

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

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

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BY 

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

The property is located at 249 Texas Street,
San Francisco, CA

6/3/2021

Date of City Planning Commission Action
(Attach a Copy of Planning Commission's Decision)

7/6/2021

Appeal Filing Date

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

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

The Planning Commission approved in whole or in part an application for conditional use authorization, Case No. 2020-003223CVA.

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

Statement of Appeal:

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

See attached at end

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

See attached at end

Person to Whom
Notices Shall Be Mailed

Name and Address of Person Filing Appeal:

Kathleen Roberts - Block
Name

Sasha Gala
Name

1841 - 23rd Ave SF CA 94122
Address

243 Texas St, SF CA 94107
Address

(415) 305-6236
Telephone Number

415-0030-2499
Telephone Number

KROBERTS BLOCK @ AOL.COM

Sasha Gala
sasha.bodala@gmail.com

Kathleen Roberts - Block
Signature of Appellant or
Authorized Agent

[Handwritten Signature]

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

The Sponsor's application included many falsehoods and fabrications which the Planning staff overlooked in the interest of pushing the project through a Planning Commission CUA hearing on March 4, 2021 and again at the continuance hearing on June 3, 2021. Thus, the Commission's decision was based upon these falsehoods and errors, not on department mandates, protocols or facts. Sections of the decision outlined in Planning Commission Motion No. 20930 that are erroneous and/or based on error include: Section # 7 (Conditional Use Findings) subsections A & C (pg. 5-6); Section #8 (Residential Demolition Findings) subsections E, F, G, H, I, N, P & R (pg. 7-9); Section #10 (General Plan Compliance) Objectives 1, 4 & 11 (pg. 11).

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

We are appealing the Planning Commission's 5 to 2 vote to approve the Conditional Use Authorization for 249 Texas Street because of the important policy errors and lack of compliance with the state law, SB 330, as documented in the Planning Director's Bulletin No. 7 that led to the Planning Commission's decision. The Commission's decision enables demolitions of rent-controlled housing that are deemed the "most affordable housing" by our General Plan's Policy Objective 3. More importantly, it allows unscrupulous project sponsors to justify demolitions by merely citing state laws and local ordinances without actually complying with them. This monster home project application (a 4300+ square foot house for a three-person family that, by its sheer size, is unaffordable by design and significantly violates air and light needs on adjacent properties) was based on obfuscations that were exposed by many aggrieved neighbors.

With this appeal, we submit the signatures of 6 supervisors and 37 property owners of 30 separate properties within 300 feet.

The Project involves the Demolition of TWO Sound, Affordable Rent-Controlled Units.

A Conditional Use Authorization is required for the demolition of sound affordable rent-controlled housing because the policy is to RETAIN such housing. The Commission's decision was in error: it mistakenly found that demolition of this type of housing is "necessary and desirable" for the community. The decision is directly counter to all controlling public policy and is contrary to the public good in the middle of an affordability crisis.

Furthermore, the Commission justified its decision by accepting the project sponsor's and the staff's false claim that this was an SB 330 project and, as such, they would designate the replacement units as rent-controlled dwellings. This could not have been further from the truth for the following reasons:

1. Per Planning's own Director Bulletin No. 7, SB 330 requires a new "preliminary application" under Government Code section 65941.1 separate and distinct from a development application. SB 330 requires proper paperwork and a formal application, which this project sponsor failed to produce as evidenced by the CUA packet that did not include a "separate and distinct" application in violation of this state law.

2. In the case of housing development projects that would demolish any existing rent-controlled units ("protected units"), SB 330 requires that the replacement units provide the same number of bedrooms. This is not the case as the replacement units do not have the same number of bedrooms. In fact, the unit that would replace the three-bedroom bottom unit is only a studio apartment!
3. SB 330 requires the replacement units be deed-restricted if the existing units are subject to a rent-control ordinance AND the last household in occupancy either earned up to 80% of AMI or their income is not known. The directive is:

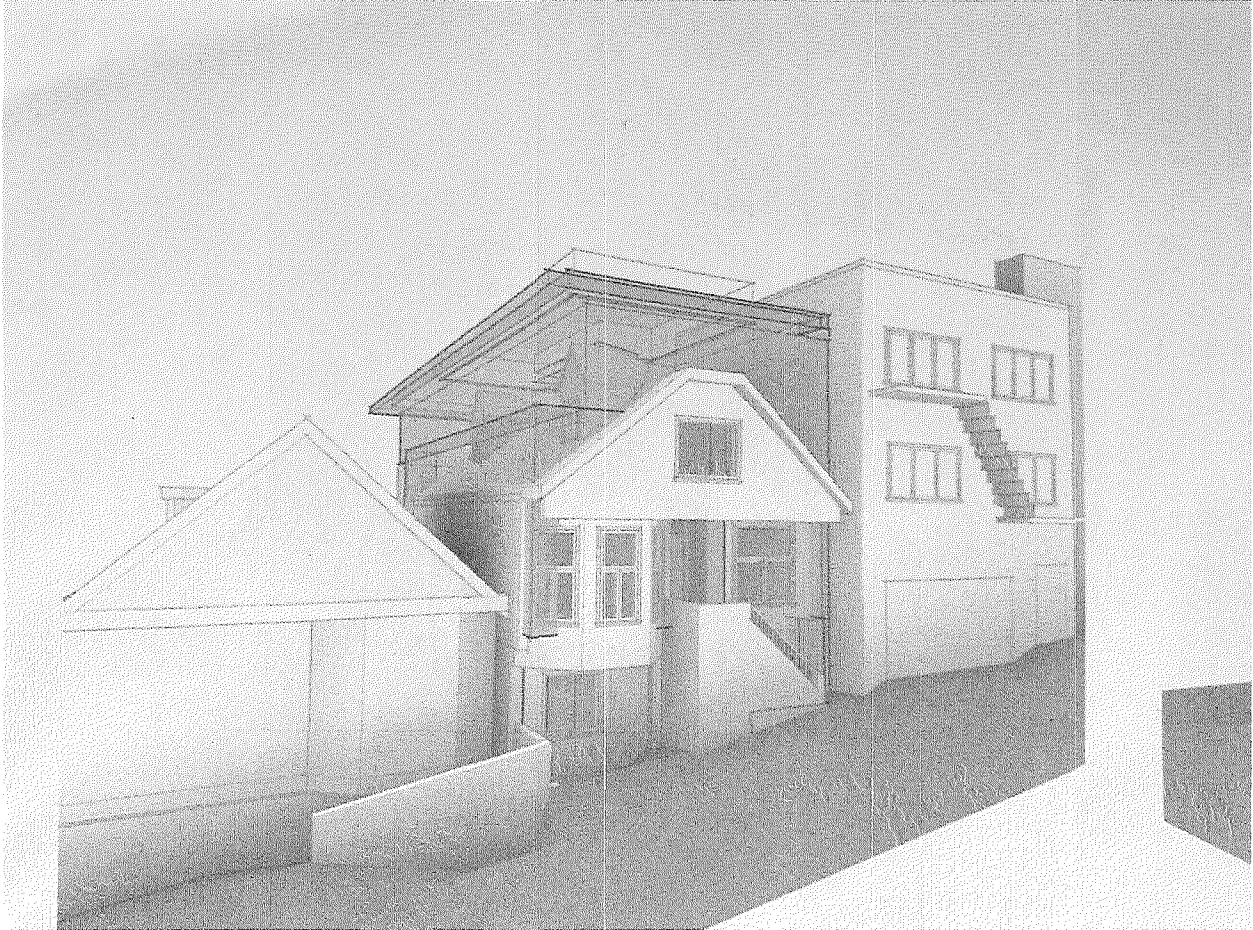
Where the household income of current or previous occupants is not known, the replacement units shall be provided as affordable to very-low (earning up to 50% AMI) and low-income households (earning between 50% and 80% of AMI) in an amount proportional to the number of very low and low-income households present in the jurisdiction according to the most current data from the Comprehensive Housing Affordability Strategy (CHAS) database provided by the Department of Housing and Urban Development (HUD).

While the project sponsor produced evidence of tenants' 'household income' in the upper unit, they did not provide this data for the tenants in the lower unit. Nevertheless, Planning staff just 'shrugged off' this absence of required data as merely "difficult to obtain" information instead of upholding the law that requires restricted deed for such units to provide affordable housing for very-low and low-income households.

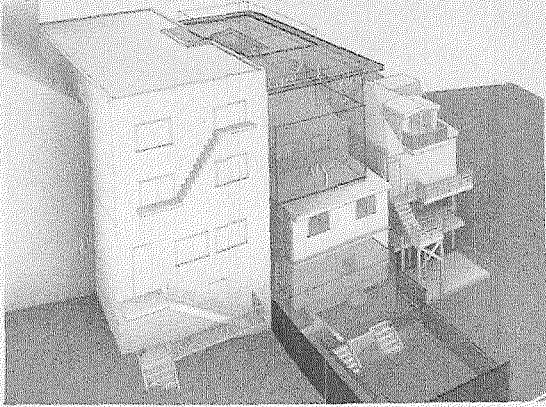
Planning staff allowed the project to move forward despite the missing paperwork (contrary to the requirements of the law) and ever-changing story of the project sponsors to mislead the Planning Commission into believing that this project met the requirements of SB 330. Consequently, the CUA was granted for the demolition of two rent-controlled units, something that clearly flies in the face of the General Plan, which calls for the "preservation" of our rent-controlled housing stock.

Conclusion

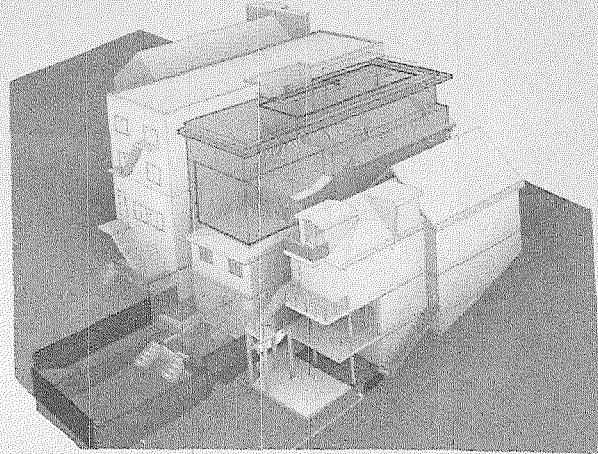
The proposed project violates numerous priority policies, which mandate the decision to preserve affordable, rent-controlled housing. Furthermore, the Planning Commission's decision was based on a falsehood, compliance with SB 330 that was perpetrated by the project sponsor and the staff's coverup of this failure. That is why the neighbors request that the Board of Supervisors overturn the Planning Commission's decision, deny the demolition permit of 249 Texas Street, and direct the developer to explore options to retain the existing two rent-controlled units and collaborate with invested neighbors. To do otherwise would set precedent for SB330 to be used as a loophole for dishonest sponsors instead of how it was intended.



Shown in the middle is the facade of the existing home with the planned home rendered in dark grey.



1 AXON LOOKING NW
SCALE

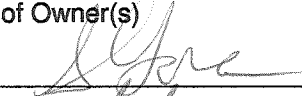


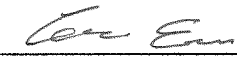




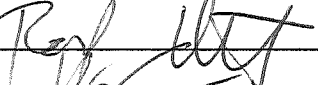







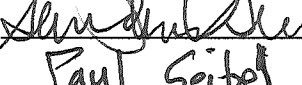
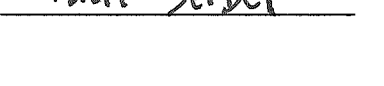




2 REAR PERSPECTIVE
SCALE

249 Texas St.
 City Planning Commission
 Case No. 2020-003223CUA

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

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

	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	243 Texas Street	4001/018	Sasha Gala	
2.	243 Texas St.	4001/018	Matt Boden	
3.	237 Texas St	4001/019	Cravin Murphy	
4.	237 Texas St.		Cravin Murphy	
5.	237 Texas St.	4001/019	Leila Easa	
6.	231 Texas ST	4001/020	Michael BANCHERO	
7.	262 Texas St	4002/011	KIM LAVALLE	
8.	251 Texas St	4001/017	Kathleen Roberts-Block	
9.	253/255 Mississippi St	4000/016	Kathleen Roberts-Block	
10.	1206 Mariposa St	3985/011	Rodney Minott	
11.	153 Missouri St	3985/021	KEPA ASKENASY	
12.	147 Missouri St	3985/023	KEPA ASKENASY	
13.	155 Missouri St	3985/020	KEPA ASKENASY	
14.	1208 MARIPOSA	3985/012	YVONNE GAVRE	
15.	1208 MARIPOSA ST	3985/012	DAVID J. BOYD	
16.	1206 MARIPOSA ST	3985/011	ARCADIA SMAILS	
17.	229 Texas St			
18.	1233 19TH ST	4065/026	RYAN SIU	
19.	212 Texas St	2746/014F	Katy Clem	
20.	212 Texas St.	2746/014F	Timothy Clem	
21.	210 Texas St	4002/003	Sandra Seibel	
22.	210 Texas St.	4002/003	Paul Seibel	

249 Texas St

City Planning Commission
Case No. 2020-0032230WA

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

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

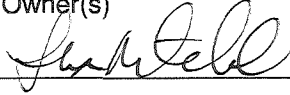
	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	283 TEXAS	4001/014	MISHA TUNA	
2.	283 TEXAS	4001/014	FRANCESCA PERATA	
3.	226 MISSISSIPPI ST.	4001/002A	Stella Talmadge	
4.	224-18th St	4001/013	Judy BUSCH Shawley	
5.	224-18th St	4001/013	Gary Shawley	
6.	206 Texas St	4002/002	Gerald Leddy	
7.	214 Texas St	4002/005	Francisca Medina	
8.	225 MISSISSIPPI	4000/022	Michael P. Agor	
9.	225 MISSISSIPPI	4000/022	Vicente P. Agor	
10.	247 MISSISSIPPI	4000/018	Vince Schmitt	
11.	1212 18th St	4001/011	Randall Whitehead	
12.	1222 18th St	4001/012	Jani Messinger	
13.	254 Pennsylvania Av	4000/051+052	James Wickens	
14.	254 Pennsylvania	4000/051+052	Cordyn Kahn	
15.	240 Mississippi	4001/007	JANE NICHOLSON	
16.	247 MISSOURI	4002/018	LAWRENCE GONICK	
17.	247 MISSOURI	4002/018	Lisa Goldschmid	
18.	243 MISSOURI	4002/019	John DeGASTRO	
19.	243 MISSOURI	4002/019	ANDREA LAUDATE	
20.	263 MISSOURI	4002/016C	Michael Magnuson	
21.	263 MISSOURI	4002/016C	Rachel Heit	
22.				

249 TEXAS ST

City Planning Commission
Case No. 2020-003223 CVA

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

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

	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>230 Texas St</u>	<u>4002/006</u>	<u>Lisa Mitchell</u>	
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____
7.	_____	_____	_____	_____
8.	_____	_____	_____	_____
9.	_____	_____	_____	_____
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14.	_____	_____	_____	_____
15.	_____	_____	_____	_____
16.	_____	_____	_____	_____
17.	_____	_____	_____	_____
18.	_____	_____	_____	_____
19.	_____	_____	_____	_____
20.	_____	_____	_____	_____
21.	_____	_____	_____	_____
22.	_____	_____	_____	_____

Pursuant to Planning Code Section 308.1(b), the undersigned members of the Board of Supervisors believe that there is sufficient public interest and concern to warrant an appeal of the Planning Commission on Case No. 2020-003223 CUA, a conditional use authorization regarding (address) 279 Texas St, District 10. The undersigned members respectfully request the Clerk of the Board to calendar this item at the soonest possible date.

SIGNATURE

DATE

Shelly Rone

6-24-21

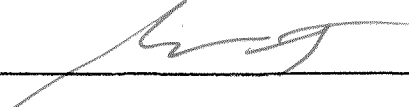
(Attach copy of Planning Commission's Decision)

C

Pursuant to Planning Code Section 308.1(b), the undersigned members of the Board of Supervisors believe that there is sufficient public interest and concern to warrant an appeal of the Planning Commission on Case No. 2020-003223 CUP, a conditional use authorization regarding (address) 249 TEXAS ST, District 10. The undersigned members respectfully request the Clerk of the Board to calendar this item at the soonest possible date.

SIGNATURE

DATE



(Attach copy of Planning Commission's Decision)

Pursuant to Planning Code Section 308.1(b), the undersigned members of the Board of Supervisors believe that there is sufficient public interest and concern to warrant an appeal of the Planning Commission on Case No. _____, a conditional use authorization regarding (address) 249 Texas St, District 10. The undersigned members respectfully request the Clerk of the Board to calendar this item at the soonest possible date.

SIGNATURE

DATE

[Handwritten Signature]

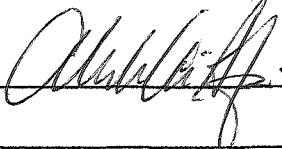
6/23/2021

(Attach copy of Planning Commission's Decision)

2020-003223 CVA Pursuant to Planning Code Section 308.1(b), the undersigned members of the Board of Supervisors believe that there is sufficient public interest and concern to warrant an appeal of the Planning Commission on Case No. 249 Texas Street, a conditional use authorization regarding (address) 249 Texas Street, District 10. The undersigned members respectfully request the Clerk of the Board to calendar this item at the soonest possible date.

SIGNATURE

DATE



6/24/21

(Attach copy of Planning Commission's Decision)



PLANNING COMMISSION MOTION NO. 20930

HEARING DATE: JUNE 3, 2021

Record No.: 2020-003223CUA
Project Address: 249 Texas Street
Zoning: Residential-House, Two Family (RH-2) Zoning District
40-X Height and Bulk District
Block/Lot: 4001/017A
Project Sponsor: John Maniscalco, John Maniscalco Architecture
442 Grove Street
San Francisco, CA 94102
Property Owner: Joanne Siu & Kerry Shapiro
San Francisco, CA 94107
Staff Contact: Alex Westhoff – (628) 652-7314
alex.westhoff@sfgov.org

ADOPTING FINDINGS RELATING TO A CONDITIONAL USE AUTHORIZATION, PURSUANT TO PLANNING CODE SECTIONS 303 AND 317, AS PART OF A PROJECT THAT WOULD DEMOLISH THE EXISTING 3,098 SQUARE-FOOT, THREE-STORY SINGLE-FAMILY DWELLING WITH AN UNAUTHORIZED DWELLING UNIT AND CONSTRUCT A NEW THREE-STORY 4,864 SQUARE-FOOT RESIDENTIAL BUILDING CONTAINING TWO DWELLING UNITS ABOVE A GARAGE WITH TWO OFF-STREET PARKING SPACES, LOCATED AT 249 TEXAS STREET, LOT 017A IN ASSESSOR'S BLOCK 4001, WITHIN THE RH-2 (RESIDENTIAL HOUSE, TWO-FAMILY) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On February 19, 2020, John Maniscalco of John Maniscalco Architecture (hereinafter "Project Sponsor") filed Application 2020-003223CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization to demolish an existing three-story-over-basement single-family residence (measuring approximately 3,098 gross square feet (gsf) and construct a new two-unit, three-story-over-basement 30-foot (ft) tall, residential building, measuring approximately 4,864 gsf (hereinafter "Project") at 249 Texas Street, Block 4001 Lots 017A (hereinafter "Project Site").

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 and Class 3 categorical exemption.

On February 4, 2021, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2020-003223CUA. At this hearing, the Commission continued the Project to the public hearings on March 4, 2021, April 1, 2021, April 15, 2021, and May 13, 2021. The Project was further continued to the public hearing on June 3, 2021.

The Planning Department Commission Secretary is the Custodian of Records; the File for Record No. 2020-003223CUA is located at 49 South Van Ness Avenue, Suite 1400, San Francisco, California.

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

MOVED, that the Commission hereby authorizes the Conditional Use Authorization as requested in Application No. 2020-003223CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

- 1. The above recitals are accurate and constitute findings of this Commission.**
- 2. Project Description.** The Project proposes the demolition of an existing three-story, single-family residence with an unauthorized dwelling unit and the construction of a new three-story, 30-ft tall residential building (approximately 4,864 gsf) with two dwelling units, two below-grade off street parking spaces, and 2 Class 1 bicycle parking spaces. The Project includes a studio unit on the lower level, a four-bedroom unit on the upper levels, 713 square feet (sf) of private useable open space for the lower unit via the rear yard, and 688 sf of private useable open space via the level 1 rear deck and roof deck.
- 3. Site Description and Present Use.** The Project is located on a rectangular lot measuring 2,500 sf with 25-ft of frontage along Texas St. The project site contains an existing three-story over basement, single family 3,098 sf residence with an unauthorized dwelling unit on the ground floor level.
- 4. Surrounding Properties and Neighborhood.** The Project Site is located within the RH-2 (Residential-House, Two-Family) Zoning District. The immediate context is largely residential, with commercial uses along both 18th and Mariposa Streets. The immediate neighborhood includes a four-unit two-story apartment to the south, a single-family one-story home to the north, one- to two-story residential units to the west across Texas Street as well as to the east along Mississippi Street behind the subject property. Other zoning districts in the vicinity of the project site include: UMU, (Urban Mixed-Use), RH-3 (Residential-House, Three-Family), NC-2 (Neighborhood Commercial Small Scale), and P (Public).
- 5. Public Outreach and Comments.** To date, Department Staff have received verbal and/or written correspondence from six neighbors on the Project, plus representatives from three community groups (Alison Heath from Potrero Boosters, Ozzie Rohm from SF Land Use Coalition, and Jennifer Feiber from

San Francisco Tenants Union). Concerns expressed included the building's character; massing, and design; light, air circulation, noise, and privacy impacts; impacts to neighbors (light and privacy) from light well skylight and light well windows; traffic, noise, and debris which may occur during demolition; environmental impacts/landslide vulnerability/topography; limitations on future rental potential of neighboring properties; tenant displacement (subject property); existence of Unauthorized Dwelling Unit (UDU); lack of communication on behalf of the Project Sponsor; difficulty in understanding architectural plans; and challenges in communicating with neighbors during Shelter-in-Place.

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. Use. Planning Code Section 209.1 permits two-family homes in RH-2 Zoning District.

The Project would construct two dwelling units.

B. Residential Demolition. Pursuant to Planning Code Section 317, Conditional Use Authorization is required for applications proposing to demolish a residential unit in an RH-2 Zoning District. This Code Section establishes criteria that the Planning Commission shall consider in the review of applications for Residential Demolition.

The Project proposes the demolition of an existing single-family dwelling with an unauthorized dwelling unit and therefore requires Conditional Use Authorization. The additional criteria specified under Section 317 have been incorporated as findings in Subsection 8 below.

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

As the adjacent northerly property has a front setback of 5 feet 10 inches and the adjacent southerly property has no front setback, the subject property is required to provide a minimum front setback of 2 feet 11 inches. The Project proposes a front setback of 2 feet 11 inches.

D. Landscaping and Permeability. Planning Code Section 132(g) requires that for projects involving the construction of a new building, the addition of a new dwelling unit, garage, or additional parking; at least 20% of the required front setback area be and remain unpaved and devoted to plant material, including the use of climate appropriate plant material. Section 132(h) requires that the front setback area be at least 50% permeable so as to increase stormwater infiltration. The permeable surface may be inclusive of the area counted towards the landscaping requirement; provided, however, that turf pavers or similar planted hardscapes shall be counted only toward the permeable surface requirement and not the landscape requirement.

The subject property is 25 feet in width and has a required front setback of approximately 2 feet 11 inches, totaling approximately 73 sf of front setback area. The front steps area however, makes up approximately 20 sf and can be removed from this area, thus totaling 53 sf of front set back area, of which 20%, or approximately 11 sf must be devoted to plant material. A total of 16.8 sf of the front setback remains unpaved and devoted to plan material, thus meeting Section 132(g). Furthermore the total permeable area is 52.5 square feet or 99%, thus exceeding the required 50% pursuant to Section 132(h).

- E. **Rear Yard.** Planning Code Section 134 requires a rear yard equal to 45 percent of the total depth, at grade and above, for properties containing dwelling units in RH-2 Zoning Districts. Where applicable Planning Code Section 134(c) allows for the reduction in the rear yard requirement to the average between the depths of the rear building walls of the two adjacent buildings, so long as a minimum rear yard of 25% of the total property or 15 feet is maintained, whichever is greater. In cases where a rear yard requirement is thus reduced, the last 10 feet of building depth permitted on the subject lot shall be limited to a height of 30 feet.

The subject property's required rear yard is the average between the rear building walls of the two adjacent buildings. The adjacent property to the north has a rear yard of 42 feet 11 inches, while the adjacent property to the south has a rear yard of 34 feet 1 inch. Thus, the subject property is required to maintain a rear yard of at least 38 feet 6 inches. The Project proposes a rear yard of 38 feet 6 inches. Thus, the Project provides a code-compliant rear yard.

- F. **Useable Open Space.** In the RH-2 Zoning District, Planning Code Section 135 requires 125 square feet of useable open space for each dwelling unit if all private, or a total of 332 square feet of common usable open space for two dwelling units.

The Project contains two dwelling units. The lower unit has access to the 713 square feet of basement level private open space in the rear yard, while the upper unit has exclusive access to the 688 square feet of private open space amongst the level 1 roof deck and upper roof deck.

- G. **Permitted Obstructions.** Planning Code Section 136 allows certain features including architectural projections, uncovered stairways and decks as permitted obstructions into the required rear yard so long as certain dimensional requirements are met.

The proposed rear deck does not exceed 10 feet above the existing grade, does not extend more than 12 feet into the required open area, and does not occupy space with the rear 25 percent or 15 feet of the total lot depth and thus is compliant with this Planning Code Section 136(c)(25).

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

The upper dwelling unit has direct exposure onto both the public street and a Code-compliant rear yard, and the lower dwelling unit has direct exposure onto a Code-compliant rear yard.

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

The Project proposes a Code-complying garage door width of 9 feet 7 inches.

- J. **Off-Street Parking.** Planning Code Section 151 does not require a minimum number of off-street

parking spaces and permits a maximum of 1.5 parking space for each dwelling unit.

The Project will provide two (2) off-street parking spaces.

- K. Bicycle Parking.** Planning Code Section 155.2 requires at least one Class 1 bicycle parking space for each dwelling unit.

The project proposes two Class 1 bicycle parking spaces.

- L. Residential Child-Care Impact Fee.** Planning Code Section 411 is applicable to any residential development that results in at least one new residential unit.

The Project includes approximately 4,864 gross square feet of new residential use. The Project shall receive credit for existing uses on the project site. This use is subject to Residential Child-Care Impact Fee, as outlined in Planning Code Section 411A. This fee must be paid prior to the issuance of the building permit application.

- M. Eastern Neighborhood Infrastructure Impact Fees.** Planning Code Section 423 is applicable to any development project within the Eastern Neighborhoods Area Plan that results in the addition of gross square feet of new residential space over 800 sf.

The Project includes approximately 4,864 gross square feet of new residential development. The Project shall receive credit for existing uses on the project site. These uses are subject to Eastern Neighborhood Infrastructure Impact Fees, as outlined in Planning Code Section 423. These fees must be paid prior to the issuance of the building permit application.

- 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 size of the proposed three-story two-unit property is in keeping with other residential properties in the neighborhood. The property is compliant with the Residential Design Guidelines, albeit modern in appearance. The Project contributes to the mixed visual character of the neighborhood. The property is designed appropriately to minimize light and privacy impacts to surrounding properties. The lightwell dimensions match the lightwell of the southerly adjacent property to continue to allow that property to receive light and air. Under SB 330, if existing units to be demolished were subject to the City's Rent Ordinance and the income of the last occupant is above 80% of AMI, as is the case here, the Project Sponsor must provide replacement units that are subject to the Rent Ordinance. Here, the Project Sponsor has provided information showing that the occupants' incomes were above 80% of AMI. Accordingly, the Project Sponsor and the City agree that the Project shall be subject to the Rent Ordinance. Conditions of Approval have been included to reflect the rent-control status of the Project. Rent-controlled units are a benefit to the City and assist in providing for housing security for future

tenants.

- 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 building will be similar in size to the existing adjacent buildings. The adjacent southerly property is a two-story, four-unit, flat roofed apartment building. The adjacent northerly property is a one-story single-family pitched-roof home. The subject property's front setback is approximately 2'11" to transition between the two buildings. The location of the proposed building will allow for a rear yard that will contribute to the midblock open space and retain a sense of privacy for adjacent neighbors.

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

The Planning Code does not require automobile parking. The Project provides a new vehicular garage designed to accommodate the two off-street parking spaces and two Class 1 bicycle parking spaces.

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

As the Project is residential in nature, the proposed residential use is not expected to produce noxious or offensive emissions.

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

Sufficient open space has been provided for both properties, and includes the rear yard, front setback, rear deck and roof deck. The front setback has been appropriately landscaped.

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

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

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

The proposed project is consistent with the stated purposed of RH-2 Zoning District in that it proposes a two-unit residential building with private open space provided at ground-level and on

both a rear yard and roof deck.

8. Residential Demolition Findings. Section 317 of the Planning Code establishes criteria for the Planning Commission to consider when reviewing applications to demolish or convert residential buildings. In addition to the criteria of Section 303(c) of this Code, the Commission shall consider the extent to which the following criteria are met pursuant to Section 317(g)(6):

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

A review of the Department of Building Inspection and the Planning Department databases shows that in 2002, a complaint was filed against the property alleging the conversion of the garage into an illegal unit. While records show this complaint was "abated" and that permits were applied for to "remove" the illegal unit, it appears the unauthorized second unit was never removed. The current owners purchased the property in 2019.

b) Whether the housing has been maintained in a decent, safe, and sanitary condition;

The existing dwelling appears to be in decent, safe, and sanitary condition with no Code violations, although the ceiling heights in the unauthorized lower unit are substandard and the unit's foundation does not comply with existing codes.

c) Whether the property is an "historical resource" under CEQA;

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

d) Whether the removal of the resource will have a substantial adverse impact under CEQA;

The existing building is not a historical resource and its removal will not have any substantial adverse impacts under CEQA.

e) Whether the Project converts rental housing to other forms of tenure or occupancy;

It appears that the existing building was owner-occupied for well over 60 years. An Historic Resource Evaluation submitted by the Project Sponsor shows no evidence of tenant occupancy since the building was moved to its current location in 1951. At the prior hearing on this matter, Ernesto Valencia testified that house had been in his family for three generations. Court records show that Ernesto and Richard Boyd acquired the property from other members of the Valencia family in 2006 and occupied the property as tenants in common, with the Valencia's occupying the unauthorized lower unit and Mr. Boyd occupying the upper unit. Pursuant to a search request with the San Francisco Rent Board, there have been no tenant evictions or tenant buyouts within the past 10 years.

Since the Project Sponsors acquired the property in March 2019, they have twice rented the upper, authorized unit. The first tenants occupied the unit from March 1, 2020 to October 31, 2020. The second tenants have occupied the upper unit since November 1, 2020 pursuant to a one-year lease that expires on October 31, 2021. The Project Sponsors have presented a letter from the current tenants in which the

tenants acknowledge that they rented the property for only one year and intend to relocate on or before October 31, 2021.

- f) Whether the Project removes rental units subject to the Rent Stabilization and Arbitration Ordinance;

The Planning Department cannot definitively determine whether or not the single-family home with an unauthorized dwelling unit is subject to the Rent Stabilization and Arbitration Ordinance; this being under the purview of the Rent Board. However, pursuant to SB 330, the Project Sponsors are willing to offer to impose a restriction on the Project such that the two new units will be subject to the Rent Stabilization and Arbitration Ordinance.

Under SB 330, if existing units to be demolished were subject to the City's Rent Ordinance and the income of the last occupant is above 80% of AMI, as is the case here, the Project Sponsor must provide replacement units that are subject to the Rent Ordinance. Here, the Project Sponsor has provided information showing that the occupants' incomes were above 80% of AMI. Accordingly, the Project Sponsor and the City agree that the proposed Project shall be subject to the Rent Ordinance.

- g) Whether the Project conserves existing housing to preserve cultural and economic neighborhood diversity;

Although the Project proposes the demolition of an existing dwelling and an unauthorized dwelling unit, the new construction will result in two code-compliant dwellings with more habitable square feet and bedrooms.

- h) Whether the Project conserves neighborhood character to preserve neighborhood cultural and economic diversity;

The Project conserves neighborhood character with appropriate scale, design, and materials, and improves cultural and economic diversity by constructing two family-sized dwellings that are consistent with the Residential Design Guidelines and the provisions of the RH-2 Zoning District.

- i) Whether the Project protects the relative affordability of existing housing;

The Project removes two dwelling units (one of which is unauthorized), which is generally considered more affordable than more recently constructed units. The Project results in two units with greater habitable floor area and more code-compliant bedrooms that contribute positively to the City's housing stock.

- j) Whether the Project increases the number of permanently affordable units as governed by Section 415;

The Project is not subject to the provisions of Planning Code Section 415, as the Project proposes fewer than ten units. The Project does not include construction of affordable housing, as defined in Planning Code Section 415.

- k) Whether the Project locates in-fill housing on appropriate sites in established neighborhoods;

The Project represents the redevelopment on a parcel within an established neighborhood at a dwelling unit density consistent with the requirements of the RH-2 Zoning District.

- l) Whether the project increases the number of family-sized units on-site;

The Project proposes opportunities for family-sized housing on-site by constructing two dwelling units. The property currently contains one authorized and one unauthorized dwelling units.

- m) Whether the Project creates new supportive housing;

The Project does not create supportive housing.

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

On balance, the overall scale, design, and materials of the proposed building is consistent with the block face and compliment the neighborhood character with traditional building materials and a contemporary design.

- o) Whether the Project increases the number of on-site dwelling units;

The Project would replace one authorized and one unauthorized dwelling unit with two authorized dwelling units. So, there is not a net increase in the number of units on the project site.

- p) Whether the Project increases the number of on-site bedrooms.

The existing dwelling contains two bedrooms in the authorized unit and three rooms in the unauthorized unit that may have been used as bedrooms but do not meet building code requirements for bedrooms. None of the rooms have code-compliant ceiling heights and one is only accessible from the rear yard. The Project includes one four-bedroom unit and one studio unit.

- q) Whether or not the replacement project would maximize density on the subject lot; and,

The Project will maximize the allowed density on-site by providing two authorized dwelling units.

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

The Planning Department cannot definitively determine whether the single-family home is subject to the Rent Stabilization and Arbitration Ordinance; this being under the purview of the Rent Board. However, pursuant to SB 330, the Project Sponsors are willing to offer to impose a restriction on the Project such that the two new units will be subject to the Rent Stabilization and Arbitration Ordinance.

9. Removal of Unauthorized Dwelling Units. Pursuant to Planning Code Section 317(g)(7), the Planning Commission shall consider the following criteria in the review of applications for removal of Unauthorized Units:

- a. Whether the costs to legalize the Unauthorized Unit or Units under the Planning, Building, and other applicable Codes is reasonable based on how such cost compares to the average cost of legalization per unit derived from the cost of projects on the Planning Department's Master List of Additional Dwelling Units Approved required by Section 207.3(k) of this Code;

The cost to legalize the unauthorized unit has been estimated to be \$416,000, whereas the average cost of legalization per unit is approximately \$66,000. The cost to legalize the unauthorized unit, at over six times the average, is not reasonable. The increased cost of legalization at the subject property is due primarily to required seismic/foundation upgrades and excavation since the existing floor to ceiling heights at the ground floor (6'-9" for 50% of the space) are not compliant with the requirements of the Building Code.

- b. Whether it is financially feasible to legalize the Unauthorized Unit or Units. Such determination will be based on the costs to legalize the Unauthorized Unit(s) under the Planning, Building, and other applicable Codes in comparison to the added value that legalizing said Units would provide to the subject property. The gain in the value of the subject property shall be based on the current value of the property with the Unauthorized Unit(s) compared to the value of the property if the Unauthorized Unit(s) is/are legalized. The calculation of the gain in value shall be conducted and approved by a California licensed property appraiser. Legalization would be deemed financially feasible if gain in the value of the subject property is equal to or greater than the cost to legalize the Unauthorized Unit.

The legalization of the Unauthorized Unit is deemed not financially feasible. The Project Sponsor submitted a property appraisal report, conducted and approved by a California licensed property appraiser, that states the value of the property is currently \$1,455,000 (as-is), and would be \$1,565,000 with a legalized unit on the ground floor. With a construction cost of \$416,000 and a gain in property value of \$110,000, legalization is deemed not financially feasible.

- c. If no City funds are available to assist the property owner with the cost of legalization, whether the cost would constitute a financial hardship.

To date, the Planning Department has not found the existence of any City funding sources or programs to assist the property owner with the cost of legalization. The cost to improve the property and legalize the Unauthorized Unit would unduly burden the property owner and constitute a financial hardship beyond the financial feasibility of the property value gained.

10. 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 1

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

Policy 1.1

Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

Policy 1.10

Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

OBJECTIVE 4

FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.

Policy 4.1

Develop new housing, and encourage the remodeling of existing housing, for families with children.

Policy 4.4

Encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible.

OBJECTIVE 11

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

Policy 11.1

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

Policy 11.2

Ensure implementation of accepted design standards in project approvals.

Policy 11.3

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

Policy 11.4

Continue to utilize zoning districts which conform to a generalized residential land use and density plan and the General Plan.

Policy 11.6

Foster a sense of community through architectural design, using features that promote community interaction.

Policy 11.8

Consider a neighborhood's character when integrating new uses, and minimize disruption caused by expansion of institutions into residential areas.

OBJECTIVE 12

BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.

Policy 12.2

Consider the proximity of quality of life elements such as open space, child care, and neighborhood services, when developing new housing units.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1

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

Policy 1.3

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

Policy 1.7

Recognize the natural boundaries of districts, and promote connections between districts.

The Project proposes demolition of a sound residential structure containing a two-bedroom single family dwelling with an Unauthorized Dwelling Unit. The new building will contain two dwelling units which meet Planning and Building Code requirements. The proposed new construction conforms to the Residential Design Guidelines and is appropriate in terms of materials, scale, proportions, and massing for the surrounding neighborhood; albeit contemporary in style. The Project proposes new construction that will reinforce the existing street pattern as the building scale is appropriate for the subject block's street frontage and will contribute to the neighborhood's mixed character. Furthermore, the proposal maximizes the dwelling unit density, while bringing the property into full compliance with the requirements of the Planning Code.

11. 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 possess any neighborhood-serving retail uses. Existing neighborhood-serving retail uses would not be displaced or otherwise adversely affected by the proposal.

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

While the existing single-family dwelling with UDU is proposed to be demolished, the Project will provide two dwelling units which meet Planning and Building Code requirements. The Project proposes a height and scale compatible with the surrounding neighborhoods and is consistent with the Planning Code.

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

The Project does not currently possess any existing affordable housing.

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

The Project Site is served by nearby public transportation options. Specifically, the property is located within ¼ mile of the following MUNI lines: 14X, 22, 55, and 8BX. The project will provide two off street automobile spots and two Class 1 bicycle spots.

- 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 does not include commercial office development.

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

The Project will be designed and constructed to conform to the structural and seismic safety requirements of the Building Code.

- G. That landmarks and historic buildings be preserved.

The Project Site does not contain any City Landmarks or historic buildings.

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

The Project will have no negative impact on existing parks and open space.

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

- 13.** The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2020-003223CUA**, subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated April 5, 2021, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 3, 2021.



Jonas P Ionin

Digitally signed by Jonas P
Ionin
Date: 2021.06.17 16:45:46
-07'00'

Jonas P. Ionin
Commission Secretary

AYES: Tanner, Chan, Diamond, Fung, Koppel

NAYS: Imperial, Moore

ABSENT: None

ADOPTED: June 3, 2021

EXHIBIT A

Authorization

This authorization is for a conditional use to allow the demolition of the existing 3,098 square-foot three-story single-family residence and the new construction of a 4,864 square feet three-story residence with two dwelling units located at 249 Texas Street, Assessor's Block 4001, and Lot 017A, pursuant to Planning Code Sections 303 and 317 within the RH-2 Zoning District and a 40-X Height and Bulk District; in general conformance with plans, dated April 5, 2021, and stamped "EXHIBIT B" included in the docket for Record No. 2020-003223CUA and subject to conditions of approval reviewed and approved by the Commission on June 3, 2021 under Motion No. **20930**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

Recordation of Conditions of Approval

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on June 3, 2021 under Motion No. **20930**.

Printing of Conditions of Approval on Plans

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **20930** shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

Severability

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

Changes and Modifications

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

CONDITIONS OF APPROVAL, COMPLIANCE, MONITORING, AND REPORTING

Performance

- 1. Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 2. Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the Project Sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the Project Sponsor decline to do so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 3. Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 4. Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 5. Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

Design – Compliance at Plan Stage

6. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7314, www.sfplanning.org

7. **Garbage, Composting and Recycling Storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7314, www.sfplanning.org

Parking and Traffic

8. **Bicycle Parking.** The Project shall provide no fewer than 2 Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.2.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

9. **Parking Maximum.** Pursuant to Planning Code Section 151, the Project shall provide no more than three (3) off-street parking spaces.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

10. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

Provisions

11. **Residential Child Care Impact Fee.** The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7314
www.sfplanning.org*

- 12. Eastern Neighborhoods Infrastructure Impact Fee.** The Project is subject to the Eastern Neighborhoods Infrastructure Impact Fee, as applicable, pursuant to Planning Code Section 423.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7314,
www.sfplanning.org*

Monitoring - After Entitlement

- 13. Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

*For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463,
www.sfplanning.org*

- 14. Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463,
www.sfplanning.org*

Operation

- 15. Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works,
628.271.2000, www.sfpublishworks.org*

- 16. Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator and all registered neighborhood groups for the area with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator and registered neighborhood groups shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 17. Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

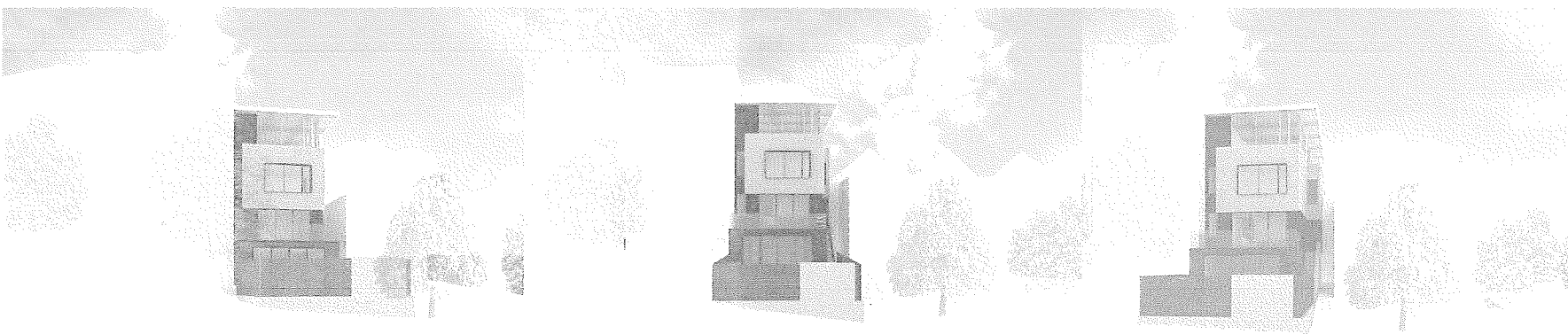
- 18. Rent Stabilization and Arbitration Ordinance.** As required by California SB 330, the Project shall be subject to the City's Rent Ordinance, Administrative Code Chapter 37, and the Project Sponsor shall record a restriction on the property records that both units shall be subject to the City's Rent Ordinance and shall comply with all applicable provisions of Chapter 37 and California SB 330.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

4/5/21



2 EXISTING & PROPOSED FRONT PERSPECTIVES
SCALE:



1 REAR PERSPECTIVES
SCALE:



John Maniscalco
Architecture
1000 California Street
San Francisco, CA 94108



Project Name
Texas St. Residence

Project Address
**249 Texas St. San
Francisco, CA 94107**

Permit Number

Issuance
SITE PERMIT REV 5

Date
04/05/2021

Revision History		
No.	Issuance	Date
1	PRE-APPLICATION SET	11/04/2019
2	PROJECT APPLICATION SET	02/26/2020
3	SET	
3	SITE PERMIT REV 1	04/21/2020
4	SITE PERMIT REV 2	08/14/2020
5	SITE PERMIT REV 3	12/24/2020
6	SITE PERMIT REV 4	01/26/2021
8	SITE PERMIT REV 5	04/05/2021

PROPOSED DESIGN
RENDERINGS

A0.51

GENERAL NOTES

- (1) ALL DISTANCES (RECORD) = MEASURED, UNLESS OTHERWISE NOTED.
- (2) IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO HAVE ALL THE UTILITIES MARKED BY THE RESPECTIVE UTILITY COMPANY PRIOR TO CONSTRUCTION.
- (3) PRIOR TO ANY DIGGING, CALL U.S.A. (811) AT LEAST 48 HOURS IN ADVANCE TO HAVE EXISTING UNDERGROUND UTILITIES MARKED.
- (4) GROUND CONDITIONS SHOWN HEREON REFLECT CONDITIONS ON THE DATE OF THE SURVEY.
- (5) ENCROACHMENT UPON AND BY THE ADJOINING PRIVATE PROPERTY(ES) ARE HEREBY NOTED AND IT SHALL BE THE RESPONSIBILITY SOLELY OF THE PROPERTY OWNERS INVOLVED TO RESOLVE ANY ISSUE WHICH MAY ARISE THEREFROM.
- (6) SINCE A CURRENT POLICY OF TITLE INSURANCE WAS NOT AVAILABLE AT THE TIME OF THIS SURVEY, THE CONSULTANT IS NOT RESPONSIBLE FOR THE OMISSION HEREON OF ANY FACTS WHICH WOULD USUALLY BE ENCLOSED BY SUCH A POLICY, INCLUDING THE LOCATION AND PRESENCE OF EASEMENTS.
- (7) ROOF/EAVE ELEVATIONS WERE TAKEN AT HIGHEST RELEVANT POINT(S) VISIBLE FROM THE GROUND.
- (8) TREES WERE LOCATED BY ESTIMATING THE CENTER OF THE TREE WHERE IT EXTENDS THE GROUND & IDENTIFYING THE DIAMETER AT BREAST HEIGHT. TREE TYPES MAY BE NOTED BY A CIRCLED ABBREVIATION, IF NECESSARY.
- (9) ONLY ACCESSIBLE SURFACE UTILITIES VISIBLE ON THE DATE OF THIS SURVEY ARE SHOWN. THIS SURVEY DOES NOT SHOW THE LOCATION OF, OR ENCROACHMENTS BY SUBSURFACE UTILITIES, FOOTING, FOUNDATIONS AND/OR BASEMENTS OF BUILDINGS. ALL USERS ARE ADVISED TO CONTRACT SEPARATELY WITH AN UNDERGROUND UTILITY LOCATION COMPANY AND TO REVIEW PUBLIC, QUASI-PUBLIC AND CIS UTILITY DATA SOURCES IF THEY WANT MORE INFORMATION.
- (10) THE BUILDING FOOTPRINT SHOWN IS AT GROUND LEVEL UNLESS OTHERWISE NOTED.
- (11) ONLY VISIBLE ACCESSIBLE GROUND LEVEL PERIMETER FEATURES ARE SHOWN. NON ACCESSIBLE / OVERHEAD / SUBTERRANEAN ENCROACHMENTS MAY EXIST.
- (12) THE INFORMATION SHOWN ON THIS MAP SHALL NOT BE USED FOR ANY IMPROVEMENT STAKING OR CONSTRUCTION. ANY LAYOUT OR CONSTRUCTION SHALL BE BASED ON SITE STAKING PERFORMED BY THE CITY.

BASIS OF ELEVATION

FOUND CUT LOW TERRAZZO STEP, LOCATED IN THE 2' EAST OF THE SOUTHEAST CORNER OF 16TH ST AND TEXAS ST, ELEVATION = 96.909' CITY AND COUNTY OF SAN FRANCISCO OLD CITY DATUM.

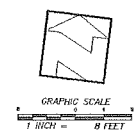
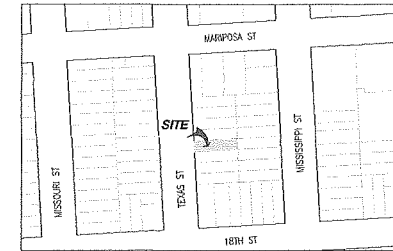
BASIS OF SURVEY

GRANT DEED RECORDED MARCH 29, 2019 AS DOC:2019-K749167, OFFICIAL RECORDS OF THE CITY AND COUNTY OF SAN FRANCISCO.

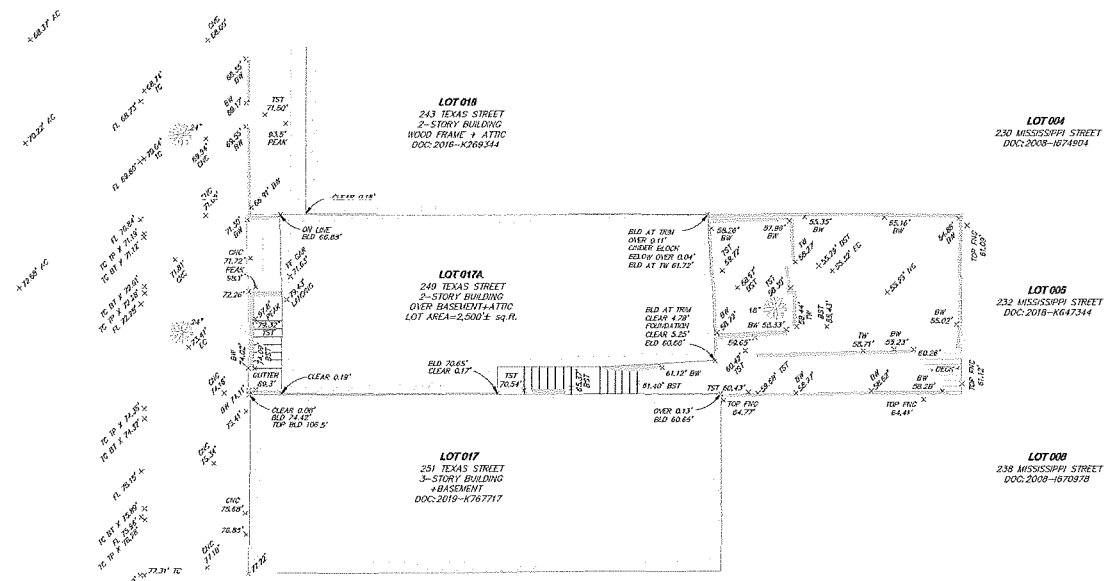
LEGEND

- AC ASPHALT CONCRETE
- A/G ABOVE GROUND
- BLD BUILDING
- BR BRICK
- BST BOTTOM OF STEP
- BSW BACK OF SIDEWALK
- BW BOTTOM OF WALL
- BN BOTTOM OF DRIVEWAY "X"
- CK CABLE TELEVISION
- CD CLEANOUT
- CLT CORN LANE FENCE
- DWY DRIVEWAY
- EC EDGE OF CEMENT CONCRETE
- EL ELEVATION
- FD FOUND
- FF FINISHED FLOOR
- FL FLOWLINE
- GRD GROUND
- OH OVERHANG
- PL PROPERTY LINE
- PAC PACIFIC BELL
- PGE PAC GAS AND ELECTRIC
- RR ROOF RIDGE
- RS TOP OF BUILDING
- TC TOP OF CURB
- TH THRESHOLD
- TP TOP OF PARAPET
- TST TOP OF STEP
- TW TOP OF WALL
- TX TOP OF DRIVEWAY "X"
- WM WATER METER
- PROPERTY LINE
- DECK OR OVERHANG
- FLOWLINE AND BACK OF CURB
- FENCE OR RAILING
- CONTOUR (1' INTERVAL)
- SANITARY SEWER CLEANOUT
- PAG BOX
- PGE BOX
- SIGNAL BOX
- CABLE TELEVISION BOX
- STREET LIGHT
- SPOT ELEVATION
- TREE (DIAMETER IN INCHES)
- WATER METER

VICINITY MAP (N.T.S.)



**TEXAS STREET
(80' WIDE)**



FORESIGHT
LAND SURVEYING INC.
301 CALIFORNIA DRIVE, SUITE 112
BURLINGAME, CA 94010
415-252-9140

OF
JOB No.



John Marrocchio
Architectural

1400 S. GARDEN
LOS ANGELES, CA 90007
(310) 437-1111



Project Name
Texas St. Residence

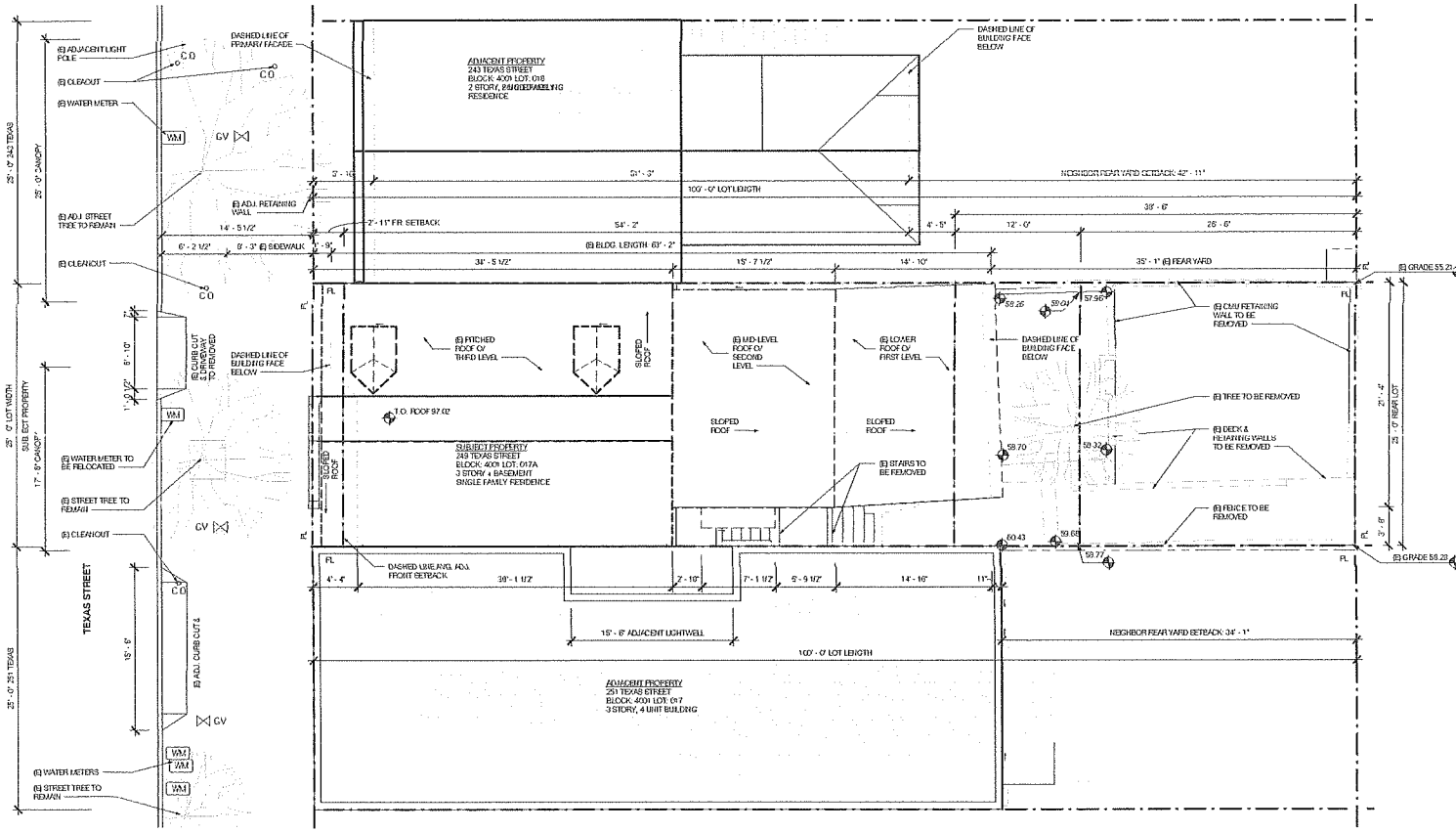
Project Address
249 Texas St. San Francisco, CA 94107

Parml Number

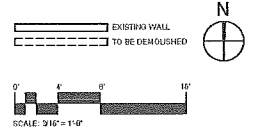
Issuance
SITE PERMIT REV 5

Date
04/05/2021

Revision History	No.	Issuance	Date
1 PRE-APPLICATION SET	1	03/26/2020	11/04/2019
2 PROJECT APPLICATION SET	2	03/26/2020	03/26/2020
3 SITE PERMIT REV 1	3	04/21/2020	04/21/2020
4 SITE PERMIT REV 2	4	03/14/2020	03/14/2020
5 SITE PERMIT REV 3	5	12/21/2020	12/21/2020
6 SITE PERMIT REV 4	6	01/26/2021	01/26/2021
7 SITE PERMIT REV 5	7	04/05/2021	04/05/2021



1 EXISTING SITE PLAN
SCALE: 3/16" = 1'-0"



EXISTING SITE PLAN

A1.10

DATE PLOT: 4/5/21 10:52 AM



John Mansueti
Architecture

1000 16th St
San Francisco, CA 94107
415.774.8888



Project Name
Texas St. Residence

Project Address
249 Texas St. San Francisco, CA 94107

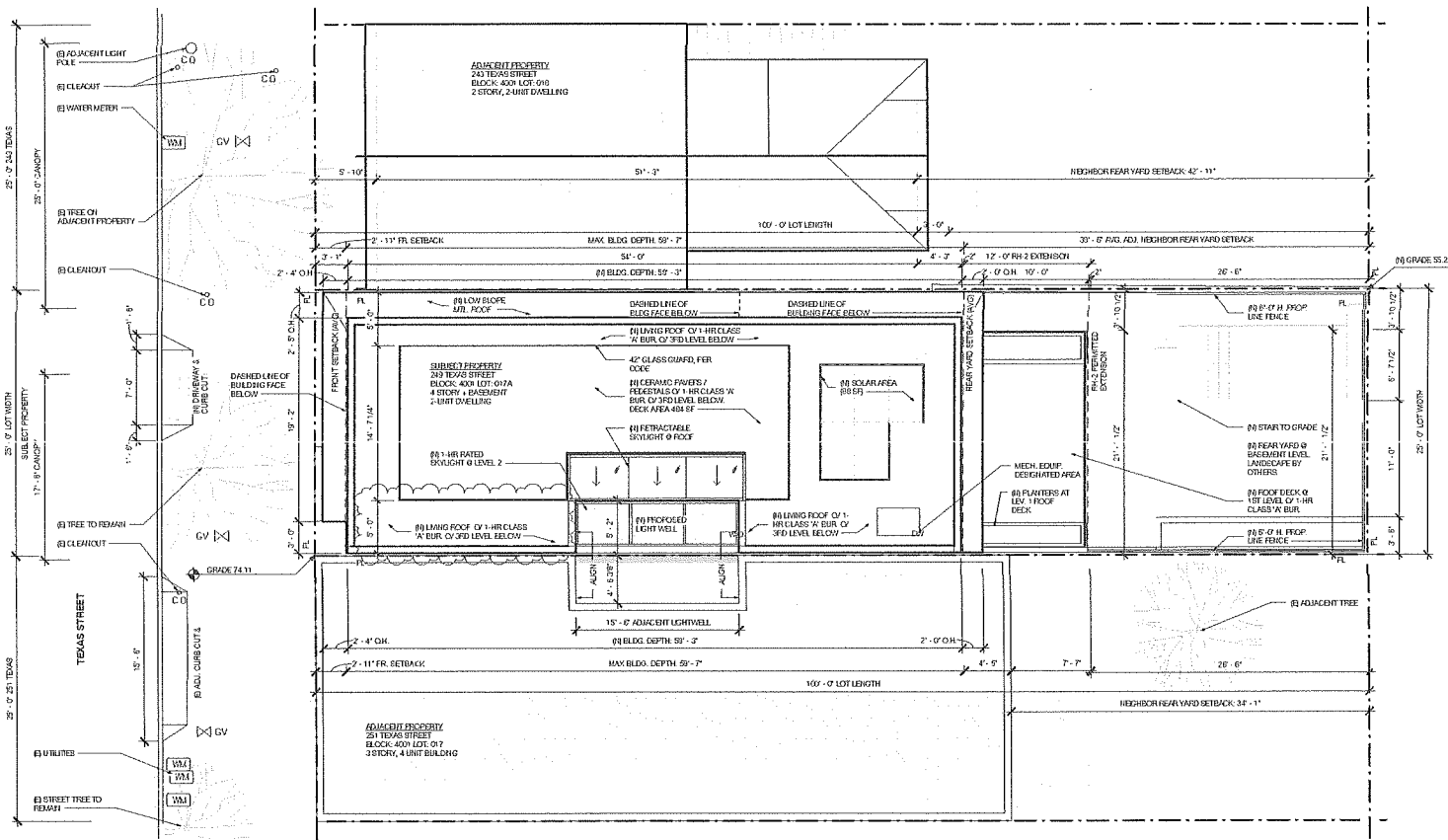
Issuance
SITE PERMIT REV 5

Date
04/05/2021

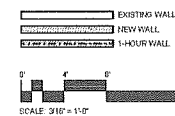
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1	PRE-APPLICATION SET	11/04/2019
2	PROJECT APPLICATION SET	03/26/2020
3	SET	
4	SITE PERMIT REV 1	04/01/2020
4	SITE PERMIT REV 2	08/14/2020
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8	SITE PERMIT REV 5	04/05/2021

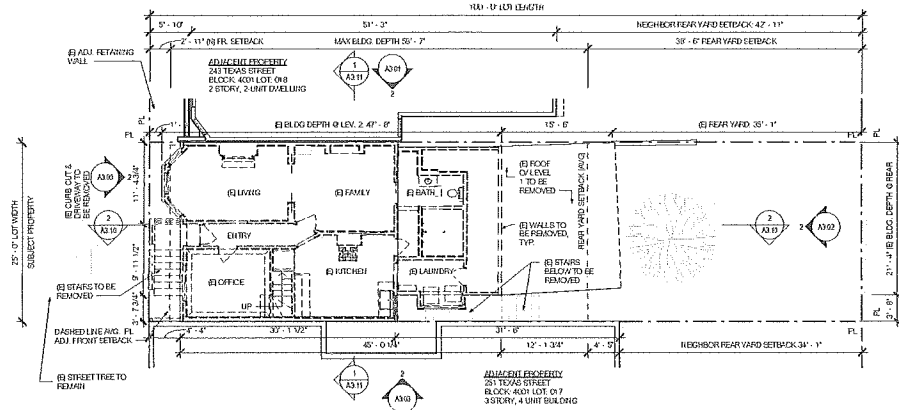
PROPOSED SITE PLAN

A1.20



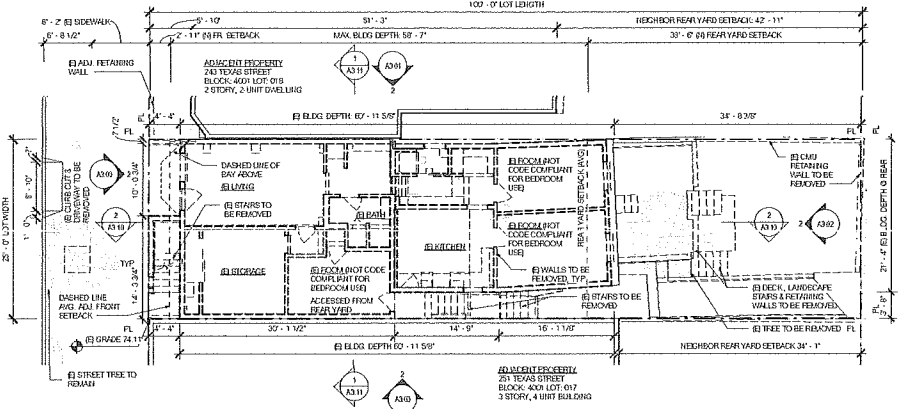
1 PROPOSED SITE PLAN
SCALE: 3/16" = 1'-0"





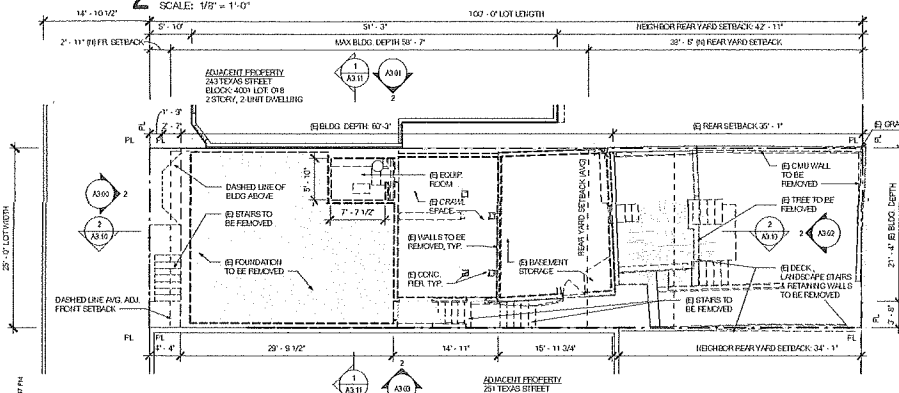
3 EXISTING SECOND LEVEL PLAN

SCALE: 1/8" = 1'-0"



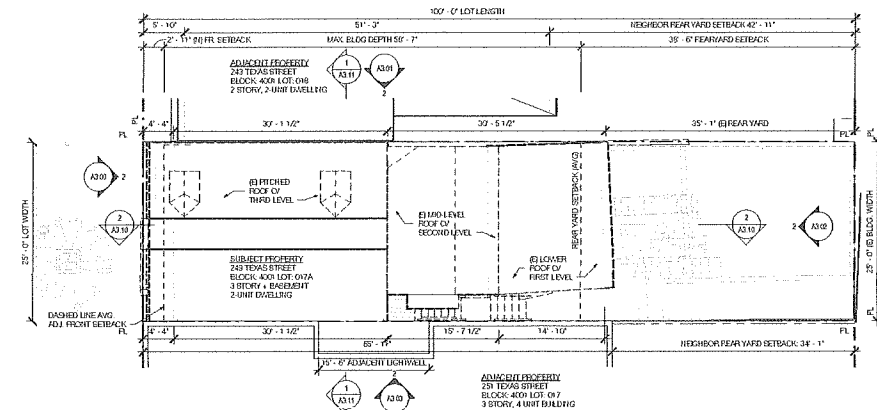
2 EXISTING FIRST LEVEL PLAN

SCALE: 1/8" = 1'-0"



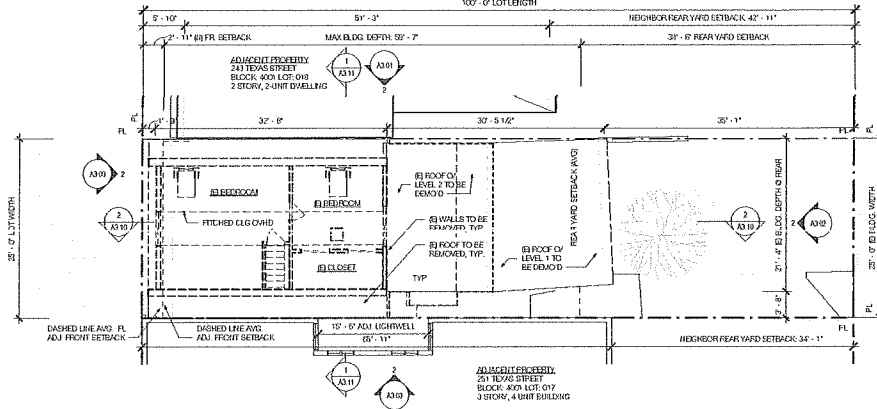
1 EXISTING BASEMENT PLAN

SCALE: 1/8" = 1'-0"



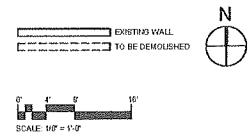
5 EXISTING ROOF PLAN

SCALE: 1/8" = 1'-0"



4 EXISTING THIRD LEVEL PLAN

SCALE: 1/8" = 1'-0"



Project Name
Texas St. Residence

Project Address
249 Texas St. San Francisco, CA 94107

Permit Number

Issuance
SITE PERMIT REV 5

Date
04/05/2021

Revision History No.	Issuance	Date
1	PRE-APPLICATION SET	11/04/2019
2	PROJECT APPLICATION SET	03/02/2020
3	SITE PERMIT REV 1	04/01/2020
4	SITE PERMIT REV 2	08/14/2020
5	SITE PERMIT REV 3	12/21/2020
6	SITE PERMIT REV 4	01/02/2021
8	SITE PERMIT REV 5	04/05/2021

EXISTING FLOOR PLANS

A2.00



John Manscako
Architecture

1001 Broadway
San Francisco, CA 94107
Tel: 415-774-1111



Project Name
Texas St. Residence

Project Address
**240 Texas St. San
Francisco, CA 94107**

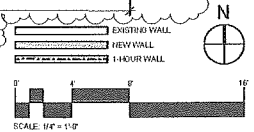
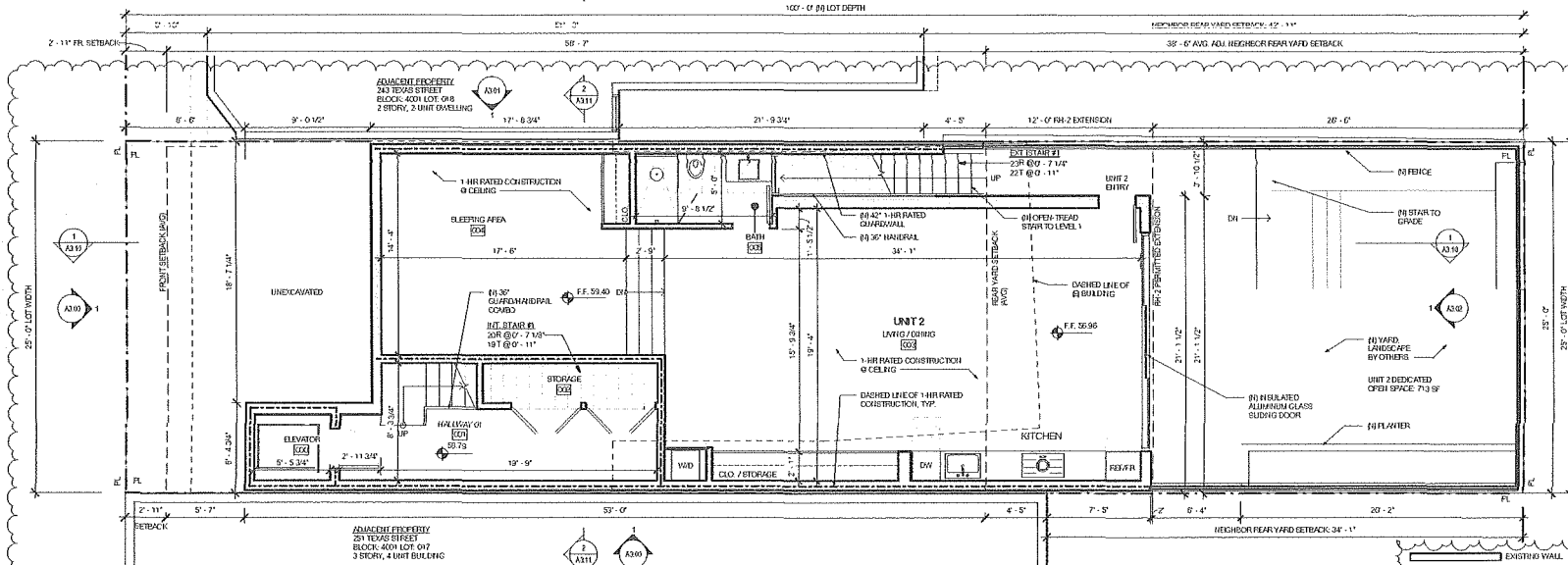
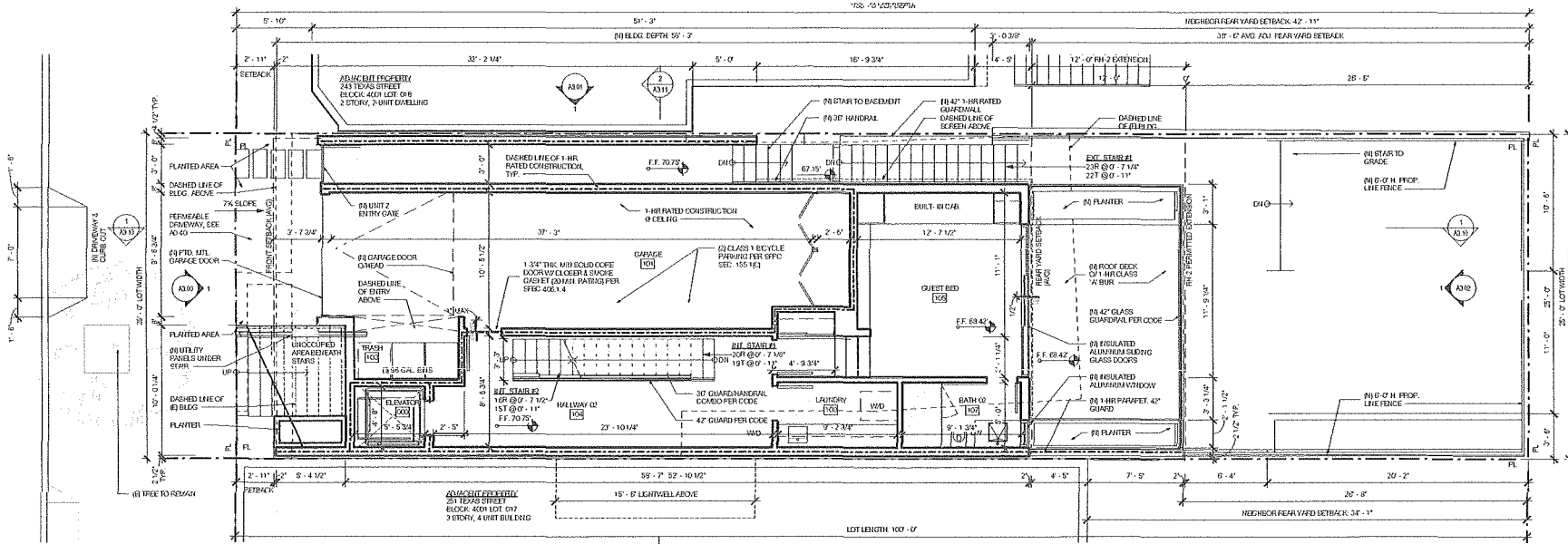
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SITE PERMIT REV 5

Date
04/05/2021

No.	Revision History	Date
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2	PROJECT APPLICATION SET	02/02/2020
3	SITE PERMIT REV 1	04/20/2020
4	SITE PERMIT REV 2	08/14/2020
5	SITE PERMIT REV 3	12/21/2020
6	SITE PERMIT REV 4	01/20/2021
8	SITE PERMIT REV 5	04/05/2021

**PROPOSED BASEMENT
& LEVEL 1 FLOOR
PLANS**

A2.10



DATE PLOTTED: 4/5/2021 10:59 AM



John Mansoocco
Architect
1500 16th Street
San Francisco, CA 94103
Tel: 415.774.1111



Project Name
Texas St. Residence

Project Address
249 Texas St. San Francisco, CA 94107

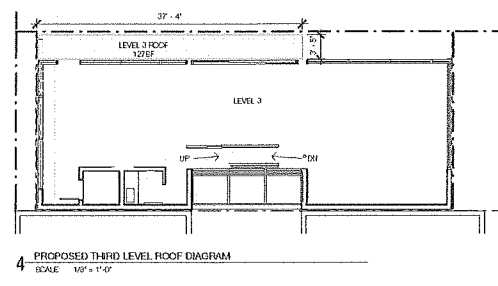
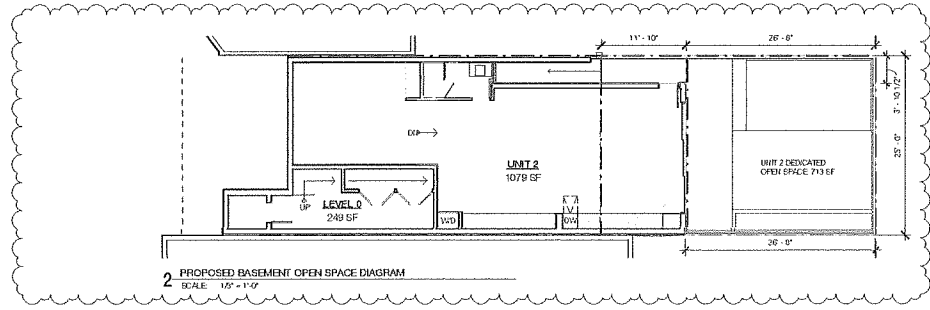
Issuance
SITE PERMIT REV 5

Date
04/05/2021

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1	PRE APPLICATION SET		11/04/2019
2	PROJECT APPLICATION SET		02/26/2020
3	SITE PERMIT REV 1		04/01/2020
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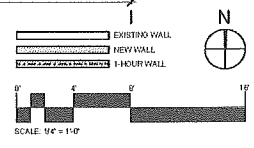
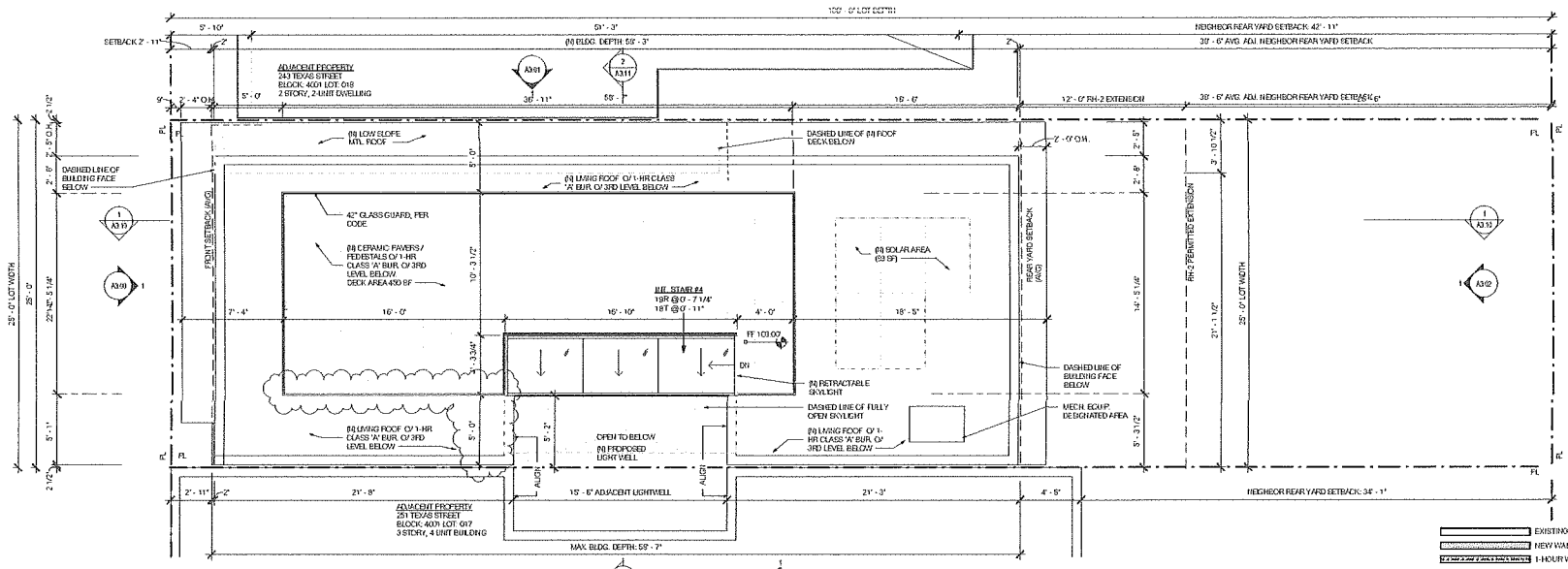
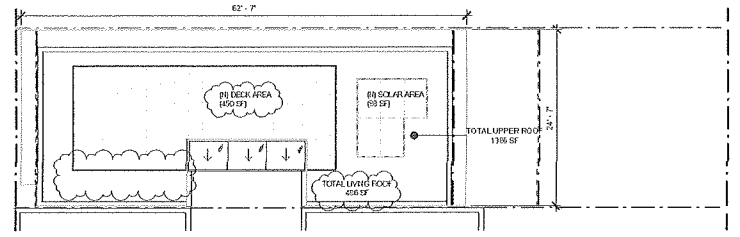
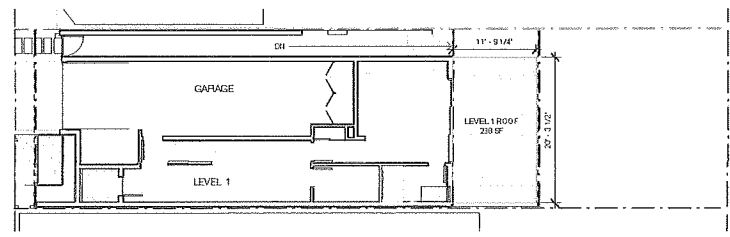
PROPOSED ROOF PLAN

A2.30



Roof Schedule		PROPOSED USABLE OPEN SPACE PER SFPC, TABLE 135A, MIN. 125 SF OF USABLE OPEN SPACE REQ'D FOR EACH DWELLING UNIT
Mark	Area	
LEVEL 1 ROOF	239 SF	UNIT 1 LEVEL 1 ROOF DECK ROOF DECK ASD 209 SF 450 SF 659 SF
LEVEL 2 ROOF	227 SF	
TOTAL UPPER ROOF	466 SF	UNIT 2 ROOF YARD 713 SF 1,401 SF
LIVING ROOF	456 SF	
ROOF - SOLAR AREA	89 SF	
	89 SF	

NOTE:
SPEC. Z.A. BULLETIN NO. 11 - BETTER ROOFS OF ORDINANCE:
TOTAL PROPOSED ROOFTOP AREA = 1,752 SF
TOTAL REQ'D SOLAR AREA (1999) = 293 SF
PROPOSED SOLAR AREA = 89 SF
PROPOSED LIVING ROOF AREA = 456 SF x .5 = 228 SF
TOTAL SOLAR/LIVING ROOF AREA = 317 SF (1999)



DATE PLOTTED: 04/05/2021 10:58 AM



Project Name
Texas St. Residence

Project Address
249 Texas St. San Francisco, CA 94107

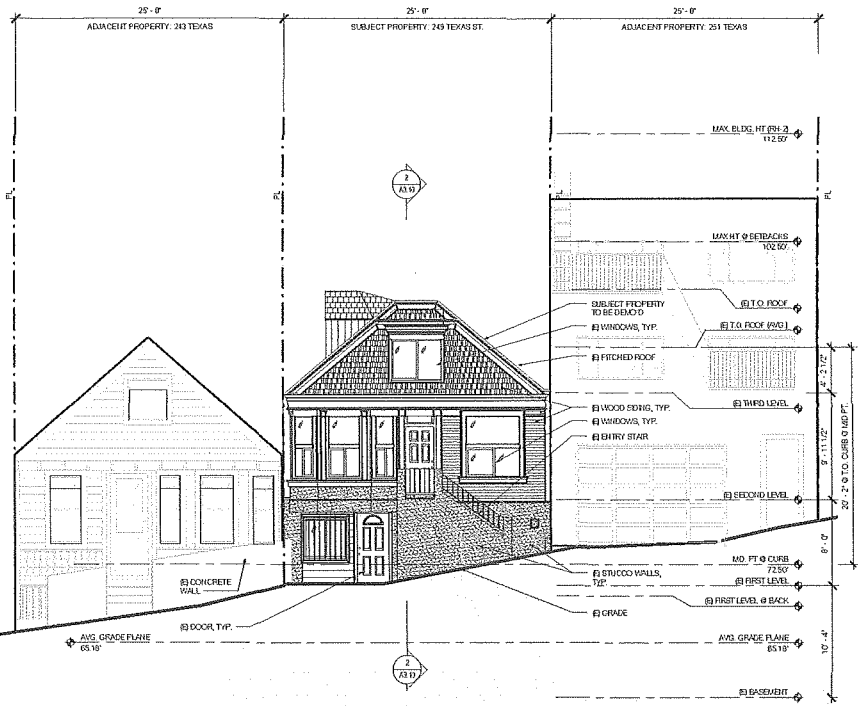
Issuance
SITE PERMIT REV 5

Date
04/05/2021

Revision History	No.	Issuance	Date
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2. PROJECT APPLICATION SET	2	03/05/2020	
3. SITE PERMIT REV 1	3	04/10/2020	
4. SITE PERMIT REV 2	4	08/14/2020	
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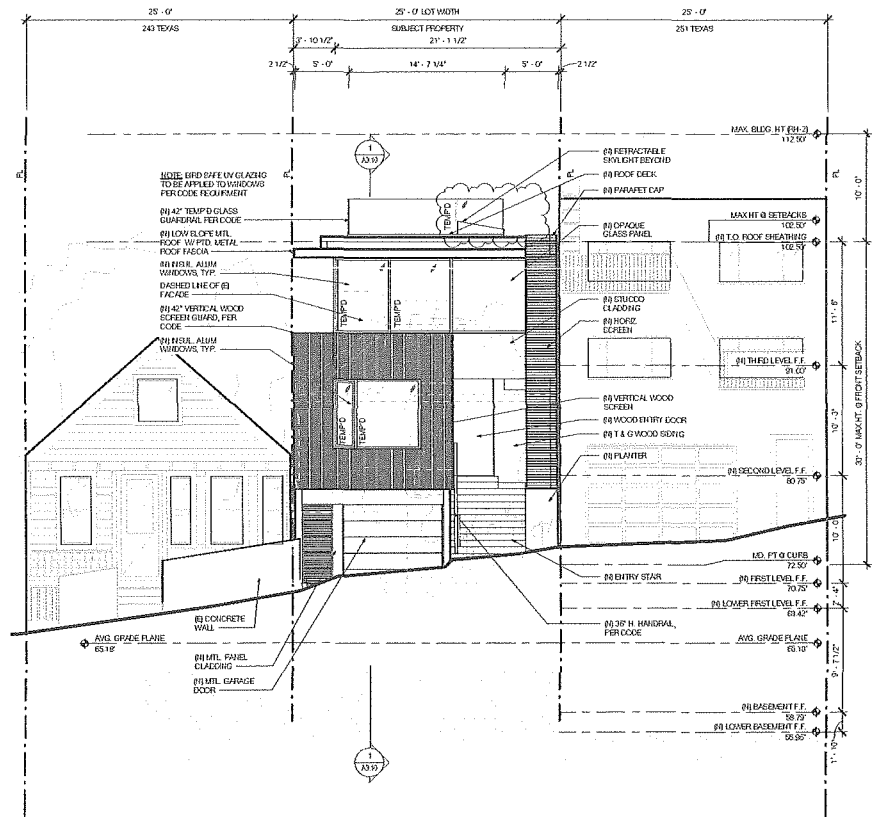
EXISTING &
PROPOSED WEST
ELEVATION

A3.00

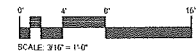


2 (E) WEST ELEVATION
SCALE: 3/16" = 1'-0"

PL02 4/15/21
452021-105-04 P14



1 PROPOSED WEST ELEVATION
SCALE: 3/16" = 1'-0"





Project Name
Texas St. Residence

Project Address
240 Texas St. San Francisco, CA 94107

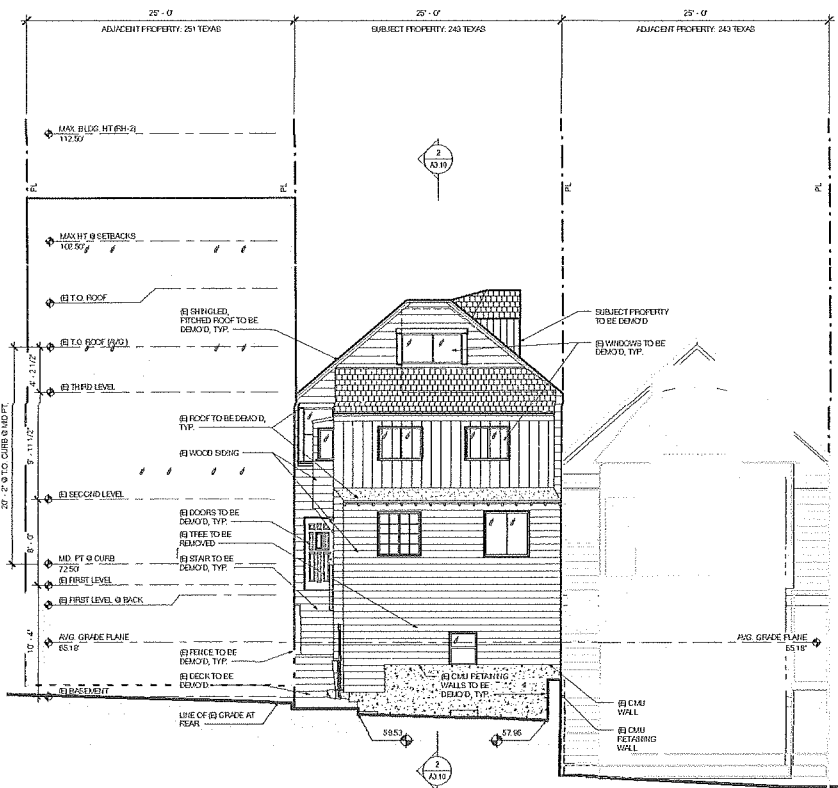
Issuance
SITE PERMIT REV 5

Date
04/05/2021

No.	Issuance	Date
1	PRE-APPLICATION SET	11/04/2019
2	PROJECT APPLICATION SET	03/26/2019
3	SITE PERMIT REV 1	04/21/2020
4	SITE PERMIT REV 2	08/14/2020
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8	SITE PERMIT REV 5	04/05/2021

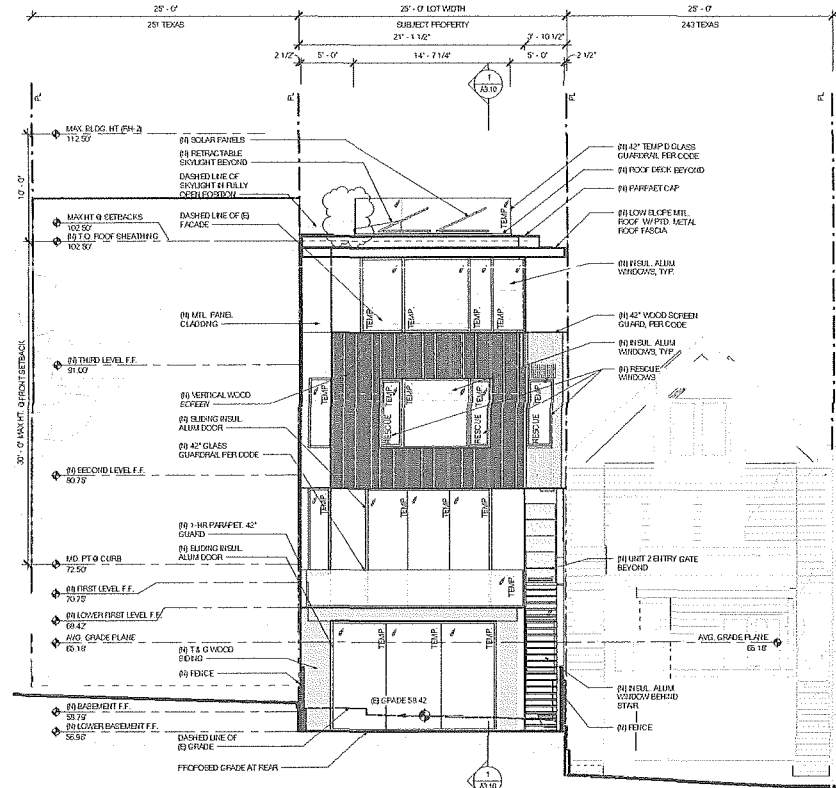
EXISTING & PROPOSED EAST ELEVATION

A3.02



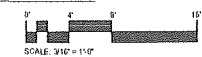
2 (E) EAST ELEVATION

SCALE: 3/16" = 1'-0"



1 (N) EAST ELEVATION

SCALE: 3/16" = 1'-0"





John Manasco
Architects

1000 S. GATEWAY BLVD.
SAN FRANCISCO, CA 94107



Project Name
Texas St. Residence

Project Address
249 Texas St. San Francisco, CA 94107

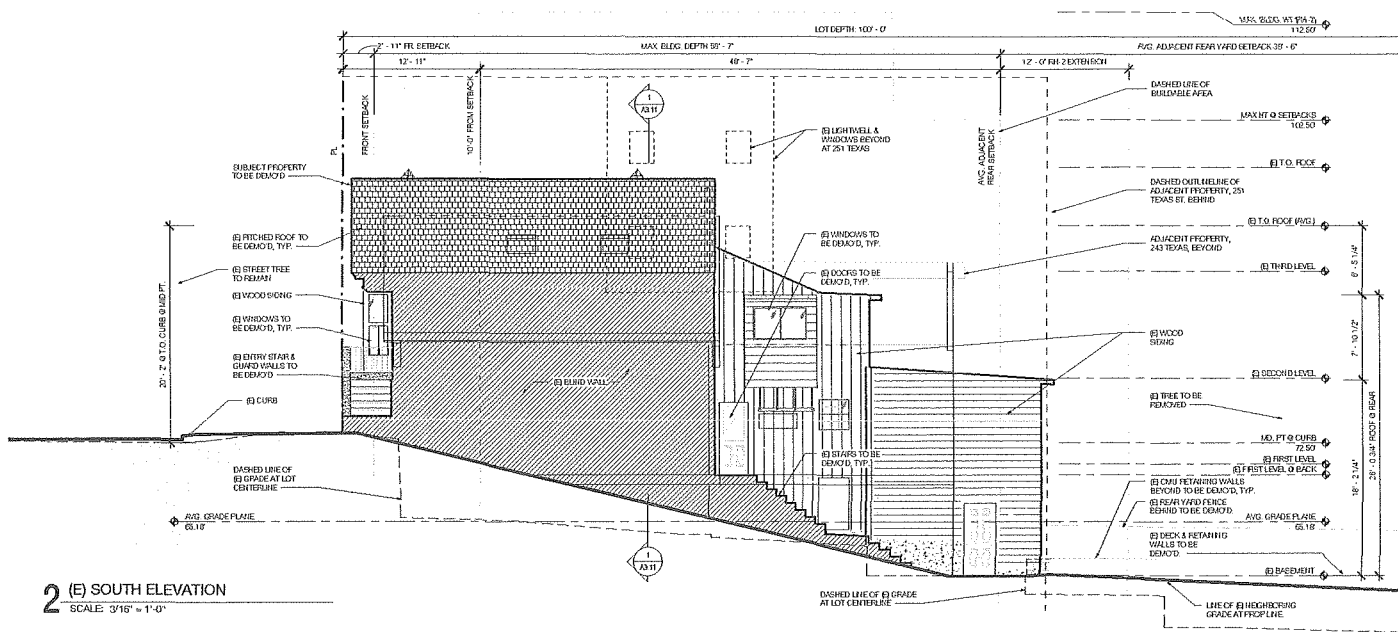
Issuance
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Date
04/05/2021

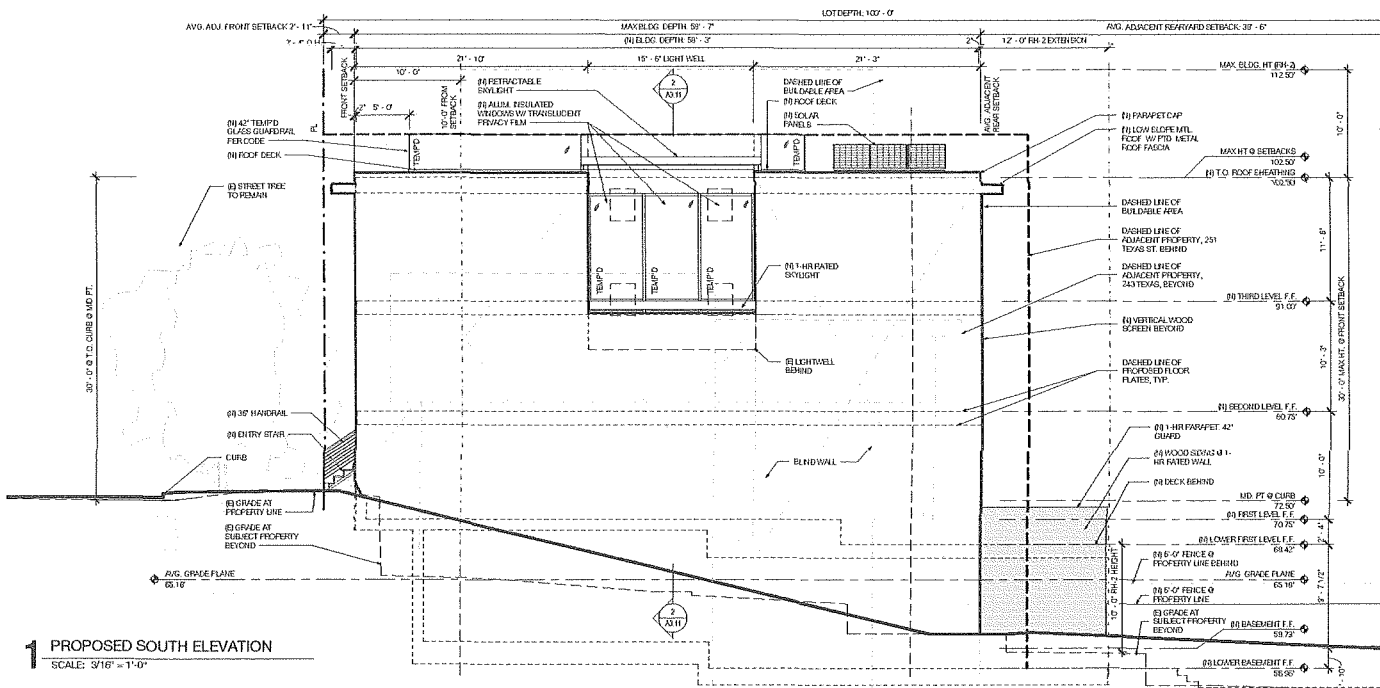
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2 PROJECT APPLICATION SET	2	03/26/2020	
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4 SITE PERMIT REV 2	4	08/14/2020	
5 SITE PERMIT REV 3	5	12/21/2020	
6 SITE PERMIT REV 4	6	01/22/2021	
8 SITE PERMIT REV 5	8	04/05/2021	

EXISTING &
PROPOSED SOUTH
ELEVATION

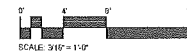
A3.03



2 (E) SOUTH ELEVATION
SCALE: 3/16" = 1'-0"



1 PROPOSED SOUTH ELEVATION
SCALE: 3/16" = 1'-0"





John Manacros
Architecture
1274 14th St
San Francisco, CA 94107
Tel: 415.774.1111



Project Name
Texas St. Residence

Project Address
249 Texas St. San Francisco, CA 94107

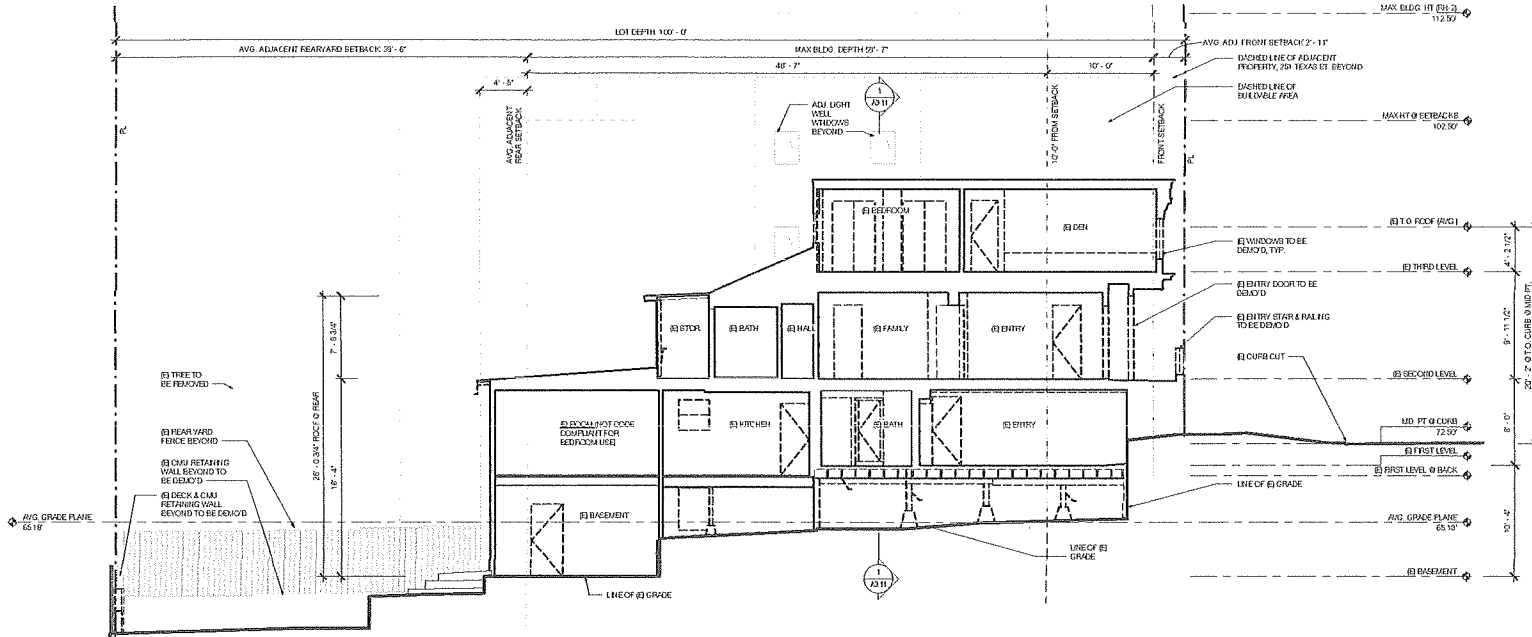
Issuance
SITE PERMIT REV 5

Date
04/05/2021

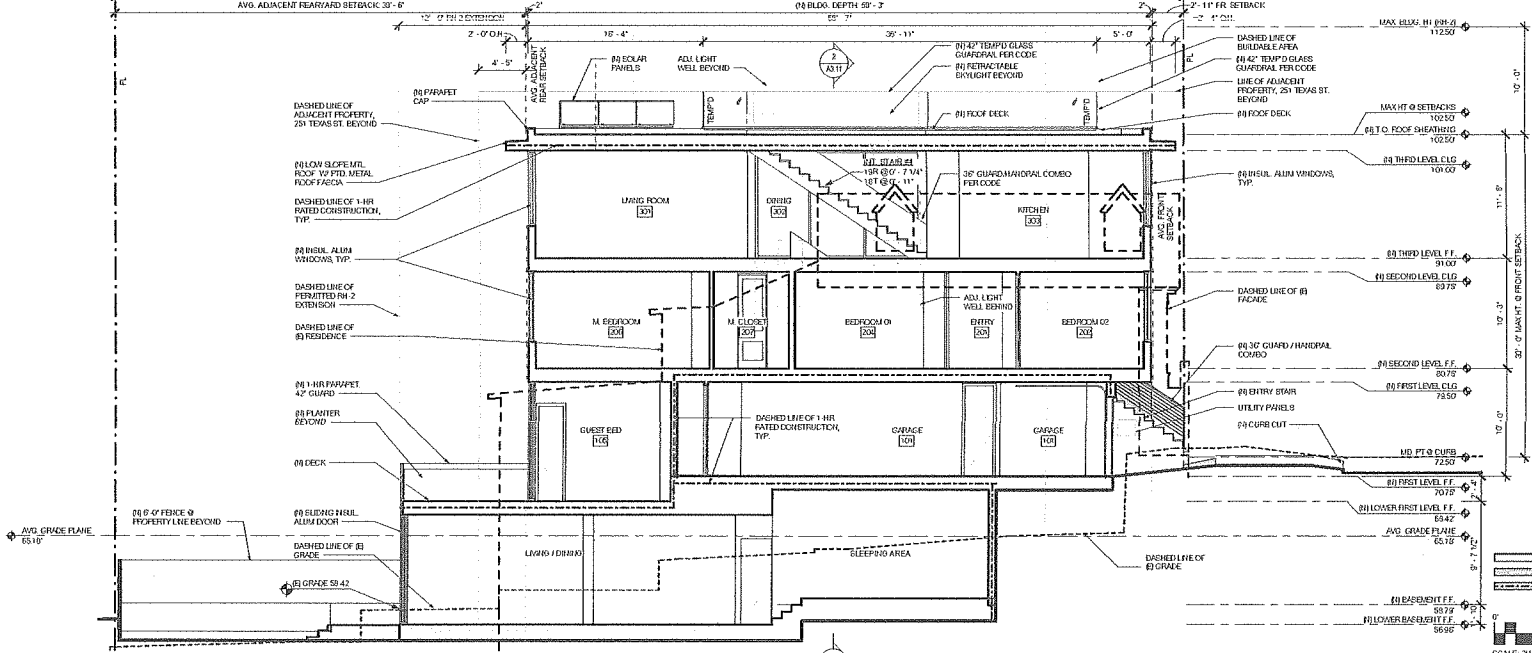
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1	PRE-APPLICATION SET	11/30/2019
2	PROJECT APPLICATION SET	02/24/2020
3	SITE PERMIT REV 1	04/01/2020
4	SITE PERMIT REV 2	08/14/2020
5	SITE PERMIT REV 3	12/24/2020
6	SITE PERMIT REV 4	01/20/2021
8	SITE PERMIT REV 5	04/05/2021

EXISTING & PROPOSED BUILDING SECTION

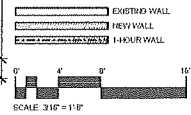
A3.10



2 EXISTING LONGITUDINAL SECTION
SCALE: 3/16" = 1'-0"



1 PROPOSED LONGITUDINAL SECTION
SCALE: 3/16" = 1'-0"



DATE PLOTTED: 04/05/2021 10:00 AM



John Mancoske
Architect
1015 S. G Street
San Francisco, CA 94107
Tel: 415.398.1234



Project Name
Texas St. Residence

Project Address
240 Texas St. San Francisco, CA 94107

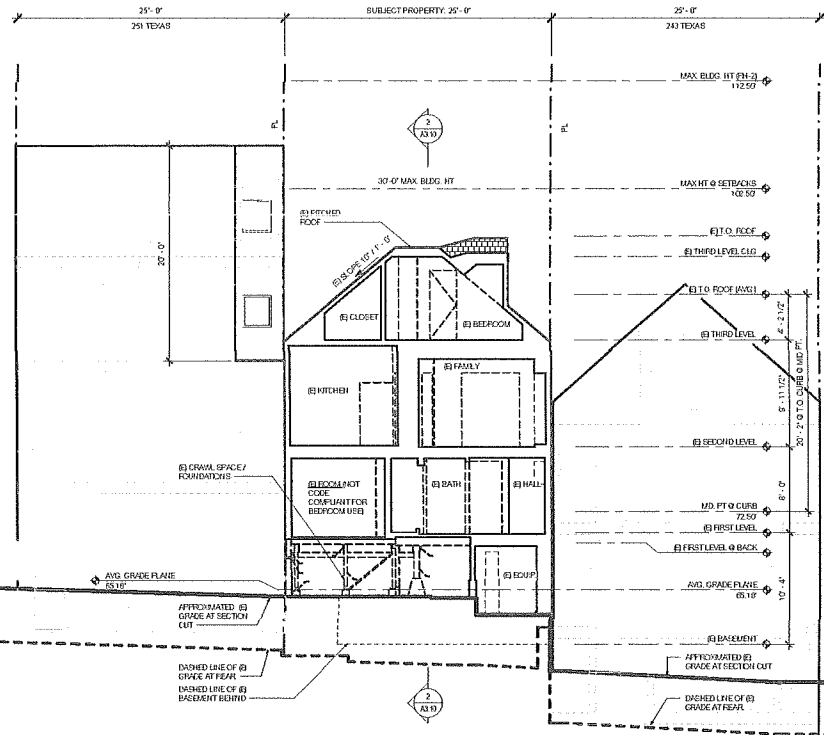
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Date
04/05/2021

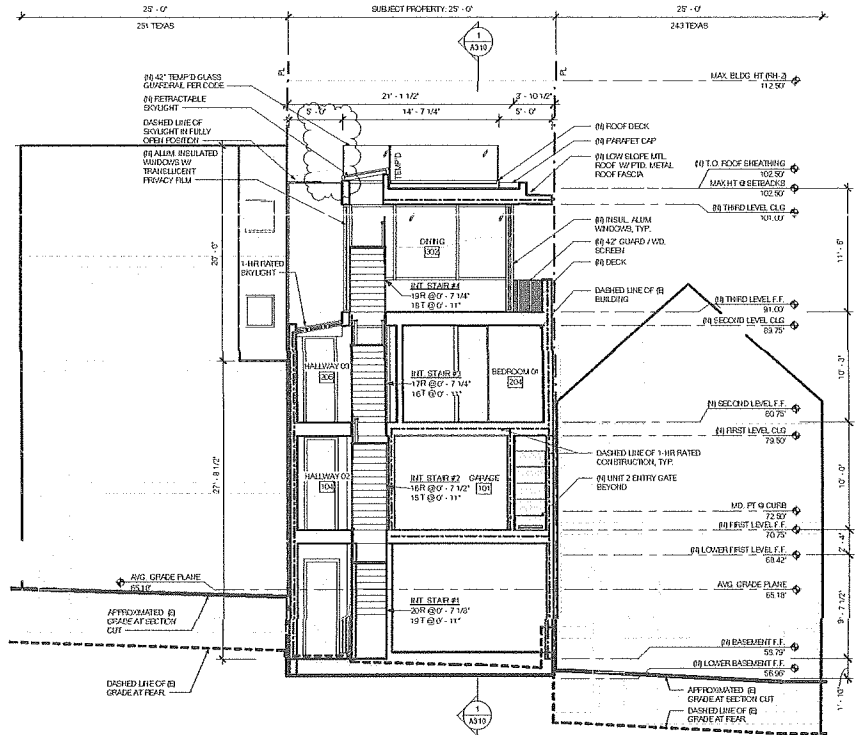
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1	PRE-APPLICATION SET	11/04/2019
2	PROJECT APPLICATION SET	03/25/2020
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5	SITE PERMIT REV 3	12/01/2020
6	SITE PERMIT REV 4	01/02/2021
6	SITE PERMIT REV 5	04/05/2021

EXISTING & PROPOSED CROSS SECTION

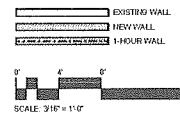
A3.11



1 EXISTING CROSS SECTION
SCALE: 3/16" = 1'-0"



2 PROPOSED CROSS SECTION
SCALE: 3/16" = 1'-0"



Bank of America

KATHLEEN ROBERTS-BLOCK CUA APPEAL 249 TEXAS
2020-003223CUA

7147

11-35/1210 CA
3990

7-6-21

Date

Pay San Francisco Planning Dept \$ 665.00
to the order of SIX hundred sixty five + ^{no} /100 Dollars

Heland Clarke



Bank of America

ACH R/T 121000358 2020-003223CUA

Memo Bof S. CUA Appeal

Kathleen Roberts-Block MP