

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

RECORDING REQUESTED BY

And When Recorded Mail To:

Name: JUST CORZINE

Address: THE RESIDIO
572 RUGIER ST, SUITE A

City: SAN FRANCISCO

State: CA ZIP: 94129

CONFORMED COPY of document recorded
2021055118 3/30/2021
with document NO. _____
This document has been compared with the original
SAN FRANCISCO ASSESSOR-RECORDER

(Space Above This Line For Recorder's Use)

I (We) 1776 GREEN STREET LLC, the owner(s)
of that certain real property situated in the City and County of San Francisco, State of California more
particularly described as follows: (or see attached sheet marked "Exhibit A" on which property is more
fully described):

BEING ASSESSOR'S BLOCK: 0544; LOT: 006;

COMMONLY KNOWN AS: 1776 GREEN STREET;

hereby give notice that there are special restrictions on the use of said property under the Planning Code.

Said Restrictions consist of conditions attached to **Variance Application No. 2018-011430VAR**
authorized by the Zoning Administrator of the City and County of San Francisco on **March 24, 2021**, to
construct a two-story vertical addition and a change of use from an automobile repair garage to a residential
building containing five dwelling units.

The restrictions and conditions of which notice is hereby given are:


1. The authorization and rights vested by virtue of this decision letter **shall be deemed void and cancelled** if (1) a Site or Building Permit has not been issued within three years from the effective date of this decision; or (2) a Tentative Map has not been approved within three years from the effective date of this decision for Subdivision cases; or (3) neither a Site or Building Permit or Tentative Map is involved but another required City action has not been approved within three years from the effective date of this decision. However, this authorization may be extended by the Zoning Administrator when 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.

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2. Any future physical expansion, even in the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood character and scale. If the Zoning Administrator determines that there would be a significant or extraordinary impact, the Zoning Administrator shall require either notice to adjacent and/or affected property owners or a new Variance application be sought and justified.
3. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls apply.
4. Minor modifications as determined by the Zoning Administrator may be permitted.
5. The owner of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this Variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.
6. This Variance Decision and the recorded Notice of Special Restrictions shall be reproduced on the Index Sheet of the construction plans submitted with the Site or Building Permit Application for the Project, if applicable.

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The use of said property contrary to these special restrictions shall constitute a violation of the Planning Code, and no release, modification or elimination of these restrictions shall be valid unless notice thereof is recorded on the Land Records by the Zoning Administrator of the City and County of San Francisco.

 (Signature) JOSH CORZINE (Printed Name)

Dated: 3/29, 20 21 at MILL VALLEY, California.
(Month, Day) (City)

JOSH CORZINE
MANAGER, LOCAL CAPITAL GROUP LLC,
MANAGER, LOCAL PARTNERS VI LLC,
MANAGER OF 1726 GARDEN STREET LLC

(Signature) (Printed Name)

Dated: _____, 20 _____ at _____, California.
(Month, Day) (City)

(Signature) (Printed Name)

Dated: _____, 20 _____ at _____, California.
(Month, Day) (City)

Each signature must be acknowledged by a notary public before recordation; add Notary Public Certification(s) and Official Notarial Seal(s).

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

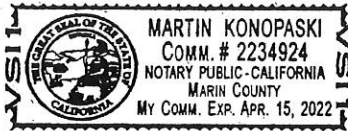
A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }
County of MARIN }

On 3.29.21, before me, Martin Konopaski, Notary Public,
personally appeared Joshua S. Corzine

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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



WITNESS my hand and official seal.

SIGNATURE [Handwritten Signature]

PLACE NOTARY SEAL ABOVE

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of attached document

Title or type of document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other than Named Above: _____

EXHIBIT A

The land referred to is situated in the County of San Francisco, City of San Francisco, State of California, and is described as follows:

Beginning at a point on the Northerly line of Green Street, distant thereon 81 feet Easterly from the Northeasterly corner of Green and Octavia Streets; running thence Easterly and along said line of Green Street 54 feet; thence at a right angle Northerly 137 feet and 6 inches; thence at a right angle Westerly 54 feet; thence at a right angle Southerly 137 feet and 6 inches to the point of beginning.

Being part of Western Addition Block No. 167.

Assessor's Lot 006; Block 0544



VARIANCE DECISION

Date: March 24, 2021
Case No.: 2018-011430VAR
Project Address: 1776 Green Street
Block/Lots: 0544/006
Zoning: RH-2 (Residential-House, Two-Family) Zoning District
Height/Bulk: 40-X Height and Bulk District
Applicant: Georgianna Kleman, Sutro Architects
1055 Post Street, San Francisco CA
Owner: 1776 Green Street LLC
572 Ruger Street, San Francisco CA
Staff Contact: Christopher May – (628) 652-7359
Christopher.may@sfgov.org

Description of Variances – Front Setback and Rear Yard Variances Sought:

The proposal is to construct a two-story vertical addition and a change of use from an automobile repair garage to a residential building containing five dwelling units.

Planning Code Section 132 requires properties in the RH-2 Zoning District to maintain a front setback area equivalent to the average of the front setbacks of the two adjacent properties, but no more than 15 feet. Only one adjacent property (1778-1780 Green Street) has a front setback, which is approximately 22 feet. As such, the required front setback for the subject property is approximately 11 feet. The proposed two-story vertical addition is set back 20 feet from the front lot line, which complies with the front setback requirements of the Planning Code. The existing two-story building, however, has no front setback, and is therefore a noncomplying structure. Because the project proposes the intensification of a noncomplying structure, a front setback variance is required.

Planning Code Section 134 requires properties in the RH-2 Zoning District to maintain a rear yard equivalent to 45 percent of the total lot depth at grade level and at each succeeding story of the building, unless reduced to the average of qualifying adjacent rear building walls. The subject property has a lot depth of approximately 137.5 feet. Therefore, the 45 percent requirement is approximately 62 feet. However, given that the adjacent apartment building at 1770 Green Street has no rear yard, the required rear yard for the Project may be reduced to of 25 percent of the total depth of the lot, which in this case is approximately 34 feet. The proposed third-floor vertical addition is set back 34 feet from the rear lot line, and the fourth-floor vertical addition is set back an additional 10 feet, both of which comply with the rear yard requirements of the Planning Code. The existing one-story-plus-mezzanine building has no rear yard and is therefore a noncomplying structure. Because the Project

proposes the intensification of a noncomplying structure, a variance is required.

Procedural Background:

1. The project is exempt from CEQA under the common sense exemption (CEQA Guidelines 15061(b)(3)).
2. The Planning Commission and Zoning Administrator held a joint public hearing on **February 18, 2021** and the Planning Commission approved **Conditional Use Authorization Application No. 2018-011430CUA** to exceed the principally permitted two dwelling units per lot in the RH-2 Zoning District, to a maximum of one dwelling unit per 1,500 square feet of lot area. The Zoning administrator heard **Variance Application No. 2018-011430VAR**.

Decision:

GRANTED, in general conformity with the plans on file with this application, shown as EXHIBIT A, to construct a two-story vertical addition and a change of use from an automobile repair garage to a residential building containing five dwelling units, subject to the following conditions:

1. The authorization and rights vested by virtue of this decision letter **shall be deemed void and cancelled** if (1) a Site or Building Permit has not been issued within three years from the effective date of this decision; or (2) a Tentative Map has not been approved within three years from the effective date of this decision for Subdivision cases; or (3) neither a Site or Building Permit or Tentative Map is involved but another required City action has not been approved within three years from the effective date of this decision. However, this authorization may be extended by the Zoning Administrator when 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.
2. Any future physical expansion, even in the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood character and scale. If the Zoning Administrator determines that there would be a significant or extraordinary impact, the Zoning Administrator shall require either notice to adjacent and/or affected property owners or a new Variance application be sought and justified.
3. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls apply.
4. Minor modifications as determined by the Zoning Administrator may be permitted.
5. The owner of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this Variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.
6. This Variance Decision and the recorded Notice of Special Restrictions shall be reproduced on the Index Sheet of the construction plans submitted with the Site or Building Permit Application for the Project, if

applicable.

Findings:

Section 305(c) of the Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

FINDING 1.

That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district.

Requirement Met.

- A. The existing two-story automobile repair garage, constructed circa 1914, is a Category A historic resource that covers the entire property and was previously occupied by a use not permitted within the RH-2 Zoning District. The walls of the building are located within the required front setback area and rear yard, rendering it a nonconforming structure. The nonconforming status of the subject building restricts its redevelopment and adaptive reuse and is therefore an exceptional and extraordinary circumstance that does not apply generally to other properties or uses in the same class of district.
- B. The subject block has no consistent mid-block open space due to Allyn Park on the eastern end and structures built very deep into lots 005 and 011B.
- C. The adjacent building at 1778-1780 Green Street is an outlier on the block, as all other buildings fronting Green Street have no front setback.

FINDING 2.

That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in a practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

Requirement Met.

- A. Given the front setbacks and rear yards of the adjacent buildings, the subject property is required to maintain a front setback area of approximately 11 feet and a rear yard of approximately 34 feet. Literal enforcement of these requirements would require either the partial demolition of the existing nonconforming portions of the subject building (including the historic front façade), or preclude the adaptive reuse of the building for residential uses that would otherwise bring the building into conformance with the uses permitted by the RH-2 Zoning District. Considering the lot and block context described above, such demolition would have limited positive effect and would result in a practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the

property.

FINDING 3.

That such variance is necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

Requirement Met.

- A. The project includes converting a former automobile repair garage to residential uses in conformance with the uses contemplated by the RH-2 Zoning District. Variances to the front setback and rear yard requirements of the Planning Code are necessary in order to allow the subject property to be converted to residential uses in a manner that preserves the historic resource building and avoids unnecessary demolition. This represents a substantial property right of the subject property, possessed by other property in the same class of district.

FINDING 4.

That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

Requirement Met.

- A. The granting of the variances to allow the conversion of the nonconforming portions of the building to residential uses will be completely within the existing building envelope and will not be materially detrimental to the public welfare or material injurious to the property or improvements in the vicinity.
- B. The Planning Department received both opposition and support for the project and determined the project to be consistent with the Residential Design Guidelines. Additionally, the Planning Commission found the project to be necessary or desirable for, and compatible with, the neighborhood or the community, and approved the associated Conditional Use Authorization.

FINDING 5.

The granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

Requirement Met.

- A. This development is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. Planning Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. The project meets all relevant policies, including conserving neighborhood character, and maintaining housing stock.
 - 1. Existing neighborhood retail uses will not be adversely affected by the proposed project.
 - 2. The proposed project will be in keeping with the existing housing and neighborhood character. The

conversion of the automobile repair garage to five residential dwelling units is consistent with the surrounding area and permitted density of the lot.

1. The proposed project will have no effect on the City's supply of affordable housing.
2. The proposed project does not adversely affect neighborhood parking or public transit.
3. The project will have no effect on the City's industrial and service sectors.
4. The proposed project will have no effect on the City's preparedness to protect against injury and loss of life in an earthquake.
5. The project will have no effect on the City's landmarks or historic buildings, as the proposed vertical addition maintains adequate setbacks that meet the Secretary of the Interior's standards for historic structures.
6. The project would not affect any existing or planned public parks or open spaces.

The effective date of this decision shall be either the date of this decision letter if not appealed, or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

Once any portion of the granted variance is used, all specifications and conditions of the variance authorization become immediately operative.

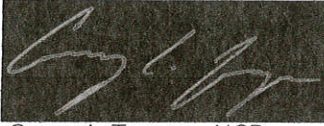
Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and 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.

APPEAL: Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 49 South Van Ness Ave, Suite 1475 (14th Floor), call 628-652-1150, or visit

www.sfgov.org/bdappeal.

Very truly yours,

A black and white image of a handwritten signature in cursive script, appearing to read 'C. Teague'.

Corey A. Teague, AICP
Zoning Administrator

This is not a permit to commence any work or change occupancy. Permits from appropriate departments must be secured before work is started or occupancy is changed.



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Requirement Met.

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Variance Decision
March 24, 2021

CASE NO. 2018-011430VAR
1776 Green Street

www.sfgov.org/bdappeal.

Very truly yours,

A black rectangular box containing a white, handwritten signature in cursive script.

Corey A. Teague, AICP
Zoning Administrator

This is not a permit to commence any work or change occupancy. Permits from appropriate departments must be secured before work is started or occupancy is changed.