



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input type="checkbox"/> Other |

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Planning Commission Motion No. 19015

HEARING DATE: NOVEMBER 7, 2013

Date: November 7, 2013
Case No.: **2013.0486C**
Project Address: **750 27th Street**
Zoning: RH-1 (Residential, House – One-Family) District
40-X Height and Bulk District
Block/Lot: 6583/010
Project Sponsor: Robert Boles
Beausoleil Architects
745 Faxon Ave
San Francisco, CA 94112
Staff Contact: Casey Noel – (415) 575-9125
casey.noel@sfgov.org
Recommendation: **Approval with Conditions**

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 and 209.1(f) OF THE PLANNING CODE TO ALLOW A SECOND DWELLING-UNIT TO BE ADDED WITHIN AN EXISTING SINGLE-FAMILY DWELLING THAT IS LOCATED IN THE RH-1 (RESIDENTIAL HOUSE – ONE-FAMILY) ZONING DISTRICT AND 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On April 19, 2013, Robert Boles (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Section(s) 303 and 209.1(f) to allow a second dwelling-unit to be added within the footprint of an existing single-family dwelling at 750 27th Street which is located in the RH-1 (Residential House, One-Family) District and a 40-X Height and Bulk District.

On November 7, 2013, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.0486C.

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

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2013.0486C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project is located on the north side of 27th Street between Diamond and Douglass Streets, Assessor's Block 6583, Lot 010 within the RH-1 (Residential House, One Family) Zoning District and 40-X Height and Bulk District. The property slopes upward from Diamond Street toward Douglass Street, and is developed with a 3,549 square-foot, semi-detached, single-family house on a double-wide lot (55' wide by 114' deep). There is a garage located at the southeast of the front elevation that can accommodate an auto parking space and a bicycle parking space.
3. **Surrounding Properties and Neighborhood.** The neighborhood surrounding the Project is Noe Valley. The surrounding properties along the north side of 27th Street vary in size, building style, siting, and construction date. The dates of construction for the properties along the north side of 27th Street range from 1916 – 1956, with all but three properties being constructed prior to 1950. All of the properties on this block of 27th Street are Zoned RH-1 (Residential House, One-Family).

The RH-1 Districts are occupied almost entirely by single-family houses without side yards. Floor sizes and building styles vary, but tend to be uniform within tracts developed in distinct time periods. In most cases the single-family character of these districts has been maintained for a considerable time

4. **Project Description.** The proposal is to add a second dwelling-unit within the footprint of an existing single-family dwelling. Pursuant to Planning Code Sections 209.1(f), the RH-1 District permits dwellings at a density ratio up to one dwelling unit for each 3,000 square feet of lot area, but no more than three dwelling-units per lot, if authorized as a Conditional Use by the Planning Commission. The Subject Property contains 6,270 square feet of lot area, and is thus permitted to have a density of two dwelling-units on the lot, if authorized by the Planning Commission. The

project will not exceed the existing building envelope; the new unit will be created out of existing storage area and crawlspace on the first floor.

5. **Public Comment.** The Department has not received any public correspondence regarding the project and is not aware of any opposition 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. **Dwellings.** Ordinance Planning Code Section 209.1(f) states that a Conditional Use Authorization is required to establish a second dwelling-unit on a lot that provides at least 6,000 square feet of lot area in the RH-1 District.

The project sponsor seeks Conditional Use Authorization to allow a second dwelling-unit on the Subject Property, which contains approximately 6,270 square feet of lot area.

- B. **Parking.** Planning Code Section 151 requires one off-street parking space (144 square feet for a standard space; 112.5 square feet for a compact space) for each dwelling-unit. Planning Code Section 155.1(d) allows a required auto parking space to be replaced with a bicycle parking space.

The Subject Property contains an existing attached garage located at the front of the property. The garage can accommodate one standard car as well as a designated bicycle parking.

- C. **Open Space.** Planning Code Section 135 requires usable open space in the amount of 399 square feet per unit if commonly accessible open space, or 300 square feet per unit if privately accessible open space.

The Subject Property includes approximately 3,520 square feet of commonly accessible usable open space within the rear yard, while the Project only requires approximately 800 square feet of commonly accessible open space.

- D. **Exposure.** Planning Code Section 140 requires that each dwelling-unit any use district shall face on a qualifying open area. A qualifying open area can include a public street, public alley at least 25 feet in width, side yard at least 25 feet in width, or a rear yard meeting the requirements of this Code.

The proposed interior remodel results in both dwelling-units facing the public street, which complies with the exposure requirement of the Planning Code.

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

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

The Project would result in two dwelling-units (one (1) two-bedroom apartment and one (1) one-bedroom apartment) on a parcel measuring 6,270 square feet, which is compatible with the density in this neighborhood. The surrounding neighborhood consists of predominantly one and two-unit buildings, in the RH-1 and RH-2 Zoning Districts. The Project will be compatible with the surrounding neighborhood density by having two units on a double-wide lot. The additional dwelling unit is necessary or desirable, and is considered a more efficient use of the existing under-utilized large parcel.

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

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

There are no proposed changes to the size and shape of any structure on the lot.

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

The Planning Code requires two off-street parking spaces, and one standard car as well as a designated bicycle parking will be accommodated in the existing attached garage. Planning Code Section 155.1(d) allows a required auto parking space to be replaced with a bicycle parking space.

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

The Project will not create any noxious or offensive emissions, such as glare, dust, or odor.

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

There are no proposed changes to existing conditions as they relate to landscaping, screening, open spaces, loading areas, service areas, lighting, and signage. The existing attached garage can accommodate one standard car as well as a designated bicycle parking.

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

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

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

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 1:

TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND.

Policy 1.4:

Locate in-fill housing on appropriate sites in established residential neighborhoods.

The Project provides new housing that would be relatively affordable to future owners or occupants, in that it is diverting the land costs over two units rather than one unit, and the interior alterations result in two modestly sized dwelling-units. There will be no changes to the lot pattern and building bulk, thus remaining consistent with the neighborhood character. Based on the existing zoning controls, which allow for two dwelling-units on this lot due to the abnormally large square footage of this RH-1 zoned lot (approximately 6,270 square feet); the Subject Property is an appropriate location for an additional dwelling-unit.

OBJECTIVE 8:

ENSURE EQUAL ACCESS TO HOUSING OPPORTUNITIES.

Policy 8.9:

Encourage the provision of new home ownership opportunities through new construction so that increased owner occupancy does not diminish the supply of rental housing.

The Project provides new housing through interior alterations such that the existing structure will not be demolished.

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:
- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The Project will not affect any neighborhood-serving retail uses, as it is the addition of a dwelling-unit within an existing single-family dwelling.

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

The existing housing would be enhanced by the addition of a dwelling-unit within the existing structure. The neighborhood character would be protected and preserved as there are minimal alterations proposed for the existing structure. The cultural and economic diversity of the neighborhood would be preserved by creating an additional dwelling-unit on double-wide lot, in a neighborhood defined by one- and two-family dwellings.

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

This Project does not impact affordable housing, as defined in Planning Code Section 315; however, the addition of a dwelling-unit on an underutilized lot increases the supply of housing. The unit, as designed, is a modest unit and should provide relatively affordable housing.

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

The existing attached garage can accommodate one standard car as well as a designated bicycle parking, and should thus not over burden neighborhood parking. The addition of a two-bedroom unit should not adversely affect commuter traffic or impede MUNI transit service.

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

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

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

The interior alterations associated with this Conditional Use Authorization require a Building Permit Application. All work proposed under Building Permit Applications is required to meet the City's Building Code, which ensures that the greatest possible preparedness will be taken to protect against injury and loss of life in an earthquake..

- G. That landmarks and historic buildings be preserved.

The subject structure is not a listed historic resource for the purposes of the California Environmental Quality Act, and there are no alterations proposed that will impact the exterior of the structure.

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

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

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2013.0486C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated April 19, 2013, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 19015. 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.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on November 7, 2013.

Jonas P. Ionin
Commission Secretary

AYES: Commissioners Hillis, Sugaya, Fong, Antonini, Borden, Moore, and Wu

NAYES: None

ABSENT: None

ADOPTED: November 7, 2013

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow the establishment of a second dwelling-unit within an existing single-family dwelling that is located in the RH-1 (Residential House – One-Family) Zoning District and 40-X Height and Bulk District; in general conformance with plans, dated **April 19, 2013**, and stamped “EXHIBIT B” included in the docket for Case No. **2013.0486C** and subject to conditions of approval reviewed and approved by the Commission on **November 7, 2013** under Motion No. **19015**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **November 7, 2013** under Motion No. **19015**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **19015** shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

2. **Extension** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

MONITORING

2. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

3. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org