File No. 141046 Committee Item No. _____
Board Item No. 13

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____ Date _____
Board of Supervisors Meeting Date November 4, 2014

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☐	☐	Contract/Agreement
☐	☐	Form 126 – Ethics Commission
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OTHER (Use back side if additional space is needed)

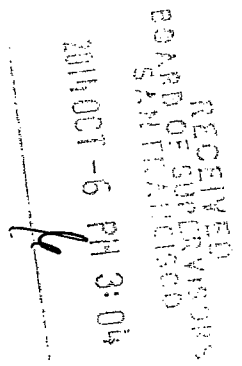
☐	☒	Appeal Letter - 10/06/2014
☐	☒	Application for Dwelling Unit Removal
☐	☒	Application for Conditional Use Authorization
☐	☒	Planning Commission Motion No. 19229
☐	☒	Clerical Documents: Hearing Notice

Completed by: John Carroll Date October 30, 2014
Completed by: _____ Date _____

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

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

The property is located at 395 26th Ave. aka 2500 Clement Street.



September 4,2014
Date of City Planning Commission Action
(Attach a Copy of Planning Commission's Decision)

October 6, 2014
Appeal Filing Date

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

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

__X__ The Planning Commission approved in whole or in part an application for conditional use authorization, Case No. 2013.0205CEKSV.

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

Statement of Appeal:

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

Conditional Use Authorization pursuant to Planning Code Sections 303 and 317 for the demolition of two or more residential units.

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

See Attached

Person to Whom Notices Shall Be Mailed	Name and Address of Person Filing Appeal:
(same)	Stephen M. Williams
Name	Name
	1934 Divisadero Street, SF CA 94115
Address	Address
	(415) 292-3656
Telephone Number	Telephone Number

Signature of Appellant or Authorized Agent

SMW | LAW OFFICES OF
STEPHEN M. WILLIAMS

1934 Divisadero Street | San Francisco, CA 94115 | TEL: 415.292.3656 | FAX: 415.776.8047 | smw@stevewilliamslaw.c

David Chiu, President
San Francisco Board of Supervisors
City Hall, #1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

October 6, 2014

RE: **STATEMENT OF APPEAL-CONDITIONAL USE AUTHORIZATION**
395 26th Avenue (AKA 2500-02-06-08 Clement & 381-83-87 26th Avenue)
2013.0205CEKV & 2013.0205CEKV—Project Includes:
Demolition of Sound Affordable Rent-Controlled Housing;
Request for Conditional Use Authorization;
Subdivision of Existing Development Lot;
Building Permits for Two New 45'+ Buildings,
Rear Yard Variances and Other Code Exceptions

President Chiu and Members of the Board:

This Statement is submitted in support of the appeal of the conditional use authorization granted by the Planning Commission (4-3 vote) on September 4, 2014.We have previously submitted to Planning a Petition signed by 171 immediate neighborhood residents opposing the project as incompatible with the neighborhood and an improper use of the conditional use procedure. With this appeal, we submit the signatures of 73 property owners within 300 feet of the subject lot.

1. **The Project is Demolition of TWO Sound, Affordable Rent-Controlled Units**
A conditional use authorization is required for the demolition of sound affordable rent-controlled housing. The Commission decision was in error and it mistakenly found that demolition of this housing is *"necessary and desirable"* for the community. The decision is directly contrary to all controlling public policy—and is a slap in the face of the public in the middle of an affordability crisis.

Retention of this type of affordable rent controlled housing is the highest priority policy and a keystone to every plan to fight the affordability crisis in SF. The decision is contrary to the Mayor's Executive Directives, contrary to the General Plan and contrary to the controlling policies of the Housing Element all of which mandate the retention of the existing building. There is no policy (as opined by the Dept and endorsed by the Planning Commission) that allows this type of sound affordable housing to be demolished and "exchanged" for new, market rate luxury condominium housing. Once this type of housing is demolished, it is gone forever. There is a finite supply of this type of housing and the policies of the City Demand its retention.

2. **The Project Does Not Meet the Mandatory Criterion for a Demolition**
The Project meets only six of the eighteen criterions for granting a demolition permit under Planning Code Section 317. The proposal to remove and replace two "naturally affordable" units is contrary to the priority principle of rent-controlled housing unit

retention. The current housing affordability crisis creates an exceptional and extraordinary circumstance such that the Commission should have denied the project and preserved the existing units. The Commission ignored this controlling fact and it is up to the Board of Supervisors to correct this error in judgment.

3. **UDAT requested a Project With a 25% Rear Yard—The Developer Proposes 10%; The Developer REFUSED to comply with Dept directives for a project WITHOUT Variances; The Requested Variances Hurt the Neighbors and Are Not Justified from an "Exceptional and Extraordinary" Hardship**

UDAT Reviewed the Project and Requested a Project Without Variances—the Developer Refused. The Variances hurt and negatively impact surrounding housing and long term residents and are directly contrary to law and policy. Granting variances for vacant, flat, rectangle shaped lots makes no sense and it contrary to all legal authority. The **ONLY** "hardship" cited as creating the need for variances by the developer is the "*unusual configuration of the lots.*" These new lots, of course, are being created by the developer to achieve 90% lot coverage. One cannot create a "hardship" and then claim a need for a variance to build on those same lots. Such a result is directly contrary to law and policy.

4. **The Project Requests a Parking Variance For a Transit Corridor and Fails to Even Build to the Prescribed Density for the New Project**

This is a project that gets it all wrong. In addition to the destruction of affordable rent-controlled housing, it requests a variance in order to construct parking within the Clement Street Neighborhood Commercial District. If approved as requested, the project would violate the most important policies of the City---destruction of sound, affordable rent-controlled housing and "over-parking" in a transit corridor. These buildings are pure luxury condos. The Dept also has the density INCORRECT. The Dept originally claimed that the prescribed density is three dwelling units per lot...Their math was WRONG and it was corrected at the hearing after appellants pointed out the error (which had existed for more than one year). The density would allow four units per lot. (Lot A 2,200s.f.divided by 600= 3.67 and Lot B 2,146s.f. divide by 600=3.58) The present lot, without subdivision, would permit seven units (4,346 divided by 600 = 7.27) and the approval is for SIX luxury condos.

Introduction

This office was retained to represent the surrounding neighbors of the proposed project including the owners and occupants of the two adjacent buildings on Clement Street and on 26th Avenue. The Neighbors object to the proposed project because it will impose unfair burdens and impacts on numerous surrounding homes. At a community meeting organized by the neighbors on February 6, the feeling of the surrounding community was made clear---They want the existing building preserved to maintain affordability in the neighborhood. This was a consensus in the meeting. Not a single neighbor supports the project as it is out of character with the neighborhood and it violates numerous priority policies in favor of creating new luxury condominiums at the top of the market. The decision by the Commission is another example of the "tone deafness" of a Planning Commission completely out of touch with the regular citizens of the City.

Project Setting and Proposal

The subject lot is one of two lots on the north side of Clement Street which falls under the Outer Clement Neighborhood Commercial District zoning. These are the *only lots* on this particular block that are zoned under the NCD.

The subject lot has on it two-units of "naturally affordable", middle-class, and rent-controlled housing (a fact only discovered by the Dept after it approved the project) and is surrounded by such housing. The Official 3R Report confirms the building is legal two units, it is alos rent-controlled. The fact that this lot is the only one of two lots with this NCD zoning is a usual circumstance requiring special design consideration and care to avoid disproportionate negative impacts to surrounding existing housing. The analysis from the Department makes no mention at all of this unusual fact and no design consideration is extended to the adjacent housing---The Project is proposed at far beyond maximum development. The adjacent housing will be dwarfed by the new building. No setbacks are employed in the project and it is proposed far BEYOND the maximum building envelope for the site.

The proposed project is very ambitious. The proposal is to demolish the existing building which fronts on Clement Street, *subdivide* the existing development lot which has been part of the development pattern of the neighborhood for more than 100 years and create two new odd smaller lots.

The proposal is to construct two very tall (for the neighborhood) apartment buildings of 3-units each with variances and exceptions so that the minimal real yards are substantially reduced again. The existing 2-unit building which fronts on Clement Street would be demolished and replaced with a 47.5' foot tall building (to the top of the parapet)---with stair pent house and roof top deck approximately 55' feet with three residential units and retail on the ground floor.

The proposal for the first building ("Lot A") includes a request for a rear yard variance to *completely remove the required rear yard* at grade and to provide reduced setbacks for the remaining three floors and a variance to allow parking. The second building ("Lot B") would be constructed in what is currently the required rear yard and would be placed on a development lot just 37 feet deep. This building is 40' feet to the top of the parapet and has a roof top penthouse and roof deck. It also seeks a variance is so that the minimum required rear yard area and green space shared with the surrounding residential units can be completely eliminated.

Review of the planning file reveals some interesting facts. First, the Dept asked for a minimum 25% rear yard for both new lots and the developers simply said "NO" and filed a variance request. Second, the ONLY justification asserted for the rear yard variances is ***the unusual configuration of the new lots!*** A classic self-made hardship that cannot be used to grant exceptions and variances.

A Conditional Use Authorization Cannot be Granted for the Demolition of Sound, Rent-Controlled, Affordable Units --The Mayor's Executive Directives Mandate the Preservation of the Existing, *Naturally Affordable* Rent Controlled Housing Stock

San Francisco's highest Priority Policies are enumerated in the General Plan. Further, to the extent some policies may clash with others, (for example—the creation of new housing vs. retention of existing housing---such as here) the two policies that are to be given primacy are:

- **That the City's supply of affordable housing be preserved and enhanced.**
- **That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.**

This directive is also found in the Housing Element of the General Plan and these two polices form the basis upon which inconsistencies in the Housing Element and in other parts of the General Plan are to be resolved. Approval of this project violates numerous crucial and primary policies.

HOUSING ELEMENT

Objectives and Policies

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

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 two units to be demolished here are considered to be "naturally affordable" as described in policy 3.4 of the General Plan's Housing Element as being smaller rent controlled dwelling units. These units are subject to the Rent Stabilization and Arbitration Ordinance, as the building was constructed prior to 1979 and is not a condominium.

The proposed project would eliminate two naturally affordable units that are subject to rent control and replace them with 3 large single-family market rate units that would not be subject to the Rent Stabilization and Arbitration Ordinance contrary to the policies and directives from the Mayor's Office to address the city's housing crisis. The proposed

project is inconsistent with the objectives and policies of the General Plan and does nothing to protect affordability of the existing housing stock especially rental units and does nothing to maintain the balance of affordability or for moderate ownership opportunities---quite the opposite.

The elimination of two functional "naturally affordable" rent controlled dwelling units is contrary to the General Plan as well as to the Department's and the City's priority to preserve existing sound housing and to protect naturally affordable dwelling units. The proposed loss of the two dwelling units is counter to the Mayor's executive directive, which calls for the protection of existing housing stock. The Mayor has directed the Department to adopt policies and practices that encourage the preservation of existing housing stock.

The proposal to remove and replace two naturally affordable units is contrary to the priority principle of housing unit retention. The current housing affordability crisis creates an exceptional and extraordinary circumstance such that the Commission should deny the project and preserve the existing units.

The General Plan and the Priority Policies make it clear that the Dept cannot "trade" the existing rent controlled housing on the site for additional units of market rate housing. The Dept's analysis is deeply flawed and repeatedly states that it is recommending approval of the project because losing two rent controlled existing units is somehow off-set by gaining six new market rate units. This is incorrect and is contrary to the manner in which the policies are to be applied. In fact, because the developer is building luxury style housing with abundant packing, the housing opportunity is NOT be maximized at the site. The zoning for the area would allow up to seven units on the existing lot---subdividing the lot actually reduces the housing allowed by the zoning.

First, since the project contemplates creating two new development lots, the "exchange" on proposed Lot A is the loss of two rent controlled units for only three new market rate units. Second, if the existing building is retained and units are added to it as an alteration, it would be possible to create seven units of rent-controlled housing while saving the existing units.

To bolster this already clear policy objective, the Mayor on February 6, 2014, that he would implement recommendations resulting from a Mayoral Executive Directive to accelerate housing production and *preserve existing housing stock.* The announcement by the Mayor's Office followed earlier directives in December to help retain the existing housing stock. On August 11, 2014, the Mayor implemented this plan.

The project approved by the Commission violates these polices and initiatives to protect the existing housing stock. The requested conditional use authorization cannot be granted in the face of this overwhelming policy mandate. The destruction of two units of existing rent-controlled housing and the permanent loss of the opportunity to create more such housing cannot possibly be "necessary and desirable" in the City of San Francisco at this time.

At a minimum, the project should be returned to the Dept for review in the face of these new mandates. A project that retains the existing housing and perhaps adds new units to the existing building is far more in line with the housing needed in the City and with the directives and policies already in place as well as the new housing policy priorities announced by the Mayor.

The Project Violates a Super Majority of the Mandatory Criteria Under Section 317 For Demolition and Tenants Were Displaced for This Project Prior to the Sale

As declarations under penalty of perjury submitted to the Planning Commission and testimony from long-term neighbors clearly showed that just prior to the sale of the subject property, it was occupied by tenants. As is often the case, in order to make the building more attractive for sale the owner, wanted to deliver the building vacant. The prior tenants were offered a cash buy-out and departed the subject property in late 2012 just prior to the purchase by the developer Mary Tom and her husband in January 2013.

As noted above, the Dept's analysis of the net result of the project is simply incorrect. "Lot A" is losing two affordable rent-controlled units and a commercial unit and is being replaced by a new commercial unit and three new market rate units. "Lot B" is a proposed separate development lot and is unrelated to the development on "Lot A." In other words, the existing building could be retained and "Lot B" could still be developed.

The Dept's analysis under Section 317 is equally flawed. The Project fails to meet even a bare majority of the criteria for approving the demolition of rent-controlled existing housing. The Dept concludes that "on balance" the project complies with the criteria of section 317 (See Planning Commission motion page 7). However, no explanation of how this conclusion is reached was provided.

Contrary to the unsupported conclusion, a review of the criteria enumerated in the Demolition Application and as required under section 317 positively leads to the conclusion that the project *does not* meet the criteria for a demolition under that Section. As set forth in the Demolition Application and in the Dept's motion, (pages 7-9) the criteria to be satisfied under Section 317 are as follows:

Existing Value and Soundness .

1. Whether the Project Sponsor has demonstrated that the building is unsound or is not affordable or financially accessible housing.

The project sponsor has not submitted a soundness report and no claim is made that the buildings is unsound; because it was recently and continuously occupied by tenants it is presumed to be sound. **DOES NOT Meet Criterion to Approve a Demolition.**

2. Whether the housing is found to be unsound at the 50 percent threshold.

The building is not unsound. **DOES NOT Meet Criterion to Approve a Demolition.**

3. Whether the property is free of a history of serious, continuing code violations.

There is no history of code violations at the site. **DOES NOT Meet Criterion to Approve a Demolition.**

4 Whether the housing has been maintained in a decent safe and sanitary condition.

Yes the housing has been so maintained. **DOES NOT Meet Criterion to Approve a Demolition.**

5. Whether the property is a historical research under CEQA.

The project was not found to be a historic resource. **Meets Criterion**

6 . Whether the removal of the resource will have a substantial adverse impact under CEQA. **Not Applicable**

The Project satisfied only two of the six criteria under the above section to approve a demolition.

Rental Protection

7. Whether in the project converts rental housing to other forms of tenure or occupancy.

Yes, the new units will no longer be under Rent Control and may be sold as condos or rented at Market Rate. **DOES NOT Meet Criterion to Approve a Demolition.**

8. Whether the project removes rental units subject to the rent stabilization and arbitration ordinance.

Yes the project removes at least the two units subject to rent control **DOES NOT Meet Criterion to Approve a Demolition.**

9. Whether the project conserves existing housing to preserve cultural and economic neighborhood diversity.

The project removes 2 sound affordable rent controlled units. **DOES NOT Meet Criterion to Approve a Demolition.**

10. Whether the project conserves neighborhood character to preserve neighborhood cultural and economic diversity.

The project does not conserve neighborhood character and does not preserve neighborhood cultural and economic diversity by replacing the rent controlled units with market rate housing. **DOES NOT Meet Criterion to Approve a Demolition.**

11. Whether in the project protects the relative affordability of existing housing .

The project does not protect the relative affordability of existing housing and replaces the affordable rent controlled units with market rate housing. **DOES NOT Meet Criterion to Approve a Demolition.**

12. Whether the project increases the number permanently affordable units is governed by section 415 .

Project does not provide and permanently affordable units. **DOES NOT Meet Criterion to Approve a Demolition.**

The Project does not meet any of the above six criteria for approving a demolition and only satisfies 2 of the first 12 criteria.

Replacement Structure

13. Whether the project located in fill housing on appropriate sites in established neighborhoods .

If a project requires the destruction of sound affordable rent controlled housing, the site is NOT appropriate. **DOES NOT Meet Criterion to Approve a Demolition.**

14. Whether the project creates quality, new family housing.

The Project creates new large unit housing. **Meets Criterion**

15. Whether the project creates new supportive housing.

No supportive housing is created by the project. **DOES NOT Meet Criterion to Approve a Demolition.**

16. Whether the project promotes construction of well-designed housing to enhance existing neighborhood character.

Although the neighbors do not believe the project fits in with the existing neighborhood character, we can concede this point for the sake of argument. **Meets Criterion**

17. Whether the project increases the number of on-site dwelling units.

Project creates six new units on two new development lots. **Meets Criterion**

18. Whether the project increases the number of on-site bedrooms.

Project creates six new units on two new development lots with 18 bedrooms. **Meets Criterion**

The project satisfies 4-5 of the above criteria. Overall, the Project *does not* satisfy even a bare majority of the needed criteria for a demolition and only meets 6 out of 18 of the above criterion. Further, when the Priority Policies are reviewed, the Sections of the Demolition Application for preserving Sound Affordable Rent Controlled Housing must take priority over the criteria for the replacement structure. The Dept's unexplained conclusion that the Project somehow "on balance" meets the criteria of Section 317 and the General Plan Priority Policies is simply incorrect. The Project does not satisfy the requirements of Section 317 and the demolition must be denied.

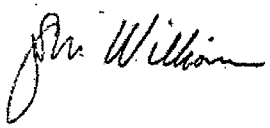
The Proposed Garage is Incompatible with the City's Transit First Policies, Incompatible with the NCD and Fails to Even Build to the Prescribed Density

This is a transit rich neighborhood with numerous bus lines just steps away. The project gives the impression of changing and demolishing the housing from rent controlled family housing to luxury condominiums ---with parking on a transit line. A type of housing that is completely out of character with the neighborhood and the City's policies. Further, the motion submitted to the Commission is simply wrong on the math. The project as subdivided would allow for eight units of housing not six (Lot A 2,200s.f.divided by 600= 3.67 and Lot B 2,146s.f. divide by 600=3.58) and the lot without the subdivision would support seven units under the zoning allowing one unit per 600 square feet. (4,346 divided by 600 = 7.27).

Conclusion

The Proposed Project violates numerous priority policies which mandate the decision to save affordable, rent controlled housing. The proposed construction is simply too much for a single development lot. The requested height and bulk of the buildings will overwhelm the lot size and the neighbors in this residential neighborhood. The neighbors request that the Board overturn the Planning Commission decision and deny the demolition permit and direct the developer to explore options to retain the existing housing (with or without a subdivision and new development at the rear).

VERY TRULY YOURS,



STEPHEN M. WILLIAMS

Received 17 pages of signatures

City Planning Commission

CASE NO. 2013.0205CEKSV

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.	366 - 27th AVE	1407-027	JACQUELINE SVEVO	
2.	366-27th Ave	1407-027	Rocco SVEVO	Rocco
3.	343-27th AVE	1406-008	ANTHONY ERLICH	
4.	363-27th Ave	1406-013	Lily Fillmore	
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City Planning Commission

CASE NO. 2013.0205CEKSV

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	2428-2430 Clement St.	1408-017	SHE H HSIEH	
2.	345-26 AVE	1407-009	ALFRED POON	
3.	372 26th Ave	1408-023	JUDITH GRAY	
4.	2410 Clement St	1408-014	PING Qi KANG	
5.	338-27th AVE	1407-035	BIN CHEN	
6.	395-25th Ave	1408-013	Willie Wong	
7.	290-27th Ave	1407-023A		
8.	326-26th AVE	1408-034	AKRIVOULA ARVYRES	
9.	209 26th Ave	1386-075		
10.	2443 Clement St #B	1457-059		
11.	369-26th	1407-014		
12.	351-27th AVE	1406-040		
13.	378 27th Ave	1407-024		
14.	366 26th AVE UNIT 3	1408-059	STEPHEN DRANT	
15.	410-26th AVE	1457-033 S.F.		
16.	427-26th Ave	1458-051 S.F.		
17.	2420 Clement	S.F. 1408-016	SOTERA NORIEGA	
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	373-26th Ave #2	1407-052	MAIRE FLEMING	
2.	338-26th Ave	1408-032	FONG 1991 TRUST	
3.	~~350-27th Ave~~ 342-26th Ave	1408-031	Kwong Chick Chuen	
4.	350-27 Ave	1407-032	WANDA CHINN	
5.	359-27 Ave	1406-012	KIM CHANG	
6.	~~2536~~ 336th-Clement	1407-021	Nicholas Tadeschi	
7.	343-25th Ave	1408-007	JU, CHEW GREY	
8.	361-26th Ave	1407-012	Annie Chow	
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City Planning Commission

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	2510-2512 CLEMENT ST.	1407-018	WENDY WAN-LI CHEN	
2.	375-27th Ave.	1406-016	PRISCILLA CHU	
3.	401-26 Ave apt 2	1458-043	IGOR DUBROVSKY	
4.	2510-2512 CLEMENT	1407-018	JAMES MO-TAI CHAN	
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City Planning Commission

CASE NO. 2013.0205CEKSV

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	2535 Clement St.	1456 036	Goodwin Family Trust James W + Susan N Goodwin TTEES	Susan N. Goodwin
2.	355 - 27th AVE.	1406 - 011	JAMES MO-TAI CHAN	
3.	355 - 27th AVE.	1406 - 011	WENDY WAN-LI CHEN	
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City Planning Commission

CASE NO. 2013.0205CEKSV

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	377-26th Ave	1407-016	ANTHONY LEE	
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City Planning Commission

CASE NO. 2013.0205CEKSV

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	[redacted]		[redacted]	
2.	350 - 26th Ave	1408-029	ACRIVOUVA ARLYBES	
3.	356 - 26th Ave	1408-027	NIKOLAOS	
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City Planning Commission

CASE NO. 2013.0205CEKSV

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	401 26th Ave #4	1458/045	KATHRYN-WALDEN	
2.				
3.	369 26th Ave	1467-014	Ming Lee	
4.	338 27th Ave	1407-035	Ben Chen	
5.	351-353-27TH AVE	1467-010	SAM PATTON	
6.	434-26th Ave	1457-030	Yvonne Coe	
7.	382 27th Ave	1407-023C	Elizabeth Ahlstrand	
8.	382 27th Ave	1407-023L	William M. Ahlstrand	
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Kathryn Walden

17. Note: Not opposed to construction or gentrification but
18. height + # of units added to small space (subdividing
19. lot) is a major concern. Intersection will need
20. a stop sign too. Blockage of light to other properties
21. nearby is also not in the zoning laws for bldg ht.
22.

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	~~2416~~			
2.	427 - 26th Ave #3, S.F. CA. 94121		Kate Lee	
3.	410 - 26th Ave		S.F. CA 94121 JEFFERSON LLC	
4.	427 26th Ave #2		S.F. CA. 94121 Nina Louise Frankel	
5.	401 - 26th Ave #1		S.F CA 94121 P. Huen	P. Huen
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	427 26th Ave #3	1458-051 S.F. CA. 94121	Donald T Lee	
2.	410 26th AVE	1457-033 S.F. CA 94121	Joanna Lee	JOANNA LEE
3.	427 26th Ave. #1	1458-049 S.F. CA	RACHEL CHENG	Rachel Cheng
4.	427 26th Ave. #1	1458-049 S.F. CA	GANBING WANG	Ganbing Wang
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City Planning Commission

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	2410 Clement St	1408-014	YU JUAN LIANG	Yu Juan Liang
2.	2428 Clement St.	1408-017	SHE H HSIEH	Chen-hsi Hsieh Tse
3.	366 26TH #2	1408-058	CHRISTINE BIRCH	
4.	366 26TH #2	1408-058	TONY FERRELLI	
5.	~~367 26th~~			
6.	390 - 27th Ave	1407-023A	Melia Chan	Melia Chan
7.	356 - 26th Ave	1408-027	Wilson Chan	Wilson Chan
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	286 27th AVE	1407-023B	Tsui Wing Kai Living trust Scott Tsui	
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	371 25th Ave #2	1408-045	John Hatten	
2.	371 25th Ave #2	1408-045	Shirley Hatten	
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	390-27th AVE.	1407-023A	WILSON CHOY	Wilson Choy
2.	357-25th AVE	1408-008A	XUE CHANG	XUE CHANG
3.	343-25th AVE.	1408-007	XUE C. JU	Xue C. Ju
4.	414-26th AVE.	1457-031	LULU TSAO	
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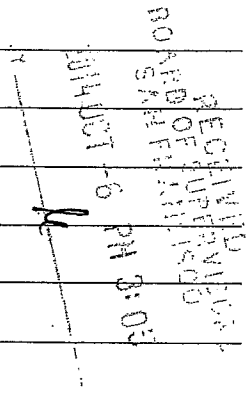

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	2608-2610 Clement St.	Block # 7214 Lot # 603A	WING LI & ELAINE LI	Wing Li Elaine Li
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	414 - 26th Ave	1457/031	TSAO-WU EDDIE & LUCY	
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	401 -26ave	1458 043	ANNA DUBROVSKY	
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September 4, 2014

SAN FRANCISCO PLANNING COMMISSION

Meeting Minutes

Commission Chambers, Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Thursday, September 4, 2014
12:00 p.m.
Regular Meeting

12a. 2013.0205CEKSV (C. LAMORENA: (415) 575-9085)

395 26th AVENUE - northwest corner of Clement Street and 26th Avenue; Lot 017 in Assessor's Block 1407 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 303 and 717.39 to allow the demolition of an existing two-story mixed-use building containing two dwelling units with ground floor commercial space and construct two buildings, a 45-foot tall, four-story mixed-use building fronting on Clement Street, containing three dwelling units, four residential parking spaces with ground floor commercial space and a 40-foot tall, four-story building fronting on 26th Avenue, containing three dwelling units and three residential parking spaces within the Outer Clement Street Neighborhood Commercial Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

Preliminary Recommendation: Approve with Conditions

(Continued from Regular Meeting of April 24, 2014)

SPEAKERS:
+ Jeremy Shaw – Project presentation
+ Alice Barkley – Variances
+ Mary Tom – Sponsor presentation
+ George – Support from 4-star theater

+ Edwin Lui – Support
+ David Fong – Support, for housing and rental
+ Brian Kano – Support, housing shortage
+ Felix – Housing shortage
+ Martin – Better use of land
+ Hector Lee – People leave garbage at site
+ Andy Chen – Housing inventory
+ Mathew Lambert – Housing, rent controlled units unoccupied

- Karen Horning – Day light
- Sola Brines – Affordable housing replaced with luxury condos
- Julian – Too big
- Alex Powell – Preserve rent-controlled housing
- Wendy Chan – Too big and tall
- Tony Lee – Affordable housing
- Katherine Robbins – Bad precedent
- Steven Williams – Housing directive

ACTION: Approved with Conditions as Amended, to eliminate the rear bump out on Lot B and reduce the parking to two spaces.

AYES: Fong, Antonini, Hillis, Johnson
NAYES: Wu, Moore, Richards
MOTION: 19229

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

19229

Planning Commission Motion Draft Motion
HEARING DATE: SEPTEMBER 4, 2014

Date:	August 28, 2014
Case No.:	**2013.0205CEKSV**
Project Address:	**395 26th AVENUE**
Zoning:	Outer Clement Street Neighborhood Commercial District 40-X Height and Bulk District
Block/Lot:	1407/017
Project Sponsor:	Gabriel Ng Gabriel Ng & Architects, Inc. 1360 9th Avenue, Suite 210 San Francisco, CA 94122
Staff Contact:	Christine Lamorena – (415) 575-9085 christine.lamorena@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 317 REQUIRING CONDITIONAL USE AUTHORIZATION FOR THE REMOVAL OF TWO OR MORE RESIDENTIAL UNITS.

PREAMBLE

On February 26, 2013, Gabriel Ng of Gabriel Ng & Architects, Inc. (Project Sponsor) filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 303 and 317 to demolish two residential units at 395 26th Avenue within the Outer Clement Street Neighborhood Commercial District (NCD) and a 40-X Height and Bulk District.

On January 16, 2014, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.0205C. The Commission continued the item from January 16, 2014 to February 20, 2014, and then to April 4, 2014 and lastly to September 4, 2014.

On September 4, 2014, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.0205C.

On August 26, 2014 the Project was determined by the Department to be categorically exempt from environmental review under Case No. 2013.0205E. The Commission has reviewed and concurs with said determination.

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. 2013.0205C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.

2. **Project Description.** The proposed project would include the demolition of an existing two-story building, subdivision of the existing lot into two lots (Lots A and B), and the construction of two new buildings with a total of six (6) dwelling units, seven (7) off-street parking spaces within two (2) at-grade parking garages, and approximately 851 square feet (sq ft) of retail space in Lot A only. The proposed mixed-use building (Lot A) would be approximately 7,533 gross square feet (gsf) and 45-feet tall. The proposed residential building (Lot B), would be approximately 5,667 gsf and 40-feet tall. The project site is located on the block bounded by California Street to the north, Clement Street to the south, 26th Avenue to the east, and 27th Avenue to the west, in the Outer Richmond neighborhood.

   The proposed mixed-use building on Lot A would consist of ground floor retail space with two (2) Class 2 bicycle spaces, three (3) three-bedroom units, four (4) off-street vehicle parking spaces, and three (3) Class I bicycle parking spaces, in an at-grade parking garage, and a roof deck for common open space. The proposed residential building on Lot B would consist of three (3) dwelling units (townhouse and two flats), three (3) vehicle parking spaces, with three (3) Class I bicycle parking spaces, in an at-grade garage, and a roof deck for private open space.

   Access to the ground-floor retail space and residential lobby on Lot A would be through entrances located on Clement Street. Main access to the residential building on Lot B would be from a ground floor lobby on 26th Avenue. Vehicular access to the at-grade parking garages for both buildings would be located on 26th Avenue.

3. **Site Description and Present Use.** The project site is located on the northwest corner of Clement Street and 26th Avenue, Assessor's Block 1407, Lot 017. The project site is within the Outer Clement Street Neighborhood Commercial Zoning District (NCD) and a 40-X Height and Bulk District. The existing two-story building currently contains two dwelling units and ground floor

commercial space. A rear portion of the lot is used as surface parking for the two dwelling units. The project site measures 37 feet wide by 118 feet deep with an area of 4,366 square feet.

4. **Surrounding Properties and Neighborhood.** The project site is a corner lot with commercial and residential entrances on 26th Avenue. The adjacent property along 26th Avenue at 377 26th Avenue contains a two-story over garage, four-unit building. The adjacent property along Clement Street at 2510-2512 Clement Street contains two structures. The front structure contains a two-story, mixed-use building with two dwelling units and ground floor commercial space. The rear structure is a one-story, single-family dwelling. Along the subject block on Clement Street and 26th Avenue, all of the buildings are three to four stories in height. Across Clement Street, the building heights are all three stories.

5. **Public Comment.** The Department has received the following public comment:
   a. 112 letters and petitions in support of the project
   b. An online petition (www.change.org) with 171 persons opposed to the project
   c. Petitions with 137 signatures of persons opposed to the project
   d. One email and five phone calls opposed to the project
   e. Two phone calls with no position, but requesting additional information.

   Those opposed to the project have the following concerns: loss of view, loss of light, loss of on-street parking, and the project being too large and out of scale in the existing neighborhood.

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.** Pursuant to Planning Code Section 317, Conditional Use Authorization is required for applications proposing to remove two or more residential units in the Outer Clement Street NCD. This Code Section establishes a checklist of criteria that delineate the relevant General Plan Policies and Objectives.

   As the project requires Conditional Use Authorization per the requirements of Section 317, the additional criteria specified under Section 317 have been incorporated as findings in this Motion. See Item 7, "Additional Findings pursuant to Section 317" below.

   B. **Lot Size.** Planning Code Section 121 requires a lot size of 1,750 square feet for lots within 125 feet of an intersection.

   After the proposed lot subdivision, the Clement Street lot with primary frontage on Clement Street would measure 2,200 square feet and the 26th Avenue lot with frontage on 26th Avenue would measure 2,146 square feet.

   C. **Residential Density.** Planning Code Section 717.91 permits a density ratio of one dwelling unit for each 600 square feet of lot area.

Up to three dwelling units are permitted on each of the subdivided lots. The proposed unit count of three dwelling units each comply with the prescribed density.

D. **Rear Yard Requirement.** Planning Code Section 134 requires a rear yard measuring 25 percent of the total depth at grade level and at each succeeding level or story of the building in the Outer Clement Street NCD.

After the proposed lot subdivision, the Clement Street lot with primary frontage on Clement Street would measure 60 feet deep and the 26th Avenue lot with frontage on 26th Avenue would measure 37 feet deep. The required rear yard for the Clement Street lot is 15 feet; however, the project proposes full lot coverage on the ground floor with a roof deck above. The required rear yard for the 26th Avenue lot is also 15 feet; however, the project proposes a partial rear yard on the ground floor at a depth of 13 feet with a portion of the garage and a roof deck extending into required rear yard. Therefore, the Project Sponsor is seeking a rear yard modification for the project.

E. **Open Space.** Planning Code Section 135 requires 100 square feet of common usable open space or 80 square feet of private usable open space per dwelling unit.

For the Clement Street building, the project proposes 340 square feet of common open space on the proposed roof deck where 212.8 square feet are required and 519 square feet of private open space on a rear deck where 80 square feet are required. For the 26th Avenue building, the project proposes 1,044 square feet of private open space in a rear yard, rear deck, and roof deck where 240 square feet are required.

F. **Street Frontage in Neighborhood Commercial Districts.** Planning Code Section 145.1 requires the following:

1. **Above-Grade Parking Setback.** Off-street parking at street grade on a development lot must be set back at least 25 feet from the front of the development on the ground floor.

   The project proposes parking at the property line along 26th Avenue, not set back 25 feet. The Project Sponsor is requesting a variance from this section of the Planning Code.

2. **Parking and Loading Entrances.** No more than one-third of the width or 20 feet, whichever is less, of any given street frontage of a new structure parallel to and facing a street shall be devoted to parking and loading ingress or egress.

   The proposed parking entrance for the Clement Street building is 16 feet wide and the proposed parking entrance for the 26th Avenue building is 12 feet wide. Two curb cuts along 26th Avenue, each 10 feet wide, are proposed.

3. **Active Uses Required.** With the exception of space allowed for parking and loading access, building egress, and access to mechanical systems, space for active uses shall be

provided within the first 25 feet of building depth on the ground floor from any façade facing a street at least 30 feet in width.

Active ground floor uses (commercial use at the Clement Street building and residential use at the 26th Avenue building) are proposed within the first 25 feet of the building depth on the ground floor of each building.

4. **Ground Floor Ceiling Height.** Ground floor non-residential uses in NC Districts shall have a minimum floor-to-floor height of ten feet in a 40-foot height district.

   The proposed ground floor ceiling heights for both buildings would be a minimum of ten feet tall.

5. **Street-Facing Ground-Level Spaces.** The floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to those spaces.

   The proposed active uses and residential lobbies are designed along the property lines of the subject lot.

6. **Transparency and Fenestration.** Frontages with active uses that are not residential must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area.

   The proposed commercial use in the Clement Street building contains approximately 911 square feet of exterior ground floor wall area. Approximately 550 square feet of wall area would be dedicated to glazing, which is equivalent to approximately 60 percent transparency.

7. **Gates, Railings, and Grillwork.** Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind floor windows, shall be at least 75 percent open to perpendicular view.

   No gates, railing, or grillwork are proposed.

G. **Parking.** Planning Code Section 151 requires one parking space for each dwelling unit.

   The project proposes seven parking spaces for the six replacement dwelling units.

H. **Bicycle Parking.** Planning Code Section 155 requires one Class 1 Bicycle Parking space for every dwelling unit and a minimum of two Class 2 spaces for the commercial use.

   The project proposes six Class 1 bicycle parking spaces that satisfy the bicycle parking requirements. The two Class 2 spaces are provided with a bike rack on Clement Street.

I. **Height.** Planning Code Section 260 requires that all structures be no taller than the height prescribed in the subject height and bulk district. The proposed Project is located in a 40-X Height and Bulk District, with a 40-foot height limit. Planning Code Section 263.20 allows for a special height exemption of five feet for active ground floor uses.

The project proposes two replacement buildings. The Clement Street building is proposed at 45 feet tall, utilizing the five-foot height exemption for an active ground floor use as a commercial space. The 26th Avenue building is proposed to be 40 feet tall.

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.

The use and size of the proposed project is compatible with the immediate neighborhood. While the project proposes demolition of two units, the proposed density of six units distributed into two, three-unit buildings is more desirable in terms of compatibility with the surrounding housing density and the Outer Clement Street NCD. The replacement buildings are also designed to be consistent with the existing development pattern and the neighborhood character. Both new buildings are four-story buildings; however, the building fronting on 26th Avenue proposes a design and massing that respects the predominant pattern of three-story residential facades along both sides of 26th Avenue.

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;

The project is designed to be compatible with the surrounding neighborhood and specifically with the adjacent buildings. The proposed size, shape and arrangement of the project are in keeping with the development pattern of the block. The 26th Avenue building is set back at the rear and side to respect a single-family noncomplying structure in the adjacent lot at 2510-2512 Clement Street and property line windows in the adjacent lot at 377 26th Avenue.

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 Planning Code requires six parking spaces for the replacement buildings. Seven spaces are proposed, where currently there are three surface lot spaces provided for the existing building.

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

The proposed project is primarily residential in nature with approximately 867 square feet of commercial space, which is an increase in floor area from the existing 464 square feet. The proposed residential density and commercial intensity are not anticipated 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;

Although designed in a contemporary aesthetic, the façade treatment and materials of the replacement buildings have been appropriately selected to be harmonious with the existing 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.

The project complies with all relevant requirements and standards of the Planning Code except for rear yard and street frontage 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 Outer Clement Street NCD.

The proposed project is consistent with the stated purpose of the Outer Clement NCD. The NCD allows for up to one dwelling unit per 600 square feet of lot area. With proposed lot areas of 2,200 square feet and 2,146 square feet after the lot subdivision, six dwelling units would be permitted. The project proposes six dwelling units.

8. **Additional Findings pursuant to Section 317** 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 Project Sponsor has demonstrated that the residential structure is unsound, where *soundness* is an economic measure of the feasibility of upgrading a residence that is deficient with respect to habitability and Housing Code requirements, due to its original construction. The *soundness factor* for a structure shall be the ratio of a construction upgrade to the replacement cost, expressed as a percent. A building is unsound if its soundness factor exceeds 50-percent. A residential building that is unsound may be approved for demolition.

Project does not meet criterion.
The Project Sponsor has not submitted a soundness report, as he does not contend that the building is unsound.

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

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

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

Project meets criterion.
The structure appears to be in decent condition, although the existing dwelling units' sizes, design and construction deficiencies are evident.

iv. Whether the property is an "historic resource" under CEQA;

Project meets criterion.
Although the existing structures are more than 50 years old, a review of the supplemental information resulted in a determination that the structure is not a historical resource.

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

Project meets criterion.
Not applicable. The structure is not a historical resource.

vi. Whether the project converts rental housing to other forms of tenure or occupancy;

Project meets criterion.
The Project would remove two vacant units from the City's housing stock. There are no restrictions on whether the four new units will be rental or ownership.

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

Project does not meet criterion.
The two units were owner occupied before the current property owner purchased the building in January 2013. Although both units remain vacant under the current property owner, the units would be subject to the Rent Stabilization and Arbitration Ordinance due to the age of the building (constructed before June 13, 1979).

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

Project meets criterion.
Although the Project proposes demolition of a two-bedroom unit and a one-bedroom unit, the number of units would be increased at the project site. The replacement structure primarily fronting on Clement Street is proposed as a three-unit building and the replacement structure fronting on 26th Avenue is proposed as another three-unit building.

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

Project meets criterion.
The replacement buildings conserve neighborhood character with appropriate scale, design, and materials, and improve cultural and economic diversity by appropriately increasing the number of bedrooms, which provide family-sized housing. The project would conserve the existing number of dwelling units, while providing a net gain of four units to the City's housing stock.

x. Whether the Project protects the relative affordability of existing housing;

Project does not meet criterion.
The project does not protect the relative affordability of existing housing, as the project proposes demolition of the existing dwelling units.

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

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

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

Project meets criterion.
The project has been designed to be in keeping with the scale and development pattern of the established neighborhood character.

xiii. Whether the Project creates quality, new family housing;

Project meets criterion.
The project proposes six opportunities for family-sized housing. Three-bedroom units are proposed.

xiv. Whether the Project creates new supportive housing;

Project does not meet criterion.
The project does not create supportive housing.

xv. Whether the Project promotes construction of well-designed housing to enhance existing neighborhood character;

Project meets criterion.
The overall scale, design, and materials of the proposed buildings are consistent with the block faces and compliment the neighborhood character with a contemporary design.

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

Project meets criterion.
The project would increase the number of on-site units with a net gain of four units.

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

Project meets criterion.
The project proposes 18 bedrooms. The existing building contains three bedrooms.

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 two dwelling units with the construction of six dwelling units.

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 to topography.

The project proposes demolition of the existing building. Similar to other existing structures on the block face, both proposed buildings contain garages at the ground floor that are to be constructed to the front lot line with residential uses above.

Policy 1.3:
Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

The four-story replacement building at the corner of Clement Street and 26th Avenue is consistent with the pattern of three- and four-story buildings found along the block face. The four-story replacement building fronting 26th Avenue reinforces the existing pattern of three-story buildings found on both sides of the street, as the proposed fourth floor is designed to create the appearance of a three-story structure at the front façade and along the block face.

OBJECTIVE 2:
CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

Policy 2.6:
Respect the character of older development nearby in the design of new buildings.

The massing of the replacement buildings' main front façades have been designed to be compatible with the prevailing street wall height, particularly the height and proportions of the adjacent buildings. Although interpreted in a contemporary architectural style, the proposed building proportions and exterior materials have been selected to be compatible with the adjacent buildings and the immediate neighborhood character.

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 be enhanced as the project proposes to expand the ground floor commercial use on Clement Street from 464 square feet to 897 square feet. The additional bedrooms in the replacement buildings would house more individuals to patronize the existing neighborhood-serving retail uses.

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

While the existing housing is proposed to be demolished, the new replacement buildings conserve the number of dwelling units in the existing buildings while providing a net gain of four units.

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

While the affordability of the existing units is not preserved since they are proposed to be demolished, the units are not considered "affordable housing" per Planning Code Section 415 and/or the Mayor's Office of Housing. The proposal to construct six family-sized units at the project site enhances the "affordability" of the units more than if a fewer number of dwelling units were proposed.

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

The project would not have a significant adverse affect on automobile traffic congestion or create parking problems in the neighborhood. The project would enhance neighborhood parking by providing seven off-street parking spaces, where three spaces currently exist.

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 is a mixed-use project in the Outer Clement Street NCD; therefore the project would not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses would not be affected by the project.

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

The replacement structures would be built in compliance with San Francisco's current Building Code Standards and would meet all earthquake safety requirements.

G. That landmarks and historic buildings be preserved.

Landmark or historic buildings do not occupy the project site.

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

A shadow study was prepared and the project's shadow does not reach any parks or open space under the jurisdiction of the Department of Recreation and Parks. The project will have no negative effect on existing parks and 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. 2013.0205C** subject to the following conditions attached hereto as "EXHIBIT A" 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. 17820. 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 94012.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 4, 2014.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

RECUSED:

ADOPTED: September 4, 2014

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow the demolition of two residential units located at 395 26th Avenue pursuant to Planning Code Section(s) 303 and 317 within the Outer Clement Street Neighborhood Commercial District and a 40-X Height and Bulk District; in general conformance with plans, dated October 24, 2013, and stamped "EXHIBIT B" included in the docket for Case No. 2013.0305C and subject to conditions of approval reviewed and approved by the Commission on September 4, 2014 under Motion No XXXXXX. 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 January 16, 2014 under Motion No XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXXX 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

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

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

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

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

DESIGN – COMPLIANCE AT PLAN STAGE

6. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.
   For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

7. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.
   For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

8. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.
   For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

9. **Street Trees.** Pursuant to Planning Code Section 138.1 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary.
   For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

10. **Subdivision.** The Project Sponsor shall submit a lot subdivision application proposing to subdivide the lot into two lots prior to Planning approval of the building permit application.
    For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

PARKING AND TRAFFIC

11. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1, 155.4, and 155.5, the Project shall provide no fewer than eight bicycle parking spaces (six Class 1 spaces for the residential portion of the Project and two Class 2 spaces for the commercial portion of the Project).
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

12. **Parking Requirement.** Pursuant to Planning Code Section 151, the Project shall provide six off-street parking spaces.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

13. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

14. **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

15. **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

OPERATION

16. **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

17. **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

18. **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

Carroll, John (BOS)

From: Caldeira, Rick (BOS)
Sent: Wednesday, October 29, 2014 3:23 PM
To: BOS Legislation (BOS)
Cc: Pagoulatos, Nickolas (BOS)
Subject: FW: Conditional Use Appeal hearing - 395 - 26th Avenue

For file

From: Barkley, Alice [mailto:ABarkley@mckennalong.com]
Sent: Friday, October 24, 2014 2:36 PM
To: Pagoulatos, Nickolas (BOS); Mar, Eric (BOS)
Cc: Daivd.Chiu@sfgov.org; True, Judson; Lamug, Joy; Calvillo, Angela (BOS); Caldeira, Rick (BOS); Shanagher, Denis; Stephen M. Williams (smw@stevewilliamslaw.com)
Subject: Conditional Use Appeal hearing - 395 - 26th Avenue

Nikolas,

Per your request on behalf of Supervisor Mar to continue the subject hearing because November 4 is election day. I have spoken with the property owner and she agrees to the continuance to November 25, 2014. You also told me that the Board has cancelled its November 11 meeting.

Accordingly, the brief to the Board opposing the conditional use appeal will not be due until November 17, 2014. Please let me know if my understanding is incorrect.

Alice Barkley

Alice Barkley | Contract Attorney
McKenna Long & Aldridge LLP
One Market Plaza, Spear Tower, 24th Floor | San Francisco, CA 94105
Tel: 415.356.4635 | Fax: 415.356.3888 | ABarkley@mckennalong.com

Albany | Atlanta | Brussels | Denver | Los Angeles | Miami | New York | Northern Virginia
Orange County | Rancho Santa Fe | San Diego | San Francisco | Seoul | Washington, DC

Allen Kwong
401 26th Ave
San Francisco, CA 94121
10/27/14

Board of Supervisors of the City and County of San Francisco
City Hall
1 Dr Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

Dear Angela Calvillo,

I am writing to you in regards to File No. 141046 (Motion No. 19229, Conditional Use Authorization No. 2013.0205CEKSV), to voice my opposition to this project. As a resident of the neighborhood, it is my opinion that the proposed structure would negatively affect the neighborhood in several different respects: a four-story residential structure would add to an already densely packed neighborhood, contribute to a scarcity in street parking availability, and change the personality of the neighborhood.

San Francisco is a densely populated city and the Richmond district is mainly residential. Apart from a few concentrations of restaurants and shops, most streets are dominated by residential lots. A large structure that houses a significantly increased amount of people will only add to the congestion in the nearby area. I question whether the infrastructure is adequate to withstand such an increase; water consumption, trash/recycle collection, and electricity consumption are essentials but generally taken for granted as being available for all. Would the ecosystem be able to withstand a larger structure and not reducing those of any other residents?

Traffic and parking are concerns that I have for the specific location of this structure. Consider that there is consistent difficulty to find parking both during the day and at night even though there are parking meters on both sides of 26th Ave through to 24th Ave on Clement St. I do not have the statistics, but I think a study would show that the amount of accidents and traffic complaints on the intersection of 26th Ave and Clement Street are comparable to the highs of any location in the city. This development without question would add to the level of traffic in this intersection.

A nouveau designed, taller building could also change the complexion of the neighborhood. When walking through the Richmond one can see that every house in the surrounding area are all of the same basic type. As a resident and in conversations with longer term residents, there is a personality and feel of the neighborhood that is at risk of changing. If everything is working fine and the majority of the neighborhood is happy, why risk making a change that could change it?

Finally, I question what an approval would mean for the future of the neighborhood. We do not operate in a vacuum so I conclude that allowing this structure to be constructed will then lead to other new buildings being constructed in a similar style and/or new floors being added to existing structures. It is simply naïve to think that this one approval has no effect on other projects and opportunities to invest capital. I greatly value the neighborhood as it exists now and am concerned that this project will change the dynamics in a negative way.

Thank you for the opportunity to express my concerns.
Regards,

Allen Kwong

Carroll, John (BOS)

From: Lamorena, Christine (CPC)
Sent: Thursday, October 16, 2014 2:02 PM
To: Lamug, Joy
Cc: Carroll, John (BOS); BOS Legislation (BOS)
Subject: RE: Conditional Use Appeal - 395-26th Avenue (aka 2500 Clement Street) Case No. 2013.0205CEKSV
Attachments: 2013.0205D-395 26th Avenue-Application.pdf

Categories: 141046

Hi Joy – Please also see the Dwelling Unit Removal Application for this project.

Thanks,

Christine Lamorena, LEED AP
Manager of Commission Affairs

Planning Department, City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-575-9085 **Fax:** 415-558-6409
Email: christine.lamorena@sfgov.org
Web: www.sfplanning.org

Planning Information Center (PIC): 415-558-6377 or pic@sfgov.org
Property Information Map (PIM): http://propertymap.sfplanning.org

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From: Lamorena, Christine (CPC)
Sent: Wednesday, October 15, 2014 1:56 PM
To: Lamug, Joy
Cc: Carroll, John (BOS); BOS Legislation (BOS)
Subject: RE: Conditional Use Appeal - 395-26th Avenue (aka 2500 Clement Street) Case No. 2013.0205CEKSV

Hi Joy – Please see attached.

Christine Lamorena, LEED AP
Manager of Commission Affairs

Planning Department, City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-575-9085 **Fax:** 415-558-6409
Email: christine.lamorena@sfgov.org
Web: www.sfplanning.org

Planning Information Center (PIC): 415-558-6377 or pic@sfgov.org
Property Information Map (PIM): http://propertymap.sfplanning.org

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From: Lamug, Joy
Sent: Tuesday, October 14, 2014 1:05 PM
To: Lamorena, Christine (CPC)
Cc: Carroll, John (BOS); BOS Legislation (BOS)
Subject: Conditional Use Appeal - 395-26th Avenue (aka 2500 Clement Street) Case No. 2013.0205CEKSV

Hi Christine,

The above referenced appeal is tentatively scheduled to be heard by the Board of Supervisors on November 4, 2014, at 3:00 p.m. Per Public Works initial count on Friday, October 10, the appeal has exceeded the minimum 20% requirement. We are just waiting for the official letter (due back today, Oct. 14) from Public Works on the final count.

Kindly provide the following documents if possible by tomorrow, Oct. 15:

1) Planning Final Motion
2) Application Form
3) Distribution list in excel format

Please email or call me if any questions.

Thank you in advance.

Joy Lamug
Legislative Clerk
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102
Direct: (415) 554-7712 | Fax: (415) 554-5163
Email: joy.lamug@sfgov.org
Web: www.sfbos.org

Please complete a Board of Supervisors Customer Service Satisfaction form by clicking here.

The Legislative Research Center provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Application for Dwelling Unit Removal

CASE NUMBER 13 0205

APPLICATION FOR

Dwelling Unit Removal
Merger, Conversion, or Demolition

1 Owner/Applicant Information

PROPERTY OWNER'S NAME
Mary Tom

PROPERTY OWNER'S ADDRESS
1559B Sloat Boulevard #468
San Francisco, CA 94132

TELEPHONE
(415) 272-4901

EMAIL
maryntom@gmail.com

APPLICANT'S NAME:

Same as Above ☒

APPLICANT'S ADDRESS:

TELEPHONE:
( )

EMAIL

CONTACT FOR PROJECT INFORMATION.
Gabriel Ng, Gabriel Ng + Architects, Inc.

Same as Above ☐

ADDRESS:
1360 9th Avenue, Suite #210
San Francisco, CA 94122

TELEPHONE:
(415) 682-8060

EMAIL
gabriel @gabrielngarchitects.com

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

Same as Above ☐

ADDRESS:

TELEPHONE:
( )

EMAIL:

2. Location and Classification

STREET ADDRESS OF PROJECT:
395 26th Avenue

CROSS STREETS:
Clement Street

ASSESSORS BLOCK/LOT:	LOT DIMENSIONS:	LOT AREA (SQ FT):	ZONING DISTRICT:	HEIGHT/BULK DISTRICT:
1407 / 017	37'x118'	4,366	NCD - Outer Clement	45-X

	PROJECT INFORMATION	EXISTING	PROPOSED	NET CHANGE
1	Total number of units	2	6	+4
2	Total number of parking spaces	0	7	+7
3	Total gross habitable square footage	1,955	7,682	+5,727
4	Total number of bedrooms	3	15	+12
5	Date of property purchase	January 31st, 2013	-	-
6	Total number of rental units	0	TBD	TBD
7	Number of bedrooms rented	0	TBD	TBD
8	Number of units subject to rent control	2	0	-2
9	Number of bedrooms subject to rent control	3	0	-3
10	Number of units currently vacant	2	-	-
11	Was the building subject to the Ellis Act within the last decade?	No	-	-
12	Number of owner-occcupied units	2	TBD	TBD

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: 2/24/13

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

Authorized Agent

Owner / Authorized Agent (circle one)

CASE NUMBER
For Staff Use only

Loss of Dwelling Units Through **Demolition**

(FORM A - COMPLETE IF APPLICABLE)

Pursuant to Planning Code Section 317(d), the demolition of residential dwellings 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 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 website under Publications for Loss of Dwelling Units Numerical Values.

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

Existing Value and Soundness

1. Whether the Project Sponsor has demonstrated that the value of the existing land and structure of a single-family dwelling is not affordable or financially accessible housing (above the 80% average price of single-family homes in San Francisco, as determined by a credible appraisal within six months);

N/A - See CU Application for 2nd Floor dwelling unit removal in NCD - Outer Clement (Section 717.38).

2. Whether the housing has been found to be unsound at the 50% threshold (applicable to one- and two-family dwellings).

N/A

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

N/A

Existing Building (continued)

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

Only one of the two existing dwelling units is inhabitable

5. Whether the property is a *historical resource* under CEQA;

Subject building is not an historical resource under CEQA per HRE by Tim Kelley Consulting, LLC, dated January 2013.

6. If the property is a historical resource, whether the removal of the resource will have a substantial adverse impact under CEQA;

N/A

Rental Protection

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

Existing dwellings are currently vacant.

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

The two existing units were owner occupied before the project sponsor acquired the building in January 2013, and are currently vacant.

Priority Policies

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

The project will remove two small units and create 6 new family sized units.

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

The project conserves neighborhood character within the extent of the Outer Clement NCD. The additional ground floor commercial space will enhance the vibrancy of the commercial corridor.

11. Whether the Project protects the relative affordability of existing housing;

The project provides for 6 new family sized units, which are in low supply in San Francisco. Additional units will help add to the inventory and therefore help create affordability city-wide.

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

The project does not contain any permanently affordable housing.

Replacement Structure

13. Whether the Project located in-fill housing on appropriate sites in established neighborhoods;

The project is located in the well established Outer Clement Neighborhood Commercial District, on an under-developed corner lot.

Replacement Structure

14. Whether the Project creates quality, new family housing;

The project would create 6 new family sized dwellings, 2-3 bedrooms each.

15. Whether the Project creates new supportive housing;

Supportive housing is not part of this project.

16. Whether the Project promotes construction of well-designed housing to enhance existing neighborhood character;

Two new contemporary style mixed-use buildings would replace a small under-sized building, subject to the Planning Department's design review.

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

The number of dwelling units would increase from 2 to 6

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

The number of bedrooms would increase from 3 to 15.

Priority General Plan Policies – Planning Code Section 101.1

(APPLICABLE TO ALL PROJECTS SUBJECT TO THIS APPLICATION)

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;

Neighborhood-serving retail uses will be expanded by more than double the amount of square footage, in two locations. These spaces will be handicapped accessible and completely code conforming.

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

The existing vacant housing will be removed, but the mixed-character of the neighborhood will be enhanced by the addition of two new contemporary buildings.

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

The existing vacant housing will make way for six new market rate dwellings.

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

The new dwelling units will each have off-street parking, and will not impede street parking or MUNI.

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; Industrial and Service sector jobs will not be affected by this project.
6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake; The existing 1945 building will be removed to construct two new buildings. These buildings will meet or exceed all the requirements of the most recent seismic safety regulations.
7. That landmarks and historic buildings be preserved; and No landmarks or historical buildings are located on the site.
8. That our parks and open space and their access to sunlight and vistas be protected from development. No parks or open spaces will be affected by this project.

Application for Conditional Use

CASE NUMBER FOR PLANNING DEPARTMENT USE ONLY: 13.0205C

APPLICATION FOR
Conditional Use Authorization

1 Owner/Applicant Information

PROPERTY OWNER'S NAME:
Mary Tom

PROPERTY OWNER'S ADDRESS:
1559B Sloat Boulevard #468
San Francisco, CA 94132

TELEPHONE:
(415) 272-4901

EMAIL:
maryntom@gmail.com

APPLICANT'S NAME:

Same as Above ☒

APPLICANT'S ADDRESS:

TELEPHONE:
( )

EMAIL:

CONTACT FOR PROJECT INFORMATION:
Gabriel Ng, Gabriel Ng + Architects, Inc.

Same as Above ☐

ADDRESS:
1360 9th Avenue, Suite #210
San Francisco, CA 94122

TELEPHONE:
(415) 682-8060

EMAIL:
gabriel@gabrielngarchitects.com

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

Same as Above ☐

ADDRESS:

TELEPHONE:
( )

EMAIL:

2 Location and Classification

STREET ADDRESS OF PROJECT:
395 26th Avenue

ZIP CODE:
94121

CROSS STREETS:
Clement Street

ASSESSORS BLOCK/LOT:	LOT DIMENSIONS:	LOT AREA (SQ FT):	ZONING DISTRICT:	HEIGHT/BULK DISTRICT:
~~1704~~ 1407 / 017	37'x118'	4,366	NCD - Outer Clement	45-X

13.0205 C

3. Project Description

(Please check all that apply)	ADDITIONS TO BUILDING:	PRESENT OR PREVIOUS USE:
☐ Change of Use	☐ Rear	Two story 2 dwelling with commercial
☐ Change of Hours	☐ Front	PROPOSED USE:
☒ New Construction	☐ Height	Two new 4 story mixed use buildings
☐ Alterations	☐ Side Yard	BUILDING APPLICATION PERMIT NO.: / DATE FILED:
☒ Demolition		
☐ Other Please clarify		

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	2	0	6	6
Hotel Rooms	0		0	
Parking Spaces	0		7	7
Loading Spaces	0		0	
Number of Buildings	1	0	2	2
Height of Building(s)	21'-6"		45'-0"	45'-0"
Number of Stories	2		4	4
Bicycle Spaces	0		4	4
GROSS SQUARE FOOTAGE (GSF)				
Residential	1,491	0	7,682	7,682
Retail	0	0	1,163	1,163
Office	464	0	0	0
Industrial/PDR *Production, Distribution, & Repair*	N/A			
Parking	0	0	1,503	1,503
Other (Specify Use)		Common Area:	2,889	2,889
TOTAL GSF	1,955		13,264	13,264

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

The ground floor dwelling unit was added to the office space in 1954.

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

Demolition of 2nd story dwelling unit in NCD - Outer Clement (Section 717.38)

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.

1. The demolition of the existing dwelling is both necessary and desirable, to bring the density of the subject lot into greater conformity with the surrounding neighborhood.

2. The existing corner lot is under-utilized, with a large surface parking area on 26th Avenue. The proposed project would provide for continuity of the NCD storefronts and building heights, and the elevations will be sculpted to provide an active streetscape along Clement Street. The new commercial spaces would be fully accessible, with generous residential lobbies. New off-street vehicle and bicycle parking would be located on 26th Avenue, with lower traffic volumes. No offensive or noxious emissions will be emitted from the project.

3. New 45' height limits in the NCD - Outer Clement were recently approved to spur this type of development. This new code provision positively affects the Master Plan, providing for more housing and retail opportunities, as well as larger corner features and commercial streetscapes.

3 205 C

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;

Neighborhood-serving retail uses will be expanded by more than double the amount of square footage, in two locations. These spaces will be handicapped accessible and completely code conforming.

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

The existing vacant housing will be removed, but the mixed-character of the neighborhood will be enhanced by the addition of two new contemporary buildings.

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

The existing vacant housing will make way for six new market rate dwellings.

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

The new dwelling units will each have off-street parking, and will not impede street parking or MUNI.

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;

Industrial and Service sector jobs will not be affected by this project.

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

The existing 1945 building will be removed to construct two new buildings. These buildings will meet or exceed all the requirements of the most recent seismic safety regulations.

7. That landmarks and historic buildings be preserved; and

No landmarks or historical buildings are located on the site.

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

No parks or open spaces will be affected by this project.

13.0205 (6)

Estimated Construction Costs

TYPE OF APPLICATION Form 2 - Two New Type 5 Buildings	
OCCUPANCY CLASSIFICATION: R-2 / M	
BUILDING TYPE: Type VA	
TOTAL GROSS SQUARE FEET OF CONSTRUCTION 7,682 (Residential) 1,163 (Retail) 1,530 (Parking) 2,889 (Common Area)	BY PROPOSED USES:
ESTIMATED CONSTRUCTION COST $1,900,000	
ESTIMATE PREPARED BY: Gabriel Ng, Gabriel Ng + Architects Inc.	
FEE ESTABLISHED: $14,118.00	

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: 2/24/13

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

Owner / Authorized Agent (circle one)

Application for Conditional Use

CASE NUMBER
For Staff Use Only

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	☐
300-foot radius map, if applicable	☑
Address labels (original), if applicable	☑
Address labels (copy of the above), if applicable	☑
Site Plan	☑
Floor Plan	☑
Elevations	☐
Section 303 Requirements	☑
Prop. M Findings	☑
Historic photographs (if possible), and current photographs	☑
Check payable to Planning Dept.	☑
Original Application signed by owner or agent	☑
Letter of authorization for agent	☑
Other: Section Plan, Detail drawings (ie. windows, door entries, trim), Specifications (for cleaning repair, etc.) and/or Product cut sheets for new elements (ie. windows, doors)	☑

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 labels 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: Jennifer Smith Date: 2/26/13

TO: City and County of San Francisco 0205 C

Re: 395 26th Avenue, Block 1407, Lot 017

The undersigned, owner of the above referenced property, hereby authorize Gabriel Ng + Architects, Inc. to file any application with the City and County of San Francisco, and to complete necessary forms and documents related to the San Francisco Planning Code, Building or to City and County ordinances and regulations, or to State laws and codes connected with my property as referenced above for building permit application purpose.

Thank you for your attention.

Owner's Signature

Mary Tom
Print Name

1559 B Sloat Boulevard #468
San Francisco, CA 94132
Owner's Address

February 19, 2013
Date

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. 19229

HEARING DATE: SEPTEMBER 4, 2014

Date:	August 28, 2014
Case No.:	**2013.0205CEKSV**
Project Address:	**395 26th AVENUE**
Zoning:	Outer Clement Street Neighborhood Commercial District 40-X Height and Bulk District
Block/Lot:	1407/017
Project Sponsor:	Gabriel Ng Gabriel Ng & Architects, Inc. 1360 9th Avenue, Suite 210 San Francisco, CA 94122
Staff Contact:	Christine Lamorena – (415) 575-9085 christine.lamorena@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 317 REQUIRING CONDITIONAL USE AUTHORIZATION FOR THE REMOVAL OF TWO OR MORE RESIDENTIAL UNITS.

PREAMBLE

On February 26, 2013, Gabriel Ng of Gabriel Ng & Architects, Inc. (Project Sponsor) filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 303 and 317 to demolish two residential units at 395 26th Avenue within the Outer Clement Street Neighborhood Commercial District (NCD) and a 40-X Height and Bulk District.

On January 16, 2014, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.0205C. The Commission continued the item from January 16, 2014 to February 20, 2014, and then to April 4, 2014 and lastly to September 4, 2014.

On September 4, 2014, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.0205C.

On August 26, 2014 the Project was determined by the Department to be categorically exempt from environmental review under Case No. 2013.0205E. The Commission has reviewed and concurs with said determination.

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. 2013.0205C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.

2. **Project Description.** The proposed project would include the demolition of an existing two-story building, subdivision of the existing lot into two lots (Lots A and B), and the construction of two new buildings with a total of six (6) dwelling units, seven (7) off-street parking spaces within two (2) at-grade parking garages, and approximately 851 square feet (sq ft) of retail space in Lot A only. The proposed mixed-use building (Lot A) would be approximately 7,533 gross square feet (gsf) and 45-feet tall. The proposed residential building (Lot B), would be approximately 5,667 gsf and 40-feet tall. The project site is located on the block bounded by California Street to the north, Clement Street to the south, 26th Avenue to the east, and 27th Avenue to the west, in the Outer Richmond neighborhood.

   The proposed mixed-use building on Lot A would consist of ground floor retail space with two (2) Class 2 bicycle spaces, three (3) three-bedroom units, four (4) off-street vehicle parking spaces, and three (3) Class I bicycle parking spaces, in an at-grade parking garage, and a roof deck for common open space. The proposed residential building on Lot B would consist of three (3) dwelling units (townhouse and two flats), three (3) vehicle parking spaces, with three (3) Class I bicycle parking spaces, in an at-grade garage, and a roof deck for private open space.

   Access to the ground-floor retail space and residential lobby on Lot A would be through entrances located on Clement Street. Main access to the residential building on Lot B would be from a ground floor lobby on 26th Avenue. Vehicular access to the at-grade parking garages for both buildings would be located on 26th Avenue.

3. **Site Description and Present Use.** The project site is located on the northwest corner of Clement Street and 26th Avenue, Assessor's Block 1407, Lot 017. The project site is within the Outer Clement Street Neighborhood Commercial Zoning District (NCD) and a 40-X Height and Bulk District. The existing two-story building currently contains two dwelling units and ground floor

commercial space. A rear portion of the lot is used as surface parking for the two dwelling units. The project site measures 37 feet wide by 118 feet deep with an area of 4,366 square feet.

4. **Surrounding Properties and Neighborhood.** The project site is a corner lot with commercial and residential entrances on 26th Avenue. The adjacent property along 26th Avenue at 377 26th Avenue contains a two-story over garage, four-unit building. The adjacent property along Clement Street at 2510-2512 Clement Street contains two structures. The front structure contains a two-story, mixed-use building with two dwelling units and ground floor commercial space. The rear structure is a one-story, single-family dwelling. Along the subject block on Clement Street and 26th Avenue, all of the buildings are three to four stories in height. Across Clement Street, the building heights are all three stories.

5. **Public Comment.** The Department has received the following public comment:
   a. 112 letters and petitions in support of the project
   b. An online petition (www.change.org) with 171 persons opposed to the project
   c. Petitions with 137 signatures of persons opposed to the project
   d. One email and five phone calls opposed to the project
   e. Two phone calls with no position, but requesting additional information.

   Those opposed to the project have the following concerns: loss of view, loss of light, loss of on-street parking, and the project being too large and out of scale in the existing neighborhood.

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.** Pursuant to Planning Code Section 317, Conditional Use Authorization is required for applications proposing to remove two or more residential units in the Outer Clement Street NCD. This Code Section establishes a checklist of criteria that delineate the relevant General Plan Policies and Objectives.

   As the project requires Conditional Use Authorization per the requirements of Section 317, the additional criteria specified under Section 317 have been incorporated as findings in this Motion. See Item 7, "Additional Findings pursuant to Section 317" below.

   B. **Lot Size.** Planning Code Section 121 requires a lot size of 1,750 square feet for lots within 125 feet of an intersection.

   After the proposed lot subdivision, the Clement Street lot with primary frontage on Clement Street would measure 2,200 square feet and the 26th Avenue lot with frontage on 26th Avenue would measure 2,146 square feet.

   C. **Residential Density.** Planning Code Section 717.91 permits a density ratio of one dwelling unit for each 600 square feet of lot area.

Up to four dwelling units are permitted on each of the subdivided lots. The proposed unit count of three dwelling units each complies with the prescribed density.

D. **Rear Yard Requirement.** Planning Code Section 134 requires a rear yard measuring 25 percent of the total depth at grade level and at each succeeding level or story of the building in the Outer Clement Street NCD.

After the proposed lot subdivision, the Clement Street lot with primary frontage on Clement Street would measure 60 feet deep and the 26th Avenue lot with frontage on 26th Avenue would measure 37 feet deep. The required rear yard for the Clement Street lot is 15 feet; however, the project proposes full lot coverage on the ground floor with a roof deck above. The required rear yard for the 26th Avenue lot is also 15 feet; however, the project proposes a partial rear yard on the ground floor at a depth of 13 feet with a portion of the garage and a roof deck extending into required rear yard. Therefore, the Project Sponsor is seeking a rear yard modification for the project.

E. **Open Space.** Planning Code Section 135 requires 100 square feet of common usable open space or 80 square feet of private usable open space per dwelling unit.

For the Clement Street building, the project proposes 340 square feet of common open space on the proposed roof deck where 212.8 square feet are required and 519 square feet of private open space on a rear deck where 80 square feet are required. For the 26th Avenue building, the project proposes 1,044 square feet of private open space in a rear yard, rear deck, and roof deck where 240 square feet are required.

F. **Street Frontage in Neighborhood Commercial Districts.** Planning Code Section 145.1 requires the following:

1. **Above-Grade Parking Setback.** Off-street parking at street grade on a development lot must be set back at least 25 feet from the front of the development on the ground floor.

   The project proposes parking at the property line along 26th Avenue, not set back 25 feet. The Project Sponsor is requesting a variance from this section of the Planning Code.

2. **Parking and Loading Entrances.** No more than one-third of the width or 20 feet, whichever is less, of any given street frontage of a new structure parallel to and facing a street shall be devoted to parking and loading ingress or egress.

   The proposed parking entrance for the Clement Street building is 16 feet wide and the proposed parking entrance for the 26th Avenue building is 12 feet wide. Two curb cuts along 26th Avenue, each 10 feet wide, are proposed.

3. **Active Uses Required.** With the exception of space allowed for parking and loading access, building egress, and access to mechanical systems, space for active uses shall be

provided within the first 25 feet of building depth on the ground floor from any façade facing a street at least 30 feet in width.

Active ground floor uses (commercial use at the Clement Street building and residential use at the 26th Avenue building) are proposed within the first 25 feet of the building depth on the ground floor of each building.

4. **Ground Floor Ceiling Height.** Ground floor non-residential uses in NC Districts shall have a minimum floor-to-floor height of ten feet in a 40-foot height district.

   The proposed ground floor ceiling heights for both buildings would be a minimum of ten feet tall.

5. **Street-Facing Ground-Level Spaces.** The floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to those spaces.

   The proposed active uses and residential lobbies are designed along the property lines of the subject lot.

6. **Transparency and Fenestration.** Frontages with active uses that are not residential must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area.

   The proposed commercial use in the Clement Street building contains approximately 911 square feet of exterior ground floor wall area. Approximately 550 square feet of wall area would be dedicated to glazing, which is equivalent to approximately 60 percent transparency.

7. **Gates, Railings, and Grillwork.** Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind floor windows, shall be at least 75 percent open to perpendicular view.

   No gates, railing, or grillwork are proposed.

G. **Parking.** Planning Code Section 151 requires one parking space for each dwelling unit.

   The project proposes seven parking spaces for the six replacement dwelling units.

H. **Bicycle Parking.** Planning Code Section 155 requires one Class 1 Bicycle Parking space for every dwelling unit and a minimum of two Class 2 spaces for the commercial use.

   The project proposes six Class 1 bicycle parking spaces that satisfy the bicycle parking requirements. The two Class 2 spaces are provided with a bike rack on Clement Street.

I. **Height.** Planning Code Section 260 requires that all structures be no taller than the height prescribed in the subject height and bulk district. The proposed Project is located in a 40-X Height and Bulk District, with a 40-foot height limit. Planning Code Section 263.20 allows for a special height exemption of five feet for active ground floor uses.

The project proposes two replacement buildings. The Clement Street building is proposed at 45 feet tall, utilizing the five-foot height exemption for an active ground floor use as a commercial space. The 26th Avenue building is proposed to be 40 feet tall.

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.

The use and size of the proposed project is compatible with the immediate neighborhood. While the project proposes demolition of two units, the proposed density of six units distributed into two, three-unit buildings is more desirable in terms of compatibility with the surrounding housing density and the Outer Clement Street NCD. The replacement buildings are also designed to be consistent with the existing development pattern and the neighborhood character. Both new buildings are four-story buildings; however, the building fronting on 26th Avenue proposes a design and massing that respects the predominant pattern of three-story residential facades along both sides of 26th Avenue.

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;

The project is designed to be compatible with the surrounding neighborhood and specifically with the adjacent buildings. The proposed size, shape and arrangement of the project are in keeping with the development pattern of the block. The 26th Avenue building is set back at the rear and side to respect a single-family noncomplying structure in the adjacent lot at 2510-2512 Clement Street and property line windows in the adjacent lot at 377 26th Avenue.

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 Planning Code requires six parking spaces for the replacement buildings. Seven spaces are proposed, where currently there are three surface lot spaces provided for the existing building.

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

The proposed project is primarily residential in nature with approximately 867 square feet of commercial space, which is an increase in floor area from the existing 464 square feet. The proposed residential density and commercial intensity are not anticipated 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;

Although designed in a contemporary aesthetic, the façade treatment and materials of the replacement buildings have been appropriately selected to be harmonious with the existing 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.

The project complies with all relevant requirements and standards of the Planning Code except for rear yard and street frontage 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 Outer Clement Street NCD.

The proposed project is consistent with the stated purpose of the Outer Clement NCD. The NCD allows for up to one dwelling unit per 600 square feet of lot area. With proposed lot areas of 2,200 square feet and 2,146 square feet after the lot subdivision, six dwelling units would be permitted. The project proposes six dwelling units.

8. **Additional Findings pursuant to Section 317** 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 Project Sponsor has demonstrated that the residential structure is unsound, where *soundness* is an economic measure of the feasibility of upgrading a residence that is deficient with respect to habitability and Housing Code requirements, due to its original construction. The *soundness factor* for a structure shall be the ratio of a construction upgrade to the replacement cost, expressed as a percent. A building is unsound if its soundness factor exceeds 50-percent. A residential building that is unsound may be approved for demolition.

Project does not meet criterion.
The Project Sponsor has not submitted a soundness report, as he does not contend that the building is unsound.

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

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

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

Project meets criterion.
The structure appears to be in decent condition, although the existing dwelling units' sizes, design and construction deficiencies are evident.

iv. Whether the property is an "historic resource" under CEQA;

Project meets criterion.
Although the existing structures are more than 50 years old, a review of the supplemental information resulted in a determination that the structure is not a historical resource.

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

Project meets criterion.
Not applicable. The structure is not a historical resource.

vi. Whether the project converts rental housing to other forms of tenure or occupancy;

Project meets criterion.
The Project would remove two vacant units from the City's housing stock. There are no restrictions on whether the four new units will be rental or ownership.

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

Project does not meet criterion.
The two units were owner occupied before the current property owner purchased the building in January 2013. Although both units remain vacant under the current property owner, the units would be subject to the Rent Stabilization and Arbitration Ordinance due to the age of the building (constructed before June 13, 1979).

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

Project meets criterion.
Although the Project proposes demolition of a two-bedroom unit and a one-bedroom unit, the number of units would be increased at the project site. The replacement structure primarily fronting on Clement Street is proposed as a three-unit building and the replacement structure fronting on 26th Avenue is proposed as another three-unit building.

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

Project meets criterion.
The replacement buildings conserve neighborhood character with appropriate scale, design, and materials, and improve cultural and economic diversity by appropriately increasing the number of bedrooms, which provide family-sized housing. The project would conserve the existing number of dwelling units, while providing a net gain of four units to the City's housing stock.

x. Whether the Project protects the relative affordability of existing housing;

Project does not meet criterion.
The project does not protect the relative affordability of existing housing, as the project proposes demolition of the existing dwelling units.

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

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

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

Project meets criterion.
The project has been designed to be in keeping with the scale and development pattern of the established neighborhood character.

xiii. Whether the Project creates quality, new family housing;

Project meets criterion.
The project proposes six opportunities for family-sized housing. Three-bedroom units are proposed.

xiv. Whether the Project creates new supportive housing;

Project does not meet criterion.
The project does not create supportive housing.

xv. Whether the Project promotes construction of well-designed housing to enhance existing neighborhood character;

Project meets criterion.
The overall scale, design, and materials of the proposed buildings are consistent with the block faces and compliment the neighborhood character with a contemporary design.

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

Project meets criterion.
The project would increase the number of on-site units with a net gain of four units.

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

Project meets criterion.
The project proposes 18 bedrooms. The existing building contains three bedrooms.

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 two dwelling units with the construction of six dwelling units.

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 to topography.

The project proposes demolition of the existing building. Similar to other existing structures on the block face, both proposed buildings contain garages at the ground floor that are to be constructed to the front lot line with residential uses above.

Policy 1.3:
Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

The four-story replacement building at the corner of Clement Street and 26th Avenue is consistent with the pattern of three- and four-story buildings found along the block face. The four-story replacement building fronting 26th Avenue reinforces the existing pattern of three-story buildings found on both sides of the street, as the proposed fourth floor is designed to create the appearance of a three-story structure at the front façade and along the block face.

OBJECTIVE 2:
CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

Policy 2.6:
Respect the character of older development nearby in the design of new buildings.

The massing of the replacement buildings' main front façades have been designed to be compatible with the prevailing street wall height, particularly the height and proportions of the adjacent buildings. Although interpreted in a contemporary architectural style, the proposed building proportions and exterior materials have been selected to be compatible with the adjacent buildings and the immediate neighborhood character.

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 be enhanced as the project proposes to expand the ground floor commercial use on Clement Street from 464 square feet to 897 square feet. The additional bedrooms in the replacement buildings would house more individuals to patronize the existing neighborhood-serving retail uses.

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

While the existing housing is proposed to be demolished, the new replacement buildings conserve the number of dwelling units in the existing buildings while providing a net gain of four units.

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

While the affordability of the existing units is not preserved since they are proposed to be demolished, the units are not considered "affordable housing" per Planning Code Section 415 and/or the Mayor's Office of Housing. The proposal to construct six family-sized units at the project site enhances the "affordability" of the units more than if a fewer number of dwelling units were proposed.

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

The project would not have a significant adverse affect on automobile traffic congestion or create parking problems in the neighborhood. The project would enhance neighborhood parking by providing seven off-street parking spaces, where three spaces currently exist.

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 is a mixed-use project in the Outer Clement Street NCD; therefore the project would not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses would not be affected by the project.

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

The replacement structures would be built in compliance with San Francisco's current Building Code Standards and would meet all earthquake safety requirements.

G. That landmarks and historic buildings be preserved.

Landmark or historic buildings do not occupy the project site.

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

A shadow study was prepared and the project's shadow does not reach any parks or open space under the jurisdiction of the Department of Recreation and Parks. The project will have no negative effect on existing parks and 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. 2013.0205C** subject to the following conditions attached hereto as "EXHIBIT A" 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. 17820. 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 94012.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 4, 2014.

Jonas P. Ionin
Commission Secretary

AYES:	Antonini, Fong, Hillis, Johnson
NAYS:	Moore, Richards, Wu
ABSENT:	None
RECUSED:	None
ADOPTED:	September 4, 2014

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow the demolition of two residential units located at 395 26th Avenue pursuant to Planning Code Section(s) 303 and 317 within the Outer Clement Street Neighborhood Commercial District and a 40-X Height and Bulk District; in general conformance with plans, dated October 24, 2013, and stamped "EXHIBIT B" included in the docket for Case No. 2013.0305C and subject to conditions of approval reviewed and approved by the Commission on September 4, 2014 under Motion No **19229**. 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 January 16, 2014 under Motion No **19229**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **19229** 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

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

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

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

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

DESIGN – COMPLIANCE AT PLAN STAGE

6. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.
   For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

7. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.
   For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

8. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.
   For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

9. **Street Trees.** Pursuant to Planning Code Section 138.1 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary.
   For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

10. **Subdivision.** The Project Sponsor shall submit a lot subdivision application proposing to subdivide the lot into two lots prior to Planning approval of the building permit application.
    For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

PARKING AND TRAFFIC

11. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1, 155.4, and 155.5, the Project shall provide no fewer than eight bicycle parking spaces (six Class 1 spaces for the residential portion of the Project and two Class 2 spaces for the commercial portion of the Project).
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

12. **Parking Requirement.** Pursuant to Planning Code Section 151, the Project shall provide six off-street parking spaces.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

13. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

14. **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

15. **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

OPERATION

16. **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

17. **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

18. **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

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 HEARING

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 proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: **Tuesday, November 4, 2014**

Time: **3:00 p.m.**

Location: **City Hall, 1 Dr. Carlton B. Goodlett Place, Legislative Chamber, Room 250, San Francisco, CA 94102**

Subject: **File No. 141046. Hearing of persons interested in or objecting to the Planning Commission's decision of September 4, 2014, by its Motion No. 19229, pursuant to Planning Code, Sections 303 and 317, relating to the approval of a Conditional Use Authorization (Case No. 2013.0205CEKSV), to demolish two residential units on a property within the Outer Clement Street Neighborhood Commercial District (NCD), located at 395-26th Avenue, Assessor's Block No. 1407, Lot No. 017. (District 1) (Appellant: Stephen M. Williams) (Filed October 6, 2014).**

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on these matters may submit written comments to the City prior to the time the hearing begins. These comments will be made as part of the official record 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 this matter is available in the Office of the Clerk of the Board and agenda information will be available for public review on Friday, October 31, 2014.

Angela Calvillo, Clerk of the Board

DATED: October 24, 2014
MAILED/POSTED: October 24, 2014

300' Radius Map
395 26th Ave
Owners Only

Type	APN	Name	Address	City	State	ZIP
Owner	1406 -011, 1407 -018	CHAN, JAMES MO TAI	846 MURCHISON DR	MILLBRAE	CA	94030
Owner	1406 -012	CHIA, LILIA	359 27TH AVE	SAN FRANCISCO	CA	94121
Owner	1406 -013	FILLMORE, CHARLES J & LILY WONG	363 27TH AVE # 365	SAN FRANCISCO	CA	94121
Owner	1406 -014	CHOW, SAM & EMMA	367 27TH AVE	SAN FRANCISCO	CA	94121
Owner	1406 -015	PUCCIANTI, SYLVAIN	274 CHENERY ST	SAN FRANCISCO	CA	94131
Owner	1406 -016	CHU, EDWIN WING & PRISCILLA PING CHUE	851 28TH AVE	SAN FRANCISCO	CA	94121
Owner	1406 -017	SERA, ARTHUR T & BONNIE A	379 27TH AVE	SAN FRANCISCO	CA	94121
Owner	1406 -018	BOGGERI, EVA	519 HAMILTON ST	SAN FRANCISCO	CA	94134
Owner	1406 -019	LI WING K & ELAINE Y W REV TR	3065 23RD AVE	SAN FRANCISCO	CA	94132
Owner	1407 -006	LEONG, DANIEL & EDITH S	335 26TH AVE # 3	SAN FRANCISCO	CA	94121
Owner	1407 -007	LEE, CAT SIR	444 34TH AVE	SAN FRANCISCO	CA	94121
Owner	1407 -008	LEW GAM & MEI FUNG WONG LIV	679 22ND AVE	SAN FRANCISCO	CA	94121
Owner	1407 -009	SIU, RYAN E & LOUISE W	347 26TH AVE	SAN FRANCISCO	CA	94121
Owner	1407 -010	LOUIE, GARRICK & EDMUND	717 AIRPORT BLVD	SOUTH SAN FRANCISCO	CA	94080
Owner	1407 -011	WONG, TAM	3916 CLAY ST	SAN FRANCISCO	CA	94118
Owner	1407 -012	CHOW, FONG LIN	361 26TH AVE	SAN FRANCISCO	CA	94121
Owner	1407 -013	ONEILL, PATRICK & BRENDA	19 LEONA DR	SAN RAFAEL	CA	94903
Owner	1407 -014	LEE, MING & MELANIE	369 26TH AVE	SAN FRANCISCO	CA	94121
Owner	1407 -016	LEE, ANTHONY	1327 TARAVAL ST	SAN FRANCISCO	CA	94116
Owner	1407 -017	TOM, MARY N & PHILIP J	1559 SLOAT BLVD # B	SAN FRANCISCO	CA	94132
Owner	1407 -020	CHANG, PHILBERT & MARGERY TOM	337 31ST AVE	SAN FRANCISCO	CA	94121
Owner	1407 -021	TEDESCHI, NICHOLAS E	NO DATA ON FILE			
Owner	1407 -022	YU, JIA HUO	PO BOX 320521	SAN FRANCISCO	CA	94132
Owner	1407 -023	LAU, KING C & LORETTA Y	1340 GRANT AVE	SAN FRANCISCO	CA	94133
Owner	1407 -023A, 1408 -027	CHOY, WILSON G & MELINA LAM	390 27TH AVE	SAN FRANCISCO	CA	94121
Owner	1407 -023B	TSUI, SCOTT YEUNG YAN & BETTY SAU LAN	386 27TH AVE	SAN FRANCISCO	CA	94121
Owner	1407 -023C	AHLSTRAND, WILLIAM M & ELIZABETH W	382 27TH AVE	SAN FRANCISCO	CA	94121
Owner	1407 -024	VANYA, JAMES	378 27TH AVE	SAN FRANCISCO	CA	94121
Owner	1407 -025	TIERNEY, THOMAS M	374 27TH AVE	SAN FRANCISCO	CA	94121
Owner	1407 -026	BERNARD, GIULIA	370 27TH AVE	SAN FRANCISCO	CA	94121
Owner	1407 -027	SVEVO, ROCCO & JACQUELINE A	366 27TH AVE	SAN FRANCISCO	CA	94121
Owner	1407 -028	YATABE, PHILIP T	362 27TH AVE	SAN FRANCISCO	CA	94121
Owner	1407 -029	MUGANDA, NELLIE C	358 27TH AVE	SAN FRANCISCO	CA	94121
Owner	1407 -031	THE, FELIX W	354 27TH AVE	SAN FRANCISCO	CA	94121
Owner	1407 -032	CHINN, WANDA	350 27TH AVE	SAN FRANCISCO	CA	94121

1594

Type	APN	Name	Address	City	State	ZIP
Owner	1407 -033	CHAN, JAMES & ARLENE	348 27TH AVE	SAN FRANCISCO	CA	94121
Owner	1407 -035	CHEN, VEN	338 27TH AVE	SAN FRANCISCO	CA	94121
Owner	1407 -036	LO, HANG WAI	2406 30TH AVE	SAN FRANCISCO	CA	94116
Owner	1407 -037	WONG, GERALDINE C	190 TERRA VISTA AVE	SAN FRANCISCO	CA	94115
Owner	1407 -049	325 26TH AVE LLC	4623 ANZA ST	SAN FRANCISCO	CA	94121
Owner	1407 -050	MULLINS EDWARD J & ELAINE M RE	2514 CLEMENT ST	SAN FRANCISCO	CA	94121
Owner	1407 -051	MULLINS, ELAINE M	2514 CLEMENT ST	SAN FRANCISCO	CA	94121
Owner	1407 -052	FLEMING, MAIRE BERNADETTE	PO BOX 210047	SAN FRANCISCO	CA	94121
Owner	1407 -053	YIM, SHELLEY K	373 26TH AVE # 2	SAN FRANCISCO	CA	94121
Owner	1407 -054	KOPMAN, IGOR & MARINA	373 26TH AVE # 3	SAN FRANCISCO	CA	94121
Owner	1408 -006A	WONG, SALLY KIT	3040 CABRILLO ST	SAN FRANCISCO	CA	94121
Owner	1408 -007	JU, CHEW GUEY & YUE CHEUK	343 25TH AVE	SAN FRANCISCO	CA	94121
Owner	1408 -008A	ANNA L LEE REVOCABLE TRUST	1769 LATOUR AVE	BRENTWOOD	CA	94513
Owner	1408 -008B	OSSENBRUGEN, PAUL C	830 LAKE ST APT 2	SAN FRANCISCO	CA	94118
Owner	1408 -008C	LEY MIU-LUNG C	357 25TH AVE	SAN FRANCISCO	CA	94121
Owner	1408 -012	WONG, GEE KWONG	379 25TH AVE	SAN FRANCISCO	CA	94121
Owner	1408 -013	WONG, WILLIE	1331 STOCKTON ST	SAN FRANCISCO	CA	94133
Owner	1408 -014	KANG, PING QI	2410 CLEMENT ST	SAN FRANCISCO	CA	94121
Owner	1408 -015	YOUNG, MICHAEL & CHRISTINE	788 VICTORIA ST	SAN FRANCISCO	CA	94127
Owner	1408 -016	WONG, SOTERA T & WAYNE T	2420 CLEMENT ST	SAN FRANCISCO	CA	94121
Owner	1408 -017	HSIEH, SHE HSIN & CHEN HSI TSAI	615 44TH AVE	SAN FRANCISCO	CA	94121
Owner	1408 -020	KM & ASSOCIATES LLC	2147 12TH AVE	SAN FRANCISCO	CA	94116
Owner	1408 -022	DEA, LILIAN	380 26TH AVE APT 2	SAN FRANCISCO	CA	94121
Owner	1408 -023	GRAY, DONALD B & JUDITH D	372 26TH AVE	SAN FRANCISCO	CA	94121
Owner	1408 -024	YEE, MARTIN	1579 40TH AVE	SAN FRANCISCO	CA	94122
Owner	1408 -026	WONG, RAYMOND T & VIRGINIA J	1994 15TH AVE	SAN FRANCISCO	CA	94116
Owner	1408 -028	PAN, AI MING	354 26TH AVE APT 3	SAN FRANCISCO	CA	94121
Owner	1408 -030	KU, JERRY H & HANNAH A	346 26TH AVE	SAN FRANCISCO	CA	94121
Owner	1408 -031	KWONG, CHIEH CHUEN	342 26TH AVE	SAN FRANCISCO	CA	94121
Owner	1408 -032	FONG 1991 TRUST	338 26TH AVE APT 3	SAN FRANCISCO	CA	94121
Owner	1408 -033	LOW, JENNIE	7132 MOUND ST	EL CERRITO	CA	94530
Owner	1408 -042	SINGH, NIRMAL	3948 ORTEGA ST	SAN FRANCISCO	CA	94122
Owner	1408 -044	VINSKI, ANASTASIA	371 25TH AVE APT 201	SAN FRANCISCO	CA	94121
Owner	1408 -045	HATTEN, JOHN L & SHIRLEY SAGER	371 25TH AVE APT 202	SAN FRANCISCO	CA	94121
Owner	1408 -046	WU, JOLENE H & SHERRIE H	635 17TH AVE A	SAN FRANCISCO	CA	94121

1595

300' Radius Map
395 26th Ave
Owners Only

Type	APN	Name	Address	City	State	ZIP
Owner	1408 -047	DER-MCLEOD FAMILY TRUST	450 27TH AVE APT 3	SAN FRANCISCO	CA	94121
Owner	1408 -048	VEKSLER, VLAD	371 25TH AVE APT 302	SAN FRANCISCO	CA	94121
Owner	1408 -049	KATS, DORA & KHARY	371 25TH AVE	SAN FRANCISCO	CA	94121
Owner	1408 -050	KIMURA, AKIHIRO	371 25TH AVE APT 304	SAN FRANCISCO	CA	94121
Owner	1408 -057	SASONKIN, ALEKSEY & OLGA	366 26TH AVE # 1	SAN FRANCISCO	CA	94121
Owner	1408 -058	FERRELLI, ANTHONY M	366 26TH AVE # 2	SAN FRANCISCO	CA	94121
Owner	1408 -059	DELANEY, STEPHEN F	366 26TH AVE # 3	SAN FRANCISCO	CA	94121
Owner	1408 -060, 061, 062	ARRIAZA, RAUL & DENISE	4248 23RD ST	SAN FRANCISCO	CA	94114
Owner	1408 -063	MURPHY, TIMOTHY J & JANICE HASENCAMP	349 25TH AVE UNIT C	SAN FRANCISCO	CA	94121
Owner	1408 -066	SUSAN N WARTELL REVOC	23850 OVERLOOK CIR	BINGHAM FARMS	MI	48025
Owner	1457 -001	WANG, WILLIAM & SHIRLEY	699 36TH AVE APT 308	SAN FRANCISCO	CA	94121
Owner	1457 -030D	GEE, JANE Y	434 26TH AVE	SAN FRANCISCO	CA	94121
Owner	1457 -031	TSAO-WU, EDDIE & LULU	638 38TH AVE	SAN FRANCISCO	CA	94121
Owner	1457 -032	CHOY, RAINA & WAI MUN	2423 29TH AVE	SAN FRANCISCO	CA	94116
Owner	1457 -033	LEE, JEFFERSON & JOANNA	410 26TH AVE	SAN FRANCISCO	CA	94121
Owner	1457 -034	HUEY, MICHAEL & ROSALYN	1543 32ND AVE	SAN FRANCISCO	CA	94122
Owner	1457 -037	TSAI RICK C L & MADELINE LIV	3250 OCEAN AVE	SAN FRANCISCO	CA	94132
Owner	1457 -038	MORGAN, TARA M	1947 CLEMENT ST	SAN FRANCISCO	CA	94121
Owner	1457 -039	TSAI, RICKY & ANGELA	2421 CLEMENT ST # 2425	SAN FRANCISCO	CA	94121
Owner	1457 -040	CASTELLUCCI, ANTONIO & MARCO A	1757 UNION ST # 2ND	SAN FRANCISCO	CA	94123
Owner	1457 -041	LIN, JACK H & CONNIE S	2151 IRVING ST STE 201	SAN FRANCISCO	CA	94122
Owner	1457 -042	LUM, STEVEN K & ESTELLA KITYIN LI	3735 CLEMENT ST	SAN FRANCISCO	CA	94121
Owner	1457 -043	HONG, STEPHANIE W	425-427 25TH AVE # 1	SAN FRANCISCO	CA	94121
Owner	1457 -044	TSOI, THEODORE M & AMY S	427 25TH AVE # 2	SAN FRANCISCO	CA	94121
Owner	1457 -045	TSOI, THEODORE M & AMY S	425 25TH AVE	SAN FRANCISCO	CA	94121
Owner	1457 -046	WONG, HELEN B	425 25TH AVE # 4	SAN FRANCISCO	CA	94121
Owner	1457 -051	SALIMI, SALMA	1435 BUCKINGHAM WAY	HILLSBOROUGH	CA	94010
Owner	1457 -052	MULLIGAN, PATRICK	2443 CLEMENT ST APT 1	SAN FRANCISCO	CA	94121
Owner	1457 -053	2445 CLEMENT ST LLC	111 26TH AVE	SAN FRANCISCO	CA	94121
Owner	1457 -054	LIU, JENNIFER C	2443 CLEMENT ST	SAN FRANCISCO	CA	94121
Owner	1457 -055	JOE, TEDDY K	2443 CLEMENT ST APT 4	SAN FRANCISCO	CA	94121
Owner	1457 -056	KEARNS LIVING TRUST	621 BIRCHWOOD CT	DANVILLE	CA	94506
Owner	1457 -057	LEE, ROSE F	3366 SOLANO CT	SANTA CLARA	CA	95051
Owner	1457 -058	YEE, HENRY SHEW & SAU CHUN	2146 27TH AVE	SAN FRANCISCO	CA	94116
Owner	1457 -059	CHAN, YORKIE	240 TARA ST	SAN FRANCISCO	CA	94112

1596

Type	APN	Name	Address	City	State	ZIP
Owner	1457 -060	CHEUNG, IVY	2443 CLEMENT ST APT 9	SAN FRANCISCO	CA	94121
Owner	1457 -062	RILEY, MARIA	428 26TH AVE	SAN FRANCISCO	CA	94121
Owner	1457 -063	RODZEWICH, EDWARD J	430 26TH AVE	SAN FRANCISCO	CA	94121
Owner	1457 -064	GREEN, RANDALL B	432 26TH AVE	SAN FRANCISCO	CA	94121
Owner	1458 -002	NELSON, RUSSELL & DAWN	185 VASQUEZ AVE	SAN FRANCISCO	CA	94127
Owner	1458 -006	LEON FAMILY TRUST THE	1987 41ST AVE	SAN FRANCISCO	CA	94116
Owner	1458 -007	NG, GORDON T & CONNIE LEE	35 SAN JACINTO WAY	SAN FRANCISCO	CA	94127
Owner	1458 -029	CHIN, CAREY D	434 27TH AVE # 436	SAN FRANCISCO	CA	94121
Owner	1458 -030	FONG KENNETH & VIOLET J TRUST	539 25TH AVE	SAN FRANCISCO	CA	94121
Owner	1458 -031	YEH, SIMON M	2540 FOX CIR	WALNUT CREEK	CA	94596
Owner	1458 -032	LAM, SAI FU	424 27TH AVE	SAN FRANCISCO	CA	94121
Owner	1458 -033	KWAN, MAN YIU & HUI LING HUO	420 27TH AVE	SAN FRANCISCO	CA	94121
Owner	1458 -034	SURVIVORS TRUST THE	2543 CLEMENT ST	SAN FRANCISCO	CA	94121
Owner	1458 -035	HUEY, FRANKIE & CINDY KWAN	9553 SANDPOINT DR	SAN RAMON	CA	94583
Owner	1458 -036	GOODWIN, JAMES W	125 VICKSBURG ST	SAN FRANCISCO	CA	94114
Owner	1458 -039	GON, QUON LIT	2521 CLEMENT ST APT 2	SAN FRANCISCO	CA	94121
Owner	1458 -040	CLEMENT ST PARTNERSHIP	2515 CLEMENT ST APT 4	SAN FRANCISCO	CA	94121
Owner	1458 -042	LEE, SONIA	401 26TH AVE	SAN FRANCISCO	CA	94121
Owner	1458 -043	DUBROVSKY, IGOR & ANNA	129 REED ST	MILL VALLEY	CA	94941
Owner	1458 -044	KWONG, ALLEN	401 26TH AVE APT 3	SAN FRANCISCO	CA	94121
Owner	1458 -045, 046	WALDEN, KATHRYN A	401 26TH AVE APT 4	SAN FRANCISCO	CA	94121
Owner	1458 -047	CHENG, PAUL SHU SHUM & ALVA LEW	2212 18TH AVE	SAN FRANCISCO	CA	94116
Owner	1458 -048	LEE, ROGER Y & SUSIE L	860 MERIDIAN BAY LN UNIT 223	FOSTER CITY	CA	94404
Owner	1458 -049	WANG, GANBING	427 26TH AVE # 1	SAN FRANCISCO	CA	94121
Owner	1458 -050	FRANKEL, NINA	427 26TH AVE # 2	SAN FRANCISCO	CA	94121
Owner	1458 -051	LEE, DONALD T & KATE	427 26TH AVE # 3	SAN FRANCISCO	CA	94121
Owner	1458 -071	431 26TH AVE LLC	2543 CLEMENT ST	SAN FRANCISCO	CA	94121
Owner	1459 -001	JURI, ELVIN P & BARBARA L	405 27TH AVE APT 4	SAN FRANCISCO	CA	94121
	APPLICANT	VICTORIA ELLISON GABRIEL NG ARCHITECTS	1360 9TH AVE STE 210	SAN FRANCISCO	CA	94122

1597

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. 141046

Description of Items:

I, John Carroll, 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:~~ to be affixed by ReproMail.

Date: 10.24.14

Time: 9:00 a.m.

USPS Location: Clerk's Office - Outgoing USPS Pick-up

Mailbox/Mailslot Pick-Up Times (if applicable): N/A

Signature: John Carroll

Instructions: Upon completion, original must be filed in the above referenced file.

Carroll, John (BOS)

rom: BOS Legislation (BOS)
Sent: Friday, October 24, 2014 10:03 AM
To: SF Docs (LIB)
Cc: BOS Legislation (BOS)
Subject: Please Post the Attached Hearing Notices
Attachments: Hearing Notice.pdf; Hearing Notice.pdf; Hearing Notice.pdf

Categories: 141046, 141064, 141068

Please kindly post the three attached notices.

141046
141064
141068

Thank you!

John Carroll
Legislative Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445 - Direct | (415)554-5184 - General | (415)554-5163 - Fax
hn.carroll@sfgov.org | board.of.supervisors@sfgov.org

Please complete a Board of Supervisors Customer Service Satisfaction form by clicking here.

The Legislative Research Center provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Carroll, John (BOS)

From: Lamorena, Christine (CPC)
Sent: Wednesday, October 15, 2014 1:56 PM
To: Lamug, Joy
Cc: Carroll, John (BOS); BOS Legislation (BOS)
Subject: RE: Conditional Use Appeal - 395-26th Avenue (aka 2500 Clement Street) Case No. 2013.0205CEKSV
Attachments: 2013.0205C-395 26th Avenue-Application.pdf; 395 26th 300' Mailing List UPDATED.XLSX; Final Motion 19229 - 395 26th Ave.pdf

Categories: 141046

Hi Joy – Please see attached.

Christine Lamorena, LEED AP
Manager of Commission Affairs

Planning Department, City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-575-9085 **Fax:** 415-558-6409
Email: christine.lamorena@sfgov.org
Web: www.sfplanning.org

Planning Information Center (PIC): 415-558-6377 or pic@sfgov.org
Property Information Map (PIM): http://propertymap.sfplanning.org

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From: Lamug, Joy
Sent: Tuesday, October 14, 2014 1:05 PM
To: Lamorena, Christine (CPC)
Cc: Carroll, John (BOS); BOS Legislation (BOS)
Subject: Conditional Use Appeal - 395-26th Avenue (aka 2500 Clement Street) Case No. 2013.0205CEKSV

Hi Christine,

The above referenced appeal is tentatively scheduled to be heard by the Board of Supervisors on November 4, 2014, at 3:00 p.m. Per Public Works initial count on Friday, October 10, the appeal has exceeded the minimum 20% requirement. We are just waiting for the official letter (due back today, Oct. 14) from Public Works on the final count.

Kindly provide the following documents if possible by tomorrow, Oct. 15:

1) Planning Final Motion
2) Application Form
3) Distribution list in excel format

Please email or call me if any questions.

Thank you in advance.

Joy Lamug
Legislative Clerk
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244

San Francisco, CA 94102
Direct: (415) 554-7712 | Fax: (415) 554-5163
Email: joy.lamug@sfgov.org
'eb: www.sfbos.org

Please complete a Board of Supervisors Customer Service Satisfaction form by clicking here.

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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.*

Carroll, John (BOS)

From: Lamug, Joy
Sent: Thursday, October 16, 2014 4:58 PM
To: BOS Legislation (BOS)
Subject: FW: Appeal of Conditional Use Authorization - 395-26th Avenue - Public Works' Response
Attachments: Final Motion 19229 - 395 26th Ave.pdf

Categories: 141046

From: Lamorena, Christine (CPC)
Sent: Thursday, October 16, 2014 4:49 PM
To: Lamug, Joy
Subject: RE: Appeal of Conditional Use Authorization - 395-26th Avenue - Public Works' Response

Hi Joy – Thanks for this. There was a minor typo in the CU motion. The correct motion is attached. Can you upload this document instead of the original one I sent you?

Christine Lamorena, LEED AP
Manager of Commission Affairs

Planning Department, City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-575-9085 **Fax:** 415-558-6409
Email: christine.lamorena@sfgov.org
Web: www.sfplanning.org

Planning Information Center (PIC): 415-558-6377 or pic@sfgov.org
Property Information Map (PIM): http://propertymap.sfplanning.org

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From: Lamug, Joy
Sent: Thursday, October 16, 2014 4:39 PM
To: Stephen M. Williams
Cc: Sweiss, Fuad; Sanguinetti, Jerry; Storrs, Bruce; Stacy, Kate (CAT); Givner, Jon (CAT); Byrne, Marlena (CAT); Rodgers, AnMarie (CPC); Sanchez, Scott (CPC); Jones, Sarah (CPC); Tam, Tina (CPC); Lamorena, Christine (CPC); gabrieln@rchitects.com; BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Caldeira, Rick (BOS); Carroll, John (BOS); Rivera, Javier; Bergin, Steven; Barkley, Alice; maryntom@gmail.com; Gabriel Ng (gabriel@gabrielngarchitects.com); Jeremy Schaub; 'Mei Lam' (mei@gabrielngarchitects.com); Shanagher, Denis
Subject: Appeal of Conditional Use Authorization - 395-26th Avenue - Public Works' Response

Dear Mr. Williams,

The Office of the Clerk of the Board has scheduled an appeal hearing for a Special Order before the Board on November 4, 2014, at 3:00 p.m.

Please find linked below a letter from Clerk of the Board forwarding Public Works determination of the sufficiency of signatures regarding the CU appeal filing for a property located at 395-26th Avenue.

Clerk of the Board Letter – 10/16/2014

You are invited to review the entire matter on our Legislative Research Center by following the link below.

Board of Supervisors File No. 141046

Thank you,

Joy Lamug
Legislative Clerk
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102
Direct: (415) 554-7712 | Fax: (415) 554-5163
Email: joy.lamug@sfgov.org
Web: www.sfbos.org

Please complete a Board of Supervisors Customer Service Satisfaction form by clicking here.

The Legislative Research Center provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

BOARD of SUPERVISORS

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

October 16, 2014

Stephen M. Williams
Law Offices of Stephen M. Williams
1934 Divisadero Street
San Francisco, CA 94115

Subject: Conditional Use Appeal - 395-26th Avenue (aka 2500 Clement Street)

Dear Mr. Williams:

This is in reference to the appeal you submitted from the decision of the Planning Commission by Motion No. 19229 (Case No. 2013.0205CEKSV), on property located at:

395-26th Avenue (aka 2500 Clement Street), Assessor's Block No. 1407, Lot No. 017.

The Director of Public Works has informed the Board of Supervisors in a letter dated October 14, 2014, (copy attached), that the signatures represented with your appeal of October 6, 2014, have been checked pursuant to the Planning Code and represent owners of more than 20 percent of the property involved and would be sufficient for appeal.

A hearing (File No. 141046) date has been scheduled on **Tuesday, November 4, 2014, 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.

Please provide to the Clerk's Office by:

11 days prior to the hearing: names and addresses of interested parties to be notified of the hearing in spreadsheet format; and

8 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) and one hard copy 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 Deputy, Rick Caldeira at (415) 554-7711, or Legislative Clerks, Joy Lamug at (415) 554-7712, or John Carroll at (415) 554-4445.

Sincerely,

Angela Calvillo
Clerk of the Board

c:
Project Owner, Gabriel Ng, Gabriel Ng and Architects, Inc.
Jon Givner, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
Scott Sanchez, Zoning Administrator, Planning Department
AnMarie Rodgers, Planning Department
Aaron Starr, Planning Department
Tina Tam, Planning Department
Christine Lamorena, Planning Department
Jonas Ionin, Planning Commission
Mohammed Nuru, Director of Public Works
Fuad Sweiss, City Engineer, Public Works
Jerry Sanguinetti, Manager, Public Works-Bureau of Street Use and Mapping
Bruce Storrs, Public Works
Steven Bergin, Public Works

City and County of San Francisco

Edwin M. Lee, Mayor
Mohammed Nuru, Director
Fuad S. Sweiss, PE, PLS,
City Engineer & Deputy Director of Engineering

Phone: (415) 554-5827
Fax: (415) 554-5324
www.sfdpw.org
Subdivision.Mapping@sfdpw.org

Department of Public Works
Office of the City and County Surveyor
1155 Market Street, 3rd Floor
San Francisco, CA 94103

Bruce R. Storrs, City and County Surveyor

October 14, 2014

Ms. Angela Calvillo
Clerk of the Board
1 Dr. Carlton B. Goodlet Place
City Hall – Room 244
San Francisco, CA 94102

RE: 395 26th Ave.
Lot 017 of Assessor's Block 1407
Appealing Planning Commissions Approval of
Conditional Use Application No. 2013.0205CEKSV

Dear Ms. Calvillo:

This letter is in response to your October 08, 2014 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 22.98% of the area within the 300 foot radius of the property of interest; which is more than the minimum required 20% of the area involved and is therefore sufficient for appeal.

If you have any questions concerning this matter, please contact Mr. Steven Bergin of my staff at 554-5886.

Sincerely

Javier Rivera

for Bruce R. Storrs
City & County Surveyor

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

October 8, 2014

Mohammed Nuru
Director, Public Works
City Hall, Room 348
San Francisco, CA 94102

Planning Case No. 2013.02054CEKSV
395-26th Avenue Conditional Use Appeal

Dear Director Nuru:

The Office of the Clerk of the Board is in receipt of an appeal filed by Stephen M. Williams of the decision of the Planning Commission by its Motion No. 19229 dated September 4, 2014, relating to the approval of a Conditional Use Authorization (Case No. 2013.0205CEKSV) pursuant to Planning Code, Sections 303 and 317, to demolish two residential units on a property within the Outer Clement Street Neighborhood Commercial District (NCD) located at:

395-26th Avenue, Assessor's Block No. 1407, Lot No. 017

By copy of this letter, the City Engineer's Office 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., October 14, 2014, to give us time to prepare and mail out the hearing notices, as the Board of Supervisors has tentatively scheduled the appeal to be heard on November 4, 2014, at 3:00 p.m.

Sincerely,

Angela Calvillo
Clerk of the Board

c:
Appellant, Stephen M. Williams, Law Offices of Stephen M. Williams
Project Sponsor, Gabriel Ng, Gabriel Ng and Architects, Inc.
Fuad Sweiss, City Engineer, Public Works
Jerry Sanguinetti, Public Works-Bureau of Street Use and Mapping
Bruce Storrs, Public Works
Jon Givner, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
AnMarie Rodgers, Planning Department
Scott Sanchez, Planning Department
Sarah Jones, Planning Department
Tina Tam, Planning Department
Christine Lamorena, Planning Department

BOARD of SUPERVISORS

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

October 23, 2014

FILE NO. 141046

Received from the Board of Supervisors-Clerk's Office a check in the amount of Five Hundred Forty Seven Dollars ($547), representing filing fee paid by Stephen M. Williams (Appellant) for Appeal of Conditional Use for 395-26th Avenue.

Planning Department
By:

Josephine Chen
Print Name

10/23/14
Signature and Date

1609

LAW OFFICE OF STEPHEN M. WILLIAMS
ATTORNEY/CLIENT TRUST ACCOUNT
1934 DIVISADERO ST.
SAN FRANCISCO, CA 94115
PH: (415) 292-3656

1061
11-35/1210 CA
91299

10 - 6 - 14
Date

Pay To The Order Of San Francisco Planning Dept. $ 547 -

Five Hundred and Forty - Seven 53/100 Dollars

Security Features Details on Back.

Bank of America

ACH R/T 121000358

For C.U. Appeal 595 26th Ave

MP

Harland Clarke

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:

Public Hearing - Appeal of Conditional Use Authorization - 395-26th Avenue, aka 2500 Clement Street

The text is listed below or attached:

Hearing of persons interested in or objecting to the Planning Commission's decision of September 4, 2014, Motion No. 19229, relating to approval of a Conditional Use Authorization (Case No. 2013.02054CEKSV), to demolish two residential units on a property within the Outer Clement Street Neighborhood Commercial District (NCD), located at 395-26th Avenue, Assessor's Block No. 1407, Lot No. 017. (District 1) (Appellant: Stephen M. Williams) (Filed October 6, 2014).

Signature of Sponsoring Supervisor: [ ]

For Clerk's Use Only: