

File No. 200942

Committee Item No. _____

Board Item No. 14

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: November 10, 2020

Cmte Board

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

OTHER

- Appeal Letter - August 10, 2020
- Planning Department Response - September 14, 2020
- Public Hearing Notices
- Clerical Documents
- _____
- _____
- _____
- _____

Prepared by: Lisa Lew

Date: November 6, 2020

Prepared 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 552-554 Hill Street, San Francisco, CA 94114.

July 9, 2020

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

August 10, 2020

Appeal Filing Date

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

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

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

 X The Planning Commission disapproved in whole or in part an application for conditional use authorization, Case No. 2019-000013CUA.

Statement of Appeal:

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

This is an appeal from the Planning Commission's entire decision disapproving a Conditional Use Authorization application (File no. 2019-0000CUA) pursuant to sections 209.1, 303, and 317 of Planning Code, which was filed under protest.

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

On July 9, 2020, the Planning Commission denied the CUA. In taking this action, the Planning Commission abused its discretion and failed to act in the manner required by law, in contravention of local, state, and federal law. The grounds for appeal include: the work that is the subject of the CUA was permitted, inspected, and signed-off by the City; the Appellant is entitled to rely on the Certificate of Final Completion and Occupancy that was issued by the City following completion of the work; the approved work at the Property predated § 317 of the Planning Code, which cannot be applied retroactively; and the Planning Commission's decision violated the Housing Accountability Act (Gov. Code § 65589.5) and both local and state ADU law.

Person to Whom
Notices Shall Be Mailed

Name and Address of Person Filing Appeal:

Sarah Hoffman

Robert Roddick

Name

Name

Zacks, Freedman & Patterson, PC
235 Montgomery Street, Suite 400
San Francisco, CA 94104

552-554 Hill Street
San Francisco, CA 94114

Address


Address

(415) 956-8100

(415) 956-8100

Telephone Number

Telephone Number

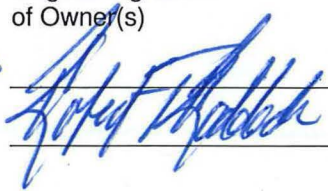


Signature of Appellant or
Authorized Agent

City Planning Commission
Case No. 2019-000013CUA

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. | 552554 Hill St | 3622-085 | Robert T. Raddick |  |
| 2. | SAN FRANCISCO COUNTY | | NS Trustee | |
| 3. | | | | |
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City Planning Commission
Case No. 2019-000013CUA

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| Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----------------------------------|---------------------------|---|---|
| 1. 536 Hill St. | 3622/061 | Evers Perovzable Trust William & Melinda Evers |  |
| 2. 536 Hill St. | | |  |
| 3. 540 Hill St. | 3622/062 | Evers Perovzable Trust William & Melinda Evers |  |
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City Planning Commission
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| 1. _____ | _____ | _____ | _____ |
| 2. _____ | _____ | _____ | _____ |
| 3. _____ | _____ | _____ | _____ |
| 4. <u>576 HILL ST</u> | <u>3622 068</u> | <u>TAMARA MERRY</u> | <u>Tamara Merry</u> |
| 5. _____ | _____ | _____ | _____ |
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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. | <u>S 80 Hill St.</u> | <u>3622/069</u> | <u>The Berkala Trust</u> | <u><i>J. Balkala</i></u> |
| 2. | _____ | _____ | _____ | _____ |
| 3. | _____ | _____ | _____ | _____ |
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City Planning Commission
Case No. 2019-000013CUA

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| | Street Address, property owned, | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|------------------------------------|---------------------------|--------------------------|---|
| 1. | 841 Castro St | 3622-072 | Gea J. Plummer |  |
| 2. | _____ | _____ | _____ | _____ |
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City Planning Commission
Case No. 2019-000013CUA

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|--------------------------|-----------------------------------|
| 1. | <u>823 Castro St</u> | <u>3622/075</u> | <u>Audrey Vernick</u> | <u>[Signature]</u> |
| 2. | <u>823 Castro St</u> | <u>3622/075</u> | <u>Russell Vernick</u> | <u>[Signature]</u> |
| 3. | _____ | _____ | _____ | _____ |
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City Planning Commission
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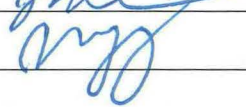
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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|------------------------------|-----------------------------------|
| 1. | <u>811 Castro St</u> | <u>3622/077</u> | <u>Peter Edward Radcliff</u> | <u>Peter Edward Radcliff</u> |
| 2. | _____ | _____ | _____ | _____ |
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City Planning Commission
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| 3. | _____ | _____ | _____ | _____ |
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| 6. | _____ | _____ | _____ | _____ |
| 7. | <u>3875-21st St</u> | <u>3622/082</u> | <u>John P Crichton</u> |  |
| 8. | <u>3875-21st St.</u> | <u>3622/082</u> | <u>VIVIAN F YOUNG</u> |  |
| 9. | _____ | _____ | _____ | _____ |
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July 22, 2020

Re: 552-554 Hill Street, San Francisco, CA 94114
Request for Public Hearing - Conditional Use Appeal

Dear Neighbor:

I am your neighbor at 552-554 Hill Street. I grew up in Noe Valley and have lived at 552-554 Hill Street for more than 50 years. I have served the Noe Valley community for many years, including as a firefighter (until I had to retire due to a spinal injury), an estate attorney, and as chairman of Noe Valley's Community Benefit District. I am writing to request your support for me to have an appeal hearing before the Board of Supervisors, from the Planning Commission's denial of a permit application I filed to document the existing conditions at my home. Signing the appeal form does not indicate any opinion on the issue, but allows me to have a hearing.

More than 15 years ago, my doctor recommended that I install an elevator so that I could continue to live in my home as my spinal condition progressed. This work occurred in 2004–2006. As part of this work, the units at 552-554 Hill Street were reconfigured. I relied on my contractor to obtain all the permits that were needed for this work. The Department of Building Inspection issued permits, inspected the work, and issued a Certificate of Final Completion and Occupancy in 2006. Many years later – in 2018 – the Planning Department issued a “Notice of Violation” on the basis it did not review the unit reconfiguration before this work occurred. At no point was I, or my contractor, advised that any additional permits or Planning review would be required. However, in the interest of working cooperatively with the City I agreed to apply for permits to ensure this work was correctly documented.

Unfortunately, in a 4-3 vote the Planning Commission denied my permit application in July 2020. Even though I got permits 15 years ago, this denial means I have to completely reconfigure my home, at great expense and neighborhood disruption. In order for me to state my case at the Board of Supervisors, I need to get signatures from the owners of 20% of the land within 300 feet of my home. Signing the appeal form does not indicate any opinion on the issue, but merely allows the appeal to proceed. I am asking that you sign the enclosed appeal form so that I can have a hearing at the Board, regardless of your position on its outcome.

Please return the signed form by August 3, 2020 via mail (using the enclosed envelope) or email (to sarah@zfplaw.com). If there are multiple owners of your property, I ask that each owner sign the form. Feel free to contact Sarah Hoffman with any questions, at sarah@zfplaw.com or (415) 956-8100. Thank you for your help.

Sincerely,

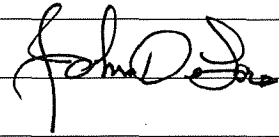
Bob Roddick
552-554 Hill Street

GOOD LUCK

City Planning Commission
Case No. 2019-000013CUA

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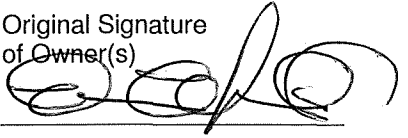
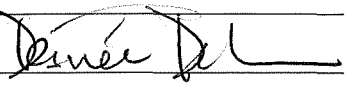
If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

| Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|--|---------------------------|--------------------------|---|
| 1. _____ | _____ | _____ | _____ |
| 2. _____ | _____ | _____ | _____ |
| 3. _____ | _____ | _____ | _____ |
| 4. _____ | _____ | _____ | _____ |
| 5. 3855-2 ¹ / ₂ ST ST SF | 085 3622 | JOHN DELARA |  |
| 6. _____ | _____ | _____ | _____ |
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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|--------------------------|---|
| 1. | 3622-086 | 3851 21 ST | DANA DE LARA |  |
| 2. | | | | |
| 3. | 3851 21 ST street | 3622-086 | Désirée De Lara |  |
| 4. | | | | |
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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|--|-----------------------------------|
| 1. | <u>479 Castro St</u> | <u>3582-103</u> | <u>Teresa Asten Bennett</u> | <u>[Signature]</u> |
| 2. | <u>471-479 Castro St</u> | <u>3582-103</u> | <u>ASTEN FAMILY TRUST</u> | <u>[Signature] Trustee</u> |
| 3. | _____ | _____ | _____ | _____ |
| 4. | <u>3847-21ST ST</u> | <u>3622-087</u> | <u>Asten Family Research Trust</u> | <u>[Signature] Trustee</u> |
| 5. | _____ | _____ | _____ | _____ |
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See Attached -
good luck!
MART

July 22, 2020

Re: 552-554 Hill Street, San Francisco, CA 94114
Request for Public Hearing - Conditional Use Appeal

Dear Neighbor:

I am your neighbor at 552-554 Hill Street. I grew up in Noe Valley and have lived at 552-554 Hill Street for more than 50 years. I have served the Noe Valley community for many years, including as a firefighter (until I had to retire due to a spinal injury), an estate attorney, and as chairman of Noe Valley's Community Benefit District. I am writing to request your support for me to have an appeal hearing before the Board of Supervisors, from the Planning Commission's denial of a permit application I filed to document the existing conditions at my home. Signing the appeal form does not indicate any opinion on the issue, but allows me to have a hearing.

More than 15 years ago, my doctor recommended that I install an elevator so that I could continue to live in my home as my spinal condition progressed. This work occurred in 2004-2006. As part of this work, the units at 552-554 Hill Street were reconfigured. I relied on my contractor to obtain all the permits that were needed for this work. The Department of Building Inspection issued permits, inspected the work, and issued a Certificate of Final Completion and Occupancy in 2006. Many years later - in 2018 - the Planning Department issued a "Notice of Violation" on the basis it did not review the unit reconfiguration before this work occurred. At no point was I, or my contractor, advised that any additional permits or Planning review would be required. However, in the interest of working cooperatively with the City I agreed to apply for permits to ensure this work was correctly documented.

Unfortunately, in a 4-3 vote the Planning Commission denied my permit application in July 2020. Even though I got permits 15 years ago, this denial means I have to completely reconfigure my home, at great expense and neighborhood disruption. In order for me to state my case at the Board of Supervisors, I need to get signatures from the owners of 20% of the land within 300 feet of my home. Signing the appeal form does not indicate any opinion on the issue, but merely allows the appeal to proceed. I am asking that you sign the enclosed appeal form so that I can have a hearing at the Board, regardless of your position on its outcome.

Please return the signed form by August 3, 2020 via mail (using the enclosed envelope) or email (to sarah@zfplaw.com). If there are multiple owners of your property, I ask that each owner sign the form. Feel free to contact Sarah Hoffman with any questions, at sarah@zfplaw.com or (415) 956-8100. Thank you for your help.


Sincerely,

Bob Roddick
552-554 Hill Street

City Planning Commission
Case No. 2019-000013CUA

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|--------------------------|---|
| 1. | 3819 21 ST ST. | 3622/094 | MARITA SCARFI |  |
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City Planning Commission
Case No. 2019-000013CUA

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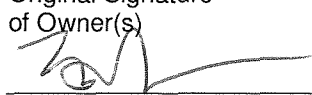
If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|--------------------------|---|
| 1. | <u>3874 22nd St.</u> | <u>3622 097</u> | <u>KAREN SCHRYVER</u> |  |
| 2. | _____ | _____ | _____ | _____ |
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City Planning Commission
Case No. 2019-000013CUA

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|--------------------------|---|
| 1. | 875 Castro St | 3622/101 | Weston Fisher |  |
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City Planning Commission
Case No. 2019-000013CUA

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|--------------------------|---|
| 1. | _____ | _____ | _____ | _____ |
| 2. | _____ | _____ | _____ | _____ |
| 3. | LICIA SELLERI 548 HILL ST | 3622-103 | LICIA SELLERI |  |
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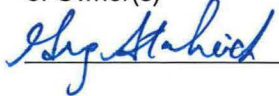
If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

| Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----------------------------------|-------------------------------|-------------------------------------|-----------------------------------|
| 1. <u>3822-A 22nd St.</u> | <u>Block 3622 Lot 105</u> | <u>Leslie Mabie JERRY MABIE</u> | <u>Leslie Mabie</u> |
| 2. _____ | _____ | _____ | _____ |
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City Planning Commission
Case No. 2019-000013CUA

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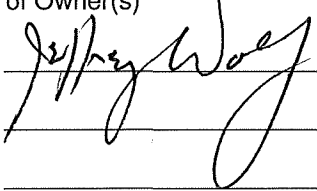
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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|--------------------------|---|
| 1. | 3894 22 nd St. | 3622/109 | Greg Stachnick |  |
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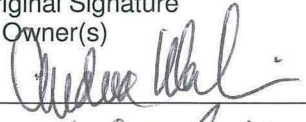

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|--------------------------|---|
| 1. | 827 CASTRO ST. | 3622-113 | Jeffrey Wolf |  |
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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|--------------------------|---|
| 1. | 533 A Hill St | 3622/116 | ANDREA WERLIN |  |
| 2. | " " " | " " | VALERIE HENDERSON |  |
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City Planning Commission
Case No. 2019-000013CUA

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|--------------------------|-----------------------------------|
| 1. | <u>535 Hill St.</u> | <u>3622 - 118</u> | <u>Paul Asfour</u> | <u>Paul Asfour</u> |
| 2. | _____ | _____ | _____ | _____ |
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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. | <u>824/826 Castro St.</u> | <u>2770/006</u> | <u>MICHELE R. DENOMIE</u> | <u>Michele R. Denomie</u> |
| 2. | _____ | _____ | _____ | _____ |
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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|--------------------------|-----------------------------------|
| 1. | 840 CASTRO ST | 9770 009 94114 | RONALD ZOLAZZI | <i>[Signature]</i> |
| 2. | | | | |
| 3. | | | | |
| 4. | 840 Castro St | 94114 | Mary Rice Zolazzi | <i>[Signature]</i> |
| 5. | 8770 009 | | Mark Rice Zolazzi | |
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From: Julia Ireland
846 Castro St

To: Robert Roddick
552-554 Hill St

Dear Mr. Roddick,

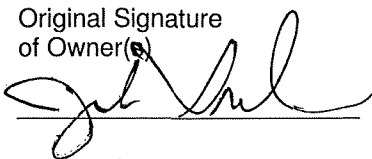
Enclosed I have signed your appeal regarding the city planning commission. I am sorry to hear of your troubles with them, and I totally understand as I had similar problems with getting old permits signed off for work long ago completed. Similarly, I know of neighbors who could not get routine repair/upgrades approved for their homes. It seems like the planning commission only serves developers. I feel as if they will have to come around in your case.

Best regards,
Julia Ireland

City Planning Commission
Case No. 2019-000013CUA

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|--------------------------|---|
| 1. | 846 Castro St | 2770/009A | Julia Ireland |  |
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City Planning Commission
Case No. 2019-000013CUA

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|---|-----------------------------------|
| 1. | 850 CASTRO STREET | B-2770 L-009B | FOREST REALTY LLC STEPHEN C CHEN, LLC MEMBER | <i>Stephen C Chen</i> |
| 2. | 850 CASTRO STREET | B-2770 L-009B | FOREST REALTY LLC LOUISA Y CHEN, LLC MEMBER | <i>Louisa Y Chen</i> |
| 3. | _____ | _____ | _____ | _____ |
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Pursuant to Planning Code Section 308.1(b), the undersigned members of the Board of Supervisors believe that there is sufficient public interest and concern to warrant an appeal of the Planning Commission on Case No. 2019-000013CUA, a conditional use authorization regarding (address) 552-554 Hill Street, San Francisco, CA 94114, District RH-2. The undersigned members respectfully request the Clerk of the Board to calendar this item at the soonest possible date.

SIGNATURE

DATE

Mark T. & C. Marshall Lemire
856 Castro St., SF, CA 94114
2770/009C

Catherine C. Marshall
MM

24 July 2020
7/24/20

(Attach copy of Planning Commission's Decision)

City Planning Commission
 Case No. 2019-000013CUA

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
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| 4. | _____ | _____ | _____ | _____ |
| 5. | <u>812 Castro</u> | <u>2770-35</u> | <u>Dianne Fong-Torres</u> | <u>Dianne Fong-Torres</u> |
| 6. | <u>812 Castro</u> | <u>2770-35</u> | <u>Ben Fong-Torres</u> | <u>Ben Fong-Torres</u> |
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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. | <u>834 CASTRO</u> | <u>2770 038</u> | <u>ELDON H. REILEY TRUST</u> | <u>Eldon H. Reiley</u> |
| 2. | _____ | _____ | _____ | _____ |
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Good luck with
the appeal!

Best
Matt

July 22, 2020

Re: 552-554 Hill Street, San Francisco, CA 94114
Request for Public Hearing - Conditional Use Appeal

Dear Neighbor:

I am your neighbor at 552-554 Hill Street. I grew up in Noe Valley and have lived at 552-554 Hill Street for more than 50 years. I have served the Noe Valley community for many years, including as a firefighter (until I had to retire due to a spinal injury), an estate attorney, and as chairman of Noe Valley's Community Benefit District. I am writing to request your support for me to have an appeal hearing before the Board of Supervisors, from the Planning Commission's denial of a permit application I filed to document the existing conditions at my home. Signing the appeal form does not indicate any opinion on the issue, but allows me to have a hearing.

More than 15 years ago, my doctor recommended that I install an elevator so that I could continue to live in my home as my spinal condition progressed. This work occurred in 2004–2006. As part of this work, the units at 552-554 Hill Street were reconfigured. I relied on my contractor to obtain all the permits that were needed for this work. The Department of Building Inspection issued permits, inspected the work, and issued a Certificate of Final Completion and Occupancy in 2006. Many years later – in 2018 – the Planning Department issued a “Notice of Violation” on the basis it did not review the unit reconfiguration before this work occurred. At no point was I, or my contractor, advised that any additional permits or Planning review would be required. However, in the interest of working cooperatively with the City I agreed to apply for permits to ensure this work was correctly documented.

Unfortunately, in a 4-3 vote the Planning Commission denied my permit application in July 2020. Even though I got permits 15 years ago, this denial means I have to completely reconfigure my home, at great expense and neighborhood disruption. In order for me to state my case at the Board of Supervisors, I need to get signatures from the owners of 20% of the land within 300 feet of my home. Signing the appeal form does not indicate any opinion on the issue, but merely allows the appeal to proceed. I am asking that you sign the enclosed appeal form so that I can have a hearing at the Board, regardless of your position on its outcome.

Please return the signed form by August 3, 2020 via mail (using the enclosed envelope) or email (to sarah@zfplaw.com). If there are multiple owners of your property, I ask that each owner sign the form. Feel free to contact Sarah Hoffman with any questions, at sarah@zfplaw.com or (415) 956-8100. Thank you for your help.

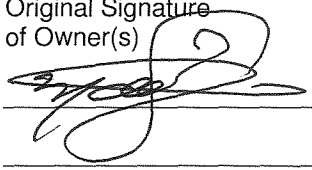
Sincerely,

Bob Roddick
552-554 Hill Street

City Planning Commission
Case No. 2019-000013CUA

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|--------------------------|---|
| 1. | <u>3832 21st St.</u> | <u>3603/013</u> | <u>Matthew Severson</u> |  |
| 2. | _____ | _____ | _____ | _____ |
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City Planning Commission
Case No. 2019-000013CUA

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|--------------------------|-----------------------------------|
| 1. | 3856 21 st Street | 3603/019 | William A. Soward | William A. Soward |
| 2. | | | | |
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City Planning Commission
Case No. 2019-000013CUA

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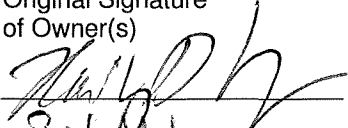
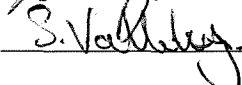
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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|----------------------------|---|
| 1. | <u>781-783 Castro St.</u> | <u>3603-028</u> | <u>Catherine P. Taylor</u> |  |
| 2. | _____ | _____ | _____ | _____ |
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City Planning Commission
Case No. 2019-000013CUA

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|--------------------------|---|
| 1. | <u>563 LIBERTY</u> | <u>3603-037</u> | <u>HADLEY NORTHRUP</u> |  |
| 2. | <u>563 LIBERTY</u> | <u>3603-037</u> | <u>SEAN VALLEY</u> |  |
| 3. | _____ | _____ | _____ | _____ |
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City Planning Commission
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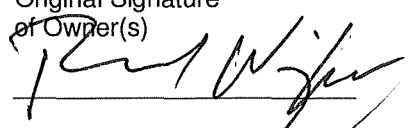
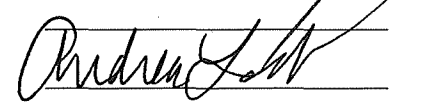
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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|---|--|
| 1. | <u>559 Liberty St</u> | <u>3603/038</u> | <u>Jeffrey Shopoff & Gretchen Shopoff</u> | <u>[Signature]</u> <u>[Signature]</u> |
| 2. | _____ | _____ | _____ | _____ |
| 3. | _____ | _____ | <u>Trustees, Shopoff</u> | _____ |
| 4. | _____ | _____ | <u>Trust</u> | _____ |
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City Planning Commission
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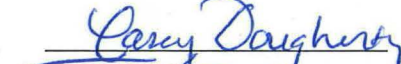

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|--------------------------|---|
| 1. | <u>555 Liberty St</u> | <u>3603/039</u> | <u>Ronald Wright</u> |  |
| 2. | _____ | _____ | _____ | _____ |
| 3. | <u>555 Liberty St</u> | <u>3603/039</u> | <u>Andrea Lash</u> |  |
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City Planning Commission
Case No. 2019-000013CUA

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| Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----------------------------------|---------------------------|--------------------------|---|
| 1. <u>549 Liberty St</u> | <u>3603/040</u> | <u>Casey Dougherty</u> |  |
| 2. <u>549 Liberty St</u> | <u>3603/040</u> | <u>Justin Gregg</u> |  |
| 3. _____ | _____ | _____ | _____ |
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while the planning department has a necessary role to play in society, in SF they continue to overstep their bounds and hold the city back unnecessarily. I'm sorry you're dealing with this and wish you luck. Let us know if you need help contacting folks on Liberty.
- 549liberty@gmail.com

City Planning Commission
Case No. 2019-000013CUA

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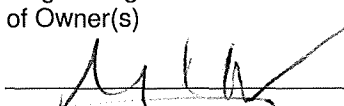

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|--------------------------|-----------------------------------|
| 1. | <u>573 Liberty ST</u> | <u>3603-102</u> | <u>Kevin Durrance</u> | <u>[Signature]</u> |
| 2. | _____ | _____ | _____ | _____ |
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City Planning Commission
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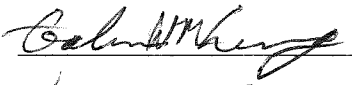
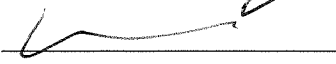
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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|--------------------------|---|
| 1. | <u>3870 21ST ST</u> | <u>3603-112</u> | <u>MARK J TRUPIANO</u> |  |
| 2. | <u>3870 21ST CT</u> | <u>3603-112</u> | <u>RON LUGUE</u> |  |
| 3. | _____ | _____ | _____ | _____ |
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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|------------------------------|---|
| 1. | <u>3872 21ST ST.</u> | <u>3603/113</u> | <u>GALEN W.M. LEUNG</u> |  |
| 2. | <u>3872 21ST ST</u> | <u>3603/113</u> | <u>Richard A. Bookwalter</u> |  |
| 3. | _____ | _____ | _____ | _____ |
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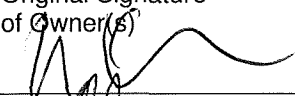
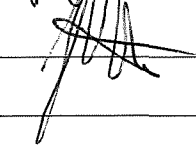
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| Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----------------------------------|---------------------------|--------------------------|-----------------------------------|
| 1. _____ | _____ | _____ | _____ |
| 2. _____ | _____ | _____ | _____ |
| 3. <u>3862 21ST ST</u> | <u>3603 114</u> | <u>KELLEY/WAGG</u> | <u>Kelley H. Wagg</u> |
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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|--------------------------|---|
| 1. | 450 27th St. | 6580-017 | Nina Geneson & |  |
| 2. | 450 27th St. | 6580-017 | Jordan Otis |  |
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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|----------------------------|-----------------------------------|
| 1. | <u>3868 21st St.</u> | <u>3603-119</u> | <u>Yakalom Ramey Trust</u> | <u>[Signature]</u> |
| 2. | _____ | _____ | _____ | _____ |
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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|---|-----------------------------------|
| 1. | <u>3801 21st St</u> | <u>3622/001</u> | <u>Deirdre Hamilton for Little Blue House LLC</u> | <u>[Signature]</u> |
| 2. | _____ | _____ | _____ | _____ |
| 3. | _____ | _____ | _____ | _____ |
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| 22. | _____ | _____ | _____ | _____ |

Good Luck!
Barb

July 22, 2020

Re: 552-554 Hill Street, San Francisco, CA 94114
Request for Public Hearing - Conditional Use Appeal

Dear Neighbor:

I am your neighbor at 552-554 Hill Street. I grew up in Noe Valley and have lived at 552-554 Hill Street for more than 50 years. I have served the Noe Valley community for many years, including as a firefighter (until I had to retire due to a spinal injury), an estate attorney, and as chairman of Noe Valley's Community Benefit District. I am writing to request your support for me to have an appeal hearing before the Board of Supervisors, from the Planning Commission's denial of a permit application I filed to document the existing conditions at my home. Signing the appeal form does not indicate any opinion on the issue, but allows me to have a hearing.

More than 15 years ago, my doctor recommended that I install an elevator so that I could continue to live in my home as my spinal condition progressed. This work occurred in 2004-2006. As part of this work, the units at 552-554 Hill Street were reconfigured. I relied on my contractor to obtain all the permits that were needed for this work. The Department of Building Inspection issued permits, inspected the work, and issued a Certificate of Final Completion and Occupancy in 2006. Many years later - in 2018 - the Planning Department issued a "Notice of Violation" on the basis it did not review the unit reconfiguration before this work occurred. At no point was I, or my contractor, advised that any additional permits or Planning review would be required. However, in the interest of working cooperatively with the City I agreed to apply for permits to ensure this work was correctly documented.

Unfortunately, in a 4-3 vote the Planning Commission denied my permit application in July 2020. Even though I got permits 15 years ago, this denial means I have to completely reconfigure my home, at great expense and neighborhood disruption. In order for me to state my case at the Board of Supervisors, I need to get signatures from the owners of 20% of the land within 300 feet of my home. Signing the appeal form does not indicate any opinion on the issue, but merely allows the appeal to proceed. I am asking that you sign the enclosed appeal form so that I can have a hearing at the Board, regardless of your position on its outcome.

Please return the signed form by August 3, 2020 via mail (using the enclosed envelope) or email (to sarah@zfplaw.com). If there are multiple owners of your property, I ask that each owner sign the form. Feel free to contact Sarah Hoffman with any questions, at sarah@zfplaw.com or (415) 956-8100. Thank you for your help.

Sincerely,

Bob Roddick
552-554 Hill Street

City Planning Commission
Case No. 2019-000013CUA

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.

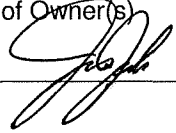
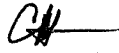
If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|--------------------------|---|
| 1. | 818 Noe St | 3622/004 | Barbara Stuckey |  |
| 2. | 818 Noe St | 3622/004 | Roger Bohl |  |
| 3. | | | | |
| 4. | | | | |
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City Planning Commission
Case No. 2019-000013CUA

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|--|--|
| 1. | <u>850-852 NORSTREET</u> | <u>3622/007</u> | <u>JAMES JAMES CAROLINE HANSEN</u> | <u> </u> |
| 2. | _____ | _____ | _____ | _____ |
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City Planning Commission
Case No. 2019-000013CUA

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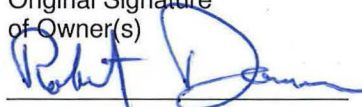
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| Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----------------------------------|-----------------------------|---------------------------------------|--|
| 1. _____ | _____ | _____ | _____ |
| 2. _____ | _____ | _____ | _____ |
| 3. <u>854 Noe St</u> | <u>SF. CA. 3622/008</u> | <u>Martha & Esmond MONROY</u> | <u>Martha Monroy Esmond Monroy</u> |
| 4. _____ | _____ | _____ | _____ |
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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. | <u>870 Noe St.</u> | <u>3622-011</u> | <u>Robert Dawson</u> |  |
| 2. | <u>870 Noe St</u> | <u>3622-011</u> | <u>Ellen Manchester</u> |  |
| 3. | _____ | _____ | _____ | _____ |
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City Planning Commission
Case No. 2019-000013CUA

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|--|-----------------------------------|
| 1. | <u>3808-22ND ST.</u> | <u>3622/015</u> | <u>NOREEN A. MURPHY</u> <u>LIVING TRUST</u> | <u>Noreen A Murphy</u> |
| 2. | _____ | _____ | _____ | _____ |
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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. | <u>3810 22nd St</u> | <u>3622/016</u> | <u>Batelli Gina</u> <u>& John</u> | <u>Gina Batelli</u> <u>John Batelli</u> |
| 2. | _____ | _____ | _____ | _____ |
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Case No. 2019-000013CUA

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| Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----------------------------------|---------------------------|--------------------------|---|
| 1. _____ | _____ | _____ | _____ |
| 2. <u>3816 22nd St</u> | <u>3622/018</u> | <u>DEBORAH FONSTAD</u> |  |
| 3. _____ | _____ | _____ | _____ |
| 4. _____ | _____ | _____ | _____ |
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| 22. _____ | _____ | _____ | _____ |

Good luck!

July 22, 2020

Re: 552-554 Hill Street, San Francisco, CA 94114
Request for Public Hearing - Conditional Use Appeal

Dear Neighbor:

I am your neighbor at 552-554 Hill Street. I grew up in Noe Valley and have lived at 552-554 Hill Street for more than 50 years. I have served the Noe Valley community for many years, including as a firefighter (until I had to retire due to a spinal injury), an estate attorney, and as chairman of Noe Valley's Community Benefit District. I am writing to request your support for me to have an appeal hearing before the Board of Supervisors, from the Planning Commission's denial of a permit application I filed to document the existing conditions at my home. Signing the appeal form does not indicate any opinion on the issue, but allows me to have a hearing.

More than 15 years ago, my doctor recommended that I install an elevator so that I could continue to live in my home as my spinal condition progressed. This work occurred in 2004–2006. As part of this work, the units at 552-554 Hill Street were reconfigured. I relied on my contractor to obtain all the permits that were needed for this work. The Department of Building Inspection issued permits, inspected the work, and issued a Certificate of Final Completion and Occupancy in 2006. Many years later – in 2018 – the Planning Department issued a “Notice of Violation” on the basis it did not review the unit reconfiguration before this work occurred. At no point was I, or my contractor, advised that any additional permits or Planning review would be required. However; in the interest of working cooperatively with the City I agreed to apply for permits to ensure this work was correctly documented.

Unfortunately, in a 4-3 vote the Planning Commission denied my permit application in July 2020. Even though I got permits 15 years ago, this denial means I have to completely reconfigure my home, at great expense and neighborhood disruption. In order for me to state my case at the Board of Supervisors, I need to get signatures from the owners of 20% of the land within 300 feet of my home. Signing the appeal form does not indicate any opinion on the issue, but merely allows the appeal to proceed. I am asking that you sign the enclosed appeal form so that I can have a hearing at the Board, regardless of your position on its outcome.

Please return the signed form by August 3, 2020 via mail (using the enclosed envelope) or email (to sarah@zfplaw.com). If there are multiple owners of your property, I ask that each owner sign the form. Feel free to contact Sarah Hoffman with any questions, at sarah@zfplaw.com or (415) 956-8100. Thank you for your help.


Sincerely,

Bob Roddick
552-554 Hill Street

City Planning Commission
Case No. 2019-000013CUA

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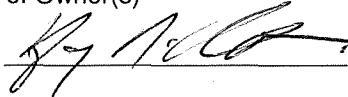
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| Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----------------------------------|---------------------------|--------------------------|---|
| 1. _____ | _____ | _____ | _____ |
| 2. _____ | _____ | _____ | _____ |
| 3. <u>3816 22nd St</u> | <u>3622/018</u> | <u>DIEGO FOSTAS</u> |  |
| 4. _____ | _____ | _____ | _____ |
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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. | <u>3866-68 22nd ST.</u> | <u>3622-026.</u> | <u>GARY HASSIN.</u> |  |
| 2. | _____ | _____ | _____ | _____ |
| 3. | _____ | _____ | _____ | _____ |
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| Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-------------------------------------|---------------------------|--------------------------|-----------------------------------|
| 1. _____ | _____ | _____ | _____ |
| 2. _____ | _____ | _____ | _____ |
| 3. <u>3870/72-22ND ST</u> | <u>3622-027</u> | <u>VESMA GRINFELDS</u> | <u>Vesma Grinfeld.</u> |
| 4. <u>OR</u> <u>3800-21st ST</u> | _____ | _____ | _____ |
| 5. _____ | _____ | _____ | _____ |
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City Planning Commission
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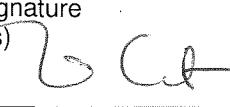
| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|---|-----------------------------------|
| 1. | <u>879 CASTRO</u> | <u>3622/031</u> | <u>MALCOLM E. ELIZABETH MCMAHON</u> | <u></u> <u>M McMahon</u> |
| 2. | _____ | _____ | _____ | _____ |
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RECEIVED
CITY PLANNING COMMISSION
COLUMBIANA, OH

City Planning Commission
Case No. 2019-000013CUA

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|--------------------------|---|
| 1. | <u>875 CASTRO St</u> | <u>3622/032</u> | <u>TIMOTHY CHURCH</u> |  |
| 2. | _____ | _____ | _____ | _____ |
| 3. | _____ | _____ | _____ | _____ |
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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|--------------------------|-----------------------------------|
| 1. | <u>595 HILL ST,</u> | <u>BLK 3622 / LOT 031</u> | <u>EDWARD QUAR</u> | <u>Edward Quar</u> |
| 2. | _____ | _____ | _____ | _____ |
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July 22, 2020

Re: 552-554 Hill Street, San Francisco, CA 94114
Request for Public Hearing - Conditional Use Appeal

Dear Neighbor:

I am your neighbor at 552-554 Hill Street. I grew up in Noe Valley and have lived at 552-554 Hill Street for more than 50 years. I have served the Noe Valley community for many years, including as a firefighter (until I had to retire due to a spinal injury), an estate attorney, and as chairman of Noe Valley's Community Benefit District. I am writing to request your support for me to have an appeal hearing before the Board of Supervisors, from the Planning Commission's denial of a permit application I filed to document the existing conditions at my home. Signing the appeal form does not indicate any opinion on the issue, but allows me to have a hearing.

More than 15 years ago, my doctor recommended that I install an elevator so that I could continue to live in my home as my spinal condition progressed. This work occurred in 2004–2006. As part of this work, the units at 552-554 Hill Street were reconfigured. I relied on my contractor to obtain all the permits that were needed for this work. The Department of Building Inspection issued permits, inspected the work, and issued a Certificate of Final Completion and Occupancy in 2006. Many years later – in 2018 – the Planning Department issued a “Notice of Violation” on the basis it did not review the unit reconfiguration before this work occurred. At no point was I, or my contractor, advised that any additional permits or Planning review would be required. However, in the interest of working cooperatively with the City I agreed to apply for permits to ensure this work was correctly documented.

Unfortunately, in a 4-3 vote the Planning Commission denied my permit application in July 2020. Even though I got permits 15 years ago, this denial means I have to completely reconfigure my home, at great expense and neighborhood disruption. In order for me to state my case at the Board of Supervisors, I need to get signatures from the owners of 20% of the land within 300 feet of my home. Signing the appeal form does not indicate any opinion on the issue, but merely allows the appeal to proceed. I am asking that you sign the enclosed appeal form so that I can have a hearing at the Board, regardless of your position on its outcome.

Please return the signed form by August 3, 2020 via mail (using the enclosed envelope) or email (to sarah@zfplaw.com). If there are multiple owners of your property, I ask that each owner sign the form. Feel free to contact Sarah Hoffman with any questions, at sarah@zfplaw.com or (415) 956-8100. Thank you for your help.

Sincerely,


Bob Roddick
552-554 Hill Street

Happys to help.
TAH

City Planning Commission
Case No. 2019-000013CUA

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

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| Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----------------------------------|---------------------------|--------------------------|---|
| 1. _____ | _____ | _____ | _____ |
| 2. _____ | _____ | _____ | _____ |
| 3. <u>585 HILL ST.</u> | <u>3622-030</u> | <u>TOMAS ALMAGUER</u> |  |
| 4. _____ | _____ | _____ | _____ |
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City Planning Commission
Case No. 2019-000013CUA

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| Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
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| 1. _____ | _____ | _____ | _____ |
| 2. _____ | _____ | _____ | _____ |
| 3. _____ | _____ | _____ | _____ |
| 4. _____ | _____ | VELMA KINGSBURY | _____ |
| 5. 543 575 Hill St. | 3622/039 | _____ | Velma Kingsbury |
| 6. _____ | _____ | _____ | _____ |
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City Planning Commission
Case No. 2019-000013CUA

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|-------------------------------------|-----------------------------------|
| 1. | 551A-551-553 Hill | 3622-044 | Moran Trust, Trustee Mauro Joyce | Mauro Joyce |
| 2. | | | | |
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City Planning Commission
Case No. 2019-000013CUA

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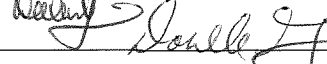
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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------------------|--|-----------------------------------|
| 1. | <u>551 A - 551-553</u> | <u>Hill Street</u> <u>3022-044</u> | <u>Moran Trust, MauraJoyce Trustee</u> | <u>MauraJoyce</u> |
| 2. | _____ | _____ | _____ | _____ |
| 3. | _____ | _____ | _____ | _____ |
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City Planning Commission
 Case No. 2019-000013CUA

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|---|---|
| 1. | <u>549 Hill Street</u> | <u>3622-045</u> | <u>Dee Ann Kabusaki Revocable Trust Donelle M Gregory Revocable Trust</u> |  |
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City Planning Commission
Case No. 2019-000013CUA

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|-------------------------------|-----------------------------------|
| 1. | <u>543 HILL ST</u> | <u>3622/046</u> | <u>SUSAN A BAILEY Harnden</u> | <u>[Signature]</u> |
| 2. | _____ | _____ | <u>DAVID G. HARNDEN</u> | <u>[Signature]</u> |
| 3. | _____ | _____ | _____ | _____ |
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City Planning Commission
Case No. 2019-000013CUA

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| Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----------------------------------|--------------------------------------|--------------------------|-----------------------------------|
| 1. _____ | _____ | _____ | _____ |
| 2. _____ | _____ | _____ | _____ |
| 3. <u>521 HILL ST</u> | <u>258, B3622</u> <u>3622/047</u> | <u>BERNARD J GLASER</u> | <u>Bernard J GLASER</u> |
| 4. _____ | _____ | _____ | _____ |
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City Planning Commission
Case No. 2019-000013CUA

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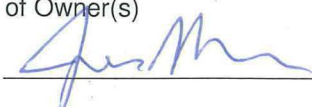
| Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----------------------------------|---------------------------|--------------------------|-----------------------------------|
| 1. <u>527-29 Hill St</u> | <u>3622/050</u> | <u>Joseph O'KEEFFE</u> | <u>[Signature]</u> |
| 2. _____ | _____ | _____ | _____ |
| 3. <u>527-29 HILL ST</u> | <u>3622-050</u> | <u>JILL O'KEEFFE</u> | <u>[Signature]</u> |
| 4. _____ | _____ | _____ | _____ |
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RECEIVED
CITY PLANNING COMMISSION
DATE: 08/20/19
BY: [Signature]

City Planning Commission
Case No. 2019-000013CUA

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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|--|---|
| 1. | <u>521 Hill St.</u> | <u>3622/051A</u> | <u>C + J Milligan Family Trust Jessica Milligan, trustee</u> |  |
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City Planning Commission
Case No. 2019-000013CUA

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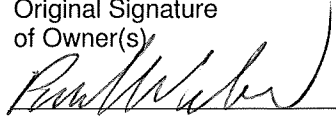
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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|--------------------------|---|
| 1. | 512 Hill St | 3622-057 | Stephen Kempainen |  |
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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. | <u>514 Hill Street</u> | <u>3622-058</u> | <u>Paul Weber</u> |  |
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| | Street Address, property owned | Assessor's Block & Lot | Printed Name of Owner(s) | Original Signature of Owner(s) |
|-----|-----------------------------------|---------------------------|--------------------------|-----------------------------------|
| 1. | <u>3826-22nd St</u> | <u>3622/023</u> | <u>Dale S. Fitting</u> | <u>Dale S. Fitting</u> |
| 2. | _____ | _____ | _____ | _____ |
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SAN FRANCISCO PLANNING COMMISSION



Meeting Minutes

Remote Hearing
via video and teleconferencing

Thursday, July 9, 2020
1:00 p.m.
Regular Meeting

COMMISSIONERS PRESENT: Chan, Diamond, Fung, Imperial, Johnson, Koppel, Moore
COMMISSIONERS ABSENT: None

THE MEETING WAS CALLED TO ORDER BY PRESIDENT KOPPEL AT 1:00 PM

STAFF IN ATTENDANCE: Aaron Starr, Xinyu Liang, Cathleen Campbell, Rich Sucre, Corey Teague - Zoning Administrator, Rich Hillis – Planning Director, Jonas P. Ionin – Commission Secretary

SPEAKER KEY:

- + indicates a speaker in support of an item;
- indicates a speaker in opposition to an item; and
- = indicates a neutral speaker or a speaker who did not indicate support or opposition.

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

- 1a. 2018-008397CUA (K. DURANDET: (415) 575-6816)
2005 17TH STREET – south side of 17th Street between Kansas and Vermont Streets, Lot 001J of Assessor's Block 3977 (District 10) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303 and 317 to remove an unauthorized dwelling unit from the ground floor basement/garage level of an existing single-family, two-story residential building. The building would retain the one existing legal dwelling unit. The

subject property is located within a RH-2 (Residential House, Two-Family) Zoning District and 45-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).

(Continued from Regular hearing on May 21, 2020)

(Proposed for Continuance to July 23, 2020)

SPEAKERS: Herbert Terreri – Allow continuance

ACTION: Continued to July 23, 2020

AYES: Chan, Diamond, Fung, Imperial, Johnson, Koppel, Moore

- 1b. 2018-008397VAR (K. DURANDET: (415) 575-6816)
2005 17TH STREET – south side of 17th Street between Vermont and Kansas Streets, Lot 001J of Assessor’s Block 3977 (District 10) – Request for **Variance** from the Zoning Administrator to reconstruct an unauthorized deck and stair with an addition of a firewall which extends into the required rear yard. Planning Code Section 134 requires the subject property to maintain a rear yard of approximately 23 feet. Therefore, a rear yard variance is required. The subject property is located within a RH-2 (Residential-House, Two-Family) Zoning District and 45-X Height and Bulk District.
 (Continued from Regular hearing on May 21, 2020)
(Proposed for Continuance to July 23, 2020)

SPEAKERS: Same as item 1a.

ACTION: ZA Continued to July 23, 2020

2. 2020-001294CUA (M. CHRISTENSEN: (415) 575-8742)
2441 MISSION STREET – east side of Mission street, between 20th and 21st Streets; Lot 026 in Assessor’s Block 3610 (District 9) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 754 and 303, requesting to amend Planning Commission Motion No. 19776 to authorize smoking and vaporizing on-site at the existing Medical Cannabis Dispensary (dba Mission Cannabis Club) within the mezzanine of the first floor of the subject property within the Mission Street NCT (Neighborhood Commercial Transit) Zoning District and 55-X Height and Bulk District.
Preliminary Recommendation: Approve with Conditions
 (Continued from Regular hearing on May 21, 2020)
(Proposed for Continuance to August 27, 2020)

SPEAKERS: None

ACTION: Continued to July 23, 2020

AYES: Chan, Diamond, Fung, Imperial, Johnson, Koppel, Moore

3. 2019-014214DRP (M. CHRISTENSEN: (415) 575-8742)
457 MARIPOSA STREET – between Third and Illinois Streets; Lot 043 in Assessor’s Block 3994 (District 10) – Request for a **Discretionary Review** of Building Permit No. 2019.0702.4973, which proposes to establish a new Cannabis Retail establishment of approximately 2,500 square feet in size, including on-site consumption, in an existing one-story Industrial building within an Urban Mixed Use (UMU) Zoning District and 68-X Height and Bulk District. Minor interior and exterior alterations are proposed to the subject tenant

space. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).

(Continued from Regular hearing on May 21, 2020)

(Proposed for Continuance to August 27, 2020)

SPEAKERS: None
 ACTION: Continued to August 27, 2020
 AYES: Chan, Diamond, Fung, Imperial, Johnson, Koppel, Moore

6. [2019-015984CUA](#) (A. LINDSAY: (415) 575-9178)
590 2ND AVENUE – on east side of 2nd Avenue between Anza Street and Balboa Street, Lot 026 of Assessor’s Block 1544 (District 1) – Request for a **Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 209.2, to install a new AT&T Mobility Macro Wireless Telecommunications Services Facility at rooftop consisting of installation of ten (10) panel antennas, and ancillary equipment as part of the AT&T Mobility Telecommunications Network. Antennas and ancillary equipment will be screened within two (2) FRP enclosures. The subject property is located within a RM-2 (Residential-Mixed, Moderate Density), and 40-X Height and Bulk Districts. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).

Preliminary Recommendation: Approve with Conditions

(Continued from Regular hearing on June 4, 2020)

SPEAKERS: None
 ACTION: Continued to July 16, 2020
 AYES: Chan, Diamond, Fung, Imperial, Johnson, Koppel, Moore

12. [2007.0604X](#) (L. HOAGLAND: (415) 575-6823)
1145 MISSION STREET – southeast side of Mission Street; Lot 168 of Assessor’s Block 3727 (District 6) – Request for **Large Project Authorization**, pursuant to Planning Code Section 329, to allow new construction of a six-story, 65-foot tall, mixed-use building (approximately 37,905 square feet) with 25 residential dwelling units, approximately 4,500 square feet of ground floor commercial, 9 below-grade off-street parking spaces, 1 car-share parking space, 30 Class 1 bicycle parking spaces, and 2 Class 2 bicycle parking spaces on a vacant lot. The Project includes a dwelling-unit mix consisting of 15 one-bedroom units and 10 two-bedroom units. The project site is located within a MUO (Mixed-Use Office) Zoning District and 65-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).

Preliminary Recommendation: Approve with Conditions

(Continued from Regular hearing on June 4, 2020)

Note: On June 11, 2020, after hearing and closing public comment, continued to July 9, 2020 by a vote of +7 -0.

SPEAKERS: None
 ACTION: Continued to August 27, 2020
 AYES: Chan, Diamond, Fung, Imperial, Johnson, Koppel, Moore

14. [2017-015039DRP](#) (D. WINSLOW: (415) 575-9159)
 350-352 SAN JOSE AVENUE – between 25th and 26th Streets; 010A in Assessor’s Block 6532 (District 8) – Request for **Discretionary Review** of Building Permit 2018.0403.5430 for the construction of a horizontal addition and a 5’- 8” vertical addition to add eight dwelling units to an existing two-story, four-dwelling unit residential building within a RM-2 (Residential Mixed, Moderate Density) 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 San Francisco Administrative Code Section [31.04\(h\)](#).
Preliminary Recommendation: Take Discretionary Review and Approve with Modifications
 (Continued from Regular hearing on June 18, 2020)
- SPEAKERS: Anastasia Yovanapolous – Continuance
 Ozzie Rohm – Continuance
 Steve Williams – Continuance
- ACTION: Continued to September 24, 2020
- AYES: Chan, Diamond, Fung, Imperial, Johnson, Koppel, Moore
15. [2019-000507DRP](#) (D. WINSLOW: (415) 575-9159)
 3537 23RD Street – between Guerrero Street and San Jose Avenue; Lot 023 in Assessor’s Block 3846 (District 8) – Request for **Discretionary Review** of Building Permit 2019.0107.9729 to construct a two-story vertical addition and horizontal rear addition to an existing two-story single-family-home to add a dwelling unit to a single-family home within a RH-3 (Residential House, Three-Family) 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 San Francisco Administrative Code Section [31.04\(h\)](#).
Preliminary Recommendation: Do Not Take Discretionary Review and Approve
WITHDRAWN
- SPEAKERS: None
- ACTION: Withdrawn

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and may be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

4. [2019-016969DRM](#) (D. WEISSGLASS: (415) 575-9177)
 4326-4336 IRVING STREET – on north side of Irving Street between 44th Avenue and 45th Avenue, Lot 071 of Assessor’s Block 1706 (District 4) – Request for a **Mandatory Discretionary Review**, pursuant to Planning Code Section 311 to construct a one-story vertical addition to the existing three-story residential building within a RH-2 (Residential-House, Two Family) Zoning District and 40-X Height and Bulk District. Five ADUs (Accessory Dwelling Units) were previously approved at the ground story per permit no. 2018.1116.6157, resulting in 17 approved dwelling units at the property. Environmental review is not required for the Planning Commission to disapprove the project.
Preliminary Recommendation: Take Discretionary Review and Approve with Modifications

(Continued from Regular hearing on June 25, 2020)

Note: On June 4, 2020, after hearing and closing public comment; Continued to June 25, 2020 by a vote of +6 -0 (Johnson absent). On June 25, 2020, the Commission adopted a Motion of Intent to Approve with Staff Modifications, continued to July 9, 2020 by a vote of +7 -0.

SPEAKERS: None
 ACTION: Took DR and Approved with Conditions
 AYES: Chan, Diamond, Fung, Imperial, Johnson, Koppel, Moore
 DRA: 705

5. [2019-000727CUA](#) (K. PHUNG: (415) 558-6373)
 339 TARAVAL STREET – southeast corner of Taraval Street and 14th Avenue; Lot 036 in Assessor's Block 2412 (District 7) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 178, 303, 745, and 781.1 to establish a full-service Restaurant (d.b.a. "Backroom Dining/Mango Medley") within the Inner Taraval Street Neighborhood Commercial District (NCD), the Taraval Street Restaurant Subdistrict, and a 40-X Height and Bulk District. A rear portion of the property was authorized for Restaurant use in 2012; however, the use was abandoned as it stopped operating as a Bona-Fide Eating Place in 2014. In 2018, the restaurant expanded into the existing street facing beauty salon without the benefit of a permit. Therefore, the CUA is required to 1) re-establish Restaurant use and 2) legalize the change of use from Personal Service to Restaurant with the expansion greater than 25% of the existing use size. This project was reviewed under the Community Business Priority Processing Program (CB3P). This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).

Preliminary Recommendation: Approve with Conditions

SPEAKERS: None
 ACTION: Approved with Conditions
 AYES: Chan, Diamond, Fung, Imperial, Johnson, Koppel, Moore
 MOTION: 20754

C. COMMISSION MATTERS

7. Consideration of Adoption:
- [Draft Minutes for June 18, 2020 – Regular](#)
 - [Draft Minutes for June 25, 2020 – Closed Session](#)
 - [Draft Minutes for June 25, 2020 – Regular](#)

SPEAKERS: None
 ACTION: Adopted
 AYES: Chan, Diamond, Fung, Imperial, Johnson, Koppel, Moore

8. Commission Comments/Questions

President Koppel:

I wanted to just take a minute and recognize a recently passed away former member of the Commission, former President, Ron Miguel. Not only did he serve tirelessly on the

Commission, but also was very accessible and often gave input at the hearings even after he left the Commission representing the Dogpatch and -- very well the Dogpatch and Potrero Hill areas. I would like to hear what other commissioners might want to say.

Commissioner Moore:

I want to remember him fondly. I served with him for five years. He is an untiring urbanist and he will be greatly missed. His activism during and after his serving on the Commission was remarkable and I actually still talked to him when he frequented us at public comments at our commission hearings. In early March I talked with him when he was in perfect health and he was telling me about all his plans and was just as active and participatory as he always was. Beyond my acknowledgment of commissioner -- as commissioner, I would like to actually acknowledge staff for their remarkable work in making these virtual hearings possible. There is Chan, there is Christine, there is Genta and most obviously, the one we see, Jonas, himself. But behind the scenes there is a tremendous amount of work and I'm always with awed when this all comes together as smoothly as it does. Thank you to everybody.

Commissioner Johnson:

Thank you. I want to echo both my fellow commissioners and just wanting to take a moment to honor former Commissioner Ron Miguel. I got to collaborate with him on an event at SPUR in February entitled "Re-envisioning the Planning Commission" and in that meeting and in every other time I've ever had the opportunity to interact with him, I was just always struck by his real passion for our city, for our communities and for changes that need to be made. And for volunteering his time is really as, you know, community activist to deal with issues of land use and policy. I actually wanted to honor him by sharing some of the perspectives that he shared. The recommendations for this body and how it could be structured and work going forward as a way to improve on it. It's very rare that people have the perspective of being on the other side of the dais and I thought some of his ideas were really astute. And so, I won't be able to share them with the same spirit that he always was willing to share his perspectives on issues. But I just wanted to share a little bit.

So, he has started by talking about the role of the Planning Commission, how it started to out to advise and recommend the Mayor and the Board of Supervisors Departments. And deal with upholding the General Plan, issues of land use, current planning, transportation and so on and so forth. Then brought up an issue that many others that evening and even in public comment have come up frequently from people just on what happens in the system of planning when change needs to be initiated because we are this body that sits between the Board of Supervisors, the City Departments, the Mayor, Commissions, it often comes that there is a question of who initiates change. And the change in major of the Planning Commission is such that our case load has increased to a level at which it's incredibly hard to be proactive on the issues of policy and land use and initiating that change. And his charged really to us from place of being reactive to Board of Supervisors, to the mayor, to the departments, to being proactive in authoring and creating new legislation and new change. He had some ideas for maybe how even our seats and our terms could be changed. He thought that there are seven commissioners and that the City might be divided into seven Planning districts to spread out a representation. He was supportive and actually said twice during his presentation that he felt that there should be term limits of two 4-year terms. He felt really strongly that we should consider subcommittees. Committees for discretionary reviews, committees for legislature review

and committees for code changes. So that we could do both well. We could adjudicate DRs and we could make new legislative changes and code changes. And, of course, he talked about the challenge of enforcement given the way that we are configured right now. He talked a lot about feeling like the Planning Commission gets cases too late and that commissioners being engaged earlier on in the process from the beginning, early on projects, would be helpful in helping us to be proactive. So, in his honor and in that spirit, I just wanted to echo some ideas that we can all keep in mind and even consider what it would be like to implement some of those things in his honor. Thanks for letting me share that perspective.

Commissioner Moore:

Thank you, Commissioner Johnson, for bringing him back, literally right into the discussion, remarkable description. Thank you so much. May I ask in follow up on your comment and Commissioner Koppel's comment that we close tonight's meeting in his honor?

President Koppel:

Absolutely.

Commissioner Johnson:

I would like that, thank you.

Jonas P. Ionin, Commission Secretary:

I would like to express my condolences to his family and simply express that I was always in awe of how articulate he was and how grounded his comments were.

D. DEPARTMENT MATTERS

9. Director's Announcements

Rich Hillis, Planning Director:

Thank you, commissioners, I just wanted to do the same and recognize former Commissioner Ron Miguel and pass on the Department's condolences to his wife, kids and family. I got to know him over the last couple of decades working with him as he sat on the Commission here. I often presented as a city staff person before him, but also sought out his advice and guidance. I think from Commissioner Johnson's description, he always had great advice that was direct and concise and was to the point. It was implementable and I sought that out often. Even after I sat on the Commission, he set out his advice on how to be a good commissioner. He was tremendously respected by city staff and staff within the Planning Department. He helped shape the Market-Octavia Plan, the Eastern Neighborhood Plan, the Transit Center district when he was a commissioner. He had a keen understanding of San Francisco in our neighborhoods and will be sorely missed. Thank you, all for your comments. That concludes my report.

10. Review of Past Events at the Board of Supervisors, Board of Appeals and Historic Preservation Commission

Aaron Starr:

Good afternoon commissioners. Aaron Starr, Planning Department staff. I hope you all had a safe and restful 4th of July weekend. While you did not meet last week, the Board did. So, this week's report will cover both this and last week.

At last week's Land Use hearing, there were no Planning Department items. However, last week, the Small Business Commission considered Supervisor Peskin's ordinance that would codify the Planning Commission's CB3P program, institute the half feet for eligible CU applications and provide a refund for applicants if the item was not heard within 90 days. Lee Hepner from Supervisor Peskin's office was there to present the item to the Commission and I presented the Planning Commission's recommendation and rationale for the recommendation. Overall, the Commission was very supportive of Peskin's ordinance but was also sympathetic to the Planning Commission's recommendation at first. Commission questioned Lee about the need to codify an already successful program and on the limitations resulting from codifying the program. Mr. Hepner asserted that the Planning Commission's action actually endorsed the idea of codifying the program by recommending approval with modifications. I did correct the record and reiterate that the Commission's recommendation was in lieu of codifying the program. As further justification for the ordinance, Mr. Hepner cited two examples that both took an unusually long amount of time to reach on a hearing for a CU authorization. It was not clear if these projects would have been eligible for the CP3P program and why there was a delay, but these anecdotal examples did seem to persuade the Small Office Commission. Discussion then turned to the Planning Department's motive for not supporting the codification. After I attempted to defend the motives of department staff and the work we do, Commissioner Yekutieli countered by comparing the service provided from the Planning Information Counter to the DMV. Commissioner Adams then agreed with and gave his own less than flattering story about processing a CU with the Planning Department. The Commission ultimately decided to recommend approval of Supervisor Peskin's ordinance with the modification that 60-day extension period be removed to provide business owners with more certainty.

At the Full Board last week, the Board considered the CU appeal for the project at 1420 Taraval Street. The decision before them was whether to uphold or overturn the Planning Commission's approval of the conditional use authorization for the demolition of an existing 2100 sq ft, three-story single-family home and the construction of a new four-story mixed-use building with three dwelling units on the ground floor. The Planning Commission heard this item on January 30th and voted to approve the conditional use authorization, with the condition that the building's height be reduced from 45 ft to 42 1/2. The appellant raised four main issues under the Department's purview, in their written appeal. The first was that the proposed project is not consistent with the objectives 2 and 3 of the housing element or Planning Code section 101.1. The second issue was that the proposed project decreases naturally affordable housing in the Parkside District. The third issue was that the project destroys a rare historic resource and negatively impacts the look, the feel and character of the Parkside District. And finally, the project would block a property line window. Staff responded to each of these points in its presentation to the Board as did the project sponsor and his representative. All the comment was related towards to supporting the appeal with most comments are concerned about the loss of the building which they claimed was historic and the changing character of the Parkside

District. There are approximately four speakers in favor of the project, felt this is a great addition to the neighborhood and added housing in a thoughtful way. There are only a few questions from the Board. Notably, Supervisor Mar asked Planning's preservation staff how the Department's preservation standards account for historically working-class neighborhoods like the Parkside where building such fewer architectural character takes as a matter of economy. In the end, Supervisor Mar made a motion to uphold the CU and deny the appeal because the project helped address the housing crisis in San Francisco and was an appropriate development type for the neighborhood. Further, the benefits of creating three new family-sized units outweigh the loss of one single-family home. The motion passed 10-1, with Supervisor Peskin voting against it. Peskin did not make any remarks during the hearing that would indicate why he voted no on the motion.

This week, the Land Use Committee heard Supervisor Peskin's ordinance that would allow the expansion of the Central Station in the North Beach Neighborhood Commercial District. This Commission waived their opportunity to hear this item because it was so limited in scope. The item passed out of the Committee with a unanimous vote. There were no Planning items at this week's Board hearing. Finally, last week, Supervisor Peskin introduced a new ordinance that would fix an error caused by the Chinatown Reorganization Ordinance which passed last year. The Chinatown Reorg inadvertently prohibited non-retail professional services in the Chinatown Community Business District where before the reorganization, it was permitted. This ordinance will fix that error and allow the use on the second and third floors. Since this ordinance will fix an error caused by the Chinatown Reorganization Ordinance and the Commission recommendation when it passed that ordinance was to allow modifications that would maintain existing controls, staff has determined that this ordinance does not need to come before this Commission for a public hearing unless we hear otherwise from you today. In which case we would be happy to notice the item and bring it to you for your review and consideration. That concludes my report and I'm available for questions.

E. GENERAL PUBLIC COMMENT

SPEAKERS: Georgia Schuttish – Demo calcs, 311 notification
 Ozzie Rohm – Projects after SIP
 Yonathan Randolph – Demo calcs, tantamount to demolition

F. REGULAR CALENDAR

The Commission Hearing Procedures provide for presentations by staff; followed by the project sponsor team; followed by public comment for and against the proposal. Please be advised that the project sponsor team includes: the sponsor(s) or their designee, lawyers, architects, engineers, expeditors, and/or other advisors.

11. [2019-002743CRV](#) (X. LIANG: (415) 575-9182)
853 JAMESTOWN AVENUE – located on the south side of Jamestown Avenue at the intersection between Griffith Street and Jamestown Avenue, Lot 276 in Assessor's Block 4991 (District 10) – Request for **Concession/Incentive and Waiver from Development Standards**, pursuant to Planning Code Section 206.6 and California Government Code Section 65915 to pursue the State Density Bonus Law. The Project proposes new construction of 122 residential units in 20 buildings on a 6.87-acre vacant parcel along

Jamestown Avenue within the RH-2 (Residential- House, Two-Family) Zoning District and a 40-X Height and Bulk District. The unit size varies from 1,100 to 1,550 square feet, and each will contain two-or three-bedrooms. Most units will be three-story attached townhome-style condominiums with private garages at-grade. In total, the project will include approximately 169,332 square feet of residential use with 153 private vehicular parking spaces, 17 guest parking spaces, and 122 Class 1 and 8 Class 2 bicycle parking spaces. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).

Preliminary Recommendation: Approve Findings

SPEAKERS: = Xinyu Liang – Staff report
 + Jesse Blout – Project presentation
 + Elouise Patton – Support
 + Linda Fadeke Richardson – Adding value to area
 + Speaker – Support
 + Dr. Veronica Honeycutt – Support
 + Shirley Moore – Support
 + Sarah Gill – Response to questions
 = Rich Sucre – Response to questions
 ACTION: Adopted Findings as Amended by Staff
 AYES: Chan, Diamond, Fung, Imperial, Johnson, Koppel, Moore
 RESOLUTION: 20755

- 13a. [2019-000013CUA](#) (C. CAMPBELL: (415) 575-8732)
552-554 HILL STREET – north side of Hill Street, between Noe and Castro Streets; Lot 065 in Assessor’s Block 3622 (District 8) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 209.1, 303 and 317, to legalize the merger of two Residential Flats and the unauthorized removal and relocation of one dwelling unit to basement level within a RH-2 (residential- house, two family) Zoning District with 40-X Height and Bulk designation. The proposed project would also legalize an unauthorized rear building and deck expansion. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).

Preliminary Recommendation: Disapprove

(Continued from Regular hearing on June 11, 2020)

SPEAKERS: = Cathleen Campbell – Staff report
 + Ryan Patterson – Project presentation
 + Bob Roddick – Project presentation
 - Ozzie Rohm – Disapprove
 + Speaker – Reasonable
 = Corey Teague – Response to questions
 = Kate Stacey – Response to questions
 ACTION: Disapproved
 AYES: Chan, Imperial, Johnson, Moore
 NAYS: Diamond, Fung, Koppel
 MOTION: 20756

- 13b. [2019-000013VAR](#) (C. CAMPBELL: (415) 575-8732)
552-554 HILL STREET – north side of Hill Street, between Noe and Castro Streets; Lot 065 in Assessor’s Block 3622 (District 8) – Request for **Variance** from the Zoning Administrator to legalize the unauthorized removal & relocation of one dwelling unit to basement level, the horizontal building and deck expansion on an existing two-dwelling unit building. The existing building is non-conforming, and the unauthorized rear building and deck additions encroach approximately 11 feet 4 inches into the required rear yard and result in a rear yard of 28 feet 6 inches. Planning Code Section 134 requires the subject property to maintain a rear yard of 39 feet 10 Inches. Therefore, a rear yard variance is required. Planning Code Section 140 requires each dwelling unit to face on an open area meeting minimum dimensions. The relocated dwelling unit does not meet the minimum requirements. Therefore, an exposure variance is required. Planning Code Section 135 requires the subject project to provide 166 square feet of common usable open space for each dwelling unit. The relocated dwelling unit would not comply with the open space requirement. Therefore, an open space variance is required. The subject property is located within a RH-2 (Residential House, Two Family) Zoning District and 40-X Height and Bulk District.

(Continued from Regular hearing on June 11, 2020)

SPEAKERS: Same as item 13a.

ACTION: ZA Closed the PH and indicated an intent to Deny

ADJOURNMENT 2:58 PM - IN HONOR OF RON MIGUEL
ADOPTED JULY 23, 2020

August 10, 2020

VIA EMAIL AND HAND DELIVERY

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

Re: 552-554 Hill Street, Appeal Of Planning Commission's Denial Of Conditional Use Authorization Application.

Dear President Yee and Members of the Board of Supervisors:

Appellant Bob Roddick is a former San Francisco Firefighter who suffered a serious spinal injury in the line of duty. In 2004-2006, he made ADA upgrades to his home, with permits, to install a disability-related elevator (the "Project"). The Project involved interior alterations, including a reconfiguration of the Property's two dwelling units. His contractor was in charge of obtaining permits, and Mr. Roddick believed in good faith that all necessary permits had been obtained. The Project was inspected and finalized, and a Certificate of Final Completion and Occupancy ("CFC") was issued on March 29, 2006.

Mr. Roddick reasonably relied on the City's inspections and issuance of the CFC, which states that the Project "conforms both to the Ordinances of the City and County of San Francisco and to the Laws of the State of California." The City never told him another permit was required. Now, more than a decade later, an enforcement planner decided that a permit was overlooked and he must completely reconfigure his home. Even though he has a right to rely on the CFC as the final word on the Project's legality, Mr. Roddick filed an application for a CUA and variances in a spirit of compromise.

At the Planning Commission hearing, Mr. Roddick presented an *additional* compromise proposal, asking that the Commission approve the CUA, and the ZA approve the variances, on condition that a Notice of Special Restrictions be recorded on title requiring that rear-yard access be created for the lower unit when Mr. Roddick or his children eventually sell the property. This would allow Mr. Roddick and his tenant to continue living in the property without being displaced for major construction, and it would require expensive upgrades to be done within the foreseeable future – improving the downstairs unit and reducing or obviating the need for variances.

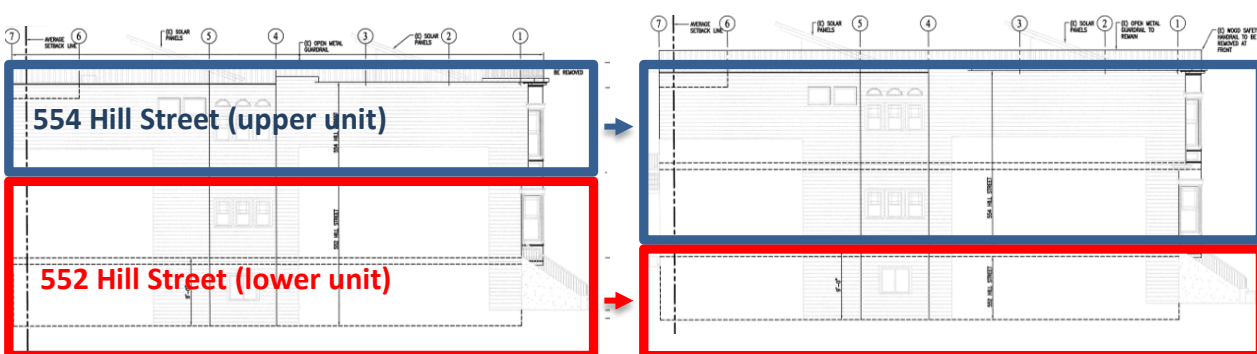
However, the Planning Commission, in a 4-3 vote, denied the Conditional Use Authorization application. The Appellant asks that the Board of Supervisors grant this appeal and grant Appellant’s application for Conditional Use Authorization.¹

I. FACTUAL BACKGROUND

The Subject Property contains three floors and two units.² Prior to the work in 2006, the 552 Hill Street unit occupied the first floor and second floor. The 554 Hill Street unit occupied the third floor. In or around 1984, the first floor was expanded to add three bedrooms and a bathroom (under Permit No. 8312504).

Mr. Roddick is a former San Francisco firefighter who sustained serious spinal injuries in the course of his work. These injuries are degenerative and life-limiting. On the advice of his doctor, Mr. Roddick applied for permits to install an elevator and reconfigure the Subject Property to ensure that he would be able to continue living there as his spinal condition progressed.

From 2003 – 2006, the Appellant’s contractors performed interior renovations to add an elevator at the Subject Property (the “Project”). The elevator work necessitated reconfiguring the unit locations, as follows:



As for most homeowners with no expert knowledge of the planning and building codes, The Appellant relied on the City to tell him what permits would be required, and relied on his contractor to obtain all the necessary permits. Numerous building, plumbing, and electrical permits were issued for this work, including:

¹ The Appellant refers to and incorporates herein by reference the material submitted to the Planning Commission in support of his application for Conditional Use Authorization (File No. 2019-000013CUA).

² The permits and plans for the Subject Property refer to: the bottom level as, variously, the “ground” or “basement” floor; the middle level as the “first” floor; and the top level as the “second” floor. For clarity, this letter refers to the ground/basement level as the “first” floor, the middle level as the “second” floor, and the top level as the “third” floor.

- a. Installation of three electric heaters “in basement unit” (Permit No. 200505313771, issued 5/31/2005).
- b. Installation of a water meter for the first floor. The Water Department Service Inspection Report (dated 12/16/2005) described the Subject Property as comprising a “two story upper unit (554 Hill St.)” and a “bsmt unit (552 Hill).”
- c. An electrical permit, which included the installation of a sub-panel in the living room of the first floor unit and 220 volt outlets in the first floor unit. This permit was described as permit was also obtained for the 220 volt electrical work to install a kitchen in the lower unit, described as a “total rewire of **basement** unit.” (Permit No. E200503244610, issued 3/24/2005).

All the permits associated with the Project were obtained by the Appellant’s contractors. These permits show that The Appellant and his contractors were correctly representing the work that was proposed at the Property. If they were trying to hide the unit reconfiguration, they would not have referred to a “basement unit” in the permit applications.

On March 29, 2006, DBI issued the CFC for the Subject Property in relation to Permit No. 200602285570, which warranted that the Project “conforms both to the Ordinances of the City and County of San Francisco and to the Laws of the State of California.” The CFC identifies the Subject Property as 552-554 Hill Street, with three stories, two dwelling units, and two cooking facilities. At the time the CFC was issued, the only cooking facilities at the Subject Property were located on the first floor and the second floor. The 552 Hill unit was on the first floor, and 554 Hill was on the second and third floors. Following completion of the Project, the second and third floors of the Subject Property were connected by the newly-installed elevator, with stops at the garage, and habitable second and third floors for 554 Hill. The first floor unit at 552 Hill was a separate unit, with a kitchen, full bath, laundry, and independent access to the street.

Importantly, an inspection undertaken in October 2018 by the District Electrical Inspector and the Senior Electrical Inspector Paul Ortiz found that the electrical elements in the lower unit at the Property – including the kitchen wiring – were all installed prior to the issuance of the CFC. This means that the CFC was issued based on the unit configuration that currently exists.

In short, there are two units at the Subject Property, and the reconfiguration of the units was authorized by law and permits in 2006. Even if there were some technical defect in the permit and plans, at every stage of the Project Mr. Roddick acted in good faith and in the belief that his contractors had obtained all necessary permits and that the Project plans were correct. And had any gaps in the permitting been identified in 2006, the Appellant could have rectified this without needing to file a Conditional Use application.

In March 28, 2018 the Planning Department issued a Notice of Enforcement, alleging that the Appellant had merged two units at the Subject Property and added a “third smaller unit in the rear yard.” The Appellant clarified that the second unit was on the first floor of the Subject

Property. The Planning Department then issued the NOV on June 7, 2018, which alleged that the two upper units had been merged, and a smaller replacement unit added on the first floor.

The Appellant sought a CUA for the work that was completed in 2006, in order to fill the gap in the permit history for the Property.

II. ARGUMENT

a. The Appeal Should Be Granted Because The Application Satisfies All Of The Findings For a Conditional Use Authorization

Section 317 of the Planning Code (which did not exist at the time the unit reconfiguration occurred) requires a CUA for a unit merger or removal. If a unit is relocated to elsewhere in the building (rather than removed), as occurred here, a CUA is required if the replacement unit is more than 25% smaller than the original unit. Although these requirements did not exist at the time the unit reconfiguration occurred, the Appellant brought the CUA to abate the NOV and ensure that all the work performed at the Property is correctly documented.

The Appellant's CUA application meets all applicable criteria for a residential merger, as follows:

Planning Code § 317(g)(2) Criteria:

(2) **Residential Merger.** *The Planning Commission shall consider the following criteria in the review of applications to merge Residential Units or Unauthorized Units:*

(A) *whether removal of the unit(s) would eliminate only owner occupied housing, and if so, for how long the unit(s) proposed to be removed have been owner occupied;*

This criterion is inapplicable. No unit has been removed, or is proposed to be removed, because the "removed" unit was relocated. In any event, both units were owner-occupied by the Applicant and his family members, who occupied the entire house, for at least fifty years prior to the Project.

(B) *whether removal of the unit(s) and the merger with another is intended for owner occupancy;*

This criterion is inapplicable. No unit has been removed, or is proposed to be removed. In any event, the Applicant continued to live in one unit following the Project. The second unit is currently leased to tenants. The Planning Commission's denial of the CUA means the Appellant is now required to **remove the tenant-occupied unit**, which could result in the tenants' displacement.

(C) *whether removal of the unit(s) will remove an affordable housing unit as defined in Section 401 of this Code or housing subject to the Residential Rent Stabilization and Arbitration Ordinance;*

This criterion is inapplicable. No unit has been removed, or is proposed to be removed. Both units are still subject to the Rent Ordinance.

(D) if removal of the unit(s) removes an affordable housing unit as defined in Section 401 of this Code or units subject to the Residential Rent Stabilization and Arbitration Ordinance, whether replacement housing will be provided which is equal or greater in size, number of bedrooms, affordability, and suitability to households with children to the units being removed;

This criterion is inapplicable. No unit has been removed, or is proposed to be removed. Both units remain subject to the Rent Ordinance. The number of bedrooms at the Property has been increased. The first unit now has five (rather than three) bedrooms, and the second unit has two bedrooms (as was previously the case).

(E) how recently the unit being removed was occupied by a tenant or tenants;

This criterion is inapplicable. No unit has been removed, or is proposed to be removed. In any event, the Property was not occupied by tenants prior to the Project, for a period of at least 50 years.

(F) whether the number of bedrooms provided in the merged unit will be equal to or greater than the number of bedrooms in the separate units;

The number of bedrooms in the relocated unit is the same as the number of bedrooms in the previous unit. There are now more bedrooms overall at the Property.

(G) whether removal of the unit(s) is necessary to correct design or functional deficiencies that cannot be corrected through interior alterations;

This criterion is inapplicable. No unit has been removed, or is proposed to be removed. In any case, the work was necessary to implement ADA upgrades at the Property, by installing a wheelchair-accessible elevator.

b. In Any Event, Conditional Use Authorization Should Not Have Been Required Because The Project Was Completed And A CFC Issued Before § 317 Was Enacted.

This is an unusual case because it involves the application of the current Planning Code to work that was completed, inspected, and signed off by the City, before § 317 was enacted. The NOV that led to this CUA application alleges a breach of Planning code § 317 because the “replacement unit” at the lower level is “more than 25% smaller than either of the original flats” at the Property. But § 317 did not exist in 2006, when the Project was completed and the CFC issued, so the Project could not have violated § 317 at that time. And as § 317 did not exist, the Appellant or his contractors could not have been attempting to circumvent it in 2003–2006.

It is “[a] basic canon of statutory interpretation is that statutes do not operate retrospectively unless the Legislature plainly intended them to do so.” (Western Security Bank v.

Superior Court (1997) Cal.4th 232, 243.) There is nothing in § 317 or the Planning Code evincing an intention by the City to apply § 317 retrospectively. Section 317 was not enacted until April 2008 (Ord. 69-08). Absent clear legislative intent, § 317 cannot be applied retrospectively to work that was approved by the City before its enactment. (Western Security Bank v. Superior Court (1997) Cal.4th 232, 243.)

Here, the unit reconfiguration was completed and the CFC issued prior to the enactment of Planning Code § 317. It appears that either the Appellant's contractors did not obtain all the required permits for the work, or that a permit has been misplaced in the city's systems. Six of the nine building permits associated with the work were not entered into the DBI system as complete until 2016, despite the fact final inspections had occurred, so it appears there may have been some gaps in how these permits were processed. In any case, at the time the units were reconfigured, § 317 did not exist, and no conditional use authorization would have been required. And as § 317 did not exist, the Appellant or his contractors could not have been attempting to circumvent it in 2003–2006.

Shortly before the Planning Commission hearing, Planning Department staff suggested that at the time the Project was completed, “a dwelling unit removal would have required a Mandatory Discretionary Review” for the Project. This is incorrect. The Mandatory DR policy only applied to the removal of a dwelling unit “through merger with another unit or its complete elimination.” Mr. Roddick's unit *reconfiguration* did not remove a unit. At that time, relocating a unit from one floor to another was not deemed a “removal” under the Code, even if the unit's size was reduced. Staff is mistakenly applying a new definition of unit removal (a 25% reduction threshold added to § 317 in 2008) to a 2003-2006 project. Even if the Mandatory DR policy somehow applied to the unit reconfiguration in 2003 (it did not), City staff never informed the Applicant or his contractor – despite being well aware of the Project's scope. If they had known there was a requirement, they would have complied with it.

The City's retroactive enforcement of § 317– more than a decade after the unit reconfiguration was completed – also violates the Appellant's substantive and procedural due process rights.

c. The City Is Barred By The Doctrines Of Equitable Estoppel And Laches From Requiring Appellant To Reverse The Unit Reconfiguration.

It is well-established that a public agency may be estopped from changing its position where a property owner has relied on the agency's conduct or representations, to his or her detriment. (City of Long Beach v. Mansell (1970) 3 Cal.3d 462.) Here, the City represented and warranted that the work performed at the Property, including the unit configuration, was Code-compliant. The Appellant relied on this representation, including the issuance of a Certificate of Final Completion *after* the unit reconfiguration was completed. He reasonably believed that the work at the Property was Code-compliant and that no additional permits were required. Had the Appellant been advised otherwise, he would have filed any additional permit applications requested by the City at the time, without needing to request Conditional Use Authorization

(because § 317 did not exist). It is inequitable for the City to now reverse its position, and would cause significant prejudice to the Appellant.

Similarly, the doctrine of laches can bar a public agency from enforcing its Code against a property owner if the agency has unjustifiably delayed in taking action, resulting in prejudice to the property owner. (*City and County of San Francisco v. Pacello* (1st Dist, 1978) 85 Cal. App. 3d 637.) Here, the City inspected the Property after the unit reconfiguration was completed and issued a CFC in 2006, which confirmed that this work “conforms both to the Ordinances of the City and County of San Francisco and to the Laws of the State of California.” If this were not the case, the City did not advise Appellant of this at the time, or at any point in the intervening years. The Appellant would suffer significant prejudice if he were forced to reverse the unit reconfiguration. The Appellant would be forced to perform expensive and lengthy construction work, which would displace the Appellant from the unit he has occupied for many decades.

Moreover, because the Appellant performed substantial work at his Property, in reliance on permits issued by the City, he has a vested right in maintaining the as-built conditions at his Property.

Having warranted that the work performed at the Property was Code-compliant, the City cannot now reverse its position by denying the Appellant’s application for Conditional Use Authorization.

d. The Planning Commission Violated The Brown Act And Sunshine Ordinance By Prohibiting A Member Of The Public From Speaking At The CUA Hearing.

The Brown Act (Gov. Code § 54950 et seq.) regulates the conduct of public meetings, including the right of members of the public to address government agencies. It is intended to facilitate public participation in *all* phases of local government decision-making, and to curb misuse of the democratic process. (*Chaffee v. San Francisco Library Com’n* (App. 1 Dist. 2004) 115 Cal.App.4th 461.) In relevant part, the Brown Act provides that the public must be given an opportunity to comment at a public hearing on matters relevant to the agenda, and that public agencies “shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body.” (Gov. Code § 54954.3(c).)

Similarly, the San Francisco Sunshine Ordinance provides that “[e]very agenda for regular meetings shall provide an opportunity for members of the public to directly address a policy body” and that a policy body (including the Planning Commission “shall not abridge or prohibit public criticism of the policy, procedures, programs or services of the City, . . . on any basis other than reasonable time constraints”

The Planning Commission has a policy of prohibiting members of a Project Sponsor’s team, including “Sponsor(s) or their designee, lawyers, architects, engineers, expeditors, and/or other advisors” from speaking during the public comment time period.³ Neither the Brown Act

³ San Francisco Planning Commission Hearing Rules and Regulations, Appendix A, § D(III)(b).

nor the Sunshine Ordinance authorizes this policy. Even if this policy were lawful, the Planning Commission wrongly applied it to prevent a member of the public, who is not a member of the Appellant’s project team, from speaking in support of the Appellant.

To wit, John Rohosky, the architect for the elevator and unit reconfiguration work in 2004–2006, sought to speak in support of the Appellant during the public comment period. (Hoffman Decl., ¶ 2.) Mr. Rohosky is not associated with the CUA application. He is not identified on the CUA paperwork as the project architect, or in any other capacity related the CUA application. However, out of an abundance of caution, the Appellant’s counsel confirmed prior to the hearing that Mr. Rohosky would be allowed to speak during the public comment period. (Hoffman Decl., ¶ 5.) The Planning Department confirmed that “John Rohosky must call the number and speak during public comment.” (Hoffman Decl., Exh. A.)

Mr. Rohosky’s testimony was particularly important because he would have explained the permits and inspection history for the elevator and unit reconfiguration work. In accordance with the Planning Department’s direction, Mr. Rohosky called into the hearing and sought to speak in support of the Appellant. He stated he “was the project architect for the Roddick family home” (Hoffman Decl., ¶ 8.) This is correct – Mr. Rohosky *was*, in the past, the architect for the Appellant’s elevator and unit reconfiguration project. The Planning Commission secretary apparently misunderstood this comment to mean that Mr. Rohosky was the architect of the CUA application and cut him off from speaking, stating “you’re part of the project team and your opportunity to speak was under the project sponsor’s presentation time.” (Hoffman Decl., ¶ 8.) Counsel for the Appellant immediately clarified that he had precleared this issue, and that Mr. Rohosky is “not associated with the project.” (Hoffman Decl., ¶ 8.) Despite this clarification, the Planning Commission did not allow Mr. Rohosky to resume speaking.

As noted above, the Brown Act and the Sunshine Ordinance state that members of the public must be given an opportunity to comment at a public hearing on matters relevant to the agenda. The Planning Commission violated the Brown Act and Sunshine Ordinance because it refused to allow Mr. Rohosky, as a member of the public, from speaking in support of the Appellant. In doing so, the Commission also violated the Appellant’s due process and fair hearing rights.

III. CONCLUSION

The Appellant respectfully requests that the Board of Supervisors grant this appeal and allow the Conditional Use Authorization application.

Very truly yours,

ZACKS, FREEDMAN & PATTERSON, PC

/s/ Sarah M.K. Hoffman
Sarah M. K. Hoffman

1 I, Sarah M. K. Hoffman, declare as follows:

2 1. I am an attorney at Zacks, Freedman & Patterson, PC, the firm hired to
3 represent Robert Roddick (the “Appellant”) in this appeal. I make this declaration based
4 on facts personally known to me, except as to those facts stated on information and
5 belief, which facts I believe to be true.

6 2. On information and belief, John Rohosky was the architect for the elevator
7 and unit reconfiguration work that was undertaken at the Appellant’s property in 2004–
8 2006.

9 3. Mr. Rohosky attempted to speak in support of the Appellant during the
10 public comment period at the Planning Commission’s hearing of the Appellant’s
11 application for Conditional Use Authorization, held on July 9, 2020 (the “July
12 Hearing”).

13 4. Mr. Rohosky is not associated with the CUA application. He is not
14 identified on the CUA paperwork as the project architect, or in any other capacity related
15 the CUA application.

16 5. Prior to the July Hearing, I emailed the Planner, Cathleen Campbell, to
17 confirm that Mr. Rohosky would be allowed to speak in support of the Appellant during
18 the public comment period.

19 6. Ms. Campbell responded to confirm that “John Rohosky must call the
20 number and speak during public comment.” (A true and correct copy of my email
21 exchange with Ms. Campbell is attached hereto as **Exhibit A.**)

22 7. On August 7, 2020, I reviewed the hearing video for the July Hearing. In
23 particular, I watched the public comment period for agenda item Nos. 13a and 13b
24 (which were heard together). All quotes from the July Hearing contained herein are
25 based on my transcription of the hearing video.

26 8. From 1:28:07 of the hearing video, the following exchange occurs between
27 John Rohosky (“JR”), Commission Secretary Jonas Ionin (“JI”), and counsel for the
28 Appellant, Ryan Patterson (“RP”).

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JR: Good evening, good afternoon Commissioners. I'm John Rohsoky, I was the project architect for the Roddick family home on Hill Street. I've known Bob Roddick and his family for over 30 years as the architect and . . .

JJ: Sir, Sir. You're part of the project team and your opportunity to speak was under the project sponsor's presentation time. Let's go to the next caller.

RP: If I may add, we precleared that issue. He is not the architect for this project.

JJ: Thank you Mr. Patterson.

9. Following this exchange, the Planning Commission did not allow Mr. Rohosky to resume speaking.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this was executed on August 10, 2020.



Sarah M. K. Hoffman Esq.

EXHIBIT A

Sarah Hoffman

From: Campbell, Cathleen (CPC) <cathleen.campbell@sfgov.org>
Sent: Wednesday, June 10, 2020 7:21 PM
To: Sarah Hoffman
Cc: Washington, Delvin (CPC)
Subject: RE: Residential Flat Policy - 552/554 Hill
Attachments: DU Removal App_Rental History .pdf; DURemoval_SupplementalApplication.pdf

Importance: High

Hi Sarah,
Dwelling Unit Removal Application-
Please find attached Dwelling Unit Removal Application.

Email-
I need a confirmed email ASAP.
Only one person may present at the hearing.

Slideshow-
I also need the slideshow for the hearing.
I will be sharing my screen during the hearing with the slideshow.
I will have to coordinate with you on when to turn the slide.
If you do not wish to provide a slideshow you will not be able use a slideshow during the hearing.

John Rohosky must call the number and speak during public comment.

Stream: <https://sfgovtv.org/planning> – Public Comment: Toll Free: 1-888-273-3658 / Access Code: 3107452

Katy

Cathleen Campbell, Planner
Southwest Team, Current Planning Division
San Francisco Planning Department
1650 Mission Street, Suite 400 San Francisco, CA 94103
Direct: 415.575.8732 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: Sarah Hoffman <sarah@zfplaw.com>
Sent: Wednesday, June 10, 2020 6:39 PM
To: Campbell, Cathleen (CPC) <cathleen.campbell@sfgov.org>
Cc: Washington, Delvin (CPC) <delvin.washington@sfgov.org>
Subject: Re: Residential Flat Policy - 552/554 Hill

Thanks Katy. We are agreeable to moving forward with the hearing tomorrow and do not intend to seek a continuance.

Please see attached the lease (which has been redacted for privacy reasons) and, per your request today, the revised CU page. The only page I could find that refers to the tenancy status was under the Priority General Plan Findings for the PRJ, so I've revised this. Feel free to call me if you need anything else!

Finally, John Rohosky would like to submit a public comment in support of this application. As he is not on the team for this project, will it be okay for him to speak in the public comment section of the hearing?

Best,

Sarah

From: Campbell, Cathleen (CPC) <cathleen.campbell@sfgov.org>
Sent: Wednesday, June 10, 2020 1:41:12 PM
To: Sarah Hoffman
Cc: Washington, Delvin (CPC)
Subject: Re: Residential Flat Policy - 552/554 Hill

Hi Sarah,

Will you be moving forward with the request for continuance?

Proof of tenancy-

When will you update the dwelling unit removal application?

When will you forward the lease agreement?

Katy

Cathleen Campbell, Planner
Southwest Team, Current Planning Division

San Francisco Planning Department
1650 Mission Street, Suite 400 San Francisco, CA 94103
Direct: 415.575.8732 | www.sfplanning.org

The Planning Department is open for business during the Shelter in Place Order. Most of our staff are working from home and we're available by e-mail. Our Public Portal, where you can file new applications, and our Property Information Map are available 24/7. The Planning Commission is convening remotely and the public is encouraged to participate. The Board of Appeals and Board of Supervisors are accepting appeals via e-mail despite office closures. All of our in-person services at 1650 and 1660 Mission Street are suspended until further notice. Click here for more information.

From: Sarah Hoffman <sarah@zfplaw.com>
Date: Wednesday, June 10, 2020 at 1:25 PM
To: "Campbell, Cathleen (CPC)" <cathleen.campbell@sfgov.org>
Subject: Residential Flat Policy - 552/554 Hill

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi Katy,

Thanks for your time on the phone this morning. Would you mind sending me a copy of the Residential Flat Policy you mentioned on our call?

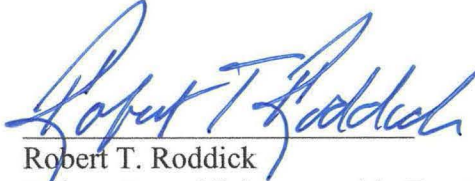
Thanks,

Sarah

August 7, 2020

I hereby authorize the attorneys of Zacks, Freedman & Patterson, PC to file an appeal against the Planning Commission's denial of my application for conditional use authorization in relation to Case No. 2019-000013CUA (552-554 Hill Street, San Francisco) on my behalf.

Very truly yours,



Robert T. Roddick
Robert T. Roddick Revocable Trust
552-554 Hill Street, San Francisco

| DATE | DESCRIPTION | INVOICE # | CHECK | | NET AMOUNT |
|------------|--|-----------|--------|-----------|------------|
| | | | AMOUNT | DEDUCTION | |
| 08/10/2020 | San Francisco Planning Department CUA Appeal 552-554 Hill (42901.001) | 42636.001 | 640.00 | | 640.00 |

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| CHECK DATE | CONTROL NUMBER | TOTALS ▶ | Gross: | 640.00 | Ded: | 0.00 | Net: | 640.00 |
| 08/10/2020 | 23303 | | | | | | | |

ZACKS, FREEDMAN & PATTERSON
A PROFESSIONAL CORPORATION
235 MONTGOMERY STREET, SUITE 400
SAN FRANCISCO, CA 94104
(415) 956-8100

FIRST REPUBLIC BANK
SAN FRANCISCO, CA 94111
11-8166/3210

23303

DATE
08/10/2020

AMOUNT
****\$640.00

PAY

*** SIX HUNDRED FORTY & 00/100 DOLLARS

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



AUTHORIZED SIGNATURE

MEMO: CUA Appeal 552-554 Hill (42901.001)

From: [Starr, Aaron \(CPC\)](#)
To: [BOS Legislation, \(BOS\)](#); [Somera, Alisa \(BOS\)](#)
Cc: [Bintliff, Jacob \(BOS\)](#)
Subject: 552 Hill Street Appeal Response
Date: Monday, September 14, 2020 11:48:21 AM
Attachments: [2019-000013CUA - 552-554 Hill Street Planning Appeal Response\[2\].pdf](#)

Attached, please find the Planning Department's response to the CU appeal for 552-554 Hill street.

Thanks,

Aaron Starr, Manager of Legislative Affairs

Legislative Affairs

San Francisco Planning

PLEASE NOTE MY NEW ADDRESS AND PHONE NUMBER AS OF AUGUST 17, 2020:

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: +1628-652-7533 | sfplanning.org

[San Francisco Property Information Map](#)

IN ORDER FOR US TO MOVE, OUR OFFICE WILL BE CLOSED WITH NO ACCESS TO PHONES OR E-MAIL ON THURSDAY, AUGUST 13 and FRIDAY, AUGUST 14, 2020. WE APPRECIATE YOUR PATIENCE.

Due to COVID-19, San Francisco Planning is not providing any in-person services, but we are operating remotely. Our staff are available by e-mail, and the Planning and Historic Preservation Commissions are convening remotely. The public is encouraged to participate. Find more information on our services [here](#).



CONDITIONAL USE AUTHORIZATION APPEAL

552-554 HILL STREET

DATE: September 13, 2020
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Rich Hillis, Planning Director – Planning Department (415) 558-6411
Cathleen Campbell, Case Planner – Planning Department (628) 652-7387
RE: Board File No. 200942, Planning Case No. 2019-000013CUA
Appeal of Conditional Use Authorization for 552-554 Hill Street
HEARING DATE: September 22, 2020
PROJECT SPONSOR: Sarah Hoffman, 235 Montgomery Street, Suite 400, San Francisco, CA 94104
APPELLANTS: Robert T Roddick Revocable Trust, 554 Hill Street, San Francisco, CA 94114

INTRODUCTION

This memorandum and the attached documents are a response to the letters of appeal to the Board of Supervisors (“Board”) regarding the Planning Commission’s (“Commission”) disapproval of the application for Conditional Use Authorization under Planning Department Case Number 2019-000013CUA pursuant to Planning Code Sections 209.1 (RH-2 Residential House Two-Family), 303 (Conditional Use Authorization) and 317 (Demolition), to allow the legalization of a dwelling unit merger of two residential flats and unauthorized removal and relocation of one dwelling unit to basement level.

This memorandum addresses the appeal to the Board, filed on August 10, 2020 by Sarah M. K. Hoffman, representing Bob Roddick.

The decision before the Board is whether to uphold the Planning Commission’s disapproval of an application for Conditional Use Authorization to allow the legalization of a dwelling unit merger of two residential flats and unauthorized removal and relocation of one dwelling unit to basement level, or to overturn that disapproval and adopt such conditions as are in its opinion necessary to secure the objectives of the Planning Code.

SITE DESCRIPTION & PRESENT USE

The project site is located on the north side of Hill Street, between Castro and Noe Streets, Assessor’s Block 3622 and Lot 065. The project site currently contains a 2-story over basement residential building likely constructed with two residential flats circa 1904. The Report of Residential Building Record indicates that the legal authorized occupancy and use is a two-unit dwelling. The 2,850 square foot subject lot measures 25 feet wide by 114 feet deep.

Between 2003 through 2006, the project sponsor sought multiple building permit applications (BPA# 200405053052, 200312313258, 200503288499, 200505313771, & 200602285570) to install an elevator to access the third-floor unit (#554) from the garage. These permits did not address unit merger, removal or relocation of kitchen facilities, or removal and relocation of the basement unit. Between 2003 through 2006 the permitted scope of work was exceeded to include a residential flat merger, the removal of a the kitchen from the third floor, the relocation of the removed dwelling unit to the ground floor behind the garage, the expansion of the building at the second and third floor, the addition of spiral stairs to the roof, and the addition of decorative railing at the façade.

The large unit has the appearance of a two-family dwelling from the street with two entry doors at the second floor. The relocated unit on the ground floor unit has direct access to the street from a gate and side yard; however the unpermitted relocated unit is substandard to the Planning Code. The removed and relocated unit no longer has access to the rear yard common open space and does not face onto a qualifying open area meeting minimum exposure dimensions. The ground floor unit is currently occupied by a tenant who signed a lease on March 25, 2019, after the Conditional Use application to legalize the units was submitted to the Planning Department. The CU application indicated the ground floor unit was vacant.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject property is located within the Noe Valley neighborhood and District 8. Parcels within the immediate vicinity consist of residential single-, two-, three and some four-family dwellings of varied design and construction dates.

PROJECT DESCRIPTION

The project sponsor seeks Conditional Use Authorization, pursuant to Planning Code Sections 209.1, 303, and 317, to allow the legalization of a dwelling unit removal and residential flat merger of the 1,509 square foot, two-bedroom, one-bath dwelling unit (#554) with the 2,432 square foot, three-bedroom, two and a half- bath dwelling unit (#553) . The Project sponsor also seeks to legalize the interior reconfiguration that resulted in the creation of one 3,054 square foot, five bedroom three and a half-bath dwelling unit (#554) and relocation of one 815 square foot dwelling unit (#552), with two bedrooms and one-bath, to the ground floor behind the garage. A variance was sought from the rear yard requirement (Planning Code Section 134) to legalize an unauthorized building expansion at the third floor, decks and stairs constructed in a required setback without permit. The removed and relocated unit no longer has access to the rear yard common open space and does not face onto a qualifying open area meeting minimum exposure dimensions.

BACKGROUND

On February 14, 2018, an anonymous complaint was filed stating the property was listed for sale as a single-family residence.

On February 28, 2018, the Planning Department sent a Notice of Complaint to inform the owner about the complaint. No action was taken by the property owner. The Planning department found the property in violation of Planning Code Section 317.

On March 28, 2018, the Planning Department sent the owner a Notice of Enforcement, informing of the violation and the abatement process.

On June 7, 2018, a Notice of Violation was issued for the Planning Code Violations.

On June 15, 2018 the project sponsor filed an Appeal of the notice of violation.

On January 9, 2019, Planning enforcement staff made a site visit to the property and confirmed that the ground floor unit was vacant.

On March 8, 2019, Sarah Hoffman filed Application No. 2019-000013CUA with the Planning Department for a Conditional Use Authorization to legalize the merger of two residential flats and legalize the unauthorized dwelling unit removal and relocation. The application stated that the ground floor unit was vacant.

On March 25, 2019 a tenant signed a lease for the ground floor unit.

On April 17, 2019 the Board of Appeals moved to continue the hearing to allow the project sponsor to pursue a Conditional Use Authorization to legalize dwelling unit merger.

On July 9, 2020, the Planning Commission heard the proposed Conditional Use application for 552-554 Hill Street. After the applicant's presentation, and taking public comment, the Planning Commission then voted four to three to disapprove the project, with Commissioner Diamond, Commissioner Fung, Commissioner Koppel against the disapproval.

CONDITIONAL USE AUTHORIZATION REQUIREMENTS

Planning Code Section 303 establishes criteria for the Commission to consider when reviewing all applications for Conditional Use approval. To approve the project, the Commission must find that these criteria have been met:

1. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community; and
2. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
 - a. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
 - b. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;
 - c. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
 - d. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and
3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.
4. That such use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Use District.

In addition, Planning Code Section 317 sets forth the following additional criteria that the Planning Commission shall consider in the review of applications for to merge Residential Units or Unauthorized Units:

1. Whether removal of the unit(s) would eliminate only owner-occupied housing, and if so, for how long the unit(s) proposed to be removed have been owner occupied;
2. Whether removal of the unit(s) and the merger with another is intended for owner occupancy;
3. Whether removal of the unit(s) will remove an affordable housing unit as defined in Section 401 of this Code or housing subject to the Residential Rent Stabilization and Arbitration Ordinance;
4. If removal of the unit(s) removes an affordable housing unit as defined in Section 401 of this Code or units subject to the Residential Rent Stabilization and Arbitration Ordinance, whether replacement housing will be provided which is equal or greater in size, number of bedrooms, affordability, and suitability to households with children to the units being removed;
5. How recently the unit being removed was occupied by a tenant or tenants;
6. Whether the number of bedrooms provided in the merged unit will be equal to or greater than the number of bedrooms in the separate units;
7. Whether removal of the unit(s) is necessary to correct design or functional deficiencies that cannot be corrected through interior alterations;
8. The appraised value of the least expensive Residential Unit proposed for merger only when the merger does not involve an Unauthorized Unit.

APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES

ISSUE 1: The appeal should be granted because the application satisfies all of the findings for a Conditional Use Authorization

Section 317 of the Planning Code (which did not exist at the time the unit reconfiguration occurred) requires a CUA for a unit merger or removal. If a unit is relocated to elsewhere in the building (rather than removed), as occurred here, a CUA is required if the replacement unit is more than 25% smaller than the original unit. Although these requirements did not exist at the time the unit reconfiguration occurred, the Appellant brought the CUA to abate the NOV and ensure that all the work performed at the Property is correctly documented.

Appellant argues that its CUA meets all applicable criteria for a residential merger.

RESPONSE 1: The appeal should not be granted because the application does not satisfy the findings for a Conditional Use Authorization

In passing resolution 20756, the Planning Commission determined the proposal does not satisfy the requirements of Planning Code 317 and is inconsistent with the General Plan. In addition, the unpermitted relocated unit is not code compliant. The only permits obtained by the owner allowed installation of an elevator to make the property wheelchair accessible. The unauthorized work in excess of permits, including removal of a code compliant family sized residential flat, was not necessary to install an elevator for wheelchair accessibility.

A code compliant residential flat was removed from the third floor without permit. The General Plan recognizes that existing housing is the greatest stock of rental and financially accessible residential units and is a resource in

need of protection. 'Residential Flats' are a common San Francisco housing typology, in which a single dwelling unit, generally occupying an entire story of a building, has exposure onto open areas at the front and rear of its property. This type of unit configuration satisfies a number of housing needs, particularly for middle income families. On October 12, 2017 the Commission adopted a Policy under resolution 20024 requiring a Mandatory Discretionary Review for the removal of a Residential Flat.

The unauthorized relocated unit behind the garage no longer meets the minimum standards of the Planning Code. Although the number of bedrooms proposed remains the same, the unpermitted relocated unit is not suitable because it lacks proper exposure and does not have access to usable open space.

An elevator was approved under Permit 2003.12.31.3258 without an interior reconfiguration. A dwelling unit merger, as defined under Planning Code Section 317, is not required for the elevator installation or wheelchair access to the residential flats. Similarly, the unpermitted unit reconfiguration is not required to correct design or functional deficiencies within the building. Further, Planning Code Section 305.1 establishes a process for making and acting upon requests for reasonable modifications according to the Federal Fair Housing Act, the Americans with Disabilities Act, and the California Fair Employment and Housing Act, the relocation of a code compliant dwelling unit to a substandard location deficient of the minimum planning code requirements is not a reasonable modification for the installation of an elevator.

ISSUE 2: In any event, Conditional Use Authorization should not have been required because the project was completed, and a CFC issued before § 317 was enacted.

Appellant argues that this is an unusual case because it involves the application of the current Planning Code to work that was completed, inspected, and signed off by the City, before § 317 was enacted. Appellant notes that § 317 did not exist in 2006, when the Project was completed and the CFC issued, so he argues that the Project could not have violated § 317 at that time. And, as § 317 did not exist, the Appellant or his contractors could not have been attempting to circumvent it in 2003–2006.

Appellant further asserts that either his contractors did not obtain all the required permits for the work, or that a permit has been misplaced in the city's systems. According to the project sponsor six of the nine building permits associated with the work were not entered into the DBI system as complete until 2016, despite the fact final inspections had occurred.

Appellant disagrees with the Department's assertion that Mr. Roddick's removal of a unit would have required a Mandatory Discretionary Review and asserts that the City's enforcement of § 317– more than a decade after the unit reconfiguration was completed – also violates the Appellant's substantive and procedural due process rights.

RESPONSE 2: Appellant has failed to offer any proof that permits were issued for the Dwelling Unit Merger, Removal, and Relocation. Moreover, Appellant does not dispute that the Relocated unit fails to meet the minimum requirements of the Planning Code.

Appellant argues that the proposal involves work that was completed, inspected, and signed off by the City. As stated within the Planning Notice of Violation issued June 7, 2018, the responsible parties must provide adequate evidence to demonstrate that no violation exists through proof of permit. No proof of permit has been provided

for the rear expansions or dwelling unit removal and relocation. Moreover, pursuant to Planning Code Section 175, no application, permit or license shall be approved or issued by any City department for the construction, reconstruction, enlargement, alteration, relocation or occupancy of any structure if the construction or other activities that would be authorized by the requested permit or license would not conform in all respects to the Planning Code, or if the structure or any feature thereof is designed, constructed, arranged, maintained or intended to be used for a purpose or in a manner contrary to the provisions of the Planning Code. Further, pursuant to Planning Code Section 176, should any permit or license have been issued that was not then in conformity with the provisions of this Code, such permit or license shall be null and void. No permit was ever approved or issued by any other City department for the construction, reconstruction, enlargement, or unit relocation. The Planning Department determines this work as unpermitted and in Violation of the Planning Code.

The Appellant argues, without support, that the work exceeding the scope of the issued permits was not subject to Planning Department review between 2003-2006. Between 2003-2006, if a permit was sought for an interior unit reconfiguration, Planning staff would have reviewed the proposal to ensure the dwelling unit relocation met the minimum requirements of the Planning Code. There is no evidence Planning staff reviewed or approved a dwelling unit removal or reconfiguration. There is no evidence the Building Department reviewed or approved a dwelling unit removal or reconfiguration without Planning Department review. A code complying residential flat was removed from the third floor without the benefit of a permit. The unpermitted relocated unit does not meet the minimum requirements of the Planning Code. Between 2003-2006, a dwelling unit removal would have required a Mandatory Discretionary Review, per Planning Commission Resolution No. 16053. The unpermitted relocated unit could not have been approved without variances for open space and exposure. In addition, the building and deck were expanded into the required rear yard without permit. Between 2003-2006, the unpermitted building and deck expansions would have required a rear yard variance and Planning Code Section 311 Neighborhood Notice.

An issued Certificate of Completion for building permit 2003.12.31.3258 and associated revision permits do not constitute the legalization of work exceeding that permitted scope of work. Rather, projects must be reviewed according to the Planning Code provisions in effect at the time of project applications. Here, the relevant application is the application to legalize unpermitted work pursuant to a Conditional Use Authorization. Since Planning Code Section 317 is currently applicable to the merger or removal of residential units, it applies to the project.

ISSUE 3: The City is barred by the doctrines of equitable estoppel and laches from requiring appellant to reverse the unit reconfiguration.

Appellant asserts that the City may be estopped from changing its position because Appellant has relied on the City's conduct or representations, to his detriment. Specifically, Appellant argues that by issuing a CFC, the City represented and warranted that the work performed at the Property, including the unit configuration, was Code-compliant.

Appellant also argues that the City inspected the Property after the unit reconfiguration was completed and issued a CFC in 2006, which confirmed that this work "conforms both to the Ordinances of the City and County of San Francisco and to the Laws of the State of California." As a result, Appellant argues that the City is barred by the doctrine of laches from enforcing the Planning Code against Appellant's project.

Finally, Appellant argues that because he performed substantial at his Property, in reliance on permits issued by the City, he has a vested right in maintaining the as-built conditions at his Property.

RESPONSE 3: The Certificate of Final Completion did not legalize work performed in excess of issued permits, or obligate the City to identify such exceedance of permits. Moreover, Appellant has no vested rights in work that was not contemplated or permitted by the legally issued permits.

Appellant incorrectly argues that, by issuing a CFC, the Department of Building Inspection on behalf of the City represented that Appellant's project conformed with City law in all respects. But section 109A of the City's Building Code specifically provides that "issuance of a certificate of final completion and occupancy or an amended certificate of final completion and occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction." As noted above, in 2003, a dwelling unit removal would have required a Mandatory Discretionary Review, per Planning Commission Resolution No. 16053. The current unpermitted relocated unit could not have been approved without variances for open space and exposure. In addition, the building and deck were expanded into the required rear yard without permit. In 2003, the unpermitted building and deck expansions would have required a rear yard variance and Planning Code Section 311 Neighborhood Notice. The issuance of a CFC did not legalize work that was performed in violation of the Planning Code.

Similarly, Appellant is incorrect in arguing that he has obtained a vested right by incurring costs to perform work in excess of the scope of his validly issued permits. The California Supreme Court has explained that "[t]he doctrine of vested rights ... states that a property owner who, in good faith reliance on a government permit, has performed substantial work and incurred substantial liabilities has a vested right to complete construction under the permit and to use the premises *as the permit allows*." (*Communities for a Better Env't v. South Coast Air Quality Dist.*, (2010) 48 Cal. 4th 310, 323 (emphasis added)) But Appellant seeks vested rights in work beyond what the permits allowed. No California case recognizes such a right. In fact, Appellant's argument would encourage property owners to violate the terms of validly issued permits by performing work exceeding their scope.

ISSUE 4: The Planning Commission violated the Brown Act and Sunshine Ordinance by prohibiting a member of the public from speaking at the CUA hearing.

Appellant argues that the Planning Commission has a policy of prohibiting members of a Project Sponsor's team, including "Sponsor(s) or their designee, lawyers, architects, engineers, expeditors, and/or other advisors" from speaking during the public comment time period,³ and that this policy violates both the Brown Act and the San Francisco Sunshine Ordinance. Moreover, Appellant argues that, even if this policy were lawful, the Planning Commission wrongly applied it to prevent a member of the public, who is not a member of the Appellant's project team (John Rohosky), from speaking in support of the Appellant.

RESPONSE 4: The Planning Commission did not violate the Brown Act and Sunshine ordinance by prohibiting Mr. Rohosky from speaking at the CUA hearing.

The Planning Commission did not violate the Brown Act or Sunshine Ordinance. Prior to the hearing, the Project sponsor stated in an email that Mr. Rohosky was not part of the Project Sponsor's team; however, during the public comment period, Mr. Rohosky introduce himself as the project architect. Public comment period is

reserved for members of the public to express support or concern for the project. It is not available for members of the Project Sponsor's team to present additional information on behalf of the Project.

If Mr. Rohosky was a member of the public who was not on the project team, but wished to speak in support of the project, his comment would have been heard during the time allotted for public comment in support of the project. Appellant acknowledges that Mr. Rohosky's proposed testimony included a presentation to "explain permits and inspection history for the elevator and unit reconfiguration work." As such, Mr. Rohosky was clearly proposing to speak as part of the Project Team, and the appropriate time for him to offer comments was during the period of time allotted to the Project Team, not during general public comment on the project. As usual, the Commission Secretary allotted the Project Sponsor's Team 5 minutes to present the project proposal to the Planning Commission. The Project Sponsor's team exceeded the 5-minute presentation timeframe without Mr. Rohosky's testimony. The Project Team was not entitled to additional time for Mr. Rohosky to speak at the hearing. Nonetheless, Mr. Rohosky's testimony was included in the commission packet in the form of a letter. This letter was also made available to the public.

CONCLUSION

For the reasons stated in this document, in the attached Resolution, and in the Planning Department case file, the Planning Department recommends that the Board uphold the Planning Commission's decision disapproving the Conditional Use Authorization to allow the legalization of a dwelling unit merger of two residential flats and unauthorized removal and relocation of one dwelling unit to basement level, and deny the requests from Appellants to overturn or modify the Commission's decision.



SAN FRANCISCO PLANNING DEPARTMENT

Memo to the Planning Commission Conditional Use

Hearing Date: July 9, 2020

CONTINUED FROM: March 5, 2020; JUNE 11, 2020

Record No.: 2019-000013CUAVAR
Project Address: 552- 554 Hill Street
Zoning: RH-2 (Residential, House, Two-Family) Zoning District
40-X Height and Bulk District
Block/Lot: 3622/065
Project Sponsor: Sarah Hoffman
Zacks, Freedman & Patterson, PC
235 Montgomery Street, Suite 400
San Francisco, CA 94104
Staff Contact: Cathleen Campbell – (415) 575-8732
Cathleen.campbell@sfgov.org
Recommendation: **Disapproval**

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BACKGROUND

At the March 5, 2020 Planning Commission hearing, the Planning Commission continued the request for Conditional Use Authorization, as initiated by the project sponsor. Prior to the hearing, March 5, 2020, the project sponsor informed staff of a tenant within the unpermitted relocated unit. Staff requested proof of tenancy and for the Conditional Use applications to be updated. Enforcement staff confirmed unit vacancy through a site visit prior to submittal of the Conditional Use Application. Prior to the June 11th, 2020 Commission hearing, a letter from the tenant was emailed to the Commissioners by the Project Sponsor. At the June 11th, 2020 Planning Commission hearing, a motion for continuance by the Commission was granted, by request of the project sponsor, due to the property owner's medical emergency. Since the continuance from the June 11th, 2020 hearing, the sponsor has provided the tenant lease agreement, an updated Priority General Plan Policies Findings, and updated Dwelling Unit Removal: Merger, Informational and Supplemental Application Packet. The project sponsor requested the reconsideration for Recommendation for Denial by the Planning Department based on the tenant occupancy.

TENANCY TIMELINE

February 14, 2018 - Anonymous complaint filed/MLS Listing
March 28, 2018 - Notice of Enforcement
August 15, 2018 - Enforcement Planner Site Visit
June 7, 2018 - Notice of Violation
June 15, 2018- Notice of Violation Appealed
January 9, 2019 – Enforcement Planner Site Visit- Confirmed Vacancy within Unpermitted Relocated Unit
April 17, 2019 – Notice of Violation Appeal Hearing Placed on Hold
March 8, 2019 - CUA Filed – Applications State unit Vacant
March 25, 2019 - Tenant Lease Signed
January 29, 2020 - Variance Filed

March 5, 2020- Planning Commission Hearing Continued by request of Project Sponsor due to tenant
June 2, 2020- Letter from tenant provided
June 11, 2020- Planning Commission Hearing Continued by request of Project Sponsor due to owner
medical emergency

ANALYSIS & RECOMMENDATION FOR DENIAL

The Planning Department does not change the Recommendation for Denial despite the lease of the unauthorized unpermitted relocated unit. The property owner leased the unauthorized relocated unit after the Notice of Violation was issued and after the Conditional Use application was filed. The unpermitted relocated unit is substandard to the Planning Code. The removed and relocated unit no longer has access to the rear yard common open space and does not face onto a qualifying open area meeting minimum exposure dimensions. A variance is being sought from the open space requirement (Planning Code Section 135) and exposure requirement (Planning Code Section 140). The Zoning Administrator will consider the variance request following the Planning Commission's consideration of the request for Conditional Use Authorization. In order for the unauthorized relocated unit to be legalized, both the Conditional Use Authorization and Variances must be granted. If either the Variance Request or Conditional Use Authorization is denied the unit may not be legalized as proposed. The unpermitted relocated unit may not be converted into an Accessory Dwelling Unit. If the project is denied, the applicant may continue to pursue the Notice of Violation appeal. If the Notice of Violation appeal is denied, the applicant must abate the violation. A proposal for violation abatement has not been discussed with Planning.

POSSIBLE VIOLATION ABATEMENT AND TENNANT RELOCATION

If the legalization and appeal is denied, the applicant may abate the violation by restoring the residential flats in the last permitted configuration or propose an alternative code compliant layout. The applicant may restore the last permitted configuration by restoring the separation between the unit entryways at the second floor, restoring the kitchen on the third floor, removing the kitchen at the ground floor, and installing a double lock hotel elevator door at the third floor to prevent connection between units. The Planning Department does not regulate tenant displacement or tenant rights. If the legalization and appeal is denied and the applicant abates the violation by restoring the residential flats in the last permitted configuration the owner may choose to relocate the existing tenant to either restored residential flat.

PLANNING APPROVAL OF UNIT RELOCATION

Plans on file for permit 2003.12.31.3258 do not include the removal and relocation of the third floor residential flat. In 2003 a dwelling unit removal would have required a Mandatory Discretionary Review, per Planning Commission Resolution No. 16053. The unpermitted relocated unit does not meet the Planning Code. The building and deck were expanded into the rear yard without permit or approval by Planning. In 2003, the relocated unit would have required Variances for Open Space and Exposure. The unpermitted building and deck expansions would have required a rear yard Variance and Planning Code Section 311 Neighborhood Notice. In 2003, Planning reviewed interior reconfigurations. A Notice of Special Restrictions remain on the property, dedicating the ground floor habitable space to the second floor residential flat and restricting the conversion into a separate dwelling unit.

ADDITIONAL ATTACHMENTS:

Project Sponsor Updated Brief
Letter from Unpermitted Relocated Unit Tennant

Letter from John Rohosky
Tenant Lease Agreement
Updated Priority General Plan Policies Findings
Updated Dwelling Unit Removal: Merger, Informational and Supplemental Application Packet
Commission Resolution No. 16053
Notice of Special Restrictions
Notice of Violation
Notice of Enforcement
MLS Listing March 27, 2018
Enforcement Planner Site Visit Photos January 9, 2019
Notice of Violation Appeal Documents



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use Hearing Date: March 5, 2020

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Record No.: 2019-000013CUAVAR
Project Address: 552- 554 Hill Street
Zoning: RH-2 (Residential, House, Two-Family) Zoning District
40-X Height and Bulk District
Block/Lot: 3622/065
Project Sponsor: Sarah Hoffman
Zacks, Freedman & Patterson, PC
235 Montgomery Street, Suite 400
San Francisco, CA 94104
Staff Contact: Cathleen Campbell – (415) 575-8732
Cathleen.campbell@sfgov.org
Recommendation: **Disapproval**

PROJECT DESCRIPTION

The proposed scope of work is to abate an outstanding Planning Enforcement case relating to the project sponsor exceeding the scope of work of a series of permits issued on the property, most of which were associated with the installation of an elevator, which resulted in a merger of two dwelling units.

The project sponsor requires a Conditional Use Authorization, pursuant to Planning Code Sections 209.1, 303, and 317, to legalize the scope of work that includes;

- A dwelling unit removal and residential flat merger of the 1,509 square foot, two-bedroom, one-bath dwelling unit (#554) with the 2,432 square foot, three-bedroom, two and a half- bath dwelling unit (#552). The proposed Project would legalize the merger of two legal dwelling units as required by Section 317(g)(2).
- The unauthorized interior reconfiguration that resulted in the creation of one 3,054 square foot, five bedroom three and a half-bath two story dwelling unit (#554).
- The relocation of one dwelling unit (#552) of 815 square foot, with two bedrooms and one-bath, to the ground floor behind the garage. The unpermitted relocated unit no longer has access to the rear yard common open space and does not face onto a qualifying open area meeting minimum exposure dimensions. A variance is being sought from the open space requirement (Planning Code Section 135) and exposure requirement (Planning Code Section 140). The Zoning Administrator will consider the variance request following the Planning Commission's consideration of the request for Conditional Use Authorization.
- An unauthorized building and deck expansion at the third floor constructed in a required setback without permit. A variance is being sought from the rear yard requirement (Planning Code Section 134) to legalize the rear building and deck expansion at the third floor.

- The unauthorized building expansion at the second floor.

The project proposes to make the following modifications to the current as-built building based on comments provided by RDAT and Preservation Staff:

- Remove unpermitted roof deck and spiral stairs to roof.
- Remove unpermitted decorative railing at façade.

BACKGROUND

Below is a summary of the permit, complaint and enforcement history of the subject property.

A summary of all planning approved and over-the-counter permits is as follows, notations describing planning involvement and work associated with these permits are in parenthesis:

- 2003.12.31.3258 - 2/5/2016 Complete- Install Elevator In (E) Lightwell & Interior Modifications (Plans on file with DBI, Approved by Planning, No dwelling unit modification proposed)
- 2004.02.11.6132 – Expired - Addendum to app #200402116132/change in conditions/nee to pour new 6' section of foundation & stem (Associated with Elevator Permit 2003.12.31.3258, No Planning Approval, No dwelling unit modification proposed)
- 2004.03.01.7431 – Issued - Addendum to app #200402116132/change in conditions/nee to pour new 6' section of foundation & stem (Associated with Elevator Permit 2003.12.31.3258, No Planning Approval, No dwelling unit modification proposed)
- 2004.05.05.3052- 2/5/2016 Complete Rev.To Appl#200312313258 Lower Roof Over New Elevator,Provide 1 Hr. Parapet Wall (Associated with Elevator Permit 2003.12.31.3258, No Planning Approval, No dwelling unit modification proposed)
- 2005.03.28.8499 – 2/5/2016 Complete -- Renew 200312313258 & 200405053052 For Remainder Of Work. (Associated with Elevator Permit 2003.12.31.3258, No Planning Approval, No dwelling unit modification proposed)
- 2005.05.31.3771 - Issued - Install 3 heaters (elec) in basement unit. Revision to pa 200405053052 (Never Finalized, No Plans on file, No Planning Approval)
- 2006.02.28.5570 - 9/7/2017 Complete- Renew pa# 2004/03/01/7431, pa# 2004/02/11/6132 /7 pa# 2003/12/31/3258 for final inspection. (Associated with Elevator Permit 2003.12.31.3258, No Planning Approval, No dwelling unit modification proposed)

On February 14, 2018 an anonymous complaint was filed stating the property was listed for sale as a single-family residence. On February 28, 2018, the Planning Department sent a Notice of Complaint to inform the owner about the complaint. No action was taken. The Planning Department found the property in violation of the Planning Code Section 317. On March 28, 2018, the Planning Department sent the owner a Notice of Enforcement, informing of the violation and the abatement process. On June 7, 2018, a Notice of Violation

was issued for the Planning code Violations. On June 15, 2018 an Appeal of the notice of violation was filed by the project sponsor. On April 17, 2019 the Board of Appeals moved to continue the hearing to allow the project sponsor to pursue a Conditional Use Authorization to legalize dwelling unit merger. Planning staff discovered building and deck expansions during Conditional Use Application review.

REQUIRED COMMISSION ACTION

In order to proceed with staff's recommendation, the Commission must disapprove the Conditional Use Authorization pursuant to Planning Code Sections 209.1, 303 and 317 to allow the legalization of a dwelling unit removal and residential flat merger of the 1,509 square foot, two-bedroom, one-bath dwelling unit (#554) with the 2432 square foot, three-bedroom, two and a half- bath dwelling unit (#552) to create one 3,054 square foot, five -bedroom three and a half-bath dwelling unit (#554) and relocate one dwelling unit (#552) of 815 square foot, with two bedrooms and one-bath, to the ground floor behind the garage within the RH-2 (Residential, House, Two-Family) Zoning District and the 40-X Height and Bulk District.

ISSUES AND OTHER CONSIDERATIONS

- **Public Comment** To date, the Department has not received any correspondence related to the Project.
- **Conditional Use Authorization** – The Project requires a Conditional Use Authorization to legalize a residential merger. In addition to the Conditional Use Authorization findings, the Commission must consider separate criteria outlined in Section 317(g)(2).
- **Residential Merger** – Per Planning Code Section 317, a residential merger is defined as “...the combining of two or more legal Residential Units, resulting in a decrease in the number of Residential Units within a building, or the enlargement of one or more existing units while substantially reducing the size of others by more than 25% of their original floor area, even if the number of units is not reduced.” The proposed Project would legalize the merger of two legal dwelling units. For this project, a unit was reduced beyond the 25% threshold, therefore requiring a Conditional Use Authorization per Section 317(g)(2).
- **Planning Commission Policy: Removal of Residential Flats** – It is Commission policy to require Mandatory Discretionary Reviews for projects that propose the removal of a ‘Residential Flat’ when the proposal is under the 317 dwelling unit removal threshold. ‘Residential Flats’ are a common San Francisco housing typology, in which a single dwelling unit, generally occupying an entire story of a building, has exposure onto open areas at the front and rear of its property. This type of unit configuration satisfies a number of housing needs, particularly for middle-income families. Because the production of market-rate housing is frequently not accessible to moderate-income families, making between 80-120 percent of area median income, Residential Flats are a housing typology that should be conserved. The purpose of this policy is to require Planning Commission review when such housing is lost. For this project, the lower unit has occupied the 1st and 2nd floors with exposure onto the street and rear yard, the relocated unit 552 is located behind the garage, with exposure only on the noncomplying rear yard.

- **San Francisco Rent Board** – Per consultation with the San Francisco Rent Board, no evictions have been recorded to date on the subject property.
- **Department Recommendation** – The Department recommends disapproval of the requested Conditional Use Authorization. The Project would be required to restore the units to the previously permitted locations.

ENVIRONMENTAL REVIEW

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

BASIS FOR RECOMMENDATION

The Department does not find that the Project is on balance or consistent with the Objectives and Policies of the General Plan. The Project would merge two residential flats that are not demonstrably unaffordable and result in one merged unit that is unaffordable to a larger percentage of the population than the two individual units considered separately. The merger is not necessary to create family housing. Although the Project seeks to legalize the relocation of the removed residential flat, the relocated unit is substandard, as that it requires variances from both the open space and exposure requirements.

ATTACHMENTS:

Draft Motion – Conditional Use Authorization with Conditions of Approval
Exhibit B – Plans and Renderings
Exhibit C – Environmental Determination
Exhibit D – Land Use Data
Exhibit E – Maps and Context Photos
Exhibit F – Eviction History Documentation
Exhibit G – Dwelling Unit Merger Application
Exhibit H – Appraisals
Exhibit I - Project Sponsor Brief_Responses



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Motion No. 20756

HEARING DATE: JULY 9, 2020

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Case No.: 2019-000013CUA
Project Address: 552- 554 Hill Street
Zoning: RH-2 (Residential, House, Two-Family) Zoning District
40-X Height and Bulk District
Block/Lot: 3622/065
Project Sponsor: Sarah Hoffman
Zacks, Freedman & Patterson, PC
235 Montgomery Street, Suite 400
San Francisco, CA 94104
Property Owner: Robert T Roddick Revocable Trust
554 Hill Street
San Francisco, CA 94114
Staff Contact: Cathleen Campbell – (415) 575-8732
Cathleen.campbell@sfgov.org

ADOPTING FINDINGS RELATING TO THE DISAPPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 209.1, 303, AND 317 OF THE PLANNING CODE TO ALLOW THE LEGALIZATION OF A DWELLING UNIT MERGER OF TWO RESIDENTIAL FLATS AND UNAUTHORIZED REMOVAL AND RELOCATION OF ONE DWELLING UNIT TO BASEMENT LEVEL AT 552-554 HILL STREET IN ASSESSOR'S BLOCK 3622, LOT 065 WITHIN THE RH-2 (RESIDENTIAL, HOUSE, TWO-FAMILY) ZONING DISTRICT AND THE 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On March 8, 2019, Sarah Hoffman (hereinafter "Project Sponsor") filed Application No. 2019-000013CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization to legalize the merger of two residential flats and the unauthorized removal and relocation (hereinafter "Project") at 552-554 Hill Street in Assessor's Block 3622, Lot 065 (hereinafter "Project Site").

The Planning Department Commission Secretary is the Custodian of Records; the File for Case No. 2019-000013CUA is located at 1650 Mission Street, Suite 400, San Francisco, California.

On July 9, 2020, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2019-000013CUA and adopted a motion to disapprove Conditional Use Authorization for Application No. 2019-000013CUA.

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

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 disapproves the Conditional Use Authorization pursuant to Planning Code Sections 209.1, 303 and 317 to allow the legalization of a dwelling unit removal and residential flat merger of the 1,509 square foot, two-bedroom, one-bath dwelling unit (#554) with the 2432 square foot, three-bedroom, two and a half- bath dwelling unit (#553) to create one 3,054 square foot, five - bedroom three and a half-bath dwelling unit (#554) and relocate one dwelling unit (#552) of 815 square foot, with two bedrooms and one-bath, to the ground floor behind the garage within the RH-2 (Residential, House, Two-Family) Zoning District and the 40-X Height and Bulk District under case No.2019-000013CUA, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The project sponsor seeks Conditional Use Authorization, pursuant to Planning Code Sections 209.1, 303, and 317, Conditional Use Authorization pursuant to Planning Code Sections 209.1, 303 and 317 to allow the legalization of a dwelling unit removal and residential flat merger of the 1,509 square foot, two-bedroom, one-bath dwelling unit (#554) with the 2432 square foot, three-bedroom, two and a half- bath dwelling unit (#553) . The Project sponsor also seeks to legalize the interior reconfiguration that resulted in the creation of one 3,054 square foot, five bedroom three and a half-bath dwelling unit (#554) and relocation of one dwelling unit (#552) of 815 square foot, with two bedrooms and one-bath, to the ground floor behind the garage. A variance is being sought from the rear yard requirement (Planning Code Section 134) to legalize an unauthorized building expansion at the third floor, decks and stairs constructed in a required setback without permit. The removed and relocated unit no longer has access to the rear yard common open space and does not face onto a qualifying open area meeting minimum exposure dimensions. A variance is being sought from the open space requirement (Planning Code Section 135) and exposure requirement (Planning Code Section 140). The Zoning Administrator will consider the variance request following the Planning Commission’s consideration of the request for Conditional Use Authorization.
3. **Site Description and Present Use.** The project site is located on the north side of Hill Street, between Castro and Noe Streets, Assessor’s Block 3622 and Lot 065. The project site currently contains a 2-story over basement residential building likely constructed with two residential flats circa 1904. The Report of Residential Building Record indicates that the legal authorized occupancy and use is a two-unit dwelling. The 2,850 square foot subject lot measures 25 feet wide by 114 feet deep.

Between 2003 through 2006, the project sponsor sought multiple building permit applications (BPA# 200405053052, 200312313258, 200503288499, 200505313771, & 200602285570) to install an

elevator to access the third-floor unit (#554) from the garage. Between 2003 through 2006 the permitted scope of work was exceeded to include a residential flat merger, the removal of a kitchen from the third floor, the relocation of the removed dwelling unit to the ground floor behind the garage, the expansion of the building at the second and third floor, the addition of spiral stairs to the roof, and the addition of decorative railing at the façade.

The large unit has the appearance of a two-family dwelling from the street with two entry doors at the second floor. The relocated unit on the ground floor unit has direct access to the street from a gate and side yard. As noted by the Project Sponsor, the main unit is owner-occupied, and the studio is currently vacant.

On February 14, 2018 an anonymous complaint was filed stating the property was listed for sale as a single-family residence. On February 28, 2018, the Planning Department sent a Notice of Complaint to inform the owner about the complaint. No action was taken. The Planning department found the property in violation of the Planning Code. On March 28, 2018, the Planning Department sent the owner a Notice of Enforcement, informing of the violation and the abatement process. On June 7, 2018, a Notice of Violation was issued for the Planning code Violations. On June 15, 2018 an Appeal of the notice of violation was filed by the project sponsor. On April 17, 2019 the Board of Appeals moved to continue the hearing to allow the project sponsor to pursue a Conditional Use Authorization to legalize dwelling unit merger.

4. **Surrounding Properties and Neighborhood.** The subject property is located within Noe Valley and District 8. Parcels within the immediate vicinity consist of residential single-, two-, three and some four-family dwellings of varied design and construction dates.
5. **Public Outreach and Comments.** To date, the Department has not received any correspondence related to the Project.
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. **Rear Yard Requirement.** Planning Code Section 134 requires the subject property maintain a rear yard equivalent to 39 feet 10 inches.

The existing building, per plans on file with the building department, is legal nonconforming with a multi-level rear building extension, deck, and stairs that encroached into the rear yard; the building and second floor deck were expanded without permit. The proposal seeks to legalize the rear expansions that are set back 28 feet 6 inches from the rear property line. Therefore, the project requires a variance from the rear yard requirement.

- B. **Residential Usable Open Space.** Planning Code Section requires a minimum of 100 square feet of usable private or 133 square feet of common open space per dwelling unit.

The project has a rear yard and third floor deck, approximately 947 square feet in size, provided as private open space. The relocated dwelling unit does not have access to the rear yard. Therefore, the proposed

legalization of a two-unit building does not comply with this requirement. The project requires a variance from the open space requirement.

- C. **Dwelling Unit Exposure.** Planning Code Section 140 requires new dwelling units face onto a public street, public alley at least 20-feet in width, side yard at least 25-feet in width or code-complying rear yard.

The Project proposes a dwelling unit merger where the main unit fronts a public street and the relocated second unit faces a nonconforming rear yard behind the garage at basement level. The relocated second dwelling unit does not meet the minimum requirements for exposure. Therefore, the project requires a variance from the exposure requirement.

- D. **Off-Street Parking.** Planning Code Section 151 requires one off-street parking space per dwelling unit.

As part of the dwelling unit merger, the off-street parking count will not be affected, and no additional parking is required. The subject building provides one off-street parking space and would maintain its legally conforming status.

- E. **Bicycle Parking.** Planning Code Section 155.2 requires one Class 1 bicycle parking space per dwelling unit in the RH-2 Zoning District.

The subject building provides no off-street bicycle parking space and would maintain its legally nonconforming status.

- F. **Dwelling Unit Density.** In the RH-2 Zoning District, pursuant to Planning Code Section 209.1, three dwelling units are principally permitted per lot.

The Project would legalize the merger of two existing dwelling units within the building and relocate the removed dwelling unit to basement level of the subject site to maintain two dwelling units where a maximum of two units is allowed.

- G. **Residential Merger – Section 317:** Pursuant to Planning Code Section 317, Conditional Use Authorization is required for applications proposing to merge Residential Units. This Code Section establishes a checklist of criteria that delineate the relevant General Plan Policies and Objectives.

The project sponsor proposes to legalize a dwelling unit merger and relocation of the removed dwelling unit to basement level.

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 as part of this Motion. See Item 8 “Additional Findings pursuant to Section 317” below.

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

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

The Project does not propose any changes to the aforementioned land use; the merged unit will remain as a residential use. Under the subject building permit, the Project would not result in any exterior alterations to the existing building and would not increase the size or intensity of the existing residential uses.

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

(1) Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The proposed project seeks to legalize a rear building and deck expansion. The project also proposes to remove elements constructed without permit.

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

The Project does not trigger any additional off-street parking requirement and would not increase the volume of vehicle traffic to the area.

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

The existing residential use would remain.

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

All existing landscaping, open space, and lighting would remain.

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 proposed project does not comply with all aspects of the Planning Code. The proposed project is requesting a variance from the Zoning Administrator to address the requirements for rear yard, open

space, and exposure. The Project does not comply with all requirements and standards of the Planning Code and is not consistent with objectives and policies of the General Plan as detailed below.

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

The proposed Project is consistent with the stated purpose of the RH-2 Districts.

8. **Residential Merger – Section 317(g)(2).** This Section also establishes the criteria below for the Planning Commission to consider when reviewing applications to merge residential units under Section 317(g)(2). On balance, the Project does not comply with said criteria in that:

- A. Whether the removal of the units would eliminate only owner occupied housing, and if so, for how long the units proposed to be removed have been owner occupied;

At a date unknown the second and third floors of the building were merged into one unit. Legalization of the residential flat merger would eliminate only owner-occupied housing as both second and third floors are currently occupied by the Project Sponsor. According to the project sponsor, the unpermitted relocated unit is currently occupied.

- B. Whether removal of the units and the merger with another is intended for owner occupancy;

The merged 3,054 square foot dwelling unit proposed for legalization is currently owner-occupied and the 815 square foot unpermitted relocated unit behind the garage is occupied.

- C. That the removal of the unit will remove an affordable housing unit as defined in Section 401 of this Code or housing subject to the Residential Rent Stabilization and Arbitration Ordinance;

Per the Residential Building Record Report (3R) the original use is unknown, and the authorized use is two family. It is the Planning Department's position to assume that every unit is subject to the Residential Rent Stabilization and Arbitration Ordinance unless we receive information from an appropriate agency or body to the contrary.

- D. If removal of the unit removes an affordable housing unit as defined in Section 401 of this Code or units subject to the Residential Rent Stabilization and Arbitration Ordinance, whether replacement housing will be provided which is equal or greater in size, number of bedrooms, affordability, and suitability to households with children to the units being removed;

The project sponsor seeks to maintain the two dwelling units onsite through the relocation of a residential flat to basement level behind the garage. Although Planning Staff does not have the authority to make the final determination, it is assumed that the units that were merged and relocated units are subject to the Residential Rent Stabilization and Arbitration Ordinance. If so, the unit relocated from the third floor to the ground floor would also be subject to the Residential Rent Stabilization and Arbitration Ordinance. The relocated unit will be smaller in size and maintain the same number of bedrooms, as labeled in the provided plan set. The relocated unit requires an open space and exposure variance to be legalized.

- E. How recently the unit being removed was occupied by a tenant or tenants;

This information is unknown because the actual date of the residential flat merger and unauthorized unit relocation is unknown. The project sponsor proposes to legalize a dwelling unit merger and relocation of the removed dwelling unit to basement level. Staff was able to determine that the Project Sponsor rented out the unauthorized relocated ground floor unit prior to the Notice of Violation. The Residential Rent Stabilization and Arbitration Board has provided evidence of a Buyout agreement finalized February 1, 2016. The Conditional Use application filed March 8, 2019 stated the unpermitted relocated unit was Vacant. Vacancy was verified by an enforcement planner who performed a site visit, January 9, 2019. According to the project sponsor, the unpermitted relocated unit is currently occupied. The property owner has provided a lease for the unauthorized relocated unit signed March 25, 2019. The lease is dated after the Notice of Violation was issued, June 7, 2018. The unpermitted relocated unit is substandard to the Planning Code. The removed and relocated unit no longer has access to the rear yard common open space and does not face onto a qualifying open area meeting minimum exposure dimensions. A variance is being sought from the open space requirement (Planning Code Section 135) and exposure requirement (Planning Code Section 140).

- F. Whether the number of bedrooms provided in the merged unit will be equal to or greater than the number of bedrooms in the separate units;

According to the as-built plans provided, the merged unit has five bedrooms and the relocated unit has two bedrooms whereas the former layout had one two bedrooms residential flat and a three-bedroom unit with multiple living spaces labeled parlor, sitting room, and dining room.

- G. Whether removal of the unit is necessary to correct design or functional deficiencies that cannot be corrected through interior alterations;

The proposed Project is not required to correct design or functional deficiencies with the existing building.

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

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 2:

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

Policy 2.2:

Retain existing housing by controlling the merger of residential units, except where a merger clearly creates new family housing.

OBJECTIVE 3:

Protect the affordability of the existing housing stock, especially rental units.

OBJECTIVE 4:

Foster a housing stock that meets the needs of all residents across lifecycles.

The Project would legalize the merger of two residential flats and would create a larger five-bedroom residential unit and a substandard two-bedroom dwelling unit without compliance to open space and exposure requirements.

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 complies with said policies in that:

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

The project site does not contain any 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.

The Project legalizes the merger of two dwelling units into two dwelling units and therefore does not result in any net new housing. The current owners of the subject building would continue to own and occupy the merged unit and therefore, the cultural and economic diversity of the neighborhood will not be affected. The neighborhood has a defined architectural character, which will be preserved since unpermitted façade alterations are proposed for removal.

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

The Project does not comply because it would legalize the merger of two residential flats to create a larger unit that would be less affordable than the legally permitted unit location, thus reducing the City's supply of affordable housing. The relocated unit is substandard to the legally permitted unit location, as it requires an open space and exposure variance to be legalized.

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

The Project is not expected to create additional traffic or parking demand as there is no increase in number of units.

- 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 proposes to legalize the merger and relocation of residential units; 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 Project will conform to the requirements of the San Francisco Building Code.

- G. That landmarks and historic buildings be preserved.

The existing building has not been evaluated as an individual or contributing historic resource. A decorative railing has been erected without permit on the publicly visible exterior of the building. The proposal includes the removal the non-historic rooftop railing.

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

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

11. The Project is not 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 disapproval 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 **DISAPPROVES Conditional Use Application No. 2019-000013CUA** pursuant to Planning Code Sections 209.1, 303 and 317 to allow the legalization of a dwelling unit removal and residential flat merger of the 1,509 square foot, two-bedroom, one-bath dwelling unit (#554) with the 2,432 square foot, three-bedroom, two and a half- bath dwelling unit (#553) to create one 3,054 square foot, five -bedroom three and a half-bath dwelling unit (#554) and relocate one dwelling unit (#552) of 815 square foot, with two bedrooms and one-bath, to the ground floor behind the garage within the RH-2 (Residential, House, Two-Family) Zoning District and the 40-X Height and Bulk District.

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on July 9, 2020.



Jonas P. Ionin
Commission Secretary

AYES: Johnson, Moore, Chan, Imperial

NAYS: Diamond, Fung, Koppel

ABSENT: None

ADOPTED: July 9, 2020

552-554 HILL STREET SAN FRANCISCO, CA

| REV. | DATE | DESCRIPTION |
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| PROJECT INFORMATION | PROJECT DIRECTORY | JOB DESCRIPTION | DRAWING INDEX |
|--|--|---|--|
| ADDRESS: 552-554 HILL ST. SAN FRANCISCO, CA BLOCK/LOT: 3622/065 ZONING DISTRICT: RH2 LOT SIZE: 2849 SQ. FT. SFBC OCCUPANCY CLASS: R-3 CONSTRUCTION TYPE: 5B NUMBER OF STORIES: 3 | CONTACT: PATRICK BUSCOVICH & ASSOCIATES STRUCTURAL ENGINEERS & ARCHITECT 235 MONTGOMERY STREET SUITE 1140 SAN FRANCISCO, CA 94104 CONTACT: MR. PAT BUSCOVICH TEL: 415.760.0636 | TO SHOW WORK DONE UNDER PERVIOUS PERMIT PLUS RELOCATION OF KITCHEN/TWO UNIT LOCATION FROM 552 HILL ST (1ST & 2ND FLOOR) AND 554 HILL ST (3RD FLOOR) TO 552 HILL ST (1ST FLOOR) AND 554 HILL ST (2ND & 3RD FLOOR) PLUS DCP REQUIRE LEGALIZATION WORK. LEGALIZATION WORK: 1) REMOVE SPIRAL STAIRS FROM 3RD FLOOR TO ROOF. 2) REMOVE ROOF DECK. 3) REMOVE FRONT PARAPET. 4) LEGALIZE PORCH INFILL. 5) LEGALIZE EXTENSION AT 2ND AND 3RD FLOOR REAR. VARIANCE: #2 OPEN SPACE, #3 EXPOSURE, #1 INFILL AT REAR YARD. | ARCHITECTURAL A1.0 COVER SHEET A2.0 EXISTING SITE PLAN A2.0.1 AS-BUILT SITE PLAN A2.0.2 PROPOSED SITE PLAN A2.1 EXISTING, AS-BUILT, AND PROPOSED FIRST FLOOR PLANS A2.2 EXISTING, AS-BUILT, AND PROPOSED SECOND FLOOR PLANS A2.3 EXISTING, AS-BUILT, AND PROPOSED THIRD FLOOR PLANS A2.4 EXISTING, AS-BUILT, AND PROPOSED ROOF PLANS A3.1 EXISTING FRONT (SOUTH) AND SIDE (WEST) ELEVATIONS A3.1.0 AS-BUILT FRONT (SOUTH) AND SIDE (WEST) ELEVATIONS A3.2 PROPOSED FRONT (SOUTH) AND SIDE (WEST) ELEVATIONS A3.3 EXISTING REAR (NORTH) AND SIDE (EAST) ELEVATIONS A3.3.0 AS-BUILT REAR (NORTH) AND SIDE (EAST) ELEVATIONS A3.4 PROPOSED REAR (NORTH) AND SIDE (EAST) ELEVATIONS A3.5 EXISTING AND AS-BUILT SECTIONS A3.6 PROPOSED SECTION |
| | FIRE SAFETY NOTES <ul style="list-style-type: none"> ALL EXITS TO BE MAINTAINED DURING AND AFTER CONSTRUCTION ALL FIRE RATINGS TO BE RESTORED AFTER CONSTRUCTION ALL PENETRATIONS TO BE REPAIRED MUST MAINTAIN EXISTING FIRE LIFE SAFETY SYSTEM DURING CONSTRUCTION | APPLICABLE CODES 2016 CALIFORNIA BUILDING CODE (CBC) BASED ON THE 2016 INTERNATIONAL BUILDING CODE (IBC) 2016 PLUMBING CODE (CPC) BASED ON ON THE 2016 UNIFORM PLUMBING CODE (UPC) 2016 CALIFORNIA MECHANICAL CODE (CMC) BASED ON THE 2016 UNIFORM MECHANICAL CODE (UMC) 2016 CALIFORNIA ELECTRICAL CODE (CEC) BASED ON THE 2016 NATIONAL ELECTRICAL CODE (NEC) 2016 CALIFORNIA FIRE CODE (CFC) BASED ON THE 2016 INTERNATIONAL FIRE CODE (IFC) 2016 CALIFORNIA ENERGY CODE ALL PERMIT APPLICATION MUST COMPLY WITH THE PROVISIONS OF THE ABOVE CODES AND THE APPLICABLE CITY CODE AMENDMENTS | INFORMATION ON PLAN EXISTING: PRIOR TO BPA NO. 200312313258 AS-BUILT: INCLUDING WORK BEYOND SCOPE OF BPA NO. 200312313258 PROPOSED: TODAY'S WORK PLUS DCP REQUIRED WORK. |

SQ. FOOTAGE TABLE

| FLOOR | EXISTING SQ. AREA (FT²) | UNPERMITTED SQ. AREA (FT²) | PERMITTED SQ. AREA (FT²) | PROPOSED SQ. AREA (FT²) | REMARKS/COMMENTS |
|-------------------------|-------------------------|----------------------------|--------------------------|-------------------------|------------------|
| FIRST FLOOR | 1007.7 SQ. FT. | - | 815.0 SQ. FT. | 815.0 SQ. FT. | |
| HALLWAY (1ST FLR) | INCLUDED IN 1ST FLR. | - | 121.0 SQ. FT. | 121.0 SQ. FT. | |
| SECOND FLOOR | 1403.3 SQ. FT. | 21.2 SQ. FT. | 1424.5 SQ. FT. | 1424.5 SQ. FT. | |
| THIRD FLOOR | 1472.9 SQ. FT. | 36.5 SQ. FT. | 1509.4 SQ. FT. | 1509.4 SQ. FT. | |
| TOTAL AREA (FT²) | 3883.9 SQ. FT. | 57.7 SQ. FT. | 3869.9 SQ. FT. | 3869.9 SQ. FT. | |

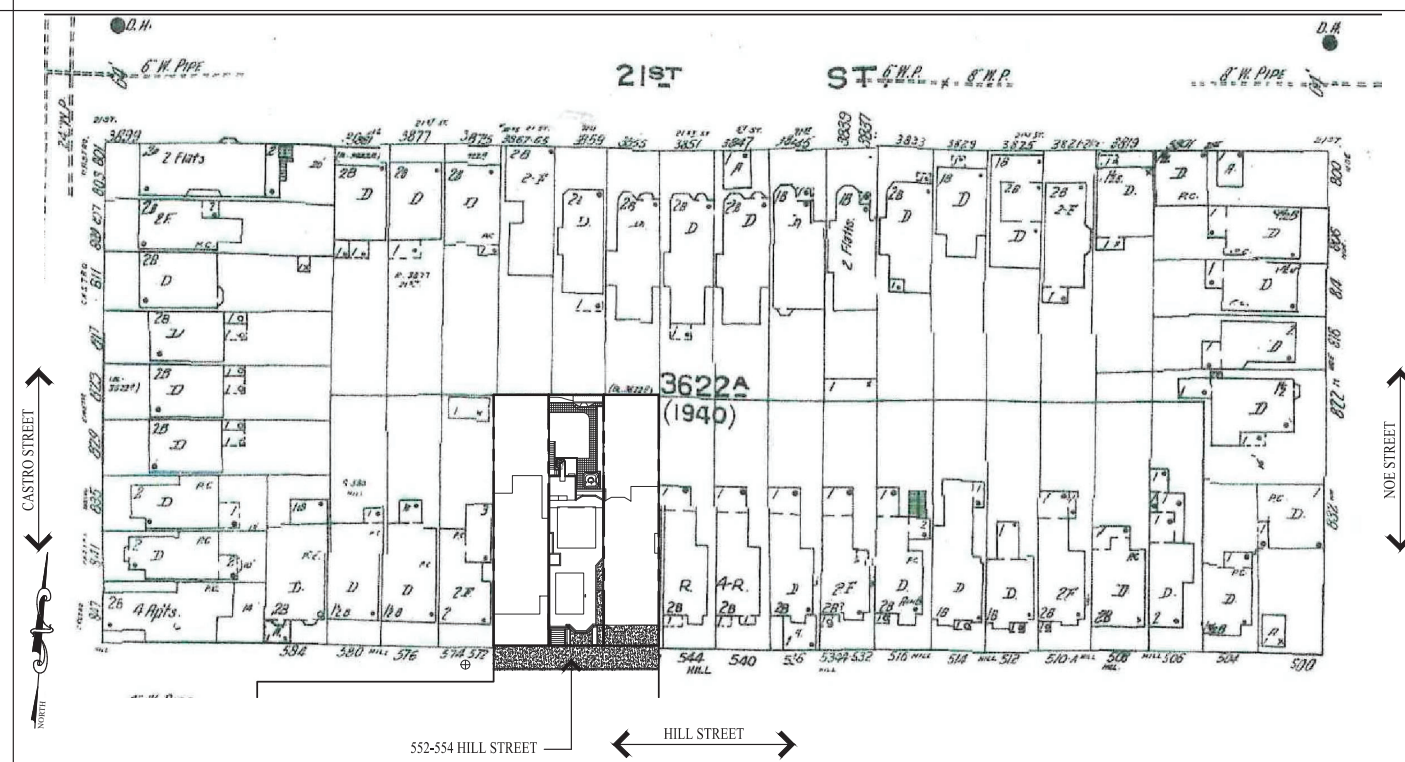
| EXISTING UNIT 552 | EXISTING SQ. AREA (FT²) | REMARKS/COMMENTS |
|-------------------------|-------------------------|------------------|
| FIRST FLOOR | 1007.7 SQ. FT. | |
| HALLWAY (1ST FLR) | INCLUDED IN 1ST FLR. | |
| SECOND FLOOR | 1424.5 SQ. FT. | |
| TOTAL AREA (FT²) | 2432.2 SQ. FT. | |

| PROPOSED UNIT 552 | EXISTING SQ. AREA (FT²) | REMARKS/COMMENTS |
|-------------------------|-------------------------|------------------|
| FIRST FLOOR | 815.0 SQ. FT. | |
| HALLWAY (UNIT 554) | - | |
| SECOND FLOOR | - | |
| TOTAL AREA (FT²) | 815.0 SQ. FT. | |

| EXISTING UNIT 554 | EXISTING SQ. AREA (FT²) | REMARKS/COMMENTS |
|-------------------------|-------------------------|------------------|
| FIRST FLOOR | - | |
| HALLWAY (1ST FLR) | - | |
| SECOND FLOOR | - | |
| THIRD FLOOR | 1509.4 SQ. FT. | |
| TOTAL AREA (FT²) | 1509.4 SQ. FT. | |

| PROPOSED UNIT 554 | EXISTING SQ. AREA (FT²) | REMARKS/COMMENTS |
|-------------------------|-------------------------|------------------|
| FIRST FLOOR | - | |
| HALLWAY | 121.0 SQ. FT. | |
| SECOND FLOOR | 1424.5 SQ. FT. | |
| THIRD FLOOR | 1509.4 SQ. FT. | |
| TOTAL AREA (FT²) | 3054.9 SQ. FT. | |

SANBORN MAP



PATRICK BUSCOVICH AND ASSOCIATES
 STRUCTURAL ENGINEERS, INC.
 235 MONTGOMERY STREET, SUITE 1140
 SAN FRANCISCO, CALIFORNIA 94104
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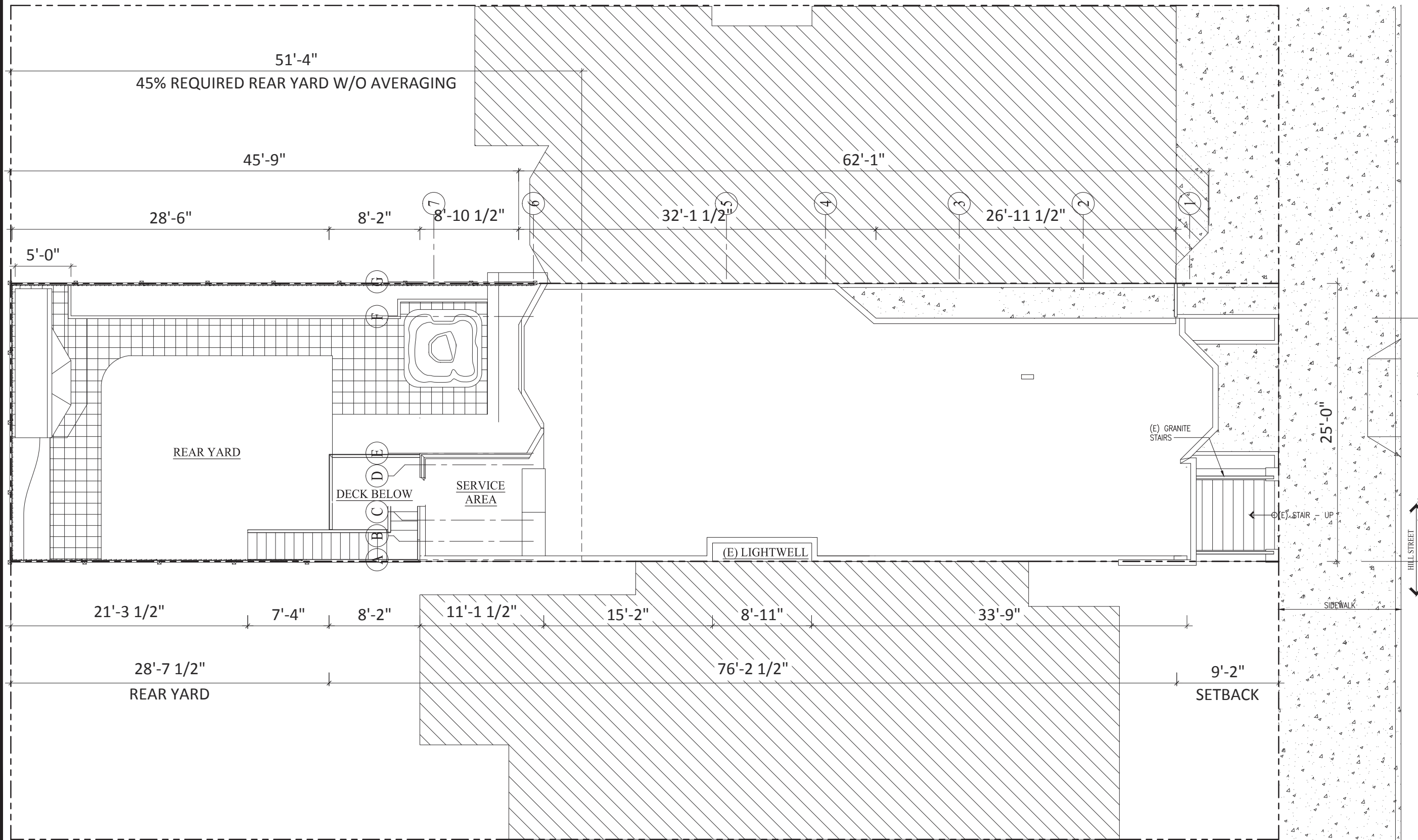


552-554 HILL STREET
 SAN FRANCISCO, CA.

COVER SHEET

| | |
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| DRAWN | DA |
| DESIGNED/CHECKED | PB |
| DATE | |
| SCALE | AS NOTED |
| JOB NO. | 18.115 |
| SHEET | |

A1.0



| REV. | DATE | DESCRIPTION |
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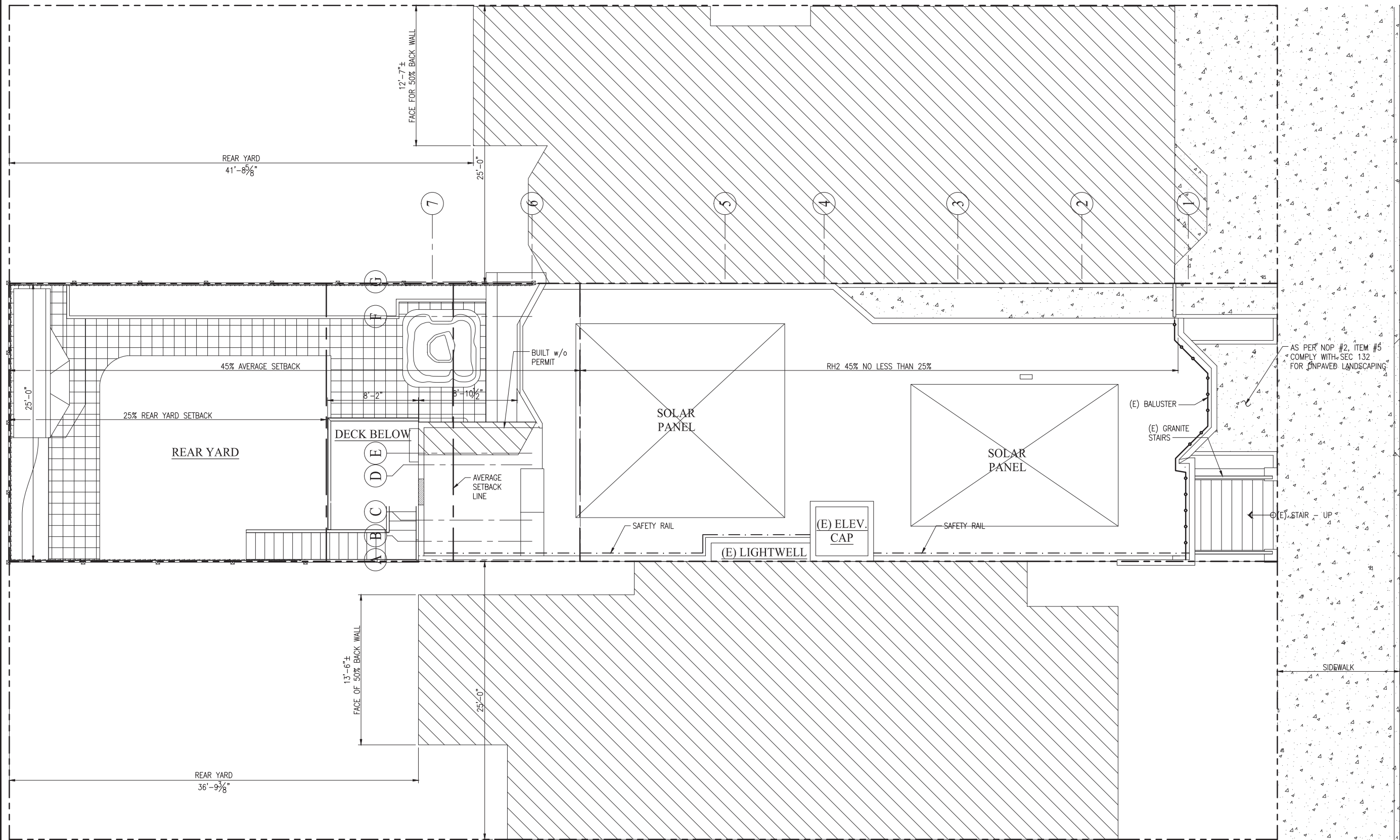


552-554 HILL STREET
SAN FRANCISCO, CA.

EXISTING SITE PLAN

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| DRAWN | DA |
| DESIGNED/CHECKED | PB |
| DATE | |
| SCALE | AS NOTED |
| JOB NO. | 18.115 |
| SHEET | |

A2.0
OF SHEETS



| REV. | DATE | DESCRIPTION |
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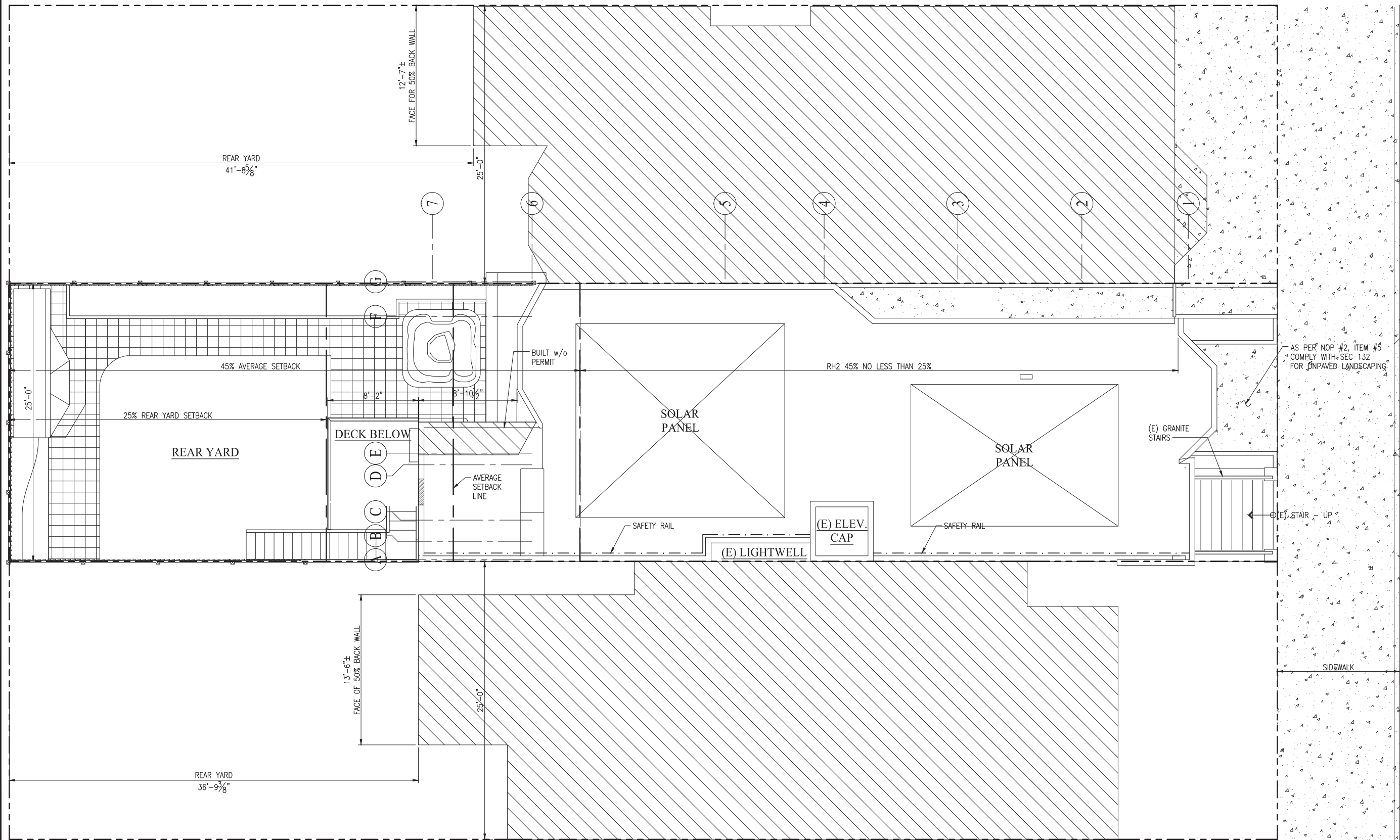
552-554 HILL STREET
 SAN FRANCISCO, CA.

AS-BUILT SITE PLAN

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|------------------|----------|
| DRAWN | DA |
| DESIGNED/CHECKED | PB |
| DATE | |
| SCALE | AS NOTED |
| JOB NO. | 18.115 |
| SHEET | |

A2.0.1
 OF SHEETS

1 AS-BUILT SITE PLAN (INCLUDING WORK BEYOND SCOPE OF BPA NO. 200312313258) 1/8"=1'-0"



| REV. | DATE | DESCRIPTION |
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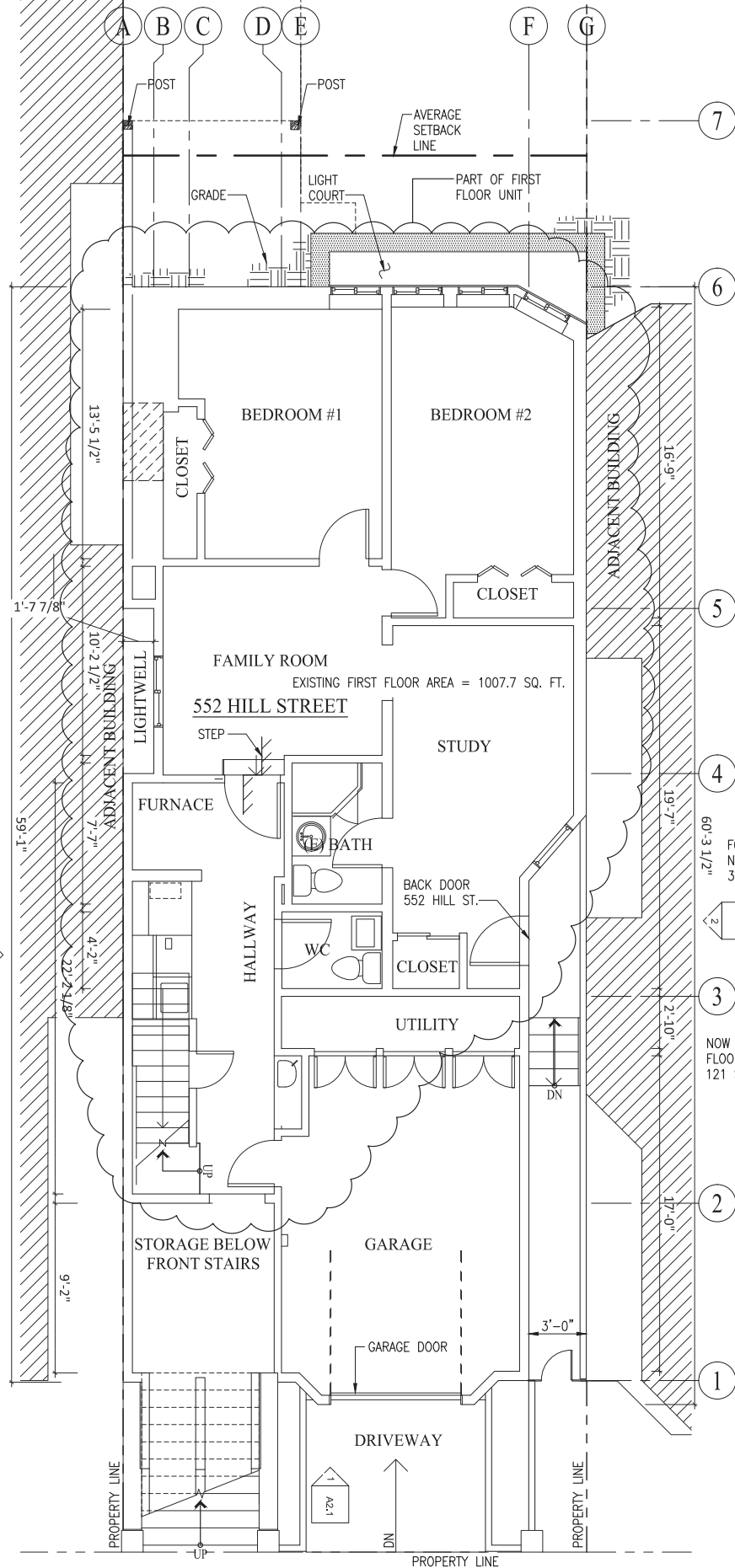


552-554 HILL STREET
 SAN FRANCISCO, CA.

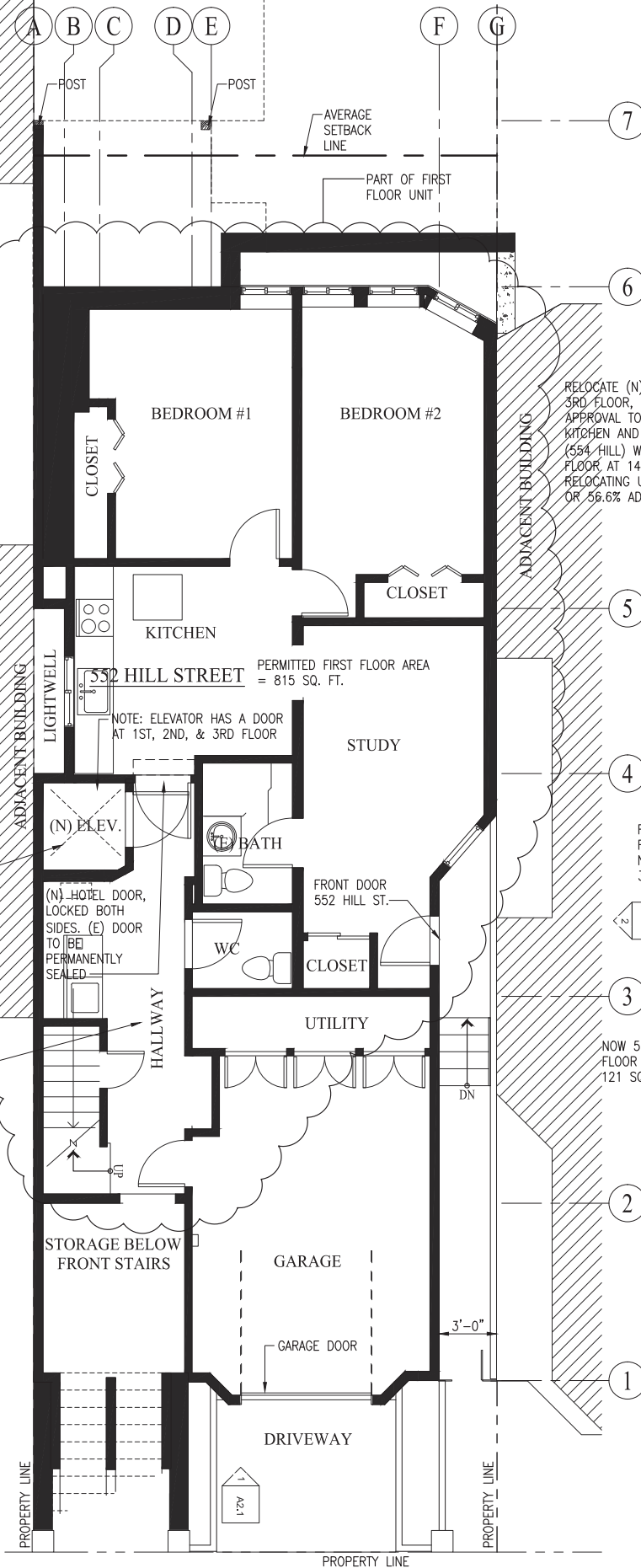
PROPOSED SITE PLAN

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| DRAWN | DA |
| DESIGNED/CHECKED | PB |
| DATE | |
| SCALE | AS NOTED |
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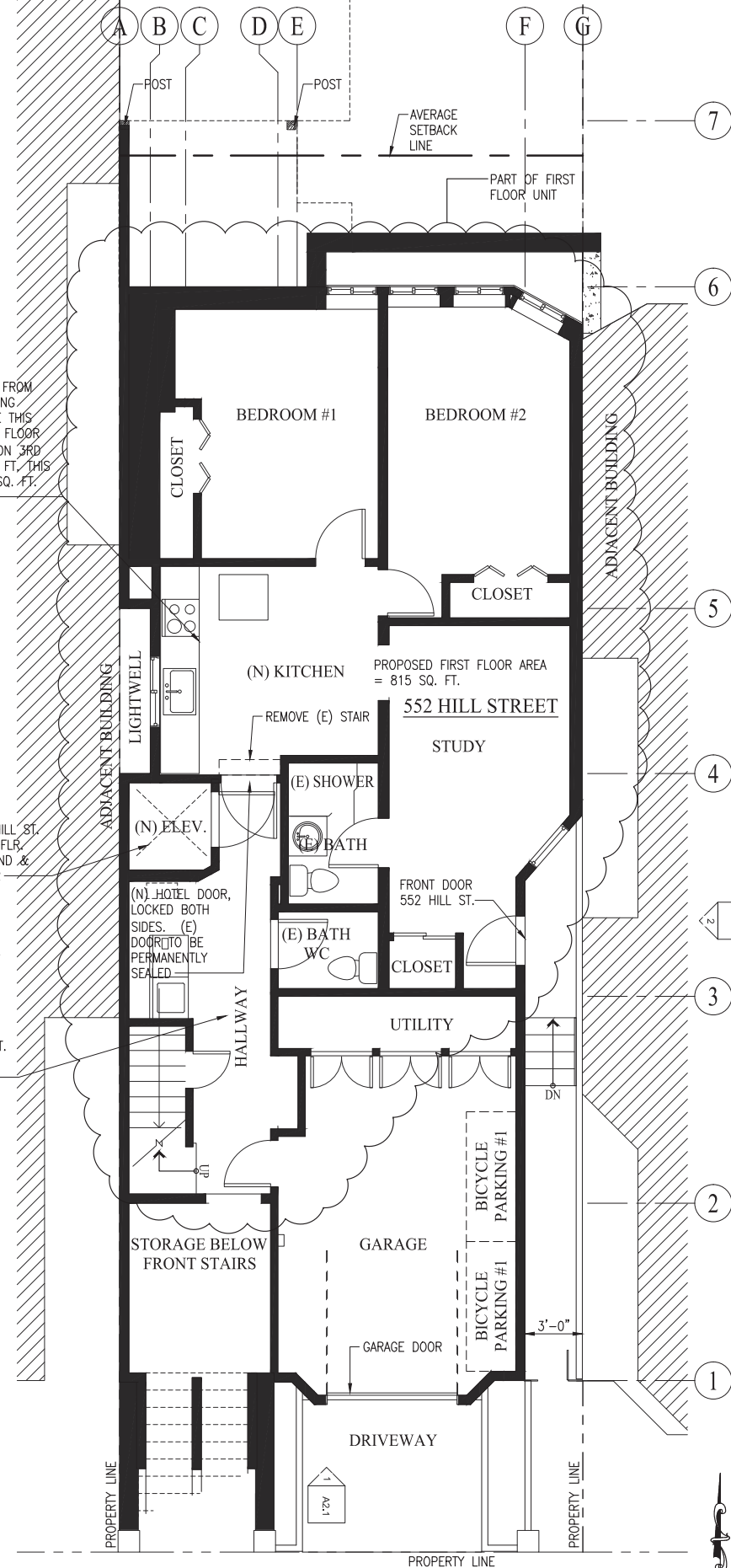
A2.0.2
 OF SHEETS



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2 AS-BUILT FIRST FLOOR PLAN (INCLUDING WORK BEYOND SCOPE OF BPA NO. 200312313258) 1/4"=1'-0"



3 PROPOSED FIRST FLOOR PLAN 1/4"=1'-0"

| REV. | DATE | DESCRIPTION |
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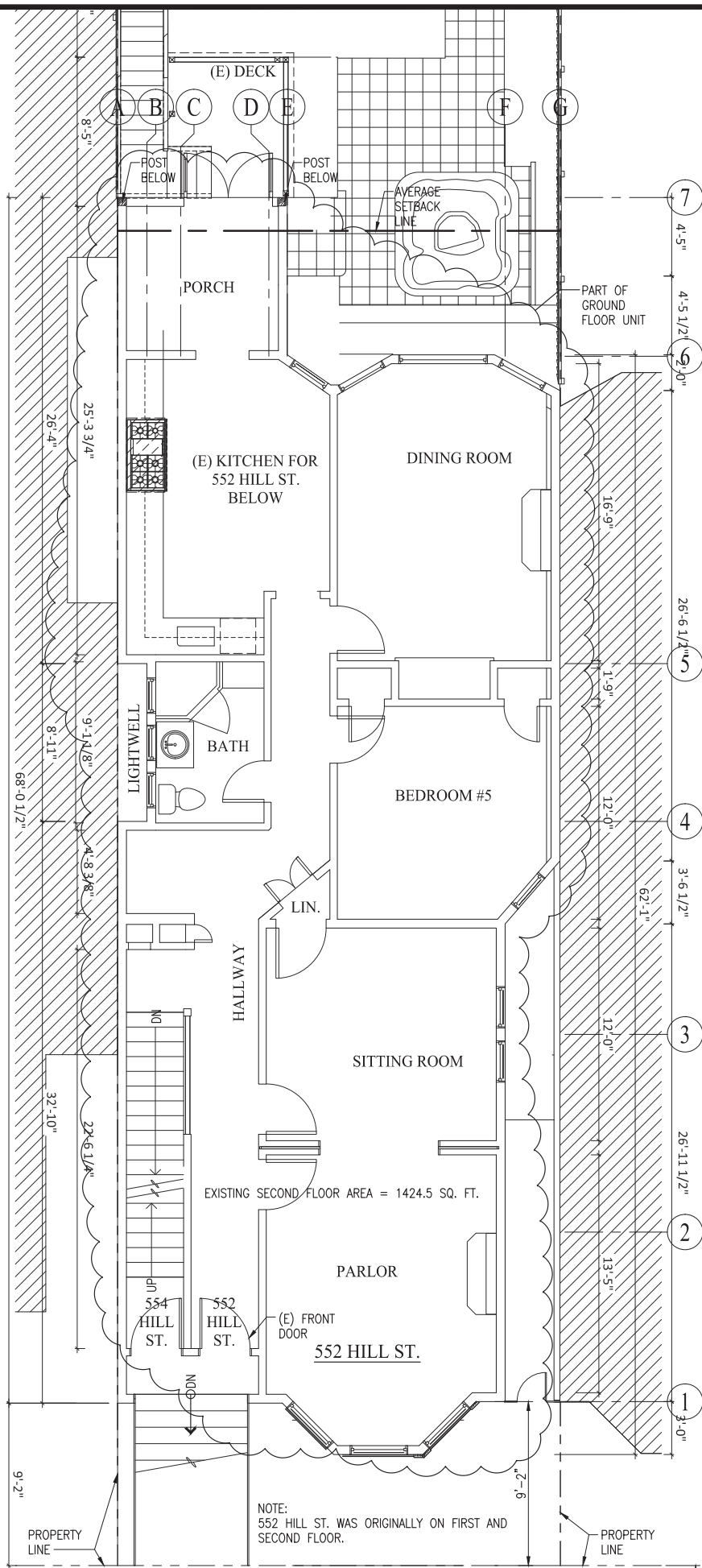
PATRICK BUSCOVICH AND ASSOCIATES
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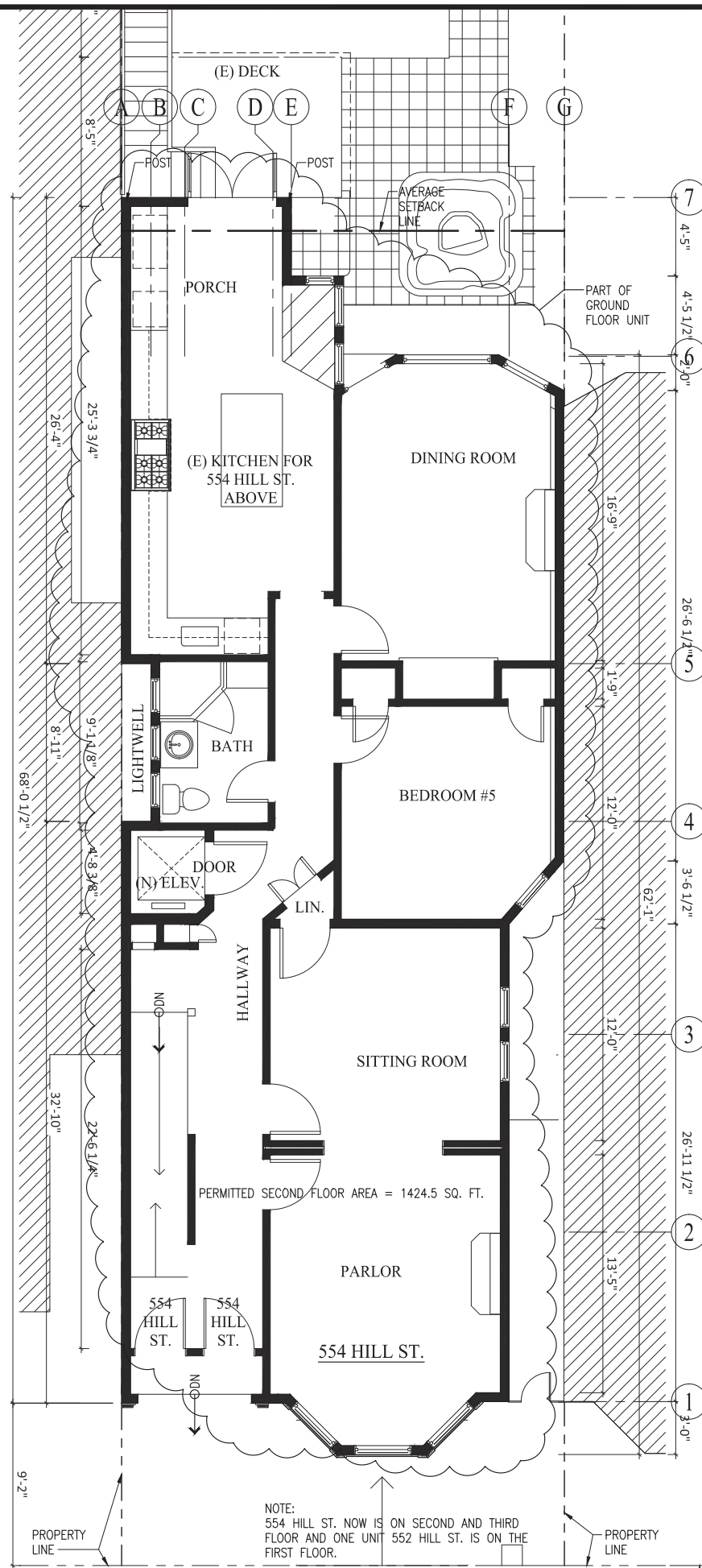
552-554 HILL STREET
 SAN FRANCISCO, CA.

EXISTING, AS-BUILT, AND
 PROPOSED FIRST
 FLOOR PLANS

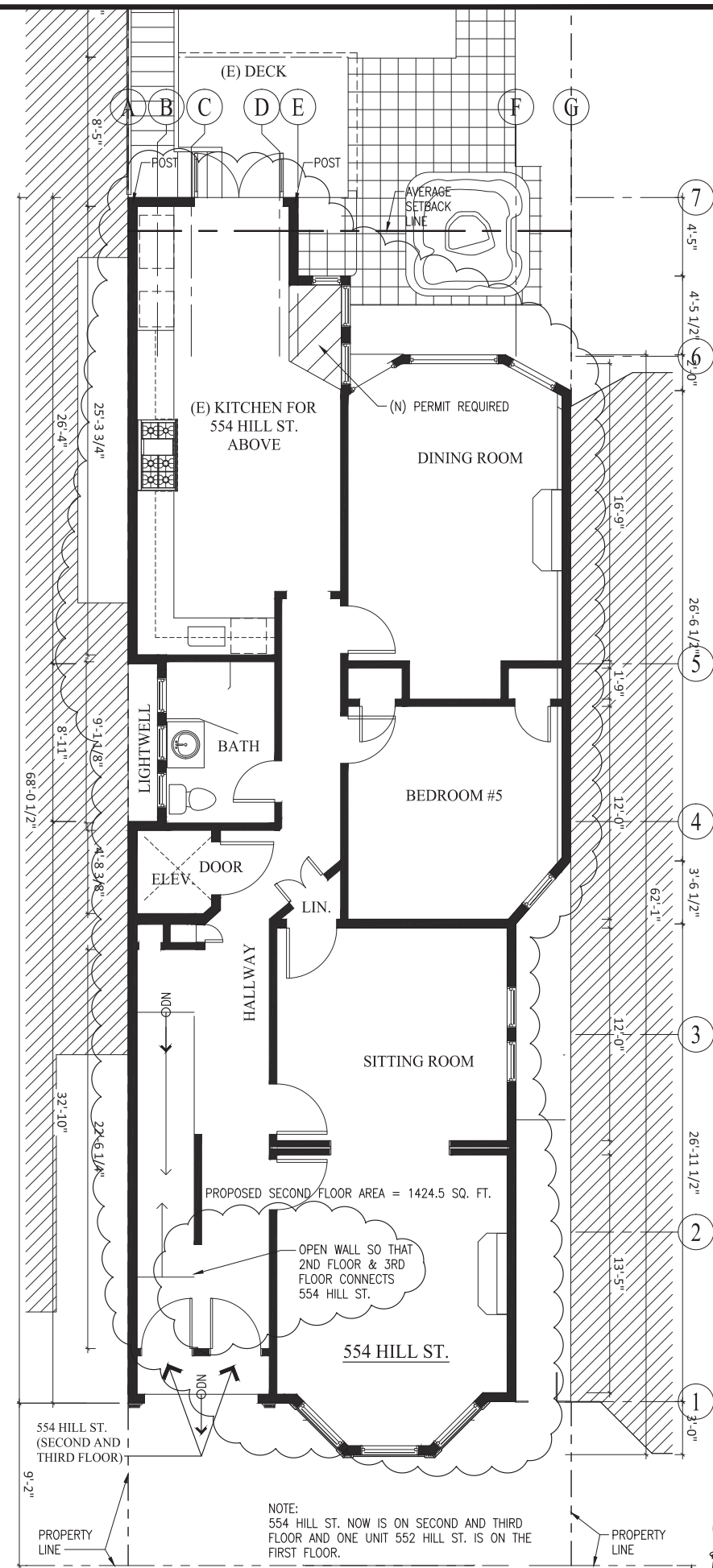
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| DESIGNED/CHECKED | PB |
| DATE | |
| SCALE | AS NOTED |
| JOB NO. | 18.115 |
| SHEET | |



1 EXISTING SECOND FLOOR PLAN
PRIOR TO BPA NO. 200312313258 1/4"=1'-0"



1 AS-BUILT SECOND FLOOR PLAN (INCLUDING
WORK BEYOND SCOPE OF BPA NO. 200312313258 1/4"=1'-0"



3 PROPOSED SECOND FLOOR PLAN
1/4"=1'-0"

| | |
|-------------|-----|
| DESCRIPTION | |
| DATE | |
| REV. | ▲▲▲ |

PATRICK BUSCOVICH
AND ASSOCIATES
STRUCTURAL ENGINEERS, INC.
235 MONTGOMERY STREET, SUITE 1140
SAN FRANCISCO, CALIFORNIA 94104
(415) 764-0636



552-554 HILL STREET
SAN FRANCISCO, CA.

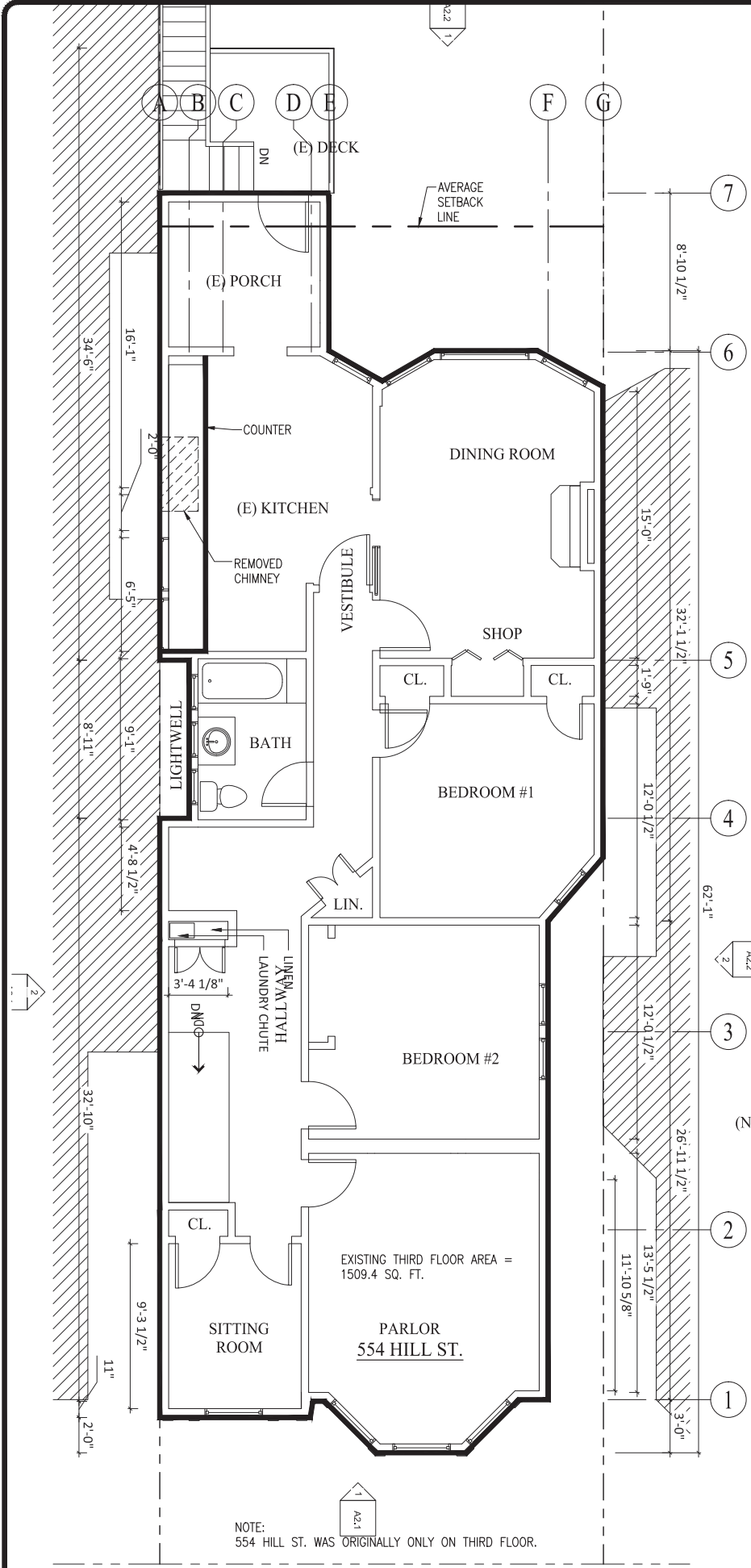
EXISTING, AS-BUILT, AND
PROPOSED SECOND
FLOOR PLANS

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| DRAWN | DA |
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| DATE | |
| SCALE | AS NOTED |
| JOB NO. | 18.115 |
| SHEET | |

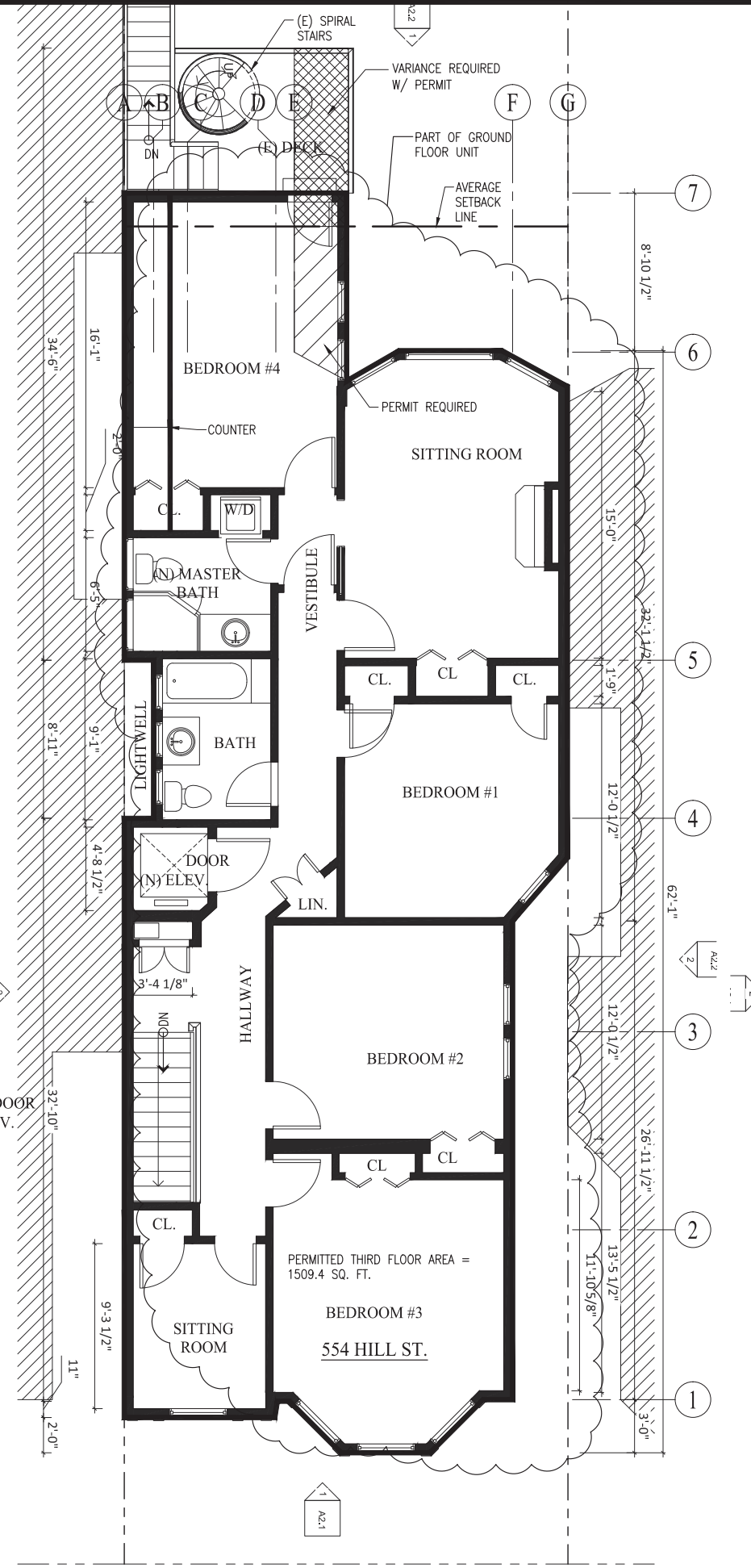
A2.2

OF SHEETS

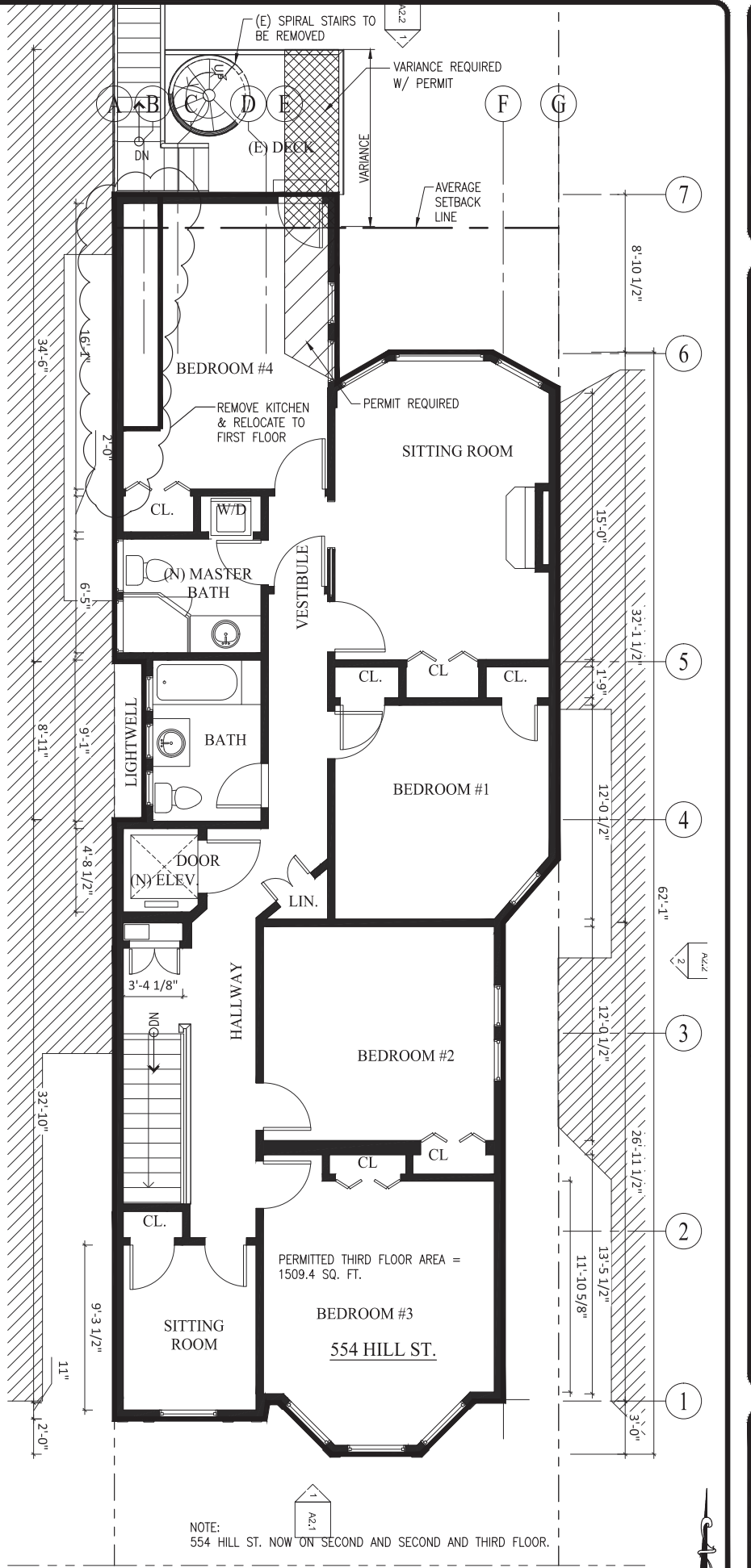
© COPYRIGHT 2019



1 EXISTING THIRD FLOOR PLAN (PRIOR TO BPA NO. 200312313258) 1/4"=1'-0"



2 AS-BUILT THIRD FLOOR PLAN (INCLUDING WORK BEYOND SCOPE OF BPA NO. 200312313258) 1/4"=1'-0"



3 PROPOSED THIRD FLOOR PLAN 1/4"=1'-0"

| REV. | DATE | DESCRIPTION |
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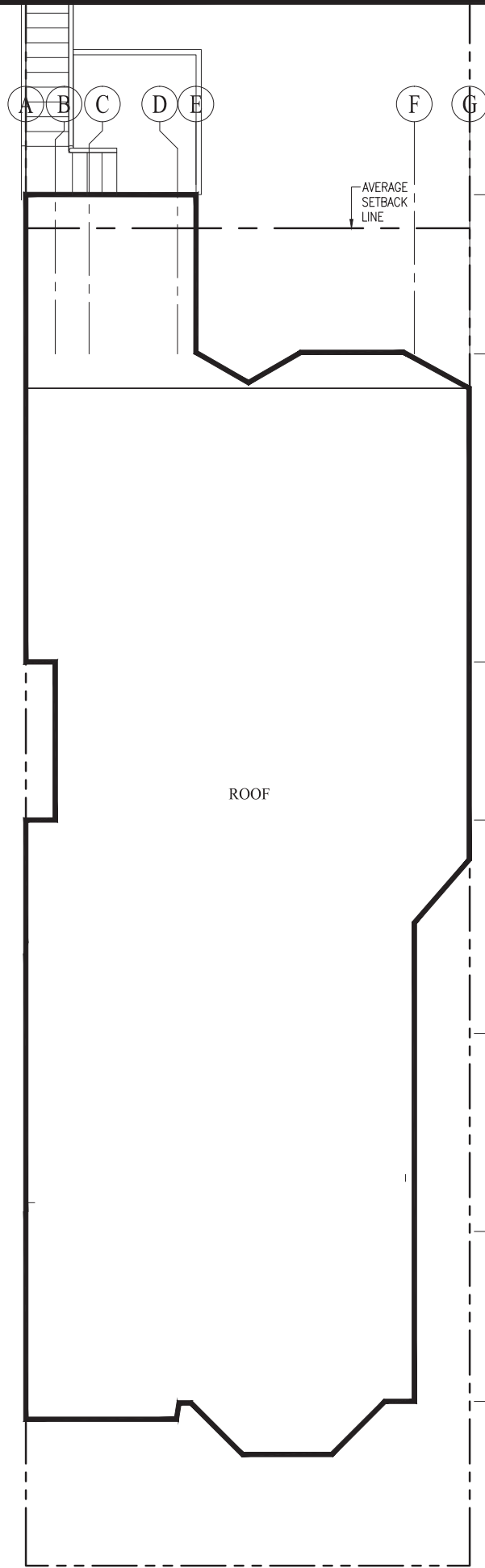
PATRICK BUSCOVICH AND ASSOCIATES
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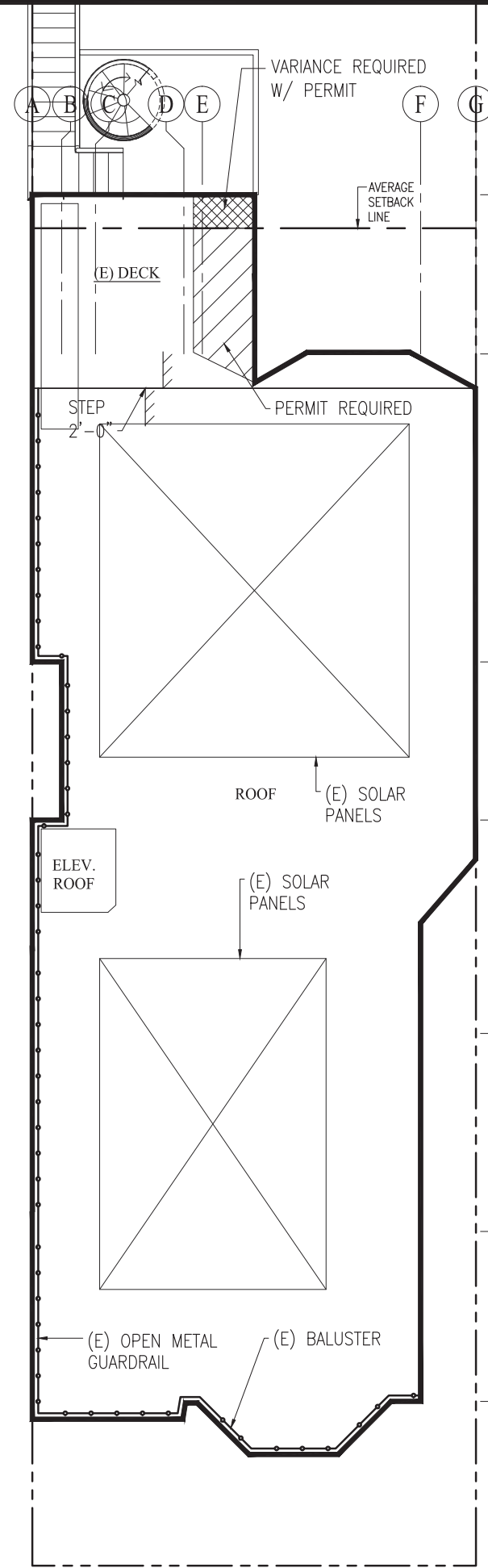
552-554 HILL STREET
 SAN FRANCISCO, CA.

EXISTING, AS-BUILT, AND
 PROPOSED THIRD
 FLOOR PLANS

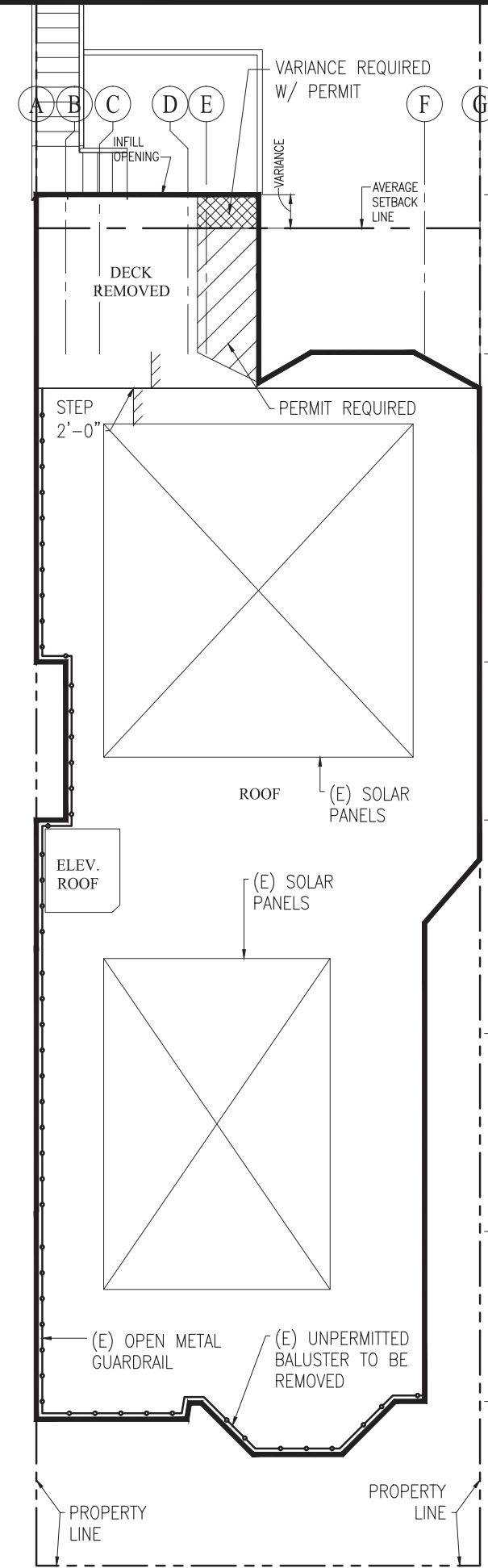
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| DRAWN | DA |
| DESIGNED/CHECKED | PB |
| DATE | |
| SCALE | AS NOTED |
| JOB NO. | 18.115 |
| SHEET | |



1 EXISTING ROOF PLAN (PRIOR TO BPA NO. 200312313258) 1/4"=1'-0"



2 AS-BUILT ROOF PLAN (INCLUDING WORK BEYOND SCOPE OF BPA NO. 200312313258) 1/4"=1'-0"



3 PROPOSED ROOF PLAN 1/4"=1'-0"

| REV. | DATE | DESCRIPTION |
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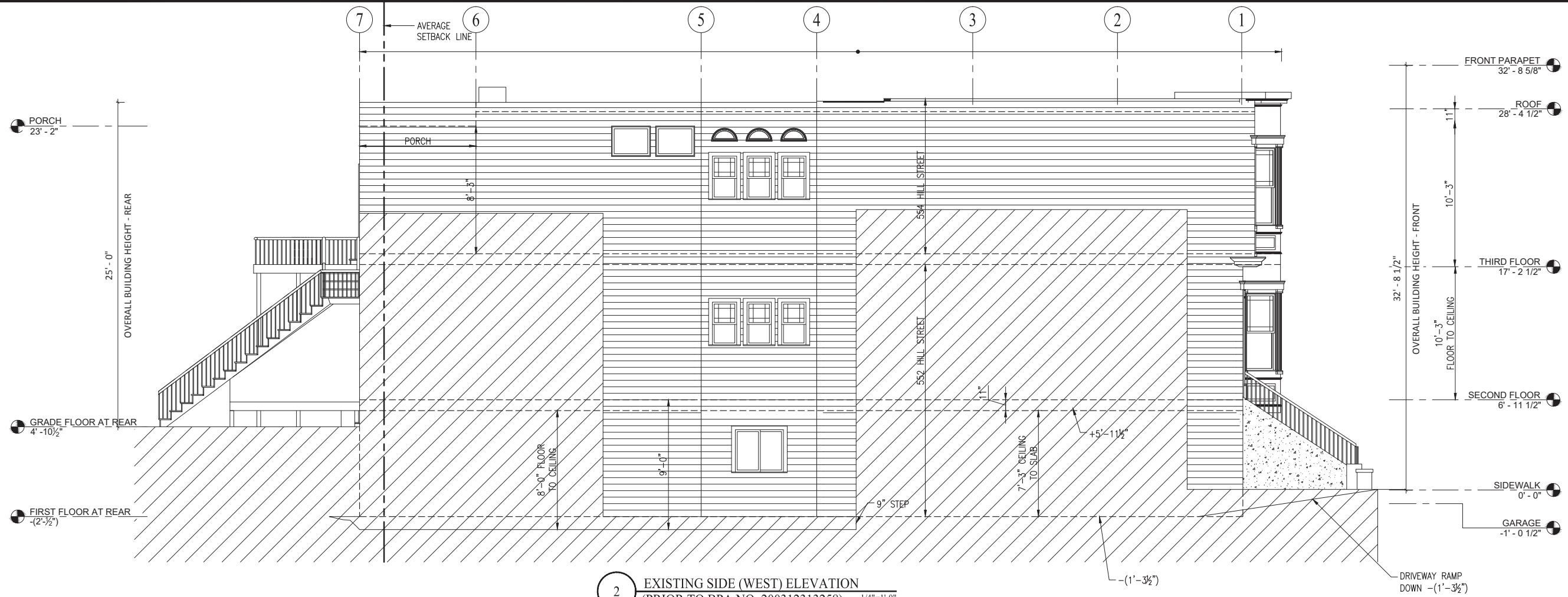
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EXISTING, AS-BUILT, AND PROPOSED ROOF PLANS

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|---------------------|
| DRAWN DA |
| DESIGNED/CHECKED PB |
| DATE |
| SCALE AS NOTED |
| JOB NO. 18.115 |
| SHEET |



2 EXISTING SIDE (WEST) ELEVATION
(PRIOR TO BPA NO. 200312313258) 1/4"=1'-0"



1 EXISTING FRONT (SOUTH) ELEVATION
(PRIOR TO BPA NO. 200312313258) 1/4"=1'-0"

| REV. | DATE | DESCRIPTION |
|------|------|-------------|
| | | |
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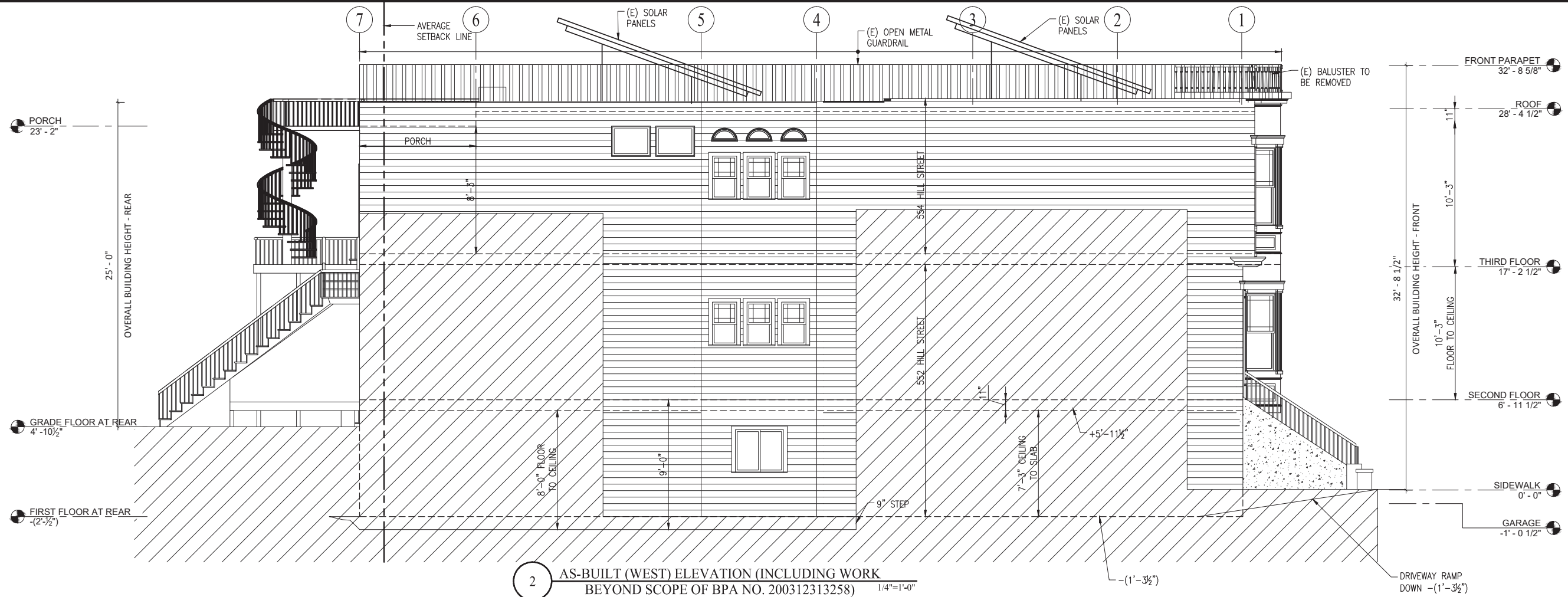


552-554 HILL STREET
SAN FRANCISCO, CA.

EXISTING
SOUTH AND WEST ELEVATIONS

| | |
|------------------|----------|
| DRAWN | DA |
| DESIGNED/CHECKED | PB |
| DATE | |
| SCALE | AS NOTED |
| JOB NO. | 18.115 |
| SHEET | |

A3.1
OF SHEETS



2 AS-BUILT (WEST) ELEVATION (INCLUDING WORK BEYOND SCOPE OF BPA NO. 200312313258) 1/4"=1'-0"



1 AS-BUILT (SOUTH) ELEVATION (INCLUDING WORK BEYOND SCOPE OF BPA NO. 200312313258) 1/4"=1'-0"

| REV. | DATE | DESCRIPTION |
|------|------|-------------|
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PATRICK BUSCOVICH AND ASSOCIATES
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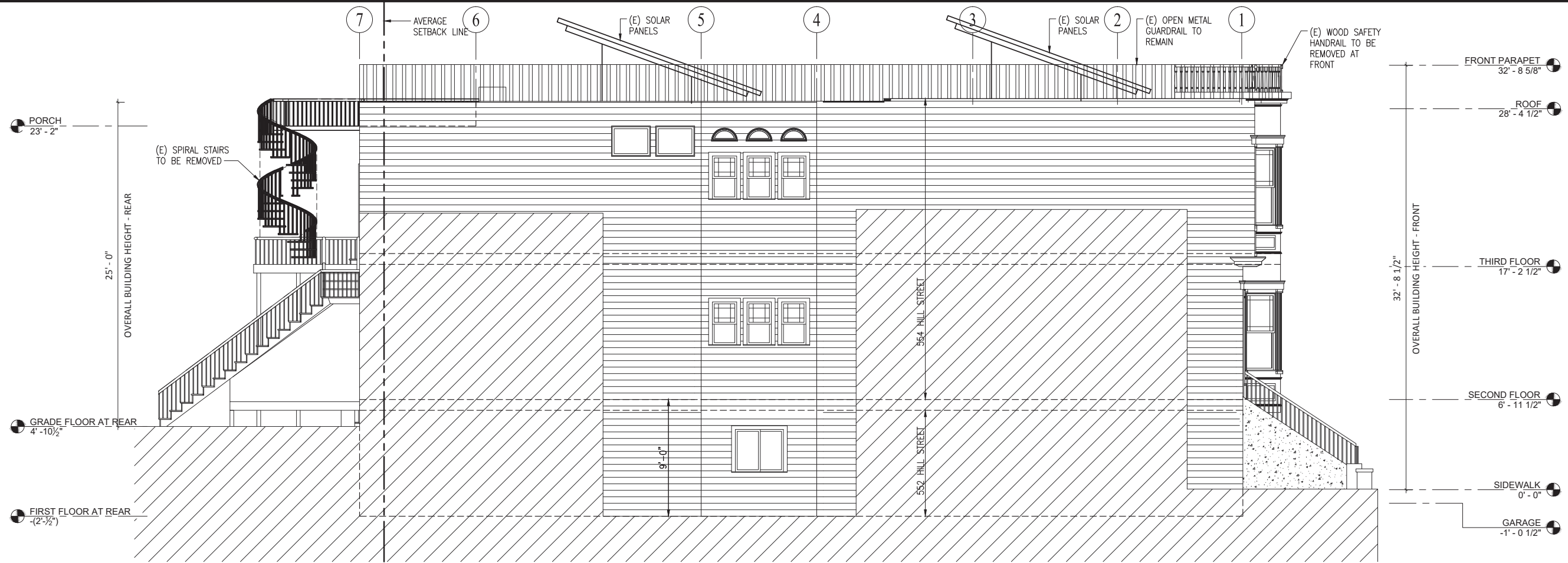


552-554 HILL STREET
 SAN FRANCISCO, CA.

AS-BUILT
 SOUTH AND WEST ELEVATIONS

| | |
|------------------|----------|
| DRAWN | DA |
| DESIGNED/CHECKED | PB |
| DATE | |
| SCALE | AS NOTED |
| JOB NO. | 18.115 |
| SHEET | |

A3.1.0
 OF SHEETS



2 PROPOSED SIDE (WEST) ELEVATION
1/4"=1'-0"



1 PROPOSED FRONT (SOUTH) ELEVATION
1/4"=1'-0"

| REV. | DATE | DESCRIPTION |
|------|------|-------------|
| | | |
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AND ASSOCIATES
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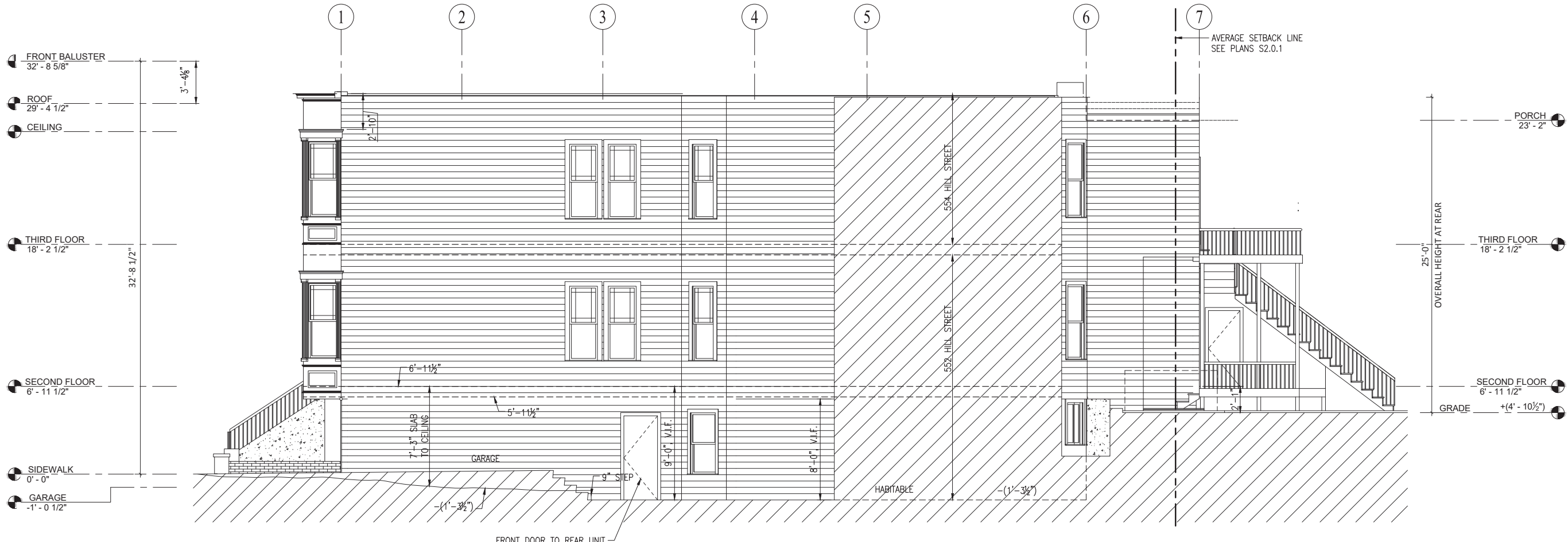


552-554 HILL STREET
SAN FRANCISCO, CA.

PROPOSED
SOUTH AND WEST ELEVATIONS

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|------------------------|
| DRAWN DA |
| DESIGNED/CHECKED PB |
| DATE |
| SCALE AS NOTED |
| JOB NO. 18.115 |
| SHEET |

A3.2
OF SHEETS



2 EXISTING SIDE (EAST) ELEVATION
(PRIOR TO BPA NO. 200312313258) 1/4"=1'-0"



1 EXISTING REAR (NORTH) ELEVATION
(PRIOR TO BPA NO. 200312313258) 1/4"=1'-0"

| REV. | DATE | DESCRIPTION |
|------|------|-------------|
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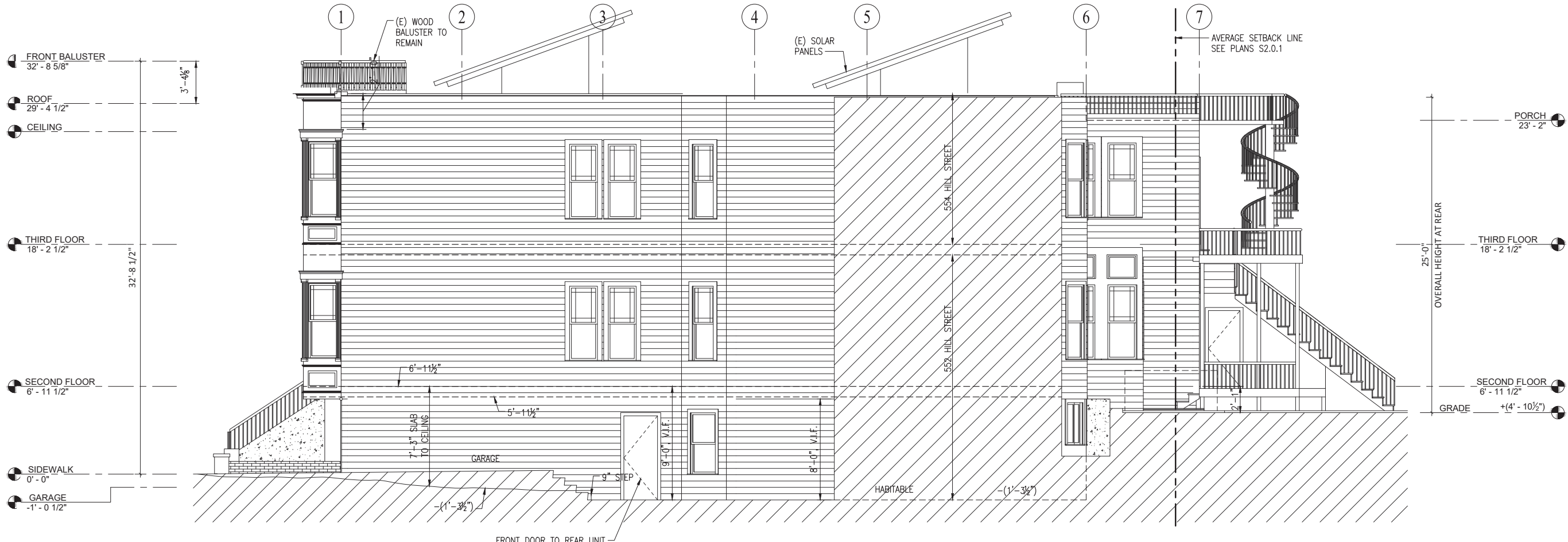


552-554 HILL STREET
SAN FRANCISCO, CA.

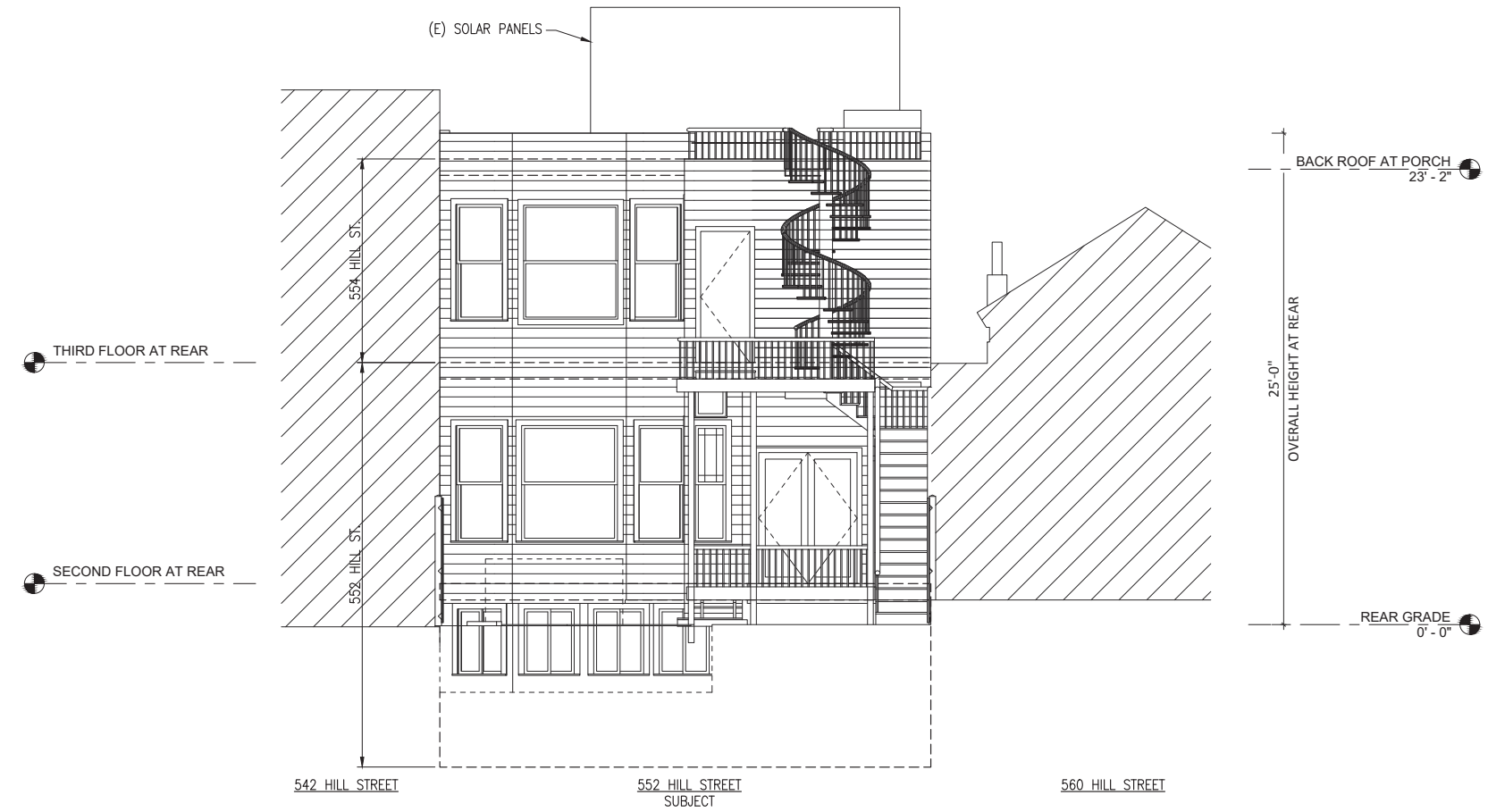
EXISTING
NORTH AND EAST ELEVATIONS

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|------------------------|
| DRAWN DA |
| DESIGNED/CHECKED PB |
| DATE |
| SCALE AS NOTED |
| JOB NO. 18.115 |
| SHEET |

A3.3
OF SHEETS



2 AS-BUILT (EAST) ELEVATION (INCLUDING WORK BEYOND SCOPE OF BPA NO. 200312313258) 1/4"=1'-0"



1 AS-BUILT (NORTH) ELEVATION (INCLUDING WORK BEYOND SCOPE OF BPA NO. 200312313258) 1/4"=1'-0"

| REV. | DATE | DESCRIPTION |
|------|------|-------------|
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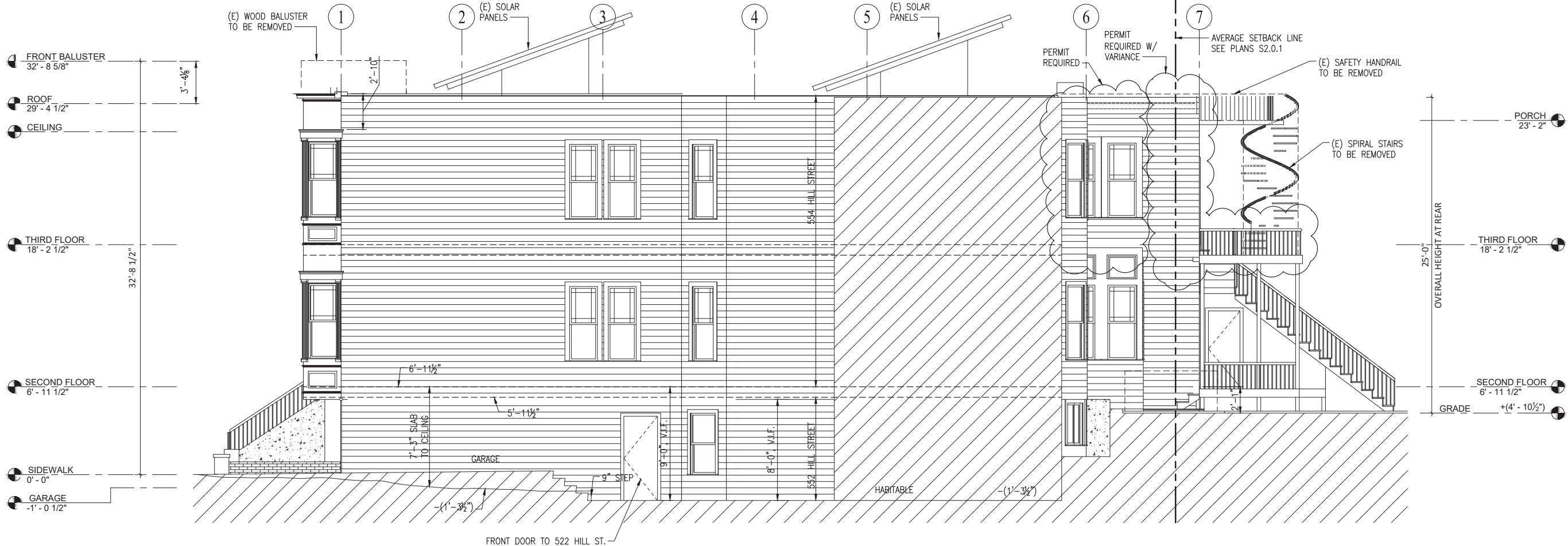


552-554 HILL STREET
 SAN FRANCISCO, CA.

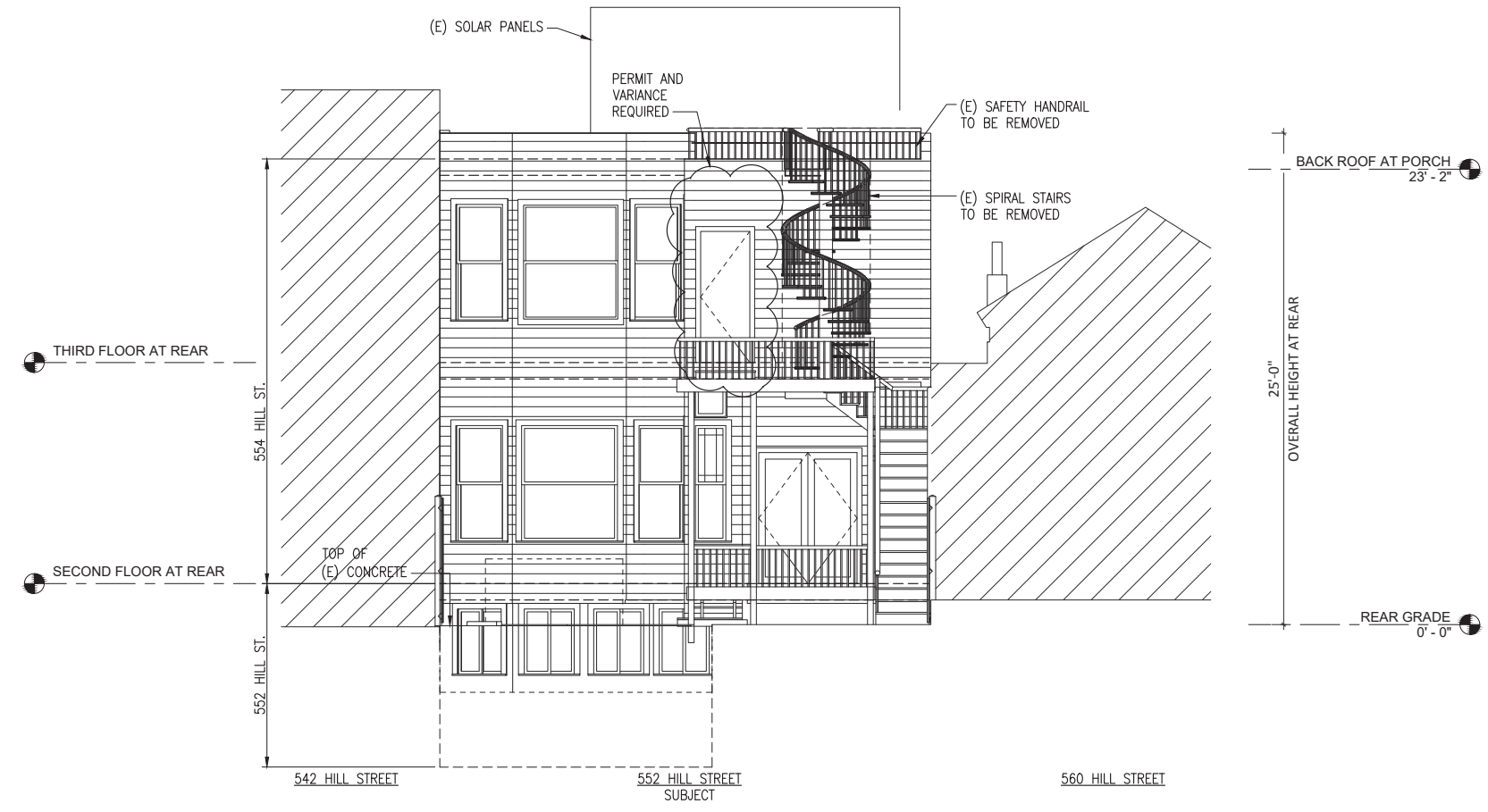
AS-BUILT
 NORTH AND EAST ELEVATIONS

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| DRAWN | DA |
| DESIGNED/CHECKED | PB |
| DATE | |
| SCALE | AS NOTED |
| JOB NO. | 18.115 |
| SHEET | |

A3.3.0
 OF SHEETS



2 PROPOSED SIDE (EAST) ELEVATION
1/4"=1'-0"



1 PROPOSED REAR (NORTH) ELEVATION
1/4"=1'-0"

| REV. | DATE | DESCRIPTION |
|------|------|-------------|
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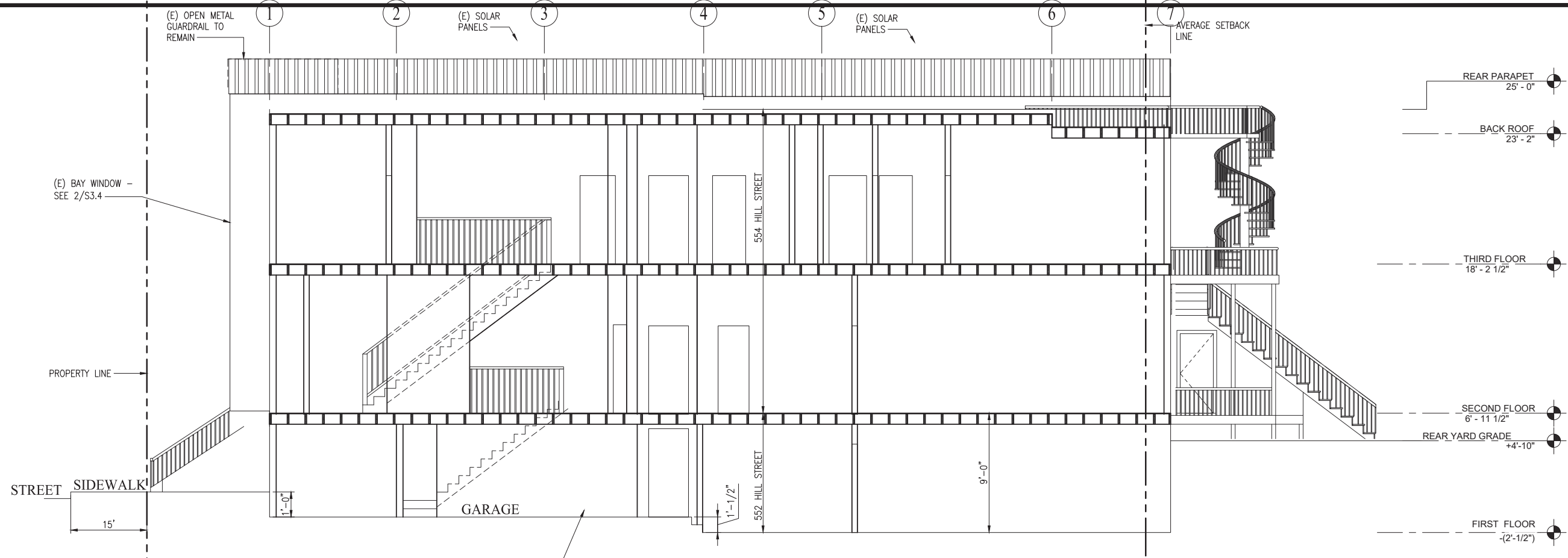


552-554 HILL STREET
SAN FRANCISCO, CA.

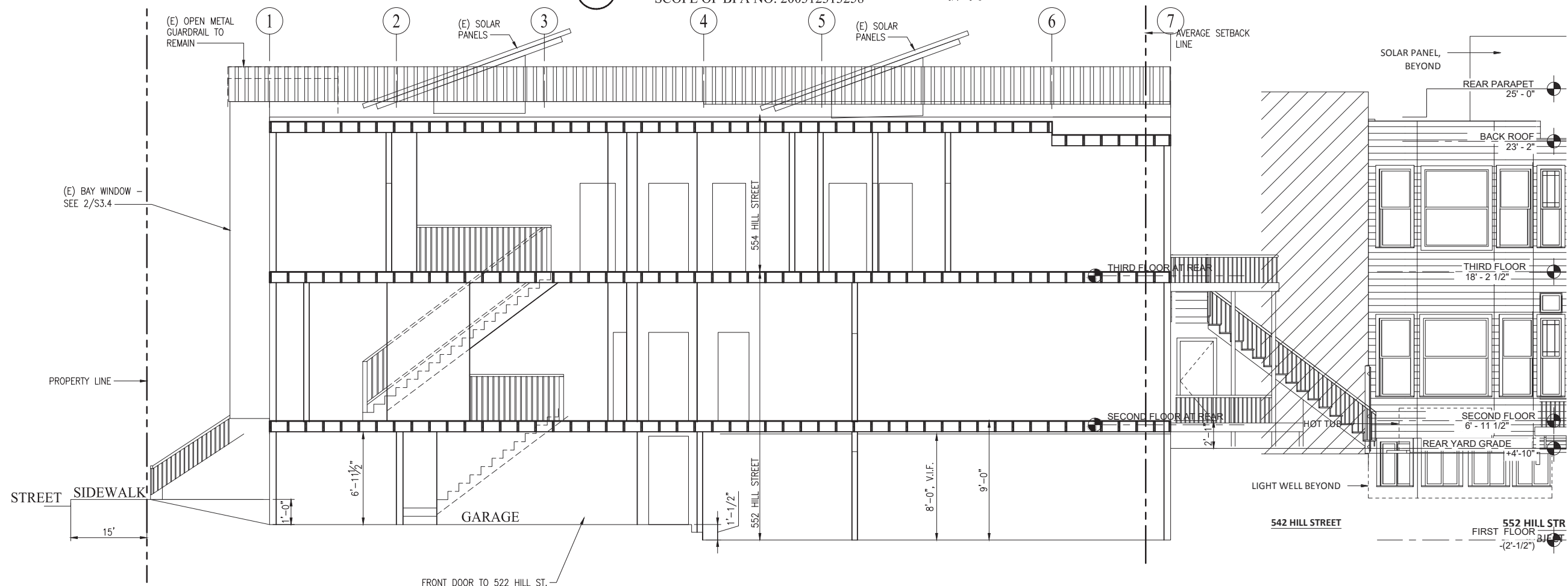
PROPOSED
NORTH AND EAST ELEVATIONS

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| DRAWN | DA |
| DESIGNED/CHECKED | PB |
| DATE | |
| SCALE | AS NOTED |
| JOB NO. | 18.115 |
| SHEET | |

A3.4
OF SHEETS



2 AS-BUILT SECTION (INCLUDING WORK BEYOND SCOPE OF BPA NO. 200312313258) 1/4"=1'-0"



1 EXISTING SECTION (PRIOR TO BPA NO. 200312313258) 1/4"=1'-0"

| REV. | DATE | DESCRIPTION |
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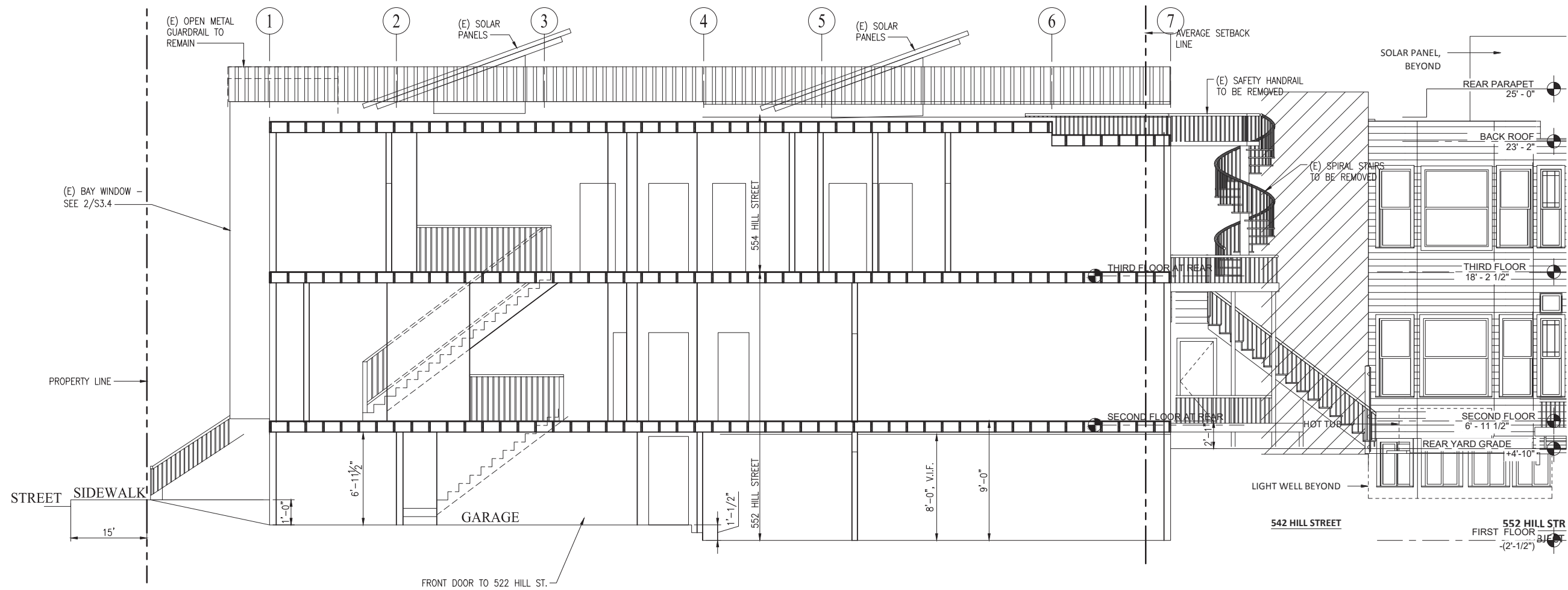


552-554 HILL STREET
 SAN FRANCISCO, CA.

EXISTING AND AS-BUILT SECTIONS

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| DRAWN DA |
| DESIGNED/CHECKED PB |
| DATE |
| SCALE AS NOTED |
| JOB NO. 18.115 |
| SHEET |

A3.5
 OF SHEETS



1 PROPOSED SECTION
1/4"=1'-0"

| REV. | DATE | DESCRIPTION |
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552-554 HILL STREET
SAN FRANCISCO, CA.

PROPOSED SECTION

| |
|------------------------|
| DRAWN DA |
| DESIGNED/CHECKED PB |
| DATE |
| SCALE AS NOTED |
| JOB NO. 18.115 |
| SHEET |

A3.6
OF SHEETS

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. 554-5227

NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO Sent via Email and/or U.S. Postal Service

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a remote public hearing to consider the following appeal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: Tuesday, ~~September 22, 2020~~ Continued to November 10, 2020

Time: 3:00 p.m.

Location: REMOTE MEETING VIA VIDEOCONFERENCE

Watch: www.sfgovtv.org

Watch: SF Cable Channel 26, 78 or 99 (*depending on your provider*) once the meeting starts, the telephone number and Meeting ID will be displayed on the screen.

Public Comment Call-In: <https://sfbos.org/remote-meeting-call>

Subject: **File No. 200942.** Hearing of persons interested in or objecting to the disapproval of a Conditional Use Authorization pursuant to Sections 209.1, 303, and 317 of the Planning Code, for a proposed project at 552-554 Hill Street, Assessor's Parcel Block No. 3622, Lot No. 065, identified in Planning Case No. 2019-000013CUA, issued by the Planning Commission by Motion No. 20756, dated July 9, 2020, to allow the legalization of a dwelling unit merger of two residential flats and unauthorized removal and relocation of one dwelling unit to basement level within the RH-2 (Residential, House, Two-Family) Zoning District and the 40-X Height and Bulk District. (District 8) (Appellant: Sarah Hoffman of Zacks, Freedman & Patterson, PC, on behalf of Robert Roddick) (Filed August 10, 2020)

On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely and allow for remote public comment due to the Coronavirus -19 pandemic. Therefore, Board of Supervisors meetings that are held through videoconferencing will allow remote public comment. Visit the SFGovTV website (www.sfgovtv.org) to stream the live meetings or watch them on demand.

DATED ~ MAILED ~ EMAILED ~ POSTED: September 11, 2020

PUBLIC COMMENT CALL-IN

WATCH: SF Cable Channel 26, 78 or 99 (*depending on your provider*) once the meeting starts, the telephone number and Meeting ID will be displayed on the screen; or

VISIT: <https://sfbos.org/remote-meeting-call>

Please visit the Board's website (<https://sfbos.org/city-board-response-covid-19>) regularly to be updated on the City's response to COVID-19 and how the legislative process may be impacted.

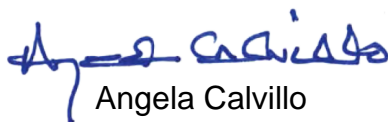
In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in this matter and shall be brought to the attention 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 or sent via email (bos@sfgov.org). Information relating to this matter is available in the Office of the Clerk of the Board or the Board of Supervisors' Legislative Research Center (<https://sfbos.org/legislative-research-center-lrc>). Agenda information relating to this matter will be available for public review on Friday, September 18, 2020.

For any questions about this hearing, please contact one of the Legislative Clerks:

Lisa Lew (lisa.lew@sfgov.org ~ (415) 554-7718)

Jocelyn Wong (jocelyn.wong@sfgov.org ~ (415) 554-7702)

Please Note: *The Department is open for business, but employees are working from home. Please allow 48 hours for us to return your call or email.*



Angela Calvillo
Clerk of the Board of Supervisors
City and County of San Francisco

jw:ll:ams

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. 554-5227

NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO Sent via Email and/or U.S. Postal Service

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a remote public hearing to consider the following appeal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

NOTE: The President may entertain a motion to continue this Hearing to a future Board of Supervisors meeting date to be determined. Public Comment will be taken on the continuance only.

Date: Tuesday, September 22, 2020

Time: 3:00 p.m.

Location: REMOTE MEETING VIA VIDEOCONFERENCE

Watch: www.sfgovtv.org

Watch: SF Cable Channel 26, 78 or 99 (*depending on your provider*) once the meeting starts, the telephone number and Meeting ID will be displayed on the screen.

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Subject: **File No. 200942.** Hearing of persons interested in or objecting to the disapproval of a Conditional Use Authorization pursuant to Sections 209.1, 303, and 317 of the Planning Code, for a proposed project at 552-554 Hill Street, Assessor's Parcel Block No. 3622, Lot No. 065, identified in Planning Case No. 2019-000013CUA, issued by the Planning Commission by Motion No. 20756, dated July 9, 2020, to allow the legalization of a dwelling unit merger of two residential flats and unauthorized removal and relocation of one dwelling unit to basement level within the RH-2 (Residential, House, Two-Family) Zoning District and the 40-X Height and Bulk District. (District 8) (Appellant: Sarah Hoffman of Zacks, Freedman & Patterson, PC, on behalf of Robert Roddick) (Filed August 10, 2020)

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DATED ~ MAILED ~ EMAILED ~ POSTED: September 11, 2020

PUBLIC COMMENT CALL-IN

WATCH: SF Cable Channel 26, 78 or 99 (*depending on your provider*) once the meeting starts, the telephone number and Meeting ID will be displayed on the screen; or

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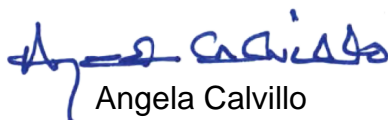
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For any questions about this hearing, please contact one of the Legislative Clerks:

Lisa Lew (lisa.lew@sfgov.org ~ (415) 554-7718)

Jocelyn Wong (jocelyn.wong@sfgov.org ~ (415) 554-7702)

Please Note: *The Department is open for business, but employees are working from home. Please allow 48 hours for us to return your call or email.*



Angela Calvillo
Clerk of the Board of Supervisors
City and County of San Francisco

jw:ll:ams

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

PROOF OF MAILING

Legislative File No. 200942

Description of Items: Hearing - Appeal of Conditional Use Authorization - 552-554 Hill Street - 273 Notices Mailed

I, Lisa Lew, an employee of the City and County of San Francisco, mailed the above described document(s) by depositing the sealed items with the United States Postal Service (USPS) with the postage fully prepaid as follows:

Date: September 8, 2020

Time: 3:30 p.m.

USPS Location: Repro Pick-up Box in Building Management's Office (Rm 8)

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

A handwritten signature in blue ink that reads "Lisa Lew".

Signature: _____

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

From: [BOS Legislation, \(BOS\)](#)
To: "sarah@zfplaw.com"; "Ryan Patterson"
Cc: [Storrs, Bruce \(DPW\)](#); [Tse, Bernie \(DPW\)](#); [Rivera, Javier \(DPW\)](#); [Duran, Vanessa \(DPW\)](#); [Wong, Jason \(DPW\)](#); [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [RUIZ-ESQUIDE, ANDREA \(CAT\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Varat, Adam \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Campbell, Cathleen \(CPC\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation, \(BOS\)](#)
Subject: HEARING NOTICE: Appeal of Conditional Use Authorization - 552-554 Hill Street - Appeal Hearing September 22, 2020
Date: Friday, September 11, 2020 9:06:14 AM
Attachments: [image001.png](#)

Hello,

The Office of the Clerk of the Board has scheduled a remote hearing for Special Order before the Board of Supervisors on **September 22, 2020, at 3:00 p.m.**, to hear an appeal of a Conditional Use Authorization, for the proposed 552-554 Hill Street project.

Please find the following link to the hearing notice for the matter:

[Public Hearing Notice - September 11, 2020](#)

The President may entertain a motion to continue this Hearing to a future Board of Supervisors meeting date, to be determined. Public Comment will be taken on the continuance only.

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

[Board of Supervisors File No. 200942](#)

Best regards,

Lisa Lew
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

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

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or

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From: [BOS Legislation. \(BOS\)](#)
To: [Docs. SF \(LIB\)](#)
Cc: [BOS Legislation. \(BOS\)](#)
Subject: FW: HEARING NOTICE: Appeal of Conditional Use Authorization - 552-554 Hill Street - Appeal Hearing
September 22, 2020
Date: Friday, September 11, 2020 9:09:44 AM
Attachments: [image001.png](#)

Good morning,

Please kindly post the hearing notice linked below for public viewing.

Thank you,

Lisa Lew

San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

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From: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Sent: Friday, September 11, 2020 9:06 AM
To: 'sarah@zfplaw.com' <sarah@zfplaw.com>; 'Ryan Patterson' <ryan@zfplaw.com>
Cc: Storrs, Bruce (DPW) <Bruce.Storrs@sfdpw.org>; Tse, Bernie (DPW) <bernie.tse@sfdpw.org>; Rivera, Javier (DPW) <Javier.Rivera@sfdpw.org>; Duran, Vanessa (DPW) <vanessa.duran@sfdpw.org>; Wong, Jason (DPW) <jason.c.wong1@sfdpw.org>; PEARSON, ANNE (CAT) <Anne.Pearson@sfcityatty.org>; STACY, KATE (CAT) <Kate.Stacy@sfcityatty.org>; JENSEN, KRISTEN (CAT) <Kristen.Jensen@sfcityatty.org>; RUIZ-ESQUIDE, ANDREA (CAT) <Andrea.Ruiz-Esquide@sfcityatty.org>; Gibson, Lisa (CPC) <lisa.gibson@sfgov.org>; Jain, Devyani (CPC) <devyani.jain@sfgov.org>; Varat, Adam (CPC) <adam.varat@sfgov.org>; Rodgers, AnMarie (CPC) <anmarie.rodgers@sfgov.org>; Navarrete, Joy (CPC) <joy.navarrete@sfgov.org>; Teague, Corey (CPC) <corey.teague@sfgov.org>; Sanchez, Scott (CPC) <scott.sanchez@sfgov.org>; Sider, Dan (CPC) <dan.sider@sfgov.org>; Starr, Aaron (CPC) <aaron.starr@sfgov.org>; Lonin, Jonas (CPC)

<jonas.ionin@sfgov.org>; Campbell, Cathleen (CPC) <cathleen.campbell@sfgov.org>; Rosenberg, Julie (BOA) <julie.rosenberg@sfgov.org>; Sullivan, Katy (BOA) <katy.sullivan@sfgov.org>; Longaway, Alec (BOA) <alec.longaway@sfgov.org>; BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative_aides@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Mchugh, Eileen (BOS) <eileen.e.mchugh@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>

Subject: HEARING NOTICE: Appeal of Conditional Use Authorization - 552-554 Hill Street - Appeal Hearing September 22, 2020

Hello,

The Office of the Clerk of the Board has scheduled a remote hearing for Special Order before the Board of Supervisors on **September 22, 2020, at 3:00 p.m.**, to hear an appeal of a Conditional Use Authorization, for the proposed 552-554 Hill Street project.

Please find the following link to the hearing notice for the matter:

[Public Hearing Notice - September 11, 2020](#)

The President may entertain a motion to continue this Hearing to a future Board of Supervisors meeting date, to be determined. Public Comment will be taken on the continuance only.

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

[Board of Supervisors File No. 200942](#)

Best regards,

Lisa Lew
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

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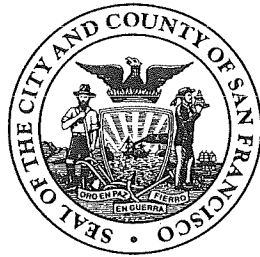
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BOARD of SUPERVISORS



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

August 28, 2020

File Nos. 200942-200945

Planning Case Nos. 2019-000013CUA

Received from the Board of Supervisors Clerk's Office two checks, each in the amount of Six Hundred Forty Dollars (\$640), representing the filing fee paid by Zacks, Freeman & Patterson for the appeals of the Conditional Use Authorization for the proposed 552-554 Hill Street project:

Planning Department

By:

Tony Yeung

Print Name

[Signature] 8/28/20

Signature and Date

From: [BOS Legislation, \(BOS\)](#)
To: [Ko, Yvonne \(CPC\)](#); [Yeung, Tony \(CPC\)](#)
Cc: [BOS-Operations](#); [BOS Legislation, \(BOS\)](#)
Subject: CHECK PICKUP: HEARING NOTICE: Appeal of Conditional Use Authorization - Proposed 552-554 Hill Street - Appeal Hearing - September 22, 2020
Date: Friday, August 28, 2020 11:17:44 AM
Attachments: [image001.png](#)
[Appeal Check Pickup.doc](#)

Hi Yvonne,

The check for the appeal filing fee for the Conditional Use Authorization appeal of the proposed 552-554 Hill Street project, is ready to be picked up at the Clerk's Office. Please coordinate with our BOS-Operations team, copied here, to set up a date and time for pickup. A fee waiver was not filed with this project.

Ops,

The check should be in your possession currently. Please have Planning sign the attached pick up form and scan it back to the leg clerks when completed.

Thank you.

Lisa Lew

San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
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T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

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From: BOS Legislation, (BOS) <bos.legislation@sfgov.org>

Sent: Thursday, August 27, 2020 9:52 PM

To: 'sarah@zfplaw.com' <sarah@zfplaw.com>

Cc: Storrs, Bruce (DPW) <Bruce.Storrs@sfdpw.org>; Tse, Bernie (DPW) <bernie.tse@sfdpw.org>; Rivera, Javier (DPW) <Javier.Rivera@sfdpw.org>; Duran, Vanessa (DPW)

<vanessa.duran@sfdpw.org>; Wong, Jason (DPW) <jason.c.wong1@sfdpw.org>; PEARSON, ANNE (CAT) <Anne.Pearson@sfcityatty.org>; STACY, KATE (CAT) <Kate.Stacy@sfcityatty.org>; JENSEN, KRISTEN (CAT) <Kristen.Jensen@sfcityatty.org>; RUIZ-ESQUIDE, ANDREA (CAT) <Andrea.Ruiz-Esquide@sfcityatty.org>; Gibson, Lisa (CPC) <lisa.gibson@sfgov.org>; Jain, Devyani (CPC) <devyani.jain@sfgov.org>; Varat, Adam (CPC) <adam.varat@sfgov.org>; Rodgers, AnMarie (CPC) <anmarie.rodgers@sfgov.org>; Navarrete, Joy (CPC) <joy.navarrete@sfgov.org>; Teague, Corey (CPC) <corey.teague@sfgov.org>; Sanchez, Scott (CPC) <scott.sanchez@sfgov.org>; Sider, Dan (CPC) <dan.sider@sfgov.org>; Starr, Aaron (CPC) <aaron.starr@sfgov.org>; Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>; Campbell, Cathleen (CPC) <cathleen.campbell@sfgov.org>; Rosenberg, Julie (BOA) <julie.rosenberg@sfgov.org>; Sullivan, Katy (BOA) <katy.sullivan@sfgov.org>; Longaway, Alec (BOA) <alec.longaway@sfgov.org>; BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative_aides@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Mchugh, Eileen (BOS) <eileen.e.mchugh@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Subject: HEARING NOTICE: Appeal of Conditional Use Authorization - Proposed 552-554 Hill Street - Appeal Hearing - September 22, 2020

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Please find linked below the letter of appeal filed against the proposed 552-554 Hill Street project, as well as a direct link to the Public Work's Signature Sufficiency for the appeal, and an information letter from the Clerk of the Board.

[Conditional Use Appeal Letter - August 10, 2020](#)

[Public Works Memo - August 17, 2020](#)

[Clerk of the Board Letter - August 27, 2020](#)

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

[Board of Supervisors File No. 200942](#)

Best regards,

Lisa Lew

San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

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From: [BOS Legislation, \(BOS\)](#)
To: [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [RUIZ-ESQUIDE, ANDREA \(CAT\)](#)
Cc: [BOS Legislation, \(BOS\)](#)
Subject: REQUEST FOR MOTIONS REVIEW: HEARING NOTICE: Appeal of Conditional Use Authorization - Proposed 552-554 Hill Street - Appeal Hearing - September 22, 2020
Date: Friday, August 28, 2020 11:09:56 AM
Attachments: [image001.png](#)
[200943.doc](#)
[200944.doc](#)
[200945.doc](#)

Good morning,

Kindly review the draft hearing title and the attached Draft Motions for the appeal of the Conditional Use Authorization for the proposed 552-554 Hill Street project. We will be sending out the hearing notice on September 11, 2020, if we can get a review of the hearing titles and motions prior to the 11th it would be greatly appreciated.

Hearing

[Hearing - Appeal of Conditional Use Authorization - 552-554 Hill Street]

Hearing of persons interested in or objecting to the disapproval of a Conditional Use Authorization pursuant to Sections 209.1, 303, and 317 of the Planning Code, for a proposed project at 552-554 Hill Street, Assessor's Parcel Block No. 3622, Lot No. 065, identified in Planning Case No. 2019-000013CUA, issued by the Planning Commission by Motion No. 20756, dated July 9, 2020, to allow the legalization of a dwelling unit merger of two residential flats and unauthorized removal and relocation of one dwelling unit to basement level within the RH-2 (Residential, House, Two-Family) Zoning District and the 40-X Height and Bulk District. (District 8) (Appellant: Sarah Hoffman of Zacks, Freedman & Patterson, PC, on behalf of Robert Roddick) (Filed August 10, 2020)

-

Motions

[Approving Conditional Use Authorization - 552-554 Hill Street]

Motion approving the decision of the Planning Commission by its Motion No. 20756, disapproving a Conditional Use Authorization, identified as Planning Case No. 2019-000013CUA, for a proposed project located at 552-554 Hill Street; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

[Conditionally Disapproving Conditional Use Authorization - 552-554 Hill Street]

Motion conditionally disapproving the decision of the Planning Commission by its Motion No. 20756, disapproving a Conditional Use Authorization, identified as Planning Case No. 2019-000013CUA, for a proposed project at 552-554 Hill Street, subject to the adoption of written findings by the Board in support of this determination.

[Preparation of Findings Related to Conditional Use Authorization Appeal - 552-554 Hill Street]

Motion directing the Clerk of the Board to prepare findings in support of the Board of Supervisors' disapproval of the proposed Conditional Use Authorization, identified as Planning Case No. 2019-000013CUA, for a proposed project at 552-554 Hill Street.

Thank you in advance.

Warm regards,

Lisa Lew
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

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Subject: HEARING NOTICE: Appeal of Conditional Use Authorization - Proposed 552-554 Hill Street - Appeal Hearing - September 22, 2020

Greetings,

The Office of the Clerk of the Board has scheduled a remote hearing for a Special Order before the Board of Supervisors on **Tuesday, September 22, 2020, at 3:00 p.m.**, to hear an appeal of a Conditional Use Authorization, for the proposed 552-554 Hill Street project.

Please find linked below the letter of appeal filed against the proposed 552-554 Hill Street project, as well as a direct link to the Public Work's Signature Sufficiency for the appeal, and an information letter from the Clerk of the Board.

[Conditional Use Appeal Letter - August 10, 2020](#)

[Public Works Memo - August 17, 2020](#)

[Clerk of the Board Letter - August 27, 2020](#)

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

[Board of Supervisors File No. 200942](#)

Best regards,

Lisa Lew

San Francisco Board of Supervisors
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Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

August 27, 2020

Sarah Hoffman
Zacks, Freedman & Patterson, PC
235 Montgomery Street, Suite 400
San Francisco, CA 94104

Subject: File No. 200942 - Appeal of Conditional Use Authorization - Proposed Project at 552-554 Hill Street

Dear Ms. Hoffman,

The appeal filing period for the Conditional Use approval for the proposed project at 552-554 Hill Street closed on August 10, 2020.

The City and County Surveyor has informed the Board of Supervisors in a letter received August 17, 2020, (copy attached), that the signatures represented with your appeal filing on August 10, 2020, have been checked pursuant to the Planning Code, and represent owners of more than 20% of the property involved and are sufficient for an appeal.

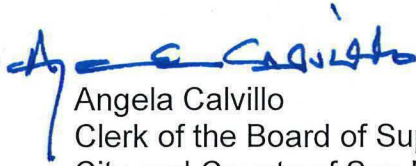
Pursuant to Planning Code, Section 308.1, a remote hearing date has been scheduled for **September 22, 2020, at 3:00 p.m.**, at the Board of Supervisors meeting.

Please provide to the Clerk's Office as soon as possible, names and addresses of interested parties to be notified of the hearing, in spreadsheet format by September 9, 2020. If there is supporting documentation you wish to include for the hearing, please email an electronic copy by Thursday, September 17, 2020, at noon to bos.legislation@sfgov.org. Any materials received after this date, will still be distributed to all parties and be included as part of the official file.

Continues on Next Page

If you have any questions, please feel free to contact Legislative Clerks, Lisa Lew, at (415) 554-7718, Jocelyn Wong, at (415) 554-7702, or Brent Jalipa, at (415) 554-7712.

Very truly yours,



Angela Calvillo
Clerk of the Board of Supervisors
City and County of San Francisco

- c: Bruce Storrs, Public Works
- Bernie Tse, Public Works
- Javier Rivera, Public Works
- Vanessa Duran, Public Works
- Jason Wong, Public Works
- Anne Pearson, Deputy City Attorney
- Kate Stacy, Deputy City Attorney
- Kristen Jensen, Deputy City Attorney
- Andrea Ruiz-Esquide, Deputy City Attorney
- Lisa Gibson, Planning Department
- Devyani Jain, Planning Department
- Adam Varat, Planning Department
- AnMarie Rodgers, Planning Department
- Joy Navarette, Planning Department
- Corey Teague, Planning Department
- Scott Sanchez, Planning Department
- Dan Sider, Planning Department
- Aaron Starr, Planning Department
- Jonas Ionin, Planning Commission
- Cathleen Campbell, Planning Department
- Julie Rosenberg, Board of Appeals
- Katy Sullivan, Board of Appeals
- Alec Longaway, Board of Appeals

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To: ["sarah@zfplaw.com"](mailto:sarah@zfplaw.com)
Cc: [Storrs, Bruce \(DPW\)](#); [Tse, Bernie \(DPW\)](#); [Rivera, Javier \(DPW\)](#); [Duran, Vanessa \(DPW\)](#); [Wong, Jason \(DPW\)](#); [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [RUIZ-ESQUIDE, ANDREA \(CAT\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Varat, Adam \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Campbell, Cathleen \(CPC\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation, \(BOS\)](#)
Subject: HEARING NOTICE: Appeal of Conditional Use Authorization - Proposed 552-554 Hill Street - Appeal Hearing - September 22, 2020
Date: Thursday, August 27, 2020 9:52:05 PM
Attachments: [image001.png](#)

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[Conditional Use Appeal Letter - August 10, 2020](#)

[Public Works Memo - August 17, 2020](#)

[Clerk of the Board Letter - August 27, 2020](#)

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

[Board of Supervisors File No. 200942](#)

Best regards,

Lisa Lew
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

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London N. Breed
Mayor

Alaric Degrafinried
Acting Director

Edward Yee
Acting Bureau Manager

Street-Use and Mapping
1155 Market St., 3rd floor
San Francisco, CA 94103
Tel 415-554-5810

sfpublicworks.org
facebook.com/sfpublicworks
twitter.com/sfpublicworks

August 17, 2020

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

RE: Planning Case No. 2019-000013CUA
552-554 Hill Street– Conditional Use Authorization Appeal
APN 3622 LOT 065

Dear Ms. Calvillo:

This letter is in response to your August 13, 2020 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 40.90% of area, which is greater than 20% of the area involved and therefore is enough for an appeal.

Sincerely,

A handwritten signature in blue ink that reads "James M. Ryan".

For

Bruce R. Storrs, P.L.S.
City & County Surveyor

From: [Duran, Vanessa \(DPW\)](#)
To: [BOS Legislation, \(BOS\)](#); [Storrs, Bruce \(DPW\)](#)
Cc: [Tse, Bernie \(DPW\)](#); [Rivera, Javier \(DPW\)](#); [Wong, Jason \(DPW\)](#); [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [RUIZ-ESQUIDE, ANDREA \(CAT\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Varat, Adam \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Campbell, Cathleen \(CPC\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#)
Subject: RE: Appeal of Conditional Use Authorization - Proposed Project at 552-554 Hill Street - Verification of Signatures
Date: Monday, August 17, 2020 4:59:56 PM
Attachments: [Response to Clerk_08-17-2020.pdf](#)
[image004.png](#)

Good Afternoon Lisa,

Attached is the signed response letter for the Conditional Use Authorization Appeal on 552-554 Hill Street.

Feel free to email if you have any further questions.

Best Regards,

Vanessa Duran

Mapping Subdivision

Bureau of Street Use and Mapping | San Francisco Public Works | City and County of San Francisco
1155 Market Street, 3d Floor | San Francisco, CA 94103 | (415) 554-5810 | sfpublicworks.org

From: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Sent: Thursday, August 13, 2020 11:22 AM
To: Storrs, Bruce (DPW) <Bruce.Storrs@sfdpw.org>
Cc: Tse, Bernie (DPW) <bernie.tse@sfdpw.org>; Rivera, Javier (DPW) <Javier.Rivera@sfdpw.org>; Duran, Vanessa (DPW) <vanessa.duran@sfdpw.org>; Wong, Jason (DPW) <jason.c.wong1@sfdpw.org>; PEARSON, ANNE (CAT) <Anne.Pearson@sfcityatty.org>; STACY, KATE (CAT) <Kate.Stacy@sfcityatty.org>; JENSEN, KRISTEN (CAT) <Kristen.Jensen@sfcityatty.org>; RUIZ-ESQUIDE, ANDREA (CAT) <Andrea.Ruiz-Esquide@sfcityatty.org>; Gibson, Lisa (CPC) <lisa.gibson@sfgov.org>; Jain, Devyani (CPC) <devyani.jain@sfgov.org>; Varat, Adam (CPC) <adam.varat@sfgov.org>; Navarrete, Joy (CPC) <joy.navarrete@sfgov.org>; Lynch, Laura (CPC) <laura.lynch@sfgov.org>; Teague, Corey (CPC) <corey.teague@sfgov.org>; Sanchez, Scott (CPC) <scott.sanchez@sfgov.org>; Sider, Dan (CPC) <dan.sider@sfgov.org>; Starr, Aaron (CPC) <aaron.starr@sfgov.org>; Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>; Campbell, Cathleen (CPC) <cathleen.campbell@sfgov.org>; Rosenberg, Julie (BOA) <julie.rosenberg@sfgov.org>; Sullivan, Katy (BOA) <katy.sullivan@sfgov.org>; Longaway, Alec (BOA) <alec.longaway@sfgov.org>; BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative_aides@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Mchugh, Eileen (BOS) <eileen.e.mchugh@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Subject: Appeal of Conditional Use Authorization - Proposed Project at 552-554 Hill Street - Verification of Signatures

Dear Mr. Storrs,

The Office of the Clerk of the Board is in receipt of an appeal of the Conditional Use Authorization for the proposed project at 552-554 Hill Street. The appeal was filed by Sarah Hoffman of Zacks, Freedman & Patterson, PC, on behalf of Robert Roddick, on August 10, 2020.

Please find attached the appeal filing packet, and a letter requesting verification of signatures submitted with the appeal filing.

Kindly review for verification of signatures. Thank you.

Regards,

Lisa Lew
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
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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

August 13, 2020

Bruce R. Storrs
City and County Surveyor, Public Works
1155 Market Street, 3rd Floor
San Francisco, CA 94103

**Planning Case No. 2019-000013CUA
552-554 Hill Street - Conditional Use Authorization Appeal**

Dear Mr. Storrs:

As you know, in response to the challenges posed during this health emergency, we have been working diligently the last several months to stabilize the remote meeting system and establish processes to execute efficient, complex hearings at the Board of Supervisors. Now that we have reached confidence in the remote meeting system, we are resuming scheduling of the appeal queue. In order to alleviate deadline concerns due to the sizable queue, Mayor London N. Breed issued the Twenty-Second Supplement to the Declaration of the Emergency that provides the Board until September 30, 2020, to schedule all of the initial hearings for pending appeals. Upon receipt of your determination, we will move forward accordingly and schedule a hearing within the timeframe if it is deemed to have been filed timely.

The Office of the Clerk of the Board is in receipt of an appeal filed by Sarah Hoffman of Zacks, Freedman & Patterson, PC, on behalf of Robert Roddick, from the decision of the Planning Commission on July 9, 2020, relating to the disapproval of a Conditional Use Authorization (Case No. 2019-000013CUA) to legalize the merger of two Residential Flats and the unauthorized removal and relocation of one dwelling unit to basement level within a RH-2 (residential-house, two family) Zoning District with 40-X Height and Bulk designation. The proposed project would also legalize an unauthorized rear building and desk expansion for a proposed project located at:

552-554 Hill Street, Assessor's Parcel Block No. 3622, Lot No. 065

By copy of this letter, the City and County Surveyor is requested to determine the sufficiency of the signatures in regard to the percentage of the area represented by the appellant. Please submit your determination no later than 5:00 p.m. on August 17, 2020.

Sincerely,

A handwritten signature in blue ink that reads "Angela Calvillo".

Angela Calvillo
Clerk of the Board of Supervisors
City and County of San Francisco

- c: Bruce Storrs, Public Works
- Bernie Tse, Public Works
- Javier Rivera, Public Works
- Vanessa Duran, Public Works
- Jason Wong, Public Works
- Anne Pearson, Deputy City Attorney
- Kate Stacy, Deputy City Attorney
- Kristen Jensen, Deputy City Attorney
- Lisa Gibson, Planning Department
- Devyani Jain, Planning Department
- Adam Varat, Planning Department
- Joy Navarette, Planning Department
- Laura Lynch, Planning Department
- Corey Teague, Planning Department
- Scott Sanchez, Planning Department
- Dan Sider, Planning Department
- Aaron Starr, Planning Department
- Jonas Ionin, Planning Commission
- Cathleen Campbell, Planning Department
- Julie Rosenberg, Board of Appeals
- Katy Sullivan, Board of Appeals
- Alec Longaway, Board of Appeals

From: [BOS Legislation, \(BOS\)](#)
To: [Storrs, Bruce \(DPW\)](#)
Cc: [Tse, Bernie \(DPW\)](#); [Rivera, Javier \(DPW\)](#); [Duran, Vanessa \(DPW\)](#); [Wong, Jason \(DPW\)](#); [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [RUIZ-ESQUIDE, ANDREA \(CAT\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Varat, Adam \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Campbell, Cathleen \(CPC\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation, \(BOS\)](#)
Subject: Appeal of Conditional Use Authorization - Proposed Project at 552-554 Hill Street - Verification of Signatures
Date: Thursday, August 13, 2020 11:22:20 AM
Attachments: [image001.png](#)
[Appeal Ltr 081020.pdf](#)
[COB Ltr 081320.pdf](#)

Dear Mr. Storrs,

The Office of the Clerk of the Board is in receipt of an appeal of the Conditional Use Authorization for the proposed project at 552-554 Hill Street. The appeal was filed by Sarah Hoffman of Zacks, Freedman & Patterson, PC, on behalf of Robert Roddick, on August 10, 2020.

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Introduction Form

By a Member of the Board of Supervisors or 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 inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic 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 the Imperative Form.

Sponsor(s):

Subject:

The text is listed:

Hearing of persons interested in or objecting to the disapproval of a Conditional Use Authorization pursuant to Sections 209.1, 303, and 317 of the Planning Code, for a proposed project at 552-554 Hill Street, Assessor's Parcel Block No. 3622, Lot No. 065, identified in Planning Case No. 2019-000013CUA, issued by the Planning Commission by Motion No. 20756, dated July 9, 2020, to allow the legalization of a dwelling unit merger of two residential flats and unauthorized removal and relocation of one dwelling unit to basement level within the RH-2 (Residential, House, Two-Family) Zoning District and the 40-X Height and Bulk District. (District 8) (Appellant: Sarah Hoffman of Zacks, Freedman & Patterson, PC, on behalf of Robert Roddick) (Filed August 10, 2020)

Signature of Sponsoring Supervisor: