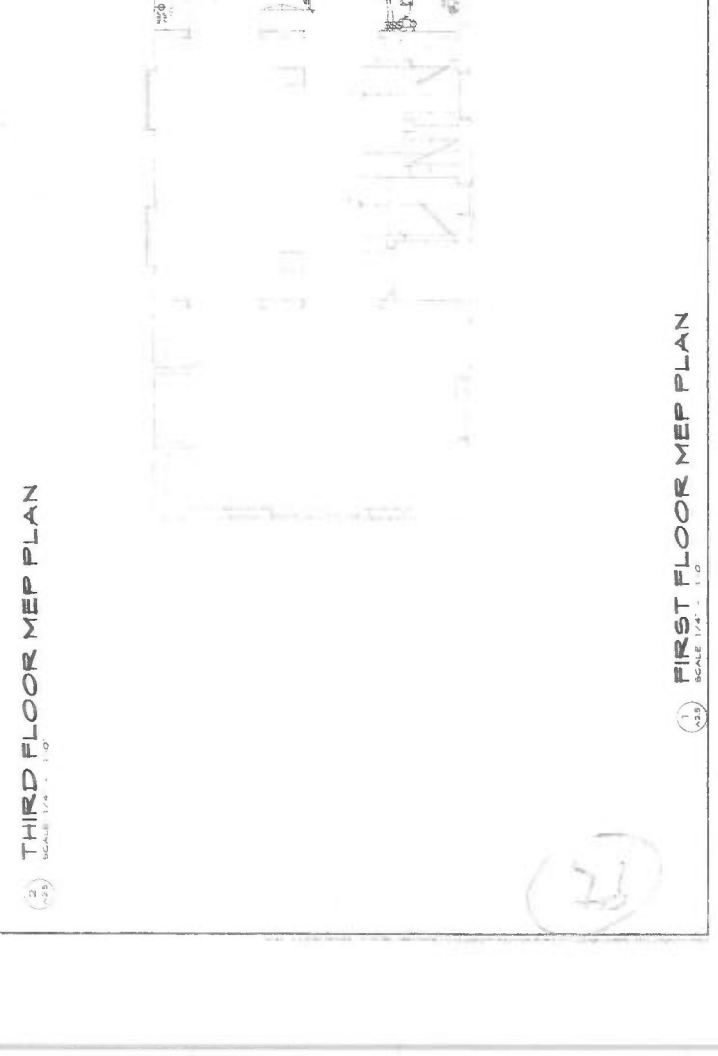
1 FIRST FLOOR MEP PLAN
SCALE 1/4" = 1'-0"



2 SECOND FLOOR MEP PLAN
SCALE 1/4" = 1'-0"



3 THIRD FLOOR MEP PLAN
SCALE 1/4" = 1'-0"



4 GARAGE MEP PLAN
SCALE 1/4" = 1'-0"

The Commission Discretionary Review Hearing Procedures provide for presentations by staff; followed by the DR requestor team; followed by public comment opposed to the project; followed by the project sponsor team; followed by public comment in support of the project. Please be advised that the DR requestor and project sponsor teams include: the DR requestor and sponsor or their designee, lawyers, architects, engineers, expeditors, and/or other advisors.

24. 2017-003846DRP (D. WINSLOW: (415) 575-9159)
765 VERMONT STREET – between 19th and 20th Streets; Lot 011B in Assessor's Block 4074 (District 10) - Request for **Discretionary Review** of Building Permit Application No. 2017.0307.0825, for construction of a 962 sq. ft. vertical addition, set back 12' from the front façade, and roof deck over an existing 2-story single-family home within a RH-2 (Residential, House, Two-Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).
Preliminary Recommendation: Do Not Take Discretionary Review and Approve

SPEAKERS: None
 ACTION: Withdrawn

21. 2017-008396DRP-02 (C. MAY: (415) 575-9087)
2515 BROADWAY – south side of Broadway between Scott and Pierce Streets; Lot 017 in Assessor's Block 0584 (District 2) - Request for **Discretionary Review** of Building Permit Application No. 2017.06.26.0318, for the construction of a two-story horizontal rear addition to the existing single-family dwelling within a RH-1 (Residential, House, One-Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).
Preliminary Recommendation: Do Not Take Discretionary Review and Approve

SPEAKERS: = Elizabeth Jonckheer – Staff report
 - Jerome Suich – DR Presentation
 - Frances Rothschild – DR Presentation
 + Jeffrey Eade – Project presentation
 + Speaker – Project presentation
 ACTION: Took DR and approved without the third window on the ground level.
 AYES: Fong, Hillis, Johnson, Koppel, Melgar, Moore, Richards
 DRA: 0612

22. 2017-006815DRP (D. WINSLOW: (415) 575-9159)
48 CLIFFORD TERRACE – between Roosevelt Way and Upper Terrace; Lot 019 in Assessor's Block 2618 (District 8) - Request for **Discretionary Review** of Building Permit Application No. 2017.0523.7451, for construction of a 491 sq. ft. roof deck on an existing 3-story, single-family residence at 48 Clifford Terrace within a RH-2 (Residential, House, Two-Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).
Preliminary Recommendation: Do Not Take Discretionary Review and Approve

APPLICATION FOR Variance from the Planning Code

1 Owner/Applicant Information

PROPERTY OWNER'S NAME: LIZ GORDON & TOM MADILL	
PROPERTY OWNER'S ADDRESS: 50 CLIFFORD TERRACE	TELEPHONE: (415) 681. 7301 EMAIL: liz@lizbethgordon.com
APPLICANT'S NAME: LIZ GORDON	
APPLICANT'S ADDRESS: same as above	TELEPHONE: () EMAIL: Same as Above <input checked="" type="checkbox"/>
CONTACT FOR PROJECT INFORMATION: TOM MCELROY	
ADDRESS: 854A 14TH ST SAN FRANCISCO, CA 94114	TELEPHONE: (415) 829 3945 EMAIL: tom@mcelroyarch.com Same as Above <input type="checkbox"/>

2. Location and Classification

STREET ADDRESS OF PROJECT: 50 CLIFFORD TERRACE		ZIP CODE: 94117		
CROSS STREETS: UPPER TERRACE, ROOSEVELT WAY				
ASSESSORS BLOCK/LOT: 2618A 120	LOT DIMENSIONS: 27'x84'	LOT AREA (SQ FT): 2,187	ZONING DISTRICT: RH-2	HEIGHT/BULK DISTRICT: 40x

3 Project Description

(Please check all that apply) <input type="checkbox"/> Change of Use. <input type="checkbox"/> Change of Hours <input type="checkbox"/> New Construction <input checked="" type="checkbox"/> Alterations <input type="checkbox"/> Demolition <input type="checkbox"/> Other Please clarify:	ADDITIONS TO BUILDING: <input checked="" type="checkbox"/> Rear <input type="checkbox"/> Front <input type="checkbox"/> Height <input type="checkbox"/> Side Yard	PRESENT OR PREVIOUS USE: SINGLE FAMILY
		PROPOSED USE: SINGLE FAMILY
		BUILDING APPLICATION PERMIT NO.: 201107140213
		DATE FILED: 7.14.11

50 Clifford Terrace Variance Application
Block 2618A Lot 20
August 1, 2011

Variance Findings

1. That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district;
 - The existing lot depth at 82' results in a smaller than code-required minimum lot size in an RH-2 zone. The subject building is set in from both side property lines and has a significant 14' front setback which is approximately twice that of surrounding buildings. Due to these conditions the subject building footprint and square footage are comparatively small in relation to other buildings in its context. Neighboring buildings in the area have outdoor decks accessible from their main living spaces with broad views. The adjacent building to the east is built out completely to the rear property line at the first floor and within 8' of the rear property line at upper stories, creating a solid wall along the subject building's side property line and reducing views in the direction.
2. That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;
 - The recessed location of the building on the short lot within the 45% setback puts the proposed deck addition into the minimum code required 25% rear yard setback. Enforcement of the code would prevent any development or addition at the rear of the subject building.
3. That such variance is necessary for the preservation and enjoyment of a substantial subject property, possessed by other property in the same class of district;
 - While the pattern of the adjacent buildings is to extend beyond the 45% setback line, they all have living spaces with direct access to exterior decks which extend the usable building area from which to enjoy the outdoors. The living spaces are on the top floor of the subject building which currently does not have an outdoor deck off of it. The rear of the subject building is the best location for the deck for reasons similar to the adjacent buildings: to expand usable living space, for direct access from the kitchen for outdoor cooking and otherwise, direct relationship to the rear yard, privacy at the back of the lot and to enjoy downtown city views. Surrounding buildings do not have decks at the front of the lot, which would impact the street façade and existing setback.
4. That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity; and
 - Granting of the variance will not be detrimental to the public welfare as it's not visible from a public right of way. The variance will not be injurious to property in the vicinity: the proposed deck is pulled in from both side property lines to avoid a solid fire wall and transparent materials are to be used to minimize massing. The proposed deck will not be located directly next to or on the same level as the adjacent properties' decks. The adjacent building to the west has decks on multiple levels including one approximately 19' long that connects to a roof deck rear yard structure which is well and clear beyond the proposed deck of the subject building. The proposed deck's outer edge will stop where the adjacent building's deck begins to preserve privacy and not extend beyond the three-story solid wall of the adjacent building to the east.
5. That the granting of such variance will be in harmony with the general purpose and intent of this Code

and will not adversely affect the Master Plan.

- The variance will be in harmony with the intent of the code by allowing the property owners to expand their usable space with an outdoor deck accessed directly from the interior living level. This expansion will provide enjoyment of the outdoors and views, which properties in the area already have. The proposed deck is sensitive to adjacent buildings and thus will not adversely affect the Master Plan.

Priority General Plan Policies Findings

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

- This variance does not involve a retail use.

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

- The variance involves a rear yard deck, which is not visible from the street; no modifications are proposed for the front and areas visible to the public. The proposal is consistent with similar properties in the neighborhood.

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

- The proposal does not involve affordable housing.

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

- The proposal will not impede transit service; no increase in density or parking is proposed.

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

- The proposal does not involve commercial office development.

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

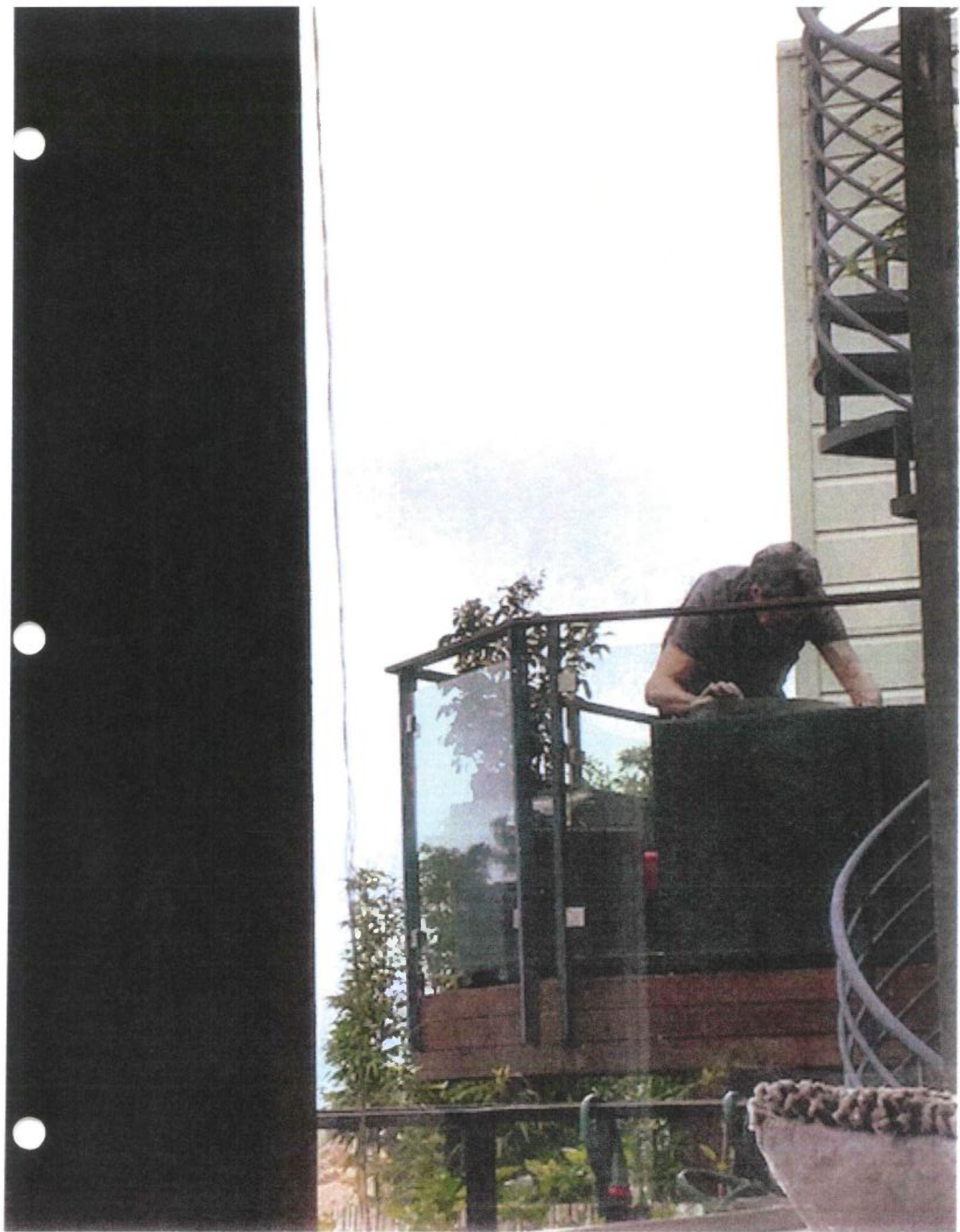
- The proposed deck will be structurally engineered in accordance with all current seismic codes and requirements.

7. That landmarks and historic buildings be preserved; and

- The proposal does not involve a landmark or historic building.

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

- The proposed deck addition to the subject building does not border a park or public space.











Karen Curtiss <kcurtiss@reddotstudio.com>

Fwd: House Project at 60 Clifford

1 message

Karen Curtiss <kcurtiss@reddotstudio.com>
To: Karen Curtiss <kcurtiss@reddotstudio.com>

Tue, Jul 7, 2015 at 12:00 AM

From: "Lizbeth Gordon" <liz@lizbethgordon.com>
Date: August 6, 2013 1:40:45 PM PDT
To: "Julie Keller" <dancingjewel@mac.com>, "Dorian Stone" <Dorian_Stone@mckinsey.com>, "Karen Curtiss" <kcurtiss@reddotstudio.com>
Cc: "Thomas Madill" <thomasmadilldds@gmail.com>
Subject: House Project at 60 Clifford

Julie, Dorian and Karen,

I've got a hard copy of our prospective third floor addition plans, but not digital, so I'm seeing if I can get the latter from our architect.

Thanks for keeping our prospective plans, or those of prospective subsequent owners in our home, in mind. We appreciate that.

We would like to talk with you about where your plans are coming out, before your submission to the City and 311 notice goes out, if possible. We did that with your home's prior owner, when it came time for our second floor deck, and we were able to adjust based on her feedback early on – avoiding unnecessary professional fees and unfortunate tensions.

Another thing we would like to explore is whether we can get your agreement up front to not have objection to our prospective plans (or a version thereof of any subsequent owners of our home), in exchange for our non objection to your plans.

We might have told you that after we did not object to 48 Clifford Terrace's very significant remodel, and in exchange, they gave us a letter of support for our relatively modest second floor deck, they subsequently reversed on us and were opposing our deck (and so were their buyers who weren't sure if they'd be ending up with 48 CT when all was said and done in the two couples' rescission litigation). It felt like: what had gone around, hadn't come around, and we'd like to avoid being (or our prospective buyers' being) in that position again – although we can't imagine you two being that way. So please think about that.

It's probably better to talk about these sorts of things, sooner rather than later, and even though we have no current intention of moving forward on those prospective plans, or of selling our home, in the near future.

Thanks, and I hope to have you digital drawings soon.
Liz

—Original Message—

From: Julie Keller [mailto:dancingjewel@mac.com]
Sent: Tuesday, August 06, 2013 10:53 AM
To: Lizbeth Gordon; Dorian Stone; Karen Curtiss
Subject: House Project at 60 Clifford

Hey All,

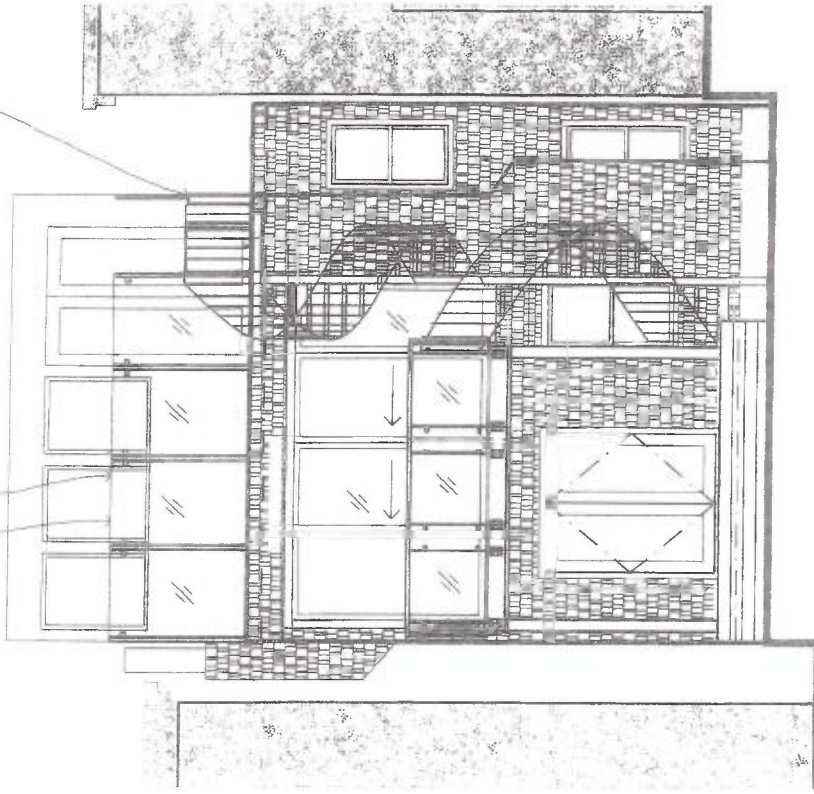
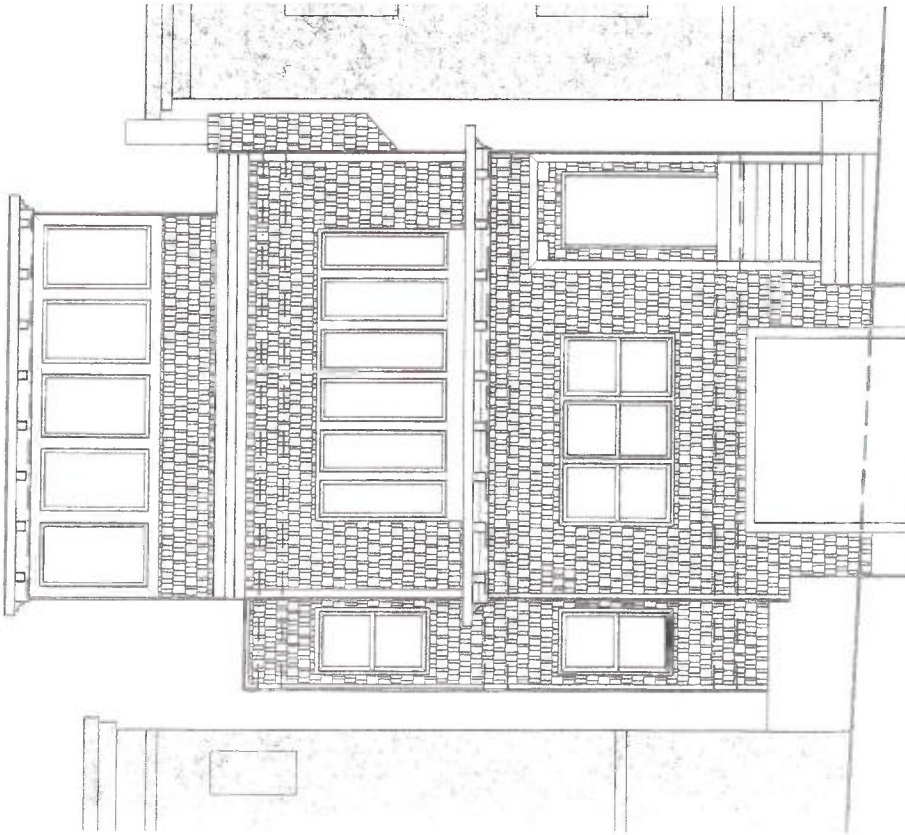
I ran into Liz yesterday and she reminded me that we still need to get their drawings for their potential upward addition.

Liz, can you send the plans to us when you have a chance? We would like to make sure that Karen is keeping them in mind as we finalize our proposed addition.

If you have them digitally, great. If not, you can drop them at our house anytime and I will get them to Karen.

Thank you!

Best,



SOUTH ELEVATION

NORTH ELEVATION

MCELROY ARCHITECTURE

485 14th Street

San Francisco, CA 94103

415.814.3256

tom@mcelroyarch.com

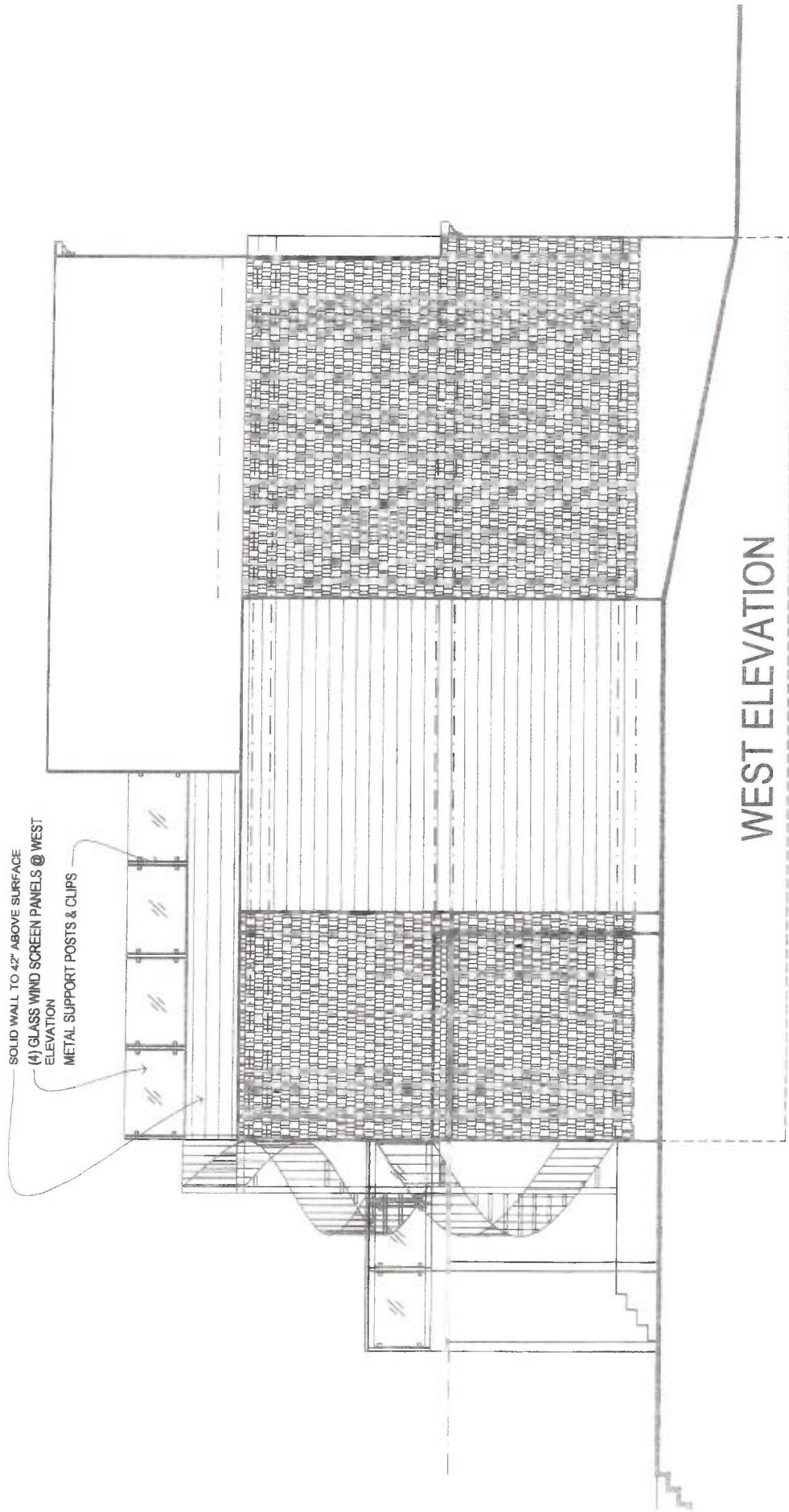
50 CLIFFORD TERRACE

san francisco, ca 94117

PROPOSED THIRD FLR ADDITION

4.1.13

$$1/8 = 1/10 + 1/40$$

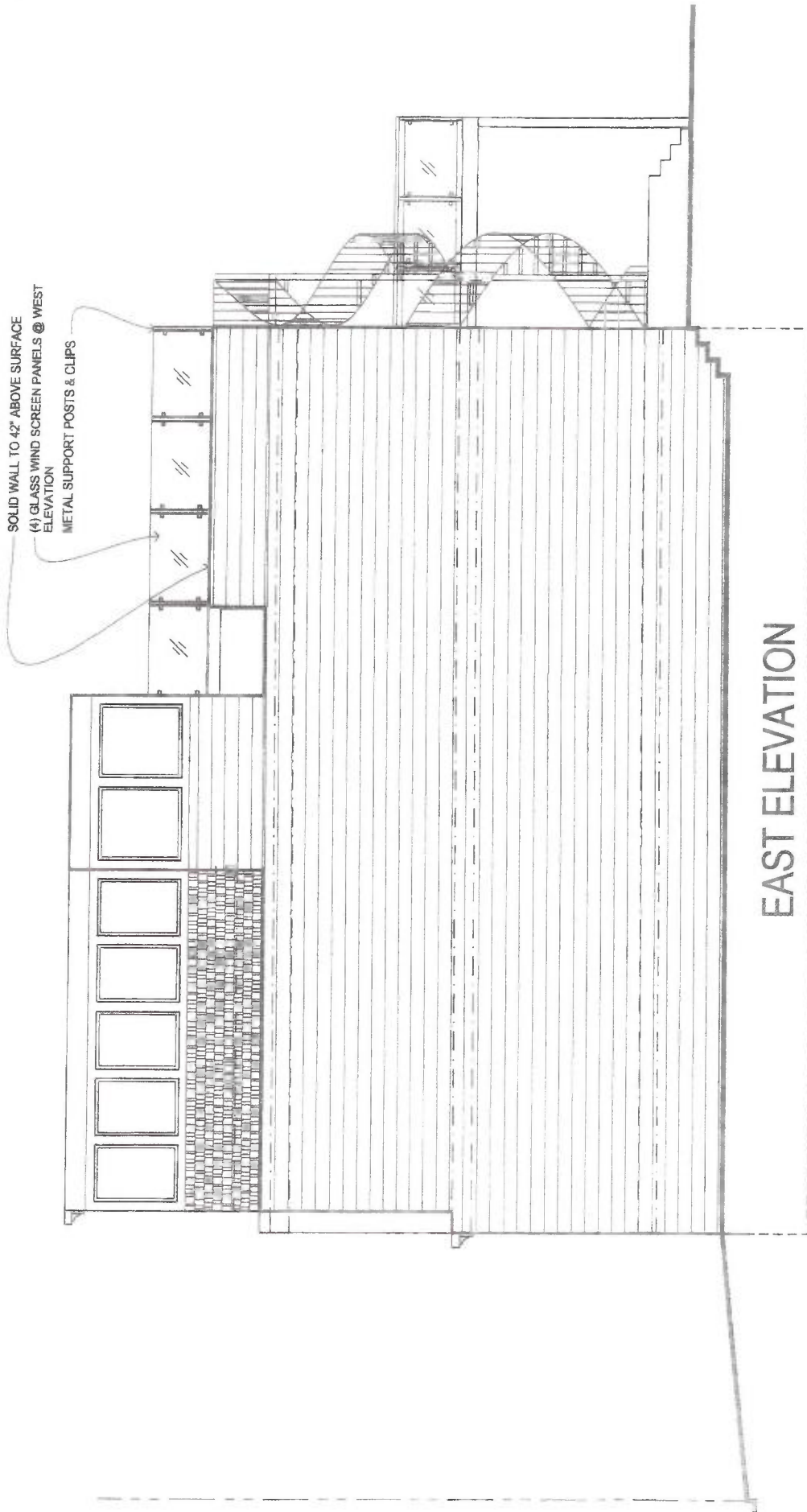


WEST ELEVATION

MCELROY ARCHITECTURE
485 14th Street
San Francisco, CA 94103
415.814.3256
tom@mcelroyarch.com

50 CLIFFORD TERRACE
san francisco, ca 94117
PROPOSED THIRD FLR ADDITION

4.1.13
1/8" = 1'-0"



MCELROY ARCHITECTURE

485 14th Street

San Francisco, CA 94103

415.814.3256

tom@mcelroyarch.com

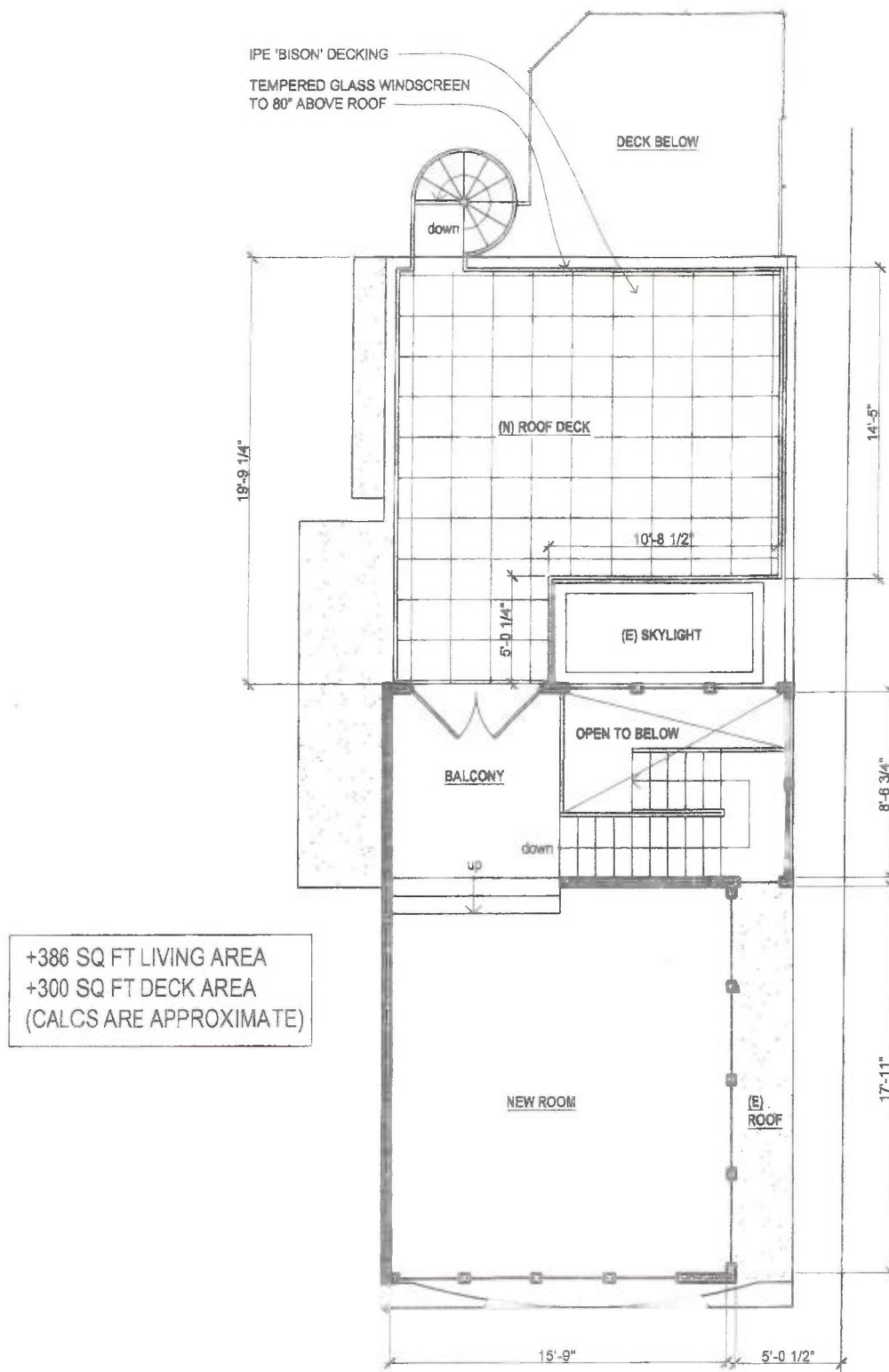
50 CLIFFORD TERRACE

san francisco, ca 94117

PROPOSED THIRD FLR ADDITION

4.1.13

1/8" = 1'-0"



PROPOSED THIRD FLOOR ADDITION

MCELROY ARCHITECTURE
 485 14th Street
 San Francisco, CA 94103
 415.814.3256
 tom@mcelroyarch.com

50 CLIFFORD TERRACE
 san francisco, ca 94117

4.1.13
 1/8" = 1'-0"

