



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

APPEAL OF TENTATIVE MAP 630 Natoma Street

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CA 94103-2479

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DATE: January 28, 2019
TO: Bruce Storrs, Department of Public Works
FROM: Aaron Starr, Manager of Legislative Affairs- Planning Department (415) 558-6362
Rich Sucre, SE Quadrant Team Leader – Planning Department (415) 575-9108
RE: Board of Supervisors File No. 190039 - Appeal of the approval of Tentative Map for 630 Natoma Street.
HEARING DATE: February 5, 2019
ATTACHMENTS: 311 Mailing List
311 Notice
Variance Mailing List

PROJECT SPONSOR: 630 Natoma Street LLC c/o Herzig and Berlese

APPELLANT: Sofia Rillanos, 632-A Natoma Street

INTRODUCTION:

On January 10, 2019, an appeal of the Tentative Approval of the three-unit New Construction Condominium Conversion at 630 Natoma Street was filed. In reviewing the appeal, the Planning Department has found that the one issues raised by the appellants falls under the purview of the Planning Department.

PROJECT DESCRIPTION:

The proposal is a request for Condominium Conversion, pursuant to the California Subdivision Map Act and the San Francisco Subdivision Code, of a new building with three dwelling units at 630 Natoma Street. Requests for Condominium Conversion are under the jurisdiction of the Department of Public Works but are referred to the Planning Department to ensure that the request complies with all applicable requirements of the Planning Code and the goals and objectives of the General Plan.

APPELLANT ISSUES AND PLANNING DEPARTMENT CLARIFICATIONS:

ISSUE #1: The appellant is protesting the condominium conversion based on the lack of openings for sunshine and/or ventilation between her building and the subject building.

RESPONSE #1: Issues related light and ventilation impacts on adjacent properties are considered during the entitlement process, not during the subdivision process.

On March 10, 2016, the Applicant submitted an application to demolish an existing one-story industrial building and to construct a new four-story residential building with three dwelling units and two off-street parking spaces. As required by the Planning Code¹, a 30-day Neighborhood Notice was sent out for the proposed demolition and new construction on May 31, 2016. The Appellant was included on the mailing list for this notification. The noticing period expired on June 29, 2016 and no requests for Discretionary Review were filed.

During the notification period, the Appellant had the opportunity to file a Discretionary Review to bring this project before the Planning Commission. The Commission could have used its discretionary review powers to modify or deny the proposed plans. Discretionary Review cannot be filed on a project after the notification process has ended or after the permit has left the Planning Department.

The Applicant also submitted Variance application for a rear yard Variance on September 3, 2015. The Zoning Administrator heard this variance on March 23, 2016 and approved the application with standard conditions. The Variance hearing also required a mailed notice, which is sent out to all property owners within 300 feet of the subject property 20 days prior to the hearing. The Appellant was also on this mailing list. Further, at the time, Variance hearings required a large posted to be posted on the subject site 10 days² prior to the Variance hearing. The sign-in sheet from the Variance hearing shows that no one showed up to protest the requested Variance.

The Appellant had the opportunity to raise any concerns regarding light and ventilation impacts to her property during the entitlement process and chose not to do so. With the project approved and under construction, the period to appeal the project to the Planning Commission or to appeal the issuance of the permit by DBI to the Board of Appeals has expired.

¹ Planning Code Section 312

² This 10-day period has since been changed to a 20-day period.



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 312)

On **March 10, 2016**, the Applicant named below filed Building Permit Application Nos. **2016.03.08.1451 (New Construction)** and **2016.03.08.1450 (Demolition)** with the City and County of San Francisco.

PROPERTY INFORMATION		APPLICANT INFORMATION	
Project Address:	630 Natoma Street	Applicant:	Scott Couture
Cross Street(s):	7th and 8th Streets	Address:	15 Allyn Avenue
Block/Lot No.:	3727/049	City, State:	San Anselmo, CA 94960
Zoning District(s):	RED / 40-X / Western SoMa SUD	Telephone:	(415) 482-0224

You are receiving this notice as a property owner or resident within 150 feet of the proposed project. You are not required to take any action. For more information about the proposed project, or to express concerns about the project, please contact the Applicant listed above or the Planner named below as soon as possible. If you believe that there are exceptional or extraordinary circumstances associated with the project, you may request the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown below, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

PROJECT SCOPE		
<input checked="" type="checkbox"/> Demolition	<input checked="" type="checkbox"/> New Construction	<input type="checkbox"/> Alteration
<input checked="" type="checkbox"/> Change of Use	<input type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Restaurant	Dwelling Units
Front Setback	None	None
Side Setbacks	None	None
Building Depth	59 feet 3 inches	65 feet 6 inches
Rear Yard	15 feet 9 inches	9 feet 6 inches
Building Height	14 feet 9 inches	40 feet
Number of Stories	1	4
Number of Dwelling Units	0	3
Number of Parking Spaces	0	2
PROJECT DESCRIPTION		
<p>The proposal includes demolition of the existing industrial building (measuring approximately 2,620 square feet) and the new construction of a four-story residential building with three dwelling units (measuring 7,700 square feet) and two off-street parking spaces. On March 23, 2016, the Zoning Administrator granted a variance for rear yard (Planning Code Section 134) and useable open space (Planning Code Section 135) (See Case No. 2015-009485VAR).</p> <p>The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.</p>		

For more information, please contact Planning Department staff:

Planner: Richard Sucre
 Telephone: (415) 575-9108
 E-mail: richard.sucre@sfgov.org

Notice Date: 5/31/16
 Expiration Date: 6/29/16

GENERAL INFORMATION ABOUT PROCEDURES

Reduced copies of the proposed project plans have been included in this mailing for your information. If you have questions about the plans, please contact the project Applicant listed on the front of this notice. You may wish to discuss the plans with your neighbors or neighborhood association, as they may already be aware of the project. If you have general questions about the Planning Department's review process, please contact the Planning Information Center at 1660 Mission Street, 1st Floor (415/ 558-6377) between 8:00am - 5:00pm Monday-Friday. If you have specific questions about the proposed project, you should contact the planner listed on the front of this notice.

If you believe that the impact on you from the proposed project is significant and you wish to seek to change the project, there are several procedures you may use. **We strongly urge that steps 1 and 2 be taken.**

1. Request a meeting with the project Applicant to get more information and to explain the project's impact on you.
2. Contact the nonprofit organization Community Boards at (415) 920-3820, or online at www.communityboards.org for a facilitated discussion in a safe and collaborative environment. Community Boards acts as a neutral third party and has, on many occasions, helped reach mutually agreeable solutions.
3. Where you have attempted, through the use of the above steps or other means, to address potential problems without success, please contact the planner listed on the front of this notice to discuss your concerns.

If, after exhausting the procedures outlined above, you still believe that exceptional and extraordinary circumstances exist, you have the option to request that the Planning Commission exercise its discretionary powers to review the project. These powers are reserved for use in exceptional and extraordinary circumstances for projects which generally conflict with the City's General Plan and the Priority Policies of the Planning Code; therefore the Commission exercises its discretion with utmost restraint. This procedure is called Discretionary Review. If you believe the project warrants Discretionary Review by the Planning Commission, **you must file a Discretionary Review application prior to the Expiration Date shown on the front of this notice.** Discretionary Review applications are available at the Planning Information Center (PIC), 1660 Mission Street, 1st Floor, or online at www.sfplanning.org. You must submit the application in person at the Planning Information Center (PIC) between 8:00am - 5:00pm Monday-Friday, with all required materials and a check payable to the Planning Department. To determine the fee for a Discretionary Review, please refer to the Planning Department Fee Schedule available at www.sfplanning.org. If the project includes multiple building permits, i.e. demolition and new construction, a **separate request for Discretionary Review must be submitted, with all required materials and fee, for each permit that you feel will have an impact on you.**

Incomplete applications will not be accepted.

If no Discretionary Review Applications have been filed within the Notification Period, the Planning Department will approve the application and forward it to the Department of Building Inspection for its review.

BOARD OF APPEALS

An appeal of the Planning Commission's decision on a Discretionary Review case may be made to the **Board of Appeals within 15 calendar days after the building permit is issued** (or denied) by the Department of Building Inspection. Appeals must be submitted in person at the Board's office at 1650 Mission Street, 3rd Floor, Room 304. For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (415) 575-6880.

ENVIRONMENTAL REVIEW

This project has undergone preliminary review pursuant to California Environmental Quality Act (CEQA). If, as part of this process, the Department's Environmental Review Officer has deemed this project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained through the Exemption Map, on-line, at www.sfplanning.org. An appeal of the decision **to exempt the proposed project from CEQA may be made to the Board of Supervisors within 30 calendar days** after the project approval action identified on the determination. The procedures for filing an appeal of an exemption determination are available from the Clerk of the Board at City Hall, Room 244, or by calling (415) 554-5184.

Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.