

File No. 171226

Committee Item No. \_\_\_\_\_

Board Item No. 34

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_  
Board of Supervisors Meeting

Date: \_\_\_\_\_  
Date: December 12, 2017

#### Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

#### OTHER

- Appeal Letter - November 13, 2017
- Appellant Supplemental Appeal Response - December 5, 2017
- Project Sponsor Supplemental Appeal Response Brief - December 4, 2017
- Appellant Supplemental Appeal Letter - December 1, 2017
- Planning Department Appeal Response - December 1, 2017
- Project Sponsor Appeal Response Brief - December 1, 2017
- \_\_\_\_\_
- \_\_\_\_\_

Prepared by: Brent Jalipa  
Prepared by: \_\_\_\_\_

Date: December 7, 2017  
Date: \_\_\_\_\_



Statement of Appeal:

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

Please see attached.

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

Please see attached.

Person to Whom  
Notices Shall Be Mailed

Name and Address of Person Filing Appeal:

Robia S. Crisp

Name

Alex Bernstein and  
Sonia Daccarett

Name

Hanson Bridgett LLP  
425 Market Street, 26th Floor  
San Francisco, CA 94105

Address

2545 Lake Street  
San Francisco, CA 94121

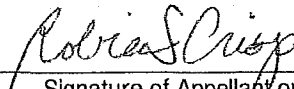
Address

(415) 995-5025

Telephone Number

(415) 205-3240

Telephone Number



Signature of Appellant or  
Authorized Agent



**HansonBridgett**

ROBIA S. CRISP  
SENIOR COUNSEL  
REAL ESTATE/CONSTRUCTION  
DIRECT DIAL (415) 995-5806  
DIRECT FAX (415) 995-3456  
E-MAIL rcrisp@hansonbridgett.com

NOV 13 2017  
SAN FRANCISCO  
NOV 17 09:43:32  
BY ll

November 13, 2017

**VIA HAND DELIVERY**

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

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

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

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

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

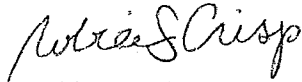
On appeal, we request that you uphold the decision to approve the Project with certain modifications to the conditions of approval, to require: (1) the removal of side deck areas and the painting of the exterior of the north-facing wall in a white color or otherwise mitigating for the loss of light and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

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

Angela Calvillo  
November 13, 2017  
Page 2

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

Very truly yours,



Robia S. Crisp

RSC  
Attachments

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

CITY OF SAN FRANCISCO  
MAY 12 2016 4:32

City Planning Commission  
Case No. 2016-0035258CUA

To Whom It May Concern:

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

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

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

CITY OF SAN FRANCISCO

APR 10 11 4:30

City Planning Commission  
Case No. 2016-003258CUA

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.	210 27 <sup>TH</sup> AVE.	1386/039	John Mulligan	<i>John Mulligan</i>
2.	210 27 <sup>TH</sup> AVE.	1386/039	Karen Mulligan	<i>Karen Mulligan</i>
3.	2539 Lake St. #2	1386/050	Marian Schell	<i>Marian Schell</i>
4.	2539 Lake St. #2	1386/050	DON SKILES	<i>Don Skiles</i>
5.	2545 LAKE ST	1386/40	ALEX BERNSTEIN	<i>Alex Bernstein</i>
6.	2545 LAKE ST	1386/40	SONIA DUCAROTT	<i>Sonia Ducarott</i>
7.	2539 Lake St. #1	1386/049	MARTIN ROSSE	<i>Martin Rosse</i>
8.	2539 Lake St. #1	1386/049	Dianne Younger Rosse	<i>Dianne Younger Rosse</i>
9.	2539 Lake St #4	1386/050	Michael Ryan	<i>Michael Ryan</i>
10.	210-27 <sup>TH</sup> AVE	1386/039	PATRICK MULLIGAN	<i>Patrick Mulligan</i>
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City Planning Commission  
 Case No. 2016-003259CUA

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2. 210 27 <sup>TH</sup> AVE.	1386/039	Karen Mulligan	<i>[Signature]</i>
3. _____	_____	Marian Schell	<i>[Signature]</i>
4. _____	_____	DON SKILES	<i>[Signature]</i>
5. 2545 LAKE ST	1386/40	ALEX BERNSTEIN	<i>[Signature]</i>
6. 2545 LAKE ST	1386/40	SONIA DUCARETT	<i>[Signature]</i>
7. 2527 Lake St (TS)	1386/043	Toni jelso	<i>[Signature]</i>
8. 179 27 <sup>TH</sup> AVENUE	1331-012	GARY O'KEY	<i>[Signature]</i>
9. 253 26 <sup>TH</sup> Ave.	1386-058	Anna Pinski/Leonid Pinski	<i>[Signature]</i>
10. 219-27 AVE	1387-002	Key J. Jerry	<i>[Signature]</i>
11. 266 27 <sup>TH</sup>	1386-026	ERIC SEANOR	<i>[Signature]</i>
12. 266 27 <sup>th</sup> Ave	1386-026	Afton Thatcher	<i>[Signature]</i>
13. 238 27 <sup>TH</sup> AVE	1386-033	RAYMOND KWOK HANG	<i>[Signature]</i>
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SAN FRANCISCO

City Planning Commission  
Case No. 2016-003258 OVA

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.

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1. 210 27 <sup>TH</sup> AVE.	1386/039	John Mulligan	<i>John Mulligan</i>
2. 210 27 <sup>TH</sup> AVE.	1386/039	Karen Mulligan	<i>Karen Mulligan</i>
3. 2539 Lake St. #2	1386/050	Marian Schell	<i>Marian Schell</i>
4. 2539 Lake St. #2	1386/050	DON SKILES	<i>Don Skiles</i>
5. 2545 LAKE ST.	1386/40	ALEX BERNSTEIN	<i>Alex Bernstein</i>
6. 2545 LAKE ST	1386/40	SONIA DUCARETT	<i>Sonia Ducarett</i>
7. 2539 Lake St. #1	1386/049	MARTIN ROSSE	<i>Martin Rosse</i>
8. 2539 Lake St. #1	1386/049	Dianne Younger Rosse	<i>Dianne Younger Rosse</i>
9. 2539 Lake St #4	1386/049	Michael Ryan	<i>Michael Ryan</i>
10. 210-27 <sup>TH</sup> AVE	1386/039	PATRICK MULLIGAN	<i>Patrick Mulligan</i>
11. 2610 Lake #6	1331/045	Kauletta Jones	<i>Kauletta Jones</i>
12. 2610 Lake #9	1331/048	Ellen Crayie	<i>Ellen Crayie</i>
13. <del>ADDRESS</del>	<del>BLOCK &amp; LOT</del>	<del>NAME</del>	<del>SIGNATURE</del>
14.			
15.	<del>TRANSFER</del>		
16.	<del>IN IT</del>		
17. 2610 LAKE ST #5	1331 044	BARBARA CANNELLA	<i>Barbara Cannella</i>
18. 2610 LAKE ST #3	1331 042	TINA ROSE	<i>Tina Rose</i>
19. 2610 LAKE ST #2	1331 041	JOANNE WINSHEP	<i>Joanne Winshep</i>
20. 2610 LAKE ST #1	1331 040	JON HILLENBECK	<i>Jon Hillenbeck</i>
21. 2610 LAKE ST #10	1331 049	COLLEEN HOY	<i>Colleen Hoy</i>
22. 2610 Lake ST #8	1331 047	Frank Kishoy	<i>Frank Kishoy</i>
23. 2610 Lake ST #8	1331 047	SALLY ZIOLKOWSKI	<i>Sally Ziolkowski</i>

City Planning Commission  
Case No. 2016-003258 OVA

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2.	210 27 <sup>TH</sup> AVE.	1386/039	Karen Mulligan	<i>Karen Mulligan</i>
3.			Marian Schell	<i>Marian Schell</i>
4.			DON SKILES	<i>Don Skiles</i>
5.	2545 LAKE ST	1386/40	ALEX BERNSTEIN	<i>Alex Bernstein</i>
6.	2545 LAKE ST	1386/40	SONIA DACCARETT	<i>Sonia Daccarett</i>
7.	2533 Lake St	1386-042	Nancy Fong	<i>Nancy Fong</i>
8.	250 26 <sup>TH</sup> ST Av	1385-073	ROBERT WALKER	<i>Robert Walker</i>
9.	219-27th Ave	1387-002	<sup>Shew M. Jung</sup> Shaw M Jung	<i>Shaw M Jung</i>
10.	2528 Lake	1332-052	Joanne Schuffman	<i>Joanne Schuffman</i>
11.	246 248 27 <sup>TH</sup> Av	1386-031	JOSEPHINE WONG	<i>Josephine Wong</i>
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*Nancy Fong*  
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APPEAL NO. 2016-003258  
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BY u City Planning Commission  
 Case No. 2016-003258 CVA

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2. 210 27 <sup>TH</sup> AVE.	1386/039	Karen Mulligan	<i>Karen Mulligan</i>
3. 2539 Lake St. #2	1386/050	Marian Schell	<i>Marian Schell</i>
4. 2539 Lake St. #2	1386/050	Don SKILES	<i>Don Skiles</i>
5. 2545 LAKE ST	1386/40	ALEX BERNSTEIN	<i>Alex Bernstein</i>
6. 2545 LAKE ST	1386/40	Sonia DUCARETT	<i>Sonia Ducarett</i>
7. 2539 Lake St. #1	1386/049	MARTIN ROSSE	<i>Martin Rosse</i>
8. 2539 Lake St. #1	1386/049	Diane Younger Rosse	<i>Diane Younger Rosse</i>
9. 2539 Lake St. #1	1386/049	Michael RYAN	<i>Michael Ryan</i>
10. 210-27 <sup>TH</sup> AVE	1386/039	PATRICK MULLIGAN	<i>Patrick Mulligan</i>
11. 203 26 <sup>TH</sup> AVE	1386-074	WILLIAM FEE	<i>William E. Fee</i>
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City Planning Commission  
Case No. 2016-003258CVA

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3. 2539 Lake St. #2	1386/050	Marian Schell	<i>Marian Schell</i>
4. 2539 Lake St. #2	1386/050	DON SKILES	<i>Don Skiles</i>
5. 2545 LAKE ST	1386/40	ALEX BERNSTEIN	<i>Alex Bernstein</i>
6. 2545 LAKE ST	1386/40	Sonia Daccarett	<i>Sonia Daccarett</i>
7. 2539 Lake St. #1	1386/049	MARTIN ROSSE	<i>Martin Rosse</i>
8. 2539 Lake St. #1	1386/049	Dianne Younger Rosse	<i>Dianne Younger Rosse</i>
9. 2539 Lake St #4	1386/052	Michael Ryan	<i>Michael Ryan</i>
10. 210-27 <sup>TH</sup> AVE	1386/039	PATRICK MULLIGAN	<i>Patrick Mulligan</i>
11. 2516 Lake	1332/048	Louise Ure	<i>Louise Ure</i>
12. 2514 LAKE ST	1332/047	MARGERY SNYDER	<i>Margery Snyder</i>
13. 2515 Lake	1386/070	Adam Murray / Shannon Donnelly	<i>Adam Murray / Shannon Donnelly</i>
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City Planning Commission  
Case No: 2016-003259/UA

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4. 2539 Lake St. #2	1386/050	DON SKILES	<i>Don Skiles</i>
5. 2545 LAKE ST	1386/40	ALEX BERNSTEIN	<i>Alex Bernstein</i>
6. 2545 LAKE ST	1386/40	SARA DUCURETT	<i>Sara Ducurett</i>
7. 2539 Lake St #1	1386/049	MARTIN ROSSE	<i>Martin Rosse</i>
8. 2539 Lake St. #1	1386/049	Diane Younger Rosse	<i>Diane Younger Rosse</i>
9. 2539 Lake St #4	1386/049	Michael Ryan	<i>Michael Ryan</i>
10. 210-27 <sup>TH</sup> AVE	1386/039	PATRICK MULLIGAN	<i>Patrick Mulligan</i>
11. 2517 Lake Street	1386/071	Michael C. Murphy	<i>Michael C. Murphy</i>
12. 2509 Lake St	1386/046	Karen V. Clapton	<i>Karen V. Clapton</i>
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NO. 10000000000000000000  
S.A.M.F.  
2016-08-24 14:00

City Planning Commission  
Case No. 2016-003258 CUA

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.

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2. 210 27 <sup>TH</sup> AVE.	1386/039	Karen Mulligan	<i>Karen Mulligan</i>
3. 2539 Lake St. #2	1386/050	Marian Schell	<i>Marian Schell</i>
4. 2539 Lake St. #2	1386/050	DON SKILES	<i>Don Skiles</i>
5. 2545 LAKE ST	1386/40	ALEX BERNSTEIN	<i>Alex Bernstein</i>
6. 2545 LAKE ST	1386/40	SONIA DUCIARETT	<i>Sonia Duciarett</i>
7. 2539 Lake St. #1	1386/049	MARTIN ROSSE	<i>Martin Rosse</i>
8. 2539 Lake St. #1	1386/049	Diane Yungler Rosse	<i>Diane Yungler Rosse</i>
9. 2539 Lake St. #1	1386/049	Michael Ryan	<i>Michael Ryan</i>
10. 210 27 <sup>TH</sup> AVE	1386/039	PATRICK MULLIGAN	<i>Patrick Mulligan</i>
11. 218 26th Avenue, #302	1385-055	Brian Keegan / Emily Keegan	<i>Brian Keegan</i> / <i>Emily Keegan</i>
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City Planning Commission  
Case No. 2016-00325-CUA

ALEX  
(415) 205-3246

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1. 2539 LAKE ST	APT # 3	SENDIIO & TINGTING PEI	
2. 178 27th AVE	1332-026	Ali LINDER & KENT DANIO	
3. 194 28th AVE	1331-018	<sup>Joseph A. Beaubien</sup> Kimberly Cahill Bonwell	
4. 214 28th AVE	1387-221	Greg Rubin + Alanna Klein	
5. 218 28th AVE	1387-0225	GARY GROSSMAN	
6. 246 28th AVE	1387-0226	MICHAEL BRUNO / MEGAN HART	 DocuSigned by: Michael Bruno ID: 8042801007
7. 2619 LAKE ST.		CHARLENE VENTER	
1. 2617 LAKE ST	1387-023	SAMANTHA CHAUKOWITCA	
2.			

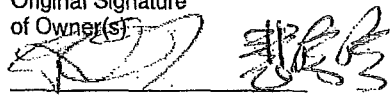


APPEAL NO. 2016-003258CUA  
DATE: 08/11/16

City Planning Commission  
Case No. 2016-003258CUA

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Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. 2539 LAKE ST, Apt #3	1386 & 051	SEN DUO TINGTING PEI	
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2545 LAKE  
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City Planning Commission  
Case No. 2016-0032 S3CUA

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1. 210 27 <sup>TH</sup> AVE.	1386/039	John Mulligan	<i>[Signature]</i>
2. 210 27 <sup>TH</sup> AVE.	1386/039	Karen Mulligan	<i>[Signature]</i>
3. 2539 Lake St. #2	1386/050	Marian Schell	<i>[Signature]</i>
4. 2539 Lake St. #2	1386/050	DON SKILES	<i>[Signature]</i>
5. 2545 LAKE ST	1386/40	ALEX BERNSTEIN	<i>[Signature]</i>
6. 2545 LAKE ST	1386/40	SONIA DUCARETT	<i>[Signature]</i>
7. 2539 Lake St. #1	1386/049	MARTIN ROSSE	<i>[Signature]</i>
8. 2539 Lake St. #1	1386/049	Diane Yungier Rosse	<i>[Signature]</i>
9. 2539 Lake St #4	1386/024	Michael Ryan	<i>[Signature]</i>
10. 210-27 <sup>TH</sup> AVE	1386/039	PATRICK MULLIGAN	<i>[Signature]</i>
11. 2534 Lake Street	1332-022A	Mary Gamba O'Regan	<i>[Signature]</i>
12. 253 26 <sup>TH</sup> Ave #2		Sam Zimmerman	<i>[Signature]</i>
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BY     M    

City Planning Commission  
Case No. 2016-003258CUA

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Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>225C 26<sup>th</sup> Ave</u>	<u>1386-069</u> <del>1386-069</del>	<u>Marcia Addison</u>	<u>Marcia W. Addison</u>
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City Planning Commission  
Case No. 2016-003258 CVA

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2. 210 27 <sup>th</sup> AVE.	1386/039	Karen Mulligan	<i>Karen Mulligan</i>
3. 2539 Lake St. #2	1386/050	Marian Schell	<i>Marian Schell</i>
4. 2539 Lake St. #2	1386/050	DON SKILES	<i>Don Skiles</i>
5. 2545 LAKE ST	1386/40	ALEX BERNSTEIN	<i>Alex Bernstein</i>
6. 2545 LAKE ST	1386/40	SONIA DACCARETT	<i>Sonia Daccarett</i>
7. 2539 Lake St #1	1386/049	MARTIN ROSSE	<i>Martin Rosse</i>
8. 2539 Lake St #1	1386/049	Diane Yungger Rosse	<i>Diane Yungger Rosse</i>
9. 2539 Lake St #4	1386/049	Michael Ryan	<i>Michael Ryan</i>
10. 210-27 <sup>th</sup> AVE	1386/039	PATRICK MULLIGAN	<i>Patrick Mulligan</i>
11. 201 26th Avenue	1386-073	Campana Family Revocable Trust	<i>RC Campana</i>
12. 2526 Lake St	1332/051	JIHYUNG YOO	<i>JiHyung Yoo</i>
13. 2526 Lake St.	1332/051	RICHARD SHIM	<i>Richard Shim</i>
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City Planning Commission  
Case No. 2016-003258 CVA

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

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	210 27 <sup>TH</sup> AVE.	1386/039	John Mulligan	<i>John Mulligan</i>
2.	210 27 <sup>TH</sup> AVE.	1386/039	Karen Mulligan	<i>Karen Mulligan</i>
3.	2539 Lake St. #2	1386/050	Marian Schell	<i>Marian Schell</i>
4.	2539 Lake St. #2	1386/050	DON SKILES	<i>Don Skiles</i>
5.	2545 LAKE ST	1386/40	ALEX BERNSTEIN	<i>Alex Bernstein</i>
6.	2545 LAKE ST	1386/40	SONIA DACCARETT	<i>Sonia Daccarett</i>
7.	2539 Lake St #1	1386/049	MARTIN ROSSE	<i>Martin Rosse</i>
8.	2539 Lake St. #1	1386/049	Dianne Younger Rosse	<i>Dianne Younger Rosse</i>
9.	2539 Lake St #4	1386/052	Michael Ryan	<i>Michael Ryan</i>
10.	210-27 <sup>TH</sup> AVE	1386/039	PATRICK MULLIGAN	<i>Patrick Mulligan</i>
11.	243 - 27 <sup>th</sup> Ave.	1387/008	DAVIS LOUIE	<i>Davis Louie</i>
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	↑ ADDRESS	↑ BLOCK/LOT	↑ NAME	SIGNATURE

City Planning Commission  
 Case No. 2016-003258CUA

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2. 210 27 <sup>TH</sup> AVE.	1386/039	Karen Mulligan	<i>Karen Mulligan</i>
3. 2539 Lake St. #2	1386/050	Marian Schell	<i>Marian Schell</i>
4. 2539 Lake St. #2	1386/050	DON SKILES	<i>Don Skiles</i>
5. 2545 LAKE ST	1386/40	ALEX BERNSTEIN	<i>Alex Bernstein</i>
6. 2545 LAKE ST	1386/40	SONIA DECAROTT	<i>Sonia Decarott</i>
7. 2539 Lake St. #1	1386/049	MARTIN ROSSE	<i>Martin Rosse</i>
8. 2539 Lake St. #1	1386/049	Dianne Younger Rosse	<i>Dianne Younger Rosse</i>
9. 2539 Lake St. #4	1386/050	Michael Ryan	<i>Michael Ryan</i>
10. 210-27 <sup>TH</sup> AVE 2534 Lake Street	1386/039 1332-022A	PATRICK MULLIGAN Mary Gamba O'Regan.	<i>Patrick Mulligan</i> <i>Mary Gamba O'Regan</i>
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City Planning Commission  
Case No. 2016-003258 CWA

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2. 210 27 <sup>TH</sup> AVE.	1386/039	Karen Mulligan	<i>[Signature]</i>
3. 2539 Lake St. #2	1386/050	Marian Schell	<i>[Signature]</i>
4. 2539 Lake St. #2	1386/050	DON SKILES	<i>[Signature]</i>
5. 2545 LAKE ST	1386/40	ALEX BERNSTEIN	<i>[Signature]</i>
6. 2545 LAKE ST	1386/40	SANJA DECAROTT	<i>[Signature]</i>
7. 2539 Lake St. #1	1386/049	MARTIN ROSSE	<i>[Signature]</i>
8. 2539 Lake St. #1	1386/049	Dianne Younger Rosse	<i>[Signature]</i>
9. 2539 Lake St #4	1386/049	Michael Ryan	<i>[Signature]</i>
10. 210-27 <sup>TH</sup> AVE	1386/039	PATRICK MULLIGAN	<i>[Signature]</i>
11. 201 26th Avenue	1386-073	Campana Family Revocable Trust	<i>[Signature]</i> Designed by: R. Campana
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City Planning Commission  
Case No. 2016-003258CUA

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2. 210 27 <sup>TH</sup> AVE.	1386/039	Karen Mulligan	<i>Karen Mulligan</i>
3. 2539 Lake St. #2	1386/050	Marian Schell	<i>Marian Schell</i>
4. 2539 Lake St. #2.	1386/050	DON SKILES	<i>Don Skiles</i>
5. 2545 LAKE ST	1386/40	ALEX BERNSTEIN	<i>Alex Bernstein</i>
6. 2545 LAKE ST	1386/40	Sonia Dacurett	<i>Sonia Dacurett</i>
7. 2539 Lake St. #1	1386/049	MARTIN ROSSE	<i>Martin Rosse</i>
8. 2539 Lake St. #1	1386/049	Dianne Younger Rosse	<i>Dianne Younger Rosse</i>
9. 2539 Lake St #4	1386/050	Michael Ryan	<i>Michael Ryan</i>
10. 210-27 <sup>TH</sup> AVE	1386/039	PATRICK MULLIGAN	<i>Patrick Mulligan</i>
11. 205 26th Avenue	1386/048	Deborah Hatch	<i>Deborah Hatch</i>
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City Planning Commission  
Case No: 2016-003258COA

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2. 210 27 <sup>th</sup> Ave.	1386/039	Karen Mulligan	<i>Karen Mulligan</i>
3. 2539 Lake St. #2	1386/050	Marian Schell	<i>Marian Schell</i>
4. 2539 Lake St. #2	1386/050	DON SKILES	<i>Don Skiles</i>
5. 2545 LAKE ST	1386/40	ALEX BERNSTEIN	<i>Alex Bernstein</i>
6. 2545 LAKE ST	1386/40	Sonia Decarett	<i>Sonia Decarett</i>
7. 2539 Lake St. #1	1386/049	MARTIN ROSSE	<i>Martin Rosse</i>
8. 2539 Lake St. #1	1386/049	Dianne Younger Rosse	<i>Dianne Younger Rosse</i>
9. 2539 Lake St. #1	1386/049	Michael Ryan	<i>Michael Ryan</i>
10. 210-27 <sup>th</sup> Ave	1386/039	PATRICK MULLIGAN	<i>Patrick Mulligan</i>
11. 2544 Lake Street	1332-053	Robert Martin Melissa Martin	<i>Robert Martin</i> <i>Melissa Martin</i>
12. 239 26 <sup>th</sup> #164		Sharon Ihara	<i>Sharon Ihara</i>
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City Planning Commission  
 Case No. 2016-003258CUA

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3. <u>2539 Lake St. #2</u>	<u>1386/050</u>	<u>Marian Schell</u>	<u>[Signature]</u>
4. <u>2539 Lake St. #2</u>	<u>1386/050</u>	<u>DON SKILES</u>	<u>[Signature]</u>
5. <u>2545 LAKE ST</u>	<u>1386/40</u>	<u>ALEX BERNSTEIN</u>	<u>[Signature]</u>
6. <u>2545 LAKE ST</u>	<u>1386/40</u>	<u>SONIA DECARRETT</u>	<u>[Signature]</u>
7. <u>2539 Lake St. #1</u>	<u>1386/049</u>	<u>MARTIN ROSSE</u>	<u>[Signature]</u>
8. <u>2539 Lake St. #1</u>	<u>1386/049</u>	<u>Dianne Younger Rosse</u>	<u>[Signature]</u>
9. <u>2539 Lake St #4</u>	<u>1386/052</u>	<u>Michael Ryan</u>	<u>[Signature]</u>
10. <u>210-27<sup>TH</sup> AVE</u>	<u>1386/039</u>	<u>PATRICK MULLIGAN</u>	<u>[Signature]</u>
11. <u>2515 Lake Street</u>	<u>1386-070</u>	<u>Adam Murray</u>	<u>[Signature]</u>
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# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

## Planning Commission Motion No. 20025

HEARING DATE: OCTOBER 12, 2017

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

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

### PREAMBLE

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

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

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

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

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

#### FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the east side of 27<sup>th</sup> Avenue, between California and Lake Streets, Lot 038 in Assessor's Block 1386. The property is located within the RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District. The subject property has approximately 25 feet of frontage on 27<sup>th</sup> Avenue and is approximately 120 feet deep. The large flat rectangular-shaped parcel is currently occupied by a two-story, single-family dwelling constructed circa 1917, which covers approximately 50% of the lot.
3. **Surrounding Properties and Neighborhood.** The project site is located on a key lot near the corner of Lake Street in the Outer Richmond neighborhood. The subject site is located in an RM-1 District and is surrounded by two- to 12-unit residential structures ranging in height from three to four stories. Immediately adjacent to the subject property to the north is a three-story, seven-unit building and immediately to the south is a three-story, four-unit residential building. Directly across the street are a three-story, three-family dwelling and a four-story, six-unit building. Immediately behind and to the east of the subject property is a four-story, four-unit structure. While the adjacent properties are within the RM-1 (Residential, Mixed, Low Density) District, the surrounding neighborhood to the north and west are within the RH-1 (Residential, House, One-Family) District. The subject property is also within .25-miles of stops for the 1-California and 1AX-California A Express and 29-Sunset MUNI transit lines.
4. **Project Description.** The project proposes the demolition of the existing two-story, single-family dwelling and the construction of a four-story, 40-foot tall, three-family residential building. The three units, designed as two-story townhouses, would range in size from approximately 1,390 square feet to 2,265 square feet. Each unit will have one off-street parking space and one Class 1 bicycle parking space in the garage on the ground floor. The project is not seeking any exceptions or variances from the Planning Code. However, the applicant is requesting that the Planning Commission approve a 12-foot front setback at the top floor whereas the Department recommends a 15-foot setback to comply with Residential Design Guidelines with respect to

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

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

5. **Public Comment.** As of October 2, 2017, the Department had received one email, from a board member of the Planning Association for the Richmond, opposing the height of the proposed four-story building within the context of the surrounding neighborhood predominantly consisting of three-story structures.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
  - A. **Residential Demolition – Section 317.** Pursuant to Planning Code Section 317, Conditional Use Authorization is required for applications proposing to demolish a residential unit in an RM-1 Zoning District. This Code Section establishes criteria that Planning Commission shall consider in the review of applications for Residential Demolition.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- xiii. Whether the Project creates new supportive housing;

*The Project does not create supportive housing.*

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

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

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

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

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

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

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

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

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

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

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

## HOUSING ELEMENT

**OBJECTIVE 2:  
RETAIN EXISTING HOUSING UNITS, AND PROMOTE SAFETY AND MAINTENANCE  
STANDARDS, WITHOUT JEOPARDIZING AFFORDABILITY.**

**Policy 2.1:**

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

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

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

**Policy 3.1:**

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

**Policy 3.3:**

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

**Policy 3.4:**

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

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

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

**Policy 11.1:**

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

**Policy 11.2:**

Ensure implementation of accepted design standards in project approvals.

**Policy 11.3:**

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

**Policy 11.5:**

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

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

**URBAN DESIGN**

**OBJECTIVE 1:**

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

**Policy 1.2:**

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

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

**Policy 1.3:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- G. That landmarks and historic buildings be preserved.

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

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

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

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

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

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October 12, 2017

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218 27<sup>th</sup> Avenue

### DECISION

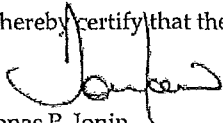
That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application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

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

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

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

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



Jonas P. Ionin  
Commission Secretary

AYES: Hillis, Johnson, Koppel, Melgar and Richards

NAYS: None

ABSENT: Fong, Moore

ADOPTED: October 12, 2017

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October 12, 2017

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218 27<sup>th</sup> Avenue

## EXHIBIT A

### AUTHORIZATION

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

### RECORDATION OF CONDITIONS OF APPROVAL

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

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

### SEVERABILITY

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

### CHANGES AND MODIFICATIONS

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



## Conditions of Approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

### DESIGN

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

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

7. **Roof Deck.** The Project Sponsor shall remove the roof deck proposed above the fourth floor and submit revised plans to the Planning Department prior to Planning approval of the building permit.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
8. **Roof Access.** The Project Sponsor shall revise the project plans to limit access to the roof above the fourth floor to the minimal requirements as required by the Building Code. Revised plans shall be submitted to the Planning Department prior to Planning approval of the building permit application. The design shall be as approved by the Planning Department.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
9. **Inoperable Windows.** The Project Sponsor shall submit a revised north elevation to the Planning Department prior to Planning approval of the building permit application that specifies that the frosted windows shall be inoperable.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
10. **Arborist Required.** The Project Sponsor shall retain an arborist to observe construction and recommend measures to ensure the health of trees located on adjacent lots.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
11. **Front Entry Deck and Stair Screening.** The Project Sponsor shall submit revised site plan, floor plans and north elevation to the Planning Department prior to Planning approval of the building permit application depicting the addition of an opaque privacy screen or panel at the front entry stair and deck. The design and location of the screening shall be as approved by the Planning Department.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
12. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.  
*For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, [www.sf-planning.org](http://www.sf-planning.org)*

## PARKING AND TRAFFIC

13. **Bicycle Parking.** The Project shall provide no fewer than three (3) Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.2.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
14. **Parking Requirement.** Pursuant to Planning Code Section 151, the Project shall provide three (3) independently accessible off-street parking spaces.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## PROVISIONS

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

## MONITORING - AFTER ENTITLEMENT

16. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
17. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## OPERATION

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

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

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**HANSON BRIDGETT LLP**

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

REF. #	INV. #	INV. DATE	INV. AMOUNT	INV. DESCRIPTION	AMT. PAID
54	35114.1-11017b	11-07-17	597.00	Appeal fee - Conditional Use Authorization (35114.1)	597.00

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**From:** [Robia S. Crisp](#)  
**To:** [BOS Legislation, \(BOS\)](#)  
**Cc:** [alex@kingfisherinvestment.com](#); [sdaccarett@gmail.com](#); [Steven Vettel](#); [Michael F. Donner](#); [Paul H. Mabry](#); [Givner, Jon \(CAT\)](#); [Stacy, Kate \(CAT\)](#); [Jensen, Kristen \(CAT\)](#); [Rahaim, John \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Cisneros, Stephanie \(CPC\)](#); [Ajello, Laura \(CPC\)](#); [Jonin, Jonas \(CPC\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Poling, Jeanie \(CPC\)](#)  
**Subject:** SUPPLEMENTAL APPEAL RESPONSE - Appeal of CEQA Determination of Exemption and Conditional Use - Proposed 218-27th Avenue Project - Appeal Hearing on December 12, 2017  
**Date:** Tuesday, December 05, 2017 4:59:42 PM  
**Attachments:** [Letter to BOS.pdf](#)

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Please see the attached letter responding to the Project Sponsor's supplemental letter dated December 4, 2017.

---

**Robia S. Crisp**  
**Senior Counsel**  
Hanson Bridgett LLP  
(415) 995-5806 Direct  
(415) 995-3455 Fax  
[RCrisp@hansonbridgett.com](mailto:RCrisp@hansonbridgett.com)

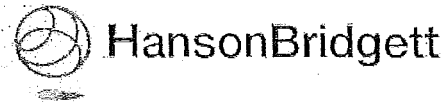


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ROBIA S. CRISP  
SENIOR COUNSEL  
DIRECT DIAL (415) 995-5806  
DIRECT FAX (415) 995-3455  
E-MAIL [rcrisp@hansonbridgett.com](mailto:rcrisp@hansonbridgett.com)



December 5, 2017

**VIA E-MAIL**

[bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)

London Breed, President  
San Francisco Board of Supervisors  
1 Dr. Carlton Goodlett Place, Room 244  
City Hall, Second Floor  
San Francisco, CA 94102

**Re: 218 27th Avenue, San Francisco  
December 12, 2017 Hearing  
Appeals of Conditional Use Authorization and  
Categorical Exemption Determination**

Dear President Breed and Members of the Board:

We write to briefly respond to the Project Sponsor's December 4, 2017 supplemental letter regarding a point we made in our Appellants' Brief. That point, stated simply, was that the Project Sponsor failed to provide an evidentiary record supporting the required finding that the subject property was not subject to rent control. We did not argue that a single family home is not subject to rent control, as the Project Sponsor erroneously suggests. Rather, we merely identified a significant flaw in the Project Sponsor's application, to wit, a record lacking the basic information necessary to demonstrate that all required criteria for approval had been met.

The Planning Department acknowledged in its findings that it could not "definitively determine whether or not the single-family home is subject to the Rent Stabilization and Arbitration Ordinance. This is the purview of the Rent Board; however, the Department can confirm that there are no tenants living in the dwelling." (Motion No. 20025, p. 8.)

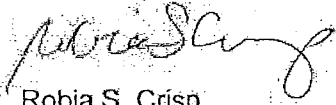
In its supplemental letter, the Project Sponsor conceded that the staff report was "not as clear as it could have been," and then proceeded to supply some of the factual information that should have appeared in the record in the first instance. However, in doing so, the Project Sponsor made a number of statements: (1) the property was owner-occupied prior to its purchase; (2) the property was unoccupied since the predecessor owner passed away in 2015, and (3) no tenants or other occupants resided at the property at any time.

These statements remain incomplete at best. Appellants personally heard and observed multiple occupants residing at the property prior to the time it was sold to the Project Sponsor in 2015. This calls into question whether the Rent Board should be contacted for a record of any tenant complaints or settlements prior to the sale of the home. After the sale of the home, the structure

London Breed, President  
San Francisco Board of Supervisors  
December 5, 2017  
Page 2

was apparently abandoned and laid to waste as evidenced by the subsequent rodent problem and eventual notice of abandonment issued by the City in 2016. This lack of a clear and transparent record to support the required findings is merely indicative of the larger and cumulative failures noted in our Appeal.

Very truly yours,



Robia S. Crisp

cc: Steven Vettel (Via E-Mail) (svettel@fbm.com)  
Alex Bernstein (Via E-Mail alex@kingfisherinvestment.com)  
Sonia Daccarett (Via E-Mail sdaccarett@gmail.com)  
Michael Donner (Via E-Mail)  
Paul Mabry (Via E-Mail)



**From:** [BOS Legislation, \(BOS\)](#)  
**To:** [Steven Vettel; rrcrisp@hansonbridgett.com; alex@kingfisherinvestment.com; sdaccarett@gmail.com; Ilene Dick Givner, Jon \(CAT\); Stacy, Kate \(CAT\); Jensen, Kristen \(CAT\); Rahaim, John \(CPC\); Sanchez, Scott \(CPC\); Gibson, Lisa \(CPC\); Sider, Dan \(CPC\); Starr, Aaron \(CPC\); Cisneros, Stephanie \(CPC\); Aiello, Laura \(CPC\); Ionin, Jonas \(CPC\); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela \(BOS\); Somera, Alisa \(BOS\); Poling, Jeanie \(CPC\); BOS Legislation, \(BOS\)](#)  
**Cc:**  
**Subject:** SUPPLEMENTAL APPEAL RESPONSE - Appeal of CEQA Determination of Exemption and Conditional Use - Proposed 218-27th Avenue Project - Appeal Hearing on December 12, 2017  
**Date:** Monday, December 04, 2017 4:51:58 PM  
**Attachments:** [image001.png](#)

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Good afternoon,

Please find linked below a supplemental appeal response brief received by the Office of the Clerk of the Board from the Steven Vettel of Farella, Braun and Martel, LLP, regarding the appeal of the CEQA Determination of Exemption and Conditional Use Authorization for the proposed project at 218-27th Avenue.

[Project Sponsor Supplemental Brief - December 4, 2017](#)

**The appeal hearing for these matters are scheduled for a 3:00 p.m. special order before the Board on December 12, 2017.**

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 171222](#)

[Board of Supervisors File No. 171226](#)

Regards,

**Brent Jalipa**

**Legislative Clerk**

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-7712 | Fax: (415) 554-5163

[brent.jalipa@sfgov.org](mailto:brent.jalipa@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)



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Farella Braun + Martel LLP



STEVEN L. VETTEL  
svettel@fbm.com  
D 415.954.4902

December 4, 2017

Hon. London Breed, President  
San Francisco Board of Supervisors  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Re: 218-27<sup>th</sup> Avenue CEQA and Conditional Use Appeal  
Board File No. 171222  
Hearing Date: December 12, 2017

Dear President Breed and Supervisors:

I am writing to respond to one assertion in the Appellants' brief of December 1, 2017. In their brief, Appellants suggest that the existing single-family home that the Project will demolish and replace with a triplex is subject to the City's Residential Rent Stabilization and Arbitration Ordinance. Appellants assert, therefore, that the Planning Commission's finding that demolition is consistent with the criteria set forth in Planning Code Section 317(g)(5)(E) and (F)<sup>1</sup> disfavoring demolition of rent controlled units and their replacement with ownership units, cannot be made.

Although the Planning Department's staff report was not as clear as it could have been, there is no doubt that, by operation of law and the facts of this case, the existing home is not subject to rent control. First, the facts. The Toboni Group purchased the existing house in 2015 from the estate of Firmin Elissetche, who died in 2015. Mr Elissetche, a widower, lived in the house by himself when he passed, and the house has been vacant since then. Thus, the property was owner occupied prior to its purchase and there were and are now no tenants, as the staff report confirms.

Second, both state and local law exempt single-family homes from rent control:

\* California Civil Code Section 1954.52 (the Costa-Hawkins Act) forbids cities from imposing rent control on single-family homes.<sup>2</sup>

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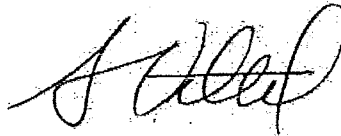
<sup>1</sup> Planning Code Sec. 317(g)(5)(E): "whether the project converts rental housing to other forms of tenure or occupancy; (F) whether the project removes rental units subject to the Residential Rent Stabilization and Arbitration Ordinance or affordable housing."

<sup>2</sup> Cal. Civil Code Sec. 1954.52(a): "Notwithstanding any other provision of law, an owner of residential real property may establish the initial and all subsequent rental rates for a dwelling or a unit about which any of the following is true: (3) (A) It is alienable separate from the title to any other dwelling unit or is a  
Russ Building \* 235 Montgomery Street \* San Francisco, CA 94104 \* T 415.954.4400 \* F 415.954.4480

\* Section 37.3 of the San Francisco Administrative Code (the Rent Stabilization and Arbitration Ordinance) provides the same exemption from rent control as the Costa-Hawkins Act.<sup>3</sup>

Therefore, the Planning Commission did not abuse its discretion in finding that the proposed demolition does not remove a rent controlled unit from the housing stock or convert a rental unit to ownership housing.

Sincerely,



Steven L. Vettel

cc: Robia S. Crisp, Appellants' attorney  
Joe Toboni  
Joey Toboni  
Michael Leavitt Architects  
Planning Department

31350\6348376.1

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subdivided interest in a subdivision, as specified in subdivision (b), (d), or (f) of Section 11004.5 of the Business and Professions Code.”

<sup>3</sup> S.F. Admin. Code Sec. 37.3(d): “Consistent with the Costa-Hawkins Rental Housing Act (Civil Code Sections 1954.50. *et seq.*) and regardless of whether otherwise provided under Chapter 37: (1)(A) An owner of residential real property may establish the initial and all subsequent rental rates for a dwelling or a unit which is alienable separate from the title to any other dwelling unit or is a subdivided interest in a subdivision as specified in subdivision (b), (d), or (f) of Section 11004.5 of the California Business and Professions Code.”

**From:** BOS Legislation, (BOS)  
**To:** rcrisp@hansonbridgett.com; alex@kingfisherinvestment.com; sdaccarett@gmail.com; IDick@fbm.com; SVettel@fbm.com  
**Cc:** Givner, Jon (CAT); Stacy, Kate (CAT); Jensen, Kristen (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Sider, Dan (CPC); Starr, Aaron (CPC); Cisneros, Stephanie (CPC); Aiello, Laura (CPC); Ionin, Jonas (CPC); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); Poling, Jeanie (CPC); BOS Legislation, (BOS)  
**Subject:** APPEAL RESPONSES - Appeal of CEQA Determination of Exemption and Conditional Use - Proposed 218-27th Avenue Project - Appeal Hearing on December 12, 2017  
**Date:** Friday, December 01, 2017 3:30:02 PM  
**Attachments:** [image001.png](#)

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Good afternoon,

Please find linked below appeal responses received by the Office of the Clerk of the Board from Robia Crisp of Hanson Bridgett, LLP, representing the Appellants, the Planning Department, and Steven Vettel of Farella, Braun & Martel, LLP, on behalf of the Project Sponsor, regarding the appeal of the CEQA Determination of Exemption and Conditional Use Authorization for the proposed project at 218-27th Avenue.

[Appellant Supplemental Appeal Letter - December 1, 2017](#)

[Planning Response Memo - Conditional Use - December 1, 2017](#)

[Project Sponsor Response Brief - December 1, 2017](#)

**The appeal hearing for these matters are scheduled for a 3:00 p.m. special order before the Board on December 12, 2017.**

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 171222](#)

[Board of Supervisors File No. 171226](#)

Regards,

**Brent Jalipa**

Legislative Clerk

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

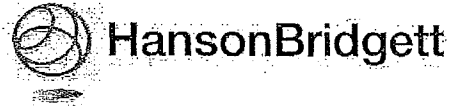
(415) 554-7712 | Fax: (415) 554-5163

[brent.jalipa@sfgov.org](mailto:brent.jalipa@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)



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

December 1, 2017

**VIA MESSENGER**

London Breed, President  
San Francisco Board of Supervisors  
1 Dr. Carlton Goodlett Place, Room 244  
City Hall, Second Floor  
San Francisco, CA 94102

**Re: 218 27th Avenue, San Francisco  
December 12, 2017 Hearing  
Appeals of Conditional Use Authorization and  
Categorical Exemption Determination**

Dear President Breed and Members of the Board:

Our firm represents Alex Bernstein and Sonia Daccarett (the "Appellants"), the owners of a single family home located at 2545 Lake Street. Their property is adjacent to 218 27th Street, the subject of this appeal (the "Property").

On October 12, 2017, the Planning Commission approved Conditional Use Application No. 2016-003258CUA (Motion No. 20025) to demolish the existing, two-story single family home on the Property and construct a four-story, three-unit building comprised of three market-rate, two-story condominiums with three off-street parking spaces (the "Project"). The Planning Department issued a Categorical Exemption Determination dated June 29, 2016 with respect to its environmental review of the Project.

The Appellants do not oppose the Planning Commission's approval of the Project outright but rather seek to modify certain aspects of the Project's design to minimize the substantial light, air and privacy impacts the Project will have on their property and other adjoining properties.

For the reasons set forth below, we request that you uphold the decision to approve the Project subject to modifications to the conditions of approval to require a reduction of the proposed building height from 40 feet to 30 feet. The construction of three units within three stories would allow the Project to attain the desired density while adapting more closely to the neighborhood context and significantly mitigating the adverse impacts of the Project. In terms of feasibility, an Architect commissioned by the Appellants to evaluate the proposed Project was able to develop an alternate concept that conforms to development standards, contains the same density of housing units, and limits the overall height to only three stories.

We also request that the Project be required to mitigate for the loss of light, air and privacy by removing the proposed side deck areas; and by painting of the exterior of the north-facing wall in

London Breed, President  
San Francisco Board of Supervisors  
December 1, 2017  
Page 2

a white or other light-reflective color. Finally, in order to safeguard against excessive noise, we request a limit on the permitted hours of construction to 9:00 am to 5:00 pm on weekdays.

The Appellants concurrently appealed the Categorical Exemption Determination relied upon by the Planning Commission in approving the Project because it does not satisfy the requirements of the California Environmental Quality Act, Public Resources Code Sections 21000 *et seq.* ("CEQA") and the City's CEQA Procedures codified in San Francisco Administrative Code Chapter 31. We respectfully request that you set aside the determination and require that environmental review of the Project be conducted in compliance with applicable requirements.

## I. CONDITIONAL USE AUTHORIZATION

### A. The Project Will Result In Significant Light, Air And Privacy Impacts.

The Property is a key lot, and the northern side property line abuts the rear property line of five residential parcels with frontage on Lake Street. While the Property is located within the RM-1 (Residential, Mixed, Low Density) District, the surrounding neighborhood to the north and west are within the RH-1 (Residential, House, One-Family) District.

Most of the surrounding buildings are three stories tall—immediately adjacent to the subject property to the north is a three-story building, immediately to the south is a three-unit, three-story building, and directly across the street is a three-story building. The Appellants' home, which will be severely impacted by the Project, is two stories tall.

In its current design, the Project will nearly double the height of the existing building from 21 feet to 40 feet, add side decks, add three off-street parking spaces, and significantly expand into the rear yard pursuant to the approval of a reduction of the rear yard requirement. The rear yard setback will be reduced from 60 feet to roughly 30 feet, or from the existing 50% down to 25%. The replacement of the existing two-story home that covers 50% of the lot, with a four-story building that covers 75% of the lot will result in significant light, air and privacy impacts.

The increase in the building height will result in a substantial increase in the shadow cast on adjoining properties, and severely limit solar access to our client's private indoor living spaces, as well as outdoor areas. This is evidenced in the light analysis submitted by the Appellants' architect to the staff planner on October 2, 2017, 10 days in advance of the Planning Commission hearing. (EXHIBIT 1.) A shadow study prepared on behalf of the Appellants was also presented at the hearing, and it includes a three-dimensional model that shows how the Project will result in a loss of light to adjacent parcels, most severely in the winter season. (EXHIBIT 2.) In terms of privacy, the larger building profile will directly result in a loss of privacy to three adjacent buildings that house over 25 residents. The Project applicant provided its own shadow study for the first time at the hearing, affording no opportunity for meaningful review and analysis by members of the public or the commission.

From the side of the proposed building, there is direct visual access into the private interior and outdoor open spaces. The Appellants' property is uniquely situated in that the northern wall of the

proposed building will span the entire length of the Appellants' rear property line, and directly overlook and box in the open space of their back yard.

**B. The Findings Required For Conditional Use Authorization Are Not Supported By The Facts.**

Under the applicable Planning Code provisions, approval of the Project requires that four sets of separate findings be made for each of the following four aspects of the Project: (1) construction of the new, four-story, three-unit building; (2) demolition of the existing two-story, single family building; (3) General Plan conformance; and (4) conformance with Proposition M General Plan priority policies. Each set of findings specifically requires consideration of the Project's impacts on the neighboring properties, given that the Planning Code expressly states that one of its more particularly specified purposes is to "provide light, air, privacy and convenience of access to property." (SFPC Sec. 101.)

Each set of findings set forth in Motion No. 20025 states that "on balance," the applicable criteria are met. (Motion No. 20025, pp. 5-6, 8, 10.) This is not supported by the evidence. Findings made in support of an agency's decision must be based on evidence contained in the administrative record, which comprises the entire body of evidence presented for consideration in connection with the project, and provides the basis to judge whether sufficient evidence supports the findings and decision of the agency. (*Topanga Association for a Scenic Community v. County of Los Angeles* (1974) 11 Cal. 3d 506, 515). A governmental entity "must render findings sufficient both to enable the parties to determine whether and on what basis they should seek review and, in the event of review, to apprise a reviewing court of the basis of the board's decision." (*Id.* at 514.) Substantial evidence must support an administrative agency's findings and the findings must support the decision." (*Id.*) The findings must "bridge the analytical gap" between the evidence and the decision. (*Id.* at 521.) As detailed below, the facts presented do not support that the Project meets the applicable criteria for approval.

**1. Planning Code Section 303 Criteria for Construction.**

The following criteria for approval of the construction of the building are not met by the Project due to the impacts it will have on light, air and privacy of neighboring properties:

- The proposed use and building, 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
- 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.

(SFPC Sec. 303(c)(1), (2).) The health, safety, convenience or general welfare of persons residing or working in the vicinity requires consideration of the proposed size of the structure, proposed alternatives to off-street parking, safeguards afforded to prevent offensive emissions such as



noise and treatment given to such aspects as screening and open spaces. The facts presented do not establish that the Project will not be detrimental to those residing in the vicinity.

Section 311(c)(1) of the Planning Code also requires the construction of new residential buildings in R districts to be consistent with Residential Design Guidelines. In part, the findings contained in Motion No. 20025 summarily state that as conditioned, the siting of the new building will be consistent with the objectives of the Residential Design Guidelines. (Motion No. 20025, pp. 5-6.) These conclusions are not supported by the evidence.

Under the Residential Design Guidelines, general design principles require maintaining light to adjacent properties by providing adequate setbacks. (Residential Design Guidelines (Dec. 2003), p. 4.) Specific design guidelines for rear yards require articulation of the building to minimize impacts on light and privacy to adjacent properties. (*Id.*, p. 16.) "When expanding a building into the rear yard, the impact of that expansion on light and privacy for abutting structures must be considered... modifications to the building's design can help reduce these impacts and make a building compatible with the surrounding context." (*Id.*) Similarly, with regard to privacy, the Guidelines state that where a proposed project will have an unusual impact on privacy to neighboring interior living spaces, appropriate design modifications can minimize impacts. (*Id.*, p. 17.)

In addition, "[e]ven when permitted by the Planning Code, building expansions into the rear yard may not be appropriate if they are uncharacteristically deep or tall, depending on the context of other buildings that define the mid-block open space. An out-of-scale rear yard addition can leave surrounding residents feeling 'boxed-in' and cut-off from the mid-block open space." (*Id.*, p. 26.)

The Project does not meet these relevant design guidelines and fails to incorporate appropriate design modifications to address the loss of light and privacy. Moreover, the proposed design of the building lacks the level of articulation for details, features, and levels present at most of the neighborhood structures, and should be refined.

## 2. Planning Code Section 317 Criteria for Residential Demolition.

The criteria for residential demolition also includes consideration of whether the project meets all relevant design guidelines, to enhance existing neighborhood character. (SFPC Sec. 317(g)(5)(N).) As discussed above, this criterion is not met.

Additional criteria for approval for a residential demolition are (1) whether the project increases the number of permanently affordable units and (2) whether the project creates new supportive housing. (SFPC Sec. 317(g)(5)(J), (M).) The Project does neither.

A final criterion requires a determination of whether a project will replace a building not subject to the Residential Rent Stabilization and Arbitration Ordinance, and if so, whether the new project replaces all of the existing units with new dwelling units of a similar size and with the same number of bedrooms. (SFPC Sec. 317(g)(5)(R).) The findings state, "[t]he Planning Department cannot definitively determine whether or not the single-family home is subject to the Rent Stabilization and Arbitration Ordinance. This is the purview of the Rent Board; however, the Department can

confirm that there are no tenants living in the dwelling." (Motion No. 20025, p. 8.) The record lacks basic information to support that this criterion is met.

### 3. General Plan Housing Element Objectives and Policies.

The fact presented and the evidence in the record do not support the Planning Commission's finding of the Project's conformity with the General Plan. The findings set forth the following Housing Element policies and corresponding findings:

- Objective 2, Policy 2.1: Discourage the demolition of sound existing housing, unless the demolition results in a net increase in affordable housing.

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

This ignores the plain language of the criterion and the fact that the Project does not result in any affordable housing.

- Objective 3, Policy 3.1: Preserve rental units, especially rent controlled units, to meet the City's affordable housing needs.
- Objective 3, Policy 3.3: Maintain balance in affordability of existing housing stock by supporting affordable moderate ownership opportunities.
- Objective 3, Policy 3.4: Preserve "naturally affordable" housing types, such as smaller and older ownership units.

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

(Motion No. 20025, p. 9.) These findings are nonresponsive and irrelevant, and the conclusion that the Project conforms to the policies in furtherance of Objective 3 is wholly unsupported. The Project will not preserve rental units to meet the City's affordable housing needs, the Project will not support affordable moderate ownership opportunities, and the Project will eliminate a "naturally affordable," smaller and older single family home.

#### 4. Proposition M Priority General Plan Policy Findings.

The Project fails to comply with three of the eight priority-planning policies codified in Planning Code Section 101.1:

- That the City's supply of affordable housing be preserved and enhanced;
- That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;
- That our parks and open space and their access to sunlight and vistas be protected from development.

The Project does not create affordable housing and reduces access to sunlight from private open space areas. With a parking ratio of one to one, the addition of three, three bedroom units and three off-street parking spaces adds to traffic congestion and overburdens neighborhood streets and parking.

Based on the facts in the record and given the weight of importance given to consideration of light, air and privacy impacts on neighboring properties, reasonable conditions (including those required by the Residential Design Guidelines) must be imposed to minimize the Project's adverse impacts.

Accordingly, reducing the building height to three stories, would substantially minimize shadow impacts on neighboring properties, bring the building closer to conformance with surrounding buildings, and still accommodate three housing units. Treating or painting the northern wall of the building would minimize the loss of light and mitigate for boxing in the Appellants' rear yard open space. Finally, limiting the permitted hours of construction would provide a safeguard against excessive noise.

## II. CATEGORICAL EXEMPTION DETERMINATION

### A. The Categorical Exemption Determination Fails To Identify The Conditional Use Authorization As An Approval Required For The Project.

Pursuant to the City's CEQA Guidelines, the Environmental Review Officer must post on the Planning Department website specific information about an exemption determination. For projects that involve the issuance of multiple discretionary permits or other project approvals, the Environmental Review Officer must identify any additional discretionary approvals required other than the Approval Action that are known to the Environmental Review Officer at the time of the issuance of the exemption determination, and post this information on the Planning Department website. (SFAC Sec. 31.08(e)(1)(B).)

Here, the CEQA Categorical Exemption Determination lists as the Project Approval Action, only the "Building Permit." (*Id.*, p. 4.) The determination describes the Project as the demolition of the two-story single-family home and construction of a four-story building containing three residences

and three parking spaces. (CEQA Categorical Exemption Determination, p. 1.) It does not, however, include any information that conditional use authorization is required for the Project, and therefore, the content requirements for an exemption determination is not satisfied.

**B. The Notice of Public Hearing Failed to Inform The Public That an Exemption Determination Was Made.**

For any demolition of an existing structure, the Environmental Review Officer is required to prepare a written exemption determination and provide notice to the public. (SFAC Sec. Section 31.08(e)(3).) Notice of public hearing on the Approval Action<sup>1</sup> for a project determined to be exempt from CEQA must, in part, "Inform the public of the exemption determination and how the public may obtain a copy of the exemption determination." (SFAC Sec. 31.08(f).)

Here, the Notice of Public Hearing on the Conditional Use Authorization held on October 12, 2017, does not inform the public of the exemption determination but instead suggests that an exemption determination may have been made by stating, "[i]f, as part of this process, the Department's Environmental Review Officer has deemed this project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained through the Exemption Map..." The requirement that the public be informed that the exemption determination was made was not met.

**C. The Environmental Review Officer Failed to Make a Determination of Whether The Changes to the Project Were Substantial.**

Where a project that the Environmental Review Officer has determined to be exempt is changed prior to any subsequent approval actions, the Environmental Review Officer must determine whether the change is a substantial modification. (SFAC Sec. 31.08(i).)

A substantial modification of an exempt project requiring reevaluation under Section 31.19(b) can mean new information or evidence of substantial importance presented to the Environmental Review Officer that was not known and could not have been known with the exercise of reasonable diligence at the time the Environmental Review Officer issued the exemption determination that shows the project no longer qualifies for the exemption.

Even if the Environmental Review Officer determines that a change in an exempt project is not a substantial modification, she is required to post a notice of the determination in the offices of the Planning Department and on the Planning Department website and mail such notice to the applicant, board(s), commission(s) or department(s) that will carry out or approve the project, and to any organizations and individuals who previously have requested such notice in writing. (SFAC Sec. 37.08(j).)

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<sup>1</sup> For a private project seeking an entitlement from the City and determined to be exempt from CEQA, "Approval Action" means the first approval of the project in reliance on the exemption by the City Planning Commission following a noticed public hearing. (SFAC Sec. 31.04(h).)

London Breed, President  
San Francisco Board of Supervisors  
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Here, the project was changed after the exemption determination was made and before the Conditional Use Authorization was approved, but the Environmental Review Officer never made a determination of whether the project changes constituted a substantial modification requiring reevaluation. The City's Property Information Map indicates that on July 5, 2016, two building permit applications were filed. Building Permit Application No. 201607051548 is to erect the four-story, three-unit residential building, and Building Permit Application No. 201607051544 is to demolish the two-story single family dwelling. (EXHIBIT 3.)

On the same day, July 5, 2016, CEQA Clearance was issued by the Planning Department. (EXHIBIT 4.) However, the Categorical Exemption Determination, signed by Planner Stephanie Cisneros on June 29, 2016, references plans dated January 7, 2016. This predates the submittal of the applications and presumably was based on pre-application information submitted by the Project applicant.

The planning application for demolition is dated July 20, 2017. (EXHIBIT 5.) The conditions of approval for the Conditional Use Authorization as approved by the Planning Commission require conformance with plans dated September 8, 2017. (Motion No. 20025, Exh. B.)

Once the Project was changed, i.e., updated plans were submitted, the Environmental Review Officer was required to make a determination of whether the changes were substantial and required reevaluation. This was not done.

The cursory process utilized by the City in issuing the Categorical Exemption Determination undermined the stated purposes of CEQA and the City's implementing regulations, among them to: (a) provide decision makers and the public with meaningful information regarding the environmental consequences of proposed activities; (b) identify ways that environmental damage can be avoided or significantly reduced; (c) provide for public input in the environmental review process; (d) bring environmental considerations to bear at an early stage of the planning process, and to avoid unnecessary delays or undue complexity of review; and (e) prevent significant avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the government agency finds the changes to be feasible.

If the Environmental Review Officer had followed the proper procedures, the Appellants may have had an opportunity to present their shadow study as new evidence of potential aesthetics impacts for the City's consideration earlier in the process. While a shadow analysis technically is not required for a project that does not exceed 40 feet in height, a proper and more transparent environmental review process that engaged the neighborhood may have brought to bear at an earlier stage, the potential impacts of the Project, as well as feasible changes or measures to avoid those impacts.

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**D. Class 1 and Class 3 Categorical Exemptions Do Not Apply Because There Are Unusual Circumstances Such That The Proposed Project Will Result in a Significant Effect on the Environment.**

If there is a "reasonable possibility" that an activity will have a significant effect on the environment due to "unusual circumstances," an agency may not find the activity to be categorically exempt from CEQA. (14 Cal Code Regs., Sec. 15300.2(c).) Here, the Project presents unusual circumstances because it is a key lot and the horizontal expansion of the building will directly impact the rear property line of abutting lots by essentially creating a four-story wall along those lot lines. There is a reasonable possibility that significant environmental impacts would result from these unusual circumstances. The shadow study provides relevant evidence to support a fair argument that a significant impact on the environment may occur in the area of aesthetics, by degrading the existing visual character of the site and its surroundings, and in the area of land use and planning, by conflicting with applicable land use policies and regulations adopted for the purpose of avoiding or mitigating an environmental effect.

Based on the foregoing, we respectfully request that you set aside the Categorical Exemption Determination and require that proper environmental review in full conformance with CEQA and the City's implementing regulations be undertaken prior to the final approval of the Project.

Very truly yours,

  
Robia S. Crisp

Attachments

cc: Lisa Gibson, Environmental Review Officer  
Steven Vettel, Esq. (Via E-Mail SVettel@fbm.com)  
Alex Bernstein (Via E-Mail alex@kingfisherinvestment.com)  
Sonia Daccarett (Via E-Mail sdaccarett@gmail.com)  
Michael Donner, Esq.  
Paul Mabry, Esq.

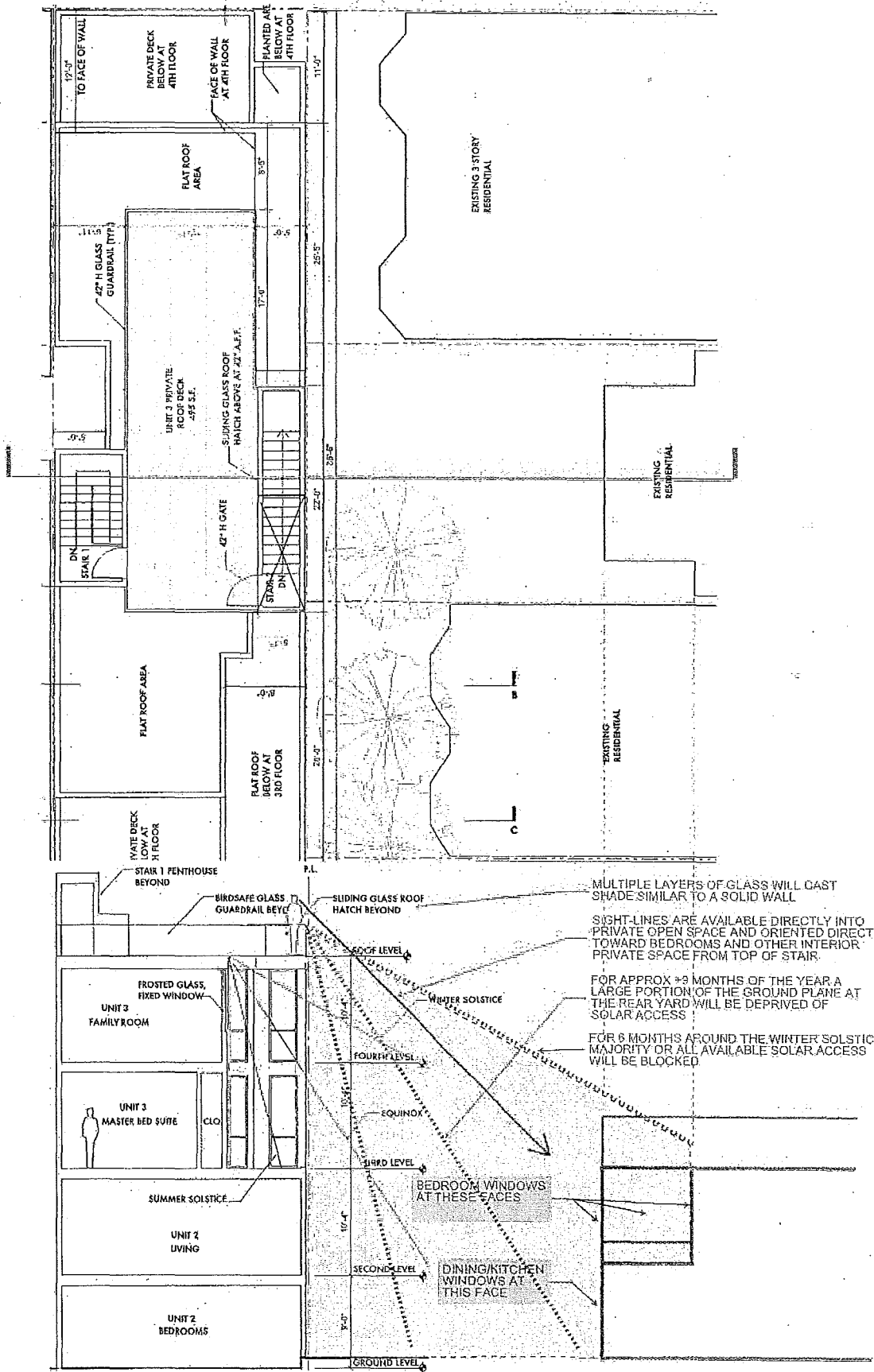
London Breed, President  
San Francisco Board of Supervisors  
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EXHIBIT LIST

- EXHIBIT 1 LIGHT ANALYSIS
- EXHIBIT 2 SHADOW STUDY PRESENTATION
- EXHIBIT 3 SF PROPERTY INFORMATION MAP—BUILDING PERMITS REPORT
- EXHIBIT 4 SF PROPERTY INFORMATION MAP—PLANNING APPLICATIONS REPORT
- EXHIBIT 5 PROJECT PLANNING APPLICATION FORMS

**EXHIBIT 1**





218 27TH AVENUE RESIDENCES  
 BLOCK 1388 LOT 28 SAN FRANCISCO, CA

TRANSVERSE SECTION THROUGH ADJACENT  
 PROPERTY AT 2545 LAKE STREET

**EXHIBIT 2**

SF Planning Commission Hearing  
218 27<sup>th</sup> Avenue

Analysis Discussion

12 October 2017

## We are deeply concerned

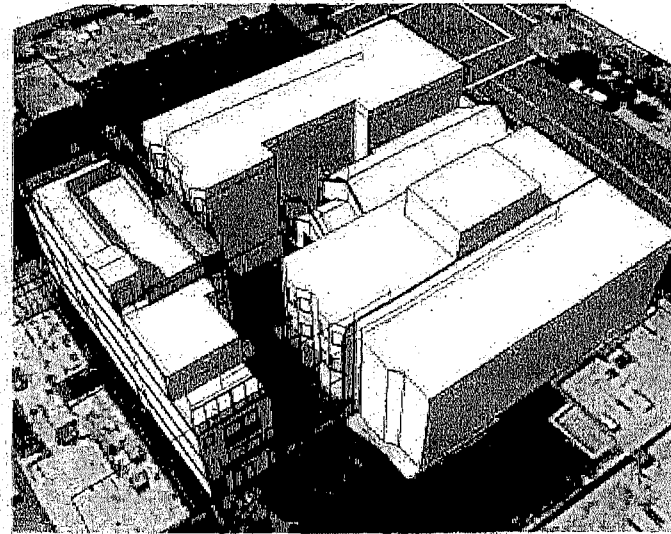
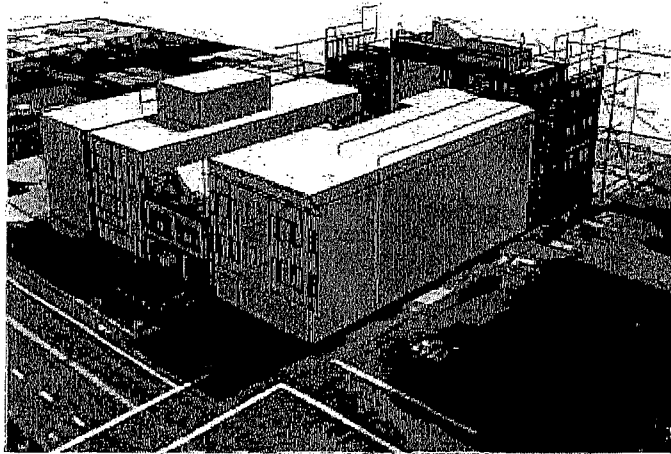
- We understand you are pretty far down the path with this review.
- We would like to share some information you have not yet been shown.
- Ask you to recognize the submitted documents largely excluded analysis of 2545 Lake St. and did not clearly show impact to adjacent buildings.
- The Staff's Recommendation of Approval is premature due to the incomplete information.
- We are asking for your action to be consistent with that recorded on other recent similar proposals .
- We hope you will agree the changes we are requesting are essential for the community.

## **Privacy and Light**

- The impact is significant and cannot be visualized clearly based on the documents provided to you.
- These points will be an issue for all 3 of the adjacent parcels and their many residents.

## Creating a chasm

- To aid in the analysis and explanation, we have generated an accurate 3 dimensional model of the proposal and the adjacent properties based on the current set provided by the applicant. Intentional or not, this information is not represented in the package you have been provided.
- The result of the current design is a chasm which will be deprived of privacy and light

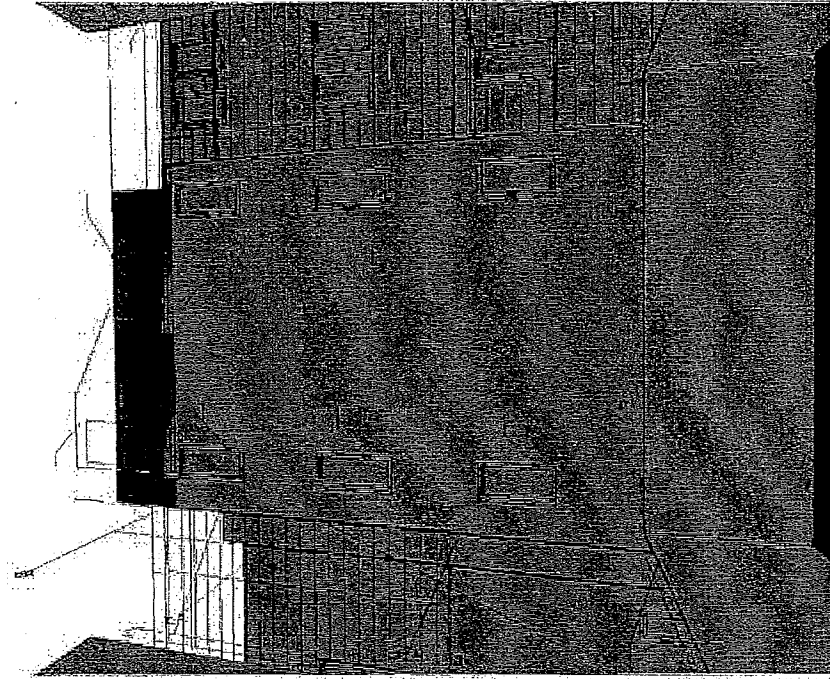
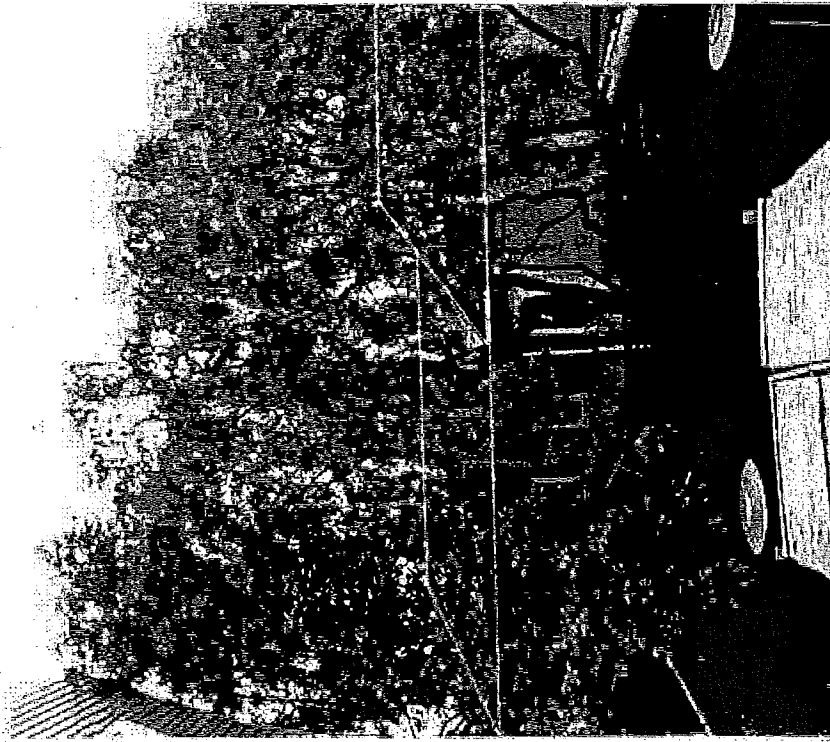


2415

Background

218 27<sup>th</sup> Avenue  
SF Planning Commission

**Creating a chasm - Comparison**



Background

218 27<sup>th</sup> Avenue  
SF Planning Commission

## Shadows cast by the proposed project – Most severe at Winter Solstice

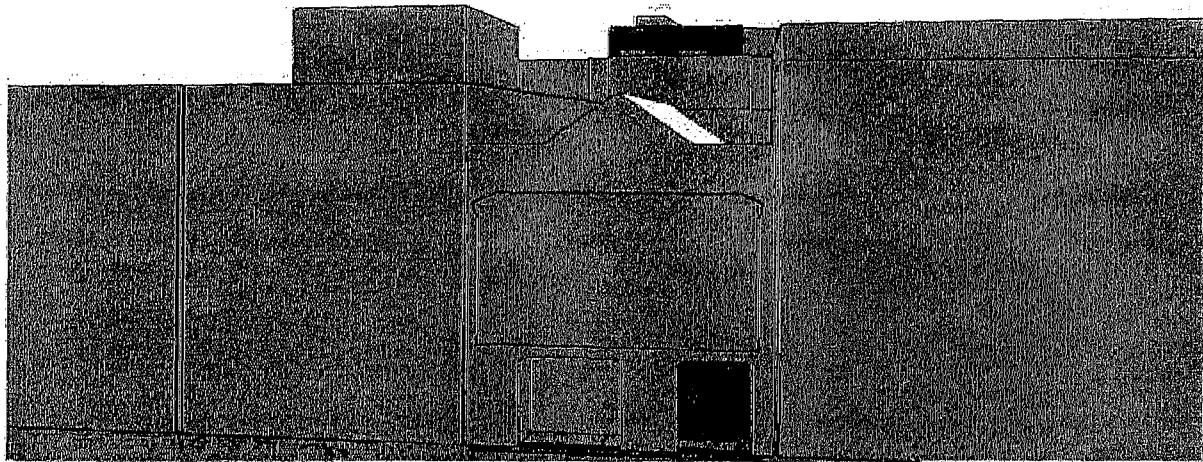
### Issue:

There are significant shadow impacts to the adjacent existing properties that has not been clearly exhibited in the submitted documents

### Recommendation:

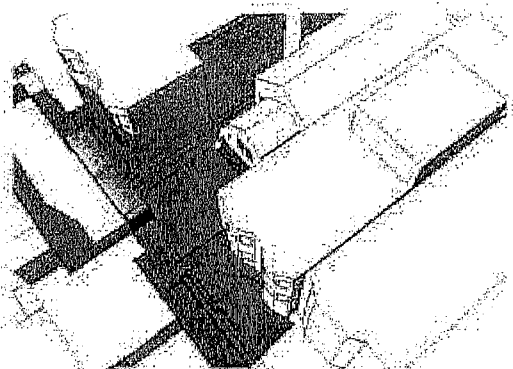
Condition the project to a height not to exceed that of 210 27<sup>th</sup> Ave. (removal of 1 floor)

Resulting mass still allows enough area for 3 typical units.

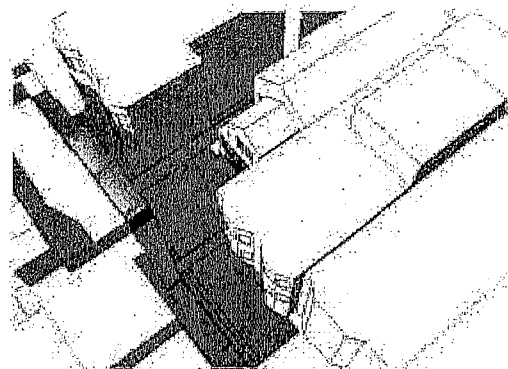


2417

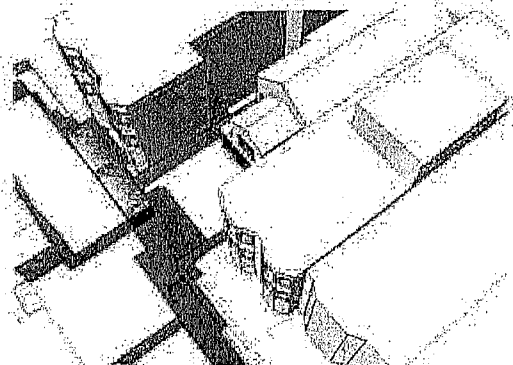
## Shadows cast by the proposed project – Most severe at Winter Solstice



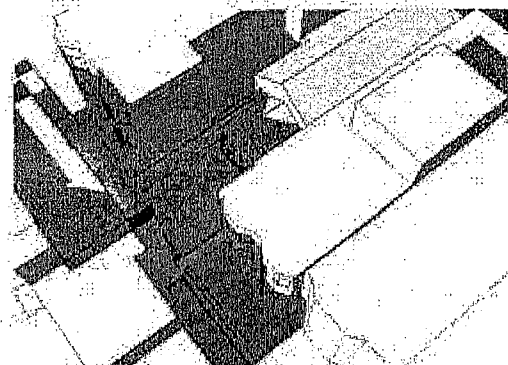
Spring Equinox - March



Fall Equinox - September



Summer Solstice - June



Winter Solstice - December

### Issue:

There are significant shadow impacts to the adjacent existing properties that has not been clearly exhibited in the submitted documents

### Recommendation:

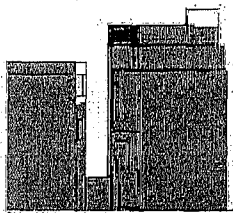
Condition the project to a height not to exceed that of 210 27<sup>th</sup> Ave. (removal of 1 floor)

Resulting mass still allows enough area for 3 typical units.

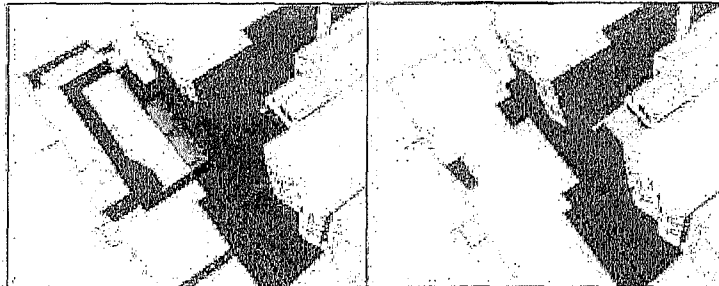


Limit the Shadows cast by the proposed project – Our Recommendation:  
 Remove the Roof Deck and 1 Floor of the Building

2419



4 Levels + Roof Deck



4 Levels

3 Levels

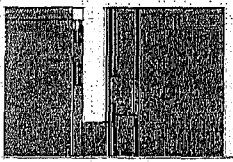
Spring Equinox - March



4 Levels

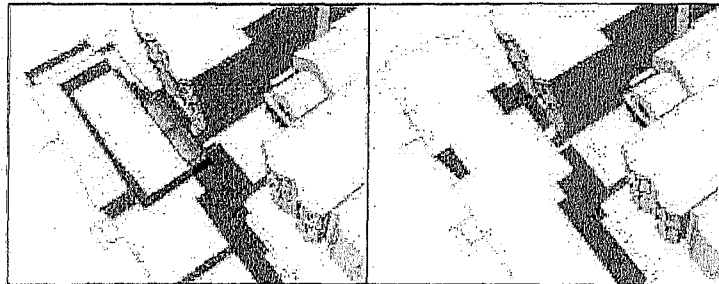
3 Levels

Fall Equinox - September



3 Levels

Consistent with context  
 of other heights in the  
 neighborhood



4 Levels

3 Levels

Summer Solstice - June

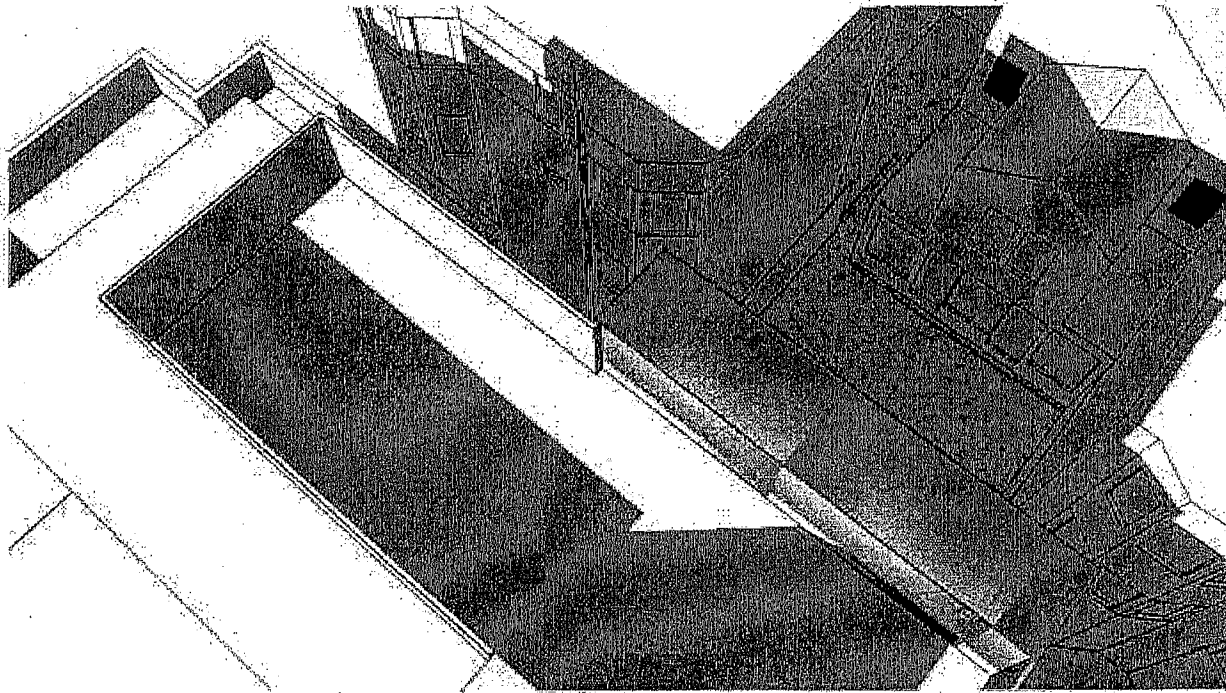


4 Levels

3 Levels

Winter Solstice - December

## View from the Unit 3 Private Roof Deck and Side Windows



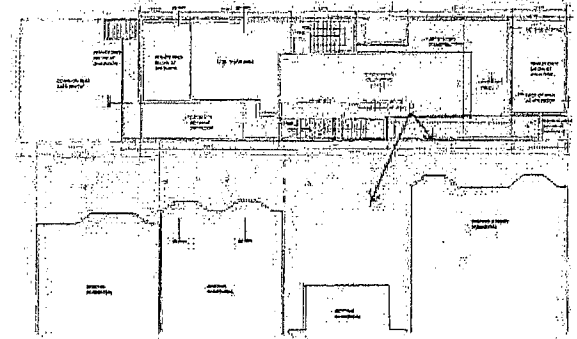
### **Issue:**

There is direct visual access into private interior and outdoor spaces from the Unit 3 Private Roof Deck.

### **Recommendation:**

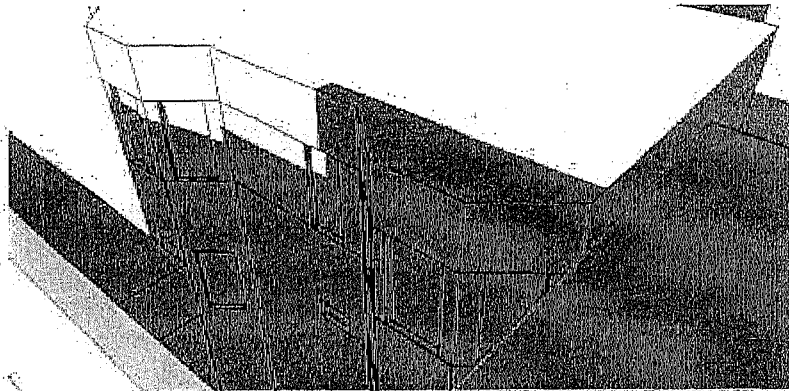
Condition the project to remove any roof deck and all roof access other than that required for maintenance.

Frosted windows at side elevations must be inoperable

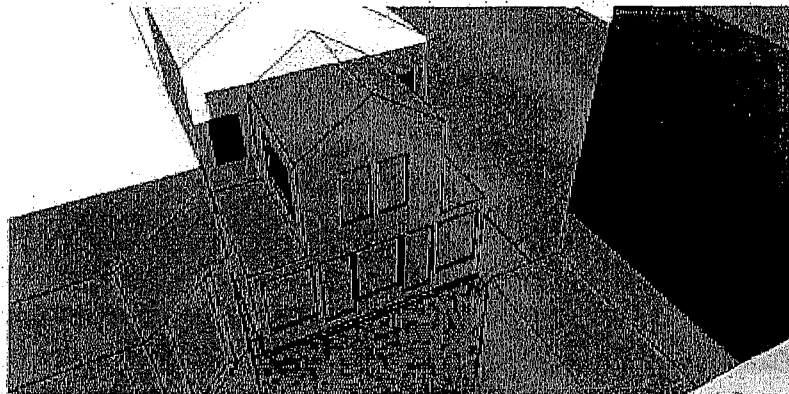


2420

## View from the Unit 3 Private Roof Deck



View from Roof Deck toward 210 27<sup>th</sup> Ave.



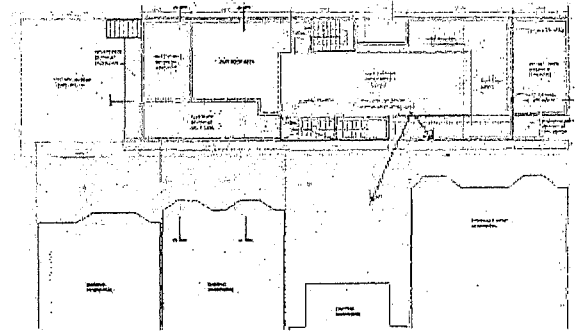
View from Roof Deck toward 2454 Lake St.

### Issue:

There is direct visual access into private interior and outdoor spaces from the Unit 3 Private Roof Deck

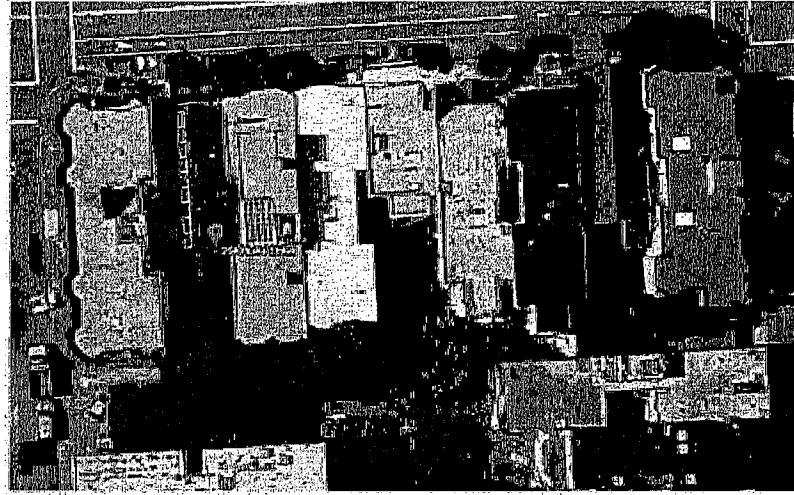
### Recommendation:

Condition the project to remove any roof deck and all roof access other than such required for maintenance.



## Shadow Impact on Tree Health

2422



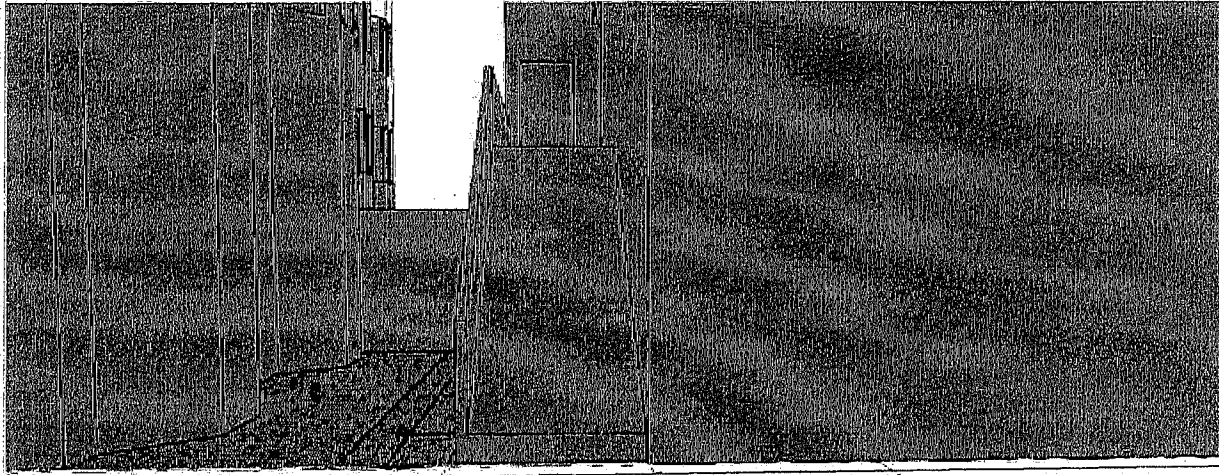
### **Issue:**

Shadow cast by buildings impacts the viability of biological resources. Limiting the project height will allow for healthy tree growth.

### **Recommendation:**

Condition the project to a height not to exceed that of 210 27<sup>th</sup> Ave. (removal of 1 level and roof deck). Include language protecting existing tree roots and canopy.

## View from the Common Entry Deck

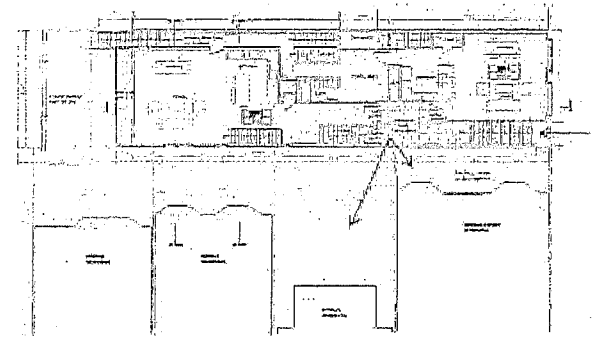


### **Issue:**

There is direct visual access into private interior and outdoor spaces from the Common Entry Deck

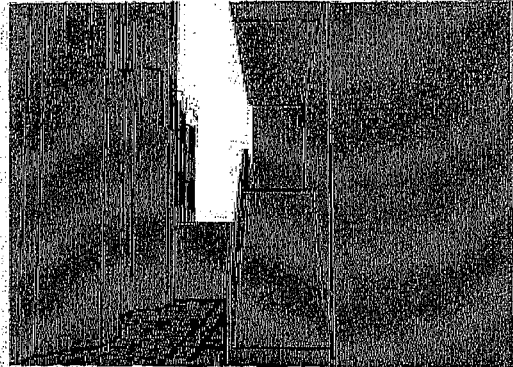
### **Recommendation:**

Condition the project to include an opaque screen or panel to prevent the invasive sightlines.

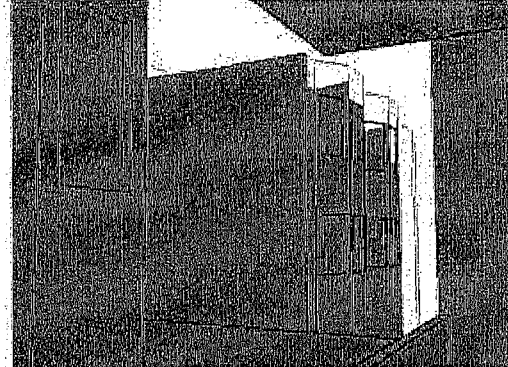


2423

## View from the Common Entry Deck



Common Entry Stair



Into Apartments



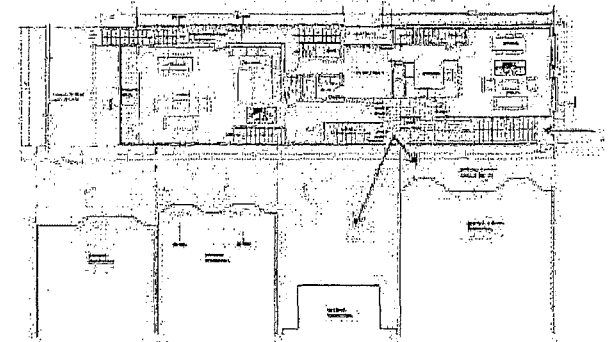
Into 2454 yard/interior

### Issue:

There is direct visual access into private interior and outdoor spaces from the Common Entry Deck

### Recommendation:

Condition the project to include an opaque screen or panel to prevent the invasive sightlines.



## **Summary – We request the following changes/conditions:**

1. Condition the project to a height not to exceed that of 210 27<sup>th</sup> Ave., removing 1 floor.
2. Condition the project to remove any roof deck and all roof access other than that minimally required for maintenance.
3. Direct that frosted windows at side elevations must be inoperable.
4. Require that an arborist regularly observe the construction, particularly during the demolition and subsequent placement of the foundation to report on the conditions and make recommendations to ensure the health of existing adjacent trees.
5. Direct that the Entry Stair and Common Entry Deck include an opaque screen or panel along the side railing extending above eye-level.

2425

**EXHIBIT 3**





## SAN FRANCISCO PLANNING DEPARTMENT

### Report for: 218 27TH AVENUE

#### Building Permits Report: 218 27TH AVENUE

Applications for Building Permits submitted to the Department of Building Inspection.

#### BUILDING PERMITS:

<b>Permit:</b>	<u>201607051548</u>
<b>Form:</b>	2 - New Wood Construction
<b>Filed:</b>	7/5/2016
<b>Address:</b>	218 27TH AV
<b>Parcel:</b>	1386/038
<b>Existing:</b>	
<b>Proposed:</b>	APARTMENTS
<b>Existing Units:</b>	0
<b>Proposed Units:</b>	3
<b>Status:</b>	<b>TRIAGE</b>
<b>Status Date:</b>	7/5/2016 10:58:55 AM
<b>Description:</b>	TO ERECT 4 STORIES, 3 UNITS RESIDENTIAL BUILDING.
<b>Cost:</b>	\$1,400,000.00
<b>Permit:</b>	<u>201607051544</u>
<b>Form:</b>	6 - Demolition
<b>Filed:</b>	7/5/2016
<b>Address:</b>	218 27TH AV
<b>Parcel:</b>	1386/038
<b>Existing:</b>	1 FAMILY DWELLING
<b>Proposed:</b>	
<b>Existing Units:</b>	1
<b>Proposed Units:</b>	0
<b>Status:</b>	<b>TRIAGE</b>
<b>Status Date:</b>	7/5/2016 10:51:19 AM
<b>Description:</b>	TO DEMOLISH 2 STORY SINGLE FAMILY DWELLING.
<b>Cost:</b>	\$15,000.00
<b>Permit:</b>	<u>200809040764</u>
<b>Form:</b>	8 - Alterations Without Plans
<b>Filed:</b>	9/4/2008
<b>Address:</b>	218 27TH AV
<b>Parcel:</b>	1386/038
<b>Existing:</b>	1 FAMILY DWELLING
<b>Proposed:</b>	1 FAMILY DWELLING
<b>Existing Units:</b>	0
<b>Proposed Units:</b>	0

Status: COMPLETE  
Status Date: 10/22/2008  
Description: REROOFING  
Cost: \$16,970.00

*The Disclaimer: The City and County of San Francisco (CCSF) does not guarantee the accuracy, adequacy, completeness or usefulness of any information. CCSF provides this information on an 'as is' basis without warranty of any kind, including but not limited to warranties of merchantability or fitness for a particular purpose, and assumes no responsibility for anyone's use of the information.*

Printed: 11/30/2017

<http://propertymap.sfpplanning.org>

**EXHIBIT 4**



## SAN FRANCISCO PLANNING DEPARTMENT

### Report for: 218 27TH AVENUE

Planning Applications Report: 218 27TH AVENUE

Permits are required in San Francisco to operate a businesses or to perform construction activity. The Planning Department reviews most applications for these permits in order to ensure that the projects comply with the Planning Code. The 'Project' is the activity being proposed.

#### PLANNING APPLICATIONS:

##### **2016-003258CUA**

Laura Ajello Tel: 415-575-9142

**Conditional Use Authorization (CUA)** 218 27th Avenue

Demolition of a single family home and new construction of a 3-unit apartment building.

OPENED	STATUS	ADDRESS	FURTHER INFO
8/15/2016	Closed - Approved 11/9/2017	218 27TH AVE 94121	<a href="#">Related Documents</a> <a href="#">View in ACA</a>

RELATED RECORDS: [2016-003258PRJ](#)  
- [2016-003258CUA](#)  
- [2016-003258APL](#)

##### **2016-003258PRJ**

Laura Ajello Tel: 415-575-9142

**Project Profile (PRJ)** 218 27th Avenue

Demolition of a single family home and new construction of a 3-unit apartment building.

OPENED	STATUS	ADDRESS	FURTHER INFO	PROJECT FEATURES
3/11/2016	<b>Under Review</b> 9/26/2017	218 27TH AVE 94121	<a href="#">Related Documents</a> <a href="#">View in ACA</a>	

RELATED RECORDS: [2016-003258PRJ](#)  
- [2016-003258CUA](#)  
- [2016-003258ENV](#)

RELATED BUILDING PERMITS: Loading...

##### **2016-003258ENV**

Stephanie Cisneros Tel: 415-575-9186

**Environmental (ENV)** 218 27th Avenue

Demolish existing two-story single-family home and construct a four-story building containing three residences and three parking spaces.

OPENED	STATUS	ADDRESS	FURTHER INFO

3/11/2016

Closed - CEQA Clearance 218 27TH AVE 94121  
Issued  
7/5/2016

[Related Documents](#)  
[View in ACA](#)

**RELATED RECORDS:** [2016-003258PRJ](#)  
- [2016-003258ENV](#)  
- [2016-003258APL-02](#)

**PERMITTED SHORT TERM RENTALS:**

None

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Printed: 11/30/2017

<http://propertymap.sfplanning.org>

**EXHIBIT 5**

# APPLICATION FOR Conditional Use Authorization

## 1. Owner/Applicant Information

PROPERTY OWNER'S NAME:

The Toboni Group

PROPERTY OWNER'S ADDRESS:

3364 Sacramento Street  
San Francisco, CA 94118

TELEPHONE:

(415 ) 828-0717

EMAIL:

jtoboni@tobonigroup.com

APPLICANT'S NAME:

Same as Above

APPLICANT'S ADDRESS:

TELEPHONE:

( )

EMAIL:

CONTACT FOR PROJECT INFORMATION:

Jlone Dick

ADDRESS:

Farella Braun + Martel, LLP  
235 Montgomery  
San Francisco, CA. 94104

TELEPHONE:

(415 ) 954-4958

EMAIL:

jdick@fbm.com

Same as Above

COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THE ZONING ADMINISTRATOR):

ADDRESS:

TELEPHONE:

( )

EMAIL:

Same as Above

## 2. Location and Classification

STREET ADDRESS OF PROJECT:

218-27th Avenue

ZIP CODE:

94121

CROSS STREETS:

Lake and California Streets

ASSESSORS BLOCK/LOT:

1386 / 038

LOT DIMENSIONS:

25'x120'

LOT AREA (SQ FT):

2,996

ZONING DISTRICT:

RM-1

HEIGHT/BULK DISTRICT:

40-X

3. Project Description

(Please check all that apply)

- Change of Use
- Change of Hours
- New Construction
- Alterations
- Demolition
- Other Please clarify:

ADDITIONS TO BUILDING:

- Rear
- Front
- Height
- Side Yard

PRESENT OR PREVIOUS USE:

Single family home

PROPOSED USE:

3-dwelling units

BUILDING APPLICATION PERMIT NO.:

201607051548 - new  
 201607051544 - demo

DATE FILED:

7/5/16

4. Project Summary Table

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

	EXISTING USES	EXISTING USES TO BE RETAINED	NET NEW CONSTRUCTION AND/OR ADDITION	PROJECT TOTALS
<b>PROJECT FEATURES</b>				
Dwelling Units	1		3	3
Hotel Rooms				
Parking Spaces	2		3	3
Loading Spaces				
Number of Buildings	1		1	1
Height of Building(s)	25'		40'	40'
Number of Stories	2		4	4
Bicycle Spaces			2	3
<b>GROSS SQUARE FOOTAGE (GSF)</b>				
Residential	1,200		5,245	5,245
Retail				
Office				
Industrial/PDR <small>Production, Distribution, &amp; Repair</small>			950	950
Parking	800			
Other (Specify Use)				
<b>TOTAL GSF</b>	<b>2,000</b>		<b>6,195</b>	<b>6,195</b>

Please describe any additional project features that are not included in this table:  
 (Attach a separate sheet if more space is needed)



5. Action(s) Requested (Include Planning Code Section which authorizes action)

Table 209.2 requires conditional use authorization for removal of dwelling units in RM-1 districts. Section 317(g) (5)(A)-(R) requires findings regarding the proposed dwelling unit removal.

## Conditional Use Findings

Pursuant to Planning Code Section 303(c), before approving a conditional use authorization, the Planning Commission needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding.

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 Master Plan.

See attached.

## Priority General Plan Policies Findings

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed projects and demolitions are consistent with eight priority policies set forth in Section 101.1 of the City Planning Code. These eight policies are listed below. Please state how the project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. IF A GIVEN POLICY DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

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

See attached.

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

See attached.

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

See attached.

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

See attached.

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

See attached.

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

See attached.

7. That landmarks and historic buildings be preserved; and

See attached.

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

See attached.

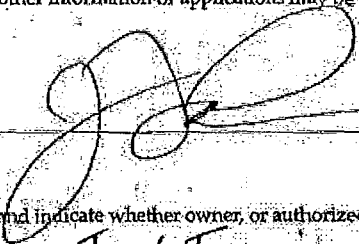
## Estimated Construction Costs

CU	
R-2	
6,540 gsf	Residential -5,530
	Garage-1,010
\$1,415,000	
Ilene Dick	
\$11,430.30	

## Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Signature: 

Date: 7/20/16

Print name, and indicate whether owner, or authorized agent:

Joseph Toarsi  
Owner / Authorized Agent (circle one)  
Mgr 218 - 27th Ave LLC

# Application Submittal Checklist

Applications listed below submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and signed by the applicant or authorized agent and a department staff person.

APPLICATION MATERIALS	CHECKLIST
Application, with all blanks completed	<input checked="" type="checkbox"/>
300-foot radius map, if applicable	<input type="checkbox"/>
Address labels (original), if applicable	<input type="checkbox"/>
Address labels (copy of the above), if applicable	<input type="checkbox"/>
Site Plan	<input checked="" type="checkbox"/>
Floor Plan	<input checked="" type="checkbox"/>
Elevations	<input checked="" type="checkbox"/>
Section 303 Requirements	<input checked="" type="checkbox"/>
Prop. M Findings	<input checked="" type="checkbox"/>
Historic photographs (if possible), and current photographs	<input checked="" type="checkbox"/>
Check payable to Planning Dept.	<input checked="" type="checkbox"/>
Original Application signed by owner or agent	<input checked="" type="checkbox"/>
Letter of authorization for agent	<input type="checkbox"/>
Other: Section Plan, Detail drawings (i.e. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (i.e. windows, doors)	<input type="checkbox"/>

**NOTES:**

- Required Material. Write "N/A" if you believe the item is not applicable, (e.g. letter of authorization is not required if application is signed by property owner.)
- Typically would not apply. Nevertheless, in a specific case, staff may require the item.
- Two sets of original files and one copy of addresses of adjacent property owners and owners of property across street.

After your case is assigned to a planner, you will be contacted and asked to provide an electronic version of this application including associated photos and drawings.

Some applications will require additional materials not listed above. The above checklist does not include material needed for Planning review of a building permit. The "Application Packet" for Building Permit Applications lists those materials.

No application will be accepted by the Department unless the appropriate column on this form is completed. Receipt of this checklist, the accompanying application, and required materials by the Department serves to open a Planning file for the proposed project. After the file is established it will be assigned to a planner. At that time, the planner assigned will review the application to determine whether it is complete or whether additional information is required in order for the Department to make a decision on the proposal.

For Department Use Only

Application received by Planning Department:

By:

Date:

APPLICATION FOR

# Dwelling Unit Removal Merger, Conversion, or Demolition

1. Owner/Applicant Information

PROPERTY OWNER'S NAME:

The Toboni Group

PROPERTY OWNER'S ADDRESS:

2264 Sacramento Street  
SF, CA. 94118

TELEPHONE:

(415) 828-0717

EMAIL:

jtoboni@tobonigroup.com

APPLICANT'S NAME:

APPLICANT'S ADDRESS:

TELEPHONE:

( )

EMAIL:

Same as Above

CONTACT FOR PROJECT INFORMATION:

Irene Dick

ADDRESS:

235 Montgomery, 17th Flr.  
SF, CA 94104

TELEPHONE:

(415) 954-4958

EMAIL:

idick@wfbm.com

Same as Above

COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THE ZONING ADMINISTRATOR):

ADDRESS:

TELEPHONE:

( )

EMAIL:

Same as Above

2. Location and Classification

STREET ADDRESS OF PROJECT:

218-27th Avenue

ZIP CODE:

94121

CROSS STREETS:

Lake & California Streets

ASSESSORS BLOCK/LOT:

1386 / 038

LOT DIMENSIONS:

25' x 120'

LOT AREA (SQ FT):

2,996

ZONING DISTRICT:

RM-1

HEIGHT/BULK DISTRICT:

40-X

3. Project Type and History

(Please check all that apply)

- New Construction
- Alterations
- Demolition
- Other Please clarify:

ADDITIONS TO BUILDING:	BUILDING PERMIT NUMBER(S):	DATE FILED:	
	<input type="checkbox"/> Rear	2016 07051548 - Construct	7/5/16
	<input type="checkbox"/> Front	2016 07051544 - DEMO	
	<input type="checkbox"/> Height	DATE OF PROPERTY PURCHASE (MM/DD/YYYY)	
<input type="checkbox"/> Side Yard	08/06/2015		
ELLIS ACT		YES NO	
Was the building subject to the Ellis Act within the last decade?		<input type="checkbox"/> <input checked="" type="checkbox"/>	

4. Project Summary Table

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

	EXISTING USES	EXISTING USES TO BE RETAINED	NET NEW CONSTRUCTION AND/OR ADDITION	PROJECT TOTALS
PROJECT FEATURES				
Dwelling Units	1		3	3
Hotel Rooms				
Parking Spaces	2		3	3
Loading Spaces				
Number of Buildings	1		1	1
Height of Building(s)	25'		40'	40'
Number of Stories	2		4	4
Bicycle Spaces			3	3
GROSS SQUARE FOOTAGE (GSF)				
Residential	1,200		5,245	5,245
Retail				
Office				
Industrial/PDR <small>Production, Distribution, &amp; Repair</small>				
Parking	800		950	950
Other (Specify Use)				
TOTAL GSF	2,000		6,195	6,195

5. Additional Project Details:

UNITS	EXISTING	PROPOSED	NET CHANGE:
Owner-occupied Units:	1 - vacant	3	2
Rental Units:			
Total Units:	1	3	2
Units subject to Rent Control:			
Vacant Units:	1		(1)

BEDROOMS	EXISTING	PROPOSED	NET CHANGE:
Owner-occupied Bedrooms:	2 - vacant	9	6
Rental Bedrooms:			
Total Bedrooms:	3	9	6
Bedrooms subject to Rent Control:			

6. Unit Specific Information

	UNIT NO.	NO. OF BEDROOMS	GSF	OCCUPANCY	ADDITIONAL CRITERIA (check all that apply)
EXISTING	218	3	2,720	<input checked="" type="checkbox"/> OWNER OCCUPIED <input type="checkbox"/> RENTAL	<input type="checkbox"/> ELLIS ACT <input checked="" type="checkbox"/> VACANT <input type="checkbox"/> RENT CONTROL
PROPOSED	1	3	1,270	<input checked="" type="checkbox"/> OWNER OCCUPIED <input type="checkbox"/> RENTAL	
EXISTING				<input type="checkbox"/> OWNER OCCUPIED <input type="checkbox"/> RENTAL	<input type="checkbox"/> ELLIS ACT <input type="checkbox"/> VACANT <input type="checkbox"/> RENT CONTROL
PROPOSED	2	3	1,650	<input checked="" type="checkbox"/> OWNER OCCUPIED <input type="checkbox"/> RENTAL	
EXISTING				<input type="checkbox"/> OWNER OCCUPIED <input type="checkbox"/> RENTAL	<input type="checkbox"/> ELLIS ACT <input type="checkbox"/> VACANT <input type="checkbox"/> RENT CONTROL
PROPOSED	3	3	2,225	<input checked="" type="checkbox"/> OWNER OCCUPIED <input type="checkbox"/> RENTAL	

7. Other Information

Please describe any additional project features that were not included in the above tables:  
(Attach a separate sheet if more space is needed)



## Priority General Plan Policies – Planning Code Section 101.1 (APPLICABLE TO ALL PROJECTS)

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed alterations and demolitions are consistent with eight priority policies set forth in Section 101.1 of the Planning Code. These eight policies are listed below. Please state how the Project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. If a given policy does not apply to your project, explain why it is not applicable.

Please respond to each policy; if it's not applicable explain why.

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

*see attached*

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

*see attached*

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

*see attached*

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

*see attached*

Please respond to each policy; if it's not applicable explain why:

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

*see attached*

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

*see attached*

7. That landmarks and historic buildings be preserved; and

*see attached*

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

*see attached*

# Dwelling Unit Demolition

## (SUPPLEMENTAL INFORMATION)

Pursuant to Planning Code Section 317(d), Residential Demolition not otherwise subject to a Conditional Use Authorization shall be either subject to a Mandatory Discretionary Review hearing or will qualify for administrative approval.

Administrative approval only applies to:

- (1) single-family dwellings in RH-1 and RH-1(D) Districts proposed for Demolition that are not affordable or financially accessible housing (valued by a credible appraisal within the past six months to be greater than 80% of combined land and structure value of single-family homes in San Francisco); OR
- (2) residential buildings of two units or fewer that are found to be unsound housing.

Please see the Department's website under Publications for "Loss of Dwelling Units Numerical Values".

The Planning Commission will consider the following criteria in the review of Residential Demolitions. Please fill out answers to the criteria below:

		EXISTING VALUE AND SOUNDNESS	YES	NO
1	Is the value of the existing land and structure of the single-family dwelling affordable or financially accessible housing (below the 80% average price of single-family homes in San Francisco, as determined by a credible appraisal within six months)?	N/A	<input type="checkbox"/>	<input type="checkbox"/>
	If no, submittal of a credible appraisal is required with the application.			
2	Has the housing been found to be unsound at the 50% threshold (applicable to one- and two-family dwellings)?	N/A	<input type="checkbox"/>	<input type="checkbox"/>
3	Is the property free of a history of serious, continuing code violations?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	Has the housing been maintained in a decent, safe, and sanitary condition?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Is the property a <i>historical resource</i> under CEQA?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
5	If yes, will the removal of the resource have a substantial adverse impact under CEQA? <input type="checkbox"/> YES <input type="checkbox"/> NO			
		RENTAL PROTECTION	YES	NO
6	Does the Project convert rental housing to other forms of tenure or occupancy?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
7	Does the Project remove rental units subject to the Rent Stabilization and Arbitration Ordinance or affordable housing?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
		PRIORITY POLICIES	YES	NO
8	Does the Project conserve existing housing to preserve cultural and economic neighborhood diversity?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
9	Does the Project conserve neighborhood character to preserve neighborhood cultural and economic diversity?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
10	Does the Project protect the relative affordability of existing housing?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
11	Does the Project increase the number of permanently affordable units as governed by Section 415?		<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Dwelling Unit Demolition**  
(SUPPLEMENTAL INFORMATION CONTINUED)

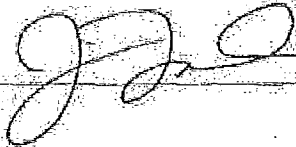
	YES	NO
12. Does the Project locate in-fill housing on appropriate sites in established neighborhoods?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13. Does the Project increase the number of family-sized units on-site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Does the Project create new supportive housing?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. Is the Project of superb architectural and urban design, meeting all relevant design guidelines, to enhance the existing neighborhood character?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Does the Project increase the number of on-site dwelling units?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Does the Project increase the number of on-site bedrooms?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Applicant's Affidavit**

Under penalty of perjury the following declarations are made:

- a. The undersigned is the owner or authorized agent of the owner of this property.
- b. The information presented is true and correct to the best of my knowledge.
- c. Other information or applications may be required.

Signature: \_\_\_\_\_



Date: \_\_\_\_\_

7.20.16

Print name, and indicate whether owner, or authorized agent:

Joseph Toroni

Owner / Authorized Agent (circle one)

mgr. 218-27th Avenue LLC

# Demolition Application Submittal Checklist

(FOR PLANNING DEPARTMENT USE ONLY)

Applications submitted to the Planning Department must be accompanied by this checklist and all required materials.

APPLICATION MATERIALS	CHECKLIST
Original Application, signed with all blanks completed	<input checked="" type="checkbox"/>
Prop. M Findings (General Plan Policy Findings)	<input checked="" type="checkbox"/>
Supplemental Information Pages for Demolition	<input checked="" type="checkbox"/>
Notification Materials Package: (See Page 4)	<input type="checkbox"/> *
Notification map	<input type="checkbox"/> *
Address labels	<input type="checkbox"/> *
Address list (printed list of all mailing data or copy of labels)	<input type="checkbox"/> *
Affidavit of Notification Materials Preparation	<input type="checkbox"/> *
Set of plans: One set full size AND two reduced size 11"x17"	<input checked="" type="checkbox"/>
Site Plan (existing and proposed)	<input checked="" type="checkbox"/>
Floor Plans (existing and proposed)	<input checked="" type="checkbox"/>
Elevations (including adjacent structures)	<input checked="" type="checkbox"/>
Current photographs	<input checked="" type="checkbox"/>
Historic photographs (if possible)	<input type="checkbox"/>
Check payable to Planning Dept. (see current fee schedule)	<input checked="" type="checkbox"/>
Letter of authorization for agent (if applicable)	<input type="checkbox"/>
Pre-Application Materials (if applicable)	<input type="checkbox"/>
Other: Section Plan, Detail drawings (i.e. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (i.e. windows, doors)	<input type="checkbox"/>

**NOTES:**

Required Material. Write "N/A" if you believe the item is not applicable. (e.g. letter of authorization is not required if application is signed by property owner.)

Typically would not apply. Nevertheless, in a specific case, staff may require the item.

\* Required upon request upon hearing scheduling.

Some applications will require additional materials not listed above. The above checklist does not include material needed for Planning review of a building permit. The "Application Packet" for Building Permit Applications lists those materials.

No application will be accepted by the Department unless the appropriate column on this form is completed. Receipt of this checklist, the accompanying application, and required materials by the Department serves to open a Planning file for the proposed project. After the file is established it will be assigned to a planner. At that time, the planner assigned will review the application to determine whether it is complete or whether additional information is required in order for the Department to make a decision on the proposal.

For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_

Date: \_\_\_\_\_



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

## APPEAL OF CONDITIONAL USE AUTHORIZATION 218 27<sup>th</sup> Avenue

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

**DATE:** December 1, 2017

**TO:** Angela Calvillo, Clerk of the Board of Supervisors

**FROM:** John Rahaim, Planning Director – Planning Department (415) 558-6411  
Laura Ajello, Case Planner – Planning Department (415) 575-9142

**RE:** Board File No. 171226, Planning Case No. 2016-003258CUA  
Appeal of the approval of Conditional Use Authorization for 218 27<sup>th</sup> Avenue

**HEARING DATE:** December 12, 2017

**ATTACHMENTS:** Planning Commission Motion No. 20025

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**PROJECT SPONSOR:** Ilene Dick of Farella + Braun + Martel, LLP, on behalf of Joe Toboni, 218 27<sup>th</sup> Ave, LLC

**APPELLANT:** Robia S. Crisp of Hanson Bridgett, LLP, on behalf of Alex Bernstein and Sonia Daccarett, 2545 Lake Street, San Francisco, CA 94121

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### INTRODUCTION

This memorandum and the attached documents are a response to the letter of appeal (“Appeal”) to the Board of Supervisors (“Board”) regarding the Planning Commission’s (“Commission”) approval of the application for Conditional Use Authorization under Planning Code Sections 303 (Conditional Use Authorization) and 317 (Loss of Dwelling Units through Demolition, Merger, and Conversion), to demolish a single-family structure and construct a new three-family structure on a 2,996 square foot lot (“the Project”).

This response addresses the Appeal to the Board filed on November 13, 2017 by Robia S. Crisp, representing neighbors in opposition to the Project. The Appeal Letter referenced the proposed Project in Case No. 2016-003258CUA.

The decision before the Board is whether to uphold, amend or overturn the Planning Commission’s approval of Conditional Use Authorization to demolish the single-family structure and construct the proposed three-family structure.

## SITE DESCRIPTION & PRESENT USE

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

## SURROUNDING PROPERTIES AND NEIGHBORHOOD

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

## PROJECT DESCRIPTION

The Project proposes the demolition of the existing two-story, single-family dwelling and the construction of a four-story, 40-foot tall, three-family residential building. The three units, designed as two-story townhouses, would range in size from approximately 1,390 square feet to 2,265 square feet. Each unit would have one off-street parking space and one Class 1 bicycle parking space in the garage on the ground floor. The Project did not require any exceptions or variances from the Planning Code; Conditional Use Authorization was required under Planning Code Section 317(d), which requires such authorization for any permit that would involve the demolition of a dwelling unit.

## BACKGROUND

On January 26, 2016, the project sponsor conducted a mandatory Pre-Application Meeting with adjacent neighbors and neighborhood organizations to describe the Project and receive initial feedback.

On March 11, 2016, Michael Leavitt of Leavitt Architecture Inc., on behalf of 218 27th Ave LLC ("Project Sponsor") filed an application with the Planning Department for a CEQA determination for the Project.

On June 29, 2016, the Planning Department determined that the Project was categorically exempt under CEQA Class 1 – alteration of existing facilities, and Class 3 – new construction or conversion of small structures, and that no further environmental review was required.

On July 5, 2016, the Project Sponsor filed Building Permit Applications with the Department of Building Inspection for the demolition of a single-family structure and the new construction of a four-story, three-family residential building.

On August 15, 2016, the Project Sponsor submitted a Conditional Use Authorization application to allow the Project to move forward.

On October 12, 2017, the Planning Commission held a duly noticed hearing at which it approved the subject Conditional Use Authorization via Resolution Number 20025 (Attached) and imposed additional conditions which included:

- 1) **Building Scale.** Increase the proposed 12 foot setback at the front of the top story to a minimum of 15 feet;
- 2) **Roof Deck.** Remove the proposed roof deck above the fourth floor;
- 3) **Roof Access.** Eliminate the proposed stair penthouse and reduce roof access to minimal Building Code requirements;
- 4) **Inoperable windows.** Render the proposed frosted windows on the north elevation inoperable;
- 5) **Arborist.** Retain an arborist to ensure the health of trees located on adjacent lots; and
- 6) **Front entry deck and stair screening.** Add an opaque privacy screen or panel at the front entry deck and stair along the north elevation.

#### **CONDITIONAL USE AUTHORIZATION REQUIREMENTS:**

Planning Code Section 303 establishes criteria for the Commission to consider when reviewing all applications for Conditional Use authorization. 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 Residential District;

In addition, Planning Code Section 317 establishes additional criteria for the Commission to consider when reviewing applications to demolish or convert residential buildings. These criteria apply to all applications to demolish or convert residential buildings. Unlike the Section 303 findings above which the Commission *must determine* have been met, the Section 317 criteria must only be *considered* by the



Commission. It is within the Commission's discretion to prioritize and apply these criteria as they see fit in determining the overall public value of a given project. The Section 317 criteria are as follows:

1. Whether the property is free of a history of serious, continuing Code violations;
2. Whether the housing has been maintained in a decent, safe, and sanitary condition;
3. Whether the property is an "historical resource" under CEQA;
4. Whether the removal of the resource will have a substantial adverse impact under CEQA;
5. Whether the project converts rental housing to other forms of tenure or occupancy;
6. Whether the project removes rental units subject to the Rent Stabilization and Arbitration Ordinance or affordable housing;
7. Whether the project conserves existing housing to preserve cultural and economic neighborhood diversity;
8. Whether the project conserves neighborhood character to preserve neighborhood cultural and economic diversity;
9. Whether the project protects the relative affordability of existing housing;
10. Whether the project increases the number of permanently affordable units as governed by Section 415;
11. Whether the project locates in-fill housing on appropriate sites in established neighborhoods;
12. Whether the project increases the number of family-sized units on-site;
13. Whether the project creates new supportive housing;
14. Whether the project is of superb architectural and urban design, meeting all relevant design guidelines, to enhance existing neighborhood character;
15. Whether the project increases the number of on-site dwelling units;
16. Whether the project increases the number of on-site bedrooms.
17. Whether or not the replacement project would maximize density on the subject lot; and
18. 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.

## APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES

The Appellant asks that the Board amend the Planning Commission's approval in order to: (1) remove side deck areas, (2) paint the north facing exterior wall white, (3) limit construction hours to 9 AM to 5 PM, and (4) reduce the building height from 40 feet to 30 feet. Specific concerns raised in the Appeal are cited below and are followed by the Department's response:

**ISSUE #1:** The appellant alleges that the Project is "out of scale, fails to maintain light to adjacent properties, and otherwise creates significant adverse shadow impacts and results in a loss of privacy to existing neighboring buildings."

**RESPONSE #1:** Numerous revisions were made during the Project's administrative design review phase and at the Project's Conditional Use Authorization hearing to ensure that the Project would be consistent with the surrounding neighborhood. The Project would construct a four-story, three-unit residential building on a nearly 3,000 square foot lot.

Forty foot-high residential buildings are permitted in Residential Mixed zoning districts as well as more restrictive residential zoning districts. By definition, RM-1 districts are characterized by a mixture of houses and apartment buildings, with a range of unit sizes, and variety of structures.

Although the subject and opposite block face predominantly consist of three-story residential buildings, there are several four-story buildings, including an 11-unit apartment building across from the subject property (at the corner of Lake Street). As seen in the Project plans, the top of the proposed third floor aligns with the adjacent building and a 15-foot front setback was required by the Commission on the fourth floor to reduce building scale at the street. A building with a similar fourth floor setback is adjacent to the Appellant's residence at 2539 Lake Street.

**ISSUE #2:** The appellant claims that the Section 303, 317 and the Proposition M findings are not supported by substantial evidence.

**RESPONSE #2:** The findings are accurate and concise, which is appropriate for this small-scale residential in-fill development. Findings of consistency require a balancing of policies and a determination of overall consistency to the relevant criteria, objective and policies. In preparing proposed findings for the Commission's consideration, the Department identified those criteria, objectives, and policies that were most applicable to the Project, as is its practice, and the Commission, in approving the motion, agreed with the Department and adopted the findings as their own.

The Project meets all applicable Code requirements and is consistent with the General Plan. The new structure is located in a multi-family zoning district and will appropriately replace a vacant single-family house with a multi-family building. The Project, which is on a key lot, has undergone design review and was appropriately reduced in mass to be sensitive to the adjacent properties.

At present, the site is underutilized from a residential capacity-perspective. The provision of four versus three units was discussed at the Planning Commission, but the Commission concluded that the need for family-sized housing outweighed the need to create additional smaller units.

In final regard to this issue, Department Staff notes that while the Appellant alleges that the Commission's findings were "not supported by substantial evidence," the Appellant has offers no suggestion as to why the evidence discussed at great length in the authorizing Motion should be considered less than substantial.

## CONCLUSION

It appears that the Appellant's primary concern relates to the height of the proposed building; he contends that the same density could be achieved without the proposed fourth story. Four stories of residential development are not uncommon in the immediate and broader neighborhood, and indeed are found (1) on a building adjacent both adjacent to the subject property and to the Appellant's residence, and (2) immediately across the street from the subject property. In the case of the latter, those four stories extend for nearly the full depth of the lot and without the 15 foot top-level front setback that would be included as part of the Project. The Project would provide for a net increase of two family-sized units; without the top floor one family-sized unit would presumably be lost, or alternately all three units would be rendered unsuitable for family occupancy. The Planning Commission weighed these options and unanimously elected to approve a project that accomplished the goals of the City with respect to the creation of new family-sized housing in a physical form appropriately responsive to neighborhood character.

**Appeal of Conditional Use Authorization**  
**Hearing Date: December 12, 2017**

**Board File No. 171226**  
**Planning Case No. 2016-003258CUA**  
**218 27<sup>th</sup> Avenue**

Additional Appellant issues include paint color and hours of construction. While Department Staff would hope that the Project Sponsor and Appellant could come to independent agreement regarding these two issues, neither is regulated under the Planning Code for a project of this type.

On balance, the project provides desperately needed family-size housing using context-sensitive massing and design while causing no displacement.

For the reasons stated above as well as in the Commission's Motion the Department recommends that the Board uphold the Commission's decision and deny the Appellant's requests.



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

## Planning Commission Motion No. 20025

HEARING DATE: OCTOBER 12, 2017

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

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

### PREAMBLE

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

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

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

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

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

### FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the east side of 27<sup>th</sup> Avenue, between California and Lake Streets, Lot 038 in Assessor's Block 1386. The property is located within the RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District. The subject property has approximately 25 feet of frontage on 27<sup>th</sup> Avenue and is approximately 120 feet deep. The large flat rectangular-shaped parcel is currently occupied by a two-story, single-family dwelling constructed circa 1917, which covers approximately 50% of the lot.
3. **Surrounding Properties and Neighborhood.** The project site is located on a key lot near the corner of Lake Street in the Outer Richmond neighborhood. The subject site is located in an RM-1 District and is surrounded by two- to 12-unit residential structures ranging in height from three to four stories. Immediately adjacent to the subject property to the north is a three-story, seven-unit building and immediately to the south is a three-story, four-unit residential building. Directly across the street are a three-story, three-family dwelling and a four-story, six-unit building. Immediately behind and to the east of the subject property is a four-story, four-unit structure. While the adjacent properties are within the RM-1 (Residential, Mixed, Low Density) District, the surrounding neighborhood to the north and west are within the RH-1 (Residential, House, One-Family) District. The subject property is also within .25-miles of stops for the 1-California and 1AX-California A Express and 29-Sunset MUNI transit lines.
4. **Project Description.** The project proposes the demolition of the existing two-story, single-family dwelling and the construction of a four-story, 40-foot tall, three-family residential building. The three units, designed as two-story townhouses, would range in size from approximately 1,390 square feet to 2,265 square feet. Each unit will have one off-street parking space and one Class 1 bicycle parking space in the garage on the ground floor. The project is not seeking any exceptions or variances from the Planning Code. However, the applicant is requesting that the Planning Commission approve a 12-foot front setback at the top floor whereas the Department recommends a 15-foot setback to comply with Residential Design Guidelines with respect to

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

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

5. **Public Comment.** As of October 2, 2017, the Department had received one email, from a board member of the Planning Association for the Richmond, opposing the height of the proposed four-story building within the context of the surrounding neighborhood predominantly consisting of three-story structures.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- xiii. Whether the Project creates new supportive housing;

*The Project does not create supportive housing.*

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

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

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

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

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

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

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

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

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

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

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

## HOUSING ELEMENT

### OBJECTIVE 2:

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

#### Policy 2.1:

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

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

### OBJECTIVE 3:

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

#### Policy 3.1:

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

#### Policy 3.3:

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

#### Policy 3.4:

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

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

### OBJECTIVE 11:

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

#### Policy 11.1:

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

#### Policy 11.2:

Ensure implementation of accepted design standards in project approvals.

#### Policy 11.3:

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

**Policy 11.5:**

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

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

**URBAN DESIGN**

**OBJECTIVE 1:**

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

**Policy 1.2:**

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

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

**Policy 1.3:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- G. That landmarks and historic buildings be preserved.

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

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

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

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

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

**DECISION**

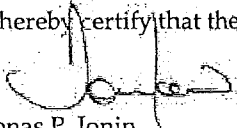
That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES** Conditional Use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

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

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

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

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

  
Jonas P. Ionin  
Commission Secretary

- AYES: Hillis, Johnson, Koppel, Melgar and Richards
- NAYS: None
- ABSENT: Fong, Moore
- ADOPTED: October 12, 2017

## EXHIBIT A

### AUTHORIZATION

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

### RECORDATION OF CONDITIONS OF APPROVAL

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

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

### SEVERABILITY

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

### CHANGES AND MODIFICATIONS

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



## Conditions of Approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

### DESIGN

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

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org).*

7. **Roof Deck.** The Project Sponsor shall remove the roof deck proposed above the fourth floor and submit revised plans to the Planning Department prior to Planning approval of the building permit.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org).*

8. **Roof Access.** The Project Sponsor shall revise the project plans to limit access to the roof above the fourth floor to the minimal requirements as required by the Building Code. Revised plans shall be submitted to the Planning Department prior to Planning approval of the building permit application. The design shall be as approved by the Planning Department.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org).*

9. **Inoperable Windows.** The Project Sponsor shall submit a revised north elevation to the Planning Department prior to Planning approval of the building permit application that specifies that the frosted windows shall be inoperable.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org).*

10. **Arborist Required.** The Project Sponsor shall retain an arborist to observe construction and recommend measures to ensure the health of trees located on adjacent lots.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org).*

11. **Front Entry Deck and Stair Screening.** The Project Sponsor shall submit revised site plan, floor plans and north elevation to the Planning Department prior to Planning approval of the building permit application depicting the addition of an opaque privacy screen or panel at the front entry stair and deck. The design and location of the screening shall be as approved by the Planning Department.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org).*

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

*For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, [www.sf-planning.org](http://www.sf-planning.org).*

## PARKING AND TRAFFIC

13. **Bicycle Parking.** The Project shall provide no fewer than three (3) Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.2.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
14. **Parking Requirement.** Pursuant to Planning Code Section 151, the Project shall provide three (3) independently accessible off-street parking spaces.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## PROVISIONS

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

## MONITORING - AFTER ENTITLEMENT

16. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
17. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## OPERATION

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

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

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*





December 1, 2017

Hon. London Breed, President  
San Francisco Board of Supervisors  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Re: 218-27<sup>th</sup> Avenue CEQA and Conditional Use Appeal  
Board File No. 171222  
Hearing Date: December 12, 2017

Dear President Breed and Supervisors:

I am writing on behalf of the Toboni Group, a small local builder managed by Joe Toboni and his son, Joey, to oppose the appeals of the Planning Commission's approval of the 218-27<sup>th</sup> Avenue project (the "Project"). The Project is the demolition of a non-historic single-family home located near the corner of 27<sup>th</sup> Avenue and Lake Street (see photo at Exhibit A) and construction of a replacement three-unit building. The replacement building will contain two 3-bedroom and one 2-bedroom family-sized homes, each with a single off-street vehicle and bicycle parking space, in a new 4-story building (see Project plans at Exhibit B).

Appellants Alex Bernstein and Sonia Daccarett own a two-story single-family home at 2545 Lake Street, around the corner from and adjacent to the Project. They have appealed both the Project's CEQA Categorical Exemption Determination issued by the Planning Department and the Planning Code Section 317 conditional use unanimously approved by the Planning Commission on October 12, 2017. A Section 317 conditional use was required only to authorize the demolition of the existing dwelling unit; the replacement structure is principally permitted in this RM-1 zoning district and 40-X height and bulk district.

I urge you to reject the appeal for the following reasons, each more fully explained below:

- \* The Project fully qualifies for a Class 3 Categorical Exemption from CEQA (construction of up to six dwelling units in an urbanized location).
- \* The Project is a principally permitted family housing development located in a multi-family zoning district and 40-foot height district.
- \* The demolition of the existing single dwelling unit and its replacement with three family-sized units meet the criteria of Section 317.

- \* The Planning staff and Planning Commission have already ordered significant Project modifications to address Appellant's concerns and meet the Residential Design Guidelines.
- \* Appellants' request to remove the entire 4<sup>th</sup> floor would eliminate one of the Project's three units, in violation of the Housing Accountability Act, or eliminate all three parking spaces in a zoning district that requires 1:1 parking.

1. The Project fully meets the Class 3 Categorical Exemption from CEQA, and there is no evidence of unusual circumstances disqualifying the Project from the exemption.

Pursuant to the State's CEQA Guidelines Sections 15300 and 15303:

The Secretary for Resources has found that the following classes of projects . . . do not have a significant effect on the environment, and they are declared to be categorically exempt from the requirement for the preparation of environmental documents. . . .

Class 3 consists of construction and location of limited numbers of new, small facilities or structures. . . . *In urbanized areas, this exemption applies to apartments, duplexes and similar structures designed for not more than six dwelling units.*

This Project is three units in a new building located in an urbanized area, half the six-unit limit for a Class 3 exemption, and thus the unrefuted evidence establishes that it qualifies for the exemption, as recited in the Planning Department's June 2016 Categorical Exemption Determination (Exhibit C). Contrary to Appellant's letter characterizing the Department's review as "cursory," the Exemption Certificate demonstrates a thorough evaluation of how the Project qualifies for the Class 3 exemption.<sup>1</sup> Even if Appellants can proffer evidence that would dispute the Department's determination, a court would uphold the Department's determination because it is supported by substantial evidence in the record. *San Francisco Beautiful v. City and County of San Francisco* (2014) 226 Cal.App.4<sup>th</sup> 1012.

Also contrary to Appellants' claim, the project described in the June 2016 Exemption Determination (three units in a 40-foot tall building with three parking spaces) is essentially the same project as approved by the Commission in October 2017, with the design modifications described below. Pursuant to Sections 31.08(i) and 31.19 of the Administrative Code, a new evaluation is required only if there has been a substantial modification to the project since completion of an exemption determination, defined as an expansion of the building envelope, a change of use, or a demolition not previously evaluated.<sup>2</sup> Here, the design modifications shrank the building, rather than expanded it, there has been no change of use, and the proposed

<sup>1</sup> The Certificate also states the Project qualifies for a Class 1 exemption (addition of up to 10,000 square feet to an existing facility). Because the Project is clearly exempt under Class 3, we do not discuss whether the Project also is exempt under Class 1.

<sup>2</sup> SF Admin. Code § 31.08(i): "An expansion or intensification of the project as defined in the Planning Code includes, but is not limited to: (A) a change that would expand the building envelope or change the use that would require public notice under Planning Code Sections 311 or 312, or (B) a change in the project that would constitute a demolition under Planning Code Sections 317 or 1005(f)."

demolition was already analyzed in the 2016 Certificate. Accordingly, no new evaluation was required and the 2016 Certificate may be relied upon by the Planning Commission and this Board in 2017.

We agree that a Class 3 categorical exemption is not appropriate “for a project which may cause a substantial adverse change in the significance of a historical resource” or “where there is a reasonable possibility that the activity will have a significant effect on the environment *due to* unusual circumstances.” CEQA Guidelines §§ 15300.2(f) and (c). Here, the Planning Department correctly determined the existing building is not historic and that no unusual circumstance exists.

First, the Department determined that the existing house is not a previously designated historic resource or identified in any historic resource survey. And, although it is old, it is not associated with any historically significant persons or events, and the character defining features of the building have been so altered over the years that it does not retain integrity from any period of significance (see Exhibit C, page 6). The evidence to support the Department’s determination is the Historic Resource Evaluation (“HRE”) prepared by Richard Brandi (Exhibit D). Appellants did not dispute the Department’s conclusion or the accuracy of the HRE at the Planning Commission and their appeal letter does not either. Even if it did, the Department and this Board may rely upon the professionally prepared HRE in concluding that the existing house is not an historic resource. The courts uphold an agency’s determination whether an older unlisted building is an historic resource if the agency’s decision is supported by substantial evidence, even if there is contrary evidence presented by a project opponent. CEQA Guidelines § 15064.5(a)(c); *Friends of the Willow Trestle Glen v. City of San Jose* (2016) 2 Cal.App. 5<sup>th</sup> 457, 468.

Second, although Appellant’s appeal letter claims there are unusual circumstances associated with the Project, they do not explain how or why, nor present any evidence to support their assertion. The Project is a small infill triplex located in a fully built-up urban neighborhood with no extraordinary seismic hazards, hazardous soils or other unusual conditions, exactly the kind of project contemplated by the Class 3 exemption. The Department reviewed each of the eight potential unusual circumstances on Page 1-2 of its Certificate (Exhibit C), and determined none applies. Even if Appellants could provide evidence that the Project’s circumstances are unusual, the Department could rely on its own evidence as set forth in its Certificate to determine otherwise, as recently upheld by the California Supreme Court. *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4<sup>th</sup> 1086, 1114.

Appellant’s claim that the Project will have significant environmental light and privacy impacts on their property, even if accurate, does not disqualify it from the Class 3 exemption. It is only if there are significant impacts *due to* a Project’s unusual circumstances that a city even needs to evaluate whether the project could have environmental impacts. With no evidence of unusual circumstances, Appellant’s allegations are irrelevant. Moreover, even if relevant, Appellants’ allegations are only of *private* impacts to their own light and privacy, not impacts to the environment in general. In San Francisco, impacts on private views, light and privacy are not evaluated under CEQA. (See, e.g., S.F. Initial Study Checklist at 6: “Create new shadow in a manner that substantially affects outdoor recreation facilities or other *public* areas?”)



2. The Project as approved is a principally permitted family housing development located in a multi-family zoning district and 40-foot height district.

The Project is located in an RM-1 zoning district. According to Planning Code Section 209.2, “[t]hese districts contain a mixture of the dwelling types found in RH Districts, but in addition have a significant number of apartment buildings that broaden the range of unit sizes and the variety of structures. A pattern of 25-foot to 35-foot building widths is retained, however, and structures rarely exceed 40 feet in height.” One unit per 800 square feet of lot area is principally permitted; here, up to four units are allowed on this 3,000 square foot lot. One parking space is required per dwelling unit (Planning Code Sec. 151), and rear yards are mandatory (Sec. 134). The height and bulk district is 40-X, allowing four-story buildings as of right. No reduced height or upper floor setbacks are required in RM districts, unlike the 30-foot height standard in RH-1 districts and the upper floor setbacks required in RH-1 and RH-2 districts by Section 261.

This RM-1/40-X district along 27<sup>th</sup> Avenue, Lake Street and 26<sup>th</sup> Avenue contains many four-story multi-family buildings and many large three-story buildings that are nearly 40 feet in height, including the immediately adjacent building at 210-27<sup>th</sup> Avenue (see photographs at Exhibit E). The only single-family homes in the vicinity are the subject building to be demolished and Appellants’ home, which is two stories in height, at least a story shorter than all surrounding buildings.

To provide large 2- and 3-bedroom units and to avoid the need for an elevator and other Building Code upgrades required for buildings with more than three units, the Toboni Group elected to propose three large units each with its own parking space and bicycle parking space. The vehicle and bicycle garage occupies most of the ground floor, with the three units in the three floors above and behind the garage on the ground floor. The building materials, including limestone tiles on the front façade, are high quality, as is the building’s understated modern design by Michael Leavitt Architects. At the direction of the Planning Department’s Residential Design Team, applying the Residential Design Guidelines, the fourth floor incorporates large front, rear and side setbacks to increase light to adjoining properties on Lake Street, including Appellants’, and to render the top floor nearly invisible from the street, such that the top floor was reduced to only a half floor. A large rear yard meets Planning Code requirements and matches the pattern of rear yards on the block. See plans at Exhibit B.

Thus, the Project conforms to the pattern of development and neighborhood character of this RM-1/40-X district and meets every objective standard of the Planning Code, Zoning Map and Residential Design Guidelines, with no variance or other exception required.

The only reason the Project required review by the Planning Commission is that it includes the demolition of an existing dwelling unit, a conditional use pursuant to Planning Code Section 317.

3. The demolition of the existing dwelling unit meets the criteria of Section 317, and Appellants do not dispute the Planning Commission’s demolition findings.

Since April 2016, the demolition of even a single dwelling unit now requires conditional use approval by the Planning Commission. Section 317 sets forth 18 criteria the Commission must apply in reviewing such demolition applications. In this case, the Commission easily found that every relevant criterion was met, as set forth on pages 6 to 8 of Planning Commission Motion No. 20025. Most significantly, the existing dwelling unit is not an historic resource, an affordable housing resource or subject to the rent control ordinance; the Project replaces one ownership unit with three ownership units and replaces three bedrooms with eight; the Project more closely conforms to the RM-1 zoning than does a single-family home; and the Project exhibits superior urban design.

Neither Appellants nor any other party disputed the proposed demolition's compliance with the Section 317 criteria at the Planning Commission hearing, orally or in writing, and their appeal to this Board does not either. In fact, the appeal supports the demolition of the existing building. Accordingly, the Commission did not abuse its discretion in approving the demolition of a single dwelling unit and its replacement with three family-sized units. This Board has been presented with no facts or arguments that would compel it to overrule the Commission's decision.

4. The Planning staff and Commission have already ordered significant Project modifications to address Appellant's concerns and meet the Residential Design Guidelines.

The Project has already undergone significant design review and substantial modifications. A pre-application meeting was held on the site on January 26, 2016, for the Toboni Group and architect to present the initial design. Appellants attended that meeting.

After the sponsor submitted the conditional use application in August 2016, the Planning Department's Residential Design Team reviewed the design on two separate occasions and the sponsor received a total of four requests from the Planning Department for modifications to meet the Residential Design Guidelines. Several of those modifications were aimed at minimizing light and privacy impacts to the adjoining buildings, including Appellants' home. The sponsor incorporated each of those requested modifications, including a substantial reduction of the fourth floor by incorporating a rear setback, a front setback and north side setbacks (none of which are required by the Planning Code). Attached as Exhibit F is a shadow study demonstrating how the fourth floor setbacks already incorporated into the Project will reduce shadow impacts to Appellants' yard and other properties along Lake Street.

At the Planning Commission hearing of October 12 this year, the Commission ordered even further revisions, all made at the request of Appellants. The Commission ordered complete removal of a roof deck for the top floor unit to protect Appellants' privacy, ordered that all side yard windows be glazed with frosted glass to preserve privacy to Appellants' home, and ordered the addition of a frosted glass privacy screen on the north side of the entry porch, again to protect Appellants' privacy. The Commission also ordered the fourth floor front setback increased from 12 feet to 15 feet.

The Commission discussed Appellants' request for the complete removal of the fourth floor, but unanimously declined to order that modification. The Commission recognized that

such a drastic modification would lead to the loss of a family-sized unit or elimination of all off-street parking. The Commission was ultimately satisfied that the revisions it ordered, in combination with the modifications previously ordered by the Residential Design Team, were the right balance between family housing production and neighborhood compatibility.

The Commission also recognized that Appellants' two-story single-family home is an anomaly in this RM-1 multi-family zoning district, and that it would be unfair and in violation of the General Plan and Planning Code to try to force a three-unit building to conform to the size and characteristics of an adjacent single-family home.

Appellants now also request that the Board order removal of side yard decks, that the north face of the building be painted white or a similar light reflecting color, and that construction hours be limited to 9:00 a.m. to 5:00 p.m. The Project contains no side yard decks, so the first request is immaterial. The sponsor is willing to paint the north side of the building a white or similar color. However, the Toboni Group is not able to agree to the construction hours proposed. The Police Code already regulates construction hours, and the sponsor will comply with those requirements. In addition, the Toboni Group is a general contractor that utilizes its own work crews and subcontractors, and its agreements with its workers mandate work hours of 7:00 a.m. to 6:00 p.m., Monday to Saturday.

5. Appellants' request to remove the entire fourth floor would eliminate one of the Project's three units, in violation of the Housing Accountability Act, or eliminate all three parking spaces in a zoning district that requires 1:1 parking.

As the Board is well aware, the Housing Accountability Act (Cal. Gov't Code § 65589.5) prohibits cities from taking actions to reduce the density of proposed residential projects that conform to objective General Plan and Planning Code requirements, absent a finding that such a reduction is necessary to avoid a significant public health or safety impact. In 2017, the Legislation strengthened the Act further and increased penalties on cities found in violation.

Appellants' demand that the entire fourth floor of the Project be eliminated would result in the loss of one the Project's three family-sized units, in direct violation of the Housing Accountability Act, given that there is no evidence of any public health or safety impacts associated with this three-unit project. Although Appellants claim that elimination of the top floor would not result in the loss of a unit, they have failed to demonstrate how.

The only way that three family-sized units could fit within a three-story building on a small infill lot would be if the garage and all side setbacks were eliminated. But, in the RM-1 zoning district, one parking space is required per dwelling unit by Planning Code Section 151. And for good reason in this location. The Project is located in the Outer Richmond district, and families with children in that neighborhood rely on private automobiles, as well as public transportation. Two- and three-bedroom units on 27<sup>th</sup> Avenue with no off-street parking would increase competition for limited on-street parking and would be extremely difficult to market.

While it is accurate that new Section 150(e) of the Planning Code allows a project sponsor to substitute bicycle parking for vehicle parking, that subsection did not eliminate all minimum parking requirements or authorize the Planning Commission or Board of Supervisors

to order, against the application of a project sponsor, the elimination of off-street in a zoning district where 1:1 parking is required, absent a showing that the sacrifice of vehicle parking is necessary to accommodate bicycle parking. Here, we are accommodating both bicycle parking and vehicle parking in the ground floor garage, in compliance with the 1:1 vehicle parking and 1:1 bicycle parking requirements of the RM-1 zoning district.

Conclusion. The Project is a well-designed family housing development, in full compliance with the Planning Code, Zoning Map, Residential Design Guidelines and Housing Element of the General Plan. It falls squarely within CEQA's Class 3 categorical exemption for infill projects of up to six units.

Appellants would prefer a significantly smaller building, with fewer units or no parking. But they have not demonstrated that the modest diminution in light to their two-story single-family home, which itself is out of character with the surrounding buildings and RM-1/40-X zoning district, justifies the drastic modification they seek. The Planning Commission has already ordered modifications to address Appellants' concerns; anything further would violate the Housing Accountability Act's mandate, the City's stated policies favoring new family-friendly housing and Planning Code requirements for off-street parking in RM-1 districts. For these reasons, we ask that you reject their appeals.

We look forward to the December 12 hearing. Please contact me prior to the hearing if we can provide any additional information.

Sincerely,



Steven L. Vettel

cc: Robia S. Crisp, Appellants' attorney  
Joe Toboni  
Joey Toboni  
Michael Leavitt Architects  
Planning Department

333666336553.1

# TAB A

**Historic Resource Evaluation**

**218 27<sup>th</sup> Avenue  
San Francisco, CA**



Prepared for:

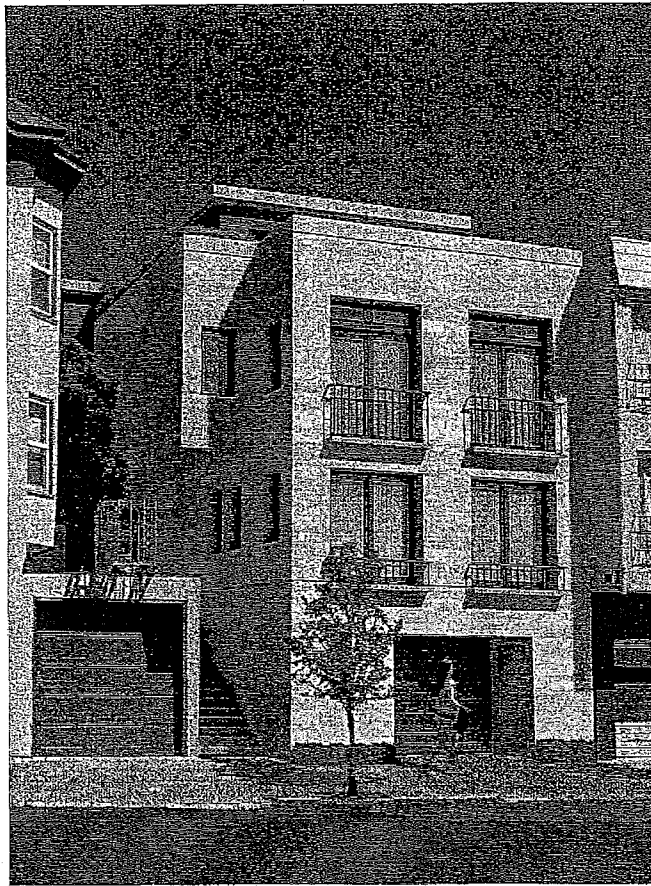
Joe Toboni  
The Toboni Group  
3364 Sacramento Street  
San Francisco, CA 94118

Prepared by:

Richard Brandi  
Architectural Historian  
125 Dorchester Way  
San Francisco, CA 94127

April 29, 2016

# TAB B



DRAWING INDEX	SCOPE OF WORK
AR0 SHEET INDEX / PROJECT DATA	CONSTRUCTION OF A NEW THREE UNIT RESIDENTIAL BUILDING ON THREE LEVELS, ABOVE GARAGE, DEMOLITION OF EXISTING ONE STORY OVER GARAGE STRUCTURE.
AR1 SITE SURVEY	
AR2 BLOCKFACE PHOTOS AT 27TH AVENUE	<b>LOCATION MAP</b> 
AR3 PHOTOS OF SUBJECT SITE / BUILDING	
AR4 GREEN BUILDING SITE PERMIT CHECKLIST	
AR5 EXISTING SITE PLAN	
AR6 EXISTING FLOOR PLANS	
AR7 EXISTING ROOF PLAN	
AR8 EXISTING NORTHWEST ELEVATIONS	
AR9 EXISTING SOUTH WEST ELEVATIONS	
AR10 PROPOSED SITE PLAN	
AR11 PROPOSED GROUND FLOOR PLAN	
AR12 PROPOSED SECOND FLOOR PLAN	
AR13 PROPOSED THIRD FLOOR PLAN	
AR14 PROPOSED FOURTH FLOOR PLAN	
AR15 PROPOSED ROOF PLAN	
AR16 PROPOSED FRONT ELEVATION	
AR17 PROPOSED REAR ELEVATION	
AR18 PROPOSED NORTH ELEVATION	
AR19 PROPOSED SOUTH ELEVATION	
AR20 PROPOSED BUILDING / SITE SECTION	
AR21 PROPOSED TRANSVERSE SECTION	

Reviewed By:  
 [Signature] 10/14/2017 ML  
 [Signature] 10/14/2017 ML  
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 [Signature] 10/14/2017 ML  
 [Signature] 10/14/2017 ML

**LEAVITT JUI**  
 architecture

1007 MARKET ST.  
 SAN FRANCISCO, CALIFORNIA 94103  
 415.574.5500  
 415.574.5501

**BUILDING AREA CALCULATIONS**  
 LOT SIZE 3,815 S.F.

OCCUPANCY	NET AREA (S.F.)	GROSS AREA	PRIVATE USABLE OPEN SPACE	COMMON USABLE OPEN SPACE
RESIDENTIAL - LEVEL 1	800	873	---	745 (SMB 1 & 2)
RESIDENTIAL - LEVEL 2	1,318	1,505	---	---
RESIDENTIAL - LEVEL 3	1,170	1,520	---	---
RESIDENTIAL - LEVEL 4	1,625	1,949	450 (SMB 2)	---
GARAGE	797	1,510	---	---
POOR	---	---	---	---
<b>TOTAL</b>	<b>5,610</b>	<b>8,245</b>	<b>-450</b>	<b>745</b>

**UNIT AREA / BEDROOM COUNT TABLE**

OCCUPANCY	NET AREA (S.F.)	GROSS AREA	# OF BEDROOMS
UNIT 1	1,338	1,509	3
UNIT 2	1,560	1,820	2
UNIT 3	2,712	3,299	0

**NOTE:**  
 ALL REFERENCED AND/OR CHARTS SHOULD BE PROVIDED TO THE CLIENT AND FOUNDATION WORK TO REPORT ON SITE CONDITIONS AND MAKE RECOMMENDATIONS FOR THE HEALTHY USE OF EXISTING TREES ADJACENT TO THE PROJECT SITE.

**PLANNING CODE ANALYSIS TABLE**

TOPIC / CODE SECTION	REQUIRED / ALLOWED	PROVIDED
ZONING	RH-1	RESIDENTIAL USE
DENSITY (20A.02)	1 UNIT PER 1,000 S.F.	(2) THREE BED (1) TWO BED UNITS
HEIGHT (20A.03)	-IF ALLOWED AT POINT OF CLIMB	47 AT MIDPOINT OF CURB ON 27TH AVE
HEIGHT (20A.04)	18 FT TO 18' EXEMPTION ALLOWED AT ROOF	16.5 FT AT STAIR PENETRATIONS
HEIGHT EXEMPTION AREA (20A.10)	25% OF OVERALL ROOF AREA	10% FOR STAIR PENETRATIONS
MARK	A - NO MARK DESIGN REQUIREMENT	MARK PROVIDED AT 3RD & 4TH LEVELS
SETBACKS (12.02)	30'-BASED ON AYS. OF ADJACENT BLOCK (S)	32'-0" (S) OF LOT (EPPD)
COMMON USABLE OPEN SPACE (15)	133 S.F. PER UNIT	745 S.F. (2) 745 AREA FOR UNITS 1 & 2
PRIVATE USABLE OPEN SPACE (15)	160 S.F. PER UNIT	450 S.F. AT 3 DECK AREAS FOR UNITS 3
SPOT OPEN SPACE (16.02.1)	1 SPACE PER RESIDENTIAL UNIT	(2) 2 SPACES PER RESIDENTIAL UNIT
BELOW MARKET RATE UNITS (15)	NONE REQUIRED FOR A THREE UNIT BLDG.	NONE
STREET TREES (10A.02)	1 TREE PER 20 FT. OF FRONTAGE	2 NEW STREET TREES PROVIDED

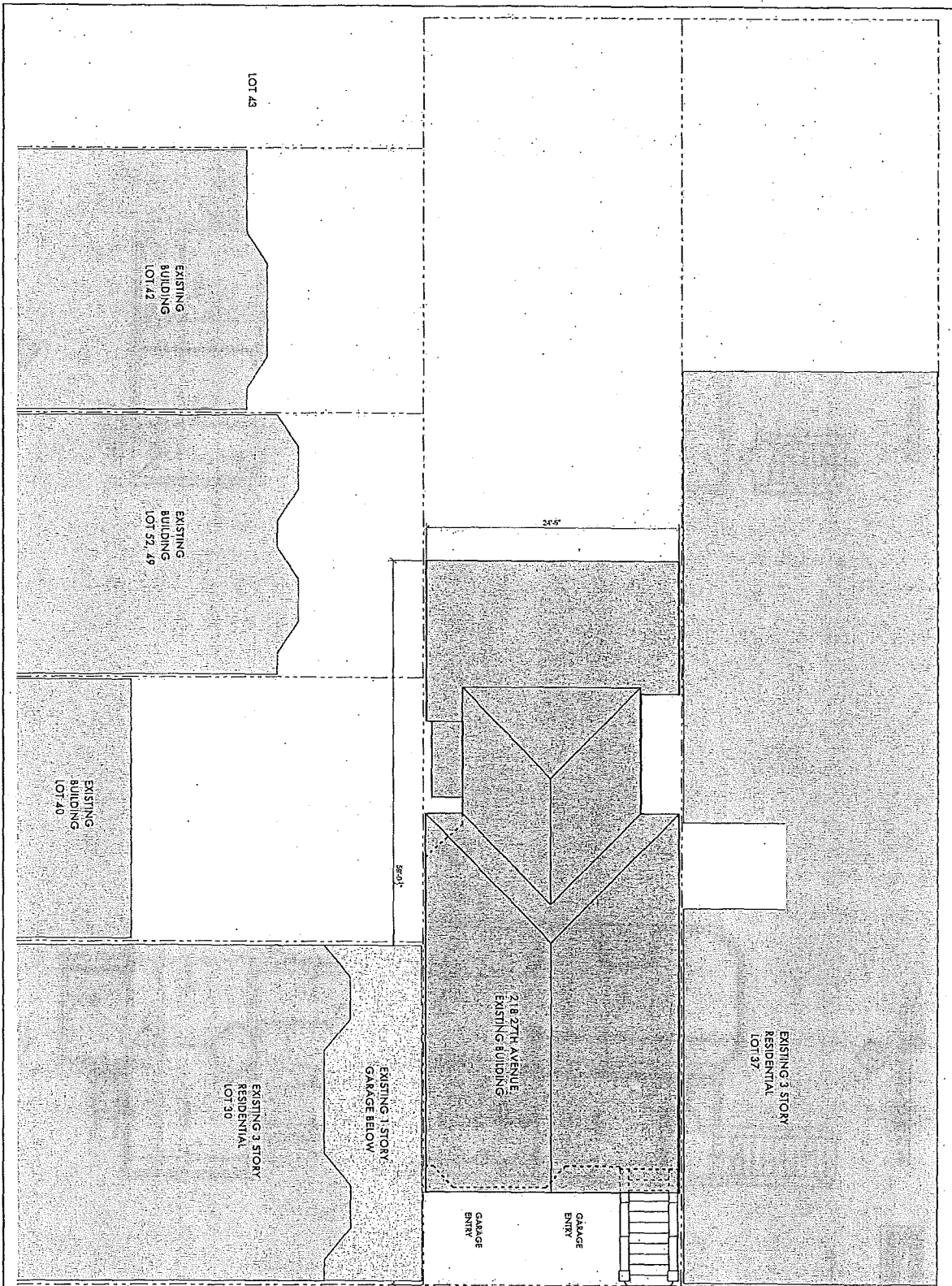
SHEET INDEX / PROJECT DATA

218 27TH AVENUE RESIDENCES  
 BUILDING PERMIT LOT 38  
 SAN FRANCISCO, CA

DATE: 10/14/2017  
 SCALE: N/A  
 DRAWN BY:  
 CHECKED:

**A0.0**





27TH AVENUE

CURBCUT      CURBCUT

**SIDE PLAN**

0' 1" 5' 10' 30'

Scale in Feet

▲ NORTH

**218 27TH AVENUE RESIDENCES**

BLOCK 1386 LOT 38      SAN FRANCISCO, CA

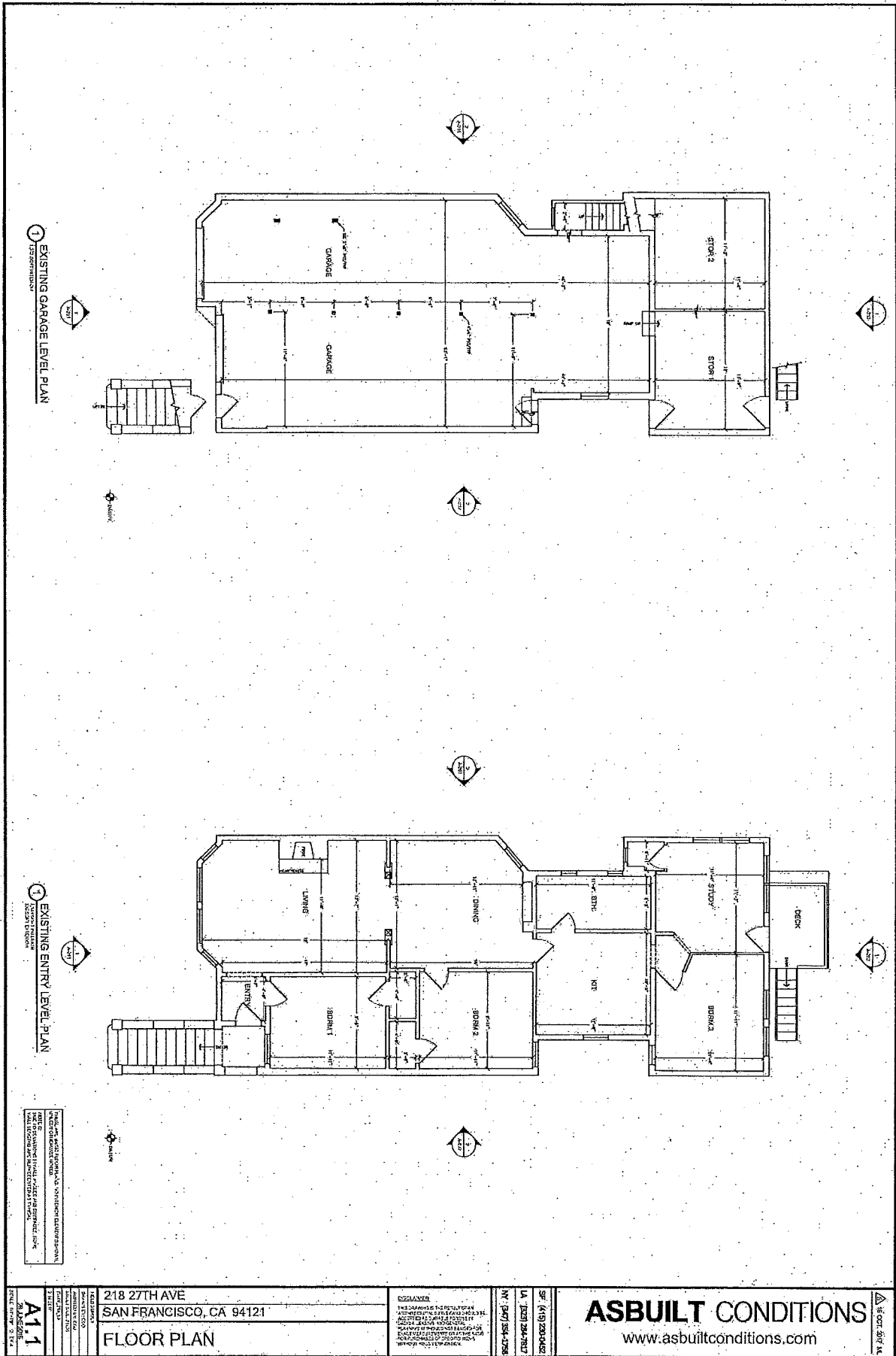
EXISTING SITE PLAN

1827 MARSH ST.  
SAN FRANCISCO, CA 94133  
PHONE: 415.578.1800  
FAX: 415.578.1801

**LEAVITT architecture**

Revised: BY  
10 OCT 2011

DATE: 2/14/2010  
 SCALE: 1/8"=1'-0"  
 SHEET: **A1.0**



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 THIS DRAWING IS A COPY OF THE ORIGINAL ARCHITECTURAL DRAWINGS  
 AND IS NOT TO BE USED FOR CONSTRUCTION OR REPRODUCTION  
 WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT

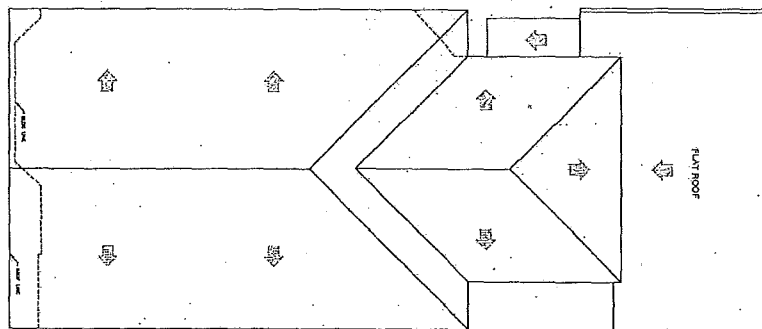
218 27TH AVE  
 SAN FRANCISCO, CA 94121  
**FLOOR PLAN**  
 A1.1  
 2/15/2016

218 27TH AVE  
 SAN FRANCISCO, CA 94121  
**FLOOR PLAN**

ASBUILT CONDITIONS  
 www.asbuiltconditions.com

LA 1501 254-7517  
 NY 1501 254-7517

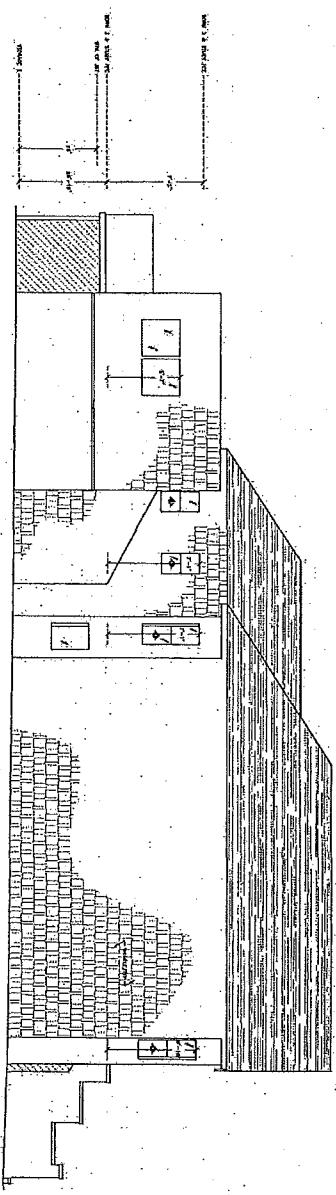
**ASBUILT CONDITIONS**  
 www.asbuiltconditions.com



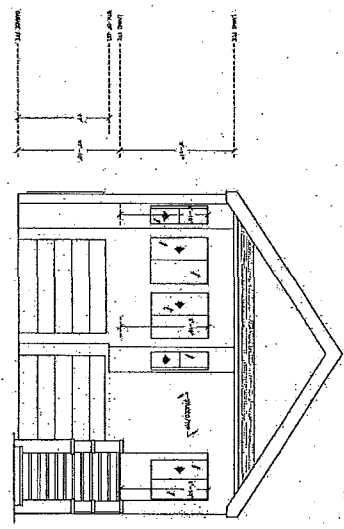
1 EXISTING ROOF PLAN



A12 ARCHITECTURE	218 27TH AVE SAN FRANCISCO, CA 94121	EXISTING ROOF PLAN	SCALE AS SHOWN	SHEET NO. 1 OF 1	DATE 08/15/17	PROJECT NO. 17-001	CLIENT [REDACTED]	ARCHITECT [REDACTED]	ENGINEER [REDACTED]	CONTRACT NO. [REDACTED]	PROJECT NO. [REDACTED]	SHEET NO. [REDACTED]	DATE [REDACTED]	ASBUILT CONDITIONS www.asbuiltconditions.com
	ROOF PLAN													



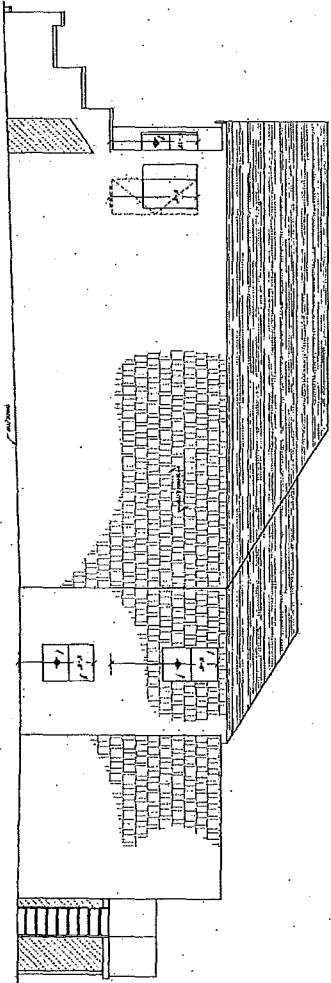
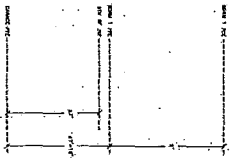
2 EXISTING NORTH ELEVATION



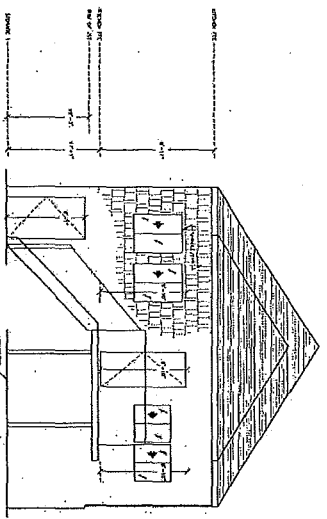
1 EXISTING WEST ELEVATION

PROJECT INFORMATION

<b>A13</b> SHEET NO.	218 27TH AVE SAN FRANCISCO, CA 94121	RELEASE THIS DRAWING IS THE PROPERTY OF ARCHITECTURAL CONDITIONS AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF ARCHITECTURAL CONDITIONS.	SF 419 260482 LA 030 261 7617 NY 040 304 4758	<b>ASBUILT CONDITIONS</b> www.asbuiltconditions.com	15 OCT 2014
	<b>ELEVATIONS</b>				



② EXISTING SOUTH ELEVATION



① EXISTING EAST ELEVATION

1811 14th St, San Francisco, CA 94112  
Project No. 1811-14

<b>A14</b> SHEET NO. 1811-14	218 27TH AVE SAN FRANCISCO, CA 94121		ASBUILT CONDITIONS www.asbuiltconditions.com	DATE: 07/18/18 SCALE: AS SHOWN
	ELEVATIONS			

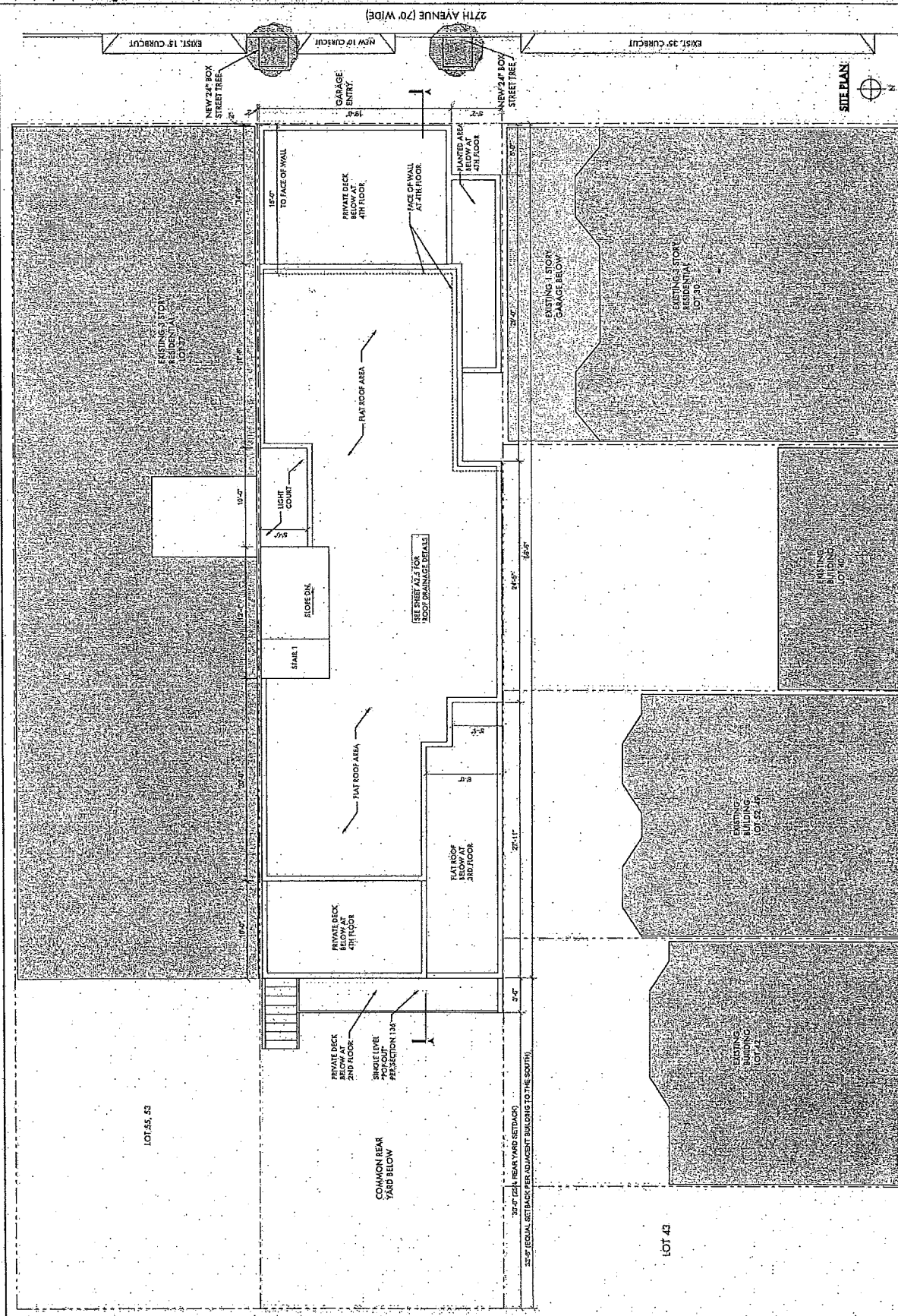
Revisions: BY  
 28 DEC 2017 AL  
 03 MAR 2017 AL  
 15 MAY 2017 AL  
 19 AUG 2017 AL  
 15 OCT 2017 AL

**LEAVITT Architecture, Inc.**  
 1827 Market St.  
 San Francisco  
 California 94109  
 415.574.5101

**PROPOSED SITE PLAN**

218 27TH AVENUE RESIDENCES  
 BLOCK 1386 LOT 38  
 SAN FRANCISCO, CA

DATE: 11/16/16  
 SCALE: 1/8"=1'-0"  
 DRAWN: JAK  
 APPR: **A2.0**



- REVISIONS BY
- 1. 10 MAR 2017 AL
  - 2. 10 MAR 2017 AL
  - 3. 10 MAR 2017 AL
  - 4. 10 MAR 2017 AL
  - 5. 10 MAR 2017 AL

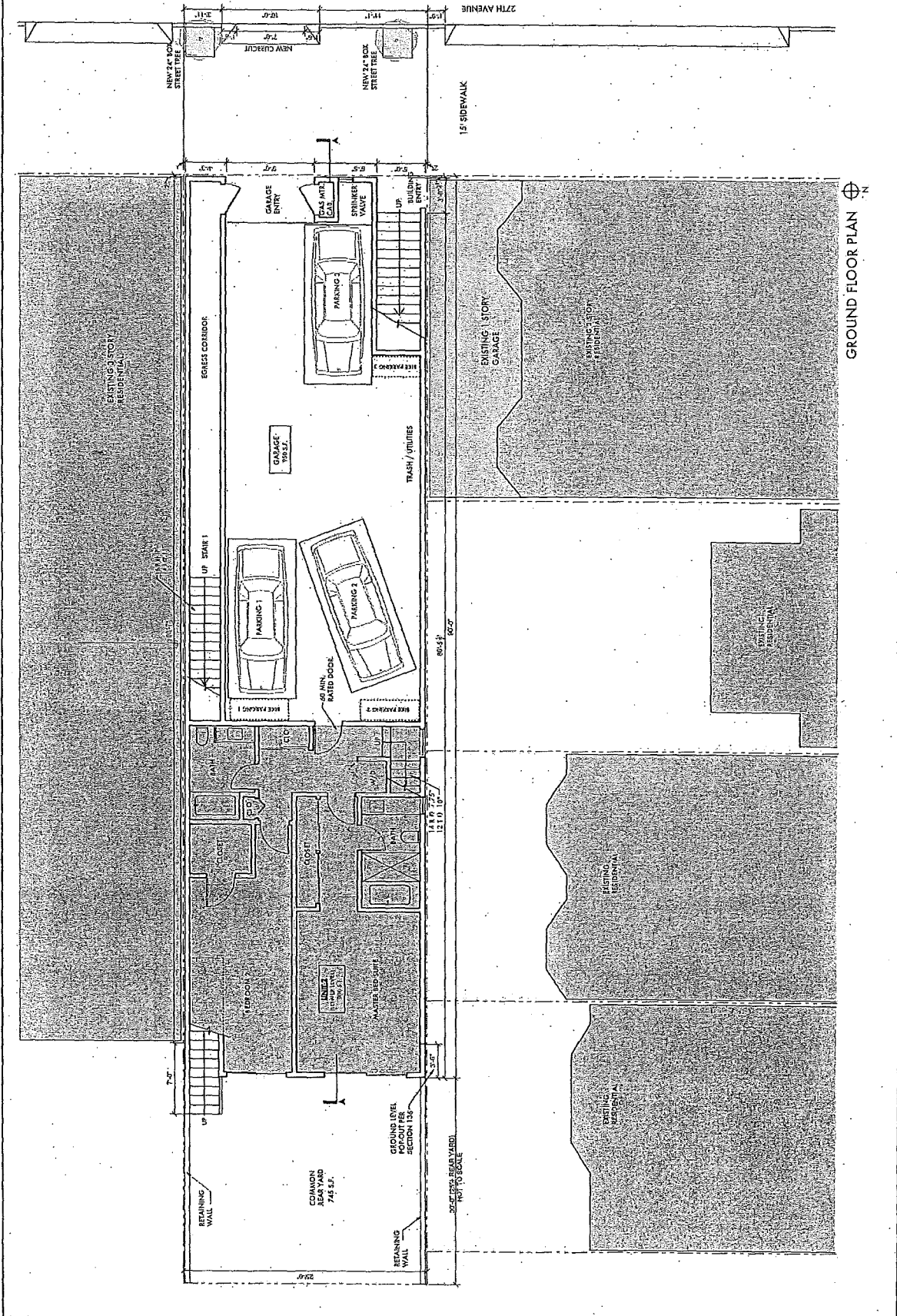
**LEVITT**  
 ARCHITECTURE  
 1327 MARSHALL  
 SAN FRANCISCO  
 CALIFORNIA 94109  
 TEL: 415.774.8100  
 FAX: 415.774.8101

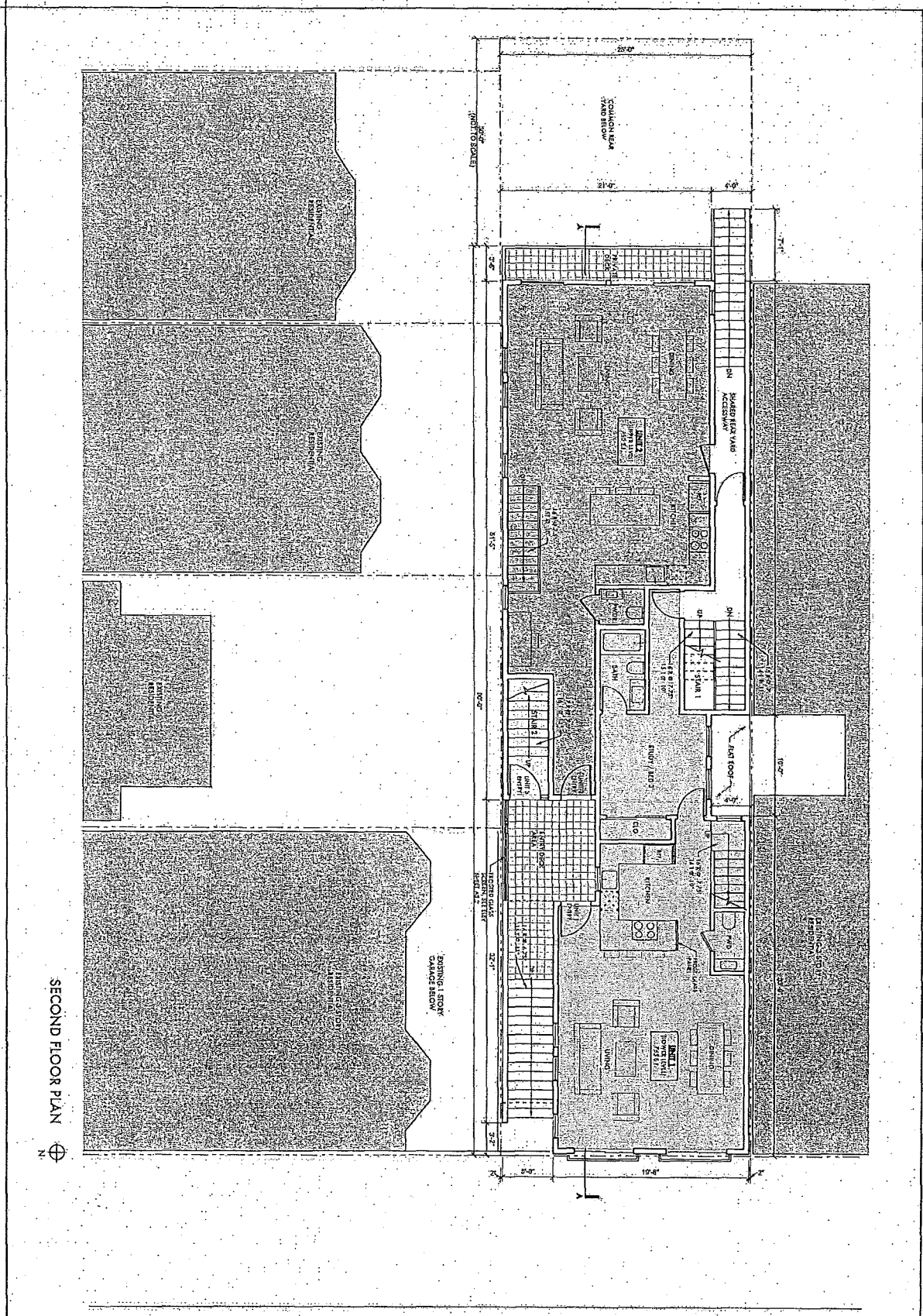
GROUND FLOOR PLAN

218 27TH AVENUE RESIDENCES  
 BLOCK 1366 LOT 38  
 SAN FRANCISCO, CA

DATE: 10/10/2016  
 SCALE: 1/8"=1'-0"  
 DRAWN BY: [Name]  
 SHEET:

A2.1





SECOND FLOOR PLAN



A2.2

218 27TH AVENUE RESIDENCES  
 BLOCK 1386 LOT 38... SAN FRANCISCO, CA

SECOND FLOOR PLAN

LEAVITT architecture

- REVISIONS BY
- DATE
- DESCRIPTION
- BY
- DATE



REVISIONS BY  
 DATE  
 1. 11/15/11  
 2. 11/15/11  
 3. 11/15/11  
 4. 11/15/11  
 5. 11/15/11  
 6. 11/15/11  
 7. 11/15/11  
 8. 11/15/11  
 9. 11/15/11  
 10. 11/15/11

**LEAVITT**  
 ARCHITECTURE  
 INC.

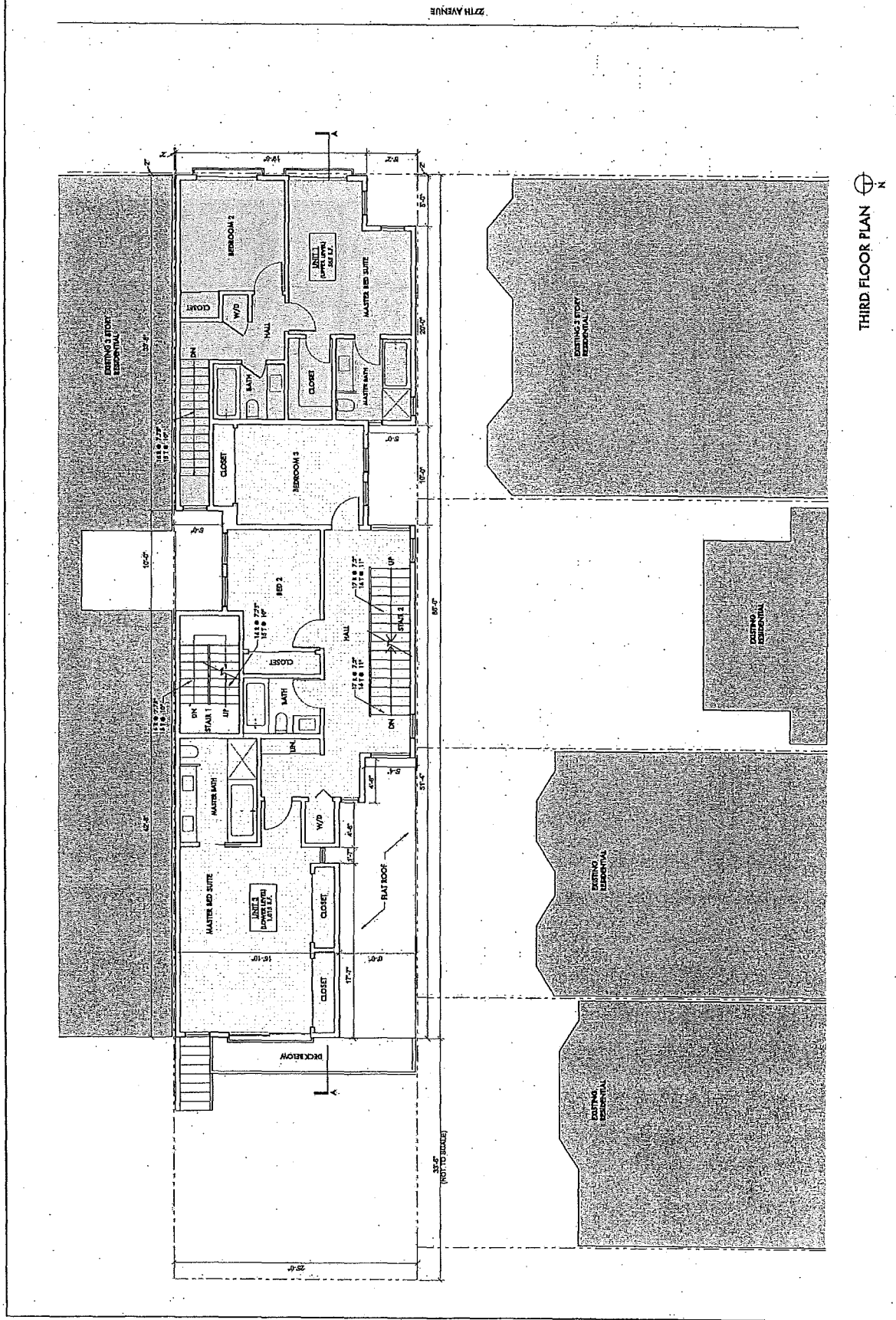
THIS PLAN HAS BEEN  
 PREPARED BY  
 LEAVITT ARCHITECTURE  
 INC. AND IS NOT TO BE  
 USED FOR ANY OTHER  
 PROJECT WITHOUT THE  
 WRITTEN CONSENT OF  
 LEAVITT ARCHITECTURE  
 INC.

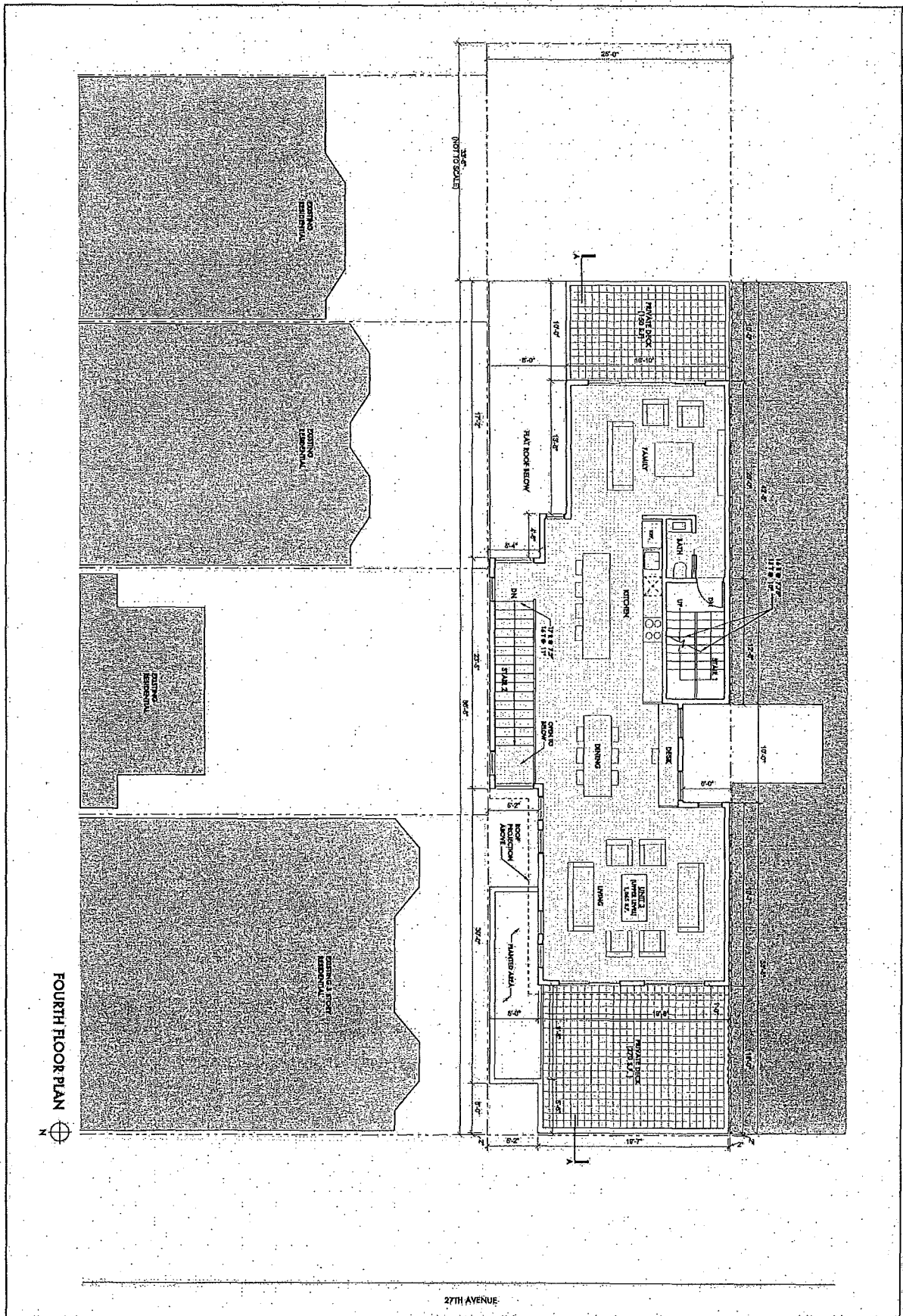
PROPOSED THIRD  
 FLOOR PLAN

218 27TH AVENUE RESIDENCES  
 BLOCK 1306 LOT 28  
 SAN FRANCISCO, CA

DATE: 11/15/11  
 SCALE: 1/8" = 1'-0"  
 DRAWN BY: [Name]  
 SHEET:

A2.3





FOURTH FLOOR PLAN

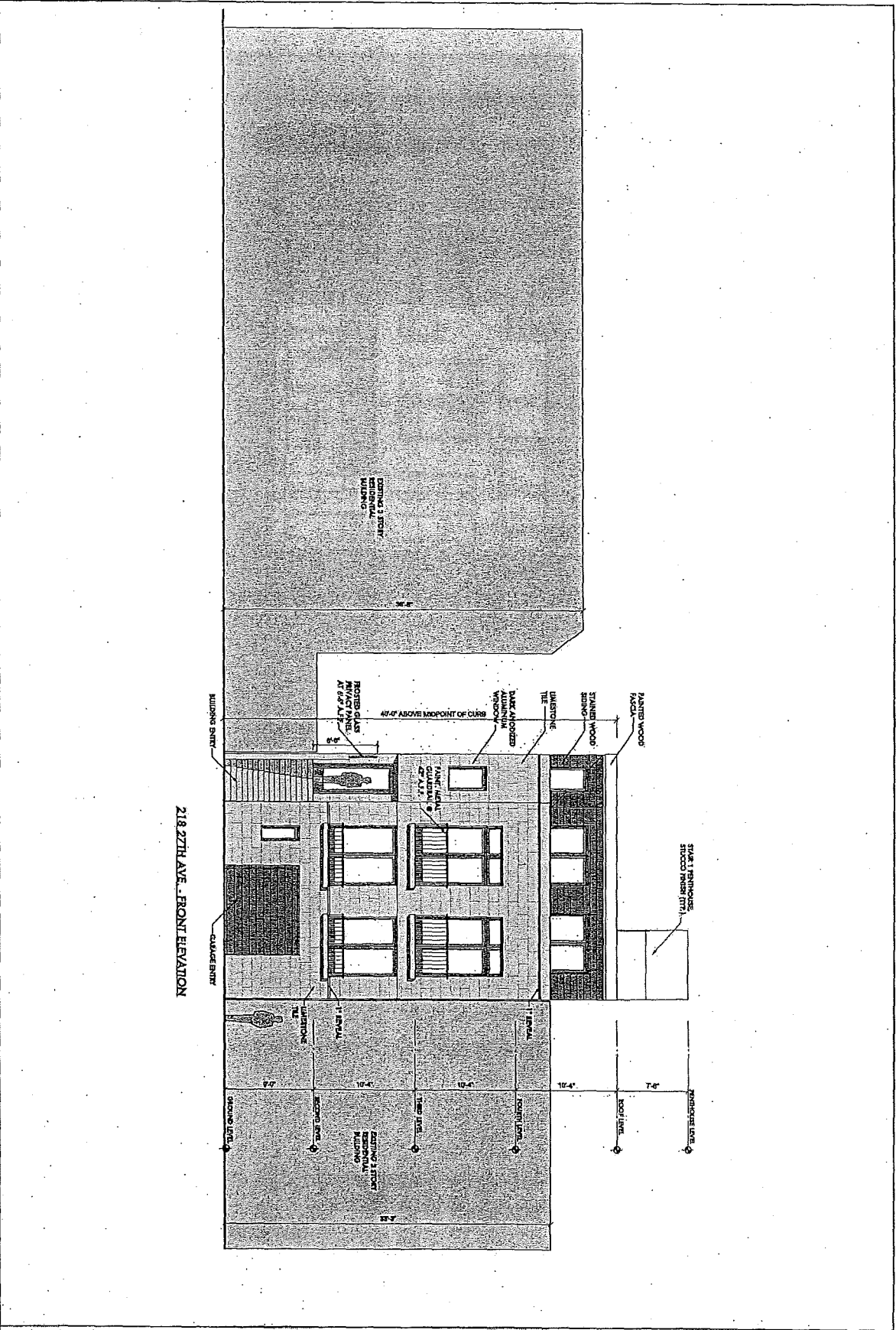
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 SCALE: 1/8" = 1'-0"  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
**A2.4**

**218 27TH AVENUE RESIDENCES**  
 BLOCK 1308 LOT 38  
 SAN FRANCISCO, CA

FOURTH FLOOR PLAN

**LEAVITTU**  
 architecture inc

Developed by:  
 ATTORNEY AT LAW  
 ATTORNEY AT LAW  
 ATTORNEY AT LAW  
 ATTORNEY AT LAW  
 ATTORNEY AT LAW  
 ATTORNEY AT LAW  
 ATTORNEY AT LAW



218 27TH AVE. FRONT ELEVATION

**A3.0**  
 DOE SKINER  
 SCALE 1/8" = 1'-0"  
 DRAWN BY  
 REVISION

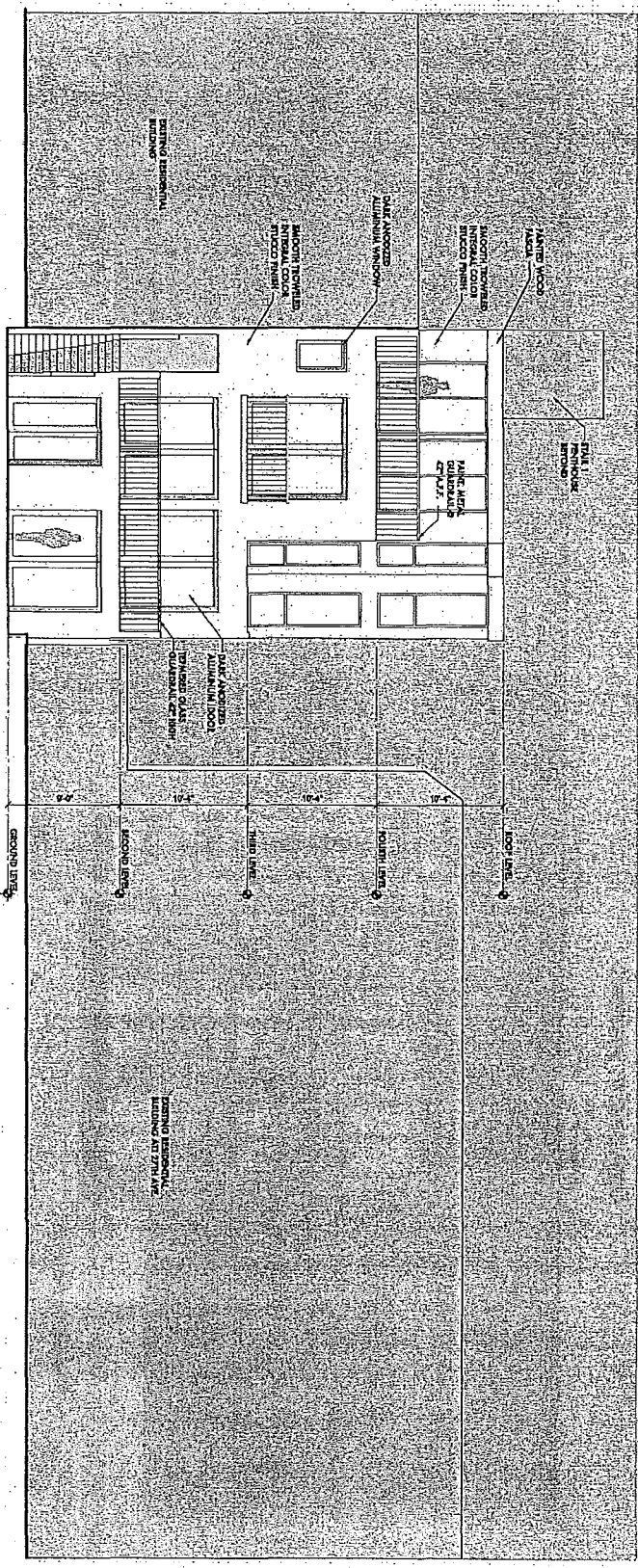
**218 27TH AVENUE RESIDENCES**  
 BLOCK 1369 LOT 33 SAN FRANCISCO, CA

FRONT ELEVATION

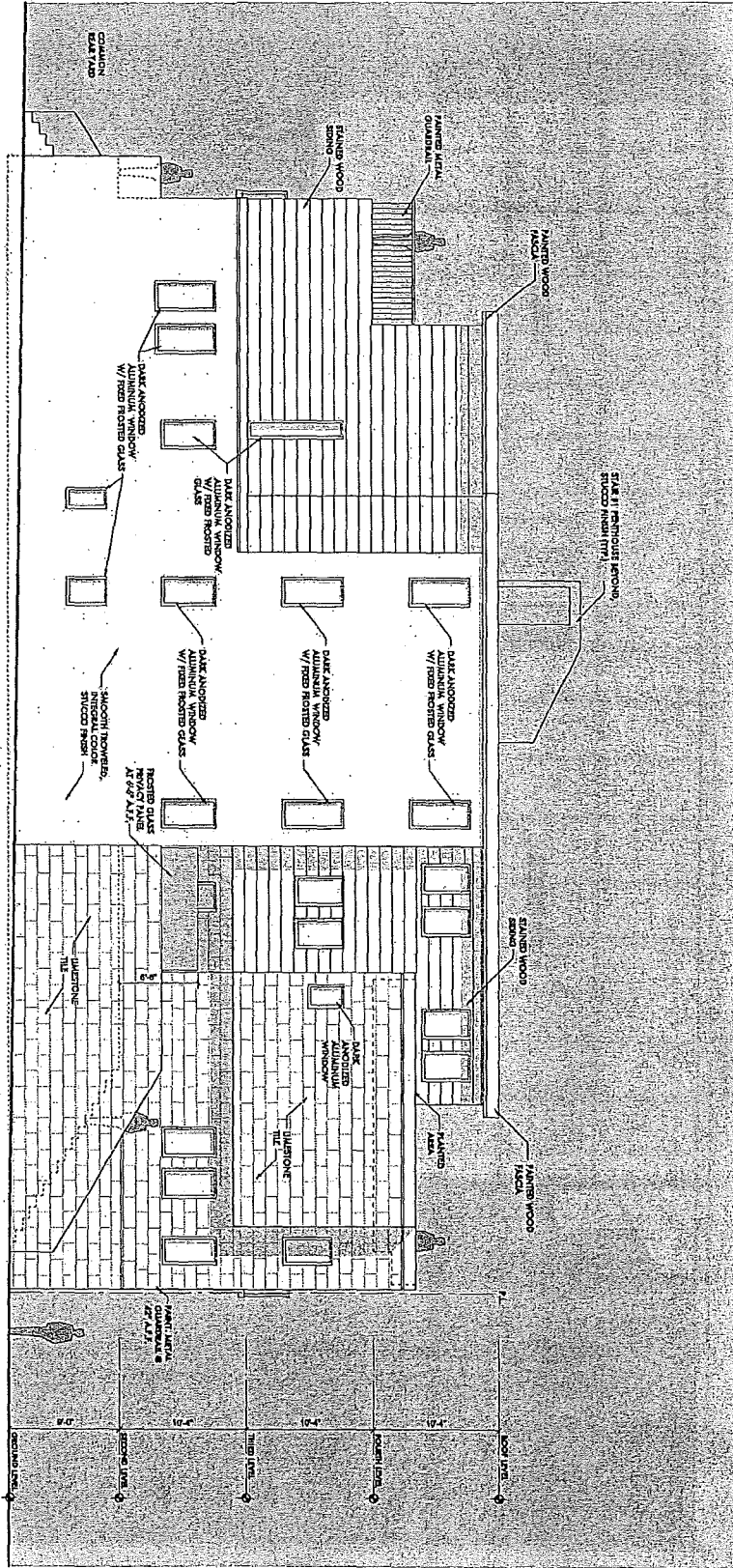
LEAVITT architecture  
 1007 MARKET ST. SAN FRANCISCO, CA 94102  
 TEL: 415.398.1111 FAX: 415.398.1112  
 WWW.LEAVITTARCH.COM

Reviewed By  
 APPROVED BY  
 APPROVED BY  
 APPROVED BY  
 APPROVED BY

REAR-ELEVATION



<b>A3.1</b>	<b>218 27TH AVENUE RESIDENCES</b> BLOCK 1396 LOT 33     SAN FRANCISCO, CA	<b>REAR ELEVATION</b>	<small>© 2007 LEAVITT architecture 3000 AVENUE 20 SAN FRANCISCO, CA 94115 1.95.079.000</small> <b>LEAVITT architecture</b>
<small>ONE ALLEN DAVE WOOD DAN M. REIT</small>			<small>3/15/07 3/15/07 3/15/07 3/15/07</small>



NORTH SIDE ELEVATION

DWG. SCALE: 1/8"=1'-0"  
 ARCH. SCALE: 1/4"=1'-0"  
**A3.2**

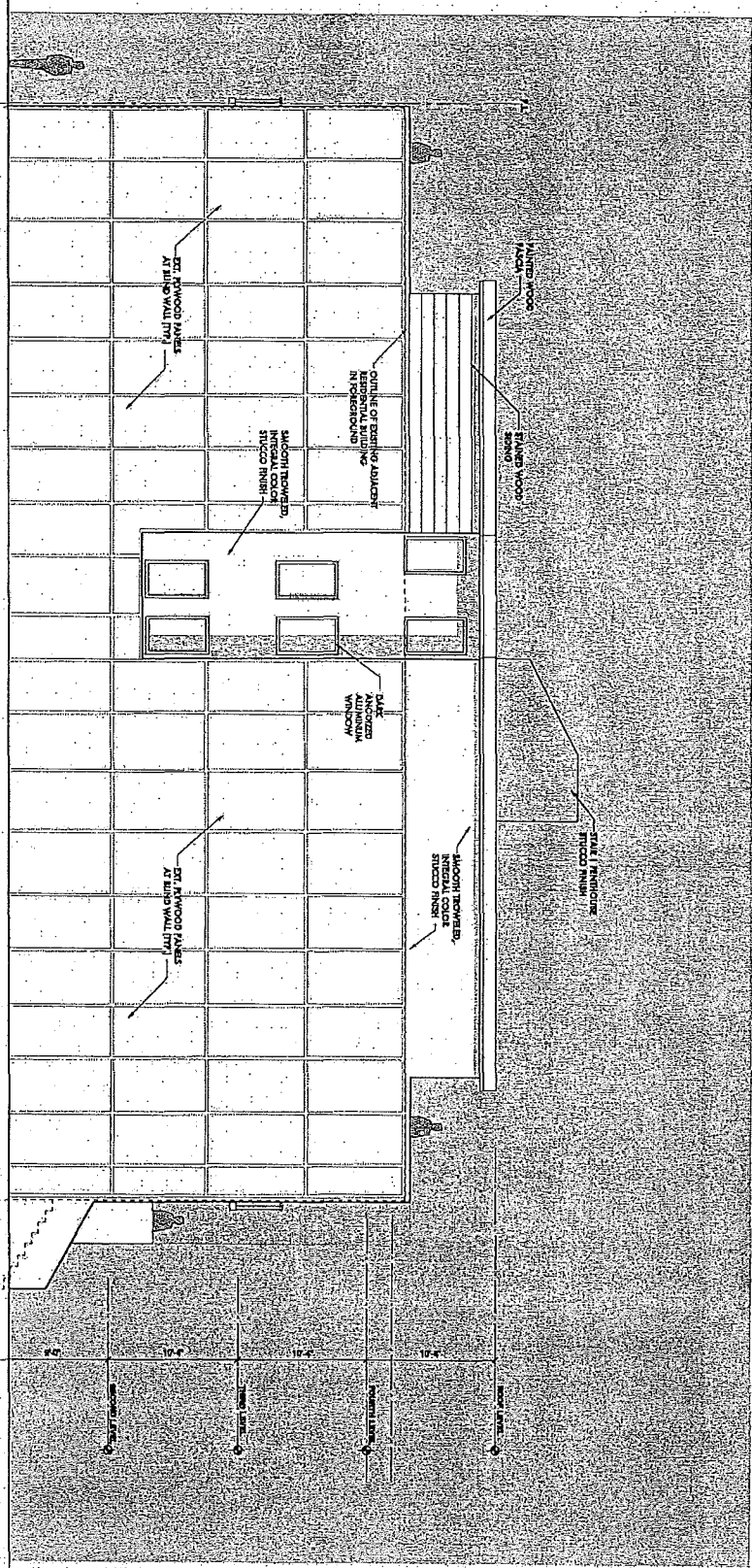
**218 27TH AVENUE RESIDENCES**  
 BLOCK 1586 LOT 36 SAN FRANCISCO, CA

NORTH ELEVATION

2023 FEBRUARY 16  
 10:00 AM  
 15:00 PM

**LEAVITT architecture**

Reviewed By:  
 [Signature] 2023 MAR 14  
 [Signature] 2023 MAR 14  
 [Signature] 2023 MAR 14  
 [Signature] 2023 MAR 14



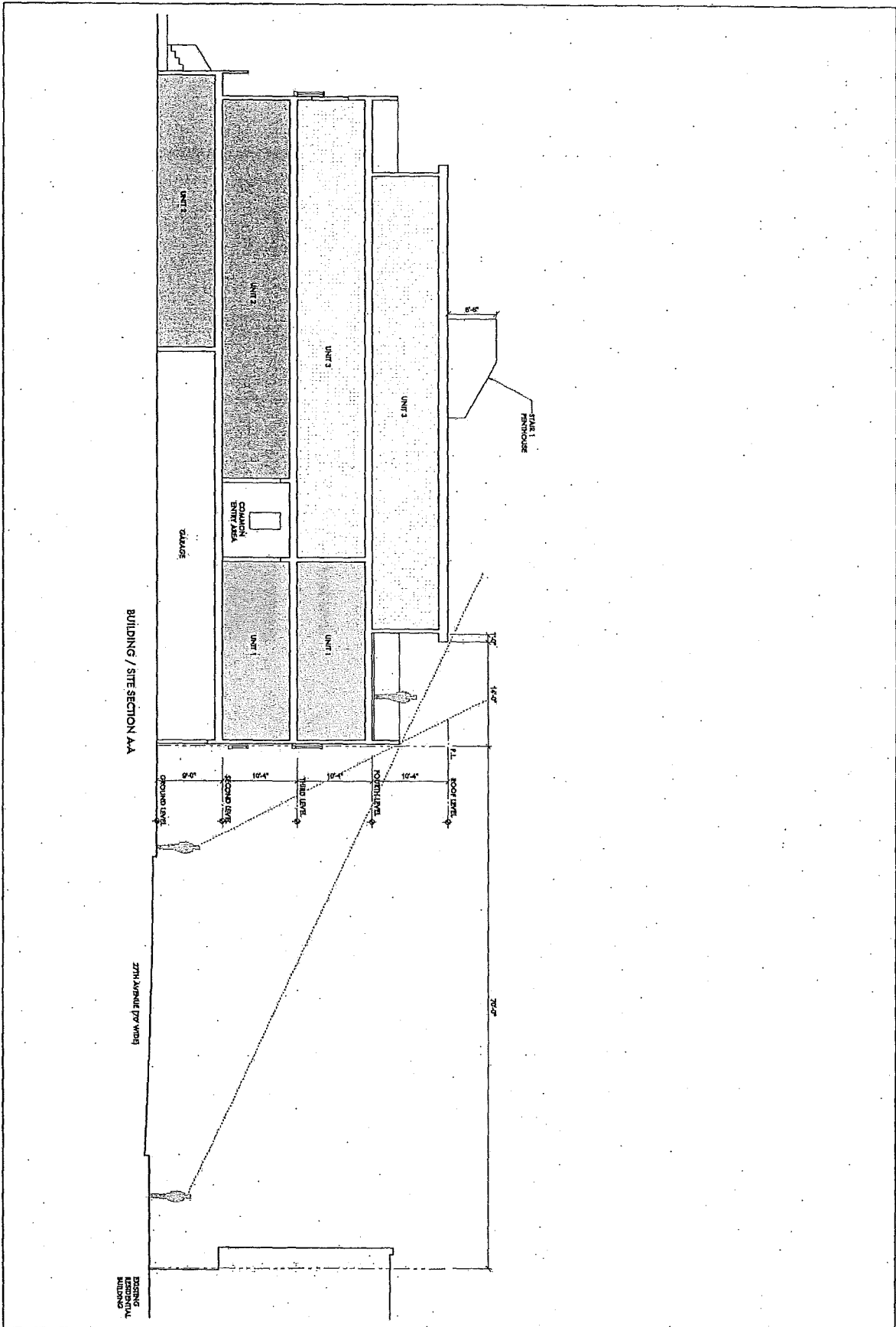
SOUTH ELEVATION

**A3.3**  
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 SCALE: 1/4" = 1'-0"  
 DRAWN BY: [unintelligible]  
 SHEET:

**218 27TH AVENUE RESIDENCES**  
 BLOCK 1246 LOT 28  
 SAN FRANCISCO, CA

SOUTH ELEVATION

DESIGNED BY: LEAVITT architecture  
 ARCHITECTURE  
 1100 CALIFORNIA ST  
 SAN FRANCISCO, CA 94109  
 415.398.1100  
 LEAVITT architecture llc  
 LEAVITT architecture llc  
 LEAVITT architecture llc  
 LEAVITT architecture llc  
 LEAVITT architecture llc



DATE CHANGED  
SCALE: 3/8"=1'-0"  
DRAWN: JL  
SHEET:  
**A4.1**

**218 27TH AVENUE RESIDENCES**  
BLOCK 1326 LOT 38  
SAN FRANCISCO, CA

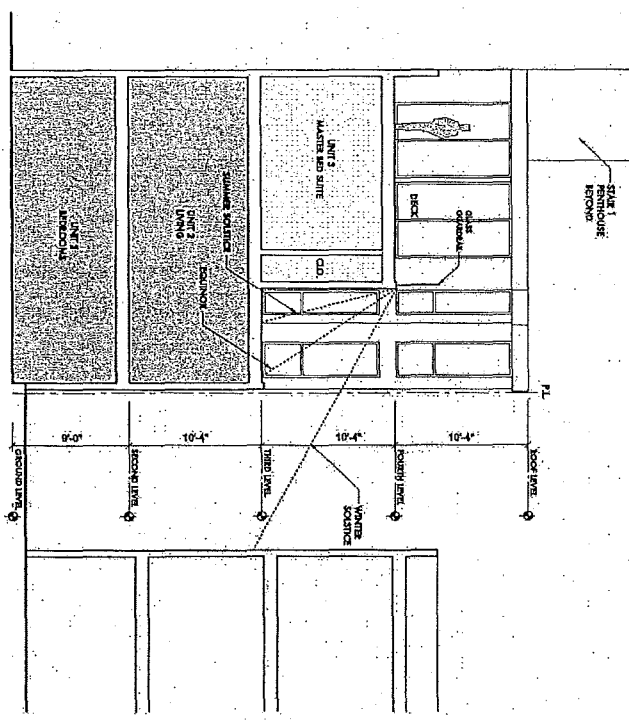
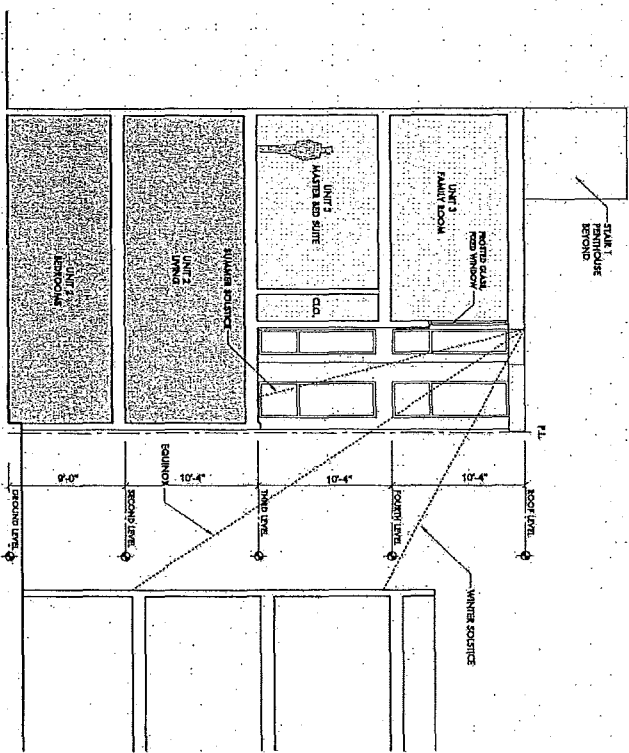
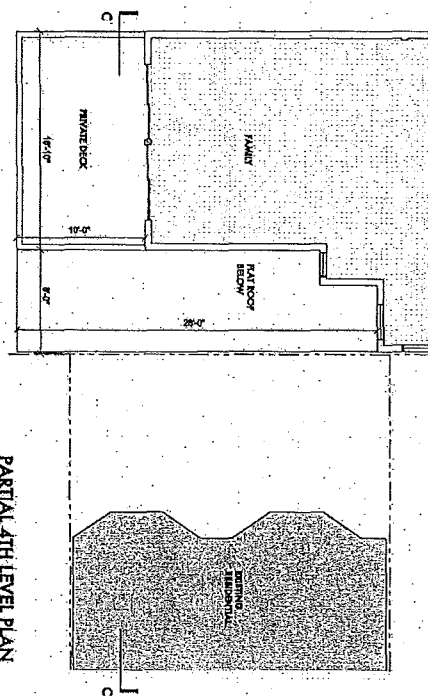
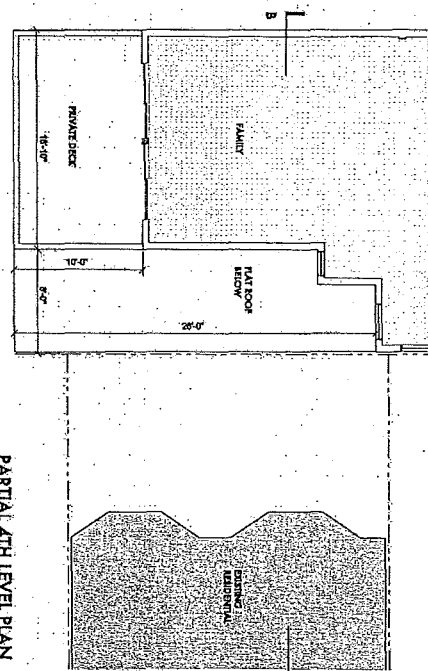
BUILDING / SITE SECTION

2027 PROJECT #  
218 27TH AVENUE  
CONTRACT # 1326  
1.15.15 07-18-2015  
1.15.15 07-18-2015

**LEAVITT**  
architecture inc.

APPROVED BY:  
DATE: 10/19/2017  
APPROVED BY:  
DATE: 10/19/2017

Prepared by:



<p>216 27TH AVENUE RESIDENCES          BLOCK 1280 LOT 28          SAN FRANCISCO, CA</p>	<p>TRANSVERSE SECTIONS</p>	<p>LEAVITT architecture</p>	<p>Revisions By</p>
---	----------------------------	-----------------------------	---------------------

DATE: 10/20/17  
 SCALE: 1/8" = 1'-0"  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 SHEET: A4.2



TAB C



**SAN FRANCISCO  
PLANNING DEPARTMENT**

**CEQA Categorical Exemption Determination**

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
218 27th Avenue		1386/038	
Case No.	Permit No.	Plans Dated	
2016-003258ENV		01/07/2016	
<input type="checkbox"/> Addition/ Alteration	<input checked="" type="checkbox"/> Demolition (requires HIRER if over 45 years old)	<input checked="" type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification (GO TO STEP 7)
Project description for Planning Department approval.			
Demolish existing two-story single-family home and construct a four-story building containing three residences and three parking spaces.			

**STEP 1: EXEMPTION CLASS  
TO BE COMPLETED BY PROJECT PLANNER**

\*Note: If neither class applies, an *Environmental Evaluation Application* is required.\*

<input checked="" type="checkbox"/>	Class 1 – Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input checked="" type="checkbox"/>	Class 3 – New Construction/ Conversion of Small Structures. Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions; ; change of use under 10,000 sq. ft. if principally permitted or with a CU. Change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	Class _____

**STEP 2: CEQA IMPACTS  
TO BE COMPLETED BY PROJECT PLANNER**

If any box is checked below, an *Environmental Evaluation Application* is required.

<input type="checkbox"/>	<b>Air Quality:</b> Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks)? <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Article 38 program and the project would not have the potential to emit substantial pollutant concentrations. (refer to EP ArcMap &gt; CEQA Catex Determination Layers &gt; Air Pollutant Exposure Zone)</i>
<input type="checkbox"/>	<b>Hazardous Materials:</b> If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks); Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment. <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the</i>

	<i>MaHer program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap &gt; MaHer layer).</i>
<input type="checkbox"/>	Transportation: Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)
<input type="checkbox"/>	Slope = or > 20%: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required.
If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an <i>Environmental Evaluation Application</i> is required, unless reviewed by an Environmental Planner.	
<input checked="" type="checkbox"/>	Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.
Comments and Planner Signature (optional): Jean Poling	

**STEP 3: PROPERTY STATUS - HISTORIC RESOURCE  
TO BE COMPLETED BY PROJECT PLANNER.**

PROPERTY IS ONE OF THE FOLLOWING: (refer to Parcel Information Map)	
<input type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input checked="" type="checkbox"/>	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
<input type="checkbox"/>	Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.

**STEP 4: PROPOSED WORK CHECKLIST**  
**TO BE COMPLETED BY PROJECT PLANNER**

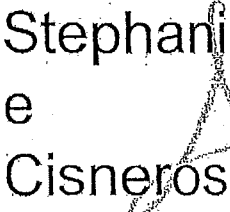
Check all that apply to the project.	
<input type="checkbox"/>	1. Change of use and new construction, Tenant improvements not included.
<input type="checkbox"/>	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the <i>Residential Design Guidelines</i> .
<input type="checkbox"/>	5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
Note: Project Planner must check box below before proceeding.	
<input type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

**STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW**  
**TO BE COMPLETED BY PRESERVATION PLANNER**

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input type="checkbox"/>	7. Addition(s), including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
<input type="checkbox"/>	8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):

<input type="checkbox"/>	9. Other work that would not materially impair a historic district (specify or add comments):  <i>(Requires approval by Senior Preservation Planner/Preservation Coordinator)</i>
<input checked="" type="checkbox"/>	10. Reclassification of property status. <i>(Requires approval by Senior Preservation Planner/Preservation Coordinator)</i> <input type="checkbox"/> Reclassify to Category A <input checked="" type="checkbox"/> Reclassify to Category C a. Per HRER dated: _____ <i>(attach HRER)</i> b. Other <i>(specify)</i> : Per PTR form signed on June 21, 2016
<b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.</b>	
<input type="checkbox"/>	Further environmental review required. Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. GO TO STEP 6.
<input checked="" type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.
Comments <i>(optional)</i> :	
Preservation Planner Signature: Stephanie Cisneros	

**STEP 6: CATEGORICAL EXEMPTION DETERMINATION  
TO BE COMPLETED BY PROJECT PLANNER**

<input type="checkbox"/>	Further environmental review required. Proposed project does not meet scopes of work in either <i>(check all that apply)</i> : <input type="checkbox"/> Step 2 – CEQA Impacts <input type="checkbox"/> Step 5 – Advanced Historical Review <b>STOP! Must file an <i>Environmental Evaluation Application</i>.</b>
<input checked="" type="checkbox"/>	No further environmental review is required. The project is categorically exempt under CEQA.
Planner Name: Stephanie A. Cisneros	Signature: 
Project Approval Action:  Building Permit	Digitally signed by Stephanie Cisneros DN: dc=org, dc=sfgov, dc=cityplanning, ou=CityPlanning, ou=Current Planning, cn=Stephanie Cisneros, email=Stephanie.Cisneros@sfgov.org Date: 2016.06.29 14:23:13 -07'00'
If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	
Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.	

**STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT  
TO BE COMPLETED BY PROJECT PLANNER**

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

**PROPERTY INFORMATION/PROJECT DESCRIPTION**

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
Case No.	Previous Building Permit No.	New Building Permit No.
Plans Dated	Previous Approval Action	New Approval Action
Modified Project Description:		

**DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION**

Compared to the approved project, would the modified project:	
<input type="checkbox"/>	Result in expansion of the building envelope, as defined in the Planning Code;
<input type="checkbox"/>	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
<input type="checkbox"/>	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
<input type="checkbox"/>	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?
If at least one of the above boxes is checked, further environmental review is required. <b>DATE FORM</b>	

**DETERMINATION OF NO SUBSTANTIAL MODIFICATION**

<input type="checkbox"/>	The proposed modification would not result in any of the above changes.
If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice.	
Planner Name:	Signature or Stamp:



# SAN FRANCISCO PLANNING DEPARTMENT

## PRESERVATION TEAM REVIEW FORM

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

Preservation Team Meeting Date:		Date of Form Completion:	6/14/2016
---------------------------------	--	--------------------------	-----------

PROJECT INFORMATION		
Planner:	Address:	
Stephanie Cisneros	218 27th Avenue	
Block/Lot:	Cross Street:	
1386/038	Lake Street & California Street	
CEQA Category:	Article 10/11:	DEA Category No:
B	N/A	2016-003258ENV

PURPOSE OF REVIEW		PROJECT DESCRIPTION		
<input checked="" type="radio"/> CEQA	<input type="radio"/> Article 10/11	<input type="radio"/> Preliminary/PIC	<input type="radio"/> Alteration	<input checked="" type="radio"/> Demo/New Construction

DATE OF PLANS UNDER REVIEW:	01/07/2016
-----------------------------	------------

PROJECT ISSUES	
<input checked="" type="checkbox"/>	Is the subject Property an eligible, historic resource?
<input type="checkbox"/>	If so, are the proposed changes a significant impact?
Additional Notes:	
Submitted; Historic Resource Evaluation prepared by Richard Brandi (dated April 29, 2016).	
Proposed Project: Demolish existing two-story single-family home and construct a four-story building containing three residences and three parking spaces.	

PRESERVATION TEAM REVIEW			
Historic Resource Present:		<input type="radio"/> Yes	<input checked="" type="radio"/> No *
Individual		Historic District/Context	
Property is individually eligible for inclusion in a California Register under one or more of the following Criteria:		Property is in an eligible California Register Historic District/Context under one or more of the following Criteria:	
Criterion 1 - Event:	<input type="radio"/> Yes <input type="radio"/> No	Criterion 1 - Event:	<input type="radio"/> Yes <input type="radio"/> No
Criterion 2 - Persons:	<input type="radio"/> Yes <input type="radio"/> No	Criterion 2 - Persons:	<input type="radio"/> Yes <input type="radio"/> No
Criterion 3 - Architecture:	<input type="radio"/> Yes <input type="radio"/> No	Criterion 3 - Architecture:	<input type="radio"/> Yes <input type="radio"/> No
Criterion 4 - Info. Potential:	<input type="radio"/> Yes <input type="radio"/> No	Criterion 4 - Info. Potential:	<input type="radio"/> Yes <input type="radio"/> No
Period of Significance:	<input type="text"/>	Period of Significance:	<input type="text"/>
		<input type="radio"/> Contributor	<input type="radio"/> Non-Contributor

Complies with the Secretary's Standards/Arts/Arts	<input type="radio"/> Yes	<input type="radio"/> No	<input checked="" type="radio"/> N/A
CEQA Mitigation Impairment	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Needs More Information	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Requires Design Revisions	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Refer to Residential Design Team	<input checked="" type="radio"/> Yes	<input type="radio"/> No	

\* If No is selected for Historic Resource per CEQA, a signature from Senior Preservation Planner or Preservation Coordinator is required.

**PRESERVATION TEAM COMMENTS:**

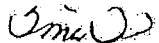
According to the Historic Resource Evaluation prepared by Richard Brandt and information found in the Planning Department files, the subject property at 218 27th Avenue contains a one-story-over-garage, wood-frame, single-family residence constructed in the early 1900s. No original building permit was found to determine exact date of construction, architect, or builder. A water tap record application was filed in 1904 for a one-story, 800 square-foot building, which was shown in the 1905 Sanborn map as located at the rear of the lot at full width but just short of the property line. The 1913 Sanborn map shows a one-story house with a flat facade and full width porch in the location of the current building, and also shows a small building at the rear of the lot (different from the structure identified in the 1905 map). The 1950 Sanborn map shows a one-story-over-garage house with an angled bay and a full-width rectangular addition at the rear of the building and no longer shows the small building at the rear. For purposes of this review, the construction date for the current residence is narrowed to sometime between 1905 and 1913.

The original owner of the building was Francis W. Smiley, a laundry worker, and his wife Mary. The Smiley family owned and occupied the building from the time of its construction until 1938. The building has been owner-occupied for a majority of its existence. Known alterations to the property include: changing the front of the "old" building from a hipped to gabled roof, adding a portion of the old front porch to the living room, and changing the stairs from the center to the right side (1915); and re-roofing (2008). In comparing the current building to historic photos, it appears that other changes that have also occurred include: removing original siding and stuccoing the exterior; replacing windows; and replacing the garage doors.

No known historic events occurred at the subject property (Criterion 1). None of the owners or occupants have been identified as important to history (Criterion 2). The subject property is a nondescript example of a vernacular cottage that has been stripped of any character-defining features. The building is not architecturally distinct such that it would qualify individually for listing in the California Register under Criterion 3.

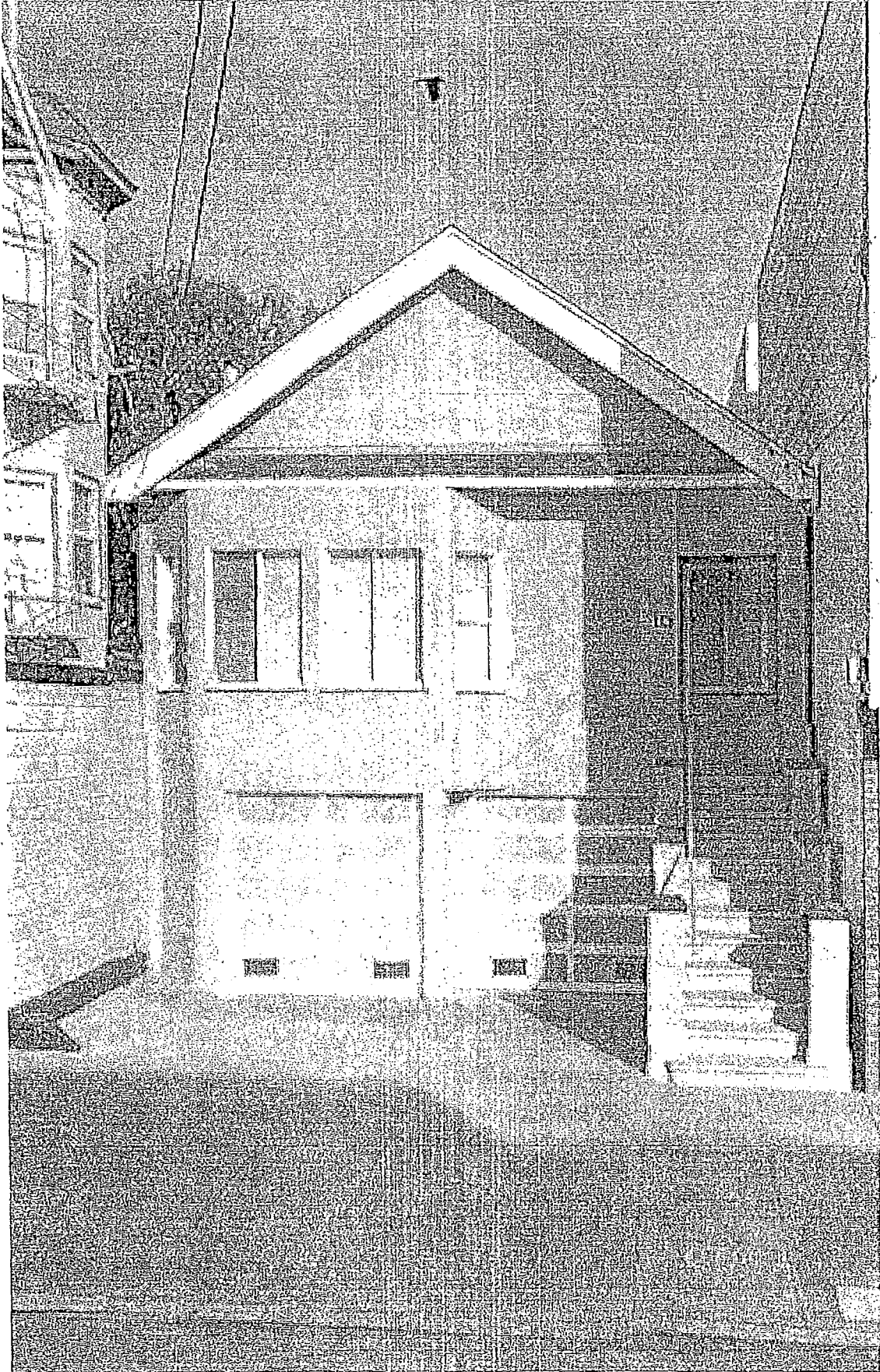
The subject property is not located within the boundaries of any identified historic district. The subject property is located in the Outer Richmond neighborhood on a block that exhibits a variety of vernacular architectural styles and construction dates ranging from early 1900s to 2000. Together, the block does not comprise a significant concentration of historically or aesthetically unified buildings.

Therefore, the subject property is not eligible for listing in the California Register under any criteria individually or as part of a historic district.

Signature of a Senior Preservation Planner/Preservation Coordinator	Date
	6-21-2016

SAN FRANCISCO  
PLANNING DEPARTMENT





**HANSON BRIDGETT LLP**

CHECK NUMBER: 56742  
CHECK DATE: 11-10-17

REF. #	INV. #	INV. DATE	INV. AMOUNT	INV. DESCRIPTION	AMT. PAID
418153	35114.1-111017	11-10-17	597.00	Appeal fee -CEQA Exemption Determination (35114.1)	597.00

**CHECK DATE**  
November 10, 2017

First Republic Bank  
111 Pine Street  
San Francisco, CA 94111

**HANSON BRIDGETT LLP**

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

CHECK NO. 56742

11-8166/3210

CHECK AMOUNT

**\$ 597.00**

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

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

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

*[Handwritten Signature]*

TAB D

**Historic Resource Evaluation**

**218 27<sup>th</sup> Avenue  
San Francisco, CA**



Prepared for:

Joe Toboni  
The Toboni Group  
3364 Sacramento Street  
San Francisco, CA 94118

Prepared by:

Richard Brandi  
Architectural Historian  
125 Dorchester Way  
San Francisco, CA 94127

April 29, 2016

## HISTORIC RESOURCE EVALUATION REPORT

### 1. Introduction

This HRE evaluates the building located at 218 27<sup>th</sup> Avenue, to determine its individual eligibility for the California Register of Historical Resources and whether it lies within the boundaries of an eligible historic district that has not been previously identified.

Based on archival research, a site visit, and analysis, 218 27<sup>th</sup> Avenue is not eligible for listing on the California Register of Historical Resources. Based on a survey of the area, the building does not appear to lie within a previously unidentified historic district.

This review was conducted by Richard Brandi who holds an M.A. in Historic Preservation from Goucher College, Maryland and a B.A. from U.C. Berkeley. He is listed as a qualified historian by the San Francisco Planning Department and the California Historical Resources Information System. In addition to researching and writing historic context statements, Mr. Brandi conducts historic resource evaluations; architectural surveys; CEQA, NEPA and Section 106 reviews; HABS/HAER documentation; National Register nominations; and project reviews using the Secretary of the Interior's Standards for the Treatment of Historic Properties. Richard has completed two nominations to the National Register of Historic Places, two HABS/HAER documentations, and dozens of HREs. He has also evaluated hundreds of buildings and surveyed thousands of buildings and structures. He has conducted design review using the Secretary of the Interior's Standards for the Treatment of Historic Properties in San Francisco, Chico, Pacific Grove, Pebble Beach, and Riverside. With more than 10 years of professional experience in architectural history and historic preservation, Mr. Brandi meets the requirements of a Qualified Professional as set forth by the Secretary of the Interior.

The building at 218 27<sup>th</sup> Avenue is located on the east of 27<sup>th</sup> Avenue (Block/ Lot 1386/038), between Lake and California Streets. It is located in an RM-1 Residential Mixed Low Density and 40-X Height and Bulk District.

### Current Historic Status

The building at 218 27<sup>th</sup> Avenue is not listed on the National Register of Historic Resources or California Register of Historical Resources, has not been rated by the California Historic Resources Information Center, and is not designated under San Francisco Planning Code Articles 10 or 11 as a local landmark or within a historic conservation district. The building is not included in *Splendid Survivors* and was not included in the 1976 citywide survey.

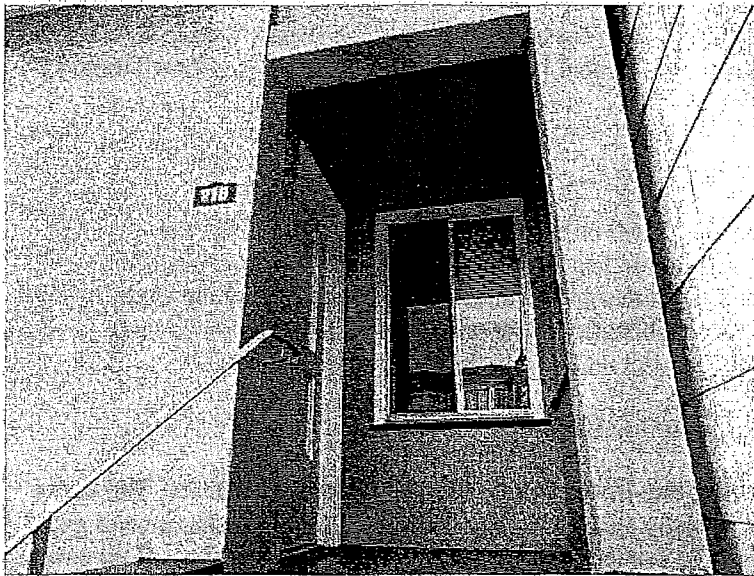
### 2. Building and Property Description/Site History

The building is a rectangular-in-plan, one-story over garage, single-family residence. The house is attached on the south side and partially attached on the north side. The house has an end gable roof clad in composition shingles. The primary façade on the ground story has two roll-up garage doors and an exterior concrete staircase on the right-hand side. A personnel door accessing the garage is located beneath the stairs. The second story has an angular bay window with four

aluminum slider windows. The landing at the top of the stairs is recessed and the entrance is turned 90 degrees from the street. An aluminum window is located on the landing. The façade has a shed roof forming the base of the end gable verge boards. The façade is stucco clad. The rear of the house has a flat roof extension clad in asbestos siding. There is a personnel door accessing a small wood deck and wood stairs leading to the backyard. There are four aluminum slider windows on the second story and no fenestration on the ground story:



**Primary façade.**



**Close-up of entrance.**



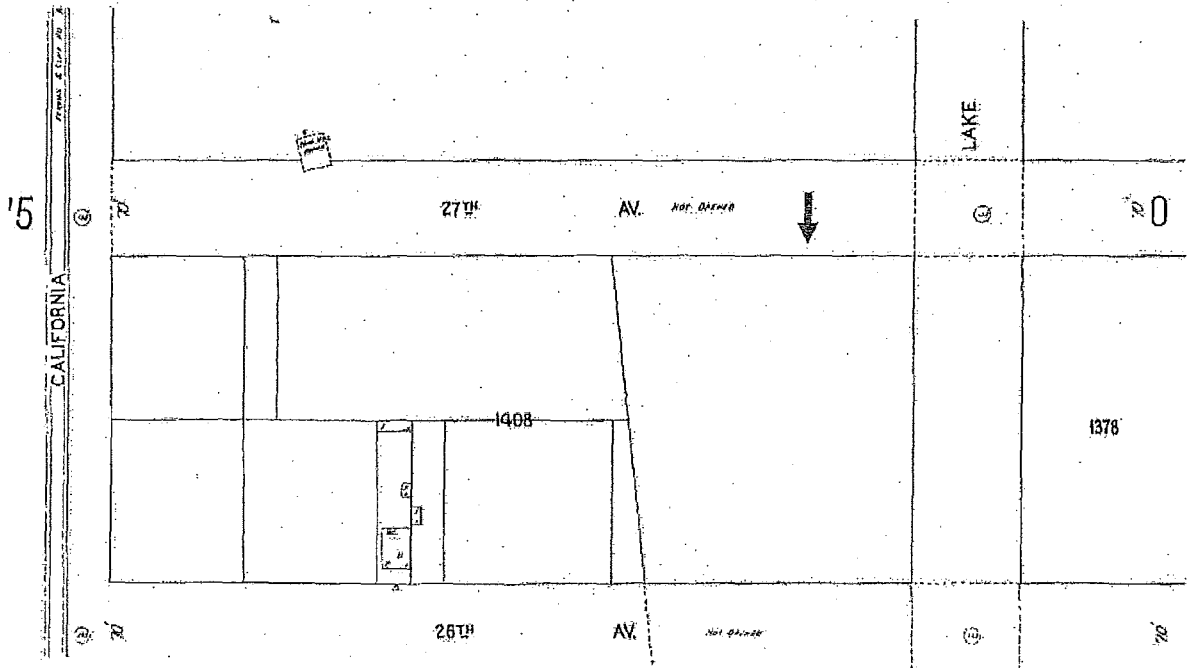
Rear.

Permit History Table

Date	Permit application	Name on Permit application listed as owner	Description of Work
August 11, 1915	64459	F. W. Smiley	"By changing front elevation of old building from hip to gable roof and adding a portion of old front porch to living room and changing stairs from center to south west corner of building." No architect. Builder F. W. Smiley; address 218 27 <sup>th</sup> Avenue.
September 4, 2008	200804040764	Ferman Elissetche	Re-roofing

### Building Construction History

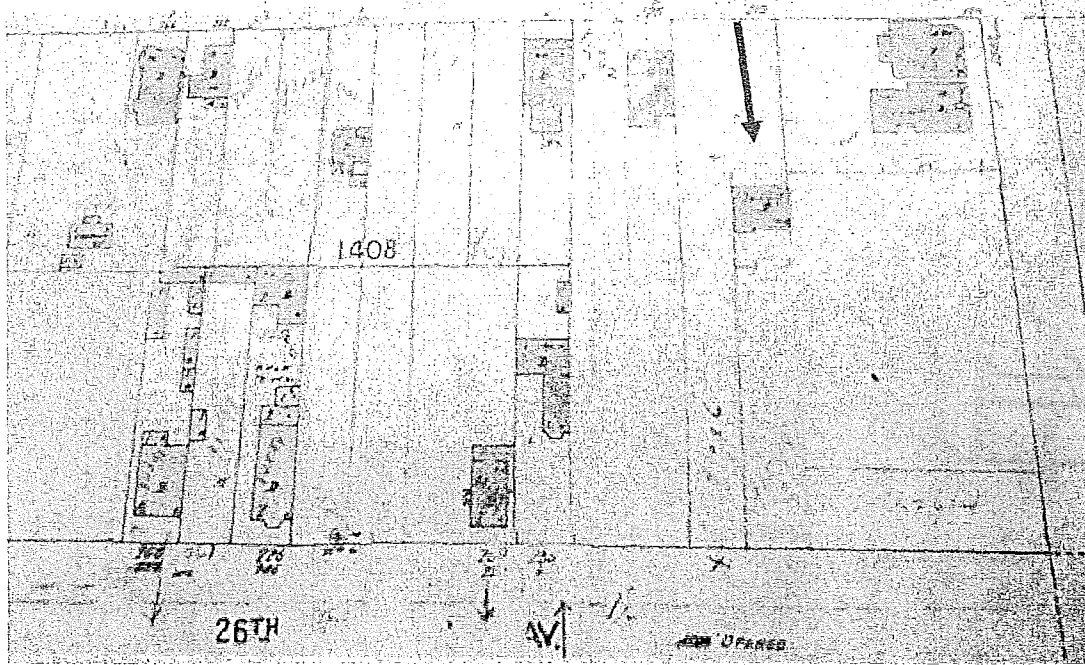
The construction history of this building is unclear. The Assessor gives the date of construction as 1917, but this is not correct (see below). The 1900 Sanborn maps show no buildings on the site.



1900 Sanborn. Arrow marks approximate future location of 218 27<sup>th</sup> Avenue.



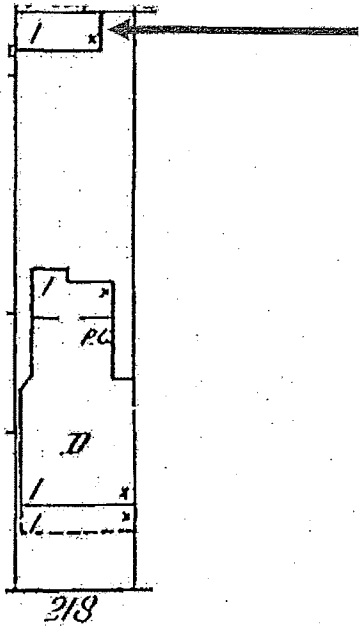
The 1905 Sanborn shows a small dwelling located at the rear of the lot but short of the property line. It is shown as taking the full width of the lot.



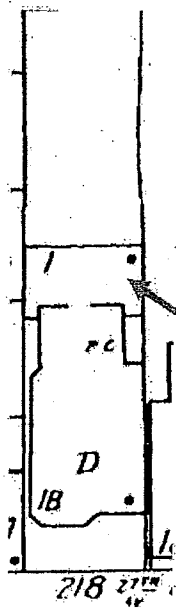
1905 Sanborn map.

The Spring Valley Water Company records indicate that water service application for 218 27<sup>th</sup> Avenue was taken out on May 4, 1904 by Mrs. Smiley. The application gives the size of the one story building as 880 square feet. Therefore, building in the rear may have been built sometime between 1900 and 1904.

The 1913 Sanborn shows a one-story house with a flat façade and full-width porch in the present location of the current house but otherwise the shape of the body of the house looks like the current house. The 1913 Sanborn map also shows a small building at the rear of the lot against the rear property line.



1913 Sanborn map.



1950 Sanborn map.

The 1950 Sanborn map shows the house with an angular bay and a full-width rectangular shaped section added to the rear of the building (extant) where a partial width section formerly stood. The rear building is gone.

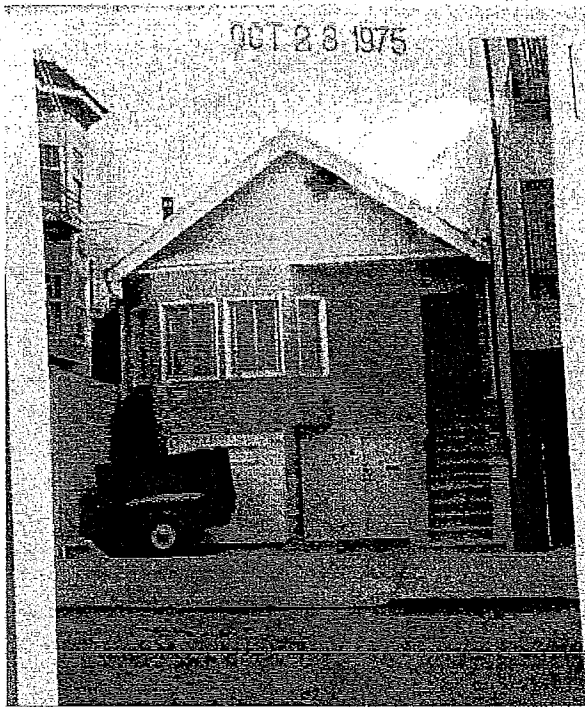
Only two building permits were uncovered by the Department of Building Inspection. The earliest one, dated 1915, says that an existing "old building" was being modified: the roof was being changed from hip to gable, a portion of the old porch was being added to the living room, and the center stairs were being relocated to the right-hand side of the house. An original building construction permit was not found by DBI and it appears that the 1915 permit refers to the building shown on the 1913 Sanborn.

It is not known how the original house with hip roof and front porch came to be constructed on the site. It could have been newly built sometime after 1905 and before 1913 without a construction permit, or the permit could have been lost. Or a house from another location could have been moved to 218 27<sup>th</sup> Avenue between 1905 and 1913. If so, this could explain the description of the house as an "old building." If the house was built between 1905 and 1913, it would not make sense to refer to it as an old house on the permit application. It is virtually impossible to determine how the house came to be sited at 218 17<sup>th</sup> Avenue. Based on the 1913 Sanborn map, a date of construction of 1913 is assigned to the house.

The Assessor's Property Data Card has an undated photo of the house before it was clad in stucco. The lower level of the house was clad in horizontal wood siding, and the second story was clad in clapboard siding. The windows were wood, double-hung with wood trim. The door entrance on the second story was framed in flat wood casings with a cross beam supported by wood supports. Wood brackets supported the shed roof. There was one, swing-out garage door and a wood window where the second garage door is now located. While the photo is undated, it probably was taken in 1938 when the data card was apparently written. It is unknown whether the house appeared this way as a result of the work described on the 1915 permit. It is unknown when the house was clad in stucco and when the second garage door was added.



Undated photo probably taken in 1938. Source Assessor's Property Data Card.



**Photo dated 1975.** By 1975, the house appeared much as it does today. The garage doors have been replaced with roll up doors. Source Assessor's Property Data Card.

### 3. Focused Neighborhood Context

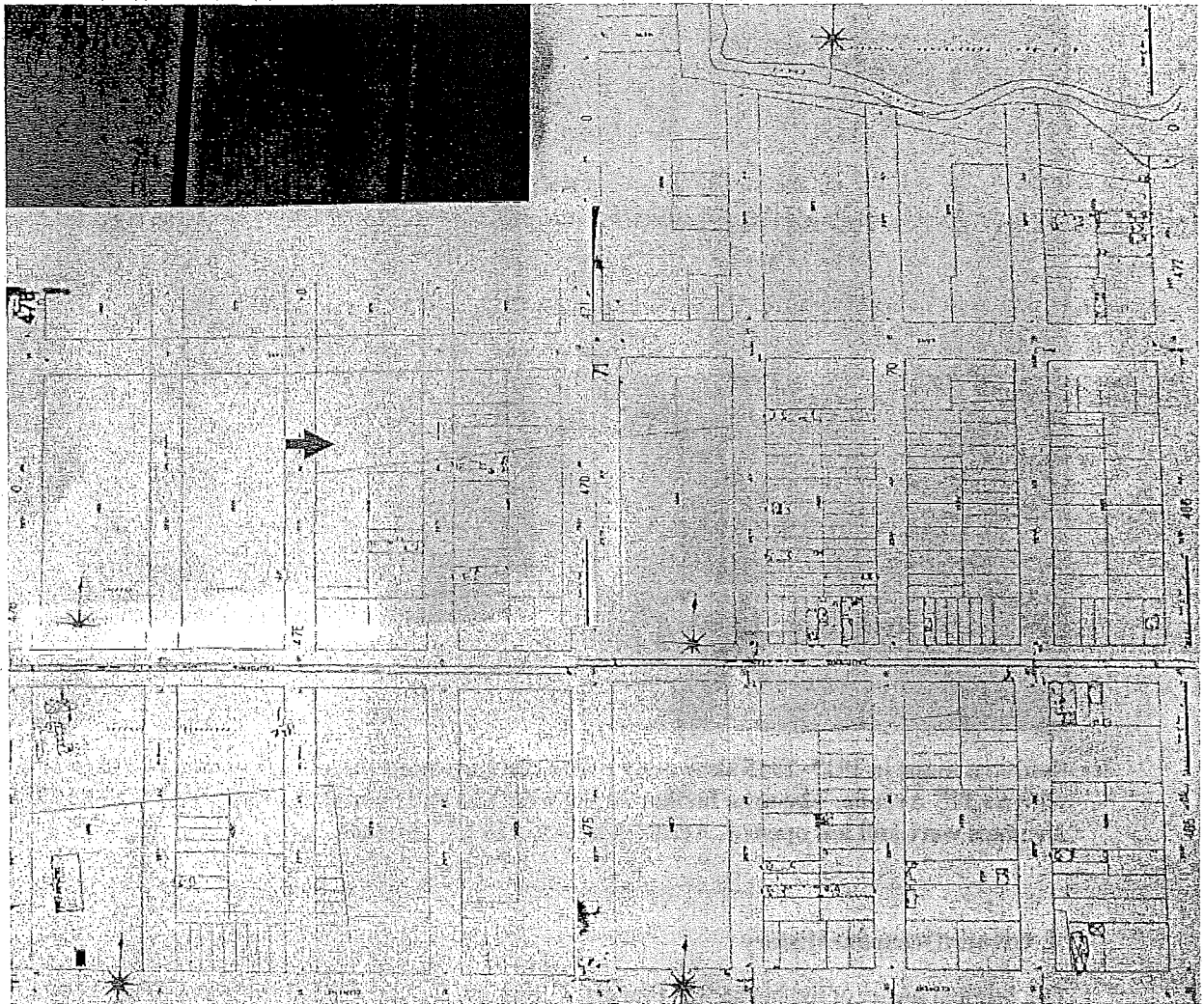
The Richmond District was once a windswept expanse of sand dunes with a sparse covering of chaparral. In June 1846, the last Mexican governor, Pio Pico, granted the Rancho Punta de los Lobos—encompassing the Richmond—to Benito Diaz. Diaz left his lands unimproved, and few claims were made on the area. The area was not then part of the City of San Francisco and a number of ranches and dairy farms dotted the area. In 1866 and 1868 the board of supervisors passed the Clement and Outside Lands Ordinances as means to settle land claims and facilitate development. The legislation set aside public lands for parks, including Golden Gate Park, schools, fire stations, and a city cemetery (now Lincoln Park).

In 1881, Adolph Sutro, the successful engineer and eventual mayor of San Francisco, purchased the Cliff House and built a railroad to provide access. He also bought up much of the Richmond and became one of its major boosters. Street railway franchises were granted to several companies with the primary routes following Geary (in 1877) and California Street (in 1878). These lines were operated with horse cars, which were later replaced by steam trains and then electric streetcars in the early 20th century.

One of the most important tasks for building was the grading of streets, which in the late nineteenth century was the responsibility of local landowners. In 1889, Geary and Arguello were the first streets in the district to be paved. Neighborhood improvement clubs were especially crucial to overseeing these improvements. Nonetheless, residential development was slow until

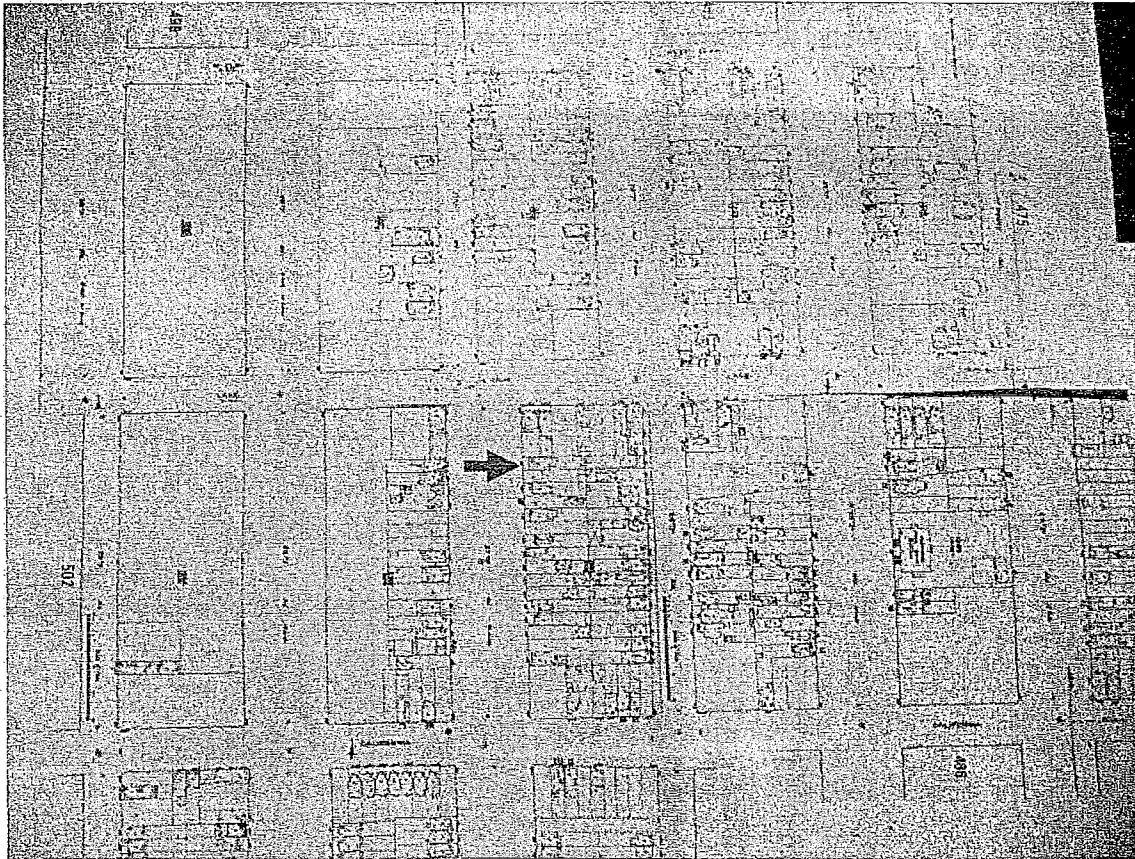
1906, and development was clustered along the principal transportation lines: California Street, Geary Street, Fulton Street, and several north-south cross streets. Much of the building along these corridors was the result of speculative development undertaken by local builders/developers.

The earthquake and fire of 1906 destroyed most of downtown San Francisco, and many people decided to settle in the Richmond. Parcels were subdivided and houses began to pop up all over the district. New residential development occurred at a rapid pace, and the district was largely built out by the late 1920s.<sup>1</sup>



Sanborn maps in 1900 showing area from Cement Street (bottom) to Lake Street and 29<sup>th</sup> Avenue (left) to 21<sup>st</sup> Avenue. Large arrow points to approximate location of 218 27<sup>th</sup> Avenue.

In 1900, the area in the vicinity of 218 27<sup>th</sup> Avenue was sparsely settled. Vegetable gardens were located from 27<sup>th</sup> to 29<sup>th</sup> Avenues with water tanks and a windmill. These streets were “not opened,” meaning they had been patted but had not been graded. The large building shown in the lower left comprised a stable, storage area, and bocce ball alley.



Sanborn maps in 1913–1915 showing a dense concentration of buildings running as far west as 27<sup>th</sup> Avenue. The area farther to the west was still sparsely settled, and 28<sup>th</sup> and 29<sup>th</sup> Avenues were still not opened. Arrow points to 218 17<sup>th</sup> Avenue.

#### 4. Owner/Occupant History

The original owner of the house was Francis W. Smiley. Smiley lived at 1511 Ellis Street until 1905 when he moved to a small building at the rear of the lot with the address 218 27<sup>th</sup> Avenue. This small one-story building is shown on the 1905 Sanborn map as the only structure on the lot.

Firmin Elissetche resided from at least 1953 to 1982. He died May 7, 2014, in San Francisco, at age 88. He was born April 11, 1926, in Uhart Cize, France. His wife, Marguerite Elissetche, died before him. He was survived by his daughter Marie Huertas and sons John, Francis, and Phillip (Julie). Firmin was a landscape gardener for 63 years in San Francisco.

**Owner**

<b>Dates</b>	<b>Name Owner(s)</b>	<b>Occupation</b>
December 28, 1910*	F. Smiley and Mary Smiley	Laundry worker
January 23, 1917	Mary S. Smiley	Wife of F. Smiley
September 25, 1931	Robert S. Smiley	Unknown. There were two Robert S. Smileys, neither living at 218 27 <sup>th</sup> Avenue
August 1, 1938	Sydney E. and Florence M. Smith	Clerk, VP Sullivan. Didn't reside at 218 27 <sup>th</sup> Avenue
September 7, 1944	Cal Pacific title Co.	
October 5, 1944	George W. and Florence Wilson	Not listed
August 29, 1946	Jean Pierre Etchebarron and Marguerite L. Arnarez	Not listed
August 16, 1993	Firmin Elissetche	Landscape
August 6, 2015	218 27 <sup>th</sup> Avenue LLC	

\* Map book Richmond, page 724

**Occupants**

<b>Dates</b>	<b>Name Occupants</b>	<b>Occupation</b>
1913–1923	Francis W. Smiley	Laundry worker, then lithographer, then finally carpenter.
1923–1952*	Unknown, property owners did not live at 218 27 <sup>th</sup> Avenue.	
1953–1982**	Firmin Elissetche. He was 27 years old when he moved in.	Landscape

\*Reverse directories start in 1953. Elissetche is not listed as living at 218 27<sup>th</sup> Avenue before 1953, when he was 27 years old. \*\*Last city directory was in 1982.

## **5. Architect/Builder**

The designer and builder of the original building are unknown. F. W. Smiley is named as the builder on the 1915 permit for the alterations.

## **6. Eligibility for the California Register of Historical Resources**

The date of construction is circa 1913. This year is also used as the period of significance.

### **California Register of Historical Resources**

The California Register of Historical Resources (CRHR) evaluates a resource's historic significance based on the following four criteria:

Criterion 1 (Event): Resources associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.

Criterion 2 (Person): Resources associated with the lives of persons important to local, California, or national history.

Criterion 3 (Design/Construction): Resources that embody the distinctive characteristics of a type, period, region, or method of construction, or that represent the work of a master or possess high artistic values.

Criterion 4 (Information Potential): Resources that have yielded or have the potential to yield information important to the prehistory or history of the local area, California, or the nation.

In addition to meeting one of the four criteria, a resource must be more than 50 years old, unless it can be demonstrated that sufficient time has passed to understand the building's historical importance. The estimated age of the building is 103 years, making it potentially eligible for listing.

Under Criterion 1 (Event), the subject building was constructed circa 1913 during the development of the Richmond after the 1906 Earthquake and Fire, but it was one of thousands of buildings erected at the time and is not significantly associated with the rebuilding period.

Under Criterion 2 (Person), the building is not associated with the lives of persons important to local, California, or national history. None of the people who owned or lived in the house appear to be historically important.

Under Criterion 3 (Design/Construction), the style and design of the original house is not known. It was significantly altered in 1915 and then again at an unknown date when the house was clad in stucco and an additional garage door was added. A large addition was made to the rear of the house at an unknown date. The house does not resemble any



recognized style. The work in 1915 was done by the then owner, Francis Smiley, who worked in a laundry and was not a master designer or builder. The appearance of the house does not embody the distinctive characteristics of a type, period, region, or method of construction. Therefore, the house does not qualify under criterion 3.

This report does not address archeology under Criterion 4 (Information Potential).

Based on archival research, a site visit, and analysis, 218 27<sup>th</sup> Avenue is not eligible for listing on the California Register of Historical Resources.

### Historic District Analysis



Google Earth 2016.

The house is located east of the Sea Cliff neighborhood boundary and south and west of West Clay Park boundary, both early 20<sup>th</sup> century residence parks and potential historic districts. The closest HRERs were conducted on 156 27<sup>th</sup> avenue which is rated "C," not a historic resource, and 126 27<sup>th</sup> Avenue; which is rated "A," a historic resource. (This is the Alfred G. Hanson residence and San Francisco Landmark #196.)

The buildings on the 200 block of 27<sup>th</sup> Avenue are generally two-story-over garage flats with some three-story over garage buildings. The ages of the buildings range from the 1920s through the 1960s. The buildings are attached and roofs are uniformly flat. The adjacent streets on Lake and California contain similar mix of attached one and two stories over garage residential buildings.



27<sup>th</sup> Avenue across the street from 218 17<sup>th</sup> Avenue, looking left.



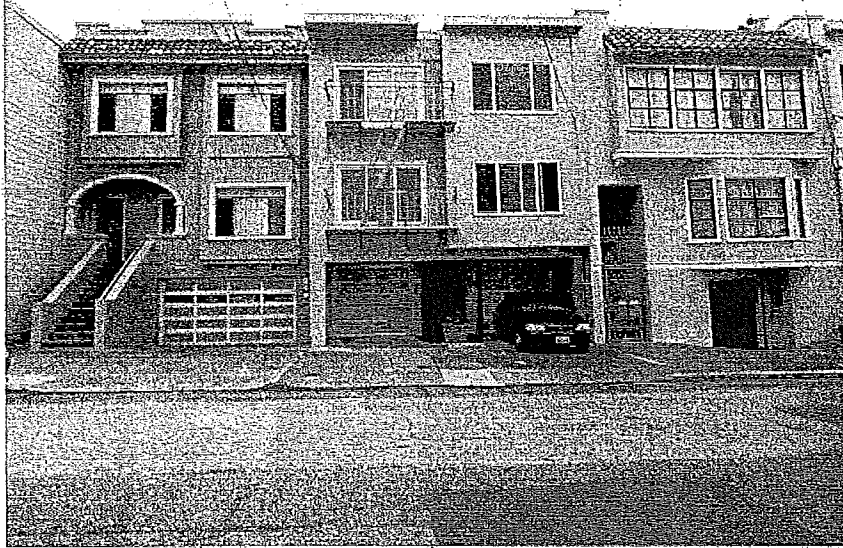
27<sup>th</sup> Avenue directly across the street from 218 17<sup>th</sup> Avenue.



27<sup>th</sup> Avenue across the street from 218 17<sup>th</sup> Avenue, looking right.



Same side of 27<sup>th</sup> Avenue, as 218 17<sup>th</sup> Avenue, looking right.



Same side of 27<sup>th</sup> Avenue as 218 17<sup>th</sup> Avenue, looking midblock.



Same side of 27<sup>th</sup> Avenue as 218 27<sup>th</sup> Avenue, looking left. Arrow points to 218 27<sup>th</sup> Avenue.



Intersection of 27<sup>th</sup> Avenue and Lake Street looking west. Sea Cliff is at end of street.



Intersection of 27<sup>th</sup> Avenue and Lake Street looking east.



South side of Lake Street, 2500 block, around the corner from 218 27<sup>th</sup> Avenue.



Intersection of 27<sup>th</sup> Avenue and California, looking east.



**North side of 6400 block of California Street, around the corner from 218 27 Avenue.**

The diverse types of buildings and the wide time span during which the buildings were constructed do not present a concentration of historic resources. Therefore, the area does not have “a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development” necessary to be considered an historic district.<sup>2</sup>

#### **7. Integrity**

The evaluation of historic significance is a two-step process. First, the historic significance of the property must be established. If the property appears to possess historic significance, then a determination is made of its physical integrity: that is, its authenticity as evidenced by the survival of characteristics that existed during the resource’s period of significance. There are seven aspects of integrity: location, design, setting, materials, workmanship, feeling, and association. The house does not appear to possess historic significance; therefore, it is not necessary to assess its historic integrity.

#### **8. Character-defining Features**

Not applicable.

**9. Bibliography of Works Cited and Archives Consulted.**

The sources used for the HRE are:

**Online Resources**


- National Park Service website, "How to Apply the National Register Criteria for Evaluation."
- San Francisco City Directories.
- San Francisco Public Library, San Francisco History Center Photographic Collection.
- San Francisco Public Library, Historic Sanborn maps.
- San Francisco Planning Department website.

**Other Resources**

- City and County of San Francisco:
  - Department of Building Inspection
  - Office of the Assessor-Recorder

**Assessor Property Data Card**

CONSTRUCTION RECORD										VALUATION RECORD											
DATE	PERMITS	AMOUNT	TYPE	REMARKS	DATE	PRICE	TYPE	REMARKS	DATE	PRICE	TYPE	REMARKS	DATE	PRICE	TYPE	REMARKS	DATE	PRICE	TYPE	REMARKS	
REMARKS										SALE HISTORY											
MARKET APPROACH																					
ADDRESS	BLOCK	CITY	PARCEL	DATE	PRICE	CASH	EST.	VAL.	REMARKS												
Subject Property																					
Estimate of Market Value \$										Year											
LAND COMPUTATIONS																					
Front	Depth	Area	Value	Est. Ft. Value	Est. Ft. Value	Est. Ft. Value	Est. Ft. Value	Est. Ft. Value	Est. Ft. Value												
IMPROVEMENTS																					
FLOOR	AREA	EST. VALUE	EST. VALUE	EST. VALUE	EST. VALUE	EST. VALUE	EST. VALUE	EST. VALUE	EST. VALUE												





**CITY & COUNTY OF SAN FRANCISCO**  
Assessor Office Valuation Division  
**JOSEPH E. HANNIN, ASSESSOR**

VAL. 15, 0000, 1511, 100, 00  
ADDRESS 115, 0000, 1511, 100, 00  
POST OFFICE 115, 0000, 1511, 100, 00

**Single Family Dwelling**

IMPROVEMENT DATA		10. RELATED FEATURES		11. FINISHING DATA		12. SPECIAL FEATURES		13. BUILDING ATTRIBUTES	
1. CLASS	2. TYPE	3. INTERIOR FINISH	4. EXTERIOR FINISH	5. FLOORING	6. WALLS	7. CEILING	8. LIGHTING	9. ROOFING	10. FOUNDATION
11. BATHROOM	12. KITCHEN	13. CLOSET	14. PORCH	15. DRIVEWAY	16. GARAGE	17. PATIO	18. FENCE	19. POOL	20. OTHER
21. MASONRY	22. EXTERIOR CONTR.	23. TERRACE	24. SPECIAL FEATURES	25. LAND ATTRIBUTES	26. BUILDING ATTRIBUTES	27. SPECIAL FEATURES	28. LAND ATTRIBUTES	29. BUILDING ATTRIBUTES	30. SPECIAL FEATURES

**Appendix**

**Building Permits**

<sup>1</sup> "Social and Architectural History of the Richmond District," by Christopher VerPlanck, Western Neighborhoods Project Website, [http://www.outsidelands.org/richmond\\_arch.php](http://www.outsidelands.org/richmond_arch.php); accessed April 26, 2016.

<sup>2</sup> National Park Service Website, "How to Apply the National Register Criteria for Evaluation," [www.nps.gov/nr/publications/bulletins/pdfs/nrb15.pdf](http://www.nps.gov/nr/publications/bulletins/pdfs/nrb15.pdf); accessed September 2, 2014.

# T A B E

Google Maps 226 27th Ave

2533

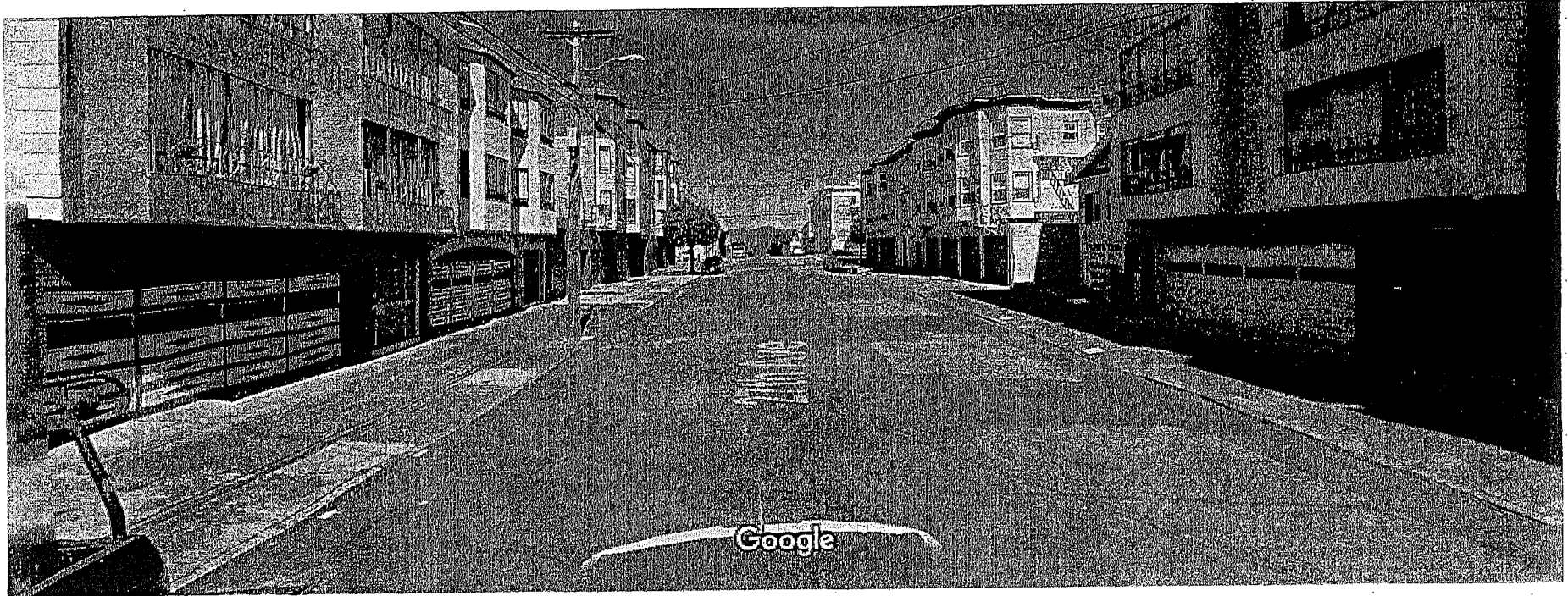


Image capture: Mar 2017 © 2017 Google

San Francisco, California

Google, Inc.

Street View - Mar 2017

Google Maps 2545 Lake St



2534

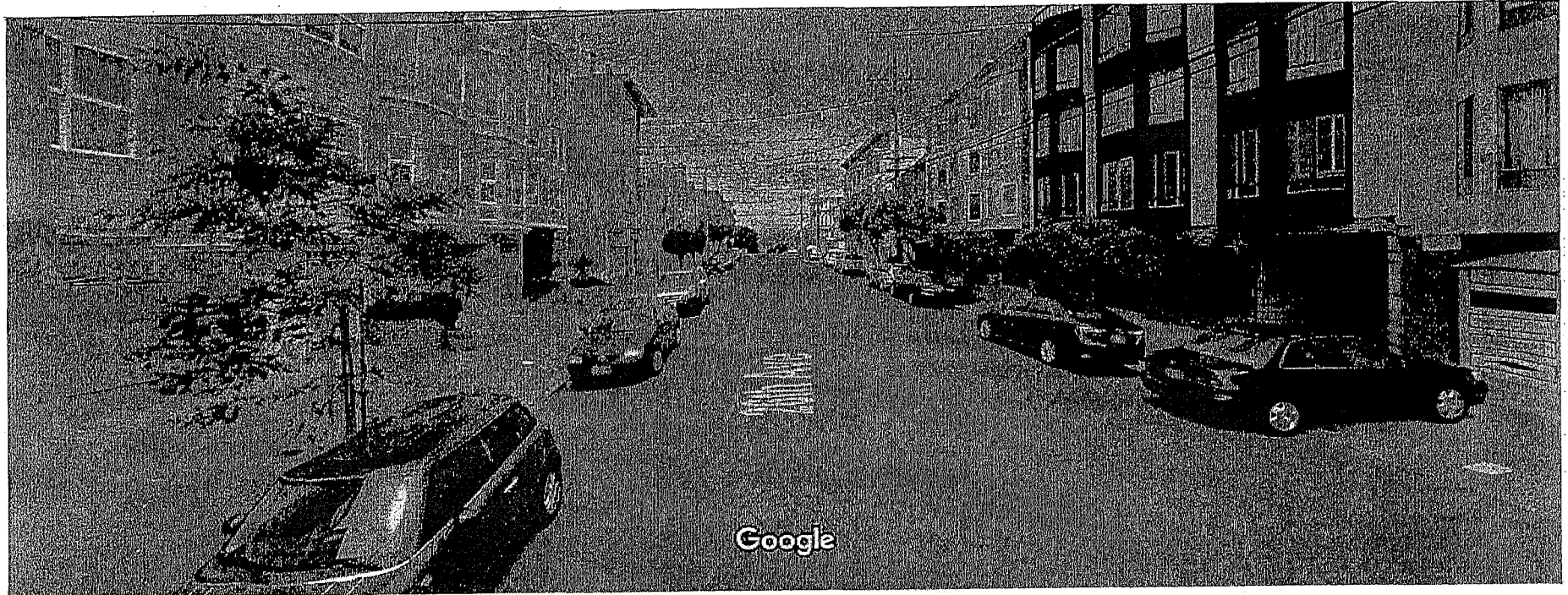
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San Francisco, California

Google, Inc.

Street View - Mar 2017

Google Maps 233 26th Ave



2535

Image capture: Aug 2014 © 2017 Google

San Francisco, California

Google, Inc.

Street View - Aug 2014

# TAB F



EXISTING CONDITION: DEC. 21 - 10 AM



PROPOSED CONDITION: DEC. 21 - 10 AM



EXISTING CONDITION: DEC. 21 - 8 AM



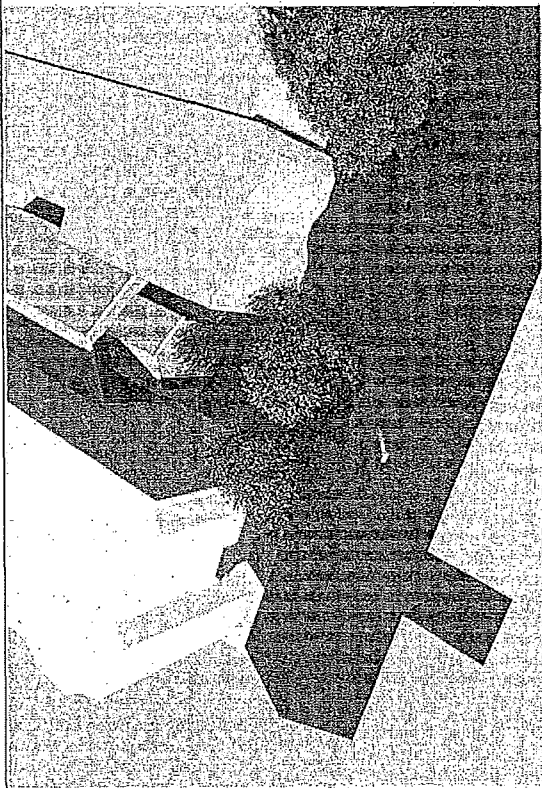
PROPOSED CONDITION: DEC. 21 - 8 AM

LEAVITTU architecture  
218 27th Avenue  
San Francisco, CA 94131  
415.774.8800

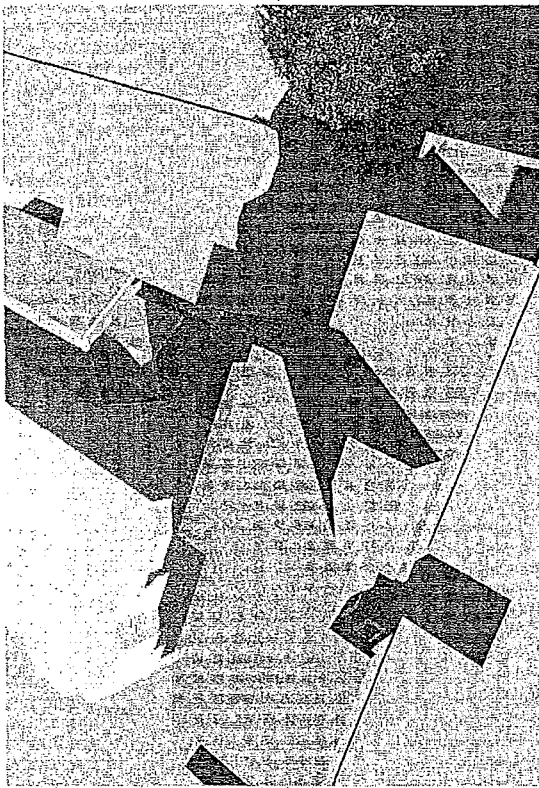
SHADOW IMPACT STUDY  
WINTER SOLSTICE - MORNING

218 27TH AVENUE RESIDENCES  
BLOCK 1386 LOT 38  
SAN FRANCISCO, CA

A5.1



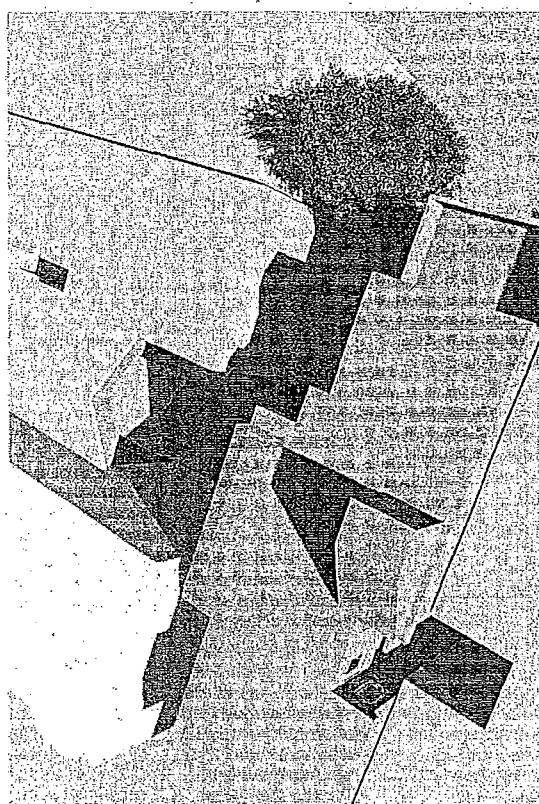
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PROPOSED CONDITION: DEC. 21 - 2 PM



EXISTING CONDITION: DEC. 21 - NOON



PROPOSED CONDITION: DEC. 21 - NOON



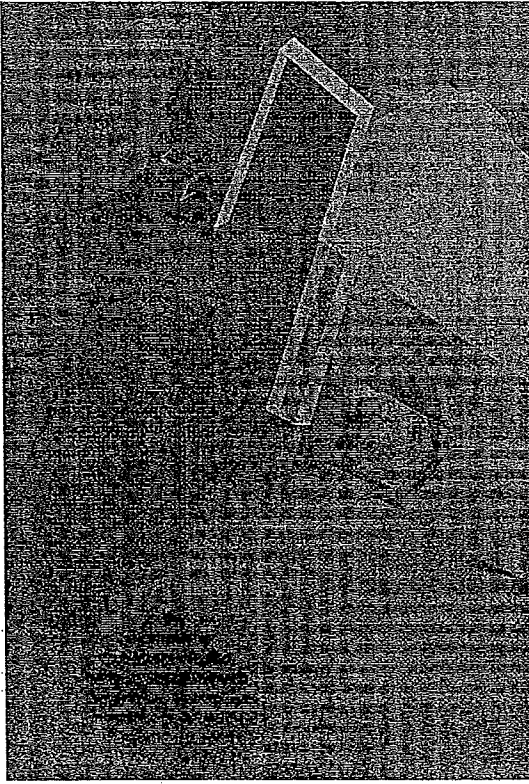
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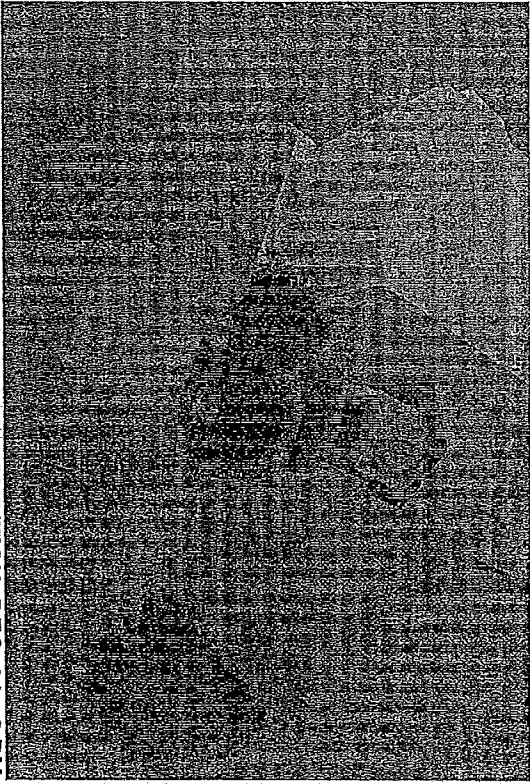
EXISTING CONDITION: DEC. 21 - 4 PM



PROPOSED CONDITION: DEC. 21 - 6 PM



EXISTING CONDITION: DEC. 21 - 6 PM



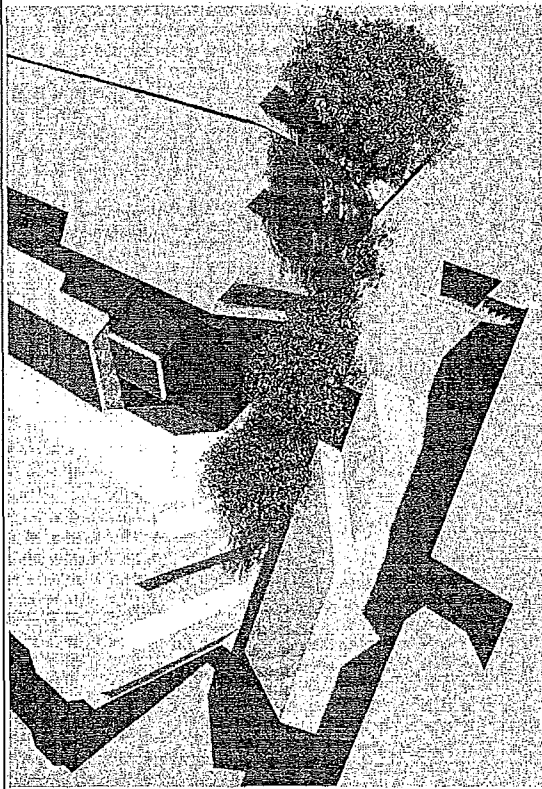
A5.3

218 27TH AVENUE RESIDENCES  
BLOCK 1386 LOT 38 SAN FRANCISCO, CA

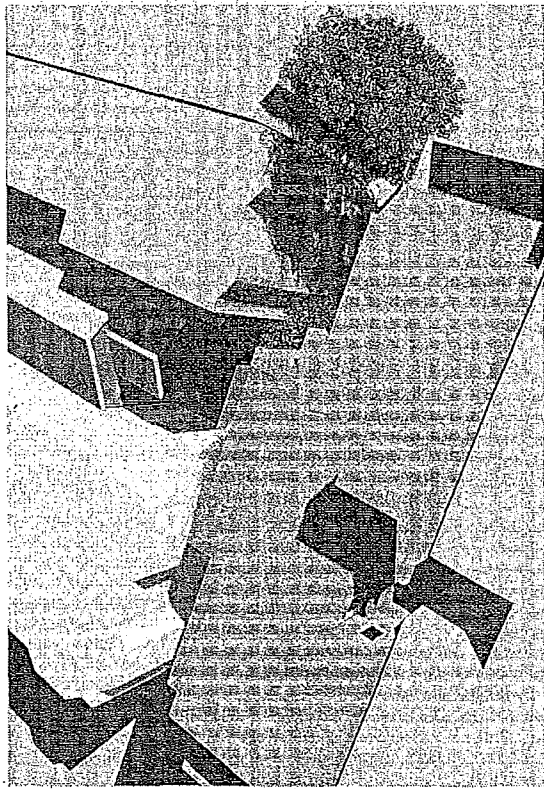
SHADOW IMPACT STUDY  
WINTER SOLTICE - AFTERNOON

1527 Mission St.  
San Francisco  
94103  
415.574.5100  
1.415.574.5100

LEAVITT architecture



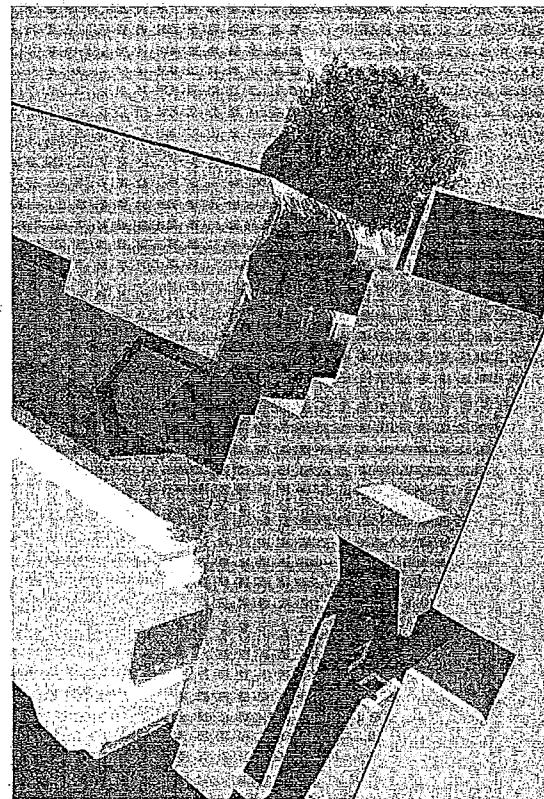
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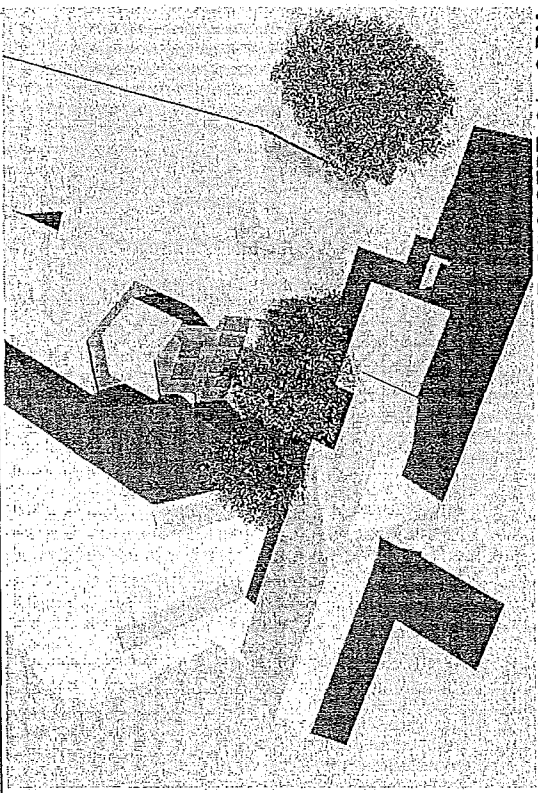
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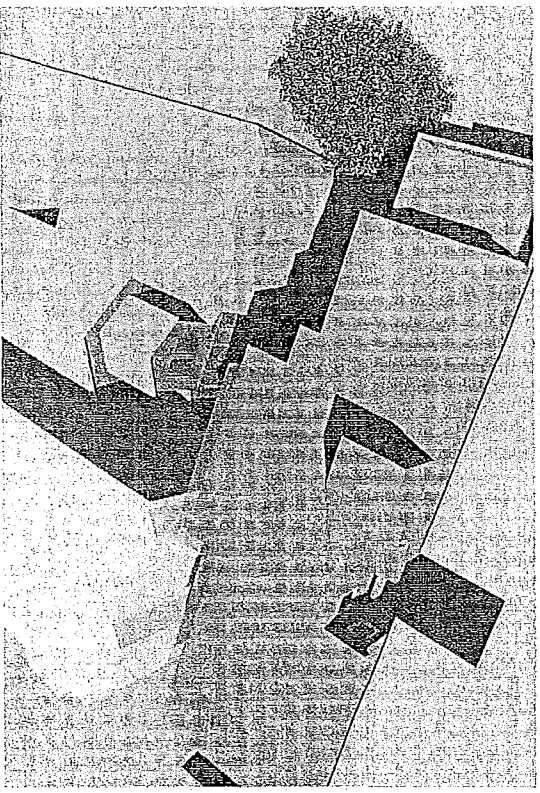
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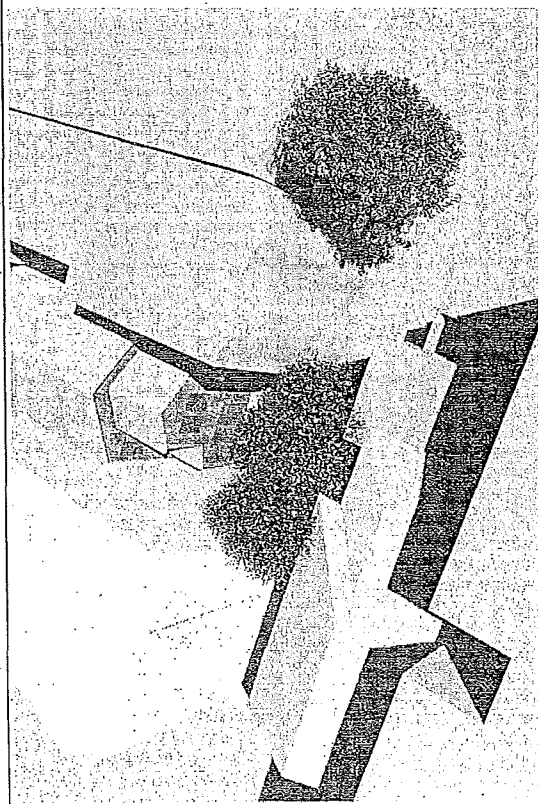
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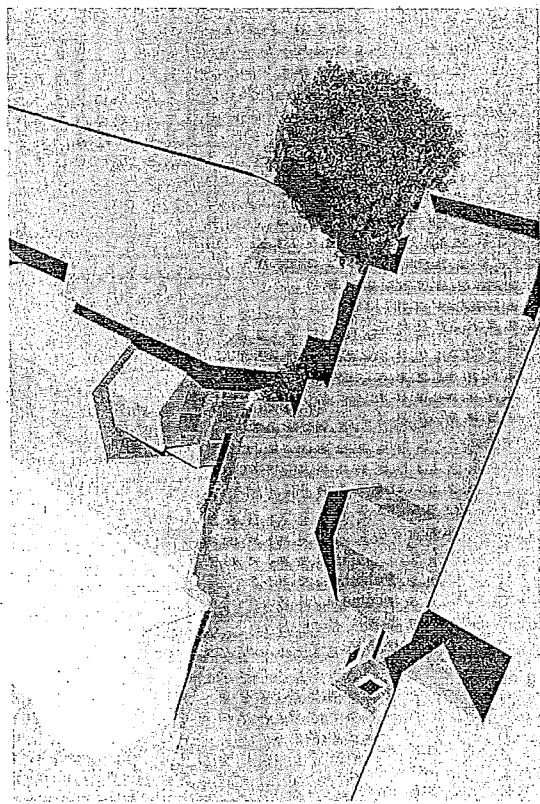
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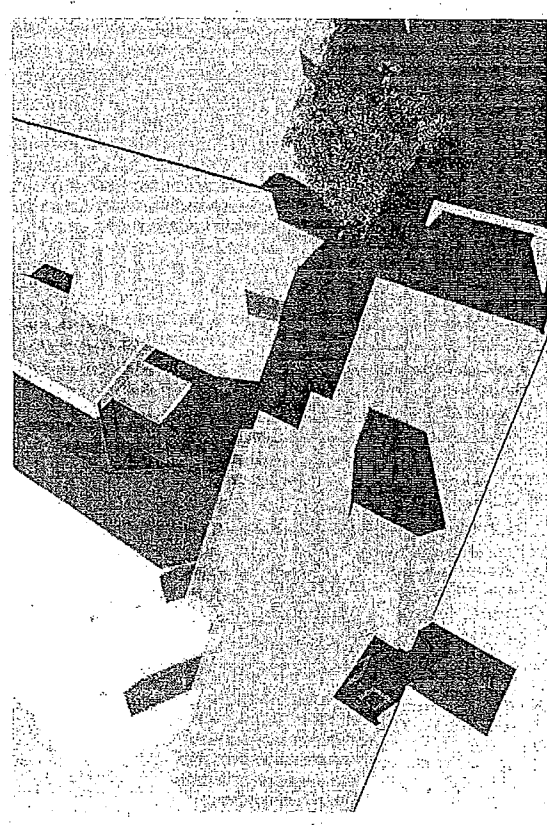
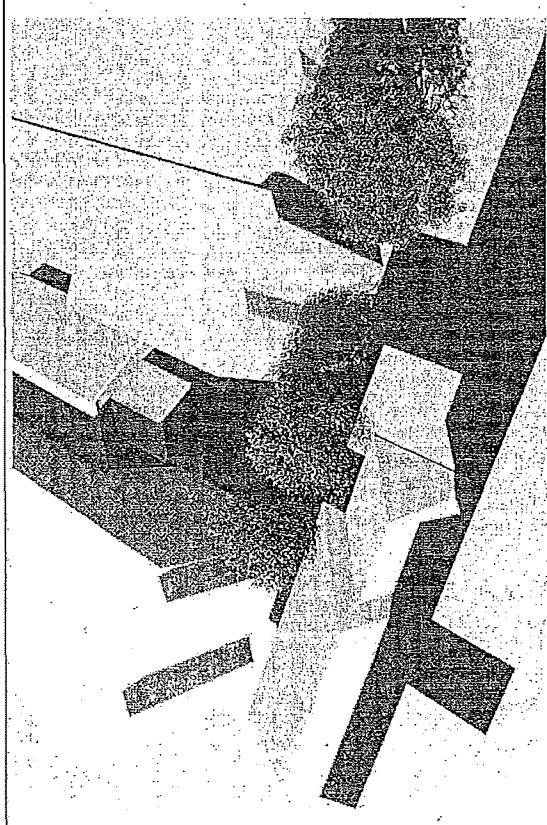
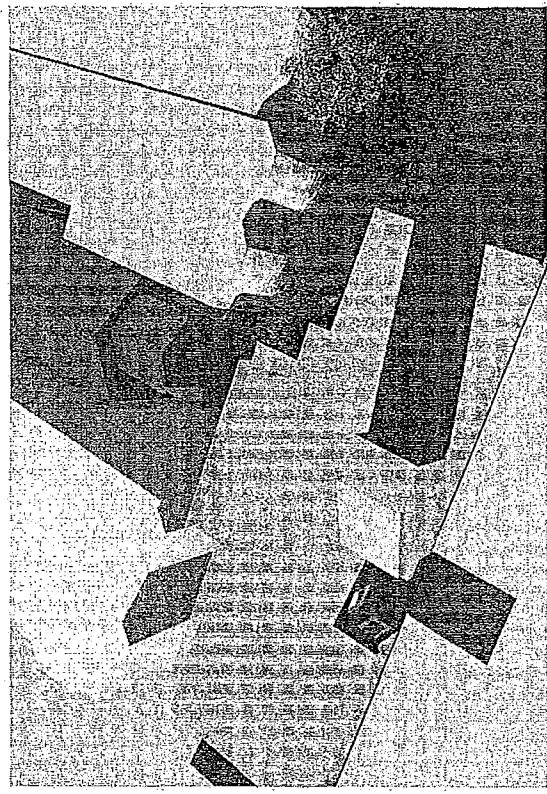
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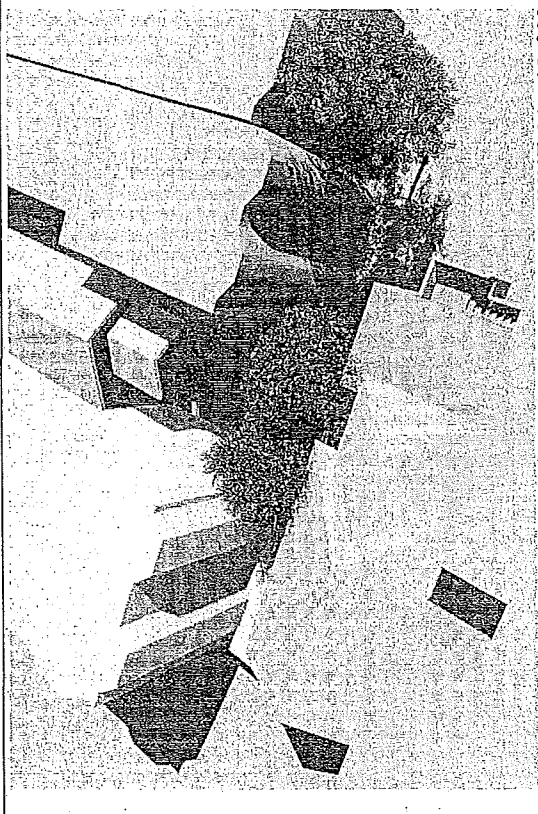


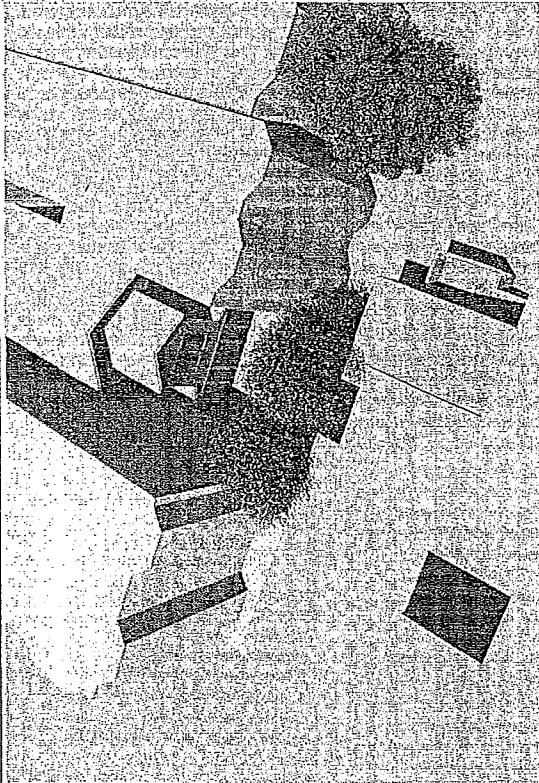
EXISTING CONDITION: MAR. 21 & SEPT. 21 - NOON



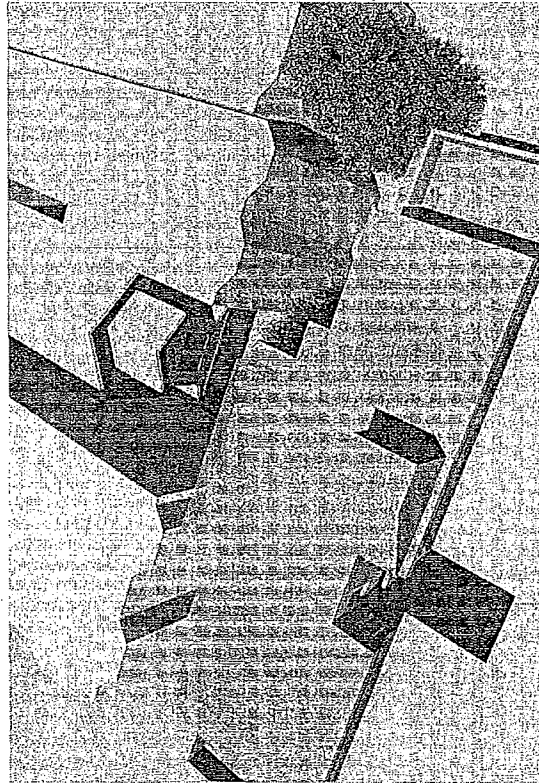
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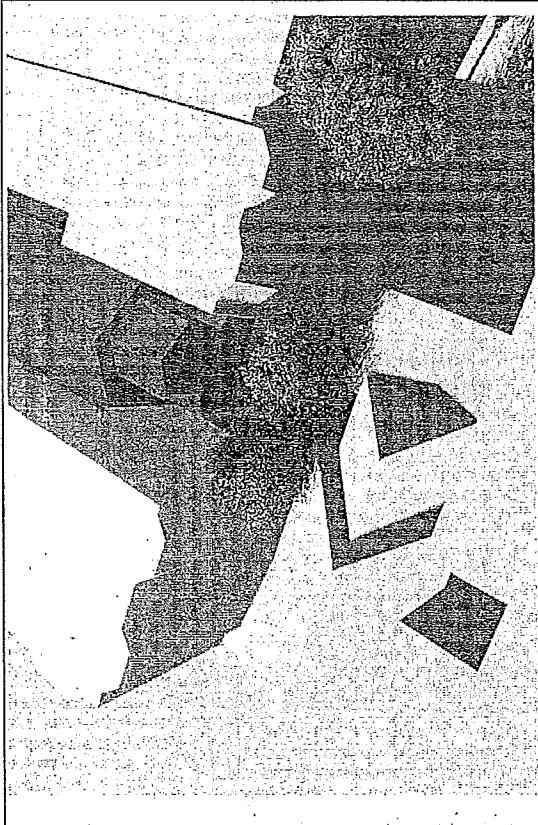
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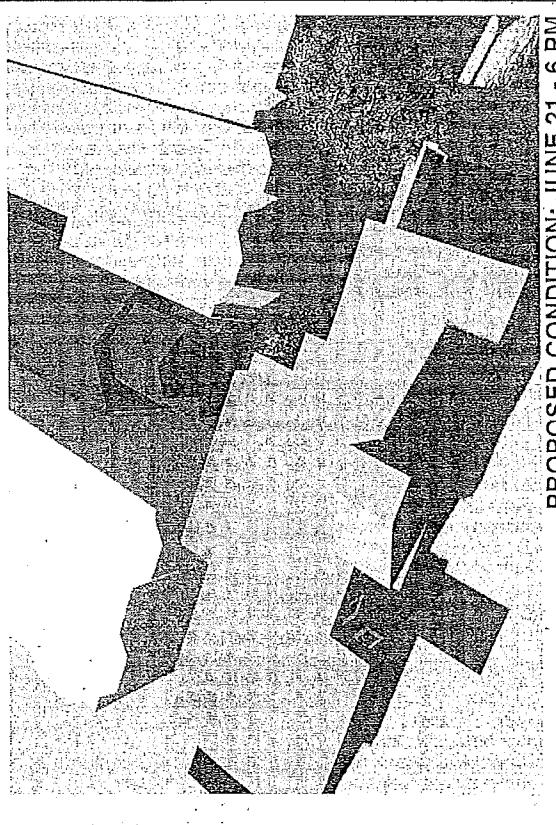
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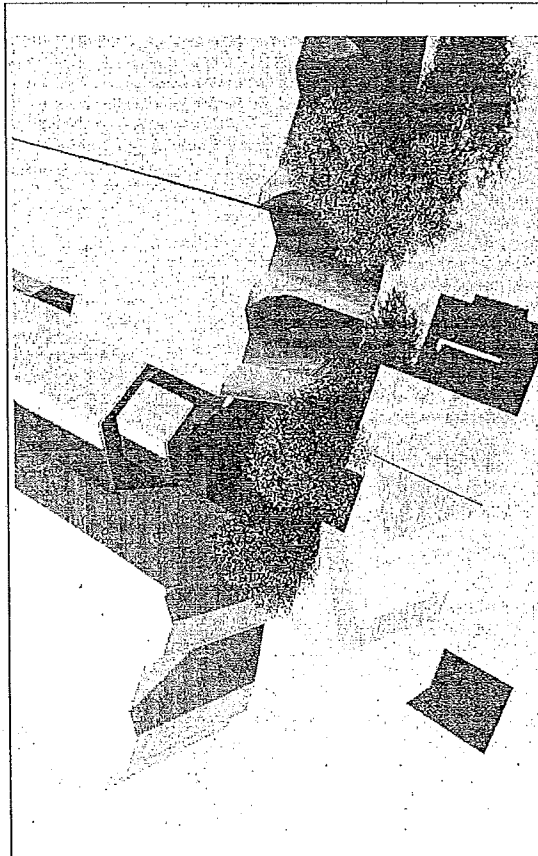
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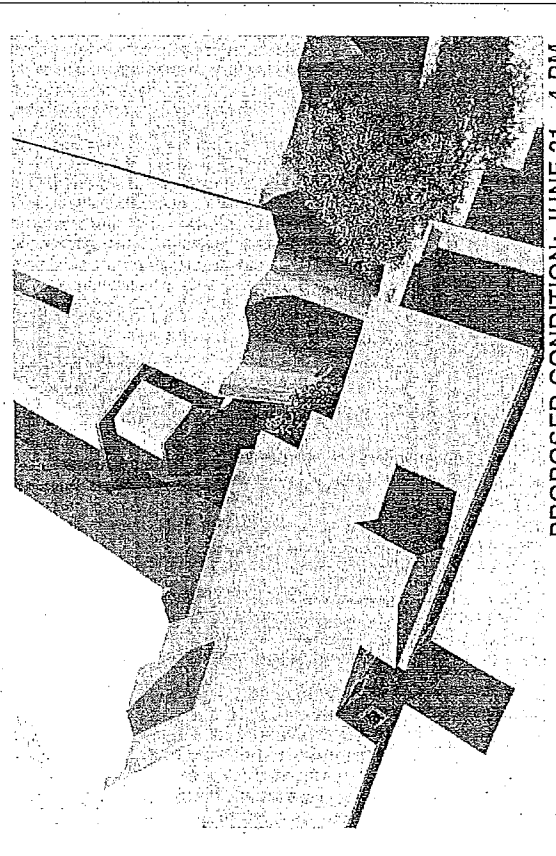
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PROPOSED CONDITION: JUNE 21 - 6 PM

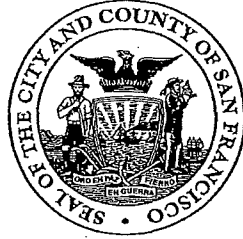


EXISTING CONDITION: JUNE 21 - 4 PM



PROPOSED CONDITION: JUNE 21 - 4 PM

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## NOTICE OF PUBLIC HEARINGS

### BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following appeals and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

**Date:** Tuesday, December 12, 2017

**Time:** 3:00 p.m.

**Location:** Legislative Chamber, City Hall, Room 250  
1 Dr. Carlton B. Goodlett, Place, San Francisco, CA

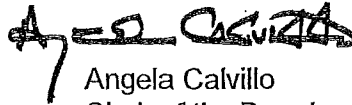
**Subject:** **File No. 171222.** Hearing of persons interested in or objecting to the determination of exemption from environmental review under the California Environmental Quality Act issued as a Categorical Exemption by the Planning Department on June 29, 2017, approved on October 12, 2017, for the proposed project at 218-27th Avenue, to demolish an existing two-story single-family home and construct a four-story building containing three residences and three parking spaces. (District 2) (Appellant: Robia Crisp of Hanson Bridgett, LLP, on behalf of Alex Bernstein and Sonia Daccarett) (Filed November 13, 2017)

**File No. 171226.** Hearing of persons interested in or objecting to the certification of a Conditional Use Authorization pursuant to Planning Code, Sections 303 and 317, for a proposed project located at 218-27th Avenue, Assessor's Parcel Block No. 1386, Lot No. 038, identified in Case No. 2016-003258CUA, issued by the Planning Commission by Motion No. 20025 dated October 12, 2017, to demolish an existing two-story, single-family dwelling and construct a new four-story, three-unit building within the RM-1 (residential, mixed, low density) district and a 40-X height and bulk district. (District 2) (Appellant: Robia Crisp of Hanson Bridgett, LLP, on behalf of Alex Bernstein and Sonia Daccarett) (Filed November 13, 2017)

Continues on Next Page



In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on these matters may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public records in these matters and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94102. Information relating to these matters are available in the Office of the Clerk of the Board and agenda information relating to these matters will be available for public review on Friday, December 8, 2017.

  
Angela Calvillo  
Clerk of the Board

**From:** BOS Legislation, (BOS)  
**To:** rcrisp@hansonbridgett.com; alex@kingfisherinvestment.com; sdaccarett@gmail.com; IDick@fbm.com; SVettel@fbm.com  
**Cc:** Givner, Jon (CAT); Stacy, Kate (CAT); Jensen, Kristen (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Sider, Dan (CPC); Starr, Aaron (CPC); Cisneros, Stephanie (CPC); Ajello, Laura (CPC); Ionin, Jonas (CPC); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS Legislation, (BOS); Poling, Jeanie (CPC)  
**Subject:** HEARING NOTICE - Appeal of Determination of Exemption and Conditional Use - Proposed 218-27th Avenue Project - Appeal Hearing on December 12, 2017  
**Date:** Tuesday, November 28, 2017 8:46:48 AM  
**Attachments:** [image001.png](#)

---

Greetings,

The Office of the Clerk of the Board has scheduled a hearing for Special Order before the Board of Supervisors on **December 12, 2017, at 3:00 p.m.**, to hear an appeal of Determination of Exemption and Conditional Use Authorization of the proposed project at 218-27<sup>th</sup> Avenue.

**Please find the following link to the hearing notice for the matter.**

[Hearing Notice - November 28, 2017](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 171222](#)

[Board of Supervisors File No. 171226](#)

Regards,

**Lisa Lew**  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
P 415-554-7718 | F 415-554-5163  
[lisa.lew@sfgov.org](mailto:lisa.lew@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

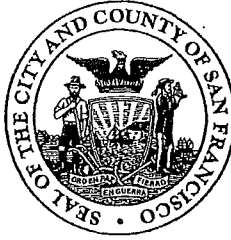


Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

*Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.*

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

**PROOF OF MAILING**

Legislative File No. 171226

Description of Items: Public Hearing Notices - Hearing - Appeal of Conditional Use Authorization - Proposed Project at 218-27th Avenue - 160 Notices Mailed

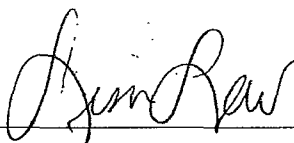
I, Lisa Lew, an employee of the City and County of San Francisco, mailed the above described document(s) by depositing the sealed items with the United States Postal Service (USPS) with the postage fully prepaid as follows:

Date: November 28, 2017

Time: 8:15 a.m.

USPS Location: Repro Pick-up Box in the Clerk of the Board's Office (Rm 244)

Mailbox/Mailslot Pick-Up Times (if applicable): N/A

Signature: 

Instructions: Upon completion, original must be filed in the above referenced file.

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

November 20, 2017.

**File Nos. 171222-171225, 171226-171229**  
**Planning Case No. 2016-003258ENV, CUA**

Received from the Board of Supervisors Clerk's Office two checks, in the amount of Five Hundred Ninety Seven Dollars (\$597) representing the filing fee paid by Robia Crisp of Hanson Bridgett, LLP, representing Alex Bernstein and Sonia Daccarett, for the appeals of the Determination of Exemption under CEQA and Conditional Use Authorization for the proposed project at 218-27th Avenue.

**Planning Department**

**By:**

Geeb Wong  
Print Name

[Signature] 11/20/17  
Signature and Date

**From:** BOS Legislation, (BOS)  
**To:** [rcrisp@hansonbridgett.com](mailto:rcrisp@hansonbridgett.com); [alex@kingfisherinvestment.com](mailto:alex@kingfisherinvestment.com); [sdaccarett@gmail.com](mailto:sdaccarett@gmail.com); [IDick@fbm.com](mailto:IDick@fbm.com); [SVettel@fbm.com](mailto:SVettel@fbm.com)  
**Cc:** [Givner, Jon \(CAT\)](#); [Stacy, Kate \(CAT\)](#); [Jensen, Kristen \(CAT\)](#); [Rahaim, John \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Cisneros, Stephanie \(CPC\)](#); [Ajello, Laura \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [BOS Legislation, \(BOS\)](#)  
**Subject:** Appeal of Determination of Exemption and Conditional Use - Proposed 218-27th Avenue - Appeal Hearing on December 12, 2017  
**Date:** Monday, November 20, 2017 9:29:28 AM  
**Attachments:** [image001.png](#)

---

Good afternoon,

The Office of the Clerk of the Board has scheduled a hearing for Special Order before the Board of Supervisors on **December 12, 2017, at 3:00 p.m.** Please find linked below letters of appeal filed against the proposed project at 218-27th Avenue, as well as direct links to the Planning Department's determination of timeliness for the appeal, and an informational letter from the Clerk of the Board.

[Determination of Exemption Appeal Letter - November 13, 2017](#)

[Conditional Use Authorization Appeal Letter - November 13, 2017](#)

[Planning Department Memo - November 17, 2017](#)

[Public Works Memo - November 17, 2017](#)

[Clerk of the Board Letter - November 17, 2017](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 171222](#)

[Board of Supervisors File No. 171226](#)

Please note that the hearing date is swiftly approaching. Our office must notice this appeal hearing on Tuesday, November 28, 2017. If you have any special recipients for the hearing notice, kindly provide a list of addresses for interested parties to us in spreadsheet format by 12:00 p.m., Wednesday, November 22, 2017.

Thank you,

**Brent Jalipa**

Board of Supervisors - Clerk's Office  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
(415) 554-7712 | Fax: (415) 554-5163  
[brent.jalipa@sfgov.org](mailto:brent.jalipa@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

**Disclosures:** *Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.*

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

November 17, 2017

Robia Crisp  
Hanson Bridgett, LLP  
425 Market Street, 26th Floor  
San Francisco, CA 94105

**Subject: File Nos. 171222 and 171226 - Appeals of CEQA Exemption  
Determination and Conditional Use Authorization - 218-27th Avenue  
Project**

Dear Ms. Crisp:

The Office of the Clerk of the Board is in receipt of a memorandum dated November 17, 2017, from the Planning Department regarding their determination on the timely filing of appeal of the CEQA Exemption Determination for the proposed project at 218-27th Avenue.

The Planning Department has determined that the appeal was filed in a timely manner (copy attached).

The City and County Surveyor has informed the Board of Supervisors in a letter received November 17, 2017, (copy attached), that the signatures represented with your appeal filing of November 13, 2017, have been checked pursuant to the Planning Code, and represent owners of more than 20% of the property involved and would be sufficient for an appeal.

Pursuant to Administrative Code, Section 31.16, and Planning Code, Section 308.1, a hearing date has been scheduled for **Tuesday, December 12, 2017, at 3:00 p.m.**, at the Board of Supervisors meeting to be held in City Hall, 1 Dr. Carlton B. Goodlett Place, Legislative Chamber, Room 250, San Francisco, CA 94102.

Continues on next page

Please provide to the Clerk's Office by noon:

**20 days prior to the hearing:** names and addresses of interested parties to be notified of the hearing, in spreadsheet format; and


**11 days prior to the hearing:** any documentation which you may want available to the Board members prior to the hearing.

For the above, the Clerk's office requests one electronic file (sent to [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)) and two copies of the documentation for distribution.

NOTE: If electronic versions of the documentation are not available, please submit 18 hard copies of the materials to the Clerk's Office for distribution. If you are unable to make the deadlines prescribed above, it is your responsibility to ensure that all parties receive copies of the materials.

If you have any questions, please feel free to contact Legislative Clerks Brent Jalipa at (415) 554-7712, or Lisa Lew at (415) 554-7718.

Very truly yours,

  
Angela Calvillo  
Clerk of the Board

- c: Ilene Dick, Farella, Braun, and Martel, LLP, Project Sponsor
- Steven Vettel, Farella, Braun, and Martel, LLP, Project Sponsor
- Jon Givner, Deputy City Attorney
- Kate Stacy, Deputy City Attorney
- Kristen Jensen, Deputy City Attorney
- John Rahaim, Planning Director
- Scott Sanchez, Zoning Administrator, Planning Department
- Lisa Gibson, Environmental Review Officer, Planning Department
- Aaron Starr, Manager of Legislative Affairs, Planning Department
- Dan Sider, Policy Advisor, Planning Department
- Stephanie Cisneros, Staff Contact, Planning Department
- Laura Ajello, Staff Contact, Planning Department
- Jonas Ionin, Planning Commission Secretary





Edwin M. Lee  
Mayor

Mohammed Nuru  
Director

Bruce R. Storrs P.L.S.  
City and County Surveyor

Bureau of Street Use & Mapping  
1155 Market St., 3rd floor  
San Francisco, CA 94103  
tel (415) 554-5827  
Subdivision.Mapping@sfdpw.org

[sfpublicworks.org](http://sfpublicworks.org)  
[facebook.com/sfpublicworks](https://facebook.com/sfpublicworks)  
[twitter.com/sfpublicworks](https://twitter.com/sfpublicworks)

November 17, 2017

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

RE: 218-27<sup>th</sup> Avenue, Lot 038.of Assessor's Block 1386  
Appealing Planning Commissions Approval of Conditional Use  
Application No. 2016-003258CUA

Dear Ms. Calvillo:

This letter is in response to your November 14, 2017 request for our Department to check the sufficiency of the signatures with respect to the above referenced appeal. Please be advised that per our calculations the appellants' signatures represent 29.83% of area, which is greater than 20% of the area involved and is therefore sufficient for appeal.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Bruce R. Storrs'.

Bruce R. Storrs, P.L.S.  
City & County Surveyor

**From:** BOS Legislation, (BOS)  
**To:** Storrs, Bruce (DPW)  
**Cc:** Sanguinetti, Jerry (DPW); Rivera, Javier (DPW); Bergin, Steven (DPW); Givner, Jon (CAT); Stacy, Kate (CAT); Jensen, Kristen (CAT); Gibson, Lisa (CPC); Navarrete, Joy (CPC); Sanchez, Scott (CPC); Sider, Dan (CPC); Starr, Aaron (CPC); Ajello, Laura (CPC); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS Legislation, (BOS)  
**Subject:** Appeal of Conditional Use Authorization - Proposed Project at 218-27th Avenue - Verification of Signatures  
**Date:** Wednesday, November 15, 2017 3:36:38 PM  
**Attachments:** [image001.png](#)  
[Appeal Ltr 111317.pdf](#)  
[COB Ltr 111417.pdf](#)

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Hello Mr. Storrs:

The Office of the Clerk of the Board is in receipt of an appeal of the Conditional Use Authorization for the proposed project at 218-27<sup>th</sup> Avenue. The appeal was filed by Robia Crisp of Hanson Bridgett, LLP, representing Alex Bernstein and Sonia Daccarett on November 13, 2017.

Please find the attached appeal filing packet, and a letter requesting verification of signatures submitted with the appeal filing.

Kindly review for verification of signatures. Thank you.

Regards,

**Lisa Lew**  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
P 415-554-7718 | F 415-554-5163  
[lisa.lew@sfgov.org](mailto:lisa.lew@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

**Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

November 14, 2017

Bruce R. Storrs  
City and County Surveyor, Public Works  
1155 Market Street, 3<sup>rd</sup> Floor  
San Francisco, CA 94103

**Planning Case No. 2016-003258CUA**  
**218-27th Avenue - Conditional Use Authorization Appeal**


Dear Mr. Storrs:

The Office of the Clerk of the Board is in receipt of an appeal filed by Robia Crisp of Hanson Bridgett, LLP, representing Alex Bernstein and Sonia Daccarett, from the decision of the Planning Commission on October 12, 2017, relating to the approval of a Conditional Use Authorization (Case No. 2016-003258CUA) pursuant to Planning Code, Sections 303 and 317, to demolish an existing two-story, single-family dwelling and construct a new four-story, three-unit building within the RM-1 (residential, mixed, low density) district and a 40-X height and bulk district, for a proposed project located at:

218-27th Avenue, Assessor's Parcel Block No. 1386, Lot No. 038

By copy of this letter, the City and County Surveyor is requested to determine the sufficiency of the signatures in regard to the percentage of the area represented by the appellant. Please submit a report not later than 5:00 p.m. on Friday, November 17, 2017.

Sincerely,

  
Angela Calvillo  
Clerk of the Board

c: Jerry Sanguinetti, Public Works-Bureau of Street Use and Mapping.  
Javier Rivera, Public Works  
Steve Bergin, Public Works  
Jon Givner, Deputy City Attorney  
Kate Stacy, Deputy City Attorney  
Kristen Jensen, Deputy City Attorney  
Lisa Gibson, Planning Department  
Joy Navarette, Planning Department  
Scott Sanchez, Planning Department  
Dan Sider, Planning Department  
Aaron Starr, Planning Department  
Laura Ajello, Planning Department

Print Form

# Introduction Form

By a Member of the Board of Supervisors or the Mayor.

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission     Youth Commission     Ethics Commission
- Planning Commission     Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.**

**Sponsor(s):**

Clerk of the Board

**Subject:**

Hearing - Appeal of Conditional Use Authorization - Proposed Project at 218-27th Avenue

**The text is listed below or attached:**

Hearing of persons interested in or objecting to the certification of a Conditional Use Authorization pursuant to Planning Code, Sections 303 and 317, for a proposed project located at 218-27th Avenue, Assessor's Parcel Block No. 1386, Lot No. 038, identified in Case No. 2016-003258CUA, issued by the Planning Commission by Motion No. 20025 dated October 12, 2017, to demolish an existing two-story, single-family dwelling and construct a new four-story, three-unit building within the RM-1 (residential, mixed, low density) district and a 40-X height and bulk district. (District 2) (Appellant: Robia Crisp of Hanson Bridgett, LLP, on behalf of Alex Bernstein and Sonia Daccarett) (Filed November 13, 2017)

17/226



