

Memo to the Planning Commission

HEARING DATE: FEBRUARY 22, 2018 Continued from the December 14, 2017 Hearing

Date:	February 15, 2018
Case No.:	2017-004562CUA, 2008.0410V & 2017-004562DRP
Project Address:	799 Castro Street & 3878-3880 21st Street
Zoning:	RH-2 (Residential-House, Two Family)
	40-X Height and Bulk District
Block/Lot:	3603/024
Project Sponsor:	Thomas Tunny
	1 Bush Street
	San Francisco, CA 94104
Staff Contact:	Nancy Tran – (415) 575-9174
	<u>nancy.h.tran@sfgov.org</u>
Recommendations:	Approval with Conditions (CUA)
	Do not take DR and approve as proposed (DR)

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

Reception: 415.558.6378

Fax: 415.558.6409

Planning Information: **415.558.6377**

BACKGROUND

On October 12, 2017, the Planning Commission and Zoning Administrator continued the Conditional Use Authorization and Variance joint hearing for a project proposal at 799 Castro Street & 3878-3880 21st Street. The items were continued to December 14, 2017 to include a Discretionary Review Application that was filed for a separate proposal on the same property.

On December 14, 2017, the Planning Commission and Zoning Administrator continued the joint hearing for all items to February 22, 2018. The Commission instructed the Project Sponsor to redesign the project with respect to mass reduction and rear yard expansion to improve the proposed Accessory Dwelling Unit's livability.

CURRENT PROPOSAL

The Project Sponsor submitted additional materials for Commission review (1) Updated Variance findings and (2) Revised Plans (reflecting modern and traditional façade options) following further discussion with neighbors.

Since publication of the December 14, 2017 Commission packet, the Project was further revised and the following changes have been made:

- Reduced height/scale
 - Remove top floor, height decreased from previous 39'-3" to 30'-10" (modern) / 30'9" (trad.)
 - Excavate additional depth for basement located entirely below grade to maintain four levels

- Reduced massing
 - *Front (Castro St)* Shift walls at all levels to required front setback Front setback variance no longer required
 - *Rear* Decrease building envelope at all levels, relocate garage to expand rear yard area
 Rear yard variance still required; 20' separation between buildings provided (deck above
 Bedroom #2 is considered a permitted obstruction per §136)
 - o *Side* (21st *St*) Decrease bay window size (permitted projection)
- Eliminated roof deck

REQUIRED COMMISSION ACTION

The Commission must determine whether or not to take Discretionary Review and grant Conditional Use Authorization for the proposed alteration at 799 Castro Street and approve/disapprove the proposed Accessory Dwelling Unit at 3878-3880 21st Street.

RECOMMENDATION (CUA):	Approval with Conditions
RECOMMENDATION (DR):	Do not take DR and approve as proposed

Attachments:

Updated Variance findings (submitted 2/9/18) Revised Plans and Renderings (submitted 2/12/18) Commission Packet (December 14, 2017) Updated CEQA Categorical Exemption Determination Additional Public Comment

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Revised Variance Findings (2/9/18)

Re: **799 Castro and 3876-3878 21**st Street Rear Yard Variance Findings

REAR YARD VARIANCE

Pursuant to Planning Code Section 305(c), before approving a variance application, the Zoning Administrator must 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;

The subject property is exceptional and extraordinary in that a second structure, which contains two residential units, already exists in the required rear yard. Moreover, the front structure is occupied with a nonconforming commercial use that is inconsistent with the prevailing residential character of the neighborhood. Because of the two existing structures on the lot, the resulting buildable envelope is highly constrained.

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;

The existing structures were not constructed by the project applicant and were constructed prior to the imposition of the current rear yard regulations.

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;

The variance will allow for the preservation and enjoyment of a substantial property right possessed by other properties in the same district as this is a corner lot and there are at least seven lots located at or near the eight corners of this Assessor's block that have similar lot coverage. In addition, the variance will allow for the replacement of a commercial use with a residential use, as is enjoyed by other properties in this residential district.

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; and

The variance will not be materially detrimental or materially injurious because it will allow for construction of a residence compatible in size and bulk with the other residences in the neighborhood, and will allow for the replacement of a nonconforming commercial use with a residential use in a residentially zoned neighborhood. The project will be beneficial to the public welfare by allowing new housing to be added, which will improve the City's current housing crisis.

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 Master Plan.

The proposed project will affirmatively promote, is consistent with, and will not adversely affect the General Plan, as follows:

Housing Element

OBJECTIVE 1: Identify and make available for development adequate sites to meet the City's housing needs, especially permanently affordable housing. tel. 415.362.5857 fax. 415.362.5044 www.tecta.com

architecture) interior design) branding

The project satisfies this policy of the General Plan's Housing Element by allowing the replacement of a nonconforming commercial use in the existing structure on the front portion of the property with a residential use. This will help meet the City's housing needs while having as minimal an impact as is possible on the surrounding neighborhood.

OBJECTIVE 11: SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

Policy 11.3: Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

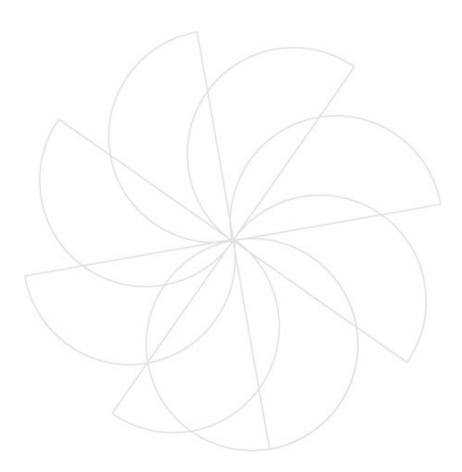
Policy 11.5: Ensure densities in established residential areas promote compatibility with prevailing neighborhood character.

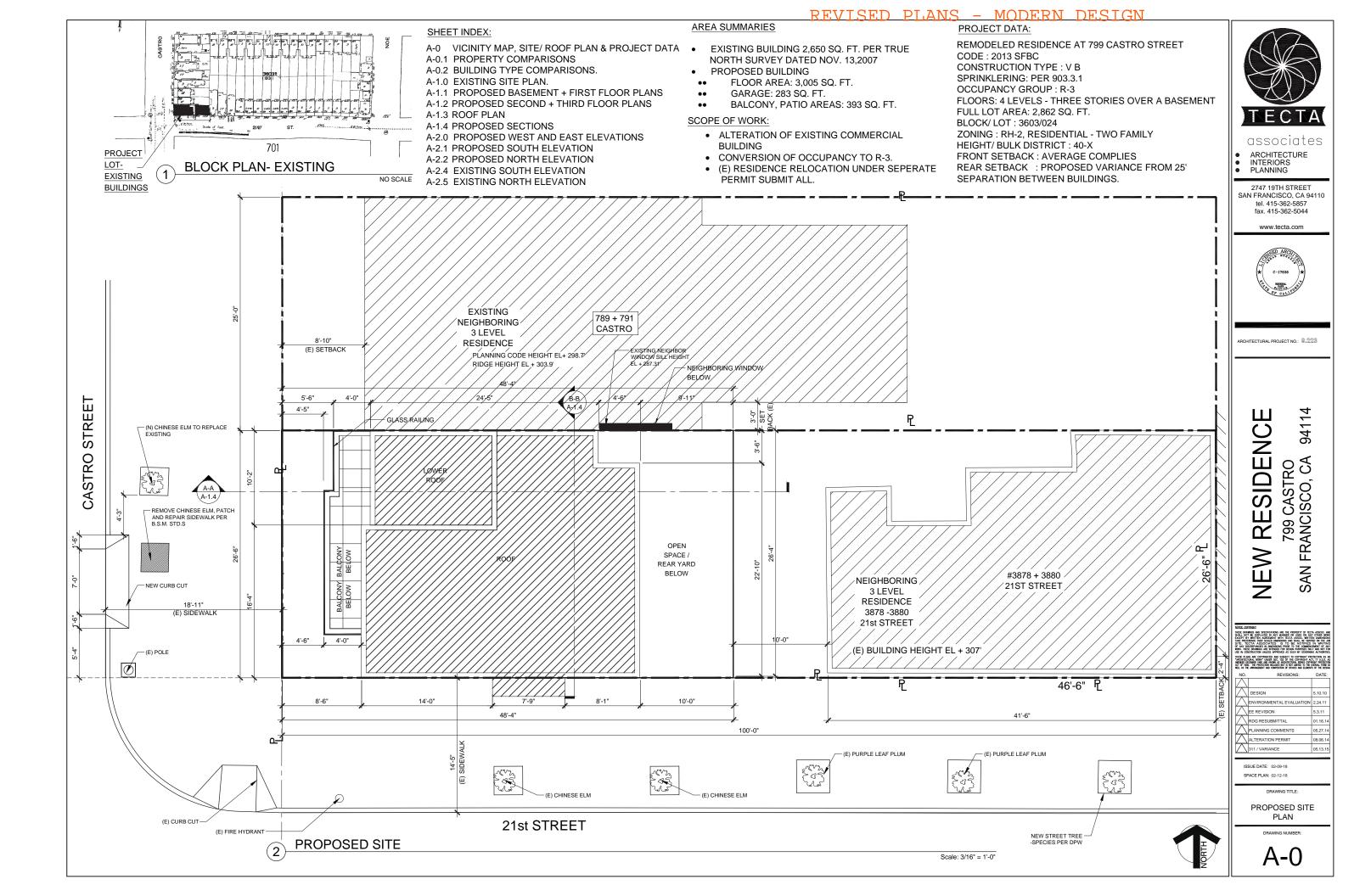
The proposed project satisfies these policies by accommodating growth and adding density by allowing the replacement of a nonconforming commercial use in the existing structure on the front portion of the property with a residential use, consistent with the existing residential neighborhood character.

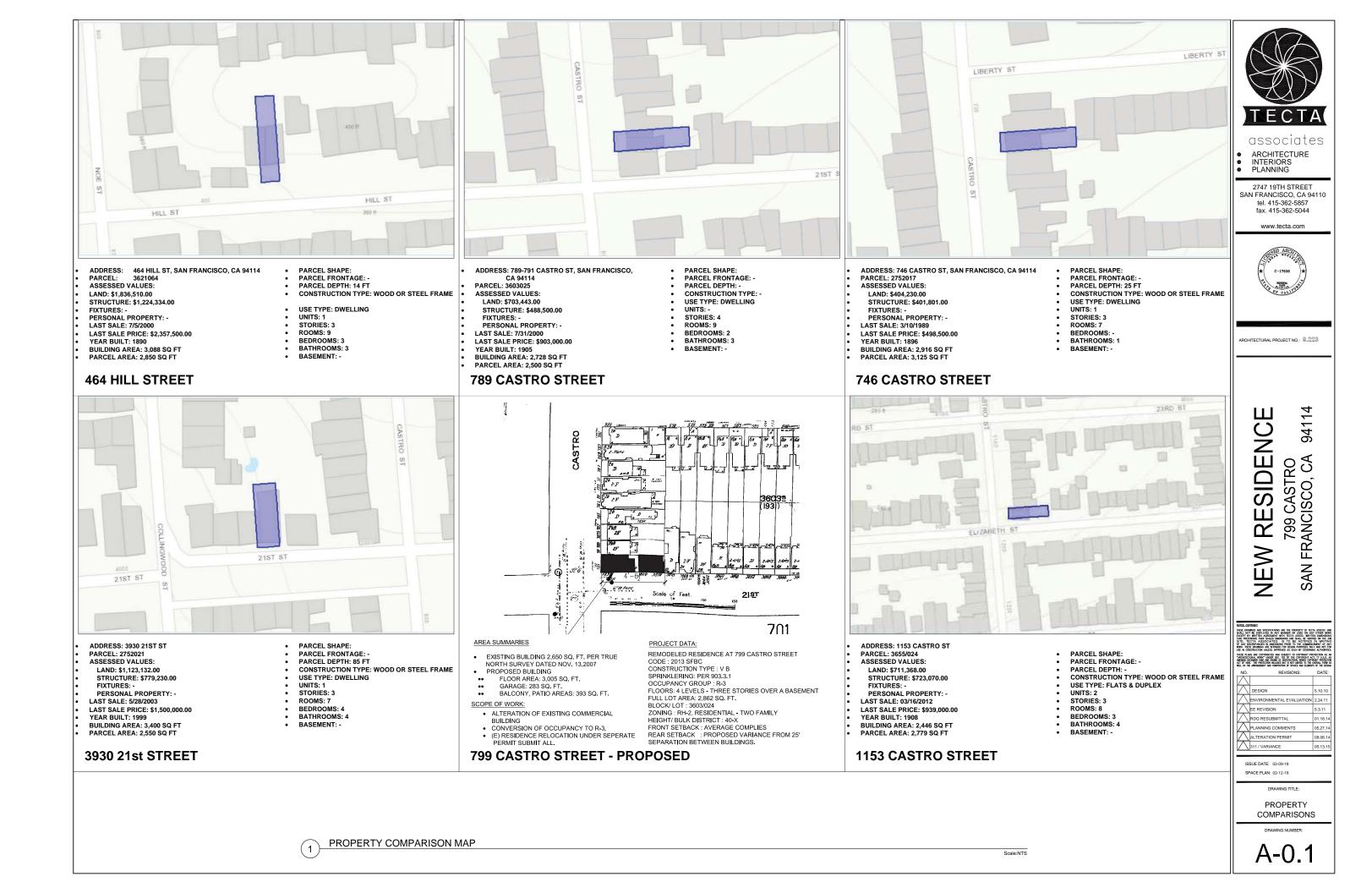
OBJECTIVE 13 Prioritize sustainable development in planning for and constructing new housing.

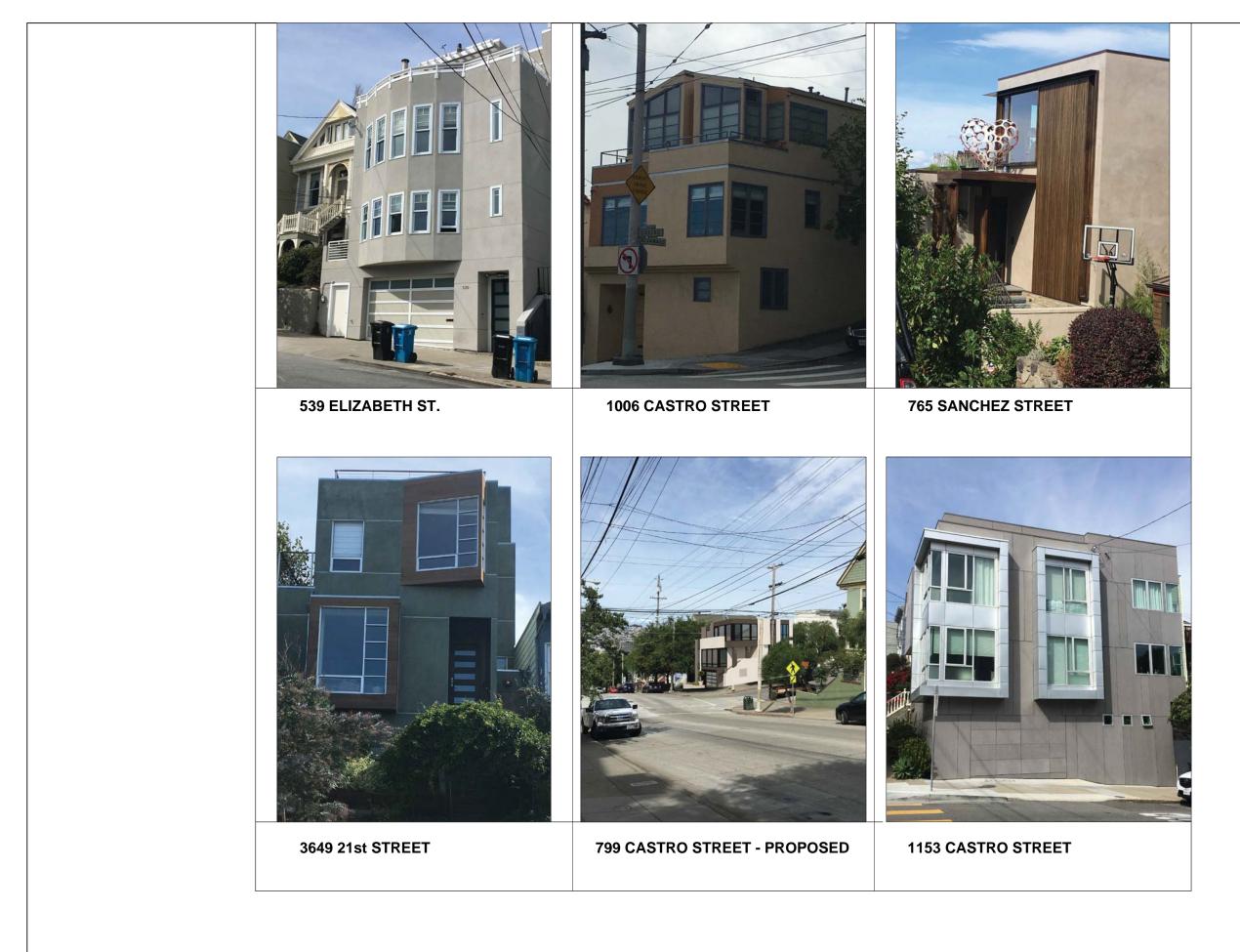
Policy 13.1 Support "smart" regional growth that locates new housing close to jobs and transit.

The proposed project adds new housing close to jobs and transit. The project is within blocks of the J Muni line, the 24, 33 and 48 Muni bus lines, and is only a short distance from the Castro Street Muni station.

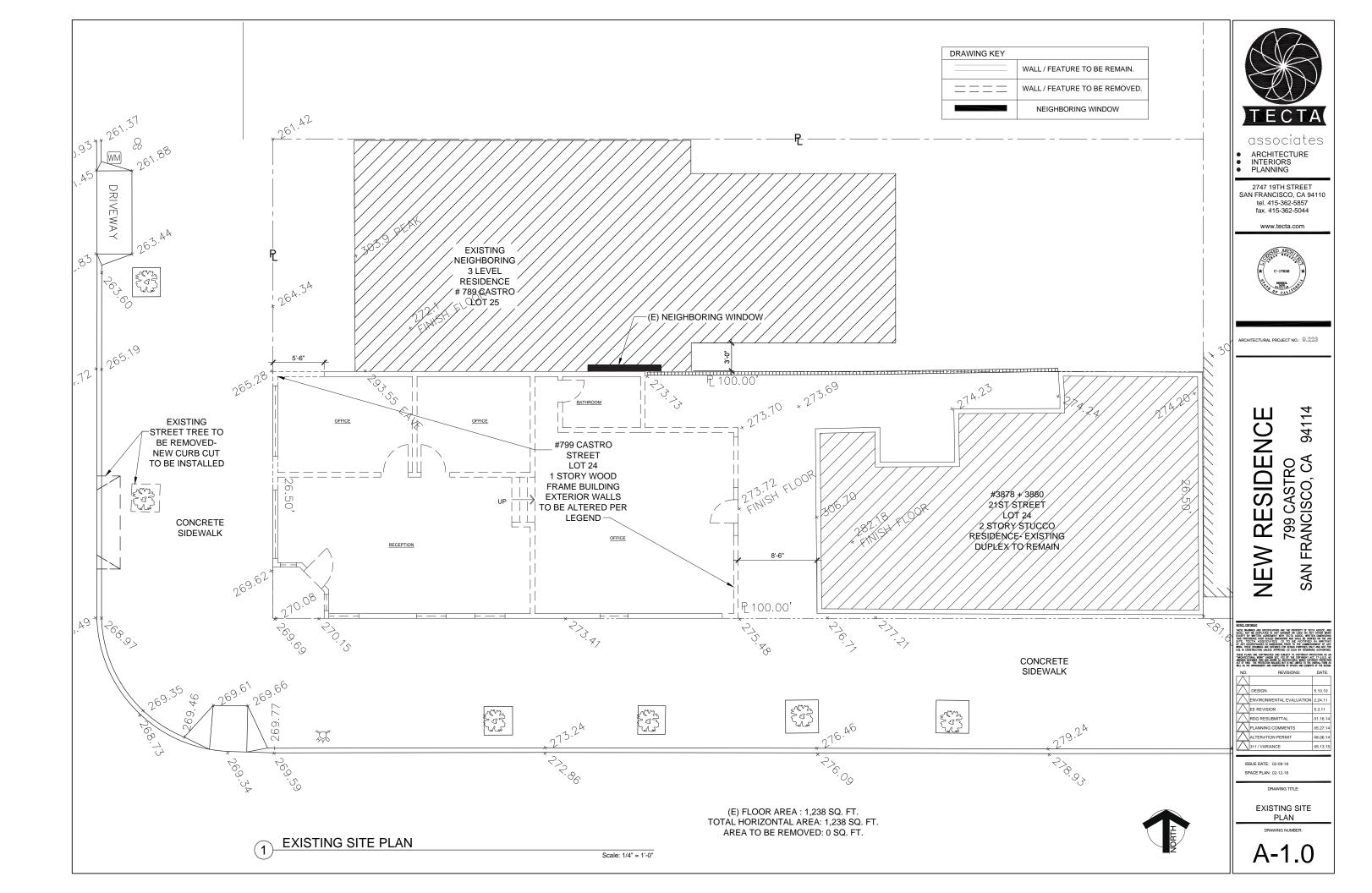


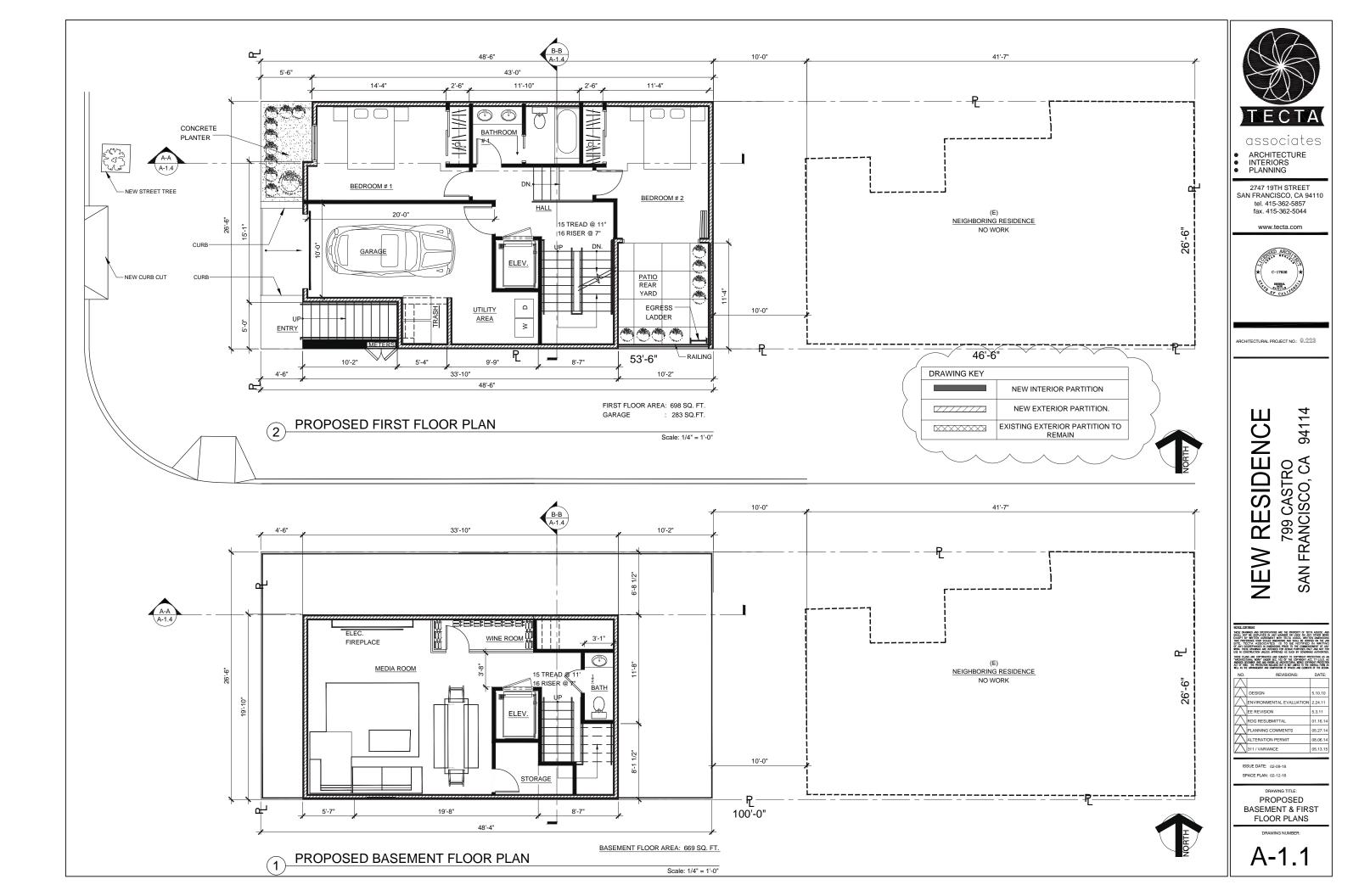


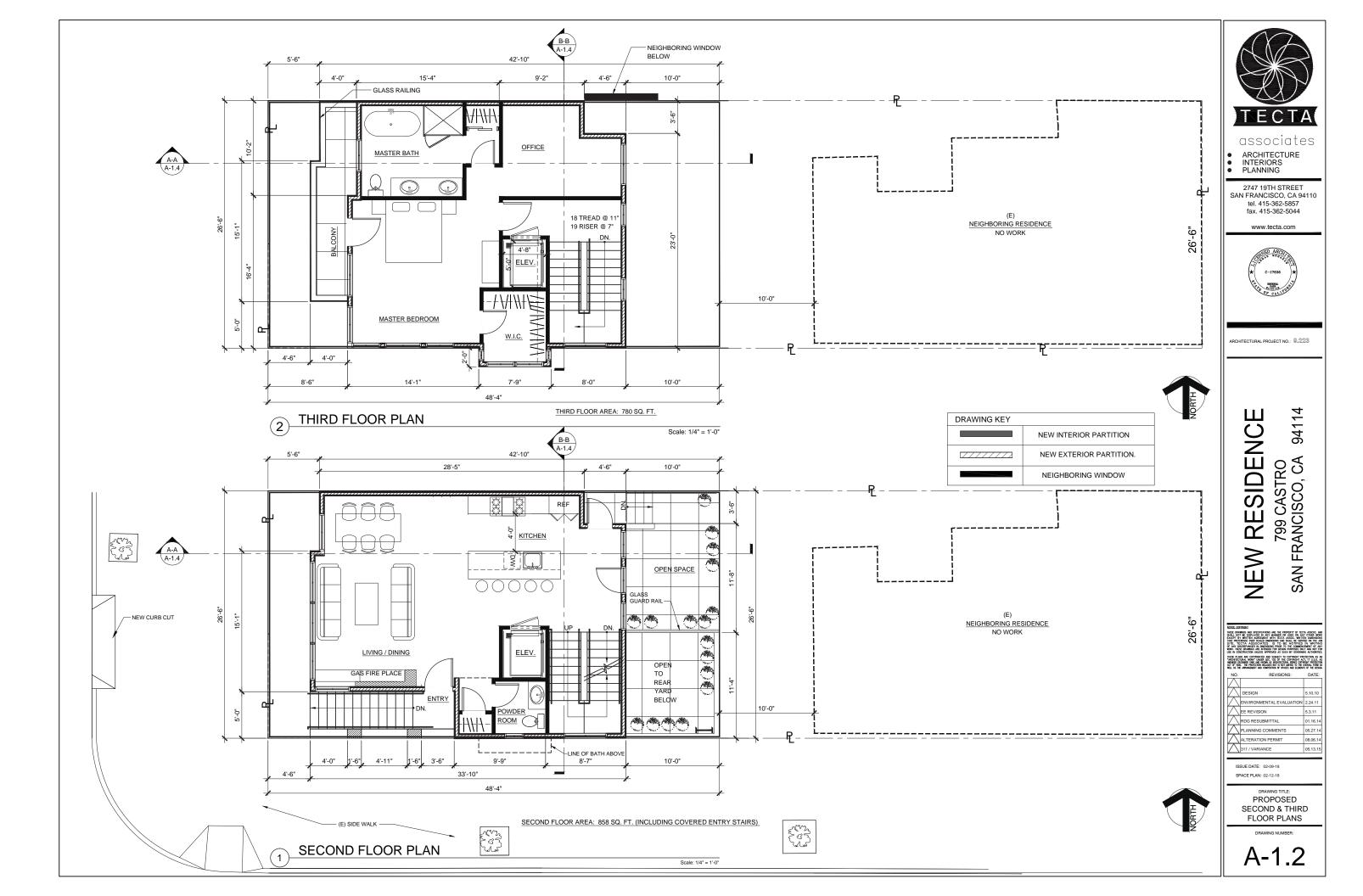


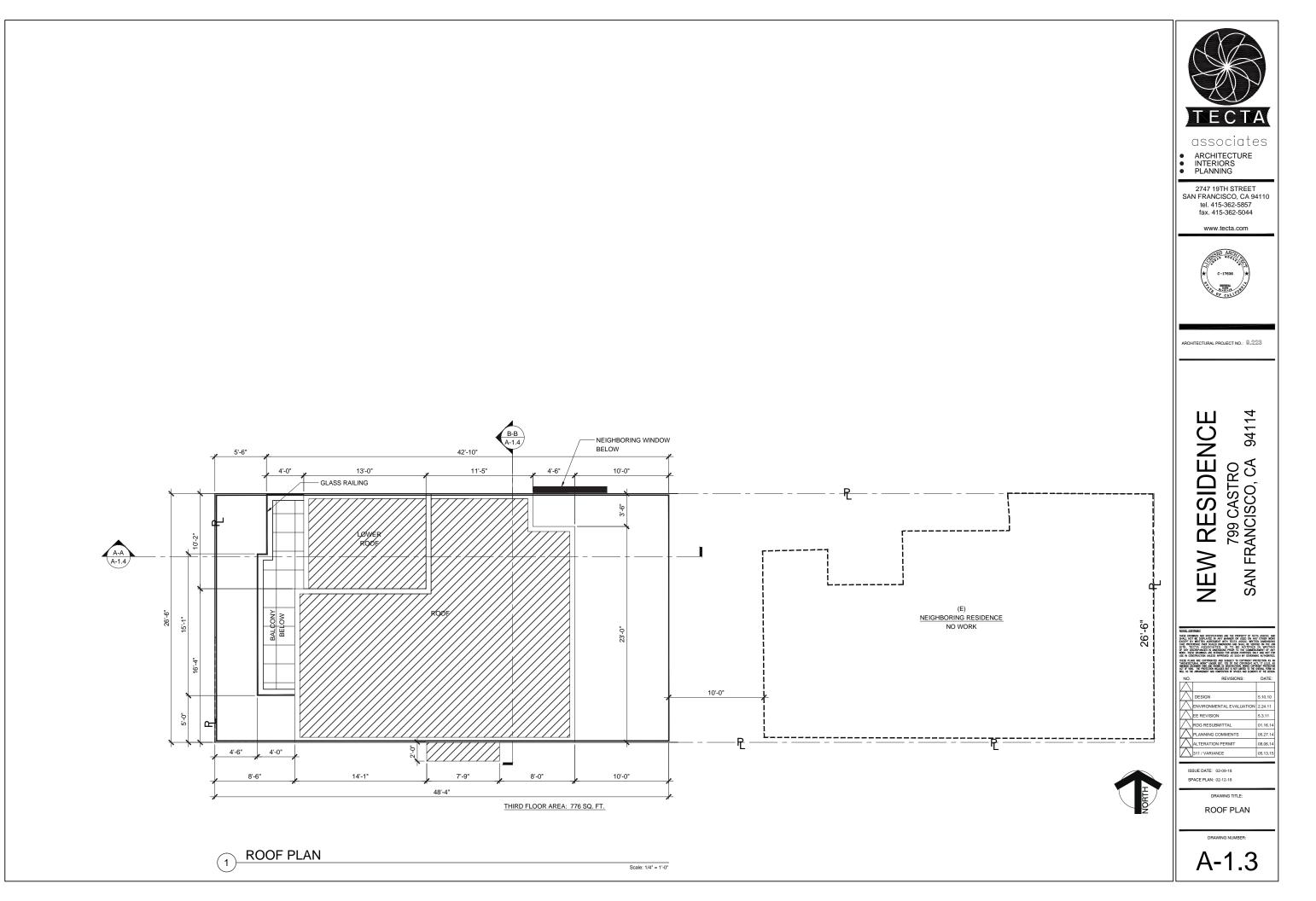


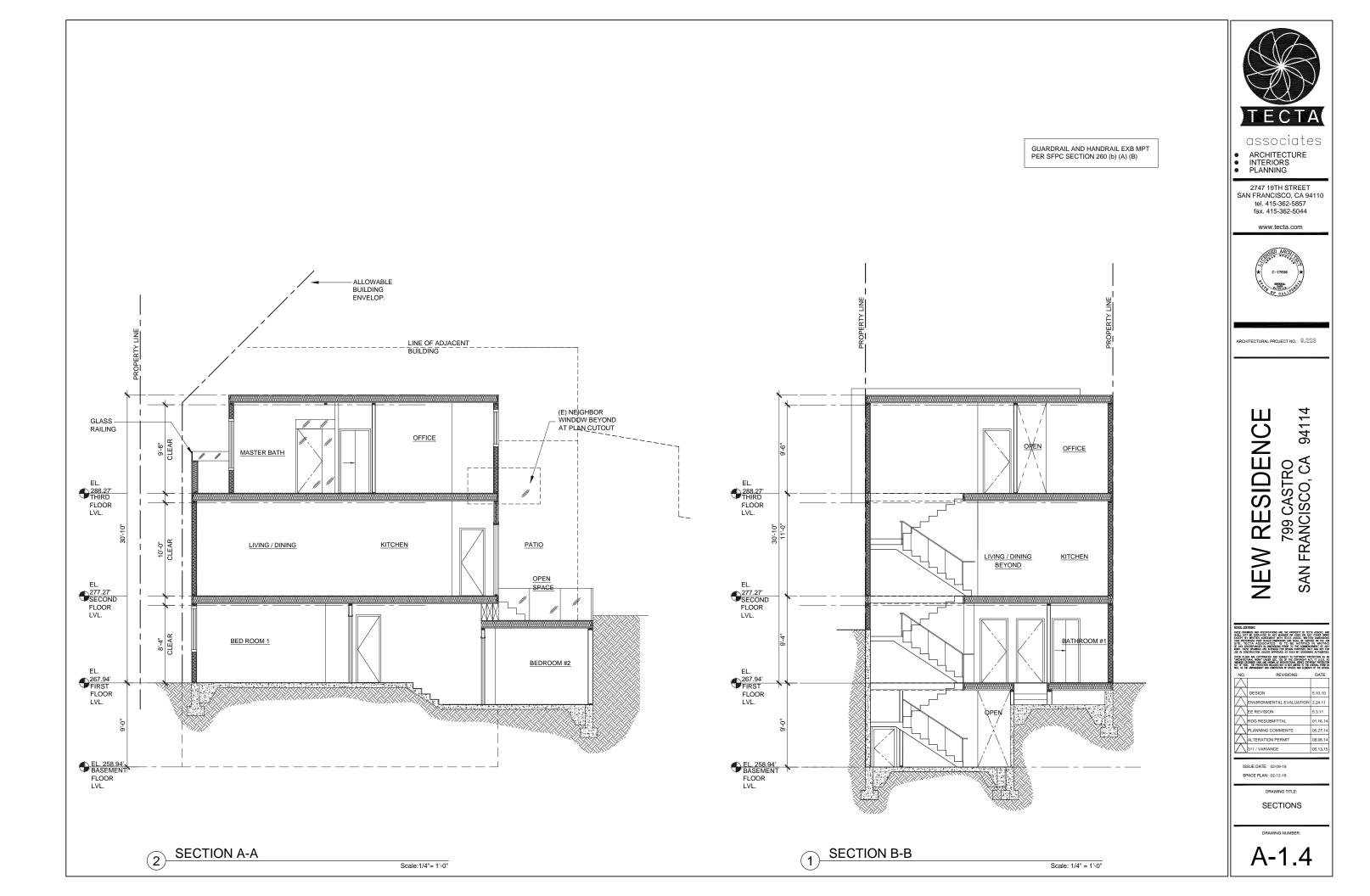
1 BUILDING COMPARISON MAP

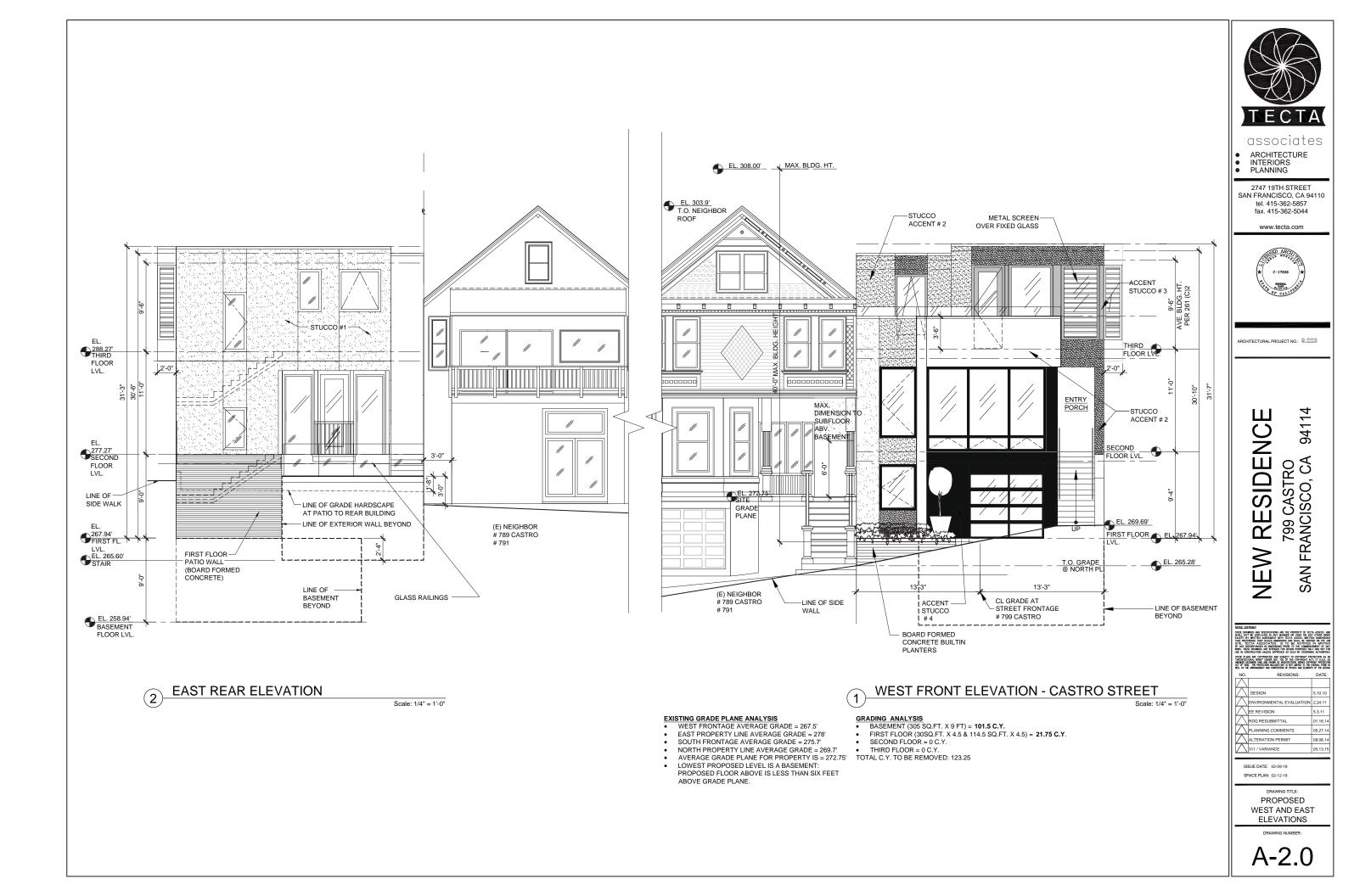


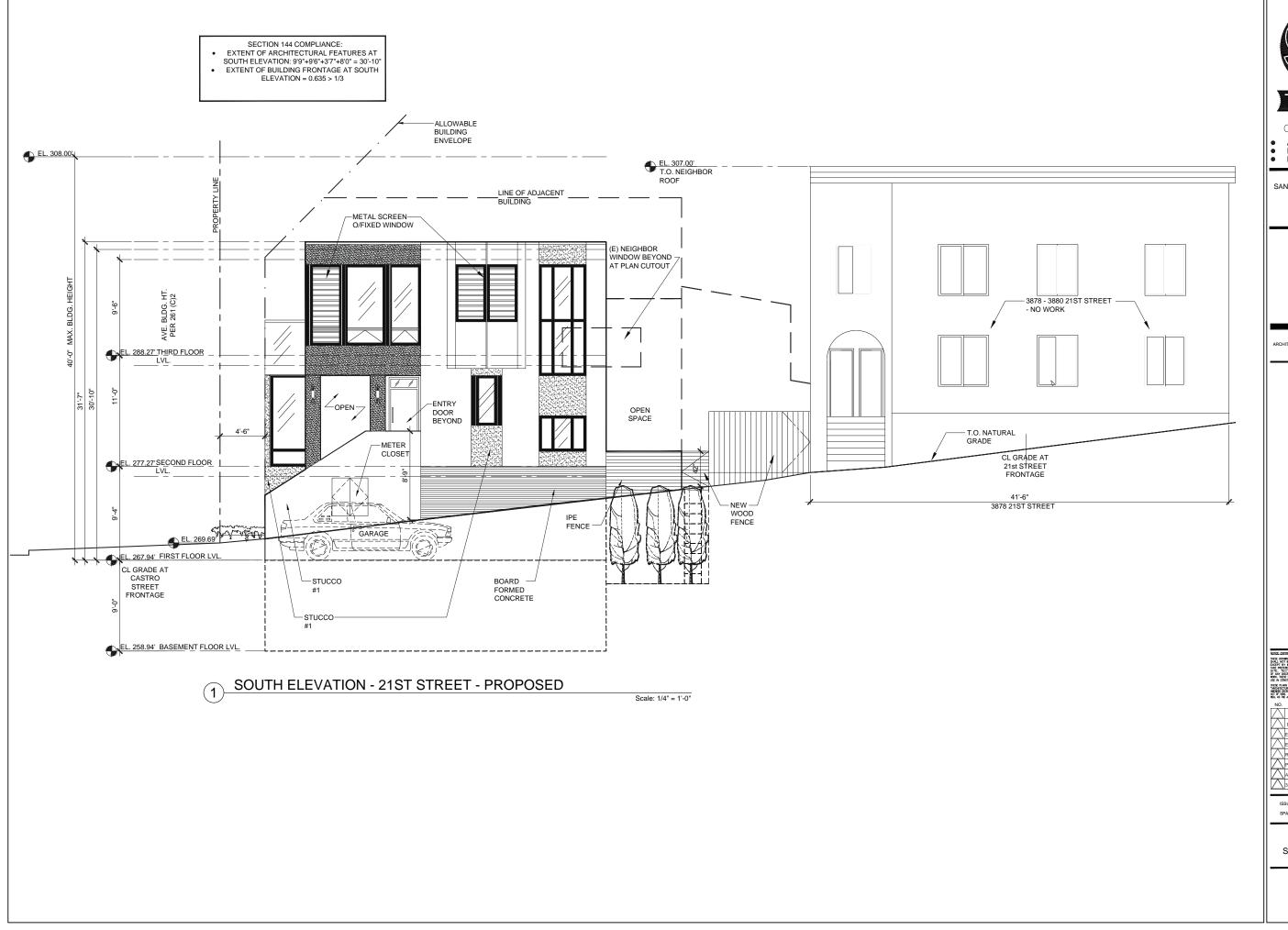




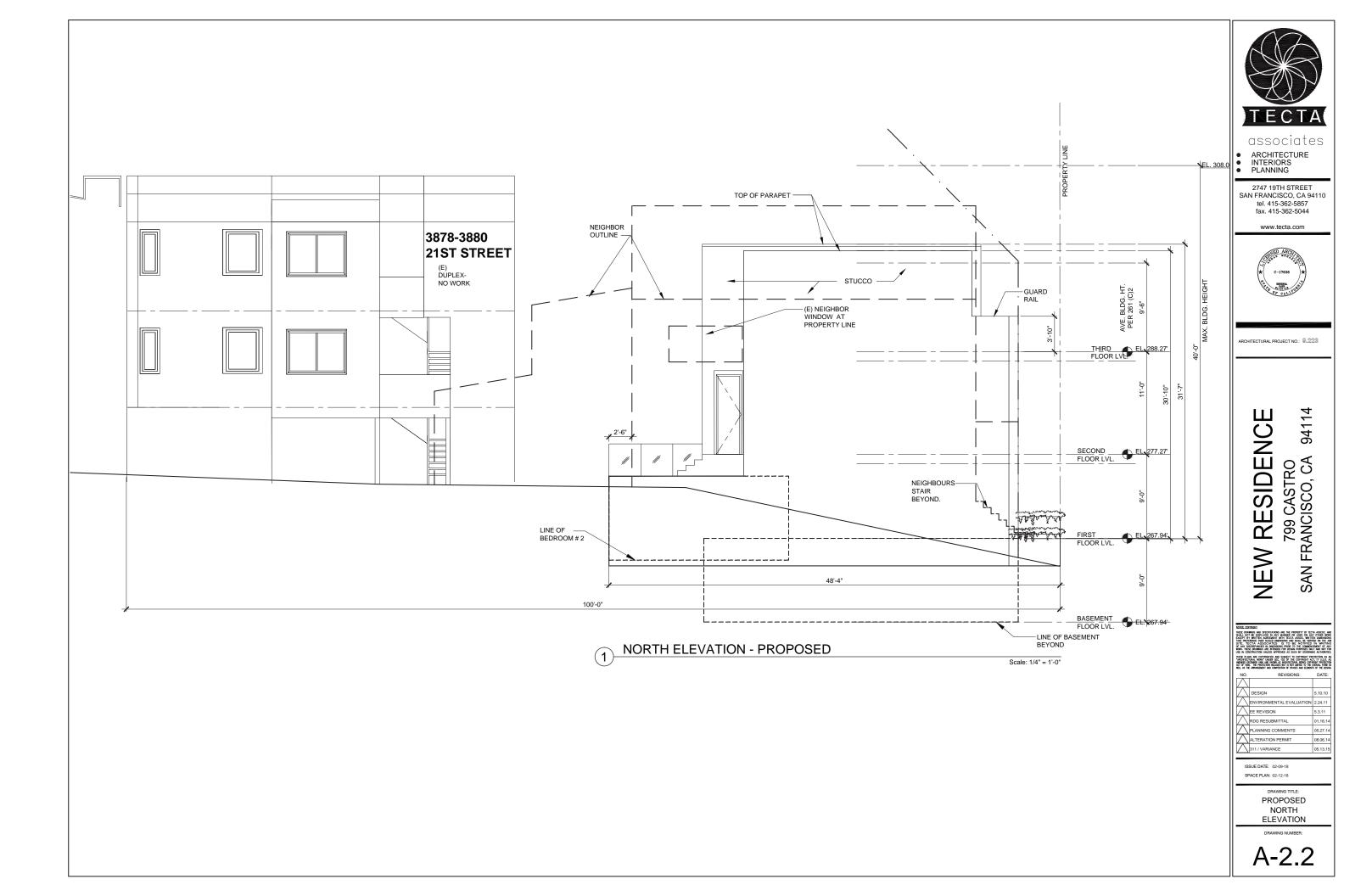


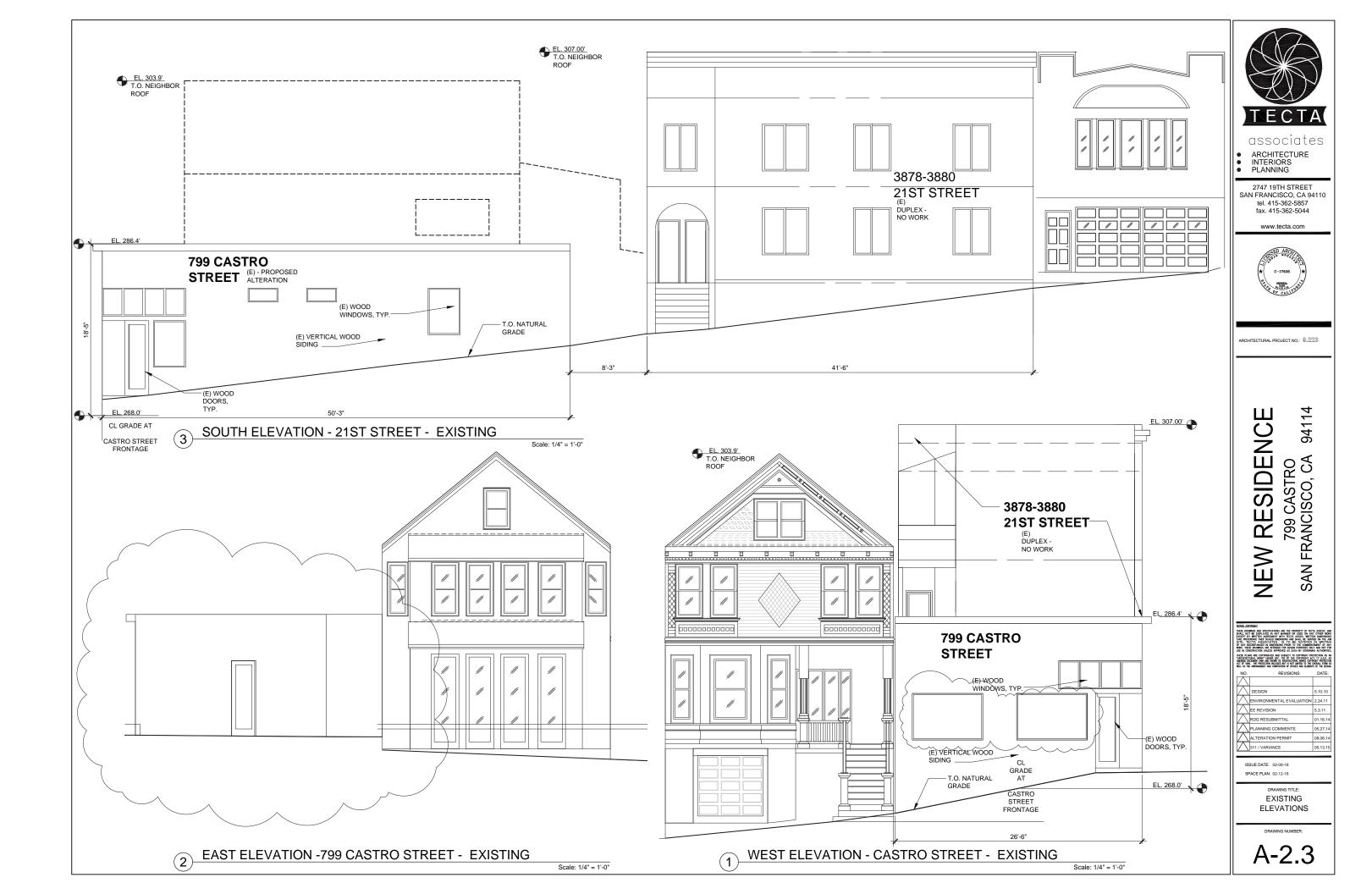


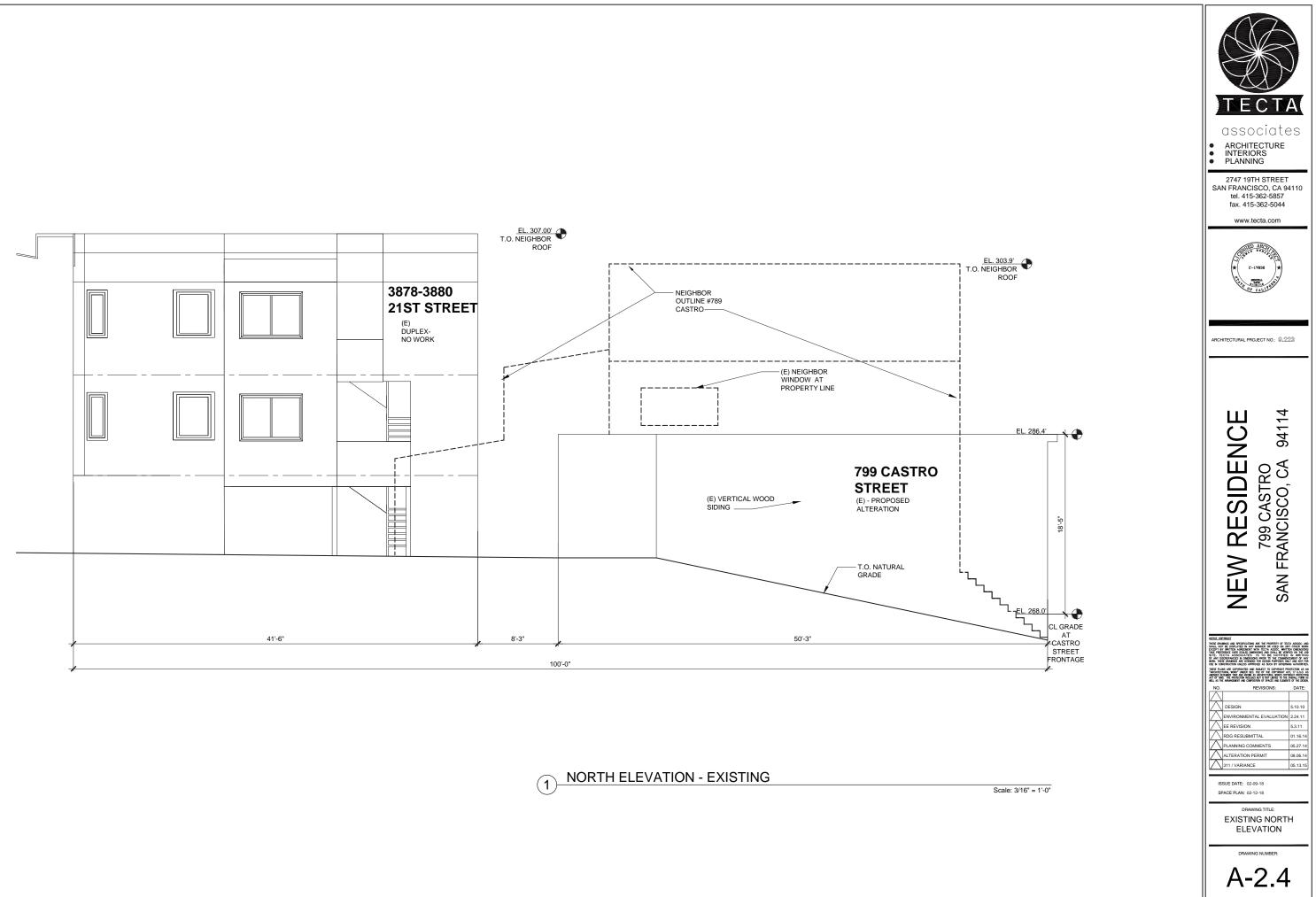




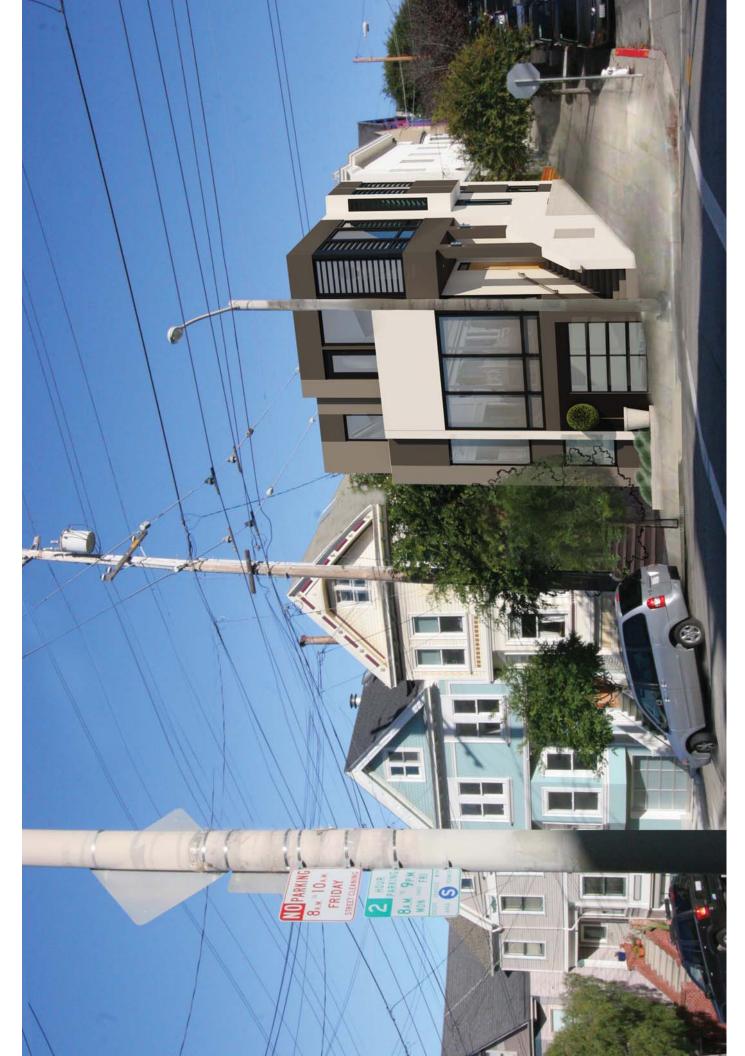
TECTA CARCHITECTURE MITERIORS 2747 19TH STREET SAN FRANCISCO, CA 94110 tel. 415-362-5857 fax. 415-362-5857 fax. 415-362-5044 WWW.tecta.com
ARCHITECTURAL PROJECT NO.: 9.223
NEW RESIDENCE 799 CASTRO SAN FRANCISCO, CA 94114
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ENVIRONMENTAL EVALUATION 2.24.11 EE REVISION 5.3.11 RDG RESUBMITTAL 01.16.14 PLANNING COMMENTS 06.27.14 ALTERATION PERMIT 08.06.14 311 / VARIANCE 05.13.15
ISSUE DATE: 02-09-18 SPACE PLAN: 02-12-18 DRAWING TITLE: PROPOSED SOUTH ELEVATION
DRAWING NUMBER:



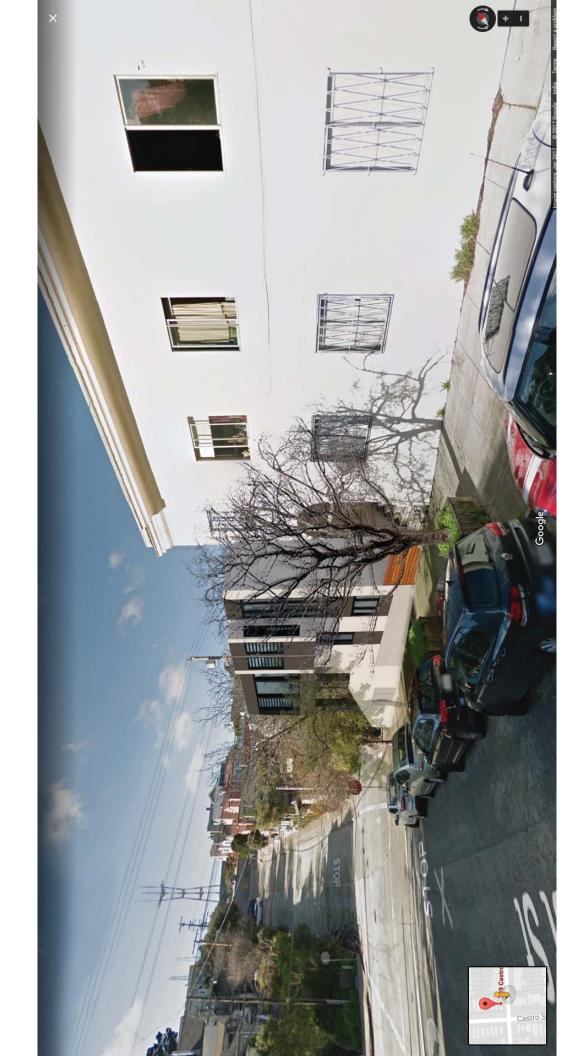


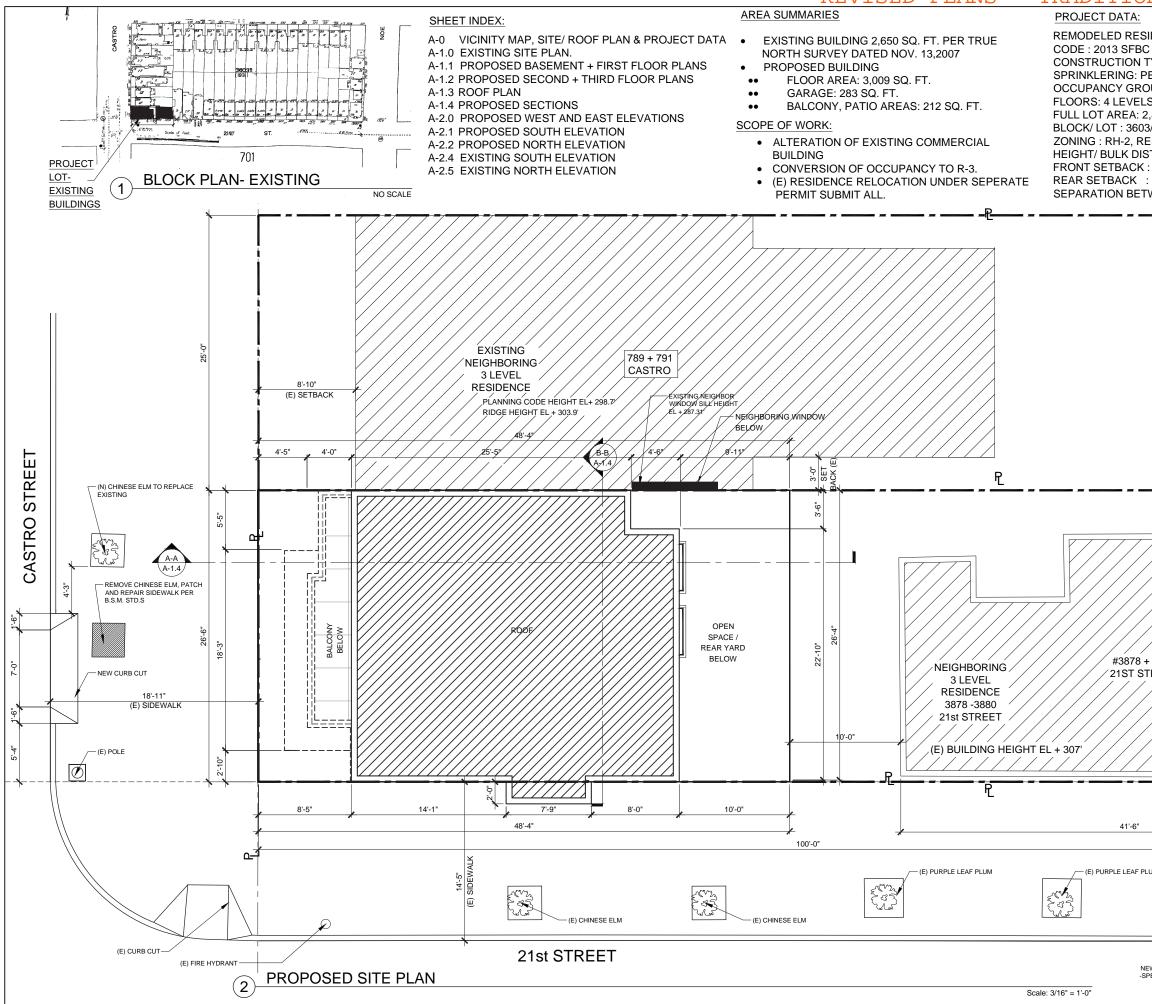


REVISED RENDERING - MODERN DESIGN



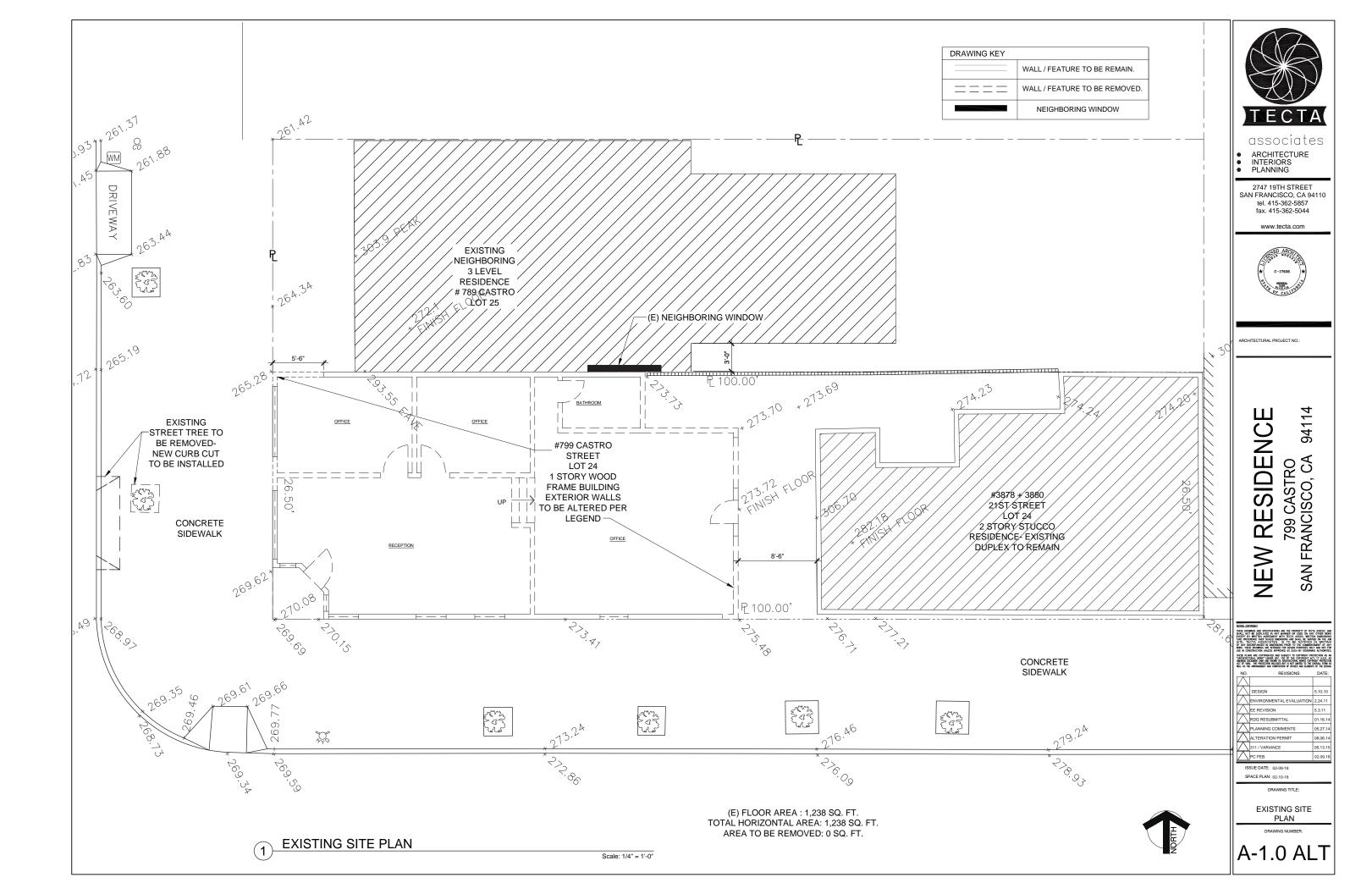


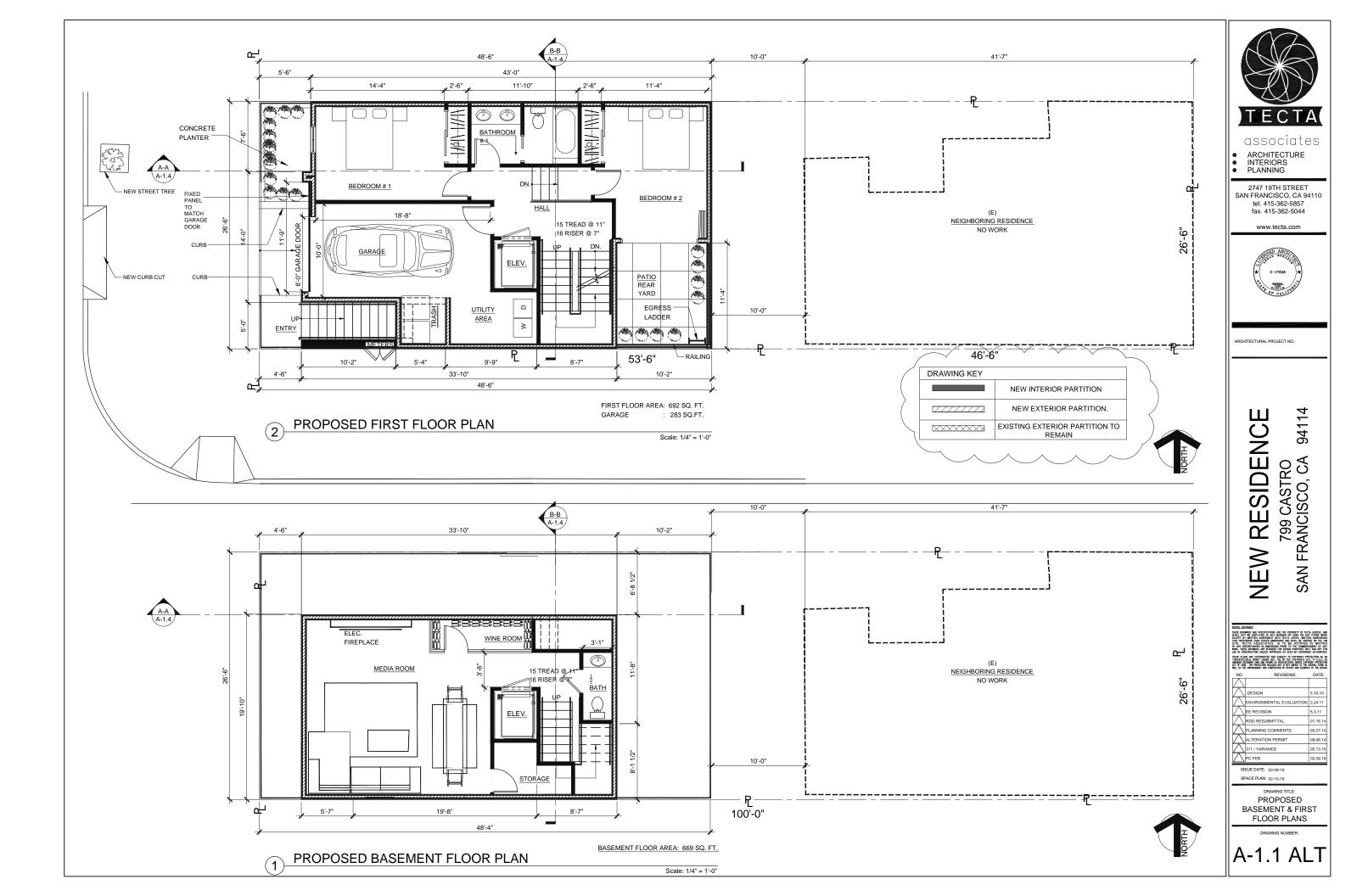


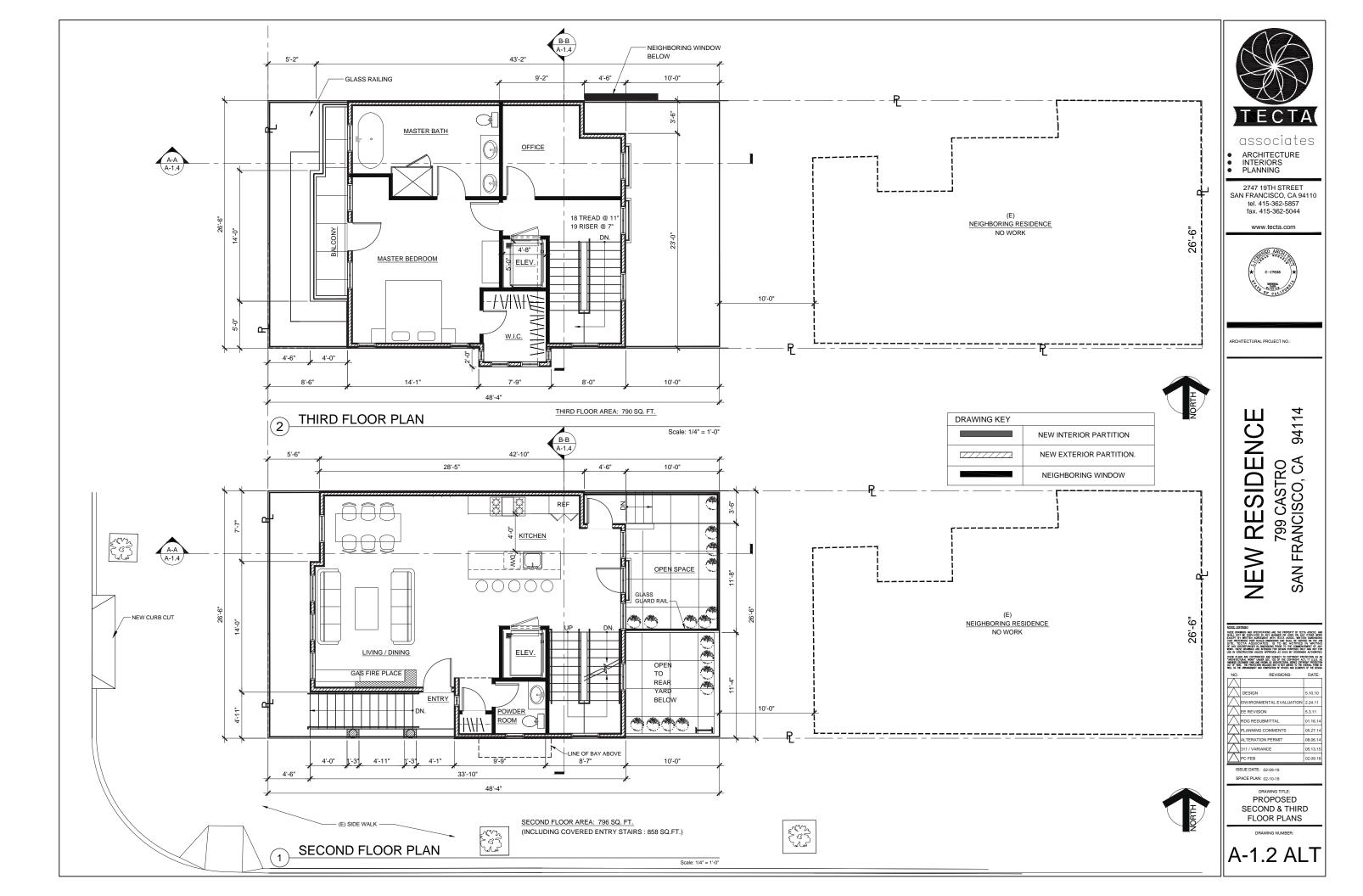


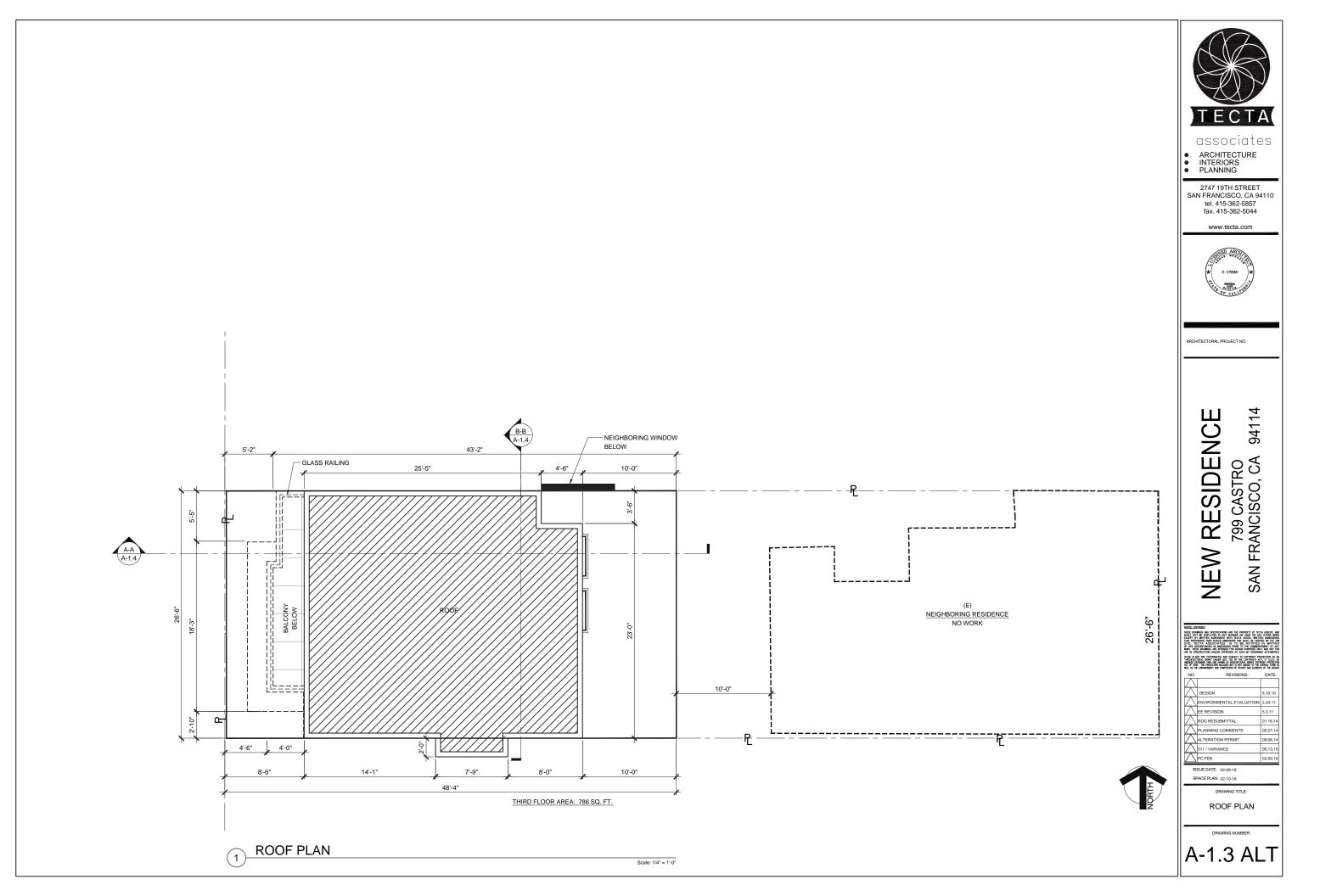
REVISED PLANS - TRADITIONAL DESIGN **REMODELED RESIDENCE AT 799 CASTRO STREET** CONSTRUCTION TYPE : V B SPRINKLERING: PER 903.3.1 **OCCUPANCY GROUP : R-3** FLOORS: 4 LEVELS - THREE STORIES OVER A BASEMENT FULL LOT AREA: 2,862 SQ. FT. BLOCK/ LOT : 3603/024 ZONING : RH-2, RESIDENTIAL - TWO FAMILY associates HEIGHT/ BULK DISTRICT : 40-X ARCHITECTURE INTERIORS PLANNING FRONT SETBACK : AVERAGE COMPLIES REAR SETBACK : PROPOSED VARIANCE FROM 25' SEPARATION BETWEEN BUILDINGS. 2747 19TH STREET SAN FRANCISCO, CA 94110 tel. 415-362-5857 fax. 415-362-5044 www.tecta.con RCHITECTURAL PROJECT NO. 94114 RESIDENCE 799 CASTRO SAN FRANCISCO, CA МШ \mathbf{r} #3878 + 3880 21ST STREET Ζ SE DRAWINGS AND SPECIFICATIONS ARE THE ALL NOT BE DISPLAYED IN ANY MANNER SEPT BY WRITTEN ACREEMENT WITH TEC TECTA ASSOCIATES IS NY DISCREPANCES IN DIMENSIONS P THESE DRAWINGS ARE INTENDED FOR IN CONSTRUCTION LINUESS. ADDITION 46'-6" ENVIRONMENTAL EVAL 2.24.1 EE REVISION 41'-6" RDG RESUBMITTA 01.16 PLANNING COMMENTS 05.27.1 ALTERATION PERMI 08.06.1 (E) PURPLE LEAF PLUM PC FEB 02.09 ISSUE DATE: 02-09-18 SPACE PLAN: 02-10-18 DRAWING TITLE PROPOSED SITE PLAN DRAWING NUMBE NEW STREET TREE -SPECIES PER DPW

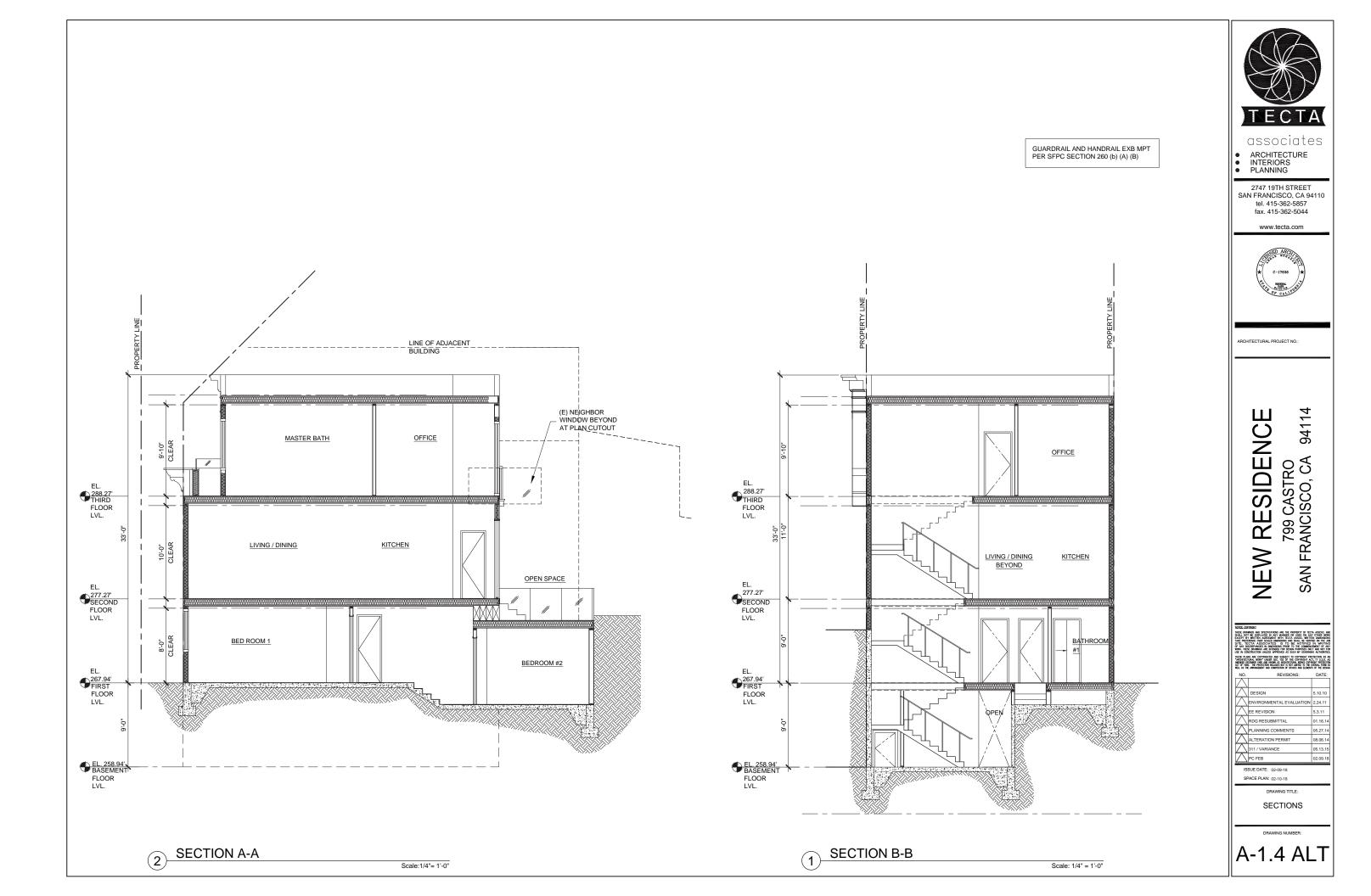
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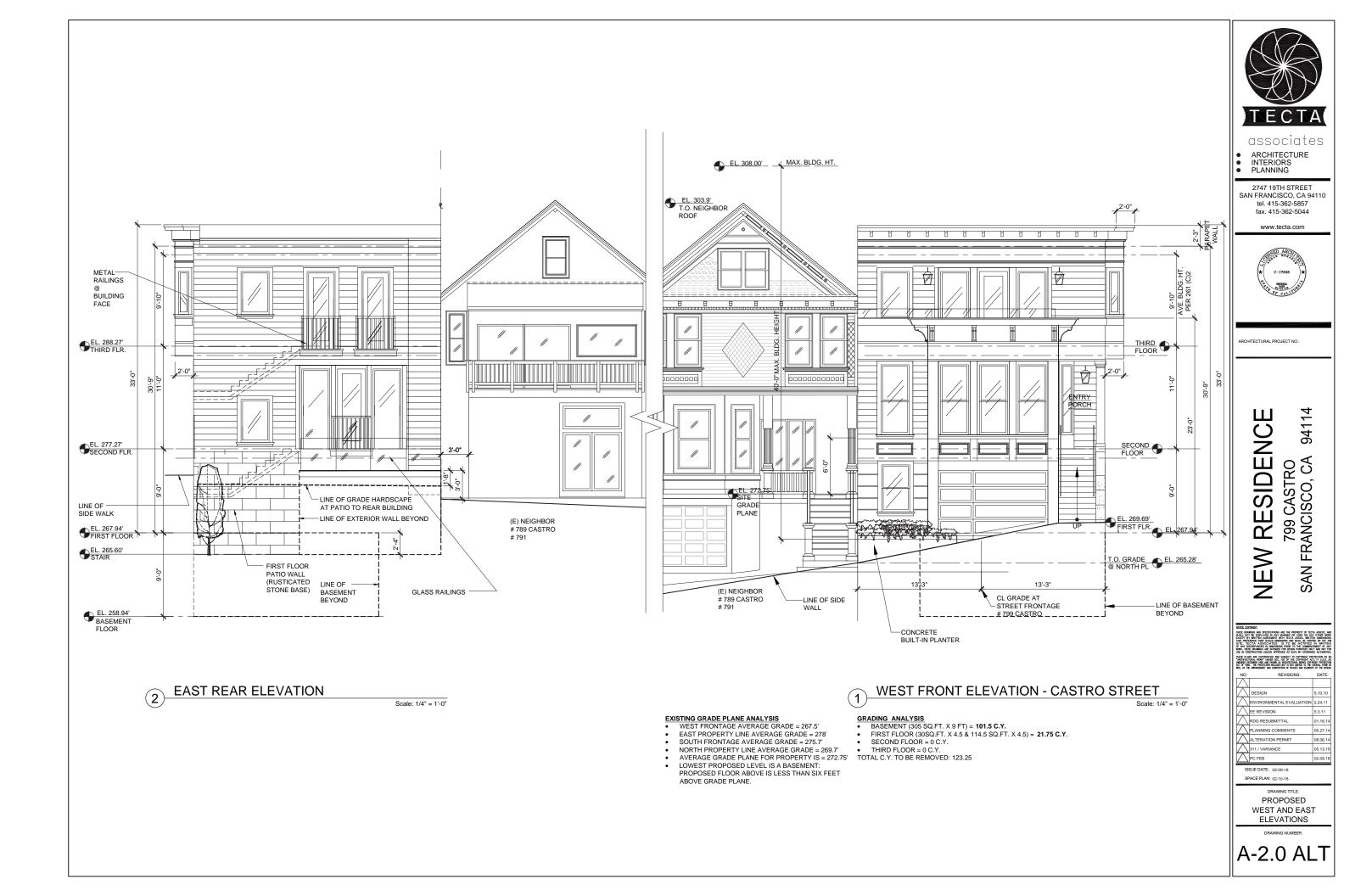


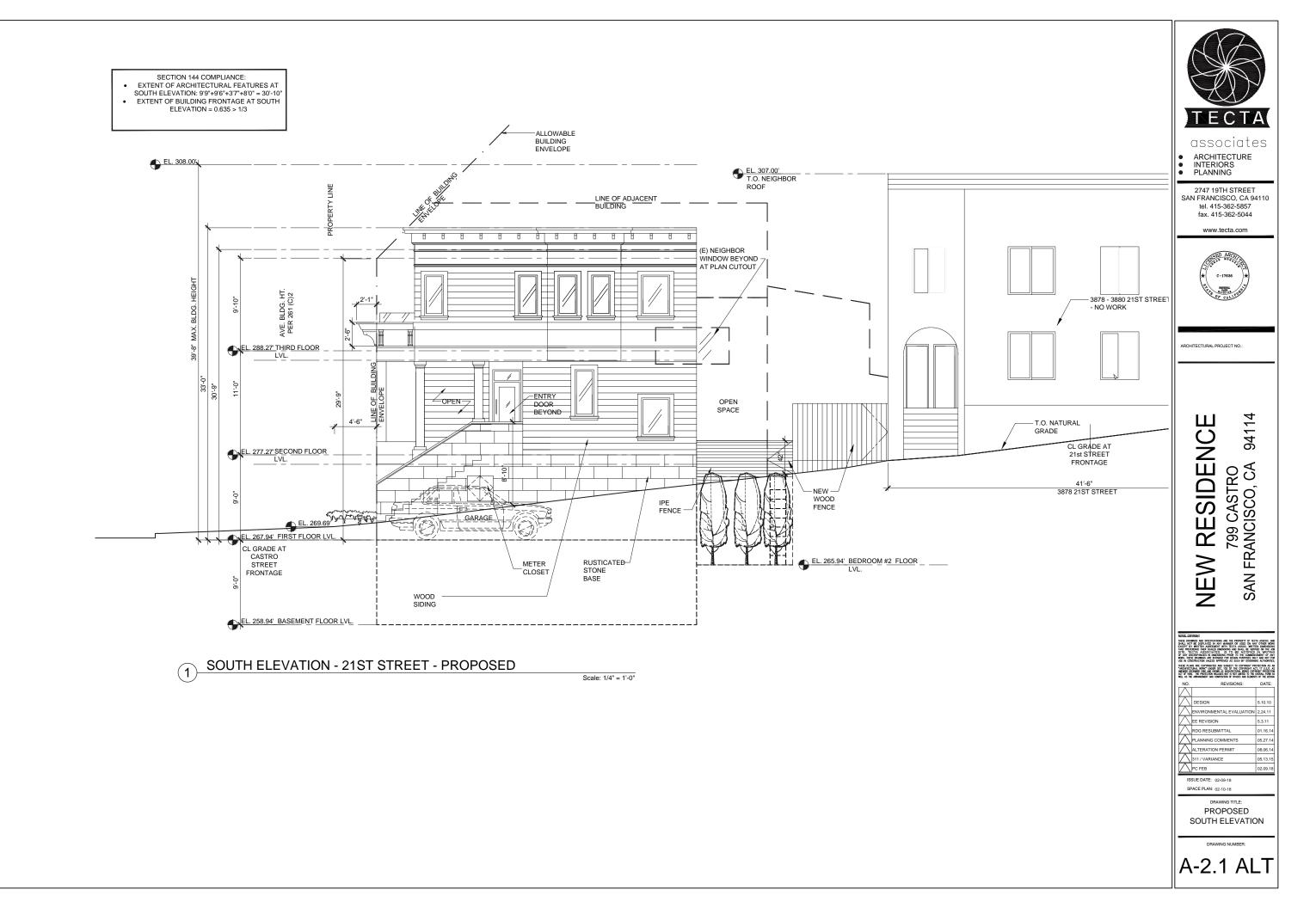


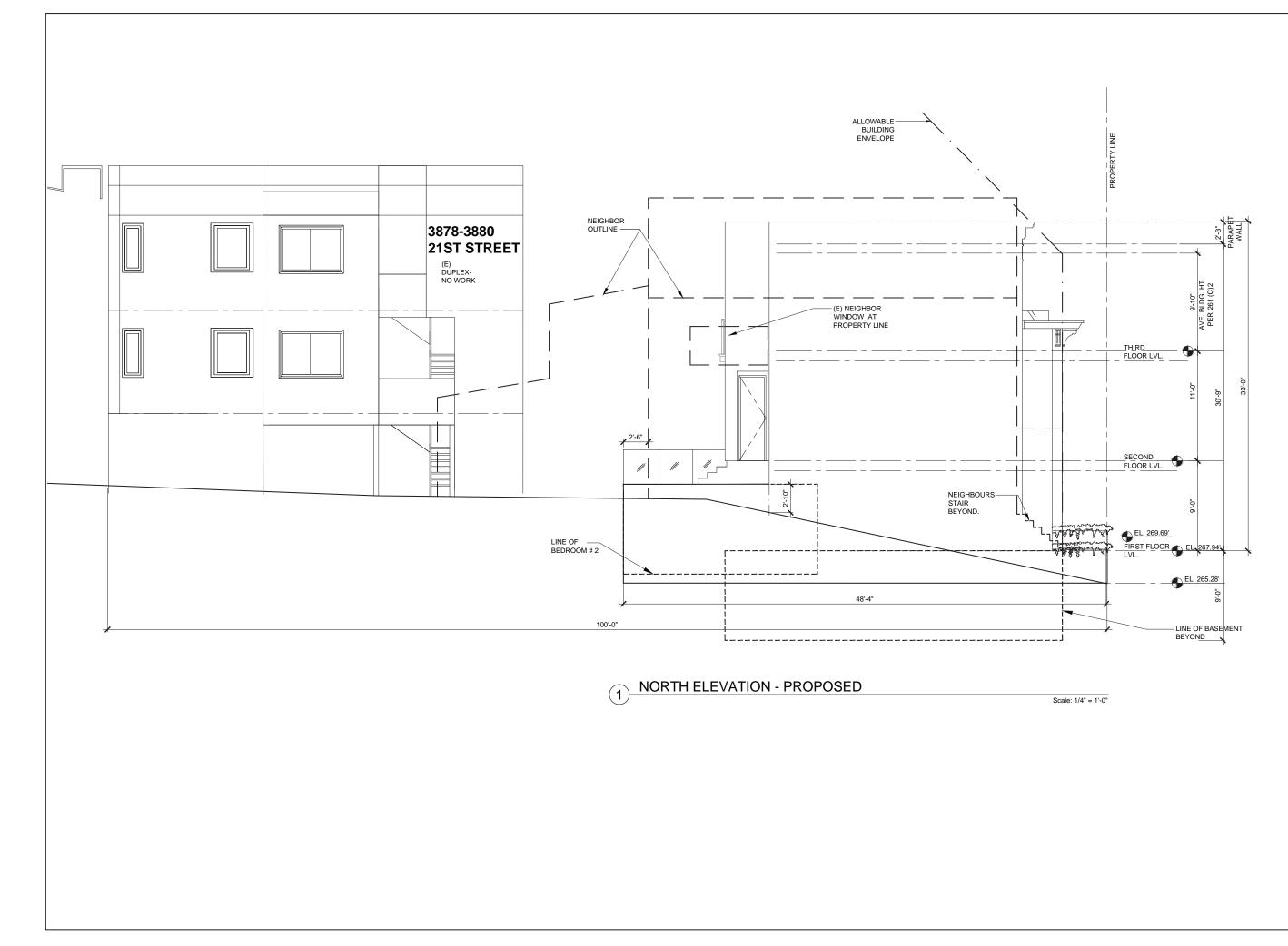




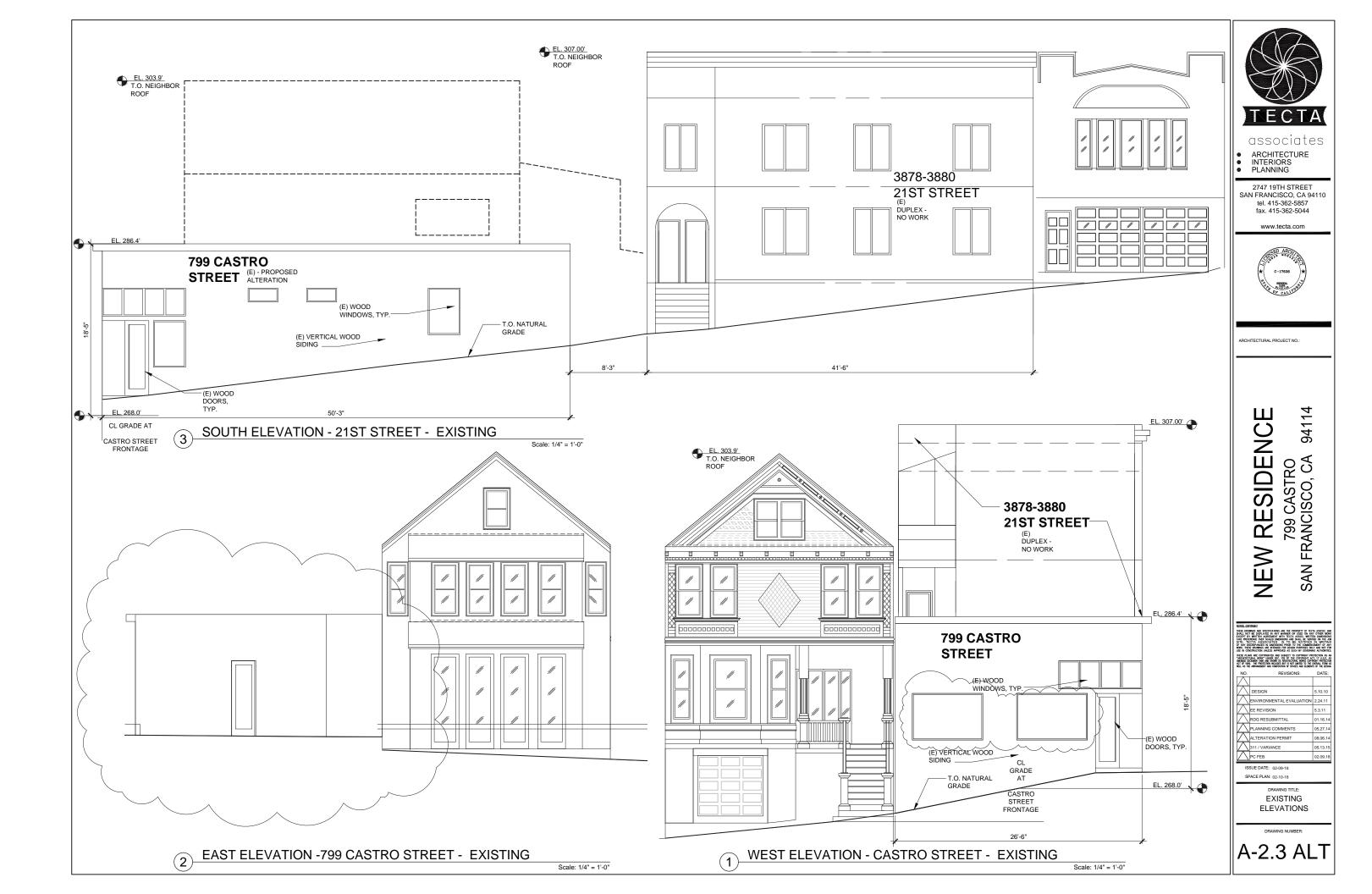


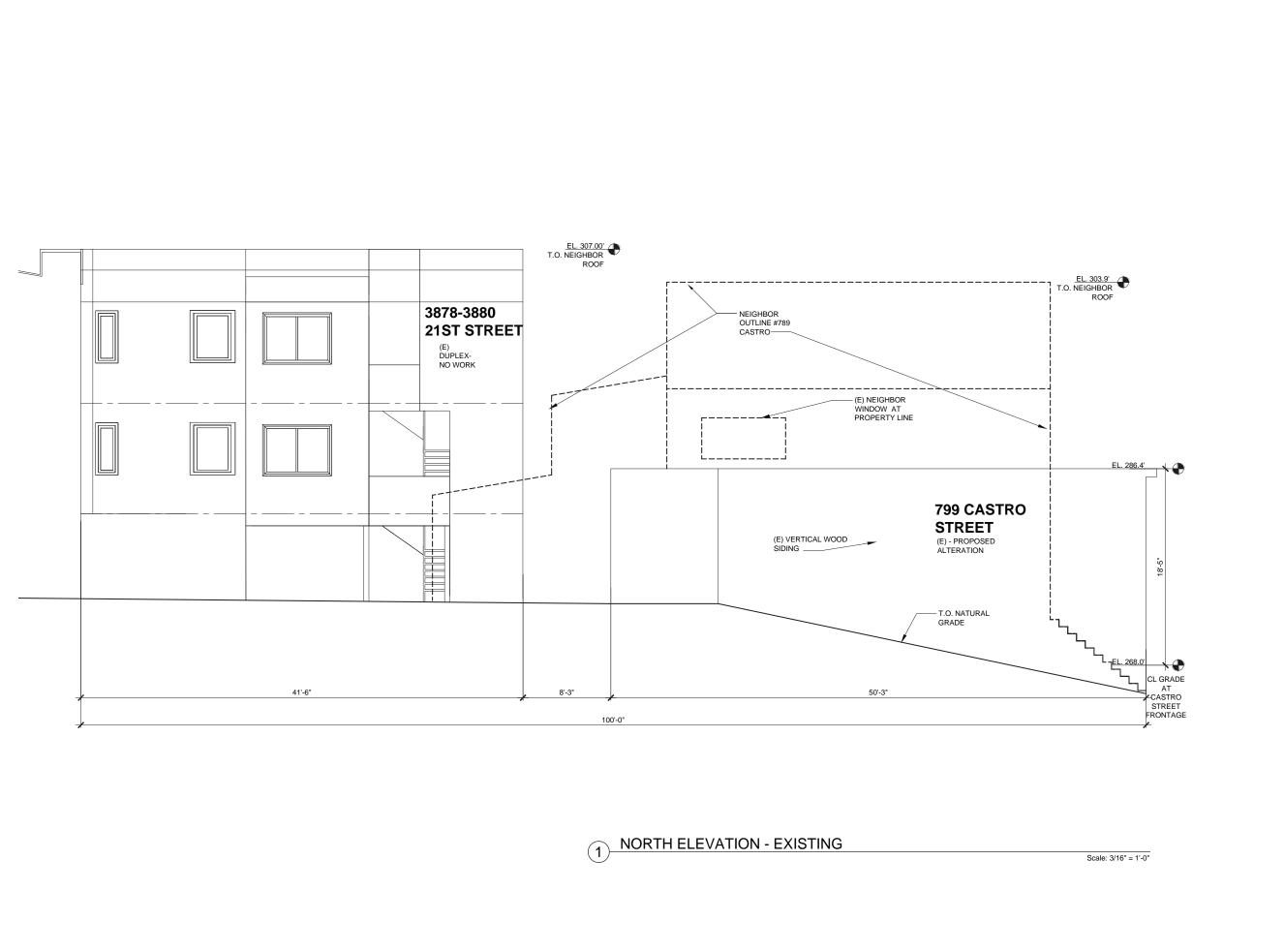


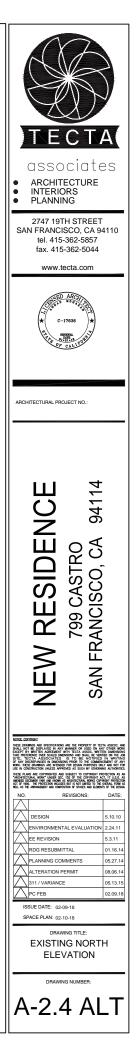




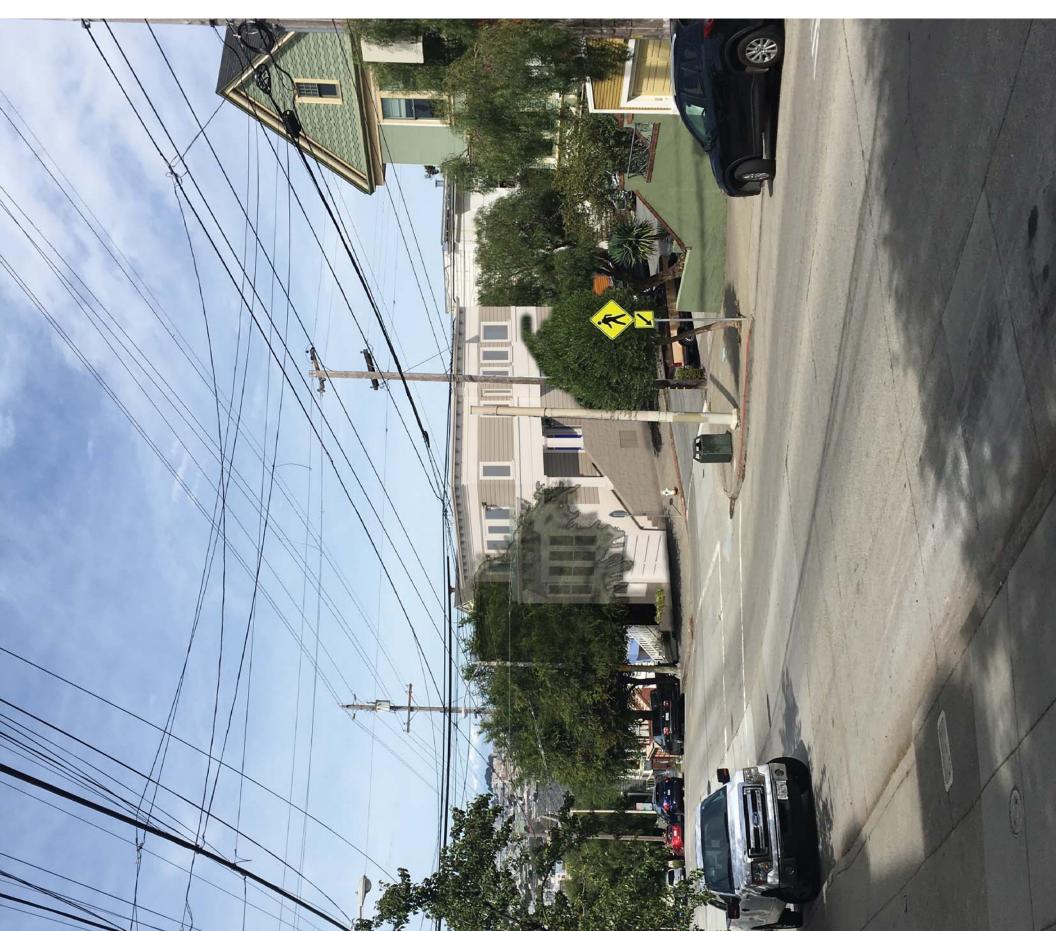




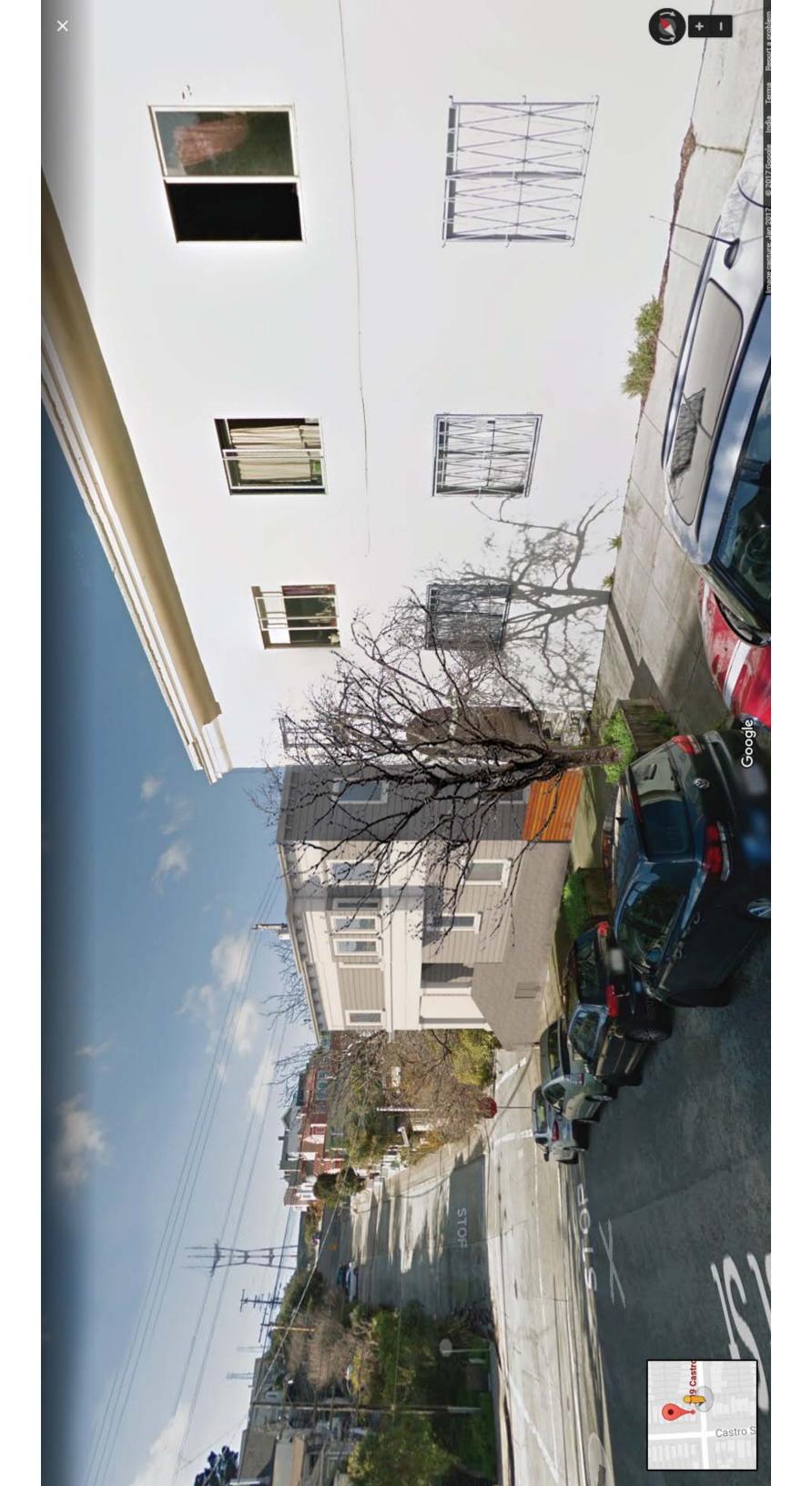














Memo to the Planning Commission

HEARING DATE: DECEMBER 14, 2017 Continued from the October 12, 2017 Hearing

Date:	December 7, 2017
Case No.:	2017-004562CUA, 2008.0410V & 2017-004562DRP
Project Address:	799 Castro Street & 3878-3880 21st Street
Zoning:	RH-2 (Residential-House, Two Family)
	40-X Height and Bulk District
Block/Lot:	3603/024
Project Sponsor:	Thomas Tunny
	1 Bush Street
	San Francisco, CA 94104
Staff Contact:	Nancy Tran – (415) 575-9174
	<u>nancy.h.tran@sfgov.org</u>
Recommendations:	Approval with Conditions (CUA)
	Do not take DR and approve as proposed (DR)

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

Reception: 415.558.6378

Fax: 415.558.6409

Planning Information: **415.558.6377**

BACKGROUND

On October 12, 2017, the Planning Commission and Zoning Administrator continued the Conditional Use Authorization and Variance joint hearing for a project proposal at 799 Castro Street & 3878-3880 21st Street. The items were continued to December 14, 2017 to include a Discretionary Review Application that was filed for a separate proposal on the same property.

Since publication of the October 12, 2017 Commission packet, the Project Sponsor submitted a revised hearing brief to include a response to the Discretionary Review Application.

REQUIRED COMMISSION ACTION

The Commission must determine whether or not to take Discretionary Review and approve/disapprove the proposed alterations to the existing single-family residence at 437 Hoffman Avenue.

RECOMMENDATION (CUA):	Approval with Conditions
RECOMMENDATION (DR):	Do not take DR and approve as proposed

Attachments:

Commission Packet (October 12, 2017, updated) Updated Project Sponsor hearing brief

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SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: DECEMBER 14, 2017

Date:	December 7, 2017
Case No.:	2017-004562CUA & 2008.0410V
Project Address:	799 Castro Street & 3878-3880 21st Street
Zoning:	RH-2 (Residential-House, Two Family)
	40-X Height and Bulk District
Block/Lot:	3603/024
Project Sponsor:	Thomas Tunny
	1 Bush Street
	San Francisco, CA 94104
Staff Contact:	Nancy Tran – (415) 575-9174
	<u>nancy.h.tran@sfgov.org</u>
Recommendation:	Approval with Conditions

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

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PROJECT DESCRIPTION

The proposal is to demolish an existing mixed-use structure (commercial office/single-family) and construct a three-story over basement single-family residence at 799 Castro Street. The subject property contains three dwelling units – two units in a building at the rear of the property (3878-3880 21st Street) and one unit within an existing limited nonconforming commercial office in a building at the front (799 Castro Street). Under a separate building permit, 2017.04.04.3134, one new accessory dwelling unit is proposed in the rear building. The proposal also requires Variances from the Zoning Administrator to construct within the required front setback and rear yard.

The Project requires Conditional Use Authorization for residential demolition per Planning Code Section 317. This report includes findings for a Conditional Use Authorization in addition to demolition criteria established in Planning Code Section 317. The design of the new structure is analyzed in the Design Review Checklist.

Per Planning Code Section 317 (d)(2), "Conditional Use authorization is required for approval of the permit for Residential Demolition, and the Commission shall consider the replacement structure as part of its decision on the Conditional Use application. If Conditional Use Authorization is required for the replacement structure by other sections of this Code, the Commission shall consider the demolition as part of its decision on the Conditional Use application."

STRUCTURE AS ALTERED

The existing one-story structure would be altered to remove the commercial use and provide a family sized dwelling-unit with a one-car garage. The building would rise to 40', step back at upper levels with

the top floor set back approximately 14' from the front wall along Castro Street. A roof deck, third floor deck and patio space above the garage are included as part of the Project to provide approximately 675 square feet of open space. The new dwelling unit would provide 3 bedrooms and 3.5 bathrooms. Basement excavation for additional habitable space, interior remodeling and significant exterior changes are also proposed.

The Project will increase the separation between the existing and proposed structure from 8'6" to 10' and provides code-compliant, usable open space for the proposed structure. However, the current nonconforming rear yard and open space condition for the existing two units would remain. Although the existing lot coverage slightly decreases and the two-unit residential structure is within the required rear yard of the current lot, the proposed construction would also be in the required rear yard; therefore a rear yard variance is required. Planning Code Section 134 requires a minimum rear yard of 25% of the total lot depth or 15' between the two buildings on the lot, this proposal provides only a 10' separation. Planning Code Section 132 requires a front setback of 4' 5" and construction is proposed within the required setback.

The overall scale, design, and materials of the proposed replacement structure are compatible with the residential neighborhood character. The materials for the front and side façades are more contemporary in style, with a mix of smooth and wood siding, and metal framed window.

EXISTING CONDITIONS		PROPOSED CONDITIONS		
Number Of Units	3	Number Of Units	3 + 1 ADU	
Parking Spaces	0	Parking Spaces	1	
Unit Breakdown	 799 Castro St ± 1,238 GFA, 0 bed 3878-3880 21st Street Unit 1: ± 822.5 GFA (1 bed) Unit 2: ± 943.5 GFA (1 bed + study) 	Unit Breakdown	 799 Castro St ± 3,429 GFA (incl. garage), 3 bed 3878-3880 21st Street Unit 1: No Change Unit 2: No Change ADU: ± 554 GFA (Studio) 	

BACKGROUND

The Project was scheduled for May 12, 2016 as a joint hearing with the Planning Commission and Zoning Administrator after a public-initiated Discretionary Review was filed. Below is a brief timeline to-date where presently, the Project seeks Conditional Use Authorization from the Planning Commission for a dwelling unit demolition and Variances from the Zoning Administrator.

- May 27, 2015/ Dec 24, 2015 311 notice mailed
- Jan 25, 2016 DR filed by adjacent neighbor at 789 Castro St
- May 12, 2016 Joint DR and Variance hearing continued (to 7/14/16, 10/6/16, 11/10/16)
- Jul 26, 2016 BPA filed to document legal use change from market to office use
- Nov 9, 2016 BPA for legal use change withdrawn
- Nov 10, 2016 DR and Variance withdrawn
- Apr 13, 2017 CUA for demolition filed, Variance case reactivated
- Oct 4, 2017 DR filed by adjacent neighbor at 789 Castro for ADU proposed in rear building

SITE DESCRIPTION AND PRESENT USE

The Project is located at the northeast corner of Castro and 21st Streets, Block 3603, Lot 024. The subject property is located within the RH-2 (Residential-House, Two Family) and the 40-X Height and Bulk District. The property is developed with a one-story commercial/residential building at the corner and a two-story building with two units along 21st Street.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject property is located at the southern edge of the Castro/Upper Market neighborhood, bordering Noe Valley and within Supervisor District 8. Parcels within the immediate vicinity consist of residential single-, two- and three-family dwellings of varied design and construction dates. Architectural styles, building heights, building depth and front setbacks vary within the neighborhood.

ENVIRONMENTAL REVIEW

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

ТҮРЕ	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	Sept 22, 2017	Sept 22, 2017	20 days
Posted Notice	20 days	Sept 22, 2017	Sept 22, 2017	20 days
Mailed Notice	20 days	Sept 22, 2017	Sept 22, 2017	20 days

HEARING NOTIFICATION

The proposal requires a Section 311-neighborhood and Variance notification, which were conducted in conjunction with the Conditional Use Authorization process. A Discretionary Review hearing notice was also sent out for the Accessory Dwelling Unit proposed in the rear building (under a separate building permit).

PUBLIC COMMENT/COMMUNITY OUTREACH

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	-	1	-
Other neighbors	-	4	-
Neighborhood groups	-	-	-

 The Project Sponsor conducted two Pre-Application Meetings with adjacent property owners on July 1, 2014 and February 21, 2017. To date, the Project has completed the Section 311, Conditional Use and Variance notifications as mentioned above. Since Conditional Use and Variance notification, the Department received five comments from neighbors objecting to the Project's requested Variances, proposed density and design.

ISSUES AND OTHER CONSIDERATIONS

- Pursuant to Planning Code Section 317 (d)(2),"Conditional Use authorization is required for approval of the permit for Residential Demolition, and the Commission shall consider the replacement structure as part of its decision on the Conditional Use application. If Conditional Use Authorization is required for the replacement structure by other sections of this Code, the Commission shall consider the demolition as part of its decision on the Conditional Use application."
- The property is nonconforming with respect to density as it is located within the RH-2 district and presently contains three units. The Project will maintain three units and introduce an Accessory Dwelling Unit in the existing two-unit building on the property (3878-3880 21st Street). The Rent Board found no evidence of evictions within the last ten years for either buildings on site. The Department supports the necessary and desirable additional unit as proposed.
- The proposal requires Variances from the Zoning Administrator to construct within the required front setback and rear yard.

RESIDENTIAL DESIGN TEAM REVIEW

The Project was reviewed by the Residential Design Advisory Team (RDAT) multiple times and has responded to the Department's comments, including the removal of the previously proposed rooftop stair penthouse. RDAT found that the proposed Project complies with the Residential Design Guidelines.

REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant Conditional Use Authorization to allow demolition of an existing single-family residence for the construction of a replacement dwelling unit located at 799 Castro Street.

BASIS FOR RECOMMENDATION

- The Project will provide a family-size unit with three bedrooms.
- The Project will result in a net gain of one unit through the proposed Accessory Dwelling Unit in the adjacent building on site.
- No residential tenants will be displaced as a result of this project.
- Given the scale of the Project, there will be no significant impact on the existing capacity of the local street system or MUNI.
- The existing building is not an historic resource or landmark.
- The Project is residential and has no impact on neighborhood-serving retail uses.

RECOMMENDATION: Approval with Conditions

Attachments:

Draft Motion
Design Review Checklist
Parcel Map
Sanborn Map
Aerial Photograph
Zoning Map
Site Photo
Rent Board Eviction History
CEQA Categorical Exemption Determination
Combined Section 303 / 311 Notice
Project Sponsor Submittal, including:
- Brief Submittal
- Conditional Use Authorization & Variance Applications

Public Comment

Attachment Checklist	
Executive Summary	Project sponsor submittal
Draft Motion	Drawings: Existing Conditions
Environmental Determination	Check for legibility
Zoning District Map	Drawings: Proposed Project
Height & Bulk Map	Check for legibility
Parcel Map	3-D Renderings (new construction or significant addition)
🔀 Sanborn Map	Check for legibility
Aerial Photo	Wireless Telecommunications Materials
Context Photos	Health Dept. review of RF levels
Site Photo	RF Report
	Community Meeting Notice
	Housing Documents
	Inclusionary Affordable Housing Program: Affidavit for Compliance

Exhibits above marked with an "X" are included in this packet _____NHT_____

Planner's Initials

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SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- □ Affordable Housing (Sec. 415)
- $\hfill\square$ Jobs Housing Linkage Program (Sec. 413)
- □ Downtown Park Fee (Sec. 412)
- □ First Source Hiring (Admin. Code)
- ☑ Child Care Requirement (Sec. 414)
- Other

Planning Commission Draft Motion

HEARING DATE: OCTOBER 12, 2017

Date:	October 5, 2017
Case No.:	2017-004562CUA & 2008.0410V
Project Address:	799 Castro Street & 3878-3880 21st Street
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	40-X Height and Bulk District
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	San Francisco, CA 94104
Staff Contact:	Nancy Tran – (415) 575-9174
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 317 REQUIRING CONDITIONAL USE AUTHORIZATION FOR THE TANTAMOUNT TO DEMOLITION AND REPLACEMENT OF A RESIDENTIAL UNIT.

PREAMBLE

On April 13, 2017, Thomas Tunny for Hatef Moghimi (Project Sponsor) filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 303 and 317 to demolish a residential unit and construct a three-story over basement single-family residence at 799 Castro Street within an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District. One new accessory dwelling unit is proposed in a detached building on site under a separate permit.

On October 12, 2017, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2017-004562CUA and 2008.0410V.

On September 29, 2017, the Department issued a new CEQA Categorical Determination to reflect scope of work changes (e.g., demolition, accessory dwelling unit) and supersede the previous determination document. The Department determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15301 (Class One - Minor Alteration of

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Planning Information: **415.558.6377** Existing Facility, (e) Additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet).

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2017-004562CUA, 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 demolition of an existing mixed-use structure (commercial office/single-family) and construction of a three-story over basement single-family residence at 799 Castro Street. The subject property contains three dwelling units two units in a building at the rear of the property (3878-3880 21st Street) and one unit within an existing limited nonconforming commercial office in a building at the front (799 Castro Street). Under a separate building permit, 2017.04.04.3134, one new accessory dwelling unit is proposed in the rear building.
- 3. **Site Description and Present Use.** The project is located at the northeast corner of Castro and 21st Streets, Block 3603, Lot 024. The subject property is located within the RH-2 (Residential-House, Two Family) and the 40-X Height and Bulk District. The property is developed with a one-story commercial/residential building at the corner and a two-story building with two units along 21st Street. The 2,650 sqare foot laterally sloping corner lot has 26'6" of frontage along Castro Street and a depth of 100' along 21st Street.
- 4. **Surrounding Properties and Neighborhood.** The subject property is located at the southern edge of the Castro/Upper Market neighborhood, bordering Noe Valley and within Supervisor District 8. Parcels within the immediate vicinity consist of residential single-, two- and three-family dwellings of varied design and construction dates. Architectural styles, building heights, building depth and front setbacks vary within the neighborhood.

5. Public Comment/Community Outreach

• The Project Sponsor conducted two Pre-Application Meetings with adjacent property owners on July 1, 2014 and February 21, 2017. The Project completed the Section 311, Conditional Use and Variance notifications as mentioned above.

- The Department has not received communication from neighbors regarding the Project since the public-initiated Discretionary Review and Variance applications were withdrawn.
- 6. **Planning Code Compliance:** The Commission finds that the Project is generally consistent with the relevant provisions of the Planning Code in the following manner:
 - A. Height. Planning Code Section 260 requires that all structures be no taller than the height prescribed in the subject height and bulk district. The proposed Project is located in a 40-X Height and Bulk District, with a 40' height limit. Planning Code Section 261 further restricts height in RH-2 Districts to 30' at the front lot line, then at such setback, height shall increase at an angle of 45° toward the rear lot line until the prescribed 40' height limit is reached.

The project proposes a building that will be approximately 40' *tall and will meet the* 30' *maximum at the front.*

B. **Front Setback Requirement.** Planning Code Section 132 requires, in RH-2 Districts, a front setback that complies to legislated setbacks (if any) or a front back based on the average of adjacent properties (15 foot maximum).

The subject property does not have a legislated setback. Based on the average of adjacent neighbors, a 4'5" front setback is required. The project requires a front setback variance as portions of the building encroach within the required setback.

C. **Rear Yard Requirement.** Planning Code Section 134 requires, in RH-2 Districts, a rear yard measuring 45 percent of the total depth; properties with two buildings on a lot are required to provide a minimum rear yard of 25% of the total lot depth or 15' between the two buildings.

The project proposes an approximately 10' separation (increased from existing 8'6") between the subject building at the front and rear building. The project requires a variance as the subject building encroaches within the required rear yard.

D. **Side Yard Requirement.** Planning Code Section 133 does not require side yard setbacks in in RH-2 Districts.

The project proposes constructing to both side property lines since no side setbacks are required in the RH-2 District. The property does not currently provide side setbacks as the existing buildings are built to both side property lines.

E. **Residential Design Guidelines.** Per Planning Code Section 311, the construction of new residential buildings and alteration of existing residential buildings in R Districts shall be consistent with the design policies and guidelines of the General Plan and with the "Residential Design Guidelines."

The Residential Design Team determined that the project complies with the Residential Design Guidelines.

F. **Front Setback Landscaping and Permeability Requirements.** Planning Code Section 132 requires that the required front setback be at least 20% unpaved and devoted to plant material and at least 50% permeable to increase storm water infiltration.

A majority of the existing front building wall built to the front property line will be maintained as part of the proposal. Areas not constructed on and within the required front setback will provide the minimum required landscaping and permeability.

G. **Street Frontage Requirement.** Planning Code Section 144 requires that off-street parking entrances be limited to one-third of the ground story width along the front lot line and no less than one-third be devoted to windows, entrances to dwelling units, landscaping and other architectural features that provide visual relief and interest for the street frontage.

The project complies with the street frontage requirement as it exceeds the visual relief minimum.

H. Street Frontage, Parking and Loading Access Restrictions. Off-street parking shall meet the standards set forth in Planning Code Section 155 with respect to location, ingress/egress, arrangement, dimensions, etc.

Proposed off-street parking for one vehicle will be located wholly within the property, comply with access, arrangement and street frontage dimensional standards.

I. **Usable Open Space**. Planning Code Section 135 requires, in RH-2 Districts, usable open space that is accessible by each dwelling (125 square feet per unit if private, ~166 sqare feet if shared).

The project provides the minimum private usable open space required for the subject building. However, the nonconforming open space condition for the existing two units would remain.

J. Parking. Planning Code Section 151 requires one parking space for each dwelling unit.

The project proposes one off-street parking space for the subject building. However, the nonconforming parking condition for the existing two units would remain.

K. Residential Demolition – Section 317: Pursuant to Planning Code Section 317, Conditional Use Authorization is required for applications proposing to remove a residential unit. This Code Section establishes a checklist of criteria that delineate the relevant General Plan Policies and Objectives.

As the project requires Conditional Use Authorization per the requirements of the Section 317, the additional criteria specified under Section 317 have been incorporated as findings a part of this Motion. See Item 8. "Additional Findings pursuant to Section 317" below.

L. **Residential Density, Dwelling Units.** Per Planning Code Section 209.1, up to two units per lot are principally permitted in RH-2 Districts and up to one unit per 1,500 Sq. Ft. of lot area is allowed with Conditional Use Authorization.

The property is nonconforming with respect to density as it presently contains three units. The project proposes tantamount to demolition of the existing single-family/commercial structure and construction of a replacement dwelling unit on the 2,650 square foot parcel. The project will maintain the quantity of dwelling units on site and will introduce an Accessory Dwelling Unit in the existing two-unit building on the property (3878-3880 21st Street) under a separate building permit.

M. Child Care Requirements for Residential Projects. Planning Code Section 414A requires that any residential development project that results in additional space in an existing residential unit of more than 800 gross square feet shall comply with the imposition of the Residential Child Care Impact Fee requirement.

The project proposes adding more than 800 gross square feet to the subject building. Therefore, the Project is subject to the Residential Child Care Impact Fee and must comply with the requirements outlined in Planning Code Section 414A.

- 7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:
 - A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The proposal will remove a noncomplying commercial office use from and replace it with residential use within the residential context. It will provide a family-sized unit that is designed to be in keeping with the existing development pattern and the neighborhood character.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:
 - i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The proposal is designed to be compatible with the surrounding neighborhood and adjacent buildings. It proposes a single-family structure that is similar to the massing and arrangement of the neighborhood context.

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

Planning Code requires one off-street parking space per dwelling unit. One vehicle and one bicycle space are proposed where currently no spaces provided on site for the existing buildings.

iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

The proposal is residential and will not yield noxious or offensive emissions.

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

The proposed project is residential, will be landscaped accordingly and will provide one off-street parking space.

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

The Project generally complies with 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 RH-2 District.

The property is nonconforming with respect to density as it presently contains three units. The project will maintain the existing quantity of dwelling units on site and will introduce an Accessory Dwelling Unit in the existing two-unit building on the property (3878-3880 21st Street) under a separate building permit.

- 8. Additional Findings pursuant to Section 317 establishes criteria for the Planning Commission to consider when reviewing applications to demolish or convert Residential Buildings. On balance, the Project does comply with said criteria in that:
 - i. Whether the property is free of a history of serious, continuing Code violations;

Project meets criterion.

A review of the databases for the Department of Building Inspection and the Planning Department did not show any enforcement cases or notices of violation.

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

Project meets criterion.

The structure appears to be in decent condition.

iii. Whether the property is an "historic resource" under CEQA;

Criterion not applicable.

The Planning Department reviewed the Historic Resource Evaluation submitted and concluded that the subject property is not eligible for listing in the California Register of Historical Resources (CRHR) individually or as a contributor to a historic district. Therefore, the existing structure is not a historic resource under CEQA.

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

Criterion not applicable.

Not applicable. The Planning Department determined that the existing structure is not a historic resource. Therefore, the removal of the structure would not result in a significant adverse impact on historic resources under CEQA.

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

Criterion not applicable.

The existing unit is not rental housing.

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

Criterion not applicable.

The subject property is a commercial office/single-family residence and not subject to rent control.

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

Project meets criterion.

Although the project proposes demolition of the commercial office/dwelling unit, it will be replaced with a family-sized unit with 3 bedrooms. The project will maintain the quantity of dwelling units on site and will introduce an Accessory Dwelling Unit in the existing two-unit building on the property (3878-3880 21st Street) under a separate building permit.

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

Project meets criterion.

The replacement building will conserve neighborhood character with appropriate scale, design, and materials, and improve cultural and economic diversity by appropriately increasing the number of bedrooms for a family-sized unit. There will be a net gain of one unit at the project site through the introduction of an Accessory Dwelling Unit under a separate building permit.

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

Project meets criterion.

The project will maintain the existing quantity of dwelling units on site and will introduce an Accessory Dwelling Unit in the existing two-unit building on the property (3878-3880 21st Street) under a separate building permit. By creating new dwelling-unit where one dwelling used to exist, the relative affordability of existing housing is being preserved.

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

Criterion not applicable.

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

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

Project meets criterion.

The project has been designed to be in keeping with the scale and development pattern of the established neighborhood character.

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

Project meets criterion.

The project proposes a three-bedroom, family-sized residence and an accessory dwelling unit under a separate building permit in the adjacent building on the lot.

xiii. Whether the Project creates new supportive housing;

Criterion not applicable.

The project does not create supportive housing.

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

Project meets criterion.

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

xv. Whether the Project increases the number of on-site Dwelling Units;

Project meets criterion.

The project will maintain the existing quantity of dwelling units on site and will introduce an accessory dwelling unit in the existing two-unit building on the property (3878-3880 21st Street) under a separate building permit.

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

Project meets criterion.

The project proposes a three-bedroom, family-sized residence and an accessory dwelling unit (studio) under a separate building permit in the adjacent building on the lot.

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

Project meets criterion.

The property is nonconforming with respect to density as it presently contains three units. The project proposes tantamount to demolition of the existing single-family/commercial structure and construction of a replacement dwelling unit on the 2,650 square foot parcel. The project will maintain the existing quantity of dwelling units on site and will introduce an accessory dwelling unit in the existing two-unit building on the property (3878-3880 21st Street) under a separate building permit.

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

Project meets criterion.

The project proposes replacing the existing commercial/residential structure with a new, familysized dwelling unit of a larger size.

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

HOUSING ELEMENT

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.

The project proposes a three-bedroom, family-sized residence and an accessory dwelling unit under a separate building permit in the adjacent building on the lot.

OBJECTIVE 11:

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

Policy 11.1

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

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

Policy 11.2

Ensure implementation of accepted design standards in project approvals.

Policy 11.3

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

The property is nonconforming with respect to density as it presently contains three units. The project will maintain the existing quantity of dwelling units on site and will introduce an accessory dwelling unit in the existing two-unit building on the property (3878-3880 21st Street) under a separate building permit.

Policy 11.4

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

Policy 11.5

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

URBAN DESIGN

OBJECTIVE 1:

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

Policy 1.2:

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

The project proposes construction that respects existing building heights and topography in the neighborhood.

Policy 1.3:

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

The proposed replacement building reflects the existing mixed architectural character and development pattern of the neighborhood. The overall scale, design, and materials of the proposed building are consistent with the block-face and compliment the neighborhood character.

OBJECTIVE 2:

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

Policy 2.6:

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

The replacement building has been designed to be compatible with the neighborhood's mixed massing, width and height. It proposes exterior materials that are compatible with the adjacent buildings and immediate neighborhood character.

- 10. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:
 - A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

While the existing commercial/residential structure is proposed to be demolished, the replacement building would provide a family-sized dwelling unit in a neighborhood made up of one-, two-and three+ units of mixed architectural character.

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

The replacement building would provide a family-sized dwelling unit in a neighborhood made up of one-, two-and three+ units of mixed architectural character.

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

While the project does not propose affordable housing, it will provide a family-size dwelling unit and an accessory dwelling unit on site, adding to the City supply of housing.

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

The project would not have a significant adverse effect on automobile traffic congestion or create parking problems in the neighborhood. The project would enhance neighborhood parking by providing one off-street parking space and one bicycle parking space, where none currently exist on the lot.

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

The project will remove a nonconforming commercial office/residential building and replace it with residential use which is in keeping with the residential neighborhood context.

F. 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.

G. That landmarks and historic buildings be preserved.

Landmark or historic buildings do not occupy the project site.

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

The project will have no negative impact on existing parks and open spaces. The height of the proposed structure is compatible with the established neighborhood development.

- 11. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
- 12. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2016-004562CUA** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on October 12, 2017.

Jonas P. Ionin Commission Secretary

AYES:

NAYS:

ABSENT:

RECUSED:

ADOPTED: October 12, 2017

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow tantamount to demolition of an existing single-family residence and construction of two replacement dwelling units located at 437 Hoffman Avenue, Block 6503, Lot 024 pursuant to Planning Code Sections **303 and 317** within the **RH-2** District and a **40-X** Height and Bulk District; in general conformance with plans, dated **September 10, 2017**, and stamped "EXHIBIT B" included in the docket for Case No. **2017-004562CUA** and subject to conditions of approval reviewed and approved by the Commission on **October 12, 2017** under Motion No **XXXXXX**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **October 12, 2017** under Motion No **XXXXXX**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

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

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

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, <u>www.sf-planning.org</u>

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, <u>www.sf-planning.org</u>

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, <u>www.sf-planning.org</u>

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, <u>www.sf-planning.org</u>

DESIGN

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

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, <u>www.sf-planning.org</u>

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

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, <u>www.sf-planning.org</u>

PARKING AND TRAFFIC

8. **Parking Requirement.** Pursuant to Planning Code Section 151, the Project shall provide one independently accessible off-street parking space. *For information about compliance, contact Code Enforcement, Planning Department at* 415-575-6863, *www.sf-planning.org*

PROVISIONS

10. **Child Care Fee - Residential.** The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378,* <u>www.sf-planning.org</u>

MONITORING

11. 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*

12. **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, <u>www.sf-planning.org</u>

OPERATION

- 13. 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, <u>http://sfdpw.org</u>
- 14. 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, <u>http://sfdpw.org</u>
- 15. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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

Design Review Checklist

NEIGHBORHOOD CHARACTER (PAGES 7-10)

QUESTION	
The visual character is: (check one)	
Defined	X
Mixed	

Comments: The surrounding neighborhood consists of a mixture of two-, three- and four-story buildings, containing mostly one- or two- residential dwelling-units constructed in the Queen Anne style of architecture characterized by pitched roofs. The residential neighborhood contains dwellings respecting the topography of the up-sloping street as one heads south. The adjacent property to the corner site is two-stories-over-garage with attic as are many buildings on the subject block-face. Directly across the street on Castro Street is a two-story structure with mostly three-story-over-garage buildings. Further south on Castro Street across 21st, the neighborhood character is a bit more mixed with buildings constructed more recently than those in the first decade of the 20th century.

SITE DESIGN (PAGES 11 - 21)

QUESTION	YES	NO	N/A
Topography (page 11)			
Does the building respect the topography of the site and the surrounding area?	X		
Is the building placed on its site so it responds to its position on the block and to the placement of surrounding buildings?	x		
Front Setback (pages 12 - 15)			
Does the front setback provide a pedestrian scale and enhance the street?			x
In areas with varied front setbacks, is the building designed to act as transition between adjacent buildings and to unify the overall streetscape?			x
Does the building provide landscaping in the front setback?			x
Side Spacing (page 15)			
Does the building respect the existing pattern of side spacing?			x
Rear Yard (pages 16 - 17)			
Is the building articulated to minimize impacts on light to adjacent properties?	X		
Is the building articulated to minimize impacts on privacy to adjacent properties?	X		
Views (page 18)			
Does the project protect major public views from public spaces?			x
Special Building Locations (pages 19 - 21)			
Is greater visual emphasis provided for corner buildings?	X		
Is the building facade designed to enhance and complement adjacent public spaces?			x
Is the building articulated to minimize impacts on light to adjacent cottages?			X

Comments: The proposed building is consistent with other buildings in the vicinity. Although many buildings on the subject block face are characterized with gabled roofs, a considerable number of buildings south of 21st Street one block away from the subject property are constructed with flat roofs, as proposed by the project. Similar to many properties in the neighborhood, the proposed structure would consist of four levels.

BUILDING SCALE AND FORM (PAGES 23 - 30)

QUESTION	YES	NO	N/A
Building Scale (pages 23 - 27)			
Is the building's height and depth compatible with the existing building scale at the street?	x		
Is the building's height and depth compatible with the existing building scale at the mid-block open space?	x		
Building Form (pages 28 - 30)			
Is the building's form compatible with that of surrounding buildings?	X		
Is the building's facade width compatible with those found on surrounding buildings?	x		
Are the building's proportions compatible with those found on surrounding buildings?	x		
Is the building's roofline compatible with those found on surrounding buildings?	X		

Comments: The replacement building is compatible with the established building scale at the street. The building's form, façade width, proportions, and roofline are compatible with the newer buildings in the neighborhood context.

ARCHITECTURAL FEATURES (PAGES 31 - 41)

QUESTION	YES	NO	N/A
Building Entrances (pages 31 - 33)			
Does the building entrance enhance the connection between the public realm of	x		
the street and sidewalk and the private realm of the building?	•		
Does the location of the building entrance respect the existing pattern of building	x		
entrances?	^		
Is the building's front porch compatible with existing porches of surrounding	x		
buildings?	•		
Are utility panels located so they are not visible on the front building wall or on	x		
the sidewalk?	^		
Bay Windows (page 34)			
Are the length, height and type of bay windows compatible with those found on	v		
surrounding buildings?	X		
Garages (pages 34 - 37)			
Is the garage structure detailed to create a visually interesting street frontage?	x		
Are the design and placement of the garage entrance and door compatible with	x		

the building and the surrounding area?		
Is the width of the garage entrance minimized?	X	
Is the placement of the curb cut coordinated to maximize on-street parking?	X	
Rooftop Architectural Features (pages 38 - 41)		
Is the stair penthouse designed to minimize its visibility from the street?		x
Are the parapets compatible with the overall building proportions and other		v
building elements?		Λ
Are the dormers compatible with the architectural character of surrounding		v
buildings?		Λ
Are the windscreens designed to minimize impacts on the building's design and		v
on light to adjacent buildings?		Λ

Comments:

BUILDING DETAILS (PAGES 43 - 48)

QUESTION	YES	NO	N/A
Architectural Details (pages 43 - 44)			
Are the placement and scale of architectural details compatible with the building and the surrounding area?	x		
Windows (pages 44 - 46)			
Do the windows contribute to the architectural character of the building and the neighborhood?	x		
Are the proportion and size of the windows related to that of existing buildings in the neighborhood?	x		
Are the window features designed to be compatible with the building's architectural character, as well as other buildings in the neighborhood?	x		
Are the window materials compatible with those found on surrounding buildings, especially on facades visible from the street?	x		
Exterior Materials (pages 47 - 48)			
Are the type, finish and quality of the building's materials compatible with those used in the surrounding area?	x		
Are the building's exposed walls covered and finished with quality materials that are compatible with the front facade and adjacent buildings?	x		
Are the building's materials properly detailed and appropriately applied?	X		

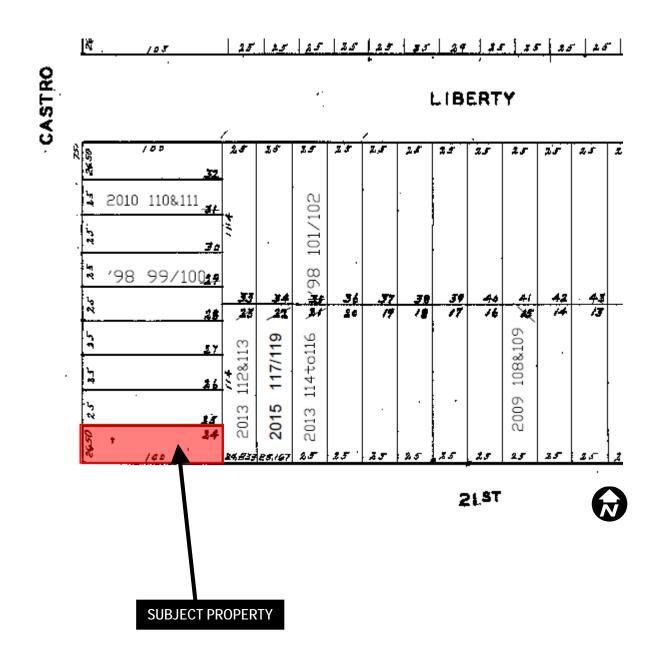
Comments: The placement and scale of the architectural details are compatible with the residential character of this neighborhood. The proportion of windows and material choice of aluminum windows appear consistent with the newer buildings in the neighborhood.

SPECIAL GUIDELINES FOR ALTERATIONS TO BUILDINGS OF POTENTIAL HISTORIC OR ARCHITECTURAL MERIT (PAGES 49 – 54)

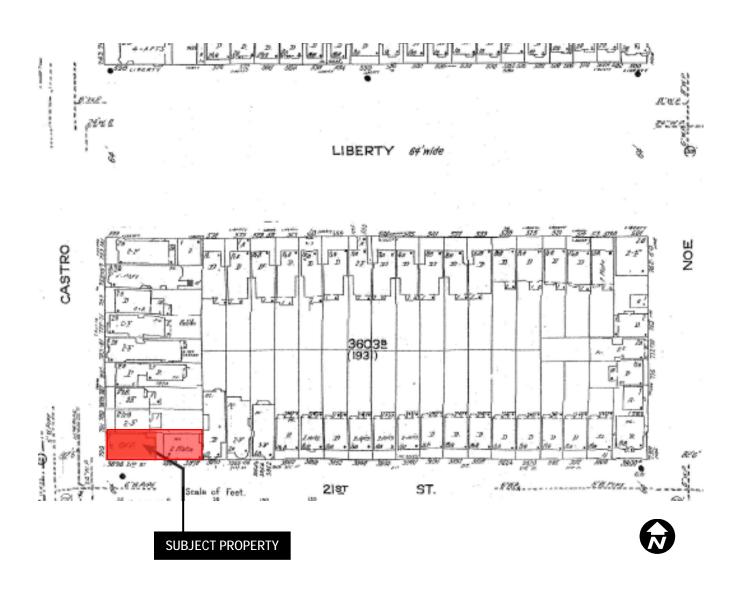
QUESTION	YES	NO	N/A
Is the building subject to these Special Guidelines for Alterations to Buildings of Potential Historic or Architectural Merit?			x
Are the character-defining features of the historic building maintained?			x
Are the character-defining building form and materials of the historic building maintained?			x
Are the character-defining building components of the historic building maintained?			x
Are the character-defining windows of the historic building maintained?			x
Are the character-defining garages of the historic building maintained?			X

Comments: The Project has been determined not to be an historical resource for the purposes of CEQA.

Parcel Map



Sanborn Map*



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

Aerial Photo



Zoning Map



Site Photo



Rent Board Response to Request from Planning **Department for Eviction History Documentation**

Re: 3878-3880 21st St/ 799 Castro

This confirms that the undersigned employee of the San Francisco Rent Board has reviewed its records pertaining to the above-referenced unit(s) to determine whether there is any evidence of evictions on or after the date specified. All searches are based upon the street addresses provided.

No related eviction notices were filed at the Rent Board after:

	12/10/13
-	

03/13/14

10 years prior to the following date: 4 - 4 - 17

Yes, an eviction notice was filed at the Rent Board after:

12/10/13

03/13/14

- 10 years prior to the following date:
 - See attached documents.

There are no other Rent Board records evidencing an eviction after:

12/10/13

03/13/14

10 years prior to the following date: 4 - 4 - 17

Yes, there are other Rent Board records evidencing a an eviction after:

12/10/13

03/13/14

See attached documents.

Signed:

Dated: 7 - 11 - 17

Van Lam Citizens Complaint Officer

The Rent Board is the originating custodian of these records; the applicability of these records to Planning permit decisions resides with the Planning Department.



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
799 Castro	o/3878-3880 21st Street	3603/024	
Case No.	Permit No.	Plans Dated	
2008.0410E	201704043134		8-10-2017
✓ Addition/	Demolition	New	Project Modification
Alteration	(requires HRER if over 45 years old)	Construction (GO TO STEP 7)	
Project description for Planning Department approval.			

799 Castro Street : change of use from commercial to residential, addition of three stories. 3878 21st Street: Addition to the existing residential structure not visible from the street. Window alteration at front facade. 3 dwelling units to be located at 3878 21st Street. Lot line adjustment.

STEP 1: EXEMPTION CLASS TO BE COMPLETED BY PROJECT PLANNER

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

STEP 2: CEQA IMPACTS TO BE COMPLETED BY PROJECT PLANNER

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

=	· · _
	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)? <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Article 38 program and the project would not have the potential to emit substantial pollutant concentrations. (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollutant Exposure Zone)</i>
	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</i>

	Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).
	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?
	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? (<i>refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area</i>)
	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? (<i>refer to EP_ArcMap > CEQA Catex Determination Layers > Topography</i>)
	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? (<i>refer to EP_ArcMap > CEQA Catex Determination Layers > Topography</i>) If box is checked, a geotechnical report is required.
	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? (<i>refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones</i>) If box is checked, a geotechnical report is required.
	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? (<i>refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones</i>) If box is checked, a geotechnical report will likely be required.
	are checked above, GO TO STEP 3. <u>If one or more boxes are checked above, an <i>Environmental</i> Application is required, unless reviewed by an Environmental Planner.</u>
\checkmark	Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.
Comments a	and Planner Signature (optional):

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

PROPERTY IS ONE OF THE FOLLOWING: (refer to Parcel Information Map)			
	Category A: Known Historical Resource. GO TO STEP 5.		
	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.		
\checkmark	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

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

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

Check a	Check all that apply to the project.			
	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.			
	2. Interior alterations to publicly accessible spaces.			
	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.			
	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.			
	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.			
	6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.			
	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> .			
	8. Other work consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties (specify or add comments):			

	9. Other work that would not materially impair a historic district (specify or add comments):				
	(Paguiras annoral by Sovier Preservation Planner/Preservation Coordinator)				
	(Requires approval by Senior Preservation Planner/Preservation Coordinator)				
	10. Reclassification of property status . (<i>Requires approval by Senior Preservation Planner/Preservation Coordinator</i>)				
	Reclassify to Category A Reclassify to Category C				
	a. Per HRER dated: (attach HRER)				
	b. Other (<i>specify</i>):				
Not	e: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.				
	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.				
	Project can proceed with categorical exemption review . The project has been reviewed by the				
\checkmark	Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.				
799 Ca (N) ope	Comments (<i>optional</i>): 799 Castro Street rated as a C building per Historic Resource Evaluation Response. 3878-3880 21st Street not evaluated, however (N) openings at main facade for windows are compatible in proportion, size and (N) window material conform to SOIS and Department standards and with existing building.				
Preservation Planner Signature: Marcelle Boudreaux					
	P 6: CATEGORICAL EXEMPTION DETERMINATION				
TOB	E COMPLETED BY PROJECT PLANNER				
	Further environmental review required. Proposed project does not meet scopes of work in either (<i>check</i>				
	all that apply):				
	Step 2 – CEQA Impacts				
	Step 5 – Advanced Historical Review				
	STOP! Must file an Environmental Evaluation Application.				
	No further environmental review is required. The project is categorically exempt under CEQA.				
	Planner Name: Signature:				

Project Approval Action:

Select One

If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.

Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.

In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.

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

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

PROPERTY INFORMATION/PROJECT DESCRIPTION

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

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:

1		
	Result in expansion of the building envelope, as defined in the Planning Code;	
	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;	
	Result in demolition as defined under Planning Code Section 317 or 19005(f)?	
	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 shore house is shorted further any increased in minor is a suring the ATEX FORM		

If at least one of the above boxes is checked, further environmental review is required. ATEX FORM

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

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

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SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street, Suite 400 • San Francisco, CA 94103 • Fax (415) 558-6409

NOTICE OF PUBLIC HEARING

Hearing Date: Time: Location: Case Type: Hearing Body:

Thursday, October 12, 2017 Not before 1:00 PM City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400 Conditional Use & Variance

Hearing Body: Planning Commission & Zoning Administrator

PROPERTY INFORMATION		APPLICATION INFORMATION	
Project Address:	799 Castro Street 3878-3880 21 st Street	Case No.:	2017-004562CUA 2008.0410V
Cross Street(s):	Castro & 21 st Streets	Building Permit:	2014.09.19.6883
Block /Lot No.:	3603 / 024	Applicant:	Tom Tunny
Zoning District(s):	RH-2 / 40-X	Telephone:	(415) 567-9000
Area Plan:	N/A	E-Mail:	ttunny@reuben.com
PROJECT DESCRIPTION			

The proposal is for **Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 317, to demolish an existing mixed-use structure (commercial office/single-family) and construct a three-story over basement single-family residence. The subject property contains three dwelling units, two units in a building at the rear of the property, and one unit with office in a building at the front. See attached plans.

The project also requests **Variances** from the Zoning Administrator to construct within the required front setback and rear yard. Planning Code Section 132 requires a front setback of 4 feet - 5 inches and construction is proposed to the front property line. Section 134 requires a rear yard of 25% of the total lot depth or 15 feet between the two buildings on the lot and the proposal provides only a 10 foot separation. The property is legally noncomplying in regards to the rear yard requirement because there is a two-story over basement with two dwelling units located entirely within rear yard.

Under a separate building permit, 2017.04.04.3134, one new accessory dwelling unit is proposed in the rear building (3878-3880 21st St).

A Planning Commission approval at the public hearing would constitute the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).

ADDITIONAL INFORMATION

ARCHITECTURAL PLANS: If you are interested in viewing the plans for the proposed project please contact the planner listed below. The plans and Department recommendation of the proposed project will be available prior to the hearing through the Planning Commission agenda at: <u>http://www.sf-planning.org</u> or by request at the Planning Department office located at 1650 Mission Street, 4th Floor.

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

FOR MORE INFORMATION, PLEASE CONTACT PLANNING DEPARTMENT STAFF:Planner:Nancy TranTelephone: (415) 575-9174E-Mail: Nancy.H.Tran@sfgov.org

GENERAL INFORMATION ABOUT PROCEDURES

HEARING INFORMATION

You are receiving this notice because you are either a property owner or resident that is adjacent to the proposed project or are an interested party on record with the Planning Department. You are not required to take any action. For more information regarding the proposed work, or to express concerns about the project, please contact the Applicant or Planner listed on this notice as soon as possible. Additionally, you may wish to discuss the project with your neighbors and/or neighborhood association as they may already be aware of the project.

Persons who are unable to attend the public hearing may submit written comments regarding this application to the Planner listed on the front of this notice, Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103, by 5:00 pm the day before the hearing. These comments will be made a part of the official public record and will be brought to the attention of the person or persons conducting the public hearing.

Comments that cannot be delivered by 5:00 pm the day before the hearing may be taken directly to the hearing at the location listed on the front of this notice. Comments received at 1650 Mission Street after the deadline will be placed in the project file, but may not be brought to the attention of the Planning Commission at the public hearing.

BUILDING PERMIT APPLICATION INFORMATION

Pursuant to Planning Code Section 311 or 312, the Building Permit Application for this proposal may also be subject to a 30-day notification of property owners and residents within 150-feet of the subject property. This notice covers the Section 311 notification requirements.

APPEAL INFORMATION

An appeal of the approval (or denial) of a **Conditional Use application** and/or building permit application associated with the Conditional Use application may be made to the **Board of Supervisors within 30 calendar days** after the date of action by the Planning Commission pursuant to the provisions of Section 308.1(b). Appeals must be submitted in person at the Board's office at 1 Dr. Carlton B. Goodlett Place, Room 244. For further information about appeals to the Board of Supervisors, including current fees, contact the Clerk of the Board of Supervisors at (415) 554-5184.

An appeal of the approval (or denial) of a **building permit application** by the Planning Commission may be made to the **Board of Appeals within 15 calendar days** after the building permit is issued (or denied) by the Director of the Department of Building Inspection. Appeals must be submitted in person at the Board's office at 1650 Mission Street, 3rd Floor, Room 304. For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (415) 575-6880.

Pursuant to California Government Code Section 65009, if you challenge, in court, the decision of an entitlement or permit, the issues raised shall be limited to those raised in the public hearing or in written correspondence delivered to the Planning Commission prior to, or at, the public hearing.

ENVIRONMENTAL REVIEW

This project has undergone preliminary review pursuant to California Environmental Quality Act (CEQA). If, as part of this process, the Department's Environmental Review Officer has deemed this project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained through the Exemption Map, on-line, at <u>www.sfplanning.org</u>. An appeal of the decision **to exempt the proposed project from CEQA may be made to the Board of Supervisors within 30 calendar days** after the project approval action identified on the determination. The procedures for filing an appeal of an exemption determination are available from the Clerk of the Board at City Hall, Room 244, or by calling (415) 554-5184.

Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.

PROJECT SPONSOR BRIEF SUBMITTAL (11/27/17)

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REUBEN, JUNIUS & ROSE, LLP

November 27, 2017

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

> Re: 799 Castro Street/3878-3880 21st Street (1369/034) Brief in Support of Proposed Project Planning Department Case No. 2017.004562CUADRP Hearing Date: December 14, 2017 Our File No.: 10028.01

Dear President Hillis and Commissioners:

Our office represents Hatef Moghimi ("**Project Sponsor**") concerning his proposed project at 799 Castro Street and 3878-3880 21st Street (the "**Property**"). The proposed project (the "**Project**") consists of the following:

- Termination of a noncomplying office use in the one-story building at 799 Castro Street and construction of a new 3,150 square-foot, 3-bedroom, 3-story over basement single-family home (renderings of the new home are attached as <u>Exhibit</u> <u>A</u>); and
- Establishment of a rent-controlled accessory dwelling unit ("ADU") in the existing two-unit residential building at 3878-3880 21st Street, replacing a <u>non-existent</u> dwelling unit at 799 Castro Street that was removed from the building many decades ago (the entire building has been used as a legal noncomplying office since at least 1980, and as a grocer story for several decades prior);

(Project plans for the 799 Castro residence and the ADU are attached as <u>Exhibit B</u> and <u>Exhibit C</u>, respectively.)

The Project requires authorization under Planning Code Section 317 and a Conditional Use Authorization (the "**CU**") for the re-establishment of the dwelling unit as an ADU, and the construction of the new single family home. The Project also requires front setback and rear yard Variances. The neighbor at 789 Castro Street has filed a discretionary review request concerning the building permit for the ADU, as part of an ongoing strategy to cause delay of the

San Francisco Office One Bush Street, Suite 600, San Francisco, CA 94104 tel: 415-567-9000 | fax: 415-399-9480

Oakland Office 827 Broadway, Suite 205, Oakland, CA 94607 tel: 510-257-5589

Project. The Project in its present form is the culmination of eight years of planning, including extensive negotiations with the adjacent neighbor at 789 Castro Street.

For the following reasons, we respectfully request that the Planning Commission approve the Project, and not take discretionary review:

- The replacement of the noncomplying office use with a modestly-sized and welldesigned single-family home and rent-controlled ADU brings the Property into compliance with the Planning Code and creates much-needed housing in two different but equally desirable product types;
- At 3,150 square feet and 3 bedrooms, the proposed single-family home is comparable in size with other single-family homes in the neighborhood and provides an appropriately strong presence for a corner lot; the modern design, at the direction of Planning Department staff, provides differentiation within the neighborhood character; the rear is pushed forward and the rear entrance has been reconfigured to accommodate the noncomplying property line window of the adjacent neighbor at 789 Castro Street;
- In 2015, the Department of Building Inspection ("**DBI**") concluded that no dwelling unit existed at 799 Castro Street. Nevertheless, the neighbor at 789 Castro Street challenged DBI's conclusion. As an accommodation of the neighbor and in the spirit of resolution, the Mr. Moghimi proposes to recognize the dwelling unit and re-establish it as a rent-controlled ADU at 3878-3880 21st Street;
- The discretionary review request has no merit, and was filed only as part of an ongoing strategy by the neighbor to cause Project delays;
- The Project is supported by over 20 neighbors (Exhibit D);
- For all of these reasons, staff has recommended approval of the Project as proposed.

I. PROPERTY AND PROJECT BACKGROUND

The building at 799 Castro was constructed in 1909 as grocery store with a small dwelling unit in the rear. In 1980, a building permit was issued that changed the use from grocery store to office, and recognized that the dwelling unit no longer existed. (Exhibit E.) When the Project Sponsor purchased the Property in 2007, DBI would not issue a 3-R Report for

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799 Castro because it was recognized as a commercial use (with no residential use) in the City's records.

Because the neighbor at 789 Castro Street raised questions concerning the use of 799 Castro, DBI investigated and confirmed the commercial use and lack of a dwelling unit. DBI issued a Certificate of Final Completion and Occupancy in 2015 (the "CFC"), confirming that no dwelling unit existed at 799 Castro. (Exhibit F.) The adjacent neighbor at 789 Castro filed an appeal of the CFC to the Board of Appeals. In the spirit of resolution and a desire to move forward with the Project, the Mr. Moghimi proposes to recognize the dwelling unit and reestablish it as a rent-controlled ADU at 3878-3880 21st Street. Although no building plans exist showing the size and configuration of the dwelling unit at 799 Castro Street, it was one-story and appeared to incorporate approximately 400 square feet of the space that originally was a grocery store and later became an office. The ADU similarly is one-story and is approximately 600 square feet in floor area.

The new dwelling at 799 Castro is a modestly-sized (3,150 square feet), 3-bedroom family home. At least five other nearby single-family homes are comparable in size, including the adjacent neighbor at 789 Castro. (Exhibit G.)

The proposed size and design provides an appropriately strong presence for a corner-lot location. The Project Sponsor originally proposed a more traditional design, but Planning Department staff insisted that the design be changed to a more contemporary one. This is consistent with neighborhood character as there are several other contemporary designs in the neighborhood. (Exhibit H.)

The new residence has been designed to minimize any impacts on the adjacent neighbor at 789 Castro. The building has been pushed forward to provide access to light and air to the neighbor's noncomplying property line window. The Project Sponsor also removed a rear entrance at that location, and moved it to the garage, to protect the neighbor's privacy.

As is typical of a corner lot, open space on the Property is at a premium. Because of this, the new residence provides open space with a second-story terrace at the rear, a third-story terrace at the front, and a roof deck. In recognition of the Planning Commission's policies concerning roof decks, this deck is smaller-sized at 290 square feet and set back from the property lines significantly on all sides. Viewing the property from above, one can see that the deck will not have any privacy or light and air impacts on any neighbors. (Exhibit I.)

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II. THE PLANNING CODE'S DWELLING UNIT DEMOLITION AND CONDITIONAL USE FINDINGS ARE MET

A. Section 317

Under Planning Code Section 317(g)(5), the Planning Commission must make certain findings in order to approve the demolition of the dwelling unit at 799 Castro and its reestablishment as an ADU at 3878-3880 21^{st} Street. We submit that the proposed Project meets all of the required findings, including without limitation the following. The Project:

- Does not convert rental housing to other forms of tenure or occupancy, and in fact increases the number of rent-controlled units;
- Conserves existing housing to preserve cultural and economic neighborhood diversity;
- Protects the relative affordability of existing housing;
- Locates in-fill housing on appropriate sites in established neighborhoods;
- Increases the number of family-sized units on-site;
- Is of superb architectural and urban design, meeting all relevant design guidelines, to enhance existing neighborhood character;
- Increases the number of on-site dwelling units;
- Increases the number of on-site bedrooms; and
- Would maximize density on the subject lot.

B. <u>Section 303</u>

The proposed Project also satisfies the required findings of Planning Code Section 303, as follows:

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(1) 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 Project is necessary and desirable because it will remove a noncomplying office use from a residential neighborhood and replace it with a residential use. The project will add a modestly-sized single-family home in a district where family housing is strongly encouraged by City planning and zoning controls and policies. The new residence is of a superior design, is of a size comparable to other single-family homes in the neighborhood, and is designed to minimize impacts on the adjacent neighbor. The new ADU addresses a pressing City need for rent-controlled housing and smaller units.

(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.

The Project will demolish a dilapidated existing structure and replace it with a single-family home that is sensitively designed to minimize impacts on the adjacent residence, and of a size, shape and arrangement similar to other single-family homes in this neighborhood. The proposed lot coverage is typical for a corner lot.

(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 Project adds a single-family home to the Property, which will not impact traffic patterns in the neighborhood. One off-street parking space is proposed where none exist presently. The property is well-served by public transit. The 24, 33, 35, and J Church MUNI bus lines, and the Castro MUNI station, all are within a few blocks of the Property.

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

The Project adds a single-family home to the Property, which will not produce noxious or offensive emissions such as noise, glare, dust and odor.

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

The Property will be thoughtfully landscaped and provide usable open space as required the Planning Code, and will provide an off-street parking space where none exists presently.

(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.

The project will affirmatively promote, is consistent with, and will not adversely affect the General Plan, and specifically the Housing Element of the General Plan, as follows:

- <u>Policy 11.1</u>: Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.
- <u>Policy 11.5</u>: Promote the construction of well-designed housing that enhances existing neighborhood character.

The project provides well-designed new housing that enhances existing neighborhood character, consistent with these policies.

(4) Such use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable use district.

The Property is located in the RH-2 Zoning District. According to Planning Code Section 209.1, these Districts are devoted to residential uses. The replacement of the noncomplying office use with a single-family home will bring the Property into conformity with the stated purpose of the District.

III. THE DISCRETIONARY REVIEW REQUEST HAS NO MERIT

The adjacent neighbor located at 789 Castro Street filed a request for discretionary review ("DR Request") of the proposed ADU. The request cited the following concerns, each of which is addressed below:

The DR Request states that the Project is being "piecemealed" under multiple permits. "Piecemealing" refers to a permitting process where smaller components of a larger project are

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proposed at different times, preventing the public and public agencies from evaluating the entire project as a whole. That is simply not the case here. The Project applications to construct the single family-home at 799 Castro Street and the ADU at 3878-3880 21st Street have been submitted together and are being reviewed simultaneously by the City and the public.

The DR Request alleges that the Project exceeds the permitted density, but this is incorrect. The addition of the ADU is allowed as an exception to the permitted density by Planning Code Section 207(c)(4).

The DR Request alleges that the Project "walls off mid-block open space," but this is incorrect. The Project will result in no greater obstruction of the mid-block open space than already exists due to the current configuration of the structures on the Property and on adjacent properties, which is common for a corner lot such as the Property.

The DR Request alleges that the Project "degrades the housing stock," but the opposite is true. While no dwelling unit has existed at 799 Castro Street for many decades, the Project Sponsor proposes to add an ADU, which will have a larger floor area, to 3878-3880 21st Street. The Project will further enhance the housing stock by demolishing the existing outdated structure and replacing it will with a superbly designed, new single-family home.

The DR Request complains about the addition of a single-family home at the Property, but the City needs single-family housing stock juts as much as other housing types, and the proposed home is thoughtfully-designed and modestly-sized. Moreover, this Project comes up with a creative resolution concerning the long-ago existence of a dwelling unit at 799 Castro Street by adding the larger floor-area ADU at 3878-3880 21st Street. The Project significantly enhances the City's housing stock.

For all of these reasons, the DR Request has no merit.

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IV. CONCLUSION

The proposed Project eliminates a noncomplying office use and replaces it with a thoughtfully-designed, modestly-sized, single-family home that is sensitive to the adjacent neighbor and will enhance the greater neighborhood. The addition of a rent-controlled ADU preserves the existing housing at the Property and addresses an urgent City need. As such, we respectfully request that the Planning Commission approve the Project.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP Thomas Tunny

Enclosures

cc: Vice-President Dennis Richards Commissioner Rodney Fong Commissioner Christine Johnson Commissioner Joel Koppel Commissioner Myrna Melgar Commissioner Kathrin Moore Jonas Ionin – Commission Secretary Nancy Tran – Project Planner Hatef Moghimi

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EXHIBIT A





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ЕCТ

Steer *

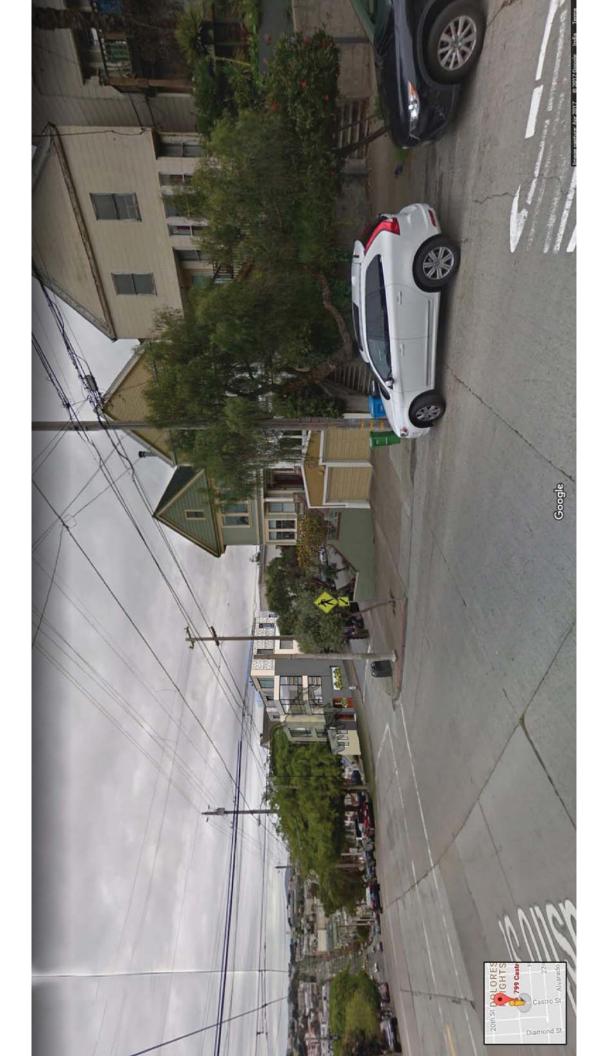
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799 CASTRO SAN FRANCISCO, CA 94114

BUILDING RENDERINGS

DRAWING TITLI

A-0.3



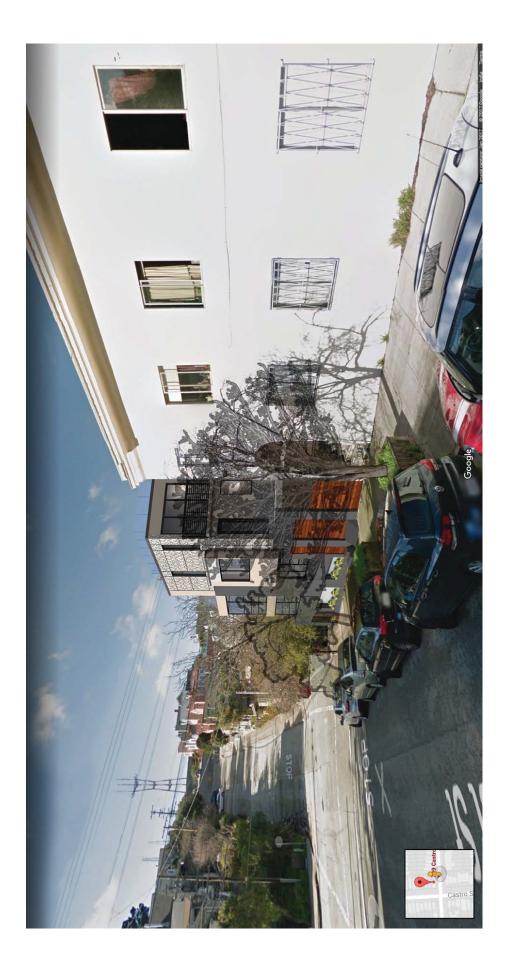
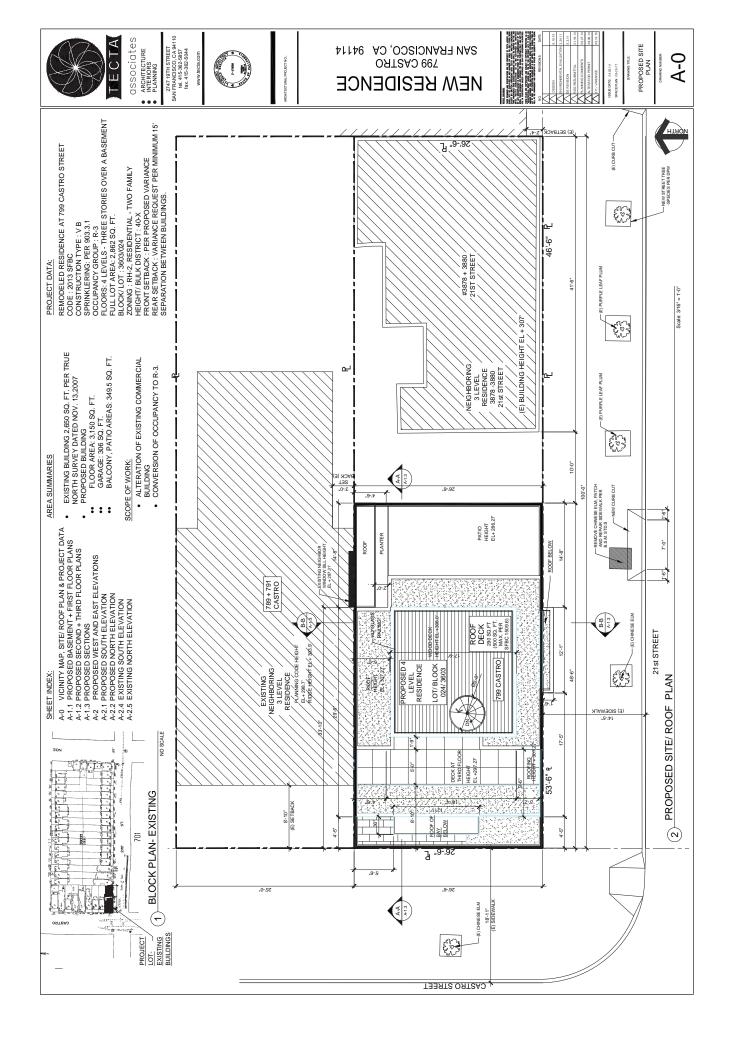
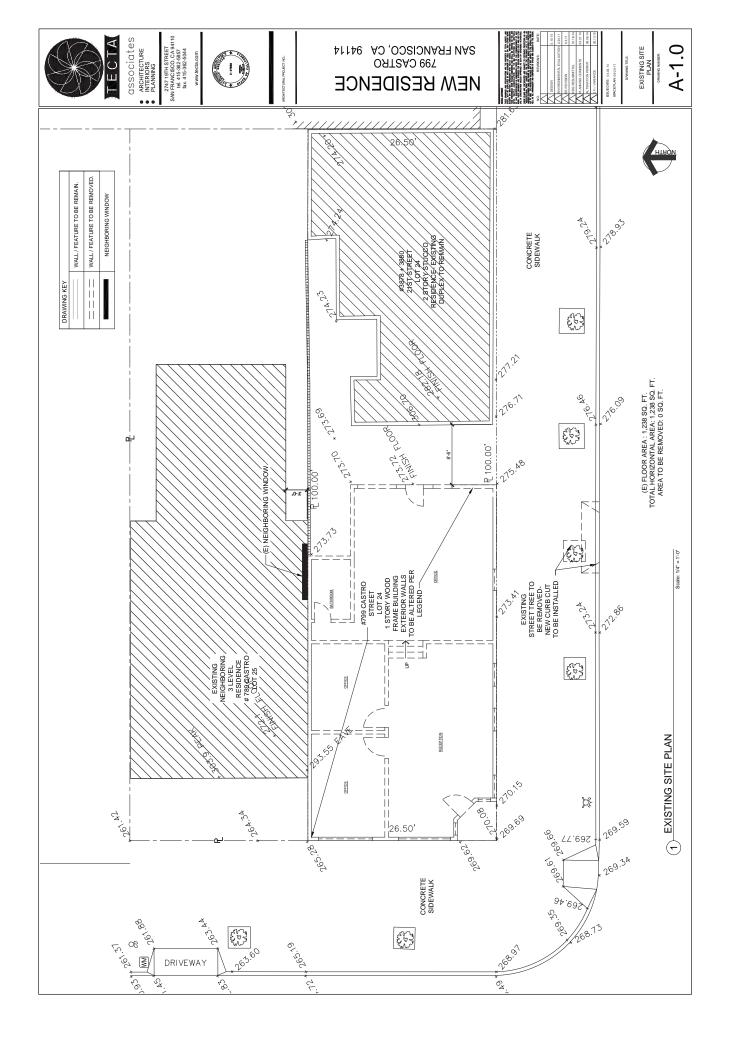
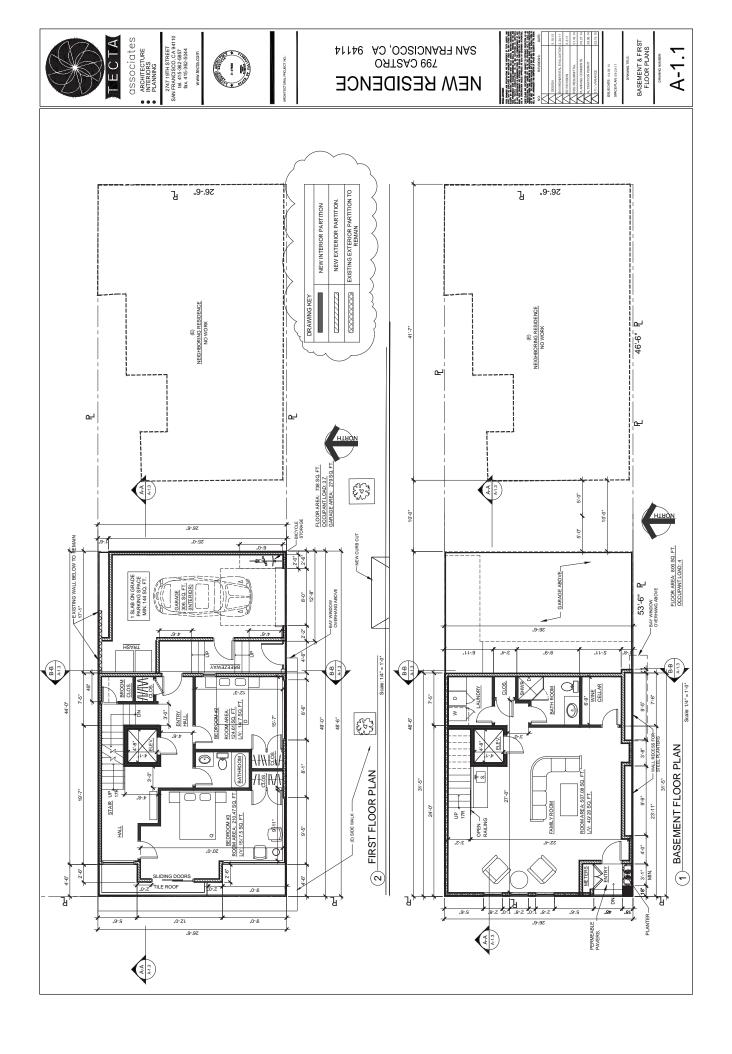
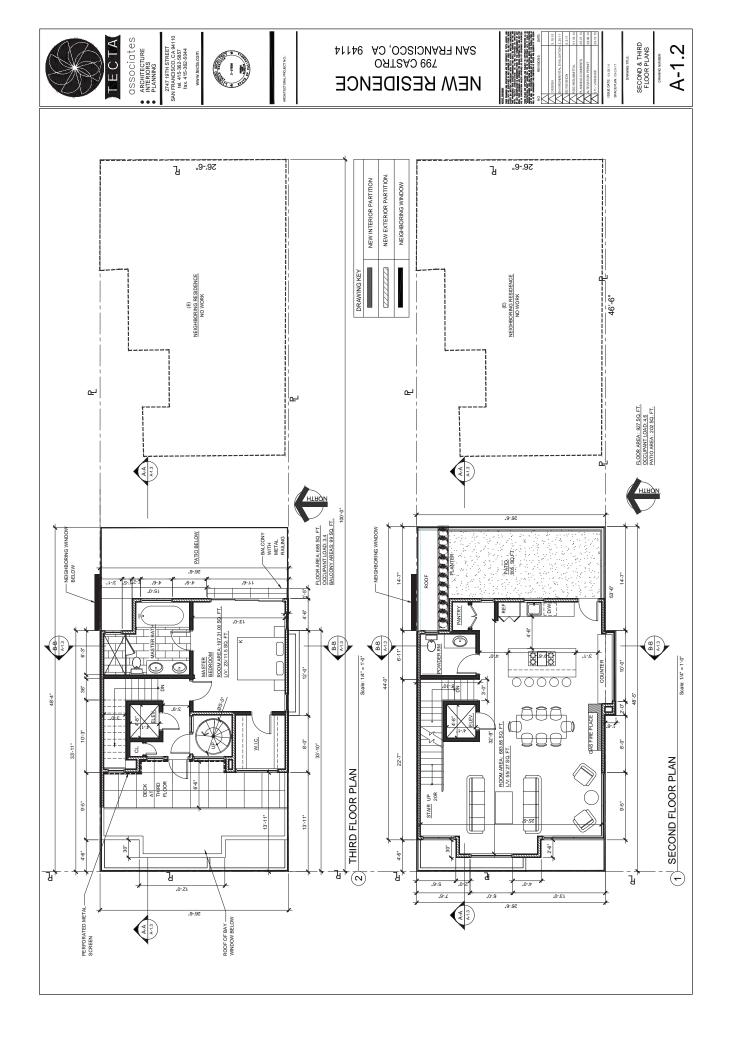


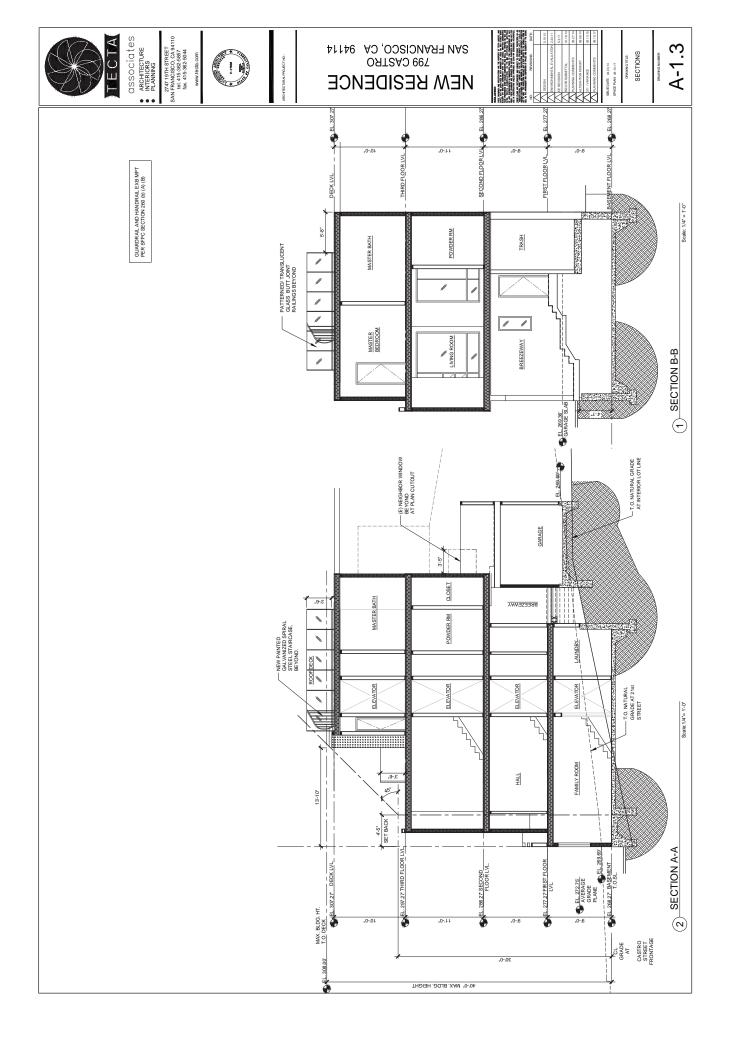
EXHIBIT B

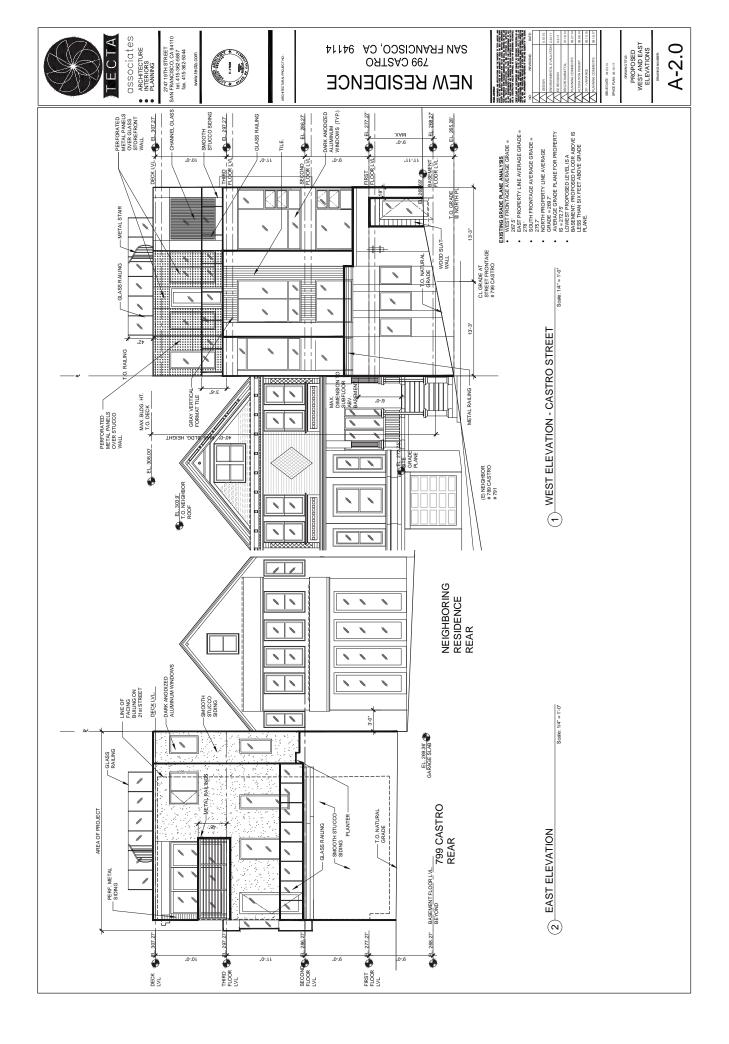


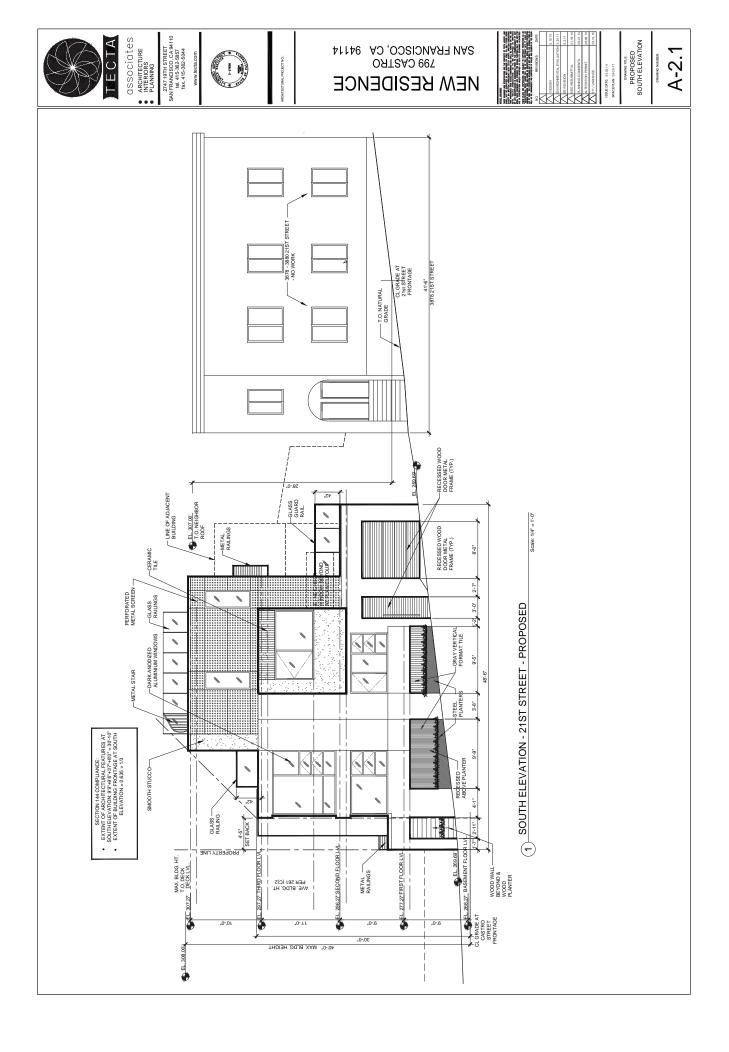


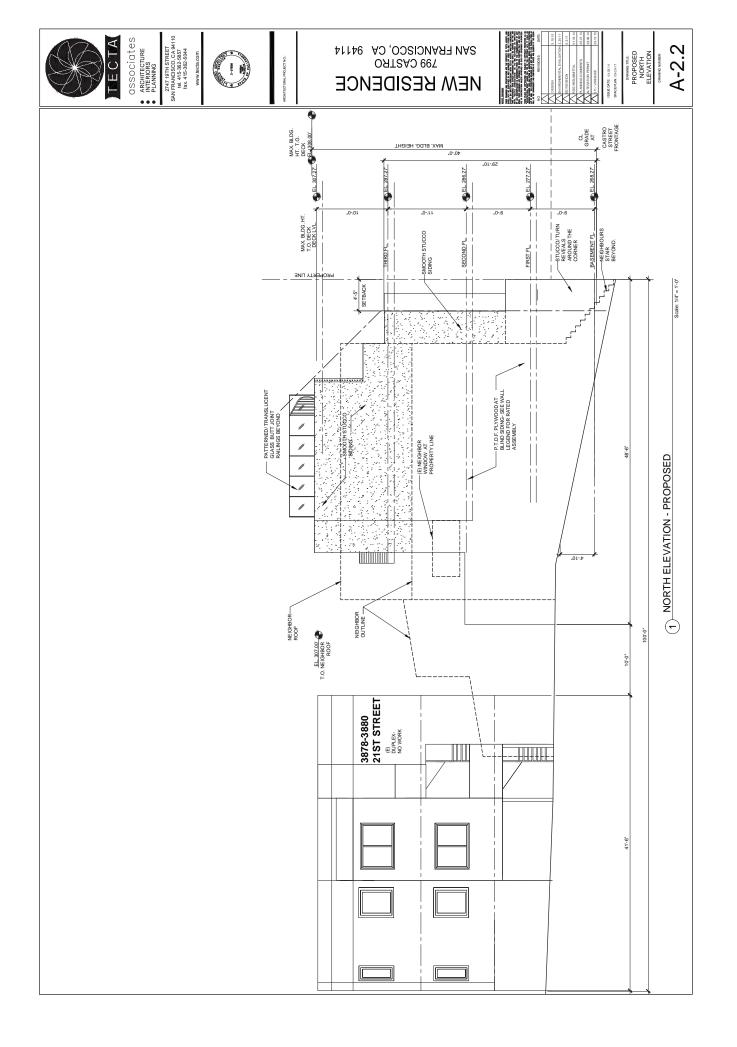


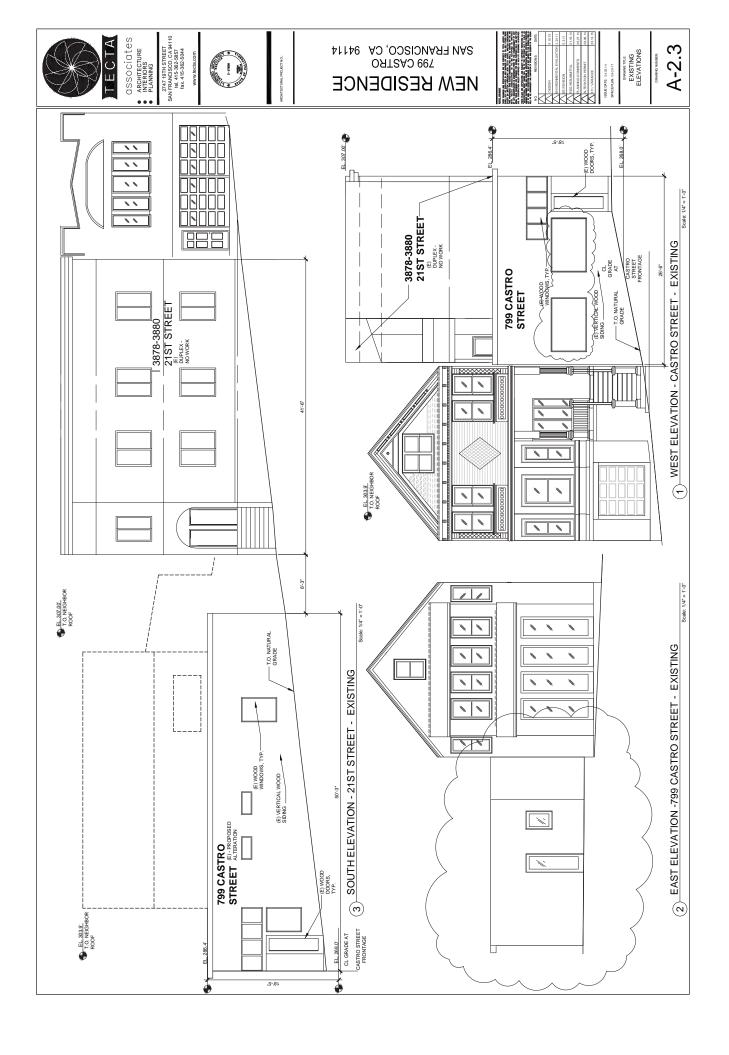












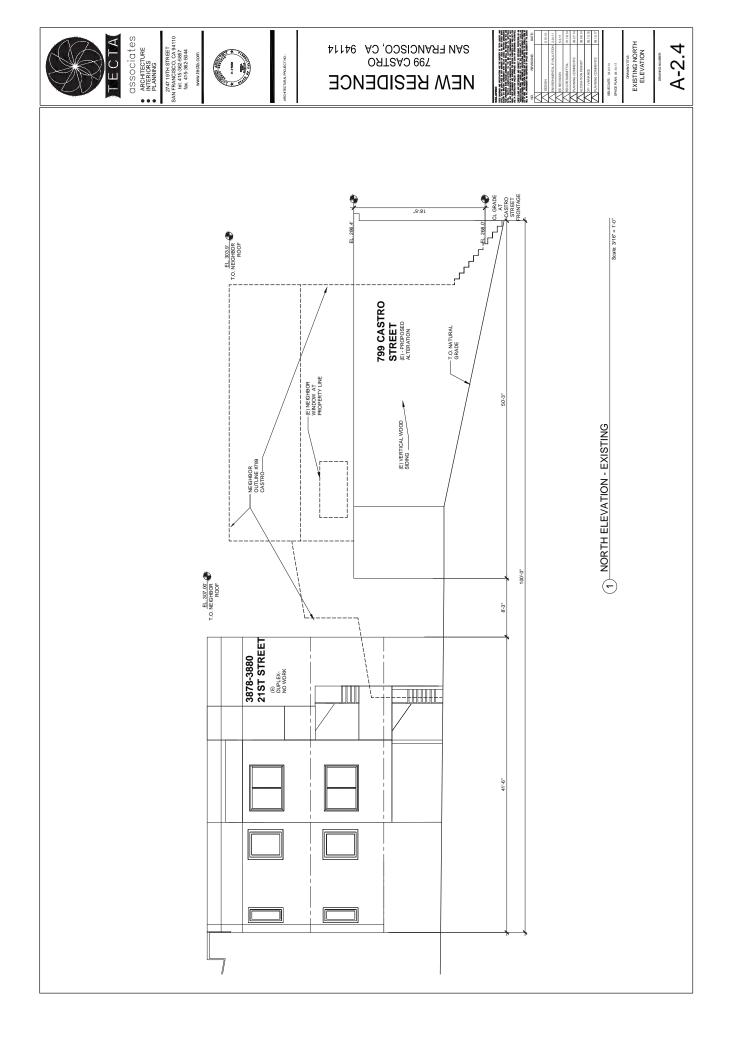


EXHIBIT C

ABBREVIATION
& AND L ANGLE
@ AT
€ CENTERLINE Ø DIAMETER
POUND OR NUMBER (E) EXISTING
ACOUS. ACOUSTICAL A.D. AREA DRAIN
ADJ. ADJUSTABLE
AGGR. AGGREGATE AL. ALUMINUM
APPROX. APPROXIMATELY ARCH. ARCHITECTURAL
ASB. ASBESTOS
ASPH. ASPHALT BD. BOARD
BITUM. BITUMINOUS BLDG. BUILDING
BLK. BLOCK BLKG. BLOCKING
BM. BEAM
BOT. BOTTOM B.U.R. BUILT-UP ROOFING
CAB. CABINET C.B. CATCH BASIN
CEM. CEMENT
CER. CERAMIC C.I. CAST IRON
C.G. CORNER GUARD CLG. CEILING
CLKG. CAULKING
CLO. CLOSET CLR. CLEAR
C.O. CASED OPENING COL. COLUMN
CONC. CONCRETE CONN. CONNECTION
CONST. CONSTRUCTION
CONT. CONTINUOUS CORR. CORRIDOR
CTSK. COUNTERSUNK CNTR. CENTER
DBL. DOUBLE
DEPT. DEPARTMENT D.F. DRINKING FOUNTAIN
DET. DETAIL DIA. DIAMETER
DIM. DIMENSION
DISP. DISPENSER DN. DOWN
D.O. DOOR OPENING DR. DOOR
DWR. DRAWER D.S. DOWNSPOUT
D.S.P. DRY STANDPIPE
DWG. DRAWING E. EAST
EA. EACH E.J. EXPANSION JOINT
EL. ELEVATION
ELEC. ELECTRICAL ELEV. ELEVATOR
ENCL. ENCLOSURE EMERG. EMERGENCY
E.P. ELECTRICAL PANELBOARD
EQ. EQUAL
E.W.C. ELECTRIC WATER
COOLER EXIST. EXISTING
EXPO. EXPOSED EXP. EXPANSION
EXT. EXTERIOR
F.A. FIRE ALARM F.B. FLAT BAR
F.D. FLOOR DRAIN FDN. FOUNDATION
F.E. FIRE EXTINGUISHER F.E.C. FIRE EXTINGUISHER
CABINET
F.H.C. FIRE HOSE CABINET FIN. FINISH
FL. FLOOR FLASH. FLASHING
FLOUR. FLUORESCENT F.O.C. FACE OF CONCRETE
F.O.F. FACE OF FINISH
F.O.S. FACE OF STUD FPRF. FIREPROOF
F.S. FULL SIZE FT. FOOT OR FEET
FTG. FOOTING
FURR. FURRING FUT. FUTURE
GA. GAUGE GALV. GALVANIZED
G.B. GRAB BAR GL. GLASS
GND. GROUND
GR. GRADE GYP. GYPSUM
H.B. HOSE BIB H.C. HOLLOW CORE
HDR. HANDRAIL
HDWD. HARDWOOD HDWE. HARDWARE
HGT. HEIGHT H.S. HINGE SWITCH
JT. JOINT KIT. KITCHEN
LAB. LABORATORY
LAM. LAMINATE LAV. LAVATORY
LKR. LOCKER LT. LIGHT
MAX. MAXIMUM
M.C. MEDICINE CABINET MDF MEDIUM DENSITY
FIBERBOARD

ABBREVIATIONS

MH.

MIN.

O.C

Q.T.

RAD

R.D.

REF

RM.

S.D.

SH. SHR. SHT.

SIM.

WT.

STA.

STD

STL.

T.B.

T.C.

TEL. TER

ΤР

T.V.

UR.

VERT. VERTICAL

VEST. VESTIBULE MECH. MECHANICAL MEMB. MEMBRANE W. MET. METAL MER MANUFACTURER W.C. WATER MANHOLE MINIMUM WD. MIR. MIRROR W/O WITHOUT MISC. MISCELLANEOUS WP. M.O. MASONRY OPENING MTD. MOUNTED WSCT. WAINSCOT MUL. MULLION N. NORTH N.I.C. NOT-IN-CONTRACT NO. or# NUMBER NOM NOMINAI N.T.S. NOT-TO-SCALE O.A. OVERALL OBS. OBSCURE ON CENTER O.D. OUTSIDE DIAMETER OFF. OFFICE OPNG. OPENING OPP OPERABLE PRCST. PRECAST PLATE P.LAM. PLASTIC LAMINATE PLAS. PLASTER PLYWD. PLYWOOD PR. PAIR PT POINT P.T.D. PAPER TOWEL DISPENSER P.T.D./R COMBINATION PAPER TOWEL DISPENSER & RECEPTACLE PARTITION PTR PAPER TOWEL RECEPTACLE QUARRY TILE RISER RADIUS ROOF DRAIN REFERENCE REFR. REFRIGERATOR RGTR REGISTER REINF. REINFORCEMENT REQ. REQUIRED RESIL. SILIENT ROOM R.O. ROUGH OPENING RWD. REDWOOD R.W.L. RAIN WATER I FADER SOUTH SOLID CORE S.C.D. SEAT COVER DISPENSER SCHED. SCHEDULE SOAP DISPENSER SECT. SECTION SHELF SHOWER SHEET SIMILAR WEIGHT S.N.D. SANITARY NAPKIN DISPENSER S.N.R. SANITARY NAPKIN **RECEPTACIE** SPEC. SPECIFICATION SQUARE SQ. S.ST STAINLESS STEEL S SK SERVICE SIN STATION STANDARD STEEL STOR. STORAGE STRL. STRUCTURAL SUSP. SUSPENDED SYM. SYMMETRICAL TRD. TREAD TOWEL BAR TOP OF CURE TELEPHONE TERRAZZO T.&G. TONGUE & GROOVE THICK TOP OF PAVEMENT T.P.D. TOILET PAPER DISPENSER TELEVISION T.W. TYP. TOP OF WALL TYPICAL UNE UNFINISHED U.O.N. UNLESS OTHERWISE NOTED URINAL

UNIT ADDITION

3878 / 3880 21st. STREET, SAN FRANCISCO, CA 94114

GENERAL NOTES

WEST

WITH

CLOSET

WATERPROOF

WOOD

- ALL WORK SHALL BE PERFORMED BY LICENSED & INSURED CONTRACTOR THE CONTRACTOR IS RESPONSIBLE FOR MEANS, METHODS, AND TECHNIQUES FOR CONSTRUCTION.
- 3. ALL OSHA REGULATIONS SHALL BE FOLLOWED THE GENERAL CONTRACTOR & EACH SUBCONTRACTOR IS RESPONSIBLE FOR JOB-STE SAFETY. UNLESS NOTED OTHERWISE ALL MATERIALS AND EQUIPMENT ARE TO BE INSTALLED
- PER THE APPLICABLE PROVISIONS OF THESE DOCUMENTS AND THE MANUFACTURER'S INSTALLATION INSTRUCTIONS. IN USING THESE PLANS FOR BIDDING OR CONSTRUCTION PURPOSES ALL
- CONTRACTORS ARE REQUIRED TO REVIEW AND TREAT THEM AS A WHOLE IN ORDER TO INDENTIFY ALL REQUIREMENTS THAT DIRECTLY OR INDIRECTLY AFFECT THERE PORTION OF THE WORK, EVEN REQUIREMENTS LOCATED IN SECTIONS DESIGNATED AS APPLICABLE TO OTHER TRADES. IN CASE OF CONFLICTS THE AFFECTED CONTRACTOR IS REQUIRED TO FITHER OBTAIN DIRECTION FROM AN APPROPRIATE REPRESENTATIVE OF THE OWNER OR OTHERWISE APPLY THE MORE STRINGENT LOCATION.
- THESE PLANS ARE INTENDED TO SET FORTH THE REQUIREMENTS FOR CONSTRUCTIONS IN ONLY AN INDUSTRY STANDARD LEVEL OF QUALITY AND DETAIL AND THE ARE INTENDED TO BE SUPPLEMENTED BY APPROPRIATE REQUESTS FOR CLARIFICATION AND INFORMATION CONTRACTORS ARE REQUIRED TO REVIEW THESE PLANS FOR ERRORS AND OMISSIONS. AND BRING THESE TO THE ATTENTION OF AN APPROPRIATE OWNER REPRESENTATIVE IN A TIMELY MANNER AND ANY CONTRACTOR WHO FAILS TO DO SO BEFORE BIDDING OR OTHERWISE PROCEEDING ASSUMES THE RISK OF ANY CONSEQUENCES CONTRACTORS PROCEED AT THEIR OWN RISK IF THEY FALL TO VERIFY FIELD MEASURE DIMENSIONS BEFORE PROCEEDING WITH ANY AFFECTED PROCUREMENT FABRICATION OR CONSTRUCTION SCHEMATIC PLANS ARE INTENDED ONLY TO DEMONSTRATE THE RELATIONSHI
- AMONG COMPONENT PARTS, AND NOT TO DEPICT SPECIFIC LOCATIONS. SUBMITTALS WILL BE REVIEWED BY THE ARCHITECT ONLY PURSUANT TO THE INDUSTRY STANDARD PROTOCOL SET FORTH IN ALA DOCUMENT A201, AND IN NO EVENT WILL THE SUBMITTAL REVIEW PROCESS RELIEVE OR LESSEN THE SUBMITTING CONTRACTOR'S RESPONSIBILITY FOR AN INAPPROPRIATE SUBMITTAL.
- THE GENERAL CONTRACTOR SHALL VERIFY AND ASSUME RESPONSIBILITY FOR ALL THE GENERAL CONTINUE CONDITIONS THE GENERAL CONTRACTOR SHALL INSPECT THE EXISTING PREMISES AND TAKE NOTE OF EXISTING CONDITIONS PRIOR TO SUBMITTING PRICES NO CLAIM SHALL BE ALLOWED FOR DIFFICULTIES ENCOUNTERED WHICH COULD HAVE REASONABLY BEEN INFERRED FROM SUCH AN EXAMINATION. CONTRACTOR SHALL BE RESPONSIBLE FOR CO-ORDINATION BETWEEN
- ARCHITECTURAL STRUCTURAL, MECHANICAL PLUMINIG AND ELECTRICAL SYSTEMS THIS INCLUDES REVIEWING REQUIREMENTS OF INDIVIDUAL SYSTEMS BEFORE ORDERING AND INSTALLATION OF ANY WORK, VERIEY ALL ARCHITECTURAL DETAILS AND ALL FINISH CONDITIONS (WHETHER DEPICTED IN DRAWINGS OR NOT) WITH SAME DISCIPLINES
- DO NOT SCALE DRAWINGS, WRITTEN DIMENSIONS GOVERN ALL CLEAR DIMENSIONS ARE NOT TO BE ADJUSTED WITHOUT APPROVAL OF THE ARCHITECT WHEN SHOWN IN PLAN ALL DIMENSIONS ARE TO FACE OF STUD. CONCRETE, CENTERLINE OF COLUMNS OR CENTERLINE OF WALL ASSEMBLIES, UNLESS OTHERWISE NOTED. WHEN SHOWN IN SECTION OR ELEVATION. ALL DIMENSIONS ARE TO TOP OF PLATE, TOP OF CONCRETE, OR TOP OF CEMENT BASED UNDERLAYMENT UNLESS OTHERWISE NOTED. DETAILS SHOWN ARE TYPICAL SIMILAR DETAILS APPLY IN SIMILAR CONDITIONS
- 12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR APPLYING AND OBTAINING ALL
- REQUIRED INSPECTIONS TO CONFORM WITH LOCAL BUILDING ADN FIRE CODES. 13. PROVIDE AND INSTALL 2x FLAT WOOD BLOCKING OR 16 GA METAL STRAPPING FOR ALL BATH ACCESSORIES HANDRAILS, CABINETS TOWEL BARS, WALL MOUNTED
- ALL BATH ACCESSIONES INAUGATED, CABINETS TOWED BARS, WALL MODIFIED FIXTURES AND ANY OTHER ITEMS ATTACHED TO WALL.
 ALL CHANGES IN FLOOR MATERIALS OCCUR AT CENTERLINE OF DOOR OR FRAMED OPENINGS UNLESS OTHERWISE INDICATED ON THE DRAWINGS.
- 15. INSTALL ALL FIXTURES EQUIPMENT AND MATERIALS PER MANUFACTURER'S
- RECOMMENDATIONS AND THE REQUIREMENTS OF THE CODES ALL APPLIANCES, FIXTURES AND EQUIPMENT ASSOCIATED WITH PLUMBING ELECTRICAL AND MECHANICAL SYSTEMS SHALL BE LISTED BY A NATIONALLY RECOGNIZED AND APPROVED AGENCY
- 16. VERIFY CLEARANCES FOR FLUES, VENTS, CHASES, SOFFITS, FIXTURES, FIREPLACES ETC. BEFORE ANY CONSTRUCTION, ORDERING OF OR INSTALLATION OF ANY ITEM OF
- WURK 17. PROVIDE FIRE-BLOCKING AND DRAFT STOPPING AT ALL CONCEALED DRAFT OPENINGS (VERTICAL AND HORIZONTAL) AS REQUIRED PER 2010 CBC. 18. MECHANICAL, PLUMBING, ELECTRICAL AND OTHER PENETRATIONS OF FLOORS,
- WALLS AND CEILINGS SHALL BE SEALED AIRTIGHT WITH ACOUSTICAL SEALANT AND FIRESAFING AS REQUIRED.
- 19. ALL EXTERIOR DOORS AND WINDOWS ARE TO BE WEATHER STRIPPED PER TITLE 24 REQUIREMENTS. 20. ALL WALL FLOOR, ROOF AND SHAFT CONSTRUCTION TO BE FIRE-RATED MINIMUM
- ONE HOUR, U.O.N.
- DISCREPANCIES: WHERE A CONFLICT IN REQUIREMENTS OCCURS BETWEEN THE SPECIFICATIONS AND DRAWINGS OR ON THE DRAWINGS AND A RESOLUTION IS NOT OBTAINED FORM THE ARCHITECT BEFORE THE BIDDING DATE. THE MORE STRINGENT
- ALTERNATE WILL BECOME THE CONTRACTUAL REQUIREMENTS. CONTRACTOR SHALL INSURE THAT GUIDELINES SET FORTH ON THE ACCESSIBILITY SHEET ARE MAINTAINED DURING CONSTRUCTION, INSTALLATION AND FINISHING OF ALL ASPECTS OF THIS PROJECTS.

CODES

APPLICABLE CODES: APPLICABLE CODES: 2013 CALIFORNIA BUILDING CODE W / SF AMENDMENTS 2013 CALIFORNIA MECHANICAL CODE 2013 CALIFORNIA ELECTRICAL CODE 2013 CALIFORNIA PLUMBING CODE 2013 CALIFORNIA ENERGY CODE 2013 CALIFORNIA FIRE CODE SAN FRANCISCO COUNTY HEALTH & SAFETY CODE

2013 CALIFORNIA GREEN BUILDING CODE SEE SHEET C-7 SF GREEN BUILDING SUBMITAL

2013 CALIFORNIA BUILDING CODE

- CHAPTER 3 USE AND OCCUPANCY CLASSIFICATIONS EXISTING OCCUPANCY; R-2 OCCUPANCY PROPOSED OCCUPANCIES: R-2 OCCUPANCY NO CHANGE TO PROPOSED OCCUPANCY
- CHAPTER 5 GENERAL BUILDING HEIGHT & AREA

CONSTRUCTION TYPE: TYPE 1 N-B TABLE 503: OCCUPANCY R-2 TYPE N1-B

BUILDING AREA (GROSS SQUARE FOOTAGE) BASEMENT LEVEL 1 884.5 SF 822.5 SF LEVEL 2 943.5 SF. 2650 5 SF

CHAPTER 6 TYPES OF CONSTRUCTION

TABLE 601: TYPE NI-B PRIMARY STRUCTURAL FRAME = 0 HR BEARING WALL - EXTERIOR = 2 HR BEARING WALL - INTERIOR = 0 HR NON BEARING WALL - EXTERIOR = PER TABLE 602 NON BEARING WALL - INTERIOR = 0 HE FLOOR CONSTRUCTION = 0 HE ROOF CONSTRUCTION = 0 HR

TABLE 602: OCCUPANCY R-2, CONSTRUCTION TYPE NI-B EXTERIOR WALLS = 1 HR W / FIRE SEPARATION DISTANCE <5

CHAPTER 8 - INTERIOR FINISHES

ARCHITECT

(415) 362-5857

94110

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MOHAZAB, AHMAD@TECTA.COM

CONTACT: AHMAD

CLASS A: FLAME SPREAD INDEX 0-25 SMOKE DEVELOPED INDEX 0-450 CLASS B: FLAME SPREAD INDEX 26 - 75 SMOKE DEVELOPED INDEX 0-450 CLASS C: FLAME SPREAD INDEX 76 - 200 SMOKE DEVELOPED INDEX 0-450

SECTION 803: THE MAXIMUM FLAME SPREAD CLASS OF FINISH MATERIALS USED ON INTERIOR WALL AND CEILINGS IN ROOMS AND OTHER ENCLOSED SPACES SHALL BE CLASS C OR BETTER, PER TABLE 803.9 FOR B OCCUPANCY, NON-SPRINKLERED

CHAPTER 9 - FIRE PROTECTION SYSTEMS

OWNER

S.F. CA.

HATEF MOGHIMI P.O.BOX 77322

HATEF@MAC.CON

415 425 1815

EXISTING BUILDING IS FULLY SPRINKLERED PROVIDE NFPA-13 SPRINKLER SYSTEM AT BASEMENT AND DWELLING UNITS.

PROJECT DIRECTORY OWNER REP THOMAS TUNNY C/O REUBEN, JUNIUS & ROSE, LLP ONE BUSH STREET, STE 600 SAN FRANCISCO, CA 94104 415-567-9000 ALIGN

A-0 0

A-0.2

A-0.5

A-1.0 A-1.1

A-2.0

A-3.0 A-4.0 A-4.1

Δ.7 0

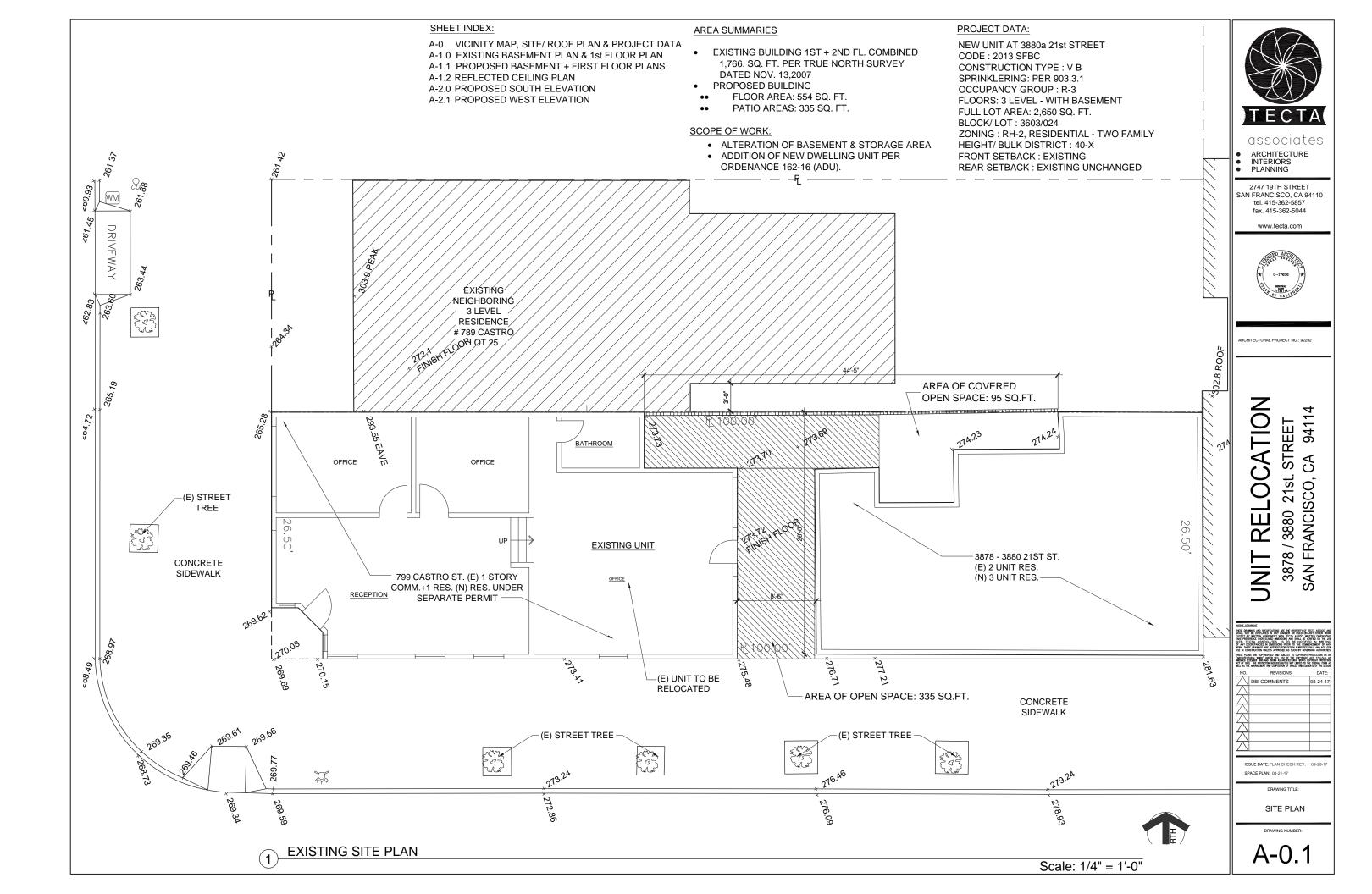
SPRINKLERED: NO

ZONING DISTRICT: RH-2

 $\langle 04 \rangle$ DOOR TAG

REVISION





BUILDING CODE NOTES

2013 CALIFORNIA BUILDING CODE

THESE NOTES ARE PROVIDED FOR RESIDENCE ONLY REFER TO THE COMPLETE BUILDING CODE OR CODE REQUIREMENTS AND QUESTIONS OF COMPLAINCE

CHAPTER 3 - USE AND OCCUPANCY CLASSIFICATION

3104 - THE EXISTING 2-UNIT BUILDING WOULD BE CONSIDERED AN R-2 OCCUPANCY 3104 - ADDING THE ONE ADDITIONAL UNITS WILL NOT CHANGE THE OCCUPANCY

CHAPTER 5 - GENERAL BUILDING HEIGHTS AND AREAS

NO CHANGE TO OVERALL GROSS AREA

CHAPTER 9 - FIRE PROTECTION SYSTEMS

903.2.8 COMPLY WITH THE REQUIREMENTS OR AUTOMATIC SPRINKLER PROTECTION IN GROUPS OCCUPANCIES

CHAPTER 10 - MEANS OF EGRESS

1006 I PROVIDE EGRESS ILLUMINATION ALONG THE MEANS OF EGRESS (OUT SIDE THE DWELLING UNIT)

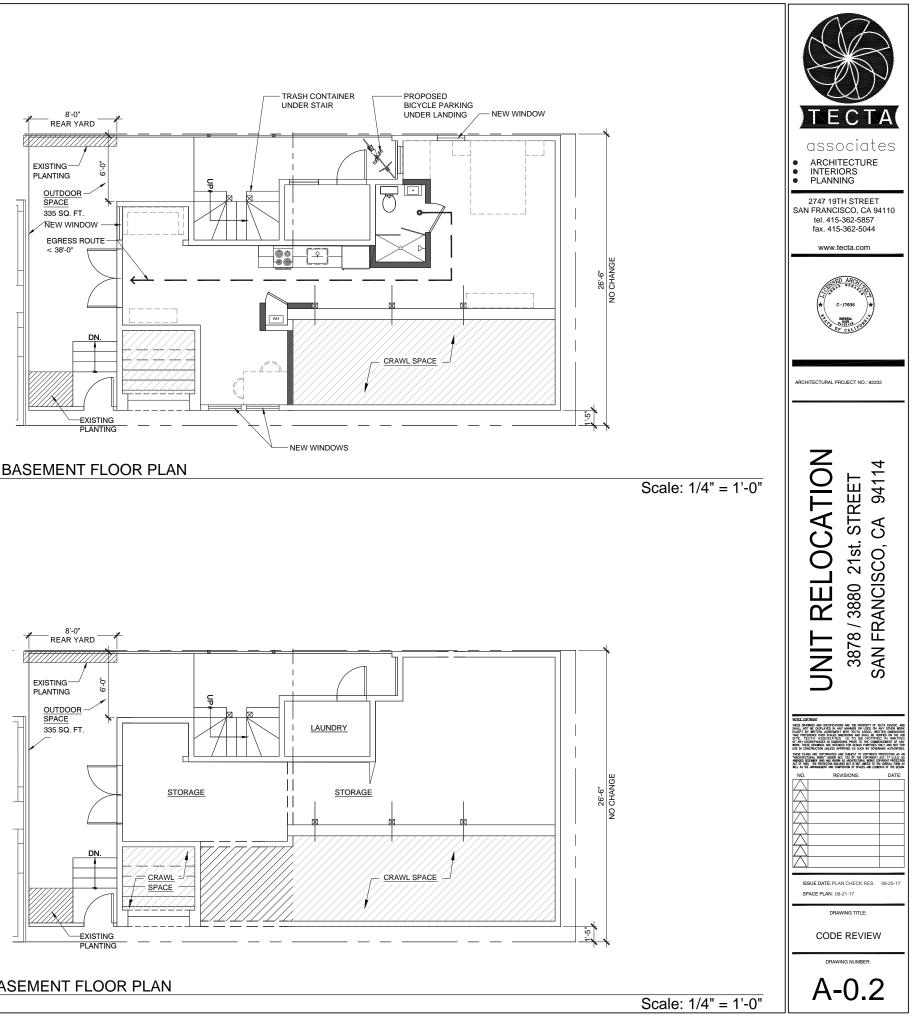
1021.2 SINGLE EXITS. THERE, ARE LESS THAN 5 UNITS AT THE BASEMENT LEVEL IN COMPLIANCE WITH TABLE 1021.2 (1). THE EXIT ACCESS TRAVEL DISTANCE IS BE LESS THAN 125' FROM THE FURTHEST POINT INSIDE THE DWELLING UNITS

1029 RESCUE OPENINGS TO BE PROVIDED VIA RESCUE WINDOWS AT ALL BEDROOMS AND VIA RESCUE WINDOWS OR A DOOR TO THE EXTERIOR AT STUDIO UNITS.

CHAPTER 12 - INTERIOR ENVIRONMENT

SEE UNIT PLAN SHEET

CHAPTER 11 DOES NOT APPLIED TO THIS PROJECT.



PROPOSED BASEMENT FLOOR PLAN

(1)

(1)

PLANNING CODE NOTES

CURRENT ZONING DESIGNATION NC-3 - NEIGHBORHOOD RESIDENTIAL REIGHT AND BULK DISTRICT: 40-X REAR YARD REQUIREMENT: REQUIRED AT RESIDENTIAL LEVELS ONLY THE EXISTING BUILDING HAS 335 SQ.FT. REAR YARD SPACE BETWEEN ADJACENT BUILDING ON THE SAME LO.

USABLE OPEN SPACE REQUIREMENT THE EXISTING BUILDING HAS 335 SQ.FT. USABLE OPEN SPACE (WAIVER REQUIRED)AND 95 SQ.FT.COVERED OPEN SPACE.

EXPOSURE REQUIREMENT: DWELLING UNITS MUST HAVE AT LEAST ONE ONE ROOM THAT FACES ON TO A PUBLIC STREET, PUBLIC ALLEY OR OPEN AREA THAT IS NO LESS THAN 25' X 25' THE ZONING THE UNIT FACES A PUBLIC STREET.

PARKING PER SEC 1552 ONE CLASS 1 BIKE PARKING SPACE IS REQUIRED PER ADU OWE BICYCLE PARKING SPACES ARE ADDED.

ACCESSORY DWELLING UNIT LEGISLATION ONE ADDITIONAL UNITS IS BEING PROPOSED FOR ORDINANCE 0162-16 "CITYWIDE ADU PROGRAM"

COMPLIANCE WITH GENERAL CONTROLS OF ADUS 1. ADUS MUST BE WITH IN THE EXISTING BUILDING ENVELOPE. THE NEW UNIT IS WITH IN THE EXISTING BUILDING ENVELOPE.

2. NEW ADUS CANNOT TAKE SPACE FROM AN EXISTING RESIDENTAL UNIT THE NEW UNIT IS AT THE BASEMENT LEVEL OF THE BUILDING AND DO NOT TAKE SPACE FROM EXISTING UNITS ABOVE.

3. ADUS WOULD BE RENT CONTROLLED THE EXISTING BUILDING IS SUBJECT TO RENT CONTROL THE EXISTING BUILDING IS SUBJECT TO RENT CONTROL SO THE NEW UNIT WALL ALSO BE SUBJECT TO RENT CONTROL

4. IN BUILDINGS W / 4 OR LESS UNITS ONE ADU MAY BE ADDED IN BUILDINGS W / MORE THAN 4 UNITS AN UNLIMITED NUMBER OF ADU MAY BE ADDED THE BUILDING HAS 2 UNITS, THEREFORE ONE (1) ADU IS ALLOWED WITH IN THE EXISTING ENVELOPE.

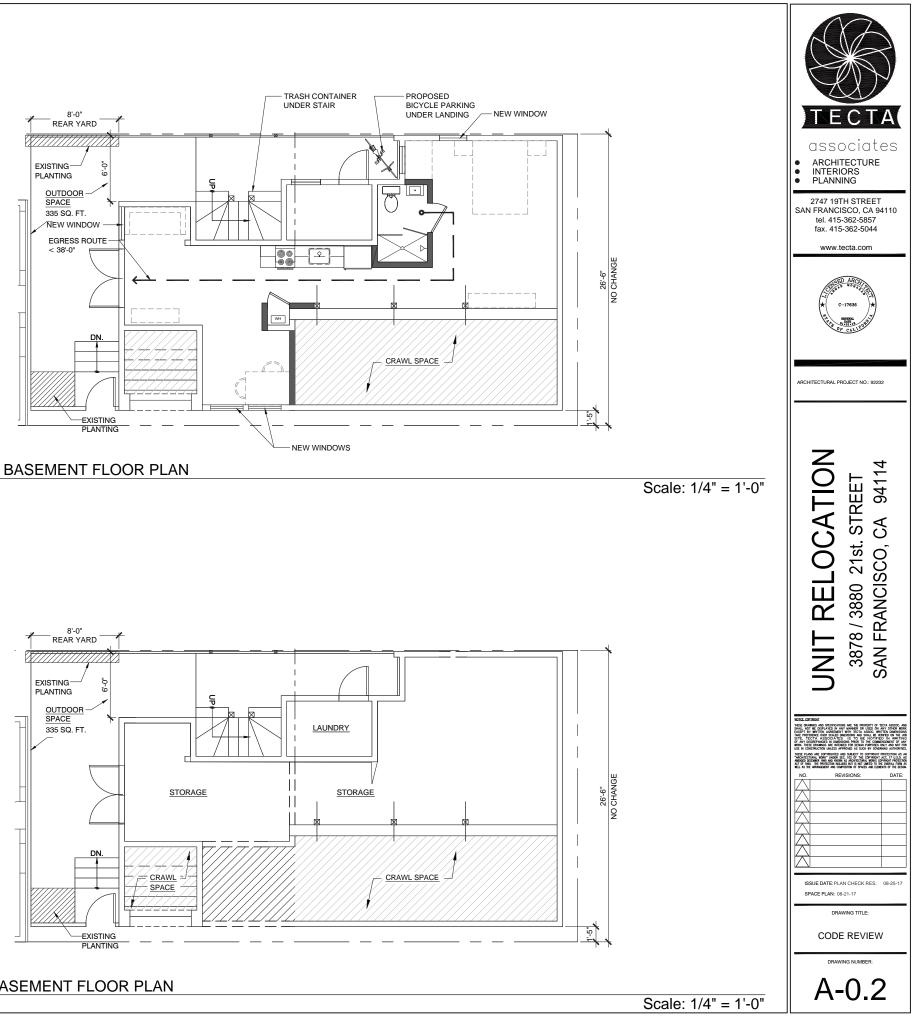
LANDSCAPING & PERMEABILITY

PURSUANT TO PLANNING CODE SECTION 132, NOT LESS THAN 20% ON THERE REQUIRED SETBACK AREA SHALL BE AND REMAIN UNPAVED AND DEVOTED TO PLANT MATERIAL AND THE RENOT SETBACK AREA SHALL BE AT LEAST 50% PERMEABLE SO AS TO INCREASE STORM WATER INFILTRATION.

STREET TREE

ONE TREE OF 24-INCH BOX SIZE IS REQUIRED FOR EACH 20-FEET OF FRONTAGE OF THE PROPERTY ALONG EACH STREET OR ALLEY, WITH ANY REMAINING FRACTION OF 10 FEET OR MORE OF FRONTAGE REQUIRING AN ADDITIONAL TREE

ONE STREET TREE WILL BE ADDED TO THE 4 TREES THAT CURRENTLY EXIST



EXISTING BASEMENT FLOOR PLAN









1. WEST ELEVATION

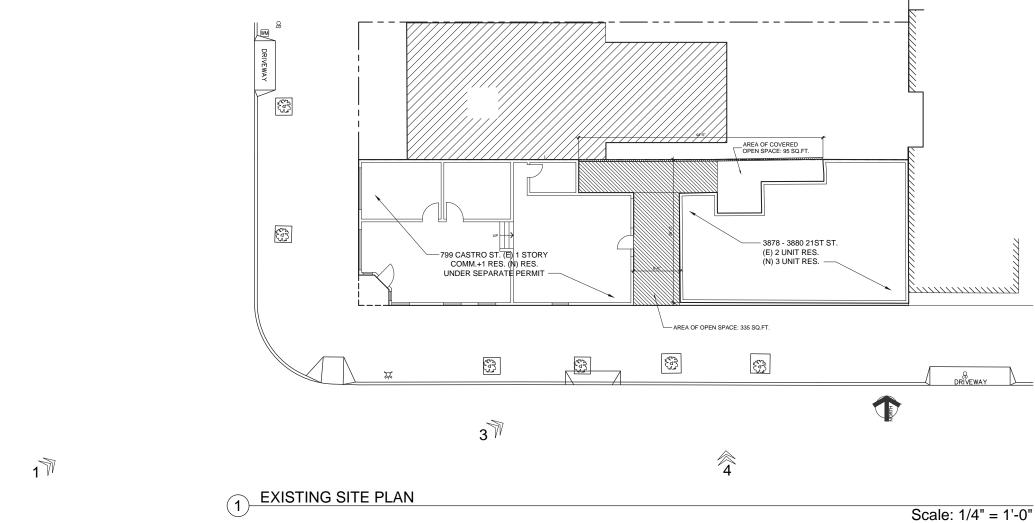
2》

2. INTERSECTION LOOKING EAST

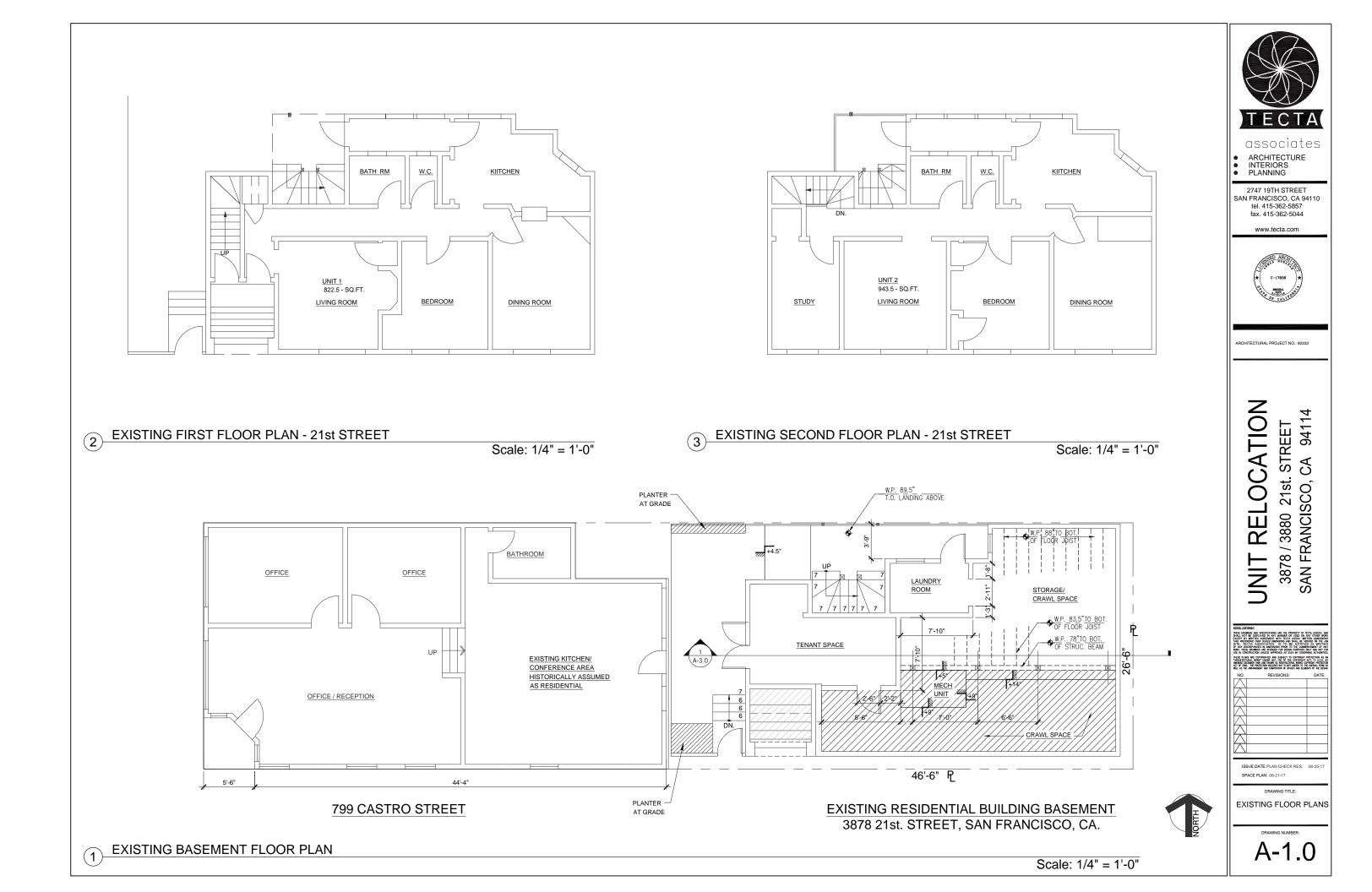
SITE -

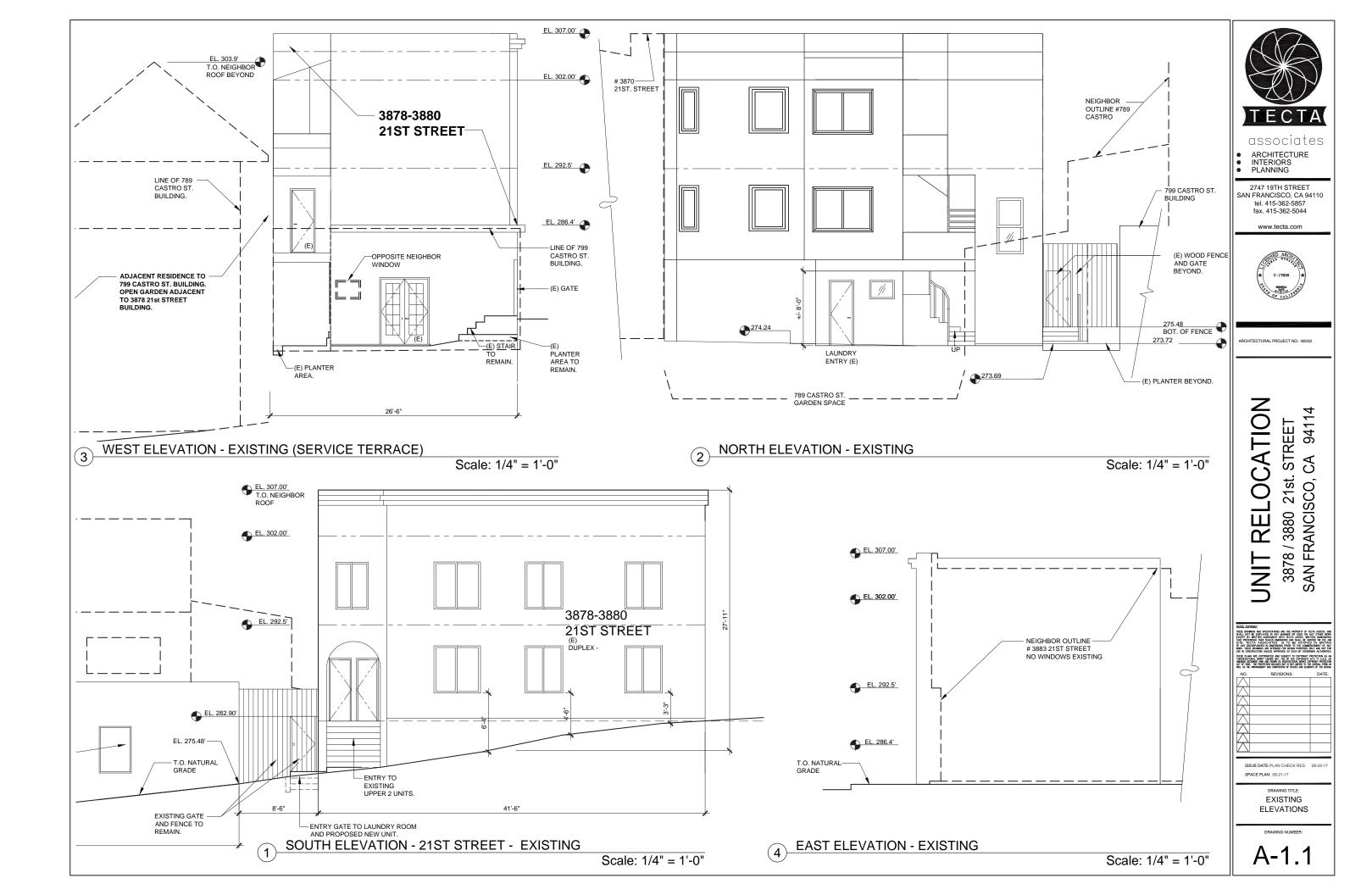
3. 21 ST. SOUTH ELEVATON

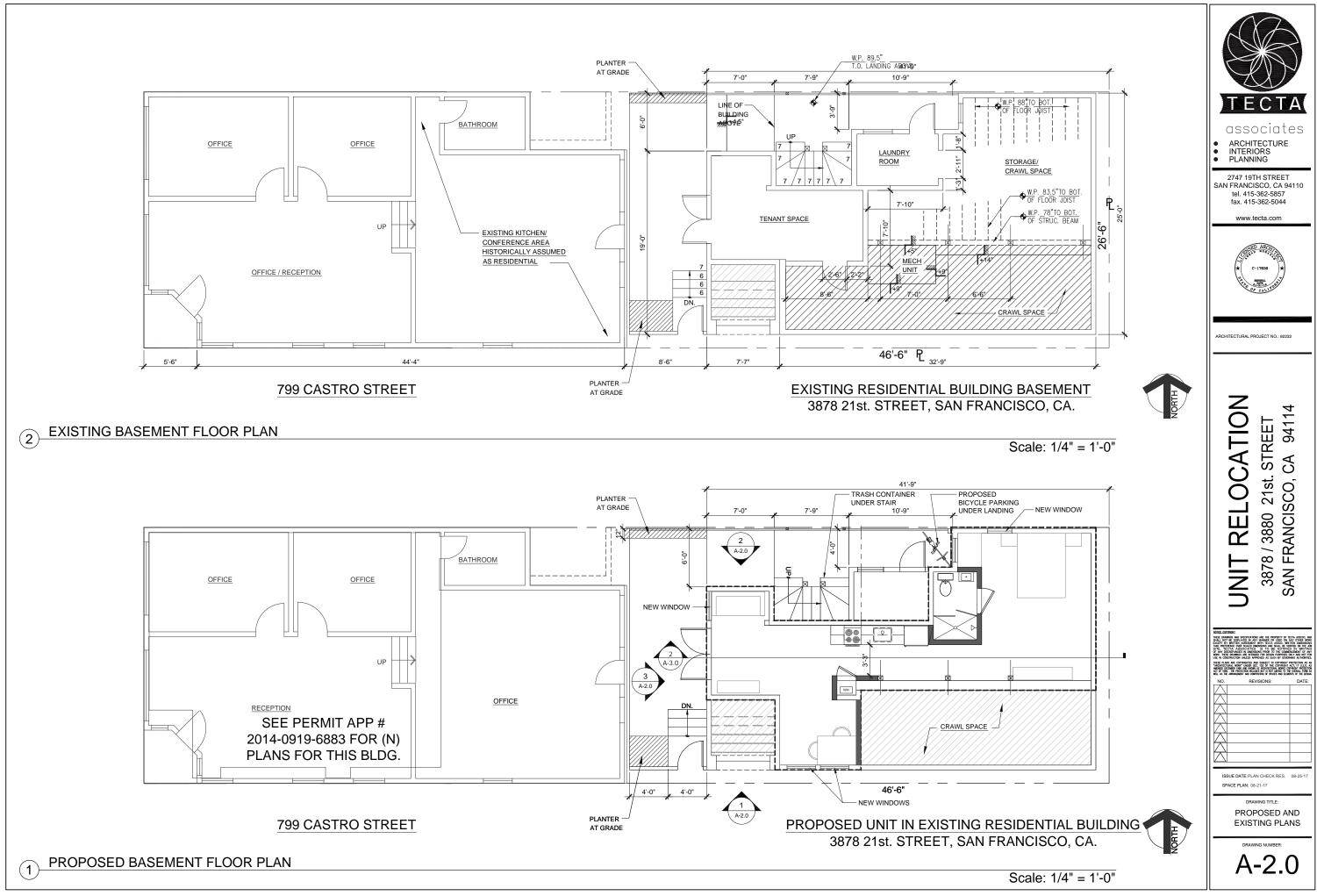
4. 21 ST. ENTRY GATE



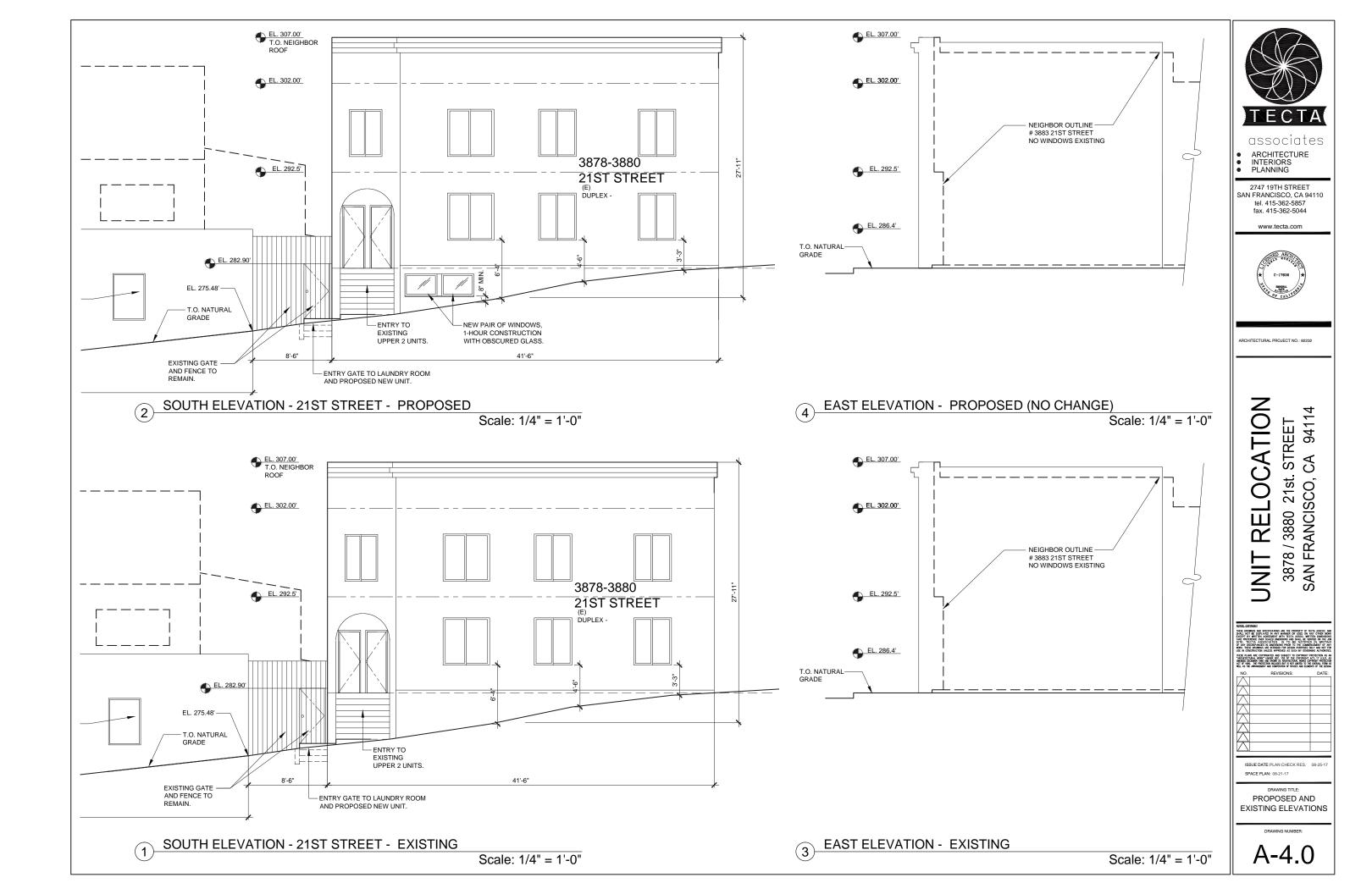


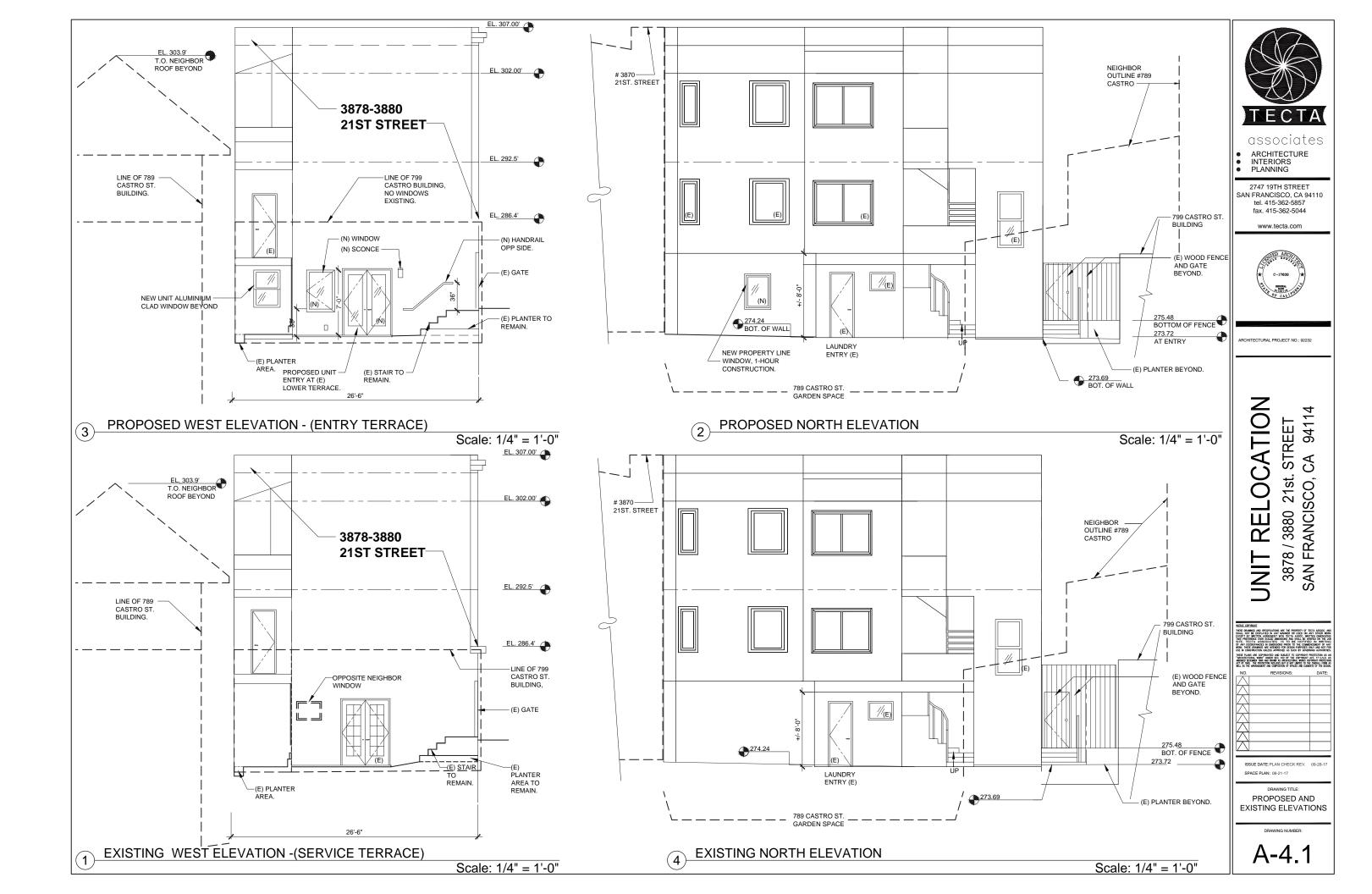


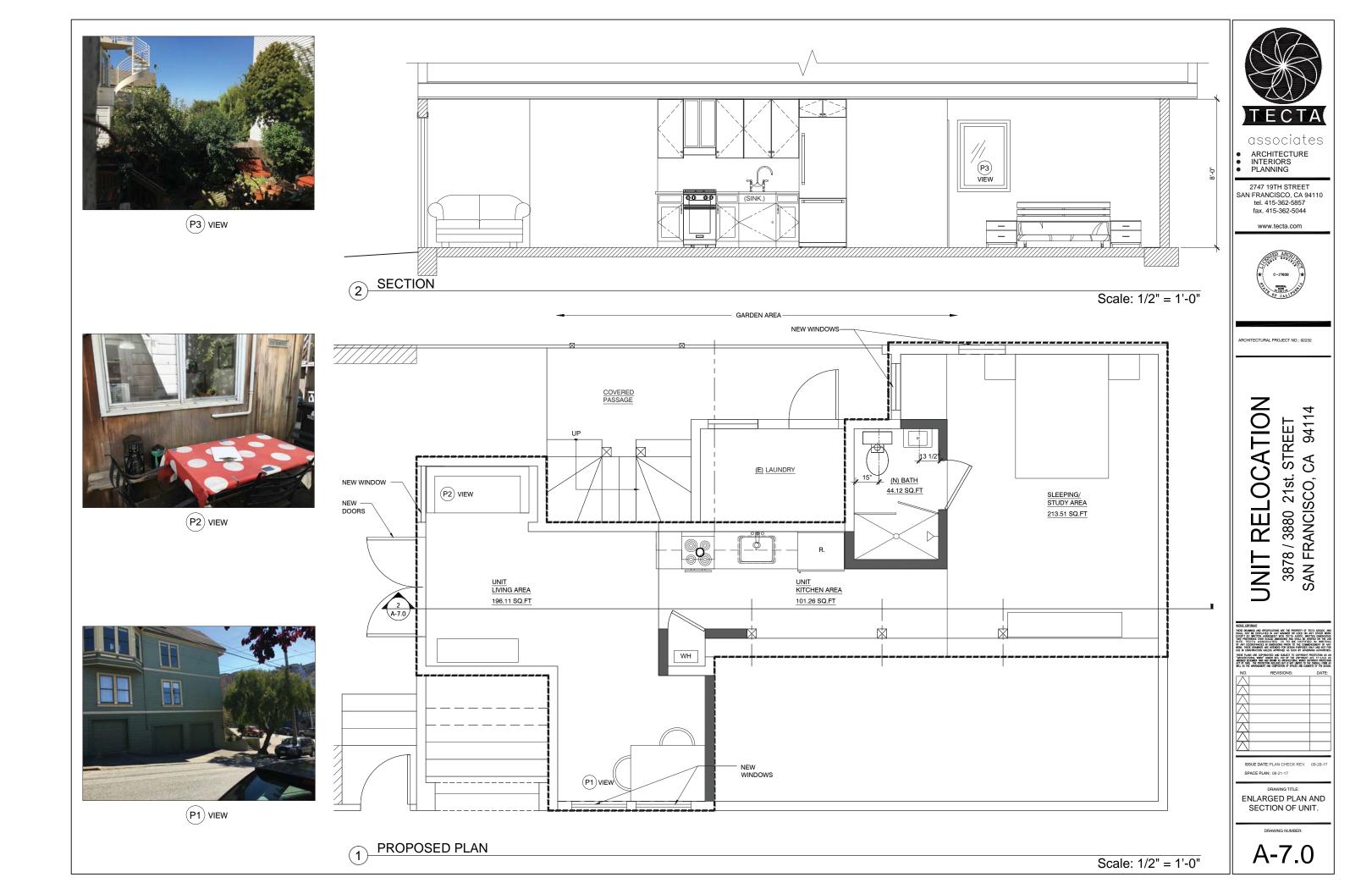












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EXHIBIT D

I have reviewed the project proposed for 799 Castro Street San Francisco CA to build a single-family home replacing the existing commercial building and the addition of a rent controlled dwelling unit to the existing residential building at 3878-3880 21st Street.

I support the protect

	support the project:	/
	3844 21st Street Address	Signature
	3862 219 Gt Address	K. Wagg Signature
	3866 212 Street Address	Signature (Ronter)
Vill Hend	847 Castro 57 # 2	Posta
rox.	Address	Signature

C

.

I have reviewed the project proposed for 799 Castro Street San Francisco CA to build a single-family home replacing the existing commercial building and the addition of a rent controlled dwelling unit to the existing residential building at 3878-3880 21st Street.

I support the project:

3878 21st St.	Mary S. Burgi
Address	Signature
3878 215t 5t. Address 3859 212 56	Richard G. Pask Signature
$\frac{\Rightarrow 0 57}{\text{Address}}$	18
	Signature
3855 21 St St. #1	QL
Address	Signature

I have reviewed the project proposed for 799 Castro Street San Francisco CA to build a single-family home replacing the existing commercial building and the addition of a rent controlled dwelling unit to the existing residential building at 3878-3880 21st Street.

I support the project:

3837 214 St	Parif. the
Address	Signature
3837 21 ST ST	angel -
Address	Signature
3829 215 8-	(
Address	Signature
3819 到生头	What I &
Address	Signature
3819 2154 57	A
Address	Signature
914 NOC ST	57.5
Address	Signature
508Hill #	Ally 2
Address	Signature
JZA HILL STREET	LAND GARER
Address	Signature

Address

Signature

I have reviewed the project proposed for 799 Castro Street San Francisco CA to build a single-family home replacing the existing commercial building and the addition of a rent controlled dwelling unit to the existing residential building at 3878-3880 21st Street.

I support the project:	
536 HUL ST.	allt
Address	Signature
544 H.V.St.	AR
Address	Signature
Address	Signature

I have reviewed the project proposed for 799 Castro Street San Francisco CA to build a single-family home replacing the existing commercial building and the addition of a rent controlled dwelling unit to the existing residential building at 3878-3880 21st Street.

I do not object the project:			
3825 21st St			
Address	Signature		

I have reviewed the project proposed for 799 Castro Street San Francisco CA to build a single-family home replacing the existing commercial building and the addition of a rent controlled dwelling unit to the existing residential building at 3878-3880 21st Street.

I do not object the project:

827 Casto St.	lelle Wol
Address	Signarure
to the second se	
Address	Signature





17 10/10/

I have reviewed the project proposed for 799 Castro Street San Francisco CA to build a single-family home replacing the existing commercial building and the addition of a rent controlled dwelling unit to the existing residential building at 3878-3880 21st Street.

I support the project:

3947 215T STREET	Polt-
Address	Signature
7953214 51.	FR.
Address	Signature
3955 2/21	The fibelite
Address	Signature
3944 21st St	that the
Address	Signature
924 2157 51	C
Address	Signature
3836 21st St.	- altome
Address	Signature
Address	Signature
Address	Signature

EXHIBIT E

OFFICIAL Ľ, 65° 5 1. 117.20 2 BUILDING NO PECTURE DEMEMBERAL USE ONLY CITY AND COUNTY OF SAN FRANCISCO de. . 1 1988 DEPARTMENT OF PUBLIC WORKS APPLICATION FOR BUILDING PERMIT P. . ADDITIONS, ALTERATIONS OF VEPAIRS A95 The set of the y OF SAN FRANCISCO HOR TENNISSION TO MALD IN ACCORDANCE WITH 811151.32 THE PLANS AND SPECIFICATIONS SUBMITTED NERVITIN A COMPANIE WITH TO THE DESCRIPTION AND FOR THE PURPOSE HEREINARDINE TO THE Statutener. Š 1 AU BALLINE IN THE OW 799 CASTRO A BUILD بمراهد العليمة والدحر بالمعطيات مرادها والمسا N. San Francisco, Ca. 94114 Starloo GM 0510 97456 26. 2.0 X :275 IN STRUCTURE COST OF THE STRUCTURE OF TH MANALAS STRATES Binff 462 AUG -4 1980 . DESCRIPTION OF EXISTING RULOING (4) TITE OF CONSTR. 1- CI AL Social Corner Market COP CISS HD OF A.D. D. D. C. T. DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION ; SCOL CUSS FZ Sec.5 14 TIPE OF CONSTR. HA CI N CI STORES OF 5 1010104055 At a second DWELLING . . P THE STATE ESD IIIA P VEL SATE Ÿ, х, . . . WELDORWALL OVER (15) EXTERNE MERCENE PROPERTY LINEY 150 NELL STILLE MAN NOR HONE TEST の調 ANY OWER STORING MADE (21) ELECTRICAL MORE TO BE REFORMED 1995 DOES THIS ALTERATION CONSTITUTE & OWANGE OF OCCUPANION AL 10 64 NOD NOX NOC 2157 54 3880 14-248 H D CONSTRUCTION D CALIF, CERTIFICATE NO CONSIDUCTION UNDER ENTER NAME AND BANNON DESIGNATION & AND P THERE IS NO RECEIPT CONSTRUCTION LEADER, DICERT UNDERSTORM, NUCLER CALL OWNER - MARKE COOLS OUT CHAN PHENE FOR CONTACT OF BUILDAU Scott Cobion 5880 ZIST St. SF. Ca. 99102 Change market to affice use (owner accupy). No structural changes. Change I existing door to window, put in one new window and one new door. Replace 2 existing windows. New bathroom fixtures and copper plumbing. New electrical. Two new interior stud wall partitions. New drywall in part. New concrete foundation wall on property to support small decks. Repair or what deck area between building. 1 New sink and gas HW heater. # Corpet floor, paint, some reduced paneling, light fixtures, new railings. APPLICANT'S CERTIFICATION IMPORTANT NOTICES HATTOLING & LERIETUNG AND AGEE THAT IF A PERMIT & ISSUED FOR THE CONSTRUCTION I MENSER CRITERY AND AGEE THAT IF A PERMIT & ISSUED FOR THE CONSTRUCTION DESCRIEG IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND DRIMINICES THERETO WELL BE COMPLED WITH. katta pis shall be imploin the character of the company or use without first obtaining Manut anthologies main completions for Sinc. 102, 104.8.1, 104.8.2, 202, From the shalling Could be a straining could be a straining could be building or windows are stabilishing could during construction, to be a damar-to ony was constraining assure than 750 even. See Sinc. 203, California OSCIDED IN THIS ARE AND DEDINANCES TH Advanced by the provided by the construction of the permit, agreed to be advanced by the permit of t 8 Code. and to Sec. 2022.A.8, Sam Frenchica Bellifing Code. the building permit shall be at on the job. The co-ner is responsible for opproved place and application bring Personance lac. 202.A.I., Sen Protekta Bailding Cade, the building permit shall be pented on light, Theorem's responsible for captured plans and explication bring lengt of bailding the sense of the sense of the sense of the sense of the general lands of the sense of the sense of the sense of the sense entrop protein lines, one and the adaptive with captured and the sense with leavings reported number of the sense of the sense of the sense with leavings reported number of the sense of the sense of the entrop protein lines, one and resident to the captured dravidge showing well leavings reported number of the sense of the sense well leavings reported number of the sense of the sense well leavings reported number of the sense of the sense well leavings reported number of the sense of the sense well leavings reported number of the sense well leavings reported number of the sense well leavings reported number of the sense well leavings of the sense of the sense well leavings and the sense of the sense well leaving the sense of the sense of the sense well leavings and the sense of the sense of the sense well leavings of the sense of the sense of the sense well leavings and reported of the sense well leavings of the sense of the sense of the sense of the sense well leavings and leavings restartion out have at destructs of not less from two indexes from all electrical uses as explorement. 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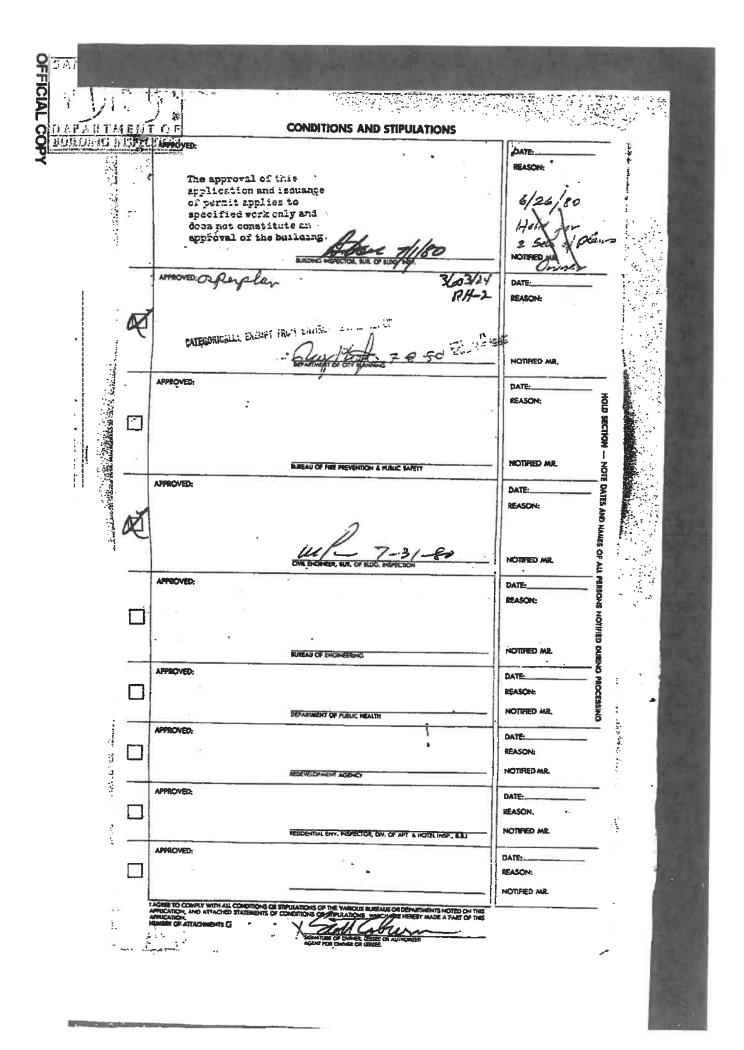


EXHIBIT F

2.4 「「「「「「「」」」の言葉になった。「「「」」 No CI-C 15 Tor 14 8005432 And 15 for a change City and County of San Francisco For Market sheeholftoDepartment of Building Inspection Off on feb 44 1981 but CERTIFICATE OF FINAL COMPLETION AND OCCUPANCY 9003-M-36 (Rev. 5/13) Basements: O Occupancy Classification: D No. of Guestrooms: O with cooking facilities: O Description of Construction: Change Machet to office Counse Decupy No Structure Changes To the best of our knowledge, the construction described above has been completed and, effective as of the date the building permit application was filed, conforms both one existing door to window, new undow and new door, lew bathroom highers and to the Ordinances of the City and County of San Francisco and to the Laws of the State of California. The above referenced occupancy classification is approved pursuant Any change in the use or occupancy of these premises--or any change to the building or premises--could cause the property to be in violation of the Municipal Codes of the City and County of San Francisco and, thereby, would invalidate this Certificate of Final Completion and Occupancy. A copy of this Certificate shall be maintained on the Before making any changes to the structure in the future, please contact the Department of Building Inspection, which will provide advice regarding any change that you (block and lot) 3603/024 Copper plymbing. New concrete hunderhon vall on property to superf Small decks. This permit use for change? Market Store to office for permit and plans separate structure exists on the but which is a 2 story 2 unit residential building 3033 **Dwelling Units:** Building Hispector Trinted Name wish to make and will assist you in making the change in accordance with the Municipal Codes of the City and County of San Francisco. premises and shall be available at all times. Another copy of this Certificate should be kept with your important property documents, Stories: hich is for on and County of San Francisco. by: (Signatury) Type of Construction: LB Copies: White (original to microfilm); Blue (to property owner); Yellow (to Building Inspector); Pink (to Housing Inspector) For C. Huion Feb 441981 but CFC 495 This certificate issued on: Ave 3154 2015 costra St Permit Application No: 2005432 to Section 109A of the San Francisco Building Code. Tom C. Hui, S.E., C.B.O., Aching Director ーテワ number) LOCATION: Change OF THE CI

EXHIBIT G

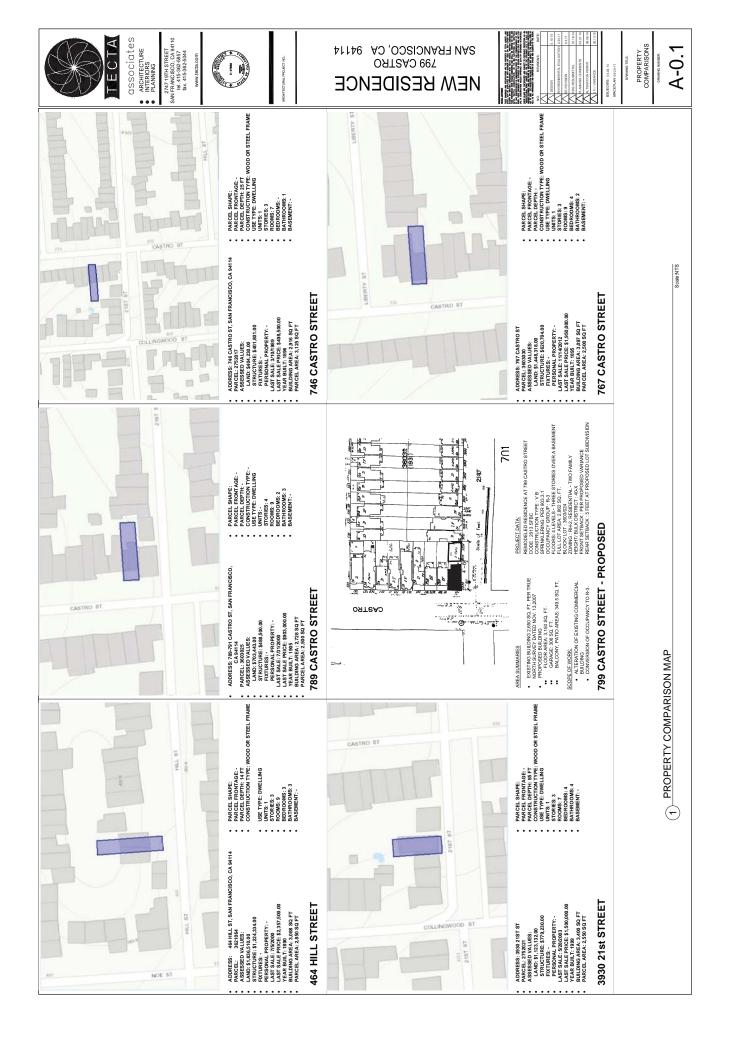


EXHIBIT H









BUILDING TYPE COMPARISONS

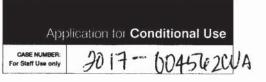
DRAWING TITLE:

A-0.2

EXHIBIT I



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APPLICATION FOR Conditional Use Authorization

1. Owner/Applicant Information

APPLICANT'S NAME:

. 7

PROPERTY OWNER'S NAME: Hatef Moghimi		an a
PROPERTY OWNER'S ADDRESS:	TELEPHONE: (415)425-1815	
799 Castro Street San Francisco, CA 94114	EMAIL: hatef@me.com	

	Same as Above 🛛
APPLICANT'S ADDRESS:	TELEPHONE:
	EMAIL:

CONTACT FOR PROJECT INFORMATION: Thomas Tunny	Same as Above
ADDRESS:	TELEPHONE:
Reuben, Junius & Rose, LLP	(415)567-9000
One Bush Street, Suite 600	EMAIL:
San Francisco, CA 94104	ttunny@reubenlaw.com

COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THE ZONING ADMINISTRATOR):		
ADDRESS:	TELEPHONE:	
	EMAIL:	

2. Location and Classification

STREET ADDRESS OF PROJECT: 799 Castro Street /	3878-3880 21	st Street		ZIP CODE: 94114
CROSS STREETS: Liberty Street and 2	lst Street			1
ASSESSORS BLOCK/LOT: 3603/1024	LOT DIMENSIONS: 26.5' x 100'	LOT AREA (SQ FT): 2,650	ZONING DISTRICT: RH-2	HEIGHT/BULK DISTRICT:

3. Project Description

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(Please check all that apply)	ADDITIONS TO BUILDING:	PRESENT OR PREVIOUS USE: Residential and Office			
 Change of Hours New Construction Alterations 	 Front Height Side Yard 	PROPOSED USE: Residential			
Demolition Other Please clarify:	The second	BUILDING APPLICATION PERMIT NO.: 2014-0919-6883 2017-0404-3134	DATE FILED: 09-19-14 04-04-17		

4. Project Summary Table

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

	LXISTING - SES	EXISTING USES TO BE RETAINED	NET NEV: CONSTRUCTION AND OR ADDITION	PROJECT TOTALS:
		PROJECT FEATURES		
Dwelling Units	3	3	1	4
Hotel Rooms	0	0	0	0
Parking Spaces	0	0	1	1
Loading Spaces	0	0	0	0
Number of Buildings	2	1	1	2
Height of Building(s)	18' / 27'	0 / 27'	13'	40' / 27
Number of Stories	1/2	0/2	4	4/2
Bicycle Spaces	0	0	0	0
	GROS	S SQUARE FOOTAGE (GS	F)	
Residential	2,245	2,245	3,150	5,395
Retail	0	0	0	0
Office	1,100	0	(1,100)	0
Industrial/PDR Production, Distribution, & Repair	0	0	0	0
Parking	0	0	279	279
Other (Specify Use)	0	0	0	0
TOTAL GSF	3,345	2,245	2,329	5,674

Please describe any additional project features that are not included in this table: (Attach a separate sheet if more space is needed)

CASE NUMBER: For Staff Use only

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

Dwelling unit demolition pursuant to Planning Code Section 317 and Conditional Use Authorization pursuant to Planning Code Section 303.

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.

Please see Attachment A.

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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;

Plesae see Attachment B.

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. That existing and econom	housing and ne	eighborhood ch ur neighborhood	aracter be conser ds;	ved and protect	ed in order to pro	eserve the cultural
Please see	Attachment E	3.				
			-			
100000 1000000 1000	1	· · · ·		10 - 1 - 1 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1		
That the City	's supply of affo	rdable bousing	be preserved and	enhanced:	100 100	
	S S1.56/57		be preserved and	rennanceu,		
Please see	Attachment E	5.				· · · · · · · · · · · · · · · · · · ·
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That commu	ter traffic not im	pede Muni trans	sit service or overl	ourden our stree	ts or neighborho	ood parking;
	iter traffic not im Attachment H		sit service or overl	ourden our stree	ts or neighborho	ood parking;
			sit service or overl	ourden our stree	ts or neighborhd	ood parking;
			sit service or overl	ourden our stree	ts or neighborho	ood parking;
			sit service or overl		ts or neighborho	ood parking;

CASE NUMBER: For Staff Use only

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;
	Please see Attachment B.
~	
ю.	That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;
	Please see Attachment B.
	Presented C. C. Connect (1. C. C. S. D. Barrie, 1. C. Barrier, 1.
7	That landmarks and historic buildings be preserved; and
	Please see Attachment B.
	Trease see Attachment B.
8.	That our parks and open space and their access to sunlight and vistas be protected from development.

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Please see Attachment B.

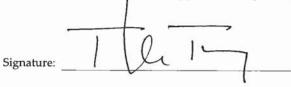
Estimated Construction Costs

TYPE OF APPLICATION:	anna ann an an an ann an ann an ann an a	
Conditional Use		
OCCUPANCY CLASSIFICATION:	and a second	
R-3		
BUILDING TYPE:		
V.B		
TOTAL GROSS SQUARE FEET OF CONSTRUCTION:	BY PROPOSED USES:	
	All Residential	
3,925		
ESTIMATED CONSTRUCTION COST: \$900,000	I	
ESTIMATE PREPARED BY:		
Ahmad Mohazab, Architect		
FEE ESTABLISHED:		
\$7,620.00		

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.



Date: 4.13.17

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

Owner Authorized Agent Orcle one)

CASE NUMBER: For Staft Use only

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 Application, with all blanks completed		
300-foot radius map, if applicable	□ N/A	
Address labels (original), if applicable	\square N/A	
Address labels (copy of the above), if applicable	□ N/A	
Site Plan	X	
Floor Plan	X	
Elevations	X	
Section 303 Requirements	Ä	
Prop. M Findings		
Historic photographs (if possible), and current photographs	X	NOTES:
Check payable to Planning Dept.	X	Required Material, Write "N/A" if you believe the item is not applicable, (e.g. letter of authorization is not required if application is
Original Application signed by owner or agent	X	signed by property owner.)
Letter of authorization for agent	X	Typically would not apply. Nevertheless, in a specific case, staff may require the item.
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)		O 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 A

Under Planning Code Section 303(c), the Planning Commission shall approve the application and authorize a conditional use if the facts presented are such to establish the following:

1. Desirability and Compatibility of project

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Planning Code Section 303(c)(1) requires that facts be established which demonstrate the following:

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 project is necessary and desirable because it will remove a non-complying office use from a residential neighborhood and replace it with a residential use. The project will add a family-sized single family home to the subject property where family-sized housing is strongly encouraged by City Planning and Zoning policies. The new residence is carefully designed to be compatible with existing neighborhood character, and is of a size comparable to other singlefamily homes in the neighborhood.

2. Effect of Project on Health, Safety, Convenience or General Welfare

Planning Code Section 303(c)(2) requires that facts be established that demonstrate the following:

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.

The project will demolish a dilapidated existing structure and replace it with a single-family home that is sensitively designed to minimize impacts on the adjacent residence, and of a size, shape and arrangement similar to other single-family homes in this neighborhood. For these reasons, the project will not be detrimental to the health, safety, convenience or general welfare.

(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 project adds a single-family home to the subject property, which will not impact traffic patterns in the neighborhood. One off-street parking space is provided where none exist

presently. The property is well-served by public transit. The 24, 33, 35, and J Church MUNI bus lines, and the Castro MUNI station, all are within a few blocks of the Property. As a result, the project will not be detrimental to the neighborhood due to its 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 adds a single-family home to the property, which will not produce 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.

The property will be thoughtfully landscaped and provide usable open space as required the Planning Code, and will provide an off-street parking space where none exists presently.

3. Compliance with the General Plan.

Planning Code Section 303(c)(3) requires that facts be established that demonstrate the following:

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, and specifically the **Housing Element of the General Plan**, as follows:

Housing Element

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<u>Policy 11.1</u>: Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

<u>Policy 11.5</u>: Promote the construction of well-designed housing that enhances existing neighborhood character.

The project provides well-designed new housing that enhances existing neighborhood character, consistent with these policies.

ATTACHMENT B

PRIORITY MASTER PLAN POLICIES FINDINGS

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Planning Code Section 101.1 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 will remove a non-complying office use and provide a new single-family home, and therefore will have no impact existing neighborhood-serving retail uses.

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

The project will remove a non-complying office use and provide a new, well-designed singlefamily home, making the property more compatible with existing neighborhood character.

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

The project will have no effect on affordable housing, as it will remove a non-complying office use and provide a new single-family home.

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

The project will remove a non-complying office use and provide a new single-family home, and therefore will not create any additional commuter traffic. The property is well-served by public transit. The 24, 33, 35, and J Church MUNI bus lines, and the Castro MUNI station, all are within a few blocks of the Property.

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 will remove a non-complying office use and provide a new single-family home, and does not propose a commercial office use.

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 meet this policy.

7. That landmarks and historic buildings be preserved.

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The project is not located in a landmark or historic building, or in a Conservation District or Historic District. The project will have no effect on any historic resource.

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

The project is not located near any public parks or open space and will therefore have no effect on such resources.

APPLICATION FOR **Dwelling Unit Removal** Merger, Conversion, or Demolition

. Owner/Applicant Information	and a second sec		
Hatef Moghimi			
PROPERTY OWNER'S ADDRESS:	TELEPHONE:		
	(415) 425-1815		
799 Castro Street	EMAIL:		
San Francisco, CA 94114	hatef@me.com		
APPLICANT'S NAME:			
	Same as Above 🛛		
APPLICANT'S ADDRESS:	TELEPHONE:		
	()		
	EMAIL:		
CONTACT FOR PROJECT INFORMATION: Thomas Tunny	Same as Above		
ADDRESS:	TELEPHONE:		
Reuben, Junius & Rose, LLP	(415) 567-9000		
One Bush Street, Suite 600	EMAL:		
San Francisco, CA 94104	ttunny@reubenlaw.com		
COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THE ZO	DNING ADMINISTRATOR):		
	Same as Above		
ADDRESS:	TELEPHONE:		
	()		
	EMAIL:		

STREET ADDRESS OF PROJECT: 799 Castro Street / 3	3878-3880 21s	t Street		ZIP CODE: 94114	
CROSS STREETS: Liberty Street and 2				74114	
ASSESSORS BLOCK/LOT: 3603/1024	LOT DIMENSIONS:	LOT AREA (SQ FT):	ZONING DISTRICT: RH-2	HEIGHT/BULK DISTRICT: 40-X	

3. Project Type and History

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(Please check all that apply) X New Construction Alterations Demolition Other Please clarify:		BUILDING PERMIT NUMBER(S): 2014-0919-6883	DATE FILE	275-1 ₀
	Front Height	2017-0404-3134 DATE OF PROPERTY PURCHASE: (MM/DD/YYYY) 06/01/2007	04-04	-17
	Side Yard	ELLIS ACT Was the building subject to the Ellis Act within the last decade?	YES	NO X

4. Project Summary Table

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

	LXISTING USES	EXISTING USES TO BE RELAINED	NET NEW CONSTRUCTION AND OR ADDITION	PROJECT TOTALS
	P	ROJECT FEATURES		
Dwelling Units	3	3	1	4
Hotel Rooms	0	0	0	0
Parking Spaces	0	0	1	1
Loading Spaces	0	0	0	0
Number of Buildings	2	1	1	2
Height of Building(s)	18'/27'	0 / 27'	13'	40' / 27
Number of Stories	1/2	0/2	4	4/2
Bicycle Spaces	0	0	0	0
	GROSS	SQUARE FOOTAGE (GS	iF)	
Residential	2,245	2,245	3,150	5,395
Retail	0	0	0	0
Office	1,100	0	(1,100)	0
Industrial/PDR Production, Distribution, & Repetr	0	0	0	0
Parking	0	0	279	279
Other (Specify Use)	0	0	0	0
TOTAL GSF	3,345	2,245	2,329	5,674

5. Additional Project Details

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UNITS	EXISTING:	PROPOSED:	NET CHANGE:
Owner-occupied Units:	0	1	1
Rental Units:	3	3	0
Total Units:	3	4	1
Units subject to Rent Control:	3	3	0
Vacant Units:	1	0	(1)

BEDROOMS	EXISTING:	PROPOSED:	NET CHANGE:
Owner-occupied Bedrooms:	0	3	3
Rental Bedrooms:	2	2	0
Total Bedrooms:	2	5	3
Bedrooms subject to Rent Control:	2	2	0

6. Unit Specific Information

	UNIT NO.	NO. OF BEDROOMS	GSF	OCCUPANCY	ADDITIONAL CRITERIA (check all that apply)
EXISTING	1	1	900		ELLIS ACT VACANT
PROPOSED	1	1	900	OWNER OCCUPIED X RENTAL	
EXISTING	2	1	900	OWNER OCCUPIED K RENTAL	ELLIS ACT VACANT
PROPOSED	2	1	900		
EXISTING	3	0	474		ELLIS ACT X VACANT
PROPOSED	3	0	474		

7. Other Information

Please describe any additional project features that were not included in the above tables: (Attach a separate sheet if more space is needed)

The fourth dwelling unit will be a new, single-family residence with three bedrooms and a total floor area of approximately 3,150 square feet.

Priority General Plan Policies – Planning Code Section 101.1 (APPLICABLE TO ALL PROJECTS)

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed alterations and demolitions are consistent with eight priority policies set forth in Section 101.1 of the 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 is not applicable.

Please respond to each policy; if it's not applicable explain why:

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

Please see Attachment A.

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

Please see Attachment A.

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

Please see Attachment A.

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

Please see Attachment A.

	Please respond to each policy; if it's not applicable explain why:
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;
	Please see Attachment A.
6.	That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;
	Please see Attachment A.
7.	That landmarks and historic buildings be preserved; and
	Please see Attachment A.
8.	That our parks and open space and their access to sunlight and vistas be protected from development. Please see Attachment A.

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Dwelling Unit **Demolition**

(SUPPLEMENTAL INFORMATION)

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Pursuant to Planning Code Section 317(d), Residential Demolition not otherwise subject to a Conditional Use Authorization shall be either subject to a Mandatory Discretionary Review hearing or will qualify for administrative approval.

Administrative approval only applies to:

(1) single-family dwellings in RH-1 and RH-1(D) Districts proposed for Demolition that are not affordable or financially accessible housing (valued by a credible appraisal within the past six months to be greater than 80% of combined land and structure value of single-family homes in San Francisco); OR
 (2) residential buildings of two units or fewer that are found to be unsound housing.

Please see the Department's website under Publications for "Loss of Dwelling Units Numerical Values".

The Planning Commission will consider the following criteria in the review of Residential Demolitions. Please fill out answers to the criteria below:

	EXISTING VALUE AND SOUNDNESS	YES	NO
	Is the value of the existing land and structure of the single-family dwelling affordable or financially accessible housing (below the 80% average price of single-family homes in San Francisco, as determined by a credible appraisal within six months)? If no, submittal of a credible appraisal is required with the application.	X	
2	Has the housing been found to be unsound at the 50% threshold (applicable to one- and two-family dwellings)?		
3	Is the property free of a history of serious, continuing code violations?		
4	Has the housing been maintained in a decent, safe, and sanitary condition?	X	
5	Is the property a <i>historical resource</i> under CEQA? If yes, will the removal of the resource have a substantial adverse impact under CEQA?		X
	RENTAL PROTECTION	YES	NO
6	Does the Project convert rental housing to other forms of tenure or occupancy?		X
7	Does the Project remove rental units subject to the Rent Stabilization and Arbitration Ordinance or affordable housing?	,□	
	PRIORITY POLICIES	YES	NO
8	Does the Project conserve existing housing to preserve cultural and economic neighborhood diversity?		
9	Does the Project conserve neighborhood character to preserve neighborhood cultural and economic diversity?		
10	Does the Project protect the relative affordability of existing housing?	X	
11	Does the Project increase the number of permanently affordable units as governed by Section 415?		X

Dwelling Unit **Demolition**

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(SUPPLEMENTAL INFORMATION CONTINUED)

	REPLACEMENT STRUCTURE	YES	NO
12	Does the Project locate in-fill housing on appropriate sites in established neighborhoods?	X	
13	Does the Project increase the number of family-sized units on-site?	Ă	
14	Does the Project create new supportive housing?		X
15	Is the Project of superb architectural and urban design, meeting all relevant design guidelines, to enhance the existing neighborhood character?	X	
16	Does the Project increase the number of on-site dwelling units?		
17	Does the Project increase the number of on-site bedrooms?	K)	

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.



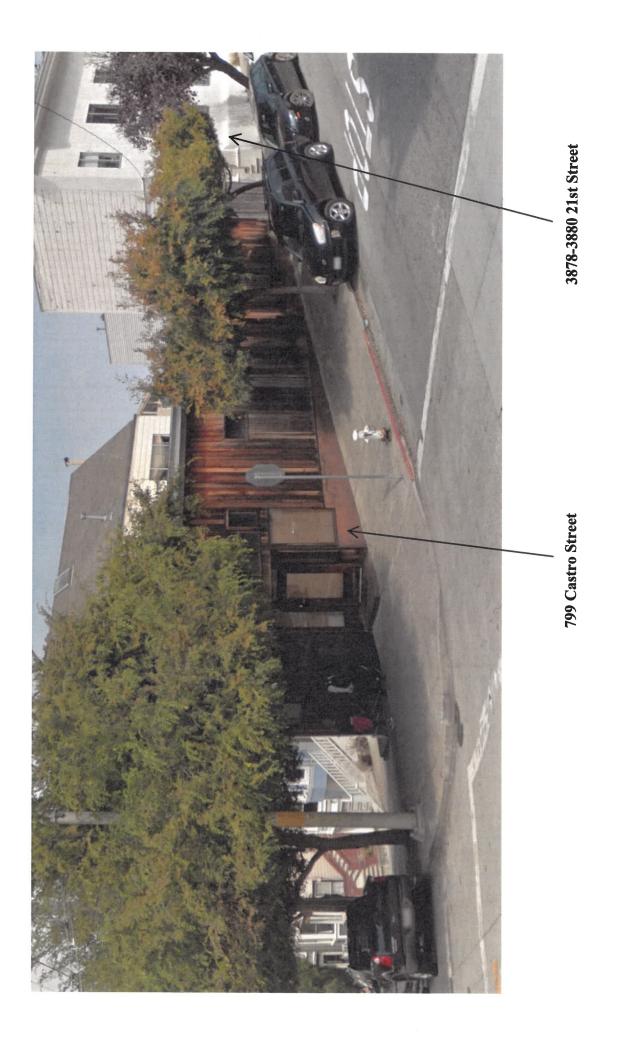
Date: 1.13.17

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

Thomas Tunny Owner / Othorized Agent circle one)



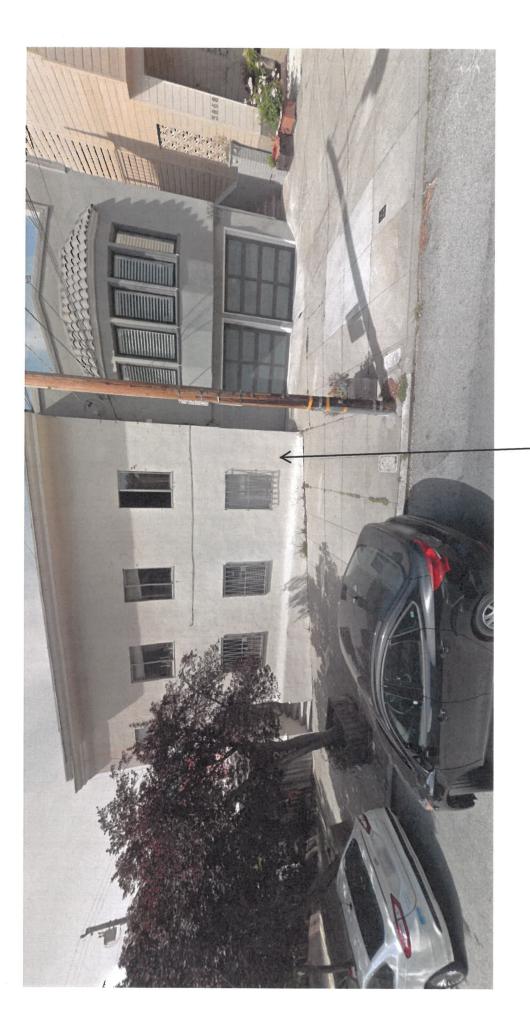








799 Castro Street



3878-3880 21st Street

ATTACHMENT A

PRIORITY MASTER PLAN POLICIES FINDINGS

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Planning Code Section 101.1 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 will remove a non-complying office use and provide a new single-family home, and therefore will have no impact existing neighborhood-serving retail uses.

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

The project will remove a non-complying office use and provide a new, well-designed singlefamily home, making the property more compatible with existing neighborhood character.

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

The project will have no effect on affordable housing, as it will remove a non-complying office use and provide a new single-family home.

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

The project will remove a non-complying office use and provide a new single-family home, and therefore will not create any additional commuter traffic. The property is well-served by public transit. The 24, 33, 35, and J Church MUNI bus lines, and the Castro MUNI station, all are within a few blocks of the Property.

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 will remove a non-complying office use and provide a new single-family home, and does not propose a commercial office use.

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 meet this policy.

7. That landmarks and historic buildings be preserved.

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The project is not located in a landmark or historic building, or in a Conservation District or Historic District. The project will have no effect on any historic resource.

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

The project is not located near any public parks or open space and will therefore have no effect on such resources.

Application for Variance

CASE NUMBER: For Staff Use only

APPLICATION FOR Variance from the Planning Code

1. Owner/Applicant Info	ormation	(a) (and the second sec		
HATEF MC	GHIMAN			
PROPERTY OWNER'S ADDRESS:		TELEPHONE:		
P.O. BOX 773		(415) 425- 1815		
SF. CA 941	07	EMAIL:		
1 (1 (1)) (10) (10) (1 (1)) (1		HATEP @ WAE COM		
APPLICANT'S NAME:		· · · · · · · · · · · · · · · · · · ·		
AHMAO MO	ta 208	Same as Above		
TECTA ASSOC	IATE	(415)3625857 415 823- (415)3625857 6915		
2747 193		(13) 70 7 303 7 (91) D		
SF. CK 9411		Ahmaro@fecta.con		
CONTACT FOR PROJECT INFORMATIO	N:			
APPUCANT		Same as Above		
ADDRESS:		TELEPHONE:		
		()		
		EMAL:		
CROSS STREETS: 21 ST ST.		21 C 38 78 - 3880 21 St ST) 94117-		
360 3 1024.	100 × 265 2650	· PH-2 40X		
(Please check all that apply)	ADDITIONS TO BUILDING:	PRESENT OR PREVIOUS USE:		
Change of Use	se 🙀 Rear	2 Fosibentia UNITS + Connergial/office		
Change of Hours	Front	PROPOSED USE:		
New Construction	X Height	2 RESIDENTIAL UNITS		
Alterations	Side Yard			
Demolition				
Other Please clarify:		BUILDING APPLICATION PERMIT NO.: DATE FILED:		

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* NOTE : BOX FPLIT, WEST

4. Project Summary Table

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

LXSTNCUSES L+DER AND PROJECT TOTALS AND OF ADD BON 2 Compine 2 2 V.A. * 18.4 28 40 28 40 2+ 2+13 3+1 34B 2+13 * 2,316 3,315 185 0 2,316 0 3315 250 * 244.9 1. 272 272 N.A 2501

Please describe what the variance is for and include any additional project features that are not included in this table. Please state which section(s) of the Planning Code from which you are requesting a variance. (Attach a separate sheet if more space is needed)

VAFIANCE FROM HEC. 132 (J) (1) FOR FRONT SETEMACK ON CASTRO STREET.

CASE NUMBER:

Variance Findings

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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.

- 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;
- 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;
- 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;
- 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; and
- 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 Master Plan.

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	an in A and Area (1997) (Addition (1999)). This can be a second state (1999) (1999) (1999)

Priority General Plan Policies Findings

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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.

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

9700 ATTACHED
That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;
That the City's supply of affordable housing be preserved and enhanced;
That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;

10 SAN FRANCISCO PLANNING DEPARTMENT V 10 21 2011

CASE NUMBER: For Staff Use only

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 REPORT OF A PROPERTY AND AND A DESCRIPTION OF A DATA AND A DESCRIPTION OF A DATA AND A -----6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake; -------7. That landmarks and historic buildings be preserved; and 8. That our parks and open space and their access to sunlight and vistas be protected from development. mente manifest and the set of the difference -----------

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Estimated Construction Costs

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TYPE OF APPLICATION:	
VAPIANCE	
OCCUPANCY CLASSIFICATION:	n an ann a' fha anns anns 10 1000
	(1) III III III III III III III III III I
TOTAL GROSS SQUARE FEET OF CONSTRUCTION:	BY PROPOSED USES:
	RESIDENTIAL
ESTIMATED CONSTRUCTION COST:	0
ESTIMATE PREPARED BY:	
FEE ESTABLISHED:	Astelinsky Acuss Mahazab

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:	12.26.11
Print name, and indicate whether owner, or aut	horized agent:	
Annab Mohaz	ab	

12 SAN FRANCISCO PLANNING DEPARTMENT V 10 21 2011



See Updated Findings Submitted 2/9/18

December 8, 2015

Re: **799 Castro and 3876 21st Street** Variance Findings

FRONT SETBACK VARIANCE

Pursuant to Planning Code Section 305(c), before approving a variance application, the Zoning Administrator must 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;

The subject property is exceptional and extraordinary because the property contains two existing structures that occupy most of the lot area; thus, the available building envelope is highly constrained. Moreover, the front structure is occupied with a nonconforming commercial use that is inconsistent with the prevailing residential character of the neighborhood. Finally, the front façade of the existing structure, which will remain in the same location, already is nearly coterminus with the front property line.

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;

The existing structures were not constructed by the project applicant and were constructed prior to the imposition of the current front setback regulations. The project applicant does not intend to demolish the existing building, but instead will add to the existing building.

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;

The variance will allow for the preservation and enjoyment of a substantial property right possessed by other properties in the same district as this is a corner lot and there are at least seven lots located at or near the eight corners of this Assessor's block that have similar lot coverage. In addition, the variance will allow for the replacement of a nonconforming commercial use with a residential use, as is enjoyed by other properties in this residential district.

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; and

The variance will not be materially detrimental or materially injurious because it will allow for construction of a residence compatible in size and bulk with the other residences in the neighborhood, and will allow for the replacement of a nonconforming commercial use with a residential use in a residentially zoned neighborhood. The project will be beneficial to the public welfare by allowing new housing to be added, which will incrementally improve the City's current housing crisis.

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 Master Plan.

The proposed project will affirmatively promote, is consistent with, and will not adversely affect the General Plan, as follows:

2747 19th Street, San Francisco, CA 94110 . tel. 415.362.5857 . fax. 415.362.5044 . www.tecta.com

architecture) interior design) branding

Housing Element

OBJECTIVE 1: Identify and make available for development adequate sites to meet the City's housing needs, especially permanently affordable housing.

The project satisfies this policy of the General Plan's Housing Element by allowing the replacement of a nonconforming commercial use in the existing structure on the front portion of the property with a residential use. This will help meet the City's housing needs while having as minimal an impact as is possible on the surrounding neighborhood.

OBJECTIVE 11: SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

Policy 11.3: Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

Policy 11.5: Ensure densities in established residential areas promote compatibility with prevailing neighborhood character.

The proposed project satisfies these policies by accommodating growth and adding density by allowing the replacement of a nonconforming commercial use in the existing structure on the front portion of the property with a residential use, consistent with the existing residential neighborhood character.

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.

The proposed project adds new housing close to jobs and transit. The project is within blocks of the J Muni line, the 24, 33 and 48 Muni bus lines, and is only a short distance from the Castro Street Muni station.

REAR YARD VARIANCE

Pursuant to Planning Code Section 305(c), before approving a variance application, the Zoning Administrator must 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;

The subject property is exceptional and extraordinary in that a second structure, which contains two residential units, already exists in the required rear yard. Moreover, the front structure is occupied with a nonconforming commercial use that is inconsistent with the prevailing residential character of the neighborhood. Finally, because of the two existing structures on the lot, and the proposed lot split that will allow the replacement of a nonconforming commercial use with a residential use, the resulting lot sizes and buildable envelope are highly constrained.

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;

The existing structures were not constructed by the project applicant and were constructed prior to the imposition of the current rear yard regulations. The project applicant does not intend to demolish the existing building, but instead will add to the existing building.

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;

The variance will allow for the preservation and enjoyment of a substantial property right possessed by other properties in the same district as this is a corner lot and there are at least seven lots located at or near the eight corners of this Assessor's block that have similar lot coverage. In addition, the variance will allow for the replacement of a commercial use with a residential use, as is enjoyed by other properties in this residential district.

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; and

The variance will not be materially detrimental or materially injurious because it will allow for construction of a residence compatible in size and bulk with the other residences in the neighborhood, and will allow for the replacement of a nonconforming commercial use with a residential use in a residentially zoned neighborhood. The project will be beneficial to the public welfare by allowing new housing to be added, which will incrementally improve the City's current housing crisis.

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 Master Plan.

The proposed project will affirmatively promote, is consistent with, and will not adversely affect the General Plan, as follows:

Housing Element

OBJECTIVE 1: Identify and make available for development adequate sites to meet the City's housing needs, especially permanently affordable housing.

The project satisfies this policy of the General Plan's Housing Element by allowing the replacement of a nonconforming commercial use in the existing structure on the front portion of the property with a residential use. This will help meet the City's housing needs while having as minimal an impact as is possible on the surrounding neighborhood.

OBJECTIVE 11: SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

Policy 11.3: Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

Policy **11.5**: Ensure densities in established residential areas promote compatibility with prevailing neighborhood character.

The proposed project satisfies these policies by accommodating growth and adding density by allowing the replacement of a nonconforming commercial use in the existing structure on the front portion of the property with a residential use, consistent with the existing residential neighborhood character.

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.

The proposed project adds new housing close to jobs and transit. The project is within blocks of the J Muni line, the 24, 33 and 48 Muni bus lines, and is only a short distance from the Castro Street Muni station.

PUBLIC COMMENT

To whom it may concern:

The proposed variances at 799 Castro are unjustified exceptions to the zoning provisions of the neighborhood. There is nothing exceptional about the parcel of land at issue that justifies the increased density or lack of open space. Perhaps this neighborhood should consider adopting a higher density zoning, but such a discussion should occur outside of individual zoning requests. Here the applicant seeks to increase the number of units in an already non-conforming property. There is nothing exceptional or extraordinary about the plot of land in question justifying an increase to four units in a R-2 neighborhood.

As the Administrator is well-aware, a variance requires satisfaction of a five part test set forth in Section 305(c) of the Planning Code:

Determination. The Zoning Administrator shall hold a hearing on the application, provided, however, that if the variance requested involves a deviation of less than 10 percent from the Code requirement, the Zoning Administrator may at his option either hold or not hold such a hearing. No variance shall be granted in whole or in part unless there exist, and the Zoning Administrator specifies in his findings as part of a written decision, facts sufficient to establish:

(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;

(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;

(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;

(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; and

(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.

Here, we need not discuss items 4 and 5, as the Applicant cannot satisfy any of the first three factors. First, there are no "exceptional or extraordinary circumstance applying to the property involved." The property is a standard, rectangular corner lot. The only potentially extraordinary circumstance is the existence of a single story commercial unit on the lot with the two-unit apartment building. However, the mere existence of this short grandfathered building does not justify the requested variances. An existing building is not sufficient justification for a further variance. See Planning Code Section 172(b), "No existing structure which fails to meet the requirements of this Code in any manner as described in Subsection (a) above, . . . shall be constructed, reconstructed, enlarged, altered or relocated so as to increase the discrepancy, or to create a new discrepancy, at any level of the structure, between existing conditions on the lot

and the required standards for new construction set forth in this Code." The new proposed building would aggravate the existing code violation by building a much taller vertical wall with no setback, and it does not create a justification for allowing twice the neighborhood density on this single property.

Even if we were to consider the existence of a building on the lot as "exceptional or extraordinary," the Applicant still fails the second part of the test. The Applicant purchased the property in exactly the state it is in now. How can one state that maintaining minimum lot sizes in the neighborhood "would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property" when neither the property nor code have changed since the Applicant's purchase? There is no unnecessary hardship here, and the property is livable in its current state. The Applicant purchased this property aware of the zoning restrictions and now seeks to alter the property in violation of such restrictions.

Finally, the variances are not required to maintain "a substantial property right of the subject property, possessed by other property in the same class of district." The property currently maintains the rights of other properties in the district, and subdividing the lot is not necessary to maintain any property rights. There are already two units on the property, consistent with the maximum allowed in the neighborhood. The Applicant is not seeking to maintain a property right, the Applicant is seeking to gain an additional property right that is not allowed other properties in the district. If the Applicant had purchased a conforming property with no additional building on it, would we be here considering adding a fourth unit to a parcel in an R-2 neighborhood?

With respect to the actual design of the proposed structure, it is plainly incompatible with the buildings around it. While the existing single story building is also not perfectly consistent with the neighborhood, it is at least small enough to be missed. This structure will dominate the entire corner. Lastly, roof decks are not a consistent with neighborhood structures.

In sum, there is no reason to allow a density variance, abandon the local planning with respect to outdoor space, nor create a 40 foot wall with no setback on the corner of 21st and Castro. If the Planning Department believes that this neighborhood should take a different approach to density, let's have a discussion about revising the zoning regulations in the neighborhood. However, until that time, additional density should not be done on an ad hoc exception basis here.

Regards,

Joseph Giometti 806 Castro St.

Tran, Nancy (CPC)

From: Sent: To: Subject: Kimba Higgins <higberts@mac.com> Wednesday, October 11, 2017 12:40 PM Tran, Nancy (CPC); richhillissf@gmail.com Re: Case #2017-004562CUA

Dear All,

I'm planning on attending Thursday hearing to speak out against this project, however I understand it been postponed yet again. Please confirm that the hearing has been cancelled and if so please advised the new date. I await information from Planning staff on the new date for the hearing.

Kimberly Higgins Higberts@mac.com

Sent from my iPad

Tran, Nancy (CPC)

From:	Mitch Horowitz <mhwitz@gmail.com></mhwitz@gmail.com>
Sent:	Wednesday, October 11, 2017 7:35 PM
То:	richhillissf@gmail.com
Cc:	Tran, Nancy (CPC); Ionin, Jonas (CPC)
Subject:	Concerning Appeal No. 16-137 - 799 Castro Street

To The Planning Commission President, Secretary and Planner,

Myself and my Husband live at 3881 21st Street and have been active in trying to reason with the developer to modify their design and to reduce the variances that they are requesting as these will disrupt the nature of the historic neighborhood. Enough has already been done in the past and we need to strive to maintain the feeling of what we still have.

I have been to the local meetings in the past and I had been planing on attending tomorrow's meeting. However I will not be in attendance, as well as many of my other neighbors, as we have been informed that developer has requested a continuance. I am relying on this request to not attend.

I have no objection to a new neighborhood-appropriate family dwelling being constructed on the site. I have severe objections for all the variances as they are out of the character of the neighborhood. I am also hoping that the removal of the trees that are at the property will be be part of the plans as these trees are critical to feeling of the area.

Very sincerely,

Mitchell Horowitz home owner at 3881 21st Street.

Tran, Nancy (CPC)

From:	kbdelara@comcast.net
Sent:	Wednesday, October 11, 2017 9:17 PM
То:	richhillissf@gmail.com; Ionin, Jonas (CPC); Tran, Nancy (CPC)
Subject:	Appeal #16-137 - 799 Castro Street

To Whom It May Concern:

This appeal was previously scheduled for a hearing on October 12 at 1:00 PM, and we had made plans to attend. However, I understand the developer has again requested a continuance.

I would first like to express my frustration with the many delays, continuances, cancellations, etc., that have occurred in regard to this appeal. My husband and I live in the East Bay, and we have arranged our schedules multiple times over the past year so that we could attend a hearing to express our objections to the developer's plans. Each time the matter has been postponement at the last minute.

My husband and I have investment property on 21st Street. We lived there for many years and love the neighborhood; we also strongly believe that this project is inappropriate as currently configured. We believe our property values will be adversely affected if this plan is allowed to be built. And we are not the only ones to feel this way. There are significant objections from many other neighbors, mostly regarding the multiple variances that are being sought by the developer.

We had made special plans to attend the appeal hearing, but once again we have been told the hearing has been put off. We would like to express our strong objections to the variances that are being requested for this project. For the record, we have no objections to a structure being built within the established guidelines for this area, but this developer's requests for variances are beyond the pale.

Please advise me when the matter will finally be heard.

Thank you,

Karen and John DeLara Owners of 3855 21st Street



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
799 Castro Street / 387	'8 21ST ST	3603/024	
Case No.		Permit No.	
2008.0410E		201409196883	
Addition/	Demolition (requires HRE for	New	
Alteration	Category B Building)	Construction	
Project description for Planning Department approval.			
700 Castro Streat: change of use from commercial to residential, addition of three stories, 3979 21st Street:			

799 Castro Street: change of use from commercial to residential, addition of three stories. 3878 21st Street: Addition to the existing residential structure not visible from the street. Window alteration at front façade. 3 dwelling units to be located at 3878 21st st. Lot line adjustment

STEP 1: EXEMPTION CLASS

*Note	*Note: If neither class applies, an Environmental Evaluation Application is required.*		
	Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.; change of use under 10,000 sq. ft.		
	Class 3 - New Construction. Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions		
	 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. 		
	Class		

STEP 2: CEQA IMPACTS TO BE COMPLETED BY PROJECT PLANNER

If any b	ox is checked below, an Environmental Evaluation Application is required.		
	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.)? (<i>refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone</i>)		
	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>		
	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?		
	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? (<i>refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area</i>)		
	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? (<i>refer to EP_ArcMap > CEQA Catex Determination Layers ></i> <i>Topography</i>)		
	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? (<i>refer to EP_ArcMap > CEQA Catex Determination Layers > Topography</i>) If box is checked, a geotechnical report is required.		
	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.		
	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? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones)</i> 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.		
	ments and Planner Signature (optional): Laura Lynch eo Review complete 2/12/2018 no effects		

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

PROPERTY IS ONE OF THE FOLLOWING: (refer to Parcel Information Map)	
	Category A: Known Historical Resource. GO TO STEP 5.
	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
	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.	
	1. Change of use and new construction. Tenant improvements not included.	
	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.	
	3. Window replacement that meets the Department's Window Replacement Standards. Does not include storefront window alterations.	
	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.	
	5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.	
	 Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way. 	
	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning</i> Administrator Bulletin No. 3: Dormer Windows.	
	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.		
	Project is not listed. GO TO STEP 5.	
	Project does not conform to the scopes of work. GO TO STEP 5.	
	Project involves four or more work descriptions. GO TO STEP 5.	
	Project involves less than four work descriptions. GO TO STEP 6.	

STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW

TO BE COMPLETED BY PROJECT PLANNER

Chec	k all that apply to the project.
	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.
	2. Interior alterations to publicly accessible spaces.
	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
	6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.

7. Addition(s), including mechanical equipment that are minimally visible from a public right-of-way and meet the Secretary of the Interior's Standards for Rehabilitation. 8. Other work consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties (specify or add comments): 9. Other work that would not materially impair a historic district (specify or add comments): (Requires approval by Senior Preservation Planner/Preservation Coordinator) 10. Reclassification of property status. (Requires approval by Senior Preservation Planner/Preservation Planner/Preservation Planner/Preservation Planner/Preservation Reclassify to Category A Reclassify to Category C a. Per HRER dated (attach HRER) b. Other (specify): Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below. Further environmental review required. Based on the information provided, the project requires an Environmental Evaluation Application to be submitted. GO TO STEP 6.							
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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.	and meet the Secretary of the Interior's Standards for Rehabilitation. 8. Other work consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties (specify or add comments): 9. Other work that would not materially impair a historic district (specify or add comments): (Requires approval by Senior Preservation Planner/Preservation Coordinator) 10. Reclassification of property status. (Requires approval by Senior Preservation Planner/Preservation Planner/Preservation Planner/Preservation Planner/Preservation Reclassify to Category A Reclassify to Category C a. Per HRER dated (attach HRER) b. Other (specify): Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.						
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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

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than fror	Block/Lot(s) (If different than front page)			
799 Castro Street / 3878 21ST ST		3603/024		
Case No.	Previous Building Permit No.	New Building Permit No.		
2008.0410	201409196883			
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:		
	Result in expansion of the building envelope, as defined in the Planning Code;	
	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;	
	Result in demolition as defined under Planning Code Section 317 or 19005(f)?	
	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

	The proposed modification wo	uld not result in any of the above changes.
approv	al and no additional environmental revie	ons are categorically exempt under CEQA, in accordance with prior project w is required. This determination shall be posted on the Planning he applicant, City approving entities, and anyone requesting written notice.
Planner Name:		Signature or Stamp:

ADDITIONAL PUBLIC

COMMENT

ZACKS, FREEDMAN & PATTERSON

A PROFESSIONAL CORPORATION

February 8, 2018

VIA E-MAIL

Nancy Tran San Francisco Planning Department 1650 Mission Street, Suite 400 San Francisco, CA 94103-2479 Nancy.H.Tran@sfgov.org

Re: <u>799 Castro Street, San Francisco</u> <u>Project Sponsor's Updated Proposal—Hearing on February 22, 2018</u>

Dear Ms. Tran:

This past week, the neighbors around 799 Castro Street met twice, once with the Project Sponsor and his architect and once separately to discuss the Project Sponsor's updated proposal. As you know, the neighbors are a very active and organized group committed to finding a solution for this project that will benefit the neighborhood as a whole, including the Project Sponsor.

The general consensus reached by the neighbors is that they cannot support the project in its current form. Although the Project Sponsor has made changes to its proposal since the iteration reviewed by the Planning Commission on December 14, 2017, the newest version does not take the Commissioners' comments fully into account. Though reduced in size, the proposed project is still oversized for the lot considering the existing two-unit (soon to be three-unit) building. The proposal does not resemble the "modern cottage" described by Commissioner Hillis; does not provide enough open space in the rear yard to give the ADU "proper exposure" and make it "livable" as requested by Commissioner Moore; and still "sticks out aesthetically" in this "very lovely block of older homes" as Commissioner Melgar commented on December 14, 2017.

The neighbors would like to see these concerns addressed as follows:

1) Reduce the building envelope, including an additional five feet at the rear. The rear reduction means the building would be reduced by only about 250 square feet, yet the rear yard would be increased sufficiently to eliminate the need for a rear yard variance and provide adequate light and ventilation for the proposed ADU. Further, this reduction in size would bring the project closer to Commissioner Hillis's vision of a "modern cottage."

2) Soften the style of the façade to better blend into the neighborhood's historic architecture. The proposed contemporary architecture will cause the project to aesthetically disrupt an iconic San Francisco neighborhood. While a contemporary or modern style house is

235 Montgomery Street, Suite 400 San Francisco, California 94104 Telephone (415) 956-8100 Facsimile (415) 288-9755 www.zfplaw.com not objectionable in principle, this manifestation of the style is incongruous. A style based on a Queen Anne pattern of massing and fenestration that incorporates contemporary styling could meet the neighborhood's needs. The neighbors are in agreement with the Project Sponsor that a faux-Victorian style is inappropriate. However, in this neighborhood, a contemporary building should be in keeping with the neighboring homes or incorporate some traditional elements.

3) Change the flat roof to a pitched roof to better incorporate the project into the neighborhood. At the Project Sponsor's meeting on Wednesday, January 31, 2018 the Project Sponsor and his architect were both adamant that Planning repeatedly refused to allow them to construct a pitched roof, despite the fact that the neighborhood prefers it. The neighbors are aware of numerous instances whereby Planning recently approved projects in the area allowing pitched roof construction.

As requested by the Project Sponsor at the January 31st meeting, attached please find exemplars of the type of "compromise" style described by many neighbors at the January 31st meeting. These pictures are merely illustrations intended to provide inspiration rather than exact specifications, elements, or requirements. Please also find attached a sketch from architect Mike Garavaglia reflecting the increased rear yard and pitched roof concepts.

Very truly yours,

ZACKS, FREEDMAN & PATTERSON, PC

thomas Tiglius

Shoshana Raphael Attorneys for Andrew Zacks and Denise Leadbetter



