

**From:** [Starr, Aaron \(CPC\)](#)  
**To:** [BOS Legislation, \(BOS\)](#); [Somera, Alisa \(BOS\)](#)  
**Cc:** [Bintliff, Jacob \(BOS\)](#)  
**Subject:** 552 Hill Street Appeal Response  
**Date:** Monday, September 14, 2020 11:48:21 AM  
**Attachments:** [2019-000013CUA - 552-554 Hill Street Planning Appeal Response\[2\].pdf](#)

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Attached, please find the Planning Department's response to the CU appeal for 552-554 Hill street.

Thanks,

Aaron Starr, Manager of Legislative Affairs

Legislative Affairs

San Francisco Planning

**PLEASE NOTE MY NEW ADDRESS AND PHONE NUMBER AS OF AUGUST 17, 2020:**

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[San Francisco Property Information Map](#)

**IN ORDER FOR US TO MOVE, OUR OFFICE WILL BE CLOSED WITH NO ACCESS TO PHONES OR E-MAIL ON THURSDAY, AUGUST 13 and FRIDAY, AUGUST 14, 2020. WE APPRECIATE YOUR PATIENCE.**

Due to COVID-19, San Francisco Planning is not providing any in-person services, but we are operating remotely. Our staff are available by e-mail, and the Planning and Historic Preservation Commissions are convening remotely. The public is encouraged to participate. Find more information on our services here.



# CONDITIONAL USE AUTHORIZATION APPEAL

## 552-554 HILL STREET

**DATE:** September 13, 2020  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** Rich Hillis, Planning Director – Planning Department (415) 558-6411  
Cathleen Campbell, Case Planner – Planning Department (628) 652-7387  
**RE:** Board File No. 200942, Planning Case No. 2019-000013CUA  
Appeal of Conditional Use Authorization for 552-554 Hill Street  
**HEARING DATE:** September 22, 2020  
**PROJECT SPONSOR:** Sarah Hoffman, 235 Montgomery Street, Suite 400, San Francisco, CA 94104  
**APPELLANTS:** Robert T Roddick Revocable Trust, 554 Hill Street, San Francisco, CA 94114

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### INTRODUCTION

This memorandum and the attached documents are a response to the letters of appeal to the Board of Supervisors (“Board”) regarding the Planning Commission’s (“Commission”) disapproval of the application for Conditional Use Authorization under Planning Department Case Number 2019-000013CUA pursuant to Planning Code Sections 209.1 (RH-2 Residential House Two-Family), 303 (Conditional Use Authorization) and 317 (Demolition), to allow the legalization of a dwelling unit merger of two residential flats and unauthorized removal and relocation of one dwelling unit to basement level.

This memorandum addresses the appeal to the Board, filed on August 10, 2020 by Sarah M. K. Hoffman, representing Bob Roddick.

The decision before the Board is whether to uphold the Planning Commission’s disapproval of an application for Conditional Use Authorization to allow the legalization of a dwelling unit merger of two residential flats and unauthorized removal and relocation of one dwelling unit to basement level, or to overturn that disapproval and adopt such conditions as are in its opinion necessary to secure the objectives of the Planning Code.

### SITE DESCRIPTION & PRESENT USE

The project site is located on the north side of Hill Street, between Castro and Noe Streets, Assessor’s Block 3622 and Lot 065. The project site currently contains a 2-story over basement residential building likely constructed with two residential flats circa 1904. The Report of Residential Building Record indicates that the legal authorized occupancy and use is a two-unit dwelling. The 2,850 square foot subject lot measures 25 feet wide by 114 feet deep.

Between 2003 through 2006, the project sponsor sought multiple building permit applications (BPA# 200405053052, 200312313258, 200503288499, 200505313771, & 200602285570) to install an elevator to access the third-floor unit (#554) from the garage. These permits did not address unit merger, removal or relocation of kitchen facilities, or removal and relocation of the basement unit. Between 2003 through 2006 the permitted scope of work was exceeded to include a residential flat merger, the removal of a the kitchen from the third floor, the relocation of the removed dwelling unit to the ground floor behind the garage, the expansion of the building at the second and third floor, the addition of spiral stairs to the roof, and the addition of decorative railing at the façade.

The large unit has the appearance of a two-family dwelling from the street with two entry doors at the second floor. The relocated unit on the ground floor unit has direct access to the street from a gate and side yard; however the unpermitted relocated unit is substandard to the Planning Code. The removed and relocated unit no longer has access to the rear yard common open space and does not face onto a qualifying open area meeting minimum exposure dimensions. The ground floor unit is currently occupied by a tenant who signed a lease on March 25, 2019, after the Conditional Use application to legalize the units was submitted to the Planning Department. The CU application indicated the ground floor unit was vacant.

### **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The subject property is located within the Noe Valley neighborhood and District 8. Parcels within the immediate vicinity consist of residential single-, two-, three and some four-family dwellings of varied design and construction dates.

### **PROJECT DESCRIPTION**

The project sponsor seeks Conditional Use Authorization, pursuant to Planning Code Sections 209.1, 303, and 317, to allow the legalization of a dwelling unit removal and residential flat merger of the 1,509 square foot, two-bedroom, one-bath dwelling unit (#554) with the 2,432 square foot, three-bedroom, two and a half- bath dwelling unit (#553) . The Project sponsor also seeks to legalize the interior reconfiguration that resulted in the creation of one 3,054 square foot, five bedroom three and a half-bath dwelling unit (#554) and relocation of one 815 square foot dwelling unit (#552), with two bedrooms and one-bath, to the ground floor behind the garage. A variance was sought from the rear yard requirement (Planning Code Section 134) to legalize an unauthorized building expansion at the third floor, decks and stairs constructed in a required setback without permit. The removed and relocated unit no longer has access to the rear yard common open space and does not face onto a qualifying open area meeting minimum exposure dimensions.

### **BACKGROUND**

On February 14, 2018, an anonymous complaint was filed stating the property was listed for sale as a single-family residence.

On February 28, 2018, the Planning Department sent a Notice of Complaint to inform the owner about the complaint. No action was taken by the property owner. The Planning department found the property in violation of Planning Code Section 317.

On March 28, 2018, the Planning Department sent the owner a Notice of Enforcement, informing of the violation and the abatement process.

On June 7, 2018, a Notice of Violation was issued for the Planning Code Violations.

On June 15, 2018 the project sponsor filed an Appeal of the notice of violation.

On January 9, 2019, Planning enforcement staff made a site visit to the property and confirmed that the ground floor unit was vacant.

On March 8, 2019, Sarah Hoffman filed Application No. 2019-000013CUA with the Planning Department for a Conditional Use Authorization to legalize the merger of two residential flats and legalize the unauthorized dwelling unit removal and relocation. The application stated that the ground floor unit was vacant.

On March 25, 2019 a tenant signed a lease for the ground floor unit.

On April 17, 2019 the Board of Appeals moved to continue the hearing to allow the project sponsor to pursue a Conditional Use Authorization to legalize dwelling unit merger.

On July 9, 2020, the Planning Commission heard the proposed Conditional Use application for 552-554 Hill Street. After the applicant's presentation, and taking public comment, the Planning Commission then voted four to three to disapprove the project, with Commissioner Diamond, Commissioner Fung, Commissioner Koppel against the disapproval.

### **CONDITIONAL USE AUTHORIZATION REQUIREMENTS**

Planning Code Section 303 establishes criteria for the Commission to consider when reviewing all applications for Conditional Use approval. To approve the project, the Commission must find that these criteria have been met:

1. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community; and
2. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
  - a. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
  - b. 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;
  - c. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
  - d. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and
3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.
4. That such use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Use District.

In addition, Planning Code Section 317 sets forth the following additional criteria that the Planning Commission shall consider in the review of applications for to merge Residential Units or Unauthorized Units:

1. Whether removal of the unit(s) would eliminate only owner-occupied housing, and if so, for how long the unit(s) proposed to be removed have been owner occupied;
2. Whether removal of the unit(s) and the merger with another is intended for owner occupancy;
3. Whether removal of the unit(s) will remove an affordable housing unit as defined in Section 401 of this Code or housing subject to the Residential Rent Stabilization and Arbitration Ordinance;
4. If removal of the unit(s) removes an affordable housing unit as defined in Section 401 of this Code or units subject to the Residential Rent Stabilization and Arbitration Ordinance, whether replacement housing will be provided which is equal or greater in size, number of bedrooms, affordability, and suitability to households with children to the units being removed;
5. How recently the unit being removed was occupied by a tenant or tenants;
6. Whether the number of bedrooms provided in the merged unit will be equal to or greater than the number of bedrooms in the separate units;
7. Whether removal of the unit(s) is necessary to correct design or functional deficiencies that cannot be corrected through interior alterations;
8. The appraised value of the least expensive Residential Unit proposed for merger only when the merger does not involve an Unauthorized Unit.

## **APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES**

### **ISSUE 1: The appeal should be granted because the application satisfies all of the findings for a Conditional Use Authorization**

Section 317 of the Planning Code (which did not exist at the time the unit reconfiguration occurred) requires a CUA for a unit merger or removal. If a unit is relocated to elsewhere in the building (rather than removed), as occurred here, a CUA is required if the replacement unit is more than 25% smaller than the original unit. Although these requirements did not exist at the time the unit reconfiguration occurred, the Appellant brought the CUA to abate the NOV and ensure that all the work performed at the Property is correctly documented.

Appellant argues that its CUA meets all applicable criteria for a residential merger.

### **RESPONSE 1: The appeal should not be granted because the application does not satisfy the findings for a Conditional Use Authorization**

In passing resolution 20756, the Planning Commission determined the proposal does not satisfy the requirements of Planning Code 317 and is inconsistent with the General Plan. In addition, the unpermitted relocated unit is not code compliant. The only permits obtained by the owner allowed installation of an elevator to make the property wheelchair accessible. The unauthorized work in excess of permits, including removal of a code compliant family sized residential flat, was not necessary to install an elevator for wheelchair accessibility.

A code compliant residential flat was removed from the third floor without permit. The General Plan recognizes that existing housing is the greatest stock of rental and financially accessible residential units and is a resource in

need of protection. 'Residential Flats' are a common San Francisco housing typology, in which a single dwelling unit, generally occupying an entire story of a building, has exposure onto open areas at the front and rear of its property. This type of unit configuration satisfies a number of housing needs, particularly for middle income families. On October 12, 2017 the Commission adopted a Policy under resolution 20024 requiring a Mandatory Discretionary Review for the removal of a Residential Flat.

The unauthorized relocated unit behind the garage no longer meets the minimum standards of the Planning Code. Although the number of bedrooms proposed remains the same, the unpermitted relocated unit is not suitable because it lacks proper exposure and does not have access to usable open space.

An elevator was approved under Permit 2003.12.31.3258 without an interior reconfiguration. A dwelling unit merger, as defined under Planning Code Section 317, is not required for the elevator installation or wheelchair access to the residential flats. Similarly, the unpermitted unit reconfiguration is not required to correct design or functional deficiencies within the building. Further, Planning Code Section 305.1 establishes a process for making and acting upon requests for reasonable modifications according to the Federal Fair Housing Act, the Americans with Disabilities Act, and the California Fair Employment and Housing Act, the relocation of a code compliant dwelling unit to a substandard location deficient of the minimum planning code requirements is not a reasonable modification for the installation of an elevator.

**ISSUE 2: In any event, Conditional Use Authorization should not have been required because the project was completed, and a CFC issued before § 317 was enacted.**

Appellant argues that this is an unusual case because it involves the application of the current Planning Code to work that was completed, inspected, and signed off by the City, before § 317 was enacted. Appellant notes that § 317 did not exist in 2006, when the Project was completed and the CFC issued, so he argues that the Project could not have violated § 317 at that time. And, as § 317 did not exist, the Appellant or his contractors could not have been attempting to circumvent it in 2003–2006.

Appellant further asserts that either his contractors did not obtain all the required permits for the work, or that a permit has been misplaced in the city's systems. According to the project sponsor six of the nine building permits associated with the work were not entered into the DBI system as complete until 2016, despite the fact final inspections had occurred.

Appellant disagrees with the Department's assertion that Mr. Roddick's removal of a unit would have required a Mandatory Discretionary Review and asserts that the City's enforcement of § 317– more than a decade after the unit reconfiguration was completed – also violates the Appellant's substantive and procedural due process rights.

**RESPONSE 2: Appellant has failed to offer any proof that permits were issued for the Dwelling Unit Merger, Removal, and Relocation. Moreover, Appellant does not dispute that the Relocated unit fails to meet the minimum requirements of the Planning Code.**

Appellant argues that the proposal involves work that was completed, inspected, and signed off by the City. As stated within the Planning Notice of Violation issued June 7, 2018, the responsible parties must provide adequate evidence to demonstrate that no violation exists through proof of permit. No proof of permit has been provided

for the rear expansions or dwelling unit removal and relocation. Moreover, pursuant to Planning Code Section 175, no application, permit or license shall be approved or issued by any City department for the construction, reconstruction, enlargement, alteration, relocation or occupancy of any structure if the construction or other activities that would be authorized by the requested permit or license would not conform in all respects to the Planning Code, or if the structure or any feature thereof is designed, constructed, arranged, maintained or intended to be used for a purpose or in a manner contrary to the provisions of the Planning Code. Further, pursuant to Planning Code Section 176, should any permit or license have been issued that was not then in conformity with the provisions of this Code, such permit or license shall be null and void. No permit was ever approved or issued by any other City department for the construction, reconstruction, enlargement, or unit relocation. The Planning Department determines this work as unpermitted and in Violation of the Planning Code.

The Appellant argues, without support, that the work exceeding the scope of the issued permits was not subject to Planning Department review between 2003-2006. Between 2003-2006, if a permit was sought for an interior unit reconfiguration, Planning staff would have reviewed the proposal to ensure the dwelling unit relocation met the minimum requirements of the Planning Code. There is no evidence Planning staff reviewed or approved a dwelling unit removal or reconfiguration. There is no evidence the Building Department reviewed or approved a dwelling unit removal or reconfiguration without Planning Department review. A code complying residential flat was removed from the third floor without the benefit of a permit. The unpermitted relocated unit does not meet the minimum requirements of the Planning Code. Between 2003-2006, a dwelling unit removal would have required a Mandatory Discretionary Review, per Planning Commission Resolution No. 16053. The unpermitted relocated unit could not have been approved without variances for open space and exposure. In addition, the building and deck were expanded into the required rear yard without permit. Between 2003-2006, the unpermitted building and deck expansions would have required a rear yard variance and Planning Code Section 311 Neighborhood Notice.

An issued Certificate of Completion for building permit 2003.12.31.3258 and associated revision permits do not constitute the legalization of work exceeding that permitted scope of work. Rather, projects must be reviewed according to the Planning Code provisions in effect at the time of project applications. Here, the relevant application is the application to legalize unpermitted work pursuant to a Conditional Use Authorization. Since Planning Code Section 317 is currently applicable to the merger or removal of residential units, it applies to the project.

**ISSUE 3: The City is barred by the doctrines of equitable estoppel and laches from requiring appellant to reverse the unit reconfiguration.**

Appellant asserts that the City may be estopped from changing its position because Appellant has relied on the City's conduct or representations, to his detriment. Specifically, Appellant argues that by issuing a CFC, the City represented and warranted that the work performed at the Property, including the unit configuration, was Code-compliant.

Appellant also argues that the City inspected the Property after the unit reconfiguration was completed and issued a CFC in 2006, which confirmed that this work "conforms both to the Ordinances of the City and County of San Francisco and to the Laws of the State of California." As a result, Appellant argues that the City is barred by the doctrine of laches from enforcing the Planning Code against Appellant's project.

Finally, Appellant argues that because he performed substantial at his Property, in reliance on permits issued by the City, he has a vested right in maintaining the as-built conditions at his Property.

**RESPONSE 3: The Certificate of Final Completion did not legalize work performed in excess of issued permits, or obligate the City to identify such exceedance of permits. Moreover, Appellant has no vested rights in work that was not contemplated or permitted by the legally issued permits.**

Appellant incorrectly argues that, by issuing a CFC, the Department of Building Inspection on behalf of the City represented that Appellant's project conformed with City law in all respects. But section 109A of the City's Building Code specifically provides that "issuance of a certificate of final completion and occupancy or an amended certificate of final completion and occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction." As noted above, in 2003, a dwelling unit removal would have required a Mandatory Discretionary Review, per Planning Commission Resolution No. 16053. The current unpermitted relocated unit could not have been approved without variances for open space and exposure. In addition, the building and deck were expanded into the required rear yard without permit. In 2003, the unpermitted building and deck expansions would have required a rear yard variance and Planning Code Section 311 Neighborhood Notice. The issuance of a CFC did not legalize work that was performed in violation of the Planning Code.

Similarly, Appellant is incorrect in arguing that he has obtained a vested right by incurring costs to perform work in excess of the scope of his validly issued permits. The California Supreme Court has explained that "[t]he doctrine of vested rights ... states that a property owner who, in good faith reliance on a government permit, has performed substantial work and incurred substantial liabilities has a vested right to complete construction under the permit and to use the premises *as the permit allows*." (*Communities for a Better Env't v. South Coast Air Quality Dist.*, (2010) 48 Cal. 4th 310, 323 (emphasis added)) But Appellant seeks vested rights in work beyond what the permits allowed. No California case recognizes such a right. In fact, Appellant's argument would encourage property owners to violate the terms of validly issued permits by performing work exceeding their scope.

**ISSUE 4: The Planning Commission violated the Brown Act and Sunshine Ordinance by prohibiting a member of the public from speaking at the CUA hearing.**

Appellant argues that the Planning Commission has a policy of prohibiting members of a Project Sponsor's team, including "Sponsor(s) or their designee, lawyers, architects, engineers, expeditors, and/or other advisors" from speaking during the public comment time period,<sup>3</sup> and that this policy violates both the Brown Act and the San Francisco Sunshine Ordinance. Moreover, Appellant argues that, even if this policy were lawful, the Planning Commission wrongly applied it to prevent a member of the public, who is not a member of the Appellant's project team (John Rohosky), from speaking in support of the Appellant.

**RESPONSE 4: The Planning Commission did not violate the Brown Act and Sunshine ordinance by prohibiting Mr. Rohosky from speaking at the CUA hearing.**

The Planning Commission did not violate the Brown Act or Sunshine Ordinance. Prior to the hearing, the Project sponsor stated in an email that Mr. Rohosky was not part of the Project Sponsor's team; however, during the public comment period, Mr. Rohosky introduce himself as the project architect. Public comment period is



reserved for members of the public to express support or concern for the project. It is not available for members of the Project Sponsor's team to present additional information on behalf of the Project.

If Mr. Rohosky was a member of the public who was not on the project team, but wished to speak in support of the project, his comment would have been heard during the time allotted for public comment in support of the project. Appellant acknowledges that Mr. Rohosky's proposed testimony included a presentation to "explain permits and inspection history for the elevator and unit reconfiguration work." As such, Mr. Rohosky was clearly proposing to speak as part of the Project Team, and the appropriate time for him to offer comments was during the period of time allotted to the Project Team, not during general public comment on the project. As usual, the Commission Secretary allotted the Project Sponsor's Team 5 minutes to present the project proposal to the Planning Commission. The Project Sponsor's team exceeded the 5-minute presentation timeframe without Mr. Rohosky's testimony. The Project Team was not entitled to additional time for Mr. Rohosky to speak at the hearing. Nonetheless, Mr. Rohosky's testimony was included in the commission packet in the form of a letter. This letter was also made available to the public.

### **CONCLUSION**

For the reasons stated in this document, in the attached Resolution, and in the Planning Department case file, the Planning Department recommends that the Board uphold the Planning Commission's decision disapproving the Conditional Use Authorization to allow the legalization of a dwelling unit merger of two residential flats and unauthorized removal and relocation of one dwelling unit to basement level, and deny the requests from Appellants to overturn or modify the Commission's decision.



# SAN FRANCISCO PLANNING DEPARTMENT

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## Memo to the Planning Commission Conditional Use

Hearing Date: July 9, 2020

CONTINUED FROM: March 5, 2020; JUNE 11, 2020

*Record No.:* 2019-000013CUAVAR  
*Project Address:* 552- 554 Hill Street  
*Zoning:* RH-2 (Residential, House, Two-Family) Zoning District  
40-X Height and Bulk District  
*Block/Lot:* 3622/065  
*Project Sponsor:* Sarah Hoffman  
Zacks, Freedman & Patterson, PC  
235 Montgomery Street, Suite 400  
San Francisco, CA 94104  
*Staff Contact:* Cathleen Campbell – (415) 575-8732  
[Cathleen.campbell@sfgov.org](mailto:Cathleen.campbell@sfgov.org)  
*Recommendation:* **Disapproval**

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### BACKGROUND

At the March 5, 2020 Planning Commission hearing, the Planning Commission continued the request for Conditional Use Authorization, as initiated by the project sponsor. Prior to the hearing, March 5, 2020, the project sponsor informed staff of a tenant within the unpermitted relocated unit. Staff requested proof of tenancy and for the Conditional Use applications to be updated. Enforcement staff confirmed unit vacancy through a site visit prior to submittal of the Conditional Use Application. Prior to the June 11<sup>th</sup>, 2020 Commission hearing, a letter from the tenant was emailed to the Commissioners by the Project Sponsor. At the June 11<sup>th</sup>, 2020 Planning Commission hearing, a motion for continuance by the Commission was granted, by request of the project sponsor, due to the property owner's medical emergency. Since the continuance from the June 11<sup>th</sup>, 2020 hearing, the sponsor has provided the tenant lease agreement, an updated Priority General Plan Policies Findings, and updated Dwelling Unit Removal: Merger, Informational and Supplemental Application Packet. The project sponsor requested the reconsideration for Recommendation for Denial by the Planning Department based on the tenant occupancy.

### TENANCY TIMELINE

February 14, 2018 - Anonymous complaint filed/MLS Listing  
March 28, 2018 - Notice of Enforcement  
August 15, 2018 - Enforcement Planner Site Visit  
June 7, 2018 - Notice of Violation  
June 15, 2018- Notice of Violation Appealed  
January 9, 2019 – Enforcement Planner Site Visit- Confirmed Vacancy within Unpermitted Relocated Unit  
April 17, 2019 – Notice of Violation Appeal Hearing Placed on Hold  
March 8, 2019 - CUA Filed – Applications State unit Vacant  
March 25, 2019 - Tenant Lease Signed  
January 29, 2020 - Variance Filed

March 5, 2020- Planning Commission Hearing Continued by request of Project Sponsor due to tenant  
June 2, 2020- Letter from tenant provided  
June 11, 2020- Planning Commission Hearing Continued by request of Project Sponsor due to owner medical emergency

## **ANALYSIS & RECOMMENDATION FOR DENIAL**

The Planning Department does not change the Recommendation for Denial despite the lease of the unauthorized unpermitted relocated unit. The property owner leased the unauthorized relocated unit after the Notice of Violation was issued and after the Conditional Use application was filed. The unpermitted relocated unit is substandard to the Planning Code. The removed and relocated unit no longer has access to the rear yard common open space and does not face onto a qualifying open area meeting minimum exposure dimensions. A variance is being sought from the open space requirement (Planning Code Section 135) and exposure requirement (Planning Code Section 140). The Zoning Administrator will consider the variance request following the Planning Commission's consideration of the request for Conditional Use Authorization. In order for the unauthorized relocated unit to be legalized, both the Conditional Use Authorization and Variances must be granted. If either the Variance Request or Conditional Use Authorization is denied the unit may not be legalized as proposed. The unpermitted relocated unit may not be converted into an Accessory Dwelling Unit. If the project is denied, the applicant may continue to pursue the Notice of Violation appeal. If the Notice of Violation appeal is denied, the applicant must abate the violation. A proposal for violation abatement has not been discussed with Planning.

## **POSSIBLE VIOLATION ABATEMENT AND TENNANT RELOCATION**

If the legalization and appeal is denied, the applicant may abate the violation by restoring the residential flats in the last permitted configuration or propose an alternative code compliant layout. The applicant may restore the last permitted configuration by restoring the separation between the unit entryways at the second floor, restoring the kitchen on the third floor, removing the kitchen at the ground floor, and installing a double lock hotel elevator door at the third floor to prevent connection between units. The Planning Department does not regulate tenant displacement or tenant rights. If the legalization and appeal is denied and the applicant abates the violation by restoring the residential flats in the last permitted configuration the owner may choose to relocate the existing tenant to either restored residential flat.

## **PLANNING APPROVAL OF UNIT RELOCATION**

Plans on file for permit 2003.12.31.3258 do not include the removal and relocation of the third floor residential flat. In 2003 a dwelling unit removal would have required a Mandatory Discretionary Review, per Planning Commission Resolution No. 16053. The unpermitted relocated unit does not meet the Planning Code. The building and deck were expanded into the rear yard without permit or approval by Planning. In 2003, the relocated unit would have required Variances for Open Space and Exposure. The unpermitted building and deck expansions would have required a rear yard Variance and Planning Code Section 311 Neighborhood Notice. In 2003, Planning reviewed interior reconfigurations. A Notice of Special Restrictions remain on the property, dedicating the ground floor habitable space to the second floor residential flat and restricting the conversion into a separate dwelling unit.

## **ADDITIONAL ATTACHMENTS:**

Project Sponsor Updated Brief  
Letter from Unpermitted Relocated Unit Tennant

Letter from John Rohosky  
Tenant Lease Agreement  
Updated Priority General Plan Policies Findings  
Updated Dwelling Unit Removal: Merger, Informational and Supplemental Application Packet  
Commission Resolution No. 16053  
Notice of Special Restrictions  
Notice of Violation  
Notice of Enforcement  
MLS Listing March 27, 2018  
Enforcement Planner Site Visit Photos January 9, 2019  
Notice of Violation Appeal Documents



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Conditional Use Hearing Date: March 5, 2020

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*Record No.:* 2019-000013CUAVAR  
*Project Address:* 552- 554 Hill Street  
*Zoning:* RH-2 (Residential, House, Two-Family) Zoning District  
40-X Height and Bulk District  
*Block/Lot:* 3622/065  
*Project Sponsor:* Sarah Hoffman  
Zacks, Freedman & Patterson, PC  
235 Montgomery Street, Suite 400  
San Francisco, CA 94104  
*Staff Contact:* Cathleen Campbell – (415) 575-8732  
[Cathleen.campbell@sfgov.org](mailto:Cathleen.campbell@sfgov.org)  
*Recommendation:* **Disapproval**

### PROJECT DESCRIPTION

The proposed scope of work is to abate an outstanding Planning Enforcement case relating to the project sponsor exceeding the scope of work of a series of permits issued on the property, most of which were associated with the installation of an elevator, which resulted in a merger of two dwelling units.

The project sponsor requires a Conditional Use Authorization, pursuant to Planning Code Sections 209.1, 303, and 317, to legalize the scope of work that includes;

- A dwelling unit removal and residential flat merger of the 1,509 square foot, two-bedroom, one-bath dwelling unit (#554) with the 2,432 square foot, three-bedroom, two and a half- bath dwelling unit (#552). The proposed Project would legalize the merger of two legal dwelling units as required by Section 317(g)(2).
- The unauthorized interior reconfiguration that resulted in the creation of one 3,054 square foot, five bedroom three and a half-bath two story dwelling unit (#554).
- The relocation of one dwelling unit (#552) of 815 square foot, with two bedrooms and one-bath, to the ground floor behind the garage. The unpermitted relocated unit no longer has access to the rear yard common open space and does not face onto a qualifying open area meeting minimum exposure dimensions. A variance is being sought from the open space requirement (Planning Code Section 135) and exposure requirement (Planning Code Section 140). The Zoning Administrator will consider the variance request following the Planning Commission's consideration of the request for Conditional Use Authorization.
- An unauthorized building and deck expansion at the third floor constructed in a required setback without permit. A variance is being sought from the rear yard requirement (Planning Code Section 134) to legalize the rear building and deck expansion at the third floor.

- The unauthorized building expansion at the second floor.

The project proposes to make the following modifications to the current as-built building based on comments provided by RDAT and Preservation Staff:

- Remove unpermitted roof deck and spiral stairs to roof.
- Remove unpermitted decorative railing at façade.

## **BACKGROUND**

Below is a summary of the permit, complaint and enforcement history of the subject property.

A summary of all planning approved and over-the-counter permits is as follows, notations describing planning involvement and work associated with these permits are in parenthesis:

- 2003.12.31.3258 - 2/5/2016 Complete- Install Elevator In (E) Lightwell & Interior Modifications (Plans on file with DBI, Approved by Planning, No dwelling unit modification proposed)
- 2004.02.11.6132 – Expired - Addendum to app #200402116132/change in conditions/nee to pour new 6' section of foundation & stem (Associated with Elevator Permit 2003.12.31.3258, No Planning Approval, No dwelling unit modification proposed)
- 2004.03.01.7431 – Issued - Addendum to app #200402116132/change in conditions/nee to pour new 6' section of foundation & stem (Associated with Elevator Permit 2003.12.31.3258, No Planning Approval, No dwelling unit modification proposed)
- 2004.05.05.3052- 2/5/2016 Complete Rev.To Appl#200312313258 Lower Roof Over New Elevator,Provide 1 Hr. Parapet Wall (Associated with Elevator Permit 2003.12.31.3258, No Planning Approval, No dwelling unit modification proposed)
- 2005.03.28.8499 – 2/5/2016 Complete -- Renew 200312313258 & 200405053052 For Remainder Of Work. (Associated with Elevator Permit 2003.12.31.3258, No Planning Approval, No dwelling unit modification proposed)
- 2005.05.31.3771 - Issued - Install 3 heaters (elec) in basement unit. Revision to pa 200405053052 ( Never Finalized, No Plans on file, No Planning Approval)
- 2006.02.28.5570 - 9/7/2017 Complete- Renew pa# 2004/03/01/7431, pa# 2004/02/11/6132 /7 pa# 2003/12/31/3258 for final inspection. (Associated with Elevator Permit 2003.12.31.3258, No Planning Approval, No dwelling unit modification proposed)

On February 14, 2018 an anonymous complaint was filed stating the property was listed for sale as a single-family residence. On February 28, 2018, the Planning Department sent a Notice of Complaint to inform the owner about the complaint. No action was taken. The Planning Department found the property in violation of the Planning Code Section 317. On March 28, 2018, the Planning Department sent the owner a Notice of Enforcement, informing of the violation and the abatement process. On June 7, 2018, a Notice of Violation

was issued for the Planning code Violations. On June 15, 2018 an Appeal of the notice of violation was filed by the project sponsor. On April 17, 2019 the Board of Appeals moved to continue the hearing to allow the project sponsor to pursue a Conditional Use Authorization to legalize dwelling unit merger. Planning staff discovered building and deck expansions during Conditional Use Application review.

## **REQUIRED COMMISSION ACTION**

In order to proceed with staff's recommendation, the Commission must disapprove the Conditional Use Authorization pursuant to Planning Code Sections 209.1, 303 and 317 to allow the legalization of a dwelling unit removal and residential flat merger of the 1,509 square foot, two-bedroom, one-bath dwelling unit (#554) with the 2432 square foot, three-bedroom, two and a half- bath dwelling unit (#552) to create one 3,054 square foot, five -bedroom three and a half-bath dwelling unit (#554) and relocate one dwelling unit (#552) of 815 square foot, with two bedrooms and one-bath, to the ground floor behind the garage within the RH-2 (Residential, House, Two-Family) Zoning District and the 40-X Height and Bulk District.

## **ISSUES AND OTHER CONSIDERATIONS**

- **Public Comment** To date, the Department has not received any correspondence related to the Project.
- **Conditional Use Authorization** – The Project requires a Conditional Use Authorization to legalize a residential merger. In addition to the Conditional Use Authorization findings, the Commission must consider separate criteria outlined in Section 317(g)(2).
- **Residential Merger** – Per Planning Code Section 317, a residential merger is defined as “...the combining of two or more legal Residential Units, resulting in a decrease in the number of Residential Units within a building, or the enlargement of one or more existing units while substantially reducing the size of others by more than 25% of their original floor area, even if the number of units is not reduced.” The proposed Project would legalize the merger of two legal dwelling units. For this project, a unit was reduced beyond the 25% threshold, therefore requiring a Conditional Use Authorization per Section 317(g)(2).
- **Planning Commission Policy: Removal of Residential Flats** – It is Commission policy to require Mandatory Discretionary Reviews for projects that propose the removal of a ‘Residential Flat’ when the proposal is under the 317 dwelling unit removal threshold. ‘Residential Flats’ are a common San Francisco housing typology, in which a single dwelling unit, generally occupying an entire story of a building, has exposure onto open areas at the front and rear of its property. This type of unit configuration satisfies a number of housing needs, particularly for middle-income families. Because the production of market-rate housing is frequently not accessible to moderate-income families, making between 80-120 percent of area median income, Residential Flats are a housing typology that should be conserved. The purpose of this policy is to require Planning Commission review when such housing is lost. For this project, the lower unit has occupied the 1<sup>st</sup> and 2<sup>nd</sup> floors with exposure onto the street and rear yard, the relocated unit 552 is located behind the garage, with exposure only on the noncomplying rear yard.

- **San Francisco Rent Board** – Per consultation with the San Francisco Rent Board, no evictions have been recorded to date on the subject property.
- **Department Recommendation** – The Department recommends disapproval of the requested Conditional Use Authorization. The Project would be required to restore the units to the previously permitted locations.

## **ENVIRONMENTAL REVIEW**

The Project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 1 categorical exemption.

## **BASIS FOR RECOMMENDATION**

The Department does not find that the Project is on balance or consistent with the Objectives and Policies of the General Plan. The Project would merge two residential flats that are not demonstrably unaffordable and result in one merged unit that is unaffordable to a larger percentage of the population than the two individual units considered separately. The merger is not necessary to create family housing. Although the Project seeks to legalize the relocation of the removed residential flat, the relocated unit is substandard, as that it requires variances from both the open space and exposure requirements.

## **ATTACHMENTS:**

Draft Motion – Conditional Use Authorization with Conditions of Approval  
Exhibit B – Plans and Renderings  
Exhibit C – Environmental Determination  
Exhibit D – Land Use Data  
Exhibit E – Maps and Context Photos  
Exhibit F – Eviction History Documentation  
Exhibit G – Dwelling Unit Merger Application  
Exhibit H – Appraisals  
Exhibit I - Project Sponsor Brief\_Responses





# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Motion No. 20756

HEARING DATE: JULY 9, 2020

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Case No.:* 2019-000013CUA  
*Project Address:* 552- 554 Hill Street  
*Zoning:* RH-2 (Residential, House, Two-Family) Zoning District  
40-X Height and Bulk District  
*Block/Lot:* 3622/065  
*Project Sponsor:* Sarah Hoffman  
Zacks, Freedman & Patterson, PC  
235 Montgomery Street, Suite 400  
San Francisco, CA 94104  
*Property Owner:* Robert T Roddick Revocable Trust  
554 Hill Street  
San Francisco, CA 94114  
*Staff Contact:* Cathleen Campbell – (415) 575-8732  
Cathleen.campbell@sfgov.org

**ADOPTING FINDINGS RELATING TO THE DISAPPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 209.1, 303, AND 317 OF THE PLANNING CODE TO ALLOW THE LEGALIZATION OF A DWELLING UNIT MERGER OF TWO RESIDENTIAL FLATS AND UNAUTHORIZED REMOVAL AND RELOCATION OF ONE DWELLING UNIT TO BASEMENT LEVEL AT 552-554 HILL STREET IN ASSESSOR'S BLOCK 3622, LOT 065 WITHIN THE RH-2 (RESIDENTIAL, HOUSE, TWO-FAMILY) ZONING DISTRICT AND THE 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On March 8, 2019, Sarah Hoffman (hereinafter "Project Sponsor") filed Application No. 2019-000013CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization to legalize the merger of two residential flats and the unauthorized removal and relocation (hereinafter "Project") at 552-554 Hill Street in Assessor's Block 3622, Lot 065 (hereinafter "Project Site").

The Planning Department Commission Secretary is the Custodian of Records; the File for Case No. 2019-000013CUA is located at 1650 Mission Street, Suite 400, San Francisco, California.

On July 9, 2020, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2019-000013CUA and adopted a motion to disapprove Conditional Use Authorization for Application No. 2019-000013CUA.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption.

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 disapproves the Conditional Use Authorization pursuant to Planning Code Sections 209.1, 303 and 317 to allow the legalization of a dwelling unit removal and residential flat merger of the 1,509 square foot, two-bedroom, one-bath dwelling unit (#554) with the 2432 square foot, three-bedroom, two and a half- bath dwelling unit (#553) to create one 3,054 square foot, five - bedroom three and a half-bath dwelling unit (#554) and relocate one dwelling unit (#552) of 815 square foot, with two bedrooms and one-bath, to the ground floor behind the garage within the RH-2 (Residential, House, Two-Family) Zoning District and the 40-X Height and Bulk District under case No.2019-000013CUA, based on the following findings:

## **FINDINGS**

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The project sponsor seeks Conditional Use Authorization, pursuant to Planning Code Sections 209.1, 303, and 317, Conditional Use Authorization pursuant to Planning Code Sections 209.1, 303 and 317 to allow the legalization of a dwelling unit removal and residential flat merger of the 1,509 square foot, two-bedroom, one-bath dwelling unit (#554) with the 2432 square foot, three-bedroom, two and a half- bath dwelling unit (#553) . The Project sponsor also seeks to legalize the interior reconfiguration that resulted in the creation of one 3,054 square foot, five bedroom three and a half-bath dwelling unit (#554) and relocation of one dwelling unit (#552) of 815 square foot, with two bedrooms and one-bath, to the ground floor behind the garage. A variance is being sought from the rear yard requirement (Planning Code Section 134) to legalize an unauthorized building expansion at the third floor, decks and stairs constructed in a required setback without permit. The removed and relocated unit no longer has access to the rear yard common open space and does not face onto a qualifying open area meeting minimum exposure dimensions. A variance is being sought from the open space requirement (Planning Code Section 135) and exposure requirement (Planning Code Section 140). The Zoning Administrator will consider the variance request following the Planning Commission’s consideration of the request for Conditional Use Authorization.
3. **Site Description and Present Use.** The project site is located on the north side of Hill Street, between Castro and Noe Streets, Assessor’s Block 3622 and Lot 065. The project site currently contains a 2-story over basement residential building likely constructed with two residential flats circa 1904. The Report of Residential Building Record indicates that the legal authorized occupancy and use is a two-unit dwelling. The 2,850 square foot subject lot measures 25 feet wide by 114 feet deep.

Between 2003 through 2006, the project sponsor sought multiple building permit applications (BPA# 200405053052, 200312313258, 200503288499, 200505313771, & 200602285570) to install an

elevator to access the third-floor unit (#554) from the garage. Between 2003 through 2006 the permitted scope of work was exceeded to include a residential flat merger, the removal of a kitchen from the third floor, the relocation of the removed dwelling unit to the ground floor behind the garage, the expansion of the building at the second and third floor, the addition of spiral stairs to the roof, and the addition of decorative railing at the façade.

The large unit has the appearance of a two-family dwelling from the street with two entry doors at the second floor. The relocated unit on the ground floor unit has direct access to the street from a gate and side yard. As noted by the Project Sponsor, the main unit is owner-occupied, and the studio is currently vacant.

On February 14, 2018 an anonymous complaint was filed stating the property was listed for sale as a single-family residence. On February 28, 2018, the Planning Department sent a Notice of Complaint to inform the owner about the complaint. No action was taken. The Planning department found the property in violation of the Planning Code. On March 28, 2018, the Planning Department sent the owner a Notice of Enforcement, informing of the violation and the abatement process. On June 7, 2018, a Notice of Violation was issued for the Planning code Violations. On June 15, 2018 an Appeal of the notice of violation was filed by the project sponsor. On April 17, 2019 the Board of Appeals moved to continue the hearing to allow the project sponsor to pursue a Conditional Use Authorization to legalize dwelling unit merger.

4. **Surrounding Properties and Neighborhood.** The subject property is located within Noe Valley and District 8. Parcels within the immediate vicinity consist of residential single-, two-, three and some four-family dwellings of varied design and construction dates.
5. **Public Outreach and Comments.** To date, the Department has not received any correspondence related to the Project.
6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Rear Yard Requirement.** Planning Code Section 134 requires the subject property maintain a rear yard equivalent to 39 feet 10 inches.

*The existing building, per plans on file with the building department, is legal nonconforming with a multi-level rear building extension, deck, and stairs that encroached into the rear yard; the building and second floor deck were expanded without permit. The proposal seeks to legalize the rear expansions that are set back 28 feet 6 inches from the rear property line. Therefore, the project requires a variance from the rear yard requirement.*

- B. **Residential Usable Open Space.** Planning Code Section requires a minimum of 100 square feet of usable private or 133 square feet of common open space per dwelling unit.

*The project has a rear yard and third floor deck, approximately 947 square feet in size, provided as private open space. The relocated dwelling unit does not have access to the rear yard. Therefore, the proposed*

*legalization of a two-unit building does not comply with this requirement. The project requires a variance from the open space requirement.*

- C. **Dwelling Unit Exposure.** Planning Code Section 140 requires new dwelling units face onto a public street, public alley at least 20-feet in width, side yard at least 25-feet in width or code-complying rear yard.

*The Project proposes a dwelling unit merger where the main unit fronts a public street and the relocated second unit faces a nonconforming rear yard behind the garage at basement level. The relocated second dwelling unit does not meet the minimum requirements for exposure. Therefore, the project requires a variance from the exposure requirement.*

- D. **Off-Street Parking.** Planning Code Section 151 requires one off-street parking space per dwelling unit.

*As part of the dwelling unit merger, the off-street parking count will not be affected, and no additional parking is required. The subject building provides one off-street parking space and would maintain its legally conforming status.*

- E. **Bicycle Parking.** Planning Code Section 155.2 requires one Class 1 bicycle parking space per dwelling unit in the RH-2 Zoning District.

*The subject building provides no off-street bicycle parking space and would maintain its legally nonconforming status.*

- F. **Dwelling Unit Density.** In the RH-2 Zoning District, pursuant to Planning Code Section 209.1, three dwelling units are principally permitted per lot.

*The Project would legalize the merger of two existing dwelling units within the building and relocate the removed dwelling unit to basement level of the subject site to maintain two dwelling units where a maximum of two units is allowed.*

- G. **Residential Merger – Section 317:** Pursuant to Planning Code Section 317, Conditional Use Authorization is required for applications proposing to merge Residential Units. This Code Section establishes a checklist of criteria that delineate the relevant General Plan Policies and Objectives.

*The project sponsor proposes to legalize a dwelling unit merger and relocation of the removed dwelling unit to basement level.*

*As the project requires Conditional Use Authorization per the requirements of Section 317, the additional criteria specified under Section 317 have been incorporated as findings as part of this Motion. See Item 8 “Additional Findings pursuant to Section 317” below.*

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

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

*The Project does not propose any changes to the aforementioned land use; the merged unit will remain as a residential use. Under the subject building permit, the Project would not result in any exterior alterations to the existing building and would not increase the size or intensity of the existing residential uses.*

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

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

*The proposed project seeks to legalize a rear building and deck expansion. The project also proposes to remove elements constructed without permit.*

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

*The Project does not trigger any additional off-street parking requirement and would not increase the volume of vehicle traffic to the area.*

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

*The existing residential use would remain.*

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

*All existing landscaping, open space, and lighting would remain.*

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

*The proposed project does not comply with all aspects of the Planning Code. The proposed project is requesting a variance from the Zoning Administrator to address the requirements for rear yard, open*

*space, and exposure. The Project does not comply with all requirements and standards of the Planning Code and is not 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 Use District.

*The proposed Project is consistent with the stated purpose of the RH-2 Districts.*

8. **Residential Merger – Section 317(g)(2).** This Section also establishes the criteria below for the Planning Commission to consider when reviewing applications to merge residential units under Section 317(g)(2). On balance, the Project does not comply with said criteria in that:

- A. Whether the removal of the units would eliminate only owner occupied housing, and if so, for how long the units proposed to be removed have been owner occupied;

*At a date unknown the second and third floors of the building were merged into one unit. Legalization of the residential flat merger would eliminate only owner-occupied housing as both second and third floors are currently occupied by the Project Sponsor. According to the project sponsor, the unpermitted relocated unit is currently occupied.*

- B. Whether removal of the units and the merger with another is intended for owner occupancy;

*The merged 3,054 square foot dwelling unit proposed for legalization is currently owner-occupied and the 815 square foot unpermitted relocated unit behind the garage is occupied.*

- C. That the removal of the unit will remove an affordable housing unit as defined in Section 401 of this Code or housing subject to the Residential Rent Stabilization and Arbitration Ordinance;

*Per the Residential Building Record Report (3R) the original use is unknown, and the authorized use is two family. It is the Planning Department's position to assume that every unit is subject to the Residential Rent Stabilization and Arbitration Ordinance unless we receive information from an appropriate agency or body to the contrary.*

- D. If removal of the unit removes an affordable housing unit as defined in Section 401 of this Code or units subject to the Residential Rent Stabilization and Arbitration Ordinance, whether replacement housing will be provided which is equal or greater in size, number of bedrooms, affordability, and suitability to households with children to the units being removed;

*The project sponsor seeks to maintain the two dwelling units onsite through the relocation of a residential flat to basement level behind the garage. Although Planning Staff does not have the authority to make the final determination, it is assumed that the units that were merged and relocated units are subject to the Residential Rent Stabilization and Arbitration Ordinance. If so, the unit relocated from the third floor to the ground floor would also be subject to the Residential Rent Stabilization and Arbitration Ordinance. The relocated unit will be smaller in size and maintain the same number of bedrooms, as labeled in the provided plan set. The relocated unit requires an open space and exposure variance to be legalized.*

- E. How recently the unit being removed was occupied by a tenant or tenants;

*This information is unknown because the actual date of the residential flat merger and unauthorized unit relocation is unknown. The project sponsor proposes to legalize a dwelling unit merger and relocation of the removed dwelling unit to basement level. Staff was able to determine that the Project Sponsor rented out the unauthorized relocated ground floor unit prior to the Notice of Violation. The Residential Rent Stabilization and Arbitration Board has provided evidence of a Buyout agreement finalized February 1, 2016. The Conditional Use application filed March 8, 2019 stated the unpermitted relocated unit was Vacant. Vacancy was verified by an enforcement planner who performed a site visit, January 9, 2019. According to the project sponsor, the unpermitted relocated unit is currently occupied. The property owner has provided a lease for the unauthorized relocated unit signed March 25, 2019. The lease is dated after the Notice of Violation was issued, June 7, 2018. The unpermitted relocated unit is substandard to the Planning Code. The removed and relocated unit no longer has access to the rear yard common open space and does not face onto a qualifying open area meeting minimum exposure dimensions. A variance is being sought from the open space requirement (Planning Code Section 135) and exposure requirement (Planning Code Section 140).*

- F. Whether the number of bedrooms provided in the merged unit will be equal to or greater than the number of bedrooms in the separate units;

*According to the as-built plans provided, the merged unit has five bedrooms and the relocated unit has two bedrooms whereas the former layout had one two bedrooms residential flat and a three-bedroom unit with multiple living spaces labeled parlor, sitting room, and dining room.*

- G. Whether removal of the unit is necessary to correct design or functional deficiencies that cannot be corrected through interior alterations;

*The proposed Project is not required to correct design or functional deficiencies with the existing building.*

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

## **HOUSING ELEMENT**

### **Objectives and Policies**

#### **OBJECTIVE 2:**

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

#### **Policy 2.2:**

Retain existing housing by controlling the merger of residential units, except where a merger clearly creates new family housing.

#### **OBJECTIVE 3:**

Protect the affordability of the existing housing stock, especially rental units.

#### **OBJECTIVE 4:**

Foster a housing stock that meets the needs of all residents across lifecycles.

*The Project would legalize the merger of two residential flats and would create a larger five-bedroom residential unit and a substandard two-bedroom dwelling unit without compliance to open space and exposure requirements.*

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

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

*The project site does not contain any existing neighborhood-serving retail 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 legalizes the merger of two dwelling units into two dwelling units and therefore does not result in any net new housing. The current owners of the subject building would continue to own and occupy the merged unit and therefore, the cultural and economic diversity of the neighborhood will not be affected. The neighborhood has a defined architectural character, which will be preserved since unpermitted façade alterations are proposed for removal.*

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

*The Project does not comply because it would legalize the merger of two residential flats to create a larger unit that would be less affordable than the legally permitted unit location, thus reducing the City's supply of affordable housing. The relocated unit is substandard to the legally permitted unit location, as it requires an open space and exposure variance to be legalized.*

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

*The Project is not expected to create additional traffic or parking demand as there is no increase in number of units.*

- 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 proposes to legalize the merger and relocation of residential units; therefore, the Project would not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses would not be affected by the Project.*

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



*The Project will conform to the requirements of the San Francisco Building Code.*

- G. That landmarks and historic buildings be preserved.

*The existing building has not been evaluated as an individual or contributing historic resource. A decorative railing has been erected without permit on the publicly visible exterior of the building. The proposal includes the removal the non-historic rooftop railing.*

- 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.*

11. The Project is not 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 disapproval 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 **DISAPPROVES Conditional Use Application No. 2019-000013CUA** pursuant to Planning Code Sections 209.1, 303 and 317 to allow the legalization of a dwelling unit removal and residential flat merger of the 1,509 square foot, two-bedroom, one-bath dwelling unit (#554) with the 2,432 square foot, three-bedroom, two and a half- bath dwelling unit (#553) to create one 3,054 square foot, five -bedroom three and a half-bath dwelling unit (#554) and relocate one dwelling unit (#552) of 815 square foot, with two bedrooms and one-bath, to the ground floor behind the garage within the RH-2 (Residential, House, Two-Family) Zoning District and the 40-X Height and Bulk District.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion. The effective date of this Motion shall be the date of this Motion if not appealed (after the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on July 9, 2020.



Jonas P. Ionin  
Commission Secretary

AYES: Johnson, Moore, Chan, Imperial

NAYS: Diamond, Fung, Koppel

ABSENT: None

ADOPTED: July 9, 2020

# 552-554 HILL STREET SAN FRANCISCO, CA

REV.	DATE	DESCRIPTION

PROJECT INFORMATION	PROJECT DIRECTORY	JOB DESCRIPTION	DRAWING INDEX
<b>ADDRESS:</b> 552-554 HILL ST. SAN FRANCISCO, CA <b>BLOCK/LOT:</b> 3622/065 <b>ZONING DISTRICT:</b> RH2 <b>LOT SIZE:</b> 2849 SQ. FT. <b>SFBC OCCUPANCY CLASS:</b> R-3 <b>CONSTRUCTION TYPE:</b> 5B <b>NUMBER OF STORIES:</b> 3	<b>CONTACT:</b> PATRICK BUSCOVICH & ASSOCIATES STRUCTURAL ENGINEERS & ARCHITECT 235 MONTGOMERY STREET SUITE 1140 SAN FRANCISCO, CA 94104 <b>CONTACT: MR. PAT BUSCOVICH</b> <b>TEL:</b> 415.760.0636	TO SHOW WORK DONE UNDER PVIOUS PERMIT PLUS RELOCATION OF KITCHEN/TWO UNIT LOCATION FROM 552 HILL ST (1ST & 2ND FLOOR) AND 554 HILL ST (3RD FLOOR) TO 552 HILL ST (1ST FLOOR) AND 554 HILL ST (2ND & 3RD FLOOR) PLUS DCP REQUIRE LEGALIZATION WORK.  <b>LEGALIZATION WORK:</b> 1) REMOVE SPIRAL STAIRS FROM 3RD FLOOR TO ROOF. 2) REMOVE ROOF DECK. 3) REMOVE FRONT PARAPET. 4) LEGALIZE PORCH INFILL. 5) LEGALIZE EXTENSION AT 2ND AND 3RD FLOOR REAR.  <b>VARIANCE:</b> #2 OPEN SPACE, #3 EXPOSURE, #1 INFILL AT REAR YARD.	<b>ARCHITECTURAL</b> A1.0 COVER SHEET A2.0 EXISTING SITE PLAN A2.0.1 AS-BUILT SITE PLAN A2.0.2 PROPOSED SITE PLAN A2.1 EXISTING, AS-BUILT, AND PROPOSED FIRST FLOOR PLANS A2.2 EXISTING, AS-BUILT, AND PROPOSED SECOND FLOOR PLANS A2.3 EXISTING, AS-BUILT, AND PROPOSED THIRD FLOOR PLANS A2.4 EXISTING, AS-BUILT, AND PROPOSED ROOF PLANS A3.1 EXISTING FRONT (SOUTH) AND SIDE (WEST) ELEVATIONS A3.1.0 AS-BUILT FRONT (SOUTH) AND SIDE (WEST) ELEVATIONS A3.2 PROPOSED FRONT (SOUTH) AND SIDE (WEST) ELEVATIONS A3.3 EXISTING REAR (NORTH) AND SIDE (EAST) ELEVATIONS A3.3.0 AS-BUILT REAR (NORTH) AND SIDE (EAST) ELEVATIONS A3.4 PROPOSED REAR (NORTH) AND SIDE (EAST) ELEVATIONS A3.5 EXISTING AND AS-BUILT SECTIONS A3.6 PROPOSED SECTION
	<b>FIRE SAFETY NOTES</b> <ul style="list-style-type: none"> <li>ALL EXITS TO BE MAINTAINED DURING AND AFTER CONSTRUCTION</li> <li>ALL FIRE RATINGS TO BE RESTORED AFTER CONSTRUCTION</li> <li>ALL PENETRATIONS TO BE REPAIRED</li> <li>MUST MAINTAIN EXISTING FIRE LIFE SAFETY SYSTEM DURING CONSTRUCTION</li> </ul>	<b>APPLICABLE CODES</b> 2016 CALIFORNIA BUILDING CODE (CBC) BASED ON THE 2016 INTERNATIONAL BUILDING CODE (IBC) 2016 PLUMBING CODE (CPC) BASED ON ON THE 2016 UNIFORM PLUMBING CODE (UPC) 2016 CALIFORNIA MECHANICAL CODE (CMC) BASED ON THE 2016 UNIFORM MECHANICAL CODE (UMC) 2016 CALIFORNIA ELECTRICAL CODE (CEC) BASED ON THE 2016 NATIONAL ELECTRICAL CODE (NEC) 2016 CALIFORNIA FIRE CODE (CFC) BASED ON THE 2016 INTERNATIONAL FIRE CODE (IFC) 2016 CALIFORNIA ENERGY CODE ALL PERMIT APPLICATION MUST COMPLY WITH THE PROVISIONS OF THE ABOVE CODES AND THE APPLICABLE CITY CODE AMENDMENTS	<b>INFORMATION ON PLAN</b>  EXISTING: PRIOR TO BPA NO. 200312313258  AS-BUILT: INCLUDING WORK BEYOND SCOPE OF BPA NO. 200312313258  PROPOSED: TODAY'S WORK PLUS DCP REQUIRED WORK.

### SQ. FOOTAGE TABLE

FLOOR	EXISTING SQ. AREA (FT <sup>2</sup> )	UNPERMITTED SQ. AREA (FT <sup>2</sup> )	PERMITTED SQ. AREA (FT <sup>2</sup> )	PROPOSED SQ. AREA (FT <sup>2</sup> )	REMARKS/COMMENTS
FIRST FLOOR	1007.7 SQ. FT.	-	815.0 SQ. FT.	815.0 SQ. FT.	
HALLWAY (1ST FLR)	INCLUDED IN 1ST FLR.	-	121.0 SQ. FT.	121.0 SQ. FT.	
SECOND FLOOR	1403.3 SQ. FT.	21.2 SQ. FT.	1424.5 SQ. FT.	1424.5 SQ. FT.	
THIRD FLOOR	1472.9 SQ. FT.	36.5 SQ. FT.	1509.4 SQ. FT.	1509.4 SQ. FT.	
<b>TOTAL AREA (FT<sup>2</sup>)</b>	<b>3883.9 SQ. FT.</b>	<b>57.7 SQ. FT.</b>	<b>3869.9 SQ. FT.</b>	<b>3869.9 SQ. FT.</b>	

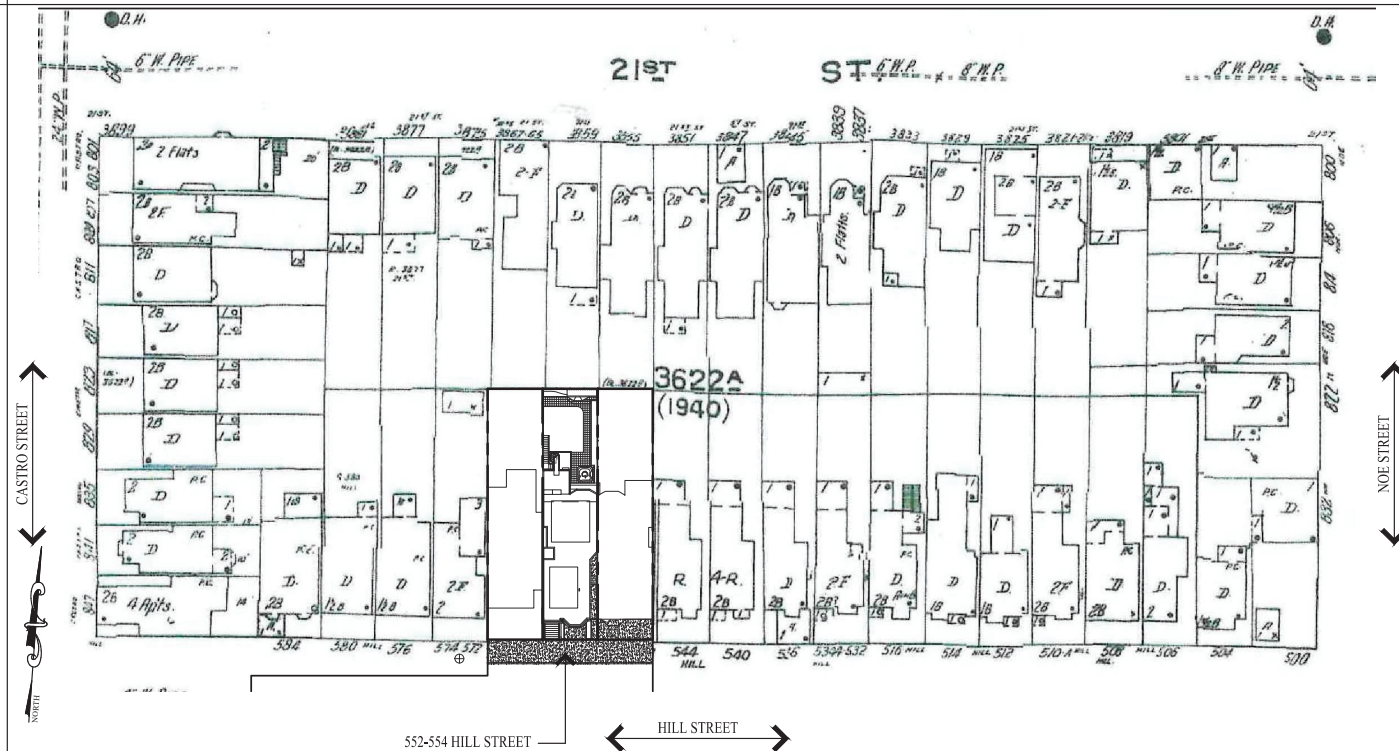
EXISTING UNIT 552	EXISTING SQ. AREA (FT <sup>2</sup> )	REMARKS/COMMENTS
FIRST FLOOR	1007.7 SQ. FT.	
HALLWAY (1ST FLR)	INCLUDED IN 1ST FLR.	
SECOND FLOOR	1424.5 SQ. FT.	
<b>TOTAL AREA (FT<sup>2</sup>)</b>	<b>2432.2 SQ. FT.</b>	

PROPOSED UNIT 552	EXISTING SQ. AREA (FT <sup>2</sup> )	REMARKS/COMMENTS
FIRST FLOOR	815.0 SQ. FT.	
HALLWAY (UNIT 554)	-	
SECOND FLOOR	-	
<b>TOTAL AREA (FT<sup>2</sup>)</b>	<b>815.0 SQ. FT.</b>	

EXISTING UNIT 554	EXISTING SQ. AREA (FT <sup>2</sup> )	REMARKS/COMMENTS
FIRST FLOOR	-	
HALLWAY (1ST FLR)	-	
SECOND FLOOR	-	
THIRD FLOOR	1509.4 SQ. FT.	
<b>TOTAL AREA (FT<sup>2</sup>)</b>	<b>1509.4 SQ. FT.</b>	

PROPOSED UNIT 554	EXISTING SQ. AREA (FT <sup>2</sup> )	REMARKS/COMMENTS
FIRST FLOOR	-	
HALLWAY	121.0 SQ. FT.	
SECOND FLOOR	1424.5 SQ. FT.	
THIRD FLOOR	1509.4 SQ. FT.	
<b>TOTAL AREA (FT<sup>2</sup>)</b>	<b>3054.9 SQ. FT.</b>	

### SANBORN MAP



PATRICK BUSCOVICH  
 AND ASSOCIATES  
 STRUCTURAL ENGINEERS, INC.  
 235 MONTGOMERY STREET, SUITE 1140  
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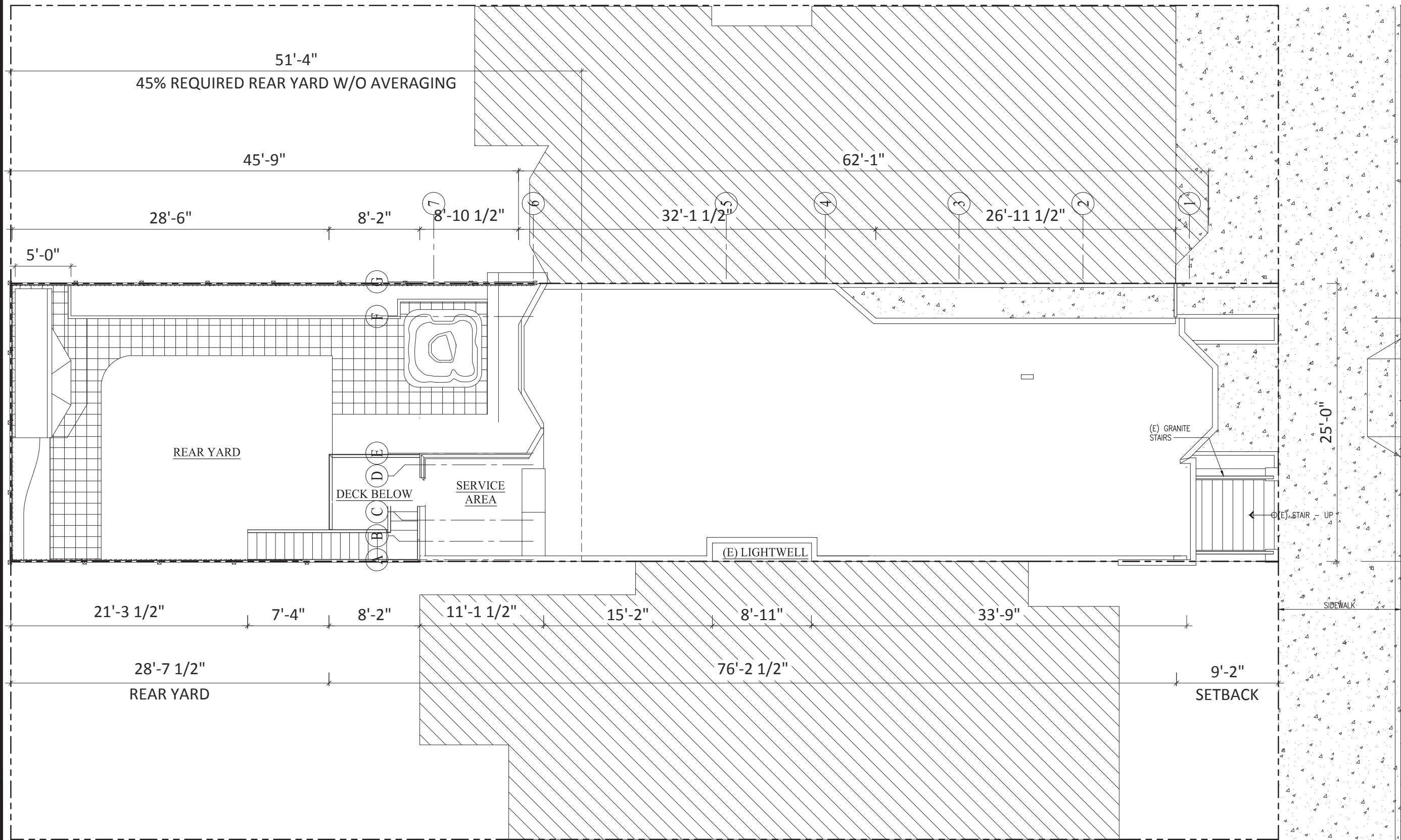
552-554 HILL STREET  
 SAN FRANCISCO, CA.

COVER SHEET

DRAWN	DA
DESIGNED/CHECKED	PB
DATE	
SCALE	AS NOTED
JOB NO.	18.115
SHEET	

A1.0

OF SHEETS



REV.	DATE	DESCRIPTION

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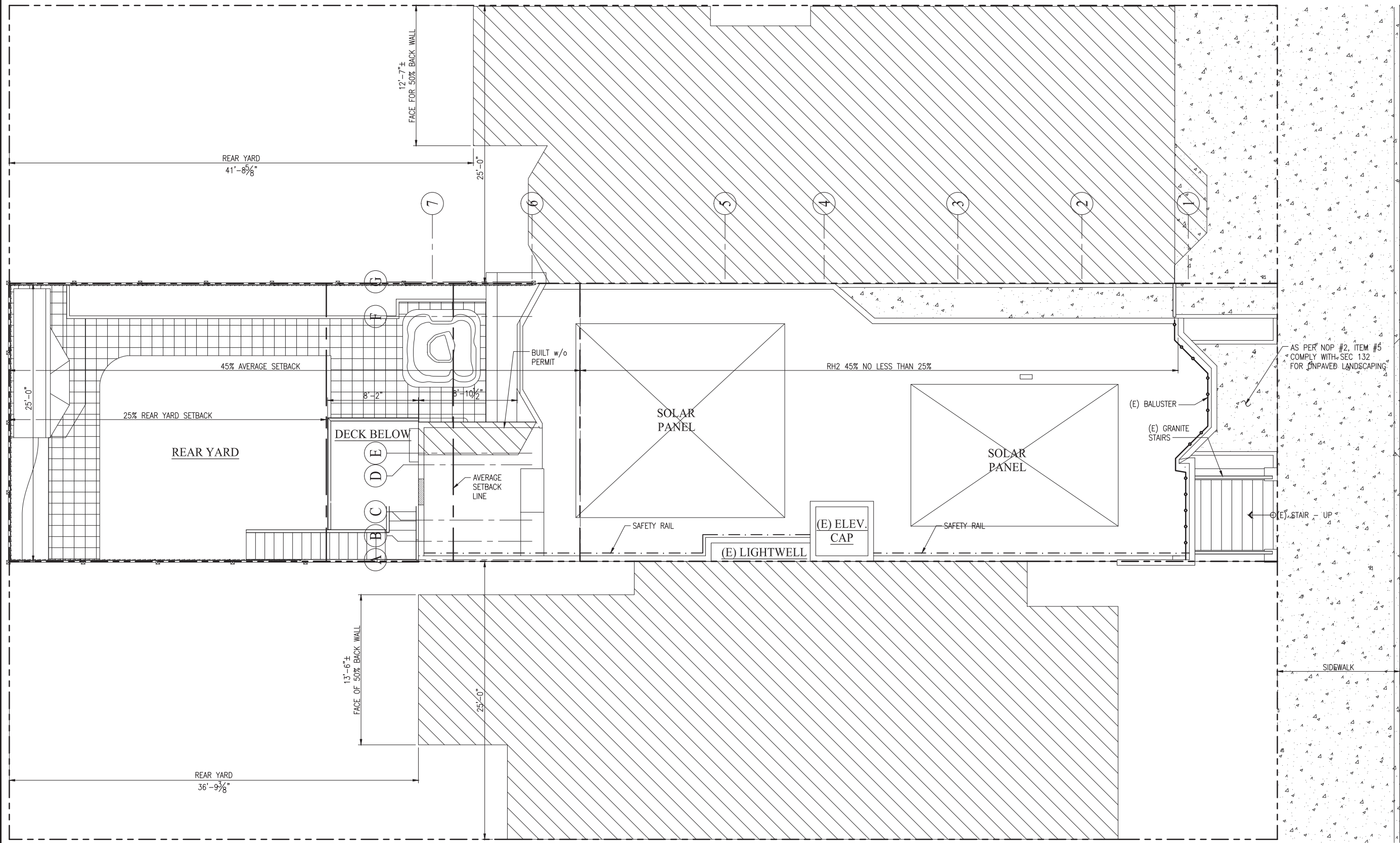


552-554 HILL STREET  
SAN FRANCISCO, CA.

EXISTING SITE PLAN

DRAWN	DA
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DATE	
SCALE	AS NOTED
JOB NO.	18.115
SHEET	

A2.0  
OF SHEETS



REV.	DATE	DESCRIPTION

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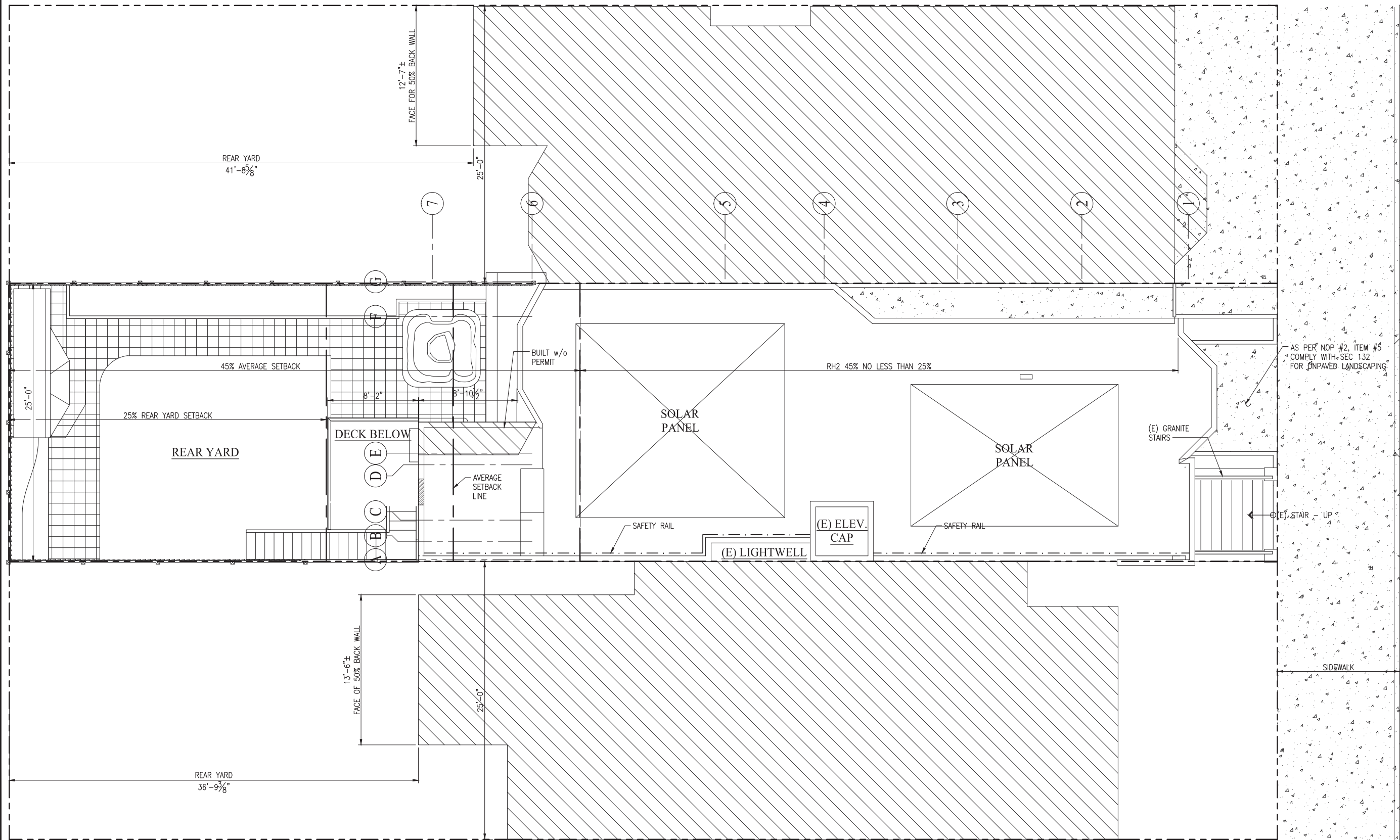
AS-BUILT SITE PLAN

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DATE	
SCALE	AS NOTED
JOB NO.	18.115
SHEET	

**A2.0.1**  
 OF SHEETS

**1 AS-BUILT SITE PLAN (INCLUDING WORK BEYOND SCOPE OF BPA NO. 200312313258) 1/8"=1'-0"**





REV.	DATE	DESCRIPTION

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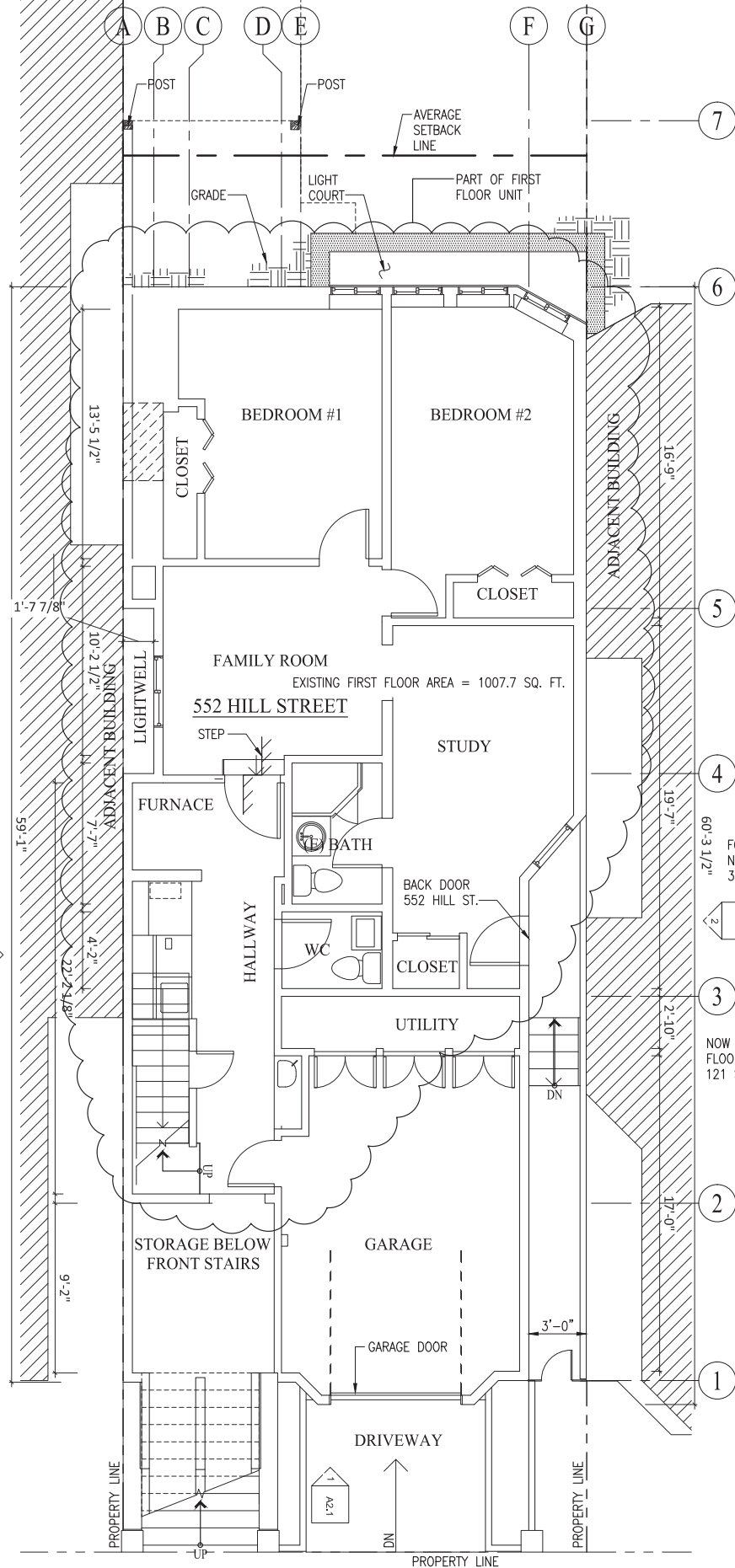
552-554 HILL STREET  
 SAN FRANCISCO, CA.

PROPOSED SITE PLAN

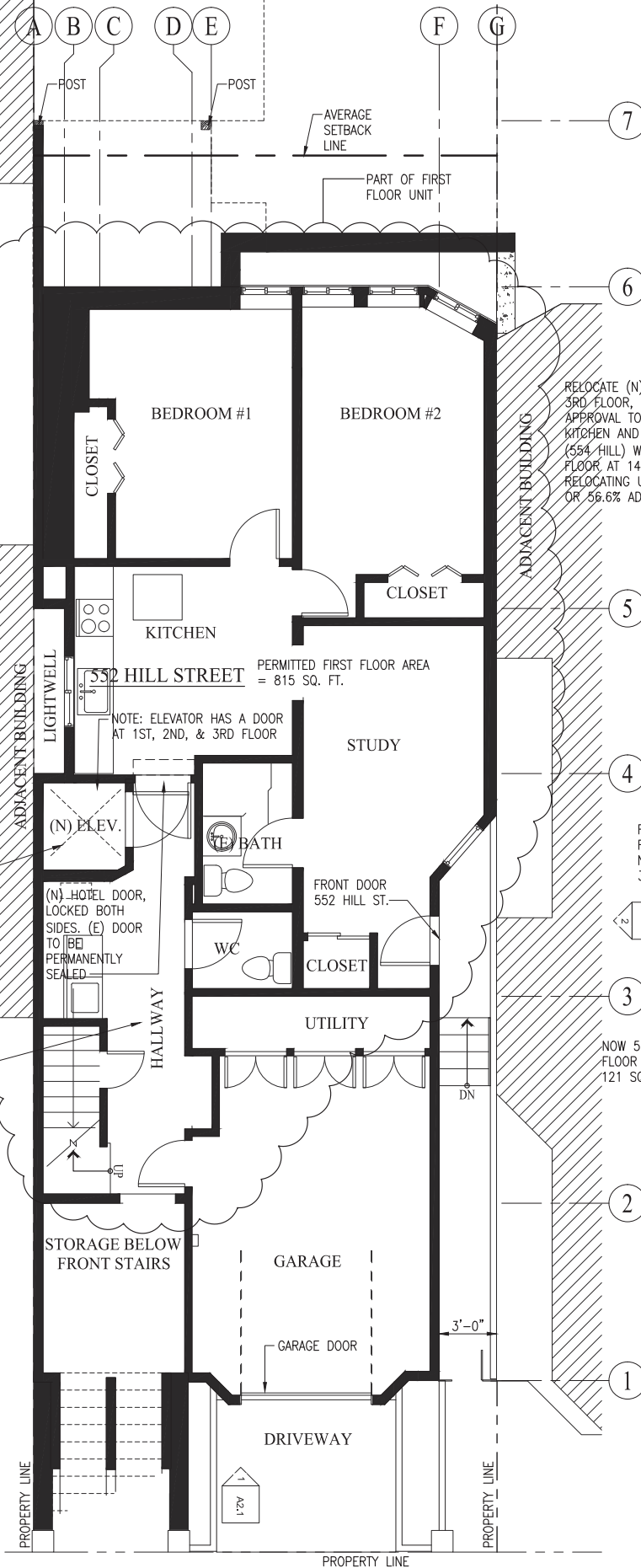
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DATE	
SCALE	AS NOTED
JOB NO.	18.115
SHEET	

**A2.0.2**  
 OF SHEETS

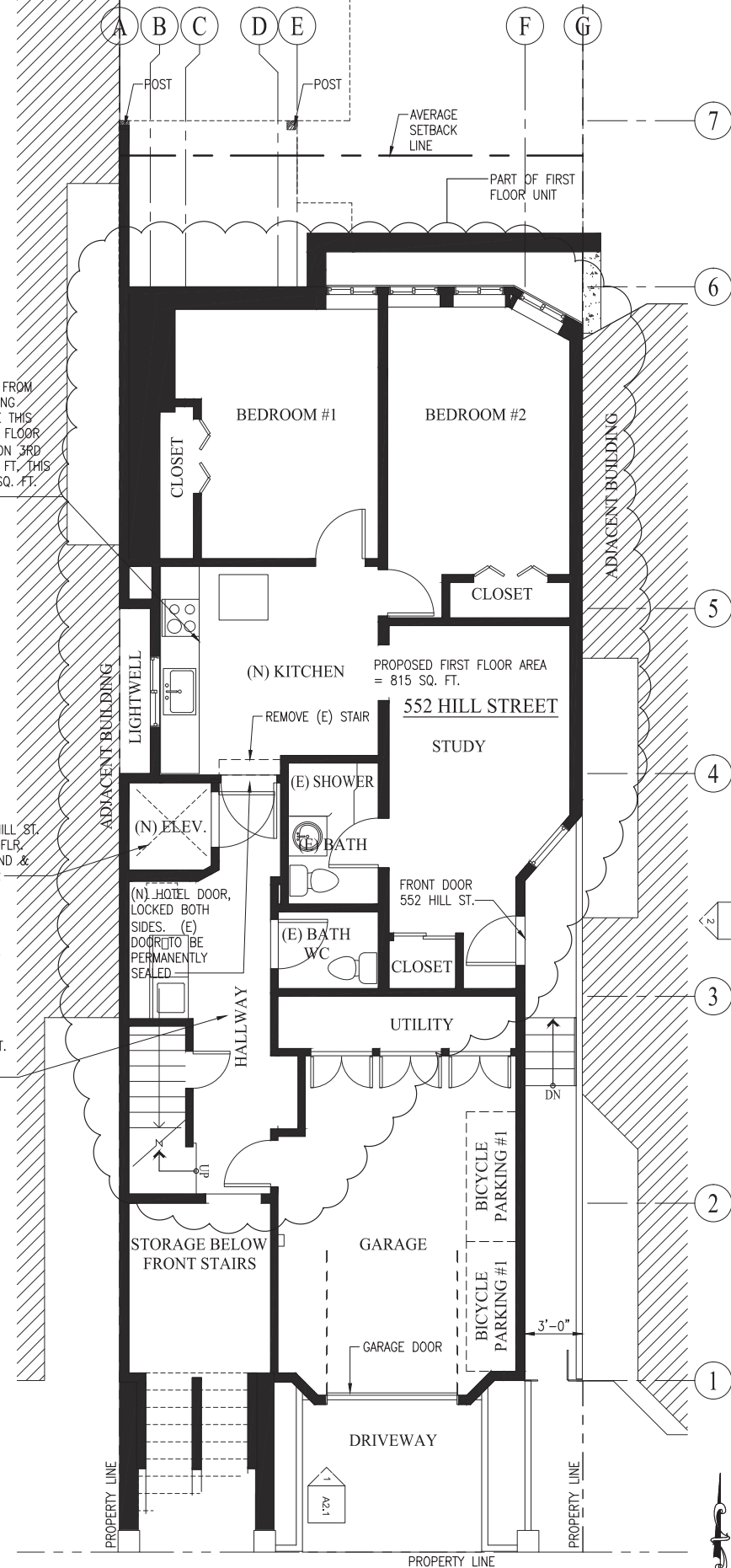
1 PROPOSED SITE PLAN 1/8"=1'-0"



1 EXISTING FIRST FLOOR PLAN (PRIOR TO BPA NO. 200312313258) 1/4"=1'-0"



2 AS-BUILT FIRST FLOOR PLAN (INCLUDING WORK BEYOND SCOPE OF BPA NO. 200312313258) 1/4"=1'-0"



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

REV.	DATE	DESCRIPTION

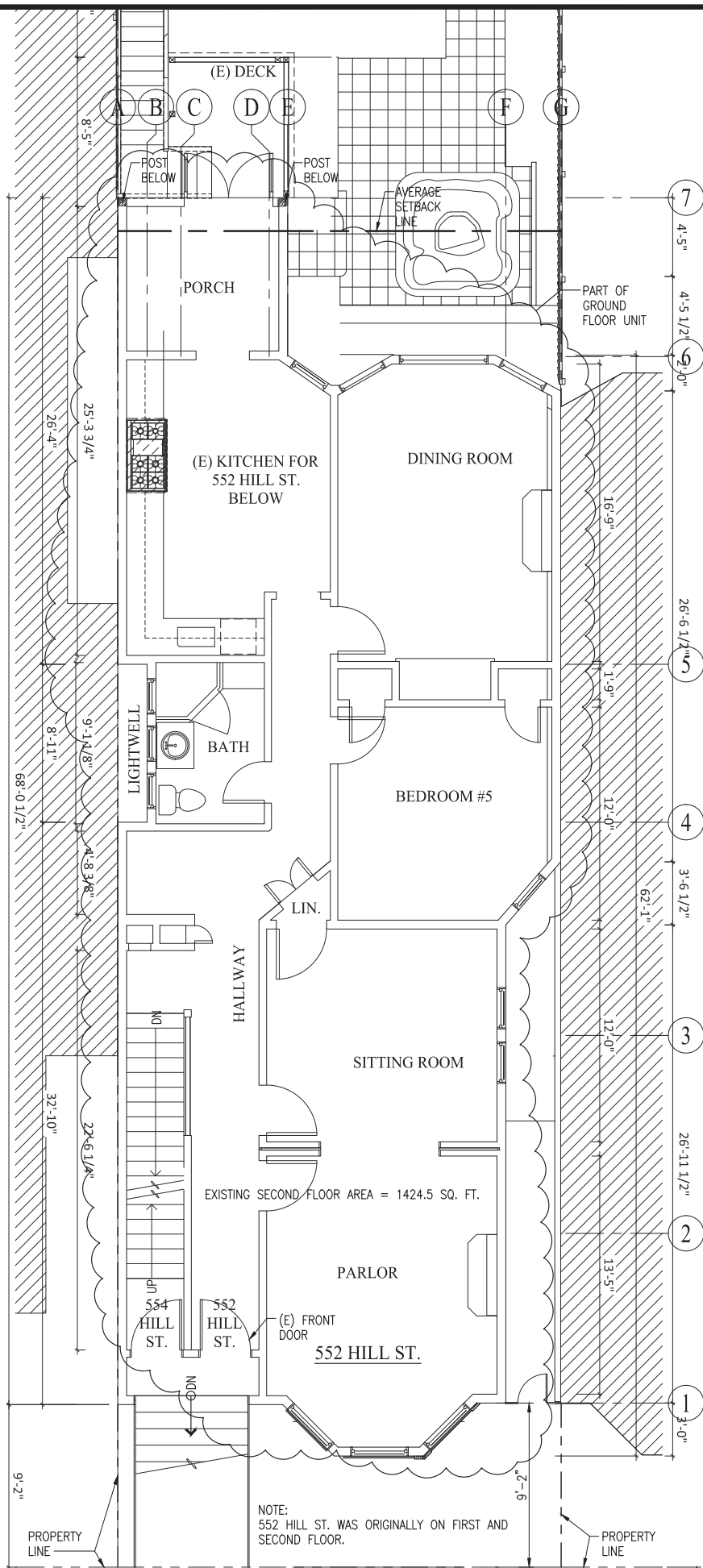
PATRICK BUSCOVICH AND ASSOCIATES  
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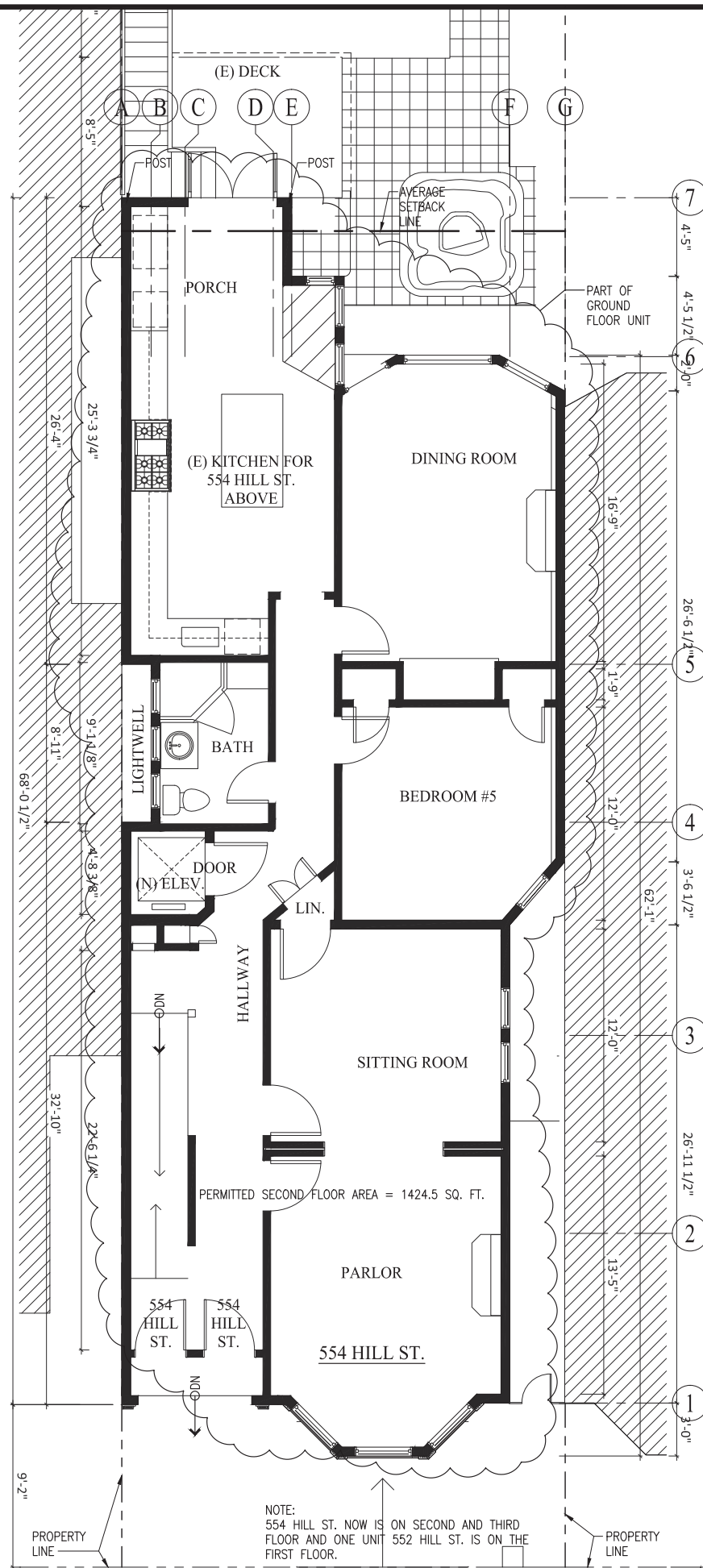
552-554 HILL STREET  
 SAN FRANCISCO, CA.

EXISTING, AS-BUILT, AND  
 PROPOSED FIRST  
 FLOOR PLANS

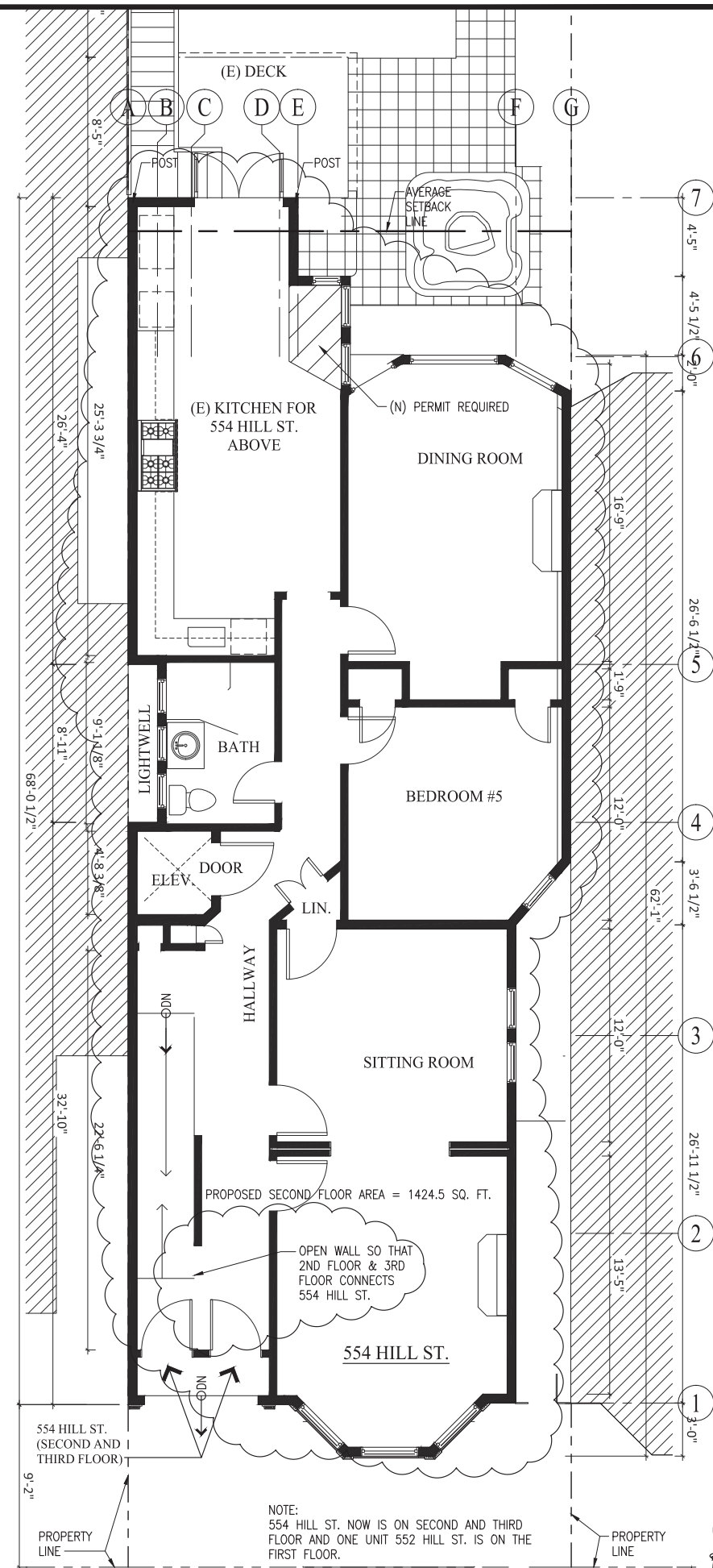
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DESIGNED/CHECKED	PB
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SCALE	AS NOTED
JOB NO.	18.115
SHEET	



1 EXISTING SECOND FLOOR PLAN  
PRIOR TO BPA NO. 200312313258 1/4"=1'-0"



1 AS-BUILT SECOND FLOOR PLAN (INCLUDING  
WORK BEYOND SCOPE OF BPA NO. 200312313258 1/4"=1'-0"



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

REV.	DATE	DESCRIPTION

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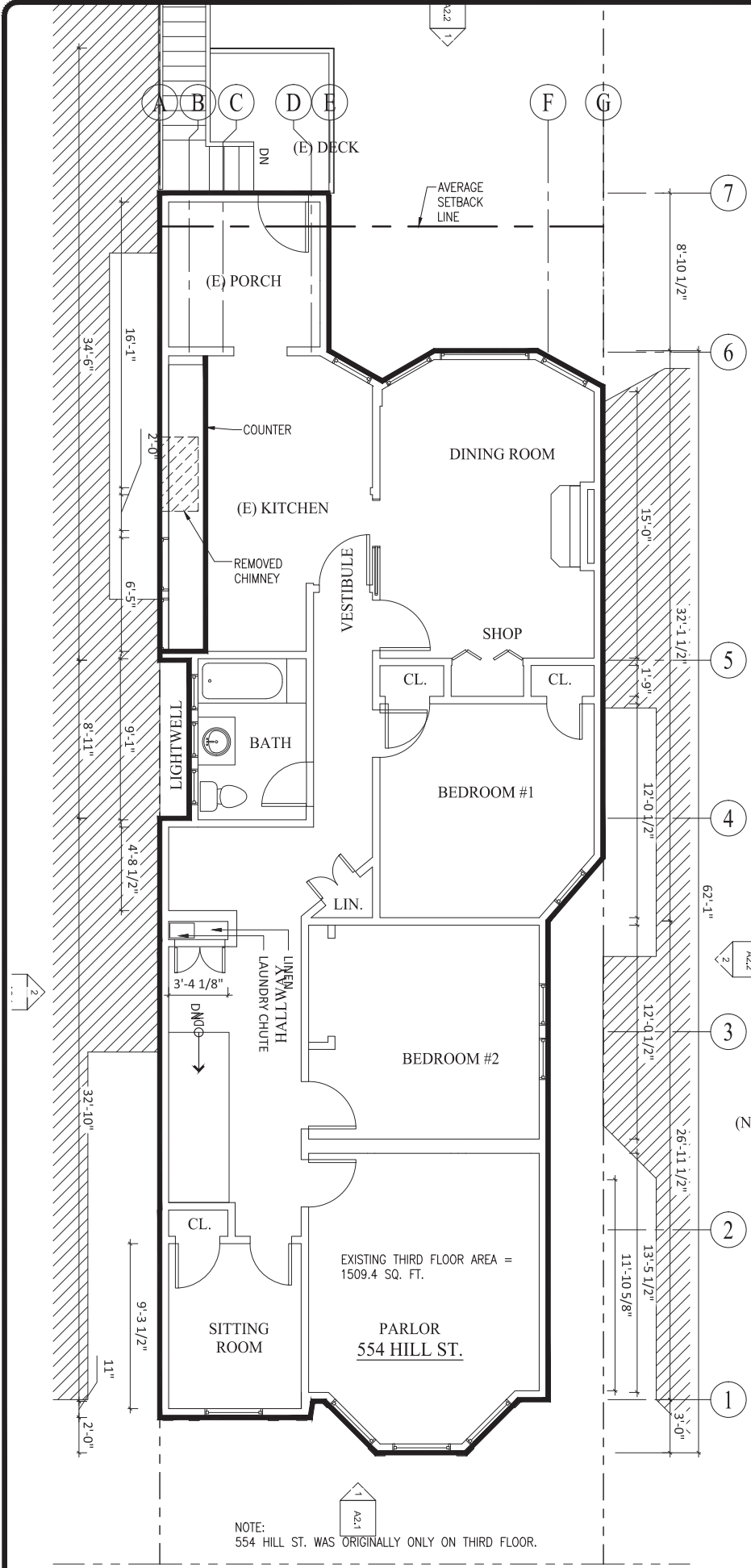


552-554 HILL STREET  
SAN FRANCISCO, CA.

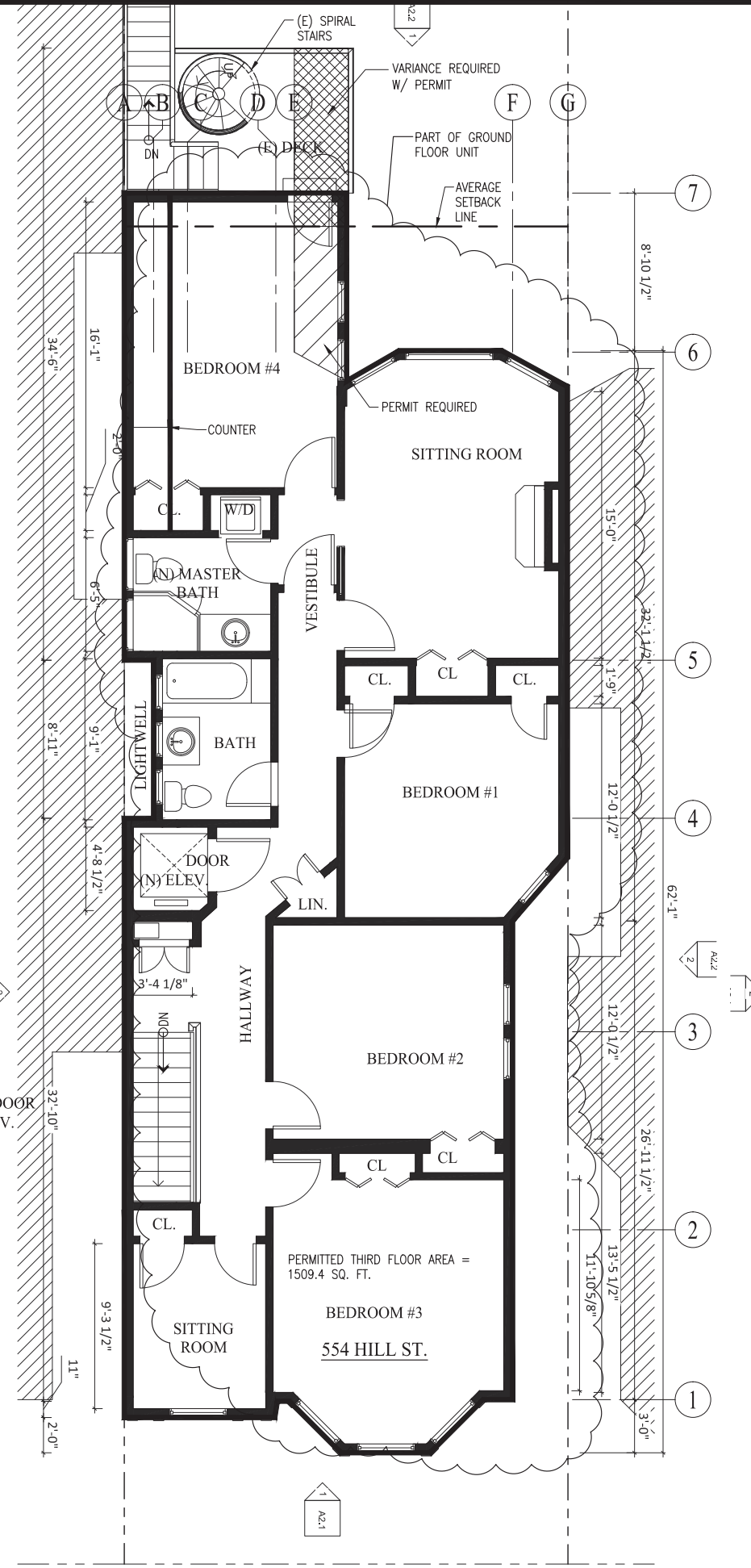
EXISTING, AS-BUILT, AND  
PROPOSED SECOND  
FLOOR PLANS

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DATE
SCALE AS NOTED
JOB NO. 18.115
SHEET

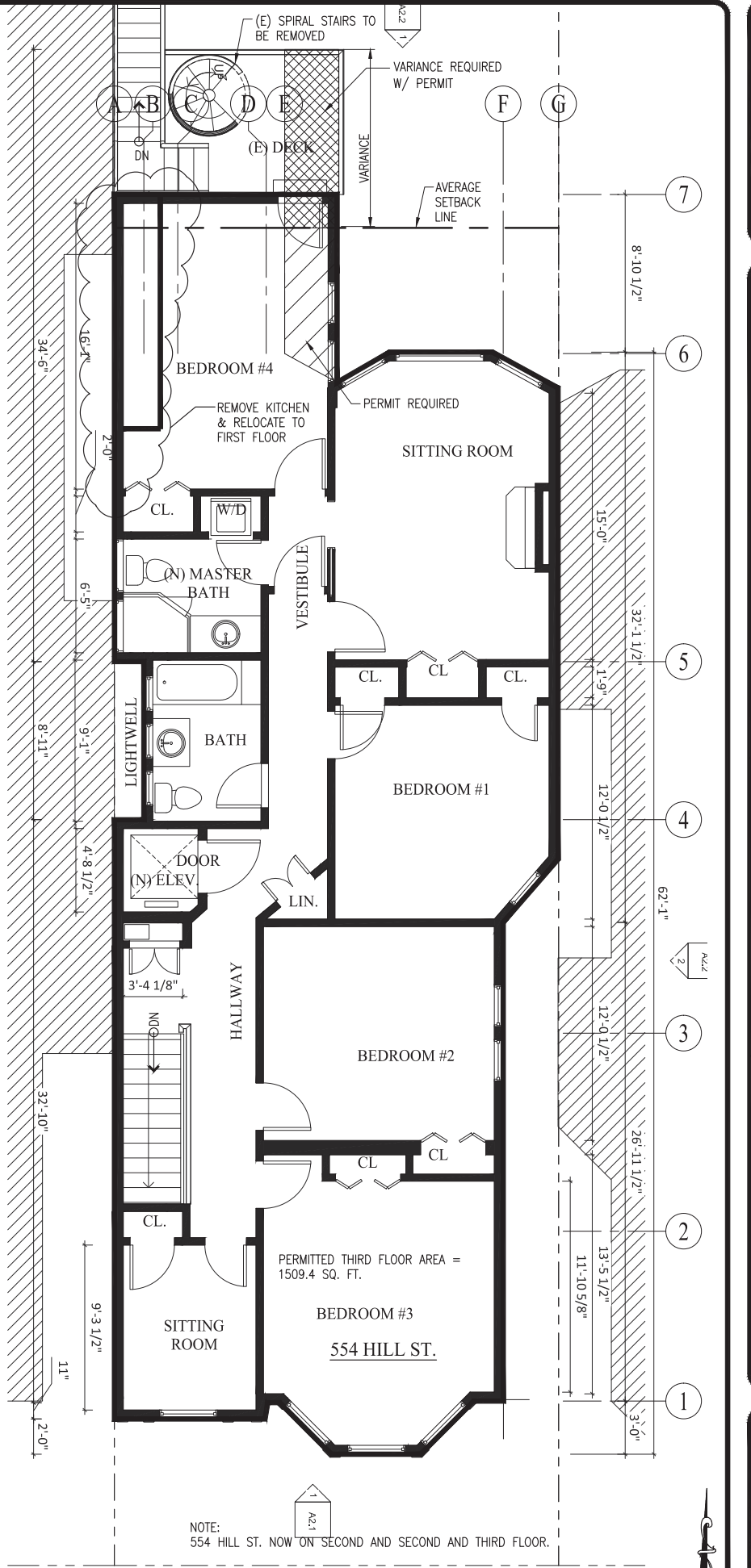




1 EXISTING THIRD FLOOR PLAN (PRIOR TO BPA NO. 200312313258) 1/4"=1'-0"



2 AS-BUILT THIRD FLOOR PLAN (INCLUDING WORK BEYOND SCOPE OF BPA NO. 200312313258) 1/4"=1'-0"



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

REV.	DATE	DESCRIPTION

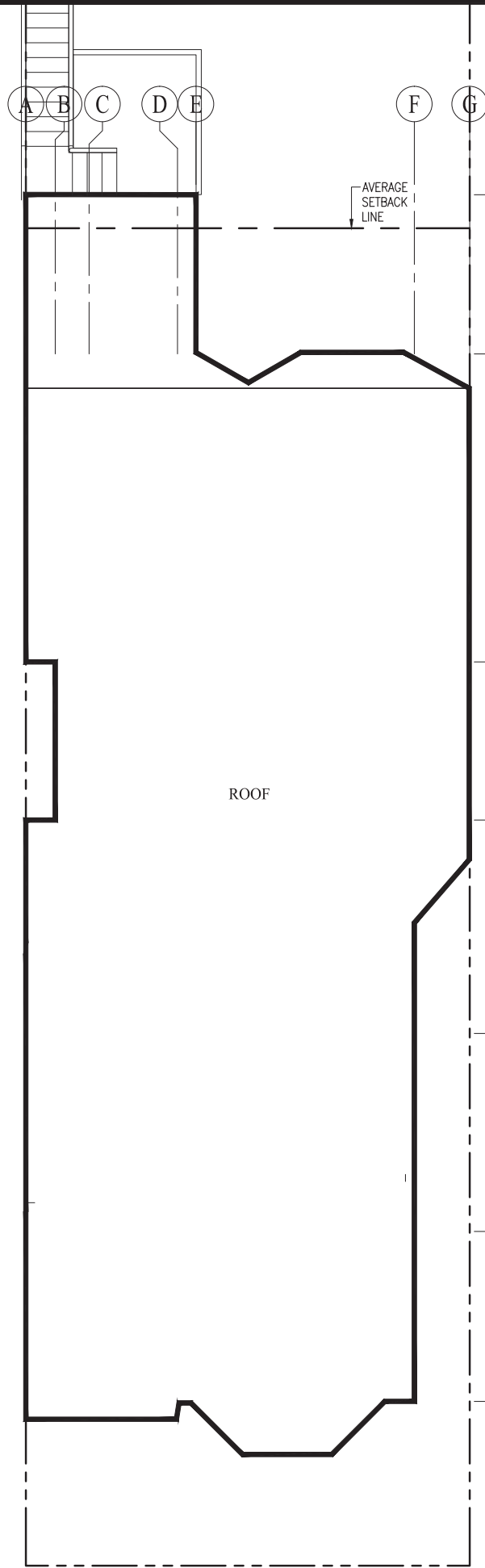
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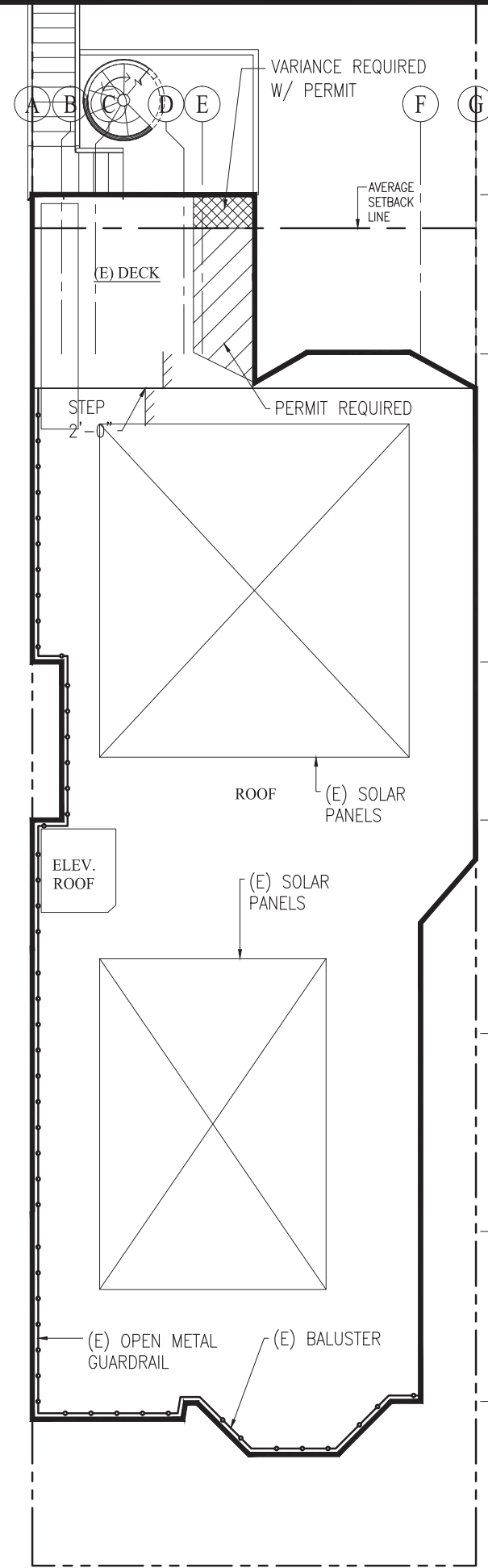
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 SAN FRANCISCO, CA.

EXISTING, AS-BUILT, AND  
 PROPOSED THIRD  
 FLOOR PLANS

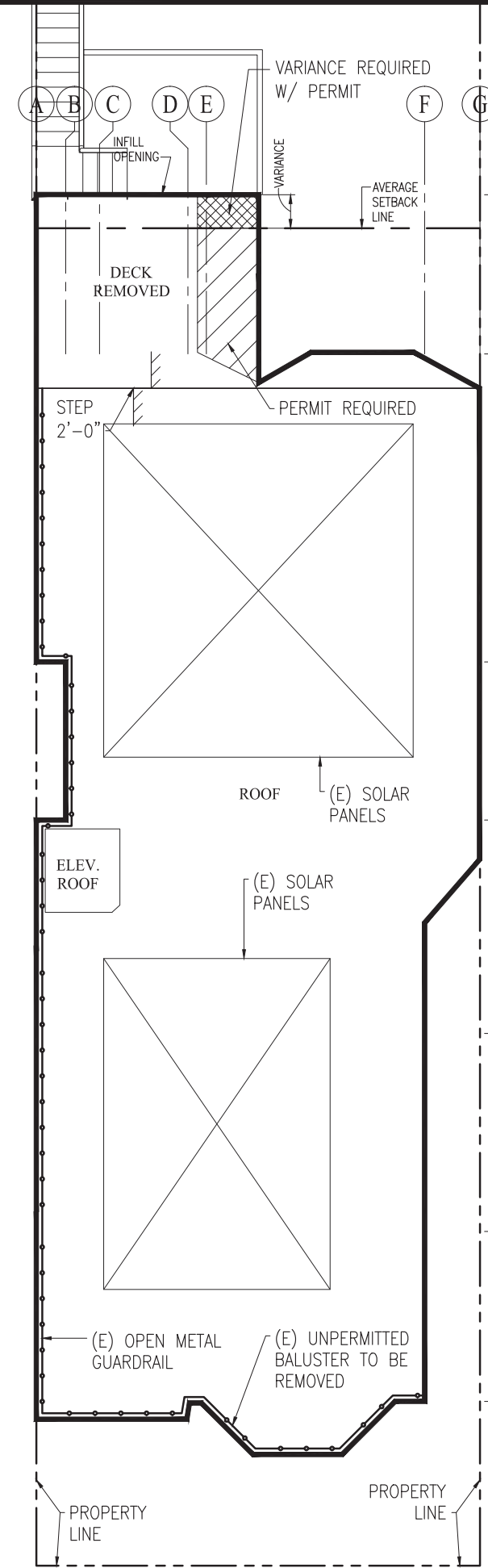
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JOB NO.	18.115
SHEET	



1 EXISTING ROOF PLAN (PRIOR TO BPA NO. 200312313258) 1/4"=1'-0"



2 AS-BUILT ROOF PLAN (INCLUDING WORK BEYOND SCOPE OF BPA NO. 200312313258) 1/4"=1'-0"



3 PROPOSED ROOF PLAN 1/4"=1'-0"

REV.	DATE	DESCRIPTION

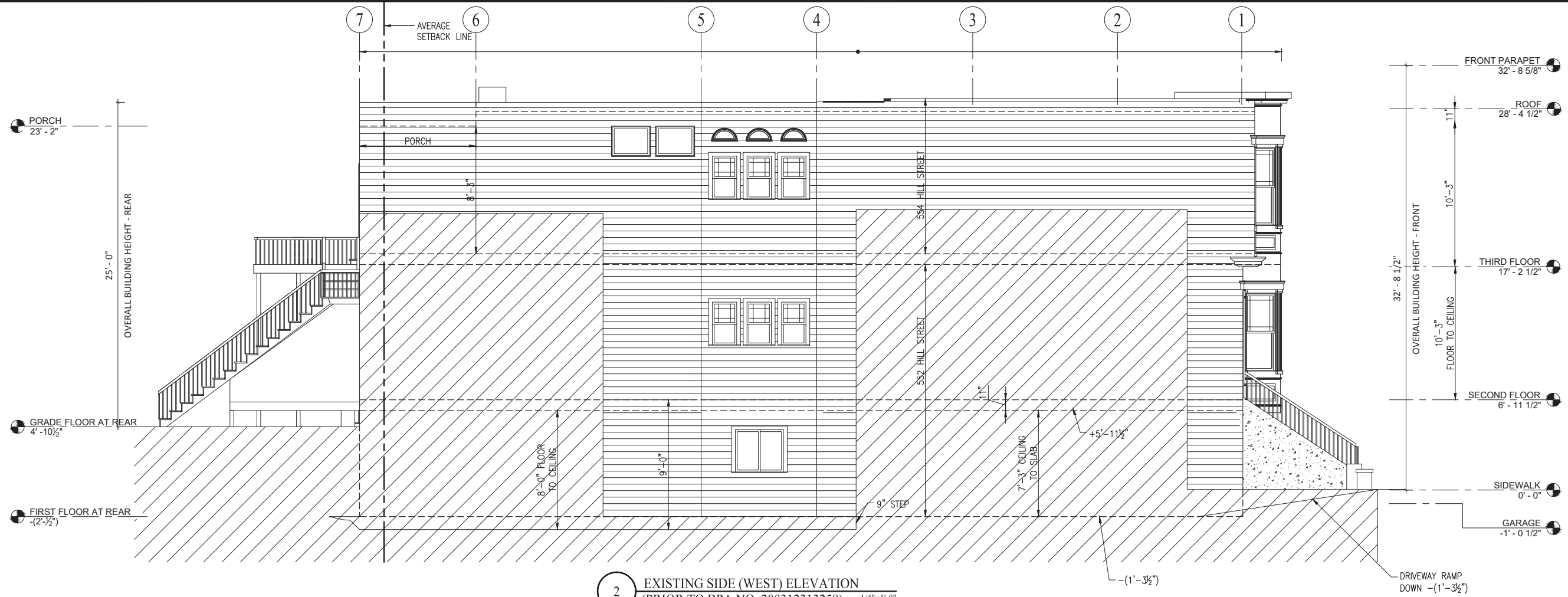
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EXISTING, AS-BUILT, AND  
 PROPOSED ROOF  
 PLANS

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DESIGNED/CHECKED	PB
DATE	
SCALE	AS NOTED
JOB NO.	18.115
SHEET	



2 EXISTING SIDE (WEST) ELEVATION  
(PRIOR TO BPA NO. 200312313258) 1/4"=1'-0"



1 EXISTING FRONT (SOUTH) ELEVATION  
(PRIOR TO BPA NO. 200312313258) 1/4"=1'-0"

REV.	DATE	DESCRIPTION

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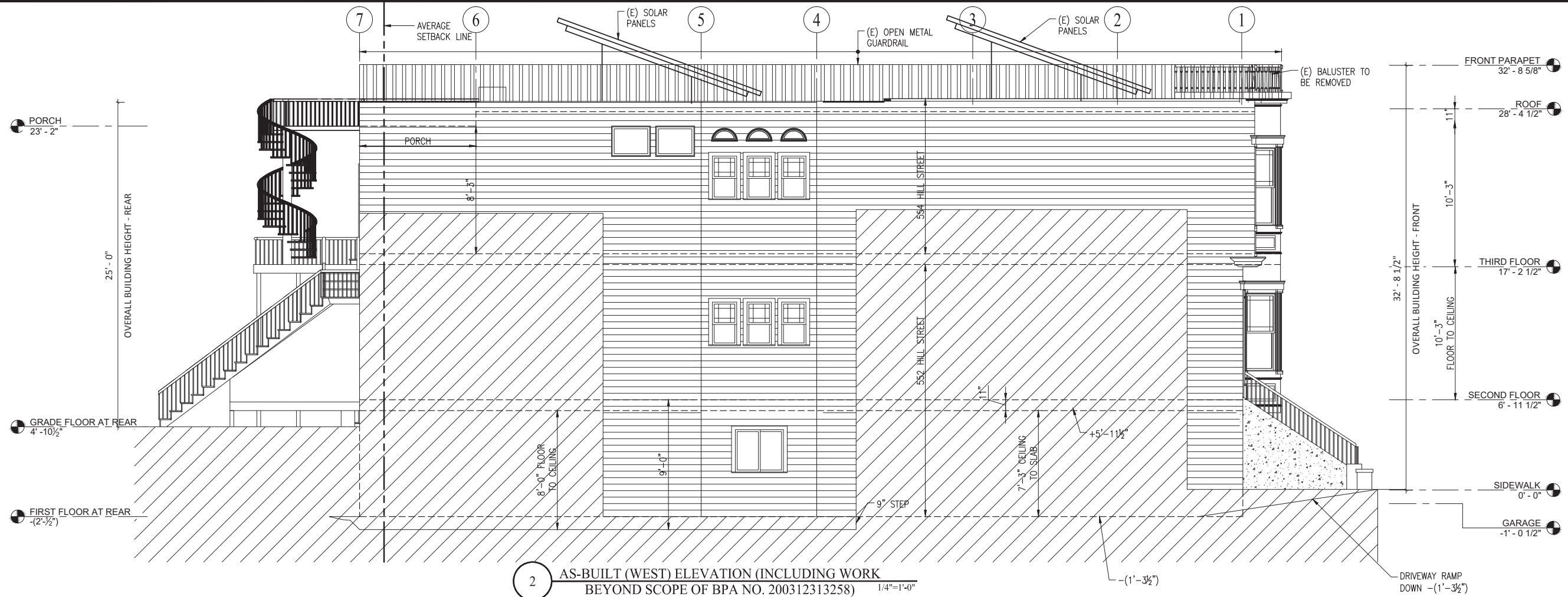


552-554 HILL STREET  
SAN FRANCISCO, CA.

EXISTING  
SOUTH AND WEST ELEVATIONS

DRAWN DA
DESIGNED/CHECKED PB
DATE
SCALE AS NOTED
JOB NO. 18.115
SHEET

A3.1  
OF SHEETS



2 AS-BUILT (WEST) ELEVATION (INCLUDING WORK BEYOND SCOPE OF BPA NO. 200312313258) 1/4"=1'-0"



1 AS-BUILT (SOUTH) ELEVATION (INCLUDING WORK BEYOND SCOPE OF BPA NO. 200312313258) 1/4"=1'-0"

REV.	DATE	DESCRIPTION

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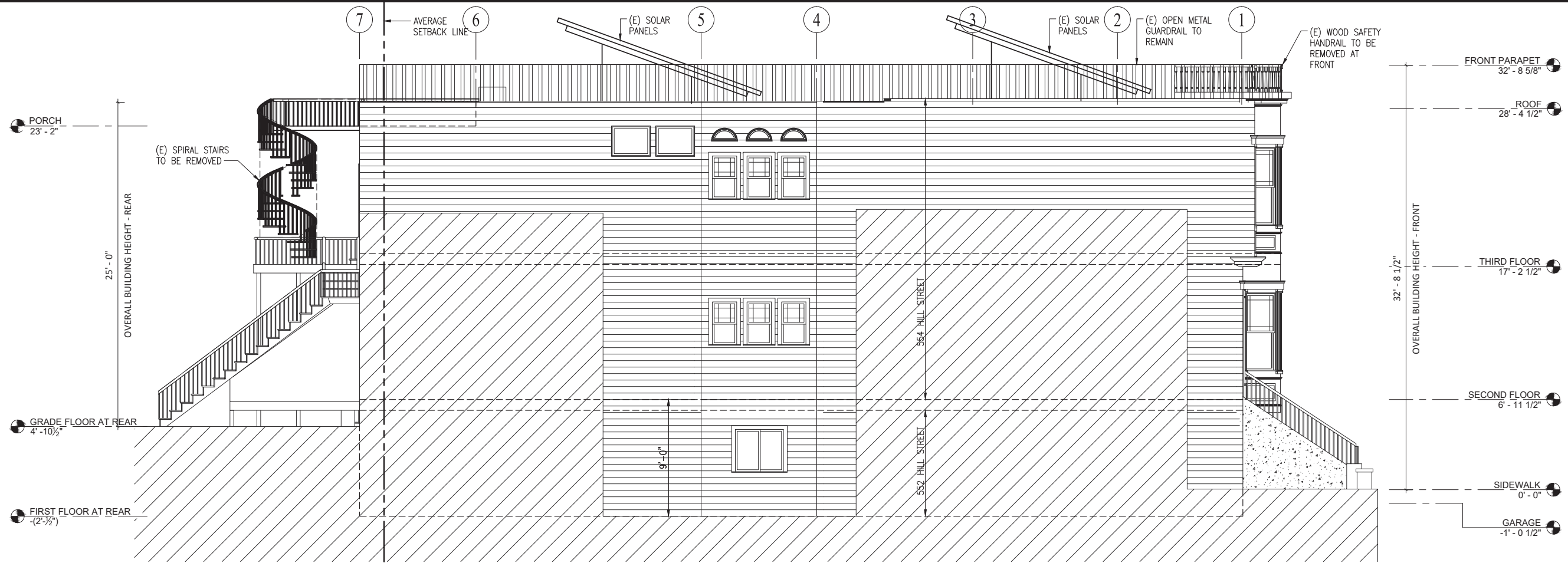


552-554 HILL STREET  
SAN FRANCISCO, CA.

AS-BUILT  
SOUTH AND WEST ELEVATIONS

DRAWN DA
DESIGNED/CHECKED PB
DATE
SCALE AS NOTED
JOB NO. 18.115
SHEET

A3.1.0  
OF SHEETS



2 PROPOSED SIDE (WEST) ELEVATION  
1/4"=1'-0"



1 PROPOSED FRONT (SOUTH) ELEVATION  
1/4"=1'-0"

REV.	DATE	DESCRIPTION

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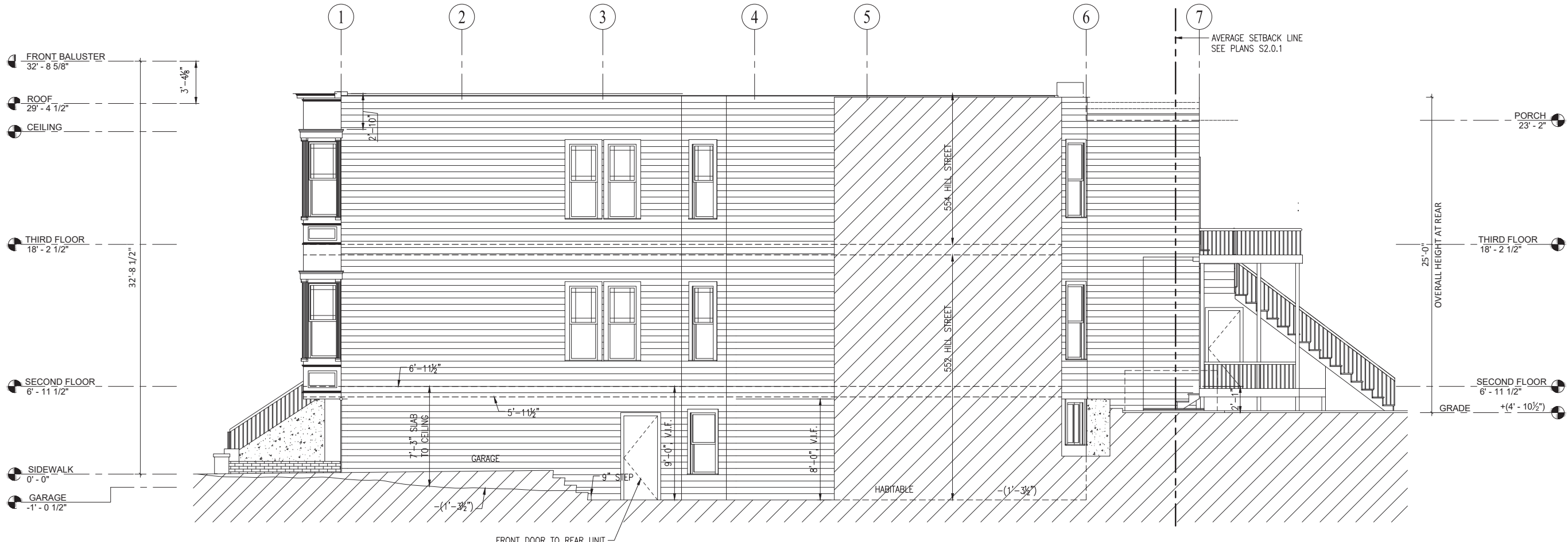


552-554 HILL STREET  
SAN FRANCISCO, CA.

PROPOSED  
SOUTH AND WEST ELEVATIONS

DRAWN DA
DESIGNED/CHECKED PB
DATE
SCALE AS NOTED
JOB NO. 18.115
SHEET

A3.2  
OF SHEETS



2 EXISTING SIDE (EAST) ELEVATION  
(PRIOR TO BPA NO. 200312313258) 1/4"=1'-0"



1 EXISTING REAR (NORTH) ELEVATION  
(PRIOR TO BPA NO. 200312313258) 1/4"=1'-0"

REV.	DATE	DESCRIPTION

PATRICK BUSCOVICH  
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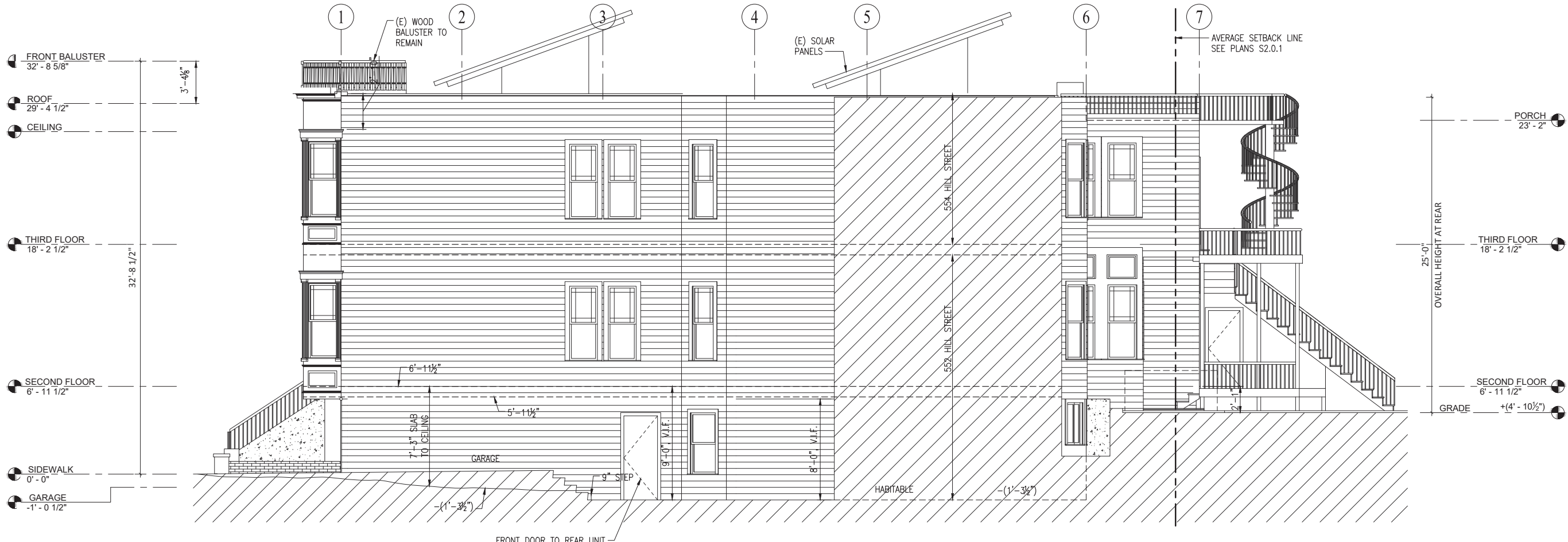
552-554 HILL STREET  
SAN FRANCISCO, CA.

EXISTING  
NORTH AND EAST ELEVATIONS

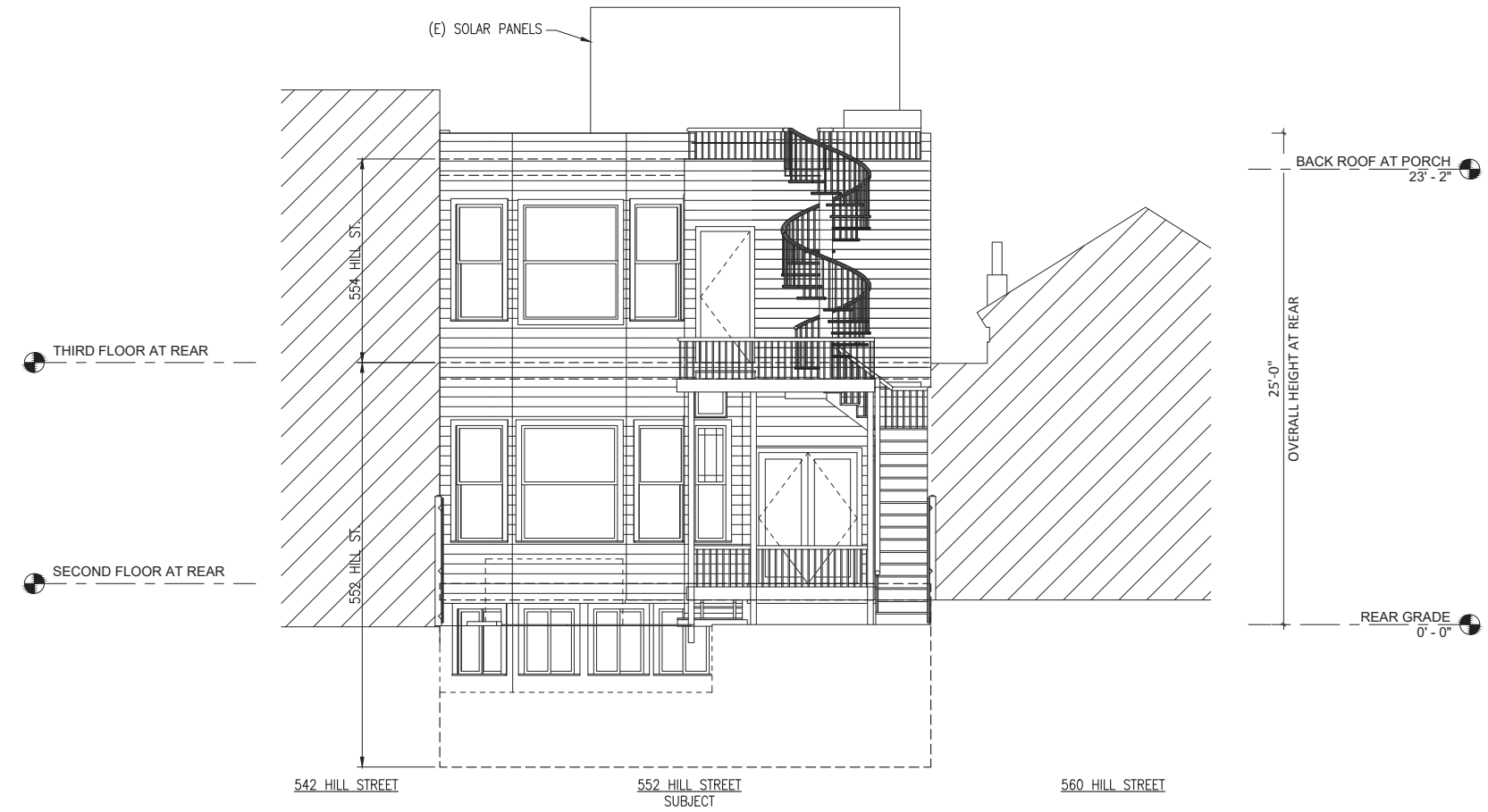
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DATE
SCALE AS NOTED
JOB NO. 18.115
SHEET

A3.3  
OF SHEETS





2 AS-BUILT (EAST) ELEVATION (INCLUDING WORK BEYOND SCOPE OF BPA NO. 200312313258) 1/4"=1'-0"



1 AS-BUILT (NORTH) ELEVATION (INCLUDING WORK BEYOND SCOPE OF BPA NO. 200312313258) 1/4"=1'-0"

REV.	DATE	DESCRIPTION

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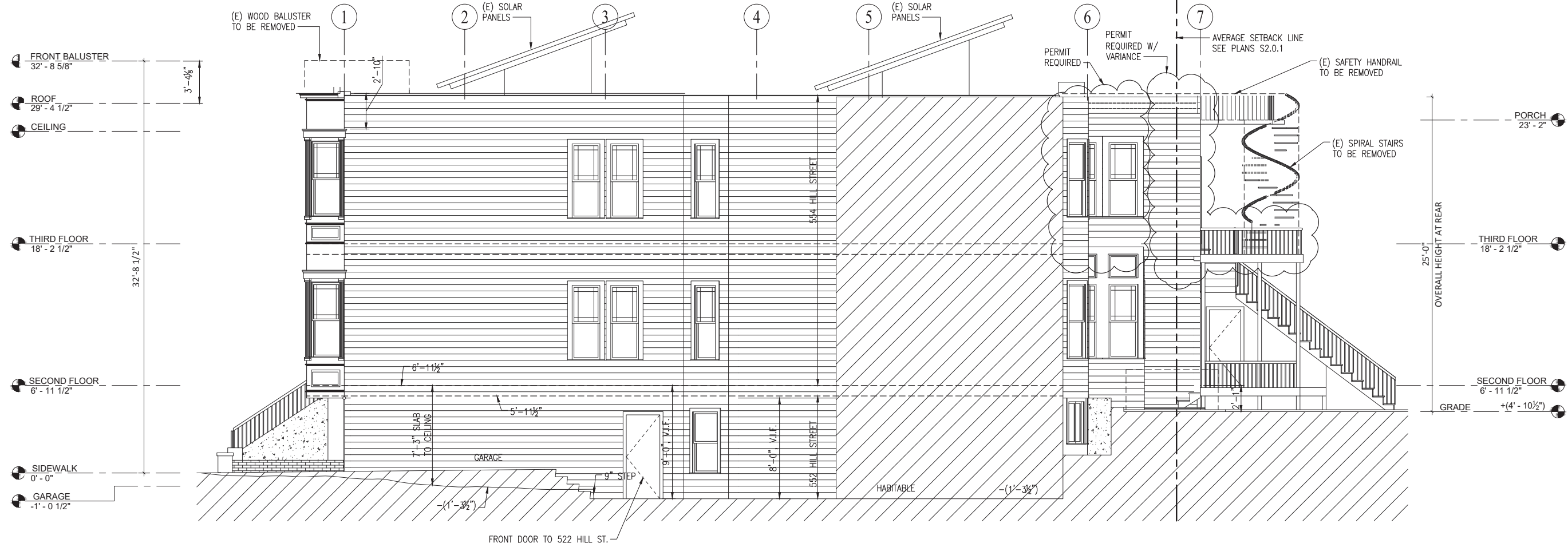


552-554 HILL STREET  
 SAN FRANCISCO, CA.

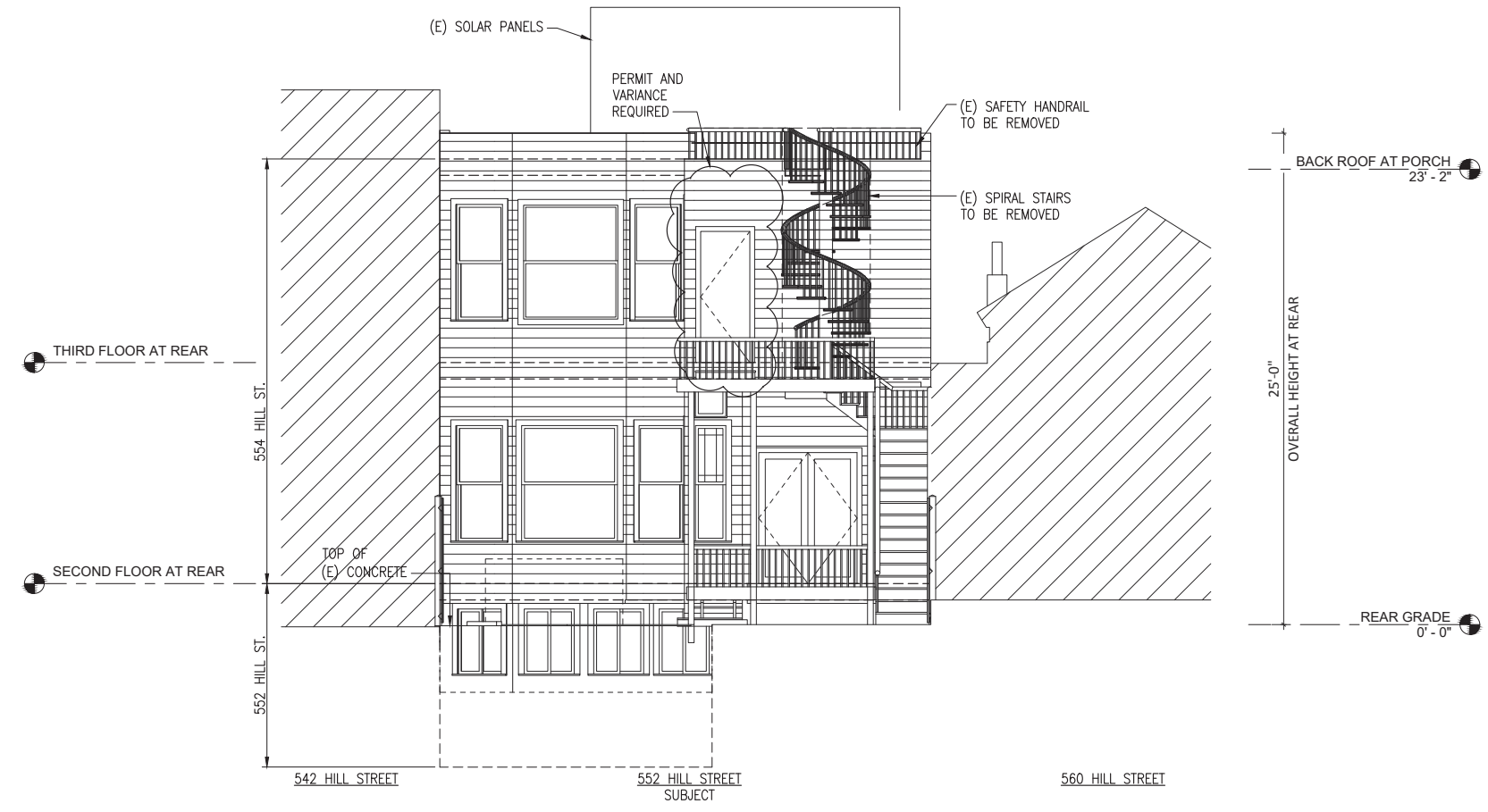
AS-BUILT  
 NORTH AND EAST ELEVATIONS

DRAWN	DA
DESIGNED/CHECKED	PB
DATE	
SCALE	AS NOTED
JOB NO.	18.115
SHEET	

A3.3.0  
 OF SHEETS



2 PROPOSED SIDE (EAST) ELEVATION  
1/4"=1'-0"



1 PROPOSED REAR (NORTH) ELEVATION  
1/4"=1'-0"

REV.	DATE	DESCRIPTION

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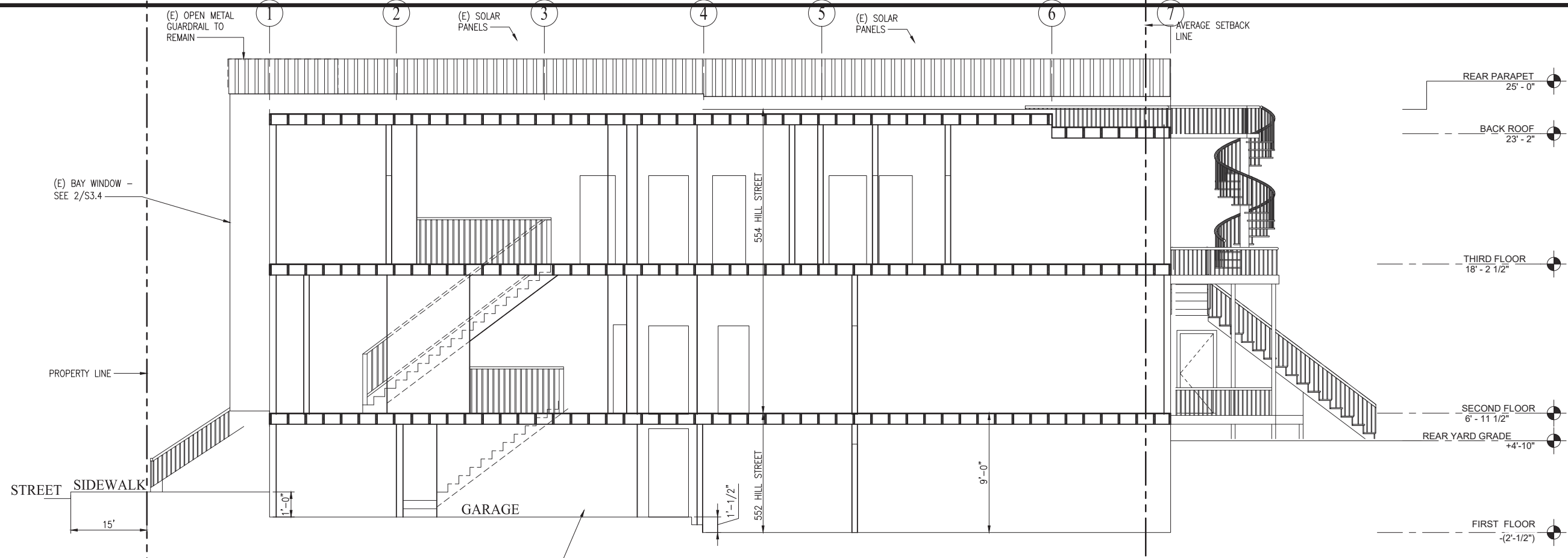
552-554 HILL STREET  
SAN FRANCISCO, CA.

PROPOSED  
NORTH AND EAST ELEVATIONS

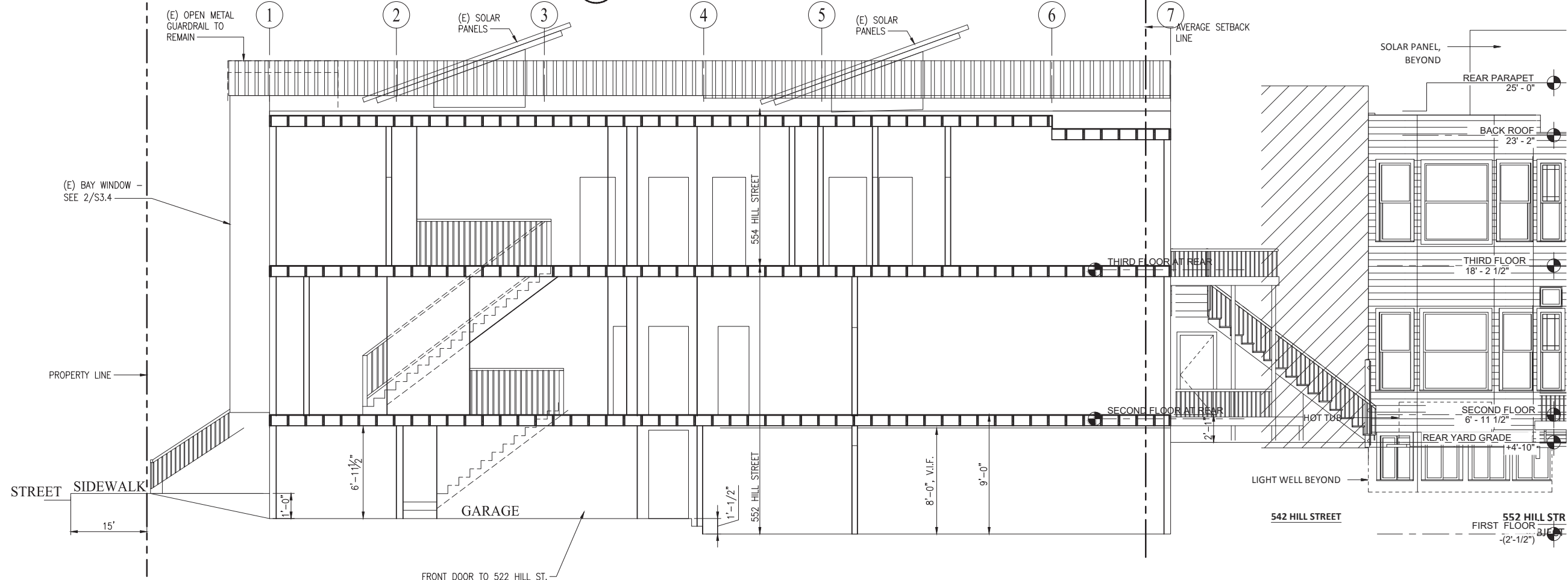
DRAWN DA
DESIGNED/CHECKED PB
DATE
SCALE AS NOTED
JOB NO. 18.115
SHEET

A3.4  
OF SHEETS





2 AS-BUILT SECTION (INCLUDING WORK BEYOND SCOPE OF BPA NO. 200312313258) 1/4"=1'-0"



1 EXISTING SECTION (PRIOR TO BPA NO. 200312313258) 1/4"=1'-0"

REV.	DATE	DESCRIPTION

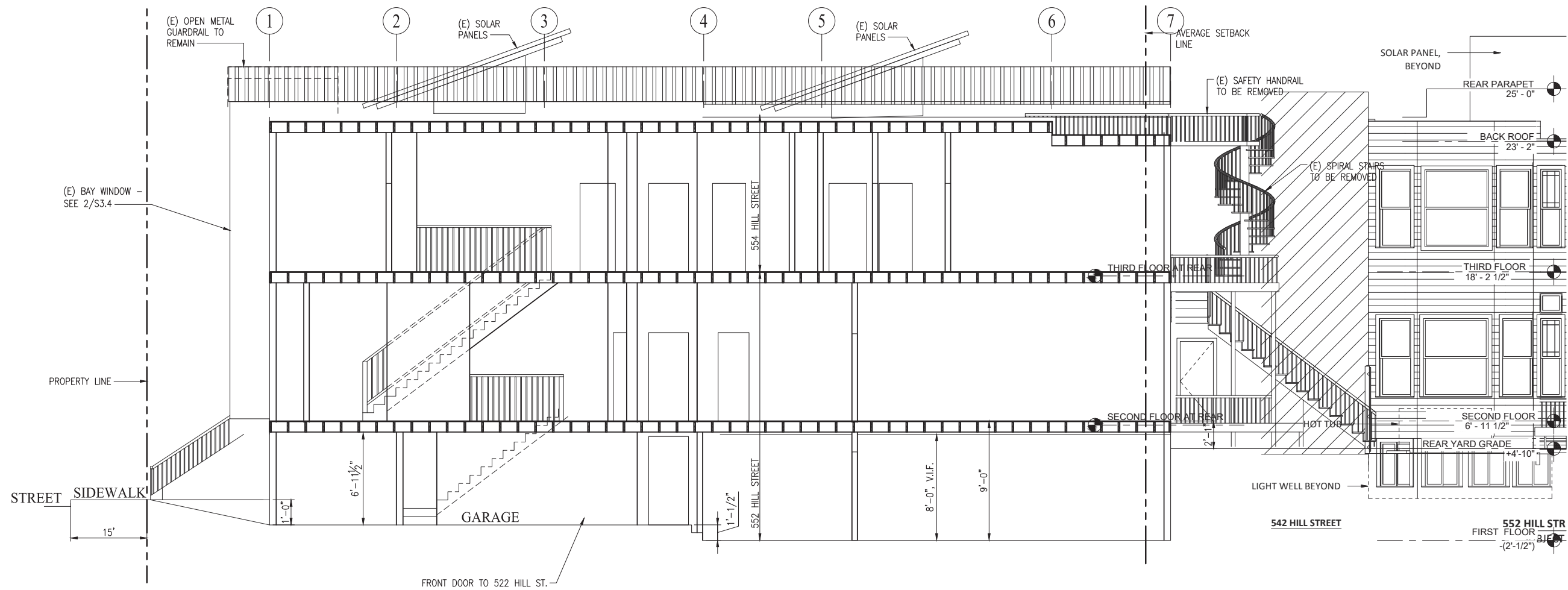
PATRICK BUSCOVICH AND ASSOCIATES STRUCTURAL ENGINEERS, INC.  
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552-554 HILL STREET  
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EXISTING AND AS-BUILT SECTIONS

DRAWN DA
DESIGNED/CHECKED PB
DATE
SCALE AS NOTED
JOB NO. 18.115
SHEET



1 PROPOSED SECTION  
1/4"=1'-0"

REV.	DATE	DESCRIPTION
△		
△		
△		

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AND ASSOCIATES  
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552-554 HILL STREET  
SAN FRANCISCO, CA.

PROPOSED SECTION

DRAWN	DA
DESIGNED/CHECKED	PB
DATE	
SCALE	AS NOTED
JOB NO.	18.115
SHEET	

A3.6  
OF SHEETS