



# DISCRETIONARY REVIEW ABBREVIATED ANALYSIS

**HEARING DATE: September 24, 2020**

**Continued from July 9, 2020**  
**Continued from June 18, 2020**  
**Continued from April 16, 2020**  
**Continued from April 9, 2020**  
**Continued from March 12, 2020**

**Record No.:** 2017-015039DRP  
**Project Address:** 350-352 San Jose Avenue  
**Permit Applications:** 2018.0403.5430  
**Zoning:** RM-2 [Residential Mixed, Moderate Density]  
40-X Height and Bulk District  
**Block/Lot:** 6532 / 010A  
**Project Sponsor:** Amir Afifi  
SIA Consulting  
1256 Howard Street  
San Francisco, CA 94112  
**Staff Contact:** David Winslow – (628) 652-7335  
[david.winslow@sfgov.org](mailto:david.winslow@sfgov.org)

**Recommendation:** Take DR and Approve with Modifications

Regarding the continuance from April: the required rear yard was inaccurately depicted in the original 311 notice and window and door openings on the adjacent neighboring buildings were also omitted. Therefore, the project required adjustment to conform to the required rear yard along with additional drawing information. It was re-noticed with that 30-day period expiring July 6.

## Project Description

The project originally proposed a 70-foot 6-inch horizontal addition and a 5-foot 8-inch vertical addition to add eight dwelling units to an existing two-story, four-dwelling unit residential building for a total of 12 dwelling units with 4 parking spaces. The proposal also included lifting and relocating the building 15 feet forward towards San Jose Avenue. The existing 4 dwelling units are subject to rent control and will remain so.

Since the 311 notification in June-July 2020, the project sponsor has proposed moving the entire building an additional 8 feet toward the front, reducing a portion the south-west corner of third floor by 5 feet, removing the off-site parking and adding an Accessory Dwelling Unit to provide a total of 13 dwelling units. The building will retain a landscaped front setback and is Code compliant. (See revised drawings dated 9.16.20).

## **Site Description and Present Use**

The subject property is a two-story, four-dwelling unit residential building built in 1900 on a 43'-4" wide x 164'-9" deep irregular shaped upsloping lot that backs on to Juri commons, a public park, which runs diagonally through the middle of the block. The existing building is a category 'A' Historic Resource built in 1900.

## **Surrounding Properties and Neighborhood**

This block of San Jose has a development pattern of primarily two-story multi-unit residential buildings on wide lots of varying depth due to the diagonal geometry of Juri Commons. A fair number of buildings are detached, and the mid-block has several buildings located in the rear of their lots.



### Building Permit Notification

Type	Required Period	Notification Dates	DR File Date	DR Hearing Date	Filing to Hearing Date
311 Notice	30 days	June 4, 20220 – July 6, 2020	12.6 2019 7.6.2020	9.24. 2020	294 days

### Hearing Notification

Type	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	20 days	September 4, 2020	September 4, 2020	20 days
Mailed Notice	20 days	September 4, 2020	September 4, 2020	20 days
Online Notice	20 days	September 4, 2020	September 4, 2020	20 days

### Public Comment

	Support	Opposed	No Position
Adjacent neighbor(s)	0	0	0
Other neighbors on the block or directly across the street	1	38	0
Neighborhood groups	0	0	0

### Environmental Review

Pursuant to the Guidelines of the State Secretary of Resources for the implementation of the California Environmental Quality Act (CEQA), on October 1, 2019, the Planning Department of the City and County of San Francisco determined that the proposed application was exempt from further environmental review under Section 15183 of the CEQA Guidelines and California Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Eastern Neighborhoods Area Plan and was encompassed within the analysis contained in the Eastern Neighborhoods Area Plan Final EIR. Since the Final EIR was finalized, there have been no substantial changes to the Eastern Neighborhoods Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR.

## DR Requestors

DR requestor #1: Thomas Willis, of 330 San Jose, adjacent neighbor to the north.  
DR requestor #2: Carlo Camozzi, of 338 San Jose, adjacent neighbor to the north.  
DR requestor #3: Elisabeth Krainer, of 376 San Jose, adjacent neighbor to the south  
DR requestor #4: Jennifer Fieber on behalf of the San Francisco Tenant’s Union.

## DR Requestor’s Concerns and Proposed Alternatives

### DR requestor #1:

The project does not conform to the Code with respect to the required rear yard and the following Residential Design Guidelines:

1. “Articulate the Building to Minimize Impacts to Privacy”
2. “Design the Height and Depth of the Building to be Compatible with the Building Scale at the Mid-Block Open Space.”

### **Proposed alternatives:**

Reduce the building footprint at the rear and take other mutually agreeable measure to ensure privacy.

See attached *Discretionary Review Application*, dated December 6, 2019

### DR requestors #2 and #3:

The project does not conform to the Residential Design Guidelines:

1. “Articulate the Building to Minimize Impacts to Light and Privacy to Adjacent properties”; “Design the Height and Depth of the Building to be Compatible with the Existing Building Scale at the Mid-Block Open Space” and;
2. The project decreases the city’s affordable housing stock;

### **Proposed alternatives:**

Reduce the building depth at the rear to the 45% rear yard line;  
Remove the 4<sup>th</sup> story to reduce shading on Juri Commons and;  
Remove the parking to use the lower floor for housing.

See attached *Discretionary Review Application*, dated July 6, 2020

### DR requestor #4:

Moving the existing historic resource is tantamount to demolition and should require a Conditional Use Authorization;  
Extensive renovation and addition of luxury amenities removes affordable units from rent control. dwellings

### **Proposed alternatives:**

Disapprove the 4<sup>th</sup> story to reduce the building to 3 stories;

Remove the parking;  
Reduce the size of the units to 600 -700 sq. ft. and;  
Set aside more units as rent controlled.

See attached *Discretionary Review Application*, dated July 6, 2020

## **Project Sponsor’s Response to DR Application**

The proposal has been reviewed by the Department’s Preservation Staff and the Residential Design Advisory Team and modified and sited to reduce impacts related to privacy, access to mid-block open space, and shading on Juri Commons.

See attached Response to Discretionary Review, dated July 20, 2020

## **Department Review**

This is not a demolition per Planning Code Section 317.

The Rent Board confirmed that there is substantial documentation filed with their office confirming that the four existing units are subject to the Rent Ordinance. If there are existing tenants, the project sponsor should coordinate with both the tenants and the Rent Board as the proposed scope of work is pursued. The four existing rental units will remain as rental units subject to rent control, and the proposed accessory dwelling unit is also subject to rent control. The Rent Board also confirmed there have been no evictions in their records in the past 10 years.

The Residential Design Advisory Team confirmed that the project meets the Code with respect to the required rear yard and front setback. The rear building of the adjacent lot may be used to reduce the depth of the rear yard by averaging.

Based on the revised drawings dated 9.16.20 the proposed horizontal addition at the rear upper floors of the building steps the massing away from the adjacent neighbors to the north, which with a 3’ side setback along the north property line, maintains scale and access to light and mid-block open space. The extent of the addition in conjunction with the neighbor’s side setback to the south also maintains access to mid-block open space.

Due to the slope of the lot the proposed addition is approximately 30.5’ feet above natural grade at the rear. The fourth story adds about 6’ above the height of the existing roof parapet. The extent of the horizontal addition, which is more than 40 from the rear lot line minimizes shadow impacts on Juri Commons, a public park.

The north side property facing windows on the first story have been eliminated, relocated or treated to be translucent. and the deck at the second floor has been set back 5 feet from the north property line to minimize privacy impacts.

These changes reduce the shadow impacts to Juri Commons and improve access neighboring mid-block open space and privacy. But because the building design differs substantially than what was previously publicly noticed, staff recommends taking Discretionary Review to accept these modifications.

**Recommendation:** Take DR and Approve with Modifications

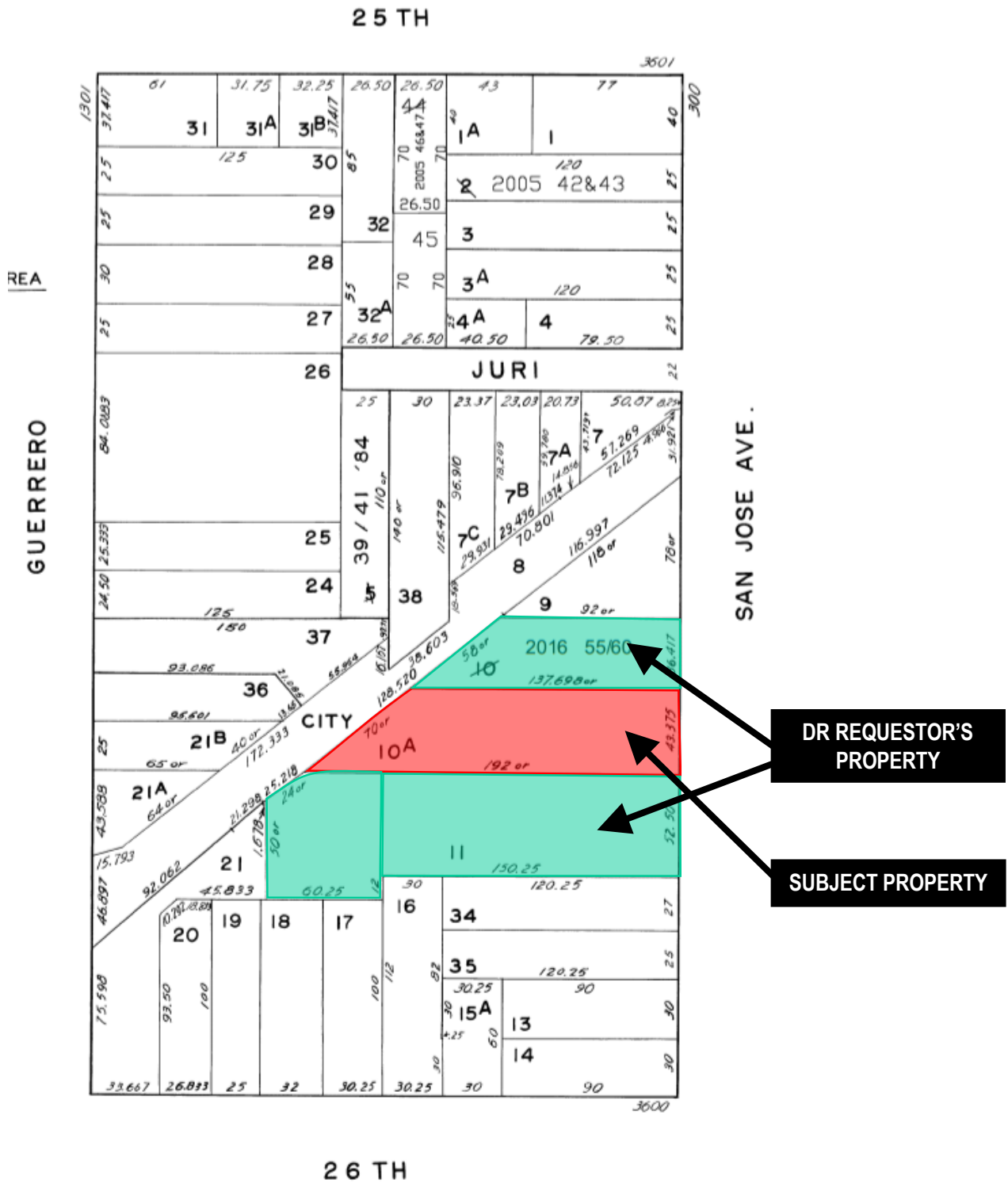
### **Attachments:**

Block Book Map  
Sanborn Map  
Zoning Map  
Aerial Photographs  
Context Photographs  
Section 311 Notice  
CEQA Determination  
DR Applications dated December 6, 2019, and July 6, 2020  
Project Sponsor Response dated July 20, 2020  
DR requestor letter / easement exhibit  
Letters and petition from neighbors  
Reduced 311 Plans dated 5.14.2020  
Revised plans dated 9.16.2020

# Exhibits

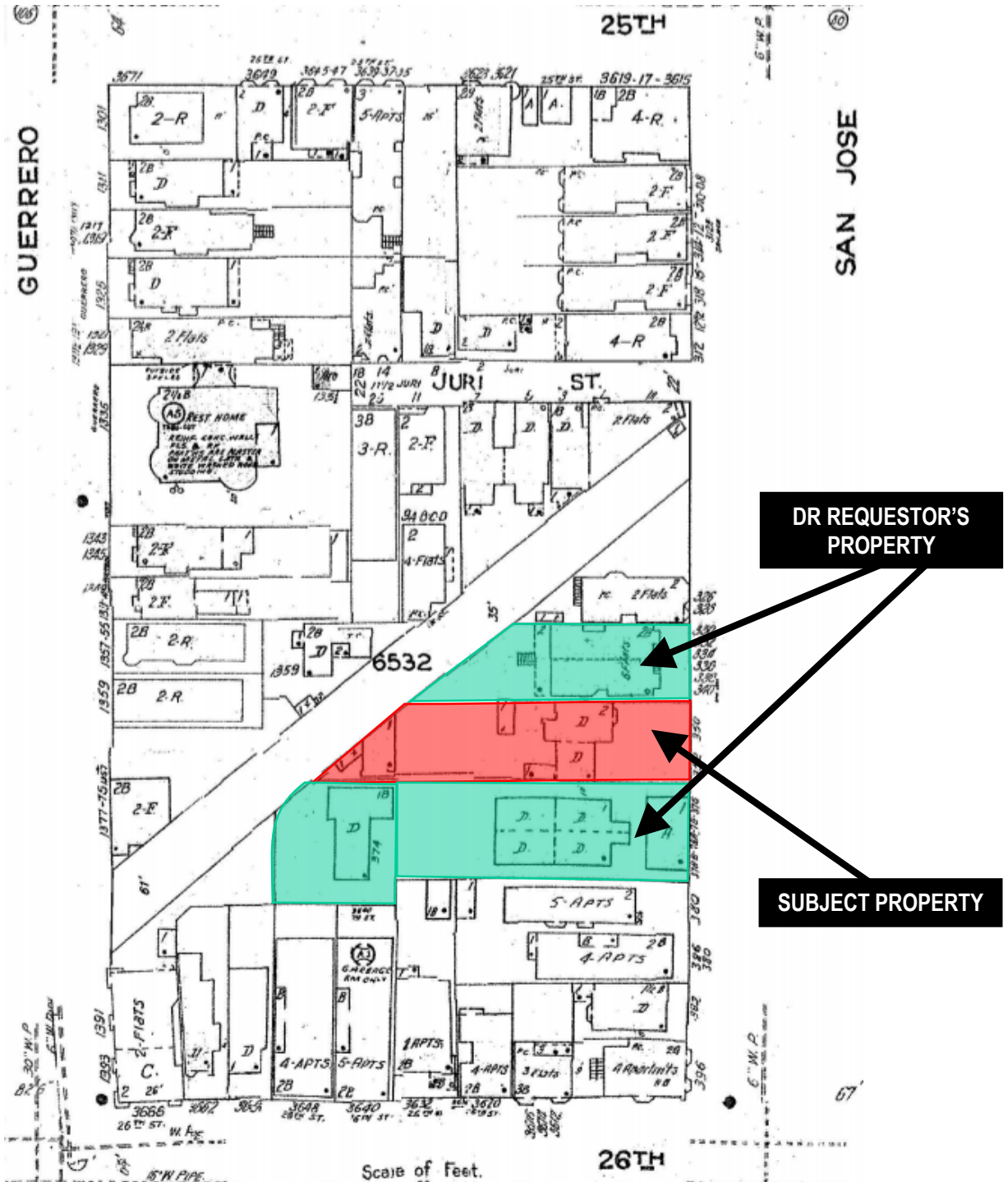
Discretionary Review Hearing  
**Case Number 2017-015039DRP-04**  
350 San Jose Avenue

# Parcel Map



Discretionary Review Hearing  
 Case Number 2017-015039DRP-04  
 350 San Jose Avenue

# Sanborn Map\*



\*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 2017-015039DRP-04  
350 San Jose Avenue

# Zoning Map



Discretionary Review Hearing  
Case Number 2017-015039DRP-04  
350 San Jose Avenue



# Aerial Photo



**SUBJECT PROPERTY**

**DR REQUESTOR'S  
PROPERTY**



Discretionary Review Hearing  
Case Number 2017-015039DRP-04  
350 San Jose Avenue



# Aerial Photo



**SUBJECT PROPERTY**

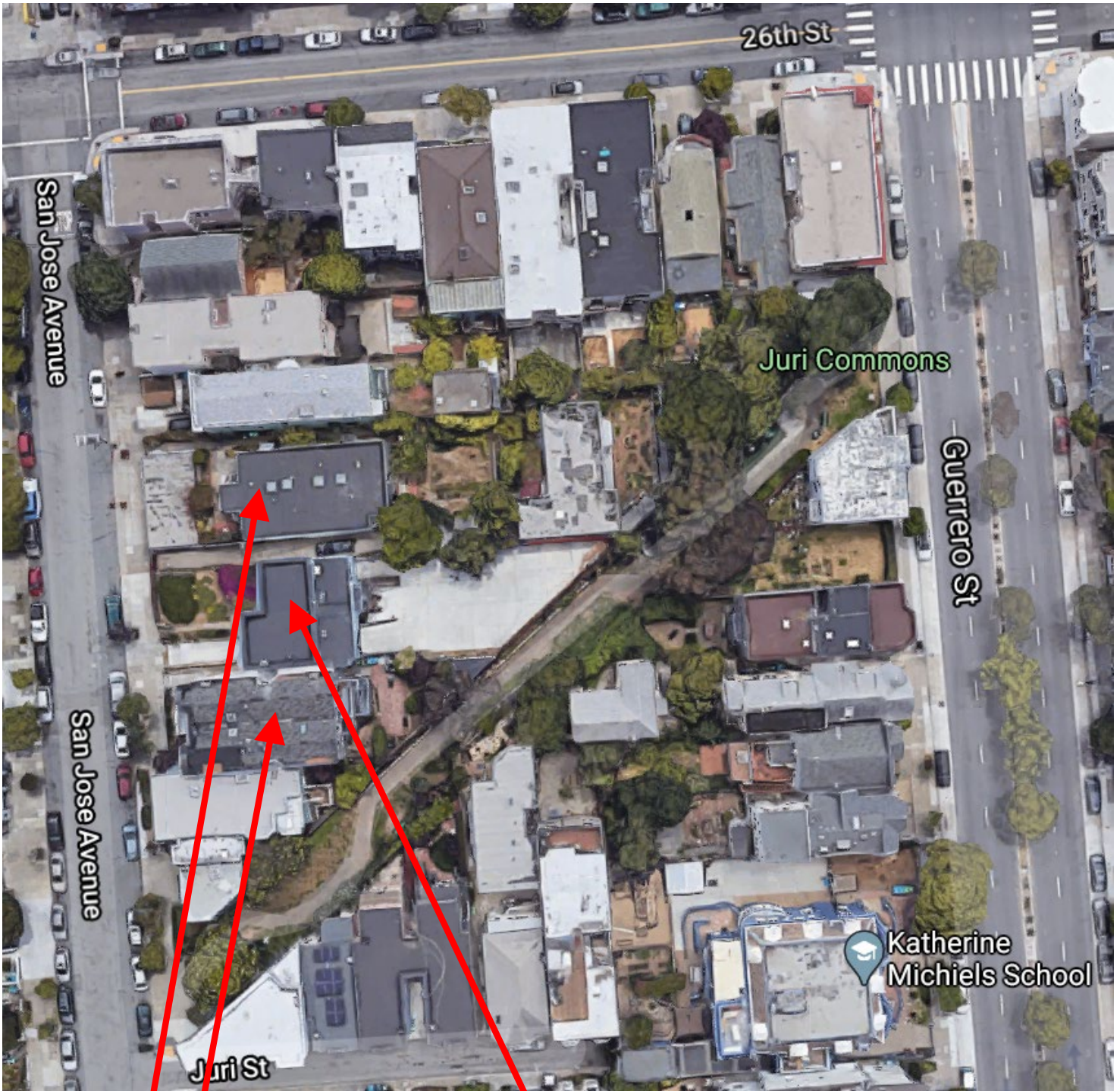
**DR REQUESTOR'S PROPERTY**



Discretionary Review Hearing  
Case Number 2017-015039DRP-04  
350 San Jose Avenue



# Aerial Photo



**DR REQUESTOR'S  
PROPERTY**

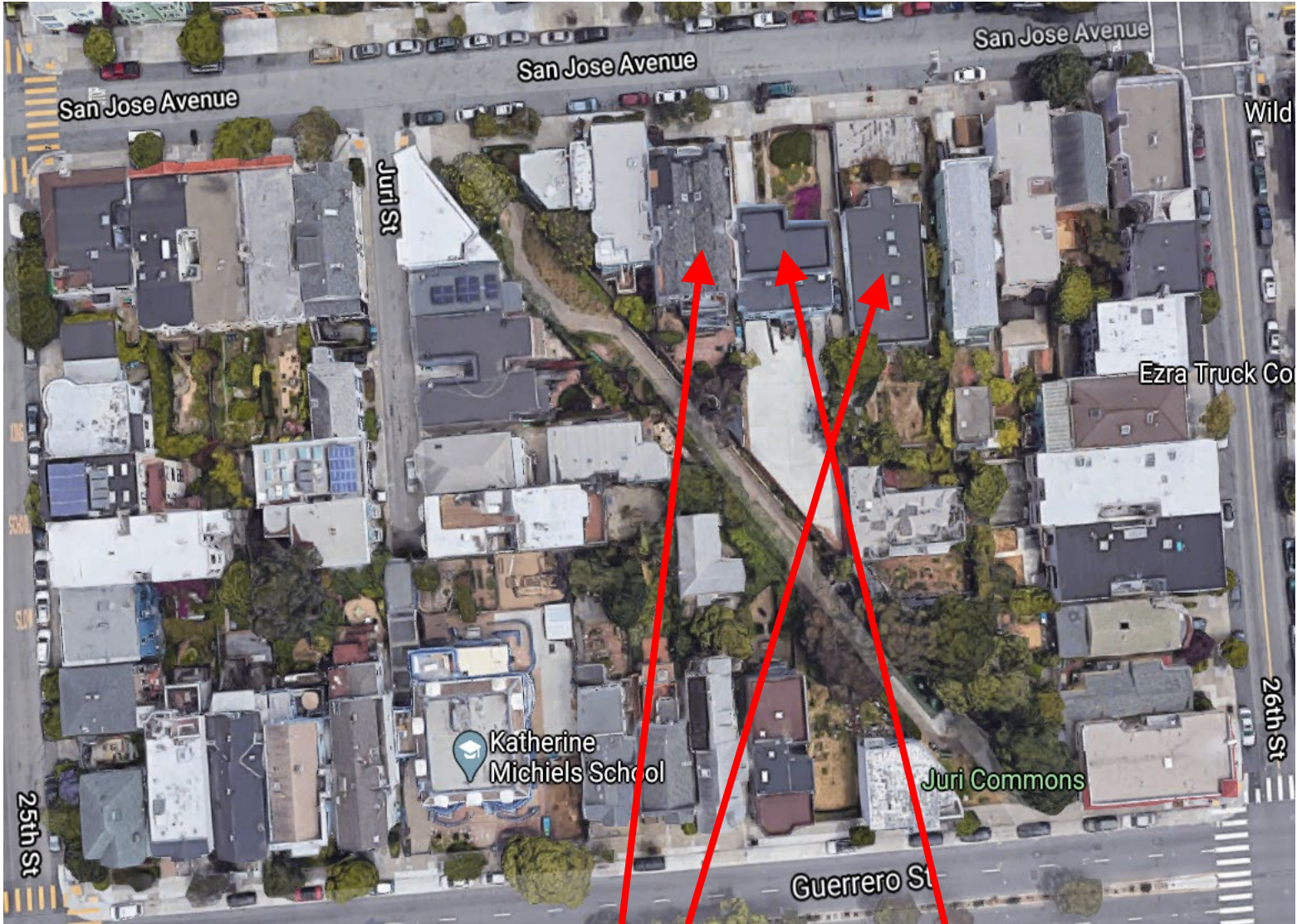
**SUBJECT PROPERTY**



Discretionary Review Hearing  
Case Number 2017-015039DRP-04  
350 San Jose Avenue



# Aerial Photo



**DR REQUESTOR'S  
PROPERTY**

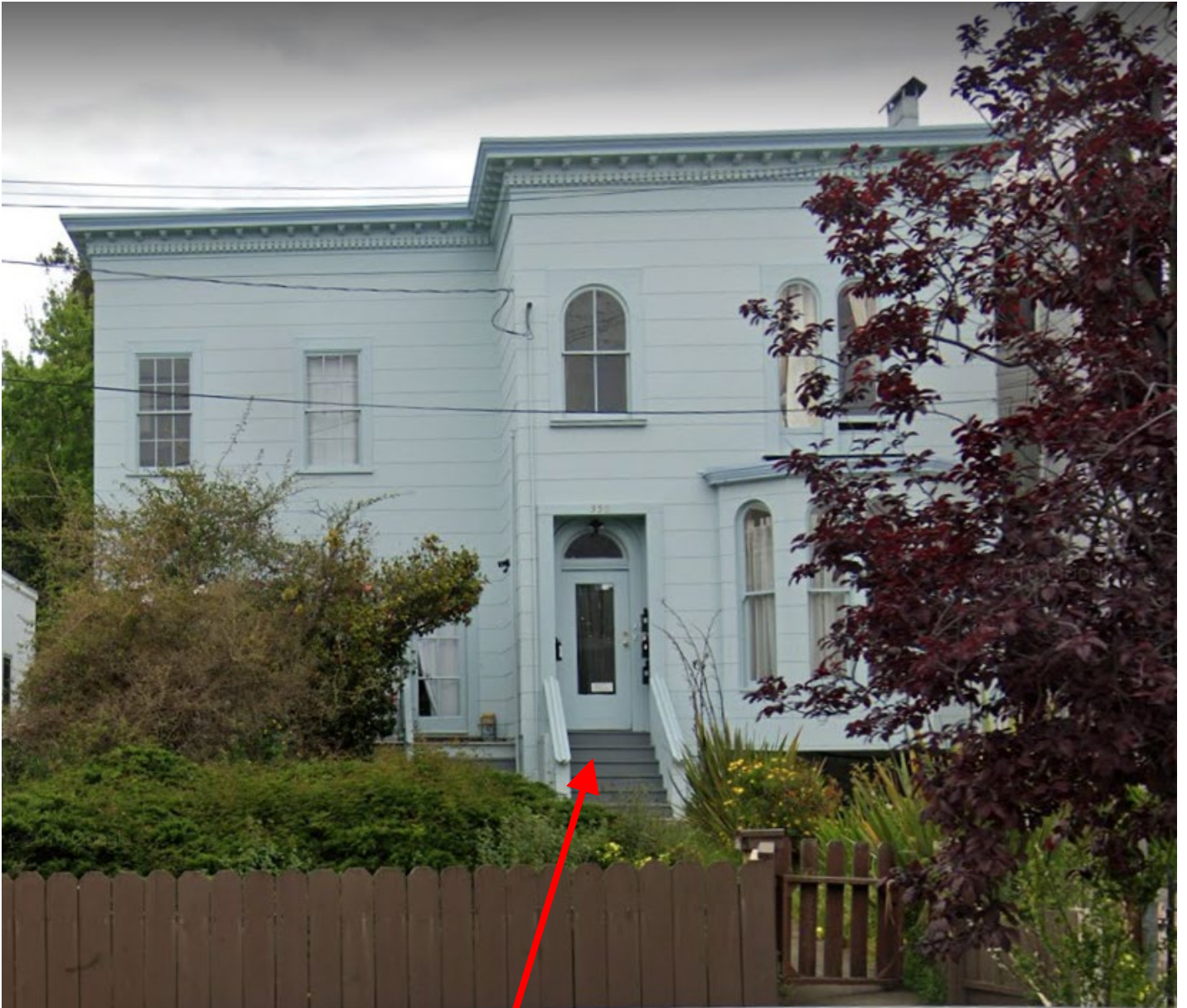
**SUBJECT PROPERTY**



Discretionary Review Hearing  
Case Number 2017-015039DRP-04  
350 San Jose Avenue



# Site Photo



**SUBJECT PROPERTY**

Discretionary Review Hearing  
Case Number 2017-015039DRP-04  
350 San Jose Avenue



# SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

## NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **April 3, 2018**, Building Permit Application No. 2018.0403.5430 was filed for work at the Project Address below.

**Notice Date: June 4, 2020**

**Expiration Date: July 6, 2020**

PROJECT INFORMATION		APPLICANT INFORMATION	
Project Address:	<b>350-352 SAN JOSE AVE</b>	Applicant:	<b>Amir Afifi</b>
Cross Street(s):	<b>Juri Street and 26<sup>th</sup> Street</b>	Address:	<b>4742 Mission Street</b>
Block/Lot No.:	6532 / 010A	City, State:	<b>San Francisco, CA 94112</b>
Zoning District(s):	RM-2 /40-X	Telephone:	<b>415.528.7021</b>
Record Number:	<b>2017-015039PRJ</b>	Email:	<b>amir@siaconsult.com</b>

You are receiving this notice as an owner or occupant of property 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 that the Planning Commission review this application at a public hearing for Discretionary Review. Requests for a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown above, 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 checked="" type="checkbox"/> Façade Alteration(s)	<input checked="" type="checkbox"/> Front Addition
<input checked="" type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input checked="" type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Residential	No Change
Front Setback	40 feet 1 inch	25 feet 1 inch
Side Setbacks	3 feet 2 inches	No Change
Building Depth	42 feet 2 inches	112 feet 8 inches
Rear Yard	82 feet 6 inches	41 feet 2 inches
Building Height	34 feet 2 inches	40 feet
Number of Stories	2	3 over basement
Number of Dwelling Units	4	12
Number of Parking Spaces	5	4
PROJECT DESCRIPTION		
<p>The project includes a 70-foot-6-inch horizontal addition and a 5-foot-8-inch vertical addition to add eight dwelling units to an existing two-story, four-dwelling unit residential building. The proposal also includes lifting and relocating the building 15 feet forward towards San Jose avenue. The proposed three-story-over-basement residential building will provide a total of 12 dwelling units.</p> <p>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.</p>		

To view plans or related documents, visit [sf-planning.org/notices](http://sf-planning.org/notices) and search the Project Address listed above. Once the property is located, click on the dot(s) to view details of the record number above, its related documents and/or plans.

**For more information, please contact Planning Department staff:**  
Esmeralda Jardines, 415-575-9144, [Esmeralda.Jardines@sfgov.org](mailto:Esmeralda.Jardines@sfgov.org)

# GENERAL INFORMATION ABOUT PROCEDURES DURING COVID-19 SHELTER-IN-PLACE ORDER

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 specific questions about the proposed project, you should contact the planner listed on the front of this notice. If you have general questions about the Planning Department's review process, contact the Planning Information Center (PIC) via email at [pic@sfgov.org](mailto:pic@sfgov.org).

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. Contact the project Applicant to get more information and to discuss the project's impact on you.
2. Contact the nonprofit organization Community Boards at (415) 920-3820, or online at [www.communityboards.org](http://www.communityboards.org) for a facilitated. 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 that 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 ("DR"). If you believe the project warrants Discretionary Review by the Planning Commission, **you must file a DR Application prior to the Expiration Date shown on the front of this notice.**

To file a DR Application, you must:

1. Create an account or be an existing registered user through our Public Portal (<https://accsf.accela.com/ccsf/Default.aspx>).
2. Complete the Discretionary Review PDF application (<https://sfplanning.org/resource/drp-application>) and email the completed PDF application to [CPC.Intake@sfgov.org](mailto:CPC.Intake@sfgov.org). You will receive follow-up instructions via email on how to post payment for the DR Application through our Public Portal.

To determine the fee for a Discretionary Review, please refer to the Planning Department Fee Schedule available at [www.sfplanning.org](http://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. The Board of Appeals is accepting appeals via e-mail. 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 at [www.sfplanning.org](http://www.sfplanning.org). An appeal of the decision **to exempt the proposed project from CEQA may be made to the Board of Supervisors within 30 calendar days** after the project approval action identified on the determination. The procedures for filing an appeal of an exemption determination are available from the Board of Supervisors at [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org), 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.





## Initial Study – Community Plan Evaluation

*Case No.:* **2017-015039ENV**  
*Project Address:* **350-352 San Jose Avenue**  
*Zoning:* RM-2 (Residential – Mixed, Moderate Density)  
 40-X Height and Bulk District  
*Block/Lot:* 6532/010A  
*Lot Size:* 7,148 square feet  
*Plan Area:* Eastern Neighborhoods Area Plan, Mission subarea  
*Project Sponsor:* James Nunemacher, 350 San Jose LLC, (415) 321-7007  
*Staff Contact:* Megan Calpin, (415) 575-9049, [megan.calpin@sfgov.org](mailto:megan.calpin@sfgov.org)

### A. PROJECT DESCRIPTION

The approximately 7,150-square-foot project site is located on the west side of San Jose Avenue, on the block bounded by 25<sup>th</sup> Street to the north, Valencia Street to the east, Guerrero Street to the west, and 26<sup>th</sup> Street to the south in the Mission neighborhood (see Figure 1, Location Map, in Appendix). The existing building is a 3,562-square-foot, approximately 34-foot-tall, two-story-over-basement residential building constructed around 1900. The building contains four dwelling units and is set back 40 feet from the front property line. The site is relatively flat, sloping up from San Jose Avenue less than 4 percent. An existing approximately 10-foot curb cut on San Jose Avenue provides access to a driveway that goes underneath a cantilevered portion of the building, providing vehicle access to a paved rear yard with five parking spaces.

The project proposes moving the existing building 15 feet eastward on the lot (toward the San Jose Avenue frontage), reducing the front set back from approximately 40 feet to approximately 25 feet. The project also proposes a horizontal and vertical addition to the building that would increase the residential square footage by approximately 9,192 square feet to a new total of 11,005 square feet. One vertical floor would be added to the building, with a resulting height of approximately 40 feet, with an additional 3 feet to the top of the rooftop mechanical features. Eight dwelling units would be added to the building—at the basement, first, second, and third floors, for a total of 12 dwelling units. See Project Plans in Appendix for existing and proposed site plans and proposed floor plans and sections. The existing curb cut would remain and provide access to a new below-grade garage. The driveway underneath the building would be filled in to accommodate basement-level units and a garage with four vehicle parking spaces and 12 Class 1 bicycle spaces.

Construction of the project is estimated to take approximately nine months. First, the existing building would be disconnected from the foundation and held up while excavation and foundation construction would occur. Then the existing structure would be moved eastward and placed on the new conventional spread footing foundation. Lastly, the project would construct the vertical and horizontal additions to the existing structure. The project would result in



excavation of up to 9.5 feet in depth and up to 925 cubic yards of soil. The building’s footprint would expand from 1,521 feet at the basement level to 3,900 feet in total.

Table 1, Project Details summarizes the existing conditions, proposed changes, and proposed final project totals.

**Table 1. Project Details**

	Existing	Proposed Addition	Proposed Final Project Totals
<b>Residential Square Footage</b>	2,786	8,219	11,005
<b>Dwelling Units</b>	4	8	12
<b>Vehicle Parking Spaces</b>	5	-1	4
<b>Class 1 Bicycle Parking Spaces</b>	0	12	12
<b>Building height</b>	34 feet 2 inches	5 feet 10 inches	40 feet
<b>Building stories</b>	2	1	3 over basement

### **Project Approvals**

**Approval Action:** The approval action is a building permit. If discretionary review before the planning commission is requested, the discretionary review hearing is the approval action for the project. If no discretionary review is requested, the issuance of the building permit is the approval action. The approval action date establishes the start of the 30-day appeal period for this CEQA determination pursuant to section 31.04(h) of the San Francisco Administrative Code.

## **B. COMMUNITY PLAN EVALUATION OVERVIEW**

CEQA section 21083.3 and CEQA Guidelines section 15183 mandate that projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an environmental impact report (EIR) was certified, shall not be subject to additional environmental review except as might be necessary to examine whether there are project-specific significant effects that are peculiar to the project or its site. Guidelines section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for the project solely on the basis of that impact.

This initial study evaluates the potential project-specific environmental effects of the proposed 350-352 San Jose Avenue project described above and incorporates by reference information contained in the programmatic EIR for the Eastern Neighborhoods Rezoning and Area Plans (PEIR)<sup>1</sup>. The following project-specific studies were prepared for the proposed project to determine if the project would result in any significant environmental impacts that were not identified in the Eastern Neighborhoods PEIR<sup>2</sup>:

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<sup>1</sup> Planning Department Case No. 2004.0160E and State Clearinghouse No. 2005032048.

<sup>2</sup> Project specific studies prepared for the 350-352 San Jose Avenue project are available for public review on the San Francisco Property Information Map, which can be accessed at <http://sfplanningis.org/PIM/>. Individual files can be

<b>Project Specific Studies</b>	
Geotechnical Report	Shadow Analysis
Phase 1 Environmental Site Assessment	Greenhouse Gas Analysis checklist
Historical Resources Evaluation, Part II	Archaeological Research Design and Treatment Plan

## **C. PROJECT SETTING**

### **Site Vicinity**

The project site is located on the west side of San Jose Avenue between 25<sup>th</sup> and 26<sup>th</sup> streets in the Mission Neighborhood. The immediate project site vicinity is characterized by a residential use. The block on which the project site is located contains RM-1, RH-3, and RM-2 use districts. The blocks to the south and west of the project site contain RH-3 and Valencia Street NCT (Neighborhood Commercial Transit) use districts. The subject block is within a 40-X height and bulk district. The blocks to the south and west have a variety of higher height limits, ranging from 45-X to 145-E. The low- to medium-density scale of development in the immediate project vicinity primarily includes two- to three-story buildings. The buildings on San Jose Avenue and 25<sup>th</sup> Street are primarily residential; the buildings on 26<sup>th</sup> Street are a mixture of residential and retail.

The project site shares a property line with Juri Commons, a park under the jurisdiction of the San Francisco Recreation and Park Department. The park is a narrow, diagonal, 10,650-square-foot, through-block park accessible from the intersection at Juri Street and San Jose Avenue on the north and Guerrero Street near 26<sup>th</sup> Street at the southern entrance. The park is located on a former railroad right-of-way that cuts through the block bounded by 25<sup>th</sup>, 26<sup>th</sup>, and Guerrero and Valencia Streets.

Within a 0.25-mile radius of the project site, the San Francisco Municipal Railway (Muni) transit operates lines 12 Folsom/Pacific, 14 Mission, 14R Mission Rapid, 27 Bryant, 36 Teresita, 48 Quintara/24<sup>th</sup> Street, 49 Van Ness/Mission, and 67 Bernal Heights. The 24<sup>th</sup> Street Mission Bay Area Rapid Transit (BART) station is located within three blocks of the project site. Parallel on-street vehicle parking is provided on all streets surrounding the subject block. In addition, a separated bike path is located on Valencia Street, one block to the west.

### **Cumulative Setting**

CEQA Guidelines section 15130(b)(1) provides two methods for cumulative impact analysis: the “list-based approach” and the “projections-based approach”. The list-based approach uses a list of projects producing closely related impacts that could combine with those of a proposed project to

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viewed by clicking on the Planning Applications link, clicking on the “More Details” link under the project’s environmental case number (2017-015039ENV), and clicking on the “Related Documents” link.

evaluate whether the project would contribute to significant cumulative impacts. The projections-based approach uses projections contained in a general plan or related planning document to evaluate the potential for cumulative impacts. This project-specific analysis employs both the list-based and projections-based approaches, depending on which approach best suits the resource topic being analyzed.

The proposed project is located within the area of the city addressed under the Eastern Neighborhoods Rezoning and Area Plans. The Eastern Neighborhoods PEIR evaluated the physical environmental impacts resulting from the rezoning of this plan area, including impacts resulting from an increase of up to 9,858 housing units and 6.6 million square feet of non-residential uses and a reduction of up to 4.9 million square feet of production, distribution, and repair (PDR) uses. The cumulative impact analysis provided in this initial study uses updated projections as needed for certain topics to evaluate whether the proposed project could result in new or substantially more severe cumulative impacts than were anticipated in the Eastern Neighborhoods PEIR. For example, the cumulative transportation analysis in this initial study is based on projected 2040 cumulative conditions, whereas the Eastern Neighborhoods PEIR relied on 2025 cumulative transportation projections.

The cumulative analysis for certain localized impact topics (e.g., cumulative shadow and wind effects) uses the list-based approach. The following is a list of reasonably foreseeable projects within the project vicinity (approximately one-quarter mile) that are included:

- **Juri Commons** – The proposal, undertaken by the Recreation and Park Department, includes park renovation, pathway upgrade to be end-to-end Americans-with-Disabilities-Act compliant, irrigation repair, and play area upgrades.
- **2918 Mission Street** – The proposal includes the demolition of the existing retail building and surface parking lot and the construction of a new mixed-use residential and retail building with 75 dwelling units. The proposed building would be 64 feet tall and six-stories. The ground floor frontage on Mission Street would consist of retail uses and a residential lobby.
- **1278–1298 Valencia Street** - The proposal would replace an existing gas station with a six-story, mixed-use residential building. At completion, the project would provide approximately 3,700 square feet of ground floor retail and 35 residential units on floors 2 through 6. Nine parking spaces would be provided.
- **3178 Mission Street** – The proposal includes demolition of the existing building and construction of a mixed-use, five-story, 50-foot-tall building. Four dwelling units would be located on floors two through five, with commercial space on ground floor.
- **2976 Mission Street** – The proposal includes renovation and addition of approximately 640 square feet of commercial space at the ground floor and 4 additional floors for a total of 8 residential units and the elimination of the 2-car garage.
- **3359 26<sup>th</sup> Street** - The proposed project would retain the existing building and construct a three-story addition over the structure at the north end of the parcel and a four-story addition over the structure at the south end of the parcel. The proposed alterations would result in an approximately 16,500-square-foot, 55-foot-tall mixed-use residential building, retaining approximately 6,030 square feet of the existing commercial space and add

approximately 8,550 square feet of residential space within the proposed vertical additions. The commercial space would continue to operate as an art gallery and cafe. The proposed project would provide eight (seven net new) residential units.

See Figure 2, Cumulative Projects within One-Quarter Mile of the Project Site in Appendix for a map of these cumulative projects in relation to the project site at 350-352 San Jose Avenue.

#### D. SUMMARY OF ENVIRONMENTAL EFFECTS

The proposed project could potentially affect the environmental factor(s) checked below. The following pages present a more detailed checklist and discussion of each environmental topic.

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Land Use and Planning          | <input type="checkbox"/> Air Quality                   | <input type="checkbox"/> Geology and Soils                  |
| <input type="checkbox"/> Aesthetics                     | <input type="checkbox"/> Greenhouse Gas Emissions      | <input type="checkbox"/> Hydrology and Water Quality        |
| <input type="checkbox"/> Population and Housing         | <input type="checkbox"/> Wind                          | <input type="checkbox"/> Hazards & Hazardous Materials      |
| <input checked="" type="checkbox"/> Cultural Resources  | <input checked="" type="checkbox"/> Shadow             | <input type="checkbox"/> Mineral Resources                  |
| <input type="checkbox"/> Tribal Cultural Resources      | <input type="checkbox"/> Recreation                    | <input type="checkbox"/> Energy                             |
| <input type="checkbox"/> Transportation and Circulation | <input type="checkbox"/> Utilities and Service Systems | <input type="checkbox"/> Agriculture and Forestry Resources |
| <input type="checkbox"/> Noise                          | <input type="checkbox"/> Public Services               | <input type="checkbox"/> Wildfire                           |

#### E. EVALUATION OF ENVIRONMENTAL EFFECTS

The Eastern Neighborhoods PEIR included analyses of environmental issues including: land use; plans and policies; visual quality and urban design; population, housing, business activity, and employment (growth inducement); transportation; noise; air quality; parks, recreation and open space; shadow; archeological resources; historic architectural resources; hazards; and other issues not addressed in the previously issued initial study for the Eastern Neighborhoods Rezoning and Area Plans. The proposed 350-352 San Jose Avenue project is in conformance with the height, bulk, use, and density for the site described in the Eastern Neighborhoods PEIR and, as documented below, the proposed project would not result in any new or substantially more severe impacts than were identified in the Eastern Neighborhoods PEIR.

This initial study evaluates the proposed project's individual and cumulative environmental effects to determine whether the environmental impacts of the proposed project are adequately addressed in the Eastern Neighborhoods PEIR.<sup>3</sup> In accordance with CEQA Guidelines section 15183, this initial study examines whether the proposed project would result in significant impacts that: (1) are peculiar to the project or project site; (2) were not identified as significant project-level, cumulative, or off-site effects in the PEIR; or (3) are previously identified significant effects, which as a result of substantial new information that was not known at the time that the Eastern

<sup>3</sup> San Francisco Planning Department, *Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report*, Planning Department Case No. 2004.0160E, State Clearinghouse No. 2005032048, certified August 7, 2008. Available online at: [https://sfplanning.org/environmental-review-documents?field\\_environmental\\_review\\_categ\\_target\\_id=214&items\\_per\\_page=10](https://sfplanning.org/environmental-review-documents?field_environmental_review_categ_target_id=214&items_per_page=10), accessed April 24, 2019.

Neighborhoods PEIR was certified, are determined to have a substantially more severe adverse impact than discussed and disclosed in the PEIR. Such impacts, if any, will be evaluated in a project-specific, focused mitigated negative declaration or environmental impact report. If no such impacts are identified, no additional environmental review shall be required for the project beyond that provided in the Eastern Neighborhoods PEIR and this project-specific initial study in accordance with CEQA section 21083.3 and CEQA Guidelines section 15183.

Mitigation measures from the Eastern Neighborhoods PEIR that this initial study determines are applicable to the project are identified under each environmental topic and the full text of any applicable mitigation measures is provided in Attachment B, Mitigation Monitoring and Reporting Program.

The Eastern Neighborhoods PEIR identified significant impacts related to land use, transportation, cultural resources, shadow, noise, air quality, and hazardous materials. Additionally, the PEIR identified significant cumulative impacts related to land use, transportation, and cultural resources. Mitigation measures were identified for the above impacts and reduced all impacts to less-than-significant except for those related to land use (cumulative impacts on PDR use), transportation (program-level and cumulative traffic impacts at nine intersections; program-level and cumulative transit impacts on seven Muni lines), cultural resources (cumulative impacts from demolition of historical resources), and shadow (program-level impacts on parks).

The proposed project would include moving the existing four-unit residential building 15 feet to the east (toward San Jose Avenue) from its current location on the lot and the addition of 9,650 square feet of residential use and eight dwelling units. The proposed project would include a vertical addition of one story and a horizontal addition to the rear of the existing two-story building. The resulting building would be three stories, contain 12 dwelling units, and extend 40 feet to the roofline with an additional 3 feet to the top of the rooftop mechanical features. As discussed below in this initial study, the proposed project would not result in new significant environmental effects, or effects of greater severity than were already analyzed and disclosed in the Eastern Neighborhoods PEIR.

## **Regulatory Changes**

Since the certification of the Eastern Neighborhoods PEIR in 2008, several new policies, regulations, statutes, and funding measures have been adopted, passed, or are underway that affect the physical environment and/or environmental review methodology for projects in the Eastern Neighborhoods plan areas. As discussed in each topic area referenced below, some of these policies, regulations, statutes, and funding measures have implemented or will implement certain mitigation measures or will reduce impacts determined to be less-than-significant in the PEIR. New and changed policies and regulations relevant to this initial study include:

- State legislation amending CEQA to eliminate consideration of aesthetics and parking impacts for infill projects in transit priority areas, effective January 2014.
- State legislation amending CEQA and San Francisco Planning Commission resolution 19579 replacing level of service analysis of automobile delay with vehicle miles traveled analysis, effective March 2016.

- San Francisco Bicycle Plan update adoption in June 2009, Better Streets Plan adoption in 2010, Transit Effectiveness Project (aka “Muni Forward”) adoption in March 2014; Vision Zero adoption by various city agencies in 2014; Propositions A (Transportation and Road Improvement Bond) and B (Transportation Set-Aside) passage in November 2014; and the Transportation Sustainability Program consisting of adoption of a transportation sustainability fee, effective January 2016; and adoption of a transportation demand management program, effective March 2017.
- San Francisco ordinance establishing Noise Regulations Related to Residential Uses near Places of Entertainment effective June 2015 (see initial study Noise section).
- San Francisco ordinances establishing Construction Dust Control, effective July 2008, and Enhanced Ventilation Required for Urban Infill Sensitive Use Developments, amended December 2014 (see initial study Air Quality section).
- San Francisco Clean and Safe Parks Bond passage in November 2012 and San Francisco Recreation and Open Space Element of the General Plan adoption in April 2014 (see initial study Recreation section).
- San Francisco Health Code Article 22A amendments effective August 2013 (see initial study Hazardous Materials section).

**CEQA Section 21099**

In accordance with CEQA section 21099 – Modernization of Transportation Analysis for Transit Oriented Projects – aesthetics and parking shall not be considered in determining if a project has the potential to result in significant environmental effects, provided the project meets the following three criteria:

- a) The project is in a transit priority area;
- b) The project is on an infill site; and
- c) The project is residential, mixed-use residential, or an employment center.

The proposed project meets each of the above three criteria and thus, this checklist does not consider aesthetics or parking in determining the significance of project impacts under CEQA.<sup>4</sup>

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**E.1 LAND USE AND LAND USE PLANNING**

**Eastern Neighborhoods PEIR Land Use and Planning Findings**

The Eastern Neighborhoods PEIR determined that implementation of the rezoning and area plans would not create any new physical barriers in the Eastern Neighborhoods plan areas because the rezoning and area plans do not provide for any new major roadways, such as freeways that would disrupt or divide the plan areas or individual neighborhoods or subareas. The Eastern

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<sup>4</sup>San Francisco Planning Department, *Eligibility Checklist: CEQA Section 21099 – Modernization of Transportation Analysis for 350-352 San Jose Avenue, July 29, 2019*. This document (and all other documents cited in this report, unless otherwise noted), is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400 as part of Case File No. 2017-015039ENV.

Neighborhoods Rezoning and Area Plans is a regulatory program and the PEIR determined that the plan is consistent with various plans, policies, and regulations. Further, projects proposed under the plan must comply with all regulations and thus would not cause a significant environmental impact due to a conflict with plans, policies, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The Eastern Neighborhoods PEIR determined that adoption of the rezoning and area plans would result in an unavoidable significant impact on land use character due to the cumulative loss of industrial (PDR) building space. Subsequent CEQA case law since certification of the Eastern Neighborhoods PEIR has clarified that “community character” itself is not a physical environmental effect.<sup>5</sup> Therefore, consistent with Appendix G of the CEQA Guidelines, analysis concerning land use character has been removed from further evaluation in this project-specific initial study.

### Project Analysis

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>Would the project:</b>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant physical environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

E.1.a) The proposed project would not result in the construction of a physical barrier to neighborhood access or the removal of an existing means of access; it would result in the construction of a new building within established lot boundaries. The proposed project would not alter the established street grid or permanently close any streets or sidewalks. Therefore, the proposed project would not physically divide an established community.

E.1.b) The proposed project is consistent with the development density established in the Eastern Neighborhoods Rezoning and Area Plans and must be compliant with regulations and therefore would not cause a significant physical environmental impact due to a conflict with applicable land use plans, policies, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.<sup>6</sup>

### Cumulative Analysis

The proposed project would have no impact with respect to physically dividing a community or causing a significant physical environmental impact due to a conflict with an applicable land use plan or regulation and, therefore, would not have the potential to contribute to a significant cumulative impact related to land use or land use planning.

<sup>5</sup> Preserve Poway v. City of Poway, 245 Cal.App.4th 560.

<sup>6</sup> San Francisco Planning Department, *Community Plan Evaluation Eligibility Determination, Current Planning Analysis*, 350-352 San Jose Avenue, June 8, 2018.

## **Conclusion**

The proposed project would not result in a significant project-level or cumulative land use impact. Therefore, the proposed project would not result in significant physical environmental land use impacts not already disclosed in the Eastern Neighborhoods PEIR.

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## **E.2 POPULATION AND HOUSING**

### **Eastern Neighborhoods PEIR Population and Housing Findings**

The PEIR concluded that adoption of the rezoning and area plans: “would induce substantial growth and concentration of population in San Francisco.” The PEIR states that the increase in population expected to occur as a result of the proposed rezoning and adoption of the area plans would not, in itself, result in adverse physical effects, and would serve to advance key city policy objectives, such as providing housing in appropriate locations next to Downtown and other employment generators and furthering the city’s transit first policies. It was anticipated that the rezoning would result in an increase in both housing development and population in all of the area plan neighborhoods. The Eastern Neighborhoods PEIR determined that the anticipated increase in population and density would not directly result in significant adverse physical effects on the environment. However, the PEIR identified significant cumulative impacts on the physical environment that would result indirectly from growth afforded under the rezoning and area plans, including impacts on land use, transportation, air quality, and noise. The PEIR contains detailed analyses of these secondary effects under each of the relevant resource topics and identifies mitigation measures to address significant impacts where feasible.

The PEIR determined that implementation of the rezoning and area plans would not have a significant physical environmental impact from the direct displacement of existing residents, and that each of the rezoning options considered in the PEIR would result in less displacement as a result of unmet housing demand than would be expected under the *no-project* scenario because the addition of new housing would provide some relief to housing market pressure without directly displacing existing residents. However, the PEIR also noted that residential displacement is not solely a function of housing supply, and that adoption of the rezoning and area plans could result in indirect, secondary effects through gentrification that could displace some residents. The PEIR discloses that the rezoned districts could transition to higher-value housing, which could result in gentrification and displacement of lower-income households, and states moreover that existing lower-income residents of the Eastern Neighborhoods, who also disproportionately live in crowded conditions and in rental units, are among the most vulnerable to displacement resulting from neighborhood change. The PEIR found, however, that gentrification and displacement that could occur under the Eastern Neighborhoods Rezoning and Area Plans would not result in increased physical environmental impacts beyond those disclosed in the PEIR.



## Project Analysis

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>Would the project:</b>				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing units necessitating the construction of replacement housing?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

E.2.a) The proposed project would include moving the existing four-unit residential building 15 feet to the east (toward San Jose Avenue) from its current location on the lot and the addition of 9,650 square feet of residential use and eight dwelling units. The proposed project would be a vertical addition of one story and a horizontal addition to the rear of the existing two-story building. The resulting building would be three stories, contain 12 dwelling units, and extend 40 feet to the roofline with an additional 3 feet to the top of the rooftop mechanical features. Based on the average household size of 2.35<sup>7</sup> and addition of eight dwelling units, the proposed project would add approximately 19 residents to the project site.

The Association of Bay Area Governments (ABAG) prepares projections of employment and housing growth for the Bay Area. The latest projections were prepared as part of Plan Bay Area 2040, adopted by ABAG and the Metropolitan Transportation Commission in 2017. The growth projections for San Francisco County anticipate an increase of 137,800 households and 295,700 jobs between 2010 and 2040.<sup>8</sup>

The project's eight additional units would contribute to growth that is projected by ABAG. As part of the planning process for Plan Bay Area, San Francisco identified *priority development areas*, which are areas where new development will support the day-to-day needs of residents and workers in a pedestrian-friendly environment served by transit. The project site is located within the Eastern Neighborhoods priority development area; thus, it would be implemented in an area where new population growth is anticipated.

The project would also be located in a developed urban area with available access to necessary infrastructure and services (transportation, utilities, schools, parks, hospitals, etc.). Since the project site is located in an established urban neighborhood and is not an infrastructure project, it would not indirectly induce substantial population growth. Therefore, the housing and employment

<sup>7</sup> U.S. Census Bureau, San Francisco County, California, Families and Living Arrangements, Households, 2013-2017. Available online at: <https://www.census.gov/quickfacts/sanfranciscocountycalifornia>. Accessed April 10, 2019.

<sup>8</sup> Metropolitan Transportation Commission and Association of Bay Area Government, *Plan Bay Area 2010 Final Supplemental Report: Land Use and Modeling Report*. July 2017. This document is available online at: <http://2040.planbayarea.org/reports>. Accessed November 7, 2018.

growth generated by the project would not result in new or more severe impacts than were identified in the Eastern Neighborhoods PEIR. The physical environmental impacts resulting from housing and employment growth generated by the project are evaluated in the relevant resources topics in this initial study.

E.2.b) The proposed project would not permanently displace any residents or housing units. One tenant would be temporarily rehoused during the construction of the project and then allowed to return to the building when complete.<sup>9</sup> The proposal would add eight housing units to the project site. Therefore, the proposed project would have no direct impact related to the displacement of housing units or people and would not necessitate the construction of replacement housing elsewhere that could result in physical environmental effects.

### **Cumulative Analysis**

The cumulative context for the population and housing topic is the City and County of San Francisco. The proposed project would provide housing units that would result in increases in population (households). As discussed above, San Francisco is anticipated to grow by 137,800 households and 295,700 jobs between 2010 and 2040. Between 2010 and 2017, San Francisco's population grew by approximately 13,000 households and 137,200 jobs, leaving approximately 124,839 additional households and 158,486 additional jobs projected for San Francisco through 2040.<sup>10,11</sup> As of the fourth quarter of 2018, approximately 70,960 net new housing units are in the pipeline, i.e., are either under construction, have building permits approved or filed, or applications filed, including remaining phases of major multi-phased projects.<sup>12</sup> The pipeline also includes projects with land uses that would result in an estimated 94,600 new employees.<sup>13,14</sup> As such, cumulative household and employment growth is below the ABAG projections for planned growth in San Francisco. Therefore, the proposed project in combination with citywide development would not result in significant cumulative environmental effects associated with inducing unplanned population growth or displacing substantial numbers of people or housing, necessitating the construction of replacement housing elsewhere.

### **Conclusion**

The proposed project would contribute a small portion of the growth anticipated within the Eastern Neighborhoods plan area under the Eastern Neighborhoods Rezoning and Area Plans as well as for San Francisco as a whole under Plan Bay Area. The project's incremental contribution to this anticipated growth would not result in a significant individual or cumulative impact related to

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<sup>9</sup> Nunemacher, James, CEO, Vanguard Properties (Project Sponsor), e-mail correspondence with Megan Calpin, Environmental Planner, San Francisco Planning Department, April 26, 2018.

<sup>10</sup> U.S. Census Bureau, American Fact Finder, 2010 Demographic Profile Data and 2010 Business Patterns, San Francisco County. Available online at: <https://factfinder.census.gov/faces/nav/jsf/pages/programs.xhtml?program=dec>. Accessed April 10, 2019.

<sup>11</sup> U.S. Census Bureau, Quick Facts, San Francisco County, California, Population Estimates July 1, 2017 and Households 2013-2017. Available online at: <https://www.census.gov/quickfacts/sanfranciscocountycalifornia>. Accessed April 10, 2019.

<sup>12</sup> San Francisco Planning Department, 2018 Q4. Housing Development Pipeline. Available online at: <https://sfplanning.org/project/pipeline-report>. Accessed April 10, 2019.

<sup>13</sup> Ibid.

<sup>14</sup> San Francisco Planning Department, Citywide Division, Information and Analysis Group, Scott Edmundson, March 19, 2019.

population and housing. Therefore, the proposed project would not result in significant physical environmental impacts related to population and housing that were not identified in the Eastern Neighborhoods PEIR.

### E.3 CULTURAL RESOURCES

#### Eastern Neighborhoods PEIR Cultural Findings

The Eastern Neighborhoods PEIR determined that future development facilitated through the changes in use districts and height limits under the Eastern Neighborhoods Area Plans could have substantial adverse changes on the significance of both individual historical resources and on historical districts within the plan areas. The PEIR determined that approximately 32 percent of the known or potential historical resources in the plan areas could potentially be affected under the maximum development alternative.<sup>15</sup> The Eastern Neighborhoods PEIR found this impact to be significant and unavoidable.

The Eastern Neighborhoods PEIR determined that development under the area plans and rezoning could result in significant impacts on archeological resources and identified three mitigation measures that would reduce these potential impacts to a less-than-significant level. Eastern Neighborhoods PEIR Mitigation Measure J-1, which applies to properties for which a final *archeological research design and treatment plan* (ARDTP) is on file at the Northwest Information Center of the California Historical Resources Information System and at the planning department, requires preparation of an addendum to the existing ARDTP. Mitigation Measure J-2 applies to properties for which no archeological assessment report has been prepared or for which the archeological documentation is incomplete or inadequate to serve as an evaluation of potential effects on archeological resources under CEQA, requires the preparation of a preliminary archeological sensitivity study. Mitigation Measure J-3, which applies to properties in the Mission Dolores Archeological District, requires that a specific archeological testing program be conducted by a qualified archeological consultant with expertise in California prehistoric and urban historical archeology.

#### Project Analysis

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>Would the project:</b>				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5, including those resources listed in article 10 or article 11 of the San Francisco <i>Planning Code</i> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>15</sup> The approved Eastern Neighborhoods Area Plan was less intensive than the maximum development alternative analyzed in the PEIR.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

E.3.a) Pursuant to CEQA Guidelines sections 15064.5(a)(1) and 15064.5(a)(2), historical resources are buildings or structures that are listed, or are eligible for listing, in the California Register of Historical Resources or are identified in a local register of historical resources, such as Articles 10 and 11 of the San Francisco Planning Code. The existing building was constructed circa 1875 and was evaluated in the planning department’s 2010 South Mission Historic Resource Survey. A Historic Resource Evaluation Part 2 (*evaluation*) was prepared for the property.<sup>16</sup> The building at 350-352 San Jose Avenue was assigned a California Register of Historical Resources status code of 3CS—indicating that the property appeared eligible for the National Register of Historic Places as an individual property. Thus, the building is considered to be a historic resource under CEQA.

Planning staff prepared a Preservation Team Review Form based on the proposed design and the evaluation.<sup>17</sup> According to these background documents, the existing property has a variety of character-defining features, mostly on the front façade of the building, including the location of the building within the lot and the large front yard. The rear façade was determined to not be character-defining.

Planning department staff reviewed the proposed project, including its relocation approximately 15 feet eastward and determined that, while the project did not conform to all of the Standards as discussed below, it would not materially impair the historic resource and would not result in an adverse impact under CEQA. Specifically, the department concluded that, with project implementation, the building would retain all character-defining features that mark it as an Italianate-style residence. Although the front yard would be reduced in size, enough of it would be retained that it would be visibly distinct from more recent patterns of urban development that are evident on the subject block, in which buildings are constructed out to the front lot line. And although the building’s location would change as a result of being moved forward 15 feet, it would remain on the same lot and its relationship to its neighbors would be essentially the same.<sup>18</sup>

Therefore, the proposed project would not contribute to the significant historic resource impact identified in the Eastern Neighborhoods PEIR, and no historic resource mitigation measures would apply to the proposed project.

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<sup>16</sup> Watson Heritage Consulting, Historic Resources Evaluation Part 2, August 1, 2018.  
<sup>17</sup> San Francisco Planning Department, Preservation Team Review Form, April 3, 2019.  
<sup>18</sup> Ibid.

E.3.b) The proposed project is located in the Archeological Mitigation Zone J-2 (Properties with No Previous Studies) of the *Eastern Neighborhoods Rezoning and Area Plans* FEIR. Accordingly, a site-specific Archeological Research Design and Treatment Plan (plan) was prepared in compliance with Mitigation Measure J-2. The plan— *Archeological Research Design and Treatment Plan, 350 San Jose Avenue*—concluded that soils disturbing activities (excavation and foundation support) resulting from the proposed project have the potential to adversely affect archeological deposits and features.<sup>19</sup> According to the plan, soils disturbing activities resulting from the proposed project have moderately-high potential for adversely affecting pre-1905 historic-period archeological resources; if undisturbed historic features exist on the property, they could be present within a few feet beneath the existing concrete and could be encountered in excavations for the new basement. The plan also states that soil disturbing activities have low potential for encountering prehistoric archeological resources, due to distance from former natural water sources, which are an important factor in predicting the locations of prehistoric settlements. The plan states that pre-construction archaeological testing would not be feasible, as portions of the site that would be excavated are presently covered in concrete. Further, focused archaeological testing is not warranted because archival data are insufficient to assist in the prediction of potential locations of historic features: archaeological sensitivity is uniform throughout the site.

Thus, the implementation of an Archeological Monitoring Program (monitoring program) was recommended to take place during any ground-disturbing activity. **Mitigation Measure M-J-2** will apply to this project as **Project Mitigation Measure 1**. The full text of the mitigation measure can be found in the attached Mitigation Monitoring and Reporting Program (MMRP). Under this measure, an archaeological monitor will observe all ground-disturbing activities and, in the event of a discovery during construction, construction work would be stopped and appropriate assessment and treatment be implemented.

Based on the assessed low potential for prehistoric archaeological sites, it is not anticipated that human remains would be encountered on the project site. However, archaeological monitoring during construction under **Project Mitigation Measure 1** also would ensure that human remains that could unexpectedly be encountered would be protected and Native American consultation would be conducted, consistent with the requirements of Public Resources Code 5097.98.

With implementation of **Mitigation Measure M-J-2** as described above, the proposed project would have a less-than-significant impact on archaeological resources and previously unknown human remains.

E.3.c) Archeological resources may include human remains. Human remains outside of formal cemeteries often occur in prehistoric or historic period archeological contexts. The potential for the proposed project to affect archeological resources, which may include human remains is addressed above under E.3.b. Furthermore, the treatment of human remains and of associated or unassociated funerary objects must comply with applicable state laws. This includes immediate notification to the county coroner (San Francisco Office of the Chief Medical Examiner) and, in the event of the

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<sup>19</sup> Sonoma State University, Anthropological Studies Center, *Archeological Research Design and Treatment Plan, 350 San Jose Avenue*, San Francisco California, August 2018.

coroner's determination that the human remains are Native American, notification of the California Native American Heritage Commission, which shall appoint a most likely descendant.<sup>20</sup>

### **Cumulative Analysis**

As discussed above, the proposed project would have no effect on historic architectural resources with mitigation and therefore would not have the potential to contribute to any cumulative historic resources impact.

The cumulative context for archeological resources and human remains is site specific and generally limited to the immediate construction area. For these reasons, the proposed project, in combination with other cumulative projects, would not result in a cumulatively considerable impact on archeological resources or human remains.

### **Conclusion**

The proposed project would not result in significant impacts to historic resources and impacts to archeological resources would be mitigated to less-than-significant levels with implementation of mitigation measures identified in the Eastern Neighborhoods PEIRs. The project sponsor has agreed to implement Project Mitigation Measure 1. Therefore, the proposed project would not result in significant impacts on cultural resources that were not identified in the Eastern Neighborhoods PEIR.

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## **E.4 TRIBAL CULTURAL RESOURCES**

### **Eastern Neighborhoods PEIR Cultural Findings**

Based on discussions with Native American tribal representatives in San Francisco prehistoric archeological resources are presumed to be potential tribal cultural resources. Additionally, based on discussions with Native American tribal representatives, there are no other currently identified tribal cultural resources in San Francisco. Therefore, based on the results of this consultation between the City and County of San Francisco and local Native American tribal representatives, all archaeological resources of Native American origin are assumed to be potential tribal cultural resources. The preferred mitigation of impacts to such resources developed in consultation with local Native American tribal representatives is preservation in place or, where preservation is not feasible, development and implementation of archaeological and public interpretation plans for the resource, in consultation with local Native American tribes. The Eastern Neighborhoods PEIR found that development under the area plans and rezoning could cause a substantial adverse change to the significance of archeological resources because the entire plan area could be considered generally sensitive for archeological resources. On this basis, projects implemented under the PEIR have the potential to result in a substantial adverse change in tribal cultural resources. Eastern Neighborhoods PEIR Mitigation Measure PEIR mitigation measures J-2 from Cultural Resources section above would mitigate impacts to tribal cultural resources to a less than significant level as it includes avoidance, as feasible, and interpretation as requested by local Native American tribal representatives.

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<sup>20</sup> California Public Resources Code section 5097.98

## Project Analysis

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>Would the project:</b>				
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or				
(ii) A resource determined by the lead agency in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in this subdivision, the lead agency shall consider the significance of the resource to a California Native American tribe.				

E.4.a) As discussed in the Cultural Resources section of this document, the project site has low to moderate sensitivity for prehistoric resources, which may also represent tribal cultural resources. Project Mitigation Measure 1, Archeological Monitoring Program, would require archaeological monitoring during any soils disturbing activities. Additionally, if any tribal cultural resources were found as a result of the soil disturbing activities, consultation with descendant communities would be required. Therefore, the project's proposed excavation to 9.5 feet below ground surface would not result in a significant impact, should tribal cultural resources be encountered.

Identification of potential tribal cultural resources that would be affected by a project, followed by preservation and/or archaeological treatment and public interpretation, are within the scope of Eastern Neighborhoods Mitigation Measure J-2 from Cultural Resources section above. Consistent with this measure, when an archaeological resource that is a potential tribal cultural resource is found or suspected to be present on a project site, and where the project cannot feasibly be re-designed so as to avoid any adverse effect on the significant archeological resource (that is, to preserve the resource), archaeological treatment would be conducted, and an interpretive plan would be developed and implemented in consultation with an Ohlone representative. With implementation of Project Mitigation Measure 1, the proposed project would have a less-than-significant impact on tribal cultural resources.

### **Cumulative Analysis**

The cumulative context for tribal cultural resources is generally site specific and limited to the immediate construction area. For this reason, the proposed project, in combination with other cumulative projects, would not result in cumulative impacts to tribal cultural resources.

### **Conclusion**

The proposed project's impact to tribal cultural resources would be mitigated to less-than-significant levels with the implementation of Project Mitigation Measures 1, implementing PEIR mitigation measure J-2 as described in the Cultural Resources section above. Therefore, the proposed project would not result in significant impacts to archaeological resources that constitute tribal cultural resources that were not identified in the Eastern Neighborhoods PEIR.

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## **E.5 TRANSPORTATION AND CIRCULATION**

### **Eastern Neighborhoods PEIR Transportation and Circulation Findings**

The Eastern Neighborhoods PEIR anticipated that growth resulting from the zoning changes would not result in significant impacts related to pedestrians, bicyclists, loading, or construction traffic. The PEIR states that in general, the analyses of pedestrian, bicycle, loading, emergency access, and construction transportation impacts are specific to individual development projects. The PEIR stated the department would conduct project-specific analysis for future projects under the plan.

The PEIR anticipated that growth resulting from the zoning changes could result in significant and unavoidable with mitigation impacts on automobile delay and transit (both delay and ridership). The PEIR identified Mitigation Measures E-1 through E-11 to address these impacts. The City is responsible for implementing these measures, not developers of individual development projects. At the time of the PEIR, the City could not guarantee the future implementation of these measures. Since PEIR certification, the City implemented some of these measures (e.g., Transit Effectiveness Project, increased transit funding, and others listed under "Regulatory Changes").

This initial study reflects two changes because of state and local actions. The state amended CEQA to remove automobile delay as a consideration (CEQA section 21099(b)(2)). In March 2016, Planning Commission resolution 19579 implemented this state-level change in San Francisco. In February 2019, the department updated its Transportation Impact Analysis Guidelines (2019 guidelines). With that update, the department deleted the transit capacity criterion. The deletion is consistent with state guidance about the environmental benefits of new transit riders and to reflect funding sources for and policies that encourage additional ridership.<sup>21</sup> Accordingly, this initial study does not evaluate the project's impact on automobile delay or transit capacity.

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<sup>21</sup> San Francisco Planning Department, "Transportation Impact Analysis Guidelines Update: Summary of Changes Memorandum", February 14, 2019.



## Project Analysis

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>Would the project:</b>				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

E.5.a to d) The department estimated the number of trips and ways people would travel to and from the site. The department estimated these trips using data and methodology in the department's 2019 guidelines.<sup>22</sup> Table 2 presents daily trip estimates. Table 3 presents p.m. peak hour trip estimates.

**Table 2: Person and Vehicle Trip Estimates – Daily**

Land Use	Daily Person Trips						Daily Vehicle Trips <sup>1</sup>
	Automobile	For-Hire	Transit	Walking	Bicycling	Total	
Residential	35	3	17	31	4	90	29
<b>Project Total</b>	<b>35</b>	<b>3</b>	<b>17</b>	<b>31</b>	<b>4</b>	<b>90</b>	<b>29</b>

1. Automobile person trips, accounting for average vehicle occupancy data.  
Source: San Francisco Planning Department, Transportation Impact Analysis Guidelines.

**Table 3: Person and Vehicle Trip Estimates – P.M. Peak Hour**

Land Use	P.M. Peak Hour Person Trips						P.M. Peak Hour Vehicle Trips <sup>1</sup>
	Automobile	For-Hire	Transit	Walking	Bicycling	Total	
Residential	3	0	2	3	0	8	3
<b>Project Total</b>	<b>3</b>	<b>0</b>	<b>2</b>	<b>3</b>	<b>0</b>	<b>8</b>	<b>3</b>

1. Automobile person trips, accounting for average vehicle occupancy data.  
Source: San Francisco Planning Department, Transportation Impact Analysis Guidelines.

The department used these estimates to inform the analysis of the project's impacts on transportation and circulation during both construction and operation. The following considers

<sup>22</sup> San Francisco Planning Department, *Transportation Calculations for 350-352 San Jose Avenue*, May 31, 2019.

effects on potentially hazardous conditions, accessibility (including emergency access), public transit delay, vehicle miles traveled, and loading.

### **Construction**

The 2019 guidelines set forth screening criteria for types of construction activities that would typically not result in significant construction-related transportation effects. Project construction would last approximately nine months. During construction, including the relocation of the existing structure within the project site, the project may result in temporary closures of the public right-of-way. These closures may include the sidewalk in front of the project site along San Jose Avenue. Given the project site context and construction duration and magnitude, the project meets the screening criteria.

Further, the project would be subject to the San Francisco Regulations for Working in San Francisco Streets (the blue book). The blue book is prepared and regularly updated by the San Francisco Municipal Transportation Agency, under the authority derived from the San Francisco Transportation Code. It serves as a guide for contractors working in San Francisco streets. The blue book establishes rules and guidance so that construction work can be done safely and with the least possible interference with pedestrians, bicycle, transit and vehicular traffic. Therefore, the project would have a less-than-significant construction-related transportation impact.

### **Potentially Hazardous Conditions and Accessibility**

The project does not propose any permanent changes to the right of way and would maintain the one curb cut along San Jose Avenue. The project site currently has off-street parking capacity for up to five vehicles and would reduce on-site parking to four vehicle parking spaces. The existing approximately 10-foot curb cut along San Jose Avenue would remain. The existing driveway that goes underneath a portion of the building would be filled in for dwelling unit development and the creation of the proposed below-grade garage that would accommodate four vehicle parking spaces and four Class 1 bicycle parking spaces. The project would add three p.m. peak hour vehicle trips. These vehicle trips would likely start from or end at project's new driveway and be dispersed along nearby streets. This number of vehicles trips that would be accessing the driveway and crossing over the sidewalk or along adjacent streets shared by emergency services is not substantial.

People driving would have adequate visibility of people walking or bicycling and private vehicles. Vehicle speed entering and exiting the driveway would be slow given the width of the curb cut (approximately 10 feet) to avoid potentially hazardous conditions. In addition, the design of the project's driveway would be able to accommodate the anticipated number of vehicle trips without blocking access to a substantial number of people walking within the sidewalk. Further, the project would not include any changes to the public right-of-way. Therefore, the project would have less-than-significant potentially hazardous conditions and accessibility impacts.

### **Public Transit Delay**

The 2019 guidelines set forth a screening criterion for projects that would typically not result in significant public transit delay effects. The project would add 3 inbound p.m. peak hour vehicle trips, which is less than the screening criterion of 300. Therefore, the project meets the screening criterion and the project would have a less-than-significant public transit delay impact.

### **Vehicle Miles Traveled**

The 2019 guidelines set forth screening criteria for types of projects that would typically not result in significant vehicle miles traveled impacts. The project site is an area where existing vehicle miles traveled per capita is more than 15 percent below the existing regional per capita average. The project meets this locational screening criterion and the project would have a less-than-significant vehicle miles traveled impact.<sup>23</sup>

The project also meets the proximity to transit screening criterion. The project site is within one-half mile of an existing major transit stop or an existing stop along a high-quality transit corridor and the project meets other characteristic requirements. This screening criterion also indicates the project's uses would not cause substantial additional VMT.

### **Loading**

During the average and peak period, the project's freight and delivery loading demand would be zero trips.<sup>24</sup> The project would not provide any on-street or off-street freight or delivery loading zones. Therefore, the project would meet the demand.

During the peak period, the project's peak hour passenger loading demand would be 0.01 trips.<sup>25</sup> The project would not provide any passenger loading spaces. Due to the low passenger loading demand during the peak hour, the project would meet the demand. Furthermore, San Jose Avenue is not a major thoroughfare for public transportation or emergency vehicles. Any delay created by passenger loading would not significantly delay transportation emergency vehicles. Based on the above, the project would have a less-than-significant loading impact.

### **Cumulative Analysis**

#### **Construction**

The cumulative projects listed in the Cumulative Setting section of this initial study could have construction timelines overlapping with the project's construction activities. One of the cumulative projects is within the same block of the project site: the Juri Commons park renovations. Combined, these projects could result in temporary closures of the public right-of-way. These closures may include sidewalk closures or temporary rerouting of bicycle facilities on Guerrero Street, San Jose Avenue, or 26<sup>th</sup> Street. These closures would be temporary and limited in duration.

The cumulative projects would be subject to the blue book. Given the context and temporary duration and magnitude of the cumulative projects' construction and the regulations that each project would be subject to, the project, in combination with cumulative projects, would not result in a significant cumulative construction-related transportation impact.

#### **Potentially Hazardous Conditions and Accessibility**

The PEIR disclosed that vehicular and other ways of travel (e.g., walking, bicycling) volumes would increase in the Eastern Neighborhoods because of the plan and other cumulative projects. This volume increase would result in a potential for more conflicts between various ways of travel.

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<sup>23</sup> San Francisco Planning Department, *Eligibility Checklist: CEQA Section 21099 – Modernization of Transportation Analysis for 350-352 San Jose Avenue*, July 29, 2019.

<sup>24</sup> San Francisco Planning Department, *350-352 San Jose Avenue PM Peak loading demand*, July 29, 2019.

<sup>25</sup> Ibid.

The only cumulative project within the project block is the Juri Commons park renovation project. The existing use at this site is a neighborhood park and, as discussed above in Section C, Setting, the renovations would provide ADA-compliant pathways and redesign the natural areas and play areas of the park. An expansion of the park is not part of the proposal. A permanent increase in vehicular traffic is not anticipated due to the proposed renovation of the park. Therefore, no potentially hazardous conditions would arise from the cumulative condition.

The vehicle trips from these cumulative projects would not combine to result in a potentially hazardous condition at any nearby vehicular turning movement. These cumulative projects would also not block access to a substantial number of people walking within the sidewalk. As described above, the project would not include any changes to the public right-of-way. Cumulative projects would not occur within the project block or shared intersections. Therefore, the project, in combination with cumulative projects, would not result in significant cumulative potentially hazardous conditions and accessibility impacts.

### **Public Transit Delay**

Public transit delay typically occurs from traffic congestion, including transit reentry, and passenger boarding delay. The PEIR used transit delay as significance criterion. The PEIR identified significant and unavoidable traffic congestion impacts on streets that public transit travels upon (e.g., 7<sup>th</sup>, 8<sup>th</sup>, and Townsend streets). The PEIR also identified significant and unavoidable transit ridership impacts which would delay transit (e.g., 22-Fillmore and 27-Bryant). The PEIR identified mitigation measures to be implemented by the city: E-6, E-10, and E-11 (traffic congestion and transit delay) and E-5 to E-8 (ridership and transit delay).

The project would add 3 p.m. peak hour vehicle trips and 2 p.m. peak hour transit trips. These trips would be dispersed along San Jose Avenue, 26<sup>th</sup> Street, Guerrero Street, and Valencia Street among the 12 Folsom/Pacific and 27 Bryant bus lines. This minor number of trips would not contribute considerably to the cumulative transit delay. Therefore, the proposed project would not result in new or more severe transit delay impacts than were identified in the Eastern Neighborhoods PEIR.

### **Vehicle Miles Traveled**

VMT by its nature is largely a cumulative impact. As described above, the project would not exceed the project-level quantitative thresholds of significance for VMT. Furthermore, the project site is located in an area where projected year 2040 vehicle miles traveled per capita is more than 15 percent below the future regional per capita average. Therefore, the project, in combination with cumulative projects, would not result in a significant cumulative vehicle miles traveled impact.

### **Loading**

The proposed project has no freight loading demand and passenger loading demand would be met by the site. One cumulative project is located on the project block. The Juri Commons project would not contribute to a cumulative loading deficit, as the proposed renovation of the park would not increase the park's size or capacity and is not anticipated to substantially increase vehicle trips or loading demand on the project site's block. Given the cumulative projects would not result in a loading deficit, the project, in combination with cumulative projects, would not result in a significant cumulative loading impact.

**Conclusion**

The Eastern Neighborhoods PEIR projected substantial increases in public transit delay. The proposed project would not result in new or more severe transportation and circulation impacts than were identified in the Eastern Neighborhoods PEIR.

**E.6 NOISE**

**Eastern Neighborhoods PEIR Noise Findings**

The Eastern Neighborhoods PEIR determined that implementation of the Eastern Neighborhoods Area Plans and Rezoning would result in significant noise impacts during construction activities and due to conflicts between noise-sensitive uses in proximity to noisy uses such as PDR, retail, entertainment, cultural/institutional/educational uses, and office uses. The Eastern Neighborhoods PEIR also determined that incremental increases in traffic-related noise attributable to implementation of the Eastern Neighborhoods Area Plans and Rezoning would be less than significant. The Eastern Neighborhoods PEIR identified six noise mitigation measures, three of which may be applicable to development projects under the plans.<sup>26</sup> These mitigation measures would reduce noise impacts from construction and noisy land uses to less-than-significant levels.

**Project Analysis**

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>Would the project:</b>				
a) Generate substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Generate excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>26</sup> Eastern Neighborhoods PEIR Mitigation Measures F-3, F-4, and F-6 address the siting of sensitive land uses in noisy environments. In a decision issued on December 17, 2015, the California Supreme Court held that CEQA does not generally require an agency to consider the effects of existing environmental conditions on a proposed project's future users or residents except where a project or its residents may exacerbate existing environmental hazards (*California Building Industry Association v. Bay Area Air Quality Management District*, December 17, 2015, Case No. S213478. Available at: <http://www.courts.ca.gov/opinions/documents/S213478.PDF>). As noted above, the Eastern Neighborhoods PEIR determined that incremental increases in traffic-related noise attributable to implementation of the Eastern Neighborhoods Area Plans and Rezoning would be less than significant, and thus would not exacerbate the existing noise environment. Therefore, Eastern Neighborhoods Mitigation Measures F-3, F-4, and F-6 are not applicable. Nonetheless, for all noise sensitive uses, the general requirements for adequate interior noise levels of Mitigation Measures F-3 and F-4 are met by compliance with the acoustical standards required under the California Building Standards Code (California Code of Regulations Title 24).

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
c) For a project located within the vicinity of a private airstrip or an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

E.6.a) Increases in ambient noise levels could result from increases in traffic and/or noise-generating equipment or activities. A potentially significant increase in the ambient noise level due to traffic resulting from a proposed project is unlikely unless the project would cause a doubling of existing traffic levels, which is generally assumed to result in a 3 dBA increase in the existing ambient noise environment.<sup>27</sup> An increase of less than 3 dBA is generally not perceptible outside of controlled laboratory conditions.<sup>28</sup> The existing project generates 7 daily vehicle trips. The proposed project would generate 29 daily vehicle trips. These vehicle trips would be dispersed along the local roadway network and would not result in a doubling of vehicle trips on all roadways in the vicinity of the project site. Therefore, traffic noise impacts resulting from the project would be less than significant.

Eastern Neighborhoods PEIR Mitigation Measure F-5 addresses impacts related to individual projects that include uses that would be expected to generate noise levels in excess of ambient noise in the project vicinity. The proposed construction methods include building relocation, demolition, site preparation, grading, building construction, architectural coating, and paving. The building location and excavation for foundation construction would require the use of equipment that would be considered impact equipment – such as one jack hammer, and one concrete saw. The proposed frequency and duration of those pieces of equipment would be limited and temporary in nature – no more than 4 hours per day for no more than 2 weeks in total duration. Thus, it is reasonable to assume a less-than-significant noise impact from this limited use of impact tools. The proposed project would result in an approximately 40-foot-tall residential building with 12 dwelling units. The proposed project may have some mechanical equipment on the roof, up to three cubic feet, for the finished building’s heating and cooling system. This equipment would be subject to the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code). Given the size of the project and uses proposed, M-F-5 would not apply to this project.

Eastern Neighborhoods PEIR Mitigation Measures F-1 and F-2 relate to construction noise. Mitigation Measure F-1 addresses individual projects that include pile-driving, and Mitigation Measure F-2 addresses individual projects that include particularly noisy construction procedures (which include activities such as concrete cutting, pavement breaking, blasting, pile driving or rock

<sup>27</sup> Caltrans, *Technical Noise Supplement*, November 2009. Available at: <http://www.dot.ca.gov/env/noise/docs/tens-sep2013.pdf>. Accessed: December 18, 2017.

<sup>28</sup> California Department of Transportation, *Technical Noise Supplement to the Traffic Noise Analysis Protocol*, pp. 2-44 to 2-45, September 2013. Available: [http://www.dot.ca.gov/hq/env/noise/pub/TeNS\\_Sept\\_2013B.pdf](http://www.dot.ca.gov/hq/env/noise/pub/TeNS_Sept_2013B.pdf). Accessed July 30, 2017.

drilling). The proposed foundation is a conventional spread footing.<sup>29</sup> The geotechnical report states that drilled, cast-in-place piers may be used to support improvements. No pile driving is proposed by the project sponsor, thus Mitigation Measure F-1 is not required. The project site is located in a residential neighborhood with no side yard setbacks, thus adjacent residential sensitive receptors are within 10 feet of where construction activities would occur. However, as stated above, the brief and temporary duration of the use of a jack hammer and concrete saw would not extend beyond a two-week period and therefore are considered to be temporary and limited in duration. Thus, Mitigation Measure F-2: Construction Noise would not apply to the proposed project.

In addition, all construction activities for the proposed project (approximately 9 months) would be subject to the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code). The San Francisco Department of Building Inspection is responsible for enforcing the noise ordinance for private construction projects during normal business hours (8 a.m. to 5 p.m.). The police department is responsible for enforcing the noise ordinance during all other hours. The proposed project would not result in significant construction noise or vibration impacts.

E.6.b) As discussed under E.6.a, the proposed project would not utilize pile driving or other particularly vibratory construction activities, such as vibratory rollers. The geotechnical report proposed a conventional spread footing on improved soils, with the possibility of drilled piers if necessary. The greatest depth of excavation would be up to 9.5 feet. The proposed project would not require pile driving or other construction equipment that would generate vibration at levels that could result in significant impacts. Therefore, construction vibration impacts to nearby buildings are not anticipated. Development projects, such as the proposed project, are not typically sources of operational vibration. Therefore, the proposed project would not result in significant impacts related to vibration.

E.6.c) The project site is not located within an airport land use plan area, within 2 miles of a public airport, or in the vicinity of a private airstrip. Therefore, initial study checklist question E.6.c is not applicable to the proposed project.

### **Cumulative Analysis**

The cumulative context for traffic noise analyses are typically confined to the local roadways nearest the project site. As project generated vehicle trips disperse along the local roadway network, the contribution of traffic noise along any given roadway segment would similarly be reduced. As discussed in initial study checklist question E.6.a, the proposed project would not result in a perceptible increase in traffic noise. Therefore, the proposed project would not result in a considerable contribution to ambient noise levels from project traffic.

The cumulative context for point sources of noise, such as building heating, ventilation and air conditioning systems and construction noise are typically confined to nearby noise sources, usually not further than about 900 feet from the project site.<sup>30</sup> Based on the list of projects provided in the Cumulative Setting section above, there are three reasonably foreseeable projects within 900 feet

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<sup>29</sup> H. Allen Gruen, *Geotechnical Investigation, 350 San Jose Avenue*, January 22, 2018. H. Allen Gruen, *Addendum to Geotechnical Investigation, 350 San Jose Avenue*, April 25, 2019.

<sup>30</sup> This distance was selected because typical construction noise levels can affect a sensitive receptor at a distance of 900 feet if there is a direct line-of-sight between a noise source and a noise receptor (i.e., a piece of equipment generating 85 dBA would attenuate to 60 dBA over a distance of 900 feet). An exterior noise level of 60 dBA will typically attenuate to an interior noise level of 35 dBA with the windows closed and 45 dBA with the windows open.

of the project site that could combine with the proposed project's noise impacts to generate significant cumulative construction or operational noise. All projects, under construction or in operation, would be required to comply with the Noise Ordinance. The Noise Ordinance establishes noise limits from stationary sources and construction equipment, would ensure no significant cumulative impact would occur. Furthermore, the noise ordinance establishes limits for both construction equipment and for operational noise sources. Compliance with the noise ordinance would ensure that no significant cumulative noise impact would occur.

### **Conclusion**

The Eastern Neighborhoods PEIR determined that implementation of the Eastern Neighborhoods Area Plans and Rezoning would result in significant noise impacts during construction activities and due to conflicts between noise-sensitive uses in proximity to noisy uses. The proposed project would not contribute considerably to the noise impacts determined in the Eastern Neighborhoods PEIR and therefore no mitigation is required. The proposed project would not result in new or more severe noise impacts than were identified in the Eastern Neighborhoods PEIR.

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## **E.7 AIR QUALITY**

### **Eastern Neighborhoods PEIR Air Quality Findings**

The Eastern Neighborhoods PEIR identified potentially significant air quality impacts resulting from construction activities and impacts to sensitive land uses<sup>31</sup> from exposure to elevated levels of diesel particulate matter (DPM) and other toxic air contaminants (TACs). The Eastern Neighborhoods PEIR identified four mitigation measures that would reduce these air quality impacts to less-than-significant levels and stated that, with implementation of identified mitigation measures, development under the area plans would be consistent with the Bay Area 2005 Ozone Strategy, the applicable air quality plan at that time. All other air quality impacts were found to be less than significant. Eastern Neighborhoods PEIR Mitigation Measure G-1 addresses air quality impacts during construction, and PEIR Mitigation Measures G-3 and G-4 address proposed uses that would emit DPM and other TACs.<sup>32</sup> The Eastern Neighborhoods PEIR also includes Mitigation Measure G-2, which has been superseded by San Francisco Public Health Code article 38, as discussed below, and is no longer applicable.

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<sup>31</sup> The Bay Area Air Quality Management District (BAAQMD) considers sensitive receptors as persons occupying or residing in: 1) residential dwellings, 2) schools, colleges, and universities, 3) daycares, 4) hospitals, and 5) senior care facilities. BAAQMD, *Recommended Methods for Screening and Modeling Local Risks and Hazards*, May 2011, p. 12.

<sup>32</sup> The Eastern Neighborhoods PEIR also includes Mitigation Measure G-2, which has been superseded by Health Code Article 38, as discussed below, and is no longer applicable.



## Project Analysis

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>Would the project:</b>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal, state, or regional ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

E.7.a) The most recently adopted air quality plan for the air basin is the Bay Area Air Quality Management District’s 2017 Clean Air Plan. The primary goals of the clean air plan are to: (1) protect air quality and health at the regional and local scale; (2) eliminate disparities among Bay Area communities in cancer health risk from toxic air contaminants; and (3) reduce greenhouse gas emissions. The clean air plan recognizes that to a great extent, community design dictates individual travel mode, and that a key long-term control strategy to reduce emissions of criteria pollutants, air toxics, and greenhouse gases from motor vehicles is to channel future Bay Area growth into vibrant urban communities where goods and services are proximate, and people have a range of viable transportation options. The compact development of the proposed project and the availability of non-auto transportation options in the project area would ensure that the project would avoid substantial growth in automobile trips and consequent air pollutant emissions. In addition, as discussed above in the Population and Housing resource topic, the project site is located within the Eastern Neighborhoods priority development area. Channeling development within such areas is a key land use strategy under Plan Bay Area to meet statewide greenhouse gas reduction goals pursuant to Senate Bill 375. Furthermore, for the reasons described below under topics E.6.b through d, the proposed project would not result in significant air pollutant emissions or expose sensitive receptors to substantial pollutant concentrations. Therefore, the proposed project would not obstruct implementation of the 2017 Clean Air Plan.

E.7.b) While the Eastern Neighborhoods PEIR determined that at a program-level the Eastern Neighborhoods Rezoning and Area Plans would not result in significant regional air quality impacts, the PEIR states that “individual development projects undertaken in the future pursuant to the new zoning and area plans would be subject to a significance determination based on the BAAQMD’s quantitative thresholds for individual projects.”<sup>33</sup>

<sup>33</sup> San Francisco Planning Department, Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report (PEIR), p. 346. Planning Department Case No. 2004.0160E, State Clearinghouse No. 2005032048, certified August 7, 2008. Available online at: [https://sfplanning.org/environmental-review-documents?field\\_environmental\\_review\\_categ\\_target\\_id=214&items\\_per\\_page=10](https://sfplanning.org/environmental-review-documents?field_environmental_review_categ_target_id=214&items_per_page=10), accessed April 24, 2019.

In accordance with the state and federal Clean Air Acts, air pollutant standards are identified for the following six criteria air pollutants: ozone, carbon monoxide (CO), particulate matter (PM<sub>2.5</sub> and PM<sub>10</sub><sup>34</sup>), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), and lead. These air pollutants are termed criteria air pollutants because they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. The Bay Area air basin is designated as either in attainment or unclassified for most criteria pollutants except for ozone, PM<sub>2.5</sub>, and PM<sub>10</sub>. For these pollutants, the air basin is designated as non-attainment for either the state or federal standards. By its very nature, regional air pollution is largely a cumulative impact in that no single project is sufficient in size to, by itself, result in non-attainment of air quality standards. Instead, a project's individual emissions contribute to existing cumulative air quality impacts. If a project's contribution to cumulative air quality impacts is considerable, then the project's impact on air quality would be considered significant.<sup>35</sup> Regional criteria air pollutant impacts resulting from the proposed project are evaluated below.

### **Construction Dust Control**

Eastern Neighborhoods PEIR Mitigation Measure G-1 Construction Air Quality requires individual projects involving construction activities to include dust control measures and to maintain and operate construction equipment to minimize exhaust emissions of particulates and other pollutants. The San Francisco Board of Supervisors subsequently approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008). The intent of the dust control ordinance is to reduce the quantity of fugitive dust generated during site preparation, demolition, and construction work to protect the health of the general public and of construction workers, minimize public nuisance complaints, and to avoid orders to stop work in response to dust complaints. Project-related construction activities would result in construction dust, primarily from ground-disturbing activities. In compliance with the dust control ordinance, the project sponsor and contractor responsible for construction activities at the project site would be required to control construction dust on the site through a combination of watering disturbed areas, covering stockpiled materials, street and sidewalk sweeping, and other measures.

The regulations and procedures set forth by the dust control ordinance would ensure that construction dust impacts would not be significant. These requirements incorporate and expand upon the dust control provisions of PEIR Mitigation Measure G-1. Therefore, compliance with the dust control ordinance would ensure that the proposed project would not result in substantial amounts of fugitive dust, including particulate matter, during construction activities and portions of PEIR Mitigation Measure G-1 that address construction dust are not required.

### **Criteria Air Pollutants**

The Bay Area Air Quality Management District prepared updated 2017 BAAQMD CEQA Air Quality Guidelines,<sup>36</sup> which provide methodologies for analyzing air quality impacts. These guidelines also provide thresholds of significance for non-attainment criteria air pollutants (ozone

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<sup>34</sup> PM<sub>10</sub> is often termed "coarse" particulate matter and is made of particulates that are 10 microns in diameter or smaller. PM<sub>2.5</sub>, termed "fine" particulate matter, is composed of particles that are 2.5 microns or less in diameter.

<sup>35</sup> Bay Area Air Quality Management District (BAAQMD), *California Environmental Quality Act Air Quality Guidelines*, May 2017, page 2-1.

<sup>36</sup> Bay Area Air Quality Management District, *CEQA Air Quality Guidelines*, updated May 2017.

and particulate matter). The planning department uses these thresholds to evaluate air quality impacts under CEQA.

The air district has developed screening criteria to determine whether to undertake detailed analysis of criteria pollutant emissions for construction and operations of development projects. Projects that are below the screening criteria would result in less-than-significant criteria air pollutant impacts, and no further project-specific analysis is required. The proposed project would add eight dwelling units to an existing four dwelling unit residential building. The BAAQMD screening criteria for a low-rise apartment building is 240 dwelling units for construction and 451 dwelling units for operations. Therefore, because the proposed project is below the construction and operational screening levels for criteria air pollutants, the proposed project would not result in a significant impact with regards to violating an air quality standard or resulting in a cumulatively considerable net increase in criteria air pollutants.

E.6.c) In addition to regional criteria air pollutants analyzed above, the following air quality analysis evaluates localized health risks to determine whether sensitive receptors would be exposed to substantial pollutant concentrations. Since certification of the PEIR, the San Francisco Board of Supervisors approved amendments to the San Francisco Building and Health Codes, referred to as Enhanced Ventilation Required for Urban Infill Sensitive Use Developments or Health Code, Article 38 (Ordinance 224-14, amended December 8, 2014). The purpose of Article 38 is to protect the public health and welfare by establishing an Air Pollutant Exposure Zone and imposing an enhanced ventilation requirement for all new sensitive uses within this zone. The Air Pollutant Exposure Zone as defined in Article 38 includes areas that exceed health protective standards for cumulative PM<sub>2.5</sub> concentration and cumulative excess cancer risk, and incorporates health vulnerability factors and proximity to freeways. Projects within the Air Pollutant Exposure Zone require special consideration to determine whether the project's activities would expose sensitive receptors to substantial air pollutant concentrations or add emissions to areas already adversely affected by poor air quality.

#### **Construction Health Risk**

The project site is not located within an identified Air Pollutant Exposure Zone. Therefore, the ambient health risk to sensitive receptors from air pollutants is not considered substantial and the remainder of Mitigation Measure G-1 that requires the minimization of construction exhaust emissions is not necessary to reduce construction emissions of the proposed project.

#### **Operational Health Risk**

The proposed project would not be expected to generate 100 trucks per day or 40 refrigerated trucks per day. Therefore, Eastern Neighborhoods PEIR Mitigation Measure G-3 is not applicable. The project's incremental increase in localized TAC emissions resulting from new vehicle trips would be minor and would not contribute substantially to localized health risks. In addition, the proposed project would not include any sources that would emit DPM or other TACs. Therefore, Eastern Neighborhoods PEIR Mitigation Measure G-4 is not applicable and impacts related to operational health risks resulting from siting new sources of pollutants would be less than significant.

E.7.d) Typical odor sources of concern include wastewater treatment plants, sanitary landfills, transfer stations, composting facilities, petroleum refineries, asphalt batch plants, chemical manufacturing facilities, fiberglass manufacturing facilities, auto body shops, rendering plants,

and coffee roasting facilities. During construction, diesel exhaust from construction equipment would generate some odors. However, construction-related odors would be temporary and would not persist upon project completion. The proposed project includes expansion of existing residential uses that would not be expected to create significant sources of new odors. Therefore, odor impacts would be less than significant.

### **Cumulative Analysis**

As discussed above, regional air pollution is by its nature a cumulative impact. Emissions from past, present, and future projects contribute to the region's adverse air quality on a cumulative basis. No single project by itself would be sufficient in size to result in regional nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulative adverse air quality impacts.<sup>37</sup> The project-level thresholds for criteria air pollutants are based on levels by which new sources are not anticipated to contribute to an air quality violation or result in a considerable net increase in criteria air pollutants. Therefore, because the proposed project's construction and operational (Topics E.7.b and c) emissions would not exceed the project-level thresholds for criteria air pollutants, the proposed project would not be considered to result in a cumulatively considerable contribution to regional air quality impacts.

Although the project would add new vehicle trips to the surrounding road network and use construction equipment for approximately 9 months, the project site is not located within an Air Pollutant Exposure Zone.<sup>38</sup> The project's incremental increase in localized toxic air contaminant emissions resulting from new vehicle trips would be minor and would not contribute substantially to cumulative toxic air contaminant emissions that could affect nearby sensitive land uses. Therefore, cumulative localized health risk impacts would be considered less than significant.

### **Conclusion**

As explained above, the proposed project would not result in any significant air quality impacts, either individually or cumulatively that were not identified in the PEIR and none of the Eastern Neighborhoods PEIR air quality mitigation measures are applicable to the proposed project.

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## **E.8 GREENHOUSE GAS**

### **Eastern Neighborhoods PEIR Greenhouse Gas Emissions Findings**

The Eastern Neighborhoods PEIR analyzed greenhouse (GHG) emissions that could result from the anticipated development under the three rezoning options. The Eastern Neighborhoods Rezoning Options A, B, and C are anticipated to result in GHG emissions on the order of 4.2, 4.3 and 4.5 metric tons of CO<sub>2</sub>E<sup>39</sup> per service population,<sup>40</sup> respectively. The Eastern Neighborhoods

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<sup>37</sup> BAAQMD, *CEQA Air Quality Guidelines*, May 2017, page 2-1.

<sup>38</sup> SIA Consulting, *350 San Jose Avenue Construction Information Timeline*, June 13, 2018.

<sup>39</sup> CO<sub>2</sub>E, defined as equivalent Carbon Dioxide, is a quantity that describes other greenhouse gases in terms of the amount of Carbon Dioxide that would have an equal global warming potential.

<sup>40</sup> Memorandum from Jessica Range to Environmental Planning staff, *Greenhouse Gas Analyses for Community Plan Exemptions in Eastern Neighborhoods*, April 20, 2010. This memorandum provides an overview of the GHG analysis conducted for the Eastern Neighborhoods PEIR and provides an analysis of the emissions using a service population (equivalent of total number of residents and employees) metric.

PEIR concluded that the resulting GHG emissions from the three options analyzed in the Eastern Neighborhoods Area Plans would be less than significant. No mitigation measures were identified in the PEIR.

## Project Analysis

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>Would the project:</b>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

E.8.a and b) The following analysis of the proposed project’s GHG impact focuses on the project’s contribution to cumulatively significant GHG emissions. Because no individual project could emit GHGs at a level that could result in a significant impact on global climate, this analysis is in a cumulative context only, and the analysis of this resource topic does not include a separate cumulative impact discussion.

Subsequent to adoption of the Eastern Neighborhoods Rezoning and Area Plans, the air district updated its guidelines (see discussion in Topic E.7, Air Quality). The updated guidelines address the analysis of GHGs. These guidelines are consistent with CEQA Guidelines Sections 15064.4 and 15183.5 which address the analysis and determination of significant impacts from a proposed project’s GHG emissions and allow for projects that are consistent with an adopted GHG reduction strategy to conclude that the project’s individual GHG impact is less than significant. San Francisco’s Strategies to Address Greenhouse Gas Emissions<sup>41</sup> presents a comprehensive assessment of policies, programs, and ordinances that collectively represent San Francisco’s GHG reduction strategy in compliance with the air district and CEQA guidelines. These GHG reduction actions resulted in a 36 percent reduction in GHG emissions in 2017 compared to 1990 levels,<sup>42</sup> exceeding the year 2020 reduction goals outlined in the air district’s 2010 Clean Air Plan,<sup>43</sup> Executive Order S-3-0544, and Assembly Bill 32 (also known as the Global Warming Solutions

<sup>41</sup> San Francisco Planning Department, *Strategies to Address Greenhouse Gas Emissions in San Francisco*, July 2017. Available at [http://sfmea.sfplanning.org/GHG/GHG\\_Strategy\\_October2017.pdf](http://sfmea.sfplanning.org/GHG/GHG_Strategy_October2017.pdf), accessed July 29, 2019.

<sup>42</sup> San Francisco Department of the Environment, *San Francisco’s Carbon Footprint*. Available at <https://sfenvironment.org/carbon-footprint>, accessed April 24, 2019.

<sup>43</sup> Bay Area Air Quality Management District, *Clean Air Plan*, September 2010. Available at <http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>, accessed March 3, 2016.

<sup>44</sup> Office of the Governor, *Executive Order S-3-05*, June 1, 2005. Available at <https://www.gov.ca.gov/news.php?id=1861>, accessed March 3, 2016.

Act).<sup>45,46</sup> In addition, San Francisco's GHG reduction goals are consistent with, or more aggressive than, the long-term goals established under Executive Orders S-3-05<sup>47</sup>, B-30-15,<sup>48,49</sup> and Senate Bill 32.<sup>50,51,52</sup> Therefore, projects that are consistent with San Francisco's GHG Reduction Strategy would not result in GHG emissions that would have a significant effect on the environment and would not conflict with state, regional, and local GHG reduction plans and regulations.

The proposed project would be subject to regulations adopted to reduce GHG emissions as identified in the GHG reduction strategy as demonstrated in the GHG checklist completed for the proposed project.<sup>53</sup> The proposed project would comply with applicable regulations that would reduce the project's GHG emissions related to transportation, energy use, waste disposal, water conservation, wood burning, and use of refrigerants. Therefore, the proposed project would not generate significant GHG emissions and would not conflict with state, regional, and local GHG reduction plans and regulations.

## Conclusion

For the reasons stated above, the proposed project would not result in a significant individual or cumulative GHG impact. Therefore, the proposed project would not result in significant GHG impacts that were not identified in the Eastern Neighborhoods PEIR.

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<sup>45</sup> California Legislative Information, *Assembly Bill 32*, September 27, 2006. Available at [http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab\\_0001-0050/ab\\_32\\_bill\\_20060927\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab_0001-0050/ab_32_bill_20060927_chaptered.pdf), accessed March 3, 2016.

<sup>46</sup> Executive Order S-3-05, Assembly Bill 32, and the Bay Area 2010 Clean Air Plan set a target of reducing GHG emissions to below 1990 levels by year 2020.

<sup>47</sup> Executive Order S-3-05 sets forth a series of target dates by which statewide emissions of GHGs need to be progressively reduced, as follows: by 2010, reduce GHG emissions to 2000 levels (approximately 457 million MTCO<sub>2</sub>E); by 2020, reduce emissions to 1990 levels (approximately 427 million MTCO<sub>2</sub>E); and by 2050 reduce emissions to 80 percent below 1990 levels (approximately 85 million MTCO<sub>2</sub>E).

<sup>48</sup> Office of the Governor, *Executive Order B-30-15*, April 29, 2015. Available at <https://www.gov.ca.gov/news.php?id=18938>, accessed March 3, 2016. Executive Order B-30-15 sets a state GHG emissions reduction goal of 40 percent below 1990 levels by the year 2030.

<sup>49</sup> San Francisco's GHG reduction goals are codified in Section 902 of the Environment Code and include: (i) by 2008, determine City GHG emissions for year 1990; (ii) by 2017, reduce GHG emissions by 25 percent below 1990 levels; (iii) by 2025, reduce GHG emissions by 40 percent below 1990 levels; and by 2050, reduce GHG emissions by 80 percent below 1990 levels.

<sup>50</sup> Senate Bill 32 amends California Health and Safety Code Division 25.5 (also known as the California Global Warming Solutions Act of 2006) by adding Section 38566, which directs that statewide greenhouse gas emissions to be reduced by 40 percent below 1990 levels by 2030.

<sup>51</sup> Senate Bill 32 was paired with Assembly Bill 197, which would modify the structure of the State Air Resources Board; institute requirements for the disclosure of greenhouse gas emissions criteria pollutants, and toxic air contaminants; and establish requirements for the review and adoption of rules, regulations, and measures for the reduction of greenhouse gas emissions.

<sup>52</sup> Executive Order B-15-18, which was signed in September 2018, establishes a statewide goal to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions after. Available at <https://www.gov.ca.gov/wp-content/uploads/2018/09/9.10.18-Executive-Order.pdf>, accessed September 25, 2018. The statewide executive order is slightly more aggressive than the commitment made by Mayor Mark Farrell in April 2018 for the City to reach net-zero greenhouse gas emissions by 2050. The San Francisco Department of the Environment is currently developing a plan to meet the goal of carbon neutrality.

<sup>53</sup> San Francisco Planning Department, *Greenhouse Gas Analysis: Compliance Checklist for 350-352 San Jose Avenue*, November 5, 2018.

## E.9 WIND

### Eastern Neighborhoods PEIR Wind Findings

The Eastern Neighborhoods PEIR concluded that wind impacts resulting from the development under the Eastern Neighborhoods Area Plans would be less than significant. No mitigation measures were identified in the PEIR.

### Project Analysis

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>Would the project:</b>				
a) Create wind hazards in publicly accessible areas of substantial pedestrian use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

E.9.a) To determine whether a project would create wind hazards in publicly accessible areas of substantial pedestrian use, the planning department applies the wind hazard criterion established in section 148 of the San Francisco Planning Code. In accordance with section 148, a project would result in hazardous wind conditions if it would cause ground-level wind speeds that exceed 26 mph for one hour or more per year.<sup>54</sup> In most cases, projects under 80 feet in height do not result in wind impacts in accordance with this criterion. The proposed project would be approximately 40 feet tall once completed. The building's height would be equivalent to the adjacent structure to the north as well as other buildings throughout the project area. Although the proposed 40-foot-tall building would be taller than the immediately adjacent buildings to the south, it would be less than 80 feet tall, and would be similar in height to some existing buildings on the project block, along Guerrero Street. For the above reasons, the proposed project would not cause significant wind impacts that were not identified in the Eastern Neighborhoods PEIR.

### Cumulative

The proposed project would not create any wind impacts. Within 1,500 feet of the project site, one reasonably foreseeable project would be greater than 80 feet tall (2918 Mission Street). No wind impacts were identified in the environmental review of 2918 Mission Street. Therefore, no cumulative wind impacts would occur.<sup>55</sup> For these reasons, the proposed project would not combine with reasonably foreseeable projects in the project vicinity to create significant cumulative wind impacts.

<sup>54</sup> San Francisco Planning Code Section 148. Available at: [http://library.amlegal.com/nxt/gateway.dll/California/planning/article12dimensionsareasandopenspaces?f=templates&fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco\\_ca\\$anc=JD\\_138.1](http://library.amlegal.com/nxt/gateway.dll/California/planning/article12dimensionsareasandopenspaces?f=templates&fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$anc=JD_138.1)

<sup>55</sup> San Francisco Planning Department, Initial Study – Community Plan Evaluation, 2918-2924 Mission Street, case number 2014.0376ENV.

**Conclusion**

For the reasons stated above, the proposed project would not result in significant wind impacts, either individually or cumulatively. Therefore, the proposed project would not result in significant wind impacts that were not identified in the Eastern Neighborhoods PEIR.

**E.10 SHADOW**

**Eastern Neighborhoods PEIR Shadow Findings**

Project specific plans and building elevations are required to evaluate whether a development project would have a significant shadow impact. Because such project-specific plans are typically prepared after the adoption of area plans and rezoning that establish height, bulk, and land use controls, such plans were not available for consideration at the time that the Eastern Neighborhoods PEIR was certified. As such, the PEIR could not evaluate the potential shadow impacts of future development projects under the rezoning and area plans. Therefore, the PEIR determined that development under the area plans and rezoning could result in significant and unavoidable shadow impacts. No mitigation measures were identified in the PEIR.

**Project Analysis**

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
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**Would the project:**

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Create new shadow that substantially and adversely affects the use and enjoyment of publicly accessible open spaces? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

E.10.a) The proposed project would include moving the existing four-unit residential building 15 feet to the east (toward San Jose Avenue) from its current location on the lot, and the addition of 9,650 square feet of residential use and eight dwelling units. The proposed project would include a one-story vertical addition and a horizontal addition to the rear of the existing two-story building. The resulting building would be three stories, contain 12 dwelling units, and extend 40 feet to the roofline with an additional 3 feet to the top of the rooftop mechanical features. The rear property line of the project site is shared with Juri Commons, a diagonal, through-block public open space operated by the San Francisco Recreation and Park Department (recreation and park department). Juri Commons has a tree-lined walking path through the length of the open space, a small play area, benches, planting beds, and a community bulletin board.

Planning code section 295 generally prohibits new structures above 40 feet in height that would cast additional shadows on open space that is under the jurisdiction of the San Francisco Recreation and Park Commission between one hour after sunrise and one hour before sunset, at any time of the year, unless that shadow would not result in a significant adverse effect on the use of the open space. Under the Eastern Neighborhoods Rezoning and Area Plans, sites surrounding parks could be redeveloped with taller buildings without triggering Section 295 if those buildings, like the proposed project, do not exceed 40 feet in height. There are nine parks within the Plan Area,



including Juri Commons, that were specifically discussed because the Eastern Neighborhood Plan did not recommend any change in height limits on parcels adjacent to them. While the Eastern Neighborhoods PEIR stated that it was unlikely that significant shadow impacts would result from construction to the existing height limits, due to the 40 foot height limit and surrounding streets, the PEIR could not conclude if the rezoning and community plans would result in less-than-significant shadow impacts because the feasibility of complete mitigation for potential new shadow impacts of unknown proposals could not be determined at that time. Therefore, the PEIR determined shadow impacts to be significant and unavoidable for all three of the Plan's proposed zoning options and for the No-Project alternative. No mitigation measures were identified in the PEIR.

The proposed project is not above 40 feet in height and therefore does not trigger Section 295 review. Nevertheless, for informational purposes, the planning department requested a shadow analysis report to determine whether the project would have the potential to cast new shadow on Juri Commons in a way that could substantially and adversely affect the use and enjoyment of this open space.<sup>56,57</sup> The shadow analysis findings are summarized below.

The shadow analysis found that, not considering shadow cast by trees or other vegetation, the park is presently in shadow during early morning hours, year-round, with shadow being present from sunrise and receding completely by around 1 p.m at the latest, over the course of the year.<sup>58</sup>

The proposed project would cast net new shadow on Juri Commons year-round. At the summer solstice, there would be some new shading cast on the park between sunrise and 10 am.<sup>59</sup> In the fall and the spring there would be some new shading cast on the park in the morning, which would recede completely by noon.<sup>60</sup> At the winter solstice, the park would experience the largest amount of net new shading, which would occur from one hour after sunrise until just after 2 pm.<sup>61</sup>

The overall size of the new shadows would vary, with the largest new shaded area occupying about 15 percent of Juri Commons; it would range from 2 hours and 45 minutes on the summer solstice to 5 hours and 45 minutes on the winter solstice. As noted above, on the winter solstice, net new shadow would fall on Juri Commons from one hour after sunrise (8:20 am) and be present until about 2 pm.

The area of the park on which the new shadow would fall is currently occupied by landscaping and a paved pathway, areas that are largely transitory in nature and do not contain any active recreational facilities. However, the recreation and park department is in the process of renovating and redesigning Juri Commons.<sup>62</sup> The proposal for the park includes updating the pathway through the park for ADA-compliance and accessibility as well as reprogramming some of the active and passive use areas of the park. The conceptual design was approved in September 2018

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<sup>56</sup> San Francisco Planning Department, *Initial Shadow Fan, 350-352 San Jose Avenue*, June 5, 2018.

<sup>57</sup> PreVision Design, *Shadow Analysis Report for the Proposed 350 San Jose Avenue Per SF Planning and California Environmental Quality Act (CEQA) Standards*, April 23, 2019 Final R3

<sup>58</sup> PreVision Design, *Shadow Analysis*, page 12.

<sup>59</sup> PreVision Design, *Shadow Analysis*, Exhibit B, pages 16-31.

<sup>60</sup> PreVision Design, *Shadow Analysis*, Exhibit C, pages 32-45.

<sup>61</sup> PreVision Design, *Shadow Analysis*, Exhibit D, pages 45-72.

<sup>62</sup> San Francisco Planning Department, case number 2018-009517ENV, Categorical Exemption published August 20, 2018.

by the Recreation and Park Commission under Resolution 1809-002.<sup>63</sup> As of September 2019, construction of this project had not begun. The portion of the park that would receive the greatest shade from the proposed project is the area where new active recreation play equipment is proposed under the conceptual design.<sup>64</sup> Therefore, once the renovation is complete, the proposed project would result in increased shadow on the future active use areas of the park, which could substantially and adversely affect the use and enjoyment of those areas.

Development of the proposed 350-352 San Jose Avenue project would result in net new shadow that would affect Juri Commons in a manner that would result in a significant adverse impact that was previously identified in the Eastern Neighborhoods PEIR. Therefore, the project would not result in significant impacts that were previously not identified or more severe adverse impacts than those analyzed in the PEIR.

The proposed project would also shade portions of nearby streets and sidewalks and private property at times within the project vicinity. Shadows on streets and sidewalks would not exceed levels commonly expected in urban areas and would be considered a less-than-significant effect under CEQA. Although occupants of nearby property may regard the increase in shadow as undesirable, the limited increase in shading of private properties as a result of the proposed project would not be considered a significant impact under CEQA.

### **Cumulative**

None of the cumulative projects listed on page 4 would cast shadow on Juri Commons. However, the proposed project's net new shadow on Juri Commons represents a considerable contribution to the cumulative shadow impacts disclosed in the Eastern Neighborhoods PEIR. The Eastern Neighborhoods PEIR determined that cumulative shadow impacts would be significant and unavoidable. Therefore, the proposed project would not result in significant impacts that were previously not identified or more severe adverse impacts than those analyzed in the PEIR.

### **Conclusion**

For the reasons stated above, the proposed project would contribute to a significant shadow impact on Juri Commons, as previously identified in the Eastern Neighborhoods PEIR. The proposed project would also considerably contribute to the cumulative shadow impacts analyzed in the PEIR. Therefore, the proposed project would not result in significant shadow impacts that were not identified in the Eastern Neighborhoods PEIR.

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## **E.11 RECREATION**

### **Eastern Neighborhoods PEIR Recreation Findings**

The Eastern Neighborhoods PEIR concluded that implementation of the Eastern Neighborhoods Rezoning and Area Plans would not result in substantial or accelerated deterioration of existing

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<sup>63</sup> San Francisco Recreation and Park Commission, September 20, 2018 Meeting Minutes, <https://sfrecpark.org/wp-content/uploads/092018-minutes-1.pdf>. Accessed June 14, 2019.

<sup>64</sup> San Francisco Recreation and Park Department, *Juri Commons Conceptual Design*, September 2018 [http://sfrecpark.org/wp-content/uploads/Item-3-Juri-Commons\\_AttachA-Conceptual-Design-090518.pdf](http://sfrecpark.org/wp-content/uploads/Item-3-Juri-Commons_AttachA-Conceptual-Design-090518.pdf). Accessed June 14, 2019.

recreational resources or require the construction or expansion of recreational facilities that may have an adverse effect on the environment. No mitigation measures related to recreational resources were identified in the Eastern Neighborhoods PEIR. However, the PEIR identified Improvement Measure H-1: Support for Upgrades to Existing Recreation Facilities. This improvement measure calls for the City to implement funding mechanisms for an ongoing program to repair, upgrade and adequately maintain park and recreation facilities. An update of the Recreation and Open Space Element (ROSE) of the General Plan was adopted in April 2014. The amended ROSE identifies areas within the Eastern Neighborhoods Plan area for acquisition and the locations where new open spaces and open space connections should be built, consistent with PEIR Improvement Measure H-2: Support for New Open Space. Two of these open spaces, Daggett Plaza (16<sup>th</sup> and Daggett streets) and In Chan Kaajal Park (17th and Folsom streets), both opened in 2017.

**Project Analysis**

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>Would the project:</b>				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

E.11.a) As discussed in Topic E.2, Population and Housing, the proposed project would add new residential space resulting in approximately 19 new residents. New residents would be within walking distance of Juri Commons, Guerrero Park, and Coso and Precita Mini Park. Additionally, the proposed project would provide passive recreational uses onsite for the residents, including 1,400 square feet of common open space available to project residents and 2,223 square feet of private open space. Although the proposed project would introduce a new permanent population to the project site, the number of new residents projected would not be large enough to substantially increase demand for, or use of, neighborhood parks or recreational facilities, such that substantial physical deterioration of the facilities would be expected.

E.11.b) The permanent residential population on the site would not require the construction of new recreational facilities or the expansion of existing facilities.

**Cumulative**

Cumulative development in the project vicinity would result in an intensification of land uses and an increase in the use of nearby recreational resources and facilities. The Recreation and Open Space Element of the General Plan provides a framework for providing a high quality open space system for its residents, while accounting for expected population growth through year 2040. In addition, San Francisco voters passed two bond measures, in 2008 and 2012, to fund the acquisition,

planning, and renovation of the City’s network of recreational resources. As discussed above, there are several parks, open spaces, or other recreational facilities within a quarter-mile of the project site, and two new parks have recently been constructed within the plan area. These existing recreational facilities would be able to accommodate the increase in demand for recreational resources generated by nearby cumulative development projects without resulting in physical degradation of those resources. For these reasons, the proposed project would not combine with reasonably foreseeable future projects in the project vicinity to create a significant cumulative impact on recreational facilities.

**Conclusion**

As discussed above, the proposed project would not result in a significant individual or cumulative impact related to recreational resources. Therefore, the proposed project would not result in a significant recreational impact that was not disclosed in the Eastern Neighborhoods PEIR.

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**E.12 UTILITIES AND SERVICE SYSTEMS**

**Eastern Neighborhoods PEIR Utilities and Service System Findings**

The Eastern Neighborhoods PEIR determined that the anticipated increase in population due to development under the area plans would not result in a significant impact to the provision of water, wastewater collection and treatment, and solid waste collection and disposal. No mitigation measures were identified in the PEIR.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>Would the project:</b>				
a) Require or result in the relocation or construction of new or expanded wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant physical environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? Require or result in the relocation of new or expanded water facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a determination by the wastewater treatment provider that would serve the project that it has inadequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>Topics:</b>	<b>Significant Impact Peculiar to Project or Project Site</b>	<b>Significant Impact not Identified in PEIR</b>	<b>Significant Impact due to Substantial New Information</b>	<b>No Significant Impact not Previously Identified in PEIR</b>
d) Generate solid waste in excess of state or local standards, or in excess of the capacity or local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

E.12.a and c) The project site is served by San Francisco’s combined sewer system, which handles both sewage and stormwater runoff. The Southeast Water Pollution Control Plant provides wastewater and stormwater treatment and management for the east side of the city, including the project site. Project related wastewater and stormwater would flow into the city’s combined sewer system and would be treated to standards contained in the city’s National Pollutant Discharge Elimination System (NPDES) Permit for the Southeast Water Pollution Control Plant prior to discharge into the San Francisco Bay. The NPDES standards are set and regulated by the Regional Water Quality Control Board. The Southeast Plant is designed to treat up to 85 million gallons per day of average dry weather wastewater flows and up to 250 million gallons per day of wet weather combined wastewater and stormwater flows. Average dry weather flows to the Southeast Plant ranged from 58 to 61 million gallons per day for the years 2012 to 2014 and are projected to increase to 69 million gallons per day by 2045.<sup>65</sup>

The San Francisco Public Utilities Commission (SFPUC) is in the process of implementing the Sewer System Improvement Program, which is a multi-billion dollar citywide upgrade to the city’s sewer and stormwater infrastructure to ensure a reliable and seismically safe system. The program includes planned improvements that will serve development in the Eastern Neighborhoods plan area including at the Southeast Water Pollution Control Plant, the Central Bayside System, and green infrastructure projects, such as the Mission and Valencia Green Gateway.

The proposed project would not substantially increase the amount of stormwater entering the combined sewer system because the project would not increase impervious surfaces at the project site. Compliance with the city’s Stormwater Management Ordinance and the Stormwater Management Requirements and Design Guidelines would ensure that the design of the proposed project includes installation of appropriate stormwater management systems that retain runoff on site, promote stormwater reuse, and limit discharges from the site from entering the city’s combined stormwater/sewer system. Under the Stormwater Management ordinance, stormwater generated by the proposed project is required to meet a performance standard that reduces the existing runoff flow rate and volume by 25 percent for a two-year 24-hour design storm and therefore would not contribute additional volume of polluted runoff to the city’s stormwater infrastructure.

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<sup>65</sup> San Francisco Planning Department, *Biosolids Digester Facilities Project, Final Environmental Impact Report*, Case No. 2015-000644ENV, State Clearinghouse No. 2015062073, certified March 8, 2018.

The project site is located within a developed area served by existing electric power, natural gas, and telecommunications. While the project would require local connection to those utilities, it would not necessitate the construction of new power generation, natural gas, or telecommunications infrastructure. Although the proposed project would add 19 new residents to the project site, the combined sewer system has capacity to serve projected growth through year 2045. Therefore, the incremental increase in wastewater treatment resulting from the project would be met by the existing sewer system and would not require expansion of existing wastewater facilities or construction of new facilities.

E.12.b) Since certification of the PEIR, the San Francisco Public Utilities Commission (SFPUC) adopted the 2015 Urban Water Management Plan for the City and County of San Francisco.<sup>66</sup> The plan estimates that current and projected water supplies will be sufficient to meet future retail demand<sup>67</sup> through 2035 under normal year, single dry-year and multiple dry-year conditions; however, if a multiple dry-year event occurs, the SFPUC would implement water use and supply reductions through its drought response plan and a corresponding retail water shortage allocation plan.

In December 2018, the State Water Resources Control Board adopted amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, which establishes water quality objectives to maintain the health of our rivers and the Bay-Delta ecosystem (the Bay-Delta Plan Amendment).<sup>68</sup> The state water board has stated that it intends to implement the Bay-Delta Plan Amendment by the year 2022, assuming all required approvals are obtained by that time. Implementation of the Bay-Delta Plan Amendment would result in a substantial reduction in the SFPUC's water supplies from the Tuolumne River watershed during dry years, requiring rationing to a greater degree in San Francisco than previously anticipated to address supply shortages not accounted for in the 2015 Urban Water Management Plan.

The SFPUC has prepared a memorandum discussing future water supply scenarios given adoption of the Bay-Delta Plan Amendment.<sup>69</sup> As discussed in the SFPUC memorandum, implementation of the plan amendment is uncertain for several reasons and whether, when, and the form in which the Bay-Delta Plan Amendment would be implemented, and how those amendments could affect SFPUC's water supply, is currently unknown. The SFPUC memorandum estimates total shortfalls in water supply (that is, total retail demand minus total retail supply) to retail customers through 2040 under three increasingly supply-limited scenarios:

1. Without implementation of the Bay-Delta Plan Amendment, wherein the water supply and demand assumptions contained in the 2015 Urban Water Management Plan and the 2009 Water Supply Agreement, as amended, would remain applicable;

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<sup>66</sup> San Francisco Public Utilities Commission, *2015 Urban Water Management Plan for the City and County of San Francisco*, June 2016, <https://sfwater.org/index.aspx?page=75>. Accessed \_, 2019.

<sup>67</sup> "Retail" demand represents water the SFPUC provides to individual customers within San Francisco. "Wholesale" demand represents water the SFPUC provides to other water agencies supplying other jurisdictions.

<sup>68</sup> State Water Resources Control Board Resolution No. 2018-0059, *Adoption of Amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and Final Substitute Environmental Document*, December 12, 2018, available at [https://www.waterboards.ca.gov/plans\\_policies/docs/2018wqcp.pdf](https://www.waterboards.ca.gov/plans_policies/docs/2018wqcp.pdf).

<sup>69</sup> Memorandum from Steven R. Ritchie, SFPUC to Lisa Gibson, Environmental Review Officer, San Francisco Planning Department, Environmental Planning Division, May 31, 2019.

2. With implementation of a voluntary agreement between the SFPUC and the State Water Resources Control Board that would include a combination of flow and non-flow measures that are designed to benefit fisheries at a lower water cost, particularly during multiple dry years, than would occur under the Bay-Delta Plan Amendment; and
3. With implementation of the Bay-Delta Plan Amendment as adopted.

As estimated in the SFPUC memorandum, water supply shortfalls during dry years would be lowest without implementation and highest with implementation of the Bay-Delta Plan Amendment. Shortfalls under the proposed voluntary agreement would be between those with and without implementation of the Bay-Delta Plan Amendment.<sup>70</sup>

Under these three scenarios, the SFPUC would have adequate water to meet total retail demands through 2040 in normal years.<sup>71</sup> For single dry and multiple (years 1, 2 and 3) dry years of an extended drought, the SFPUC memorandum estimates that shortfalls of water supply relative to demand would occur both with and without implementation of the Bay-Delta Plan Amendment. Without implementation of the plan amendment, shortfalls would range from approximately 3.6 to 6.1 mgd or 5 to 6.8 percent shortfall during dry years through the year 2040.

With implementation of the Bay-Delta Plan Amendment, shortfalls would range from 12.3 mgd (15.6 percent) in a single dry year to 36.1 mgd (45.7 percent) in years seven and eight of the 8.5-year design drought based on 2025 demand levels and from 21 mgd (23.4 percent) in a single dry year to 44.8 mgd (49.8 percent) in years seven and eight of the 8.5-year design drought based on 2040 demand.

The proposed project does not require a water supply assessment under the California Water Code. Under sections 10910 through 10915 of the California Water Code, urban water suppliers like the SFPUC must prepare water supply assessments for certain large “water demand” projects, as defined in CEQA Guidelines section 15155.<sup>72</sup> The proposed residential project would result in 12

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<sup>70</sup> On March 26, 2019, the SFPUC adopted Resolution No. 19-0057 to support its participation in the voluntary agreement negotiation process. To date, those negotiations are ongoing under the California Natural Resources Agency. The SFPUC submitted a proposed project description that could be the basis for a voluntary agreement to the state water board on March 1, 2019. As the proposed voluntary agreement has yet to be accepted by the state water board as an alternative to the Bay-Delta Plan Amendment, the shortages that would occur with its implementation are not known with certainty; however, if accepted, the voluntary agreement would result in dry year shortfalls of a lesser magnitude than under the Bay-Delta Plan Amendment.

<sup>71</sup> Based on historic records of hydrology and reservoir inflow from 1920 to 2017, current delivery and flow obligations, and fully-implemented infrastructure under the 2018 Phased Water System Improvement Program Variant, normal or wet years occurred 85 out of 97 years. This translates into roughly nine normal or wet years out of every 10 years. Conversely, system-wide rationing is required roughly one out of every 10 years. This frequency is expected to increase as climate change intensifies.

<sup>72</sup> Pursuant to CEQA Guidelines section 15155(1), “a water-demand project” means:

- (A) A residential development of more than 500 dwelling units.
- (B) A shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space.
- (C) A commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor area.
- (D) A hotel or motel, or both, having more than 500 rooms, (e) an industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area.

units and no retail/commercial land uses; as such it does not qualify as a “water-demand” project as defined by CEQA Guidelines section 15155(a)(1) and a water supply assessment is not required and has not been prepared for the project.

While a water supply assessment is not required, the following discussion provides an estimate of the project’s maximum water demand in relation to the three supply scenarios. No single development project alone in San Francisco would require the development of new or expanded water supply facilities or require the SFPUC to take other actions, such as imposing a higher level of rationing across the city in the event of a supply shortage in dry years. Therefore, a separate project-only analysis is not provided for this topic. The following analysis instead considers whether the proposed project in combination with both existing development and projected growth through 2040 would require new or expanded water supply facilities, the construction or relocation of which could have significant cumulative impacts on the environment that were not identified in the Central SoMa PEIR. It also considers whether a high level of rationing would be required that could have significant cumulative impacts. It is only under this cumulative context that development in San Francisco could have the potential to require new or expanded water supply facilities or require the SFPUC to take other actions, which in turn could result in significant physical environmental impacts related to water supply. If significant cumulative impacts could result, then the analysis considers whether the project would make a considerable contribution to the cumulative impact.

Based on guidance from the California Department of Water Resources and a citywide demand analysis, the SFPUC has established 50,000 gallons per day as an equivalent project demand for projects that do not meet the definitions provided in CEQA Guidelines section 15155(a)(1).<sup>73</sup> The development proposed by the project would represent 1.6 percent of the 500-unit limit and 0 percent of the 500,000 square feet of commercial space provided in section 15155(1)(A) and (B), respectively. In addition, the proposed project would incorporate water-efficient fixtures as required by Title 24 of the California Code of Regulations and the city’s Green Building Ordinance. It is therefore reasonable to assume that the proposed project would result in an average daily demand of less than 50,000 gallons per day of water.

The SFPUC has prepared estimates of total retail demand in five-year intervals from 2020 through 2040.<sup>74</sup> Assuming the project would demand no more than 50,000 gallons of water per day (or 0.05 mgd), Table 4 compares this maximum with the total retail demand from 2020 through 2040. At most, the proposed project’s water demand would represent a small fraction of the total projected retail water demand, ranging from 0.07 to 0.06 percent between 2020 and 2040. As such, the project’s water demand would not be substantial enough to require or result in the relocation or

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(F) a mixed-use project that includes one or more of the projects specified in subdivisions (a)(1)(A), (a)(1)(B), (a)(1)(C), (a)(1)(D), (a)(1)(E), and (a)(1)(G) of this section.

(G) A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.

<sup>73</sup> Memorandum, from Steven R. Ritchie, Assistant General Manager, Water Enterprise, San Francisco Public Utilities Commission to Lisa Gibson, Environmental Review Officer, San Francisco Planning Department – Environmental Planning, May 31, 2019.

<sup>74</sup> San Francisco Public Utilities Commission, *2015 Urban Water Management Plan for the City and County of San Francisco*, June 2016. This document is available at <https://sfwater.org/index.aspx?page=75>



construction of new or expanded water facilities the construction or relocation of which could cause significant environmental effects.

**Table 4: Proposed Project Demand Relative to Total Retail Demand (mgd)**

	2020	2025	2030	2035	2040
<b>Total Retail Demand</b>	72.1	79	82.3	85.9	89.9
<b>Total Demand of Proposed Project</b>	0.05	0.05	0.05	0.05	0.05
<b>Total Demand of Proposed Project as Percentage of Total Retail Demand</b>	0.07%	0.06%	0.06%	0.06%	0.06%

Sufficient water supplies are available to serve the proposed project and reasonably foreseeable future development in normal, dry, and multiple dry years unless the Bay-Delta Plan Amendment is implemented. As indicated above, the proposed project’s maximum demand would represent less than 0.06 percent of the total retail demand in 2040 when implementation of the Bay-Delta Plan Amendment would result in a retail supply shortfall of up to 49.8 percent in a multi-year drought. The SFPUC has indicated that it is accelerating its efforts to develop additional water supplies and explore other projects that would increase overall water supply resilience in the case that the Bay-Delta Plan Amendment is implemented. The SFPUC has identified possible projects that it will study, but it has not determined the feasibility of the possible projects, has not made any decision to pursue any particular supply projects, and has determined that the identified potential projects would take anywhere from 10 to 30 years or more to implement. The potential impacts that could result from the construction and/or operation of any such water supply facility projects cannot be identified at this time. In any event, under such a worst-case scenario, the demand for the SFPUC to develop new or expanded dry-year water supplies would exist regardless of whether the proposed project is constructed.

Given the long lead times associated with developing additional water supplies, in the event the Bay-Delta Plan Amendment were to take effect sometime after 2022 and result in a dry-year shortfall, the expected action of the SFPUC for the next 10 to 30 years (or more) would be limited to requiring increased rationing. As discussed in the SFPUC memorandum, the SFPUC has established a process through its Retail Water Shortage Allocation Plan for actions it would take under circumstances requiring rationing. The level of rationing that would be required of the proposed project is unknown at this time. Both direct and indirect environmental impacts could result from high levels of rationing. However, the small increase in potable water demand attributable to the project compared to citywide demand would not substantially affect the levels of dry-year rationing that would otherwise be required throughout the city. Therefore, the proposed project would not make a considerable contribution to a cumulative environmental impact caused by implementation of the Bay-Delta Plan Amendment.

E.12.d and e) The city disposes of its municipal solid waste at the Recology Hay Road Landfill, and that practice is anticipated to continue until 2025, with an option to renew the agreement thereafter for an additional six years. San Francisco Ordinance No. 27-06 requires mixed construction and demolition debris to be transported to a facility that must recover for reuse or recycling and divert from landfill at least 65 percent of all received construction and demolition debris. San Francisco’s

Mandatory Recycling and Composting Ordinance No. 100-09 requires all properties and persons in the city to separate their recyclables, compostables, and landfill trash.

The proposed project would incrementally increase total city waste generation; however, the proposed project would be required to comply with San Francisco ordinance numbers 27-06 and 100-09. Due to the existing and anticipated increase of solid waste recycling in the city and the requirements to divert construction debris from the landfill, any increase in solid waste resulting from the proposed project would be accommodated by the existing Hay Road landfill. Thus, the proposed project would have less-than-significant impacts related to solid waste.

### **Cumulative Analysis**

As explained in the analysis above, existing service management plans for water, wastewater, and solid waste disposal account for anticipated citywide growth. Furthermore, all projects in San Francisco would be required to comply with the same regulations described above which reduce stormwater, potable water, and waste generation. Therefore, the proposed project, in combination with other cumulative development projects would not result in a cumulative utilities and service systems impact.

### **Conclusion**

As discussed above, the proposed project would not result in a significant individual or cumulative impact with respect to utilities and service systems. Therefore, the proposed project would not result in a significant utilities and service system impact that was not disclosed in the Eastern Neighborhoods PEIR.

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## **E.13 PUBLIC SERVICES**

### **Eastern Neighborhoods PEIR Public Services Findings**

The Eastern Neighborhoods PEIR determined that the anticipated increase in population would not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered public services, including fire protection, police protection, and public schools. No mitigation measures were identified in the PEIR.

### **Project Analysis**

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>Would the project:</b>				
a) Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any public services such as fire protection, police protection, schools, parks, or other services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

E.13.a) Project residents would be served by the San Francisco Police Department and Fire Departments. The closest fire station to the project site is Station #11, located approximately 0.33 miles from the site. The closest police station to the project site is the Mission Police Station, located approximately 0.88 miles from the project site. The increased population at the project site could result in more calls for police, fire, and emergency response. However, the increase in demand for these services would not be substantial given the overall demand for such services on a citywide basis. Moreover, the proximity of the project site to police and fire stations would help minimize the response time for these services should incidents occur at the project site.

The San Francisco Unified School District (school district) maintains a property and building portfolio that has capacity for almost 64,000 students.<sup>75</sup> A decade-long decline in district enrollment ended in the 2008-2009 school year at 52,066 students, and total enrollment in the district has increased to about 54,063 in the 2017-2018 school year, an increase of approximately 1,997 students since 2008.<sup>76,77</sup> Thus, even with increasing enrollment, the school district currently has more classrooms district-wide than needed.<sup>78</sup> However, the net effect of housing development across San Francisco is expected to increase enrollment by at least 7,000 students by 2030 and eventually enrollment is likely to exceed the capacity of current facilities.<sup>79</sup>

<sup>75</sup> This analysis was informed, in part, by a Target Enrollment Survey the San Francisco Unified School District performed of all schools in 2010.

<sup>76</sup> San Francisco Unified School District, Facts at a Glance, 2018, <http://www.sfusd.edu/en/assets/sfusd-staff/about-SFUSD/files/sfusd-facts-at-a-glance.pdf>, accessed September 13, 2018.

<sup>77</sup> Note that Enrollment summaries do not include charter schools. Approximately 4,283 students enrolled in charter schools are operated by other organizations but located in school district facilities.

<sup>78</sup> San Francisco Unified School District, San Francisco Bay Area Planning and Urban Research (SPUR) Forum Presentation, Growing Population, Growing Schools, August 31, 2016, [https://www.spur.org/sites/default/files/events\\_pdfs/SPUR%20Forum\\_August%2031%202016.pptx\\_.pdf](https://www.spur.org/sites/default/files/events_pdfs/SPUR%20Forum_August%2031%202016.pptx_.pdf), accessed October 5, 2018.

<sup>79</sup> Lapkoff & Gobalet Demographic Research, Inc., Demographic Analyses and Enrollment Forecasts for the San Francisco Unified School District, February 16, 2018, p. 2, <http://www.sfusd.edu/en/assets/sfusd-staff/about-SFUSD/files/demographic-analyses-enrollment-forecast.pdf>, accessed October 5, 2018.

Lapkoff & Gobalet Demographic Research, Inc. conducted a study in 2010 for the school district that projected student enrollment through 2040.<sup>80</sup> This study is being updated as additional information becomes available. The study considered several new and ongoing large-scale developments (Mission Bay, Candlestick Point, Hunters Point Shipyard/San Francisco Shipyard, and Treasure/Yerba Buena Islands, Parkmerced, and others) as well as planned housing units outside those areas.<sup>81</sup> In addition, it developed student yield assumptions informed by historical yield, building type, unit size, unit price, ownership (rented or owner-occupied), whether units are subsidized, whether subsidized units are in standalone buildings or in inclusionary buildings, and other site-specific factors. For most developments, the study establishes a student generation rate of 0.80 Kindergarten through 12th grade students per residential unit in a standalone affordable housing site, 0.25 students per unit for inclusionary affordable housing developments, and 0.10 students per unit for market-rate housing.

The Leroy F. Greene School Facilities Act of 1998, or SB 50, restricts the ability of local agencies to deny land use approvals on the basis that public school facilities are inadequate. SB 50, however, permits the levying of developer fees to address local school facility needs resulting from new development. Local jurisdictions are precluded under state law from imposing school-enrollment-related mitigation beyond the school development fees. The school district collects these fees, which are used in conjunction with other school district funds, to support efforts to complete capital improvement projects within the city. The proposed project would be subject to the school impact fees.

The proposed project would be expected to generate approximately one school-aged child, who may be served by the San Francisco Unified School District or through private schools in the areas.<sup>82</sup> The school district currently has capacity to accommodate this minor increase in demand without the need for new or physically altered schools, the construction of which may result in environmental impacts.

Impacts on parks and recreational facilities are addressed above in Topic E.11, Recreation.

### **Cumulative Analysis**

The proposed project, combined with projected citywide growth through 2040, would increase demand for public services, including police and fire protection and public schooling. The fire department, the police department, the school district, and other city agencies have accounted for such growth in providing public services to the residents of San Francisco. For these reasons, the proposed project, in combination with projected cumulative development, would not result in a significant cumulative impact resulting from substantial adverse physical impacts associated with the construction of new or expanded governmental facilities.

### **Conclusion**

As discussed above, the proposed project would not result in a significant individual or cumulative impact with respect to public services. Therefore, the proposed project would not result in a significant public services impact that was not disclosed in the Eastern Neighborhoods PEIR.

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<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

<sup>82</sup> Market rate school-aged child generation rate multiplied by the number of proposed new units:  $0.10 \times 8 = 0.80$ .

## E.14 BIOLOGICAL RESOURCES

### Eastern Neighborhoods PEIR Biological Findings

The Eastern Neighborhoods Plan area is in a developed urban environment that does not provide native natural habitat for any rare or endangered plant or animal species. There are no riparian corridors, estuaries, marshes, or wetlands in the Plan Area that could be affected by the development anticipated under the Area Plan. In addition, development envisioned under the Eastern Neighborhoods Area Plan would not substantially interfere with the movement of any resident or migratory wildlife species. For these reasons, the PEIR concluded that implementation of the Area Plan would not result in significant impacts on biological resources, and no mitigation measures were identified.

### Project Analysis

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>Would the project:</b>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

E.14.a-f) The project site is located within the Mission Plan area of the Eastern Neighborhoods Area Plan and therefore, the project site does not support habitat for any candidate, sensitive or special status species. Further, there are no riparian corridors, estuaries, marshes or wetlands on or adjacent to the project site and there are no environmental conservation plans applicable to the project site. Additionally, the project would be required to comply with the Urban Forestry Ordinance, *Public Works Code* section 801 *et. seq.*, which requires a permit from Public Works to remove any protected trees (landmark, significant, and street trees). The proposed project does not involve the removal of any existing trees. The proposed project would retain the existing street tree in front of the project site and would plant one new street tree along the San Jose Avenue frontage. Therefore, the proposed project would not result in significant biological resource impacts.

### **Cumulative Analysis**

As the proposed project would have no impact on special status species or sensitive habitats, the project would not have the potential to contribute to cumulative impacts to special status species or sensitive habitats. All projects within San Francisco are required to comply with the Urban Forestry Ordinance, *Public Works Code* section 801 *et. seq.*, which would ensure that any cumulative impact resulting from conflicts with the city ordinance protecting trees would be less than significant.

### **Conclusion**

As discussed above, the proposed project would not result in a significant individual or cumulative impact with respect to biological resources. Therefore, the proposed project would not result in a significant biological resources impact that was not disclosed in the Eastern Neighborhoods PEIR.

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## **E.15 GEOLOGY AND SOILS**

### **Eastern Neighborhoods PEIR Geology and Soils Findings**

The Eastern Neighborhoods PEIR concluded that implementation of the Area Plan would indirectly increase the population that would be subject to an earthquake, including seismically induced ground-shaking, liquefaction, and landslides. The PEIR also noted that new development is generally safer than comparable older development due to improvements in building codes and construction techniques. Compliance with applicable codes and recommendations made in project-specific geotechnical analyses would not eliminate earthquake risks, given the seismically active characteristics of the Bay Area, but would reduce them to an acceptable level. Thus, the PEIR concluded that implementation of the Plan would not result in significant impacts with regards to geology and soils, and no mitigation measures were identified in the Eastern Neighborhoods PEIR.

## Project Analysis

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>Would the project:</b>				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

E.15.a, c, and d) A geotechnical investigation was prepared for the proposed project and is summarized here.<sup>83</sup> The project site is underlain by sandy clay soil mixtures up to 10 feet below ground surface, the maximum depth explored. Groundwater was not encountered in the 10-foot boring conducted for the investigation. The project site is not located in a seismic hazard zone and the project site is not substantially sloped. The proposed project would excavate up to 930 cubic yards of soil in order to move the existing building eastward 15 feet, construct a new foundation,

<sup>83</sup>H. Allen Gruen, *Report: Geotechnical Investigation, Planned Development at 350 San Jose Avenue, San Francisco, California*, January 22, 2018.

and develop basement-level units. The investigation concluded that the project site is suitable for the proposed improvements and proposed a conventional spread footing foundation.<sup>84</sup>

To ensure that the potential for adverse effects related to geology and soils are adequately addressed, San Francisco relies on the state and local regulatory process for review and approval of building permits pursuant to the California Building Code (state building code), California Code of Regulations, Title 24); the local building code, which is the state building code plus local amendments that supplement the state code, including the building department's administrative bulletins. The building department also provides its implementing procedures in information sheets. The project is required to comply with the building code, which ensures the safety of all new construction in the City. The building department will review the project plans for conformance with the recommendations in the project-specific geotechnical report during its review of the building permit for the project. In addition, the building department may require additional site-specific report(s) through the building permit application process and its implementing procedures, as needed. The building department's requirement for a geotechnical report and review of the building permit application pursuant to its implementation of the building code would ensure that the proposed project would not result in any significant impacts related to soils, seismicity or other geological hazards.

E.15.b) The project site is occupied by an existing building with a landscaped front yard and a paved rear yard that entirely covered with impervious surfaces. Given that the existing project site is largely paved, construction of the proposed project would not result in the loss of substantial topsoil. Site preparation and excavation activities would disturb soil to a depth of approximately 9 feet 3 inches below ground surface, creating the potential for windborne and waterborne soil erosion. The project would be required to comply with the Construction Site Runoff Ordinance, which requires all construction sites to implement best management practices to prevent the discharge of sediment, non-stormwater and waste runoff from a construction site. For construction projects disturbing 5,000 sf or more, a project must also submit an Erosion and Sediment Control Plan that details the use, location and emplacement of sediment and control devices. These measures would reduce the potential for erosion during construction. Therefore, the proposed project would not result in significant impacts related to soil erosion or the loss of top soil.

E.15.e) The project would connect to the City's existing sewer system. Therefore, septic tanks or alternative waste disposal systems would not be required and this topic is not applicable to the project.

E.15.f) The proposed project would excavate up to 930 cubic yards of soil in order to move the existing building forward 15 feet, construct a new foundation, and develop basement-level units. Paleontological resources include fossilized remains or traces of animals, plants, and invertebrates, including their imprints, from a previous geological period. A unique geologic or physical feature embodies distinctive characteristics of any regional or local geologic principles, provides a key piece of information important to geologic history, contains minerals not known to occur elsewhere in the county, and/or is used as a teaching tool. There are no known unique geologic or physical features at the project site. Construction activities are not anticipated to encounter any below-grade

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<sup>84</sup> H. Allen Gruen, *Addendum to the Report: Geotechnical Investigation, Planned Development at 350 San Jose Avenue, San Francisco, California*, April 25, 2019.



paleontological resources. Therefore, the project would have no impact on paleontological resources or unique geologic features.

**Cumulative Analysis**

As discussed above, the proposed project would have no impact with regards to environmental effects of septic systems or alternative waste disposal systems and paleontological resources or unique geologic features. Therefore, the proposed project would not have the potential to combine with effects of reasonably foreseeable projects to result in cumulative impacts to those topics.

Environmental impacts related to geology and soils are generally site-specific. All development within San Francisco would be subject to the same seismic safety standards and design review procedures of the California and local building codes and be subject to the requirements of the Construction Site Runoff Ordinance. These regulations would ensure that cumulative effects of development on seismic safety, geologic hazards, and erosion are less than significant. For these reasons, the proposed project would not combine with cumulative projects in the project vicinity to create a significant cumulative impact related to geology and soils.

**Conclusion**

As discussed above, the proposed project would not result in a significant individual or cumulative impact with respect to geology and soils. Therefore, the proposed project would not result in a significant geology and soils impact that was not disclosed in the Eastern Neighborhoods PEIR.

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**E.16 HYDROLOGY AND WATER QUALITY**

**Eastern Neighborhoods PEIR Hydrology and Water Quality Findings**

The Eastern Neighborhoods PEIR determined that the anticipated increase in population resulting from implementation of the Plan would not result in a significant impact on hydrology and water quality, including the combined sewer system and the potential for combined sewer outflows. No mitigation measures were identified in the PEIR.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Project Analysis

E.16.a) The project would generate wastewater and stormwater discharges typical of urban residential uses. Wastewater and stormwater from the project site would be accommodated by the city's sewer system and treated at the Southeast Water Pollution Control Plant to the standards contained in the city's NPDES permit. The NPDES standards are set and regulated by the San Francisco Bay Regional Water Quality Control Board. Therefore, the proposed project would not exceed the waste discharge requirements of the water quality board. Furthermore, as discussed in topic E.15b, the project would be required to comply with the Construction Site Runoff Ordinance, which requires all construction sites to implement best management practices to prevent the discharge of sediment, non-stormwater and waste runoff from a construction site. The city's compliance with the requirements of its NPDES permit and the project's compliance with Construction Site Runoff Ordinance would ensure that the project would not result in significant impacts to water quality.

E.16.b) As discussed under Topic E.14, groundwater was not encountered in the 10-foot boring conducted for the geotechnical investigation and would likely not be encountered during excavation, as the greatest depth of excavation proposed would be less than 10 feet. Therefore, dewatering is not likely to be necessary during construction. The project would not require long-term dewatering, and does not propose to extract any underlying groundwater supplies. In addition, the project site is located in the Downtown San Francisco Groundwater Basin. This basin is not used as a drinking water supply and there are no plans for development of this basin for

groundwater production.<sup>85</sup> For these reasons, the proposed project would not deplete groundwater supplies or substantially interfere with groundwater recharge. This impact would be less than significant, and no mitigation measures are necessary.

E.16.c) No streams or rivers exist in the vicinity of the project site. Therefore, the proposed project would not alter the course of a stream or river, or substantially alter the existing drainage pattern of the project site or area. For the reasons discussed in Topics E.12.a and E.15.b, the proposed project would not substantially increase the rate or amount of surface runoff such that substantial flooding, erosion, or siltation would occur on or offsite.

E.16.d) The project site is not located within a 100-year flood hazard zone, a dam failure area, or a tsunami or seiche hazard area. Therefore, Topic 16.d is not applicable to the proposed project.

E.16.e) For the reasons discussed in Topic E.16a, the project would not interfere with the San Francisco Bay water quality control plan. Further, the project site is not located within an area subject to a sustainable groundwater management plan and the project would not extract groundwater supplies.

### **Cumulative Analysis**

The proposed project would have no impact with respect to the following topics and therefore would not have the potential to contribute to any cumulative impacts for those resource areas: location of the project site within a 100-year flood hazard area, tsunami or seiche zone, alterations to a stream or river or changes to existing drainage patterns. The proposed project and other development within San Francisco would be required to comply with the stormwater management and construction site runoff ordinances that would reduce the amount of stormwater entering the combined sewer system and prevent discharge of construction-related pollutants into the sewer system. As the project site is not located in a groundwater basin that is used for water supply, the project would not combine with cumulative projects to result in significant cumulative impacts to groundwater. Therefore, the proposed project in combination with other projects would not result in significant cumulative impacts related to hydrology and water quality.

### **Conclusion**

As discussed above, the proposed project would not result in a significant individual or cumulative impact with respect to hydrology and water quality. Therefore, the proposed project would not result in a significant hydrology and water quality impact that was not disclosed in the Eastern Neighborhoods PEIR.

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## **E.17 HAZARDS AND HAZARDOUS MATERIALS**

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<sup>85</sup> The San Francisco Public Utilities Commission (SFPUC) supplies water to all of San Francisco residents and businesses. The SFPUC's groundwater supply program includes two groundwater projects: one along the peninsula and the other supplying groundwater from San Francisco's Westside Groundwater Basin aquifer, approximately 400 feet below ground surface. For more information see: <https://sfwater.org/index.aspx?page=184>. Accessed November 19, 2018.

**Eastern Neighborhoods PEIR Hazards and Hazardous Materials Findings**

The Eastern Neighborhoods PEIR noted that implementation of any of the proposed project’s rezoning options would encourage construction of new development within the project area. The PEIR found that there is a high potential to encounter hazardous materials during construction activities in many parts of the project area because of the presence of 1906 earthquake fill, previous and current land uses associated with the use of hazardous materials and known or suspected hazardous materials cleanup cases. However, the PEIR found that existing regulations for facility closure, underground storage tank closure, and investigation and cleanup of soil and groundwater contamination would protect workers and the public from exposure to hazardous materials during construction. The Eastern Neighborhoods PEIR identified a significant impact associated with hazardous building materials and determined that Mitigation Measure L-1: Hazardous Building Materials, would reduce this impact to a less-than-significant level. Since that time, regulations for the safe handling and disposal of hazardous building materials have been enacted and this mitigation measure is no longer necessary to reduce potential impacts related to exposure to hazardous building materials during demolition and renovation. The Eastern Neighborhoods PEIR also found that redevelopment would occur in an urbanized area without wildland fire risks and would not expose people or structures to a significant risk of loss, injury or death involving fires.

**Project Analysis**

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

E.17.a) The proposed project's residential uses could use hazardous materials for building maintenance such as household chemicals for cleaning, and herbicides and pesticides for landscape maintenance. These materials are properly labeled to inform the user of potential risks as well as handling procedures. The majority of these hazardous materials would be consumed upon use and would produce very little waste. Any hazardous wastes that are produced would be managed in accordance with Article 22 of the San Francisco Health Code. In addition, the transportation of hazardous materials are regulated by the California Highway Patrol and the California Department of Transportation. The use of any of these hazardous materials are not expected to cause any substantial health or safety hazards. Therefore, potential impacts related to the routine use, transport, and disposal of hazardous materials would be less than significant.

E.17.b and c) The following discusses the project's potential to emit hazardous materials.

#### **Hazardous Building Materials**

Some building materials commonly used in older buildings could present a public health risk if disturbed during an accident or during demolition or renovation of an existing building. Hazardous building materials addressed in the PEIR include asbestos, electrical equipment such as transformers and fluorescent light ballasts that contain PCBs or di (2 ethylhexyl) phthalate (DEHP), fluorescent lights containing mercury vapors, and lead-based paints. Asbestos and lead based paint may also present a health risk to existing building occupants if they are in a deteriorated condition. If removed during demolition of a building, these materials would also require special disposal procedures. As noted above, regulations are in place to address the proper removal and disposal of asbestos containing building materials and lead based paint. PEIR Mitigation Measure L-1, addressing the proper removal and disposal of other hazardous building materials, is no longer necessary to reduce impacts related to building demolition as regulations have been enacted to address these common hazardous building materials. Compliance with these regulations would ensure the proposed project would not result in significant impacts from the potential release of hazardous building materials.

#### **Soil and Groundwater Contamination**

Since certification of the PEIR, Article 22A of the Health Code, also known as the Maher Ordinance, was expanded to include properties throughout the city where there is potential to encounter hazardous materials, primarily industrial zoning districts, sites with current or former industrial uses or underground storage tanks, sites with historic bay fill, and sites close to freeways or underground storage tanks. The Maher Ordinance, which is implemented by the San Francisco Department of Public Health (public health department), requires appropriate handling, treatment,

disposal, and remediation of contaminated soils that are encountered in the building construction process. All projects in the city that disturb 50 cubic yards or more of soil that are located on sites with potentially hazardous soil or groundwater are subject to this ordinance. Some projects that disturb less than 50 cubic yards may also be subject to the Maher Ordinance if they propose to a change of use from industrial (e.g., gas stations, dry cleaners, etc.) to sensitive uses (e.g., residential, medical, etc.).

The proposed project is not located on a known contaminated site; however, the project proposes greater than 50 cubic yards of excavation adjacent to a historic railway. Though the project site has been developed since 1875 with the existing building, potential soil contamination from the previously operated rail line (presently Juri Commons) was listed as a consideration in the *phase I environmental site assessment* prepared in April 2018.<sup>86</sup> In compliance with the Maher Ordinance, the project sponsor has submitted an application for a Maher permit to the health department.<sup>87</sup> The proposed project would be required to remediate any discovered soil contamination in accordance with Article 22A to standards that would be acceptable for residential uses. Compliance with these requirements would ensure that the proposed project would not result in any significant impacts related to hazardous materials.

E.17.d) The proposed project is not located on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5. For the reasons described in the analysis of Topic E.17.b and c, above, the proposed project would not create a significant hazard to the public or environment.

E.17.e) The project site is not located within an airport land use plan area or within two miles of a public airport. Therefore, Topic 16.e is not applicable to the proposed project.

E.17.f) The proposed project, located within a city block, would not impair implementation of an emergency response or evacuation plan adopted by the City of San Francisco. Project construction and operation would not close roadways or impede access to emergency vehicles or emergency evacuation routes. Thus, the proposed project would not obstruct implementation of the city's emergency response and evacuation plans, and potential impacts would be less than significant.

E.17.g) As discussed above, the Eastern Neighborhoods plan area is not located in or near wildland areas with high fire risk. Construction of the proposed project would conform to the provisions of the building code and fire code. Final building plans would be reviewed by the building and fire departments to ensure conformance with the applicable life-safety provisions, including development of an emergency procedure manual and an exit drill plan. Therefore, the proposed project would not obstruct implementation of the city's emergency response plan, and potential emergency response and fire hazard impacts would be less than significant.

### **Cumulative Analysis**

Environmental impacts related to hazards and hazardous materials are generally site-specific. Nearby cumulative development projects would be subject to the same regulations addressing use of hazardous waste (Article 22 of the health code), hazardous soil and groundwater (Article 22B of

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<sup>86</sup> Professional Service Industries, Inc. *Phase I Environmental Site Assessment, Multi-Family Residence, 350 & 352 San Jose Ave, San Francisco, CA 94110*, April 19, 2018.

<sup>87</sup> San Francisco Department of Public Health, *Maher Ordinance Application, 350-352 San Jose Ave*, June 6, 2018.

the health code) and building and fire codes addressing emergency response and fire safety. For these reasons, the proposed project would not combine with past, present, or reasonably foreseeable future projects in the project vicinity to create a significant cumulative impact related to hazards and hazardous materials.

**Conclusion**

The proposed project’s impact related to hazardous materials would be less than significant and would not result in significant hazards and hazardous materials impacts that were not identified in the Eastern Neighborhoods PEIR.

**E.18 MINERAL RESOURCES**

**Eastern Neighborhoods PEIR Mineral Resources Findings**

The plan area does not include any natural resources routinely extracted and the rezoning does not result in any natural resource extraction programs. Therefore, the Eastern Neighborhoods PEIR concluded that implementation of the area plan and rezoning would not result in a significant impact on mineral resources. No mitigation measures were identified in the PEIR.

**Project Analysis**

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>Would the project:</b>				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

E.18.a,b) The project site is not located in an area with known mineral resources and would not routinely extract mineral resources. Therefore, the proposed project would have no impact on mineral resources.

**Cumulative**

The proposed project would have no impact on mineral resources and therefore would not have the potential to contribute to any cumulative mineral resource impact.

**Conclusion**

For the reasons stated above, the proposed project would not result in significant impacts either individually or cumulatively related to mineral resources. Therefore, the proposed project would not result in new or more severe impacts on mineral resources not identified in the Eastern Neighborhoods PEIR.

## E.19 ENERGY RESOURCES

### Eastern Neighborhoods PEIR Energy Resources Findings

The Eastern Neighborhoods PEIR determined that development under the area plans and rezoning would not encourage the use of large amounts of fuel, water, or energy or use these in a wasteful manner. Therefore, the Eastern Neighborhoods PEIR concluded that implementation of the area plan and rezoning would not result in a significant impact on energy resources. No mitigation measures were identified in the PEIR.

### Project Analysis

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>Would the project:</b>				
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

E.19.a) Energy demand for the proposed project would be typical of residential projects and would meet, or exceed, current state and local codes and standards concerning energy consumption, including the Green Building Ordinance and Title 24 of the California Code of Regulations. As documented in the GHG compliance checklist for the proposed project, the project would be required to comply with applicable regulations promoting water conservation and reducing potable water use. As discussed in topic E.5, Transportation and Circulation, the project site is located in a transportation analysis zone that experiences low levels of VMT per capita. Therefore, the project would not encourage the use of large amounts of fuel, water, or energy or use these in a wasteful manner.

E.19.b) In 2002, California established its Renewables Portfolio Standard Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2017. In November 2008, Executive Order S-14-08 was signed requiring all retail sellers of electricity to serve 33 percent of their load with renewable energy by 2020. In 2015, Senate Bill 350 codifies the requirement for renewables portfolio standard to achieve 50 percent renewable by 2030, and in 2018, Senate Bill 100 requires 60 percent renewable by 2030 and 100 percent by 2045.<sup>88</sup>

<sup>88</sup> California Energy Commission, California Renewable Energy Overview and Programs. Available at: <https://www.energy.ca.gov/renewables/>. Accessed April 24, 2019.



San Francisco's electricity supply is 41 percent renewable, and San Francisco's goal is to meet 100 percent of its electricity demand with renewable power.<sup>89</sup> CleanPowerSF is the city's Community Choice Aggregation Program operated by the SFPUC, which provides renewable energy to residents and businesses. GreenFinanceSF allows commercial property owners to finance renewable energy projects, as well as energy and water efficiency projects, through a municipal bond and repay the debt via their property tax account.

As discussed above in Topic E.19.a, the project would comply with the energy efficiency requirements of the state and local building codes and would not conflict with or obstruct implementation of city and State plans for renewable energy and energy efficiency.

### **Cumulative**

All development projects within San Francisco would be required to comply with applicable regulations in the City's Green Building Ordinance and Title 24 of the California Code of Regulations that reduce both energy use and potable water use. The majority of San Francisco is located within a transportation analysis zone that experiences low levels of VMT per capita compared to regional VMT levels. Therefore, the proposed project, in combination with other reasonably foreseeable cumulative projects would not encourage activities that result in the use of large amounts of fuel, water, or energy or use these in a wasteful manner.

### **Conclusion**

For the reasons stated above, the proposed project would not result in significant impacts either individually or cumulatively related to energy resources. Therefore, the proposed project would not result in new or more severe impacts on energy resources not identified in the Eastern Neighborhoods PEIR.

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## **E.20 AGRICULTURE AND FOREST RESOURCES**

### **Eastern Neighborhoods PEIR Agriculture and Forest Resources Findings**

The Eastern Neighborhoods PEIR determined no agricultural resources exist in the plan area; therefore, the rezoning and area plans would have no effect on agricultural resources. The Eastern Neighborhoods PEIR did not analyze the plan's effects on forest resources.

### **Project Analysis**

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<sup>89</sup> San Francisco Mayor's Renewable Energy Task Force Recommendations Report, September 2012. Accessed on April 24, 2019. Available at: [https://sfenvironment.org/sites/default/files/fliers/files/sfe\\_re\\_renewableenergytaskforcerecommendationsreport.pdf](https://sfenvironment.org/sites/default/files/fliers/files/sfe_re_renewableenergytaskforcerecommendationsreport.pdf).

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>Would the project:</b>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)) or timberland (as defined by Public Resources Code Section 4526)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

E.20.a-e) The project site is within an urbanized area in the City and County of San Francisco that does not contain any prime farmland, unique farmland, or farmland of statewide importance; forest land; or land under Williamson Act contract. The area is not zoned for any agricultural uses. Topics 19a through e are not applicable to the proposed project and the project would have no impact either individually or cumulatively on agricultural or forest resources.

**Conclusion**

For the above reasons, the proposed project would not result in new or more severe impacts to agricultural or forest resources not identified in the Eastern Neighborhoods PEIR.

**E.21 WILDFIRE**

**Eastern Neighborhoods PEIR Mineral Resources Findings**

The plan area is located within an urbanized area that lacks an urban-wildland interface. Therefore, the Eastern Neighborhoods PEIR concluded that implementation of the area plan and rezoning would not result in a significant impact related to risk of loss, injury or death involving wildland fires. No mitigation measures were identified in the PEIR.

**Project Analysis**

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</b>				
a) Substantially impair an adopted emergency response plan or emergency evacuation plans?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks including downslope or downstream flooding or landslides as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

E.21.a - d) The project site is not located in or near state responsibility lands for fire management or lands classified as very high fire hazard severity zones. Therefore, this topic is not applicable to the project.

**F. PUBLIC NOTICE AND COMMENT**

A “Notification of Project Receiving Environmental Review” was mailed on April 20, 2018 to adjacent occupants and owners of properties within 300 feet of the project site. The original mailing included an incorrect email address for the assigned environmental coordinator. Furthermore, on April 27, 2018, the Planning Department was notified that fraudulent posters and flyers, which included the department’s letterhead but contained a different message in the body of the letter, had been distributed around the project site and posted at Juri Commons. The department reissued a new notice on May 3, 2018, which contained the correct email address for the assigned environmental coordinator, addressed the fraudulent notice, and extended the comment period for another two weeks (ending on May 17, 2018). Thirty comments were received via email, phone, and stamped mail. Overall, concerns and issues raised by the public in response to the notice were taken into consideration and incorporated in the environmental review as appropriate for CEQA analysis. Environmental comment topics included concerns about shadow impacts and general impacts to enjoyment of the adjacent Juri Commons, impacts on the existing historic structure to be developed, construction and operational noise, and parking and traffic impacts. Other concerns not related to environmental review under CEQA included the density of the proposed building

being out of character with the neighborhood, privacy concerns for neighboring residents, balconies overhanging the rear property line, and gentrification of the neighborhood and displacement of existing residents of the subject property. The proposed project would not result in significant adverse environmental impacts associated with the issues identified by the public beyond those identified in the Eastern Neighborhoods PEIR.

# APPENDIX (FIGURES)

**FIGURE 1 – PROJECT SITE LOCATION**

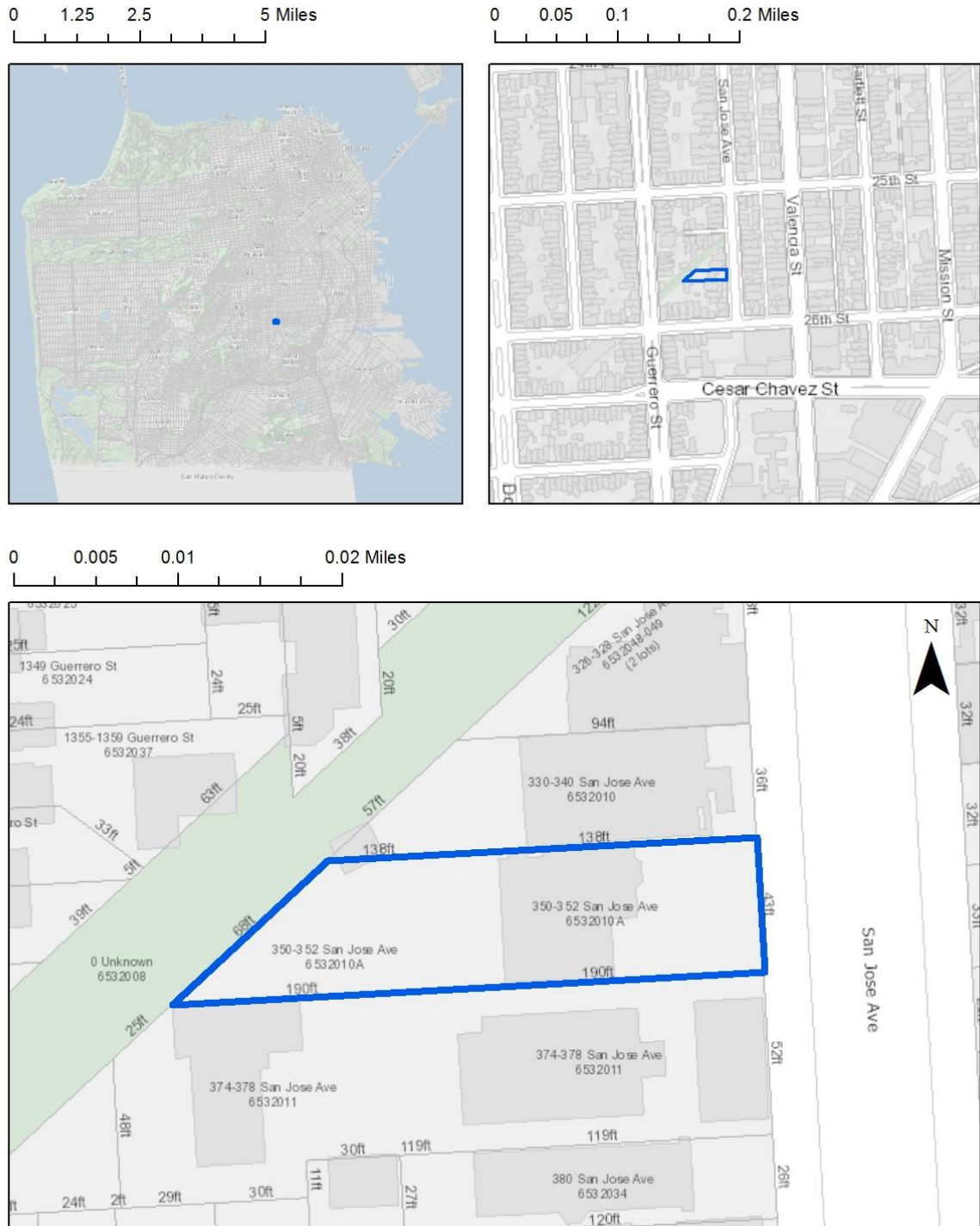
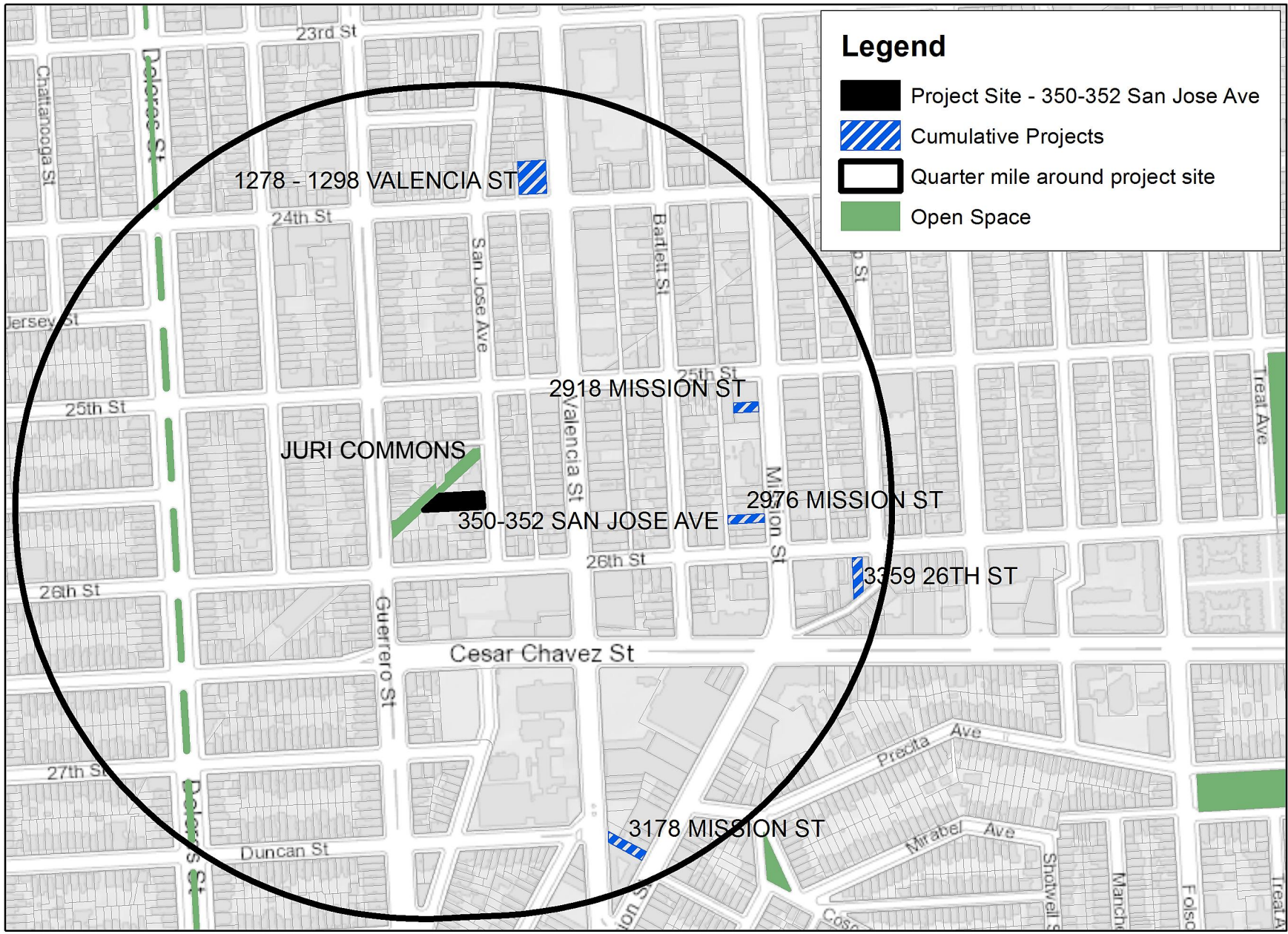




Figure 2. Cumulative Projects within One-quarter Mile of the Project Site



0 0.075 0.15 0.3 Miles

Source: San Francisco Planning Department, June 2019.

# Project Plans





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SHEET TITLE

(E) Site/Roof Plan

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ISSUES / REVISIONS

NO.	DATE	DESCRIPTION

DRAWN S.M.

CHECKED R.K.

DATE 02/22/2017

REVISED DATE 05/01/2019

JOB NO. 17-1741

SHEET NO.

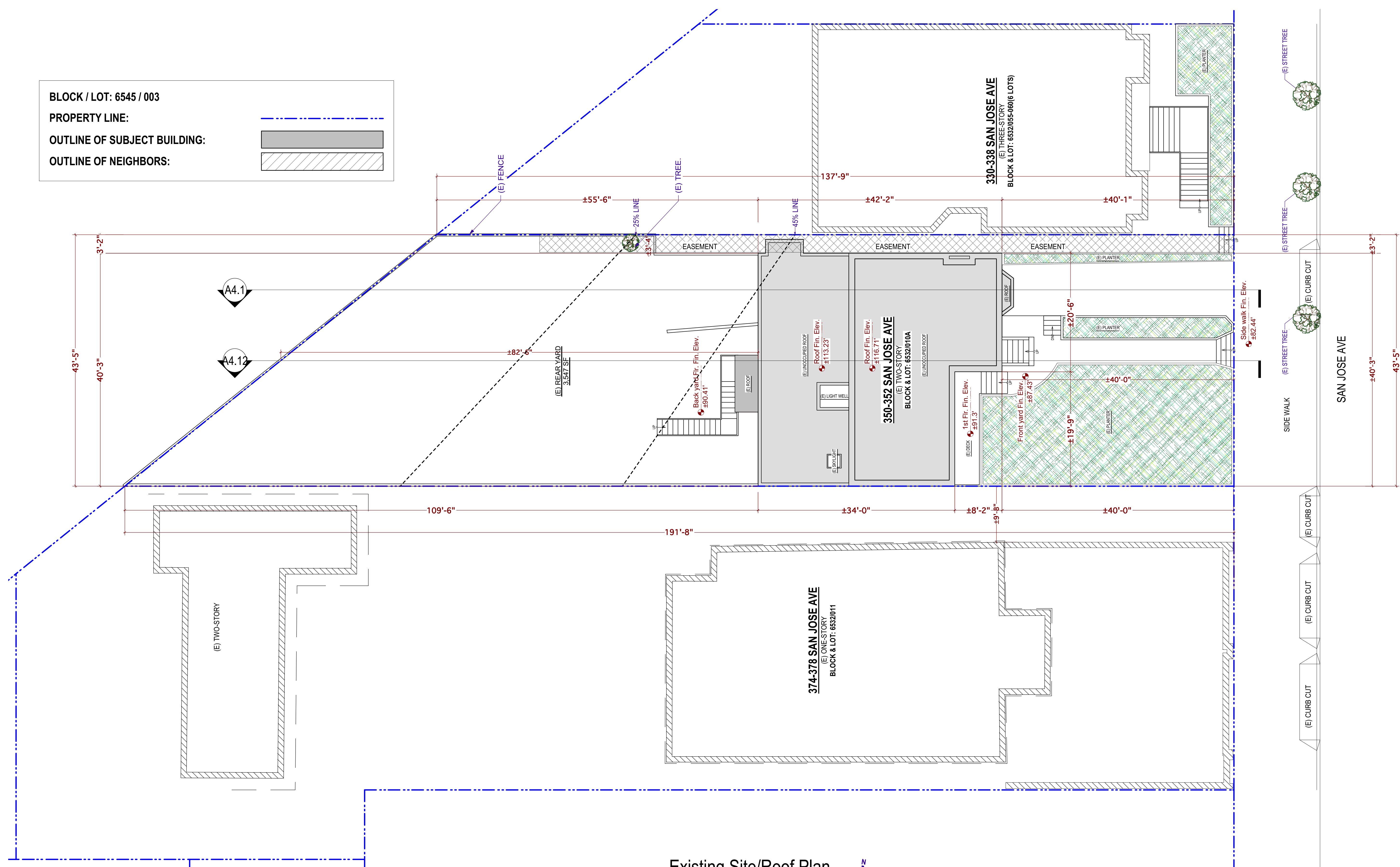
A-1.1

BLOCK / LOT: 6545 / 003

PROPERTY LINE:

OUTLINE OF SUBJECT BUILDING:

OUTLINE OF NEIGHBORS:



Existing Site/Roof Plan

1/8" = 1'-0"



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(N) Site/Roof Plan  
(15' Displacement)

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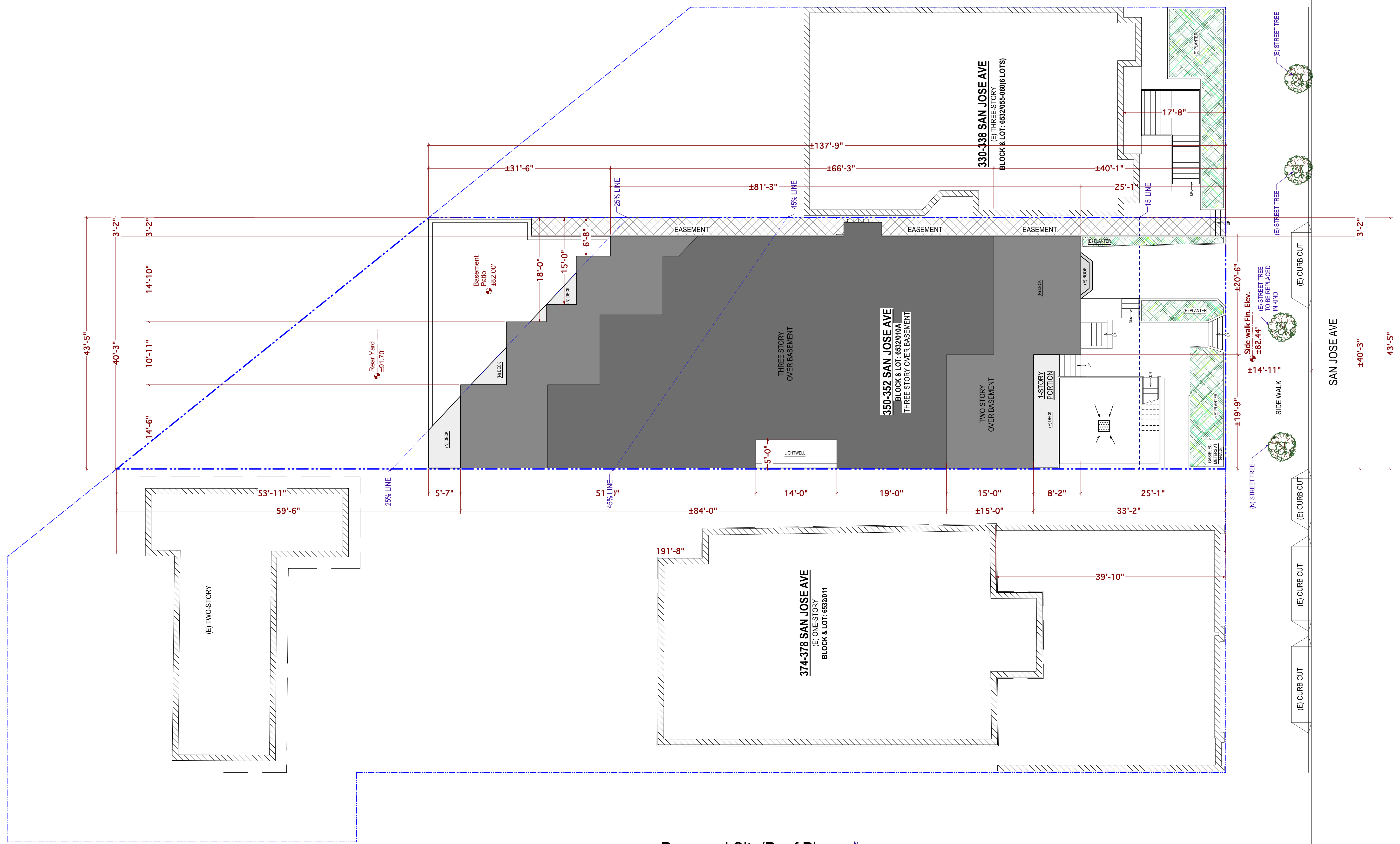
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DATE 02/22/2017

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JOB NO. 17-1741

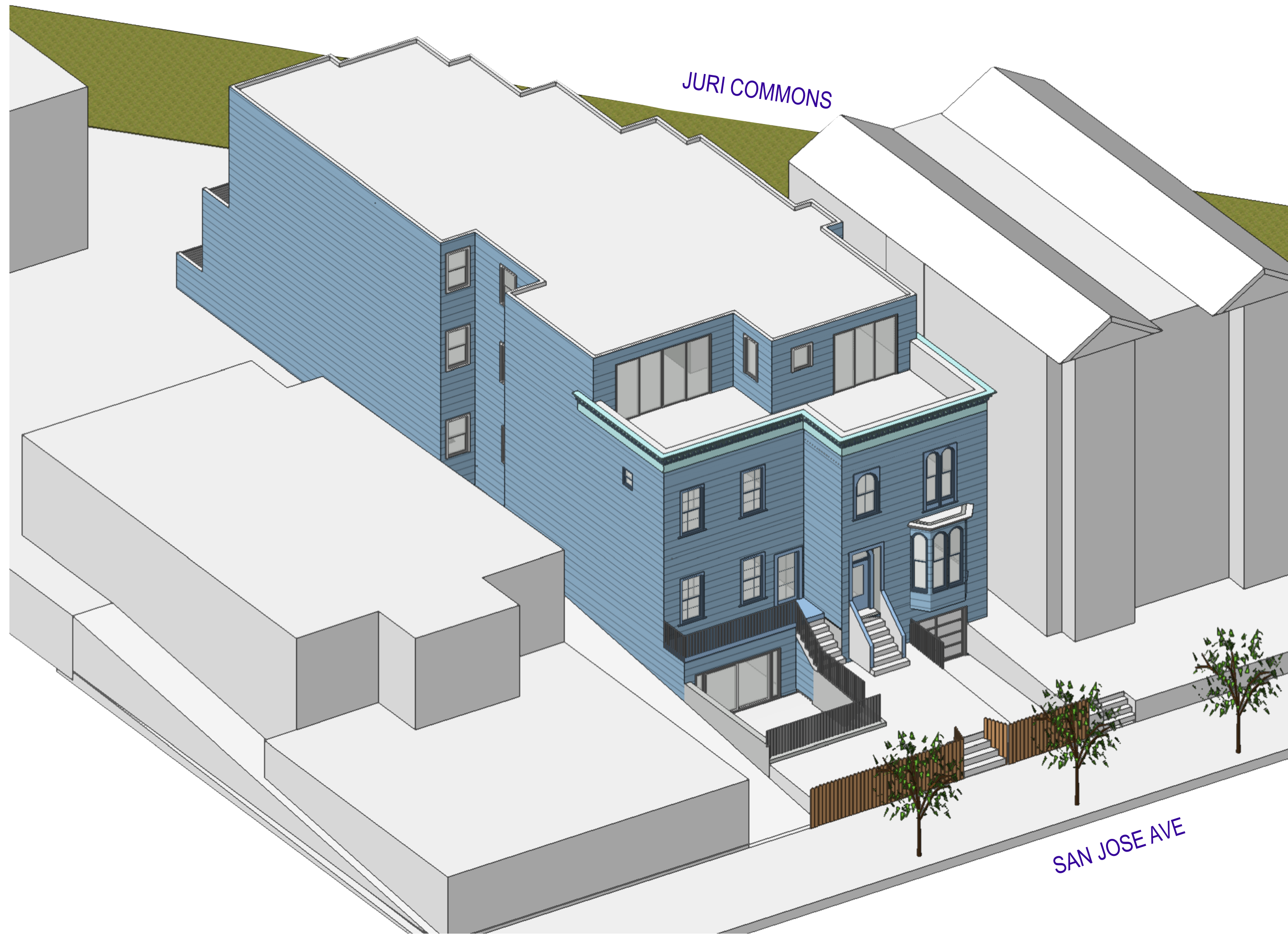
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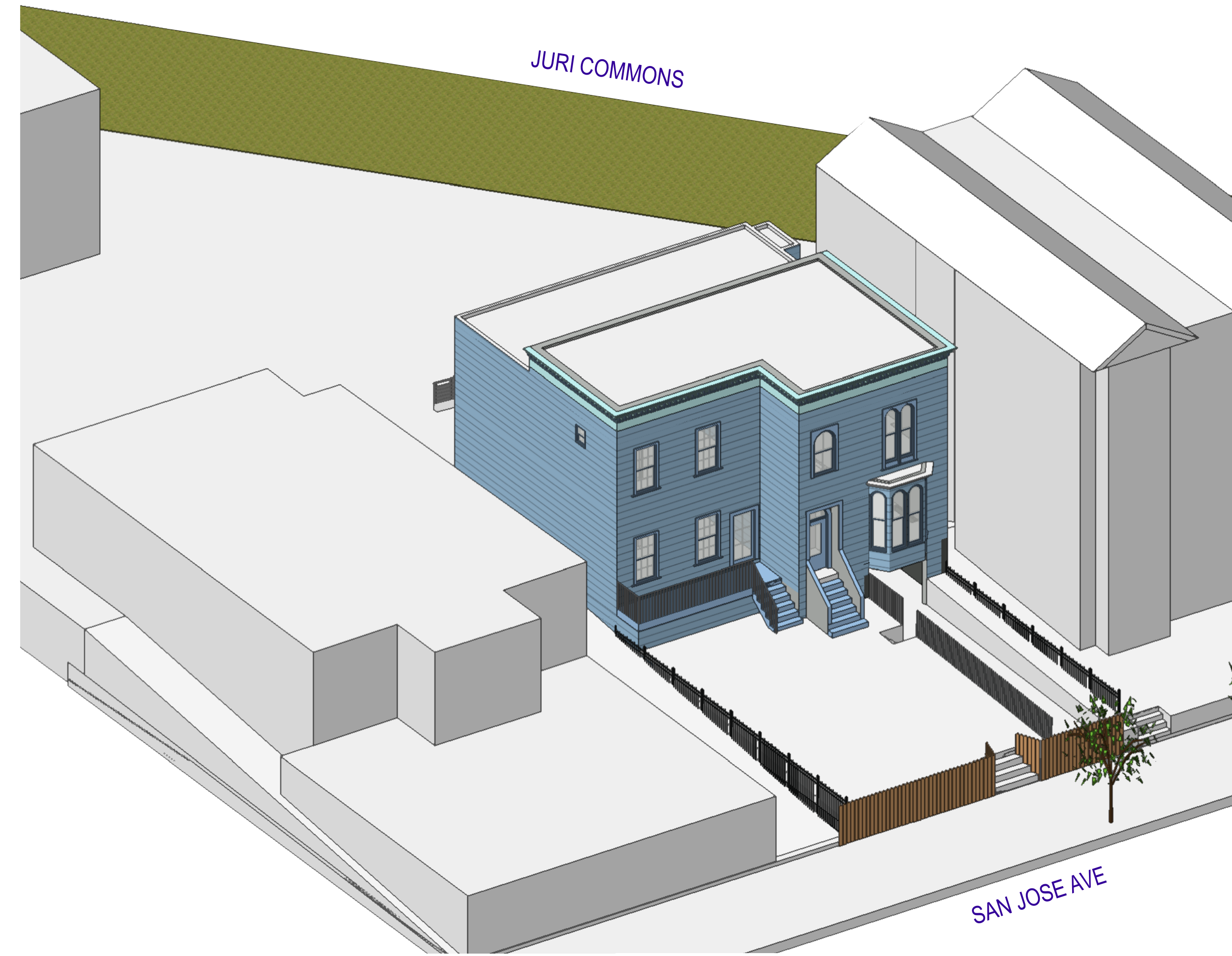
Proposed Site/Roof Plan

1/8" = 1'-0"

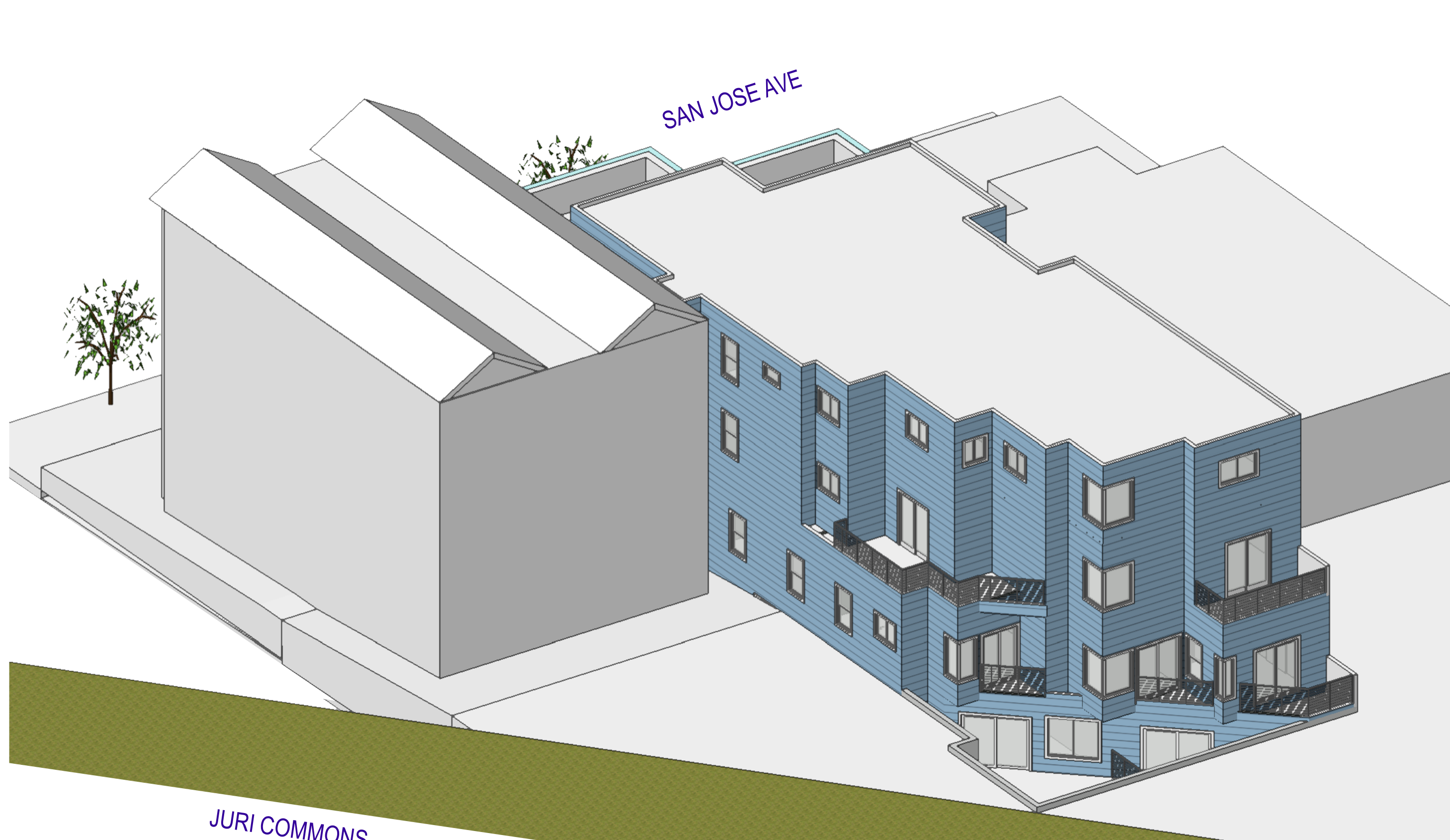




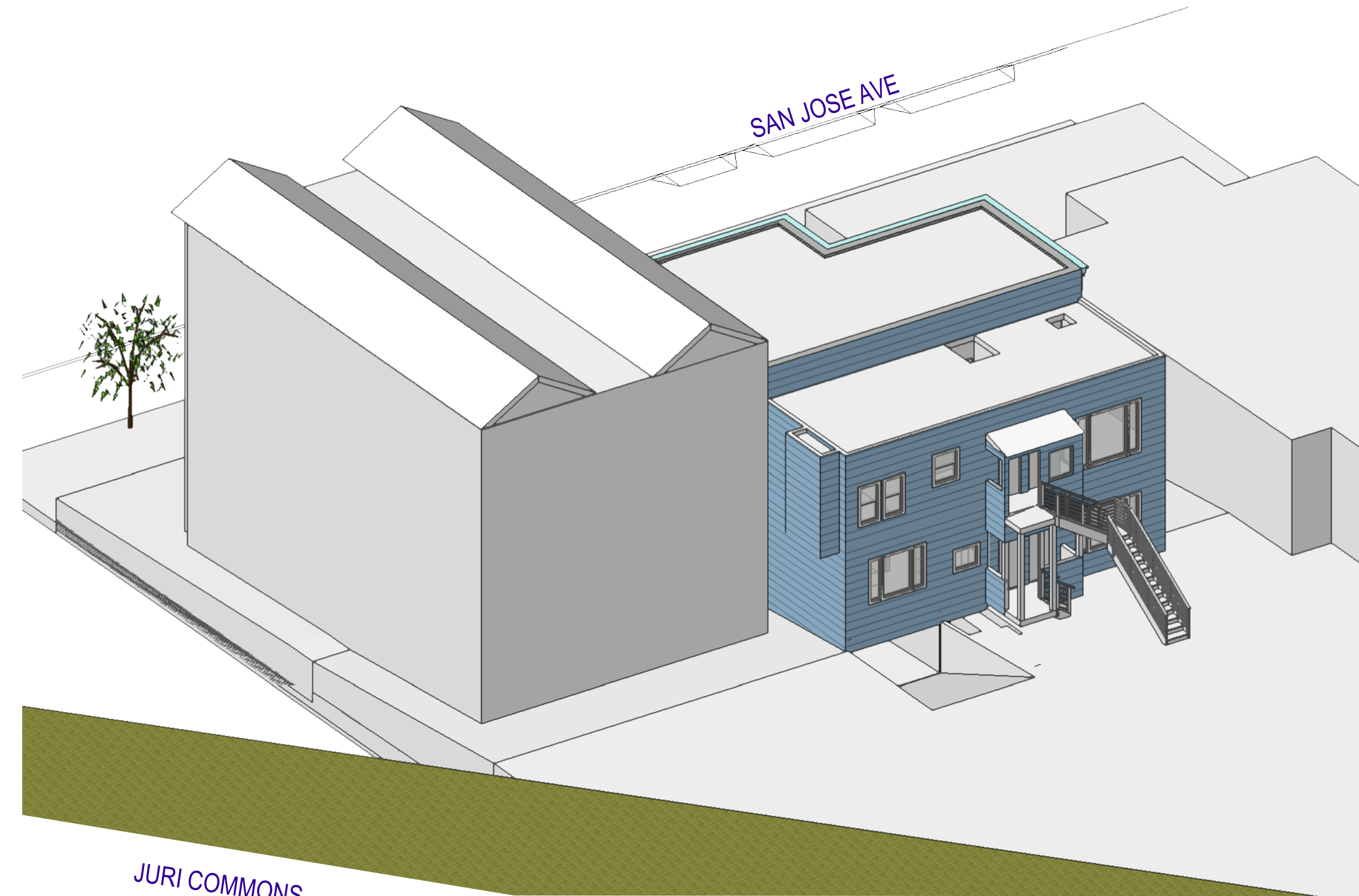
Proposed Isometric- Front (northwest) view  
NTS



Existing Isometric- Front (northwest) view  
NTS



Proposed Isometric- Rear (southeast) view  
NTS



Existing Isometric- Rear (southeast) view  
NTS

PROJECT NAME

**350 San Jose Ave**  
SAN FRANCISCO, CA



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SHEET TITLE

**Isometric Views**  
**(15' Displacement)**

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<b>DATE</b>	02/22/2017
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<b>REVISED DATE</b>	05/01/2019
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<b>JOB NO.</b>	17-1741
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SHEET NO.

**A-1.3**









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**Basement Plans**

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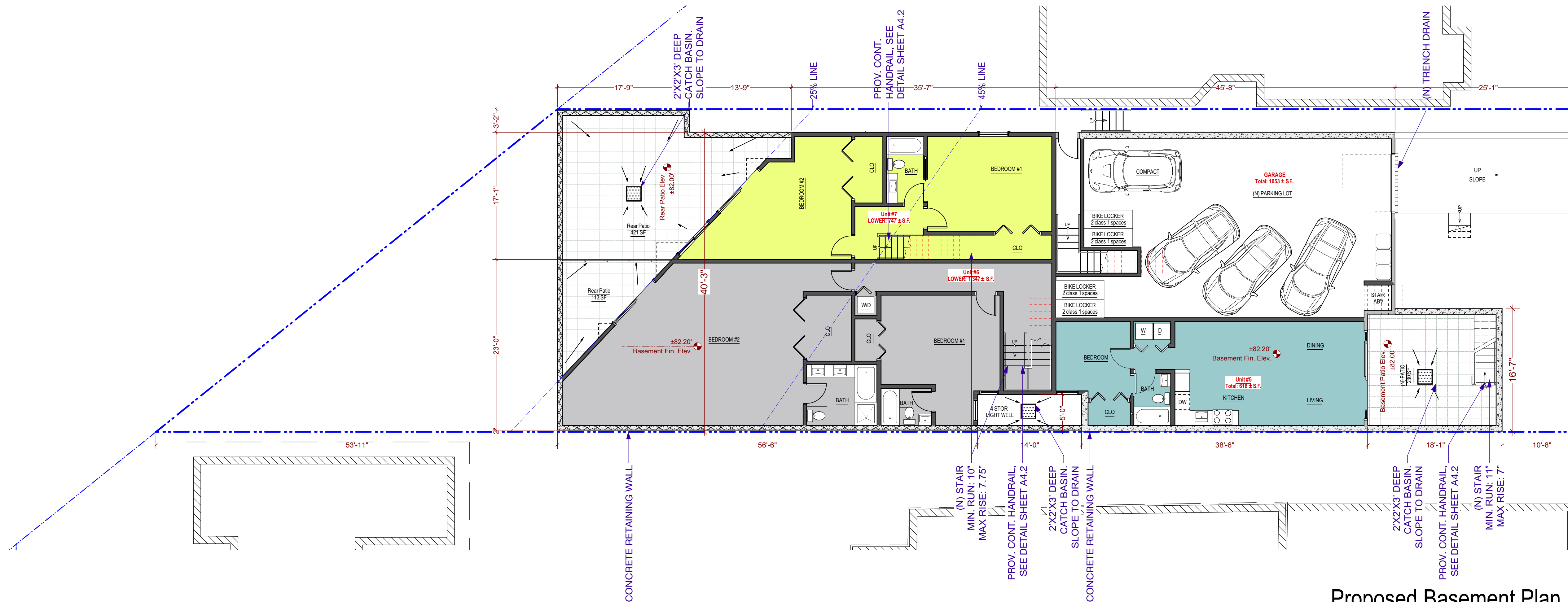
**DATE** 02/22/2017

**REVISED DATE** 05/01/2019

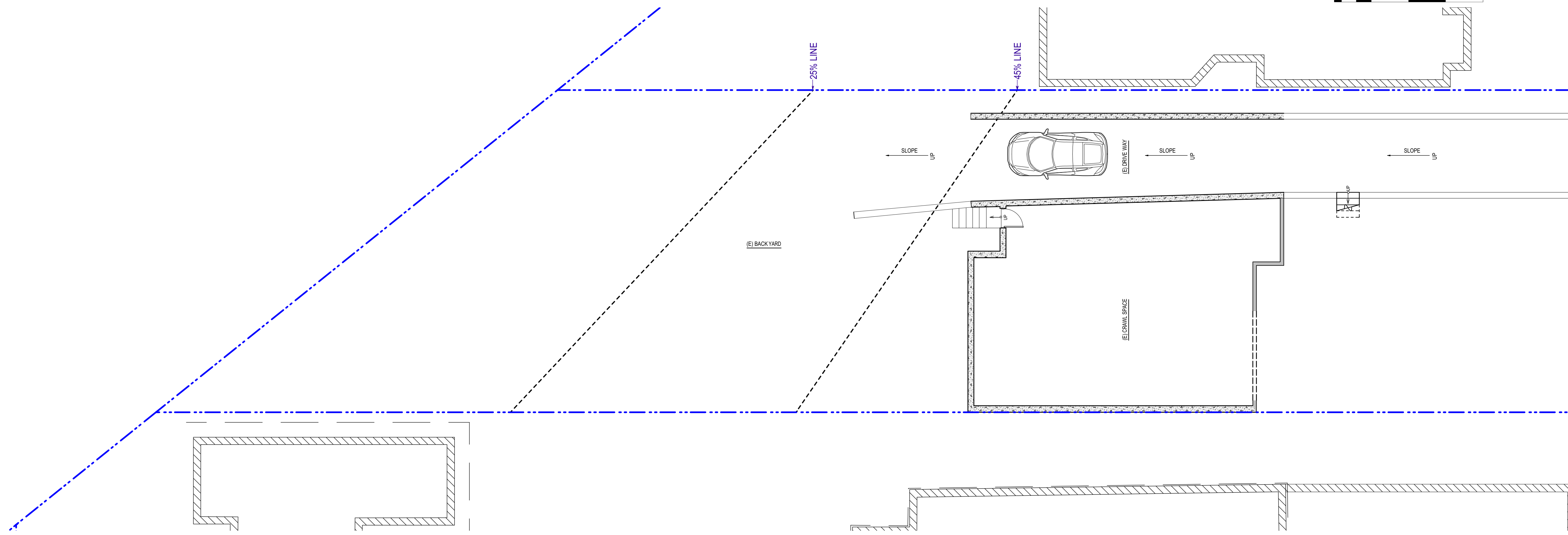
**JOB NO.** 17-1741

**SHEET NO.**

**A-2.1**



**Proposed Basement Plan**  
1/8" = 1'-0"



**Existing Basement Plan**  
1/8" = 1'-0"











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**Third and Roof Plan**

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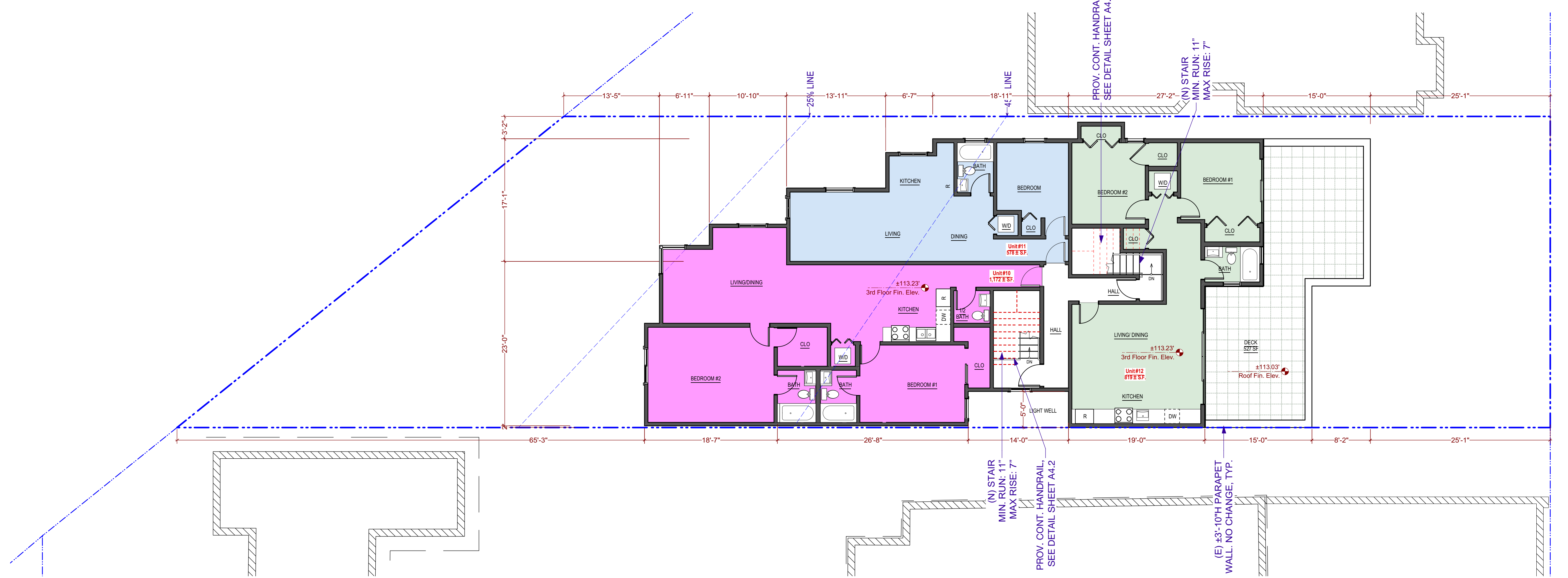
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<b>DATE</b>	02/22/2017
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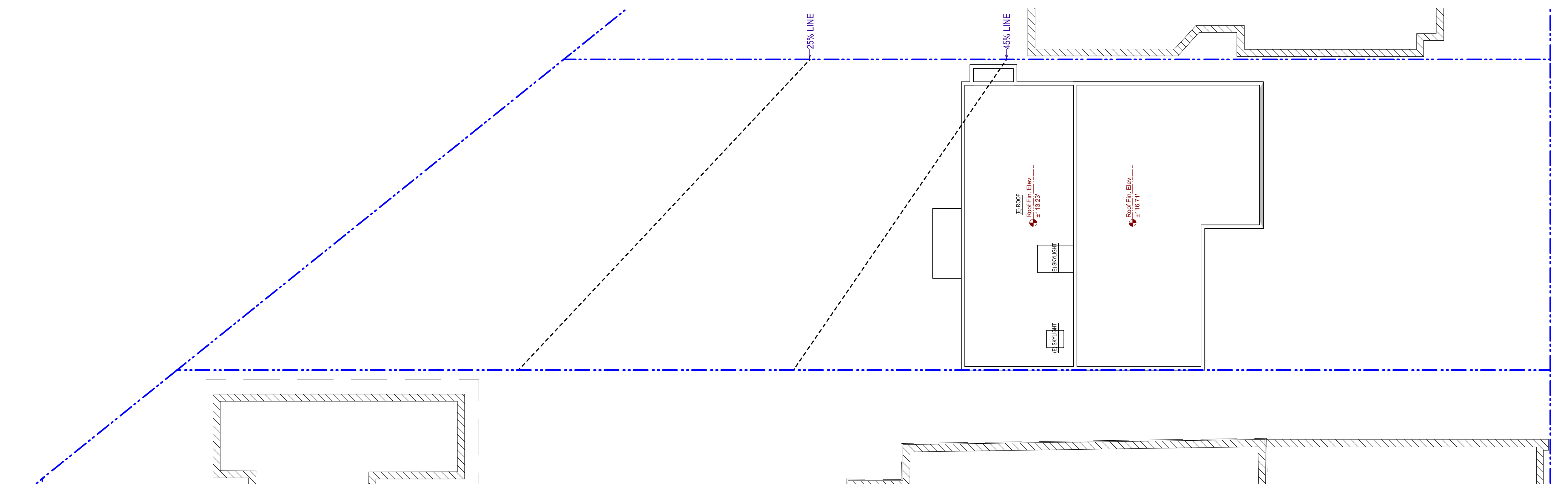
<b>REVISED DATE</b>	05/01/2019
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<b>JOB NO.</b>	17-1741
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<b>SHEET NO.</b>	A-2.4
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**Proposed Third Floor Plan**  
1/8" = 1'-0"



**Existing Roof Plan**  
1/8" = 1'-0"













**NOTE:**  
ALL GLAZING SHALL BE BIRD-SAFE &  
SHALL COMPLY W/ PLANNING CODE  
SEC. 139.

PROJECT NAME

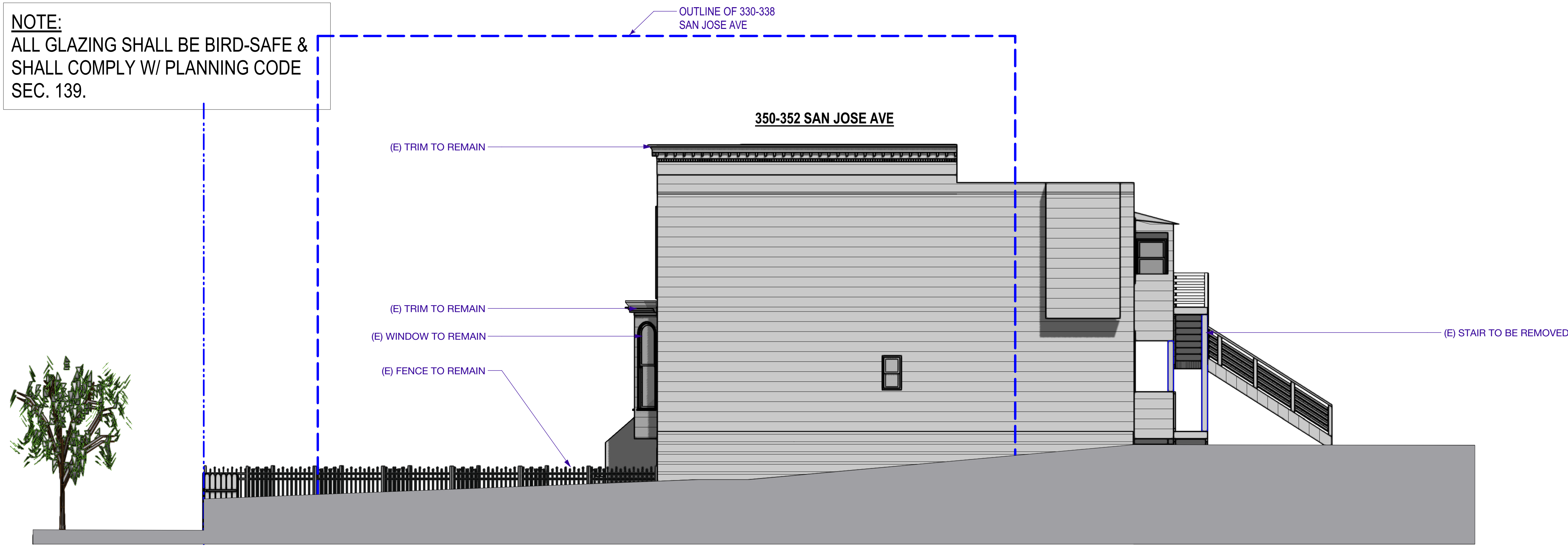
**350 San Jose Ave**  
SAN FRANCISCO, CA



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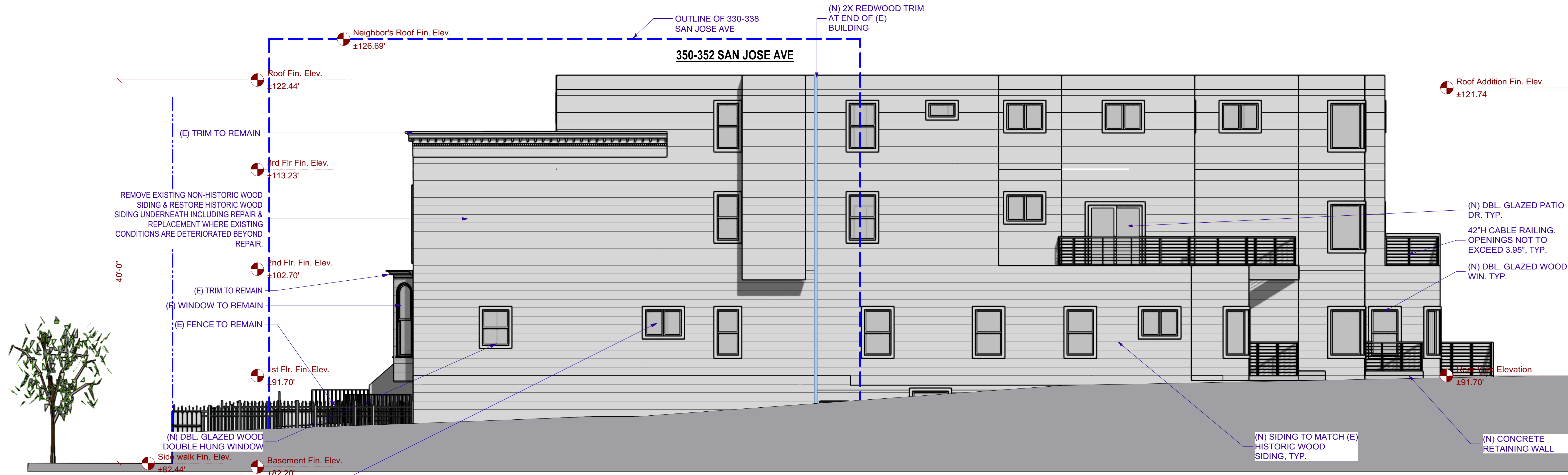
SHEET TITLE

**Right Elevations**  
**(15' Displacement)**



**Existing Right Elevation (North)**

3/16" = 1'-0"  
0 1' 3' 5' 10' 15' 20'



**Proposed Right Elevation (North)**

3/16" = 1'-0"  
0 1' 3' 5' 10' 15' 20'

----- PROPERTY LINE

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**DATE** 02/22/2017

**REVISED DATE** 05/01/2019

**JOB NO.** 17-1741

**SHEET NO.**

**A-3.3**

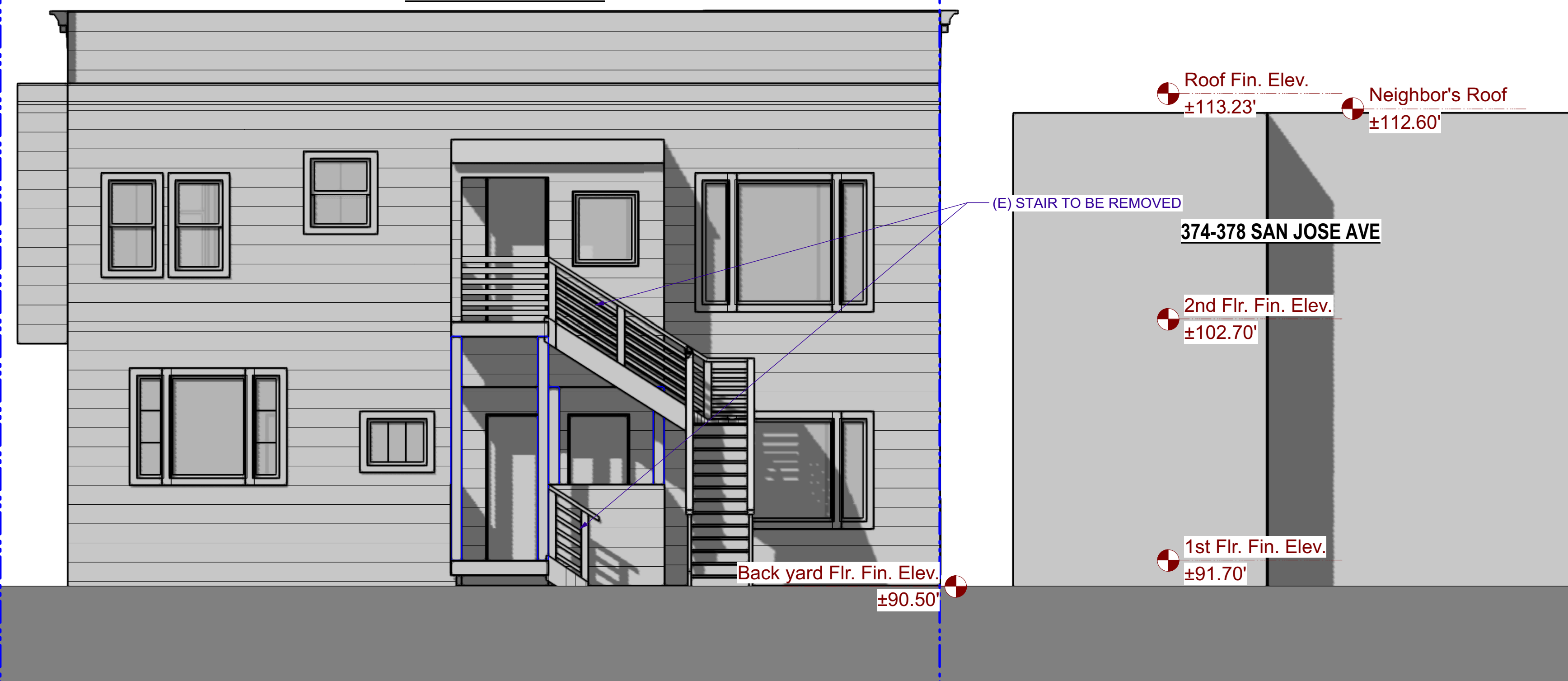
**NOTE:**  
ALL GLAZING SHALL BE BIRD-SAFE &  
SHALL COMPLY W/ PLANNING CODE  
SEC. 139.

330-338 SAN JOSE AVE

PROJECT NAME

**350 San Jose Ave**  
SAN FRANCISCO, CA

350-352 SAN JOSE AVE

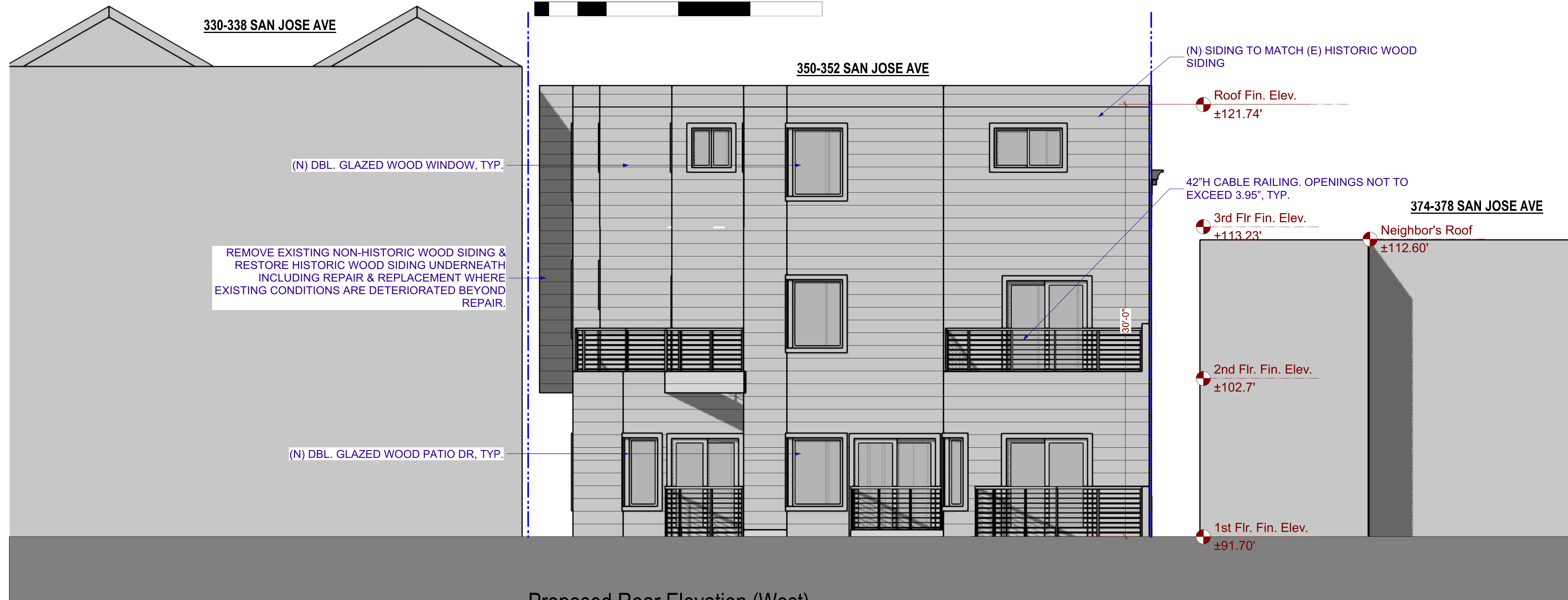
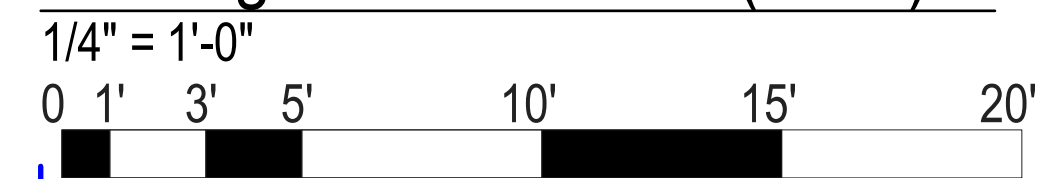


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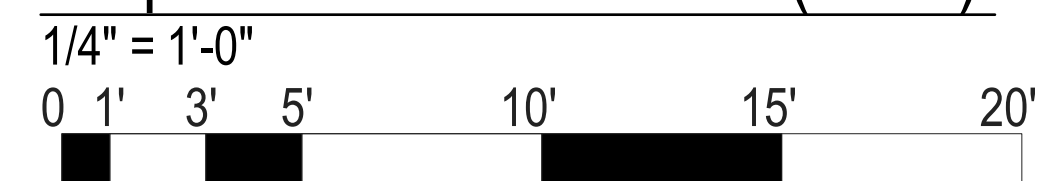
SHEET TITLE

**Rear Elevations**  
**(15' Displacement)**

**Existing Rear Elevation (West)**



**Proposed Rear Elevation (West)**



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**REVISED DATE** 05/01/2019

**JOB NO.** 17-1741

**SHEET NO.**

**A-3.4**







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**Sightline Study**  
(15' Displacement)

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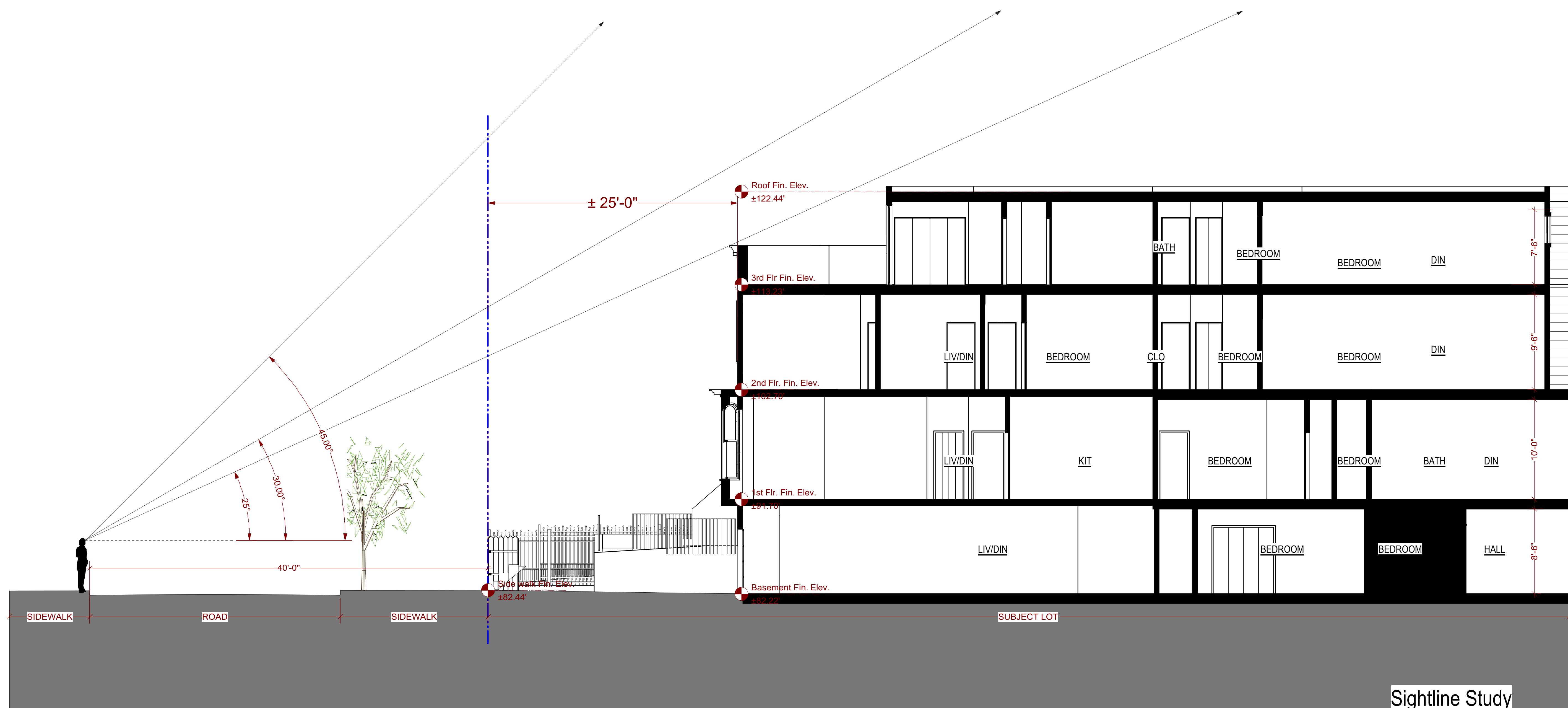
**DATE** 02/22/2017

**REVISED DATE** 05/01/2019

**JOB NO.** 17-1741

**SHEET NO.**

**A-4.11**



**Sightline Study**

3/16" = 1'-0"  
0 1' 3' 5' 10' 15' 20'











# SAN FRANCISCO PLANNING DEPARTMENT

---

## Certificate of Determination Community Plan Evaluation

*Case No.:* 2017-015039ENV  
*Project Address:* **350-352 San Jose Avenue**  
*Zoning:* RM-2 (Residential – Mixed, Moderate Density) District  
40-X Height and Bulk District  
Mission District  
*Block/Lot:* 6532/010A  
*Lot Size:* 7,148 square feet  
*Plan Area:* Eastern Neighborhoods Plan Area, Mission subarea  
*Project Sponsor:* James Nunemacher, 350 San Jose LLC, (415) 321-7007  
*Staff Contact:* Megan Calpin – (415) 575-9049  
megan.calpin@sfgov.com

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Suite 400  
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Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### PROJECT DESCRIPTION

The approximately 7,150-square-foot project site is located on the west side of San Jose Avenue, on the block bounded by 25<sup>th</sup> Street to the north, San Jose Avenue to the east, Guerrero Street to the west, and 26<sup>th</sup> Street to the south in the Mission neighborhood (see Figure 1, Location Map in Appendix). The existing building is a 3,562-square-foot, 34-foot-2-inch-tall, two-story-over-basement residential building constructed around 1900. The building contains four dwelling units. The building is set back 40 feet from the front property line. An existing 9'-7" curb cut on San Jose Avenue provides access to a driveway that goes underneath a portion of the building, providing vehicle access to a paved rear yard with 5 parking spaces.

The project proposes moving the existing building 15 feet forward on the lot, reducing the front set back to 25 feet. The project also proposes a horizontal and vertical addition to the building that would increase the residential square footage by approximately 9,192 square feet. One vertical floor would be added to the building, with a resulting height of 40 feet. Eight dwelling units would be added to the building—at the basement, first, second, and third floors. See Project Plans in Appendix for existing and proposed site plans and proposed floor plans and sections. The existing curb cut would remain and provide access to a new below-grade garage. The driveway underneath the building would be filled in to accommodate basement-level units and a garage with four vehicle parking spaces and 12 Class 1 bicycle spaces.

**Approval Action:** The approval action is a building permit. If discretionary review before the planning commission is requested, the discretionary review hearing is the approval action for the project. If no discretionary review is requested, the issuance of the building permit is the approval action. The approval action date establishes the start of the 30-day appeal period for this CEQA determination pursuant to section 31.04(h) of the San Francisco Administrative Code.

### COMMUNITY PLAN EVALUATION OVERVIEW

California Environmental Quality Act (CEQA) section 21083.3 and CEQA Guidelines section 15183 provide that projects that are consistent with the development density established by existing zoning,

community plan or general plan policies for which an environmental impact report (EIR) was certified, shall not be subject to additional environmental review except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that: a) are peculiar to the project or parcel on which the project would be located; b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent; c) are potentially significant off-site and cumulative impacts that were not discussed in the underlying EIR; or d) are previously identified in the EIR, but which, as a result of substantial new information that was not known at the time that the EIR was certified, are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for the project solely on the basis of that impact.

This determination evaluates the potential project-specific environmental effects of the 350-352 San Jose Avenue project described above and incorporates by reference information contained in the programmatic EIR for the Eastern Neighborhoods Rezoning and Area Plans (PEIR)<sup>1</sup>. Project-specific studies were prepared for the proposed project to determine if the project would result in any significant environmental impacts that were not identified in the Eastern Neighborhoods PEIR.

## FINDINGS

As summarized in the initial study – community plan evaluation prepared for the proposed project<sup>2</sup>:

1. The proposed project is consistent with the development density established for the project site in the Eastern Neighborhoods Rezoning and Area Plans;
2. The proposed project would not result in effects on the environment that are peculiar to the project or the project site that were not identified as significant effects in the Eastern Neighborhoods PEIR;
3. The proposed project would not result in potentially significant off-site or cumulative impacts that were not identified in the Eastern Neighborhoods PEIR;
4. The proposed project would not result in significant effects, which, as a result of substantial new information that was not known at the time the Eastern Neighborhoods PEIR was certified, would be more severe than were already analyzed and disclosed in the PEIR; and
5. The project sponsor will undertake a feasible mitigation measure specified in the Eastern Neighborhoods PEIR to mitigate project-related significant impacts.

Mitigation measure is included in this project and the project sponsor has agreed to implement this measure. See the attached Mitigation Monitoring and Reporting Program (MMRP) for the full text of the required mitigation measure.

---

<sup>1</sup> Planning Department Case No. 2004.0160E and State Clearinghouse No. 2005032048

<sup>2</sup> The initial study – community plan evaluation is available for review at the San Francisco Property Information Map, which can be accessed at <https://sfplanninggis.org/PIM/>. The file can be viewed by clicking on the Planning Applications link, clicking the “More Details” link under the project’s environmental case number (2017-015039ENV) and then clicking on the “Related Documents” link.

## CEQA DETERMINATION


The project is eligible for streamlined environmental review per section 15183 of the CEQA Guidelines and California Public Resources Code section 21083.3.

## DETERMINATION

I do hereby certify that the above determination has been made pursuant to State and local requirements.

  
\_\_\_\_\_

Lisa Gibson  
Environmental Review Officer

  
\_\_\_\_\_

Date

## ATTACHMENTS

- A. MMRP
- B. Initial Study – Community Plan Evaluation
- C. Appendix (Figures)

CC: Amir Afifi, SIA Consulting Group, Project Sponsor;

Supervisor Hillary Ronen, District 9;

Esmeralda Jardines, Current Planning Division;

Jonathan Moftakhar and James Nunemacher, 350 San Jose LLC, Property Owner.



## MITIGATION MONITORING AND REPORTING PROGRAM

	MONITORING AND REPORTING PROGRAM			
Adopted Mitigation Measures	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/ Schedule and Verification of Compliance
<b>MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR</b>				
<b>Mitigation Measure M-CR-2c: Archeological Testing</b>				
<p>Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c).</p>	<p>Project sponsor/ archeological consultant at the direction of the Environmental Review Officer (ERO).</p>	<p>Prior to issuance of site permits</p>	<p>Project sponsor to retain a qualified archeological consultant who shall report to the ERO. Qualified archeological consultant will scope archeological testing program with ERO.</p>	<p>Archeological consultant shall be retained prior to issuing of site permit. Archeological consultant has approved scope by the ERO for the archeological testing program Date Archeological consultant retained: _____</p> <p>Date Archeological consultant received approval for archeological testing program scope: _____</p>
<p><i>Archeological Testing Program.</i> The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP</p>	<p>Project sponsor/ archeological consultant at the</p>	<p>Prior to any soil-disturbing activities on the project site.</p>	<p>Archeologist shall prepare and submit draft ATP to the ERO. ATP to be submitted and reviewed</p>	<p>Date ATP submitted to the ERO: _____</p>

## MITIGATION MONITORING AND REPORTING PROGRAM

MONITORING AND REPORTING PROGRAM				
Adopted Mitigation Measures	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/ Schedule and Verification of Compliance
<p>shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.</p>	<p>direction of the ERO.</p>		<p>by the ERO prior to any soils disturbing activities on the project site.</p>	<p>Date ATP approved by the ERO: _____</p> <p>Date of initial soil disturbing activities: _____</p>
<p>At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <ol style="list-style-type: none"> <li>a. The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or</li> <li>b. A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</li> </ol>	<p>Project sponsor/ archeological consultant at the direction of the ERO.</p>	<p>After completion of the Archeological Testing Program.</p>	<p>Archeological consultant shall submit report of the findings of the ATP to the ERO.</p>	<p>Date archeological findings report submitted to the ERO: _____</p> <p>ERO determination of significant archeological resource present? Y N</p> <p>Would resource be adversely affected? Y N</p> <p>Additional mitigation to be undertaken by project sponsor? Y N</p>
<p><i>Archeological Data Recovery Program.</i> The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor,</p>	<p>Archeological consultant at the</p>	<p>If there is a determination that an ADRP</p>	<p>Project sponsor/ archeological consultant/ archeological monitor/</p>	<p>ADRP required? Y N</p> <p>Date: _____</p>

## MITIGATION MONITORING AND REPORTING PROGRAM

MONITORING AND REPORTING PROGRAM				
Adopted Mitigation Measures	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/ Schedule and Verification of Compliance
<p>and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> <li>• <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations.</li> <li>• <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures.</li> <li>• <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies.</li> <li>• <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.</li> <li>• <i>Security Measures.</i> Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.</li> <li>• <i>Final Report.</i> Description of proposed report format and distribution of results.</li> </ul> <p><i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value,</p>	direction of the ERO	program is required	contractor(s) shall prepare an ADRP if required by the ERO.	<p>Date of scoping meeting for ARDP: _____</p> <p>_____</p> <p>Date Draft ARDP submitted to the ERO: _____</p> <p>_____</p> <p>Date ARDP approved by the ERO: _____</p> <p>Date ARDP implementation complete: _____</p>

## MITIGATION MONITORING AND REPORTING PROGRAM

MONITORING AND REPORTING PROGRAM				
Adopted Mitigation Measures	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/ Schedule and Verification of Compliance
<p>identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.</p>				
<p><i>Human Remains and Associated or Unassociated Funerary Objects.</i> The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and federal laws. This shall include immediate notification of the Medical Examiner of the City and County of San Francisco and, in the event of the Medical Examiner’s determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission, which will appoint a Most Likely Descendant (MLD). The MLD will complete his or her inspection of the remains and make recommendations or preferences for treatment within 48 hours of being granted access to the site (Public Resources Code section 5097.98). The ERO also shall be notified immediately upon the discovery of human remains.</p>	<p>Project sponsor / archeological consultant in consultation with the San Francisco Medical Examiner, NAHC, and MLD.</p>	<p>If human remains and/or funerary objects are found, coroner notification immediately; NAHC appoint MLD within 24 hours; MLD inspects remains within 48 hours of access</p>	<p>Project sponsor/ archeological consultant to monitor (throughout all soil disturbing activities) for human remains and associated or unassociated funerary objects and, if found, contact the San Francisco Medical Examiner/ NAHC/ MLD</p>	<p>Human remains and associated or unassociated funerary objects found? Y N Date:_____</p> <p>Persons contacted: Date:_____</p> <p>Persons contacted: Date:_____</p> <p>Inspection date:_____</p> <p>Recommendations received by sponsor and ERO:_____</p> <p>Burial Agreement received or ERO/sponsor determine that agreement cannot be reached Date:_____</p>
<p>The project sponsor and ERO shall make all reasonable efforts to develop a Burial Agreement (“Agreement”) with the MLD, as expeditiously as possible, for the treatment and disposition, with appropriate dignity, of human remains and associated or unassociated funerary objects (as detailed in CEQA Guidelines section 15064.5(d)). The Agreement shall take into consideration the appropriate excavation, removal, recordation, scientific analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. If the MLD agrees to scientific analyses of the remains and/or associated or unassociated funerary objects, the archaeological consultant shall retain possession of the remains and associated or unassociated funerary objects until completion of any such analyses, after which the remains and</p>			<p>MLD to inspect the remains and make treatment and disposition recommendations MLD, ERO, Sponsor to develop Burial Agreement</p> <p>ERO to ensure that Agreement is implemented as specified and burial disposition has occurred as agreed.</p>	<p>Considered complete on finding by ERO that all State laws regarding human remains/burial objects</p>

## MITIGATION MONITORING AND REPORTING PROGRAM

MONITORING AND REPORTING PROGRAM				
Adopted Mitigation Measures	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/ Schedule and Verification of Compliance
<p>associated or unassociated funerary objects shall be reinterred or curated as specified in the Agreement.</p> <p>Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept treatment recommendations of the MLD. However, if the ERO, project sponsor and MLD are unable to reach an Agreement on scientific treatment of the remains and associated or unassociated funerary objects, the ERO, with cooperation of the project sponsor, shall ensure that the remains associated or unassociated funerary objects are stored securely and respectfully until they can be reinterred on the property, with appropriate dignity, in a location not subject to further or future subsurface disturbance.</p> <p>Treatment of historic-period human remains and of associated or unassociated funerary objects discovered during any soil-disturbing activity, additionally, shall follow protocols laid out in the project's archaeological treatment documents, and in any related agreement established between the project sponsor, Medical Examiner and the ERO.</p> <p><i>Final Archeological Resources Report.</i> The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report. Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information</p>	<p>Project sponsor/ archeological consultant at the direction of the ERO.</p>	<p>After completion of the archeological data recovery, inventorying, analysis and interpretation.</p>	<p>Project sponsor/ archeological consultant</p>	<p>have been adhered to, consultation with MLD is completed as warranted, that sufficient opportunity has been provided to the archaeological consultant for any scientific /historical analysis of remains/funerary objects specified in the Agreement, and the agreed-upon disposition of the remains has occurred. Date: _____</p> <p>Following completion of soil disturbing activities. Considered complete upon distribution of final FARR. Date Draft FARR submitted to ERO: _____</p>

## MITIGATION MONITORING AND REPORTING PROGRAM

MONITORING AND REPORTING PROGRAM				
Adopted Mitigation Measures	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/ Schedule and Verification of Compliance
<p>Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.</p>				<p>Date FARR approved by ERO: _____</p> <p>Date of distribution of Final FARR: _____</p> <p>Date of submittal of Final FARR to information center: _____</p>





# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Department Request for Eviction History Documentation

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

(Date) June 24, 2020

ATTN: Van Lam  
Rent Stabilization and Arbitration Board  
25 Van Ness Avenue, Suite 320  
San Francisco, CA 94102-6033

*350-352*

RE: Address of Permit Work: 35-352 San Jose Avenue  
Assessor's Block/Lot: 6532/010A  
BPA # / Case #: 2017-015039PRJ

### Project Type

- Merger – Planning Code Section 317
- Enlargement / Alteration / Reconstruction – Planning Code Section 181
- Legalization of Existing Dwelling Unit – Planning Code Section 207.3
- Accessory Dwelling Unit Planning – Planning Code Section 207(c)(4)

Pursuant to the Planning Code Section indicated above, please provide information from the Rent Board's records regarding possible evictions at the above referenced unit(s) on or after:

- 12/10/13: for projects subject to Planning code 317(e)4 or 181(c)3  
(Search records for eviction notices under 37.9(a)(8) through (14))
- 3/13/14: for projects subject to Planning Code Section 207.3  
(Search records for evictions notices under 37.9(a)(8) through (14))
- 10 years prior to the following date: June 24, 2020  
(Search records for eviction notices under 37.9(a)(9) through (14) (10 years) and under 37.9(a)(8) (5 years))

Sincerely,

Planner

cc: Jennifer Rakowski- Rent Board Supervisor



# Rent Board Response to Request from Planning Department for Eviction History Documentation

Re: 350 - 352 San Jose Ave.

This confirms that the undersigned employee of the San Francisco Rent Board has reviewed its records pertaining to the above-referenced unit(s) to determine whether there is any evidence of evictions on or after the date specified. All searches are based upon the street addresses provided.

No related eviction notices were filed at the Rent Board after:

- 12/10/13
- 03/13/14
- 10 years prior to the following date: 6-24-20

Yes, an eviction notice was filed at the Rent Board after:

- 12/10/13
- 03/13/14
- 10 years prior to the following date: \_\_\_\_\_
  - o See attached documents.

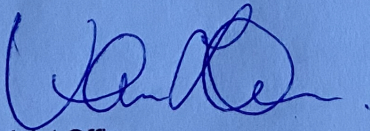
There are no other Rent Board records evidencing an eviction after:

- 12/10/13
- 03/13/14
- 10 years prior to the following date: 6-24-20

Yes, there are other Rent Board records evidencing a an eviction after:

- 12/10/13
- 03/13/14
- 10 years prior to the following date: \_\_\_\_\_
  - o See attached documents.

Signed:



Van Lam  
Citizens Complaint Officer

Dated: 6-24-20

The Rent Board is the originating custodian of these records; the applicability of these records to Planning permit decisions resides with the Planning Department.





## DISCRETIONARY REVIEW PUBLIC (DRP)

### APPLICATION PACKET

Pursuant to Planning Code Section 311, the Planning Commission may exercise its power of Discretionary Review over a building permit application.

For questions, call 415.558.6377, email [pic@sfgov.org](mailto:pic@sfgov.org), or visit the Planning Information Center (PIC) at 1660 Mission Street, First Floor, San Francisco, where planners are available to assist you.

Please read the [Discretionary Review Informational Packet](#) carefully before the application form is completed.

#### WHAT TO SUBMIT:

- Two (2) complete applications signed.
- A Letter of Authorization from the DR requestor giving you permission to communicate with the Planning Department on their behalf, if applicable.
- Photographs or plans that illustrate your concerns.
- Related covenants or deed restrictions (if any).
- A digital copy (CD or USB drive) of the above materials (optional).
- Payment via check, money order or debit/credit for the total fee amount for this application. (See [Fee Schedule](#)).

#### HOW TO SUBMIT:

To file your Discretionary Review Public application, please submit in person at the Planning Information Center:

Location: 1660 Mission Street, Ground Floor  
San Francisco, CA 94103-2479

**Español:** Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 415.575.9010. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder

**中文:** 如果您希望獲得使用中文填寫這份申請表的幫助, 請致電415.575.9010。請注意, 規劃部門需要至少一個工作日來回應。

**Tagalog:** Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 415.575.9010. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.



## DISCRETIONARY REVIEW PUBLIC (DRP)

### APPLICATION

#### Discretionary Review Requestor's Information

Name: Thomas Willis

Address: 330 San Jose Ave., San Francisco CA 94110

Email Address: twillis623@gmail.com

Telephone: 415.860.1145

#### Information on the Owner of the Property Being Developed

Name: Amir Afifi (project applicant; Leo Cassidy is developer)

Company/Organization: SIA Consulting

Address: 4742 Mission Street, San Francisco, CA 94112

Email Address: amir@siaconsult.com

Telephone: 415.528.7021

#### Property Information and Related Applications

Project Address: 350-352 San Jose Ave.

Block/Lot(s): 6532 / 010A

Building Permit Application No(s): 2017-015039PRJ

#### 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? (including Community Boards)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>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 that were made to the proposed project.</p>		

I have had two phone calls with the project applicant (Amir Afifi and Leo Cassidy) and tried on numerous occasions to speak with the Planning Department but without success until about 11am on Dec 6, the last day to submit. On May 29, 2018, I wrote Richard Sucre at Planning about the concerns raised here (and called), but received no response until we all recieved the 30 day Notice of Building Permit. I then emailed and called Ms. Jardines on Nov. 25, 2019 with these same concerns; however, she was on vacation until Dec 2. I then called her again on Dec 2 but did not hear back. On Dec. 4, I spoke with the project applicant, and he contacted Ms. Jardines to call me, which she did on Dec. 5, but I was in a meeting. I called and emailed her over last two days. She did call back on Dec 6, right before this was due, but could only speak for about 15 min.

## 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 standards of the Planning Code and the Residential Design Guidelines. 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 cite specific sections of the Residential Design Guidelines.

I am concerned the plan doesn't meet Code with respect to the backyard area. This is RM-2, so the rule is 45% unless the average of the neighbors gets you to 25%. The PPA, at page 8, states "As proposed, the project does not demonstrate compliance with the required rear yard . . . A rear yard variance will need to be sought and justified." No variance has been sought. 370-374 San Jose has two buildings on the lot - one at front and one at back. The one at back is nonconforming. The planner advised that the backwall of the non-conforming structure could be used for averaging. I want to be sure of that; it doesn't seem reasonable and disregards the open space between the two buildings. The back area is critical to us (neighbors at 330-340 San Jose) because as drawn, the new building would block a substantial portion of natural light and air, and would adversely affect our privacy. Building also comes to 3-4' of our building with windows on that side, facing us. Quality of life for neighbors and visitors to Juri Commons will be adversely affected.

- 
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 unreasonably affected, please state who would be affected, and how.

The impacts would be unreasonable because a 40' building, with windows and balconies, will now come to within a few feet of our property line and extend approximately 30 feet beyond our building footprint, blocking sun and natural light into the back windows of our units and our garden. And with terraced balconies off to the back and windows within a few feet of our windows, there will be a loss of privacy. We rely on our back windows for our natural light.

- 
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?

I would like to verify that the project can go back to the 25% line without a variance; hours before this was due, the planner called me back but I haven't had sufficient time to confirm. Equally important, we would like the project applicant to consider reducing the building footprint in the back (by moving the building forward), and take other reasonable and mutually agreeable steps, such as fencing and hedges, to ensure more privacy for the neighbors on each side.



# DISCRETIONARY REVIEW REQUESTOR'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

a) The undersigned is the DR requestor or their authorized representation.



Thomas Willis

Signature

Name (Printed)

Requestor

415.860.1145

twillis623@gmail.com

Relationship to Requestor  
(i.e. Attorney, Architect, etc.)

Phone

Email

For Department Use Only

Application received by Planning Department:

By: 

Date: 12/6/19

**Tom Willis**

---

**From:** Tom Willis  
**Sent:** Tuesday, May 29, 2018 5:21 PM  
**To:** 'Richard.Sucre@sfgov.org'  
**Subject:** 350 San Jose Ave  
**Attachments:** Inquiry about 350 San Jose Ave. (00344105xAEB03).docx

Dear Mr. Sucre: Please find attached a letter inquiry about the project proposed for the lot next to ours – 350 San Jose Ave. We were hoping to get a couple of answers about the project that we can't figure out based on the plans we received at the public meeting. If we should direct this to someone else at SF Planning, please let me know. Thanks in advance for your help. Tom Willis

Tom Willis and Julie Henderson  
[twillis@rjp.com/juliehenderson317@gmail.com](mailto:twillis@rjp.com/juliehenderson317@gmail.com)  
330 San Jose Ave.  
San Francisco CA 94110

Carlo Camozzi  
[carlocamozzi@me.com](mailto:carlocamozzi@me.com)  
1443 21<sup>st</sup> Ave  
San Francisco CA 94110

May 20, 2018

Richard Sucre  
Team Leader, Southwest Quadrant  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Re: 350 San Jose Ave. (Case No. 2017-015039)

Dear Mr. Sucre:

We are owners of two condos in the building next door to 350 San Jose Ave., the owners of which have submitted a plan to expand the building from four to twelve units by extending the building in the rear yard (and also increase the height). Tom and Julie own and live at 330 San Jose Ave., which is a ground floor unit with direct access to our backyard garden; Carlo owns and rents out 338 San Jose Ave., a second-floor unit on the side of the building next to the proposed project. Both Carlo and Tom went to the owner's public meeting a few months ago and picked up a copy of the proposed plan.

The purpose of our letter is to inquire as to whether the project can be approved as is without additional conditional approvals or variances. The plans seem unclear on this, especially on the issue that has the greatest impact on us – whether the owners can expand the building significantly in the back of their lot, which would impact the sunlight we get in the back of our condos and in the garden. This would also have an impact on Juri Commons Park since the rear of the building would be very close to the park line.

Specifically, the written Scope of Work section of the plan (the first page) states that the addition will consist of "Horizontal addition to 45% setback line." But then the drawings indicate that the new building will be built to the 25% setback line, not the 45% line. This seems contradictory. Further, assuming the owner wants to build to the 25% line (which seems to be the case), we can't tell if he has a right to do that.

At the public hearing, the owner and consultant said they don't need any conditional approvals or variances to proceed. Does that mean the owner is going to stay at the 45% line? If not, does he have a right to go to the 25% line?

We would really appreciate if you could clarify the following for us:

- Does the owner intend to build at the 45% or 25% rear set-back line?
- If he wants to build at the 25% line, does he have a right to do that?
- Does he need a variance, and if so what is the process for that and when would that occur?

Thank you for your help in advance, and feel free to just email us.

Sincerely,



**Tom Willis**

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350 San Jose Ave

**From:** Tom Willis  
**Sent:** Monday, November 25, 2019 9:44 AM  
**To:** Esmeralda.Jardines@sfgov.org  
**Subject:** 350-352 San Jose Ave (Building Permit Application 20180435430)

Dear Ms. Jardines: I own and live in a condo (330 San Jose Ave) next door to the proposed project listed above. I wrote last year to the Planning Department expressing my concern that - as stated on page 8 of the PPA - the project as proposed violated the 45% rear backyard rule and would require a variance. I don't see any indication that the owners have requested a variance - is that correct? In addition, the PPA stated that that any Environmental Evaluation Application and Variance had to be submitted no later than August 8, 2019, yet we haven't received any notice that either of those have been submitted timely - can you let me know if that is correct? In short, I can't see any changes in the plans that show that the project has been changed to accommodate the comments and requirements in the PPA (for example, isn't this a complete demolition, not just 50% of the building?). In fact, it looks like the building size has gotten **larger, not smaller**, by extending the front closer to the street, but not reducing the build-out in the backyaerd, which has a significant detrimental affect on us.

My main concern here is that the mass of the building in the rear will impinge on our light, air, sun and privacy as well as affect Juri Commons. The obvious solution to this is to move the building mass forward much closer to the street (thereby aligning the building mass more with our building) where light issues are not an issue for us or our neighbors in the front, and reduce the size of the building in the back, to both to comply with the 45% rule and provide us and Juri Commons light, air and privacy. Can you please call me when you get back on vacation on December 2? I want to make sure we preserve our rights, particularly with respect to the back yard 45% requirement. I'm not opposed to a new building next door and want to collaborate but the mass of the project as proposed and the back yard issue is a significant issue for us. Thanks so much! Tom

**Thomas Willis**  
Remcho Johansen & Purcell, LLP  
1901 Harrison Street, Suite 1550  
Oakland, CA 94612  
(510) 346-6204  
[tw@rjp.com](mailto:tw@rjp.com)

4

350 San Jose Ave

**Tom Willis**

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**From:** Tom Willis  
**Sent:** Thursday, December 5, 2019 2:32 PM  
**To:** Esmeralda.Jardines@sfgov.org  
**Cc:** Amir Afifi  
**Subject:** 350 San Jos Ave

Esmeralda – Thanks for calling an sorry I missed it (was on call myself). Can you please call me back today if pososble – 415.860.1145 – should be pretty quick – thans, Tom Willis

**Thomas Willis**

Remcho Johansen & Purcell, LLP  
1901 Harrison Street, Suite 1550  
Oakland, CA 94612  
(510) 346-6204  
[tw@rjp.com](mailto:tw@rjp.com)

Tom Willis

350 San Jose Ave

**From:** Tom Willis  
**Sent:** Friday, December 6, 2019 8:18 AM  
**To:** Esmeralda.Jardines@sfgov.org  
**Subject:** 350 San Jose Ave - Planning Permit

**Importance:** High

Ms. Jardines – Could you please call me at our earliest convenience this morning? As discussed in my other emails, I'd like to get your input about how the developer can go back to the 25% backyard line with the alternate method of averaging the backyards of adjacent properties. We (330-340 San Jose) don't go back that far) and the main building of the neighbors (370 San Jose) don't go that far either. So I wanted to know how 370 San Jose is treated in that calculation:

- There are 2 buildings on the site but with a big open space/backyard in between – how is that open space accounted for? Isn't there any consideration for the large backyard area between the buildings?
- Is the back structure non-conforming on 370 San Jose (how can there be 2 buildings on the parcel) and if so, can the developer rely on it as the back wall for purposes of the calculation? The developer is relying on the back structure for his calculation.
- The bottom line is both neighbors have very large open spaces in the back that will be overwhelmed by this building that goes to the property line on both sides and creates a 40' wall next to much of those open spaces – given the large amount of open space on either side, it doesn't seem like the building could go back 25%. Can't the building footprint be moved forward to better align with the surrounding buildings?

Thank you – you can reach me on my cell – 415.860.1145 or at work 510.346.6204

Tom Willis

Tom Willis

350 Surfers Ave

From: Andrew Leichman <alrgjoey@gmail.com>  
Sent: Friday, December 6, 2019 8:42 AM  
To: Tom Willis  
Subject: Bldg

non conforming building -  
can't be used



Sent from my iPhone



Tom Willis

350 Sun Jags Ave

**From:** Andrew Leichman <alrgjoey@gmail.com>  
**Sent:** Friday, December 6, 2013 8:45 AM  
**To:** Tom Willis  
**Subject:** Bidg3



Sent from my iPhone

8

Tom Willis

350 Sun Jags Ave

From: Andrew Leichman <alrgjoey@gmail.com>  
Sent: Friday, December 6, 2019 8:49 AM  
To: Tom Willis  
Subject: Walkway



Sent from my iPhone

W  
3-4' gap



Thomas A. Willis  
330 San Jose Ave.  
San Francisco CA 94110  
[twillis623@gmail.com](mailto:twillis623@gmail.com)

March 11, 2020

**VIA EMAIL**

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

Re: DR 2017-015039DRP (350-352 San Jose Avenue)

Dear Commissioners:

I am the requestor of the above-referenced discretionary review. I live next door and to the north of the proposed project. Our building (330-340 San Jose Ave.) is a 6-unit condominium; the five current owners of the units bought the building together in 2006. Thank you for considering our request for review.

I would like to focus on two aspects of the proposed project that I believe would cause extraordinary and exceptionally adverse conditions for us and would change our living situation for the worse.

First, our property has a 3' right of way easement that runs 120 feet on the northern edge of our building, from the front sidewalk on San Jose Ave. to our backyard, and it is the only way we can access our backyard from the front. (See attached condominium diagram and title report.) Most important, however, is the fact that over the decades, the 3' easement has essentially become seamlessly incorporated into our property and is used exclusively by us. The only access to the street from our building, our front stairs, is comprised almost entirely of the 3' easement. Then, once you get to the back of our building, the 3' easement opens up and becomes seamlessly incorporated into our backyard: it comprises an area where we store our garbage and recycle bins, and further on, comprises a part of a brick patio where we have a sitting area. There has never been any access to 350-352 San Jose Ave. from the easement since there is a significant grade change between the two properties and a fence has always existed on the south side of the easement, further giving the appearance that the easement is part of our property. Thus, from all appearances and based on actual use, the 3' easement has been used exclusively by us and incorporated into our daily lives: it forms our only access to the sidewalk (our front stairs), provides the only access to our backyard from the front, provides the only access to take garbage to the street, and is part of our backyard.

The new proposed building would come up to the southern edge of the easement for the length of the building and, most importantly, would provide access to the residents of 350-352 San Jose Ave. to the easement. In particular, the residents who occupy the basement units in the back could well use the easement as their primary mode of going to and from their apartments; it provides a convenient short-cut. That would dramatically change the way our property is used and would impact our privacy. To access the easement, the residents of 350-352 San Jose Ave. would use the front stairs to our building and then would be free to walk down the easement into what is now our backyard. Moreover, the project essentially takes 3' feet of our backyard away from us, meaning that a portion of our brick patio will have to be ripped up in that area and reconfigured. Our backyard becomes 3' smaller in that area. And if we want any privacy between us and 350-352 San Jose Ave., we will have to build a fence three feet into our backyard, on the northern edge of the easement line.

Given that the occupants of our building have been clearly using the easement area for their exclusive use and for purposes beyond just ingress and egress for decades, we believe we have potentially acquired greater rights to the easement. *See McBride v. Smith*, 18 Cal.App.5th 1160 (2018) (permitting a right of action for greater rights through prescription than the original easement). We therefore respectfully ask the Commission to take into consideration this possible prescriptive easement and the adverse effects this project has to our privacy and use of the easement area, and consider options where the easement would not be used by the residents of 350-352 San Jose Ave. or that would not reduce the size of our backyard.

Second, we urge the Planning Commission to consider requiring the proposed building to be moved forward 10-15 feet, thereby more closely matching the footprint of its neighbor buildings, and reducing its footprint in the back, where the building's 40-foot height will dramatically reduce the natural light and air that both us and the neighbors (370 San Jose Ave.) get from the open spaces behind our buildings. The 350-352 San Jose Ave. building is currently set way back from the street (40 feet), and even though it will move forward 15 feet in the new plan, there is still plenty of room to move more (25 feet). That is important because our building is 10 feet closer to the sidewalk, and the neighbor on the other side has a garage and building at the front of his lot, so moving the building forward will better align it with the neighbor buildings, while reducing its footprint in the back, where it dramatically and adversely affects our natural light. Both us and the neighbors (370 San Jose) have green space backyards that will now be walled in by the 40-foot building. Moving the building 10-15 feet forward would greatly improve the quality of the light and air in the backyard and would reduce the negative impact the building will have in getting natural light into our units from rear windows. This would be a huge improvement, without causing any apparent burdens.



Finally, I would like to thank the applicant and his architect for meeting with us, for being very responsive to our inquiries, and for proposing some changes to the plan to help with privacy. However, given the significant impact the building will likely have on us, I respectfully request that the Commission seriously consider our concerns over the easement and siting of the building. Thank you for your consideration.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'T. Willis', with a long horizontal flourish extending to the right.

Thomas A. Willis

# EXHIBIT B

UNIT DIAGRAMS FOR THE CONDOMINIUM PLAN OF  
330-340 SAN JOSE AVENUE  
SAN FRANCISCO NOVEMBER 2014 CALIFORNIA

## GENERAL NOTES:

1. THE SUBDIVISION DEPICTED HEREON IS SUBJECT TO THE PROVISIONS OF THE DAVIS-STIRLING COMMON INTEREST DEVELOPMENT ACT.
2. UNIT MEANS THE AREAS SO DESIGNATED ON THE CONDOMINIUM PLAN. EXCEPT AS OTHERWISE PROVIDED ON THE CONDOMINIUM PLAN, EACH UNIT CONSISTS OF THE AREA BOUNDED BY THE INTERIOR UNFINISHED SURFACES OF ITS PERIMETER WALLS, BEARING WALLS, FLOORS, FIREPLACES, CEILINGS, WINDOWS AND INTERIOR PORTIONS OF WINDOW FRAMES AND TRIM, DOORS (INCLUDING WINDOWS IN DOORS) AND INTERIOR PORTIONS OF DOOR FRAMES AND TRIM, AND INCLUDES BOTH THE PORTIONS OF THE BUILDING SO DESCRIBED AND THE AIRSPACE SO ENCOMPASSED. A UNIT INCLUDES (I) THE WALLBOARD, PLASTER AND PAINT ON ALL INTERIOR SURFACES LOCATED OR EXPOSED WITHIN THE UNIT, (II) WINDOW SASHES OR OTHER ELEMENTS THAT DIRECTLY CONTACT THE GLASS PORTION OF THE WINDOW, (III) DOOR AND WINDOW HARDWARE AND ALL MECHANICAL ELEMENTS OF DOORS AND WINDOWS, AND (IV) PORTIONS OF THE ELECTRICAL, PLUMBING, HVAC, AND OTHER SYSTEMS SERVING ONLY THE UNIT. A UNIT DOES NOT INCLUDE ANY PORTION OF THE FRAMES OF WINDOWS OR EXTERIOR DOORS WHICH IS NOT EXPOSED WITHIN A UNIT INTERIOR, OR ANY STRUCTURAL COMPONENT OF WALLS, CEILINGS, AND FLOORS.
3. THE COMMON AREA CONSISTS OF THE ENTIRE PROPERTY EXCEPT FOR THE UNITS.
4. A CONDOMINIUM IS A UNIT TOGETHER WITH AN UNDIVIDED INTEREST IN THE COMMON AREA.
5. THE DIMENSIONS AND ELEVATIONS ON THE UNITS ARE INTENDED TO BE THE UNFINISHED FLOORS, WALLS, AND CEILINGS OF THE UNIT.
6. ALL ANGLES ARE 90 DEGREES UNLESS OTHERWISE NOTED.
7. ALL WALLS ARE 0.5' THICK.
8. ALL DISTANCES ARE MEASURED IN FEET AND DECIMALS THEREOF.
9. THE ELEVATIONS SHOWN ON THESE SHEETS ARE BASED ON CITY OF SAN FRANCISCO DATUM. THE BENCH MARK FOR THIS SURVEY IS THE PLUS CUT IN THE SIDEWALK NEAR THE BUILDING AT THE SOUTHEAST CORNER OF GUERRERO STREET AND 26TH STREET.  
ELEVATION = 90.458 FEET

## SURVEYOR'S STATEMENT:

THESE UNIT DIAGRAMS WERE PREPARED BY ME, OR UNDER MY DIRECTION, AND ARE BASED UPON A FIELD SURVEY, AT THE REQUEST OF TOM WILLIS IN SEPTEMBER OF 2013. IN CONFORMANCE WITH THE DAVIS-STIRLING COMMON INTEREST DEVELOPMENT ACT, SECTION 4285(B), THESE UNIT DIAGRAMS ARE THE "THREE-DIMENSIONAL DESCRIPTION" PORTION OF THE CONDOMINIUM PLAN.

DATE: \_\_\_\_\_

**PRELIMINARY**

RICHARD L. LANGFORD PLS 6895  
LICENSE EXPIRATION DATE: JUNE 30, 2015

**LANGFORD LAND SURVEYING**



424 PRESTON COURT  
LIVERMORE, CA 94551  
PHONE (510) 530-5200

JOB#13-3072 DRAWING=3072SANJ.DWG

SHEET  
1 OF 6

SAN JOSE AVENUE

36.42'

207.88'

# EXHIBIT B

UNIT DIAGRAMS  
FOR THE CONDOMINIUM PLAN OF  
330-340  
SAN JOSE AVENUE  
SAN FRANCISCO CALIFORNIA  
NOVEMBER 2014

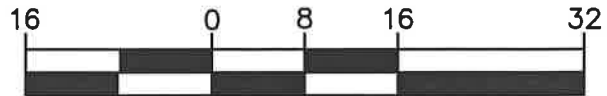
## OVERVIEW

BUILDING CORNER



ACCESS EASEMENT  
3 FOOT WIDE. 120 FOOT LONG

### GRAPHIC SCALE



( IN FEET )  
1 INCH = 16 FEET

92.49'

SIX-UNIT BUILDING

137.77'

58.11'

SHED

26TH STREET

LANGFORD LAND SURVEYING



424 PRESTON COURT  
LIVERMORE, CA 94551  
PHONE (510) 530-5200

JOB#13-3072 DRAWING=3072SANJ.DWG

SHEET  
2 OF 6



275 Battery Street, Suite 1500  
San Francisco, CA 94111  
(415) 397-0500 Fax: (415) 397-0199

## PRELIMINARY REPORT

UPDATED

C/O REMCHO, JOHANSEN & PURCELL  
201 DOLORES AVENUE  
SAN LEANDRO, CA 94577

Our Order Number 0227013377-HK

Attention: TOM WILL, ET AL

When Replying Please Contact:

Harold Kan  
HKan@ortc.com  
(415) 397-0500

Property Address:

330 - 340 San Jose Avenue, San Francisco, CA 94110

In response to the above referenced application for a policy of title insurance, OLD REPUBLIC TITLE COMPANY, as issuing Agent of Old Republic National Title Insurance Company, hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said Policy or Policies are set forth in Exhibit I attached. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the Homeowner's Policy of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Exhibit I. Copies of the Policy forms should be read. They are available from the office which issued this report.

**Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit I of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.**

**It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.**

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Dated as of May 15, 2015, at 7:30 AM

**OLD REPUBLIC TITLE COMPANY**  
For Exceptions Shown or Referred to, See Attached

Page 1 of 7 Pages



OLD REPUBLIC TITLE COMPANY  
**ORDER NO. 0227013377-HK**  
UPDATED

The form of policy of title insurance contemplated by this report is:

CLTA Standard Coverage Policy -1990; AND ALTA Loan Policy - 2006. A specific request should be made if another form or additional coverage is desired.

The estate or interest in the land hereinafter described or referred or covered by this Report is:

Fee as to Parcel One and an Easement as to Parcel Two

Title to said estate or interest at the date hereof is vested in:

Thomas A. Willis, an unmarried man; Minh P. Trinh, an unmarried man; Carlo Camozzi and Lisa E. Camozzi, husband and wife as community property with right of survivorship; Risley H. Sams, an unmarried man; Joe N. Sarantis, surviving spouse, all as tenants in common

The land referred to in this Report is situated in the County of San Francisco, City of San Francisco, State of California, and is described as follows:

**PARCEL ONE**

Beginning at a point on the westerly line of San Jose Avenue, distant thereon 207 feet and 10-1/2 inches northerly from the northerly line of 26<sup>th</sup> Street; running thence northerly along said line of San Jose Avenue 36 feet and 5 inches; thence at a right angle westerly 91 feet and 11-1/2 inches to the southerly line of lands of Southern Pacific Company; thence southwestwesterly along said line of said lands of Southern Pacific Company, 58 feet and 5-5/8 inches, more or less, to the intersection of a line drawn westerly at right angles to the westerly line of San Jose Avenue from the point of beginning; thence easterly along the line so drawn 137 feet and 8-3/8 inches, more or less to the point of beginning.

Being a portion of Horner's Addition Block No. 6.

**PARCEL TWO**

Right of way for ingress and egress over the following described parcel:

Beginning at a point on the westerly line of San Jose Avenue, distant thereon 204 feet and 10-1/2 inches northerly from the northerly line of 26<sup>th</sup> Street; running thence northerly along said line of San Jose Avenue 3 feet; thence at a right angle westerly 120 feet; thence at a right angle southerly 3 feet; thence at a right angle easterly 120 feet to the point of beginning.

Being a portion of Horner's Addition Block No. 6.

Assessor's Lot 10; Block 6532



# San Francisco Planning

## DISCRETIONARY REVIEW PUBLIC (DRP) APPLICATION

### Discretionary Review Requestor's Information

Name: Stephen M. Williams on behalf of Carlo Camozzi

Address: 338 San Jose Avenue, San Francisco, CA

Email Address: carlocamozzi@me.com

Telephone: 415-292-3656

### Information on the Owner of the Property Being Developed

Name: James Nunemacher & Leo Cassidy ---350 San Jose Ave LLC

Company/Organization: Vanguard Properties & Transatlantic Construction

Address: 2501 Mission Street, San Francisco, CA 94110

Email Address: James@vanguardSF.com

Telephone: 415-559-7772

### Property Information and Related Applications

Project Address: 350-352 San Jose Avenue

Block/Lot(s): 6532/010A

Building Permit Application No(s): 201804035430

### 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? (including Community Boards)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>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 that were made to the proposed project.</p> <p>Small cutback at the new top floor but no substantial or significant changes made to the project. When the neighbors first complained the mass and bulk of the proposal was too large and when the Dept informed the developers it was too large, (the project is an "alteration" of nearly 10,000) the developers responded by increasing the square footage by some 1000 s.f.</p>		

## 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 standards of the Planning Code and the Residential Design Guidelines. 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 cite specific sections of the Residential Design Guidelines.

The Dept reviewed the Project and found that it was far too large. The Dept specifically stated the proposal violates the RDG's and creates an "exceptional" circumstance due to its new shadowing on Juri Commons and cutting the adjacent neighbors off from the mid-block open space. The Developers were told to reduce the height and the depth and the mass by staff on numerous occasions and refused. The Dept provided a drawing to the developers of what would be acceptable at the site and the project in no way conforms to what the Dept told the developer was acceptable. The developers purchased this four rent-controlled units building, chased out long-term, elderly, disabled tenants and now want to build luxury condos. The project GROSSLY violates the RDG's and the General Plan and the Dept Staff made that clear. (See Attached)

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 unreasonably affected, please state who would be affected, and how.

The 10,000 square foot "addition" is absurd in its size and imposition of shadows, blockage of light, air, access to the mid-block open space and its overwhelming size. The new net shadows on Juri Commons are unacceptable and violate the General Plan and the RDG's. Its overwhelming size will loom over the neighbors to the south by nearly three full stories. If built as proposed it will block light to the adjacent neighbors and cast new shadows on Juri Commons year round from approximately 3 to 6 hours per day and at its apex it will cover a full 15% of the entire park in new shadows. The neighbors will fare much worse with the new shadows and blockage of light in violation of the RDG's.

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?

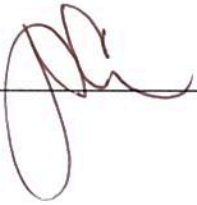
The Project should be denied for failing to adhere to the requirements from the staff and the repeated requests to reduce the Project. In lieu of denying the project and as suggested by the Dept., and to maintain the proposed 8 new units:

1. Remove the top floor to prevent shadowing on Juri Commons;
2. Reduce the depth into the rear yard to the 45% line with setbacks as shown in the Dept sketch;
3. Eliminate all auto parking in the project so the lower floor may be used for the new 8 units as studios or one-bedroom units. (staff suggested this).

# DISCRETIONARY REVIEW REQUESTOR'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

a) The undersigned is the DR requestor or their authorized representation.

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Attorney

\_\_\_\_\_  
Relationship to Requestor  
(i.e. Attorney, Architect, etc.)

415-292-3656  
\_\_\_\_\_  
Phone

Stephen M. Williams  
\_\_\_\_\_  
Name (Printed)

smw@stevewilliamslaw.com  
\_\_\_\_\_  
Email

**For Department Use Only**  
Application received by Planning Department:  
By: \_\_\_\_\_ Date: \_\_\_\_\_



**ATTACHMENT TO APPLICATION REQUESTING DISCRETIONARY REVIEW**

PROPERTY ADDRESS: 350-352 San Jose Ave  
ASSESSOR'S PARCEL NO: Block 6532, Lot 010A  
ZONING DISTRICT RM-2—Residential-Mixed Moderate Density  
APPLICATION NO. 201804035430

**ACTIONS PRIOR TO DISCRETIONARY REVIEW REQUEST**

Neighbors and concerned community members have expressed misgivings with the proposal because of its eviction of long-term and elderly tenants, aggressive extension into the mid-block open space, the addition of two new floors of occupancy and the dramatic altering of an acknowledged historic structure. The proposal seems completely out of place and it will shadow homes, gardens, the adjacent park and will invade the privacy of numerous neighbors.

**B. DISCRETIONARY REVIEW REQUEST****1. Reasons for Requesting Discretionary Review**

The Dept has already determined the Project is far too large and violates the RDG's. Attached hereto are the Preliminary Project Assessment from February 2018 and the RDAT Notes from October 2018. The Dept specifically found that the Project VIOLATES the RDG's and that the project as configured creates an "exceptional" condition:

**"Reduce the massing****Site Design, Open Space, and Massing**

To comply with the Residential Design Guideline "Design the height and depth of the building to be compatible with the scale at the street", set the vertical addition entirely behind the roof parapet wall where the existing cornice ends (Closest to column line 5).

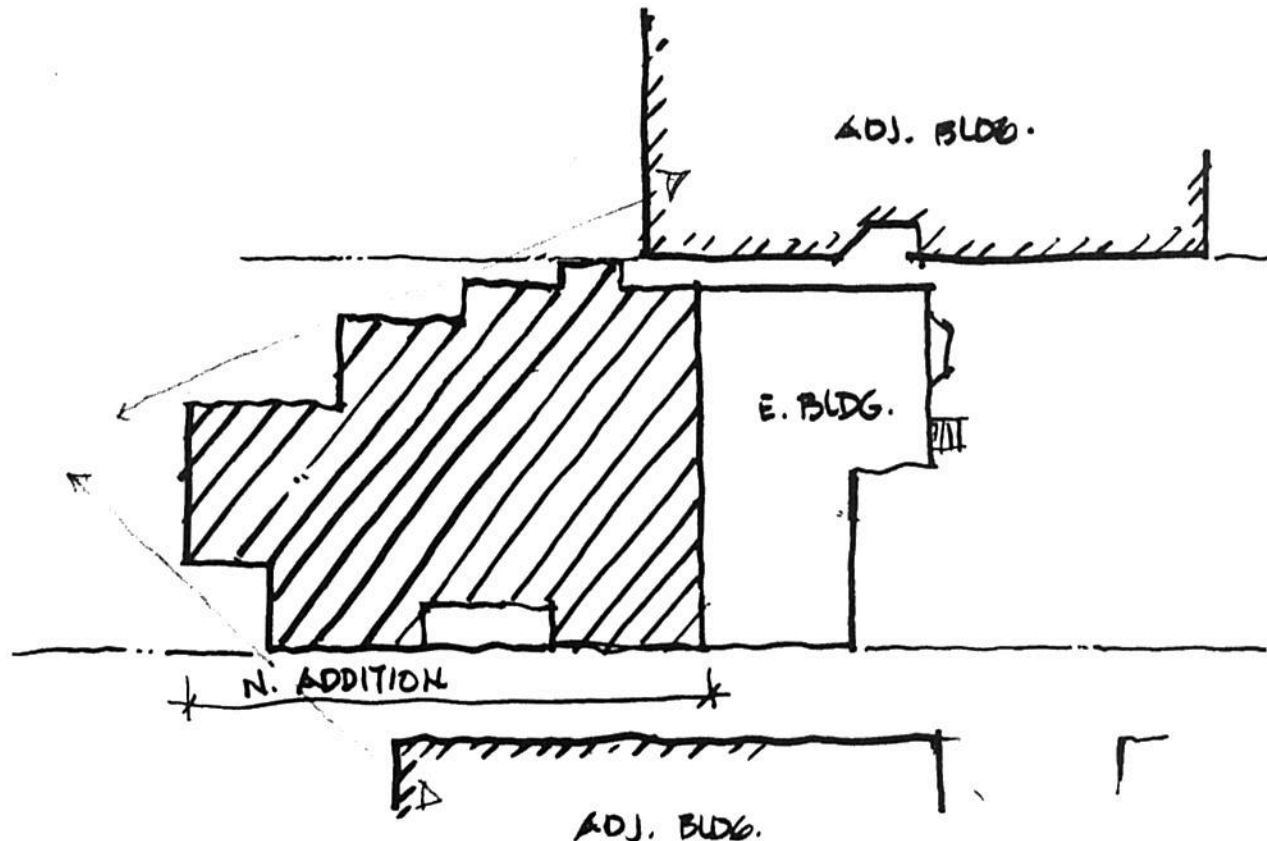
To comply with the Residential Design Guideline "Design the height and depth of the building to be compatible with the existing scale at the mid-block open space", reduce the massing at the rear by setting the building back from the adjacent property lines and limiting the depth to preserve the mid-block open space.

An exceptional condition exists where Juri Commons, a City Recreation and Park owned open space, is at the rear. Massing should likewise minimize shadows on this Park and Recreation space.

See attached site plan sketch as a means for achieving this.

Bike parking may be substituted for car parking allowing more usable residential space at the ground floor.

Design the project to access the ample front and rear yards to be utilized as common open space for residents. Roof terraces or decks for such purposes are not recommended.



To comply with the Residential Design Guidelines, ensure that the new windows at the front unit 5 are proportioned and aligned in relation to the existing window patterns and proportions. Given the proposed grade difference from the raised front yard and the sunken patio, consider alternate means to ameliorate the sunken-ness and need for guardrails, and full exterior stair run by perhaps re-grading and re-landscaping the front yard to have a more gradual, continuous and direct relationship with the street frontage."

This sketch was provided to the development Team TWICE and the same comments were made about reducing the Project to comply with the RDG's....The Project is currently more than twice the size of the drawing provided to the developers and grossly violates the RDG's

The Commission is urged to take Discretionary Review because this is an exceptional and extraordinary circumstance and site. The project *technically* can go to the 40-foot height limit and 75% into the rear yard, but the resulting new building, will present a building envelope far beyond the average or norm on San Jose Ave. The building would permanently and negatively impact the prevailing scale of the built environment on San Jose Ave and this part of Noe Valley and for the entire block. Such a project will affect the livability of the nearby residences and will dramatically shadow Juri Commons---a public open space recreation area.

The project appears to be a complete-demolition and reconstruction of a new ground floor and addition of a new floor UNDER the existing 1875 building (Class A Historic Resource) and the addition of a new floor on top of that. Other than the façade, no portion of the existing building is evident in the final design. It is a violation of the letter and spirit of the Code to allow a complete reconstruction of naturally affordable rent-controlled units in a non-confirming building of the

size proposed and to effectively eliminate affordable rent-controlled units by ousting tenants and making them market rate. The project contemplates the addition of nearly 10,000 square feet of new occupiable space in a building of four affordable, rent-controlled units of less than 800 square feet each.

## 2. Adverse Effects on the Neighborhood

### The Project Violates the Residential Design Guidelines and Shadows Juri Commons

As set forth above, and as spelled out in the RDAT Comments and Preliminary Project Review, the project is far too large, shadows the park and the adjacent neighbors and effectively cuts the neighbors off from the mid-block open space. It must be cut-back to the proportions outlined in the drawing provided by the Dept to the developers.

### The Project Violates the Area Plan and City-Wide Policies by Luxuriating Affordable, Rent-Controlled Housing After a Bluff Buy-out Eviction of Tenants

The reasons for Requesting Discretionary Review of this project are best summarized as follows:

1. The existing housing stock is the City's major source of relatively affordable housing. The Eastern Neighborhoods' older and rent-controlled housing has been a long-standing resource for the City's lower- and middle-income families. According to all City and Planning Dept policies... priority must be given to the retention of existing units as a primary means to provide affordable housing. Demolition of sound existing housing should be limited, as residential demolitions and conversions can result in the loss of affordable housing. The General Plan discourages residential demolitions, except where they would result in replacement housing equal to or exceeding that which is to be demolished. The Planning Code and Commission already maintain STRONG CONTROLLING policies that generally require conditional use authorization or discretionary review wherever demolition is proposed. Even if the unbelievable demolition calculations are accepted as true, the Project still results in the new construction and setting at Market Rate of at least four affordable rent-controlled housing---eliminating the long term tenants and rent-controlled housing without demolishing it has the exact same impact and negative effect---evicting tenants and "remodeling" such housing out of existence should require a conditional use or at least closer scrutiny from the Dept (which completely neglected to note this issue in its analysis);
2. The Dept simply cannot turn a blind eye to what is going on in this case. The owner is a very well-known professional real estate agent and a developer. Mr. Nunemacher operates and owns "Vanguard Realty." He has neglected the building for the past years and there have been numerous tenant complaints of work without permits. The owner has conducted an interior demolition and should not be rewarded for this behavior. Further the owner used the buy-out process starting three years ago to evict the long-term elderly and infirm tenants in order to luxuriate the units and to cash in on this building. This must not be approved. This is exactly the kind of behavior and policy result which the priority

policies and the Department is supposed to stop! This Proposal violates NUMEROUS provisions of the Area Plan including:

**POLICY 2.1.3**

***Provide units that are affordable to households at moderate and "middle incomes" – working households earning above traditional below-market rate thresholds but still well below what is needed to buy a market priced home, with restrictions to ensure affordability continues.***

**POLICY 2.1.4**

***Allow single-resident occupancy hotels (SROs) and "efficiency" units to continue to be an affordable type of dwelling option and recognize their role as an appropriate source of housing for small households.***

**OBJECTIVE 2.2**

**RETAIN AND IMPROVE EXISTING HOUSING AFFORDABLE TO PEOPLE OF ALL INCOMES**

**POLICY 2.2.1**

***Adopt Citywide demolition policies that discourage demolition of sound housing and encourage replacement of affordable units.***

**POLICY 2.2.2**

***Preserve viability of existing rental units.***

**POLICY 2.2.3**

***Consider acquisition of existing housing for rehabilitation and dedication as permanently affordable housing.***

**POLICY 2.2.4**

***Ensure that at-risk tenants, including low-income families, seniors, and people with disabilities, are not evicted without adequate protection.***

This Project will effectively destroy/eliminate four of the most affordable units in the entire neighborhood! Small rent-controlled units cleared out by the buy-out eviction process so they could be exponentially expanded into luxury condos...This is EXACTLY what the Planning Dept/Commission is supposed to prevent from happening.



### 3. Suggested Changes to the Proposed Project

The neighbors would not object to a reasonable development. This current plan is not reasonable for the above-stated reasons.

- (1) **The first and foremost, reduce the proposed building to three stories, eliminating the fourth floor completely.** The elimination of the fourth floor would open the property to allow more light to be cast on both adjacent neighbors and would allow more light into Juri Commons at the rear. Reducing the height and mass to the 45% line would further achieve greater compatibility with the neighboring structures on San Jose Ave. and Jeri Commons and with the scale of this densely developed in this portion of Noe Valley.
- (2) **Change the design to make it more compatible with the neighbors.** Use the setbacks suggested by the drawing from the Planning Staff. Eliminate the large expanses of glass by eliminating the top floor. Require the use of materials and fenestration pattern that are compatible with the predominant character of the surrounding neighborhood and will not be a hazard to birds.
- (3) **Eliminate the All parking places.** This request is consistent with the *Priority Policies of the General Plan* and would avoid exacerbating an already difficult traffic situation that exists on this street. If the sponsor needs more space it can be captured at the ground floor without creating more parking. As stated in the RDAT Memo: *“Bike parking may be substituted for car parking allowing more usable residential space at the ground floor.”*
- (4) **Reduce the Size of the Units to Maintain the 8 New Units.** The smaller units will be more affordable and compatible with the existing building and the neighborhood.



# SAN FRANCISCO PLANNING DEPARTMENT

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## UDAT MEETING NOTES

**Project:** 350-352 San Jose

**Planner:** RDAT review

**Date:** 10.12.2018

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

---

The existing building is a category 'A' historic resource set back 40' from the street fronting property line. Part of the defining feature of this property is the front set back.

### **Reduce the massing Site Design, Open Space, and Massing**

To comply with the Residential Design Guideline "Design the height and depth of the building to be compatible with the scale at the street", set the vertical addition entirely behind the roof parapet wall where the existing cornice ends (Closest to column line 5).

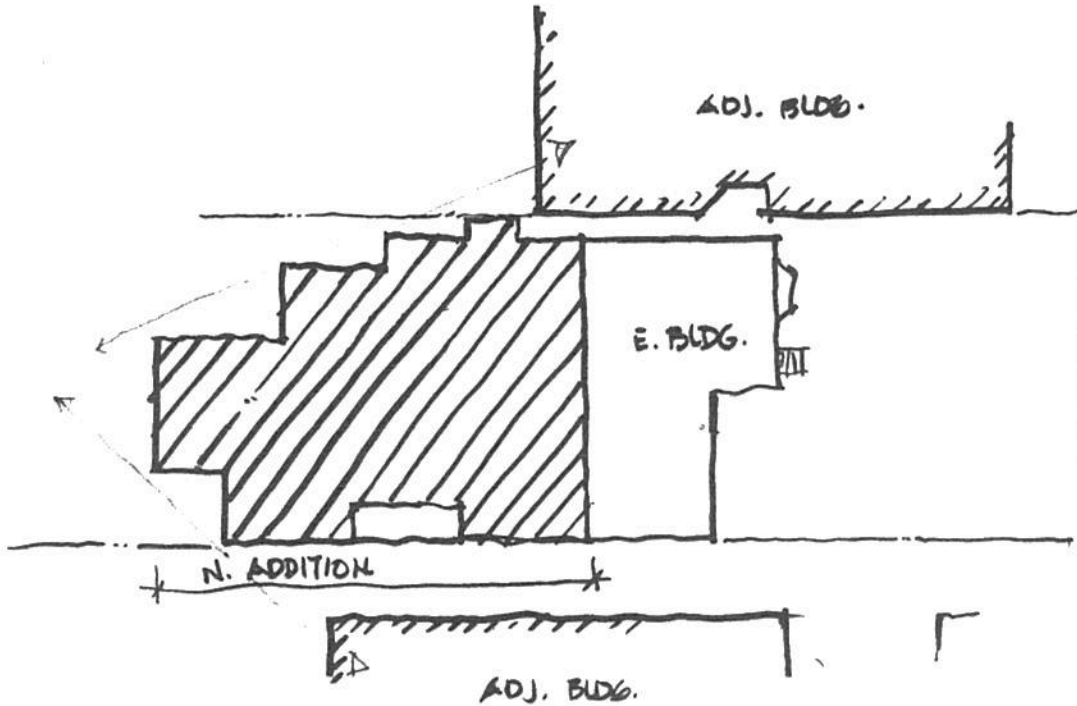
To comply with the Residential Design Guideline "Design the height and depth of the building to be compatible with the existing scale at the mid-block open space", reduce the massing at the rear by setting the building back from the adjacent property lines and limiting the depth to preserve the mid-block open space.

An exceptional condition exists where Juri Commons, a City Recreation and Park owned open space, is at the rear. Massing should likewise minimize shadows on this Park and Recreation space.

See attached site plan sketch as a means for achieving this.

Bike parking may be substituted for car parking allowing more usable residential space at the ground floor.

Design the project to access the ample front and rear yards to be utilized as common open space for residents. Roof terraces or decks for such purposes are not recommended.



To comply with the Residential Design Guideline Ensure that the new windows at the front unit 5 are proportioned and aligned in relation to the existing window patterns and proportions.

Given the proposed grade difference from the raised front yard and the sunken patio, consider alternate means to ameliorate the sunken-ness and need for guardrails, and full exterior stair run by perhaps re-grading and re-landscaping the front yard to have a more gradual, continuous and direct relationship with the street frontage.

UDAT will provide further detailed design review on the subsequent submission. UDAT recommends that the project provide high-quality materials, and meet the architectural detailing and character of the neighborhood.



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

**DATE:** February 8, 2018  
**TO:** Leanne Lei  
**FROM:** Tania Sheyner, Planning Department  
**RE:** Case No. 2017-015039PPA for 350-352 San Jose Avenue

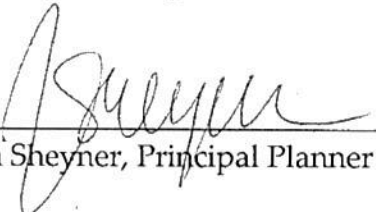
1650 Mission St.  
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CA 94103-2479

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Planning  
Information:  
**415.558.6377**

Please find the attached Preliminary Project Assessment (PPA) for the address listed above. You may contact the staff contact, Elizabeth White, at (415) 575-6813 or [elizabeth.white@sfgov.org](mailto:elizabeth.white@sfgov.org), to answer any questions you may have, or to schedule a follow-up meeting.

  
\_\_\_\_\_  
Tania Sheyner, Principal Planner





# SAN FRANCISCO PLANNING DEPARTMENT

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## Preliminary Project Assessment

*Date:* February 8, 2018  
*Case No.:* **2017-015039PPA**  
*Project Address:* 350-352 San Jose Avenue  
*Block/Lot:* 6532/010A  
*Zoning:* RM-2 (Residential-Mixed, Moderate Density)  
Fringe Financial Service ¼ buffer  
Mission Alcohol Restricted Use Subdistrict  
Fringe Financial Services Restricted Use District  
40-X Height and Bulk District  
*Area Plan:* Eastern Neighborhoods – Mission Plan Area  
*Project Sponsor:* *Leanne Lei*  
415-741-1292  
*Staff Contact:* *Elizabeth White* – 415-575-6813  
[elizabeth.white@sfgov.org](mailto:elizabeth.white@sfgov.org)

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

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Planning  
Information:  
**415.558.6377**

### DISCLAIMERS:

This Preliminary Project Assessment (PPA) letter provides feedback to the project sponsor from the Planning Department regarding the proposed project described in the PPA application submitted on November 27, 2017, as summarized below. This PPA letter identifies Planning Department review requirements for the proposed project, including those related to environmental review, approvals, neighborhood notification and public outreach, the Planning Code, project design, and other general issues of concern for the project. Please be advised that the PPA application does not constitute an application for development with the Planning Department. The PPA letter also does not represent a complete review of the proposed project, does not grant a project approval of any kind, and does not in any way supersede any required Planning Department approvals listed below.

The Planning Department may provide additional comments regarding the proposed project once the required applications listed below are submitted. While some approvals are granted by the Planning Department, some are at the discretion of other bodies, such as the Planning Commission or Historic Preservation Commission. Additionally, it is likely that the project will require approvals from other City agencies such as the Department of Building Inspection, Public Works, the Municipal Transportation Agency, Department of Public Health, San Francisco Public Utilities Commission, and others. The information included herein is based on the PPA application and plans, the Planning Code, General Plan, Planning Department policies, and local, state, and federal regulations as of the date of this document, all of which are subject to change.

### PROJECT DESCRIPTION:

The proposed project at 350-352 San Jose Avenue involves a vertical and horizontal addition to the existing 21-foot-tall, four-unit building. The existing 3,000-square-foot building on the 7,100-square-foot

lot was constructed in 1900. The proposed project would construct an additional eight units (for a total of 12 onsite units) and provide four vehicle parking spaces (three of which would be new). The renovated building would be approximately 12,000 square feet and 40 feet tall (approximately 48 feet tall with rooftop appurtenances). The proposed project would involve excavation to a maximum depth of 10 feet to add a basement level in the building; approximately 800 cubic yards of soil would be removed from the project site. The project would maintain the existing nine-foot-wide curb cut on San Jose Avenue to provide access into the basement parking level. No new curb cuts are proposed. The project would also provide 12 new class 2 bicycle parking spaces in the basement level of the building.

## BACKGROUND:

The project site is within the Eastern Neighborhoods Area Plans. The Eastern Neighborhoods Area Plans cover the Mission, East South of Market (SoMa), Showplace Square/Potrero Hill, and Central Waterfront neighborhoods. The proposed project site is in the Mission plan area of the Eastern Neighborhoods. On August 7, 2008, the Planning Commission certified the *Eastern Neighborhoods Programmatic Final Environmental Impact Report (Eastern Neighborhoods PEIR)*.<sup>1,2</sup> The Eastern Neighborhoods Area Plans and its associated rezoning became effective December 19, 2008. The proposed project appears to be consistent with the development density of the Eastern Neighborhoods Area Plans. A final determination of consistency with the development density in the Eastern Neighborhoods Area Plans would be made during the environmental review process.

## PRELIMINARY PROJECT COMMENTS:

The following comments address general issues that may affect the proposed project.

1. **Eastern Neighborhoods Mission Area Plan.** The subject property falls within the area covered by the Eastern Neighborhoods Mission Area Plan in the General Plan. As proposed, the project is generally consistent with the overarching objectives of the Plan, though the project and design comments below discuss any items where more information is needed to assess conformity with either specific policies or Code standards or where the project requires minor modification to achieve consistency. The project sponsor is encouraged to read the full plan, which can be viewed at <http://generalplan.sfplanning.org/index.htm>.
2. **Site Design, Open Space and Massing.** The Planning Department generally supports the intent of the project as it would provide needed housing. Regardless of height limits, architectural excellence is expected. The Planning Department recommends several revisions to the project massing as detailed in the Preliminary Design Comments section of this PPA letter (page 12).

## ENVIRONMENTAL REVIEW:

The proposed project requires environmental review in accordance with the California Environmental Quality Act (CEQA). This section identifies the likely environmental review process and additional

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<sup>1</sup> San Francisco Planning Department. Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report (FEIR), Planning Department Case No. 2004.0160E, certified August 7, 2008. Available online at: <http://sf-planning.org/area-plan-eirs>, accessed August 17, 2012.

<sup>2</sup> San Francisco Planning Department. San Francisco Planning Commission Motion 17659, August 7, 2008. Available online at: [http://commissions.sfplanning.org/cpcmotions/17659\\_1268-EN\\_BOS\\_Vol4\\_CEQA\\_Part7\\_Web.pdf](http://commissions.sfplanning.org/cpcmotions/17659_1268-EN_BOS_Vol4_CEQA_Part7_Web.pdf), accessed August 17, 2012.

information and studies necessary to complete environmental review. Formal environmental review begins with Planning Department review of the **Environmental Evaluation Application (EEA)** filed by the project sponsor. The EEA can be submitted at the same time as the PPA application or subsequent to issuance of the PPA letter.

The environmental review may be done in conjunction with the required approvals listed below, but must be completed before any project approval may be granted. **Note that until an entitlement application is submitted to the Current Planning Division, only the proposed project description will be reviewed by the assigned environmental coordinator.** EEAs are available in the Planning Department lobby at 1650 Mission Street, Suite 400, at the Planning Information Center at 1660 Mission Street, and online at <http://sf-planning.org/permit-forms-applications-and-fees>. See "Environmental Applications" on page 2 of the current Fee Schedule for a calculation of environmental application fees.<sup>3</sup> In addition, please see page 4 of the Fee Schedule for monitoring fees applicable to projects that require active monitoring of mitigation measures.

A detailed and accurate description of the proposed project is essential for adequate environmental review. Please include this additional information in the EEA project description.

- Detailed information related to construction, equipment, phasing and duration of each construction phase
- Show existing and proposed cut cuts on plans

#### ***Environmental Review Document- Community Plan Evaluation***

Section 15183 of the California Environmental Quality Act (CEQA) Guidelines states that projects that are consistent with the development density established by a community plan for which an environmental impact report (EIR) was certified do not require additional environmental review, except as necessary to determine the presence of project-specific significant effects not identified in the programmatic plan area EIR.

As discussed above, the proposed project is located within the Eastern Neighborhoods Area Plan, which was evaluated in the *Eastern Neighborhoods PEIR*. If the proposed project is consistent with the development density identified in the area plan, it would be eligible for a community plan evaluation (CPE). Please note that a CPE is a type of streamlined environmental review, and cannot be modified to reflect changes to a project after approval. Proposed increases in project size or intensity after project approval beyond the CPE project description will require reconsideration of environmental impacts and issuance of a new CEQA determination.

Within the CPE process, there can be three different outcomes as follows:

1. **CPE.** All potentially significant project-specific and cumulatively considerable environmental impacts are fully consistent with significant impacts identified in the *Eastern Neighborhoods PEIR*, and there would be no new significant impacts peculiar to the proposed project or its site. In these situations, all pertinent mitigation measures and CEQA findings from the *Eastern Neighborhoods PEIR* are applied to the proposed project, and a CPE checklist and certificate is prepared. With this outcome, the

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<sup>3</sup> San Francisco Planning Department. Fee Schedule for Application Fees. Available online at: <http://sf-planning.org/permit-forms-applications-and-fees>.

applicable fees are: (a) the CPE determination fee (currently \$14,910) and (b) the CPE certificate fee (currently \$8,266).

2. **Mitigated Negative Declaration.** If new site- or project-specific significant impacts are identified for the proposed project that were not identified in the *Eastern Neighborhoods PEIR*, and if these new significant impacts can be mitigated to a less-than-significant level, then a focused mitigated negative declaration is prepared to address these impacts, and a supporting CPE checklist is prepared to address all other impacts that were encompassed by the *Eastern Neighborhoods PEIR*, with all pertinent mitigation measures and CEQA findings from the *Eastern Neighborhoods PEIR* also applied to the proposed project. With this outcome, the applicable fees are: (a) the CPE determination fee (currently \$14,910) and (b) the standard environmental evaluation fee (which is based on construction value).
3. **Focused EIR.** If any new site- or project-specific significant impacts cannot be mitigated to a less-than-significant level, then a focused EIR is prepared to address these impacts, and a supporting CPE checklist is prepared to address all other impacts that were encompassed by the *Eastern Neighborhoods PEIR*, with all pertinent mitigation measures and CEQA findings from the *Eastern Neighborhoods PEIR* also applied to the proposed project. With this outcome, the applicable fees are: (a) the CPE determination fee (currently \$14,910); (b) the standard environmental evaluation fee (which is based on construction value); and (c) one-half of the standard EIR fee (which is also based on construction value). An EIR must be prepared by an environmental consultant from the Planning Department's environmental consultant pool (<http://sf-planning.org/consultant-sponsor-resources>). The Planning Department will provide more detail to the project sponsor regarding the EIR process should this level of environmental review be required.

Below is a list of topic areas addressed through the environmental review process. Based on a preliminary review of the project as it is proposed in the PPA application, some of these topics would require additional study.

1. **Historic Resources.** The project site contains one or more buildings previously determined to be eligible for national, state, or local listing as a historic resource. The property was surveyed as part of the South Mission Historic Resource Survey. Therefore, the proposed alteration is subject to review by the Department's Historic Preservation staff. To assist in this review, the project sponsor must hire a qualified professional to prepare a Historic Resource Evaluation (HRE) report. The professional must be selected from the Planning Department's Historic Resource Consultant Pool. Please contact Pilar LaValley, Principal Preservation Planner, via email ([pilar.lavalley@sfgov.org](mailto:pilar.lavalley@sfgov.org)) for a list of three consultants from which to choose. The selected consultant must scope the HRE in consultation with Department Historic Preservation staff. Please contact the HRE scoping team at [HRE@sfgov.org](mailto:HRE@sfgov.org) to arrange the HRE scoping. Following an approved scope, the historic resource consultant should submit the draft HRE report for review to Environmental Planning after the project sponsor has filed the EE Application and updated it as necessary to reflect feedback received in the PPA letter. The HRE should be submitted directly to the Department and copied to the project sponsor. Project sponsors should not receive and/or review advance drafts of consultant reports per the Environmental Review Guidelines. Historic Preservation staff will not begin reviewing your project until a complete draft HRE is received.



2. **Archeological Resources.** The project site lies within the Archeological Mitigation Zone J-2: Properties with No Previous Studies of the *Eastern Neighborhoods PEIR*. The proposed project will require Preliminary Archeological Review (PAR) by a Planning Department archeologist. To aid this review the Department archeologist may request a Preliminary Archeological Sensitivity Assessment (PASS) by a Department Qualified Archeological Consultant, subject to the review and approval by the Department archeologist. The Department archeologist will provide three names from the Qualified Archeological Consultant list if the PASS is required. The PAR will assess the archeological sensitivity of the project site based on in-house source material and will consider the potential for archeological impacts resulting from proposed soils disturbance. Please provide detailed information, including sections, proposed soils-disturbing activities, such as grading, excavation, installation of foundations, soils improvement, and site remediation in the EEA, and submit any available geotechnical/soils or phase II hazardous materials reports prepared for the project to assist in this review. If the Department archeologist determines that the project has a potential to adversely affect archeological resources, the PAR will identify additional measures needed to address the potential effect. These measures may include preparation of an archeological research design and treatment plan, implementation of project mitigation measures (such as archeological testing, monitoring, or accidental discovery), or other appropriate measures.
3. **Transportation.** Based on the PPA submittal, a transportation impact study is not anticipated; an official determination will be made subsequent to submittal of the EEA.
4. **Noise.** The project sponsor has indicated that the project would not involve pile driving. Therefore, the proposed project would not be subject to Eastern Neighborhoods PEIR Mitigation Measures F-1. The proposed project would be subject to Eastern Neighborhoods Mitigation Measure F-2.

*Eastern Neighborhoods PEIR Noise Mitigation Measure F-2: Construction Noise* requires that the project sponsor develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant when the environmental review of a development project determines that construction noise controls are necessary due to the nature of planned construction practices and sensitivity of proximate uses. This mitigation measure requires that a plan for such measures be submitted to DBI prior to commencing construction to ensure that maximum feasible noise attenuation will be achieved.

5. **Air Quality.** The proposed project, with the construction of eight additional dwelling units, is below the Bay Area Air Quality Management District's (BAAQMD) construction screening levels for criteria air pollutants. Therefore, an analysis of the project's criteria air pollutant is not likely to be required. However, please provide detailed information related to construction, equipment, phasing and duration of each phase, and volume.
6. **Greenhouse Gases.** *The City and County of San Francisco's Strategies to Address Greenhouse Gas Emissions* presents a comprehensive assessment of policies, programs, and ordinances that represents San Francisco's Qualified Greenhouse Gas (GHG) Reduction Strategy. Projects that are consistent with San Francisco's Qualified GHG Reduction Strategy would result in less-than-significant impacts from GHG emissions. In order to facilitate a determination of compliance with San Francisco's Qualified GHG Reduction Strategy, the Planning Department has prepared a

Greenhouse Gas Analysis Compliance Checklist.<sup>4</sup> The project sponsor may be required to submit the completed table regarding project compliance with the identified regulations and provide project-level details in the discussion column. This information will be reviewed by the environmental planner during the environmental review process to determine if the project would comply with San Francisco's Greenhouse Gas Reduction Strategy. Projects that do not comply with an ordinance or regulation may be determined to be inconsistent with the Greenhouse Gas Reduction Strategy.

7. **Wind.** The proposed project would not involve construction of a building over 80 feet in height. Therefore, a consultant-prepared wind analysis is not anticipated to be required.
8. **Shadow.** The proposed project would result in construction of a 40-foot-tall building (approximately 48-foot-tall with rooftop appurtenances). The proposed project would not result in construction of a building greater than 40 feet in height, as measured in accordance with the Planning Code; therefore, a consultant-prepared shadow study is not required.

If the proposed building height exceeds 40 feet in height, the preliminary shadow fan analysis prepared by Planning Department staff indicates that the proposed project could cast shadows on the Juri Commons, a Recreation and Park property. Should the building height exceed 40 feet, the proposed project would be subject to Planning Code Section 295. The project sponsor would therefore be required to hire a qualified consultant to prepare a detailed shadow study. The consultant would be required to submit a Shadow Study Application, which can be found on the Planning Department's website (<http://sf-planning.org/permit-forms-applications-and-fees>). A separate fee would be required. The consultant would also need to prepare a proposed scope of work for review and approval by Environmental Planning staff prior to preparing the analysis.

9. **Geology.** A geotechnical study prepared by a qualified consultant must be submitted with the EEA. The study should address whether the site is subject to liquefaction, and should provide recommendations for any geotechnical concerns identified in the study. In general, compliance with the building codes would avoid the potential for significant impacts related to structural damage, ground subsidence, liquefaction, landslides, and surface settlement. To assist Planning Department staff in determining whether the project would result in environmental impacts related to geological hazards, it is recommended that you provide a copy of the geotechnical information with boring logs for the proposed project. This study will also help inform the Planning Department Archeologist of the project site's subsurface geological conditions.
10. **Hazardous Materials.** The proposed project would construct additional residential use and would involve grading and excavation work greater than 50 cubic yards. Therefore, the project is subject to Article 22A of the Health Code, also known as the Maher Ordinance. The Maher Ordinance, which is administered and overseen by the Department of Public Health (DPH), requires the project sponsor to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code section 22.A.6. The Phase I ESA would determine the potential for site contamination and level of exposure risk associated with the

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<sup>4</sup> Refer to <http://sf-planning.org/consultant-sponsor-resources> for latest "Greenhouse Gas Compliance Checklist for Private Development Projects."



project. Based on that information, soil and/or groundwater sampling and analysis, as well as remediation of any site contamination, may be required. These steps are required to be completed prior to the issuance of any building permit.

DPH requires that projects subject to the Maher Ordinance complete a Maher Application, available at: <http://www.sfdph.org/dph/EH/HazWaste/hazWasteSiteMitigation.asp>. Fees for DPH review and oversight of projects subject to the ordinance would apply. Please refer to DPH's fee schedule, available at: <http://www.sfdph.org/dph/EH/Fees.asp#haz>. Please provide a copy of the submitted Maher Application and Phase I ESA with the EEA.

*Eastern Neighborhoods EIR Hazardous Materials Mitigation Measure L-1: Hazardous Building Materials* would be applicable to the proposed project. The mitigation measure requires that the project sponsor ensure that any equipment containing polychlorinated biphenyls (PCBs) or di(2-ethylhexyl) phthalate (DEPH), such as fluorescent light ballasts, and any fluorescent light tubes containing mercury be removed and properly disposed of in accordance with applicable federal, state, and local laws. In addition, any other hazardous materials identified, either before or during work, must be abated according to applicable federal, state, and local laws.

Because the existing building was constructed prior to 1980, asbestos-containing materials, such as floor and wall coverings, may be found in the building. The Bay Area Air Quality Management District (BAAQMD) is responsible for regulating airborne pollutants including asbestos. Please contact BAAQMD for the requirements related to demolition of buildings with asbestos-containing materials. In addition, because of its age (constructed prior to 1978), lead paint may be found in the existing building. Please contact the San Francisco Department of Building Inspection (DBI) for requirements related to the demolition of buildings that may contain lead paint.

#### 11. Disclosure Report for Developers of Major Projects.

San Francisco Campaign and Governmental Conduct Code Section 3.520 et seq. requires the developer of any project with estimated construction costs exceeding \$1,000,000 to submit a *Disclosure Report for Developers of Major City Projects* if the project requires the issuance of a Community Plan Evaluation (CPE), certification of an Environmental Impact Report (EIR), adoption of a Final Mitigated Negative Declaration, or a project approval by the Planning Commission that adopts CEQA Findings (EIR certification). A residential development project with four or fewer dwelling units is not required to file this report. The first (or initial) report must be filed within 30 days of the date of EIR certification or final environmental determination under CEQA. Please submit a *Disclosure Report for Developers of Major City Projects* directly to the San Francisco Ethics Commission. This form can be found at the Planning Department or online at <http://www.sfethics.org>.

#### PRELIMINARY PLANNING CODE AND PROCEDURAL COMMENTS:

The following comments address preliminary Planning Code issues that may substantially affect the design and massing of the proposed project:

1. **Front Setback, Landscaping and Permeability.** Pursuant to Planning Code Section 132, where one or both of the buildings adjacent to the subject property have front setbacks along a street or alley, any building or addition constructed, reconstructed or relocated on the subject property shall be set back to the average of the two adjacent front setbacks. Planning Code Section 132 outlines a provision for adding landscaping when constructing an addition to a building or lot that increases the building's gross floor area by more than 20 percent, or when additional parking spaces are provided within an existing building. Twenty percent of the front setback area shall remain unpaved and devoted to plant material, including the use of climate appropriate plant materials. Further, the front setback area shall be at least 50 percent permeable so as to increase stormwater infiltration. The permeable surface may be inclusive of the area counted towards the landscaping requirement; provided, however, that turf pavers or similar planted hardscapes shall be counted only toward the permeable surface requirement and not the landscape requirement.

Please demonstrate compliance with the front setback dimensional and square footage area requirements. The plans appear to meet the requirements, but please provide the aforementioned dimensions and areas upon submittal of the application.

2. **Rear Yard.** Planning Code Section 134 requires the project provide a rear yard measuring at least 45 percent of the lot depth. As proposed, the project does not demonstrate compliance with the required rear yard as the existing building and the proposed addition is within the required rear yard. As such, a Rear Yard Variance will need to be sought and justified. As shown, the subject property elects to take advantage of the alternate method of averaging, which bases the rear yard requirement on the average of the adjacent buildings. However, in order to be counted for purposes of determining the rear yard depth, the two adjacent rear walls need to extend at least half the width of their respective lots and be two stories or 20 feet high. The rear elevations do not demonstrate qualifying rear walls. Please review the accuracy of the elevations and site plan depicting the adjacent properties to determine if they are qualifying rear walls. In addition, please confirm if an alternative method of averaging is feasible; otherwise, seek and justify a Rear Yard Variance from the Zoning Administrator.
3. **Open Space – Residential.** Section 135 requires at least 80 square feet, if private, and 106 square feet per dwelling unit, if common, for each dwelling unit. Additionally, any such open spaces must meet the dimensional requirements of Subsections (f) and (g).

The majority of balconies proposed for this project do not meet the minimum horizontal dimensions or the square footage minimums required by the Planning Code. Therefore, the proposed project requires a revision to meet the minimum open space requirement, or you may seek and justify an Open Space Variance. The Department generally recommends providing an equivalent amount of open space. The front setback yard appears to potentially meet the aforementioned requirements; however, please clarify if this will be common or private open space and demonstrate compliance. Please explore options to provide code-complying usable open space onsite either through the front or rear yards, if code complying and accessible to all units.

4. **Permitted Obstructions.** Planning Code Section 136 outlines the requirements for permitted obstructions within the required rear yard. Please revise the plans to demonstrate the size and



dimension of the proposed bay windows. As shown, the bay windows read as corners of the proposed building, not as bay windows. Since this feature is currently located within the required rear yard, this feature must meet the requirements of Planning Code Section 136.

5. **Bird-Safe Treatments.** Although 350 San Jose Avenue is not within an Urban Bird Refuge, feature-related bird-safe glazing standards apply citywide. Please demonstrate compliance with Planning Code Section 139.
6. **Dwelling Unit Exposure.** Planning Code Section 140 requires that each dwelling unit have at least one room that meets the 120-square-foot minimum superficial floor area requirement of Section 503 of the Housing Code face directly on a street right-of-way, code-complying rear yard, or an appropriately sized courtyard. The proposed rear yard is not code-complying and it is not clear if a large enough open space area is provided to meet the exposure requirement for those units that only have windows fronting the rear yard area. Therefore, the proposed project requires a revision to meet the minimum dwelling unit exposure requirement, or you may seek and justify an Exposure Variance. The Department generally encourages projects to minimize the number of units needing a variance.
7. **Street Frontages in RH, RTO, RTO-M and RM Districts and Moderation of Building Fronts in RM-1 and RM-2 Districts.** Per Planning Code Sections 144 and 144.1, please demonstrate compliance with the requirements for entrances to off-street parking and the stepping of building height and walls. Please include this additional information on the site plan and elevations.
8. **Parking and Curb Cuts.** Planning Code Section 151 requires one off-street parking space for every dwelling unit. With four existing units and eight additional units, eight off-street parking spaces are required. Four off-street parking spaces are provided; thus, please demonstrate compliance with the requirement for eight additional off-street parking spaces. Per Planning Code Section 150(e), bicycle parking could be provided in lieu of vehicular parking. Additional information is required to demonstrate how the project will meet the required parking requirement.
9. **Bicycle Parking (Class 1).** Planning Code Section 155 requires this project to provide at least four class 1 bicycle parking spaces for the 12 dwelling units. The proposed project contains the required class 1 bicycle parking spaces. However, please clarify if additional bicycle parking spaces are or will be provided to also meet vehicular parking requirements outlined in Planning Code Section 151. Lastly, please demonstrate compliance with the proposed location and dimensional requirements for class 1 spaces. Currently, the spaces are shown in the garage obstructed by vehicular parking and next to stairs; class 1 spaces cannot require the use of stairs. See Zoning Administrator Bulletin No. 9 – Bicycle Parking Standards: Design and Layout.
10. **Dwelling Unit Density.** Planning Code Section 207 permits a residential density of up to one unit per 600 square feet of lot area. For a lot area of 7,148 square feet, the maximum permitted residential density is 12 dwelling units. The project proposes an additional eight dwelling units for a total of 12 dwelling units on the project site; therefore, it would comply with the Planning Code.

11. **Height.** Please provide existing and longitudinal sections that demonstrate the height methodology as prescribed in Planning Code Section 260, extending from the street curb through the centerline of the building extending the full lot depth.
12. **Shadow Analysis.** Planning Code Section 295 requires that a shadow analysis must be performed to determine whether the project has the potential to cast shadow on properties under the jurisdiction of the San Francisco Recreation and Park Commission. The subject property is contiguous to Juri Commons which is under the jurisdiction of the San Francisco Recreation and Park Department. However, the proposed building addition is not more than 40 feet in height. Therefore, a detailed shadow analysis would not be required pursuant to Section 295. Though a shadow analysis is not required, the Project Sponsor should explore sculpting portions of the project to avoid casting new shadows on Juri Commons.
13. **Residential Demolition.** Pursuant to Planning Code Section 317, more information is needed to show whether the project constitutes residential demolition pursuant to Planning Code Section 317. Demolition is defined as a major alteration of a residential building that proposes the removal of more than 50 percent of the sum of the front façade and rear façade, and also proposes the removal of more than 65 percent of the sum of all exterior walls, measured in lineal feet at the foundation level, or a major alteration of a residential building that proposes the removal of more than 50 percent of the vertical envelope elements and more than 50 percent of the horizontal elements of the existing building, as measured in square feet of actual surface area. Please provide demolition calculations and corresponding graphics that demonstrate compliance. Please note that these calculations should correspond to the existing plans and elevations.
14. **Stormwater.** If the project results in a ground surface disturbance of 5,000 square feet or greater (creating and/or replacing 5,000 square feet or more of impervious surface), it is subject to San Francisco's stormwater management requirements as outlined in the Stormwater Management Ordinance and the corresponding SFPUC Stormwater Design Guidelines (Guidelines). Projects that trigger the stormwater management requirements must prepare a Stormwater Control Plan demonstrating project adherence to the performance measures outlined in the Guidelines including: (a) reduction in total volume and peak flow rate of stormwater for areas in combined sewer systems OR (b) stormwater treatment for areas in separate sewer systems. The SFPUC Wastewater Enterprise, Urban Watershed Management Program is responsible for review and approval of the Stormwater Control Plan. Without SFPUC approval of a Stormwater Control Plan, no site or building permits can be issued. The Guidelines also require a signed maintenance agreement to ensure proper care of the necessary stormwater controls. Compliance may occur through a mix of rooftop, sidewalk, and open space treatments and technologies, and is encouraged to be designed as a comprehensive system that maximizes co-benefits for greening, habitat creation, urban heat island reduction, building energy savings, and beautification. Systems within the public realm should consider adjacencies and opportunities for flow-through systems to neighborhood detention areas. To view the Stormwater Management Ordinance, the Stormwater Design Guidelines, or download instructions for the Stormwater Control Plan, go to <http://sfwater.org/sdg>. Applicants may contact [stormwaterreview@sfwater.org](mailto:stormwaterreview@sfwater.org) for assistance.

15. **Better Roofs Ordinance.** In 2016, San Francisco became the first major city in the U.S. to require the installation of renewable energy facilities or living roofs on new buildings. The Better Roofs Ordinance will require between 15% and 30% of roof space to incorporate solar (photo voltaic and/or solar thermal systems), living (green) roofs, or a combination of both. The Ordinance provides guidance for how developers, designers, and/or owners might best utilize rooftop space; ideally, projects should pursue holistic design and amenity enhancements for 100% of usable roof space that include open space, habitat, stormwater management, urban agriculture, and other beneficial uses. Please see the Planning Department's Living Roof Manual to learn more: <http://sf-planning.org/department-publications>.
16. **Sustainability and Green Building.** San Francisco has a suite of existing sustainability related regulations, including recycling and composting, solar, and more details outlined in the San Francisco Green Building Code (GBC). Per the GBC, this project must meet the standards of LEED Silver or the equivalent GreenPoint rating system. It is recommended that the Project Sponsor work with the San Francisco Planning, Building, and Environment departments to determine the most beneficial mix of green building strategies that meet or exceed all current requirements, and best fit the local context. This especially includes the provision of renewable energy on site (PV and solar thermal), living roofs and walls, non-potable water reuse, healthy environments (non-toxic building materials), and other innovative approaches to enhancing performance of the City's environment. The City also encourages projects to maximize energy and water efficiencies, consider zero carbon strategies such as all-electric buildings, and commit to green power purchases for 100% GHG-free electricity. As with non-potable water systems, projects are recommended to consider district-scale energy opportunities on site and in coordination with neighbors.
17. **Refuse Collection and Loading.** San Francisco is a national leader in diverting waste from landfills, has a Mandatory Recycling and Composting Ordinance, and has a goal to achieve zero waste by 2020. In this, the City requires all buildings to be designed with spaces for collecting and loading recycling and composting in common and private areas, and make these options as or more convenient than waste disposal. More information on the complete suite of the City's Zero Waste legislation may be found here: <http://sfenvironment.org/zero-waste/overview/legislation>. Please also see the Guidance on Recycling Design (page 3) resources for designing appropriate areas: [http://sfenvironment.org/sites/default/files/fliers/files/sfe\\_zw\\_ab088.pdf](http://sfenvironment.org/sites/default/files/fliers/files/sfe_zw_ab088.pdf). Free design and implementation assistance is available from the San Francisco Department of the Environment's Zero Waste Team by calling 415-355-3700.

#### PRELIMINARY DESIGN COMMENTS:

The following comments address preliminary design issues that may substantially affect the proposed project:

The project is located in an RM-2 – Residential Mixed, Moderate Density zoning district. The site extends through Juri Commons, a City Recreation and Park owned open space. The existing building is a category

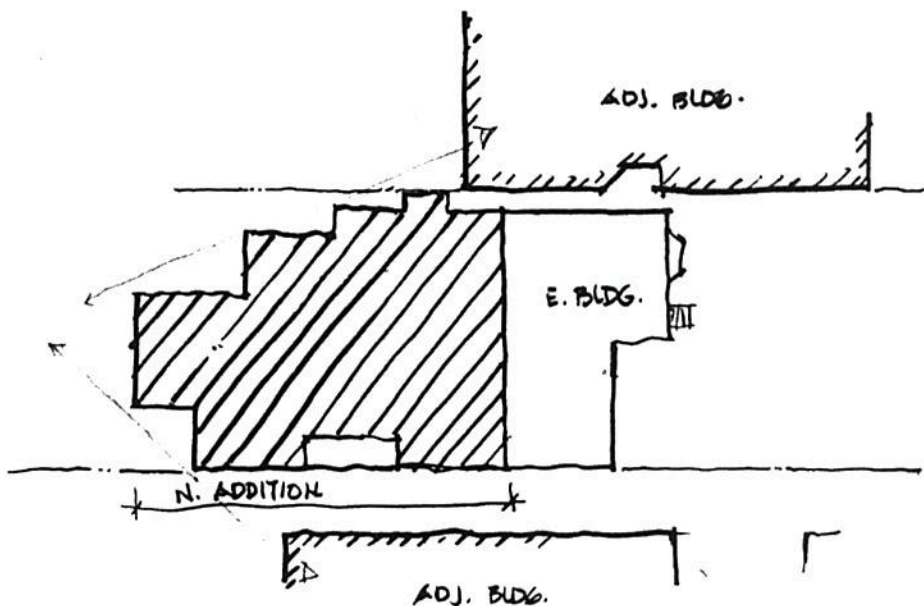


'A' historic resource set back 40 feet from the street fronting property line. Part of the defining feature of this property is the front set back.

**1. Site Design, Open Space, and Massing.**

Department staff recommends the following revisions:

- Any new vertical addition to the existing building should be entirely behind the roof parapet wall where the existing cornice ends (closest to column line 5).
- The mid-block open space includes adjacent rear yards and Juri Commons. The massing should be revised to minimize net new shadows on adjacent park and recreation open space.
- The three-story rear massing should step back from the adjacent property to the north and be limited in overall depth to provide visual access from both adjacent properties to mid-block open space. See attached site plan sketch.



**2. Architecture.** Please ensure that the new windows at the front (Unit 5) are proportioned and aligned in relation to the existing window patterns and proportions.

Given the proposed grade difference from the raised front yard and the sunken patio, please consider alternate means to reconcile said grade change whilst negating the need for guardrails and a full exterior stair run by perhaps re-grading and re-landscaping the front yard to have a more gradual, continuous and direct relationship with the street frontage.



Department staff will provide further detailed design review on the subsequent submissions. Department staff recommends that the project provide high-quality materials, and meet the architectural detailing and character of the neighborhood.

### DEVELOPMENT FEES:

This project will be subject to various impact fees. Please refer to the [Planning Director's Bulletin No. 1](#) for an overview of Development Impact Fees, and to the Department of Building Inspection's [Development Impact Fee webpage](#) for more information about current rates. Please note that this list only reflects fees and requirements referenced in the Planning Code. For projects in ongoing plan areas (e.g. Central SoMa, the Hub, etc.) the below list may not accurately reflect all fees that may become applicable to this project.

Based on an initial review of the proposed project, the following impact fees, which are assessed by the Planning Department, will be required:

1. **Residential Child Care Impact Fee (§414A)**
2. **Eastern Neighborhoods Impact Fees (§423)**

### PLANNING DEPARTMENT APPROVALS:

The project requires the following Planning Department approvals. These approvals may be reviewed in conjunction with the required environmental review, but may not be granted until after the required environmental review is completed.

1. An **Environmental Evaluation Application** will be required to examine the project per the California Environmental Quality Act.
2. A **Variance** from the Zoning Administrator is required to address the Planning Code requirements for: rear yard, usable open space, and dwelling unit exposure per Planning Code Sections 134, 135 and 140, respectively. Generally, Department staff recommends revisions to the project, in order to minimize and/or avoid the need for a variance from the Planning Code.
3. A **Building Permit Application** is required for the proposed alteration of the subject property.

In order for Planning Department staff to accurately review projects in a timely manner, plan sets must be complete and thorough. All plans submitted as part of an entitlement or building permit application must meet the Department's [Plan Submittal Guidelines](#).

All applications are available in the Planning Department lobby at 1650 Mission Street, Suite 400, at the Planning Information Center at 1660 Mission Street, and online at [www.sfplanning.org](http://www.sfplanning.org). Building Permit Applications are available at the Department of Building Inspection at 1660 Mission Street.

### NEIGHBORHOOD NOTIFICATIONS AND OUTREACH:

Project Sponsors are encouraged, and in some cases required, to conduct public outreach with the surrounding community and neighborhood groups early in the development process. Additionally,

many approvals require a public hearing with an associated neighborhood notification. Differing levels of neighborhood notification are mandatory for some or all of the reviews and approvals listed above.

1. **Pre-Application Meeting.** This project is required to conduct a Pre-Application Meeting with surrounding neighbors and registered neighborhood groups before a development application may be filed with the Planning Department. The Pre-Application packet, which includes instructions and template forms, is available at <http://sf-planning.org/permit-forms-applications-and-fees> listed under "N" for Neighborhood Notification Pre-Application Meeting. The registered neighborhood group and organizations mailing list is available online at <http://sf-planning.org/department-publications> listed under "N".
2. **Neighborhood Outreach.** This project is encouraged to craft as robust a community outreach effort as possible.
3. **Notification of a Project Receiving Environmental Review.** Notice may be required to be sent to occupants of the project site and properties adjacent to the project site, as well as to owners and, to the extent feasible, occupants of properties within 300 feet of the project site at the initiation of the environmental review process. Please be prepared to provide mailing addresses on a CD upon request during the environmental review process.

#### **PRELIMINARY PROJECT ASSESSMENT EXPIRATION:**

This Preliminary Project Assessment is valid for a period of **18 months**. An Environmental Evaluation Application, Variance, and Building Permit Application, as listed above, must be submitted no later than **August 8, 2019**. Otherwise, this determination is considered expired and a new Preliminary Project Assessment is required. Such applications and plans must be generally consistent with those found in this Preliminary Project Assessment.

cc: Esmeralda Jardines, Current Planning  
Elizabeth White, Environmental Planning  
David Winslow, Design Review  
Jonas Ionin, Planning Commission Secretary  
Charles Rivasplata, SFMTA  
Jerry Sanguinetti, Public Works  
Pauline Perkins, SFPUC  
Planning Department Webmaster ([planning.webmaster@sfgov.org](mailto:planning.webmaster@sfgov.org))



# San Francisco Planning

## DISCRETIONARY REVIEW PUBLIC (DRP) APPLICATION

### Discretionary Review Requestor's Information

Name: Stephen M. Williams on behalf of Elisabeth Kranier

Address: 376 San Jose Avenue, San Francisco, CA

Email Address: Elisabeth.krainer.ek@gmail.com

Telephone: 415-292-3656

### Information on the Owner of the Property Being Developed

Name: James Nunemacher & Leo Cassidy ---350 San Jose Ave LLC

Company/Organization: Vanguard Properties & Transatlantic Construction

Address: 2501 Mission Street, San Francisco, CA 94110

Email Address: James@vanguardSF.com

Telephone: 415-559-7772

### Property Information and Related Applications

Project Address: 350-352 San Jose Avenue

Block/Lot(s): 6532/010A

Building Permit Application No(s): 201804035430

### 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? (including Community Boards)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>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 that were made to the proposed project.</p> <p>Small cutback at the new top floor but no substantial or significant changes made to the project. When the neighbors first complained the mass and bulk of the proposal was too large and when the Dept informed the developers it was too large, (the project is an "alteration" of nearly 10,000) the developers responded by increasing the square footage by some 1000 s.f.</p>		

## 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 standards of the Planning Code and the Residential Design Guidelines. 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 cite specific sections of the Residential Design Guidelines.

The Dept reviewed the Project and found that it was far too large. The Dept specifically stated the proposal violates the RDG's and creates an "exceptional" circumstance due to its new shadowing on Juri Commons and cutting the adjacent neighbors off from the mid-block open space. The Developers were told to reduce the height and the depth and the mass by staff on numerous occasions and refused. The Dept provided a drawing to the developers of what would be acceptable at the site and the project in no way conforms to what the Dept told the developer was acceptable. The developers purchased this four rent-controlled units building, chased out long-term, elderly, disabled tenants and now want to build luxury condos. The project GROSSLY violates the RDG's and the General Plan and the Dept Staff made that clear. (See Attached)

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 unreasonably affected, please state who would be affected, and how.

The 10,000 square foot "addition" is absurd in its size and imposition of shadows, blockage of light, air, access to the mid-block open space and its overwhelming size. The new net shadows on Juri Commons are unacceptable and violate the General Plan and the RDG's. Its overwhelming size will loom over the neighbors to the south by nearly three full stories. If built as proposed it will block light to the adjacent neighbors and cast new shadows on Juri Commons year round from approximately 3 to 6 hours per day and at its apex it will cover a full 15% of the entire park in new shadows. The neighbors will fare much worse with the new shadows and blockage of light in violation of the RDG's.

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?

The Project should be denied for failing to adhere to the requirements from the staff and the repeated requests to reduce the Project. In lieu of denying the project and as suggested by the Dept., and to maintain the proposed 8 new units:

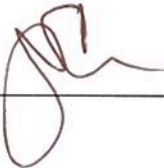
1. Remove the top floor to prevent shadowing on Juri Commons;
2. Reduce the depth into the rear yard to the 45% line with setbacks as shown in the Dept sketch;
3. Eliminate all auto parking in the project so the lower floor may be used for the new 8 units as studios or one-bedroom units. (staff suggested this).



# DISCRETIONARY REVIEW REQUESTOR'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

a) The undersigned is the DR requestor or their authorized representation.

Signature 

Stephen M. Williams  
Name (Printed)

Attorney

415-292-3656

smw@stevewilliamslaw.com

Relationship to Requestor  
(i.e. Attorney, Architect, etc.)

Phone

Email

**For Department Use Only**  
Application received by Planning Department:  
By: \_\_\_\_\_ Date: \_\_\_\_\_

**ATTACHMENT TO APPLICATION REQUESTING DISCRETIONARY REVIEW**

PROPERTY ADDRESS: 350-352 San Jose Ave  
ASSESSOR'S PARCEL NO: Block 6532, Lot 010A  
ZONING DISTRICT RM-2—Residential-Mixed Moderate Density  
APPLICATION NO. 201804035430

**ACTIONS PRIOR TO DISCRETIONARY REVIEW REQUEST**

Neighbors and concerned community members have expressed misgivings with the proposal because of its eviction of long-term and elderly tenants, aggressive extension into the mid-block open space, the addition of two new floors of occupancy and the dramatic altering of an acknowledged historic structure. The proposal seems completely out of place and it will shadow homes, gardens, the adjacent park and will invade the privacy of numerous neighbors.

**B. DISCRETIONARY REVIEW REQUEST****1. Reasons for Requesting Discretionary Review**

The Dept has already determined the Project is far too large and violates the RDG's. Attached hereto are the Preliminary Project Assessment from February 2018 and the RDAT Notes from October 2018. The Dept specifically found that the Project VIOLATES the RDG's and that the project as configured creates an "exceptional" condition:

**"Reduce the massing****Site Design, Open Space, and Massing**

To comply with the Residential Design Guideline "Design the height and depth of the building to be compatible with the scale at the street", set the vertical addition entirely behind the roof parapet wall where the existing cornice ends (Closest to column line 5).

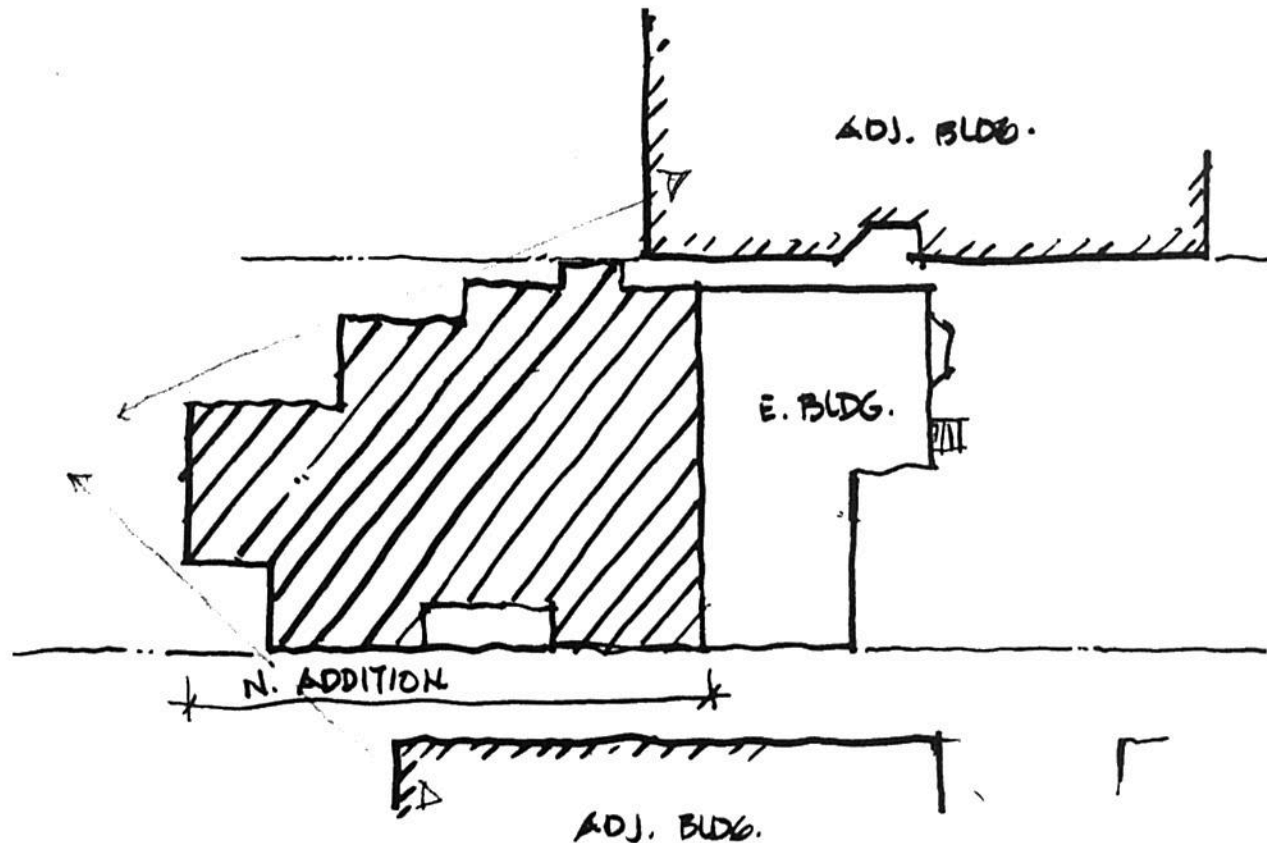
To comply with the Residential Design Guideline "Design the height and depth of the building to be compatible with the existing scale at the mid-block open space", reduce the massing at the rear by setting the building back from the adjacent property lines and limiting the depth to preserve the mid-block open space.

An exceptional condition exists where Juri Commons, a City Recreation and Park owned open space, is at the rear. Massing should likewise minimize shadows on this Park and Recreation space.

See attached site plan sketch as a means for achieving this.

Bike parking may be substituted for car parking allowing more usable residential space at the ground floor.

Design the project to access the ample front and rear yards to be utilized as common open space for residents. Roof terraces or decks for such purposes are not recommended.



To comply with the Residential Design Guidelines, ensure that the new windows at the front unit 5 are proportioned and aligned in relation to the existing window patterns and proportions. Given the proposed grade difference from the raised front yard and the sunken patio, consider alternate means to ameliorate the sunken-ness and need for guardrails, and full exterior stair run by perhaps re-grading and re-landscaping the front yard to have a more gradual, continuous and direct relationship with the street frontage."

This sketch was provided to the development Team TWICE and the same comments were made about reducing the Project to comply with the RDG's....The Project is currently more than twice the size of the drawing provided to the developers and grossly violates the RDG's

The Commission is urged to take Discretionary Review because this is an exceptional and extraordinary circumstance and site. The project *technically* can go to the 40-foot height limit and 75% into the rear yard, but the resulting new building, will present a building envelope far beyond the average or norm on San Jose Ave. The building would permanently and negatively impact the prevailing scale of the built environment on San Jose Ave and this part of Noe Valley and for the entire block. Such a project will affect the livability of the nearby residences and will dramatically shadow Juri Commons---a public open space recreation area.

The project appears to be a complete-demolition and reconstruction of a new ground floor and addition of a new floor UNDER the existing 1875 building (Class A Historic Resource) and the addition of a new floor on top of that. Other than the façade, no portion of the existing building is evident in the final design. It is a violation of the letter and spirit of the Code to allow a complete reconstruction of naturally affordable rent-controlled units in a non-confirming building of the

size proposed and to effectively eliminate affordable rent-controlled units by ousting tenants and making them market rate. The project contemplates the addition of nearly 10,000 square feet of new occupiable space in a building of four affordable, rent-controlled units of less than 800 square feet each.

## 2. **Adverse Effects on the Neighborhood**

### **The Project Violates the Residential Design Guidelines and Shadows Juri Commons**

As set forth above, and as spelled out in the RDAT Comments and Preliminary Project Review, the project is far too large, shadows the park and the adjacent neighbors and effectively cuts the neighbors off from the mid-block open space. It must be cut-back to the proportions outlined in the drawing provided by the Dept to the developers.

### **The Project Violates the Area Plan and City-Wide Policies by Luxuriating Affordable, Rent-Controlled Housing After a Bluff Buy-out Eviction of Tenants**

The reasons for Requesting Discretionary Review of this project are best summarized as follows:

1. The existing housing stock is the City's major source of relatively affordable housing. The Eastern Neighborhoods' older and rent-controlled housing has been a long-standing resource for the City's lower- and middle-income families. According to all City and Planning Dept policies.... priority must be given to the retention of existing units as a primary means to provide affordable housing. Demolition of sound existing housing should be limited, as residential demolitions and conversions can result in the loss of affordable housing. The **General Plan** discourages residential demolitions, except where they would result in replacement housing equal to or exceeding that which is to be demolished. The Planning Code and Commission already maintain STRONG CONTROLLING policies that generally require conditional use authorization or discretionary review wherever demolition is proposed. Even if the unbelievable demolition calculations are accepted as true, the Project still results in the new construction and setting at Market Rate of at least four affordable rent-controlled housing---eliminating the long term tenants and rent-controlled housing without demolishing it has the exact same impact and negative effect---evicting tenants and "remodeling" such housing out of existence should require a conditional use or at least closer scrutiny from the Dept (which completely neglected to note this issue in its analysis);
2. The Dept simply cannot turn a blind eye to what is going on in this case. The owner is a very well-known professional real estate agent and a developer. Mr. Nunemacher operates and owns "Vanguard Realty." He has neglected the building for the past years and there have been numerous tenant complaints of work without permits. The owner has conducted an interior demolition and should not be rewarded for this behavior. Further the owner used the buy-out process starting three years ago to evict the long-term elderly and infirm tenants in order to luxuriate the units and to cash in on this building. This must not be approved. This is exactly the kind of behavior and policy result which the priority



policies and the Department is supposed to stop! This Proposal violates NUMEROUS provisions of the Area Plan including:

**POLICY 2.1.3**

***Provide units that are affordable to households at moderate and "middle incomes" – working households earning above traditional below-market rate thresholds but still well below what is needed to buy a market priced home, with restrictions to ensure affordability continues.***

**POLICY 2.1.4**

***Allow single-resident occupancy hotels (SROs) and "efficiency" units to continue to be an affordable type of dwelling option and recognize their role as an appropriate source of housing for small households.***

**OBJECTIVE 2.2**

**RETAIN AND IMPROVE EXISTING HOUSING AFFORDABLE TO PEOPLE OF ALL INCOMES**

**POLICY 2.2.1**

***Adopt Citywide demolition policies that discourage demolition of sound housing and encourage replacement of affordable units.***

**POLICY 2.2.2**

***Preserve viability of existing rental units.***

**POLICY 2.2.3**

***Consider acquisition of existing housing for rehabilitation and dedication as permanently affordable housing.***

**POLICY 2.2.4**

***Ensure that at-risk tenants, including low-income families, seniors, and people with disabilities, are not evicted without adequate protection.***

This Project will effectively destroy/eliminate four of the most affordable units in the entire neighborhood! Small rent-controlled units cleared out by the buy-out eviction process so they could be exponentially expanded into luxury condos...This is EXACTLY what the Planning Dept/Commission is supposed to prevent from happening.

### 3. Suggested Changes to the Proposed Project

The neighbors would not object to a reasonable development. This current plan is not reasonable for the above-stated reasons.

- (1) **The first and foremost, reduce the proposed building to three stories, eliminating the fourth floor completely.** The elimination of the fourth floor would open the property to allow more light to be cast on both adjacent neighbors and would allow more light into Juri Commons at the rear. Reducing the height and mass to the 45% line would further achieve greater compatibility with the neighboring structures on San Jose Ave. and Jeri Commons and with the scale of this densely developed in this portion of Noe Valley.
- (2) **Change the design to make it more compatible with the neighbors.** Use the setbacks suggested by the drawing from the Planning Staff. Eliminate the large expanses of glass by eliminating the top floor. Require the use of materials and fenestration pattern that are compatible with the predominant character of the surrounding neighborhood and will not be a hazard to birds.
- (3) **Eliminate the All parking places.** This request is consistent with the *Priority Policies of the General Plan* and would avoid exacerbating an already difficult traffic situation that exists on this street. If the sponsor needs more space it can be captured at the ground floor without creating more parking. As stated in the RDAT Memo: *“Bike parking may be substituted for car parking allowing more usable residential space at the ground floor.”*
- (4) **Reduce the Size of the Units to Maintain the 8 New Units.** The smaller units will be more affordable and compatible with the existing building and the neighborhood.



# SAN FRANCISCO PLANNING DEPARTMENT

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

## **UDAT MEETING NOTES**

**Project:** 350-352 San Jose

**Planner:** RDAT review

**Date:** 10.12.2018

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The existing building is a category 'A' historic resource set back 40' from the street fronting property line. Part of the defining feature of this property is the front set back.

### **Reduce the massing Site Design, Open Space, and Massing**

To comply with the Residential Design Guideline "Design the height and depth of the building to be compatible with the scale at the street", set the vertical addition entirely behind the roof parapet wall where the existing cornice ends (Closest to column line 5).

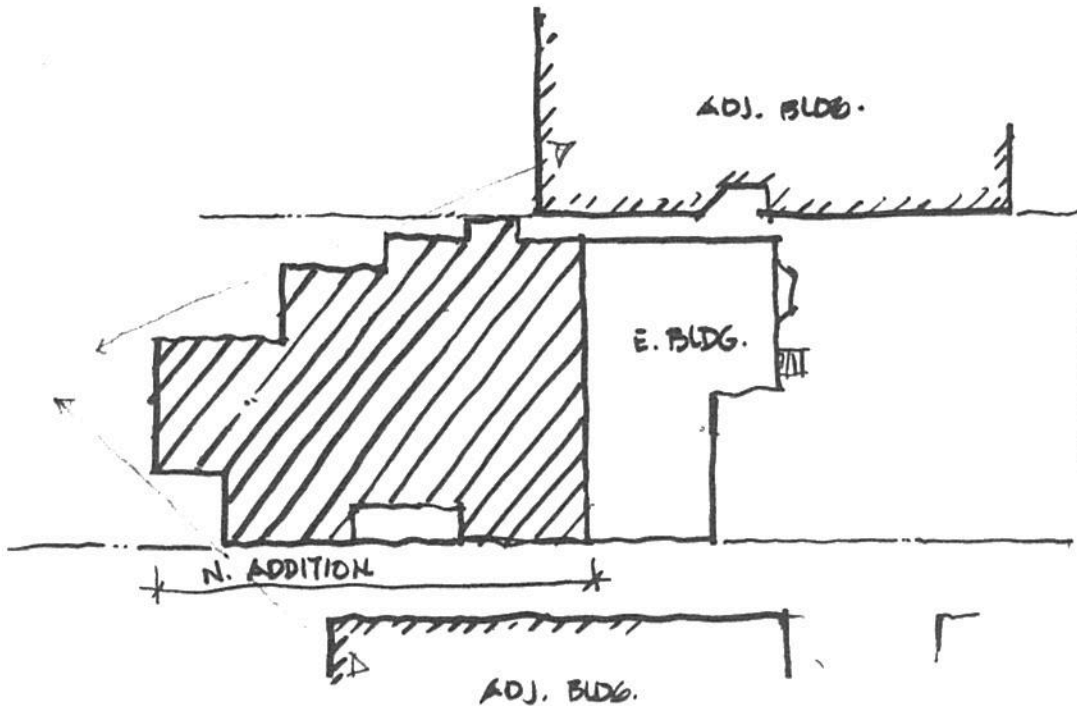
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To comply with the Residential Design Guideline Ensure that the new windows at the front unit 5 are proportioned and aligned in relation to the existing window patterns and proportions.

Given the proposed grade difference from the raised front yard and the sunken patio, consider alternate means to ameliorate the sunken-ness and need for guardrails, and full exterior stair run by perhaps re-grading and re-landscaping the front yard to have a more gradual, continuous and direct relationship with the street frontage.

UDAT will provide further detailed design review on the subsequent submission. UDAT recommends that the project provide high-quality materials, and meet the architectural detailing and character of the neighborhood.





# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

DATE: February 8, 2018  
TO: Leanne Lei  
FROM: Tania Sheyner, Planning Department  
RE: Case No. 2017-015039PPA for 350-352 San Jose Avenue

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

Please find the attached Preliminary Project Assessment (PPA) for the address listed above. You may contact the staff contact, Elizabeth White, at (415) 575-6813 or [elizabeth.white@sfgov.org](mailto:elizabeth.white@sfgov.org), to answer any questions you may have, or to schedule a follow-up meeting.

A handwritten signature in cursive script, appearing to read "Tania Sheyner", written over a horizontal line.

Tania Sheyner, Principal Planner



# SAN FRANCISCO PLANNING DEPARTMENT

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## Preliminary Project Assessment

*Date:* February 8, 2018  
*Case No.:* 2017-015039PPA  
*Project Address:* 350-352 San Jose Avenue  
*Block/Lot:* 6532/010A  
*Zoning:* RM-2 (Residential-Mixed, Moderate Density)  
Fringe Financial Service ¼ buffer  
Mission Alcohol Restricted Use Subdistrict  
Fringe Financial Services Restricted Use District  
40-X Height and Bulk District  
*Area Plan:* Eastern Neighborhoods – Mission Plan Area  
*Project Sponsor:* Leanne Lei  
415-741-1292  
*Staff Contact:* Elizabeth White – 415-575-6813  
[elizabeth.white@sfgov.org](mailto:elizabeth.white@sfgov.org)

1650 Mission St.  
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### DISCLAIMERS:

This Preliminary Project Assessment (PPA) letter provides feedback to the project sponsor from the Planning Department regarding the proposed project described in the PPA application submitted on November 27, 2017, as summarized below. This PPA letter identifies Planning Department review requirements for the proposed project, including those related to environmental review, approvals, neighborhood notification and public outreach, the Planning Code, project design, and other general issues of concern for the project. Please be advised that the PPA application does not constitute an application for development with the Planning Department. The PPA letter also does not represent a complete review of the proposed project, does not grant a project approval of any kind, and does not in any way supersede any required Planning Department approvals listed below.

The Planning Department may provide additional comments regarding the proposed project once the required applications listed below are submitted. While some approvals are granted by the Planning Department, some are at the discretion of other bodies, such as the Planning Commission or Historic Preservation Commission. Additionally, it is likely that the project will require approvals from other City agencies such as the Department of Building Inspection, Public Works, the Municipal Transportation Agency, Department of Public Health, San Francisco Public Utilities Commission, and others. The information included herein is based on the PPA application and plans, the Planning Code, General Plan, Planning Department policies, and local, state, and federal regulations as of the date of this document, all of which are subject to change.

### PROJECT DESCRIPTION:

The proposed project at 350-352 San Jose Avenue involves a vertical and horizontal addition to the existing 21-foot-tall, four-unit building. The existing 3,000-square-foot building on the 7,100-square-foot

lot was constructed in 1900. The proposed project would construct an additional eight units (for a total of 12 onsite units) and provide four vehicle parking spaces (three of which would be new). The renovated building would be approximately 12,000 square feet and 40 feet tall (approximately 48 feet tall with rooftop appurtenances). The proposed project would involve excavation to a maximum depth of 10 feet to add a basement level in the building; approximately 800 cubic yards of soil would be removed from the project site. The project would maintain the existing nine-foot-wide curb cut on San Jose Avenue to provide access into the basement parking level. No new curb cuts are proposed. The project would also provide 12 new class 2 bicycle parking spaces in the basement level of the building.

## BACKGROUND:

The project site is within the Eastern Neighborhoods Area Plans. The Eastern Neighborhoods Area Plans cover the Mission, East South of Market (SoMa), Showplace Square/Potrero Hill, and Central Waterfront neighborhoods. The proposed project site is in the Mission plan area of the Eastern Neighborhoods. On August 7, 2008, the Planning Commission certified the *Eastern Neighborhoods Programmatic Final Environmental Impact Report (Eastern Neighborhoods PEIR)*.<sup>1,2</sup> The Eastern Neighborhoods Area Plans and its associated rezoning became effective December 19, 2008. The proposed project appears to be consistent with the development density of the Eastern Neighborhoods Area Plans. A final determination of consistency with the development density in the Eastern Neighborhoods Area Plans would be made during the environmental review process.

## PRELIMINARY PROJECT COMMENTS:

The following comments address general issues that may affect the proposed project.

1. **Eastern Neighborhoods Mission Area Plan.** The subject property falls within the area covered by the Eastern Neighborhoods Mission Area Plan in the General Plan. As proposed, the project is generally consistent with the overarching objectives of the Plan, though the project and design comments below discuss any items where more information is needed to assess conformity with either specific policies or Code standards or where the project requires minor modification to achieve consistency. The project sponsor is encouraged to read the full plan, which can be viewed at <http://generalplan.sfplanning.org/index.htm>.
2. **Site Design, Open Space and Massing.** The Planning Department generally supports the intent of the project as it would provide needed housing. Regardless of height limits, architectural excellence is expected. The Planning Department recommends several revisions to the project massing as detailed in the Preliminary Design Comments section of this PPA letter (page 12).

## ENVIRONMENTAL REVIEW:

The proposed project requires environmental review in accordance with the California Environmental Quality Act (CEQA). This section identifies the likely environmental review process and additional

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<sup>1</sup> San Francisco Planning Department. Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report (FEIR), Planning Department Case No. 2004.0160E, certified August 7, 2008. Available online at: <http://sf-planning.org/area-plans>, accessed August 17, 2012.

<sup>2</sup> San Francisco Planning Department. San Francisco Planning Commission Motion 17659, August 7, 2008. Available online at: [http://commissions.sfplanning.org/cpcmotions/17659\\_1268-EN\\_BOS\\_Vol4\\_CEQA\\_Part7\\_Web.pdf](http://commissions.sfplanning.org/cpcmotions/17659_1268-EN_BOS_Vol4_CEQA_Part7_Web.pdf), accessed August 17, 2012.

information and studies necessary to complete environmental review. Formal environmental review begins with Planning Department review of the **Environmental Evaluation Application (EEA)** filed by the project sponsor. The EEA can be submitted at the same time as the PPA application or subsequent to issuance of the PPA letter.

The environmental review may be done in conjunction with the required approvals listed below, but must be completed before any project approval may be granted. **Note that until an entitlement application is submitted to the Current Planning Division, only the proposed project description will be reviewed by the assigned environmental coordinator.** EEAs are available in the Planning Department lobby at 1650 Mission Street, Suite 400, at the Planning Information Center at 1660 Mission Street, and online at <http://sf-planning.org/permit-forms-applications-and-fees>. See “Environmental Applications” on page 2 of the current Fee Schedule for a calculation of environmental application fees.<sup>3</sup> In addition, please see page 4 of the Fee Schedule for monitoring fees applicable to projects that require active monitoring of mitigation measures.

A detailed and accurate description of the proposed project is essential for adequate environmental review. Please include this additional information in the EEA project description.

- Detailed information related to construction, equipment, phasing and duration of each construction phase
- Show existing and proposed cut cuts on plans

#### ***Environmental Review Document- Community Plan Evaluation***

Section 15183 of the California Environmental Quality Act (CEQA) Guidelines states that projects that are consistent with the development density established by a community plan for which an environmental impact report (EIR) was certified do not require additional environmental review, except as necessary to determine the presence of project-specific significant effects not identified in the programmatic plan area EIR.

As discussed above, the proposed project is located within the Eastern Neighborhoods Area Plan, which was evaluated in the *Eastern Neighborhoods PEIR*. If the proposed project is consistent with the development density identified in the area plan, it would be eligible for a community plan evaluation (CPE). Please note that a CPE is a type of streamlined environmental review, and cannot be modified to reflect changes to a project after approval. Proposed increases in project size or intensity after project approval beyond the CPE project description will require reconsideration of environmental impacts and issuance of a new CEQA determination.

Within the CPE process, there can be three different outcomes as follows:

1. **CPE.** All potentially significant project-specific and cumulatively considerable environmental impacts are fully consistent with significant impacts identified in the *Eastern Neighborhoods PEIR*, and there would be no new significant impacts peculiar to the proposed project or its site. In these situations, all pertinent mitigation measures and CEQA findings from the *Eastern Neighborhoods PEIR* are applied to the proposed project, and a CPE checklist and certificate is prepared. With this outcome, the

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<sup>3</sup> San Francisco Planning Department. Fee Schedule for Application Fees. Available online at: <http://sf-planning.org/permit-forms-applications-and-fees>.



applicable fees are: (a) the CPE determination fee (currently \$14,910) and (b) the CPE certificate fee (currently \$8,266).

2. **Mitigated Negative Declaration.** If new site- or project-specific significant impacts are identified for the proposed project that were not identified in the *Eastern Neighborhoods PEIR*, and if these new significant impacts can be mitigated to a less-than-significant level, then a focused mitigated negative declaration is prepared to address these impacts, and a supporting CPE checklist is prepared to address all other impacts that were encompassed by the *Eastern Neighborhoods PEIR*, with all pertinent mitigation measures and CEQA findings from the *Eastern Neighborhoods PEIR* also applied to the proposed project. With this outcome, the applicable fees are: (a) the CPE determination fee (currently \$14,910) and (b) the standard environmental evaluation fee (which is based on construction value).
3. **Focused EIR.** If any new site- or project-specific significant impacts cannot be mitigated to a less-than-significant level, then a focused EIR is prepared to address these impacts, and a supporting CPE checklist is prepared to address all other impacts that were encompassed by the *Eastern Neighborhoods PEIR*, with all pertinent mitigation measures and CEQA findings from the *Eastern Neighborhoods PEIR* also applied to the proposed project. With this outcome, the applicable fees are: (a) the CPE determination fee (currently \$14,910); (b) the standard environmental evaluation fee (which is based on construction value); and (c) one-half of the standard EIR fee (which is also based on construction value). An EIR must be prepared by an environmental consultant from the Planning Department's environmental consultant pool (<http://sf-planning.org/consultant-sponsor-resources>). The Planning Department will provide more detail to the project sponsor regarding the EIR process should this level of environmental review be required.

Below is a list of topic areas addressed through the environmental review process. Based on a preliminary review of the project as it is proposed in the PPA application, some of these topics would require additional study.

1. **Historic Resources.** The project site contains one or more buildings previously determined to be eligible for national, state, or local listing as a historic resource. The property was surveyed as part of the South Mission Historic Resource Survey. Therefore, the proposed alteration is subject to review by the Department's Historic Preservation staff. To assist in this review, the project sponsor must hire a qualified professional to prepare a Historic Resource Evaluation (HRE) report. The professional must be selected from the Planning Department's Historic Resource Consultant Pool. Please contact Pilar LaValley, Principal Preservation Planner, via email ([pilar.lavalley@sfgov.org](mailto:pilar.lavalley@sfgov.org)) for a list of three consultants from which to choose. The selected consultant must scope the HRE in consultation with Department Historic Preservation staff. Please contact the HRE scoping team at [HRE@sfgov.org](mailto:HRE@sfgov.org) to arrange the HRE scoping. Following an approved scope, the historic resource consultant should submit the draft HRE report for review to Environmental Planning after the project sponsor has filed the EE Application and updated it as necessary to reflect feedback received in the PPA letter. The HRE should be submitted directly to the Department and copied to the project sponsor. Project sponsors should not receive and/or review advance drafts of consultant reports per the Environmental Review Guidelines. Historic Preservation staff will not begin reviewing your project until a complete draft HRE is received.

2. **Archeological Resources.** The project site lies within the Archeological Mitigation Zone J-2: Properties with No Previous Studies of the *Eastern Neighborhoods PEIR*. The proposed project will require Preliminary Archeological Review (PAR) by a Planning Department archeologist. To aid this review the Department archeologist may request a Preliminary Archeological Sensitivity Assessment (PASS) by a Department Qualified Archeological Consultant, subject to the review and approval by the Department archeologist. The Department archeologist will provide three names from the Qualified Archeological Consultant list if the PASS is required. The PAR will assess the archeological sensitivity of the project site based on in-house source material and will consider the potential for archeological impacts resulting from proposed soils disturbance. Please provide detailed information, including sections, proposed soils-disturbing activities, such as grading, excavation, installation of foundations, soils improvement, and site remediation in the EEA, and submit any available geotechnical/soils or phase II hazardous materials reports prepared for the project to assist in this review. If the Department archeologist determines that the project has a potential to adversely affect archeological resources, the PAR will identify additional measures needed to address the potential effect. These measures may include preparation of an archeological research design and treatment plan, implementation of project mitigation measures (such as archeological testing, monitoring, or accidental discovery), or other appropriate measures.
3. **Transportation.** Based on the PPA submittal, a transportation impact study is not anticipated; an official determination will be made subsequent to submittal of the EEA.
4. **Noise.** The project sponsor has indicated that the project would not involve pile driving. Therefore, the proposed project would not be subject to Eastern Neighborhoods PEIR Mitigation Measures F-1. The proposed project would be subject to Eastern Neighborhoods Mitigation Measure F-2.

*Eastern Neighborhoods PEIR Noise Mitigation Measure F-2: Construction Noise* requires that the project sponsor develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant when the environmental review of a development project determines that construction noise controls are necessary due to the nature of planned construction practices and sensitivity of proximate uses. This mitigation measure requires that a plan for such measures be submitted to DBI prior to commencing construction to ensure that maximum feasible noise attenuation will be achieved.

5. **Air Quality.** The proposed project, with the construction of eight additional dwelling units, is below the Bay Area Air Quality Management District's (BAAQMD) construction screening levels for criteria air pollutants. Therefore, an analysis of the project's criteria air pollutant is not likely to be required. However, please provide detailed information related to construction, equipment, phasing and duration of each phase, and volume.
6. **Greenhouse Gases.** *The City and County of San Francisco's Strategies to Address Greenhouse Gas Emissions* presents a comprehensive assessment of policies, programs, and ordinances that represents San Francisco's Qualified Greenhouse Gas (GHG) Reduction Strategy. Projects that are consistent with San Francisco's Qualified GHG Reduction Strategy would result in less-than-significant impacts from GHG emissions. In order to facilitate a determination of compliance with San Francisco's Qualified GHG Reduction Strategy, the Planning Department has prepared a

Greenhouse Gas Analysis Compliance Checklist.<sup>4</sup> The project sponsor may be required to submit the completed table regarding project compliance with the identified regulations and provide project-level details in the discussion column. This information will be reviewed by the environmental planner during the environmental review process to determine if the project would comply with San Francisco's Greenhouse Gas Reduction Strategy. Projects that do not comply with an ordinance or regulation may be determined to be inconsistent with the Greenhouse Gas Reduction Strategy.

7. **Wind.** The proposed project would not involve construction of a building over 80 feet in height. Therefore, a consultant-prepared wind analysis is not anticipated to be required.
8. **Shadow.** The proposed project would result in construction of a 40-foot-tall building (approximately 48-foot-tall with rooftop appurtenances). The proposed project would not result in construction of a building greater than 40 feet in height, as measured in accordance with the Planning Code; therefore, a consultant-prepared shadow study is not required.

If the proposed building height exceeds 40 feet in height, the preliminary shadow fan analysis prepared by Planning Department staff indicates that the proposed project could cast shadows on the Juri Commons, a Recreation and Park property. Should the building height exceed 40 feet, the proposed project would be subject to Planning Code Section 295. The project sponsor would therefore be required to hire a qualified consultant to prepare a detailed shadow study. The consultant would be required to submit a Shadow Study Application, which can be found on the Planning Department's website (<http://sf-planning.org/permit-forms-applications-and-fees>). A separate fee would be required. The consultant would also need to prepare a proposed scope of work for review and approval by Environmental Planning staff prior to preparing the analysis.

9. **Geology.** A geotechnical study prepared by a qualified consultant must be submitted with the EEA. The study should address whether the site is subject to liquefaction, and should provide recommendations for any geotechnical concerns identified in the study. In general, compliance with the building codes would avoid the potential for significant impacts related to structural damage, ground subsidence, liquefaction, landslides, and surface settlement. To assist Planning Department staff in determining whether the project would result in environmental impacts related to geological hazards, it is recommended that you provide a copy of the geotechnical information with boring logs for the proposed project. This study will also help inform the Planning Department Archeologist of the project site's subsurface geological conditions.
10. **Hazardous Materials.** The proposed project would construct additional residential use and would involve grading and excavation work greater than 50 cubic yards. Therefore, the project is subject to Article 22A of the Health Code, also known as the Maher Ordinance. The Maher Ordinance, which is administered and overseen by the Department of Public Health (DPH), requires the project sponsor to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code section 22.A.6. The Phase I ESA would determine the potential for site contamination and level of exposure risk associated with the

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<sup>4</sup> Refer to <http://sf-planning.org/consultant-sponsor-resources> for latest "Greenhouse Gas Compliance Checklist for Private Development Projects."



project. Based on that information, soil and/or groundwater sampling and analysis, as well as remediation of any site contamination, may be required. These steps are required to be completed prior to the issuance of any building permit.

DPH requires that projects subject to the Maher Ordinance complete a Maher Application, available at: <http://www.sfdph.org/dph/EH/HazWaste/hazWasteSiteMitigation.asp>. Fees for DPH review and oversight of projects subject to the ordinance would apply. Please refer to DPH's fee schedule, available at: <http://www.sfdph.org/dph/EH/Fees.asp#haz>. Please provide a copy of the submitted Maher Application and Phase I ESA with the EEA.

*Eastern Neighborhoods EIR Hazardous Materials Mitigation Measure L-1: Hazardous Building Materials* would be applicable to the proposed project. The mitigation measure requires that the project sponsor ensure that any equipment containing polychlorinated biphenyls (PCBs) or di(2-ethylhexyl) phthalate (DEPH), such as fluorescent light ballasts, and any fluorescent light tubes containing mercury be removed and properly disposed of in accordance with applicable federal, state, and local laws. In addition, any other hazardous materials identified, either before or during work, must be abated according to applicable federal, state, and local laws.

Because the existing building was constructed prior to 1980, asbestos-containing materials, such as floor and wall coverings, may be found in the building. The Bay Area Air Quality Management District (BAAQMD) is responsible for regulating airborne pollutants including asbestos. Please contact BAAQMD for the requirements related to demolition of buildings with asbestos-containing materials. In addition, because of its age (constructed prior to 1978), lead paint may be found in the existing building. Please contact the San Francisco Department of Building Inspection (DBI) for requirements related to the demolition of buildings that may contain lead paint.

#### 11. Disclosure Report for Developers of Major Projects.

San Francisco Campaign and Governmental Conduct Code Section 3.520 et seq. requires the developer of any project with estimated construction costs exceeding \$1,000,000 to submit a *Disclosure Report for Developers of Major City Projects* if the project requires the issuance of a Community Plan Evaluation (CPE), certification of an Environmental Impact Report (EIR), adoption of a Final Mitigated Negative Declaration, or a project approval by the Planning Commission that adopts CEQA Findings (EIR certification). A residential development project with four or fewer dwelling units is not required to file this report. The first (or initial) report must be filed within 30 days of the date of EIR certification or final environmental determination under CEQA. Please submit a *Disclosure Report for Developers of Major City Projects* directly to the San Francisco Ethics Commission. This form can be found at the Planning Department or online at <http://www.sfethics.org>.

#### PRELIMINARY PLANNING CODE AND PROCEDURAL COMMENTS:

The following comments address preliminary Planning Code issues that may substantially affect the design and massing of the proposed project:



1. **Front Setback, Landscaping and Permeability.** Pursuant to Planning Code Section 132, where one or both of the buildings adjacent to the subject property have front setbacks along a street or alley, any building or addition constructed, reconstructed or relocated on the subject property shall be set back to the average of the two adjacent front setbacks. Planning Code Section 132 outlines a provision for adding landscaping when constructing an addition to a building or lot that increases the building's gross floor area by more than 20 percent, or when additional parking spaces are provided within an existing building. Twenty percent of the front setback area shall remain unpaved and devoted to plant material, including the use of climate appropriate plant materials. Further, the front setback area shall be at least 50 percent permeable so as to increase stormwater infiltration. The permeable surface may be inclusive of the area counted towards the landscaping requirement; provided, however, that turf pavers or similar planted hardscapes shall be counted only toward the permeable surface requirement and not the landscape requirement.

Please demonstrate compliance with the front setback dimensional and square footage area requirements. The plans appear to meet the requirements, but please provide the aforementioned dimensions and areas upon submittal of the application.

2. **Rear Yard.** Planning Code Section 134 requires the project provide a rear yard measuring at least 45 percent of the lot depth. As proposed, the project does not demonstrate compliance with the required rear yard as the existing building and the proposed addition is within the required rear yard. As such, a Rear Yard Variance will need to be sought and justified. As shown, the subject property elects to take advantage of the alternate method of averaging, which bases the rear yard requirement on the average of the adjacent buildings. However, in order to be counted for purposes of determining the rear yard depth, the two adjacent rear walls need to extend at least half the width of their respective lots and be two stories or 20 feet high. The rear elevations do not demonstrate qualifying rear walls. Please review the accuracy of the elevations and site plan depicting the adjacent properties to determine if they are qualifying rear walls. In addition, please confirm if an alternative method of averaging is feasible; otherwise, seek and justify a Rear Yard Variance from the Zoning Administrator.
3. **Open Space – Residential.** Section 135 requires at least 80 square feet, if private, and 106 square feet per dwelling unit, if common, for each dwelling unit. Additionally, any such open spaces must meet the dimensional requirements of Subsections (f) and (g).

The majority of balconies proposed for this project do not meet the minimum horizontal dimensions or the square footage minimums required by the Planning Code. Therefore, the proposed project requires a revision to meet the minimum open space requirement, or you may seek and justify an Open Space Variance. The Department generally recommends providing an equivalent amount of open space. The front setback yard appears to potentially meet the aforementioned requirements; however, please clarify if this will be common or private open space and demonstrate compliance. Please explore options to provide code-complying usable open space onsite either through the front or rear yards, if code complying and accessible to all units.

4. **Permitted Obstructions.** Planning Code Section 136 outlines the requirements for permitted obstructions within the required rear yard. Please revise the plans to demonstrate the size and

dimension of the proposed bay windows. As shown, the bay windows read as corners of the proposed building, not as bay windows. Since this feature is currently located within the required rear yard, this feature must meet the requirements of Planning Code Section 136.

5. **Bird-Safe Treatments.** Although 350 San Jose Avenue is not within an Urban Bird Refuge, feature-related bird-safe glazing standards apply citywide. Please demonstrate compliance with Planning Code Section 139.
6. **Dwelling Unit Exposure.** Planning Code Section 140 requires that each dwelling unit have at least one room that meets the 120-square-foot minimum superficial floor area requirement of Section 503 of the Housing Code face directly on a street right-of-way, code-complying rear yard, or an appropriately sized courtyard. The proposed rear yard is not code-complying and it is not clear if a large enough open space area is provided to meet the exposure requirement for those units that only have windows fronting the rear yard area. Therefore, the proposed project requires a revision to meet the minimum dwelling unit exposure requirement, or you may seek and justify an Exposure Variance. The Department generally encourages projects to minimize the number of units needing a variance.
7. **Street Frontages in RH, RTO, RTO-M and RM Districts and Moderation of Building Fronts in RM-1 and RM-2 Districts.** Per Planning Code Sections 144 and 144.1, please demonstrate compliance with the requirements for entrances to off-street parking and the stepping of building height and walls. Please include this additional information on the site plan and elevations.
8. **Parking and Curb Cuts.** Planning Code Section 151 requires one off-street parking space for every dwelling unit. With four existing units and eight additional units, eight off-street parking spaces are required. Four off-street parking spaces are provided; thus, please demonstrate compliance with the requirement for eight additional off-street parking spaces. Per Planning Code Section 150(e), bicycle parking could be provided in lieu of vehicular parking. Additional information is required to demonstrate how the project will meet the required parking requirement.
9. **Bicycle Parking (Class 1).** Planning Code Section 155 requires this project to provide at least four class 1 bicycle parking spaces for the 12 dwelling units. The proposed project contains the required class 1 bicycle parking spaces. However, please clarify if additional bicycle parking spaces are or will be provided to also meet vehicular parking requirements outlined in Planning Code Section 151. Lastly, please demonstrate compliance with the proposed location and dimensional requirements for class 1 spaces. Currently, the spaces are shown in the garage obstructed by vehicular parking and next to stairs; class 1 spaces cannot require the use of stairs. See Zoning Administrator Bulletin No. 9 – Bicycle Parking Standards: Design and Layout.
10. **Dwelling Unit Density.** Planning Code Section 207 permits a residential density of up to one unit per 600 square feet of lot area. For a lot area of 7,148 square feet, the maximum permitted residential density is 12 dwelling units. The project proposes an additional eight dwelling units for a total of 12 dwelling units on the project site; therefore, it would comply with the Planning Code.

11. **Height.** Please provide existing and longitudinal sections that demonstrate the height methodology as prescribed in Planning Code Section 260, extending from the street curb through the centerline of the building extending the full lot depth.
12. **Shadow Analysis.** Planning Code Section 295 requires that a shadow analysis must be performed to determine whether the project has the potential to cast shadow on properties under the jurisdiction of the San Francisco Recreation and Park Commission. The subject property is contiguous to Juri Commons which is under the jurisdiction of the San Francisco Recreation and Park Department. However, the proposed building addition is not more than 40 feet in height. Therefore, a detailed shadow analysis would not be required pursuant to Section 295. Though a shadow analysis is not required, the Project Sponsor should explore sculpting portions of the project to avoid casting new shadows on Juri Commons.
13. **Residential Demolition.** Pursuant to Planning Code Section 317, more information is needed to show whether the project constitutes residential demolition pursuant to Planning Code Section 317. Demolition is defined as a major alteration of a residential building that proposes the removal of more than 50 percent of the sum of the front façade and rear façade, and also proposes the removal of more than 65 percent of the sum of all exterior walls, measured in lineal feet at the foundation level, or a major alteration of a residential building that proposes the removal of more than 50 percent of the vertical envelope elements and more than 50 percent of the horizontal elements of the existing building, as measured in square feet of actual surface area. Please provide demolition calculations and corresponding graphics that demonstrate compliance. Please note that these calculations should correspond to the existing plans and elevations.
14. **Stormwater.** If the project results in a ground surface disturbance of 5,000 square feet or greater (creating and/or replacing 5,000 square feet or more of impervious surface), it is subject to San Francisco's stormwater management requirements as outlined in the Stormwater Management Ordinance and the corresponding SFPUC Stormwater Design Guidelines (Guidelines). Projects that trigger the stormwater management requirements must prepare a Stormwater Control Plan demonstrating project adherence to the performance measures outlined in the Guidelines including: (a) reduction in total volume and peak flow rate of stormwater for areas in combined sewer systems OR (b) stormwater treatment for areas in separate sewer systems. The SFPUC Wastewater Enterprise, Urban Watershed Management Program is responsible for review and approval of the Stormwater Control Plan. Without SFPUC approval of a Stormwater Control Plan, no site or building permits can be issued. The Guidelines also require a signed maintenance agreement to ensure proper care of the necessary stormwater controls. Compliance may occur through a mix of rooftop, sidewalk, and open space treatments and technologies, and is encouraged to be designed as a comprehensive system that maximizes co-benefits for greening, habitat creation, urban heat island reduction, building energy savings, and beautification. Systems within the public realm should consider adjacencies and opportunities for flow-through systems to neighborhood detention areas. To view the Stormwater Management Ordinance, the Stormwater Design Guidelines, or download instructions for the Stormwater Control Plan, go to <http://sfwater.org/sdg>. Applicants may contact [stormwaterreview@sfwater.org](mailto:stormwaterreview@sfwater.org) for assistance.

15. **Better Roofs Ordinance.** In 2016, San Francisco became the first major city in the U.S. to require the installation of renewable energy facilities or living roofs on new buildings. The Better Roofs Ordinance will require between 15% and 30% of roof space to incorporate solar (photo voltaic and/or solar thermal systems), living (green) roofs, or a combination of both. The Ordinance provides guidance for how developers, designers, and/or owners might best utilize rooftop space; ideally, projects should pursue holistic design and amenity enhancements for 100% of usable roof space that include open space, habitat, stormwater management, urban agriculture, and other beneficial uses. Please see the Planning Department's Living Roof Manual to learn more: <http://sf-planning.org/department-publications>.
16. **Sustainability and Green Building.** San Francisco has a suite of existing sustainability related regulations, including recycling and composting, solar, and more details outlined in the San Francisco Green Building Code (GBC). Per the GBC, this project must meet the standards of LEED Silver or the equivalent GreenPoint rating system. It is recommended that the Project Sponsor work with the San Francisco Planning, Building, and Environment departments to determine the most beneficial mix of green building strategies that meet or exceed all current requirements, and best fit the local context. This especially includes the provision of renewable energy on site (PV and solar thermal), living roofs and walls, non-potable water reuse, healthy environments (non-toxic building materials), and other innovative approaches to enhancing performance of the City's environment. The City also encourages projects to maximize energy and water efficiencies, consider zero carbon strategies such as all-electric buildings, and commit to green power purchases for 100% GHG-free electricity. As with non-potable water systems, projects are recommended to consider district-scale energy opportunities on site and in coordination with neighbors.
17. **Refuse Collection and Loading.** San Francisco is a national leader in diverting waste from landfills, has a Mandatory Recycling and Composting Ordinance, and has a goal to achieve zero waste by 2020. In this, the City requires all buildings to be designed with spaces for collecting and loading recycling and composting in common and private areas, and make these options as or more convenient than waste disposal. More information on the complete suite of the City's Zero Waste legislation may be found here: <http://sfenvironment.org/zero-waste/overview/legislation>. Please also see the Guidance on Recycling Design (page 3) resources for designing appropriate areas: [http://sfenvironment.org/sites/default/files/fliers/files/sfe\\_zw\\_ab088.pdf](http://sfenvironment.org/sites/default/files/fliers/files/sfe_zw_ab088.pdf). Free design and implementation assistance is available from the San Francisco Department of the Environment's Zero Waste Team by calling 415-355-3700.

#### PRELIMINARY DESIGN COMMENTS:

The following comments address preliminary design issues that may substantially affect the proposed project:

The project is located in an RM-2 – Residential Mixed, Moderate Density zoning district. The site extends through Juri Commons, a City Recreation and Park owned open space. The existing building is a category

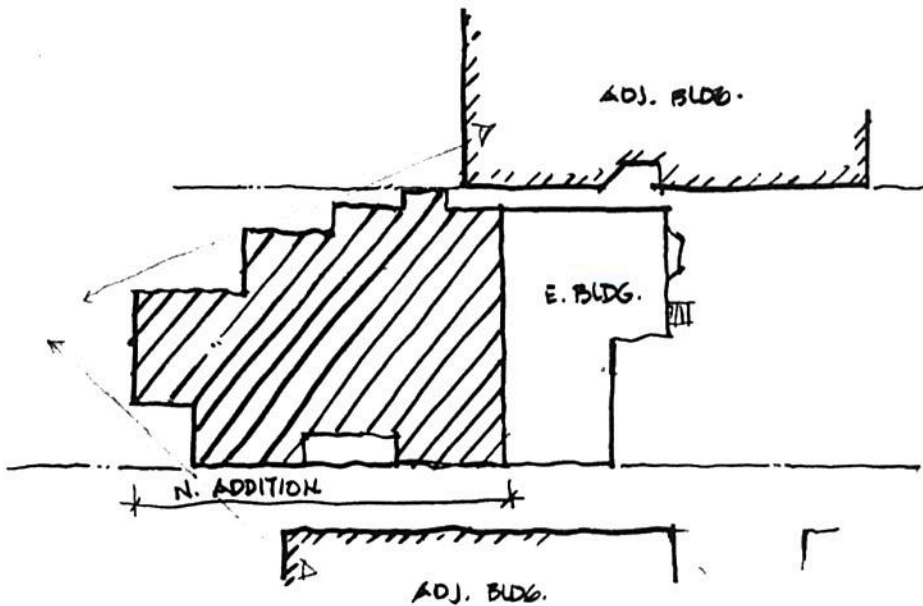


'A' historic resource set back 40 feet from the street fronting property line. Part of the defining feature of this property is the front set back.

**1. Site Design, Open Space, and Massing.**

Department staff recommends the following revisions:

- Any new vertical addition to the existing building should be entirely behind the roof parapet wall where the existing cornice ends (closest to column line 5).
- The mid-block open space includes adjacent rear yards and Juri Commons. The massing should be revised to minimize net new shadows on adjacent park and recreation open space.
- The three-story rear massing should step back from the adjacent property to the north and be limited in overall depth to provide visual access from both adjacent properties to mid-block open space. See attached site plan sketch.



**2. Architecture.** Please ensure that the new windows at the front (Unit 5) are proportioned and aligned in relation to the existing window patterns and proportions.

Given the proposed grade difference from the raised front yard and the sunken patio, please consider alternate means to reconcile said grade change whilst negating the need for guardrails and a full exterior stair run by perhaps re-grading and re-landscaping the front yard to have a more gradual, continuous and direct relationship with the street frontage.

Department staff will provide further detailed design review on the subsequent submissions. Department staff recommends that the project provide high-quality materials, and meet the architectural detailing and character of the neighborhood.

### DEVELOPMENT FEES:

This project will be subject to various impact fees. Please refer to the [Planning Director's Bulletin No. 1](#) for an overview of Development Impact Fees, and to the Department of Building Inspection's [Development Impact Fee webpage](#) for more information about current rates. Please note that this list only reflects fees and requirements referenced in the Planning Code. For projects in ongoing plan areas (e.g. Central SoMa, the Hub, etc.) the below list may not accurately reflect all fees that may become applicable to this project.

Based on an initial review of the proposed project, the following impact fees, which are assessed by the Planning Department, will be required:

1. **Residential Child Care Impact Fee (§414A)**
2. **Eastern Neighborhoods Impact Fees (§423)**

### PLANNING DEPARTMENT APPROVALS:

The project requires the following Planning Department approvals. These approvals may be reviewed in conjunction with the required environmental review, but may not be granted until after the required environmental review is completed.

1. An **Environmental Evaluation Application** will be required to examine the project per the California Environmental Quality Act.
2. A **Variance** from the Zoning Administrator is required to address the Planning Code requirements for: rear yard, usable open space, and dwelling unit exposure per Planning Code Sections 134, 135 and 140, respectively. Generally, Department staff recommends revisions to the project, in order to minimize and/or avoid the need for a variance from the Planning Code.
3. A **Building Permit Application** is required for the proposed alteration of the subject property.

In order for Planning Department staff to accurately review projects in a timely manner, plan sets must be complete and thorough. All plans submitted as part of an entitlement or building permit application must meet the Department's [Plan Submittal Guidelines](#).

All applications are available in the Planning Department lobby at 1650 Mission Street, Suite 400, at the Planning Information Center at 1660 Mission Street, and online at [www.sfplanning.org](http://www.sfplanning.org). Building Permit Applications are available at the Department of Building Inspection at 1660 Mission Street.

### NEIGHBORHOOD NOTIFICATIONS AND OUTREACH:

Project Sponsors are encouraged, and in some cases required, to conduct public outreach with the surrounding community and neighborhood groups early in the development process. Additionally,

many approvals require a public hearing with an associated neighborhood notification. Differing levels of neighborhood notification are mandatory for some or all of the reviews and approvals listed above.

1. **Pre-Application Meeting.** This project is required to conduct a Pre-Application Meeting with surrounding neighbors and registered neighborhood groups before a development application may be filed with the Planning Department. The Pre-Application packet, which includes instructions and template forms, is available at <http://sf-planning.org/permit-forms-applications-and-fees> listed under "N" for Neighborhood Notification Pre-Application Meeting. The registered neighborhood group and organizations mailing list is available online at <http://sf-planning.org/department-publications> listed under "N".
2. **Neighborhood Outreach.** This project is encouraged to craft as robust a community outreach effort as possible.
3. **Notification of a Project Receiving Environmental Review.** Notice may be required to be sent to occupants of the project site and properties adjacent to the project site, as well as to owners and, to the extent feasible, occupants of properties within 300 feet of the project site at the initiation of the environmental review process. Please be prepared to provide mailing addresses on a CD upon request during the environmental review process.

**PRELIMINARY PROJECT ASSESSMENT EXPIRATION:**

This Preliminary Project Assessment is valid for a period of **18 months**. An Environmental Evaluation Application, Variance, and Building Permit Application, as listed above, must be submitted no later than **August 8, 2019**. Otherwise, this determination is considered expired and a new Preliminary Project Assessment is required. Such applications and plans must be generally consistent with those found in this Preliminary Project Assessment.

cc: Esmeralda Jardines, Current Planning  
Elizabeth White, Environmental Planning  
David Winslow, Design Review  
Jonas Ionin, Planning Commission Secretary  
Charles Rivasplata, SFMTA  
Jerry Sanguinetti, Public Works  
Pauline Perkins, SFPUC  
Planning Department Webmaster ([planning.webmaster@sfgov.org](mailto:planning.webmaster@sfgov.org))



# DISCRETIONARY REVIEW PUBLIC (DRP)

## APPLICATION PACKET

Pursuant to Planning Code Section 311, the Planning Commission may exercise its power of Discretionary Review over a building permit application.

For questions, call 415.558.6377, email [pic@sfgov.org](mailto:pic@sfgov.org), or visit the Planning Information Center (PIC) at 1660 Mission Street, San Francisco, where planners are available to assist you.

Please read the [Discretionary Review Informational Packet](#) carefully before the application form is completed.

### WHAT TO SUBMIT:

- Two (2) complete applications signed.
- A Letter of Authorization from the DR requestor giving you permission to communicate with the Planning Department on their behalf, if applicable.
- Photographs or plans that illustrate your concerns.
- Related covenants or deed restrictions (if any).
- A digital copy (CD or USB drive) of the above materials (optional).
- Payment via check, money order or debit/credit for the total fee amount for this application. (See [Fee Schedule](#)).

### HOW TO SUBMIT:

To file your Discretionary Review Public application, please submit in person at the Planning Information Center:

Location: 1660 Mission Street, Fifth Floor  
San Francisco, CA 94103-2479

**Español:** Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 415.575.9010. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder

中文：如果您希望獲得使用中文填寫這份申請表的幫助，請致電415.575.9010。請注意，規劃部門需要至少一個工作日來回應。

**Tagalog:** Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 415.575.9010. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.





# DISCRETIONARY REVIEW PUBLIC (DRP)

## APPLICATION

### Discretionary Review Requestor's Information

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

### Information on the Owner of the Property Being Developed

Name: \_\_\_\_\_

Company/Organization: \_\_\_\_\_

Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

### Property Information and Related Applications

Project Address: \_\_\_\_\_

Block/Lot(s): \_\_\_\_\_

Building Permit Application No(s): \_\_\_\_\_

### 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?		
Did you participate in outside mediation on this case? (including Community Boards)		
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 that were made to the proposed project.		

## 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 standards of the Planning Code and the Residential Design Guidelines. 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 cite specific sections of the Residential Design Guidelines.

- 
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 unreasonably affected, please state who would be affected, and how.

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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?

*1. What are the reasons for requesting Discretionary Review? The project meets the standards of the Planning Code and the Residential Design Guidelines. 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?*

The plans call for moving of the façade by 15 feet and demolishing the great majority of what's behind the façade. Effectively, this is Tantamount to Demolition particularly because the building is a Type A Historic Resource and as such, a lower threshold for material removal forces this project to fall under the category of Tantamount to Demolition. There would have been no need for Tenants Union to file a Discretionary Review had the department correctly called this project a Tantamount to Demolition, which would have forced a hearing at the Planning Commission for a Conditional Use Authorization.

The proposed project introduces exclusive luxury amenities and permanently removes the option of returning four rent-controlled and affordable rental housing back to the City's supply. The existing rental stock is the most affordable housing stock. If this project goes forward, the owners may argue to the Rent Board that the renovations were so extensive and new that the four units that are currently under rent-control will no longer qualify as such per our rent ordinance.

The stress of this project and the treatment by the owners and eviction attorneys towards tenant in one unit was already on our radar at the Tenants Union years before permits were applied for. This tenant has subsequently died. New information has also come to light that the tenants in the other units were forced out with aggressive buyout tactics. Whether or not buyout offers are legal, the city considers it a loss of housing in the Housing Element which is why buyout offers are tracked by the Rent Board and restrictions on re-renting are placed on units where seniors were removed via buyouts.

There are only preliminary buyout offers filed with the Rent Board. There is no subsequent buyout agreement with amounts but since there are no more tenants, you have to wonder what happened? There are few repercussions for owners who fail to file the second agreement offers with the Rent Board and landlord attorneys are coaching their clients to ignore the rules. There is a huge incentive to avoid an official, filed buyout agreement or a formal eviction proceeding. These properties are then restricted from condo conversion and if re-rented must be offered back to the original tenants (or at their original rent, if the tenants are no longer interested in returning.)

The proposed project with expanded height and mass plus a history of aggressive tenant removal tactics contradicts the Objectives and Policies of the General Plan in several ways so the plans should be rejected:

*HOUSING ELEMENT OBJECTIVE 2: Retain existing housing units, and promote safety and maintenance standards, without jeopardizing affordability.*

*Policy 2.1 Discourage the demolition of sound existing housing, unless the demolition results in a net increase in affordable housing.*

*HOUSING ELEMENT OBJECTIVE 3: Protect the affordability of the existing housing stock, especially rental units.*

*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 unreasonably affected, please state who would be affected, and how.*

If approved, this project will signal to other investors who purchase buildings with existing tenants that they can remove tenants, supersize buildings and be rewarded with large profits with very little pushback by the Planning Department who is tasked with preserving affordable housing.

Removing one set of tenants for a more affluent set of tenants or condo dwellers via Renoviction is a counterproductive policy for the city to be encouraging.

*3. What alternatives or changes would respond to the exceptional and extraordinary circumstances?*

Disapprove the fourth floor expansion, remaining at three stories to keep the units as affordable units.

On-site parking spots contradict the city's Transit First policy. They are not necessary, and in fact, they will increase the value of these units immensely while creating no additional housing. These should also be disapproved.

This project proposes to build 12 units of luxury housing. While it's evident that the four rent-controlled units that were previously affordable due to being rented by long-term tenants will never come back, reducing the size of all 12 units in the building will go a long way in providing some level of relative affordability. It's not uncommon for large scale apartment projects in this city to offer units that are no larger than 600 or 700 square feet. This will ensure some level of affordability by design, albeit very little.

Lastly, the owners should not only designate four units under rent-control to make up for the loss of the original four rent-controlled units, but they should set aside more units to be under rent-control. We reckon that designating eight of the 12 units to be under rent-control is the least the owners can do to compensate for the profound life consequences previous tenants suffered as a result of being displaced.



# DISCRETIONARY REVIEW REQUESTOR'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

a) The undersigned is the DR requestor or their authorized representation.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (Printed)

\_\_\_\_\_  
Relationship to Requestor  
(i.e. Attorney, Architect, etc.)

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_

Date: \_\_\_\_\_

**RESPONSE TO**  
**DISCRETIONARY**  
**REVIEW (DRP)**



**San Francisco**  
**Planning**

**SAN FRANCISCO PLANNING DEPARTMENT**  
1650 MISSION STREET, SUITE 400  
SAN FRANCISCO, CA 94103-2479  
MAIN: (415) 558-6378 SFPLANNING.ORG

---

**Project Information**

---

Property Address:

Zip Code:

Building Permit Application(s):

Record Number:

Assigned Planner:

---

**Project Sponsor**

---

Name:

Phone:

Email:

---

**Required Questions**

---

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

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

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


---

## Project Features

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

	EXISTING	PROPOSED
Dwelling Units (only one kitchen per unit - additional kitchens count as additional units)		
Occupied Stories (all levels with habitable rooms)		
Basement Levels (may include garage or windowless storage rooms)		
Parking Spaces (Off-Street)		
Bedrooms		
Height		
Building Depth		
Rental Value (monthly)		
Property Value		

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

<b>Signature:</b> 	<b>Date:</b>
<b>Printed Name:</b>	<input type="checkbox"/> Property Owner <input type="checkbox"/> Authorized Agent

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

# REUBEN, JUNIUS & ROSE, LLP

John Kevlin  
jkevin@reubenlaw.com

September 16, 2020

**Delivered Via Email (david.winslow@sfgov.org)**

President Joel Koppel  
San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

**Re: 350 San Jose Avenue – Case No. 2017-015039DRP  
Project Sponsor’s Brief for September 24, 2020 hearing  
Our File No.: 10894.04**

Dear President Koppel and Commissioners:

Our office represents the owner of the existing 4-unit property located at 350 San Jose Avenue (“**Property**”). The owner proposes vertical and horizontal additions to the existing building in order to create 8 new units, for a total of 12 units, the maximum allowed under current zoning (“**Project**”). Three discretionary Review (“**DR**”) requests were filed by the owners of the adjacent properties to the north and south of the Property (collectively the “**DR Requestors**”). A fourth DR request was filed by the SF Tenants Union which is not responded to in this brief.

The Project is an excellent urban infill project. It creates eight modest-sized units (681 to 1,121 square feet) while maintaining the four, existing rent-controlled units and preserving the historic resource. The modest size of the proposed units will ensure they are more naturally affordable than the vast majority of new units being constructed today.

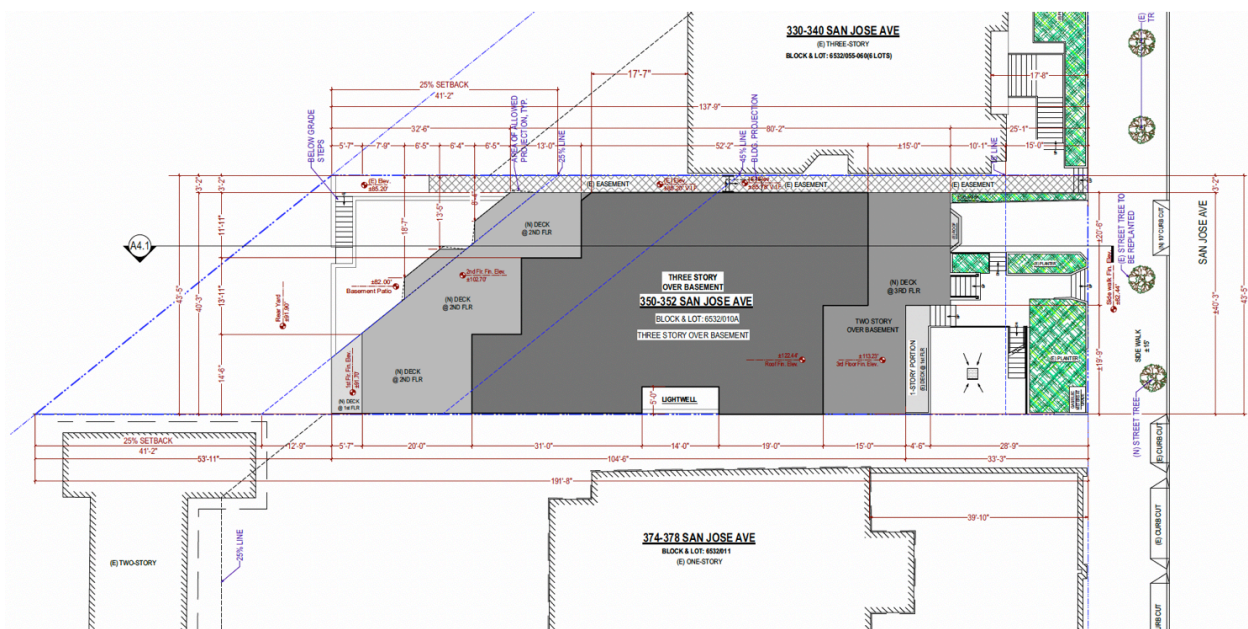
The DR Requestors do not identify any exceptional or extraordinary circumstances that justify taking discretionary review or making modifications to the Project. Each of the DR requests should be denied and the Project approved as designed for the following reasons:



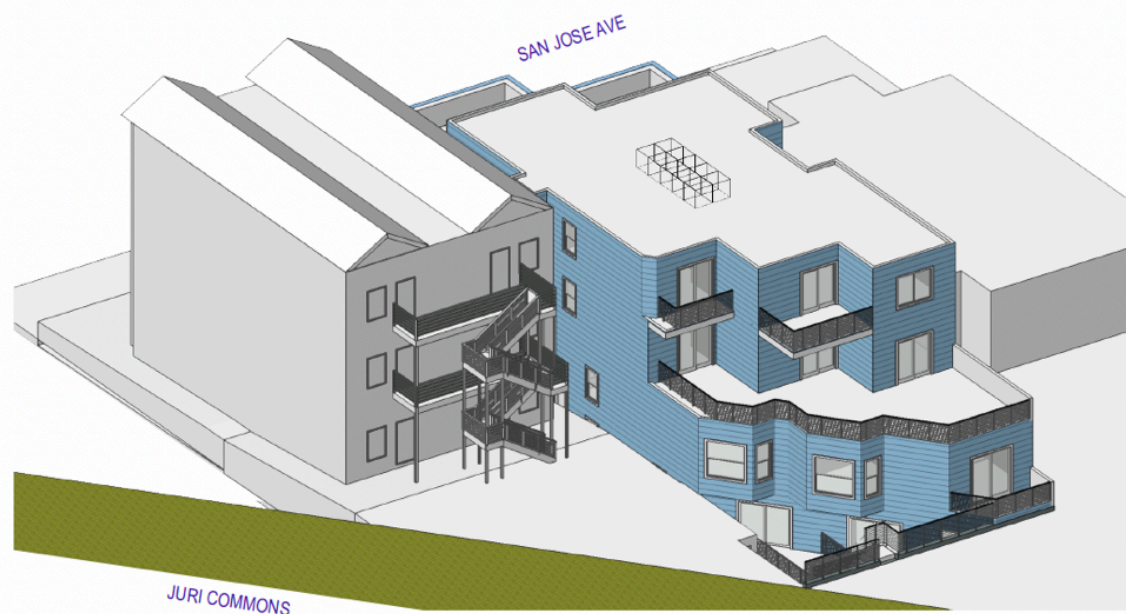
1. **Site Context.** The existing context of this site is that it fronts on San Jose Avenue and extends to Juri Commons at the rear. Roughly the rear half of the site is a paved surface parking lot.



2. **Site Configuration.** The Project moves the existing building towards San Jose Avenue, extends the rear of the building to the 25% rear yard line, and adds a fourth floor that is setback from both the front and rear facades of the building.

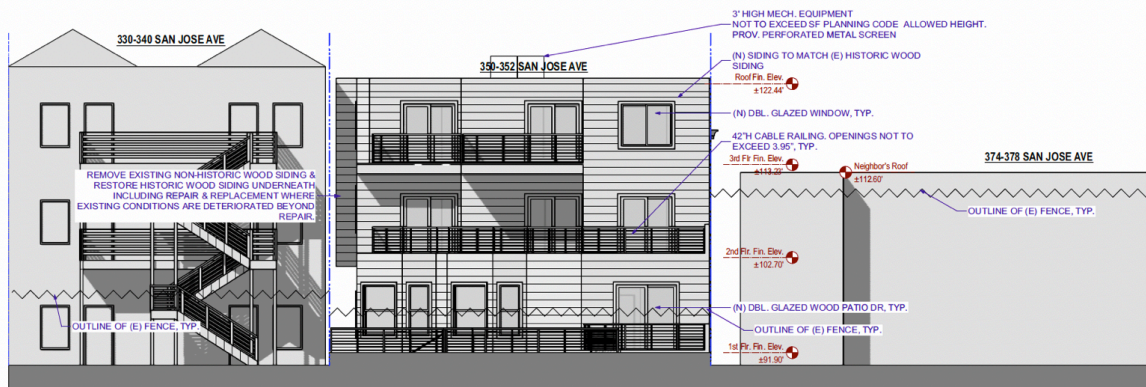


3. **Rear Setbacks.** The upper two floors provide horizontally-stepped setbacks 13-25 feet from the rear wall of the building. The building at the rear reads as 3 above grade stories with a below grade level, which is achieved by creating a lightwell providing light and air to the lower units.



Proposed Isometric-Rear (southeast) view  
NTS

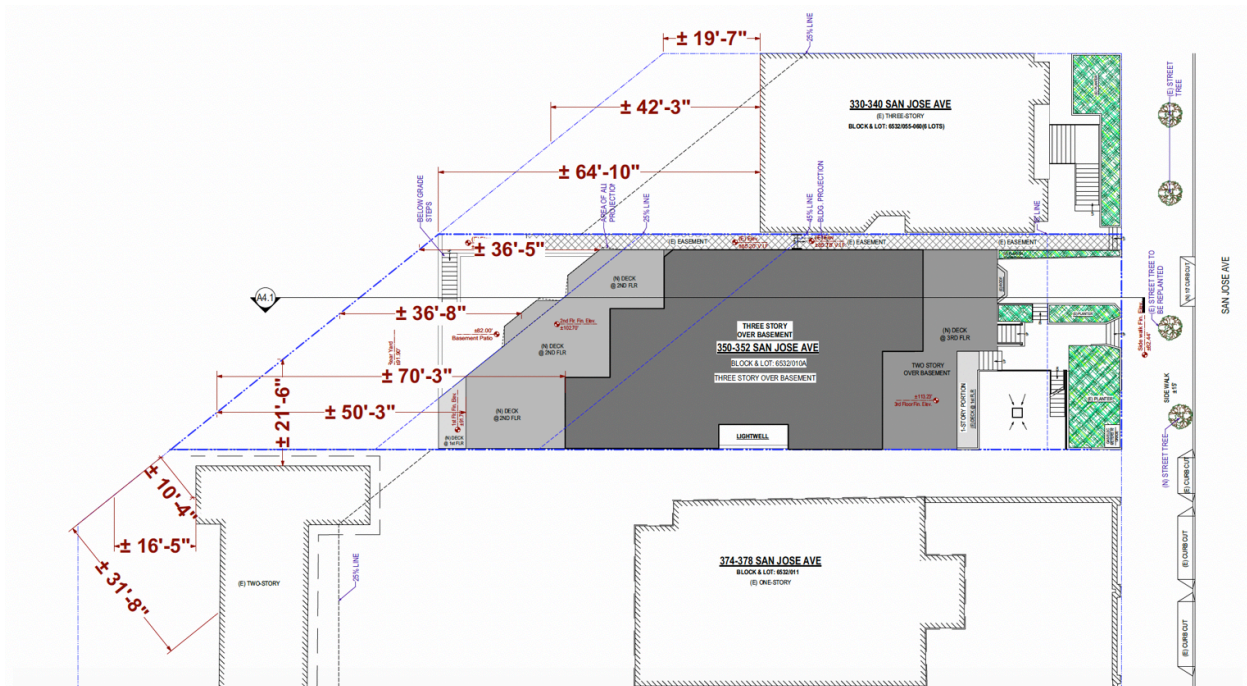
4. **Height at Rear.** As you can see from the rear elevation, the adjacent building to the north is in fact taller than the Project.



Proposed Rear Elevation (West)  
3/16" = 1'-0"  
0 1' 2' 3' 4' 5' 10' 15' 20'



5. **Distance From Juri Commons.** The adjacent building to the north is also closer to Juri Commons than the Project. The following image shows the distances from the rear walls of the Project and adjacent two buildings from Juri Commons. The north neighbor's three story rear wall is setback between 20 feet and 65 feet (and this is from the rear building wall, not the rear decks that extend from the wall). By contrast, the Project would be setback between 36 feet and 50 feet from Juri Commons, at its lowest above-grade level. At the upper two floors, the setbacks provided are between 45 and 70 feet deep. As for the south neighbor, the two-story rear cottage is within 10 feet of Juri Commons.



6. **Juri Commons**. The photo below is taken from Juri Commons, with a rear view of the Project site on the right and the north neighbor on the left. A couple takeaways from this photo: (1) the north neighbor does not tower over Juri Commons, and it is taller and closer to Juri Commons than the Project; (2) the first story of the Project will be almost completely obscured by the fence lining Juri Commons, so it will be primarily experienced from Juri Commons as the upper two stories, setback 45-70 feet from the Juri Commons fence.





7. **Juri Commons (cont).** As we can see from the photo and aerial below, Juri Commons isn't some large, open sunny park, but rather a narrow, tree lined, through-block pathway with residential development lining its edges. At many buildings, you could jump out a window onto Juri Commons. As you can see in the aerial, the average rear setbacks from Juri Commons on nearby properties are small, many below 10 feet.





8. **Shadow Analysis.** Even with this, we have quantified the shadowing caused by the Project as no greater than its neighbors, and as follows:
  - a. Summer solstice: minimal shadow, gone by 10am
  - b. Equinoxes: smaller shadow than northern neighbors, completely gone by 12pm
  - c. Winter solstice: smaller shadow than northern neighbors, completely gone by 2pm
  
9. **Principally Permitted Project.** The Project is 100% code-compliant and no variances are being sought. The Housing Accountability Act sets the standard justifying a city reducing the density of a code-compliant project as only when the city finds the project would have a “specific, adverse impact upon the public health or safety”, meaning “a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions.” (Cal. Govt. Code Sec. 65589.5(j)(1).). The Project has already been granted a CEQA exemption, and the shadow cast by the Project is minimal and is smaller than those cast by its northern neighbors.

The above analysis shows the Project will in no way stand out in this neighborhood, and in the current housing crisis, this is the exact kind of project the city should be encouraging: 8 new, modest-sized units (between 600-1,100 sf) which will be more affordable than almost all new, non-subsidized units being built in the city. No rent-controlled units are being lost.

Very truly yours,

**REUBEN, JUNIUS & ROSE, LLP**



**John Kevlin**

Enclosures

cc: Vice President Kathrin Moore  
Commissioner Deland Chan  
Commissioner Sue Diamond  
Commissioner Frank S. Fung  
Commissioner Theresa Imperial  
Rich Hillis – Planning Director  
Jonas Ionin – Commission Secretary  
David Winslow – DR Planner

# ZACKS, FREEDMAN & PATTERSON

A PROFESSIONAL CORPORATION

235 Montgomery Street, Suite 400  
San Francisco, California 94104  
Telephone (415) 956-8100  
Facsimile (415) 288-9755  
[www.zfplaw.com](http://www.zfplaw.com)

September 16, 2020

**VIA E-MAIL**

President Joel Koppel  
San Francisco Planning Commission  
49 South Van Ness Ave, Suite 1400  
San Francisco, CA 94103  
[Commissions.Secretary@sfgov.org](mailto:Commissions.Secretary@sfgov.org)

Re: 350-352 San Jose Avenue – Case No. 2017-015039DRP  
Response to DR Requestor Claims Regarding Tenancy

Dear President Koppel and Commissioners:

Our office represents the Project Sponsor. We write in response to several unfounded accusations by DR Requestors regarding alleged buyouts and evictions at the Subject Property. **The Project Sponsor has not bought out or evicted *any* tenants.**

1. Ann Kong was not bought out or evicted. She purchased a BMR unit and supports the Project.

First, the Requestors' allegations are false. It is true that Rent Board records indicate that buyout disclosures were served, but no buyouts were recorded. That is because there were no buyouts. Previously, two tenants resided at the property. One, Ann Kong, was approved to purchase her own BMR unit and happily moved into her own home. Her email providing notice of her voluntary move out is enclosed here as Enclosure A. The public listing for the property Ms. Kong purchased is enclosed as Encl. B and the Deed of Trust is enclosed as Encl. C. Moreover, months prior to giving notice, Ms. Kong wrote a letter of support for the project, enclosed here as Enclosure D.

2. Penny Eggen was not bought out or evicted. She passed away after a long illness. The Project Sponsor generously supported her at the end of her life.

The second tenant, Penny Eggen, sadly passed away from cancer. The Project Sponsor had a good relationship with her as well as Ms. Kong, who cared for Ms. Eggen after her diagnosis of terminal cancer. In fact, the Project Sponsor did not charge Ms. Eggen rent at the end of her life. Emails from Ms. Eggen and Ms. Kong regarding Ms. Eggen's diagnosis and transition to hospice care are enclosed here as Enclosures E-G. Ms. Eggen did not "die during buyout negotiations," and the implication that the Project Sponsor somehow contributed to Ms. Eggen's death is offensive.

3. The DR Requestors' claims are false and unsupported by any evidence.

The Project Sponsor did not “chase[] out long-term, elderly disabled tenants,” as DR Requestors claim. The Project Sponsor didn’t even own the Property until November 2017. While Ms. Kong indicated that she was interested in discussing a buyout, ultimately she chose to move out when the opportunity to purchase a BMR presented itself.

The Project Sponsor reached out to the Tenants Union asking for information regarding its outlandish claims. The Tenants Union representative responded that she is “not sure how your question is relevant to plans submitted by the architect to which we object.” The Tenants Union did not provide any evidence to support its claims. The Project Sponsor wholeheartedly agrees that approval of the Project should be based on the code-compliant plans and design of the Project, and not unrelated, fabricated landlord-tenant issues.

The Tenants Union’s allegations about complaints for unpermitted work are equally unsupported. Complaints were made to the Department of building Inspection (“DBI”), ostensibly by neighbors. However, all complaints were closed out without the issuance of notices of violation because, according to the complaint data sheets, the work was either permitted or did not require permits. (See, Enclosure H: Summary of Complaints from DBI and Complaint Data Sheets for five most recent complaints.)

Allegations of buyouts at the Property are not relevant and do not meet the standard for discretionary review. As stated in San Francisco Planning Discretionary Review Information Packet:

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.

(San Francisco Planning Discretionary Review Information Packet, [http://forms.sfplanning.org/DR\\_InfoPacket.pdf](http://forms.sfplanning.org/DR_InfoPacket.pdf), emph. added.)

President Joel Koppel  
September 16, 2020  
Page 3

The DR Requestors' claims are both false and unrelated to any physical characteristic of the Property or the lot on which it sits. Even if there had been evictions – which there were not – the manner in which the former tenants vacated the Property would be outside the Planning Code's purview.

We respectfully urge the Commission to approve this Project and allow for the creation of much needed additional housing units.

Very truly yours,

ZACKS, FREEDMAN & PATTERSON, PC



---

Ryan J. Patterson

Enclosed:

- A. Email from Penny Eggen, Subj: Hi, dated April 22, 2018
- B. Email from Ann Kong, Subj: Penny and apt., dated April 27, 2018
- C. Email from Ann Kong, Subj: Penny and apt. at 350-52 San Jose, dated June 6, 2018
- D. Email from Ann Kong, Subj: support letter, dated July 19, 2018
- E. Email from Ann Kong, Subj: moving out at end of Jan., dated January 2, 2019
- F. Redfin Listing for 555 Bartlett St. #201, San Francisco
- G. Deed of Trust for 555 Bartlett St. #201, San Francisco
- H. Summary of DBI Complaints at 350-352 San Jose Ave.; Complaint Data Sheets for Complaint Nos.:
  - 202009121
  - 201957621
  - 201885171
  - 201838371
  - 201728061



-- ENCLOSURE A --

-- ENCLOSURE A --

**From:** [Ann Kong](#)  
**To:** [James Nunemacher](#); [Craig Waddle](#); [Tatiana Chavez](#)  
**Subject:** moving out at end of Jan.  
**Date:** Wednesday, January 2, 2019 11:46:10 AM

---

1/1/19

To: All Concerned Persons  
Re: 350 San Jose Ave. #1

I have already discussed moving out of my apartment with James and Leo, but am now giving official written notice of my intention to move out by the end of January. I had hoped to be out sometime mid-month, but that is seeming a little less feasible (still possible, but I'd rather not have to rush). I have enjoyed my tenancy here for almost 20 years, but look forward to my new housing opportunity and wish all good luck with the future plans for 350 San Jose Ave.

I am also enclosing a hard copy of this letter with my rent check for Jan.

My new address, if needed, will be 555 Bartlett St. #201, SF 94110. Please contact me with any questions/move out issues.

Thank you and Happy New Year!

***Ann Kong***

350 San Jose Ave, #1  
San Francisco, CA 94110  
415-676-7135  
annkong@earthlink.net

-- ENCLOSURE B --

-- ENCLOSURE B --



### 555 Bartlett St #201

San Francisco, CA 94110

**\$347,940**

Redfin Estimate

**420** Sq. Ft.

\$828 / Sq. Ft.

**\$265,258**

Last Sold Price

—

Beds

**1**

Bath

Built: 2010

Status: Closed



## Redfin Estimate for 555 Bartlett St #201

[Edit Home Facts](#) to improve accuracy.

[Create an Owner Estimate](#)

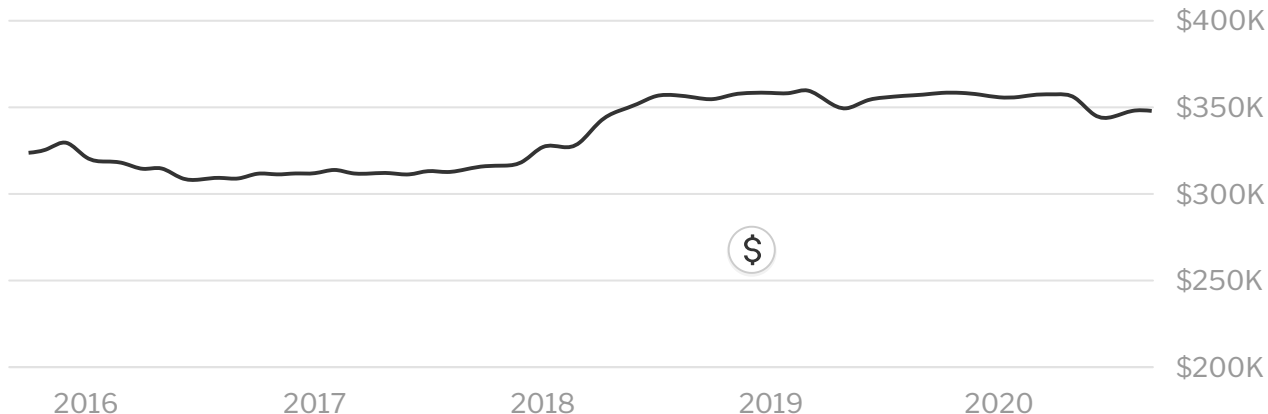


# \$347,940

Track This Estimate

+\$83K since sold in 2018

1 year 5 years



Redfin Estimate based on recent home sales. [i](#)



## Homeowner Tools



[Edit home facts](#)

Review property details and add renovations.



[Manage photos](#)

Update home photos or make them private.



[Create an Owner Estimate](#)

Select recent home sales to estimate your home's value.



[View Owner Dashboard](#)

Track your estimate and nearby sale activity.

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Advertisement

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## Thinking About Selling?



### Marcus Miller

San Francisco Redfin Partner Agent

Helm Real Estate

Responds in 4 business hours

I'd like to know more about selling 555 Bartlett St #201.

Ask a Question

---

Advertisement

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## Rental Estimate for 555 Bartlett St #201

Our gears are turning, but we don't have enough information about your home to generate an accurate estimate at this time. Learn more about the [Rental Estimate](#).

[Edit Home Facts](#) to make sure we've got the right info.

\$—

## Market trends for San Francisco

Condo, 0 beds

\$2,195 / mo  
Median rent

-20.18%  
Since Sep 2019

Rental estimate based on recent rentals. 

## About This Home

Studio Condominium at 555 Bartlett! Below Market Rate (BMR) housing opportunity available at 90% Area Median Income (AMI) Maximum income for 1 person = \$74,600; 2 person = \$85,250; 3 person = \$95,900. Must be 1st time homebuyer & income eligible. Unit available thru the Mayor's Office of Housing and Community Development (MOHCD) & subject to resale controls, monitoring & other restrictions. Visit [www.sfmohcd.org](http://www.sfmohcd.org) for application & program info. Fair Housing Opportunity. The unit includes in-unit washer and dryer, appliances and parking. HOA Dues: \$430.42 (2 HOA's- Pkg \$68.04 + Bldg. \$362.38) Great location, short walk to BART, close to 101 & 280 and surrounded by amazing restaurants and bars. Walk Score 98

[Show Less](#) ^

Listed by Elizabeth Marroquin • DRE #01375650 • Park North Real Estate

Redfin last checked: [5 minutes ago](#) | Last updated Dec 10, 2018 • Source: San Francisco MLS

Bought with Elizabeth Marroquin • DRE #01375650 • Park North Real Estate

## Price Insights

Redfin Estimate	\$347,940
Price/Sq.Ft.	\$828

## Home Facts

Status	Closed
Property Type	Studio, Condominium
HOA Dues	\$430/month
Year Built	2010
Style	Contemporary

Community

Inner Mission

MLS#

473537




[Map Nearby Homes For Sale](#)

[Expand Map](#)

[Street View](#)

[Directions](#)

## Public Facts for 555 Bartlett St #201

 [Edit Facts](#)

Beds	—
Baths	1
Sq. Ft.	420
Stories	—
Lot Size	—
Style	Condo/Co-op
Year Built	—
Year Renovated	—
County	San Francisco County
APN	6569 124

Home facts updated by county records on Sep 3, 2020.

## Listing Details for 555 Bartlett St #201

Property information provided by San Francisco MLS when last listed in 2018. This data may not match [public records](#). [Learn more](#).

### Interior Features

#### Bathroom Information

- Bath Type/Includes: Shower Over Tub
- # of Baths: 1

#### Living Room Information

- Deck Attached

#### Dining Room Information

- Dining Room: Living/Dining Room Combo

#### Additional Rooms

- Den/Bonus Room: 0

#### Laundry Information

- In Closet, In Kitchen

#### Floor Information

- Partial Carpet

#### Kitchen Features

- Kitchen: Gas Range, Refrigerator, Dishwasher, Microwave, Garbage Disposal

#### Interior Features

- Main Level: Living Room, Kitchen
- Intercom, Elevator/Lift

#### Heating & Cooling

- Central Heating

Parking / Garage, Exterior Features, Multi-Unit Information, Homeowners Association

#### Parking Information

- # of Spaces: 1
- # of Garage Spaces: 1



- Designated On-Site Parking
- Parking Access: Independent
- Monthly Parking Fees: 0.00
- Parking Features: Enclosed, Attached, Automatic Door, Garage

### Exterior Features

- Exterior: Stucco

### Community Features

- BBQ Area, Garden/Greenbelt
- Transportation: 1 Block Away
- Shopping: 1 Block Away

### Homeowners Association Information

- HOA Fee Includes: Water, Garbage, Ext Bldg Maintenance, Grounds Maintenance, Homeowners Insurance, Outside Management
- Has Homeowners Association
- Dues: \$430.42
- Dues Paid: Monthly
- Articles of Incorporation, Bylaws, CC&Rs, Rules & Regulations, Financial Statements, Budget
- Name: 555 Bartlett St. Homeowner's Assoc.
- Phone Number: (415) 528-2800

## Property / Lot Details, Location Details, Listing Information

### Property Information

- Style: Contemporary
- Type: Studio
- # of Units: 58
- Per Architect
- Wheelchair Access
- APN: 6569124
- Special Features: Intercom, Elevator/Lift, Wheelchair Access
- Property Disclaimer: Copyright: 2020 by San Francisco Assoc of REALTORS - All data, including all measurements and calculations of area, is obtained from various sources and has not been, and will not be, verified by broker or MLS. All information should be independently reviewed and verified for accuracy. Properties may or may not be listed by the office/agent presenting the information.

**Location Information**

- Cross Street: Cesar Chavez

**Listing Information**

- Original Price: \$265,258
- Known Below Market Rate: Known Below Market Rate
- On Market Date: Friday, July 20, 2018
- Transfer of Possession: Close of Escrow

Documents & Disclosures

**Restrictions**

- Limited Number of Pets, Signs

**Documents & Disclosures**

- Documents/Disclosure: Disclosure Pkg Avail, Prelim Title Report, RE Transfer Discl, Sellers Supp to TDS, Seismic Hazard Discl, Geological Report

---

**Sale & Tax History for 555 Bartlett St #201**

**Sale History**

Tax History

<b>Today</b>			
○	Dec 10, 2018 <small>Date</small>	Sold (MLS) (Closed) <small>San Francisco MLS #473537</small>	\$265,258 <small>Price</small>
○	Aug 21, 2018 <small>Date</small>	Pending (Contingent - No Show) <small>San Francisco MLS #473537</small>	— <small>Price</small>
○	Jul 20, 2018 <small>Date</small>	Listed (Active) <small>San Francisco MLS #473537</small>	\$265,258 <small>Price</small>
<b>Sep, 2010</b>			
○	Sep 30, 2010 <small>Date</small>	Pending (Contingent - Show) <small>San Francisco MLS #374947</small>	— <small>Price</small>

Aug 27, 2010

Listed (Active)

\*\*

Date

San Francisco MLS #374947

Price







Local rules require you to be signed in to view this home's photos. [Sign In](#) or [Join](#) for free with no obligation.

Listing provided courtesy of San Francisco Association of Realtors (SFARMLS)

\*\* Price available after [signing in](#).

Advertisement

## Activity for 555 Bartlett St #201




 <b>3</b> Views	 <b>26</b> Favorites	 <b>40</b> X-Outs	 <b>0</b> Redfin Tours
---	--	--	--

## Schools

This home is within the [San Francisco Unified School District](#).

**San Francisco's enrollment policy is not based solely on geography.** Please check the school district website to see all schools serving this home.

### GreatSchools Rating

<b>7/10</b>	515 Students	 46 reviews	1.1 mi Distance
<b>Alvarado Elementary School</b> Public • K to 5 • Serves this home • Choice school			
<b>5/10</b>	528 Students	 13 reviews	1.7 mi Distance
<b>Monroe Elementary School</b> Public • K to 5 • Choice school			
<b>3/10</b>	694 Students	 17 reviews	1.2 mi Distance
<b>Everett Middle School</b>			

-- ENCLOSURE C --

-- ENCLOSURE C --

Free Recording Requested  
Pursuant to Government Code Section 27383

Recording Requested by:  
North American Title Co.  
Escrow No. 56604-1574443

When Recorded Mail to:  
Mayor's Office of Housing of the  
City and County of San Francisco  
1 South Van Ness Avenue, Fifth Floor  
San Francisco, California 94103  
Attention: Inclusionary Program

20189K70219300012  
San Francisco Assessor-Recorder  
Carmen Chu, Assessor-Recorder  
DOC 2018-K702193-00  
Acct 2084-North American Title - UT  
Monday, DEC 10, 2018 10:49:55  
Ttl Pd \$0.00 Nbr-0005918675  
okc/RE/2-12

Assessor Parcel Number (APN): Block: 6569 Lot 124 and Block 6569 Lot 111

Street Address: 555 Bartlett Street #201

## DEED OF TRUST AND ASSIGNMENT OF RENTS

(Please fill in Document Title(s) above this line)

This document is exempt from the \$75 Building Homes and Jobs Act Fee (per Government Code §27388.1) because:

- Document is a transfer of real property subject to the imposition of transfer tax
- Document is a transfer of real property that is a residential dwelling to an owner-occupier
- Document is recorded in connection with an exempt transfer of real property (i.e., subject to transfer tax or owner-occupied). If not recorded concurrently, provide recording date and document number of related transfer document:  
Recording date \_\_\_\_\_ Document Number \_\_\_\_\_
- The \$225 per transaction cap is reached
- Document is not related to real property

This page added to provide adequate space for recording information  
(additional recording fee applies)



Free Recording Requested  
Pursuant to Government  
Code Section 27383

**RECORDING REQUESTED BY:**  
City and County of San Francisco  
Mayor's Office of Housing and  
Community Development

**WHEN RECORDED MAIL TO:**  
Mayor's Office of Housing of the  
City and County of San Francisco  
1 South Van Ness Avenue, Fifth Floor  
San Francisco, California 94103  
Attention: Inclusionary Program  
BMR Lien# IHBMR181119

---

**Block 6569 Lot 111**

*Space Above This Line for Recorder's Use*

**DEED OF TRUST AND ASSIGNMENT OF RENTS**

This Deed of Trust, made this day 4<sup>th</sup>, Dec., 2018 between, Ann Marie Kong herein called TRUSTOR, whose address is 555 Bartlett Street, Unit 201, San Francisco, CA 94110; North American Title Company, herein called TRUSTEE; and THE CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation, herein called BENEFICIARY, witnesseth: that Trustor IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS TO TRUSTEE IN TRUST, WITH POWER OF SALE, that real property situated in the City and County of San Francisco, State of California, described in Exhibit A attached hereto and made a part thereof.

TOGETHER WITH the rents, issues and profits thereof, SUBJECT, HOWEVER, to the right, power and authority given to and conferred upon Beneficiary by paragraph (10) of the provisions incorporated herein by reference to collect and apply such rents, issues and profits.

For the Purpose of Securing: 1. The promissory note executed by Trustor in favor of Beneficiary, each dated of even date herewith, and performance of agreement of Trustor incorporated by reference or contained herein. 2. Payment of the indebtedness evidenced by the aforesaid promissory note in the principal amount not to exceed **Four Hundred Fifty Nine Thousand Seven Hundred Forty Two Dollars (\$459,742)**. Payment of such further sums as the then record owner of said property hereafter may borrow from Beneficiary, when evidenced by another note (or notes) reciting it is so secured.

To protect the Security of This Deed of Trust, Trustor Agrees: By the execution and delivery of this Deed of Trust and the note secured hereby, that provisions (1) to (14), inclusive, of the fictitious deed of trust recorded in the office of the Recorder of the City and County of San Francisco on October 23, 1961 in Book A-332 of Official Records, at page 905, hereby are adopted and incorporated herein and made a part hereof as fully as though set forth herein at length; that he will observe and perform said provisions; and that the references to property, obligations, and parties in said provisions shall be construed to refer to the property, obligations, and parties set forth in this Deed of Trust.

In the event of default by the Trustor under this Deed of Trust, or if the herein described property or any part thereof, or any interest therein is sold, agreed to be sold, conveyed, alienated or refinanced by the Trustor, or by the operation of law or otherwise, without the written consent of the Beneficiary hereof, all obligations secured by this instrument irrespective of the maturity dates expressed therein, at the option of the Beneficiary hereof and without demand or notice shall immediately become due and payable.

The undersigned Trustor requests that a copy of any Notice of Default and of any Notice of Sale hereunder be mailed to him at his address herein before set forth.

TRUSTOR(S):

Buyer(s)

Signature: \_\_\_\_\_

Ann Marie Kong

(Please add additional lines if necessary)

**THIS DOCUMENT MUST BE NOTARIZED**

A notary public or other Officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached and not the truthfulness, accuracy, or validity of that document.

STATE OF CA )SS  
COUNTY OF San Francisco )

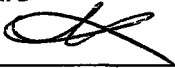
On December 4<sup>th</sup>, 2018, before me, Karen Tam,  
Notary Public, personally appeared Ann Marie Kong

\_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



*This area for official notarial seal*

**ATTACH EXHIBIT A  
LEGAL DESCRIPTION OF PROPERTY**

Exhibit A

A CONDOMINIUM COMPRISED OF:

PARCEL A:

PARCEL I:

CONDOMINIUM UNIT NO. 201, LOT NO. 124, AS SHOWN UPON THE CONDOMINIUM PLAN FOR AIRSPACE PARCEL "C", 555 BARTLETT STREET RESIDENTIAL CONDOMINIUMS, ATTACHED AS EXHIBIT "B" TO THOSE CERTAIN DECLARATION OF RESTRICTIONS AND CONDOMINIUM PLAN FOR AIRSPACE PARCEL C, 555 BARTLETT STREET RESIDENTIAL CONDOMINIUMS, SAN FRANCISCO CALIFORNIA A RESIDENTIAL CONDOMINIUM PROJECT, RECORDED JANUARY 6, 2010, IN REEL K053, IMAGE 0026, UNDER RECORDER'S SERIAL NUMBER 2010-I900937-00, OFFICIAL RECORDS AND AS AMENDED BY THAT CERTAIN FIRST AMENDMENT TO DECLARATION OF RESTRICTIONS FOR AIRSPACE PARCEL C, 555 BARTLETT STREET RESIDENTIAL CONDOMINIUMS, SAN FRANCISCO, CALIFORNIA, RECORDED APRIL 28, 2010, IN REEL K131, IMAGE 0042, UNDER RECORDER'S SERIAL NUMBER 2010-I960054-00, OFFICIAL RECORDS OF THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA (REFERRED TO HEREIN AS "THE DECLARATION").

EXCEPTING AND RESERVING THEREFROM ANY PORTION OF THE COMMON AREA LYING WITHIN SAID UNIT.

EXCEPTING AND RESERVING THEREFROM:

(A) EASEMENTS THROUGH SAID UNIT, APPURTENANT TO THE COMMON AREA AND ALL OTHER UNITS, FOR SUPPORT AND REPAIR OF THE COMMON AREA AND ALL OTHER UNITS.

(B) EASEMENT, APPURTENANT TO THE COMMON AREA FOR ENCROACHMENT UPON THE AIR SPACE OF THE UNIT BY THOSE PORTIONS OF THE COMMON AREA LOCATED WITHIN THE UNIT.

PARCEL II:

AN UNDIVIDED 1/46TH INTEREST IN AND TO THE COMMON AREA OF BUILDING 1 AS SHOWN AND DEFINED ON THE MAP, EXCEPTING AND RESERVING THEREFROM THE FOLLOWING:

(A) EXCLUSIVE EASEMENTS, OTHER THAN PARCEL III, AS DESIGNATED ON THE MAP AND RESERVED TO UNITS FOR USE AS DESIGNATED IN THE DECLARATION; AND

(B) NONEXCLUSIVE EASEMENTS APPURTENANT TO ALL UNITS FOR INGRESS AND EGRESS, SUPPORT, REPAIR AND MAINTENANCE.

PARCEL III:

A NON-EXCLUSIVE EASEMENT APPURTENANT TO PARCEL I ABOVE FOR SUPPORT, REPAIR AND MAINTENANCE, AND FOR INGRESS AND EGRESS THROUGH THE COMMON AREA IN ACCORDANCE WITH CALIFORNIA CIVIL CODE SECTION 1361(A).

PARCEL IV:

ENCROACHMENT EASEMENTS APPURTENANT TO THE UNIT IN ACCORDANCE WITH THE PROVISIONS OF THE DECLARATION.

PARCEL B:

PARCEL I:

PARKING UNIT P-60, LOT NO. 111, AS SHOWN UPON THE 555 BARTLETT STREET, PARKING CONDOMINIUM



PLAN ATTACHED TO THOSE CERTAIN DECLARATION OF RESTRICTIONS AND CONDOMINIUM PLAN FOR AIRSPACE PARCEL A, 555 BARTLETT STREET PARKING CONDOMINIUMS, SAN FRANCISCO CALIFORNIA, A PARKING CONDOMINIUM PROJECT, RECORDED JANUARY 6, 2010, IN REEL K053, IMAGE 0025, UNDER RECORDER'S SERIAL NUMBER 2010-I900936-00, OFFICIAL RECORDS, AND AS AMENDED BY THAT CERTAIN FIRST AMENDMENT TO DECLARATION OF RESTRICTIONS FOR AIRSPACE PARCEL A, 555 BARTLETT STREET PARKING CONDOMINIUMS, SAN FRANCISCO, CALIFORNIA, RECORDED APRIL 28, 2010, IN REEL K131, IMAGE 0041, UNDER RECORDER'S SERIAL NUMBER 2010-I960053-00, OFFICIAL RECORDS OF THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA (REFERRED TO HEREIN AS "THE DECLARATION").

EXCEPTING AND RESERVING THEREFROM:

(A) EASEMENTS THROUGH SAID UNIT, APPURTENANT TO THE COMMON AREA AND ALL OTHER UNITS, FOR SUPPORT AND REPAIR OF THE COMMON AREA AND ALL OTHER UNITS.

(B) EASEMENT, APPURTENANT TO THE COMMON AREA FOR ENCROACHMENT UPON THE AIR SPACE OF THE UNIT BY THOSE PORTIONS OF THE COMMON AREA LOCATED WITHIN THE UNIT.

PARCEL II:

AN UNDIVIDED 1/67TH INTEREST IN AND TO THE COMMON AREA AS SHOWN AND DEFINED ON THE MAP, EXCEPTING AND RESERVING THEREFROM THE FOLLOWING:

(A) NONEXCLUSIVE EASEMENTS APPURTENANT TO ALL UNITS FOR INGRESS AND EGRESS, SUPPORT, REPAIR AND MAINTENANCE

PARCEL III:

A NON-EXCLUSIVE EASEMENT APPURTENANT TO PARCEL I ABOVE FOR SUPPORT, REPAIR AND MAINTENANCE, AND FOR INGRESS AND EGRESS THROUGH THE COMMON AREA IN ACCORDANCE WITH CALIFORNIA CIVIL CODE SECTION 1361(A).

PARCEL IV:

ENCROACHMENT EASEMENTS APPURTENANT TO THE UNIT IN ACCORDANCE WITH THE PROVISIONS OF THE DECLARATION.

PARCEL V:

TOGETHER WITH A NONEXCLUSIVE EASEMENT FOR THE JOINT USE, MANAGEMENT, MAINTENANCE, REPAIR, REPLACEMENT AND OPERATION OF THE PROJECT AND AS FURTHER DESCRIBED IN THE DECLARATION OF RECIPROCAL EASEMENTS AND RESTRICTIONS FOR 555 BARTLETT STREET, SAN FRANCISCO, CALIFORNIA, RECORDED ON OCTOBER 27, 2009, IN REEL K007, IMAGE 001, UNDER RECORDER'S SERIAL NUMBER 2009-I864702-00, OFFICIAL RECORDS AND AS AMENDED BY THAT CERTAIN FIRST AMENDMENT TO DECLARATION OF RECIPROCAL EASEMENTS AND RESTRICTIONS FOR 555 BARTLETT STREET, SAN FRANCISCO, CALIFORNIA, RECORDED JANUARY 6, 2010, IN REEL K053, IMAGE 0023, UNDER RECORDER'S SERIAL NUMBER 2010-I900934-00, OFFICIAL RECORDS AND ALSO AMENDED BY THAT CERTAIN SECOND AMENDMENT TO DECLARATION OF RECIPROCAL EASEMENTS AND RESTRICTIONS FOR 555 BARTLETT STREET, SAN FRANCISCO, CALIFORNIA, RECORDED APRIL 28, 2010 IN REEL K131, IMAGE 0040, UNDER RECORDER'S SERIAL NUMBER 2010-I960052-00, OFFICIAL RECORDS OF THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA.

**ATTACH EXHIBIT B  
PHOTOCOPY OF BORROWER EXECUTED PROMISSORY NOTE**

DO NOT DESTROY THIS NOTE: WHEN PAID, THIS NOTE AND DEED OF TRUST SECURING THE SAME MUST BE SURRENDERED TO CITY FOR CANCELLATION BEFORE RECONVEYANCE WILL BE MADE.

**PROMISSORY NOTE SECURED BY DEED OF TRUST**  
**Inclusionary Housing Program**  
**BMR Lien# IHBMR181119**

**\$459,742** (Principal Amount)

San Francisco, California

Date: 12-4-2018

FOR VALUE RECEIVED, the undersigned, **Ann Marie Kong** (Maker) hereby promises to pay to the CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation (Holder), the principal sum of **Four Hundred Fifty Nine Thousand Seven Hundred Forty Two and 00/100 Dollars (\$459,742)**.

**1. Purchase of Dwelling Unit at Restricted Purchase Price**

Maker desires to purchase a unit located at **555 Bartlett Street, Unit 201, San Francisco, CA 94110** ("BMR unit"). The BMR unit shall include one parking space, designated as # **P-60** (the "parking space"). The purchase price of the BMR unit, including the parking space, has been established pursuant to the following documents (collectively, the "Restriction"):

- (1) **Planning Commission Motion No. 17418**, adopted on **April 19, 2007**;
- (2) Interest on the principal amount at the rate of 0% per annum.
- (3) A "Notice of Special Restrictions under the City Planning Code" ("NSR") recorded in the official records of the San Francisco County on **September 26, 2007** as Document **2007-1465148-00** and on **October 14, 2009** as Document **2009-1858590**.
- (4) City and County of San Francisco Inclusionary Housing Monitoring and Procedures Manual ("Procedures Manual"), effective May 10, 2013.

**2. Calculation of Principal Amount of Note**

The original principal amount of this note is equal to **Four Hundred Fifty Nine Thousand Seven Hundred Forty Two Dollars (\$459,742)**. This amount is equal to the appraised Fair Market Value of the BMR Unit without regard to the Restriction (**\$725,000**) less the restricted purchase price of the BMR Unit (**\$265,258**), as required by the Restriction.

**3. Interest**. No interest shall accrue on the principal balance of this note.

**4. Event of Default**

a. Maker's failure to comply with any provision contained in the Restriction shall constitute an Event of Default under this Note; provided that if such failure concerns a rental or sublease of the BMR Unit in violation of the Restriction, such failure shall not constitute an Event of Default unless Maker fails to cure such default within thirty (30) days after the receipt of written notice from Holder. Holder's ability to cure such defaults (i.e., through the termination of a tenancy which violates the Restriction) is subject to all applicable local, state and/or federal laws to the contrary.

b. Upon the occurrence of an Event of Default, following the expiration of any applicable notice and cure periods described in Subparagraph 5(a), the entire principal balance of this Note, together with all accrued interest, shall be immediately due and payable. In addition, Holder may pursue all rights and remedies available to Holder at law or in equity.

**5. Forgiveness**. Upon a sale of the BMR unit for a resale price that is established pursuant to the documents referenced in Paragraph 1, above, the entire principal balance of this Note, together with all accrued and unpaid interest thereon, shall be forgiven, this Note shall be canceled and returned to Maker and the Deed of

Trust shall be reconveyed only upon the happening of each of the following events:

a. During the period which Maker owns the BMR Unit, Maker shall have complied in all respects with the terms of the Restriction;

b. Any sale, rental or sublease of the BMR Unit must be in compliance with the terms of the Restriction, including but not limited to the requirement that, upon any resale of the BMR Unit, the City may require prospective purchaser to execute and deliver to the Holder a note, deed of trust and grant of right of first refusal in substantially the form of this Note, Deed of Trust and Grant of Right of First Refusal with respect to purchase of Property executed by maker concurrently herewith; except that the principal amount of such Note shall reflect the difference between the resale price and fair market value of the BMR Unit at the time of such resale.

a. If the conditions in this Section 5 are not satisfied, the entire principal balance and accrued interest on this Note shall be due and payable as a condition to such sale.

b. The resale price and resale transaction of the BMR unit must include the parking space at no additional charge.

**6. Security.** Repayment of this Note is secured by a deed of trust (the "Deed of Trust"), which Deed of Trust shall be recorded in the official records of San Francisco County, California, as a lien on the BMR Unit, subject only to those exceptions to title approved in writing by Holder.

**7. Terms of Payment.**

a. All payments under this Note shall be paid in currency of the United States of America, which at the time of payment is lawful for the payment of public and private debts.

b. All payments shall be made payable to Holder and mailed or delivered in person to Holder's office at 1 South Van Ness Avenue, Fifth Floor, San Francisco, CA 94103, or to such other place as Holder of this Note may from time to time designate.

c. Notwithstanding any other provisions of this Note, or any instrument securing the obligations of Maker under this note, if, for any reason whatsoever, the payment of any sums by Maker pursuant to the terms of this Note would result in the payment of interest which would exceed the amount that Holder may legally charge under the laws of the State of California, then amount by which payment exceeds the lawful interest rate shall automatically be deducted from the principal balance owing on this Note, so that in no event shall Maker be obligated under the terms of this Note to pay any interest which would exceed the lawful rate.

**8. Waivers.**

a. Maker expressly agrees that the term of this Note or the date of any payment due hereunder may be extended from time to time with Holder's consent, and that Holder may accept further security or release any security for this Note, all without in any way affecting the liability of Maker.

b. No extension of time for payment of this Note or any installment hereof made by agreement by Holder with any person now or hereafter liable for the payment of this Note shall operate to release, discharge, modify, change or affect the original liability of Maker under this Note, either in whole or in part.

c. The obligations of Maker under this Note shall be absolute and Maker waives any and all rights to offset, deduct or withhold any payments or charges due under this Note for any reason whatsoever.

**9. Miscellaneous Provisions.**

a. All notices and consents required under this Note or the Deed of Trust shall be made in writing and shall be deemed communicated by personal delivery or by United States Mail, postage prepaid, as of the earlier of actual receipt of seven days from mailing, addressed as follows:

To Maker: **Ann Marie Kong**  
**555 Bartlett Street, Unit 201**  
**San Francisco, CA 94110**

To Holder: Mayor's Office of Housing and Community Development  
1 South Van Ness Avenue, Fifth Floor  
San Francisco, CA 94103  
Attn: Inclusionary Program

b. In event of litigation arising from the enforcement of or a default under this Note or the Deed of Trust, the non-prevailing party promises to pay all reasonable costs and expenses, including reasonable attorney's fees, incurred by the prevailing party in such litigation.

c. This Note may be amended only by an agreement in writing signed by the party against whom enforcement of any waiver, change, modification or discharge is sought.

d. This Note shall be governed by and construed in accordance with the laws of the State of California.

e. Time is of the essence for the performance of all obligations of Maker hereunder.

10. **Termination.**

Notwithstanding the foregoing paragraph, upon foreclosure on the Property by a third party lender or other transfer of the property in lieu of foreclosure or upon an assignment to HUD of a mortgage which was made to secure Borrower's purchase of the Property, the lien of the Deed of Trust shall be extinguished if the foreclosure or other transfer recognizes any contractual or legal rights of the City and the Maker to take actions that would avoid the lien of the Deed of Trust to be extinguished. However, this Note, the Deed of Trust and Maker's obligations hereunder shall be revived according to their original terms if, following any foreclosure or transfer in lieu of foreclosure, the owner of record before the foreclosure or transfer or assignment, or any entity that includes the former owner or those with whom the former has or had family or business ties, obtains an ownership interest in the Property.

Buyer(s)

Signature: \_\_\_\_\_

**Ann Marie Kong**

**(THIS DOCUMENT MUST BE NOTARIZED)**



A notary public or other Officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached and not the truthfulness, accuracy, or validity of that document.

STATE OF CA )SS  
COUNTY OF San Francisco )

On December 4<sup>th</sup>, 2018, before me, Karen Tam,  
Notary Public, personally appeared Ann Marie Kong

\_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



*This area for official notarial seal*

-- ENCLOSURE D --

-- ENCLOSURE D --

# James Nunemacher

---

**From:** Ann Kong <outlook\_8631735C2CBE84E0@outlook.com> on behalf of Ann Kong <annkong@>  
**Sent:** Thursday, July 19, 2018 10:52 PM  
**To:** James Nunemacher  
**Subject:** support letter

To Whom it May Concern,

I am currently a tenant at 350 San Jose Ave., where I have lived for 17 years. I have enjoyed my residency but w project to redo the existing structure. The building has its charm- mostly the windows I have loved looking out- and remain. But the building is very old, in need of modernization, and I feel it has served its purpose, lived its life.

The large parking lot in back has had minimal or at times even no use, so creating much needing housing units s know there are concerns about the project impacting the park . Obviously there would be some impact during const imagine walking through the park, I think the view of the proposed building would certainly be nicer than the existin dark might even feel safer.

I find the design for use of the space efficient and creative.

Sincerely,

*Ann Kong*

350 San Jose Ave. #1

San Francisco, CA 94110

415-676-7135

annkong@earthlink.net

-- ENCLOSURE E --

-- ENCLOSURE E --

**From:** [Shoshana Raphael](#)  
**To:** [Shoshana Raphael](#)  
**Subject:** Hi  
**Date:** Wednesday, September 16, 2020 1:42:04 PM

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-----Original Message-----

From: Penny Eggen [<mailto:ratmom66@gmail.com>]  
Sent: Sunday, April 22, 2018 4:37 PM  
To: James Nunemacher <[james@vanguardsf.com](mailto:james@vanguardsf.com)>  
Subject: Hi

Hi James. I have something to tell you. I have very advanced terminal cancer. I will be seeing my oncologist tomorrow to have him sign off on a six-month diagnosis so that I can be admitted to hospice. I have chosen Hospice by the Bay since I've worked so closely with them as a hospice nurse myself for so many years. I also will eventually be moving into Maitri. They have one non-HIV Bed that I can pay for. Hopefully this is going to be happening very quickly because I need the assistance. I will be paying my rent for several months so that my friends can come in and sort through my things at their leisure to decide what to do with them and then to do a little cleaning.

I want to pay for May June and July, at this point. Perhaps longer than that. Would it be better to write one check for the entire amount or three separate ones? The entire amount can be cashed now, there doesn't have to be any waiting. Penny

Sent from my iPad



-- ENCLOSURE F --

-- ENCLOSURE F --

**From:** [Shoshana Raphael](mailto:Shoshana.Raphael)  
**To:** [Shoshana Raphael](mailto:Shoshana.Raphael)  
**Subject:** Penny and apt. more  
**Date:** Wednesday, September 16, 2020 1:44:16 PM

---

Begin forwarded message:

**From:** Ann Kong <[annkong@earthlink.net](mailto:annkong@earthlink.net)>  
**Date:** April 27, 2018 at 7:13:34 PM PDT  
**To:** "[jn@vanguardsf.com](mailto:jn@vanguardsf.com)" <[jn@vanguardsf.com](mailto:jn@vanguardsf.com)>  
**Subject:** Penny and apt.

Hi James,

I got your message and will call you next week. As you know, Penny is not doing well. She's going to move to Maitri for hospice care on Monday, but until then I have taken time off from work and she is staying with me in my apt. as it is better that she not be alone, so I'm trying to keep it peaceful over here for her (not on phone, talking about her when she's right here). She's getting her affairs in order of course; FYI, I am her DPOA and will be helping close up her apt. etc. We've been discussing that and exactly what she wants to do with her things, etc. I will let you know ASAP. I did mail her rent in for May so there is time to spend doing that in a thoughtful way; she has a lot of nice things she wants people to have.

She seems to be handling it well but I am still in a bit of shock that this is happening, so it's been hard to think of much else. Once she is at Maitri and has plenty of people to help her, I will be able to relax and take care of some other things.

I am still interested in discussing the buyout but was out of town a while, then came home to Penny's news, things a bit hectic at moment dealing with immediate needs.

Thanks so much for your patience.

*Ann Kong*  
350 San Jose Ave. #1  
San Francisco, CA 94110  
415-676-7135  
[annkong@earthlink.net](mailto:annkong@earthlink.net)

-- ENCLOSURE G --

-- ENCLOSURE G --

**From:** [Shoshana Raphael](#)  
**To:** [Shoshana Raphael](#)  
**Subject:** Penny and apt. at 350-52 San Jose  
**Date:** Wednesday, September 16, 2020 1:47:47 PM

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**From:** Ann Kong [[mailto:outlook\\_8631735C2CBE84E0@outlook.com](mailto:outlook_8631735C2CBE84E0@outlook.com)] **On Behalf Of** Ann Kong  
**Sent:** Wednesday, June 06, 2018 8:49 AM  
**To:** James Nunemacher <[james@vanguardsf.com](mailto:james@vanguardsf.com)>  
**Subject:** Penny and apt.

Hi James,

I hope your trip was good.

I'm sad to report that Penny passed away on May 22nd, a week away from her 68th birthday. She had a few rough moments but thankfully didn't suffer too much and I was with her when she went peacefully in her sleep.

I've mailed rent for Penny for June and July, just to be safe and not have to rush. I'll send a letter giving notice to the property mgmt. office. She lived here a long time and has a lot of stuff to go through. I am also busy taking care of her financial matters, etc. and need to get caught up on my own stuff that was on hold while caring for her at Maitri. I also may take a break to go somewhere.

Thanks so much for your support and patience. Please let me know if you have any questions.

*Ann Kong*

*350 San Jose Ave. #1*

*San Francisco, CA 94110*

*415-676-7135*

[annkong@earthlink.net](mailto:annkong@earthlink.net)

-- ENCLOSURE H --

-- ENCLOSURE H --



You selected:

Address: **350 SAN JOSE AV** Block/Lot: **6532 / 010A**

Please select among the following links, the type of permit for which to view address information:

[Electrical Permits](#) [Plumbing Permits](#) [Building Permits](#) [Complaints](#)

**(Complaints matching the selected address.)**

Complaint #	Expired	Date Filed	Status	Div	Block	Lot	Street #	Street Name
<del>202009121</del>		01/03/2020	CLOSED	BID	6532	010A	350	SAN JOSE AV
<del>201885171</del>		08/14/2018	CLOSED	BID	6532	010A	350	SAN JOSE AV
<del>201838371</del>		02/05/2018	CLOSED	BID	6532	010A	350	SAN JOSE AV
<del>201728061</del>		12/27/2017	CLOSED	BID	6532	010A	350	SAN JOSE AV
<del>201577671</del>		11/04/2015	CLOSED	HIS	6532	010A	350	SAN JOSE AV
<del>201035552</del>		03/03/2010	CLOSED	BID	6532	010A	350	SAN JOSE AV
<del>200921581</del>		09/11/2009	CLOSED	HIS	6532	010A	350	SAN JOSE AV

[Online 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.

**COMPLAINT DATA SHEET**

**Complaint**

**Number:** 202009121

Owner/Agent: OWNER DATA SUPPRESSED

Date Filed:

Owner's Phone: --

Location: 350 SAN JOSE AV

Contact Name: --

Block: 6532

Contact Phone: --

Lot: 010A

Complainant: COMPLAINANT DATA SUPPRESSED

Site:

Rating:

Occupancy Code:

Received By: Cheryl Lee

Division: INS

Complainant's Phone:

Complaint Source: TELEPHONE

Assigned to: BID

Division:

Description: Work without permit. Construction has been going on for several weeks. Complainant also filed a complaint with 311, SR#11893958. Complainant says he has a big project without permit.

Instructions:

**INSPECTOR INFORMATION**

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	KEANE	6288		

**REFERRAL INFORMATION**

**COMPLAINT STATUS AND COMMENTS**

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
01/03/20	CASE OPENED	BID	Gonzalez	CASE RECEIVED	
01/06/20	OTHER BLDG/HOUSING VIOLATION	BID	Keane	CASE UPDATE	Case reviewed and assigned to complaint investigation team per MH; slw
01/06/20	OTHER BLDG/HOUSING VIOLATION	BID	Keane	CASE UPDATE	No entry. Left contact info. tdk.
01/17/20	OTHER BLDG/HOUSING VIOLATION	BID	Keane	CASE CLOSED	No work going on at time of inspection that requires a building permit. Work associated with rodent control went on over the past few weeks. Maintenance work not requiring a permit was done. Closed case. tdk.

**COMPLAINT ACTION BY DIVISION**

**NOV (HIS):**

**NOV (BID):**

Inspector Contact Information

[Online 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.

**COMPLAINT DATA SHEET**

**Complaint Number:** 201957621

Owner/Agent: OWNER DATA  
SUPPRESSED

Date Filed:

Owner's Phone: --

Location: 350 SAN JOSE AV

Contact Name: --

Block: 6532

Contact Phone: --

Lot: 010A

Complainant: COMPLAINANT DATA  
SUPPRESSED

Site:

Rating:

Occupancy Code:

Received By: Selby Tran

Division: INS

Complainant's

Phone:

Complaint

Source: 311 INTERNET REFERRAL

Assigned to

EID

Division:

Description: 350-352 San Jose Ave --- caller claims that a temp power pole ( 12 ft) on sidewalk that suggests work will commence but no permits issued. please investigate (311 SR#10871806)

Instructions:

**INSPECTOR INFORMATION**

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
EID	BIRMINGHAM	6342	8	

**REFERRAL INFORMATION**

**COMPLAINT STATUS AND COMMENTS**

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
05/24/19	OTHER ELECT VIOLATN	INS	Birmingham	CASE UPDATE	case reviewed. assign to district inspector. st for mh.
05/24/19	OTHER ELECT VIOLATN	EID	Birmingham	CASE ABATED	WORK WAS DONE WITH PERMIT REFER TO PERMIT EW201904100007.
05/24/19	CASE OPENED	EID	Birmingham	CASE RECEIVED	

**COMPLAINT ACTION BY DIVISION**

**NOV (HIS):**

**NOV (BID):**

Inspector Contact Information

[Online 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.

**COMPLAINT DATA SHEET****Complaint Number:** 201885171

Owner/Agent: OWNER DATA SUPPRESSED

Owner's Phone: --

Contact Name: --

Contact Phone: --

Complainant: COMPLAINANT DATA SUPPRESSED

Date Filed:

Location: 350 SAN JOSE AV

Block: 6532

Lot: 010A

Site:

Rating:

Occupancy Code:

Received By: Suzanna Wong

Division: BID

Complainant's Phone:

Complaint Source: 311 INTERNET REFERRAL

Assigned to Division: BID

Description: 350 San Jose --- Caller is concerned that this property is doing construction without permits. This is an historic building and the owners has history of doing construction with out permits. They are welding and tearing done and caller is concerned. (311 SR #9364849)

Instructions:

**INSPECTOR INFORMATION**

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	KEANE	6288		

**REFERRAL INFORMATION****COMPLAINT STATUS AND COMMENTS**

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
08/14/18	CASE OPENED	BID	Keane	CASE RECEIVED	
08/14/18	OTHER BLDG/HOUSING VIOLATION	BID	Keane	CASE UPDATE	Permit research. tdk.
08/14/18	OTHER BLDG/HOUSING VIOLATION	BID	Keane	CASE UPDATE	case reviewed, to be assigned to complaint investigation team. mh/slw
08/21/18	OTHER BLDG/HOUSING VIOLATION	BID	Keane	NO ENTRY	No entry. Left contact info. tdk.
01/17/20	OTHER BLDG/HOUSING VIOLATION	BID	Keane	CASE CLOSED	No work going on at time of inspection requiring a building permit. Closed case. tdk.

**COMPLAINT ACTION BY DIVISION****NOV (HIS):****NOV (BID):**

Inspector Contact Information

[Online 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.

**COMPLAINT DATA SHEET****Complaint Number: 201838371**

Owner/Agent: OWNER DATA SUPPRESSED

Owner's Phone: --

Contact Name: --

Contact Phone: --

Complainant: COMPLAINANT DATA SUPPRESSED

Date Filed:

Location: 350 SAN JOSE AV

Block: 6532

Lot: 010A

Site:

Rating:

Occupancy Code:

Received By: Adora Canotal

Division: PID

Complainant's Phone:

Complaint Source: 311 INTERNET REFERRAL

Assigned to: BID

Division:

Description: -- There is construction taking place at this location and there is no permit displayed. They are not following any building codes, There is welding taking place late at night as well. I seen sparks flying (311 SR No. 8574130)

Instructions:

**INSPECTOR INFORMATION**

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	GONZALEZ	6258	8	

**REFERRAL INFORMATION****COMPLAINT STATUS AND COMMENTS**

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
02/05/18	CASE OPENED	BID	Gonzalez	CASE RECEIVED	
02/06/18	OTHER BLDG/HOUSING VIOLATION	BID	Gonzalez	CASE UPDATE	case reviewed, to be investigated by district inspector. mh
02/07/18	OTHER BLDG/HOUSING VIOLATION	BID	Gonzalez	CASE CLOSED	SITE VISIT ASKED CONTRACTOR TO POST JOB CARD ON WINDOW. PARTIAL WORK COMPLETE. INFORMED CONTRACTOR OF WORKING HOURS AND NOT TO WORK OUTSIDE THEM. DID NOT OBSERVE ANY SPARKS FLYING. WILL CONTINUE TO MONITOR. CASE CLOSED.

**COMPLAINT ACTION BY DIVISION****NOV (HIS):****NOV (BID):**

Inspector Contact Information

[Online 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.



**COMPLAINT DATA SHEET****Complaint Number: 201728061**

Owner/Agent: OWNER DATA SUPPRESSED

Owner's Phone: --

Contact Name: --

Contact Phone: --

Complainant: COMPLAINANT DATA SUPPRESSED

Date Filed:

Location:

Block:

Lot:

Site:

Rating:

Occupancy Code:

Received By:

Division:

350 SAN JOSE AV

6532

010A

Alma Canindin

PID

Complainant's Phone:

Complaint Source: 311 INTERNET REFERRAL

Assigned to Division: BID

Description: 350 San Jose ave --- There renovating at least 1 or 2 apartments. Pulling out toilets and doing construction. They come in at 6 am. There is no protection. I believe they do not have a permit.

Instructions:

**INSPECTOR INFORMATION**

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	WEAVER	6331		

**REFERRAL INFORMATION****COMPLAINT STATUS AND COMMENTS**

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
12/27/17	CASE OPENED	BID	Weaver	CASE RECEIVED	
12/29/17	OTHER BLDG/HOUSING VIOLATION	BID	Weaver	CASE UPDATE	Case review permit research. C Weaver
01/03/18	OTHER BLDG/HOUSING VIOLATION	BID	Weaver	CASE UPDATE	Site visit no entry left three day notice. C Weaver
01/04/18	OTHER BLDG/HOUSING VIOLATION	BID	Weaver	CASE UPDATE	Sent inspection request. C Weaver
01/08/18	OTHER BLDG/HOUSING VIOLATION	BID	Weaver	CASE UPDATE	copy of Inspection Request mailed by jj
01/17/18	OTHER BLDG/HOUSING VIOLATION	BID	Weaver	CASE UPDATE	Sent 2nd inspection request. C Weaver
01/18/18	OTHER BLDG/HOUSING VIOLATION	INS	Weaver	CASE UPDATE	Mailed 2nd Notice of Inspection Request; s.thai.
01/22/18	OTHER BLDG/HOUSING VIOLATION	BID	Weaver	CASE CLOSED	Working with PA 201801047869. Case closed. C Weaver

**COMPLAINT ACTION BY DIVISION****NOV (HIS):****NOV (BID):**

Inspector Contact Information

[Online 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.

**From:** [Sarah Hickman Emmott](#)  
**To:** [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Chan, Deland \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Campbell, Cathleen \(CPC\)](#); [CPC-Commissions Secretary](#); [Jardines, Esmeralda \(CPC\)](#); [Winslow, David \(CPC\)](#); [Mandelman, Rafael \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Kitty Costello](#)  
**Subject:** 350 San Jose Ave. from 7 Juri St.  
**Date:** Wednesday, September 09, 2020 10:38:24 PM

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

To the Planning Department:

My family with young kids and I live next to Juri Commons Park at 7 Juri St. and we oppose the plan to build an oversized condo development at 350 San Jose Ave.

It is an affront to everyone else who lives here and tries to coexist in this small inner block space. The existing properties that face the park do not have windows or balconies that loom over the park like this proposal does. This plan will destroy the peace of this inner block area.

Before you make this decision, please come stand in Juri Commons Park and see the situation for yourselves. It's obvious that it will tower over our tiny park -- intruding on the privacy of children in backyards, park-goers in the park, and all the residences that adjoin the park. It would also be a huge noise issue to put nine balconies looming over the park and facing everyone else's windows.

Please scale it down and scale it back, and do not allow balconies towering over the kids and many neighbors of Juri Commons.

Thank you for your consideration,  
Sarah Hickman Emmott  
7 Juri Street

**From:** [Ellen Dorsey Pargeter](#)  
**To:** [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Chan, Deland \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Campbell, Cathleen \(CPC\)](#); [CPC-Commissions Secretary](#); [Jardines, Esmeralda \(CPC\)](#); [Winslow, David \(CPC\)](#); [Mandelman, Rafael \(BOS\)](#); [friendsofjuricommons@gmail.com](mailto:friendsofjuricommons@gmail.com)  
**Subject:** 350 San Jose Ave. plans for balconies  
**Date:** Tuesday, August 25, 2020 1:57:50 PM

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

8/25/20

SF Planning Commission  
[1650 Mission Street](#); Suite 400  
[San Francisco, CA 94103](#)

### NO BALCONIES

The plans for 350 San Jose are too big and will have negative impacts on Juri Commons and neighbors. In the Planning Department's own documents, they encouraged adding common open space for residents at 350 San Jose, and they told the developer, "... terraces or decks are not recommended." Now there are 9 balconies planned. Nine tiered balconies towering 40 feet over a park that's only 20 feet wide. Why spend \$1.7 million on renovating Juri Commons if you're going to allow one developer to ruin the sunlight and the whole inner-block open space?

In the Juri Commons renovation plan, the children's play area is right next to this development. As planned, the condo owners at [350-52 San Jose Ave](#) would be staring down from their balconies at parents and kids playing. That's creepy!

There are very few porches or balconies on the properties that face Juri Commons. When even one resident starts using these outside areas regularly or in a thoughtless way, it disturbs the peace and quiet of the whole inner block. Even adding one balcony is an intrusion. Please don't allow balconies or decks.

Sincerely,

Ellen Dorsey Pargeter  
[1601 Diamond St.](#)  
[San Francisco, CA. 94131](#)

**From:** [Douglas Salin](#)  
**To:** [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Chan, Deland \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Campbell, Cathleen \(CPC\)](#); [CPC-Commissions Secretary](#); [Jardines, Esmeralda \(CPC\)](#); [Winslow, David \(CPC\)](#); [Mandelman, Rafael \(BOS\)](#); [friendsofjuricommons@gmail.com](mailto:friendsofjuricommons@gmail.com)  
**Subject:** 350 San Jose Ave... Opposition  
**Date:** Saturday, September 05, 2020 12:30:49 PM

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

9/2/20

Dear Commissioners of the San Francisco Planning Dept:

Please don't allow the new owner of 350 San Jose Ave to wreck Juri Commons Park!

REJECT their current proposal which features luxury condos in the Mission District. Luxury condos don't fit into our neighborhood. The current plan is too large, upper-class and misconceived. The new owner and his architect don't seem to have any respect for our community or Juri Commons. Vote NO on 350 San Jose!

- Make the plan smaller, with smaller individual units.
- Build new rental units and keep the four, original apartments.
- Don't shade any part of Juri Commons. It's a PUBLIC park.
- Keep SF affordable for lower income families.
- Respect Park Space. It's a precious resource.

Thank you for reading my letter,

Douglas Salin  
[dspeoe@pacbell.net](mailto:dspeoe@pacbell.net)

**From:** [Jerome B Bernal](#)  
**To:** [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Chan, Deland \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Campbell, Cathleen \(CPC\)](#); [CPC-Commissions Secretary](#); [Jardines, Esmeralda \(CPC\)](#); [Winslow, David \(CPC\)](#); [Mandelman, Rafael \(BOS\)](#); [friendsofjuricommons@gmail.com](mailto:friendsofjuricommons@gmail.com)  
**Subject:** 350 San Jose Ave  
**Date:** Tuesday, September 15, 2020 2:12:25 PM

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

9/14/20

RE: 350 San Jose Avenue

Dear SF Planning Commissioners,

After two years of controversy, I was shocked and distressed to learn that the Planning Commissioners received materials during the last DR Hearing stating that there was “no neighborhood opposition” to this project. That is totally inaccurate. Several neighbors phoned and wrote opposition emails to the SF Planning Department re: 350 San Jose Ave between 2018 - 2020 and had faith that our concerns were being taken into consideration.

My concerns relate to the size & density of the builder’s proposal. According to meeting notes from 10/12/18, the Planning Department told the developer to reduce the height, depth and mass of their plan to be in line with Residential Design Guidelines, and to add open space on the property. Those recommendations were in line with the concerns of neighbors. The Chief Planners even included a sketch for the builder to follow.

Then the developer came back with an even larger proposal, including a bunch of balconies that were “not recommended” by the Planning Department in the first place. Why didn’t Planning reject the proposal at that time? Why do neighbors have to hire lawyers to get the Planning Department to do the job our property taxes pay them to do?

Please use your power and do the right thing. Enforce your own recommendations and reduce the size and impact of this project. I want a smaller building (no balconies) with smaller units that doesn’t shade Juri Commons park or the adjoining properties.

Thank you,

Jerald Bernal, owner  
373 - 377 San Jose Avenue  
San Francisco, 94110



**From:** [Christine Schilling](#)  
**To:** [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Chan, Deland \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Campbell, Cathleen \(CPC\)](#); [CPC-Commissions Secretary](#); [Jardines, Esmeralda \(CPC\)](#); [Winslow, David \(CPC\)](#); [Mandelman, Rafael \(BOS\)](#); [friendsofjuricommons@gmail.com](mailto:friendsofjuricommons@gmail.com)  
**Cc:** [Risley Sams](#)  
**Subject:** 350 San Jose Ave  
**Date:** Sunday, September 13, 2020 10:52:40 AM

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

9/2/20

Dear Planning Commissioners:

In reference to: 350 San Jose Avenue

My name is Christine Schilling and I am next to the easway of 350 San Jose Avenue. I was appalled to learn during the last Discretionary Review, that the Planning Commissioners received materials saying there was “no neighborhood opposition” to the 350 proposal. This is false as there were many members on the call in fact over 50 and we did not get to voice our opinion. In addition to the letters and made phone calls to Esmeralda Jardines and David Winslow voicing their opposition to the 350 plan, we are concerned that the proper processes and procedures within the county were not obeyed. We plan to look into this further.

According to UDAT meeting notes from 10/12/18, the Planning Department told the developer to reduce the height, depth and mass of their plan to be in line with Residential Design Guidelines, and to add open space on the property. These recommendations were in line with the concerns of neighbors. And legally, Juri Commons should not have any additional shadowing at all because it is an “exceptional” circumstance, (a public park).

Then the developers came back with an even bigger proposal, including a bunch of balconies that were “not recommended” by the Planning Department, and the bigger plan is approved, this does not prove to voice the concerns of the community at large.

We want a shorter, smaller, 2-story plan with 5’ setbacks on both the North and South side easements. This is extremely important to me because we live near the property line on the ground floor. Without these recommended setbacks, my privacy as a woman will be violated. My safety is my main concern when you allow them to take over our easement that

we have had for decades. This creates a security issue for myself and my family.

Please use your power to understand my voice as a female with a family who will have continued security issues from the approval of the project. Enforce your own recommendations and reduce the size and impact of this project.

Thank you,

Christine Schilling

340 San Jose Ave

[cschilling@gmail.com](mailto:cschilling@gmail.com)

**From:** [renay davis](#)  
**To:** [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Chan, Deland \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Campbell, Cathleen \(CPC\)](#); [CPC-Commissions Secretary](#); [Jardines, Esmeralda \(CPC\)](#); [Winslow, David \(CPC\)](#); [Mandelman, Rafael \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [friendsofjuricommons@gmail.com](#)  
**Subject:** 350 San Jose Avenue, S.F.  
**Date:** Thursday, August 27, 2020 12:07:05 PM

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

Dear Commissioners:

I am writing in opposition to the development at 350 San Jose Avenue. We do not need and cannot handle any more displacement of working class people from our City. And now is not the time for more luxury units when thousands of people are facing eviction because they've lost their jobs.

If the property must be developed, then it should be developed into units affordable to low income and working class residents of the neighborhood.

Be smart and compassionate. Buy the property from the owner if you must and build sensibly and thoughtfully.

Renay Davis  
3964 26th St, San Francisco, CA 94131



ELLIOTT ISENBERG, PH.D.

I am OPPOSED to the present plans for 350 San Jose Avenue:  
PLANNING DEPT LET-DOWN

To Whom It May Concern:

We who live in this neighborhood have been shocked to learn during the last Discretionary Review, that the Planning Commissioners received materials saying there was "no neighborhood opposition" to this project. Many of us wrote and phoned having faith that our concerns would be taken into consideration.

According to UDAT meeting notes from 10/12/18, the Planning Department told the developer to reduce the height, depth and mass of their plan to be in line with Residential Design Guidelines, and to add open space on the property. The recommendations were in line with the concerns of neighbors.

Then the developers came back with an even bigger proposal, including a bunch of balconies that were "not recommended" by the Planning Department, and to my amazement, it appears the bigger plans may have gotten approved. What happened??? Why did the Planning Department not enforce its own recommendations? Why do neighbors have to hire lawyers to get the Planning Department to do the job our property taxes pay them to do?

Please use your power and do the right thing. Enforce your own recommendations and reduce the size and impact of this project.

I often take walks in Juri Commons as my home for 41 years has been at 115 San Jose Avenue right down the same block. It appears that the enlarged plan will interfere with the sunlight in this one neighborhood park which is dear to my heart.

Thank you,



**Dr. Elliott Isenberg**  
Apt 4  
115 San Jose Ave  
San Francisco, CA 94110

• SAN FRANCISCO, CA 94114 • 415.695.0499

PSYCHOLOGIST • CALIFORNIA LICENSE #PSY 11202 • MARRIAGE & FAMILY THERAPIST • CALIFORNIA LICENSE #MFT 23639

**From:** [JAMES FAGLER](#)  
**To:** [Winslow, David \(CPC\)](#)  
**Subject:** 350 San Jose Avenue  
**Date:** Wednesday, February 26, 2020 8:51:04 AM

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

RE: 350 San Jose Avenue, 2017-01500390DRP

Mr. Winslow:

I am a long time owner (31 years) at 328 San Jose Avenue.

This memo is to express concerns regarding the proposed additions to 350 San Jose Avenue.

1. Since we have been at our home, this property has used its rear yard common open space as parking. Unless this was approved previously, this has been an unlawful use of common open space. The rear yard is completely paved over in concrete and holds 8-10 parking spaces.

The project is proposing to add eight (8) additional units to an existing four (4) unit building with a total of three (3) parking spaces provided. My concern is that in reality, eight additional units, with potential of eight additional cars for the new project, PLUS the 8-10 parking spaces lost due to the illegal rear yard parking being deleted, would potentially add 16-18 cars to our block, which, as typical in San Francisco, is typically currently completely filled with cars on both sides of the streets.

2. The increase of four (4) units to twelve (12) units makes this project the largest apartment building on the block, with the most impacts on the neighborhood.

Though I know that DCP does not necessarily encourage new parking in its projects, this is a quiet, fully residential block and the addition of potentially 16-18 cars to the block is untenable and the project sponsor should provide more parking on their site or reduce the scale of the project to mitigate the impact that the project will have on the neighborhood.

3. With the rear yard addition, the project, located south of its immediate neighbor, will cast significant shadows on a common, heavily used rear yard, blocking sunlight for the majority of the day. The rear yard currently enjoys direct access to sunlight.

Sincerely,

James Fagler



To the Planning Commission:

**SAN FRANCISCO NEED AFFORDABLE HOUSING!**

The new owners at 350 San Jose Avenue have already gotten rid of tenants and now they are planning to get rid of rental units right in the middle of the worst homeless crisis we've ever had in this city. Adding fancy condos will only contribute further to making this city unaffordable.

This oversized building would also degrade the quality of life for everyone who lives around and uses Juri Commons Park.

Please approve smaller and more affordable units only and save the rental units that are already there. Please keep things fair for the regular people who live in the neighborhood and not just for clueless, absentee owners.

Thank you,  
Roberto Romo

**From:** [Tehmina](#)  
**To:** [Moore, Kathrin \(CPC\)](#); [Chan, Deland \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Campbell, Cathleen \(CPC\)](#); [CPC-Commissions Secretary](#); [Jardines, Esmeralda \(CPC\)](#); [Winslow, David \(CPC\)](#); [Mandelman, Rafael \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [friendsofjuricommons@gmail.com](#); [Koppel, Joel \(CPC\)](#)  
**Subject:** Bad Plan for 350 San Jose Ave.  
**Date:** Tuesday, September 15, 2020 12:16:25 AM

---

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

Planning Commissioners and Staff:

I am a teacher at City College. I am distressed to learn that affordable housing is about to be destroyed to make way for more unaffordable housing in the Mission, and that the Planning Department was just going to let that happen. We have students at City College who live out of their cars, trying to better themselves so they make it in the city they were born in. Don't let the rich use our hometown as their playground. Please consider the *real* housing crisis – the needs of the people who already live and work here.

Thank you,

Tehmina Khan  
English Department Faculty  
City College of San Francisco

On 4/20/2018, Megan Calpin received the signed Affidavit of Mailing showing that the notification period of 14 days ended: 5/4/2018; reissue sent 5/3 and close of comment period is 5/17

Date Received	Name	Affiliation	Address	Phone	Email	Format	Comments and Concerns	Follow-up requested
4/23/2018	Patrick Freilinger	neighbor	361 San Jose Avenue		<a href="mailto:pfreilinger@gmail.com">pfreilinger@gmail.com</a>	phone call	Would like to receive any documents related to this case.	electronic copy of the plans and other documents concerning the project
4/23/2018	Marvis J Phillips	District 6 Community Planners	230 Eddy Street, #1206 San Francisco, CA 94102-6526	415-674-1935		Phone (voicemail)	Requesting hard copy of environmental clearance document Way out of style, greedy out of town money Impact the neighborhood would be immense Balconies will be hanging over the park 4th floor penthouse Third floor is out of character Doesn't fit the neighborhood, disrupt everything Outside money coming in to change the neighborhood Admitted they will make them into condos Park will lose open space and air	Send hard copy of ENV clearance document
4/24/2018	Jo Babcock	neighbor	374 San Jose Ave	415-509-7336	<a href="mailto:babcock.jo@gmail.com">babcock.jo@gmail.com</a>	Phone	A lot of us are very upset of how this would change the character of our neighborhood; it's being proposed by people who aren't from here at all. I'm really disturbed by how high they want to make it; the balconies facing the park; Noise levels and obnoxious use facing the park The other side faces the callers property A ton of windows facing a private yard It's really disturbing; way out of character We've have had a situation where someone set old christmas trees in Juri Commons Fire safety concerns They have four units and they are going to do 12 I don't know if they were putting in affordable housing, I would have a really different attitude towards it; it sounds like they are likely to condo-ize and it sounds like it is only going to be affordable to new residents who have a lot more money than existing residents Environmental concerns: there are four parking spaces for 12 units; parking is already really awful; school nearby; faculty of school parking in the area; people doing childcare; in favor of more parking being in provided; empty lot behind the property was rented out; more than six or seven spots provided.	Send hard copy of ENV clearance document
4/24/2018	Mary Catherine Costello	neighbor	374-378 B San Jose Ave	415-695-2911	<a href="mailto:kittycostello@earthlink.net">kittycostello@earthlink.net</a>	Phone	Concerns about windows facing into the park or overlooking their private backyards The building at 350-352 San Jose Ave is a 4 unit rent-controlled apartment building. The owner, 350 San Jose Ave LLC, who apparently acquired the building in November 2017, plans to do a horizontal and vertical addition so that this Mission district building in District 8 will have 8 new units for a total of 12 units. No planner for the project has yet been identified. The project will most likely involve tenant removal during construction. Please ensure that ALL environmental notices go to the occupants/tenants of all units. As soon as a planner is assigned to this project, please transmit this request to the planner. Issues regarding construction impacts on EXISTING TENANTS in the building must be clearly set out.	Send electronic copy of ENV clearance document
4/24/2018	Harry Louie	neighbor		415-642-9602		Phone		None
4/25/2018	Sue Hestor	lawyer, advocate	n/a	n/a	<a href="mailto:hestor@earthlink.net">hestor@earthlink.net</a>	email		Please ensure that ALL environmental notices go to the occupants/tenants of all units.
4/26/2018	Spike Kahn				< <a href="mailto:spikekahn@gmail.com">spikekahn@gmail.com</a> >;		copied on email from Sue Hestor	
4/27/2018	Peter Papadopoulos				< <a href="mailto:papadooloo@gmail.com">papadooloo@gmail.com</a> >;		Copied on email from Sue Hestor	
4/28/2018	Jennifer Fieber	SF Tenant's Union			< <a href="mailto:jennifer@sftu.org">jennifer@sftu.org</a> >		copied on email from Sue Hestor	
n/a	on behalf of the tenants of 350 San Jose Ave		350 San Jose Avenue	n/a	<a href="#">n/a</a>	mail	n/a	Ensure all environmental notices go the occupants/tenants of all units

4/27/2018 Andrew

neighbor

phone

Very concerned about a very negative impact on the environment, on the block and the neighborhood; zoning for moderate density; if they were to go for it with described, it would be beyond the density; this block cannot handle this impact; having this kind of increase in the population density;  
Juri Commons impact - terraces overlooking the park; peopel that have a pleasant walk through the park are going to have a mini soaring skyscraper overlooking  
This is luxury condos - this is just a pure greedy move to make money; they are going to be excavating and it will be nothing good  
These people are already unscrupulous neighbors - they have already done unpermitted welding  
Traffic on the street is unsafe - need stop signs at 25th and 26th street

n/a

8/24/20

Opposition to the proposed condo development at 350 San Jose Ave.

I live across the street from this proposed condo development. Recently it has come to my attention that many changes to the proposal have been made that would alter the neighborhood.

1. There are no low income apartments in this proposal only luxury condos.
2. The balconies attached to these condos facing Juri Commons would cut out light to the park and create more noise.

Juri Commons is a small neighborhood park that is used by everyone. It affords a quiet green space in a busy dense area. It is an important part of this neighborhood.

I want a smaller building at 350 San Jose Ave (with smaller units) that doesn't shadow the park and my neighbors.

Please consider my opposition,

Cherie Raciti  
365 San Jose Avenue  
San Francisco, CA 94110

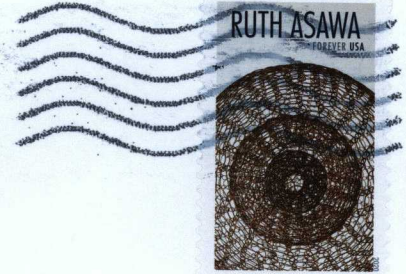




Cherie Raciti  
365 San Jose Ave  
San Francisco, CA 94110

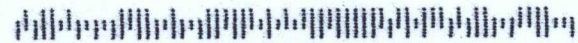
SAN FRANCISCO CA 940

26 AUG 2020 PM 2 L



David Winslow, Planner  
SF Planning Department  
1650 Mission Street; Suite 400  
San Francisco, CA 94103

94103-248000



8/5/20

Dear SF Planning Commission:

The plans for 350 San Jose are too big and will have a bad impact on Juri Commons and neighbors. In the Planning Department's own documents, they encouraged adding common open space for residents at 350 San Jose, and they instructed the developer, "...terraces or decks are not recommended." Now there are 9 balconies planned. Nine tiered balconies towering 40 feet over a park that's only 20 feet wide. Why spend \$1.7 million on renovating Juri Commons if you're going to allow one developer to ruin the sunlight and the whole inner-block ambiance? In the Juri Commons renovation plan scheduled for 2020, the children's play area will be right there by this development, so the condo owners at 350 San Jose would be staring down from their balconies at parents and kids playing. Creepy!

There are very few porches or balconies on the properties that face Juri Commons. When even one resident starts using that outside space regularly or in a thoughtless way, it disturbs the peace of the whole inner block. Even adding one balcony is an intrusion. Please don't allow this.

Best regards,

Allison Berliner  
377 San Jose Ave

## **Say No! to 350 San Jose Ave**

We need affordable housing in San Francisco. Taking away rental units and adding large, condos is only of benefit for the developer and makes the neighborhood and the city less and less affordable. How can you let the owner remove rental units when there's woefully little affordable housing in the city?

**This particular owner also owns a real estate company and is known as a bully. In this case, he is trying to force something on our neighborhood for his own profit. Please don't let that happen. If you stand in Juri Commons park and imagine his oversized monstrosity towering above our little park it's clear that it's just plain wrong. Stop the harm before it's starts.**

San Francisco is already one of the most densely populated cities in the country. **With so many people working from home during and after COVID19 we need to defend our public parks from real estate speculators. Why create elite residences, destroy rental units, and ruin this neighborhood's peace? For what? So there can be more homeless tents on our block?**

Please make 350 San Jose Ave smaller with studio sized (affordable) units.

Sincerely,

James Golden  
377 San Jose Ave  
SF, CA 94110

James Golden  
377 San Jose Avenue  
San Francisco, CA 94110

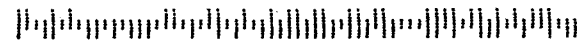
SAN FRANCISCO CA 941

21 AUG 2000 PM 2 L



David Winslow, Planner  
SF Planning Department  
1650 Mission Street; Suite 400  
San Francisco, CA 94103

94103-248000



August 17, 2020

My name is Janet Winderl live next door to Juri Commons Park.

I go the park almost every day when weather permits to relax and read.

The new building at 350 San Jose Ave. Is supposed to be 40 feet tall, & the park is only half that wide. How intrusive, especially since it blocks so much of the sun. Please do not approve the oversize plan. There are so many seniors in this neighborhood who rely on the park as our one place to sit and get some air and sun. The nearest green space is almost a mile away. Too far to walk for many of us. This construction plan would take away almost all of the sunshine in Juri Commons Park during the winter and much during the rest of the year. Please don't allow this selfish plan. Request something more modest and civil.

Sincerely yours,

*Janet Winderl*

Janet Winderl  
1377 Guerrero Street  
San Francisco



8/17/20

**NO BALCONIES**

Dear Commissioners,

My name is Martin Winderl have lived next to the Park ever since it was built, lived at 1377 Guerrero Street for 52 years.

Before the park the was going they were to build apartments on both ends of the park & parking in the middle of the park, Southern Pacific Railroad had offered to trade land to the properties there were adjacent the park area to square the back of the properties .

There were either five or seven properties that voted for or against he park, I was the deciding vote.

Through the years I have often thought that it wasn't a good decision. Both the police department & the Park Department have been unresponsive to the problems of the park. I have had many sleepless nights when I called the police which is many cases took twenty minutes to a half hour just to get through only to have no response. My children were afraid to us the park, and I was helpless for a solution.

I have had bottles hurled at my second story window and broke it, a Seven Up Bottle all the way on the roof, back door window broken twice, and bicycles stolen.

I have repaired the mural from graffiti untold times .

I have cleaned up untold times of graffiti on my property.

I can't even keep track of how many times I have called the Police for problems.

I have had two people arrested for graffiti in the Park.

I even had a tree from the Park department that would bang against my house in the wind which went on for years.

One time I got he neighbors adjoining the park to sign a petition to close the park at 10 PM and open it at 7 AM, only to have the dog walkers to get all their friends from across town sign it also even though they did not use the park or live near. The fence was to be six feet high. The Park Department did not want to open and close it, and wouldn't give us more than a three foot fence.

The neighbors who live adjoining the park get all noise and disturbances, bongos, the drinking, boom boxes that sometimes go one from 9:00 PM to 2- 3:00 AM and the people who close the bars who would come through the park & have to try the squeaky swings out on way to home after a half hour or so, yelling shouting and drinking. Sometimes we would have dog walkers exercising their dogs on the slide at midnight.

We have had people playing basket ball against he mural or soccer in the middle of the night.

Now that the Park is closed for renovations I can even hear the neighbor across the park at night from their back yard.

The park is a sound tube or channel, it not only carries sound it amplifies it., better than a sound box on a guitar. I can hear Fireworks at AT & T , Cal Train whittles sometimes, fireworks on Dolores Street sounds like Guerrero Street, fireworks & gun shot on Cap Street sound like San Jose Avenue.

I can hear the airplanes when the seasonal patterns change or when the airport is backup and they have to do fly by's .

I have painted the front of my place with a ladder, conversations of people talking across the street are like right under you or on cell phone sound like they are under you.

The park is like channel for the wind and sound when the weather conditions are right, shrouded on both sides by trees which are now forty feet high and unkept for years, not only depriving the local property owners of sun but enhancing amplifying the sound disturbance.

When I would call the police they would ask me which end are they, when I couldn't see them I didn't know.

I grow a garden or try and each year I have to move the plot so I get some sun, the trees are so tall & no maintenance these balconies and the height would add to the solitude of sleep, & creates shadows for back yard and garden along with the park.

I have a patio on the street side & it's so noisy and windy I don't use it. This is because the planners have made Guerrero Street a Thorough Fare Street and not a residential street, since the 1989 Earthquake temporary but never changed it back, motorcycles are really loud and annoying, and we have a parking lot weekdays and evening during commute hours.

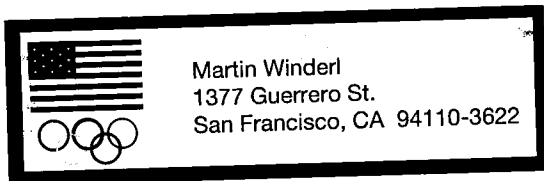
I urge you to take into account of the the local people and those that the property abuts and a affects of their quality of life.

I also urge you to put more weight on your decision to the local people it affects, rather than people across the town or who don't have to live with the consequences.

Please consider the people who have to live with these decisions.

Thank you,  
Martin Winderl  
1377 Guerrero Street  
415-8240812

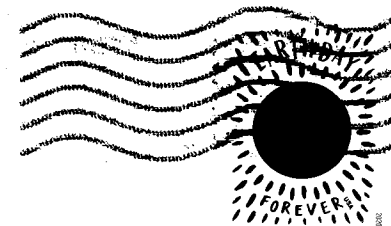




Martin Winderl  
1377 Guerrero St.  
San Francisco, CA 94110-3622

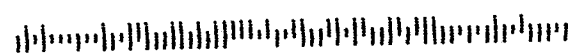
SAN FRANCISCO CA 940

22 AUG 2020 PM 5 L



David Winslow, Planner  
SF Planning Department  
1650 Mission Street; Suite 400  
San Francisco, CA 94103

94103-248000



**From:** [mahin Charles](#)  
**To:** [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Chan, Deland \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Campbell, Cathleen \(CPC\)](#); [CPC-Commissions Secretary](#); [Jardines, Esmeralda \(CPC\)](#); [Winslow, David \(CPC\)](#); [Mandelman, Rafael \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [friendsofjuricommons@gmail.com](mailto:friendsofjuricommons@gmail.com)  
**Subject:** Destruction of our neighborhood  
**Date:** Thursday, August 20, 2020 10:57:29 AM

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

Dear Planning Commissioners and Staff,

I am a landlord in a rent-controlled, owner-occupied building a few blocks away from 350 San Jose Avenue. I am incensed that you are rewarding an owner who has displaced tenants and wants to destroy affordable rent-controlled units so they can build high-end condos. The city's good intention to encourage added housing is being coopted by developers like these, and I don't understand why the rules that apply to the rest of us don't apply to this owner. It certainly gives the appearance of cronyism at work.

Building condos for gentrifiers does the opposite of providing affordable housing. The callousness of absentee owners like this one only contributes to there being more and more homeless tents outside of fancy monster buildings in our neighborhood. Don't tell me, "Your property values will go up." I would donate all of that back in a heartbeat if I could get back a San Francisco that still had its soul intact. Take down the for sale sign off our city. Rewarding notorious and greedy developers like this is not the way to solve our housing problem.

**STOP THIS DESTRUCTION OF AFFORDABLE HOUSING!**

Respectfully,

Mahin Charles- Long term home owner in Mission District

**From:** [Jardines, Esmeralda \(CPC\)](#)  
**To:** [Winslow, David \(CPC\)](#)  
**Subject:** Fw: Proposed monstrosity / 350-352 San Jose Ave / building permit application no #2018.0403.5430  
**Date:** Monday, June 08, 2020 11:00:29 AM

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Hi Winslow,

I'm going to start forwarding you public feedback on 350-352 San Jose Avenue.

**Esmeralda Jardines, Senior Planner**  
**Office of Executive Programs**  
San Francisco Planning Department  
1650 Mission Street, Suite 400 San Francisco, CA 94103  
Direct: 415.575.9144 | [www.sfplanning.org](http://www.sfplanning.org)  
[San Francisco Property Information Map](#)

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

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**From:** salty fog <saltyfog@gmail.com>  
**Sent:** Monday, June 8, 2020 10:58 AM  
**To:** friendsofjuricommons@gmail.com <friendsofjuricommons@gmail.com>  
**Cc:** Jardines, Esmeralda (CPC) <esmeralda.jardines@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Koppel, Joel (CPC) <joel.koppel@sfgov.org>  
**Subject:** Proposed monstrosity / 350-352 San Jose Ave / building permit application no #2018.0403.5430

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

Dear Kitty Costello

Thank-you for your letter regarding the proposed building. I previously called and provided my feedback / input against the proposed construction.

I hope the planning commission doesn't use the Covid shelter in place to railroad the neighborhood residents with this project, or steam-roll over our objections to this monstrosity.

I am against this project in its current form. Noted problems with project are many, including:

- Too large of a building proposed,
- too many units, too many stories,
- Excessively disruptive to neighborhood peace and quiet
- traffic / congestion / safety
- inadequate street-parking,
- affecting quality of Juri Commons mini park,



- adversely affecting the neighborhood culture,
- inadequate affordable housing,
- excessive construction and demolition in the neighborhood impacting quality of life of current residents.
- Presence of large number of porta potties required for construction
- Empty building and construction plus porta-potties increases vagrants presence
- construction is not essential and disrupts shelter in place
- Building is only to maximize owner developer profits
- New units are built for higher income owners or tenants that will adversely change and gentrify the neighborhood
- Height would block sun to Juri commons mini park
- Height would be visually oppressive
- Size of proposed building is totally out of sync with size of other buildings on the same block

Regards,

Blake Rogers  
333A San Jose Ave  
SF, CA 94110

**From:** [MaryBeth Paul](#)  
**To:** [Winslow, David \(CPC\)](#)  
**Subject:** Fwd: Juri Commons Park  
**Date:** Wednesday, August 19, 2020 6:30:51 AM

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Sent from my iPhone

Begin forwarded message:

**From:** MaryBeth Paul <mary.beth.paul@att.net>  
**Date:** August 19, 2020 at 6:07:33 AM PDT  
**To:** joel.koppel@sfgov.org  
**Subject:** Juri Commons Park

8.19.20

SF Planning Department & Commissioners

Re: 2017-01500390DRP

Walnut Creek ?

The building proposal for  
350 San Jose Avenue belongs in Walnut Creek, California, not the Mission  
District of San Francisco.

My friends and associates would never be able to afford the large square footage  
units proposed by builder, SIA. I also heard that SIA has a history of removing  
rental units from the SF market. Isn't that illegal?

I want a smaller plan that doesn't tower over Juri Commons Park and the  
properties next door. Please don't block our sunshine, open space and fresh air!

The SF Planning Department should encourage plans that include rental units and  
smaller,  
500 sq. ft., moderately priced condos.

Please consider these facts.

Mary Beth Paul  
mary.beth.paul@att.net

Sent from my iPhone

**From:** [Brian Seitz](#)  
**To:** [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Chan, Deland \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Campbell, Cathleen \(CPC\)](#); [CPC-Commissions Secretary](#); [Jardines, Esmeralda \(CPC\)](#); [Winslow, David \(CPC\)](#); [Mandelman, Rafael \(BOS\)](#); [friendsofjuricommons@gmail.com](mailto:friendsofjuricommons@gmail.com)  
**Subject:** I am opposed to 350-52 San Jose Avenue, San Francisco, 94110  
**Date:** Wednesday, September 02, 2020 8:06:34 AM

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

Dear Planning Commissioners  
& SF Planning Board:

As I understand it: Juri Commons park was established in 1976 by the SF Park & Rec Department to protect a narrow strip of old railroad land from any future development. This all happened after neighbors and City politicians had the wisdom to clean up the derelict property and transform it into an enjoyable community space. As an official public park the property gained special protection status as an “exceptional” area not to be disturbed.

Fast forward 45 years, now a money hungry realtor wants to build an oversized, luxury condo building next to the park. His proposal would shadow and ruin the center portion of Juri Commons where visitors enjoy sitting in the sunshine. The current plan for 350 San Jose is too large!

I want a smaller, shorter building with ample “setbacks” on all sides!

Revise the building plan for 350-52 San Jose Ave and make the units smaller.

Respectfully,

Professor, Brian Seitz  
[seitz.brian@gmail.com](mailto:seitz.brian@gmail.com)

3/9/20

David Winslow, planner  
SF Planning Dept  
1650 Mission St; Suite #400  
San Francisco, CA 94103

Dear David Winslow and SF Planning Dept.

re: Case No: 2017-015039DRP  
350-52 San Jose Avenue

**70 foot rear extension & 15 foot front extension?** That's CRAZY! 2019 plan re: **40' extension** was already too big! The new proposal is 3x larger and out of character with our neighborhood. We need affordable housing, NOT luxury condos towering over our yards and Juri Commons Park!

The back yard at 350-52 San Jose needs to stay unchanged as open, healthy, yard space. A large, 3-story building extending 70' further back into the rear yard would block views from the park, cast long shadows, lessen the quality of life in our neighborhood, surrounding properties and it's a violation of the open space/yard rules. Leave the back yard unchanged!

\*What happened to the 4 rent controlled apartments at 350-52 San Jose Ave?

\*Where are the "low income" units in their proposal? (10% per every ten units)

**New Plan - Extend old building forward (only) and add affordable housing!**

Jo Babcock  
374 San Jose Avenue  
SF, CA94110

**From:** [Dan Ake](#)  
**To:** [Winslow, David \(CPC\)](#)  
**Subject:** Juri Commons  
**Date:** Wednesday, September 02, 2020 7:46:41 AM

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

9/2/20

re: 350 San Jose Ave, SF building proposal

Why is it suddenly okay for one owner to drastically alter the visual and sound space and to build condos that look down on neighbors and a public park?

Those of us whose residences face the inner block area and Juri Commons have shared this visual and sound space with a lot of consideration. The new owner is clueless about the civility we have here. Please see this invasive plan for what it is... a co-opting of mutually shared space. It's called Juri Commons for a reason.

No one is saying they can't build something, but make it fit in with our established Inner-Block Open Space and Juri Commons.

Please protect our neighborhood & public park,

Dan Ake  
San Francisco



San Francisco Planning Commissioners:

re: 350 San Jose Avenue

My name is Elisabeth and I live at 376 San Jose Avenue. There's been a lot of opposition to the proposal for 350 San Jose, but the Planning Dept has not listened to our neighborhood. We've actively opposed the plan for the past 2 years.

We know they're going to build something at the 350 site, but as our spokesman, Stephen Williams pointed out; "their current proposal would negatively impact a lot of people and all the adjoining properties".

Juri Commons is a JEWEL.

**\*We have to Minimize the impact on Juri Commons Park.**

After viewing the Shadow Study, if you stand in that section of the park & visualize the loss - it's severe. 15% of the sunlight. And the loss would be forever!

**\*A smaller building would keep the backyard open, reduce impact on the park and less impact on all the neighbors.**

**\*Keep the rent controlled apartments and make them build new ones. We can't afford to lose rental units! We don't need luxury condos in the Mission. There's a glut of those.**

**\*Reduce the number of intrusive windows. Build lightwells.**

Eliminate the balconies & decks. In a dense neighborhood, balconies are obtrusive & noisy!

**\*"Let's be frank". The owner who bought the building 2 years ago is James Nunemacher a.k.a. Vanguard Real Estate. He's a speculator and also known for trying to get rid of rent controlled apartments in SF.**

Please consider these facts!

Elisabeth Krainer  
376 San Jose Avenue  
San Francisco, CA 94110



ELLIOTT ISENBERG, PH.D.

I am OPPOSED to the present plans for 350 San Jose Avenue:  
**PLANNING DEPT LET-DOWN**

To Whom It May Concern:

We who live in this neighborhood have been shocked to learn during the last Discretionary Review, that the Planning Commissioners received materials saying there was "no neighborhood opposition" to this project. Many of us wrote and phoned having faith that our concerns would be taken into consideration.

According to UDAT meeting notes from 10/12/18, the Planning Department told the developer to reduce the height, depth and mass of their plan to be in line with Residential Design Guidelines, and to add open space on the property. The recommendations were in line with the concerns of neighbors.

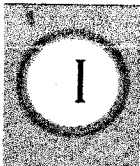
Then the developers came back with an even bigger proposal, including a bunch of balconies that were "not recommended" by the Planning Department, and to my amazement, it appears the bigger plans may have gotten approved. What happened??? Why did the Planning Department not enforce its own recommendations? Why do neighbors have to hire lawyers to get the Planning Department to do the job our property taxes pay them to do?

Please use your power and do the right thing. Enforce your own recommendations and reduce the size and impact of this project.

I often take walks in Juri Commons as my home for 41 years has been at 115 San Jose Avenue right down the same block. It appears that the enlarged plan will interfere with the sunlight in this one neighborhood park which is dear to my heart.

Thank you,

*Elliott Isenberg*



Dr. Elliott Isenberg  
Apt 4  
115 San Jose Ave  
San Francisco, CA 94110

• SAN FRANCISCO, CA 94114 • 415.695.0499

PSYCHOLOGIST • CALIFORNIA LICENSE #PSY 11202 • MARRIAGE & FAMILY THERAPIST • CALIFORNIA LICENSE #MFT 23639

## **No to 350 San Jose!**

to: The Planning Dept of San Francisco:

The SF Planning Department is supposed to protect our neighborhoods, correct? But instead of protecting “the people of San Francisco” the department seems to be favoring the interests of Real Estate companies and **millionaire investors**.

The building proposal for 350 San Jose Avenue should have never gotten this far!

The proposal is too big for our street. The oversized building would shadow 15% of Juri Commons Park, block the Mid-Block Open Space and deny all sunlight to the property directly north and next door (330-340 San Jose).

The new owners of 350-52 San Jose are the speculators; Nunemacher & Cassidy. They bought the property two years ago for \$2.1 million and hope to pocket \$10 million quickly. These two have an infamous history **here in San Francisco. They favor luxury sized condos over “affordable housing”**. They seem to be trying to exploit our neighborhood for their own \$\$ profit.

Nunemacher has made public statements regarding his goal to eliminate rental housing in San Francisco. In the case of 350 San Jose, they’re trying to eliminate the 4 original rental units and replace them with large, more lucrative condos. SIA (their front company) has tried to navigate around all city laws and ordinances regarding the size of the building, setbacks, massing, rent control laws, and public relations.

**I want a smaller building with all rental units.**

**Protect Juri Park & SF Housing Laws!**

*Sincerely,*

Isabelle Diamond  
376 San Jose Ave  
SF, CA 94110

8/19/20

The current project plan re: 350 San Jose Avenue is all wrong. It's oversized, greedy and would negatively impact our neighborhood.

Dear SF Planning Commissioners:

Please protect Juri Commons Park and our Mission District neighborhood.

The new owner/investor at 350 San Jose only seems interested in making money and destroying our park & community. Please don't let this happen. Reject SIA's oversized plan. Make the new building smaller with affordable units (not so tall).

We enjoy the open park space, the sunlight and often sit out on the green benches near the park's central area. We don't want to see (or hear) rich people on condo decks looking down on us. That would spoil the park.

Please, don't let them cut-off any of the sunlight or air to Juri Commons Park!

Thank you,

Tanya Bashaw  
1043 Valencia St; Apt-B  
San Francisco, CA 94110  
tbashaw@gmail.com

**From:** [lotus@ionix.net](mailto:lotus@ionix.net)  
**To:** [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Chan, Deland \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Campbell, Cathleen \(CPC\)](#); [CPC-Commissions Secretary](#); [Jardines, Esmeralda \(CPC\)](#); [Winslow, David \(CPC\)](#); [Mandelman, Rafael \(BOS\)](#); [friendsofjuricommons@gmail.com](mailto:friendsofjuricommons@gmail.com)  
**Subject:** letter of opposition  
**Date:** Friday, August 28, 2020 11:14:57 AM

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

8/25/20

Dear SF Planning Commissioners:

Please don't allow the new owner of 350 San Jose Ave to wreck Juri Commons Park!

REJECT their greedy plan! We don't want luxury condos in the Mission District!  
The current proposal is too large, misconceived, and upper-class. The new owner and his architect don't seem to have any respect for our community or Juri Commons park. Vote NO on 350 San Jose!

- # Make the plan smaller with smaller sized, individual units.
- # Build new rental units and keep the four, original rental apartments.
- # Don't shade any part of Juri Commons. It's a PUBLIC park.

Thank you for your service,

Jon Zax  
[lotus@ionix.net](mailto:lotus@ionix.net)

**From:** [Helen Jones](#)  
**To:** [oel.koppel@sfgov.org](mailto:oel.koppel@sfgov.org); [Moore, Kathrin \(CPC\)](#); [Chan, Deland \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Campbell, Cathleen \(CPC\)](#); [CPC-Commissions Secretary](#); [Jardines, Esmeralda \(CPC\)](#); [Winslow, David \(CPC\)](#); [Mandelman, Rafael \(BOS\)](#); [friendsofjuricommons@gmail.com](mailto:friendsofjuricommons@gmail.com)  
**Subject:** Make it smaller.  
**Date:** Monday, September 14, 2020 8:13:09 AM

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

Dear Planning Commissioners:

re: Case No: 2017-015039DRP  
[350-52 San Jose Avenue](#)

What happened to the 4 rent controlled apartments at [350-52 San Jose Ave](#)?  
Where are the “low income” units in their proposal?

A seventy foot rear extension, plus a fifteen foot front extension? The builder’s LUXURY proposal is [3x larger than other buildings on our street](#). We need affordable housing, NOT luxury condos towering over our yards and Juri Commons park!

The back yard at 350-52 San Jose needs to stay unchanged as open, healthy, yard space. A large, 3-story building (120’ long) would block views from the park, cast shadows, lessen the quality of life in our neighborhood, surrounding properties and it is a violation of the open space/yard rules.

I want a smaller, 2-story building with affordable housing!

Alan Bretz  
[alandhell@gmail.com](mailto:alandhell@gmail.com)



**From:** [Sally](#)  
**To:** [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Chan, Deland \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Campbell, Cathleen \(CPC\)](#); [CPC-Commissions Secretary](#); [Jardines, Esmeralda \(CPC\)](#); [Winslow, David \(CPC\)](#); [Mandelman, Rafael \(BOS\)](#); [friendsofjuricommons@gmail.com](mailto:friendsofjuricommons@gmail.com); [MandelmanStaff, \[BOS\]](#)  
**Subject:** Opposing 350 San Jose Avenue Plan  
**Date:** Tuesday, August 25, 2020 10:06:12 AM

---

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## Opposing 350 San Jose Avenue Plan

To the Planning Commissioners and Staff and Supervisor Mandelman:

Please do not let this owner/builder tear down rent-controlled units to build condos. Tenants have already been displaced at this property, and the oversized luxury condo proposal would just add further to the outrageous price increases that are making our city into a playground for the wealthy and more unaffordable for the people who already live and work here. There has to be a better way than this to add new housing.

The plan is out of touch with the community. This is a jewel of a block in the hectic Mission that gives a welcome feeling of refuge, especially because of Juri Commons Park which provides a place for reflection and recreation. Please do not let them build something that overshadows this precious park and the buildings around it. Please make it something smaller that fits in this neighborhood and offers some benefit to the community instead of intruding on everyone's shared space.

Sally Northcutt

SF Resident since 1981

Longtime SF Voter

**From:** [Noam Szoke](#)  
**To:** [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Chan, Deland \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Campbell, Cathleen \(CPC\)](#); [CPC-Commissions Secretary](#); [Jardines, Esmeralda \(CPC\)](#); [Winslow, David \(CPC\)](#); [Mandelman, Rafael \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [friendsofjuricommons@gmail.com](mailto:friendsofjuricommons@gmail.com)  
**Subject:** Opposition to Proposed Construction at 350 San Jose Ave  
**Date:** Sunday, August 30, 2020 12:43:50 PM

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Dear Commissioners,

I am a math specialist for SFUSD and a long-time renter living near this proposed development. This plan proposes to get rid of rental units and put in multiple huge condos. The city has been in such a rush to add housing, but I have to ask myself who it's for. I can't afford to move into a place like that, and neither can any other school district teacher or any of the kids and families I work with who live in this neighborhood. Also, these condos would dominate Juri Commons because of their size and because of the plan to have multiple balconies facing the park. There are so few open spaces we can go in the Mission to relax outside, and the proposal as it is would take away from everyone's enjoyment of the park.

This plan chips away at affordability by removing rental units, and it would have a negative impact on a really nice little park where there's no other green space near by. I hope you'll get them to build something smaller and affordable.

Thank you for your consideration,

Noam Szoke  
25<sup>th</sup> & Shotwell, SF

**From:** [chris\\_roche](mailto:chris_roche)  
**To:** [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Chan, Deland \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Campbell, Cathleen \(CPC\)](#); [CPC-Commissions Secretary](#); [Jardines, Esmeralda \(CPC\)](#); [Winslow, David \(CPC\)](#); [Mandelman, Rafael \(BOS\)](#); [friendsofjuricommons@gmail.com](mailto:friendsofjuricommons@gmail.com)  
**Subject:** Opposition to Proposed Development at 350-352 San Jose Avenue in S.F.  
**Date:** Wednesday, September 16, 2020 12:09:21 PM

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9/14/20

San Francisco Planning Commission:

Everything about the proposed demolition and expansion of 350-352 San Jose Avenue is tone-deaf to the property and to our neighborhood. The project needs to be reduced in size and impact!

Regarding the historic nature of the 350 building, the main reason it is historically interesting is because of the passageway that goes under the building from the front to the back, which, according to tenants who used to live here, was originally used for horse and buggy to park out back. They plan to demolish everything but the façade, then move the façade forward, filling in with a basement underneath, which would remove the most important historic aspect.

Having a huge new building overshadowing the Juri Commons park will make it so that the condo owners are literally looking down on the rest of us who live here and use the park for relaxation. There is no other green space for neighbors to take a break and get a moment of sun and quiet in this area. Why should one building be able to ruin everyone else's refuge? This oversized proposal would permanently damage the environment we have worked to maintain in a neighborly way.

Reject 350-352 San Jose Ave.  
Sincerely,

Chris Roche  
[rochephto@gmail.com](mailto:rochephto@gmail.com)

**From:** [Kitty Costello](#)  
**To:** [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Chan, Deland \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Campbell, Cathleen \(CPC\)](#); [CPC-Commissions Secretary](#); [Jardines, Esmeralda \(CPC\)](#); [Winslow, David \(CPC\)](#); [Mandelman, Rafael \(BOS\)](#); [friendsofjuricommons@gmail.com](mailto:friendsofjuricommons@gmail.com)  
**Subject:** Opposition to proposed expansion at 350 San Jose Avenue  
**Date:** Tuesday, August 18, 2020 8:26:41 AM

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Dear Planning Department Commission and Staff and Supervisor Mandelman,

I have owned and lived at the property immediately south of 350 San Jose Ave since 1994. I am a retired SF city employee. I worked for over 30 years for the SF Public Library, frequently helping city residents to maneuver their way around the maze of city departments and documents.

I am alarmed by the way this approval process has gone and by the nasty impact this proposed development would have on Juri Commons and this entire inner-block area, creating a visual, sound and privacy nuisance. I was especially distressed to learn that in preparation for the last Discretionary Review, the Planning Commission received materials claiming there is no neighborhood opposition to this project. Many neighbors have called and written, including me. How did our voices and concerns get erased?

After taking our input in 2018 and reviewing the proposal, the Planning Department instructed the developer to reduce the height, depth and mass of this project because it didn't comply with the Residential Design Guidelines. They also stated a requirement for open space on the property, and that "terraces and decks are not recommended" for creating open space. (See UDAT meeting notes 10/12/18.) The developer resubmitted plans that were even bigger, with 9 tiered balconies dominating and overshadowing Juri Commons. Plus, the new proposal misrepresented or omitted the impact on adjoining properties and was missing required views. For instance, there was no view showing the side of the building that will face my property, so there was no way to evaluate the impact this 4-story structure might have on my one-story bungalow next door.

How did the Planning Department turn around and approve this bigger proposal when it went against its own recommendations? And why am I and my neighbors forced to spend tens of thousands of dollars on DRs and lawyer fees to get the Planning Department to follow through on its own recommendations, or even to assure it has received the documents required to properly evaluate the project?

Not to mention the underhanded way the developer is trying to get rid of affordable rental units and replace them with luxury condos. Isn't that illegal?

This monstrosity will cast an enormous shadow on Juri Commons, the only recreation spot around here for almost a mile radius. Putting in any balconies facing Juri Commons will be an enormous visual and noise nuisance for the whole inner block. There are hardly any balconies in this inner-block space, and when even one person starts being loud or inconsiderate out there, it is a horrible disturbance to everyone's peace. And you want to let them put in 9 balconies? It's outrageous.

The building and balconies would tower over Juri Commons which is currently being renovated (\$1.7 million worth of renovations), and as proposed, the residents at 350 San Jose would be staring directly down from their balconies onto the newly installed children's play area. What an intrusive set-up for parents and kids who use the park. No one else's property intrudes on the shared inner-block space, peace and privacy like this proposed expansion would. **Please adhere to your own staff's recommendations. Scale this thing way down. Keep rental units. And get rid of those balconies!**  
Thank you.

Sincerely,  
Catherine Costello  
374 San Jose Ave.

OPPOSED to 70' Rear Extension at 350-52 San Jose Avenue, SF, CA 94110

	print name	address	signature	contact
1	Jo Babcock	owner: 378-B San Jose Ave.		babcock.jo@gmail.com
2	Kitty Costello	owner: 374 San Jose Ave.		// //
3	Carlo Camozzi	owner: 330 San Jose Ave		carlocamozzi@me.com
4	Tom Willis	owner: 332 San Jose Ave		415-860-1145
5	Minh Trinh	owner: 334 San Jose Ave		minh.trinh@gmail.com
6	Risley	owner: 336 San Jose Ave		415-244-1670
7	Andrew Leitchman	338 San Jose Ave		alrgjoey@gmail.com
8	Robin	338 San Jose Ave		alrgjoey@gmail.com
9	Cheri Raciti	owner: 365 San Jose Ave owner:		cherieraciti@spcgldbal.net
10	Harry Louie	367 (rear) San Jose Ave		415-
11	Yolanda Lopez	380 San Jose Ave #4		415-
12	Edmund Green	380 San Jose Ave #4		415-
13	Dave Schweisguth	owner: 392 San Jose Ave		dave@schweisguth.org
14	Penny Schweisguth	owner: 392 San Jose Ave		// //
15	James Golden	373 San Jose Ave		267-625-5460
16	Alysan Berliner	373 San Jose Ave		-- --
17	Jenny Bernal	owner: 371-385 San Jose Ave		
18	Marnie	383-A San Jose Ave		
19	Mr. Martin Windel	owner: 1375 Guerrero St.		
20	Mrs. Martin Windel	owner: 1375 Guerrero St.		
21	Donelle Malnik	250 San Jose Ave		hairandheavymetal@gmail.com



**From:** [Risley Sams](#)  
**To:** [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Chan, Deland \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Campbell, Cathleen \(CPC\)](#); [CPC-Commissions Secretary](#); [Jardines, Esmeralda \(CPC\)](#); [Winslow, David \(CPC\)](#); [Mandelman, Rafael \(BOS\)](#); [friendsofjuricommons@gmail.com](mailto:friendsofjuricommons@gmail.com)  
**Subject:** Proposed 350 San Jose Project  
**Date:** Saturday, September 12, 2020 6:07:53 AM  
**Attachments:** [opposition 350 San Jose Letter-R Sams.docx](#)

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September 12, 2020

Re: Opposition to proposed 350 San Jose Avenue project

Dear Planning Commissioners:

My name is Risley Sams, I live with Christine Schilling at 340 San Jose Avenue who sent you a letter earlier, voicing her strong opposition to this monstrosity of a project. I too live on the bottom floor of 340 San Jose Ave right next to the easement that runs between my building and 350 San Jose Avenue. I too was appalled to learn during the last Discretionary Review, that the Planning Commissioners received materials saying there was “no neighborhood opposition” to the 350 proposal. This is false as there were many members on the call that day, myself included. My name is on the original DR filed opposing this project and I stand fervently against this project along with numerous other neighborhood constituents.

In addition to the letters and made phone calls to Esmeralda Jardines and David Winslow voicing their opposition to the 350 plan; we are concerned that the proper processes and procedures within the county were not obeyed. We demand that you look into this issue further and we had to hire an attorney to represent many of us affected by this project to protect us from the planning department’s procedural failures in this project.

According to UDAT meeting notes from 10/12/18, the Planning Department told the developer to reduce the height, depth, and mass of the developer’s plan to be in line with Residential Design Guidelines, and to add open space on the property. These recommendations were in line with the concerns of neighbors. And legally, Juri Commons should not have any additional shadowing at all because it is an “exceptional” circumstance, (a public park).

Then the developers came back with an **even larger** proposal, including a bunch of balconies that were “not recommended” by the Planning Department, and the bigger plan was approved! The temerity displayed by the developers in this move not only shows that they do not respect their community neighbors but the Planning Department as well. Obviously, the community at large was neglected in this decision and we cannot believe the project was allowed to move forward in the process.

As the closest neighbor to the project living with my Fiancée, we want a shorter, smaller, 2-story plan with 5’ setbacks on both the North and South side easements. This is extremely

important to me because we live near the property line on the ground floor which shares the easement and the plans call for an entrance door directly across from our bedroom window! Without these recommended setbacks, our privacy is dramatically affected. Furthermore, strange people will be using our front steps and easement as an entryway to their units which poses a serious safety issue. Safety is my main concern when you allow them to take over our easement that we have had for decades this creates a security issue for myself and my family.

Furthermore, our backyard which runs along Juri Commons that enjoys lovely afternoon sunshine will be completely shadowed by this project. It will ruin the sun that comes into my kitchen and alter the quality of life we enjoy.

We ask you to enforce your own recommendations and reduce the size and impact of this project. I have lived in my place at 340 San Jose Avenue for nearly 14 years and it is home for me. This project next door if it proceeds as planned will radically alter that.

Thank you,

**Risley Sams**

Risley Sams  
340 San Jose Ave  
[risleysams@gmail.com](mailto:risleysams@gmail.com)

**From:** [Elaine Elinson](#)  
**To:** [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Chan, Deland \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Campbell, Cathleen \(CPC\)](#); [CPC-Commissions Secretary](#); [Jardines, Esmeralda \(CPC\)](#); [Winslow, David \(CPC\)](#); [Mandelman, Rafael \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [friendsofjuricommons@gmail.com](mailto:friendsofjuricommons@gmail.com)  
**Subject:** Proposed condo adjacent to Juri Commons  
**Date:** Tuesday, September 15, 2020 12:42:11 PM

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Dear Planning Commission Members and Staff:

As a Bernal Heights neighbor who often enjoys walking and resting in the park of Juri Commons, I am writing to ask you to reject the proposed condo building that would intrude so rudely on tiny Juri Commons, a special place that so many families, kids and seniors count on for sun and relaxation.

This plan for condos at 350 San Jose is all wrong for our community. It is wrong to take away rental units and to build 100% non-affordable housing when we are suffering an affordable housing crisis in our city, and so many renters are being displaced.

It's also wrong to build something that shadows everyone else's places and shared space.

I ask that you do not approve this oversized, inconsiderate plan. Approve something that benefits the neighborhood rather than harming it.

Thank you.

Elaine Elinson  
100 Winfield Street  
San Francisco, CA 94110

**From:** [Daniel Gill](#)  
**To:** [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Chan, Deland \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Campbell, Cathleen \(CPC\)](#); [CPC-Commissions Secretary](#); [Jardines, Esmeralda \(CPC\)](#); [Winslow, David \(CPC\)](#); [Mandelman, Rafael \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [friendsofjuricommons@gmail.com](mailto:friendsofjuricommons@gmail.com)  
**Subject:** Protect Juri Commons  
**Date:** Tuesday, September 08, 2020 1:30:20 PM

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Hello,

I am writing to request that you please help to protect Juri Commons and its neighbors. Don't approve the development proposal for 350-352 San Jose Ave. the way it is. The whole thing is out of touch with our new reality and the huge exodus from San Francisco that's been going on since COVID. Many indicators say that for tech companies, the shift to remote working will be permanent and is drastically reducing the need for SF housing. The bubble this builder was trying to cash in on has already burst. Don't let a cool neighborhood get trashed by letting them build something that overshadows everything else, especially when it is a foolish plan for these times and only takes from the community without giving anything back. This neighborhood needs your protection from this oversized, upscale intrusion. People here are already going through enough without this.

Thank you,  
Daniel Gill  
947 Wisconsin St., Apt 2  
San Francisco, CA 94107

**From:** [Robin Germain](#)  
**To:** [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Chan, Deland \(CPC\)](#); [Fung, Frank \(CPC\)](#)  
**Cc:** [Campbell, Cathleen \(CPC\)](#); [CPC-Commissions Secretary](#); [esmeralda.jardenes@sfgov.org](mailto:esmeralda.jardenes@sfgov.org); [Winslow, David \(CPC\)](#); [Mandelman, Rafael \(BOS\)](#); [friendsofjuricommons@gmail.com](mailto:friendsofjuricommons@gmail.com)  
**Subject:** Re: Mini Monster in the Mission  
**Date:** Saturday, August 22, 2020 11:04:38 AM

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

I am writing to you to express my very real dismay in regards to the massive development project planned for 350-352 San Jose Ave. I live in this neighborhood, and have for some years. This street is residential, quiet, and boasts one of the few natural green spaces in the Mission, Juri Commons. I am alarmed that more luxury housing is going to be built, in view of the extreme saturation of totally unaffordable apartments continuing to spring up throughout the Mission and Noe Valley. On our street alone I can count about a dozen empty apartments, or apartments that are being used for short-term rentals, corporate housing, or Airbnb, which do not provide any needed housing for SF residents. The fact that another for-profit, luxury development is being pushed through is wrong, catering to excessive Greed on the part of the developers. This project is huge; originally a modest 4 unit historic building, 8 additional units are to be built, complete with a luxury penthouse, all cramped into a tiny space. Please consider the already overwhelming density of our neighborhood. As we have now entered this new era of the Covid-19 pandemic, where social distancing is the new normal, overcrowding for profit is not a reasonable nor desirable option. We must prioritize the greater needs of public health.

Further, this giant structure will dominate over the Juri Commons park and nearby apartments, creating shadow, blocking sunlight and air, adding noise & congestion to an already overly densely populated residential area. The spirit of Juri Commons, which has been to provide the neighborhood with an accessible, picturesque, walk through green space would be completely subjugated by this overwhelming, massive structure. There will be years of dust, dirt, noise, & debris that will occur during demolition and then later construction. I urge you to advocate for the health and safety of the residents of this neighborhood & put a stop to this ridiculous project.

Sincerely, Robin E. Germain

**From:** [Isabel Diamond](#)  
**To:** [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Chan, Deland \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Campbell, Cathleen \(CPC\)](#); [CPC-Commissions Secretary](#); [Jardines, Esmeralda \(CPC\)](#); [Winslow, David \(CPC\)](#); [Mandelman, Rafael \(BOS\)](#); [friendsofjuricommons@gmail.com](mailto:friendsofjuricommons@gmail.com)  
**Subject:** Regarding proposed development at 350 San Jose Ave  
**Date:** Tuesday, August 18, 2020 9:10:20 AM

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

The SF Planning Department is supposed to protect our neighborhoods, correct? But instead of protecting “the people of San Francisco” the department seems to be favoring the interests of Real Estate companies and millionaire investors.

The building proposal for 350 San Jose Avenue should have never gotten this far!  
The proposal is too big for our street. The oversized building would shadow 15% of Juri Commons Park, block the Mid-Block Open Space and deny all sunlight to the property directly north and next door (330-340 San Jose).

The new owners of 350-52 San Jose are the speculators; Nunemacher & Cassidy. They bought the property two years ago for \$2.1 million and hope to pocket \$10 million quickly. These two have an infamous history here in San Francisco. They favor luxury sized condos over “affordable housing”. They seem to be trying to exploit our neighborhood for their own \$\$ profit.

Nunemacher has made public statements regarding his goal to eliminate rental housing in San Francisco. In the case of 350 San Jose, they’re trying to eliminate the 4 original rental units and replace them with large, more lucrative condos. SIA (their front company) has tried to navigate around all city laws and ordinances regarding the size of the building, setbacks, massing, rent control laws, and public relations.

**I want a smaller building with all rental units.**  
Protect Juri Park & SF Housing Laws!

Sincerely,

Isabel Diamond  
376 San Jose Ave  
SF, CA 94110



**From:** [Annie Jiao](#)  
**To:** [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Chan, Deland \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Campbell, Cathleen \(CPC\)](#); [CPC-Commissions Secretary](#); [Jardines, Esmeralda \(CPC\)](#); [Winslow, David \(CPC\)](#); [Mandelman, Rafael \(BOS\)](#); [MandelmanStaff, \[BOS\]](#)  
**Cc:** [friendsofjuricommons@gmail.com](mailto:friendsofjuricommons@gmail.com)  
**Subject:** Scaling down 350 San Jose Plan  
**Date:** Saturday, September 12, 2020 6:26:11 PM

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

To: The Planning Department and Commissioners  
Re: Scaling down 350 San Jose Plan

I'm a resident of 23 Juri St and I support a downsize of the development at 350 San Jose Avenue. It would be an intrusion for the rest of the properties that face Juri Commons inner-block area. Presently, all the properties that border Juri Commons are set up at diagonal angles so that neighbors are not staring at each other, and windows are not peering down on people in the park. This is a mutually-shared space. Please don't allow one owner to drastically alter the visual and sound space or to build a place that spies down on other properties and on the park and casts shadows on everyone else. Whatever they build, make it fit in with the inner block and the park, not dominate over everything else.

Thank you for any relief you can give us.  
Annie Jiao

**From:** [lucy marton](#)  
**To:** [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Chan, Deland \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Campbell, Cathleen \(CPC\)](#); [CPC-Commissions Secretary](#); [Jardines, Esmeralda \(CPC\)](#); [Winslow, David \(CPC\)](#); [Mandelman, Rafael \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [friendsofjuricommons@gmail.com](#)  
**Subject:** Subject: SAY NO TO 350 SAN JOSE PLAN  
**Date:** Wednesday, September 16, 2020 5:47:51 PM

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

Dear Planning Commissioners:

Juri Commons Park is a little jewel in the crowded Mission, and this proposed mega-condo development would take away from everyone else's enjoyment of the park. Juri Commons is part of the Park & Rec Dept's *Let'sPlaySF* initiative that, according to their website, is upgrading "playgrounds in low income neighborhoods dense with children... giving them modern, safe spaces where their brains and bodies can thrive." The proposal to build huge condos towering over Juri Commons, with a bunch of balconies that would stare down directly into the children's play area, contradicts the whole intent of the park renovation. Fancy condo-dwellers with balconies staring down on low income moms and kids at play? If you go stand in the park, it's totally obvious that this plan is out of place here. Please stop them from ruining everyone else's shared space.

Respectfully,

Lucy Marton







PROJECT NAME  
**350 SAN JOSE AVE.**  
 SAN FRANCISCO, CA



SIA CONSULTING CORPORATION  
 4742 MISSION STREET  
 SAN FRANCISCO CA 94112  
 TEL: (415) 741.1292  
 FAX: (415) 849.1252  
 WWW.SIACONSULT.COM

SHEET TITLE  
**Photographs (1)**

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ISSUES / REVISIONS		
NO.	DATE	DESCRIPTION

DRAWN	A.A.
CHECKED	R.K.
DATE	02/22/2017
REVISED DATE	05/14/2020
JOB NO.	17-1741
SHEET NO.	<b>A-0.3</b>



1-SUBJECT PROPERTY'S LEFT VIEW



2-SUBJECT PROPERTY



3-SUBJECT PROPERTY'S RIGHT VIEW



4-PROPERTY ACROSS FROM SUBJECT PROPERTY



5-PROPERTY ACROSS FROM SUBJECT PROPERTY



6-PROPERTY ACROSS FROM SUBJECT PROPERTY









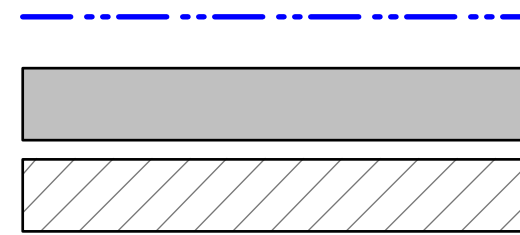


BLOCK / LOT: 6545 / 003

PROPERTY LINE:

OUTLINE OF SUBJECT BUILDING:

OUTLINE OF NEIGHBORS:



**REAR AVG. LINE CALC:**

330 SAN JOSE REAR YARD: 42'-3"

374 SAN JOSE REAR YARD: 28'-8"

$42'-3" + 28'-8" = 70'-11" / 2 = 35'-5.5"$

PROJECT NAME

**350 SAN JOSE AVE.**  
SAN FRANCISCO, CA



SIA CONSULTING CORPORATION  
4742 MISSION STREET  
SAN FRANCISCO CA 94112  
TEL: (415) 741.1292  
FAX: (415) 849.1252  
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SHEET TITLE

**(E) Site Plan**

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ISSUES / REVISIONS

NO.	DATE	DESCRIPTION

DRAWN A.A.

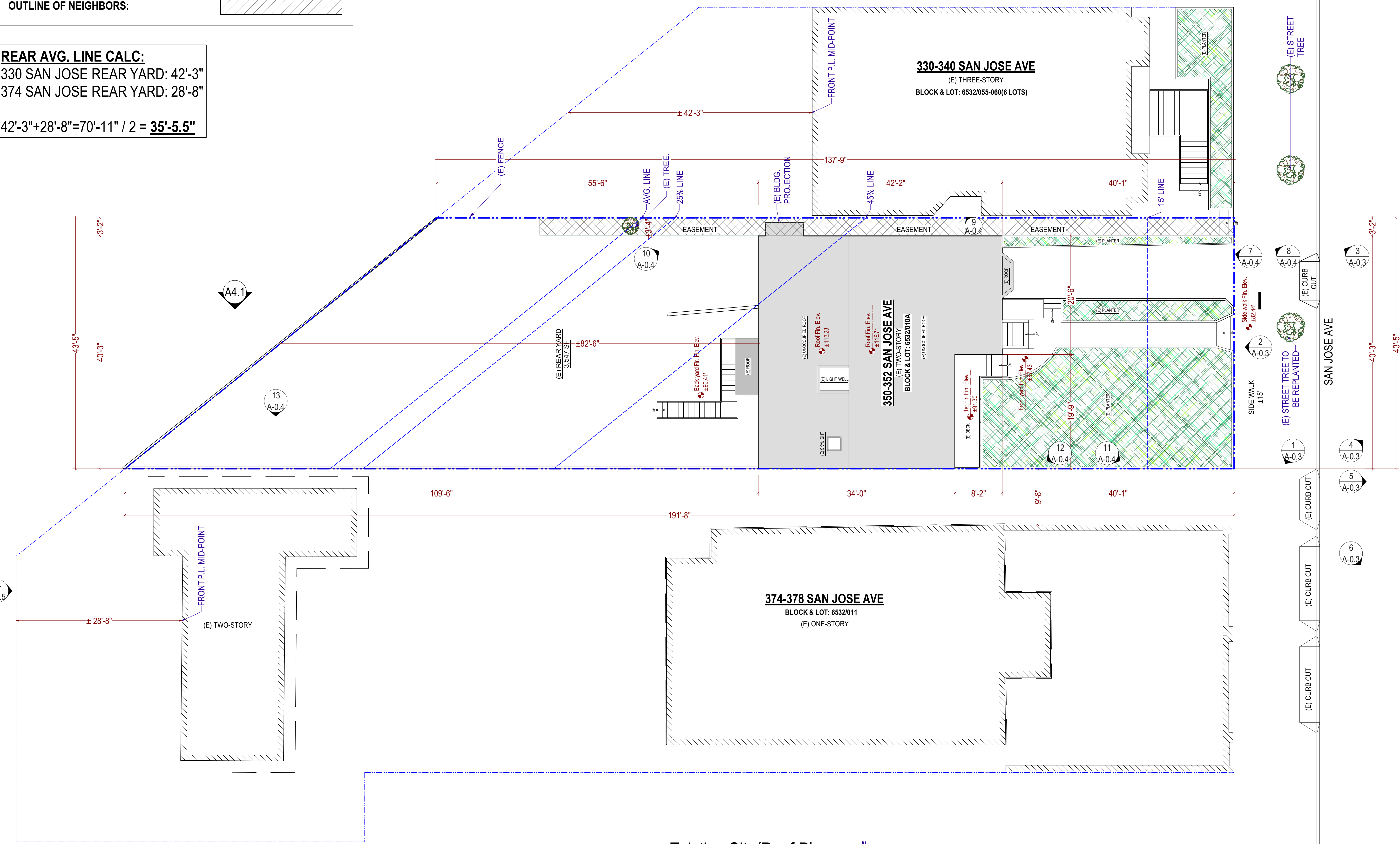
CHECKED R.K.

DATE 02/22/2017

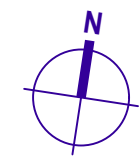
REVISED DATE 05/14/2020

JOB NO. 17-1741

SHEET NO. **A-1.1**



**Existing Site/Roof Plan**  
1/8" = 1'-0"  
0' 1' 3' 5' 10' 15' 20'



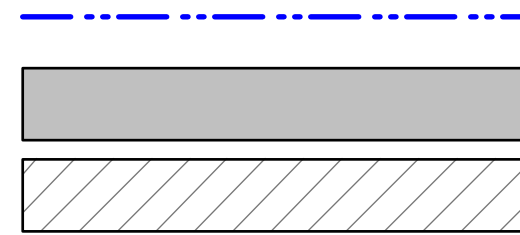


BLOCK / LOT: 6545 / 003

PROPERTY LINE:

OUTLINE OF SUBJECT BUILDING:

OUTLINE OF NEIGHBORS:



**REAR AVG. LINE CALC:**

330 SAN JOSE REAR YARD: 42'-3"

374 SAN JOSE REAR YARD: 28'-8"

$42'-3" + 28'-8" = 70'-11" / 2 = 35'-5.5"$

PROJECT NAME

**350 SAN JOSE AVE.**  
SAN FRANCISCO, CA



SIA CONSULTING CORPORATION  
4742 MISSION STREET  
SAN FRANCISCO CA 94112  
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FAX: (415) 849.1252  
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SHEET TITLE

**(N) Site Plan**

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ISSUES / REVISIONS

NO.	DATE	DESCRIPTION

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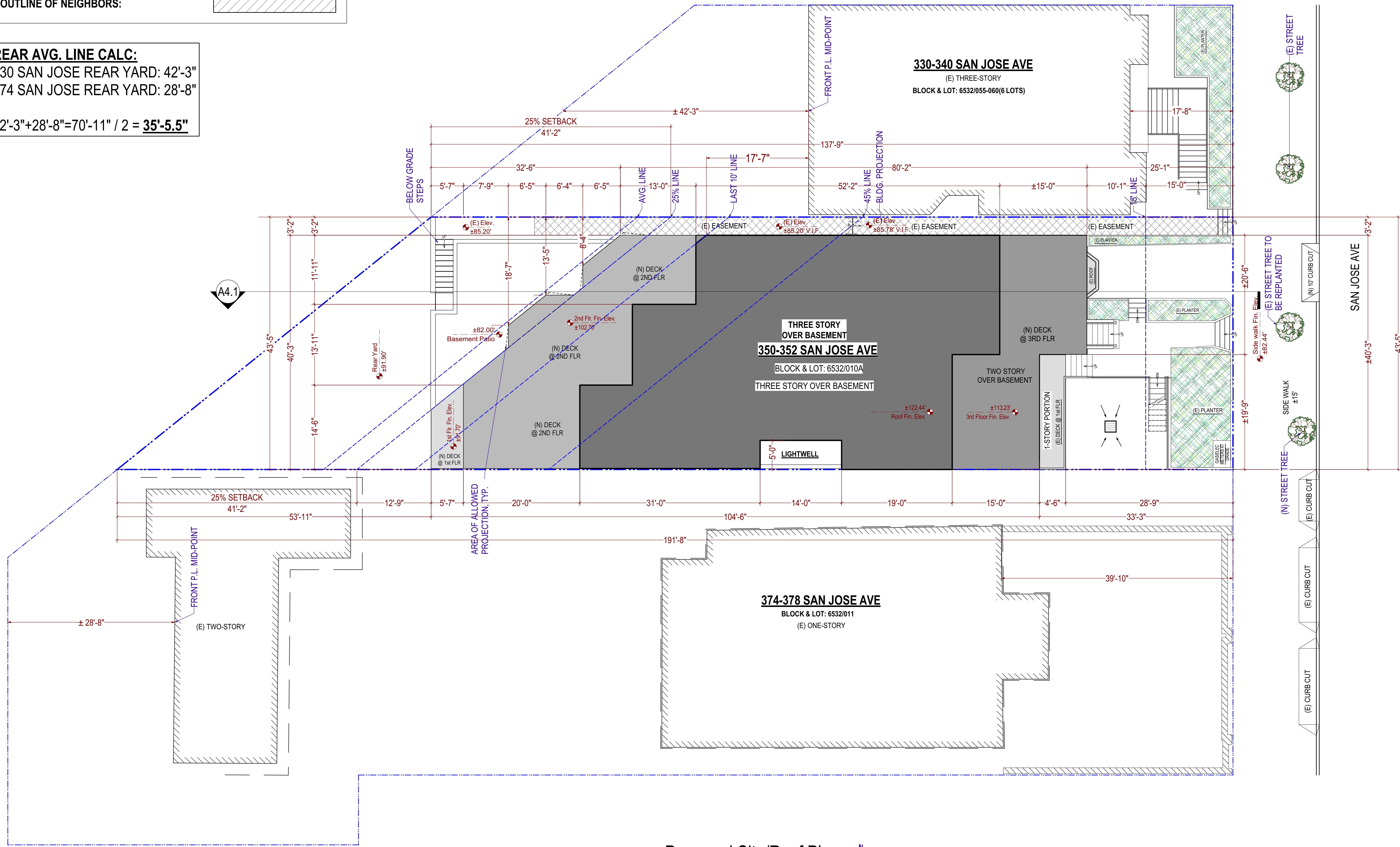
CHECKED R.K.

DATE 02/22/2017

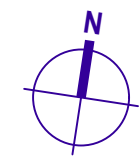
REVISED DATE 05/14/2020

JOB NO. 17-1741

SHEET NO. **A-1.2**



**Proposed Site/Roof Plan**  
1/8" = 1'-0"  
0' 1' 3' 5' 10' 15' 20'





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SHEET TITLE

# Basement Plan

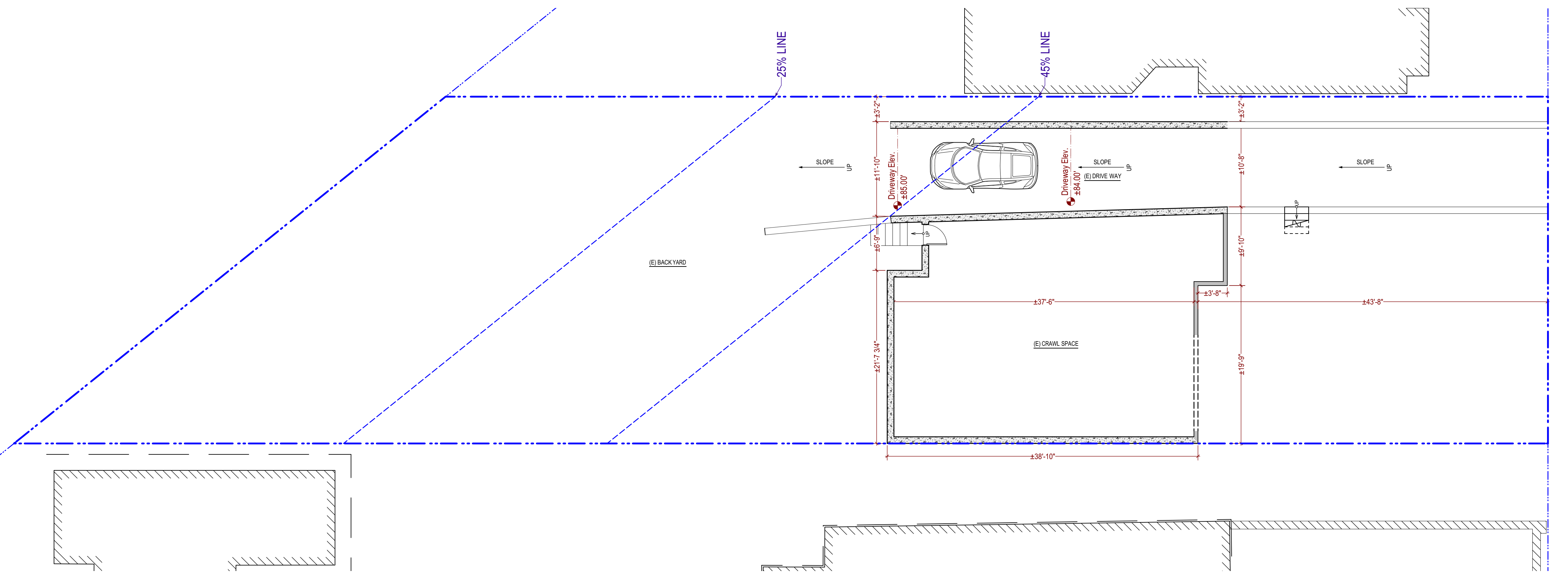
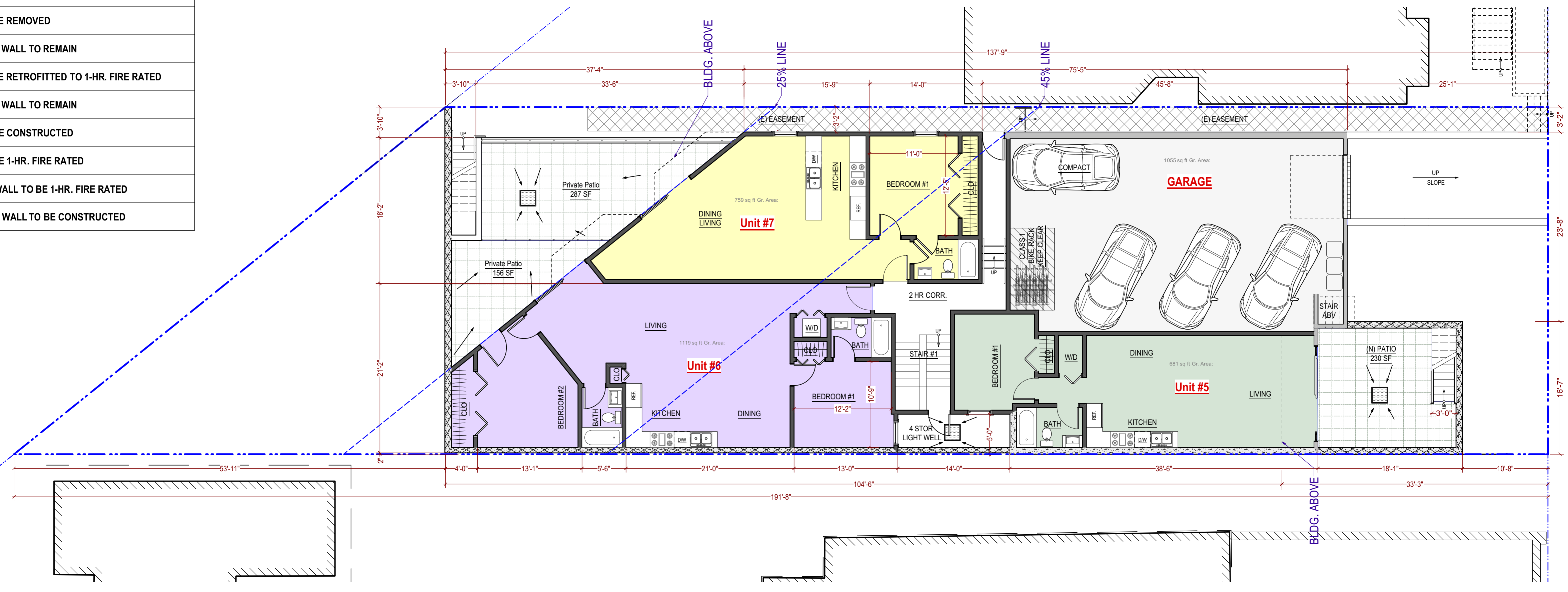
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**ISSUES / REVISIONS**

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DATE	02/22/2017
REVISED DATE	05/14/2020
JOB NO.	17-1741
SHEET NO.	<b>A-2.1</b>

	PROPERTY LINE
	(E) WALL TO BE REMOVED
	(E) CONCRETE WALL TO REMAIN
	(E) WALL TO BE RETROFITTED TO 1-HR. FIRE RATED
	(E) CONCRETE WALL TO REMAIN
	(N) WALL TO BE CONSTRUCTED
	(N) WALL TO BE 1-HR. FIRE RATED
	(N) PARAPET WALL TO BE 1-HR. FIRE RATED
	(N) CONCRETE WALL TO BE CONSTRUCTED







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SHEET TITLE

**(E)&(N) FIRST FLOOR PLANS**

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ISSUES / REVISIONS

NO.	DATE	DESCRIPTION

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CHECKED R.K.

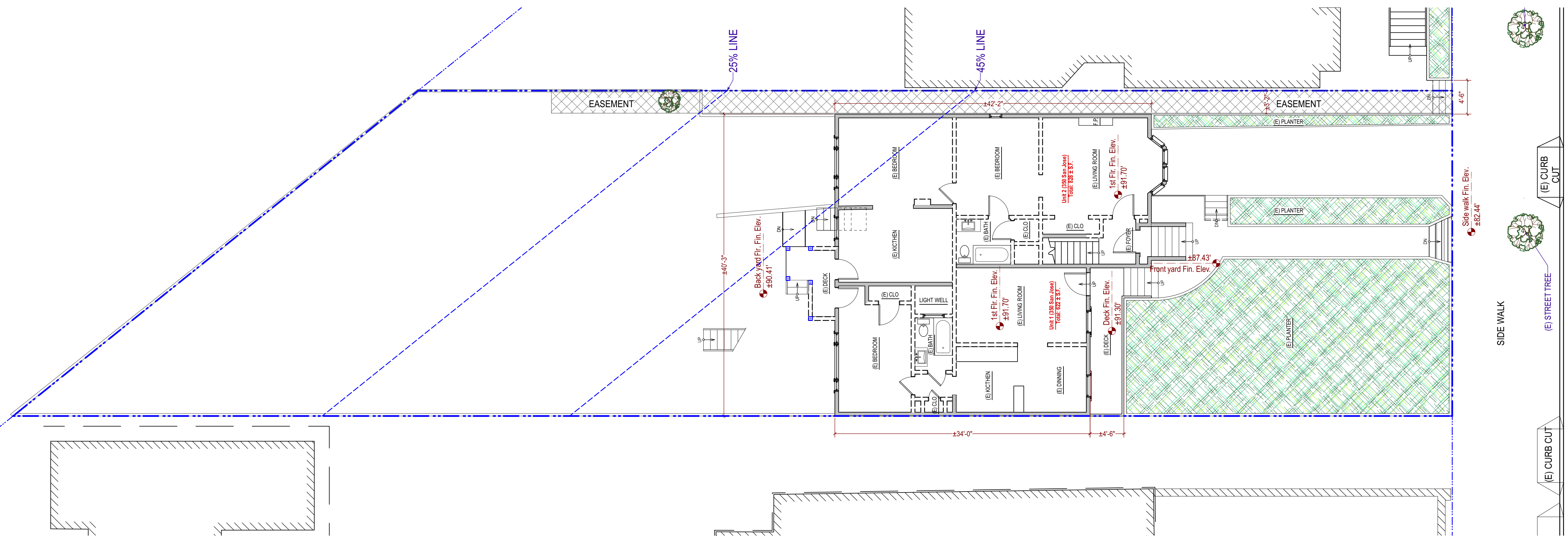
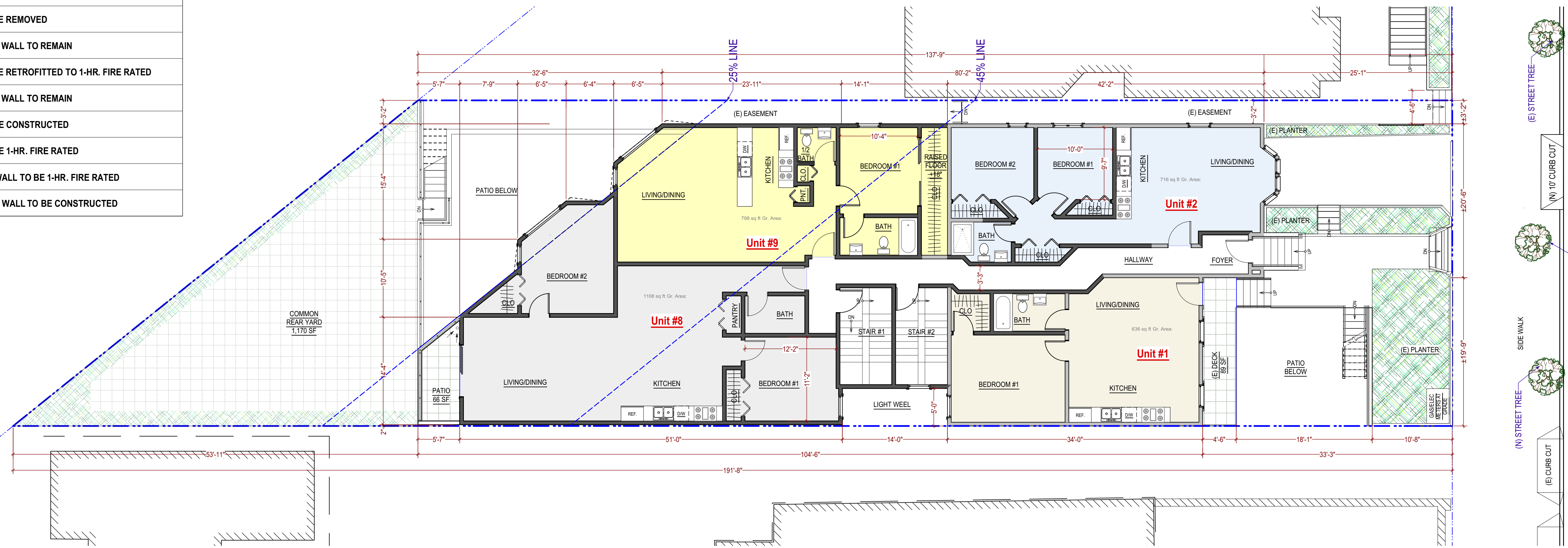
DATE 02/22/2017

REVISED DATE 05/14/2020

JOB NO. 17-1741

SHEET NO. **A-2.2**

	PROPERTY LINE
	(E) WALL TO BE REMOVED
	(E) CONCRETE WALL TO REMAIN
	(E) WALL TO BE RETROFITTED TO 1-HR. FIRE RATED
	(E) CONCRETE WALL TO REMAIN
	(N) WALL TO BE CONSTRUCTED
	(N) WALL TO BE 1-HR. FIRE RATED
	(N) PARAPET WALL TO BE 1-HR. FIRE RATED
	(N) CONCRETE WALL TO BE CONSTRUCTED







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SHEET TITLE

**(E)&(N)  
 SECONG  
 FLOOR PLANS**

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**ISSUES / REVISIONS**

NO.	DATE	DESCRIPTION

<b>DRAWN</b>	A.A.
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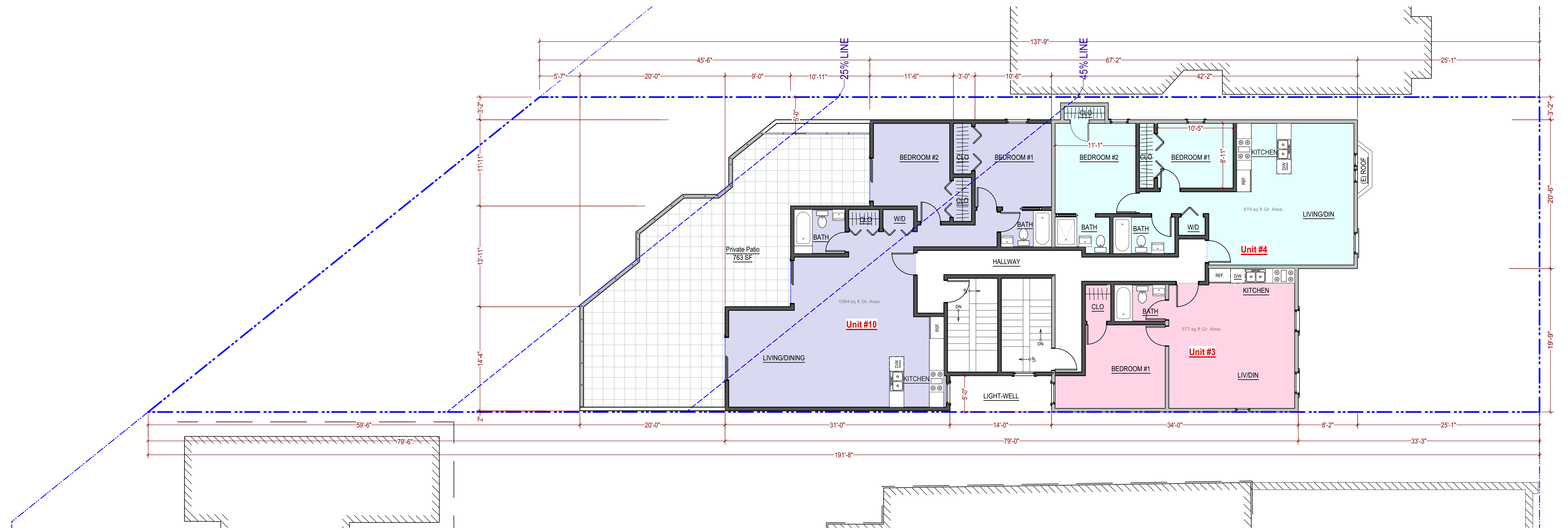
<b>CHECKED</b>	R.K.
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<b>DATE</b>	02/22/2017
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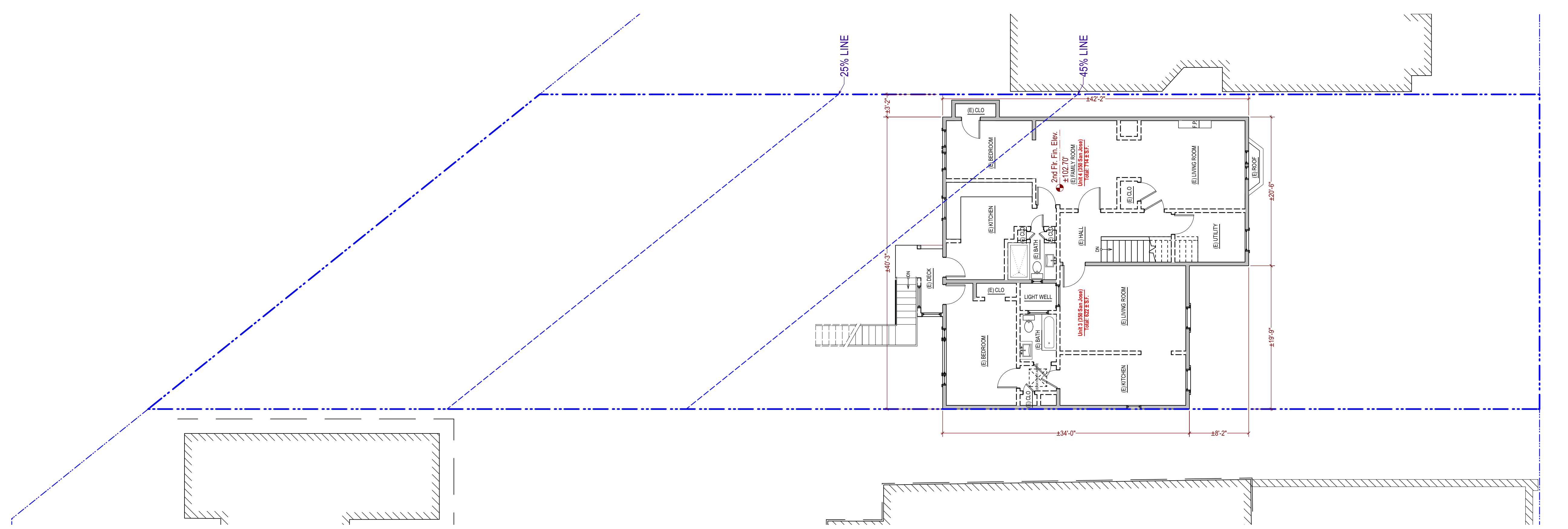
<b>REVISED DATE</b>	05/14/2020
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<b>JOB NO.</b>	17-1741
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<b>SHEET NO.</b>	<b>A-2.3</b>
------------------	--------------



**Proposed Second Floor Plan**  
 1/8" = 1'-0"



**Existing Second Floor Plan**  
 1/8" = 1'-0"

PROJECT NAME  
**350 SAN JOSE AVE.**  
 SAN FRANCISCO, CA



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SHEET TITLE

**(N) THIRD FLOOR PLAN**

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NO.	DATE	DESCRIPTION

**DRAWN** A.A.

**CHECKED** R.K.

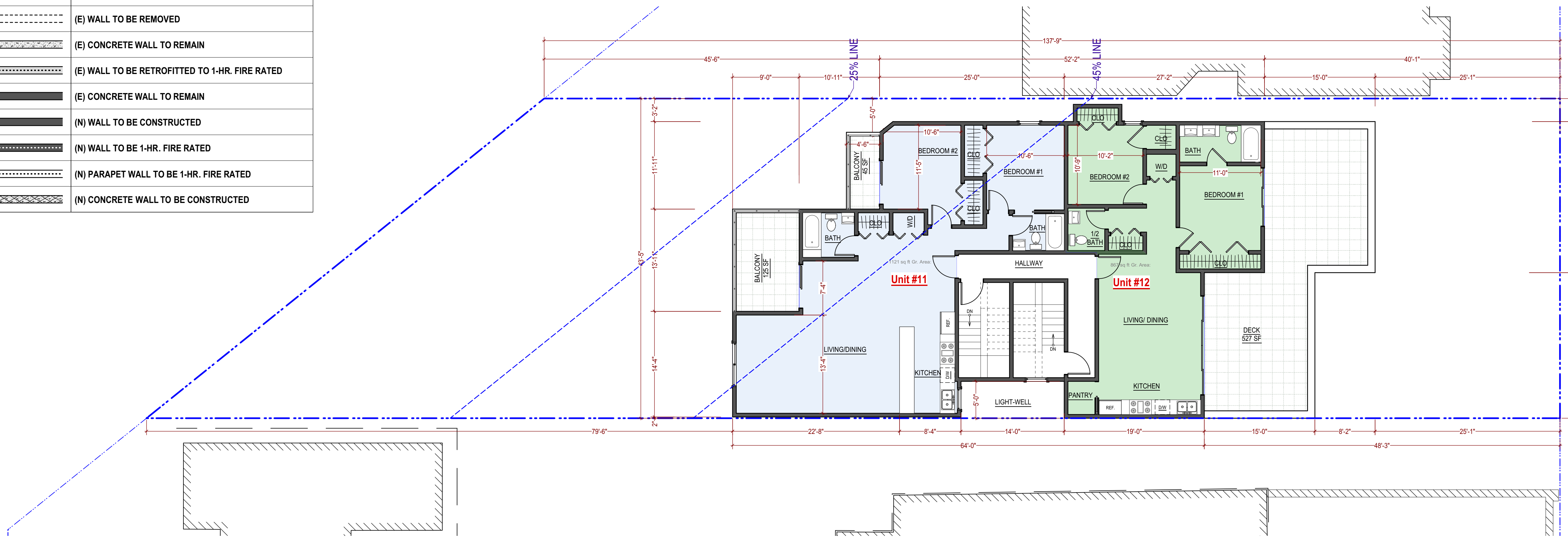
**DATE** 02/22/2017

**REVISED DATE** 05/14/2020

**JOB NO.** 17-1741

**SHEET NO.** **A-2.4**

	PROPERTY LINE
	(E) WALL TO BE REMOVED
	(E) CONCRETE WALL TO REMAIN
	(E) WALL TO BE RETROFITTED TO 1-HR. FIRE RATED
	(E) CONCRETE WALL TO REMAIN
	(N) WALL TO BE CONSTRUCTED
	(N) WALL TO BE 1-HR. FIRE RATED
	(N) PARAPET WALL TO BE 1-HR. FIRE RATED
	(N) CONCRETE WALL TO BE CONSTRUCTED



**Proposed Third Floor Plan**  
 1/8" = 1'-0"  
 0' 1' 3' 5' 10' 15' 20'











**NOTE:**  
 - ALL GLAZING SHALL BE BIRD-SAFE & SHALL COMPLY W/ PLANNING CODE SEC. 139.  
 - ALL NEIGHBORS' BLDG ELEMENTS' SIZE & LOCATION ARE APPROX.

PROJECT NAME  
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 SAN FRANCISCO, CA



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SHEET TITLE

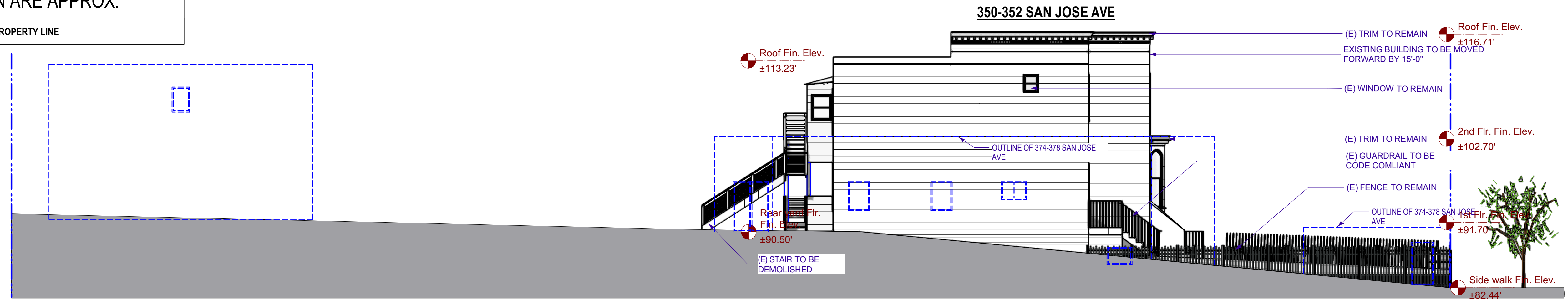
Left Elevations

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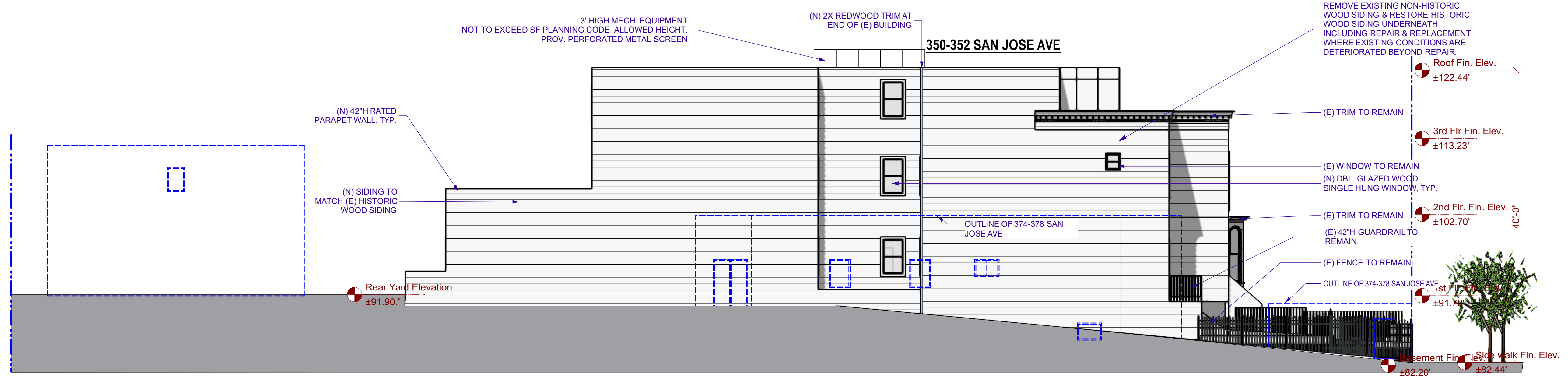
ISSUES / REVISIONS

NO.	DATE	DESCRIPTION

DRAWN	A.A.
CHECKED	R.K.
DATE	02/22/2017
REVISED DATE	05/14/2020
JOB NO.	17-1741
SHEET NO.	<b>A-3.2</b>

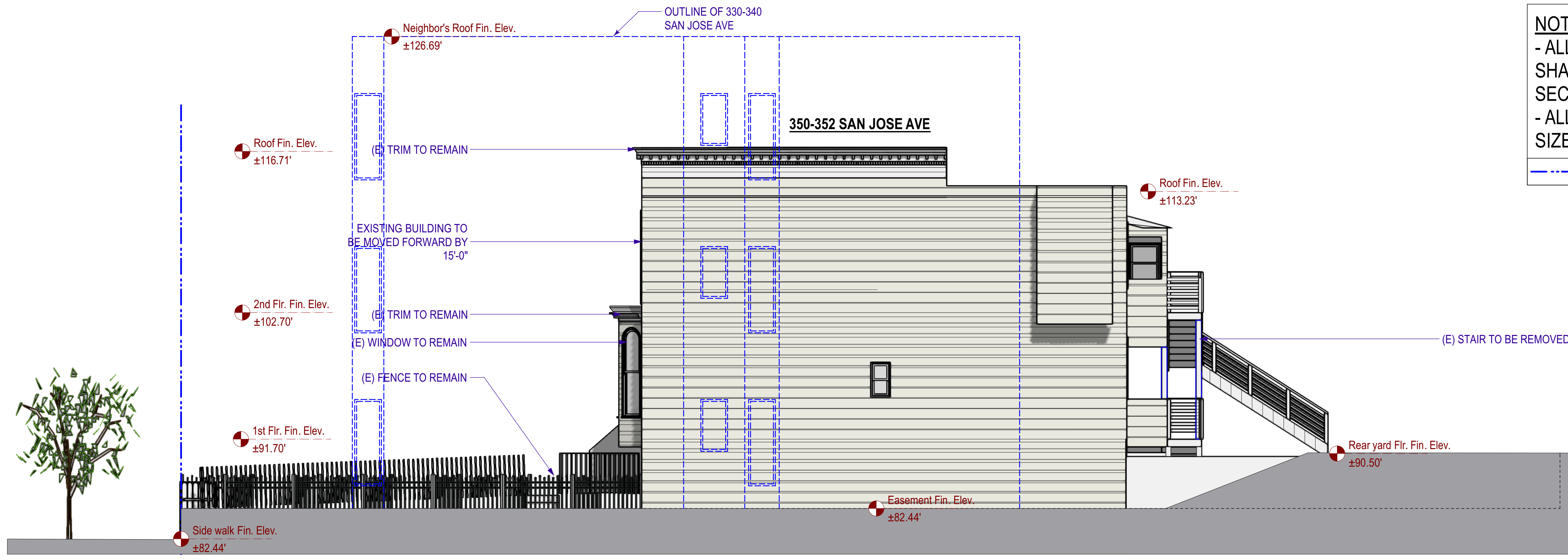


Existing Left Elevation (South)  
 1/8" = 1'-0"



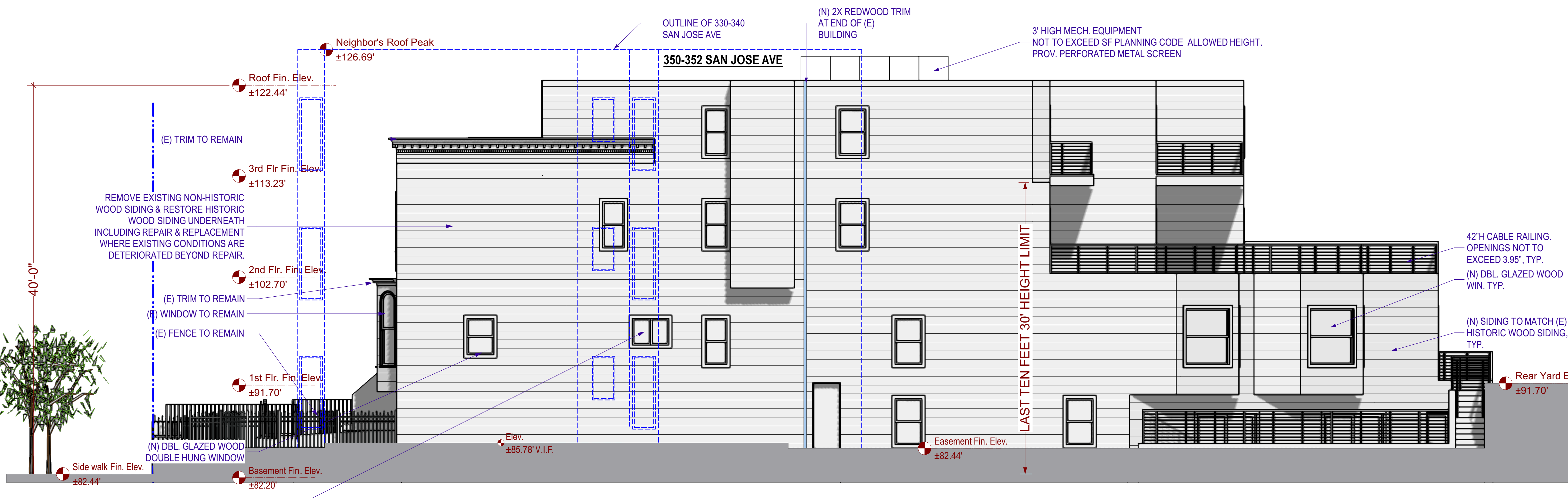
Proposed Left Elevation (South)  
 1/8" = 1'-0"





Existing Right Elevation (North)

3/16" = 1'-0" 0 1' 3' 5' 10' 15' 20'



Proposed Right Elevation (North)

3/16" = 1'-0" 0 1' 3' 5' 10' 15' 20'

**NOTE:**  
 - ALL GLAZING SHALL BE BIRD-SAFE & SHALL COMPLY W/ PLANNING CODE SEC. 139.  
 - ALL NEIGHBORS' BLDG ELEMENTS' SIZE & LOCATION ARE APPROX.

--- PROPERTY LINE

PROJECT NAME  
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SHEET TITLE  
**Right Elevations**

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REVISED DATE	05/14/2020
JOB NO.	17-1741
SHEET NO.	<b>A-3.3</b>



**NOTE:**  
 - ALL GLAZING SHALL BE BIRD-SAFE & SHALL COMPLY W/ PLANNING CODE SEC. 139.  
 - ALL NEIGHBORS' BLDG ELEMENTS' SIZE & LOCATION ARE APPROX.

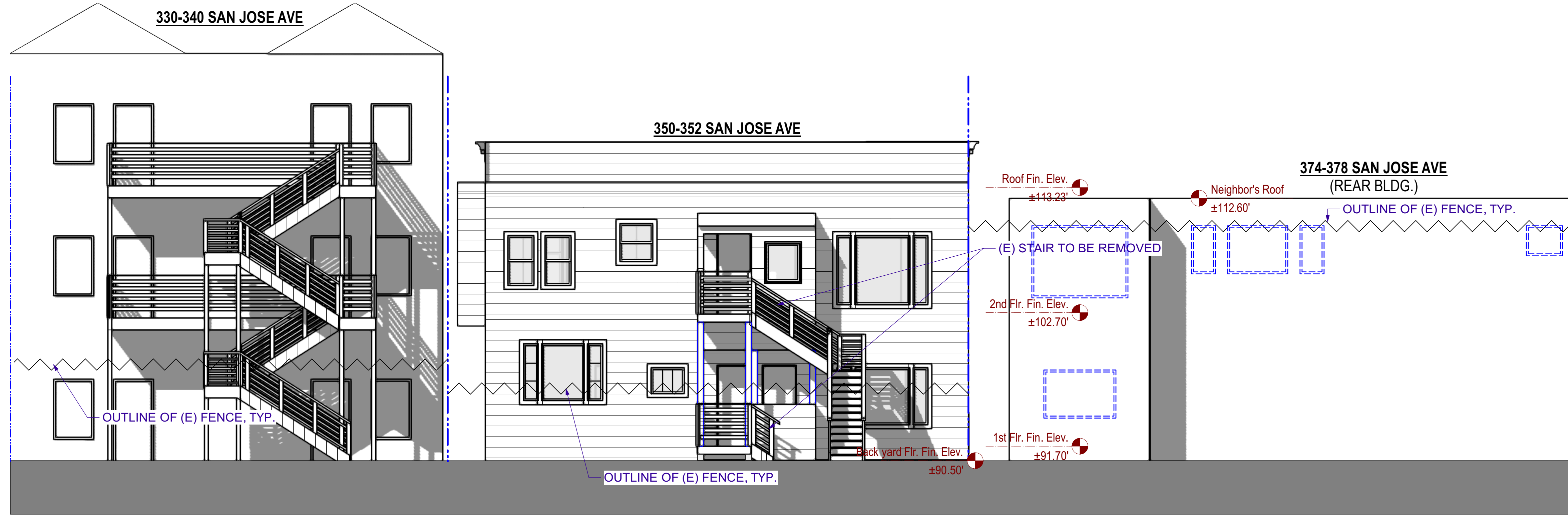
PROJECT NAME  
**350 SAN JOSE AVE.**  
 SAN FRANCISCO, CA



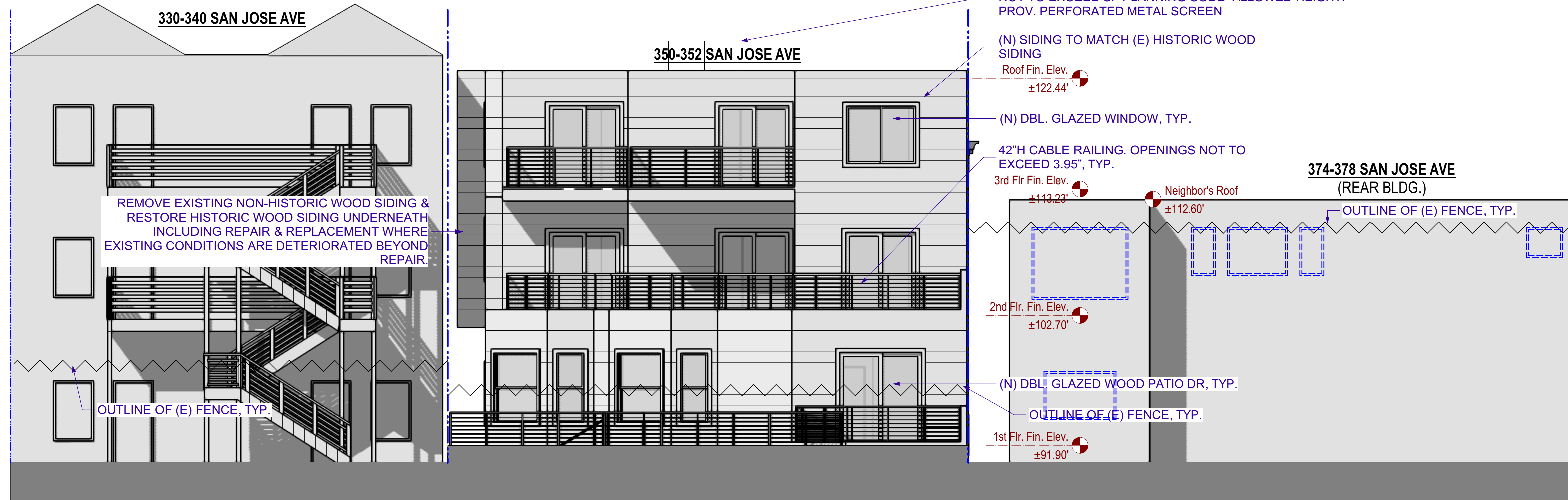
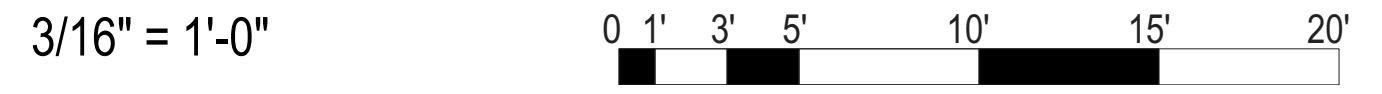
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**Rear Elevations**



Existing Rear Elevation (West)



Proposed Rear Elevation (West)



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REVISED DATE 05/14/2020

JOB NO. 17-1741

SHEET NO. **A-3.4**

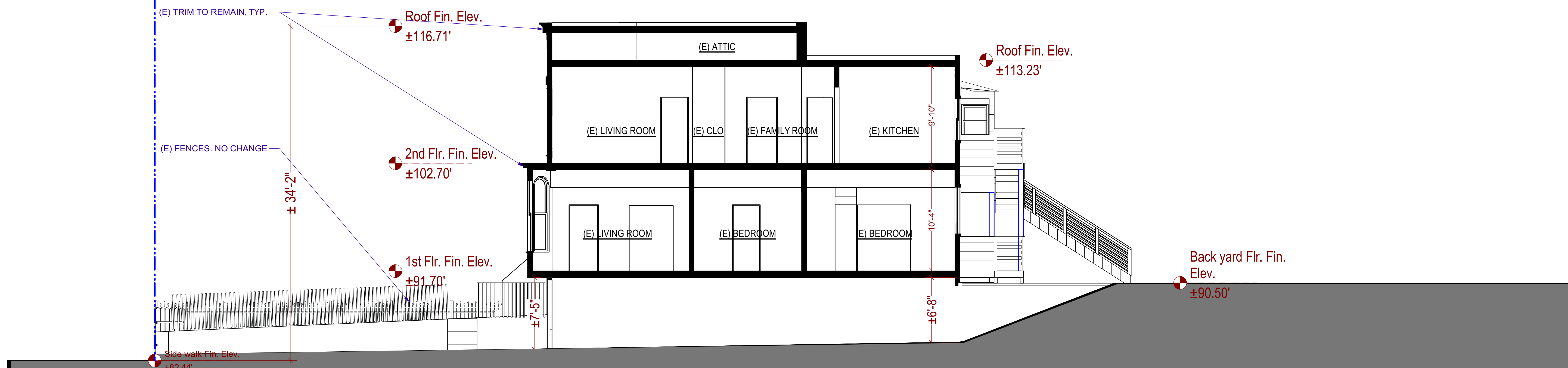




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**Sections**



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REVISED DATE 05/14/2020

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SHEET NO. **A-4.1**







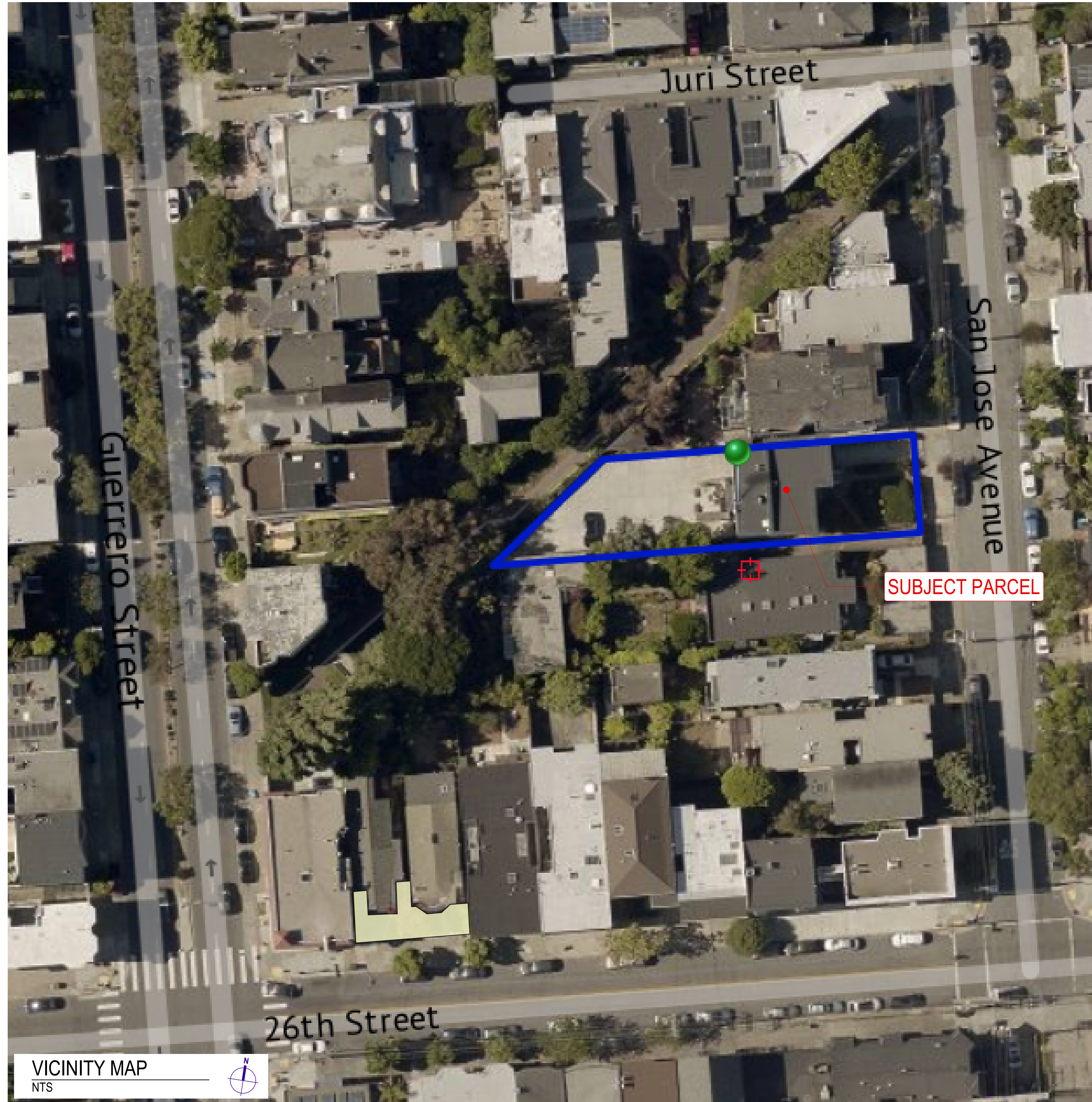
PROJECT NAME  
**350 SAN JOSE AVE.**  
 SAN FRANCISCO, CA



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**VICINITY MAP**



**SUBJECT PARCEL**

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**ISSUES / REVISIONS**

NO.	DATE	DESCRIPTION

DRAWN	A.A.
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CHECKED	R.K.
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DATE	02/22/2017
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REVISED DATE	09/17/2020
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JOB NO.	17-1741
---------	---------

SHEET NO.	<b>A-0.2</b>
-----------	--------------

VICINITY MAP  
 NTS





PROJECT NAME  
**350 SAN JOSE AVE.**  
 SAN FRANCISCO, CA



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SHEET TITLE  
**Photographs (1)**

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 CHECKED R.K.  
 DATE 02/22/2017  
 REVISED DATE 09/17/2020  
 JOB NO. 17-1741  
 SHEET NO. **A-0.3**



1-SUBJECT PROPERTY'S LEFT VIEW



2-SUBJECT PROPERTY



3-SUBJECT PROPERTY'S RIGHT VIEW



4-PROPERTY ACROSS FROM SUBJECT PROPERTY



5-PROPERTY ACROSS FROM SUBJECT PROPERTY



6-PROPERTY ACROSS FROM SUBJECT PROPERTY



PROJECT NAME  
**350 SAN JOSE AVE.**  
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SHEET TITLE

**Photographs (2)**

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**ISSUES / REVISIONS**

NO.	DATE	DESCRIPTION

DRAWN                    A.A.

CHECKED                R.K.

DATE                     02/22/2017

REVISED DATE        09/17/2020

JOB NO.                 17-1741

SHEET NO.             **A-0.4**



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PROJECT NAME  
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SAN FRANCISCO, CA



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SHEET TITLE

Photographs (3)



14  
06/19/2013

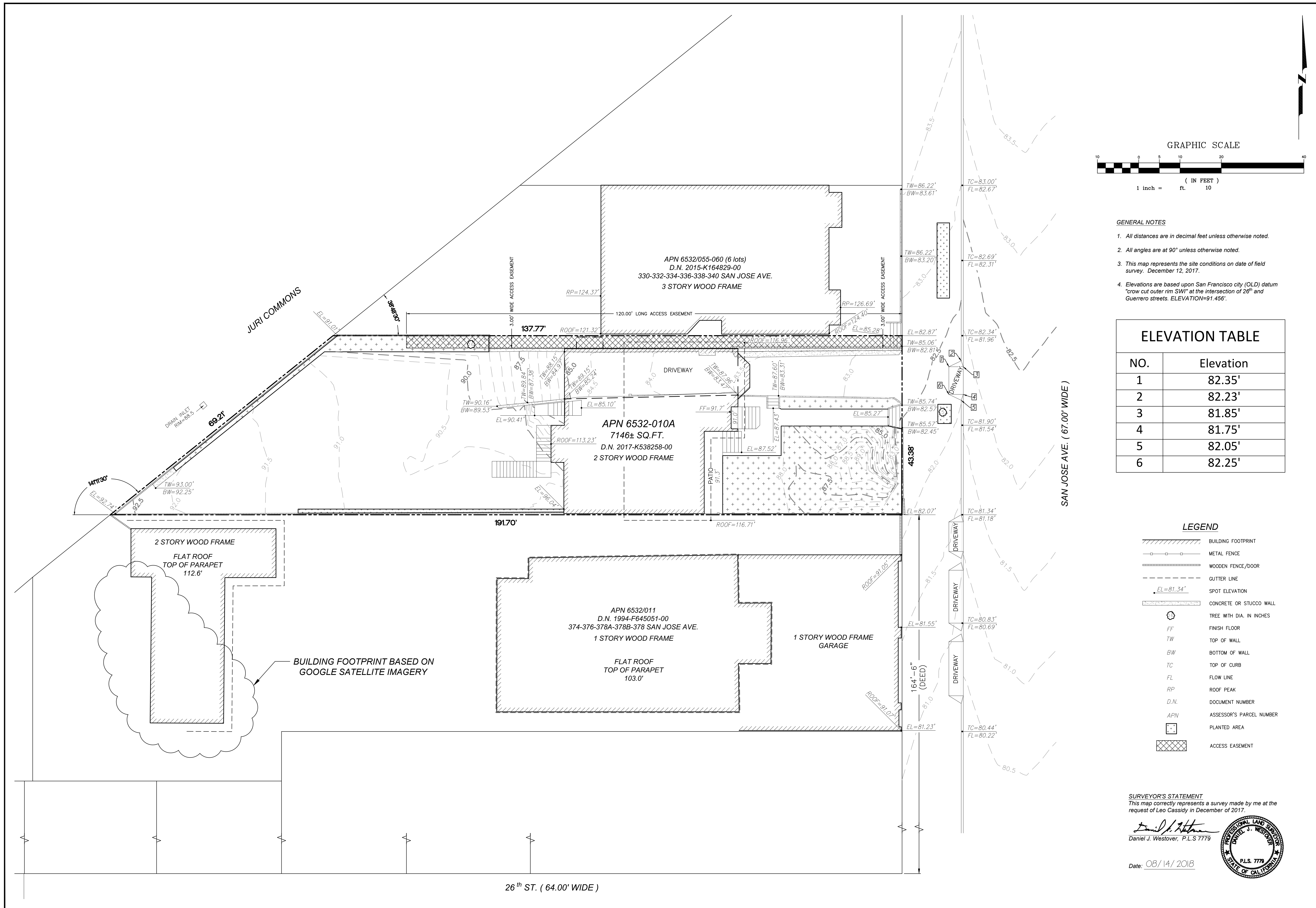
© 2013 Pictometry

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ISSUES / REVISIONS

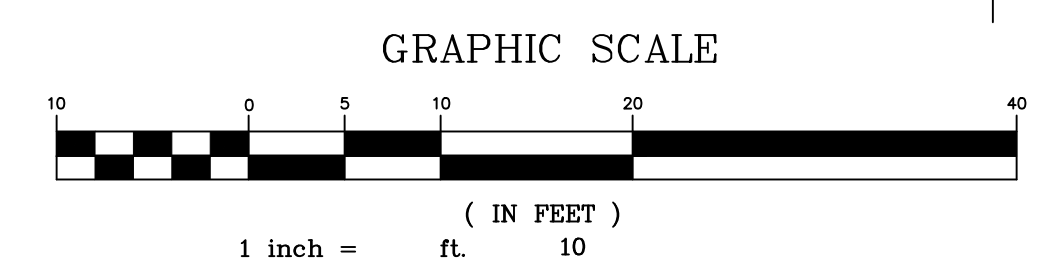
NO.	DATE	DESCRIPTION

DRAWN	A.A.
CHECKED	R.K.
DATE	02/22/2017
REVISED DATE	09/17/2020
JOB NO.	17-1741
SHEET NO.	<b>A-0.5</b>



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 SAN FRANCISCO, CA 94127  
 (415) 242-5400  
 www.westoverurveying.com

**WVS**  
 WESTOVER  
 SURVEYING



**GENERAL NOTES**

- All distances are in decimal feet unless otherwise noted.
- All angles are at 90° unless otherwise noted.
- This map represents the site conditions on date of field survey, December 12, 2017.
- Elevations are based upon San Francisco city (OLD) datum "crow cut outer rim SWI" at the intersection of 26th and Guerrero streets. ELEVATION=91.456'.

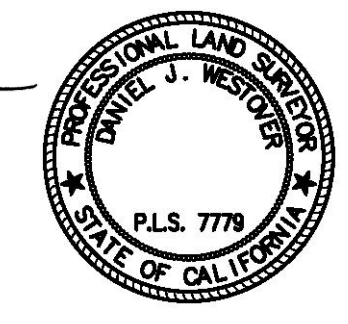
ELEVATION TABLE	
NO.	Elevation
1	82.35'
2	82.23'
3	81.85'
4	81.75'
5	82.05'
6	82.25'

**LEGEND**

	BUILDING FOOTPRINT
	METAL FENCE
	WOODEN FENCE/DOOR
	GUTTER LINE
	SPOT ELEVATION
	CONCRETE OR STUCCO WALL
	TREE WITH DIA. IN INCHES
	FINISH FLOOR
	TOP OF WALL
	BOTTOM OF WALL
	TOP OF CURB
	FLOW LINE
	ROOF PEAK
	D.N.
	APN
	PLANTED AREA
	ACCESS EASEMENT

**SURVEYOR'S STATEMENT**  
 This map correctly represents a survey made by me at the request of Leo Cassidy in December of 2017.

*Daniel J. Westover*  
 Daniel J. Westover, P.L.S. 7779



Date: 08/14/2018

NO.	DATE	COMMENTS	JOB NO.
1	06/09/2018	ADDED SPOT ELEVATIONS	17068
2	08/14/2018	ADDED SOUTHERLY NEIGHBORS FOOTPRINT	

DRAWN BY: MA	CHECKED BY: BJJW
DATE: 01/05/2018	SCALE: 1"=10'

**SITE SURVEY**  
 350 SAN JOSE AVENUE  
 SAN FRANCISCO, CALIFORNIA  
 CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA

**SHEET**  
 1 OF 1

26<sup>th</sup> ST. ( 64.00' WIDE )

SAN JOSE AVE. ( 67.00' WIDE )

JURI COMMONS

2 STORY WOOD FRAME  
 FLAT ROOF  
 TOP OF PARAPET  
 112.6'

BUILDING FOOTPRINT BASED ON  
 GOOGLE SATELLITE IMAGERY

APN 6532-010A  
 7146± SQ.FT.  
 D.N. 2017-K538258-00  
 2 STORY WOOD FRAME

APN 6532/011  
 D.N. 1994-F645051-00  
 374-376-378A-378B-378 SAN JOSE AVE.  
 1 STORY WOOD FRAME

1 STORY WOOD FRAME  
 GARAGE

APN 6532/055-060 (6 lots)  
 D.N. 2015-K164829-00  
 330-332-334-336-338-340 SAN JOSE AVE.  
 3 STORY WOOD FRAME





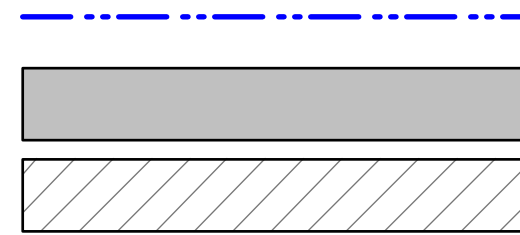


BLOCK / LOT: 6545 / 003

PROPERTY LINE:

OUTLINE OF SUBJECT BUILDING:

OUTLINE OF NEIGHBORS:



**REAR AVG. LINE CALC:**

330 SAN JOSE REAR YARD: 42'-3"

374 SAN JOSE REAR YARD: 28'-8"

$42'-3" + 28'-8" = 70'-11" / 2 = 35'-5.5"$

PROJECT NAME

**350 SAN JOSE AVE.**  
SAN FRANCISCO, CA



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SHEET TITLE

**(N) Site Plan**

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**ISSUES / REVISIONS**

NO.	DATE	DESCRIPTION

DRAWN A.A.

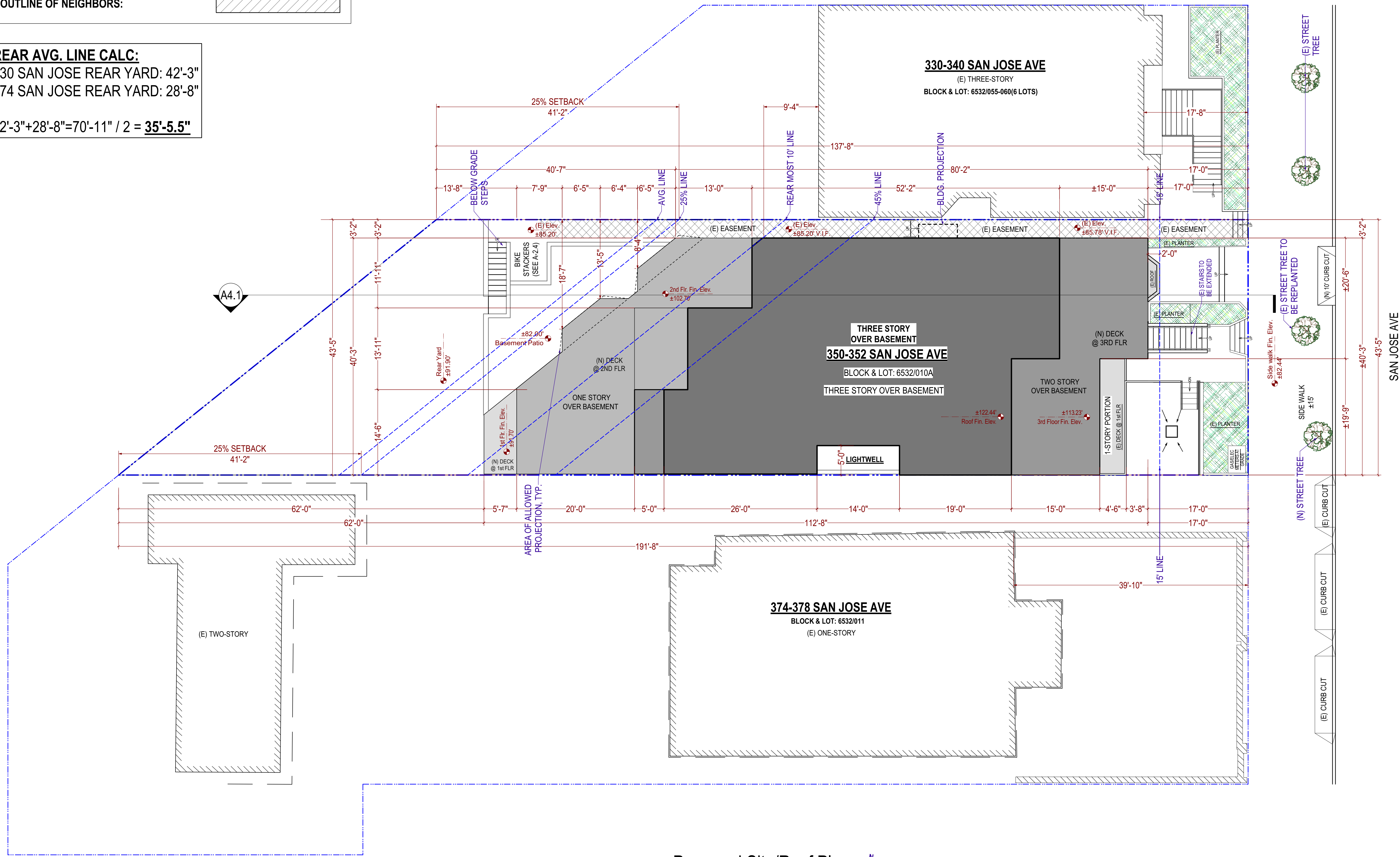
CHECKED R.K.

DATE 02/22/2017

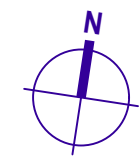
REVISED DATE 09/17/2020

JOB NO. 17-1741

SHEET NO. **A-1.2**



**Proposed Site/Roof Plan**  
1/8" = 1'-0"  
0' 1' 3' 5' 10' 15' 20'







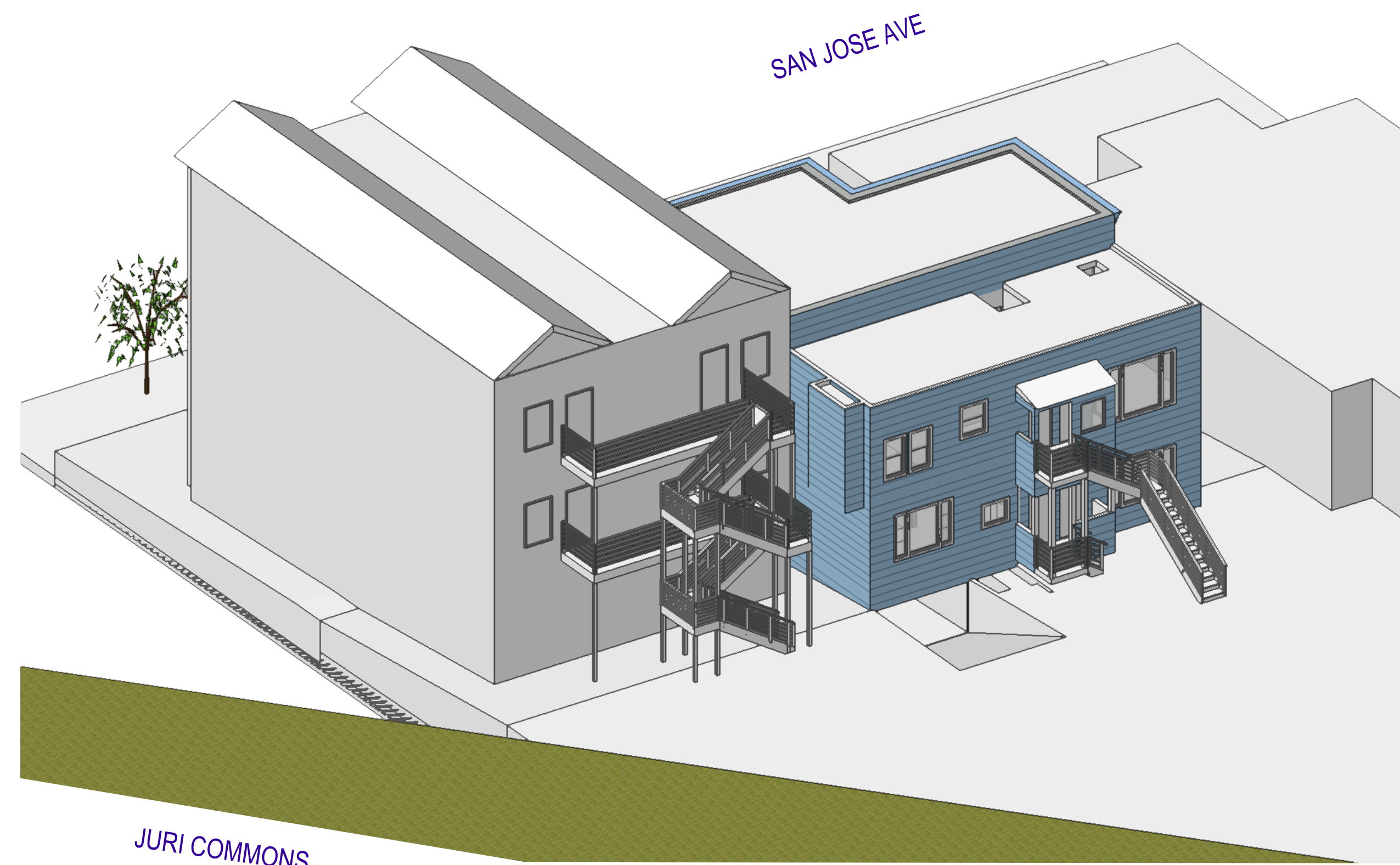
**Proposed Isometric- Front (northwest) view**  
NTS



**Existing Isometric- Front (northwest) view**  
NTS



**Proposed Isometric- Rear (southeast) view**  
NTS



**Existing Isometric- Rear (southeast) view**  
NTS

PROJECT NAME  
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**Isometric View**  
**(1)**

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DATE	02/22/2017
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REVISED DATE	09/17/2020
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JOB NO.	17-1741
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SHEET NO.	<b>A-1.3</b>
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# Basement Plan

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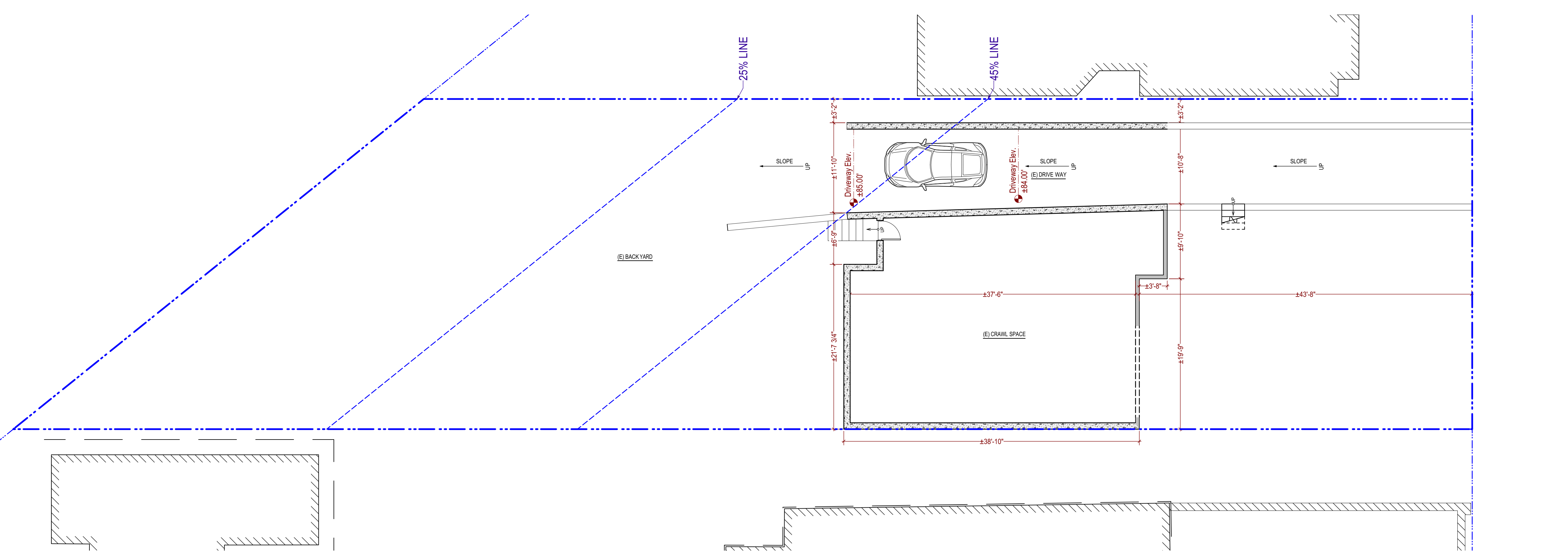
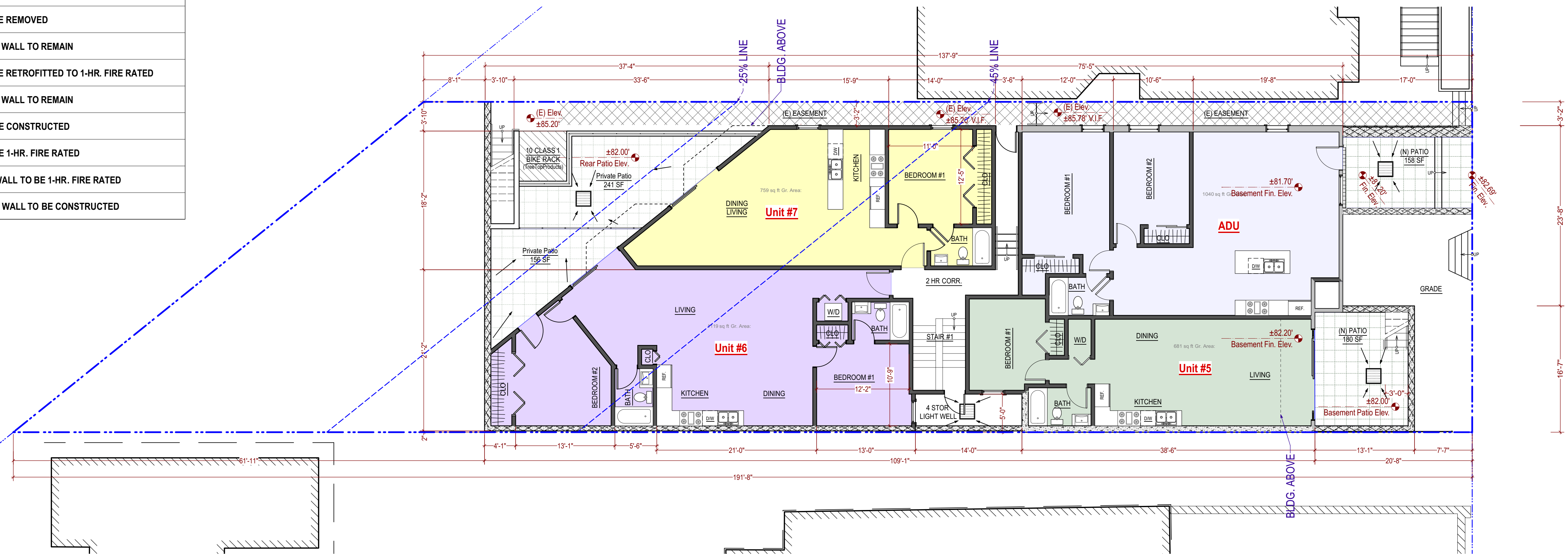
**DATE** 02/22/2017

**REVISED DATE** 09/17/2020

**JOB NO.** 17-1741

**SHEET NO.** **A-2.1**

	PROPERTY LINE
	(E) WALL TO BE REMOVED
	(E) CONCRETE WALL TO REMAIN
	(E) WALL TO BE RETROFITTED TO 1-HR. FIRE RATED
	(E) CONCRETE WALL TO REMAIN
	(N) WALL TO BE CONSTRUCTED
	(N) WALL TO BE 1-HR. FIRE RATED
	(N) PARAPET WALL TO BE 1-HR. FIRE RATED
	(N) CONCRETE WALL TO BE CONSTRUCTED



**Existing Basement Plan**  
 1/8" = 1'-0"









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**(E)&(N)  
 SECONG  
 FLOOR PLANS**

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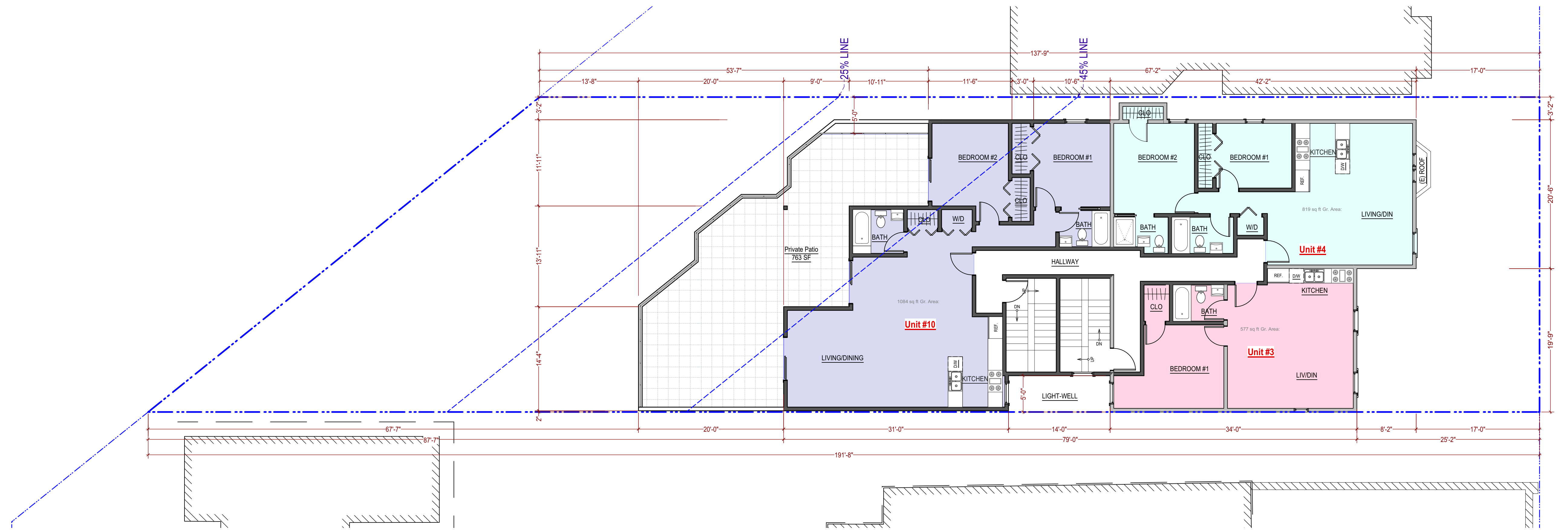
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<b>DATE</b>	02/22/2017
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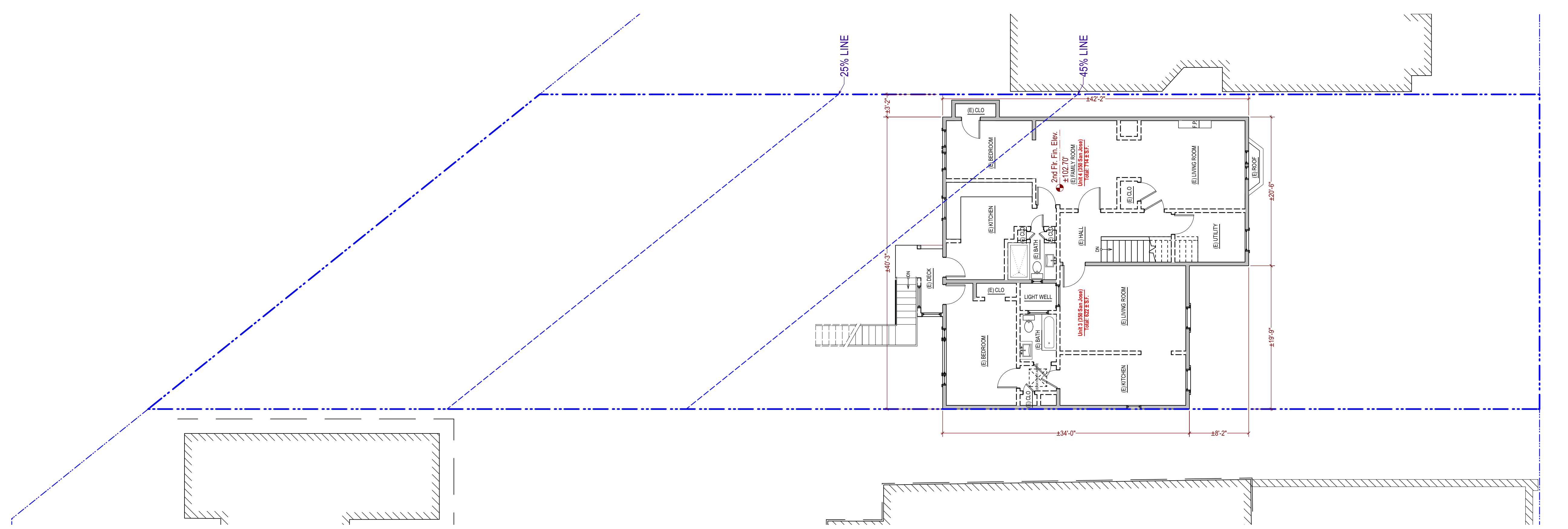
<b>REVISED DATE</b>	09/17/2020
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<b>JOB NO.</b>	17-1741
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<b>SHEET NO.</b>	<b>A-2.3</b>
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**Proposed Second Floor Plan**  
 1/8" = 1'-0"



**Existing Second Floor Plan**  
 1/8" = 1'-0"











**NOTE:**  
 - ALL GLAZING SHALL BE BIRD-SAFE & SHALL COMPLY W/ PLANNING CODE SEC. 139.  
 - ALL NEIGHBORS' BLDG ELEMENTS' SIZE & LOCATION ARE APPROX.

PROJECT NAME  
**350 SAN JOSE AVE.**  
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Left Elevations

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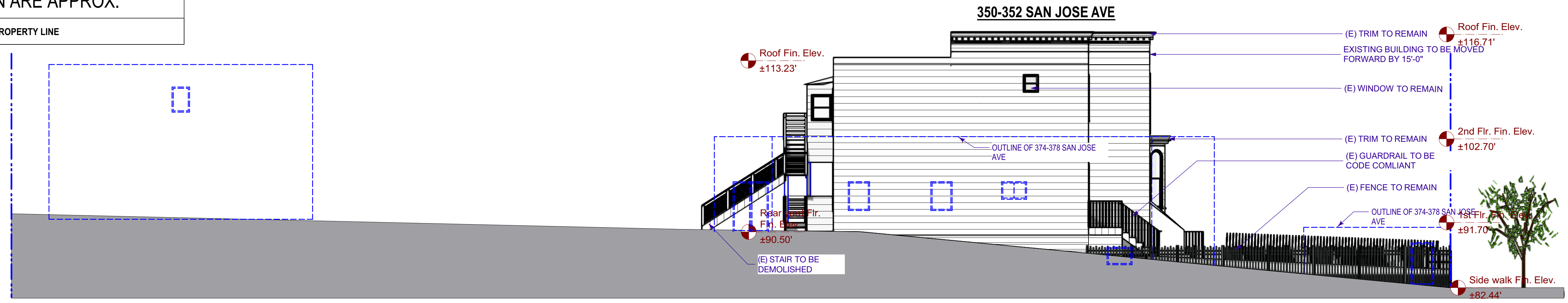
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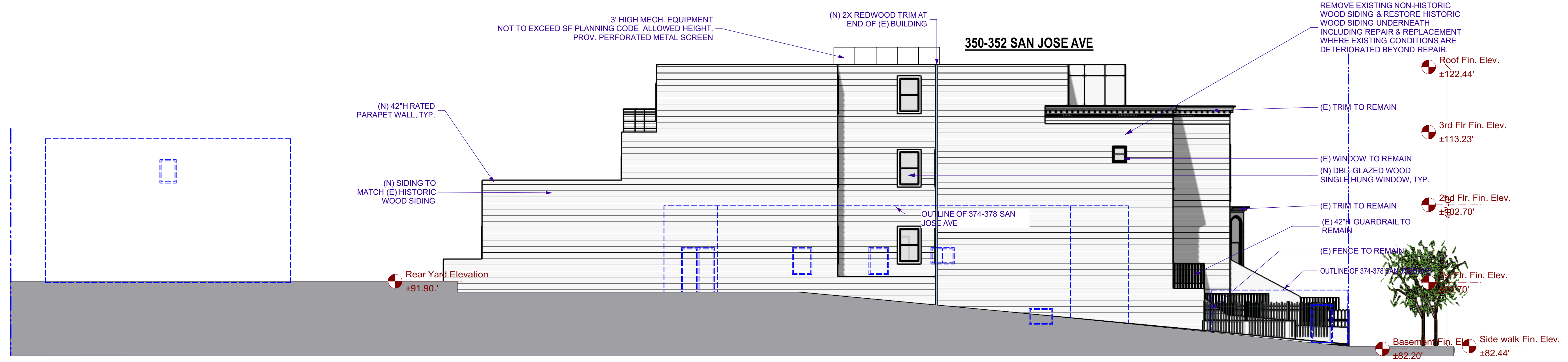
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SHEET NO.	<b>A-3.2</b>
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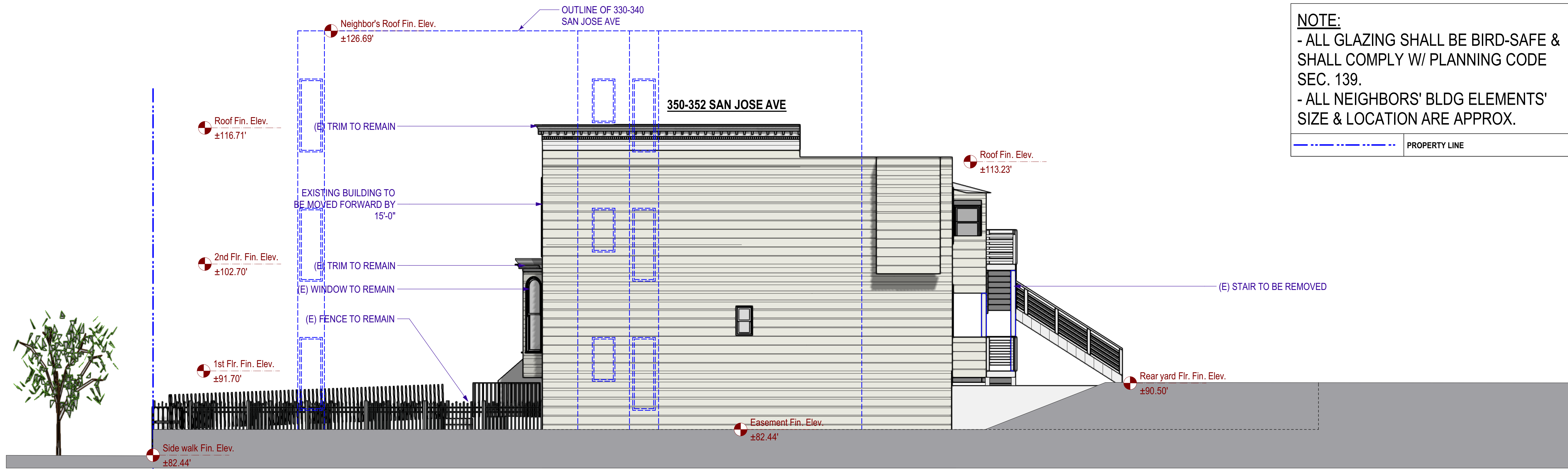


Existing Left Elevation (South)  
 1/8" = 1'-0"



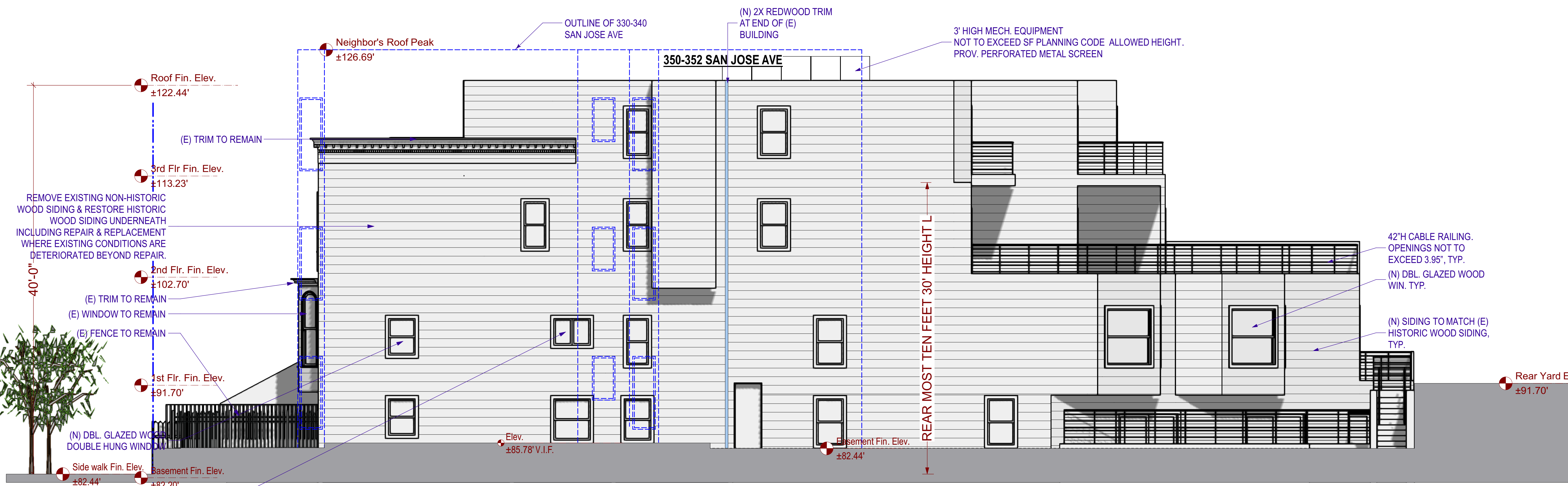
Proposed Left Elevation (South)  
 1/8" = 1'-0"





Existing Right Elevation (North)

3/16" = 1'-0" 0 1' 3' 5' 10' 15' 20'



Proposed Right Elevation (North)

3/16" = 1'-0" 0 1' 3' 5' 10' 15' 20'

**NOTE:**  
 - ALL GLAZING SHALL BE BIRD-SAFE & SHALL COMPLY W/ PLANNING CODE SEC. 139.  
 - ALL NEIGHBORS' BLDG ELEMENTS' SIZE & LOCATION ARE APPROX.

----- PROPERTY LINE

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SHEET TITLE  
**Right Elevations**

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SHEET NO.	<b>A-3.3</b>



**NOTE:**  
 - ALL GLAZING SHALL BE BIRD-SAFE & SHALL COMPLY W/ PLANNING CODE SEC. 139.  
 - ALL NEIGHBORS' BLDG ELEMENTS' SIZE & LOCATION ARE APPROX.

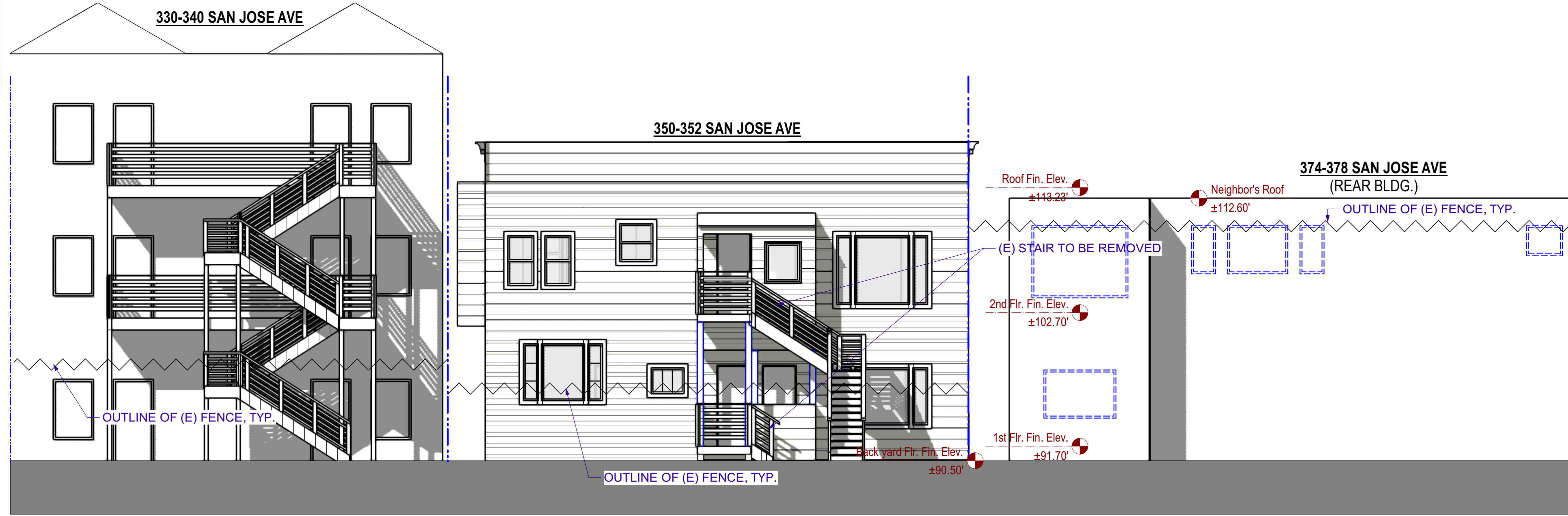
PROJECT NAME  
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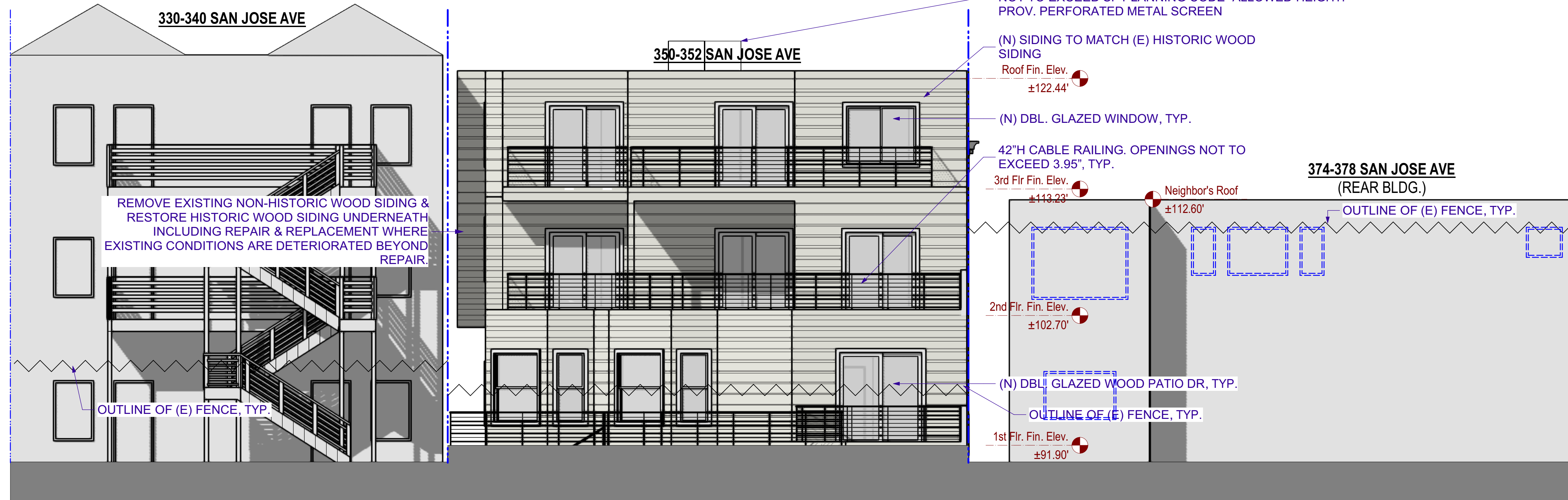
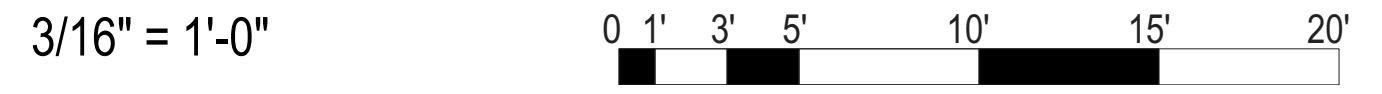
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**Rear Elevations**



**Existing Rear Elevation (West)**



**Proposed Rear Elevation (West)**



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**Sections**

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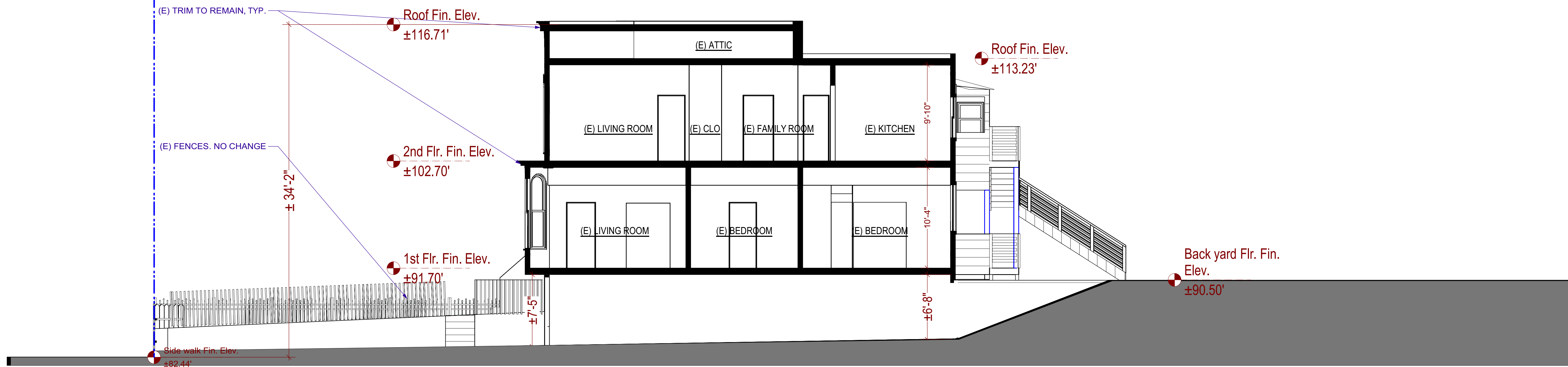
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SHEET NO. **A-4.1**



**Proposed Section A**  
 3/16" = 1'-0"











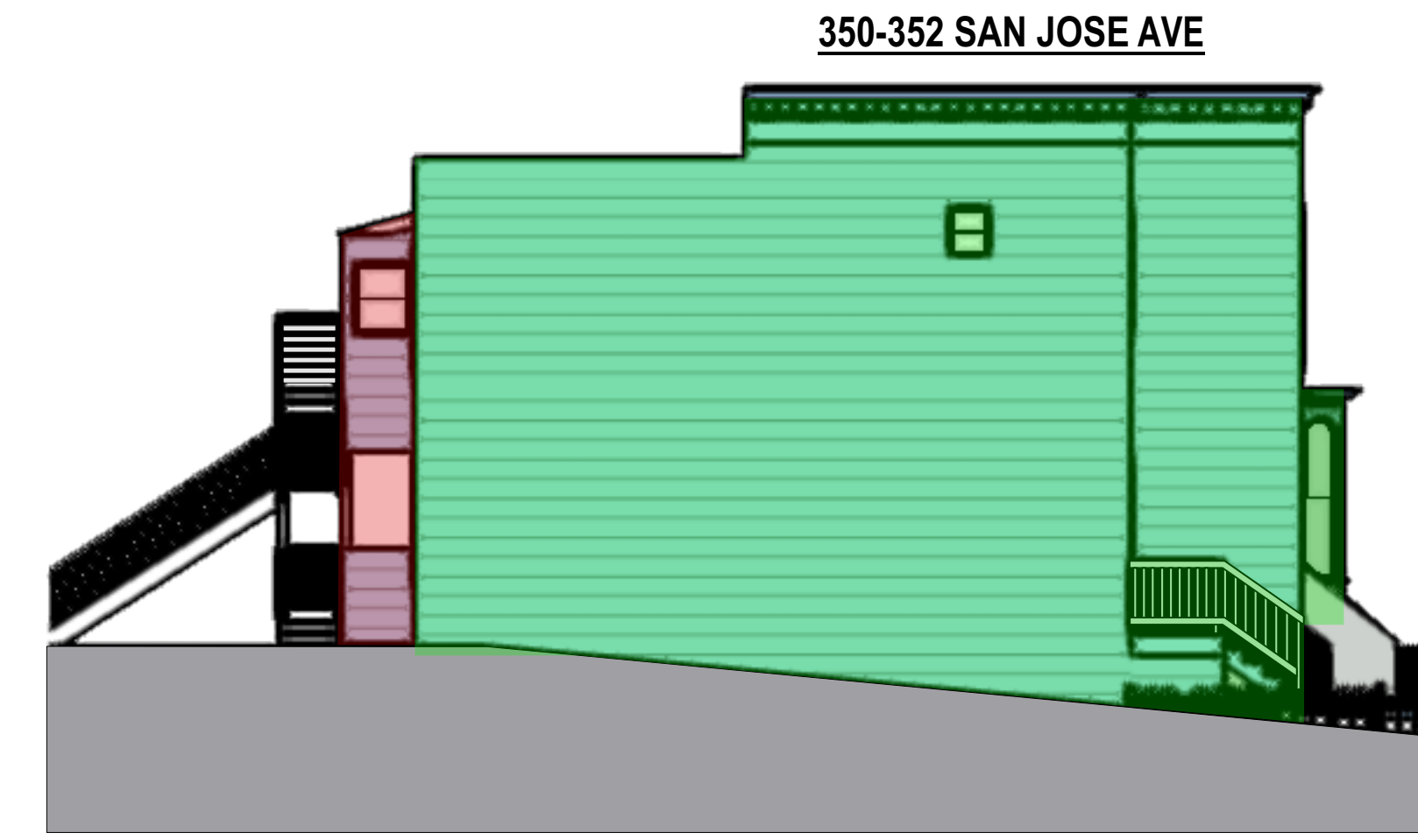
Existing Front Elevation  
1/8" = 1'-0"



Existing Rear Elevation  
1/8" = 1'-0"



Existing Right Elevation  
1/8" = 1'-0"



Existing Left Elevation  
1/8" = 1'-0"

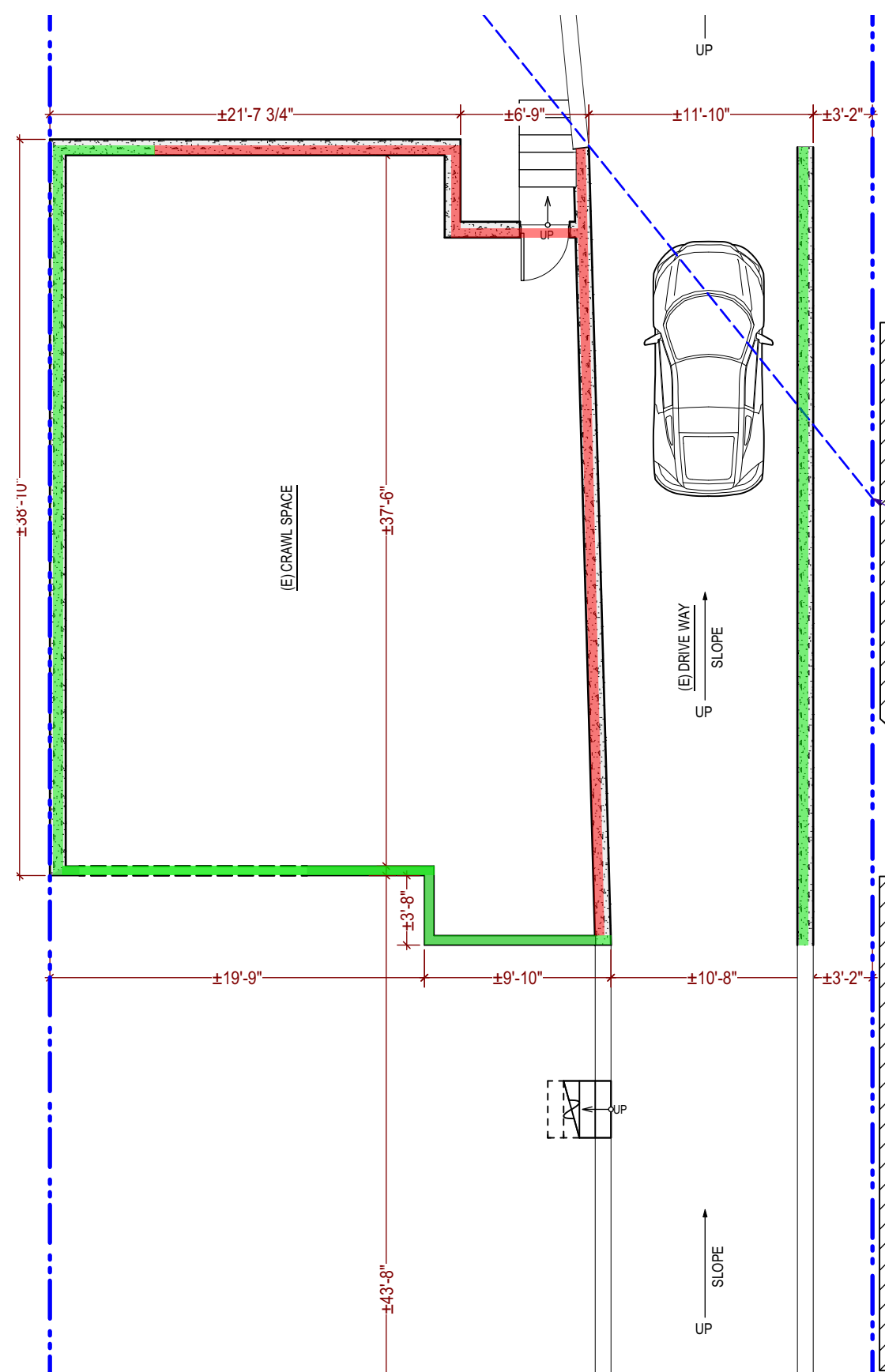
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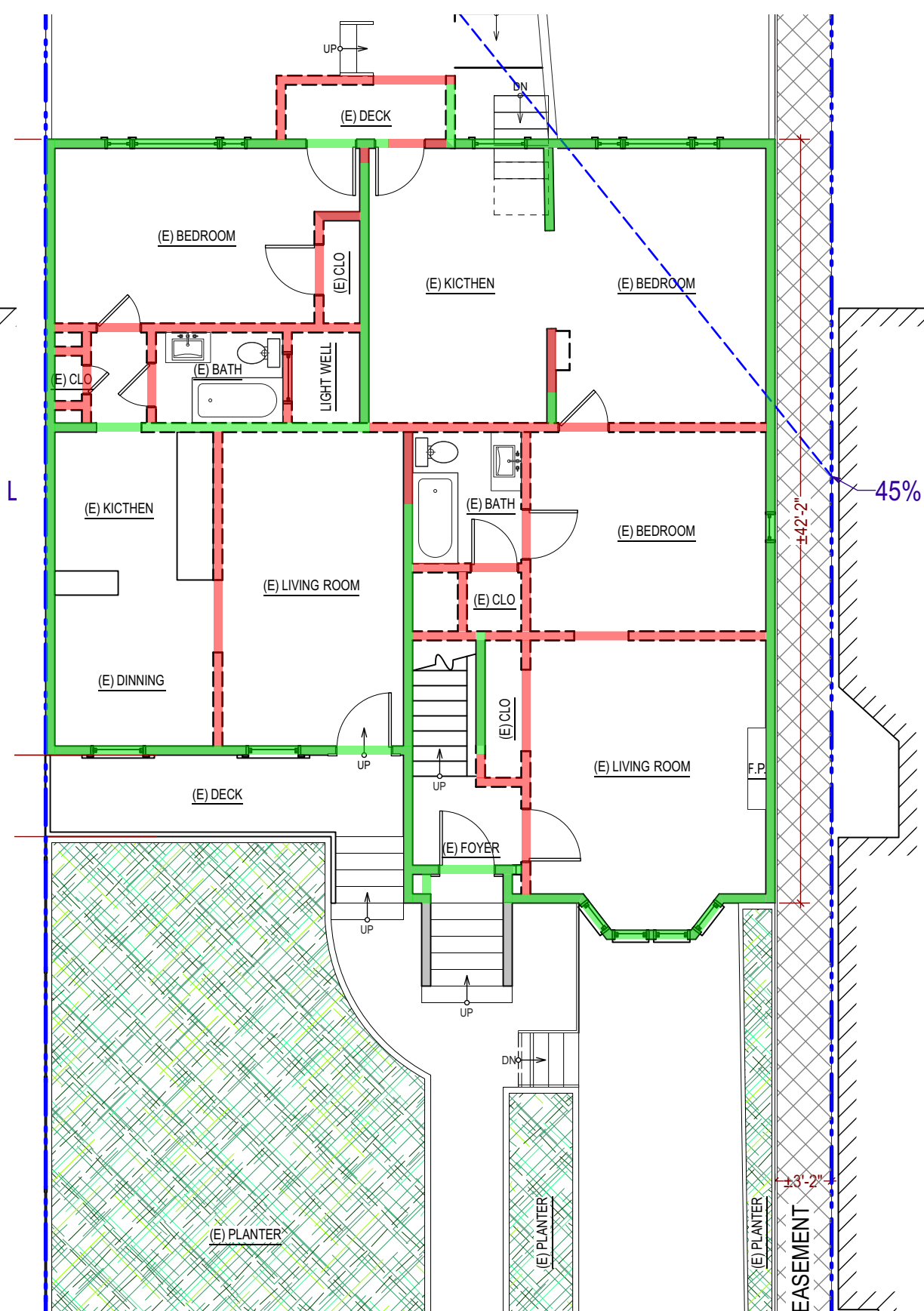
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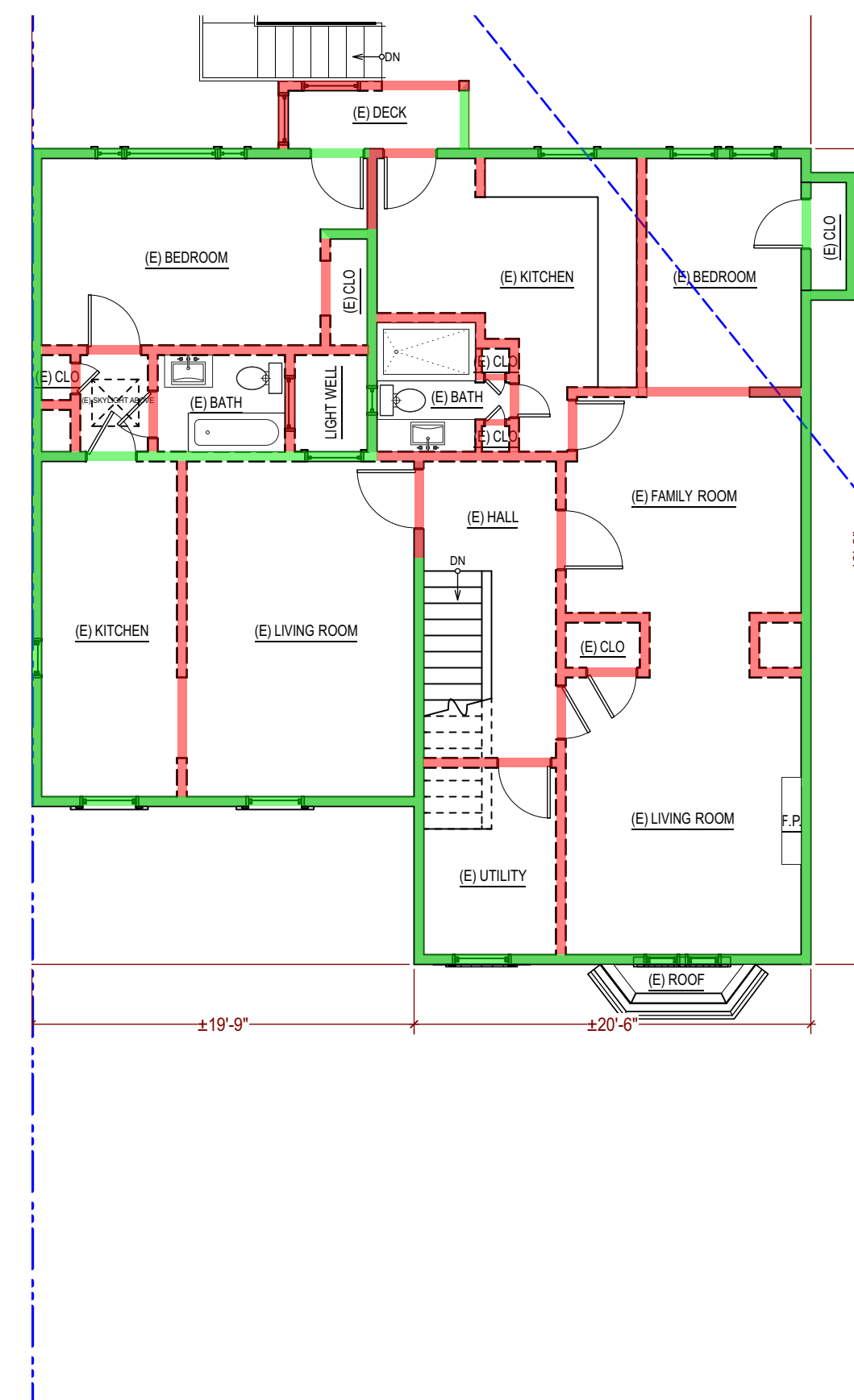
**Demo Calc.**  
**(Per SFPC**  
**Section 317)**



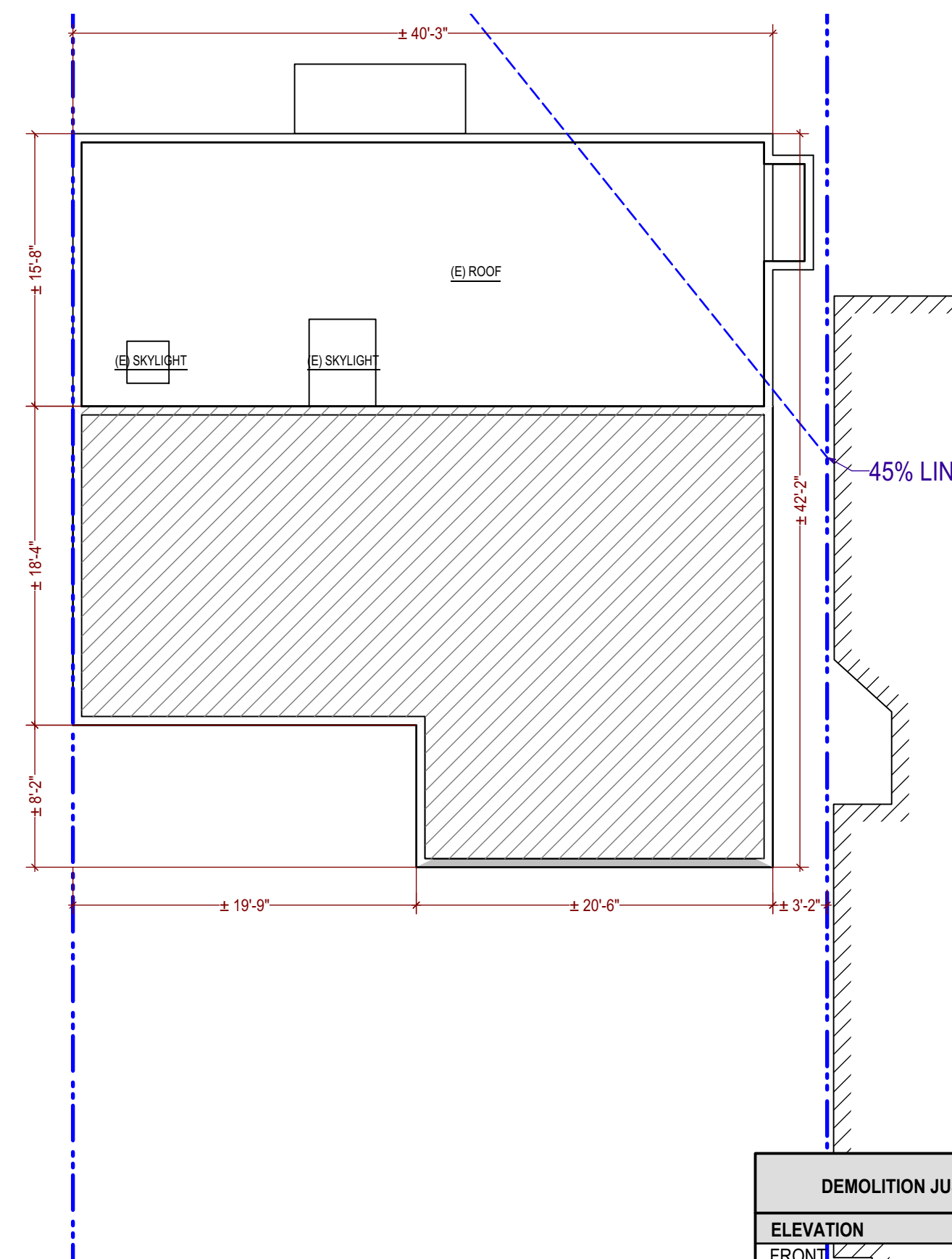
Existing Basement Plan  
1/8" = 1'-0"



Existing First Floor Plan  
1/8" = 1'-0"



Existing Second Floor Plan  
1/8" = 1'-0"



Existing Roof Plan  
1/8" = 1'-0"

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DEMOLITION JUSTIFICATION PER SFPC 317(b)(2)(B) - PART 1 (FRONT AND REAR FACADE)			
ELEVATION	(E) LIN. FT	REMOVED	% REMOVED
FRONT	30.41'	12'	39.46 %
REAR	28.42'	23.09'	81.25 %
<b>TOTAL</b>	<b>58.83'</b>	<b>35.09'</b>	<b>59.65% &gt; 50 %</b>

DEMOLITION JUSTIFICATION PER SFPC 317(b)(2)(B) - PART 2 (ALL EXTERIOR WALL)			
ELEVATION	(E) LIN. FT	REMOVED	% REMOVED
FRONT	30.41'	12'	39.46 %
REAR	28.42'	23.09'	81.25 %
LEFT	38'	0'	0%
RIGHT	42.08'	0'	0%
<b>TOTAL</b>	<b>138.91'</b>	<b>35.09'</b>	<b>25.26 % &lt; 65 %</b>

DEMOLITION JUSTIFICATION PER SFPC 317(b)(2)(C) - PART 1 (VERTICAL ENVELOPE)			
ELEVATION	(E) AREA Sq.Ft.	REMOVED	% REMOVED
FRONT	1201	21	1.75 %
LEFT	1223	72	5.89%
RIGHT	1224	123	10.05 %
REAR	1107	1079	97.47 %
<b>TOTAL:</b>	<b>4755 ± S.F.</b>	<b>1295± S.F.</b>	<b>27.23% &lt; 50 %</b>

DEMOLITION JUSTIFICATION PER SFPC 317(B)(2)(C) - PART 2 (HORIZONTAL ELEMENTS)			
LEVEL	(E) AREA Sq.Ft.	REMOVED	% REMOVED
FIRST FLOOR	1466	73	4.98 %
SECOND FLOOR	1468	61	4.16 %
ROOF	1468	859	58.51 %
<b>TOTAL:</b>	<b>4,4002 ± S.F.</b>	<b>993 ± S.F.</b>	<b>22.56 % &lt; 50 %</b>

	WALL TO BE REMOVED
	WALL TO BE RETAINED
	HORIZONTAL ELEMENT TO BE REMOVED

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DATE 02/22/2017

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SHEET NO. **A-5.1**