



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Full Analysis

HEARING DATE: NOVEMBER 16, 2017

Date: November 6, 2017
Case No.: 2015-018240DRP
Project Address: 1395 Shafter Avenue
Permit Application: 2015.1110.3191
Zoning: RH-1 (Residential House, One-Family)
40-X Height and Bulk District
Block/Lot: 4791/025
Project Sponsor: Judy Wu (aka Xiaoqi Wu)
362 Gellert Boulevard
Daly, City, CA 94015
Staff Contacts: Ella Samonsky – (415) 575-9112
ella.samonsky@sfgov.org
Matthew Dito – (415) 575-9164
matthew.dito@sfgov.org
Recommendation: **Take DR and Approve the Project with Conditions**

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

Reception:
415.558.6378

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415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The subject property is currently authorized for use as a single-family dwelling, but contains five dwelling units. The proposed project is to remove one unauthorized dwelling unit on the ground floor and two unauthorized dwelling units on the second floor by merger with the existing legal dwelling unit, and to legalize one unauthorized dwelling unit on the second floor. The proposed project would result in a total of two dwelling units at the site.

Pursuant to Planning Code Section 317 the removal of an unauthorized unit requires a Conditional Use Authorization, with the exception of unauthorized dwelling units that cannot be legalized. The removal of an unauthorized unit that does not have a path to legalization does not require a Conditional Use Authorization, however does require neighborhood notification per Planning Code Section 311.

Pursuant to Planning Code Section 207.3, only one dwelling unit may be legalized that exceeds the permitted density authorized for that zoning district. The RH-1 zoning district allows one dwelling unit per lot. The Project Sponsor subdivided the existing single-family home into five separate units; therefore only one dwelling unit may be legalized.

Since neighborhood notification of the proposed project was conducted, Ordinance 95-17 was adopted, amending the Accessory Dwelling Unit (ADU) regulations. Ordinance No. 95-17 modified Planning Code

Section 207(c)(6) to authorize the addition of one ADU that is entirely within the “living area¹” of an existing single-family dwelling unit (which was previously prohibited, and made the subject property ineligible at the time of notice). With the exception of density, these ADUs must be otherwise code compliant.

As the five dwelling units were the result of subdividing an existing single-family dwelling, the subject property is now eligible to add an ADU through Planning Code Section 207(c)(6). A total of three units may be permitted on the site if one unit is legalized and one unit is added as an accessory dwelling unit. Revised plans have been submitted in general conformance with Planning Code Section 207(c)(6) (enclosed, “Revised Plans dated August 30, 2017”).

SITE DESCRIPTION AND PRESENT USE

The proposed project is on the southeast corner of Shafter Avenue and Jennings Street, Block 4791, Lot 025, and located within the RH-1 (Residential – House, One-Family) Zoning District with a 40-X Height and Bulk designation in the Bayview neighborhood. The proposed project site is a level lot, 100 feet in depth, with an approximately 33 foot frontage along Shafter Avenue, and 100 foot frontage along Jennings Street. The site is developed with an existing two-story, single-family residence that has a front yard of approximately 13 feet in depth, and a rear yard of approximately 29 feet in depth. The property is currently being used as a five-family dwelling, with two units on the ground floor and three units on the second floor.

On July 2, 2015, the City Attorney’s Office informed the Planning Department about a series of complaints that were received regarding public nuisance conditions at twelve (12) properties throughout the Bayview Neighborhood, including the subject property. Following receipt of the complaints, it was noted that the properties were all owned by Chuan Zhu (aka Trent Zhu) or Xiaoqi Wu (aka Judy Wu), with the same mailing address. Mr. Zhu and Ms. Wu, a husband and wife, individually own all twelve properties, with one name on the property deed.

Subsequently, joint inspections of all twelve properties were conducted on September 1, 2015, and September 2, 2015. The inspections were conducted by the City Attorney’s Office, Planning Department, Department of Building Inspection, Department of Public Health, the San Francisco Fire Department, and San Francisco Police Department. Ms. Wu was also in attendance to grant access to each property.

The inspections revealed that the properties in question had constructed unauthorized units, often exceeding the maximum allowable density.

¹ “Living area” as defined in Section 65852.2(i)(1) of the California Government Code, shall mean “the interior habitable area of a dwelling unit including basements and attics, but does not include a garage or any accessory structure.”

The properties inspected, as well as the results of the inspections, are below.

Property	Authorized Use	Zoning District	Actual Use	Maximum Allowable Density ²	Net Units
38 Carr Street	1 unit	RH-1	4 units	3 units (1 ADU)	-1
1270-1272 Fitzgerald Avenue	2 units	RM-1	4 units	4 units	0
1050 Gilman Avenue	1 unit	RH-1	5 units	3 units (1 ADU)	-2
1083 Hollister Avenue	1 unit	RH-1	4 units	3 units (1 ADU)	-1
947 Innes Avenue	1 unit	RH-1(S)	2 units	2 units	0
1187 Palou Avenue	1 unit	RH-1	3 units	3 units (1 ADU)	0
1351 Revere Avenue	1 unit	RH-2	7 units	4 units (1 ADU)	-3
1465 Revere Avenue	1 unit	RH-2	2 units	2 units	0
1290 Shafter Avenue	1 unit	RH-1	3 units	3 units (1 ADU)	0
1395 Shafter Avenue	1 unit	RH-1	5 units	3 units (1 ADU)	-2
1824 Jennings Street	1 unit	RH-1	4 units	3 units (1 ADU)	-1
1656 Newcomb Avenue	3 units	RH-2	6 units	4 units ³	-2
Cumulative across all twelve properties			49 units	37 units	-12

The units were almost entirely occupied by voucher holders under the San Francisco Housing Authority (SFHA). Specifically, the majority of the tenants were part of the Housing and Urban Development – Veterans Affairs Supportive Housing (HUD-VASH) Program. The remainder of the tenants were under the Housing Choice Voucher (HCV) Program (formerly known as Section 8). Prior to each tenant receiving their rental subsidy, each unit passed an inspection by the SFHA to ensure that the units met Housing Quality Standards (HQS). HQS are national minimum standards established by HUD to ensure that subsidized units are safe, decent, and sanitary⁴. SFHA’s inspection for HQS purposes does not include verifying the legality of any such unit.

On September 11, 2015, Code Enforcement staff issued Notices of Enforcement against all twelve properties, for the construction of dwelling units without authorization and for exceeding the maximum allowable density within their respective zoning districts (excepting 1270-1272 Fitzgerald Avenue, 947 Innes Avenue, and 1465 Revere Avenue). The notices instructed the owners to abate the violations by filing Building Permit Applications at each property to legalize all eligible units, and remove any that were not eligible.

² Please note that the “Maximum Allowable Density” includes the maximum number of dwelling units allowed in the zoning district, plus the one unit legalization (under Planning Code Section 207.3) allowed per lot, plus one Accessory Dwelling Unit (under Planning Code Section 207(c)(6)), if eligible.

³ 1656-1658 Newcomb Avenue is a nonconforming property, with three dwelling units on a lot zoned RH-2. Legalization of an unauthorized unit, for a total of four dwelling units, is permitted by Planning Code Section 207.3, which states that one dwelling unit constructed prior to January 1, 2013 without benefit of permit and used as residential space may be granted legal status, regardless of the density limits of the zoning district.

⁴ Question 12, <http://www.sfha.org/SFHA%20Programs%20Documents/Frequently%20Asked%20Questions.pdf>

On September 30, 2015, with no action taken by the owners, Notices of Violation were issued against eleven of the twelve properties⁵ for failure to begin the legalization process by filing a Building Permit Application.

On October 15, 2015, the property owners individually appealed the Notices of Violation against all properties, with no evidence submitted to dispute the Notice of Violation.

On November 10, 2015, a Zoning Administrator Hearing was held. Both Mr. Zhu and Ms. Wu attended the hearing. During the hearing, although they provided no evidence to refute the violations, they stated that they felt encouraged by the City to create as many units as possible for low-income tenants. The violations for all properties were upheld on the basis that the property owners confirmed and acknowledged they were in violation on the date of issuance.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject property is located in the Bayview neighborhood, within Supervisorial District 10. The neighborhood is characterized by two-story, single-family buildings that date from the late nineteenth and early twentieth centuries, and exhibit a variety of architectural styles. Each adjacent block to the subject assessor's block is residential, with industrial uses three blocks away to the south. The 3rd Street commercial corridor is four blocks to the west.

BUILDING PERMIT APPLICATION NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	September 13, 2016 – October 13, 2016	October 12, 2016	November 16, 2017	400 days

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	November 6, 2017	November 6, 2017	10 days
Mailed Notice	10 days	November 6, 2017	November 6, 2017	10 days

⁵ A Notice of Violation for 1270-1272 Fitzgerald Avenue was issued on October 23, 2015. The preceding Notice of Enforcement was amended and re-issued on October 2, 2015 due to an error in the original concerning the zoning district and abatement instructions.

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)			X
Other neighbors on the block or directly across the street			X
Neighborhood groups			X

The Housing Rights Committee of San Francisco has expressed opposition to the proposed project and the loss of housing stock that would result. Their position is that all units should be retained in order to ensure no displacement among the tenants.

DR REQUESTOR

Frederick Bryant, 1290 Shafter Avenue, San Francisco, CA 94124. The DR Requestor's residence is approximately 0.13 miles (direct) to the southeast of the subject property. The DR Requestor is a tenant of a separate property owned by the Project Sponsor.

DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

The DR Requestor is concerned that the proposed project will cause tenant displacement. The DR Requestor recommends that the sinks and doors not be removed.

Reference the *Discretionary Review Application* for additional information. The *Discretionary Review Application*, dated October 12, 2016, is an attached document.

PROJECT SPONSOR'S RESPONSE

Reference the *Response to Discretionary Review* for additional information. The *Response to Discretionary Review*, dated June 15, 2017, is an attached document.

ENVIRONMENTAL REVIEW

The Department has determined that the proposed project is not considered a Project, as defined by CEQA Section 21065 and State CEQA Guidelines Section 15378, and therefore is not subject to CEQA review.

PROJECT ANALYSIS

Generally, the Planning Department supports the creation, and legalization, of dwelling units to increase the supply of housing for San Francisco residents. Likewise, the Department discourages demolition or removal of existing dwelling units to prevent loss of housing stock and the displacement of existing tenants. While additional housing is desirable, the City also needs to maintain standards for the quality of dwelling units. New, and legalized, dwelling units are required to meet minimum life and safety

standards of the Building Code and development standards of the Planning Code (with some exceptions for dwelling unit legalizations) to ensure the safety and livability of the units.

The RH-1 District is typified by single family homes, with generous ground level open space, that contribute larger family-sized units to the City's housing stock. In the case of the subject property, an existing single-family home was subdivided into five dwelling units without benefit of Building Permit Applications, and not constructed in compliance with Building Code and Planning Code standards. The subject property in its current form cannot be legalized and retention of all units is not possible under current Planning Code provisions. As a result, some unauthorized units, which have been rented to tenants, must be removed.

The proposed project proposes to abate the Planning Code violations uncovered by the City Attorney's Task Force Investigation in September 2015 by legalizing one dwelling unit and removing three unauthorized dwelling units. Following the discovery of the subdivision and numerous other violations of City codes at the subject property, the Planning Department proceeded to work with the Sponsor to maximize the number of dwelling units retained at the property, while also engaging with the Mayor's Office of Housing and Community Development (MOHCD), the Office of the Mayor (Mayor's Office), the San Francisco VA Medical Center (SFVA), and the SFHA to minimize tenant displacement.

With regard to the retention of the unauthorized units, one such unit is eligible for legalization under Ordinance 43-14, which waives the requirements for open space, density, exposure, rear yard and parking for the unit being legalized. A legalized unit does not need to have access to a yard, or other open space, and does not need to have a single window that faces onto a yard or the street. The legalized unit would have to meet the minimum life safety standards of the building code. Under Ordinance 43-14, only one such unit per lot is eligible for legalization. Since the proposed project incorporates the maximum number of dwelling units permitted in the RH-1 Zoning District (one) and legalizes one unauthorized dwelling unit above the permitted residential density, the maximum of one legalization per lot is reached.

At the time of neighborhood notification (September 13, 2016), the ADU program did not permit space from existing units to be used to create an ADU. The proposed project was therefore ineligible to convert an unauthorized unit to an ADU. Since neighborhood notification was conducted, Ordinance 95-17 has been adopted and enacted, which permits one ADU to be added to an existing single-family residence that takes space from an existing dwelling unit. With the exception of density, these ADUs must be otherwise code compliant.

Based on an analysis of the subject property, the Department has found that it would be viable to add an ADU through the provisions of Planning Code Section 207(c)(6). It appears that the one of the two ground floor dwelling units (1395 #1 or 1395 C) can be altered to meet all code requirements as an ADU, while the other is merged with the existing legal dwelling unit (1395 A). Unit 1395 B would merge with the existing legal dwelling unit, leaving Unit 1395 D to be legalized under Ordinance 43-14.

This would result in a total of three dwelling units at the subject property (one existing, one legalization of an unauthorized unit, and one ADU), limiting the loss of dwelling units to two. The Department recommends modifying the proposed project to pursue the addition of a third dwelling unit in the form

of an ADU through Planning Code Section 207(c)(6). Revised plans have been submitted in general conformance with this recommendation (enclosed, “Revised Plans dated August 30, 2017”).

The DR Requestor proposes to keep all the doors and sinks in the unauthorized units. The Department limits the types of plumbing fixtures permitted in disconnected or independently accessible rooms in order to hinder the creation of unauthorized dwelling units, as has happened with the subject property. The removal of kitchen sinks from the unauthorized units being removed and the removal of doors (or other internal separations) is required to reintegrate the unauthorized unit with the existing residence. Retaining the sinks in the family room and study and the individual entry doors from a common vestibule would be contrary to the Department’s Zoning Administrator Bulletin No. 1: Developing Ground Floor Accessory Rooms In Residential Buildings, and would allow for the continued use of the rear rooms of the ground and second floors as separate substandard dwelling units.

With respect to the DR Requestor’s concern that removing the units will cause tenant displacement, the Department has recommended that the proposed project incorporate the maximum number of dwelling units permitted by the Planning Code. Further retention of the unauthorized units is not feasible under the provisions of the Planning Code. With the addition of an ADU, legalization of a dwelling unit and the removal (by merger) of two unauthorized dwelling units, the property would result in three family-sized units which would be more in-keeping with the character of the neighborhood.

RECOMMENDATION:	Take DR and Approve the Project with Conditions
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The Department recommends that the Commission take DR and approve the proposed project with the condition to add an ADU under Planning Code Section 207(c)(6). Revisions were submitted to the Planning Department on September 12, 2017 to reflect this condition. While not completely Code compliant, the plans should be in general conformance to those that are attached to this analysis (see “Revised Plans, dated August 30, 2017”).

BASIS FOR RECOMMENDATION

- The proposed project would maximize the number of dwelling units on the lot, to the extent permitted by the Planning Code.
- The proposed project would bring the residential building into compliance with the Planning Code.

Attachments:

Revised Plans dated August 30, 2017

Block Book Map

Sanborn Map

Zoning Map

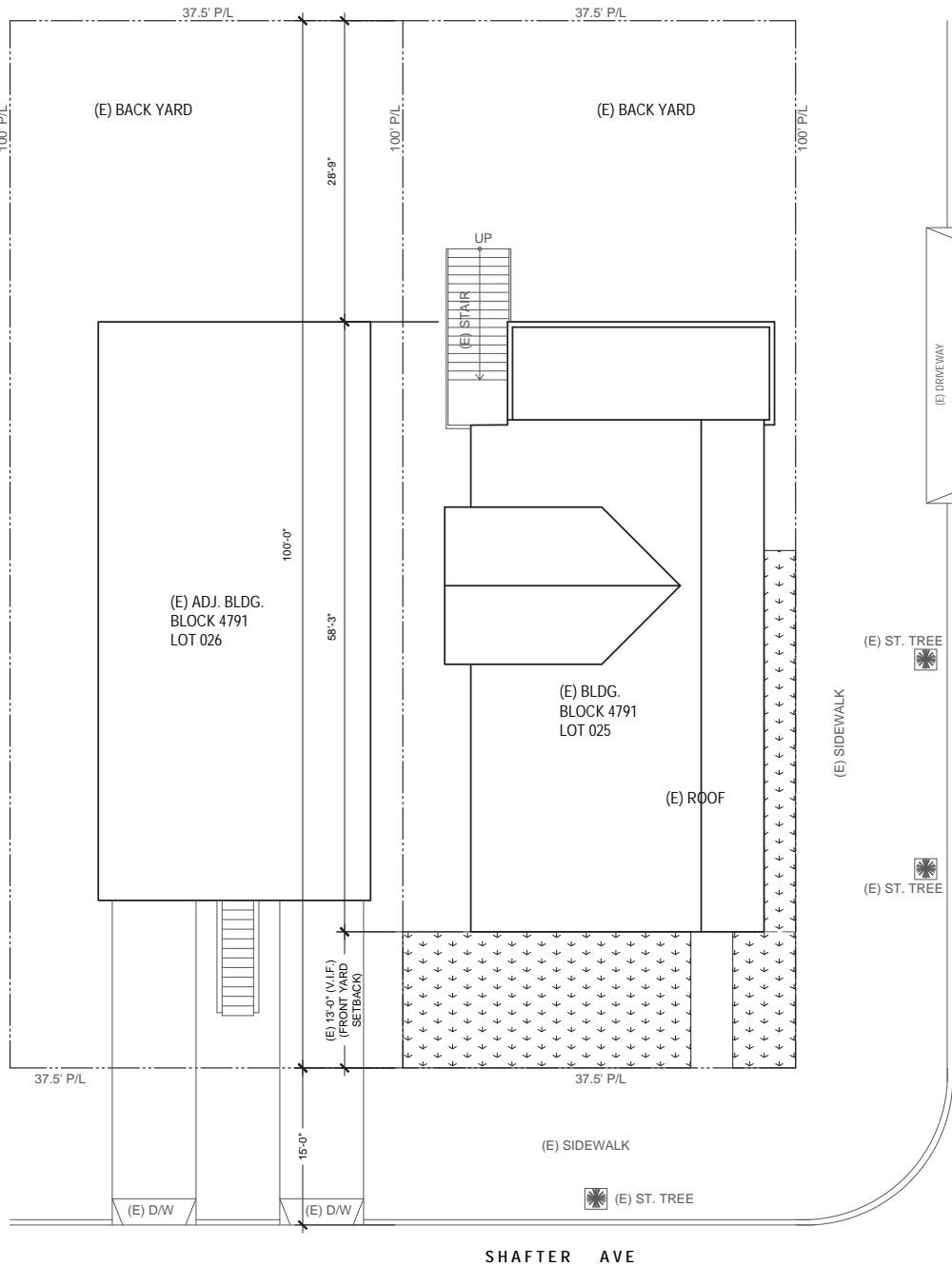
Aerial Photographs

Context Photographs

Section 311 Notice

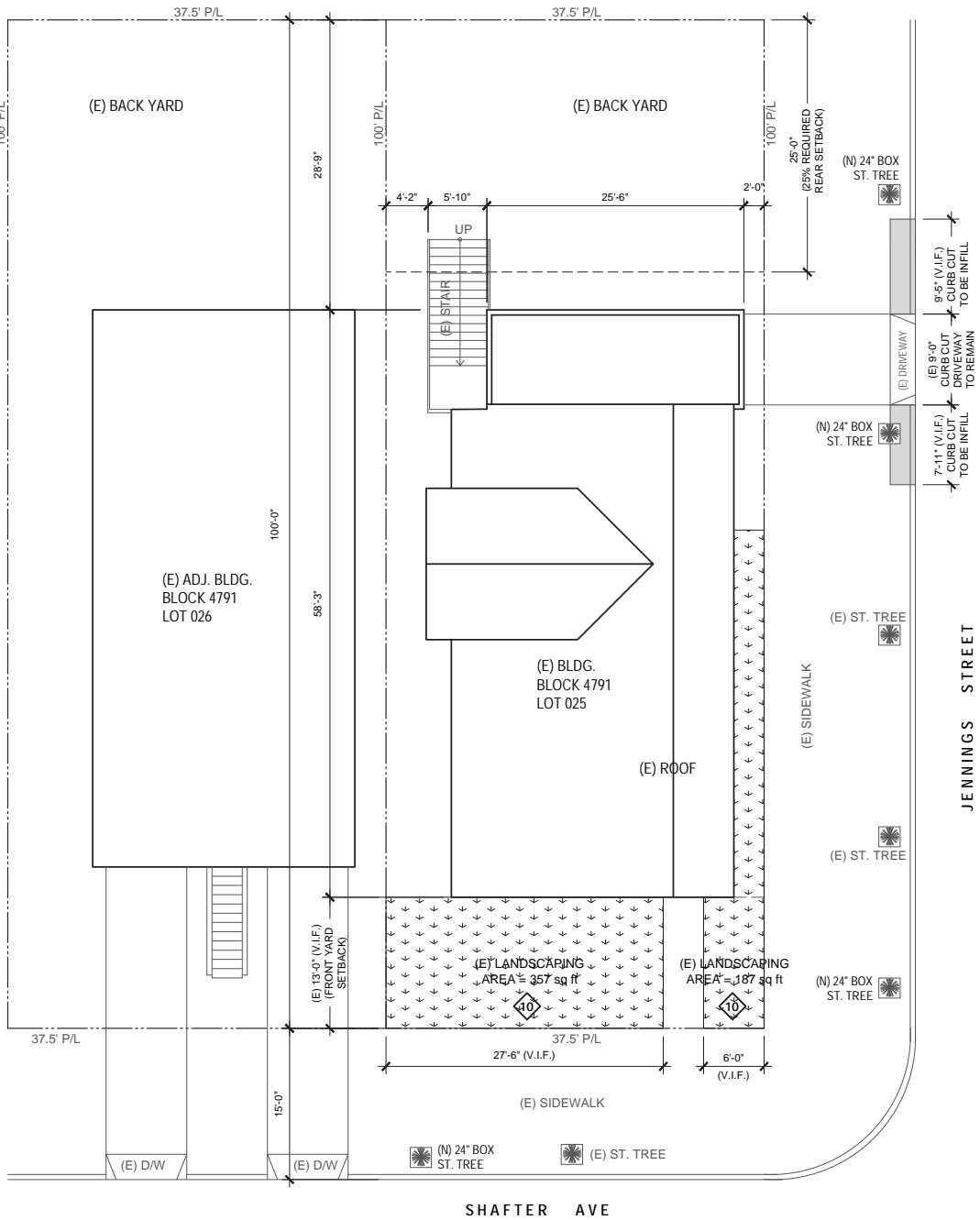
DR Application
Response to DR Application dated June 15, 2017
Reduced Plans

MD: \\citypln-InfoVol\InfoDrive\Cases\2015\2015-018240DRP - 1395 Shafter Ave\DR Analysis - Full.docx



EXISTING SITE PLAN

SCALE: 1/8" = 1'-0"



PROPOSED SITE PLAN

SCALE: 1/8" = 1'-0"

Front setback permeable & landscaping area calculations:

Front setback area = 38 x 13.00 = 487.5 s.f.

	Area required	Area provided	
Permeable area (50% of FSB) = (including landscaping area)	243.75 s.f.	544.81 s.f.	OK
Landscaping area (20% of FSB) =	97.5 s.f.	544.81 s.f.	OK

SCOPE OF WORK

1. REMOVE REAR ILLEGAL KITCHEN ON 1ST FLOOR (1395 #1).
2. REMOVE TWO FRONT ILLEGAL KITCHENS ON 2ND FLOOR (1395 A & B).
3. COMBINE 1395 #1, A, B & C INTO 1395 C.
4. LEGALIZE EXISTING 2ND FLOOR UNIT ABOVE GARAGE UNDER UNIT LEGALIZATION PROGRAM (1395 D).

PROJECT DATA

BUILDING PERMIT APP #: 2015-1120-3191

CONSTRUCTION TYPE: 5B
ZONING: RH-1
OF STORIES: 2
OCCUPANCY TYPE: R-3
OF UNITS: 2

CODE COMPLIANCE

1. ALL WORK SHALL BE IN COMPLIANCE WITH THE CITY & COUNTY OF SAN FRANCISCO CODES AND
 - a) 2013 EDITION CALIFORNIA BUILDING CODE.
 - b) 2013 EDITION CALIFORNIA PLUMBING CODE
 - c) 2013 EDITION CALIFORNIA MECHANICAL CODE
 - d) 2013 EDITION CALIFORNIA ELECTRICAL CODE
 - e) 2013 CALIFORNIA ENERGY CODE

DRAWING INDEX

- A-1: GENERAL NOTES, EXISTING & PROPOSED SITE PLANS
A-2: EXISTING & PROPOSED 1ST FLOOR PLANS
A-3: EXISTING & PROPOSED 2ND FLOOR PLANS
A-4: EXISTING ELEVATIONS & BUILDING SECTION

LEGEND

---	EXISTING TO BE REMOVED	CONC.	CONCRETE
---	EXISTING TO REMAIN	DN	DOWN
---	NEW WALL SEE DETAIL 1/A-1	(E)	EXISTING
---	SMOKE ALARM/HARDWIRED W/BATTERY BACKUP	(N)	NEW
---	SMOKE DETECTOR AND CARBON MONOXIDE COMBINATION	PW	PLYWOOD
---		TYP.	TYPICAL
---		VIF	VERIFY IN FIELD
---		W/	WITH
---		AFF	ABOVE FINISH FLOOR
BLDG	BUILDING		
CLG	CEILING		

GENERAL NOTES

1. CONTRACTOR/BUILDER SHALL VERIFY EXISTING BUILDING CONDITION PRIOR TO ANY CONSTRUCTION WORK & INSTALLATION OF FIXTURES.
2. ALL WORK SHALL COMPLY TO LATEST CBC, CMC, CPC, NEC, LOCAL CITY CODES AND ALL APPLICABLE CODES.
3. PROVIDE NEW 6x10 HEADER FOR NEW OPENINGS. (MAX 6'-0" WIDE)
4. COORDINATE ALL TV/TELEPHONE JACK LOCATION & LIGHTING FIXTURES TYPE & LOCATION.
5. VERIFY EXISTING & PROVIDE SMOKE DETECTOR IN (E)BEDROOMS AND HALLWAYS NEXT TO BEDROOMS.
6. BEDROOM WINDOW FOR PURPOSES OF EMERGENCY ESCAPE AND RESCUE SHALL HAVE A MIN. CLEAR OPENABLE WIDTH DIMENSION = 20INCHES, AND MIN.CLEAR OPENABLE HEIGHT = 24INCHES. W/MIN 5.75,F (5 SF AT GRADE), MIN. OPENING. SILL HEIGHT NOT MORE THAN 44INCHES AFF.
7. KITCHEN & BATHROOM OUTLETS SHALL BE CONNECTED INTO AN ARC FAULT CIRCUIT INTERRUPTER.
8. REPLACE (E)WINDOW WITH NEW WINDOW / GLASS DOOR. (VINYL, DUAL PANE, U = 0.32) CONTRACTOR TO VERIFY EXACT SIZE IN FIELD.
9. REMOVE (E) CONCRETE & REPLACE WITH PERMEABLE CONCRETE PER TABLE.
10. REMOVE (E) CONCRETE & REPLACE WITH LANDSCAPING PER TABLE. USE DPW'S RECOMMENDED PLANT LIST FOR CLIMATE ZONE 3 IN BAYVIEW DISTRICT

MECHANICAL NOTES

- M1. PROVIDE COMBUSTION AIR PER CMC CHAPTER 7 REQUIREMENTS
- M2. PROVIDE MIN 26 GAGE STEEL DUCT WITHIN GARAGE SPACE
- M3. TERMINATE GAS VENT MIN 4'-0" FROM PROPERTY LINE & 2'-0" ABOVE ANY PORTION OF A BLDG. WITHIN 10'-0"
- M4. TERMINATE EXHAUST OUTLET MIN 3'-0" FROM PROPERTY LINE & BLDG OPENING W/ BACKDRAFT DAMPER
- M5. DRYER EXHAUST DUCT 14'-0" LONG MAX. & 2-90 ° ELBOWS

REVISIONS	BY
3-15-16	JW
4-18-16	JW
5-24-16	JW
7-7-16 2nd Fl BR	JW
8-30-17	JW

RESIDENCE - ALTERATION
1395A & B SHAFTER AVE., SAN FRANCISCO, CA
BLOCK 4971 , LOT 025

OWNER
JUDY WU
TEL:(415)218-8291

I, Xiao Qi (Judy) Wu, the undersigned, am the owner of the subject property.

I have prepared the plans to the best of my ability and I am fully responsible for its accuracy.

Signed:

Dated: 8/30/17

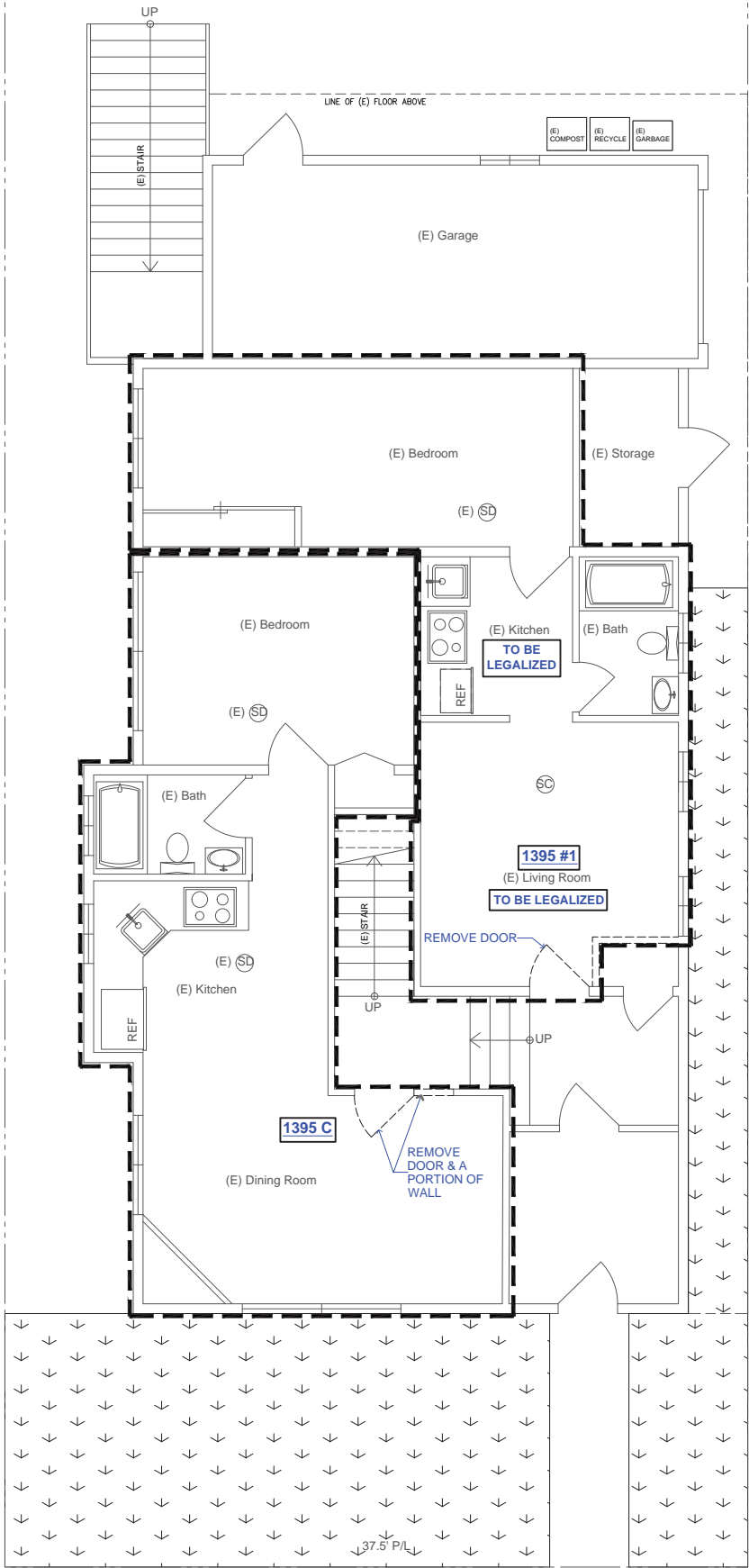
DATE: 11-24-15

SCALE: AS SHOWN

SHEET:

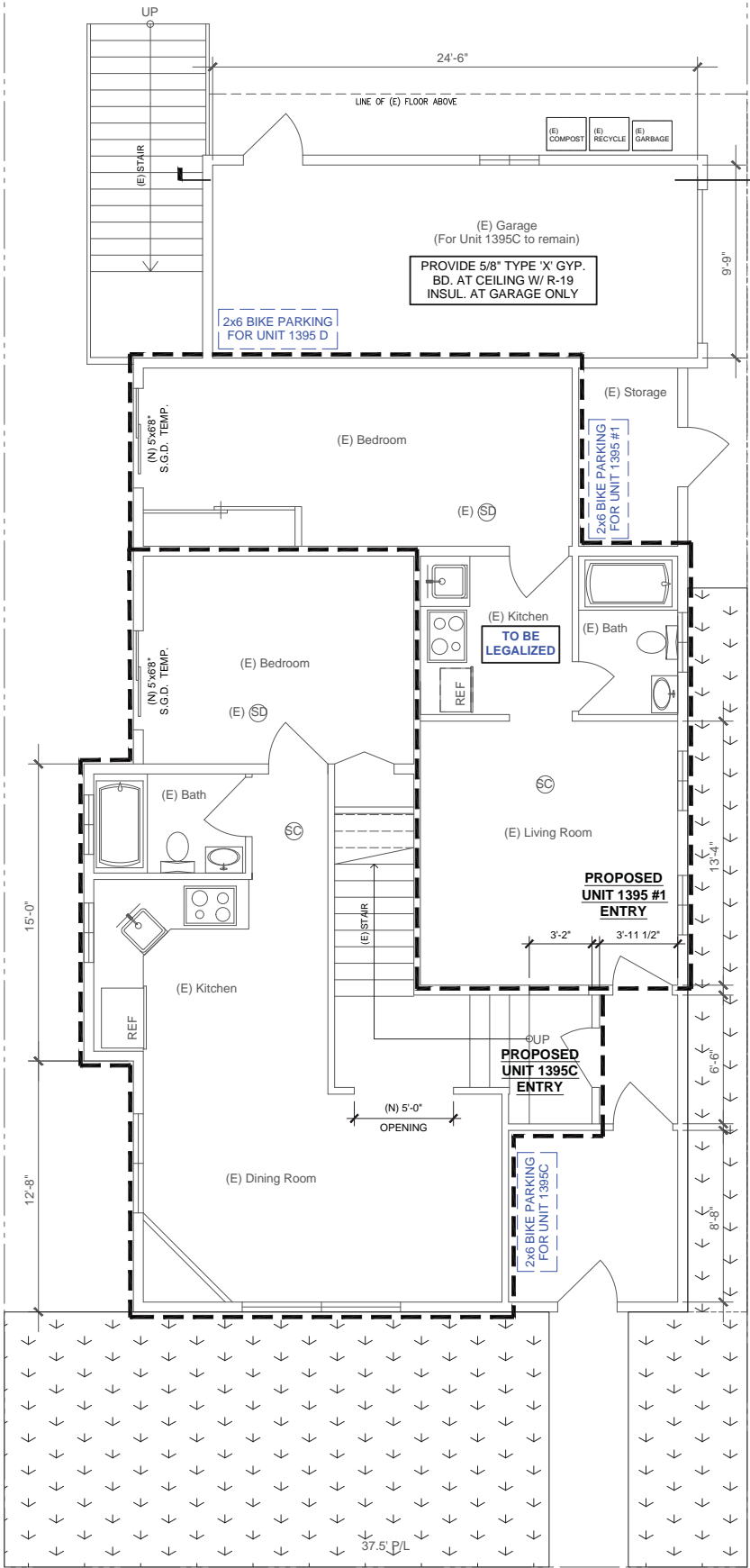
A-1

OF 4 SHEETS



EXISTING 1ST FLOOR PLAN

SCALE: 1/4" = 1'-0"
NOTE: (E) REAR BEDROOM & FULL BATH ON 1ST FLOOR WERE DONE UNDER APPROVED BUILDING PERMIT APP #2013-0613-9488



PROPOSED 1ST FLOOR PLAN

SCALE: 1/4" = 1'-0"
5 6 7

REVISIONS	BY
3-15-16	JW
4-18-16	JW
5-24-16	JW
7-7-16 2nd Fl BR	JW
8-30-17	JW

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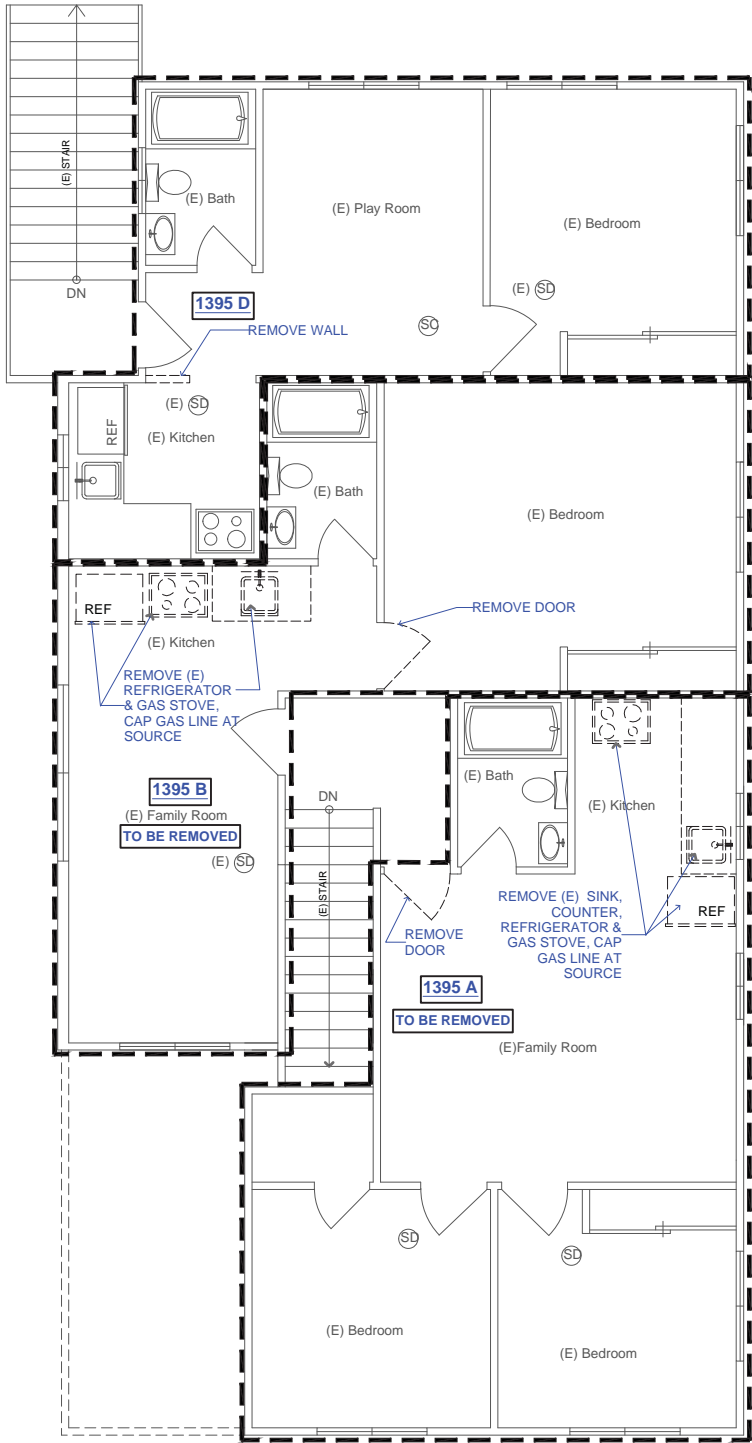
Signed:

Dated: 8/30/17

DATE: 11-24-15

SCALE: AS SHOWN

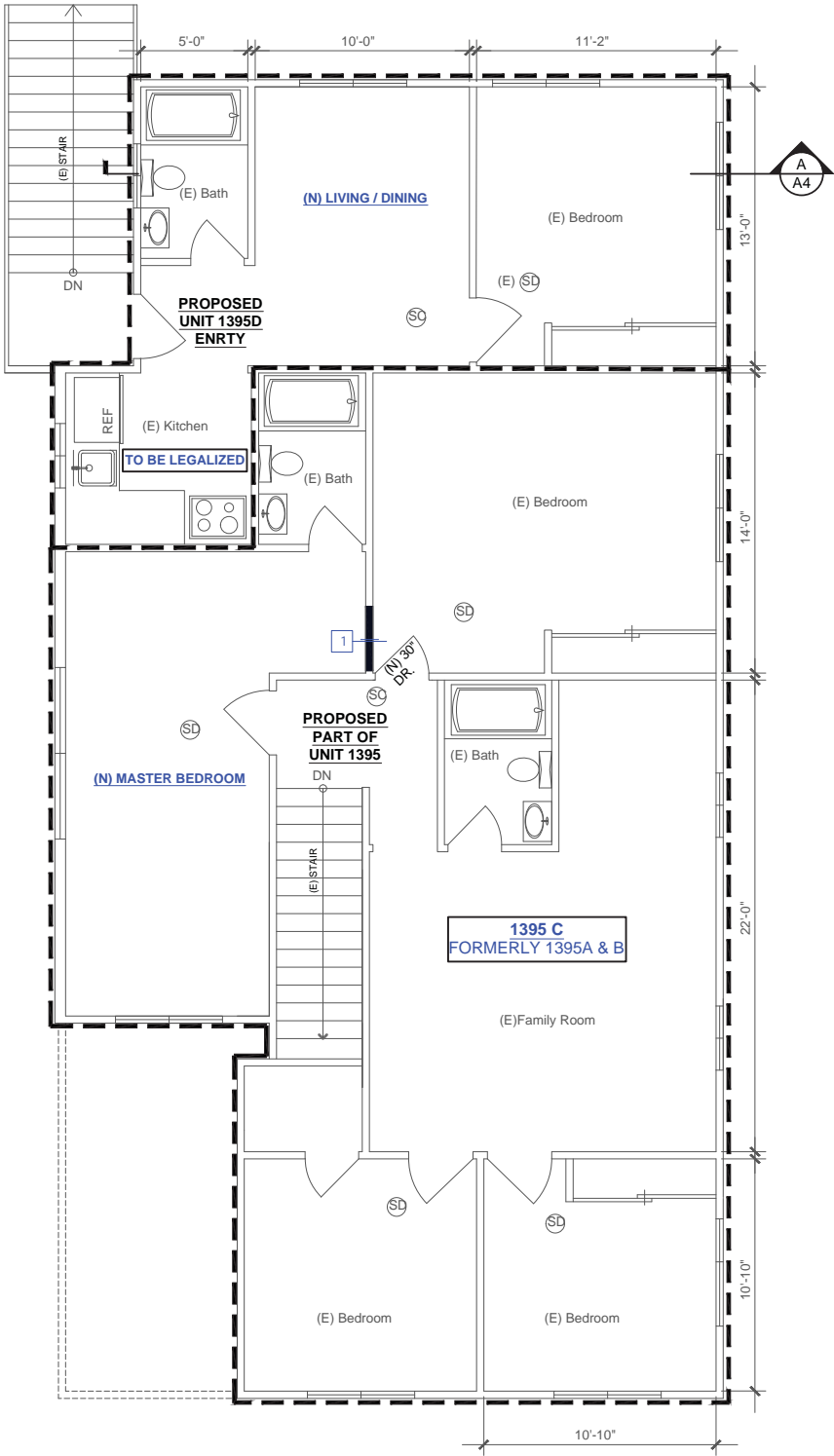
SHEET:
A-2
OF 4 SHEETS



NOTE: (E) REAR BEDROOM & FULL BATH ON 2ND FLOOR WERE DONE UNDER APPROVED BUILDING PERMIT APP #2013-0613-9488

EXISTING 2ND FLOOR PLAN

SCALE: 1/4" = 1'-0"



PROPOSED 2ND FLOOR PLAN

SCALE: 1/4" = 1'-0"

5 6 7

REVISIONS	BY
3-15-16	JW
4-18-16	JW
5-24-16	JW
7-7-16 2nd FI BR	JW
8-30-17	JW

RESIDENCE - ALTERATION
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BLOCK 4971 , LOT 025

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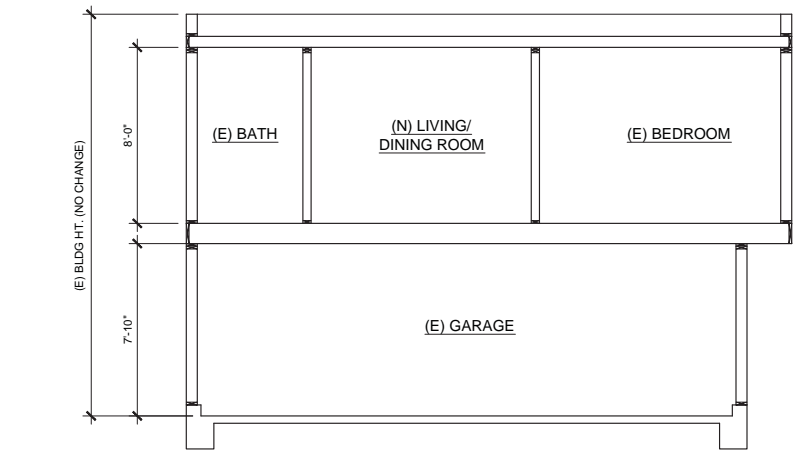
Signed:
Dated: 8/30/17

DATE: 11-24-15

SCALE: AS SHOWN

SHEET:

A-3
OF 4 SHEETS



A BUILDING SECTION AT ADU
SCALE: 1/4"=1'-0"



EXISTING FRONT ELEVATIONS (Shafter Ave.)
(FOR REFERENCE, NO WORK) SCALE: N.T.S.



EXISTING SIDE ELEVATION (Jennings Street)
(FOR REFERENCE, NO WORK) SCALE: N.T.S.



EXISTING REAR ELEVATION
(FOR REFERENCE, NO WORK) SCALE: N.T.S.

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Dated: 8/30/17

DATE: 11-24-15

SCALE: AS SHOWN

SHEET:

A-4

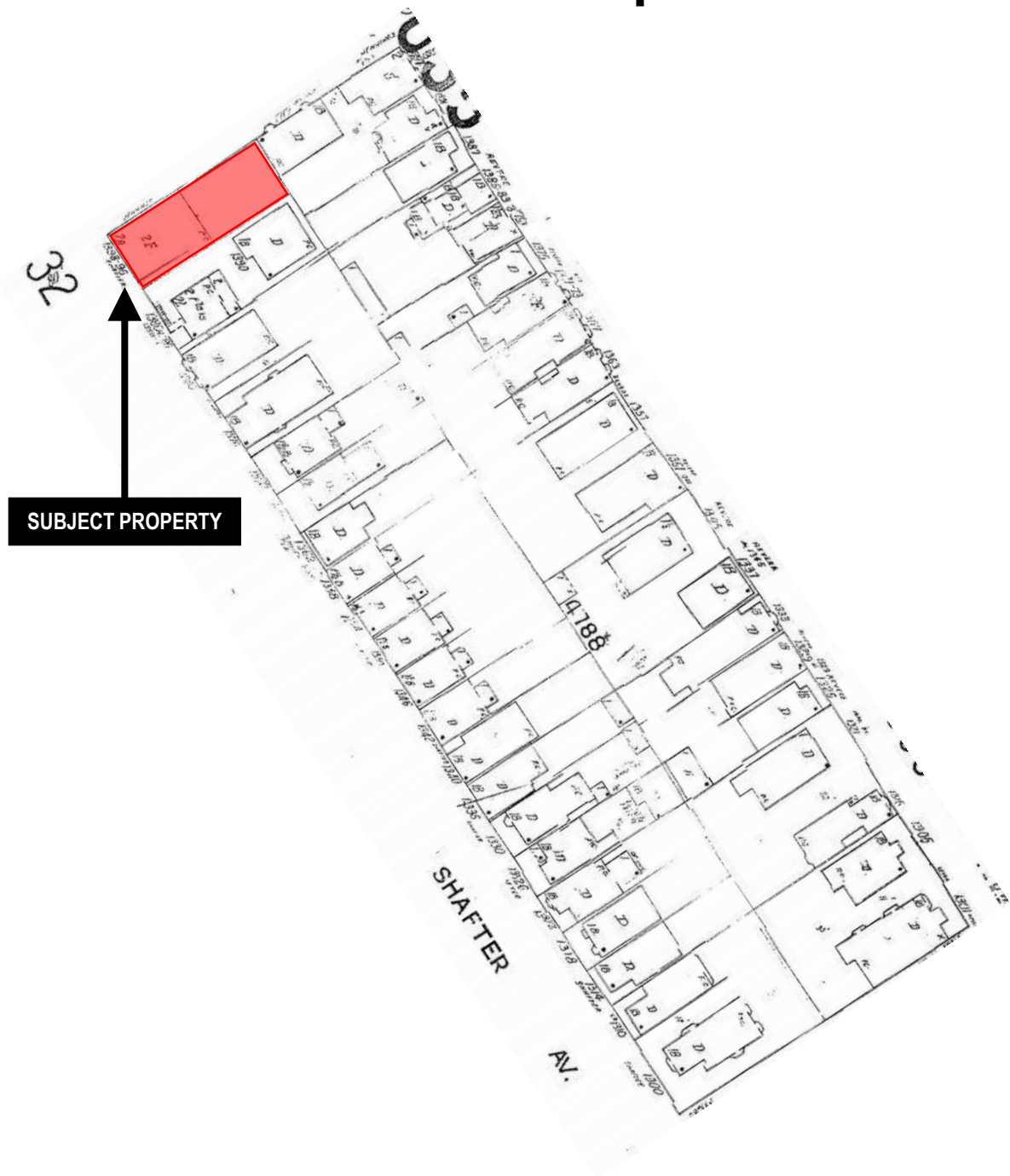
OF 4 SHEETS

Parcel Map



Discretionary Review Hearing
Case Number 2015-018240DRP
 1395 Shafter Avenue
 November 16, 2017

Sanborn Map*



**The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.*



Aerial Photo



Discretionary Review Hearing
Case Number 2015-018240DRP
1395 Shafter Avenue
November 16, 2017

Zoning Map



Discretionary Review Hearing
Case Number 2015-018240DRP
1395 Shafter Avenue
November 16, 2017

Site Photo



Discretionary Review Hearing
Case Number 2015-018240DRP
1395 Shafter Avenue
November 16, 2017



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **November 20, 2015**, the Applicant named below filed Building Permit Application No. **2015.11.20.3191** with the City and County of San Francisco.

PROPERTY INFORMATION		APPLICANT INFORMATION	
Project Address:	1395 Shafter Avenue	Applicant:	Judy Wu
Cross Street(s):	Jennings and Ingalls Street	Address:	362 Gellert Boulevard
Block/Lot No.:	4791 / 025	City, State:	Daly City, CA 94015
Zoning District(s):	RH-1 / 40-X	Telephone:	(415) 218-8291

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

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

PROJECT SCOPE		
<input type="checkbox"/> Demolition	<input type="checkbox"/> New Construction	<input type="checkbox"/> Alteration
<input checked="" type="checkbox"/> Change of Use	<input type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Residential	No Change
Building Setbacks	No Change	No Change
Number of Stories	2	No Change
Number of Dwelling Units	5	2
Number of Parking Spaces	0	No Change
PROJECT DESCRIPTION		
The proposal is to remove unauthorized dwelling units on the first and second floors (by merging three units) and legalize one dwelling unit at the rear of the second floor, pursuant to Ordinance 43-14, in an existing single-family home. The project would result in a total of two dwelling units at the property.		
The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.		
For tenant counseling and/or legal services, please contact the San Francisco Rent Board at: 25 Van Ness Avenue, Suite 320, San Francisco, CA 94102-6033; (415) 252-4602; http://sfrb.org ; or refer to the Rent Board Referral Listing August 2015: http://www.sfrb.org/Modules/ShowDocument.aspx?documentid=1917 or the San Francisco Housing Resource Guide: Mayor's Office of Housing and Community Development April 30, 2015 http://www.sfmohcd.org/modules/showdocument.aspx?documentid=8077 .		

For more information, please contact Planning Department staff:

Planner: Ming Yeung
Telephone: (415) 575-9183
E-mail: ming.yeung@sfgov.org

Notice Date: 9/13/16
Expiration Date: 10/13/16

GENERAL INFORMATION ABOUT PROCEDURES

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

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

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

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

Incomplete applications will not be accepted.

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

BOARD OF APPEALS

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

ENVIRONMENTAL REVIEW

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

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

APPLICATION FOR Discretionary Review

1. Owner/Applicant Information

DR APPLICANT'S NAME: FREDERICK BRYANT		
DR APPLICANT'S ADDRESS: 1290 SHAFTER AVENUE, SAN FRANCISCO	ZIP CODE: CA 94124	TELEPHONE: (831) 240-8815
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: JUDY WU		
ADDRESS: 362 GELLERT BLVD., DALY CITY	ZIP CODE: CA 94015	TELEPHONE: (415) 218-8291
CONTACT FOR DR APPLICATION: Same as Above <input checked="" type="checkbox"/>		
ADDRESS:	ZIP CODE:	TELEPHONE: ()
E-MAIL ADDRESS:		

2. Location and Classification

STREET ADDRESS OF PROJECT: 1395 SHAFTER AVE, SAN FRANCISCO		ZIP CODE: CA 94124		
CROSS STREETS: JENNINGS AND INGALLS STREET				
ASSESSORS BLOCK/LOT: 4791 /025	LOT DIMENSIONS: 37.5X100	LOT AREA (SQ FT): 3750	ZONING DISTRICT: RH-1	HEIGHT/BULK DISTRICT: 40-X

3. Project Description

Please check all that apply

Change of Use ☒ Change of Hours ☐ New Construction ☐ Alterations ☐ Demolition ☐ Other ☐Additions to Building: Rear ☐ Front ☐ Height ☐ Side Yard ☐
5 UNITS

Present or Previous Use:

Proposed Use: 2 UNITS

Building Permit Application No. 2015.11.20.3191

Date Filed: 11/20/2015

4. Actions Prior to a Discretionary Review Request

Prior Action	YES	NO
Have you discussed this project with the permit applicant?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you discuss the project with the Planning Department permit review planner?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Did you participate in outside mediation on this case?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5. Changes Made to the Project as a Result of Mediation

If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the result, including any changes there were made to the proposed project.

NO RESULT.

Discretionary Review Request

In the space below and on separate paper, if necessary, please present facts sufficient to answer each question.

1. What are the reasons for requesting Discretionary Review? The project meets the minimum standards of the Planning Code. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines? Please be specific and site specific sections of the Residential Design Guidelines.

Will cause tenant displacement.

2. The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

Will cause tenant displacement.

3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

Keep the sink and doors.

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Signature: Paul Boyant

Date: 10/12/2016

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

TENANT
Owner / Authorized Agent (circle one)

Discretionary Review Application Submittal Checklist

Applications submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and **signed by the applicant or authorized agent**.

REQUIRED MATERIALS (please check correct column)	DR APPLICATION
Application, with all blanks completed	<input checked="" type="checkbox"/>
Address labels (original), if applicable	<input checked="" type="checkbox"/>
Address labels (copy of the above), if applicable	<input checked="" type="checkbox"/>
Photocopy of this completed application	<input checked="" type="checkbox"/>
Photographs that illustrate your concerns	<input checked="" type="checkbox"/>
Covenant or Deed Restrictions	<input checked="" type="checkbox"/>
Check payable to Planning Dept.	<input checked="" type="checkbox"/>
Letter of authorization for agent	<input type="checkbox"/>
Other: Section Plan, Detail drawings (i.e. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (i.e. windows, doors)	<input checked="" type="checkbox"/>

NOTES:

☐ Required Material.☒ Optional Material.☐ Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

RECEIVED

OCT 12 2016

For Department Use Only

Application received by Planning Department:

By: M. CornejoCITY & COUNTY OF S.F.
Date: 10/12/16
PLANNING DEPARTMENT



**SAN FRANCISCO
PLANNING
DEPARTMENT**

FOR MORE INFORMATION:
Call or visit the San Francisco Planning Department

Central Reception
1650 Mission Street, Suite 400
San Francisco CA 94103-2479

TEL: **415.558.6378**
FAX: **415 558-6409**
WEB: **<http://www.sfplanning.org>**

Planning Information Center (PIC)
1660 Mission Street, First Floor
San Francisco CA 94103-2479

TEL: **415.558.6377**

*Planning staff are available by phone and at the PIC counter.
No appointment is necessary.*



SAN FRANCISCO
PLANNING
DEPARTMENT

APPLICATION PACKET FOR Discretionary Review

Planning Department
1650 Mission Street
Suite 400
San Francisco, CA
94103-9425

T: 415.558.6378
F: 415.558.6409

Pursuant to Planning Code Section 311 (d) and 312 (e), the Planning Commission may exercise its power of Discretionary Review over a building permit application.

Planning Department staff are available to advise you in the preparation of this application. Call (415) 558-6377 for further information.

WHAT IS A DISCRETIONARY REVIEW?

The Planning Commission has discretion over all building permit applications. Normally, this discretion is delegated to the Planning Department, which approves applications that meet the minimum standards of the Planning Code, including the priority policies of Code Section 101.1.

From time to time the Commission will review a permit application. The Commission may determine that modifications to the proposed project are necessary in order to protect the public interest. If so, they can require the permit applicant to make the necessary changes. The Department will disapprove the application unless the required changes are made. This process of Commission consideration is commonly known as "Discretionary Review" or simply "DR". By filing a DR application, a member of the public is asking the Commission to exercise its discretionary power.

Discretionary Review is a special power of the Commission, outside the normal building permit application approval process. It is supposed to be used only when there are exceptional and extraordinary circumstances associated with a proposed project. The Commission has been advised by the City Attorney that the Commission's discretion is sensitive and must be exercised with utmost constraint.

WHEN IS A DISCRETIONARY REVIEW NECESSARY?

If no resolution is achieved between neighbors or with the help of Department staff, or Community Board mediation services, the Commission will hold a public hearing after the close of the notification period in which it will consider whether to approve, disapprove or require modifications to the project. The Commission will make its decision on the case based on the materials submitted by the permit applicant, DR requester and interested parties, as well as the testimony presented to the Commission at the scheduled public hearing.

HOW DOES THE PROCESS WORK?

Applicants requesting Discretionary Review must fill out the attached application and submit it in person at the Planning Information Center, 1660 Mission Street, first floor, with the required materials along with a check payable to the Planning Department. (Please consult the current fee schedule, available at the Planning Information Center.)

The application will not be accepted by mail, messenger or at the Planning Department reception desk. The planner will gather comments and concerns from the neighborhood during the notification period. Neighborhood support or opposition will be reflected in a staff report presented at the Planning Commission hearing complete with the Planning Department recommendation to the Planning Commission to either take Discretionary Review or not take Discretionary Review.

WHO MAY APPLY FOR A DISCRETIONARY REVIEW AND WHEN CAN ONE APPLY?

Once the planner determines the minimum standards are met and the project is approvable, the Department will mail a notice to residents and property owners within 150 feet of the subject property and neighborhood organizations. The notice describes the project, and generally includes copies of the plans. The application is held for up to 30 days to allow neighbors to assess the project and determine whether there are any exceptional and extraordinary circumstances which they feel warrant DR and, if so, to file a DR request. The Planning Department only accepts DR requests during this 30-day public notification period. If a DR is requested, the Zoning Administrator shall set a time for hearing requests for discretionary review by the Planning Commission within a reasonable period. In addition to requesting discretionary review by the Planning Commission, one may appeal the issuance of the permit to the Board of Appeals. Such an appeal may be filed within 15 days of the date of permit issuance. (Permits are officially issued by the Central Permit Bureau [558-6070], which comes well after Planning approval.)

INSTRUCTIONS:

Applicants requesting Discretionary Review must fill out the attached application and submit it in person at the Planning Information Center, 1660 Mission Street, first floor, with the required materials along with a check payable to the Planning Department. (Please consult the current fee schedule, available at the Planning Information Center.) The application will not be accepted by mail, messenger or at the Planning Department reception desk. Answer all questions fully. Please type or print in ink. Attach additional pages as necessary, labeling all additional pages with the address of the property for which you are requesting Discretionary Review. Please number each page accordingly. You must provide each of the following to accompany your Discretionary Review application.

Please provide the following materials with this application:

- **Mailing Lists:** Two copies of a typewritten list including all the parties listed below must be submitted with your application. The first copy must be on self-adhering labels, and the second must be a photocopy of the labels (or a second set of labels). Include the names and addresses of the building permit applicant, the DR applicant, and concerned party. Please also include names and addresses for all abutting properties and those across the street. Please see the diagram on page 4. The names and addresses for the mailing list can be obtained at the Assessor's Office, City Hall, Room 190.
- **Discretionary Review Application:** Legibly print your name, address and phone number on the appropriate lines. If you are acting as an authorized agent, please indicate the name of the party you represent in the appropriate section. You should answer all the questions on the application. Include specific reasons for requesting Discretionary Review and a clear description of the proximity of your property to the subject site. Be specific as possible, especially in describing issues of concern. List all concerns and explain fully all projected impacts on surrounding properties, alternatives to the project, suggested changes to the project or other measures that would reduce the potential impacts. It is important to suggest reasonable alternatives, recognizing that the permit applicant normally would be allowed to build their project as originally proposed.
- **Additional Copy of Discretionary Review Application:** Please submit an additional copy of the completed Discretionary Review Application. This copy will be sent to the permit applicant of whose project you are requesting discretionary review.
- **Photographs:** Please include photographs of both the subject site and surrounding street frontages that are helpful in demonstrating your concerns. Please show the existing and anticipated neighborhood impact. Photographs should be adequate in size to show the nature of the property. In addition, please include photos showing specific concerns. Identify on the back of the photo the address of the buildings photographed, including the subject site and the point from which the photograph was taken.

- If you are aware of relevant covenants or deed restrictions on the property relevant to the subject of this Application, describe these restrictions, or submit a copy and indicate their expiration date, if any. (Note: covenants bind the owner, not the City.)
- In making this application for DR, you are requesting that the Planning Commission exercise control over a project that meets the zoning standards applicable to the subject site. The Commission only does this where exceptional and extraordinary circumstances exist. The burden of showing why a project that meets the minimum standards should be denied or modified rests with the DR Applicant. Consequently, you must make your request to the Planning Commission clear and concise. In addition to the written statement provided in your application, you may submit other materials that help prove your case. (Please keep submissions to 8.5" by 14" if possible, and preferably 8.5" by 11".) All plans, photographs and other exhibits submitted with this application will be retained as part of the permanent public record.
- Supplemental materials for the Commission to review in addition to the initial DR application these materials must be submitted to the project planner by the Wednesday, one week prior to the hearing date to be included with the staff case report. Please contact the project planner for the amount of copies required. The supplemental materials shall be submitted on 8 1/2" x 11" (folded 11" x 17" reduced plans may also be accepted). Materials not submitted by the deadline above shall be submitted directly to the Commission the day of the hearing.

Fees:

Please refer to the Planning Department Fee Schedule available at www.sfplanning.org or at the Planning Information Center (PIC) located at 1660 Mission Street, First Floor, San Francisco. For questions related to the Fee Schedule, please call the PIC at (415) 558-6378.

Planning Commission Hearing Material:

This timeline includes a deadline for project sponsors to submit material to staff to be included in the Commission packet. If the Sponsor does not submit the necessary material by the deadline, the project will be continued to a later hearing date.

- Three weeks prior to hearing: Project Sponsor submits draft project graphics (plans, renderings etc) to project planner.
- Two weeks prior to hearing: Project planner submits Draft staff report (must include draft attachments) to Team Leader for review.

- Ten days prior to hearing (5pm on Monday): Deadline for submittal of all sponsor material and public comment to be included in Commission packets
- One week prior to hearing: Project planner delivers complete Commission packets to the Commission Secretary.

ADDITIONAL INFORMATION ABOUT DISCRETIONARY REVIEW

The Planning Commission may use its discretionary powers to review any building permit application that meets the minimum requirements and standards of the Planning and other Codes, if the Commission judges that action on the application is necessary to ensure that the interests of the City and its neighborhoods are protected. Any concerned party may request discretionary review by filing the appropriate application with the Planning Department. However, the Commission reserves this power for exceptional and extraordinary circumstances, generally involving conflicts with the City's Master Plan and the Planning Code Priority Policies

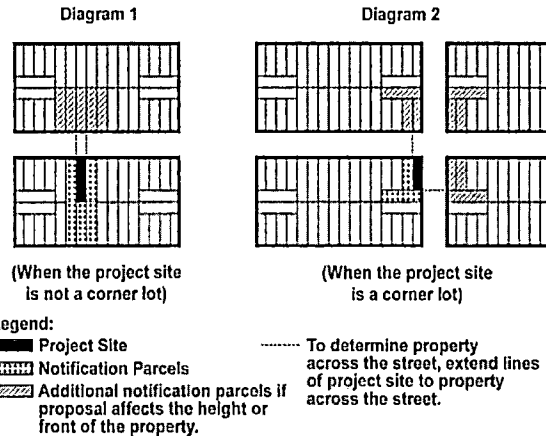
The Planning Commission derives its discretionary review authority from San Francisco's Municipal Code under the Business & Tax Regulations Code, Article 1 Permit Procedures, Section 26 (a). The authority to review permit applications that meet the minimum standards applicable under the Planning Code is set forth by City Attorney Opinion No. 845, dated May 26, 1954. The opinion states that the authority for the exercise of discretionary review is "a sensitive discretion...which must be exercised with the utmost restraint" to permit the Commission "to deal in a special manner with exceptional cases." Therefore, discretionary review should be exercised only when exceptional and extraordinary cases apply to the proposed construction, and modifications required only where the project would result in a significant impact to the public interest. The City Attorney's Opinion was reviewed in 1979 and re-affirmed with Opinion No. 79-29, dated April 30, 1979, and the power of Discretionary Review has been upheld in the courts.

To file your Discretionary Review application, please come to the Planning Information Center (PIC) located at 1660 Mission Street to submit in person. Please bring your completed application with all required materials.

Notification Instructions

1. Submit two copies of a typewritten list including all the parties listed below with your application. The first copy must be on self adhering labels, and the second must be a photocopy of the labels (or a second set of labels).

- names and addresses of all concerned parties which you are aware.
- name(s) and address(es) of building permit applicant(s).
- Discretionary Review applicant's name and address.
- names and addresses of all abutting property owners and occupants and property owners and occupants directly across the street from the subject property (please see the diagram below).



EXAMPLE OF MAILING LABEL

Block # / Lot #	#9331 / #07
Name	JOHN DOE
Address	123 South Street #2 San Francisco, CA 94100

NOTE: THIS EXAMPLE IS NOT TO REQUIRED SCALE

2. If you wish to prepare the materials yourself, block maps may be traced at the office of the Assessor, 81 Dr. Carlton B. Goodlett Place, City Hall, Room 190. The width of the public right-of-way for the streets separating the blocks may be determined at the Department of Public Works, Bureau of Street Use and Mapping, 875 Stevenson Street, Room 460, 554-5810.
3. You may, for a fee that varies by firm, have a private drafting or mailing service prepare these materials.

The following businesses have indicated that they provide professional notification services. This listing does not constitute an endorsement. Other professionals can also perform this work and can be added to this list upon request.

Build CADD
3515 Santiago Street
San Francisco, CA 94116
(415) 759-8710

Javier Solorzano
3288 - 21st Street #49
San Francisco, CA 94110
(415) 724-5240
Javier131064@yahoo.com

Jerry Brown Designs
619 - 27th Street, Apt. A
Oakland, CA 94612
(415) 810-3703
jbdsgn328@gmail.com

Ted Madison Drafting
P.O. Box 8102
Santa Rosa, CA 95407
(707) 228-8850
tmadison@pacbell.net

Notificationmaps.com
Barry Dunzer
(866) 752-6266
www.notificationmaps.com

Radius Services
1221 Harrison Street #18
San Francisco, CA 94103
(415) 391-4775
radiusservices@aol.com

Notice This
(650) 814-6750

What Applicants Should Know About the Public Hearing Process and Community Outreach

- A. The Planning Commission encourages applicants to meet with all community groups and parties interested in their application early in the entitlement process. Department staff is available to assist in determining how to contact interested groups. Neighborhood organization lists are available on the Department's website. Notice of the hearing will be to adjacent neighbors, the Project Sponsor, and applicable neighborhood organizations. The applicant may be contacted by the Planning Department staff with requests for additional information or clarification. An applicant's cooperation will facilitate the timely review of the application.
- B. The Commission requests that applicants familiarize themselves with the procedure for public hearings, which are excerpted from the Planning Commission's Rules and Regulations below.

Hearings. A public hearing may be held on any matter before the Commission at either a Regular or a Special Meeting. The procedure for such public hearings shall be as follows:

1. A brief description of the project issues and concerns by the Planning Department staff.
2. A presentation of the proposal by the DR requester -- not to exceed five (5) minutes. During the presentation, DR applicants should briefly describe their concerns about the proposed construction, how it affects their property or the neighborhood, and acceptable alternatives. Additional materials pertinent to the case may also be presented to the Commission at this time.
3. Presentation(s) supporting the DR request by other individuals or by a member of a neighborhood group or organization -- each speaker not to exceed three (3) minutes. Testimony should be kept brief and not duplicate the testimony or previous speakers. If possible, one person should be selected as the representative to make a presentation to the Commission. The Commission urges all parties supporting the DR request to limit the total length of their presentations to 15 minutes.
4. Presentation by project sponsor (building permit applicant) -- not to exceed five (5) minutes.

Project sponsor should address concerns of the DR requester and other individuals, including concerns articulated at the hearing, and demonstrate to the Commission why the project should be approved.

5. Presentation by persons or organizations supporting the project sponsor -- not to exceed three (3) minutes. The Commission urges all parties supporting the Project Sponsor to limit the total length of their presentations to 15 minutes.
6. The Commission may allow the DR requester a rebuttal not to exceed two minutes.
7. The Commission may allow the project sponsor a rebuttal not to exceed two minutes.
8. Public testimony is closed. The Commissioners may ask questions of various persons during their discussion and consideration of the project.
9. Action by Commission on the matter before it. The Commission can vote either to approve the project, approve it subject to certain modifications, disapprove it, or continue the case to a future date.

The Planning Commission action of the building permit can be appealed to the Board of Appeals within fifteen (15) days of the issuance or denial of the building permit application by the Central Permit Bureau.

- C. **Private Transcription.** The Commission President may authorize any person to transcribe the proceedings of a Regular, Special or Committee Meeting provided that the President may require that a copy of such transcript be provided for the Commission's permanent records.

4788-014
RKR INVESTMENTS
2633 OCEAN AVE
SAN FRANCISCO, CA 94132-1615

4788-014
RESIDENT
1386 SHAFTER AVE
SAN FRANCISCO, CA 94124-3345

4788-014
RESIDENT
1388 SHAFTER AVE
SAN FRANCISCO, CA 94124-3345

4788-014
RESIDENT
1390 SHAFTER AVE
SAN FRANCISCO, CA 94124-3345

4788-014A
ALLEN CHET
1570 REVERE AVE
SAN FRANCISCO, CA 94124-2738

4788-014A
RESIDENT
1396 SHAFTER AVE
SAN FRANCISCO, CA 94124-3345

4788-014A
RESIDENT
1398 SHAFTER AVE
SAN FRANCISCO, CA 94124-3345

4789-002A
YSMAEL HOLLY
1400 SHAFTER AVE
SAN FRANCISCO, CA 94124-2760

4789-002A
RESIDENT
1400 A SHAFTER AVE
SAN FRANCISCO, CA 94124-2760

4790-001
MULLIN BENJAMIN
1401 SHAFTER AVE
SAN FRANCISCO, CA 94124-2759

4790-005
ZHU CHUAN
362 GELLERT BLVD
DALY CITY, CA 94015-2611

4790-005
RESIDENT
1824 JENNINGS ST
SAN FRANCISCO, CA 94124-2747

4791-010
LAPOVSKY AVNER
1386 THOMAS AVE
SAN FRANCISCO, CA 94124-3306

4791-011A
RODRIGUEZ JESUS
PO BOX 24616
SAN FRANCISCO, CA 94124-0616

4791-011A
RESIDENT
1827 JENNINGS ST
SAN FRANCISCO, CA 94124-2746

4791-025
WU XIAOQI
362 GELLERT BLVD
DALY CITY, CA 94015-2611

4791-025
RESIDENT
1395 SHAFTER AVE
SAN FRANCISCO, CA 94124-3344

4791-026
BRADFORD GREGORY
2090 QUESADA AVE
SAN FRANCISCO, CA 94124-2047

4791-026
RESIDENT
1391 SHAFTER AVE
SAN FRANCISCO, CA 94124-3344

4791-026
RESIDENT
1391 SHAFTER AVE APT A
SAN FRANCISCO, CA 94124-3344

4791-026
RESIDENT
1391 SHAFTER AVE APT B
SAN FRANCISCO, CA 94124-3344

APPLICANT
FREDERICK BRYANT
1290 SHAFTER AVE
SAN FRANCISCO, CA 94124

4788-014
RKR INVESTMENTS
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SAN FRANCISCO, CA 94132-1615

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RESIDENT
1390 SHAFTER AVE
SAN FRANCISCO, CA 94124-3345

4788-014A
ALLEN CHET
1570 REVERE AVE
SAN FRANCISCO, CA 94124-2738

4788-014A
RESIDENT
1396 SHAFTER AVE
SAN FRANCISCO, CA 94124-3345

4788-014A
RESIDENT
1398 SHAFTER AVE
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4789-002A
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SAN FRANCISCO, CA 94124-2760

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SAN FRANCISCO, CA 94124-2759

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DALY CITY, CA 94015-2611

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SAN FRANCISCO, CA 94124-3344

4791-026
RESIDENT
1391 SHAFTER AVE APT A
SAN FRANCISCO, CA 94124-3344

4791-026
RESIDENT
1391 SHAFTER AVE APT B
SAN FRANCISCO, CA 94124-3344

APPLICANT
FREDERICK BRYANT
1290 SHAFTER AVE
SAN FRANCISCO, CA 94124

Affidavit for Notification Material Preparation

Notification Map, Mailing List, and Mailing Labels

Please submit this completed Affidavit with Notification Materials. Notification Materials are required for projects subject to Neighborhood Notification and certain Planning Department applications (e.g. Conditional Use Authorization, Variance, etc.).

I, Frederick Bryant, do hereby declare as follows:

1. I have prepared the Notification Map, Mailing List, and Mailing Labels for Public notification in accordance with Planning Department requirements as referenced in the Planning Code.
2. I understand that I am responsible for the accuracy of this information, and that erroneous information may require re-mailing or lead to suspension or revocation of the permit.
3. I have prepared these materials in good faith and to the best of my ability.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this day, October 11, 2016 in San Francisco.

Date

Signature

Name (Print), Title

Relationship to Project, e.g. Owner, Agent, Agent, give business name and profession)

Project Address

Block / Lot

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Executed on this day, October 11, 2016 in San Francisco.

^{Date}
Frederick Bryant
 Signature

Frederick Bryant
 Name (Print), Title

tenant, neighbor
 Relationship to Project, e.g. Owner, Agent, Agent, give business name and profession)

1395 Shafter Ave.
 Project Address

4971 / 025
 Block / Lot

RESPONSE TO
DISCRETIONARY
REVIEW (DRP)



San Francisco
Planning

SAN FRANCISCO PLANNING DEPARTMENT
1650 MISSION STREET, SUITE 400
SAN FRANCISCO, CA 94103-2479
MAIN: (415) 538-6378 SFPLANNING.ORG

Project Information

Property Address: 1395 Shafter Avenue

Zip Code: 94124

Building Permit Application(s): 2015.11.20.3191

Record Number: 2015-018240DRP

Assigned Planner: Ella Samonsky

Project Sponsor

Name: JUDY WU

Phone: 415-218-8291

Email: JUDYWU@USA.COM

Required Questions

1. Given the concerns of the DR requester and other concerned parties, why do you feel your proposed project should be approved? (If you are not aware of the issues of concern to the DR requester, please meet the DR requester in addition to reviewing the attached DR application.)

The City is requiring the work, but we are willing to modify the project per the DR Requestor's suggestions.

2. What alternatives or changes to the proposed project are you willing to make in order to address the concerns of the DR requester and other concerned parties? If you have already changed the project to meet neighborhood concerns, please explain those changes and indicate whether they were made before or after filing your application with the City.

The DR Requestor asks that we "keep the sink and doors". We will agree to this compromise in order to minimize the displacement of low-income tenants.

3. If you are not willing to change the proposed project or pursue other alternatives, please state why you feel that your project would not have any adverse effect on the surrounding properties. Include an explanation of your needs for space or other personal requirements that prevent you from making the changes requested by the DR requester.

We are informed that this compromise requires Planning Commission approval.

Project Features

Please provide the following information about the project for both the existing and proposed features. **Please attach an additional sheet with project features that are not included in this table.**

	EXISTING	PROPOSED
Dwelling Units (only one kitchen per unit - additional kitchens count as additional units)	5	2
Occupied Stories (all levels with habitable rooms)	2	No Change
Basement Levels (may include garage or windowless storage rooms)	1	No Change
Parking Spaces (Off-Street)	0	No Change
Bedrooms	6	No Change
Height	Unknown	No Change
Building Depth	60'	No Change
Rental Value (monthly)	\$6,502	Unknown
Property Value	Unknown	Unknown

I attest that the above information is true to the best of my knowledge.

Signature:



Date:

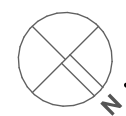
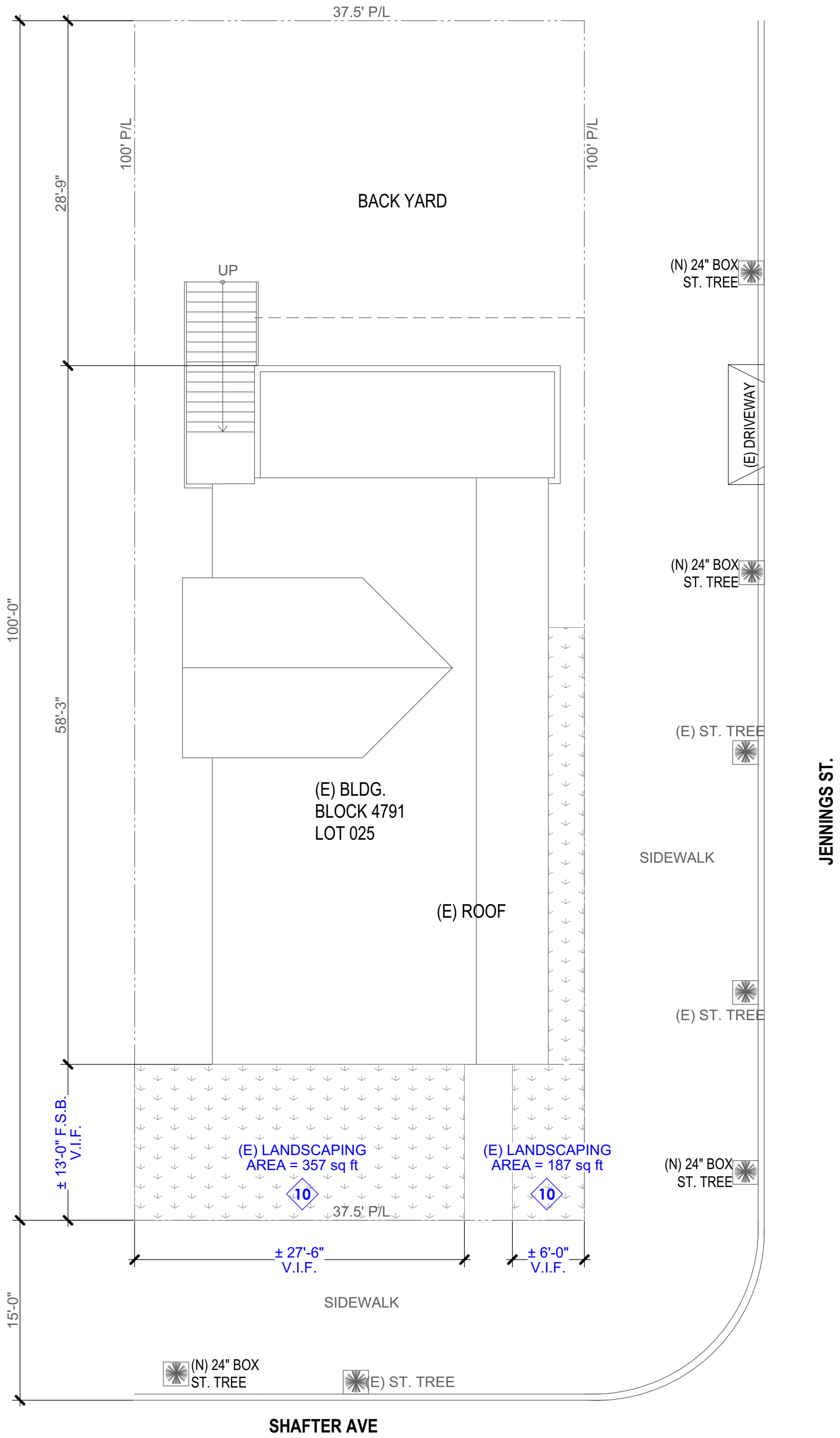
6/15/17

Printed Name:

JUDY WU

- ☒ Property Owner
☐ Authorized Agent

If you have any additional information that is not covered by this application, please feel free to attach additional sheets to this form.



SITE PLAN

SCALE: 1/8" = 1'-0"

Front setback permeable & landscaping area calculations:

Front setback area = 38 x 13.00 = 487.5 s.f.

	Area required	Area provided	
Permeable area (50% of FSB) = (including landscaping area)	243.75 s.f.	544.81 s.f.	OK
Landscaping area (20% of FSB) =	97.5 s.f.	544.81 s.f.	OK

SCOPE OF WORK

1. REMOVE REAR ILLEGAL KITCHEN ON 1ST FLOOR (1395 #1).
2. REMOVE TWO FRONT ILLEGAL KITCHENS ON 2ND FLOOR (1395 A & B).
3. COMBINE 1395 #1, A, B & C INTO 1395 C.
4. LEGALIZE EXISTING 2ND FLOOR UNIT ABOVE GARAGE UNDER UNIT LEGALIZATION PROGRAM (1395 D).

PROJECT DATA

BUILDING PERMIT APP #: 2015-1120-3191
CONSTRUCTION TYPE: 5B
ZONING: RH-1
OF STORIES: 2
OCCUPANCY TYPE: R-3
OF UNITS: 2

CODE COMPLIANCE

1. ALL WORK SHALL BE IN COMPLIANCE WITH THE CITY & COUNTY OF SAN FRANCISCO CODES AND
 - a) 2013 EDITION CALIFORNIA BUILDING CODE.
 - b) 2013 EDITION CALIFORNIA PLUMBING CODE
 - c) 2013 EDITION CALIFORNIA MECHANICAL CODE
 - d) 2013 EDITION CALIFORNIA ELECTRICAL CODE
 - e) 2013 CALIFORNIA ENERGY CODE

DRAWING INDEX

- A-1: GENERAL NOTES & SITE PLAN
A-2: EXISTING & PROPOSED 1ST FLOOR PLANS
A-3: EXISTING & PROPOSED 2ND FLOOR PLANS

LEGEND

-----	EXISTING TO BE REMOVED	CONC.	CONCRETE
=====	EXISTING TO REMAIN	DN	DOWN
=====	NEW WALL SEE DETAIL 1/A-1	(E)	EXISTING
=====	NEW WALL SEE DETAIL 1/A-1	(N)	NEW
=====	SMOKE ALARM/HARDWIRED W/BATTERY BACKUP	PW	PLYWOOD
=====	SMOKE DETECTOR AND CARBON MONOXIDE COMBINATION	TYP.	TYPICAL
=====	SMOKE DETECTOR AND CARBON MONOXIDE COMBINATION	VIF	VERIFY IN FIELD
=====	SMOKE DETECTOR AND CARBON MONOXIDE COMBINATION	W/	WITH
=====	SMOKE DETECTOR AND CARBON MONOXIDE COMBINATION	AFF	ABOVE FINISH FLOOR
=====	BLDG		
=====	CLG		

GENERAL NOTES

1. CONTRACTOR/BUILDER SHALL VERIFY EXISTING BUILDING CONDITION PRIOR TO ANY CONSTRUCTION WORK & INSTALLATION OF FIXTURES.
2. ALL WORK SHALL COMPLY TO LATEST CBC, CMC, CPC, NEC, LOCAL CITY CODES AND ALL APPLICABLE CODES.
3. PROVIDE NEW 6x10 HEADER FOR NEW OPENINGS. (MAX 6'-0" WIDE) LOCATION.
4. COORDINATE ALL TV/TELEPHONE JACK LOCATION & LIGHTING FIXTURES TYPE & LOCATION.
5. VERIFY EXISTING & PROVIDE SMOKE DETECTOR IN (E)BED ROOMS AND HALLWAYS NEXT TO BED ROOMS.
6. BEDROOM WINDOW FOR PURPOSES OF EMERGENCY ESCAPE AND RESCUE SHALL HAVE A MIN. CLEAR OPENABLE WIDTH DIMENSION = 20INCHES, AND MIN. CLEAR OPENABLE HEIGHT = 24INCHES. W/MIN 5.75'.F, MIN. OPENING. SILL HEIGHT NOT MORE THAN 44INCHES AFF.
7. BEDROOM OUTLETS SHALL BE CONNECTED INTO AN ARC FAULT CIRCUIT INTERRUPTER.
8. REPLACE (E)WINDOW WITH NEW WINDOW / GLASS DOOR. (VINYL, DUAL PANE, U = 0.32) CONTRACTOR TO VERIFY EXACT SIZE IN FIELD.
9. REMOVE (E) CONCRETE & REPLACE WITH PERMEABLE CONCRETE PER TABLE.
10. REMOVE (E) CONCRETE & REPLACE WITH LANDSCAPING PER TABLE. USE DPW'S RECOMMENDED PLANT LIST FOR CLIMATE ZONE 3 IN BAYVIEW DISTRICT

MECHANICAL NOTES

- M1. PROVIDE COMBUSTION AIR PER CMC CHAPTER 7 REQUIREMENTS
- M2. PROVIDE MIN 26 GAGE STEEL DUCT WITHIN GARAGE SPACE
- M3. TERMINATE GAS VENT MIN 4'-0" FROM PROPERTY LINE & 2'-0" ABOVE ANY PORTION OF A BLDG. WITHIN 10'-0"
- M4. TERMINATE EXHAUST OUTLET MIN 3'-0" FROM PROPERTY LINE & BLDG OPENING W/ BACKDRAFT DAMPER
- M5. DRYER EXHAUST DUCT 14'-0" LONG MAX. & 2-90° ELBOWS

REVISIONS	BY
3-15-16	JW
4-18-16	JW
5-24-16	JW
7-7-16 2nd FI BR	JW

RESIDENCE - ALTERATION
1395A & B SHAFTER AVE., SAN FRANCISCO, CA
BLOCK 4971 , LOT 025

OWNER
JUDY WU
TEL:(415)218-8291

I, Xiao Qi (Judy) Wu, the undersigned, am the owner of the subject property.

I have prepared the plans to the best of my ability and I am fully responsible for its accuracy.

Signed:

Dated: 3/16/16

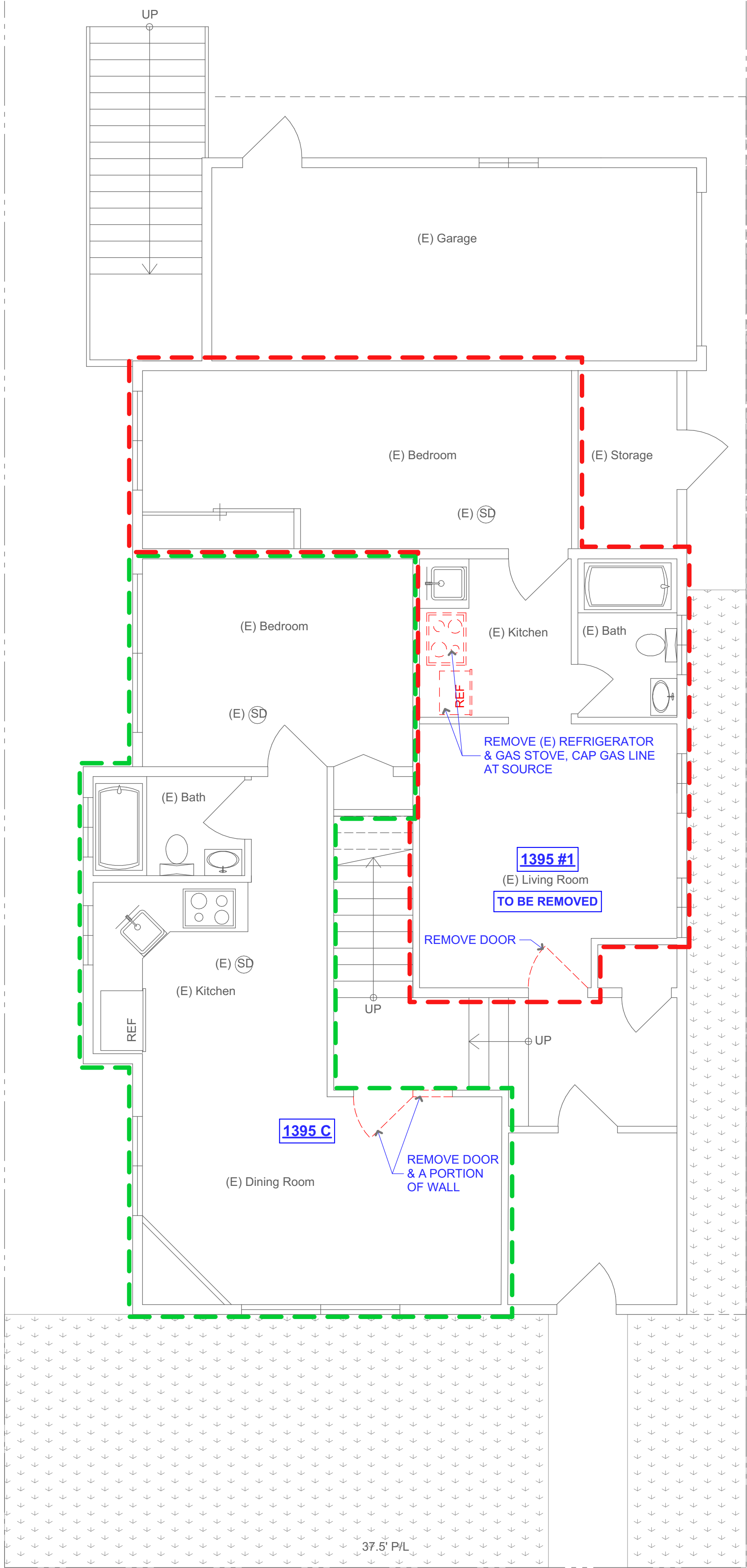
DATE: 11-24-15

SCALE: AS SHOWN

SHEET:

A-1

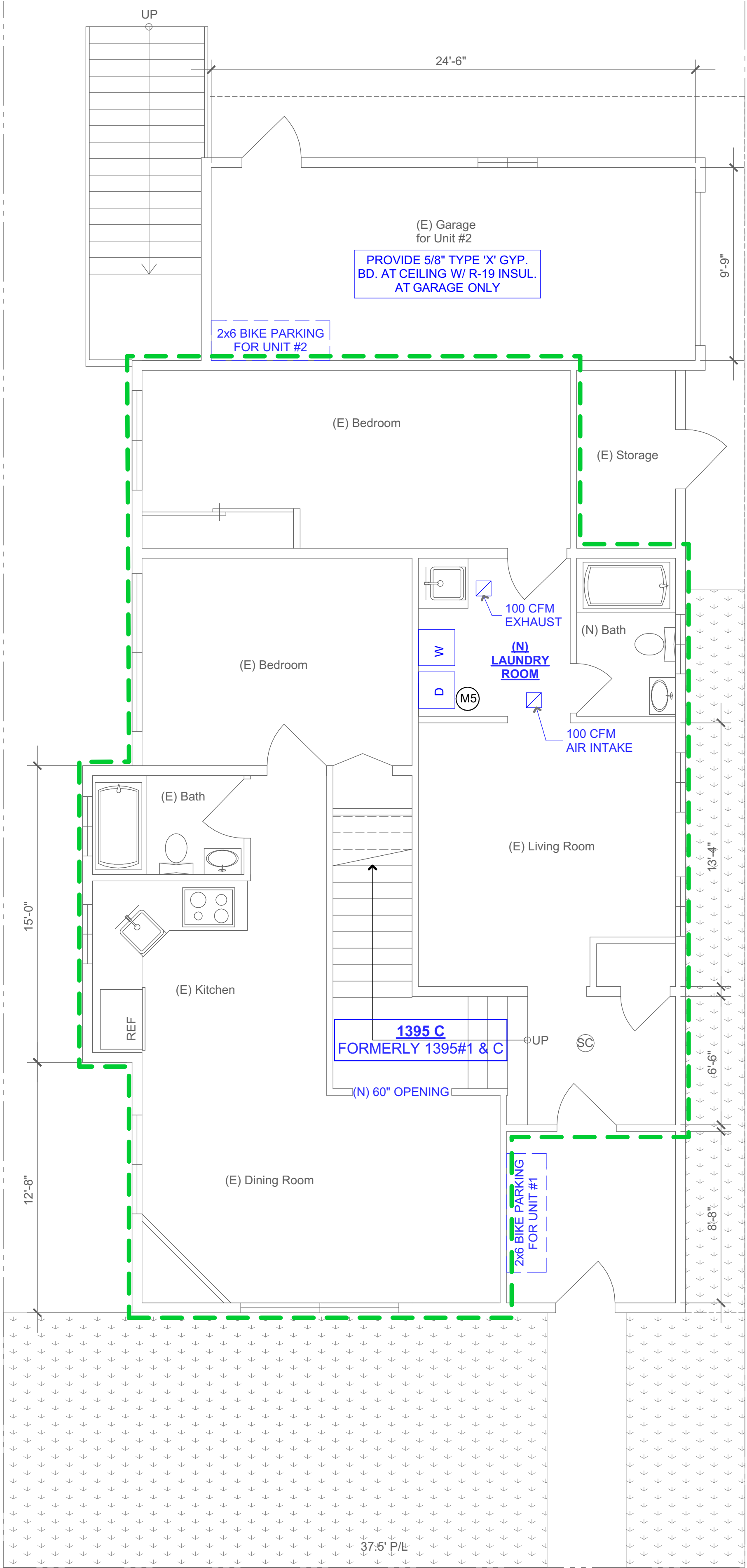
OF 3 SHEETS



EXISTING 1ST FLOOR PLAN

SCALE: 1/4" = 1'-0"

NOTE: (E) REAR BEDROOM & FULL BATH ON 1ST FLOOR WERE DONE UNDER APPROVED BUILDING PERMIT APP #2013-0613-9488



PROPOSED 1ST FLOOR PLAN

SCALE: 1/4" = 1'-0"

5 4 7

REVISIONS	BY
3-15-16	JW
4-18-16	JW
5-24-16	JW
7-7-16 2nd FI BR	JW

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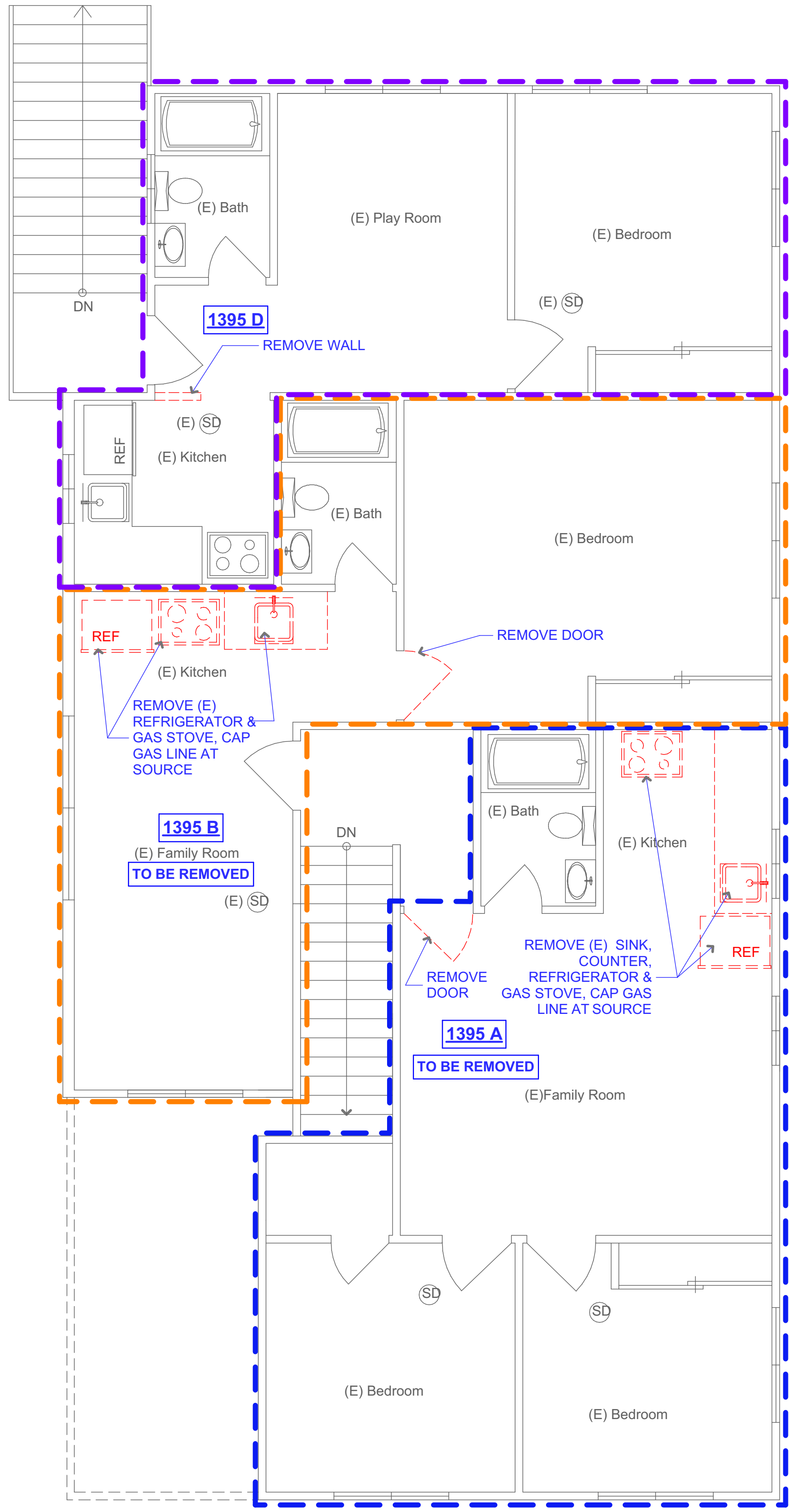
Dated: 3/16/16

DATE: 11-24-15

SCALE: AS SHOWN

SHEET:

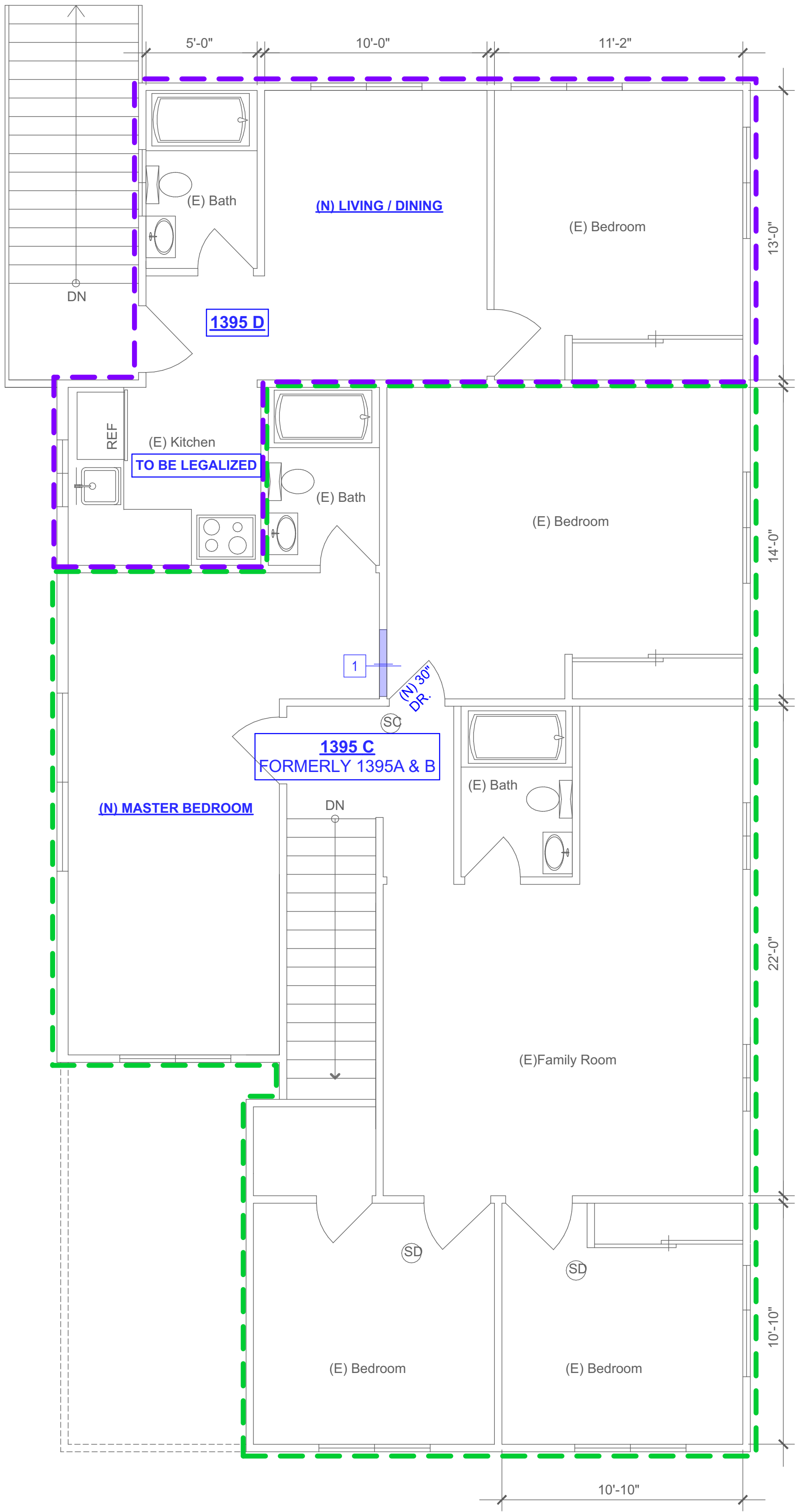
A-2
OF 3 SHEETS



NOTE: (E) REAR BEDROOM & FULL BATH ON 2ND FLOOR WERE DONE UNDER APPROVED BUILDING PERMIT APP #2013-0613-9488

EXISTING 2ND FLOOR PLAN

SCALE: 1/4" = 1'-0"



PROPOSED 2ND FLOOR PLAN

SCALE: 1/4" = 1'-0"

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