NOTICE TO BOARD OF SUPERVISORS OF APPEAL
FROM ACTION OF THE CITY PLANNING COMMISSION

Notice is hereby given of an appeal to the Board of Supervisors from the following action of the City Planning Commission.

The property is located at 218 27th Avenue.

October 12, 2017
Date of City Planning Commission Action
(Attach a Copy of Planning Commission's Decision)

November 13, 2017
Appeal Filing Date

_____ The Planning Commission disapproved in whole or in part an application for reclassification of property, Case No. _____.

_____ The Planning Commission disapproved in whole or in part an application for establishment, abolition or modification of a set-back line, Case No. _____.

__X__ The Planning Commission approved in whole or in part an application for conditional use authorization, Case No. 2016-003258CUA.

_____ The Planning Commission disapproved in whole or in part an application for conditional use authorization, Case No. _____.

Statement of Appeal:

a) Set forth the part(s) of the decision the appeal is taken from:

Please see attached.

b) Set forth the reasons in support of your appeal:

Please see attached.

Person to Whom Notices Shall Be Mailed	Name and Address of Person Filing Appeal:
Robia S. Crisp	Alex Bernstein and Sonia Daccarett
Name	Name
Hanson Bridgett LLP 425 Market Street, 26th Floor San Francisco, CA 94105	2545 Lake Street San Francisco, CA 94121
Address	Address
(415) 995-5025	(415) 205-3240
Telephone Number	Telephone Number

Robia S Crisp

Signature of Appellant or Authorized Agent

ROBIA S. CRISP
SENIOR COUNSEL
REAL ESTATE/CONSTRUCTION
DIRECT DIAL (415) 995-5806
DIRECT FAX (415) 995-3455
E-MAIL rcrisp@hansonbridgett.com

HansonBridgett

November 13, 2017

VIA HAND DELIVERY

Angela Calvillo
Clerk of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

Re: Statement of Appeal; 218 27th Avenue; Conditional Use/Residential Demolition (Case No. 2016-0035258CUA)

This office represents Alex Bernstein and Sonia Daccarett, the owners of a single family home located at 2545 Lake Street, which abuts the property located at 218 27th Street, the subject of this appeal.

On behalf of our clients, we appeal the Planning Commission decision to approve a Conditional Use Application for the demolition and replacement of the existing, two-story single family home located at 218 217th Avenue with the construction of a four-story, three-unit building with three parking spaces on October 12, 2017 by Motion No. 20025 (the "Project").

More specifically, we appeal the Planning Commission's approval because it approved a four-story building that is out of scale, fails to maintain light to adjacent properties, and otherwise creates significant adverse shadow impacts and results in a loss of privacy to existing neighboring buildings. The reasons for this appeal are that the requisite findings, including those listed under Planning Code Sections 303 and 317, and the Proposition M priority policy findings, are not supported by substantial evidence.

On appeal, we request that you uphold the decision to approve the Project with certain modifications to the conditions of approval, to require: (1) the removal of side deck areas and the painting of the exterior of the north-facing wall in a white color or otherwise mitigating for the loss of light and privacy to adjacent neighbors; (2) limiting the hours of construction to 9:00 am to 5:00 pm; and (3) reducing the building height from 40 feet to 30 feet. The construction of three units within three stories is feasible and would allow the project to maintain the same density while significantly mitigating the impacts on the neighboring properties.

Concurrently with this appeal, we have filed an appeal of the Categorical Exemption Determination issued on June 21, 2016 and relied upon by the Planning Commission in approving the Project. Until such time as the City fully complies with the requirements of the California Environmental Quality Act, Public Resources Code Sections 21000 *et seq.*, and the City's CEQA Procedures codified in San Francisco Administrative Code Chapter 31, the subject approval cannot be affirmed.

We will submit further briefing prior to the hearing scheduled for this appeal.

Very truly yours,

Robia S. Crisp

RSC
Attachments

cc: Alex Bernstein (Via Email alex@kingfisherinvestment.com)
Sonia Daccarett (Via Email sdaccarett@gmail.com)
Michael F. Donner, Esq.

City Planning Commission
Case No. 2016-0035258CUA

To Whom It May Concern:

Several owner names on the neighborhood notification mailing list of this application were incorrect or outdated per the owners signing this appeal request. These are summarized below for your convenience and may be verified from the recorded conveyancing documents on file with the County Recorder's office.

Street Address	Block/Lot	Owner Name and Comment
2539 Lake Street, #4	1386/052	Michael Ryan is the record owner although his mother was listed on the mailing list.
239 26th Avenue	1386/007	Sharon Ihara is the record owner.
2533 Lake Street	1386/042	Nancy Fong is the record owner; her husband (listed) is deceased.
218 26th Avenue, #302	1385/055	Brian Keegan and Emily Keegan are the record owners.
225 26th Avenue, #3	1386-069	Marcia Addison is the record owner although only husband was listed.

The following are 21 appeal signature pages representing 34% of the property owners within 300 feet of the subject property.

BY ll

City Planning Commission
Case No. 2016-003258CUA

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If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	210 27TH AVE.	1386/039	John Mulligan	
2.	210 27TH AVE.	1386/039	Karen Mulligan	
3.	2539 Lake St. #2	1386/050	Marian Schell	
4.	2539 Lake St. #2	1386/050	DON SKILES	
5.	2545 LAKE ST	1386/40	ALEX BERNSTEIN	
6.	2545 LAKE ST	1386/40	SONIA DACCARETT	
7.	2539 Lake St. #1	1386/049	MARTIN ROSSE	
8.	2539 Lake St. #1	1386/049	Dianne Younger Rosse	
9.	2539 lake st #4	1386/052	Michael Ryan	
10.	210-27TH AVE	1386/039	PATRICK MULLIGAN	
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City Planning Commission
Case No. 2016-003258CUA

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	2539 LAKE ST	APT # 3	SENDUO & TINGTING PEI	
2.	1827TH AVE	1332-026	ALI LANOER / KENT DAVID Joseph A. Bosworth	
3.	194 28th AVE	1331-018	Kimberly Colwell Boswell	
4.	214 28th Ave	1387-22T	Greg Robin + Alanna Klein	
5.	218 28TH AVE	1387-022S	GARY GROSSMAN	
6.	246 28TH AVE	1387-022L	MICHAEL BRUNO / MEGAN HART	
7.	275 26th Ave.	1386-14	RICHARD/PAULA JESSON	
8.	231 27TH AVE	1387-005	EDWARD WONG YEE	
9.	218 26TH AVE #2,02	1385-053	GAYNOR STEWART	
10.	239 26TH AVE	1386-008	MONICA LEE	
11.	2645 LAKE ST	1383-022H	Richard & Miki Kelsey	
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City Planning Commission
Case No. 2016-003258CUA

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	210 27TH AVE.	1386/039	John Mulligan	
2.	210 27TH AVE.	1386/039	Karen Mulligan	
3.			Marian Schell	
4.			DON SKILES	
5.	2545 LAKE ST	1386/40	ALEX BERNSTEIN	
6.	2545 LAKE ST	1386/40	SONIA DACCARETT	
7.	2525 Lake St (TJ)	1386/043	Toni jelso	
8.	179 27TH AVENUE	1331-012	GARY OCKEY	
9.	253 26TH Ave.	1386-058	Anna Piuski/Leonid Piuski	
10.	219-27 AVE	1387-002	King J. Jung	
11.	266 27TH	1386-026	ERIC SEAMAN	
12.	266 27th Ave	1386-026	Afton Thatcher	
13.	238 27TH AVE	1386-033	RAYMOND KWOK CHANG	
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City Planning Commission
Case No. 2016-003258CUA

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	210 27TH AVE.	1386/039	John Mulligan	
2.	210 27TH AVE.	1386/039	Karen Mulligan	
3.	2539 Lake St. #2	1386/050	Marian Schell	
4.	2539 Lake St. #2	1386/050	DON SKILES	
5.	2545 LAKE ST	1386/40	ALEX BERNSTEIN	
6.	2545 LAKE ST	1386/40	SONIA DACCARETT	
7.	2539 Lake St. #1	1386/049	MARTIN ROSSE	
8.	2539 Lake St. #1	1386/049	Dianne Younger Rosse	
9.	2539 lake st #4	1386/052	Michael Ryan	
10.	210-27TH AVE	1386/039	PATRICK MULLIGAN	
11.	2610 Lake #6	1331/045	Paulette Jonas	
12.	2610 Lake #9	1331/048	Ellen Craigie	
13.	ADDRESS	BLOCK/LOT	NAME	SIGNATURE
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17.	2610 LAKE ST #5	1331 044	BARBARA CANNELLA	
18.	2610 LAKE ST #3	1331 042	TINA ROSÉ	
19.	2610 LAKE ST #2	1331 041	JOANNE WINSHIP	
20.	2610 LAKE ST #1	1331 040	JON HOLLENBECK	
21.	2610 LAKE ST #10	1331 049	COLLEEN HOY	
22.	2610 Lake ST #8	1331 047	Frank Kighton	
23	2610 Lake ST #8	1331 047	SALLY ZIOLKOWSI	

City Planning Commission
Case No. 2016-003258CUA

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	210 27TH AVE.	1386/039	John Mulligan	
2.	210 27TH AVE.	1386/039	Karen Mulligan	
3.			Marian Schell	
4.			DON SKILES	
5.	2545 LAKE ST	1386/40	ALEX BERNSTEIN	
6.	2545 LAKE ST	1386/40	SONIA DOCARETT	
7.	2533 Lake St	1386-042	Nancy Fong	DocuSigned by: 36BC9E993265451...
8.	250 26TH St Av	1385-073	ROBERT WALKER	
9.	219-27th Ave	1387-002	Shew M. Jung	
10.	2528 Lake	1332-052	Joanne Schuman	
11.	246 248 27TH AV	1386-031	JOSEPHINE WON	
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City Planning Commission
Case No. 2016-003258CUA

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	210 27TH AVE.	1386/039	John Mulligan	
2.	210 27TH AVE.	1386/039	Karen Mulligan	
3.	2539 Lake St. #2	1386/050	Marian Schell	
4.	2539 Lake St. #2	1386/050	Don SKILES	
5.	2545 LAKE ST	1386/40	ALEX BERNSTEIN	
6.	2545 LAKE ST	1386/40	SONIA DECARETT	
7.	2539 Lake St. #1	1386/049	MARTIN ROSSE	
8.	2539 Lake St. #1	1386/049	Dianne Younger Rosse	
9.	2539 lake St #4	1386/052 (044)	Michael Ryan	
10.	210-27TH AVE	1386/039	PATRICK MULLIGAN	
11.	203 26th AVE	1386-014	WILLIAM FEE	
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City Planning Commission
Case No. 2016-003238CUA

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	210 27TH AVE.	1386/039	John Mulligan	
2.	210 27TH AVE.	1386/039	Karen Mulligan	
3.	2539 Lake St. #2	1386/050	Marian Schell	
4.	2539 Lake St. #2	1386/050	DON SKILES	
5.	2545 LAKE ST	1386/40	ALEX BERNSTEIN	
6.	2545 LAKE ST	1386/40	SONIA DACCARETT	
7.	2539 Lake St. #1	1386/049	MARTIN ROSSE	
8.	2539 Lake St. #1	1386/049	Dianne Younger Rosse	
9.	2539 lake st #4	1386/052	Michael Ryan	
10.	210-27TH AVE	1386/039	PATRICK MULLIGAN	
11.	2516 Lake	1332/048	Louise Ure	
12.	2514 LAKE ST	1332/047	MARGERY SNYDER	
13.	2515 Lake	1386/070	Adam Murray / Shanna Donnelly	
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City Planning Commission
Case No. 2016-003258CUA

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	210 27TH AVE	1386/039	John Mulligan	
2.	210 27TH AVE	1386/039	Karen Mulligan	
3.	2539 Lake St. #2	1386/050	Marian Schell	
4.	2539 Lake St. #2	1386/050	Don SKILES	
5.	2545 LAKE ST	1386/40	ALEX BERNSTEIN	
6.	2545 Lake St	1386/40	SONIA DECARETT	
7.	2539 Lake St #1	1386/049	MARTIN ROSSE	
8.	2539 Lake St. #1	1386/049	Diana Younger Rosse	
9.	2539 Lake St #4	1386/093	Michael Ryan	
10.	210 - 27TH AVE	1386/037	PATRICK MULLIGAN	
11.	2517 Lake Street	1386/071	Michael C. Murphy	Michael C. Murphy
12.	2509 Lake St	1386/046	Karen V. Clapton	
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City Planning Commission
Case No. 2016-003258 CUA

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	210 27TH AVE.	1386/039	John Mulligan	
2.	210 27TH AVE.	1386/039	Karen Mulligan	Karen Mulligan
3.	2539 Lake St. #2	1386/050	Marian Schell	Marian Schell
4.	2539 Lake St. #2	1386/050	DON SKILES	
5.	2545 LAKE ST	1386/40	ALEX BERNSTEIN	
6.	2545 LAKE ST	1386/40	SONIA DECARETT	
7.	2539 Lake St. #1	1386/049	MARTIN ROSSE	
8.	2539 Lake St. #1	1386/049	Dianne Younger Rosse	
9.	2539 lake St #4	1386/052	Michael Ryan	
10.	210 · 27TH AVE	1386/039	PATRICK MULLIGAN	
11.	218 26th Avenue, #302	1385-055	Brian Keegan / Emily Keegan	DocuSigned by: / DocuSigned by: Emily Keegan
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ALEX (415) 205-3240

City Planning Commission
Case No. 2016-003258CUA

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	2539 LAKE ST	APT # 3	SENDUO & TINGTING PEI	
2.	17827TH AVE	1332-026	ALI LANDER & KENT DAVID	
3.	194 28th AVE	1331-018	Joseph Bozzuto Kimberly Colwell Bozwell	
4.	214 28th Ave	1387-221	Greg Robin + Alanna Klein	
5.	218 28TH AVE	1387-022S	GARY GROSSMAN	
6.	246 28TH AVE	1387-022L	MICHAEL BRUNO / MEGAN HART	DocuSigned by: Michael Bruno
7.	2619 LAKE ST.		CHARLENE VENTER	
8.	2617 LAKE ST	1387-023	SAMANTHA SCHAUKOWITCH	S Schaukowitch
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City Planning Commission
Case No. 2016.003258CUA

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	2539 LAKE ST, APT #3	1386 & 051	JEN DUO TINGTING FEI	
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2545 LAKE
Alex - 415 205-3240

BY ll

City Planning Commission
Case No. 2016-003258CUA

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	210 27TH AVE.	1386/039	John Mulligan	
2.	210 27TH AVE.	1386/039	Karen Mulligan	Karen Mulligan
3.	2539 Lake St. #2	1386/050	Marian Schell	Marian Schell
4.	2539 Lake St. #2	1386/050	DON SKILES	
5.	2545 LAKE ST	1386/40	ALEX BERNSTEIN	
6.	2545 LAKE ST	1386/40	SONIA DECARETT	
7.	2539 Lake St. #1	1386/049	MARTIN ROSSE	
8.	2539 Lake St. #1	1386/049	Dianne Younger Rosse	
9.	2539 lake st #4	1386/052	Michael Ryan	
10.	210-27TH AVE	1386/037	PATRICK MULLIGAN	
11.	2534 Lake Street	1332-022A	Mary Gamba O'Regan	DocuSigned by:
12.	2532 6th Ave #2		Sam Zimmerman	
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City Planning Commission
Case No. 2016-003258CUA

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	225C 26th Ave	1386 - [redacted]	Marcia Addison	Marcia W. Addison
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City Planning Commission
Case No. 2016-003258CUA

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	210 27TH AVE.	1386/039	John Mulligan	
2.	210 27TH AVE.	1386/039	Karen Mulligan	
3.	2539 Lake St. #2	1386/050	Marian Schell	
4.	2539 Lake St. #2	1386/050	DON SKILES	
5.	2545 LAKE ST	1386/40	ALEX BERNSTEIN	
6.	2545 LAKE ST	1386/40	SONIA DECARETT	
7.	2539 Lake St. #1	1386/049	MARTIN ROSSE	
8.	2539 Lake St. #1	1386/049	Diana Younger Rosse	
9.	2539 lake st #4	1386/052	Michael Ryan	
10.	210-27TH AVE	1386/039	PATRICK MULLIGAN	
11.	201 26th Avenue	1386-073	Campana Family Revocable Trust	DocuSigned by: R Campana
12.	2526 Lake St	1332/051	JIHYUNG YOO	
13.	2526 Lake St.	1332/051	RICHARD SHIM	
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City Planning Commission
Case No. 2016-003258CUA

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1.	210 27TH AVE.	1386/039	John Mulligan	
2.	210 27TH AVE.	1386/039	Karen Mulligan	
3.			Marian Schell	
4.			DON SKILES	
5.	2545 LAKE ST	1386/40	ALEX BERNSTEIN	
6.	2545 LAKE ST	1386/40	SONIA DACCARETT	
7.	2527 Lake Street	1386 - 043	Toni Jelso	DocuSigned by: Toni Jelso 8EE9[illegible]E47AF8
8.	226 28TH AVE	1387-022Q	GARY FRANK	
9.	230 28TH AVE	1387-022P	DAVID JULIAN	
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City Planning Commission
Case No. 2016-003258CUA

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1.	210 27TH AVE.	1386/039	John Mulligan	
2.	210 27TH AVE.	1386/039	Karen Mulligan	Karen Mulligan
3.	2539 Lake St. #2	1386/050	Marian Schell	Marian Schell
4.	2539 Lake St. #2	1386/050	DON SKILES	
5.	2545 LAKE ST	1386/40	ALEX BERNSTEIN	
6.	2545 Lake ST	1386/40	SONIA DACCARETT	
7.	2539 Lake St. #1	1386/049	MARTIN ROSSE	
8.	2539 Lake St. #1	1386/049	Dianne Younger Rosse	
9.	2539 lake st #4	1386/052	Michael Ryan	
10.	210-27TH AVE	1386/039	PATRICK MULLIGAN	
11.	243 - 27th Ave	1387/008	DAVIS LOUIE	
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ADDRESS BLOCK/LOT NAME SIGNATURE

BY 4

City Planning Commission
Case No. 2016-003258CUA

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2.	210 27TH AVE.	1386/039	Karen Mulligan	
3.	2539 Lake St. #2	1386/050	Marian Schell	
4.	2539 Lake St. #2	1386/050	DON SKILES	
5.	2545 LAKE ST	1386/40	ALEX BERNSTEIN	
6.	2545 LAKE ST	1386/40	SONIA DOCARETT	
7.	2539 Lake St #1	1386/049	MARTIN ROSSE	
8.	2539 Lake St #1	1386/049	Dianne Wurger Rosse	
9.	2539 lake st #4	1386/052	Michael Ryan	
10.	210-27TH AVE	1386/039	PATRICK MULLIGAN	
11.	2534 Lake Street	1332-022A	Mary Gamba O'Regan	DocuSigned by: DEC02B7C3460ABF...
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City Planning Commission
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3.	2539 Lake St. #2	1386/050	Marian Schell	Marian Schell
4.	2539 Lake St. #2	1386/050	DON SKILES	Don Skiles
5.	2545 LAKE ST	1386/40	ALEX BERNSTEIN	
6.	2545 LAKE ST	1386/40	SONIA DECARETT	
7.	2539 Lake St #1	1386/049	MARTIN ROSSE	
8.	2539 Lake St. #1	1386/049	Dianna Younger Rosse	
9.	2539 lake st #4	1386/052	Michael Ryan	
10.	210-27TH AVE	1386/039	PATRICK MULLIGAN	
11.	201 26th Avenue	1386-073	Campana Family Revocable Trust	DocuSigned by:
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City Planning Commission
Case No. 2016-003258CUA

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4.	2539 Lake St. #2	1386/050	DON SKILES	
5.	2545 LAKE ST	1386/40	ALEX BERNSTEIN	
6.	2545 LAKE ST	1386/40	SONIA DECARETT	
7.	2539 Lake St. #1	1386/049	MARTIN ROSSE	
8.	2539 Lake St #1	1386/049	Dianna Younger Rosse	
9.	2539 lake st #4	1386/044	Michael Ryan	
10.	210 27TH AVE	1386/039	PATRICK MULLIGAN	
11.	205 26th Avenue	1386/048	Deborah Hatch	DocuSigned by: Deb Hatch
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City Planning Commission
Case No. 2016-003258CUA

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4.	2539 Lake St. #2	1386/050	DON SKILES	
5.	2545 LAKE ST	1386/40	ALEX BERNSTEIN	
6.	2545 LAKE ST	1386/40	SONIA DECARETT	
7.	2539 Lake St. #1	1386/049	MARTIN ROSSE	
8.	2539 Lake St. #1	1386/049	Dianne Younger Rosse	
9.	2539 lake st #4	1386/052	Michael Ryan	
10.	210-27TH AVE	1386/037	PATRICK MULLIGAN	
11.	2544 Lake Street	1332-053	Robert Martin Melissa Martin	Robert Martin Melissa Martin
12.	239 26th #104		Sharon Ihara	
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BY 11 City Planning Commission
Case No. 2016-003258CUA

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4.	2539 Lake St. #2	1386/050	DON SKILES	
5.	2545 LAKE ST	1386/40	ALEX BERNSTEIN	
6.	2545 LAKE ST	1386/40	SONIA DECARETT	
7.	2539 Lake St. #1	1386/049	MARTIN ROSSE	
8.	2539 Lake St. #1	1386/049	Dawna Younger Rosse	
9.	2539 lake st #4	1386/052	Michael Ryan	
10.	210 27TH AVE	1386/037	PATRICK MULLIGAN	
11.	2515 Lake Street	1386-070	Adam Murray	DocuSigned by: Adam Murray
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SAN FRANCISCO
PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- ☐ Affordable Housing (Sec. 415)
- ☐ Jobs Housing Linkage Program (Sec. 413)
- ☐ Downtown Park Fee (Sec. 412)
- ☐ First Source Hiring (Admin. Code)
- ☒ Child Care Requirement (Sec. 414)
- ☐ Other

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

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415.558.6378

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415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion No. 20025

HEARING DATE: OCTOBER 12, 2017

Case No.:	**2016-003258CUA**
Project Address:	**218 27TH AVENUE**
Zoning:	RM-1 (Residential, Mixed, Low Density) 40-X Height and Bulk District
Block/Lot:	1386 / 038
Project Sponsor:	218 27th Avenue LLC c/o The Toboni Group 3364 Sacramento Street San Francisco, CA 94118
Staff Contact:	Laura Ajello – (415) 575-9142 or laura.ajello@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 317 TO DEMOLISH AN EXISTING TWO-STORY, SINGLE-FAMILY DWELLING AND CONSTRUCT A NEW FOUR-STORY, 3-UNIT BUILDING WITHIN THE RM-1 (RESIDENTIAL, MIXED, LOW DENSITY) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On August 15, 2016, 218 27th Avenue LLC (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 303 and 317 to demolish an existing two-story, single-family dwelling and construct a new four-story, 3-unit building within the RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District.

On October 12, 2017, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2016-003258CUA.

On June 21, 2016, the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as Class 1 and Class 3 Categorical Exemptions under CEQA as described in the determination contained in the Planning Department files for this Project. During the CEQA review, it was determined that the subject building is not a historic resource.

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2016-003258CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.

2. **Site Description and Present Use.** The project is located on the east side of 27th Avenue, between California and Lake Streets, Lot 038 in Assessor's Block 1386. The property is located within the RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District. The subject property has approximately 25 feet of frontage on 27th Avenue and is approximately 120 feet deep. The large flat rectangular-shaped parcel is currently occupied by a two-story, single-family dwelling constructed circa 1917, which covers approximately 50% of the lot.

3. **Surrounding Properties and Neighborhood.** The project site is located on a key lot near the corner of Lake Street in the Outer Richmond neighborhood. The subject site is located in an RM-1 District and is surrounded by two- to 12-unit residential structures ranging in height from three to four stories. Immediately adjacent to the subject property to the north is a three-story, seven-unit building and immediately to the south is a three-story, four-unit residential building. Directly across the street are a three-story, three-family dwelling and a four-story, six-unit building. Immediately behind and to the east of the subject property is a four-story, four-unit structure. While the adjacent properties are within the RM-1 (Residential, Mixed, Low Density) District, the surrounding neighborhood to the north and west are within the RH-1 (Residential, House, One-Family) District. The subject property is also within .25-miles of stops for the 1-California and 1AX-California A Express and 29-Sunset MUNI transit lines.

4. **Project Description.** The project proposes the demolition of the existing two-story, single-family dwelling and the construction of a four-story, 40-foot tall, three-family residential building. The three units, designed as two-story townhouses, would range in size from approximately 1,390 square feet to 2,265 square feet. Each unit will have one off-street parking space and one Class 1 bicycle parking space in the garage on the ground floor. The project is not seeking any exceptions or variances from the Planning Code. However, the applicant is requesting that the Planning Commission approve a 12-foot front setback at the top floor whereas the Department recommends a 15-foot setback to comply with Residential Design Guidelines with respect to

building scale at the street. The Department recommends approval of the project with the condition that the top floor setback be increased to a minimum of 15 feet.

Pursuant to Planning Code 317(c), "where an application for a permit that would result in the loss of one or more Residential Units is required to obtain Conditional Use Authorization by other sections of this Code, the application for a replacement building or alteration permit shall also be subject to Conditional Use requirements." This report includes findings for a Conditional Use Authorization in addition to Demolition Criteria established in Planning Code Section 317. The design of the new structure is analyzed in the Design Review Checklist.

5. **Public Comment.** As of October 2, 2017, the Department had received one email, from a board member of the Planning Association for the Richmond, opposing the height of the proposed four-story building within the context of the surrounding neighborhood predominantly consisting of three-story structures.

6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

   A. **Residential Demolition – Section 317.** Pursuant to Planning Code Section 317, Conditional Use Authorization is required for applications proposing to demolish a residential unit in an RM-1 Zoning District. This Code Section establishes criteria that Planning Commission shall consider in the review of applications for Residential Demolition.

   As the project requires Conditional Use Authorization per the requirements of the Section 317, the additional criteria specified under Section 317 have been incorporated as findings in Subsection 8 "Additional Findings pursuant to Section 317" below.

   B. **Front Setback Requirement.** Planning Code Section 132 states that the minimum front setback depth shall be based on the average of adjacent properties or a Legislated Setback.

   There is no required front setback for the subject property, based on the location of the adjacent building at 222 27th Avenue. The project proposes no front setback. The four proposed Juliet balconies on the second and third floors have metal safety railings that project less than one foot over the sidewalk into the public right-of-way. These horizontal projections meet the requirements of Planning Code Section 136(c), which regulates permitted obstructions into yards and over streets.

   C. **Rear Yard Requirement.** Planning Code Section 134 requires a rear yard equal to 45 percent of the total depth, at grade and above, for properties containing dwelling units in RH-3 Zoning Districts. Planning Code Section 134(c)(1) allows for the reduction in the rear yard requirement to the average between the depths of the rear building walls of the two adjacent buildings. In the case of any lot that abuts along one of its side lot lines upon a lot with a building that fronts on another street or alley, the lot on which it so abuts shall be disregarded, and the forward edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear building wall of the one adjacent building fronting on the same street or alley.

The subject property is approximately 120 feet in depth and therefore the 45 percent requirement is 54 feet. The subject property abuts along its north lot line a corner building that also fronts another street (Lake Street); therefore, that lot is disregarded in the consideration of a reduction in the rear yard requirement. The subject property abuts along its south side lot line a building with a rear yard setback of approximately 33.5 feet. Accordingly, the project provides a corresponding rear yard of approximately 30 feet (25% of the lot depth) including a one story permitted extension, which complies with the rear yard requirements of the Planning Code. The permitted extension consists of a one-story portion of the proposed building with a deck above projecting into the required rear yard by approximately 3.5 feet. This structure meets the requirements of Planning Code Section 136(25)(b)(i), which allows structures to project up to 12 feet into the required rear yard provided that they shall be no taller than ten feet and not encroach into the 25% rear yard area.

D. **Useable Open Space.** Planning Code Section 135 requires 100 square feet of useable open space for each dwelling unit if all private, or a total of 400 square feet of common usable open space.

The replacement structure contains three dwelling units. Each unit has access to approximately 745 square feet of common open space in the rear yard as well as private balconies and roof decks totaling approximately 904 square feet. As such, all dwelling units have access to usable open space which exceeds the minimum required by Section 135 of the Planning Code.

E. **Dwelling Unit Exposure.** Planning Code Section 140 requires that at least one room of all dwelling units face onto a public street or public alley at least 30 feet in width, a side yard at least 25 feet in width, a rear yard meeting the requirements of the Code or other open area that meets minimum requirements for area and horizontal dimensions.

All proposed dwelling units have direct exposure onto the public street or conforming rear yard.

F. **Street Frontages.** Section 144 of the Planning Code requires that no more than one-third of the width of the ground story along the front lot line, or along a street side lot line, or along a building wall that is setback from any such lot line, shall be devoted to entrances to off-street parking, except that in no event shall a lot be limited by this requirement to a single such entrance of less than ten feet in width.

The Project proposes a Code-complying garage door width of nine feet.

G. **Off-Street Parking.** Planning Code Section 151 requires one parking space for each dwelling unit and a maximum of 150 percent of the required number of spaces where three or more spaces are required.

The Project will provide three (3) off-street parking spaces.

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

The project requires three Class 1 bicycle parking spaces and no Class 2 bicycle parking spaces. The project proposes three Class 1 bicycle parking spaces, located in the garage.

I. **Height.** Planning Code Section 260 requires that all structures be no taller than the height prescribed in the subject height and bulk district. For properties in RM-1 Zoning Districts, height is measured at the center of the building starting from curb to a point 40 feet high at the required front setback.

The existing building has a height of approximately 21 feet, as measured from curb to the midpoint of its pitched roof. The proposed four-story, three-family dwelling will be approximately 40 feet high and per Code the rearmost portion of the building is reduced to 30 feet in height.

J. **Child Care Requirements for Residential Projects.** Planning Code Section 414A requires that any residential development project that results in at least one net new residential unit shall comply with the imposition of the Residential Child Care Impact Fee requirement.

The Project proposes new construction of a three-unit residential building. Therefore, the Project is subject to the Residential Child Care Impact Fee and must comply with the requirements outlined in Planning Code Section 414A.

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

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

As conditioned, the use and size of the proposed project is compatible with the immediate neighborhood. The proposal would demolish an existing single-family dwelling that contains three bedrooms and has approximately 1,200 square feet of floor area, excluding the basement level. The new building will contain one 2-bedroom and two 3-bedroom dwelling units ranging in size from approximately 1,390 square feet to 2,265 square feet. As conditioned, the siting of the new building will be in conformity with the requirements of the Planning Code and consistent with the objectives of the Residential Design Guidelines.

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

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

As conditioned, the four-story massing at the street front is appropriate given the context of the immediate neighborhood. The proposed new construction is entirely within the buildable area as prescribed by the Planning Code and Residential Design Guidelines.

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

The proposed garage is designed to accommodate the three required off-street parking spaces, in addition to the three required Class 1 bicycle parking spaces.

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

As the proposed project is residential in nature, unlike commercial or industrial uses, the proposed residential use is not expected to produce noxious or offensive emissions.

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

The façade treatment and materials of the new building have been appropriately selected to be compatible with the surrounding neighborhood.

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

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

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

The proposed project is consistent with the stated purpose of RM-1 Districts which are characterized by a mixture of dwelling types that for the most part reflect the traditional lot patterns, with 25- to 35-foot building widths and rarely exceed 40 feet in height. Additionally, as conditioned the project is in conformance with the Planning Code requirements for dwellings in RM-1 Zoning District.

8. **Additional Findings pursuant to Section 317.** Section 317 of the Planning Code establishes criteria for the Planning Commission to consider when reviewing applications to demolish or convert Residential Buildings. On balance, the Project does comply with said criteria in that:

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

A review of the Department of Building Inspection and the Planning Department databases showed no active enforcement cases or notices of violation for the subject property.

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

The existing dwelling appears to be in decent, safe, and sanitary condition with no active Code violations.

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

Although the existing building is more than 50 years old, a review of supplemental information resulted in a determination that the property is not an historical resource.

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

The structure is not an historical resource and its removal will not have a substantial adverse impact.

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

The existing single-family dwelling proposed for demolition is currently vacant. The project plans to convert the new dwelling units into condominiums.

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

The Planning Department cannot definitively determine whether or not the single-family home is subject to the Rent Stabilization and Arbitration Ordinance. This is the purview of the Rent Board; however, the Department can confirm that there are no tenants living in the dwelling.

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

Although the project proposes the demolition of an existing dwelling, the new construction project will result in three family-sized dwellings, containing more habitable square feet and bedrooms.

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

As conditioned, the Project conserves neighborhood character with appropriate scale, design, and materials, and improves cultural and economic diversity by constructing three family-sized dwellings that are consistent with the RM-1 Zoning District.

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

The project removes an older dwelling unit, which is generally considered more affordable than more recently constructed units. However, the project also results in two additional units, greater habitable floor area, and more bedrooms that contribute positively to the City's housing stock.

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

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

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

As conditioned, the Project has been designed to be in keeping with the scale and development pattern of the established neighborhood character.

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

The Project proposes enhanced opportunities for family-sized housing on-site by constructing three family-sized dwelling units whereas the property currently contains only one family-sized dwelling.

xiii. Whether the Project creates new supportive housing;

The Project does not create supportive housing.

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

The overall scale, design, and materials of the proposed building are consistent with the block-face and compliment the neighborhood character with a compatible design.

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

The Project would add two additional dwelling units to the site.

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

The existing dwelling contains three bedrooms. The proposal includes two 3-bedroom units and a single two-bedroom unit, a net increase of five bedrooms.

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

The project will not maximize the allowed density on-site by providing three dwelling units. Four residential units are permitted at this site.

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

The Planning Department cannot definitively determine whether or not the single-family home is subject to the Rent Stabilization and Arbitration Ordinance. This is the purview of the Rent Board; however, the Department can confirm that there are no tenants living in the dwelling.

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

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 project proposes demolition of a sound residential structure containing a three-bedroom single-family dwelling. However, the new building will contain three dwelling units and results in a net increase of family-sized housing.

OBJECTIVE 3:
PROTECT THE AFFORDABILITY OF THE EXISTING HOUSING STOCK, ESPECIALLY RENTAL UNITS.

Policy 3.1:
Preserve rental units, especially rent controlled units, to meet the City's affordable housing needs.

Policy 3.3:
Maintain balance in affordability of existing housing stock by supporting affordable moderate ownership opportunities.

Policy 3.4:
Preserve "naturally affordable" housing types, such as smaller and older ownership units.

The existing single family dwelling is currently vacant. The Planning Department cannot definitively determine whether or not the single-family home is subject to the Rent Stabilization and Arbitration Ordinance. This is the purview of the Rent Board; however, the Department can confirm that there are no tenants living in the dwelling. The new construction project will result in an increase in the number of both units and bedrooms of the property.

OBJECTIVE 11:
SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

Policy 11.1:
Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

Policy 11.2:
Ensure implementation of accepted design standards in project approvals.

Policy 11.3:

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

Policy 11.5:
Ensure densities in established residential areas promote compatibility with prevailing neighborhood character.

As conditioned, the proposed new construction conforms to the Residential Design Guidelines and is appropriate in terms of material, scale, proportions and massing for the surrounding neighborhood. Furthermore, the proposal results in an increase in the number of dwelling units, while maintaining general compliance with the requirements of the Planning Code.

URBAN DESIGN

OBJECTIVE 1:
EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

Policy 1.2:
Recognize, protect and reinforce the existing street pattern, especially as it is related topography.

As conditioned, the project proposes new construction that will reinforce the existing street pattern as the building scale is appropriate for the subject block's street frontage.

Policy 1.3:
Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

As conditioned, the proposed façade and massing are compatible with the existing neighborhood character and development pattern, particularly by proposing a building of similar mass, width and height as the existing structures along the block-face.

10. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

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

    Existing neighborhood-serving retail uses would not be displaced or otherwise adversely affected by the proposal, as the existing building does not contain commercial uses.

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

    The project is compatible with the existing housing and neighborhood character of the immediate vicinity. As conditioned, the project proposes a height and scale compatible with the adjacent neighbors and is consistent with the Planning Code, while providing three family-sized dwellings.

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

As conditioned, the proposed three-family dwelling adds appropriately scaled and family-sized units to the city's housing stock.

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

The project meets the density, off-street parking and bicycle parking requirements of the Planning Code and is therefore not anticipated to impede transit service or overburden our streets with neighborhood parking.

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

The Project will not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.

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

The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not impact the property's ability to withstand an earthquake.

G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the Project site.

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

The project will have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces.

11. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

12. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2016-003258CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated September 8, 2017, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: **Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 20025. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.**

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on October 12, 2017.

Jonas P. Ionin
Commission Secretary

AYES: Hillis, Johnson, Koppel, Melgar and Richards

NAYS: None

ABSENT: Fong, Moore

ADOPTED: October 12, 2017

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to demolish a two-story single-family dwelling and to construct a four-story, two-family dwelling located at 218 27th Avenue, Lot 038 in Assessor's Block 1386, pursuant to Planning Code Sections 303 and 317(d) within the RH-3 District and a 40-X Height and Bulk District; in general conformance with plans, dated September 8, 2017, and stamped "EXHIBIT B" included in the docket for Case No. 2016-003258CUA and subject to conditions of approval reviewed and approved by the Commission on October 12, 2017 under Motion No **20025**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on October 12, 2017 under Motion No **20025**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **20025** shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.
   For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.
   For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.
   For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.
   For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.
   For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

DESIGN

6. **Building Scale.** The fourth floor shall be set back a minimum of fifteen (15) feet as measured from the front building wall.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

7. **Roof Deck.** The Project Sponsor shall remove the roof deck proposed above the fourth floor and submit revised plans to the Planning Department prior to Planning approval of the building permit.
   For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

8. **Roof Access.** The Project Sponsor shall revise the project plans to limit access to the roof above the fourth floor to the minimal requirements as required by the Building Code. Revised plans shall be submitted to the Planning Department prior to Planning approval of the building permit application. The design shall be as approved by the Planning Department.
   For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

9. **Inoperable Windows.** The Project Sponsor shall submit a revised north elevation to the Planning Department prior to Planning approval of the building permit application that specifies that the frosted windows shall be inoperable.
   For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

10. **Arborist Required.** The Project Sponsor shall retain an arborist to observe construction and recommend measures to ensure the health of trees located on adjacent lots.
    For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

11. **Front Entry Deck and Stair Screening.** The Project Sponsor shall submit revised site plan, floor plans and north elevation to the Planning Department prior to Planning approval of the building permit application depicting the addition of an opaque privacy screen or panel at the front entry stair and deck. The design and location of the screening shall be as approved by the Planning Department.
    For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

12. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.
    For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org

PARKING AND TRAFFIC

13. **Bicycle Parking.** The Project shall provide no fewer than three (3) Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.2.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

14. **Parking Requirement.** Pursuant to Planning Code Section 151, the Project shall provide three (3) independently accessible off-street parking spaces.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

PROVISIONS

15. **Child Care Fee - Residential.** The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A.
For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

16. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

17. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

OPERATION

18. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, http://sfdpw.org

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

20. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

HANSON BRIDGETT LLP

CHECK NUMBER: 56743
CHECK DATE: 11-10-17

REF. #	INV. #	INV. DATE	INV. AMOUNT	INV. DESCRIPTION	AMT. PAID
18154	35114.1-11017b	11-07-17	597.00	Appeal fee - Conditional Use Authorization (35114.1)	597.00

CHECK DATE
November 10, 2017

First Republic Bank
111 Pine Street
San Francisco, CA 91111

HANSON BRIDGETT LLP

425 MARKET STREET, 26TH FLOOR 415-777-3200
SAN FRANCISCO, CA 94105

CHECK NO. **56743**

11-8166/3210

CHECK AMOUNT

$ 597.00

AY FIVE HUNDRED NINETY-SEVEN AND 00/100 Dollar(s)

VOID AFTER 180 DAYS
TWO SIGNATURES REQUIRED IF OVER $5,000.00

D THE ORDER OF **San Francisco Planning Department**
1650 Mission Street, Suite 400
San Francisco, CA 94103

Security features. Details on back.