



# EXECUTIVE SUMMARY CONDITIONAL USE AUTHORIZATION

**HEARING DATE:** March 18, 2021

**Record No.:** 2021-000342CUA  
**Project Address:** 403 28th Street  
**Zoning:** Residential-House, Two-Family (RH-2) Zoning District  
40-X Height and Bulk District  
**Block/Lot:** 6612/043  
**Project Sponsor:** Andy Rodgers  
156 South Park  
San Francisco, CA 94107  
**Property Owner:** Christophe and Rina Soudier  
San Francisco, CA 94131  
**Staff Contact:** Linda Ajello Hoagland – (628) 652-7320  
[linda.ajellohoagland@sfgov.org](mailto:linda.ajellohoagland@sfgov.org)

**Recommendation:** Approval with Conditions

## Project Description

The proposal is for a Conditional Use Authorization pursuant to Planning Code Sections 303 and 317 to document and legalize the tantamount to demolition of a three-story, 1,615 square foot, single-family residence and to permit the construction of a 2,602 square foot, 4-bedroom, 3½-bath home with a second floor rear deck and a 2-car tandem garage. The height of the home will be increased to provide a code-compliant ceiling height on the third floor of the subject property.

## Required Commission Action

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 303 and 317 for the tantamount to demolition of a residential building.

## Issues and Other Considerations

- **Public Comment & Outreach.**

- **Support/Opposition:** To date, the Department has received not received any public comments related to this Project.

- **Background:**

- **Preservation Review:** The Property is not a “Historical Resource” under CEQA per the previous Environmental Review completed for the Project – Case Number 2018-014036ENV.
- **Previous Notification:** The overall project was previously reviewed by the Department in 2018 under Building Permit Application No. 201810123136. Section 311 Neighborhood Notification occurred at this property for “horizontal additions at the front and rear of the home and a vertical addition of approximately 7-feet to an existing 1,615 square foot, 2-bedroom, 3-bath, single-family home with an office, third floor loft space, a second floor rear yard deck, and a one-car garage.” The noticing period occurred from June 10, 2019 to July 10, 2019. No requests for Discretionary Review were received during the noticing period.
- **Previous Decision:** On July 11, 2019, Planning approved Building Permit Application No. 201810123136 and the permit was subsequently approved and issued by the Department of Building Inspection (DBI) on September 25, 2019.
- **Enforcement History:**
  - On November 4, 2020, a Planning Complaint was filed stating that the Permit Holder had exceeded the scope of work authorized under subject Permit No. 201810123136. A Notice of Complaint (2020-010260ENF) was sent to the property owner.
  - On December 10, 2020, the Project Sponsor’s representative, Andy Rodgers, contacted Planning Staff regarding the Notice of Complaint.
  - On December 18, 2020, Planning Department Staff and DBI met with the Project Architect and General Contractor at the Project Site and verified the violation.
  - On December 19, 2020, the Project Architect e-mailed Planning Staff a draft revision of the existing demolition indicating that the work had exceeded the demolition approved and also exceeded the demolition threshold pursuant to Planning Code Section 317.
  - On December 23, 2020, Building Permit No. 202012231680 was filed to abate the violations which includes the following scope of work: “Ref pa# 201810123136 & NOV # 2020066271. install new concrete stem wall & sister (e) wall framing at ground level east elevation due to failing (e) condition. To meet building codes & structurally sound for occupancy.” The permit is currently on hold pending review of Planning’s Enforcement case No. 2020-010260ENF.
  - On December 30, 2020, Building Permit Application No. 201810123136 was suspended by DBI at the request of the Planning Department to allow the Permit Holder time to file a building permit to accurately denote the demolition pursuant to Planning Code Section 317.
  - On December 30, 2020, the Planning Department issued a Notice of Enforcement informing the Property Owner about the violation and the abatement process. In that notice, the

property owner was advised to take corrective actions and provide evidence of compliance to the Planning Department within 15 days from December 30, 2020.

- On January 6, 2021, Planning corresponded with the property owner's representative, Andy Rodgers, to discuss the Conditional Use Authorization application submittal process.
- On January 8, 2021, a Conditional Use Authorization was submitted.

## Environmental Review

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption. The exemption was issued under Planning Case No. 2018-014036ENV. No new exemption is required.

## Basis for Recommendation

The Department finds that the Project is, on balance, consistent with the Objectives and Policies of the General Plan. Although the Project exceeds the demolition thresholds as outlined in Planning Code Section 317, the Project will continue to provide a single-family home that will be updated and expanded within the buildable area to create a family-sized dwelling. 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 – Previous Environmental Determination  
Exhibit D – Land Use Data  
Exhibit E – Maps and Context Photos



# PLANNING COMMISSION DRAFT MOTION

**HEARING DATE: MARCH 18, 2021**

**Record No.:** 2021-000342CUA  
**Project Address:** 403 28TH STREET  
**Zoning:** Residential-House, Two-Family (RH-2) Zoning District  
40-X Height and Bulk District  
**Block/Lot:** 6612/043  
**Project Sponsor:** Andy Rodgers  
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ADOPTING FINDINGS RELATING TO A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 317 FOR THE LEGALIZATION OF THE TANTAMOUNT TO DEMOLITION OF AN EXISTING SINGLE FAMILY DWELLING AND THE CONSTRUCTION OF A NEW SINGLE-FAMILY DWELLING LOCATED AT 403 28TH STREET, LOT 043 IN ASSESSOR'S BLOCK 6612, WITHIN THE RH-2 (RESIDENTIAL, HOUSE, TWO-FAMILY) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

## PREAMBLE

On November 4, 2020, the Planning Department (hereinafter “Department”) opened Code Enforcement Case No. 2020-10260ENF regarding the single-family dwelling at 403 28th Street, Assessor’s Block 6612, Lot 043 (hereinafter “Project Site”). The complaint stated that construction on the site exceeded the scope approved under Building Application No. 201810123136. The referenced permit approved horizontal additions at the front and rear of the home and a vertical addition of approximately 7-feet to an existing 1,615 square foot, 2-bedroom, 3-bath, 1-car garage single-family home resulting in a 2,660 square foot, 4-bedroom, 3½-bath home with a second floor rear deck and a 2-car tandem garage. The height of the home would be increased to provide a code-compliant ceiling height on the third floor.

On November 13, 2020, the Department of Building Inspection (hereinafter “DBI”) opened Complaint Case No. 202066271 based on a complaint that demolition had occurred beyond the scope of an approved permit, per Planning Complaint No. 2020-10260ENF. The Department subsequently confirmed that additional exterior walls had been demolished without authorization.

On January 8, 2021, Andy Rodgers (hereinafter “Project Sponsor”) filed Application No. 2021-000342CUA (hereinafter “Application”) with the Department for a Conditional Use Authorization under Planning Code Sections 303 and 317 to legalize the tantamount to demolition of a 1,615 square foot, 2-bedroom, 3-bath, 1-car garage single-family home and to permit the construction of a 2,602 square foot, 4-bedroom, 3½-bath home with a second floor rear deck and a 2-car tandem garage (hereinafter “Project”) at the Project Site.

On March 18, 2021, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2021-000342CUA.

The Planning Department Commission Secretary is the Custodian of Records; the File for Record No. 2021-000342CUA 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. 2021-000342CUA, subject to the conditions contained in “EXHIBIT A” of this motion, based on the following findings:

## FINDINGS

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

1. **The above recitals are accurate and constitute findings of this Commission.**
2. **Project Description.** The proposal is for a Conditional Use Authorization pursuant to Planning Code Sections 303 and 317 to document and legalize the tantamount to demolition of a three-story, 1,615 square foot, single-family residence and to permit the construction of a 2,602 square foot, 4-bedroom, 3½-bath home with a second floor rear deck and a 2-car tandem garage. The height of the home will be increased to provide a code-compliant ceiling height on the third floor of the subject property.
3. **Site Description and Present Use.** The Project is located on a rectangular shaped lot with 25 feet of frontage on 28<sup>th</sup> Street and a depth of 76.5-feet (with a lot area of approximately 1,912 square feet). The Project Site contains a 3-story single-family dwelling constructed in 1912. In 1915, the house was raised seven feet, a concrete foundation/basement was poured, and a 4-foot by 12-foot addition was built at the front of the house in the Victorian style.
4. **Surrounding Properties and Neighborhood.** The Project Site is located in the Noe Valley neighborhood within District 8. Parcels within the immediate vicinity consist of residential single, two-family dwellings of varied design and construction dates. The block face is characterized by two- to three-story buildings of mixed architectural style. The buildings on the block vary in density from single-family residences to two-family dwellings.
5. **Public Outreach and Comments.** To date, the Department has received not received any public comments related to this Project.
6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
  - A. **Height.** Planning Code Section 260 requires that all structures be no taller than the height prescribed in the subject height and bulk district. The proposed Project is located in a 40-X Height and Bulk District. Planning Code Section 261 further restricts height in the RH-2 Zoning District to 30-feet at the front lot line or required front setback, then at such setback, height shall increase at an angle of 45° toward the rear lot line until the prescribed 40-foot height limit.

*The Project proposes a building that will be approximately 32 feet, 5 inches tall and, therefore complies with the Planning Code and the Height and Bulk District.*
  - B. **Front Setback Requirement.** Planning Code Section 132 requires, in RH-2 Districts, a front setback that complies to legislated setbacks (if any) or a front setback based on the average of adjacent properties (15-foot maximum).

*The subject property does not have a legislated setback. The average front setback of the adjacent buildings is zero feet; therefore, the proposed 0-foot front setback complies with Planning Code Section*

132.

- C. **Rear Yard Requirement.** Planning Code Section 134 requires a minimum rear yard depth equal to 45 percent of the total depth of the lot on which the building is situated, except to the extent that a reduction in this requirement is permitted by averaging of the adjacent rear building walls. When averaging, the minimum rear yard allowed is 25 percent, but in no case less than 15 feet, and shall be provided at the ground level. Permitted projections into the rear yard are also permitted per Planning Code Section 136, such as a two-story addition projecting up to 12 feet into the rear yard with 5-foot side setbacks on each side for the length of the projection.

*The subject property is 76 feet 5 inches deep resulting in a 45 percent rear yard of 34 feet, 5 inches. The Project provides an approximately 19-foot 1½ rear yard, measured to the rear yard deck as a permitted projection, complies with the rear yard requirements.*

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

*The Project complies with the street frontage requirement and provides the appropriately sized entrance to the off-street parking.*

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

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

- F. **Usable Open Space.** Planning Code Section 135 requires, in RH-2 Districts, usable open space that is accessible by each dwelling (100 square feet per unit if private, or 133 square feet if shared).

*The Project will provide a code compliant, approximately 625 square foot, rear yard; therefore, the Project provides code-complying open space.*

- G. **Off-Street Parking.** Planning Code Section 151 does not require any off-street parking for dwelling units and allows a maximum of 1.5 spaces per dwelling unit.

*The Project provides two off-street parking spaces (one per unit) and, therefore complies with Planning Code Section 151.*

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

*The Project requires one Class 1 bicycle parking spaces and no Class 2 bicycle parking spaces. The Project proposes two Class 1 bicycle parking spaces, located in the garage and, therefore complies with*

*Planning Code Section 155.2.*

- I. **Residential Demolition - Section 317.** Pursuant to Planning Code Section 317, Conditional Use Authorization is required for applications proposing to demolish a residential unit in an RH-2 Zoning District. The Code establishes criteria that the Planning Commission shall consider in the review of applications for residential demolition.

*As the Project requires Conditional Use Authorization per the requirements of Section 317, the additional criteria specified under Section 317 have been incorporated as findings as part of this Motion (See Below).*

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

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

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

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

*The Project Site has serious, continuing Code violations. In 2020, Planning and DBI determined that the subject single-family dwelling exceeded the scope of work approved and required proper documentation and permitting. Following a site visit in 2020, Planning determined that the Project violated Planning Code Section 317 (Tantamount to Demolition) without authorization. The proposed Project would abate said violation.*

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

*Planning was unable to verify whether the structure was in decent condition due to the substantial amount of demolition already performed.*

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

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

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



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

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

*The existing single-family residence and the reconstructed dwelling will continue to be owner occupied.*

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

*The Project site is owner occupied and will not remove any rental units. Although the single-family dwelling is technically subject to the Rent Stabilization and Arbitration Ordinance because it is a residential building constructed before 1979, the Planning Department cannot definitively determine which aspects of the Ordinance are applicable. The Rent Stabilization and Arbitration Ordinance includes provisions for eviction controls, price controls, and other controls, and it is the purview of the Rent Board to determine which specific controls apply to a building or property. The Rent Board has confirmed that there are no database records, or any documentation indicating an eviction neither history nor eviction notices filed at the Rent Board for 403 28th Street.*

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

*Although the Project proposes the demolition of an existing single-family dwelling, the reconstruction would restore the single-family dwelling.*

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

*The Project would improve cultural and economic diversity by increasing the number of bedrooms, and the Planning Department determined that the replacement building is of appropriate scale and development pattern that would conserve the established neighborhood character.*

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

*The Project removes an older single-family dwelling unit and replaces it with a newly constructed single-family dwelling. Older dwelling units are generally considered to be more affordable than a recently constructed unit. However, the existing single-family dwelling is owner-occupied and will continue as such after the reconstruction.*

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

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

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

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

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

*The Project proposes to increase number of bedrooms in the single-family home from two to four, creating an opportunity for family-sized housing.*

- M. Whether the project creates new supportive housing.

*The Project does not create new supportive housing.*

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

*The Planning Department determined that the replacement building is in keeping with the overall scale, massing and design of the immediately surrounding development.*

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

*The Project will reconstruct the single-family dwelling and increase the size of that unit.*

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

*The existing single-family dwelling contains two bedrooms, while the proposed construction contains four bedrooms.*

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

*The Project proposes to retain the existing density at the Project Site, which does not maximize the permitted density in the Zoning District.*

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

*The Project proposes to replace the existing single-family dwelling subject to the Residential Rent Stabilization and Arbitration Ordinance. The Project proposes a family-sized home with two additional bedrooms above what previously existed.*

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

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed

location, will provide a development that is necessary and desirable, and compatible with, the neighborhood and the community.

*The use and size of the proposed project is compatible with the surrounding neighborhood. The proposal would reconstruct and enlarge an existing single-family dwelling. The siting of the new building will be in conformity with the requirements of the Planning Code and consistent with the objectives of the Residential Design Guidelines. Overall, the reconstruction of the single-family home is necessary and compatible with the surrounding neighborhood and the larger City.*

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

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

*The height and bulk of the existing building will increase; however, it will not alter the existing appearance or character of the project vicinity. The height of the home will be increased approximately 6-feet 7-inches to provide a code-compliant ceiling height on the third floor.*

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

*The Planning Code does not require off-street parking for residential dwelling units and allows a maximum of 1.5 spaces per unit. The garage provides the two off-street parking spaces, in addition to two Class 1 bicycle parking spaces.*

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

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

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

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

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

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

- D. That the use as proposed would provide development that is in conformity with the purpose of the RH-2 Zoning District.

*The Project is consistent with the stated purpose of the RH-2 Zoning District, which is characterized by one-, two- and multi-family buildings that are finely scaled and usually do not exceed 25 feet in width and 40 feet in height. Additionally, the Project is consistent with the Planning Code requirements for dwelling units in the RH-2 Zoning District.*

- 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 4**

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

##### **Policy 4.1**

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

*The Project proposes to replace an existing 2-bedroom single-family residence with a four-bedroom single-family residence which could accommodate a family with children.*

#### **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.

*The subject property is a single-family dwelling within a RH-2 Zoning District. The Project proposes an enlarged single-family dwelling with four bedrooms and two off-street parking spaces on property located in a neighborhood consisting of single-family residences to two-family buildings with off-street parking.*

*Furthermore, the proposed new construction conforms to the Residential Design Guidelines and is appropriate in terms of material, scale, proportions and massing for the surrounding neighborhood.*

## 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 1.2:

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

*The Project proposes demolition and reconstruction of an existing single-family building with off-street parking. Similar to other existing structures on the block-face, the Project will have a two-story over garage configuration with a gable roof and bay window on the front façade. The structure, as viewed from the front façade, will continue the stepped pattern of building forms along the block-face.*

#### Policy 1.3:

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

*The proposed façade and massing are compatible with the existing neighborhood character and development pattern, particularly because the proposed building is of a similar massing, width and height to the existing structures in the neighborhood. A ground floor entry is appropriate given the ground floor entries of neighboring homes in the immediate area. The proposed façade and massing of the new building reflects the existing mixed architectural character, varying heights along the block face and will be in keeping with the neighborhood development pattern.*

#### 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 massing of the replacement buildings' main front façade has been designed to be compatible with the prevailing street wall height, particularly the height and proportions of the adjacent buildings. Although interpreted in a contemporary architectural style, the proposed building proportions and exterior materials have been selected to be compatible with the adjacent buildings and the immediate neighborhood character.*

**10. Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project 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 building does not contain commercial 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 proposal will retain an existing residential use, consistent with the residential character of the surrounding neighborhood.*

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

*The existing single-family dwelling is not designated as affordable housing. The Project does not propose any affordable units and, therefore, will not impact the City's supply of affordable housing units.*

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

*The Project will remain a single-family dwelling and provides off-street parking at the principally permitted amounts and sufficient bicycle parking for residents and their guests. Thus, there will be no significant adverse effect on automobile traffic or congestion.*

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

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

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

*The Project will be designed and will be constructed to conform to the structural and seismic safety requirements of the Building Code. This proposal will not impact 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 will have no negative impact on existing parks and open spaces. The height of the proposed structure is compatible with the established neighborhood development.*

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

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2021-000342CUA** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated January 6, 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 March 18, 2021.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

RECUSE:

ADOPTED: March 18, 2021



## EXHIBIT A

### Authorization

This authorization is for a conditional use to legalize a tantamount to demolition of a three-story, 1,615 square foot, single-family residence and to permit the construction of a 2,602 square foot, 4-bedroom, 3½-bath single-family dwelling with a second floor rear deck and a 2-car tandem garage located at 403 28<sup>th</sup> Street, Block 6612, and Lot 043 pursuant to Planning Code Section(s) **303 and 317** within the Residential-House, Two-Family (RH-2) Zoning District and a 40-X Height and Bulk District; in general conformance with plans, dated January 6, 2021, and stamped “EXHIBIT B” included in the docket for Record No. 2021-000342CUA and subject to conditions of approval reviewed and approved by the Commission on March 18, 2021 under Motion No. XXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### 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 March 18, 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 628.652.7320, [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 628.652.7320, [www.sfplanning.org](http://www.sfplanning.org)*

## Parking and Traffic

- 8. Bicycle Parking.** The Project shall provide no fewer than **one** 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)*

- 9. Parking Maximum.** Pursuant to Planning Code Section 151, the Project shall provide no more than **two (2)** off-street parking spaces.

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

- 10. Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

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

## Provisions

- 11. 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 628.652.7320, [www.sfplanning.org](http://www.sfplanning.org)*

## Monitoring - After Entitlement

- 12. 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)*

- 13. 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)*

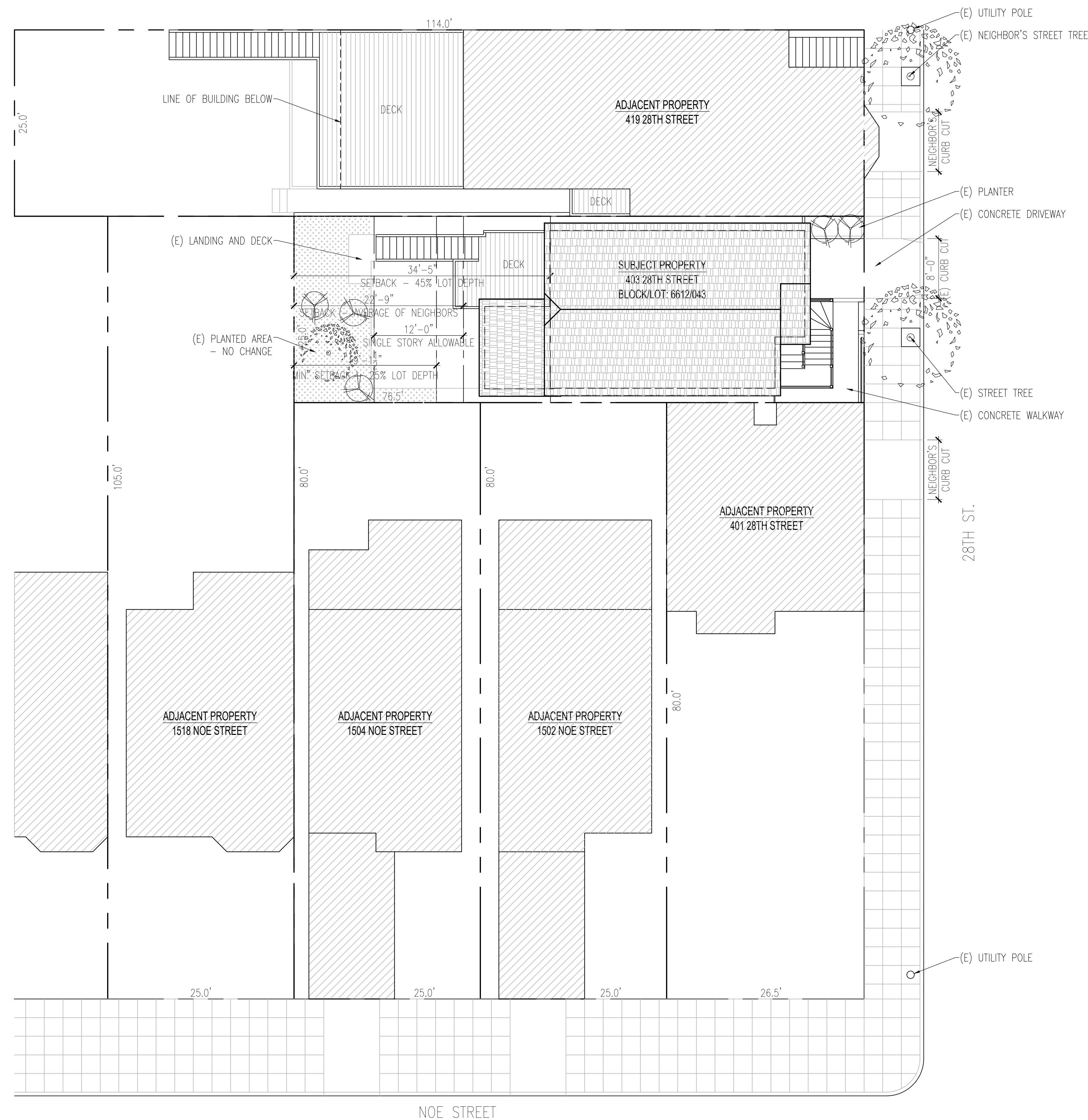
- 14. Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the 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)*

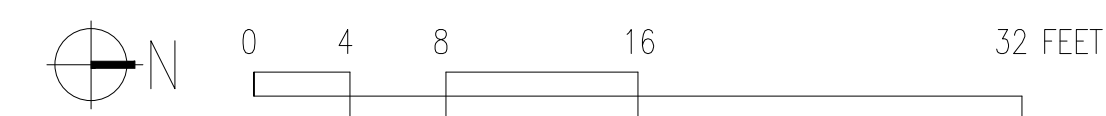






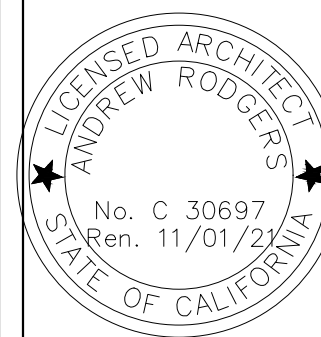


1 EXISTING SITE PLAN  
SCALE: 1/8" = 1'-0"



REVISIONS:

rogers  
architecture  
415 309 9612  
www.rogersarchitecture.com



ALTERATIONS TO:  
403 28th Street  
SAN FRANCISCO, CA 94131

BUILDING  
PERMIT

EXISTING  
SITE PLAN

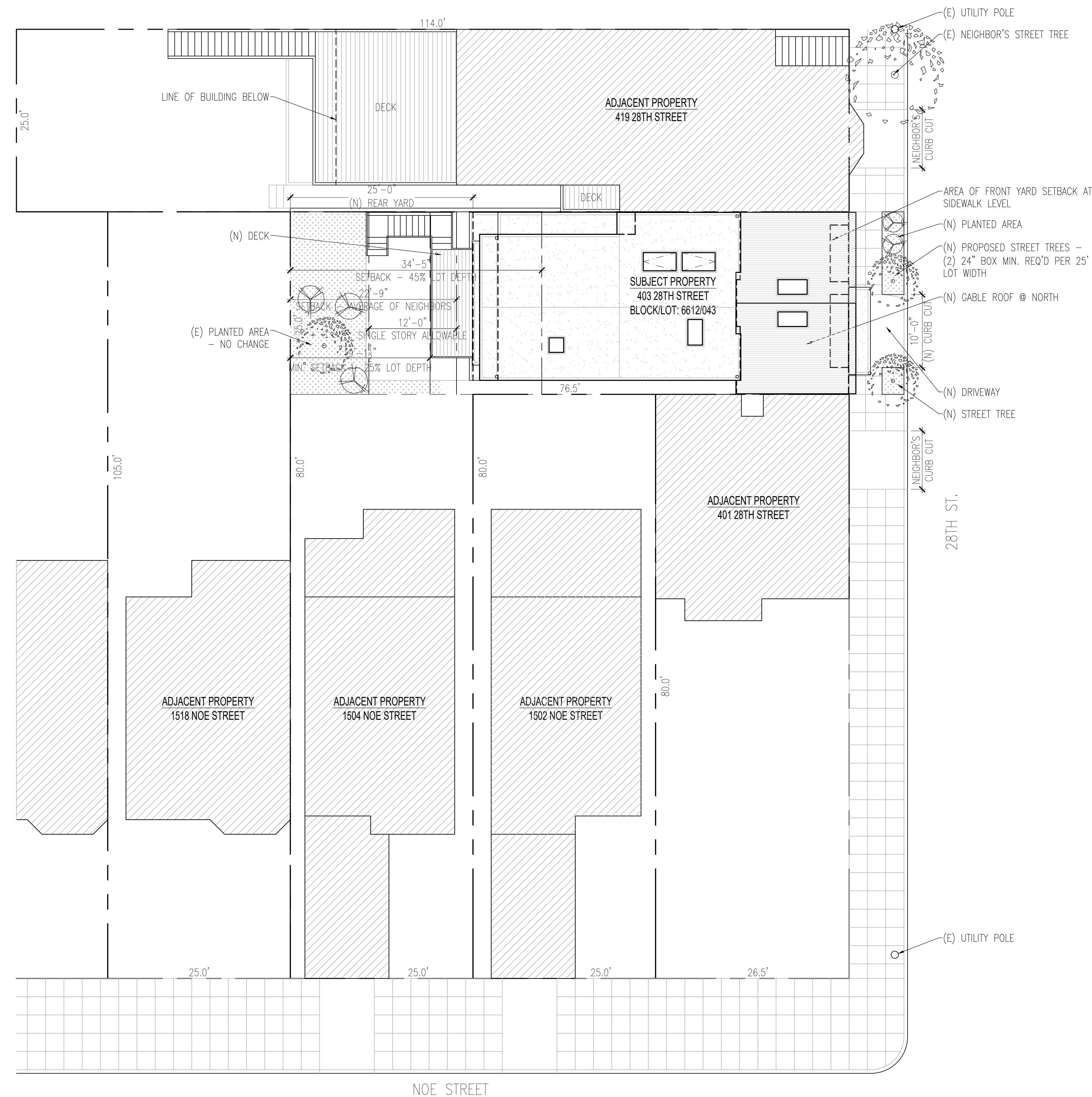
DATE 01.06.21

SCALE 1/8"=1'-0"

DRAWN SW

A1.1

THIS SITE PLAN  
APPROVED UNDER  
PERMIT  
BPA#201810123136  
NO ADDITIONAL  
PROPOSED WORK  
TO THIS SITE PLAN

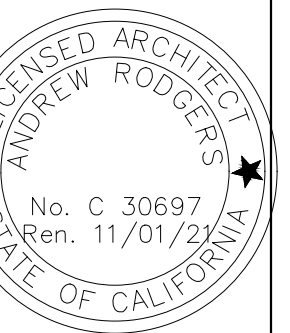


1 PROPOSED SITE PLAN  
SCALE: 1/8" = 1'-0"



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ALTERATIONS TO:  
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BUILDING  
PERMIT

PROPOSED  
SITE PLAN

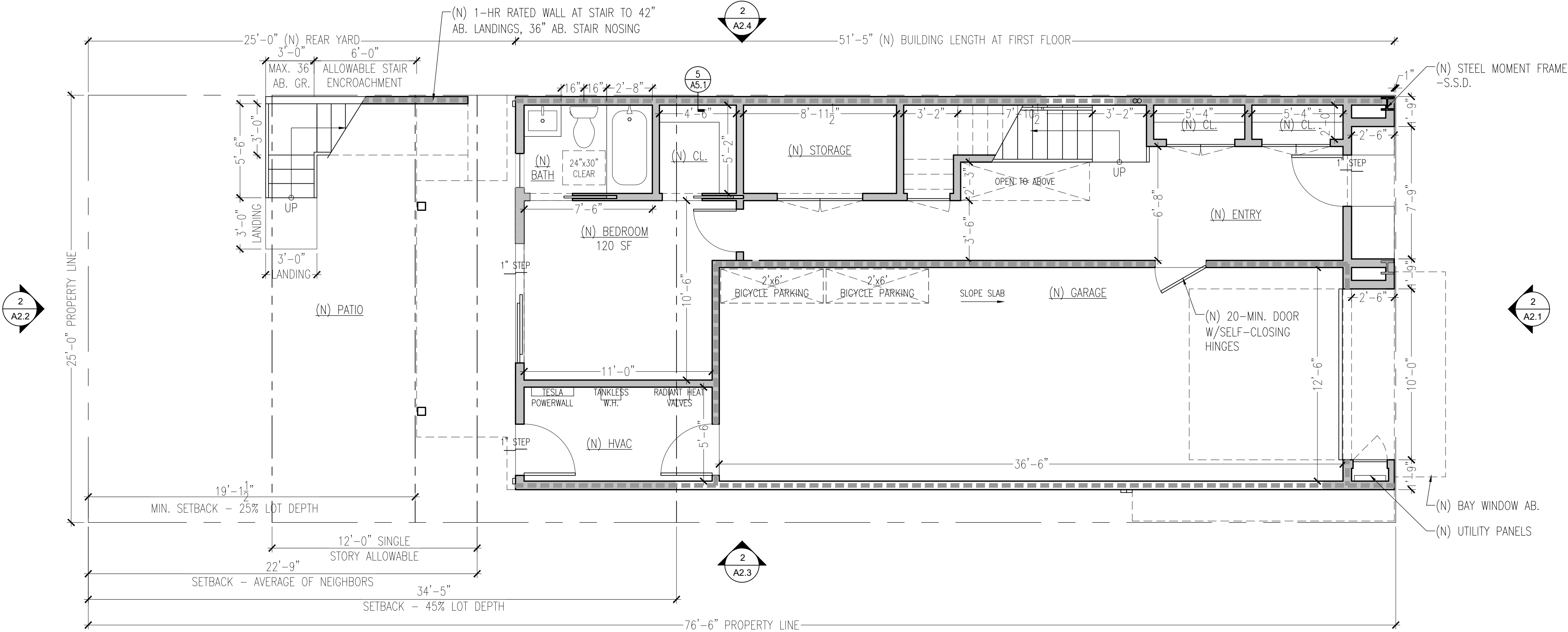
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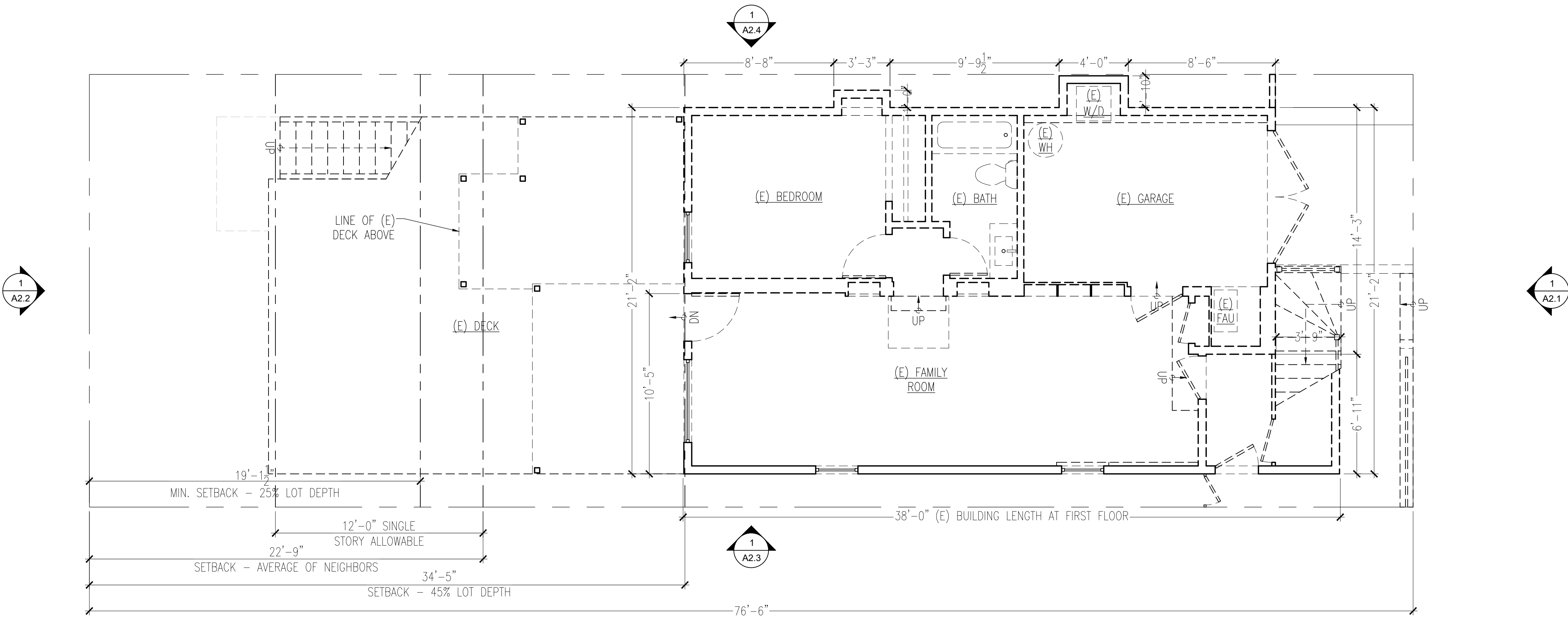
DRAWN SW

A1.2

THIS PLAN  
APPROVED UNDER  
PERMIT  
BPA#201810123136

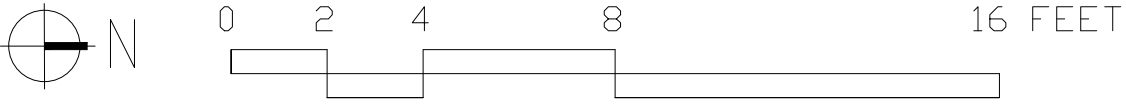


2 APPROVED FIRST FLOOR PLAN  
SCALE: 1/4" = 1'-0"



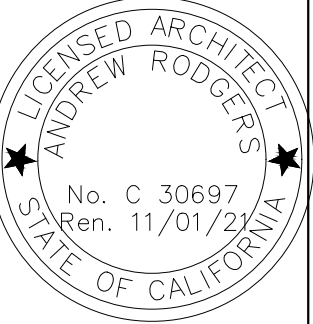
1 EXISTING FIRST FLOOR PLAN  
SCALE: 1/4" = 1'-0"

DRAWING KEY	
	(E) CONSTRUCTION TO REMAIN
	(N) CONSTRUCTION
	1-HR CONSTRUCTION
	(E) CONSTRUCTION TO BE REMOVED



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SAN FRANCISCO, CA 94131

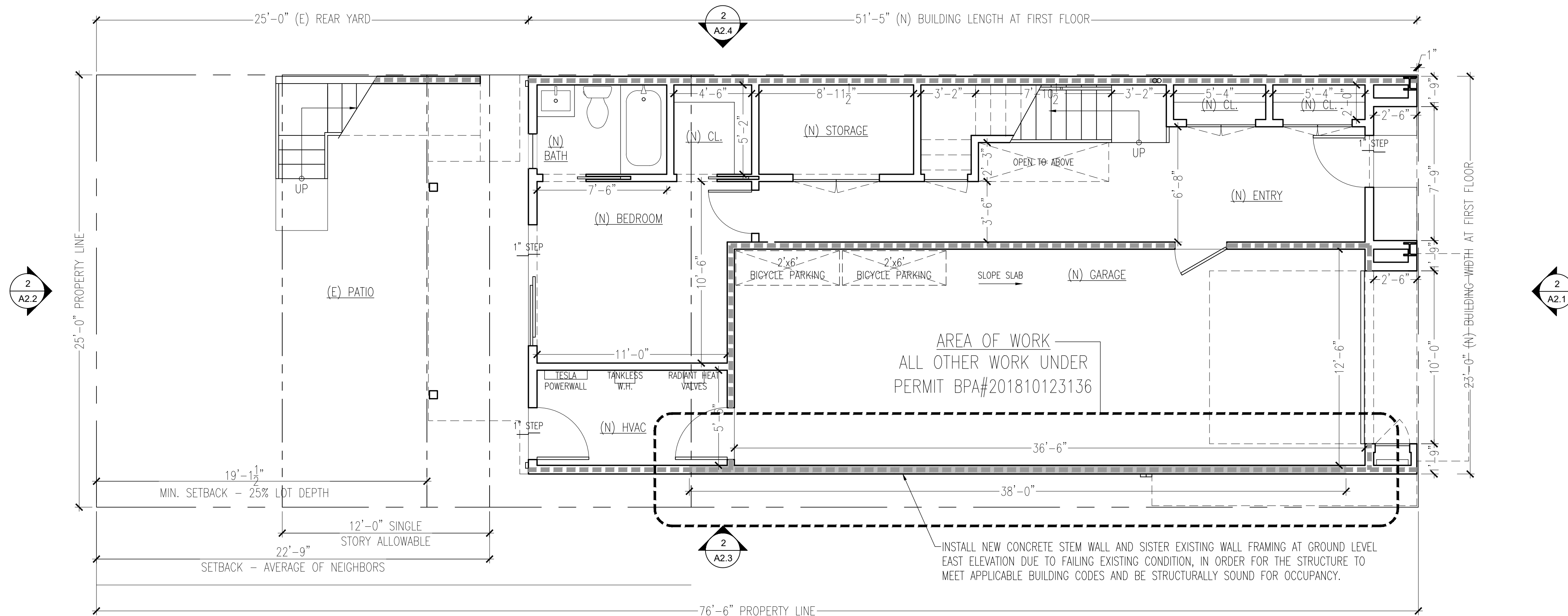
BUILDING  
PERMIT

FIRST FLOOR  
PLANS

DATE 01.06.21  
SCALE 1/4"=1'-0"  
DRAWN SW

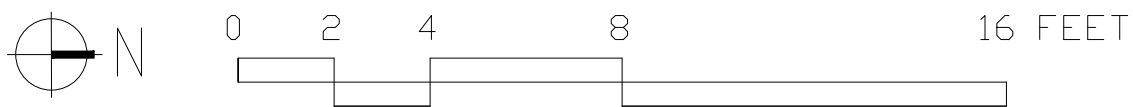
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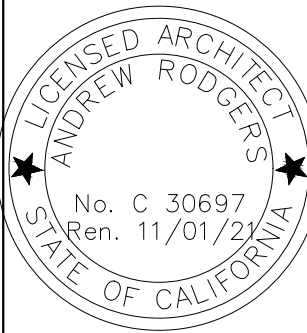
1 PROPOSED FIRST FLOOR PLAN  
SCALE: 1/4" = 1'-0"

DRAWING KEY	
	(E) CONSTRUCTION TO REMAIN
	(N) CONSTRUCTION
	1-HR CONSTRUCTION
	(E) CONSTRUCTION TO BE REMOVED



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ALTERATIONS TO:  
403 28th Street  
SAN FRANCISCO, CA 94131

BUILDING  
PERMIT

FIRST FLOOR  
PLANS

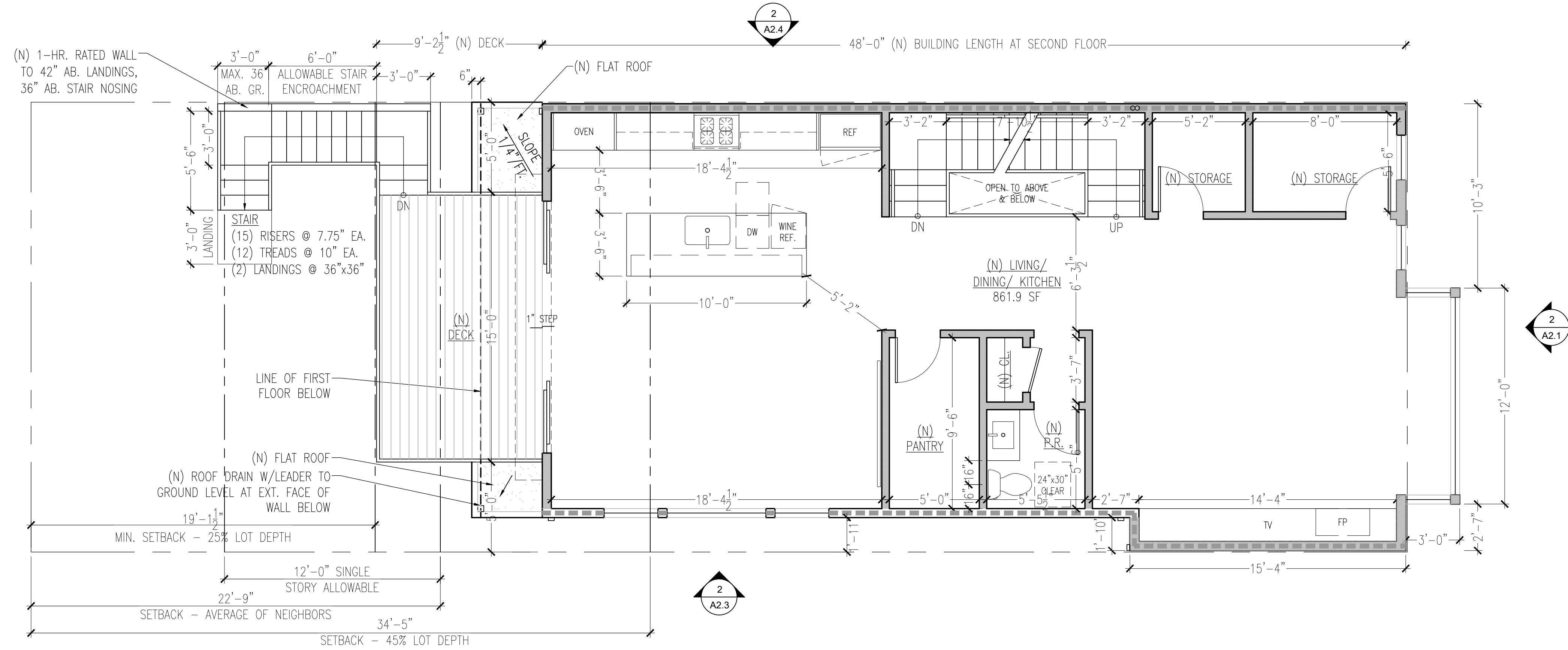
DATE 01.06.21

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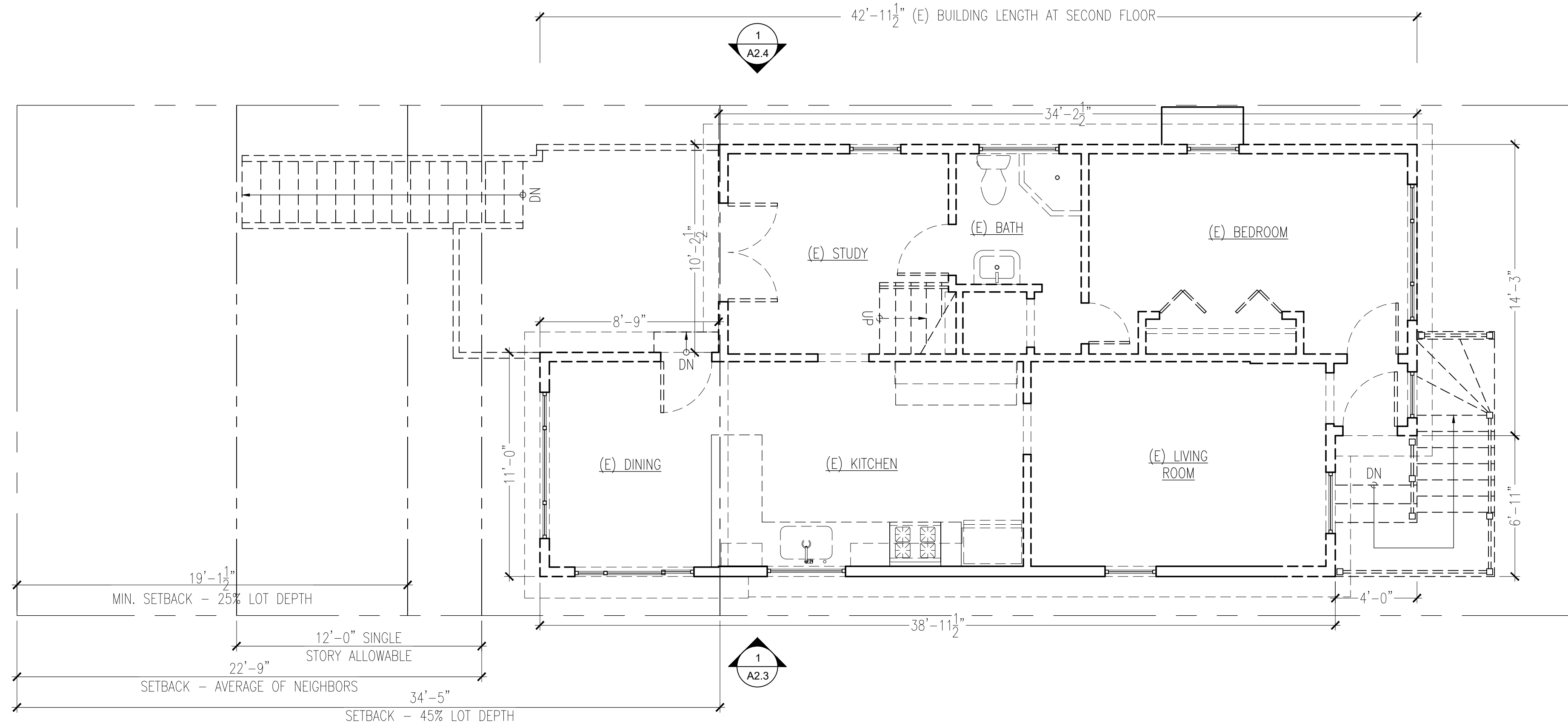
DRAWN SW

A1.3a

THIS PLAN  
APPROVED UNDER  
PERMIT  
BPA#201810123136

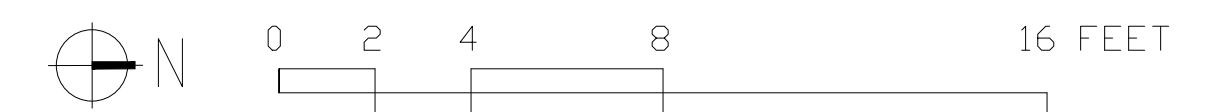


2 APPROVED SECOND FLOOR PLAN  
SCALE: 1/4" = 1'-0"



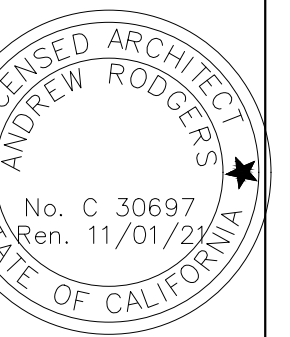
1 EXISTING SECOND FLOOR PLAN  
SCALE: 1/4" = 1'-0"

DRAWING KEY	
	(E) CONSTRUCTION TO REMAIN
	(N) CONSTRUCTION
	1-HR CONSTRUCTION
	(E) CONSTRUCTION TO BE REMOVED



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403 28th Street  
SAN FRANCISCO, CA 94131

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PERMIT

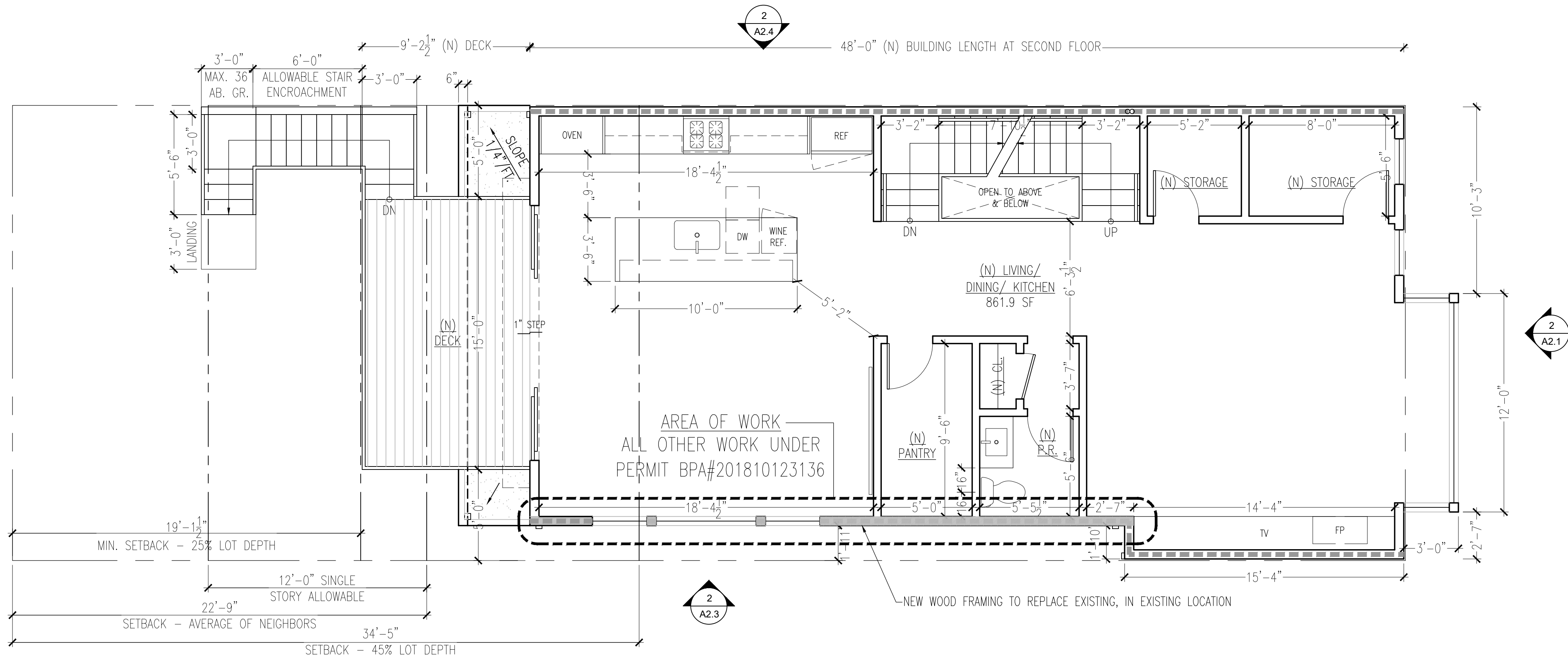
SECOND  
FLOOR  
PLANS

DATE 01.06.21

SCALE 1/4"=1'-0"

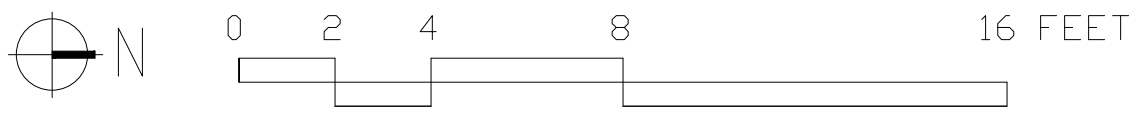
DRAWN SW

A1.4



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

DRAWING KEY	
	(E) CONSTRUCTION TO REMAIN
	(N) CONSTRUCTION
	1-HR CONSTRUCTION
	(E) CONSTRUCTION TO BE REMOVED



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architecture

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LICENSED ARCHITECT  
ANDREW RODGERS  
No. C 30697  
Ren. 11/01/22  
STATE OF CALIFORNIA

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403 28th Street  
SAN FRANCISCO, CA 94131

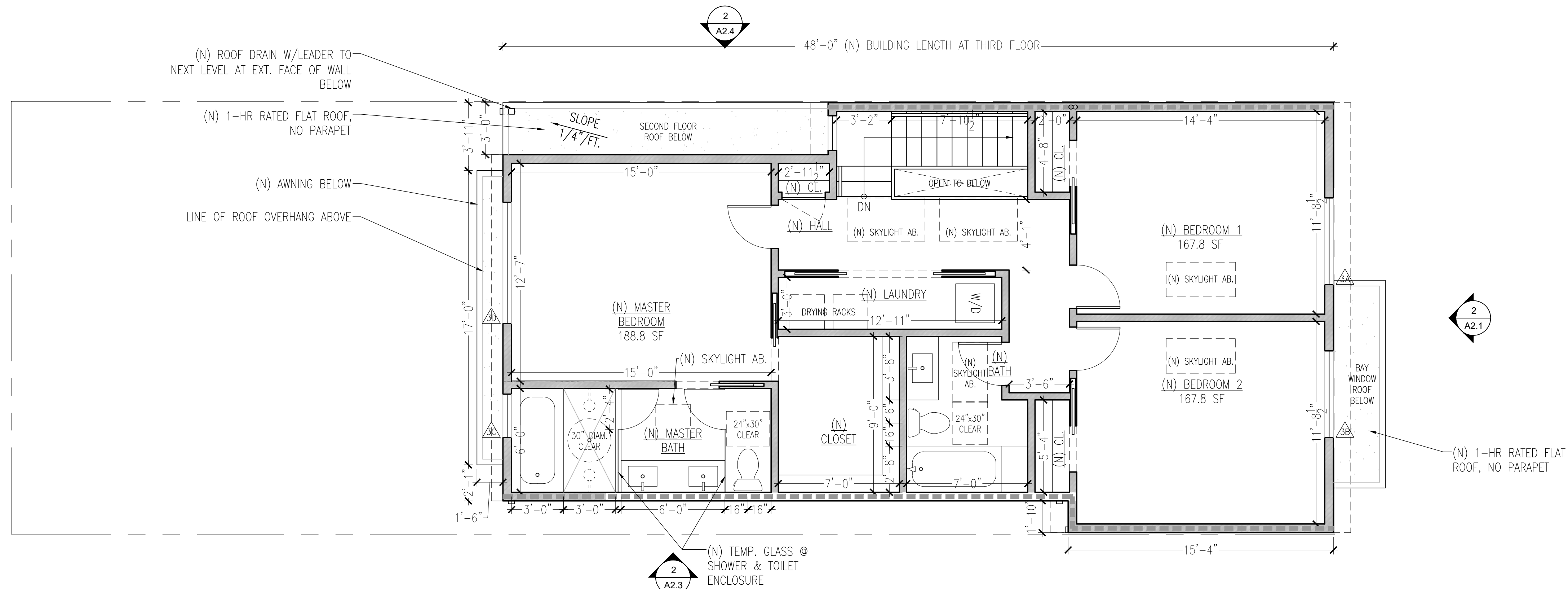
BUILDING PERMIT

SECOND FLOOR PLANS

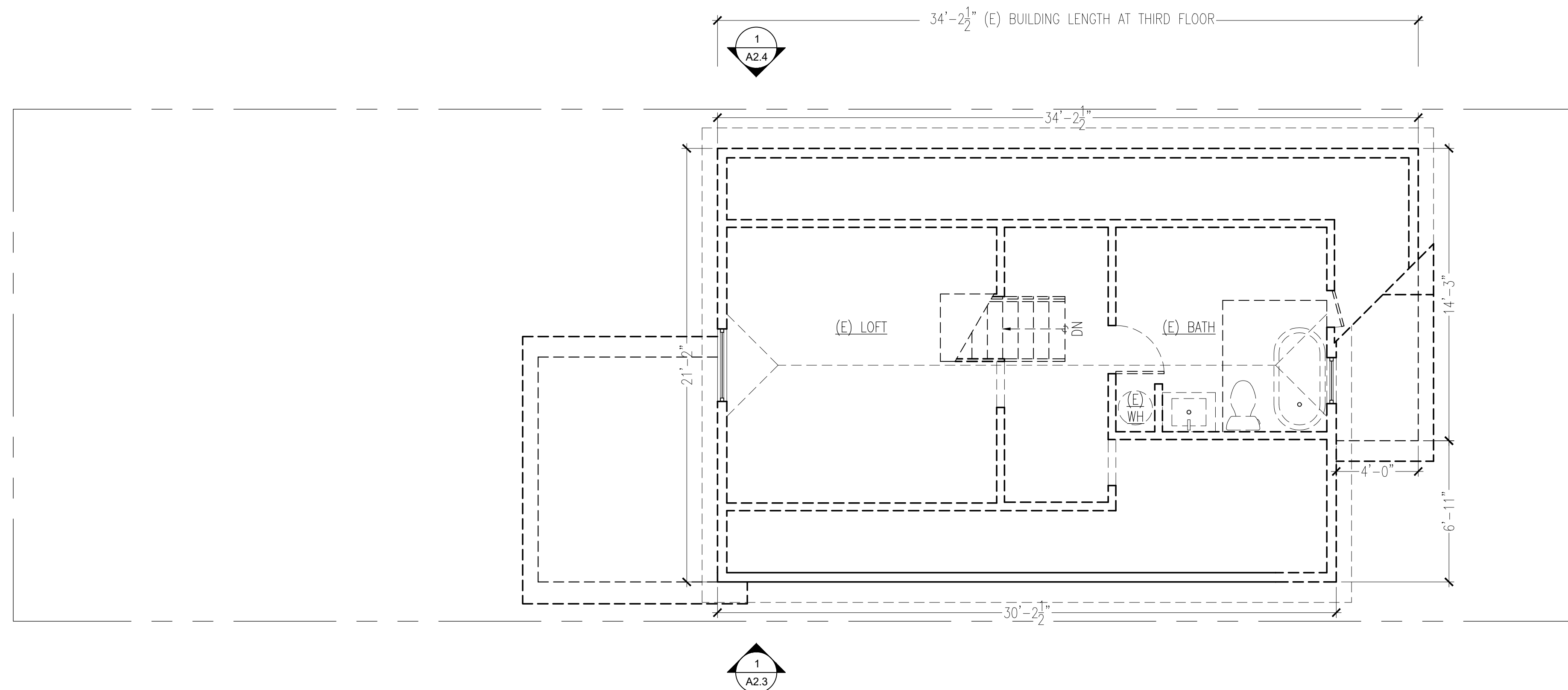
DATE 01.06.21  
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DRAWN SW

A1.4a

THIS PLAN  
APPROVED UNDER  
PERMIT  
BPA#201810123136

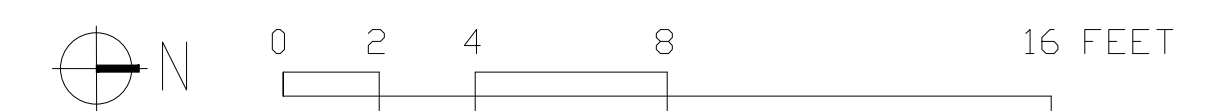


2 APPROVED THIRD FLOOR PLAN  
SCALE: 1/4" = 1'-0"



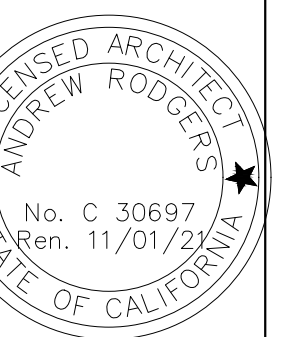
1 EXISTING THIRD FLOOR PLAN  
SCALE: 1/4" = 1'-0"

DRAWING KEY	
	(E) CONSTRUCTION TO REMAIN
	(N) CONSTRUCTION
	1-HR CONSTRUCTION
	(E) CONSTRUCTION TO BE REMOVED



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ALTERATIONS TO:  
403 28th Street  
SAN FRANCISCO, CA 94131

BUILDING  
PERMIT

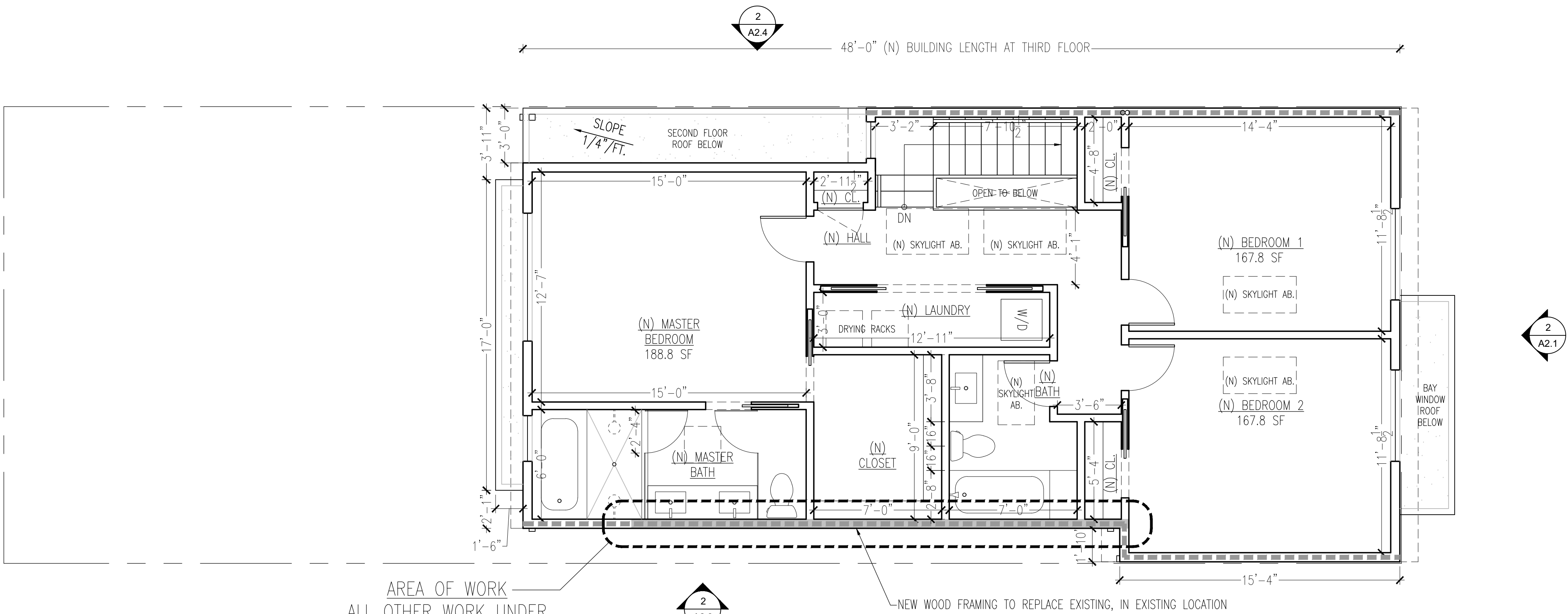
THIRD FLOOR  
PLANS

DATE 01.06.21

SCALE 1/4"=1'-0"

DRAWN SW

A1.5

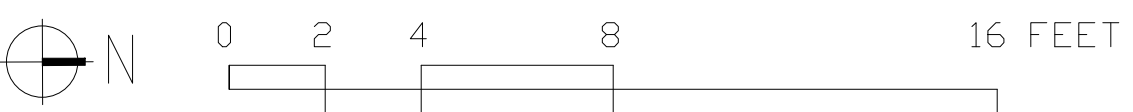


AREA OF WORK  
ALL OTHER WORK UNDER  
PERMIT BPA#201810123136

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

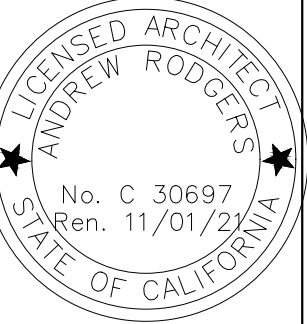
DRAWING KEY

	(E) CONSTRUCTION TO REMAIN
	(N) CONSTRUCTION
	1-HR CONSTRUCTION
	(E) CONSTRUCTION TO BE REMOVED



REVISIONS:

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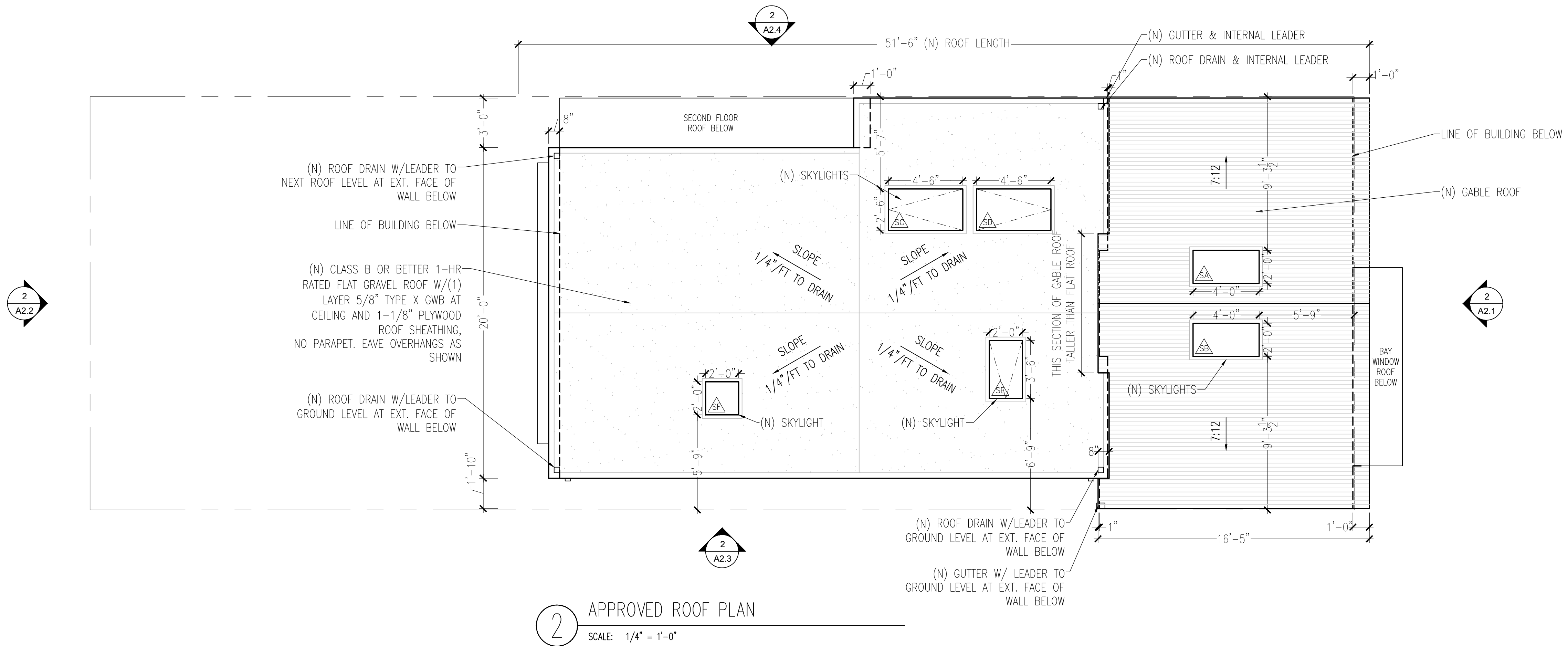
BUILDING  
PERMIT

THIRD FLOOR  
PLANS

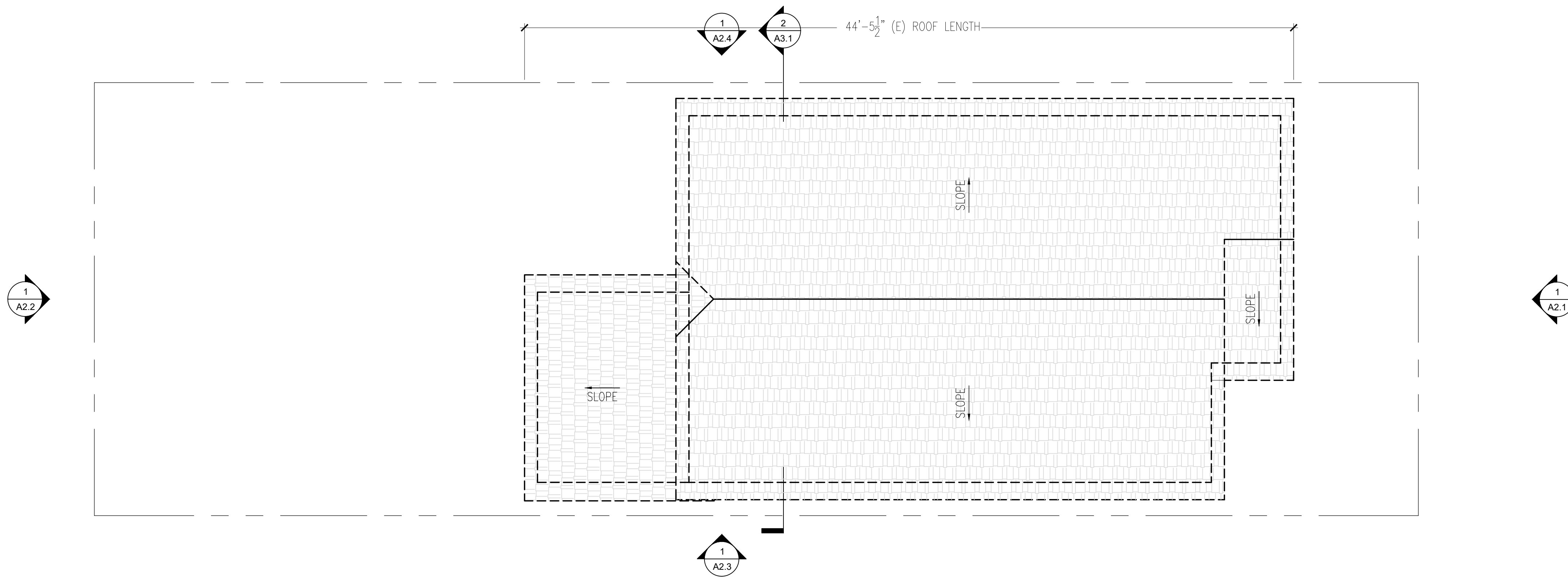
DATE 01.06.21  
SCALE 1/4"=1'-0"  
DRAWN SW

A1.5a

THIS PLAN  
APPROVED UNDER  
PERMIT  
BPA#201810123136  
NO ADDITIONAL  
PROPOSED WORK  
AT THIS LEVEL







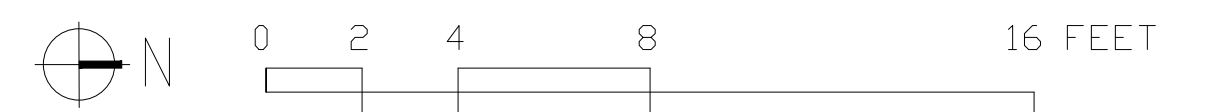
2 APPROVED ROOF PLAN  
SCALE: 1/4" = 1'-0"



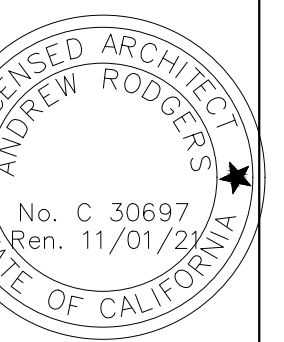
1 EXISTING ROOF PLAN  
SCALE: 1/4" = 1'-0"

DRAWING KEY

	(E) CONSTRUCTION TO REMAIN
	(N) CONSTRUCTION
	1-HR CONSTRUCTION
	(E) CONSTRUCTION TO BE REMOVED

VISIONS:

5 309 9612  
**rodgers**  
**architecture**  
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403 28th Street  
SAN FRANCISCO, CA 94131

BUILDING  
PERMIT

00F PLANS

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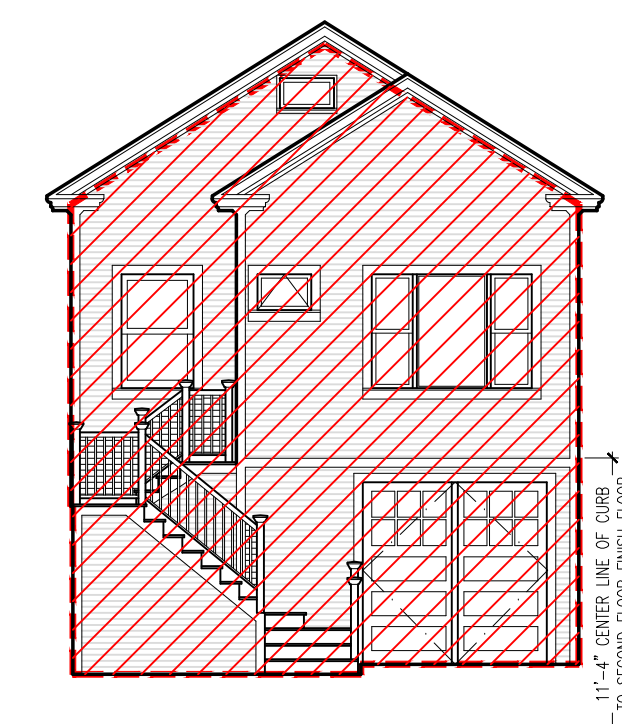
SCALE	1/4"=1'-0"
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AWN	SW
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## A1.6

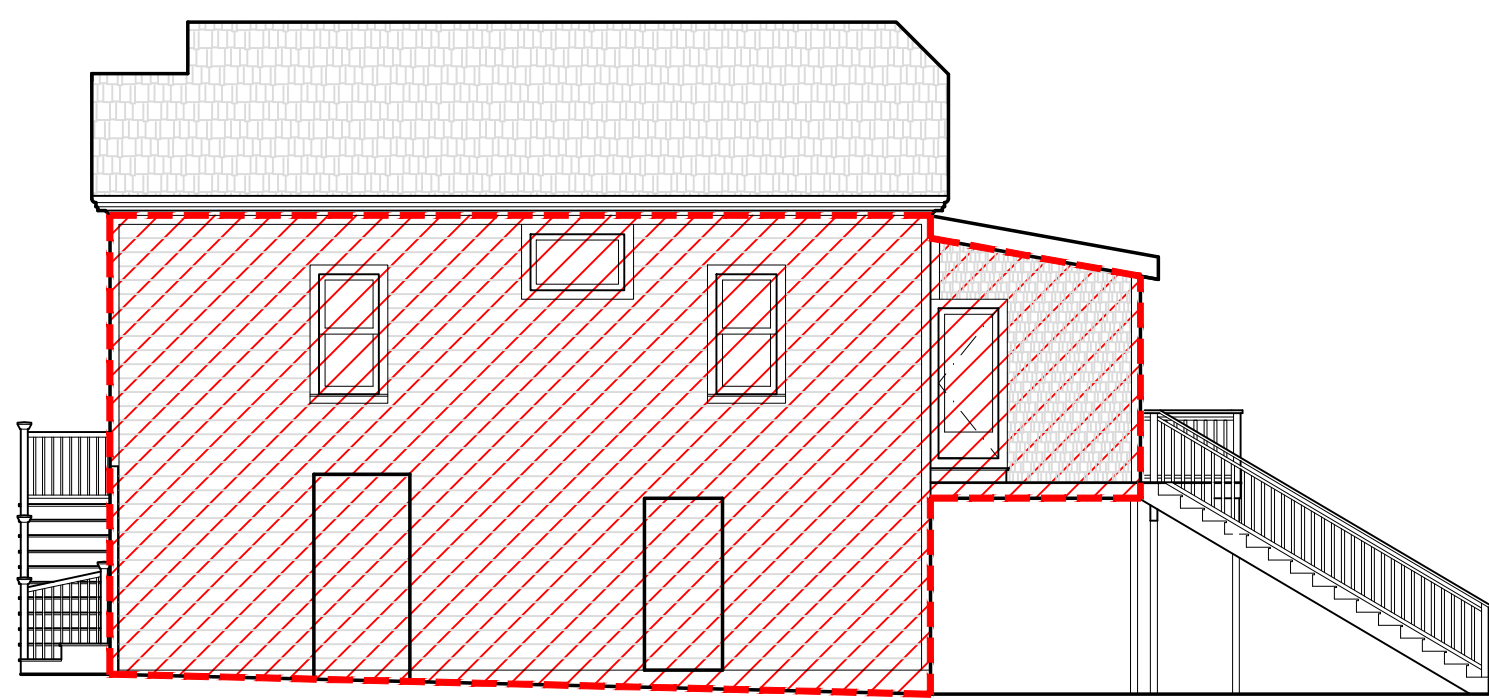


SEC. 317(b)(2), CRITERIA C, PART 1: VERTICAL ELEMENTS



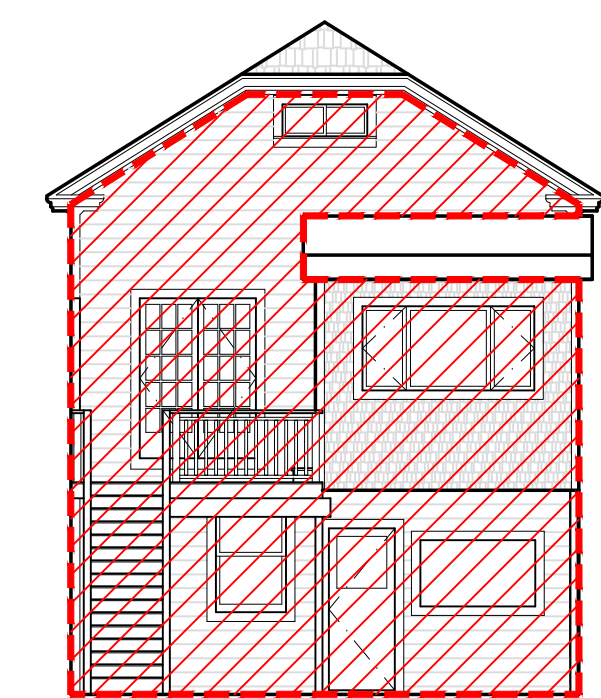
NORTH (FRONT) ELEVATION

AREA TO REMAIN: 0 SF 0%  
ALTERED AREA: 480 SF 100%



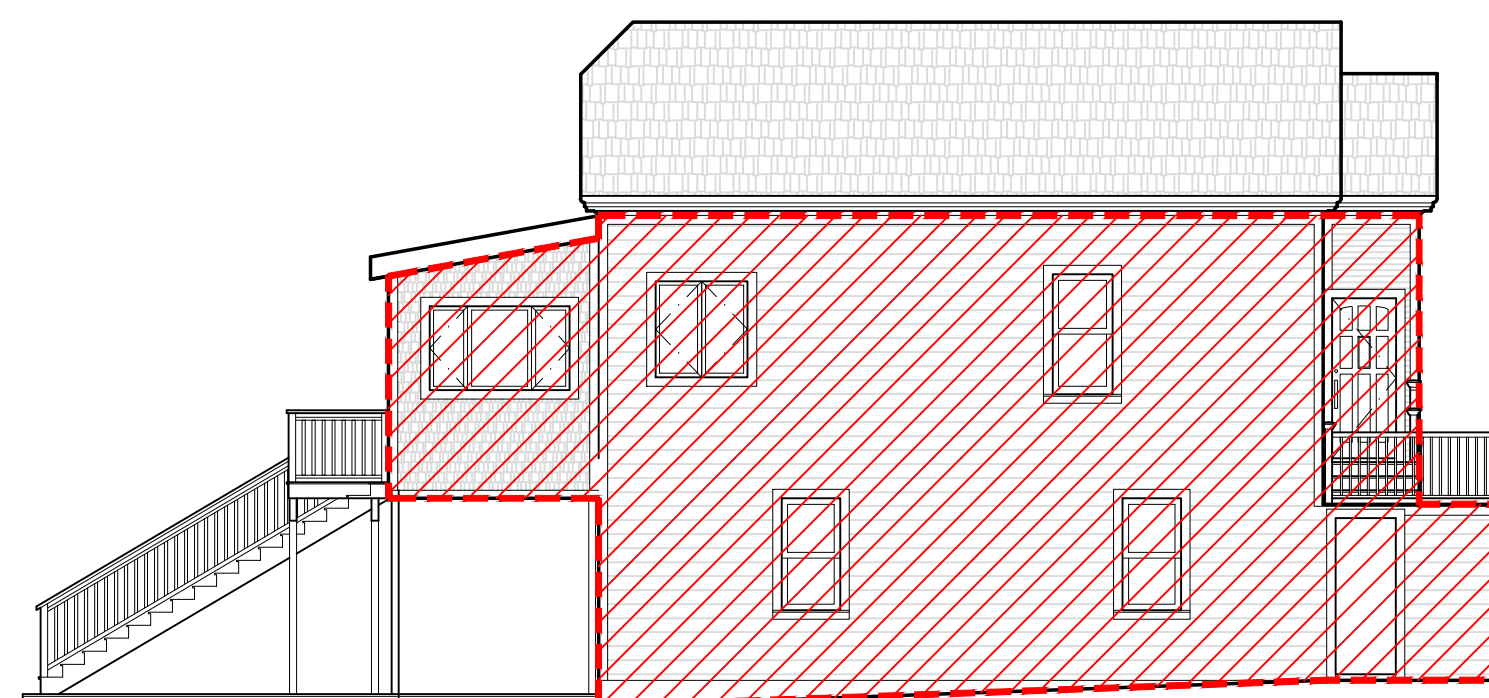
WEST ELEVATION

AREA TO REMAIN: 0 SF 0%  
ALTERED AREA: 755 SF 100%



SOUTH (REAR) ELEVATION

AREA TO REMAIN: 0 SF 0%  
ALTERED AREA: 746.5 SF 100%



EAST ELEVATION

AREA TO REMAIN: 0 SF 0%  
ALTERED AREA: 793.5 SF 100%

C-1 VERTICAL TOTALS

AREA TO REMAIN: 0 SF 0%  
ALTERED AREA: 2,775 SF 100%

SEC. 317(b)(2), CRITERIA B, PART 1: FRONT & REAR FACADE

B-1 FRONT & REAR FACADE TOTALS

AREA TO REMAIN: 0 SF 0%  
ALTERED AREA: 1,226.5 SF 100%

SEE NORTH (FRONT) & SOUTH (REAR) ELEVATION ABOVE.

REMOVAL CALCULATION SUMMARY

	AREA TO REMAIN	ALTERED AREA	ALTERED %
B-1 FRONT & REAR FACADE (COMBINED AREA < 50%)	0 SF	1,226.5 SF	100%
B-2 FOUNDATION WALLS (LINEAL FEET < 65%)	42 LF	76.3 LF	64.5% < 65% MEETS CRITERIA
C-1 VERTICAL ELEMENTS (COMBINED AREA < 50%)	0 SF	2,775 SF	100%
C-2 HORIZONTAL ELEMENTS (COMBINED AREA < 50%)	700 SF	884 SF	56%

CODE REFERENCE

SF PLANNING CODE SECTION 312  
LOSS OF DWELLING UNITS THROUGH DEMOLITION, MERGER AND CONVERSION

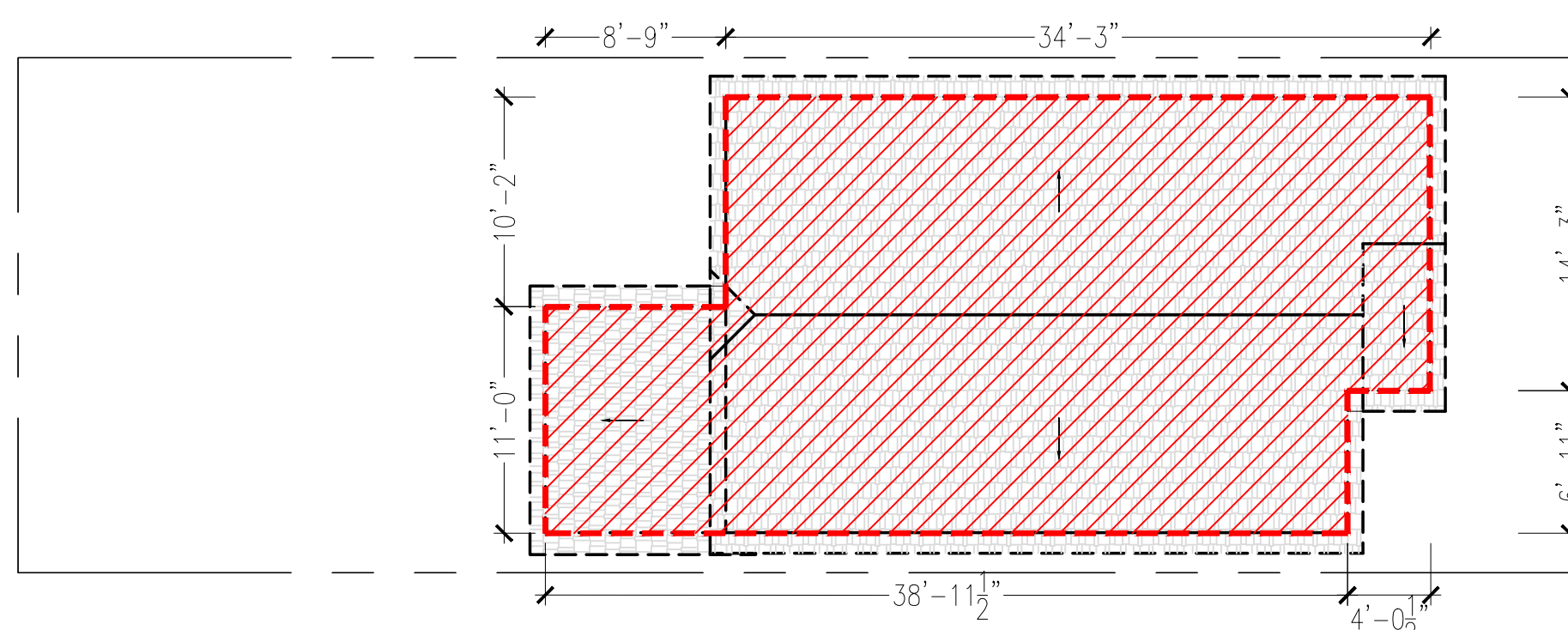
(b) DEFINITIONS  
(2) "RESIDENTIAL DEMOLITION" SHALL MEAN ANY OF THE FOLLOWING:

(A) ANY WORK ON A RESIDENTIAL BUILDING FOR WHICH THE DEPARTMENT OF BUILDING INSPECTION DETERMINES THAT AN APPLICATION FOR A DEMOLITION PERMIT IS REQUIRED, OR

(B) A MAJOR ALTERATION OF A RESIDENTIAL BUILDING THAT PROPOSES THE REMOVAL OF MORE THAN 50% OF THE SUM OF THE FRONT FACADE AND REAR FACADE AND ALSO PROPOSES THE REMOVAL OF MORE THAN 65% OF THE SUM OF ALL EXTERIOR WALLS, MEASURED IN LINEAL FEET AT THE FOUNDATION LEVEL, OR

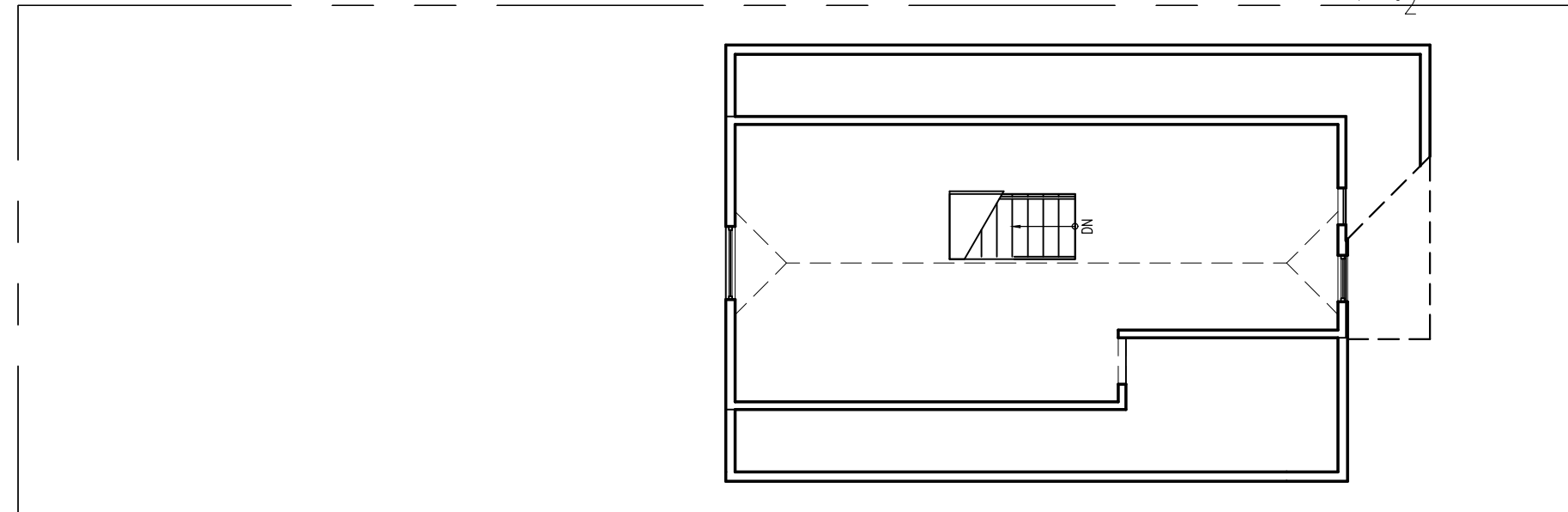
(C) A MAJOR ALTERATION OF A RESIDENTIAL BUILDING THAT PROPOSES THE REMOVAL OF MORE THAN 50% OF THE VERTICAL ENVELOPE ELEMENTS AND MORE THAN 50% OF THE HORIZONTAL ELEMENTS OF THE EXISTING BUILDING, AS MEASURED IN SQUARE FEET OF ACTUAL SURFACE AREA.

SEC. 317(b)(2), CRITERIA C, PART 2: HORIZONTAL ELEMENTS



ROOF

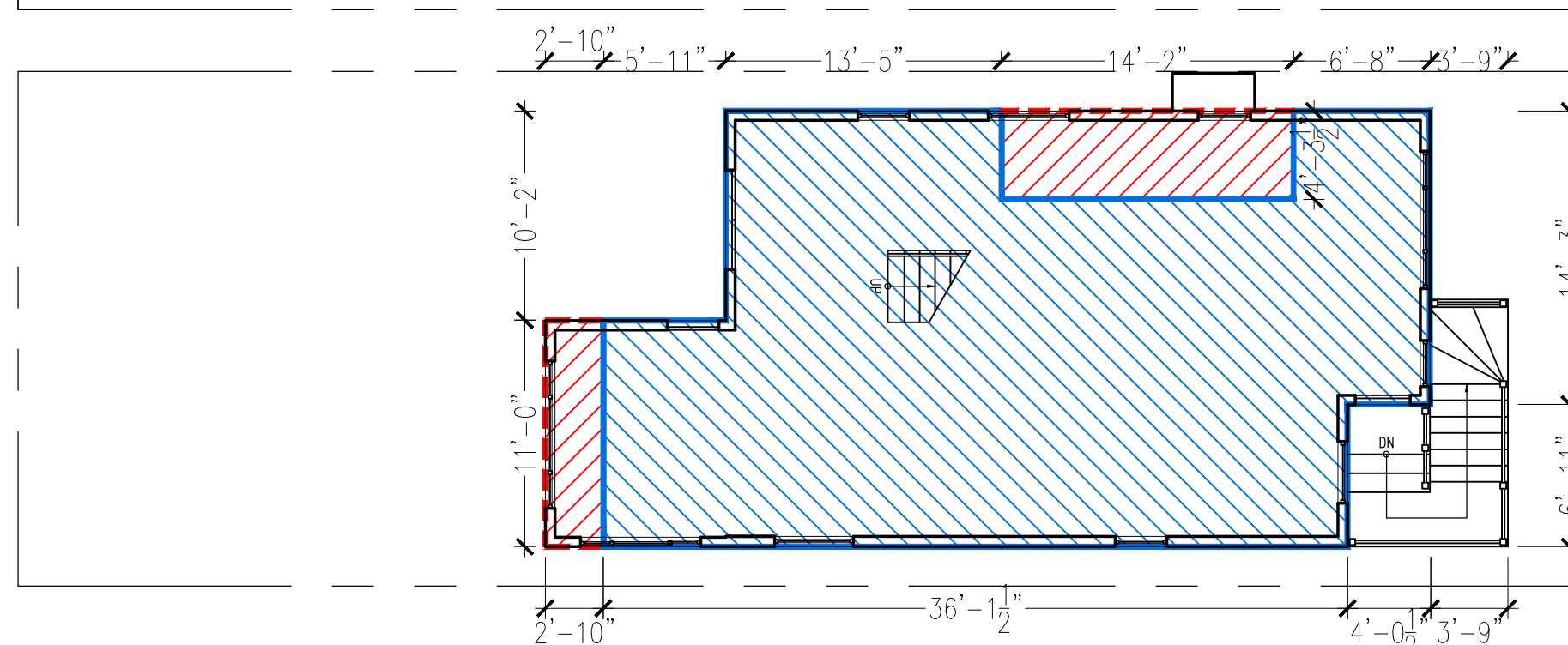
AREA TO REMAIN: 0 SF 0%  
ALTERED AREA: 792 SF 100%



THIRD FLOOR

AREA TO REMAIN: N/A  
ALTERED AREA: N/A

"ZONING CONTROLS REMOVAL OF DWELLING UNITS" DEMOLITION REVIEW CRITERIA, NOTE 1: ELEMENTS CONSTRUCTED POST-1906 WITHOUT PERMITS ARE ILLEGAL, AND FOR THE PURPOSES OF SECTION 317 ARE ASSUMED NOT TO EXIST.  
NOTE: EXISTING THIRD FLOOR HAS HEAD HEIGHT 6'-8" OR LESS, LESS THAN 6" FLOOR JOISTS, NON-CODE COMPLIANT STAIR, THEREFORE ASSUMED UNPERMITTED.



SECOND FLOOR

AREA TO REMAIN: 700 SF 88%  
ALTERED AREA: 92 SF 12%

C-2 HORIZONTAL TOTALS

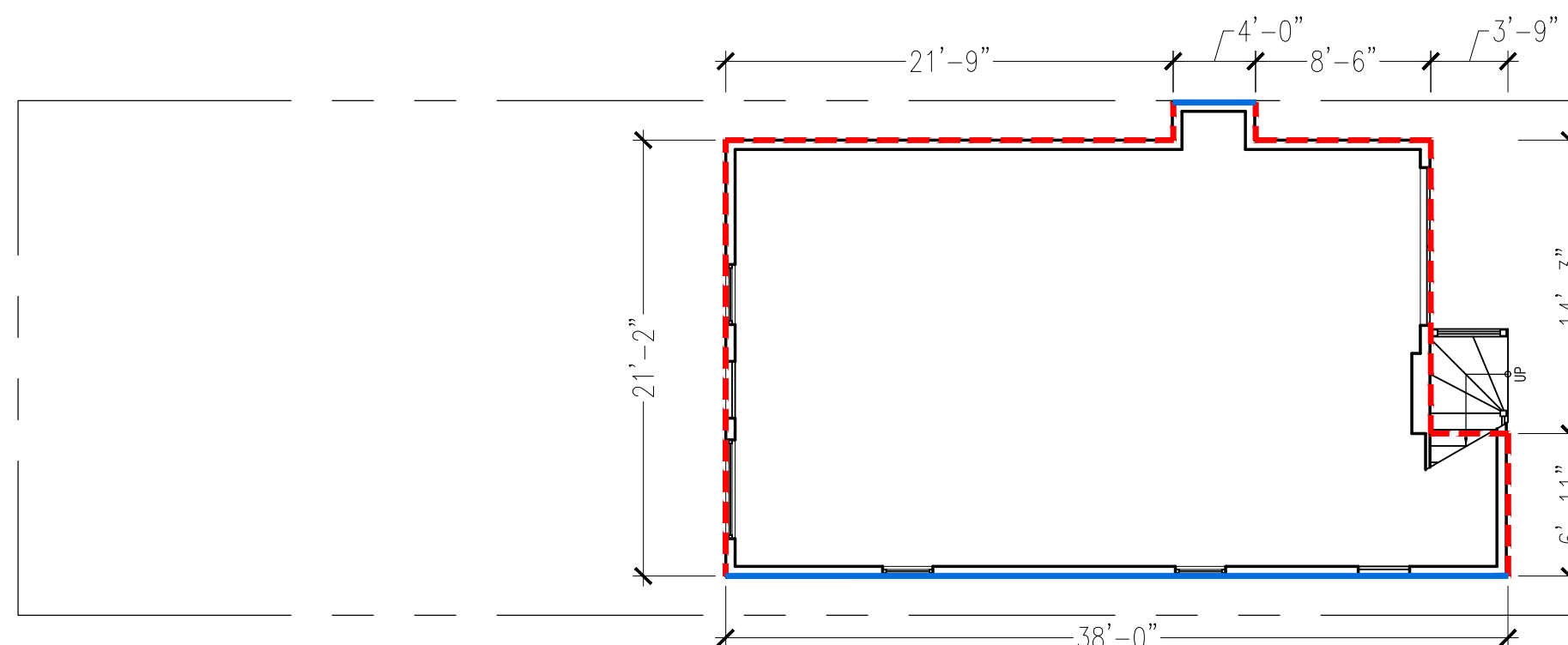
AREA TO REMAIN: 700 SF 44%  
ALTERED AREA: 884 SF 56%

FIRST FLOOR - NOT APPLICABLE

AREA TO REMAIN: N/A  
ALTERED AREA: N/A

SEC 317(b)(5): "HORIZONTAL ELEMENTS" SHALL MEAN ALL ROOF AREAS AND ALL FLOOR PLATES, EXCEPT FLOOR PLATES AT OR BELOW GRADE.

SEC. 317(b)(2), CRITERIA B, PART 2: LINEAR FEET AT FOUNDATION - PROJECT MEETS CRITERIA

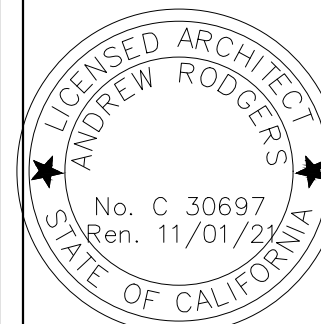


B-2 FOUNDATION WALLS TOTAL

WALLS TO REMAIN: 42 LF 35.5%  
ALTERED WALLS: 76.3 LF 64.5%

REVISIONS:

rogers  
architecture  
415 309 9612  
www.rogersarchitecture.com



ALTERATIONS TO:  
403 28th Street  
SAN FRANCISCO, CA 94131

BUILDING  
PERMIT

DEMO CALC.  
& DIAGRAM

DATE 01.06.21

SCALE 1/8"=1'-0"

DRAWN SW

A1.7



REVISIONS:

ALTERATIONS TO:  
**403 28th Street**  
SAN FRANCISCO, CA 94131

**rogers architecture**  
415 309 9612  
www.rogersarchitecture.com

LICENSED ARCHITECT  
ANDREW RODGERS  
No. C 30697  
Ren. 11/01/22  
STATE OF CALIFORNIA

BUILDING PERMIT

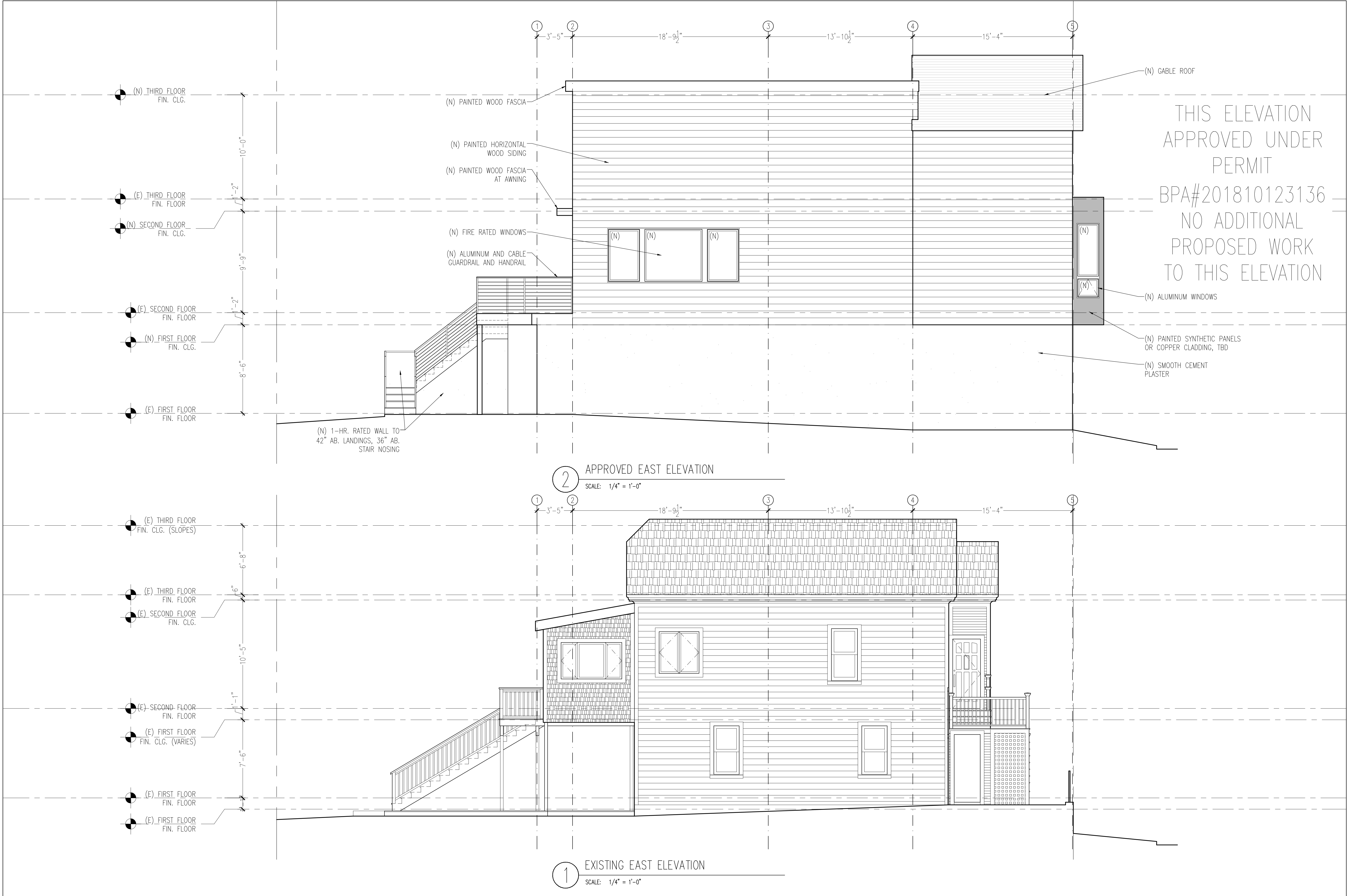
NORTH ELEVATIONS

DATE 01.06.21  
SCALE 1/4"=1'-0"  
DRAWN SW

**A2.1**







REVISIONS:


ALTERNATIONS TO:

**403 28th Street**  
SAN FRANCISCO, CA 94131

BUILDING PERMIT

EAST ELEVATIONS

DATE 01.06.21

SCALE 1/4"=1'-0"

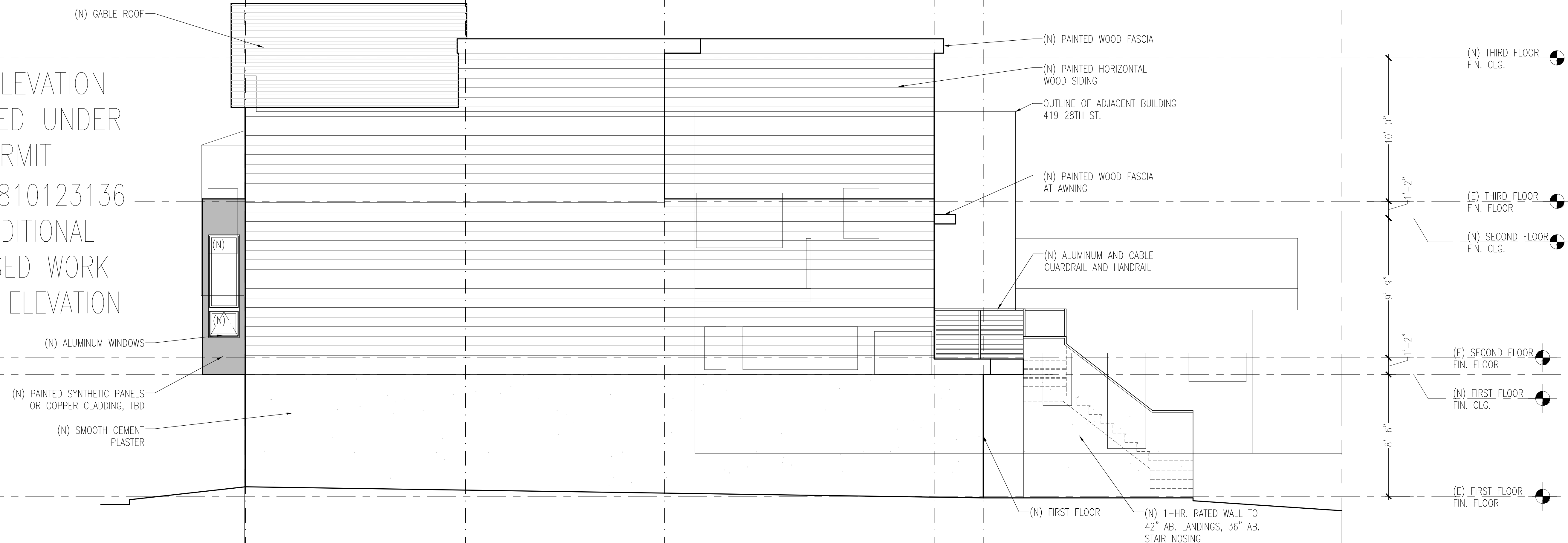
DRAWN SW

**A2.3**

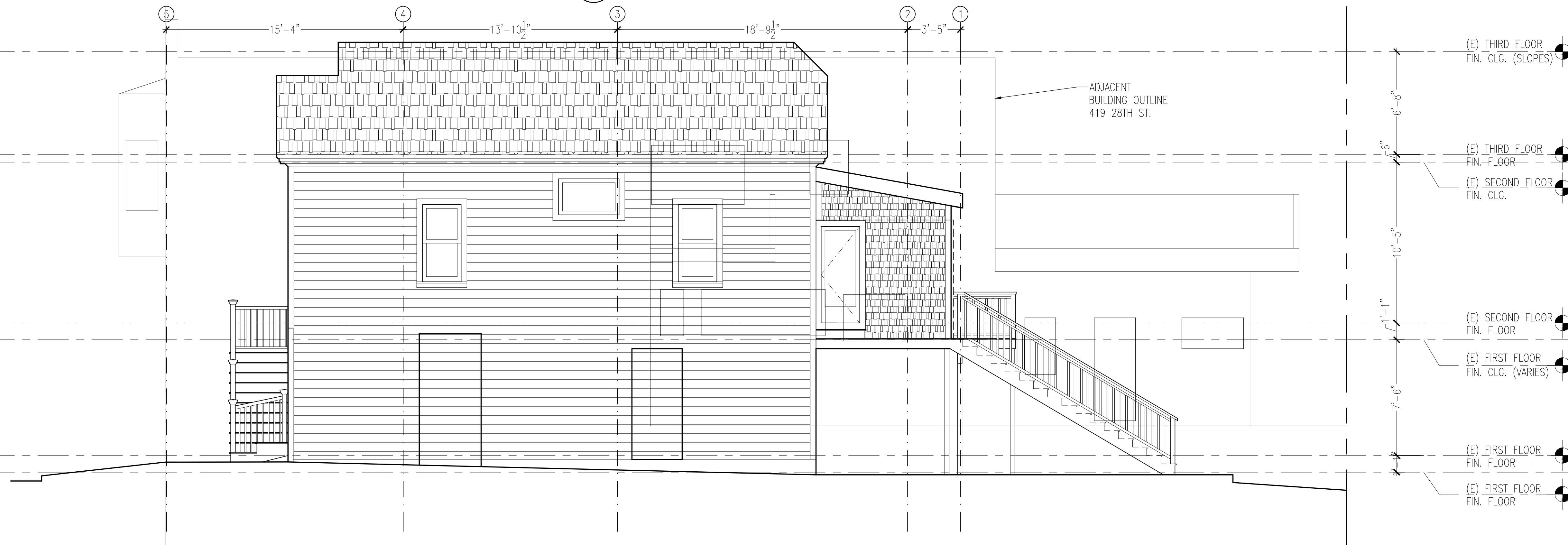
**rogers architecture**  
415 309 9612  
www.rogersarchitecture.com

LICENSED ARCHITECT  
ANDREW RODGERS  
No. C 30697  
Ren. 11/01/22  
STATE OF CALIFORNIA

THIS ELEVATION  
APPROVED UNDER  
PERMIT  
BPA#201810123136  
NO ADDITIONAL  
PROPOSED WORK  
TO THIS ELEVATION



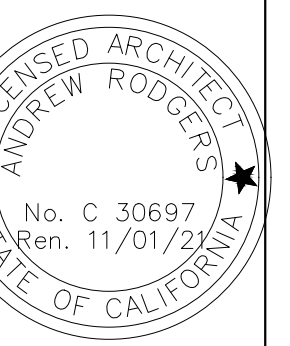
2 APPROVED WEST ELEVATION  
SCALE: 1/4" = 1'-0"



1 EXISTING WEST ELEVATION  
SCALE: 1/4" = 1'-0"

REVISIONS:

rogers  
architecture  
415 309 9612  
www.rogersarchitecture.com



ALTERATIONS TO:  
403 28th Street  
SAN FRANCISCO, CA 94131

BUILDING  
PERMIT

WEST  
ELEVATIONS

DATE 01.06.21

SCALE 1/4"=1'-0"

DRAWN SW

A2.4



# SAN FRANCISCO PLANNING DEPARTMENT

EXHIBIT  
C

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

<b>Project Address</b>		<b>Block/Lot(s)</b>
403 28TH ST		6612043
<b>Case No.</b>		<b>Permit No.</b>
2018-014036ENV		201810123136
<input checked="" type="checkbox"/> <b>Addition/ Alteration</b>	<input type="checkbox"/> <b>Demolition (requires HRE for Category B Building)</b>	<input type="checkbox"/> <b>New Construction</b>
<b>Project description for Planning Department approval.</b> REMODEL OF SINGLE FAMILY HOME TO CONSIST OF HORIZONTAL EXTENSION ON ALL 3 LEVELS & HORIZONTAL EXTENSION ON 1ST FLOOR. (N) SOUTH DECK, GARAGE, GARAGE DOOR & ENTRY. REMODELED KITCHEN, (N) WINDOWS & DOORS. PLUMBING & ELECTRICAL AS NEEDED		

### STEP 1: EXEMPTION CLASS

<b>*Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.*</b>	
<input checked="" type="checkbox"/>	<b>Class 1 - Existing Facilities.</b> Interior and exterior alterations; additions under 10,000 sq. ft.
<input 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

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

<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? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment. <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap &gt; Maher layer).</i>
<input type="checkbox"/>	<b>Transportation:</b> Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input 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? (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)
<input type="checkbox"/>	<b>Slope = or &gt; 20%:</b> Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) <b>If box is checked, a geotechnical report is required.</b>
<input type="checkbox"/>	<b>Seismic: Landslide Zone:</b> Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) <b>If box is checked, a geotechnical report is required.</b>
<input type="checkbox"/>	<b>Seismic: Liquefaction Zone:</b> Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) <b>If box is checked, a geotechnical report will likely be required.</b>

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

Comments and Planner Signature (optional): Laura Lynch

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

<b>PROPERTY IS ONE OF THE FOLLOWING:</b> (refer to Parcel Information Map)	
<input type="checkbox"/>	<b>Category A:</b> Known Historical Resource. <b>GO TO STEP 5.</b>
<input checked="" type="checkbox"/>	<b>Category B:</b> Potential Historical Resource (over 45 years of age). <b>GO TO STEP 4.</b>
<input 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 checked="" type="checkbox"/>	Project is not listed. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project <b>does not conform</b> to the scopes of work. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>four or more</b> work descriptions. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>less than four</b> work descriptions. <b>GO TO STEP 6.</b>

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

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

<input type="checkbox"/>	7. <b>Addition(s)</b> , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
<input type="checkbox"/>	8. <b>Other work consistent</b> with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. <b>Other work</b> that would not materially impair a historic district (specify or add comments):  (Requires approval by Senior Preservation Planner/Preservation Coordinator)
<input checked="" type="checkbox"/>	10. <b>Reclassification of property status.</b> (Requires approval by Senior Preservation Planner/Preservation <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category A            a. Per HRER dated _____            b. Other (specify): Per PTR form signed on 2/2/2019         </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Reclassify to Category C            (attach HRER)         </div> </div>
<b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.</b>	
<input type="checkbox"/>	<b>Further environmental review required.</b> Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. <b>GO TO STEP 6.</b>
<input checked="" 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> Stephanie Cisneros	

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

<input type="checkbox"/>	<b>Further environmental review required.</b> Proposed project does not meet scopes of work in either (check all that apply): <input type="checkbox"/> Step 2 - CEQA Impacts <input type="checkbox"/> Step 5 - Advanced Historical Review <b>STOP! Must file an <i>Environmental Evaluation Application</i>.</b>	
<input checked="" type="checkbox"/>	<b>No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.</b>	
	<b>Project Approval Action:</b> Building Permit If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	<b>Signature:</b> Stephanie Cisneros 02/04/2019
	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 first approval action. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.	



## STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

### TO BE COMPLETED BY PROJECT PLANNER

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

### PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
403 28TH ST		6612/043
Case No.	Previous Building Permit No.	New Building Permit No.
2018-014036PRJ	201810123136	
Plans Dated	Previous Approval Action	New Approval Action
	Building Permit	
Modified Project Description:		

### DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

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

### DETERMINATION OF NO SUBSTANTIAL MODIFICATION

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





# SAN FRANCISCO PLANNING DEPARTMENT

## PRESERVATION TEAM REVIEW FORM

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

<b>Preservation Team Meeting Date:</b>		<b>Date of Form Completion</b>	1/16/2019
--	--	--------------------------------	-----------

PROJECT INFORMATION:		
Planner:	Address:	
Stephanie Cisneros	403 28th Street	
Block/Lot:	Cross Streets:	
6612/043	Noe Street	
CEQA Category:	Art. 10/11:	BPA/Case No.:
B	N/A	2018-014036ENV

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

<b>DATE OF PLANS UNDER REVIEW:</b>	10/12/2018
------------------------------------	------------

PROJECT ISSUES:	
<input checked="" type="checkbox"/>	Is the subject Property an eligible historic resource?
<input type="checkbox"/>	If so, are the proposed changes a significant impact?
Additional Notes:	
Submitted: Historic Resource Evaluation prepared by Diana Tao (dated 8/20/2018)	
Proposed Project: Remodel of single-family house to consist of a north horizontal extension on all three levels, and a south horizontal extension of the first floor. New (south) deck on 2nd floor, garage, garage door and entry. Expanded third floor to include 3 bedrooms, and 2 bathrooms. Remodeled kitchen, new window and doors.	

PRESERVATION TEAM REVIEW:	
Category:	<input type="radio"/> A <input type="radio"/> B <input checked="" type="radio"/> C
Individual	Historic District/Context
Property is individually eligible for inclusion in a California Register under one or more of the following Criteria:	Property is in an eligible California Register Historic District/Context under one or more of the following Criteria:
Criterion 1 - Event: <input type="radio"/> Yes <input checked="" type="radio"/> No	Criterion 1 - Event: <input type="radio"/> Yes <input checked="" type="radio"/> No
Criterion 2 -Persons: <input type="radio"/> Yes <input checked="" type="radio"/> No	Criterion 2 -Persons: <input type="radio"/> Yes <input checked="" type="radio"/> No
Criterion 3 - Architecture: <input type="radio"/> Yes <input checked="" type="radio"/> No	Criterion 3 - Architecture: <input type="radio"/> Yes <input checked="" type="radio"/> No
Criterion 4 - Info. Potential: <input type="radio"/> Yes <input checked="" type="radio"/> No	Criterion 4 - Info. Potential: <input type="radio"/> Yes <input checked="" type="radio"/> No
Period of Significance: <input type="text"/>	Period of Significance: <input type="text"/>
	<input type="radio"/> Contributor <input type="radio"/> Non-Contributor

Complies with the Secretary's Standards/Art 10/Art 11:	<input type="radio"/> Yes	<input type="radio"/> No	<input checked="" type="radio"/> N/A
CEQA Material Impairment to the individual historic resource:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
CEQA Material Impairment to the historic district:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Requires Design Revisions:	<input type="radio"/> Yes	<input type="radio"/> No	
Defer to Residential Design Team:	<input checked="" type="radio"/> Yes	<input type="radio"/> No	

<b>PRESERVATION TEAM COMMENTS:</b>
<p>According to information presented in the Historic Resource Evaluation and found in the Planning Department files, the subject property at 403 28th Street contains a three-story, wood-frame, single-family residence constructed sometime between 1912 and 1914 (source: building permit and Assessor's Report). The residence is best described as a vernacular style cottage. An architect was not identified in the original building permit, but a builder was noted as Theodore Person. The original owner of the property was Joseph E. Thompson, a compositor. Thompson and his family owned and occupied the residence until 1926, when Rose Sheridan took ownership and moved in. Her occupation is unknown. The residence remained owner-occupied throughout its history. Known exterior alterations to the property include: raising the building 7 feet to put in a concrete foundation, cement basement, and to build an addition of 14X14 at the front (1915 permit); placing aluminum siding on the front and return of 8 feet on east side (1963); repairing damage in left rear wall with new materials (1985); installing 2 aluminum windows in existing wood frames in bedroom and living room (1990); and reroofing (2000).</p> <p>No known historic events occurred at the subject property (Criterion 1). None of the owners or occupants have been identified as important to history (Criterion 2). The subject property is a nondescript example of a vernacular single-family cottage. The building is not architecturally distinct such that it would qualify individually for listing in the California Register under Criterion 3. The subject building is not significant under Criterion 4 since this significance criteria typically applies to rare construction types when involving the built environment. The subject building is not an example of a rare construction type. Assessment of archeological sensitivity is undertaken through the Department's Preliminary Archeological Review process and is outside the scope of this review.</p> <p>The subject property is not located adjacent to any known historic resources (Category A properties) or within the boundaries of any identified historic district. The subject property is located in the Noe Valley neighborhood on a block that exhibits a variety of architectural styles, mostly vernacular in nature or having undergone substantial alterations, and construction dates ranging from 1908 to 1987. Together, the block does not comprise a significant concentration of historically or aesthetically unified buildings.</p> <p>Therefore, the subject property is not eligible for listing in the California Register under any criteria individually or as part of a historic district.</p>

Signature of a Senior Preservation Planner / Preservation Coordinator:	Date:
Allison K. Vanderslice Digitally signed by Allison K. Vanderslice Date: 2019.02.02 09:57:27 -08'00'	





## LAND USE INFORMATION

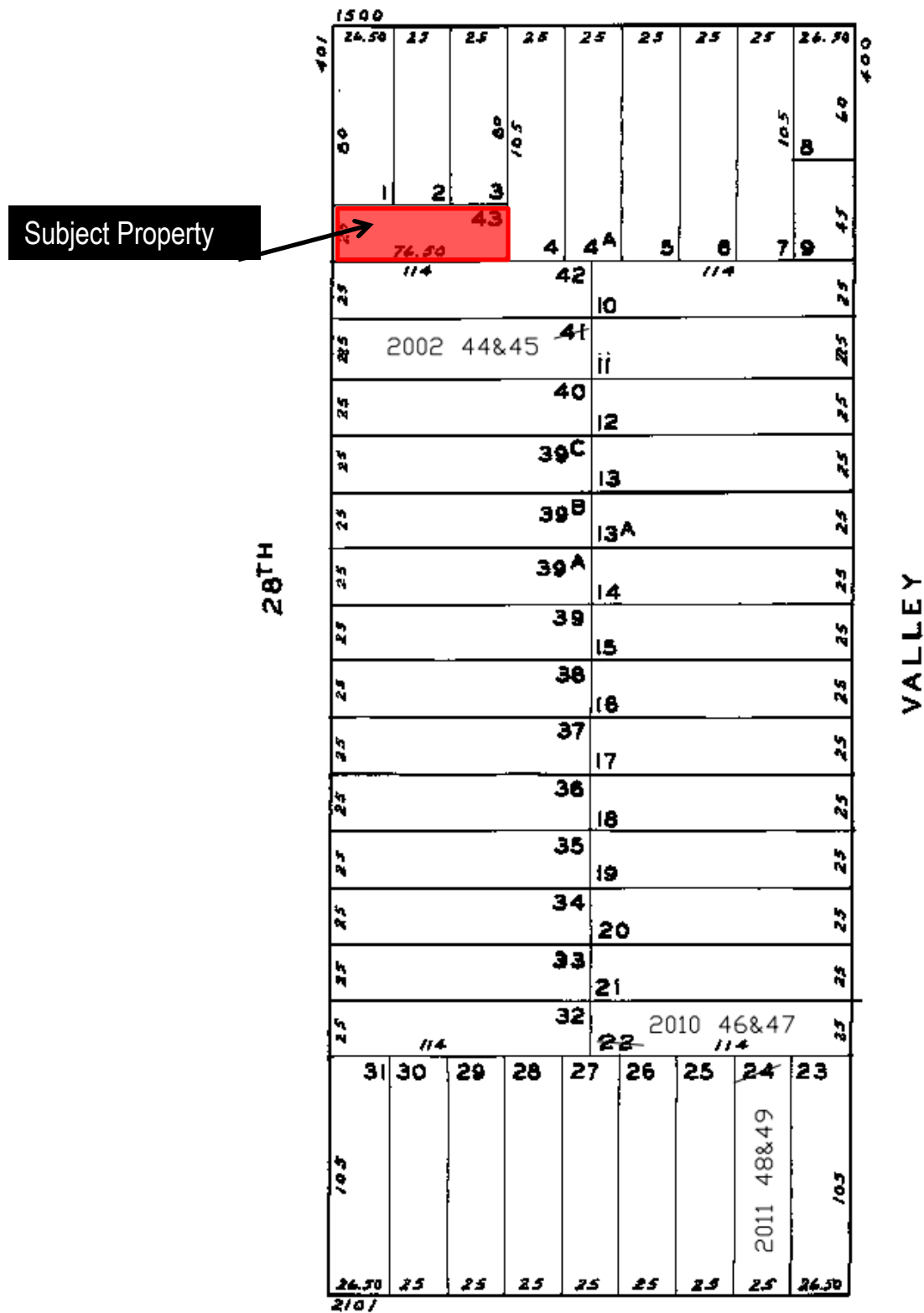
PROJECT ADDRESS: 403 28TH ST  
RECORD NO.: 2021-000342CUA

	EXISTING	PROPOSED	NET NEW
GROSS SQUARE FOOTAGE (GSF)			
Parking GSF	~154	~498	344
Residential GSF	1,615	2,602	987
Retail/Commercial GSF	0	0	0
Office GSF	0	0	0
Industrial/PDR GSF <i>Production, Distribution, &amp; Repair</i>	0	0	0
Medical GSF	0	0	0
Visitor GSF	0	0	0
CIE GSF	0	0	0
Usable Open Space	~754	~625	-129
Public Open Space	0	0	0
Other ( )			
TOTAL GSF	2,523	3,725	1,202
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Dwelling Units - Affordable	0	0	0
Dwelling Units - Market Rate	1	0	1
Dwelling Units - Total	1	0	1
Hotel Rooms	0	0	0
Number of Buildings	1	1	0
Number of Stories	3	0	3
Parking Spaces	1	1	2
Loading Spaces	0	0	0
Bicycle Spaces	1	1	2
Car Share Spaces	0	0	0
Other ( )			

# Block Book Map

# EXHIBIT E

NOE



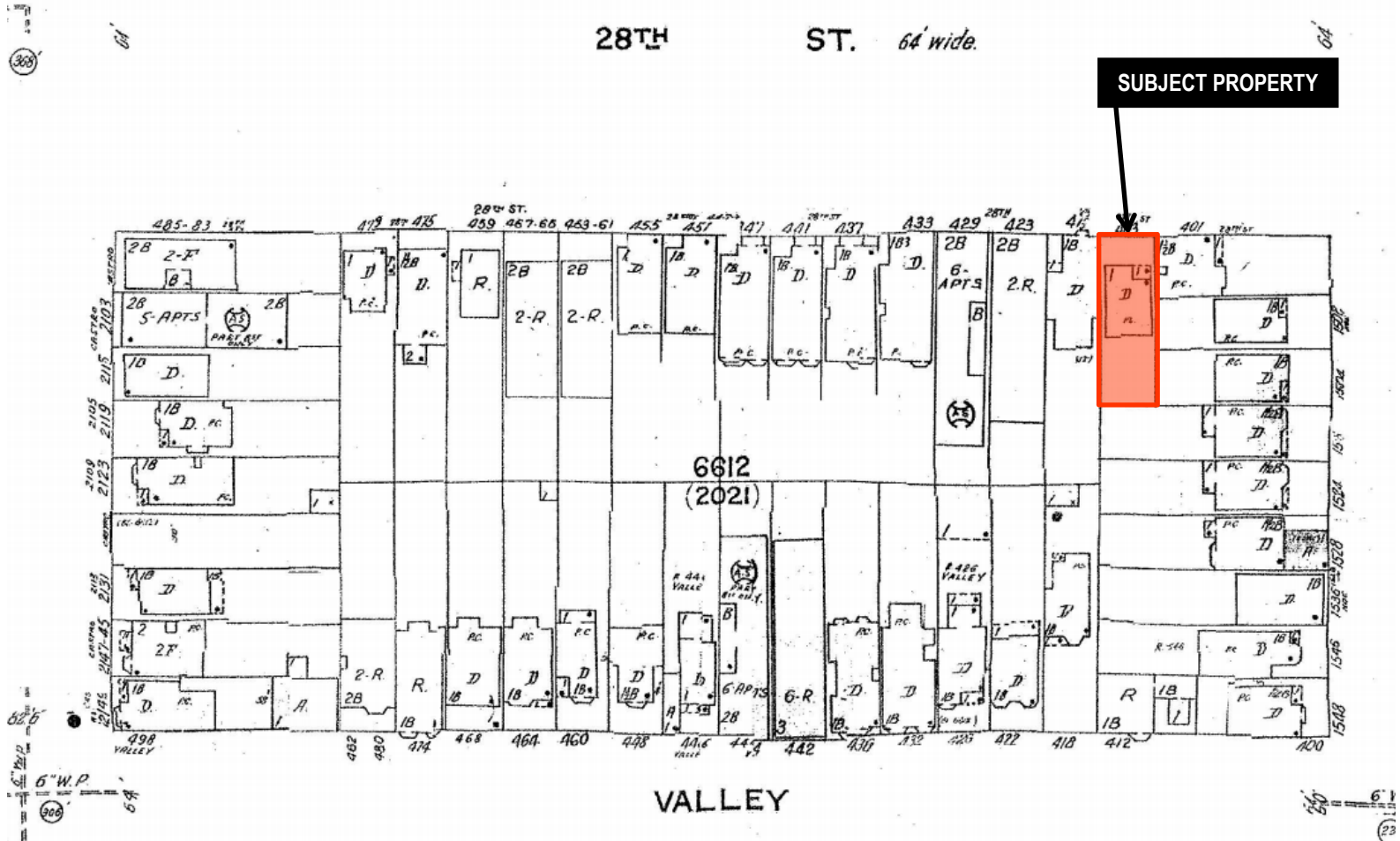
CASTRO

Conditional Use Authorization  
Case Number 2021-000342CUA  
403 28<sup>th</sup> Street





# Sanborn Map\*

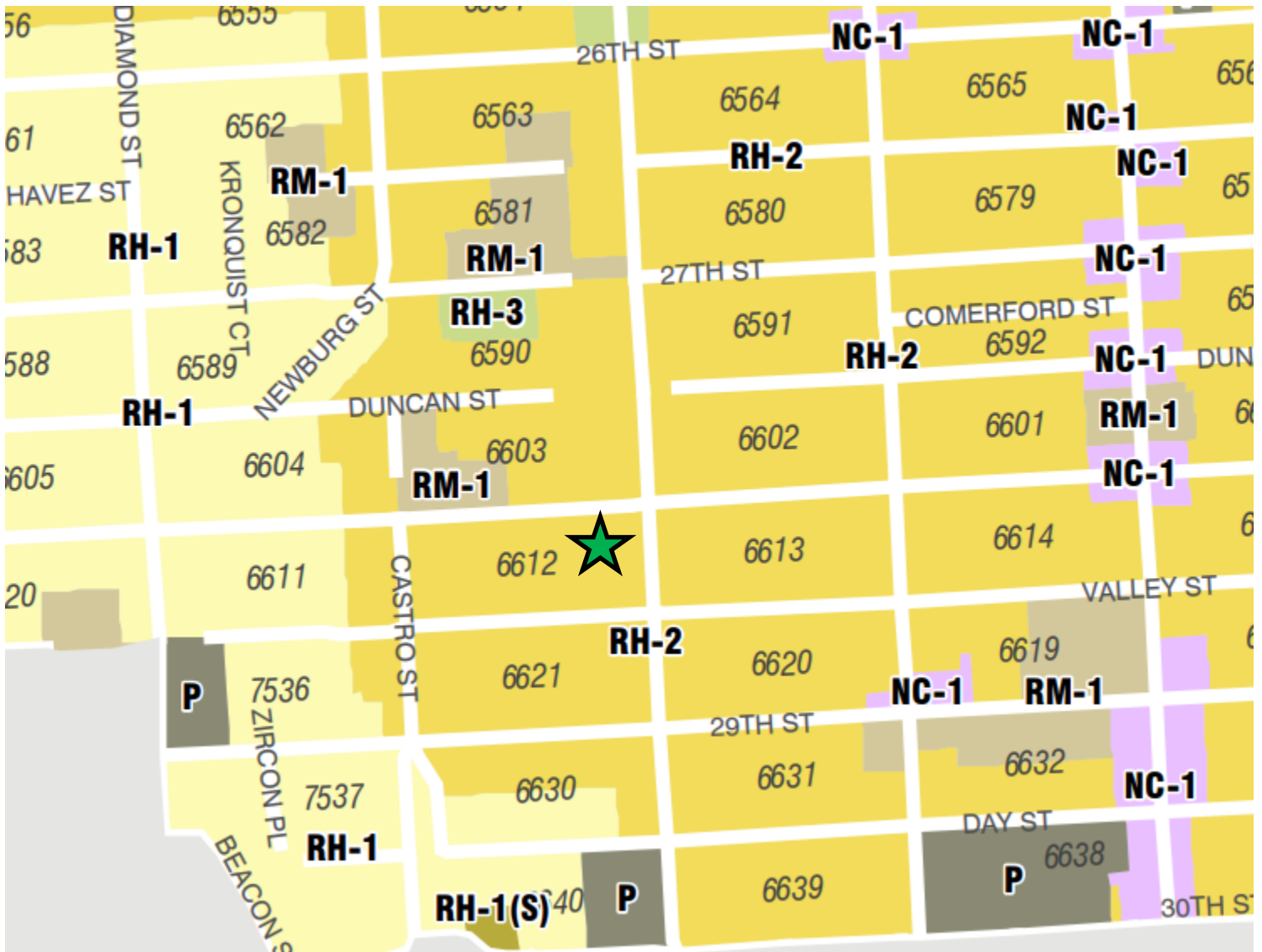


\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

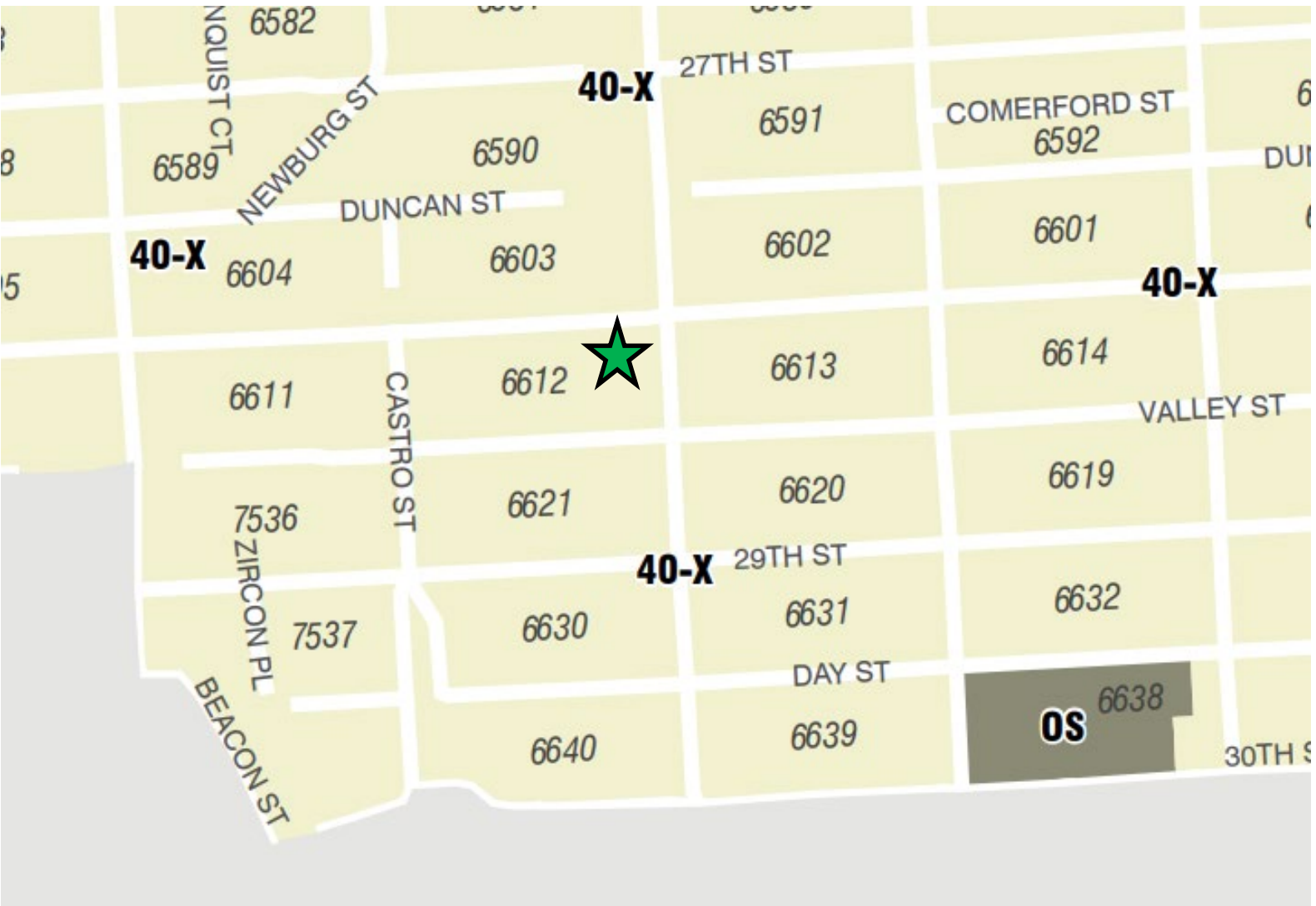


Conditional Use Authorization  
Case Number 2021-000342CUA  
403 28<sup>th</sup> Street

# Zoning Map



# Height and Bulk Map



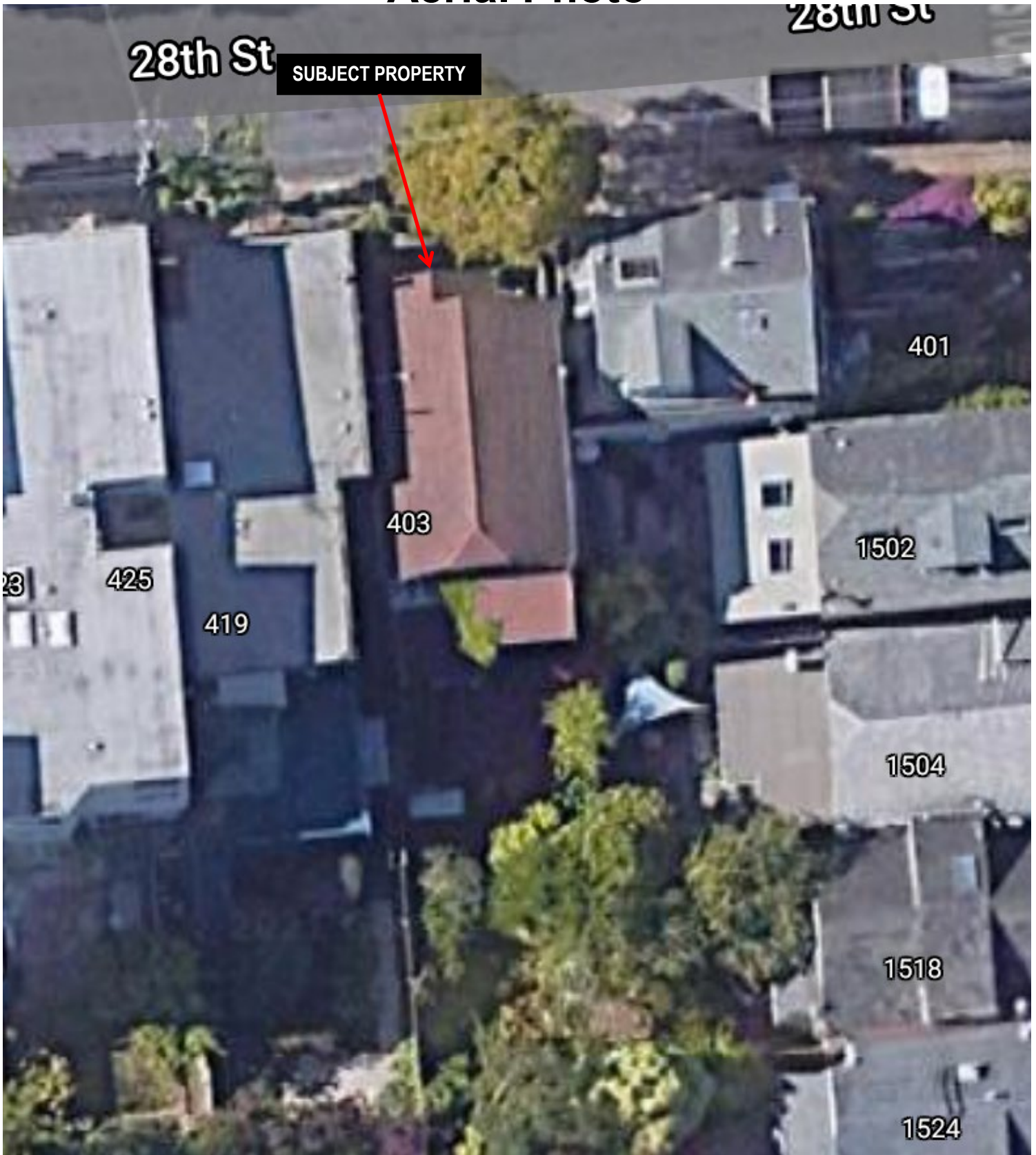


# Aerial Photo





# Aerial Photo



Conditional Use Authorization  
Case Number 2021-000342CUA  
403 28<sup>th</sup> Street

# Context Photos

**SUBJECT PROPERTY ON 28TH STREET**

**Prior to Tantamount to Demolition**



Conditional Use Authorization  
Case Number 2021-000342CUA  
403 28<sup>th</sup> Street



# Context Photos

## SUBJECT PROPERTY ON 28TH STREET

### Existing Condition – Street View



Conditional Use Authorization  
Case Number 2021-000342CUA  
403 28<sup>th</sup> Street

# Context Photos

**SUBJECT PROPERTY ON 28TH STREET**

**Existing Condition – Rear View**



Conditional Use Authorization  
Case Number 2021-000342CUA  
403 28<sup>th</sup> Street



# Site Photo

## PORTION OF BLOCK ON 28<sup>th</sup> STREET



## PORTION OF OPPOSITE SIDE OF SUBJECT BLOCK ON 28<sup>th</sup>



Conditional Use Authorization  
Case Number 2021-000342CUA  
403 28<sup>th</sup> Street