



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Abbreviated Analysis HEARING DATE: MARCH 15, 2018

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

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Planning
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415.558.6377

Date: March 8, 2018
Case No.: **2016-002865DRP**
Project Address: **1889-1891 Green Street**
Permit Application: 2015.07.13.1338
Zoning: RH-2 (Residential House, Two-Family)
40-X Height and Bulk District
Block/Lot: 0554/020
Project Sponsor: David Silverman
Reuben, Junius and Rose
One Bush Street, Suite 600
San Francisco, CA 94104
Staff Contact: Brittany Bendix – (415) 575-9114
Brittany.bendix@sfgov.org
Recommendation: **Do not take DR and approve as proposed**

PROJECT DESCRIPTION

The proposal includes a fourth floor vertical addition located behind the existing parapet, a horizontal addition on the west side of the existing building, a reduction of legally non-complying massing at the rear, and interior renovations.

SITE DESCRIPTION AND PRESENT USE

The project site is located on the south side of Green Street between Laguna Street and Octavia Street, at the center of the Marina neighborhood. The subject property is 100 feet deep and 23.25 feet wide, contains 2,325 square feet and slopes upward from Green Street. The property is developed with a three-story two-family dwelling constructed circa 1900.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject property is within an RH-2 Zoning District that is generally characterized as one- and two-family houses, with the latter commonly consisting of two large flats, within structures that are finely scaled and usually do not exceed 25 feet in width or 40 feet in height. This characterization is fairly consistent with the area immediately surrounding the subject property. To the west of the subject property is a three-story four-family dwelling, owned by the DR Requestor. Directly across the street and north of the subject property is a three-story three-unit dwelling. To the east of the property is a three-story two-family dwelling. Finally, directly behind and south of the subject property is a three-story with attic two-family dwelling.

BUILDING PERMIT NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	November 28, 2017 – December 28, 2017	December 27, 2017	March 15, 2018	78 days

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	March 5, 2018	March 5, 2018	10 days
Mailed Notice	10 days	March 5, 2018	March 5, 2018	10 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	-	1	-
Other neighbors on the block or directly across the street	-	-	-
Neighborhood groups	-	-	-

The Department has not received any public comment on the project beyond the request for Discretionary Review.

DR REQUESTOR

Firuze Hariri, 1899 Green Street – immediately west of the the subject property.

DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

See attached *Discretionary Review Application*, dated December 27, 2017, and supplemental materials dated February 22, 2018.

PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

See attached *Response to Discretionary Review*, dated February 27, 2018.

ENVIRONMENTAL REVIEW

The Department has determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15301 (Class One - Minor Alteration of Existing Facility, (e) Additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet).

RESIDENTIAL DESIGN TEAM REVIEW

Nothing in the Planning Code or the Residential Design Guidelines protects non-required property line windows. However, staff recommends a neighborly gesture to accommodate the neighbor's concerns where programming allows.

Under the Commission's pending DR Reform Legislation, this project would not be referred to the Commission as this project does not contain or create any exceptional or extraordinary circumstances.

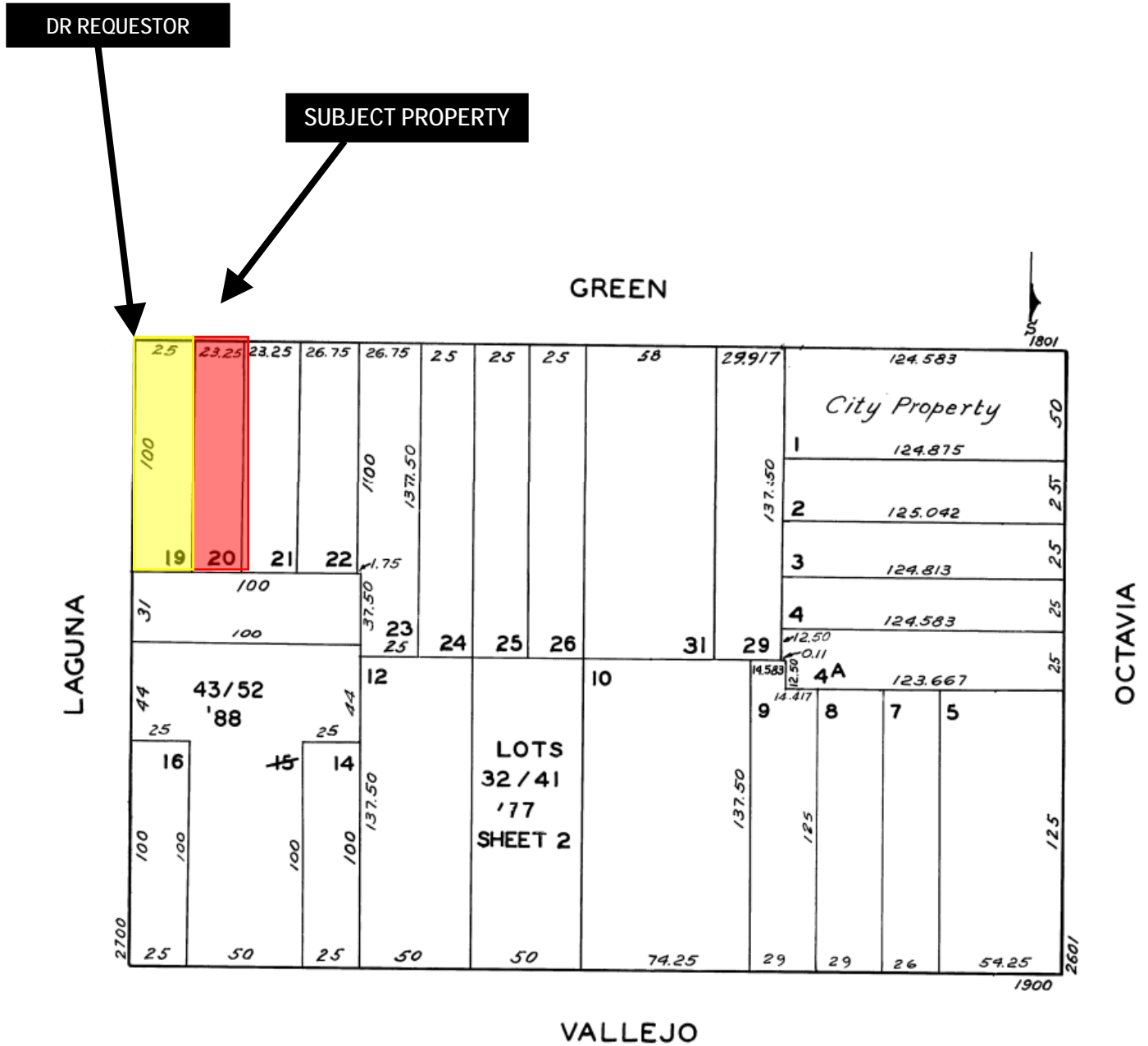
RECOMMENDATION: Do not take DR and approve project as proposed
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Attachments:

Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs
Context Photographs
CEQA Determination
Section 311 Notice
DR Application
Response to DR Application dated February 26, 2018
Reduced Plans

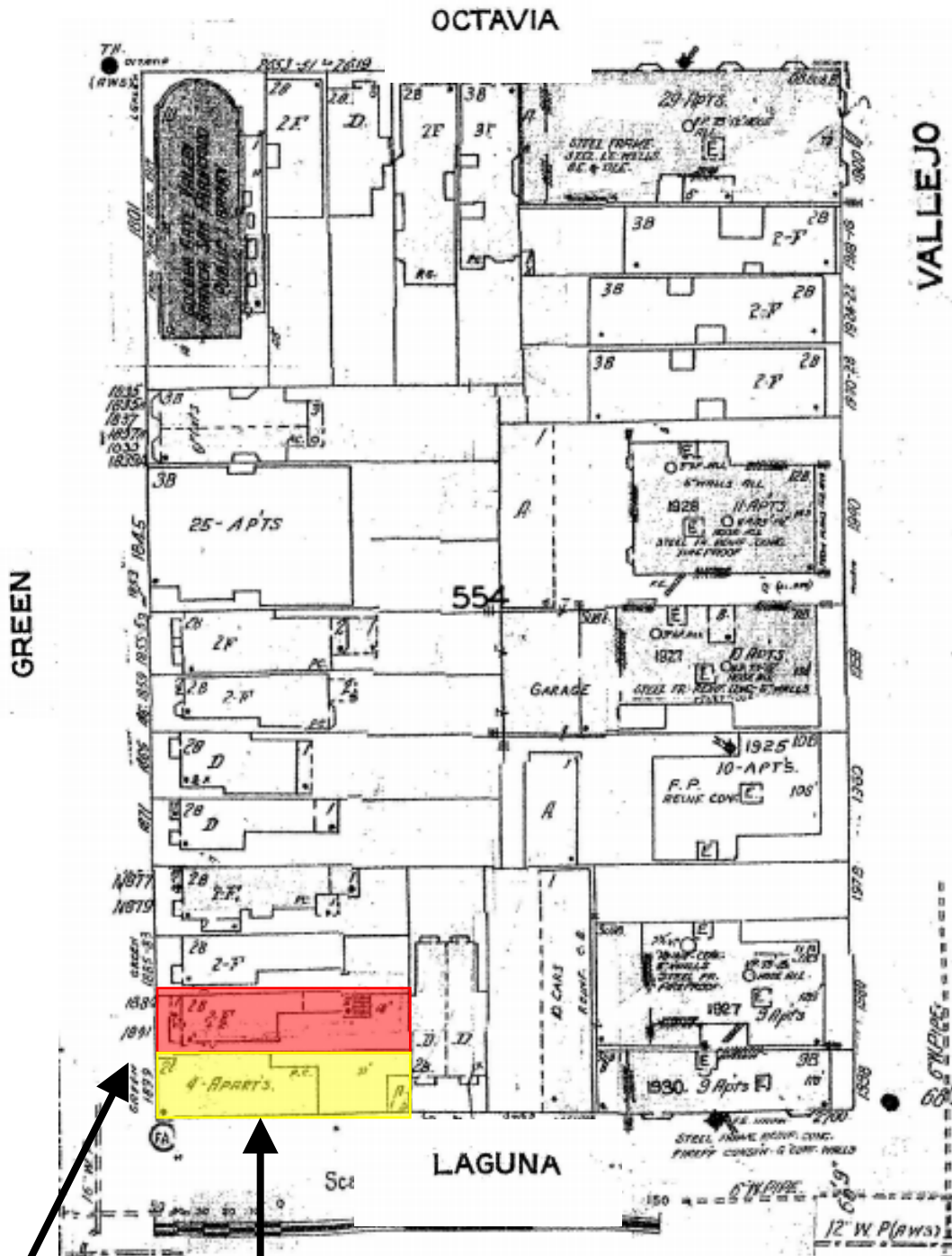
BB: G:\DOCUMENTS\Building Permits\1889-91 Green Street\Case Packet\1 DR - Abbreviated Analysis.docx

Parcel Map



Discretionary Review Hearing
Case Number 2016-002865DRP
 1889-91 Green Street

Sanborn Map*



SUBJECT PROPERTY

DR REQUESTOR

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

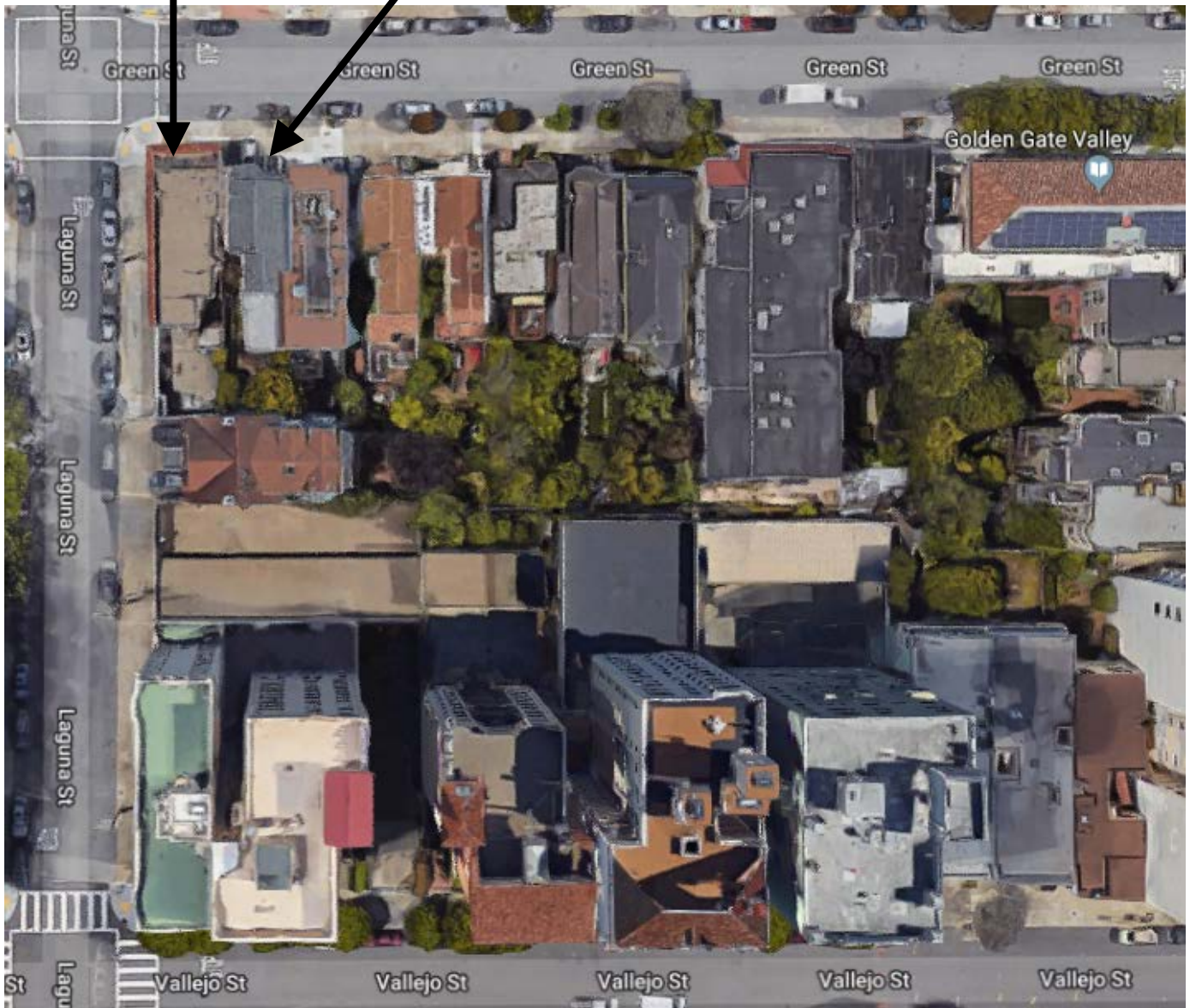


Discretionary Review Hearing
Case Number 2016-002865DRP
1889-91 Green Street

Aerial Photo

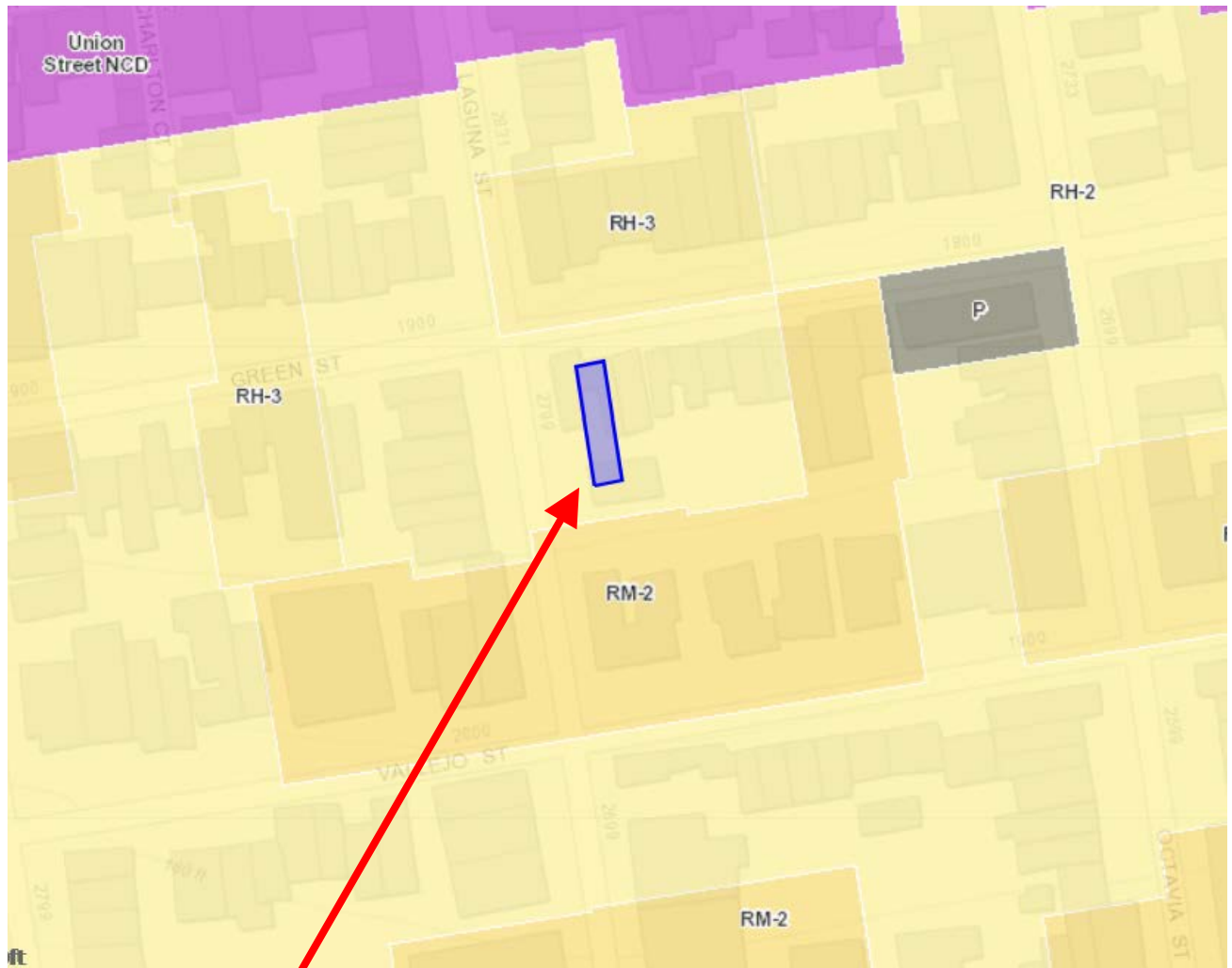
DR REQUESTOR

SUBJECT PROPERTY



Discretionary Review Hearing
Case Number 2016-002865DRP
1889-91 Green Street

Zoning Map

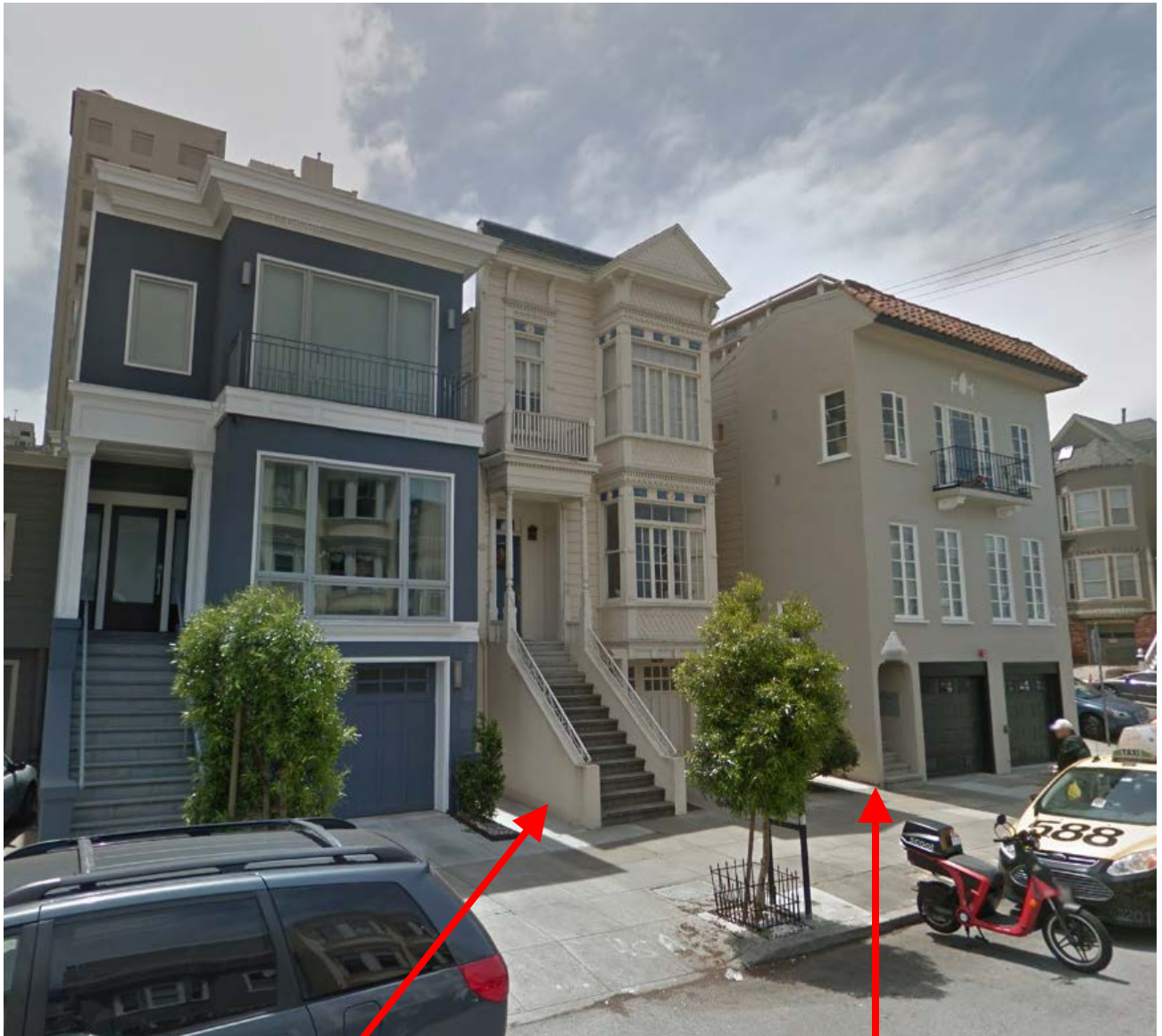


SUBJECT PROPERTY



Discretionary Review Hearing
Case Number 2016-002865DRP
1889-91 Green Street

Site Photo



SUBJECT PROPERTY

DR REQUESTOR

Discretionary Review Hearing
Case Number 2016-002865DRP
1889-91 Green Street



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
1889-1891 Green Street		0554/020	
Case No.	Permit No.	Plans Dated	
2016-002865PRJ	2015.07.13.1338	6/26/15	
<input type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRER if over 45 years old)	<input type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification (GO TO STEP 7)
Project description for Planning Department approval. Vertical and horizontal addition.			

STEP 1: EXEMPTION CLASS TO BE COMPLETED BY PROJECT PLANNER

Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.	
<input checked="" type="checkbox"/>	Class 1 – Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	Class 3 – New Construction/ Conversion of Small Structures. Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions.; ; change of use under 10,000 sq. ft. if principally permitted or with a CU. Change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	Class ____

STEP 2: CEQA IMPACTS TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an <i>Environmental Evaluation Application</i> is required.	
<input type="checkbox"/>	Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks)? <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Article 38 program and the project would not have the potential to emit substantial pollutant concentrations. (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollutant Exposure Zone)</i>
<input type="checkbox"/>	Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment. <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the</i>

	<i>Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).</i>
<input type="checkbox"/>	Transportation: Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)
<input type="checkbox"/>	Slope = or > 20%: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required.
If no boxes are checked above, GO TO STEP 3. <u>If one or more boxes are checked above, an Environmental Evaluation Application is required, unless reviewed by an Environmental Planner.</u>	
<input checked="" type="checkbox"/>	Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.
Comments and Planner Signature (optional): Brittany Bendix <div style="float: right; font-size: small;"> Digitally signed by Brittany Bendix DN: c=us, o=City of San Francisco, ou=City Planning, ou=City Planning, email=brittany.bendix@sfgov.org, serial=Brittany Bendix Date: 2017.05.09 15:54:04 -07'00' </div>	

STEP 3: PROPERTY STATUS – HISTORIC RESOURCE TO BE COMPLETED BY PROJECT PLANNER

PROPERTY IS ONE OF THE FOLLOWING: (refer to Parcel Information Map)	
<input type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input checked="" type="checkbox"/>	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
<input type="checkbox"/>	Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.

**STEP 4: PROPOSED WORK CHECKLIST
TO BE COMPLETED BY PROJECT PLANNER**

Check all that apply to the project.	
<input type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input checked="" type="checkbox"/>	5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input checked="" type="checkbox"/>	8. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
Note: Project Planner must check box below before proceeding.	
<input type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input checked="" type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

**STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PRESERVATION PLANNER**

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not “in-kind” but are consistent with existing historic character.
<input type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input checked="" type="checkbox"/>	7. Addition(s) , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
<input type="checkbox"/>	8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):

<input type="checkbox"/>	<p>9. Other work that would not materially impair a historic district (specify or add comments):</p> <p>(Requires approval by Senior Preservation Planner/Preservation Coordinator) _____</p>
<input type="checkbox"/>	<p>10. Reclassification of property status. (Requires approval by Senior Preservation Planner/Preservation Coordinator)</p> <p><input type="checkbox"/> Reclassify to Category A <input type="checkbox"/> Reclassify to Category C</p> <p>a. Per HRER dated: _____ (attach HRER)</p> <p>b. Other (specify): _____</p>
<p>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.</p>	
<input type="checkbox"/>	<p>Further environmental review required. Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. GO TO STEP 6.</p>
<input checked="" type="checkbox"/>	<p>Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.</p>
<p>Comments (optional):</p>	
<p>Preservation Planner Signature: Shelley Caltagirone <small>Digitally signed by Shelley Caltagirone Date: 2017.06.02 15:11:03 -07'00'</small></p>	

**STEP 6: CATEGORICAL EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER**

<input type="checkbox"/>	<p>Further environmental review required. Proposed project does not meet scopes of work in either (check all that apply):</p> <p><input type="checkbox"/> Step 2 – CEQA Impacts</p> <p><input type="checkbox"/> Step 5 – Advanced Historical Review</p> <p>STOP! Must file an <i>Environmental Evaluation Application</i>.</p>			
<input checked="" type="checkbox"/>	<p>No further environmental review is required. The project is categorically exempt under CEQA.</p> <table border="1"> <tr> <td> <p>Planner Name: Brittany Bendix</p> <p>Project Approval Action:</p> <p>Building Permit</p> <p>If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</p> </td> <td> <p>Signature:</p> <p>Brittany Bendix <small>Digitally signed by Brittany Bendix Date: 2018.03.07 18:46:39 -08'00'</small></p> </td> </tr> </table> <p>Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.</p> <p>In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.</p>		<p>Planner Name: Brittany Bendix</p> <p>Project Approval Action:</p> <p>Building Permit</p> <p>If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</p>	<p>Signature:</p> <p>Brittany Bendix <small>Digitally signed by Brittany Bendix Date: 2018.03.07 18:46:39 -08'00'</small></p>
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STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a “substantial modification” and, therefore, be subject to additional environmental review pursuant to CEQA.

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
Case No.	Previous Building Permit No.	New Building Permit No.
Plans Dated	Previous Approval Action	New Approval Action
Modified Project Description:		

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:	
<input type="checkbox"/>	Result in expansion of the building envelope, as defined in the Planning Code;
<input type="checkbox"/>	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
<input type="checkbox"/>	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
<input type="checkbox"/>	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?
If at least one of the above boxes is checked, further environmental review is required. ATEX FORM	

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

<input type="checkbox"/>	The proposed modification would not result in any of the above changes.
If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice.	
Planner Name:	Signature or Stamp:



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **February 23, 2016**, the Applicant named below filed Building Permit Application No. **2015.07.13.1338** with the City and County of San Francisco.

PROJECT INFORMATION		APPLICANT INFORMATION	
Project Address:	1889-1891 Green Street	Applicant:	Addison Strong
Cross Street(s):	Octavia and Laguna	Address:	243 Front Street
Block/Lot No.:	0554/020	City, State:	San Francisco, CA 94111
Zoning District(s):	RH-2 / 40-X	Telephone:	(415) 216-8304
Record No.:	2016-002865PRJ	Email:	addisonstrongdesign.com

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 checked="" type="checkbox"/> Alteration
<input type="checkbox"/> Change of Use	<input type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input type="checkbox"/> Rear Addition	<input checked="" type="checkbox"/> Side Addition	<input checked="" type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Residential	No Change
Front Setback	10' 8"	No Change
Side Setbacks	3' 1"	0'
Building Depth	64' 4"	No Change
Rear Yard	25'	No Change
Building Height	33' 11.5" (curb to mid-pitch behind parapet)	40' (curb to top of 4 th story roof)
Number of Stories	3	4
Number of Dwelling Units	2	No Change
Number of Parking Spaces	1	2
PROJECT DESCRIPTION		
The proposal includes a fourth floor vertical addition, behind the existing parapet, a horizontal addition on the west side of the existing building, a reduction of legally non-complying massing at the rear and interior renovations.		
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 more information, please contact Planning Department staff:

Planner: Brittany Bendix
Telephone: (415) 575-9114
E-mail: Brittany.bendix@sfgov.org

Notice Date: 11/28/2017
Expiration Date: 12/28/2017

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

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.

220 Montgomery St
Suite 2100
San Francisco
California 94104

Ph: (415) 362-3599
Fax: (415) 362-2006

www.mosconelaw.com

February 22, 2018

Via Email and U.S. Mail

President Rich Hillis
San Francisco Planning Commission
1650 Mission Street, #400
San Francisco, CA 94103

JODIE SMITH
Attorney
smith@mosconelaw.com

Re: 1889-91 Green Street Discretionary Review – March 15, 2018 Hearing

Dear President Hillis and Commissioners:

Our firm represents Firuzé Hariri, who owns the three-unit residence at 1899 Green Street. Her building is located immediately adjacent to and to the west of 1889-91 Green Street, which proposes a remodel and addition that includes a side expansion and a vertical addition of one story to the maximum height limit of 40 feet.

We support the expansion with the exception of *one small, but important* aspect: as shown in the photos of Attachment 1, the side expansion would completely block the sole windows providing light and air to the kitchen and dining room (one per room) in one apartment. The side expansion would adversely affect the livability of the first-floor apartment and conflicts with the third principle of the Residential Design Guidelines, which states that projects should “Maintain light to adjacent properties by providing adequate setbacks.”

We are not asking the project sponsor to reduce the building’s proposed height or to revise any other aspect of the project. *We are only asking our client’s neighbor to maintain the current minor 3.5-foot setback between our windows and the expansion* by maintaining the existing exterior wall for a short distance. Attachment 2 illustrates our proposed compromise design. As you can see, we are asking the neighbor to scale back the side expansion on the first and second floors by a small amount: an area measuring approximately 3’6” x 16’3”.

This small change would greatly reduce the impact on Ms. Hariri and her tenant while introducing a minimal change in the expansion plans. Attachment 2 shows that on the first floor, scaling back would mean removal of a small “butler’s pantry” from a kitchen for which a walk-in

pantry is already proposed and removal or relocation of a built-in credenza in the dining room. On the second floor, the reduction we request would slightly reduce the width of the bedroom by maintaining the existing wall, but the bedroom would still be 10 feet wide.

We have made several efforts to avoid a DR hearing by requesting that the project be modified, but the project sponsor has refused to alter the project design. We have been clear with the project sponsor since the Pre-Application meeting in 2015 that we are very concerned and upset about the windows being blocked. The project sponsor has had over two years to alter the proposed expansion to be sensitive to our concerns, which could easily be accommodated. Unfortunately, the project sponsor has demonstrated no willingness to be flexible on this project and has rigidly maintained the same 2015 design with respect to the negative impact on Ms. Hariri's light and air.

We met with the project sponsor team on February 16, 2018 onsite to look at possible alternatives to providing light and air to the kitchen and dining room. Unfortunately, their proposed alternatives to scaling back the side expansion were not feasible. They suggested adding a light tube, skylight, or lightwell in Ms. Hariri's building, but suggested no modifications to their proposed expansion. We explained that these options are infeasible because the ceiling above the kitchen and dining room is located in a very narrow exit passage from the top floor that runs along the exterior east side of Ms. Hariri's to exterior stairs to the rear yard and is the fire exit – see Attachment 3. The creation of a light well, is not feasible because it would be the walking area of the exit passage on the floor above – see Attachment 3. Even if a skylight could be provided that would meet code given the close distance to the property line and the fact that it is a means of egress, the amount of light would be minimal given that there is a roof over the area and the neighbor's proposed vertical addition would block much of the light, as shown in Attachment 3. The project sponsor team also suggested making a big window in a closet near the dining room, but it was clear that this would not solve the problem.

We asked the project sponsor's architect if he had considered other options for providing additional square footage without blocking off Ms. Hariri's two windows. He told us that they originally wanted to add space to the existing legal, but non-conforming, portion of the building in the rear, but that Scott Sanchez told him that Planning would never approve such a Variance. We are confused by this statement, given that the attached NOPDR letter from Planning indicates that applying for a Variance would have been an option – see Attachment 4. We told the project sponsor we would support a variance or rear-

President Rich Hillis

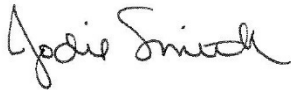
February 22, 2018

Page 3

yard modification if that helped the project sponsor achieve her objectives while maintaining the light and air to Ms. Hariri's apartment.

We urge you to require the small, reasonable changes shown in Figures 1, 3, and 10 of Attachment 2 to protect the light, air, and livability of this residence.

Regards,

A handwritten signature in black ink, appearing to read "Jodie Smith". The signature is fluid and cursive, with the first name "Jodie" being more prominent than the last name "Smith".

Jodie Smith

Cc: brittany.bendix@sfgov.org

Cc: firuzehariri@yahoo.com

1889-1891 GREEN STREET DR ATTACHMENT 1



Figure 1. The only window providing light and air to the dining room



Figure 2. The only window providing light and air to the kitchen

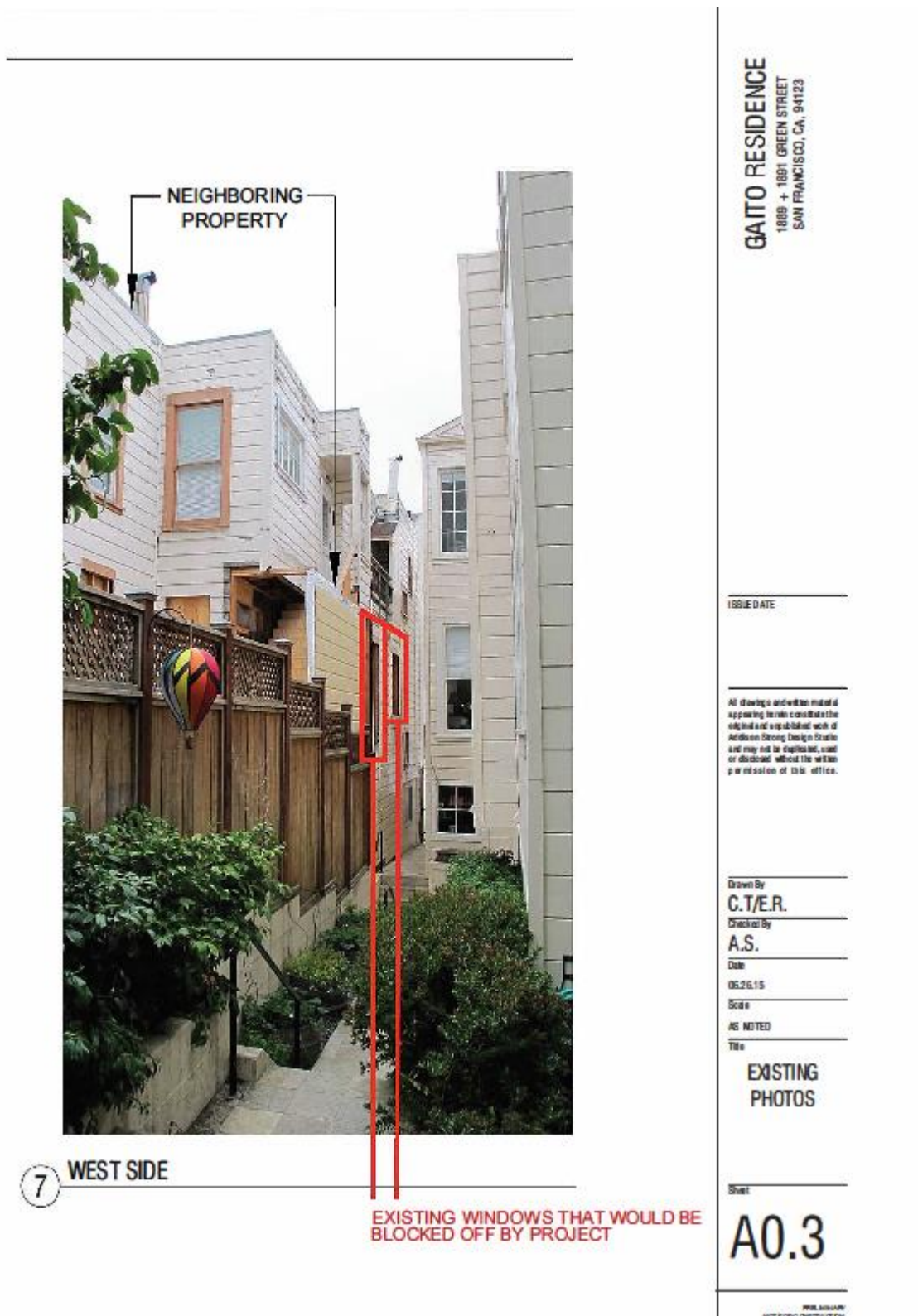
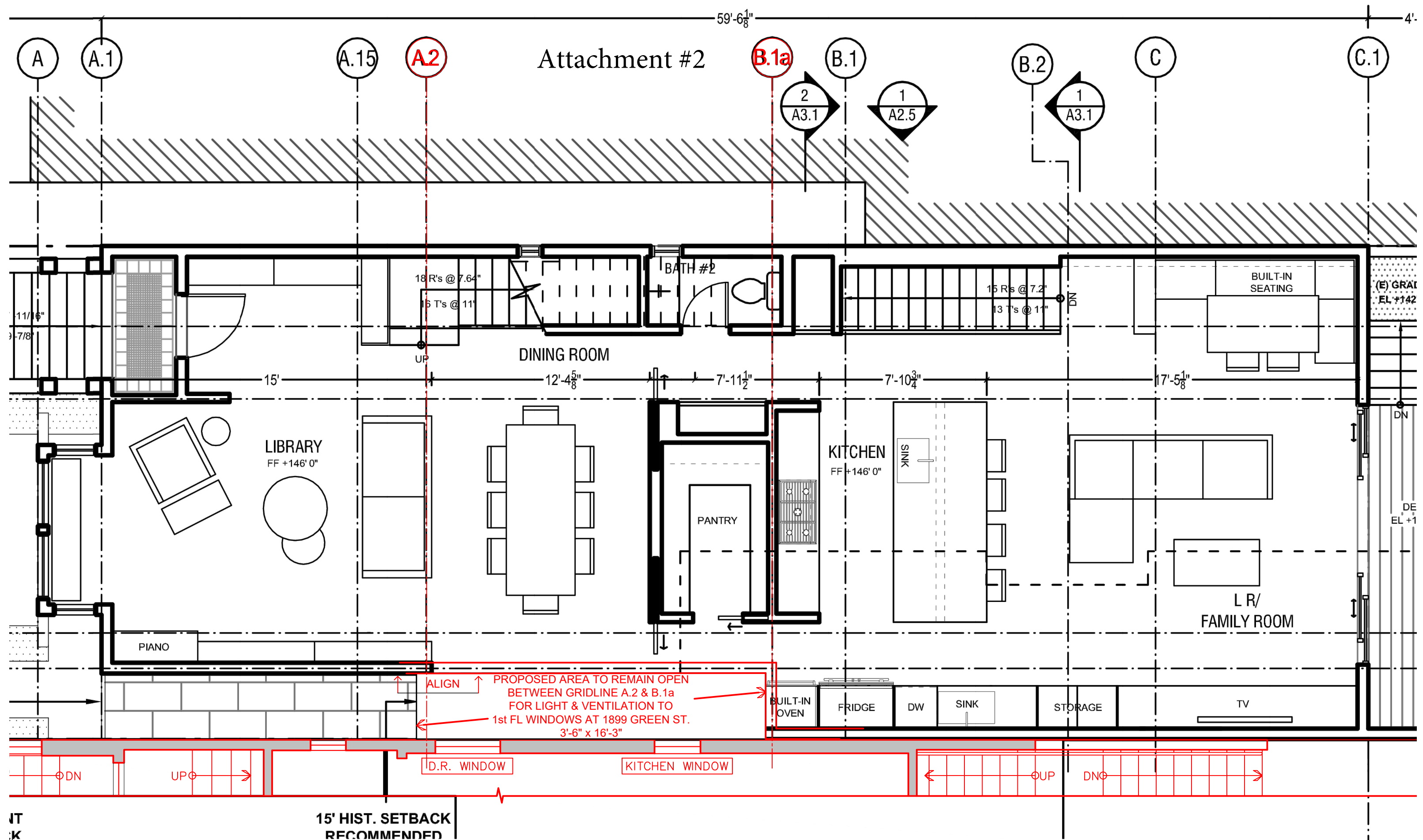


Figure 3. External view of two windows that would be blocked off by project



IT

JK

FIGURE 1 of 10 PROPOSED MODIFICATION TO AUG 15, '17 1st FLOOR PLAN

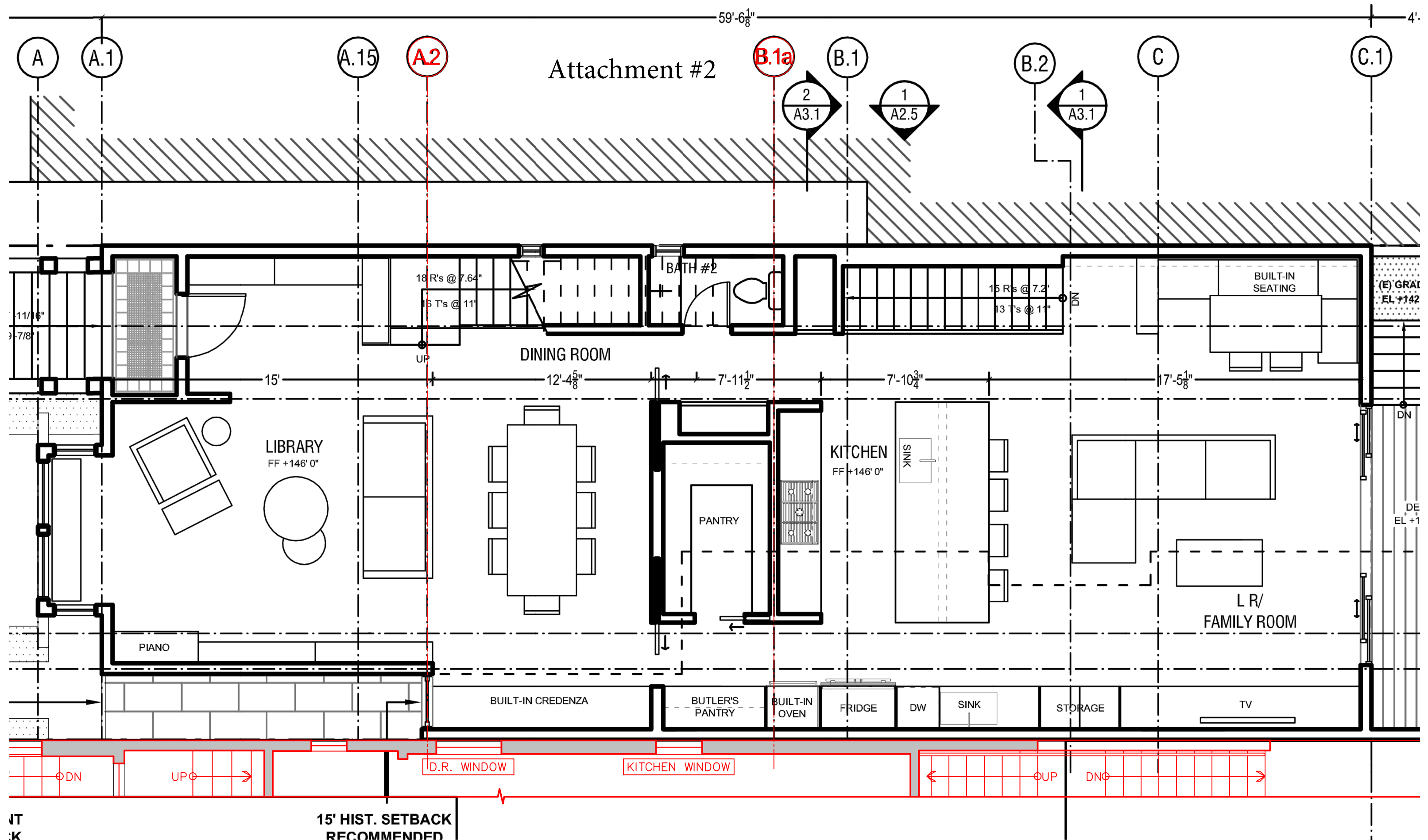
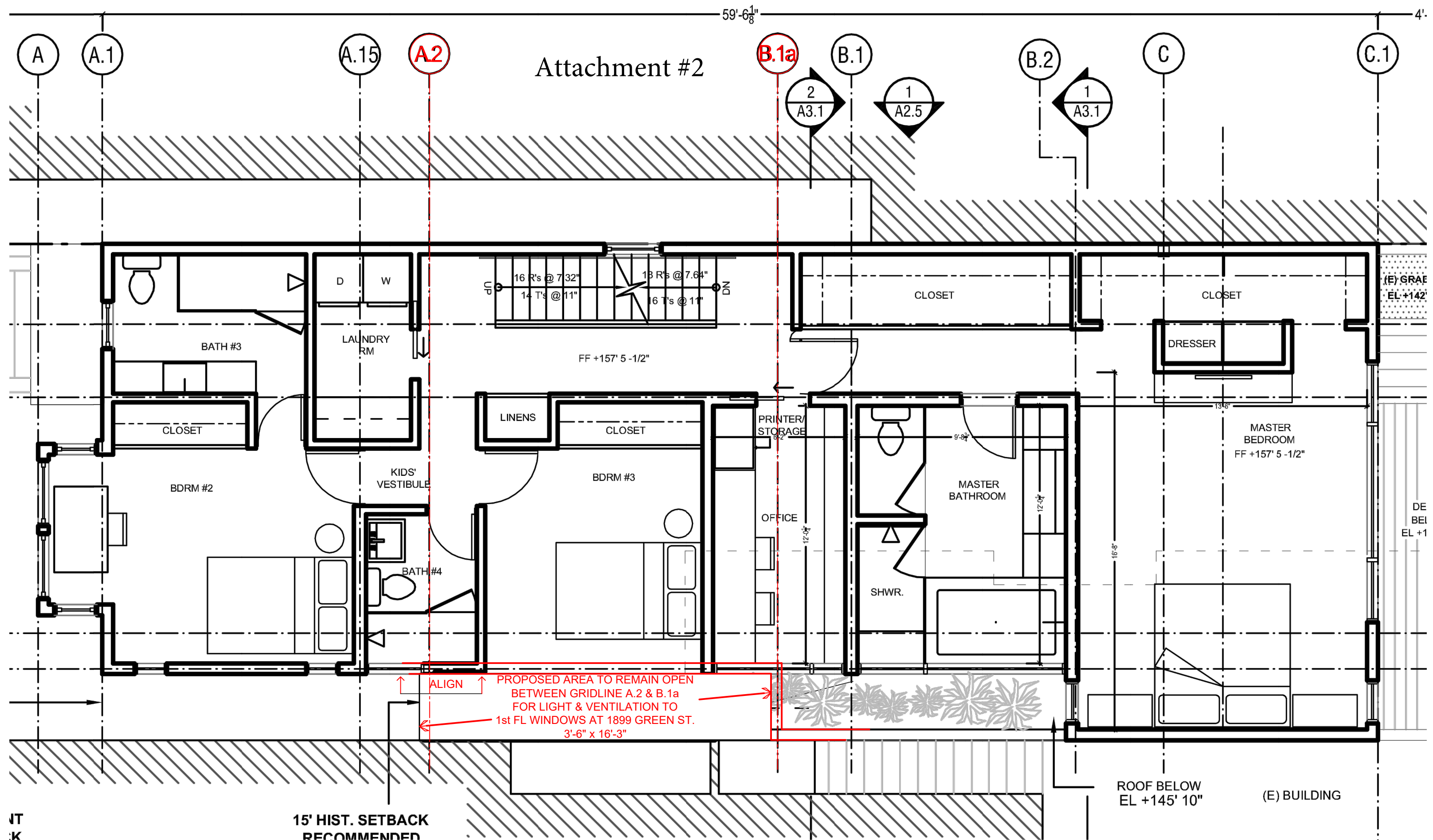


FIGURE 2 of 10

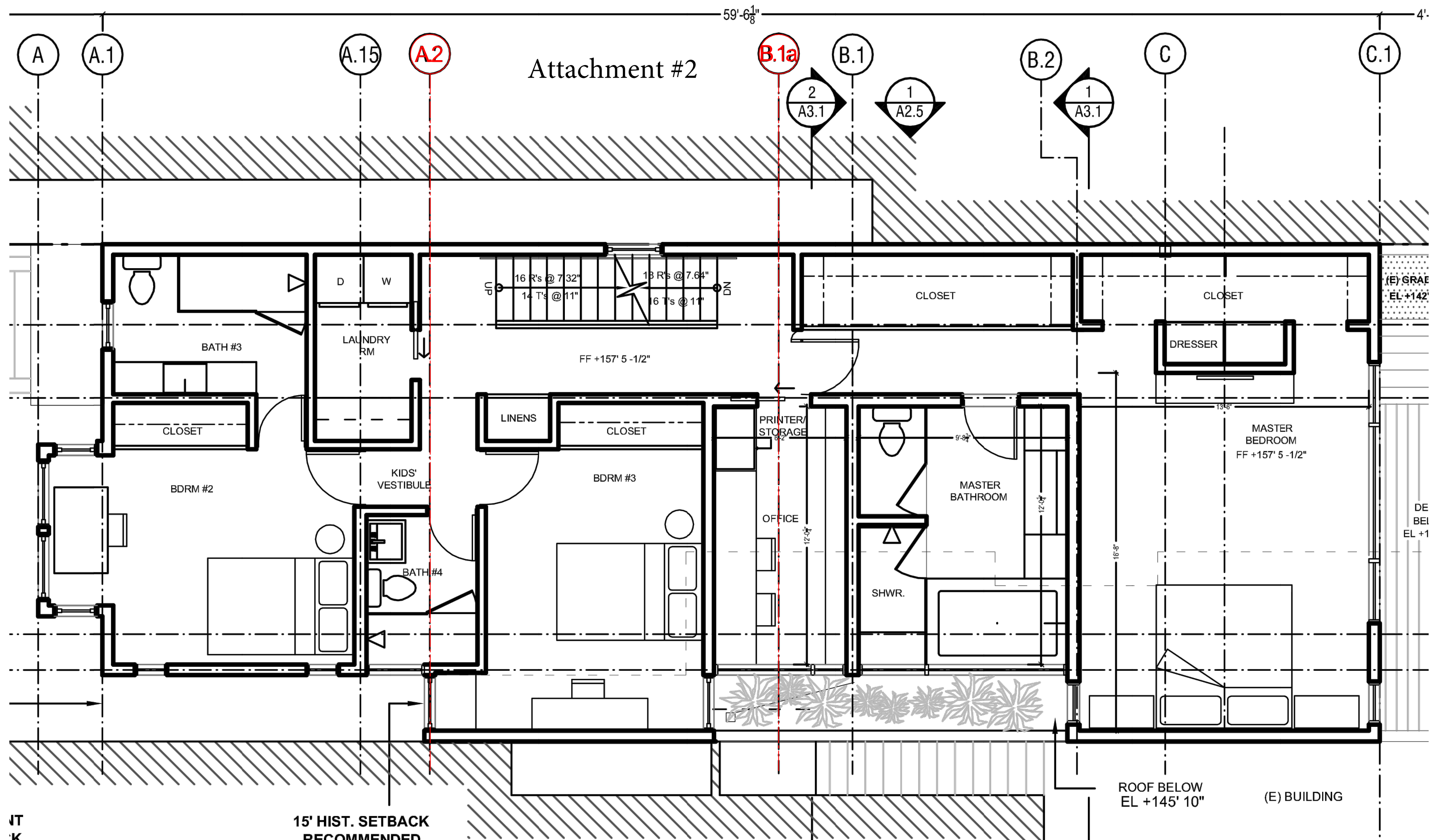
AUG 15, '17 1st FLOOR PLAN



IT

IK

FIGURE 3 of 10 PROPOSED MODIFICATION TO AUG 15, '17 2nd FLOOR PLAN



IT
K

FIGURE 4 of 10

AUG 15, '17 2nd FLOOR PLAN

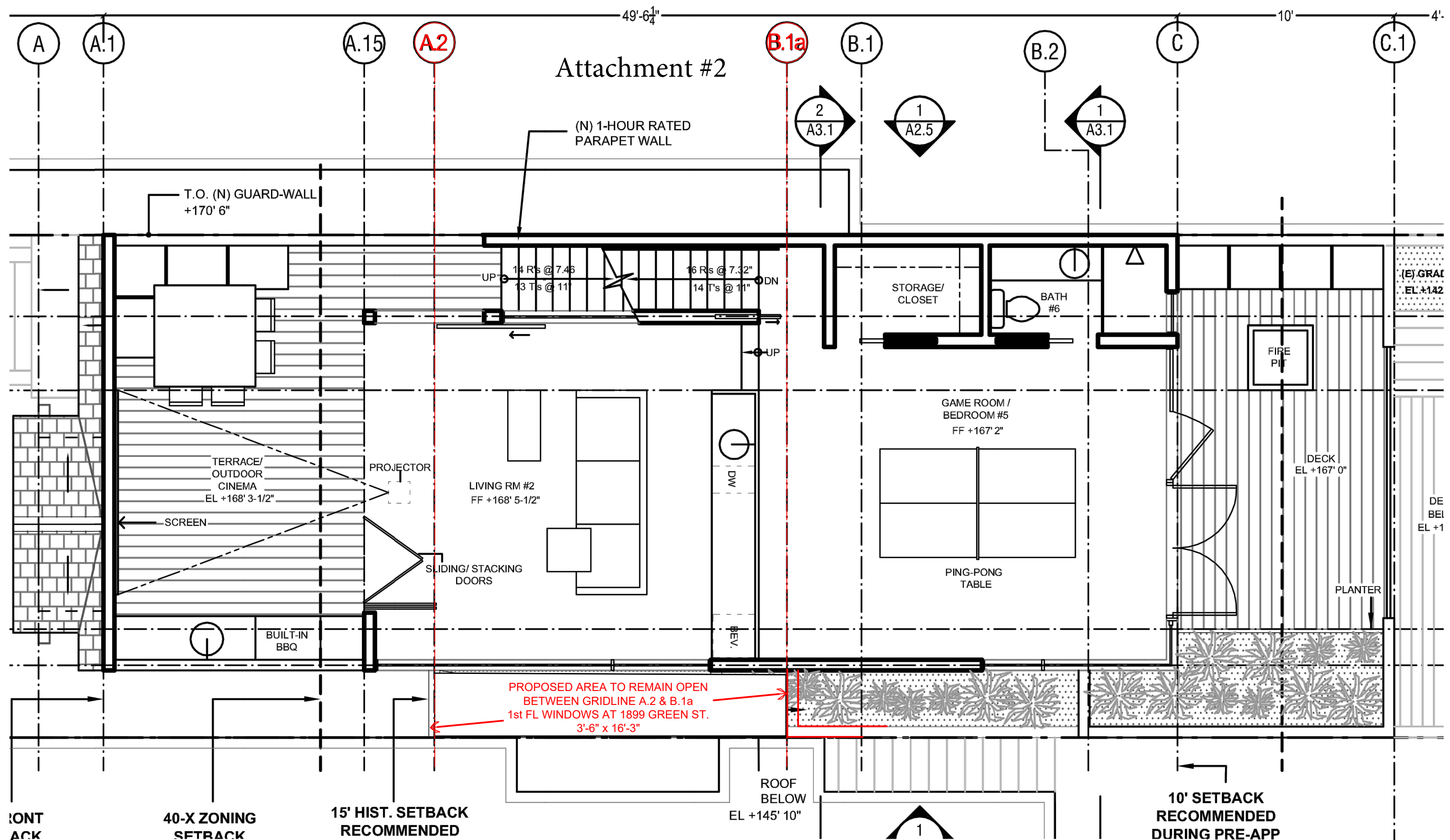


FIGURE 5 of 10

PROPOSED MODIFICATION TO AUG 15, '17 3rd FLOOR PLAN

NO CHANGE TO INTERIOR HABITABLE SPACE

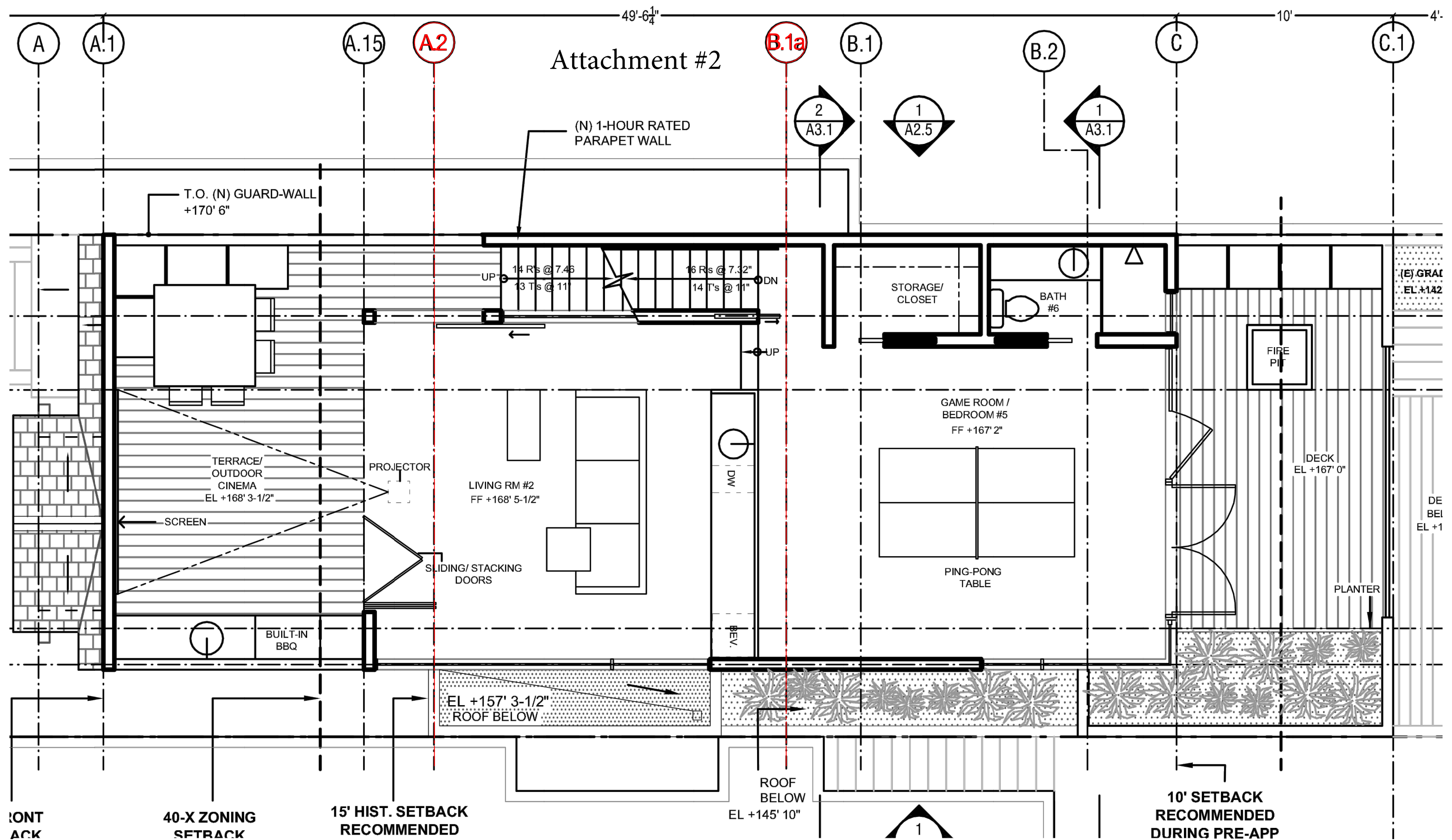
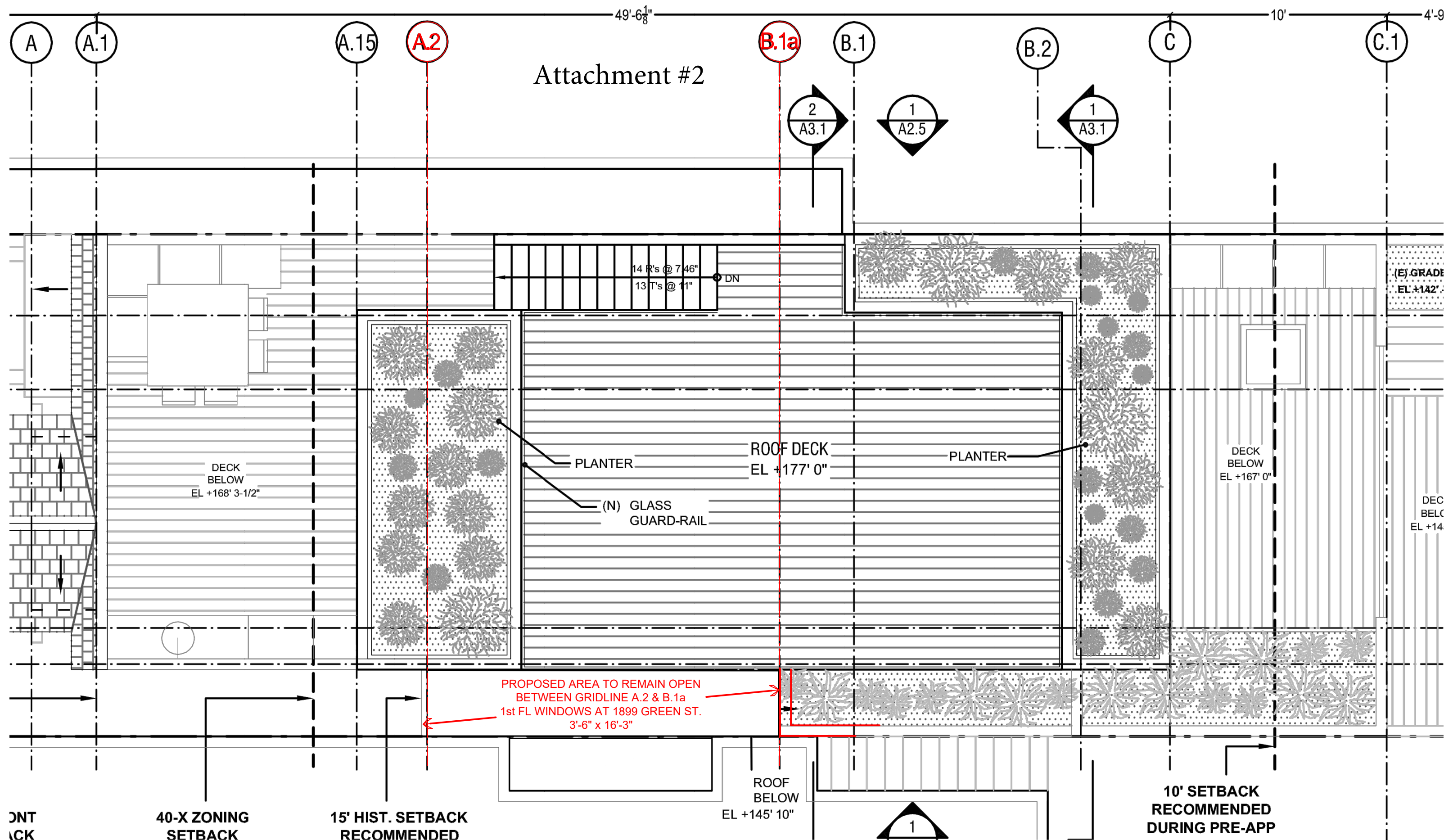


FIGURE 6 of 10

AUG 15, '17 3rd FLOOR PLAN



ONT
CK

FIGURE 7 of 10

PROPOSED MODIFICATION TO AUG 15, '17 ROOF PLAN

NO CHANGE TO EXTERIOR DECK SIZE

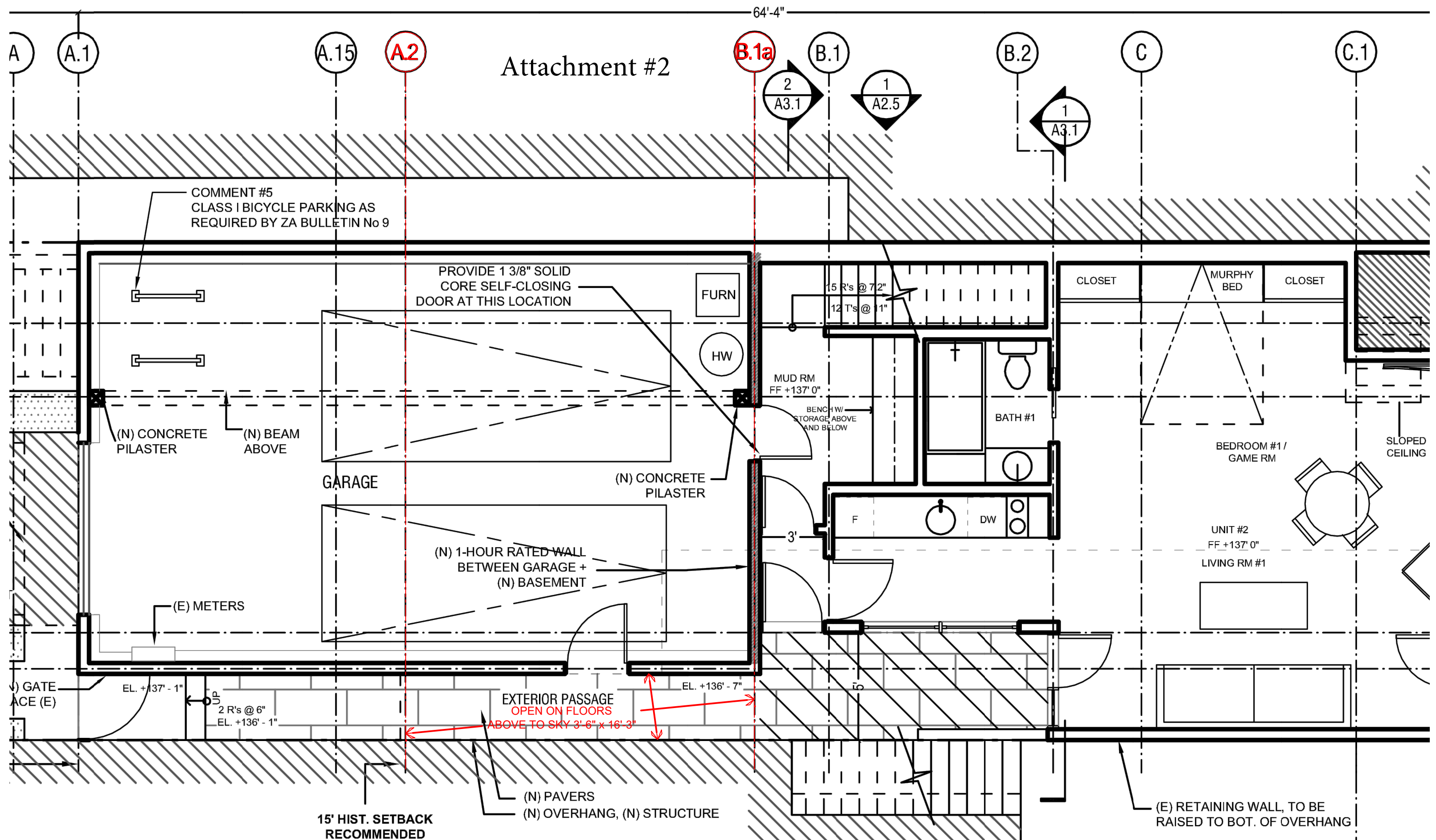
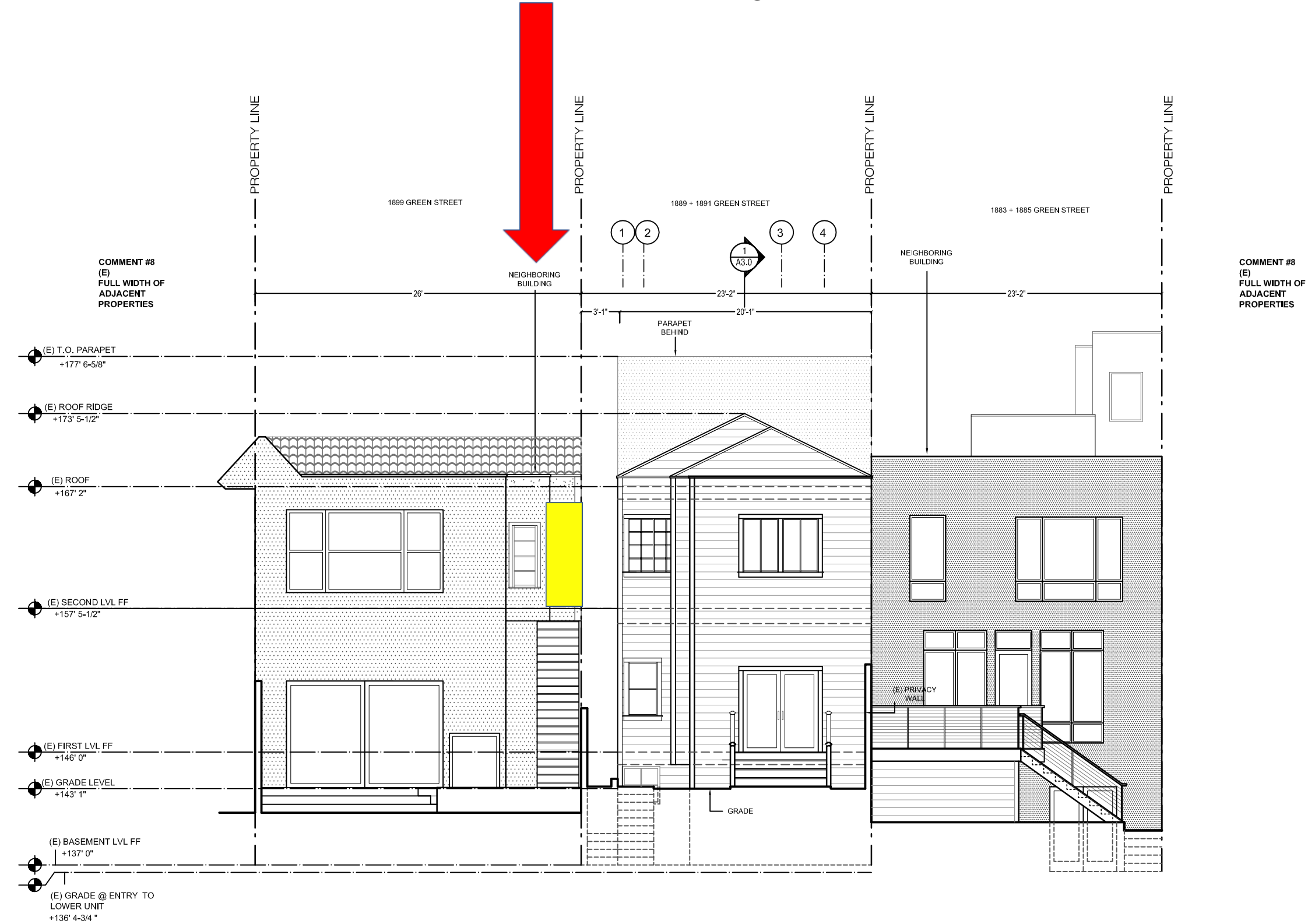


FIGURE 9 of 10 AUG 15, '17 BASEMENT PLAN - NO CHANGE

NOTE: PROPERTY DIMENSIONS AND ELEVATIONS OF
NEIGHBORING AND SUBJECT PROPERTY PROVIDED BY:
FOG CITY AS BUILTS
P.O. BOX 134
SAUSALITO, CA 94966
PH: 415.287.6034
FAX: 415.962.4046

Attachment #3
(Figure 1)



1 EXISTING CONDITIONS - REAR/ SOUTH ELEVATION

Attachment #3
(Figure 2)

1889 + 1891 GREEN STREET
SAN FRANCISCO, CA, 94123

ings and written material
ing herein constitute the
and unpublished work of
n Strong Design Studio
y not be duplicated, used
losed without the written
ssion of this office.

PROPOSED
SOUTH
ELEVATIONS

2.3.1

PRELIMINARY
NOT FOR CONSTRUCTIONPRELIMINARY
NOT FOR CONSTRUCTION



Attachment #4

SAN FRANCISCO PLANNING DEPARTMENT

Notice of Planning Department Requirements #1

September 2, 2016

Addison Strong
243 Front Street
San Francisco, CA 94111

RE: **1889-1891 Green Street** (Address of Permit Work)
 0554/020 (Assessor's Block/Lot)
 2015.07.13.1338 (Building Permit Application Number)

Your Building Permit Application #2015.07.13.1338 has been received by the Planning Department and has been assigned to planner Brittany Bendix. Ms. Bendix has begun review of your application but the following information is required before it is accepted as complete and/or is considered Code-complying. Time limits for review of your project will not commence until we receive the requested information or materials and verify their accuracy.

In order to proceed with our review of your Building Permit Application, the following is required:

1. **Rear Yard Variance.** Portions of the proposal trigger a rear yard variance because they intensify the existing building's nonconformity in regards to the rear yard requirements of the Planning Code. Per Section 134 the required rear yard for RH-2 Zoning Districts is 45 percent of the lot depth, or the average depth of the two adjacent properties. Based on the information provided, the required rear yard for the subject property is approximately 30 feet 2 inches. Any expansion to the existing building's envelope within the required rear yard area (expansion towards the side and the bay window) trigger a rear yard variance. You are encouraged to modify the project so that it is within the buildable area and does not require a variance. Alternatively, variance applications are available at www.sfplanning.org.
2. **Exposure Variance.** The lower level unit is nonconforming in regards to dwelling unit exposure per Planning Code Section 140, as the unit does not look onto a code-complying rear yard or open area with dimensions of 20 feet by 20 feet. The proposal intensifies this nonconforming situation because it reduces and encloses the side courtyard. Therefore, a variance from Planning Code Section 140 is required.
3. **Permeability.** Planning Code Section 132(g) requires that projects resulting in an increase of 20 percent or more of gross floor area must provide a front setback that is 50 percent permeable. Please demonstrate how the proposal complies with this requirement.
4. **Curb Cut.** Please illustrate and dimension any existing or proposed curb cuts on the site plans.
5. **Bicycle Parking.** Planning Code Section 155.1 requires that project include one Class 1 bicycle parking space per dwelling unit because the proposal increases the existing gross floor area by 20 percent or more.

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

NOPDR #1 sent to:
Addison Strong
1889-1891 Green Street
San Francisco, CA 94111

September 2, 2016
2015.07.13.1338
1889-1891 Green Street

6. **Demolition Calculations.** Please provide demolition calculations to demonstrate the project's compliance with Planning Code Section 317.
7. **Longitudinal Section.** Please provide a longitudinal section for the existing conditions that is taken at the center of the building.
8. **Elevations.** Please provide front and rear elevations for both existing and proposed conditions that include the full width of adjacent properties.
9. **Site Plans.** The lot depth on both the existing and proposed site plans measures to 99 feet, but the depth of the property is 100 feet. Please correct this. Additionally, please provide dimensions for the front setback (front property line to main building wall), the proposed and existing building depths, the rear yard depth, the 45 percent rear yard requirement, and the required rear yard depth based on averaging. These last three dimensions should also be shown on the side elevations and longitudinal sections.
10. **Child Care Fee.** Please be advised that Planning Code 414A requires payment of a Child Care Fee for any residential development that results in an addition of more than 800 gross square feet.

Please note that further comment may follow review of the requested information.

All plans submitted must be to an appropriate scale: site plan 1/8" = 1'; floor plans 1/4" = 1'. Plans should be clearly labeled.

- **All building permit plan revisions must be filed at the Department of Building Inspection (DBI), Permit Processing Center, 1660 Mission Street, 2nd Floor.** To officially submit a change to the building permit plans, do not submit building permit plans directly to the Planning Department. Per DBI requirements, these plan revisions will not be accepted by mail or messenger, and all plans must be signed by preparer, architect or engineer.
- **All planning entitlement case revisions must be submitted to the Planning Department, 1650 Mission Street, 4th floor, to the Planner's attention.** To officially submit a change to an active planning entitlement case, submit these directly to the Planning Department. Note this is a separate submittal from DBI.

Please submit the requested information, or contact the assigned planner if you need more time to prepare the requested information, within thirty (30) days. If the Department has not received the requested information within 90 days, the application will be sent back to the Department of Building Inspection for cancellation.

Please direct any questions concerning this notice to the assigned planner, **Brittany Bendix at (415) 575-9114 or Brittany.bendix@sfgov.org**. Contact the assigned planner to set up any meeting, should one be necessary. **Please do not come to the Planning Department to discuss this notice without an appointment.** Thank you for your attention to this notice. An early and complete response on your part will help expedite our review of your permit application.

NOPDR #1 sent to:
Addison Strong
1889-1891 Green Street
San Francisco, CA 94111

September 2, 2016
2015.07.13.1338
1889-1891 Green Street

C:\Users\lewatty\Desktop\Notice of Planning Department Requirements_EW 021915.docx

Planning Department Applications and Publications are available at the Planning Information Center, 1660 Mission Street, 1st floor or via the Department website: www.sfplanning.org.



SAN FRANCISCO
PLANNING
DEPARTMENT

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

T: 415.558.6378
F: 415.558.6409

APPLICATION PACKET FOR Discretionary Review

RECEIVED

DEC 27 2017

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
PIC

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

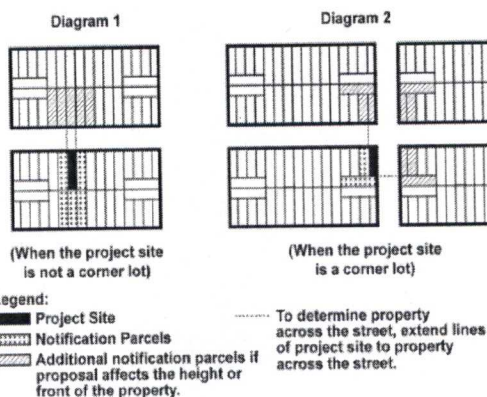
1. Submit two copies of a typewritten list including all the parties listed below with your application. The first copy must be on self adhering labels, and the second must be a photocopy of the labels (or a second set of labels).

- 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

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.



NOTE: THIS EXAMPLE IS NOT TO REQUIRED SCALE

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:

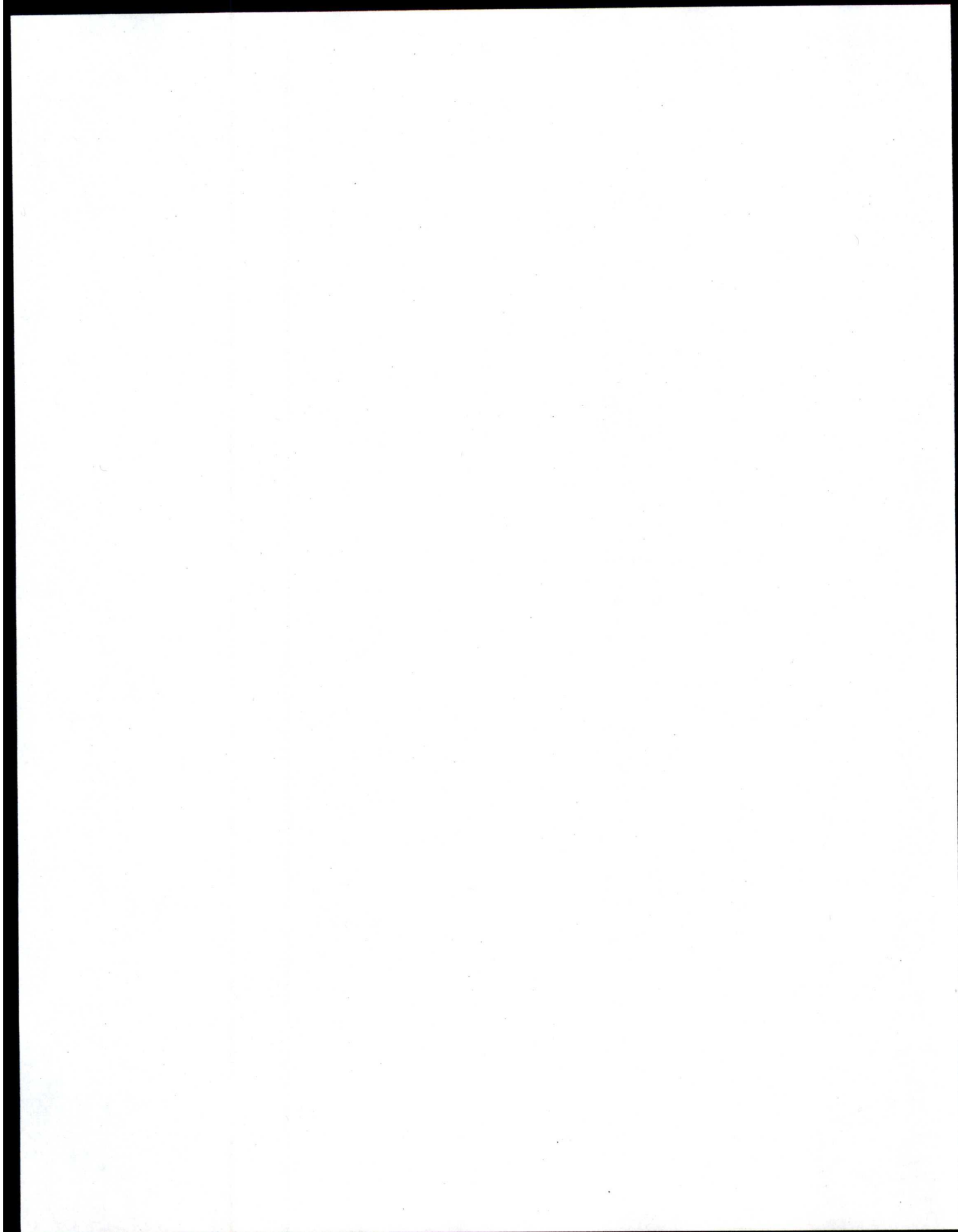
1. A brief description of the project issues and concerns by the Planning Department staff.
2. A presentation of the proposal by the DR requester -- not to exceed five (5) minutes. During the presentation, DR applicants should briefly describe their concerns about the proposed construction, how it affects 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.



Application for Discretionary Review

CASE NUMBER:
For Staff Use only

2016-002865DRP

APPLICATION FOR Discretionary Review

1. Owner/Applicant Information

DR APPLICANT'S NAME: Firuze Hariri		
DR APPLICANT'S ADDRESS: 1899 Green Street	ZIP CODE: 94123	TELEPHONE: (415)420-8300
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: Jane Gaito		
ADDRESS: 1889-1891 Green Street	ZIP CODE: 94123	TELEPHONE: ()
CONTACT FOR DR APPLICATION: Same as Above <input checked="" type="checkbox"/>		
ADDRESS:	ZIP CODE:	TELEPHONE: ()
E-MAIL ADDRESS: firuzehariri@yahoo.com		

2. Location and Classification

STREET ADDRESS OF PROJECT: 1889-1891 Green Street		ZIP CODE: 94123
CROSS STREETS: Octavia and Laguna		
ASSESSORS BLOCK/LOT: 0554/ /020	LOT DIMENSIONS: 23.25 x 100	LOT AREA (SQ FT): 2,325
ZONING DISTRICT: RH-2		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 ☒
Residential

Present or Previous Use:

Proposed Use: Residential

Building Permit Application No. 2015.07.13.1338

Date Filed: 12/28/17

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 checked="" type="checkbox"/>	<input 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.

When project was originally proposed in 2015, I let the project sponsor know we were concerned about blockage of light and air to Unit 2. I also informed the planner of the same concern in a letter with an exhibit showing the windows that would be blocked. No changes were made to the project to address this problem. Instead, my two windows that would be blocked were removed from the original 2015 drawings plans when new drawings were submitted. Nevertheless, this is still an issue and the reason I have filed this DR application.

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.

The project would block the sole windows providing light to the dining room and kitchen (one per room). See the photos in Attachment 1. The project conflicts with the third principle of the Residential Design Guidelines, which states that projects should "Maintain light to adjacent properties by providing adequate setbacks."

The project does not provide adequate setbacks and would adversely impact my house's light and air. It would block the only windows providing light and air to the kitchen and dining room.

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:

We are only asking for this very small change described above. Please limit the expansion of the project to maintain the 3.5-foot setback from the windows in Unit 2.

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?

We are only asking for this very small change described above. Please limit the expansion at the first and second level of the project to maintain the 3.5-foot setback from the windows in Unit 2.

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: _____

Firuz Hariri

Date: _____

12/26/17

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

Owner / Firuz Hariri

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 type="checkbox"/>
Check payable to Planning Dept.	<input checked="" type="checkbox"/>
Letter of authorization for agent	<input checked="" 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 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.

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____



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.*

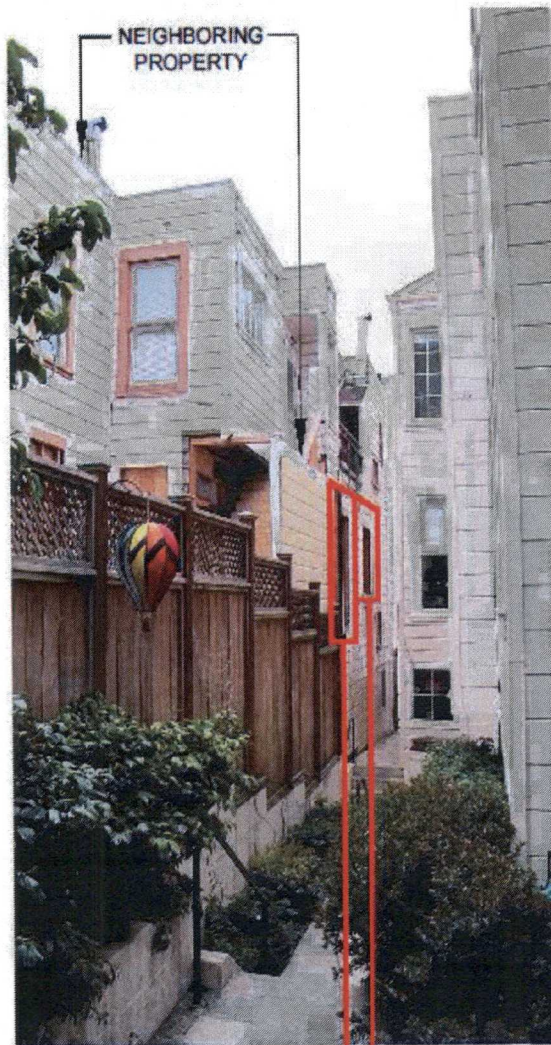
1889-1891 GREEN STREET DR ATTACHMENT 1



Figure 1. The only window providing light and air to the dining room



Figure 2. The only window providing light and air to the kitchen



⑦ WEST SIDE

EXISTING WINDOWS THAT WOULD BE
BLOCKED OFF BY PROJECT

GAITO RESIDENCE
1889 + 1891 GREEN STREET
SAN FRANCISCO, CA, 94123

ISSUE DATE

All drawings and/or photos provided
are for informational purposes only and
do not constitute a contract. The
architect is not responsible for the
accuracy of the information provided
in this document. The architect
is not responsible for the accuracy
of the information provided in this
document.

Drawn By

C.T./E.R.

Checked By

A.S.

Date

DETAILS

Scale

AS NOTED

Title

EXISTING
PHOTOS

Sheet

A0.3

NOT A SCALE
NOT FOR CONSTRUCTION

Figure 3. External view of two windows that would be blocked off by project

Firuzé Hariri

2001 Union Street, Suite #255
San Francisco, CA 94123
Tel: (415) 921-5809 Fax: (415) 921-0237
firuzehariri@yahoo.com

12/26/2017

To:
Planning Department
1650 Mission street #400
San Francisco, Ca. 94103

Re:
1899 Green Street Discretionary Review

To whom it may concern,

This letter is to verify that David Burkholder is authorized to file the Discretionary Review Application on my behalf.

Regards,



Firuzé Hariri

DAVID BURKHOLDER
415-309-6144
29 GROVE ST. #257
S.F. CA. 94102

**Before the
San Francisco Planning Commission**

**PROJECT SPONSORS' SUBMITTAL IN OPPOSITION TO
REQUEST FOR DISCRETIONARY REVIEW OF TWO LOT LINE
WINDOWS**

1889-91 Green Street

Project Sponsors:

Michael and Jane Gaito

Building Permit Application No. 2015.0713.1338

Hearing Date: March 15, 2018

Attorneys for Project Sponsors:

REUBEN, JUNIUS & ROSE, LLP

One Bush Street, Suite 600, San Francisco, CA 94104
t] 415 567 9000 f] 415 399 9480

TABLE OF CONTENTS

A.	INTRODUCTION	1
B.	SITE INFORMATION	1
C.	THE DR REQUESTOR HAS FAILED TO SATISFY THE MINIMUM STANDARD OF REVIEW -- THERE ARE NO EXCEPTIONAL OR EXTRAORDINARY CIRCUMSTANCES THAT JUSTIFY DISCRETIONARY REVIEW	2
D.	RESPONSES TO DR REQUESTOR’S CONCERNS	3
E.	CONCLUSION.....	5
	LIST OF EXHIBITS	6

A. INTRODUCTION

Michael and Jane Gaito (“**Project Sponsors**”), who have resided in their home for nearly ten years, propose to construct a three foot horizontal addition on the west side of their dwelling, and remove 4.5 feet from the rear of the building to create a code-compliant 45% rear yard (30’2”). The Project also includes a vertical addition behind the existing parapet. The width of the Project Sponsors’ lot is only 23’6” and the house is located on an interior lot with limited sunlight. In contrast, the owner of the building to the west (“**DR Requestor**”) at 1899 Green Street, at the corner of Green and Laguna Streets, purchased in 2015, boasts a building with three facades of direct sunlight and 50 windows plus a set of French doors and another glass door: ~~including 9~~ windows fronting on Green Street, 25 windows fronting on Laguna Street and 7 windows, a set of double French doors and a glass door facing the rear yard. 1899 Green Street also contains 9 non-conforming lot line windows on the east elevation, at the interior of the lot, of which 7 will be preserved by the proposed Project.

The remaining 2 lot line windows, which open to a kitchen/ dining area, are the basis of the neighbor’s DR. The DR Requestor’s major renovation project in 2016 converted the first floor from two units into one unit, and relocated a third unit downstairs. Importantly, the DR Requestor’s renovation plans were filed after her and her architect’s review of the Sponsors’ plans, and after the Sponsors’ November 2015 pre-app meeting. Despite this knowledge, DR Requestor chose not to utilize the variety of existing options at her disposal to bring additional desired light and air to the first floor unit’s kitchen.

The proposed Project will be in context with the other buildings on the block, many of which include side setbacks for the first 15 feet from the front of the building, as the Project will have. This creates a total setback from the front property line, totaling 25’-8”. The DR Requestor’s property is NOT setback from the property line at all. Rather, it is built lot line to lot line without any side setbacks, as are many other homes on this block. The proposed Project is permitted as of right by the Planning Code. No variances are requested or required. This Project has been going through the planning process for over two years, from October 2015 to the present.

But for the DR Requestor’s application for discretionary review, this Project would have been administratively approved. The Residential Design Team (“RDT”) has reviewed and approved the proposed Project. Further, the RDT, Planning staff and management have recommended approval of the Project and found the DR request to be without merit.

B. SITE INFORMATION

The Project Site is located two blocks north of Broadway, near Allyne Park, and is zoned RH-2 (two dwelling units).

Street Address:	1889-91 Green Street
Cross Streets:	Laguna Street and Octavia Street
Assessor's Block/Lot:	0554/020

Zoning District:	RH-2
Height and Bulk District:	40-X
Existing Use:	Two dwelling units
Proposed Use:	Two dwelling units. The lower in-law unit's exposure will be increased from 298 to 510 sq. ft by partially excavating the rear yard and removing 4.5 feet of the rear of the building to create a code-compliant rear yard.

C. THE DR REQUESTOR HAS FAILED TO SATISFY THE MINIMUM STANDARD OF REVIEW - THERE ARE NO EXCEPTIONAL OR EXTRAORDINARY CIRCUMSTANCES THAT JUSTIFY DISCRETIONARY REVIEW

The Planning Commission's authority to review permits on a case-by-case basis under "Discretionary Review" (Municipal Code of the City and County of San Francisco, Part III, Section 26(a))¹ must be carefully exercised. In 1943, the California Supreme Court held that the San Francisco Board of Permit Appeals, pursuant to the above-referenced Section 26(a), had the authority to exercise its "sound discretion" in granting or denying building permits (See *Lindell Co. v. Board of Permit Appeals* (1943) 23 Cal.2d 303). In 1954, then San Francisco City Attorney Dion R. Holm issued Opinion No. 845, in which he opined that the Planning Commission has similar discretion to grant or deny building permits. However, the City Attorney cautioned the Planning Commission with respect to the judicious exercise of this discretion. In his opinion, the City Attorney stated as follows:

"I think it is entirely plain, on the authority of the above-enunciated general principles, that the reservation of authority in the present ordinances to deal in a special manner with exceptional cases is unassailable upon constitutional grounds . . . this is, however, a sensitive discretion and one which must be exercised with the utmost restraint." (City Attorney Opinion No. 845, p. 8, emphasis in original).

The discretionary review handout provided to the public by the Planning Department reiterates this underlying foundation of the discretionary review power. That publication provides that "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." In this case, the Planning Commission should exercise such restraint by approving the Project, which has undergone multiple reviews and modifications for over two years.

¹ Section 26(a) provides that "[I]n the granting or denying of any permit, or the revoking or the refusing to revoke any permit, the granting or revoking power may take into consideration the effect of the proposed business or calling upon surrounding property and upon its residents and inhabitants thereof; and in granting or denying said permit, or revoking or refusing to revoke a permit, may exercise its sound discretion as to whether said permit should be granted, transferred, denied or revoked."

There are no exceptional and extraordinary circumstances in this case that would justify the Planning Commission's exercise of its discretionary review powers. Each of the issues raised by the DR Applicant is meritless. The professional planning staff (Residential Design Team or "RDT") has approved the project twice.

D. RESPONSES TO DISCRETIONARY REVIEW REQUESTOR'S CONCERNS

The proposed Project is sensitively designed, and will significantly improve the lower unit. The project makes use of setbacks from and extensions to the property line in order to increase light and air to the property. Of note, bedroom windows that currently face east towards the DR Requestor's property have been removed and replaced with windows on the proposed extension that face north/south towards the street and back yard. No variances have been requested or are required. The proposed Project is consistent with the objectives and policies of the General Plan and the Planning Code. The Project is permitted as of right.

The proposed Project meets the standards of the Residential Design Guidelines, per Planning Department RDT Review. Nothing in the Project is extraordinary or has any extraordinary impacts. Slight and reasonable impacts to neighbors are to be expected for any building project. Any potential impacts to neighbors will be ordinary and acceptable in a built urban environment.

1. Light and Air at DR Requestor's Building at 1899 Green Street.

The Project will block two (2) non-conforming lot line windows at the DR Requestor's building at 1899 Green Street, but all seven (7) remaining lot line windows will be protected, as will all of the windows on the remaining three facades of the DR Requestor's corner building (corner of Green and Laguna Streets). The Project incorporates light wells and a setback along the lot line at issue. The Planning Code does not protect lot line windows. The proposed setbacks and lightwell will provide an ample source of light to seven property line windows. In addition, the Project maintains a 3 foot setback between the two homes for a distance of 15 feet from the front façade, thereby protecting the majority of the DR Requestor's non-conforming lot line windows.

Specifically regarding the DR Requestor's first floor unit in question, it is flooded with natural light. The first floor unit alone has 18 windows plus a set of exterior French doors: there are 4 windows fronting Green Street (north façade), 8 windows fronting Laguna Street (west façade), 2 windows and a set of French doors fronting the backyard (south façade), and 4 windows facing the Sponsors' property (eastern façade). Of the 4 windows facing the Sponsors' property, 3 are non-conforming lot line windows, and only 2 would be blocked.

On November 6, 2015, a Pre-Application Meeting was held at the Planning Department and attended by David Burkholder, Architect representing the DR Requestor Firuze Hariri, the new owner of 1899 Green Street as of October 2015. It was discussed that property line windows are not protected by the Planning Code. Subsequent to this meeting, the DR Requestor, with full knowledge of the Project Sponsors' plans to expand to the property line as of right, filed for building permits on December 1, 2016 to perform an extensive remodel of the first floor which

involved combining two units into one, and relocating a unit to the garage level. However, the DR Requestor failed to take measures to provide for her additional desired light and air to the kitchen/dining area of the first floor unit. She failed to provide a light well for the two lot line windows at issue in this case. There were also two other existing windows which could have been well utilized by the DR Requestor to provide natural light to the kitchen/dining area. One window is at the front of the kitchen/ dining area, which continues to be protected by the Project's setback from the property line, but has been enclosed in a new closet, providing no benefit to the kitchen. The second window faces south and would not be impacted at all by Project Sponsors' plans; instead of incorporating this into the kitchen to guarantee light and air, the DR Requestor chose to enclose this south facing window in a new powder room.

In addition, on the DR Requestor's property, there is currently a setback on the second story above the two lot line kitchen windows, and the DR Requestor could install a skylight that would provide natural light to the kitchen. Project Sponsor has offered assistance with a skylight.

2. Concessions Made by Project Sponsors

The Project Sponsors have incorporated the following neighbor-friendly design elements and good neighbor concessions during the planning process for the Project:

- a. Removal of 4.5 feet of the back of the house to create a Code-Compliant rear yard. The larger rear yard will provide additional light to the DR Requestor's rear yard.
- b. The Project has undergone multiple changes since the initial filing with the Planning Dept. on 6/26/15; on 2/2016, 2/2017, and 8/2017. At the pre-app. meeting held on 11/6/15, the Project Sponsors were asked to modify the plans by the DR Requestor. The Project Sponsors have made the following plan revisions:
- c. Along the western property line (on the ground floor), the Project Sponsor set back the proposed building 3'-1" for a distance of 42'- 7' from the front Property Line, and increased the width of that setback to 5' for an additional 13'-4.5". A setback is provided on the third floor for a distance of 16'- 5.5" which corresponds to an egress walkway and stair at the adjacent property;
- d. At the rear yard, the Project Sponsors have reduced the building mass by 4.5 feet and set back the second floor by 4' to bring the rear yard into compliance with the Planning Code; and
- e. The proposed top floor addition is set back an additional 2' from the permitted front setback of 10', and is set back 3' along the entire western side to allow for a view corridor for the neighbor to the rear.

3. The DR Requestor's lot line windows had been damaged and abandoned for more than six years prior to her recent purchase of the building at 1899 Green Street. In addition to not being protected by the Planning Code, they were rebuilt in violation of Planning Code Section 188.

The Complaint and photographs attached as Exhibit D were filed with the Department of Building Inspection on February 21, 2012. The Complaint notes that, beginning in September 2008 and continuing through the date of the Complaint (and for several years beyond that), the lot line windows had no glass, were boarded up or covered with loose plastic sheeting, and had trim work falling off the walls. The lot line windows were damaged and abandoned for more than six years prior to the DR Requestor's recent remodeling project. The abandoned lot line windows are contrary to Building Code requirements for fire safety and are not afforded any grand-fathering protection by either the Planning Code or the Building Code by virtue of their damage and abandonment for more than six years.

The Department of Building Inspection ("DBI") Complaint Data Sheet for the DR Requestor's Building at 1899 Green Street states: "Fire Safety/Fire Escape; Abandoned/Derelict Structure; Expired Permits; Building in state of disrepair for years; Construction project not completed; Safety issues – broken and missing windows, property line windows with no glass, holes in building..." (See DBI Complaint Data Sheet attached as Exhibit E).

DBI issued Notices of Violation to the owner of 1899 Green Street on March 29, 2012 and April 11, 2012. The case was referred by DBI to a Director's Hearing on April 16, 2012 and April 26, 2012. The case was continued on June 12, 2012. An Order of Abatement was issued against the owner on August 21, 2012. The new owner (DR Requestor) did not file for a permit to abate the violations until four years later, on September 23, 2016. (Permit application No. 2012.95553).

Pursuant to Planning Code Section 188, a non-complying structure that is damaged (or destroyed) may be restored to its former condition only if such restoration is permitted by the Building Code and is started within eighteen months and diligently prosecuted to completion. Neither condition was met by the DR Requestor in her project. Therefore, the abandoned and damaged lot line windows could not be lawfully re-established and must be removed. The DR Requestor ignores Section 188 and pretends that the lot windows were legally rebuilt.

E. CONCLUSION

The proposed Project is permitted as a matter of right by the Planning Code, is appropriately sized, and is in context with the block. But for the application for discretionary review, the Project would have been approved administratively.

The DR claims are meritless. In addition, the DR Applicant has failed to demonstrate any exceptional or extraordinary circumstances that would justify discretionary review. There will not be any material impacts to neighbors, other than ordinary and reasonable impacts that are a part of any built urban environment. The two lot line windows that are the basis for the DR are not afforded any protection by either the Planning Code or Building Code, and are not the primary windows to the unit. The DR Requestor's property has extensive windows on all four exposures

(50 in total), and the entire property, including the first floor unit, will continue to receive abundant natural air and light. The first floor unit with the two lot line windows will still receive abundant air and light from its remaining 16 windows plus a set of French doors. Before beginning her renovation, the DR Requestor had knowledge of the Sponsors' plans, yet failed to make use of the existing south and east facing windows not impacted by the Sponsors' Project in her kitchen/dining room design. Finally, the lot line windows were rebuilt by the current owner in violation of Planning Code Section 188, and should be closed for fire safety reasons, among others.

Accordingly, the Project Sponsor respectfully requests that the Planning Commission deny the request for discretionary review.

Thank you for your consideration.

Respectfully Submitted,

REUBEN, JUNIUS & ROSE, LLP

Dated: February 27, 2018

By: 

David Silverman, Attorneys for Michael and Jane Gaito

Exhibit List

- A. Project Plans and Photographs
- B. Photograph of DR Requestor's lot line windows.
- C. Photograph of DR Requestor's Property at 1899 Green Street, corner of Laguna Street.
- D. Complaint and Photographs filed by Project Sponsor with Department of Building Inspection on February 21, 2012 regarding DR Requestor's abandoned lot line windows at 1899 Green Street.
- E. DBI Complaint Data Sheet for DR Requestor's abandoned lot line windows and other Code violations.

Exhibit A

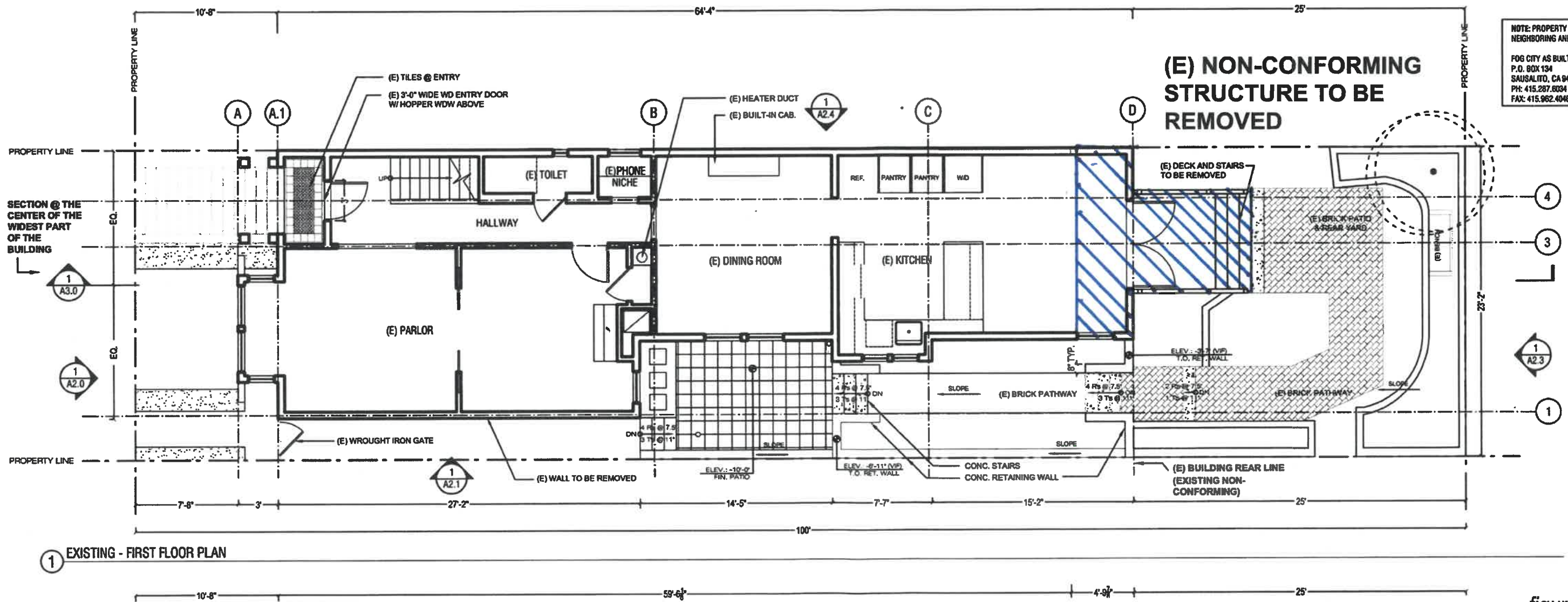


figure 1 A

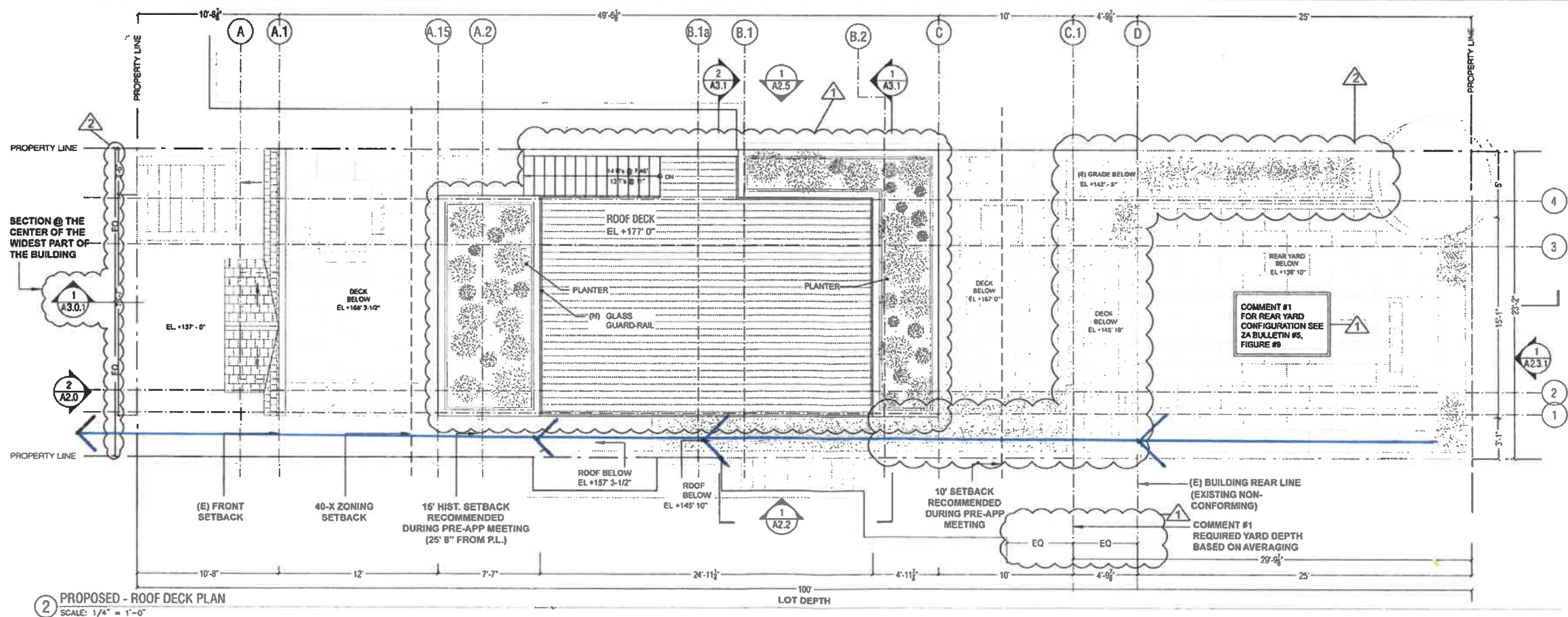
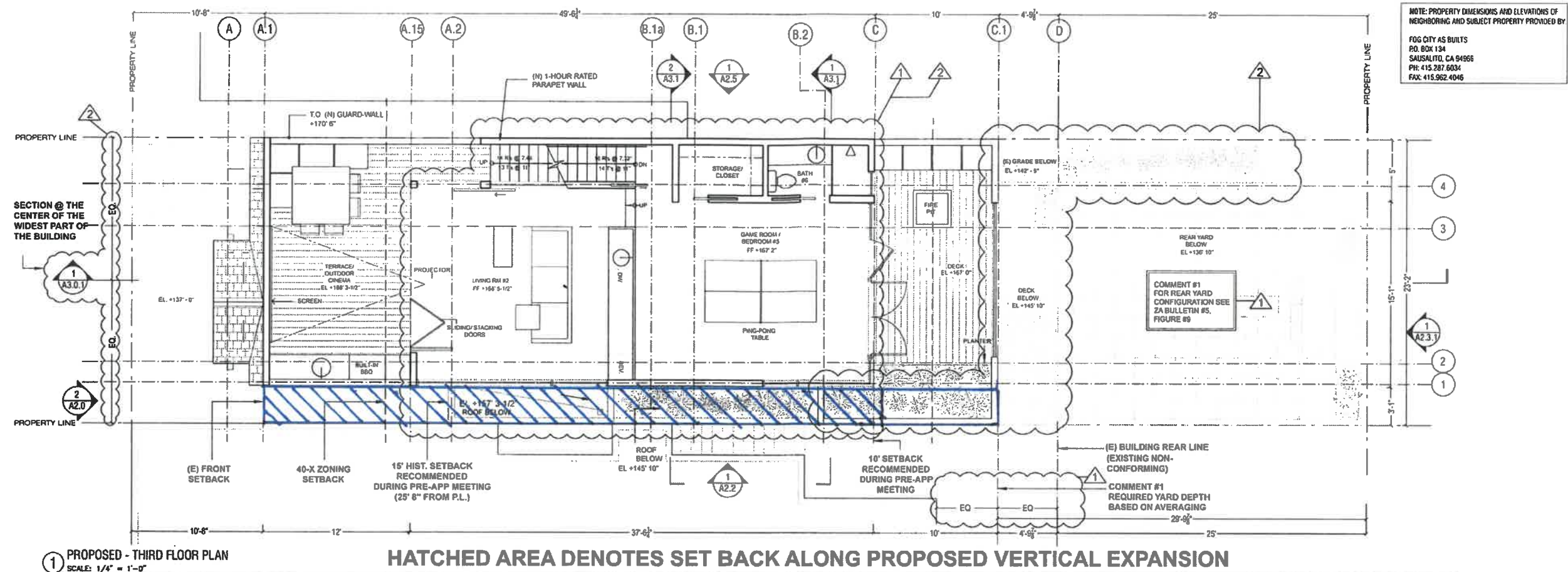
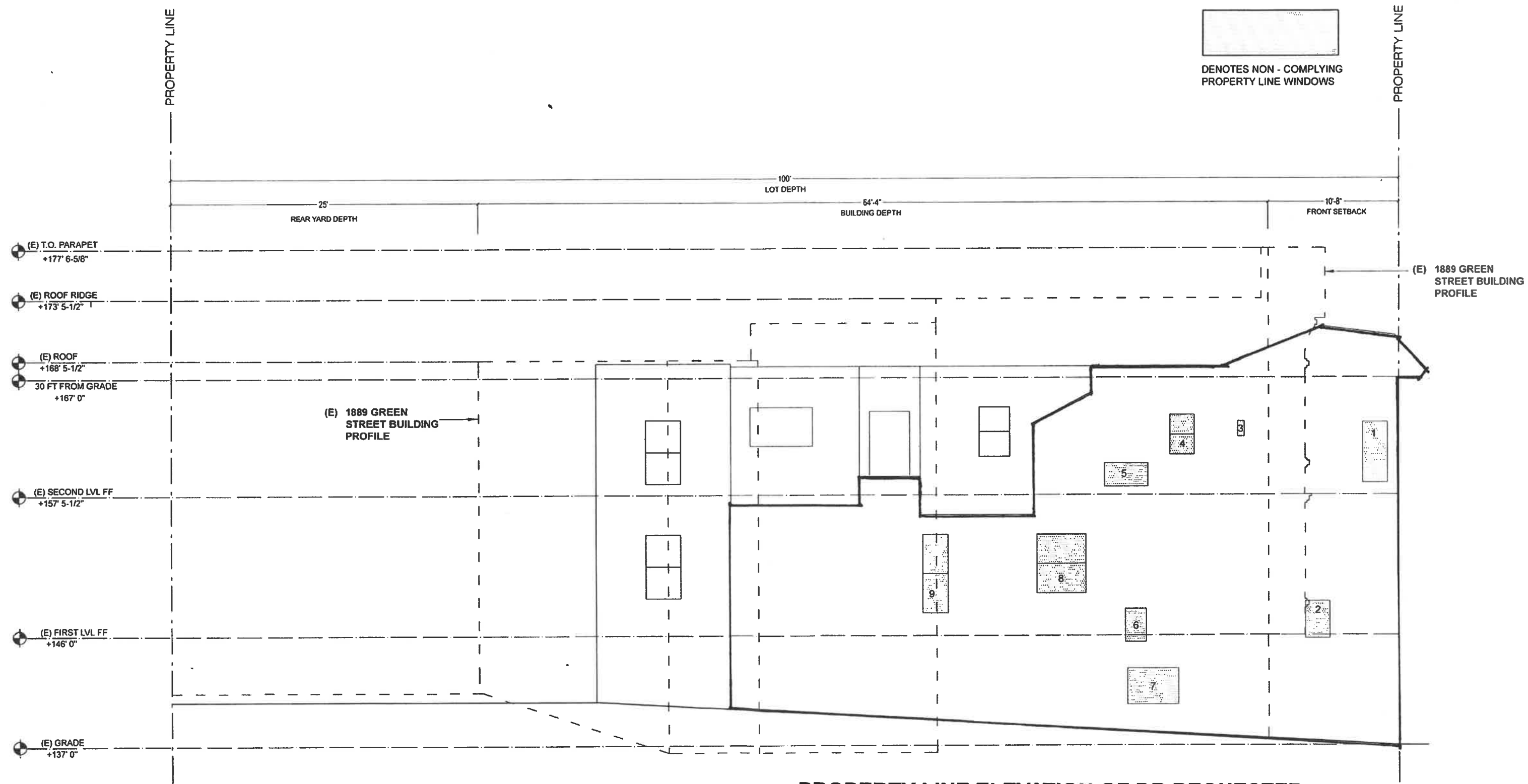


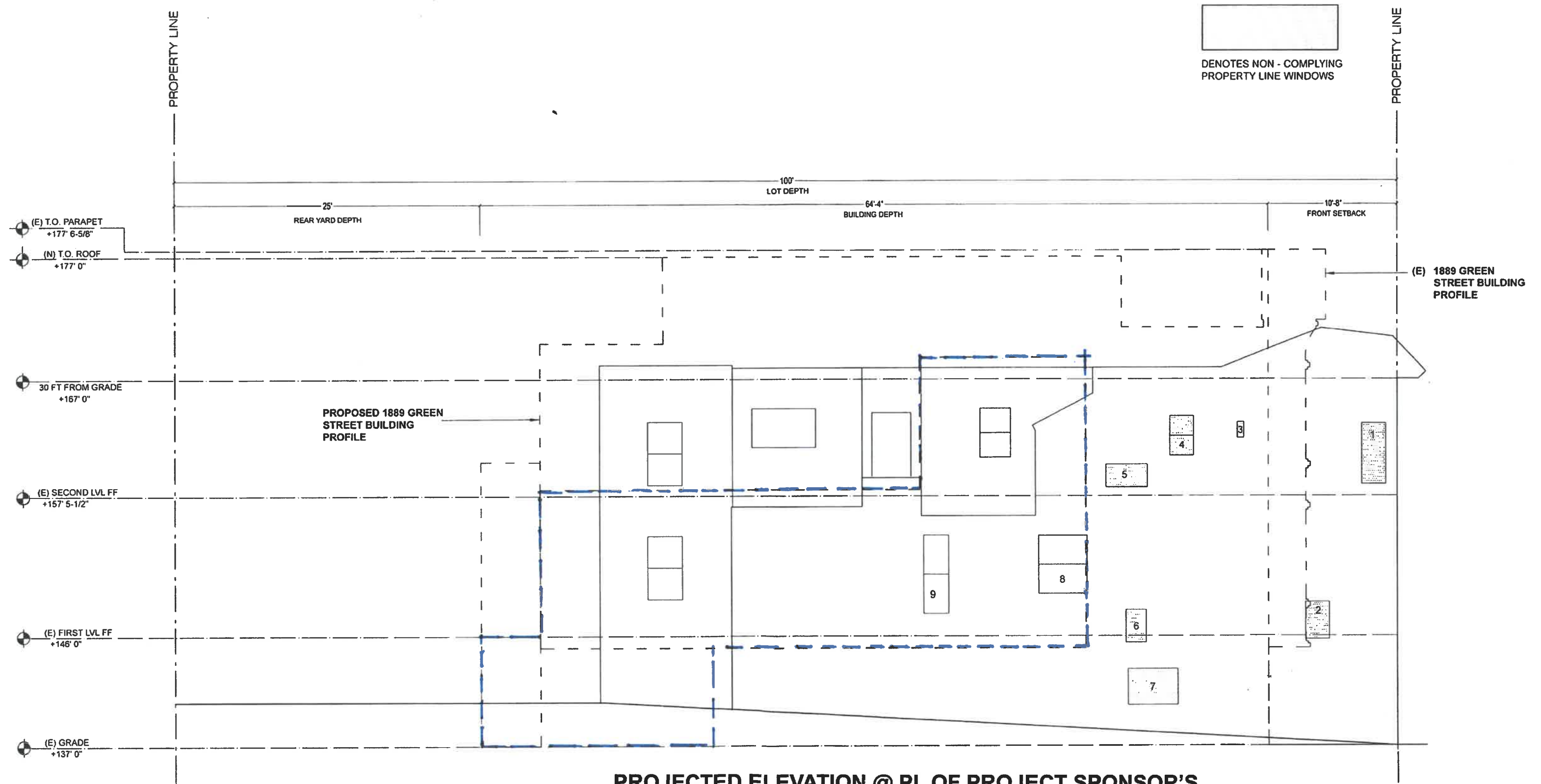
figure 3 B



**PROPERTY LINE ELEVATION OF DR REQUESTER.
PL WINDOWS #1-9 ARE (E) NON-CONFORMING.**

1 ELEVATION @ WEST NEIGHBORING BUILDING - EXISTING CONDITIONS PROFILE
SCALE: 1/4" = 1'-0"

figure 2 A



**PROJECTED ELEVATION @ PL OF PROJECT SPONSOR'S
PROPOSED ADDITION (THIS HAS BEEN AMMENDED FROM
PREVIOUS VERSIONS THROUGHOUT THE PLANNING PROCESS)**

① ELEVATION @ WEST NEIGHBORING BUILDING - PROPOSED PROFILE
SCALE: 1/4" = 1'-0"

figure 2 B

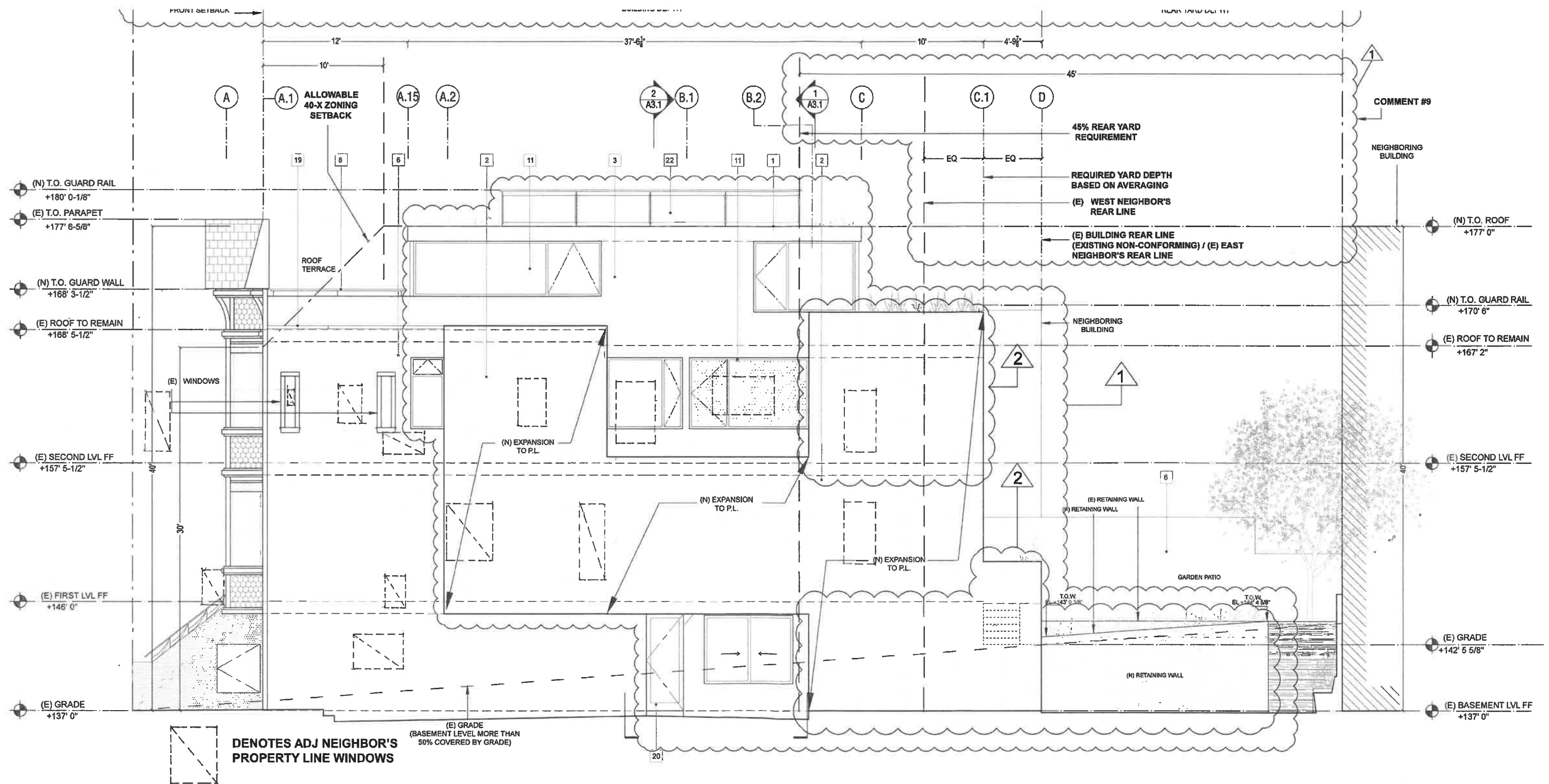


Exhibit B



NEIGHBORING
PROPERTY

7

WEST SIDE

EXISTING PROPERTY LINE WINDOWS
TO REMAIN UNCOVERED

GAITO RESIDENCE
1889 + 1891 GREEN STREET
SAN FRANCISCO, CA. 94123

ISSUE DATE

All drawings and written material appearing herein constitute the original and unpublished work of Addison Strong Design Studio and may not be duplicated, used or disclosed without the written permission of this office.

Drawn By
C.T/E.R.

Checked By
A.S.

Date
06.26.15

Scale

AS NOTED

Title

**EXISTING
PHOTOS**

Sheet

A0.3

Exhibit C



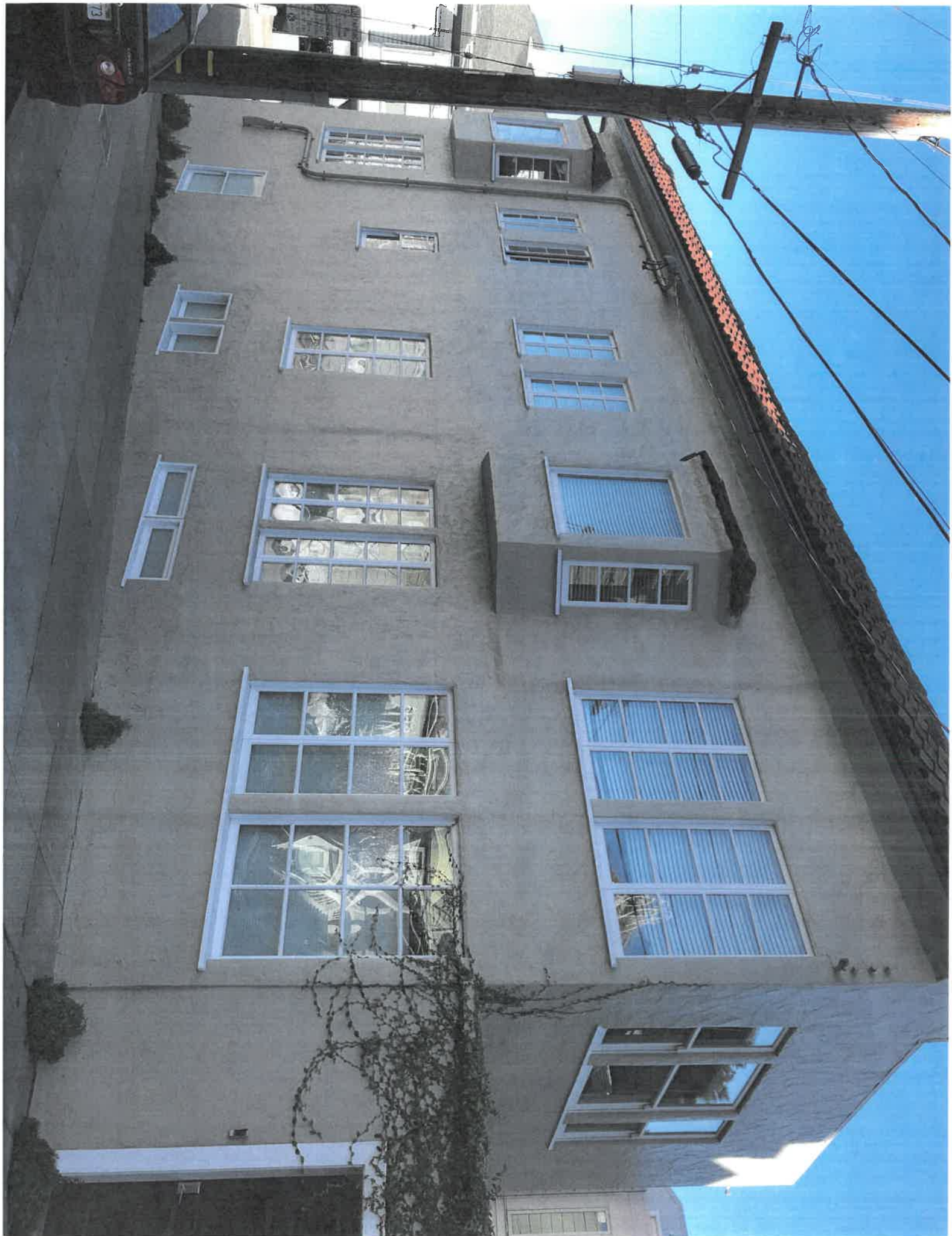








Exhibit D

Jane and Mike Gaito
1889 Green Street
San Francisco, CA 94123

February 27, 2012

Vivian Day
C.B.O. - Director
Department of Building Inspection
1660 Mission Street
San Francisco, CA 94103

Dear Ms. Day,

Re: Complaint 201295553 concerning 1899 Green Street, San Francisco

This is a follow up letter to complaint 201295553, which I filed online on February 21, 2012. Our neighbors, the Suarez family at 1899 Green Street, started a construction project in September, 2008 and have yet to complete this project. The site is in a state of disrepair and little work has been done on this project since spring 2010.

As their neighbors, we have serious concerns about the safety of their property. The project has never been properly contained with house wrap; often plastic wrapping is used, which quickly comes loose and flaps noisily in the wind. There are property line windows with no glass as well as broken and boarded up windows throughout the property. There are several holes in the building, incomplete foundation work, and trimwork which is falling off the exterior walls. Heating/cooling units are either not properly installed or are meant to be better enclosed, as they make a great deal of noise. We feel that these items pose safety hazards and should be rectified immediately.

Furthermore, the entire building is an eyesore from all four sides. It detracts from the character and beauty of the neighborhood and also negatively impacts all nearby neighbors' property values.

We are sympathetic to the Suarez family's financial issues and have had several amicable conversations with them to address our concerns. However, no progress has been made and these conditions have persisted for over 2 years. We would sincerely appreciate the intervention of the Department of Building Inspection to address our safety concerns and help move at least the exterior portion of the renovation project to completion.

Thank you in advance for your help with this matter. For any further information, Jane can be reached most easily on her cell phone at (646) 325-8995, via email at janeibrahimgaito@gmail.com, or at home at (415) 567-7549.

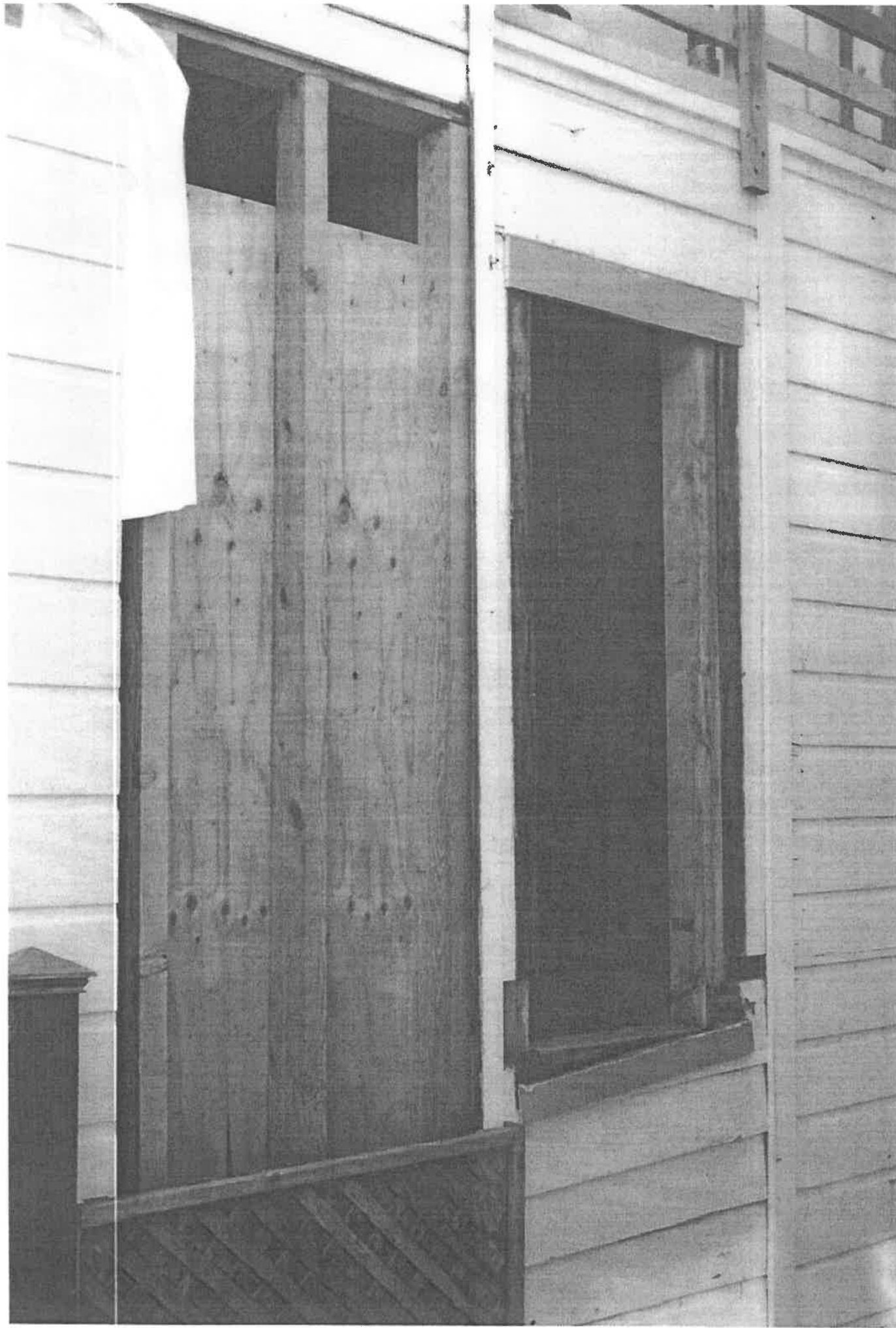
Best regards,

Jane and Mike Gaito
Jane and Mike Gaito

3/20 Joseph Duffy
called
He will assign
it - call him
back Fri or Mon
for status.

cc: Daniel Lowrey, Chief Building Inspector
Joseph Duffy, Sr. Building Inspector
Patrick McManus, Housing Inspector





East Elevation

Exhibit E

DR Beggs Bldg

COMPLAINT DATA SHEET**Complaint Number:** 201295553**Owner/Agent:** OWNER DATA
SUPPRESSED**Owner's Phone:** --**Contact Name:****Contact Phone:** --**Complainant:** COMPLAINANT DATA
SUPPRESSED**Date Filed:****Location:** 1899 GREEN ST**Block:** 0554**Lot:** 019**Site:****Rating:****Occupancy Code:****Received By:** BPEREZ**Division:** HIS**Complainant's Phone:****Complaint Source:** WEB FORM**Assigned to****Division:** CES

Description: date last observed: 17-FEB-12; time last observed: 2 pm; floor: all; exact location: Main Bldg; building type: Residence/Dwelling FIRE SAFETY/FIRE ESCAPE; ABANDONED/DERELICT STRUCTURE; EXPIRED PERMITS; ; additional information: Bldg in state of disrepair for years, construction project not completed. Safety issues -- broken and missing windows, property line windows with no glass, holes in building, bldg not properly wrapped during renovation. Heating/cooling units extremely noisy. Exterior construction needs to be completed asap.;

Instructions:**INSPECTOR INFORMATION**

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
CES	HINCHION	1125		

REFFERAL INFORMATION

DATE	REFERRED BY	TO	COMMENT
3/7/2012	Patrick McManus	BID	Old permits.
4/16/2012	Ying Pei	CES	Sent to Director's Hearing for abatement

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
02/21/12	CASE OPENED	HIS	McManus	CASE RECEIVED	
03/05/12	GENERAL MAINTENANCE	HIS	McManus	INSPECTION OF PREMISES MADE	Referr to BID.
03/07/12	GENERAL MAINTENANCE	HIS	McManus	REFERRED TO OTHER DIV	
03/07/12	GENERAL MAINTENANCE	HIS	McManus	REFERRED TO OTHER DIV	tranfer to div BID
03/27/12	OTHER BLDG/HOUSING VIOLATION	BID	Rafael Jr.	CASE RECEIVED	
03/29/12	OTHER BLDG/HOUSING VIOLATION	PID	Simas	FIRST NOV SENT	Posted 1st NOV.
04/11/12	OTHER BLDG/HOUSING VIOLATION	EID	Rafael Jr.	SECOND NOV SENT	2ND NOV ISSUED BY INSPR. RAFAEL - bm
04/16/12	OTHER BLDG/HOUSING VIOLATION	BID	Rafael Jr.	REFER TO DIRECTOR'S HEARING	Referred to CES
04/16/12	GENERAL MAINTENANCE	BID	Rafael Jr.	REFERRED TO OTHER DIV	tranfer to div CES
04/18/12	GENERAL MAINTENANCE	CES	Hinchion	CASE RECEIVED	
04/26/12	OTHER BLDG/HOUSING VIOLATION	CES	Cuneo	REFER TO DIRECTOR'S HEARING	
05/29/12	OTHER BLDG/HOUSING VIOLATION	CES	Cuneo	DIRECTOR HEARING NOTICE POSTED	D/H 6/12/12
06/12/12	OTHER BLDG/HOUSING VIOLATION	CES	Cuneo	CASE CONTINUED	until 7/17/12
07/17/12	OTHER BLDG/HOUSING VIOLATION	CES	Cuneo	CASE CONTINUED	until 8/21/12

08/21/12	OTHER BLDG/HOUSING VIOLATION	CES	Cuneo	ORDER OF ABATEMENT ISSUED	
08/23/12	OTHER BLDG/HOUSING VIOLATION	CES	Cuneo	ORDER OF ABATEMENT POSTED	
02/28/13	OTHER BLDG/HOUSING VIOLATION	CES	Therault	CASE UPDATE	Multiple permits issued
07/22/13	OTHER BLDG/HOUSING VIOLATION	CES	Hinchion	CASE UPDATE	2013 Lien
10/28/16	OTHER BLDG/HOUSING VIOLATION	CES	Gutierrez	CASE UPDATE	Start review of case
10/31/16	OTHER BLDG/HOUSING VIOLATION	CES	Gutierrez	CASE ABATED	Case abated under PA # 201295553 signed off on 9/23/16
12/19/16	OTHER BLDG/HOUSING VIOLATION	CES	Hinchion	CASE CLOSED	Case closed by MF

COMPLAINT ACTION BY DIVISION

NOV (HIS):

NOV (BID):

03/29/12

04/11/12

Inspector Contact InformationOnline Permit and Complaint Tracking home page.**Technical Support for Online Services**

If you need help or have a question about this service, please visit our FAQ area.

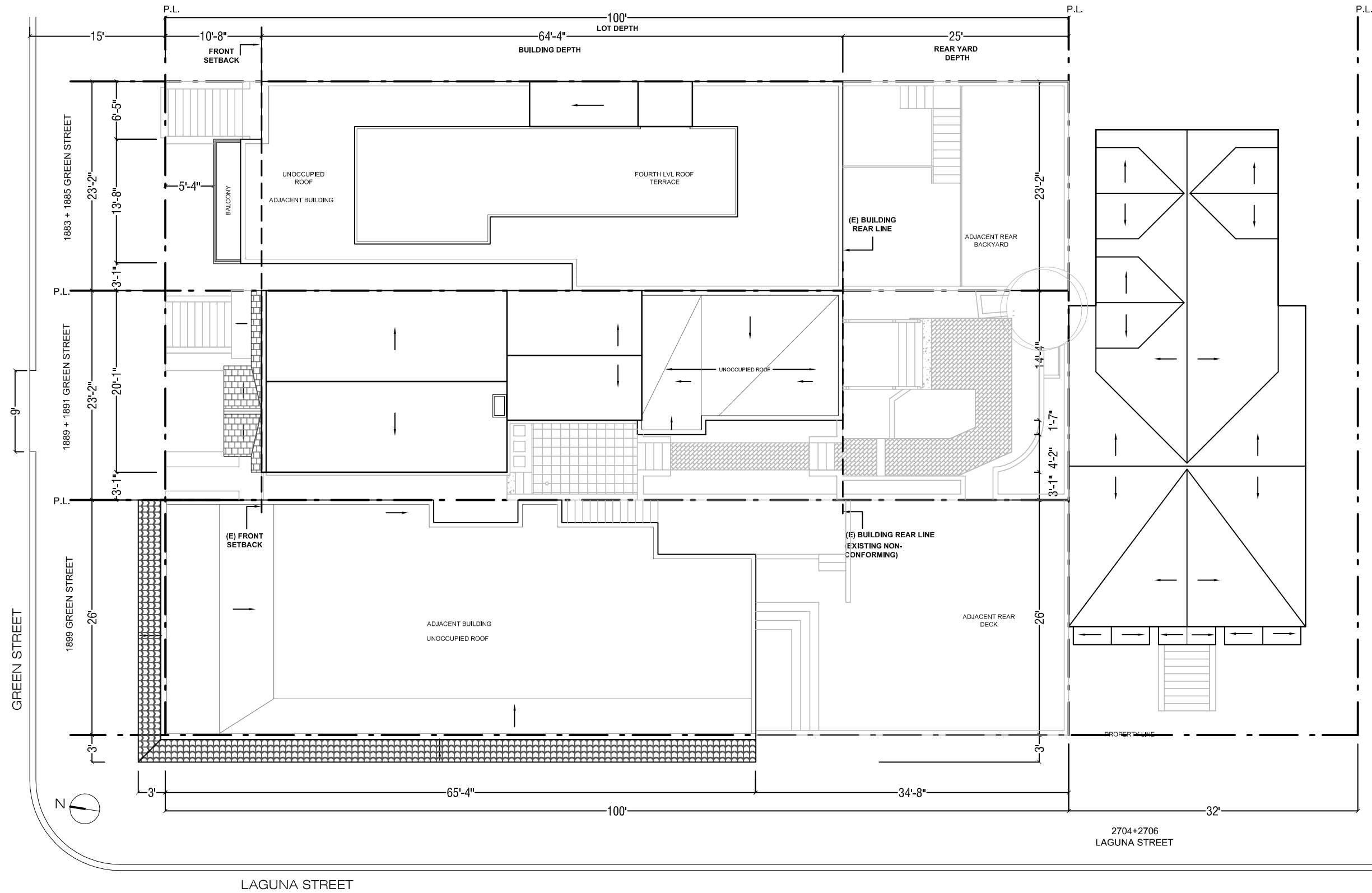
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Date
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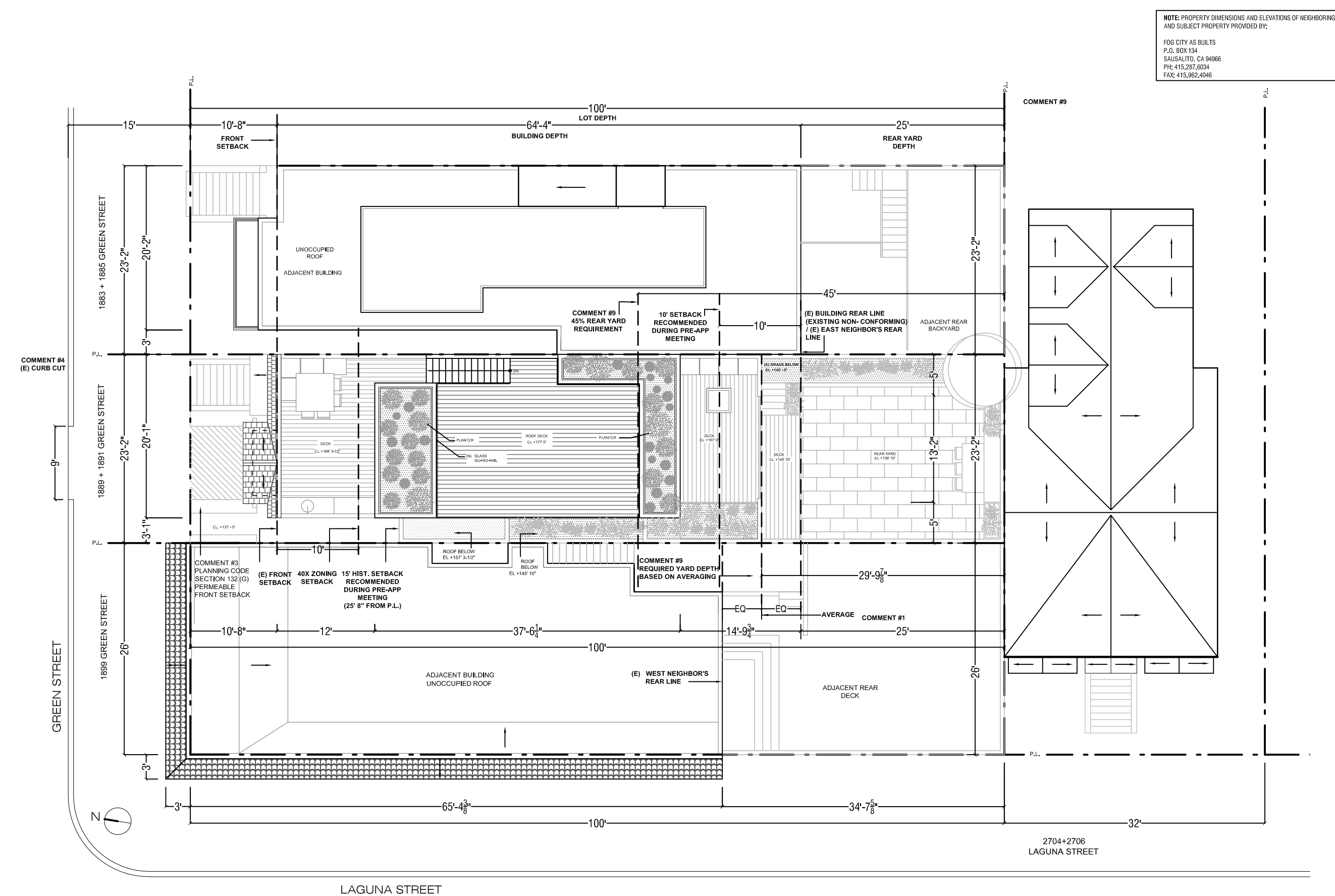
Title
**EXISTING
SITE PLAN**

Sheet

A0.1

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1 EXISTING - SITE PLAN



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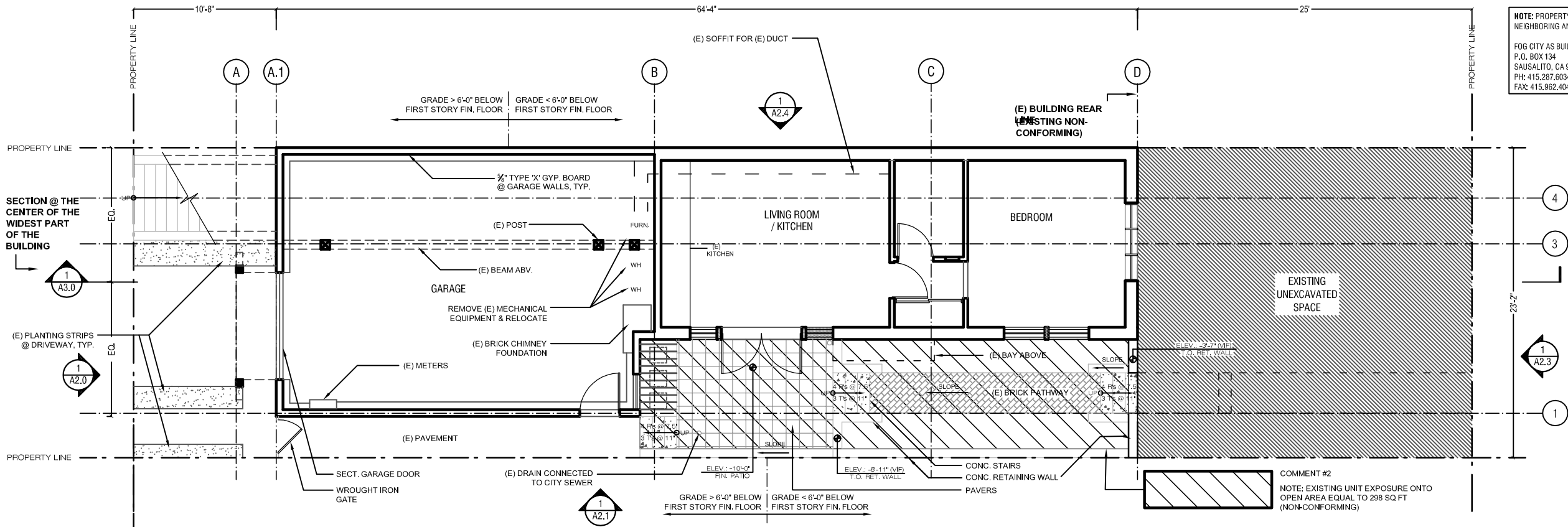
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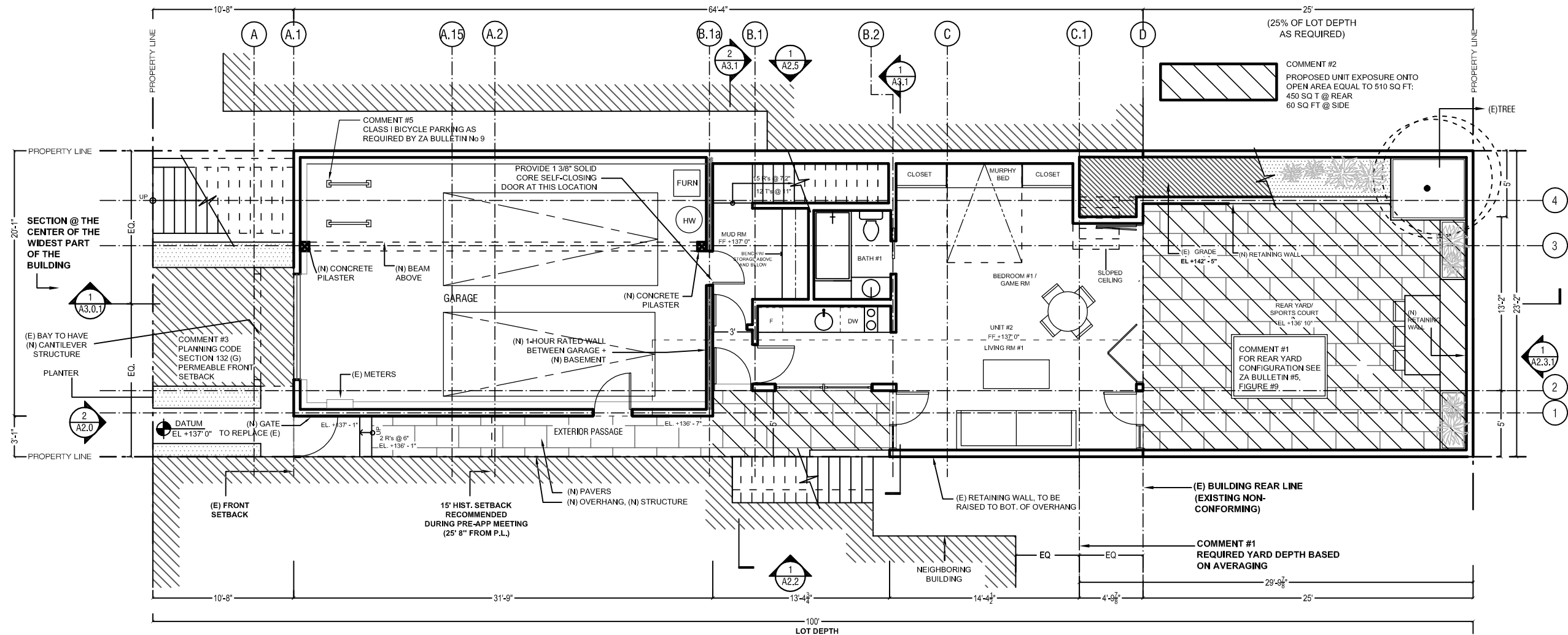
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Title
**PROPOSED
SITE PLAN**

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1 EXISTING - BASEMENT PLAN



2 PROPOSED - BASEMENT PLAN

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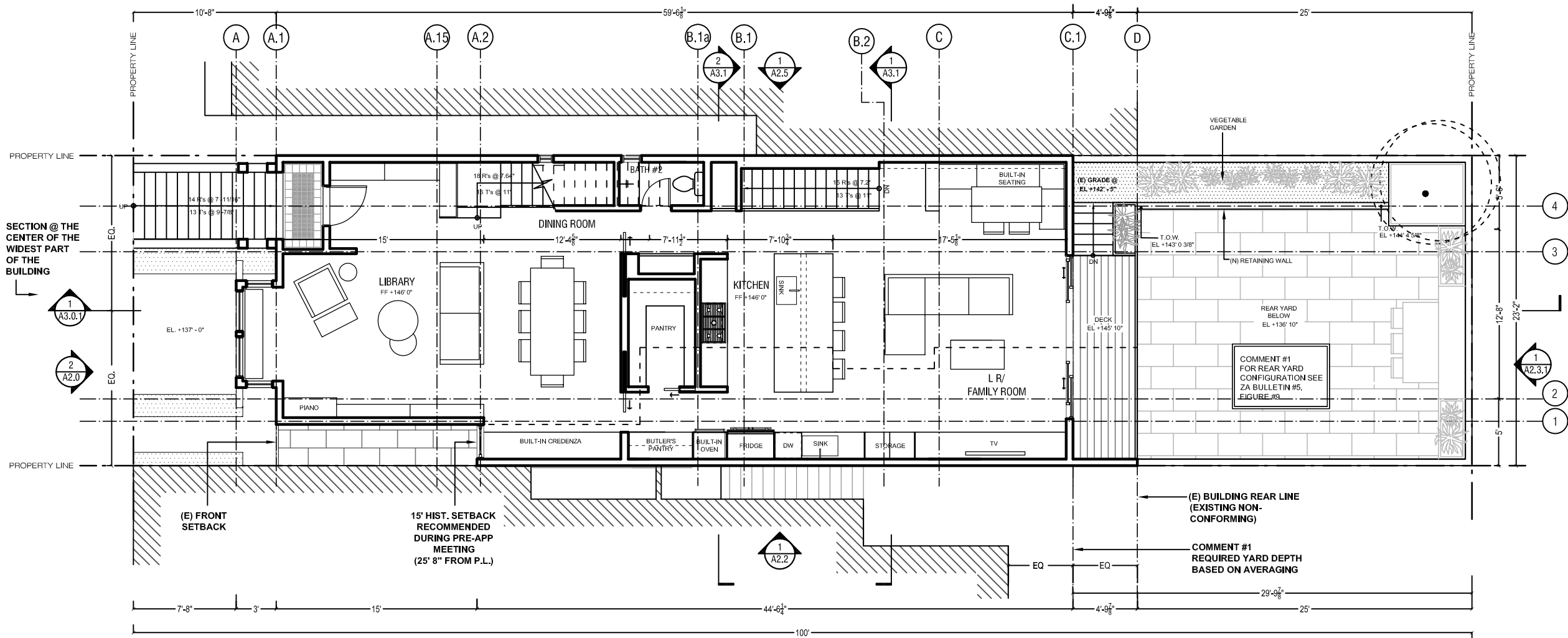
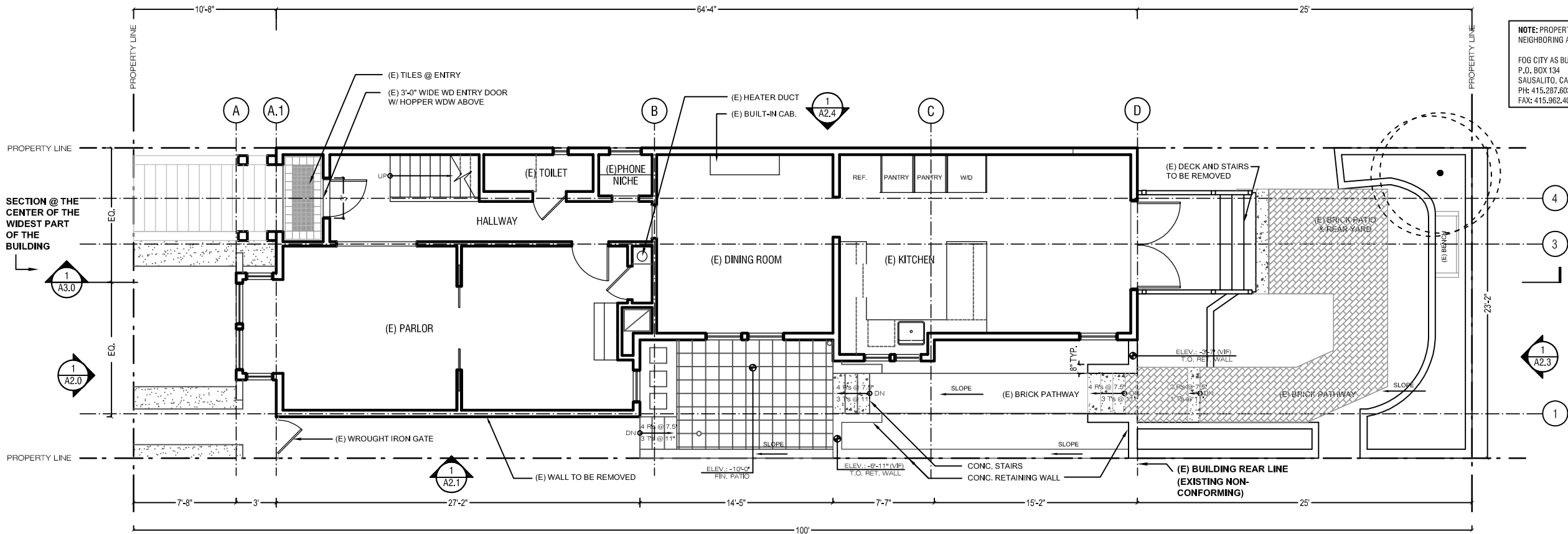
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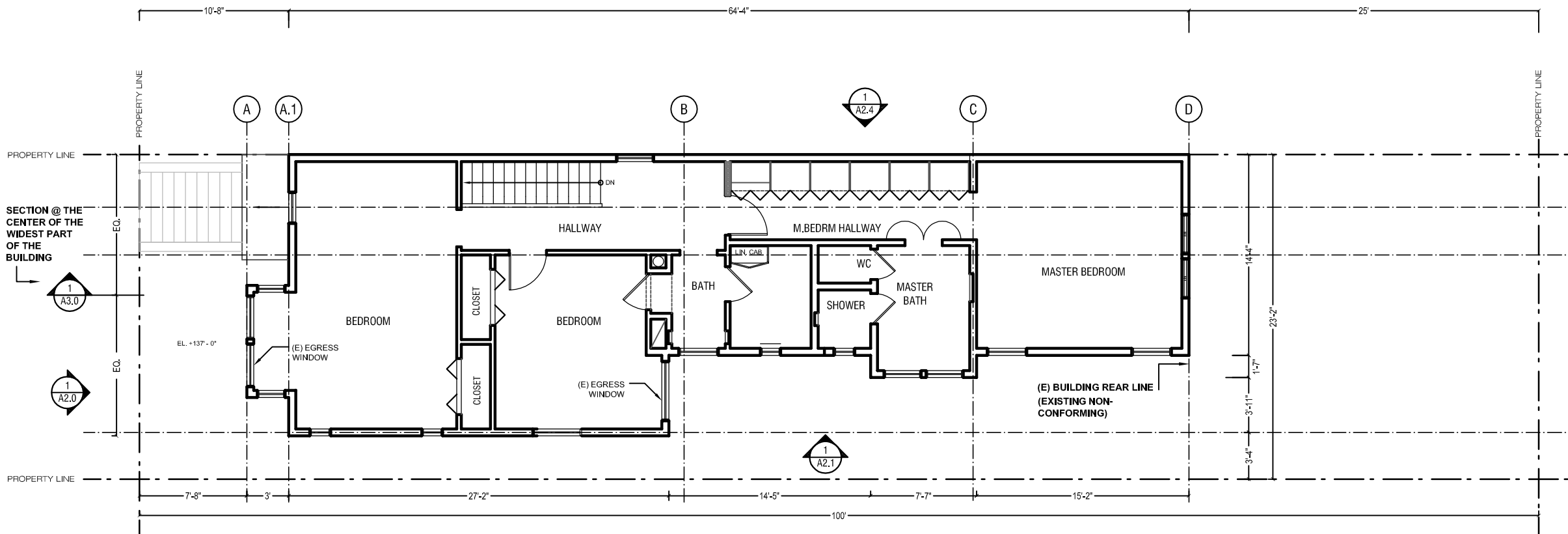
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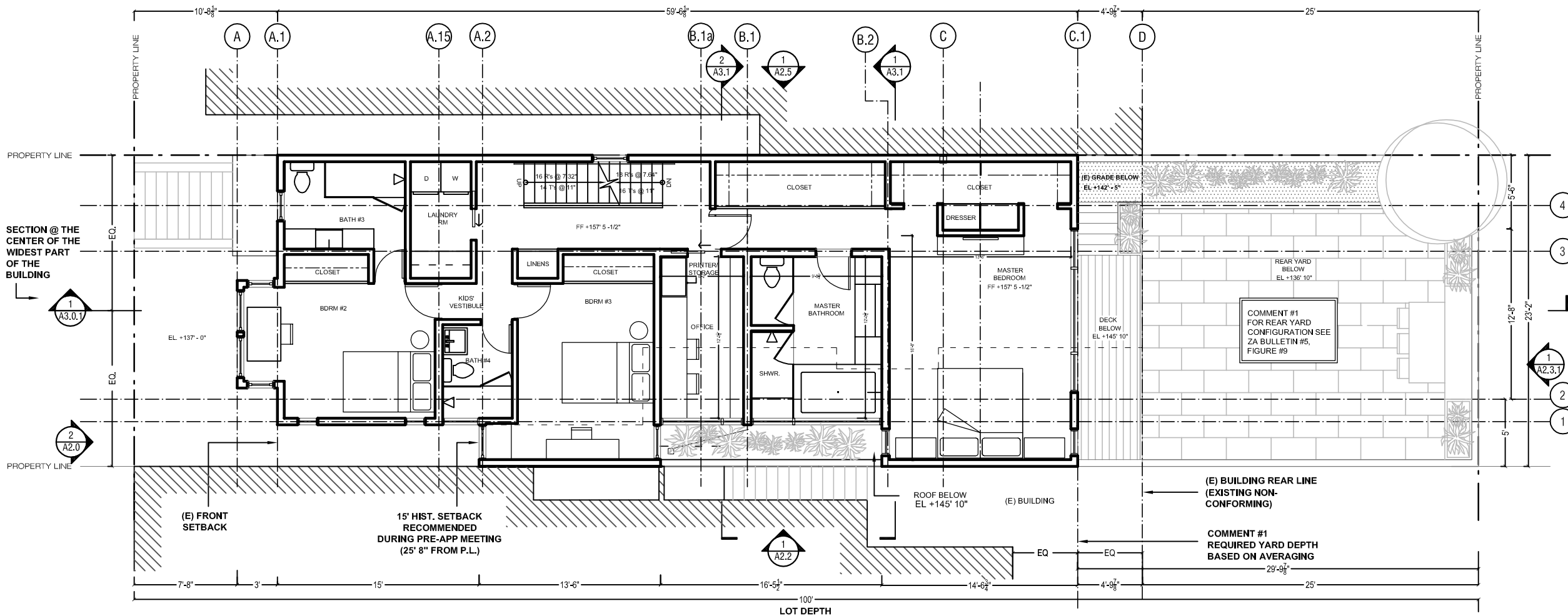
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 EXISTING AND PROPOSED BASEMENT PLANS

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A1.0
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1 EXISTING - SECOND FLOOR PLAN



2 PROPOSED - SECOND FLOOR PLAN

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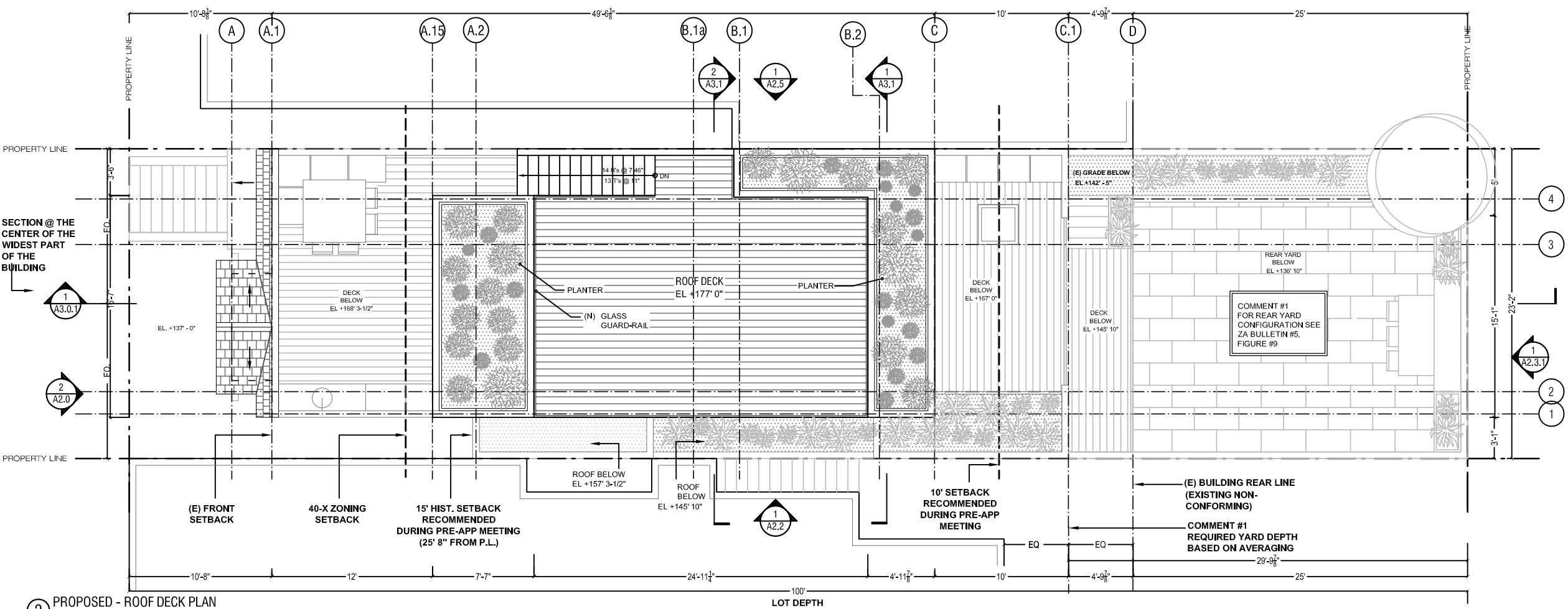
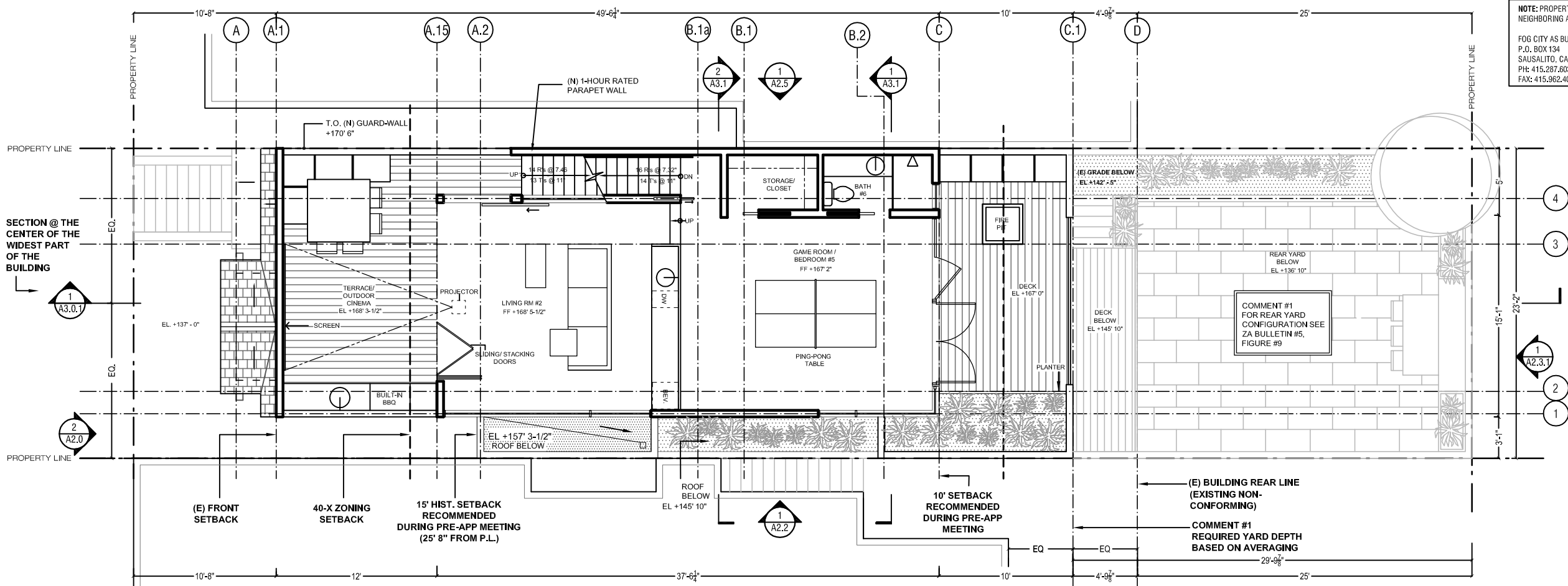
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EXISTING AND
PROPOSED
SECOND LEVEL
PLANS

Sheet

A1.2

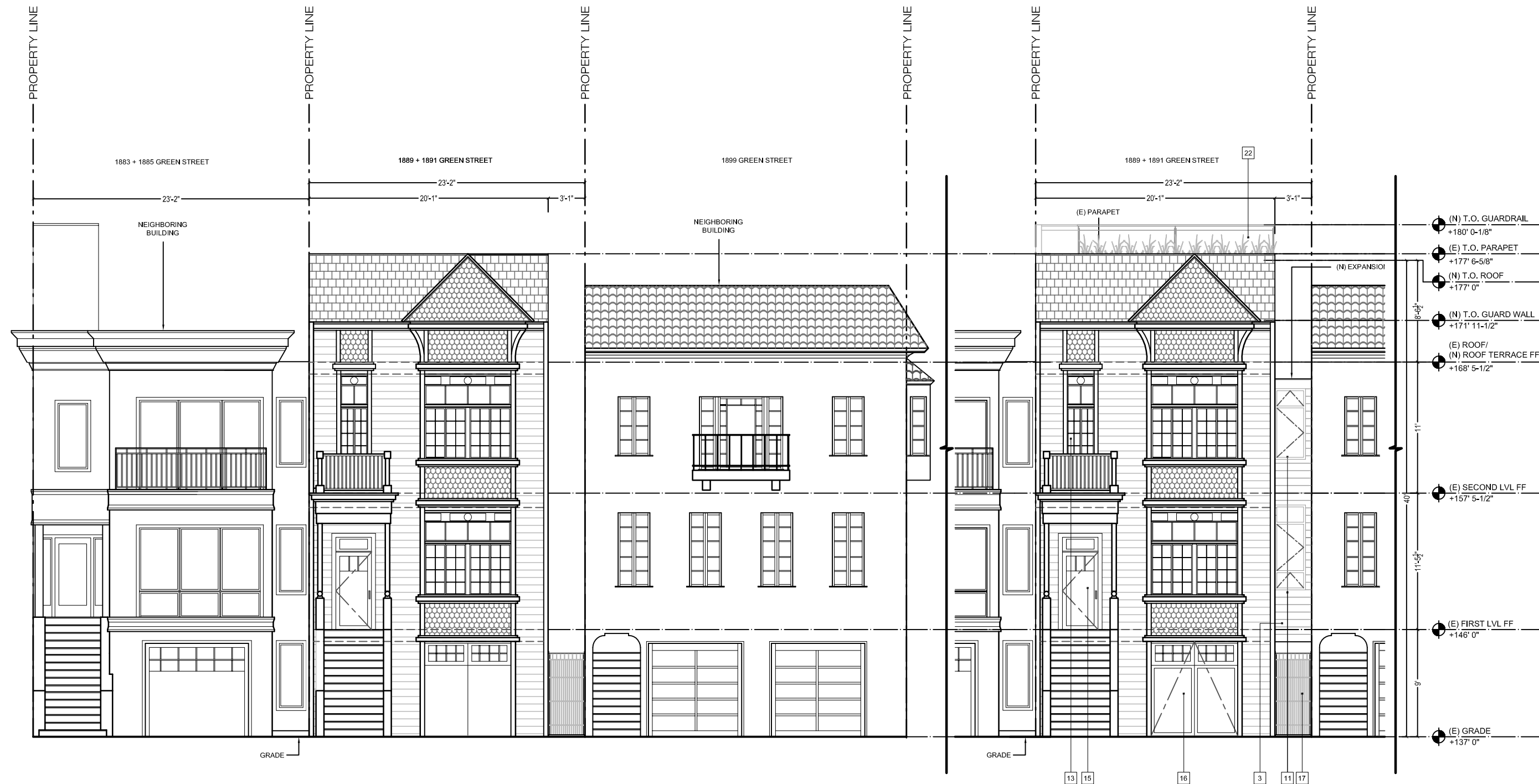
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1 EXISTING CONDITIONS - FRONT / NORTH ELEVATION

2 PROPOSED - FRONT / NORTH ELEVATION

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Scale
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Title
EXISTING &
PROPOSED
NORTH
ELEVATIONS

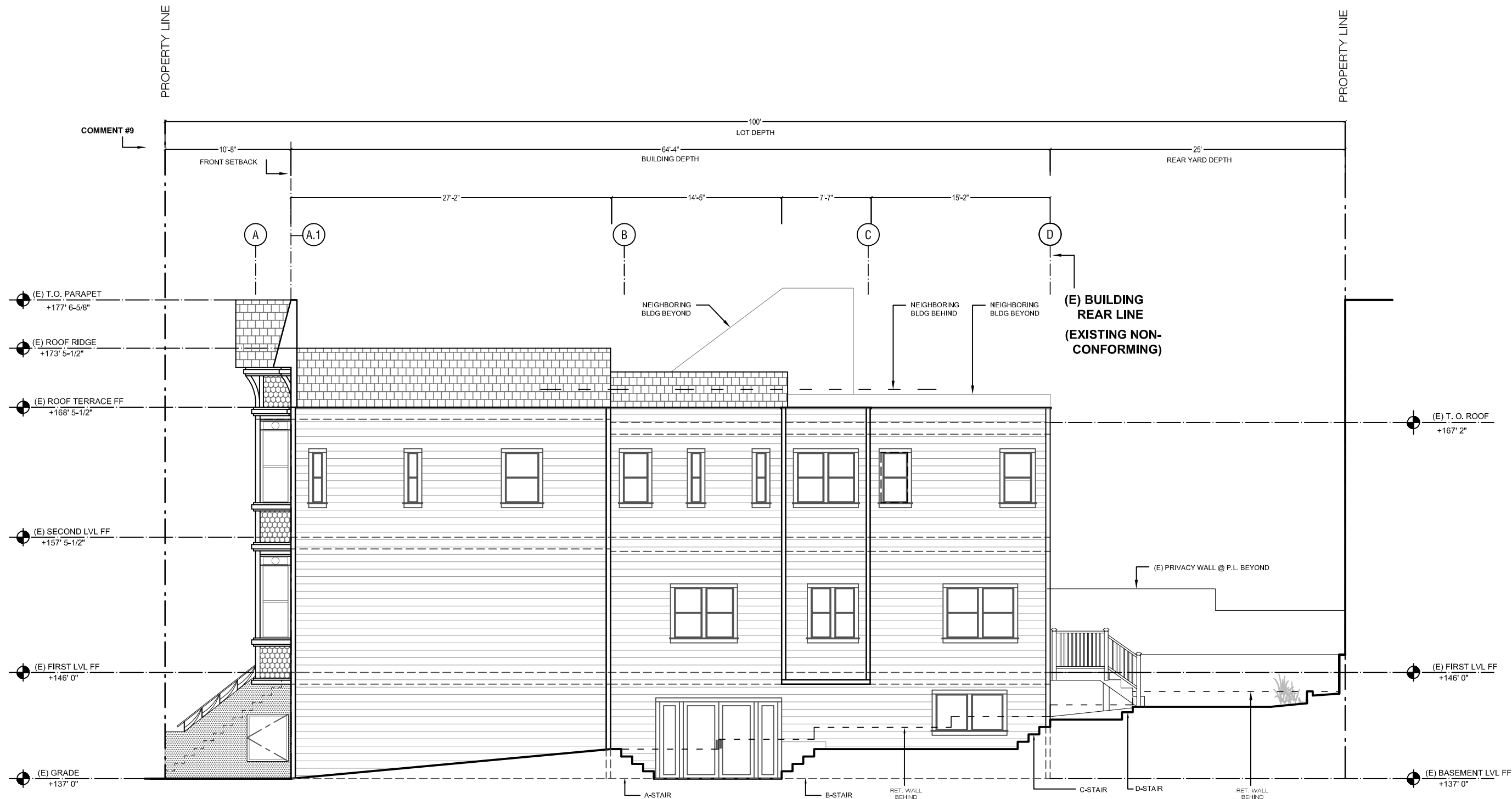
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1 EXISTING CONDITIONS - WEST ELEVATION

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**EXISTING
WEST
ELEVATION**

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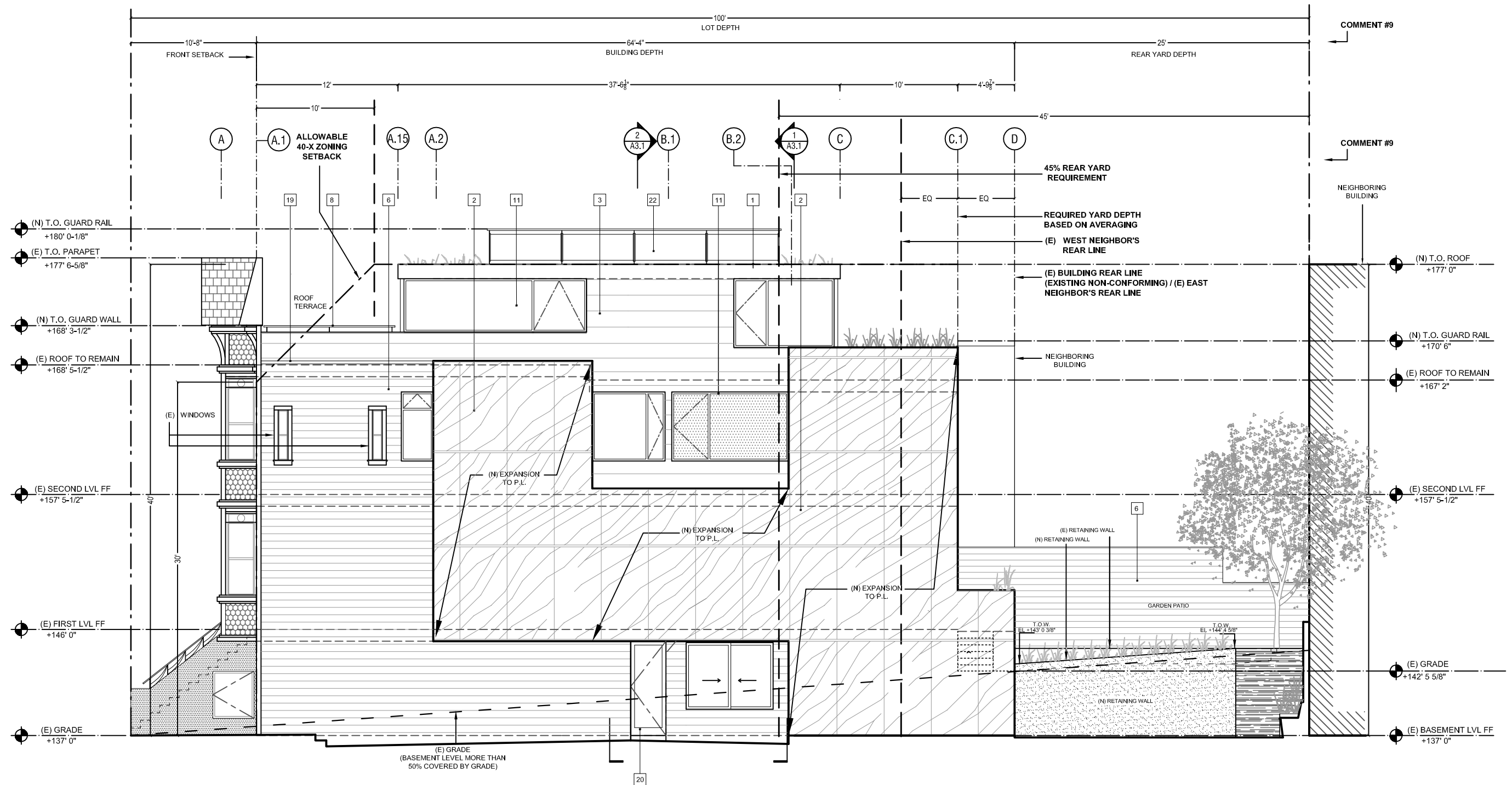
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ELEVATION

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① PROPOSED - WEST ELEVATION

A2.2

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1 EXISTING CONDITIONS - REAR/ SOUTH ELEVATION

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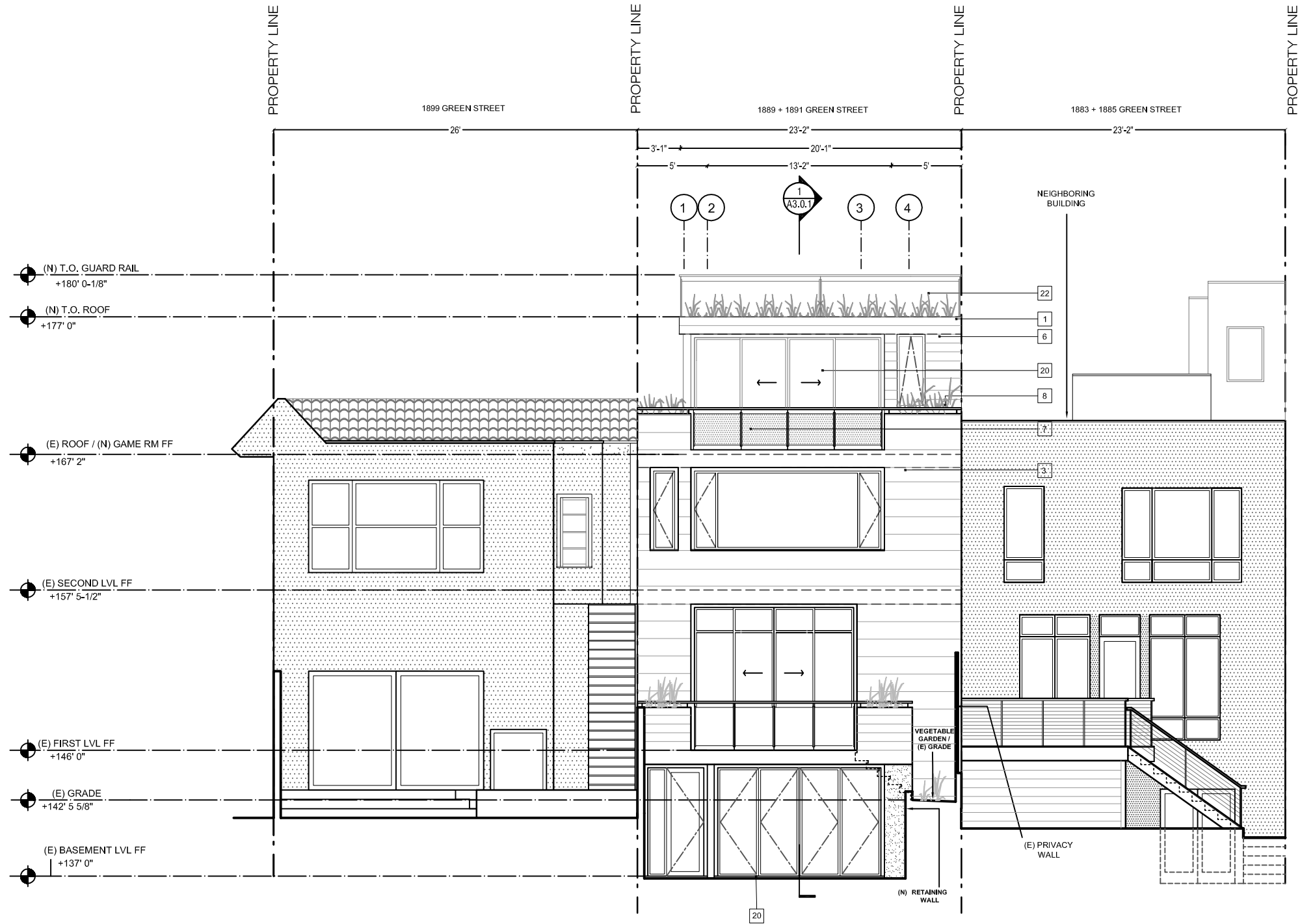
**EXISTING
SOUTH
ELEVATION**

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A2.3

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1 PROPOSED - REAR / SOUTH ELEVATION

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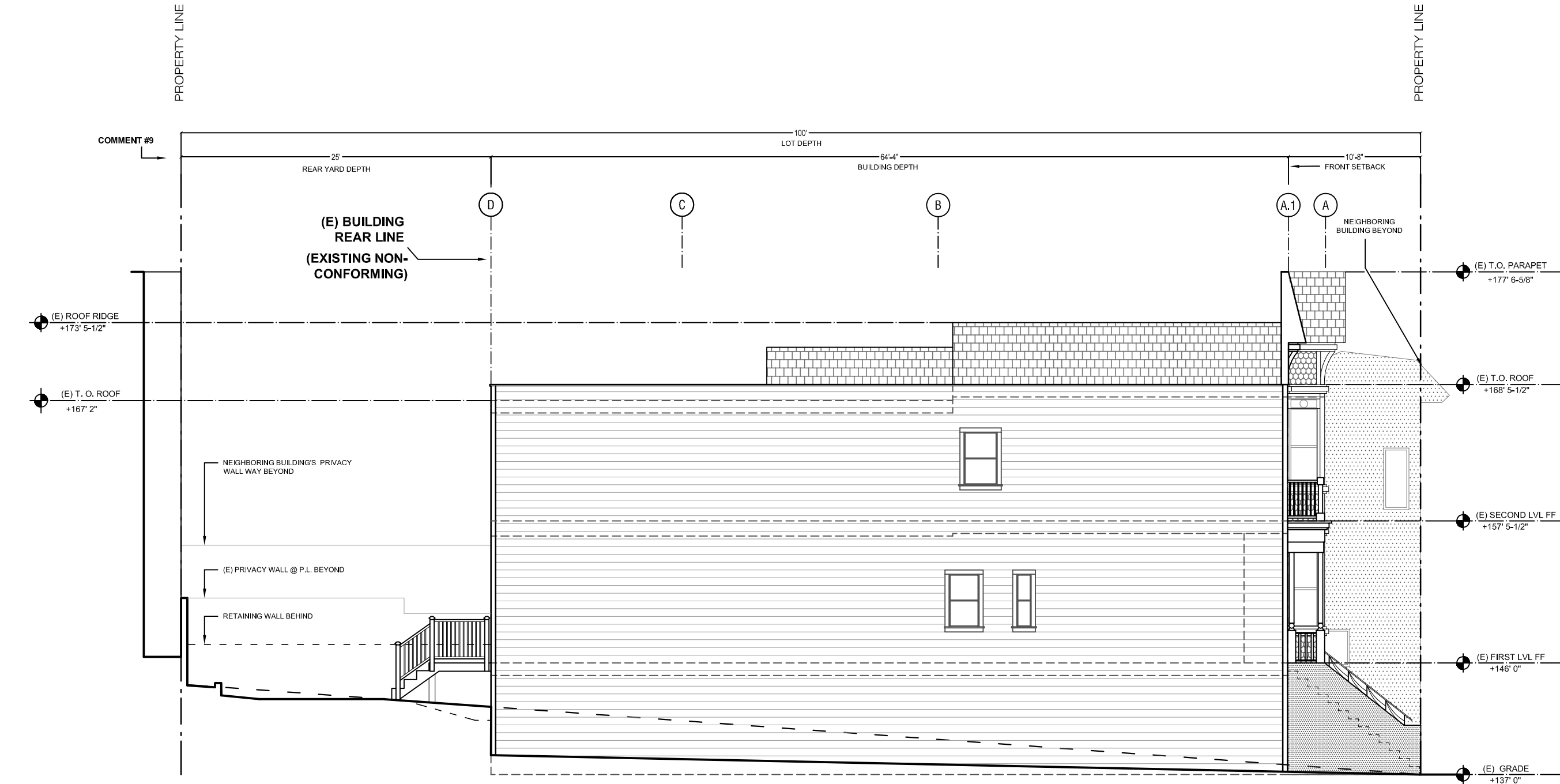
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EXISTING
EAST
ELEVATION

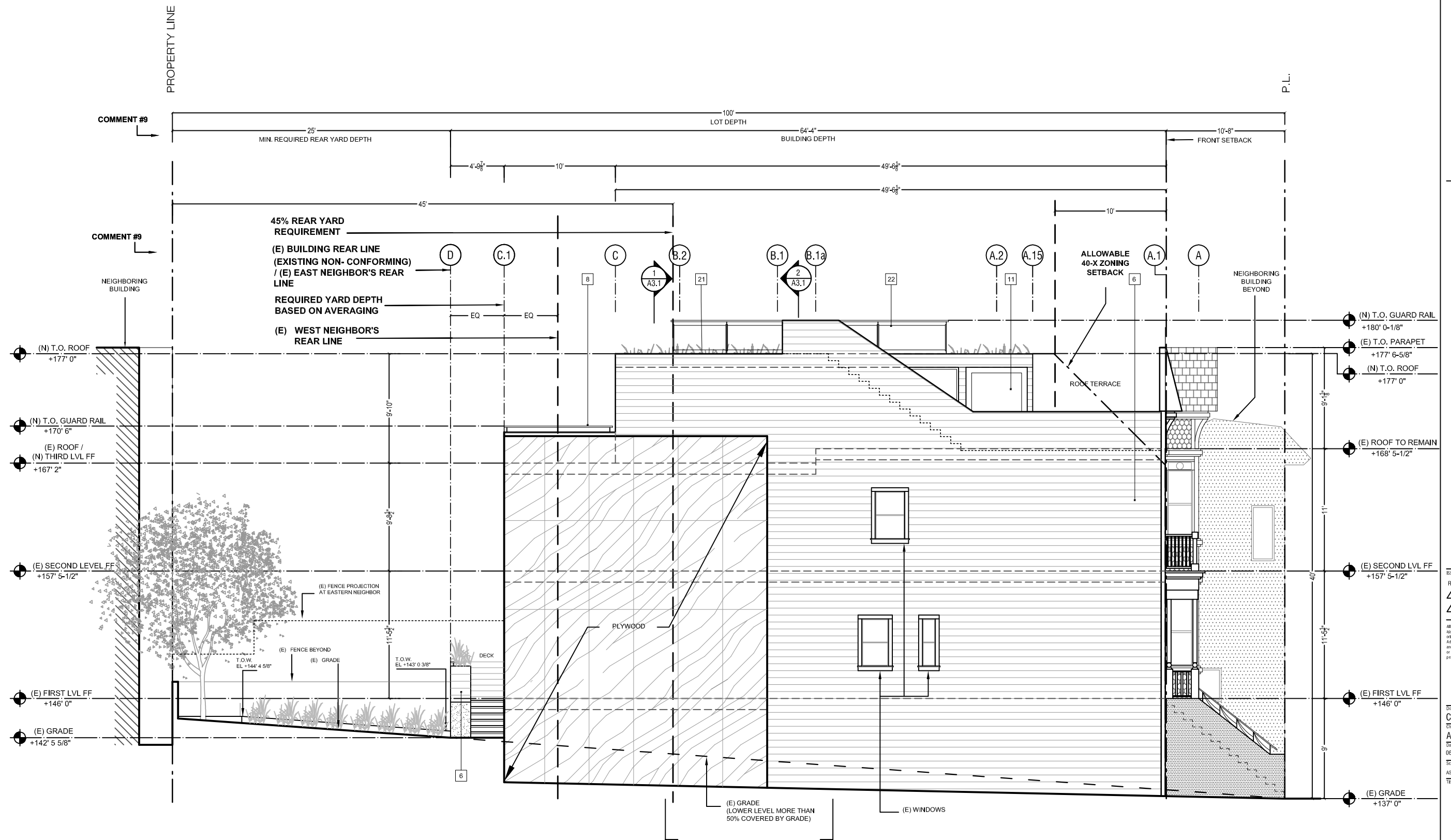
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① PROPOSED - EAST ELEVATION

