



Date: July 27, 2022

TENTATIVE MAP DECISION

Department of City Planning
 49 South Van Ness Avenue
 14th Floor, Suite 1400
 San Francisco, CA 94103

Project ID:		11237	
Project Type:		8 Residential and 1 Commercial Mixed Use New Condominium units	
Address#	StreetName	Block	Lot
3357 - 3359	26TH ST	6570	002
Tentative Map Referral			

Attention: Mr. Corey Teague.

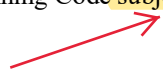
Please review* and respond to this referral within 30 days in accordance with the Subdivision Map Act.

(*In the course of review by City agencies, any discovered items of concern should be brought to the attention of Public Works for consideration.)

Sincerely,
William Blackwell Jr Digitally signed by William Blackwell Jr
 Date: 2022.07.26 12:02:00 -07'00'
 William Blackwell, PLS Acting City and County Surveyor

The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code. On balance, the Tentative Map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 based on the attached findings. The subject referral is exempt from California Environmental Quality Act (CEQA) environmental review as categorically exempt Class , CEQA Determination Date , based on the attached checklist.

The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code **subject to the attached conditions.**



The subject Tentative Map has been reviewed by the Planning Department and does not comply with applicable provisions of the Planning Code due to the following reason(s):

PLANNING DEPARTMENT

Signed Xinyu Liang Digitally signed by Xinyu Liang
 Date: 2022.07.29 15:26:32 -07'00'

Date 7/29/2022

Planner's Name Xinyu Liang
 for, Corey Teague, Zoning Administrator



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination Community Plan Evaluation

Case No.: **2013.0770ENV**
Project Address: **3357-3359 26th Street**
Zoning: Mission Street NCT (Mission Street Neighborhood Commercial Transit) District
 55-X Height and Bulk District
Block/Lot: 6570/002
Lot Size: 3,645 square feet
Plan Area: Eastern Neighborhoods Area Plan (Mission Subarea)
Project Sponsor: Edward Morris, Kerman Morris Architects – (415) 749-0302
Staff Contact: Megan Calpin – (415) 575-9049
 megan.calpin@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The project site is a through-block lot in the Mission District within the Mission Street Neighborhood Commercial Transit (Mission Street NCT) District. The project site is on a roughly triangular-shaped block bounded by 26th Street to the north, Mission Street to the west, and Capp Street to the east and southeast. The lot is currently developed with an approximately 8,708-gross-square-foot (gsf) two-story building constructed circa 1932. The building is comprised of two connected structures: (1) a two story-over-basement structure at the north end of the parcel, with a one-story-over-basement mid-lot addition; and (2) a one-story-over-basement structure at the south end of the parcel. The existing building contains approximately 6,640 square feet of commercial space for an art gallery at the basement and first floor and a café at the first floor, and an approximately 1,730-square-foot dwelling unit at the second floor.

The proposed project would retain the existing building and construct a three-story addition over the structure at the north end of the parcel and a four-story addition over the structure at the south end of the parcel.

(Continued on next page.)

CEQA DETERMINATION

The project is eligible for streamlined environmental review per section 15183 of the California Environmental Quality Act (CEQA) Guidelines and California Public Resources Code section 21083.3

DETERMINATION

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

Lisa Gibson
Environmental Review Officer

Date

cc: Edward Morris, Project Sponsor; Supervisor Hillary Ronen, District 9; Natalia Kwiatkowska, Current Planning Division; Virna Byrd, M.D.F.; Exemption/Exclusion File

PROJECT DESCRIPTION (continued)

The proposed project would retain approximately 6,640 square feet of the existing commercial space and add approximately 9,710 square feet of residential space within the proposed vertical additions plus the residential lobby on the first floor. The commercial space would continue to operate as an art gallery and café.

The proposed alterations would result in an approximately 17,900-square-foot, 55-foot-tall mixed-use residential building. The proposed five-story development would be comprised of approximately 11,780 square feet of residential space and approximately 6,120 square feet of commercial space. The residential portion of the project would provide eight (seven net new) residential units. Approximately eight Class 1 (secured) bicycle parking spaces would be provided. The existing building has no off-street vehicle parking spaces and off-street vehicle parking is not proposed as part of this project. The proposed project would not include any alterations to the basement level, and no soil disturbance or excavation is proposed.

PROJECT APPROVAL

The proposed project would require a variance from the zoning administrator for providing a rear yard that does not meet the required minimum 25 percent of total lot depth pursuant to planning code section 134(e).

If discretionary review before the San Francisco Planning Commission is requested, the discretionary review hearing is the Approval Action for the project. If no discretionary review is requested, the issuance of a building permit by the San Francisco Department of Building Inspection is the Approval Action. The Approval Action date establishes the start of the 30-day appeal period for this CEQA determination pursuant to section 31.04(h) of the San Francisco Administrative Code.

COMMUNITY PLAN EVALUATION OVERVIEW

California Public Resources Code section 21083.3 and CEQA Guidelines section 15183 provide that projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified, shall not be subject to additional environmental review except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that: a) are peculiar to the project or parcel on which the project would be located; b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent; c) are potentially significant off-site and cumulative impacts that were not discussed in the underlying EIR; or d) are previously identified in the EIR, but which, as a result of substantial new information that was not known at the time that the EIR was certified, are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for the project solely on the basis of that impact.

This determination evaluates the potential project-specific environmental effects of the 3357-3359 26th Street project described above, and incorporates by reference information contained in the Programmatic EIR for the Eastern Neighborhoods Rezoning and Area Plans (PEIR)¹. Project-specific studies were prepared for the proposed project to determine if the project would result in any significant environmental impacts that were not identified in the Eastern Neighborhoods PEIR.

¹ Planning Department Case No. 2004.0160E and State Clearinghouse No. 2005032048

After several years of analysis, community outreach, and public review, the Eastern Neighborhoods PEIR was adopted in December 2008. The Eastern Neighborhoods PEIR was adopted in part to support housing development in some areas previously zoned to allow industrial uses, while preserving an adequate supply of space for existing and future production, distribution, and repair (PDR) employment and businesses. The Eastern Neighborhoods PEIR also included changes to existing height and bulk districts in some areas, including the project site at 3357-3359 26th Street.

The planning commission held public hearings to consider the various aspects of the proposed Eastern Neighborhoods Rezoning and Area Plans and related Planning Code and Zoning Map amendments. On August 7, 2008, the planning commission certified the Eastern Neighborhoods PEIR by Motion 17659 and adopted the preferred project for final recommendation to the Board of Supervisors.^{2,3}

In December 2008, after further public hearings, the Board of Supervisors approved and the Mayor signed the Eastern Neighborhoods Rezoning and Planning Code amendments. New zoning districts include districts that would permit PDR uses in combination with commercial uses; districts mixing residential and commercial uses and residential and PDR uses; and new residential-only districts. The districts replaced existing industrial, commercial, residential single-use, and mixed-use districts.

The Eastern Neighborhoods PEIR is a comprehensive programmatic document that presents an analysis of the environmental effects of implementation of the Eastern Neighborhoods Rezoning and Area Plans, as well as the potential impacts under several proposed alternative scenarios. The Eastern Neighborhoods Draft EIR evaluated three rezoning alternatives, two community-proposed alternatives which focused largely on the Mission District, and a "No Project" alternative. The alternative selected, or the preferred project, represents a combination of Options B and C. The planning commission adopted the preferred project after fully considering the environmental effects of the Preferred Project and the various scenarios discussed in the PEIR. The Eastern Neighborhoods PEIR estimated that implementation of the Eastern Neighborhoods Plan could result in approximately 7,400 to 9,900 net dwelling units and 3,200,000 to 6,600,000 square feet of net non-residential space (excluding PDR loss) built in the Plan Area throughout the lifetime of the Plan (year 2025). The Eastern Neighborhoods PEIR projected that this level of development would result in a total population increase of approximately 23,900 to 33,000 people throughout the lifetime of the plan.⁴

A major issue of discussion in the Eastern Neighborhoods rezoning process was the degree to which existing industrially-zoned land would be rezoned to primarily residential and mixed-use districts, thus reducing the availability of land traditionally used for PDR employment and businesses. Among other topics, the Eastern Neighborhoods PEIR assesses the significance of the cumulative land use effects of the rezoning by analyzing its effects on the City's ability to meet its future PDR space needs as well as its ability to meet its housing needs as expressed in the City's General Plan.

As a result of the Eastern Neighborhoods rezoning process, the project site has been rezoned to Mission Street NCT (Mission Street Neighborhood Commercial Transit) District. The Mission Street NCT District has a mixed pattern of larger and smaller lots and businesses, as well as a sizable number of upper-story

² San Francisco Planning Department. Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report (FEIR), Planning Department Case No. 2004.0160E, certified August 7, 2008. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>, accessed August 17, 2012.

³ San Francisco Planning Department. San Francisco Planning Commission Motion 17659, August 7, 2008. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=1268>, accessed August 17, 2012.

⁴ Table 2 Forecast Growth by Rezoning Option Chapter IV of the Eastern Neighborhoods Draft EIR shows projected net growth based on proposed rezoning scenarios. A baseline for existing conditions in the year 2000 was included to provide context for the scenario figures for parcels affected by the rezoning.

residential units. New neighborhood-serving commercial development is encouraged mainly at the ground story. While housing development in new buildings is encouraged above the ground story. The 3357-3359 26th Street site, which is located in the Mission District of the Eastern Neighborhoods, was designated as a site that can have buildings up to 55 feet in height.

Individual projects that could occur in the future under the Eastern Neighborhoods Rezoning and Area Plans will undergo project-level environmental evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development beyond those effects disclosed in the PEIR, and to assess whether additional environmental review would be required. This determination concludes that the proposed project at 3357-3359 26th Street is consistent with and was encompassed within the analysis in the Eastern Neighborhoods PEIR, including the Eastern Neighborhoods PEIR development projections. This determination also finds that the Eastern Neighborhoods PEIR adequately anticipated and described the impacts of the proposed 3357-3359 26th Street project, and identifies the mitigation measures applicable to the 3357-3359 26th Street project. The proposed project is also consistent with the zoning controls and the provisions of the planning code applicable to the project site.⁵⁶ Therefore, no further CEQA evaluation for the 3357-3359 26th Street project is required. In sum, the Eastern Neighborhoods PEIR and this Certificate of Determination and accompanying project-specific initial study comprise the full and complete CEQA evaluation necessary for the proposed project.

PROJECT SETTING

The project site is located on the south side of 26th Street between Mission and Capp streets. The immediate project site vicinity is characterized by a mix of residential and retail uses. The block the project site is located on, along with the blocks to the east and west, are zoned Mission Street NCT. The blocks directly to the north of the project site are zoned RTO-M (Residential Transit Oriented – Mission). The subject block is within a 55-X Height and Bulk District, along with the lots directly east, west, north, and south of the project site. The project vicinity includes 40-X Height and Bulk Districts (on lots north and father south of the project site), 50-X Height and Bulk Districts (on lots northwest of the project site), and 65-B (on lots northeast of the project site). The low- to medium-density scale of development in the immediate project site vicinity primarily includes two- to five-story buildings. The buildings on 26th Street and Capp Street are predominately residential. Mission Street features many mixed-use buildings with residential uses over ground floor retail space.

Within a 0.25-mile of the project site the San Francisco Municipal Railway (Muni) transit operates lines 12 Folsom/Pacific, 14 Mission, 14R Mission Rapid, 27 Bryant, 36 Teresita, 49 Van Ness/Mission, and 67 Bernal Heights. The 24th Street Mission Bay Area Rapid Transit (BART) station is located within 0.25-miles of the project site. Parallel on-street vehicle parking is provided on all of the streets surrounding the subject block. In addition, a transit- and taxi-only lane is located on the east side of Mission Street between Precita Avenue and Cesar Chavez Street and on the west side of Mission Street from south of Cesar Chavez Street to 13th Street. A separated bike path is located south of the project site on Cesar Chavez Street.

⁵ Steve Wertheim, San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Citywide Planning and Policy Analysis, 3357-3359 26th Street, November 1, 2017. This document (and all other documents cited in this report, unless otherwise noted), is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.0770ENV.

⁶ Jeff Joslin, San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Current Planning Analysis, 3357-3359 26th Street, October 2, 2017.

POTENTIAL ENVIRONMENTAL EFFECTS

The Eastern Neighborhoods PEIR included analyses of environmental issues including: land use; plans and policies; visual quality and urban design; population, housing, business activity, and employment (growth inducement); transportation; noise; air quality; parks, recreation and open space; shadow; archeological resources; historic architectural resources; hazards; and other issues not addressed in the previously issued initial study for the Eastern Neighborhoods Rezoning and Area Plans. The proposed 3357-3359 26th Street project is in conformance with the height, use and density for the site described in the Eastern Neighborhoods PEIR and would represent a small part of the growth that was forecast for the Eastern Neighborhoods plan areas. Thus, the plans analyzed in the Eastern Neighborhoods PEIR considered the incremental impacts of the proposed 3357-3359 26th Street project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Eastern Neighborhoods PEIR.

Significant and unavoidable impacts were identified in the Eastern Neighborhoods PEIR for the following topics: land use, historic architectural resources, transportation and circulation, and shadow.

The proposed project would not include displacement of an existing PDR use and would therefore not contribute to the significant and unavoidable land use impact identified in the Eastern Neighborhoods PEIR. Additionally, as discussed in the CPE initial study, the proposed project would not result in a significant impact on a historical resource, and would therefore not contribute to the significant and unavoidable historic architectural resources impact identified in the Eastern Neighborhoods PEIR. The proposed project would not generate a substantial number of new transit trips, and would therefore not contribute considerably to the significant and unavoidable transit impacts identified in the PEIR. As discussed in the Initial Study for this project, the proposed project would not cast substantial new shadow that would negatively affect the use and enjoyment of a recreational resource, and would therefore not contribute to the significant and unavoidable shadow impacts described in the Eastern Neighborhoods PEIR.

The Eastern Neighborhoods PEIR identified feasible mitigation measures to address significant impacts related to noise, air quality, archeological resources, historical resources, hazardous materials, and transportation. **Table 1** below lists the mitigation measures identified in the Eastern Neighborhoods PEIR and states whether each measure would apply to the proposed project.

Table 1 – Eastern Neighborhoods PEIR Mitigation Measures

Mitigation Measure	Applicability	Compliance
F. Noise		
F-1: Construction Noise (Pile Driving)	Not Applicable: pile driving is not proposed	Not Applicable
F-2: Construction Noise	Applicable: temporary construction noise from use of heavy equipment	The project sponsor has agreed to develop and implement a set of noise attenuation measures during construction as Project Mitigation Measure 1.
F-3: Interior Noise Levels	Not Applicable: the regulations and procedures set	Not Applicable

Mitigation Measure	Applicability	Compliance
	forth by Title 24 would ensure that existing ambient noise levels would not adversely affect the proposed residential uses on the project site.	
F-4: Siting of Noise-Sensitive Uses	Not Applicable: the regulations and procedures set forth by Title 24 would ensure that existing ambient noise levels would not adversely affect the proposed residential uses on the project site.	Not Applicable
F-5: Siting of Noise-Generating Uses	Not Applicable: the proposed project would not include noise-generating uses.	Not Applicable
F-6: Open Space in Noisy Environments	Not Applicable: CEQA no longer requires the consideration of the effects of existing environmental conditions on a proposed project's future users if the project would not exacerbate those environmental conditions	Not Applicable
G. Air Quality		
G-1: Construction Air Quality	Not Applicable: the project site is not located within the Air Pollutant Exposure Zone.	Not Applicable
G-2: Air Quality for Sensitive Land Uses	Not Applicable: this mitigation measure has been superseded by health code article 38, and the project sponsor has enrolled with the Department of Public Health in the article 38 program.	Not Applicable
G-3: Siting of Uses that Emit DPM	Not Applicable: the proposed project would not be expected to generate 100 trucks per day or 40 refrigerated trucks per day	Not Applicable

Mitigation Measure	Applicability	Compliance
G-4: Siting of Uses that Emit other TACs	Not Applicable: proposed project would not include any sources that would emit diesel particulate matter (DPM) or other toxic air contaminants (TACs)	Not Applicable
J. Archeological Resources		
J-1: Properties with Previous Studies	Not Applicable: the proposed project does not include any excavation or soils disturbance	Not Applicable
J-2: Properties with no Previous Studies	Not Applicable: the project site is not located on a parcel where a previous archeological study has occurred and the project does not include soil disturbance	Not Applicable
J-3: Mission Dolores Archeological District	Not Applicable: the project site is not within the Mission Dolores Archeological District	Not Applicable
K. Historical Resources		
K-1: Interim Procedures for Permit Review in the Eastern Neighborhoods Plan area	Not Applicable: plan-level mitigation completed by planning department	Not Applicable
K-2: Amendments to Article 10 of the Planning Code Pertaining to Vertical Additions in the South End Historic District (East SoMa)	Not Applicable: plan-level mitigation completed by planning department	Not Applicable
K-3: Amendments to Article 10 of the Planning Code Pertaining to Alterations and Infill Development in the Dogpatch Historic District (Central Waterfront)	Not Applicable: plan-level mitigation completed by planning commission	Not Applicable
L. Hazardous Materials		
L-1: Hazardous Building Materials	Applicable: the project involves alterations to the existing building on the project site.	The project sponsor has agreed to remove and properly dispose of any hazardous building materials in accordance with applicable federal, state, and local laws prior to altering the existing

Mitigation Measure	Applicability	Compliance
		building under Project Mitigation Measure 2.
E. Transportation		
E-1: Traffic Signal Installation	Not Applicable: automobile delay removed from CEQA analysis	Not Applicable
E-2: Intelligent Traffic Management	Not Applicable: automobile delay removed from CEQA analysis	Not Applicable
E-3: Enhanced Funding	Not Applicable: automobile delay removed from CEQA analysis	Not Applicable
E-4: Intelligent Traffic Management	Not Applicable: automobile delay removed from CEQA analysis	Not Applicable
E-5: Enhanced Transit Funding	Not Applicable: plan level mitigation by SFMTA	Not Applicable
E-6: Transit Corridor Improvements	Not Applicable: plan level mitigation by SFMTA	Not Applicable
E-7: Transit Accessibility	Not Applicable: plan level mitigation by SFMTA	Not Applicable
E-8: Muni Storage and Maintenance	Not Applicable: plan level mitigation by SFMTA	Not Applicable
E-9: Rider Improvements	Not Applicable: plan level mitigation by SFMTA	Not Applicable
E-10: Transit Enhancement	Not Applicable: plan level mitigation by SFMTA	Not Applicable
E-11: Transportation Demand Management	Not Applicable: plan level mitigation by SFMTA	Not Applicable

Please see the attached Mitigation Monitoring and Reporting Program (MMRP) for the complete text of the applicable mitigation measures. With implementation of these mitigation measures the proposed project would not result in significant impacts beyond those analyzed in the Eastern Neighborhoods PEIR.

PUBLIC NOTICE AND COMMENT

A “Notification of Project Receiving Environmental Review” was mailed on September 15, 2017 to adjacent occupants and owners of properties within 300 feet of the project site. No comments were received. The proposed project would not result in significant adverse environmental impacts associated with the issues identified by the public beyond those identified in the Eastern Neighborhoods PEIR.

CONCLUSION

As summarized above and further discussed in the CPE Checklist⁷:

1. The proposed project is consistent with the development density established for the project site in the Eastern Neighborhoods Rezoning and Area Plans;
2. The proposed project would not result in effects on the environment that are peculiar to the project or the project site that were not identified as significant effects in the Eastern Neighborhoods PEIR;
3. The proposed project would not result in potentially significant off-site or cumulative impacts that were not identified in the Eastern Neighborhoods PEIR;
4. The proposed project would not result in significant effects, which, as a result of substantial new information that was not known at the time the Eastern Neighborhoods PEIR was certified, would be more severe than were already analyzed and disclosed in the PEIR; and
5. The project sponsor will undertake feasible mitigation measures specified in the Eastern Neighborhoods PEIR to mitigate project-related significant impacts.

Therefore, no further environmental review shall be required for the proposed project pursuant to California Public Resources Code section 21083.3 and CEQA Guidelines section 15183.

⁷ The CPE Checklist is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2013.0770ENV.

Attachment A: MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL				
MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
MITIGATION MEASURES FROM THE EASTERN NEIGHBORHOODS AREA PLAN EIR				
<p>Project Mitigation Measure 1: Construction Noise (Mitigation Measure F-2 of the Eastern Neighborhoods PEIR). The project sponsor shall develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted to the Department of Building Inspection (DBI) to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures shall include as many of the following control strategies as feasible:</p> <ul style="list-style-type: none"> • Erect temporary plywood noise barriers around the construction site, particularly where a site adjoins noise-sensitive uses; • Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site; • Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings housing sensitive uses; • Monitor the effectiveness of noise attenuation measures by taking noise measurements; and • Post signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem, with telephone numbers listed. 	Project sponsor, contractor(s).	Prior to and during construction activities.	Project sponsor, contractor(s).	Considered complete upon receipt of final monitoring report at completion of construction.

Attachment A: MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL				
MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>Project Mitigation Measure 2: Hazardous Building Materials (Mitigation Measure L-1 of the Eastern Neighborhoods PEIR). The project sponsor shall ensure that any equipment containing PCBs or DEPH, such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any fluorescent light tubes, which could contain mercury, are similarly removed and properly disposed of. Any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state, and local laws.</p>	<p>Project sponsor, contractor(s).</p>	<p>Prior to demolition of structures.</p>	<p>Planning Department, in consultation with DPH; where Site Mitigation Plan is required, Project Sponsor or contractor shall submit a monitoring report to DPH, with a copy to Planning Department and DBI, at end of construction.</p>	<p>Considered complete when equipment containing PCBs or DEHP or other hazardous materials is properly disposed.</p>



SAN FRANCISCO PLANNING DEPARTMENT

Rear Yard Modification Decision

Date: January 30, 2019
Case No.: 2013.0770VAR
Project Address: 3357-3359 26TH STREET
Zoning: Mission Street NCT (Neighborhood Commercial Transit)
55-X Height and Bulk District
Block/Lots: 6570/002
Applicant: Edward Morris, Kerman Morris Architects
139 Noe Street
San Francisco, CA 94114
toby@kermanmorris.com
Owner: Uplift Ventures LLC
987 Dolores Street
San Francisco, CA 94110
Staff Contact: Natalia Kwiatkowska – (415) 575-9185
natalia.kwiatkowska@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DESCRIPTION OF VARIANCE – REAR YARD MODIFICATION SOUGHT:

The proposal is to construct a three-story vertical addition that will extend into the required rear yard of the lot, which is developed with a two-story-over-basement, mixed-use building on a mid-block through lot fronting 26th & Capp Streets.

Planning Code Section 134 requires properties in the Mission St NCT Zoning District to maintain a rear yard equivalent to 25 percent of the total lot depth, or no less than 15 feet, at the lowest story containing a dwelling unit, and at each succeeding level of the building. The subject property, with an average lot depth of approximately 124 feet, has a required rear yard of 31 feet. The proposed addition will encroach into the required rear yard. Therefore, a rear yard modification is required.

PROCEDURAL BACKGROUND:

1. On October 23, 2018, the Department determined that the proposed application did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Eastern Neighborhoods Area Plan and was encompassed within the analysis contained in the Eastern Neighborhoods Final EIR. Since the Eastern Neighborhoods Final EIR was finalized, there have been no substantial changes to the Eastern Neighborhoods Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR.

2. The Zoning Administrator held a public hearing on **Variance Application No. 2013.0770VAR** on **December 6, 2018**.
3. Planning Code Section 311 notification was mailed on November 5, 2018, and expired on December 5, 2018. No requests for Discretionary Review were filed during the notification period.

DECISION:

GRANTED, in general conformity with the plans on file with this application, shown as EXHIBIT A, to construct a three-story vertical addition that will extend into the required rear yard of the two-story-over-basement, mixed-use building, subject to the following conditions:

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

FINDINGS:

Section 134(e) of the Planning Code states that in order to grant a rear yard modification, the Zoning Administrator must determine that the facts of the case are sufficient to establish that all of the following criteria are met:

CRITERION 1.

Residential uses are included in the new or expanding development and a comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to the residents of the development.

Requirement Met.

- A. Residential uses are included in the project. The project includes an addition of 7 dwelling units to the existing building containing one commercial unit and one dwelling unit.
- B. A Code-complying rear yard on the subject property would provide approximately 1,250 square feet of open space. The proposal includes approximately 590 square feet of private useable open space and 1,055 square feet of common usable open space via roof decks located at the third, fourth, and roof levels, resulting in approximately 1,650 square feet of usable open space, which exceeds the required amount by Code. Therefore, the proposal includes a comparable amount of usable open space provided elsewhere within the development that is more accessible to the residents.

CRITERION 2.

The proposed new or expanding structure will not significantly impede the access of light and air to and views from adjacent properties.

Requirement Met.

- A. The subject block is unusual in its shape and size due to the curving nature of Capp Street, and is developed with a mix of building heights and types, as well as surface parking lots. As such, there is no cohesive mid-block open space on the subject block, and the lots on the eastern half of the block have nearly 100% lot coverage. The proposed addition will not significantly impede the access of light and air to and views from adjacent properties. The proposed addition is setback from the front and rear building walls to minimize visibility and provide relief to adjacent properties. The Department determined the design to be consistent with all relevant design guidelines and criteria.

CRITERION 3.

The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of adjacent properties.

Requirement Met.

- A. As stated above, the subject block is unusual in its shape and size due to the curving nature of Capp Street, and is developed with a mix of building heights and types, as well as surface parking lots. As such, there is no cohesive mid-block open space on the subject block, and the lots on the eastern half of the block have nearly 100% lot coverage. Therefore, the proposal will not adversely affect any interior block open space.

PRIORITY PLANNING FINDINGS

This development is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. Planning Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. The project meets all relevant policies, including conserving neighborhood character, and maintaining housing stock.

1. Existing neighborhood retail uses will not be adversely affected by the proposed project.
2. The proposed project will be in keeping with the existing housing and neighborhood character, which is diverse in nature.
3. The proposed project will have no effect on the City's supply of affordable housing.
4. The proposed project does not adversely affect neighborhood parking or public transit.
5. The project will have no effect on the City's industrial and service sectors.
6. The proposed project will have no effect on the City's preparedness to protect against injury and loss of life in an earthquake.
7. The project will have no effect on the City's landmarks or historic buildings.
8. The project would not affect any existing or planned public parks or open spaces.

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

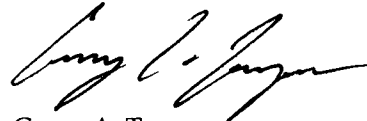
Once any portion of the granted rear yard modification is used, all specifications and conditions of this authorization become immediately operative.

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

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

APPEAL: Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Rear Yard Modification Decision. For further information, please contact the Board of Appeals in person at 1650 Mission Street, 3rd Floor (Room 304) or call 575-6880.

Very truly yours,



Corey A. Teague
Zoning Administrator

THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OCCUPANCY. PERMITS FROM APPROPRIATE DEPARTMENTS MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.