



# EXECUTIVE SUMMARY CONDITIONAL USE AUTHORIZATION

**HEARING DATE: SEPTEMBER 23, 2021**

**Record No.:** 2019-019901CUA  
**Project Address:** 1068 Florida Street  
**Zoning:** RH-2 (Residential-House, Two-Family) Zoning District  
Calle 24 Special Use District  
40-X Height and Bulk District  
**Block/Lot:** 4149/011  
**Project Sponsor:** Gregory Smith  
P.O. Box 756  
Kentfield, CA 94914  
**Property Owner:** 1068 Florida Street, LLC  
2 Southern Heights Ave.  
San Francisco, CA 94107  
**Staff Contact:** Michael Christensen – (628) 652-7567  
[Michael.Christensen@sfgov.org](mailto:Michael.Christensen@sfgov.org)

**Recommendation:** Approval with Conditions

## Project Description

The Project includes the legalization of an unpermitted demolition of a two-story, two-unit residential building and new construction of a four-story residential building containing two dwelling units and one Accessory Dwelling Unit. The proposed units at 1,313 sq ft, 1,422 sq ft, and 1,520 sq ft in size.

## Required Commission Action

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 209.1, 303, and 317 to allow the demolition of an existing dwelling unit.

## Issues and Other Considerations

- **Public Comment & Outreach.**

- **Support/Opposition:** One comment has been received from a member of the public expressing concern with the overall height of the proposed building.

- **Tenant History:**

- Are any units currently occupied by tenants: N
- Have Any tenants been evicted within the past 10 years: N
- Have there been any tenant buyouts within the past 10 years: N

- **Unpermitted Demolition:** The existing building has been partially demolished without authorization. The demolition occurred in 2019 and resulted in enforcement action by both the Department of Building Inspection and the Planning Department. The property owner contends that the demolition occurred in error. Rent board records and review of DBI enforcement does not indicate that any tenants were living at the site when the unauthorized demolition occurred. Additional information is provided in the Project Sponsor's brief, which is attached to this report.
- **SB-330 (Housing Crisis Act of 2019) Compliance:** SB-330 requires that any 'protected unit' be replaced on-site when existing housing is demolished. The existing two dwelling units on-site are subject to the Rent Stabilization and Arbitration Ordinance. Thus, the replacement two dwelling units will also be subject to the Rent Stabilization and Arbitration Ordinance.

## Environmental Review

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

## Basis for Recommendation

The Department finds that the Project is, on balance, consistent with the Mission Area Plan, the policies of the General Plan, and the standards and intent of the RH-2 Zoning District. The Project will maintain two rent controlled dwelling units on-site, plus one new Accessory Dwelling Unit, providing additional housing capacity for the City.

## Attachments:

Draft Motion – Conditional Use Authorization with Conditions of Approval  
Exhibit B – Environmental Determination  
Exhibit C – Maps and Context Photos  
Exhibit D – Rent Board Record Request  
Exhibit D – Project Sponsor Brief  
Exhibit F – Plans and Renderings



# PLANNING COMMISSION DRAFT MOTION

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ADOPTING FINDINGS RELATING TO A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 209.1, 303, AND 317 TO ALLOW THE DEMOLITION AND RELOCATION OF AN EXISTING TWO-STORY, TWO-FAMILY RESIDENCE AND CONSTRUCTION OF A NEW, FOUR-STORY RESIDENTIAL BUILDING CONTAINING TWO DWELLING UNITS, ONE ACCESSORY DWELLING UNIT, AND ONE OFF-STREET AUTO PARKING SPACE, LOCATED AT 1068 FLORIDA STREET, LOT 011 IN ASSESSOR'S BLOCK 4149, WITHIN THE RH-2 (RESIDENTIAL, HOUSE, TWO-FAMILY) ZONING DISTRICT, THE CALLE 24 SPECIAL USE DISTRICT, AND A 40-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

## PREAMBLE

On April 29, 2020, Gregory Smith (hereinafter "Project Sponsor") filed Application 2019-019901CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization to legalize the unpermitted demolition of a two-story, two-unit residential building and to construct a four-story residential building containing two Dwelling Units and one Accessory Dwelling Unit (hereinafter "Project") at 1068 Florida Street, Block 4149 Lot 011 (hereinafter "Project Site").

The proposed Project is exempt from the California Environmental Quality Act (CEQA) under Class One and Class Three categorical exemptions.

On September 23, 2021, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2019-019901CUA.

The Planning Department Commission Secretary is the Custodian of Records; the File for Record No. 2019-019901CUA is located at 49 South Van Ness Avenue, Suite 1400, 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. 2019-019901CUA, 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 the legalization of an unpermitted demolition of a two-story, two-unit residential building and new construction of a four-story residential building containing two dwelling units and one Accessory Dwelling Unit. The proposed units at 1,313 sq ft, 1,422 sq ft, and 1,520 sq ft in size.
3. **Site Description and Present Use.** The Project is located a standard 26.25' wide by 100' deep parcel, currently developed with a two-story residential building containing two dwelling units.
4. **Surrounding Properties and Neighborhood.** The Project Site is located within the RH-2 Zoning District within the Mission Area Plan. Properties in the vicinity are generally developed with two to four story, single-family or multi-family homes.
5. **Public Outreach and Comments.** The Department has received one public comment expressing concern with the overall height of the proposed building.
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.** Planning Code Section 317 states that a Conditional Use Authorization is required to demolish a residential unit, that no permit for residential demolition shall be approved prior to final approval of a building permit for a replacement structure, and that the Commission shall consider the replacement structure as part of its decision on the Conditional Use Authorization.

*The Project Sponsor has submitted this request for Conditional Use Authorization to comply with this requirement, and the project plans include the demolition of the existing building as well as the construction of the proposed new building.*

- B. **Dwelling Unit Density.** Residential Dwelling Units are principally permitted in the RH-2 Zoning District with a maximum of two per lot.

*The Project proposes two Dwelling Units and one Accessory Dwelling Unit. Thus, the intended use is compliant with the dwelling unit density limits of the zoning district.*

- C. **Front Setback.** A front setback is required in the RH-2 Zoning District that is equal to the average front setback provided by the two adjacent properties.

*The proposed Project provides a Front Setback equal to the average Front Setback provided by the two adjacent properties.*

- D. **Rear Yard.** A Rear Yard equal to 45% of the depth of the lot is required in the RH-2 Zoning District. The

Rear Yard requirement may be reduced based on the average Rear Yard provided by the two adjacent properties.

*The Project provides a Rear Yard equal to 35' 6", which is the average of the Rear Yards provided by the two adjacent properties.*

- E. **Height.** Properties within the RH-2 Zoning District are limited in height to 35' at the front setback, increasing at a 45-degree angle to the maximum total height of 40'.

*The Project has a total height of 36' 6 ¾". At the front, the height of the proposed building is equal to the average height of the two adjacent buildings.*

- F. **Off-Street Auto Parking.** No off-street auto parking is required in the RH-2 Zoning District. Up to 1.5 parking spaces per unit are permissible as a maximum.

*The Project provides two off-street auto parking spaces, which is within the maximum of five that is permissible under the Planning Code.*

- G. **Bicycle Parking.** One Class One bicycle parking space is required for each dwelling unit.

*The Project provides three Class One bicycle parking spaces within the proposed building.*

- H. **Eastern Neighborhoods Infrastructure Impact Fee.** Planning Code Section 423 requires payment of the Eastern Neighborhoods Infrastructure Impact Fee for projects adding dwelling units within the Eastern Neighborhoods Mixed Use Districts.

*The fee will apply on the building permit implementing the proposed project.*

- I. **Residential Child Care Fee.** Planning Code Section 414A requires payment of the Child-Care Impact Fee for Residential projects adding at least 800 square feet of floor area.

*The fee will apply on the building permit implementing the proposed project.*

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

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

*The use and size of the proposed project is compatible with the immediate neighborhood. While the Project proposes the demolition of an existing multi-family residence, the Project increases the number of dwelling units on the site. The proposed units are sized appropriately for the neighborhood and both Dwelling Units are family sized with two or more bedrooms. Therefore, the Project is considered to be necessary and desirable given the quality and design of the new residences and increase in the number*

*of residential units.*

- 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 proposed building is compliant with the controls of the RH-2 Zoning District and the Residential Design Guidelines. The proposed building massing is typical for lots in the RH-2 Zoning District.*

- (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;

*No parking or loading is required for any use in San Francisco. A three-unit residential building is extremely unlikely to cause any major traffic impact or substantially change the availability of on-street parking or loading.*

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

*As the Project is residential in nature, it is unlikely 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 provides two screened off-street parking spaces within a garage, and the front setback area is appropriately landscaped and contains permeable surfaces to comply with the requirements of the Planning Code. As a small project, it does not contain service areas or signage that could detract from the visual quality of the site.*

- 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 use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Use District.

*The Project is consistent with the stated purposed of RH-2 District by providing a small-scale residential development that is consistent with established development patterns.*

**8. Residential Demolition (Section 317) Findings.** In addition to the criteria of Section 303(c) of this Code,

the Commission shall consider the extent to which the following criteria are met:

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

*There is one active enforcement case on the property, related to the unauthorized demolition that occurred on-site. The requested Conditional Use Authorization would legalize this demolition, remedying the active enforcement case.*

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

*The existing home has not been maintained in a decent, safe, or sanitary condition, in that an unauthorized partial demolition occurred on the site. The requested authorization would allow the property to be restored to a habitable state.*

- C. Whether the property is an "historical resource" under CEQA;

*The existing home was determined to not be a historic resource under CEQA.*

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

*The existing home was determined to not be a historic resource under CEQA.*

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

*The proposed Project would not convert existing rental housing to other forms of tenure or occupancy.*

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

*The existing units are subject to the Residential Rent Stabilization and Arbitration Ordinance. Under SB-330, the replacement Dwelling Units are also subject to the Residential Rent Stabilization and Arbitration Ordinance.*

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

*The existing housing is not conserved under the proposed Project, which proposes to fully demolish the existing building.*

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

*The Project would alter existing neighborhood character by finishing the unpermitted partial demolition at the site. However, the Project would restore the housing on-site to a habitable state so that the units can be occupied.*



- I. Whether the project protects the relative affordability of existing housing;

*No existing affordable housing is removed by the Project. The Project includes demolition of two rent-controlled dwelling units; however, under SB-330 the replacement units will also be subject to Rent Control.*

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

*The Project is not subject to Planning Code Section 415. A Project subject to Section 415 would need to contain at least ten units, which is not a permissible Project under the RH-2 Zoning District.*

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

*The Project provides in-fill housing within the Mission neighborhood, which is an established neighborhood and was planned for additional housing capacity in the Mission Area Plan.*

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

*The Project would create three family sized dwelling units on-site, which increases the number of family-sized units on-site from two to three.*

- 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 expanded structure is contextually appropriate and well designed, meeting the Residential Design Guidelines and providing to neighborhood character.*

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

*The Project increases the number of on-site dwelling units from two to three.*

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

*The Project increases the number of on-site bedrooms from four to six.*

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

*The replacement project maximizes the allowed density on the subject lot at two dwelling units and one Accessory Dwelling Unit.*

- 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 existing building is subject to the Residential Rent Stabilization and Arbitration Ordinance.*

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 1**

**IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.**

**Policy 1.1**

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

**Policy 1.10**

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

**OBJECTIVE 4**

**FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.**

**Policy 4.1**

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

**Policy 4.4**

Encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible.

**Policy 4.5**

Ensure that new permanently affordable housing is located in all of the City's neighborhoods, and encourage integrated neighborhoods, with a diversity of unit types provided at a range of income levels.

**OBJECTIVE 11**

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

**Policy 11.1**

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

Policy 11.2

Ensure implementation of accepted design standards in project approvals.

Policy 11.3

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

Policy 11.4

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

Policy 11.6

Foster a sense of community through architectural design, using features that promote community interaction.

Policy 11.8

Consider a neighborhood's character when integrating new uses, and minimize disruption caused by expansion of institutions into residential areas.

**OBJECTIVE 12**

**BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.**

Policy 12.2

Consider the proximity of quality of life elements such as open space, child care, and neighborhood services, when developing new housing units.

**URBAN DESIGN ELEMENT**

Objectives and Policies

**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.

Policy 1.7

Recognize the natural boundaries of districts, and promote connections between districts.

**MISSION AREA PLAN**

Land Use

Objectives and Policies

### OBJECTIVE 2.3

ENSURE THAT NEW RESIDENTIAL DEVELOPMENTS SATISFY AN ARRAY OF HOUSING NEEDS WITH RESPECT TO TENURE, UNIT MIX AND COMMUNITY SERVICES.

#### POLICY 2.3.3

Require that a significant number of units in new developments have two or more bedrooms, except Senior Housing and SRO developments.

*The Project is a well-designed infill residential development, adding housing capacity within Mission Area Plan, which anticipated additional infill housing development. The Project demolishes an older duplex and replaces it with a new building containing two Dwelling Units and one Accessory Dwelling Unit. Under SB-330, the replacement units are subject to the Residential Rent Stabilization and Arbitration Ordinance. As such, the Project maintains the rent-controlled status of the site while adding one additional family-sized Dwelling Unit. As such, it furthers the goals and policies of the General Plan and the Mission Area Plan.*

**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 project site does not possess any neighborhood-serving retail uses.*

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

*The Project maintains two rent controlled dwelling units on the site and adds one new Accessory Dwelling Unit to the site. As such, it preserves the existing housing and neighborhood character of the site.*

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

*The Project does not currently possess any existing affordable housing. The two rent controlled Dwelling Units will be replaced in the new building.*

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

*The Project Site is served by nearby public transportation options. The Planning Code does not require parking for any uses in support for the City's Transit First Policy.*

- 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 does not include commercial office development.*

- 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 constructed to conform to the structural and seismic safety requirements of the Building Code. As such, this Project will improve the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*Currently, 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 does not impact any nearby parks or public open spaces.*

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

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2019-019901CUA** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated December 9, 2021, and stamped “EXHIBIT B”, which is incorporated herein by reference as though fully set forth.

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 23, 2021.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

RECUSE:

ADOPTED: September 23, 2021

## EXHIBIT A

### Authorization

This authorization is for a conditional use to allow the demolition of an existing two-dwelling unit residential building and new construction of a four-story residential building containing two dwelling units and on Accessory Dwelling Unit, located at 1068 Florida Street, Block 4149 and Lot 011 pursuant to Planning Code Section(s) **209.1, 303, and 317** within the **RH-2** District, the **Calle 24** Special Use District, and a **40-X** Height and Bulk District; in general conformance with plans, dated **December 9, 2020**, and stamped “EXHIBIT B” included in the docket for Record No. **2019-019901CUA** and subject to conditions of approval reviewed and approved by the Commission on **September 23, 2021** 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 **September 23, 2021** 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 628.652.7463, [www.sfplanning.org](http://www.sfplanning.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 628.652.7463, [www.sfplanning.org](http://www.sfplanning.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 628.652.7463, [www.sfplanning.org](http://www.sfplanning.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 628.652.7463, [www.sfplanning.org](http://www.sfplanning.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 628.652.7463,*



[www.sfplanning.org](http://www.sfplanning.org)

## Design – Compliance at Plan Stage

- 6. Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7600, [www.sfplanning.org](http://www.sfplanning.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 628.652.7600, [www.sfplanning.org](http://www.sfplanning.org)*

- 8. Overhead Wiring.** The Property owner will allow MUNI to install eyebolts in the building adjacent to its electric streetcar line to support its overhead wire system if requested by MUNI or MTA.

*For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415.701.4500, [www.sfmta.org](http://www.sfmta.org)*

- 9. 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 628.652.7600, [www.sfplanning.org](http://www.sfplanning.org)*

- 10. Landscaping, Permeability.** Pursuant to Planning Code Section 156, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that 20% of the parking lot shall be surfaced with permeable materials and further indicating that parking lot landscaping, at a ratio of one tree, of a size comparable to that required for a street tree and of an approved species, for every 5 parking stalls, shall be provided. Permeable surfaces shall be graded with less than a 5% slope. 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 628.652.7600, [www.sfplanning.org](http://www.sfplanning.org)*

## Parking and Traffic

- 11. Bicycle Parking.** The Project shall provide no fewer than **three** Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.2.

*For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, [www.sfplanning.org](http://www.sfplanning.org)*

- 12. Parking Maximum.** Pursuant to Planning Code Section 151 or 151.1, the Project shall provide no more than **five (5)** off-street parking spaces.

*For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, [www.sfplanning.org](http://www.sfplanning.org)*

## Provisions

- 13. Residential Child Care Impact Fee.** 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 628.652.7600, [www.sfplanning.org](http://www.sfplanning.org)*

- 14. Eastern Neighborhoods Infrastructure Impact Fee.** The Project is subject to the Eastern Neighborhoods Infrastructure Impact Fee, as applicable, pursuant to Planning Code Section 423.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7600, [www.sfplanning.org](http://www.sfplanning.org)*

## Monitoring - After Entitlement

- 15. 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 628.652.7463, [www.sfplanning.org](http://www.sfplanning.org)*

- 16. 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 628.652.7463, [www.sfplanning.org](http://www.sfplanning.org)*

## Operation

- 17. Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator and all registered neighborhood groups for the area with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator and registered neighborhood groups shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

*For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, [www.sfplanning.org](http://www.sfplanning.org)*

- 18. Rent Stabilization and Arbitration Ordinance.** As required by the Housing Crisis Act of 2019 (SB-330), the Project shall be subject to the City's Rent Ordinance, Administrative Code Chapter 37, and the Project Sponsor shall record a restriction on the property records that both units shall be subject to the City's Rent Ordinance and shall comply with all applicable provisions of Chapter 37 and California SB 330.

*For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, [www.sfplanning.org](http://www.sfplanning.org)*



## CEQA Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

<b>Project Address</b>		<b>Block/Lot(s)</b>
1068 Florida St		4149011
<b>Case No.</b>		<b>Permit No.</b>
2019-019901PRJ		202101152820
<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> Conditional Use Authorization request for unpermitted demolition of 2-story, 2-unit building. Construct new 4-story, 2 dwelling unit building.		

### STEP 1: EXEMPTION TYPE

<b>The project has been determined to be 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.
<input type="checkbox"/>	<b>Other _____</b>
<input type="checkbox"/>	<b>Common Sense Exemption (CEQA Guidelines section 15061(b)(3)).</b> It can be seen with certainty that there is no possibility of a significant effect on the environment.

## STEP 2: ENVIRONMENTAL SCREENING ASSESSMENT

### 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. use of diesel construction equipment, backup diesel generators, heavy industry, diesel trucks, etc.)? <i>(refer to the Environmental</i>
<input type="checkbox"/>	<b>Hazardous Materials:</b> <input type="checkbox"/> <b>Mahe</b> or <input type="checkbox"/> <b>Cortese</b> Is the project site located within the Maher area or on a site containing potential subsurface soil or groundwater contamination and would it involve ground disturbance of at least 50 cubic yards or a change of use from an industrial use to a residential or institutional use? Is the project site located on a Cortese site or would the project involve work on a site with an existing or former gas station, parking lot, auto repair, dry cleaners, or heavy manufacturing use, or a site with current or former underground storage tanks? <i>if Maher box is checked, note below whether the applicant has enrolled in or received a waiver from the San Francisco Department of Public Health (DPH) Maher program, or if Environmental Planning staff has determined that hazardous material effects would be less than significant.</i> <b>Note that a categorical exemption shall not be issued for a project located on the Cortese List</b>
<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? Would the project involve the intensification of or a substantial increase in vehicle trips at the project site or elsewhere in the region due to autonomous vehicle or for-hire vehicle fleet maintenance, operations or
<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, archeology review is required.
<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? <i>(refer to the Environmental Information tab on <a href="https://sfplanninggis.org/PIM/">https://sfplanninggis.org/PIM/</a>)</i> <b>If box is checked, Environmental Planning must issue the exemption.</b>
<input type="checkbox"/>	<b>Average Slope of Parcel = or &gt; 25%, or site is in Edgehill Slope Protection Area or Northwest Mt. Sutro Slope Protection Area:</b> Does the project involve any of the following: (1) New building construction, except one-story storage or utility occupancy, (2) horizontal additions, if the footprint area increases more than 50%, or (3) horizontal and vertical additions increase more than 500 square feet of new projected roof area? <i>(refer to the Environmental Information tab on <a href="https://sfplanninggis.org/PIM/">https://sfplanninggis.org/PIM/</a>)</i> <b>If box is checked, a geotechnical report is likely required and Environmental Planning must issue the exemption.</b>
<input type="checkbox"/>	<b>Seismic Hazard:</b> <input type="checkbox"/> <b>Landslide</b> or <input type="checkbox"/> <b>Liquefaction Hazard Zone:</b> Does the project involve any of the following: (1) New building construction, except one-story storage or utility occupancy, (2) horizontal additions, if the footprint area increases more than 50%, (3) horizontal and vertical additions increase more than 500 square feet of new projected roof area, or (4) grading performed at a site in the landslide hazard zone? <i>(refer to the Environmental Information tab on <a href="https://sfplanninggis.org/PIM/">https://sfplanninggis.org/PIM/</a>)</i> <b>If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</b>
<b>Comments and Planner Signature (optional):</b>	

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

<b>PROPERTY IS ONE OF THE FOLLOWING:</b> <i>(refer to Property Information Map)</i>	
<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: ADVANCED HISTORICAL REVIEW**  
**TO BE COMPLETED BY PRESERVATION PLANNER**

<b>Check all that apply to the project.</b>	
<input type="checkbox"/>	1. <b>Reclassification of property status.</b> <i>(Attach HRER Part I)</i> <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 10px;"> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category A  a. Per HRER  b. Other <i>(specify)</i>: </div> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category C  <i>(No further historic review)</i> </div> </div>
<input type="checkbox"/>	2. 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"/>	3. <b>Interior alterations to publicly accessible spaces that do not remove, alter, or obscure character defining features.</b>
<input type="checkbox"/>	4. <b>Window replacement</b> of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	5. <b>Façade/storefront alterations</b> that do not remove, alter, or obscure character-defining features.

<input type="checkbox"/>	6. <b>Raising the building</b> in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	7. <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"/>	8. <b>Work consistent</b> with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (Analysis required):
<input type="checkbox"/>	9. <b>Work compatible</b> with a historic district (Analysis required):
<input type="checkbox"/>	10. <b>Work that would not materially impair</b> a historic resource (Attach HRER Part II).
<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 exemption review.</b> The project has been reviewed by the Preservation Planner and can proceed with exemption review. <b>GO TO STEP 6.</b>
<b>Comments (optional):</b>	
<b>Preservation Planner Signature:</b>	

## STEP 6: EXEMPTION DETERMINATION

### TO BE COMPLETED BY PROJECT PLANNER

	<b>No further environmental review is required. The project is 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>	<b>Signature:</b>
	Planning Commission Hearing	Michael Christensen
		09/15/2021
<p>Supporting documents are available for review on the San Francisco Property Information Map, which can be accessed at <a href="https://sfplanninggis.org/PIM/">https://sfplanninggis.org/PIM/</a>. Individual files can be viewed by clicking on the Planning Applications link, clicking the "More Details" link under the project's environmental record number (ENV) and then clicking on the "Related Documents" link. Once signed or stamped and dated, this document constitutes an exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.</p> <p>In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination to the Board of Supervisors can only be filed within 30 days of the project receiving the approval action.</p>		

## 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

### MODIFIED PROJECT DESCRIPTION

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. |
|--------------------------|---|

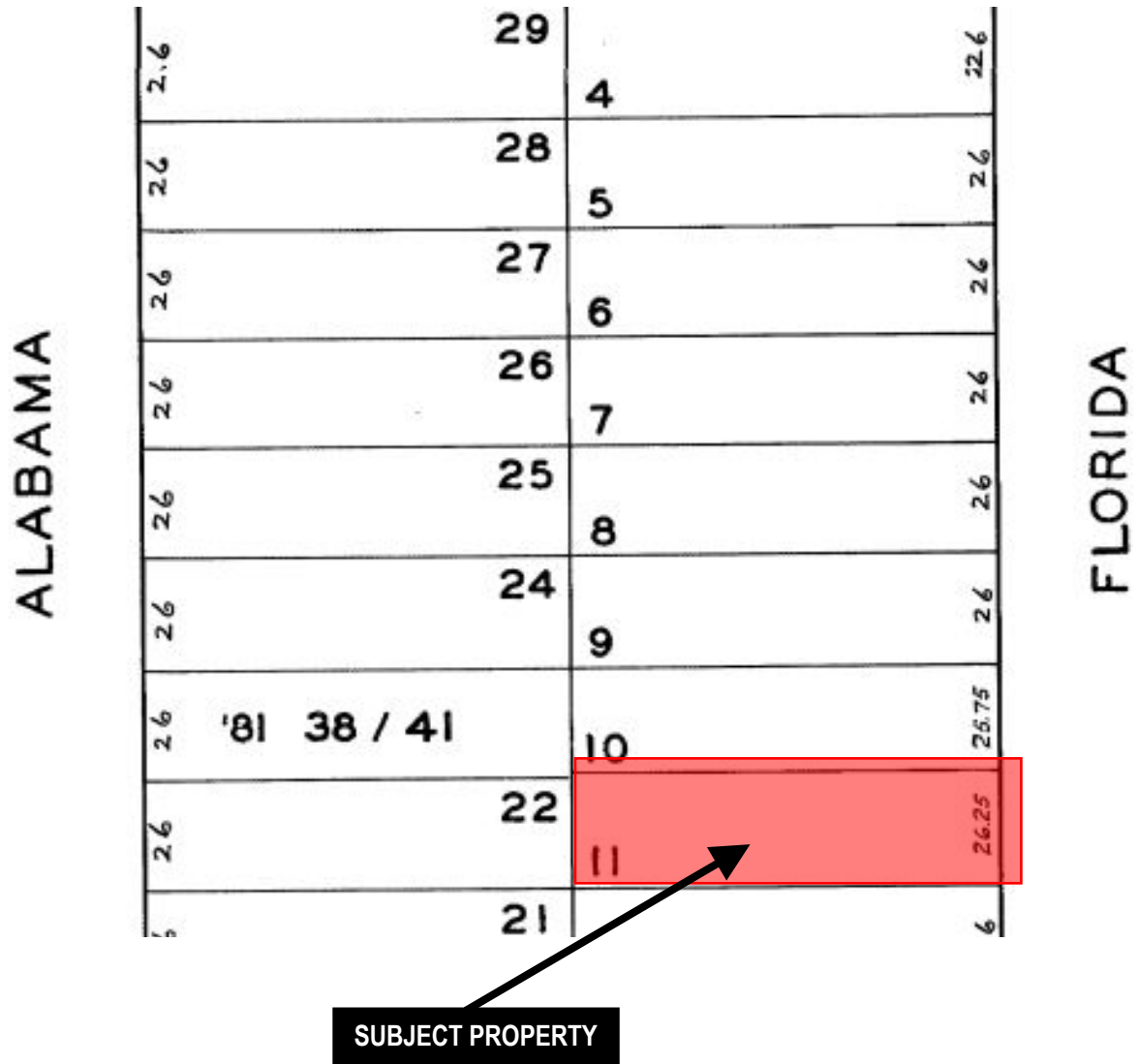
If this box is checked, the proposed modifications are exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, 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

**Planner Name:**

**Date:**

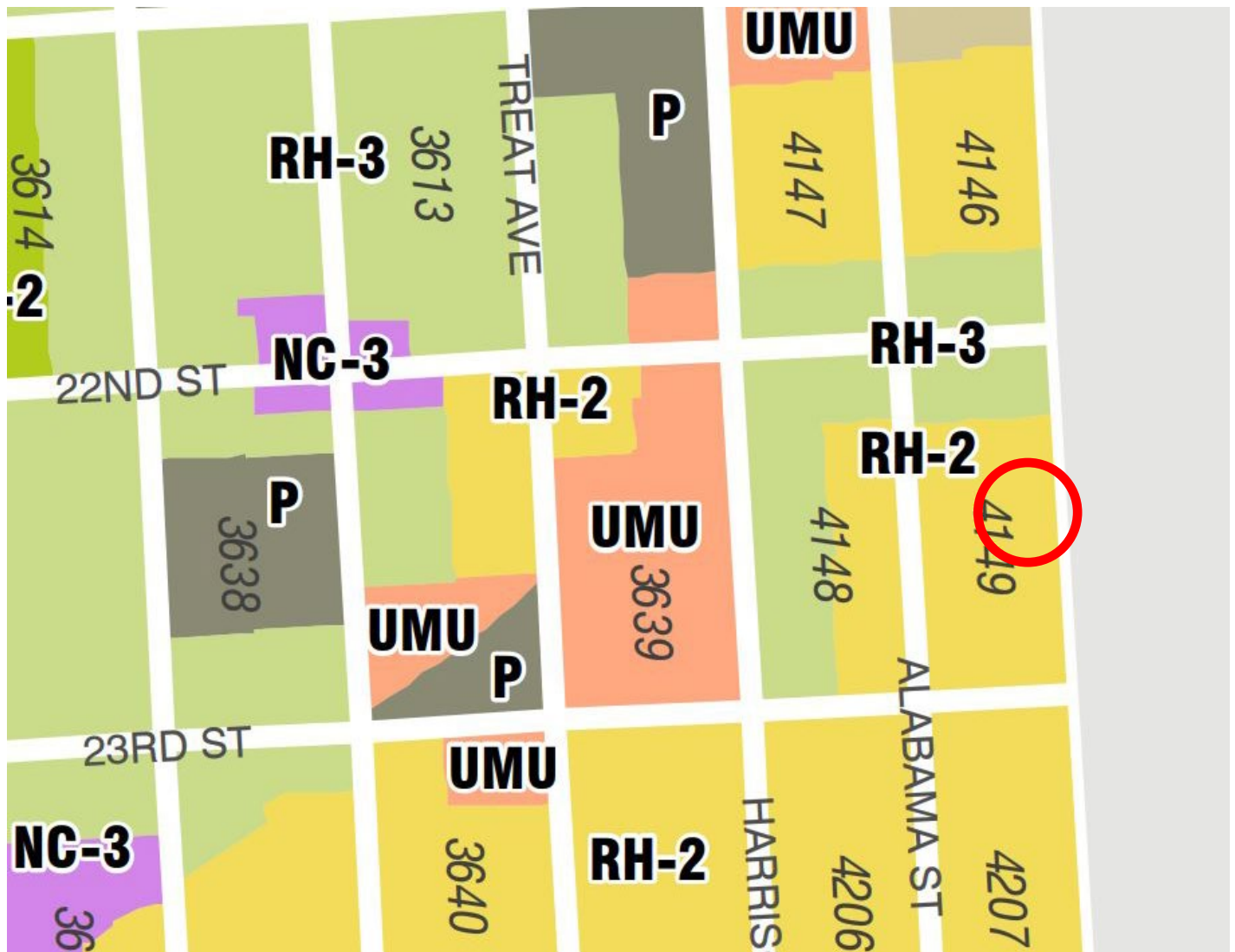


# Parcel Map



Conditional Use Authorization Hearing  
Case Number 2019-019901CUA  
1068 Florida Street

# Zoning Map



Conditional Use Authorization Hearing  
Case Number 2019-019901CUA  
1068 Florida Street

# Aerial Photo – View 1



**SUBJECT PROPERTY**



Conditional Use Authorization Hearing  
Case Number 2019-019901CUA  
1068 Florida Street



# Site Photo



Conditional Use Authorization Hearing  
Case Number 2019-019901CUA  
1068 Florida Street



# SAN FRANCISCO PLANNING DEPARTMENT

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## 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)

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

RE: Address of Permit Work:  
Assessor's Block/Lot:  
BPA # / Case #:

### 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

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: \_\_\_\_\_
  - o 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: \_\_\_\_\_
  - o See attached documents.

Signed:

**Anita Pandhoh**  
Rent Board Supervisor



Dated:

**August 25, 2021**

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

# REUBEN, JUNIUS & ROSE, LLP

John Kevlin  
jkevin@reubenlaw.com

September 13, 2021

**Delivered by Email (michael.christensen@sfgov.org)**

Joel Koppel, Commission President  
San Francisco Planning Commission  
49 South Van Ness Ave, Suite 1400  
San Francisco, CA 94103

**Re: 1068 Florida Street  
Planning Case Number: 2019-019901CUA  
Hearing Date: September 23, 2021**

Dear President Koppel and Commissioners:

This office represents 1068 Florida LLC (the “Project Sponsor”), the Sponsor of a residential project at 1068-1070 Florida Street (the “Property”), located four blocks west of SF General Hospital. The Project proposes the construction of a new, three-unit building that maximizes density (with an ADU), creates modest-sized dwelling units, and is completely consistent with neighbors.

Let us make it clear from the start: this Property has been tainted by unpermitted demolition work that destroyed the previously existing building on the site. As is discussed in further detail below, the Project Sponsor had nothing to do with and did not authorize any of the demolition work performed at the Property. The Project Sponsor was a victim of a consultant and a contractor associated with that consultant who performed work without permits.

## **A. Project Background**

The Project Sponsor purchased the existing, two-story building in 2015. The building had two units, both of which were vacant. The Property has no history of OMI or Ellis Act evictions. In November of 2016, the Project Sponsor’s architect filed applications for a demolition permit and a permit to reconstruct a new, two-unit building (BPA Nos. 2016.11.04.2045 and 2052). At the time of the permit application submission, DBI’s in-take staff indicated that it would not take in the physical copies of the architectural plans without a “soundness report” from a structural engineer. As a result, in December 2016, the Project Sponsor was referred to and engaged Santos & Urrutia to complete the soundness report, submit the architectural plans, and assist with the processing of the Project’s permits. It should be noted that the Project Sponsor had never met or engaged the firm prior to December 2016 or since. Bear in mind that the City Attorney’s office did not allege wrongdoings by the firm until September 2018, nearly two years after Project Sponsor engaged the firm.

What happened next is unfortunately similar to many of the stories we have heard before. Promises and representations to the Project Sponsor over an 18 month period (January 2017-June 2018) that progress was being made on permit processing and permit issuance. DBI's permit tracking system shows that neither the filed demolition nor new construction applications had even been processed beyond what the architect first submitted to DBI permit intake staff in November 2016, something the Project Sponsor only learned 14 months after the demolition had occurred.

The situation with the Property became even further complicated in late June of 2018. A demolition contractor mistakenly went to the wrong property address and carried out demolition work on the Sponsor's Property instead of intended demolition work at another building in the vicinity. The demolition contractor sent a letter to DBI immediately after the demolition at the Property (see the attached **Exhibit A**) without Project's Sponsor's knowledge. Project Sponsor first learned of the letter to DBI years eight months after the demolition.

Project Sponsor filed a lawsuit against the demolition contractor. The parties recently reached a financial settlement where the contractor will pay Project Sponsor for the extensive damages caused by the unpermitted demolition to the Property. Furthermore, in deposition testimony under oath, the contractor indicated that the Project Sponsor did not authorize any demolition work at the Property. Under oath, the contractor further indicated that a demolition crew mistakenly went to the wrong property address.

**The Project Sponsor never authorized the demolition of the existing building at the Property and was unaware of such action until days after the demolition work first took place.** Subsequent to the demolition and given the turmoil created by the unpermitted work, the Project Sponsor inserted himself directly into the City enforcement and permitting processes including the separate enforcement processes of both DBI and the Planning Department. The Project Sponsor diligently followed the instructions outlined by DBI's enforcement staff to secure the building (including removing all loose debris from the property and re-tarping the remaining structure) and for DBI's enforcement hearing. The Project Sponsor also diligently followed the instructions outlined by the Planning Department's enforcement staff regarding its own enforcement process and the process for permit application submission. During the Planning Department review process, the Project Sponsor has incorporated virtually all written feedback received from Planning Department staff. The Planning Commission hearing on September 23<sup>rd</sup> is the conclusion of the review process.

## **B. Proposed Project**

The Project proposes the demolition of the remaining ground story structure on the Property and the construction of a new four-story, three-unit building. The Project maximizes the density under allowable zoning by providing the two units permitted by the RH-2 zoning district and including an ADU (which will be subject to rent control). Each of the three bi-level units are modest in size, at 1,313 square feet (1068 Florida), 1,422 square feet (1070



Florida) and 1,520 square feet (1072 Florida). All three units have been designed with their own private outdoor space. The lower unit has a backyard, the middle unit has a terrace above the pop-out, and the top unit has a small roof deck set back from all sides of the property that is accessed with a hatch to avoid a penthouse.

The Project is consistent with its existing neighbors:

- **Front.** Despite being four stories, the Project is shorter than its north/right neighbor and just 2.5 feet taller than its south/left neighbor. The railing of the roof deck is setback over 20 feet from the front of the building, and will not be visible from the street.
- **Rear.** Both adjacent buildings extend to nearly the same depth, and therefore the rear wall of the Project extends to the same depth. A two-story pop-out is provided, setback five feet from both side property lines. Both adjacent properties have narrower pop-outs that vertically extend to the entire height of those buildings.
- **Lightwell and Roof Deck.** The building to the north/right of the Property has no property line windows and a 10'-6" by 2'-4" lightwell. The Project provides a larger lightwell to match it at the second floor and above, extending the full 10'-6" and providing double the width at 5'. Further, the roof deck is setback 5' from the north/ right property line and 4'3" from the south/ left property line.

The Project is designed in a way that is fully code-compliant and consistent with typical urban infill residential development in the City.

## C. Conclusion

Sadly, dozens of unpermitted demolitions of residential buildings have occurred in San Francisco in recent years. Each case is different. In the present case at the Property, the unpermitted demolition was done without the Project Sponsor's authorization or awareness. The contractor admitted under oath that the Project Sponsor did not authorize the demolition work and also admitted under oath that a crew mistakenly demolished the Sponsor's building instead of the intended demolition of a different building in the vicinity.

While the Planning Commission has understandably used its conditional use authority to ensure bad faith project sponsors do not benefit from their misdeeds, the Project Sponsor's lack of involvement in this demolition has been verified in writing and under oath by the demolition contractor himself. As such, the Project Sponsor should not be punished here, nor should the rational, reasonable redevelopment of the Property that benefits the neighborhood. The Project maximizes density with three modest-sized units, including a rent-controlled unit,

President Joel Koppel and Commissioners  
San Francisco Planning Commission  
September 13, 2021  
Page 4

while maintaining consistency with its neighbors. We urge the Commission to approve the Project so that this Property can be re-built and the adverse impacts on neighbors eliminated.

Very truly yours,

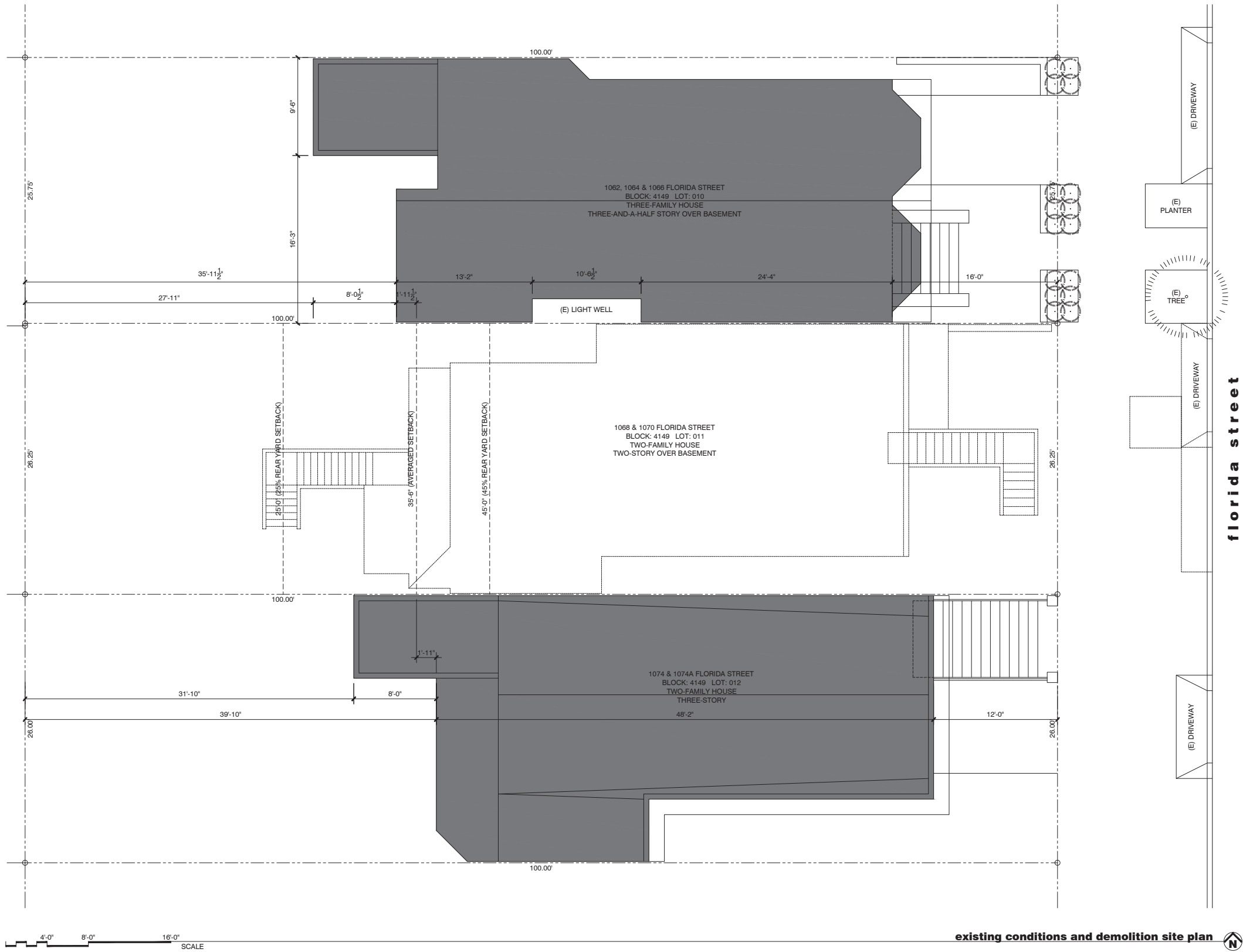
**REUBEN, JUNIUS & ROSE, LLP**

A handwritten signature in blue ink, appearing to read 'John Kevlin', with a large loop at the end.

John Kevlin

cc: Kathrin Moore, Commission Vice-President  
Deland Chan, Commissioner  
Sue Diamond, Commissioner  
Frank S. Fung, Commissioner  
Theresa Imperial, Commissioner  
Rachael Tanner, Commissioner  
Michael Christensen, Project Planner





existing conditions and demolition site plan

florida street

agency stamp space

4	12.11.20	Response to NOPDR#3
3	10.26.20	Response to NOPDR#2
2	07.24.20	Response to NOPDR#1
1	05.18.20	Submitted for Planning Review

Issue date description

**gregory smith**  
Architecture & Design  
C-26699  
STATE OF CALIFORNIA  
07-31-21

200 So. Van Ness, San Francisco, CA 94104  
Office Telephone: (415) 431-1740  
www.gregorysmitharchitect.com

**new building**  
**1068-1070-1072 florida st**  
**san francisco, ca 94110**

block 4149, lot: 011  
lat. 37.75487, long. -122.41055  
drawing title:

**existing site plan**

sheet:

**A 1.0**

drawn: gs date: dec. 11, 2020 scale: 1/8"=1'-0"



**site photo - florida street view looking south**

**site photo - florida street view**

## site photo - florida street view looking north



**site photo - florida street opposite view**

**agency stamp space**

- | issue | date     | description                   |
|-------|----------|-------------------------------|
| 4     | 12.11.20 | Response to NOPDR#3           |
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**new building**  
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**san francisco, ca 94110**

block 4149, lot: 011  
lat. 37.75487 , long. -122.41055

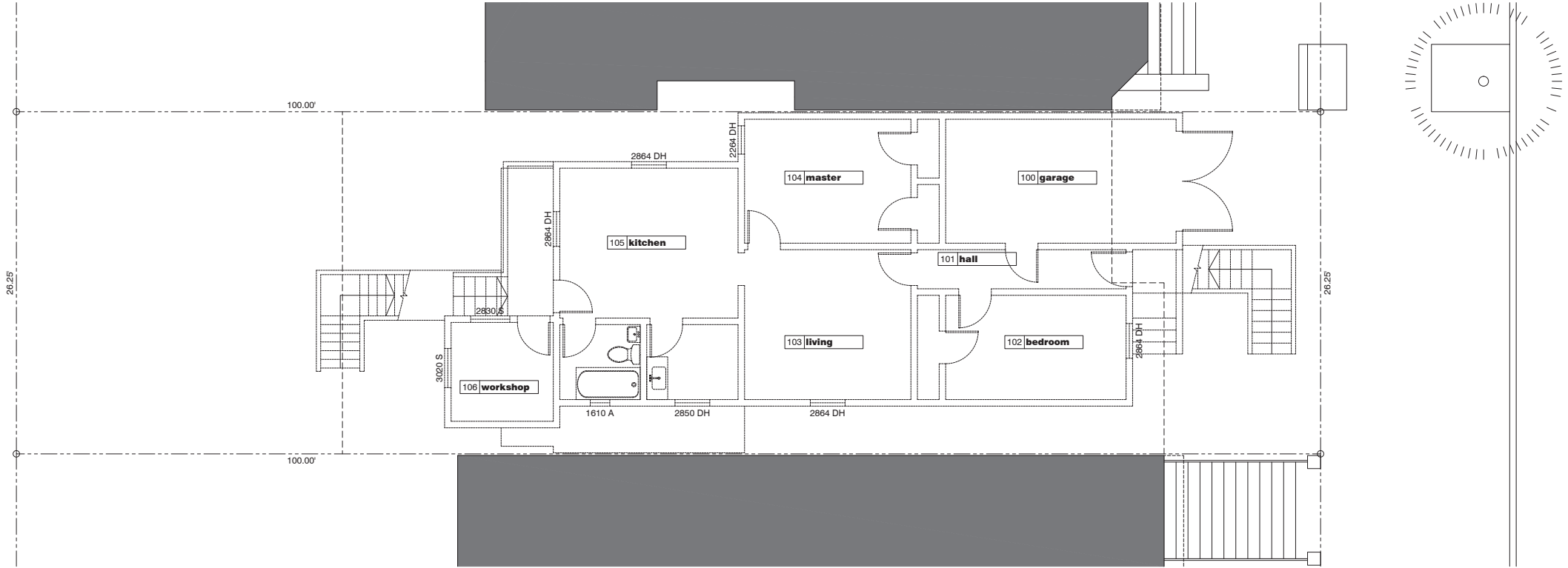
## site photographs

sheet:

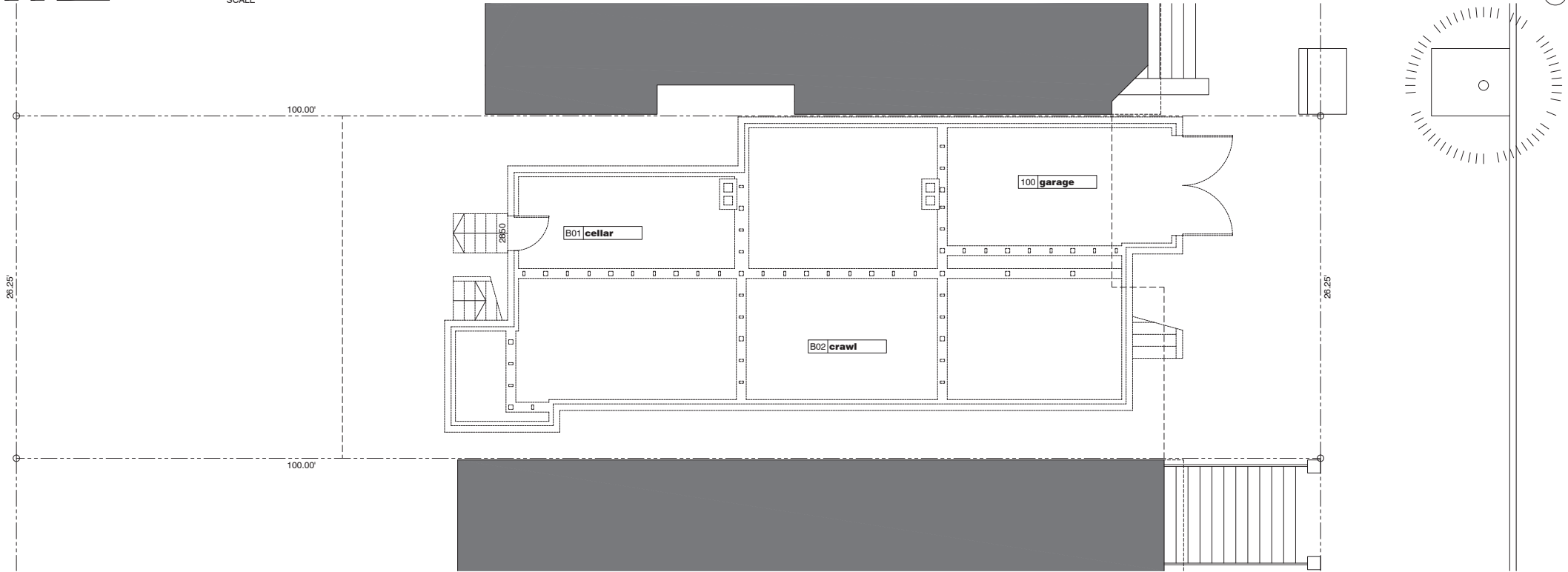
## A 1.1

drawn: gs    date: Dec. 11, 2020    scale: as noted

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first floor existing conditions and demolition plan



crawlspace existing conditions and demolition plan

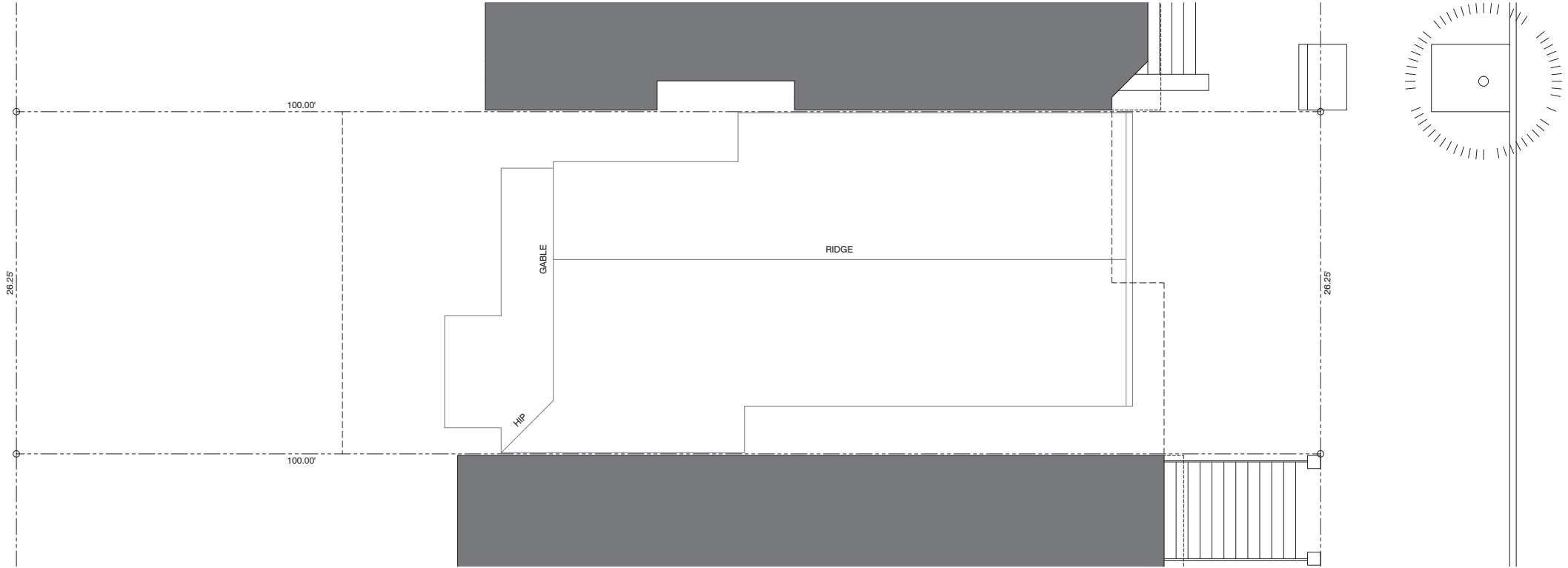
agency stamp space

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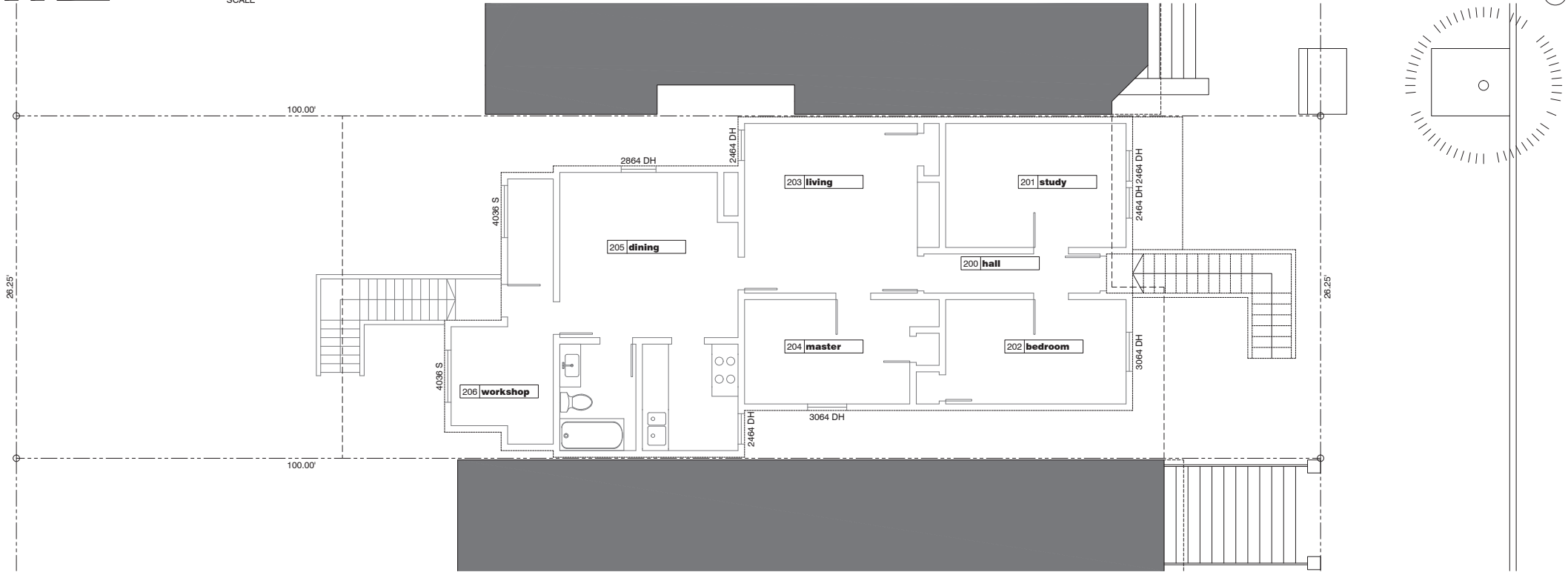
issue date description

**gregory smith**  
architecture & design  
C-26697  
*Gregory Smith*  
P.O. Box 756, Liverfield, CA 94554  
office telephone: (415) 451-1740  
www.gregorysmitharchitect.com

**new building**  
**1068-1070-1072 florida st**  
**san francisco, ca 94110**  
block 4149, lot: 011  
lat. 37.75487, long. -122.41055  
drawing title:  
**existing floor plans**  
**crawlspace**  
**first floor**  
sheet:  
**A 1.2**  
drawn: gs date: Dec. 11, 2020 scale: 1/4"=1'-0"



roof existing conditions and demolition plan



second floor existing conditions and demolition plan

agency stamp space

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3	10.26.20	Response to NOPDR#2
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1	05.18.20	Submitted for Planning Review

issue date description

PROFESSIONAL ARCHITECT  
GREGORY SMITH  
C-26697  
STATE OF CALIFORNIA

gregory smith  
architecture & design

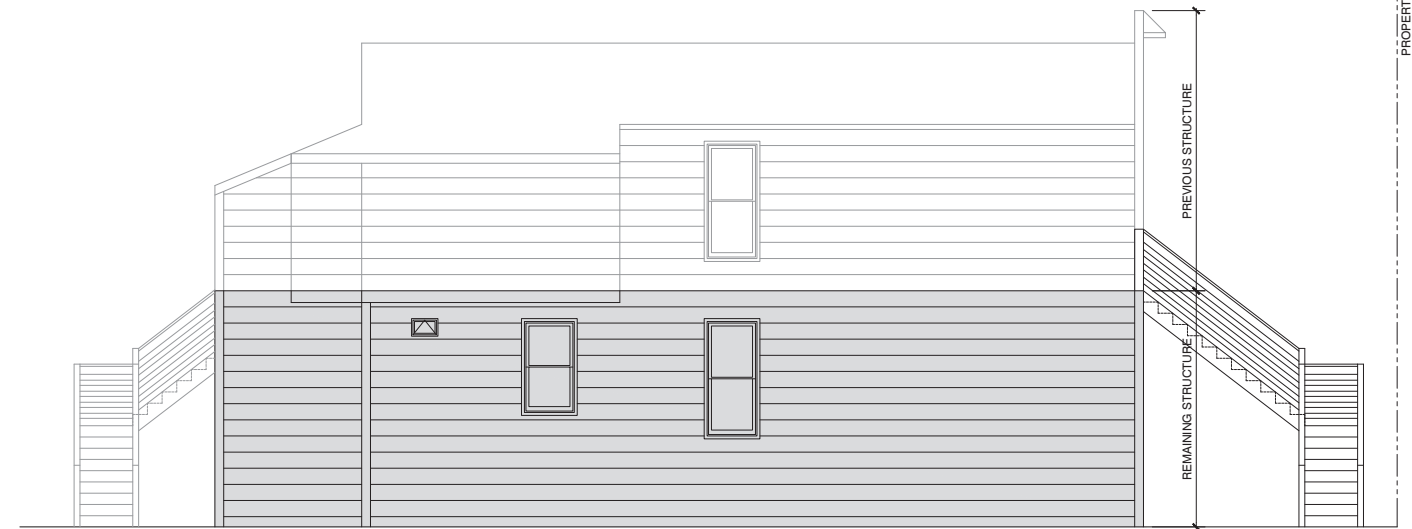
p.o. box 756, liverfield, ca 94014  
office telephone: (415) 451-1740  
www.gregorysmitharchitect.com

**new building**  
**1068-1070-1072 florida st**  
**san francisco, ca 94110**  
block 4149, lot: 011  
lat. 37.75487, long. -122.41055  
drawing title:  
**existing floor plans**  
**second floor**  
**roof**  
sheet:  
**A 1.3**  
drawn: gs date: Dec. 11, 2020 scale: 1/4"=1'-0"



4'-0" 8'-0" 16'-0"  
SCALE

florida street - west elevation - previous conditions



4'-0" 8'-0" 16'-0"  
SCALE

south elevation - previous conditions

agency stamp space

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**new building**  
**1068-1070-1072 florida st**  
**san francisco, ca 94110**

block 4149, lot: 011  
lat. 37.75487, long. -122.41055

drawing title:  
**existing elevations**  
**west**  
**south**

sheet:  
**A 1.4**

drawn: gs date: Dec. 11, 2020 scale: 1/4"=1'-0"





4'-0" 8'-0" 16'-0"  
SCALE

rear yard - east elevation - previous conditions



4'-0" 8'-0" 16'-0"  
SCALE

north elevation - previous conditions

agency stamp space

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3	10.26.20	Response to NOPDR#2
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1	05.18.20	Submitted for Planning Review

issue date description

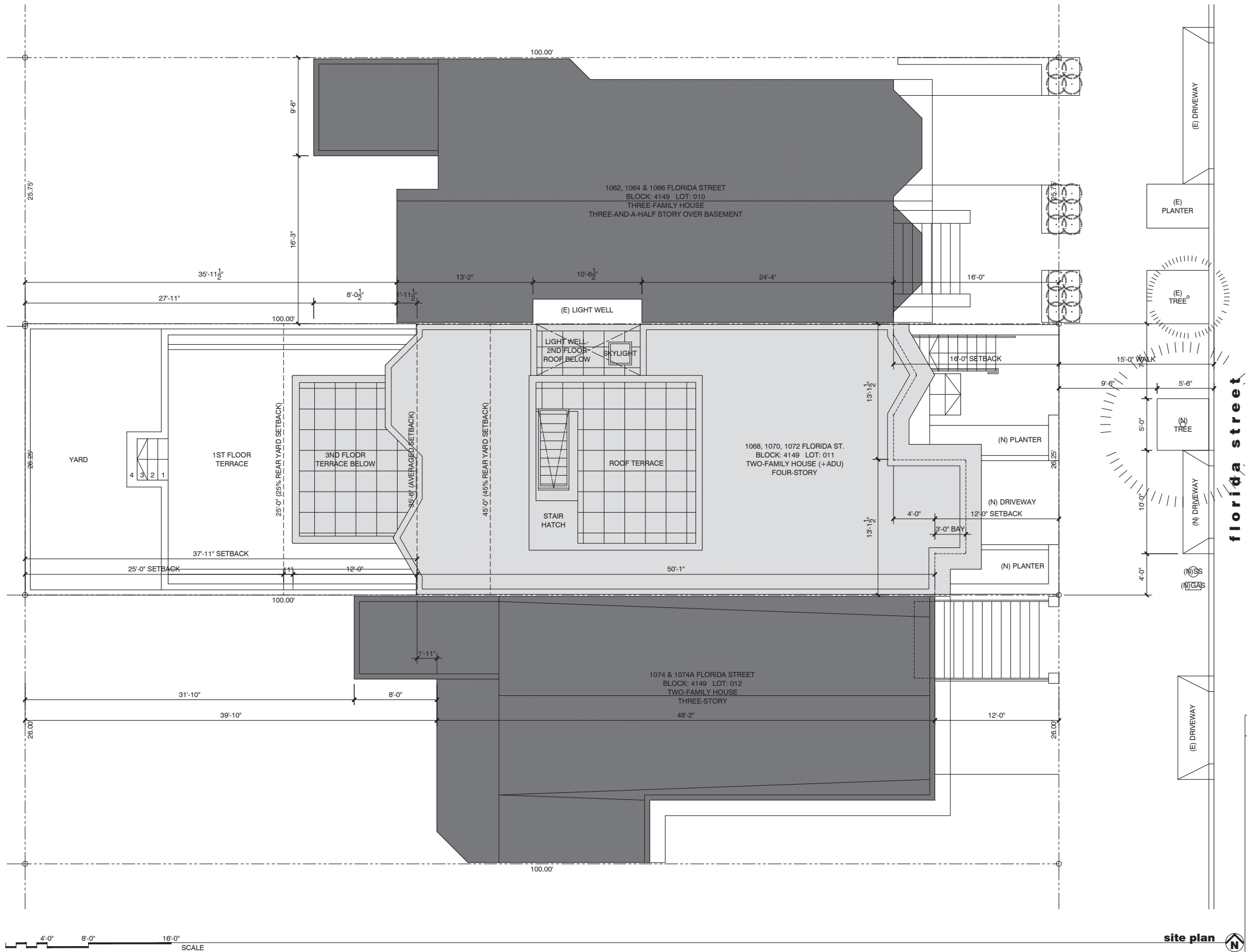
**gregory smith**  
architecture & design  
C-26697  
*Gregory Smith*  
STATE OF CALIFORNIA  
P.O. Box 756, Liverfield, CA 94014  
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**new building**  
**1068-1070-1072 florida st**  
**san francisco, ca 94110**

block 4149, lot: 011  
lat. 37.75487, long. -122.41055

drawing title:  
**existing elevations**  
**east**  
**north**

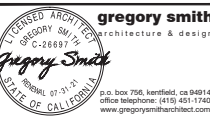
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agency stamp space

- 4 12.11.20 Response to NOPDR#3
- 3 10.26.20 Response to NOPDR#2
- 2 07.21.20 Response to NOPDR#1
- 1 05.18.20 Submitted for Planning Review

Issue date Description



**new building**  
**1068-1070-1072 florida st**  
**san francisco, ca 94110**

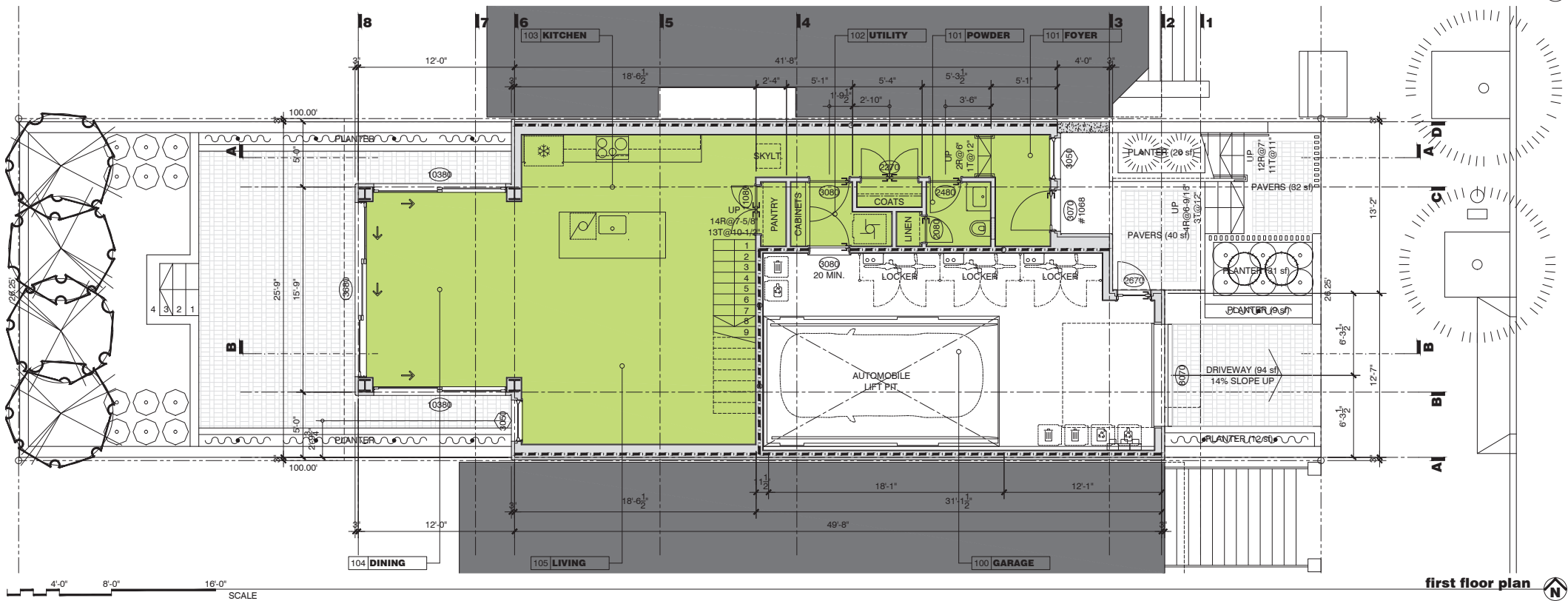
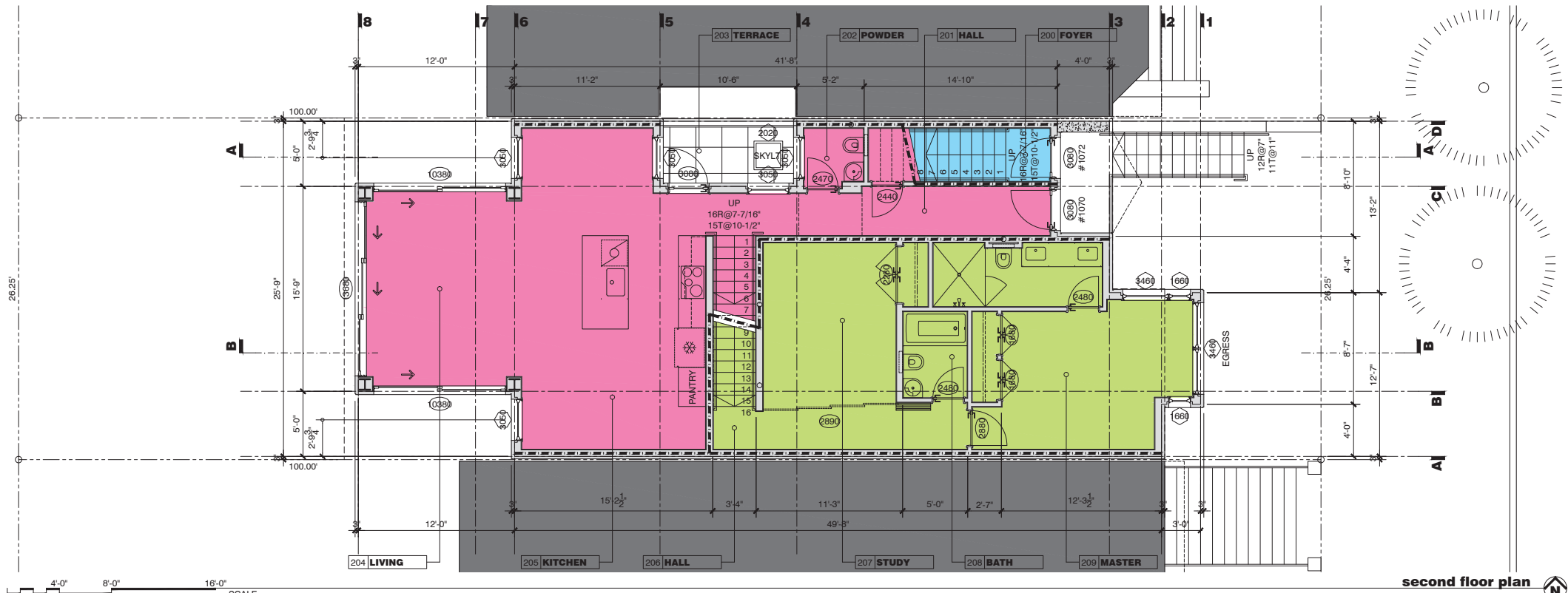
block 4149, lot: 011  
lat. 37.75487, long. -122.41055  
drawing title:

**site plan**

sheet:

**A 2.0**

drawn: gs date: dec. 11, 2020 scale: 1/8"=1'-0"

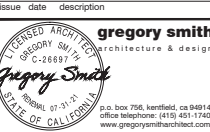


### yard permeability

FRONT YARD PERMEABILITY CALCULATIONS:	
FRONT YARD TOTAL AREA:	368 SF
PERMEABLE PAVER AREAS:	32 SF 40 SF 94 SF 166 SF
PERMEABLE PAVER TOTAL AREA:	
PLANTER AREAS:	20 SF 31 SF 9 SF 12 SF 72 SF
PLANTER TOTAL AREA:	
TOTAL PERMEABLE AREA:	166+72=238 SF
PERMEABLE YARD PERCENTAGE:	238/368=65% 65%>50% = OK
PLANTED YARD PERCENTAGE:	72/368=20% 20%=20% = OK

### agency stamp space

- 4 12.11.20 Response to NOPDR#3
- 3 10.26.20 Response to NOPDR#2
- 2 07.24.20 Response to NOPDR#1
- 1 05.18.20 Submitted for Planning Review

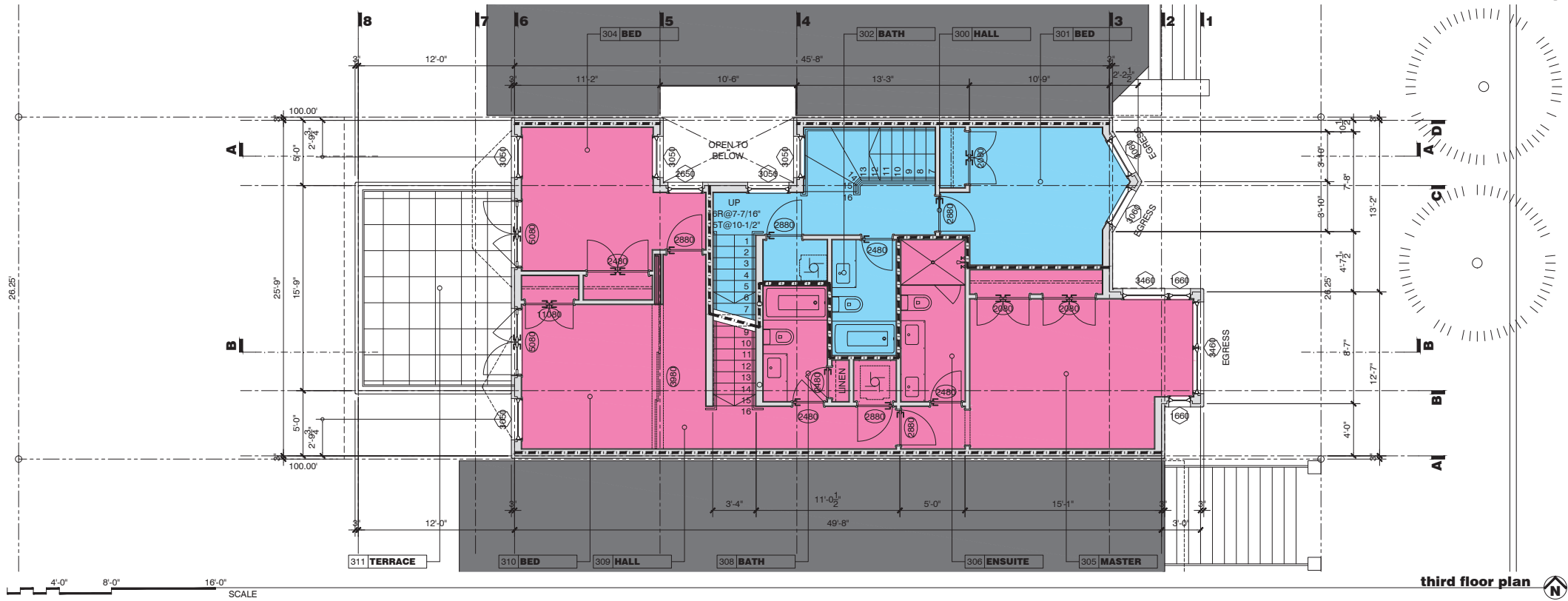
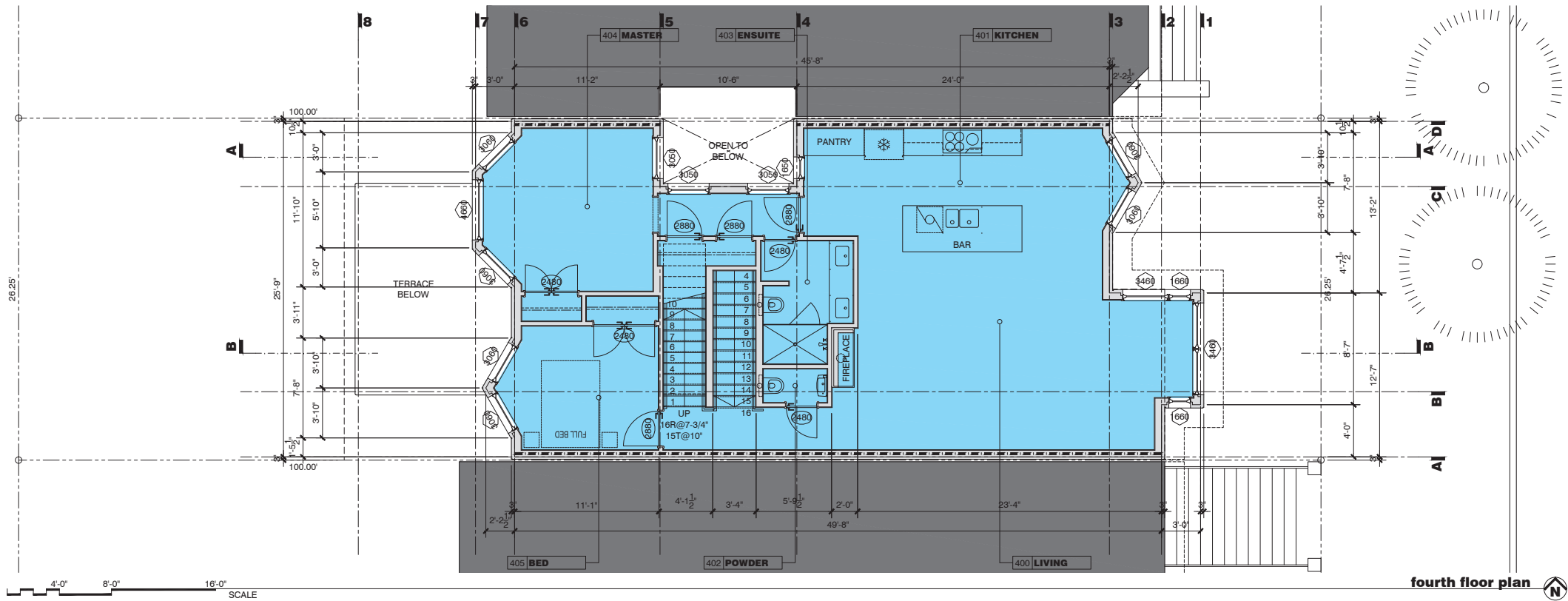


**new building**  
**1068-1070-1072 florida st**  
**san francisco, ca 94110**

block 4149, lot: 011  
lat. 37.75487, long. -122.41055  
drawing title:

**floor plans**  
**first floor**  
**second floor**  
sheet:

**A 2.1**



agency stamp space

4	12.11.20	Response to NOPDR#3
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Issue	date	Description

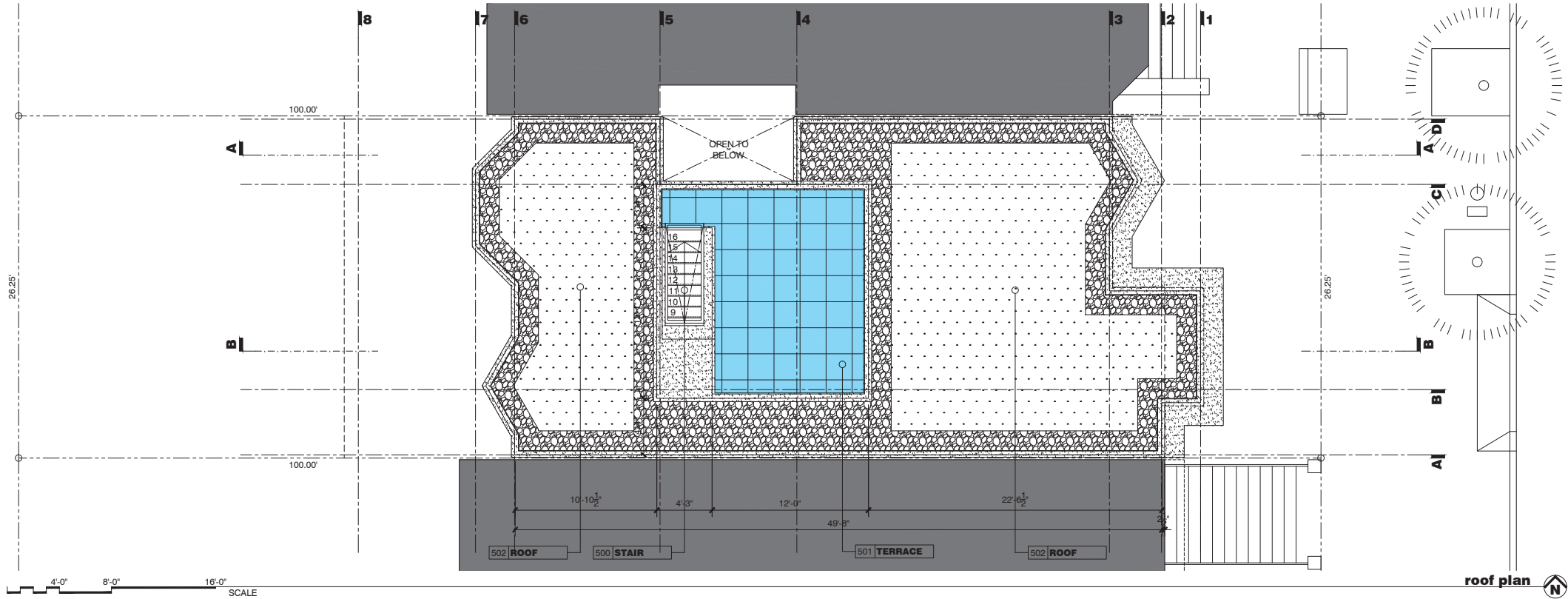


new building  
1068-1070-1072 florida st  
san francisco, ca 94110

block 4149, lot: 011  
lat. 37.75487, long. -122.41055  
drawing title:

floor plans  
third floor  
fourth floor  
sheet:

A 2.2



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agency stamp space

4	12.11.20	Response to NOPDR#3
3	10.26.20	Response to NOPDR#2
2	07.24.20	Response to NOPDR#2
1	05.18.20	Submitted for Planning Review

12.11.20

10.26.20

07.24.20

05.18.20

Response to NOPDR#3

Response to NOPDR#2

Response to NOPDR#2

Submitted for Planning Review

ggregory smith

architecture & design

C-26695

STATE OF CALIFORNIA

ggregory smith

architecture & design

C-26695

STATE OF CALIFORNIA

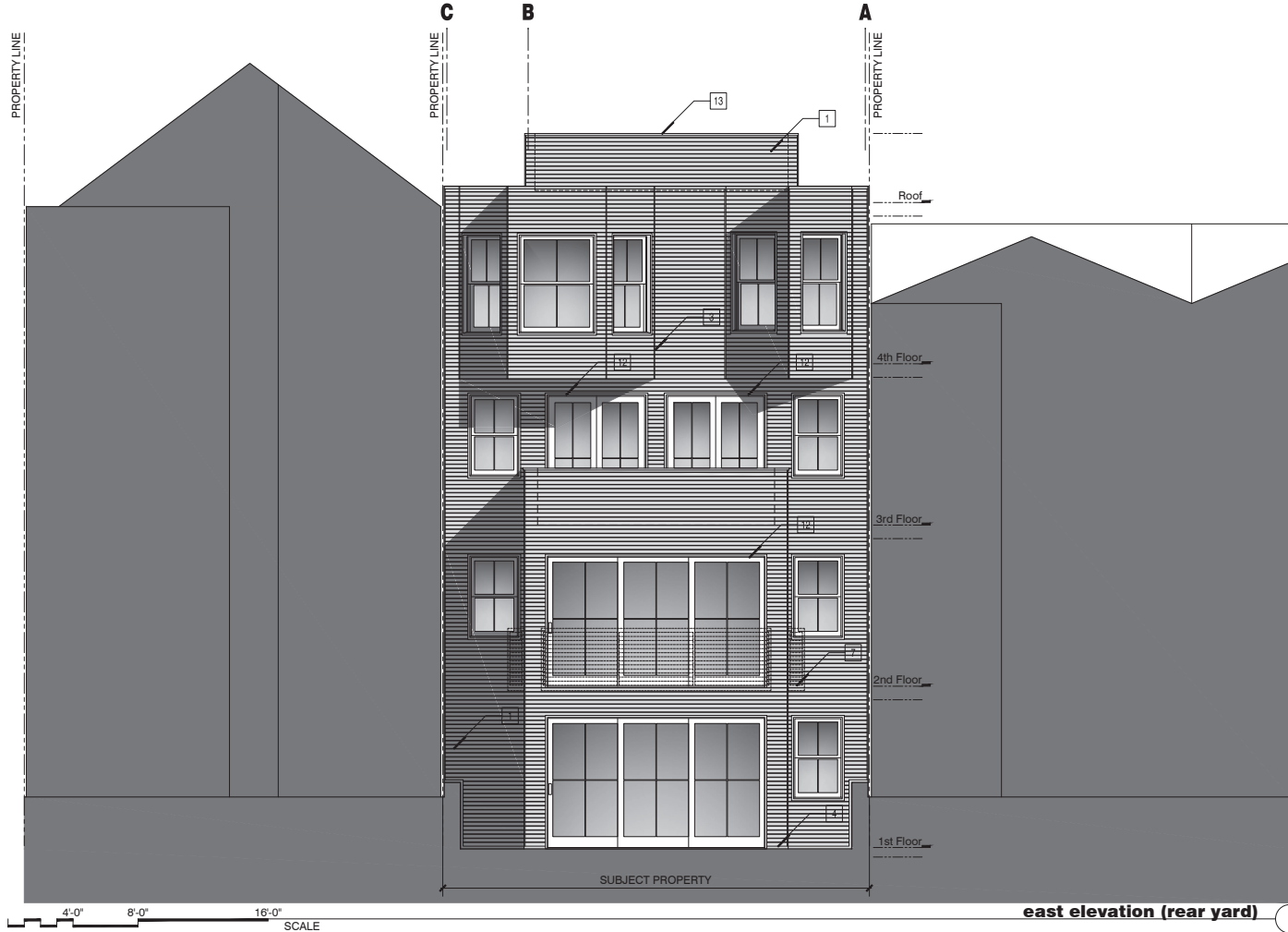
1068-1070-1072 florida st

san francisco, ca 94110

block 4149, lot: 011

lat. 37.75487, long. -122.41055

new building  
1068-1070-1072 florida st  
san francisco, ca 94110  
block 4149, lot: 011  
lat. 37.75487, long. -122.41055  
drawing title:  
**roof plan**



### elevation keynotes

- WOOD SIDING: 1x4 T&G "FINELINE REVEAL" CEDAR SIDING - "BERONIO LUMBER" K73 OR EQUAL.
- WOOD SIDING: 1x6 T&G "FINELINE REVEAL" VERTICAL CEDAR SIDING - "BERONIO LUMBER" K75 OR EQUAL.
- METAL CORNER TRIM: 3/4" METAL CORNER BEAD TRIM, TYPICAL.
- SILL FLASHING: METAL, PAINTED OUT TO MATCH WALL, TYPICAL AND CONTINUOUS AT WALL BASE.
- PANEL SIDING: FIBER CEMENT PANEL BLIND WALL SIDING PAINTED TO MATCH WOOD SIDING FINISH.
- PATIO: RAISED PAVER PATIO DECK ABOVE GRADE SLOPED AWAY FROM BUILDING
- GUARDRAIL: 42" MINIMUM HIGH, STAINLESS STEEL CABLE INFILL..
- BUILDING ADDRESS: 6" HIGH PIN-MOUNTED METAL NUMBERS ON BUILDING WALL.
- GARAGE DOOR: 8-FOOT WIDE POWER OPERATED OVERHEAD SECTIONAL DOOR WITH WOOD FINISH.
- ENTRY DOOR: ALUMINUM CLAD WOOD DOOR WITH GLAZING PANEL AND MAIL SLOT.
- WINDOW: ALUMINUM CLAD WOOD WINDOW WITH FACE OF GLAZING SET BACK 4" MIN. FROM FACADE.
- PATIO DOOR: ALUMINUM CLAD WOOD PATIO DOOR WITH GLAZING PANEL.
- ROOF TERRACE GUARDRAIL: 42" HIGH MINIMUM WOOD GUARD WALL WITH WOOD SIDING FINISH
- NEIGHBOR: DASHED LINE INDICATES EXTENT OF NEIGHBORING BUILDING BEYOND.

### elevation notes

- A WEATHER-RESISTANT EXTERIOR WALL ENVELOPE SHALL BE PROVIDED AND CONSTRUCTED IN SUCH A MANNER AS TO PREVENT THE ACCUMULATION OF WATER WITHIN THE WALL ASSEMBLY AND ALLOWING A MEANS FOR WATER THAT ENTERS THE ASSEMBLY TO DRAIN TO THE EXTERIOR. (CBC SEC. 1403.2)
- FLASHING SHALL BE INSTALLED AT THE PERIMETERS OF DOOR/WINDOW ASSEMBLIES, AND AT SIMILAR LOCATIONS WHERE MOISTURE COULD ENTER THE WALL. (CBC SEC. 1405.3)
- STUCCO ALL EXTERIOR FRONT AND REAR WALL SURFACES UNLESS NOTED OTHERWISE.
- PAINT ALL STUCCO SURFACES. SEE EXTERIOR COLOR SCHEDULE.
- DO NOT CHANGE PAINT COLORS AT OUTSIDE CORNERS OF WALLS AND TRIM. CHANGES IN COLORS ARE TO OCCUR AT INSIDE WALL CORNERS ONLY, U.N.O.
- PAINT UTILITY PIPES, CONDUITS, WALL VENTS AND SIMILAR ITEMS TO MATCH WALL COLOR.
- ENVIRONMENTAL AIR DUCT EXHAUST TERMINATIONS SHALL NOT BE LOCATED WITHIN 3 FEET OF AN OPENING TO THE BUILDING (M.C. SEC. 502.7.3.6.3).

### agency stamp space

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**new building**  
**1068-1070-1072 florida st**  
**san francisco, ca 94110**

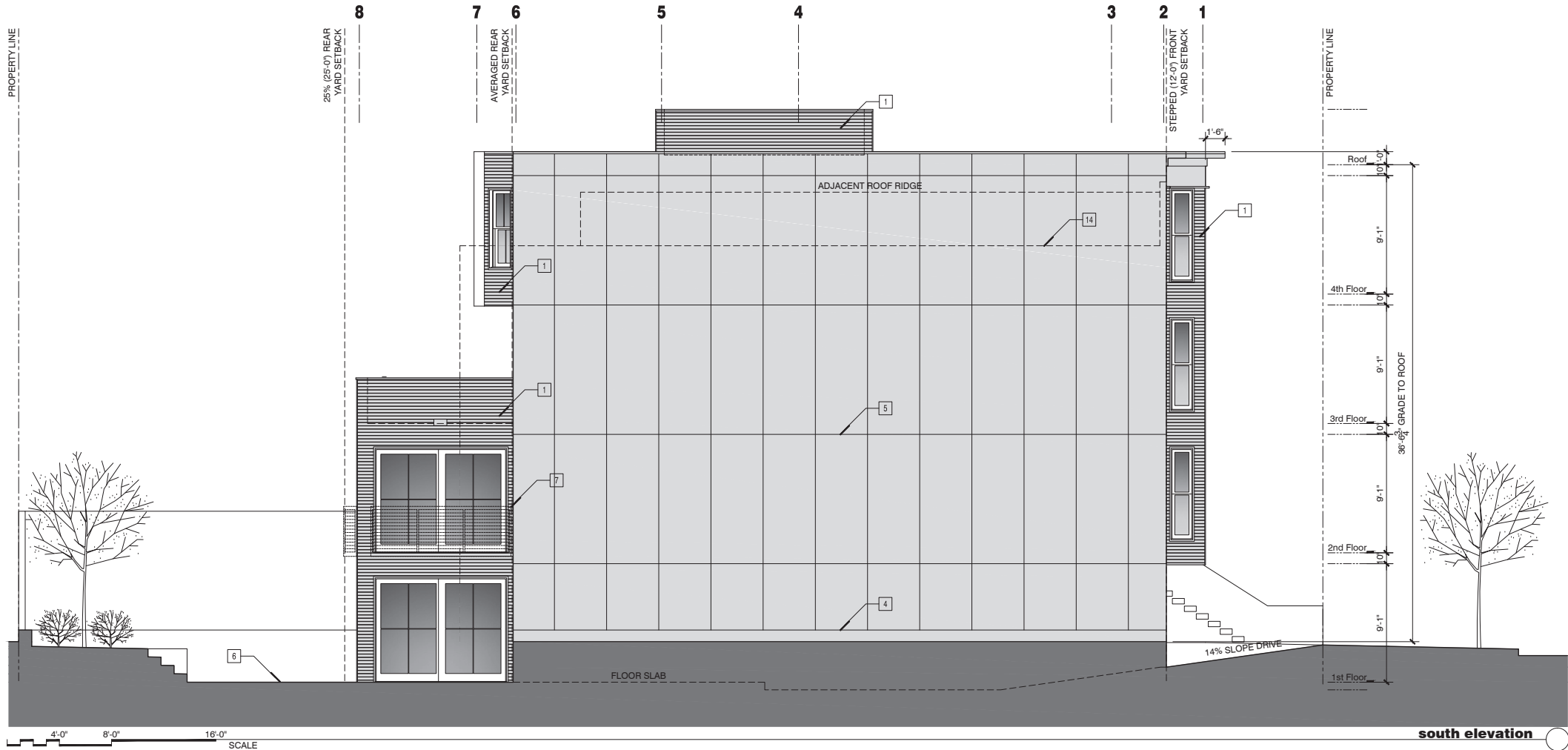
block 4149 , lot: 011  
lat. 37.75487 , long. -122.41055  
drawing title:

**building elevations**  
**east (florida street)**  
**west (rear yard)**  
sheet:

**A 3.1**

drawn: gs date: dec. 11, 2020 scale: 1/8"=1'-0"

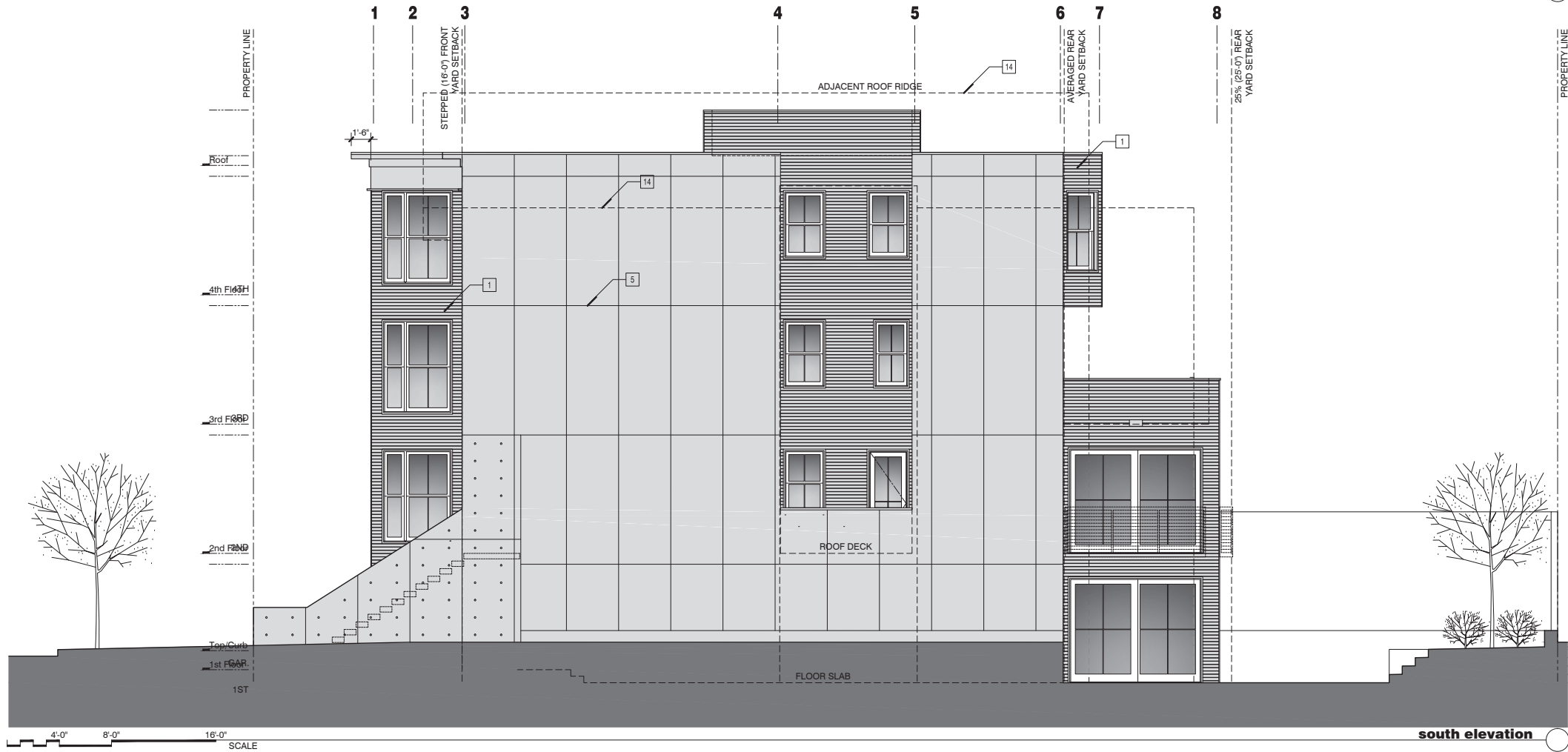




- ### elevation keynotes
- WOOD SIDING: 1x4 T&G "FINELINE REVEAL" CEDAR SIDING - "BERONIO LUMBER" K73 OR EQUAL.
  - WOOD SIDING: 1x6 T&G "FINELINE REVEAL" VERTICAL CEDAR SIDING - "BERONIO LUMBER" K75 OR EQUAL.
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  - PATIO DOOR: ALUMINUM CLAD WOOD PATIO DOOR WITH GLAZING PANEL.
  - ROOF TERRACE GUARDRAIL: 42" HIGH MINIMUM WOOD GUARD WALL WITH WOOD SIDING FINISH
  - NEIGHBOR: DASHED LINE INDICATES EXTENT OF NEIGHBORING BUILDING BEYOND.
  - 
  - 
  - 
  - 
  - 
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  - 
  - 
  - 
  - 
  - 
  -

- ### elevation notes
- A WEATHER-RESISTANT EXTERIOR WALL ENVELOPE SHALL BE PROVIDED AND CONSTRUCTED IN SUCH A MANNER AS TO PREVENT THE ACCUMULATION OF WATER WITHIN THE WALL ASSEMBLY AND ALLOWING A MEANS FOR WATER THAT ENTERS THE ASSEMBLY TO DRAIN TO THE EXTERIOR. (CBC SEC. 1403.2)
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### agency stamp space



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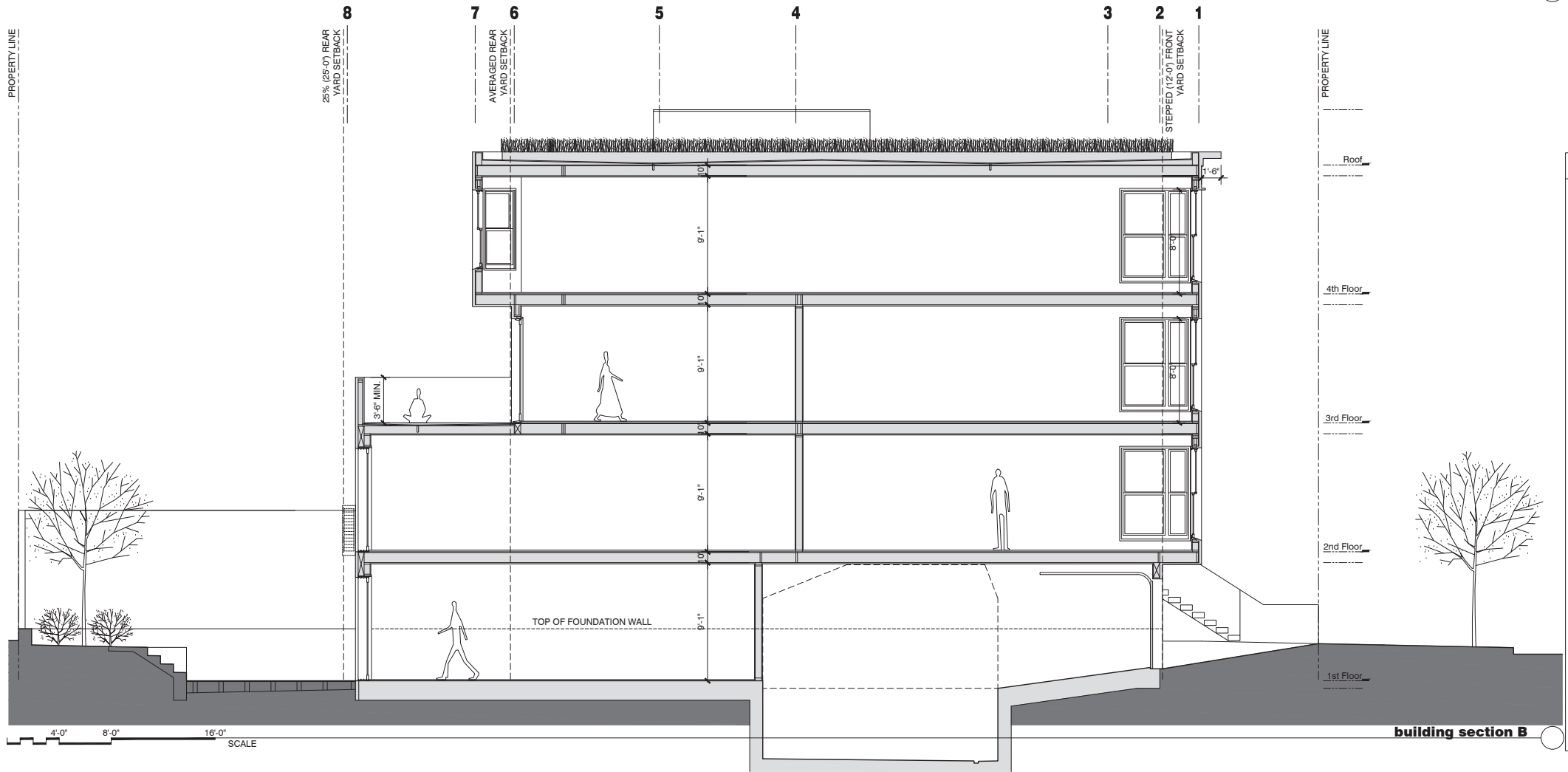
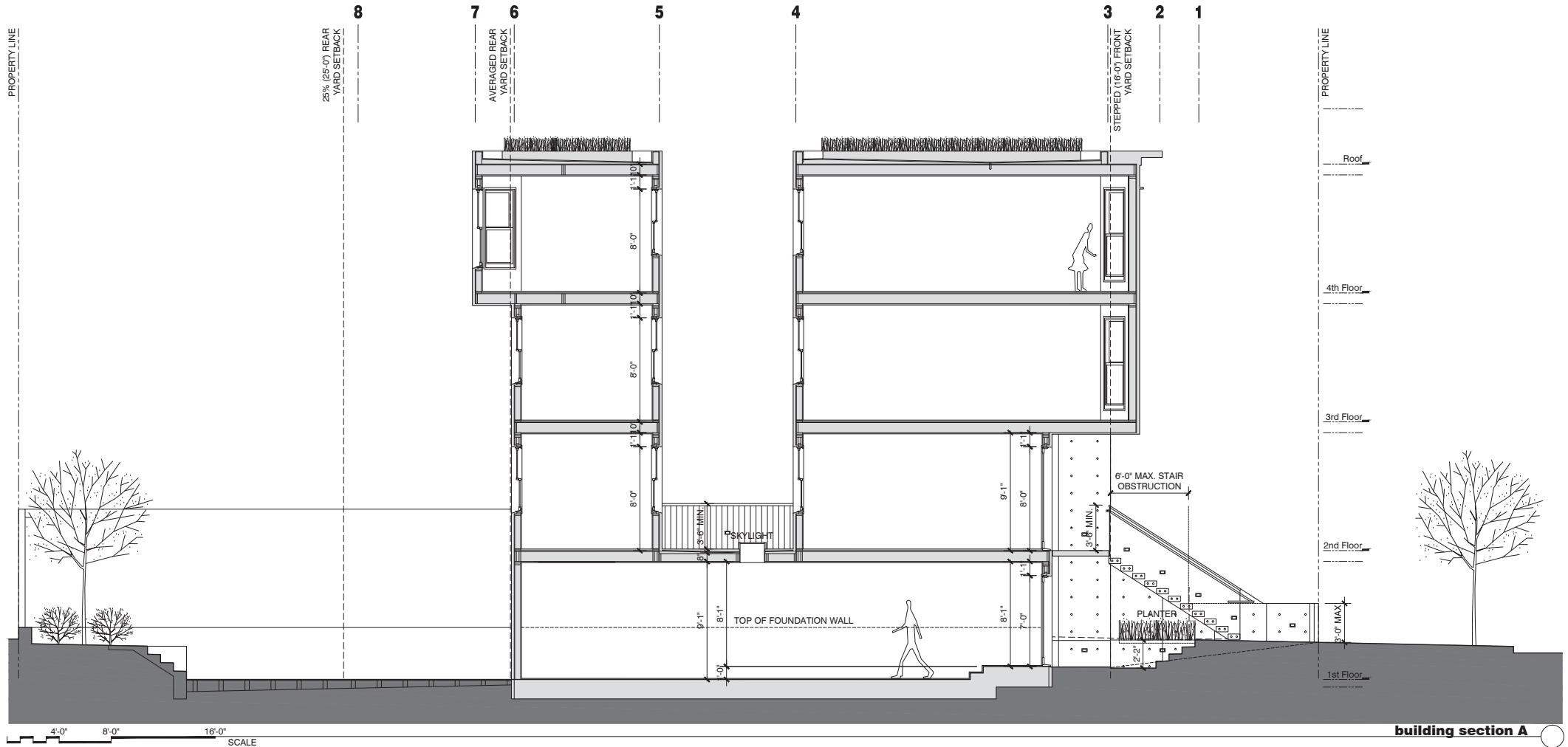
**ggregory smith**  
architecture & design  
C-26695  
ggregory smith  
010100000 07/31/21  
STATE OF CALIFORNIA  
2101, Box 756, Berkeley, CA 94714  
Office Telephone: (415) 451-1740  
www.ggregorysmitharchitect.com

**new building**  
**1068-1070-1072 florida st**  
**san francisco, ca 94110**  
block 4149, lot: 011  
lat. 37.75487, long. -122.41055  
Drawing title:

**building elevations**  
**south**  
**north**  
sheet:

**A 3.2**

drawn: gs date: dec. 11, 2020 scale: 1/8"=1'-0"



agency stamp space

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**new building**  
**1068-1070-1072 florida st**  
**san francisco, ca 94110**

block 4149, lot: 011  
lat. 37.75487, long. -122.41055  
drawing title:

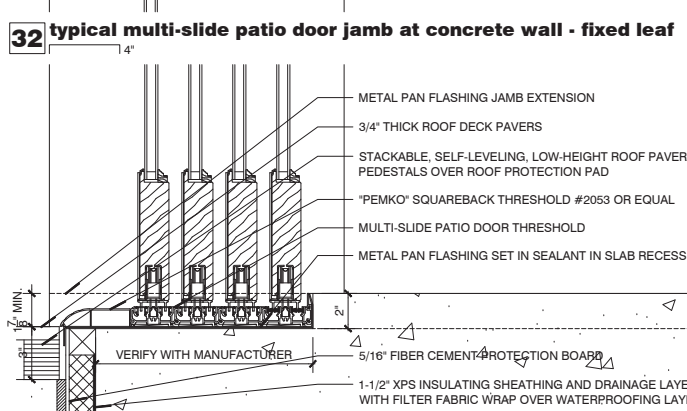
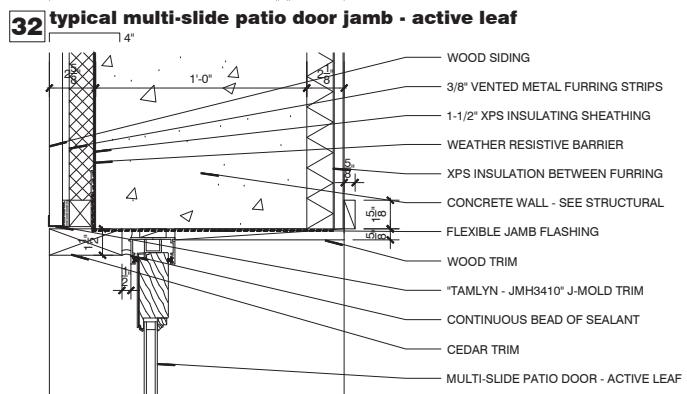
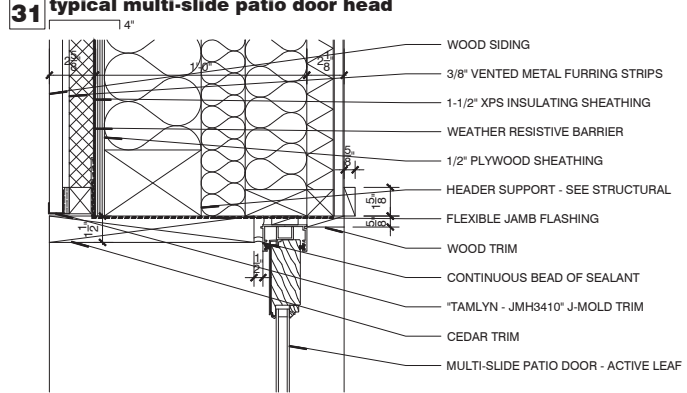
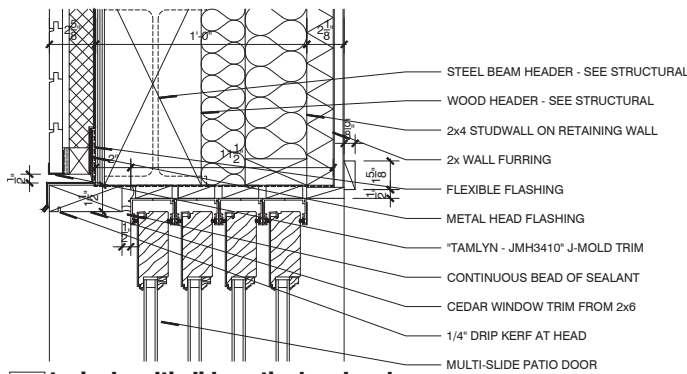
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**section B**

sheet:

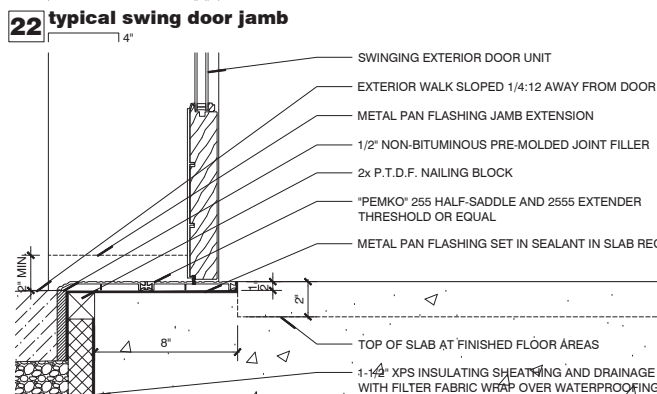
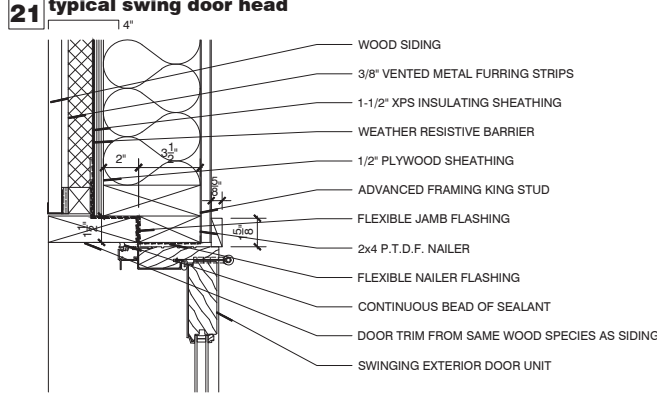
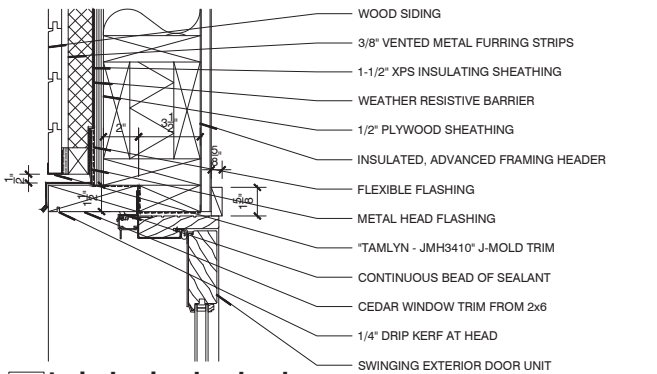
**A 4.1**

drawn: gs date: dec. 11, 2020 scale: 1/8"=1'-0"

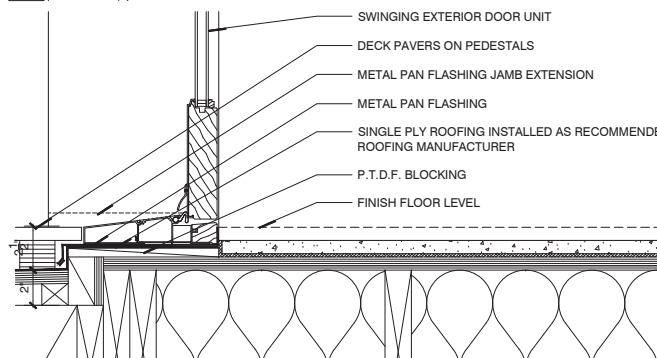




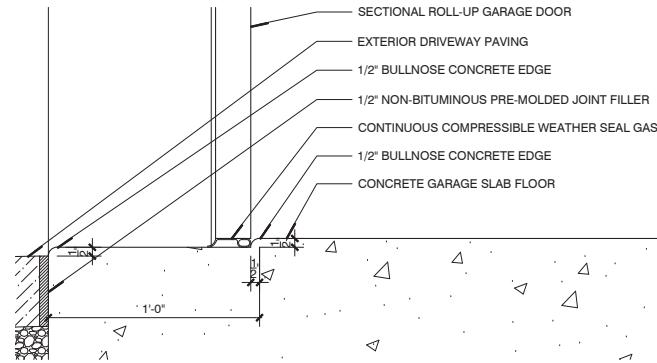
34 typical multi-slide patio door sill at slab foundation



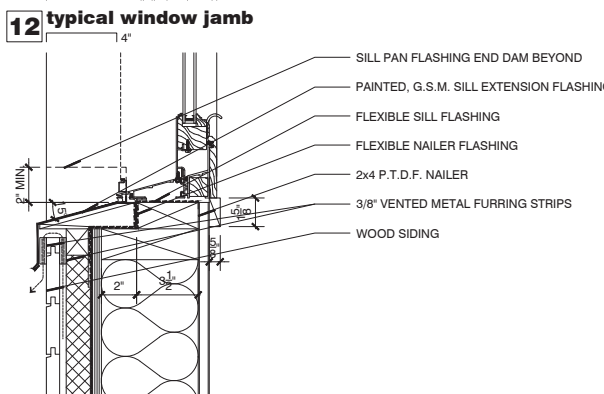
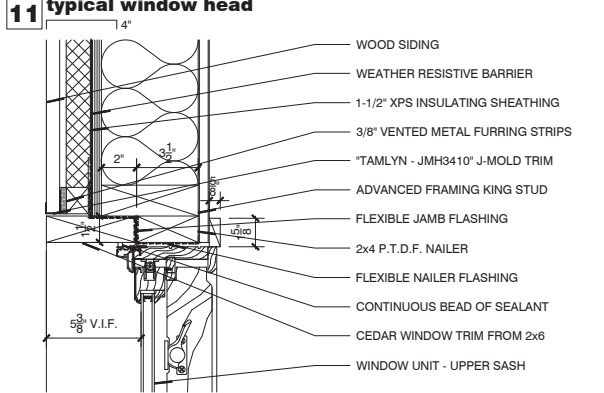
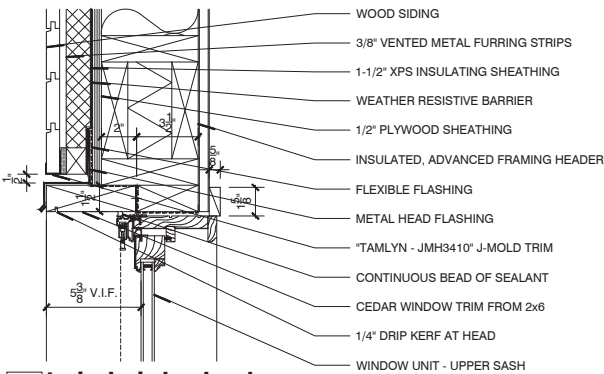
23 typical entry door sill at slab foundation



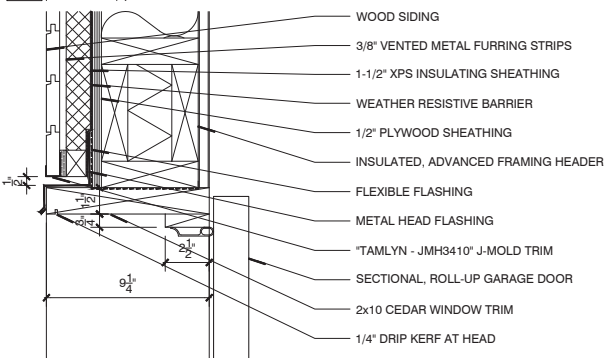
24 typical entry door sill at roof deck



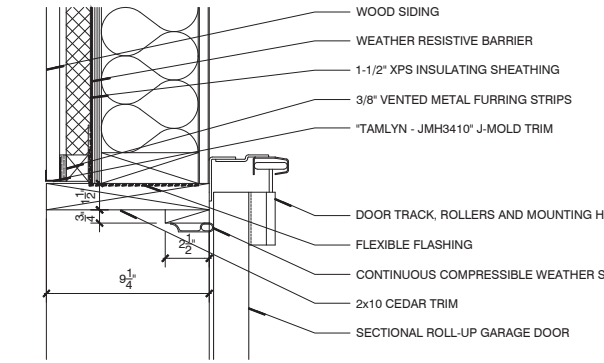
25 garage door threshold



13 typical window sill



14 garage door head



15 garage door jamb

agency stamp space

4	12.11.20	Response to NOPDR#3
3	10.26.20	Response to NOPDR#2
2	07.24.20	Response to NOPDR#1
1	05.18.20	Submitted for Planning Review
Issue	Date	Description



new building  
1068-1070-1072 florida st  
san francisco, ca 94110

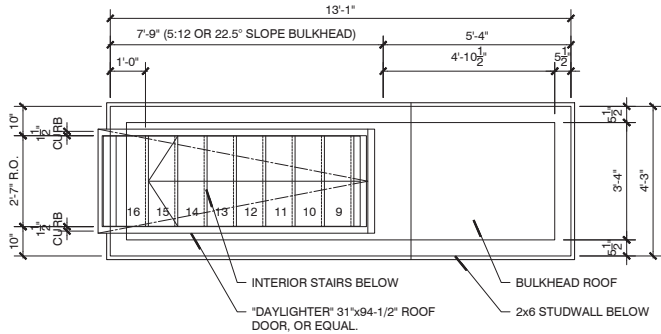
block 4149, lot: 011  
lat. 37.75487, long. -122.41055  
drawing title:

details  
door and window

sheet:

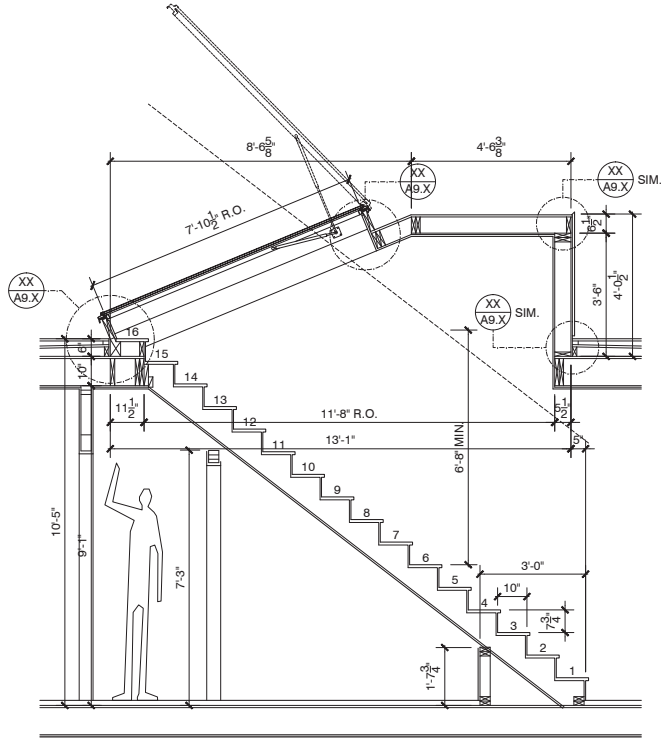
A 9.4

drawn: gs date: dec. 11, 2020 scale: as noted



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06 roof window plan



08 roof window section

agency stamp space

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- 3 10.26.20 Response to NOPDR#2
- 2 07.24.20 Response to NOPDR#1
- 1 05.18.20 Submitted for Planning Review

Issue Date Description

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**new building**  
**1068-1070-1072 florida st**  
**san francisco, ca 94110**

block 4149, lot: 011  
lat. 37.75487, long. -122.41055  
drawing title:

**details**  
**roof door**

sheet:  
**A 9.5**

drawn: GS date: Dec. 11, 2020 scale: as noted





