



# SAN FRANCISCO PLANNING DEPARTMENT

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## Memo to the Planning Commission

HEARING DATE: DECEMBER 8, 2016  
Continued from the October 13, 2016 Hearing

*Date:* December 1, 2016  
*Case No.:* 2015-002135CUA  
*Project Address:* 854 CAPP STREET  
*Zoning:* RTO-M (Residential Transit Oriented- Mission) District  
40-X Height and Bulk District  
*Block/Lot:* 3642/041  
*Project Sponsor:* Capp Street Properties  
540 Barneveld Avenue, M  
San Francisco, CA 94124  
*Staff Contact:* Chris Townes – (415) 575-9195  
[Chris.Townes@sfgov.org](mailto:Chris.Townes@sfgov.org)  
*Recommendation:* **Approve with Conditions**

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### BACKGROUND

On September 29, 2016, the Planning Commission considered a Conditional Use Authorization for removal of a single family dwelling at 854 Capp Street. The project proposes to demolish an existing one-story-over-basement single family dwelling with a detached two-story accessory building at the rear, and construct a new 40-foot tall, four-story, 7,815 square foot, residential building with four dwelling units. The project includes three accessory off-street parking spaces and a 541 square foot roof deck.

At the September 29, 2016 meeting, the Planning Commission, although generally favorable of the overall project particularly in terms of the increased density offered, expressed a need for further information regarding the potential occupancy and rent-controlled status of the detached two-story accessory building at the rear, as well as, the visibility of the rooftop mechanical equipment from the public right-of-way. As a result, the Planning Commission continued the project, and requested the following information:

1. Planning Staff must conduct a site visit to examine the interior of the rear two-story accessory building and search for signs of occupancy by any tenants.
2. The Sponsor must contact the Rent Board with the aim of securing any indication or determination as to the rent-controlled status of the property.
3. The Sponsor must provide further architectural drawing detail (i.e.- a section drawing) to demonstrate whether the rooftop-mounted mechanical equipment will be visible from the public right-of-way.

## CURRENT PROPOSAL

The project as previously proposed remains the same; however, as directed by Planning Commission at the September 29, 2016 meeting, all three follow-up directives have been fulfilled by Planning Staff and the Project Sponsor to better inform Commission in their consideration of this project.

### Site Visit/Inspection of Detached Two-Story Rear Accessory Building

On Tuesday, October 4, 2016, Planning Staff conducted a site visit to inspect the detached two-story rear accessory building for any signs of tenant occupancy. A thorough inspection of the interior and exterior of the building revealed that the building is significantly dilapidated and totally unoccupied by any existing tenants. As revealed through site photos taken, every room of the interior of the building is strewn with debris and in total decay with severe rot, mold and water damage throughout. Much of the floor, walls, ceiling and electrical systems are broken, covered in graffiti and exposed to the elements. Beneath the decay, Staff noticed that the interiors appeared to be finished, with painted walls, carpeting, wainscoting, built-in shelving and light fixtures; however, given the current condition of the building, it appears any habitation would have been years ago, with any recent occupancy being perhaps by squatters. From the exterior, it is evident that the building is structurally unsound in that it is noticeably tilted toward the rear and appears to have partially fallen off its foundation. In addition, the ground floor entry door and window openings are removed and boarded up. In conclusion, although the building once had finished interiors that could have accommodated habitation, it appears the building has been unoccupied for years and is not currently habitable given its state of dilapidation, rot and decay. Staff found no evidence of any existing tenants.

### Rent Board Research/Determination

In response to Commission concern as to whether the project would remove rental units subject to the Rent Stabilization and Arbitration Ordinance, the Sponsor has contacted the San Francisco Rent Board to research this matter further and provided relevant documentation to the Planning Department. Two key documents obtained from the Rent Board file for this property and provided by the Sponsor includes a "Tenant Response Form" and "Response to Receipt of Report of Alleged Wrongful Eviction" associated with a "Report of Alleged Wrongful Eviction" filed by, then tenant, Mariela Bonomo on October 21, 2013. In the "Response to Receipt of Report of Alleged Wrongful Eviction" completed by the landlord, the landlord disagreed with the allegations and indicated that, "the occupants were occupying the property in conjunction with employment. Therefore, the unit is not subject to the rent control ordinance." Finally, in the "Tenant Response Form" issued to Mariela Bonomo on November 14, 2013 by the Rent Board, the Rent Board determined that based on the landlord's response, the Rent Board would take no further action in regards to her alleged wrongful eviction and closed the case on November 14, 2013.

The ownership/occupant summary now provided by the Sponsor, indicates that the property owner from 1973-2014 was the California Conference of the Evangelical Covenant Church (CCECC) who owned the property until its sale to the current property owner (Sponsor). It appears that it was during the period of CCECC ownership that Mariela Bonomo (who filed the "Report of Alleged Wrongful Eviction" cited above) and Omar Valenzuela resided in the rear accessory building. The Sponsor also contacted the attorney for CCECC, who explained that Mr. Valenzuela was a relative of the pastor of the adjacent church, who hired Mr. Valenzuela to provide construction services. As part of the employment agreement, Omar Valenzuela and his family were allowed to reside on the premises while employed and the license to occupy was

terminated when the employment was terminated on or about June 30, 2013. CCECC maintained that the property was not subject to the San Francisco Rent Stabilization and Arbitration Ordinance because the occupation of the premises was pursuant to a license relating to employment; therefore, the occupants were not tenants but employees. This explanation was referenced in the landlords "Response to Receipt of Alleged Wrongful Eviction" referenced above and which factored in to the Rent Boards decision to take no further action and close the case. In conclusion, Staff believes the Sponsor has adequately researched and provided sufficient documentation to provide indication as to the rent-control status of the property. Ultimately, the Planning Department cannot definitively determine whether or not the single family home is subject to the Rent Stabilization and Arbitration Ordinance. This is the purview of the Rent Board; however, the Department can confirm that there are no tenants living in the dwelling.

#### Visibility of Rooftop-Mounted Mechanical Equipment

The current proposal now includes a section drawing and renderings of the rooftop to better depict the visibility (from the public right-of-way) of the rooftop-mounted mechanical equipment. Staff believes these materials now adequately demonstrate that the rooftop-mounted mechanical equipment will not be visible from any public right-of-way.

### **REQUIRED COMMISSION ACTION**

In order for the project to proceed, the Commission must grant a Conditional Use Authorization pursuant to Planning Code Section 303 and 317, for the removal of a single family dwelling at 854 Capp Street and adopt findings under CEQA. Pursuant to Planning Code 317 (c), an application for a permit that would result in the loss of one or more Residential Units is required to obtain Conditional Use Authorization and the application for the replacement building shall also be subject to Conditional Use requirements.

### **BASIS FOR RECOMMENDATION**

The Department believes this project is approvable for the following reasons:

- The project is consistent with the purpose of the RTO-M Zoning District which has no density limit; rather, density is regulated by the permitted height and bulk, setbacks, exposure, and open space requirements, along with Residential Design Guidelines. This District is intended to accommodate a greater density than what currently exists on this lot and the Project will result in a net gain of three dwelling units making it an appropriate in-fill project.
- The Project will create four family-sized dwelling-units, including (2) 2-bedrooms and (2) 3-bedroom units within a neighborhood well served by transit.
- The overall mass and scale is compatible with the surrounding neighborhood context and consistent with the Residential Design Guidelines.
- The Sponsor has researched the occupancy history of the site and provided relevant documentation to staff to demonstrate that no tenants will be displaced as a result of this Project and that the Project will not remove rental units subject to the Rent Stabilization and Arbitration Ordinance.

- Although the structure is more than 50-years old, the existing building is not an historic resource or landmark.
- The proposed Project meets all applicable requirements of the Planning Code.

<b>RECOMMENDATION:</b> <b>Approve with Conditions</b>
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**Attachments:**

- Project Sponsor submittal, including:
  - Architectural Plans
  - Photos
  - Owners/Occupants & Permit History of 854 Capp Street Summary (includes SF Rent Board file)
- Exhibits
- Planner site visit photos
- Environmental Decision Document (CatEx)





# SAN FRANCISCO PLANNING DEPARTMENT

*Subject to: (Select only if applicable)*

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Eastern Neighborhoods Infrastructure Fee (Sec. 423) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input checked="" type="checkbox"/> Child Care Requirement (Sec. 414A)                  | <input type="checkbox"/> Affordable Housing (Sec. 415)     |
| <input checked="" type="checkbox"/> Transportation Sustainability Fee (Sec. 411A)       | <input type="checkbox"/> Other                             |

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## Planning Commission Motion No. **XXXXXX**

**HEARING DATE: DECEMBER 8, 2016**

*Date:* December 8, 2016  
*Case No.:* **2015-002135CUA**  
*Project Address:* **854 CAPP STREET**  
*Zoning:* RTO-M (Residential Transit Oriented- Mission) District  
40-X Height and Bulk District  
*Block/Lot:* 3642/041  
*Project Sponsor:* Capp Street Properties  
540 Barneveld Avenue, M  
San Francisco, CA 94124  
*Staff Contact:* Chris Townes– (415) 575-9195  
[chris.townes@sfgov.org](mailto:chris.townes@sfgov.org)

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 317 FOR THE REMOVAL OF A SINGLE FAMILY DWELLING AT 854 CAPP STREET (ASSESSORS BLOCK 3642 LOT 041) IN THE RTO-M ZONING DISTRICT AND 40-X HEIGHT AND BULK DISTRICT, AND ADOPT FINDINGS UNDER CEQA.**

### **PREAMBLE**

On May 3, 2016, Earle Weiss (Project Architect) for Capp Street Properties (Project Sponsor) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 303 and 317 to demolish the existing single family residence at 854 Capp Street within an RTO-M (Residential Transit Oriented- Mission) District and a 40-X Height and Bulk District.

On December 8, 2016, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2016-002135CUA.

On June 24, 2015, the Project was determined by the Department to be categorically exempt from environmental review under Case No. 2015-003138ENV. The Commission has reviewed and concurs with said determination.

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

**MOVED**, that the Commission hereby authorizes the Conditional Use requested in Application No. 2015-002135CUA, 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 proposes to demolish an existing one-story-over-basement single family dwelling and detached two-story accessory building at the rear, and construct a new 40-foot tall, four-story, 7,815 square foot, residential building with four dwelling units. The project includes three accessory off-street parking spaces and a 541 square foot roof deck.
3. **Site Description and Present Use.** The property is located on the west side of Capp Street between 23rd and 24th Streets on a 3,046 square foot, rectangular lot that measures 25 feet wide by 122.5 feet deep. The lot is flat and currently contains two vacant buildings. The front building is a 2,020 square foot, one-story-over-basement, single family residence built circa 1874. The rear building is a 624 square foot, two-story, accessory building built circa 1889-1900 that was originally used as a cigar factory. The existing single family dwelling is setback approximately 14 feet from the front property line, 46 feet from the rear property line and abuts the side property lines.
4. **Surrounding Properties and Neighborhood.** The subject property is located within the Mission Area Plan. The surrounding neighborhood consists of predominantly two- to four-story single family and multi-family residential buildings. There are also two churches located on the subject block, one that abuts the subject property to the south ("Iglesia Del Pacto Evangelico" located at 856 Capp Street) and one at corner of Capp and 23rd Streets ("Mission United Presbyterian Church" located at 3261 23rd Street). The subject property and surrounding neighborhood is served (within a few blocks distance) by 24th Street Mission BART station, as well as, various MUNI transit bus lines including the 12, 14, 14L, 48, 49, and 67 lines.
5. **Public Comment.** To date, the Department has received no comments on this proposal.
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 – Section 317:** Pursuant to Planning Code Section 317, Conditional Use Authorization is required for applications proposing residential demolition and the Commission shall consider the replacement structure as part of its decision on the

Conditional Use Authorization. This Code Section establishes a checklist of criteria that delineate the relevant General Plan Policies and Objectives.

*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 below. See Item 8.*

- B. **Rear Yard Requirement.** Planning Code Section 134 requires, in RTO-M Districts, a rear yard measuring 45% of the total depth generally; however, the required rear yard may be reduced based on the average of the two adjacent properties (but not less than 25% of the lot depth). If a rear yard reduction is sought based on averaging, the last 10 feet of building height shall not exceed a height of 30 feet.

*The Project proposes a 37.5 foot rear yard setback based on the average of the two adjacent properties, while maintaining at least 25% of the lot depth. Additionally, the last 10 feet of building depth does not exceed 30 feet in height. Therefore, the project complies with the rear yard requirement of Planning Code Section 134.*

- C. **Parking.** Planning Code Section 151.1 does not require any off-street parking for spaces for any use within the RTO-M Zoning District; rather, establishes a maximum parking amount of up to three cars for each four dwelling units.

*The proposed four-dwelling unit project proposes three accessory off-street parking spaces; and therefore, complies with the maximum parking requirement of Planning Code Section 151.1.*

- D. **Height.** Planning Code Section 260 requires that all structures be no taller than the height prescribed in the subject height and bulk district. The proposed Project is located in a 40-X Height and Bulk District, with a 40-foot height limit.

*The project proposes the construction of a new 4-story, four-dwelling unit residential building up to 40-foot tall; and therefore, complies with Planning Code Section 260.*

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

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

*The use and size of the proposed project is compatible with the immediate neighborhood. While the project proposes demolition of existing housing, the existing housing is unsound according to a soundness report submitted to the Planning Department. The replacement building increases the total number of units by three and increases the total number of bedrooms by eight. The replacement building is also designed to be in keeping with the existing development pattern and the neighborhood character.*

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

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

*The Project is designed to be compatible with the surrounding neighborhood and specifically with both adjacent buildings. The project would demolish noncomplying structures, particularly a noncomplying detached 2-story accessory building located at the rear of the subject lot. The replacement building would provide a 37-foot deep rear yard, thus contributing landscaped area to the mid-block open space.*

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

*The Planning Code requires no parking spaces for the replacement building. Three spaces are proposed, where currently there are no spaces provided for the existing single family residence.*

- iii. 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 will not have the potential to produce noxious or offensive emissions.*

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

*Although designed in a contemporary aesthetic, the façade treatment and materials of the replacement building has been appropriately selected to be harmonious with the existing surrounding neighborhood. At the front yard, the Project provides permeable pavers, as well as, landscape planters that frame the primary recessed entrance. Open spaces are provided in the form of a common rear yard, private decks, and roof decks.*

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

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

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

*The proposed project is consistent with the stated purpose of the RTO-M District.*

8. **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 Project Sponsor has demonstrated that the residential structure is unsound, where *soundness* is an economic measure of the feasibility of upgrading a residence that is deficient with respect to habitability and Housing Code requirements, due to its original construction. The *soundness factor* for a structure shall be the ratio of a construction upgrade to the replacement cost, expressed as a percent. A building is unsound if its soundness factor exceeds 50-percent. A residential building that is unsound may be approved for demolition.

*The Project Sponsor has submitted a soundness report, which demonstrates that the repair cost exceeds 50% of the replacement cost for the building proposed to be demolished.*

- ii. 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 no enforcement cases or notices of violation for the subject property.*

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

*The structures appear to be in decent condition, although original construction deficiencies are evident as depicted in the soundness report.*

- iv. Whether the property is an “historic resource” under CEQA;

*Although the existing structures are more than 50 years old, a review of the supplemental information resulted in a determination that neither structure is an historical resource.*

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

*Not applicable. The structures are not historical resources.*

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

*The Project does not convert rental housing to other forms of tenure or occupancy, as existing front building is being used as a single-family residence. The rear building is being used as an accessory building. There are no restrictions on whether the four new units will be rental or ownership.*

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

*The existing single family dwelling is currently vacant. The Planning Department cannot definitively determine whether or not the single family home is subject to the Rent Stabilization and Arbitration Ordinance. This is the purview of the Rent Board; however, the Department can confirm that there are no tenants living in the dwelling.*

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

*Although the Project proposes demolition of the existing two-bedroom single-family dwelling, the project results in an increase to the amount of dwelling units in the project.*

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

*The replacement building conserves neighborhood character with appropriate scale, design, and materials, and improves cultural and economic diversity by appropriately increasing the number of bedrooms, which provides family-sized housing. The Project would increase the existing number of dwelling units, while providing a net gain of eight bedrooms to the City's housing stock.*

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

*The Project does not protect the relative affordability of existing housing, as the project proposes demolition of the existing building and construction of two new buildings. However, it should be taken into consideration that the existing building is an unsound structure, and that the proposed structure offers a variety of unit sizes, including a 1,395 square foot 2-bedroom/2.5 bath, a 1,046 square foot 2-bedroom/2 bath, a 1,526 square foot 3-bedroom/2.5 bath, and a 1,582 square foot 3-bedroom/2.5 bath.*

- xi. Whether the Project increases the number of permanently affordable units as governed by Section 315;

*The Project is not subject to the provisions of Planning Code Section 415, and the Project is not an Affordable Housing Development.*

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

*The RTO-M Zoning District has no density limit; rather, density is regulated by the permitted height and bulk, required setbacks, exposure, and open space of each parcel, along with Residential Design Guidelines. This District is intended to accommodate a greater density than what currently exists on this underutilized lot, and several of the surrounding properties reflect this ability to accommodate the maximum density. The Project is therefore an appropriate in-fill development. The Project has been designed to be in keeping with the scale and development pattern of the established neighborhood character.*

- xiii. Whether the Project creates quality, new family housing;

*The Project proposes four new family-sized housing units. Two 2-bedroom dwelling units and two 3-bedroom dwelling units are proposed. The average dwelling unit size is 1,387 square feet.*

- xiv. Whether the Project creates new supportive housing;

*The Project does not create supportive housing.*

- xv. Whether the Project promotes construction of well-designed housing to enhance existing neighborhood character;

*The overall scale, design, and materials of the proposed buildings are consistent with the block-face and compliment the neighborhood character with a contemporary design.*

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

*The Project would increase the number of on-site units from one to four, a net increase of three dwelling units.*

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

*The project would increase the number of on-site bedrooms from two to ten, a net increase of eight bedrooms. The Project proposes two 2-bedrooms and two 3-bedrooms.*

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

## **HOUSING ELEMENT**

### **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.

*The project proposes demolition of an unsound residential structure.*

## **URBAN DESIGN**

### **OBJECTIVE 1:**



**EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.**

**Policy 1.2:**

Recognize, protect and reinforce the existing street pattern, especially as it is related to topography.

*The Project proposes demolition of an existing building with noncomplying features. Similar to other existing structures on the block-face, the proposed building contains a front-facing garage at the ground floor with the upper habitable levels of each building set back from the street.*

**Policy 1.3:**

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

*The proposed replacement building reflects the existing neighborhood character and development pattern, particularly by proposing buildings of similar mass, width and height as the existing structures along the block-face. A well-defined street wall punctuated by 2- to 3-story vertical bay windows reflects a prevailing pattern found along the block-face.*

**OBJECTIVE 2:**

**CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.**

**Policy 2.6:**

Respect the character of older development nearby in the design of new buildings.

*The massing of the replacement building has been designed to be compatible with the prevailing street wall height, including the height and proportions of an adjacent building. Although interpreted in a contemporary architectural style, the proposed building proportions and exterior materials have been selected to be compatible with the adjacent buildings and the immediate neighborhood character.*

**MISSION AREA PLAN**

**LAND USE**

**OBJECTIVE 1.2:**

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

**Policy 1.2.1:**

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

*The massing of the replacement building has been designed to be compatible with the prevailing street wall height, including the height and proportions of an adjacent building. The building is also setback 37.5 feet*



*from the rear property line which allows the subject property to contribute toward a well-defined mid-block open space which is strengthened given the property's central location within the block context. Lastly, although interpreted in a contemporary architectural style, the proposed building proportions and exterior materials have been selected to be compatible with the adjacent buildings and the immediate neighborhood character.*

**OBJECTIVE 1.4:**

**MAINTAIN AND STRENGTHEN THE MISSION'S NEIGHBORHOOD COMMERCIAL AREAS.**

**Policy 1.4.1:**

Ensure that the Mission's neighborhood commercial districts continue to serve the needs of residents, including immigrant and low income households.

*The Project replaces an existing 2-bedroom, single-family residence with a new four dwelling unit building containing four family-sized units including, two 2-bedroom and two 3-bedroom units. The increased density coupled with the family-size composition and the site's proximity to the Mission Street commercial corridor will contribute toward strengthening the Mission's neighborhood commercial areas by facilitating commercial access to families.*

**HOUSING**

**OBJECTIVE 2.3:**

**ENSURE THAT NEW RESIDENTIAL DEVELOPMENTS SATISFY AN ARRAY OF HOUSING NEEDS WITH RESPECT TO TENURE, UNIT MIX AND COMMUNITY SERVICES.**

**Policy 2.3.3:**

Require that 40% of all units in new developments have two or more bedrooms and encourage that at least 10% of all units in new development have three or more bedrooms, except Senior Housing and SRO developments.

*The Project proposes 100% of its units as two bedrooms or larger. Specifically, the project includes two 2-bedroom and two 3-bedroom units.*

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 does comply with said policies in that:

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

*Existing neighborhood-serving retail uses would not be displaced or otherwise adversely affected by the proposal, as the existing buildings do not contain commercial uses/spaces. The additional bedrooms in the replacement buildings would house more individuals to patronize the existing neighborhood-serving retail uses.*

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

*Although the existing housing will be demolished, the new replacement building is consistent with the neighborhood character and increases the number of dwelling units on the property from one to four units with a net gain of eight bedrooms. The overall design is complementary to the surrounding neighborhood context.*

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

*The existing building is not an affordable housing, and the Project is not required to provide affordable housing.*

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

*The Project would not have a significant adverse effect on automobile traffic congestion or create parking problems in the neighborhood. The project would enhance neighborhood parking by providing three off-street parking spaces, where none currently exist.*

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

*The Project is a residential project in an RTO-M District; therefore the Project would not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses would not be affected by the Project.*

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

*The replacement structure would be built in compliance with San Francisco's current Building Code Standards and would meet all earthquake safety requirements.*

- G. That landmarks and historic buildings be preserved.

*Landmark or historic buildings do not occupy the Project site.*

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

*The project will have no negative impact on existing parks and open spaces. The project does not exceed the 40-foot height limit, and is thus not subject to the requirements of Planning Code Section 295 – Height Restrictions on Structures Shadowing Property Under the Jurisdiction of the Recreation and Park Commission. The height of the proposed structures is compatible with the established neighborhood development.*

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 Application No. 2015-002135CUA** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

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

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

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 December 8, 2016.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: December 8, 2016

## EXHIBIT A

### AUTHORIZATION

This authorization is for a Conditional Use Authorization to demolish an existing one-story-over-basement single family dwelling and a detached two-story accessory building (at the rear) and construct a new 40-foot tall, four-story, 7,815 square foot, residential building with four dwelling units located at 854 Capp Street, Block 3642, Lot 041, pursuant to Planning Code Section(s) 303 and 317 within the RTO-M District and a 40-X Height and Bulk District; in general conformance with plans, dated December 8, 2016, and stamped "EXHIBIT B" included in the docket for Case No. 2015-002135CUA and subject to conditions of approval reviewed and approved by the Commission on December 8, 2016 under Motion No XXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on December 8, 2016 under Motion No XXXXX.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

### SEVERABILITY

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

### CHANGES AND MODIFICATIONS

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

## Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://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.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## 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 415-558-6378, [www.sf-planning.org](http://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.

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

8. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

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

9. **Landscaping.** Pursuant to Planning Code Section 132, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that 50% of the front setback areas shall be surfaced in permeable materials and further, that 20% of the front setback areas shall be landscaped with approved plant species. The size and specie of plant materials and the nature of the permeable surface shall be as approved by the Department of Public Works.

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

## PARKING AND TRAFFIC PARKING AND TRAFFIC

10. **Bicycle Parking.** The Project shall provide no fewer than 4 Class 1 bicycle parking spaces as required by Planning Code Sections 155.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

11. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than three (3) off-street parking spaces.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## PROVISIONS

12. **Transportation Sustainability Fee.** The Project is subject to the Transportation Sustainability Fee (TSF), as applicable, pursuant to Planning Code Section 411A.

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

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

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

14. **Eastern Neighborhoods Infrastructure Impact Fee.** The Project is subject to the Eastern Neighborhoods Infrastructure Impact Fee, as applicable, pursuant to Planning Code Section 423.

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

## MONITORING - AFTER ENTITLEMENT

15. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

16. **Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

17. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## OPERATION

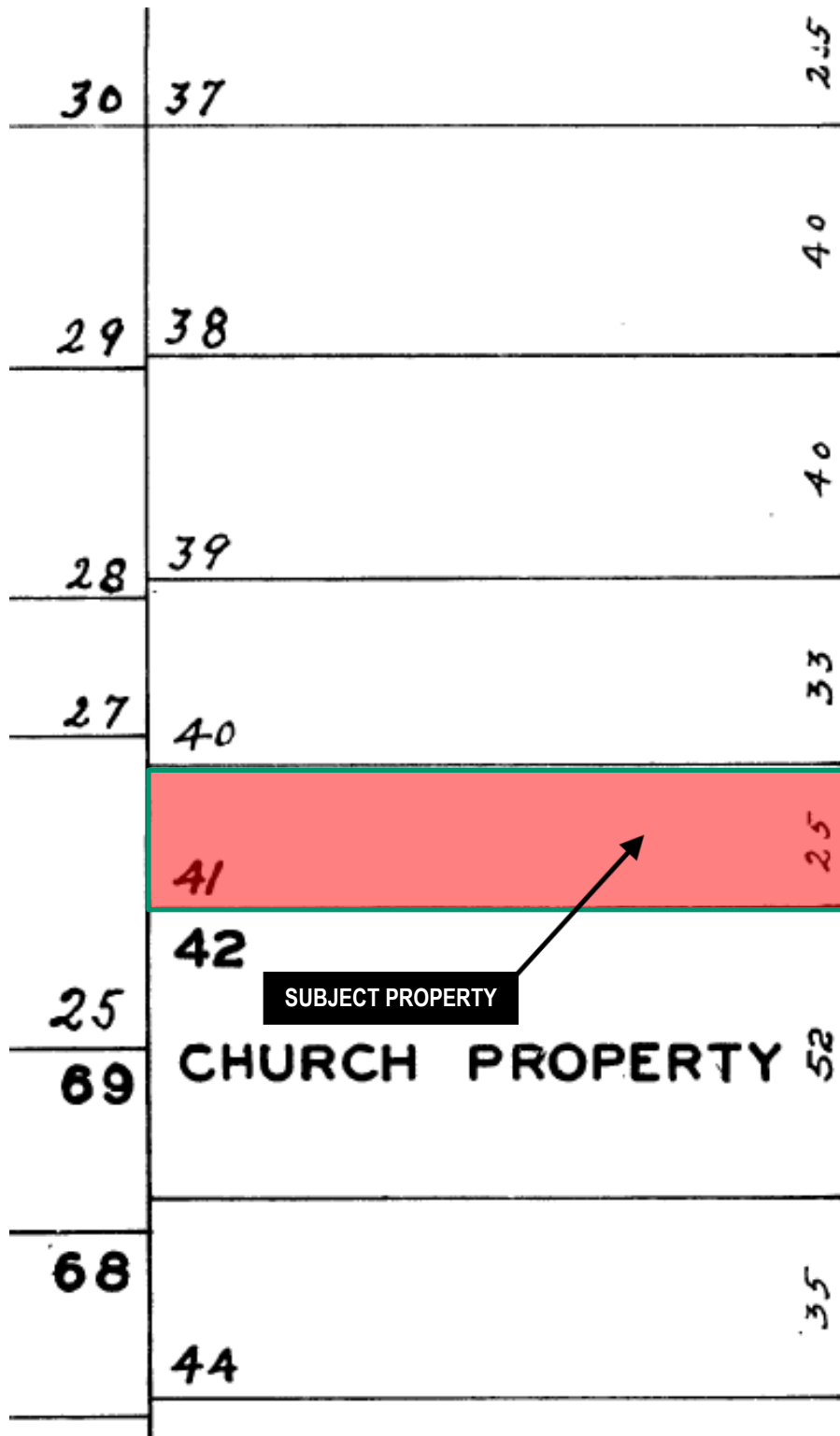
18. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling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

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



19. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.  
*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*
20. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.  
*For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org)  
For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, [www.sfdbi.org](http://www.sfdbi.org)  
For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, [www.sf-police.org](http://www.sf-police.org)*
21. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
22. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

# Parcel Map



CAPP

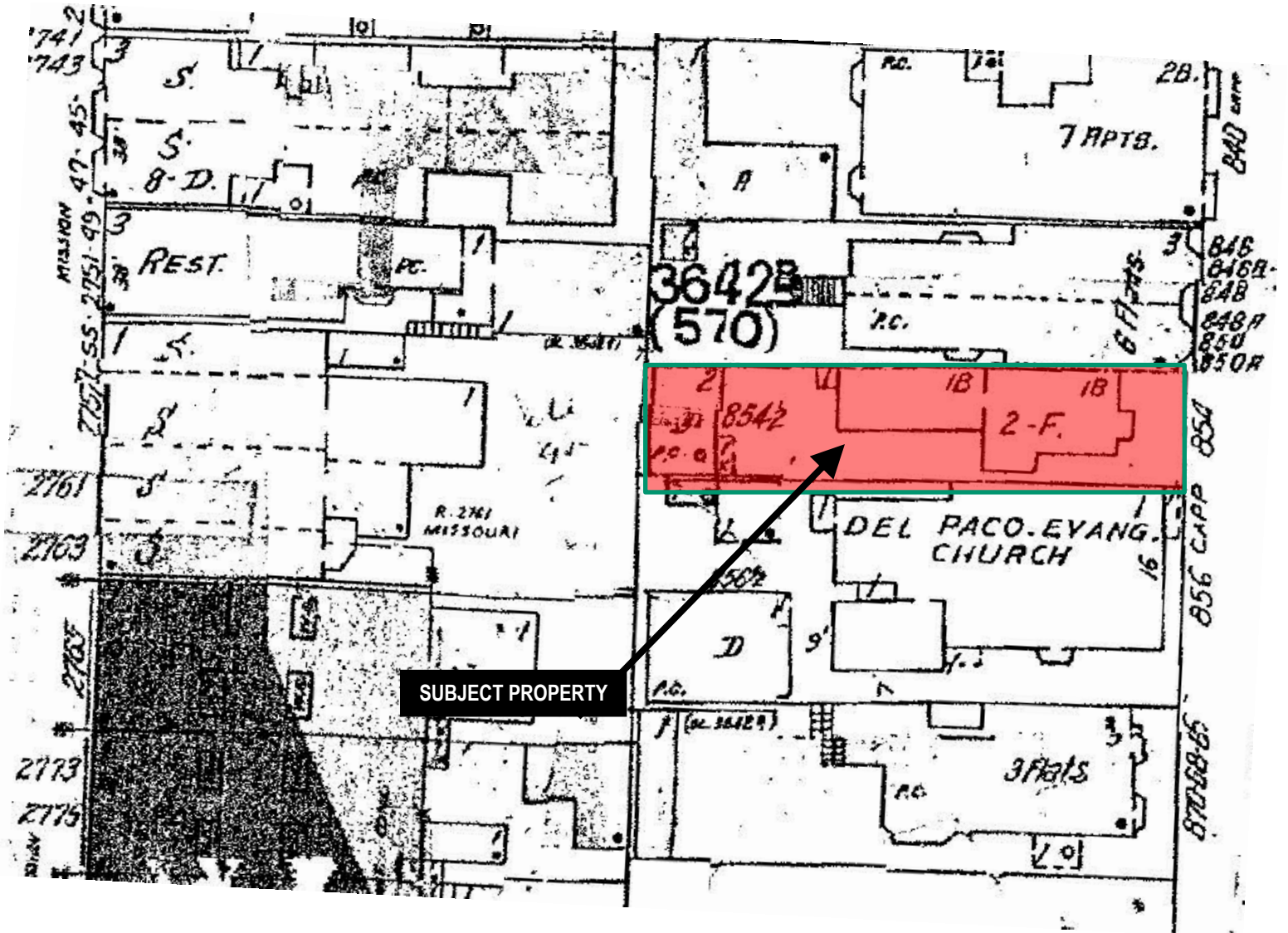
SUBJECT PROPERTY

CHURCH PROPERTY



Conditional Use Authorization  
Case Number 2015-002135CUA  
854 Capp Street

# Sanborn Map\*



\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



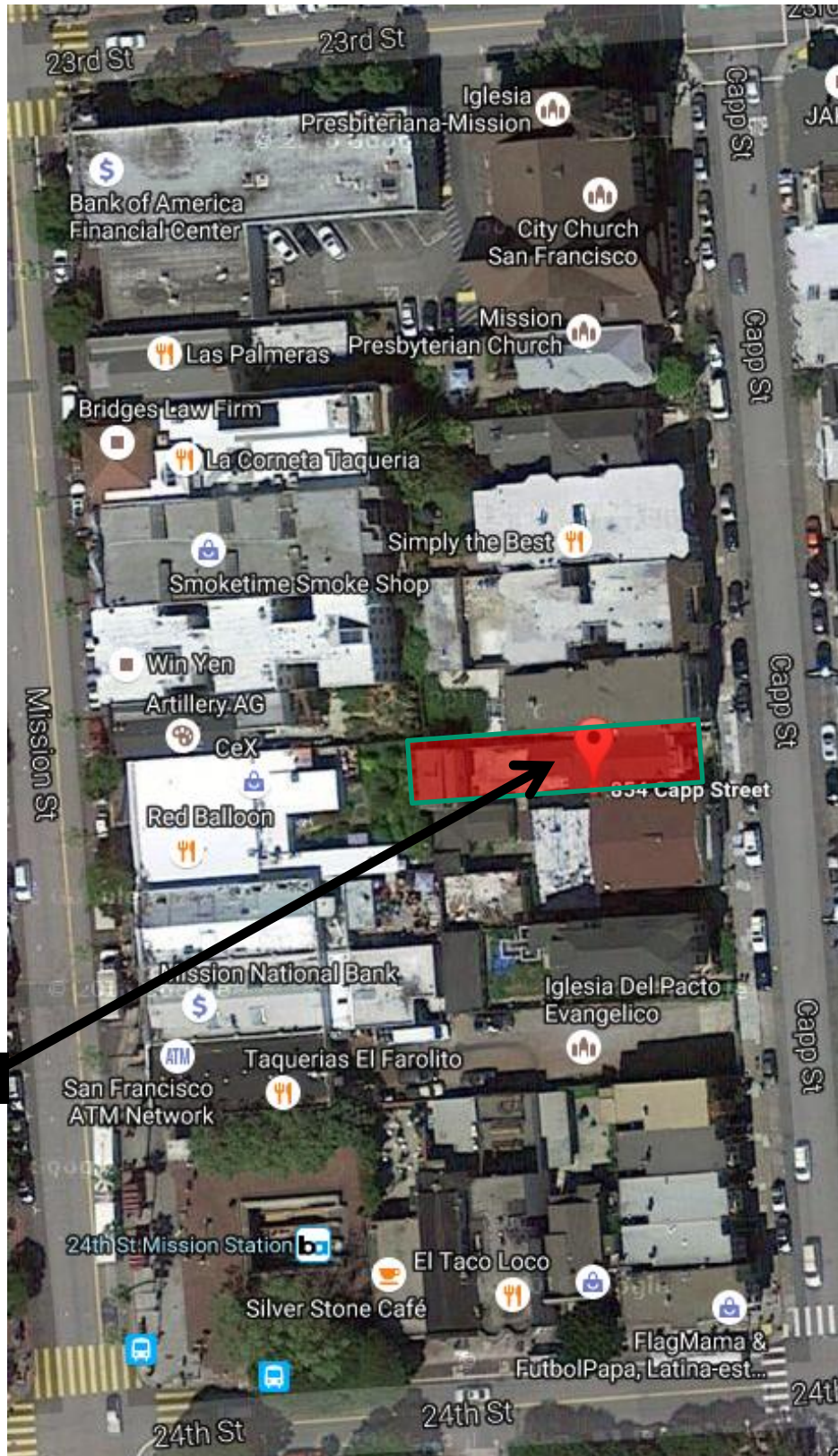
# Zoning Map



Conditional Use Authorization  
Case Number 2015-002135CUA  
854 Capp Street



# Aerial Photo



PROJECT SITE



Conditional Use Authorization  
Case Number 2015-002135CUA  
854 Capp Street

# Site Photo



Conditional Use Authorization  
Case Number 2015-002135CUA  
854 Capp Street



# Site Photo



FRONT & STREET PHOTOS



STREET PHOTO - SOUTH



PHOTO KEY



SIDE & REAR YARD PHOTOS



Conditional Use Authorization  
Case Number 2015-002135CUA  
854 Capp Street

## RE: 854 CAPP STREET- 2-STORY, DETACHED, REAR BUILDING



### Features:

- Boarded-up windows
- No front door
- Marks indicating removal of porch canopy element



Front Façade of Rear Building





Features:

- Severely damp/moldy/exposed and rotting walls, ceiling, and flooring
- Graffitied walls
- Finished walls
- Carpeted floor
- Built-in shelving
- Litter and debris strewn throughout

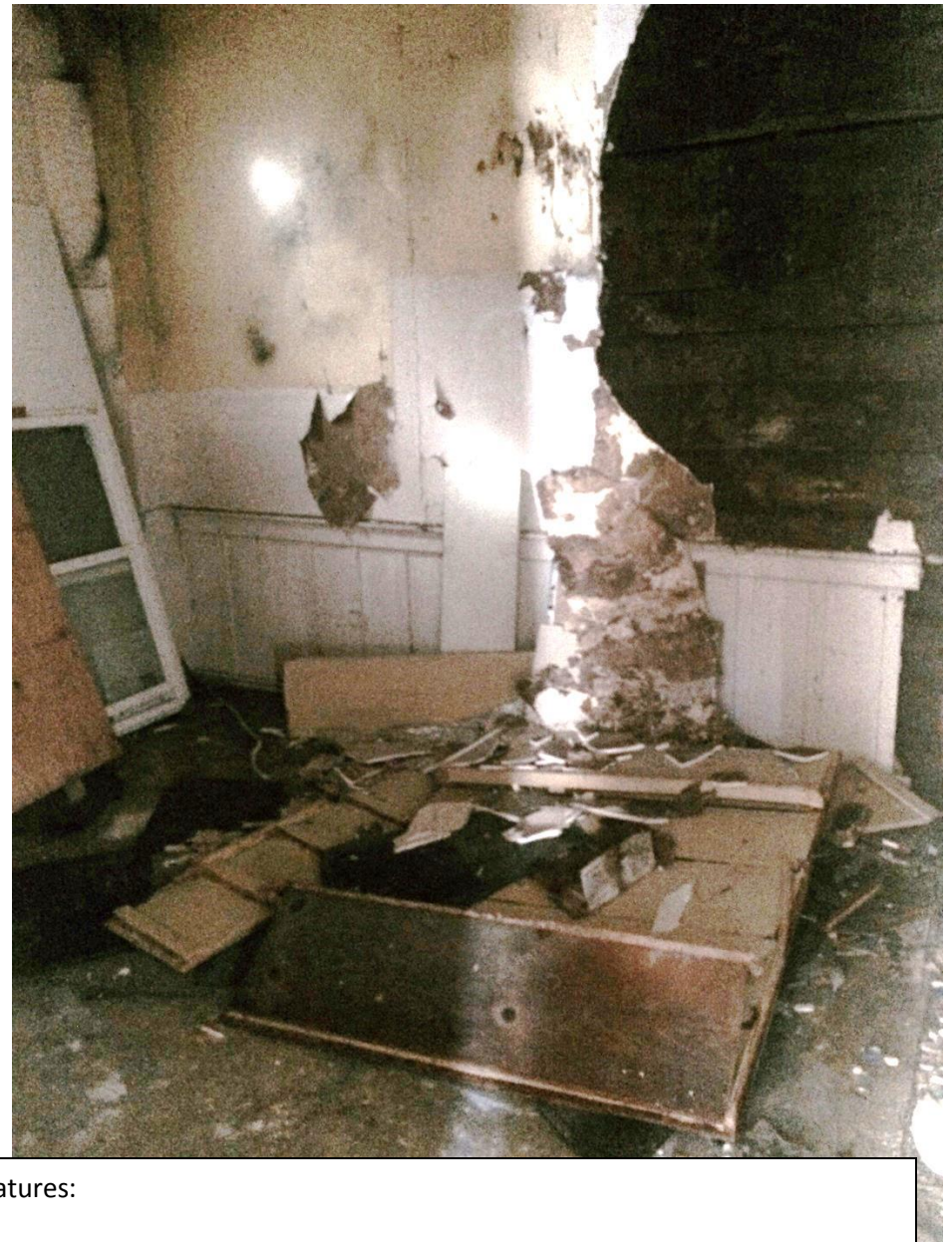


Ground Floor at Main Entry





**Ground Floor Room #1**



**Features:**

- Severely damp/moldy/exposed and rotting walls, ceiling and flooring
- Graffitied walls
- Finished walls
- Carpeted floor
- Litter and debris strewn throughout
- Room (no closet)



Features:

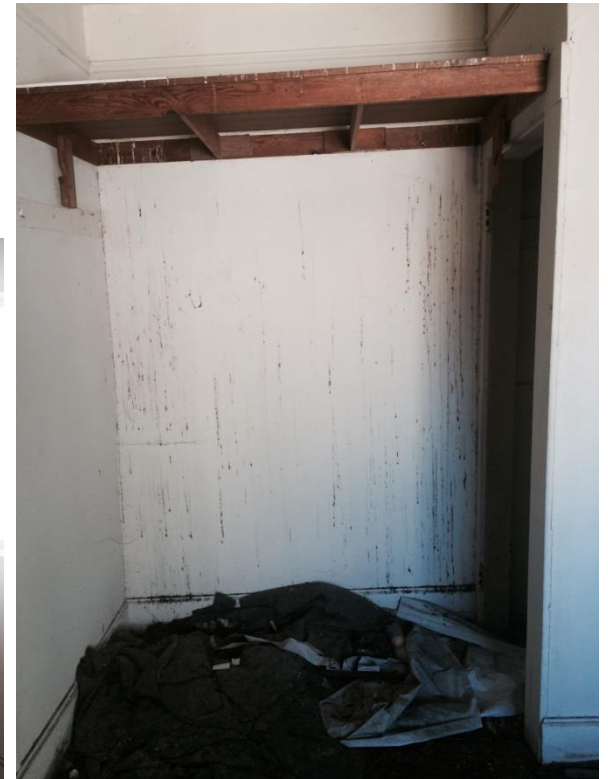
- Severely damp/moldy flooring
- Graffitied walls
- Finished walls
- Carpeted floor
- Litter and debris strewn throughout

**Carpeted Stair to Second Floor**



Features:

- Severely damp/moldy/exposed and rotting walls, ceiling and flooring
- Graffitied, painted walls
- Finished walls
- Carpeted floor
- Exposed ceiling light fixture
- Litter and debris strewn throughout
- Room (with closet)



Second Floor Room #2



Features:

- Severely damp/moldy/exposed and rotting walls, ceiling and flooring
- Graffitied, painted walls
- Finished walls
- Exposed flooring and light fixture
- Litter and debris strewn throughout
- Slightly smaller than Room #2
- Room (no closet)

**Second Floor Room #3**



Features:

- Severely damp/moldy/exposed walls, ceiling and flooring
- Graffitied, painted walls
- Unfinished walls
- Exposed flooring and light fixture
- Litter and debris strewn throughout
- Bathroom size room with partial linoleum flooring but no plumbing fixtures present

Second Floor Room #3

## **OWNERS/OCCUPANTS & PERTINENT HISTORY OF 854 CAPP STREET**

### **History of Ownership**

Since 1874 when it was built, this single family house has been owned by only two families and a Church as follows.

#### **First Owners--William & Anna Bruning and Descendants—1874 through 1964**

From 1874 to 1964 the house was owned by the Bruning Family. I was built by William and Anna Bruning and passed down to their daughter, Anna Bruning Ahren, who resided there until 1962.

#### **Second Owner—Benjamin and Josephine Lopez—1964-1973**

From 1964 to 1973, the house was owned by Benjamin & Josephine Lopez. Benjamin Lopez was the reverend for the adjacent church at 856 Capp Street.

#### **Third Owner-- The California Conference of the Evangelical Covenant Church—1973 through 2014**

In 1973, The California Conference of the Evangelical Covenant Church ("CCECC") purchased 854 Capp Street and the adjacent church at 856 Capp Street. CCECC owned the property until its sale to the permit applicant.

#### **Fourth Owner-- Capp Properties, LLC (Permit Applicant)—2014 through Present**

2014 - Capp Properties, LLC purchased the home which has continuously remained uninhabited.

### **San Francisco Rent Board File**

The Planning Commission requested that the permit applicant contact the San Francisco Rent Board to determine what could be gleaned from its records as to whether the property was subject to rent control.

The documentation in the San Francisco Rent Board File indicates that the property is not subject to Rent Control.

The file contains an October 21, 2013 Report of Alleged Wrongful Eviction from 854 and 856 Capp Street filed by Maria Bonomo & Omar Valenzuela in which they state that they did not pay rent because they work for the Owner.

On November 13, 2013 - The Owner responded to the Report of Alleged Wrongful Eviction presenting evidence to the SF Rent Board under penalty of perjury that Omar Valenzuela was an employee of CCECC and, while he was performing construction services, he was allowed to reside at the property without payment of rent. CCECC also stated that the property is not subject to the San Francisco Residential Rent Stabilization and Arbitration Ordinance.



On November 14, 2013, the San Francisco Residential Rent Board advised Ms. Bonomo that "Based on the landlord's response, the Rent Board is taking no further action on your case at this time". The same day, the Rent Board closed its file stating that the SF Residential Rent Board "does not have jurisdiction over UD, and that under these facts, there is no further action we can take".

The file also contains an unlawful detainer complaint filed by CCECC against Omar Valenzuela and Mariela Bonomo which complaint is verified under penalty of perjury. In the complaint, CCECC states that 854 Capp Street "is not subject to the San Francisco Residential Rent Stabilization and Arbitration Ordinance of June 12, 1979, as thereafter amended, because the occupation of the premises is pursuant to a license relating to the employment of Omar Valenzuela. Omar Valenzuela was an employee and not a tenant of the plaintiff."

Attached to this history are the operative pages from the San Francisco Rent Board Filed:

- San Francisco Rent Board Action Log Listing all correspondence
- San Francisco Rent Board Response
- Property Owner Response
- Property Owner Unlawful Detainer Verified Complaint and summons

The applicant contacted the attorney for CCECC, Robert H. Peterson, Esq., who explained that Mr. Valenzuela was a relative of the pastor of the adjacent Church, who hired Mr. Valenzuela to provide construction services. He also stated that after the lawsuit was filed, Omar Valenzuela and Mariela Bonomo vacated the property.

#### **Relevant Permit History**

An examination of the Permit History revealed the following:

- |                         |   |
|-------------------------|---|
| On September 12, 2013 - | A Notice of Violation Numbered 201323271 was issued for "Possible illegal unit (Remodeling without permits)".       |
| On December 17, 2013 -  | Permit No. 1312520 was issued to the CCECC to comply with Notice of Violation Numbered 201323271.                   |
| On February 20, 2014 -  | Final inspection completed for one family dwelling.   |
| March 11, 2014 -        | Case is marked as abated.   |
| On October 14, 2016 -   | New 3R Report issued (no changes from already submitted 2014 3R Report) listing property use as ONE FAMILY DWELLING |



**SAN FRANCISCO  
RESIDENTIAL  
RENT  
STABILIZATION  
AND  
ARBITRATION  
BOARD FILE**

**San Francisco Residential Rent  
Stabilization and Arbitration Board**

**Petition # E131639  
854 Capp Street**

Date	Action	By
10/21/13	Filed	Berni Lee
10/22/13	Sent to Screener	Berni Lee
10/22/13	Notice of Receipt Sent to LL	Tania Chacon
11/ 4/13	Called T for status. She stated that she has not received any papers from LL re: eviction. She alleges he has threatened to cut off housing services. Informed her that she can file a DHS petition should that occur. She requested I send out a second notice. I requested she keep us informed should she receive anything further.	Tania Chacon
11/13/13	Rec'd response from Mario Romani via LL attorney Robert H. Peterson III, forwarded to Tania	Elvira James
11/14/13	LL Response Sent to T	Tania Chacon
11/14/13	T submitted a copy of the UD served and received by T on 11/13/13. Referred her to the EDC, and provided her with additional referrals for housing. Informed her that the RAB does not have jurisdiction over UD, and that under these facts there is no further action we can take. Case closed and file moved to closed file drawer.	Tania Chacon



Residential Rent Stabilization and Arbitration Board  
City & County Of San Francisco

Date: 11/4/13

Esta notificación puede afectar a sus derechos como propietario o inquilino. Si necesita ayuda para entender este aviso, por favor llame al 415-252-4602.

本項公告可能會影響您身為房東或房客之權利。如果您需要協助來了解本項公告，請致電 415-252-4602。

**Response to Receipt of Report Of Alleged Wrongful Eviction**

IN RE: 854 CAPP STREET  
CASE NO. E131639

Mariela G. Boxo  
854 Capp Street  
San Francisco, CA 94110  
(Tenant Petitioner)

Iglesia del Pacto Evangelica  
856 Capp Street  
San Francisco, CA 94110  
(Landlord Respondent)

1. I agree ☐ or disagree ☒ with the allegations contained in the Notice of Receipt of Report of Alleged Wrongful Eviction for the following reasons (continue on separate sheet if necessary):

The occupants were occupying the property in conjunction with employment. Therefore the unit is not subject to the rent control ordinance.

2. The Rent Ordinance requires under §37.9(c) that a landlord shall not endeavor to recover possession of a rental unit unless at least one of the grounds enumerated in Section 37.9(a) or (b) is the landlord's dominant motive for recovering possession and that the landlord informs the tenant in writing on or before the date upon which notice to vacate is given of the ground upon which possession is sought.

**Please sign, date and return the following affidavit:**

*I hereby declare under penalty of perjury under the laws of the State of California that the ground stated in the Notice to Vacate is my dominant motive for seeking recovery of possession of the rental unit.*

(signature of landlord)

(print name)

Executed on

11/11/2013  
(date)

, at

San Francisco, CA  
(city and state)

MARIO ROMANI

Please complete this form, make a copy of it, send the copy to the tenant, and return the original to the Rent Board office. Thank you.  
Due Date: 11/16/2013

If you wish us to contact your attorney or other designated agent/representative regarding this case, please so indicate by providing his/her address below:

Robert H. Peterson, III  
769 Monterey Blvd  
San Francisco, CA 94127

If you have any questions regarding this case, please contact Tania Chacón at 252-4632.  
Our hours of operation are 8:00 AM - 5:00 PM Monday through Friday.

RECEIVED  
2013 NOV 13 PM 2:23  
ST/RENTAL BOARD  
ADMINISTRATIVE



Residential Rent Stabilization and Arbitration Board  
City & County Of San Francisco

Esta notificación puede afectar a sus derechos como propietario o inquilino. Si necesita ayuda para entender este aviso, por favor llame al 415-252-4602.

本項公告可能會影響您身為房東或房客之權利。如果您需要協助來了解本項公告，請致電 415-252-4602。

**TENANT RESPONSE FORM**

**TO:**

Mariela G. Bowomo  
854 Capp Street  
San Francisco, CA 94110  
(Tenant Petitioner)

**FROM:** Tania Chacón, Eviction Unit (252-4632)

**DATE:** 11/14/2013

**CASE NO:** E131639

**PROPERTY:** 854 Capp Street

Enclosed please find a copy of your landlord's *Response to Report of Alleged Wrongful Eviction*.

- ☐ The landlord's response is being provided to you for informational purposes.
- ☐ Please submit a written reply to the landlord's response within the next 10 days. It is important that you address every issue raised by the landlord so that we can promptly and accurately evaluate the case. If you do not submit a reply, the Rent Board may decide to close your case without taking further action.
- ☒ Based on the landlord's response, the Rent Board is taking no further action on your case at this time.

In order to evict you, the landlord must first file an unlawful detainer (eviction) lawsuit and have someone serve you with a court Summons and Complaint. You must file a timely response to the lawsuit in order to have an opportunity to present your defense to the eviction in court. **IT IS IMPERATIVE THAT YOU ACT IMMEDIATELY UPON BEING SERVED AN UNLAWFUL DETAINER LAWSUIT OR ANY SUBSEQUENT PAPERWORK.**

The Rent Board cannot provide legal advice or represent you in the eviction lawsuit. You may wish to contact the Eviction Defense Collaborative (415-947-0797) for assistance in preparing your defense. Please be aware that **you have only five (5) calendar days, including weekends, to respond** in proper form to the court after you are served papers in the unlawful detainer lawsuit. If you do not respond on time, you could automatically lose the case and be evicted by the Sheriff without an opportunity to present your case in court.

If you have any questions regarding this case, please contact me at the number listed above between 8:00 AM - 5:00 PM Monday through Friday.

ENDORSED  
FILED  
SAN FRANCISCO COUNTY  
SUPERIOR COURT

2013 NOV 13 AM 11:23

CLERK OF THE COURT

BY: \_\_\_\_\_  
DEPUTY CLERK

PETERSON & PETERSON  
AN ASSOCIATION OF ATTORNEYS  
769 MONTEREY BOULEVARD  
SAN FRANCISCO, CALIFORNIA 94127-2299  
TELEPHONE (415) 586-7460

By Robert H. Peterson, III, Bar #111963

ATTORNEYS FOR Plaintiff Iglesia del Pacto Evangelico, Inc.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO  
LIMITED JURISDICTION

IGLESIA DEL PACTO EVANGELICO, INC.,  
a California Non-Profit Corporation,

Plaintiff

vs.

OMAR VALENZUELA, MARIELA G.  
BONOMO, and DOES 1 through 10,  
Inclusive,

Defendants

No. CUD. 13-647092

COMPLAINT FOR UNLAWFUL DETAINER  
Under \$10,000.00  
[CCP §1161(1)]  
(Signature by Fax)

Plaintiff alleges:

1. The true names and capacities, whether individual, associate, or otherwise, of defendants named herein as DOES 1 through 10, are unknown to plaintiff, who therefore sues said defendants, and each of them, by such fictitious names, and plaintiff will amend this complaint to show their true names and capacities when the same have been ascertained.

2. Plaintiff is a non-profit corporation, duly organized in the State of California and qualified to do business in the State of California, which is, and at all times herein mentioned has been, owner of 854 Capp Street, San Francisco, California 94110, the real property, possession of which is sought herein.

3. Said real property is not subject to the San Francisco Residential Rent Stabilization and Arbitration Ordinance of June 12, 1979, as thereafter amended, because the occupation of the premises is pursuant to a license relating to the employment of OMAR

1 VALENZUELA. OMAR VALENZUELA was an employee and not a tenant of the plaintiff.

2 4. The defendants, OMAR VALENZUELA, MARIELA G. BONOMO and DOES 1  
3 through 10, are, and at all times herein mentioned were, individuals residing in the City and  
4 County of San Francisco, State of California.

5 5. Plaintiff is informed and believes and on such information and belief alleges  
6 that plaintiff employed OMAR VALENZUELA on or about July, 2011 to perform construction  
7 services at plaintiff's property. As part of the employment, OMAR VALENZUELA and his  
8 family were allowed to reside in the premises. The employment agreement was oral.

9 6. Said defendant, OMAR VALENZUELA, entered into possession of said  
10 premises under said agreement and remains in possession. The other defendants named  
11 herein as DOES 1 through 10, Inclusive, are subtenants of OMAR VALENZUELA, and plaintiff  
12 is informed and believes and on such information and belief alleges that these defendants  
13 remain in possession of the premises.

14 7. There was no rent payable and OMAR VALENZUELA and MARIELA G.  
15 BONOMO did not pay rent.

16 8. Because the defendants resided at the premises pursuant to the employment  
17 of OMAR VALENZUELA, the license to occupy was terminated when the employment was  
18 terminated on or about June 30, 2013. No notice is required to be given pursuant to California  
19 Code of Civil Procedure Section 1161(1).

20 9. The reasonable rental value of said unit is the sum of \$75.00 per day, and  
21 damages to plaintiff caused by defendants' unlawful detainer thereof shall accrue at said rate  
22 from July 1, 2013, until judgment, so long as defendants remain in possession thereof.

23 WHEREFORE, plaintiff prays judgment as follows:

- 24 1. For restitution of said premises;  
25 2. For damages at the rate of \$75.00 per day from July 1, 2013 until judgment;  
26 3. For costs of suit incurred herein;

27 ///

28 ///

4. For such other and further relief as to the Court may seem meet and proper.

Dated: November 12, 2013

PETERSON & PETERSON

PETERSON & PETERSON

By

ROBERT H. PETERSON, III  
Attorneys for Plaintiff

## VERIFICATION

I am an officer of IGLESIA DEL PACTO EVANGELICO, INC., the plaintiff in the above entitled action or proceeding, and am authorized to make this verification on its behalf, and I make this verification for that reason. I have read the foregoing COMPLAINT FOR UNLAWFUL DETAINER and know the contents thereof. I am informed and believe that the matters stated in it are true, and on that ground allege that the matters stated in it are true.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed on November 12, 2013, at San Jose, California.

MARIO ROMANI, Officer of  
IGELESIA DEL PACTO EVANGELICO, INC.  
(signature by fax)



**SUMMONS  
(CITACION JUDICIAL)**

**UNLAWFUL DETAINER—EVICTION**

**(RETENCIÓN ILÍCITA DE UN INMUEBLE—DESALOJO)**

SUM-130

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):**

Omar Valenzuela, Mariela G. Bonomo, and DOES 1 through 10,  
YOU ARE BEING SUED BY PLAINTIFF: Inclusive

**(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

Iglesia Del Pacto Evangelico, Inc., a California Non-Profit Corporation

2013 NOV 14 AM 9:50  
SUPERIOR COURT  
STABILIZATION AND  
ARBITRATION BOARD

You have 5 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. (To calculate the five days, count Saturday and Sunday, but do not count other court holidays. If the last day falls on a Saturday, Sunday, or a court holiday then you have the next court day to file a written response.) A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

Tiene 5 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. (Para calcular los cinco días, cuente los sábados y los domingos pero no los otros días feriados de la corte. Si el último día cae en sábado o domingo, o en un día en que la corte esté cerrada, tiene hasta el próximo día de corte para presentar una respuesta por escrito). Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desear el caso.

1. The name and address of the court is:  
(El nombre y dirección de la corte es):

CASE NUMBER  
(Número de caso):

CUD. 13-647092

Superior Court of California, County of San Francisco 400 McAllister St, San Francisco, CA 94102

2. The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
Robert H. Peterson, III, 769 Monterey Blvd., San Francisco, CA 94127 Tele: (415) 586-7460

3. (Must be answered in all cases) An unlawful detainer assistant (Bus. & Prof. Code, §§ 6400-6415) ☒ did not ☐ did for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an unlawful detainer assistant, complete item 6 on the next page.)

Date:  
(Fecha)

NOV 13 2013

CLERK OF THE COURT Clerk, by  
(Secretario)

M.A. MORAN Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)

4. NOTICE TO THE PERSON SERVED: You are served

- a. ☐ as an individual defendant.  
b. ☐ as the person sued under the fictitious name of (specify):  
c. ☐ as an occupant  
d. ☐ on behalf of (specify):

- under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☐ CCP 415.46 (occupant) ☐ other (specify):

5. ☐ by personal delivery on (date):



**RELEVANT  
PERMIT  
HISTORY  
AND  
UPDATED 3R  
REPORT**

**COMPLAINT DATA SHEET**

**Complaint Number:** 201323271  
**Owner/Agent:** OWNER DATA SUPPRESSED  
**Owner's Phone:** --  
**Contact Name:** --  
**Contact Phone:** --  
**Complainant:** COMPLAINANT DATA SUPPRESSED  
**Complainant's Phone:** --  
**Complaint Source:** TELEPHONE  
**Assigned to Division:** CES  
**Description:** Possible illegal unit.(Remodeling without permits)  
**Instructions:** This complaint was originally filed on 09/12/2013 with HIS. It was closed by HIS and referred to BID on 09/12/2013. BID received this referral on 09/13/2013.

**INSPECTOR INFORMATION**

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
CES	HINCHION	1125		

**REFERRAL INFORMATION**

DATE	REFERRED BY	TO	COMMENT
10/24/2013	Ying Pei	CES	Sent to Director's Hearing for abatement

**COMPLAINT STATUS AND COMMENTS**

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
09/13/13	CASE OPENED	BID	Hernandez	CASE RECEIVED	
09/16/13	OTHER BLDG/HOUSING VIOLATION	BID	Hernandez	CASE UPDATE	no entry left a wywo on 9/16/13 MH
09/17/13	CONST WORK NO PERMIT	BID	Hernandez	FIRST NOV SENT	
09/18/13	CONST WORK NO PERMIT	BID	Hernandez	OFFICE/COUNTER VISIT	mailed 1st NOV
10/17/13	CONST WORK NO PERMIT	INS	Hernandez	SECOND NOV SENT	Second NOV issued by MH
10/21/13	CONST WORK NO PERMIT	INS	Hernandez	CASE UPDATE	Second NOV processed by GPS
10/24/13	GENERAL MAINTENANCE	BID	Hernandez	REFERRED TO OTHER DIV	transfer to div CES
10/25/13	CASE OPENED	CES	Hinchion	CASE RECEIVED	
11/19/13	CONST WORK NO PERMIT	CES	Theriault	ASSESSMENTS DUE	Review: One month monitoring fee due to date 11/17/2013. No permits PTS
02/10/14	CONST WORK NO PERMIT	CES	Theriault	REFER TO DIRECTOR'S HEARING	DH 03/11/2014: PA 201312023092 issued to comply. 2 months monitoring fee due to date. ( 3 months fee's due)
02/12/14	CONST WORK NO PERMIT	CES	Theriault	DIRECTOR HEARING NOTICE POSTED	Posted for 03/11/2014 on metal driveway gate.
03/11/14	CONST WORK NO PERMIT	CES	Theriault	CASE ABATED	PA 201312023092 completed

**COMPLAINT ACTION BY DIVISION**

NOV (HIS):	NOV (BID):	
		09/17/13
		10/17/13

Application Number: 201312023092  
 Form Number: 8  
 Address(es): 3642 /041 /0 854 CAPP ST  
 Description: TO COMPLY W/NOV #201323271 - WINDOWS REPLACEMENT of 4, U-factor not more than .4; DRYROT WORK, ROOF RAFTERS REPLACEMENT @ LAUNDRY.  
 Cost: \$5,000.00  
 Occupancy Code: R-3  
 Building Use: 27 - 1 FAMILY DWELLING

**Disposition / Stage:**

Action Date	Stage	Comments
12/2/2013	TRIAGE	
12/2/2013	FILING	
12/2/2013	FILED	
12/17/2013	APPROVED	
12/17/2013	ISSUED	
2/20/2014	COMPLETE	2002317 Final Inspection/Approved

**Contact Details:**

**Contractor Details:**

License Number: OWN  
 Name: OWNER OWNER  
 Company Name: OWNER  
 Address: OWNER \* OWNER CA 00000-0000  
 Phone:

**Addenda Details:**

**Description:**

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	CES	11/25/13	11/25/13			11/25/13		JAMES LI
2	INTAKE	12/2/13	12/2/13			12/2/13	YIP JANET	
3	BLDG	12/2/13	12/2/13			12/2/13	LAU (NELSON) CHI CHIU	OTC approval.
4	CPB	12/17/13	12/17/13			12/17/13	LAURENTE YOLANDA	

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

**Appointments:**

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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**Inspections:**

Activity Date	Inspector	Inspection Description	Inspection Status
2/20/2014	Kevin McHugh	FINAL INSPECT/APPRVD	FINAL INSPECT/APPRVD
2/7/2014	Colette Cummins	ROUGH FRAME	ROUGH FRAME
1/29/2014	Brett Howard	ROUGH FRAME	NO ENTRY/NO PROGRESS



**Report of Residential Building Record (3R)**  
(Housing Code Section 351(a))

**BEWARE:** This report describes the current legal use of this property as compiled from records of City Departments. There has been no physical examination of the property itself. This record contains no history of any plumbing or electrical permits. The report makes no representation that the property is in compliance with the law. Any occupancy or use of the property other than that listed as authorized in this report may be illegal and subject to removal or abatement, and should be reviewed with the Planning Department and the Department of Building Inspection. Errors or omissions in this report shall not bind or stop the City from enforcing any and all building and zoning codes against the seller, buyer and any subsequent owner. The preparation or delivery of this report shall not impose any liability on the City for any errors or omissions contained in said report, nor shall the City bear any liability not otherwise imposed by law.

Address of Building **854 CAPP ST**

Block **3642**

Lot **041**

**Other Addresses**

1. A. Present authorized Occupancy or use: **ONE FAMILY DWELLING**  
B. Is this building classified as a residential condominium? Yes No ☒  
C. Does this building contain any Residential Hotel Guest Rooms as defined in Chap. 41, S.F. Admin. Code? Yes No ☒  
2. Zoning district in which located: **RH-3** 3. Building Code Occupancy Classification: **R-3**  
4. Do Records of the Planning Department reveal an expiration date for any non-conforming use of this property? Yes No ☒  
If Yes, what date? The zoning for this property may have changed. Call Planning Department, (415) 558-6377, for the current status.  
5. Building Construction Date (Completed Date): **UNKNOWN**  
6. Original Occupancy or Use: **UNKNOWN**  
7. Construction, conversion or alteration permits issued, if any:

Application #	Permit #	Issue Date	Type of Work Done	Status
82478	77619	Sep 06, 1945	REPAIR FIRE DAMAGE - CFC	C
322709	288000	Nov 19, 1965	INSTALL FOUR NEW ALUMINUM WINDOWS IN FRONT OF BUILDING AND REMOVE OLD WOOD FRAME	C
201312023092	1312520	Dec 17, 2013	TO COMPLY WITH NOTICE OF VIOLATION #201323271: REPLACE FOUR WINDOWS, PERFORM DRY ROT WORK, ROOF RAFTERS AND REPLACEMENT AT LAUNDRY	C

8. A. Is there an active Franchise Tax Board Referral on file? Yes No ☒  
B. Is this property currently under abatement proceedings for code violations? Yes No ☒  
9. Number of residential structures on property? **1**  
10. A. Has an energy inspection been completed? Yes No ☒ B. If yes, has a proof of compliance been issued? Yes No ☒  
11. A. Is the building in the Mandatory Earthquake Retrofit of Wood-Frame Building Program? Yes No ☒  
B. If yes, has the required upgrade work been completed? Yes No

Date of Issuance: **14 OCT 2016**

Date of Expiration: **14 OCT 2017**

By: **BENJIE GUINTO**

Report No: **201610061942**

**Patty Herrera, Manager**  
Records Management Division

**Records Management Division**  
1660 Mission Street - San Francisco CA 94103  
Office (415) 558-6080 - FAX (415) 558-6402 - [www.sfdbi.org](http://www.sfdbi.org)

Address of Building    *854 CAPP ST*

Block *3642*

Lot *041*

Other Addresses

THIS REPORT IS VALID FOR ONE YEAR ONLY.

The law requires that, prior to the consummation of the sale or exchange of this property, the seller must deliver this report to the buyer and the buyer must sign it.

(For Explanation of terminology, see attached)





# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
854 Capp Street		3642/041	
Case No.	Permit No.	Plans Dated	
2015-003138		1/15/15	
<input type="checkbox"/> Addition/ Alteration	<input checked="" type="checkbox"/> Demolition (requires HRER if over 45 years old)	<input checked="" type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification (GO TO STEP 7)
Project description for Planning Department approval. Demolition of existing two-story, single-family home and two-story structure located in rear yard. Construction of a four-story, six-unit condo building with four off-street parking spaces. The new building would be approximately 40 feet tall and 7,464 gross square feet.			

### STEP 1: EXEMPTION CLASS

TO BE COMPLETED BY PROJECT PLANNER

<b>Note: If neither Class 1 or 3 applies, an <i>Environmental Evaluation Application</i> is required.</b>	
<input type="checkbox"/>	<b>Class 1 – Existing Facilities.</b> Interior and exterior alterations; additions under 10,000 sq. ft.
<input checked="" type="checkbox"/>	<b>Class 3 – New Construction/ Conversion of Small Structures.</b> Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	<b>Class__</b>

### STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

<b>If any box is checked below, an <i>Environmental Evaluation Application</i> is required.</b>	
<input type="checkbox"/>	<b>Air Quality:</b> Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks)? <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Article 38 program and the project would not have the potential to emit substantial pollutant concentrations. (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Air Pollutant Exposure Zone)</i>
<input type="checkbox"/>	<b>Hazardous Materials:</b> If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I

	Environmental Site Assessment. <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap &gt; Maher layer).</i>
<input type="checkbox"/>	<b>Transportation:</b> Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	<b>Archeological Resources:</b> Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	<b>Noise:</b> Does the project include new noise-sensitive receptors (schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) fronting roadways located in the noise mitigation area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Noise Mitigation Area)
<input type="checkbox"/>	<b>Subdivision/Lot Line Adjustment:</b> Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)
<input type="checkbox"/>	<b>Slope = or &gt; 20%:</b> Does the project involve excavation of 50 cubic yards of soil or more, new construction, or square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) <b>If box is checked, a geotechnical report is required.</b>
<input type="checkbox"/>	<b>Seismic: Landslide Zone:</b> Does the project involve excavation of 50 cubic yards of soil or more, new construction, or square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) <b>If box is checked, a geotechnical report is required.</b>
<input type="checkbox"/>	<b>Seismic: Liquefaction Zone:</b> Does the project involve excavation of 50 cubic yards of soil or more, new construction, or square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) <b>If box is checked, a geotechnical report will likely be required.</b>
<b>If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an <u>Environmental Evaluation Application</u> is required, unless reviewed by an Environmental Planner.</b>	
<input checked="" type="checkbox"/>	<b>Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.</b>
Comments and Planner Signature (optional): Jenny Delumo Archeo Clearance, 6/24/2015	

### STEP 3: PROPERTY STATUS – HISTORIC RESOURCE TO BE COMPLETED BY PROJECT PLANNER

<b>PROPERTY IS ONE OF THE FOLLOWING:</b> (refer to Parcel Information Map)	
<input type="checkbox"/>	<b>Category A:</b> Known Historical Resource. <b>GO TO STEP 5.</b>
<input checked="" type="checkbox"/>	<b>Category B:</b> Potential Historical Resource (over 45 years of age). <b>GO TO STEP 4.</b>
<input type="checkbox"/>	<b>Category C:</b> Not a Historical Resource or Not Age Eligible (under 45 years of age). <b>GO TO STEP 6.</b>

**STEP 4: PROPOSED WORK CHECKLIST**  
TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.	
<input type="checkbox"/>	1. <b>Change of use and new construction.</b> Tenant improvements not included.
<input type="checkbox"/>	2. <b>Regular maintenance or repair</b> to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. <b>Window replacement</b> that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. <b>Garage work.</b> A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	5. <b>Deck, terrace construction, or fences</b> not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. <b>Mechanical equipment installation</b> that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. <b>Dormer installation</b> that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. <b>Addition(s)</b> that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
<b>Note: Project Planner must check box below before proceeding.</b>	
<input checked="" type="checkbox"/>	Project is not listed. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project <b>does not conform</b> to the scopes of work. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>four or more</b> work descriptions. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>less than four</b> work descriptions. <b>GO TO STEP 6.</b>

**STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW**  
TO BE COMPLETED BY PRESERVATION PLANNER

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a <b>known historical resource (CEQA Category A)</b> as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. <b>Interior alterations to publicly accessible spaces.</b>
<input type="checkbox"/>	3. <b>Window replacement</b> of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	4. <b>Façade/storefront alterations</b> that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. <b>Raising the building</b> in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. <b>Restoration</b> based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input type="checkbox"/>	7. <b>Addition(s)</b> , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .

<input type="checkbox"/>	8. <b>Other work consistent</b> with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. <b>Other work</b> that would not materially impair a historic district (specify or add comments):  (Requires approval by Senior Preservation Planner/Preservation Coordinator) _____
<input checked="" type="checkbox"/>	10. <b>Reclassification of property status</b> to Category C. (Requires approval by Senior Preservation Planner/Preservation Coordinator) a. Per HRER dated: _____ (attach HRER) b. Other (specify): Per PTR form dated 6/18/2015 (attached)
<b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.</b>	
<input type="checkbox"/>	<b>Further environmental review required.</b> Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. <b>GO TO STEP 6.</b>
<input checked="" type="checkbox"/>	<b>Project can proceed with categorical exemption review.</b> The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. <b>GO TO STEP 6.</b>
<b>Comments (optional):</b> Front building previously evaluated in South Mission Historic Resource Survey and found not to be a resource, rear building evaluated under this review.	
<b>Preservation Planner Signature:</b> Allison K. Vanderslice <small>Digitally signed by Allison K. Vanderslice DN: cn=Allison K. Vanderslice, o=City Planning, ou=Environmental Planning, email=Allison.K.Vanderslice@sfgov.org, c=US Date: 2015.06.24 13:57:11 -0700</small>	

**STEP 6: CATEGORICAL EXEMPTION DETERMINATION**  
**TO BE COMPLETED BY PROJECT PLANNER**

<input type="checkbox"/>	<b>Further environmental review required.</b> Proposed project does not meet scopes of work in either (check all that apply): <input type="checkbox"/> Step 2 – CEQA Impacts <input type="checkbox"/> Step 5 – Advanced Historical Review <b>STOP! Must file an <i>Environmental Evaluation Application</i>.</b>	
<input checked="" type="checkbox"/>	<b>No further environmental review is required. The project is categorically exempt under CEQA.</b>	
	<b>Planner Name:</b> Allison Vanderslice	<b>Signature:</b> Allison K. Vanderslice <small>Digitally signed by Allison K. Vanderslice DN: dc=org, dc=sfgov, dc=cityplanning, ou=CityPlanning, ou=Environmental Planning, cn=Allison K. Vanderslice, email=Allison.Vanderslice@sfgov.org, c=US Date: 2015.06.24 13:57:11 -0700</small>
	<b>Project Approval Action:</b> <b>Planning Commission Hearing</b> If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	
	Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.	



**STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT****TO BE COMPLETED BY PROJECT PLANNER**

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

**PROPERTY INFORMATION/PROJECT DESCRIPTION**

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
Case No.	Previous Building Permit No.	New Building Permit No.
Plans Dated	Previous Approval Action	New Approval Action
Modified Project Description:		

**DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION**

Compared to the approved project, would the modified project:	
<input type="checkbox"/>	Result in expansion of the building envelope, as defined in the Planning Code;
<input type="checkbox"/>	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
<input type="checkbox"/>	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
<input type="checkbox"/>	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?
If at least one of the above boxes is checked, further environmental review is required <b>CATEX FORM</b>	

**DETERMINATION OF NO SUBSTANTIAL MODIFICATION**

<input type="checkbox"/>	The proposed modification would not result in any of the above changes.
If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice.	
Planner Name:	Signature or Stamp:



# SAN FRANCISCO PLANNING DEPARTMENT

## PRESERVATION TEAM REVIEW FORM

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

<b>Preservation Team Meeting Date:</b>	6/16/2015	<b>Date of Form Completion</b>	6/16/2015
--	-----------	--------------------------------	-----------

<b>PROJECT INFORMATION:</b>		
<b>Planner:</b>	<b>Address:</b>	
Allison Vanderslice	854 Capp Street	
<b>Block/Lot:</b>	<b>Cross Streets:</b>	
3642/041	23rd and 24th Streets	
<b>CEQA Category:</b>	<b>Art. 10/11:</b>	<b>BPA/Case No.:</b>
B		2015-003138ENV

<b>PURPOSE OF REVIEW:</b>			<b>PROJECT DESCRIPTION:</b>	
<input checked="" type="radio"/> CEQA	<input type="radio"/> Article 10/11	<input type="radio"/> Preliminary/PIC	<input type="radio"/> Alteration	<input checked="" type="radio"/> Demo/New Construction

<b>DATE OF PLANS UNDER REVIEW:</b>	01/15/2015
------------------------------------	------------

<b>PROJECT ISSUES:</b>	
<input checked="" type="checkbox"/>	Is the subject Property an eligible historic resource?
<input type="checkbox"/>	If so, are the proposed changes a significant impact?
Additional Notes:	
The proposed project consists of the demolition of two buildings on the subject parcel and the construction of a six-unit condo building. The front building is a single-family home and the rear building is vacant. The front building was included in the South Mission Historic Resource Survey and was determined not to be a historical resource. A Historic Resource Evaluation (HRE) report (dated 11/14) by Tim Kelley Consulting was submitted by the project sponsor to aid this review of the rear building.	

<b>PRESERVATION TEAM REVIEW:</b>			
<b>Historic Resource Present</b>		<input type="radio"/> Yes	<input checked="" type="radio"/> No *
		<input type="radio"/> N/A	
<b>Individual</b>		<b>Historic District/Context</b>	
Property is individually eligible for inclusion in a California Register under one or more of the following Criteria:		Property is in an eligible California Register Historic District/Context under one or more of the following Criteria:	
Criterion 1 - Event: <input type="radio"/> Yes <input checked="" type="radio"/> No		Criterion 1 - Event: <input type="radio"/> Yes <input checked="" type="radio"/> No	
Criterion 2 - Persons: <input type="radio"/> Yes <input checked="" type="radio"/> No		Criterion 2 - Persons: <input type="radio"/> Yes <input checked="" type="radio"/> No	
Criterion 3 - Architecture: <input type="radio"/> Yes <input checked="" type="radio"/> No		Criterion 3 - Architecture: <input type="radio"/> Yes <input checked="" type="radio"/> No	
Criterion 4 - Info. Potential: <input type="radio"/> Yes <input checked="" type="radio"/> No		Criterion 4 - Info. Potential: <input type="radio"/> Yes <input checked="" type="radio"/> No	
Period of Significance: <input type="text" value="n/a"/>		Period of Significance: <input type="text" value="n/a"/>	
		<input type="radio"/> Contributor <input type="radio"/> Non-Contributor	

Complies with the Secretary's Standards/Art 10/Art 11:	<input type="radio"/> Yes	<input type="radio"/> No	<input checked="" type="radio"/> N/A
CEQA Material Impairment:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Needs More Information:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Requires Design Revisions:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Defer to Residential Design Team:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	

\* If No is selected for Historic Resource per CEQA, a signature from Senior Preservation Planner or Preservation Coordinator is required.

<b>PRESERVATION TEAM COMMENTS:</b>
<p>Based on the HRE report completed for the subject property, additional research by Department staff, and the findings of the adopted South Mission Historic Resource Survey (Survey) the subject property at 854 Capp Street is not a historical resource under CEQA. The front building was included in the Survey and was determined not to be a historical resource (Status Code 6L). While the survey identified the construction date of the front building as c 1889, additional research determined that it was built in 1874. Department staff reviewed this update in construction date and determined that additional review of this building was not required. The Survey did not identify any historical districts that may include the subject property.</p> <p>The subject property was initially developed c1874 with the construction of the Stick/ Eastlake-style, one-story-over-basement building that stands at the front of the lot. The rear two-story, side-facing gable-roof building was built between 1889 and 1900 as a cigar factory according to a review of Sanborn maps. Based on the HRE report, it is likely that this building was constructed or at least converted to a cigar factory when cigar manufacturer Albert Ahren moved to the property in 1899. No indication was found during city directory research that previous owners or occupants were working or running a business located at the subject property that would have resulted in an earlier construction date for the rear building. The building was converted to a dwelling between 1905 and 1914. Neither the construction of the cigar factory or its conversion to a residence appears to be associated with significant events locally or in San Francisco generally. Therefore, the subject property is not significant under Criterion 1.</p> <p>Based on the HRE report, no significant persons are associated with the property. The subject property is not significant under Criterion 2.</p> <p>The rear building is a two-story, gable-roof, single-family residential building with minimal detailing and does not appear to be a significant example of a type, period, or style. The building is not the work of a master architect or builder. Therefore, the subject property is not significant under Criterion 3.</p> <p>The subject building is not significant under Criterion 4, since this significance criteria typically applies to rare construction types when involving the built environment. The subject building is not an example of a rare construction type.</p>

Signature of a Senior Preservation Planner / Preservation Coordinator:	Date:
<i>Uma Qm</i>	6.18.2015

854 CAPP STREET (REAR)  
SAN FRANCISCO, CALIFORNIA



TIM KELLEY CONSULTING, LLC

HISTORICAL RESOURCES

2912 DIAMOND STREET #330

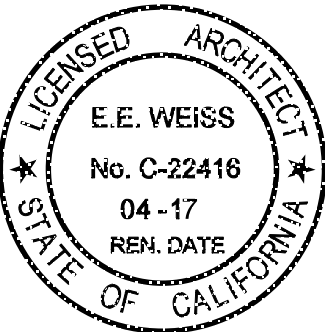
SAN FRANCISCO, CA 94131

415.337-5824

[TIM@TIMKELLEYCONSULTING.COM](mailto:TIM@TIMKELLEYCONSULTING.COM)



HISTORY	BY
PLANNING PERMIT 2015-0213-8349	



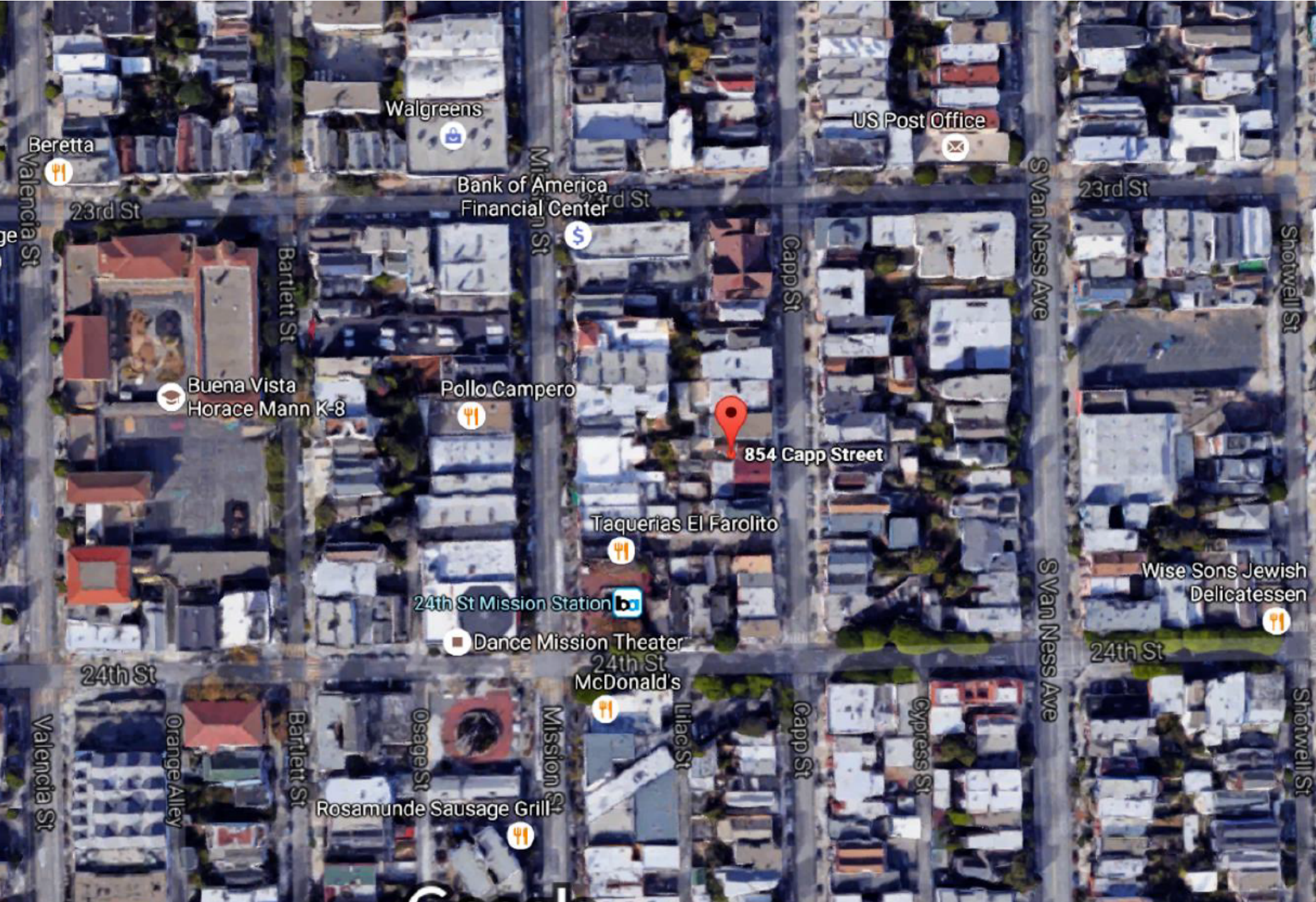
2015-0213-8349 S/R



# 854 CAPP STREET

SAN FRANCISCO, CALIFORNIA, 94110

## LOCATION MAP



## PLANNING NOTES

- 1

NEW CONSTRUCTION PENDING DEMO  
25.0' x 122.5' LOT (3642/041)
- 2

RTO-M ZONING DISTRICT
- 3

40x HEIGHT DISTRICT
- 4

EXISTING 2 BED, 1 BATH SINGLE FAMILY, WITH LEGAL, NON-CONFORMING 2-STORY STRUCTURE IN REAR YARD
- TO BE REPLACE WITH

4 UNIT OWNER OCCUPIED BUILDING:  
(1) 2 BED, 2 BATH FLAT,  
(1) 2 BED, 2.5 BATH TOWNHOUSE,  
(2) 3 BED, 2.5 BATH TOWNHOUSES
- 100% 2 BEDROOM OR LARGER UNITS

SEE BUILDING PROGRAM FOR MORE INFO
- 5

3 PARKING SPACES PROPOSED
- 6

4 CLASS I BIKE SPACES
- 7

OPEN SPACE : 100 sf REQUIRED PER UNIT IF PRIVATE, 133 REQUIRED IF COMMON. TOTAL COMMON AREA TO BE DIVIDED EQUALLY BETWEEN THE NUMBER OF UNITS SHARING THE AREA. SEE BUILDING PROGRAM FOLLOWING
- 8

SCOPE OF WORK: CONDITIONAL USE PURSUANT TO PLANNING Sec 303 and 317. DEMOLISH EXISTING TWO STORY, 1,162sf SINGLE FAMILY WITH TWO STORY ACCESSORY STRUCTURE AND REPLACE WITH NEW, 4 UNIT, 4 STORY (1,387sf avg) RESIDENTIAL BUILDING. ALL UNITS OWNER OCCUPIED AND TWO BEDROOMS OR GREATER

## PROJECT TEAM

PARTICIPANT	
OWNER	CAPP ST PROPERTIES 540 Barneveld Ave, #M San Francisco, CA 94124
ARCHITECT	EE WEISS ARCHITECTS 21 CORTE MADERA AVE, SUITE 4 MILL VALLEY, CA 94941 [415] 381-8788 FAX [415] 381-8700 TEL
GENERAL CONTRACTOR	UNKNOWN
STRUCTURAL	DAVID KANE, S.E. HARRELL KANE STRUCTURAL ENG 237 KEARNY ST #180 SAN FRANCISCO, CA 94108 TEL: 415.501.9000 X100 dkane@hk-se.com
GEOTECHNICAL	Earth Mechanics Consulting 360 Grand Ave, Suite 262 Oakland, CA 94610 510-839-0765 earthmecht@aol.com
SURVEYOR	GLA Civil Engineers 414 Mason St, Suite 404 San Francisco, CA 94102 415.956.6707

## BUILDING PROGRAM

- 1 NEW TYPE V-A, SPRINKLERED, FOUR STORY BUILDING WITH ROOF DECK
- 2 R-2 OCCUPANCY: FOUR RESIDENTIAL CONDOS OVER U OCCUPANCY COMMON PARKING
- 3 LOBBY STAIR TO ROOF FOR FIRE DEPARTMENT ACCESS
- 4 FLOOR 3 AND ROOF DECK TO HAVE TWO EGRESS STAIRS
- 5 ADA REQUIREMENT: UNIT 1 ON GROUND FLOOR TO BE ACCESSIBLE

Floor	Occup. Group	Rating (Hr's)	Unit/Area	Area Sq Ft	SFSD Sq Ft	Occup. Load	Sprinkler	Deck Sq Ft	Notes
First	U	1	Garage	725			200		
		1	UNIT 1	795		564	4.0		174
	R-2	2	Common	578					
			Total FL 1	2098		4.0	YES		
Second	R-2	2	Common	350					2-hour FR between units
		1	UNIT 1	600	342	3.0		132	
		1	UNIT 2	1046	725	5.2			
			Total FL 2	1996		8.2	YES		
Third	R-2	2	Common	418					2-hour FR between units
		1	UNIT 3	781	416	3.9			
		1	UNIT 4	857	418	4.3			
			Total FL 3	2056		10.3	YES		
Fourth	R-2	2	Common	195					
		1	UNIT 3	745	546	3.7		75	
		1	UNIT 4	725	507	3.6		248	
			Total FL 4	1665		8.3	YES		
Roof	R-2	1	Garage	725					634 1-Hour Parapet
			Total R-2 Sq Ft	5,549	3,518	Total SFSD			
				Building Total Sq Ft	7,815				
Unit Data					Open Space				
Unit	Size SF	Bed + Bth	Bike Prk	Parking	Stories	Required	Yard	Deck	Total
1	1,395	2 + 2.5	1	1	2	100	187	75	262
2	1,046	2 + 2	1	0	1	133	0	0	0
3	1,526	3 + 2.5	1	1	2	100	0	391	391
4	1,582	3 + 2.5	1	1	2	100	0	75	75
TOTAL	5,549	10 + 9.5	4	3		common	583	541	1124
EXISTING	1,162	2 + 1	0	0	2	NA			

- General Notes
1. Codes: The design and construction of all site alterations shall comply with the 2013 California CODE, including Building Code, Plumbing Code, Electrical Code, Mechanical Code, Fire Code, and 2013 Title 24 Energy Efficiency Standards, including Local Amendments
2. Two-Hour separation assemblies between all Units, Units and Garage, and Elevator Shafts. 90 Minute Rated doors at Two-Hour Walls
3. One-Hour Assemblies within 60" of (side, rear) property lines all portions of the Building
4. All penetrations in fire assemblies to comply with the Fire Rating in which they breach. Fire caulk all pipes, ducts, etc. to seal completely
5. Separate Permits required for: Sprinklers, Fire Controls, Trusses, Sidewalk & Driveway, Utility laterals, Tree, Elevator
6. Sprinkler Installation per NFPA 13 and CBC 903.1.1



3	MID-BLOCK OPEN SPACE
A1.1	Scale: 1/8" = 1'-0"

2	SITE PHOTO
A1.1	Scale: 1/8" = 1'-0"

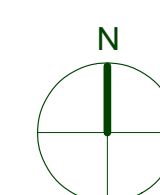
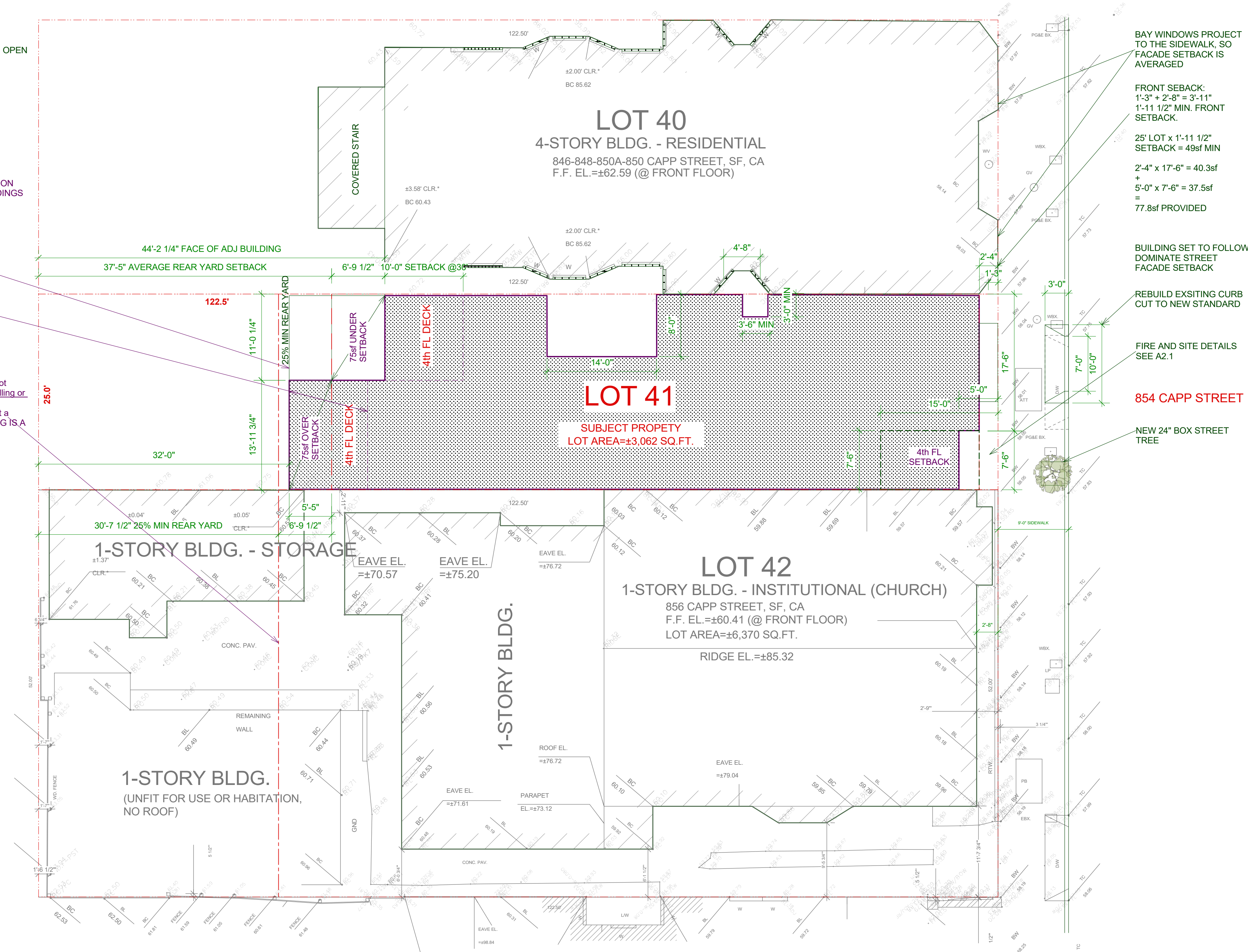
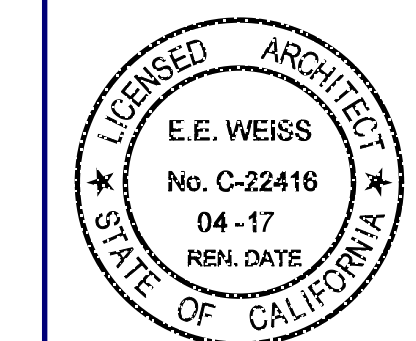
PROJECT PROPOSAL WILL REMOVE, LEGAL,  
NON-CONFORMING 2 STORY STURCTURE FROM OPEN  
SPACE

45% MAXIMUM REAR YARD SETBACK PER SECTION  
134 (A)(2) DOES NOT APPLY AS ADJACENT BUILDINGS  
PROJECT BEYOND

REAR YARD INTRUSION AT 1ST FLOOR PER  
136(25)(B)(i)

OFFSET REAR BUILDING WALL PER SECTION 134(c)(4) AT SECOND AND THIRD FLOORS. ADDITIONAL 10' SETBACK 30' ABOVE GRADE  
NOTE:  
OFFSET PROVIDED TO OFFSET IMPACT ON RESIDENTIAL BUILDING PER RDT COMMENTS

25% REAR SETBACK PER SECTION 134(c)(3) ...a lot adjoining the subject lot is vacant, or contains no dwelling or group housing structure, ...be considered to have an adjacent building upon it whose rear building wall is at a depth equal to 75 percent; THE ADJACENT BUILDING IS A INSTITUTIONAL (CHURCH); 134(c)(3) APPLIES

[illegible]

## SITE PLAN

SITE PERMIT SET

854 CAPP ST

SAN FRANCISCO, CA 94110  
ASSESSOR'S PARCEL: 3642/041

**Date:** 10/19/16  
**Time:** 12:15:25 PM

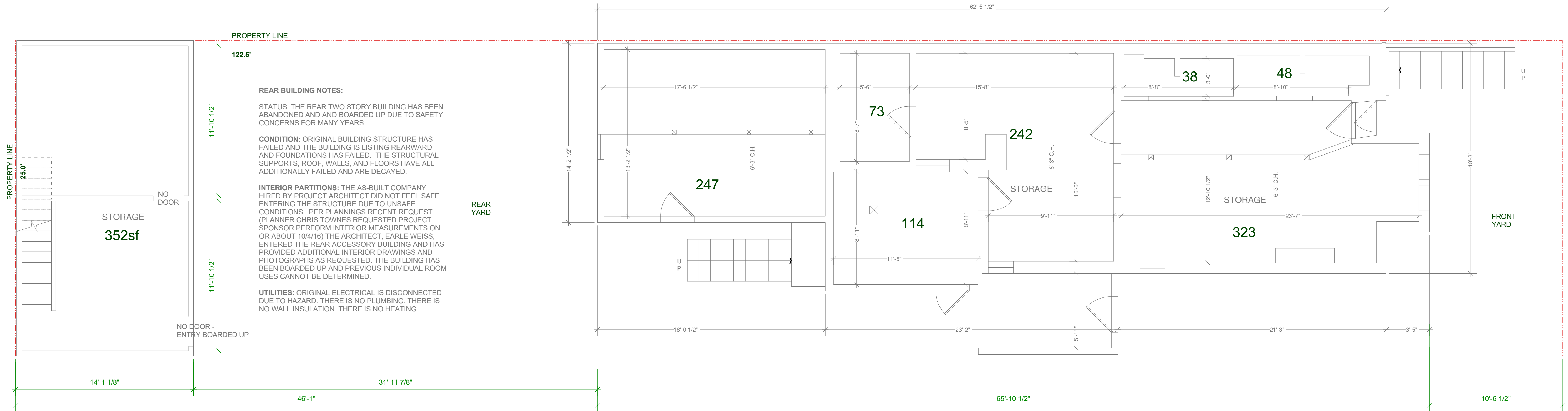
18 AUG 17

## A1.1



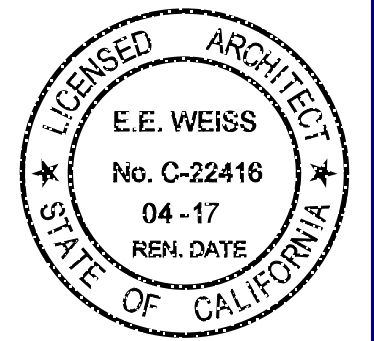


2 EXISTING SECOND FLOOR PLAN 1162sf  
A2.0 Scale: 1/4" = 1'-0"



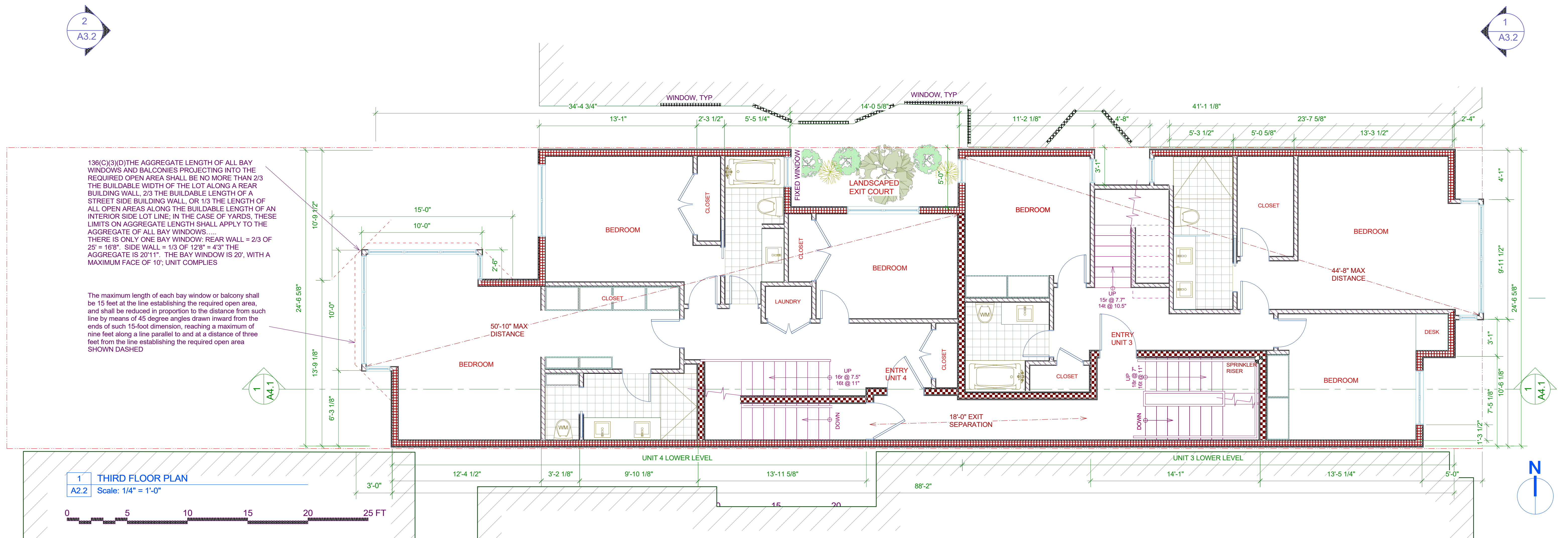
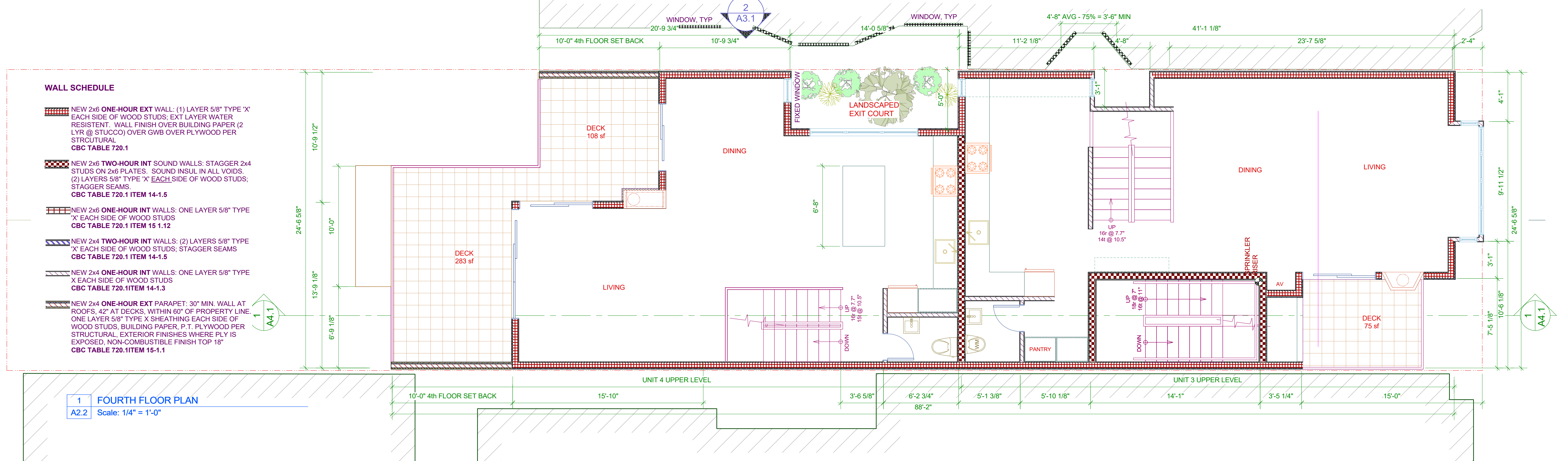
1 EXISTING FIRST FLOOR PLAN 1124sf  
A2.0 Scale: 1/4" = 1'-0"

HISTORY	BY
PLANNING PERMIT 2015-0213-8349	

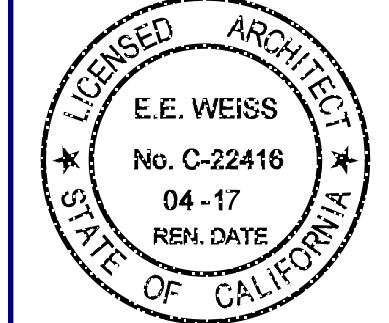








HISTORY	BY
PLANNING PERMIT 2015-0213-8349	





HISTORY	BY
PLANNING PERMIT 2015-0213-8349	



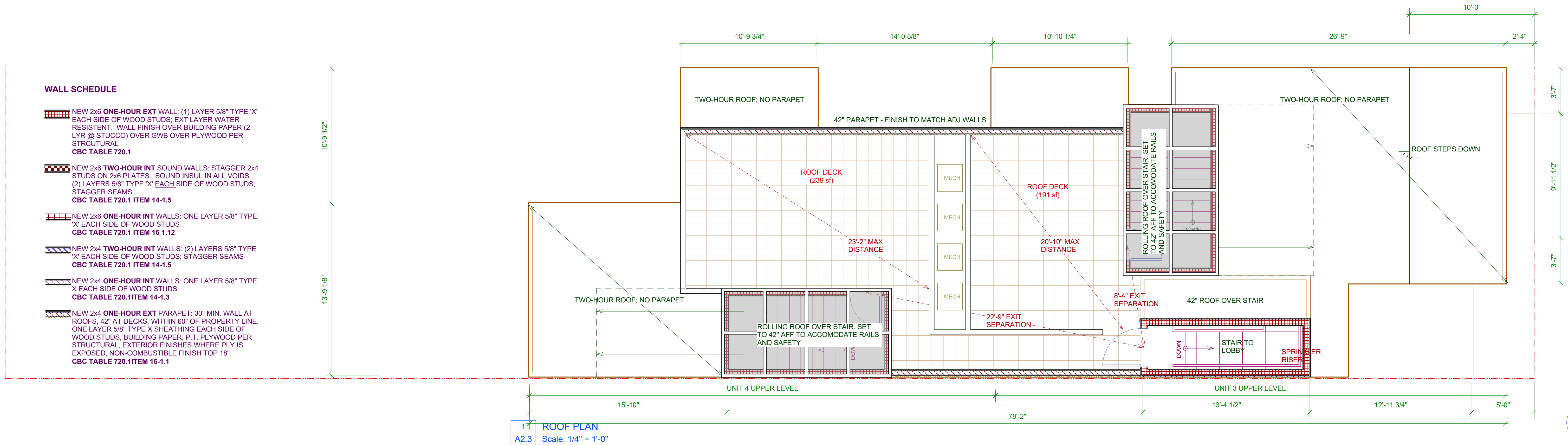
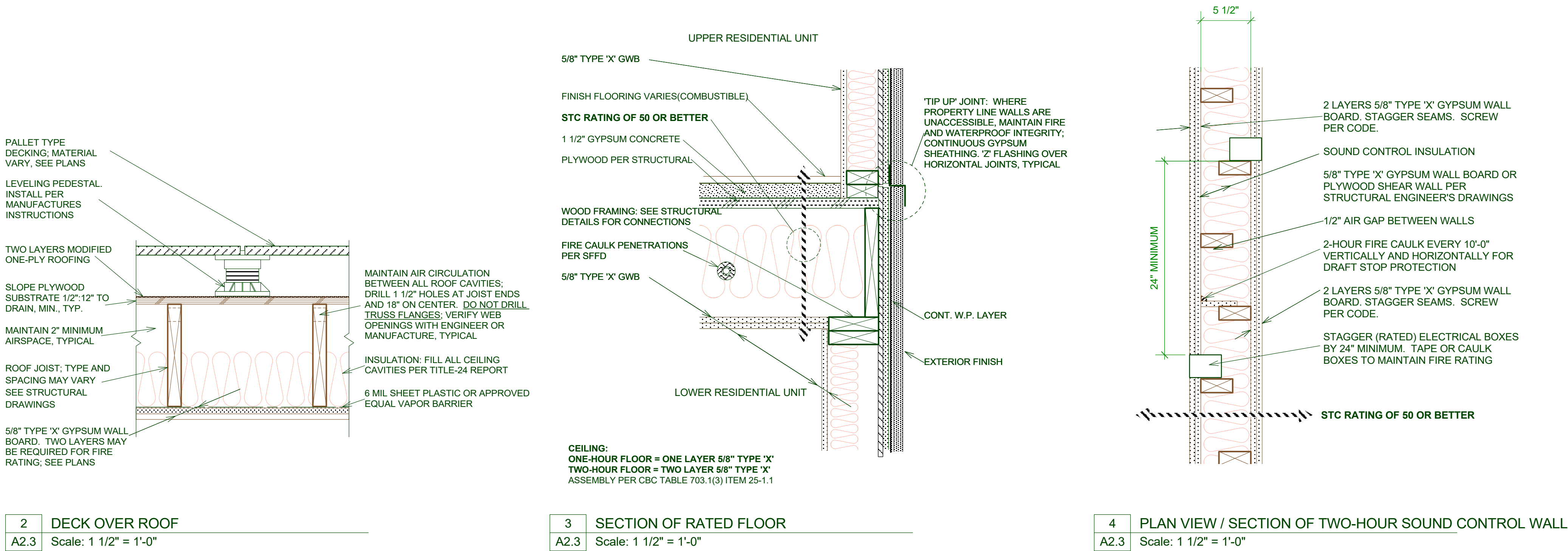
ROOF PLANS  
SITE PERMIT SET

854 CAPP ST  
SAN FRANCISCO, CA 94110  
ASSESSOR'S PARCEL: 3642/041

Date: 10/19/16  
Time: 12:15:25 PM

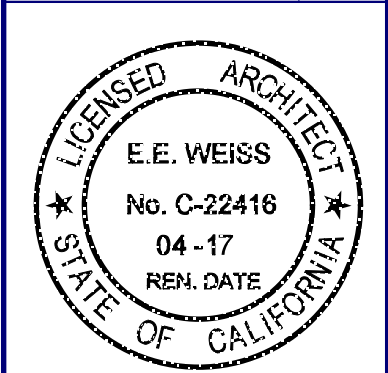
18 AUG 17

A2.3





HISTORY	BY
PLANNING PERMIT 2015-0213-8349	



EXISTING ELEVATIONS

SITE PERMIT SET

854 CAPP ST

SAN FRANCISCO, CA 94110  
ASSESSOR'S PARCEL: 3642/041

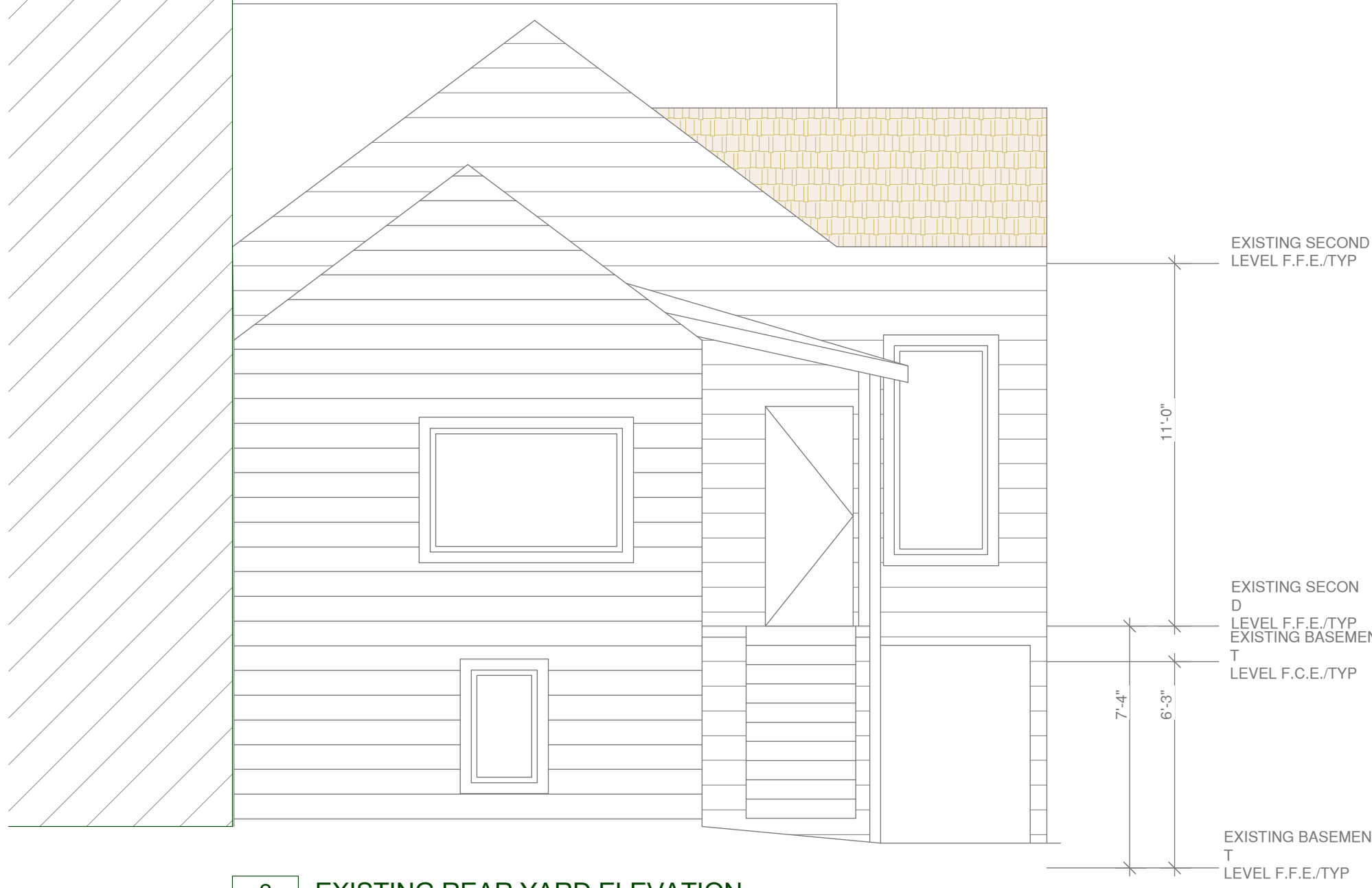
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Time: 12:15:25 PM

18 AUG 17

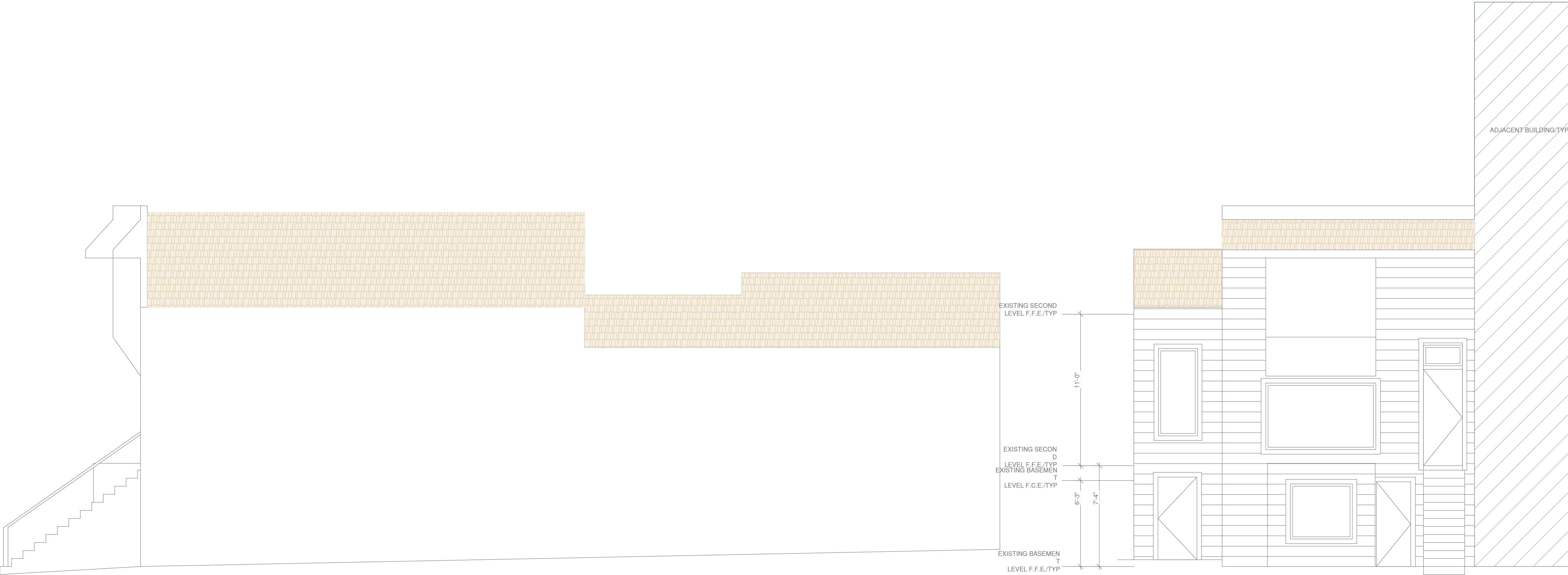
A3.0



4 EXISTING SOUTH ELEVATION  
A3.0 Scale: 1/4" = 1'-0"



2 EXISTING REAR YARD ELEVATION  
A3.0 Scale: 1/4" = 1'-0"

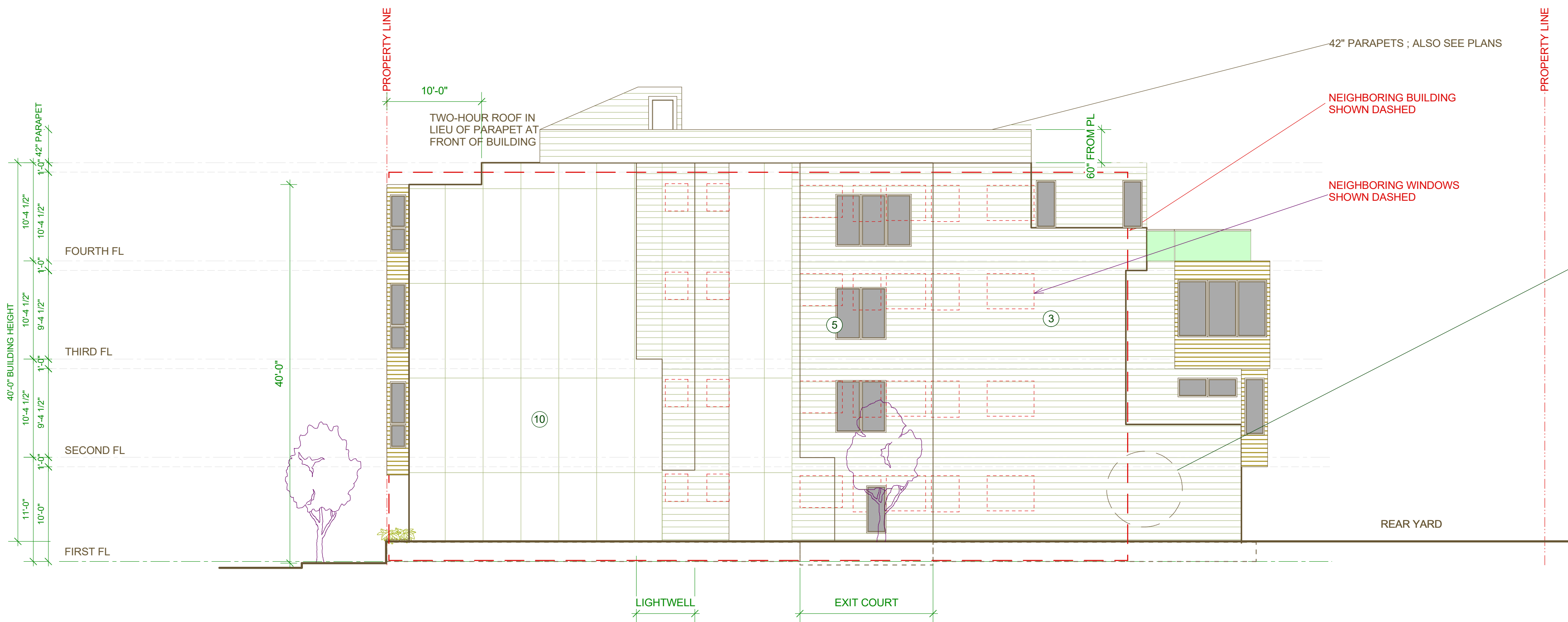


3 EXISTING NORTH ELEVATION  
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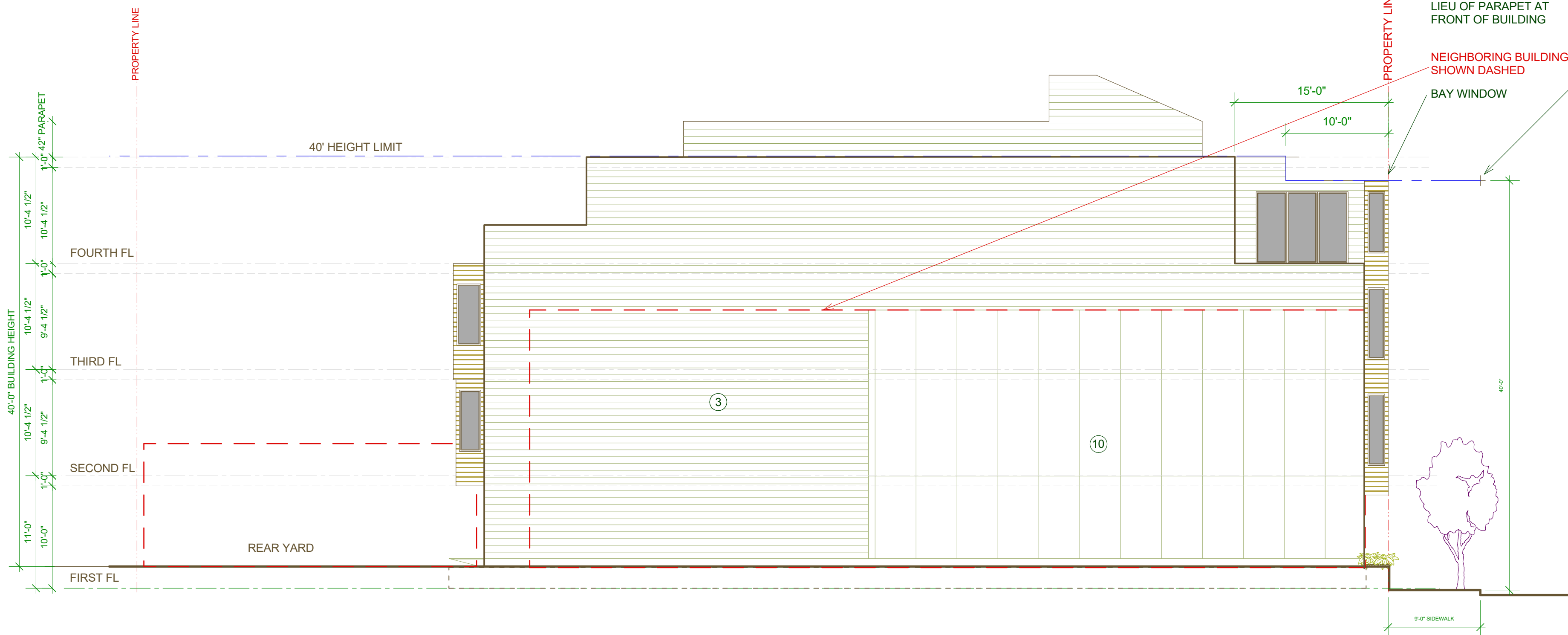


1 EXISTING STREET ELEVATION  
A3.0 Scale: 1/4" = 1'-0"





2 NORTH ELEVATION  
A3.2 Scale: 1/8" = 1'-0"



1 SOUTH ELEVATION  
A3.2 Scale: 1/8" = 1'-0"

FINISH SCHEDULE:

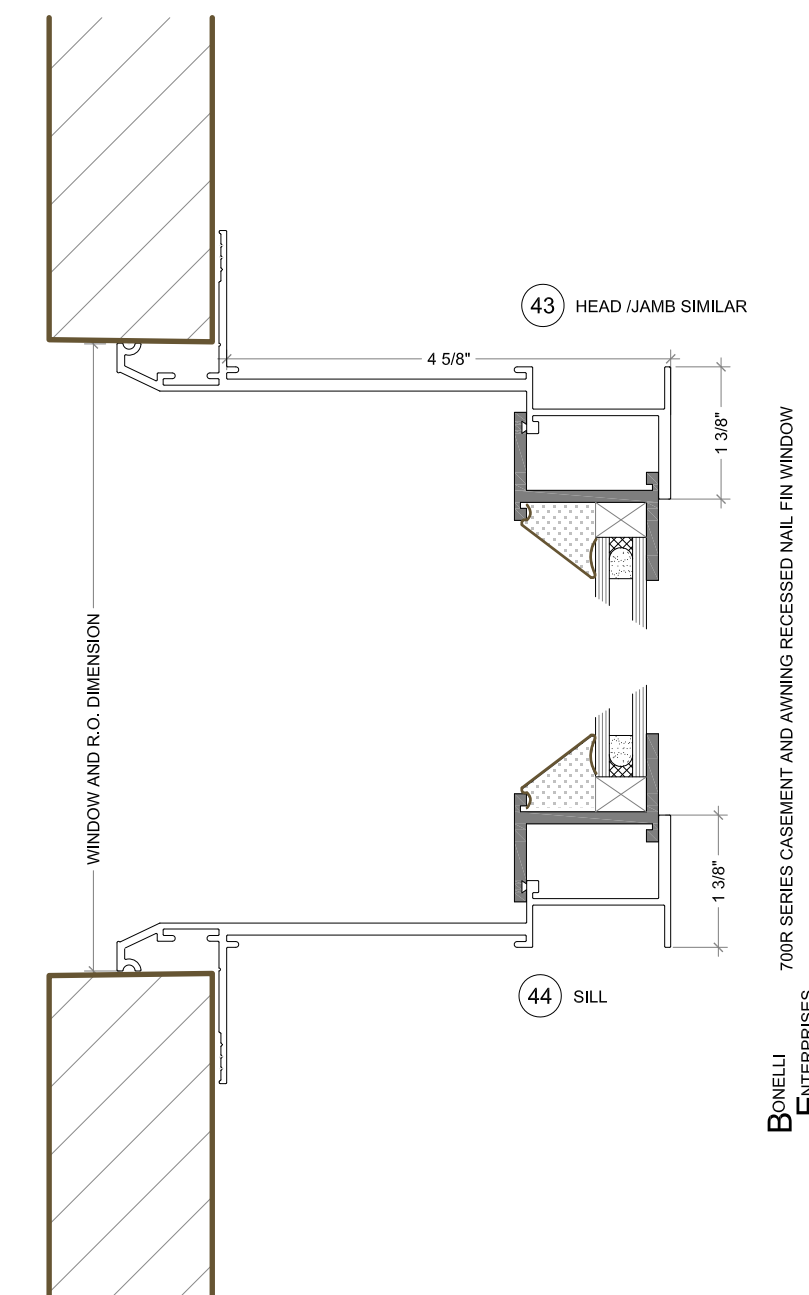
- 1 T&G WOOD
- 2 WALLS: STUCCO, SMOOTH. NARROW CHANNEL AS INDICATED
- 3 WALLS: PAINTED SIDING
- 4 GLAVANIZED FLASHING; PAINTED
- 5 WINDOWS AND DOORS; BRONZE ALUMINUM
- 6 SOLID RAIL
- 7 OPEN RAIL
- 8 SOLID OVERHANG
- 9 TILE
- 10 PT PLYWOOD BLIND WALL

EXTERIOR FENESTRATION AND FINISHES TO MEET U-FACTOR IN TITLE -24 ENERGY REPORT, TYPICAL

1 HR. CONSTRUCTION WITHIN 60" OF PROPERTY LINE AND UNDER ALL BAY WINDOWS.

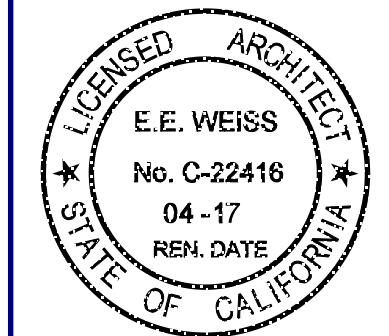
PROPERTY LINE WALL NOTES  
1. ALL WALLS WITHIN 60" OF PROPERTY LINE TO BE ONE-HOUR; CONTINUOUS 5/8" GWB BOTH SIDE OF WALLS. FIRE TAPE WHERE TONGUE AND GROVE NOT USED.  
2. DECAY RESISTANT FINISHES; REDWOOD, CEDAR PRESSURE TREATED PLYWOOD, TYP. ACCESSIBLE SIDES MAY HAVE AN ADDITIONAL LAYER OF SIDING.  
3. 2" Z BAR FLASHING AT ALL HORIZONTAL NON-LAPPED SEAMS.  
4. EXPOSED WALLS TO BE FINISHED; METAL OR CEMENTIOUS SIDING OR STUCCO WITH MAINTENANCE FREE FINISH

(C) WHERE THE LOT SLOPES UPWARD FROM A STREET AT THE CENTERLINE OF THE BUILDING OR BUILDING STEP, SUCH POINT SHALL BE TAKEN AT CURB LEVEL FOR PURPOSES OF MEASURING THE HEIGHT OF THE CLOSEST PART OF THE BUILDING WITHIN 10 FEET OF THE PROPERTY LINE OF SUCH STREET; AT EVERY OTHER CROSS-SECTION OF THE BUILDING, AT RIGHT ANGLES TO THE CENTERLINE OF THE BUILDING OR BUILDING STEP, SUCH POINT SHALL BE TAKEN AS THE AVERAGE OF THE GROUND ELEVATIONS AT EITHER SIDE OF THE BUILDING OR BUILDING STEP AT THAT CROSS-SECTION.



3 HIGH PROFILE WINDOW SECTION  
A3.2 NO SCALE

HISTORY	BY
PLANNING PERMIT 2015-0213-8349	



SIDE ELEVATIONS  
SITE PERMIT SET

854 CAPP ST  
SAN FRANCISCO, CA 94110  
ASSESSOR'S PARCEL: 3642/041

Date: 10/19/16  
Time: 12:15:25 PM

18 AUG 17

A3.2

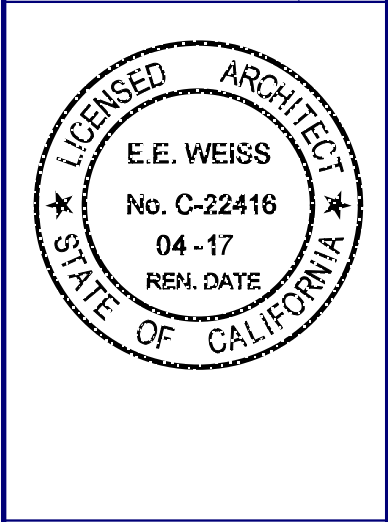


FIRE RATING AND CONSTRUCTION TYPE KEY

TYPE V: 1-HOUR (MINIMUM RATING) WALL & CEILING

TYPE V: 2-HOUR WALLS AND CEILING

HISTORY	BY
PLANNING PERMIT 2015-0213-8349	



SECTION

SITE PERMIT SET

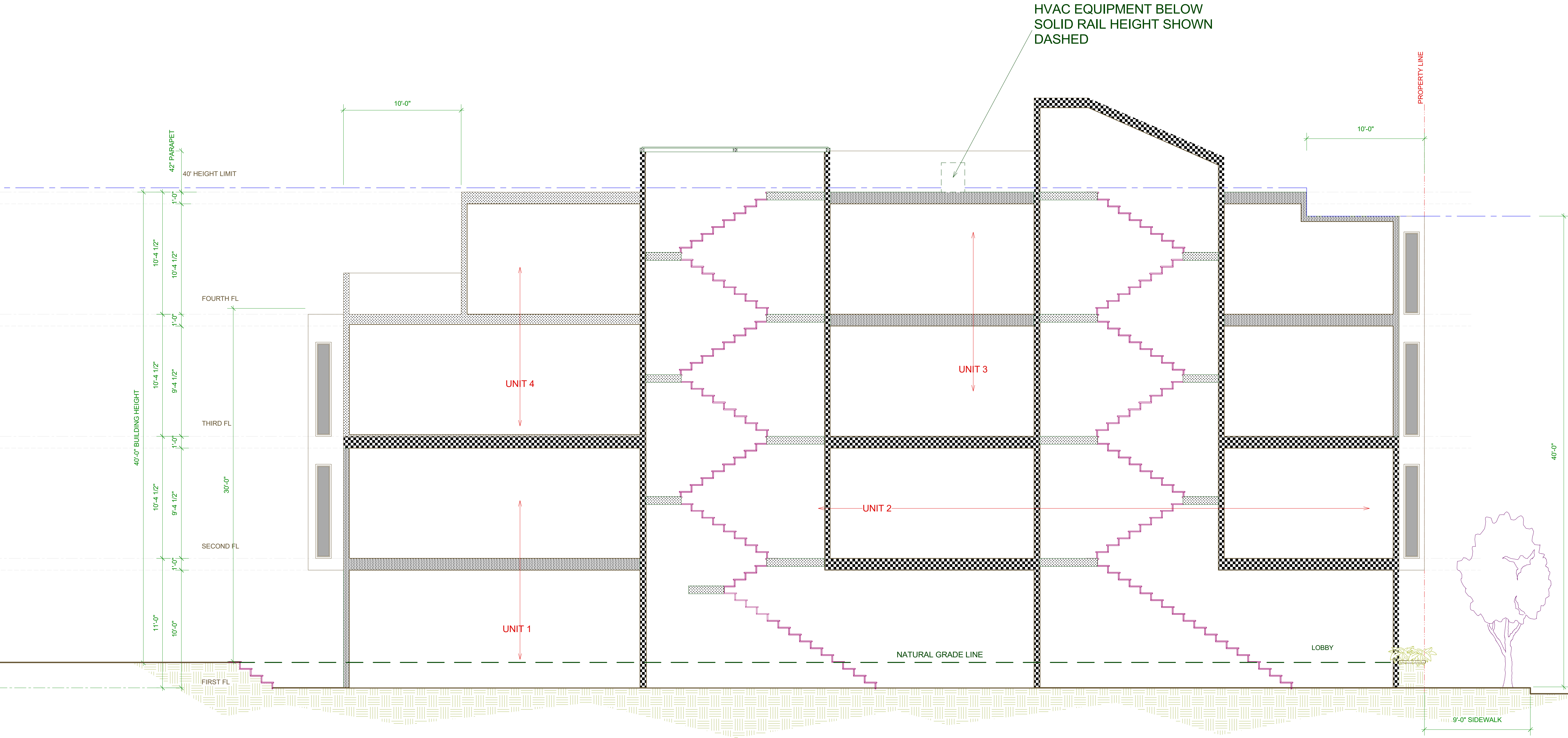
854 CAPP ST

SAN FRANCISCO, CA 94110  
ASSESSOR'S PARCEL: 3642/041

Date: 10/20/16  
Time: 12:10:51 PM

18 AUG 17

A4.1



1 LONGITUDINAL SECTION

A4.1 Scale: 1/4" = 1'-0"

9/1/14



SAN FRANCISCO FIRE DEPARTMENT  
BUREAU OF FIRE PREVENTION  
PLAN CHECK DIVISION/WATER FLOW  
1660 MISSION STREET, 4TH FLOOR  
SAN FRANCISCO, CA 94103  
FAX # 415-575-6933

**REQUEST FOR WATER FLOW INFORMATION**

DATE: 1 / 6 / 2015

REQUEST IS FOR: ☒ FIRE FLOW  
(Per 2013 SFFC Appendix B)  
☐ SPRINKLER DESIGN

(Per 2013 NFPA 13, Sec. 23.2.1.1—"system design data within 12 months")

ADDRESS FOR WATER FLOW INFORMATION:  
854 CAPP ST.

PROVIDE SITE SKETCH HERE:

CROSS STREETS (BOTH ARE REQUIRED):  
23rd / 24th

MUST SPECIFY STREET FOR POINT OF CONNECTION: CAPP

OCCUPANCY (CHECK ONE): ☐ R3 ☒ R2 ☐ Commercial (B) ☐ Assembly (A) ☐ Other

HAZARD CLASSIFICATION: ☐ LIGHT ☒ ORD 1 ☐ ORD 2 ☐ EXT 1 ☐ EXT 2 ☐ Other

CAR-STACKER: ☒ YES ☐ NO

NUMBER OF STORIES: 4 APPROX HEIGHT OF BLDG: 40' FT

CONTACT PERSON: EARLE WEISS CONTACT ADDRESS: 21 CORTE MADERA, SUITE 4  
MILL VALLEY, CA 94541

PHONE ( 415 ) 531 / 5270 FAX ( 415 ) 381 / 8788

EMAIL: admin@eeeweiss.com

- ☐ **START**—Complete this form and attach a check made payable to "S.F.F.D." in the amount of \$115 for a records search.  
☐ You will be notified by email or FAX if a field flow test is required. You will be required to submit a separate check for \$230 if the additional field flow test is required.  
☐ Water flow information will be returned by EMAIL, FAX or U.S. MAIL.  
Incomplete forms will be returned.  
PLEASE ALLOW 7-14 WORKING DAYS FOR PROCESSING.

\*\*\*\*\*Official use only\*\*\*\*\*

Flow data provided by: K Harshman

Date Forwarded: 1-14-15

Flow data: ☒ FIELD FLOW TEST  
☐ RECORDS ANALYSIS

STATIC 45 PSI  
RESIDUAL 41 PSI  
FLOW 920 GPM  
6" MAIN on CAPP

Gate Page: 103, 104

\*\*\*SFFD Notes:

**Green Building: Site Permit Checklist**

**BASIC INFORMATION:**

These facts, plus the primary occupancy, determine which requirements apply. For details, see AB 093 Attachment A Table 1.

Project Name	854 CAPP	Block/Lot	3642/041	Address	854 CAPP
Gross Building Area	XX	Primary Occupancy	R3 CONDO	Design Professional/Applicant: Sign & Date	EE WEISS
# of Dwelling Units	6	Height to highest occupied floor	40'	Number of occupied floors	4

**Instructions:**

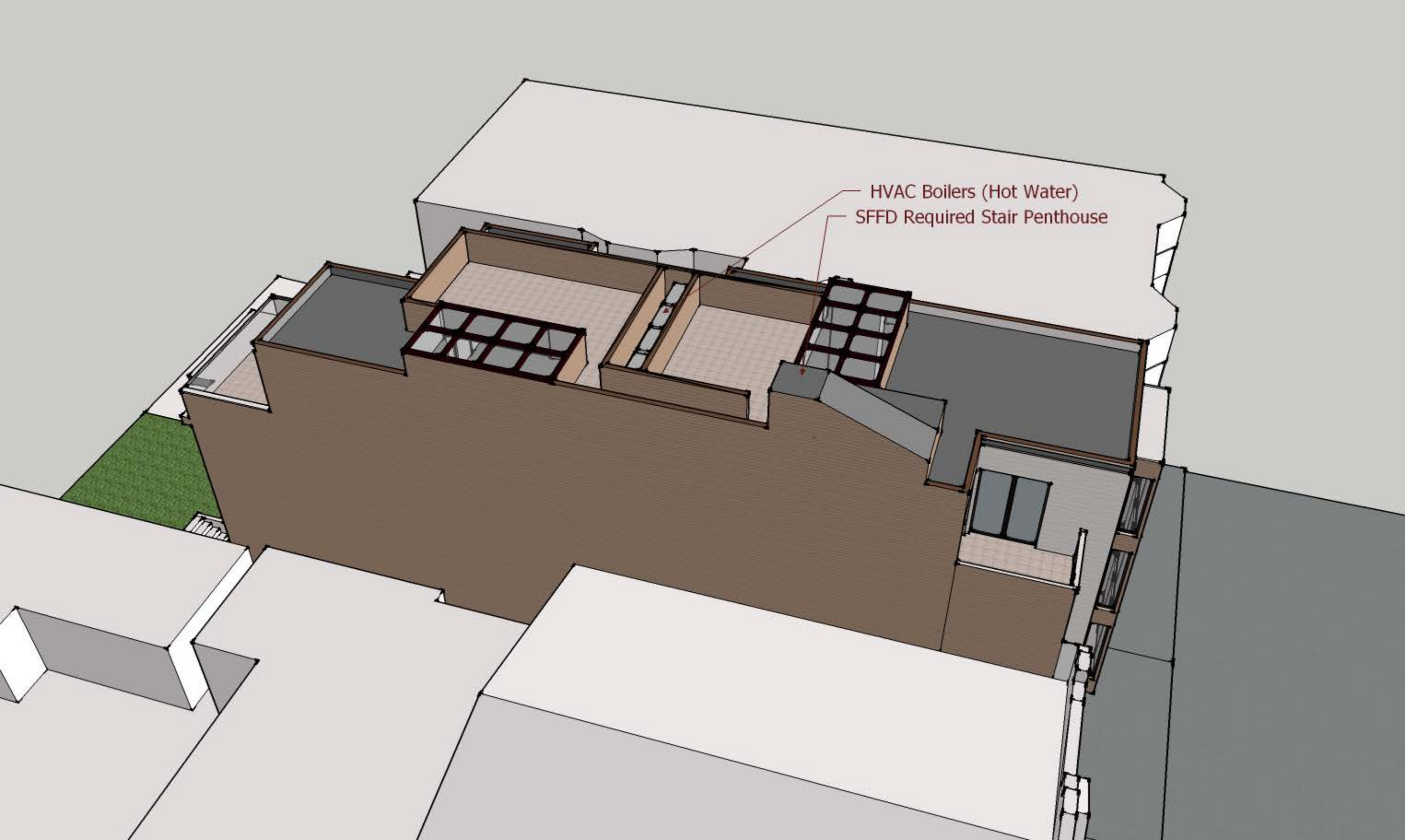
As part of application for site permit, this form acknowledges the specific green building requirements that apply to a project under San Francisco Building Code Chapter 13C, California Title 24 Part 11, and related local codes. Attachment C3, C4, or C5 will be due with the applicable addendum. To use the form:

- (a) Provide basic information about the project in the box at left. This info determines which green building requirements apply. AND  
(b) Indicate in one of the columns below which type of project is proposed. If applicable, fill in the blank lines below to identify the number of points the project must meet or exceed. A LEED or GreenPoint checklist is not required to be submitted with the site permit application, but such tools are strongly recommended to be used.  
Solid circles in the column indicate mandatory measures required by state and local codes. For projects applying LEED or GreenPoint Rated, prerequisites of those systems are mandatory. This form is a summary; see San Francisco Building Code Chapter 13C for details.

ALL PROJECTS, AS APPLICABLE	LEED PROJECTS							OTHER APPLICABLE NON-RESIDENTIAL PROJECTS		
	New Large Commercial	New Residential Mid-Rise <sup>1</sup>	New Residential High-Rise <sup>1</sup>	Commercial Interior	Commercial Alteration	Residential Alteration	Requirements below only apply when the measure is applicable to the project. Code references below are applicable to New Non-Residential Buildings. Corresponding requirements for additions and alterations can be found in Title 24 Part 11, Division 5.7. Requirements for additions or alterations apply to applications received July 1, 2012 or after. <sup>3</sup>	Other New Non-Residential	Addition >5,000 sq ft OR Alteration >600,000 <sup>3</sup>	
<b>Construction activity stormwater pollution prevention and site runoff controls</b> - Provide a construction site Stormwater Pollution Prevention Plan and implement SFPUC Best Management Practices.	<b>Type of Project Proposed</b> (Indicate at right)							<b>Type of Project Proposed</b> (Check box if applicable)		
<b>Stormwater Control Plan</b> - Projects disturbing > 5,000 square feet must implement a Stormwater Control Plan meeting SFPUC Stormwater Design Guidelines.	<b>Overall Requirements:</b>							<b>Energy Efficiency:</b> Demonstrate a 15% energy use reduction compared to 2008 California Energy Code, Title 24, Part 6 (13C 5.201.1.1).		
<b>Water Efficient Irrigation</b> - Projects that include > 1,000 square feet of new or modified landscape must comply with the SFPUC Water Efficient Irrigation Ordinance.	<b>LEED certification level (includes prerequisites):</b>							<b>Bicycle Parking:</b> Provide short-term and long-term bicycle parking for 5% of total enclosed parking capacity each, or meet San Francisco Planning Code Sec. 155.		
<b>Construction Waste Management</b> - Comply with the San Francisco Construction & Demolition Debris Ordinance.	<b>Base number of required points:</b>							<b>For electric vehicle and carpooling parking:</b> Provide stall markings for low-emitting, fuel efficient, and carpooling pool vehicles; approximately 8% of total stalls, L5.5.106.4.		
<b>Recycling by Occupants</b> - Provide adequate space and equal access for storage, collection and loading of compostable, recyclable and landfill materials. See Administrative Bulletin 088 for details.	<b>Final number of required points (base number +/- adjustment):</b>							<b>Water Meters:</b> Provide submeters for spaces projected to consume >1,000 gallons per year, or >100 gallons if buildings over 50,000 sq. ft.		
<b>15% Energy Reduction</b> Compared to Title 24 2008 (or ASHRAE 90.1-2007) LEED EA 1, 3 points	<b>Specific Requirements:</b> (n/r indicates a measure is not required)							<b>Indoor Water Efficiency:</b> Reduce overall use of potable water within the building by 20% for restaurants, taverns, kitchen faucets, wash basins, water closets, and urinals. (13C 5.504.3)		
<b>Renewable Energy or Enhanced Energy Efficiency</b> Effective 1/1/2012:	<b>Construction Waste Management</b> - 75% Diversion AND comply with San Francisco Construction & Demolition Debris Ordinance							<b>Commissioning:</b> For new buildings greater than 10,000 square feet, commissioning shall be included in the design and construction of the project to verify that the building systems and components meet the owner's project requirements. (13C 5.4.02.2) OR for buildings less than 10,000 sq ft, testing and adjusting of systems is required.		
<b>Proposing a GreenPoint Rated Project</b> (Indicate at right by checking the box.)	<b>15% Energy Reduction</b> Compared to Title 24 2008 (or ASHRAE 90.1-2007) LEED EA 1, 3 points							<b>Protect duct openings and mechanical equipment during construction</b>		
<b>Base number of required Greenpoints:</b>	<b>Renewable Energy or Enhanced Energy Efficiency</b> Effective 1/1/2012:							<b>Adhesives, sealants and caulks:</b> Comply with VOC limits in SCAQMD Rule 118 for adhesives and California Code of Regulations Title 17 for sealant/adhesives. (13C 5.504.4.1)		
<b>Adjustment for retention / demolition of historic features / building:</b>	<b>Generate renewable energy on-site &gt;1% of total annual energy cost (LEED EA2), OR</b>							<b>Paints and coatings:</b> Comply with VOC limits in the Air Resources Board Architectural Coatings Suggested Control Measure and California Code of Regulations Title 17 for aerosol paints. (13C 5.504.4.2)		
<b>Final number of required points (base number +/- adjustment):</b>	<b>Demonstrate an additional 10% energy use reduction (total of 25% compared to Title 24 Part 6 2008), OR</b>							<b>Carpet:</b> All carpet must meet one of the following: 1. Carpet and Rug Institute Green Label Plus Program. 2. California Department of Public Health Standard Practice for the testing of VOCs (Specification 01390). 3. NSF/ANSI 140 at the GRI level. 4. Superior Certifications Systems Sustainable Choice AND Carpet cushion must meet GRI Green Label. AND Carpet adhesive must not exceed 50 g/L VOC content. (13C 5.504.4.4)		
<b>GreenPoint Rated</b> (i.e. meets all prerequisites)	<b>Enhanced Commissioning of Building Energy Systems</b> LEED EA 3							<b>Composite wood:</b> Meet CARB Air Toxics Control Measure for Composite Wood (13C 5.504.4.5)		
<b>Energy Efficiency:</b> Demonstrate a 15% energy use reduction compared to 2008 California Energy Code, Title 24, Part 6.	<b>Water Use - 30% Reduction</b> LEED WE 3, 2 points							<b>Resilient flooring systems:</b> For 50% of floor area receiving resilient flooring, install resilient flooring complying with the VOC-emission limits defined in the 2008 Collaborative for High Performance Schools (CHPS) criteria or certified under the Resilient Floor Covering Institute (RFCI) FloorScore program. (13C 5.504.4.6)		
<b>Meet all California Green Building Standards Code requirements.</b> (CalGreen measures for residential projects have been integrated into the GreenPoint Rated system.)	<b>Enhanced Refrigerant Management</b> LEED EA 4							<b>Environmental Tobacco Smoke:</b> Prohibit smoking within 25 feet of building entries, outdoor air intakes, and operable windows. (13C 5.504.7)		
<b>Indoor Air Quality Management Plan</b> LEED EQ 3.1	<b>Low-Emitting Materials</b> LEED EQ 4.1, 4.2, 4.3, and 4.4							<b>Air Filtration:</b> Provide at least MERV-8 filters in regularly occupied spaces of mechanically ventilated buildings. (13C 5.504.5.3)		
<b>Designated parking:</b> Mark 8% of total parking stalls for low-emitting, fuel efficient, and carpooling pool vehicles. (13C 5.106.0)	<b>Water Meters:</b> Provide submeters for spaces projected to consume more than 1,000 gallons, or more than 100 gallons if in building over 50,000 sq ft. (13C 5.504.5.1)							<b>Acoustical Control:</b> Wall and roof ceilings STC 50, exterior windows STC 30, party walls and floor-ceiling STC 40. (13C 5.507.4)		
<b>Air Filtration:</b> Provide at least MERV-8 filters in regularly occupied spaces of mechanically ventilated buildings (or LEED credit EQ 5). (13C 5.504.5.3)	<b>Air Filtration:</b> Provide at least MERV-8 filters in regularly occupied spaces of mechanically ventilated buildings (or LEED credit EQ 5). (SF Health Code Article 38 and SF Building Code 1203.5)							<b>CFCs and Halons:</b> Do not install equipment that contains CFCs or Halons. (13C 5.508.1)		
<b>Acoustical Control:</b> Wall and roof ceilings STC 50, exterior windows STC 30, party walls and floor-ceiling STC 40. (13C 5.507.4)	<b>Acoustical Control:</b> Wall and roof ceilings STC 50, exterior windows STC 30, party walls and floor-ceiling STC 40. (13C 5.507.4)							<b>Additional Requirements for New A, B, I, OR M Occupancy Projects 5,000 - 25,000 Square Feet</b>		
	<b>Renewable Energy or Enhanced Energy Efficiency</b> Effective January 1, 2012: Generate renewable energy on-site equal to 1% of total annual energy cost (LEED EA2), OR							<b>Construction Waste Management:</b> Divert 75% of construction and demolition debris (as 10% more than required by the San Francisco Construction & Demolition Debris Ordinance)		
	<b>Integrate an additional 10% energy use reduction (total of 25% compared to Title 24 Part 6 2008), OR</b>							<b>Meet C&amp;D ordinance only</b>		
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	<b>Purchase Green-E certified renewable energy credits for 35% of total electricity use (LEED EA6).</b>							<b>Renewable Energy or Enhanced Energy Efficiency</b> Effective January 1, 2012: Generate renewable energy on-site equal to 1% of total annual energy cost (LEED EA2), OR		
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	<b>Purchase Green-E certified renewable energy credits for 35% of total electricity use (LEED EA6).</b>							<b>Renewable Energy or Enhanced Energy Efficiency</b> Effective January 1, 2012: Generate		







HVAC Boilers (Hot Water)

SFFD Required Stair Penthouse



# 854 CAPP - ADDITIONAL PHOTOS

## Street Facade

Applicaition 2015-0213-8349  
10-14-16



Roof Failure



Subject Property



Foundation Detail - Brick Foundation Failed



Foundation Detail - Brick Foundation Failed



Wood Detail - Decay Throughout Building



# 854 CAPP - ADDITIONAL PHOTOS

## Rear Facade of Front Building

Applicaiton 2015-0213-8349  
10-14-16



Foundation Detail - Wood in contact with grade; decay



Foundation Detail - Wood in contact with grade; decay



Wood Detail - Decay Throughout Building



Rear Building

Applicaition 2015-0213-8349  
10-14-16



Interior of upper floor 2nd Room



Entire Building has fallen backward off rear foundation



Interior of upper floor 1st Room



Interior of lower floor 1st Room (entry)



Interior of lower floor 2nd Room