



SAN FRANCISCO PLANNING DEPARTMENT

Memo to the Planning Commission

HEARING DATE: DECEMBER 14, 2017
Continued from the October 5, 2017 Hearing

Date: December 4, 2017
Case No.: **2015-009507CUA**
Project Address: **318 30th AVENUE**
Zoning: RH-2 (Residential, House – Two-Family)
40-X Height and Bulk District
Block/Lot: 1404 / 041
Project Sponsor: Stephen Antonaros
2261 Market St, #324
San Francisco, CA 94114
Staff Contact: Christopher May – (415) 575-9087
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BACKGROUND

On February 3, 2016, Stephen Antonaros filed an application with the Planning Department for Conditional Use Authorization under Planning Code Sections 303 and 317 to demolish an existing one-story-over-garage, single-family dwelling and construct a new four-story, 2-unit building within the RH-2 (Residential, House – Two-Family) District and a 40-X Height and Bulk District.

On October 5, 2017, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2015-009507CUA. After hearing and closing public comment, the Commission continued the item to December 14, 2017, to allow the Project Sponsor an opportunity to revise the project to address concerns raised by neighborhood residents. Issues raised by the neighbor immediately to the north of the subject property related primarily to the massing of the proposed building and its potential impacts on their access to light and air. Issues raised by the owner of the 4-story apartment building immediately to the south of the subject property related primarily to the proposed building blocking the views from their property line windows. Concerns raised by residents of the surrounding neighborhood related primarily to the proposed building's compatibility with the existing neighborhood character, as well as the preservation of an older, "naturally affordable" housing unit. The Commission specifically directed the project sponsor to eliminate the proposed fourth story.

CURRENT PROPOSAL

Since the October 5, 2017 hearing, the project sponsor has revised the project by eliminating the proposed fourth floor. As a result, the unit occupying the uppermost floors has been reduced in size from approximately 2,305 square feet to 1,917 square feet.

The revised project also involves conditioning approximately 304 square feet of basement level space previously designated as storage areas for the two units to become living space for the lower unit.

Additionally, the revised project proposes rear horizontal expansions at the basement, 2nd and 3rd floors, totaling approximately 72 square feet. Together, the size of the lower unit would increase from approximately 2,208 square feet to 2,584 square feet.

The previous proposal included a common corridor through the basement level space providing shared access for both units to the rear yard. In the revised proposal, this corridor has been eliminated, and the rear yard is therefore accessible only to the lower unit. As such, in order to satisfy the usable open space requirements pursuant to Planning Code Section 135 for the uppermost unit, the revised project proposes a rooftop deck above the 3rd floor measuring approximately 185 square feet in size. The roof deck would be accessed by a stair penthouse abutting the blank portion of the north side wall of the 4-story apartment building immediately to the south, and would not block any of its property line windows. The railings surrounding the proposed roof deck would be set back from the shared light well to mitigate potential shadowing and privacy concerns.

No changes have been made to the front façade.

REQUIRED COMMISSION ACTION

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

Attachments:

Draft Motion of Approval

Revised Plans and Renderings



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|---|
| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input checked="" type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input type="checkbox"/> Other |

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Planning Commission Draft Motion

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 317 TO DEMOLISH AN EXISTING ONE-STORY-OVER-GARAGE, SINGLE-FAMILY DWELLING AND CONSTRUCT A NEW THREE-STORY, 2-UNIT BUILDING WITHIN THE RH-2 (RESIDENTIAL, HOUSE – TWO-FAMILY) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On February 3, 2016, Stephen Antonaros (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 303 and 317 to demolish an existing one-story-over-garage, single-family dwelling and construct a new four-story, 2-unit building within the RH-2 (Residential, House – Two-Family) District and a 40-X Height and Bulk District.

On November 30, 2015, the Project was determined to be exempt from the California Environmental Quality Act (“CEQA”) as a Class 3 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project.

On October 5, 2017, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2015-009507CUA. After hearing and closing public comment, the Commission continued the item to

December 14, 2017, directing the Project Sponsor to revise the project by eliminating the proposed fourth floor to address concerns raised by neighborhood residents.

On December 14, 2017, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2015-009507CUA.

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. After hearing and closing public comment, the Commission moved to approve a modified three-story, two-unit project.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2015-009507CUA, subject to the conditions contained in “EXHIBIT A” of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the east side of 30th Avenue, between Clement Street and California Street, Lot 041 in Assessor’s Block 1404. The property is located within the RH-2 (Residential, House – Two-Family) District and a 40-X Height and Bulk District. The subject property has approximately 25 feet of frontage on 30th Avenue and is approximately 120 feet deep. The property slopes downward away from the street and is currently occupied by a one-story-over-garage, single-family dwelling constructed circa 1910, which covers approximately 38% of the lot.
3. **Surrounding Properties and Neighborhood.** The project site is located near the intersection of 30th Avenue and California Street in the Outer Richmond neighborhood. The subject site is located in an RH-2 District and is surrounded primarily by one- and two-family dwellings ranging in height from one to three stories. Immediately adjacent to the subject property to the north is a one-story-over-garage single-family dwelling and immediately to the south is a four-story, 6-unit residential building. Directly across the street there are a mix of one-, two- and three-story single-family dwellings. The portion of California Street near the subject property is within the RM-1 (Residential – Mixed, Low-Density) District and is characterized primarily by three-story multi-family buildings, including two three-story, 4-unit residential buildings on the southeast and southwest corners of 30th Avenue and California Street. The subject property is

also within .25-miles of stops for the 1 - California and 1AX – California A Express MUNI transit lines.

4. **Project Description.** The original project proposed the demolition of the existing single-family dwelling and the construction of a four-story, 40-foot tall, two-family residential building. The new building contains two independently accessible off-street parking spaces and two Class 1 bicycle parking spaces. One unit, on the ground and second floors, would be approximately 2,208 square feet and would have three bedrooms and three-and-a-half bathrooms. The other unit, on the third and fourth floors, would be approximately 2,305 square feet and would have three bedrooms and three-and-a-half bathrooms. Two parking spaces, one for each unit, are proposed in the garage on the ground floor.

For reasons further explained below, the Planning Commission found that the proposed 4th floor represents an overdevelopment of the site, and moved to approve a modified project which would remove the 4th floor in its entirety.

The modified project proposes the demolition of the existing single-family dwelling and the construction of a three-story, 32-foot tall, two-family residential building. The new building contains two independently accessible off-street parking spaces and two Class 1 bicycle parking spaces. One unit, on the basement, ground and second floors, would be approximately 2,584 square feet and would have three bedrooms and three-and-a-half bathrooms. The other unit, on the second and third floors, would be approximately 1,917 square feet and would have three bedrooms and three-and-a-half bathrooms. Two parking spaces, one for each unit, are proposed in the garage on the ground floor. The modified project is not seeking any exceptions or variances from the Planning Code. The proposal requires neighborhood notification, pursuant to Section 311 of the Planning Code, which was conducted in conjunction with the Conditional Use Authorization process.

5. **Public Comment.** As of September 25, 2017, in advance of the October 5, 2017 Planning Commission hearing, the Department had received three emails and one telephone call in opposition to the project. The opposition related primarily to the height and massing of the proposed new building in relation to the smaller single-family dwellings nearby, as well as the compatibility of the new building's design with the surrounding neighborhood. As of December 4, 2017, in advance of the December 14, 2017 Planning Commission hearing, the Department had received two emails, one from each of the abutting property owners, in opposition to the project. Issues raised by the neighbor immediately to the north of the subject property related primarily to the massing of the proposed building and its potential impacts on their access to light and air. Issues raised by the owner of the 4-story apartment building immediately to the south of the subject property related primarily to the proposed building blocking the views from their property line windows.

6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

A. **Residential Demolition.** Pursuant to Planning Code Section 317, Conditional Use Authorization is required for applications proposing to demolish a residential unit in an RH-2 Zoning District. This Code Section establishes criteria that Planning Commission shall consider in the review of applications for Residential Demolition.

As the project requires Conditional Use Authorization per the requirements of the Section 317, the additional criteria specified under Section 317 have been incorporated as findings in Subsection 8 "Additional Findings pursuant to Section 317" below.

B. **Front Setback.** Planning Code Section 132 states that the minimum front setback depth shall be based on the average of adjacent properties or a Legislated Setback.

The subject property has a legislated front setback of 10 feet. The project proposes the required front setback of 10 feet. The proposed front bay window on the second and third floors projects approximately 2 feet into the required front setback. This bay window meets the requirements of Planning Code Section 136(c), which regulates permitted obstructions into yards and over streets.

C. **Landscaping and Permeability.** Planning Code Section 132(g) requires that for projects involving the construction of a new building; the addition of a new dwelling unit, garage, or additional parking; or any addition that would result in an increase of 20% or more of the existing gross floor area, at least 20% of the required front setback area be and remain unpaved and devoted to plant material, including the use of climate appropriate plant material. Section 132(h) requires that the front setback area be at least 50% permeable so as to increase stormwater infiltration. The permeable surface may be inclusive of the area counted towards the landscaping requirement; provided, however, that turf pavers or similar planted hardscapes shall be counted only toward the permeable surface requirement and not the landscape requirement.

The subject property is 25 feet in width and has a legislated front setback of 10 feet; therefore, the required front setback area is 250 square feet in size. The project proposes a landscaped area of approximately 50 square feet (20% of the front yard) and approximately 84 square feet (34% of the front yard) of permeable pavers. The total aggregate landscaped area and permeable area exceeds the minimum 50% requirement and therefore complies with the Planning Code.

D. **Rear Yard.** Planning Code Section 134 requires a rear yard equal to 45 percent of the total depth, at grade and above, for properties containing dwelling units in RH-2 Zoning Districts.

Where applicable, Planning Code Section 134(c) allows for the reduction in the rear yard requirement to the average between the depths of the rear building walls of the two adjacent buildings. Planning Code Section 134(c)(2) states that where a reduction in the required rear yard is permitted, the reduction may alternatively be averaged in an irregular manner; provided that the area of the resulting reduction shall be no more than the product of the width of the subject lot along the line established by Planning Code Section 134(c)(1) times the reduction in depth of the rear yard and provided that all portions of the open area on the part of the lot to which the rear yard reduction applies shall be directly exposed laterally to the open area behind the adjacent building having the lesser depth of its rear building wall.

The subject property is approximately 120 feet in depth and therefore the 45 percent requirement is 54 feet. However, the adjacent conditions allow for the required rear yard to be reduced to an average of the depths of the rear building walls of the two adjacent buildings, which in this case would be approximately 39 feet. The reduced rear yard is proposed to be averaged in an irregular manner, as permitted by the Planning Code, by offsetting the massing of the rear of the building towards the larger apartment building immediately adjacent to the south. As such, the project provides a rear yard of approximately 48 feet for the bottom two floors on the northern half of the building, and 32 feet on the southern half of the building. The third floor is set back approximately 54 feet from the rear lot line on the northern half of the building and 35 feet on the southern half of the building.

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

The Project contains two dwelling units. The lower unit has exclusive access to private open space in the rear yard, and the upper unit has exclusive access to a 185 square-foot private roof deck, both of which exceed the minimum required by Section 135 of the Planning Code.

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

The upper dwelling unit has direct exposure onto the public street and the lower dwelling unit has direct exposure onto a Code-compliant rear yard.

- G. **Street Frontages.** Section 144 of the Planning Code requires that no more than one-third of the width of the ground story along the front lot line, or along a street side lot line, or along a building wall that is setback from any such lot line, shall be devoted to entrances to off-street

parking, except that in no event shall a lot be limited by this requirement to a single such entrance of less than ten feet in width.

The Project proposes a Code-complying garage door width of 10 feet.

- H. **Off-Street Parking.** Planning Code Section 151 requires one parking space for each dwelling unit and a maximum of four spaces when two are required.

The Project will provide two (2) off-street parking spaces.

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

The project proposes two Class 1 bicycle parking spaces.

- J. **Height.** Planning Code Section 260 requires that all structures be no taller than the height prescribed in the subject height and bulk district. Section 260(a)(1)(B) states that where a lot is level with or slopes downward from a street at the centerline of the building or building step, such point shall be taken at curb level on such a street. Planning Code Section 261(c)(1) permits a maximum building height of 30 feet at the front yard setback. The building height is then permitted to increase to 40 feet beneath a 45 degree angular plane beginning 30 feet above the front yard setback.

The modified three-story, two-family dwelling will be 30 feet high at the required front setback and for the first 10 feet of building depth and then extends up to 32 feet in height.

- K. **Child Care Requirements for Residential Projects.** Planning Code Section 414A requires that any residential development project that results in at least one net new residential unit shall comply with the imposition of the Residential Child Care Impact Fee requirement.

The Project proposes new construction of a two-unit residential building. Therefore, the Project is subject to the Residential Child Care Impact Fee and must comply with the requirements outlined in Planning Code Section 414A.

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. The modified proposal would demolish an existing single-family dwelling containing two bedrooms and replace it with a new two-unit residential building. The new building will contain one three-bedroom dwelling unit of approximately 1,917 gross square feet and one three-bedroom dwelling unit of approximately 2,584 gross square feet. The siting of the new building conforms with the requirements of the Planning Code and is consistent with the Residential Design Guidelines in that its massing responds to the unique context of being located between a one-story-over-garage single-family dwelling and a four-story apartment building.

- 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 three-story massing at the street front is appropriate given the immediate context of the subject building being located between a one-story-over-garage single-family dwelling and a 4-story apartment building, as prescribed by the Planning Code and Residential Design Guidelines.

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

The proposed garage is designed to accommodate the two required off-street parking spaces, in addition to two required Class 1 bicycle parking spaces.

- 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 is not expected 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 more contemporary aesthetic, the façade treatment and materials of the new building have been appropriately selected to be compatible with the surrounding neighborhood.

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

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

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

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

8. **Additional Findings pursuant to Section 317.** Section 317 of the Planning Code establishes criteria for the Planning Commission to consider when reviewing applications to demolish or convert Residential Buildings. On balance, the Project does comply with said criteria in that:

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

A review of the Department of Building Inspection and the Planning Department databases showed no enforcement cases or notices of violation for the subject property.

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

The existing dwelling appears to be in decent, safe, and sanitary condition with no recent Code violations.

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

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

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

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

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

The existing single-family dwelling is currently being rented. One of the proposed units will be owner-occupied and the other will be a rental unit.

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

The Planning Department cannot definitively determine whether or not the 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 is one tenant living in the dwelling.

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

Although the project proposes the demolition of an existing dwelling, the new construction project will result in two family-sized dwellings, containing more habitable square feet and bedrooms.

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

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

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

The project removes an older dwelling unit, which is generally considered more affordable than more recently constructed units. However, the project also results in an additional unit, greater habitable floor area, and more bedrooms that contribute positively to the City's housing stock.

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

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

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

The Project represents the redevelopment of an underutilized parcel within an established neighborhood at a density consistent with the RH-2 zoning.

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

The Project proposes enhanced opportunities for family-sized housing on-site by constructing two family-sized dwelling units whereas the property currently contains only one 2-bedroom dwelling unit.

- xiii. Whether the Project creates new supportive housing;

The Project does not create supportive housing.

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

On balance, the overall scale, design, and materials of the proposed buildings are consistent with the block-face and compliment the neighborhood character with contemporary building materials and a traditional design.

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

The Project would add one additional dwelling unit to the site.

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

The existing dwelling contains two bedrooms. The proposal includes two three-bedroom units, a net increase of four bedrooms.

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

The project will maximize the allowed density on-site by providing two dwelling units.

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

The new project will replace the existing two-bedroom unit with two larger dwelling units containing more bedrooms. 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 is one tenant living in the dwelling.

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 a sound residential structure containing a two-bedroom single-family dwelling. However, the new building will contain two dwelling units and results in a net increase of family-sized housing.

OBJECTIVE 3:

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

Policy 3.1:

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

Policy 3.3:

Maintain balance in affordability of existing housing stock by supporting affordable moderate ownership opportunities.

Policy 3.4:

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

The existing single family dwelling is currently occupied by a tenant. 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 is one tenant living in the dwelling. The new construction project will result in an increase in the number of both units and bedrooms of the property.

OBJECTIVE 11:

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

Policy 11.1:

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

Policy 11.2:

Ensure implementation of accepted design standards in project approvals.

Policy 11.3:

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

Policy 11.5:

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

The proposed new construction conforms to the Residential Design Guidelines and is appropriate in terms of material, scale, proportions and massing for the surrounding neighborhood. Furthermore, the proposal results in an increase in the number of dwelling units, while maintaining general compliance with the requirements of the Planning Code.

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 topography.

The project proposes new construction that will reinforce the existing street pattern as the building scale is appropriate for the subject block's street frontage.

Policy 1.3:

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

The proposed façade and massing are compatible with the existing neighborhood character and development pattern, particularly by proposing a building with a transitional massing, width and height between the existing structures along this portion of the block-face.

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 building does not contain commercial uses.

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

The project is compatible with the existing housing and neighborhood character of the immediate vicinity. The project proposes a height and scale compatible with the surrounding neighborhood and is consistent with the Planning Code, while providing two larger family-sized dwellings.

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

The proposed two-family dwelling adds appropriately scaled and family-sized units to the city's housing stock.

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

The project meets the density, off-street parking and bicycle parking requirements of the Planning Code and is therefore not anticipated to impede transit service or overburden our streets with neighborhood parking.

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

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

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

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

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does 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 have an impact on open spaces.

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

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2015-009507CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated November 29, 2017, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on December 14, 2017.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

Draft Motion
Hearing Date: December 14, 2017

CASE NO. 2015-009507CUA
318 30th Avenue

ABSENT:

ADOPTED: December 14, 2017

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow the demolition of an existing one-story, single-family dwelling and construct a new three-story, 2-unit building located at 318 30th Avenue, Lot 041 in Assessor's Block No. 1404, pursuant to Planning Code Sections 303 and 317 within the RH-2 Zoning District and a 40-X Height and Bulk District; in general conformance with plans, dated November 29, 2017, and stamped "EXHIBIT B" included in the docket for Case No. 2015-009507CUA and subject to conditions of approval reviewed and approved by the Commission on December 14, 2017 under Motion No XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on December 14, 2017 under Motion No XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, 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
4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

DESIGN – COMPLIANCE AT PLAN STAGE

6. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.
For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org
7. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.
For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org
8. **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 415-575-9087, www.sf-planning.org

PARKING AND TRAFFIC

9. **Bicycle Parking.** The Project shall provide no fewer than two Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.2.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
10. **Parking Requirement.** Pursuant to Planning Code Section 151, the Project shall provide two (2) independently accessible off-street parking spaces.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
11. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

PROVISIONS

12. **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 415-575-9087, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

13. **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*

14. **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*

OPERATION

15. **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>

16. **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

Constance Best
Laurie Wayburn
314 30th Avenue
San Francisco, CA 94121

November 30, 2017

Rich Hillis, President
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103-2414

Re: 318 30th Avenue – Case No. 2015-009507 CUA
Hearing Date: December 14, 2017 Agenda Item TBD

Neighborhood Opposition to Conditional Use Authorization to Demolish Existing Housing and Build an Outsize 3-Story Residence

Dear President Hillis and Members of the Commission:

We live next to the proposed project at 314 30th Avenue. We spoke in opposition to the proposal at the Commission's October 5 hearing and we continue to strongly oppose this project.

We are grateful that the Commission required the developer remove the 4th floor and called for two comparably sized units as required by RH-2 and to reduce massing on the side of the apartment building as well as our house.

We need your help again as only you can direct the developer to make further changes to this outsized, uncharacteristic project.

Here is the current situation:

- The new plans call for a massive, blocky 3.5 story (4 stories in the rear) building that contains the same 5400 square feet in two units as the last design. This is still 5-times bigger than the current house and completely out of scale and character for our neighborhood.
- Its two units are not of comparable sizes as required: one is 1900 sf and the other 2600 sf – almost 40% larger. Two 1900 sf units would allow for two 3-bedroom flats that are comparable, appropriate to the neighborhood AND more affordable for the middle class. Reducing the overall size also allows for the building mass to be more sculpted and the top floor reduced.
- The new design has lost all consideration for its effect on the neighbors. It fills out the yard to the greatest possible degree, reducing privacy and open space for

all the neighbors. It masses up against both adjacent houses, except where minimum setbacks are required.

- There are still too many intrusive windows on the north side, including ones that look directly into our kitchen and deck. These are unnecessary for light given the dozens of other windows in the design.
- Finally, there is a roof deck that amazingly is situated right next to the windows of the top floor apartment at 320 30th Avenue. Everyone can see each other right at eye level. The developer claims this is the only way to provide the required open space for this unit, BUT in the original design, the two units share the yard as open space. Please direct them to return to that solution and remove the unnecessary and intrusive rooftop deck.

While we are distressed that it appears inevitable that the naturally affordable 107 year old cottage at 318 30th is going to be demolished, at least let the new building be of a size and scale that is compatible with our neighborhood – and have units of a size that two middle class families could afford, as these are the people being priced out of the Richmond today.

What you have before you is just a slight repackaging of the mega-building presented in October. We call on the Commission to require these conditions for authorization:

- two units not to exceed 3800 sf in total (3x the current house)
- two units share the yard as open space with no roof deck
- reduce massing against neighboring buildings
- eliminate intrusive windows on the north side.

Respectfully,

Constance Best

Constance Best

Laurie Wayburn

Laurie Wayburn

c.c. Supervisor Sandra Fewer
David Lindsey, San Francisco Planning Department
Christopher May, San Francisco Planning Department

From: [gloria.yee](#)
To: [May, Christopher \(CPC\)](#)
Cc: [Kin Yee](#); [Lindsay, David \(CPC\)](#)
Subject: Feedback for 318 30th Ave. Dec 14th Hearing - Neighbor Adjacent to 318 30th
Date: Thursday, November 23, 2017 6:08:20 PM

Christopher,

We are the owners of the the neighboring apartment complex to 318 30th ave. (our address is 322 30th ave.). We have had the opportunity to meet with the architect of Raymond Wong's 318 30th ave. residence. Though understand his desire to maximize the usage of the lot, it should not come at the expense of our existence residents in our apartment complex and the neighborhood as a whole. Below are our area of concerns that we submit for your consideration:

1. The proposed roof top open space will infringe on the privacy for our residents living in the apartments adjacent to the roof space. There are outward facing bathroom windows which allow light and air in. These are private today given the their relative height compared to the 318 30th residence. The planned rooftop open space this will impair light and most importantly allow visibility into these private spaces.
2. The relative position of the rooftop entrance will block light from walk-in closet windows which currently enjoy a ocean facing view.
3. Noise and social function on this rooftop open space will affect peace and quietness of our residents living adjacent to 318 30th.
4. The planned light well will also cause a privacy issue due the the position of the windows that are planned. These window are aligned in such a way that they exposed the windows of the bathroom of our tenants adjacent to the 318 30th.

We are looking for the following revisions to their plan:

- Removal of roof top opens space
- Expansion and of the size of the light well and moving or removing windows so they don't align our bathroom windows.
- Reduction in the overall size of the building

Thank you talking the time to review our concerns. We hoping for a smaller 318 30th ave construction plan that will be more considerate of our existing residences and respectful of the qualities that make this the neighborhood what it is.

Sincerely,
Kin and Gloria Yee
Owners of 322 30th Ave.

