

## SAN FRANCISCO PLANNING DEPARTMENT

## Discretionary Review Full Analysis

HEARING DATE: JUNE 14, 2018 CONTINUED FROM: NOVEMBER 30, 2017; DECEMBER 21, 2017; JANUARY 18, 2018; FEBRUARY 1, 2018; MARCH 15, 2018

Date:	June 7, 2018
Case No.:	2016-005617DRP
Project Address:	1439-1441 South Van Ness Avenue
Permit Application:	2016.08.09.4577
Zoning:	RM-1 (Residential-Mixed, Low Density) Zoning District
	50-X Height and Bulk District
Block/Lot:	6526 / 021
Project Sponsor:	Mark Zhang
	1875 25 <sup>th</sup> Avenue
	San Francisco, CA 94122
Staff Contact:	Michael Christensen – (415) 575-8742
	Michael.Christensen@sfgov.org
Recommendation:	Take DR and Approve the Project with Modifications.

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

Reception: 415.558.6378

Fax: 415.558.6409

Planning Information: **415.558.6377** 

#### **PROJECT DESCRIPTION**

The proposed project entails a vertical addition to add a fourth floor, a rear addition to expand all floor levels, changes to interior partitions and floor plans, and the legalization of an unauthorized dwelling unit at the ground floor.

#### SITE DESCRIPTION AND PRESENT USE

The site is a 25' wide by 115' deep rectangular parcel with a total area of 2,875 square feet. The site is a mid-block through parcel with a primary frontage on South Van Ness Avenue and a secondary frontage at the rear on Virgil Street. The site is developed with a three-story residential structure at the South Van Ness Avenue frontage which contains two authorized full flat, two-bedroom dwelling units over a ground story which contains a one-car garage and one unauthorized one-bedroom dwelling unit. The rear portion of the site is also developed with a one-story garage with two automobile parking spaces.

#### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The surrounding neighborhood is primarily residential and consists of a mix of small-to-moderate scaled residential structures ranging from two to four stories in height. The subject block consists primarily of multi-family residential structures, though some single-family residences exist on the subject block face, including directly next to the subject property. The property directly abutting the subject property to the north is developed with a three-story duplex structure, and the property directly abutting the subject property to the south is developed with a two-story single-family home.

#### **BUILDING PERMIT APPLICATION NOTIFICATION**

ТҮРЕ	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	June 13, 2017 – July 13, 2017	July 10, 2017	November 30, 2017	140 days

#### **HEARING NOTIFICATION**

ТҮРЕ	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	November 20, 2017	November 20, 2017	10 days
Mailed Notice	10 days	November 20, 2017	November 20, 2017	10 days

#### PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	0	0	0
Other neighbors on the			
block or directly across	0	0	0
the street			
Neighborhood groups	0	0	0

No other comments have been received regarding this request.

#### DR REQUESTOR

The request for Discretionary Review was received from Jessica Alexandra, Esq. on July 10, 2017 on behalf of Yenefer Fernando Aguilar, who is the tenant of the unauthorized dwelling unit which is proposed to be legalized.

#### DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

**Issue #1:** While the unauthorized dwelling unit is proposed to be legalized and expanded as part of the proposal, it is also proposed to be converted from a one-bedroom configuration to a studio configuration. As the current tenant resides in the unit with his wife and their two minor children, the modification would be a substantial degradation in the livability of the unit.

**Issue #2:** The project will require extensive construction at the site and will require that the unauthorized unit be vacated for an extended period of time. The tenants of the unauthorized dwelling unit have not been provided with a formal relocation plan during the construction period.

Reference the *Discretionary Review Application* for additional information. The *Discretionary Review Application* is an attached document.

#### PROJECT SPONSOR'S RESPONSE

The Project Sponsor has provided no response to the request for Discretionary Review.

#### PROJECT ANALYSIS

The project is generally consistent with Commission policy and the City's General Plan Goals and Policies in that the project proposes to legalize an unauthorized dwelling unit, thus increasing the housing stock of the City. The project also proposes to expand all of the dwelling units on the site while maintaining the full floor flat configuration of the two authorized dwelling units. The vertical and rear additions were reviewed by the Residential Design Advisory Team (RDAT) and found to be consistent with the Residential Design Guidelines, as detailed in the attached checklist.

However, the modification of the ground floor unit from a one-bedroom configuration to an open studio configuration is not necessary or desirable, as it reduces the number of persons who can functionally occupy the unit, and is in conflict with the Priority Policies General Plan Findings, including:

- Finding 2: That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods; and
- Finding 3: That the City's supply of affordable housing be preserved and enhanced.

Department staff recommends that the Commission take Discretionary Review and preserve the configuration and bedroom count of the existing ground floor unit by applying the following conditions to the project:

- 1. The Project Sponsor shall work with staff to modify the project to provide a distinct bedroom within the ground floor unit to be legalized.
- 2. The ground floor unit shall be maintained as a one-bedroom unit or larger.

#### ENVIRONMENTAL REVIEW

The Department has determined that the proposed project is exempt from environmental review, pursuant to CEQA Guideline Section 15301.

#### BASIS FOR RECOMMENDATION

- The project is in conflict with the Priority Policies General Plan Findings in that it would degrade the quality of an existing housing unit by reducing it from a one-bedroom configuration to a studio configuration.
- The studio unit would be less usable for the current and any future tenants if reduced to a studio configuration.

#### **RECOMMENDATION:**

Take DR and Approve the Project with Modifications.

#### Attachments:

Block Book Map Sanborn Map Zoning Map Height and Bulk District Map Aerial Photographs Context Photos Section 311 Notice Environmental Determination DR Application Reduced Plans

## **Design Review Checklist**

#### **NEIGHBORHOOD CHARACTER (PAGES 7-10)**

QUESTION	
The visual character is: (check one)	
Defined	
Mixed	X

**Comments:** The immediate context and overall block have a mixed visual character, with buildings ranging from two to four stories and a variety of forms, details, and rooflines.

#### SITE DESIGN (PAGES 11 - 21)

QUESTION	YES	NO	N/A
Topography (page 11)			
Does the building respect the topography of the site and the surrounding area?	X		
Is the building placed on its site so it responds to its position on the block and to the placement of surrounding buildings?	x		
Front Setback (pages 12 - 15)			
Does the front setback provide a pedestrian scale and enhance the street?	X		
In areas with varied front setbacks, is the building designed to act as transition			
between adjacent buildings and to unify the overall streetscape?			
Does the building provide landscaping in the front setback?	X		
Side Spacing (page 15)			
Does the building respect the existing pattern of side spacing?			X
Rear Yard (pages 16 - 17)			
Is the building articulated to minimize impacts on light to adjacent properties?	X		
Is the building articulated to minimize impacts on privacy to adjacent properties?	X		
Views (page 18)			
Does the project protect major public views from public spaces?			x
Special Building Locations (pages 19 - 21)			
Is greater visual emphasis provided for corner buildings?			x
Is the building facade designed to enhance and complement adjacent public spaces?			x
Is the building articulated to minimize impacts on light to adjacent cottages?			X

**Comments:** The site design and building placement is consistent with the general development pattern of the block which provides primary structures along South Van Ness Avenue and many accessory structures along Virgil Street to the rear, with common open space and yard areas provided between the primary and accessory structures.

#### BUILDING SCALE AND FORM (PAGES 23 - 30)

QUESTION		NO	N/A
Building Scale (pages 23 - 27)			
Is the building's height and depth compatible with the existing building scale at	x		
the street?	Λ		
Is the building's height and depth compatible with the existing building scale at	x		
the mid-block open space?	~		
Building Form (pages 28 - 30)			
Is the building's form compatible with that of surrounding buildings?	x		
Is the building's facade width compatible with those found on surrounding	Y		
buildings?	X		
Are the building's proportions compatible with those found on surrounding	Y		
buildings?	X		
Is the building's roofline compatible with those found on surrounding buildings?	X		

**Comments**: The building's height is consistent with the overall scale and form of the block, which generally consists of three to four story structures, with some two story structures. The proposed additions would result in a three story massing at the street wall, with a fourth floor setback from the primary façade, which is consistent with this pattern.

#### **ARCHITECTURAL FEATURES (PAGES 31 - 41)**

QUESTION	YES	NO	N/A
Building Entrances (pages 31 - 33)			
Does the building entrance enhance the connection between the public realm of	x		
the street and sidewalk and the private realm of the building?	~		
Does the location of the building entrance respect the existing pattern of	x		
building entrances?	Λ		
Is the building's front porch compatible with existing porches of surrounding	x		
buildings?	^		
Are utility panels located so they are not visible on the front building wall or on	x		
the sidewalk?	~		
Bay Windows (page 34)			
Are the length, height and type of bay windows compatible with those found on	x		
surrounding buildings?	λ		
Garages (pages 34 - 37)			
Is the garage structure detailed to create a visually interesting street frontage?	X		
Are the design and placement of the garage entrance and door compatible with	x		
the building and the surrounding area?	~		
Is the width of the garage entrance minimized?			
Is the placement of the curb cut coordinated to maximize on-street parking?			
Rooftop Architectural Features (pages 38 - 41)			
Is the stair penthouse designed to minimize its visibility from the street?			X

Are the parapets compatible with the overall building proportions and other building elements?		x
Are the dormers compatible with the architectural character of surrounding buildings?		x
Are the windscreens designed to minimize impacts on the building's design and on light to adjacent buildings?		x

**Comments:** The architectural features of the structure are compatible with the general pattern of the surrounding context, with is varied.

#### **BUILDING DETAILS (PAGES 43 - 48)**

QUESTION	YES	NO	N/A
Architectural Details (pages 43 - 44)			
Are the placement and scale of architectural details compatible with the building and the surrounding area?	x		
Windows (pages 44 - 46)			
Do the windows contribute to the architectural character of the building and the neighborhood?	x		
Are the proportion and size of the windows related to that of existing buildings in the neighborhood?	x		
Are the window features designed to be compatible with the building's architectural character, as well as other buildings in the neighborhood?	x		
Are the window materials compatible with those found on surrounding buildings, especially on facades visible from the street?	x		
Exterior Materials (pages 47 - 48)			
Are the type, finish and quality of the building's materials compatible with those used in the surrounding area?	x		
Are the building's exposed walls covered and finished with quality materials that are compatible with the front facade and adjacent buildings?	x		
Are the building's materials properly detailed and appropriately applied?	X		

**Comments:** The building details, materials, and windows are compatible and consistent with the surrounding context, which is varied. The materials and window detailing are high quality and contribute to the architectural character of the block.

**Parcel Map** 



SHOTWELL

Ð

## Sanborn Map\*



## **Zoning Map**





## **Height and Bulk District Map**





## **Aerial Photo**



SUBJECT PROPERTY



## **Site Photo**





#### SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco. CA 94103

#### NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **August 9, 2016**, the Applicant named below filed Building Permit Application No. **2016.0809.4577** with the City and County of San Francisco.

PROJECT INFORMATION		APPLICANT INFORMATION	
Project Address:	1439-1441 South Van Ness Avenue	Applicant:	Michael Morrison
Cross Street(s):	25 <sup>th</sup> and 26 <sup>th</sup> Streets	Address:	3246 17 <sup>th</sup> Street
Block/Lot No.:	6526/021	City, State:	San Francisco, CA 94110
Zoning District(s):	RM-1 / 50-X	Telephone:	(415) 558-9550 x0024
Record No.:	2016-005617PRJ	Email:	michael@johnlumarchitecture.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	
Demolition	New Construction	X Alteration
Change of Use	X Façade Alteration(s)	Front Addition
X Rear Addition	Side Addition	X Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Residential	Residential
Front Setback	2' 9"	4' 3"
Side Setbacks	None	No Change
Building Depth	58' 9"	61'
Rear Yard	32' 6"	28' 9"
Building Height	31' 9.5"	39' 9.5"
Number of Stories	3	4
Number of Dwelling Units	2	3
Number of Parking Spaces	3	No Change
	PROJECT DESCRIPT	ION

The proposal is to alter the structure on the site, including a vertical addition which is setback 13' from the front building wall, a rear addition, façade alterations, interior remodeling, and legalization of one dwelling unit.

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.

6/13/17 7/13/17

For more information, please contact Planning Department staff:

E-mail:	michael.christensen@sfgov.org	Expiration Date:
Telephone:	(415) 575-8742	Notice Date:
Planner:	Michael Christensen	

## **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 <u>www.communityboards.org</u> 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 <u>www.sfplanning.org</u>). 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 <u>www.sfplanning.org</u>. If the project includes multiple building permits, i.e. demolition and new construction, a <u>separate request</u> for Discretionary Review must be submitted, with all required materials and fee, for <u>each</u> permit that you feel will have an impact on you.

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

#### **BOARD OF APPEALS**

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

#### ENVIRONMENTAL REVIEW

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

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



## SAN FRANCISCO PLANNING DEPARTMENT

## **CEQA Categorical Exemption Determination**

#### PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
Case No.	Permit No.	Plans Dated	
Addition/	Demolition	New	Project Modification
Alteration	(requires HRER if over 45 years old)	Construction	(GO TO STEP 7)
Project description for Planning Department approval.			

#### STEP 1: EXEMPTION CLASS TO BE COMPLETED BY PROJECT PLANNER

*Note:	*Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.*		
	Class 1 – Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.		
	<b>Class 3 – New Construction/ Conversion of Small Structures.</b> 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.		
	Class		

#### STEP 2: CEQA IMPACTS TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an Environmental Evaluation Application is required.

5	
	<b>Air Quality:</b> 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</i>
	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)
	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. 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

	Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).		
	<b>Transportation:</b> 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?		
	<b>Archeological Resources:</b> 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? ( <i>refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Archeological Sensitive Area</i> )		
	<b>Subdivision/Lot Line Adjustment:</b> Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? ( <i>refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Topography</i> )		
	<b>Slope = or &gt; 20%:</b> 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? ( <i>refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Topography</i> ) <b>If box is checked, a geotechnical report is required.</b>		
	<b>Seismic: Landslide Zone:</b> 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? ( <i>refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones</i> ) <b>If box is checked, a geotechnical report is required.</b>		
	<b>Seismic: Liquefaction Zone:</b> 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? ( <i>refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones</i> ) <b>If box is checked, a geotechnical report will likely be required.</b>		
	If no boxes are checked above, GO TO STEP 3. <u>If one or more boxes are checked above, an <i>Environmental Evaluation Application</i> is required, unless reviewed by an Environmental Planner.</u>		
	Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.		
Comments and Planner Signature (optional):			

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

<b>PROPERTY IS ONE OF THE FOLLOWING:</b> (refer to Parcel Information Map)		
	Category A: Known Historical Resource. GO TO STEP 5.	
	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.	
	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.			
	1. Change of use and new construction. Tenant improvements not included.		
	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.		
	3. <b>Window replacement</b> that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.		
	4. <b>Garage work.</b> 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.		
	5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.		
	6. <b>Mechanical equipment installation</b> that is not visible from any immediately adjacent public right-of- way.		
	7. <b>Dormer installation</b> that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .		
	8. <b>Addition(s)</b> 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	Note: Project Planner must check box below before proceeding.		
	Project is not listed. GO TO STEP 5.		
	Project <b>does not conform</b> to the scopes of work. <b>GO TO STEP 5</b> .		
	Project involves <b>four or more</b> work descriptions. <b>GO TO STEP 5</b> .		
	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 a	Check all that apply to the project.		
	1. Project involves a <b>known historical resource (CEQA Category A)</b> as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.		
	2. Interior alterations to publicly accessible spaces.		
	3. <b>Window replacement</b> of original/historic windows that are not "in-kind" but are consistent with existing historic character.		
	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.		
	5. <b>Raising the building</b> in a manner that does not remove, alter, or obscure character-defining features.		
	6. <b>Restoration</b> based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.		
	7. <b>Addition(s)</b> , 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> .		
	8. <b>Other work consistent</b> with the Secretary of the Interior Standards for the Treatment of Historic Properties (specify or add comments):		

9. Other work that would not materially impair a historic district (specify or add comments):		
(Requires approval by Senior Preservation Planner/Preservation Coordinator)		
10. <b>Reclassification of property status</b> . ( <i>Requires approval by Senior Preservation Planner/Preservation Coordinator</i> )		
a. Per HRER dated: (attach HRER)		
b. Other ( <i>specify</i> ):		
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.		
<b>Further environmental review required.</b> Based on the information provided, the project requires an		
<i>Environmental Evaluation Application</i> to be submitted. <b>GO TO STEP 6.</b>		
<b>Project can proceed with categorical exemption review</b> . The project has been reviewed by the		
Preservation Planner and can proceed with categorical exemption review. <b>GO TO STEP 6</b> .		
Comments (optional):		
Preservation Planner Signature:		
	_	
STEP 6: CATEGORICAL EXEMPTION DETERMINATION TO BE COMPLETED BY PROJECT PLANNER		
<b>Further environmental review required.</b> Proposed project does not meet scopes of work in either ( <i>check</i>		
all that apply):		
Step 2 – CEQA Impacts		
Step 5 – Advanced Historical Review		
STOP! Must file an Environmental Evaluation Application.		
No further environmental review is required. The project is categorically exempt under CEQA.		
Signature		

Planner Name:	Signature:
Project Approval Action:	
If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	
Once signed or stamped and dated, this document constitutes a categori of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Cod within 30 days of the project receiving the first approval action.	

## 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:

1	
	Result in expansion of the building envelope, as defined in the Planning Code;
	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
	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 shows have is should further environmental review is required	

If at least one of the above boxes is checked, further environmental review is required.

#### DETERMINATION OF NO SUBSTANTIAL MODIFICATION

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 notic			
Name:	Signature or Stamp:		
1	is checked, the proposed maintain additional environme		

# APPLICATION FOR Discretionary Review

1. Owner/Applicant Information

DR APPLICANT'S NAME:		
YENEFER FERNANDO AGUILAR		
DR APPLICANT'S ADDRESS:	ZIP CODE:	TELEPHONE:
1439 SOUTH VAN NESS AVE, LOWER UNIT, SAN FRANCISCO, CA	94110	(415) 318-0711

MARK GE ZHANG, JEFFREY QING-HE ZHANG, OLYMPIA XIA	O FEI DAI	
ADDRESS:	ZIP CODE:	TELEPHONE:
1875 25TH AVE, SAN FRANCISCO, CA	94122	( 415 ) 728-5086

CONTACT FOR DR APPLICATION:		
Same as Above 🔲 🔰 JESSICA ALEXANDRA, ESQ., ALEXANDRA L	AW FIRM	
ADDRESS:	ZIP CODE:	TELEPHONE:
235 MONTGOMERY ST, SUITE 970, SAN FRANCISCO, CA	94104	(415)500-6089
E-MAIL ADDRESS: jessica@jalexandralaw.com		

#### 2. Location and Classification

STREET ADDRESS OF PROJECT: 1439-1441 SOUTH V			SCO, CA		ZIP CODE: 94110
CROSS STREETS: BETWEEN 25TH ST					
ASSESSORS BLOCK/LOT: 6526 / 021	LOT DIMENSIONS: 25 x 115	LOT AREA (SQ FT): 2,874	ZONING DISTRICT: RM-1	-1-	/BULK DISTRICT:
3. Project Description					
Manage all all the trace of					
	go of Hours	Nour Constru	ation Alteration	a 🕅 Domoli	
Change of Use 🗌 Chan	0		ction 🗌 Alteration	s 🛛 Demoli	ition 🗌 Other 🗌
Change of Use 🗍 Chan	Rear 🔀 Fro	ont 🗌 🛛 Heigh			ition 🗌 Other 🗌
Change of Use Chan Additions to Building: Present or Previous Use:	Rear 🕅 Fro RESIDENTIA	ont 🗌 🛛 Heigh			ition 🗌 Other 🗌
Change of Use Chan Additions to Building: Present or Previous Use: Proposed Use:RES	Rear 🕅 Fro RESIDENTIA IDENTIAL	nt 🗌 Heigh AL			
Change of Use Chan Additions to Building: Present or Previous Use: Proposed Use:RES	Rear X Fro RESIDENTIA IDENTIAL m No. 2016.	nt 🗌 Heigh AL			
Additions to Building: Present or Previous Use: Proposed Use:RES Building Permit Application	Rear X Fro RESIDENTIA IDENTIAL on No. 2016. V E D	nt 🗌 Heigh AL			

#### 4. Actions Prior to a Discretionary Review Request

Prior Action	YES	NO
Have you discussed this project with the permit applicant?	⊠ *	
Did you discuss the project with the Planning Department permit review planner?	X *	
Did you participate in outside mediation on this case?		X

\* Through my attorneys.

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.

#### Not applicable. Case was not mediated.

.

## **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.

Please see attached Exhibit A.

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:

Please see attached Exhibit A.

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?

Please see attached Exhibit A. The currently illegal ground-floor unit that the permit applicant seeks to legalize should remain a one-bedroom unit rather than being converted to a studio unit. There is no evident reason (in terms of square footage, windows/exterior access, etc.) that the unit cannot remain a one-bedroom apartment. The Design Review applicant believes the design changes and construction cost changes would be minimal.

## Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Signature:

re: \_\_\_\_\_

Date: July 9, 2017

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

Yenefer Fernando Aguilar

CASE NUMBER: For Staff Use only

## **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	X
Address labels (original), if applicable	Ŵ
Address labels (copy of the above), if applicable	Ŵ
Photocopy of this completed application	x
Photographs that illustrate your concerns	
Convenant or Deed Restrictions	M
Check payable to Planning Dept.	X
Letter of authorization for agent	X
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) (Exhibit A and Schedule 1 to DR Applicat	X tion)

NOTES:

By:

Required Material.

O Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

Dated: July 9, 2017

Fernando Aguilar, DR Applicant

For Department Use Only Application received by Planning Department:

Date: 7/10/2017

#### EXHIBIT A TO DESIGN REVIEW APPLICATION SUBMITTED BY YENEFER FERNANDO AGUILAR (Re Permit Application No. 2016.0809.4577)

#### Background

The Design Review applicant, Yenefer Fernando Aguilar ("DR Applicant"), is a residential tenant of the ground-floor unit at 1439 South Van Ness Avenue, San Francisco, California 94110 (the "Ground Floor Unit"), along with his wife and their two minor children. DR Applicant and his family have been residents of the Ground Floor Unit since 2012.

The Ground Floor Unit is subject to the provisions of the San Francisco Residential Rent Stabilization and Arbitration Ordinance, Chapter 37, San Francisco Administrative Code (the "Rent Ordinance"). The unit is currently an unlawful apartment on the garage level, consisting of a combined kitchen/dining/living room, one bedroom, one bathroom, and a hall/closet area. The unit was constructed by or for the former owner(s) of the property without building permits, and no amended Certificate of Completion and Occupancy was issued to cover the unit.

Under Permit Application No. 2016.0809.4577 at issue here, the permit applicant/property owner ("Permit Applicant") seeks, among other things, to legalize the Ground Floor Unit. The plans submitted by the Permit Applicant indicate that the Ground Floor Unit will be changed from a one-bedroom unit to a large luxury studio apartment.

For the reasons discussed below, DR Applicant requests that the proposal be modified so that the Ground Floor Unit remains a one-bedroom apartment rather than being converted to a studio.

#### Conflicts with General Plan and Planning Code's Priority Policies

By seeking to remove the bedroom from the Ground Floor Unit, the Permit Applicant's proposal conflicts with several provisions of the San Francisco General Plan (the "General Plan"), as well as with the Planning Code's Priority Policies.

<u>Housing Element Objective 2</u> of the General Plan states that it is an objective of the City to "Retain Existing Housing Units, and Promote Safety and Maintenance Standards, without Jeopardizing Affordability." While the proposed legalization and updates to the Ground Floor Unit may serve to promote safety, converting it to a studio unnecessarily jeopardizes the affordability of the unit, in much the same way that a merger of units would. More people can comfortably live in a one-bedroom unit than they can in a studio. Moreover, section 6.15D, subdivisions (a) and (d), of the San Francisco Rent Board Rules and Regulations allow landlords to limit the number of occupants in a studio to two (with certain exceptions for family members under age 6), whereas landlords must allow a minimum of three occupants in a one-bedroom unit (subject to the same exceptions). Therefore, removing the bedroom would lower the number of people who can share Ground Floor Unit and accordingly would reduce its affordability.

<u>Housing Element Objective 3</u> of the General Plan states that it is an objective of the City to "Protect the Affordability of the Existing Housing Stock, Especially Rental Units." <u>Policy 3.1</u> under Objective 3 is to "[p]reserve rental units, especially rent controlled units, to

meet the City's affordable housing needs." <u>Policy 3.4</u> is to "[p]reserve 'naturally affordable' housing types..." The Ground Floor Unit is rent controlled and, as noted in the paragraph above, removing its bedroom would render it less affordable because the number of people who could share the apartment would be reduced.

Housing Element Objective 11 of the General Plan states that it is an objective of the City to "Support and Respect the Diverse and Distinct Character of San Francisco's Neighborhoods." Policy 11.3 under that Objective is to "[e]nsure growth is accommodated without substantially and adversely impacting existing residential neighborhood character." By removing a bedroom from a Mission District apartment and turning it into a large luxury studio suitable for fewer people (as discussed in relation to Housing Element Objective 2 above), the Permit Applicant would make the Ground Floor Unit less accessible to lower income and working-class residents. This would contribute to diminishing the diversity and character of the Mission.

<u>Priority Policy 2</u> of section 101.1, subdivision (b), of the San Francisco Planning Code provides "[t]hat existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods[.]" For the reasons discussed with respect to Housing Element Objectives 2 and 11 above, removing the Ground Floor Unit's bedroom would make the unit less affordable and thereby contribute to the erosion of the cultural and economic diversity of the Mission District.

<u>Priority Policy 3</u> of section 101.1, subdivision (b), of the San Francisco Planning Code provides "[t]hat the City's supply of affordable housing be preserved and enhanced[.]" For the reasons discussed with respect to Housing Element Objective 2 above, converting the Ground Floor Unit to a studio will reduce the number of people able to live in the unit, thereby reducing its affordability.

#### Adverse Impacts to the Property and Neighborhood

For the reasons discussed above, converting the Ground Floor Unit from a onebedroom unit to a luxury studio will reduce the number of people able to live in the apartment, thus making it less affordable. Most immediately, the studio conversion will likely make it impossible for the DR Applicant's family of four to remain in the apartment. The reduction in affordability would concomitantly render the unit less accessible to lower income and working-class residents. This, in turn, would contribute to diminishing the diversity and character of the Mission.

#### Minor Project Changes Would Mitigate the Adverse Effects

The Ground Floor Unit should remain a one-bedroom unit, because there is no evident reason why it should be converted to a studio. The plans indicate that the main living room of the proposed studio will measure 32 feet by 20 feet (640 square feet) with substantial window coverage all along the entire 20-foot eastern wall. (See drawing in Schedule 1, attached.) Section 503 of the San Francisco Housing Code requires bedrooms to have a minimum of only 70 square feet of floor area and guest rooms with kitchen areas to have a minimum of only 144 square feet of floor area. There is therefore more than enough floor space and window area to allow the main living room to be divided into a separate bedroom and living area at minimal additional expense.

For these reasons, DR Applicant requests that the project be modified so that the Ground Floor Unit is maintained as a one-bedroom apartment rather than being converted to a studio.



Existing







#### AGENT AUTHORIZATION

Applicant Name:	YENEFER FERNANDO AGUILAR
Applicant Mailing Address:	1439 S VAN NESS AVE, GND FL APT SAN FRANCISCO, CA 94110
This Authorization Covers:	S.F. PLANNING DEPARTMENT DISCRETIONARY REVIEW APPLICATION REGARDING PERMIT APPLICATION NO. 2016.0809.4577 FOR 1439-1441 S VAN NESS AVE, SAN FRANCISCO

Each of the named agents below are authorized from the date below through December 31, 2017 to file the above Discretionary Review Application and to transact all business before the San Francisco Planning Department and San Francisco Planning Commission related to such application, including but not limited to any withdrawal of such application.

Agent:	JESSICA ALEXANDRA, ESQ. ALEXANDRA LAW FIRM 235 MONTGOMERY ST, SUITE 970 SAN FRANCISCO, CA 94104 TEL: (415) 500-6089 FAX: (415) 956-0749 jessica@jalexandralaw.com
Agent:	CLARKE DE MAIGRET, ESQ. 319 27 <sup>TH</sup> ST SAN FRANCISCO, CA 94131 TEL: (415) 867-9690 cdem@demaigret.com

I declare under penalty of perjury under the laws of the State of California that the foregoing information is true and correct to the best of my knowledge and belief.

DATED: July 9, 2017

eler Fernando Aguilar

#### AGENT AUTHORIZATION

Applicant Name:	YENEFER FERNANDO AGUILAR
Applicant Mailing Address:	1439 S VAN NESS AVE, GND FL APT SAN FRANCISCO, CA 94110
This Authorization Covers:	S.F. PLANNING DEPARTMENT DISCRETIONARY REVIEW APPLICATION REGARDING PERMIT APPLICATION NO. 2016.0809.4577 FOR 1439-1441 S VAN NESS AVE, SAN FRANCISCO

Each of the named agents below are authorized from the date below through December 31, 2017 to file the above Discretionary Review Application and to transact all business before the San Francisco Planning Department and San Francisco Planning Commission related to such application, including but not limited to any withdrawal of such application.

Agent:

JESSICA ALEXANDRA, ESQ. ALEXANDRA LAW FIRM 235 MONTGOMERY ST, SUITE 970 SAN FRANCISCO, CA 94104 TEL: (415) 500-6089 FAX: (415) 956-0749 jessica@jalexandralaw.com

Agent:

CLARKE DE MAIGRET, ESQ. 319 27<sup>TH</sup> ST SAN FRANCISCO, CA 94131 TEL: (415) 867-9690 cdem@demaigret.com

I declare under penalty of perjury under the laws of the State of California that the foregoing information is true and correct to the best of my knowledge and belief.

DATED: July 9, 2017

efer Fernando Aguilar

## **ZHANG RESIDENCE - REMODEL**

		] []		
ABBREVIATIONS:	SYMBOLS:	GENERAL NOTES:	PROJECT DATA:	DRAV
ABBREVIATIONS:		<section-header><section-header><section-header><section-header></section-header></section-header></section-header></section-header>	<section-header><section-header><section-header><section-header><section-header><section-header><section-header><section-header><section-header><section-header><section-header><section-header><section-header><section-header><section-header><section-header><section-header><section-header></section-header></section-header></section-header></section-header></section-header></section-header></section-header></section-header></section-header></section-header></section-header></section-header></section-header></section-header></section-header></section-header></section-header></section-header>	DRAV ARCHIT 1. AA 2. AA 3. AA 4. AA 6. AA 7. AA 10. AA 11. AA 12. AA 13. AA 14. AA 15. AA 16. AA 17. AA 16. AA 17. AA 18. AA 19. AA 10. AA 10. AA 10. AA 10. AA 11. AA 12. AA 13. AA 14. AA 15. AA 16. AA 17. AA 18. AA 19. AA 19. AA 19. AA 10. AA 10. AA 10. AA 10. AA 11. AA 12. AA 13. AA 14. AA 15. AA 16. AA 17. AA 18. AA 19. AA 19. AA 19. AA 10. AA

# 1439-1441 SOUTH VAN NESS AVE. SAN FRANCISCO, CA 94110 BLOCK 6526 - LOT 021

#### VING INDEX:

#### ECTURAL

TITLE SHEET
SITE PHOTOS
DEMOLITION CALCULATIONS - SUM OF FRONT REAR & SIDE FACADES
DEMOLITION CALCULATIONS - VERTICAL ELEMENTS
DEMOLITION CALCULATIONS - HORIZONTAL ELEMENTS
DEMOLITION CALCULATIONS - HORIZONTAL ELEMENTS
SITE & ROOF PLANS
FIRST FLOOR PLANS
SECOND FLOOR PLANS
THIRD FLOOR PLANS
FOURTH FLOOR PLANS
EXTERIOR ELEVATIONS
EXTERIOR ELEVATIONS
EXTERIOR ELEVATIONS
EXTERIOR ELEVATIONS
SECTIONS
PERSPECTIVES



ZHANG RESIDENCE 1439-1441 SOUTH NN NESS STREET 1439-1441 SOUTH NN NESS CA 94310 BLOCK 6628 - LOT 021 BLOCK 6628 - LOT 021

JOHN LUM ARCHITI 3246 SEVENTEENT TEL 415 558 9550 FA



van ness ave. isco ca 94110

date :	issues/ revisions :	by :
08.08.16	site permit submission	mmm
12.07.16	site permit rev1	mbm
03.07.17	site permit rev2	mmm

project name : ZHANG RESIDENCE

TITLE SHEET

A0.0



ADJACENT PROPERTY: 1435 & 1437 SOUTH VAN NESS ST.: FRONT



SUBJECT PROPERTY: 1493-1441 SOUTH VAN NESS ST .: FRONT





ADJACENT PROPERTY: ACROSS SOUTH VAN NESS ST.

ADJACENT PROPERTY: ACROSS SOUTH VAN NESS ST.



ADJACENT PROPERTY: ACROSS SOUTH VAN NESS ST.



ADJACENT PROPERTY: 1445 SOUTH VAN NESS ST.: REAR



SUBJECT PROPERTY: 1493-1441 SOUTH VAN NESS ST.: REAR



ADJACENT PROPERTY: 1435 & 1437 SOUTH VAN NESS ST.: REAR



ADJACENT PROPERTY: 1445 SOUTH VAN NESS ST.: REAR GARAGE







ADJACENT PROPERTY: 1435 & 1437 SOUTH VAN NESS ST.: REAR GARAGE





JOHN LL 3246 SE TEL 415 (



ZHANG RESIDENCE 1439-141 SOUTH VAN NESS STREET SAN FRANCISCO. CA 9410 BLOCK 6520 - LOT 021 BLOCK 6520 - LOT 021

van ness ave. isco ca 94110 441 san

date : issues/ revisions : 08.08.16 site permit submission 12.07.16 site permit rev1 issues/ revisions : mmm

project name : ZHANG RESIDENCE

SITE PHOTOS

A0.1







SITE & ROOF PLANS

project name : ZHANG RESIDENCE

 date :
 issu

 08.08.16
 site

 12.07.16
 site

 03.07.17
 site

issues/ revisions : site permit submission site permit rev1 site permit rev2

: by : ion mmm mbm mmm

ZHANG RESIDENCE 1439-1441 SOUTH VAN NESS STREET 1439-1441 SOUTH VAN NESS STREET BLOCK 6526 - LOT 021 JOHN LUM ARCHITECTURE INC. 3246 SEVENTEENTH STREET SAN FRANCISCO, CA 94110 TEL 415 558 9550 Fax 415 558 0554

NOT FORTON

mark zhang south van ness ave. n francisco, ca 94110

1441 san











A2.0











