



## Memo to the Planning Commission

HEARING DATE: APRIL 1, 2021  
CONTINUED FROM MARCH 18, 2021

DATE: March 26, 2021  
TO: Planning Commission  
FROM: Linda Ajello Hoagland, Senior Planner  
RE: 403 28<sup>th</sup> Street Update (Record No. 2021-000342CUA)

### BACKGROUND

On March 18, 2021, the Planning Commission continued the Conditional Use Authorization for the legalization of a tantamount to demolition at 403 28th Street to the public hearing on April 1, 2021, with the direction to revise the plans to provide a second dwelling unit to maximize density on the site. Since the March 25, 2021 hearing, the Project Sponsor has submitted revised plans which include a 456 square foot studio unit on the ground level and a 2,149 square foot 3-bedroom, 2½ bath unit on the second and third floors. No changes have been made to the proposed building envelope.

### Attachments:

- Draft Motion
- Revised Plans
- Project Sponsor Memo



# PLANNING COMMISSION DRAFT MOTION

**HEARING DATE:** April 1, 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)

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 TWO-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. The Project has been revised to provide a 2,149 square foot 3-bedroom, 2½ bath unit on the upper two floors and a 456 square foot studio unit on the lower level.

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 two dwelling unit, including a 456 square foot studio unit on the ground floor and a 2,149 square foot, 3-bedroom, 2½-bath home on the second and third floors 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. At that hearing the Commission continued the Project to the hearing on April 1, 2021.

On April 1, 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 two-dwelling unit building with a 456 square foot studio on the ground floor and a 2,149 square foot, 3-bedroom, 2½-bath home on the second and third floors with a second floor rear deck and a 2-car tandem garage. The height of the building 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 for both dwelling units.*

- 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 two 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 is owner occupied and the reconstructed two-dwelling unit building will continue to be partially 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 create a two-dwelling unit building.*

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 dwelling units and 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 two-dwelling building. 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. Furthermore, the new studio unit will create an additional unit to the City's housing stock.*

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, with the addition of a studio unit on the lower floor, 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 add a studio unit on the ground floor and will increase number of bedrooms in the larger unit from two to three, 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 replace a single-family dwelling with a two-unit building by providing a studio unit on the lower level.*

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

*The existing single-family dwelling contains two bedrooms, while the proposed construction contains a three bedroom and a studio unit.*

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

*The Project proposes to maximize density on the site by providing a second unit on the lower level of the building.*

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 two-dwelling units building 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 dwelling and provide a second dwelling unit on the lower level to maximize density on the site. 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 building 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 building 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 2

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

##### Policy 2.1:

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

*The Project proposes to replace an existing single-family home with a two-dwelling unit building and thereby contributes to the general housing stock of the city*

#### 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 two-unit building. The larger of the two units will provide 3-bedrooms 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 11.5**

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

**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 a two-dwelling unit building with a studio unit on the lower level and a three bedroom unit on the upper two floors levels 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 a two-dwelling unit 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 replace a single-family dwelling with a two-dwelling unit building 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 March 25, 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 April 1, 2021.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

RECUSE:

ADOPTED: April 1, 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 two-dwelling unit building with a 456 square foot studio on the ground floor and a 2,149 square foot, 3-bedroom, 2½-bath unit on the upper two floors 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 March 25, 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 April 1, 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 April 1, 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 **two** 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 1.5 spaces per unit or **three (3)** 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)*

**GENERAL NOTES**

ALL CONSTRUCTION AND INSTALLATION SHALL CONFIRM TO THE FOLLOWING CODES:  
 2016 CALIFORNIA BUILDING CODE & 2013 SAN FRANCISCO BUILDING CODE AMENDMENTS  
 2016 CALIFORNIA ELECTRICAL CODE & 2013 SAN FRANCISCO ELECTRICAL CODE AMENDMENTS  
 2016 CALIFORNIA MECHANICAL CODE & 2013 SAN FRANCISCO MECHANICAL CODE AMENDMENTS  
 2016 CALIFORNIA PLUMBING CODE & 2013 SAN FRANCISCO PLUMBING CODE AMENDMENTS  
 2016 GREEN BUILDING CODE & 2013 SAN FRANCISCO GREEN BUILDING CODE AMENDMENTS  
 2016 CALIFORNIA ENERGY CODE  
 2016 SAN FRANCISCO HOUSING CODE

THE CONTRACTOR SHALL REVIEW AND VERIFY ALL DIMENSIONS OF BUILDING AND SITE AND NOTIFY THE ARCHITECT OF ANY DISCREPANCIES BEFORE PROCEEDING WITH CONSTRUCTION.

THE GENERAL CONTRACTOR SHALL VERIFY AND ASSUME RESPONSIBILITY FOR ALL DIMENSIONS AND SITE CONDITIONS. THE GENERAL CONTRACTOR SHALL INSPECT THE EXISTING PREMISES AND TAKE NOTE OF EXISTING CONDITIONS PRIOR TO SUBMITTING PRICES. NO CLAIM SHALL BE ALLOWED FOR DIFFICULTIES ENCOUNTERED WHICH COULD HAVE REASONABLY BEEN INFERRED FROM SUCH AN EXAMINATION.

CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATION BETWEEN ARCHITECTURAL, STRUCTURAL, LANDSCAPE, CIVIL, MECHANICAL, PLUMBING, ELECTRICAL AND FIRE PROTECTION. THIS INCLUDES REVIEWING REQUIREMENTS OF INDIVIDUAL SYSTEMS BEFORE ORDERING AND INSTALLATION OF ANY WORK. VERIFY ALL ARCHITECTURAL DETAILS AND ALL FINISH CONDITIONS (WHETHER DEPICTED IN DRAWINGS OR NOT) WITH SAME DISCIPLINES.

ANY ERRORS, OMISSIONS, OR CONFLICTS FOUND IN THE VARIOUS PARTS OF THE CONSTRUCTION DOCUMENTS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT AND THE OWNER BEFORE PROCEEDING WITH THE WORK.

DO NOT SCALE DRAWINGS. WRITTEN DIMENSION GOVERN.

ALL CLEAR DIMENSIONS ARE NOT TO BE ADJUSTED WITHOUT APPROVAL OF THE ARCHITECT.

WHEN SHOWN IN PLAN, ALL DIMENSIONS ARE TO FACE OF GYPSUM BOARD, CONCRETE, CENTERLINE OF COLUMNS, OR CENTERLINE OF STUD WITHIN WALL ASSEMBLIES, UNLESS OTHERWISE NOTED.

WHEN SHOWN IN SECTION OR ELEVATION, ALL DIMENSIONS ARE TO TOP OF PLATE OR TOP OF CONCRETE UNLESS OTHERWISE NOTED.

DETAILS SHOWN ARE TYPICAL, SIMILAR DETAILS APPLY IN SIMILAR CONDITIONS.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR APPLYING AND OBTAINING ALL REQUIRED INSPECTIONS TO CONFIRM WITH LOCAL BUILDING AND FIRE CODES.

PROVIDE AND INSTALL 2x FLAT WOOD BLOCKING FOR ALL BATH ACCESSORIES, HANDRAILS, CABINETS, TOWEL BARS, WALL MOUNTED FIXTURES AND ANY OTHER ITEMS ATTACHED TO WALLS.

ALL CHANGES IN FLOOR MATERIALS OCCUR AT CENTERLINE OF DOOR OR FRAMED OPENINGS UNLESS OTHERWISE INDICATED ON THE DRAWINGS.

INSTALL ALL FIXTURES, EQUIPMENT, AND MATERIALS PER MANUFACTURER'S RECOMMENDATIONS AND THE REQUIREMENTS OF THE CODES. ALL APPLIANCES, FIXTURES, AND EQUIPMENT ASSOCIATED WITH PLUMBING, ELECTRICAL, AND MECHANICAL SYSTEMS SHALL BE LISTED BY A NATIONALLY RECOGNIZED AND APPROVED AGENCY.

VERIFY CLEARANCES FOR FLUES, VENTS, CHASES, SOFFITS, FIXTURES, FIREPLACES, ETC., BEFORE ANY CONSTRUCTION, ORDERING OF, OR INSTALLATION OF ANY ITEM OF WORK.

PROVIDE FIRE-BLOCKING AND DRAFTSTOPPING AT ALL CONCEALED DRAFT OPENINGS (VERTICAL & HORIZONTAL). AS PER 2013 CBC SECTION 718, FIREBLOCKING & DRAFTSTOPS SHALL BE PROVIDED IN THE FOLLOWING LOCATIONS:

1) IN CONCEALED SPACES OF STUD WALLS AND PARTITIONS, INCLUDING FURRED SPACES, AT THE CEILING AND FLOOR LEVELS AND AT 10-FOOT INTERVALS BOTH VERTICAL AND HORIZONTAL.

2) IN CONCEALED SPACES BETWEEN STAIR STRINGERS AT THE TOP AND BOTTOM OF THE RUN AND BETWEEN STUDS ALONG AND IN LINE WITH THE RUN OF STAIRS IF THE WALLS UNDER THE STAIRS ARE UNFINISHED.

3) IN OPENINGS AROUND VENTS, PIPES, DUCTS, CHIMNEYS, FIREPLACES AND SIMILAR OPENINGS WHICH AFFORD A PASSAGE FOR FIRE AT CEILING AND FLOOR LEVELS, WITH NONCOMBUSTIBLE MATERIALS.

WINDOW SIZES ON DRAWINGS ARE NOMINAL DIMENSIONS. REFER TO MANUFACTURER FOR ACTUAL ROUGH OPENING SIZES.

MECHANICAL, PLUMBING, ELECTRICAL, AND OTHER PENETRATIONS OF FLOORS, WALLS AND CEILINGS SHALL BE SEALED AIRTIGHT WITH ACOUSTICAL SEALANT AND FIRESAFING AS REQUIRED.

ALL EXTERIOR DOORS AND WINDOWS ARE TO BE WEATHERSTRIPPED PER TITLE 24 REQUIREMENTS.

ALL WALL, FLOOR, ROOF, AND SHAFT CONSTRUCTION TO BE RATED, U.O.N.

DISCREPANCIES: WHERE A CONFLICT IN REQUIREMENTS OCCURS BETWEEN THE SPECIFICATIONS AND DRAWINGS, OR ON THE DRAWINGS, AND A RESOLUTION IS NOT OBTAINED FROM THE ARCHITECT BEFORE THE BIDDING DATE, THE MORE STRINGENT ALTERNATE WILL BECOME THE CONTRACTUAL REQUIREMENTS.

CONTRACTOR SHALL ENSURE THAT GUIDELINES SET FORTH ON SHEET A0.1 ARE MAINTAINED DURING CONSTRUCTION, INSTALLATION, AND FINISHING OF ALL ASPECTS OF THIS PROJECT.

PROVIDE SAFETY GLAZING AT ALL HAZARDOUS DOORS TO DOORS IN ACCORDANCE WITH SECTION 2406.4.

ALL TEMPERED GLASS SHALL BE AFFIXED WITH A PERMANENT LABEL PER CBC SECTION 2403

ALL SMOKE DETECTORS TO BE HARD WIRED.

OPENINGS IN 1, 2, OR 3-HOUR RATED ASSEMBLIES SHOULD BE PROTECTED WITH (1), (2), OR (3)-HOUR RATED ASSEMBLIES, RESPECTIVELY.

ALL ASSEMBLIES SHOULD BE APPROVED.

ALL DUCT PENETRATIONS THROUGH RATED WALLS SHOULD BE PROTECTED WITH SMOKE AND FIRE DAMPERS.

**SITE PHOTOS**

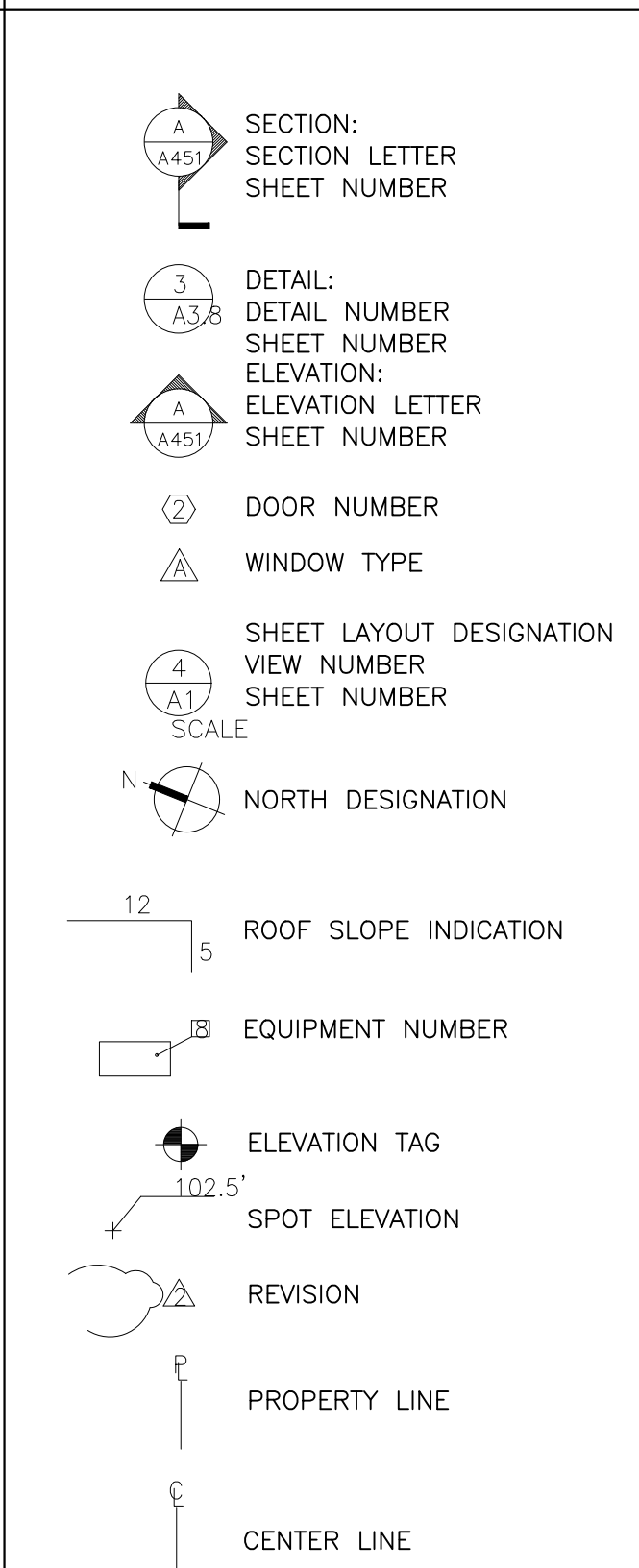


**ABBREVIATIONS**

AB.	ANCHOR BOLT	ELEV.	ELEVATION	HT.	HEIGHT	(R)	REMODELED OR RELOCATED
A.F.F.	ABOVE FINISHED FLOOR	EMER.	EMERGENCY	HVAC.	HEATING, VENTILATION, AND	R.D.	ROOF DRAIN
AGGR.	AGGREGATE	ENCL.	ENCLOSURE	AIR COND.	AIR CONDITIONING	RE.	REFER TO ...
AL.	ALUMINUM	EQ.	EQUAL	I.D.	INSIDE DIAMETER	HT.	REFRIGERATOR
ALT.	ALTERNATE	EQUIP.	EQUIPMENT	INSUL.	INSULATION	REINF.	REINFORCED
APPROX.	APPROXIMATE	E.W.	EACH WAY	INT.	INTERIOR	REQ'D	REQUIRED
ARCH.	ARCHITECTURAL	W.E.C.	ELECTRIC WATER COOLER	JAN.	JANITOR	RM	ROOM
BD.	BOARD	EXP.	EXPANSION	JNT.	JOINT	R.D.	ROUGH OPENING
BLDG.	BUILDING	EXT.	EXTERIOR	JST.	JOIST	S	SOUTH
BLK.	BLOCK	F.A.	FIRE ALARM	KIT.	KITCHEN	S.C.	SOLID CORE
BLK'G.	BLOCKING	F.D.	FLOOR DRAIN	LAB.	LABORATORY	SCHED.	SCHEDULE
BM.	BEAM	F.D.C.	FIRE DEPARTMENT CONNECTION	LAM.	LAMINATE	SECT.	SECTION
BOT.	BOTTOM	FDN.	FOUNDATION	LAV.	LAVATORY	S.F.	SQUARE FOOT
BTWN.	BETWEEN	F.A.	FIRE EXTINGUISHER	LT.	LIGHT	SHT.	SHEET
B.U.R.	BUILT UP ROOFING	F.A.C.	FIRE EXTINGUISHER CABINET	MAX.	MAXIMUM	SIM.	SIMILAR
B.W.	BOTH WAYS	F.B.	FINISH FLOOR	MECH.	MECHANICAL	SPEC.	SPECIFICATION
C.J.	CONTROL JOINT	F.H.C.	FIRE HOSE CABINET	MEMB.	MEMBRANE	SQ. OR Ø	SQUARE
CLG.	CEILING	FIN.	FINISH	MFR.	MANUFACTURER	S.S.	STAINLESS STEEL
CLKG.	CAULKING	F.L.	FLOW LINE	M.H.	MANHOLE	STAGG.	STAGGERED
CLR.	CLEAR	FLR.	FLOOR	MIN.	MINIMUM	STD.	STANDARD
C.M.U.	CONCRETE MASONRY UNIT	FLUOR.	FLUORESCENT	MISC.	MISCELLANEOUS	STIFF.	STIFFENER
COL.	COLUMN	FND.	FOUNDATION	M.O.	MASONRY OPENING	STL.	STEEL
CONC.	CONCRETE	F.O.B.	FACE OF BRICK	MTL.	METAL	STRUC.	STRUCTURAL
CONN.	CONNECTION	F.O.C.	FACE OF CONCRETE	MUL.	MULLION	SUSP.	SUSPENDED
CONSTR.	CONSTRUCTION	F.S.	FULL SIZE	N	NORTH	TR.	TREAD
CONT.	CONTINUOUS	FT.	FOOT OR FEET	(N)	NEW	T & B	TOP AND BOTTOM
C.T.	CERAMIC TILE	FTG.	FOOTING	N.I.C.	NOT IN CONTRACT	TER.	TERRAZZO
DEG.	DEGREE	FURR.	FURRING	NO.	NOMINAL	T & G	TONGUE AND GROOVE
DET./DTL.	DETAIL	GA.	GAUGE	NOM.	NOMINAL	THK.	THICK
D.F.	DRINKING FOUNTAIN	GALV.	GALVANIZED	N.T.S.	NOT TO SCALE	T/	TOP OF
DIAG.	DIAGONAL	G.C.	GENERAL CONTRACTOR	O.C.	ON CENTER	TYP.	TYPICAL
DIA. Ø	DIAMETER	G.L.	GLASS	O.D.	OUTSIDE DIAMETER	U.O.N.	UNLESS OTHERWISE NOTED
DN.	DOWN	GR.	GRADE	OH.	OVERHEAD	VCT.	VINYL COMPOSITION TILE
DS.	DOWNSPOUT	GYP.	GYPSUM	OPG.	OPENING	VER.	VERIFY
DWG.	DRAWING	GYP. BD.	GYPSUM BOARD	OPP.	OPPOSITE	VERT.	VERTICAL
E	EAST	H.B.	HOSE BIBB	PCT.	PRE-CAST	W	WEST
(E)	EXISTING	H.C.	HOLLOW CORE	P.L.	PROPERTY LINE	W/	WITH
EA.	EACH	H/C	HANDICAPPED	P.LAM.	PLASTIC LAMINATE	W.C.	WATER CLOSET
E.J.	EXPANSION JOINT	HWOD.	HARDWOOD	PLAS.	PLASTER	WD.	WOOD
E.I.F.S.	EXTERIOR INSULATION AND FINISH	HWWE.	HARDWARE	PLYWD.	PLYWOOD	W/O	WITHOUT
SYSTEM		H.M.	HOLLOW METAL	PR.	PAIR	P	PROPERTY LINE
EL.	ELEVATION	HR.	HOUR	PTD	PAINTED	Q.T.	QUARRY TILE
ELEC.	ELECTRICAL			R.	RISER	Q	CENTERLINE

NOTE: CLARIFY WITH ARCHITECT - ALL ABBREVIATIONS NOT LISTED

**SYMBOLS LEGEND**



**PROJECT INFORMATION**

PROJECT ADDRESS: 403 28th STREET  
 SAN FRANCISCO, CA 94131  
 BLOCK/LOT: 6612/043  
 ZONING: RH-2  
 HEIGHT/BULK DISTRICT: 40-X  
 CONSTRUCTION TYPE: VB  
 OCCUPANCY: R-3  
 EXISTING # OF FLOORS: 3  
 PROPOSED # OF FLOORS: 3

HABITABLE SQUARE FOOTAGE						
	EXISTING	ADDITION	TOTAL	UNIT 1	UNIT 2	SHARED
1ST FLOOR	486 SF	108 SF	613 SF	52 SF	456 SF	105 SF
2ND FLOOR	733 SF	360 SF	1,093 SF	1,093 SF	0 SF	0 SF
3RD FLOOR	396 SF	608 SF	1,004 SF	1,004 SF	0 SF	0 SF
TOTAL	1,615 SF	987 SF	2,710 SF	2,149 SF	456 SF	105 SF

PROJECT DESCRIPTION:  
 REMODEL OF SINGLE-FAMILY HOUSE TO CONSIST OF A NORTH HORIZONTAL EXTENSION ON ALL THREE LEVELS, AND A HORIZONTAL EXTENSION OF THE FIRST FLOOR. NEW (SOUTH) DECK, GARAGE, GARAGE DOOR AND ENTRY. EXPANDED THIRD FLOOR TO INCLUDE A GABLE ROOF AT NORTH ELEVATION (FRONT FACADE), A FLAT ROOF AT SOUTH ELEVATION (REAR FACADE), 3 BEDROOMS AND 2 BATHROOMS. REMODELED KITCHEN, NEW WINDOWS AND DOORS, PLUMBING AND ELECTRICAL AS NEEDED. (N) AUTOMATIC SPRINKLER SYSTEM PER NFPA 13D STANDARDS, PER CBC 903.3.1.3.

**PROJECT DIRECTORY**

**PROJECT ARCHITECT**  
 RODGERS ARCHITECTURE  
 156 SOUTH PARK  
 SAN FRANCISCO, CA 94107  
 P: 415.309.9612  
 E: ardesign@att.net

**PROPERTY OWNER**  
 CHRISTOPHE AND RINA SOUDIER  
 403 28TH STREET  
 SAN FRANCISCO CA 94131  
 E: chsoudier@gmail.com

**GENERAL CONTRACTOR**  
 TBD

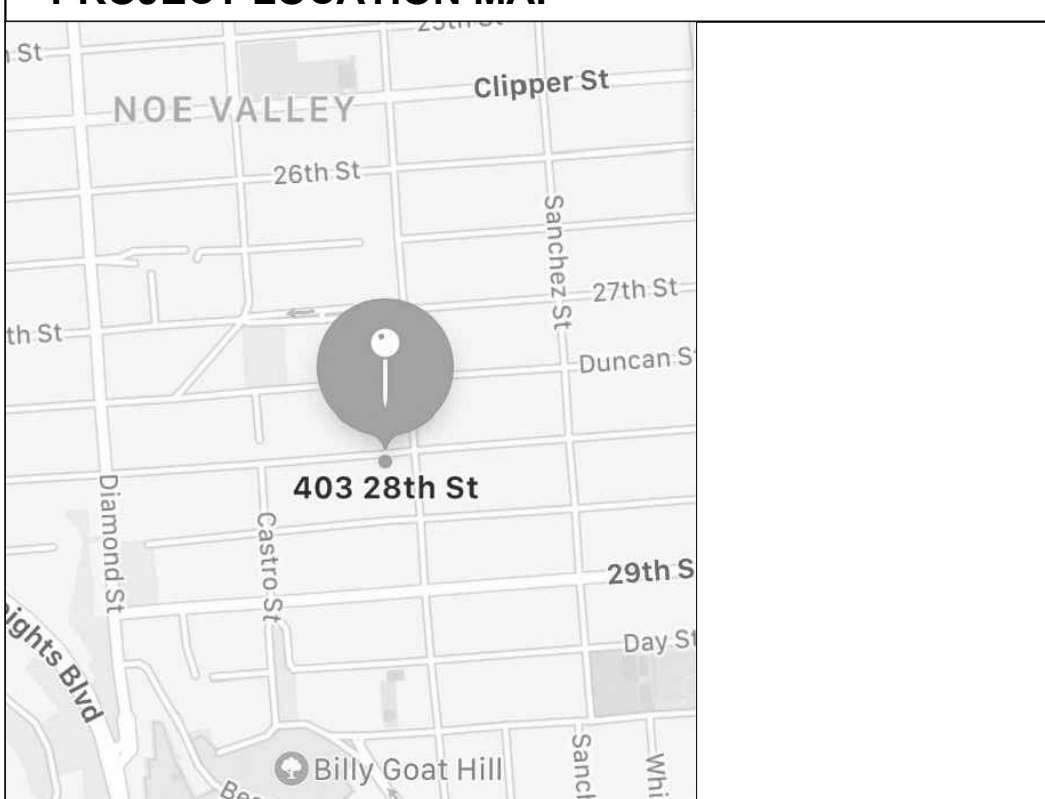
**STRUCTURAL ENGINEER**  
 DOUBLE D ENGINEERING  
 DONALD DAVID  
 72 OTIS ST.  
 SAN FRANCISCO, CA 94103  
 P: 415.551.5150  
 E: doubledengineering.com

**T24 CONSULTANT**  
 NRG COMPLIANCE, LLC  
 P.O. BOX 3777  
 SANTA ROSA, CA 95402  
 P: 707.237.6957

**SHEET INDEX**

ARCHITECTURAL	STRUCTURAL
A0.1 PROJECT INFO, GEN. NOTES	S1 GENERAL NOTES & TYP. DETAILS
A0.2 AB-009	S2.0 FOUNDATION PLAN AND SECOND FLOOR FRAMING PLAN
A0.3 AB-009	S2.1 ROOF & THIRD FLOOR FRAMING PLANS
A0.4 TITLE 24	S3.0 STRUCTURAL DETAILS
A0.5 TITLE 24	S4.0 STRUCTURAL DETAILS
A0.6 GREEN BUILDING CHECKLIST	S4.1 STRUCTURAL DETAILS
A1.1 EXISTING SITE PLAN	S5.0 STRUCTURAL DETAILS
A1.2 PROPOSED SITE PLAN	S5.1 STRUCTURAL DETAILS
A1.3 FIRST FLOOR PLANS	
A1.4 SECOND FLOOR PLANS	
A1.5 THIRD FLOOR PLANS	
A1.6 ROOF PLANS	
A1.7 DEMO CALC. AND DIAGRAM	
A2.1 NORTH ELEVATIONS	
A2.2 SOUTH ELEVATIONS	
A2.3 EAST ELEVATIONS	
A2.4 WEST ELEVATIONS	
A3.1 BUILDING SECTIONS	
A5.1 DETAILS	
A8.1 DOOR & WINDOW SCHEDULE	
ET.1 FIRST FLOOR LIGHTING PLAN & NOTES	
ET.2 SECOND & THIRD FLOOR LIGHTING PLAN	

**PROJECT LOCATION MAP**



**REVISIONS:**

- 12.02.2019
- 03.25.2021

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

LICENSED ARCHITECT  
 ANDREW RODGERS  
 No. C 30697  
 Ren. 11/01/19  
 STATE OF CALIFORNIA

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

BUILDING PERMIT

GENERAL NOTES, PROJECT INFORMATION

DATE 10.16.19  
 SCALE NO SCALE  
 DRAWN sw

**A0.1**



**DEPARTMENT OF BUILDING INSPECTION**  
City & County of San Francisco  
1660 Mission Street, San Francisco, California 94103-2414

**REQUEST FOR APPROVAL OF LOCAL EQUIVALENCY FOR MODIFICATION OR ALTERNATE MATERIALS, DESIGN OR METHODS OF CONSTRUCTION**

DATE SUBMITTED August 22, 2019 [Note: This form shall be recorded as part of the permanent construction records of the property]

If no permit application has been filed, a Preapplication Review Fee is required for review of a request for local equivalency or modification, per SFBC Table 1A-B, Item 5. Additional fees may be required by Fire Department and other City review agencies.

If a permit application has been filed, no additional fees are required for this review.

Permit Application # 2018-1012-3136

Property Address: 403 28th St., San Francisco, CA

Block and Lot: 6612 / 043 Occupancy Group: R-3 Type of Construction: V-N No. of Stories: 3

Describe Use of Building SINGLE-FAMILY RESIDENCE

Under the authority of the 2016 San Francisco Building Code, Sections 104A.2.7 and 104A.2.8; the 2016 San Francisco Mechanical Code, Section 302.2; the 2016 San Francisco Electrical Code, Section 89.117; and the 2016 San Francisco Plumbing Code, Section 301.3; the undersigned requests modifications of the provisions of these codes and/or approval of alternate materials, designs or methods of construction. Two copies of supporting documents, including plans showing the proposed modifications or alternate materials, design or methods of construction, are attached.

Regular Code Requirement (specify Code and Sections)

2013 CBC TABLE 705.8 does not permit non sprinklered windows at 0' to 3' from the property line. San Francisco AB-009 allows for a local equivalency with relevant conditions noted in the attached Appendix 1.

ATTACHMENT A

Proposed Modification or Alternate  
The proposal is for five property line windows located at the subject property's east elevation. The proposed windows meet the condition listed in AB-009, which are documented in the Attachment Appendix 1.

Case-by-Case Basis of Request - Describe the practical difficulties presented in meeting the specific conditions of the code and how the proposed modification or alternate meets the intent of the code. A separate form should be filled for each requested modification or alternate. Attach copies of any Administrative Bulletin, Code Ruling, reference, test reports, expert opinions, etc., which support this request. The Department may require that an approved consultant be hired by the applicant to perform tests or analysis and to submit an evaluation report to the Department for consideration.  
See Attached Appendix 1.

Requested by: PROJECT SPONSOR ARCHITECT/ENGINEER  
Print Name: Andy Rodgers Andy Rodgers  
Signature: [Signature] [Signature]  
Telephone: 415-309-9612 415-309-9612



PLAN REVIEWER COMMENTS:

RECOMMENDATIONS: Approve Approve with conditions Disapprove  
[signed off/dated by:]

Plan Reviewer: \_\_\_\_\_  
Division Manager: \_\_\_\_\_  
for Director of Bldg. Inspection: \_\_\_\_\_  
for Fire Marshal: \_\_\_\_\_

CONDITIONS OF APPROVAL or OTHER COMMENTS

SEC. 23.47. REQUIREMENTS FOR LOT LINE WINDOW AGREEMENTS.

- All lot line window agreements shall comply with the following requirements:
- The Building to which the agreement relates shall comply with the Building Code and all other applicable codes, ordinances and regulations of the City and with all applicable federal and State laws and regulations.
  - The building shall be constructed or remodeled in conformity with the plans and specifications submitted with the application for a lot line window agreement and shall be used for the purposes stated in the application.
  - The agreement shall be terminable at any time, with or without cause and without penalty, by either party. The termination will not be effective, however, unless the terminating party gives at least 90 days prior written notice of termination which is mailed or delivered to the other party. The notice of termination shall contain the legal descriptions of both properties and shall be acknowledged by the terminating party. The notice of termination may be recorded by either party at any time and, after the termination date, the recorded notice shall be conclusive proof of termination of the agreement.
  - The building owner shall agree that, in the event the agreement is revoked, the openings consented to by the agreement shall be protected or closed, as required by the Building Code, and the building otherwise modified as may be necessary to comply with those Building Code requirements that become applicable because of protecting or closing the openings.
  - The building owner shall indemnify the City, its officers, employees and agents, against all liabilities that may result from or be connected with the agreement.
  - During the life of the agreement, the building owner shall maintain comprehensive personal liability insurance with limits satisfactory to the Risk Manager of the City and with the City, its officers, agents and employees named as additional insureds.
  - The agreement shall be binding upon and inure to the benefit of the parties, their successors and assigns.
  - The agreement shall be executed by both parties and shall contain the legal descriptions of both properties. The Director of Property shall execute the agreement for and on behalf of the City, provided the agreement has been previously approved by the City Attorney and the head of the department having jurisdiction over the City's Real Property. The agreement shall be acknowledged by both parties and the Director of Property shall cause the agreement to be recorded.

(Formerly Sec. 23.29; added by Ord. 559-85, App. 12/27/85; amended and renumbered by Ord. 15-01, File No. 001965, App. 2/2/2001)

SEC. 23.48. FEES AND FEE PAYMENTS.

The application fee which is to accompany each application shall be \$2,500 unless changed by appropriate action of the Board of Supervisors. If the Director of Property determines, after his investigation of the application, that the application fee is inadequate to cover the cost of preparing and processing an agreement, the Director of Property shall notify the building owner of the additional amount that is required. The additional amount shall be paid by the building owner as a prerequisite to preparation and processing of an agreement by the Real Estate Department.

The Real Estate Department is authorized to collect the fees due under lot line window agreements and shall deposit such fees to the credit of the department having jurisdiction over the City's Real Property.

The application fees and any additional amounts required to cover the cost of preparing and processing agreements shall be deposited to the credit of the Real Estate Department.

(Formerly Sec. 23.30; added by Ord. 559-85, App. 12/27/85; amended and renumbered by Ord. 15-01, File No. 001965, App. 2/2/2001)

APPENDIX 1

AB-009 Local Equivalency for Approval of New Openings in New and Existing Building Property Line Walls

Project: 403 28<sup>th</sup> St.  
Permit Application: #2018-1012-3136

Proposed Modification:

The proposed modification is to add five (5) new windows along the building's east property line wall, at the 2nd floor living space.

Case-by-Case Basis of Request:

- The proposed windows, though not required to meet natural light or ventilation requirements, will allow for additional natural light to the corresponding living space. Due to the minimal side setbacks, the 2nd floor of this residence receives limited natural light, and the proposed windows will provide this. Such sunlight is very desirable for the occupants of the dwelling, and reduces the need for electric lighting during the daytime.
- The proposed windows meet the conditions of AB-009, in particular:
- The openings are not necessary to satisfy required light and ventilation, egress, or emergency rescue requirements;
  - The windows will be fixed;
  - The proposed openings will have a fire protection rating of at least ¼ hour;
  - The proposed openings are in a single family residence that will be protected by a fire sprinkler system;
  - The proposed openings shall not be located closer than 6' measured in any direction to any existing opening of the adjoining R-3 building;
  - The subject property building owner has provided a signed, notarized and recorded Declaration of Use Limitation (AB-009, Attachment B)

**SAN FRANCISCO ADMINISTRATIVE CODE**  
**CHAPTER 23: REAL PROPERTY TRANSACTIONS**  
**ARTICLE V: LOT LINE WINDOW AGREEMENTS**

- Sec. 23.45. Authority of Director of Property.  
Sec. 23.46. Determination of Value.  
Sec. 23.47. Requirements for Lot Line Window Agreements.  
Sec. 23.48. Fees and Fee Payments.

SEC. 23.45. AUTHORITY OF DIRECTOR OF PROPERTY.

An owner of Real Property adjoining Real Property of the City may request that the City consent to openings in building walls on the owner's Real Property that are closer to the common property line than the distances prescribed in the San Francisco Building Code by filing with the Director of Property an original and two copies of a written application, together with plans, specifications and other supporting documents, and paying the required application fee. Upon such filing, the Director of Property shall investigate the application and consult with the department that has jurisdiction over the Real Property. Copies of the application and its supporting documents shall be delivered by the Director of Property to the Department of City Planning and the Bureau of Building Inspection for review and comment as that department and that bureau may deem appropriate. If the department having jurisdiction over the Real Property approves and the Director of Property concludes that it is in the best interest of the City to give the requested consent, the Director of Property is authorized to approve and execute a lot line window agreement which complies with all of the provisions of this Article.

(Formerly Sec. 23.27; added by Ord. 559-85, App. 12/27/85; amended and renumbered by Ord. 15-01, File No. 001965, App. 2/2/2001)

SEC. 23.46. DETERMINATION OF VALUE.

The Director of Property shall determine a monthly fee for the privilege of installing the openings in building walls that are made possible by the City's consent. The monthly fee shall be based upon an appraisal by the Director of Property of the enhancement in fair market value of the building owner's Real Property that will result from installation of the proposed openings in building walls.

If the original monthly fee based upon the Director of Property's appraisal is more than \$50 the agreement shall provide for payment by the building owner, in advance, of the monthly fee so determined by the Director of Property. The monthly fee may, at the Director of Property's discretion, be payable monthly, quarterly, semiannually or annually. The agreement shall contain a provision for annual adjustment of the monthly fee to reflect increases or decreases in the Consumer Price Index for all Urban Consumers for the San Francisco-Oakland Metropolitan Area and a provision for a redetermination of the monthly fee by the Director of Property, upon the same appraisal basis as the original fee determination, at the end of each five-year period.

If the original monthly fee based upon the Director of Property's appraisal is \$50 or less, a one-time fee of \$1,000 shall be paid by the building owner and no monthly fees shall be payable.

(Formerly Sec. 23.28; added by Ord. 559-85, App. 12/27/85; amended and renumbered by Ord. 15-01, File No. 001965, App. 2/2/2001)

ATTACHMENT C

CONFIDENTIAL COPY OF DOCUMENT  
08/30/2019, 2019K821529

ATTACHMENT B

Recording Requested By And When Recorded  
Return To: DIRECTOR, DEPARTMENT OF BUILDING INSPECTION  
1660 MISSION STREET, SAN FRANCISCO, CA 94103-2414

or \_\_\_\_\_ DIVISION

DECLARATION OF USE LIMITATION

I/We, Christophe Soudier owner/s of the herein described property Commonly known as 403 28th St. in San Francisco, Assessor's Block No. 6612 Lot No. 043 hereby consent to the within described limitations that:

In the event that the property located at 401 28th St. commonly known as Block No. 6612 Lot No. 001 is improved in such a matter that the openings in the building located at 403 28th St. no longer comply with the San Francisco Building Code, then said openings shall be closed off or protected as required by the Director of the Department of Building Inspection.

The herein limitations shall be binding on me/us until amended by conforming to the San Francisco Building Code Requirements.

Signed: [Signature]  
OWNERS  
Date of Execution: 8/29/19

NOTARY ACKNOWLEDGMENT:

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

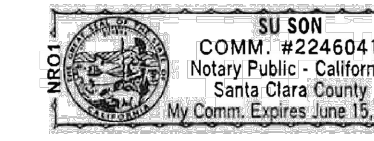
STATE OF CALIFORNIA

County of Santa Clara  
On 8/29/2019 before me, Su Son Notary Public personally appeared, Christophe Soudier who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in (my/our) authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

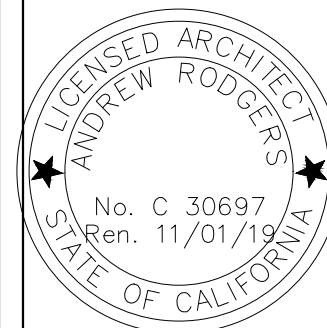
Signature: [Signature] (Seal)



Notary Public in and for said Country and State

REVISIONS:

rogers architecture  
415 309 9612  
www.rogersarchitecture.com



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

BUILDING PERMIT

AB-009

DATE 10.16.19

SCALE NO SCALE

DRAWN SW

A0.2



**DEPARTMENT OF BUILDING INSPECTION**  
City & County of San Francisco  
1660 Mission Street, San Francisco, California 94103-2414

**REQUEST FOR APPROVAL OF LOCAL EQUIVALENCY FOR MODIFICATION OR ALTERNATE MATERIALS, DESIGN OR METHODS OF CONSTRUCTION**

DATE SUBMITTED August 22, 2019 [Note: This form shall be recorded as part of the permanent construction records of the property]

If no permit application has been filed, a Preapplication Review Fee is required for review of a request for local equivalency or modification, per SFBC Table 1A-B, Item 5. Additional fees may be required by Fire Department and other City review agencies.

If a permit application has been filed, no additional fees are required for this review.

Permit Application # 2018-1012-3136

Property Address: 403 28th St., San Francisco, CA

Block and Lot: 6612 / 043 Occupancy Group: R-3 Type of Construction: V-N No. of Stories: 3

Describe Use of Building SINGLE-FAMILY RESIDENCE

Under the authority of the 2016 San Francisco Building Code, Sections 104A.2.7 and 104A.2.8; the 2016 San Francisco Mechanical Code, Section 302.2; the 2016 San Francisco Electrical Code, Section 89.117; and the 2016 San Francisco Plumbing Code, Section 301.3; the undersigned requests modifications of the provisions of these codes and/or approval of alternate materials, designs or methods of construction. Two copies of supporting documents, including plans showing the proposed modifications or alternate materials, design or methods of construction, are attached.

Regular Code Requirement (specify Code and Sections)

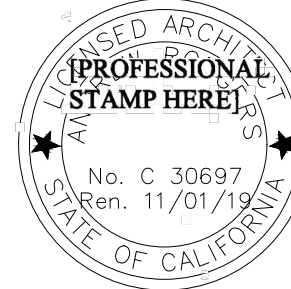
2013 CBC TABLE 705.8 does not permit non sprinklered windows at 0' to 3' from the property line. San Francisco AB-009 allows for a local equivalency with relevant conditions noted in the attached Appendix 1.

ATTACHMENT A

Proposed Modification or Alternate  
The proposal is for five property line windows located at the subject property's east elevation. The proposed windows meet the condition listed in AB-009, which are documented in the Attachment Appendix 1.

Case-by-Case Basis of Request - Describe the practical difficulties presented in meeting the specific conditions of the code and how the proposed modification or alternate meets the intent of the code. A separate form should be filled for each requested modification or alternate. Attach copies of any Administrative Bulletin, Code Ruling, reference, test reports, expert opinions, etc., which support this request. The Department may require that an approved consultant be hired by the applicant to perform tests or analysis and to submit an evaluation report to the Department for consideration.  
See Attached Appendix 1.

Requested by: PROJECT SPONSOR ARCHITECT/ENGINEER  
Print Name: Andy Rodgers Andy Rodgers  
Signature: [Signature] [Signature]  
Telephone: 415-309-9612 415-309-9612



PLAN REVIEWER COMMENTS:

RECOMMENDATIONS: Approve Approve with conditions Disapprove  
[signed off/dated by:]

Plan Reviewer: \_\_\_\_\_  
Division Manager: \_\_\_\_\_  
for Director of Bldg. Inspection: \_\_\_\_\_  
for Fire Marshal: \_\_\_\_\_

CONDITIONS OF APPROVAL or OTHER COMMENTS

**SEC. 23.47. REQUIREMENTS FOR LOT LINE WINDOW AGREEMENTS.**

- All lot line window agreements shall comply with the following requirements:
- The Building to which the agreement relates shall comply with the Building Code and all other applicable codes, ordinances and regulations of the City and with all applicable federal and State laws and regulations.
  - The building shall be constructed or remodeled in conformity with the plans and specifications submitted with the application for a lot line window agreement and shall be used for the purposes stated in the application.
  - The agreement shall be terminable at any time, with or without cause and without penalty, by either party. The termination will not be effective, however, unless the terminating party gives at least 90 days prior written notice of termination which is mailed or delivered to the other party. The notice of termination shall contain the legal descriptions of both properties and shall be acknowledged by the terminating party. The notice of termination may be recorded by either party at any time and, after the termination date, the recorded notice shall be conclusive proof of termination of the agreement.
  - The building owner shall agree that, in the event the agreement is revoked, the openings consented to by the agreement shall be protected or closed, as required by the Building Code, and the building otherwise modified as may be necessary to comply with those Building Code requirements that become applicable because of protecting or closing the openings.
  - The building owner shall indemnify the City, its officers, employees and agents, against all liabilities that may result from or be connected with the agreement.
  - During the life of the agreement, the building owner shall maintain comprehensive personal liability insurance with limits satisfactory to the Risk Manager of the City and with the City, its officers, agents and employees named as additional insureds.
  - The agreement shall be binding upon and inure to the benefit of the parties, their successors and assigns.
  - The agreement shall be executed by both parties and shall contain the legal descriptions of both properties. The Director of Property shall execute the agreement for and on behalf of the City, provided the agreement has been previously approved by the City Attorney and the head of the department having jurisdiction over the City's Real Property. The agreement shall be acknowledged by both parties and the Director of Property shall cause the agreement to be recorded.

**SEC. 23.48. FEES AND FEE PAYMENTS.**

The application fee which is to accompany each application shall be \$2,500 unless changed by appropriate action of the Board of Supervisors. If the Director of Property determines, after his investigation of the application, that the application fee is inadequate to cover the cost of preparing and processing an agreement, the Director of Property shall notify the building owner of the additional amount that is required. The additional amount shall be paid by the building owner as a prerequisite to preparation and processing of an agreement by the Real Estate Department.

The Real Estate Department is authorized to collect the fees due under lot line window agreements and shall deposit such fees to the credit of the department having jurisdiction over the City's Real Property.

The application fees and any additional amounts required to cover the cost of preparing and processing agreements shall be deposited to the credit of the Real Estate Department.

**APPENDIX 1**

AB-009 Local Equivalency for Approval of New Openings in New and Existing Building Property Line Walls

Project: 403 28th St.  
Permit Application: #2018-1012-3136

**Proposed Modification:**

The proposed modification is to add five (5) new windows along the building's east property line wall, at the 2nd floor living space.

**Case-by-Case Basis of Request:**

- The proposed windows, though not required to meet natural light or ventilation requirements, will allow for additional natural light to the corresponding living space. Due to the minimal side setbacks, the 2nd floor of this residence receives limited natural light, and the proposed windows will provide this. Such sunlight is very desirable for the occupants of the dwelling, and reduces the need for electric lighting during the daytime.
- The proposed windows meet the conditions of AB-009, in particular:
- The openings are not necessary to satisfy required light and ventilation, egress, or emergency rescue requirements;
  - The windows will be fixed;
  - The proposed openings will have a fire protection rating of at least ¼ hour;
  - The proposed openings are in a single family residence that will be protected by a fire sprinkler system;
  - The proposed openings shall not be located closer than 6' measured in any direction to any existing opening of the adjoining R-3 building;
  - The subject property building owner has provided a signed, notarized and recorded Declaration of Use Limitation (AB-009, Attachment B)

CONFIRMED COPY of document recorded  
08/30/2019, 20190821530

Recording Requested By And When Recorded

Return To: DIRECTOR, DEPARTMENT OF BUILDING INSPECTION  
1660 MISSION STREET, SAN FRANCISCO, CA 94103-2414

or \_\_\_\_\_ DIVISION

**DECLARATION OF USE LIMITATION**

I/We, Christophe Soudier owner/s of the herein described property Commonly known as 403 28th St. in San Francisco, Assessor's Block No. 6612 Lot No. 043 hereby consent to the within described limitations that:

In the event that the property located at 1502 Noe St. commonly known as Block No. 6612 Lot No. 002 is improved in such a matter that the openings in the building located at 403 28th St. no longer comply with the San Francisco Building Code, then said openings shall be closed off or protected as required by the Director of the Department of Building Inspection.

The herein limitations shall be binding on me/us until amended by conforming to the San Francisco Building Code Requirements.

Signed: [Signature]  
OWNERS/  
Date of Execution: 8/29/19

**NOTARY ACKNOWLEDGMENT:**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

**STATE OF CALIFORNIA**

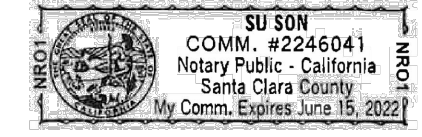
County of Santa Clara  
On 8/29/2019 before me, Su Son Notary Public personally appeared, Christophe Soudier who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/it executed the same in his/her/their authorized capacity(ies), and that by his/her signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature] (Seal)

Notary Public in and for said Country and State



**SAN FRANCISCO ADMINISTRATIVE CODE**  
**CHAPTER 23: REAL PROPERTY TRANSACTIONS**  
**ARTICLE V: LOT LINE WINDOW AGREEMENTS**

- Sec. 23.45. Authority of Director of Property.  
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(Formerly Sec. 23.27; added by Ord. 559-85, App. 12/27/85; amended and renumbered by Ord. 15-01, File No. 001965, App. 2/2/2001)

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If the original monthly fee based upon the Director of Property's appraisal is \$50 or less, a one-time fee of \$1,000 shall be paid by the building owner and no monthly fees shall be payable.

(Formerly Sec. 23.28; added by Ord. 559-85, App. 12/27/85; amended and renumbered by Ord. 15-01, File No. 001965, App. 2/2/2001)

ATTACHMENT C

**SEC. 23.47. REQUIREMENTS FOR LOT LINE WINDOW AGREEMENTS.**

- All lot line window agreements shall comply with the following requirements:
- The Building to which the agreement relates shall comply with the Building Code and all other applicable codes, ordinances and regulations of the City and with all applicable federal and State laws and regulations.
  - The building shall be constructed or remodeled in conformity with the plans and specifications submitted with the application for a lot line window agreement and shall be used for the purposes stated in the application.
  - The agreement shall be terminable at any time, with or without cause and without penalty, by either party. The termination will not be effective, however, unless the terminating party gives at least 90 days prior written notice of termination which is mailed or delivered to the other party. The notice of termination shall contain the legal descriptions of both properties and shall be acknowledged by the terminating party. The notice of termination may be recorded by either party at any time and, after the termination date, the recorded notice shall be conclusive proof of termination of the agreement.
  - The building owner shall agree that, in the event the agreement is revoked, the openings consented to by the agreement shall be protected or closed, as required by the Building Code, and the building otherwise modified as may be necessary to comply with those Building Code requirements that become applicable because of protecting or closing the openings.
  - The building owner shall indemnify the City, its officers, employees and agents, against all liabilities that may result from or be connected with the agreement.
  - During the life of the agreement, the building owner shall maintain comprehensive personal liability insurance with limits satisfactory to the Risk Manager of the City and with the City, its officers, agents and employees named as additional insureds.
  - The agreement shall be binding upon and inure to the benefit of the parties, their successors and assigns.
  - The agreement shall be executed by both parties and shall contain the legal descriptions of both properties. The Director of Property shall execute the agreement for and on behalf of the City, provided the agreement has been previously approved by the City Attorney and the head of the department having jurisdiction over the City's Real Property. The agreement shall be acknowledged by both parties and the Director of Property shall cause the agreement to be recorded.

**SEC. 23.48. FEES AND FEE PAYMENTS.**

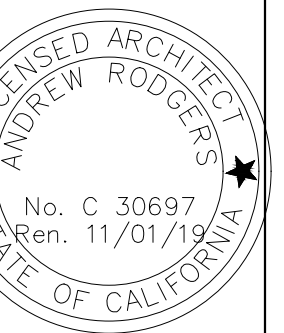
The application fee which is to accompany each application shall be \$2,500 unless changed by appropriate action of the Board of Supervisors. If the Director of Property determines, after his investigation of the application, that the application fee is inadequate to cover the cost of preparing and processing an agreement, the Director of Property shall notify the building owner of the additional amount that is required. The additional amount shall be paid by the building owner as a prerequisite to preparation and processing of an agreement by the Real Estate Department.

The Real Estate Department is authorized to collect the fees due under lot line window agreements and shall deposit such fees to the credit of the department having jurisdiction over the City's Real Property.

The application fees and any additional amounts required to cover the cost of preparing and processing agreements shall be deposited to the credit of the Real Estate Department.

REVISIONS:

rogers architecture  
415 309 9612  
www.rogersarchitecture.com



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

BUILDING PERMIT

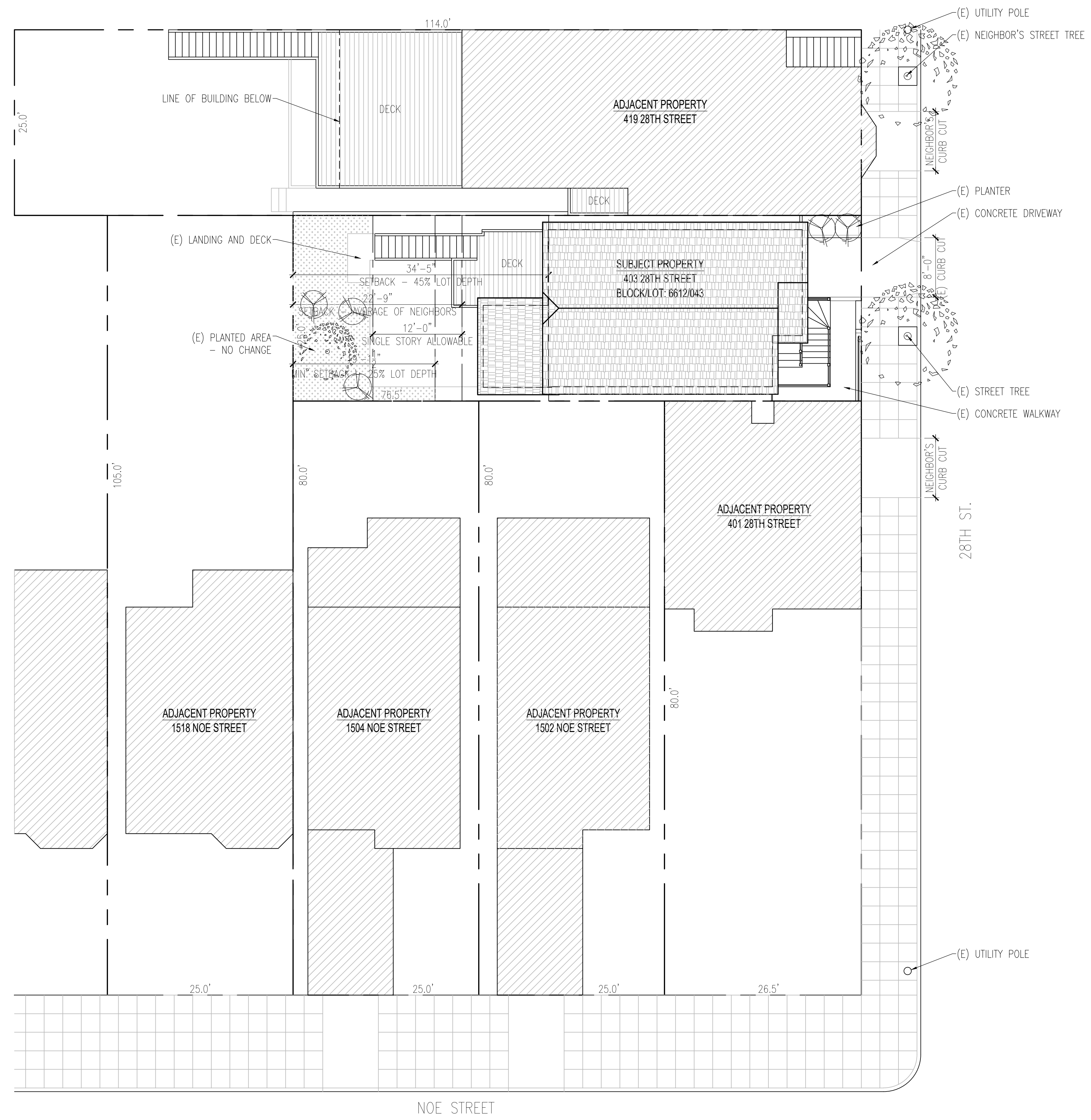
AB-009

DATE 10.16.19

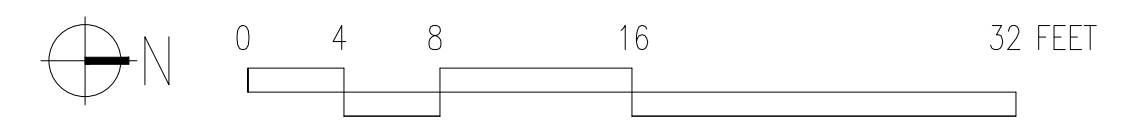
SCALE NO SCALE

DRAWN SW

A0.3

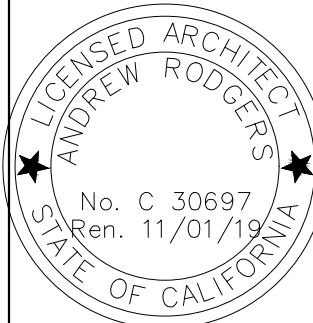


1 EXISTING SITE PLAN  
SCALE: 1/8" = 1'-0"



REVISIONS:

rogers  
architecture  
415 309 9612  
www.rogersarchitecture.com



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

BUILDING PERMIT

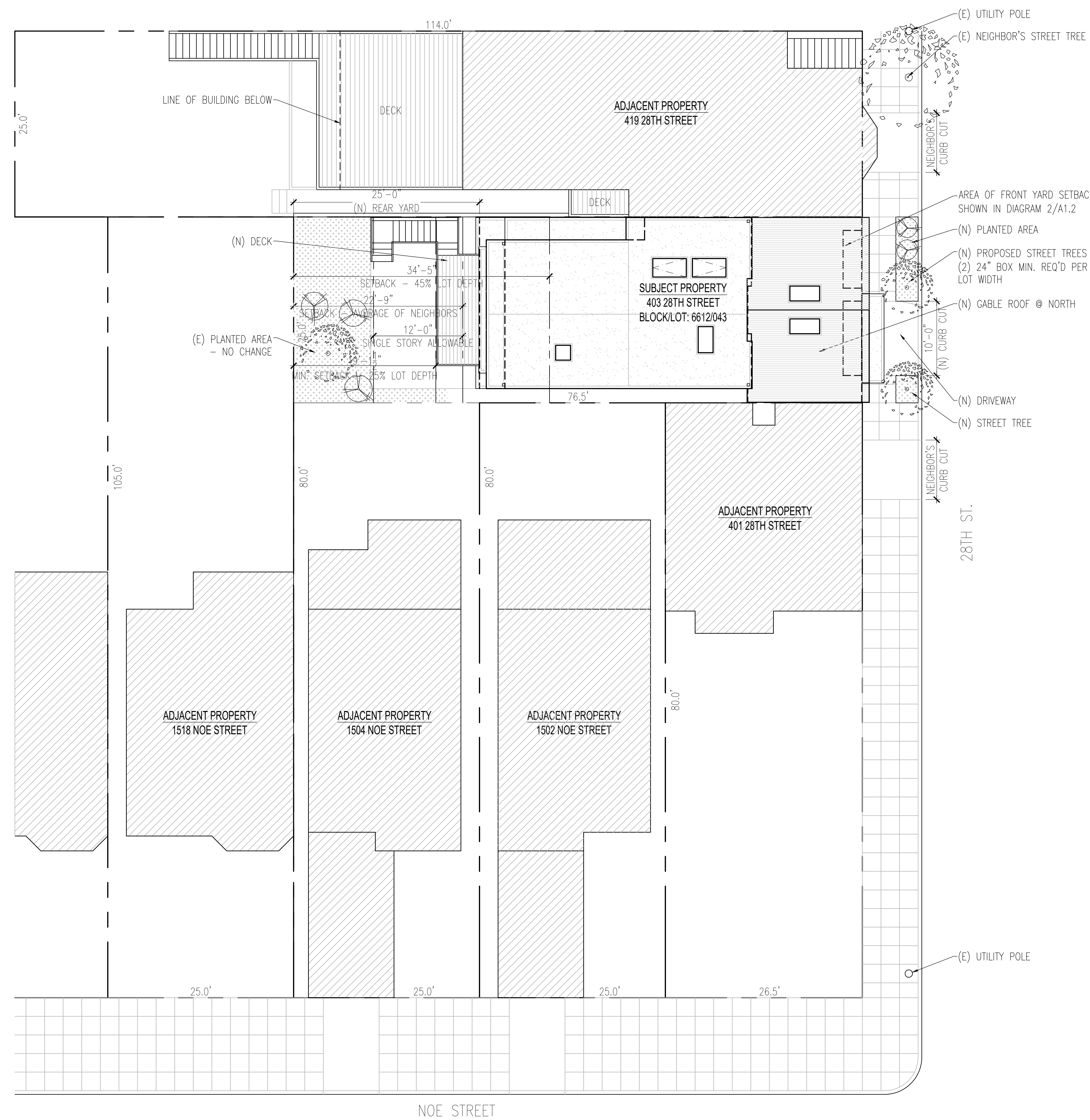
EXISTING SITE PLAN

DATE 10.16.19

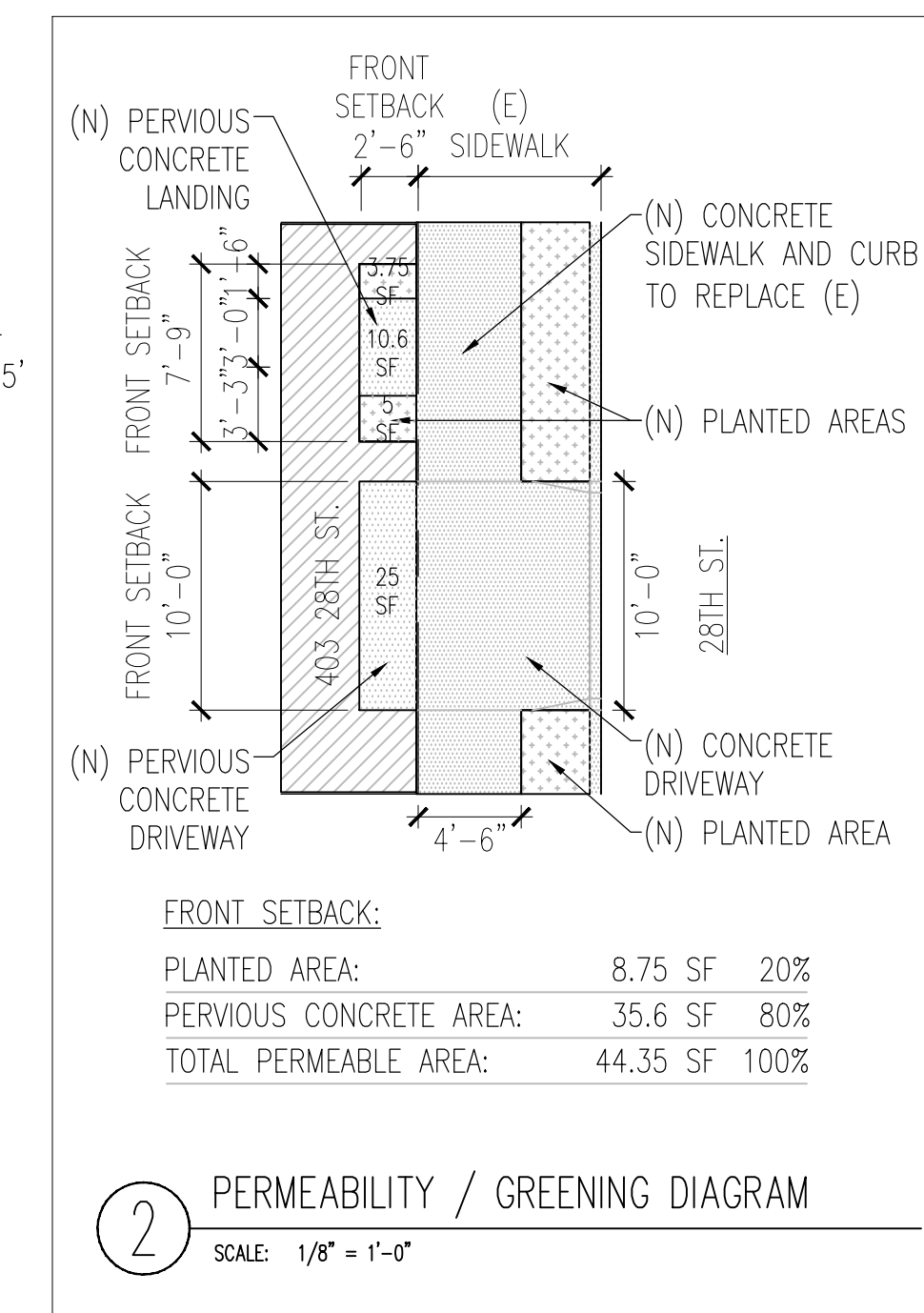
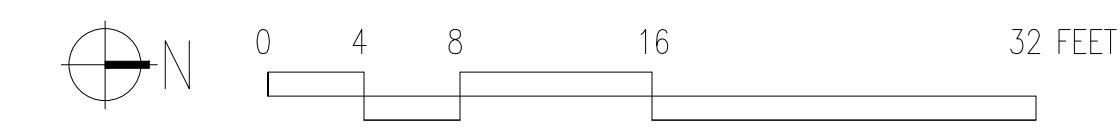
SCALE 1/8" = 1'-0"

DRAWN SW

A1.1



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



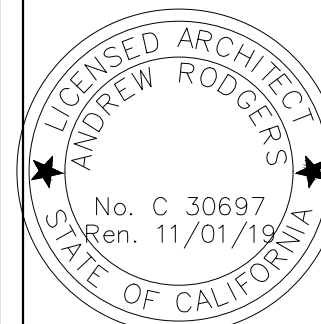
2 PERMEABILITY / GREENING DIAGRAM  
SCALE: 1/8" = 1'-0"

REVISIONS:

rogers  
architecture

415 309 9612

www.rogersarchitecture.com



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

BUILDING PERMIT

PROPOSED SITE PLAN

DATE 10.16.19

SCALE 1/8"=1'-0"

DRAWN SW

A1.2



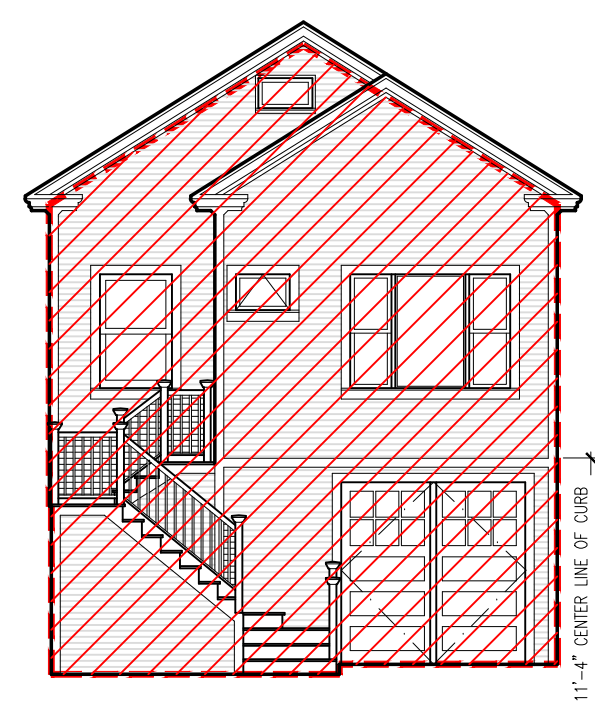






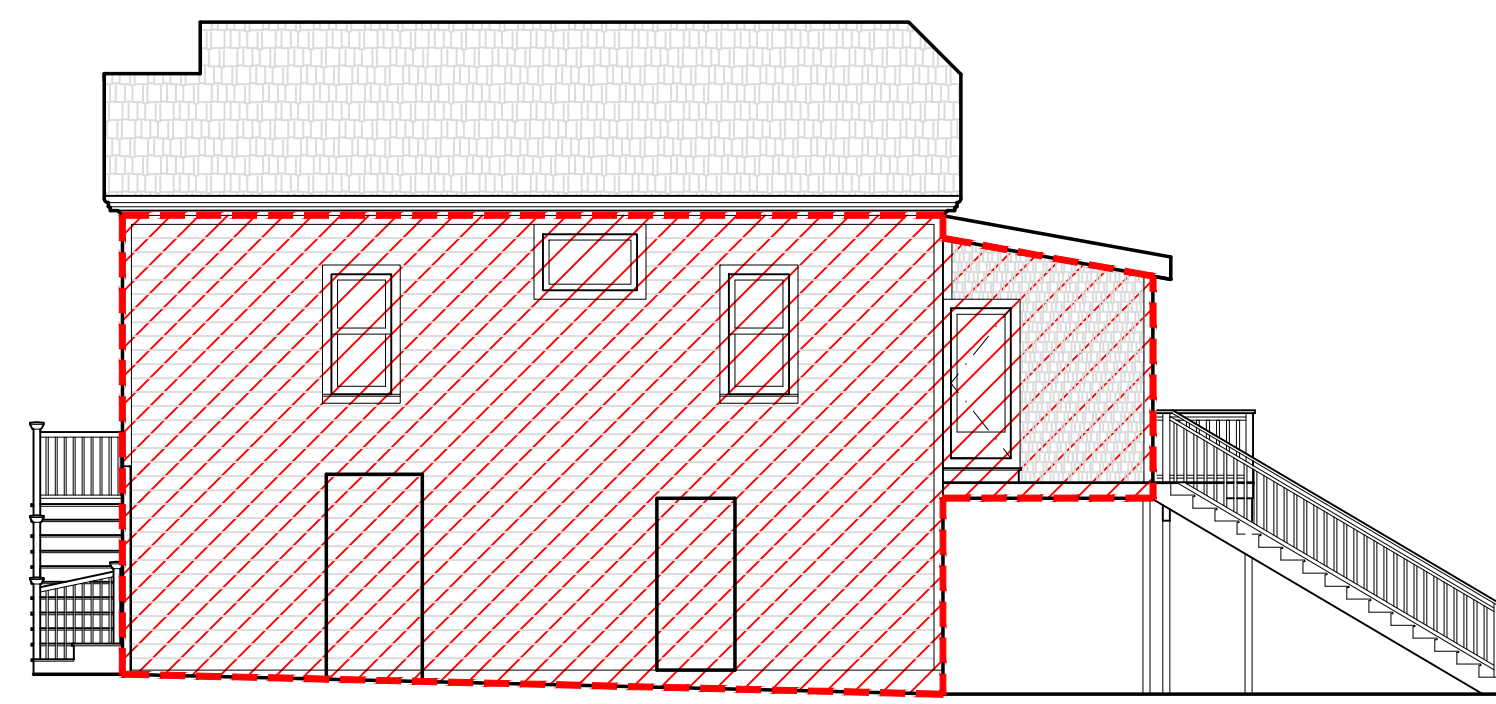


SEC. 317(b)(2), CRITERIA C, PART 1: VERTICAL ELEMENTS



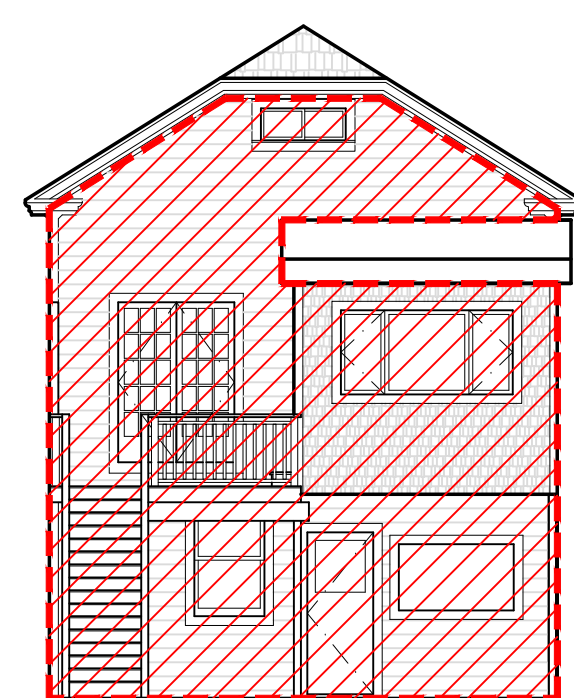
NORTH (FRONT) ELEVATION

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



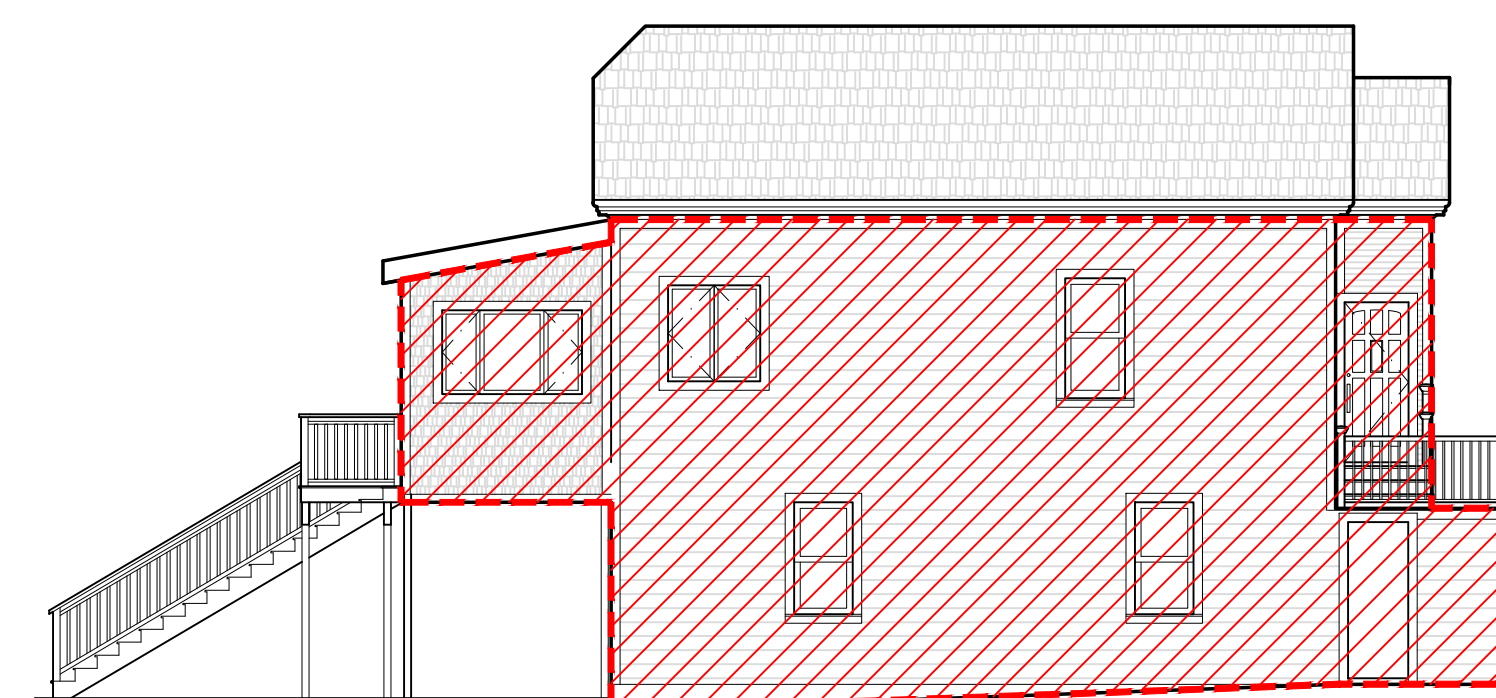
WEST ELEVATION

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.

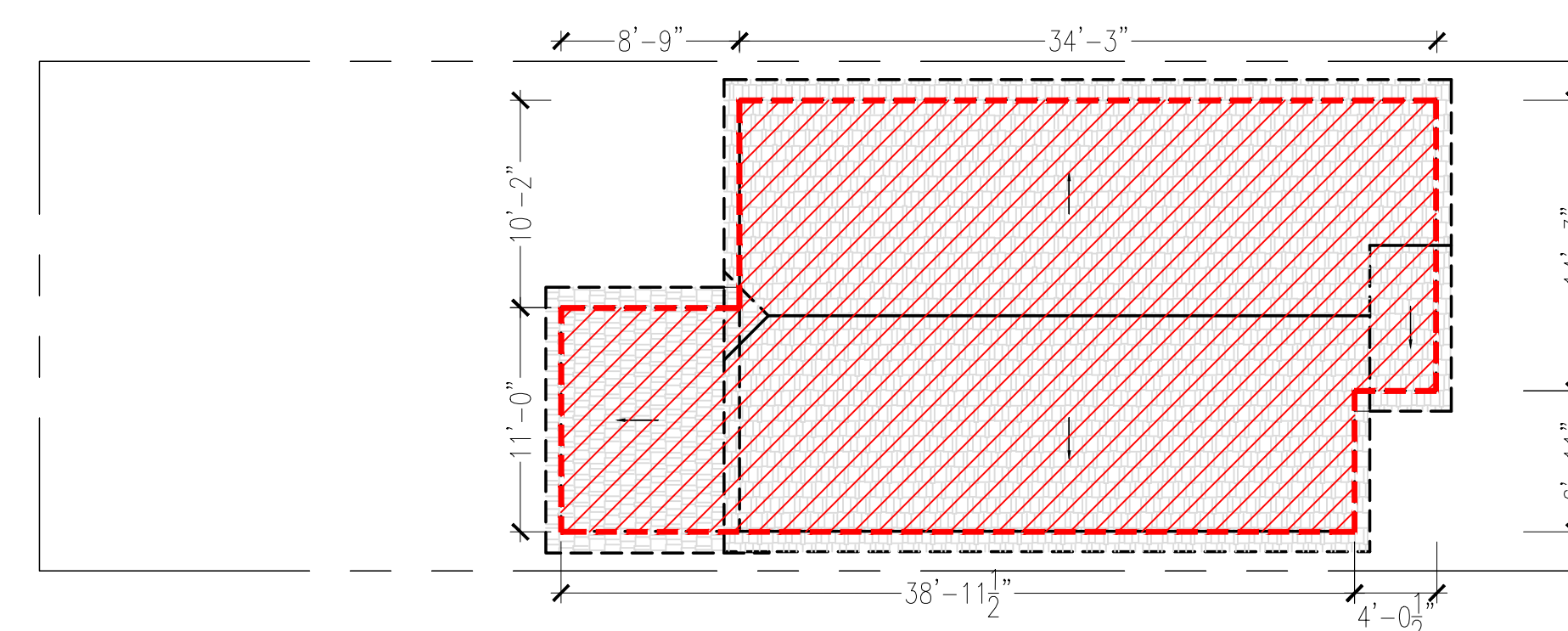
REMOVAL CALCULATION SUMMARY

	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

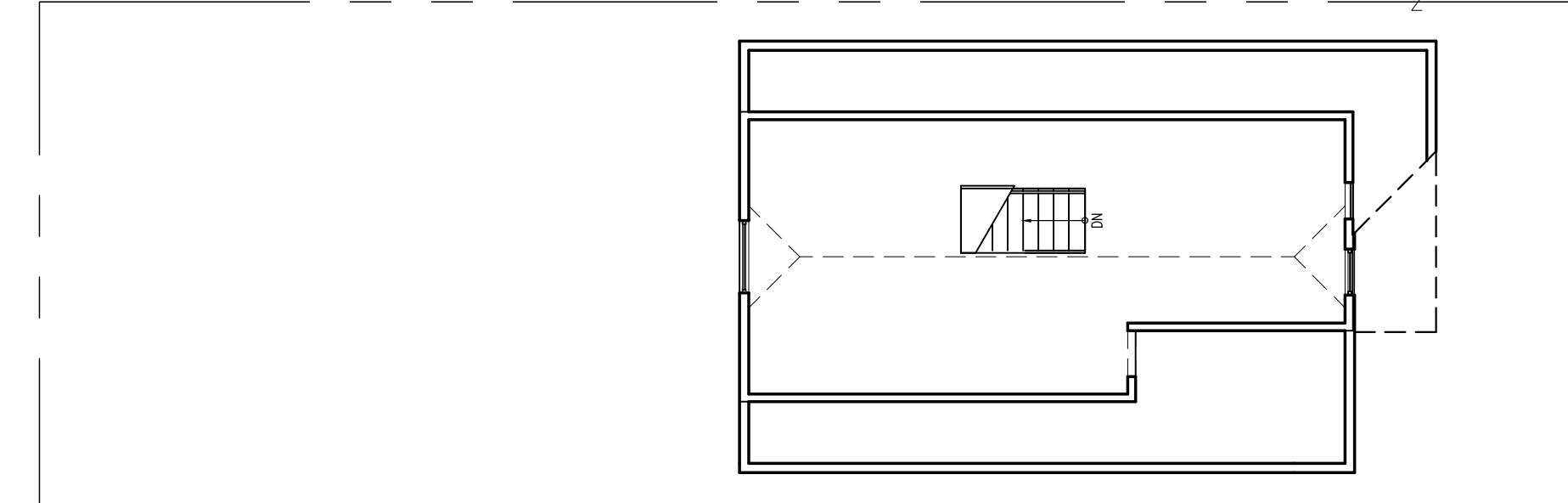
SF PLANNING CODE SECTION 312  
 LOSS OF DWELLING UNITS THROUGH DEMOLITION, MERGER AND CONVERSION  
 (b) DEFINITIONS  
 (2) "RESIDENTIAL DEMOLITION" SHALL MEAN ANY OF THE FOLLOWING:  
 (A) ANY WORK ON A RESIDENTIAL BUILDING FOR WHICH THE DEPARTMENT OF BUILDING INSPECTION DETERMINES THAT AN APPLICATION 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

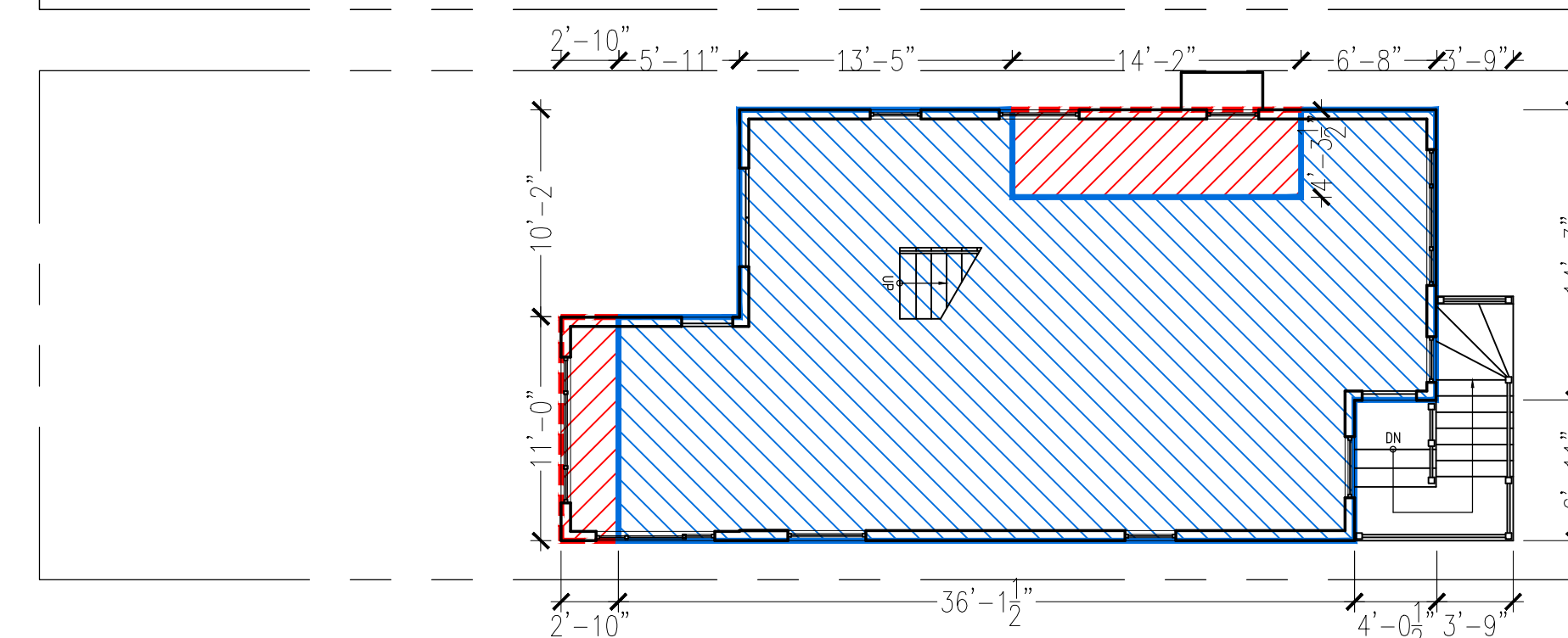
AREA TO REMAIN: 0 SF 0%  
 ALTERED AREA: 792 SF 100%



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

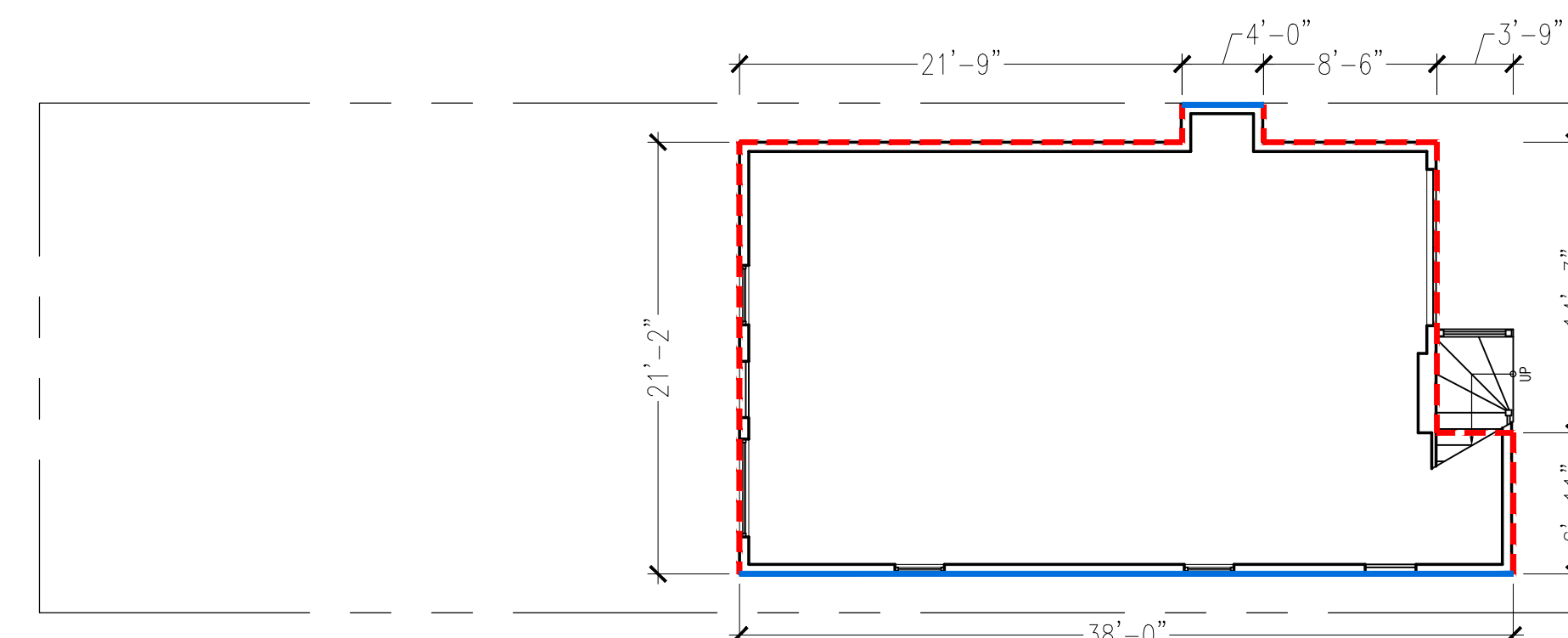
AREA TO REMAIN: 700 SF 44%  
 ALTERED AREA: 884 SF 56%

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.

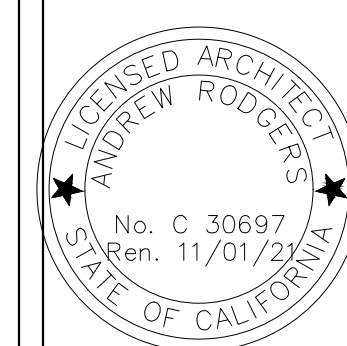
SEC. 317(b)(2), CRITERIA B, PART 2: LINEAR FEET AT FOUNDATION - PROJECT MEETS CRITERIA



B-2 FOUNDATION WALLS TOTAL

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

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



rogers architecture  
 415 309 9612  
 www.rogersarchitecture.com

REVISED DEMO CALCULATION

DEMO CALCULATION AND DIAGRAM

DATE 01.06.21  
 SCALE 1/8"=1'-0"  
 DRAWN SW

A1.7

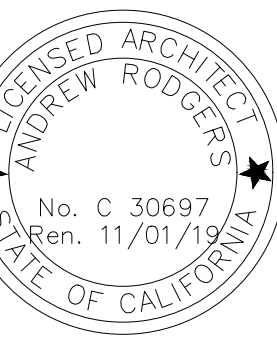




REVISIONS:

- △ 12.02.2019
- △ 03.25.2021

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 www.rogersarchitecture.com



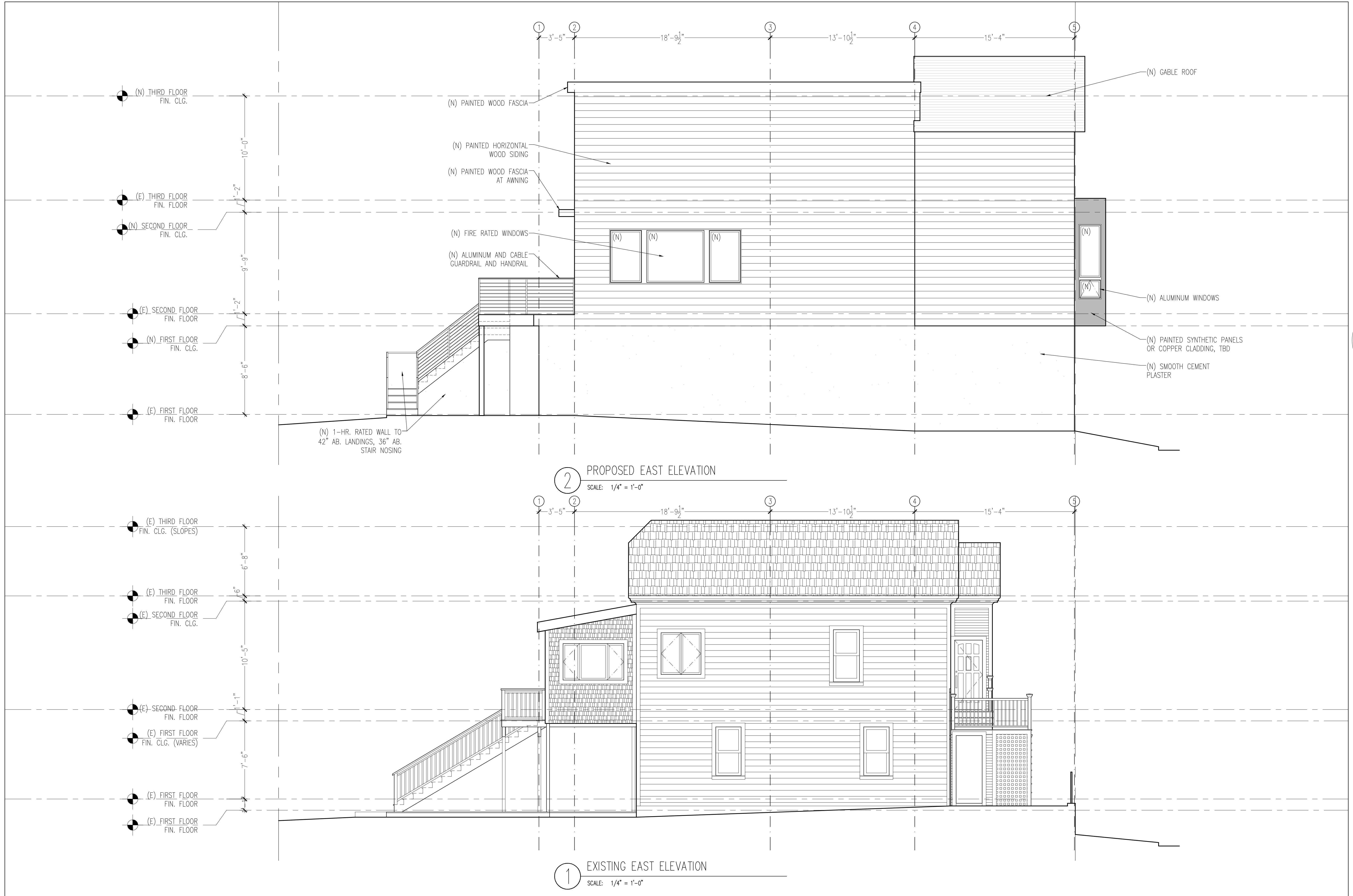
ALTERATIONS TO:  
**403 28th Street**  
 SAN FRANCISCO, CA 94131

BUILDING PERMIT

SOUTH ELEVATIONS

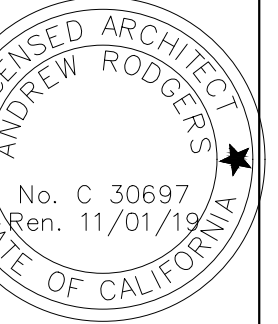
DATE 10.16.19  
 SCALE 1/4"=1'-0"  
 DRAWN SW

**A2.2**



REVISIONS:

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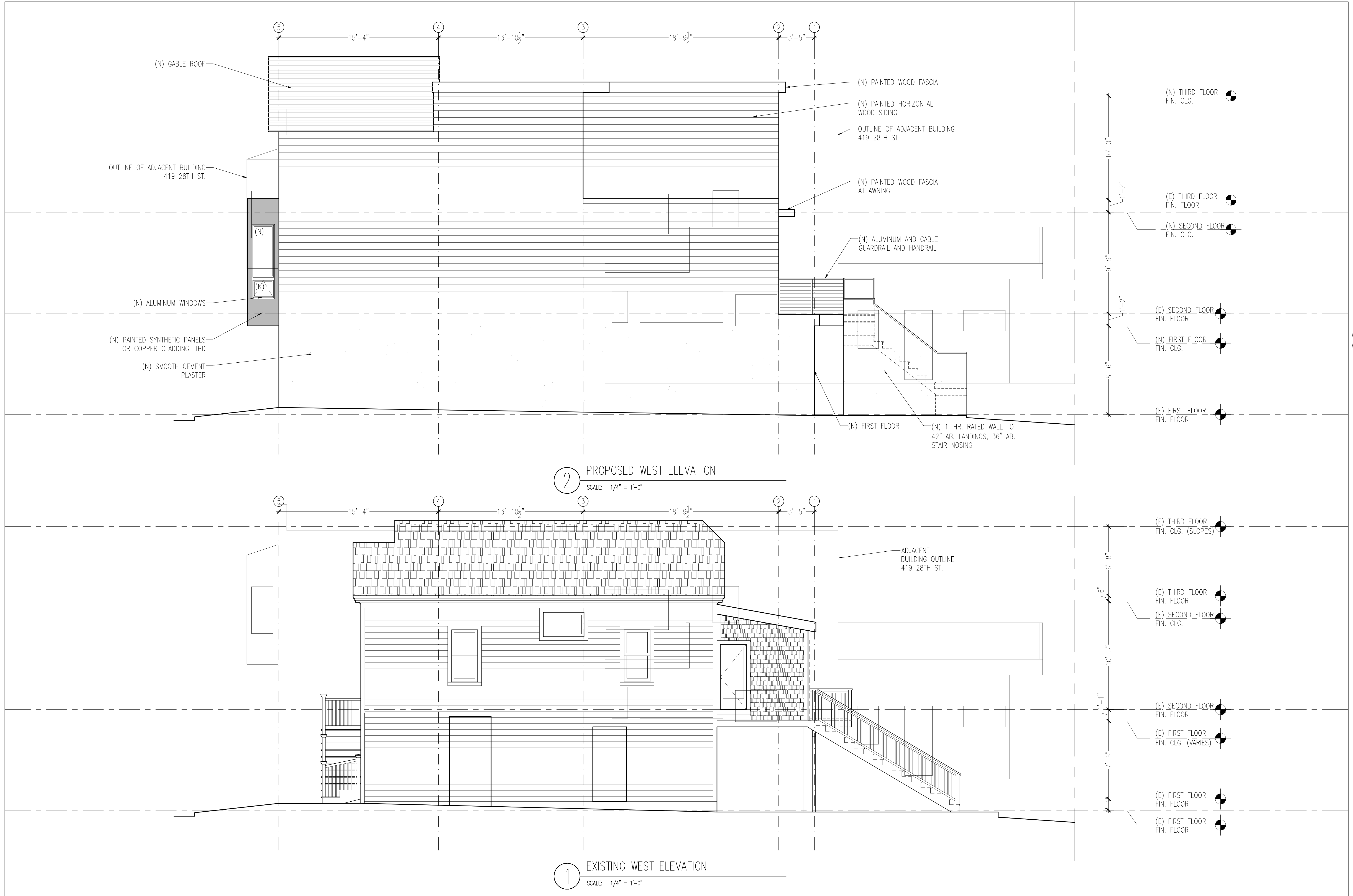
ALTERATIONS TO:  
**403 28th Street**  
SAN FRANCISCO, CA 94131

BUILDING PERMIT

EAST ELEVATIONS

DATE 10.16.19  
SCALE 1/4"=1'-0"  
DRAWN SW

**A2.3**



**REVISIONS:**

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 415 309 9612 www.rogersarchitecture.com

LICENSED ARCHITECT  
 ANDREW RODGERS  
 No. C 30697  
 Ren. 11/01/19  
 STATE OF CALIFORNIA

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

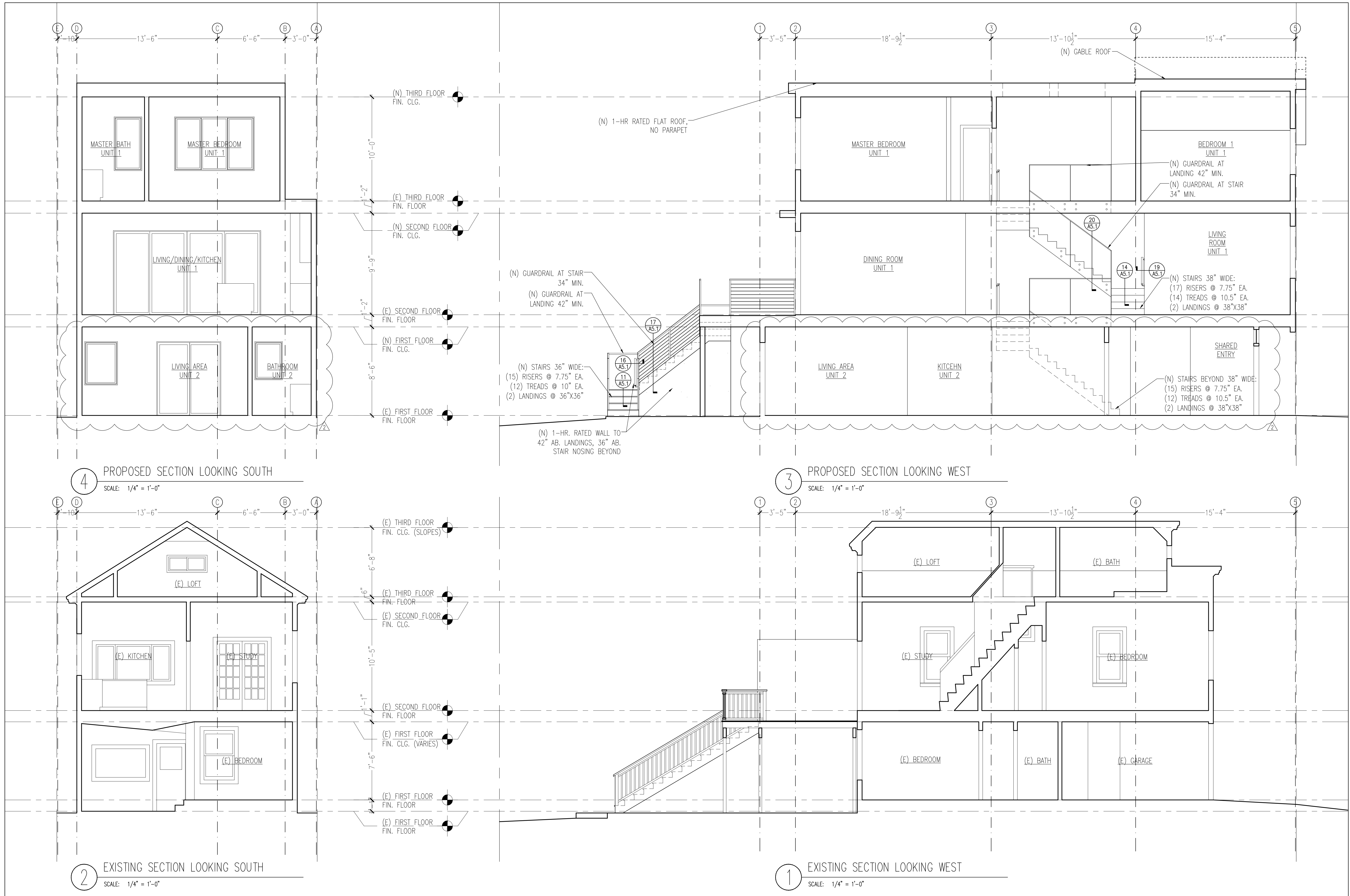
BUILDING PERMIT

WEST ELEVATIONS

DATE 10.16.19  
 SCALE 1/4"=1'-0"  
 DRAWN SW

**A2.4**

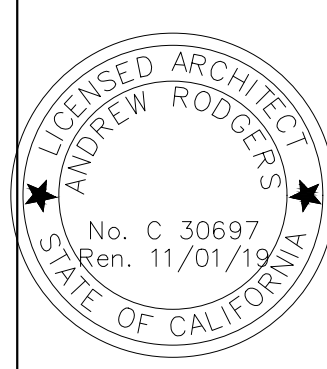




**REVISIONS:**

12.02.2019	
03.25.2021	

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

BUILDING PERMIT  
 BUILDING SECTIONS

DATE 10.16.19  
 SCALE 1/4"=1'-0"  
 DRAWN SW

**A3.1**

# RODGERS ARCHITECTURE

March 26, 2021

RE: 403 28<sup>th</sup> Street

Dear Commissioners,

Following up on this project and our request for conditional use approval, please see the attached plan and please note the following :

- My clients have agreed to the provision of a 2<sup>nd</sup> unit in their house even if this is not their first preference and creates additional cost. However they do understand and support the need to provide additional housing in San Francisco ;
- Please see the attached plan for the 2<sup>nd</sup> unit. This layout provides a very functional and desirable studio apartment without a major alteration to the approved structure (that would be cost prohibitive). The unit has private access and full access to the rear yard ;
- The lot size here is very modest. There is no further opportunity to expand the approved building envelope that a larger 2<sup>nd</sup> unit would require ;
- There has been no change or expansion of the building envelope or square footage of this house beyond what was fully approved by the planning department (and supported by the neighbors) in 2019-2020 ;
- After some thought and consideration, my clients are okay with the new unit being approved as a 2<sup>nd</sup> unit and not an ADU, as preferred by the planning commission, especially given that the property is within an RH-2 zone.

Thank you for your consideration of these points, and we look forward to any further discussion, hopefully on April 1<sup>st</sup>.

Sincerely,



Andy Rodgers  
Architect