

BAY AREA
REAL ESTATE LAW

STEVEN ADAIR MACDONALD
&
PARTNERS, P.C.

— SINCE 1982 —

Received at CPC Hearing

D. Winslow

3/7/19



October 27, 2017

VIA CERTIFIED MAIL, FIRST CLASS MAIL, AND EMAIL [TO: sallyli321@yahoo.com]

Su Ying Zhu
Wei Hang Li (a.k.a. Henry Li)
Bi Xia Yu
Sally Li
122 Varennes Street
San Francisco, CA 94133

Re: 122 Varennes Street, San Francisco, CA

Dear Su Ying Zhu, Wei Hang Li (a.k.a. Henry Li), Bi Xia Yu, and Sally Li:

As you are aware, my law firm represents Mr. Michael Kirwan, the new owner of the property located at 122 Varennes Street, San Francisco, CA 94133 (the "Premises"), which you currently occupy.

My client purchased the building containing the Premises with the intention to perform a major renovation project in which he will carry out substantial capital improvements in the building. Therefore, his goals for the property will require that he recover possession of the Premises from you while this major construction project is carried out (as the work to be performed will make the unit hazardous, unhealthy, and/or uninhabitable while the work is in progress).

Although your unit is covered by the local rent and eviction control ordinance, *i.e.*, the San Francisco Residential Rent Stabilization and Arbitration Ordinance ("Rent Ordinance"), my client may invoke section 37.9(a)(11) to temporarily terminate your tenancy in order to carry out the capital improvements.

In order to perform the eviction for capital improvements, my client would serve you with a written 60-day notice terminating your tenancy. In addition, my client would pay you the required relocation money for a capital improvements eviction, half of which is due when the eviction notice is served, and the second half of which is due when you vacate the Premises.

In the event you failed to vacate the Premises after payment of the first half of the required relocation money and after the required 60-day notice period stated in the eviction notice expired, my client would have no choice but to file an eviction lawsuit against you in order to regain possession of the Premises. An eviction lawsuit on your record can make it more difficult for you to obtain future rental housing and may also adversely affect your credit rating.



Please further note that because of the immense scope of the capital improvements construction project (which will include a complete gutting and remodel of the Premises, complete structural upgrade of the building, and other extensive work), Mr. Kirwan reasonably anticipates that you will be displaced from the Premises for a period of at least 9 months (*i.e.*, because the Premises will remain hazardous, unhealthy, and/or uninhabitable during that entire time while the work is being completed).

Mr. Kirwan retained my law office to prepare the capital improvements eviction notice and requested that I convey his intentions (as discussed above) to you as a courtesy. As a result, enclosed please find a draft copy of the capital improvements eviction notice that my client will ultimately move forward with serving upon you, unless an alternative arrangement can be worked out with you.

However, please be advised that this letter, and the attached draft copy of the eviction notice, does not constitute formal service of the capital improvements eviction notice upon you.

Rather, this letter is merely intended to provide a final request to you that you engage in meaningful discussions with my client pertaining to his future plans for the Premises and your tenancy there. My client understands that being displaced from the Premises for this period of time will result in a difficult transition period for you. Moreover, my client would much rather resolve matters with you amicably via a more informal negotiation process, than need to proceed with a formal eviction against you.

Therefore, prior to officially serving the capital improvements eviction notice upon you, my client has asked me to follow up with you one final time regarding your interest in negotiating matters relating to your future displacement from the Premises. Although my client is only legally obligated to provide you 60 days to vacate the Premises, my client requests that you please contact my office to determine whether an agreed upon date for your temporary displacement can be reached.

Alternatively, if you have changed your mind and are instead interested in discussing terms for your permanent displacement from the Premises, my client has asked me to convey to you that he is still willing to enter into meaningful buyout negotiations.

Again, my client very much hopes that all of you can amicably resolve this matter without the need for an eviction. However, he does want to be clear that if an agreement with you cannot be reached, he will be moving forward with formally serving you with the 60-day eviction notice to carry out capital improvements.

Please understand that time is certainly of the essence here. That being the case, please contact me within one (1) week of receipt of this letter to discuss the terms for either your temporary or permanent displacement from the Premises.

STEVEN ADAIR MACDONALD
&
PARTNERS, P.C.
— SINCE 1982 —

Please feel free to contact me with any questions at (415)956-6488 extension 12 or odopler@samlaw.net. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Olivia Dopler".

OLIVIA DOPLER, ESQ.

cc: Client
Enclosure

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SIXTY (60) DAY NOTICE TO TEMPORARILY TERMINATE TENANCY

TO: SU YING ZHU, WEI HANG LI (a.k.a. HENRY LI), BI XIA YU, SALLY LI, DOES I to X, and All other occupants claiming the right of possession to:

Address: 122 Varennes Street
San Francisco, CA 94133

PLEASE TAKE NOTICE that you are hereby required within sixty (60) days of the service upon you of this notice to temporarily remove from and deliver up possession of the premises now held and occupied by you to MICHAEL KIRWAN c/o Steven Adair MacDonald & Partners, P.C., which is located at 870 Market Street, Suite 500, San Francisco, California 94102 and which is authorized to receive the same, being those premises situated in the City of San Francisco, County of San Francisco, State of California, commonly known as 122 Varennes Street.

THIS NOTICE IS INTENDED for the purpose of temporarily terminating the rental agreement by which you now hold possession of the above-described premises, and should you fail to comply, legal proceedings will be instituted against you to recover possession, to declare said rental agreement forfeited, and to recover DAMAGES for the period of the unlawful detention.

State law permits former tenants to reclaim abandoned personal property left at the former address of the tenant, subject to certain conditions. You may or may not be able to reclaim property without incurring additional costs, depending on the cost of storing the property and the length of time before it is reclaimed. In general, these costs will be lower the sooner you contact your former landlord after being notified that property belonging to you was left behind after you move out.

The lawful rent for the unit at the time this notice was issued is \$947.45.

Advice regarding this Notice is available from the San Francisco Residential Rent Stabilization and Arbitration Board located 25 Van Ness Avenue, Suite 320, San Francisco, California (415) 252-4602.

LESSOR AND THIS NOTICE COMPLY WITH SAN FRANCISCO ADMINISTRATIVE CODE CHAPTER 37, SECTION 37.9(a), SUBSECTION (11), ENACTED IN 1979, AMENDED THEREAFTER IN THAT:

“The landlord seeks in good faith to remove temporarily the unit from housing use in order to be able to carry out capital improvements or rehabilitation work and has obtained all the necessary permits on or before the date upon which notice to vacate is given, and does so

1 without ulterior reasons and with honest intent. Any tenant who vacates the unit under such
 2 circumstances shall have the right to reoccupy the unit at the prior rent adjusted in accordance
 3 with the provisions of this Chapter. The tenant will vacate the unit only for the minimum time
 4 required to do the work. On or before the date upon which notice to vacate is given, the
 5 landlord shall advise the tenant in writing that the rehabilitation or capital improvement plans
 6 are on file with the Central Permit Bureau of the Department of Building Inspection and that
 7 arrangements for reviewing such plans can be made with the Central Permit Bureau. In
 8 addition to the above, no landlord shall endeavor to recover possession of any unit subject to a
 9 RAP loan as set forth in Section 37.2(m) of this Chapter except as provided in Section 32.69 of
 10 the San Francisco Administrative Code. The tenant shall not be required to vacate pursuant to
 11 this Section 37.9(a)(11), for a period in excess of three months; provided, however, that such
 12 time period may be extended by the Board or its Administrative Law Judges upon application
 by the landlord. The Board shall adopt rules and regulations to implement the application
 procedure. Any landlord who seeks to recover possession under this Section 37.9(a)(11) shall
 pay relocation expenses as provided in Section 37.9C. [However, effective January 1, 2013, the
 amount of relocation payments for temporary displacement of a tenant household under Section
 37.9(a)(11) for less than 20 days is governed by California Civil Code Section 1947.9 and not
 by Section 37.9C.]”

13 A copy of all necessary permits are attached to this notice. In addition, the permit
 14 application and capital improvement plans are on file with the Central Permit Bureau of the
 15 Department of Building Inspection, located at 1660 Mission Street, San Francisco, California and
 16 arrangements for reviewing such applications or plans can be made with the Central Permit
 Bureau.

17 The following is a description of the capital improvement work that will be performed
 18 during the temporary eviction: complete gutting of entire building, complete structural upgrade of
 19 the building, removal of back stairs to building, closing up light wells, and taking down an
 external wall.

20 Based on the Landlord’s knowledge and good faith belief, it is estimated that the capital
 21 improvements cannot be performed within ninety (90) days from the date you vacate the unit. As
 22 a result, and prior to the service of this notice on you, the Landlord has already filed with the San
 Francisco Rent Board a Petition for Extension of Time to Complete Capital Improvements.

23 Furthermore, based on the Landlord’s knowledge and good faith belief, the reasonable
 24 approximate date when you can reoccupy the unit (i.e., if you temporarily surrender possession of
 the premises by the scheduled move-out date of December 26, 2017) is September 26, 2018.

25 As required by Section 37.9C of the San Francisco Administrative Code Chapter
 26 37, the following is the actual text of Section 37.9C [Tenants Rights to Relocation for
 27 No-Fault Evictions] explaining your rights:

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1 “(a) Definitions.

2 (1) Covered No-Fault Eviction Notice. For purposes of this section
3 37.9C, a Covered No-Fault Eviction Notice shall mean a notice to quit
4 based upon Section 37.9(a)(8), (10), (11), or (12).

5 (2) Eligible Tenant. For purposes of this section 37.9C, an Eligible
6 Tenant shall mean any authorized occupant of a rental unit, regardless of
7 age, who has resided in the unit for twelve or more months.

8 (b) Each Eligible Tenant who received a Covered No-Fault Eviction Notice, in
9 addition to all rights under any other provision of law, shall be entitled to receive
10 relocation expenses from the landlord, in the amounts specified in section
11 37.9C(e).

12 (c) On or before the date of service of a Covered No-Fault Eviction Notice, the
13 landlord shall notify all occupant(s) in the unit in writing of the right to receive
14 payment under this section 37.9C and the amount of that relocation and shall
15 provide a copy of section 37.9C. Such notification shall include a statement
16 describing the additional relocation expenses available for Eligible Tenants who
17 are senior or disabled and for households with children. The landlord shall file a
18 copy of this notification with the Rent Board within 10 days after service of the
19 notice, together with a copy of the notice to vacate and proof of service upon the
20 tenant.

21 (d) A landlord who pays relocation expenses as required by this section in
22 conjunction with a notice to quit need not pay relocation expenses with any
23 further notices to quit based upon the same just cause under Section 37.9(a) for
24 the same unit that are served within 180 days of the notice that included the
25 required relocation payment. The relocation expenses contained herein are
26 separate and distinct from any security or other refundable deposits as defined in
27 California Code Section 1950.5. Further, payment or acceptance of relocation
28 expenses shall not operate as a waiver of any rights a tenant may have under the
 law.

(e) Relocation expenses shall be:

(1) Each Eligible Tenant receiving a Covered No-Fault Eviction Notice shall receive \$4,500, \$2,250 of which shall be paid at the time of the service of the notice to quit, and \$2,250 of which shall be paid when the unit is vacated. In no case, however, shall the landlord be obligated under this section 37.9C(e)(1) to provide more than \$13,500 in relocation expenses to all Eligible Tenants in the same unit.

(2) In addition, each Eligible Tenant who is 60 years of age or older or who is disabled within the meaning of Section 12955.3 of the California Government Code, and each household with at least one Eligible Tenant

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1 and at least one child under the age of 18 years, shall be entitled to
2 receive an additional payment of \$3,000.00, \$1,500.00 of which shall be
3 paid within fifteen (15) calendar days of the landlord's receipt of written
4 notice from the Eligible Tenant of entitlement to the relocation payment
5 along with supporting evidence, and \$1,500 of which shall be paid when
6 the Eligible Tenant vacates the unit. Within 30 days after notification to
7 the landlord of a claim of entitlement to additional relocation expenses
8 because of disability, age, or having children in the household, the
9 landlord shall give written notice to the Rent Board of the claim for
10 additional relocation assistance and whether or not the landlord disputes
11 the claim.

12 (3) Commencing March 1, 2007, these relocation expenses, including the
13 maximum relocation expenses per unit, shall increase annually, rounded
14 to the nearest dollar, at the rate of increase in the "rent of primary
15 residence" expenditure category of the Consumer Price Index (CPI) for
16 All Urban Consumers in the San Francisco-Oakland-San Jose Region for
17 the preceding calendar year, as that data is made available by the United
18 States Department of Labor and published by the Board.¹

19 (f) The provisions of this Ordinance shall apply to all notices to quit served on or
20 after August 10, 2006.

21 The Landlord's dominant motive for recovering possession of the subject premises is
22 based on section 37.9(a)(11) of Chapter 37 of the San Francisco Administrative Code.

23 Based on the Landlord's knowledge and good faith belief, there are four Eligible
24 Tenants in the subject premises who will have resided in the unit for 12 or more months at the
25 time of the service of this notice. Landlord believes the Eligible Tenants are SU YING ZHU,
26 WEI HANG LI (a.k.a. HENRY LI), BI XIA YU, SALLY LI and thus are entitled to receive the
27 maximum relocation expense for the unit of \$18,843.00.

28 Therefore, enclosed (via certified mail) please find the following four checks: one check
made payable to SU YING ZHU in the amount of \$2,355.38 which represents the first
installment of the relocation payment; one check made payable to WEI HANG LI (a.k.a.
HENRY LI) in the amount of \$2,355.38, which represents the first installment of the relocation
payment; one check made payable to BI XIA YU in the amount of \$2,355.38, which represents
the first installment of the relocation payment; and one check made payable to SALLY LI in the

¹ Beginning March 1, 2017, the total relocation amount due per each Eligible Tenant is \$6,281.00. Beginning
March 1, 2017, the total maximum relocation amount due to all Eligible Tenants in the same unit is \$18,843.00.
Beginning March 1, 2017, the total additional relocation amount due for each Eligible Tenant who is 60 years of
age or older or who is disabled within the meaning of section 12955.3 of the California Government Code is
\$4,188.00. Beginning March 1, 2017, the total additional relocation amount due for each household with at least
one Eligible Tenant and at least one child under the age of 18 years is \$4,188.00.

DRAFT

1 amount of \$2,355.38, which represents the first installment of the relocation payment. Copies
2 of said checks are also enclosed with this notice sent by first class and certified mail.

3 DATED: October ____, 2017

4
5 By: OLIVIA DOPLER, ESQ.
6 Steven Adair MacDonald & Partners, P.C.
7 870 Market Street, Suite 500
8 San Francisco, CA 94102
9 Telephone: (415) 956-6488
10 Attorneys for Landlord/Lessor
11 MICHAEL KIRWAN

12 cc: San Francisco Rent Board
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Howard Wong, AIA

March 7, 2019

Via Electronic Mail

Honorable Planning Commissioners and Staff

SUMMARY POINTS: DISCRETIONARY REVIEW
120-124 VARENNES STREET
(a.k.a. 120-122-124 Varennes Street, between Union & Filbert)

Dear Honorable Commissioners & Planning Staff. My name is Howard Wong and I have lived next door at 126 -128 Varennes since 1952 and I am familiar with the owners, tenants, and uses of the adjacent building at 120-124 Varennes, the subject of this request for Discretionary Review.

We bring before you a compilation of concerns from neighborhood/ housing/ tenant organizations.

THE MAIN POINT OF OUR REQUEST FOR DR:

This project encapsulates the planning, zoning and construction irregularities that have led to San Francisco's loss of rent-controlled units, affordable/ multi-generational housing, historic resources and neighborhood diversity.

This project is the prototypical combination of missteps that warrant Discretionary Review---to stop a very bad precedent.

1. BRIEF BUILDING HISTORY

The subject building is a 3-story a rent-controlled building containing 2-flats over a basement-level, zoned RH-3. Built in 1911, it is a contributing historic building to the Upper Grant Avenue Historic District, listed as Class A on the PIM. Three addresses: 120, 122 and 124 Varennes Street are shown on the Sanborn Maps including two flats and two apartments.

The 2-bedroom upper flat (at 124 Varennes) was owner-occupied for decades by the Gee family. After they moved away, that flat became a short-term rental for many years.

The 2-bedroom lower flat (at 122 Varennes) was occupied by the Li family, who lived there as tenants for 31 years -- four tenants consisting of monolingual Chinese seniors and two family members.

The proposed project pops up the building to add a fourth floor to the upper flat and excavates down into the lower basement level to add a floor to the lower flat. The expansion would result in two larger units of luxury housing in place of the existing two units of affordable rent-controlled housing where a family of long-term protected tenants was displaced.

2. CIRCUMVENTING BUY-OUT LAWS/AVOIDING CONSTRAINTS ON THE BUILDING

The building was on sale for many years---without success. The Real Estate listing stated that there were “***Protected tenants in lower unit***” referring to the Li Family residing in 122 Varennes.

In May 2016, prior to the sale of the building to Michael Kirwan, the original owners filed an Eviction Notice (M161463) for an Owner Move-In (OMI) into the Li family’s Protected Class unit. According to the SF Rent Board’s public database, no completed OMI was filed. Real estate ads continued to show the existence of the protected tenants in the lower unit.

Michael Kirwan bought the building on July 31, 2017, and on August 29, 2017 filed a Pre-Buyout Negotiation Disclosure with the SF Rent Board.

On November 3, 2017, Mr. Kirwan proceeded to apply for building permits for extensive renovations through a series of permits to basically demolish the Li Family’s home and rebuild it into an expanded, condo conversion ready unit. While no final buy-out agreement with the Li Family was ever filed by Mr. Kirwan with the SF Rent Board, the Li family, a protected class of tenants, left their long-time home at 122 Varennes. At a Telegraph Hill Dweller Planning & Zoning Committee meeting in April 9, 2018, the project sponsor said the tenants left because they did not want to live through the renovation of the building.

Both flats in the building continued to be used as short-term rentals. Most noticeably in June-August 2018, Irish sport teams rented the entire building---once with about 17 young men and later a girls' team. Noise and partying led to complaints to the City. Also, a plywood barrier in the back stairs led to a DBI inspection that forced removal of the barrier.

3. EXCEPTIONAL AND EXTRAORDINARY CONDITIONS

The proposed project presents a template for the type of displacement that is spreading in the neighborhood: The displacement of long-term protected class tenants and the permanent loss of rent-controlled/affordable housing, fueled by real estate speculation that drives up rents and housing prices.

The extent of demolition appears to gut a historic resource. Like in the 49 Hopkins Project, demolition on drawings can be difficult to quantify and could easily result in a de facto demolition and loss of this historic resource.

The setback of the fourth-floor additions is inadequate. Given the narrowness of Varennes, the required setback should be 15 feet, not 8 feet as currently shown on the plans. The roof addition **would** be visible from uphill Varennes Street, inconsistent with Planning Department statements and historic building guidelines.

The project's height is inconsistent with the historic significance of the building and the stepping down of heights on the hill. The vertical addition exceeds the heights of three contiguous buildings on the east side of Varennes, blocking direct sunlight to adjacent neighbors. Again, the roof addition **would** be visible from uphill Varennes Street, inconsistent with Planning Department statements and historic building guidelines.

This is bad public policy: Despite building expansion, extensive demolition and additional square footage, the project reduces affordable housing---when it's possible to build three units within the given envelope.

There has been insufficient CEQA review, given the scope of the renovation, demolitions and expansion. CEQA review of potential impacts to this historic resource was flawed and should have been done prior to Planning Department approval and prior to mailing Section 311 notices, not on the last day to file a request for DR.

The width and depth of the skywell as shown on the current plans for has decreased in width from the initially proposed design from 3'-9" to 3'-0".

4. HISTORY OF FLAWED PUBLIC PROCESS

In a November 22, 2017 letter from DBI, neighbors received notification that a permit had been issued for a structural addition at 120 Varennes Street. But the description of work appeared to be only interior remodeling. The copy of a handwritten Building Permit Application was unclear. In attempting to view design drawings at DBI, there were no drawings because this was an Over-The-Counter Permit. All this was happening during the Thanksgiving holiday.

In a December 6, 2017 letter, Suheil Shatara (Shatara Architects), announced a Community Outreach Meeting---to review plans for a remodel and vertical addition to 120-124 Varennes Street. On Thursday, December 21, 2017, 6:30PM, three neighbors waited for the architect in front of 120-124 Varennes. Arriving late, he said he had the wrong drawings, and proceeded to hand-sketch designs---including decreasing the size of the skywell adjacent to my building at 126-128 Varennes Street, which was shocking. How can my skywell be shrunk?

The decreased skywell size was part of the Over-The-Counter Permit. And the deadline for appealing the Over-The-Counter Permit had expired. All this was happening during the Christmas holiday.

Serial Permitting: We tried to reach out to DBI. Finally, we learned about a Serial Permitting. The Over-The-Counter Permit was intended to remodel and demolish the interior, while a separate permit sought approval for a vertical addition. The cumulative impacts were thus hidden (see Howard Wong's letter of December 28, 2017 to Owner, Architect, DBI and Board of Appeals).

A Mistake in the System: Finally, the Zoning Administrator (Planning Department) reevaluated the project, and suspended the Over-The-Counter Permit. The permit was improper because it demolished exterior walls at the skywell---not allowed in an Over-The-Counter Permit. During the Thanksgiving holiday, a new plan checker had wrongly approved the plans for 120-124 Varennes.

New Architect and New Plans: Yakuh Askew (Y.A. Studio) has made design revisions for a single permit application---renamed the 120 Varennes Street Project (not 120-124 Varennes). After two meetings with the owner and architect, there have been some positive changes and negatives ones as well. By example, the roof addition's setback has decreased from 15 feet to 8 feet, making the addition visible from upper Varennes Street. Also, the skywell has decreased in width from its existing and initially proposed design of 3'-9" to 3'-0". Moreover, the overarching noncompliance problems still exist, much less the lack of coordination between city departments.

5. PLEASE TAKE DR & REQUIRE CHANGES TO THIS PROJECT

Please consider either:

- 1) Disapproving the proposed new fourth floor and expansion into the lower (basement) level;

OR

- 2) Requiring the project sponsor to provide 3 units, consistent with the RH-3 zoning. An ADU could be added at the lower (basement) level that would be permanently affordable.

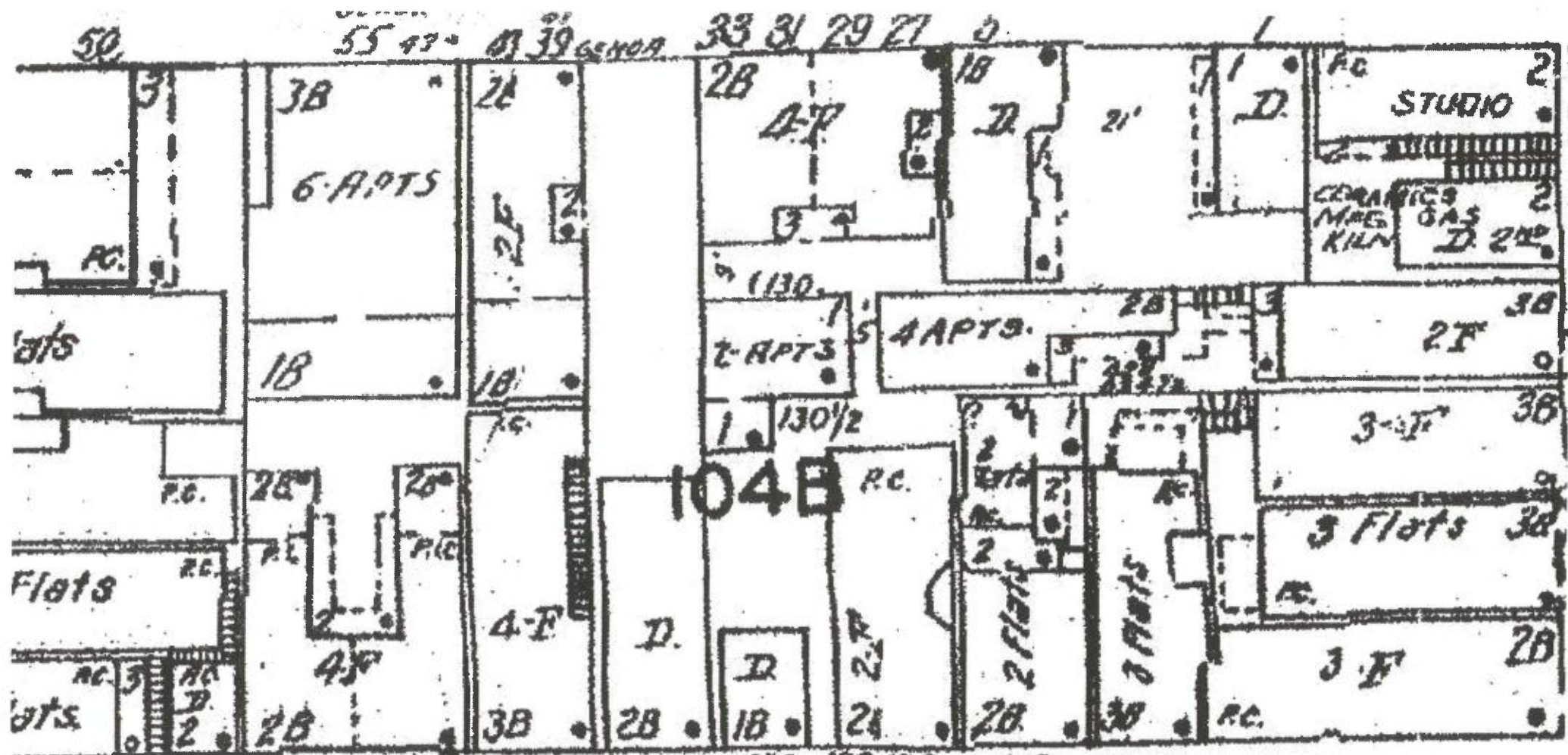
Importantly, taking Discretionary Review of this project would better inform the public process for all similar projects going forward---adhering to planning, zoning, permitting, building and construction regulations and discouraging the further loss of existing rent-controlled units, affordable/ multi-generational housing, historic resources and neighborhood diversity.

Sincerely,



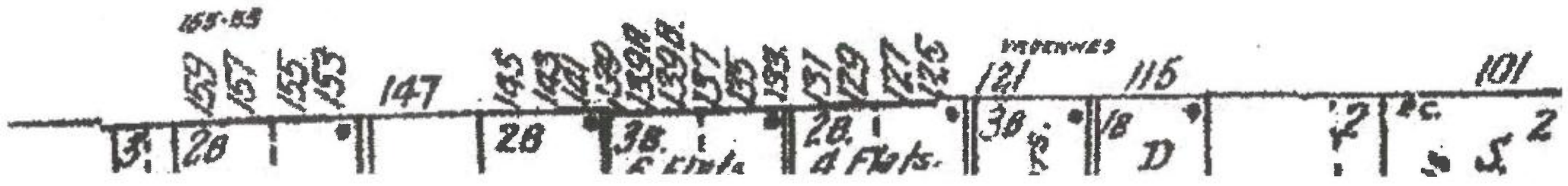
Howard Wong, AIA





160 158 156 154 148-46-44-42 140 130 128-126 124 122 120 118 116 114
 YARENNES

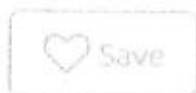
VARENNES 20' wide. 20'



120 124 Varennes Street

San Francisco, CA 94133 — Telegraph Hill, San Francisco County

- beds - baths **1,772** sqft **1,149** sqft lot **\$725** per sqft **1904** build **614 days** on site



PRICE REDUCTION. 2-unit Edwardian building in Telegraph Hill. Each unit has 2BD/1 BA. Protected tenants in lower unit, no written lease available. 2-car side-by-side garage and 2 storage rooms used by the owner. Upper unit has updated kitchen and bathroom with dual pane windows. Fantastic location, step away from Washington Square Park, North Beach restaurants & cafes with multiple transportation options. Building needs some TLC and has upside potential. Some copper plumbing, circuit breakers present. Tenants pay for PGE & garbage, owner pays for water.



Listing courtesy of SFMLS / Sienna Properties

MLS# 455892 — Report a problem



RECEIVED

Dear Occupant:

The information contained in this document will be provided to any future owner of the building in which you are residing. Please fill out the form as completely as you can and return it to _____ as soon as possible for the purpose of this form is to ensure that there are no discrepancies between information maintained by the current owner and that which is provided by you. This benefits all involved. Thank you in advance for your cooperation.

A. Property Address: 122 Varennes St

2016 MAY - JUN 21
SF RESIDENTIAL RENT
STABILIZATION AND
ARBITRATION BOARD

NAMES OF ALL OCCUPANTS	MOVE-IN DATE	HOME PHONE NO.	WORK PHONE NO.
<u>Su Ying Zhu</u>	<u>Oct. 1986</u>	<u>415-308-9336</u>	
<u>Wei Hong Li</u>	<u>Oct. 1986</u>	<u>415-308-9336</u>	
<u>Bi Xia Xu</u>	<u>Oct. 1986</u>	<u>415-308-9332</u>	
<u>Sally Li</u>	<u>Oct. 1996</u>	<u>415-713-6827</u>	

B. Names of occupants above not on written lease: Wei Hong Li

C. Names on written lease no longer occupying unit: _____

D. Date lease started: _____ E. Date lease expired/converted to month-to-month: Oct. 1986

F. Current monthly rent: \$ 929.75 G. Is one check or separate checks paid to owner?

H. Amount of security deposit: \$ 1,200 total I. Interest on deposits paid through: No

J. Any other prepaid rent or deposits? Yes No If Yes, please itemize below, including dates of deposits:

Last Month Rent + security deposit = \$1,200

K. Due date of rent: 1st of Month L. Rent currently paid through: Feb.

M. Date of last rent increase: Oct. 2015 N. Amount of last rent increase: \$ 17.35

O. Does your rent include utilities? Yes No If Yes, which utilities? Water

Parking included? Yes No If Yes, space # _____ Any additional rent paid for parking: \$ _____

Storage included? Yes No If Yes, space # _____ Any additional rent paid for storage: \$ _____

Use of a laundry? Yes No Use of a garden? Yes No Use of a roof deck? Yes No

Does your current rent contain any operating expense or capital improvement pass-throughs? Yes No

Amount attributable to pass-throughs: \$ _____ Date pass-throughs started: _____

P. Are you receiving any rent concessions for any reason? Yes No If Yes, please explain the concessions: _____

Q. List any appliances, window coverings, light fixtures, etc. which YOU own: Refrigerator.

R. Any pets? Yes No If Yes, how many? _____ And what kind? _____

S. Any oral agreements or active disputes with current owner or current problems with your unit? Yes No

If Yes, please explain: _____

Signed: Occupant(s) Su Ying Zhu by Wei Hong Li Date 2/14/16

Owner(s) Billy Lee Date 2/24/16

BROKERS/AGENTS CAN ADVISE ON REAL ESTATE TRANSACTIONS ONLY. FOR LEGAL OR TAX ADVICE, CONSULT A QUALIFIED ATTORNEY OR CPA.

M161463



SAN FRANCISCO PLANNING DEPARTMENT

Suspension Request

January 5, 2018

Tom Hui, Director
Department of Building Inspection
1660 Mission Street
San Francisco, CA 94103

Building Application No.: 201711033082
Property Address: 120-124 Varennes Street
Block and Lot 0104/048
Zoning District: RH-3
Staff Contact: Moses Corrette – (415) 558-6295
Moses.corrette@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Mr. Hui,

This letter is to request that the Department of Building Inspection (DBI) suspend **Building Permit Application No. 201711033082** for the property at **120-124 Varennes Street**.

On November 3, 2017, the subject permit was erroneously approved by the Planning Department. The permit's scope of work is *REMODEL E 3 STORY DUPLEX. INFILL LIGHTWELL, REMODEL BOTH UNITS AT 2ND AND 3RD LEVELS. EXPAND LOWER UNIT AT 2ND LEVEL DOWN TO 1ST LEVEL ROOMS BEHIND GARAGE. UPGRADE FTG ADD NEW BATH RMS.* The permit's scope of work included a newly proposed layout of the 2-unit building; however, the plans approved with the permit exceed the limits of interior framing that can be removed without public notice per Planning Code Section 311. Secondly, the planner did not prepare an environmental document to comply with the California Environmental Quality Act. Further, as a historical building the planner making the approval was not authorized to approve work on the building.

Therefore, the Planning Department requests suspension of **Building Permit Application No. 201711033082** to allow for proper review of the plans associated with this permit.

APPEAL: Any aggrieved person may appeal this letter to the Board of Appeals within fifteen (15) days after the date of the issuance of this letter. For further information, please contact the Board of Appeals in person at 1650 Mission Street, Room 304, or call 575-6880.

Sincerely,

Scott F. Sanchez
Zoning Administrator

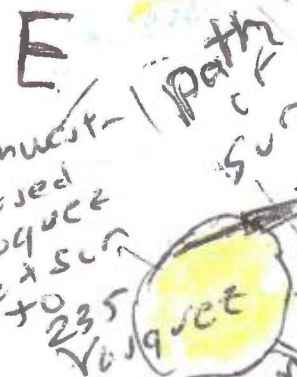
Tom Hui, Director DBI
Suspension Request
120-124 Varannes Street
January 5, 2018

CC: Michael Kirwan 120 Varannes St. San Francisco, CA 94133-3411 (Property Owner)
Suhell Shatara, 890 7th St, San Francisco, CA 94107 (Architect)
Daniel Lowrey, Department of Building Inspection
Moses Corrette, Planning Department
Robin Abad, Planning Department

only source of sunlight is from the southwest - so proposed 225 Vasquez will not see sun

MT David John Peter

J. Horn



9 AM

11 AM

12 noon

1 pm

3 pm

4:30

5 pm

6 pm

Edgehill blocks

sun from all names 215, 225, 231 in Vasquez 9 AM all seasons

Elevation about 100 or more

recessed sun path passes in front of Edgehill Drive

Edgehill Drive

as proposed

sun path will vary about 80 degrees seasonally

Garcia 135 Garcia

215 Vasquez

225 Vasquez

235 Vasquez

200 Vasquez block

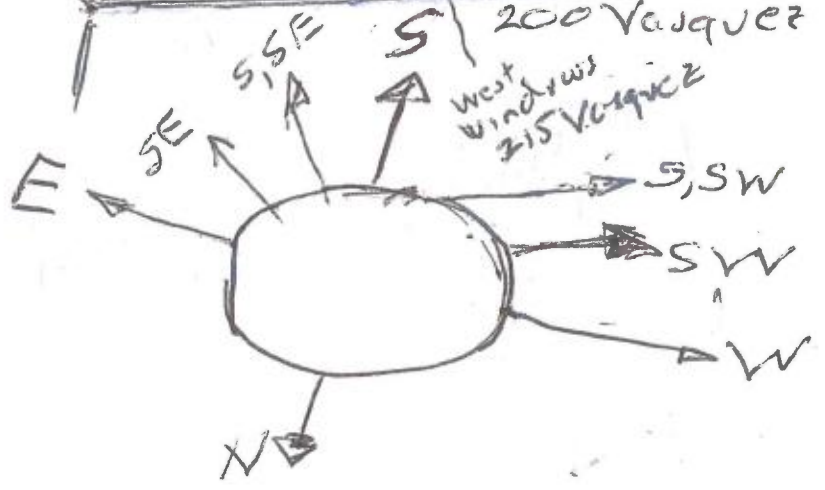
Elevation 500'

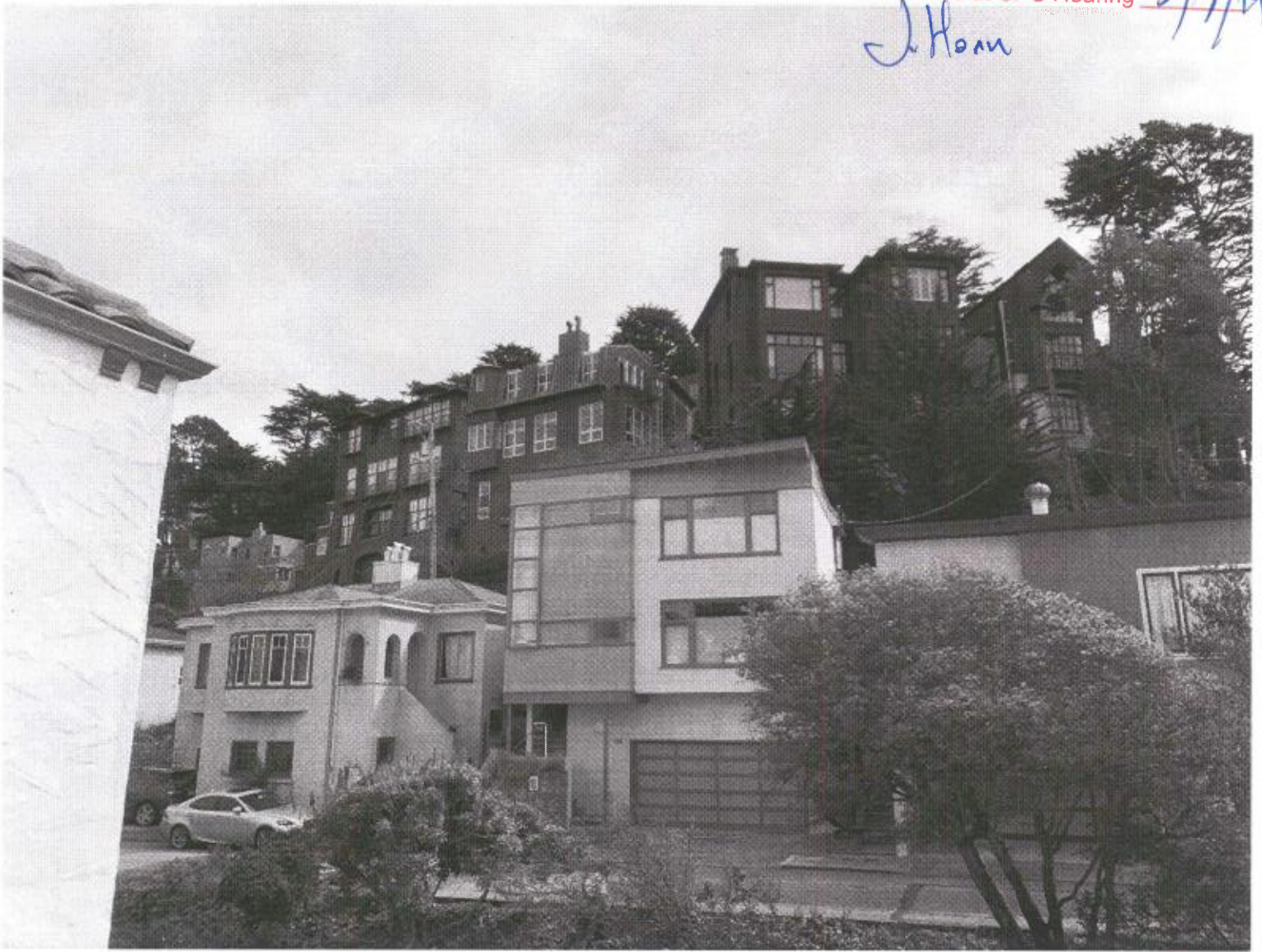
West windows 215 Vasquez

In winter proposed 225 Vasquez blocks all pm sunlight to 215 Vasquez in spring, fall it blocks around 213 of sunlight

in period from early winter to early summer sun will be clear even in winter

225 Vasquez designed to reach 215 Vasquez





view from 230 VASQUEZ

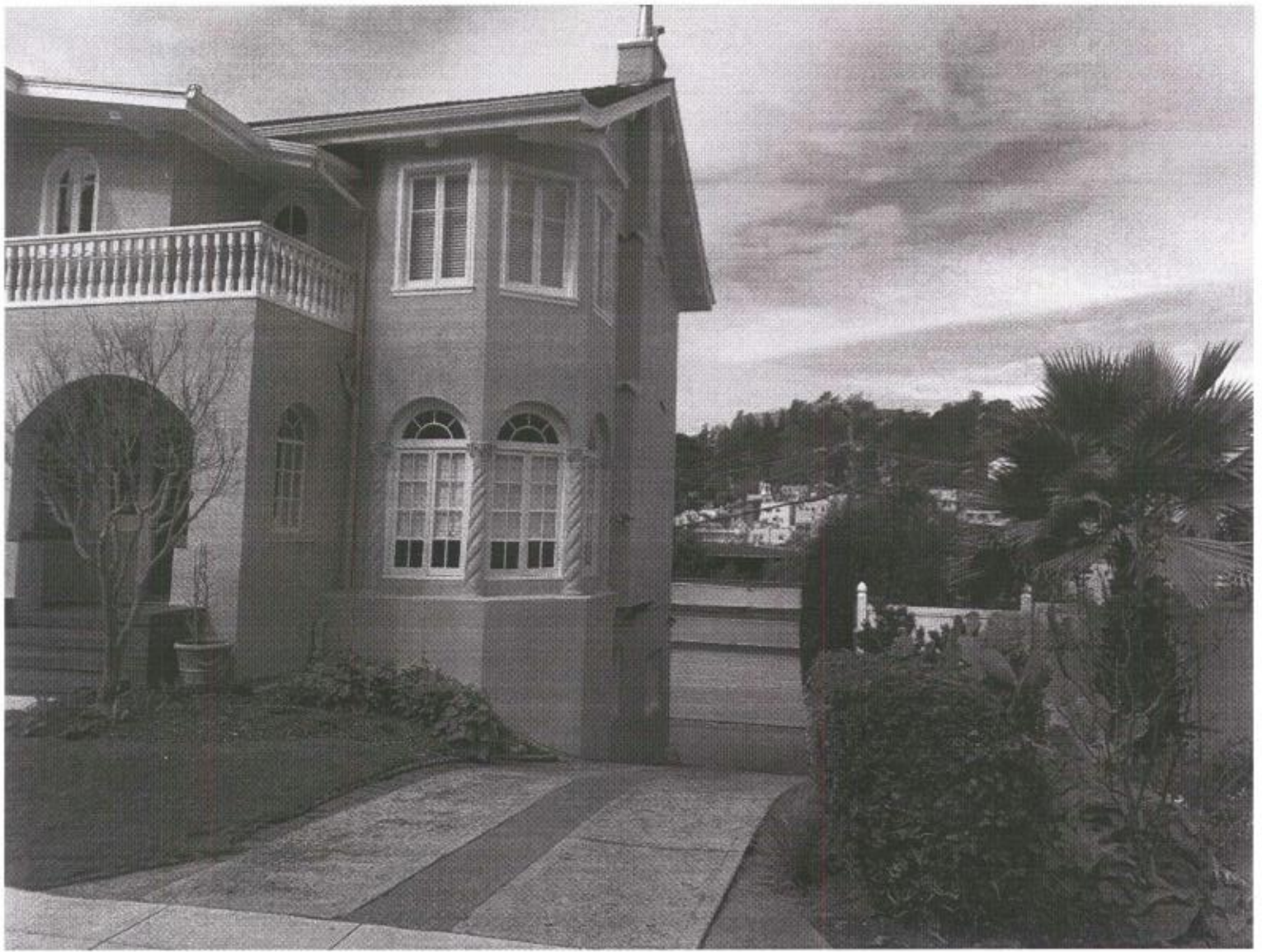
I don't think that a new 3-story house is gonna look big, since the neighbourhood is not uniform. Also it's built into the hill, and the whole mass of the house will not tower over the street.

General remarks: I live in 230 VASQUEZ, which is 3-story house. The house is built in the hill, and is taller in the back.

I don't think I can use a size of my house to tell my neighbour that their house can't be bigger than mine, since I don't have a right to tell people what to do with their property.



house on the corner of Vasquez!
garage is in the back, so the house can
be shorter



210 VASQUEZ : garage is in the back,
so the house can be shorter :
2 levels from the street, 3 levels in the
back.



**Neighborhood Petition to Oppose
 Proposed New House at 225 Vasquez Avenue, San Francisco, CA 94127**

Dear Planning Commission Members,
 As concerned neighbors of Forest Hill Extension, we are asking the Planning Commission to reject the plans for the house proposed at 225 Vasquez Avenue for the following reasons:

1. The proposed house is extremely large in relation to surrounding houses.
2. The proposed house adds a huge amount of bulk at the front property line.
3. The proposed house will block sunlight for houses to the east.

	Name	Address	Telephone	Email
	PLEASE PRINT			
1	Katherine Darby	215 Vasquez Avenue	664-2367	rkuzulski@sbccy.kod.net
2	Paul T. Leland	215 Vasquez Avenue	664-2367	PKLELAND@SBCYKOD.NET
3	FRANK VILCHES	533 PARIS ST	583-3732	fmvilches.com
4	MAX TOMLINSON	130 Idora	602 999	maxtomlinson@earthlink.net
5	RALPH SIMON	1978 VASQUEZ	—	RALSIMON@GMAIL.COM
6	Etienne Simon	139 Garcia	415-564-7097	none
7	Dan Hodapp	153 Vasquez Ave	415-759-6002	
8	Pam Palmer	140 Vasquez Ave	415-218-1007	ppalmer@earthlink.net
9	Richard King	"	"	"
10	Laurie Zrull	115 Merced Ave	415-564-3834	lgrull@subell.net
11	Chris Zrull	"	"	"
12	Elizabeth Arbucho	145 Vasquez Ave	415-742-4559	
13	Erik Haghighi	170 VASQUEZ AVE	650-246-7933	erik.haghighi@gmail.com
14	Yunglin Ho	60 Garcia Ave	415-849-5225	yunglin@earthlink.net
15	Ellen Friedman	2 Garcia Ave	415-753-2119	ellenrad@earthlink.net

**Neighborhood Petition to Oppose
Proposed New House at 225 Vasquez Avenue, San Francisco, CA 94127**

Dear Planning Commission Members,
As concerned neighbors of Forest Hill Extension, we are asking the Planning Commission to reject the plans for the house proposed at 225 Vasquez Avenue for the following reasons:

1. The proposed house is extremely large in relation to surrounding houses.
2. The proposed house adds a huge amount of bulk at the front property line.
3. The proposed house will block sunlight for houses to the east.

	Name	Address	Telephone	Email
16	Mary Lou Corrigan	66 Vasquez Ave	415-681-9618	marylouc@mac.com
17	GARY FONG	255 VASQUEZ AVE		
18	LAURA FAY	198 VASQUEZ AVE	✓	KALSIMON@GMAIL.COM
19	Devon B. Flynn	265 Vasquez Ave	415 561-3706	devonbf@yahoo.com
20	Donna Labagh	210 Vasquez Ave	415 823-5546	donnamlabagh@gmail.com
21	MARTIN LABAGH	210 VASQUEZ AVE	415-823-5545	mflabagh@gmail.com
22	Justin Labagh	210 Vasquez Ave	SF	
23	Jason Labagh	210 Vasquez Ave	SF	
24	Lauren Labagh	210 Vasquez Ave	SF	
25	Amee Labagh	210 Vasquez Ave	SF	
26	Michael Antonini	110 BROADWAY	SF 94132	216 wordweaver@aol.com
27	Peter MILKIE	245 Vasquez Ave	415 465-8650	pcw58@comcast.net
28	KAREN FLYNN	265 Vasquez	415 516-5696	karen2432@hotmail.com
29	Doreen Vrizabal	240 Vasquez	415 819-0709	
30	Joni Pohn	255 VASQUEZ	415 1005-1805	

- 31 Bridget Coyle 260 VASQUEZ AVE. 415-661-7187 Bredatecoyle@gmail.com
32. Paulette Cauffman 151 Garcia Ave 415-434-5108
33. Robert Cauffman 151 Garcia Ave 415-706-8043
34. Maxwell Cauffman 151 Garcia Ave -



Paulette Cauthorn <paulettecauthorn@gmail.com> *Garcià Ave*

To: Olena

Cc: Donna Labagh, behnam rezaei, R Yrazabal, Аня Анна Майорова, Kate Morgan and 12 more...

Mar 2 at 9:06 AM

Dear Neighbors,

I'm not surprised the discussion has become personal although it is upsetting. We all, young and old, have much at stake but to be fair, there's no reason to call anyone out for expressing their concerns and protecting their property. Especially those who will unquestionably lose the most.

I wish Anna, Behnam and Niloo the house of their dreams - no matter what the size and style, as long as it doesn't negatively impact someone else. In this case it does.

[For that reason my recommendation is for a *slightly* smaller design, of any style or materials, that more closely matches the size and scale of the homes around it. It's cohesive all the way around and everybody wins!]

I wonder if everyone could get on board with something like this? Thanks for considering.

Paulette

Received at CPC Hearing 3/7/19
J. Horn

110 Broadmoor Drive
San Francisco, CA. 94132-2011
March 4, 2019

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

Dear President Melgar, Vice President Koppel, and Commissioners:

This additional letter also concerns case #2017-007582CUA, involving a demolition and a replacement single family home at 225 Vasquez.

I continue to represent Kathy and Bob Kazalski, owner residents of 215 Vasquez, assisting them to lessen the impacts to light, sun and warmth to their home and other neighboring homes as well as to neighborhood character from the proposed development at 225 Vasquez. I trace my familiarity with the proposed project from May 2018, when, after learning of concerns from the Kazalskis and other home owners on Vasquez, I met with the project sponsors, Behnam Rezeai, Anna Mayorova and their architect, Jeff Burris, in an attempt to help craft their planned modifications to the existing structure at 225 Vasquez in such manner as to lessen their impacts to neighbors. Subsequently, the project sponsors opted to demolish the existing home and build a new one to meet the needs of their growing family.

In addition to reviewing proposed plans for the replacement structure at 225 Vasquez, I've visited the home of the Kazalskis on numerous occasions in different seasons to observe, first hand, the existing light, sun and warmth to their dining room, living room, and kitchen. Those visits also allowed me to visualize the severe sunlight loss they will experience from the project at 225 Vasquez, if approved in its present form. Additionally, I have sought to carefully calculate the direction of the 200 block Vasquez Street and its relationship to the huge elevation change to the rear of the homes in question imposed by Edgehill- further exacerbated by some large homes there upon.

To my letter of February 22, 2018, which outlined the extent of negative impacts to 215 Vasquez that would result from the construction of the replacement home at 225 Vasquez as currently designed and proposed a series of changes to that design to lessen such impacts on neighboring homes as well as help the new home to better blend, architecturally, with the character of the existing homes, I must make the following two corrections: (1) The existing square footage of 225 Vasquez is about 1,240 square feet not 2,200 square feet (2) A better estimate of remaining hours of

annual afternoon sun to 215 Vasquez after construction of 225 Vasquez as currently proposed is, likely, 504 instead of 396. However, the loss of pm hours of sunlight into the dining and living rooms at 215 Vasquez, while less than earlier stated 74%, is calculated at 66%- still a very significant loss.

To better understand why so much sunlight is lost, one must know that the 200 block of Vasquez runs in a dead south by southwest direction. As a result of such orientation, the extremely steep hill containing Edgehill Way to the rear, south southeast of both 215 and 225 Vasquez, blocks any sun on those Vasquez homes until after 12 noon, at the earliest. Once the sun finally emerges from that blockade imposed by hill and houses, the dining room at 215 Vasquez, via its southwesterly window, currently receives full sun until sunset- ranging from 5 pm on December 21 to 8:30 pm on June 21.

Once the new home at 225 Vasquez is finished, currently designed at nearly 37 feet, no afternoon sun will ever reach the dining room window at 215 Vasquez in the "winter quarter" of the year (ie 91 days with shortest daylight) from about November 5 until about February 6. In the "spring and fall quarters" of the year (182 days before and after equinox of spring and fall respectively), periods from February 7 until about May 8 and from August 8 to November 4, the dining room at 215 Vasquez will lose an average of 68% of the sunlight it now receives. Obviously, while this loss will be greatest in late fall and early spring, only when the arch of the sun is high enough to clear the 37 feet of the proposed new home at 225 Vasquez, designed to rest only 10 feet from 215 Vasquez and an additional 8 1/2 feet closer to the street than the present structure, will any sun grace the living quarters of the Kazalskis. For most of "summer" (ie those 91 days with the longest daylight), from May 9 through August 7, a full 6 hours of will reach the dining room of 215 Vasquez when the sun shines. Of course, sunlight to 215 Vasquez will be greatest in the midsection of summer (around June 21) and progressively less on the edges of that time period, as blockages begin to appear. Please note, in reviewing the solar studies, sunlight only to a portion of the roof at 215 Vasquez is of small benefit to the Kazalskis, whose living spaces only receive sunlight through their windows that adjoin 225 Vasquez.

Our calculations are based on solar studies of the project sponsors that reveal the extent of shade on September 21, June 21, March 21 and December 21. A weather history (2009 thru 2018) revealed on average there were 56 days of clouds/ rain and 52 days of fog at 215 Vasquez. Hence, there were 257 days of afternoon sun between 12 noon and 6 pm. While those days create an average of 1542 sun hours per year, we must remove about 60 hours, annually, from that total because of the early sunsets from November 20 thru January 20. However, of the remaining 1482 sun hours from 12 noon to 6 pm, with 225 Vasquez constructed as currently designed, all winter afternoon sunlight to 215 Vasquez is lost as well as 2/3's of afternoon spring and fall sunlight. Allowing for no loss of afternoon sunlight in summer, the annual loss of sun to the western aspects of the living quarters at 215 Vasquez is 978 hours. That taken from the presently available 1482 hours leaves annual sun hours of 504. While these

calculations can, and do, vary from year to year, the resultant sunlight loss to 215 Vasquez from 225 Vasquez, as presently configured, would be huge.

Accordingly, while I totally support a new, larger home for the project sponsors, a few minor changes to the topmost floor could greatly increase the sunlight to 215 Vasquez. Dropping the maximum height of the new home by 4 feet, as outlined in my earlier letter, as well as reversing the positions of the segment of 225 Vasquez closest to the front property line with the segment that affords a greater street setback will let in many more hours of light into 215 Vasquez, particularly in the seasons of spring and fall. Also; a courteous, very modest pitch of two feet on a small portion of the flat roof involving the final two feet of its southwest and northeast edges closest to respective neighbors, would preserve even more afternoon sunlight for 215 Vasquez.

I can truly appreciate the concerns of Kathy and Robert remembering my family's first home in Miraloma Park that has a huge hill to its south, blocking any sunlight to that house many months of the year. Even now, I note the marked temperature differences between our northerly located master bedroom of our present home that lacks direct sun in the months of November thru February and the southerly facing rooms of the same floor during those winter months.

I encourage you to visit the 200 block of Vasquez Avenue to observe the unique relationships between homes, hill, and the arch of the sun.

Please send me your comments and questions by email or call me at (415) 533-2829. I look forward to appearing before you on Thursday, March 7.

Respectfully,

Michael J. Antonini

Cc: Jonas Ionin, Planning Commission Secretary
John Rahim, Planning Director
David Winslow, Senior Planner
Corey Teague, Zoning Administrator
Jeffrey Horn, Planner

Horn, Jeffrey (CPC)

From: Olena <olena.holoulina78@gmail.com>
Sent: Monday, March 04, 2019 11:16 AM
To: Horn, Jeffrey (CPC)
Subject: 225 Vasquez ave letter of support

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

Thank you for the opportunity to express my support for Anna and Behnam's proposed new project on Vasquez Avenue. I live across the street from their house, at 230 Vasquez Avenue. We have been in close communication while they developed the design, and it has grown in ways that are most exciting for the block.

Please consider this note our strong vote of approval for the new house. As drawn, this is both appropriately sized and carefully designed. I love that Behnam and Anna have chosen to raise a family here, and we support their desire to add this house to our part of Vasquez Avenue. I have 2 young children, and feel outnumbered by senior people around me, who really don't want their neighborhood to change.

Olena Beyer
Sent from my iPhone

Horn, Jeffrey (CPC)

From: Anna Mayoroff-Rezaei <annamrv@gmail.com>
Sent: Monday, March 04, 2019 7:43 PM
To: Horn, Jeffrey (CPC)
Cc: Jeff Burris; behnam rezaei
Subject: Letter in support of 225 Vasquez

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

Hi Jeff,

Please accept the letter below as a letter in support of our project at 225 Vasquez. The letter was sent to me by Paul Bacigalupi, our neighbor at 205 Vasquez.

Thank you,
Anna Mayorova.

225 Vasquez Ave, San Francisco, CA 94127

----- Forwarded message -----

From: Paul Bacigalupi <pbquovadis@gmail.com>
Date: Mon, Mar 4, 2019 at 4:03 PM
Subject: Re: welcome to neighborhood
To: Anna Mayoroff-Rezaei <annamrv@gmail.com>

I've now seen the plans for the exterior of your new house and find the structure quite acceptable..am pleased with the general "look"you have certainly made some major concessions for the neighbors. which was the correct thing to do...believe the house will be, when finished, quite attractive....

On Sun, Mar 3, 2019 at 10:21 PM Paul Bacigalupi <pbquovadis@gmail.com> wrote:
What a great pleasure it is to have your family moving into our neighborhood...it's refreshing to have young people here....hope everything works out well and that your family finally see"s their new home become a reality....

<20190225 - 225 Vasquez - CU HEARING SET edit.pdf>

3/7/19

L. Hoegland

James M. Foreman
549 Corbett Avenue #5
San Francisco, CA 94114

March 7, 2019

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

Re: 3356-3360 Market Street
Record no: 2018-007253CUA

Dear Planning Commission Members:

I live at 549 Corbett Avenue (the "Adjacent South Neighbor") and am writing to object to the Conditional Use Authorization being recommended to you for the above property for the following reasons.

1. The draft motion does not address the serious concerns raised about using the "John's Way" alley to bring materials to and from the site. The reality is that any time contractors brings materials to or from the site, John's way will be effectively blocked for all of us who rely on it for entrance and egress to our apartments. We cannot afford for this to happen for months on end, particularly when there is another option: requiring materials to be brought and taken via Market Street.

The Sponsor's representation that "only pick-up trucks will be entering the alley" is clearly false and ludicrous. For example, even they reference bringing in lumber through the alley ("scheduled deliveries) and only say "Most of the heavy equipment/demo/foundation work will be supported via the Market Street side of the project" – clearly omitting and reference how they will handle demolition and construction materials.

How can pick-up trucks handle the removal of the vast amount of materials coming from the demolition of the current structure, let alone deliver the quantity of lumber and supplies that will be involved in constructing the new building?! They cannot. None of us should be required to schedule the times we can leave or come home based on the contractor's "schedule"!

The Commission should place a condition on the permit that (a) requires all construction/demolition materials to be brought to the site from the Market Street side; and (b) expressly prohibits bringing construction/demolition materials up and down John's Way.

2. There is no reason to grant a density exemption and allow an additional unit to be added to the site. While the city does need additional housing, what we need is affordable housing. This will clearly be a luxury rental, far beyond the reach of any SFUSD teacher or SFPD officer.

Contrary to the Sponsor's position, the project is NOT "designed to have minimal impact on surrounding properties in terms of size and massing." The current building is 19.5 feet away from the 549 Corbett Avenue property line, allowing natural light into the 3 apartments on my side of the

building (kitchen and bedroom windows). (The CEQA Determination calls this “undeveloped area on south side of the oversized lot.) To accommodate the size of the new apartments, the new building will expand dramatically to the south and will be just 4 feet from the property line. As a result, it will cut off natural all light to my apartment and the one above. Even the Sponsor’s materials show this quite vividly – Slide 22/67 shows the entire side of my apartment building in shadow. In addition, the south bedroom on the second floor of the proposed new building will look directly into our windows.

Finally, as discussed in the letter from neighbors, the new building will increase the number of bedrooms – and therefore residents – from 5 to 12 or 13. This means there will be at least 5-6 more cars looking for parking spaces on Corbett Avenue, where they are already in short supply. The neighborhood just can handle that.

The Commission should not allow the density of the property to be increased by the equivalent of 260% , deny approval of adding an additional living unit, and require that the new building take up less space on the lot.

Thank you for your consideration.

Sincerely,



Matt Foreman



California Renters Legal Advocacy and Education Fund

1260 Mission St
San Francisco, CA 94103
hi@carlaef.org

Dear Planning Commission, and City Attorney,

The California Renters Legal Advocacy and Education Fund (CaRLA) submits this letter in support of the proposed ordinance amending the regulations applying to Accessory Dwelling Units (ADUs) in single-family homes. The current regulations in San Francisco fall short of complying with the requirements of state ADU standards by prohibiting ADUs in new single family homes, and by subjecting ADU permits to a discretionary process (Gov. Code § 65852.2). The proposed ordinance should remedy these issues, and allow for more homeowners to take advantage of the potential to develop ADUs on their properties. In addition to these required amendments to the local ordinance, CaRLA supports the amendment recommended by the planning department to reduce the open space requirements for ADUs in single family homes.

- I. The proposed ordinance would allow for ADUs in conjunction with new single-family homes.

The state maximum standards for ADU applications outlined in Section 65852.2(a)(1)(D)(i)–(xi) allow local agencies to require that an ADU be located on a lot that is “zoned to allow single-family or multifamily use and includes a *proposed* or existing single-family dwelling.” Section 65852.2(a)(6) makes clear that these state law standards are “the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit” By barring ADU on lots with proposed (new) single-family homes, San Francisco’s existing regulations are more restrictive than allowed under these state standards. The legislative history behind the 2017 amendments to the ADU laws make very clear that the state legislature intended to *require* that local governments allow ADUs in new construction. Senate Bill 229 (2017) amended the language of the state ADU law to include the word ‘proposed’ specifically to require that local governments allow for ADUs in new development. The assembly floor analysis of the final bill makes clear that the purpose of the amendment is to “[p]rovide that

ADUs *must* be allowed in lots zoned to allow for single-family or multi-family uses that include a *proposed* or existing single-family dwelling.”¹ CaRLA fully supports this required update to the local regulations.

II. The proposed ordinance should implement a non-discretionary review process for the consideration of ADU permits.

State ADU law is even more clear that cities are prohibited from applying discretionary review procedures to the consideration of ADU applications. Section 65852.2(a)(4) states:

An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision.

Nowhere else in the subdivision permits for application of discretionary provision to ADU applications. The intent behind this provision could not be clearer. The state enacted this provision of the ADU law in 2016, and over two years later San Francisco remains out of compliance.

The San Francisco ADU ordinance does not directly address review procedures for most ADUs, other than to require review of ADU applications within 120 days for “no-waiver” ADUs. Section 311(b)(1) of the San Francisco Planning Code makes clear, however, that the non-ministerial community notification and discretionary review procedures apply to “an increase to the exterior dimensions of a residential building.” San Francisco’s ADU guidance also confirms that discretionary review applies to ADU application that increase the building dimensions on the lot, and that the application of such procedures would cause the review period to exceed the allotted 120 review, instead taking “4 to 6 months.”² San Francisco cannot continue to ignore this explicit requirement of state law.

¹Assembly Floor analysis:

http://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201720180SB229#

²

http://default.sfplanning.org/plans-and-programs/planning-for-the-city/accessory-dwelling-units/NoWaiver_ADUFactSheet.pdf

California Renters Legal Advocacy and Education Fund - hi@carlaef.org

1260 Mission Street, San Francisco, CA 94103

The proposed ordinance should remedy this issue by exempting ADU permits from community notification and discretionary review. The proposed ordinance instead includes an abbreviated appeal provision to the Board of Appeals. This provision, while unnecessary, would be compliant with state law as long as it does not allow for discretion in the Board's consideration, it does not result in any additional requirements being placed on the ADU permit, and it does not result in a permitting timeline that exceeds the state-mandated 120 days (Gov. Code § 65852.2(a)(3)). The Board's review should be limited to whether the ADU regulations were correctly applied to the proposed permit by city staff, and the process should not involve any public hearing in order to comply with state ADU law. Lastly, this process should not come at any cost to the permit applicants. Since it is a review of the city's determination of the permit's compliance, the city staff should be responsible for defending this determination if the application is appealed. Placing additional unnecessary costs on homeowners to defend appeals could discourage them from pursuing ADU permits to begin with.

The proposed appeals process is both unnecessary and a potential barrier to homeowners seeking to develop ADUs. Most jurisdictions do not include any appeals process for ADU permits. By including this process, San Francisco would be again trailing behind the rest of California in their policies toward ADUs. CaRLA supports removing this process entirely from the proposed ordinance. To the extent that an appeals process is included, however, it must be carefully implemented as outlined above to avoid violating state law requirements.

III. The suggested changes to open space requirements would be a needed improvement to San Francisco's ordinance.

When discussing the San Francisco ADU ordinance with architects and builders, the open space requirements came up repeatedly as the most significant regulatory barrier to ADUs on most single-family lots in San Francisco. Because of the small lot sizes and attached housing that characterizes most single-family neighborhoods, the current open space requirements often make ADU development impossible for homeowners. This requirement, while not in violation of the text of the state law, may violate the intent of state ADU requirements. The state ADU law was intended to provide for local ordinances allowing ADUs to be developed on typical single-family

**California Renters Legal Advocacy and Education Fund - hi@carlaef.org
1260 Mission Street, San Francisco, CA 94103**

lots in all California cities. Bans on ADUs are only permitted if justified based on concerns of traffic flow and public safety or adequacy of water and sewer services. To the extent a local regulation results in a similar prohibition on ADU development, it should be justified by similar concerns. In this case, reducing the requirements for open space would allow significantly more homeowners to consider adding ADUs to their properties. This change would bring San Francisco's into closer compliance with the intent of the state laws.

IV. The proposed amendments would improve San Francisco's ADU policy

The state ADU requirements outlined above were enacted in response to the historic housing shortage in California. Due to the lack of new housing being developed across the region, costs of rental housing have skyrocketed, inflicting pain on tenants at all income levels, especially those most vulnerable. ADU developments are not the only solution to the housing crisis, but they could help by providing much needed rental units at relatively low cost. San Francisco specifically has over two thirds of its land area devoted to single family homes. Removing barriers to ADUs could open up many of these parcels for new rental units. These new units would be relatively inexpensive to develop and would not change the overall building types of the neighborhoods. The above changes would remove barriers for ADU development by providing more predictability in the permitting process and allowing for new homes to be designed with a second unit in mind. San Francisco can and should take additional steps to promote ADU development by relaxing rear yard restrictions and implementing the suggested open space changes to allow for more flexible configuration of ADUs on lots.

CaRLA is a 501(c)3 non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. The proposed amendments outlined above would provide badly needed housing in single family home neighborhoods. While no single project will solve the regional housing crisis, these amendments would help provide the kind of housing San Francisco needs to mitigate displacement, provide shelter for its growing population, and arrest unsustainable housing price appreciation. You may learn more about CaRLA at www.carlaef.org.

California Renters Legal Advocacy and Education Fund - hi@carlaef.org

1260 Mission Street, San Francisco, CA 94103

Sincerely,

A handwritten signature in black ink, appearing to read 'Dylan Casey', with some overlapping loops and a horizontal line at the end.

Dylan Casey

ADU Director

California Renters Legal Advocacy and Education Fund

California Renters Legal Advocacy and Education Fund - hi@carlaef.org
1260 Mission Street, San Francisco, CA 94103

Received at CPC Hearing 3/7/19
V. Flores

March 7, 2019

To: San Francisco Planning Commission
Cc: Veronica Flores and Aaron Starr
From: Georgia Schuttish

Re: Accessory Dwelling Units in New Construction
Case No. 2018-016401 PCA
Board File No. 181156

Here is a suggestion for the Draft Motion for this item on tomorrow's (March 7, 2019) agenda:

It is not the intent of the Commission with this legislation to encourage Demolition of sound and relatively affordable housing, particularly housing in the RH-1, RH-2 or RH-3 to add an ADU.

It is also not the intent of the Commission with this legislation to encourage Tantamount to Demolition per Section 317 of sound and relatively affordable housing, particularly housing in the RH-1, RH-2 or RH-3 to add an ADU.

The Planning Department has recently updated and published a Handbook to guide project sponsors in the addition of an ADU in both single family homes and duplex (pair of flats) while maintaining and preserving existing housing.

While it is good policy to allow the additions of an ADU to new construction, the addition of an ADU to single family homes and duplex (pair of flats) can be done more quickly and more economically than completely new construction and can meet the City's need to add housing and densify where appropriate.

March 7, 2019

To: San Francisco Planning Commission
Cc: Veronica Flores and Aaron Starr
From: Georgia Schuttish

Re: Accessory Dwelling Units in New Construction
Case No. 2018-016401 PCA
Board File No. 181156

Here is a suggestion for the Draft Motion for this item on tomorrow's (March 7, 2019) agenda:

It is not the intent of the Commission with this legislation to encourage Demolition of sound and relatively affordable housing, particularly housing in the RH-1, RH-2 or RH-3 to add an ADU.

It is also not the intent of the Commission with this legislation to encourage Tantamount to Demolition per Section 317 of sound and relatively affordable housing, particularly housing in the RH-1, RH-2 or RH-3 to add an ADU.

The Planning Department has recently updated and published a Handbook to guide project sponsors in the addition of an ADU in both single family homes and duplex (pair of flats) while maintaining and preserving existing housing.

While it is good policy to allow the additions of an ADU to new construction, the addition of an ADU to single family homes and duplex (pair of flats) can be done more quickly and more economically than completely new construction and can meet the City's need to add housing and densify where appropriate.

Coblentz
Patch Duffy
& Bass LLP

Received at CPC Hearing 3/7/19

D. Sanchez

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T 415 391 4800

coblentzlaw.com

Harry O'Brien
D 415.772.5723
hobrien@coblentzlaw.com

March 5, 2019

VIA ELECTRONIC MAIL

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

Re: Proposed Planning Code Text Amendment Regarding Employee Cafeterias (Item 13
on March 7, 2019 Agenda, Case Number 2018-010552PCA)

President Hillis and Commissioners:

This firm represents First Republic Bank. In October 2018, First Republic submitted a letter (attached as **Exhibit A**) and appeared before the Commission to express its opposition to legislation containing a prohibition on employee cafeterias, and to suggest amendments including an expanded grandfathering and legitimization provision to cover pre-existing employee cafeterias. Although the legislation has been amended to create a conditional use authorization process for employee cafeterias, First Republic wishes to reiterate and expand on its prior request that this Commission recommend amendments to the legislation to include an expanded grandfathering and legitimization provision, including provisions for a Zoning Administrator determination of eligibility and grandfathering of pending applications such that they remain subject to the current Planning Code. First Republic also requests that this Commission recommend an amendment allowing for expansion and re-installation, as well as relocation, of existing and new employee cafeterias.

First Republic Bank has recently filed an updated conditional use application for its employee cafeteria at One Front Street, and the Planning Department is now processing that application. (As you will recall, a building permit for the cafeteria was approved by the Planning Department in 2016, but the Department later concluded, after the work was complete, that the permit had been approved in error through no fault of First Republic.) First Republic's updated application includes a public restaurant component and activation of the space for evening community events, and was designed in close collaboration with Planning Department staff. First Republic looks forward to returning to the Commission for a hearing on the updated application in the near future.

Because the legislation as currently drafted grandfathers only those employee cafeterias lawfully existing or finally approved prior to July 24, 2018, passage of the legislation could place the First Republic One Front Street cafeteria in a legal "no man's land" where it is unable to comply with the grandfathering requirement if its pending conditional use application is approved by the Commission prior to the effective date of the proposed ordinance. The grandfathering provision of the proposed legislation should be revised, so that the First Republic

**Coblentz
Patch Duffy
& Bass LLP**

San Francisco Planning Commission

March 5, 2019

Page 2

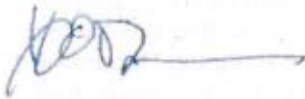
proposal, for which a conditional use application has already been submitted, would be judged under the provisions of the current Planning Code. As further described in our October 23, 2018 letter, First Republic also requests that the legislation be amended to establish procedures for a Zoning Administrator determination of eligibility for legitimization of pre-existing facilities and to allow relocation of legal nonconforming facilities.

Regarding the amendments proposed by Planning Department staff, First Republic agrees that the ordinance's proposed grandfathering clause should not impose stricter controls on expansion or re-installation/relocation of existing employee cafeterias than it would on employee cafeterias approved through the proposed conditional use controls. As noted above, First Republic proposes a revised grandfathering provision that exempts projects for which any conditional use or building permit application was submitted prior to the effective date of the ordinance.

First Republic also agrees with the Department's recommendation that an exemption should be provided for employee cafeterias at street level, but the exemption should not require that the entire employee cafeteria be open to the general public at all times. Rather, it should apply if a portion of the cafeteria is available to the general public as proposed in First Republic's revised conditional use application.

In conclusion, First Republic respectfully requests that the Planning Commission recommend amendments to the proposed ordinance as described above and in its October 23, 2018 letter. Thank you for your consideration.

Respectfully submitted,



Harry O'Brien

cc:

Diego R Sánchez, Legislative Affairs, Planning Department
Dan Sider, Director of Executive Programs, Planning Department
Corey Teague, Zoning Administrator, Planning Department
Laurel Arvanitidis, Director of Business Development, Mayor's Office of Economic and
Workforce Development
Kate Stacy, Deputy City Attorney
Judith A. Boyajian, Deputy City Attorney
Crystal Bryant, First Republic Bank

Coblentz
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& Bass LLP

San Francisco Planning Commission
March 5, 2019
Page 3

David Noyola

EXHIBIT A

Harry O'Brien
D 415.772.5723
hobrien@coblentzlaw.com

October 23, 2018

VIA ELECTRONIC MAIL

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

Re: Proposed Planning Code Text Amendment Regarding Employee Cafeterias (Item 14
on October 25, 2018 Agenda, Case Number 2018-010552PCA)

President Hillis and Commissioners:

This firm represents First Republic Bank. As you may recall, the City approved a building permit for First Republic's employee cafeteria at One Front Street in 2016. After the facility was constructed and occupied, however, the Planning Department (incorrectly, in our view) determined that the permit had been issued in error, and that a conditional use was required for operation of this use on the ground floor. In July of this year, the Commission disapproved First Republic's initial application for conditional use for the facility as constructed. First Republic expects to file a revised conditional use application that would convert a portion of the facility along the Market Street frontage into a restaurant serving the general public.

The proposed ordinance before the Planning Commission would prohibit Employee Cafeterias, as defined in the Health Code, within office space, across all zoning districts. The proposed ordinance contains a grandfathering provision classifying Employee Cafeterias "lawfully existing or finally approved as of July 24, 2018," as legal nonconforming accessory uses.

While First Republic Bank does not support an outright prohibition on employee cafeterias, if the legislation does move forward, the Bank requests that the Planning Commission recommend amendments to the proposed ordinance to add an expanded grandfathering and legitimization provision to cover employee cafeterias that existed as of July 24, 2018. Such a provision would provide an opportunity for existing employee cafeterias to achieve legal nonconforming status, even if they had not, as of July 24, 2018, obtained all required permits, including permits from the Planning Department and the Department of Public Health, or had obtained permits as another type of food service facility. This expanded grandfathering and legitimization provision could be modeled on similar provisions included in prior Code amendments, such as Planning Code Section 179.1, which provided for legitimization of office and residential uses in the Eastern Neighborhoods, and prior Planning Code Section 177, which allowed certain existing Massage Establishments to seek and obtain permits. In particular, First Republic requests that the amendment establish procedures for a Zoning Administrator determination of eligibility,

Coblentz
Patch Duffy
& Bass LLP

San Francisco Planning Commission
October 23, 2018
Page 2

similar to the procedures in Planning Code Section 179.1, and allow relocation of legal nonconforming employee cafeterias.

First Republic Bank is committed to working with the City to find a compromise solution to the difficult situation at One Front Street. If the City were, in the meantime, to move forward with a prohibition on employee cafeterias, this could have the unintended effect of precluding a compromise that is in the best interest of all concerned. For this reason, First Republic respectfully requests that the Planning Commission recommend an amendment to the proposed ordinance with an expanded grandfathering and legitimization provision that includes a Zoning Administrator eligibility determination procedure.

Respectfully submitted,



Harry O'Brien

cc:

Diego R Sánchez, Legislative Affairs, Planning Department
Dan Sider, Director of Executive Programs, Planning Department
Corey Teague, Assistant Zoning Administrator, Planning Department
Laurel Arvanitidis, Director of Business Development, Mayor's Office of Economic and
Workforce Development
Kate Stacy, Deputy City Attorney
Judith A. Boyajian, Deputy City Attorney
Crystal Bryant, First Republic Bank
David Noyola

LCU uses allowed after lege goes thru:

As to your second request on understanding which uses in each LCU/LCCU that would now be allowed: Unfortunately, there are hundreds of LCU's in the city, and each is unique based on it's location. Producing the data on every single parcel and which uses they may now be eligible to establish is not something the department can fulfill in a record request.

RUD & buffer zone for LCUs:

RUD's are Restricted Use Districts. These are districts where particular use types are restricted. The Mission Alcohol RUD and Fringe Financial RUD are two examples. RUD's are currently included in the "buffer zones" for these layers. Under the Ordinance, the RUD's would no longer be a type of district that would have a buffer zone that would apply to LCU's. If an LCU fell *within* a RUD however, then the LCU would still be subject to the RUD's controls.

BAR

RESTAURANT

LIMITED RESTAURANT

OTHER NON-RESIDENTIAL USES POSSIBLE -- EXAMPLE ONLY:

GYM

HEALTH SERVICES – SECTION 102 SAYS “SEE HEALTH” WHICH IS MISSING.

INSTRUCTIONAL SERVICES – SECTION 102 – NOT DEFINED

PERSONAL SERVICES – SECTION 102 – NOT DEFINED

RETAIL PROFESSIONAL SERVICES -- SECTION 102 – NOT DEFINED

TRADE SHOP – RETAIL SALES/SERVICE USE, SALE DIRECTLY TO CONSUMERS

TRADE OFFICE – NON-RETAIL SALES/SERVICE USE, INCLUDES CONTRACTORS’ OFFICES

DESIGN PROFESSIONAL – NON-RETAIL SALES/SERVICE USE, PROFESSIONAL DESIGN SERVICES TO PUBLIC

SEC. 249.35. FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT.

(a) **Findings.** There are an unusually large number of establishments providing fringe financial services, including check cashing and payday lending, in the neighborhoods included in the Mission Alcoholic Beverage Special Use District, the North of Market Residential Special Use District, the Divisadero Street Alcohol Restricted Use District, the Third Street Alcohol Restricted Use District, and the Haight Street Alcohol Restricted Use Subdistrict. The unchecked proliferation of these businesses has the potential to displace other financial service providers, including charter banks, which offer a much broader range of financial services, as well as other desired commercial development in the City, which provides a broad range of neighborhood commercial goods and services.

(b) **ESTABLISHMENT OF THE FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT.** IN ORDER TO PRESERVE THE RESIDENTIAL CHARACTER AND THE NEIGHBORHOOD-SERVING COMMERCIAL USES OF THE FOLLOWING DEFINED AREAS, A NONCONTIGUOUS FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FRINGE FINANCIAL SERVICE RUD) IS **HEREBY ESTABLISHED FOR THE FOLLOWING PROPERTIES:**

- (1) PROPERTIES IN NC-1 AND NCT-3 DISTRICTS, AND IN THE **BROADWAY** (SEC. [714](#)), **CASTRO STREET** (SEC. [715](#)), **INNER CLEMENT STREET** (SEC. [716](#)), **OUTER CLEMENT STREET** (SEC. [717](#)), **EXCELSIOR OUTER MISSION STREET** (SEC. [745](#)), **FILLMORE STREET** (SEC. [747](#)), **UPPER FILLMORE STREET** (SEC. [718](#)), **HAIGHT STREET** (SEC. [719](#)), **UPPER MARKET STREET** (SEC. [721](#)), **UPPER MARKET STREET NCT** (SEC. [733](#)), **MISSION STREET** (SEC. [736](#)), **NORTH BEACH** (SEC. [722](#)), **PACIFIC AVENUE** (SEC. [732](#)), **SACRAMENTO STREET** (SEC. [724](#)), **INNER SUNSET** (SEC. [730](#)), **24TH STREET – MISSION** (SEC. [727](#)), **24TH STREET – NOE VALLEY** (SEC. [728](#)), **UNION STREET** (SEC. [725](#)), **VALENCIA STREET** (SEC. [726](#)), AND **WEST PORTAL AVENUE** (SEC. [729](#)) NEIGHBORHOOD COMMERCIAL DISTRICTS;

- (2) PROPERTIES IN THE **MISSION ALCOHOLIC BEVERAGE SPECIAL USE DISTRICT**, AS DESCRIBED IN SECTION [249.60](#) OF THIS CODE AND AS DESIGNATED ON SECTIONAL MAPS SU07 AND SU08 OF THE [ZONING MAP](#) OF THE CITY AND COUNTY OF SAN FRANCISCO;

- (3) PROPERTIES IN THE **NORTH OF MARKET RESIDENTIAL SPECIAL USE DISTRICT**, AS DESCRIBED IN SECTION [249.5](#) OF THIS CODE AND AS DESIGNATED ON SECTIONAL MAPS SU01 AND SU02 OF THE [ZONING MAP](#) OF THE CITY AND COUNTY OF SAN FRANCISCO;

- (4) PROPERTIES IN THE **DIVISADERO STREET** (SECTION [783](#)), **HAIGHT STREET** (SECTION [781.9](#)) AND **THIRD STREET** (SECTION [782](#)) ALCOHOL RESTRICTED USE DISTRICTS.



Received at CPC Hearing 3/7/19
A. Ben Han
CITY AND COUNTY OF SAN FRANCISCO
LONDON BREED, MAYOR

OFFICE OF SMALL BUSINESS
REGINA DICK-ENDRIZZI, DIRECTOR

January 29, 2019

Ms. Angela Calvillo, Clerk of the Board
City Hall Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

RE: BOS File No. 181211 – Health, Planning, and Police Codes - Small Business Permit Streamlining

Small Business Commission Recommendation to the Board of Supervisors: **Approval.**

This motion passed unanimously (7 to 0).

Dear Ms. Calvillo,

On January 28, 2019 the Small Business Commission (SBC) heard BOS File No. 181211 – Health, Planning, and Police Codes - Small Business Permit Streamlining. Mr. Juan Carlos Cancino, aide to Supervisor Brown and Mr. Ben Van Houten of the Office of Economic and Workforce Development, provided the SBC with an overview of the legislation.

The SBC enthusiastically supports the intent of this legislation which will enable retail businesses to diversify offerings to strengthen existing businesses and attract new business models to vacant storefronts by:

- Reducing costs and barriers for retail businesses to more easily offer to-go food service by aligning local health code with state requirements.
- Help retail businesses incorporate entertainment and events by eliminating unnecessary permitting requirements.

The legislation also increases opportunities for retail, restaurant, and nightlife businesses to fill vacant storefronts and enhance neighborhood vibrancy by:

- Allowing businesses to save time and money to open patios and other outdoor spaces by streamlining permitting process for outdoor uses.
- Increasing opportunities for appropriate retail, restaurant, and nightlife businesses in NC-1 zoning.
- Supporting open air food service in retail, restaurant, and nightlife businesses by aligning local health code with state requirements.
- Increasing opportunities for arcade uses in retail and nightlife businesses by reducing zoning barriers.

San Francisco existing live music venues and support new venues are strengthened by reducing duplicative and otherwise burdensome requirements by:

- Reducing delays and costs for new entertainment businesses by eliminating duplicative inspections.
- Supporting all-ages music venues by better aligning requirements for entertainment venues that also operate as restaurants.

And lastly it fixes ambiguous Planning Code provisions and brings consistency to the permitting process for retail, restaurants, and nightlife businesses by:

- Saving new businesses time and money in navigating the permitting process by clarifying definitions of restaurant and bar uses.
- Supporting retail businesses' ability to incorporate food uses by clarifying accessory use provisions of the Planning Code.

The SBC thanked Mayor Breed and Supervisor Brown for originating this extensive package of streamlining changes. The SBC also extended its appreciation to the Office of Economic and Workforce Development for taking the department lead, and the Department of Building Inspection, Entertainment Commission, Planning and Health Departments for their input on how best to accomplish the much needed changes. These streamlining efforts will help new businesses save time and money, help fill storefront vacancies more quickly, and to help strengthen existing businesses through allowing them to evolve, adapt, and expand with greater ease.

Thank you for considering the Commission's recommendation. Please feel free to contact me should you have any questions.

Sincerely,



Regina Dick-Endrizzi
Director, Office of Small Business

cc: Kanishka Karunaratne Cheng, Mayor's Liaison to the Board of Supervisors
Vallie Brown, Member, Board of Supervisors,
John Rahaim, Director, Planning Department
Stephanie Cushing, Director, Environmental Health, Department of Public Health
Maggie Weiland, Director, Entertainment Commission
Lisa Pagan, Office of Economic and Workforce Development
Erica Major, Clerk, Land Use and Transportation Committee

Dear Supervisor Brown,

My name is Eric Raymond, and I've been a resident of Cole Valley for 15 years. I'm writing today in support of Wooden Coffee's plans to extend their service into evenings. Wooden's presence at the corner of Cole & Carl has strengthened the appeal of Cole Valley, and created a welcoming new space for neighbors to gather, socialize, and work. Steve has poured in an incredible amount of time, energy, and money in order to found one of those businesses people are always lamenting have disappeared from San Francisco.

While I respect the complex zoning challenges the city faces, I hope we can work together to find a way to permit Wooden for beer and wine sales. Unlike another neighborhood bar, Steve's plans to remain open later will create a venue for cultural and artistic events. It is extremely difficult to find places in SF which can afford to showcase amateur comedians, upcoming writers, and other artists in the evening, and modest alcohol sales would make this a financially viable proposition for Wooden. (It's tough to sell espresso at 8PM!)

Steve has invested in Cole Valley, and he's asking to invest more. As a homeowner and long-time resident of Cole Valley, I certainly want to see him succeed. I know the Board of Supervisors is always open to helping special community spaces thrive, as I was a part of the effort to change the regulations regarding pinball in the Upper Haight for Free Gold Watch.

Thank you for listening. Any time you may be able to dedicate to helping us help Wooden would be most appreciated now and in the future.

Respectfully,

Eric Raymond

47 Carl Street

(415) 794-7129

closerreading@gmail.com

OFFICE OF THE MAYOR
SAN FRANCISCO



Received at CPC Hearing 3/7/19
A. Butkus

LONDON N. BREED
MAYOR

MEMORANDUM

TO: San Francisco Planning Commission

FROM: Kanishka Karunaratne Cheng, Office of Mayor London N. Breed
Juan Carlos Cancino, Office of Supervisor Vallie Brown

CC: Audrey Butkus, Lisa Pagan, Aaron Starr, Ben Van Houten

RE: Anticipated Amendments to Small Business Streamlining Legislation

DATE: March 5, 2019

On Thursday, March 7, the Planning Commission will hear Board File No. 181211, small business permit streamlining legislation introduced by the Mayor and Supervisor Brown. The sponsors are currently contemplating a handful of minor amendments for introduction in the coming weeks.

This memo briefly summarizes the amendments currently under consideration. We respectfully request that the Commission consider these amendments as part of its review of this legislation during the March 7 hearing.

I. Limited Corner Commercial Uses

As drafted, this legislation would establish that the zoning of an NC-1 parcel or a nonconforming use in the RH, RM, RTO and RED districts should be determined by NC-1 zoning or any more restrictive Neighborhood Commercial District within 300 feet of the parcel.

For consistency with this approach, we intend to amend Section 231 to confirm that a limited corner commercial use in the RM and RTO Districts should similarly follow NC-1 zoning or any more restrictive Neighborhood Commercial District located within 300 feet of the parcel. Leaving this section out was an oversight in drafting.

II. Outdoor Activity Areas

An Outdoor Activity Area at the rear of a building or on the building's roof presently requires both neighborhood notification and Conditional Use Authorization in all Neighborhood Commercial Districts, except in Districts 4 and 11 where only Conditional Use Authorization is required.

Because this legislation would remove the Conditional Use Authorization for an Outdoor Activity Area at the rear of a building or on the building's roof between the hours of 6am and

10pm, we are in discussions with Supervisors Mar and Safai about their preference to amend this legislation to reinstate neighborhood notification for Outdoor Activity Areas in Districts 4 and 11.

III. General Entertainment

As introduced, this legislation would delete the Amusement Game Arcade Use and consolidate arcade game uses into General Entertainment. We anticipate introducing two amendments to align the zoning of General Entertainment with the current treatment of Amusement Game Arcades.

In the Japantown Neighborhood Commercial District, we anticipate amending the zoning table to make General Entertainment principally permitted at the third story. In the Haight Street Neighborhood Commercial District, we anticipate amending this legislation to establish that a General Entertainment Use comprised of arcade games or other mechanical amusement devices is principally permitted at the first and second story.

Received at GPC Hearing 3/7/19
Butkus



Small Business Streamlining Legislation

San Francisco Planning Commission
March 7, 2019

BACKGROUND

- February 2018 Release of OEWD Retail Study
- Recommendations Informed by Experiences in Small Business Assistance
- Developed and Refined in Consultation with City Permitting Departments
- Goals:
 - Help new businesses save time and money in the permitting process in order to fill vacancies more quickly and position businesses for success.
 - Strengthen existing businesses by enabling them to adapt and expand offerings that are responsive to consumer demands.

STREAMLINING LEGISLATION

1. Enable Existing Retail Businesses to Diversify Offerings and Attract New Business Models to Vacant Storefronts.
2. Increase Opportunities for Retail, Restaurant, and Nightlife Businesses to Fill Vacant Storefronts and Enhance Neighborhood Vibrancy.
3. Strengthen Existing Live Music Venues and Support New Venues by Reducing Duplicative and Otherwise Burdensome Requirements.
4. Clarify Ambiguous Planning Code Provisions to Bring Consistency to the Permitting Process for Retail, Restaurants, and Nightlife Businesses.

DIVERSIFYING OFFERINGS

1. *Enable Existing Retail Businesses to Diversify Offerings and Attract New Business Models to Vacant Storefronts.*

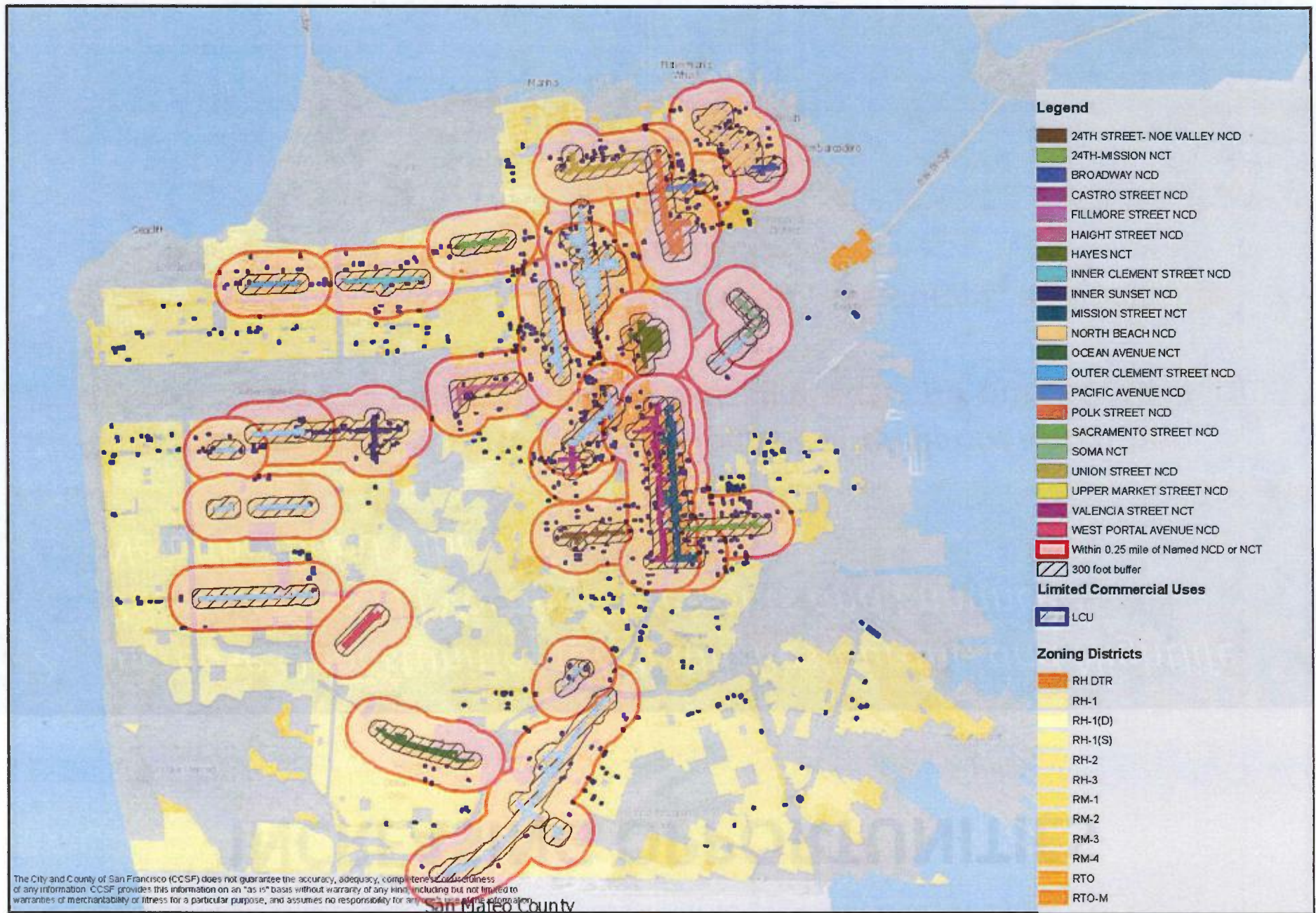
- Reduce costs and barriers for retail businesses to more easily offer to-go food service by aligning local health code with state requirements.
- Help retail businesses incorporate entertainment and events by eliminating unnecessary permitting requirements.

INCREASING OPPORTUNITIES

2. *Increase Opportunities for Retail, Restaurant, and Nightlife Businesses to Fill Vacant Storefronts and Enhance Neighborhood Vibrancy.*

- **Allow businesses to save time and money to open patios and other outdoor spaces by streamlining permitting process for outdoor uses.**
- **Increase opportunities for appropriate retail, restaurant, and nightlife businesses in NC-1 zoning, LCUs, and LCCUs.**

Named NCD's with Existing and Proposed Buffer Zones & Existing LCU/LCCU's

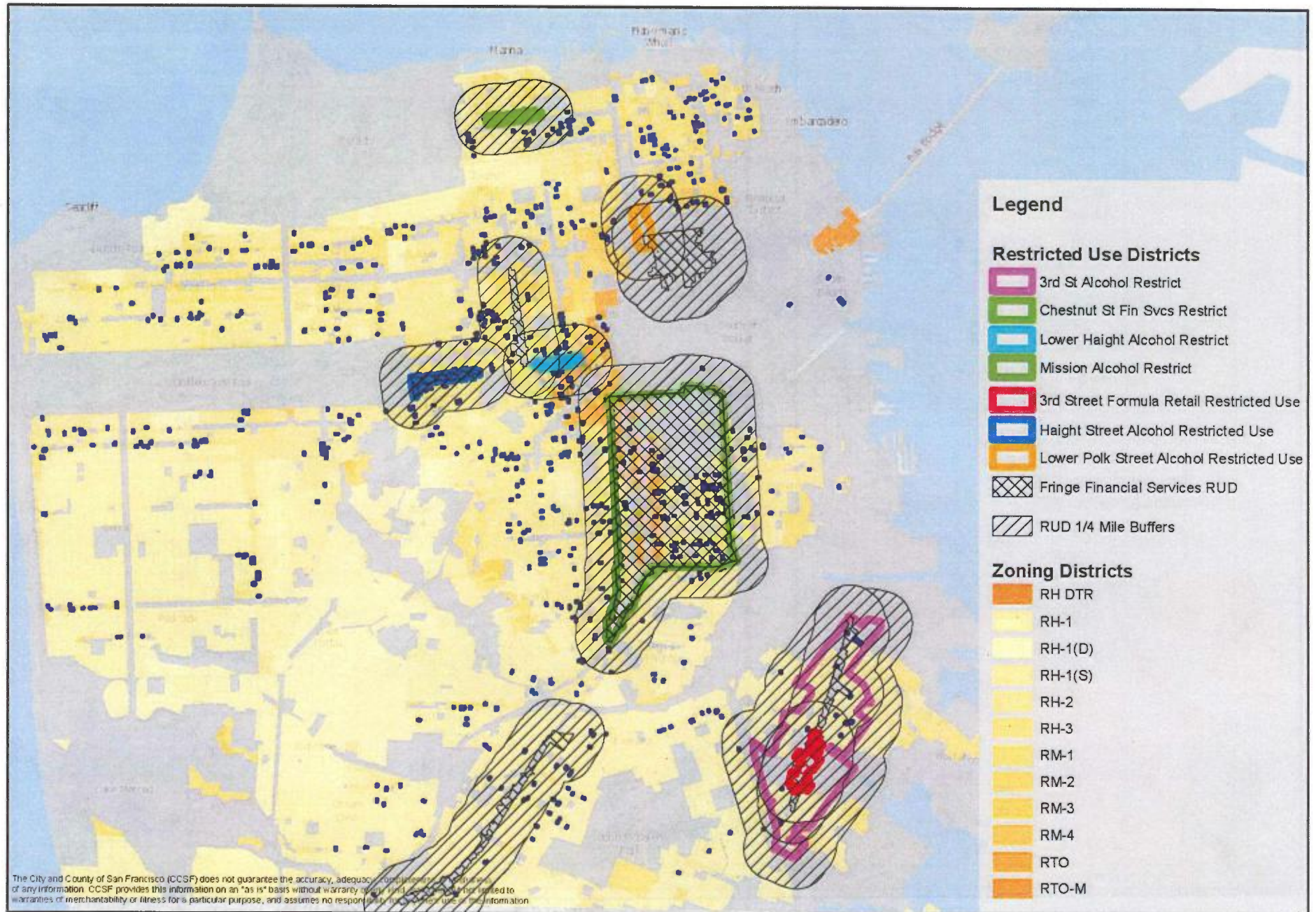


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San Mateo County

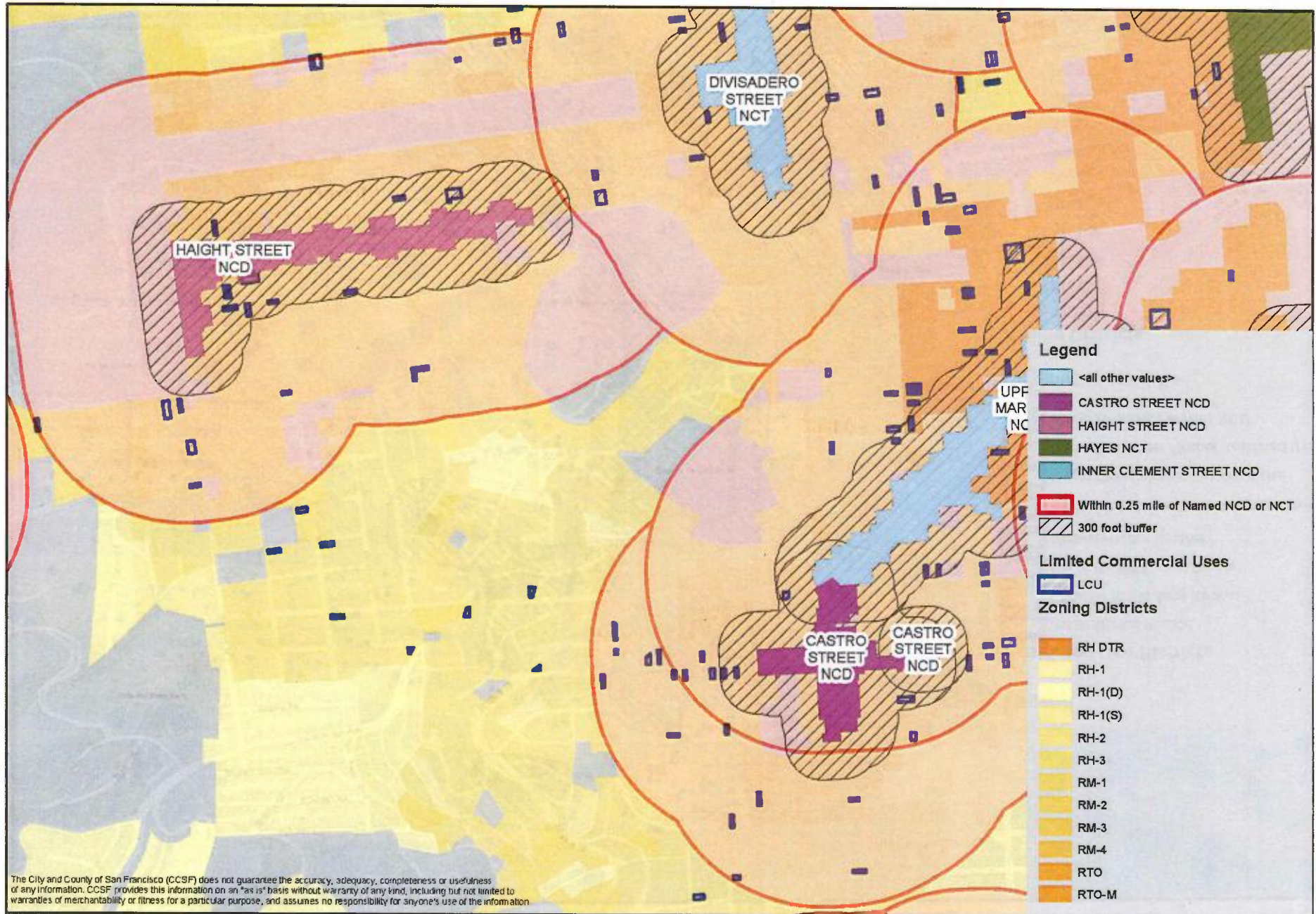
0 2,450 4,900 9,800 Feet

RUD's with Existing 1/4 Mile Buffers & Existing LCU/LCCU's



0 2,300 4,600 9,200 Feet

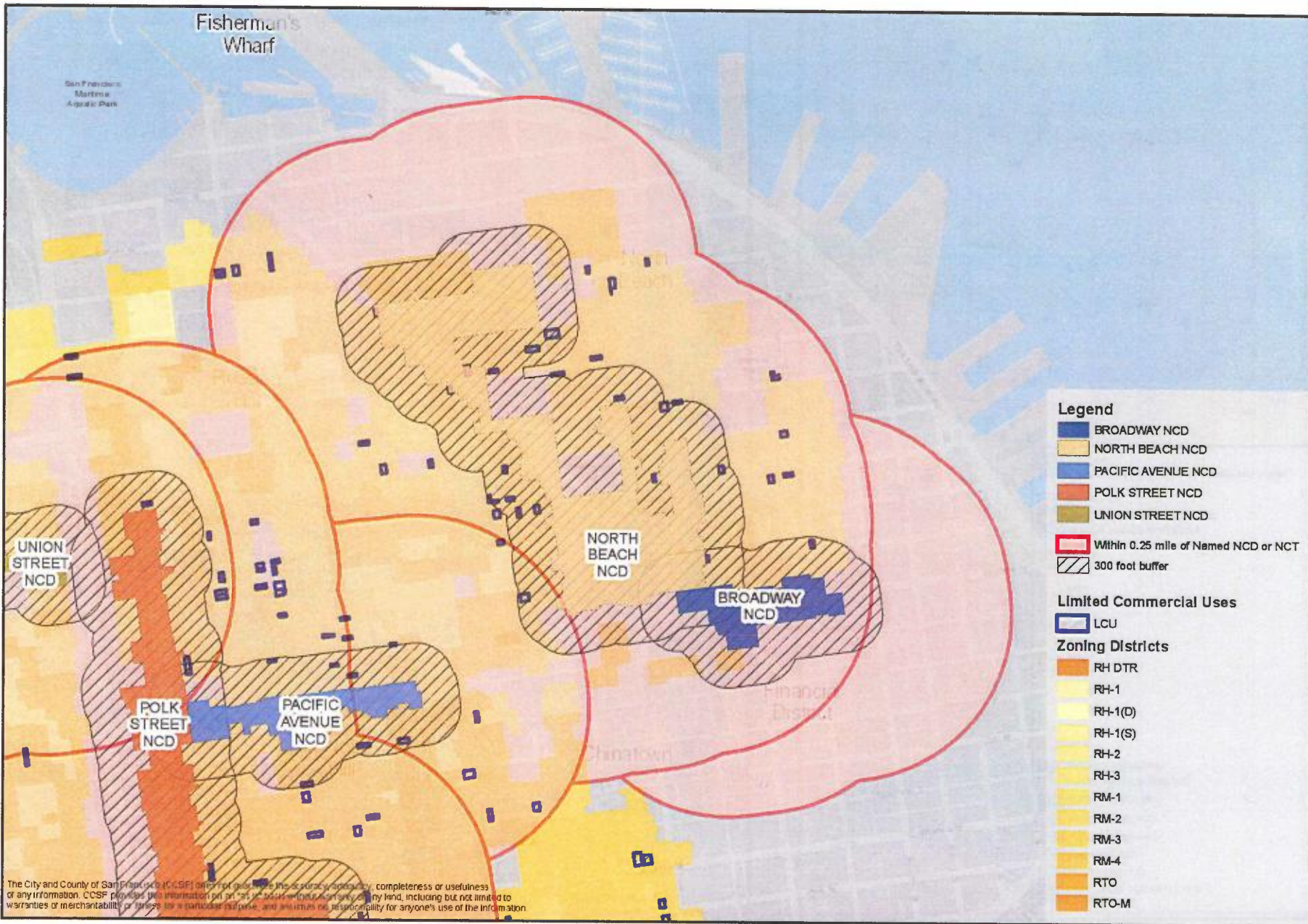
Named NCD's with Existing and Proposed Buffer Zones & Existing LCU/LCCU's



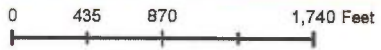
The City and County of San Francisco (CCSF) does not guarantee the accuracy, adequacy, completeness or usefulness of any information. CCSF provides this information on an "as is" basis without warranty of any kind, including but not limited to warranties of merchantability or fitness for a particular purpose, and assumes no responsibility for anyone's use of the information.

0 435 870 1,740 Feet

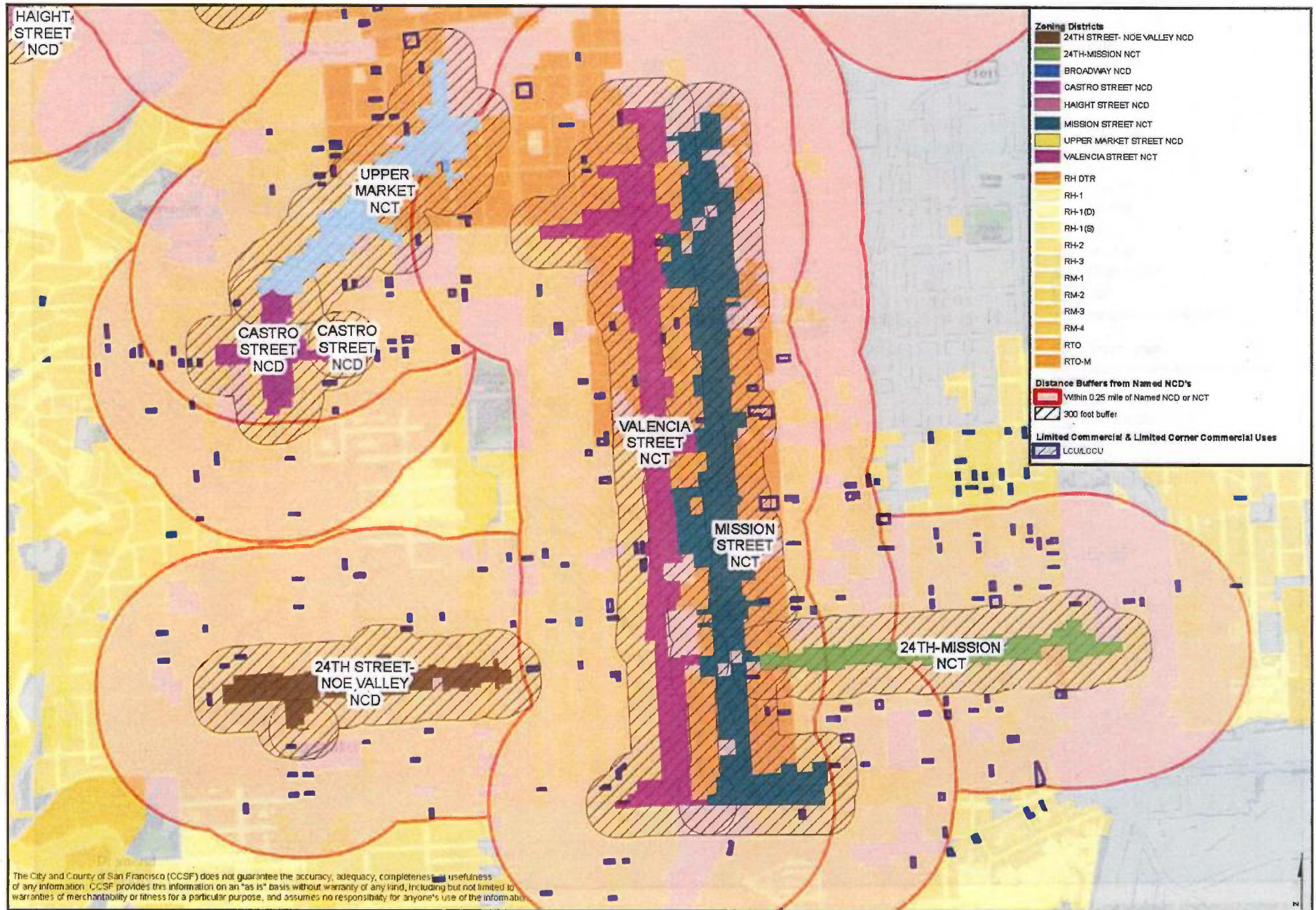
Named NCD's with Existing and Proposed Buffer Zones & Existing LCU/LCCU's



The City and County of San Francisco (CCSF) and its staff do not warrant the accuracy, completeness or usefulness of any information. CCSF provides this information as a public service and assumes no responsibility for anyone's use of the information.



Named NCD's with Existing and Proposed Buffer Zones & Existing LCU/LCCU's



0 550 1,100 2,200 Feet

INCREASING OPPORTUNITIES

From the Planning Department's *NC @ 20* report:

Under current Code provisions, [NC-1s, NCU's and LCU's] are subject to a much greater level of scrutiny than perhaps is appropriate.

Accordingly, it is recommended that a suitable relaxation of the ¼ mile radius provisions be examined. While the premise of extending specially tailored land use regulations to close-by areas is sound, the on-the-ground effect of extending multiple, distinct groups of restrictions to a single parcel is questionable.

INCREASING OPPORTUNITIES

2. *Increase Opportunities for Retail, Restaurant, and Nightlife Businesses to Fill Vacant Storefronts and Enhance Neighborhood Vibrancy.*

- Support open air food service in retail, restaurant, and nightlife businesses by aligning local health code with state requirements.
- **Increase opportunities for arcade uses in retail and nightlife businesses by reducing zoning barriers.**

SUPPORTING ENTERTAINMENT VENUES

3. *Strengthen Existing Live Music Venues and Support New Venues by Reducing Duplicative and Otherwise Burdensome Requirements.*

- Reduce delays and costs for new entertainment businesses by eliminating duplicative inspections.
- **Support all-ages music venues by better aligning requirements for entertainment venues that also operate as restaurants.**

CLARIFYING CODE PROVISIONS

4. *Clarify Ambiguous Planning Code Provisions to Bring Consistency to the Permitting Process for Retail, Restaurants, and Nightlife Businesses.*

- **Save new businesses time and money in navigating the permitting process by clarifying definitions of Restaurant and Bar uses.**
- **Support retail businesses' ability to incorporate food uses by clarifying accessory use provisions of the Planning Code.**

ANTICIPATED AMENDMENTS

- Clarifying amendment for limited corner commercial uses
- Outdoor activity areas and neighborhood notification
- Amusement Game Arcades and General Entertainment zoning

QUESTIONS?

To: Planning Commission
3/7/2019

Received at CPC Hearing 3/7/19
Pub. Com.

From: SchuT schuttishtr@sbcglobal.net
Subject: Feb 14th Process Improvements informational
Date: Feb 27, 2019 at 6:52:06 PM
To: jacob.bintliff@sfgov.org
Cc: dan.sider@sfgov.org, john.rahaim@sfgov.org,
commissions.secretary@sfgov.org

Dear Jacob,

Good evening and hope all is well.

I was not able to get to your hearing on February 14th on this item on time to comment.

Here is a comment as you proceed that I hope you you will give serious consideration to as you develop this policy.

In Section "A.4.2 Notification Format and Content" I think it is imperative that if an excavation is to occur that will create a new habitable living level, whether that is a completely new unit or an expansion of an existing unit or if the excavation facilitates both, that this fact be included as written text in the notification. Additionally it should be noted what percentage of the lot will be excavated, as well as depth of the excavation.

I think it is important that adjacent neighbors have a complete understanding of the extent of excavation in order to provide transparency as a project goes through the public review process. Obviously I am referring to the R zoned Districts, but particularly the three RH Districts.

Thank you.

Sincerely,

Georgia

P.S. As the Department becomes increasingly paperless, particularly since that seems to be the trend for submitted architectural plans, I also suggest that a large screen comparable to current full sized architectural plans and renderings be set up for the public to come in and view these visuals of proposed projects. It might also be helpful for Staff and the Commission. With your new building and office space under construction, it would seem like this public amenity could be possible. Thanks again.

ADDITIONAL
COMMENTS

An Additional Suggestion as the Department Goes Paperless:

More documents are being loaded to the SFPIM, but not everything is available on the site for a project.

Please include the complete HRE report which includes ownership history and occupant history. Occupant history is particularly important for both the Commission and Staff, as well as the public to know if there are current occupants. (Think Clayton Street and the Carl Jensen building which did not mention Mr. Jensen). Occupancy information should be available from this report on the SFPIM.

Also, the sign-in sheet and comments from the Pre-Application meetings should be included on the SFPIM as sometimes this is a point of controversy in hearings at the Commission.