



SAN FRANCISCO PLANNING DEPARTMENT

Memo to the Planning Commission

HEARING DATE: MAY 17, 2018
Continued from the April 19, 2018 Hearing

Record No.: 2015-001650CUAVAR
Project Address: 3042 CALIFORNIA ST
Zoning: RH-2 (Residential- House, Two Family District)
40-X Height and Bulk District
Block/Lot: 1023/015
Project Sponsor: Brian Kaufman
77 Van Ness Avenue #501, San Francisco, Ca 94102
Staff Contact: Christopher May – (415) 575-9087
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BACKGROUND

On September 13, 2016, Brian Kaufman of Brian Kaufman Design filed Application No. 2015-001650CUA with the Planning Department for a Conditional Use Authorization to legalize the previously demolished and partially reconstructed two-story, two-unit building at the rear of the subject property at 3042 California Street, Block 1023 Lot 015.

On April 19, 2018, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2015-001650CUA. After hearing and closing public comment, the Commission continued the item to May 17, 2018, to allow the Project Sponsor an opportunity to provide documentation verifying that the replacement building is the same height as the original building. The Commission also requested that the project sponsor provide documentation to indicate whether the two previously-demolished dwelling units were subject to the Rent Stabilization and Arbitration Ordinance.

Since the April 19, 2018, hearing, the project sponsor has provided Planning Department staff with photos of the two-story rear building, taken before it was demolished and after reconstruction began (see attachment). While it is difficult to ascertain from the photos exactly how tall the original structure was, it was clearly two stories in height, as is the partially-reconstructed replacement building. Planning staff have also provided aerial photographs from 2009 and 2015 to illustrate the massing of the building both pre-demolition and post-reconstruction.

The project sponsor has not provided supplementary documentation to verify whether the previously-demolished units in the rear cottage or the three existing dwelling units in the main building fronting California Street are or were subject to the Rent Stabilization and Arbitration Ordinance.

REQUIRED COMMISSION ACTION

In order to approve the project, the Commission must adopt the attached Draft Motion.

Attachments:

Draft Motion of Approval

Aerial Photos (looking south)



Pre-Demolition: March 24, 2009



Post-Reconstruction: August 12, 2015

Conditional Use Authorization and Variance
Hearing

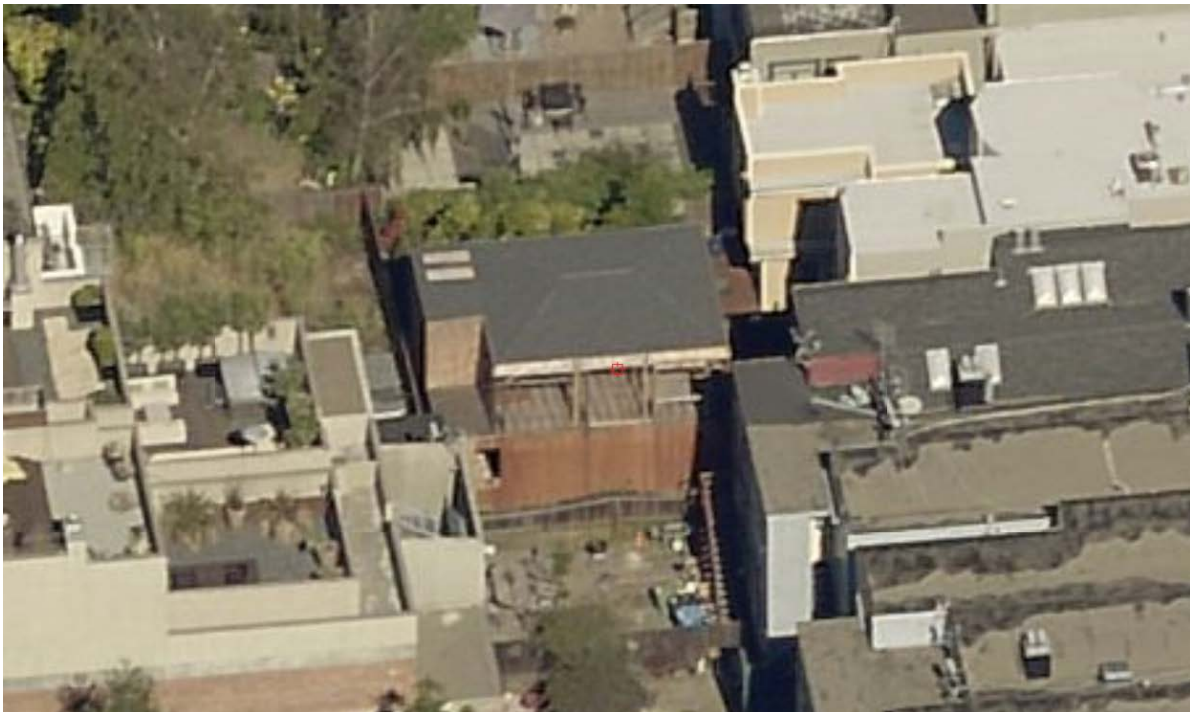
Case Number **2015-001650CUAVAR**
3042 California Street



Aerial Photos (looking east)



Pre-Demolition: March 24, 2009



Post-Reconstruction: August 12, 2015

Conditional Use Authorization and Variance
Hearing

Case Number **2015-001650CUAVAR**
3042 California Street



Site Photos



Pre-Demolition



Post-Reconstruction

Conditional Use Authorization and Variance
Hearing

Case Number 2015-001650CUAVAR

3042 California Street



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Motion

HEARING DATE: MAY 17, 2018
Continued from the April 19, 2018 Hearing

Case No.: **2015-001650CUAVAR**
Project Address: **3042 CALIFORNIA STREET**
Zoning: RH-2 (Residential, House - Two-Family) Zoning District
40-X Height and Bulk District
Block/Lot: 1023/015
Project Sponsor: Brian Kaufman, Brian Kaufman Design
77 Van Ness Ave, #501
San Francisco, CA 94102
Property Owner: 3042 California Street, LLC
San Francisco, CA 94102
Staff Contact: Christopher May – (415) 575-9087
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ADOPTING FINDINGS RELATING TO A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 303 AND 317 TO LEGALIZE THE PREVIOUSLY DEMOLISHED AND PARTIALLY RECONSTRUCTED TWO-STORY BUILDING AT THE REAR OF THE SUBJECT PROPERTY (APPROXIMATELY 1,320 SQUARE FEET) WITH TWO DWELLING UNITS (CONSISTING OF TWO 1-BEDROOM UNITS) AND 4 BICYCLE SPACES, LOCATED AT 3042 CALIFORNIA STREET, LOT 015 IN ASSESSOR'S BLOCK 1023, WITHIN THE RH-2 (RESIDENTIAL, HOUSE, TWO-FAMILY) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On September 13, 2016, Brian Kaufman of Brian Kaufman Design (hereinafter "Project Sponsor") filed Application No. 2015-001650CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization to legalize the previously demolished and partially reconstructed two-story, two-unit building at the rear of the subject property (hereinafter "Project") at 3042 California Street, Block 1023 Lot 015 (hereinafter "Project Site").

The Planning Department Commission Secretary is the custodian of records; the File for Case No. 2015-001650CUA is located at 1650 Mission Street, Suite 400, San Francisco, California.

On March 7, 2018, the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as Class 1 and 3 Categorical Exemptions under CEQA as described in the determination contained in the Planning Department files for this Project.

On April 19, 2018, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2015-001650CUA. After hearing and closing public comment, the Commission continued the item to

May 17, 2018, to allow the Project Sponsor an opportunity to provide documentation verifying that the replacement building is the same height as the original building. The Commission also requested that the project sponsor provide documentation to indicate whether the two previously-demolished dwelling units were subject to the Rent Stabilization and Arbitration Ordinance.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use Authorization as requested in Application No. 2015-001650CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The Project includes legalizing the previously-demolished and partially reconstructed two-story, two-unit residential building at the rear of the subject property. The replacement building occupies the same footprint and is the same height as the demolished building. Each dwelling unit occupies the entire floor, measures approximately 660 square feet, and contains one bedroom and one bathroom. Bicycle parking for each of the units is proposed within the common garage in the residential building at the front of the property fronting California Street. Common usable open space, measuring approximately 315 square feet, is provided for the two units in an area at grade between the rear building and the main building fronting California Street. The original second floor unit had been accessed by a non-Code compliant exterior staircase within the open space separating the two buildings on the lot. The replacement building proposes to internalize this staircase accessing the upper unit which will improve access to light and air onto this shared usable open space.
3. **Site Description and Present Use.** The project is located on the north side of California Street, between Lyon and Baker Streets, Lot 015 in Assessor's Block 1023. The property is located within the RH-2 (Residential, House – Two-Family) District and a 40-X Height and Bulk District. The subject property has approximately 25 feet of frontage on California Street and is approximately 128 feet deep. The property slopes laterally downward toward the east and is currently occupied by a three-story-over-garage, three-unit building at the very front of the lot, which was constructed circa 1907. A permit to renovate the front building, including the addition of a roof deck to provide common usable open space, was issued in April, 2016. The previously-demolished and partially reconstructed two-story, two-unit building is located at the rear of the subject property. Prior to its demolition, the rear building sat vacant for several years, having been left in a state of disrepair. Together, the two buildings occupy approximately 80% of the lot.

4. **Surrounding Properties and Neighborhood.** This part of the Pacific Heights neighborhood is zoned RH-2 (Residential, House – Two-Family) and is surrounded primarily by two-family dwellings and multi-unit apartment buildings ranging in height from two to four stories. Immediately adjacent to the subject property to the west is a two-story-over-garage, 5-unit residential building and immediately to the east is a two-story-over-garage, two-unit residential building. Directly across the street there are a mix of two- and three-story-over-garage multi-unit residential buildings. The subject property is well-served by public transit, being located within a quarter-mile of stops for the 1 – California, 1AX – California A Express, 1BX – California B Express, 2 - Clement, 3 - Jackson, 24 – Divisadero, 31AX – Balboa A Express, 31BX – Balboa B Express, 38AX – Geary A Express, 38BX – Geary B Express, 43 – Masonic, and NX – N Express MUNI transit lines.
5. **Public Outreach and Comments.** As of May 7, 2018, in advance of the Planning Commission hearing on May 17, 2018, the Department has received one email, from the owner of the adjacent property at 3036-3038 California Street, expressing concerns regarding how the sides of the reconstructed building would be accessed for maintenance purposes. The Department also received three telephone inquiries related primarily to the size of the partially-reconstructed building compared to the original building, and how concerns related to an apparent vermin infestation on the subject property could be handled.
6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Residential Demolition.** Pursuant to Planning Code Section 317, Conditional Use Authorization is required for applications proposing to demolish a residential unit in an RH-2 Zoning District. This Code Section establishes criteria that Planning Commission shall consider in the review of applications for Residential Demolition.

As the project requires Conditional Use Authorization per the requirements of the Section 317, the additional criteria specified under Section 317 have been incorporated as findings in Subsection 7 "Dwelling Unit Removal" below.

- B. **Rear Yard.** Planning Code Section 134 requires a rear yard equal to 45 percent of the total depth, at grade and above, for properties containing dwelling units in RH-2 Zoning Districts. Where applicable, Planning Code Section 134(c) allows for the reduction in the rear yard requirement to the average between the depths of the rear building walls of the two adjacent buildings.

The subject property is approximately 128 feet in depth and therefore the 45 percent rear yard requirement is approximately 48 feet. However, the adjacent conditions allow for the required rear yard to be reduced to an average of the depths of the rear building walls of the two adjacent buildings, which in this case would be approximately 39 feet. The previously-demolished and partially reconstructed two-story, two-unit building abuts its rear lot line and occupies most of the required rear yard. As such, a Variance to the rear yard requirements of Planning Code Section 134 is required

to legalize the building's reconstruction. The Zoning Administrator will consider this Variance request concurrent with the Planning Commission hearing for this Conditional Use Authorization.

- C. **Usable Open Space.** Planning Code Section 135 requires 125 square feet of useable open space for each dwelling unit if all private, or a total of 333 square feet of common usable open space.

The Project contains two dwelling units. The lower unit has exclusive access to a 70 square-foot private deck on the ground floor at the northwest corner of the subject property, but it is not large enough to qualify as private usable open space. Instead, the 315 square-foot space between the rear building and the main building fronting California Street is proposed to serve as common usable open space for the two partially-reconstructed units. This space does not meet the minimum 333 square-foot requirement; therefore a Variance to the usable open space requirements of Planning Code Section 135 is required. The Zoning Administrator will consider this Variance request concurrent with the Planning Commission hearing for this Conditional Use Authorization.

- D. **Dwelling Unit Exposure.** Planning Code Section 140 requires that at least one 120 square-foot room in all dwelling units face onto a public street or public alley at least 30 feet in width, a side yard at least 25 feet in width, a rear yard meeting the requirements of the Code or other open area that meets minimum requirements for area and horizontal dimensions.

Neither of the two partially-reconstructed dwelling units in the rear building front onto a public street, a Code-compliant rear yard or other open area meeting the above minimum requirements. As such, a Variance to the dwelling unit exposure requirements of Planning Code Section 140 is required. The Zoning Administrator will consider this Variance request concurrent with the Planning Commission hearing for this Conditional Use Authorization.

- E. **Off-Street Parking.** Planning Code Section 151 requires one parking space for each dwelling unit and a maximum of four spaces when two are required. Planning Code Section 150(e) allows for off-street parking spaces to be reduced and replaced by bicycle parking spaces.

The Project will provide two (2) bicycle parking spaces in lieu of the required off-street vehicular parking spaces in the garage level of the main building fronting California Street.

- F. **Bicycle Parking.** Planning Code Section 155.2 requires at least one Class 1 bicycle parking space for each dwelling unit.

In addition to the two bicycle parking spaces to replace the required off-street vehicular parking spaces, the project proposes another two Class 1 bicycle parking spaces for the partially-reconstructed dwelling units.

- G. **Building Height.** Planning Code Section 260 requires that all structures be no taller than the height prescribed in the subject height and bulk district.

The subject property is located within the 40-foot height district. The previously-demolished and partially reconstructed two-story, two-unit building is approximately 22 feet in height.

- H. **Dwelling Unit Density.** Planning Code Section 209 permits a maximum dwelling unit density of two dwelling units per lot, or up to one dwelling unit per 1,500 square feet of lot area as a Conditional Use.

The subject property contains three dwelling units in the main building fronting California Street and proposes to reconstruct two dwelling units that were demolished in the rear building. Planning Code Section 181(c)(2) allows for the reconstruction of dwelling units that exceed the maximum permitted density, so long as such reconstruction does not otherwise extend beyond the building envelop as it existed on January 1, 2013. The partially-reconstructed two-story, two-unit building is within the same envelope as that which was previously demolished.

7. **Dwelling Unit Removal.** Planning Code Section 317 establishes criteria for the Planning Commission to consider when reviewing applications to demolish or convert Residential Buildings. On balance, the Project does comply with said criteria in that:

- i. Whether the property is free of a history of serious, continuing code violations;

A review of the Department of Building Inspection and the Planning Department databases showed seven complaints, dating between 1999 and 2013, related to the abandoned and deteriorating two-story, two-unit building at the rear of the subject property. Four additional complaints, which led to the notice of violation related to this project, were received between 2014 and 2015, which related to work being done outside the scope of the approved permit for the renovation work on the main building fronting California Street.

- ii. Whether the housing has been maintained in a decent, safe, and sanitary condition;

Prior to its demolition, the two-story, two-unit building does not appear to have been maintained in a decent, safe, and sanitary condition for approximately 15 years.

- iii. Whether the property is an “historical resource” under CEQA;

Although the demolished building was more than 50 years old, a review of supplemental information resulted in a determination that the property is not an historical resource.

- iv. Whether the removal of the resource will have a substantial adverse impact under CEQA;

The structure is not an historical resource and its removal will not have a substantial adverse impact.

- v. Whether the Project converts rental housing to other forms of tenure or occupancy;

The two previously-demolished and partially-reconstructed dwelling units are vacant and had been vacant for more than 20 years. Upon completion, the project sponsor's family members propose to occupy the two dwelling units.

- vi. Whether the Project removes rental units subject to the Rent Stabilization and Arbitration Ordinance;

The Planning Department cannot definitively determine whether or not the previously-demolished and partially-reconstructed dwelling units are subject to the Rent Stabilization and Arbitration Ordinance. This is the purview of the Rent Board.

- vii. Whether the Project conserves existing housing to preserve cultural and economic neighborhood diversity;

Although the two-unit building has already been demolished, the project will result in two replacement dwellings.

- viii. Whether the Project conserves neighborhood character to preserve neighborhood cultural and economic diversity;

The Project conserves neighborhood character with appropriate scale, design, and materials, and improves cultural and economic diversity by reconstructing two dwellings that are consistent with the RH-2 Zoning District.

- ix. Whether the Project protects the relative affordability of existing housing;

The proposed reconstructed units would be new and therefore are likely to be less affordable than older housing units.

- x. Whether the Project increases the number of permanently affordable units as governed by Section 415;

The Project is not subject to the provisions of Planning Code Section 415, as the project proposes fewer than ten units.

- xi. Whether the Project locates in-fill housing on appropriate sites in established neighborhoods;

While the subject property is an anomaly in terms of having a two-story, two-unit building occupying the rear yard, the Project proposes to replace two dwelling units that have been previously demolished in their original location.

- xii. Whether the project increases the number of family-sized units on-site;

The Project proposes to reconstruct two 1-bedroom units.

- xiii. Whether the Project creates new supportive housing;

The Project does not create supportive housing.

- xiv. Whether the Project is of superb architectural and urban design, meeting all relevant design guidelines, to enhance existing neighborhood character;

On balance, the overall scale, design, and materials of the proposed building are consistent with the neighborhood character with traditional building materials and design.

- xv. Whether the Project increases the number of on-site dwelling units;

The Project would replace two dwelling units that were demolished.

- xvi. Whether the Project increases the number of on-site bedrooms.

The interior layout of the two dwelling units prior to their demolition is unknown. The proposal includes two one-bedroom units.

- xvii. Whether or not the replacement project would maximize density on the subject lot; and,

The project will exceed the allowed density on-site by replacing two demolished dwelling units.

- xviii. If replacing a building not subject to the Residential Rent Stabilization and Arbitration Ordinance, whether the new project replaces all the existing units with new dwelling units of a similar size and with the same number of bedrooms.

The project will replace two demolished dwelling units with two equally-sized dwelling units each containing one bedroom. The Planning Department cannot definitively determine whether or not the dwelling units are subject to the Rent Stabilization and Arbitration Ordinance. This is the purview of the Rent Board; however, the Department can confirm that there were no tenants living in the dwelling units for several years prior to their demolition.

8. **Conditional Use Findings.** Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the project complies with said criteria in that:

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

The use and size of the proposed project is compatible with the immediate neighborhood. While its location within the required rear yard is non-conforming, the size and location of the reconstructed two-story, two-unit building at the rear of the lot is identical to the building that was previously demolished.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- (1) Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The height and bulk of the replacement building will be identical to the building that was previously demolished and will not alter the existing appearance or character of the project vicinity.

- (2) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The replacement building should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide. The project will provide four bicycle spaces in lieu of off-street vehicular parking.

- (3) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

As the proposed project is residential in nature, unlike commercial or industrial uses, the proposed residential use is not expected to produce noxious or offensive emissions.

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

While not fully Code-compliant, the project will provide some private and common usable open space within the area between the two buildings.

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

Except for those provisions for which Variances are being requested, the Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

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

The proposed project is consistent with the stated purpose of RH-2 Districts which are devoted to one-family and two-family houses that are finely scaled and usually do not exceed 25 feet in width or 40 feet in height.

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

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 2:

RETAIN EXISTING HOUSING UNITS, AND PROMOTE SAFETY AND MAINTENANCE STANDARDS, WITHOUT JEOPARDIZING AFFORDABILITY.

Policy 2.1:

Discourage the demolition of sound existing housing, unless the demolition results in a net increase in affordable housing.

OBJECTIVE 3:

PROTECT THE AFFORDABILITY OF THE EXISTING HOUSING STOCK, ESPECIALLY RENTAL UNITS.

Policy 3.1:

Preserve rental units, especially rent controlled units, to meet the City's affordable housing needs.

Policy 3.4:

Preserve "naturally affordable" housing types, such as smaller and older ownership units.

OBJECTIVE 4:

FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.

Policy 4.4:

Encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible.

OBJECTIVE 11:

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

Policy 11.1:

Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

Policy 11.2:

Ensure implementation of accepted design standards in project approvals.

Policy 11.3:

Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

Policy 11.4:

Continue to utilize zoning districts which conform to a generalized residential land use and density plan and the General Plan.

Policy 11.5:

Ensure densities in established residential areas promote compatibility with prevailing neighborhood character.

The Project will allow for the reconstruction of a previously-demolished two-story, two-unit building at the rear of the subject property. The building had been left vacant and in a state of disrepair for several years and while in the process of repairing the building, a significant amount of structural elements were removed such that it has been determined to be tantamount to demolition, pursuant to Planning Code Section 317.

Each dwelling unit occupies the entire floor, measures approximately 660 square feet, and contains one bedroom and one bathroom. Bicycle parking for each of the units is proposed within the common garage in the building at the front of the property fronting California Street. Common usable open space, measuring approximately 315 square feet, is provided for the two units in an area at grade between the rear building and the main building fronting California Street.

The project represents an improvement over the previous condition in that the original second floor unit had been accessed by a non-Code compliant exterior staircase within the open space separating the two buildings on the lot. The replacement building proposes to internalize this staircase accessing the upper unit which will improve access to light and air onto this shared usable open space. On balance, the Project is consistent with the Objectives and Policies of the General Plan.

10. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project complies with said policies in that:

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

Existing neighborhood-serving retail uses would not be displaced or otherwise adversely affected by the proposal, as the existing building does not contain commercial uses.

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

The project is compatible with the existing housing and neighborhood character of the immediate vicinity. The project proposes a height and scale identical to the building that was demolished, which is compatible with the surrounding neighborhood and is consistent with the Planning Code.

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

The Project does not propose any affordable housing.

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

The subject property is well-served by public transit, being located within a quarter-mile of stops for the 1 – California, 1AX – California A Express, 1BX – California B Express, 2 - Clement, 3 - Jackson, 24 – Divisadero, 31AX – Balboa A Express, 31BX – Balboa B Express, 38AX – Geary A Express, 38BX – Geary B Express, 43 – Masonic, and NX – N Express MUNI transit lines. The Project also provides sufficient bicycle parking for residents and their guests.

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

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

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

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

- G. That landmarks and historic buildings be preserved.

The Project site is not occupied by any City Landmarks or historic buildings.

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

The project will have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces.

11. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

12. The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2015-001650CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated March 14, 2017, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion. The effective date of this Motion shall be the date of this Motion if not appealed (after the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on May 17, 2018.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: May 17, 2018

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to legalize the previously-demolished and partially reconstructed two-story, two-unit dwelling at the rear of the subject property located at 3042 California Street, Block 1023, Lot 015 pursuant to Planning Code Sections 303 and 317 within the RH-2 Zoning District and a 40-X Height and Bulk District; in general conformance with plans, dated March 14, 2017, and stamped "EXHIBIT B" included in the docket for Case No. 2015-001650CUA and subject to conditions of approval reviewed and approved by the Commission on May 17, 2018 under Motion No. XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on May 17, 2018 under Motion No XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

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

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

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

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

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

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

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DESIGN – COMPLIANCE AT PLAN STAGE

6. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be

subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org

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

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PARKING AND TRAFFIC

8. **Bicycle Parking.** The Project shall provide no fewer than four Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.2.

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PROVISIONS

9. **Child Care Fee - Residential.** The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A.

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