



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary

HEARING DATE: AUGUST 22, 2019

*Record No.:* 2019-014314CUA  
*Project Address:* 49 Hopkins Avenue  
*Zoning:* RH-1 (Residential- House, One Family District)  
40-X Height and Bulk District  
*Block/Lot:* 2799/042  
*Project Sponsor:* Yakuh Askew  
Y.A. Studio  
777 Florida Street  
San Francisco, CA 94110  
*Property Owner:* 49 Hopkins, LLC  
PO BOX 1298  
Winter Park, FL 32790  
*Staff Contact:* Jeffrey Horn – (415) 575-6925  
[jeffrey.horn@sfgov.org](mailto:jeffrey.horn@sfgov.org)  
*Recommendation:* **Approval with Conditions**

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### PROJECT DESCRIPTION

The Project proposes to legalize the demolition of a 3,280 square foot single-family residence, and the new construction of a three-story, 31-foot tall, 4,180 square foot structure with a 2,625 foot single-family residence, a 1,200 square foot accessory dwelling unit and a 355 square foot one-car garage with 2 Class 1 bicycle parking spaces.

### REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization Conditional Use Authorization pursuant to Planning Code Section 303 and 317 for the demolition of a residential unit. Pursuant to Planning Code 317 (c), "where an application for a permit that would result in the loss of one or more Residential Units is required to obtain Conditional Use Authorization by other sections of this Code, the application for a replacement building or alteration permit shall also be subject to Conditional Use requirements."

### ISSUES AND OTHER CONSIDERATIONS

- **Background:**
  - **Previous Decision:** On December 13, 2018 the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2017-016050CUA. The project, as submitted by the Project Sponsor, proposed to legalize existing work that included unpermitted demolition in excess of the original permit and to demolish all remaining portions of the existing structure and to construct a new 3,960 gross square foot,

- three-story single-family home. The Department recommended approval of the project, but with the modification of removing the proposed third floor. The Commission discussed the historic nature of the original structure as designed by Architect Richard Neutra, the unlawful demolition of the previously-existing structure, and the Commission made a Motion to Approve the Project, on condition that the replacement structure would be constructed to the original structure's footprint and massing, implementing the original construction methods and materials.
- On February 14, 2019, the Sponsor filed two lawsuits challenging, among other things, the Planning Commission's decision on December 13, 2018 to approve the conditional use permit application 2019-014314CUA subject to modifications and conditions.
  - **Previous Notification:** Section 311 Neighborhood Notification occurred at this property for a proposed vertical and horizontal addition to add 2,353 square feet of conditioned area. The noticing period occurred from July 7, 2015 to August 6, 2015, no requests for Discretionary Review were received.
  - **Preservation Review:** The Property is not an "Historical Resource" under CEQA. A historic resource evaluation, dated February 5, 2015, determined "No Historic Resource Present." (See Case No. 2014.1567E.)
  - **Public Comment & Outreach.**
    - **Support/Opposition:** The Department has received six letters in opposition to and no letters in support of the Project.
      - The opposition to the Project is centered on support of the Commission's original decision on the project, the loss of the original structure through unlawful demolition, and the size and lack of neighborhood compatibility and affordability of the current proposal.
    - **Outreach:** The Sponsor's Architect sent an update email and the revised plans to the project's contact list on July 23, 2019.

## **ENVIRONMENTAL REVIEW**

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

## **BASIS FOR RECOMMENDATION**

The Department finds that the new Project, providing one dwelling and one accessory unit designed following extensive meetings with Planning Department staff is, on balance, consistent with the Objectives and Policies of the General Plan. Although the Project results in the unlawful demolition of a sound single family home, the replacement structure will provide an increased number of bedrooms, suitable for a family, and an Accessory Dwelling Unit with two bedrooms, within a residence that is sensitively designed and compatible with the design, size and massing of the neighborhood. 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 and Renderings

Exhibit C – Environmental Determination

Exhibit D – Land Use Data

Exhibit E – Maps and Context Photos

Exhibit F – Proposed Plans for 2017- 016050CUA

Exhibit G - Project Sponsor Brief



# SAN FRANCISCO PLANNING DEPARTMENT

*Subject to: (Select only if applicable)*

☐ Affordable Housing (Sec. 415)

☐ Jobs Housing Linkage Program (Sec. 413)

☐ Downtown Park Fee (Sec. 412)

☐ First Source Hiring (Admin. Code)

☒ Child Care Requirement (Sec. 414)

☐ Other

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## Planning Commission Draft Motion

*Record No.:* **2019-014314CUA**  
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*Zoning:* RH-1 (Residential- House, One Family District)  
40-X Height and Bulk District  
*Block/Lot:* 2799/042  
*Applicant:* Yakuh Askew  
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777 Florida Street 94110  
*Staff Contact:* Jeff Horn – (415) 575-6925  
[Jeffrey.Horn@sfgov.org](mailto:Jeffrey.Horn@sfgov.org)

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 317 REQUIRING CONDITIONAL USE AUTHORIZATION FOR THE LEGALIZATION OF THE DEMOLITION OF AN EXISTING SINGLE FAMILY RESIDENCE AND THE CONSTRUCTION OF A NEW SINGLE-FAMILY DWELLING AND AN ACCESSORY DWELLING UNIT AT 49 HOPKINS AVENUE WITHIN AN RH-1(D) (RESIDENTIAL-HOUSE, ONE FAMILY-DETACHED) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On April 26, 2018, Yakuh Askew (Project Sponsor) filed an application with the Planning Department (hereinafter "Department") for a Conditional Use Authorization under Planning Code Sections 303 and 317 to legalize the demolition of an 1,312 square foot, two-story single-family home, a 240 square foot attached garage and 1,580 square foot, steel and glass enclosed pool/sunroom and to permit a new 3,960 gross square foot, three-story single-family home, within an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.

Previously, on July 25, 2014, the Project Sponsor submitted Building Permit Application No. 2014.0725.2157 for an alteration and vertical addition to the existing single-family structure. The original project application proposed a 3<sup>rd</sup> story addition and the removal of the 1,580 square foot pool enclosure to be replaced with a 3-story horizontal addition to create a 3,915 gross square foot single-family home. Per the Site Permit, approved by the Planning Department on August 10, 2015, the project proposed to retain substantial portions of existing eastern and western exterior side walls at the 1<sup>st</sup> and 2<sup>nd</sup> floors, to retain the

exterior walls of the 1<sup>st</sup> and 2<sup>nd</sup> floors of the non-complying front portion of the structure, and to retain the foundation and 2<sup>nd</sup> floor's floor framing.

On February 2, 2015, the proposed alteration and addition was determined by the Department to be categorically exempt from environmental review under Case No. 2014.1567E, which included a determination on the Preservation status of the structure. The Department concluded that the structure was not a historic resource due to numerous alterations to the original structure over the years. The Department sent out Section 311 public notification for the proposed alteration and addition to the existing structure in July 2015, which closed in August 2015, and no Discretionary Review requests were received at that time. The Department of Building Inspection issued the Structural Addenda plans for the alteration and addition on June 22, 2017.

In response to public complaints concerning alleged illegal demolition, in September 2017, the Department of Building Inspection opened a Complaint for a suspected demolition without permits. The Department opened an Enforcement Case in November 2017 for unpermitted demolition of a residential unit and for work beyond the scope of the original permit. Currently, the only feature that remains on site is a portion of the garage.

On December 6, 2018, the San Francisco Planning Commission (hereinafter "Commission") continued the application without a hearing to December 13, 2018. On December 13, 2018 the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2017-016050CUA. The project, as submitted by the Project Sponsor, proposed to legalize existing work that included unpermitted demolition in excess of the original permit and to demolish all remaining portions of the existing structure and to construct a new 3,960 gross square foot, three-story single-family home. The Department recommended approval of the project, but with the modification of removing the proposed third floor. The Commission discussed the historic nature of the original structure as designed by Architect Richard Neutra, the unlawful demolition of the previously-existing structure, and the Commission made a Motion to Approve the Project, on condition that the replacement structure would be constructed to the original structure's footprint and massing, implementing the original construction methods and materials (hereinafter "Project").

On February 14, 2019, the Sponsor filed two lawsuits challenging, among other things, the Planning Commission's decision on December 13, 2018 to approve the conditional use permit application 2019-014314CUA subject to modifications and conditions.

After meetings with Planning Department staff about possible revisions to the project approved by the Commission, on July 23, 2019, Yaku Askew (Project Sponsor) filed a different application with the Planning Department (hereinafter "Department") for a Conditional Use Authorization under Planning Code Sections 303 and 317 to legalize the demolition of a 1,312 square foot, two-story single-family home, a 240 square foot attached garage and 1,580 square foot, steel and glass enclosed pool/sunroom and the new construction of a three-story, 31-foot tall, 4,180 square foot structure with a 2,625 foot single-family residence, a 1,200 square foot accessory dwelling unit and a 355 square foot one-car garage with two Class 1 bicycle parking spaces (hereinafter "Project"), within an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.

On August 13, 2019, the Project was determined by the Department to be categorically exempt from environmental review as a Class 3 categorical exemption.

On August 22, 2019, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2019-014314CUA.

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

**MOVED**, that the Commission hereby authorizes the Conditional Use requested in Application No. 2019-014314CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## **FINDINGS**

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The property at 49 Hopkins Avenue is located at the southeast corner of the intersection with Burnett Avenue within the Twin Peaks neighborhood. The subject property is 100 feet in depth and slopes laterally downward to the east along the Hopkins Avenue frontage. The subject property is currently developed with a portion of a garage, the sole remaining elements of a previously demolished two-story single-family dwelling of 1,312 square feet. The site originally contained a smaller structure built in 1936 (a total size of 927 square feet per the City Assessor's Report), with subsequent additions, including a 240 square foot attached garage circa 1950/60 and 1,580 square foot, steel and glass enclosed pool/sunroom to the rear of the home constructed in 1995. The single family dwelling no longer exists on the site. The parcel totals approximately 3,092 square feet in size and is in an RH-1 (Residential-House, One Family) Zoning District and a 40-X Height and Bulk District.
3. **Surrounding Properties and Neighborhood.** The use and size of the proposed Project is compatible with the immediate neighborhood. The site is in the RH-1 Zoning District, which permits the development of single dwelling units on the lot. The site is adjacent to properties with RH-2 and RM-1 zoning designations. The neighborhood is developed with a mix of one- and two-family houses that are two- to three-stories in height and larger multi-family structures that are three- to four-stories in height. The architecture is varied mixed-character along Hopkins and Burnett Avenues.
4. **Project Description** The Project seeks to legalize the demolition of the two-story single-family home, a 240 square foot attached garage and 1,580 square foot, steel and glass enclosed

pool/sunroom and to permit the new construction of a three-story, 31-foot tall, 4,180 square foot structure with a 2,625 foot single-family residence, a 1,200 square foot accessory dwelling unit and a 355 square foot one-car garage with 2 Class 1 bicycle parking spaces within a Residential House – One Family (RH-1) Zoning District and a 40-X Height and Bulk District.

5. **Public Comment/Community Outreach.** As of August 15, 2019, the Department received six letters in opposition to the project and none in support. The opposition to the Project is centered on support of the Commission's original decision on the project, the loss of the original structure through unlawful demolition, and the size and lack of neighborhood compatibility and affordability of the current proposal.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

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

*The initial building alteration project reviewed by the Department, Building Permit Application No. 2014.0725.2157, was not subject to Conditional Use Authorization because the scope of work presented to the Department did not propose the removal of the existing structure that exceeded the thresholds established in Sections 317(b)(2)(B) and 317(b)(2)(C).*

*The property is located within an RH-1(D) Zoning District, as such, per Planning Code Section 317(d)(3), the project was eligible to be exempt from Conditional Use authorization requirement if the home could be proven to be demonstrably not affordable or financially accessible or if the structure was found to be structurally unsound. At the time of the review in 2015, the project, on file as Building Permit Application No. 2014.0725.215,7 did not seek an exemption from the Conditional Use authorization requirement.*

*During construction, almost the entire structure was unlawfully demolished, without such approval through a Conditional Use Authorization or an Administrative Review of Dwelling Unit Demolition, and therefore the project was required to seek Conditional Use Authorization to legalize the work that was performed in the field and bring the project to consistency with the provisions of Planning Code Section 317.*

*As the Project requires Conditional Use Authorization per the requirements of Section 317, the additional criteria specified under Section 317 for residential demolition and merger have been incorporated as findings a part of this Motion. See Item 7, "Additional Findings pursuant to Section 317," below.*

- B. **Rear Yard Requirement.** Planning Code Section 134 requires, in RH-1 Districts, a rear yard measuring 25 percent of the total depth.

*The Project proposes an 25 foot rear yard for the replacement structure on the 100-foot deep lot. The rear yard is equal to 25 percent of the lot depth.*

- C. **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-1 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 35-foot height limit is reached.

*The Project proposes a total height of 31 feet measured from Hopkins Avenue. The height at the front of the building is 19 feet.*

- D. **Open Space.** Planning Code Section 135 requires the project to provide 125 square feet of useable open space per unit if privately accessible (including minimum dimensions), and 166 square feet of useable open space per unit if commonly accessible (including minimum dimensions).

*The project provides a rear yard equal to the required 25% for the accessory dwelling unit, and the single family residence has access to usable open space via a roof decks and a 3<sup>rd</sup> floor deck at the structure's front.*

- E. **Parking.** Planning Code Section 151 requires one parking space for each dwelling unit.

*The Project proposes a new garage with a parking space for the existing dwelling unit.*

- F. **Bicycle Parking.** Planning Code Section 155.2 requires at least one Class 1 bicycle parking space for each dwelling unit and one Class 2 bicycle parking space for every 20 dwelling units.

*The project provides space for two (2) Class 1 bicycle parking space.*

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. 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 immediate neighborhood. The site is in the RH-1 Zoning District, which permits the development of single-family dwelling units on the lot. The site is adjacent to properties with RH-1, RH-2 and RM-1 zoning designations. The neighborhood is developed with a mix of one- and two-family houses that are two- to three-stories in height and larger multi-family structures that are three- to four-stories in height.*



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

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

*The Project is designed to be compatible with the surrounding neighborhood; the replacement building is in similar in massing to the structures on the block. The Project results in a building size, shape, and height that is appropriate for the neighborhood context.*

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

*Planning Code requires no off-street parking space per dwelling unit. The Project proposes a garage with a parking space for one dwelling unit.*

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

*The Project is residential in nature, which is a use that typically is not considered to have the potential to produce noxious or offensive emissions.*

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

*The Project proposes landscape in the front setback and generally maintains the existing configuration of open space on the site. The driveway and garage door has been minimized in width and are visually subordinate to the pedestrian entries to the residences.*

- 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 substantially complies with relevant requirements and standards of the Planning Code as detailed above and is consistent with objectives and policies of the General Plan as detailed below.*

*While the Commission intends to discourage property owners from unlawfully demolishing sound housing, the proposed project promotes the objectives and policies of the General Plan in that ptoject provides an increases number of bedrooms, suitable for a family, and an Accessory Dwelling Unit with two bedrooms, within a structure that is sensitively designed and compatible with the size and massing of the neighborhood.*

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable RH-1 District.

*The project will establish the front setback, which was previously occupied with an off-street surface parking spot and a then-existing non-complying structure, e.g., the CMU wall in the northeast corner of the Property. The design proposes to remove an existing off-street surface parking spot in the front setback to be replaced with landscaping, which is encouraged by the Residential Design Guidelines. Thus, the extent of non-compliance of the building's front setback will be eliminated by the Project.*

8. **Additional Findings pursuant to Section 317** establishes criteria for the Planning Commission to consider when reviewing applications to demolish residential buildings and to merge dwelling units.

- a. **Residential Demolition Criteria.** On balance, the Project complies with said criteria in that:

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

*There has been a history of serious and continuing Code violations at the Property since the issuance of Building Permit Application No. 201407252157 on September 4, 2015. On April 13, 2017, a complaint that the Property was vacant was received (Complaint No. 201773871). Within a week, on April 17, 2017 DBI inspector Gunnell determined that the Property was not deemed vacant and that complaint was abated because the property does not need to comply with Vacant Building Ordinance 194-09 (Complaint No. 201812591). Subsequently in 2017, three complaints were made pertaining to alterations of the then-existing home in September (Complaint No. 201704781), October (Complaint No. 201709144), and December (Complaint No. 201727091).*

*On September 8, 2017, a complaint was submitted to DBI stating that "They are tearing down/rebuilding the entire top floor of the structure and it appears they're doing it without a permit." In response, on September 13, 2017, DBI abated the complaint, determine in their opinion that activities were within the scope of the approved permit and that "work being performed under pa 20140725157."*

*On October 2, 2017, a complaint was submitted about work beyond the scope of the permit 2014.07.25.2157. DBI met with the Owner, Contractor and Architect on October 11, 2017, and at this meeting Senior Building Inspector Joe Duffy, upon review of the project site and the construction activities, directed the Sponsors to submit a new set of drawings that portray the full extent of the demolition that had occurred to the Planning Department for review. This complaint has progressed through DBI's enforcement process and the property was issued an Order of Abatement on February 14, 2018, this order remains outstanding.*

*Long prior to the current owner's purchase of the Property in January 2018, in 2001 and 2002, the Property received two complaints. In 2001, Complaint No. 200123724 was issued for work without a permit. That complaint was abated by the DBI shortly after a notice of violation was sent. In 2002, Complaint No. 200234013 was issued for construction work before permit issued.*

*The day after receiving that complaint, a DBI inspector conducted a site visit and determined "no violation, no work on filed permit."*

*It is not possible to determine whether the Planning Commission would have approved demolition in the first instance if the property owner had needed and sought the required demolition permit before conducting demolition work.*

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

*The structure appeared to have been in decent condition, with no deficiencies documented prior to the unlawful demolition.*

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

*The subject property originally contained a single family home designed by master architect Richard Neutra for Lewis Largent and his wife. Neutra's influence in the Modern architectural movement is undisputed. Although it appears the subject property was the first house in San Francisco designed by Neutra, it did not receive the media attention of some other better known works by him in the City. In his seminal book on Neutra titled, Richard Neutra and the Search for Modern Architecture, architectural historian Thomas Hines states, "the clapboarded Largent house of 1935 was designed to fit a long narrow corner hillside lot on Twin Peaks, and combined older memories of clapboarded, vertically attenuated Victorian San Francisco with typically Neutra fenestration and detailing."*

*The subject property had been altered significantly prior to 2015 so that it is impossible to know the original design intention of Neutra. If the Largent house was a competent execution by Neutra and retained integrity, it could be significant as his first commission in San Francisco. Furthermore, although it may have been significant as Neutra's first commission in San Francisco, the Largent house no longer retained integrity to convey that significance at the time of original application in 2015. Planning staff performed a site visit to determine the extent of alterations on the exterior and interior of 49 Hopkins on January 29, 2015. Due to the substantial additions to the rear and primary elevations, as well as removal of most original exterior and interior building fabric, the subject property no longer read as an International Style house designed by Neutra. Alterations and additions have compromised the integrity of the Largent house's workmanship, design, materials, feeling, and association, although it retains integrity of setting and location.*

*Although the structure is more than 50 years old based on the original construction date, a review of the supplemental information resulted in a determination that the property is not a historical resource, due to substantial alterations made to the property throughout the building's history. Under CEQA, a historic resource evaluation, dated February 5, 2015, determined "No Historic Resource Present." (See Case No. 2014.1567E)*

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

*The Property was determined not to be a "Historical Resource" under CEQA. A historic resource evaluation, dated February 5, 2015, determined "No Historic Resource Present" due to alterations over the years. (See Case No. 2014.1567E).*

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

*There was an occupant of the Property, staying there with permission from the prior owner while the Property was being prepared for development and listed for sale. Shortly after Project Sponsor's taking possession of the Property, the occupant voluntarily vacated the Property, as part of an agreement with the Project Sponsor, dated May 2, 2017, which agreement is on file with the Planning Department.*

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

*The single family home was not deed-restricted, tax-credit funded affordable housing. Although Planning Staff does not have the authority to make a determination on the rent control status of a property, it is to be assumed that the unit that was demolished was not subject to the Residential Rent Stabilization and Arbitration Ordinance.*

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

*The Project will construct a family-sized residence, 4-bedroom, 2-story single-family residence with a 2-bedroom ADU that is smaller in livable square footage and height and with increased setbacks compared to the 4-bedroom, 3-story home that was previously approved in the 2014 plans, replacing the 1-bedroom single-family home. The construction of a single-family home with more bedrooms and better suited for a family will preserve the neighborhood character, which is in a RH-1 zoning district, while creating new family housing at the site. The RH-1 zoning district is characterized by single-family homes.*

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

*The project would be consistent with the density and development pattern as it would provide a two family-sized units on a single lot in a neighborhood that is a mix of one- and two-family building.*

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

*The project does not protect the relative affordability of existing housing, as the project proposes demolition of the existing building, which is generally considered more affordable, and construction of new single family buildings. However, the project will increase the density on*

*site as demolished unit will be replaced with a family sized unit and a two-bedroom Accessory Dwelling Unit.*

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

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

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

*The Twin Peaks neighborhood is an established residential neighborhood. The Project has been designed to be in keeping with the scale and development pattern of the established neighborhood character.*

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

*The Project increases the number of family-sized homes. The Project will result in the construction of a 4-bedroom, family-sized, single-family residence and a two-bedroom accessory dwelling unit.*

- xiii. Whether the Project creates new supportive housing;

*The Project does not create supportive housing.*

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

*The overall scale, design, and materials of the proposed buildings are consistent with the block-face on Hopkins Avenue, respectively, and compliment the neighborhood character with a contextual design.*

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

*The Project will provide one dwelling, which is the maximum density in the RH-1 District, and an accessory dwelling unit.*

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

*The structure proposes six bedrooms in total, a single family residence with four bedrooms and a two-bedroom accessory dwelling unit, an net increase of five bedrooms.*

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

*The Project site is zoned RH-1, where one home is principally permitted on each lot. The Project will be consistent with this density limit. An accessory dwelling unit is allowed per Planning Code Section 207(c)(4).*

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

*The unlawfully demolished building being replaced was not subject to the Residential Rent Stabilization and Arbitration Ordinance because it was a single-family residence, constructed in 1935/36.*

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

## **HOUSING ELEMENT**

### **OBJECTIVE 11**

#### **SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOOD.**

##### **Policy 11.1:**

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

##### **Policy 11.2**

Ensure implementation of accepted design standards in project approvals.

##### **Policy 11.3**

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

*The proposed replacement building conforms to the Residential Design Guidelines and, while contemporary architecture, is appropriate in terms of scale, proportions and massing for the surrounding neighborhood.*

##### **Policy 11.4:**

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

##### **Policy 11.5**

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

*The existing building (prior to unlawful demolition) appeared to be structurally sound. The proposed replacement building provides a family-sized single family home with an ADU within a District with a maximum allowed density of one home per lot.*

## **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 1.1:**

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

#### **Policy 1.3:**

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

*The proposed replacement building reflects the existing mixed architectural character and development pattern of the neighborhood, particularly by proposing a construction that respects the two- to three- story heights on the block face.*

### **OBJECTIVE 2:**

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

#### **Policy 2.6:**

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

*The replacement building has been designed to be compatible with the neighborhood's mixed massing, width and height.*

### **OBJECTIVE 3:**

**MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLIMENT THE CITY PATTERN, THE RESOURCES TO BE PRESERVED, AND THE NEIGHBORHOOD ENVIRONMENT.**

#### **Policy 3.1:**

Promote harmony in the visual relationships and transitions between new and older buildings.

#### **Policy 3.3:**

Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.

**Policy 3.5:**

Relate the height of building to important attributes of the city pattern and to the height and character of existing development.

**Policy 3.6:**

Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

**Policy 4.4:**

Design walkways and parking facilities to minimize danger to pedestrians.

**Policy 4.12:**

Install, promote and maintain landscaping in public and private areas.

*The Project is in line with the scale, form, and proportion of older development in and around the Project site. The existing neighborhood is composed of single-family homes and multi-family dwellings terraced upon a hill in the Twin Peaks neighborhood. The removed surface parking spot will be replaced with landscaping in the front setback.*

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.

*Existing neighborhood-serving retail uses would not be displaced or otherwise adversely affected by the proposal, as the existing buildings do not contain commercial uses/spaces. Ownership of neighborhood-serving retail businesses would not be affected by the Project, and the Project maintains the existing number of dwelling units on the site, which will preserve the customer base for local retail businesses.*

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

*The Project would result in a new home more appropriate for a family than the prior 1-bedroom structure. The neighborhood character would be protected and enhanced by the creation of a continuous street wall. In addition, a continuous front yard setback fronting Hopkins Avenue will result in a safer pedestrian experience, compared to the previously-existing non-complying structure and off-street surface parking spot that encroached into the front yard setback.*

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

*The Conditional Use Authorization will not remove any existing affordable housing. It will have an incremental downward impact on housing costs by providing a family-sized home to meet existing demand.*



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

*The Project would not impede MUNI transit service or significantly affect automobile traffic congestion or create parking problems in the neighborhood. The modified project would provide one vehicle and one bicycle parking spaces, consistent with the parking standards for the RH-1 Zoning District.*

- 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 Site is located in an RH-1 District and is a residential development; 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 meet or exceed all current structural and seismic requirements under the San Francisco Building Code, and thus protect against injury or loss of life in an earthquake.*

- G. That landmarks and historic buildings be preserved.

*The Project Site does not contain Landmark or historic buildings.*

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

*The Project will not negatively impact any existing parks and open spaces because the proposed structure does not exceed the 35-foot height limit per the RH-1 Zoning District. The Project is not subject to the requirements of Planning Code Section 295 – Height Restrictions on Structures Shadowing Property under the Jurisdiction of the Recreation and Park Commission. The Project would not adversely affect impact any existing parks and open spaces, nor their access to sunlight and vistas.*

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 as modified would promote the health, safety and welfare of the City.

**DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2019-014314CUA** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 17820. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94012.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on August 22, 2019.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED:

## **EXHIBIT A**

### **AUTHORIZATION**

This authorization is for a conditional use to legalize the demolition of a 3,280 square foot single-family residence, and the new construction of a three-story, 31-foot tall, 4,180 square foot structure with a 2,625 foot single-family residence and a 1,200 square foot accessory dwelling located at 49 Hopkins Avenue, Block 2799 and Lot 042, pursuant to Planning Code Sections 303 and 317 within the RH-1 (Residential-House, One Family) District and a 40-X Height and Bulk District; in general conformance with plans, dated August 22, 2019, and stamped "EXHIBIT B" included in the docket for Case No. 2019-014314CUA and subject to conditions of approval reviewed and approved by the Commission on August 22, 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 22, 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

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

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

7. **Bicycle Parking.** The Project shall provide no fewer than **one** Class 1 bicycle parking spaces as required by Planning Code Section 155.

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

## PROVISIONS

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

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

## MONITORING

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

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

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

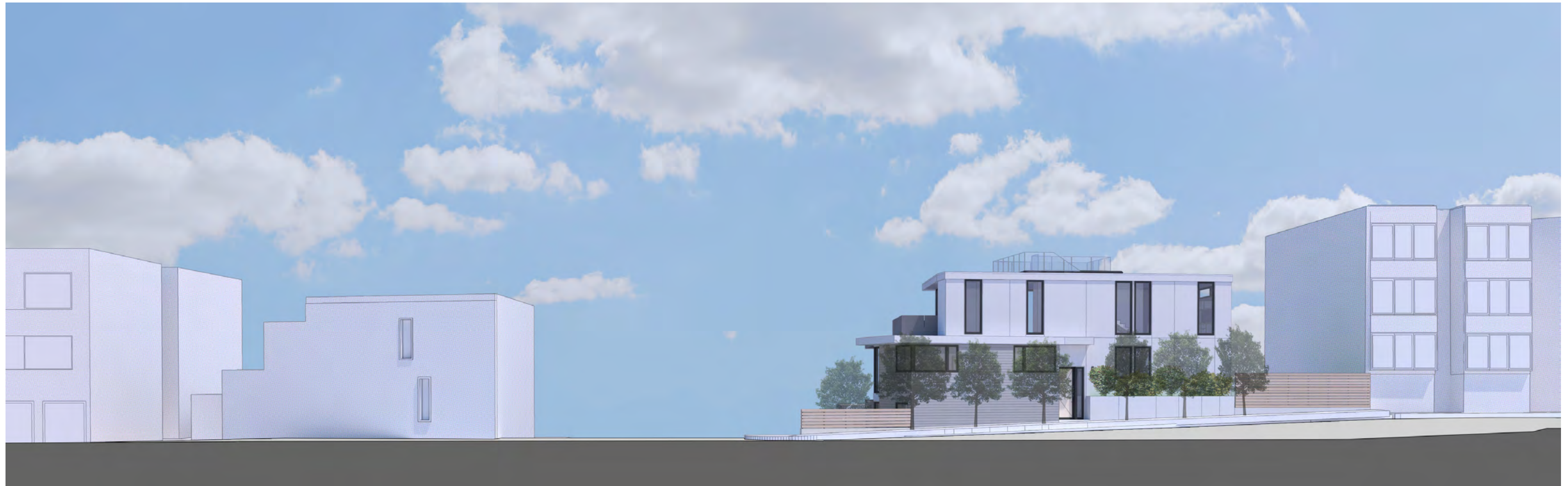
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## OPERATION

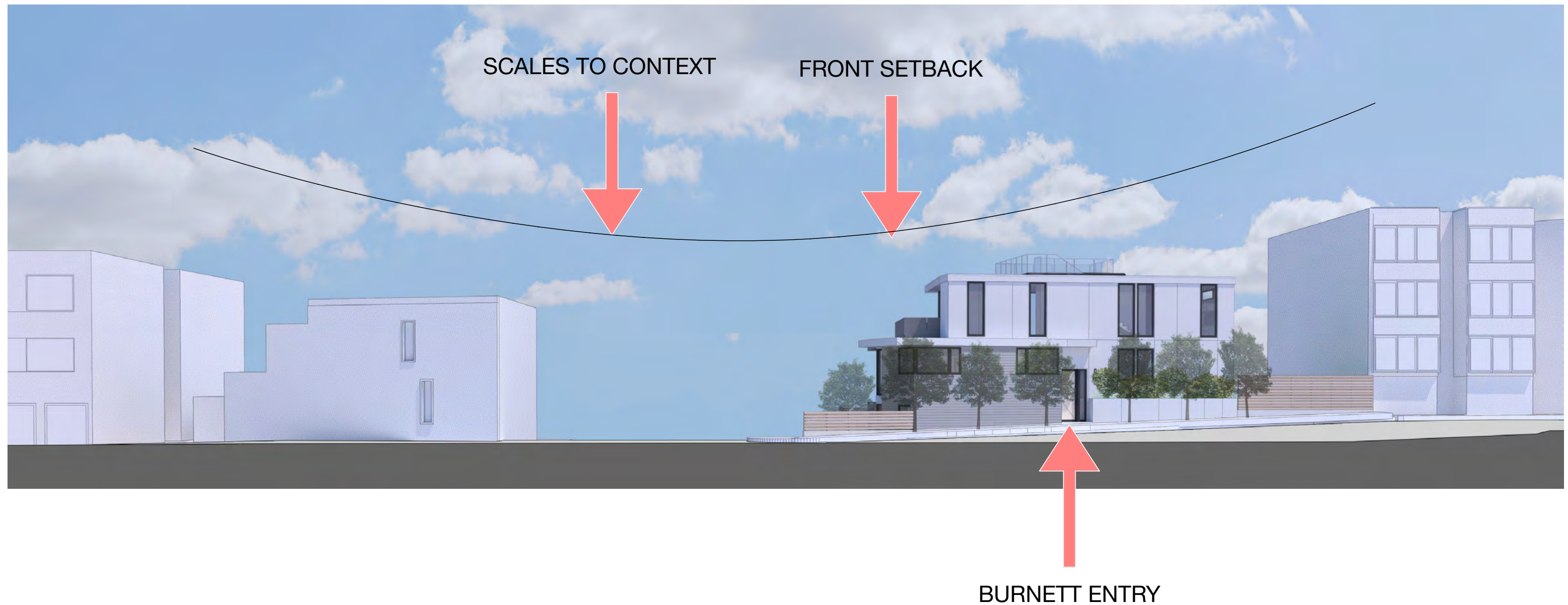
11. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. *For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org/>*
12. **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 architectural addenda. 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).*



## 49 HOPKINS CONTEXT VIEW



## 49 HOPKINS CONTEXT VIEW - DIAGRAM



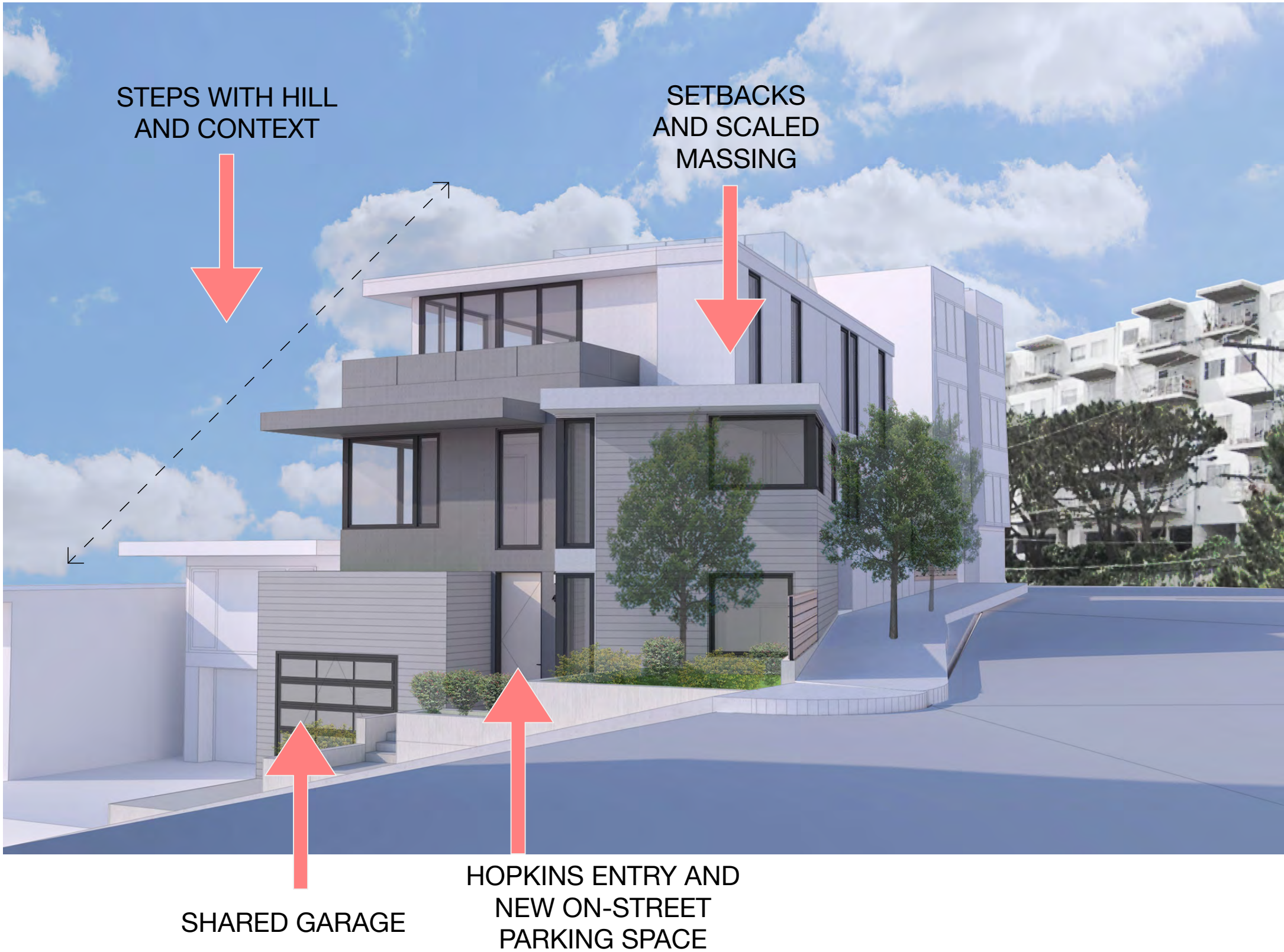


## HOPKINS ENTRY VIEW





HOPKINS ENTRY VIEW - DIAGRAM





## BURNETT ENTRY VIEW

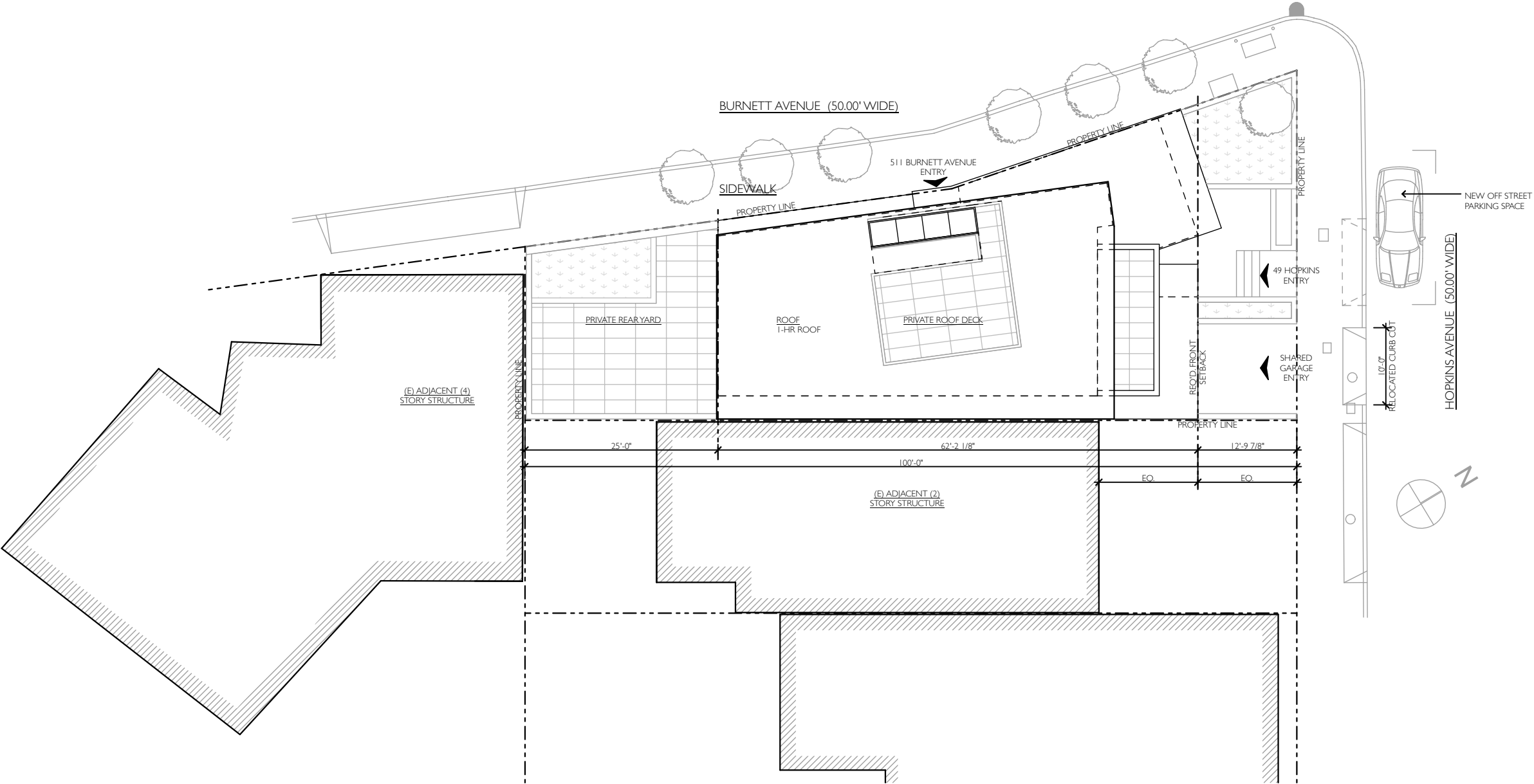




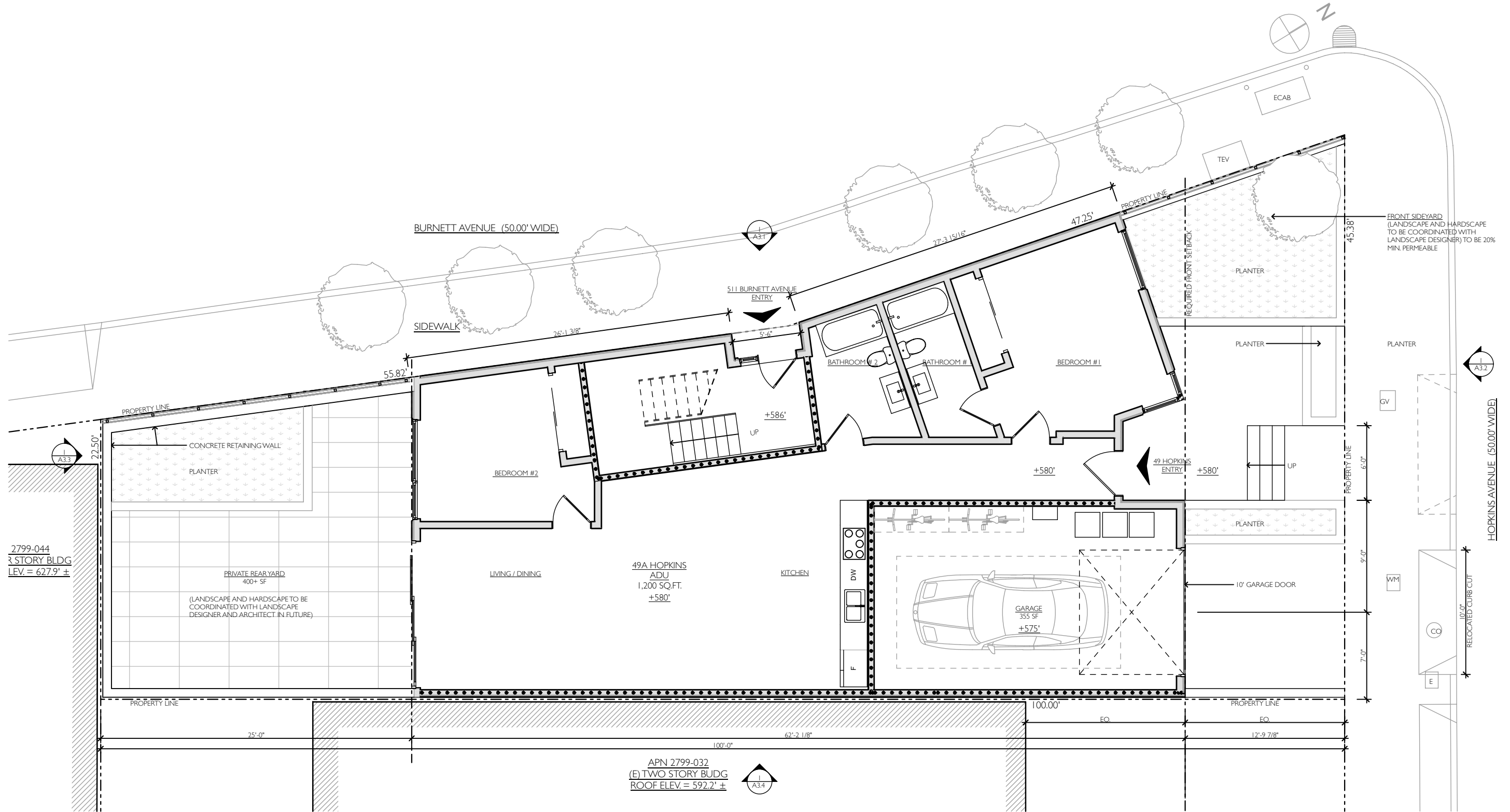
## BURNETT ENTRY VIEW - DIAGRAM



PROPOSED SITE PLAN

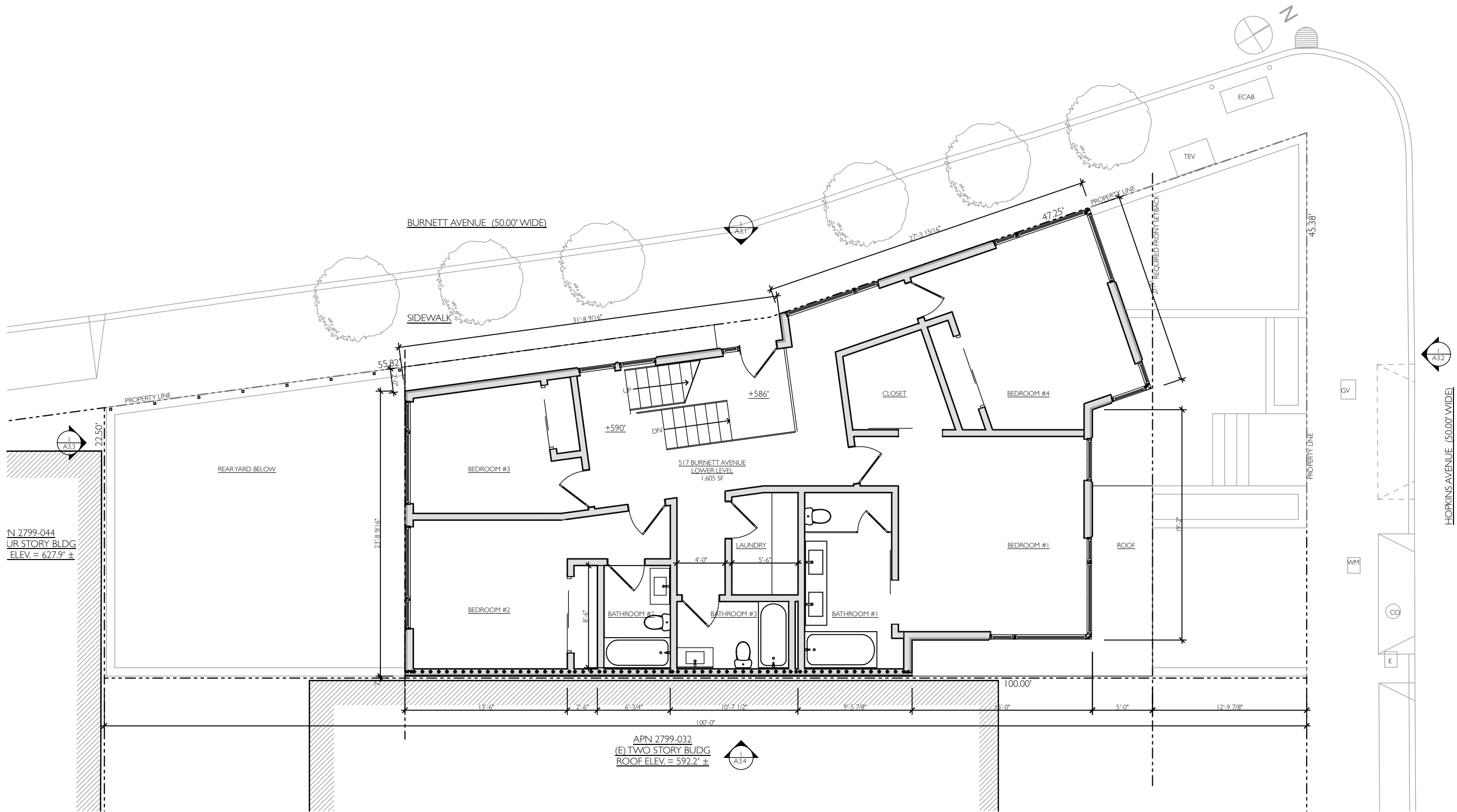


# FIRST FLOOR PLAN

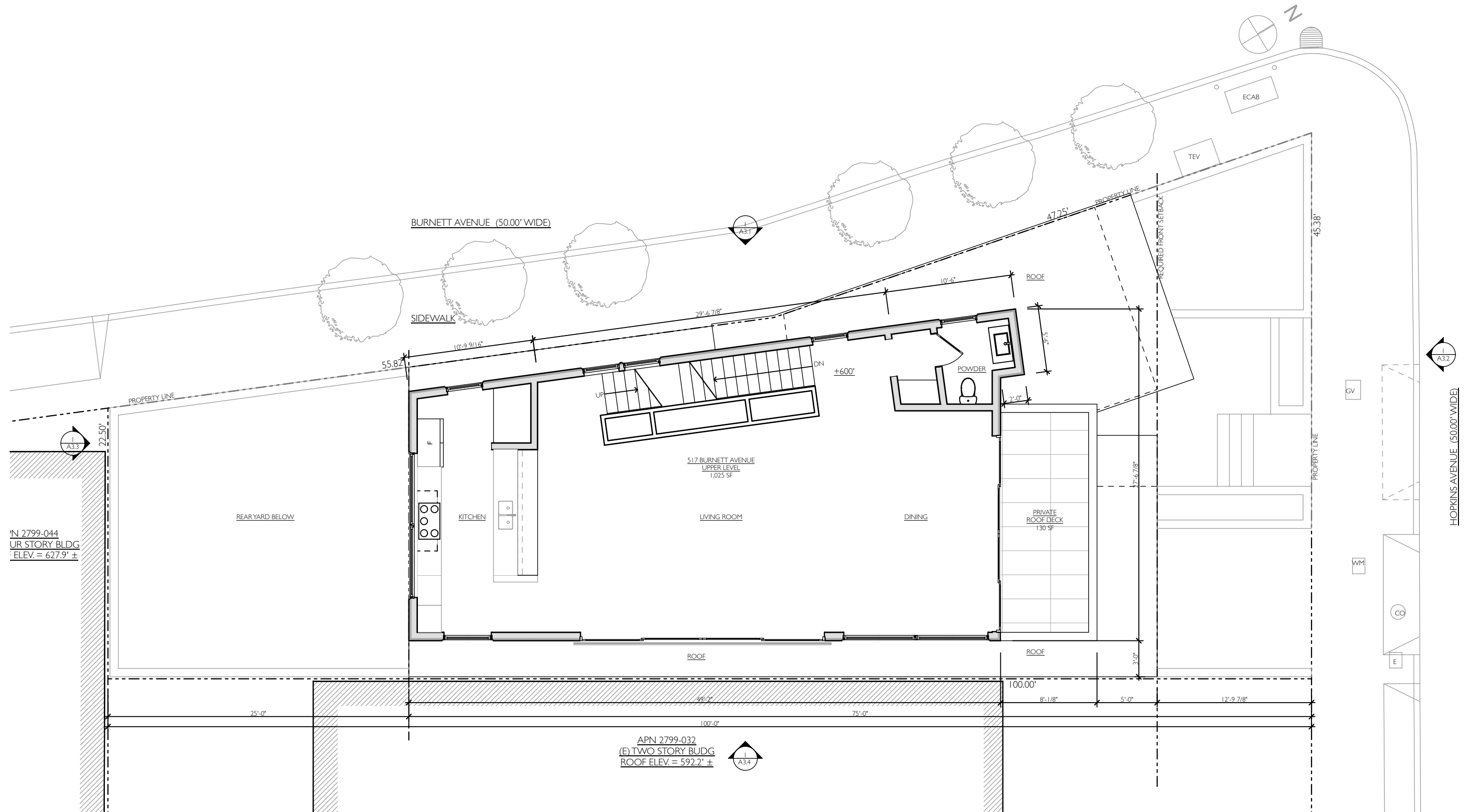




SECOND FLOOR PLAN

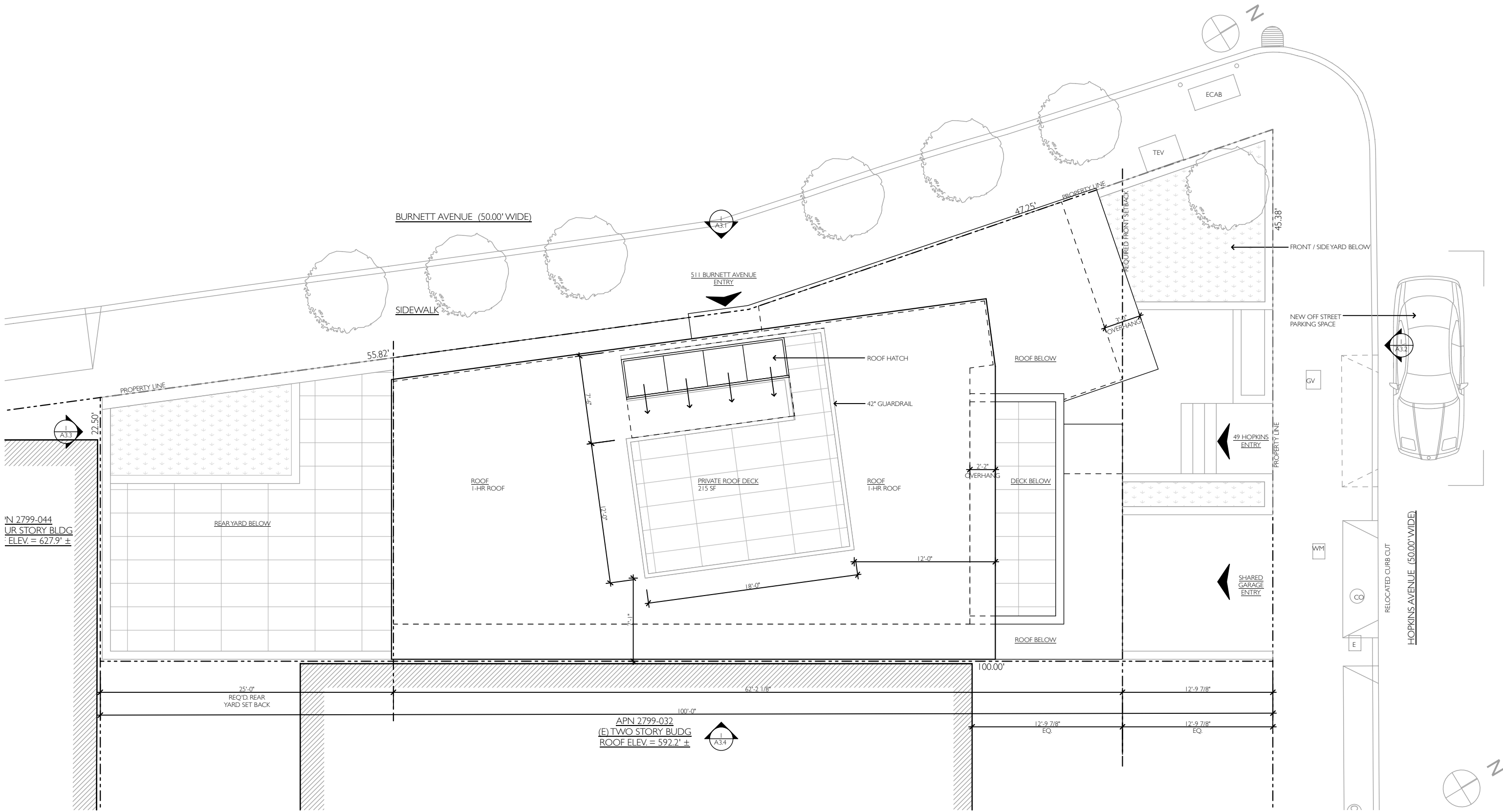


## THIRD FLOOR PLAN



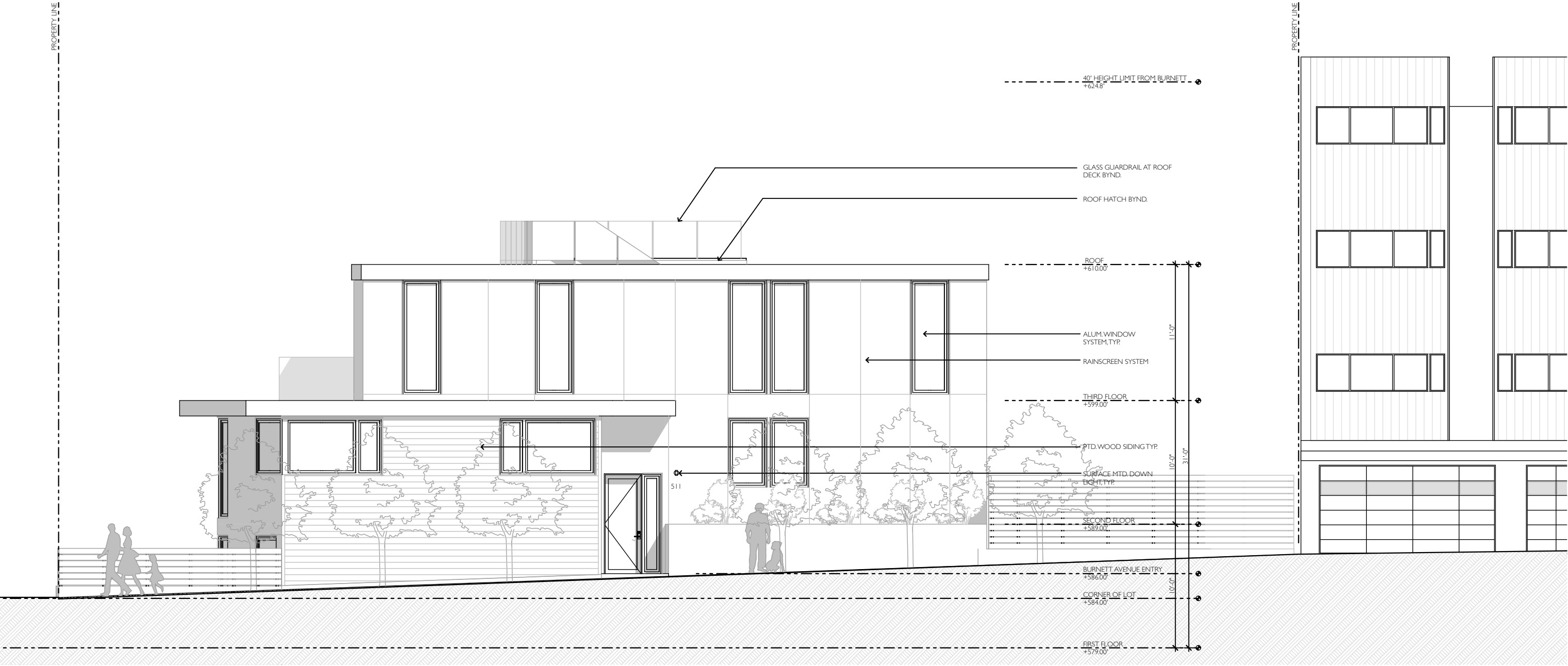


ROOF PLAN

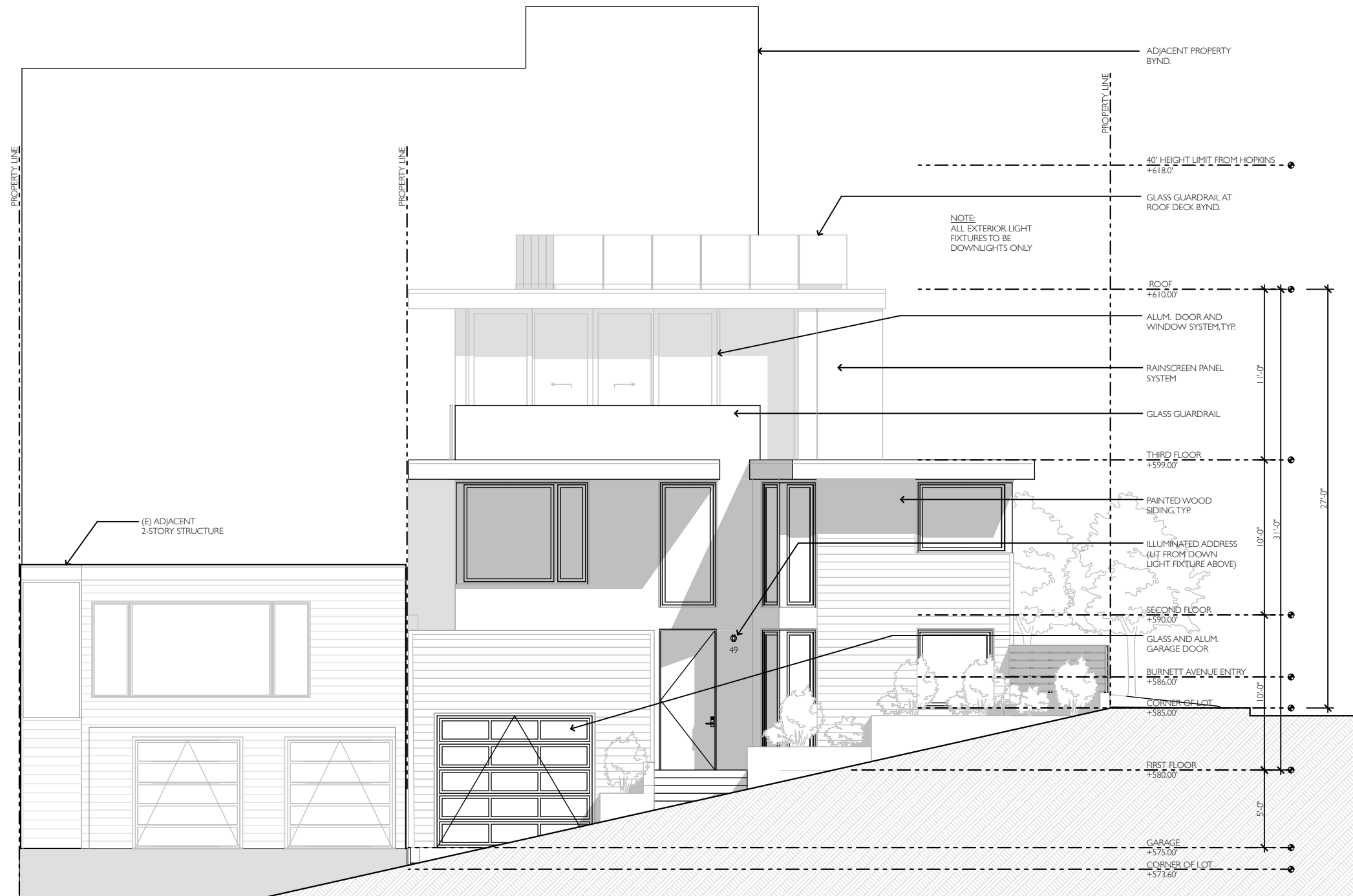


APN 2799-032  
(E) TWO STORY BUDG  
ROOF ELEV. = 592.2' ±

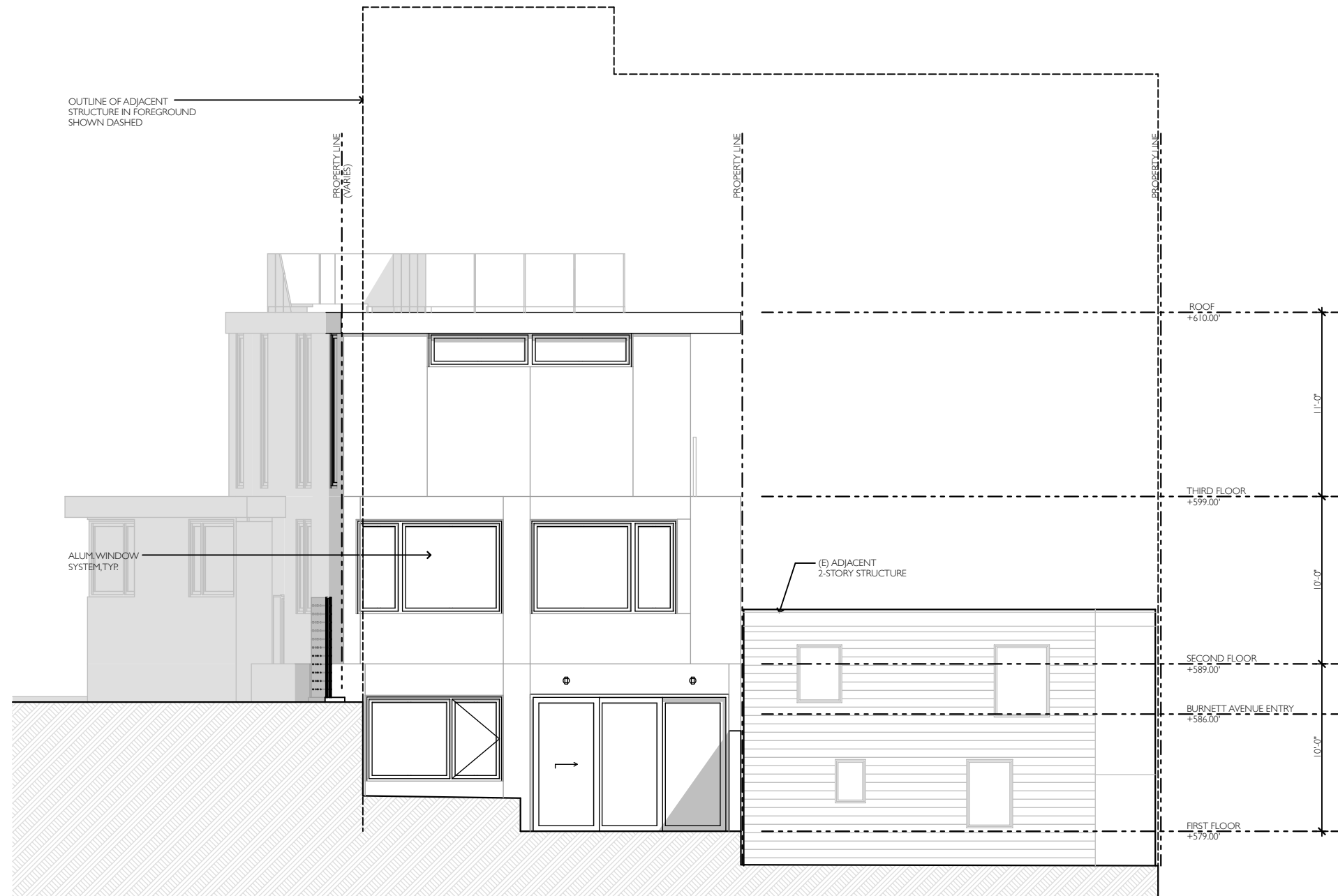
PROPOSED WEST ELEVATION



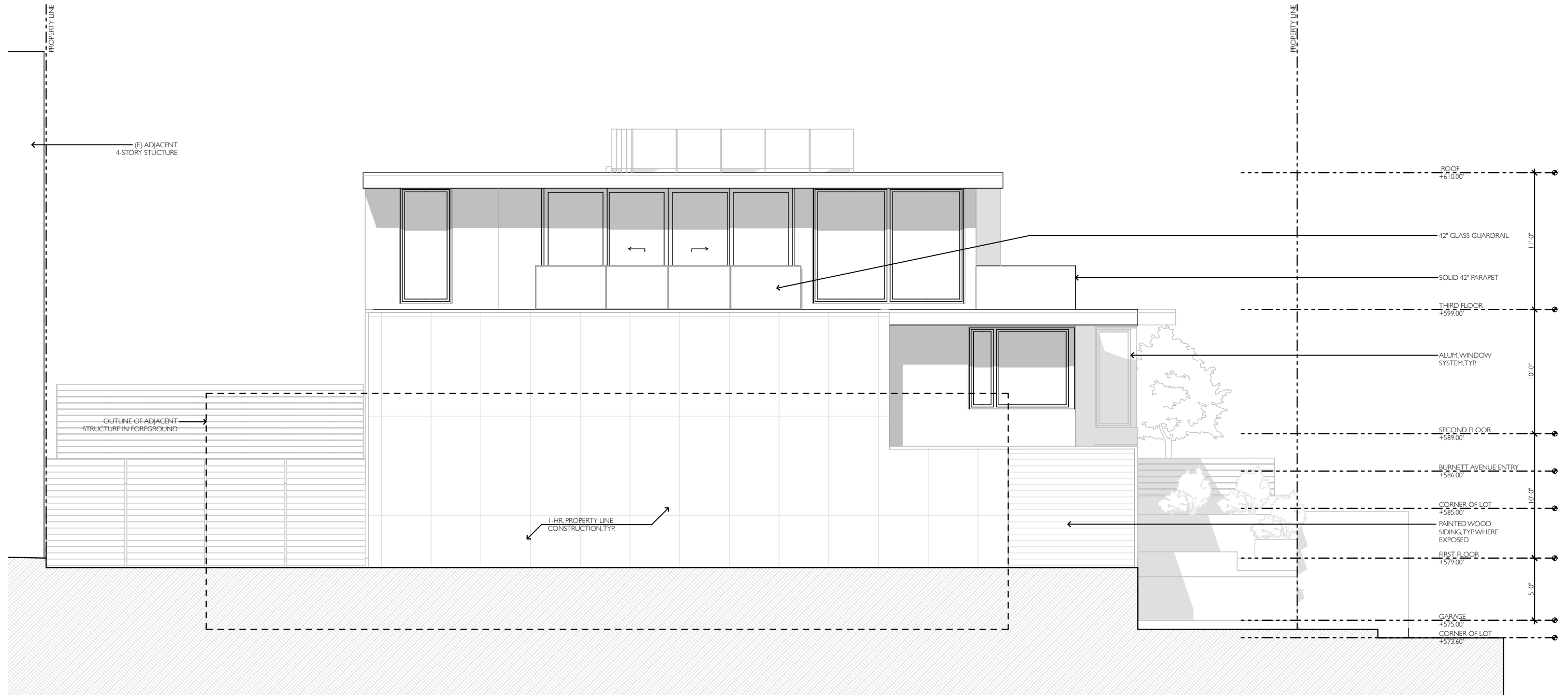
# PROPOSED NORTH ELEVATION



# PROPOSED SOUTH ELEVATION



# PROPOSED EAST ELEVATION





# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

<b>Project Address</b>		<b>Block/Lot(s)</b>
49 HOPKINS AVE		2799042
<b>Case No.</b>		<b>Permit No.</b>
2019-014314PRJ		201712075791
<input type="checkbox"/> <b>Addition/ Alteration</b>	<input checked="" type="checkbox"/> <b>Demolition (requires HRE for Category B Building)</b>	<input checked="" type="checkbox"/> <b>New Construction</b>
<b>Project description for Planning Department approval.</b> New construction of a single-family residence and ADU to replace the previously demolished 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 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> Jeffrey Horn	

**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 type="checkbox"/>	10. <b>Reclassification of property status.</b> (Requires approval by Senior Preservation Planner/Preservation <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category A            a. Per HRER or PTR dated            b. Other (specify):         </div> <div style="width: 45%;"> <input 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"/>	<b>Project can proceed with categorical exemption review.</b> The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. <b>GO TO STEP 6.</b>
<b>Comments (optional):</b>	
<b>Preservation Planner Signature:</b>	

**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.</b> <b>There are no unusual circumstances that would result in a reasonable possibility of a significant effect.</b>	
	<b>Project Approval Action:</b> Planning Commission Hearing	<b>Signature:</b> Jeffrey Horn
	If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	08/13/2019
	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)
49 HOPKINS AVE		2799/042
Case No.	Previous Building Permit No.	New Building Permit No.
2019-014314PRJ	201712075791	
Plans Dated	Previous Approval Action	New Approval Action
	Planning Commission Hearing	
Modified Project Description:		

### DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

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

### DETERMINATION OF NO SUBSTANTIAL MODIFICATION

<input type="checkbox"/>	The proposed modification would not result in any of the above changes.
If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. 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: 49 HOPKINS AVENUE  
RECORD NO.: 2019-014314CUA

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	240	355	115
Residential GSF	3,132	3830	698
Retail/Commercial GSF			
Office GSF			
Industrial/PDR GSF <i>Production, Distribution, &amp; Repair</i>			
Medical GSF			
Visitor GSF			
CIE GSF			
Usable Open Space	556	849	293
Public Open Space			
Other ( )			
<b>TOTAL GSF</b>	<b>3372</b>	<b>4185</b>	<b>813</b>
	EXISTING	NET NEW	TOTALS
<b>PROJECT FEATURES (Units or Amounts)</b>			
Dwelling Units - Affordable			
Dwelling Units - Market Rate			
Dwelling Units - Total	1	1 (ADU)	2
Hotel Rooms			
Number of Buildings			
Number of Stories	2	1	3
Parking Spaces	1	0	1
Loading Spaces			
Bicycle Spaces	0	2	2
Car Share Spaces			
Other ( )			

	EXISTING	PROPOSED	NET NEW
<b>LAND USE - RESIDENTIAL</b>			
Studio Units			
One Bedroom Units	1	0	-1
Two Bedroom Units			
Three Bedroom (or +) Units	0	1 (4 BR)	1
Group Housing - Rooms			
Group Housing - Beds			
SRO Units			
Micro Units			
Accessory Dwelling Units	0	1 (2 BR)	1

# Parcel Map

2799

## LOTS MERGED

LOT 5 INTO LOT 22 - 1940  
1 40/52 1981

77 for 2000 roll  
3/58 for 2000 roll  
& 82 for 200 roll  
0 for 2001 roll  
85 for 2008 roll  
a74 for 2009 roll



## HEYMAN

TR. LOTS 270-306

REVISED '58  
REVISED '60  
" '62  
REVISED '63  
" '68  
REVISED '70  
REVISED '79  
" '81  
" '86  
" '89

Revised 2000  
Revised 2000  
Revised 2008  
Revised 2009

SUBJECT PROPERTY



## 902 CORBETT A

### A CONDOMINIUM

LOT NO.	UNIT NO.	% COM/ AREA
49	1	20.8
50	2	20.8
51	3	28.6
52	4	29.6

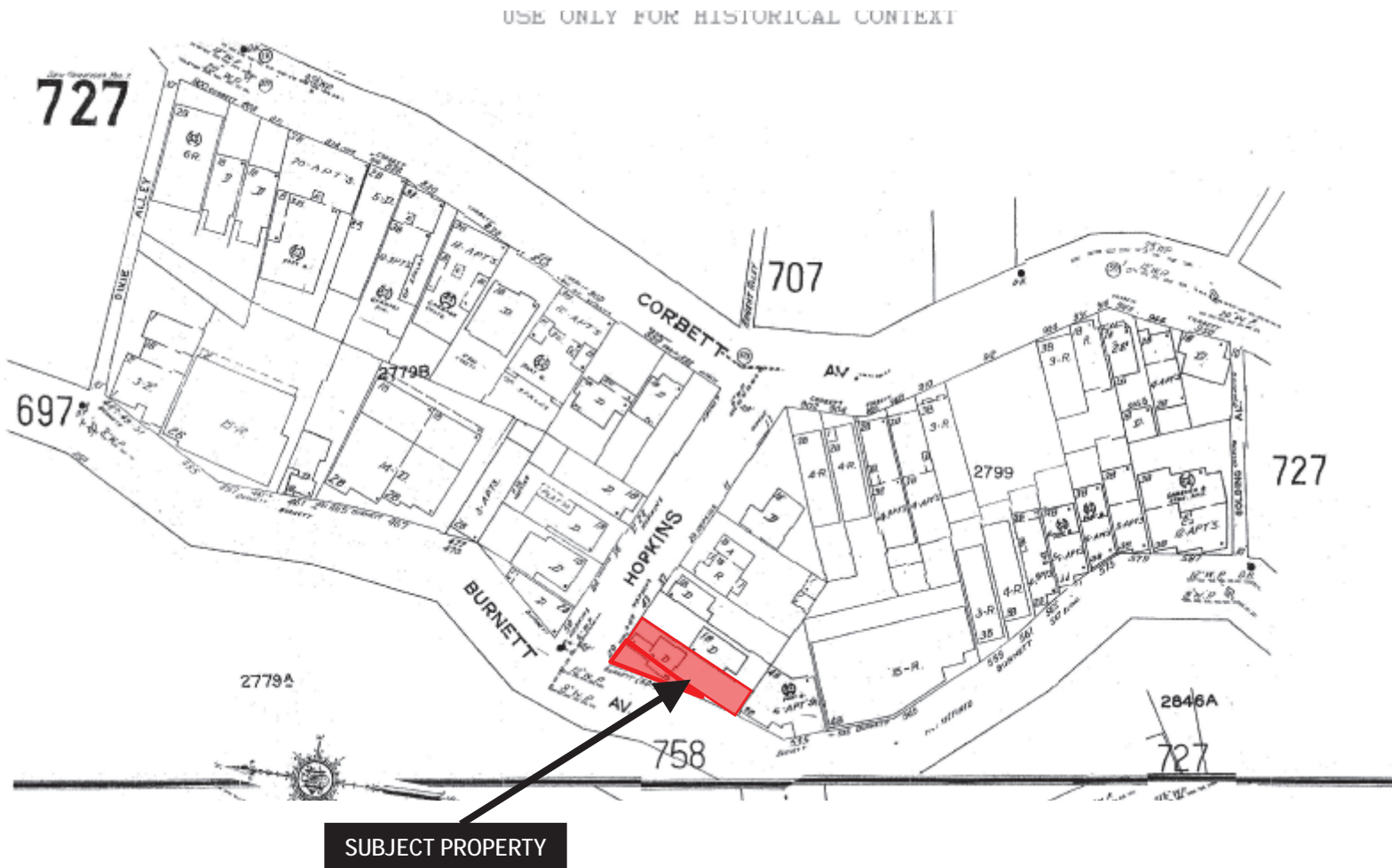
902 CORBETT AVE.  
A CONDOMINIUM

GOLDING LANE

Conditional Use Authorization  
Case Number 2019-014314CUA49 Hopkins  
Avenue



# Sanborn Map\*



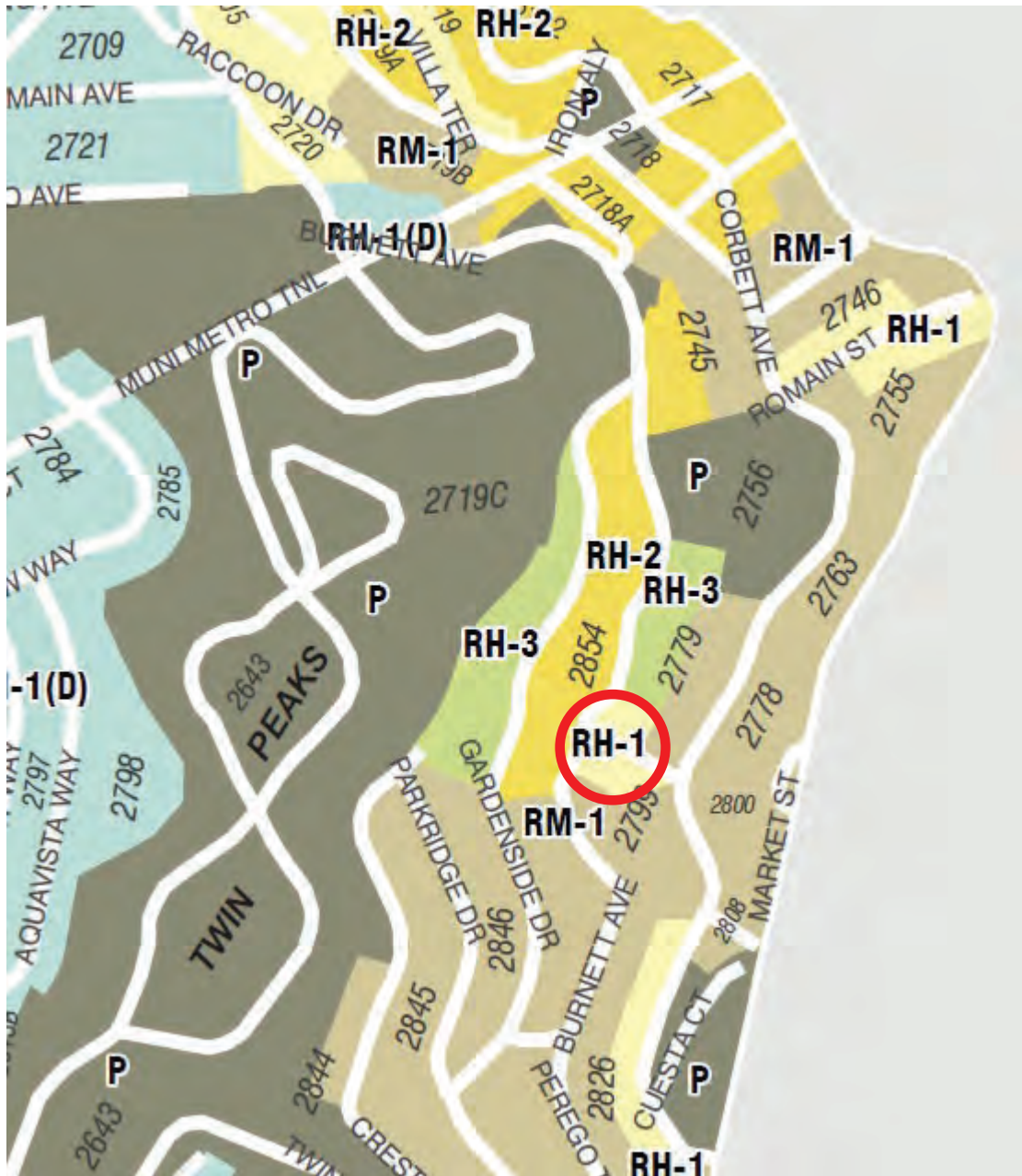
\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Authorization  
Case Number 2019-014314CUA  
49 Hopkins Avenue



# Zoning Map



Conditional Use Authorization  
Case Number 2019-014314CUA  
49 Hopkins Avenue

# Aerial Photo Prior to Removal

SUBJECT PROPERTY





# Aerial Photo Prior to Removal

SUBJECT PROPERTY



# Aerial Photo After Removal

SUBJECT PROPERTY



Conditional Use Authorization  
Case Number 2019-014314CUA  
49 Hopkins Avenue



# Site Photo Prior to Removal



Conditional Use Authorization  
Case Number 2019-014314CUA  
49 Hopkins Avenue

# Site Photo Prior to Removal



Conditional Use Authorization  
Case Number 2019-014314CUA  
49 Hopkins Avenue

# Existing Site Photo



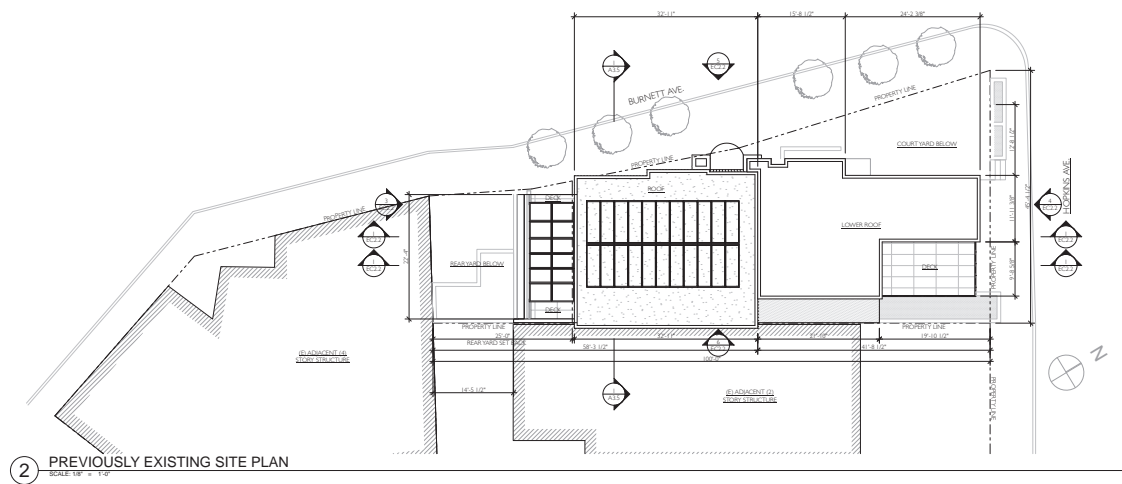
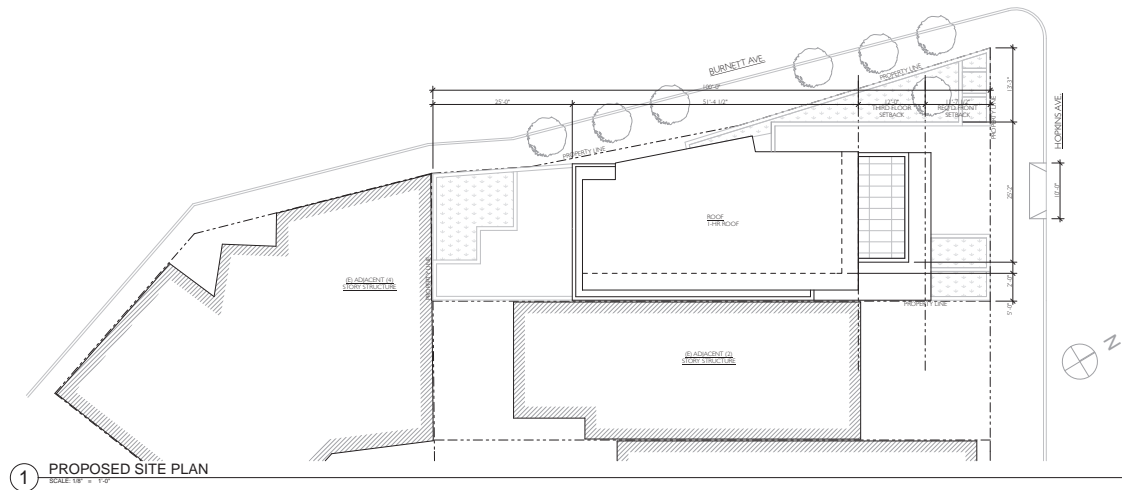
Conditional Use Authorization  
Case Number 2019-014314CUA  
49 Hopkins Avenue

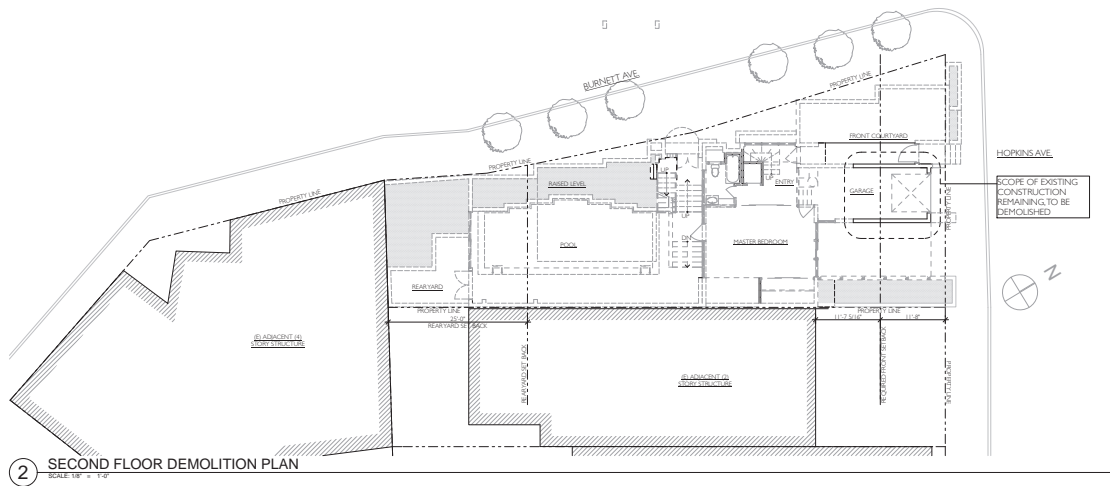
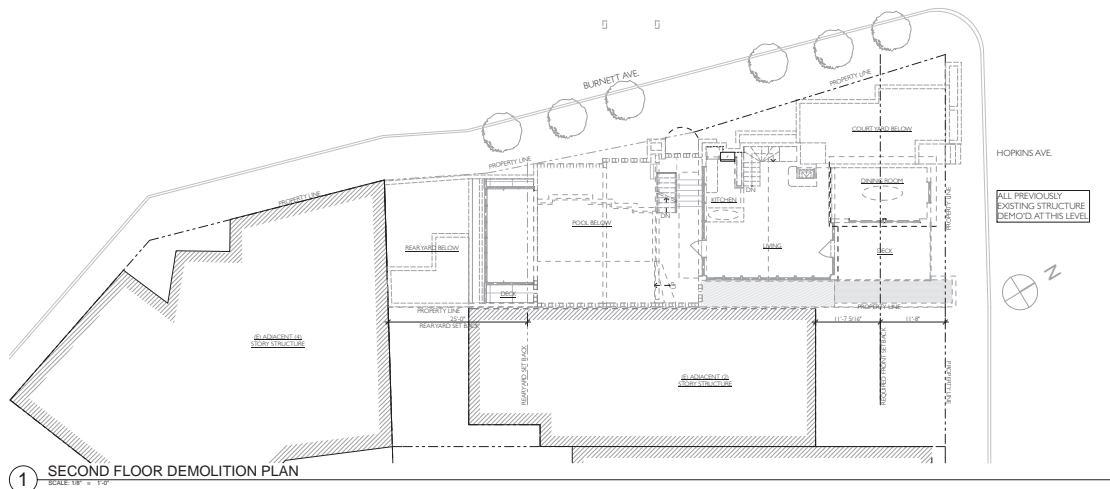


# Existing Site Photo

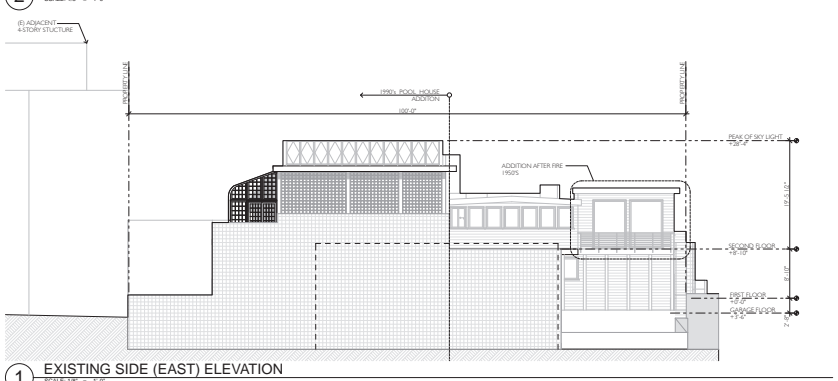
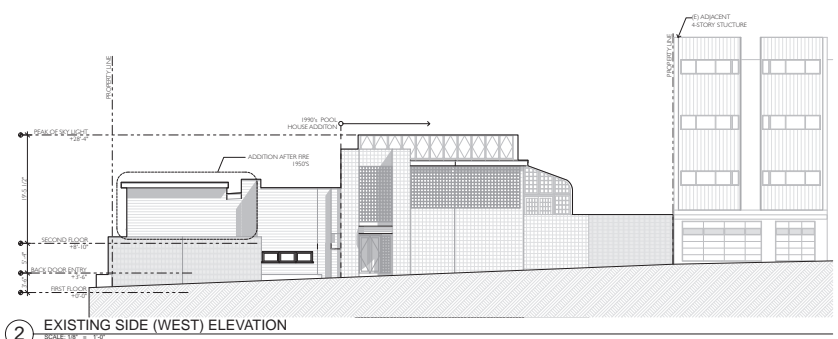
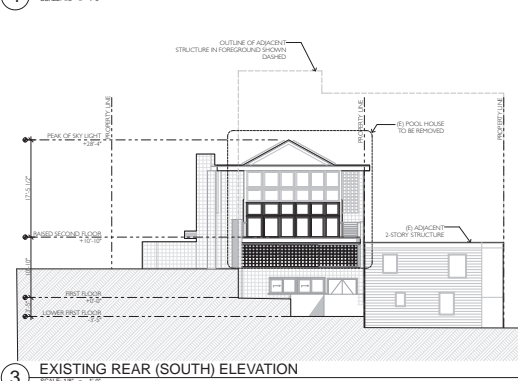
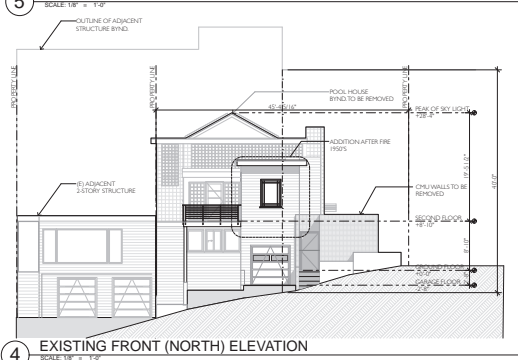
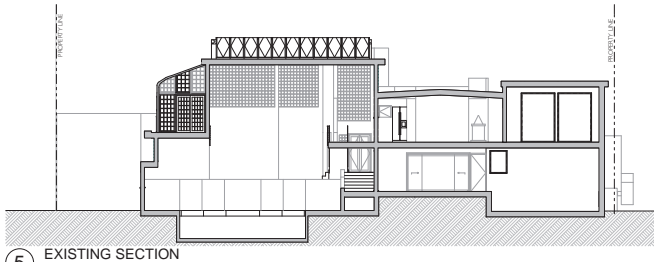


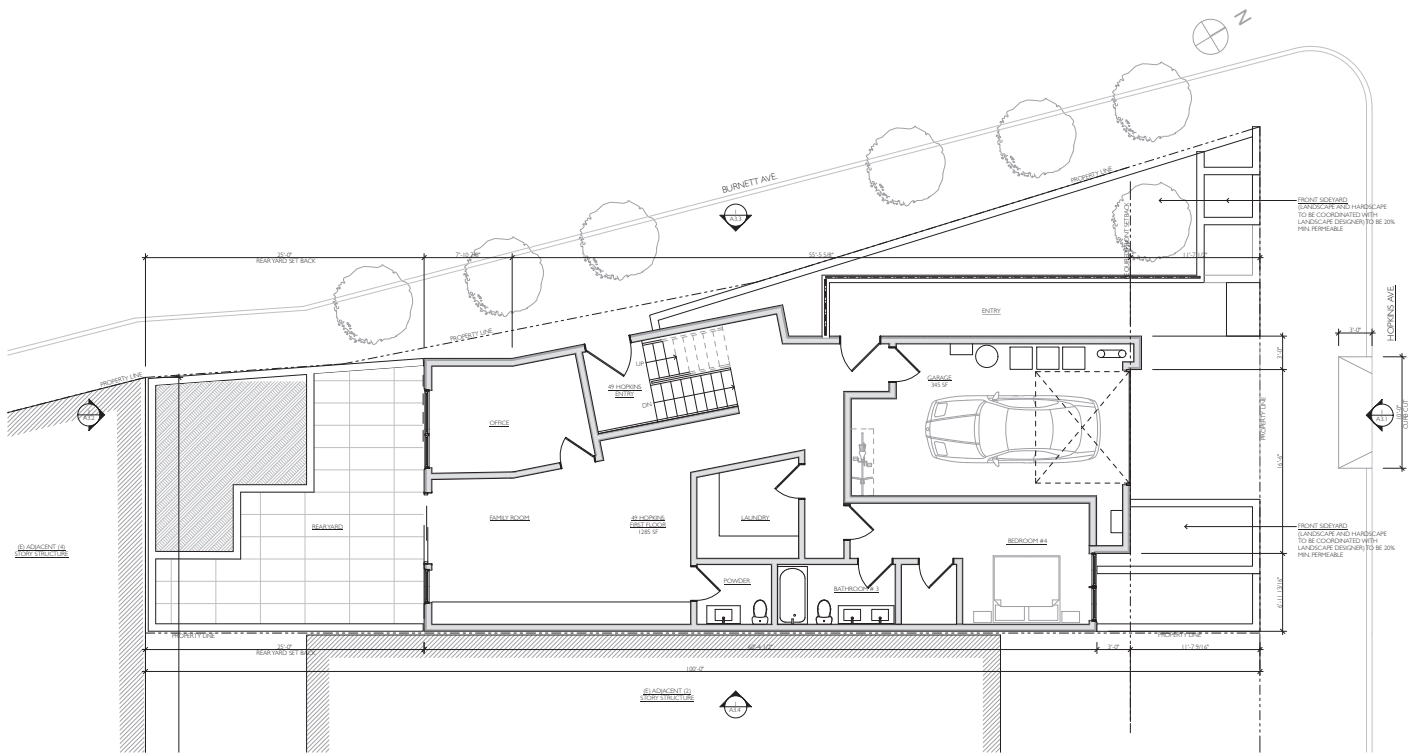
Conditional Use Authorization  
Case Number 2019-014314CUA  
49 Hopkins Avenue



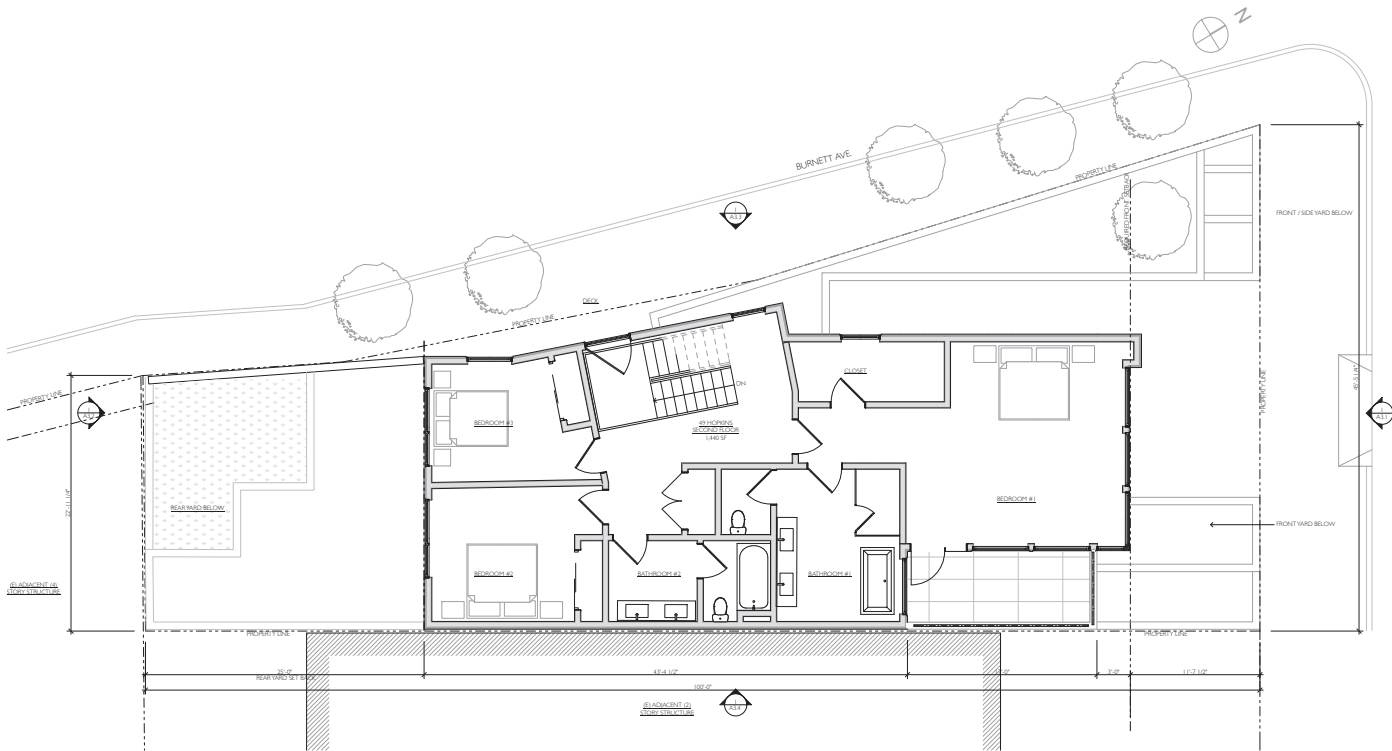




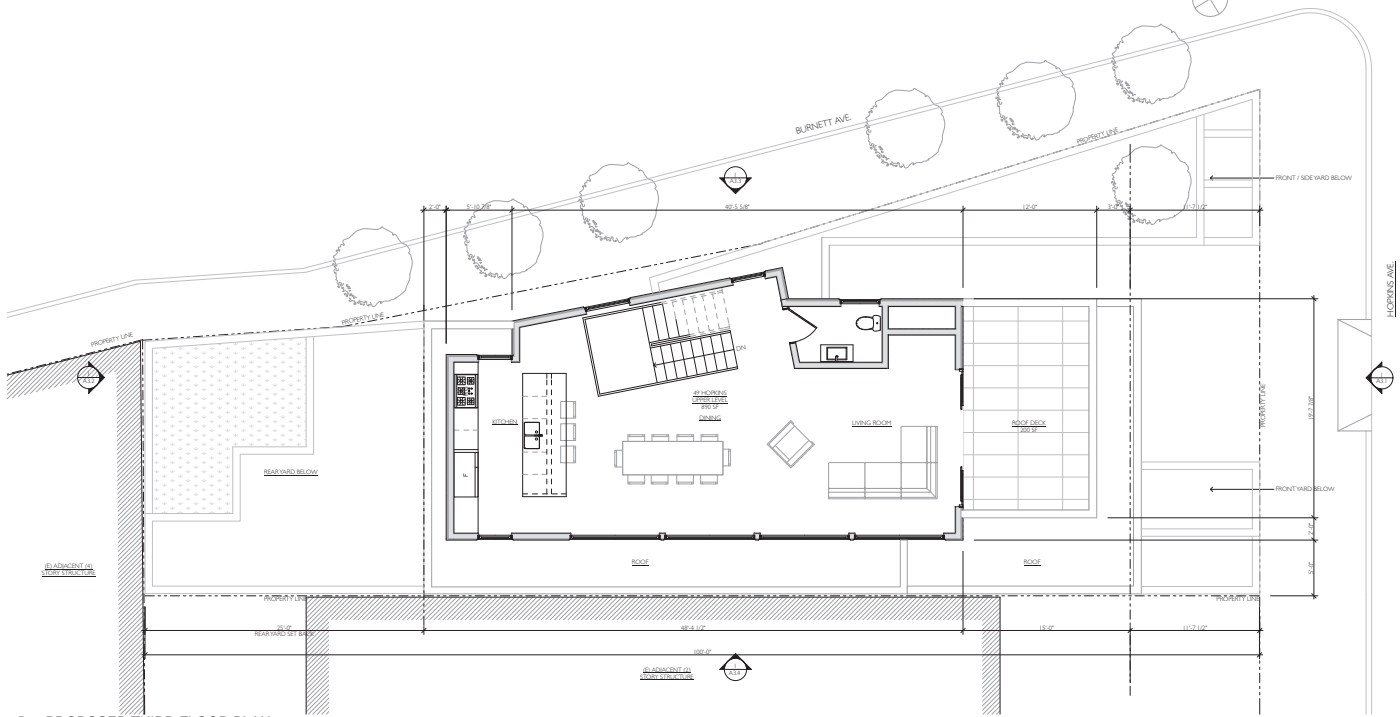




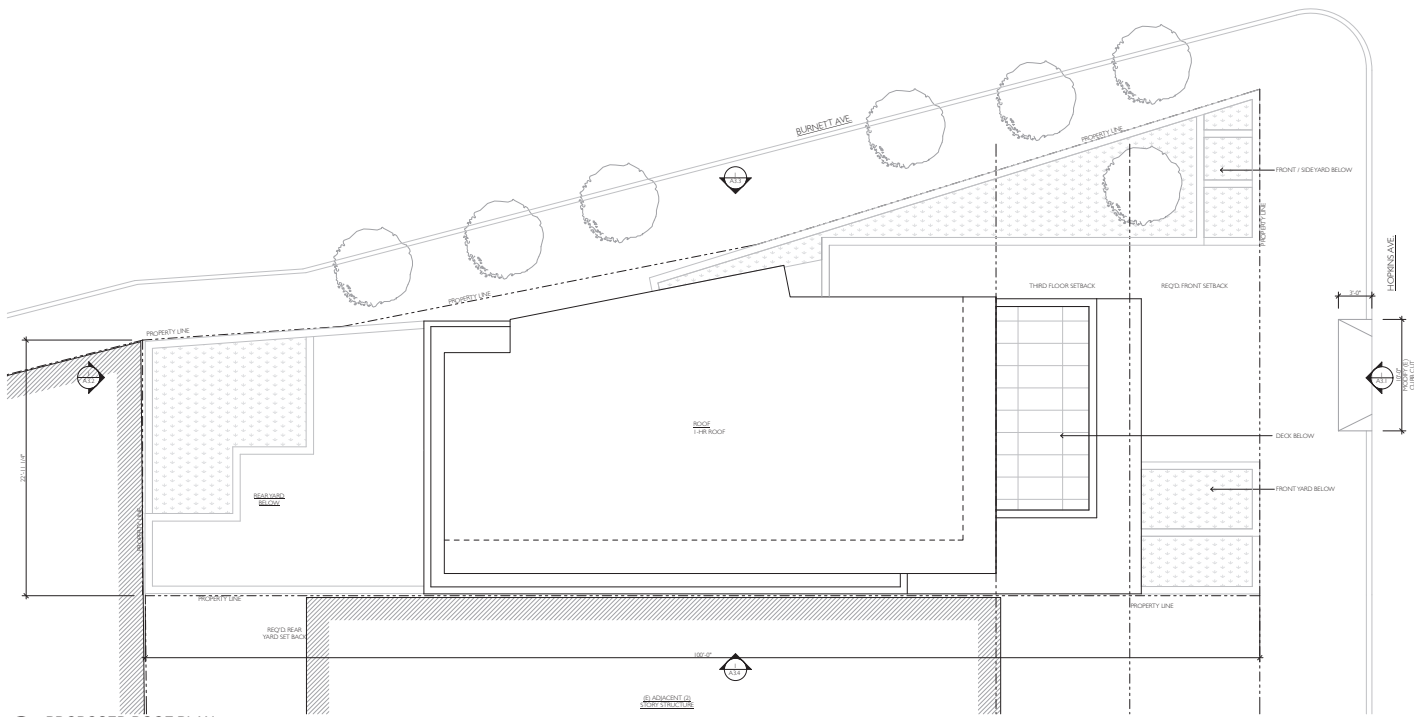
1 PROPOSED FIRST FLOOR PLAN



1 PROPOSED SECOND FLOOR PLAN  
SCALE: 1/8" = 1'-0"



1 PROPOSED THIRD FLOOR PLAN  
SCALE: 1/4" = 1'-0"



1 PROPOSED ROOF PLAN

SCALE: 1/4" = 1'-0"



PROJECT  
SINGLE FAMILY NEW CONSTRUCTION  
RESPONSE TO: 2017.913913 ENF  
2017.09144 NOV

STAMP:

TITLE  
PROPOSED ROOF  
PLAN

REV.	DESCRIPTION	DATE
01	PROPOSAL	05.22.14
02	SITE PERMIT	05.16.15
03	SITE PERMIT REV.	12.03.15
04	ADDITIONAL	11.10.17
05	REV. PERMIT	11.26.18
06	OR HEARING	

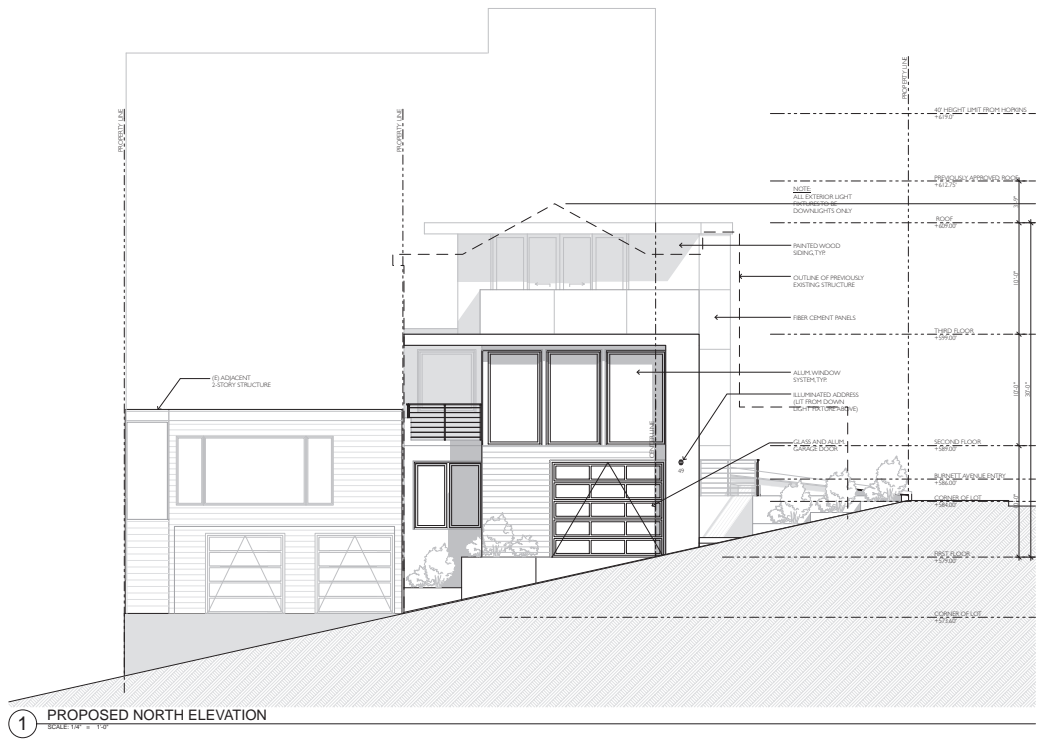
JOB NO: 17004  
DRAWN BY: Y.A.  
CHECKED BY: Y.A.  
PRINTED: 11/28/18  
SHEET:

A2.4

SHEET 15 OF 25 © Y.A. studio 2018

777 Folsom Street, 4th Floor, San Francisco, CA 94103  
415.774.8888  
www.yastudio.com

BLOCK/LOT: 0790/042  
49 HOPKINS AVE, SAN FRANCISCO, CA 94131



1

PROPOSED NORTH ELEVATION

SCALE: 1/4" = 1'-0"

YA studio

SINGLE FAMILY NEW CONSTRUCTION  
RESPONSE TO: 2017.913913 ENF  
2017.09144 NOV

STAMP:

TITLE  
PROPOSED NORTH  
ELEVATION

REV.	DESCRIPTION	DATE
1	SITE PERMIT	05.22.14
2	SITE PERMIT REV.	05.16.15
3	ADDITIONAL	12.03.15
4	REV. PERMIT	11.10.17
5	OR HEARING	11.26.18

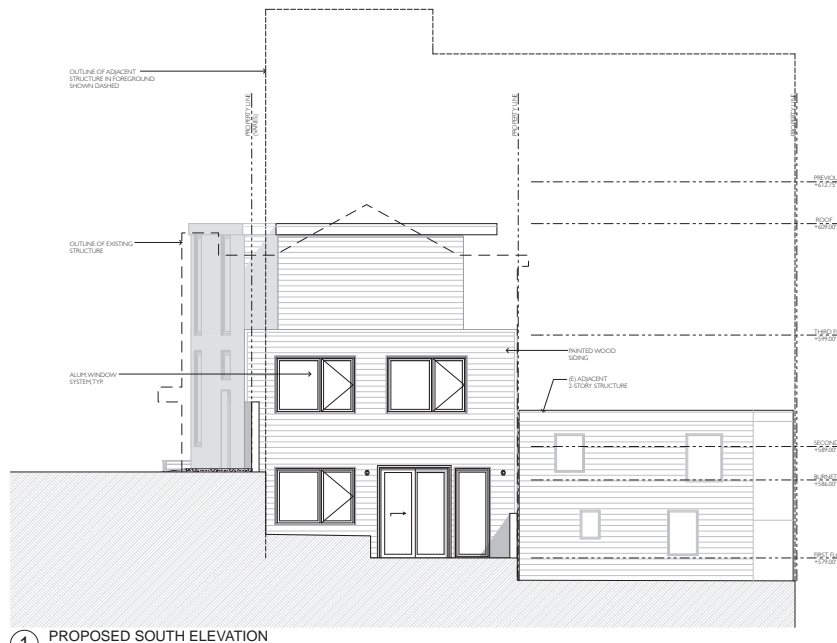
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CHECKED BY: Y.A.  
PRINTED: 11/29/18  
SHEET:

A3.1

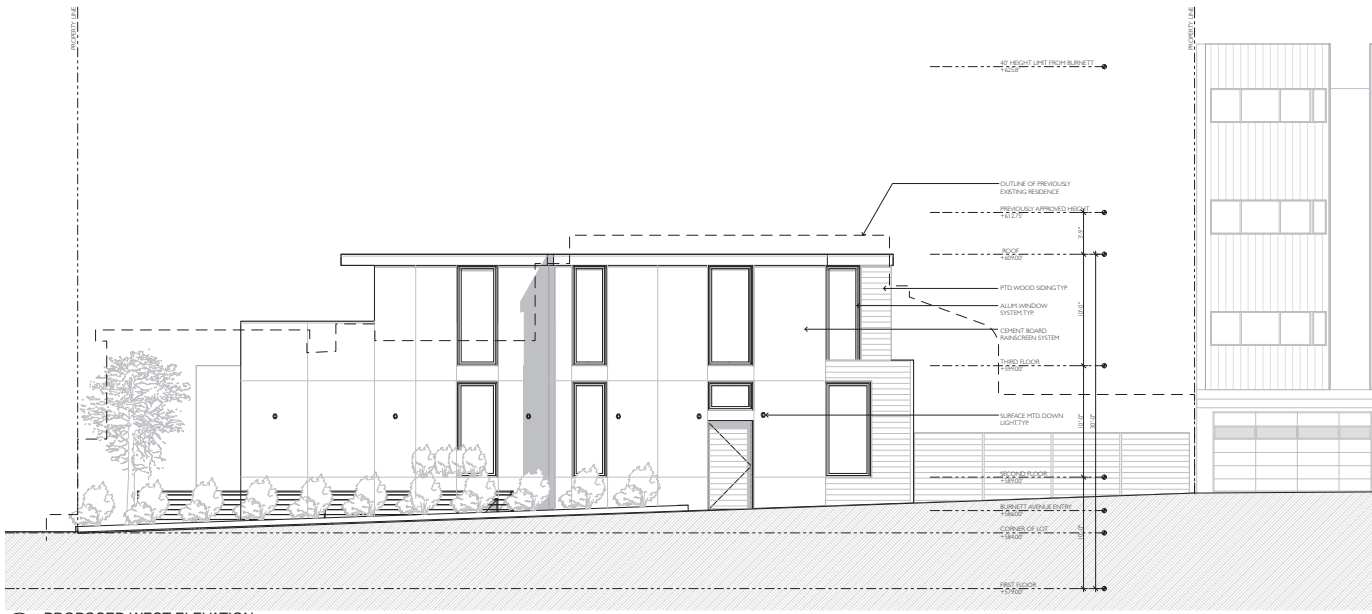
SHEET 16 OF 25 © Y.A. studio 2018

777 FIDELITY STREET, 3RD FLOOR, SAN FRANCISCO, CALIFORNIA 94103  
WWW.YA-STUDIO.COM

BLOCK/LOT: 2796/42  
49 HOPKINS AVE, SAN FRANCISCO, CA 94131



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



1 PROPOSED WEST ELEVATION  
SCALE 1/4" = 1'-0"



SINGLE FAMILY NEW CONSTRUCTION  
RESPONSE TO: 2017.913913 ENF  
2017.09144 NOV

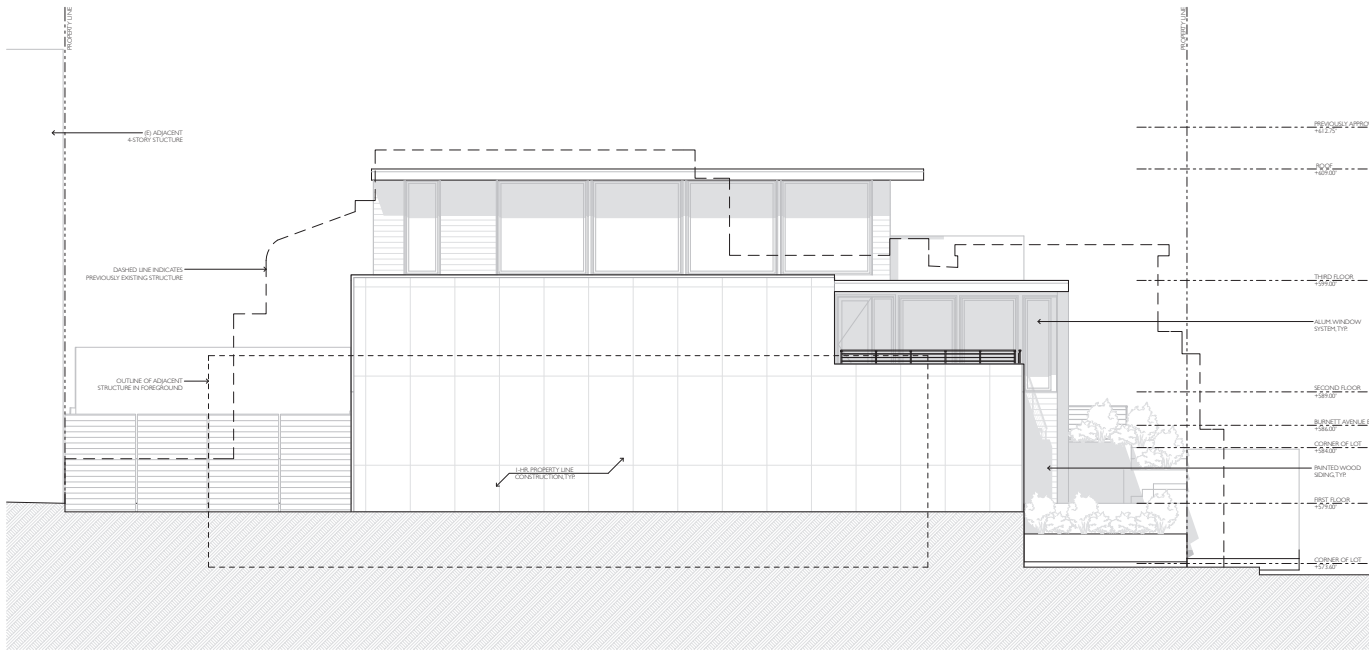
TITLE  
PROPOSED WEST  
ELEVATION

REV	DESCRIPTION	DATE
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02	SITE PERMIT REV	05.16.15
03	ADDITION	12.03.15
04	REV PERMIT	11.10.17
05	OR HEARING	11.26.18

JOB NO: 17004  
DRAWN BY: Y.A.  
CHECKED BY: Y.A.  
PRINTED: 11/29/18  
SHEET:

A3.3  
SHEET 18 OF 25 © Y.A. studio 2018





1 PROPOSED EAST ELEVATION  
SCALE: 1/4" = 1'-0"

President Myrna Melgar and Commissioners  
San Francisco Planning Commission  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94107

Re: 49 Hopkins  
CUA 2019-014314CUA  
Hearing Date: August 22<sup>nd</sup>, 2019

Dear Commission President Melgar and Commissioners:

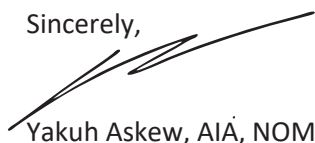
The project before you represents a replacement structure for 49 Hopkins Avenue. We have provided a design that responds to the site's unique geometry, helps address the housing shortage in San Francisco, and incorporates several good design practices to minimize height and bulk. The design includes a four-bedroom Single-Family residence and an attached two-bedroom, family-sized Accessory Dwelling Unit (ADU), to help meet the City's goal of increasing the rentable housing stock.

Some key elements of the design include:

1. A family-sized 1,200 sf two-bedroom ADU
  - a. The ADU incorporates a dedicated entry on Hopkins.
  - b. The ADU is visually distinct from the main residence.
  - c. The ADU occupies the entire lower level with dedicated access to the rear yard.
2. The curb cut is moved East, clustering it with the neighbor's curb cut and driveway.
  - a. The result is an additional on-street parking space.
  - b. The garage is de-emphasized and the ADU is prioritized.
  - c. The garage is independent of both residences, giving equal weight.
3. The upper residence has a dedicated entry on Burnett.
  - a. The upper residence has dedicated open space via two small roof decks.
  - b. The two units have no shared interior corridors.
4. The design is articulated to reflect the unique geometry of the site and results in a pedestrian friendly experience.
5. The replacement structure requests no variances or waivers.

We respectfully request the Planning Commission support this Project. Thank you for your consideration.

Sincerely,



Yakuh Askew, AIA, NOMA, LEED AP

# ZACKS, FREEDMAN & PATTERSON

A PROFESSIONAL CORPORATION

235 Montgomery Street, Suite 400  
San Francisco, California 94104  
Telephone (415) 956-8100  
Facsimile (415) 288-9755  
[www.zfplaw.com](http://www.zfplaw.com)

August 9, 2019

## VIA EMAIL

President Myrna Melgar  
San Francisco Planning Commission  
c/o Mr. Jeffrey Horn, Planner  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2479

Re: 49 Hopkins Avenue  
Case Nos. 2019-014314 & 2017-016050

Dear President Melgar and Commissioners:

Our office represents the owner of 49 Hopkins Avenue. Thank you for the opportunity to present this application for your consideration. It represents a significant effort to respond to the Commission's concerns as stated in the previous hearing, as well as to contribute to the City's housing stock with the addition of a high-quality Accessory Dwelling Unit.

We would like to thank Planning Department staff and the City Attorney's Office for their extensive efforts to improve the project and find a path forward. This revised application<sup>1</sup> represents our cumulative efforts to resolve Planning Case Nos. 2019-014314 & 2017-016050, SF Sup. Ct. Case No. CPF-19-516548, and USDC N.D. Cal. Case No. 3:19-cv-00811. It provides a sensitively designed project that responds to the topography, character, and needs of the neighborhood. This continuation of and revision to the prior application complies with all applicable, objective general plan, zoning, and subdivision standards and criteria as specified by Gov't Code § 65589.5, the Housing Accountability Act.

Thank you again for your consideration. We hope this provides an acceptable solution that meets with your approval.

Very truly yours,

ZACKS, FREEDMAN & PATTERSON, PC



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Ryan J. Patterson

---

<sup>1</sup> Filed under protest as an intended settlement of the claims noted above.