



EXECUTIVE SUMMARY PLANNING CODE TEXT AMENDMENT

HEARING DATE: September 23, 2021

Continued from July 22, 2021

90-Day Deadline: August 10, 2021

Project Name: Review of Large Residence Developments
Case Number: 2021-001791PCA [Board File No. 210116]
Initiated by: Supervisor Mandelman / Introduced April 13, 2021
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Recommendation:	Approval with Modifications
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Note: This Executive Summary was originally published for the July 22, 2021 Planning Commission hearing. After taking public comment and requesting additional information from staff, the Planning Commission continued the item to the September 23, 2021 Planning Commission. New content in this report begins at the “July 22nd Planning Commission” subsection on page 16.

Planning Code Amendment

Ordinance amending the Planning Code to require Conditional Use Authorization for certain large residence developments in Residential, House (RH) zoning districts.

The Way It Is Now:

With the exception of the D11 Special Use District (SUD), and the Corona Heights SUD, the Planning Code does not require Conditional Use authorization for residential projects in RH districts that would result in a dwelling being over a particular square footage.

The Way It Would Be:

The proposed legislation would amend the Planning Code by adding a newly created Section 319, requiring Conditional Use authorization (CUA) for permits for Residential projects proposing new construction in RH zoning districts that will result in only one Dwelling Unit on the lot, or in any Dwelling Unit with a gross floor area exceeding 2,500 square feet, or in expansion of certain existing Residential developments that would result in an increase of more than 50% of gross floor area to any single Dwelling Unit or in a Dwelling Unit exceeding 2,500 square feet of gross floor area, with certain exceptions.

For all RH District development applications filed on or after February 2, 2021, the legislation would:

1. Require any proposed new construction of a single-family home without an Accessory Dwelling Unit (ADU) to obtain a CUA;
2. Require any proposed new construction of a multi-unit residential development that would result in *any* unit being over 2,500sqft to obtain a CUA (*unless resulting project would be a 10% or less expansion of existing square feet if a unit is over 2,500sqft*).
3. Require any proposed expansion of an existing housing unit that would result in the unit being over 2,500sqft (measured as Gross Floor Area), *or* would increase a unit's size by more than 50% (measured as Gross Floor Area) to obtain a CUA;
4. Restrict any proposed expansion of an existing unit that is already over 2,500sqft to no more than 10% additional square footage over 10 years. Proposals that would exceed the 10% cumulative expansion would require a CUA.

Projects may be exempted from the CUA if:

- a) The proposal increases the number of dwelling units on the site;
- b) No Dwelling Unit exceeds 2,500 square feet of gross floor area **as a result of the development**¹;
- c) No dwelling unit is less than 1/3 the size (measured as Gross Floor Area) of the largest unit **and**;
- d) The projects is not located on a site: 1) that is listed on or formally eligible for listing in the California Register of Historic Resources; 2) has been adopted as a local landmark or a contributor to a local historic district under Articles 10 or 11, or; 3) has been determined to appear eligible for listing in the California Register of Historic Resources.

Additional CUA Findings:

1. Whether the project would increase the number of dwelling units;
2. Whether the existing structure or property is listed in or eligible for listing on the CA Register of Historic Resources, or is eligible for such, or if the property or structure is a “historical resource” under CEQA;
3. Whether the existing structure is a landmark, or contributor to an Article 10 or 11 historic district, and whether the project would render the property ineligible for historic designation;
4. Whether the project “*preserves or enhances neighborhood character by retaining existing design elements and meeting applicable Residential Design Guidelines*”;
5. Whether the development proposes to remove more than 50% of the existing front façade;
6. Whether the project would remove a rent-controlled unit.

¹ The phrasing “as a result of the development” is intended to exempt projects from the CUA requirement where the existing residential unit(s) is already more than 2,500 square feet, *if* the project also meets the requirements under subsections a, c, and d.

Background

Supervisor Mandelman introduced the subject Ordinance in conjunction with an ordinance (Board File No. 210564) that would allow a density exception of up to four units on corner lots in RH zoning districts. It is the Supervisor's aim to promote modest density rather than the construction or expansion of large residences, through these two Ordinances. Board File No. 210564 requires more extensive environmental review; therefore, this Ordinance is moving forward ahead of Board File No. 210564. The Department expects Board File No. 210564 to be at the Planning Commission in the Fall. The relationship between these two ordinances is further discussed later in this executive summary.

The Historic Preservation Commission heard this item on July 7, 2021, to consider the specific provisions that would affect review of certain development applications of Historic properties. In general, some Commissioners acknowledged that large homes should be regulated while others thought it was a solution looking for a problem. Commissioners also expressed concern about:

- One size threshold for the entire City.
- Increased demands on staff and the Commission.
- The 10% threshold being too small for buildings over 2,500sqft.
- The grandfathering date would catch too many projects that are already in process.
- How square footage is calculated and whether it should be usable floor area instead.
- Whether FAR should be used instead of a set number; and
- Equity issues and the ability for some families to be able to expand their homes to accommodate multi-generational living.

After taking public comment the Commissioners unanimously voted to adopt a Recommendation for Approval with Staff Modifications on the historic preservation elements of the Ordinance (see Recommendation 3 below). The HPC also added a clause to their Resolution that encourages the Planning Commission and Supervisor to take additional time to provide clarity and address the concerns raised by the HPC.

Issues and Considerations

Dwelling Units, Density, and Design

Planning Code Section 102 defines a Dwelling Unit as: *"A Residential Use defined as a room or suite of two or more rooms that is designed for, or is occupied by, one family doing its own cooking therein and having only one kitchen"*. In RH districts, the number of Dwelling Units permitted per lot is generally limited by a fixed density control. For instance, an RH-2 zoning district allows two units per lot, and an RH-3 zoning district allows three units per lot. The size of a building in an RH zoning district is limited by height and setback controls, and not based on FAR, (except in the case of the Oceanview Large Residence SUD). The Department also applies the Residential Design Guidelines, in addition to any adopted neighborhood-specific design guidelines, to regulate building scale, form and architectural details. Except for limiting the number of kitchens to one per unit, the Planning Code does not regulate the interior layout of Dwelling Units in RH districts.

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Dwelling Unit Density Exception for Corner Lots in RH Districts Legislation

On May 18, 2021, Supervisor Mandelman introduced legislation that would amend Planning Code Section 207 to provide a density exception for Corner Lots in RH zoning districts. This new exception would permit up to four dwelling units on corner lots, so long as the project is not seeking to utilize the State Density Bonus Program. Accessory Dwelling Units would not be counted towards the four unit maximum. As the proposed Ordinance would increase development potential, it requires more extensive environmental review. The Department estimates that the environmental review will be completed by mid-September, after which point it will be before the Planning Commission for consideration.

The Department has not yet reviewed and analyzed the four units on corner RH district lots legislation, and therefore cannot make a recommendation to the Commission on it at this time. Department staff have, however, been in frequent communication with the Supervisor's office during the drafting of the four units on corner lots legislation. As currently drafted, the four units on corner lots legislation, in conjunction with the review of large residence developments legislation, *could* encourage corner lots in RH districts with less than four dwelling units, to increase their dwelling unit count in conjunction with, or instead of expanding an existing unit(s) or building a large, single-family home.

The Corona Heights SUD and Oceanview Large Residence SUD

The city currently contains two Special Use Districts (SUD's) that regulate the size of residential buildings and/or Dwelling Units. The Corona Heights SUD was established in 2017 and requires projects to obtain Conditional Use authorization if the following are met:

- a) Residential development on a vacant parcel that will result in total gross floor area exceeding 3,000

square feet;

- b) Residential development on a developed parcel that will result in total gross floor area in excess of 3,000 square feet and a cumulative increase in gross floor area, including all development performed on the

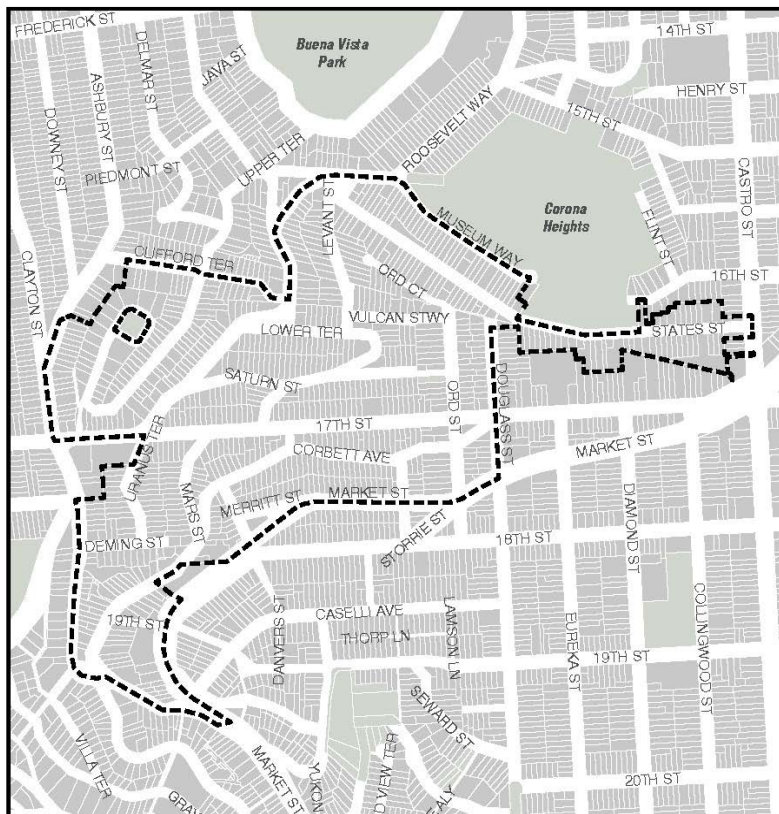


Figure 1: Boundary of the Corona Heights SUD

parcel in the preceding five years, of:

- i. More than 75% without increasing the existing legal unit count as it existed five years prior; or
- ii. More than 100% if increasing the existing legal unit count.

Additionally, residential development that results in less than 45% rear yard depth in RH-1, RH-2, and RH-3 zoning districts requires CU authorization.

The Oceanview Large Residence SUD was established in 2019. Residential developments within this SUD require Conditional Use authorization if any of the following residential use size limits are met:

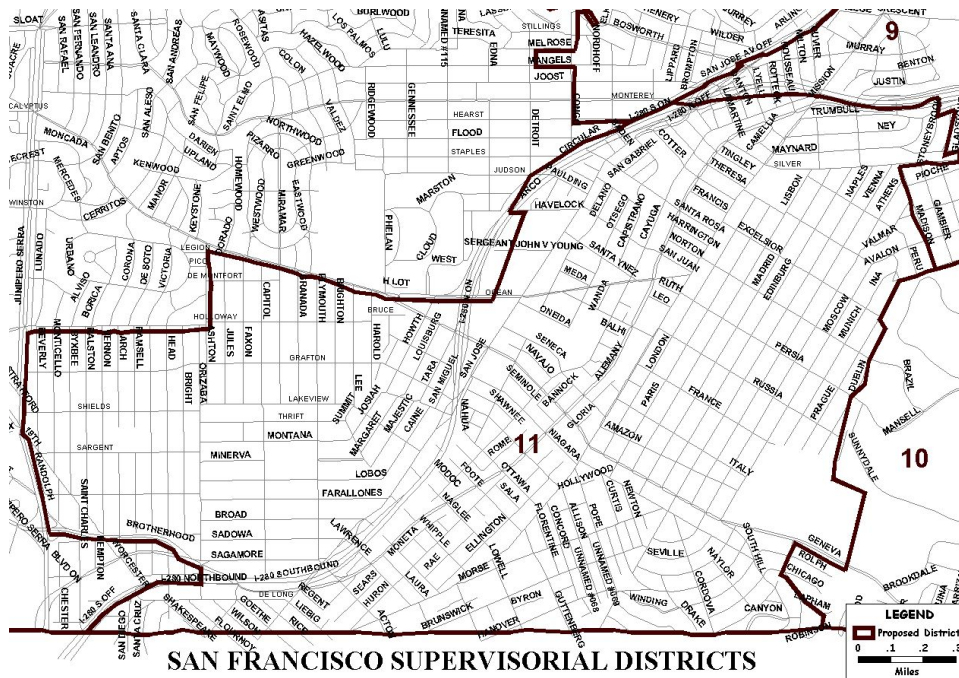
- a) A Dwelling Unit with five or more bedrooms;
- b) A Dwelling Unit less than 1/3 the size in floor area of the largest Dwelling Unit in a multiple Dwelling Unit

- project, or;
- c) Floor Area Ratio exceeding the limits in Table 249.3, below.

	<u>RH-1</u>	<u>RH-2</u>
<u>One Dwelling Unit</u>	<u>1 : 1</u>	<u>0.8 : 1</u>
<u>One Dwelling Unit with ADU*</u>	<u>1.15 : 1.45</u>	<u>0.9 : 1</u>
<u>Two Dwelling Units</u>	<u>N/A</u>	<u>1.5 : 1</u>
<u>Two Dwelling Units with an ADU*</u>	<u>N/A</u>	<u>1.75 : 1</u>

** The Floor to Area Ratio is calculated without including the floor area of the ADU.*

The SUD's boundaries match the current Supervisor District 11 boundaries:



Both the Corona Heights SUD and the Oceanview SUD establish stricter controls than the base zoning. The proposed legislation would also be more restrictive than the base controls for all RH zoning districts. Should the proposed legislation be adopted in its current form, Section 319 *would* apply to *all* lots in RH zoning districts, including those within the Corona Heights SUD and the Oceanview SUD. This means that all proposed projects in these SUDs would be subject to *both* standards. For example: A proposed residential project in the Oceanview SUD is within the FAR and bedroom count limits, but will include a dwelling unit over 2,500 square feet. In this case, the project would not require a Conditional Use authorization under the Oceanview SUD, but *would* require a Conditional Use authorization because it meets the trigger of Section 319. Additionally, if a project

triggers a CUA per the applicable SUD *and* Section 319, it will have to meet the CUA findings required by *both* Code sections. This means, for properties subject to the Corona Heights SUD, projects could no longer be up to 3,000sqft without needing a CUA (which would be allowed under the SUD), because Section 319 states no unit may be larger than 2,500sqft without seeking a CUA. Section 319, however, does not propose additional regulations on rear yard depth. If a project in the Corona Heights SUD, therefore, meets all standards of Section 319, but would result in a reduction of the rear yard to less than 45%, the project would need a Conditional Use authorization due to the Corona Heights SUD provisions.

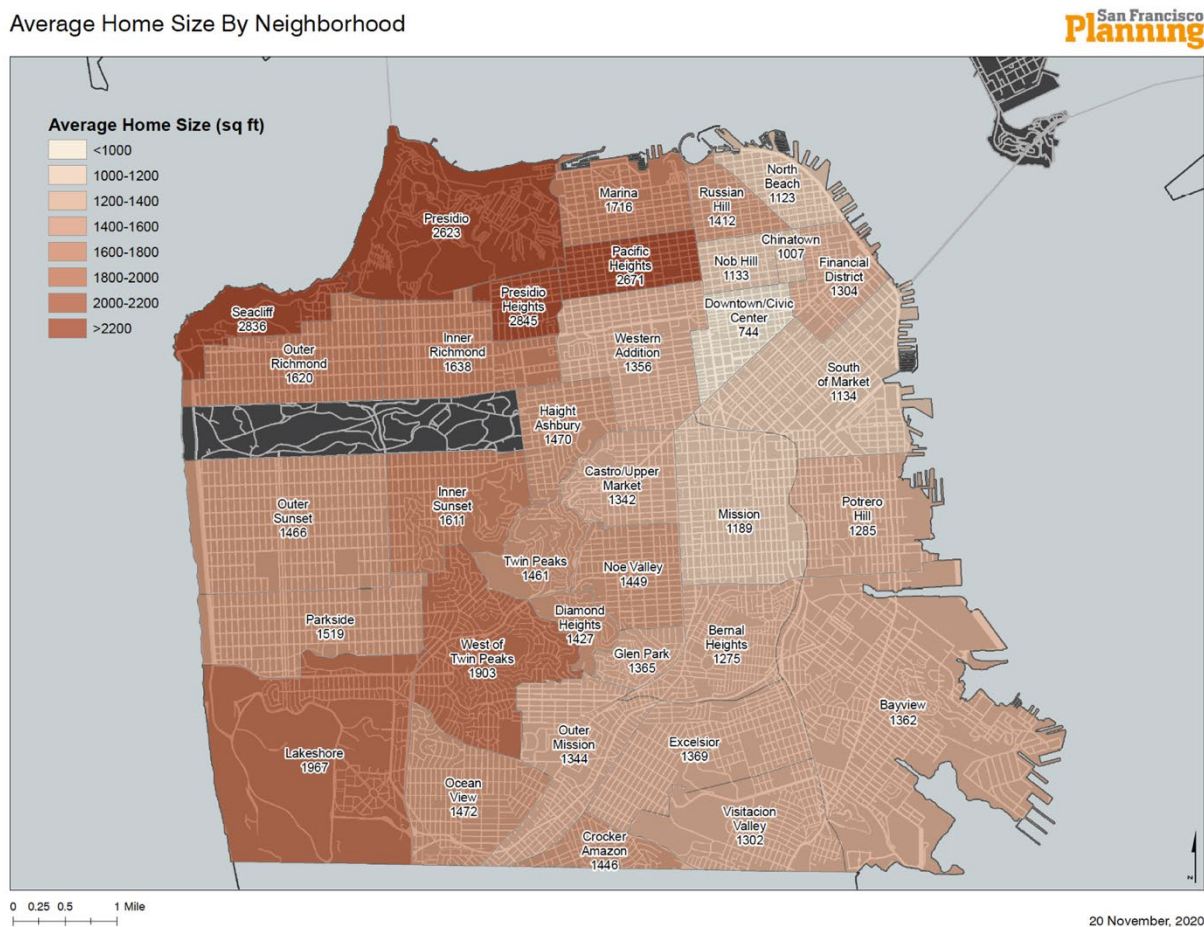
These SUD's were established after much deliberation, research, and feedback from the local communities they are located in. If Section 319 also controls in these districts, it will significantly alter how these SUD's function for regulating home size and incentivizing density. Additionally, having two sets of controls that regulate similar issues may create confusion for both residents and staff. The Department recommends amending the proposed legislation to create an exemption from Section 319 for the Corona Heights SUD and the Oceanview SUD until the Supervisors can meet with the residents of those SUD's to understand whether they would like to amend the SUD to conform with Section 319.

What is a “Large” Residence?

The Department has attempted to regulate the building of “monster homes” through various efforts the last 10+ years, some with more success than others. The largest challenge in doing this is gaining consensus around the definition of a “large” home. Someone who lives in a 750 square foot home may feel that a 1,000 square is too large, while a family of four in a 2,500 square foot home may feel their home has barely enough space. Across dozens of neighborhood meetings staff found that even within neighborhoods that have similar housing typologies and home sizes, opinions differ greatly on what size home is “appropriate”, particularly when a home complies with established zoning and the Residential Design Guidelines.

During one of the previous efforts to regulate unit size, the Department produced the following map which shows the average home sizes² by District throughout the City. This map is not meant to represent exact numbers that each neighborhood should create regulations around. Rather, it is meant to give a general idea of whether Dwelling Unit size averages differ greatly across various neighborhoods in the city.

Average Home Size By Neighborhood



While an imperfect model, the data does show what we might expect to find: the neighborhoods known for larger single-family homes such as Seacliff, Pacific Heights, and Presidio Heights have an average unit size significantly greater than neighborhoods known for more modest single-family homes, such as the Sunsets, Noe Valley, and the Bayview. Also, older and denser areas in the northeastern part of the city, such as North Beach, Chinatown and Downtown have smaller unit sizes on average.

Staff also ran a query to find the average square footage for all projects submitted between 2015-2020 in RH districts that proposed either new construction of a single-family home, or an expansion of an existing single-

² To generate this map, the Department used building size and density data from the Assessor's Office for all buildings in Residential districts across the City. Buildings that were over-density were removed from the data set, as were any buildings with non-residential uses. The remaining buildings were analyzed by dividing their assessed square footage by the number of assessed dwelling units. After removing extreme outliers, the average unit sizes were aggregated within each neighborhood to create the map below.

family home. All projects used in the dataset are considered “closed” (approved). Staff found that the average single-family home size approved during that time was 3,158sqft (Median Square Footage Proposed: 3,064sqft).

The map and data above illustrate that a majority of projects proposing to expand or create a single-family home in the last 5 years would now require a CUA. It also illustrates that many of these projects are likely to come from neighborhoods where the average home size is already over the proposed 2,500 square foot trigger for a CUA. This means that more staff time will be dedicated to some of the most affluent neighborhoods of the City, where housing is already unaffordable.

Allowable Building Envelope

One reason the issue of large homes exists at all is because the city’s Zoning Code encourages large single-family homes. For example, a standard lot in and RH-1 Zoning District allows for a total lot coverage of 70% and maximum height of 35 feet. On a standard 25’ by 100’ lot, a 3-story single-family home could theoretically have between four and five thousand square feet.³ In RH-2 zoning Districts the square footage would be the same or greater because those districts allow four-stories on residential buildings; while lot coverage is only 55% it can be increased up to 75% depending on the adjacent lots. Further in RH-2 and RH-3 zoning districts there is no requirement or incentive to build to the prescribed density. Given the Code allows such a large envelope for buildings in these districts and no incentive for density, it’s not surprising that the Department sees proposals for larger and larger homes coming through the pipeline.

Set Square Footage vs FAR

In the past the Department proposed using Floor Area Ratio (FAR) to regulate home sizes, most infamously in the failed Residential Expansion Threshold proposal. Following that effort, the Oceanview Large Residence SUD was established which uses FAR to regulate home size. While it’s too soon to tell how successful the Oceanview Large Residence SUD is, there are benefits to using FAR instead of a set square footage number. FAR ties the allowable home size to the lot area, and can be used as a tool to incentivize density. Many jurisdictions throughout the Bay Area use FAR as a means for regulating the size of residential buildings. As an example: If we set the FAR maximum to 1:1, then a standard 2,500sqft lot in San Francisco could have a building of up to 2,500sqft. Larger or smaller lots would be afforded a different allowable square footage accordingly. And as is the case in the Oceanview Large Residence SUD, density can be encouraged by allowing more FAR the more units that are added. While the Department still believes that FAR is a useful tool and allows for a more tailored controls for lot size and in some cases neighborhood context, there was significant pushback from the community in using FAR when this option was presented in the past.

Increased Processes and Housing Production

Applying new entitlement requirements, such as Conditional Use authorizations (CUA’s), can slow down housing production. Given the required analysis, notice, and hearing, the CUA process typically adds six to nine months to a project’s approval timeframe; it also adds additional costs. This is especially true for residential projects that could otherwise be approved over the counter. In existing residences, it is often possible to add additional

³ The total rough square-footage calculation in this example would be 5,250 sq. ft.; however, some of the space would be dedicated to walls, garages, and other required building infrastructure.

usable space to a home by converting a garage or other ground floor areas to habitable space with an over-the-counter approval.

The CUA process can add six to nine months to a project's approval timeframe.

Similarly, minor expansions of existing Dwelling Units would also be impacted by the CUA process. Horizontal or vertical additions to an existing home are usually principally-permitted with neighborhood notification (311 Notification). This process typically takes at least three to four months to complete once a planner is assigned. Requiring a CUA for these projects could more than double the Department's permitting timeframe. Projects adding units would also face increased permit review timelines if any unit was over 2,500 sq. ft. While the Department agrees that overly large units do not advance any policy objectives, any additional process aimed at limiting home sizes should be balanced against the policy goal of increasing density. Furthermore, the increase in staff time spent on these projects means less staff time can go towards projects that have a greater impact on our affordable housing supply, small business permits, or efforts that prioritize racial and social equity. Based on submitted projects from the last several years, staff estimates approximately 60-80⁴ projects per year would require a CUA that don't currently because of this legislation.

Further, the CUA process may not deter overly large single-family homes or encourage increased density. The projects this legislation is designed to discourage are often well over 2,500sqft. These types of projects are expensive in nature and tend to have the resources to engage in a long and complex process. If the square footage trigger is too strict with no CUA exemption for density, staff believes that most large-home proposals – particularly in the high-resourced neighborhoods that already have an established pattern of large single-family homes – will choose to move forward anyway.

Once these projects are in front of the Planning Commission, the Commission must use its discretion to decide if a particular home is too large. While the proposed findings provide some guidance to the Commission around ensuring the project's compatibility with neighborhood character and limiting impacts on historic resources, there is no guidance for when a large home should be supported, and when it's too big to be approved, regardless of its design and compatibility.

General Plan Compliance

Objective 1 of the Urban Design Element instructs the City to guide development in such a manner where we place "Emphasis of the characteristic pattern which gives to the city and its neighborhoods an image, a sense of purpose, and a means of orientation." Policy 1.3 of this objective is to "Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts." The proposed Ordinance, with all staff modifications, helps to maintain a balance between a neighborhood's physical identity while also not impeding

⁴ There were 39 projects in RH districts from 2017-2020 that were one unit, and said unit's construction or expansion would be over 2,500sqft *and* more than a 10% increase of existing sqft. There were 12 projects in RH districts from 2017-2020 that were one unit, the proposed size was less than 2,500sqft, *and* the project proposed an expansion of 50% or more. This figure does *not* include projects with more than one unit. That trigger is expected to add at least an additional 40-60 projects per year.

on the development of future housing. This proposed Ordinance, with all staff modifications, will encourage additional density while ensuring that the resulting building forms are complementary to a neighborhood's context. The proposed Ordinance additionally ensures that large, single-family home expansions are not approved without careful consideration through a CU authorization.

Racial and Social Equity Analysis

Recent data, anticipated to be documented in the Housing Element Update 2022, indicates that White residents are more likely than BIPOC residents to live in smaller households and are less likely to live with family, and that BIPOC residents are more likely to live in either studios or units with three or more bedrooms. White residents are disproportionately likely to live in one-bedroom units, reflecting smaller household sizes. Creating a higher barrier for approvals for houses with more bedrooms, and therefore larger in size, may impact the availability and cost of that existing housing type throughout the City. If new large homes are difficult to build, there will be increased renovation pressure on the existing housing stock of large homes. This in turn could impact affordability, especially given that BIPOC families are more likely to be housing cost-burdened. A 2,500 square foot single-family home is likely to yield 4-5 bedrooms. A house where more than one person inhabits a bedroom is considered overcrowded. A more detailed breakdown of the data studied to draw these conclusions is below⁵:

- o Single-family homes are disproportionately occupied by families with children and related adults versus residences with multiple units. 52% single-family homes reported households with children or related adults/roommates, versus 32% of buildings with two to four units. The percentage of households with children or related adults continues to decrease as the unit count of a building increases.
- o BIPOC residents are more likely to live in either very small units (studios) or larger units (three plus bedrooms).
- o BIPOC residents are more likely to live in either a single-family home, or a very large building containing 20+ units.
- o BIPOC residents are more likely to live in larger households and multigenerational households than White residents, which corresponds to greater occupancy of housing with three or more bedrooms.
- o Multibedroom units are more likely to be occupied by higher income households, however it must be noted that often larger households also tend to have higher incomes. When examining the data, staff found single-family homes are actually occupied by a broad range of income groups similar to the income mix of the city as a whole. This is likely because many single-family homes have long time owners who may have bought when homes were more affordable or have extended families also living

⁵ For the purposes of this analysis, the term "multigenerational" means at least three generations of family living together i.e. grandparent, parent, and child or great aunt, parent, child, etc. All conclusions are based off of SF Planning analysis of 2014-2018 IPUMS

in the home.

- o Larger households are heavily concentrated in larger homes:

Household Size by Number of Bedrooms in Housing Unit					
	Studio	1 Bedroom	2 Bedroom	3+ Bedroom	Total
1 Person	37,393	50,922	25,929	14,495	128,739
2 People	10,946	32,181	50,085	30,297	123,509
3 people	1,361	4,396	18,844	24,773	49,374
4 people	605	1,212	10,339	22,107	34,263
5+ people	593	796	4,589	17,812	23,790
Total	50,898	89,507	109,786	109,484	359,675
	Studio	1 Bedroom	2 Bedroom	3+ Bedroom	% of Households
1 Person	73%	57%	24%	13%	36%
2 People	22%	36%	46%	28%	34%
3 people	3%	5%	17%	23%	14%
4 people	1%	1%	9%	20%	10%
5+ people	1%	1%	4%	16%	7%
% of Housing	14%	25%	31%	30%	

Source: SF Planning Analysis of 2014-2018 IPUMS

- o 69% of 3+ bedroom units are in single-family homes:

Units by Number of Bedroom by Number of Units in Building						
	Single Family Home	2-4 Units	5-9 Units	10-19 Units	20+ Units	Total
Studio (0)	951	3,094	3,152	8,001	35,645	50,843
1 Bedroom	4,875	17,210	15,282	17,859	34,265	89,491
2 Bedroom	37,171	33,923	11,503	7,355	19,586	109,538
3+ Bedroom	75,788	23,468	3,549	1,757	4,671	109,233
Total	118,785	77,695	33,486	34,972	94,167	359,105

Source: SF Planning Department Analysis of 2014-2018 IPUMS-USA

- o Larger households comprised of children, multi-generational living, or roommates, are disproportionately found in areas with single-family homes and larger units. These households are most heavily concentrated in west and south sides of the city.

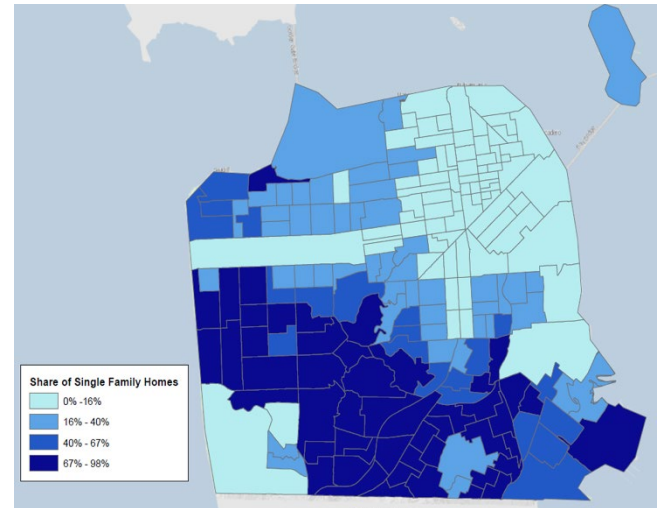
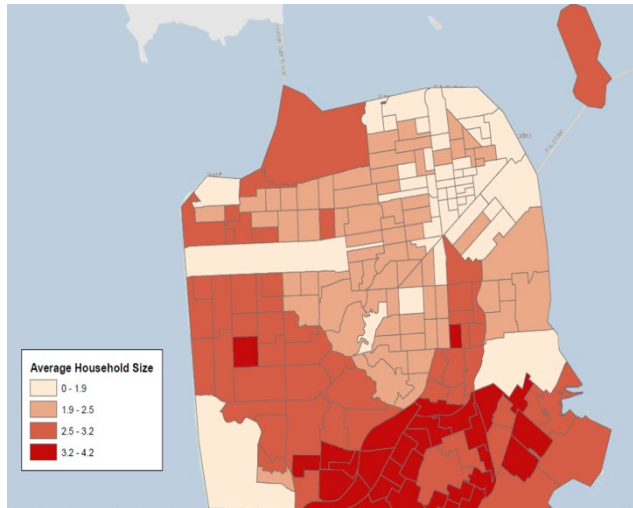


Figure 2 Source: Five-year ACS

Although many of the larger homes in the City are concentrated in affluent neighborhoods, single-family homes that have greater household sizes are also prevalent in less affluent neighborhoods and those with a cultural identity rooted in multi-generational living. These households are more likely to be negatively impacted by a set square footage cap than households in more affluent neighborhoods that already have large homes. Further, wealthy home owners who desire a large expansion will likely have the resources to file for a CUA, while cost-burdened households will face financial hurdles to take the application through the costly CUA process. Before setting such sweeping caps, thought must be paid to our assumptions and judgements around what makes a “family” and what needs various household compositions have for space.

The 50% trigger disproportionately affects those with very small homes who would like to expand their home by more than 50% while remaining less than 2,500square feet in size.

Similarly, the 50% expansion threshold should be examined for its impacts on very small homes. The proposed legislation would require a CUA for any residential project in an RH district that proposes to increase any dwelling unit’s size by more than 50%. This trigger would only affect projects that are not proposing a home larger than 2,500sqft. The 50% trigger, therefore, disproportionately affects those with very small homes, who would like to expand their home by more than 50%. For example: A 900 square foot single-family home would like to add a bedroom, small den, and bathroom for their expanding family. The proposed addition must be under 450 square feet to avoid triggering a CUA. If a 1,600 square foot home would like to add the same elements, they may propose an addition of up to 800 square feet before triggering the CUA. If a 2,500sqft home is an acceptable size per unit for new construction, or for units that are already larger in size, small units should not be penalized simply for being small. These units are more likely to be owned by those with less disposable income not only to file for a CUA, but also to move to a larger home to accommodate the needs of their families.

Correspondingly, the Supervisor's intent to exempt units proposing expansions that are already larger than 2,500 square feet so long as they increase their density through an ADU or Dwelling Unit, and that no unit is smaller than 1/3 the size of the largest, also inequitably favors owners with large homes. Although staff understands that the purpose of this exemption is to avoid CUA's for homes that are already considered "large" and therefore "unaffordable", it rewards homeowners that already have a home over 2,500 square feet and results in inequitable application of the Ordinance.

Implementation

The Department has determined that this Ordinance as currently drafted will significantly impact staffing resources by increasing the number of Conditional Use authorizations. Staff does not anticipate that this legislation will serve as a deterrent; as such, the Department is likely to see an increase of between 60-80 additional CUA's per year as a result of this Ordinance.

Recommendation

The Department recommends that the Commission *approve with modifications* the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department's proposed recommendations are as follows:

1. Modify the Ordinance to remove the CUA trigger for 50% expansions and exempt ALL projects from the 2,500 square foot per dwelling unit trigger for a CUA *if* the project increases the density on the lot, *and* the dwelling unit(s) meets certain size minimums.
2. Increase the marginal allowable increase over 10 years from 10% to 20% for homes already over 2,500sqft.
3. Remove Section 319(d)3, which prohibits Historic Properties from being exempt from the CUA requirement.
4. For the purposes of this program, include accessory parking (garage space) able to be made into habitable space when calculating a unit's Gross Floor Area.
5. Exempt the Corona Heights Large Residence SUD and the Oceanview Large Residence SUD from the legislation.

Basis for Recommendation

The Department generally supports the purpose of the proposed Ordinance in that it seeks to "encourage new infill housing at compatible densities and scale and provide for thorough assessment of proposed large single-family residences that could adversely impact neighborhood character and affordable housing opportunities." The Department agrees that there should be additional review of projects that are not increasing their residential density, and that the size of a proposed unit is a sensible indicator of cost; however, the Department also wants to ensure that the impacts of this legislation do not disproportionately impact marginalized communities and that Commission review is focused on those projects where other policy goals aren't being

met. With the proposed recommended modifications, Staff believes that the Ordinance would achieve these goals.

Recommendation 1: Modify the Ordinance to remove the CUA trigger for 50% expansions and exempt ALL projects from the 2,500 square foot per dwelling unit trigger for a CUA *if* the project increases the density on the lot, *and* the dwelling unit(s) meets certain size minimums. Staff believes the proposed controls will be more successful if the Conditional Use authorization requirement is paired with an incentive for density. Staff finds that providing an exception tied to adding density is the best way to incentivize density and encourage appropriate dwelling unit sizes. Projects that seek to expand their home significantly are more likely to add density if it means they will be able to increase the size of their home, while also avoiding the risk and financial burden of a CUA. The addition of a dwelling unit will also help to add modest and appropriate density to the City's lowest density neighborhoods. It is especially critical that the City encourage increased density in its high-resourced neighborhoods that have traditionally welcomed large homes and not density. Dictating that the smallest unit must be at least 1/3 of the size of the largest unit will also have the effect of limiting unit sizes and reducing land costs per unit. Further, Staff finds that the 50% threshold could result in inequitable outcomes that will disproportionately affect those with smaller homes.

Recommendation 2: Increase the marginal allowable increase over 10 years from 10% to 20% for homes already over 2,500sqft. Staff believes that the 10% allowance is too restrictive to construct any meaningful addition. A 10% increase would not allow even a modest "pop-out" at the rear of the building to accommodate additional bedrooms or living areas. Increasing this allowance to 20% cumulatively over 10 years will allow homes to modestly expand to accommodate the needs of a growing household, while still remaining contextual with the surrounding built environment.

Recommendation 3: Remove Section 319(d)3, which prohibits Historic Properties from being exempt from the CUA requirement. The ordinance prohibits Historic Properties from being exempt from the CUA requirement when the project triggers the 50% increase threshold. Historic Properties already over 2,500sqft are also not exempt from the CUA requirement when exceeding the 10% threshold and a unit is added. Historic properties or eligible properties already have sufficient review procedures that ensure they retain historic integrity. It isn't clear what additional protections this provision will provide that aren't already handled under CEQA or the Article 10 and 11 protections. Further, the Historic Preservation Commission is the chartered commission that is responsible for determining the appropriateness of additions to historic resources in San Francisco. This provision would put the Planning Commission in that position, which it is not structured for or charged to do. Staff finds that this provision will only add additional process to projects that would otherwise be allowed as-of-right without any additional benefit to the historic resource.

Recommendation 4: For the purposes of this program, include accessory parking (garage space) able to be made into habitable space when calculating a unit's Gross Floor Area. The definition of Gross Floor Area excludes areas dedicated to accessory parking when it's located within a Basement Story; therefore, any such accessory parking that is converted to habitable space would count towards the proposed 50% or 2,500sqft threshold. Conversely any such accessory parking added to a new building would not count toward the new building's GFA (in fact it would decrease it). Allowing the conversion of garage space to habitable space would encourage projects to utilize already enclosed space and may even encourage the removal of private vehicle storage. Further, including accessory parking in the GFA calculation of new

buildings could discourage new private automobile storage or at least result in less space being dedicated to parking. Less space dedicated to private vehicle storage helps advance not only the City's transit-first policy but also the City's climate goals. It also allows curb cuts to be removed, which improves pedestrian safety.

Recommendation 5: Exempt the Corona Heights Large Residence SUD and the Oceanview Large Residence SUD from the legislation. Staff recommends amending the legislation to exempt the Corona Heights Large Residence SUD and the Oceanview Large Residence SUD from the new controls. Based on the Zoning Administrator's interpretation, both SUD areas would be subject to the new size limits of the legislation. These new regulations do not align with the carefully crafted standards created in the two neighborhoods' SUD's. The residents of these SUD's should be consulted on whether they would prefer to continue to be regulated through their SUD, or whether they would prefer to adopt the standards of the proposed legislation and remove their SUD overlays *before* this legislation applies to said districts.

July 22nd Planning Commission

The Planning Commission originally heard this item on July 22nd at their regularly scheduled hearing. Approximately 40 members of the public gave their testimony during public comment. Of the speakers, approximately 7 were generally in favor of the legislation, while approximately 28 were generally opposed. Callers who spoke in favor of the legislation believe it will create homes that are affordable by design and will curb the proliferation of small homes being demolished and replaced with overly large homes. Callers who spoke in opposition to the legislation believe the size limitations are arbitrary and inequitable, worry about the burden on staff time, and feel the legislation will cause existing homes that are even slightly over 2,500sqft to become even more in demand and therefore more expensive. Callers also stated they did not believe the legislation possessed a strong enough incentive to add density versus expanding an existing single-family home.

Commissioners then began their discussion of the legislation. The Commissioners focused on the legislation's lack of a clearly defined goal and asked for the Ordinance to be crafted in a way that focuses on the problem it is trying to solve for. Many Commissioners were also concerned that the numerical thresholds of 2,500sqft per unit and 50% for expansions were arbitrary and could have inequitable consequences when applied across different neighborhoods. Commissioners pointed out that the problem of overly large homes seems to be concentrated in specific neighborhoods and is not a citywide problem. Other concerns include the potential burden on staff resources, the negative affect on residents with large families, lack of community outreach to neighborhoods outside District 8, and the overall effectiveness the legislation will have on curbing the problem of "monster" homes. The Commission directed staff to:

- Research the concept of setting an absolute maximum per unit size with a minimum density, to make the legislation more equitable in controlling for size of units while also increasing density.
- Remove the provision that garages be included when calculating existing square footage. Garages should not be included in the calculation for determining unit size. It is anti-family to punish those who need a garage/car.
- The legislation needs to define its goals and then focus the regulation on accomplishing those goals. If the real problem is egregiously sized homes, the legislation needs to be direct about forming controls on size. If the goal is to increase density, the legislation should incentivize new

construction projects proposing to maximize density or proposing to add ADU's of at least a certain size.

- Look into a sliding scale for size triggers depending on the context of the lot and neighborhood, as well as a hard square footage maximum.

Post-Hearing Staff Analysis

The Department convened to re-examine the legislation and conduct further analysis based on the Commissioners' comments about (1) maximum size limit, and (2) minimum density. Regarding the Commissioners' request to explore a maximum size limit: Staff found that if there is a set size maximum, the size will need to be much higher than the size that has been proposed for a CUA trigger to be appropriate Citywide. We would also argue that a hard cap should be based on FAR so that the development capacity on any given lot is contextual with the surrounding neighborhood context and appropriate for the site's conditions (like a sliding scale approach). The max FAR needs to be no less than 2.00:1:00, otherwise many projects are not able to proceed, even in cases where this size may be appropriate. As for requiring a minimum density: This concept only works if the City's low-density Residential Zoning Districts allow more density in their base zoning. In RH-1 and RH-1(D), the minimum density cannot be more than 1 unit. For RH-2, the "minimum density" could not be any more than 2 units, which also has the effect of being the "maximum density". As a result, the only district that could have a different minimum and maximum density is RH-3. This concept of minimum density should be explored further if the base zoning of all RHD's is increased to allow at least 3 units.

Nonetheless, the Department has development some new recommendations that we believe are in-keeping with the spirit of the Commissioner's comments to encourage densification and the production of "missing-middle" housing in the City's low-density neighborhoods, and encourage the retention of modestly sized homes in Noe Valley.

The new recommended modifications are as follows:

1. Citywide, waive the Conditional Use authorization required under Sec. 317 and Sec. 319 for projects proposing to demolish a single-family home in RH-2, RH-3, and RH-S districts if:
 - a. Principally permitted density within the new construction is maximized; and,
 - b. No unit is less than 1,000sqft (unless **all** units are less than 1,000sqft)
2. Citywide, waive the Conditional Use authorization required under Sec. 317 and Sec. 319 for projects proposing to demolish a single-family home in RH-1(D) and RH-1 districts if:
 - a. An ADU is provided; and,
 - b. No unit is less than 1,000sqft; unless all units are less than 1,000sqft
3. Create a Special Use District (SUD) for the Noe Valley neighborhood that applies the standards set forth in the Ordinance to Noe Valley **only**. These standards are what are most appropriate for this neighborhood but are not appropriate standards for much of the rest of the City's residential communities. Noe Valley is an epicenter for the de-facto demolition of modestly sized homes and expansion/construction of significantly larger homes, whereas many other neighborhoods in the City are

not facing this problem.

The Department recommends the following additional amendments to this SUD:

- a. Remove the CUA trigger for 50% expansions
- b. Increase the square footage trigger from 2,500sqft to 3,000sqft.
- c. Exempt ALL projects from the 3,000 square foot per dwelling unit trigger for a CUA if the project:
 - i. Increases the density on the lot, *and*
 - ii. No dwelling unit is less than 1,000 sqft.
- d. Increase the marginal allowable increase over 10 years from 10% to 20% for homes already over 3,000sqft.
- e. Remove Section 319(d)3, which prohibits Historic Properties from being exempt from the CUA requirement since all historic properties are already reviewed for compliance with the Secretary of the Interior's *Standards*.
- f. Exempt garages proposed for conversion to habitable space from the square footage calculations.

Basis for Recommendation

Recommendation 1: Waive the Conditional Use authorization required under Sec. 317 and Sec. 319 for projects proposing to demolish a single-family home in RH-2, RH-3, and RH-S districts if the project maximizes density and no unit is less than 1,000sqft (unless all units will be less than 1,000sqft).

Recommendation 2: Waive the Conditional Use authorization required under Sec. 317 and Sec. 319 for projects proposing to demolish a single-family home in RH-1(D) and RH-1 districts if an ADU is provided and no unit is less than 1,000sqft (unless all units will be less than 1,000sqft).

Single-family homes are among the most valuable of residential real estate typologies in the City. Currently, when a single-family home is demolished, it is often replaced with a much larger single-family home, even when the lot can accommodate more density. The construction of single-family homes contributes the least to addressing the City's housing shortage; therefore, the City should encourage proposals that include multiple, livable units where there was previously only one. The Department believes an exception tied to adding density is the best way to incentivize density over the construction of single-family homes. Projects that seek to expand their home significantly are more likely to add density if it means they will avoid the risk, time, and financial burden of a CUA. It is especially critical that the City encourage density in its high-resourced neighborhoods that have traditionally welcomed large homes and no density.

The Department is proposing a minimum unit size rather than focusing on the maximum unit size. This avoids setting any arbitrary city-wide limits on maximum unit size while ensuring that any additional units are substantial enough that they will be used as separate units. Setting a minimum unit size of 1,000 square feet will increase the likelihood that these units will be rented rather than being absorbed into a large single-family home. This also has the added benefit of creating more naturally affordable housing within these neighborhoods and reducing land costs per unit.

Recommendation 3: Create a Special Use District (SUD) for the Noe Valley neighborhood that applies the standards set forth in the Ordinance to RHD's in Noe Valley only.

The Supervisor and Noe Valley neighborhood have worked together to set standards they feel are most appropriate for the Noe Valley neighborhood; however, these standards may not be appropriate for rest of the City's residential communities. In some neighborhoods, the maximum unit size may be too small and in others it may be too large. Creating an SUD is also more appropriate as Noe Valley is where the City is seeing the greatest loss of modestly sized homes and the construction of large single-family homes. The Department additionally recommends increasing the square footage trigger in the SUD to 3,000sqft to better align with the average single-family home size approved in recent years, thereby reducing the burden on staff for moderately-sized project proposals.

Required Commission Action

The proposed Ordinance is before the Commission so that it may approve it, reject it, or approve it with modifications.

Environmental Review

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Public Comment

Staff have received several letters and exhibits from the public to be submitted as public comment. They are attached as Exhibit B.

Attachments:

- Exhibit A: Revised Draft Planning Commission Resolution
- Exhibit B: Letters of Support/Opposition
- Exhibit C: Historic Preservation Commission Resolution
- Exhibit D: Board of Supervisors File No. 210116



PLANNING COMMISSION DRAFT RESOLUTION

HEARING DATE: September 23, 2021

Continued From July 22, 2021 hearing

Project Name: Review of Large Residence Developments
Case Number: 2021-001791PCA [Board File No. 210116]
Initiated by: Supervisor Mandelman / Introduced April 13, 2021
Staff Contact: Audrey Merlone, Legislative Affairs
Audrey.merlone@sfgov.org, 628-652-7534
Reviewed by: Aaron D Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, (628) 652-7533

RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO REQUIRE CONDITIONAL USE AUTHORIZATION FOR CERTAIN LARGE RESIDENCE DEVELOPMENTS IN RESIDENTIAL, HOUSE (RH) ZONING DISTRICTS; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

WHEREAS, on February 2, 2021 Supervisor Mandelman introduced a proposed Ordinance under Board of Supervisors (hereinafter “Board”) File Number 210116, which would amend the Planning Code to require Conditional Use Authorization for certain large residence developments in Residential, House (RH) zoning districts;

WHEREAS, The Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on September 23, 2021; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c); and

WHEREAS, the Planning 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 Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby **approves with modifications** the proposed ordinance. The modifications are as follows:

1. Citywide, waive the Conditional Use authorization required under Sec. 317 and Sec. 319 for projects proposing to demolish a single-family home in RH-2, RH-3, and RH-S districts if:
 - a. Principally permitted density within the new construction is maximized; and,
 - b. No unit is less than 1,000sqft (unless **all** units are less than 1,000sqft)
2. Citywide, waive the Conditional Use authorization required under Sec. 317 and Sec. 319 for projects proposing to demolish a single-family home in RH-1(D) and RH-1 districts if:
 - a. An ADU is provided; and,
 - b. No unit is less than 1,000sqft; unless all units are less than 1,000sqft
3. Create a Special Use District (SUD) for the Noe Valley neighborhood that applies the standards set forth in the Ordinance to Noe Valley **only**. These standards are what are most appropriate for this neighborhood but are not appropriate standards for much of the rest of the City's residential communities. Noe Valley is an epicenter for the de-facto demolition of modestly sized homes and expansion/construction of significantly larger homes, whereas many other neighborhoods in the City are not facing this problem.

The Department recommends the following additional amendments to this SUD:

- a. Remove the CUA trigger for 50% expansions
- b. Increase the square footage trigger from 2,500sqft to 3,000sqft.
- c. Exempt ALL projects from the 3,000 square foot per dwelling unit trigger for a CUA if the project:
 - i. Increases the density on the lot, *and*
 - ii. No dwelling unit is less than 1,000 sqft.
- d. Increase the marginal allowable increase over 10 years from 10% to 20% for homes already over 3,000sqft.
- e. Remove Section 319(d)3, which prohibits Historic Properties from being exempt from the CUA requirement since all historic properties are already reviewed for compliance with the Secretary of the Interior's *Standards*.
- f. Exempt garages proposed for conversion to habitable space from the square footage calculations.

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:

Objective 1 of the Urban Design Element instructs the City to guide development in such a manner where we place “Emphasis of the characteristic pattern which gives to the city and its neighborhoods an image, a sense of purpose, and a means of orientation.” Policy 1.3 of this objective is to “Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.” The proposed Ordinance, with all staff modifications, helps to maintain a balance between a neighborhood’s physical identity while also not impeding on the development of future housing. This proposed Ordinance, with all staff modifications, will encourage additional density while ensuring that the resulting building forms are complementary to a neighborhood’s context. The proposed Ordinance additionally ensures that large, single-family home expansions are not approved without careful consideration through a CU authorization.

In the City's FY 12-13 budget, responsibility for providing strategic direction, planning and oversight of early care and education programs was consolidated in the new agency, OECE

The proposed Ordinance will correct the Planning Code so that it is in line with the City’s current practices and adopted budget.

General Plan Compliance

The proposed Ordinance and the Commission’s recommended modifications are is consistent with the following Objectives and Policies of the General Plan:

URBAN DESIGN ELEMENT

OBJECTIVE 1

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

Policy 1.3

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

The proposed Ordinance, with all staff modifications, helps to maintain a balance between a neighborhood’s physical identity while also not impeding on the development of future housing.

HOUSING ELEMENT

OBJECTIVE 2

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

Policy 2.1

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

The proposed Ordinance, with all staff modifications, will promote modest density across RH districts in the City through the addition of residential units and ADU's. The proposed Ordinance additionally ensures that large, single-family home construction or expansions are not approved without careful consideration through a CU authorization.

Planning Code Section 101 Findings

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

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

The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

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

The proposed Ordinance would not have a negative effect on housing or neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. 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 proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would

not be impaired.

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

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

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

The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

Planning Code Section 302 Findings.

The Historic Preservation Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES WITH MODIFICATIONS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on September 23, 2021.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: September 23, 2021

Proposed Section 319 Review of Large Residence Development. Questions and Potential Loophole Example

EXHIBIT B-1

Thomas Schuttish <schuttishtr@sbcglobal.net>

Wed 5/5/2021 11:19 AM

To: Merlone, Audrey (CPC) <audrey.merlone@sfgov.org>

Cc: Bintliff, Jacob (BOS) <jacob.bintliff@sfgov.org>

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

Dear Audrey:

Good morning and I hope all is well.

Attached is an example to consider for this legislation when it is before the Planning Commission on June 17th. I sent this to you previously in a somewhat different format, but I wanted to send it again to be included in the packet as well as send it to Jacob again.

I am sending this as commentary for what I see as a potential loophole in the legislation where sound housing can be "demolished" and two units could "squeeze-in" under the existing Demo Calcs unless they are adjusted per Section 317 (b) (2) (D).

If the 2600 square foot unit had been just 100 square feet less the project would be exempt from the proposed legislation as discussed previously.

I have attached photos and the Demo Calcs from the plans which I hope you can read.

I know this is one example....but I guess my point is to have the Commission decide if this example or something similar would be okay in meeting the housing goals as well as the spirit of the proposed legislation.

It raises these questions as well:

1. Should the Demo Calcs be adjusted per the current Section 317?
2. Should Demolitions be allowed carte blanche if density is increased regardless of the condition of the existing structure?
3. Should there be alternative ways to densify beyond this proposed legislation in keeping with the original spirit and intent of Section 317?

Thank you and take very good care.

Sincerely,

Georgia

Potential Loophole in proposed Section 319 Review of Large Residence Development

The original handyman's door entrance is on the far left of the house behind the bush. (Could the garage level have been used to add a unit of housing as there is no longer a parking requirement per the Planning Code?)

This house first sold in April of 2016 for \$1.5 million. After the Addenda was issued the entitlement sold in August 2018 for \$2.35 million.



As you can see this is an Alteration. There was no DR filed.




This was a spec project. *Upon completion:*
One unit is 2,600+ Gross Square Feet and sold for \$3.2 million.
The other unit is 2,300+ Gross Square Feet and sold for \$2.85 million.



Context of Street prior to Alteration (The flats on the far left were "remodeled" into one unit)



Project Info and Demolition Calculations



NORTH

1/76	SITE PERMIT
11/24/16	NL PRE-APP
08/03/16	PROJ REV
Revisions	

FIELD VERIFY ALL EXISTING CONDITIONS. REPORT ANY DISCREPANCIES TO ARCHITECT.

AREA CALCULATIONS

EXISTING AREA CALCULATIONS			
(E) FLR '1'	(NON HABITABLE)		964 SQ.FT.
(E) FLR '2'	(HABITABLE)		954 SQ.FT.
SUBTOTAL GROSS			1,918 SQ.FT.

PROPOSED AREA CALCULATIONS			
FLR '1'	(UNIT '1')	1,028 SQ.FT. / 200 OCC/SF =	8.34 OCCUPANTS
	(GARAGE)		669 SQ.FT.
FLR '2'	(UNIT '1')	1,689 SQ.FT. / 200 OCC/SF =	8.34 OCCUPANTS
	(UNIT '2' ENTRY)		49 SQ.FT.
FLR '3'	(UNIT '2')	1,370 SQ.FT. / 200 OCC/SF =	6.85 OCCUPANTS
	(REAR ROOF DECK)		198 SQ.FT.
	(FRONT ROOF DECK)		130 SQ.FT.
	(SIDE ROOF DECK)		53 SQ.FT.
FLR '4'	(UNIT '2')	1,050 SQ.FT. / 200 OCC/SF =	5.25 OCCUPANTS
	(FRONT ROOF DECK)		319 SQ.FT.
PROPOSED	UNIT '1' HABITABLE		2,697 SQ.FT.
PROPOSED	UNIT '2' HABITABLE		2,469 SQ.FT.
PROPOSED	HABITABLE / BLDG		5,166 SQ.FT.
PROPOSED	GROSS / EXCLUDE ROOF DECKS		5,865 SQ.FT.

SHEET INDEX

ARCHITECTURAL

A0.1 COVER SHEET
A0.2 AR005

EC1.1 (E) / PROPOSED SITE / ROOF PLAN
EC2.1 (E) FLOOR '1', FLOOR '2' AND ROOF PLANS
EC2.2 (E) FLOOR '1', FLOOR '2' AND ROOF DEMOLITION PLANS
EC2.3 (E) FOUNDATION LINEAR DEMOLITION MEASUREMENT
EC4.1 (E) EXTERIOR ELEVATIONS
EC4.2 (E) EXTERIOR ELEVATIONS DEMOLITION CALCULATIONS
EC5.1 (E) / PROPOSED BUILDING SECTIONS

A2.1 PROPOSED FLR '1' AND FLR '2' PLANS
A2.2 PROPOSED FLR '3' AND FLR '4' PLANS
A4.1 PROPOSED EXTERIOR ELEVATIONS

4061 CESAR CHAVEZ
SAN FRANCISCO, CALIFORNIA
LOT 031B / BLOCK 6580

Drawing Title
COVER SHEET

By CH
Date

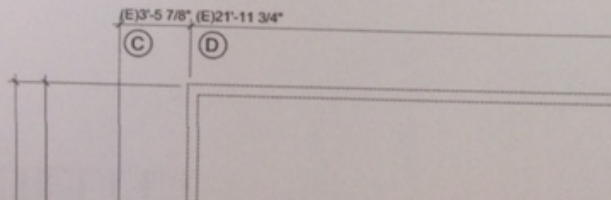
DESCRIPTION	HORIZONTAL ELEMENTS	(E) AREA	REMOVED	% REMOVED
DEMOLITION OF EXISTING STRUCTURES TO BE CALCULATED.	(E) FLOOR '1'			
	(E) SLAB ON GRADE EXCLUDED FROM DEMOLITION CALCULATIONS)			
	(E) FLOOR '2'	954 SQ.FT.	44 SQ.FT.	4.6%
	(E) FLOOR '2' LOWER CLG JSTS (E) ROOF	966 SQ.FT. 983 SQ.FT.	966 SQ.FT. 67 SQ.FT.	100% 6.8%
	HORIZONTAL TOTAL	2,903 SQ.FT.	1,077 SQ.FT.	37.1% < 50% OK
(C) REMOVAL OF 50% OF VERTICAL ENVELOPE AND 50% HORIZONTAL ELEMENTS. (WE ARE UNDER BOTH OF THESE THRESHOLDS) / OK				

SHEET EC2.6 NOTES

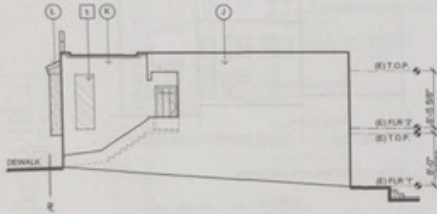
- 1 STIPPLE LINES INDICATE PORTION OF EXISTING STRUCTURE TO BE REMOVED
- 2 NON-HABITABLE GARAGE STRUCTURE TO BE DEMOLISHED. GARAGE STRUCTURE EXCLUDED FROM DEMOLITION CALCULATIONS.
- 3 SEE EC2.5 FOR COMPLETE DEMOLITION CALCULATIONS.

LINEAR FOOTAGE MEASUREMENT @ FOUNDATION OF RESIDENCE

ELEMENT	(E) LENGTH	REMOVED	% REMOVED
FRONT FACADE (NORTH)			
A'	19'-0"	0'-0"	
B'	6'-8"	0'-0"	
REAR FACADE (SOUTH)			
C'	3'-6"	3'-6"	
D'	22'-0"	22'-0"	
SIDE FACADE (WEST)			
E'	16'-11"	0'-0"	
F'	24'-10"	0'-0"	
SIDE FACADE (EAST)			
G'	24'-10"	24'-10"	
H'	16'-11"	0'-0"	
TOTAL	135'-5"	50'-5"	(37.2%) OK



AREA MEASUREMENT VERTICAL ELEMENT	AREA	AREA REMOVED	% REMOVED
SIDE FACADE (WEST)			
Z	578.8 SQ.FT.	0 SQ.FT.	0%
X	226.1 SQ.FT.	21.3 SQ.FT.	9.4%
Y	16.7 SQ.FT.	0 SQ.FT.	0%
SUBTOTAL	821.6 SQ.FT.	21.3 SQ.FT.	(2.6%)
GROSS BUILDING	2,870.8 SQ.FT.	1,100 SQ.FT.	(38.3%) + 65% OK



AREA MEASUREMENT VERTICAL ELEMENT	AREA	AREA REMOVED	% REMOVED
REAR FACADE (SOUTH)			
Z	498.4 SQ.FT.	498.4 SQ.FT.	100%
X	82 SQ.FT.	82 SQ.FT.	100%
Y			
SUBTOTAL	580.4 SQ.FT.	580.4 SQ.FT.	(100%)
GROSS BLDG	2,870.8 SQ.FT.	1,100 SQ.FT.	(38.3%) + 65% OK



WEST: DEMOLITION

AREA MEASUREMENT VERTICAL ELEMENT	AREA	AREA REMOVED	% REMOVED
SIDE FACADE (EAST)			
Z	428.4 SQ.FT.	428.4 SQ.FT.	100%
X	330 SQ.FT.	0 SQ.FT.	0%
Y	16.7 SQ.FT.	0 SQ.FT.	0%
SUBTOTAL	875.1 SQ.FT.	428.4 SQ.FT.	(48.9%)
GROSS BUILDING	2,870.8 SQ.FT.	1,100 SQ.FT.	(38.3%) + 65% OK

2 (E) REAR ELEVATION (SOUTH): DEMOLITION
18'-11\"/>

AREA MEASUREMENT VERTICAL ELEMENT	AREA	AREA REMOVED	% REMOVED
FRONT FACADE (NORTH)			
X	319 SQ.FT.	64.3 SQ.FT.	20.1%
W	84 SQ.FT.	25.3 SQ.FT.	30.1%
Z	87.3 SQ.FT.	16.8 SQ.FT.	19.2%
Y	22 SQ.FT.	13.5 SQ.FT.	61.4%
SUBTOTAL	512.3 SQ.FT.	199.9 SQ.FT.	(39.0%)
GROSS BUILDING	2,870.8 SQ.FT.	1,100 SQ.FT.	(38.3%) + 65% OK
FRONT/REAR	1,072.9 SQ.FT.	660.3 SQ.FT.	(61.6%)

ALLOWABLE DEMOLITION BEFORE CONSIDERED DEFACED BUILDING DEMOLITION:
(B) REMOVAL OF 80% FRONT + REAR FACADE + AND 65% SUM OF ALL EXTERIOR WALLS. (WE ARE UNDER THIS THRESHOLD FOR TOTAL EXTERIOR WALLS)

Three other types of potential loopholes to consider for Section 319 Review of Large Residence Developments

Thomas Schuttish <schuttishtr@sbcglobal.net>

Wed 5/5/2021 2:54 PM

To: Merlone, Audrey (CPC) <audrey.merlone@sfgov.org>

Cc: Bintliff, Jacob (BOS) <jacob.bintliff@sfgov.org>

📎 2 attachments (2 MB)

17 Temple St - Demo Calcs.pdf; PastedGraphic-1.tiff;

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

Dear Audrey:

I will explain these three examples of 363 Jersey Street, 17 Temple Street and 3790 21st Street which are illustrated below.

All three were approved as two units, but based on the sales floor plans have been marketed and now "live" as one big unit. (Aka "A Monster Home")

All three of these projects were approved as Alterations.

Of the three, only 363 Jersey Street has sold recently for \$6.195 million. It was at the Planning Commission as a DR.

I included the Demo Calcs for 17 Temple Street which has apparently been taken off the market but was asking just under \$4 million. There had been a DR but it was withdrawn.

The project at 3790 21st Street has just come on the market for \$7.9 million. There are no published Demo Calcs. As best I can figure based on the original square footage of the building prior to the Alteration, I think this one on 21st Street *would have* required a CUA under the proposed Section 319 legislation....but I included it here to show how any project could get around the second unit requirement by making the units obviously internally accessible to one another. Note the sliding door on the floor plans. (Looks like a cat's whisker. I put a black line on the plans to point it out) This project also had a DR that was withdrawn.

These three examples all have the same issue with the outcome and the eventual use and tenure of the second unit, with the second unit being absorbed by the main unit as shown by the sales floor plans and the marketing, regardless of the plans approved by the City. *And this is a potential loophole in Section 319 that needs consideration and analysis.*

These three examples also show the need for either adjusting the Demo Calcs, or enacting this legislation to limit Monster Homes or even better still, doing both...especially adjusting the Demo Calcs.

There are other addresses for projects underway that raise similar questions and concerns:

1132-1134 Sanchez Street (Commission approved plans appear to have been revised based on the web ads).

565 29th Street

466-468 Elizabeth

All three sold their entitlements. They were all approved as Alterations.

Please include this email in the Commissioners' packets for the June 17th hearing on "Review of Large Residence Developments" as well as the email I sent earlier today about a *different type of potential loophole* in the proposed legislation for the new Section 319.

Thanks again and take very good care and be well and safe.

Sincerely,

Georgia

363 Jersey Street

3:29 PM Fri Jan 15

redfin.com

81%



363 Jersey Street
San Francisco, California 94114

4 Bedroom / 4 Bath / 2 Half Baths
Estimated Total Finished
Square Footage: **9,875 SQ FT**
Estimated Finished & Unfinished
Square Footage: **4,500 SQ FT**



LOWER LEVEL
1,575 SQ FT - Finished
200 SQ FT - Unfinished



MAIN LEVEL
1,360 SQ FT - Finished



UPPER LEVEL
1,000 SQ FT - Finished



Drawings by: www.fredrickson.com 415.888.8888
Architectural or Floor Plan (per local requirements) not
to be used for construction or other purposes without the
written consent of the architect or engineer.

Powered by: www.ahm.com Compass
Tel: 415.222.5210
Email: michael.kramer@compass.com
www.fredrickson.com





Discretionary Review Action DRA-0541

HEARING DATE: JULY 13, 2017

Case No.: 2014-002504DRP
Project Address: 363 JERSEY STREET
Building Permit: 2014.11.18.1848
Zoning: RH-2 (Residential House, Two-Family) District
40-X Height and Bulk District
Block/Lot: 6538/031
Project Sponsor: Earle Weiss
21 Corte Madera Ave.
Mill Valley, CA 94901
DR Requestor: John and Carol Broderick
367 Jersey Street
San Francisco, CA 94114
Staff Contact: Andrew Perry – (415) 575-9017
andrew.perry@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

ADOPTING FINDINGS RELATED TO TAKING DISCRETIONARY REVIEW OF CASE NO. 2014-002504DRP AND THE APPROVAL WITH MODIFICATIONS OF BUILDING PERMIT 2014.11.18.1848 PROPOSING ALTERATION OF AND ADDITION TO THE EXISTING, 1.5-STORY OVER BASEMENT, SINGLE-FAMILY DWELLING, TO RESULT IN A 3-STORY OVER BASEMENT, TWO-FAMILY DWELLING, INCLUDING A HORIZONTAL ADDITION AT THE REAR, INSERTION OF A GARAGE AT THE FIRST FLOOR AND EXCAVATION FOR A NEW BASEMENT SUB-GARAGE WITH CAR ELEVATOR, THE ALTERATION OF THE EXISTING GABLE ROOF TO A NEW FLAT ROOF IN ORDER TO GAIN ADDITIONAL HABITABLE SPACE AT THE THIRD FLOOR, NEW PRIVATE ROOF DECK ABOVE TO BE ACCESSED THROUGH A ROLLING SKYLIGHT HATCH, AND THE DEVELOPMENT OF THE GROUND FLOOR AS A FULL, SECOND LEGAL UNIT WITHIN THE RH-2 (RESIDENTIAL HOUSE, TWO-FAMILY) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

17 Temple Street

This is a photo of the "media room" in the lower level from the web ad with the "kitchenette" in the background. See floor plan right below.



17 TEMPLE STREET

SAN FRANCISCO, CA 94114

Estimated Total Finished
Square Footage: 3,340 SQ FT
Above-Grade: 2,325 SQ FT Below-Grade: 1,015 SQ FT
Plus 245 SQ FT Garage on Main Level
Plus 45 SQ FT Mech Room on Lower Level
Calculated per ANSI Standard Z765-2003.

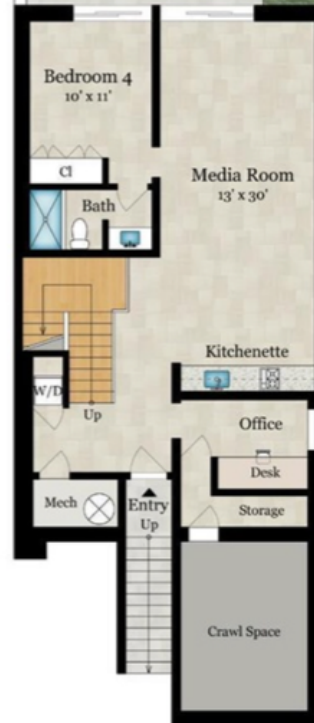
* Estimated Total Finished & Unfinished Square Footage: 3,630 SQ FT



MAIN LEVEL
1,015 SQ FT



UPPER LEVEL
1,310 SQ FT



LOWER LEVEL
1,015 SQ FT



floor plan visuals
www.fpvisuals.com
415.670.9265

All measurements are approximate.
While deemed reliable, no information
on these floor plans should be relied
upon without independent verification.



Massimo LoPorto
415.572.6508
massimo@vanguardsf.com

Frank Nolan
415.377.3726
frank@vanguardsf.com

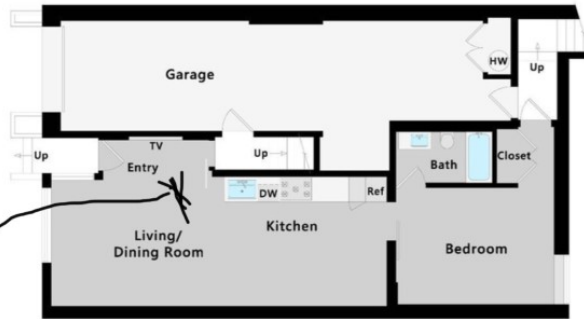
3790 21st Street

3790 21st Street

San Francisco, CA

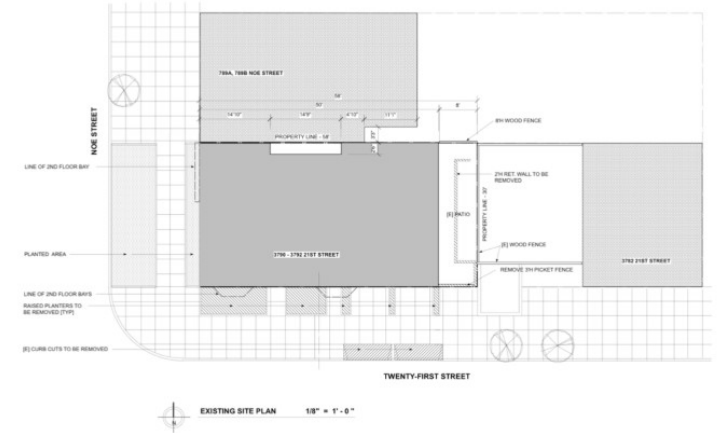
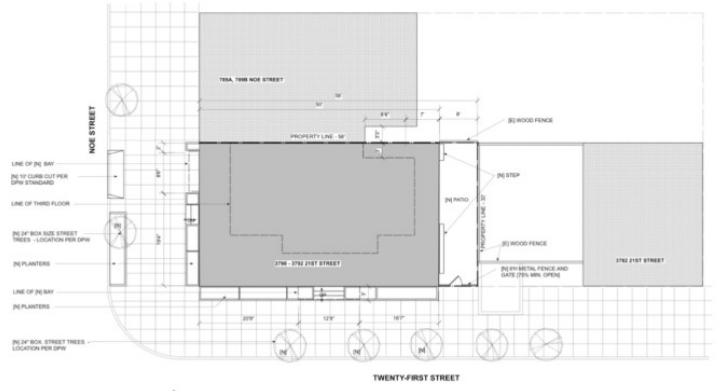


Second Floor



First Floor





be/A
BILL EGAN
ARCHITECT
 15 Potrero Terrace, Suite 9
 San Francisco, CA 94112
 415.269.1228
 info@bea.com
 www.beaarchitect.com

PROJECT DATA
 ADDRESS: 3790 TWENTY-FIRST STREET, SAN FRANCISCO, CA
 BLOCK / LOT: 304/20A
 COUNTY: SF
 CONSTRUCTION CLASS: R3
 CONSTRUCTION TYPE: 2
 LOT AREA: 12,810 SF (24' X 533')
 EXISTING COORD. FLOOR AREA: 4,272 SF (2 STORIES)
 EXISTING TOTAL COORD. FLOOR AREA: 8,544 SF (2 STORIES)
 PROPOSED COORD. FLOOR AREA: 8,544 SF (2 STORIES)
 PROPOSED TOTAL COORD. FLOOR AREA: 8,544 SF (2 STORIES)
 EXISTING USE: DUPLEX
 PROPOSED USE: DUPLEX
 EXISTING NUMBER OF STORIES: 2
 PROPOSED BUILDING HEIGHT: 30'-0"

PROJECT NO: 15.0112.00
 PROJECT TITLE:

CONTACT DIRECTORY
OWNER / CONTACT
 NINE HILLAND WINDMILL LARGENDEH
 2115 17TH STREET
 SAN FRANCISCO, CA 94133
 415.575.4827
ARCHITECT
 BILL EGAN
 15 POTRERO TERRACE, SUITE 9
 SAN FRANCISCO, CA 94112
 415.269.1228

CODES, STANDARDS, ORDINANCES
 ALL WORK SHALL COMPLY WITH THE FOLLOWING:
 2013 SAN FRANCISCO BUILDING CODE
 2013 CALIFORNIA ENERGY STANDARDS
 ALL LOCAL STANDARDS, ORDINANCES AND SPECIFICATIONS

SCOPE OF WORK
 ADD BASEMENT AND 3RD FLOOR TO EXISTING 2 STORY 2 UNIT BUILDING.
 BASEMENT TO BE 2 CAR GARAGE AND 2ND FLOOR TO BE 4 RESIDENTIAL BATH RESIDENCE.

SHEET INDEX
 ALL PROJECT DATA
 EXISTING AND PROPOSED SITE PLANS
 ALL PROPOSED BASEMENT
 EXISTING & PROPOSED FIRST FLOOR PLANS
 ALL EXISTING & PROPOSED SECOND FLOOR
 PROPOSED THIRD FLOOR PLANS
 ALL EXISTING AND PROPOSED ROOF PLANS
 ALL EXISTING AND PROPOSED BUILDING SECTIONS
 ALL EXISTING AND PROPOSED ELEVATIONS
 ALL EXISTING AND PROPOSED ELEVATIONS
 ALL EXISTING AND PROPOSED CONSTRUCTION ELEVATIONS

3790 - 3792 TWENTY-FIRST STREET REMODEL
 3790 - 3792 TWENTY-FIRST STREET, SAN FRANCISCO, CALIFORNIA

A1.0

be/A
BILL EGAN
ARCHITECT
 15 Potrero Terrace, Suite 9
 San Francisco, CA 94112
 415.269.1228
 info@bea.com
 www.beaarchitect.com

B-1 Front & Rear Facades - By Linear Foot				
Element	Existing	Removed		
Front Façade	24 LF	24 LF		
Rear Façade	24 LF	13.75 LF		
Total	48 LF	37.75 LF		
Percent Removed		79%	>50%	Non-Confo
B-2 All Exterior Walls - By Linear Foot				
Element	Existing	Removed		
Front Façade	24' LF	24' LF		
Rear Façade	24' LF	13.75" LF		
Right Wall	28.25 LF	0 LF		
Left Wall	28.25 LF	0 LF		
Total	104.5 LF	37.75'		
Percent Removed		36%	<65%	Conforms
C-1 All Vertical Envelope Elements - By Area				
Element	Existing	Removed		
Front Façade	661 SF	559 SF		
Rear Façade	494 SF	494 SF		
Right Wall	818 SF	129.5 SF		
Left Wall	818 SF	60 SF		
Total	2791 SF	1242.5 SF		
Percent Removed		45%	<50%	Conforms
C-2 All Horizontal Elements - By Area				
Element	Existing	Removed		
2nd Floor Place	923 SF	296 SF		
Roof Plate	923 SF	923 SF		
Total	1846 SF	1219 SF		
Percent Removed		66%	>50%	Non-Confo

[Floor Plans](#)[Street View](#)

SFARMLS

3790 21st St, San Francisco, CA 94114**\$7,900,000**

Price

5

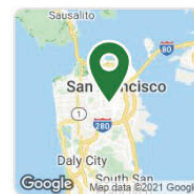
Beds

5.5

Baths

4,400

Sq Ft



The Bauhaus, a one-of-a-kind, meticulously reimagined 5bd/5.5ba luxury residence offers impressive modern design, stunning views, and a separate 1bd/1ba guest apartment. The ~4,400sf European showplace embraces abstract shapes mixed w/ clean lines & industrial metal details. Wide-plank Dinesen Douglass flooring. Floor-to-ceiling windows with lift & slide glass doors. The main-floor space hosts a L/D room w/ FP, a family room, & a sleek open kitchen w/ Gaggenau appliances & Neolith stone that leads to a patio w/ H2O feature. On the 2nd floor, the owner's suite has fab views, a walk-in closet & sprawling en-suite Boffi spa bathroom. 2 more suites & laundry room complete the level. Above, the penthouse invites seamless indoor-outdoor enjoyment w/ a wraparound terrace w/ Sutro Tower views, wet bar, outdoor kitchen & bedroom suite. The 1bd/1ba legal lower unit is ideal for guests. 2-car garage w/ interior acc. Corner of 21st St. Walk to shopping, restaurants, & pub transport.

Example for "Monster Home" Legislation

SchuT <schuttishtr@sbcglobal.net>

Wed 6/2/2021 9:22 AM

To: Merlone, Audrey (CPC) <audrey.merlone@sfgov.org>

 2 attachments (1 MB)

808 Douglass_PreAppMeeting_Invitation.pdf; 808 Douglass_PreAPP_Drawings.pdf;

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

Dear Audrey,

Good morning. Hope all is well for you and your family.

Please see the attached.

I just got this pre app invite this morning and I think it is interesting because it shows that a project sponsor/family can add a reasonable amount of square footage to expand and improve their home, but not exceed the requirements of the proposed legislation.

I noticed recently that a couple of architects recently talked about "hysteria" over large homes so I imagine that idea of "hysteria" will be an argument against it.

So this project is an interesting example.

I am still not certain about the 2500 number however, particularly if the Demo Calcs remain at the current threshold, but I am looking forward to listening to everyone.

I assume it is still on target to be heard by the Commission on June 17th?

You take care and have a good day.

Georgia

>

NOTICE OF PRE-APPLICATION MEETING

Date: _____

Dear Neighbor:

You are invited to a neighborhood Pre-Application meeting to review and discuss the development proposal at _____, cross street(s) _____ (Block/Lot#: _____; Zoning: _____), in accordance with the San Francisco Planning Department's Pre-Application procedures. The Pre-Application meeting is intended as a way for the Project Sponsor(s) to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the City. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is submitted for the Planning Department's review. Once a Building Permit has been submitted to the City, you may track its status at www.sfgov.org/dbi.

The Pre-Application process serves as the first step in the process prior to filing a Project Application with the Planning Department. Those contacted as a result of the Pre-Application process will also receive formal notification from the city after the project is submitted and reviewed by Planning Department staff.

A Pre-Application meeting is required because this project includes (check all that apply):

- New Construction subject to Section 311;
- Any vertical addition of 7 feet or more subject to Section 311;
- Any horizontal addition of 10 feet or more subject to Section 311;
- Decks over 10 feet above grade or within the required rear yard subject to Section 311;
- All Formula Retail uses subject to a Conditional Use Authorization;
- PDR-1-B, Section 313;
- Community Business Priority Processing Program (CB3P).

The development proposal is to: _____

Existing # of dwelling units: _____ Proposed: _____ Permitted: _____

Existing bldg square footage: _____ Proposed: _____ Permitted: _____

Existing # of stories: _____ Proposed: _____ Permitted: _____

Existing bldg height: _____ Proposed: _____ Permitted: _____

Existing bldg depth: _____ Proposed: _____ Permitted: _____

MEETING INFORMATION:

Property Owner(s) name(s): _____

Project Sponsor(s): _____

Contact information (email/phone): _____

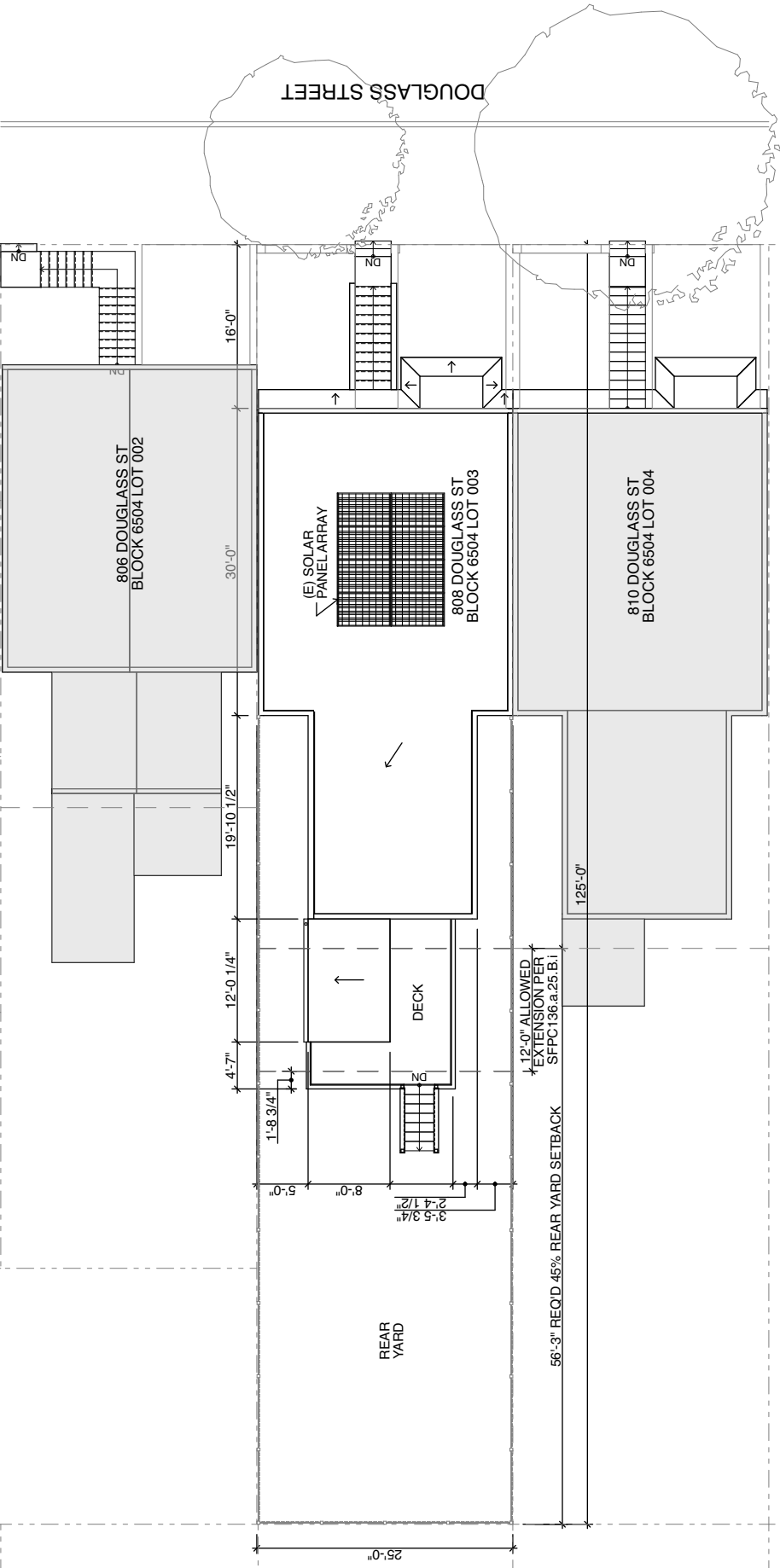
Meeting Address*: _____

Date of meeting: _____ Time of meeting**: _____

*The meeting should be conducted at the project site or within a one-mile radius, unless the Project Sponsor has requested a Department Facilitated Pre-Application Meeting, in which case the meeting will be held at the Planning Department offices, at 49 South Van Ness Avenue, Suite 1400.

**Weeknight meetings shall occur between 6:00 p.m. - 9:00 p.m. Weekend meetings shall be between 10:00 a.m. - 9:00 p.m, unless the Project Sponsor has selected a Department Facilitated Pre-Application Meeting.

If you have questions about the San Francisco Planning Code, Residential Design Guidelines, or general development process in the City, email the Planning counter at the Permit Center at pic@sfgov.org. You may also find information about the San Francisco Planning Department and on-going planning efforts at www.sfplanning.org.



**LAFFAN-
MARCUS
RESIDENCE**

808 DOUGLASS STREET
SAN FRANCISCO, CA 94114

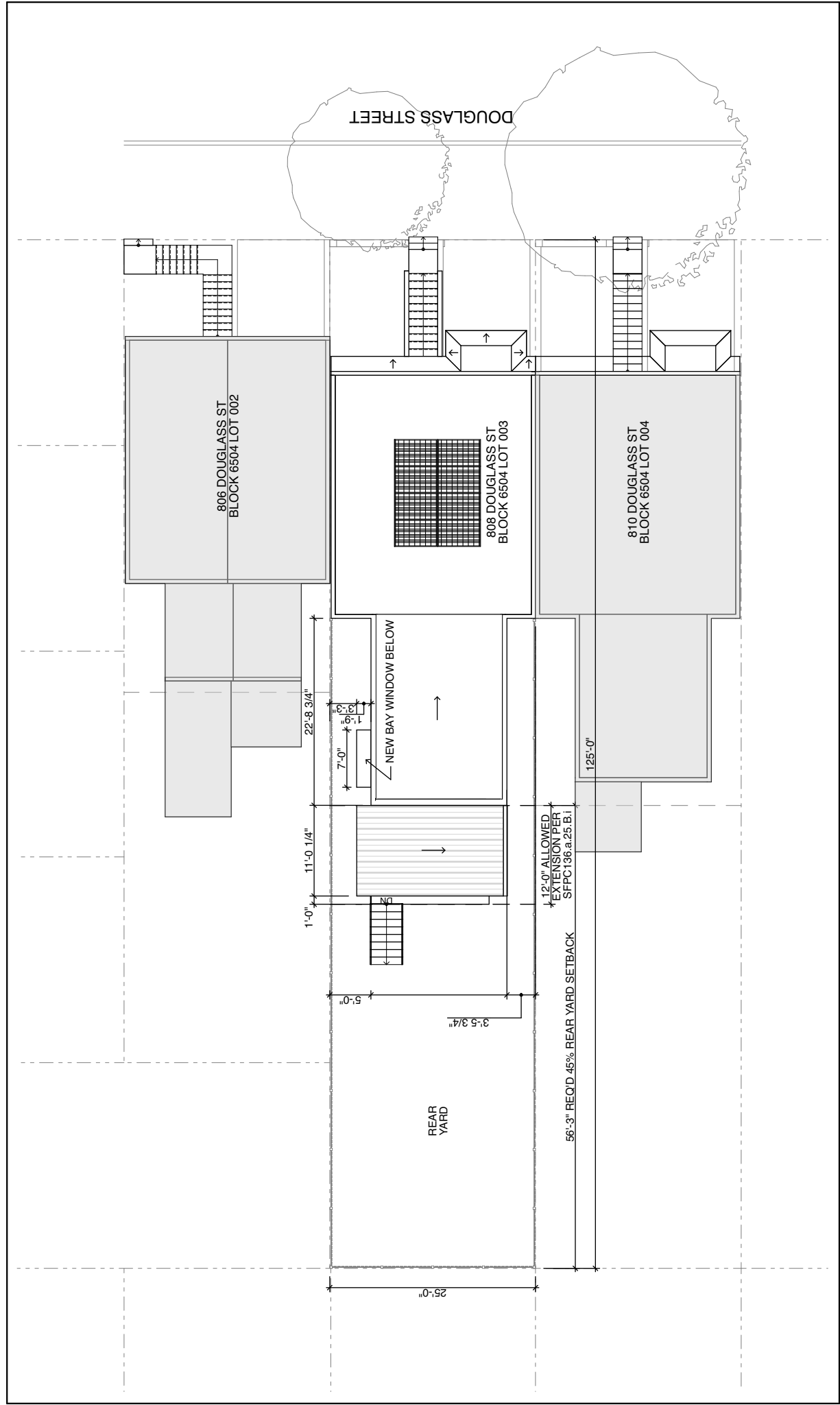
1 OF 10

DATE 5/27/21

SCALE 1/16" = 1'-0"

EXISTING SITE PLAN



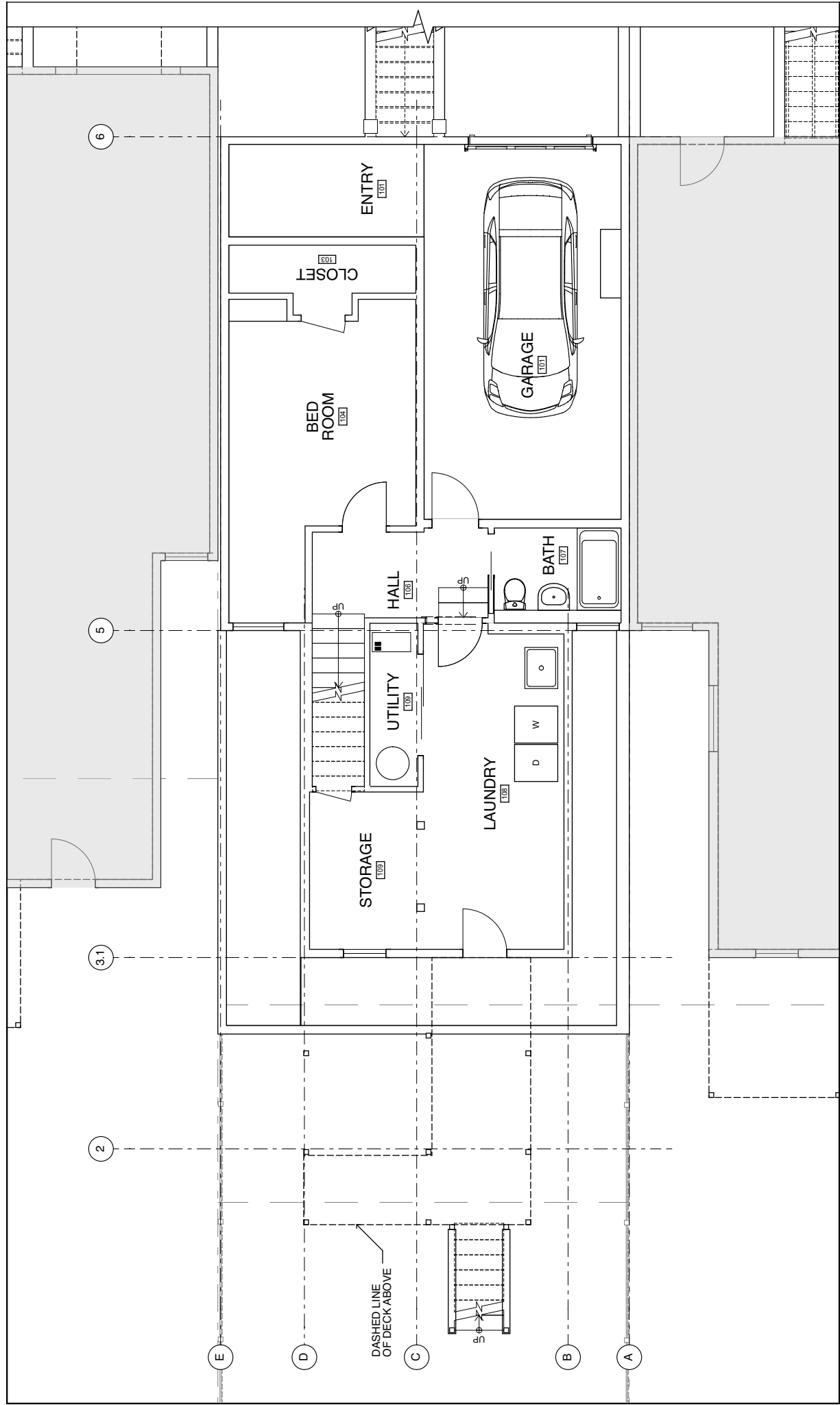


**LAFFAN-
MARCUS
RESIDENCE**

808 DOUGLASS STREET
SAN FRANCISCO, CA 94114

**PROPOSED
SITE PLAN**



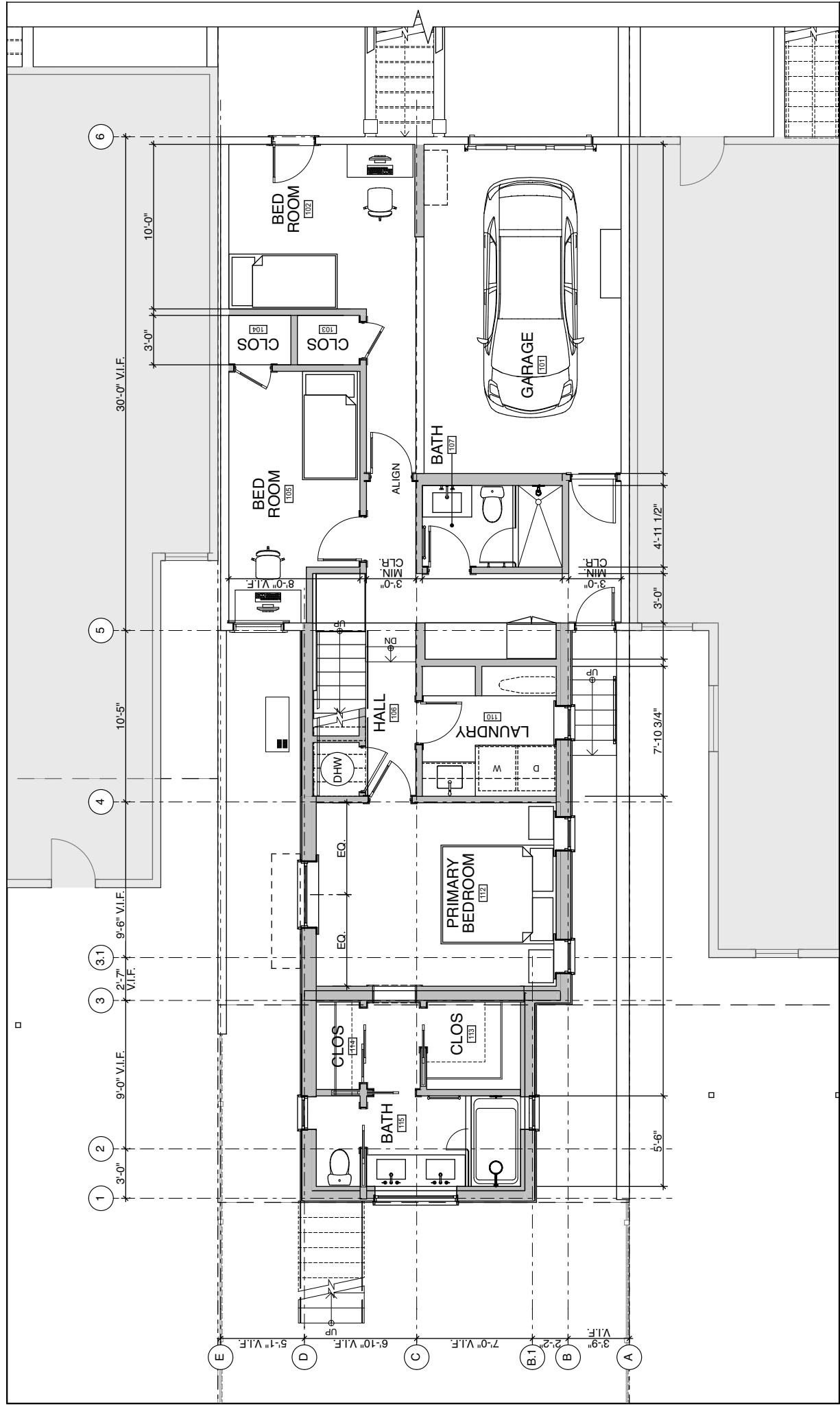


**LAFFAN-
MARCUS
RESIDENCE**

808 DOUGLASS STREET
SAN FRANCISCO, CA 94114

3 OF 10
DATE 5/27/21
SCALE 1/8" = 1'-0"
**EXISTING FIRST
FLOOR PLAN**





4 OF 10

DATE 5/27/21

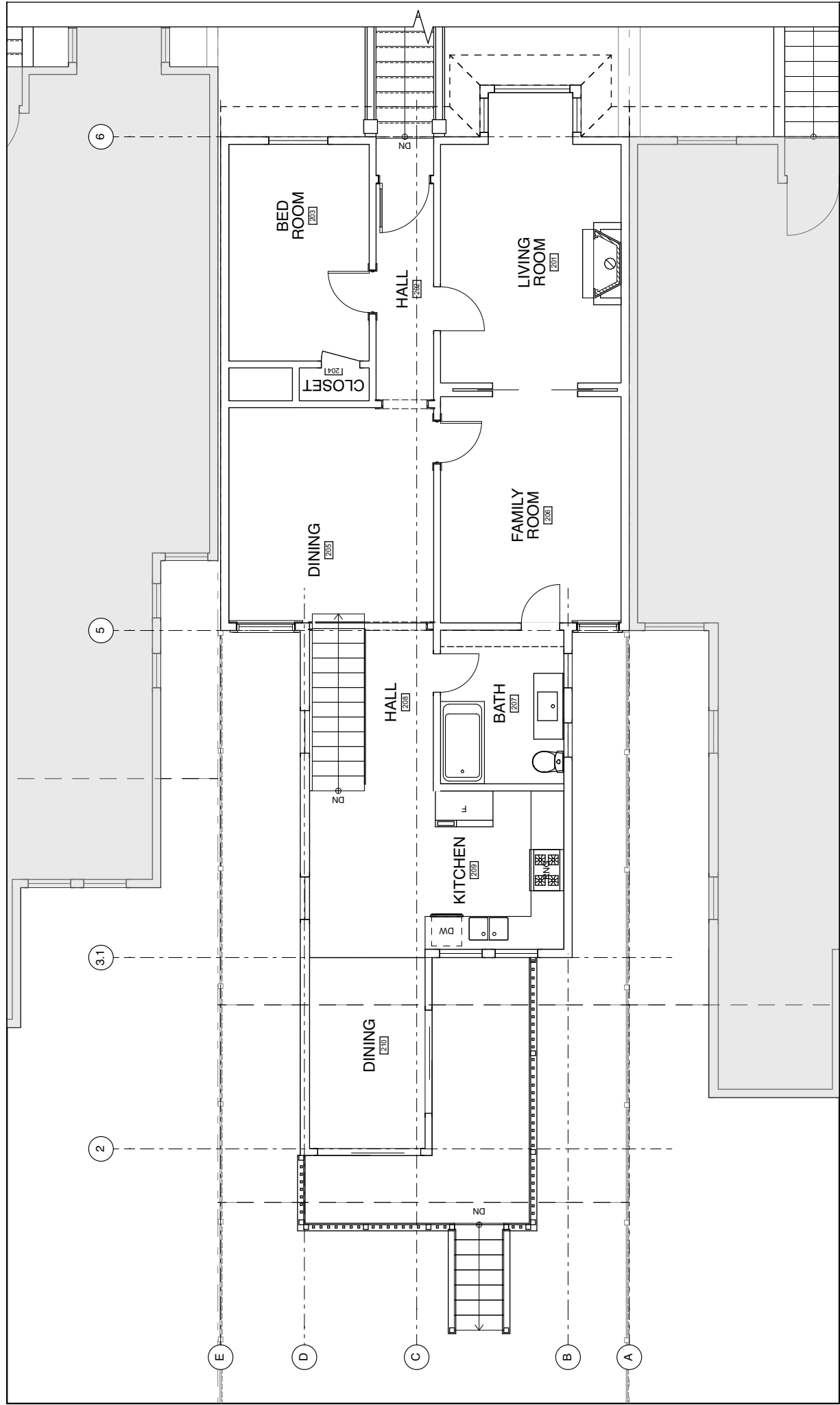
SCALE 1/8" = 1'-0"

PROPOSED FIRST FLOOR PLAN

LAFFAN-MARCUS RESIDENCE

808 DOUGLASS STREET
SAN FRANCISCO, CA 94114





5 OF 10

DATE 5/27/21

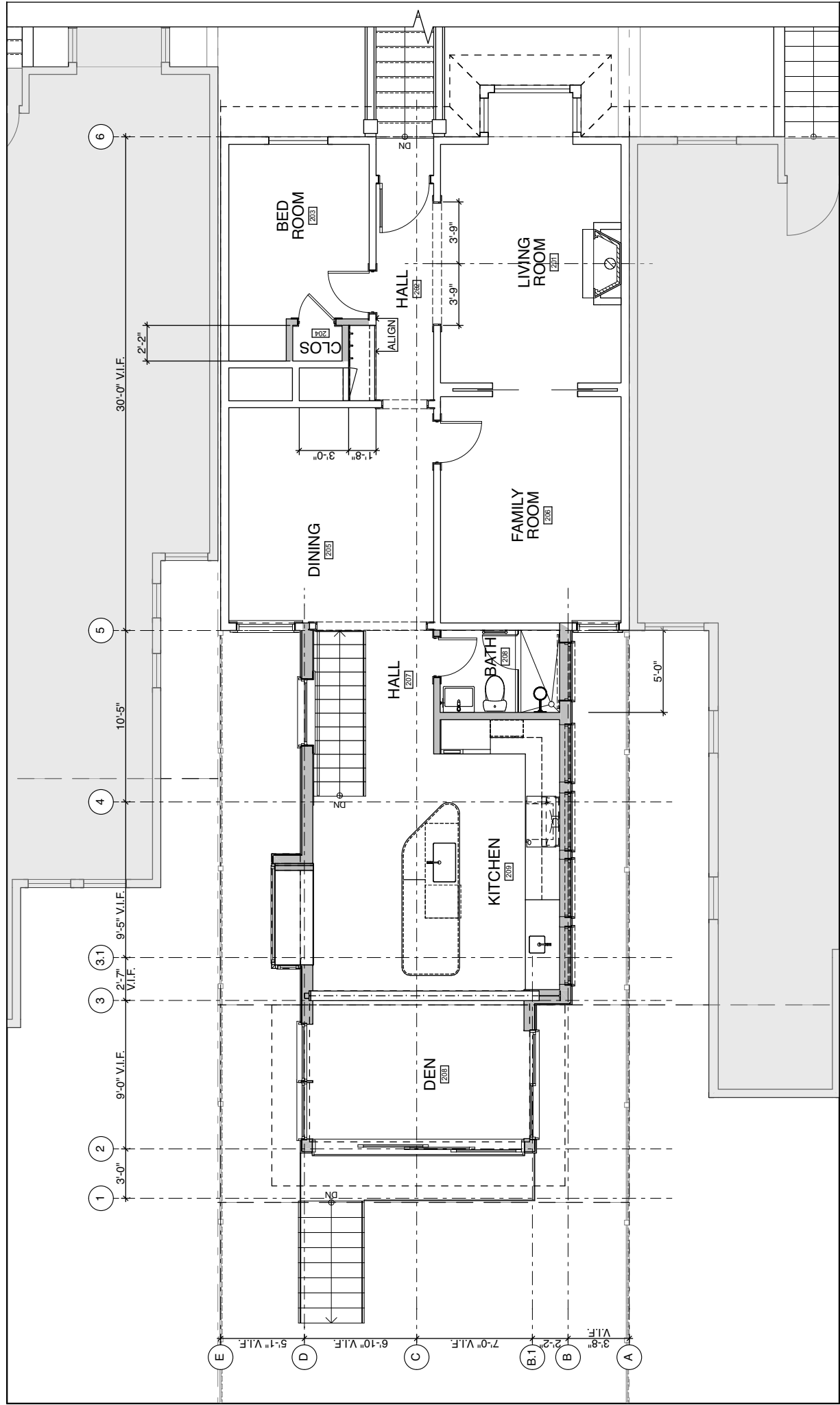
SCALE 1/8" = 1'-0"

EXISTING SECOND FLOOR PLAN

LAFFAN-MARCUS RESIDENCE

808 DOUGLASS STREET
SAN FRANCISCO, CA 94114





6 OF 10

DATE 5/27/21

SCALE 1/8" = 1'-0"

PROPOSED SECOND FLOOR PLAN

**LAFFAN-
MARCUS
RESIDENCE**

808 DOUGLASS STREET
SAN FRANCISCO, CA 94114





EXISTING EAST ELEVATION



PROPOSED EAST ELEVATION

NEW DOOR LEAF
W/ GLAZING



1 ARKANSAS STREET D2 SAN FRANCISCO CA 94107

LAFFAN-MARCUS RESIDENCE

808 DOUGLASS STREET
SAN FRANCISCO, CA 94114

7 OF 10

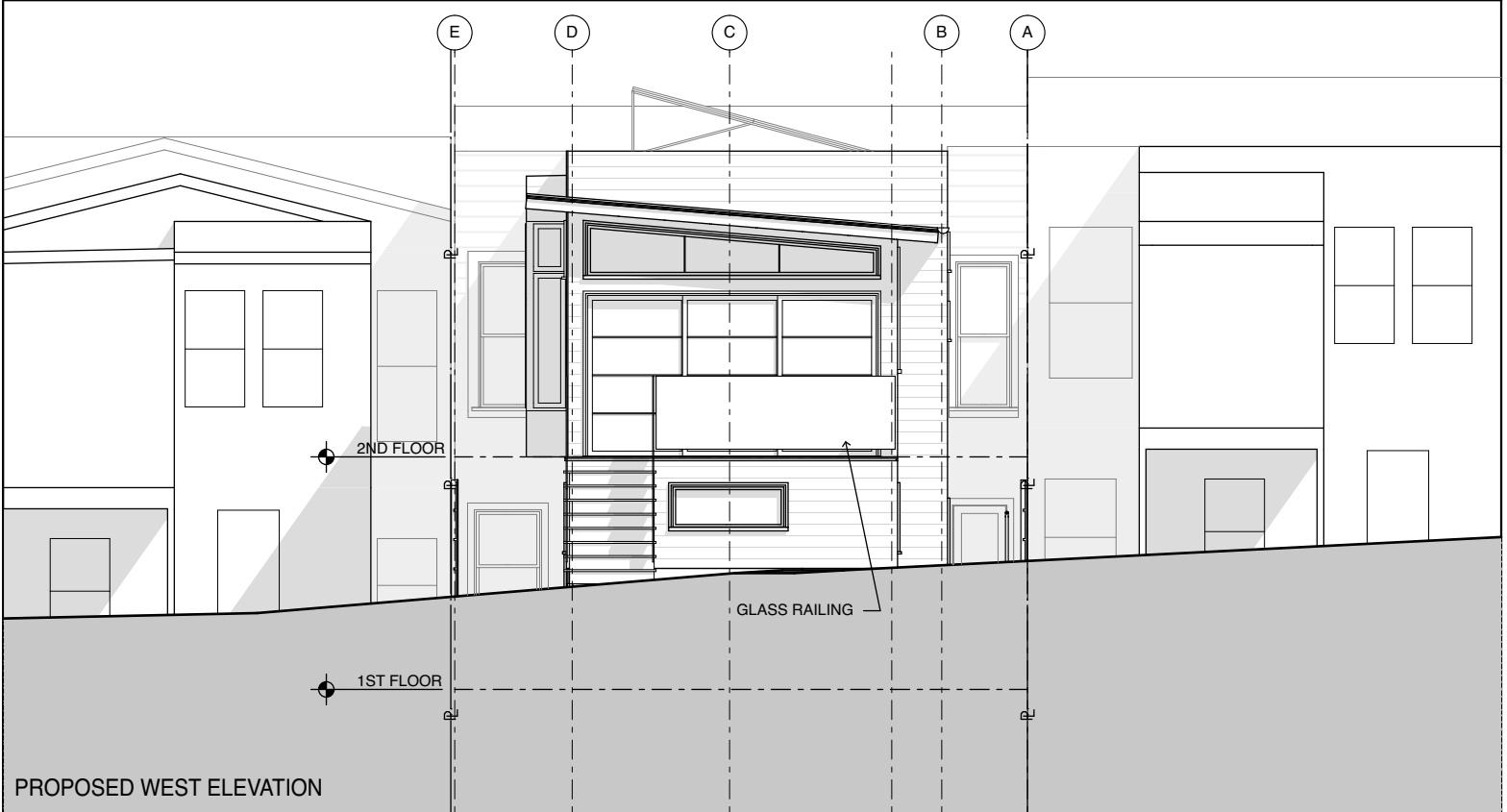
DATE 5/27/21

SCALE 1/8" = 1'-0"

EAST ELEVATIONS



EXISTING WEST ELEVATION



PROPOSED WEST ELEVATION



1 ARKANSAS STREET D2 SAN FRANCISCO CA 94107

LAFFAN-MARCUS RESIDENCE

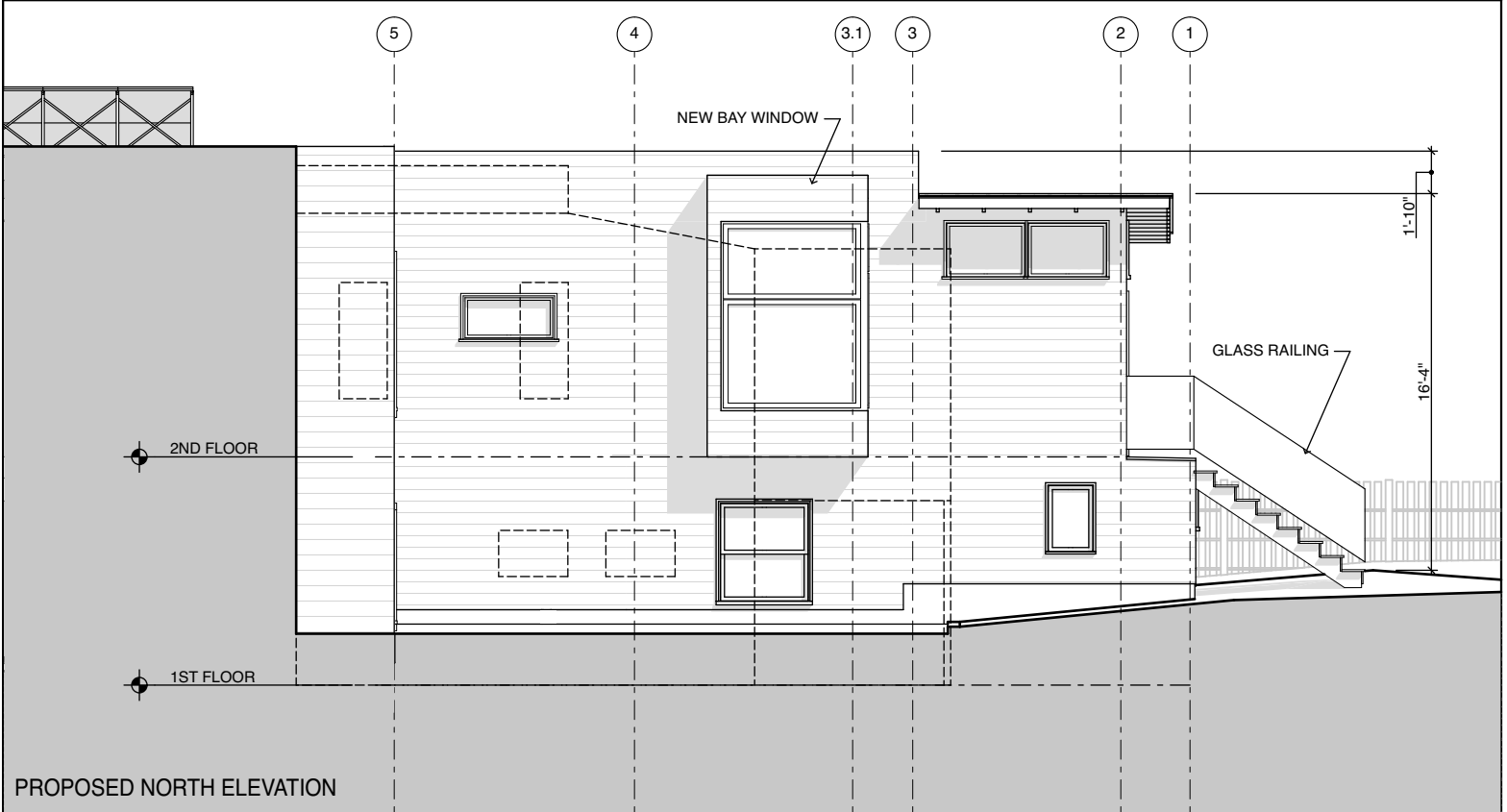
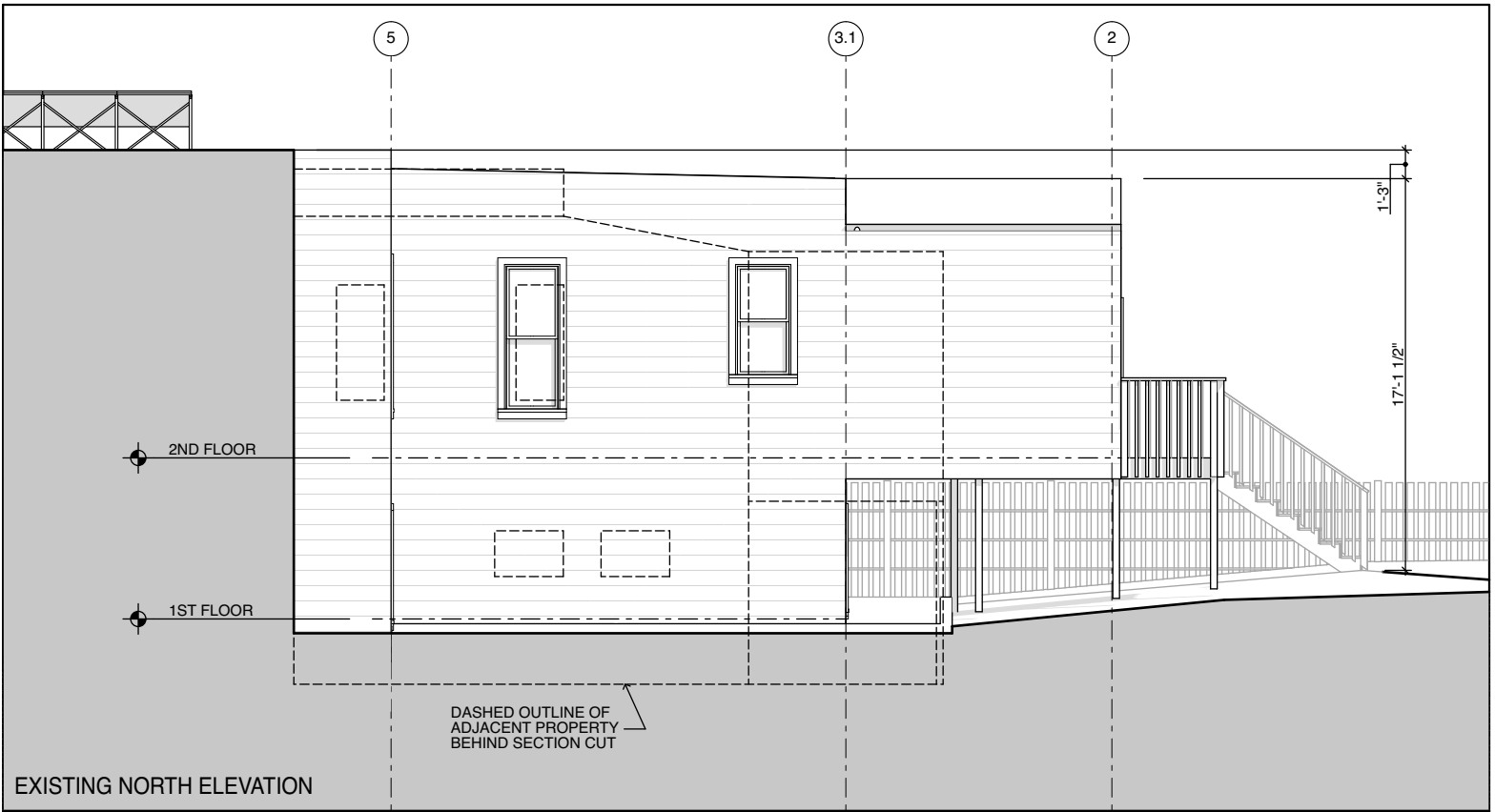
808 DOUGLASS STREET
SAN FRANCISCO, CA 94114

8 OF 10

DATE 5/27/21

SCALE 1/8" = 1'-0"

WEST ELEVATIONS



CHAR DAUER

1 ARKANSAS STREET D2 SAN FRANCISCO CA 94107

**LAFFAN-MARCUS
RESIDENCE**

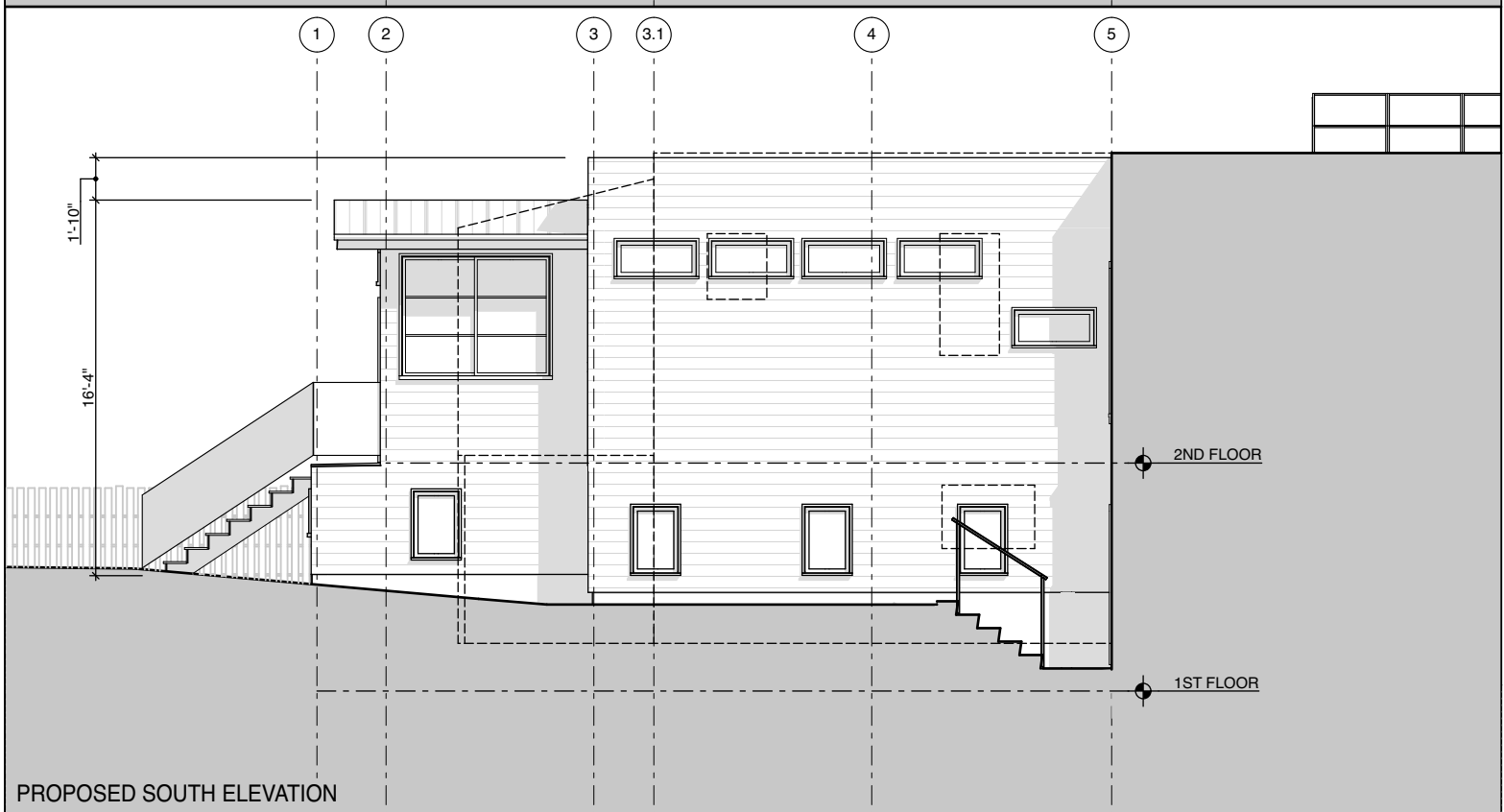
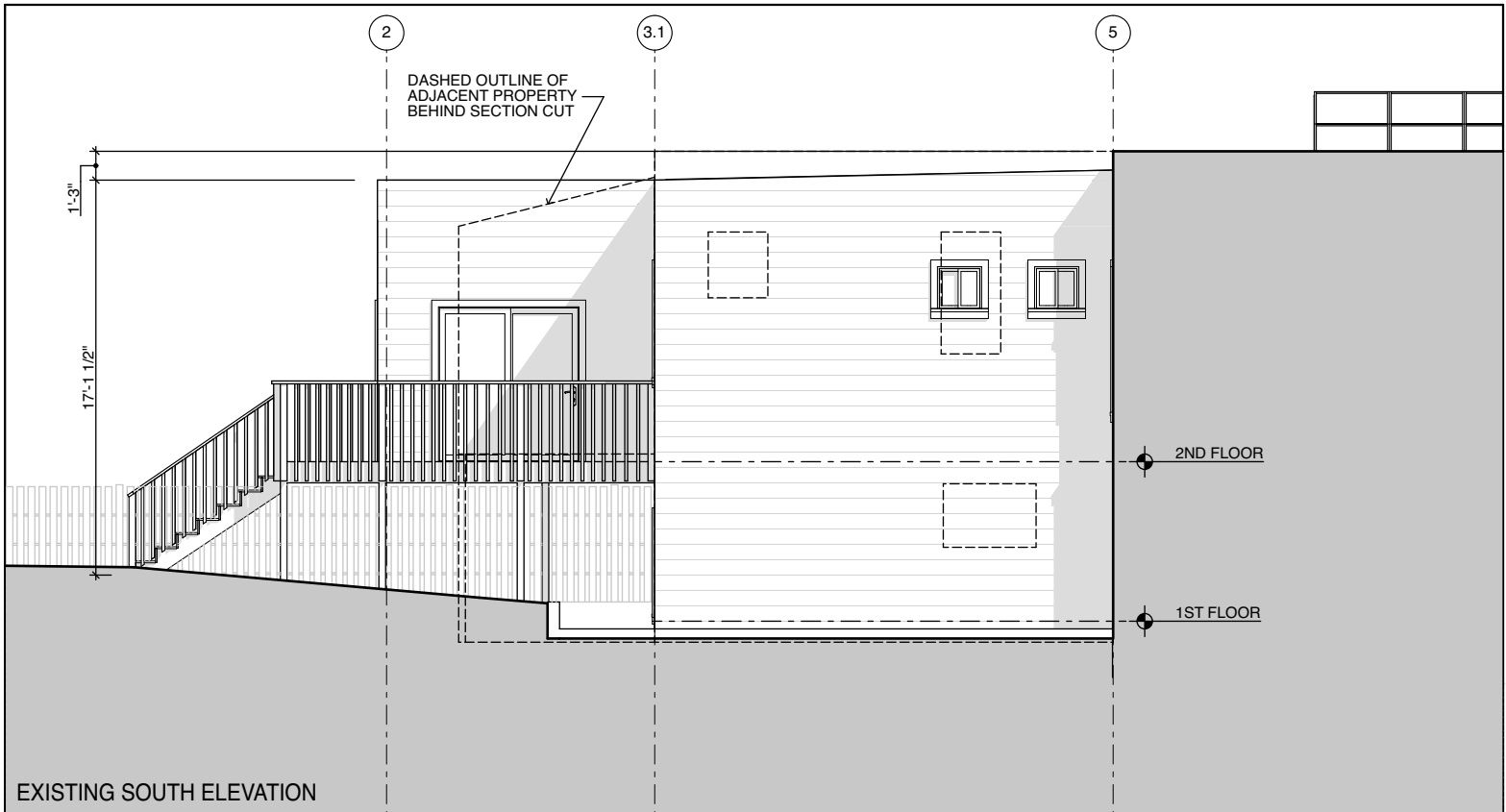
808 DOUGLASS STREET
SAN FRANCISCO, CA 94114

9 OF 10

DATE 5/27/21

SCALE 1/8" = 1'-0"

NORTH ELEVATIONS



CHAR DAUER

1 ARKANSAS STREET D2 SAN FRANCISCO CA 94107

**LAFFAN-MARCUS
RESIDENCE**

808 DOUGLASS STREET
SAN FRANCISCO, CA 94114

	10 OF 10
DATE	5/27/21
SCALE	1/8" = 1'-0"

SOUTH ELEVATIONS

06.28.21**Supervisor Mandelman’s LARGE RESIDENCE DEVELOPMENT LEGISLATION, SFBOS FILE #210116:****AN INITIATIVE TO REGULATE HOME SIZE**

In recent years, we have seen several attempts by both the Planning Department and the Board of Supervisors to place a city-wide, universal limit on the size of an individual housing unit in San Francisco; in every case that limit is well below the typical home size in many parts of the city and includes many spaces within a unit that are neither occupied nor habitable. These legislative initiatives aim to maintain a predominance of small units in formerly working-class neighborhoods under the misguided belief that such controls will depress home prices and create affordability where it no longer exists.

In this context, Supervisor Rafael Mandelman has proposed legislation that would create a new section of the Planning Code, Section 319, that would require a Conditional Use Authorization (CUA) for any single-family home, or any multi-unit, residential construction in an RH district resulting in any unit exceeding 2,500 GSF, regardless of the number of units proposed on the site. It also seeks to “protect and enhance the neighborhood character”, regulating aesthetics, as if the Planning Department did not already follow a rigorous and time-consuming review of existing conditions, historical significance, and neighborhood context. As written, this legislation discriminates against those with larger families or households, often those of more modest means and people of color. Current Planning regulations control the size of residential buildings by form-based criteria defining the allowable building envelope, such as setbacks, rear yards, and height requirements, which are further limited by the Residential Design Guidelines; this legislation substantially reduces what is allowed even further.

The proposed Section 319, increases the risk, cost, and time burden for residential expansions and the construction of new units in these districts, without improving the supply of affordable housing. We are recommending some changes that may bring this policy more into the realm of city-wide urban planning and away from the kind of lot-by-lot legislation that slows development and increases the cost of building housing units in RH districts. We need to be streamlining permitting, not adding additional process. The delays and costs of Planning’s existing policies continue to drive families from the City, when we already have the lowest percentage of families with kids of any major US city.

IF THIS LEGISLATION IS TO MOVE FORWARD, THE FOLLOWING REVISIONS ARE NEEDED:

- 1. Raise the size of units allowed in RH zoning districts before triggering CUA from 2,500 GSF (gross square feet) as the trigger for CUA for any unit in an RH district.**

This is simply too small for many households, especially because the sum of uninhabitable space—such as ground floor and attic space, parking in other than basements, and outdoor exit stairs --can easily reach 1,000 sf, reducing the living space to 1,500 sf or less in many cases. Such a small unit excludes multi-generational households and many families with children. A February 7th article in the *New York Times* about ADU's states that by 2016, the number of adults in the US living on the same property with parents or grandparents had reached close to its 1950 peak. While the ADU is a great option for many, it does not work as a fix for all large or extended families or households. These units are expensive to build and are not allowed to be interconnected with the primary unit.

1. Change the definition of area used in calculations to exclude the square footage of unoccupied ground floor and attic spaces, exterior walls, parking, and mechanical rooms.

The use of Gross Square Feet (GSF) as a measure of a unit's size is not in keeping with people's perceptions, and Assessor's Office and real estate practices and includes many areas not typically counted. In addition, when exterior walls and mechanical spaces are included, a project sponsor is penalized for energy efficient measures resulting in thickened walls and large mechanical spaces.

2. Allow units to expand without CUA on a sliding scale proportional to their current size:

- Eliminate expansion limits resulting in units equal to or less than 3,000 sf .
- Allow 50% expansion of units between 3,001 – 3,500 sf
- Allow 25% expansion between 3,501 – 4,000 sf
- Allow 15% expansion between 4,001 – 4,500 sf
- Allow 10% between 4,501 sf and over

3. Do not include in the calculation of allowable % increases “all development performed on the lot within the last 10 years” before these restrictions even existed.

The unit is now what size it is, that should be the starting point. The legislation punishes people for additions that were completed prior to this legislation even being contemplated.

4. Do not include in the regulations and criteria for Findings for a CUA criteria that are already regulated by Planning in existing regulations and processes:

It is a waste of the Commission's time and energy, and Project Sponsors' financial resources and time to revisit their determination. We need to be streamlining reviews.

- Remove from CUA considerations “whether the development proposes to remove more than 50% of the existing front façade”. Demolition in Section 317, the Historic Preservation review process, and the Residential Design Guidelines already regulate the front façade.
- Review of historic buildings is already covered by the Historic Preservation Commission for declared Landmarks and Districts, and by CEQA for Historic Resources and Districts.

- Regulations to “protect and enhance the neighborhood character” are already enshrined in the Residential Design Guidelines.

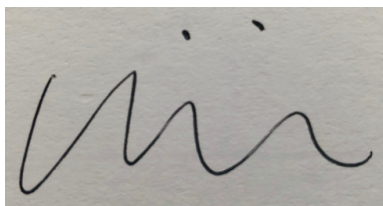
5. Grandfathering: Change the applicability of the ordinance to instances where a complete Development Application is submitted after *the effective date of the legislation* rather than the date legislation was introduced (February 2, 2021).

There is no rational argument for holding citizens responsible for following laws that have not gone into effect, and which few will know are even being considered. Realistically, for all but the very wealthy, it means all design and permit review of development that might trigger CUA would rationally need to stop until the final passage or failure to pass of the legislation occurs.

Let us speak the truth about affordability.

Finally, it is time to let go of the myth that small is affordable. The cost of construction, in dollars per square foot, is more expensive the smaller the unit. A family with a \$500,000 budget for housing cannot buy a market-rate apartment or house in San Francisco under any circumstances, because units are selling for upwards of \$800/sf and construction costs are upwards of \$500/sf, not including the cost of land, permit fees, architectural and engineering fees, nor the cost of holding the property for two years and living somewhere else while permits are processed, plus another year for construction. So even a brand-new apartment built cheaply will be marketed at \$800 - \$1000/sf, making the available unit between 500sf and 625sf, clearly not suitable for a household larger than two intimate partners.

Respectfully submitted,



Vivian Dwyer AIA, Chair, SF AIA Public Policy & Advocacy Committee



Karin Payson AIA, Co-Chair, SF AIA Public Policy & Advocacy Committee

What Does the Present Look Like in San Francisco?

In his canonical text *De architectura*, the oldest surviving treatise on architecture in western culture, the Roman architect Vitruvius declares that successful architecture must combine three essential qualities: “firmness, commodity, and delight.” This essay is a short musing on how we might rediscover **delight** as a foundational aspect of architectural practice – even within the fraught political climate of building in San Francisco.

People have always held passionate opinions regarding where delight comes from in architecture. Historically, this term has referenced the *aesthetic* aspect of architecture, in opposition to structural and safety concerns (firmness) and physical comfort and functionality (commodity). So really delight is about beauty, and what architecture *looks like*, rather than how it performs technically.

Currently in San Francisco there is a hot debate regarding density and size. This commentary is deliberately not about this issue. Instead, it is about style and appropriateness at a more basic level. Should we allow new buildings that express our present moment in San Francisco? If so, what should they look like? In theory, the aesthetic answers should be similar regardless of the size of the project. But as we will quickly see, this is a rather slippery topic. There are different ideas of what constitutes beauty.

BEAUTY = CONFORMITY WITH THE REAL CONTEXT

Much of the Planning code presumes a very simple moral code: what exists is good; what does not exist is most likely going to be bad, certainly worse than what already exists. So, if something new must happen, the smaller the better! This morality results in an intense privileging of conformity as the fundamental metric by which to evaluate any proposal. To what extent does the proposed project conform with its context? The more it conforms, the better the project.

In this context, all San Francisco architects know that the easiest path to approval is to essentially try to hide the project. This typically involves a combination of trying to make the project appear small (less disruption) and also blandly contextual. Such conformity starts at massing and typically extends to materiality and even specific detailing. This logic is embodied in the design guidelines where different historical styles are listed, along with rules for conforming to context. Ideally, the new project will simply reinforce what already exists, to create the least emotional or intellectual disturbance possible for the public.

BEAUTY = CONFORMITY TO A FANTASY PROJECTION

Within this system, it is often conceptually possible to design an original project by strategically combining selected contextual elements which point towards a more contemporary approach. For instance, there are plenty of projects sprinkled throughout San Francisco from the 1970s, a period which is enjoying a nuanced reconsideration in architectural connoisseurship worldwide – and could provide rich terrain for such contextuality. However, this is a time-period which is deemed undesirable and not worthy as a reference.

Here we hit a central paradox of the Planning process. As previously noted, the design guidelines privilege that which exists. But some of this context is **more appropriate** than others. This bit of sophistry allows the Planner (or Planning Commissioner or Supervisor) to cherry pick the parts of the context she prefers. The preferred elements are deemed contributing and the rest is simply ignored. So,

in general, architecture should not look new because the new does not yet exist; but in the off-chance there is some element of the existing situation which shares elements with the (proposed) new project, that bit of context can simply be wished away as non-contributing.

This mechanism is crucial to unpack as it allows for various invisible and unaccountable players to project highly personal preferences onto the existing morphology of our city, and push it into certain ideological directions even further than would otherwise be possible. Architects daily encounter highly personal fantasies (of Planners, of Planning Commissioners, of Supervisors) of a City which only exists in their imaginations. Not only are these imaginary cities impervious to the needs and reality of our current moment, they are also untouched by San Francisco's actual highly specific history. The parts of history people don't like are simply wished away in favor of a highly personal narrative. Sound familiar?

WHY FEAR PHYSICAL CHANGE, BUT NOT SOCIAL CHANGE?

Where does the impulse towards extreme conservatism relative to the built environment come from? Does a fear of change in the built environment relate to a fear of societal change? One which triggers dark reactionary forces like we recently witnessed with the attempted insurrection? It seems to me that the impulse to stop change comes from a similar place of exclusion – a deep nostalgia for the good old days predicated on highly specific power structures.

San Francisco is famous for its liberal attitude politically and socially. Economically and socially, the Bay Area has historically driven been driven by an embrace of the new. Contemporary San Francisco embraces new, experimental ways of living. And for better or worse it is certainly actively questioning the wisdom of past generations on fraught issues such as social justice, gender equality, mental health, and wealth distribution. I would be quite surprised to hear any Supervisor mandate that citizens adopt the moral values of a typical San Franciscan living in, say, 1908. This inconsistency when we look at their attitude towards the built environment creates a self-contradiction.

My sense is that the suppression of physical change allows people to act out personal repressive impulses without having to state these motives out loud. A disingenuously proffered reverence for history is commonly used as cover for this repression. Ironically, the built environment seems to be the only space where such reverence for the distant past guides political action in our City. Why would a City so dedicated to liberality in so many other ways not be fine with some amount of adventurous architecture? Why not support architecture which tries to redefine what might be, rather than reworking what was?

IS ARCHITECTURE AN ART?

It would be absurd to argue that all the best books have already been written. Equally comic would be a textbook describing the rules contemporary painting must follow. Worse yet, imagine a world in which new films are forbidden – where the proscribed limit of originality is a remake with a new cast. If we accept that architecture has an aesthetic component, then limiting the discipline to the repetition of existing aesthetic solutions makes no sense.

Accepting that architecture even has an aesthetic component is of course a fraught topic. One might make the argument that a work of art may be interesting or even confrontational, but the distribution mediums are such that we are all free to choose which books to read, which films to see, etc. Architecture is a public art, and viewing architecture is not voluntary. Of course, as it is built and ages it

become part of reality, part of the context. But certainly, an original project may initially disturb its context by not smoothly blending in with that context (real or imagined).

Is such disturbance inherently bad? Or good? Making space for originality, for architecture *which authentically speaks to our time* is the central issue here. Currently, we have a lowest common denominator approach which levels everything to the extent possible into a dull mush of contextuality. Success is no noticeable change. But in a vibrant, contemporary City, we might imagine some buildings which take aesthetic risks. These might not always be successful, but we could imagine a different system which would at least allow for the possibility of success.

Although our current political experiments may not all turn out perfectly, San Francisco is at least trying to look to the future and be at the forefront of history. How can we possibly meet the challenges of the future that architecture desperately need to confront, like climate change and the incorporation of new technology if we are literally living in an ersatz 19th and early 20th century world?

THE CONTEMPORARY

What aspect of contemporary architecture troubles people? Do most San Franciscans really know what contemporary architecture is? In my experience, the local conception of what constitutes contemporary architecture has very little to do with what is actually happening worldwide. We are witnessing a massive change in building technology and possibilities for how buildings are designed and built. There are entirely new possibilities for how architecture can address urgent societal needs, one of which is the need for expression relevant for our time. Many of the world's great cities famously manage to successfully reconcile their historical fabric with contemporary architecture. Think of London, Paris, Copenhagen, Tokyo, Vienna, Beijing to name just a few. These are cities with incredible historical architecture. But they also understand that history is a continuum, and that we must balance the needs of our time with our relationship to the past. The great irony in all this is of course that historical architecture was once contemporary architecture.

Traditional San Francisco is not some sort of great architectural masterpiece. Rather, it is a kind of scruffy assembly of buildings of varying degrees of quality. There is a hysterical myth about the historical importance of every old building in San Francisco. Does this myth really bear scrutiny? Certainly, we should protect selected examples and architecturally significant fabric from past eras. But as discussed, the current emphasis on protection and matching as core values can and should be reconsidered. As an international city, San Francisco deserves better buildings at every scale, of every program – buildings which represent who we are right now and where we are going, rather than clinging to nostalgia for a simpler past. Our present age is messy and complicated, but potentially optimistic too. Our buildings should be allowed to be optimistic about the future, with San Francisco leading the way.

Luke Ogrydziak
Principal, OPA

PPAC CASE STUDIES

NEW CONSTRUCTION

Examples of SFR's that are >2,500 GSF and <5,000 GSF (per current Planning Code definition - excluding garage) that "fit in" and didn't require CUA's



22 Moore Place - Aerial View

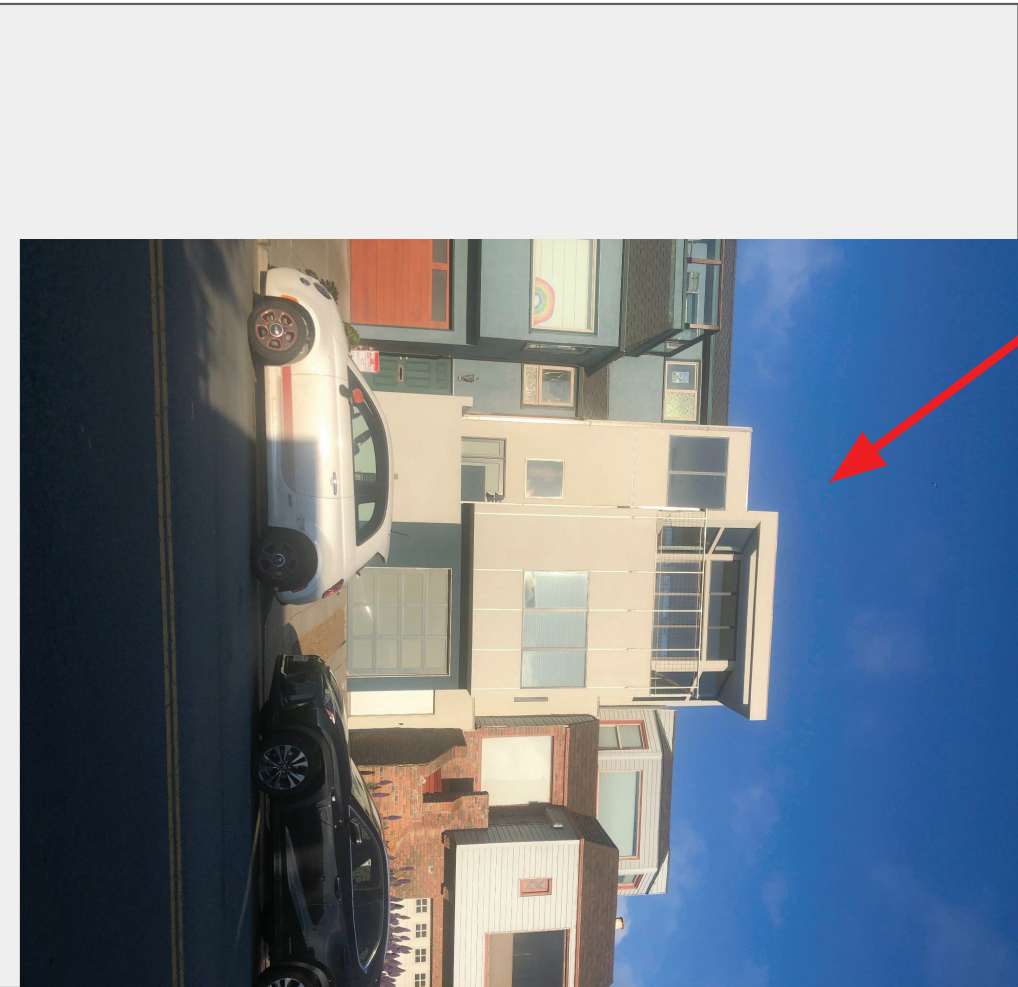


Street View

Gross Square Feet = 2,850
Occupied Floor Area = 2,345
Source: MacCracken Architects



?? Great Hwy. Aerial View

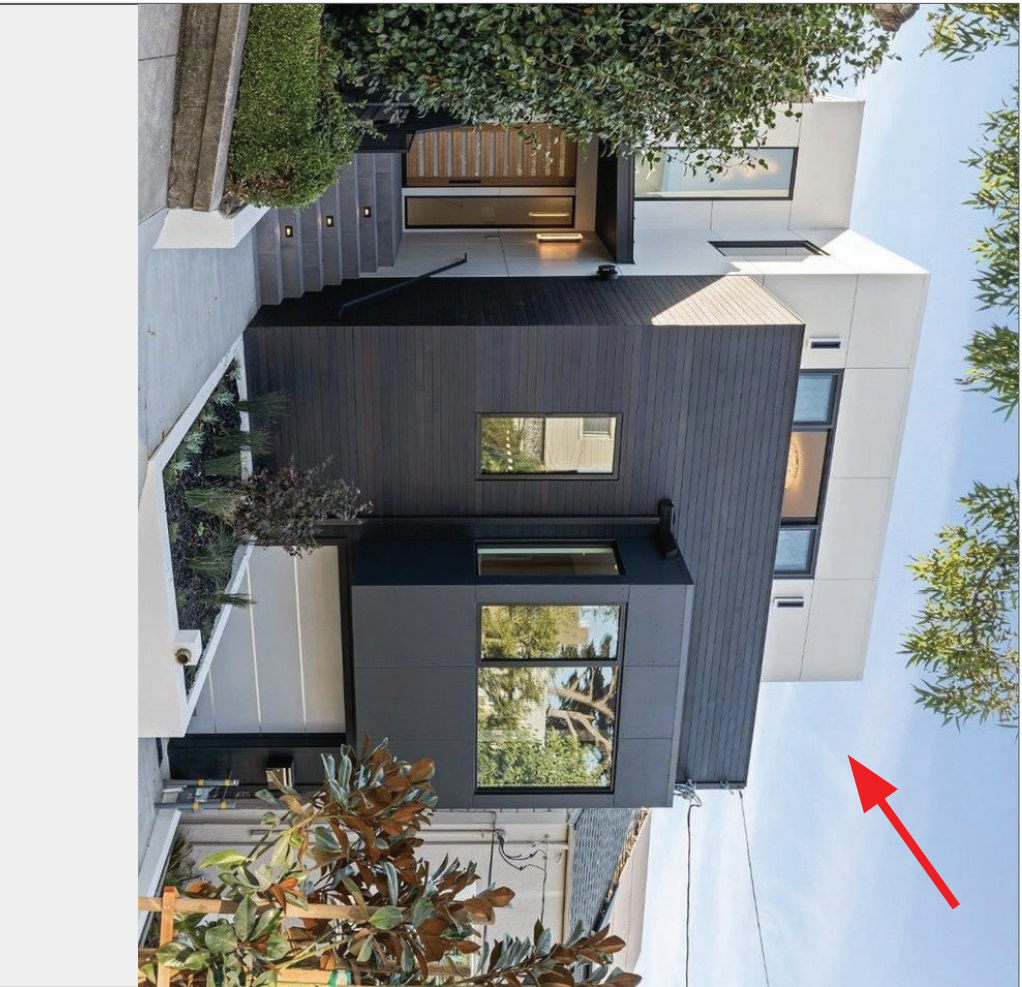


Street View

Gross Square Feet = 2354
Occupied Floor Area = 2250
Source: Levy Art & Architecture



368 Diamond St. Aerial View



Street View

Gross Square Feet = 4,411
Occupied Floor Area = 3,949
Source: Zack DeVito Architecture



147 Laidley St. Aerial View



Street View

Gross Square Feet = 3,806
Occupied Floor Area = 3,256
Source: Zack DeVito Architecture

PPAC CASE STUDIES

RENOVATION/ADDITIONS

Examples of Existing SFR's <2,500 GSF where additions would exceed max 50% SF increase and would require CUA



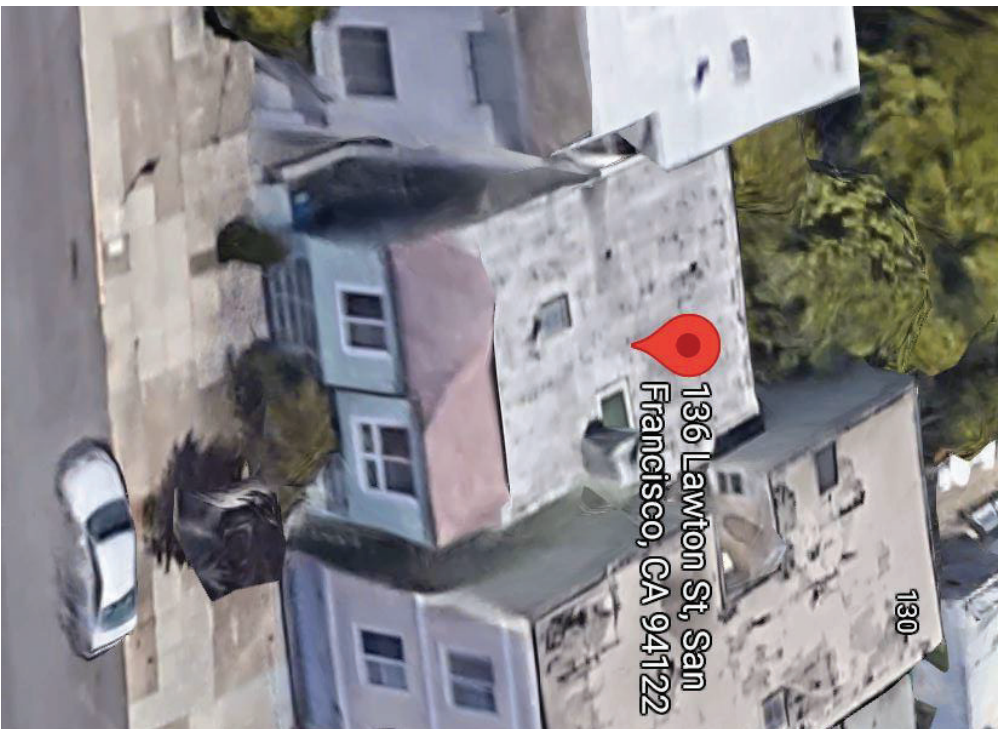
412 Lombard Aerial View



Street View

<p>EXISTING HOUSE Gross/Occupied Square Feet = 1,812</p>	<p>NEW HOUSE Gross Square Feet = 2,888 Occupied Floor Area = 2,288 (added 1,076)</p>
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Source: OPA

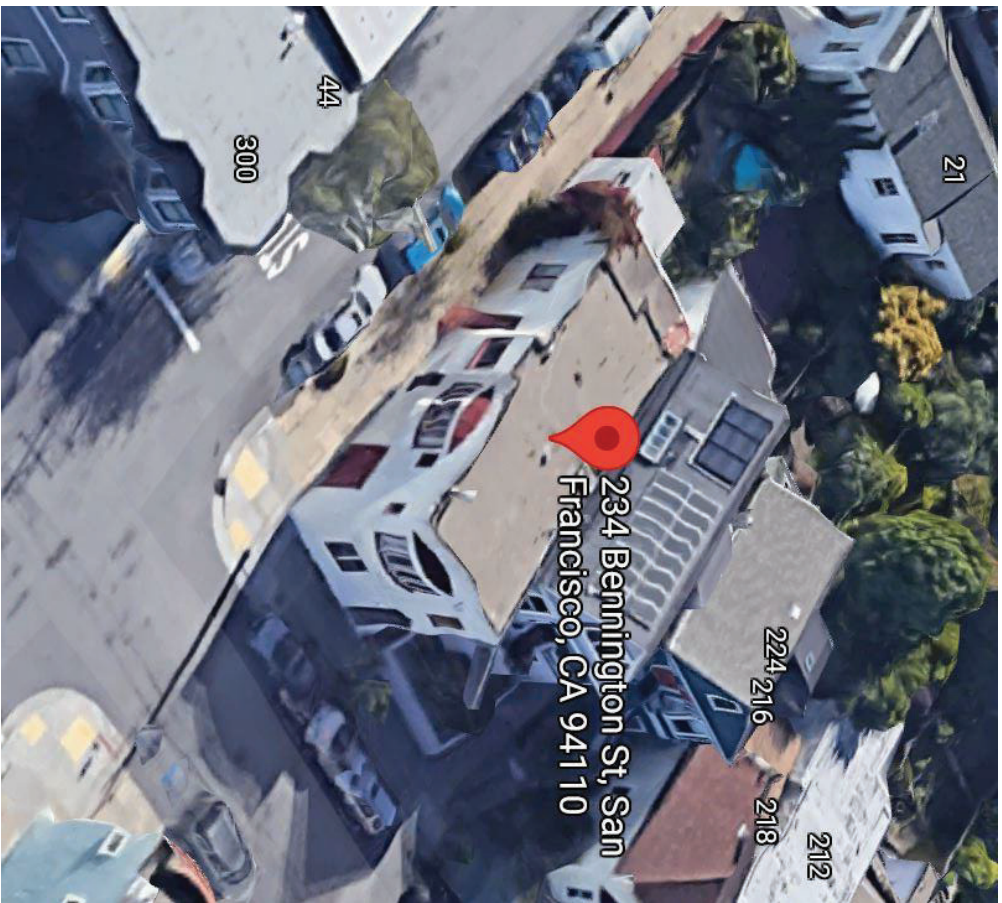


136 Lawton St. Aerial View

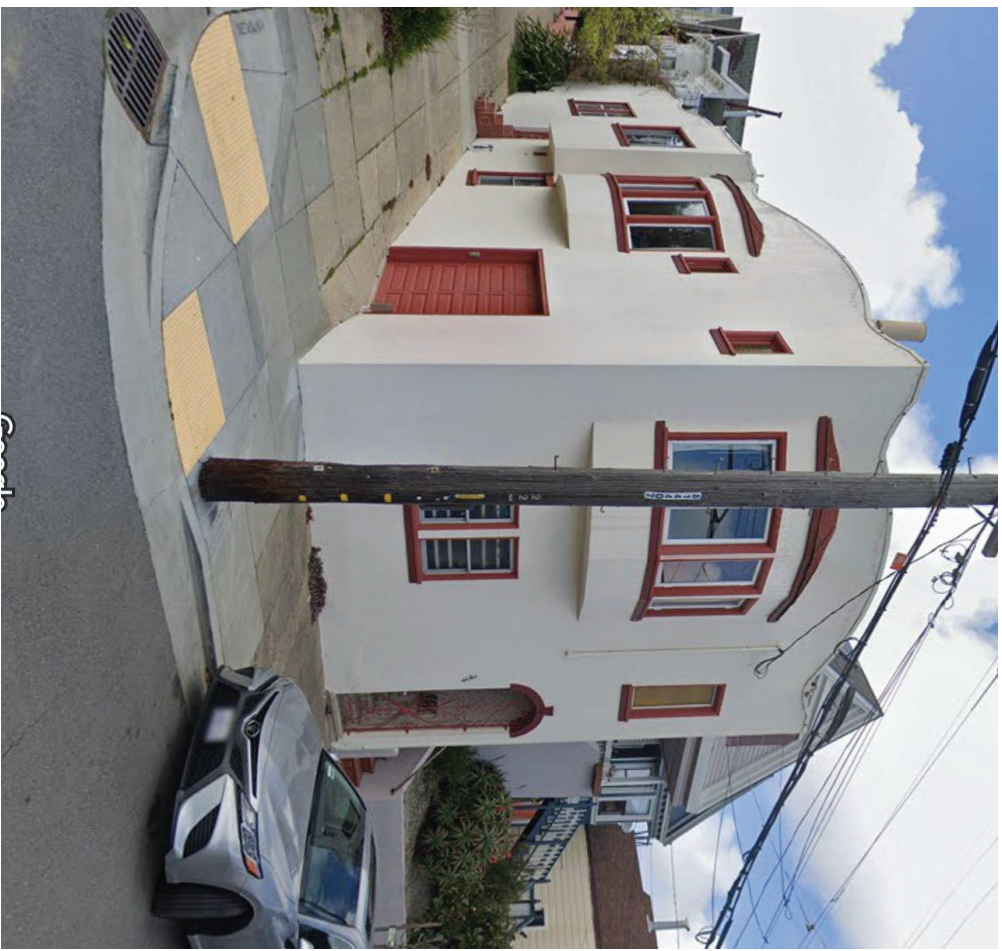


Street View

Original Gross Square Feet = 1,003
Addition = 998
Final Gross Square Feet = 2,390
Source: AT6 Design

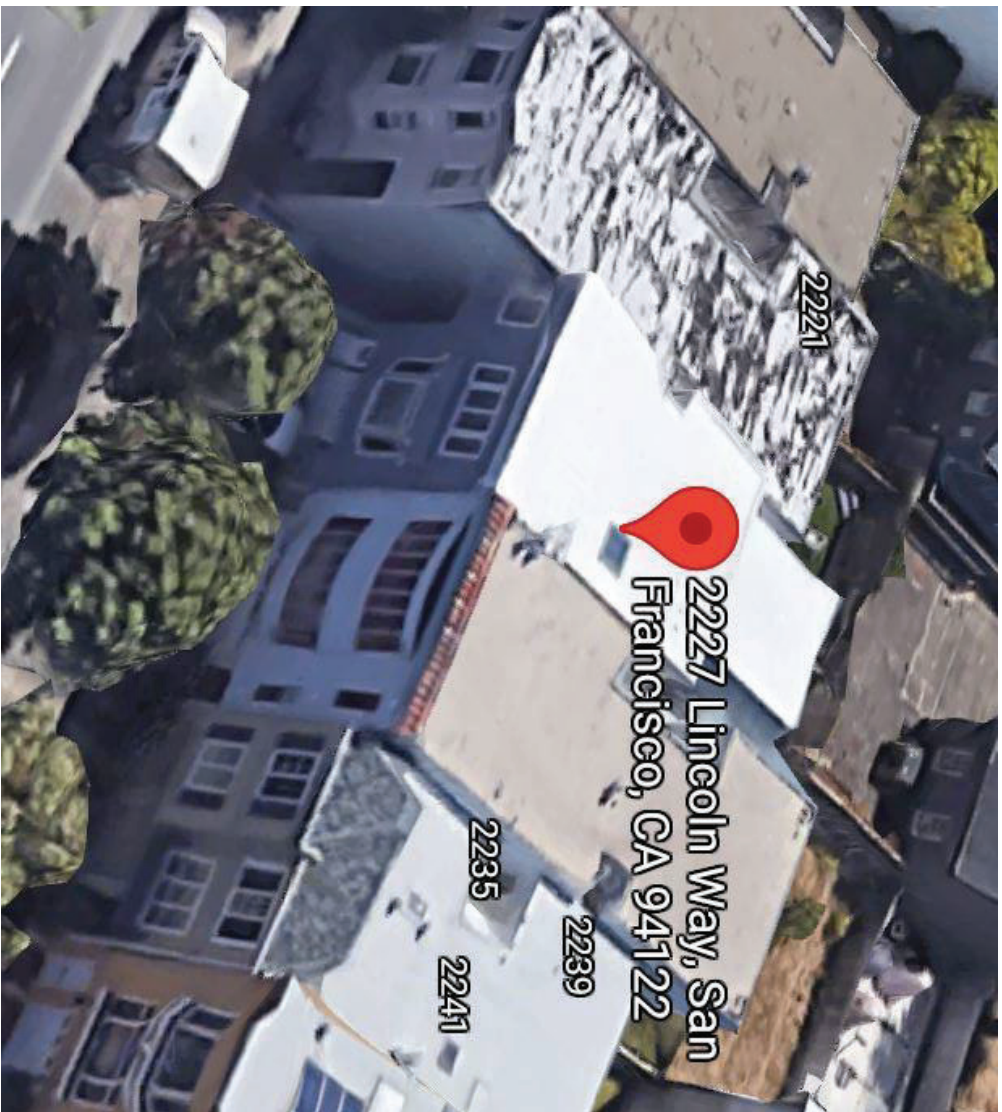


234 Bennington St. Aerial View

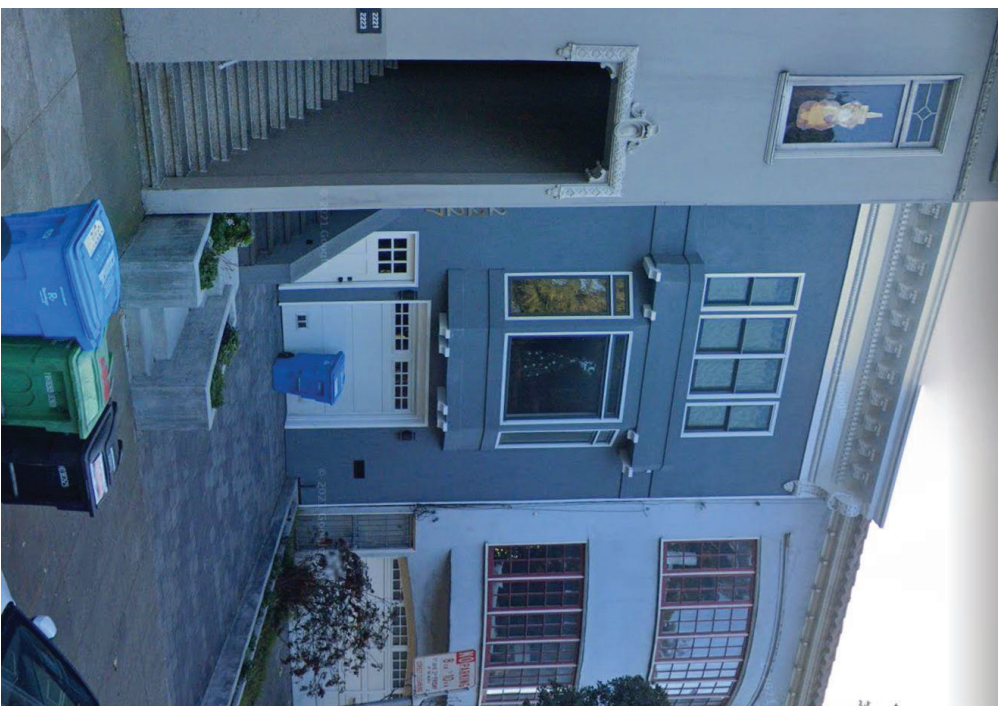


Street View

Original Gross Square Feet = 1,455
Addition = 1,161
Final Gross Square Feet = 2,616
Source: AT6 Design

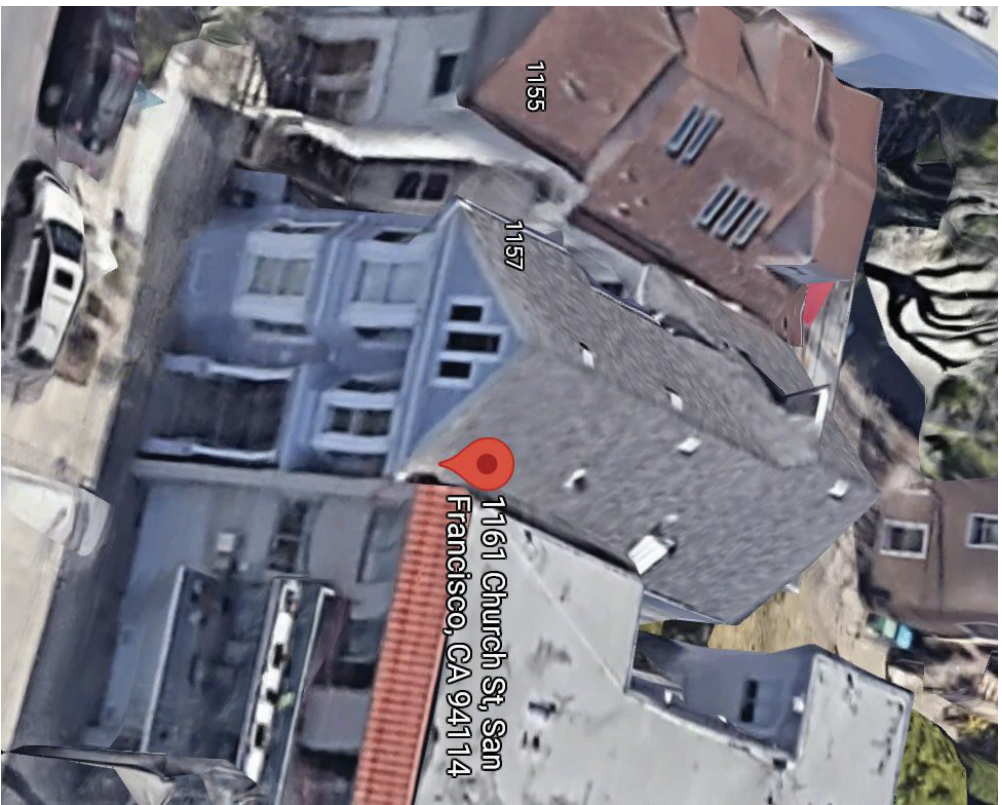


2227 Lincoln Way Aerial View

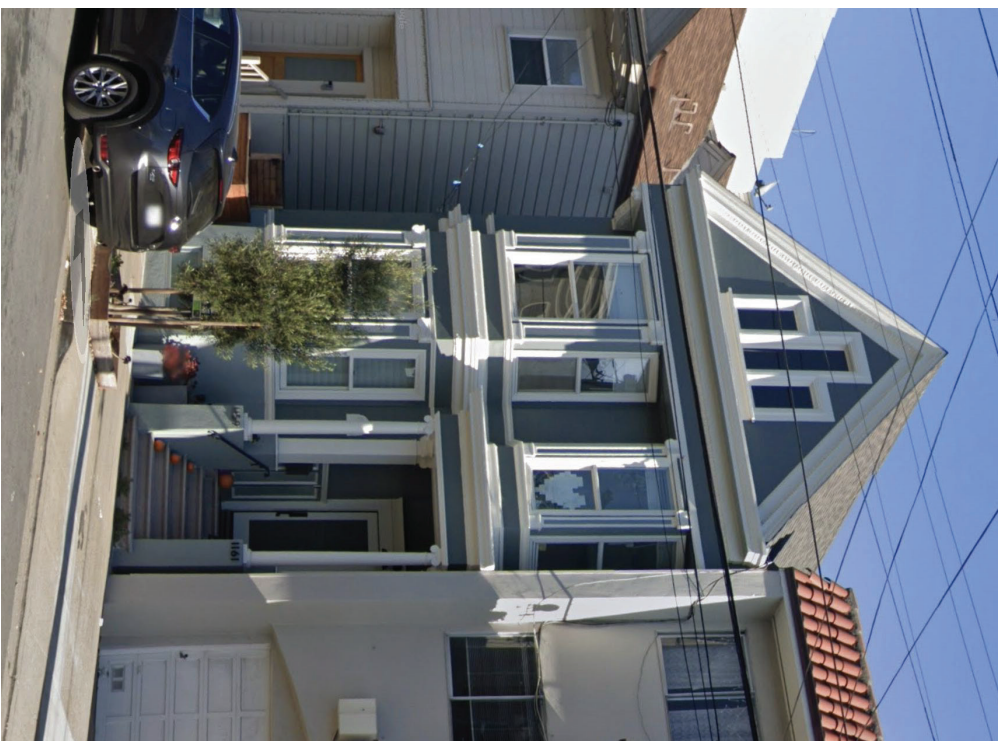


Street View

Original Gross Square Feet = 2,000
 Addition = 1,175
 Final Gross Square Feet = 3,175
 Source: AT6 Design

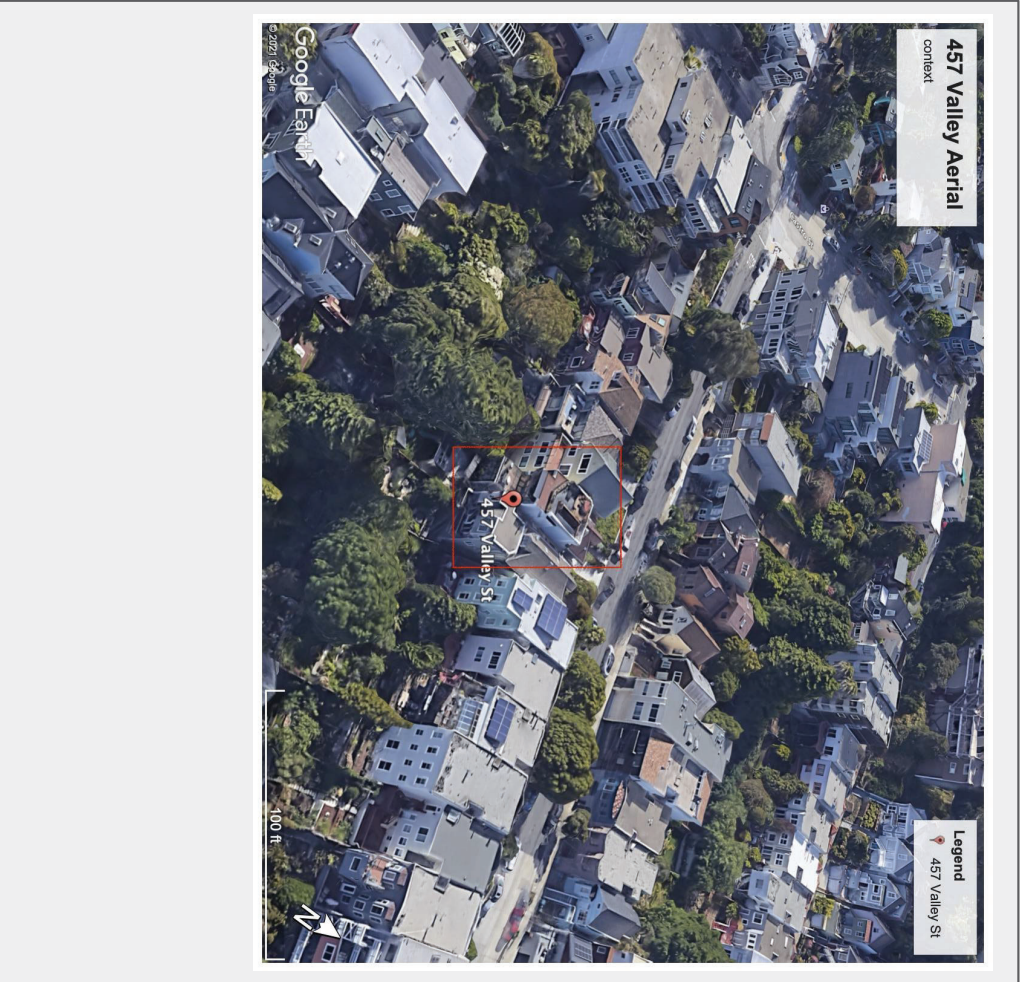


1161 Church St. Aerial View

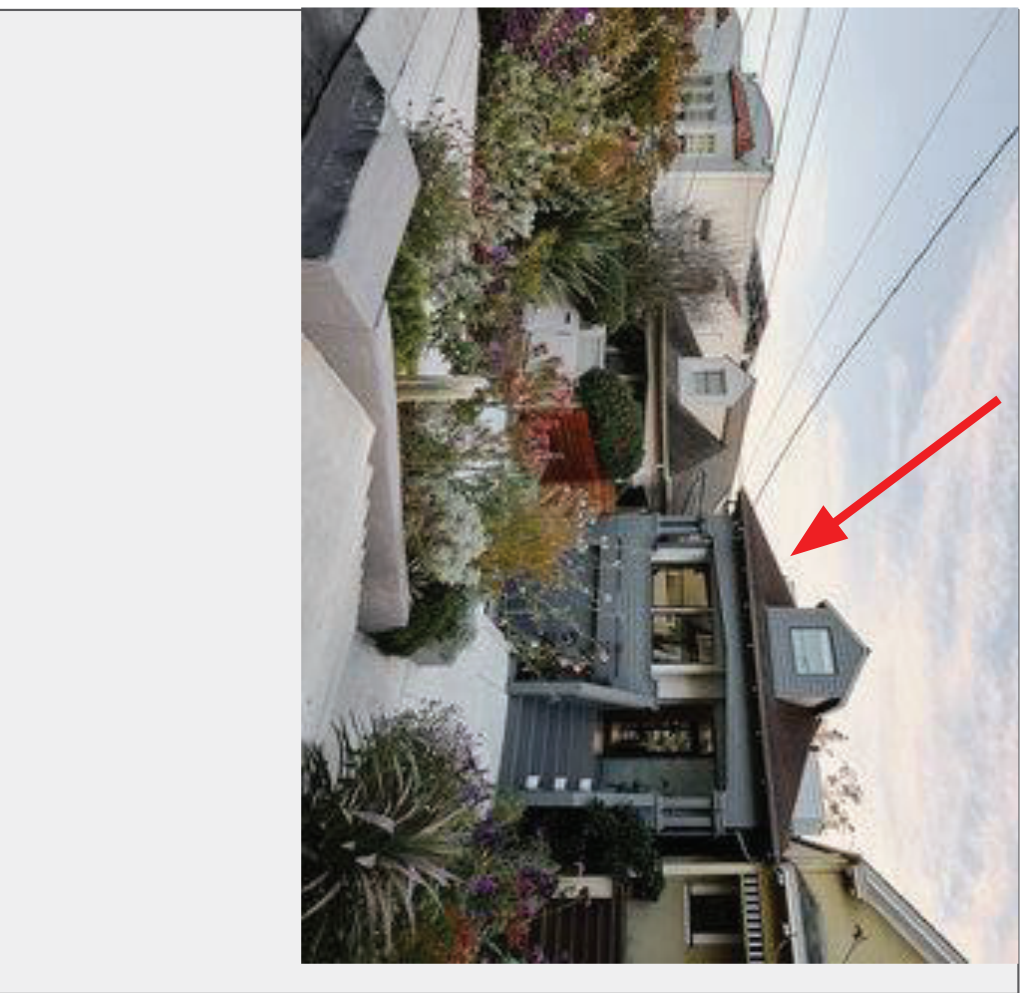


Street View

Original Gross Square Feet = 1,093
Addition = 957
Final Gross Square Feet = 2,050
Source: Weisbach A/D



457 Valley ST. Aerial View

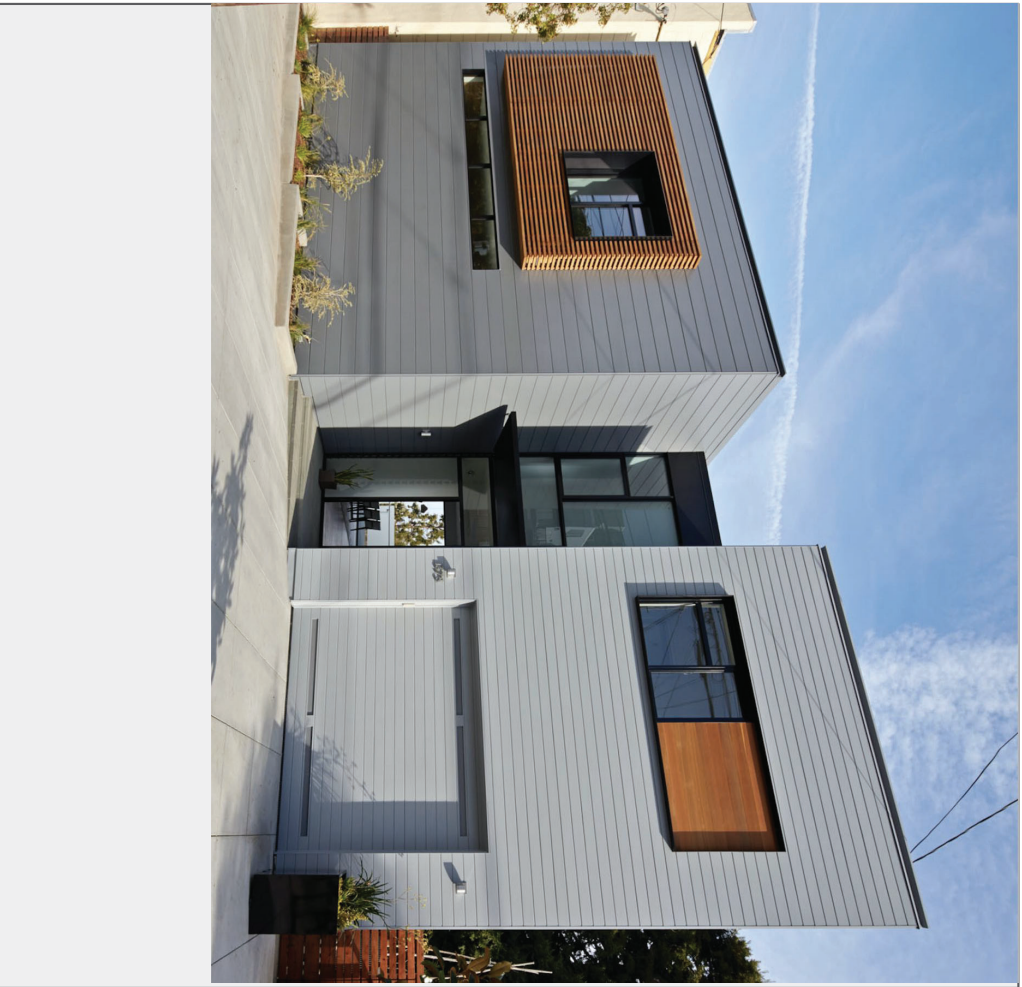


Street View

Gross Square Feet = 2810
Occupied Floor Area = 2650
Source: Levy Art & Architecture



1375 Noe Aerial View



Street View

Original Gross Square Feet = 1,723
Addition = 1,831
Final Gross Square Feet = 3,243
Source: Studio VARA

PPAC CASE STUDIES

RENOVATION/ADDITIONS

Examples of Existing SFR's >2,500 GSF where additions would exceed max 10% SF increase and would require CUA



2826 Broderick Aerial View



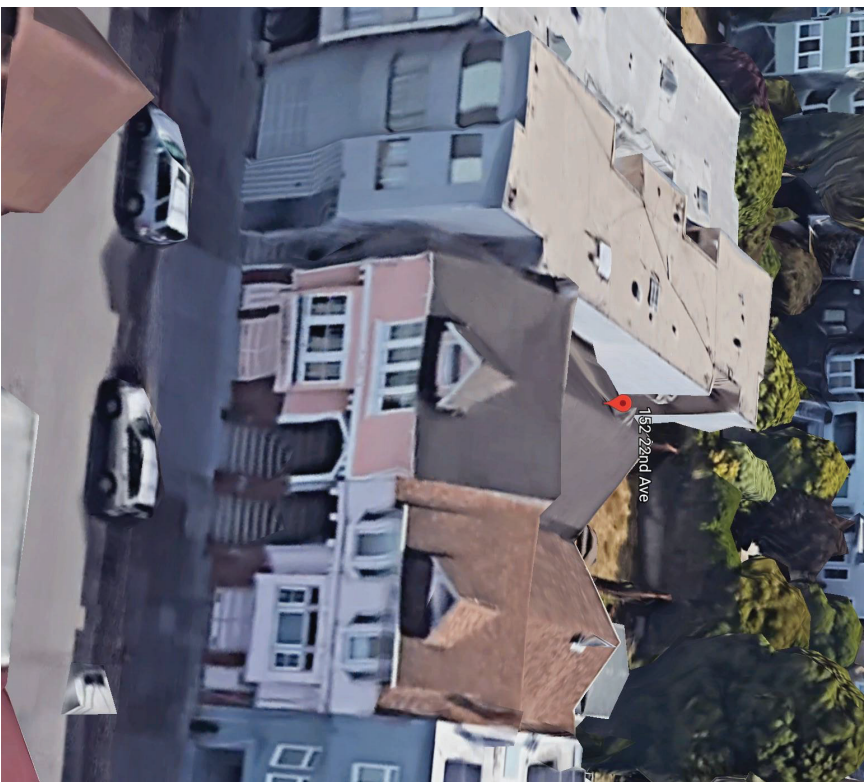
EXISTING HOUSE
 Gross Square Feet = 3,324
 Occupied Floor Area = 2,472

NEW HOUSE
 Gross Square Feet = 3,796
 Occupied Floor Area = 2,944

Top floor addition

Street View

Source: OPA



152 22nd Ave Aerial View



EXISTING HOUSE
 Gross Square Feet = 3,124
 Occupied Floor Area = 2,203

NEW HOUSE
 Gross Square Feet = 4,145
 Occupied Floor Area = 3,224
 (1,021 FEET ADDED)

Rear yard addition----no changes visible to street.
 Adjacent neighbor on north extends full lot depth.

Street View



760 Dolores Aerial View



Street View

Original Gross Square Feet = 3,041
 Final Gross Square Feet = 4,090
 Occupied Floor Area = 2818
 Source: Studio VARA



581 Waller Aerial View

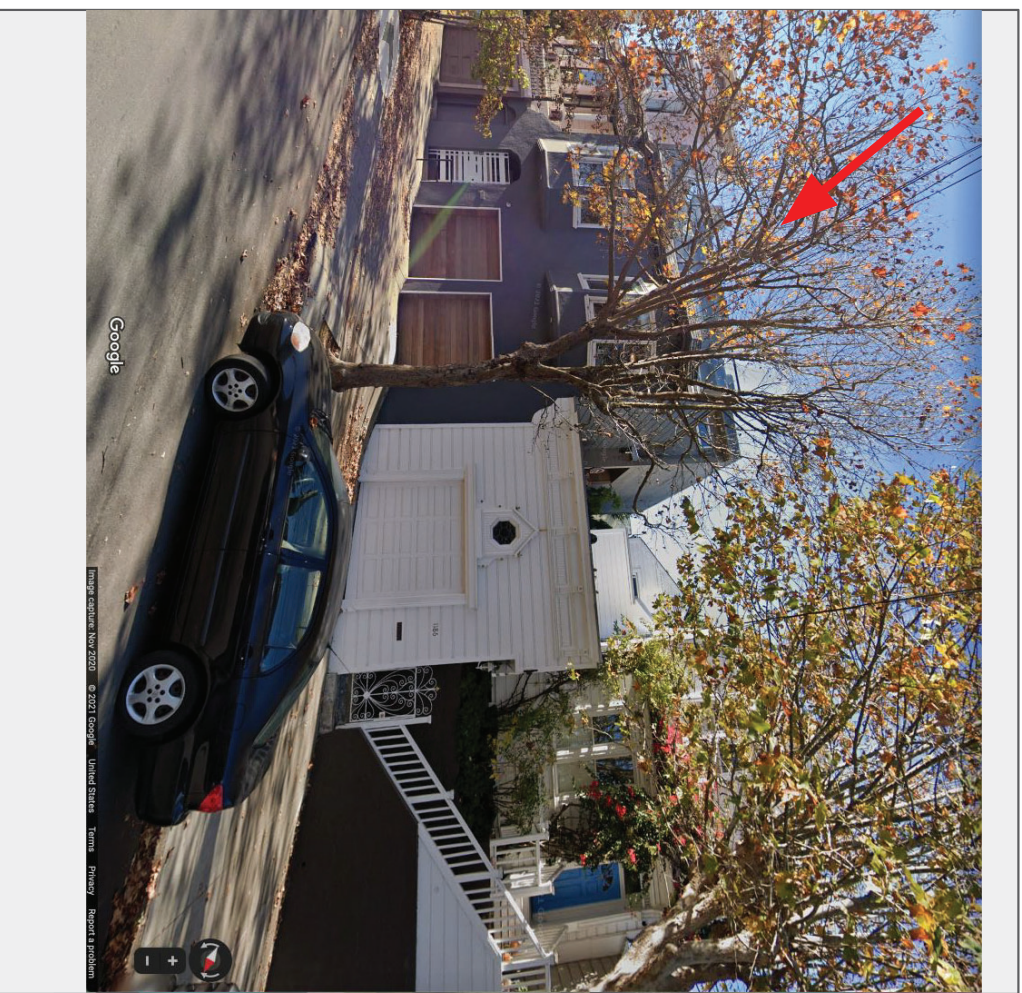


Street View

Original Gross Square Feet = 3,449
Addition = 350
Final Gross Square Feet = 3,799
Source: Hart Wright Architects



1188 Noe Street Aerial View

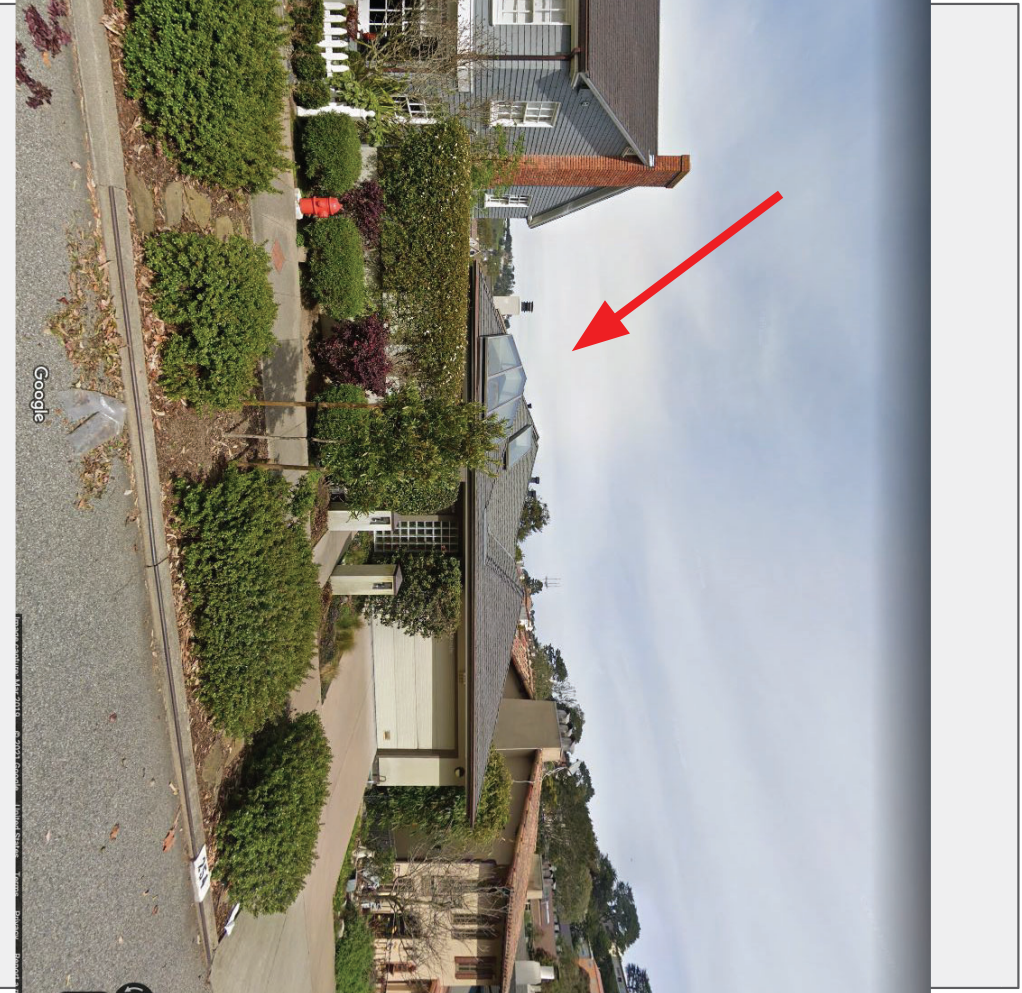


Street View

Gross Square Feet = 3,994
 Occupied Floor Area = 2,973
 Source: Kairn Payson architecture + design

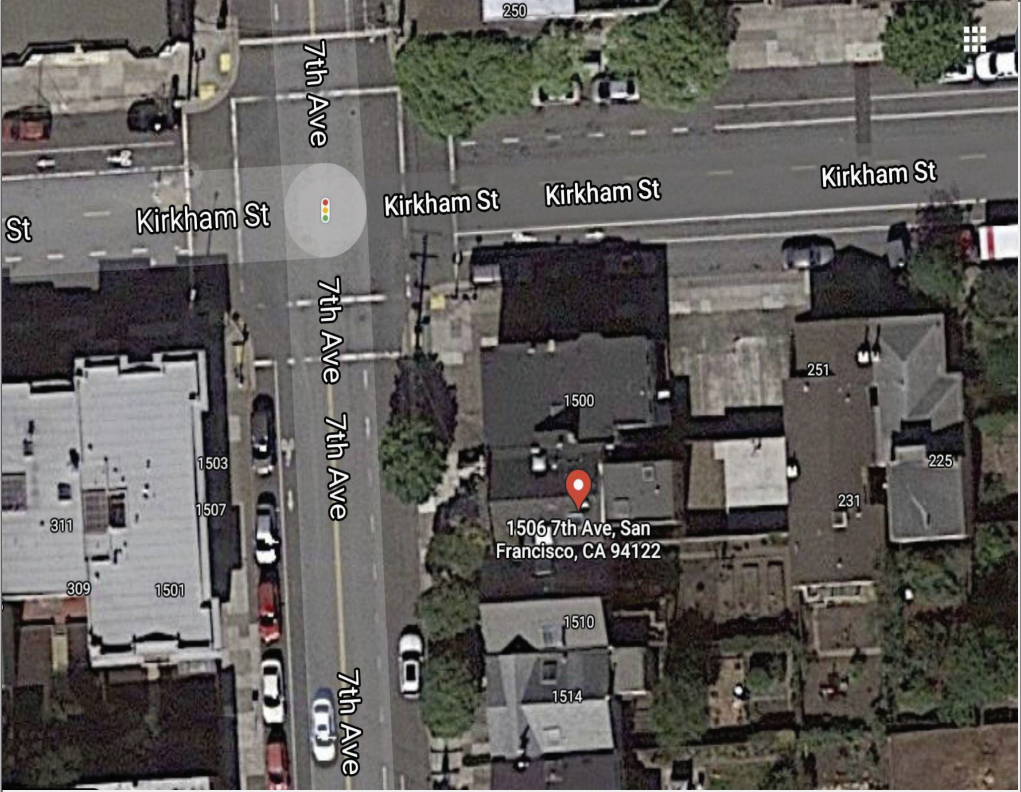


254 Santa Paula Ave. Aerial View



Street View

Gross Square Feet = 5,637
Occupied Floor Area = 4,152
Source: Kaim Payson architecture + design



1506 7th Ave. Aerial View



Street View

Gross Square Foot 3,635
Occupied Square Foot 3,247
Source: Red Dot Studio



June 24th, 2021

Dear Supervisor Mandelman,

Thank you for the opportunity to comment on your Large Residence Development Legislation. We appreciate your thoughtful attention to planning policy and respect the premise of this legislation that in general encourages moderately-sized family homes rather than exceedingly large, out of scale, and expensive single family homes.

We do, however, have some significant concerns about this legislation, including that it (a) does not create smaller and more affordable homes, (b) will add a large number of CUs to the planning process, and (c) is disproportionate to the problem it is trying to solve. To that end, we offer the following recommendations for your consideration.

1. If the intent of the legislation is to ensure that more smaller homes are built, rather than fewer larger homes, we should instead eliminate RH-1 and RH-2 zoning.

San Francisco's current RH-1 and RH-2 zoning encourages the creation of large homes because that is all that is allowed under those zoning categories, even with the ADU legislation that allows one additional small unit. If the purpose of the legislation is to not create large homes, then the elimination of RH-1 and RH-2 zoning - coupled with the allowance of duplexes, triplexes, quadplexes, and sixplexes - instead will create more homes of more modest size. This is in keeping with your proposal to allow four unit buildings on corner lots and near transit, which we strongly support.

2. Eliminate the provision that requires CUs for projects creating units over 2,500 square feet.

We are concerned that this provision will require the Planning Department to spend countless hours reviewing home additions. San Francisco already has one of the most complex planning codes in the entire country. Planning Code Section 317 requires a CU for the demolition of any dwelling unit and Section 311 permits discretionary review of any project where even a single neighbor objects. As such, the Planning Commission does not need new tools to consider the replacement structure on sites where existing dwellings, including single family homes, are demolished. Adding additional CUs to the code for additions, even of modest size, will only make matters worse by taking up staff and Commission time that should be spent on efforts that will demonstrably help alleviate our housing crisis. At a minimum, the trigger for the CU should be for new homes or additions that exceed 3,500 square feet (as opposed to 2,500 square feet)

because 3,500 square feet is a home size that can accommodate large families, including multi-generational families.

Other provisions of the Planning Code require 3-bedroom units in most new construction projects for this very reason. Additionally, the square footage trigger should only be calculated on living space, as opposed to gross square footage (which includes garages and storage) as your legislation now provides.

Another way to approach CUs is to allow expansions up to a certain percentage based on the current size of the home, as referenced in the San Francisco American Institute of Architects' letter.

3. Ensure that the proposal is really solving the intended problem.

It would be extremely helpful to have data showing how many projects in the last 5 years have involved the creation of homes larger than 3,500 square feet, as there may be a more targeted measure that could be put in place to discourage truly large and disproportionate homes. If the problem is that the homes are large and unsightly, this issue can be fixed through enforcement of the Residential Design Guidelines and other urban design regulations. If the problem is that the homes are expensive and are only affordable to wealthy individuals, the elimination of RH-1 and RH-2 zoning will address that problem.

Additionally, we strongly support the comments contributed by the SFAIA in their very thoughtful letter that includes references to unoccupied floor space like attics, grandfathering, and calculations of square footage to be based on the current home and not previous remodels. We very much hope the issues raised in this letter and in the SFAIA's correspondence will be addressed in future iterations of this legislation.

Thank you again for considering our comments, and we would be glad to discuss in further detail with you and your team.

Sincerely,

Todd David
HAC

Sarah Karlinsky
SPUR



SchuT <schuttis@bcglobal.net>

To: Merlone, Audrey (CPC)

Wednesday, June 30, 2021 at 2:20 PM

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

EXHIBIT B-4

Dear Audrey,

Thanks for including my email in your report....I really appreciate it.

I have put a screenshot below that is actually the Demo Calcs for 17 Temple....this page is with the project on 21st Street which has no published Demo Calcs....I don't know if you can move this page and put it with the other info about Temple, but I just wanted to clarify that in case anyone was interested.

I think you have done a really good job based on my first reading of a very complicated subject.

Thanks again.

Georgia

B-1 Front & Rear Facades - By Linear Foot			
Element	Existing	Removed	
Front Façade	24 LF	24 LF	
Rear Façade	24 LF	13.75 LF	
Total	48 LF	37.75 LF	
Percent Removed		79%	>50% Non-Confo
B-2 All Exterior Walls - By Linear Foot			
Element	Existing	Removed	
Front Façade	24 LF	24 LF	
Rear Façade	24 LF	13.75 LF	
Right Wall	28.25 LF	0 LF	
Left Wall	28.25 LF	0 LF	
Total	104.5 LF	37.75 LF	
Percent Removed		36%	<65% Conforms
C-1 All Vertical Envelope Elements - By Area			
Element	Existing	Removed	
Front Façade	661 SF	559 SF	
Rear Façade	494 SF	494 SF	
Right Wall	818 SF	129.5 SF	
Left Wall	818 SF	60 SF	
Total	2791 SF	1242.5 SF	
Percent Removed		45%	<50% Conforms
C-2 All Horizontal Elements - By Area			
Element	Existing	Removed	
2nd Floor Place	923 SF	296 SF	
Roof Plate	923 SF	923 SF	
Total	1846 SF	1219 SF	
Percent Removed		66%	>50% Non-Confo

Subject: Comments on PPCA Case Studies attached to Exec Summary for Large Residence Developments (Section 319)
Date: Wednesday, June 30, 2021 at 5:56:41 PM Pacific Daylight Time
From: Thomas Schuttish
To: Merlone, Audrey (CPC)
CC: Bintliff, Jacob (BOS)
Attachments: Screen Shot 2021-06-30 at 4.02.59 PM.pdf, Screen Shot 2021-06-30 at 4.05.24 PM.pdf, Screen Shot 2021-06-30 at 4.32.42 PM.pdf, Screen Shot 2021-06-30 at 4.34.32 PM.pdf, Screen Shot 2021-06-30 at 4.49.24 PM.pdf, Screen Shot 2021-06-30 at 4.50.47 PM.pdf

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Dear Audrey,

I was intrigued by some of the examples sent in by the architects....some of them I am familiar with....and my point here is to illustrate that for at least these three projects shown above (two in Noe Valley, one in Eureka Valley) the larger issue is the Demolition Calculations.

None of the three have published Demo Calcs.

And while the Valley Street project did not have a drastic facade change it was raised a number of feet which suggests 100% horizontal removal per the 2020 Clarifications in the CID.

Two sold for a lot of money (Diamond and Valley) when they returned to the market after the Alteration as you can see by the Sales History....and took many years to return to the market which is often the problem with these extreme Alterations that take advantage of the Calcs.

The one at 1375 Noe Street was not a spec project like the other two....it was one of the first that I saw that seemed to take advantage of Section 317 as you can see from the photo from the Tim Kelley report on SFPIM. It was really nothing more than a little cottage with a peaked roof and jasmine that hung over the street-front fence.

And as I said above these three do not have published Demo Calcs.

As for the other examples that I am familiar with, 147 Laidley was a real Demo...

(However interestingly it is next to 143 Laidley that had a major expansion and is a Campbell and Wong home which might concern the HPC, particularly since I just looked at the PIM as I was writing this to check and see if it had any Demo Calcs and saw it has had a very major Planning Enforcement issue per the SFPIM! [Would this new Section 319 requiring a CUA prevented damage to this design from these Master Architects and the need to abate the violations to this A-rated home?](#))

1161 Church is a flat in a two unit building and 1188 Noe was a major expansion but it was not a spec project.

I just felt a little context was needed to some of their examples, but I understand their point of view.

Again, I think you wrote a really fine Executive Summary with a lot of food for thought and I am still chewing!

Take good care.

Georgia

PART 2 - PROJECT INFORMATION

Owner/Agent Information

Property Owner	<u>KAREN CHEN</u>	Telephone No.	<u>415. 770-8884 706.5002</u>
Address	<u>1375 NOE ST</u>	Fax No.	
	<u>8F 94131</u>	Email	
Project Contact	<u>MAURA ABERNETHY</u>	Telephone No.	<u>415.730-5811</u>
Company	<u>MFADESIGN</u>	Fax No.	
Address	<u>3298 PIERCE ST</u>	Email	<u>maura-abernethy@</u>
	<u>8F CA04123</u>		<u>comcast.net</u>

Site Information

Site Address(es): 1375 NOE STREET

Nearest Cross Street(s): 27th

Block(s)/Lot(s): 6580 / 025 Zoning District(s): RA2

Site Square Footage: 7023 Height/Bulk District: _____

Present or previous site use _____

Community Plan Area (if any) _____

Project Description - please check all that apply

- Addition Change of use Zoning change New construction
- Alteration Demolition Lot split/subdivision or lot line adjustment
- Other (describe) _____ Estimated Cost \$600,000.00

Describe proposed use SINGLE FAMILY RESIDENCE

Narrative project description. Please summarize and describe the purpose of the project.

RENOVATION OF EXISTING SINGLE FAMILY RESIDENCE AND EXPANSION.

- ① AT FIRST FLOOR ADD A GARAGE AND FILL IN PATIO, REMODEL KITCHEN, LIVING ROOM AND POWDER ROOM.
- ② AT BASEMENT LEVEL, ADD FAMILY ROOM, STORAGE ROOM.
- ③ ADD ~~BE~~ NEW SECOND FLOOR, THIS WILL INCLUDE TWO BEDROOMS, TWO BATHROOMS AND A LAUNDRY ROOM.

HISTORICAL RESOURCE EVALUATION

1375 NOE STREET

SAN FRANCISCO, CALIFORNIA



TIM KELLEY CONSULTING, LLC

HISTORICAL RESOURCES

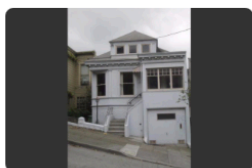
2912 DIAMOND STREET #330

Sale & Tax History for 368 Diamond St

Sale History

Tax History

Today			
Mar 30, 2021	Sold (Public Records)	\$5,500,000	
Date	Public Records	Price	
Mar, 2021			
Mar 30, 2021	Sold (MLS) (Closed)	\$5,500,000	
Date	San Francisco MLS #501965	Price	
Nov 9, 2020	Listed (Active)	\$5,750,000	
Date	San Francisco MLS #501965	Price	
Nov, 2016			
Nov 30, 2016	Sold (MLS) (Closed)	\$1,550,000	
Date	San Francisco MLS #452010	Price	
Oct 26, 2016	Pending	—	
Date	San Francisco MLS #452010	Price	
Oct 26, 2016	Listed (Active)	\$1,345,000	
Date	San Francisco MLS #452010	Price	



Listing provided courtesy of San Francisco Association of Realtors (SFARMLS)

Location, Location and Location!! Large Hillside home has 3 levels, views and HUGE garage too. Nice high ceilings with hardwood floors and two bedrooms with one split bathroom on main level. Additional Formal Dining Room with eat-in kitchen and laundry room on main level. Lower level unwarranted rooms and garage. Upper level is high ceiling attic space with view dormer. Large Rear yard with gorgeous mature redwood trees. This is a Trust sale and the property needs TLC but is an excellent candidate for remodel project. COME SEE!!

368 Diamond St
San Francisco, California



Street View - Apr 2019



Currently shown: Apr 2019

2007



2021



Sale & Tax History for 457 Valley St

Sale History

Tax History

Today		
Jun 18, 2020 Date	Sold (Public Records) Public Records	\$5,250,000 (27.7%/yr) Price
Jun, 2020		
Jun 18, 2020 Date	Sold (MLS) (Closed) San Francisco MLS #495813	\$5,250,000 Price
May 22, 2020 Date	Pending San Francisco MLS #495813	— Price
May 14, 2020 Date	Listed (Active) San Francisco MLS #495813	\$4,995,000 Price
Dec 2012, Sold for \$837,500		
Dec 19, 2012 Date	Sold (Public Records) Public Records	\$837,500 Price
Dec, 2012		
Dec 19, 2012 Date	Sold (MLS) (Closed) San Francisco MLS #400567	\$837,500 Price
Nov 15, 2012 Date	Pending (Contingent - Show) San Francisco MLS #400567	— Price
Sep 28, 2012 Date	Price Changed San Francisco MLS #400567	\$875,000 Price
Sep 25, 2012 Date	Relisted (Active) San Francisco MLS #400567	— Price



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination Exemption from Environmental Review

Case No.: 2013.1846E
 Project Title: 457 Valley Street
 Zoning: RH-2 (Residential – House, Two Family) Use District
 40-X Height and Bulk District
 Block/Lot: 6621/036
 Lot Size: 2,848 square feet
 Project Sponsor: Ross Levy, Levy Art & Architecture, (415) 641-7320
 Staff Contact: Heidi Kline – (415) 575-9043, Heidi.Kline@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
 Information:
415.558.6377

PROJECT DESCRIPTION:

The proposed project would allow the construction of a 1,605-square-foot, three-story addition to the rear of an existing 1,475-square-foot, two-story (plus partial attic and basement levels) single-family residence constructed in 1911. The resultant structure would be a three-story, 2,810-square-foot residence that would include a 270-square-foot garage. A portion of the existing gable roof and accompanying attic space would be replaced with a roof deck. New decks would be added at the rear of the residence on all three floors. The existing structure would be raised 3½ feet in height to accommodate the necessary floor-to-ceiling clearance for the new garage, resulting in an overall height of 25 feet as measured from the street to the top of the structure. The project is located within the Noe Valley neighborhood on the south side of Valley Street between Castro and Noe Streets.

EXEMPT STATUS:

Categorical Exemption, Class 1 (California Environmental Quality Act (CEQA) Guidelines Section 15301(e)(2))

REMARKS:

See next page.

DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and local requirements.


 Sarah Jones
 Environmental Review Officer

January 30, 2014
 Date

cc: Ross Levy, Project Sponsor

Supervisor Scott Wiener, District 8

Subject: Fwd: Item No.7 Large Residence Ordinance HPC Meeting July 7, 2021 # 2021-001791PCA
Date: Thursday, July 1, 2021 at 8:38:36 PM Pacific Daylight Time
From: SchuT
To: Matsuda, Diane (CPC), Black, Kate (CPC), Foley, Chris (CPC), Johns, Richard (CPC), Nageswaran, Ruchira (CPC), Pearlman, Jonathan (CPC), So, Lydia (CPC)
CC: CPC-Commissions Secretary, Ionin, Jonas (CPC), Merlone, Audrey (CPC), Bintliff, Jacob (BOS)
Attachments: Screen Shot 2021-07-01 at 4.16.15 PM.pdf, Screen Shot 2021-07-01 at 4.17.57 PM.pdf, Screen Shot 2021-07-01 at 4.19.10 PM.pdf, Screen Shot 2021-07-01 at 4.32.08 PM.pdf, Screen Shot 2021-07-01 at 4.54.59 PM.pdf, Screen Shot 2021-07-01 at 4.56.26 PM.pdf, Screen Shot 2021-07-01 at 4.57.56 PM.pdf

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

Dear President Matsuda and Fellow HPC Commissioners:

Attached are several pdf screenshots of two projects that could have been covered by the proposed Large Residence Ordinance.

Neither project had a hearing before any decision maker, either the HPC, the Planning Commission or the Board of Appeals.

The first one is **20 Raycliff Terrace** with the original structure designed by **H.O. Baumann** in 1947.

The second one is **143 Laidley Street** with the original structure designed by **Campbell and Wong** in 1957.

Both were "A" rated

It seems reasonable that both of these projects should have had a hearing as a CUA due to their historic and aesthetic value which they would have under this proposed Large Residence Ordinance.

Thank you.

Georgia Schuttish

Below is the Assessor's report with the original square footage as well as the sales price in 2017 prior to the issuance of the Alteration Permit for **20 Raycliff Terrace**.

This is the house at 20 Raycliff Terrace which is undergoing an Alteration and Expansion. This first photo is before the work, the second photo is during the work. It was found to be beyond the scope of the permit but with corrections to the Demolition Calculations of Section 317 it was abated and is still considered an Alteration.

The original house is a contributor to Raycliff Terrace...see the notation from the SFPIM below on the historical importance of Raycliff Terrace.

This house is a Second Bay Tradition designed by H.O. Baumann who is noted for his many fine apartment buildings throughout Pacific Heights and this was one of the few single family homes he designed in San Francisco according to the HRE on the SFPIM.

Here is the notation of Raycliff Terrace from the SFPIM.

This is the project information from the approved plans showing the square footage. Please note the discrepancy between the existing square footage listed in the SFPIM above and the square footage listed on the approved plans below. Nevertheless it is still an increase of more than 50%.

Next is **143 Laidley Street**.

Below is the link to the Redfin web ad for the sale of this Campbell and Wong home. It includes before and after photos of the home as well as the sales history.

<https://www.redfin.com/CA/San-Francisco/143-Laidley-St-94131/home/996491>

Here below are three pages: 1.The first page of the Notice of Violation;

2. The square footage of the original Campbell and Wong house prior to the Alteration as submitted to the City in the Environmental Application Form during the review process and; 3.The SFPIM notation on the original complaint.

Complaints

The Planning Department and the Department of Building Inspection operate programs that ensure compliance with the San Francisco Planning Code and Building Inspection Commission Codes respectively. Additionally, they respond to customer complaints of potential code violations and initiate fair and unbiased enforcement action to correct those violations and educate property owners to maintain code compliance.

Report for: **143 LAIDLLEY ST**



Planning Department Complaints

Active

2018-002306ENF Enforcement (ENF) 143 Laidley

Opened: 2/8/2018

Status: Under Review 7/6/2020

Assigned Planner: Kelly Wong: kelly.wong@sfgov.org / 628-652-7397

Work exceeded scope of permit.

Address: 143 LAIDLLEY ST 94131

Further Info:

Related Records: None

[Related Documents](#)

[Accela Citizen Access](#)

[^ HIDE DETAILS](#)

Completed

None



NOTICE OF VIOLATION

December 24, 2020

Property Owner

Kletter Fmly Lvg Tr
143 Laidley St
San Francisco, CA 94131

Site Address: 143 Laidley St
Assessor's Block/Lot: 6664/026
Zoning District: RH-1, Residential, House, One-Family
Complaint Number: 2018-002306ENF
Code Violation: Section 175: Unauthorized Alteration and Construction
Section 311: Neighborhood notification for all building expansions of an existing residential building
Administrative Penalty: Up to \$250 Each Day of Violation
Enforcement T&M Fee: \$7,447.98 (Current fee, additional charges may apply)
Response Due: Within 15 days from the date of this Notice
Staff Contact: Kelly Wong, (628) 652-7384, kelly.wong@sfgov.org

The Planning Department finds the above referenced property to be in violation of the Planning Code. As the owner of the subject property, you are a responsible party to bring the above property into compliance with the Planning Code. Details of the violation are discussed below:

Description of Violation

Our records indicate that the subject property is currently authorized for a single-family dwelling. The violation pertains to the unpermitted work on the subject property, specifically exceeding the permitted scope of work outlined under Building Permit Nos. 2014.09.25.7339 and 2015.09.03.6085. The previous approvals included: horizontal and vertical additions at the sides and rear of the existing building, infill of the open space between the garage and the residence, conditioning and enclosure of two stories under the existing rear deck, and excavation of the basement. The street-facing garage/fence elevation was to remain unaltered and the portion of the primary façade that faces the interior deck and courtyard and is visible from the entry way was to be retained. The work completed at the site does not reflect the permit and plans approved by the Planning Department. Specifically, the street-facing garage/fence elevation was altered, including replacement of the existing fence, gate, and garage cladding. In addition, there is unpermitted work to the rear elevation related to building cladding, deck railing, and window openings, size, design, and possibly materials that are not included in the scope of work of the previously approved permits. Per the Historic Resource Evaluation Response dated

4. Project Summary Table

If you are not sure of the eventual size of the project, provide the maximum estimates.

	EXISTING USES:	EXISTING USES TO BE RETAINED:	NET NEW CONSTRUCTION AND/OR ADDITION:	PROJECT TOTALS:
PROJECT FEATURES				
Dwelling Units	1	1	0	1
Hotel Rooms	0	0	0	0
Parking Spaces	SIDE X SIDE	2	SIDE X SIDE	2
Loading Spaces	0	0	0	0
Number of Buildings	1	1	0	1
Height of Building(s)	13'-2 1/4"	13'-2 1/4"	0	13'-2 1/4"
Number of Stories	2 + BASEMENT	2 + BASEMENT	0	2 + BASEMENT
Bicycle Spaces	N/A	N/A	N/A	N/A
GROSS SQUARE FOOTAGE (GSF)				
Residential	2089 S.F.	2089 S.F.	3346 S.F.	5435 S.F.
Retail	0	0	0	0
Office	0	0	0	0
Industrial	0	0	0	0
PDR Production, Distribution, & Repair	0	0	0	0
Parking	436 S.F.	436 S.F.	0 S.F.	436 S.F.
Other (Specify Use)	737 S.F. basement	0 S.F.	-737 S.F.	0 SF.
TOTAL GSF	3262 S.F.	2525 S.F.	2609 S.F.	5871 S.F.

Please provide a narrative project description that summarizes the project and its purpose or describe any additional features that are not included in this table. Please list any special authorizations or changes to the Planning Code or Zoning Maps if applicable.

SEE 2014-0925-7339 (LARGER IN PROGRESS PERMIT). THIS PERMIT CHANGES THE AMOUNT OF EXCAVATION FROM THE OTHER PERMIT.

THE INFO ON THIS FORM COMBINES ALL IN PROGRESS PERMITS TO UPDATE THE PREVIOUSLY APPROVED ENVIRONMENTAL EVALUATION.

THE APPROVED PERMIT #2014-0925-7339 EXCAVATES THE EXISTING BASEMENT SO THAT THE ENTIRE AREA UNDER THE LOWER FLOOR CAN BE CLAIMED AS CONDITIONED SPACE. THAT SPACE CURRENTLY IS PARTIALLY EXCAVATED (ORIGINAL CONSTRUCTION) & THE FLOOR SLOPES ALONG WITH GRADE AFTER THE FOREMOST RETAINING WALL.

THE NEW PERMIT EXCAVATES MORE ON THE FRONT COURTYARD SIDE OF THE BUILDING.

None

Historic Resource Evaluation Responses

None

Evaluations for the Purposes of CEQA - These evaluations do not result in the automatic listing or designation of any property within the study area.

Districts:

Eligible Raycliff Terrace Historic District

[^ HIDE DETAILS](#)

Raycliff Terrace is eligible for listing in the California Register under Criterion 3 as a historic district. Raycliff Terrace is a rare example of a grouping of residences designed in the Second Bay Tradition by notable master architects of the era. The residences 'were designed by master architects Joseph Escherick; Wurster, Bernardi & Emmons; Gardner Daily; Germano Milono; with example gardens designed by master landscape architect Thomas Church. Few examples of the Second Bay Tradition exist in San Francisco, as the style was often employed in suburban Bay Area communities. Therefore, the rarity of the building type further strengthens the Criterion 3 significance for the eligible historic district.



Assessor's Report



Parcel 0962008A
Address 20 RAYCLIFF TE

Assessed Values		Construction Type	Wood or steel frame
Land	\$3,710,513.00	Use Type	Dwelling
Structure	\$1,830,219.00	Units	1
Fixtures	-	Stories	2
Personal Property	-	Rooms	7
Last Sale	1/20/2017	Bedrooms	-
Last Sale Price	\$4,995,000.00	Bathrooms	3
Year Built	1947	Basement	-
Building Area	2,750 sq ft		
Parcel Area	3,402 sq ft	Parcel Shape	Other (not square or rectangular)
Parcel Frontage	-	Parcel Depth	-

Please send questions about this report to the [Office of the Assessor-Recorder](#).

Close

Subject: Record No. 2021-001791PCA, File No. 210116: Legislative Section 319 Review of Large Residence Developments

EXHIBIT B-5

Date: Wednesday, July 7, 2021 at 9:06:39 AM Pacific Daylight Time

From: Howard Blecher

To: Merlone, Audrey (CPC), CPC-Commissions Secretary, Board of Supervisors, (BOS)

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

In response to 'large developments' Supervisor Mandelman has developed a new **Legislative Section 319 Large Residence Developments** that states, "The purpose of this Section 319 is to protect and enhance existing neighborhood character, encourage new infill housing at compatible densities and scale, and provide for thorough assessment of proposed large single-family residences that could adversely impact neighborhood character and affordable housing opportunities."

It will require all RH properties to get a Conditional Use Authorization for any unit with a gross sf over 2,500sf, and for any expansion 10% of the gross sf of all development done in the last 10 years.

I am not supporting this legislation based on the negative impact it will have

1. It adversely changes the intent of zoning laws that typically use form-based regulations, i.e yards, setbacks, and height limitations to determine what can be developed allowing for the variety of lot conditions and sizes to create a rich diverse urban fabric.
2. It will add time and expense.
3. It will add workload for Planning Staff and Commissioners to a system overburdened with Conditional Use Authorizations.
4. It will not encourage density or create affordable housing.
5. It will not discourage large construction.

I propose these alternative suggestions to address Mandelman's concerns

1. Change the definition of area used in calculations to exclude the square footage of unoccupied ground floor and attic spaces, exterior walls, parking, and mechanical rooms.

2. Allow units to expand without CUA on a sliding scale proportional to their current size:

- Eliminate expansion limits resulting in units equal to or less than 3,000 sf .
- Allow 50% expansion of units between 3,001 – 3,500 sf
- Allow 25% expansion between 3,501 – 4,000 sf
- Allow 15% expansion between 4,001 – 4,500 sf
- Allow 10% between 4,501 sf and over

3. Do not include in the calculation of allowable % increases "all development performed on the lot within the last 10 years" before these restrictions even existed.

4. Do not include in the regulations and criteria for Findings for a CUA criteria that are already regulated by Planning in existing regulations and processes
5. Grandfathering: Change the applicability of the ordinance to instances where a complete Development Application is submitted after *the effective date of the legislation* rather than the date legislation was introduced (February 2, 2021).

I support efforts to:

1. Allow housing to adapt to accommodate the diverse community that occupies the Bay Area
2. Provide life and health safety measure and seismic upgrades
3. Adapt Sustainability and Energy Conservation methods
4. Encourage up-zoning to allow for density

Best regards,
Howard Blecher

--

If you are not replying to the substance of this message immediately please acknowledge receipt to let us know you have actually received it.

Howard Blecher, Architect, NCARB, M.C.P., Certified GreenPoint Rater, LEED AP
Blecher Building + Urban Design
3343 22nd Street
San Francisco, CA 94110
M 415-364-8478
M 917-613-5816
howard@bbudesign.com
www.bbudesign.com



Virus-free. www.avast.com



1392 Pacific Avenue
San Francisco, CA 94109

Ogrydziak Prillinger
Architects

EXHIBIT B-6

+1 415 474 6723
oparch.net

July 12, 2021

SF District 8 Supervisor, Rafael Mandelman, mandelmanstaff@sfgov.org
Planning Commission President, Joel Koppel, joel.koppel@sfgov.org
Planning Commission Vice-President, Kathrin Moore, kathrin.moore@sfgov.org
Planning Commissioner, Deland Chan, deland.chan@sfgov.org
Planning Commissioner, Sue Diamond, sue.diamond@sfgov.org
Planning Commissioner, Frank Fung, frank.fung@sfgov.org
Planning Commissioner, Theresa Imperial, Theresa.imperial@sfgov.org
Planning Commissioner, Rachael Tanner, Rachael.Tanner@sfgov.org
Director of Current Planning, Elizabeth Watty, Elizabeth.watty@sfgov.org

Re: SFBOS FILE # 210116: Legislative Section 319 Review of Large Residence Developments

Dear Supervisor Mandelman et al.:

We are living in an exciting moment of social change. Many traditional assumptions regarding race, gender, and class are being deeply questioned—with the goal not simply of disruption but of positively re-inventing our social relationships in a way which allows individuality to flourish.

In this context, it seems oddly paternalistic for the City of San Francisco to insist on a Procrustean one-size-fits-all approach to how people should live together. Is there really a “right” vs. “wrong” size of family or living group? What is the number? How is this arrived at? And is it really “better” not to allow people enough room to work at home?

This proposed legislation leverages resentment regarding tech gentrification as a fig-leaf for its real aim of restructuring the Planning Code to be based on abstract area calculations rather than lot specific massing. The notion that a 2,500 gross SF house (as defined in the legislation) is a “Large Residence” is comical. Only a handful of existing homes in San Francisco are small enough to meet this definition. All the existing Victorians in the City exceed the proposed limit. So, the historical morphology of San Francisco is denied in favor of an ideology privileging young, unattached recent college graduates who tend to live briefly in the City before the growth of their family forces them to move to the suburbs? Such family growth could happen through a combination of the following factors: additional children, multi-generational

cohabitation, and working-at-home. One obvious unintended consequence of this legislation will be to further accelerate the flight of large and/or non-traditional families away from San Francisco, which already has one of the lowest children per capita ratio of any major US City.

Rather than paternalistically telling San Franciscans how they should live, why not celebrate cultural diversity, and allow for a wider range of living styles? Such an attempt to define the proper family structure seems extremely conservative and un-San Franciscan.

Not only does this legislation ignore the variety of family structures that exist, it also limits the maximum allowable square-foot-per-human. This legislation attempts to “solve” economic inequality with a Soviet-style solution: total uniformity. Compassionate people support addressing the negative impacts of capitalism in its current form. But Planning legislation is the wrong tool to address economic inequality. The PC and BoS may attempt to limit the amount of sf single individuals can legally enjoy, but such an effort is naïve and doomed to fail. Developers and realtors will simply bundle units and adjacent lots in a trivial workaround of any legal limit. If the BoS is concerned about visible economic stratification within San Francisco, perhaps restaurant prices should be capped (per meal) along with the price of consumer goods? The underlying spirit of this proposed legislation is negative towards the enjoyment of space because it implies economic stratification. Mandating that no one should enjoy any extra space is a case of the tail-wagging-the-dog: addressing the symptoms rather than the deeper causes of economic inequality.

Finally, size and style are not the same thing. Why confuse them? A small house can be contemporary. A large building can be traditional. Why add a penalty for projects which are not in an historical style? This aspect of the proposal daylights an implicit bias against contemporary architecture—by suggesting that the only “correct” housing styles are historical. This is an oddly personal fantasy to impose on a city of nearly 900,000 people.

I support the various points made in Vivian Dwyer and Karin Payson’s thoughtful letter. I am simply trying to add the perspective that the City of San Francisco be more rather than less open to diversity and alternative ways of living and building.

Luke Ogrydziak AIA
OPA, Principal, oparch.net
AIASF Public Policy & Advocacy Committee, Steering Committee Member, PPAC

HISTORIC PRESERVATION COMMISSION RESOLUTION NO. 1193

HEARING DATE: JULY 7, 2021

Project Name: Review of Large Residence Developments
Case Number: 2021-001791PCA [Board File No. 210116]
Initiated by: Supervisor Mandelman / Introduced April 13, 2021
Staff Contact: Audrey Merlone, Legislative Affairs
Audrey.merlone@sfgov.org, 628-652-7534
Reviewed by: Aaron D Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, (628) 652-7533

RESOLUTION RECOMMENDING APPROVAL OF A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO REQUIRE CONDITIONAL USE AUTHORIZATION FOR CERTAIN LARGE RESIDENCE DEVELOPMENTS IN RESIDENTIAL, HOUSE (RH) ZONING DISTRICTS; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

WHEREAS, on February 2, 2021 Supervisor Mandelman introduced a proposed Ordinance under Board of Supervisors (hereinafter “Board”) File Number 210116, which would amend the Planning Code to require Conditional Use Authorization for certain large residence developments in Residential, House (RH) zoning districts;

WHEREAS, The Historic Preservation Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on July 7, 2021; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c); and

WHEREAS, the Historic Preservation 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 Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the Custodian of Records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Historic Preservation Commission has reviewed the proposed Ordinance; and

WHEREAS, the Historic Preservation Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

WHEREAS, the Historic Preservation Commission encourages the Planning Commission and Supervisor to take additional time to provide clarity and address the concerns raised by the Historic Preservation Commission;

MOVED, that the Historic Preservation Commission hereby adopts a resolution recommending **approval with modifications** of the proposed ordinance.

1. Approve recommended staff modification #6 to remove Section 319(d)3, which would require any historic property to obtain a CUA if the proposed alteration would increase the square footage of the existing building by 50% or more.

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:

Objective 1 of the Urban Design Element instructs the City to guide development in such a manner where we place “Emphasis of the characteristic pattern which gives to the city and its neighborhoods an image, a sense of purpose, and a means of orientation.” Policy 1.3 of this objective is to “Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.” The proposed Ordinance, with all staff modifications, helps to maintain a balance between a neighborhood’s physical identity while also not impeding on the development of future housing. This proposed Ordinance, with all staff modifications, will encourage additional density while ensuring that the resulting building forms are complementary to a neighborhood’s context. The proposed Ordinance additionally ensures that large, single-family home expansions are not approved without careful consideration through a CU authorization.

In the City's FY 12-13 budget, responsibility for providing strategic direction, planning and oversight of early care and education programs was consolidated in the new agency, OECE

The proposed Ordinance will correct the Planning Code so that it is in line with the City’s current practices and adopted budget.

General Plan Compliance

The proposed Ordinance and the Commission’s recommended modifications are consistent with the following Objectives and Policies of the General Plan:

URBAN DESIGN ELEMENT

OBJECTIVE 1

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

Policy 1.3

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

The proposed Ordinance, with all staff modifications, helps to maintain a balance between a neighborhood's physical identity while also not impeding on the development of future housing.

HOUSING ELEMENT

OBJECTIVE 2

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

Policy 2.1

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

The proposed Ordinance, with all staff modifications, will promote modest density across RH districts in the City through the addition of residential units and ADU's. The proposed Ordinance additionally ensures that large, single-family home construction or expansions are not approved without careful consideration through a CU authorization.

Planning Code Section 101 Findings

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

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

The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

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

The proposed Ordinance would not have a negative effect on housing or neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or

overburdening the streets or neighborhood parking.

5. 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 proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

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

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

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

The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

Planning Code Section 302 Findings.

The Historic Preservation Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby ADOPTS A RESOLUTION RECOMMENDING APPROVAL WITH MODIFICATIONS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on July 7, 2021.



Jonas P Ionin Digitally signed by Jonas P Ionin
Date: 2021.07.14 09:05:11 -0700

Jonas P. Ionin
Commission Secretary

AYES: Nageswaran, Black, Foley, Johns, Pearlman, So, Matsuda

NOES: None

ABSENT: None

ADOPTED: July 7, 2021

1 [Planning Code - Review of Large Residence Developments]

2

3 **Ordinance amending the Planning Code to require Conditional Use Authorization for**
 4 **certain large residence developments in Residential, House (RH) zoning districts;**
 5 **affirming the Planning Department’s determination under the California Environmental**
 6 **Quality Act; and making findings of consistency with the General Plan, and the eight**
 7 **priority policies of Planning Code, Section 101.1, and findings of public convenience,**
 8 **necessity, and welfare under Planning Code, Section 302.**

9 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
 10 **Additions to Codes** are in *single-underline italics Times New Roman font*.
 11 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
 12 **Board amendment additions** are in double-underlined Arial font.
 13 **Board amendment deletions** are in ~~strikethrough Arial font~~.
 14 **Asterisks (* * * *)** indicate the omission of unchanged Code
 15 subsections or parts of tables.

13

14 Be it ordained by the People of the City and County of San Francisco:

15

16 Section 1. Environmental and Land Use Findings.

17 (a) The Planning Department has determined that the actions contemplated in this
 18 ordinance comply with the California Environmental Quality Act (California Public Resources
 19 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
 20 Supervisors in File No. 210116 and is incorporated herein by reference. The Board affirms
 21 this determination.

22 (b) On _____, the Planning Commission, in Resolution No. _____,
 23 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
 24 with the City’s General Plan and eight priority policies of Planning Code Section 101.1. The
 25 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of

1 the Board of Supervisors in File No. _____, and is incorporated herein by reference.

2 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
3 ordinance will serve the public necessity, convenience, and welfare for the reasons stated in
4 Planning Commission Resolution No. _____.

5
6 Section 2. The Planning Code is hereby amended by adding Section 319, to read as
7 follows:

8
9 **SEC. 319. REVIEW OF LARGE RESIDENCE DEVELOPMENTS.**

10 (a) Purpose. The purpose of this Section 319 is to protect and enhance existing
11 neighborhood character, encourage new infill housing at compatible densities and scale, and provide
12 for thorough assessment of proposed large single-family residences that could adversely impact
13 neighborhood character and affordable housing opportunities.

14 (b) Applicability.

15 (1) This Section 319 applies to all Residential Buildings in Residential, House (RH)
16 zoning districts, in those instances where a complete Development Application was submitted on or
17 after February 2, 2021.

18 (2) All applicable provisions of the Planning Code shall continue to apply to
19 Residential Buildings, except as otherwise stated in this Section 319.

20 (c) Conditional Use Authorizations. In all RH zoning districts, the following
21 developments shall require a Conditional Use authorization:

22 (1) New Construction. Residential development on a vacant lot, or demolition and new
23 construction, where the development will result in only one Dwelling Unit on the lot or in any Dwelling
24 Unit with a gross floor area exceeding 2,500 square feet.

25 ///

1 (2) **Expansion of Existing Development.** On a developed lot where no existing
2 Dwelling Unit exceeds 2,500 square feet of gross floor area, expansion of the Residential Use that
3 would result in an increase of more than 50% of gross floor area to any Dwelling Unit or in a Dwelling
4 Unit exceeding 2,500 square feet of gross floor area, except where the total increase of gross floor area
5 of any existing Dwelling Unit is not more than 10%. The calculation of total gross floor area increase
6 shall include all development performed on the lot within the last 10 years.

7 (3) **Expansion of Existing Large Residence Development.** On a developed lot where
8 any existing Dwelling Unit exceeds 2,500 square feet of gross floor area, expansion of the Residential
9 Use that would result in an increase of more than 10% of gross floor area of any Dwelling Unit. The
10 calculation of total gross floor area increase shall include all development performed on the lot within
11 the last 10 years.

12 (d) **Exceptions.** Notwithstanding subsections (c)(2) and (c)(3) above, developments that
13 increase the number of Dwelling Units on the lot shall not require Conditional Use authorization
14 provided that: 1) no Dwelling Unit exceeds 2,500 square feet of gross floor area as a result of the
15 development, 2) no proposed Dwelling Unit is less than one-third the gross floor area of the largest
16 Dwelling Unit resulting on the lot, and 3) neither the property or any existing structure on the
17 property: i) is listed on or formally eligible for listing in the California Register of Historic Resources;
18 ii) has been adopted as a local landmark or a contributor to a local historic district under Articles 10
19 or 11, or iii) has been determined to appear eligible for listing in the California Register of Historic
20 Resources.

21 (e) **Conditional Use Findings.** In addition to the criteria outlined in Planning Code Section
22 303(c)(1), the Planning Commission shall also consider the following factors when deciding whether to
23 approve Conditional Use applications under this Section 319:

24 (1) whether the development increases the number of Dwelling Units on the lot;

25 ///

1 (2) whether the property or any existing structure on the lot is listed in or formally
2 eligible for listing in the California Register of Historic Resources or has been determined to appear
3 eligible for listing in the California Register of Historic Resources; whether the property or any
4 existing structure on the property is an "historical resource" under CEQA;

5 (3) whether any existing structure on the lot has been adopted as a local landmark or a
6 contributor to a local historic district under Articles 10 or 11 of this Code, and whether the proposed
7 development would render the property ineligible for historic designation as an individual or
8 contributing resource;

9 (4) whether the proposed development preserves or enhances the neighborhood
10 character by retaining existing design elements and meeting applicable Residential Design Guidelines;

11 (5) whether the development proposes to remove more than 50% of the existing front
12 façade; and

13 (6) whether the project removes rental units subject to the Residential Rent Stabilization
14 and Arbitration Ordinance.

15
16 Section 3. Effective Date. This ordinance shall become effective 30 days after
17 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
18 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
19 of Supervisors overrides the Mayor's veto of the ordinance.

20 APPROVED AS TO FORM:
21 DENNIS J. HERRERA, City Attorney

22 By: /s/ KRISTEN A. JENSEN
23 KRISTEN A. JENSEN
24 Deputy City Attorney

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