



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use Authorization

HEARING DATE: SEPTEMBER 19, 2019

Record No.: 2017-000263CUA/VAR
Project Address: 20 - 22 CHURCH STREET
Zoning: RTO (Residential Transit Oriented) Zoning District
40-X Height and Bulk District
Block/Lot: 0874/009
Project Sponsor: John Kevlin (agent) Amir Afifi
Reuben, Junius, & Rose Sia Consulting Corporation
One Bush Street, Suite 600 1256 Howard Street
San Francisco, CA 94104 San Francisco, CA 94103
Property Owners: Patrick and Ciaran Harty
1254 - 41st Avenue
San Francisco, CA 94122
Staff Contact: Sharon M. Young – (415) 558-6346
sharon.m.young@sfgov.org
Recommendation: **Approval with Conditions**

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PROJECT DESCRIPTION

The proposal is for Conditional Use Authorization for Residential Density to add two new residential units to the existing two-story, two-unit residential building located on the front of the lot by constructing a one-story vertical addition and excavating a portion of the basement floor. The proposal will allow for an increase from 4 residential units to 6 residential units on the approximately 1,990 square foot lot. An existing two-story, two-unit residential building (a legal noncomplying structure) is located at the rear of the lot. The front and rear buildings are separated by an inner court yard area. The proposed project would increase the square footage of the front building from approximately 1,615 square feet to 3,052 square feet to create two-bedroom residential units of approximately 864 square feet on the proposed basement floor and approximately 676 square feet on the proposed third floor. No changes are proposed to the rear building.

REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization to allow a dwelling unit density at a ratio of one dwelling unit per 600 square feet to allow the addition of two new residential units on the subject lot at 20 - 22 Church Street within the RTO (Residential Transit Oriented) Zoning District pursuant to Planning Code Sections 209.4 and 303.

ISSUES AND OTHER CONSIDERATIONS

- **Public Comment & Outreach.**
 - **Support/Opposition:** The Department has received 0 letters in support and 0 letters in opposition to the Project. The Planning Department has not received correspondence on the proposed project as of the date of this Executive Summary. The project sponsors conducted a

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pre-application meeting on the proposed project on December 9, 2016; four persons other the project sponsors were present at the pre-application meeting.

- **Outreach:** The project sponsors conducted a pre-application meeting on the proposed project on December 9, 2016; four persons other the project sponsors were present at the pre-application meeting.

ENVIRONMENTAL REVIEW

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 and Class 3 categorical exemptions.

BASIS FOR RECOMMENDATION

The Department finds that the Project is, on balance, consistent with the Objectives and Policies of the General Plan. The Department also finds the Project to be necessary, desirable, and compatible with the surrounding neighborhood, and not to be detrimental to persons or adjacent properties in the vicinity and will provide additional housing opportunities within the Western Addition neighborhood.

ATTACHMENTS:

Draft Motion – Conditional Use Authorization
Exhibit A – Conditions of Approval
Exhibit B – Plans
Exhibit C – Environmental Determination
Exhibit D – Land Use Data
Exhibit E – Maps and Context Photos
Exhibit F – Project Sponsor's Brief (Submittals)



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Planning Commission Draft Motion

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ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION, PURSUANT TO PLANNING CODE SECTIONS 303 AND 209.4 FOR RESIDENTIAL DENSITY TO ADD TWO NEW RESIDENTIAL UNITS TO THE EXISTING TWO-STORY, TWO-UNIT RESIDENTIAL BUILDING AT 20 - 22 CHURCH STREET LOCATED ON THE FRONT OF THE LOT BY CONSTRUCTING A ONE-STORY VERTICAL ADDITION AND EXCAVATING A PORTION OF THE BASEMENT FLOOR. THE PROPOSAL WILL ALLOW FOR AN INCREASE FROM 4 RESIDENTIAL UNITS TO 6 RESIDENTIAL UNITS ON THE APPROXIMATELY 1,990 SQUARE FOOT LOT. THE PROJECT SITE IS LOCATED WITHIN A RESIDENTIAL TRANSIT ORIENTED DISTRICT (RTO) AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On January 10, 2018, John Kevlin of Reuben, Junius, & Rose LLP (hereinafter "Project Sponsor") filed Application No. 2017-00263CUA/VAR (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization for Residential Density to add two new residential units to the existing two-story, two-unit residential building on the front of the lot by constructing a one-story vertical addition and excavating a portion of the basement floor (hereinafter "Project"). The proposal will allow for an increase from 4 residential units to 6 residential units on the approximately 1,900 square foot lot located at 20 - 22 Church Street, Block 0874 Lot 009 (hereinafter "Project Site"). An existing two-story, two-unit residential building (a legal on complying structure) is located at the rear of the lot (22A - 22B Church Street). The front and rear buildings are separated by an inner court yard area.

On September 19, 2019, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2017-000263CUA/VAR.

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2017-000263CUA/VAR is located at 1650 Mission Street, Suite 400, San Francisco, California.

On May 2, 2018, the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 1 and Class 3 Categorical Exemptions under CEQA as described in the determination contained in the Planning Department files for this Project.

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

MOVED, that the Commission hereby authorizes the Conditional Use Authorization as requested in Application No. 2017-000263CUA, 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 proposal is for Conditional Use Authorization pursuant to Planning Code Sections 303 and 209.4 for Residential Density to add two new residential units to the existing two-story, two-unit residential building located on the front of the lot by constructing a one-story vertical addition and excavating a portion of the basement floor. The proposal will allow for an increase from 4 residential units to 6 residential units on the approximately 1,990 square foot lot. An existing two-story, two-unit residential building (a legal noncomplying structure) is located at the rear of the lot. The front and rear buildings are separated by an inner court yard area. The proposed project would increase the square footage of the front building from approximately 1,615 square feet to 3,052 square feet to create two-bedroom residential units of approximately 864 square feet on the proposed basement floor and approximately 676 square feet on the proposed third floor. No changes are proposed to the rear building.
3. **Site Description and Present Use.** The project site at 20 - 22 Church Street is located on the west side of Church Street between Hermann Street and Duboce Avenue, Assessor's Block 0874, Lot 009. It is located within the RTO (Residential Transit Oriented) Zoning District and a 40-X Height and Bulk District. The subject lot is approximately 1,990 square feet (approximately 25 feet wide by 79.8 feet deep) in size and is occupied by an existing two-story, two-unit residential building located at the front of the lot and an existing two-story, two-unit residential building (a legal noncomplying structure) located at the rear of the lot (22A - 22B Church Street). The front and rear buildings are separated by an inner court yard area. The subject two-story residential building constructed circa 1900 is not listed individually in the National and California Registers as having architectural

significance. Under Case No. 2017-000263ENV, the subject building underwent a historic resource evaluation and the property status was reclassified was from Category B (Potential Historic Resource) to Category C (No Historic Resource Present).

4. **Surrounding Properties and Neighborhood.** The project site is located within the RTO (Residential Transit Oriented) Zoning District within the Western Addition neighborhood. The project site is also located within the Market-Octavia Plan Area. The surrounding development consists of primarily of multi-family residential buildings on the subject and opposite blocks. The scale of development in the area consists primarily of two to four story residential buildings. On Hermann Street, the surrounding zoning is within the RTO Zoning District. On Duboce Avenue, the surrounding zoning is within the RTO, Upper Market NCT (Neighborhood Commercial Transit District), and NCT-3 (Moderate-Scale Neighborhood Commercial Transit District) zoning. Approximately one block south from the subject block is the Safeway shopping center complex on the corner of on the corner of Church and Market Street.
5. **Public Outreach and Comments.** The Planning Department has not received correspondence on the proposed project as of the date of this Draft Motion. The project sponsors conducted a pre-application meeting on the proposed project on December 9, 2016; four persons other the project sponsors were present at the pre-application meeting.
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. **Dwelling Unit Density.** Planning Code Section 209.4 permits a maximum residential density of one dwelling unit per 600 square feet of lot area in the RTO zoning district, as a Conditional Use.

The subject property is approximately 1,990 square feet of lot area in the RTO zoning district, as a Conditional Use. The proposed residential units will consist of two bedrooms within each unit.
 - 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 Legislative Setback.

The subject building extends to the front property line and does not have a front setback.
 - 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 appropriate plant material. Section 132(h) requires that the front setback area be at least 50% permeable 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 materials planted hardscapes shall be counted only toward the permeable surface requirement and not the landscape requirement.

The subject building extends to the front property line and the subject property has an existing street tree and existing landscaping on the entry area on the first floor to meet the landscaping requirements.

- D. **Rear Yard.** Planning Code Section 134 requires a rear yard equal to 45 percent of the total lot depth at grade and above, for properties containing dwelling units in RTO Zoning Districts. Where applicable, Planning Code Section 134(c) allows for the reduction of the rear yard requirement to the average between the depths of the rear building walls of the two adjacent buildings to a depth equal to 25 percent of the total depth of the lot on which the building is situated, or to 15 feet, whichever is greater. In the case of any lot that abuts along one of its side lot lines upon a lot with a building that fronts on another street or alley, the lot on which it so abuts shall be disregarded, and the forward edge of the required rear yard shall be reduced to a line on the subject lot which is the depth of the rear building wall of the one adjacent building fronting the same street or alley.

The subject property has a lot depth of approximately 80 feet. The proposed project will require a rear yard modification because the existing rear building (a legal noncomplying structure) occupies the rear 28 feet of the lot and therefore occupies the rear yard that the Planning Code requires to serve the two proposed residential units in the front building. Therefore, the proposed project requires a variance from the rear yard requirement under Planning Code Section 134.

- E. **Usable Open Space.** Planning Code Section 135 requires 100 square feet of usable open space for each dwelling unit if all private, or 133 square feet of common usable open space per unit.

The proposed project is to add two dwelling units to a site that currently has four dwelling units on two separate buildings. The existing four dwelling units have common usable open space in the approximately 280 square foot mid-yard area. The proposed basement floor and third floor residential units will require a usable open space variance since the mid-yard area does not meet the square footage and dimensional requirements to be credited for common usable open space. The proposed third floor residential unit will have access to private open space on an approximately 95 square foot deck at the front of the building to partially meet the open space requirements.

- 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 20 feet in width, a side yard at least 25 feet in width, a rear yard meeting the requirements of the Code or other open space that meets the requirements for area and horizontal dimensions.

The proposed two new residential units will have exposure onto Church Street which is 40 feet wide. However, neither the proposed mid-yard area between the two existing residential buildings on the front

and rear of the lot meet the current dwelling unit exposure requirements under Planning Code Section 140 in the mid-yard area.

- G. **Off-Street Parking.** Planning Code Section 151.1 no longer requires off-street parking but a maximum parking requirement of 1.5 space per dwelling unit apply.

The subject building has no off-street parking and there will be no off-street parking in the proposed project.

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

The project sponsors indicated that the subject building may not have adequate space and access to add bicycle parking. If required, the project sponsor will include weatherproof lockers installed in the yard. The project site is also located within the RTO zoning district which is well-served within short walking distance of transit and neighborhood commercial areas.

- I. **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.

The subject property is located within a 40-foot height district. The existing front building is approximately 28 feet 7 inches in height. The proposed vertical addition will increase the height of the building to approximately 34 feet 11 inches in height.

- J. **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 proposed project is to construct two new residential units on the project site. Therefore, the proposed project is subject to the Residential Child Care Impact Fee and must comply with the requirements outlined in Planning Code Section 414A.

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

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

The proposed alterations to the subject building will be comparable in size and intensity to the residential density within this portion of the RTO zoning district which is comprised of three and four story multi-family units and is compatible with the existing 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:

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

The size and shape of the site and the arrangement of the structures on the site are adequate for the proposed project. The existing footprint of the subject building will be similar to what currently exists on the subject lot.

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

Existing traffic patterns will not be significantly affected by the proposed project. Public transit (Muni Lines bus and rail) is located within walking distance of the project site. There is on-street parking in front of the subject property and in the surrounding neighborhood.

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

The conditions of approval will ensure that the use meets minimum, reasonable performance standards.

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

There will be no addition of off-street parking spaces, loading facilities, or service areas. Minor modifications are proposed in the existing open space on the subject lot. All project signage and projections will be consistent with the controls of the Planning Code.

- 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 proposed 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 Neighborhood Commercial District.

The proposed project is consistent with the stated purpose of the RTO (Residential Transit Oriented) Zoning District, which is comprised of multi-family moderate-density areas, and are well served within short walking distance, generally less than one-quarter mile, of transit and neighborhood commercial areas.

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

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 8:

BUILD PUBLIC AND PRIVATE SECTOR CAPACITY TO SUPPORT, FACILITATE, PROVIDE AND MAINTAIN AFFORDABLE HOUSING.

Policy 8.1:

Support the production and management of permanently affordable housing.

The proposed project to add two new residential units to the subject lot will create new housing opportunities in the neighborhood.

URBAN DESIGN ELEMENT

Objectives and Policies

Policy 1.2:

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

Policy 1.3:

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

The proposed facade alterations and massing to the subject building will be compatible with the existing neighborhood character and development pattern.

MARKET & OCTAVIA AREA PLAN

Objectives and Policies

OBJECTIVE 1.1:

CREATE A LAND USE PLAN THAT EMBRACES THE MARKET AND OCTAVIA NEIGHBORHOOD'S POTENTIAL AS A MIXED-USE URBAN NEIGHBORHOOD.

Policy 1.1.3

Encourage housing and retail infill to support the vitality of the Hayes-Gough, Upper Market, and Valencia Neighborhood Commercial Districts.

The project site is located within the Market and Octavia Plan Area and will add additional housing opportunities in the neighborhood.

Policy 1.2.4

Encourage buildings of the same height along each side of major streets.

The proposed one-story vertical addition will be compatible with the existing three and four stories residential buildings on the subject and opposite blocks.

OBJECTIVE 2.2

ENCOURAGE CONSTRUCTION OF RESIDENTIAL INFILL THROUGHOUT THE PLAN AREA.

Policy 2.2.5

Encourage additional units in existing buildings.

The proposed project will add two new residential units to the existing front building on the subject lot that will be built close to transit and services within the Market-Octavia Plan Area.

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

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

The proposed project is to continue the existing residential use of the subject property and adding new residential units will help enhance the nearby neighborhood-serving retail uses by providing new residents, who may patron these businesses.

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

The proposed project will preserve and enhance the cultural and economic diversity of the neighborhood by adding two new residential units on the subject property. The proposed project will involve constructing a one-story vertical addition, excavating a portion of the basement floor, and facade modifications are proposed that will be compatible with existing neighborhood character.

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

The proposed project does not intend to displace any affordable housing. The proposed project is intending to add two new residential units to the existing residential building on the front of the subject lot.

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

It is not anticipated that the proposed project would significantly increase the automobile traffic congestion and parking problems in the neighborhood. The proposed project is located approximately one block from Muni transit service (bus and rail) lines.

- 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.

There is no commercial office development associated with the proposed project and there would be no displacement of any existing industrial or service businesses in the area.

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

The proposed project will comply with all applicable earthquake safety standards and built to the current standards of the California Building Code.

- G. That landmarks and historic buildings be preserved.

The proposed project will not significantly affect any landmarks or historic buildings.

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

The proposed project will not affect any city-owned park or open space. Since the proposed vertical addition is not more than 40-ft tall, additional study of the shadow impacts was not required per Planning Code Section 295.

10. 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.
11. The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2017-000263CUA/VAR** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated August 13, 2019, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 19, 2019.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED:

EXHIBIT A

AUTHORIZATION

This authorization is for conditional use to for Residential Density to add two new residential units to the existing two-story, two-unit residential building on the front of the lot by constructing a one-story vertical addition and excavating a portion of the basement floor at 20 - 22 Church Street in Assessor's Block 0874, Lot 009 pursuant to Planning Code Sections 209.4 and 303 within the RTO (Residential Transit Oriented) Zoning District and a 40-X Height and Bulk District in general conformance with plans, dated August 13, 2019, and stamped "EXHIBIT B" included in the docket for Case No. 2017-000263CUA/VAR and subject to conditions of approval reviewed and approved by the Commission on September 19, 2019 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.

The proposal will allow for an increase from 4 residential units to 6 residential units on the approximately 1,900 square foot lot. An existing two-story, two-unit residential building (a legal on complying structure) is located at the rear of the lot. The front and rear buildings are separated by an inner court yard area.

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 **September 19, 2019** 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

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

6. **Signage.** Any signs on the property shall be made to comply with the requirements of Article 6 of the Planning Code.

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

OPERATION

7. **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>

8. **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>

MONITORING - AFTER ENTITLEMENT

9. **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


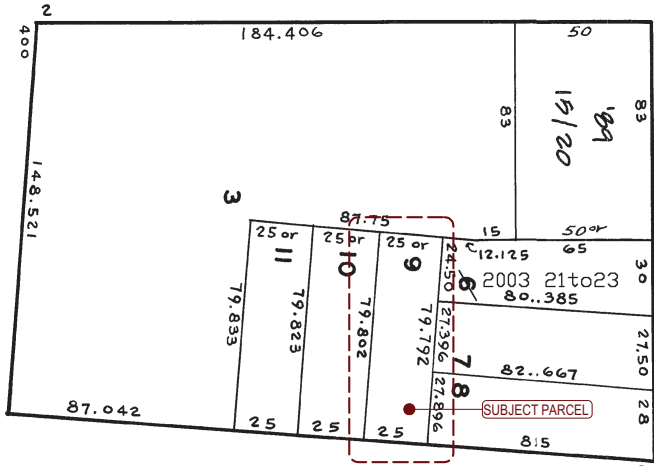
10. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions 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.

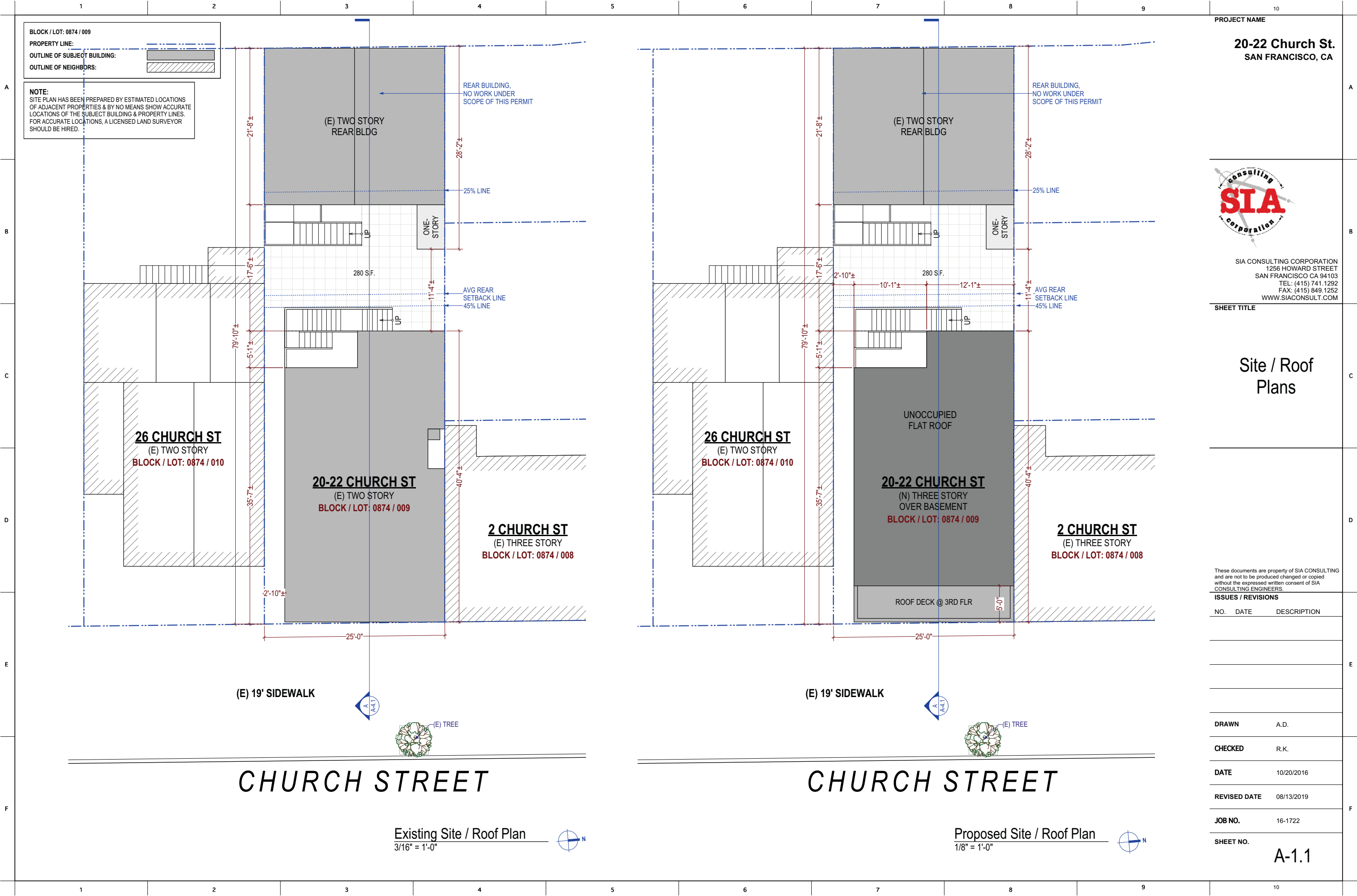
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

11. **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 and all registered neighborhood groups for the area with written notice of the

name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator and registered neighborhood groups 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*

Exhibit B - Plans

	1	2	3	4	5	6	7	8	9	10	
A	DRAWING INDEX			SCOPE OF WORK			PROJECT DATA			PROJECT NAME	
	<div>ARCHITECTURAL</div> <div>A-0.1COVER SHEET</div> <div>A-1.1SITE / ROOF PLANS</div> <div>A-1.23D VIEWS</div> <div>A-1.3SITE PHOTOS</div> <div>A-2.1BASEMENT FLOOR PLANS</div> <div>A-2.2FIRST FLOOR PLANS</div> <div>A-2.3SECOND FLOOR PLANS</div> <div>A-2.4EXISTING ROOF PLAN / PROPOSED THIRD FLOOR PLAN</div> <div>A-3.1FRONT ELEVATIONS</div> <div>A-3.2RIGHT ELEVATIONS</div> <div>A-3.3REAR ELEVATIONS</div> <div>A-3.4LEFT ELEVATIONS</div> <div>A-4.1SECTIONS</div> <div>G-0.1GREEN BUILDING CHECKLIST</div>			<div>- VERTICAL ADDITION ADDING A THIRD STORY</div> <div>- ADD TWO DWELLING UNITS AT BASEMENT & 3RD FLOOR</div>			<div>PLANNING DATA:</div> <div>ADDRESS:20-22 CHURCH STREET</div> <div>BLOCK / LOT:0874 / 009</div> <div>LOT AREA:± 1,990 S.F.</div> <div>ZONING:RTO</div> <div># OF UNITS:</div> <div>EXISTING:2 (FRONT) + 2 (REAR)</div> <div>PROPOSED:4 (FRONT) + 2 (REAR)</div> <div>ALLOWABLE HEIGHT:40-X</div> <div>BUILDING HEIGHT:</div> <div>EXISTING:28'-7" ±</div> <div>PROPOSED:34'-11" ±</div> <div>(E) FRONT BLDG. GROSS FLOOR AREA:</div> <div>FIRST FLOOR:782 ± S.F.</div> <div>SECOND FLOOR:833 ± S.F.</div> <div>TOTAL GROSS AREA:1,615 ± S.F.</div> <div>(N) FRONT BLDG. GROSS FLOOR AREA:</div> <div>BASEMENT:864 ± S.F.</div> <div>FIRST FLOOR:714 ± S.F.</div> <div>SECOND FLOOR:798 ± S.F.</div> <div>THIRD FLOOR:676 ± S.F.</div> <div>TOTAL GROSS AREA:3,052 ± S.F.</div> <div>TOTAL ADDETION:1,437 ± S.F.</div> <div>(N) HABITABLE FLOOR AREA:</div> <div>UNIT 1:647 ± S.F.</div> <div>UNIT 2:768 ± S.F.</div> <div>UNIT 3:786 ± S.F.</div> <div>UNIT 4:653 ± S.F.</div> <div>TOTAL HABITABLE AREA:2,854 ± S.F.</div> <div>BUILDING DATA:</div> <div>NUMBER OF STORIES:2</div> <div>EXISTING:3 OVER BASEMENT</div> <div>CONSTRUCTION TYPE:TYPE "V-B"</div> <div>OCCUPANCY GROUP:</div> <div>EXISTING:R-3</div> <div>PROPOSED:R-2</div> <div>APPLICABLE CODES:2013 CALIFORNIA CODES EDITIONS</div> <div>W/ SAN FRANCISCO AMENDMENTS</div>			<div></div> <div>SIA CONSULTING CORPORATION 1256 HOWARD STREET SAN FRANCISCO CA 94103 TEL: (415) 741.1292 FAX: (415) 849.1252 WWW.SIACONSULT.COM</div>	
	B										
C	ABBREVIATION			ASSESSOR'S MAP						SHEET TITLE	
	<div>#POUND OR NUMBER</div> <div>&AND</div> <div>@AT</div> <div>ABVABOVE</div> <div>ACTACOUSTIC CEILING TILE</div> <div>ADAREA DRAIN</div> <div>ADJADJACENT</div> <div>AFFABOVE FINISHED FLOOR</div> <div>ALUMALUMINUM</div> <div>APPROXAPPROXIMATE</div> <div>ANODANODIZED</div> <div>ASPHASPHALT</div> <div>AVGAVERAGE</div> <div>BDBOARD</div> <div>BLDGBUILDING</div> <div>BLKGBLOCKING</div> <div>BOTBOTTOM</div> <div>BSMTBASEMENT</div> <div>BSTBOTTOM OF STAIRS</div> <div>BYNDBEYOND</div> <div>CIPCAST IN PLACE</div> <div>CHNLCHANNEL</div> <div>CJCONTROL JOINT</div> <div>CLGCCILING</div> <div>CLOCLOSET</div> <div>CLRCLEAR</div> <div>CNTRCOUNTER</div> <div>CMUCONCRETE MASONRY UNIT</div> <div>COLCOLUMN</div> <div>COMPRCOMPRESSIBLE</div> <div>CONCCONCRETE</div> <div>CONTCONTINUOUS</div> <div>CORRCORRIDOR</div> <div>CPTCARPET</div> <div>CTCERAMIC TILE</div> <div>CTRCENTER</div> <div>CTYDCOURTYARD</div> <div>DBLDOUBLE</div> <div>DEMODEMOLISH</div> <div>DETDDETAIL</div> <div>D.F.DRINKING FOUNTAIN</div> <div>DIA DIAMETER</div> <div>DIMSDIMENSIONS</div> <div>DNDOWN</div> <div>DRDOOR</div> <div>DWGDRAWING</div> <div>(E)EXISTING</div> <div>EAEACH</div> <div>ELELEVATION</div> <div>ELECELECTRICAL</div> <div>ELEV ELEVATOR/ELEVATION</div> <div>EQEQUAL</div> <div>EXCL EXCLUDE</div> <div>EXP JT EXPANSION JOINT</div> <div>EXT EXTERIOR</div> <div>F.D.FLOOR DRAIN</div> <div>FECFIRE EXTINGUISHER CABINET</div> <div>FIXT FIXTURE</div> <div>FLRFLOOR</div> <div>FLUORFLUORESCENT</div> <div>FM FILLED METAL</div> <div>FND FOUNDATION</div> <div>FOFACE OF</div> <div>F.O.F.FACE OF FINISH</div> <div>FURRFURRING</div> <div>GAGAUGE</div> <div>GALVGALVANIZED</div> <div>G.B.GRAB BAR</div> <div>GNDGROUND</div> <div>GRPGROUP</div> <div>GWBGYPSUM WALL BOARD</div>			<div>FILLMORE</div> <div></div> <div>DUBOCE</div> <div>CHURCH</div> <div>HERMANN</div>			Cover Sheet				
	D										
E										These documents are property of SIA CONSULTING and are not to be produced changed or copied without the expressed written consent of SIA CONSULTING ENGINEERS.	
										ISSUES / REVISIONS	
										NO. DATE DESCRIPTION	
F											
										DRAWN A.D.	
										CHECKED R.K.	
										DATE 10/20/2016	
										REVISED DATE 08/13/2019	
										JOB NO. 16-1722	
										SHEET NO. A-0.1	
	1	2	3	4	5	6	7	8	9	10	



BLOCK / LOT: 0874 / 009
PROPERTY LINE:
OUTLINE OF SUBJECT BUILDING:
OUTLINE OF NEIGHBORS:

NOTE:
SITE PLAN HAS BEEN PREPARED BY ESTIMATED LOCATIONS
OF ADJACENT PROPERTIES & BY NO MEANS SHOW ACCURATE
LOCATIONS OF THE SUBJECT BUILDING & PROPERTY LINES.
FOR ACCURATE LOCATIONS, A LICENSED LAND SURVEYOR
SHOULD BE HIRED.

PROJECT NAME
20-22 Church St.
SAN FRANCISCO, CA



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SAN FRANCISCO CA 94103
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SHEET TITLE

Site / Roof
Plans

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3D Isometric Front Views

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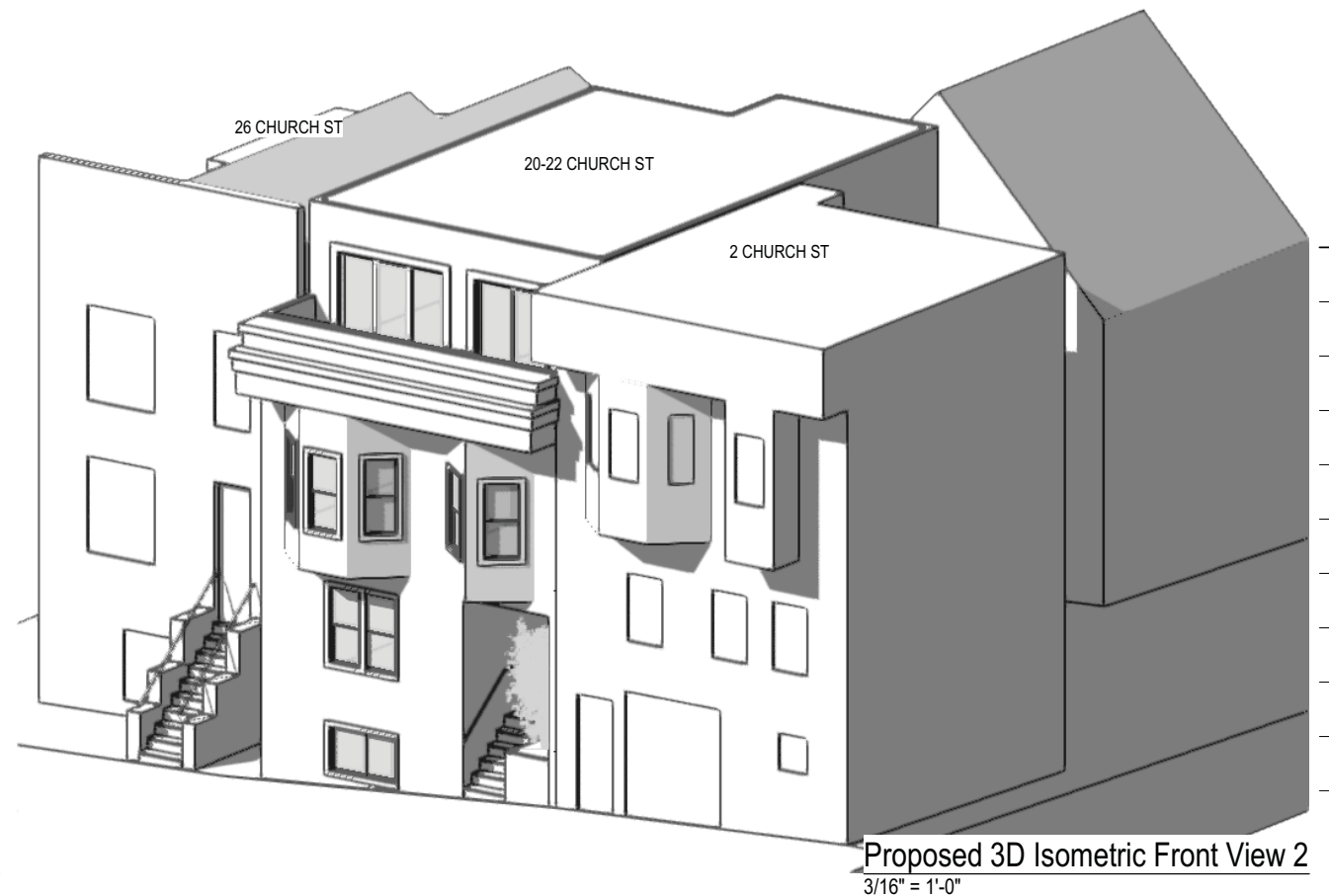
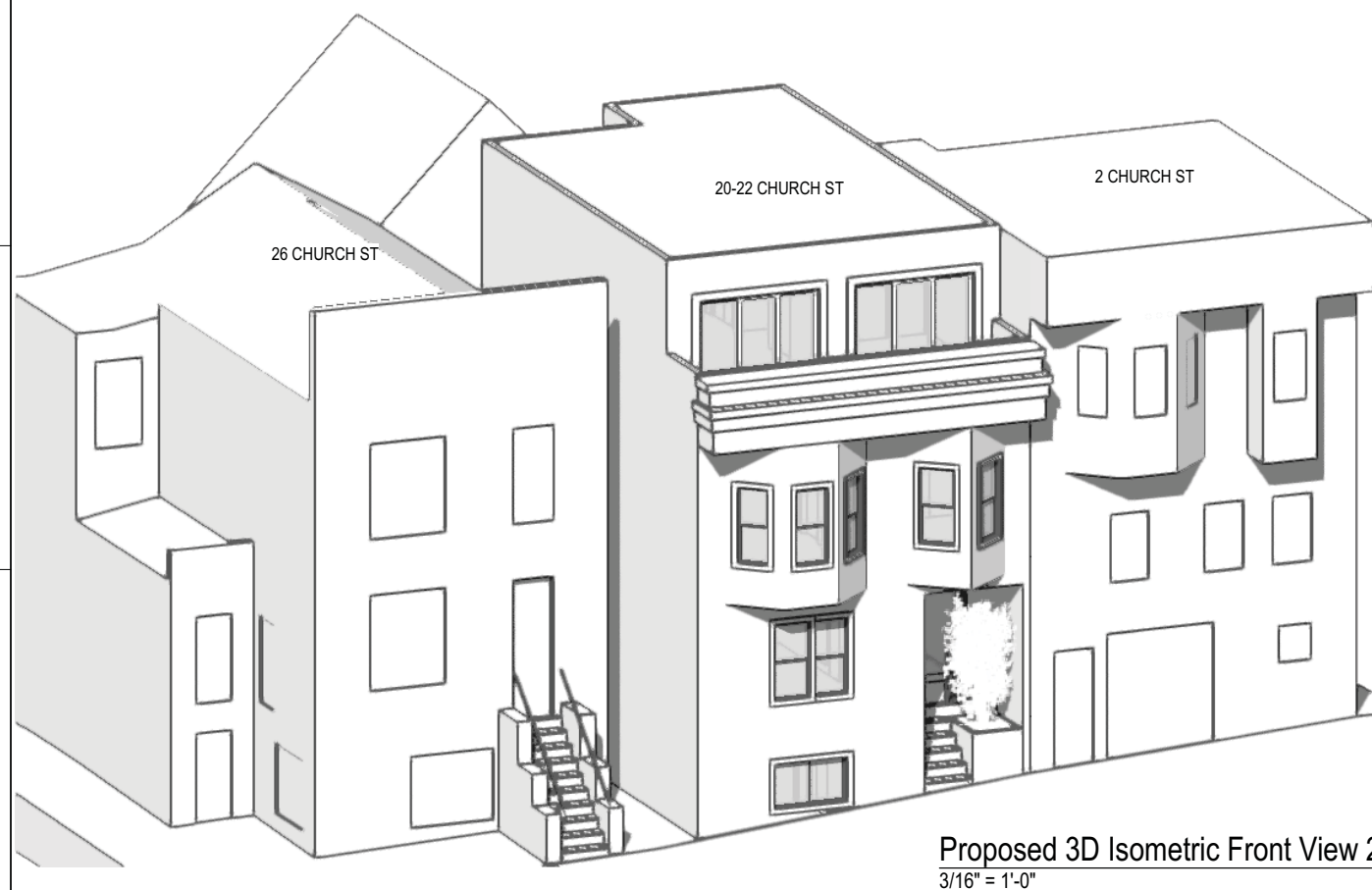
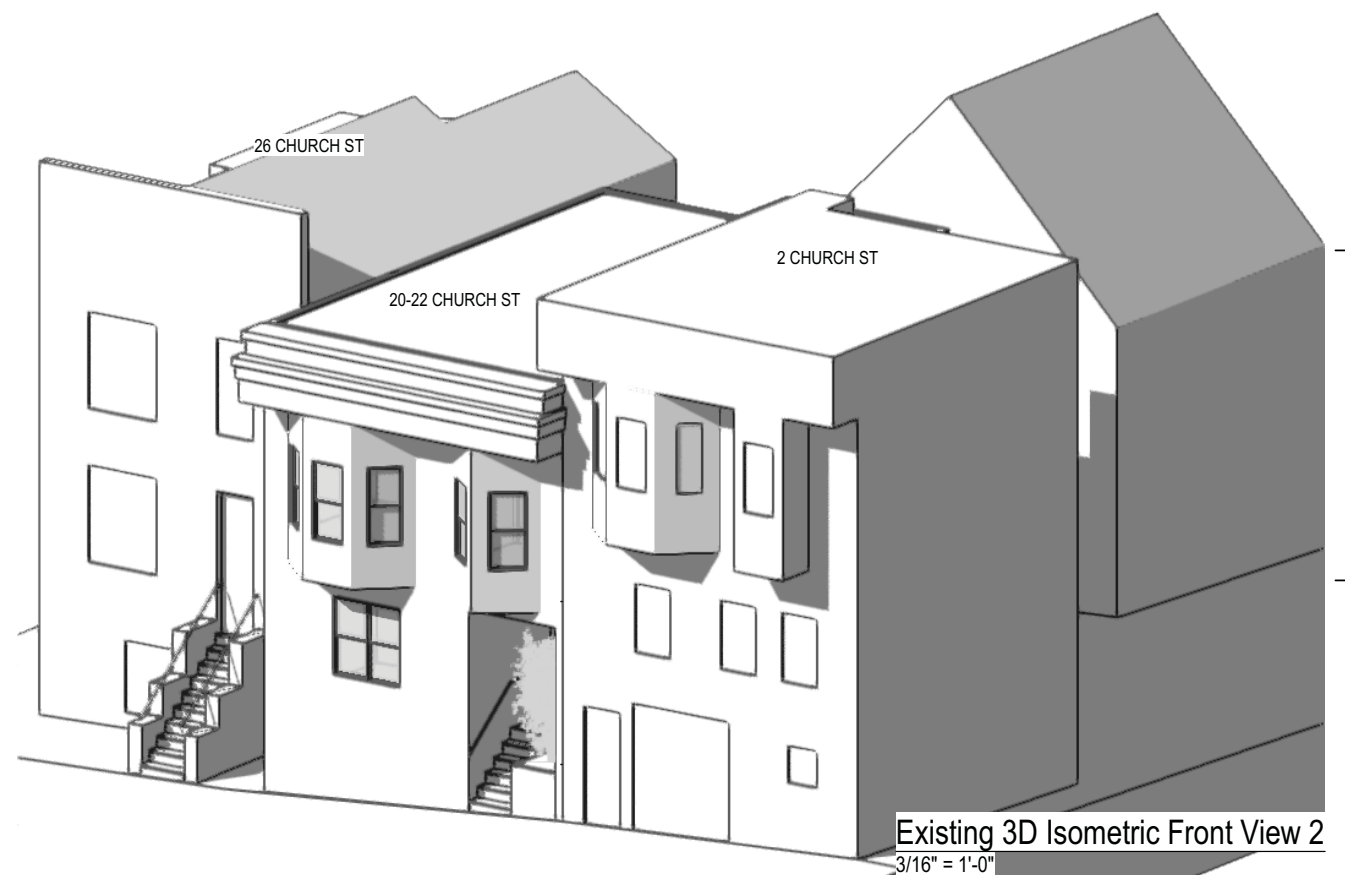
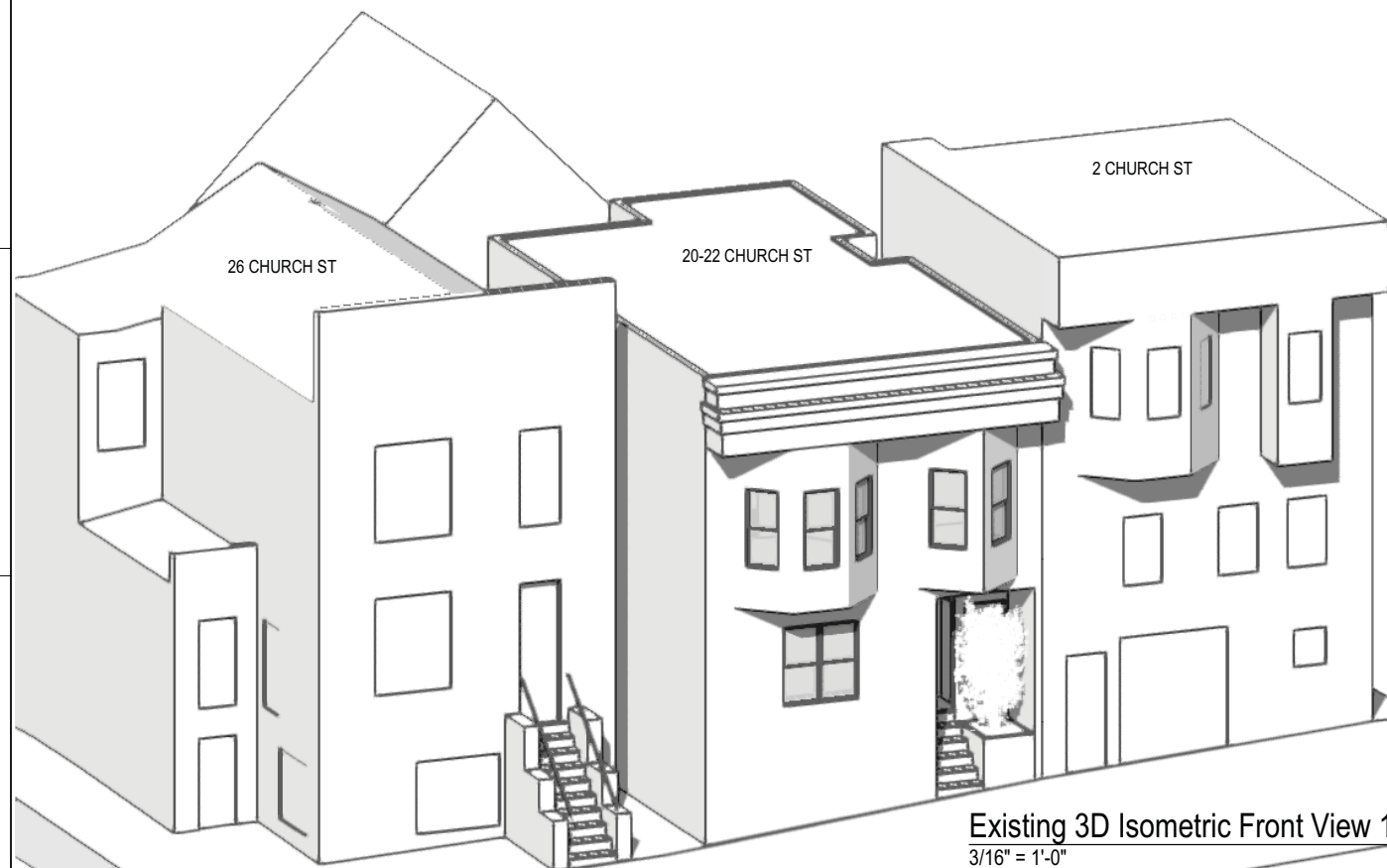
DATE 10/20/2016

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Site Photos

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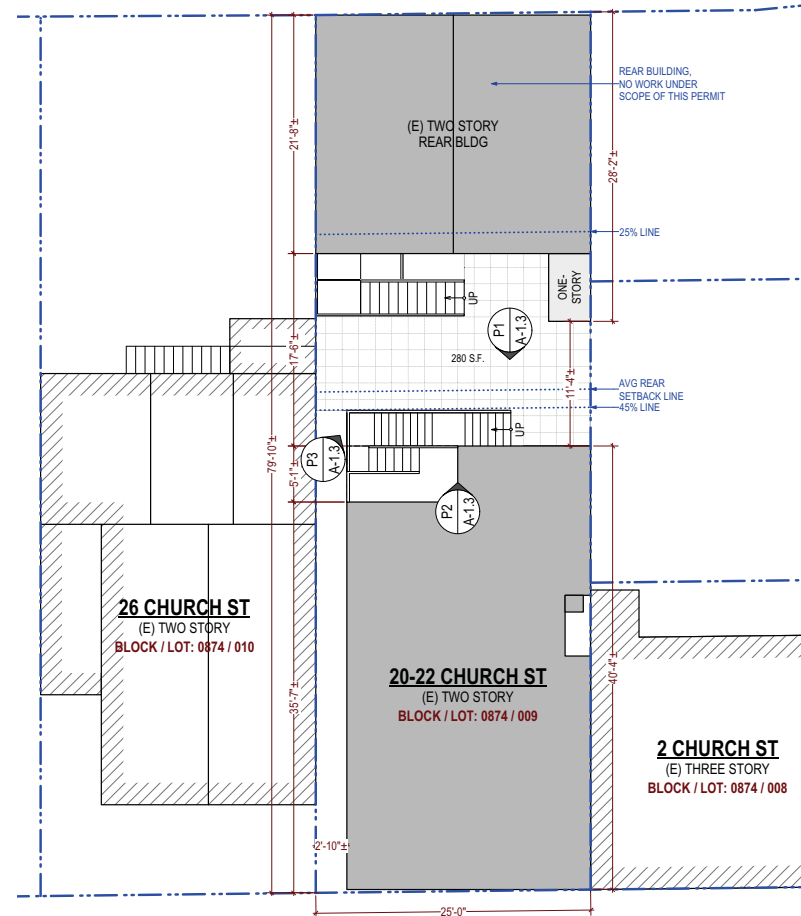
DATE 10/20/2016

REVISÉ DATE 08/13/2019

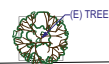
JOB NO. 16-1722

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A-1.3

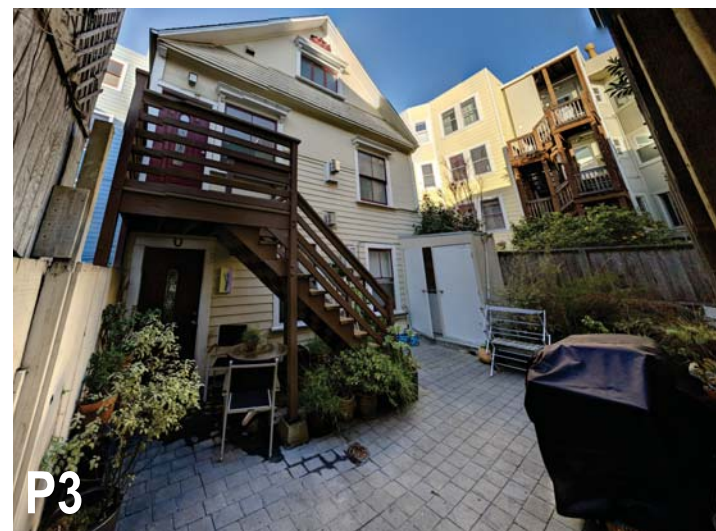


(E) 19' SIDEWALK

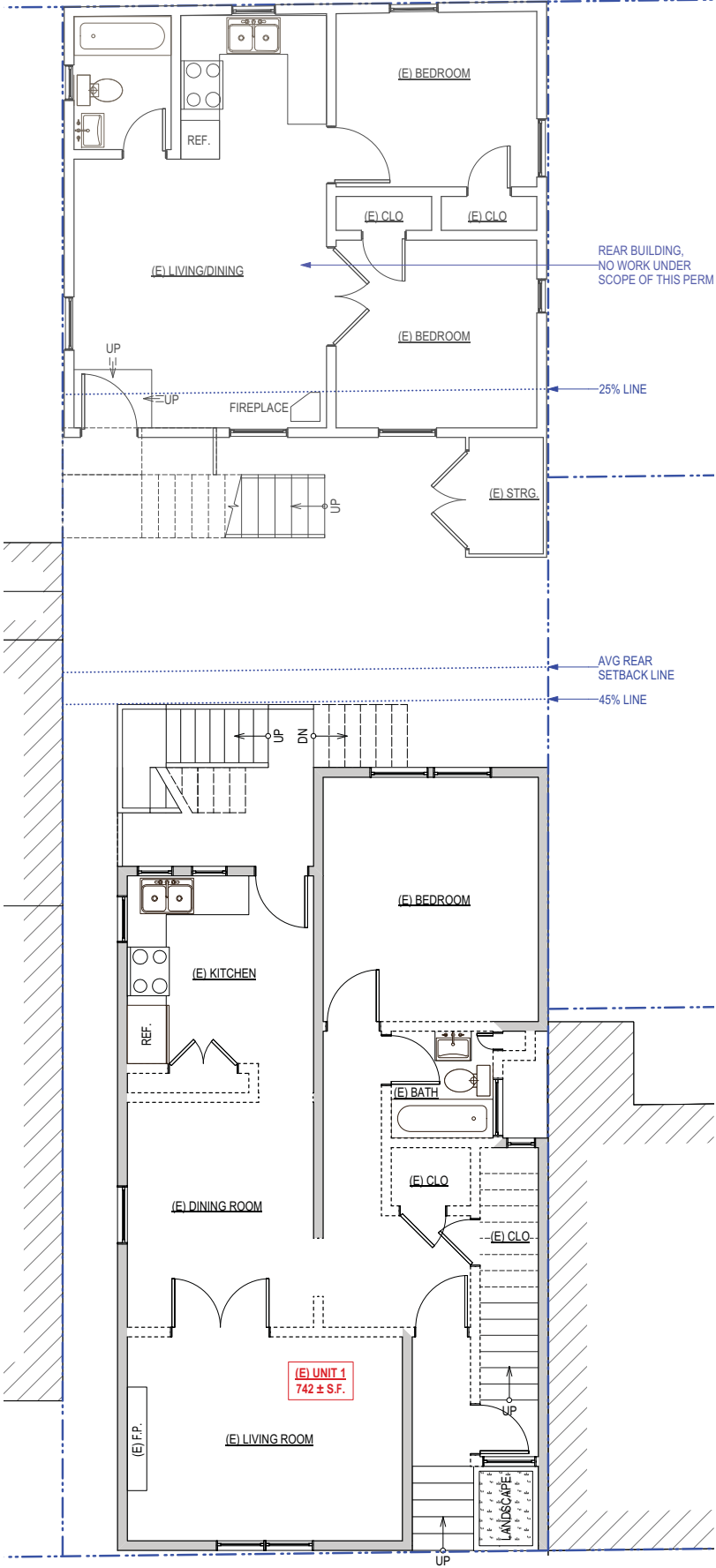


CHURCH STREET

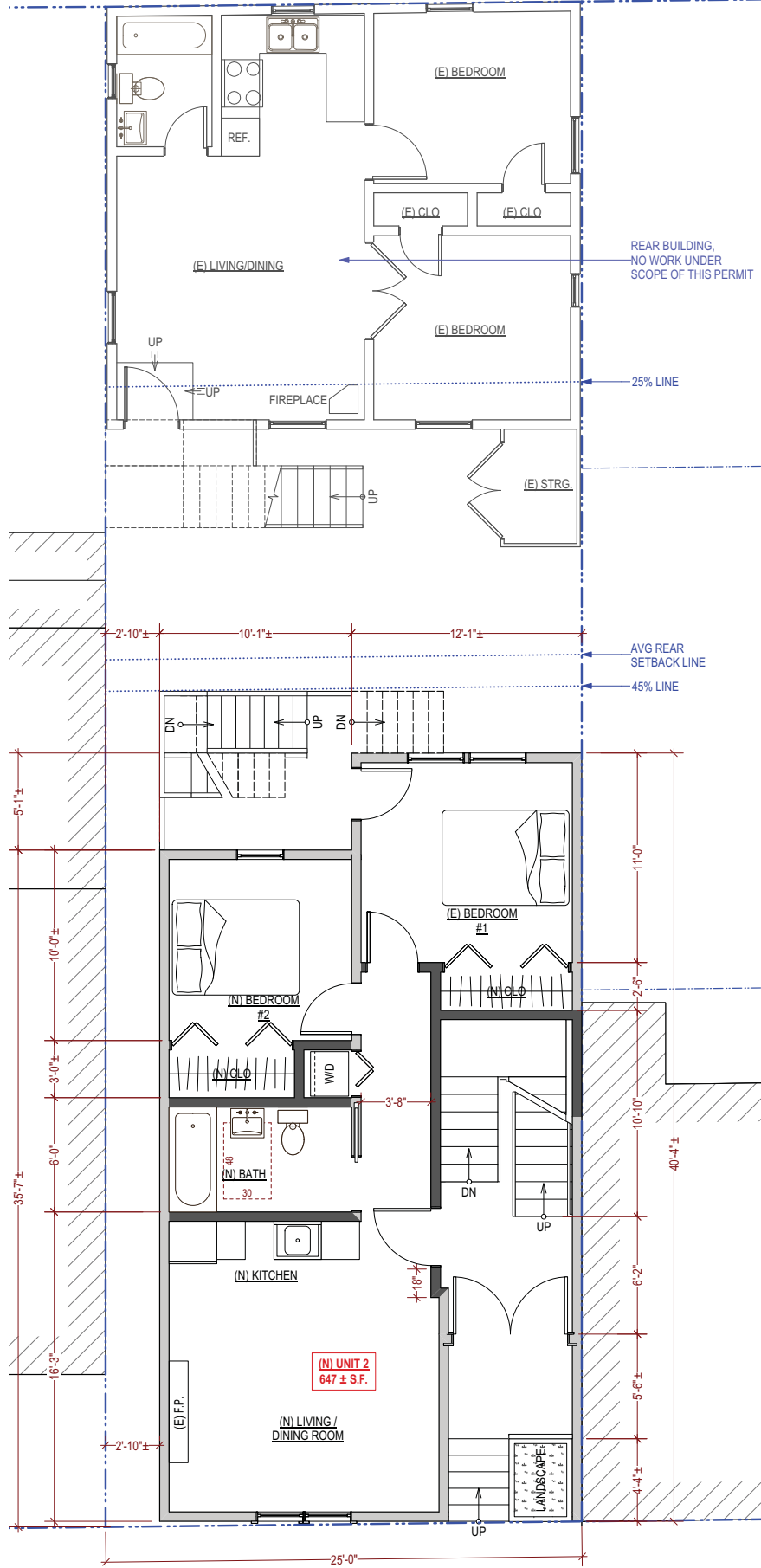
Photo Location Key



(CD)	CARBON MONOXIDE DETECTOR/ALARM
(SD)	SMOKE DETECTOR, 110-V INTERCONNECTED W/ BATTERY BACKUP
---	PROPERTY LINE
----	(E) WALL TO BE REMOVED
=====	(E) WALL TO REMAIN
-----	(E) WALL TO BE RETROFITTED TO 1-HR. FIRE RATED
=====	(N) WALL TO BE CONSTRUCTED
-----	(N) WALL TO BE 1-HR. FIRE RATED
=====	(N) CONCRETE WALL TO BE CONSTRUCTED



Existing First Floor Plan
1/4" = 1'-0"



Proposed First Floor Plan
1/4" = 1'-0"



PROJECT NAME
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**First
Floor Plans**

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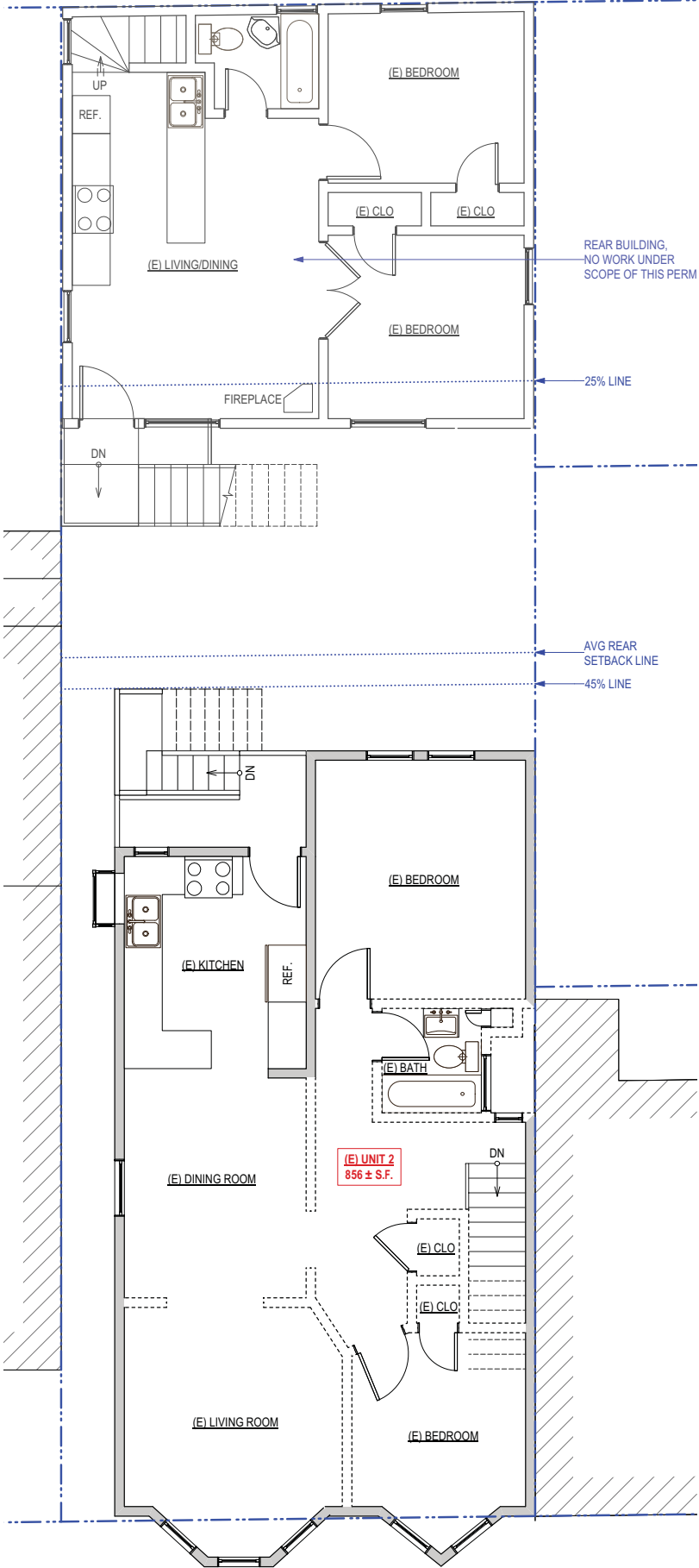
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NO.	DATE	DESCRIPTION

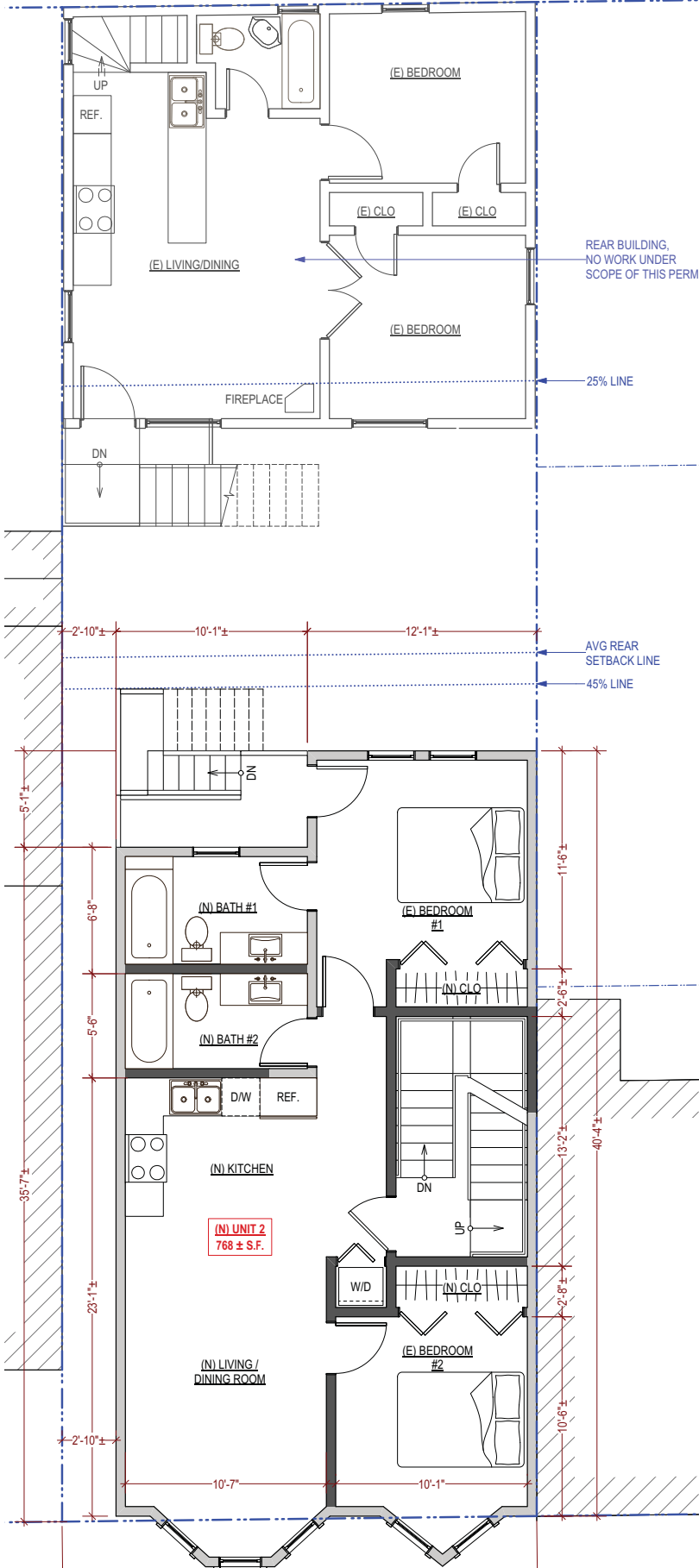
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JOB NO.	16-1722

SHEET NO.
A-2.2

CD	CARBON MONOXIDE DETECTOR/ALARM
SD	SMOKE DETECTOR, 110-V INTERCONNECTED W/ BATTERY BACKUP
	PROPERTY LINE
	(E) WALL TO BE REMOVED
	(E) WALL TO REMAIN
	(E) WALL TO BE RETROFITTED TO 1-HR. FIRE RATED
	(N) WALL TO BE CONSTRUCTED
	(N) WALL TO BE 1-HR. FIRE RATED
	(N) CONCRETE WALL TO BE CONSTRUCTED



Existing Second Floor Plan
1/4" = 1'-0"



Proposed Second Floor Plan
1/4" = 1'-0"



PROJECT NAME

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Second Floor Plans

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REVISED DATE	08/13/2019
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JOB NO.	16-1722
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SHEET NO.

A-2.3



Existing Front Elevation (East)
1/4" = 1'-0"

Proposed Front Elevation (East)
1/4" = 1'-0"

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Front Elevations
(East)

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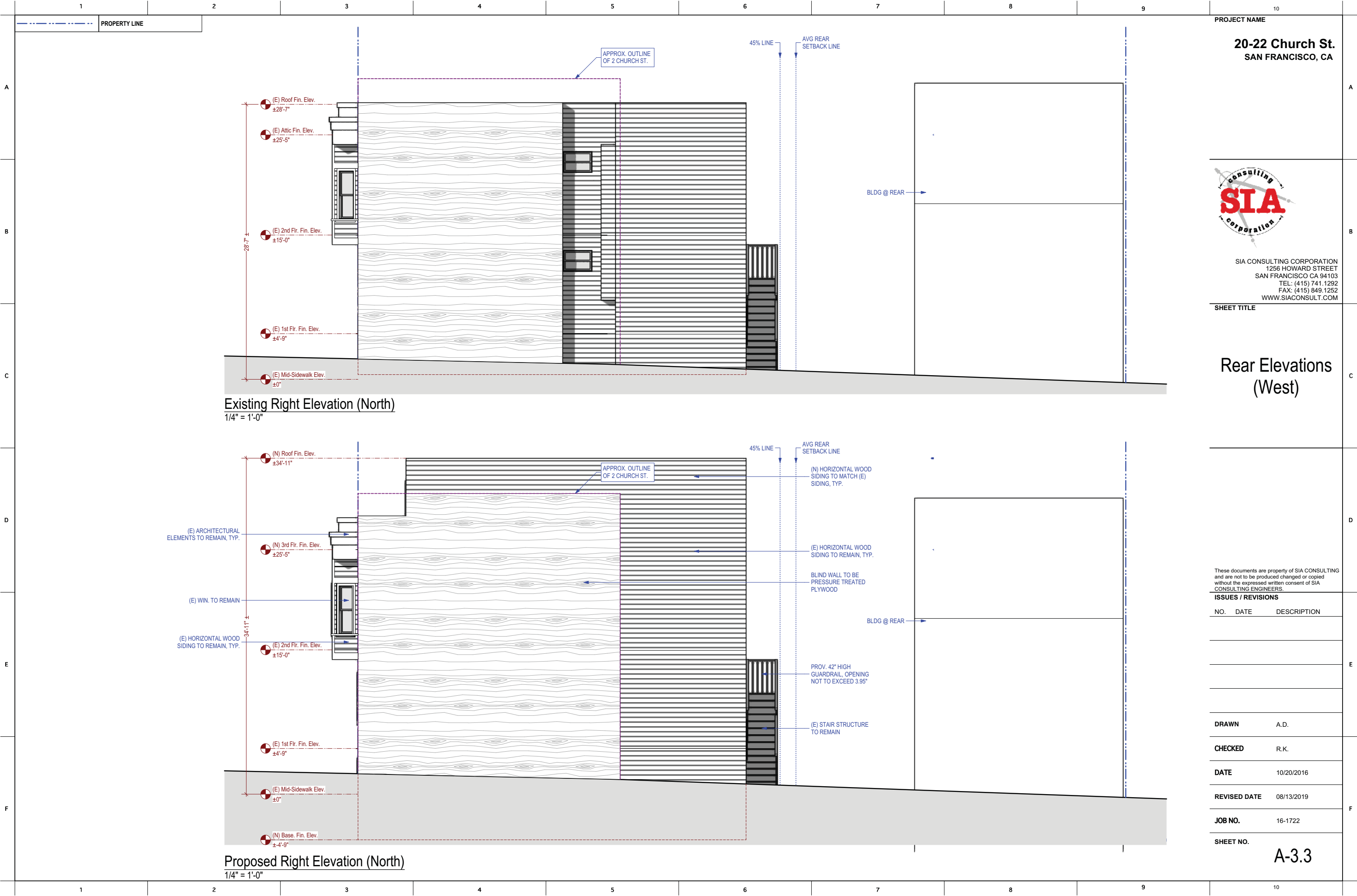
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REVISED DATE	08/13/2019
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Rear Elevations (West)

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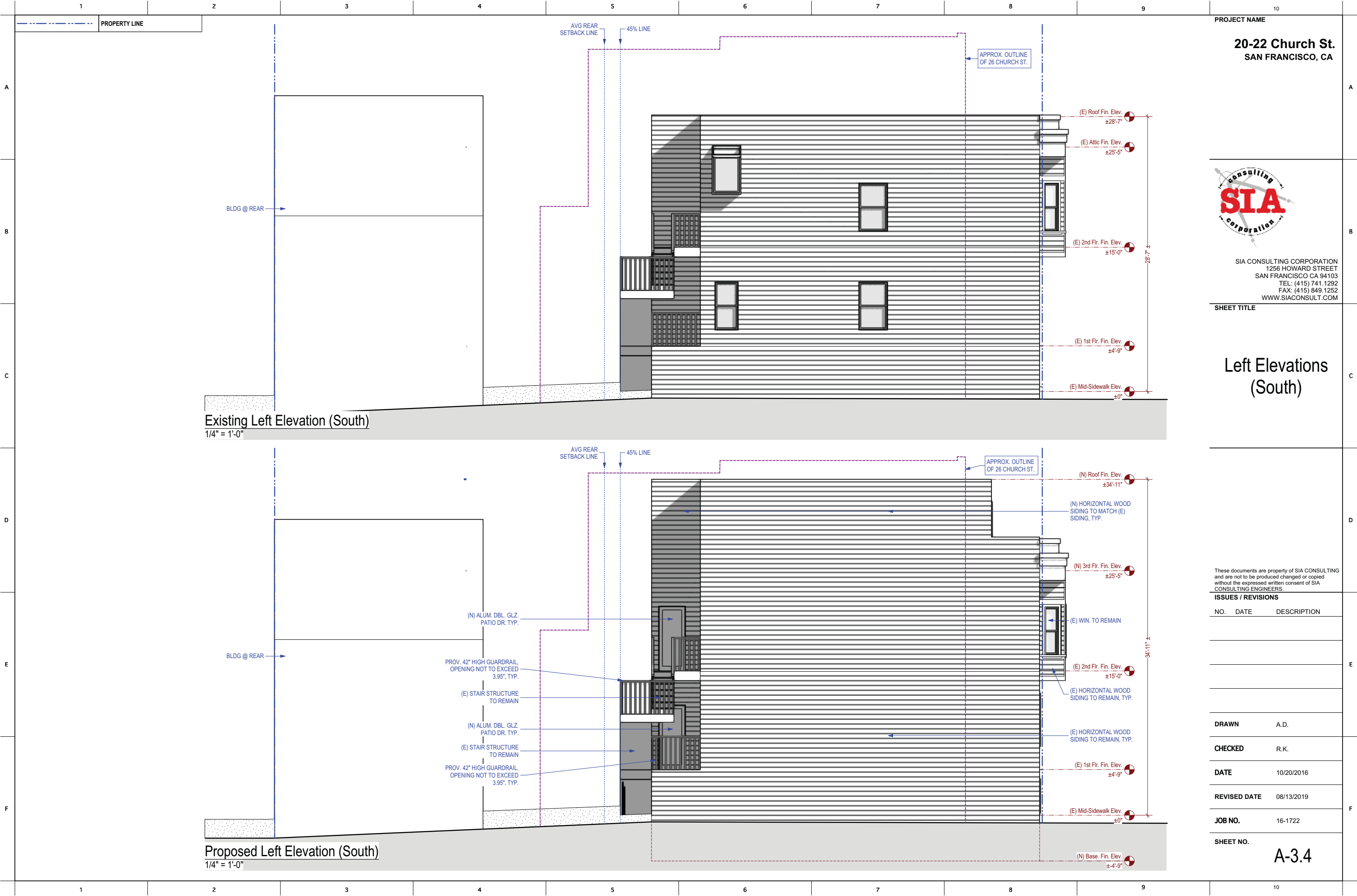
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REVISED DATE	08/13/2019
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JOB NO.	16-1722
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PROJECT NAME

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SAN FRANCISCO, CA



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SHEET TITLE

Left Elevations (South)

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REVISED DATE	08/13/2019
JOB NO.	16-1722

SHEET NO.

A-3.4

Form version: February 1, 2018 (For permit applications January 2017 - December 2019)


PROJECT NAME

20-22 Church St.
SAN FRANCISCO, CA

INSTRUCTIONS:

1. Select one (1) column to identify requirements for the project. For addition and alteration projects, applicability of specific requirements may depend upon project scope.
2. Provide the Project Information in the box at the right.
3. A LEED or GreenPoint Rated Scorecard is not required with the site permit application, but using such tools as early as possible is recommended.
4. To ensure legibility of DBI archives, submittal must be a minimum of 24" x 36".

Attachment GS2, GS3, GS4, GS5 or GS6 will be due with the applicable addendum. A separate "FINAL COMPLIANCE CERTIFICATE" form will be required prior to Certificate of Completion. For details, see Administrative Bulletin 93. For Municipal projects, additional and/or Environmental Code Chapter 7 requirements may apply; see GS6.

**CHECK THE ONE COLUMN
THAT BEST DESCRIBES YOUR PROJECT** 

NEW CONSTRUCTION

ALTERATIONS + ADDITIONS

PROJECT INFO

☐ LOW-RISE

 **HIGH-RISE**

LARGE NON

☐ OTHER NON-

RESIDENTIAL

☐ OTHER

☐ RESIDENTIAL

ST-TIME

☐ ER NON-

22-22 Church St

PROJECT NAME

0874/009

BLOCK/LOT

22-22 Church St.

ADDRESS

22

PRIMARY OCCURRENCE

0.50 : 0.5

GROSS BUILDING AREA

DESIGN PROFESSIONAL
or PERMIT APPLICANT
(sign & date)

SIA CONSULTING CORPORATION
1256 HOWARD STREET
SAN FRANCISCO CA 94103
TEL: (415) 741.1291
FAX: (415) 849.1251
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SHEET TITLE

Green Building Checklist

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ISSUES / REVISIONS

NO.	DATE	DESCRIPTION
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DATE 10/20/2016

REVISÉ DATE 08/13/2019

JOB NO. 16 1722

SHEET NO

G-0.1

Exhibit C – Environmental Determination



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
20 - 22 CHURCH ST		0874009
Case No.		Permit No.
2017-000263ENV		201612306298
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRE for Category B Building)	<input type="checkbox"/> New Construction
Project description for Planning Department approval. Proposes a vertical addition of approximately 6'4" third story, at the front building and excavation of roughly 5'-3" to 5'6" to create a new unit in the existing basement. Proposed project will add approximately 1607 square feet of usable space and 2 new units.		

STEP 1: EXEMPTION CLASS

Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.	
<input checked="" type="checkbox"/>	Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input checked="" type="checkbox"/>	Class 3 - New Construction. Up to three new single-family residences or six 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"/>	Class 32 - In-Fill Development. New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services. FOR ENVIRONMENTAL PLANNING USE ONLY
<input type="checkbox"/>	Class ____

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an *Environmental Evaluation Application* is required.

<input type="checkbox"/>	Air Quality: 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, etc.)? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)
<input type="checkbox"/>	Hazardous Materials: 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 > Maher layer).</i>
<input type="checkbox"/>	Transportation: 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 checked="" type="checkbox"/>	Archeological Resources: 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"/>	Subdivision/Lot Line Adjustment: 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"/>	Slope = or > 20%: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required.

If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an *Environmental Evaluation Application* is required, unless reviewed by an Environmental Planner.

Comments and Planner Signature (optional): Laura Lynch
Archeo review complete, no effects 2/22/2018

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

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

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

Check all that apply to the project.	
<input type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. Garage work. 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. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. Addition(s) 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.
Note: Project Planner must check box below before proceeding.	
<input checked="" type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PROJECT PLANNER

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

<input type="checkbox"/>	7. Addition(s) , 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. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. Other work that would not materially impair a historic district (specify or add comments): (Requires approval by Senior Preservation Planner/Preservation Coordinator)
<input type="checkbox"/>	10. Reclassification of property status. (Requires approval by Senior Preservation Planner/Preservation <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category A a. Per HRER dated _____ b. Other (specify): Reclassify to Category C as per PTR form signed on 5/1/18 </div> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category C (attach HRER) </div> </div>
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.	
<input type="checkbox"/>	Further environmental review required. Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. GO TO STEP 6.
<input checked="" type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature: Michelle A Taylor	

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

<input type="checkbox"/>	Further environmental review required. 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 STOP! Must file an <i>Environmental Evaluation Application</i>.	
<input checked="" type="checkbox"/>	No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.	
	Project Approval Action: Commission Hearing If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	Signature: Michelle A Taylor 05/02/2018
	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. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.	

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)
20 - 22 CHURCH ST		0874/009
Case No.	Previous Building Permit No.	New Building Permit No.
2017-000263PRJ	201612306298	
Plans Dated	Previous Approval Action	New Approval Action
	Commission Hearing	
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.	

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

Preservation Team Meeting Date:		Date of Form Completion	5/1/2018
----------------------------------------	--	--------------------------------	----------

PROJECT INFORMATION:		
Planner:	Address:	
Michelle Taylor	20-22 Church Street	
Block/Lot:	Cross Streets:	
0874/009	Duboce Avenue and Hermann Street	
CEQA Category:	Art. 10/11:	BPA/Case No.:
B	N/A	2017-000263ENV

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


DATE OF PLANS UNDER REVIEW:	10/20/2016
------------------------------------	------------

PROJECT ISSUES:	
<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:	
Historic Resource Evaluation prepared by Tim Kelley Consulting, LLC (dated September 2017).	
Proposed project: Proposes a vertical addition of a third story, a creation of a unit on the third story, and excavation of roughly 5'3" to 5'6" to create a new unit in existing basement.	

PRESERVATION TEAM REVIEW:	
Category:	<input type="radio"/> A <input type="radio"/> B <input checked="" type="radio"/> C
Individual	Historic District/Context
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"/>	Period of Significance: <input type="text"/>
	<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 to the individual historic resource:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
CEQA Material Impairment to the historic district:	<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 checked="" type="radio"/> Yes	<input type="radio"/> No	

PRESERVATION TEAM COMMENTS:
<p>According to Planning Department records and the Historic Resource Evaluation prepared by Tim Kelley Consulting, LLC, the property at block and lot 0874/009 is comprised of two residential buildings. 20-22 Church Street is a two unit residential building at the front of the subject lot and 22A-22B Church Street is a two unit residential building located at the rear of the lot, and not visible from any public right of way. These buildings are located in the Lower Haight area of the Western Addition and both constructed in 1903 by builder William Finlay. 20-22 Church Street was previously surveyed in the Market Octavia Survey (adopted 2009) and was not determined to be a resource at that time; the additional information provided in the Supplemental Information Form confirms these previous findings. 22A-22B Church Street is largely not visible from any public right of way and subsequently not included in the Market Octavia Survey. The Supplemental Information Form provides the necessary information for Planning Department staff to determine that the rear building is not a resource.</p> <p>The front building, 20-22 Church Street, is a two-story, wood-frame building clad in horizontal wood siding and a flat roof with a boxed cornice. The lower level includes a recessed entrance at the top of a half-flight of brick stairs and a pair of one-over-one, double-hung wood frame windows with hooded wood surround. The upper floor features a three-sided bay window and a pinched bay, each with one-over-one, double-hung wood frame windows. Decorative vertical and horizontal wood trim runs along the full height and length of the upper floor. At the south end of the property is a narrow side setback with metal security gate that provides access to rear building. According to the permit history and historic photographs, the subject building has some exterior alterations including removal of decorative wood trim and ornamentation on the bay windows and cornice (date unknown).</p> <p>22A-22B Church Street is a two and a half-story, wood-frame building clad in horizontal wood siding with gable peak roof and raked cornice. The fenestration includes a pair of two-over-two, wood frame windows with wood surrounds at the ground floor and a pair of two-over-two wood-frame windows with hooded wood surrounds at the second floor. A set of simple wood stairs and porch provide access to the second floor entry. A shed roof cornice separates the second floor from the gable; the gable front features a cartouche above a three-light wood frame window with hooded wood surround. According to (continued)</p>

Signature of a Senior Preservation Planner / Preservation Coordinator:	Date:
	5/1/18

20-22 and 22A-22B Church Street, San Francisco
Preservation Team Review Form, Comments

(continued)

historic documents, the subject building has undergone some alterations including conversion from single family residence to two residential units.

The subject buildings are not eligible for individual listing in the California Register of Historical Resources under Criterion 1 (events), 2 (persons), 3 (architecture), or 4 (information potential). According to the information provided, the subject property is not associated with events found to be sufficiently important to be significant under Criterion 1. No person associated with these buildings is significant to history and therefore the property does not appear significant under Criterion 2. Architecturally, both buildings feature simple designs that have undergone some alterations since construction. Additionally, the builder associated with this building, William Finlay, does not appear to be a master builder; therefore it is not significant under Criterion 3. The subject buildings are not significant under Criterion 4, since the significance criteria typically applies to rare construction types when involving the built environment. The subject buildings are not an example of a rare construction type.

The subject buildings are not located adjacent to any known historic resources (Category A properties) and do not appear to be located in a potential historic district. The building stock on this portion of Church Street includes a range of residential building styles and types built over the course of the twentieth century. The subject buildings are not associated with the nearby California Register-eligible Duboce Triangle Historic District located south of the subject property on Duboce Avenue. Nor is the property associated with the California Register-eligible Hayes Valley Residential District, which is located north of the subject property on Hermann Street.



20-22 Church Street (Image: Tim Kelley Consulting, LLC)



22A-22B Church Street (Image: Tim Kelley Consulting, LLC)

Exhibit D - Land Use Data



SAN FRANCISCO PLANNING DEPARTMENT

Land Use Information

PROJECT ADDRESS: 20 - 22 CHURCH STREET
RECORD NO.: 2017-000263CUA

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

Reception:
415.558.6378

Fax:
415.558.6409

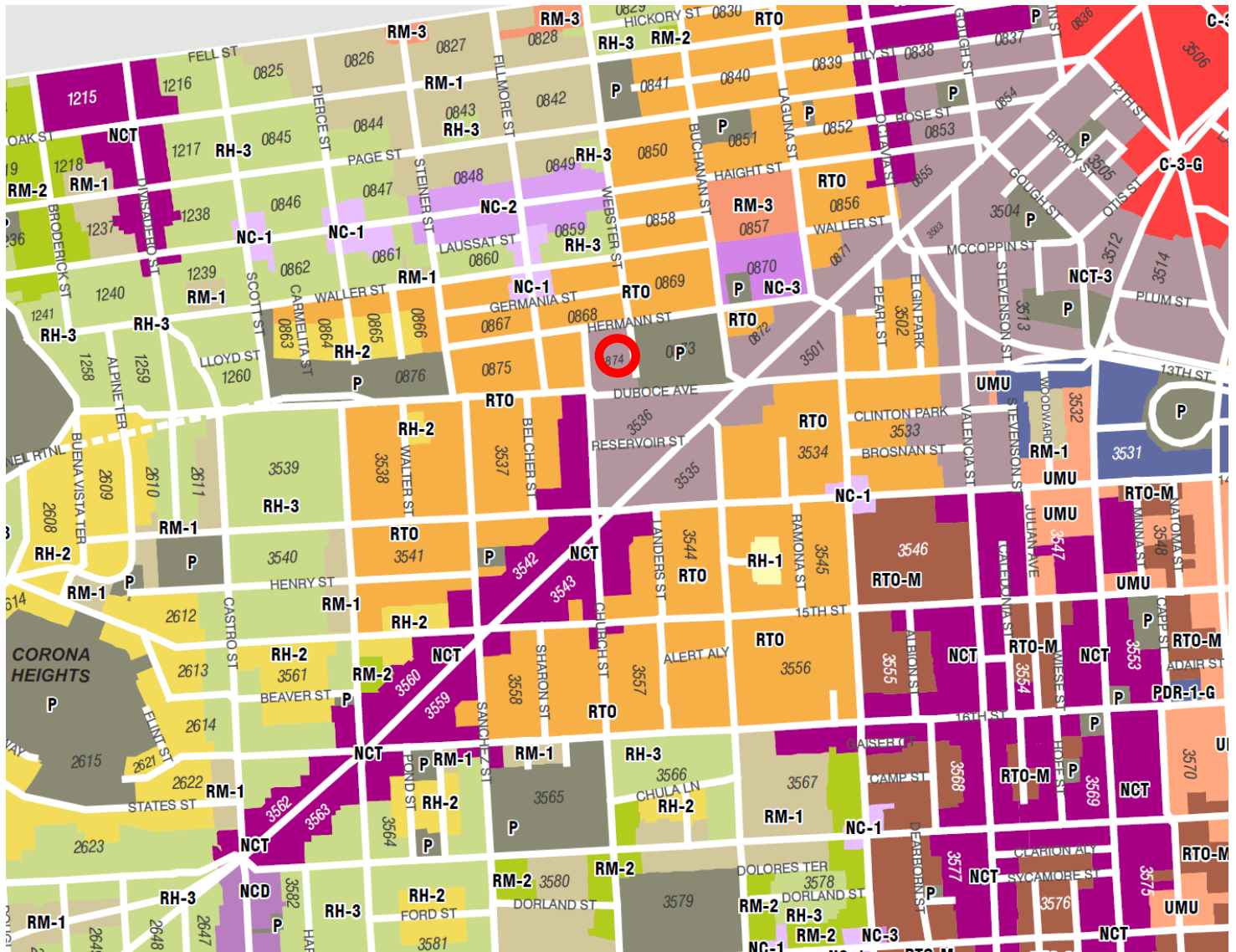
Planning
Information:
415.558.6377

	EXISTING	PROPOSED	NET NEW
GROSS SQUARE FOOTAGE (GSF)			
Lot Area	± 1,990	± 1,990	0
Residential (front building)	± 1,615 (± 833 existing 2 nd floor unit) (± 782 existing 1 st floor unit)	± 3,052 (± 676 proposed 3 rd floor unit) (± 798 proposed 2 nd floor unit) (± 714 proposed 1 st floor unit) (± 864 proposed basement unit)	+ 1,437
Commercial/Retail	--	--	--
Office	--	--	--
Industrial/PDR <i>Production, Distribution, & Repair</i>	--	--	--
Parking	0	0	0
Usable Open Space (GFS)	± 280 (inner court yard)	± 280 (inner court yard) ± 95 (proposed 3 rd floor front deck)	+ 95
Public Open Space (GFS)	--	--	--
Other ()			
TOTAL GSF	± 1,615	± 3,052	+ 1,437
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Dwelling Units - Market Rate (on subject lot)	4	6	0
Dwelling Units - Affordable	--	--	--
Hotel Rooms	--	--	--
Parking Spaces	0	0	0
Loading Spaces	--	--	--
Car Share Spaces	--	--	--
Bicycle Spaces	0	0	0
Number of Buildings (on subject lot)	2	2	0
Number of Stories (front building)	2 over basement	3 over basement	1

EXHIBIT D

Exhibit E - Maps and Context Photos

Zoning Map



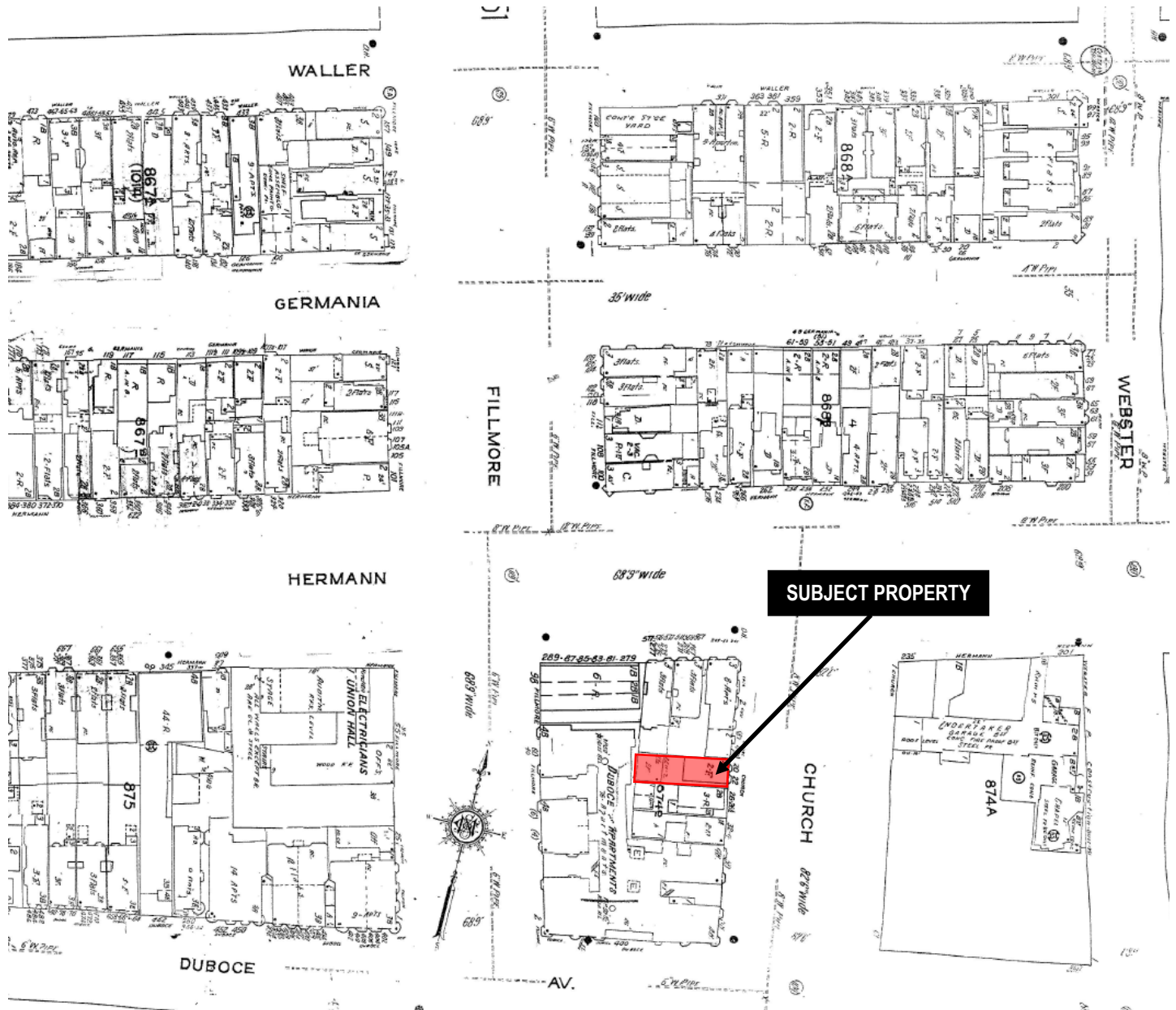
Conditional Use Hearing
Case Number 2017-000263CUA
20 – 22 Church Street

Parcel Map



Conditional Use Hearing
Case Number 2017-000263CUA
20 – 22 Church Street

Sanborn Map*

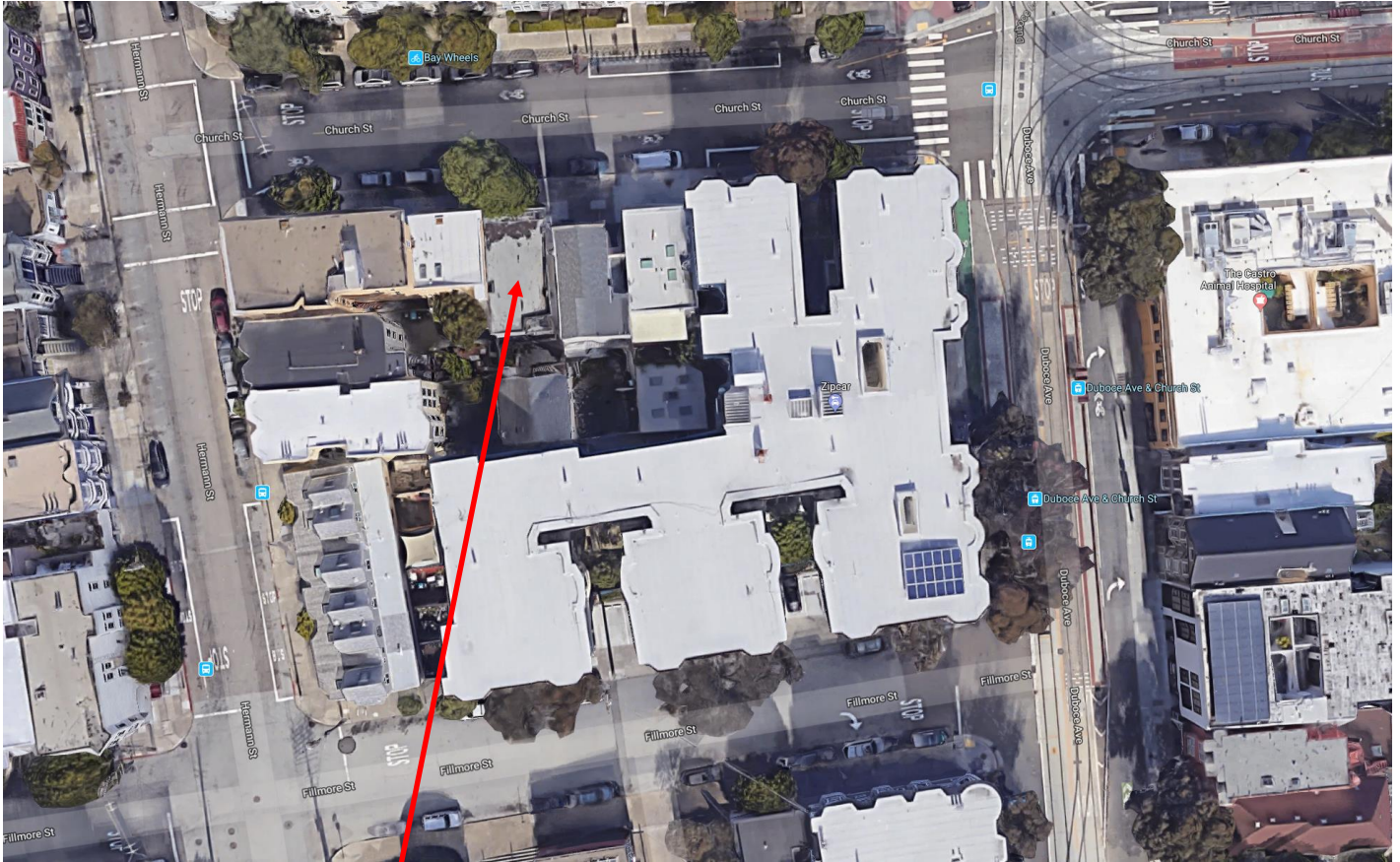


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

Conditional Use Hearing
Case Number 2017-000263CUA
20 – 22 Church Street



Aerial Photo

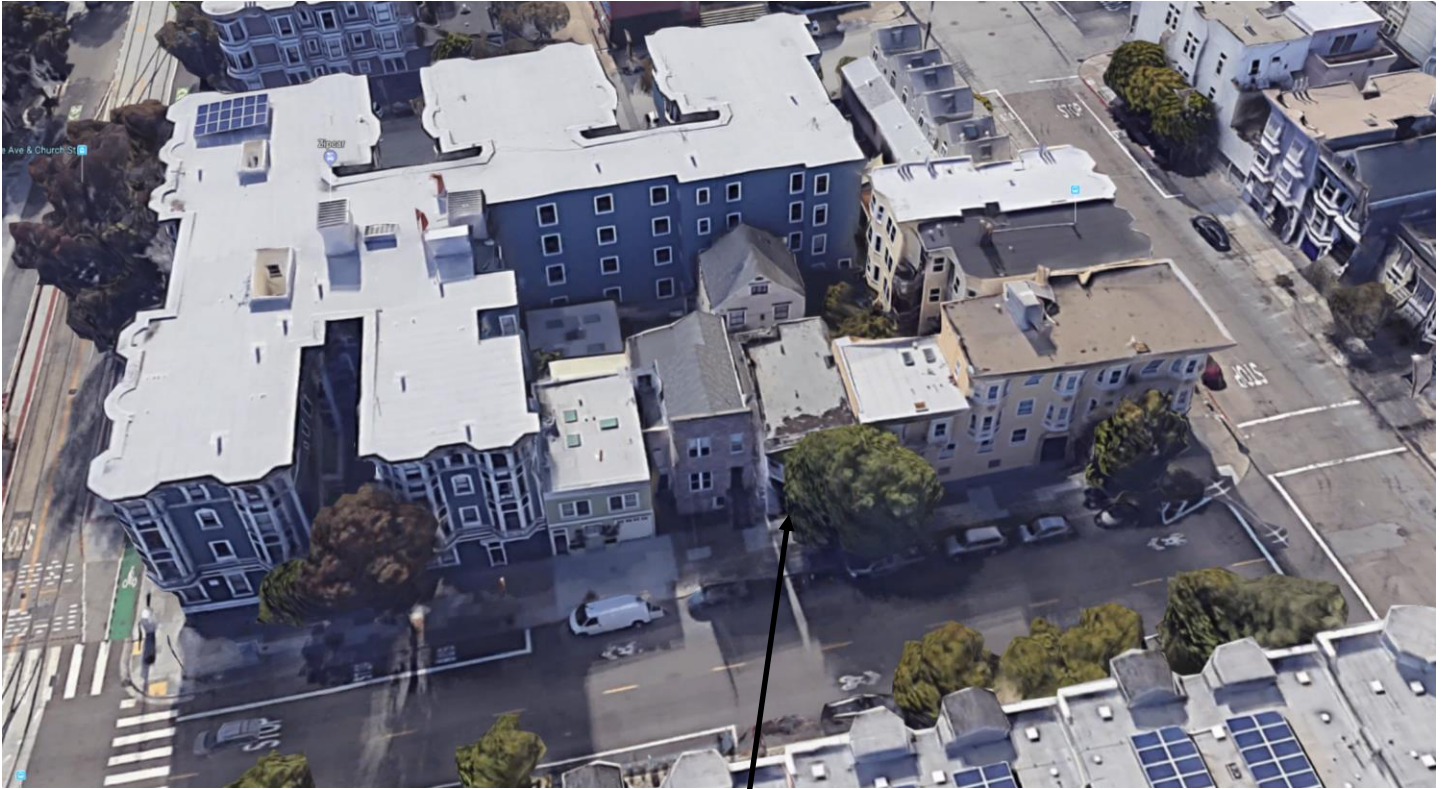


SUBJECT PROPERTY

Conditional Use Hearing
Case Number 2017-000263CUA
20 – 22 Church Street

Site Photo

AERIAL PHOTO



SUBJECT PROPERTY



AERIAL PHOTO



SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2017-000263CUA
 20 – 22 Church Street

Site Photo



SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2017-000263CUA
20 – 22 Church Street

Site Photo



Conditional Use Hearing
Case Number 2017-000263CUA
20 – 22 Church Street

Site Photo

PORTION OF SUBJECT BLOCK



SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2017-000263CUA
20 – 22 Church Street

Site Photo

PORTION OF OPPOSITE BLOCK



Conditional Use Hearing
Case Number 2017-000263CUA
20 – 22 Church Street

Exhibit F - Project Sponsor Brief

APPLICATION FOR Conditional Use Authorization

1. Owner/Applicant Information

PROPERTY OWNER'S NAME:	
Patrick and Ciaran Harty	
PROPERTY OWNER'S ADDRESS:	TELEPHONE:
1254 41st Avenue	(415) 531-6498
San Francisco, CA 94122	EMAIL:
	hartyprop@yahoo.com

APPLICANT'S NAME:	
John Kevlin;Reuben, Junius & Rose, LLP	Same as Above <input type="checkbox"/>
APPLICANT'S ADDRESS:	TELEPHONE:
One Bush Street, Suite 600	(415) 567-9000
San Francisco, CA 94104	EMAIL:
	jkevin@reubenlaw.com

CONTACT FOR PROJECT INFORMATION:	
Same as Above <input checked="" type="checkbox"/>	
ADDRESS:	TELEPHONE:
	()
	EMAIL:

COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THE ZONING ADMINISTRATOR):	
Patrick and Ciaran Harty	Same as Above <input type="checkbox"/>
ADDRESS:	TELEPHONE:
1254 41st Avenue	(415) 531-6498
San Francisco, CA 94122	EMAIL:
	hartyprop@yahoo.com

2. Location and Classification

STREET ADDRESS OF PROJECT:	ZIP CODE:
20-22 Church Street	94114
CROSS STREETS:	
Hermann Street and Duboce Avenue	

ASSESSORS BLOCK/LOT:	LOT DIMENSIONS:	LOT AREA (SQ FT):	ZONING DISTRICT:	HEIGHT/BULK DISTRICT:
0874 / 009	79.792'x 25'	1,990 sf	RTO(Residential Transit Oriented District)	40-X

This is an application for a development permit pursuant to the Permit Streamlining Act (Section 65920 et seq of the California Government Code). Section 15101 of the CEQA Guidelines establishes a similar rule for review of application completeness. This is an application pursuant to Section 15101 of the CEQA Guidelines. The Lead Agency shall determine whether the application is complete within 30 days from receipt. If no written determination of completeness is made within this period, the application will be deemed complete on the 30th day.

3. Project Description

(Please check all that apply) <input type="checkbox"/> Change of Use <input type="checkbox"/> Change of Hours <input type="checkbox"/> New Construction <input checked="" type="checkbox"/> Alterations <input type="checkbox"/> Demolition <input type="checkbox"/> Other Please clarify:	ADDITIONS TO BUILDING: <input type="checkbox"/> Rear <input type="checkbox"/> Front <input checked="" type="checkbox"/> Height <input type="checkbox"/> Side Yard	PRESENT OR PREVIOUS USE: 2-story residential building in front; 2-story residential building in rear	
	PROPOSED USE: 3-story residential property with basement unit in front; no change to rear building		
	BUILDING APPLICATION PERMIT NO.: 201612306298		DATE FILED: 12/30/2016

4. Project Summary Table

If you are not sure of the eventual size of the project, provide the maximum estimates.

	EXISTING USES:	EXISTING USES TO BE RETAINED:	NET NEW CONSTRUCTION AND/OR ADDITION:	PROJECT TOTALS:
PROJECT FEATURES				
Dwelling Units	Front building 2 Rear building 2	Front building 2 Rear building 2	Front building 2	Front building 4 Rear building 2
Hotel Rooms	0	0	0	0
Parking Spaces	0	0	0	0
Loading Spaces	0	0	0	0
Number of Buildings	2	2	0	2
Height of Building(s)	28' 7"(front)	28' 7" (front)	6' 4"(front)	34' 11"(front)
Number of Stories	2 above grade (front) 1 below grade	2 above grade (front) 1 below grade	1 above grade(front)	3 above grade (front) 1 below grade
Bicycle Spaces	0	0	0	0
GROSS SQUARE FOOTAGE (GSF)				
Residential	1636 (front)	1636 (front)	1607 (front)	3243 (front)
Retail	0	0	0	0
Office	0	0	0	0
Industrial/PDR <i>Production, Distribution, & Repair</i>	0	0	0	0
Parking	0	0	0	0
Other (Specify Use)	0	0	0	0
TOTAL GSF	1636 (front)	1636 (front)	1607 (front)	3243 (front)

Please describe any additional project features that are not included in this table:

(Attach a separate sheet if more space is needed)

See Attachment.

5. Action(s) Requested (Include Planning Code Section which authorizes action)

Conditional Use Authorization for density exceeding one dwelling unit per 600 square feet of lot area, pursuant to Sections 207 and 209.4.

Conditional Use Findings

Pursuant to Planning Code Section 303(c), before approving a conditional use authorization, the Planning Commission needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding.

1. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community; and
2. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
 - (a) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
 - (b) 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;
 - (c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
 - (d) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and
3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the Master Plan.
See Attachment.

Priority General Plan Policies Findings

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed projects and demolitions are consistent with eight priority policies set forth in Section 101.1 of the City Planning Code. These eight policies are listed below. Please state how the project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. IF A GIVEN POLICY DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

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

See Attachment.

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

See Attachment.

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

See Attachment.

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

See Attachment.

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

See Attachment.

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

See Attachment.

7. That landmarks and historic buildings be preserved; and

See Attachment.

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

See Attachment.

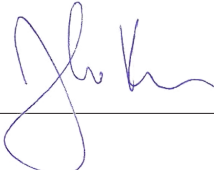
Estimated Construction Costs

TYPE OF APPLICATION:	
Conditional Use	
OCCUPANCY CLASSIFICATION:	
R-2	
BUILDING TYPE:	
V-B	
TOTAL GROSS SQUARE FEET OF CONSTRUCTION:	BY PROPOSED USES:
1,607 square feet	Residential
ESTIMATED CONSTRUCTION COST:	
\$400,000.00	
ESTIMATE PREPARED BY:	
Property Owner	
FEE ESTABLISHED:	
\$4,381.00	

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Signature:  _____

Date: January 8, 2017

Print name, and indicate whether owner, or authorized agent:

John Kevlin, Reuben, Junius & Rose, LLP

Owner / Authorized Agent (circle one)

Application Submittal Checklist

Applications listed below submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and **signed by the applicant or authorized agent and a department staff person.**

APPLICATION MATERIALS	CHECKLIST
Application, with all blanks completed	<input checked="" type="checkbox"/>
300-foot radius map, if applicable	<input type="checkbox"/>
Address labels (original), if applicable	<input type="checkbox"/>
Address labels (copy of the above), if applicable	<input type="checkbox"/>
Site Plan	<input checked="" type="checkbox"/>
Floor Plan	<input checked="" type="checkbox"/>
Elevations	<input checked="" type="checkbox"/>
Section 303 Requirements	<input checked="" type="checkbox"/>
Prop. M Findings	<input checked="" type="checkbox"/>
Historic photographs (if possible), and current photographs	<input checked="" type="checkbox"/>
Check payable to Planning Dept.	<input checked="" type="checkbox"/>
Original Application signed by owner or agent	<input checked="" type="checkbox"/>
Letter of authorization for agent	<input checked="" type="checkbox"/>
Other: Section Plan, Detail drawings (ie. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (ie. windows, doors)	<input type="checkbox"/>

NOTES:

- ☐ Required Material. Write "N/A" if you believe the item is not applicable, (e.g. letter of authorization is not required if application is signed by property owner.)
- ☒ Typically would not apply. Nevertheless, in a specific case, staff may require the item.
- ☐ Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

After your case is assigned to a planner, you will be contacted and asked to provide an electronic version of this application including associated photos and drawings.

Some applications will require additional materials not listed above. The above checklist does not include material needed for Planning review of a building permit. The "Application Packet" for Building Permit Applications lists those materials.

No application will be accepted by the Department unless the appropriate column on this form is completed. Receipt of this checklist, the accompanying application, and required materials by the Department serves to open a Planning file for the proposed project. After the file is established it will be assigned to a planner. At that time, the planner assigned will review the application to determine whether it is complete or whether additional information is required in order for the Department to make a decision on the proposal.

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

**ATTACHMENT TO CU APPLICATION
20-22 Church Street**

PROJECT DESCRIPTION AND CONDITIONAL USE REQUEST.

Lot 009 in Assessor's Book 0874 (the "the Property") is approximately 1,990 square feet in area. The Property is located on the west side of Church Street between Hermann Street and Duboce Avenue. The Property is currently developed with a 2-story above a basement, 4-unit residential building on Church Street. The existing 4 units are comprised of 2 units in a front building and 2 units in a rear building. The Property is located within the RTO Zoning District, the Market and Octavia Area Plan, and a 40-X Height and Bulk District. The Property is a rectangle through lot 79.792 feet deep with 25-foot frontage on Church Street.

The proposed project (the "Project") will only impact the front building. It proposes a vertical addition of a third story, a creation of a unit on the third story, and excavation of roughly 3 feet by 9 inches to create a new unit in the existing basement. This Project requires Conditional Use Authorization to exceed the dwelling unit density limits for the Residential Transit Oriented ("RTO") Zoning District set forth in Planning Code Sections 207 and 209.4 of the Planning Code.

A. SECTION 303 CONDITIONAL USE FINDINGS.

Under Planning Code Section 303(c), the Planning Commission shall approve the application and authorize a Conditional Use if the facts presented establish the following:

- 1. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.**

The RTO Zoning District is intended to recognize, protect, conserve, and enhance areas characterized by a mixture of houses and apartment buildings, covering a range of densities and building forms. Specifically, the nearby area features primarily residential buildings of two to four stories in height. Accordingly, the Project is consistent with and respects the varied neighborhood character by enhancing an existing residential Property.

Moreover, the Project is necessary and desirable because it will maintain a sought-after residential use within a zoning district intended to preserve such uses. Specifically, the Project will create 2 new units at a time of high housing demand. This addition will provide an enhanced residential Property in an area where housing is strongly encouraged by City Planning and Zoning policies.

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

- (a) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of the structure.**

**ATTACHMENT TO CU APPLICATION
20-22 Church Street**

The Project's size and shape is in conformity with neighboring properties. As noted, the surrounding properties within this specific neighborhood of the RTO Zoning District primarily consist of residential buildings two to four stories in height. Particularly, the Property is adjacent to a four-story building. Moreover, the entire opposite block face is three stories. These existing surrounding buildings' size and shape are not detrimental to the persons in the neighborhood; rather, they are encouraged as they meet the specified purposes of the RTO Zoning District. Accordingly, the similar properties – both the Project as well as the existing neighboring properties – are also not detrimental to residents. Furthermore, the Project is consistent with the neighborhood. It adds 2 new rent-controlled units. For these reasons, the Project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the neighborhood.

(b) 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 Property is well-served by public transit. The 6, 7, 22, and 37 Muni bus lines are all within a couple blocks of the Property. The Market St. and Dolores St., Market St. and Church St., Church St. and 14th Street, and Metro Church Stations are all only a few blocks from the Property. These stations include the J, F, N, K, L, and M Muni Metro rail stations. Additionally, there is public off-street parking nearby with 34 parking spaces available daily. Moreover, the Project's limited increase in residential use will minimally affect any demand for off-street parking. Accordingly, the Project will not have a detrimental effect on accessibility and traffic patterns.

(c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor.

The Project only proposes residential additions to an existing residential use. It does not produce more emissions than the existing use.

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

Existing landscaping, screening, open space, lighting, and signage treatments are to remain as they are. Thus, the Project will not have any detrimental impacts on the neighborhood here.

**ATTACHMENT TO CU APPLICATION
20-22 Church Street**

3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.

Planning Code Section 303(c)(3) requires that facts be established that demonstrate “that such use or feature as proposed will comply with the applicable provisions of this code and will not adversely affect the master plan.” The Project will affirmatively promote, is consistent with, and will not adversely affect the General Plan, specifically the Housing Element, Commerce and Industry Element, as well as the Market and Octavia Area Plan as follows:

Housing Element;

- | | |
|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| OBJECTIVE 1 | IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY’S HOUSING NEEDS, ESPECIALLY PERMANENT AFFORDABLE HOUSING. |
|
 | |
| OBJECTIVE 4 | FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES. |
|
 | |
| POLICY 4.1 | Develop new housing, and encourage the remodeling of existing housing, for families with children. |
|
 | |
| OBJECTIVE 11 | SUPPORT AND RESPECT 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 neighborhood character. |
|
 | |
| POLICY 11.3 | Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character. |

The RTO Zoning District is intended to recognize, protect, conserve, and enhance areas characterized by a mixture of houses and apartment buildings, covering a range of densities and building forms. The Project is consistent with this stated purpose of the RTO Zoning District because it proposes no removal or detrimental renovation of the existing residential building; instead, the Project will enhance the area by promoting continued residential use with the unit count increasing by 2. Moreover, the Project aligns directly General Plan by not only remodeling existing housing, but also doing so while maintaining the current well-designed housing.

Commerce and Industry Element;

**ATTACHMENT TO CU APPLICATION
20-22 Church Street**

OBJECTIVE 11 **ESTABLISH PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.**

Policy 11.3: **Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well as mitigate traffic problems.**

The Property is well-served by public transit, and residents will be encouraged to utilize such convenient public transit opportunities. Specifically, the 6, 7, 22, and 37 Muni bus lines are all within a couple blocks of the Property. Additionally, the Market St. and Dolores St., Market St. and Church St., Church St. and 14th Street, and Metro Church Stations are all only a few blocks from the Property. These stations include the J, F, N, K, L, and M Muni Metro rail stations. Accordingly, the Project will encourage productive public transit as the primary mode of transportation in San Francisco.

Market and Octavia Area Plan;

OBJECTIVE 1.1 **CREATE A LAND USE PLAN THAT EMBRACES THE MARKET AND OCTAVIA NEIGHBORHOOD'S POTENTIAL AS A MIXED-USE URBAN NEIGHBORHOOD.**

Policy 1.1.2: **Concentrate more intense uses and activities in those areas best served by transit and most accessible on foot.**

OBJECTIVE 1.2 **ENCOURAGE URBAN FORM THAT REINFORCES THE PLAN AREA'S UNIQUE PLACE IN THE CITY'S LARGER URBAN FORM AND STRENGTHENS ITS PHYSICAL FABRIC AND CHARACTER.**

Policy 1.2.2: **Maximize housing opportunities and encourage high-quality commercial spaces on the ground floor.**

The Project meets these goals by embracing the mixed-use urban neighborhood. Specifically, the Project utilizes and then enhances the Property's existing residential use within the Market and Octavia Area Plan. Moreover, while the Project capitalizes on the current residential use by making minimal enhancements, it will also maintain the neighborhood's physical fabric and unique character. Lastly, the Project maximizes housing opportunities for residents by adding two new units to the Property.

B. PRIORITY GENERAL PLAN FINDINGS.

ATTACHMENT TO CU APPLICATION
20-22 Church Street

Planning Code Section establishes the following eight priority planning policies and requires review of permits for consistency with said policies. The project is consistent with each of these policies as follows:

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

The Project site does not contain any neighborhood-serving retail uses and thus none are replaced. The Project is proposing residential uses consistent with the RTO zoning, and will have no impact on this policy.

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

With the continued residential use, the Project will maintain the City's housing supply and will contribute to neighborhood character with its high-quality design. The Project's massing and height is consistent with the neighborhood.

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

The Project will have no effect on the City's affordable housing. Thus, the City's existing efforts towards affordable housing will be preserved.

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

The Project proposes a limited increase in dwelling units, and thus will not create significant traffic that would overburden nearby streets.

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

The Project is not proposing commercial office development and, accordingly, will not displace any industrial or service uses. As such, future opportunities for resident employment and ownership in the industrial and service sectors will not be affected.

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

The Project will conform to the requirements of the San Francisco Building Code, and thus will protect against injury and loss of life in an earthquake.

7. That landmarks and buildings and historic buildings be preserved.

The Project is not located in a landmark or historic building, or in a Conservation District or Historic District. The Project will not have effect on any historic resource.

**ATTACHMENT TO CU APPLICATION
20-22 Church Street**

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

The Project will have no impact on this policy, or the parks and open space – including their access to sunlight and vistas.

C. CONDITIONAL USE AUTHORIZATION REQUESTED – SECTIONS 209.4 AND 207.

The Project is located in the RTO Zoning District. The permitted density of dwelling units in this zoning district is one dwelling per 600 square feet, pursuant to Planning Code Section 209.4. The existing Property has 2 units in a front building and 2 units in a rear building, which is 1 unit above the principally permitted density. The Property is approximately 1,990 square feet, which means 3 dwelling units are principally permitted. However, per Planning Code Section 209.4, a property in the RTO Zoning District may be developed with residential density over this limit with Conditional Use Authorization. Accordingly, the Project seeks to increase the number of dwelling units in the front building to 4. Because of this 2 unit increase, Conditional Use Authorization is required for the lot to maintain compliance with the dwelling unit density limits of Planning Code Sections 207 and 209.4.



PROJECT APPLICATION (PRJ)

GENERAL INFORMATION

Property Information

Project Address: 20-22 Church Street

Block/Lot(s): 0874/009

Property Owner's Information

Name: Patrick and Ciaran Harty

Address: 1254 41st Avenue
San Francisco, CA 94122

Email Address: hartypop@yahoo.com

Telephone: 415.531.6498

Applicant Information

☐ Same as above

Name: Patrick and Ciaran Harty c/o John Kevlin

Company/Organization: Reuben, Junius & Rose, LLP

Address: One Bush Street, Suite 600
San Francisco, CA 94104

Email Address: jkevin@reubenlaw.com

Telephone: 415.567.9000

Please Select Billing Contact:

☐ Owner

☒ Applicant

☐ Other (see below for details)

Name: _____ Email: _____ Phone: _____

Please Select Primary Project Contact:

☐ Owner

☒ Applicant

☐ Billing

RELATED APPLICATIONS

Related Building Permit Applications

☐ N/A

Building Permit Applications No(s): 201612306298

Related Preliminary Project Assessments (PPA)

☒ N/A

PPA Application No(s):

PPA Letter Date:

PROJECT INFORMATION

Project Description:

Please provide a narrative project description that summarizes the project and its purpose. Please list any special authorizations or changes to the Planning Code or Zoning Maps if applicable.

See Attachment "A"

Project Details:

- ☐ Change of Use ☐ New Construction ☐ Demolition ☒ Facade Alterations ☐ ROW Improvements
☒ Additions ☐ Legislative/Zoning Changes ☐ Lot Line Adjustment-Subdivision ☐ Other _____

- Residential:** ☐ Senior Housing ☐ 100% Affordable ☐ Student Housing ☐ Dwelling Unit Legalization
 ☐ Inclusionary Housing Required ☐ State Density Bonus ☐ Accessory Dwelling Unit

Indicate whether the project proposes rental or ownership units: ☐ Rental Units ☐ Ownership Units ☒ Don't Know

- Non-Residential:** ☐ Formula Retail ☐ Medical Cannabis Dispensary ☐ Tobacco Paraphernalia Establishment
 ☐ Financial Service ☐ Massage Establishment ☐ Other: _____

Estimated Construction Cost: \$400,000.00

PROJECT AND LAND USE TABLES


	Existing	Proposed	
General Land Use	Parking GSF	0	0
	Residential GSF	1,636 (front building)	3,243 (front building)
	Retail/Commercial GSF	0	0
	Office GSF	0	0
	Industrial-PDR	0	0
	Medical GSF	0	0
	Visitor GSF	0	0
	CIE (Cultural, Institutional, Educational)	0	0
	Useable Open Space GSF	Approx. 445	Approx. 540
	Public Open Space GSF	0	0
Project Features	Dwelling Units - Affordable	0	0
	Dwelling Units - Market Rate	2 (front building)	4 (front building)
	Dwelling Units - Total	2 (front building)	4 (front building)
	Hotel Rooms	0	0
	Number of Building(s)	2	2
	Number of Stories	2 (front building)	3 over basement
	Parking Spaces	0	0
	Loading Spaces	0	0
	Bicycle Spaces	0	0
	Car Share Spaces	0	0
	Other: _____		
Land Use - Residential	Studio Units	0	0
	One Bedroom Units	0	0
	Two Bedroom Units	2 (front building); 2 (rear building)	4 (front building); 2 (rear building)
	Three Bedroom (or +) Units	0	0
	Group Housing - Rooms	0	0
	Group Housing - Beds	0	0
	SRO Units	0	0
	Micro Units	0	0
	Accessory Dwelling Units For ADUs, list all ADUs and include unit type (e.g. studio, 1 bedroom, 2 bedroom, etc.) and the square footage area for each unit.		

ENVIRONMENTAL EVALUATION SCREENING FORM





This form will determine if further environmental review is required.

If you are submitting a Building Permit Application only, please respond to the below questions to the best of your knowledge. You do not need to submit any additional materials at this time, and an environmental planner will contact you with further instructions.

If you are submitting an application for entitlement, please submit the required supplemental applications, technical studies, or other information indicated below along with this Project Application.

Environmental Topic	Information	Applicable to Proposed Project?	Notes/Requirements
1a. General	Estimated construction duration (months):	N/A	
1b. General	Does the project involve replacement or repair of a building foundation? If yes, please provide the foundation design type (e.g., mat foundation, spread footings, drilled piers, etc)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Mat Slab
2. Transportation	Does the project involve a child care facility or school with 30 or more students, or a location 1,500 square feet or greater?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, submit an Environmental Supplemental- School and Child Care Drop-Off & Pick-Up Management Plan .
3. Shadow	Would the project result in any construction over 40 feet in height?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, an initial review by a shadow expert, including a recommendation as to whether a shadow analysis is needed, may be required, as determined by Planning staff. (If the project already underwent Preliminary Project Assessment, refer to the shadow discussion in the PPA letter.) An additional fee for a shadow review may be required.
4. Biological Resources	Does the project include the removal or addition of trees on, over, or adjacent to the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes: Number of existing trees on, over, or adjacent to the project site: Number of existing trees on, over, or adjacent to the project site that would be removed by the project: Number of trees on, over, or adjacent to the project site that would be added by the project:
5a. Historic Preservation 	Would the project involve changes to the front façade or an addition visible from the public right-of-way of a structure built 45 or more years ago or located in a historic district?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If yes, submit a complete Historic Resource Determination Supplemental Application. Include all materials required in the application, including a complete record (with copies) of all building permits.
5b. Historic Preservation	Would the project involve demolition of a structure constructed 45 or more years ago, or a structure located within a historic district?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, a historic resource evaluation (HRE) report will be required. The scope of the HRE will be determined in consultation with CPC-HRE@sfgov.org .

 Please see the [Property Information Map](#) or speak with Planning Information Center (PIC) staff to determine if this applies.

Environmental Topic	Information	Applicable to Proposed Project?	Notes/Requirements
6. Archeology 	Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeologically sensitive area or eight (8) feet below grade in a non-archeologically sensitive area?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If Yes, provide depth of excavation/disturbance below grade (in feet*): <i>*Note this includes foundation work</i>
7. Geology and Soils 	Is the project located within a Landslide Hazard Zone, Liquefaction Zone or on a lot with an average slope of 20% or greater? ----- Area of excavation/disturbance (in square feet): ~786 sf ----- Amount of excavation (in cubic yards): ~138 cy -----	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	A geotechnical report prepared by a qualified professional must be submitted if one of the following thresholds apply to the project: <ul style="list-style-type: none"> ● The project involves: <ul style="list-style-type: none"> ○ excavation of 50 or more cubic yards of soil, or ○ building expansion greater than 1,000 square feet outside of the existing building footprint. ● The project involves a lot split located on a slope equal to or greater than 20 percent. <u>A geotechnical report may also be required for other circumstances as determined by Environmental Planning staff.</u>
8. Air Quality 	Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an Air Pollutant Exposure Zone?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, the property owner must submit copy of initial filed application with department of public health. More information is found here .
9a. Hazardous Materials	Would the project involve work on a site with an existing or former gas station, parking lot, auto repair, dry cleaners, or heavy manufacturing use, or a site with underground storage tanks?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, submit a Phase I Environmental Site Assessment prepared by a qualified consultant.
9b. Hazardous Materials 	Is the project site located within the Maher area and would it involve ground disturbance of at least 50 cubic yards or a change of use from an industrial use to a residential or institutional use?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, submit a copy of the Maher Application Form to the Department of Public Health. Also submit a receipt of Maher enrollment with the Project Application. For more information about the Maher program and enrollment, refer to the Department of Public Health's Environmental Health Division . <u>Maher enrollment may also be required for other circumstances as determined by Environmental Planning staff.</u>

PRIORITY GENERAL PLAN POLICIES FINDINGS

Please state how the project is consistent or inconsistent with each policy, or state that the policy is not applicable:

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

See Attachment "A"

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

See Attachment "A"

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

See Attachment "A"

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

See Attachment "A"

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

See Attachment "A"

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

See Attachment "A"

7. That landmarks and historic buildings be preserved; and

See Attachment "A"

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

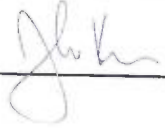
See Attachment "A"

APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

- a) The undersigned is the owner or authorized agent of the owner of this property.
- b) The information presented is true and correct to the best of my knowledge.
- c) Other information or applications may be required.
- d) I hereby authorize City and County of San Francisco Planning staff to conduct a site visit of this property as part of the City's review of this application, making all portions of the interior and exterior accessible through completion of construction and in response to the monitoring of any condition of approval.

Signature



John Kevlin

Name (Printed)

Authorized Agent

415.567.9000

jkevin@reubenlaw.com

Relationship to Project
(i.e. Owner, Architect, etc.)

Phone

Email

The above consent is provided under protest. As drafted, this consent is overly broad and unnecessarily burdens the applicants constitutional rights. (See *United States v. Scott* (9th Cir. 2006) 450 F.3d 863, 866-67; see also *Parrish v. Civil Service Comm'n* (1967) 66 Cal.2d 260, 272.) Accordingly, this consent is provided only to the extent allowed under existing law, and only where such visits relate to the permits sought through this application and during the period prior to the expiration of such permits.

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

20-22 CHURCH STREET
AUTHORIZATION LETTER

Ciaran and Patrick Harty
1254 41st Avenue
San Francisco, CA 94122

December 21, 2017

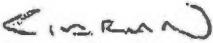
San Francisco Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Re: Property Address: 20-22 Church Street
Block/Lot: 0874 / 009
Owner: Ciaran and Patrick Harty
Subject: Project Applications and Processing

Dear Sir/Madam:

Ciaran and Patrick Harty are the owner ("Owner") of the above-referenced property. Owner hereby authorizes the law firm of Reuben, Junius & Rose, LLP and its constituent attorneys, to take all necessary action, including but not limited to the signing of documents, in furtherance of the processing of any and all required environmental review and land use entitlement applications for the above- referenced property. Please call if you have any questions.

Very truly yours,


Ciaran Harty



San Francisco Planning

VARIANCE FROM THE PLANNING CODE

SUPPLEMENTAL APPLICATION

Property Information

Project Address: 20-22 Church Street

Block/Lot(s): 0874/009

Variance Findings

Pursuant to Planning Code Section 305(c), before approving a variance application, the Zoning Administrator needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding.

1. That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district;

See Attachment "B"

2. That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;

See Attachment "B"

3. That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district;

See Attachment "B"

4. That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity;

See Attachment "B"

5. That the granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

See Attachment "B"

APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

- a) The undersigned is the owner or authorized agent of the owner of this property.
- b) The information presented is true and correct to the best of my knowledge.
- c) Other information or applications may be required.


Signature

John Kevlin
Name (Printed)

Authorized Agent
Relationship to Project
(i.e. Owner, Architect, etc.)

415.567.9000
Phone

jkevin@reubenlaw.com
Email

APPLICANT'S SITE VISIT CONSENT FORM

I herby authorize City and County of San Francisco Planning staff to conduct a site visit of this property, making all portions of the interior and exterior accessible.


Signature

John Kevlin
Name (Printed)

09/20/2018
Date

The above consent is provided under protest. As drafted, this consent is overly broad and unnecessarily burdens the applicants constitutional rights. (See *United States v. Scott* (9th Cir. 2006) 450 F.3d 863, 866-67; see also *Parrish v. Civil Service Comm'n* (1967) 66 Cal.2d 260, 272.) Accordingly, this consent is provided only to the extent allowed under existing law, and only where such visits relate to the permits sought through this application and during the period prior to the expiration of such permits.

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

**20-22 CHURCH STREET
PROJECT APPLICATION ATTACHMENT "A"**

20-22 CHURCH STREET
ATTACHMENT “A” – PROJECT APPLICATION

A. PROPERTY DESCRIPTION

Lot 009 in Assessor’s Bock 0874, more commonly known as 20-22 Church Street (the “**Property**”) is approximately 1,990 square feet in area. The Property is located on the west side of Church Street between Hermann Street and Duboce Avenue. The Property is currently developed with two buildings: (1) a 2-story building at the rear of the Property consisting of 2 dwelling units (no changes proposed) (“**Rear Building**”); and (2) a 2-story above a basement, 2-unit residential building fronting on Church Street (“**Front Building**”). The Property is located within the Residential Transit Oriented (“**RTO**”) Zoning District, the Market and Octavia Area Plan, and 40-X Height and Bulk District. The Property is a rectangular lot approximately 80-feet deep with 25-foot frontage on Church Street and approximately 1,990 square feet in size.

Project sponsors Patrick and Ciaran Harty (collectively, the “**Project Sponsor**”) propose altering the Front Building by adding a vertical addition of a third story to the existing structure, a creation of a dwelling unit on the third story, and excavation of roughly 3” 9’ to create a new dwelling unit in the existing basement, resulting in the Front Building changing from a two-unit building (with one 2-bedroom unit and one 1-bedroom unit) to a four-unit building (with four 2-bedroom units) with a new height of 34” 11’ (the “**Project**”).

B. VARIANCES REQUESTED

In order to add housing stock to the City of San Francisco’s already tight market, maintain economic feasibility of the Project, and allow the owner of the Property the rights enjoyed by other nearby properties, three variances are requested. The Project requires a variance from: (1) rear yard requirements pursuant to Planning Code Section 134; (2) open space requirements pursuant to Planning Code Section 135; and (3) dwelling unit exposure requirements of Planning Code Section 140.

1. Rear Yard Modification (Section 134)

Pursuant to Planning Code Section 134(a)(2), properties in the RTO Zoning District must provide a rear yard equal to 45% of the depth of the lot. The 45% requirement may be reduced based on the average between the rear yards of the adjacent properties, as long as not reduced to less than 25% the depth of the lot or 15 feet, whichever is greater. (Planning Code, Section 134(c).)

The Property is a rectangular lot that is approximately 80-feet deep with 25-foot frontage on Church Street. The Rear Building occupies the rear 28 feet of the lot and therefore occupies the rear yard that the Planning Code requires to serve the two proposed units in the Front Building. Therefore, a variance from the rear yard requirement of Planning Code Section 134 is requested.

2. Open Space (Section 135)

Within RTO districts, Planning Code Section 135 requires a minimum of 100 square feet of private open space per unit or 133.33 square feet of common open space per unit. Common

20-22 CHURCH STREET
ATTACHMENT "A" – PROJECT APPLICATION

open space must measure at least 15 feet in every horizontal direction and have at least 300 square feet in area. An inner court may be credited as common usable open space, provided it is not less than 20 feet in every horizontal direction and has at least 400 square feet in area.

Open space is provided between the two existing buildings but does not provide the minimum required open space and is not at least 20 feet in each direction and 400 square feet in area. Therefore, a variance from the open space requirement of Planning Code Section 135 is requested.

C. GENERAL PLAN PRIORITY POLICY FINDINGS

Section 101.1 of the Code establishes the following eight priority planning policies and requires review of permits for consistency with these policies. The issuance of a variance for the Project will affirmatively promote, is consistent with, and will not adversely affect the General Plan as follows:

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

The Property does not contain any neighborhood-serving retail uses, but is located near many such uses in the Duboce Triangle and Lower Haight neighborhoods in the Western Addition. Because the Property does not contain any neighborhood-serving retail uses there is no concern that a variance would displace any such uses. Construction of additional units would enhance the potential for resident employment and/or ownership of neighborhood-serving retail uses as it would provide housing near such uses that would be available to employees and/or owners of such businesses. It would also enhance the viability of neighborhood-serving retail uses because the future resident(s) would enhance their client base.

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

The variance would allow for new residential units. The unit count in the existing building will increased by two. No existing housing would be affected, and the new units would contribute to housing and neighborhood character.

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

The variance would not impact any subsidized low-income housing. The variance would allow for a new dwelling units. No existing dwelling units would be displaced, and the new units would contribute to housing and neighborhood character. It will have an incremental downward impact on housing costs by providing an additional units to meet existing demand.

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

To the extent the additional unit generated any additional traffic it would be virtually imperceptible. Most residents would be expected to access the Project site by foot or public transportation in an area well served by public transportation. There would not be a sufficient increase in transit use such that it would detrimentally impact MUNI service because there are many Muni bus and light rail transit options, including being serviced by 6 bus lines less than a quarter mile away and all seven Muni light rail lines – F, J, K, L, M, N, and T – are approximately a quarter mile away at the Church Street Muni light rail station. In addition, the

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

The proposed Project would not displace any industrial or service sectors due to commercial office development, as the Project site does not include any industrial or service uses and the proposed additions would be residential. Nearby industrial and service sectors will be enhanced by the increased demand that will result from additional residential tenants. Further, the addition of residential units will enhance opportunities for the residents of those units to work in or own industrial or service businesses nearby.

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

The Project will conform to the requirements of the San Francisco Building Code, and thus protect against injury or loss of life in an earthquake.

- 7. That landmarks and historic buildings be preserved; and**

The existing structure has a Historic Resource Status of C – No Historic Resource Present / Not Age Eligible. Accordingly, no historic resources will be impacted by the Project.

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

The Project will not exceed 40 feet in height and it is not expected to cast any shadow on any public parks or open spaces. Thus, the Project is not expected to have any impacts on this policy.

D. PERMIT STREAMLINING ACT

This is an application for a development permit pursuant to the Permit Streamlining Act (Section 65920 *et seq.* of the California Government Code). Section 15101 of the California Environmental Quality Act (“CEQA”) Guidelines establishes a similar rule for review of

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application completeness. This is an application pursuant to Section 15101 of the CEQA Guidelines. The Lead Agency shall determine whether the application is complete within thirty (30) days from receipt. If no written determination of completeness is made within this period, the application will be deemed complete on the thirtieth (30th) day.

20-22 CHURCH STREET
ATTACHMENT "B" – SUPPLEMENTAL VARIANCE APPLICATION

A. PROPERTY DESCRIPTION

Lot 009 in Assessor's Book 0874, more commonly known as 20-22 Church Street (the "**Property**") is approximately 1,990 square feet in area. The Property is located on the west side of Church Street between Hermann Street and Duboce Avenue. The Property is currently developed with two buildings: (1) a 2-story building at the rear of the Property consisting of 2 dwelling units (no changes proposed) ("**Rear Building**"); and (2) a 2-story above a basement, 2-unit residential building fronting on Church Street ("**Front Building**"). The Property is located within the Residential Transit Oriented ("**RTO**") Zoning District, the Market and Octavia Area Plan, and 40-X Height and Bulk District. The Property is a rectangular lot approximately 80-feet deep with 25-foot frontage on Church Street and approximately 1,990 square feet in size.

Project sponsors Patrick and Ciaran Harty (collectively, the "**Project Sponsor**") propose altering the Front Building by adding a vertical addition of a third story to the existing structure, a creation of a dwelling unit on the third story, and excavation of roughly 3" 9' to create a new dwelling unit in the existing basement, resulting in the Front Building changing from a two-unit building (with one 2-bedroom unit and one 1-bedroom unit) to a four-unit building (with four 2-bedroom units) with a new height of 34" 11' (the "**Project**").

B. VARIANCES REQUESTED

In order to add housing stock to the City of San Francisco's already tight market, maintain economic feasibility of the Project, and allow the owner of the Property the rights enjoyed by other nearby properties, three variances are requested. The Project requires a variance from: (1) rear yard requirements pursuant to Planning Code Section 134; (2) open space requirements pursuant to Planning Code Section 135; and (3) dwelling unit exposure requirements of Planning Code Section 140.

1. Rear Yard Modification (Section 134)

Pursuant to Planning Code Section 134(a)(2), properties in the RTO Zoning District must provide a rear yard equal to 45% of the depth of the lot. The 45% requirement may be reduced based on the average between the rear yards of the adjacent properties, as long as not reduced to less than 25% the depth of the lot or 15 feet, whichever is greater. (Planning Code, Section 134(c).)

The Property is a rectangular lot that is approximately 80-feet deep with 25-foot frontage on Church Street. The Rear Building occupies the rear 28 feet of the lot and therefore occupies the rear yard that the Planning Code requires to serve the two proposed units in the Front Building. Therefore, a variance from the rear yard requirement of Planning Code Section 134 is requested.

2. Open Space (Section 135)

Within RTO districts, Planning Code Section 135 requires a minimum of 100 square feet of private open space per unit or 133.33 square feet of common open space per unit. Common open space must measure at least 15 feet in every horizontal direction and have at least 300 square

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feet in area. An inner court may be credited as common usable open space, provided it is not less than 20 feet in every horizontal direction and has at least 400 square feet in area.

Open space is provided between the two existing buildings but does not provide the minimum required open space and is not at least 20 feet in each direction and 400 square feet in area. Therefore, a variance from the open space requirement of Planning Code Section 135 is requested.

3. Dwelling Unit Exposure (Section 140)

Planning Code Section 140 requires that at least one room in all dwelling units with superficial floor area greater than 120 square feet face onto a public street, a public alley at least 20 feet in width, a side yard at least 25 feet in width, a rear yard meeting the requirements of the Code, or an unobstructed open area at least 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor above.

Because the Property has a non-conforming rear yard and two existing non-conforming residential structures with only one, the Front Building, facing a public street, provision of Code-complying dwelling unit exposure is not achievable for each unit. Therefore, a variance from the dwelling unit exposure requirement of Planning Code Section 140 is requested.

Variance Not Needed: The four (4) proposed units in the Front Building have exposure to Church Street, a public street, and thus satisfy the dwelling unit exposure requirements of the Code.

Variance Needed: The existing two (2) units in the Rear Building would require a variance from the dwelling unit exposure requirements because the inner courtyard is not 25 feet in every direction.

C. VARIANCE FINDINGS

Pursuant to Planning Code Section 305(c), before approving a variance application, the Zoning Administrator needs to find that the facts presented are such to establish the findings stated below:

- 1. That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district.**

Rear Yard and Open Space. There are exceptional circumstances because the two (2) residential structures existing on the Property are non-complying. Providing any additional dwelling units on-site would not be possible while also meeting the rear yard and open space requirements.

Dwelling Unit Exposure. There are extraordinary circumstances because the Property is improved with two (2) structures – the Front Building and Rear Building – and a Code-compliant

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rear yard is not feasible due to the existing non-conforming structures having majority lot coverage. Although the Project fronts Church Street, due to there being a second building, the Rear Building, the Property poses uniquely challenging design parameters for the Rear Building to meet the dwelling unit exposure requirements of Section 140. There is no side yard and it is not reasonably feasible to create a Code-compliant side yard because the Property's lot is only 25 feet wide, making it impossible to have a structure on the lot with a side yard with at least 25 feet in width.

2. **That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this City Planning Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property.**

Rear Yard and Open Space. The existing buildings – Front Building and Rear Building – currently are non-conforming with respect to the Code's rear yard requirement and there is no way to provide a larger rear yard or ground floor open space area without demolishing all or portions of the existing residential structures. This would result in a loss of at least two dwelling units, undermining the goal of the project of providing additional housing. Both buildings existed long before the current owners purchased the Property. Accordingly, a larger rear yard and open space cannot be provided while maintaining the existing building envelopes on the Property.

Dwelling Unit Exposure. Strict compliance with the Code's exposure provision would eliminate the Project's benefit of adding two (2) dwelling units to San Francisco's already constrained housing market by demolishing the Rear Building and its two (2) dwelling units, since a Code-compliant rear yard is not practicable since the existing improvements – Front Building and Rear Building – have coverage of more than a majority of the lot. Moreover, with the Property's lot width being 25 feet, it is not possible to create a Code-compliant side yard at least 25 feet in width because that would occupy the entire 25-foot wide lot.

3. **That the variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.**

The block in which the Property is situated contains several large multi-parcel, multi-family structures with only four (4) single-parcel lots having a rear yard/open space. None of those four (4) lots appear to have Code-Compliant rear yards/open space that could satisfy dwelling unit exposure requirements of Section 140. The adjacent properties at 267–271 Herman Street and 273–277 Herman Street appear to have restricted rear yards that are not Code-complaint. In addition, the only other lot with two structures on the block appears to be at 32 Church Street and it appears to have near full lot coverage. Without the variances, the owner could not take advantage of the Property to its full potential use if it was currently vacant and a new building was proposed consistent with the current Planning Code.

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4. **That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.**

Granting the requested variances will not be materially detrimental to the public welfare or materially injurious to property or improvements in the vicinity. The only visible portion of the project is the increase in building height by roughly 6 feet. The building would be the same height as its northern neighbor and only a handful of feet taller than its southern neighbor. Further the new third story will be setback from the street by roughly 4 feet. As such, it will not have any significant negative impact on its neighbors.

5. **That the granting of such variance will be in harmony with the general purpose and intent of this City Planning Code and will not adversely affect the Master Plan.**

The general purposes of the Code are outlined in Planning Code Section 101, which explains that the Code was adopted to promote and protect the public health, safety, peace, morals, comfort, convenience and general welfare of the City. Several of the explicit goals of the Code support the variances requested by the applicant as described in further detail in Section D below.

D. GENERAL PLAN POLICY FINDINGS

The Project advances the following Objectives and Policies of the General Plan, as follows:

Housing:

OBJECTIVE 1: IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY’S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

Policy 1.1: Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

POLICY 1.6 Consider greater flexibility in number and size of units within established building envelopes in community based planning processes, especially if it can increase the number of affordable units in multi-family structures.

Policy 1.10: Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

The Project will create two (2) new dwelling units within the allowable building envelope adding much needed housing to an already restricted San Francisco housing market.

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OBJECTIVE 4: FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS ALL LIFECYCLES.

Policy 4.1: Develop new housing, and encourage the remodeling of existing housing, for families with children.

The Project will result in four (4) family-sized, 2-bedroom dwelling units in the Front Building. The dwelling units will be suitable for families with children providing privacy and close proximity to several primary education schools and early education schools.

OBJECTIVE 12: BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY’S GROWING POPULATION.

Policy 12.1: Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.

Policy 12.3: Ensure new housing is sustainably supported by the City’s public infrastructure systems.

The Project is located in a transit-rich location serviced by six (6) Muni bus route stops within a quarter mile and less than a quarter mile from the all Muni light-rail lines at the Church Street Station, the N Judah at Duboce Triangle Stop and the J Church at the Church and Duboce Stop. In addition, there are several schools located within a mile.

OBJECTIVE 13: PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.

Policy 13.1: Support “smart” regional growth that locates new housing close to jobs and transit.

Policy 13.3: Promote sustainable land use patterns that integrate housing with transportation in order to increase transit, pedestrian, and bicycle mode share.

The Project is located in a transit-rich location serviced by six (6) Muni bus route stops within a quarter mile and less than a quarter mile from the Muni light-rail lines at the Church Street Station, the N Judah at Duboce Triangle Stop and the J Church at the Church and Duboce Stop. In addition, there are several schools located within a mile. These policies are satisfied given the close proximity to so many transit options that provide access to both the downtown central business district and greater Bay area. The Muni transit services in proximity to the Project connect with BART and CalTrain providing greater options for commuters to transit to and from their places of work.

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Urban Design:

OBJECTIVE 1: EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OR PURPOSE, AND A MEANS OR ORIENTATION.

Policy 1.2: Recognize, protect and reinforce the existing street pattern, especially as it is related to topography.

Policy 1.3: Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

The Project does not impact any streets adjoining the Property and, as such, the established rhythm of the streets with respect to topography will not be impacted. The Project contributes to the characteristic pattern of the city and will ensure a complementary and harmonious city pattern because it will not adversely impact the street wall of Church Street.

Transportation:

OBJECTIVE 1: MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY OF LIVING ENVIRONMENT OF THE BAY AREA.

Policy 1.2: Ensure the safety and comfort of pedestrians throughout the city.

Policy 1.3: Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.

Policy 1.5: Coordinate regional and local transportation systems and provide for interline transit transfers.

Policy 1.6: Ensure choices among modes of travel and accommodate each mode and where it is most appropriate.

The Project is located in a transit-rich location serviced by six (6) Muni bus route stops within a quarter mile and less than a quarter mile from the Muni light-rail lines at the Church Street Station, the N Judah at Duboce Avenue Stop and the J Church at the Church and Duboce Stop. The transit options, including Muni light-rail and Muni bus routes, compliment other modes of mass transit including connection with BART for access to the East Bay and CalTrain for access to the South Bay. The modes of public transit in addition to the ease of walking and

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bicycling within the proximity of the Project provides broad options for meeting the transportation needs of future residents of the Project.

E. PERMIT STREAMLINING ACT

This is an application for a development permit pursuant to the Permit Streamlining Act (Section 65920 *et seq.* of the California Government Code). Section 15101 of the California Environmental Quality Act (“CEQA”) Guidelines establishes a similar rule for review of application completeness. This is an application pursuant to Section 15101 of the CEQA Guidelines. The Lead Agency shall determine whether the application is complete within thirty (30) days from receipt. If no written determination of completeness is made within this period, the application will be deemed complete on the thirtieth (30th) day.

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VARIANCE APPLICATION ATTACHMENT "B"

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ATTACHMENT "B" – SUPPLEMENTAL VARIANCE APPLICATION

A. PROPERTY DESCRIPTION

Lot 009 in Assessor's Book 0874, more commonly known as 20-22 Church Street (the "**Property**") is approximately 1,990 square feet in area. The Property is located on the west side of Church Street between Hermann Street and Duboce Avenue. The Property is currently developed with two buildings: (1) a 2-story building at the rear of the Property consisting of 2 dwelling units (no changes proposed) ("**Rear Building**"); and (2) a 2-story above a basement, 2-unit residential building fronting on Church Street ("**Front Building**"). The Property is located within the Residential Transit Oriented ("**RTO**") Zoning District, the Market and Octavia Area Plan, and 40-X Height and Bulk District. The Property is a rectangular lot approximately 80-feet deep with 25-foot frontage on Church Street and approximately 1,990 square feet in size.

Project sponsors Patrick and Ciaran Harty (collectively, the "**Project Sponsor**") propose altering the Front Building by adding a vertical addition of a third story to the existing structure, a creation of a dwelling unit on the third story, and excavation of roughly 3" 9' to create a new dwelling unit in the existing basement, resulting in the Front Building changing from a two-unit building (with one 2-bedroom unit and one 1-bedroom unit) to a four-unit building (with four 2-bedroom units) with a new height of 34' 11' (the "**Project**").

B. VARIANCES REQUESTED

In order to add housing stock to the City of San Francisco's already tight market, maintain economic feasibility of the Project, and allow the owner of the Property the rights enjoyed by other nearby properties, three variances are requested. The Project requires a variance from: (1) rear yard requirements pursuant to Planning Code Section 134; (2) open space requirements pursuant to Planning Code Section 135; and (3) dwelling unit exposure requirements of Planning Code Section 140.

1. Rear Yard Modification (Section 134)

Pursuant to Planning Code Section 134(a)(2), properties in the RTO Zoning District must provide a rear yard equal to 45% of the depth of the lot. The 45% requirement may be reduced based on the average between the rear yards of the adjacent properties, as long as not reduced to less than 25% the depth of the lot or 15 feet, whichever is greater. (Planning Code, Section 134(c).)

The Property is a rectangular lot that is approximately 80-feet deep with 25-foot frontage on Church Street. The Rear Building occupies the rear 28 feet of the lot and therefore occupies the rear yard that the Planning Code requires to serve the two proposed units in the Front Building. Therefore, a variance from the rear yard requirement of Planning Code Section 134 is requested.

2. Open Space (Section 135)

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feet in area. An inner court may be credited as common usable open space, provided it is not less than 20 feet in every horizontal direction and has at least 400 square feet in area.

Open space is provided between the two existing buildings but does not provide the minimum required open space and is not at least 20 feet in each direction and 400 square feet in area. Therefore, a variance from the open space requirement of Planning Code Section 135 is requested.

C. VARIANCE FINDINGS

Pursuant to Planning Code Section 305(c), before approving a variance application, the Zoning Administrator needs to find that the facts presented are such to establish the findings stated below:

- 1. That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district.**

Rear Yard and Open Space. There are exceptional circumstances because the two (2) residential structures existing on the Property are non-complying. Providing any additional dwelling units on-site would not be possible while also meeting the rear yard and open space requirements.

- 2. That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this City Planning Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property.**

Rear Yard and Open Space. The existing buildings – Front Building and Rear Building – currently are non-conforming with respect to the Code’s rear yard requirement and there is no way to provide a larger rear yard or ground floor open space area without demolishing all or portions of the existing residential structures. This would result in a loss of at least two dwelling units, undermining the goal of the project of providing additional housing. Both buildings existed long before the current owners purchased the Property. Accordingly, a larger rear yard and open space cannot be provided while maintaining the existing building envelopes on the Property.

- 3. That the variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.**

The block in which the Property is situated contains several large multi-parcel, multi-family structures with only four (4) single-parcel lots having a rear yard/open space. None of those four (4) lots appear to have Code-Compliant rear yards/open space that could satisfy dwelling unit exposure requirements of Section 140. The adjacent properties at 267–271 Herman Street and 273–277 Herman Street appear to have restricted rear yards that are not Code-complaint. In addition, the only other lot with two structures on the block appears to be at 32 Church Street and it appears

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to have near full lot coverage. Without the variances, the owner could not take advantage of the Property to its full potential use if it was currently vacant and a new building was proposed consistent with the current Planning Code.

4. **That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.**

Granting the requested variances will not be materially detrimental to the public welfare or materially injurious to property or improvements in the vicinity. The only visible portion of the project is the increase in building height by roughly 6 feet. The building would be the same height as its northern neighbor and only a handful of feet taller than its southern neighbor. Further the new third story will be setback from the street by roughly 4 feet. As such, it will not have any significant negative impact on its neighbors.

5. **That the granting of such variance will be in harmony with the general purpose and intent of this City Planning Code and will not adversely affect the Master Plan.**

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The Project advances the following Objectives and Policies of the General Plan, as follows:

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The Project will create two (2) new dwelling units within the allowable building envelope adding much needed housing to an already restricted San Francisco housing market.

OBJECTIVE 4: FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS ALL LIFECYCLES.

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Policy 12.1: Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.

Policy 12.3: Ensure new housing is sustainably supported by the City’s public infrastructure systems.

The Project is located in a transit-rich location serviced by six (6) Muni bus route stops within a quarter mile and less than a quarter mile from the all Muni light-rail lines at the Church Street Station, the N Judah at Duboce Triangle Stop and the J Church at the Church and Duboce Stop. In addition, there are several schools located within a mile.

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Project connect with BART and CalTrain providing greater options for commuters to transit to and from their places of work.

Urban Design:

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Policy 1.2: Recognize, protect and reinforce the existing street pattern, especially as it is related to topography.

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modes of mass transit including connection with BART for access to the East Bay and CalTrain for access to the South Bay. The modes of public transit in addition to the ease of walking and bicycling within the proximity of the Project provides broad options for meeting the transportation needs of future residents of the Project.

E. PERMIT STREAMLINING ACT

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