



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Conditional Use and Variance

HEARING DATE: AUGUST 29, 2019

*Record No.:* 2018-002602CUAVAR  
*Project Address:* 4118 21st Street  
*Zoning:* RH-2 (Residential-House, Two Family) Zoning District  
40-X Height and Bulk District  
*Block/Lot:* 2750/017  
*Project Sponsor:* Ryan Knock  
2169 Union Street  
San Francisco, CA 94123  
*Property Owner:* George & Jenna Karamanos  
4118 21<sup>st</sup> Street  
San Francisco, CA 94103  
*Staff Contact:* Nancy Tran – (415) 575-9174  
[nancy.h.tran@sfgov.org](mailto:nancy.h.tran@sfgov.org)  
*Recommendation:* **Approval with Conditions**

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### PROJECT DESCRIPTION

The proposal is to legalize demolition of a single-family residence and authorize reconstruction of the dwelling unit at 4118 21<sup>st</sup> Street. The reconstruction proposes a vertical addition for a new story, excavation at the basement level for additional habitable space, and façade alterations. The proposal also requires Variances from the Zoning Administrator to construct within the required front setback and rear yard.

### REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 303 and 317 to allow the demolition of a residential unit. Additionally, the Commission shall consider the replacement structure as part of its decision on the request for Conditional Use Authorization.

### ISSUES AND OTHER CONSIDERATIONS

- **Public Comment & Outreach.**
  - **Support/Opposition:** The Department has received three (3) letters in support of the project and four (4) letters expressing concern over the tantamount to demolition and proposed depth/height, rear windows, as well as impacts to privacy and light/air.
  - **Outreach:** The Sponsor hosted one pre-application meeting on March 11, 2019 and later met with neighbors to discuss concerns on August 17, 2019.

- **Existing Tenant & Eviction History.** The Rent Stabilization and Arbitration Board has record evidencing eviction through a Buyout Agreement dated September 2017. The current owners purchased the property in January 2018. See Exhibit E for Eviction History documentation.
- **Background.**
  - May 10, 2018 – The Planning Department emailed the Project Sponsor following plan intake of BPA #2018.04.26.7433 for interior renovations at the second floor as well as façade alterations that included new windows, doors, brick exterior, and lightwell infill. Staff confirmed that Planning Code Sec. 311 neighborhood notification was required for the lightwell infill and requested interior demolition calculations since cumulative work under BPA#2018.02.27.2279 and #2018.04.26.7433 appeared to exceed the 75% threshold. No revisions were submitted in response to staff comments.
  - Nov. 15, 2018 – Department of Building Inspection's (DBI) report that noted, "Dryrot/termite damage noted at front and east elevation; Suggest exploratory."
  - Dec. 18, 2018 – DBI opened Compliant Case No. 201813931 for work exceeding BPA#2018.02.27.2279. The scope of work approved first floor interior remodeling and basement-level excavation/infill under a legal nonconforming enclosed projection within the required rear yard; the permit specifically noted no alterations to the façade or work visible from the street. Upon site inspection, DBI documented that the entire front façade was removed. A subsequent complaint for the same issue was opened under Case No. 201939267.
  - Jan. 10, 2019 – Planning opened an enforcement case after receiving a complaint for complete front façade demolition and exceeding BPA#2018.02.27.2279 approved scope. Staff's site visit found substantial demolition at all elevations and floor levels without Planning approval.
  - Jan. 16, 2019 – DBI suspended BPA# 2018.02.27.2279 per Planning's request. Planning reviewed preliminary demolition calculations and DBI's inspection report, dated November 15, 2018, which noted, "Dryrot/termite...Suggest exploratory." An exploratory permit was not filed in response to DBI's Inspection Report. Planning determined that the work demolished a majority of the building, exceeding Planning Code Sec. 317 demolition thresholds; such work required Conditional Use Authorization, which was not obtained. Finalized demolition calculations were not provided as the structure had been almost entirely removed. Planning also confirmed that infill under the legal nonconforming projection was approved in error; because the proposed enclosure exceeded 10 feet in height within the required rear yard, and such work requires a variance.
- **Noncomplying Structure/Variance.** Prior to unpermitted demolition work, the existing building encroached into the front setback and rear yard as a legal non-complying structure. As a result of the alterations performed, the building lost its noncomplying status and may only be restored if in full conformity with current Code requirements per Planning Code Sec. 188, otherwise, variances are required. As proposed, the Project requires Variances to construct within the required front setback and rear yard. Planning Code Section 132 requires a front setback of 2 feet – 6 inches and construction is proposed to the front property line. Section 134 requires a rear yard of 43 feet – 11 inches (45% of the total lot depth) and the proposal provides only 32 feet – 9 inches.
- **Design Review Comments.** The proposal does *not* comply with the Residential Design Guidelines. Should the Planning Commission approve the Project, the Department recommends the following condition to improve the Project's scale, massing and design:
  - Provide 5' side setbacks for the massing located within the required 45% rear yard (i.e. last 12' building depth) to comply with Planning Code Sec. 134 and 136.

## **BASIS FOR RECOMMENDATION**

The Department finds that the Project is, on balance, consistent with the Objectives and Policies of the General Plan. While the Project legalizes an unpermitted residential demolition, the Department also finds the project to be necessary, desirable, and compatible with the surrounding neighborhood, and not to be detrimental to persons or adjacent properties in the vicinity.

## **ATTACHMENTS:**

Draft Motion – Conditional Use Authorization with Conditions of Approval

Exhibit B – Plans

Exhibit C – Environmental Determination

Exhibit D – Land Use Data

Exhibit E – Eviction History Documentation

Exhibit F – Maps and Context Photos

Exhibit G – Project Sponsor Brief



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Draft Motion

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**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 317 FOR THE DEMOLITION AND RECONSTRUCTION OF A SINGLE-FAMILY DWELLING LOCATED AT 4118 21<sup>st</sup> STREET, LOT 017 IN ASSESSOR'S BLOCK 2750, WITHIN AN RH-2 (RESIDENTIAL-HOUSE, TWO FAMILY) ZONING DISTRICT AND A 40-X HEIGHT & BULK DISTRICT.**

### PREAMBLE

On December 17, 2018, the Department of Building Inspection (hereinafter "DBI") opened Complaint Case No. 201813931 regarding the detached single-family home at 4118 21<sup>st</sup> Street, Assessor's Block 2750, Lot 017 (hereinafter "Project Site"). The complaint stated that construction on site exceeded the scope approved under Building Permit Application No. 2018.02.27.2279. The referenced permit approved first floor interior remodeling and basement-level excavation/infill under a legal nonconforming enclosed projection within the required rear yard; the permit specifically noted that no alterations to the façade or work visible from the street were proposed. Upon site inspection, DBI documented that the entire front façade was removed.

On January 10, 2019, the Planning Department (hereinafter "Department") opened Code Enforcement Case No. 2018-017368ENF based on a complaint that significant demolition of the structure had occurred. The Department subsequently confirmed that the structure was demolished without authorization.

On March 19, 2019, Ryan Knock (hereinafter "Project Sponsor") filed Application No. 2018-002602CUA (hereinafter "Application") within the Department for Conditional Use Authorization to legalize the demolition of the detached single-family home at the Project Site and construct a replacement single-family dwelling.



On August 29, 2019, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2018-002602CUAVAR.

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2018-002602CUAVAR is located at 1650 Mission Street, Suite 400, San Francisco, California.

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

**MOVED**, that the Commission hereby authorizes the Conditional Use Authorization as requested in Application No. 2018-002602CUAVAR, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The Project includes demolition and reconstruction of a single-family dwelling. Reconstruction proposes a building depth of 64'8½" which encroaches of within the required rear yard and vertical addition for a three-story over basement structure, increasing the building height from 20'1" to 31'9". The Project also includes excavation at the basement level for additional habitable space and façade alterations.
3. **Site Description and Present Use.** The project site is located on the north side of 21<sup>st</sup> Street, between Eureka and Diamond Streets, Lot 017 in Assessor's Block 2750 and in the RH-2 (Residential-House, Two-Family) Zoning District with a 40-X Height and Bulk designation. The approximately 2,435 square foot downward and lateral sloping lot has 25' of frontage and a depth of 97'6". The lot contains a single-family, two-story over basement residential building constructed circa 1908. The subject building is not subject to rent control as it is considered a single-family detached residence.
4. **Surrounding Properties and Neighborhood.** The subject property is located in the southern portion of Castro/Upper Market bordering Noe Valley and within District 8. Parcels within the immediate vicinity consist of residential single-, two- and multi-family dwellings of varied design and construction dates. The block-face is characterized by two- to three-story buildings of mixed architectural style. The buildings on the block vary in density from single-family residences to small multi-unit buildings.
5. **Public Outreach and Comments.** The Department has received three (3) letters in support and three (3) letters expressing concern over the proposed depth/height, rear windows, as well as

impacts to privacy and light/air. The Sponsor hosted one pre-application meeting on March 11, 2019.

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

- A. **Height.** Planning Code Section 260 requires that all structures be no taller than the height prescribed in the subject height and bulk district. The proposed Project is located in a 40-X Height and Bulk District, with a 40-foot height limit. Planning Code Section 261 further restricts height in RH-2 Districts to 30-feet 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-foot height limit is reached.

*The Project proposes a building that will be approximately 31'9" tall.*

- 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 Project will reconstruct a demolished dwelling unit within the required front setback based on adjacent properties. A variance from Planning Code Section 132 is required.*

- C. **Rear Yard.** Planning Code Section 134 requires a minimum rear yard depth of 45 percent of the total lot depth on which the building is situated, except to the extent that a reduction is permitted using the average between the depths of the rear building walls of the two adjacent buildings.

*The Project will reconstruct a demolished dwelling unit within the required rear yard. A variance from Planning Code Section 134 is required. The last 12' of building depth exceeds the dimensions allowed for permitted obstructions within the required rear yard under Planning Code Section 136.*

- 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.*

- 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 does not comply with the Residential Design Guidelines and recommends the following condition to modify the Project's design:*

- *Provide 5' side setbacks for the massing located within the required 45% rear yard (i.e. last 12' building depth).*

- 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.

*The Project complies with Section 132 as it provides approximately 12.5 square feet of landscaping and approximately 33 square feet of permeable surface in the required 62.5 square foot front setback area.*

- 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 lotline 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 and adheres to the off-street entrance maximum.*

- 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 two vehicles 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, or 166 square if shared).

*The Project provides usable open space that exceeding the minimum amount required.*

- J. **Off-Street Parking.** Planning Code Section 151 does not require off-street parking, and permits 1.5 parking spaces for every dwelling unit provided.

*The Project proposes to maintain the existing off-street parking for one vehicle on site.*

- K. **Bicycle Parking.** Planning Code Section 155.2 requires one weather-protected bicycle parking space per dwelling unit. The requirements apply when constructing a new building.

*The Project proposed a new building in the rear yard of the Project Site. One bicycle parking space is proposed in the dwelling unit, meeting the requirement of Planning Code Section 155.2.*

- 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 square feet of lot area is allowed with Conditional Use Authorization.

*The Project proposes demolition of the existing single-family residence and reconstruction of the dwelling unit on the 2,435 square foot parcel.*

- 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 the demolition and reconstruction of a single-family residence; 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. **Loss of Residential Unit through Demolition.** Planning Code Section 317(g)(5) establishes additional criteria for the Planning Commission to consider when reviewing applications for the loss of a residential unit as the result of a demolition. The Planning Commission shall consider the following:

- A. **Whether the property is free of a history of serious, continuing Code violations.**

*The Project Site has serious, continuing Code violations. In 2018, DBI determined that the subject single-family dwelling exceeded the scope of work approved and required proper documentation and permitting. Following a site visit in 2019, Planning determined that the Project violated Planning Code Section 174 (Unpermitted Alterations), Section 311 (Permit Review Procedures), and Section 317 (Demolition) without authorization. The proposed Project would abate both violations.*

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

*A February 2019 Structural Inspection Report prepared by Enertia Designs documented dry rot, termite damage and non-continuous framing on site. The structural engineer determined that much of the structure could not be salvaged or reinforced and recommended removal/replacement. Planning was unable to verify whether the structure was in decent condition due to the substantial amount of demolition and replacement already performed.*

- C. **Whether the property is an “historical resource” under CEQA.**

*The Planning Department reviewed the Historic Resource Evaluation submitted and provided a historic resource determination in a Preservation Team Review (PTR) Form. The historic resource determination 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.*

**D. Whether the removal of the resource will have a substantial adverse impact under CEQA.**

*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.*

**E. Whether the project converts rental housing to other forms of tenure or occupancy.**

*The existing single-family residence is presently owner-occupied and not subject to rent control. There are no restrictions on whether the constructed units will be rental or ownership.*

**F. Whether the project removes rental units subject to the Residential Rent Stabilization and Arbitration Ordinance or affordable housing.**

*The Project proposes to demolish an existing single-family dwelling, which is generally not subject to the Residential Rent Stabilization and Arbitration Ordinance. Definitive determinations on the applicability of the Residential Rent Stabilization and Arbitration Ordinance are the purview of the Rent Board. The existing dwelling unit is not an affordable housing unit.*

**G. Whether the project conserves existing housing to preserve cultural and economic neighborhood diversity.**

*Although the Project proposes the demolition of an existing single-family dwelling unit, the unit is not habitable and the reconstruction would restore the dwelling unit.*

**H. Whether the project conserves neighborhood character to preserve neighborhood cultural and economic diversity.**

*Although the Project would improve cultural and economic diversity by increasing the number of bedrooms, the Planning Department determined that the replacement building is not of appropriate scale or development pattern to conserve the established neighborhood character. The Planning Department recommends further modifications with respect to modifying the structure's rear massing.*

**I. Whether the project protects the relative affordability of existing housing.**

*The Project removes an older dwelling unit and replaces it with a newly constructed dwelling unit. Older dwelling units are generally considered to be more affordable than a recently constructed unit. However, the existing dwelling unit is not habitable, making the effect reconstruction has on affordability difficult to quantify.*

**J. Whether the project increases the number of permanently affordable units as governed by Section 415.**

*The Project is not subject to the provisions of Planning Code Section 415, as the Project proposes less than 10 dwelling units.*

**K. Whether the project locates in-fill housing on appropriate sites in established neighborhoods.**

*The Project proposes in-fill housing, reconstructing a dwelling unit in the same general area as it was previously, in keeping with the established topography of the site.*

**L. Whether the project increases the number of family-sized units on-site.**

*The Project proposes an opportunity for family-sized housing by constructing a four-bedroom+ office unit to replace the previous one-bedroom + office unit.*

**M. Whether the project creates new supportive housing.**

*The Project does not create new supportive housing.*

**N. Whether the project is of superb architectural and urban design, meeting all relevant design guidelines, to enhance existing neighborhood character.**

*The Planning Department determined that the replacement building is not keeping with the overall scale, massing and design of the immediately surrounding development. The Planning Department recommends further modification with respect to modifying the structure's proposed rear massing.*

**O. Whether the project increases the number of on-site Dwelling Units.**

*The Project will not increase the number of on-site dwelling units, but it will reconstruct the single-family dwelling with a total of four bedrooms – three bedrooms more than the existing building.*

**P. Whether the project increases the number of on-site bedrooms.**

*The existing dwelling unit contains one bedroom + office, while the proposed reconstruction proposes four bedrooms + office.*

**Q. Whether or not the replacement project would maximize density on the subject lot.**

*The Project does not propose to maximize density at the Project Site.*

**R. 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.**

*The Project proposes to replace the dwelling unit. The existing unit is not subject to the Residential Rent Stabilization and Arbitration Ordinance, and proposes four bedrooms + office. The existing unit contained one bedroom + office.*

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

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

*The use and size of the Project is compatible with the surrounding neighborhood, as it seeks to reconstruct a rear yard dwelling unit at a smaller scale than was previously existing. The building will be in conformity with the Residential Design Guidelines. Overall, the reconstruction of an uninhabitable dwelling unit is necessary and desirable for the surrounding community.*

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

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

*The height and bulk of the existing building will be reduced during reconstruction and will not alter the existing appearance or character of the project vicinity.*

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

*The Planning Code does not require off-street parking or loading for the proposed Project. The proposal does not propose off-street parking or loading. There will be no increase in maximum occupancy for the Project Site following reconstruction, and therefore no increase in the volume of traffic.*

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

*As the Project is residential in nature, the proposed residential use is not considered to have the potential to produce noxious or offensive emissions.*

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

*The Project is residential and will be landscaped accordingly.*

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

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

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

*The Project is consistent with the stated purpose of the RM-1 Zoning District, which is characterized by a mixture of dwelling unit types, including apartment buildings, and have a broad range of unit sizes.*

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

## **HOUSING ELEMENT**

### **Objectives and Policies**

#### **OBJECTIVE 2:**

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

#### **Policy 2.1:**

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

*The proposal, though a demolition, is necessary for the repair and rehabilitation of the subject building. The project will restore a unit of housing that was found to have dry rot, termite damage and non-continuous framing as documented in a February 2019 Structural Inspection Report.*

#### **Policy 2.5:**

Encourage and support the seismic retrofitting of the existing housing stock.

*The proposal includes seismic upgrades that will bring the subject building up to current Building Code standards.*

## **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 1.3:**

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, varying heights along the block face and with further design modifications recommended by the Planning Department, the Project would be in keeping with the neighborhood development pattern.*

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



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

*The proposal is for reconstruction of an existing dwelling unit; commercial uses in the neighborhood will not be affected by this project.*

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

*The proposal will restore an existing residential use, consistent with the residential character of the surrounding neighborhood.*

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

*The Project Site does not currently possess affordable housing units. The Project does not propose any units designated as affordable housing. Therefore, the Project will not impact the City's supply of affordable housing.*

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

*The Project would not have a significant adverse effect on automobile traffic congestion or create parking problems in the neighborhood.*

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

*The Project is a residential project in an RH-2 District; therefore the Project would not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses would not be affected by the Project.*

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

*The Project will be designed and will be constructed to conform to the structural and seismic safety requirements of the Building Code.*

- G. That landmarks and historic buildings be preserved.

*The Project Site does not contain any City Landmarks or historic buildings.*

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

*The Project will have no negative impact on existing parks and open spaces. The 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 Authorization Application No. 2018-002602CUAVAR** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated July 30, 2019, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on August 26, 2019.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: August 26, 2019

## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to allow the demolition and reconstruction of a single family dwelling in the rear yard of the property located at 4118 21<sup>st</sup> Street, Assessor's Block 2750, Lot 017, pursuant to Planning Code Sections 303 and 317 within an RH-2 (Residential-House, Two Family) District and a 40-X Height and Bulk District; in general conformance with plans, dated **July 30, 2019**, and stamped "EXHIBIT B" included in the docket for Record No. **2018-002602CUAVAR** and subject to conditions of approval reviewed and approved by the Commission on **August 26, 2019** 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 **August 26, 2019** under Motion No. **XXXXXX**.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

### SEVERABILITY

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

### CHANGES AND MODIFICATIONS

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

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

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

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

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

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

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

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

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

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

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

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

## DESIGN – COMPLIANCE AT PLAN STAGE

6. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design with respect to the following:
  - a. Provide 5' side setbacks for the massing located within the required 45% rear yard (i.e. last 12' building depth) to comply with Planning Code Sec. 136.
  - b. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
7. **Garbage, Composting and Recycling Storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
8. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
9. **Bicycle Parking.** The Project shall provide no fewer than **one (1)** Class 1 bicycle parking space as required by Planning Code Sections 155.1 and 155.2.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING - AFTER ENTITLEMENT

10. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

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

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

11.20.17	PROGRESS SET
11.28.17	PROGRESS SET
12.18.17	PROGRESS SET
01.15.18	PRICING SET
02.22.18	PERMIT BASEMENT/1ST
02.22.19	REV PERMIT
03.13.19	REVISIONS PER PREAPP
05.23.19	PLANNING REV
06.26.19	PLANNING REV
07.30.19	COND USE/VAR



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RESIDENCE ALTERATION

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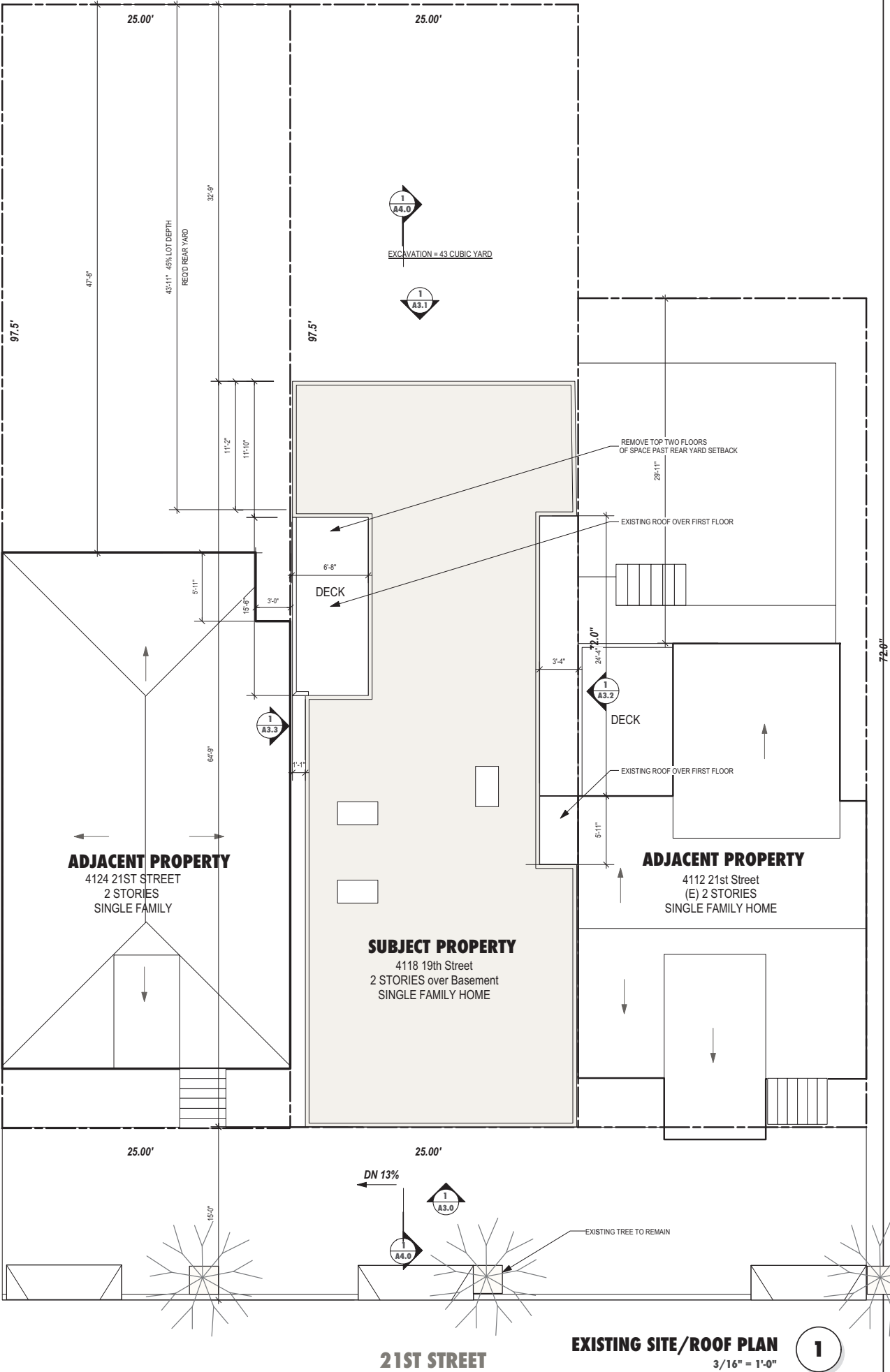
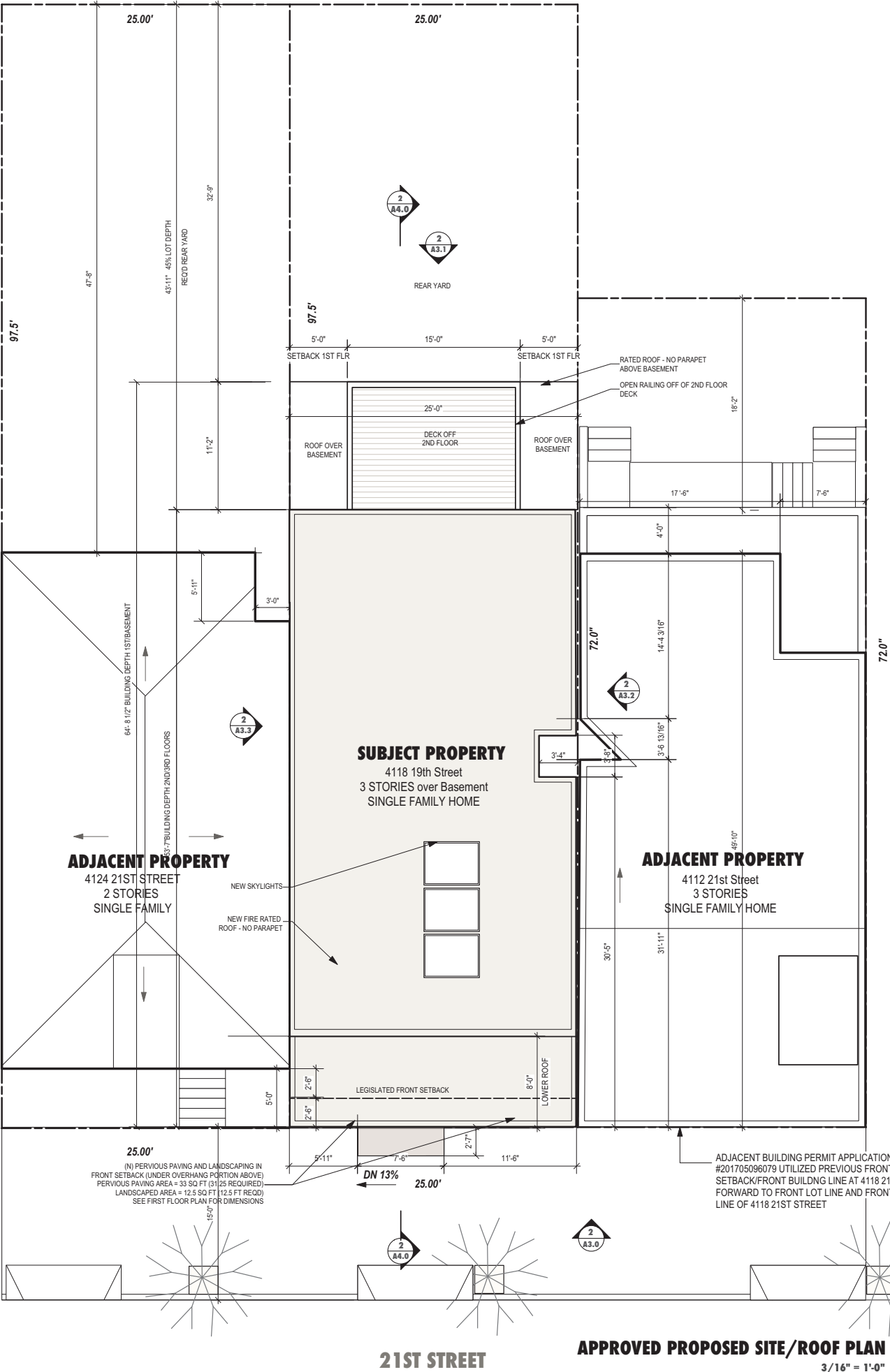
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SITE PLANS

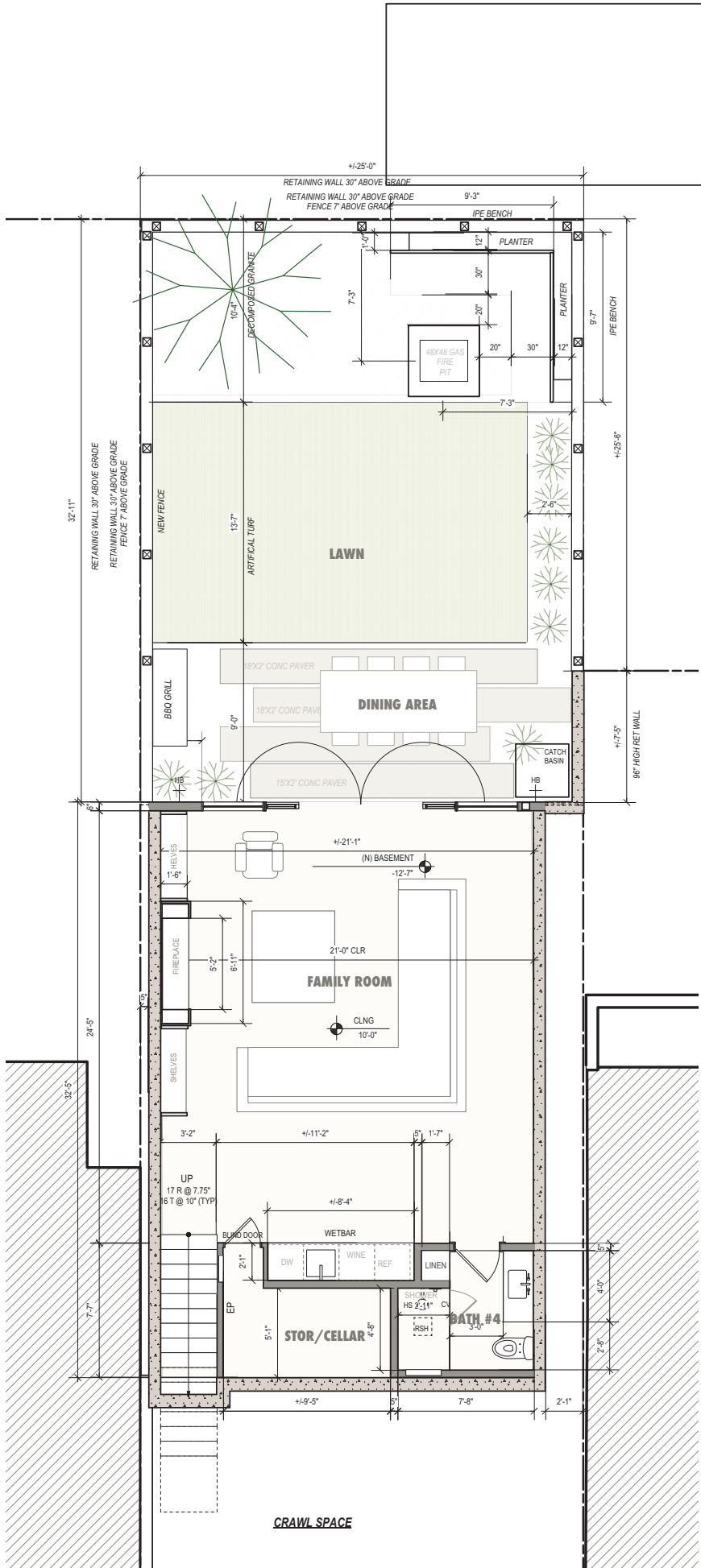
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A1.0

SCALE:  
PLOT DATE:

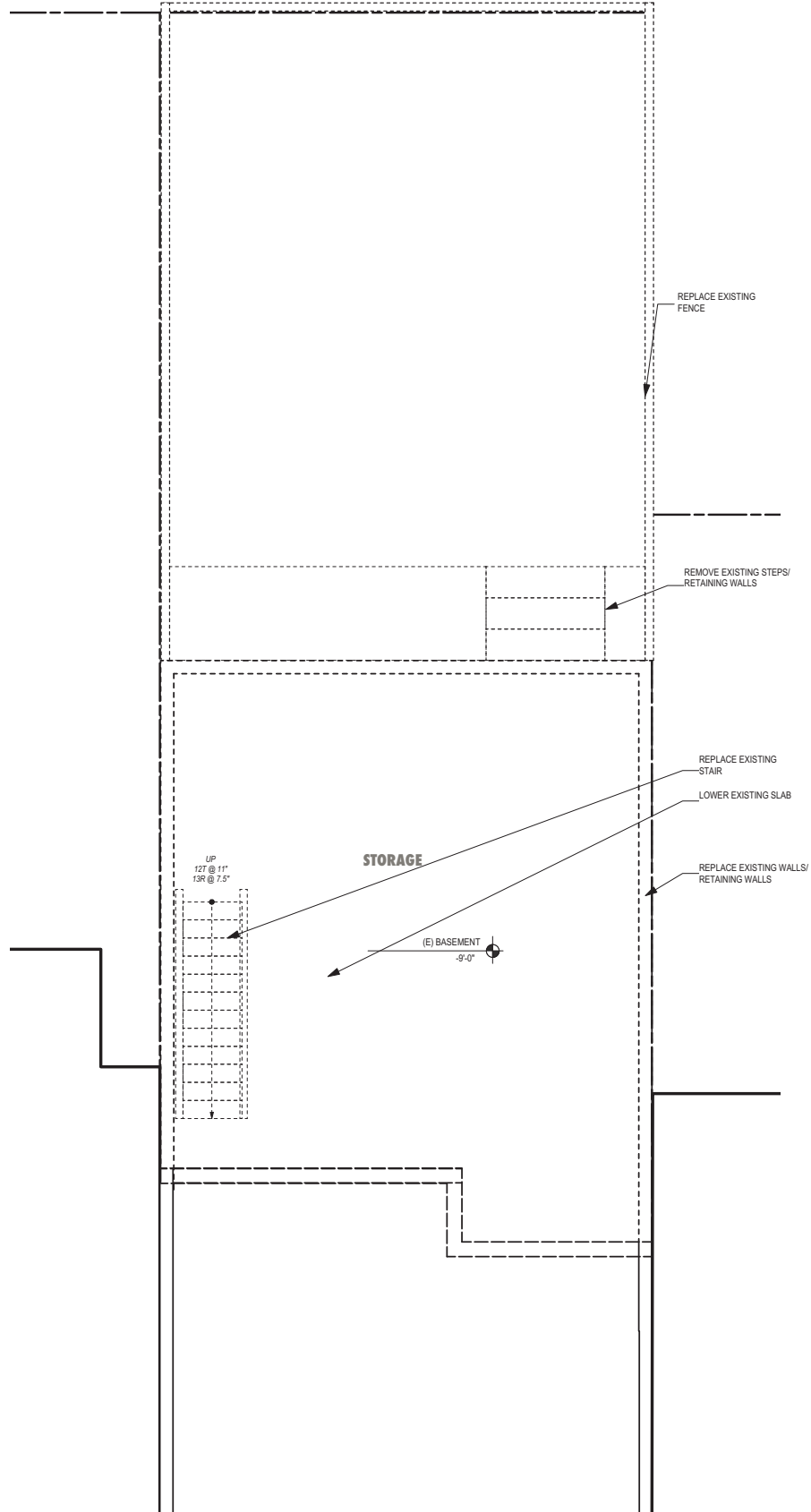






PROPOSED BASEMENT PLAN  
1/4" = 1'-0"

2



APPROVED AND ACTUAL DEMO BASEMENT PLAN  
1/4" = 1'-0"

1

11.20.17	PROGRESS SET
11.28.17	PROGRESS SET
12.04.17	PROGRESS SET
12.18.17	PROGRESS SET
01.15.18	PRICING SET
02.22.18	PERMIT BASEMENT/1ST
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**BASEMENT PLANS**

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**A2.0**

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## A2.1

<b>SCALE:</b>
<b>PLOT DATE:</b>



WALL LEGEND	
	EXISTING WALL TO REMAIN
	EXISTING WALL TO BE DEMOLISHED
	NEW WALL
	NEW FIRE RATED WALL

11.20.17	PROGRESS SET
11.28.17	PROGRESS SET
12.04.17	PROGRESS SET
12.18.17	PROGRESS SET
01.15.18	PRICING SET
02.22.18	PERMIT BASEMENT / 1ST
02.22.19	REV PERMIT
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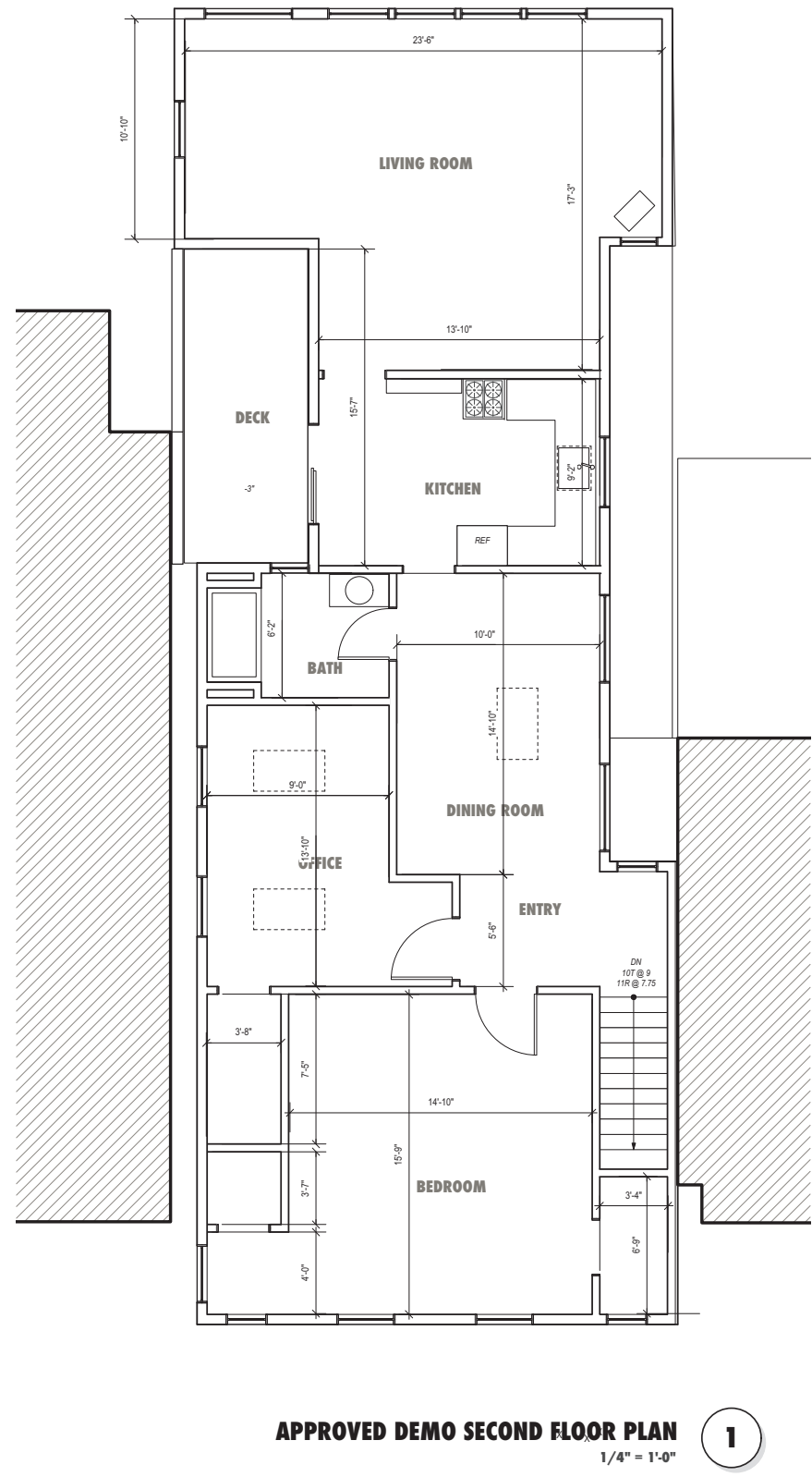
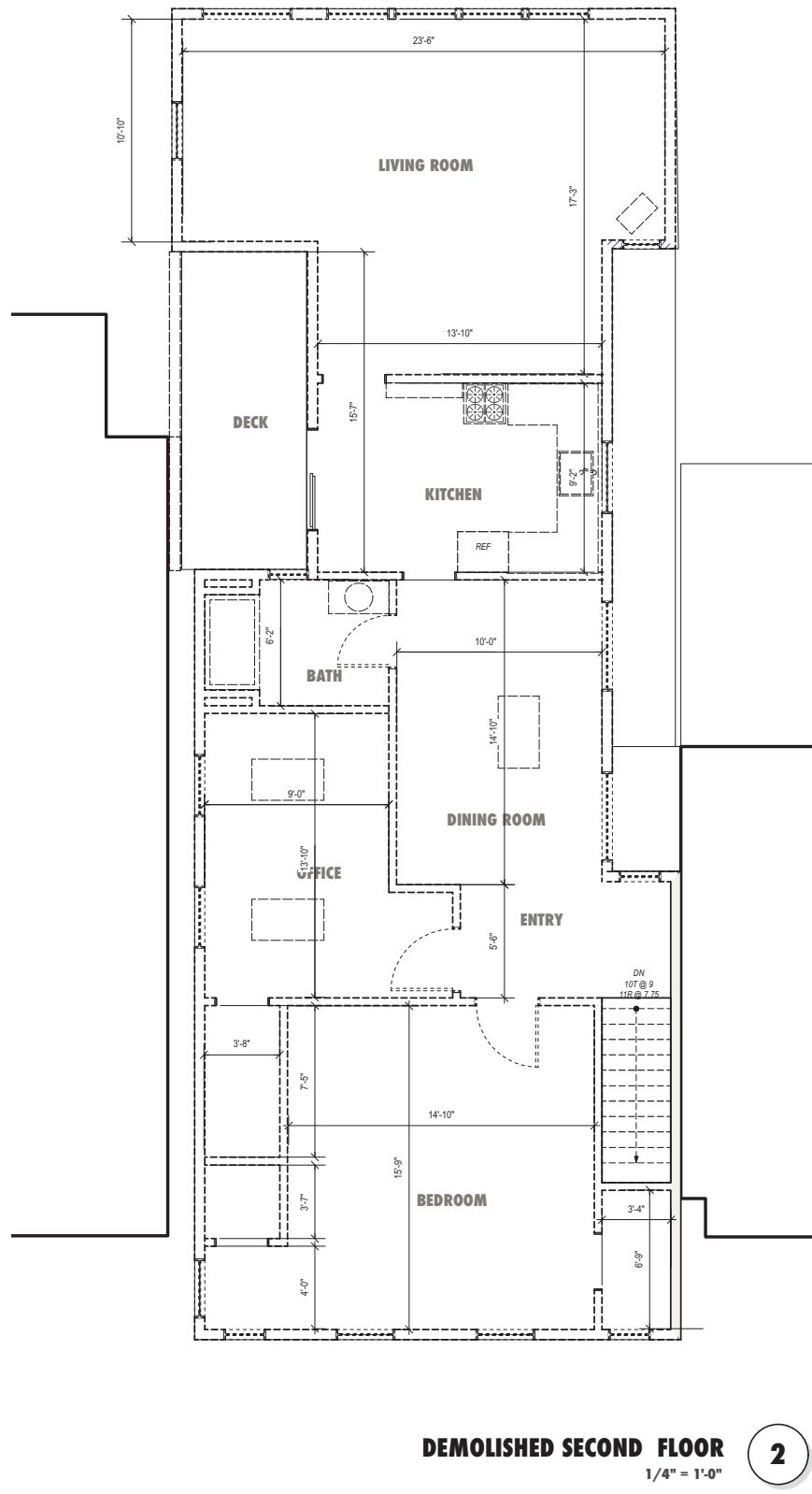
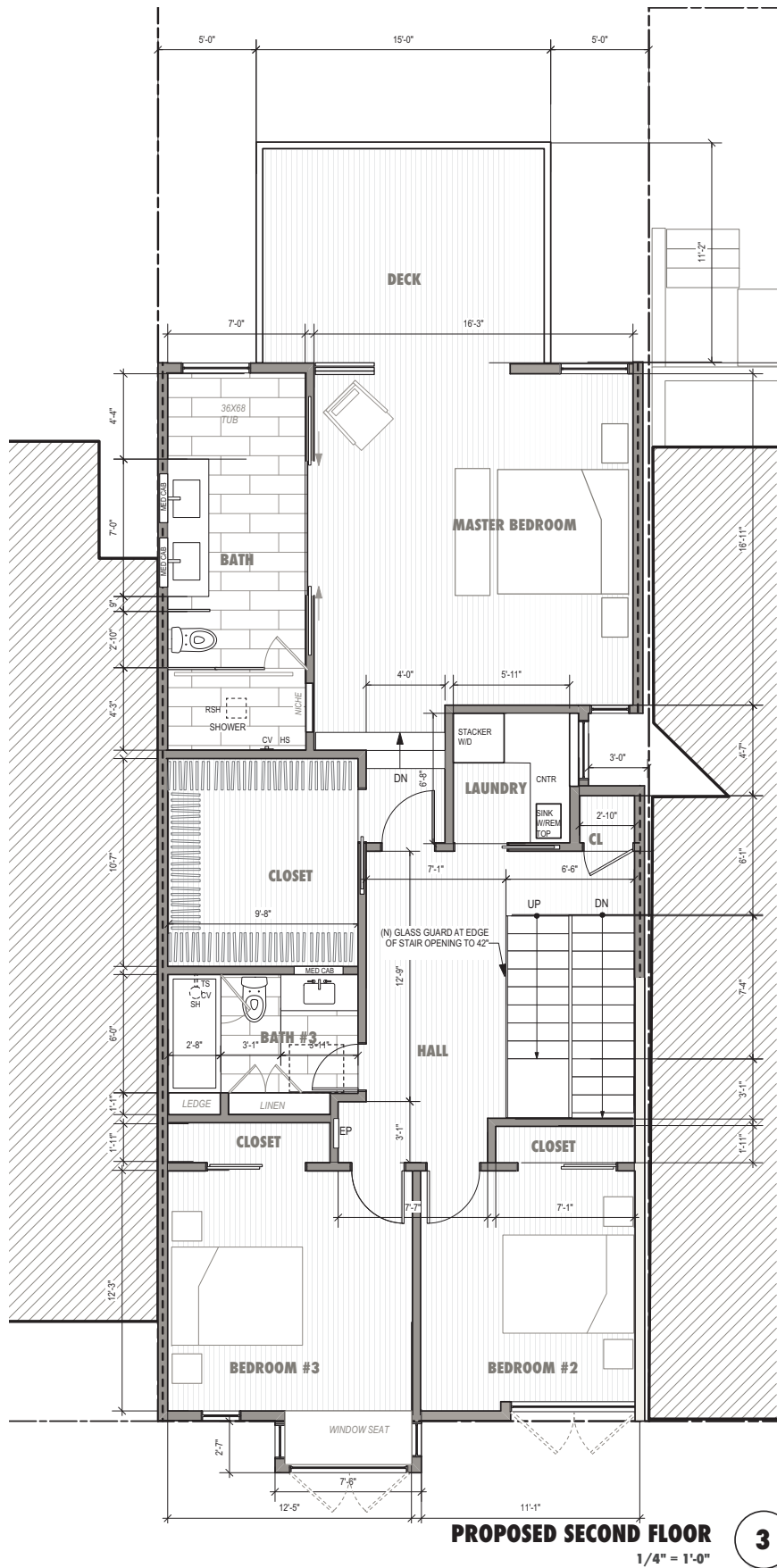
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## SECOND FLOOR PLANS

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## A2.2

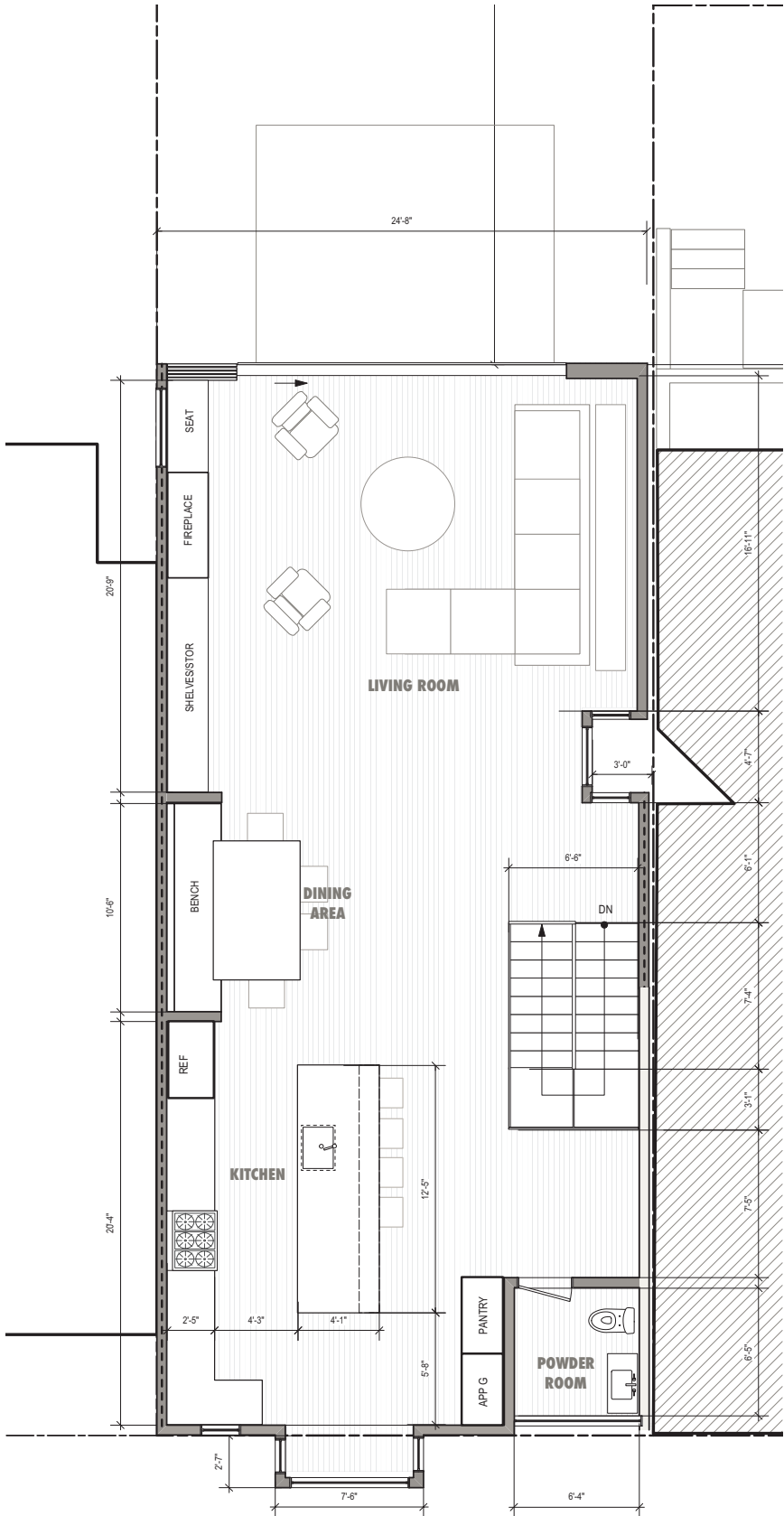
<b>SCALE:</b>
<b>PLOT DATE:</b>



**DEMOLISHED SECOND FLOOR**  
1/4" = 1'-0"

**APPROVED DEMO SECOND FLOOR PLAN**  
1/4" = 1'-0"

WALL LEGEND	
	EXISTING WALL TO REMAIN
	EXISTING WALL TO BE DEMOLISHED
	NEW WALL
	NEW FIRE RATED WALL



PROPOSED 3RD FLOOR PLAN  
1/4" = 1'-0"

1

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11.28.17	PROGRESS SET
12.04.17	PROGRESS SET
12.18.17	PROGRESS SET
01.15.18	PRICING SET
02.22.18	PERMIT BASEMENT / 1ST
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3RD FLOOR  
PLANS

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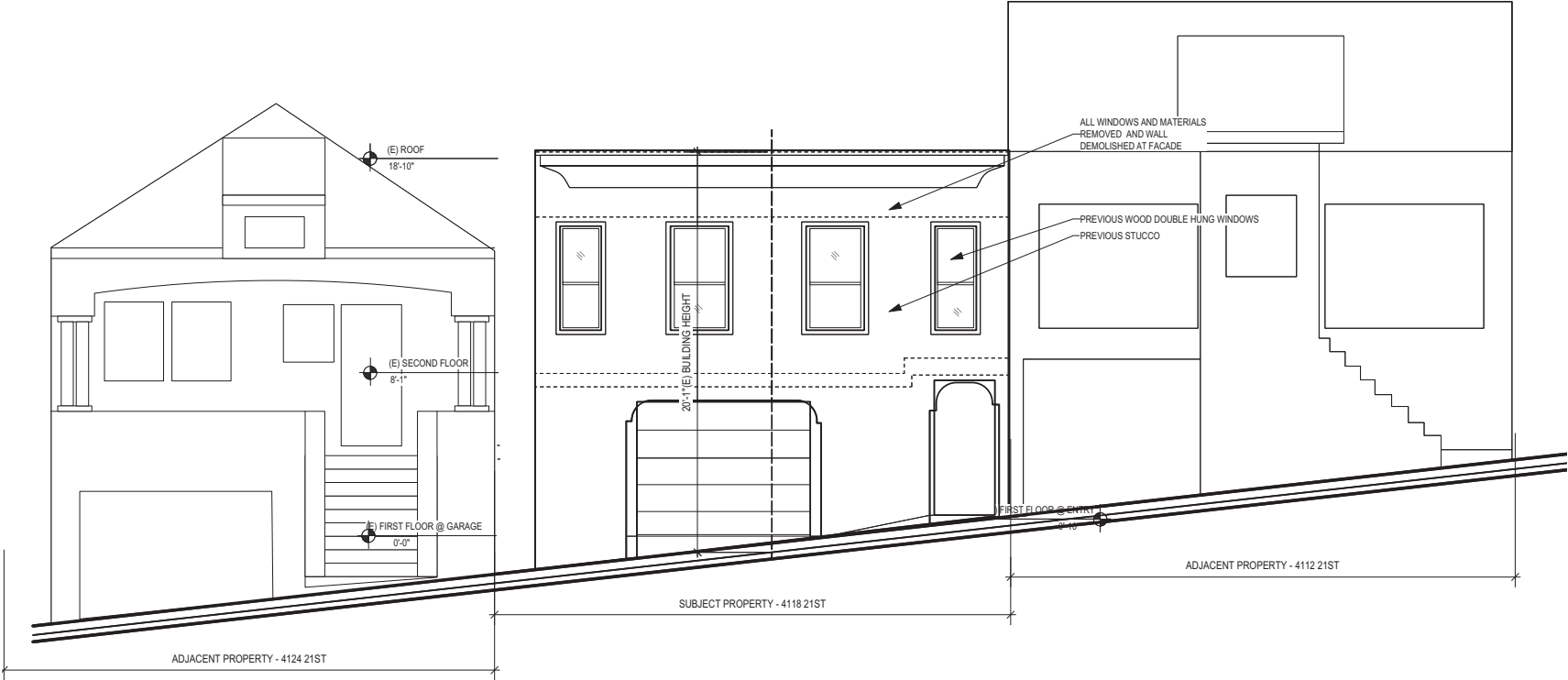
A2.3

SCALE:  
PLOT DATE:

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07.30.19	COND USE/VAR

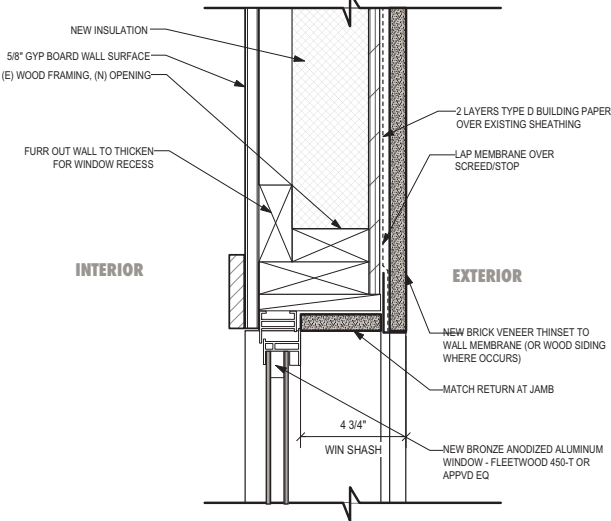


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DEMOLISHED SOUTH ELEVATION  
1/4" = 1'-0"

1



WINDOW DETAIL AT FACADE  
3" = 1'-0"

3



PROPOSED SOUTH ELEVATION  
1/4" = 1'-0"

2

# RESIDENCE ALTERATION

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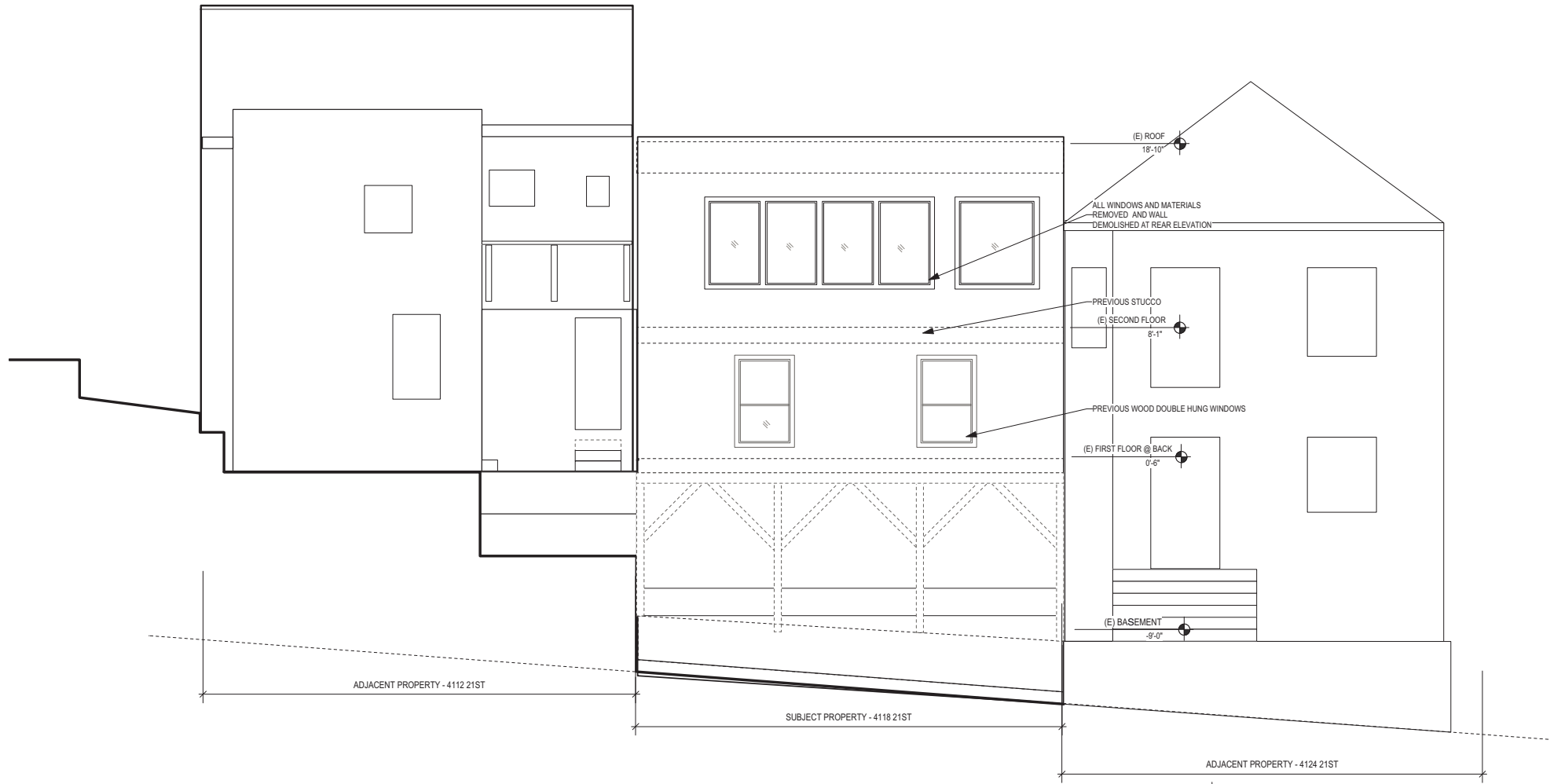
EXTERIOR ELEVATIONS

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A3.0

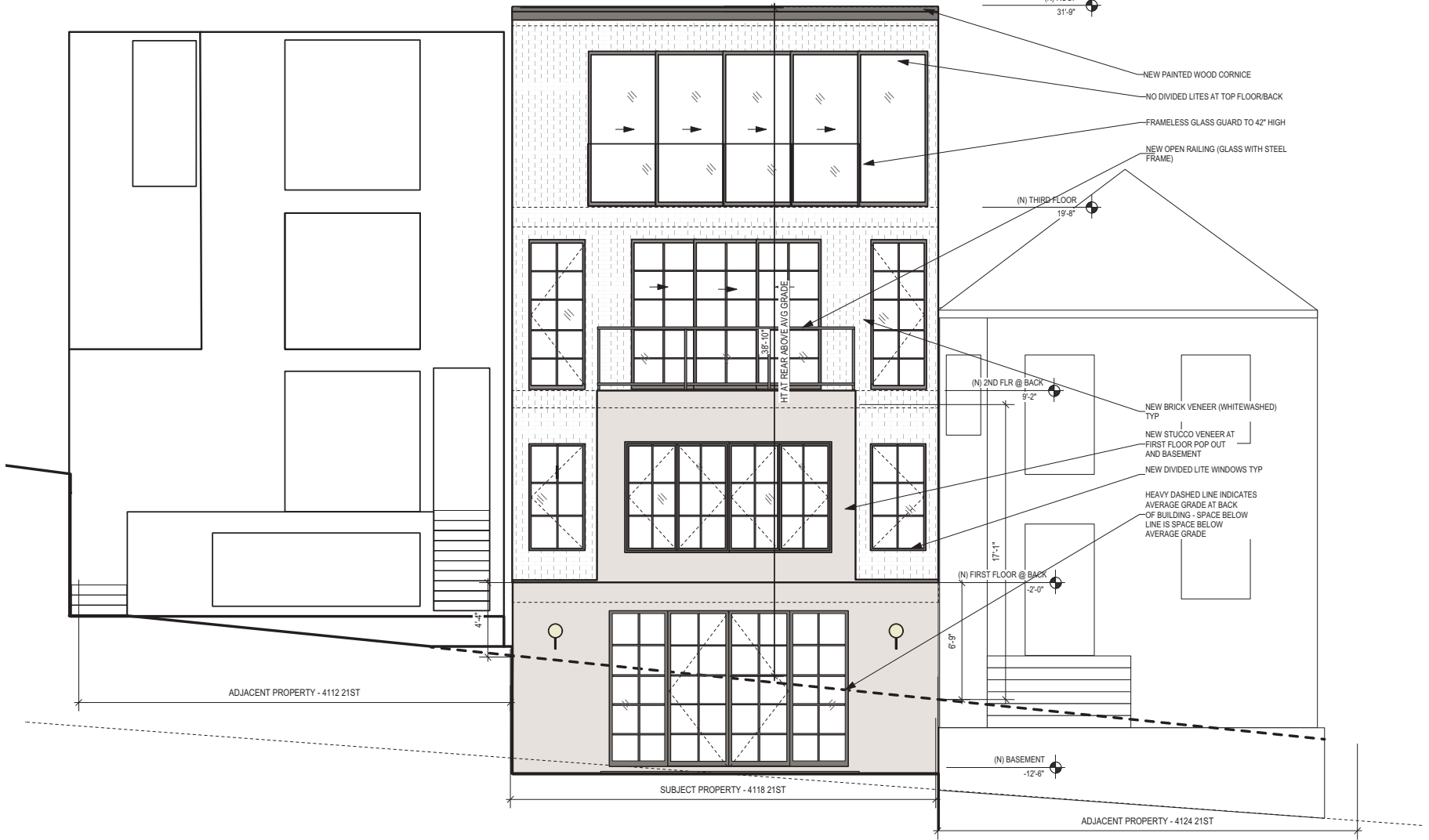
SCALE:

PLOT DATE:



DEMOLISHED NORTH ELEVATION  
1/4" = 1'-0"

1



PROPOSED NORTH ELEVATION  
1/4" = 1'-0"

2

11.20.17	PROGRESS SET
11.28.17	PROGRESS SET
12.04.17	PROGRESS SET
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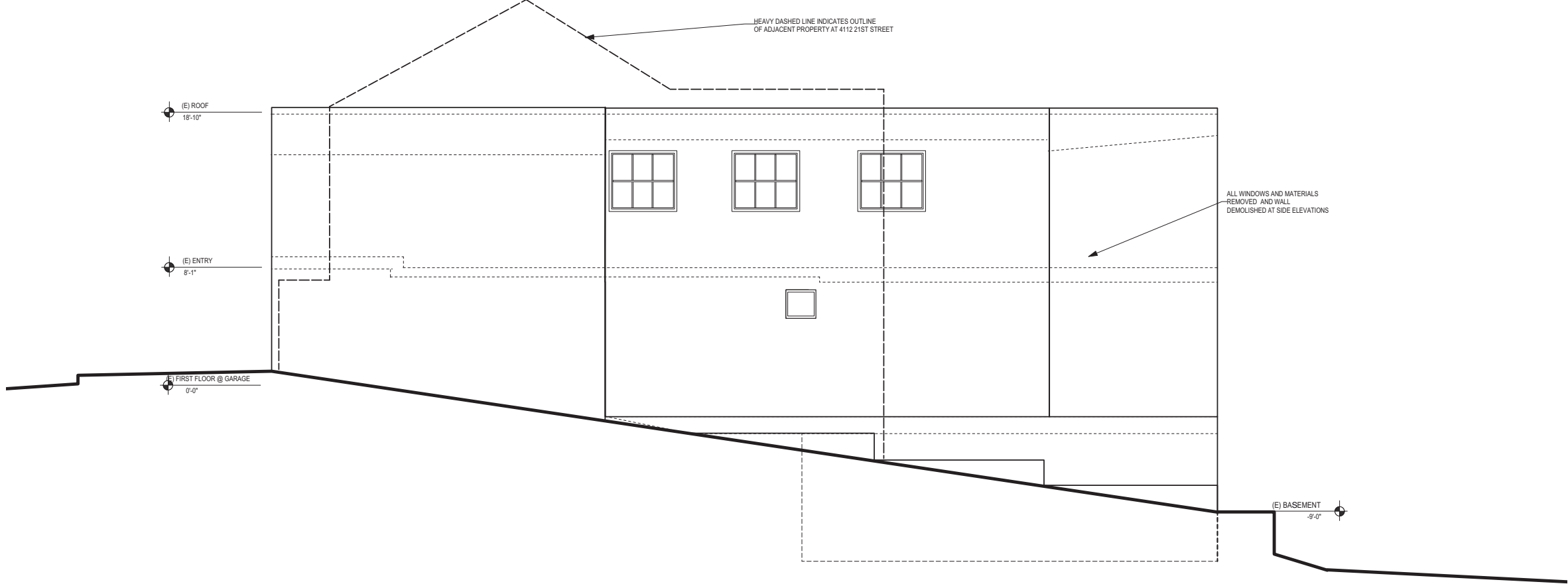
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EXTERIOR ELEVATIONS

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A3.1

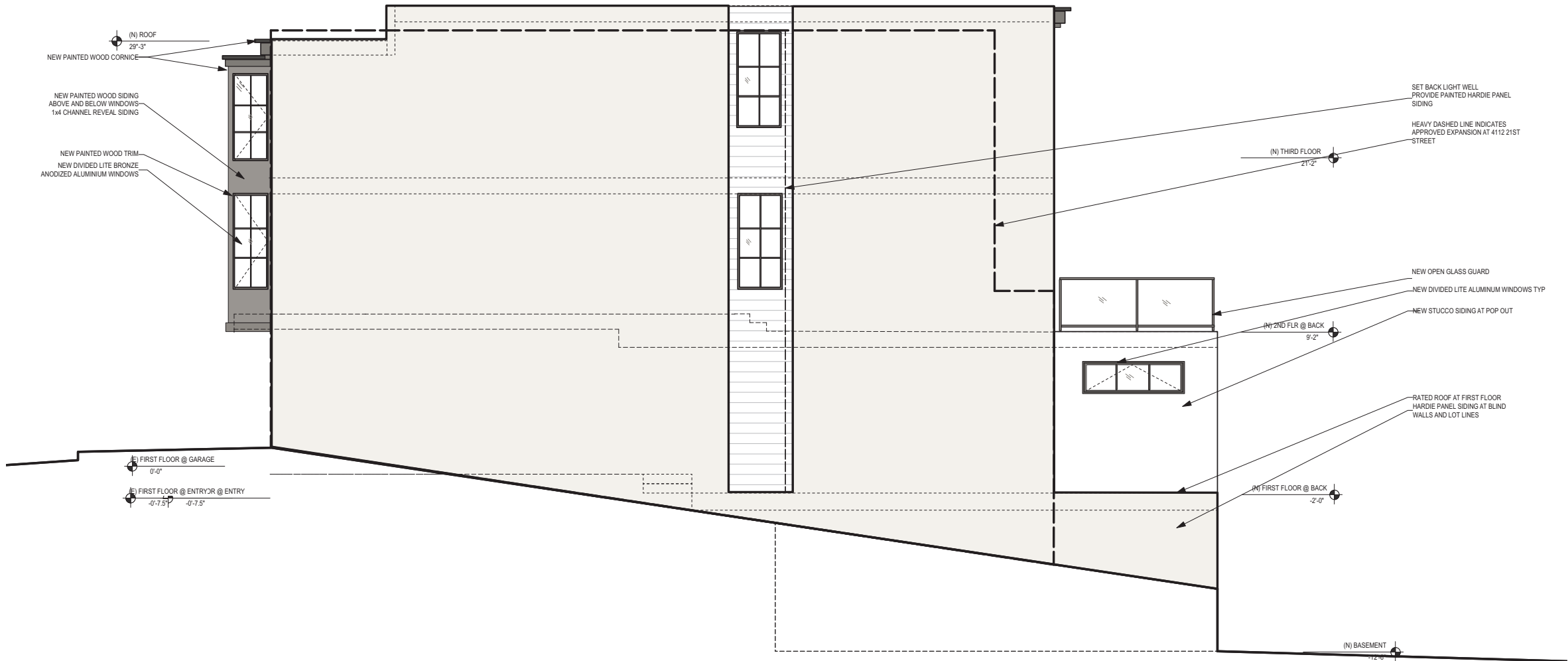
SCALE:  
PLOT DATE:



DEMOLISHED EAST ELEVATION

1/4" = 1'-0"

1



PROPOSED EAST ELEVATION

1/4" = 1'-0"

2

11.20.17	PROGRESS SET
11.28.17	PROGRESS SET
12.04.17	PROGRESS SET
01.15.18	PRICING SET
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A3.20

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PLOT DATE:



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12.04.17	PROGRESS SET
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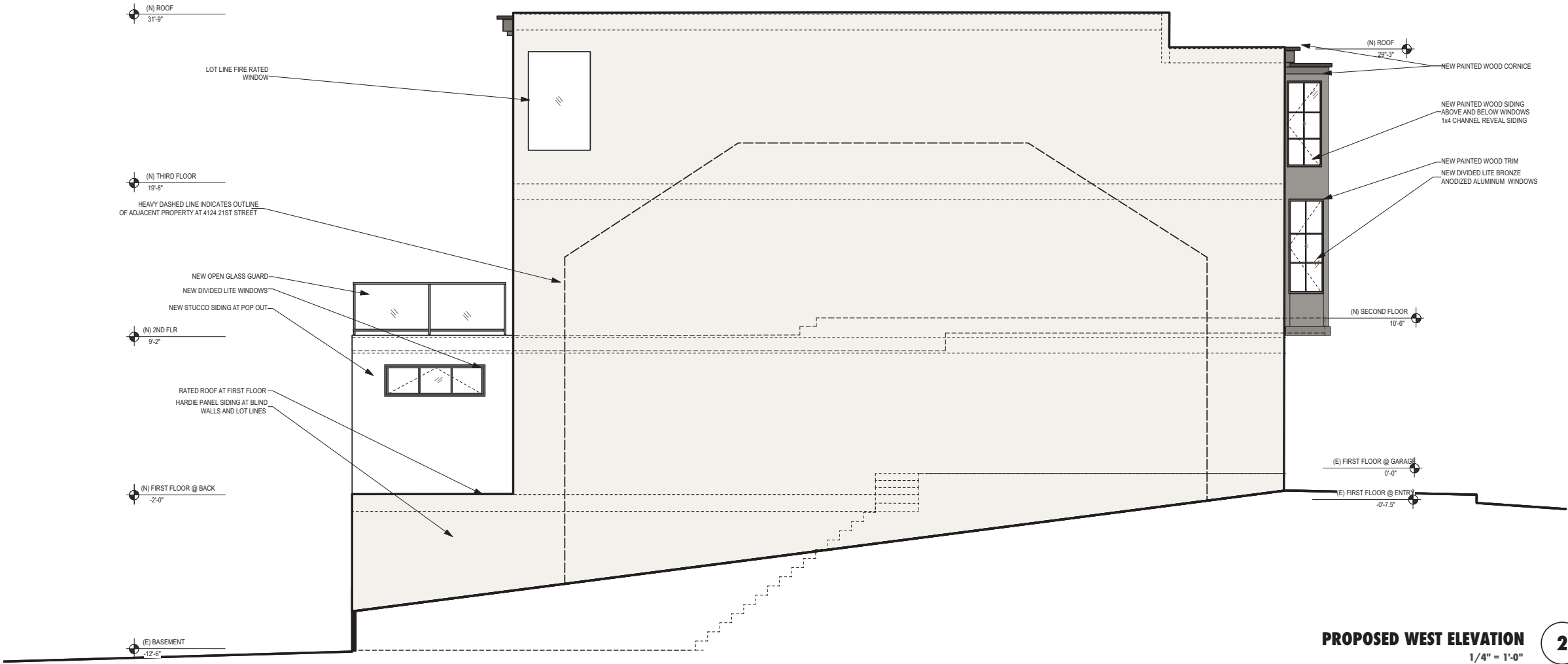
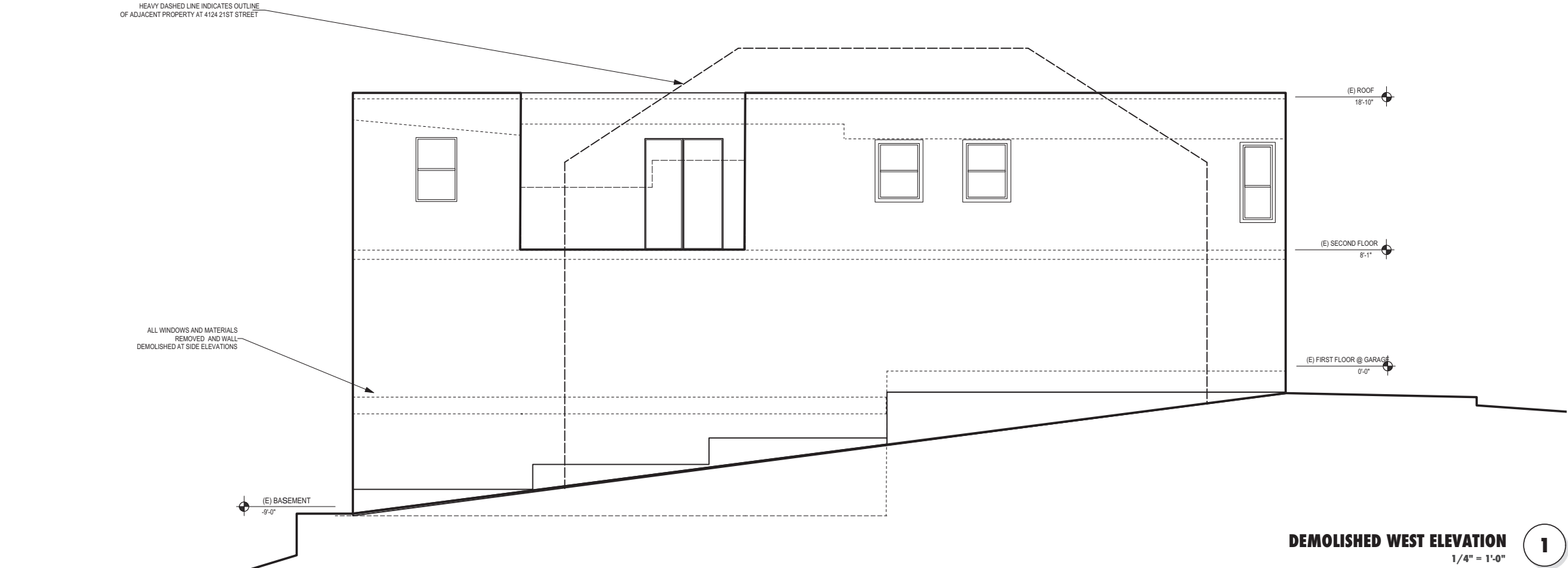
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A3.30
SCALE:
PLOT DATE:









# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

<b>Project Address</b>		<b>Block/Lot(s)</b>
4118 21st STREET		2750017
<b>Case No.</b>		<b>Permit No.</b>
2018-002602ENV		201804267433
<input checked="" type="checkbox"/> <b>Addition/ Alteration</b>	<input type="checkbox"/> <b>Demolition (requires HRE for Category B Building)</b>	<input type="checkbox"/> <b>New Construction</b>
<b>Project description for Planning Department approval.</b> The project involves the demolition of the existing two-story over basement, approximately 3,190-square-foot, single-family residence and construction of a three-story over basement, 3,940-square-foot single-family residence.		

### STEP 1: EXEMPTION CLASS

<b>The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA).</b>	
<input checked="" type="checkbox"/>	<b>Class 1 - Existing Facilities.</b> Interior and exterior alterations; additions under 10,000 sq. ft.
<input checked="" type="checkbox"/>	<b>Class 3 - New Construction.</b> Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	<b>Class 32 - In-Fill Development.</b> 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. <b>FOR ENVIRONMENTAL PLANNING USE ONLY</b>
<input type="checkbox"/>	<b>Class ____</b>

## STEP 2: CEQA IMPACTS

### TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	<b>Air Quality:</b> Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)
<input type="checkbox"/>	<b>Hazardous Materials:</b> If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential?  <i>if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap &gt; Maher layer).</i>
<input type="checkbox"/>	<b>Transportation:</b> Does the project involve a child care facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	<b>Archeological Resources:</b> Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non -archeological sensitive area? If yes, archeo review is required (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	<b>Subdivision/Lot Line Adjustment:</b> Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography). If yes, Environmental Planning must issue the exemption.
<input type="checkbox"/>	<b>Slope = or &gt; 25%:</b> Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) <b>If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</b>
<input type="checkbox"/>	<b>Seismic: Landslide Zone:</b> Does the project involve any of the following: (1) square footage expansion greater than 500 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) <b>If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</b>
<input type="checkbox"/>	<b>Seismic: Liquefaction Zone:</b> Does the project involve any of the following: (1) square footage expansion greater than 500 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) <b>If box is checked, a geotechnical report will likely be required and Environmental Planning must issue the exemption.</b>
<b>Comments and Planner Signature (optional):</b> Don Lewis	

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

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

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

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

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

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

<input type="checkbox"/>	7. <b>Addition(s)</b> , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
<input type="checkbox"/>	8. <b>Other work consistent</b> with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. <b>Other work</b> that would not materially impair a historic district (specify or add comments):  (Requires approval by Senior Preservation Planner/Preservation Coordinator)
<input checked="" type="checkbox"/>	10. <b>Reclassification of property status.</b> (Requires approval by Senior Preservation Planner/Preservation <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category A            a. Per HRER or PTR dated            b. Other (specify): Reclassify to Category C as per PTR form signed on 4/4/18         </div> <div style="width: 45%; text-align: right;"> <input checked="" type="checkbox"/> Reclassify to Category C            (attach HRER or PTR)         </div> </div>
<b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.</b>	
<input type="checkbox"/>	Project can proceed with <b>categorical exemption review</b> . The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. <b>GO TO STEP 6.</b>
<b>Comments (optional):</b>	
<b>Preservation Planner Signature:</b> Michelle A Taylor	

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

<input checked="" type="checkbox"/>	<b>No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.</b>	
	<b>Project Approval Action:</b> Building Permit If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	<b>Signature:</b> Don Lewis 07/02/2019
	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 approval action. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.	

## STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

### TO BE COMPLETED BY PROJECT PLANNER

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

### PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
4118 21st STREET		2750/017
Case No.	Previous Building Permit No.	New Building Permit No.
2018-002602PRJ	201804267433	
Plans Dated	Previous Approval Action	New Approval Action
	Building Permit	
Modified Project Description:		

### DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

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

### DETERMINATION OF NO SUBSTANTIAL MODIFICATION

<input type="checkbox"/>	The proposed modification would not result in any of the above changes.
If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed within 10 days of posting of this determination.	
Planner Name:	Date:



# SAN FRANCISCO PLANNING DEPARTMENT

## Land Use Information

PROJECT ADDRESS: 4118 21ST ST  
RECORD NO.: 2018-002602PRJ

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

	EXISTING	PROPOSED	NET NEW
<b>GROSS SQUARE FOOTAGE (GSF)</b>			
Parking GSF	261	261	0
Residential GSF	2410*	3940	
Usable Open Space	810	810	0
Public Open Space	-	-	-
<b>TOTAL GSF</b>	<b>2671</b>	<b>4201</b>	
	EXISTING	NET NEW	TOTALS
<b>PROJECT FEATURES (Units or Amounts)</b>			
Dwelling Units - Market Rate	1	1	0
Dwelling Units - Total	1	1	0
Number of Buildings	1	1	0
Number of Stories	2	2	0
Parking Spaces	1	1	0
Bicycle Spaces	0	1	1
	EXISTING	NET NEW	TOTALS
<b>LAND USE - RESIDENTIAL</b>			
One Bedroom Units	1	0	-1
Three Bedroom (or +) Units	0	1	1

\*GSF prior to BPA#2018.02.27.2279 alterations, excludes basement storage per Planning Code Sec.102



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Department Request for Eviction History Documentation

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

(Date) 8/8/19

ATTN: Van Lam  
Rent Stabilization and Arbitration Board  
25 Van Ness Avenue, Suite 320  
San Francisco, CA 94102-6033

RE: Address of Permit Work: 4118 21st St  
Assessor's Block/Lot: 2750/017  
BPA # / Case #: 2018.04.26.7433

### Project Type

- ☐ Merger – Planning Code Section 317
- ☒ Enlargement / Alteration / Reconstruction – Planning Code Section 181
- ☐ Legalization of Existing Dwelling Unit – Planning Code Section 207.3
- ☐ Accessory Dwelling Unit Planning – Planning Code Section 207(c)(4)

Pursuant to the Planning Code Section indicated above, please provide information from the Rent Board's records regarding possible evictions at the above referenced unit(s) on or after:

- ☒ 12/10/13: for projects subject to Planning code 317(e)4 or 181(c)3  
(Search records for eviction notices under 37.9(a)(8) through (14))
- ☐ 3/13/14: for projects subject to Planning Code Section 207.3  
(Search records for evictions notices under 37.9(a)(8) through (14))
- ☐ 10 years prior to the following date: \_\_\_\_\_  
(Search records for eviction notices under 37.9(a)(9) through (14) (10 years) and under 37.9(a)(8) (5 years))

Sincerely,

Planner

cc: Jennifer Rakowski- Rent Board Supervisor



# Rent Board Response to Request from Planning Department for Eviction History Documentation 4118 21st Street

Re: \_\_\_\_\_

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: \_\_\_\_\_

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: \_\_\_\_\_

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

- ☒ 12/10/13  
☐ 03/13/14  
☐ 10 years prior to the following date: \_\_\_\_\_  
    ○ See attached documents.

Signed:



Dated:

8-8-19

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.

### Buyout Agreement: Tenant Information

1	# of Tenants in Buyout Agreement
---	----------------------------------

[illegible]



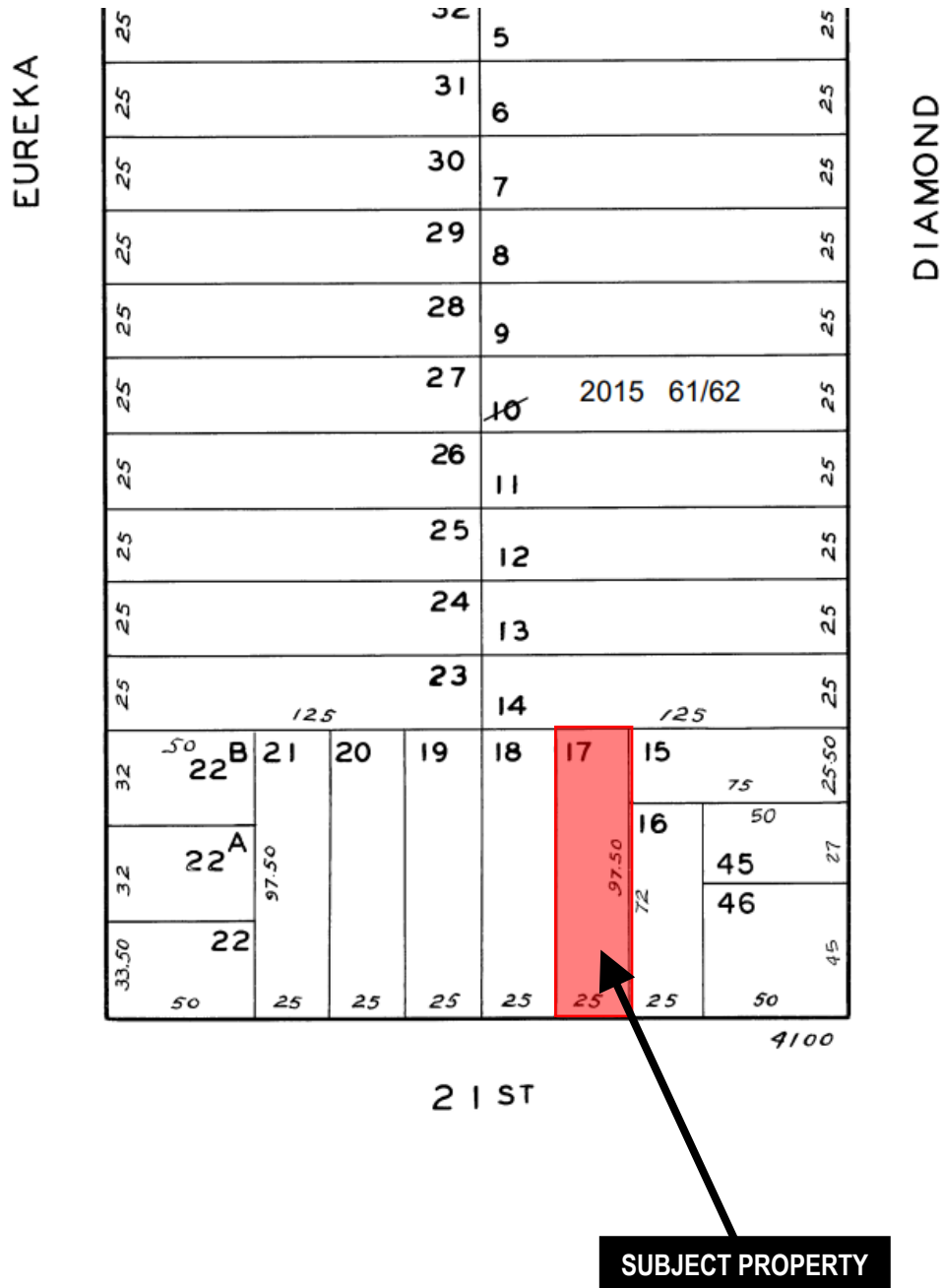
**Residential Rent Stabilization and Arbitration Board  
City & County Of San Francisco**

***Action Log***

***Buyout # B172367  
4118 21st Street***

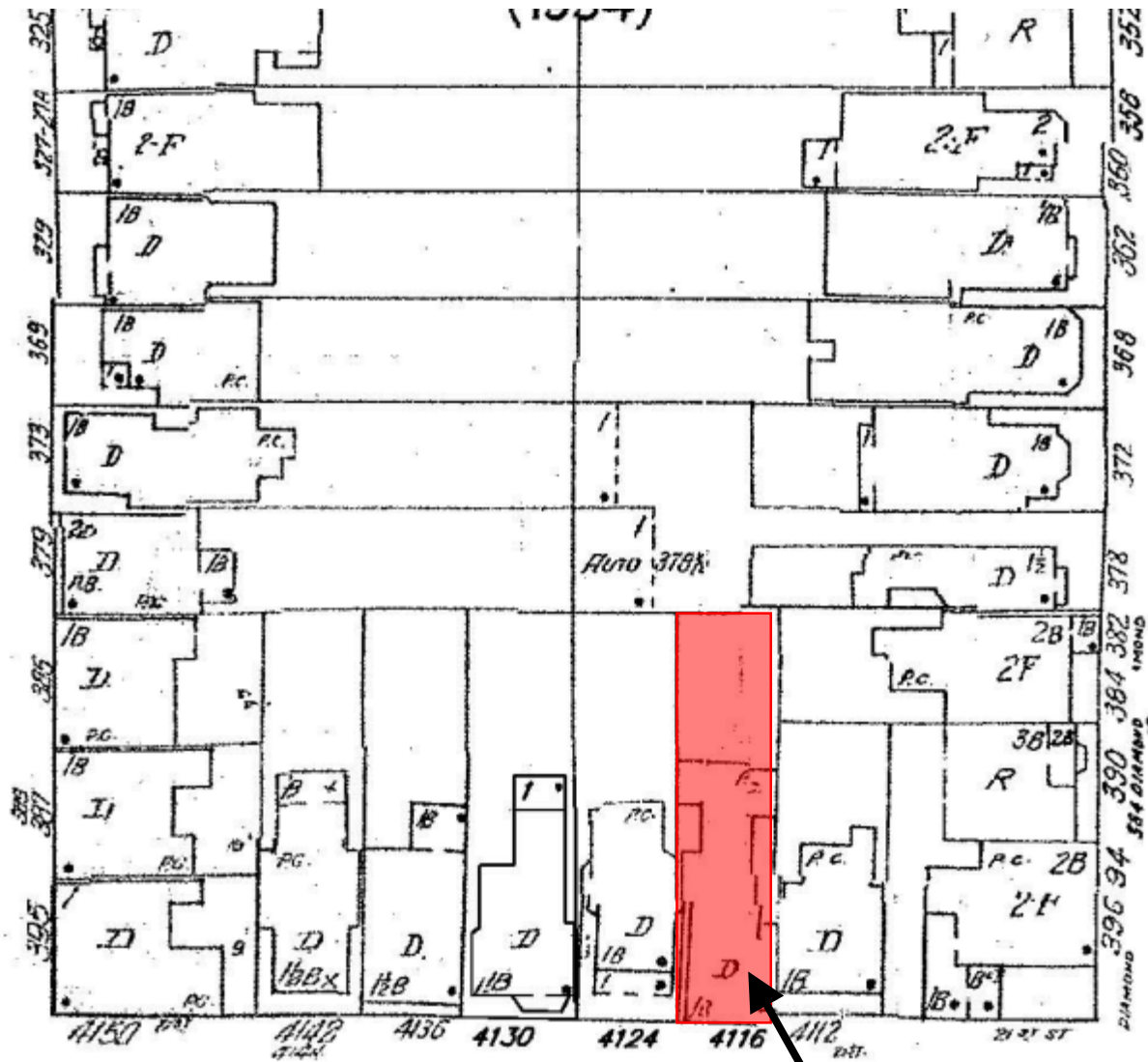
Date	Action	By
9/13/17	Declaration re Service of Disclosure Form filed	Candy Cheung
11/17/17	Buyout Amount is \$50,000 plus waiver of rent for Sept. & Oct. 2017	Cathy Helton
11/17/17	Buyout Agreement filed	Candy Cheung

# Parcel Map



Conditional Use Authorization  
Case Number 2018-002602CUAVAR  
4118 21<sup>st</sup> Street

# Sanborn Map\*



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

## SUBJECT PROPERTY



Conditional Use Authorization  
Case Number 2018-002602CUAVAR  
4118 21<sup>st</sup> Street



# Aerial Photo – Views 1 & 2



**SUBJECT PROPERTY**



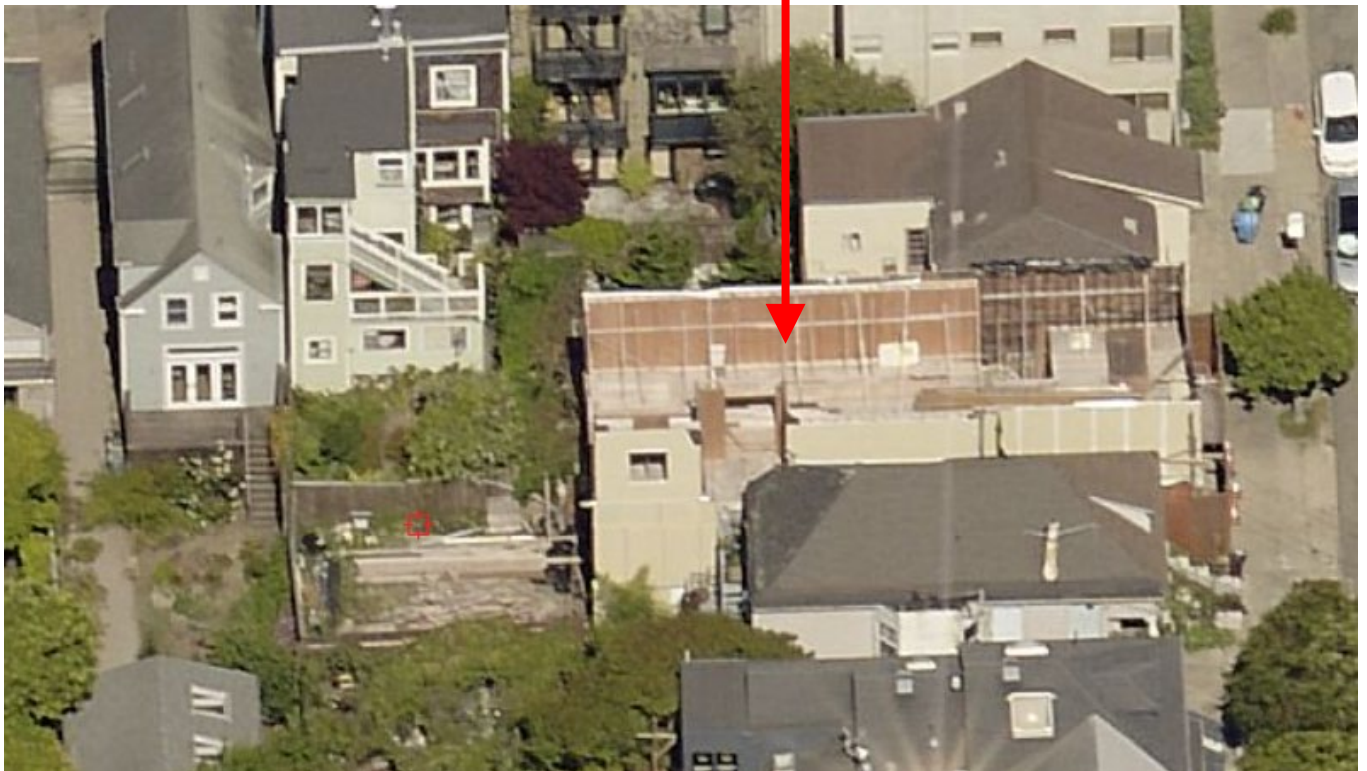
Conditional Use Authorization  
Case Number 2018-002602CUAVAR  
4118 21<sup>st</sup> Street



# Aerial Photo – Views 3 & 4

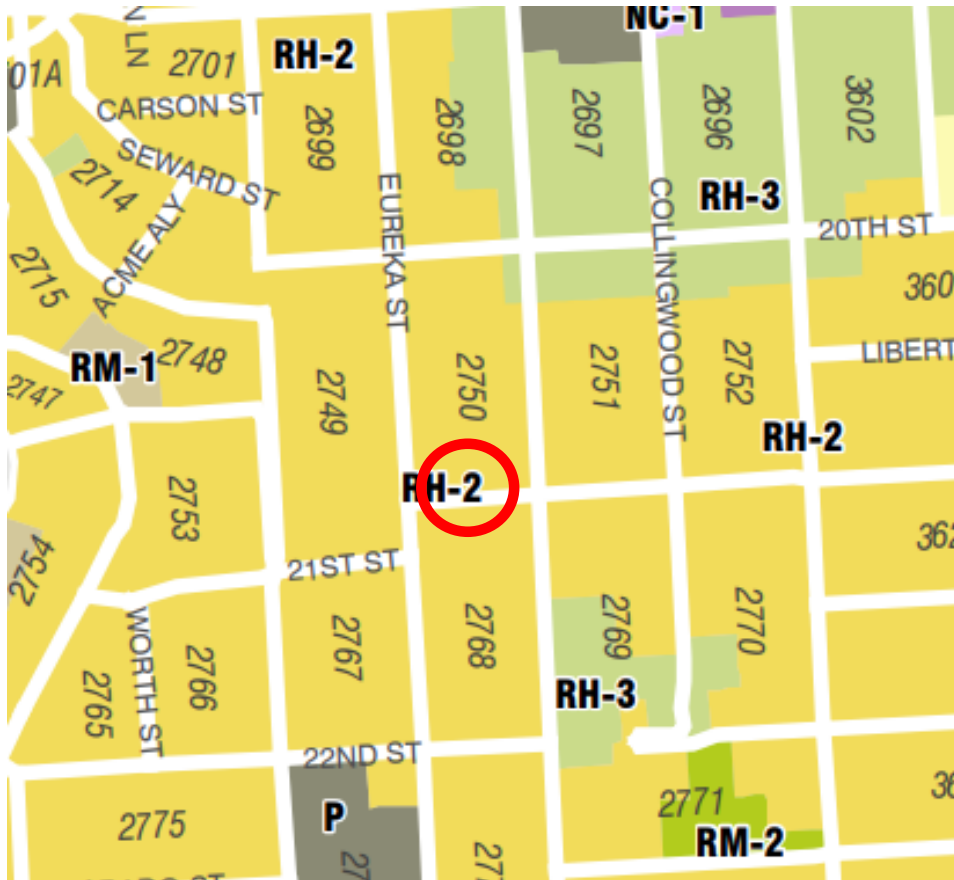


**SUBJECT PROPERTY**



Conditional Use Authorization  
Case Number 2018-002602CUAVAR  
4118 21<sup>st</sup> Street

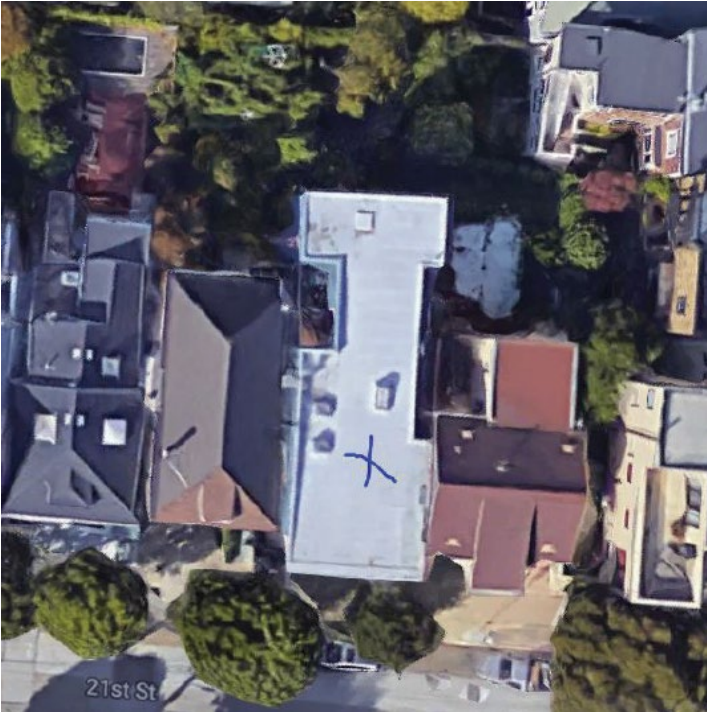
# Zoning Map



Conditional Use Authorization  
Case Number 2018-002602CUAVAR  
4118 21<sup>st</sup> Street



# Context Photos



Aerial prior to alterations



Rear of subject building prior to alterations



Rear of subject building during alterations



Rear of subject building during alterations

Conditional Use Authorization  
Case Number 2018-002602CUAVAR  
4118 21<sup>st</sup> Street



# Context Photos



Front of subject building prior to alterations



Front of subject building during alterations



Conditional Use Authorization  
Case Number 2018-002602CUAVAR  
4118 21<sup>st</sup> Street



# Context Photos





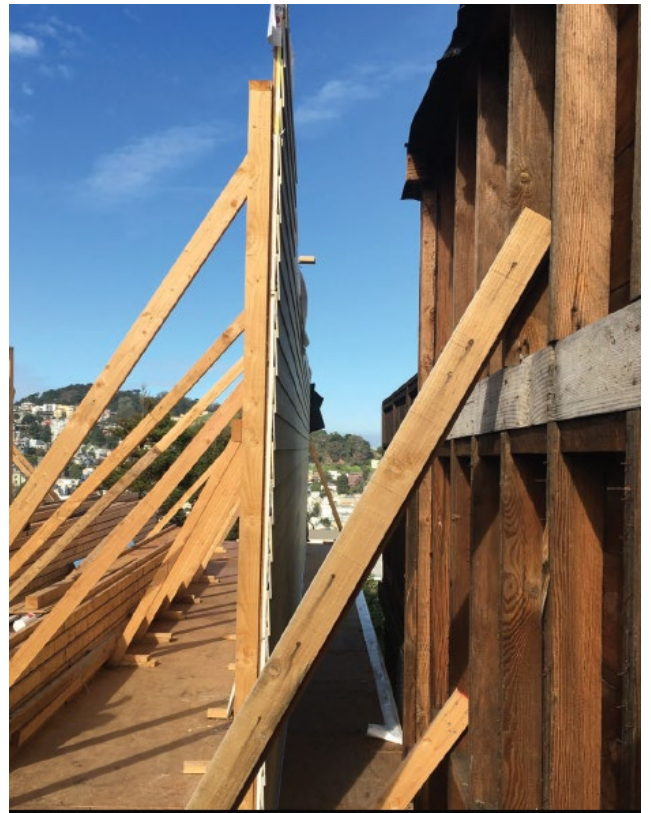
# Context Photos



Conditional Use Authorization  
Case Number 2018-002602CUAVAR  
4118 21<sup>st</sup> Street



# Context Photos



Conditional Use Authorization  
Case Number 2018-002602CUAVAR  
4118 21<sup>st</sup> Street

Dear SF Planning Commissioners:

We are writing to seek your approval for our conditional use and variance application to complete the renovation of our future home at 4118 21<sup>st</sup> Street. We currently live in Noe Valley and entered into contract to purchase this home in September 2017.

While the home needed considerable amount of work due to its existing poor condition, my wife and I were excited to build our forever home that would house not only our child, and future children, but also family who intend to move from the East Coast to live with us here in San Francisco. While I am a lawyer by profession, I know very little about construction, the planning process, etc. and accordingly, fully relied on my contractor and architect for their expertise.

While we obtained a permit to renovate our home, during construction, our contractor sought additional funds for the replacement of significant dry rot, termite damage, and substandard structural beams that were discovered once the walls were opened and noted by the building inspector as well. I was not aware that by doing so, this project would enter the realm of demolition or that we would be in this lengthy and complex permitting process. There was no ulterior motive other than to ensure that we would move our family into a code-compliant and safe home.

Nonetheless, we have been working closely with Planning to address all compliance issues. While it was always our intention to just enclose the rear basement level and upgrade our home within the existing footprint of the prior structure, we were advised by Planning that we needed to eliminate the non-conforming portions of the rear building to bring the current home into compliance. It was also suggested to us that we include a vertical addition to retain the square footage lost as a result of eliminating the nonconforming rear building envelope.

We have agreed to all staff recommendations except for needing a variance to address minor side setback requirement on the basement below grade level (the work on which is entirely completed pursuant to a previously approved permit) and front façade setback to preserve the design for bay windows and front landscaping.

We are eager to eliminate this eyesore site and most importantly, move from our temporary residence to our permanent forever home. Thank you for your time and consideration.

Sincerely,

George and Jenna Karamanos

# 4118 21<sup>st</sup> Street

## Project summary and timeline, code violation recap, and neighbor concerns about impact

Hearing date: August 29, 2019  
Record number: 2018-002602CUAVAR

**1. Neighbors would like to address and mitigate the impact from the loss of natural light as well as the loss of privacy from the structure's increased height from new fourth floor and the non-conforming extension on ground floor.**

**2. Extensive work completed with permit approved for interior remodel/basement excavation only — application #2018-02272279, issued 6/18/18.**

- See attached for approved permit, complaint data sheet, and photos showing extent of work completed with only this permit in place.
- Remodel was not subject to neighborhood review.
- New construction not within existing footprint as described—extends approximately 1-foot beyond the original building's pre-demolition north wall and across width of lot.
- New window configuration in proposed plans (7/22/19 rev) more than doubles previous window size, affecting access to privacy and increasing nighttime light.

**3. Plans accompanying variance request propose a building taller and deeper than neighbors' homes on both sides — in fact, the largest house on the block.**

- Incorrect height used to represent 4112 21<sup>st</sup> St., making 4118 approximately 2 feet taller in front and out of compliance with code for following downhill grade.
- Proposed depth for third and fourth floors exceeds depth of neighboring structures by 4 feet and sets precedent for deeper houses on the block.

## Timeline overview / Table of contents

	Page number
<b>February 27, 2018</b> permit application (#2018-02272279) — approved 6/1/18; suspended 1/1/15/19.	3
<b>April 2018</b> permit application (#2018-04267433) — not approved/pending.	4 – 5
<b>May 2018 – December 2018</b> Photos of original home and new construction.	6 – 15
<b>December 18, 2018</b> Complaint received for work beyond scope of permit.	16
<b>December 26, 2018</b> Permit application (#2018-12269120) filed; withdrawn 4/9/2019.	17
<b>January – August 2019</b> Photos of job site.	18 – 20
<b>March 2019 – August 2019</b> emails from neighborhood residents to Nancy Tran/SF Planning, George and Jenna Karamanos/owners, and Ryan Knock/project architect.	21 – 27
<b>Neighbors' letters of concern</b> 378 Diamond St. 382 Diamond St. 392 Diamond St. 4107 21 <sup>st</sup> St. 386 Eureka St.	28 – 33



**February 27, 2018 permit application (#2018-02272279) — approved 6/1/18;  
suspended 1/1/15/19.**

Department of Building Inspection

8/18/19, 4:51 PM

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Tin Slo
11/15/2018	PM	VS	IVR Scheduled	ROUGH FRAME, PARTIAL	1
10/3/2018	PM	CS	Clerk Scheduled	REINFORCING STEEL	1
9/27/2018	AM	CS	Clerk Scheduled	REINFORCING STEEL	1
<b>1 2</b>					

**Inspections:**

Activity Date	Inspector	Inspection Description	Inspection Status
11/15/2018	William Walsh	ROUGH FRAME, PARTIAL	ROUGH FRAME, PARTIAL
10/3/2018	William Walsh	REINFORCING STEEL	OK TO POUR
9/27/2018	William Walsh	REINFORCING STEEL	OK TO POUR
<b>1 2</b>			

**Special Inspections:**

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
0			1	CONCRETE (PLACEMENT & SAMPLING)	
0			IP5	CF2R-PLB-02-E - SINGLE DWELLING UNIT HOT WATER SYSTEM DISTRIBUTION	
0			5A6	REINFORCING STEEL	
0			18A	BOLTS INSTALLED IN EXISTING CONCRETE	
0			19	SHEAR WALLS AND FLOOR SYSTEMS USED AS SHEAR DIAPHRAGMS	
0			20	HOLDOWNS	
0			24A	FOUNDATIONS	
0			24B	STEEL FRAMING	
0			24C	CONCRETE CONSTRUCTION	
0			24E	WOOD FRAMING	
<b>1 2</b>					

For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

[Station Code Descriptions and Phone Numbers](#)

[Online Permit and Complaint Tracking home page.](#)

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## April 2018 permit application (#2018-04267433) — not approved/pending.

Department of Building Inspection

8/18/19, 4:48 PM

### Permit Details Report

**Report Date:** 8/18/2019 4:47:59 PM

Application Number: 201804267433

Form Number: 3

Address(es): 2750 / 017 / 0 4118 21ST ST

Description: HOLD: Project requires CU and VAR RENOVATE FACADE: NEW BAY WINDOW, NEW GARAGE DOOR, NEW WINDOWS & DOORS, NEW BRICK FACADE. INFILL EXISTING LIGHTWELL AGAINST BLANK WALL. RENOVATE KITCHEN, BATHROOM, NEW SLIDING DOORS OFF BACK & REPLACEMENT LOT LINE WINDOW WITH NEW FIRE RATED WINDOW.

Cost: \$65,000.00

Occupancy Code: R-3

Building Use: 27 - 1 FAMILY DWELLING

### Disposition / Stage:

Action Date	Stage	Comments
4/26/2018	TRIAGE	
4/26/2018	FILING	
4/26/2018	FILED	

### Contact Details:

### Contractor Details:

### Addenda Details:

#### Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Phone	Hold Description
1	INTAKE	4/26/18	4/26/18			4/26/18	LEI ALVINA	415-999-9999	
2	CPB	4/30/18	4/30/18			4/30/18	SECONDEZ GRACE	415-558-6070	
3	CP-ZOC	4/30/18		8/12/19			TRAN NANCY	415-558-6377	HOLD: Project requires CU to legalize demolition and VAR for construction within the required front setback and rear yard.
4	BLDG							415-558-6133	
5	MECH							415-558-6133	
6	SFPUC							415-575-6941	
7	PPC						USER GSA	415-558-6133	4/30/18: To CP-ZOC; HP
8	CPB							415-558-6070	

### Appointments:

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

Activity Date	Inspector	Inspection Description	Inspection Status
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### Special Inspections:

<http://dbiweb.sfgov.org/dbipts/default.aspx?page=PermitDetails>

Page 1 of 2

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

Station Code Descriptions and Phone Numbers

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Work underway with permit 2018-02272279 approved for interior remodel only.



**May 15, 2018.** Please note location of original building and neighbor's concrete block retaining wall.



**July 8, 2018**—all work done with permit 2018-02272279 for interior remodel only.





**July 8, 2018,** under permit 2018-02272279 for interior remodel only.



**July 2018**, under permit 2018-02272279 for interior remodel only.





**July 16, 2018**, under permit 2018-02272279 for interior remodel only. Please note location of original footprint/intact foundation slab and end fence post for 4118.





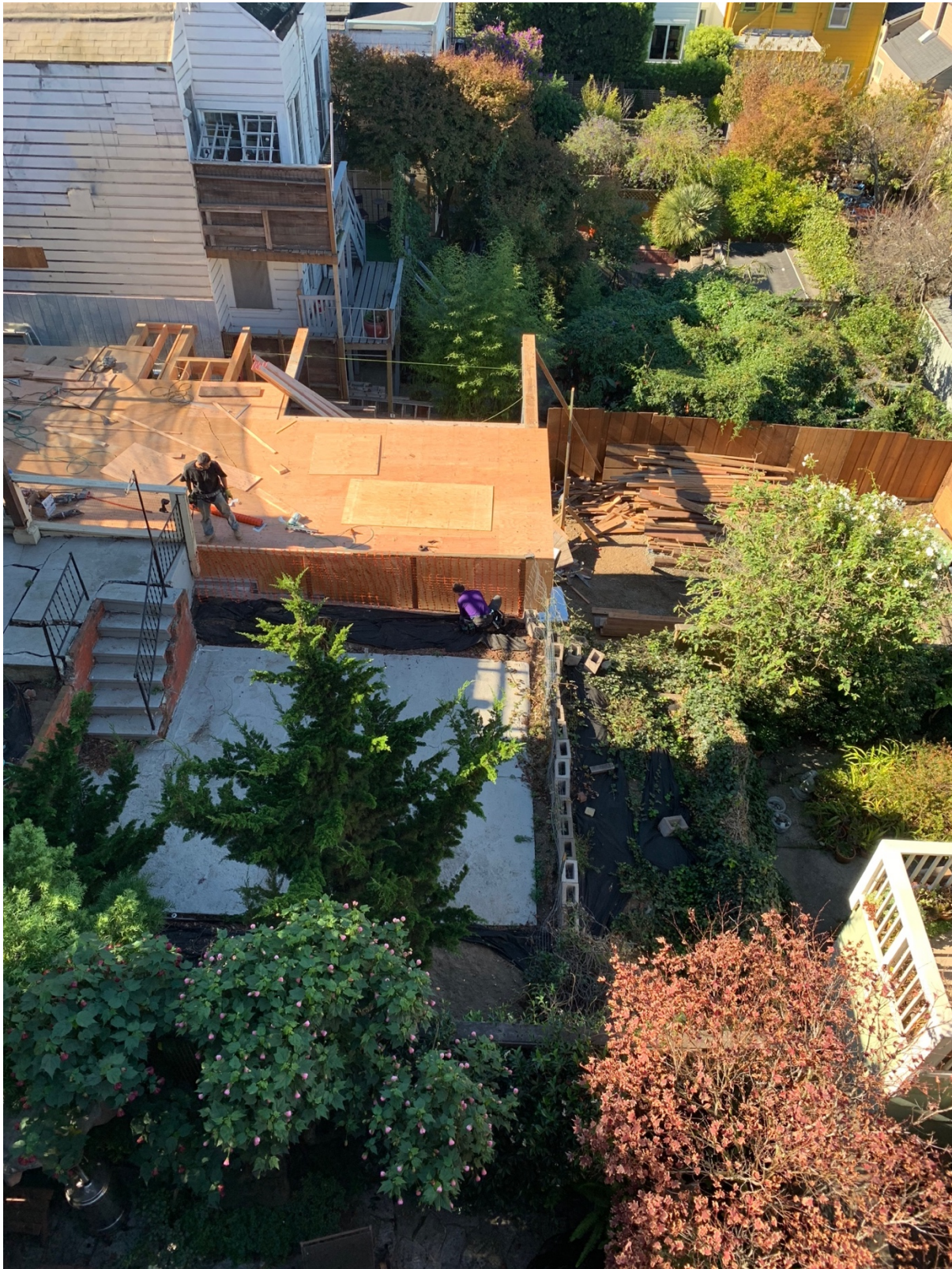
**August 31, 2018,** under permit 2018-02272279 for interior remodel only.





**October 24, 2018**, under permit 2018-02272279 for interior remodel only. Note that new steel beam is outside the slab.





**November 6, 2018**, under permit 201802272279 for interior remodel only.

4118 21<sup>st</sup> St. \_ Record number: 2018-002602CUAVAR





**November 6, 2018**, under permit 201802272279 for interior remodel only. Note the new structure extends beyond benchmark post.





**December 15, 2018**, under permit 2018-02272279 for interior remodel only.

- 12/18/18: DBI complaint received for over-demolition of front façade and walls
- 12/26/18: NOV issued
- 12/27/18: NOV mailed

**December 18, 2018 — complaint received** for work beyond scope of permit.

Home » Most Requested

## Welcome to our Permit / Complaint Tracking System!

### COMPLAINT DATA SHEET

**Complaint Number:** 201813931  
**Owner/Agent:** OWNER DATA SUPPRESSED  
**Owner's Phone:** --  
**Contact Name:** --  
**Contact Phone:** --  
**Complainant:** COMPLAINANT DATA SUPPRESSED  
**Date Filed:**  
**Location:** 4118 21ST ST  
**Block:** 2750  
**Lot:** 017  
**Site:**  
**Rating:**  
**Occupancy Code:**  
**Received By:** OHUANG  
**Division:** BID  
**Complainant's Phone:**  
**Complaint Source:** WEB FORM  
**Assigned to Division:** BID  
**Description:** date last observed: 17-DEC-18; time last observed: 8:30am; exact location: Main Bldg; building type: Residence/Dwelling WORK BEYOND SCOPE OF PERMIT; ; additional information: There is no listed Permit to remove the entire face of the house, just to replace windows and the garage door. ;  
**Instructions:**

#### INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	WALSH	6312	17	

#### REFFERAL INFORMATION

#### COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
12/18/18	OTHER BLDG/HOUSING VIOLATION	INS	Walsh	CASE UPDATE	Case reviewed, to be investigated by district inspector. mh/oh
12/18/18	CASE OPENED	BID	Walsh	CASE RECEIVED	
12/26/18	OTHER BLDG/HOUSING VIOLATION	BID	Walsh	FIRST NOV SENT	NOV issued for over demolition of front facade and walls, NOV ISSUED: 104.
12/27/18	OTHER BLDG/HOUSING VIOLATION	BID	Walsh	CASE UPDATE	1st NOV mailed; cc to DCP; slw

#### COMPLAINT ACTION BY DIVISION

**NOV (HIS):** **NOV (BID):** 12/26/18

Inspector Contact Information



**December 26, 2018 permit application filed (#2018-12269120) — withdrawn 4/9/2019.**

Department of Building Inspection

8/18/19, 4:55 PM

**Permit Details Report**

**Report Date:** 8/18/2019 4:54:01 PM

Application Number: 201812269120

Form Number: 8

Address(es): 2750 / 017 / 0 4118 21ST ST

Description: ADD NEW SKYLIGHT. REMOVE INTERIOR BEARING WALL ON 3RD FL. REPLACE WINDOWS AT BACK OF HOUSE NO WORK VISIBLE FROM STREET. UPGRADE KITCHEN, ELECTRICAL & PLUMBING

Cost: \$80,000.00

Occupancy Code: R-3

Building Use: 27 - 1 FAMILY DWELLING

**Disposition / Stage:**

Action Date	Stage	Comments
12/26/2018	TRIAGE	
12/26/2018	FILING	
12/26/2018	FILED	
4/9/2019	WITHDRAWN	

**Contact Details:**

**Contractor Details:**

**Addenda Details:**

**Description:**

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Phone	Hold Description
1	INTAKE	12/26/18	12/26/18			12/26/18	SAPHONIA COLLINS	415-999-9999	
2	MECH	12/26/18	12/26/18			12/26/18	TAN (PETER) JIA JIAN	415-558-6133	Approved OTC
3	CPB	4/9/19	4/9/19			4/9/19	MARIE OSORIO CHRISTINE	415-558-6070	4/9/19: Withdrawn per owner's request. Drawings returned. Fees paid. co CONTRACTOR'S BUSINESS LICENSE IS EXPIRED

**Appointments:**

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

Activity Date	Inspector	Inspection Description	Inspection Status
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**Special Inspections:**

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

[Station Code Descriptions and Phone Numbers](#)

[Online Permit and Complaint Tracking home page.](#)

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**January 4, 2019**, under permit 2018-02272279 for interior remodel only.  
• Work continued after NOV mailed 12/27/18.





**March 1, 2019.** Please note extent of construction completed after NOV mailed 12/27/18.





**August 18, 2019.** Please note that new building extends approximately 1-foot past neighbor's concrete-block retaining wall and does not stay within envelope of original building.

**March 2019 – August 2019 emails from neighborhood residents to Nancy Tran/SF Planning, George and Jenna Karamanos/owners, and Ryan Knock/project architect.**

**March 2019**

**From:** "Tran, Nancy (CPC)" <Nancy.H.Tran@sfgov.org>  
**Date:** March 14, 2019 at 9:19:40 AM PDT  
**To:** Kay Klumb <kayklumb@gmail.com>  
**Subject:** Re: 4118 - 21st Street

Hi Kay,

The pre-application is the applicant's preliminary proposal. This doesn't necessarily mean that Planning will permit construction as proposed after reviewing it against Code and with the Residential Design Advisory Team. Generally, removal of a building wall that was legally non-conforming would require the law of the day to prevail. While I don't have the most recent proposal, it may be possible for the project to go beyond the required rear yard setback per Section 136 under the 12' popout provision.

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**From:** Kay Klumb <kayklumb@gmail.com>  
**Sent:** Wednesday, March 13, 2019 12:01 PM  
**To:** Tran, Nancy (CPC)  
**Subject:** 4118 - 21st Street

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Ms. Tran,

I live at 382 Diamond Street, my yard abuts the above property. I find it curious that the Notice of Pre-Application Meeting lists existing building depth and proposed as 64'-9", whereas the permitted is 53'7". Since the entire building has been demolished, shouldn't the permitted depth prevail?

Thank you for your attention to this matter,

Kay Klumb



**Anne Guaspari** <abguaspari@gmail.com>

Mar 25, 2019, 1:22 PM



to Ryan, George, Jenna, Kay, dkellysf@yahoo.com, C, jeffreywbailer, will2nd, David, Kelli, Joan, Raul, Tony, Erin, victoria.lewis, chaska.berg

Hi Ryan,

Writing to add some questions, concerns, and photos following the pre-application meeting held on 3/11/19 about the project at 4118 21<sup>st</sup> St.

Thank you,

Anne and John Guaspari

1. We have a significant concern about the amount of work that was done on the 4118 21<sup>st</sup> St. project from June 2018 through January 2019. The project was halted by the building department for work beyond scope of permit. The only approved planning permit that we're aware of (application # 201802272279) was issued 6/18/18 for an interior remodel, a project that wasn't subject to neighborhood review, and beyond that, we were not notified of plans to demolish the home or rebuild. A new three-story structure has been constructed in back with what appears to be only the approved remodel permit in place. What were the reasons the project was handled this way?

2. The new construction at the back of the building exceeds the depth permitted by SF planning code by about 11 feet. At the 3/11/19 pre-application meeting, the group heard that a variance for the longer depth would be permitted because the new construction (now already built) conforms to the footprint of the house that was demolished. Does this rule still apply since the demolition of what looks to be all but the eastern wall of the building? Our understanding is that it does not.

3. From the perspective we have from the adjoining downhill lot, the new construction feels significantly larger than the structure that was torn down, which was raised above ground on wood supports and bracing. The new structure is substantially out of proportion with the other houses on that side of the block and doesn't relate well to existing homes (as stipulated in planning guidelines, Section II: Neighborhood Character, and Section IV: Building Scale and Form). The majority of homes on that side of the block do not occupy as much space on their property as 4118 does on its lot. Please note that in the Variance Application (2018-002602CUA, received by the Planning Dept. on 3/19/19), Finding 3 describes properties between Greenwich/Gough and Filbert/Octavia, not the homes in the 4100 block of 21<sup>st</sup>, which appear to conform to permitted building depth. The new construction at 4118 obstructs sight lines and breaks the flow of the neighborhood, boxing in the houses and yards to its east and west. How do you plan to mitigate the impact of the design on the neighborhood? Is part of the new construction permitted under the "12-foot pop-out" guidelines described in Section 136?

4. A third permit request (filed 12/26/18) included replacing windows at the back of house. The new window configuration, which now spans three floors of the house and more than doubles the previous window size — will have significant negative impact on the privacy of our house and yard as well as contribute to light pollution in the neighborhood. Our kitchen and master bedroom are at the back of our house; the large size of the new windows impacts our property in ways not in compliance with planning guidelines (Section III Site Design) created to ensure access to privacy. How will you minimize the negative impact on neighbors' privacy and on nighttime light?

5. Please advise us and other interested neighbors cc'd about your project's next steps and the time and date of the hearing for your variance application.

Thank you for your help with this.



**Ryan Knock** <knockad18@gmail.com>

Mar 26, 2019, 10:51 AM



to George, Jenna, Kay, dkellysf@yahoo.com, C, jeffreywbailer, will2nd, David, Kelli, Joan, Raul, Tony, Erin, victoria.lewis, chaska.berger, de

Hi Anne and John

I have responses to the questions that I can answer below:

1) The project proceeded this way as the original work did not require neighbor notice. We pulled an expansion/remodel permit that did not require neighbor notice for the ground two floors of work within the existing envelope, and were working on the third permit in tandem that was to be sequenced with the adjacent development and would not have required notice either if their project proceeded in a timely fashion. The extensive amounts of dry rot, termite damage and unsafe existing framing required more extensive demolition than anticipated, which was not desired or the intent.

2) A variance is subject to the zoning administrator's approval. If we are not found to have exceeded the demolition threshold based on the extensive dry rot and termite damage (which is excluded from the demolition threshold), the existing non-conforming portion can remain even without a variance. Otherwise, a variance is required for anything over the rear yard setback. We are unsure of why anyone would object to a structure no larger than what existed previously as viewed from the rear. The home as it is currently proposed will in fact be smaller than what existed previously as massing was removed facing the rear yard from the first floor (or second floor above grade at the rear) at the northeast corner of the property. In addition we have agreed to remove the rear parapet from the proposed design (which is exempt from height limit and measurement). If the variance is not approved, I have advised my clients that we should revise our plans to include the allowed 4 stories at the front of the property (an addition of 2 new stories).

3) There is no additional mitigation proposed. Per my notes above, the structure as viewed from the rear elevation is actually smaller than previously and no higher than previously. The photos provided are clearly not from the same perspective/viewing angle and are not relevant in determining massing, nor do they substantiate the allegations made. We took your comments into consideration at the preapplication meeting, and immediately decided to remove the parapet we had planned for the entire roof, and have replaced it with a more costly rated roof at the rear of the property to address your concerns. There is no 12 foot pop out proposed as we are already over the rear yard setback.

4) This permit will be withdrawn as the windows at the rear of structure were already approved in the first permit, and the sliders approved via RDAT in the 2nd permit application (201804267433) which also included the facade alteration. As to how what is proposed relates to what is there now - there was already a large expanse of glass across the top floor- so the privacy issue remains unaltered.

Ryan Knock, AIA, LEED AP  
Knock Architecture and Design  
SONOMA . SAN FRANCISCO . CA  
[www.knock-ad.com](http://www.knock-ad.com)  
415-215-2647

**August 2019**

----- Forwarded message -----

From: **Tran, Nancy (CPC)** <[Nancy.H.Tran@sfgov.org](mailto:Nancy.H.Tran@sfgov.org)>

Date: Wed, Aug 7, 2019 at 2:03 PM

Subject: RE: 4118 21st Street

You are correct - previous plans did not propose a vertical addition. The project sponsor went beyond the scope of an approved permit (since suspended) and the enforcement team discovered that walls removed exceeded Planning Code Section 317 with respect to demolition thresholds. The Department reviewed this and determined that the building cannot rebuild to its former non-complying status (within the required rear yard) and therefore, must be constructed to comply with current Planning Code. Because of the loss in square footage in the rear yard, the project sponsor decided to recapture the area lost by constructing a vertical addition.

Attached is the latest set submitted by the project sponsor. Please note that the project sponsor is still not code-complying with respect to required rear yard and front setback requirements. The project will be heard by both the Planning Commission and Zoning Administrator.

I hope this answers your question,

**Nancy Tran, Planner**

**Northeast Team, Current Planning Division**

San Francisco Planning Department

1650 Mission Street, Suite 400 San Francisco, CA 94103

Direct: 415.575.9174 | [www.sfplanning.org](http://www.sfplanning.org)

[San Francisco Property Information Map](#)





**Tran, Nancy (CPC)**

Wed, Aug 14, 4:28 PM (4 days ago)



to C, Joan, Raul, Tony, Bill, Erin, Kay, Jeff, Bill, Marc, Curtis, dkellysf@yahoo.com, Liz, ybarcarlos@gmail.com, alex@terryandterryarchite

Hi Anne,

Thank you for your email. I will include your concerns regarding height and light impacts in my staff report and forward your email to the Project Sponsor.

Your requests for a survey and light/shade study, however, should be directed to the Project Sponsor/architect. The Planning Dept. reviews plans based on the information provided by the architect whose professional stamp should ensure accuracy and compliance with Code. Planning requires professional surveys for *new* construction and does not generally request sun studies for small projects permits; the subject proposal was submitted as an alteration permit per DBI code.

Please note that on balance, the Planning Department determined that the project complies with Residential Design Guidelines – except for the proposed noncomplying massing at the rear (last 12' building depth). Public comments will be summarized in the staff report and presentation. You may also attend the hearing to further emphasize your concerns, express your disagreement with Planning's determination, and/or your opposition to the proposal to the Planning Commission and Zoning Administrator.

Best,

Nancy Tran, Planner

Northeast Team, Current Planning Division

San Francisco Planning Department

1650 Mission Street, Suite 400 San Francisco, CA 94103

Direct: 415.575.9174 | [www.sfplanning.org](http://www.sfplanning.org)

[San Francisco Property Information Map](#)



Anne Guaspari &lt;abguaspari@gmail.com&gt;

## 4118 - 21st Street

3 messages

**Kay Klumb** <kayklumb@gmail.com>

Sun, Aug 11, 2019 at 11:20 PM

To: nancy.tran@sfgov.org

Cc: soschroeder@gmail.com, msincali@comcast.net, abguaspari@gmail.com, Carlos &lt;ybarcarlos@gmail.com&gt;, Joan Ramo &lt;theempressrules@yahoo.com&gt;, James McGrath &lt;fogcity372@yahoo.com&gt;, Bill O'Rourke &lt;willo2nd@aol.com&gt;, Jeff Baker &lt;jeffreywbaker@aol.com&gt;, Liz and Katrina &lt;andrewsmadsen@gmail.com&gt;, Dorothy &lt;dkellysf@yahoo.com&gt;

Hi Nancy,

I was surprised to see the new plans for 4118 - 21st Street for a 4 story building. At the March meeting, the owners and architect had agreed to remove the parapet from the previous 3 story plan in response to neighbors' concerns about height. The new plan substantially increases the bulk and height making it even less compatible with the neighborhood. It should be noted that the plans do not seem to represent the height of the current or planned building at 4112 accurately.

There would be 3 stories of large windows in the rear overlooking my garden and with views into my bedroom and bath, possibly causing nighttime light pollution and certainly affecting my privacy. I agree with the Guasparis who articulated their concerns in an email on 3-25-19, when the plans were for 2 stories of large windows in the rear. I hope that some modifications can be made so there is less adverse effect on the neighborhood.

Kay Klumb

**Tran, Nancy (CPC)** <Nancy.H.Tran@sfgov.org>

Mon, Aug 12, 2019 at 8:37 AM

To: Kay Klumb &lt;kayklumb@gmail.com&gt;

Cc: "soschroeder@gmail.com" &lt;soschroeder@gmail.com&gt;, "msincali@comcast.net" &lt;msincali@comcast.net&gt;, "abguaspari@gmail.com" &lt;abguaspari@gmail.com&gt;, Carlos &lt;ybarcarlos@gmail.com&gt;, Joan Ramo &lt;theempressrules@yahoo.com&gt;, James McGrath &lt;fogcity372@yahoo.com&gt;, Bill O'Rourke &lt;willo2nd@aol.com&gt;, Jeff Baker &lt;jeffreywbaker@aol.com&gt;, Liz and Katrina &lt;andrewsmadsen@gmail.com&gt;, Dorothy &lt;dkellysf@yahoo.com&gt;

Hi Kay,

Thank you for your email.

The project sponsor went beyond the scope of an approved permit (since suspended) and exceeded Planning Code Section 317 with respect to demolition thresholds. The Department reviewed this and determined that the building cannot rebuild to its former non-complying status (within the required rear yard) and therefore, must be constructed to comply with current Planning Code. Because of the loss in square footage in the rear yard, the project sponsor decided to recapture the area lost by constructing a vertical addition. The Residential Design Advisory Team reviewed the changes and determined the vertical addition to be compatible with the neighborhood. Please note that the adjacent property, [4112 21st St](#), was approved for 3 stories over basement like the subject property.

Attached is the latest set submitted by the project sponsor. Please note that the project sponsor is still not code-complying with respect to required rear yard and front setback requirements. The project will be heard by both the



## 4118 21st Street - 7/29 plan set Inbox x



**Anne Guaspari** <abguaspari@gmail.com>

Tue, Aug 13, 8:11 PM (5 days ago)



to Nancy.H.Tran, C, Joan, Raul, Tony, Bill, me, Erin, Kay, Jeff, Bill, Marc, Curtis, dkellysf@yahoo.com, Liz, Andrew, ybarcarlos, alex ▾

Hi Nancy,

Wanted to share concerns from my husband and me about the new plans for 4118 21<sup>st</sup>St., adjacent to the south side of our property at 378 Diamond St. We've lived at this address since 1997.

- The proposed four-story design for 4118 would make it taller than both of the homes it's between on 21st Street, including the one approved for 4112 (but not yet built) to the east. 4112 is uphill from 4118; as we understand it, code calls for homes to step downhill, following the grade.

- We request that a building survey or review be undertaken to determine the actual heights of 4118 and 4112 and that SF code be followed.

- The requested variances would allow 4118 to be substantially deeper in back than its two- and three-story neighbors on similar lots and out of context and scale with them (as stipulated in planning guidelines for neighborhood character and for building scale and form), changing the flow of the block.

- All four floors of the proposed plan have window configurations that significantly increase total window area from the previous home. The larger windows will decrease privacy to the north and allow light to illuminate surrounding properties on three sides; the additional fourth floor will increase the amount of shade cast on all sides, depending on the season.

- We request that a light and shade study be undertaken to determine the impact of the structure on surrounding properties and then shared for neighbor review.

In addition, that the structure has already been built in violation of its approved permit, that a variance after the fact is being considered, and that a design not in keeping with neighborhood character is being requested makes this decision an important one to us and other neighbors.

Thank you for your time and consideration,  
Anne and John Guaspari

## Neighbors' letters of concern

Anne and John Guaspari  
378 Diamond St.  
San Francisco, CA 94114

August 20, 2019

Zoning Administrator  
Planning Commission  
C/O San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

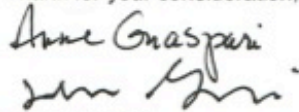
RE: 4118 21st St.  
Record number: 2018-002602CUAVAR

Dear Planning Commission:

Writing to share our concerns regarding the project at 4118 21st St., which adjoins the south side of our property at 378 Diamond St., where we've lived since 1997.

- The proposed four-story building is significantly taller than the previous building at that address and taller than its neighbors on either side, including uphill.
- All four floors have large window configurations that will impact our access to privacy and illuminate our house and yard at night.
- The proposed structure will be the tallest, deepest, and biggest on the block, changing the character of and setting a precedent for development in a neighborhood of mostly two- and three-story homes.
- Extensive demolition, foundation, and framing work have been completed to date with a permit approved for an interior remodel only. Neighbors were not notified of the project's real scope until after a December 2018 complaint had halted the work and a pre-app meeting was held in March 2019. Allowing a variance after the fact or an unusually large building to go up seem to favor the owners and their methods rather than the quality of life of those in the neighborhood.

Thank for your consideration,



Anne Guaspari  
John Guaspari

Aug 19, 2019

Record Number: 2018-0026002CUAVAR  
4118 - 21st Street

Honorable Commissioners,

My neighborhood is a residential one of modest, mostly one- and some two-family dwellings. The current plans for 4118 - 21st Street are for a large, four floor house that is out of character in bulk and height. It would be taller than the approved plans for its uphill neighbor, 4112 - 21st Street, interrupting the downhill flow.

My garden abuts the property on its east side, so that the backs of the buildings are fairly close. The current plans are for three floors of large windows that would look into my bedroom and bath. I am concerned about nighttime light pollution and the intrusion into my privacy.

I would like to see the plans for this project amended to reduce the overall height so that the building steps down from the height in the approved plans for 4112 and the depth of the top two floors matches the depth in the approved plans for 4112. This reduction in bulk and height would make the project more compatible with the neighborhood. I would also like to see a reduction in the size of the rear windows on the three upper floors in order to retain some privacy and reduce light pollution.

Thank you for your consideration,



Kay Klumb

382 Diamond Street

Cynthia and Marc Schroeder  
390 Diamond Street Street  
San Francisco, California 94114

August 21, 2019

Planning Commission  
c/o San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 4118 21<sup>st</sup> Street  
Record Number: 2018-002602CUAVAR

Dear Planning Commission:

After a recent in-person review of the 4118's 07.30.19 COND USE/VAR design plans with homeowners, Jenna and George, we continue to have significant concern with the height and depth of the proposed structure and the impact that it will have on our property's west-facing living spaces' access to natural light. These changes leave us feeling "boxed-in" for most of the year because of the building mass extending beyond 4112 - 21st Street building.

**ACCESS TO NATURAL LIGHT**

The proposed height and depth of the top two floors of the four-story structure will negatively impact our access to adequate light and air at 390 Diamond Street. The proposed **new vertical** third-floor addition and the second-floor outlined in the 07.30.19 CU/VAR design plan **extends 4-feet beyond the depth** of recently approved new 4-story home expansion at 4112 -21st Street.

The proposed home significantly limits our access to light on the west-facing side of our property, specifically from the far southern edge of our property to near the mid-point of our entire property for a majority of the calendar year. The light that currently comes from the southern side of our house through our west-facing windows on all three floors will be severely impacted during the already limited daylight hours in the fall, winter and spring months.

The proposed height and depth of this expansion will significantly reduce daytime light from entering our main living areas. For our family, this renders most of our main living area (e.g. master and 2nd bedroom, bathroom, dining room and kitchen) dark for the majority of the year.

2018-002602CUAVAR

1 of 2

### **DESIGN SOLUTION**

A reduction of 4118 - 21st Street's proposed depth and height for the top two floors will help to retain some light. This can be achieved by:

1. **A reduction in the top two floors' depth (back mass) by at least 4-feet** which will maintain a 47'11" rear lot depth. Also, this reduction allows 4118 to maintain the same building depth as their immediate neighbors on both sides (4112 - 21st Street and 4124-21st Street).
2. **A reduction in the overall building height 2-3 feet** will help to retain light at 390 Diamond Street. This can be obtained by having 9' ceilings by reducing height from the 10'6" on the third-floor, 9'8" on the second floor, 10'1" on the first floor, and 10'0" for the basement family room.

### **OUT OF SCALE**

We believe the proposed designs at 4118 21st Street is out-of-scale for the neighborhood as it will be largest home on 21st Street. Initially, the home owners described all home renovations to be contained ***within the envelope of the original home*** and basement excavation would occur to gain additional space.

Within one month of permit issuance for interior renovation and excavation, all walls and floors were demolished, and eventually the entire home except one original wall remained despite a second pending permit. As their entire home was being rebuilt, neighbors noticed visual discrepancies in height and depth from the original house. By mid-January 2019, the house structure and exterior walls were built up through the 2nd floor with visual height and depth discrepancies.

Today, the proposed project is asking for approval for four-story home with a two-story rear extension beyond the 45% rear setback ***and*** a new vertical extension with a depth longer and taller than all homes on the entire block.

### **DESIGN SOLUTION**

We ask that you uphold and maintain character of the block and neighborhood. As you consider its conditional use and variance, you can achieve character with:

1. **A reduction of the rear mass of at least 4-feet** to maintain alignment with the rear depths of all homes on 21st Street
2. **A reduction in the overall building height 2-3 feet.**

As 15 year residents of this neighborhood, we thank you for the opportunity to share our concerns. We urge you to consider the recommended design solutions so that all homes can co-exist together as a neighborhood with new and long-time families and residents.

Sincerely,



Cynthia and Marc Schroeder  
390 Diamond Street

2018-002602CUAVAR

2 of 2



4107 21st Street  
San Francisco, CA 94114  
August 20, 2019

Dear San Francisco Planning Department,

We are writing about the construction being done at 4118 21st Street. We have resided at 4107 21st Street since 1997. Our home sits south, directly across the street from the property in question. This past weekend we met with Jenna and George and are encouraged by their willingness to meet with us and explain their plans. We are however still left with some unresolved concerns.

From everything that we've seen, the height and square footage remain unclear.

- Code calls for homes to step downhill, following the grade. The plans we have seen seem to show 4118 higher than 4112 (approved plans) which is uphill.
- There is contradicting square footage in the documentation. We are still trying to understand how much bulkier and out of character this new home will be on a street with relatively small homes.

From current plans, this new building will be larger than all the others on our street. We are concerned that its height and mass will shadow the smaller houses and yards around it in this residential part of the Castro.

Thank you for your attention to this matter.



Elizabeth A. Andrews  
Katrina Madsen

Curtis Larsen  
385 Eureka Street  
San Francisco, California 94114

August 20, 2019

Planning Commission  
c/o San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 4118 21<sup>st</sup> Street  
Record Number: 2018-002602CUAVAR

Dear Planning Commission:

I am a homeowner whose property looks onto the proposed construction and am potentially impacted by any variances that may be granted. In a recent meeting with the property owners (August 17, 2019), some of my issues were verbally addressed but I want to ensure that the Planning Commission is formally aware of my concerns:

1. Neighborhood Precedent: It is vital to preserve the nature our neighborhood and maintaining the general footprint and height of residences. Variances could materially change our neighborhood.
2. Project Depth: The rear portion of the—now suspended—construction is wildly inconsistent with the depths of any of the houses on the north side of the 4100 block. I have been assured by the property owners that 12' of the illegal build will be removed. I would ask you to consider and approve a new residence that conforms to your rear yard preservation formulas and is consistent with existing, or already approved, residences in the 4100 block of 21<sup>st</sup> Street.
3. Architectural Plan Consistency: The plans that were shown to neighbors *may* have relied on erroneous heights and widths and contain discrepancies between blueprints and dimensions pending approval especially as they relate to height and proposed width. I would ask that all dimensions be verified and settled as consistent before any variances are granted.
4. Side Set-In Provision Variance: The property owners informed us of an existing retaining wall that has a 3' variance intruding into 4118's eastern boundary. Rather than granting a set-in variance, wouldn't this be an opportunity to correct this retaining wall placement error in light of the wall being the eastern separator of both properties (4118 and 4112) that are now—or about to be—demolished?
5. Conditional Use Authorization: This project morphed from a remodel, to illegal demolition and construction, and now to variance all based on the notion that the structural integrity of the original dwelling was discovered to be beyond repair. Determining this would have been more than reasonable prior to beginning the remodel process and failure to do so resulting now in this Conditional Use Authorization including "tantamount demolition" and variance doesn't quite pass the smell test. Again, my concern here is setting precedence as to how project planning and building is handled for our block as well as the city in general.

Thank-you for this opportunity to express my concerns with you.

Best,



Curtis Larsen