

# Discretionary Review Abbreviated Analysis

**HEARING DATE: MARCH 12, 2020** 

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

Reception:

415.558.6378

Fax:

415.558.6409

Planning Information: **415.558.6377** 

 Date:
 February 28, 2020

 Case No.:
 2017-015039DRP

Project Address: 350-352 San Jose Avenue

Permit Application: 201804035430

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 – (415) 575-9159

david.winslow@sfgov.org

Recommendation: Take DR and Approve with Modifications

#### PROJECT DESCRIPTION

The project proposes 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 basment residential building will provide a total of 12 dwelling units.

#### 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.

#### 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 a number of 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 TIME
311 Notice	30 days	November 6, 2019 – December 6, 2019	December 6, 2019	March 12, 2020	97 days

#### **HEARING NOTIFICATION**

TYPE	REQUIRED	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL
	PERIOD			PERIOD
Posted Notice	20 days	February 21, 2020	February 21, 2020	20 days
Mailed Notice	20 days	February 21, 2020	February 21, 2020	20 days
Online Notice	20 days	February 21, 2020	February 21, 2020	20 days

#### **PUBLIC COMMENT**

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

#### DR REQUESTOR

Thomas Willis, of 330 San Jose, adjacent neighbor to the North.

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

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 Comaptible with the Building Scale at the Mid-Block Open Space."

<u>Proposed alternatives</u>: 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.

#### **ENVIRONMENTAL REVIEW**

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

#### RESIDENTIAL DESIGN TEAM REVIEW

The Residential Design Advisory Team re-reviewed the project in consideration of the DR Application and confirmed that the project meets the Code with respect to the required rear yard. The rear building of the adjacent lot may be used to reduce the depth of the rear yard by averaging.

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Though the proposed building is code-complying, reasonable access to mid-block open space is required by the Residential Design Guidleines. The massing of the upper floors of the proposed building steps away from the adjacent neighbor to the North, which along with a 3′ side setback maintains reasonable light and access to the mid-block open space.

However, the DR requestor's concerns regarding the loss of privacy is extraordinary or exceptional given the location and extent of the deck at the second floor, and the number and location of side facing windows on the first story. Therefore staff recommends setting the deck back a minimum of 5 feet from both side building edges, and eliminating unecessry windows and treating others to be translucent.

#### **RECOMMENDATION:**

#### Take DR and Approve with Modifications

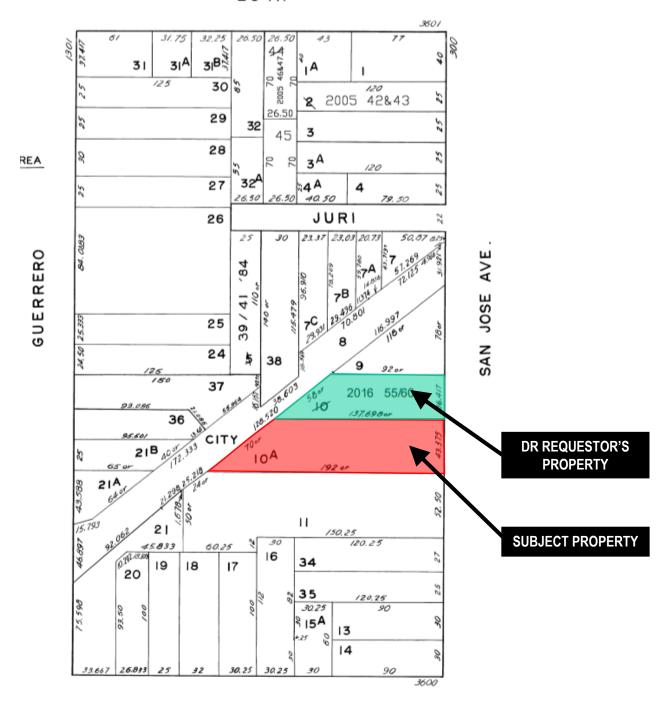
#### **Attachments:**

Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs
Context Photographs
Section 311 Notice
CEQA Determination
DR Application dated December 6, 2019
Project Sponsor Submittal dated February 28, 2020
Reduced 311 Plans

### **Exhibits**

### **Parcel Map**

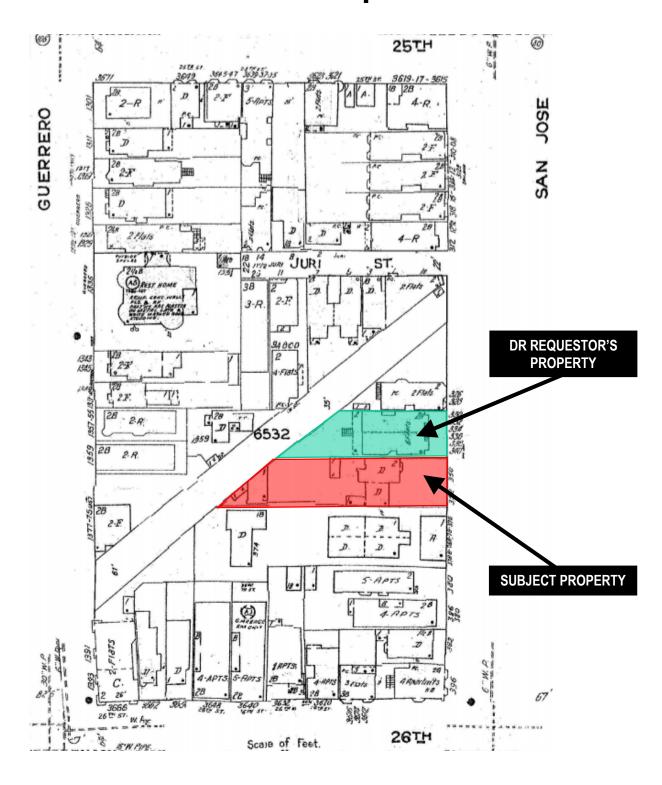
25 TH



26 TH



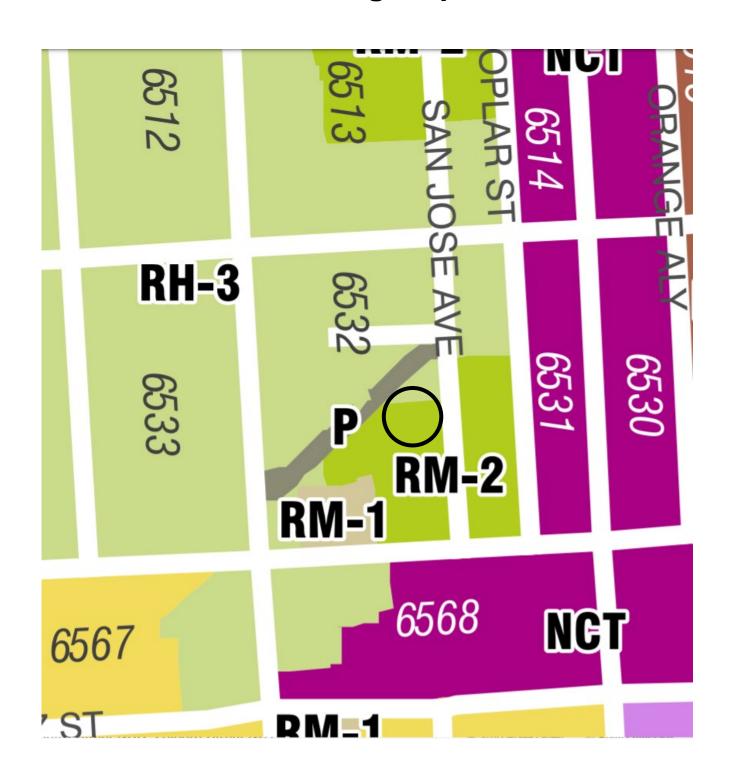
## Sanborn Map\*



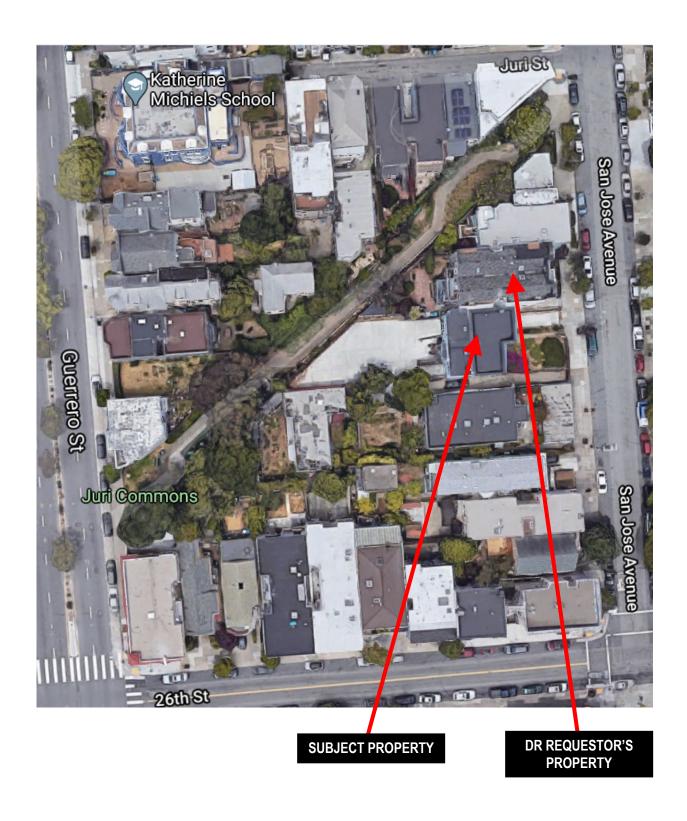
<sup>\*</sup>The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



### **Zoning Map**







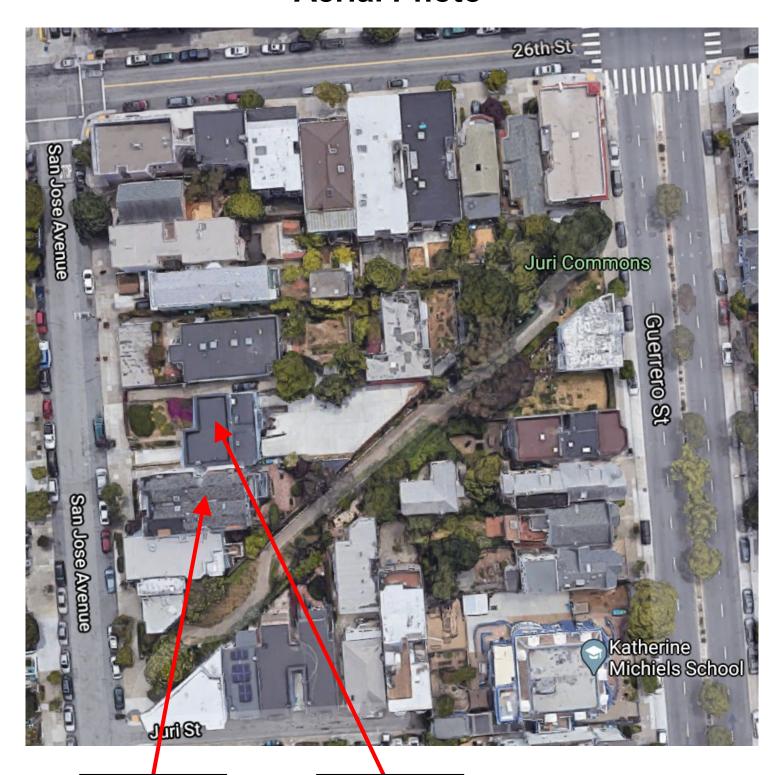




SUBJECT PROPERTY

DR REQUESTOR'S PROPERTY





DR REQUESTOR'S PROPERTY

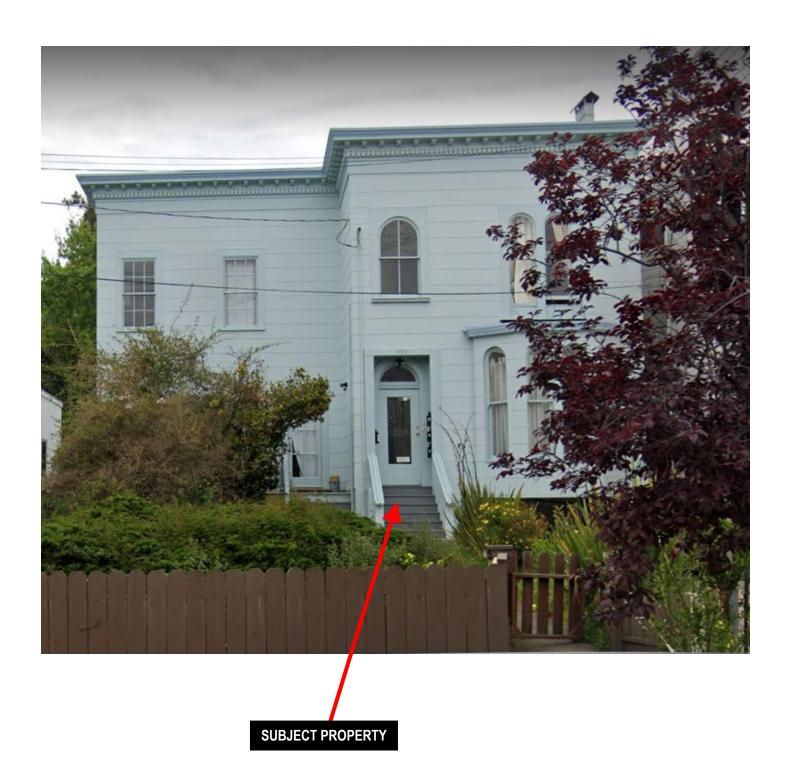
SUBJECT PROPERTY







### **Site Photo**



1650 Mission Street Suite 400 San Francisco, CA 94103

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

On April 3, 2018, Building Permit Application No. 201804035430 was filed for work at the Project Address below.

Notice Date: November 6<sup>th</sup>, 2019 Expiration Date: December 6<sup>th</sup>, 2019

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

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					
☐ Demolition	□ New Construction	Alteration			
☐ Change of Use	■ Façade Alteration(s)	■ Front Addition			
■ Rear Addition	□ Side Addition	<ul><li>Vertical Addition</li></ul>			
PROJECT FEATURES	EXISTING	PROPOSED			
Building Use	Residential	No Change			
Front Setback	40 feet	25 feet 1 inch			
Side Setbacks	3 feet 2 inches	No Change			
Building Depth	42 feet 2 inches	112 feet 8 inches			
Rear Yard	109 feet 6 inches	53 feet 11 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 DESCRIPT	LON			

#### PROJECT DESCRIPTION

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 basment residential building will provide a total of 12 dwelling units.

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.

To view plans or related documents, visit <u>sf-planning.org/notices</u> 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

# **Certificate of Determination Community Plan Evaluation**

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

Case No.: 2017-015039ENV

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

Project Address:

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

Reception: 415.558.6378

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.

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 $<sup>^{\</sup>rm 1}$  Planning Department Case No. 2004.0160E and State Clearinghouse No. 2005032048

<sup>&</sup>lt;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 <a href="https://sfplanninggis.org/PIM/">https://sfplanninggis.org/PIM/</a>. 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

October 1, 2019

Date

Environmental Review Officer

#### **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.

	MONITORING AND REPORTING PROGRAM				
Adopted Mitigation Measures	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/ Schedule and Verification of Compliance	
MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR					
Mitigation Measure M-CR-2c: Archeological Testing					
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).	Project sponsor/ archeological consultant at the direction of the Environmental Review Officer (ERO).	Prior to issuance of site permits	Project sponsor to retain a qualified archeological consultant who shall report to the ERO. Qualified archeological consultant will scope archeological testing program with ERO.	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:  Date Archeological consultant received approval for archeological testing program scope:	
Archeological Testing Program. 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	Project sponsor/ archeological consultant at the	Prior to any soil- disturbing activities on the project site.	Archeologist shall prepare and submit draft ATP to the ERO. ATP to be submitted and reviewed	Date ATP submitted to the ERO:	

	MONITORING AND REPORTING PROGRAM				
Adopted Mitigation Measures	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Schedule and Verification of Compliance	
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.	direction of the ERO.		by the ERO prior to any soils disturbing activities on the project site.	Date ATP approved by the ERO:  Date of initial soil disturbing activities:	
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:  a. The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or  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.	Project sponsor/ archeological consultant at the direction of the ERO.	of the	Archeological consultant shall submit report of the findings of the ATP to the ERO.	Date archeological findings report submitted to the ERO:ERO determination of significant archeological resource present? YN Would resource be adversely affected? YN Additional mitigation to be undertaken by project sponsor? YN	
Archeological Data Recovery Program. The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor,	Archeological consultant at the	If there is a determination that an ADRP	Project sponsor/ archeological consultant/ archeological monitor/	ADRP required? Y N Date:	

	MONITORING AND REPORTING PROGRAM				
Adopted Mitigation Measures	Implementation Responsibility	Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Schedule and Verification of Compliance	
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.  The scope of the ADRP shall include the following elements:  • Field Methods and Procedures. Descriptions of proposed field strategies, procedures, and operations.  • Cataloguing and Laboratory Analysis. Description of selected cataloguing system and artifact analysis procedures.  • Discard and Deaccession Policy. Description of and rationale for field and post-field discard and deaccession policies.  • Interpretive Program. Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.  • Security Measures. Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.  • Final Report. Description of proposed report format and distribution of results.	direction of the ERO	program is required	contractor(s) shall prepare an ADRP if required by the ERO.	Date of scoping meeting for ARDP:  Date Draft ARDP submitted to the ERO:  Date ARDP approved by the ERO: Date ARDP implementation complete:	
Curation. Description of the procedures and recommendations for the curation of any recovered data having potential research value,					

MONITORING AND REPORTING PROGRAM			
Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/ Schedule and Verification of Compliance
Project sponsor / archeological consultant in consultation with the San Francisco Medical Examiner, NAHC, and MLD.	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	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	objects found? Y N
		MLD to inspect the remains and make treatment and disposition recommendations MLD, ERO, Sponsor to develop Burial Agreement  ERO to ensure that Agreement is implemented as specified and burial disposition has	Burial Agreement received or ERO/sponsor determine that agreement cannot be
	Project sponsor / archeological consultant in consultation with the San Francisco Medical Examiner, NAHC, and	Project sponsor / If human remains archeological consultant in consultation with the San notification immediately; Medical NAHC appoint Examiner, MLD within 24 hours; MLD inspects remains within 48 hours of	Implementation Responsibility  Project sponsor / If human remains and/or funerary objects are found, consultation with the San notification for human remains and associated or unassociated funerary objects and, if found, contact the San hours; MLD inspects remains within 48 hours of access  MLD to inspect the remains and disposition recommendations MLD, ERO, Sponsor to develop Burial Agreement is implemented as specified

	MONITORING AND REPORTING PROGRAM				
Adopted Mitigation Measures	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Schedule and Verification of Compliance	
associated or unassociated funerary objects shall be reinterred or curated as specified in the Agreement.  Nothing in existing State regulations or in this mitigation measure				have been adhered to, consultation with MLD is completed as warranted, that	
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				sufficient opportunity has been provided to the archaeological consultant for any scientific /historical	
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.				analysis of remains/funerary objects specified in the Agreement, and the agreed-upon	
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.				disposition of the remains has occurred.  Date:	
Final Archeological Resources Report. 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		After completion of the archeological data recovery, inventorying, analysis and interpretation.	Project sponsor/ archeological consultant	Following completion of soil disturbing activities. Considered complete upon distribution of final FARR. Date Draft FARR submitted to ERO:	

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



### **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, 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:

$\square$ 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.
$\hfill\Box$ Photographs or plans that illustrate your concerns.
$\hfill\Box$ 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 <u>Fee</u> 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 Franciso, 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?		
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.

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 seperate 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 site specific sections of the Residential Design Guidelines.

I am concered 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 demonstarte compliance with the required rear yard . . . A year 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 reasoonable and disregards the open space between the two buildings. The back area is critical to us (neighbors at 330-340 San Jose) becasue 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. Qualifty of life for neighbors and visitors to Juri Commons will be adversely affected.

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:

1 Thomas Willis

Email

Signature

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

Signature Name (Printed)

Requestor 415.860.1145 twillis623@gmail. com

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

For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_\_\_

Date: 12/6/19

350 Su Jose Me

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 <a href="mailto:twillis@rjp.com/juliehenderson317@gmail.com">twillis@rjp.com/juliehenderson317@gmail.com</a> 330 San Jose Ave. San Francisco CA 94110

Carlo Camozzi <u>carlocamozzi@me.com</u> 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,

350 Sur boxe

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



350 Sur Joy Me

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

350 Sur Juse Ne

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 o rat work 510.346.6204

Tiom Willis



From: Sent:

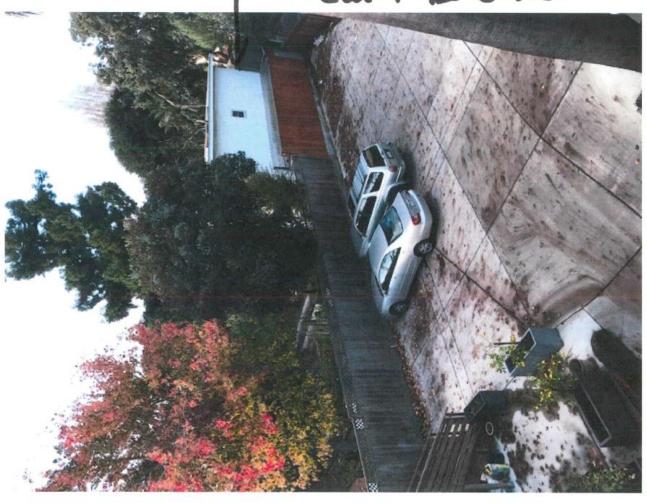
To:

Subject:



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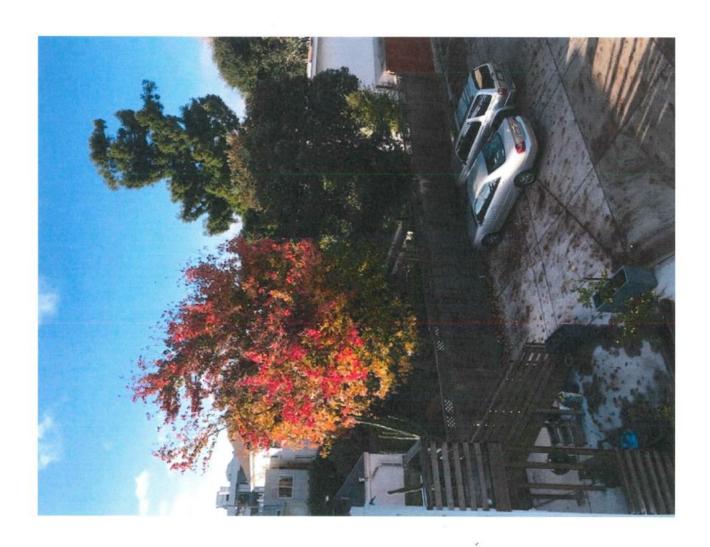
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From:

Sent: To: Subject: Andrew Leichman <alrgioey@gmail.com>

Tom Willis Bidg3



Sent from my iPhone



From:

Sent:

To:

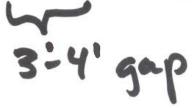
Subject:



Walkway



Sent from my iPhone





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	DRAWING INDEX	SCOPE OF WORK			PROJECT DATA					DDO IFCT NAME		
	ARCHITECTURAL	- ADDITION OF 8 UNITS TO AN EXISTING 4 UNIT DWELLING TO PROVIDE: -6 ONE BEDROOM UNITS		BLOC	PLANNING DATA: BLOCK / LOT : LOT AREA:			6532 / 010A 7,150 ± S.F.		250 SAN JOSE SAN FRANCISCO, 0		
_	A-0.1 COVER SHEET	-6 TWO BEDROOM UNITS			ZONING:		RM-2	RM-2				
E	A-0.2 VICINITY MAP				(E) # OF UNITS: (N) # OF UNITS:						E	
	A-0.3 SITE PHOTOGRAPHS	ADDITION WILL CONSIST OF:			ALLOWABLE HEIGHT:							
	C-1 SURVEY	- HORIZONTAL ADDITION TO 25% SETBACK LINE			(E) BUILDING HEIGHT: (N) BUILDING HEIGHT:						-	
	A-1.1 (E) SITE PLAN	- ONE STORY VERTICAL ADDITION TO EXISTING 2 STORY BUILDING			# OF CAR PARKING SPACES:							
	A-1.2 (N) SITE PLAN	- EXCAVATION OF EXISTING GRADE TO ADD BASEMENT LEVEL & OPEN SPACE FOR			# OF BIKE PARKING SPACES:			8 BICYCLE PARKING				
	A-1.3 ISOMETRIC VIEWS	OCCUPANTS			DING DATA:							
	A-1.4 ISOMETRIC VIEWS	- RELOCATION OF EXISTING BUILDING  (E) NUMBER OF STORIES:				TORIES:	2			consultir	ng	
	A-2.1 BASEMENT PLANS	TEMODEL EXISTING STATE			(N) NUMBER OF STORIES			ASEMENT "				
	A-2.2 FIRST FLOOR PLANS		CONSTRUCTION TYPE:  (E)OCCUPANCY GROUP:				TYPE "V-A" R-2 (NO CHANGE)			SIA CONSULTING 4742 MI	CORPORATION ISSION STREET CISCO CA 94112	
D	A-2.3 SECOND FLOOR PLANS				APPLICABLE CODES:			2016 CALIFORNIA CODES EDITIONS		TEL FAX	: (415) 741.1292 (: (415) 849.1252	D
	A-2.4 THIRD FLOOR PLAN							RANCISCO AMEN	NDMENTS	SHEET TITLE	CONSULT.COM	-
	A-2.5 ROOF PLANS	ASSESSOR'S MAP		(E) G	(E) GROSS FLOOR AREA:					S		
	A-3.1 FRONT ELEVATIONS		GUERRERO			T (GARAGE):	506 ± S.F			Cover Ch	<del>t</del>	
	A-3.2 LEFT ELEVATIONS	75.598 46.897 5 43.588 25	24.50 25.333 84.083 25 30 25 25 37.417		FIRST FLOOR: SECOND FLOOR:			1,521 ± S.F. 1,535 ± S.F.		Cover Sheet		
	A-3.3 RIGHT ELEVATIONS	2 93.50 20 E		(E) TO	OTAL GROSS	FLOOR AREA (INCL STOR/GAR):	3,562 ± S.F	F.				
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		SUBJECT PARCEL	SAN JOSE AVE.	PROP	POSED FLO	OOR AREA MATRIX						
				RESIDENT	ITIAL	FLOOR	HABITABLE FLOOR	COMMON	PRIVATE	THESE DOCUMENTS ARE PROPERTY OF CONSULTING & ARE NOT TO BE PRODU OR COPIED WITHOUT THE EXPRESSED	CED, CHANGED, WRITTEN	
				UNIT	BASEMENT	LEVEL  1ST FLR 2ND FLR 3RD FLR	AREA	OPEN SPACE	OPEN SPACE	ISSUES / REVISIONS	RATION.	
В				UNIT		636 ± S.F	636 ± S.F.		89 ± S.F.	NO. DATE DESCRI		B
				UNIT 2		716 ± S.F	716 ± S.F.		00 ± 0.1 .	02/28/2020 PLANING COMIS	SION PACKET	
				UNIT 3		- 577 ± S.F	577 ± S.F.		-			
				UNIT 4		- 819 ± S.F	819 ± S.F.		-			
				UNIT					220 + 0.5			
				h .			681 ± S.F.	1,400 ± S.F.	230 ± S.F.			
				UNIT 6	,		1,097± S.F.	1,400 ± 3.1 .	175 ± S.F.			
				UNIT 7			812 ± S.F.		244 ± S.F.	DRAWN	A.HK.	
				UNIT 8		1,050 ± S.F	1,050 ± S.F.		53 ± S.F.	CHECKED	R.K.	
				UNIT 9		805 ± S.F	805 ± S.F.		-	CHECKED	N.N.	-
А				UNIT 1		- 1,084 ± S.F	1,084 ± S.F.		727 ± S.F.	DATE 02	2/22/2017	A
				UNIT 1		1,123 ± S.F.	1,123 ± S.F.		178 ± S.F.	REVISED DATE 02	2/28/2020	
				UNIT 1	12 -	867 ± S.F.	867 ± S.F.		527 ± S.F.	JOB NO.	17-1741	
				TOTAL	2,590 ± SF	3,207 ± SF   2,480 ± SF   1,990 ± SF	10,267 ± S.F.	1,400 ± S.F.	2,223 ± S.F.			
	PROPOSED PERSPECTIVE VIEW	EXISTING PERSPECTIVE VIEW		GARAG	GE	1,055± S.F. CIRCULATION	805± S.F.	TOTAL OPEN SPACE	3,623 ± S.F.	SHEET NO. A-0	<b>).</b> 1	
	1 2	3	4		5		6			7		



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

VICINITY MAP

SUBJECT PARCEL

**VICINITY MAP** 

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02/22/2017

R.K.

02/28/2020

REVISED DATE

17-1741 JOB NO.

A-0.2

consulting

DESCRIPTION



SUBJECT PROPERTY'S LEFT VIEW



PROPERTY ACROSS FROM SUBJECT PROPERTY



SUBJECT PROPERTY

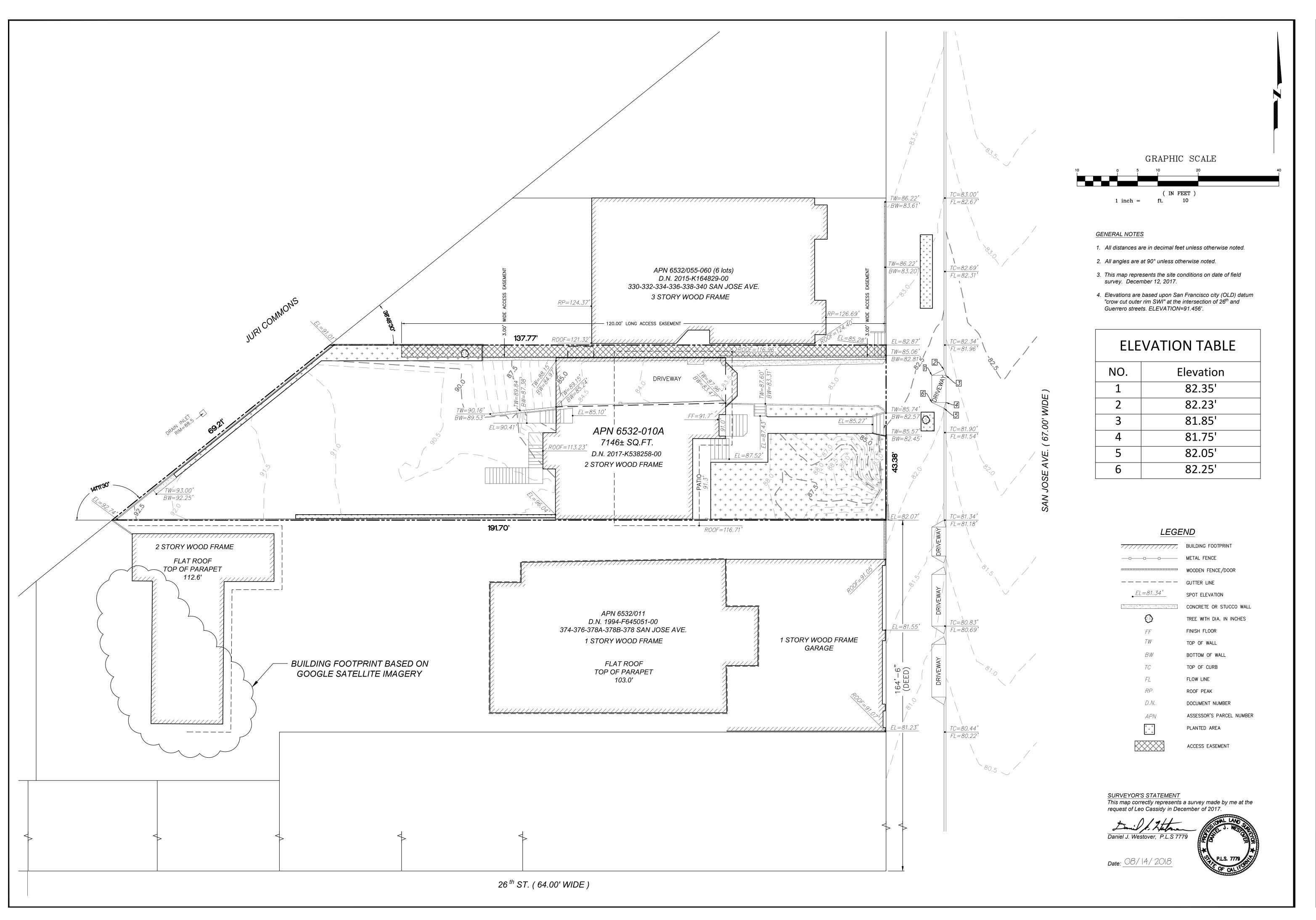


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PROPERTY ACROSS FROM SUBJECT PROPERTY

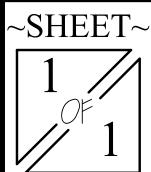
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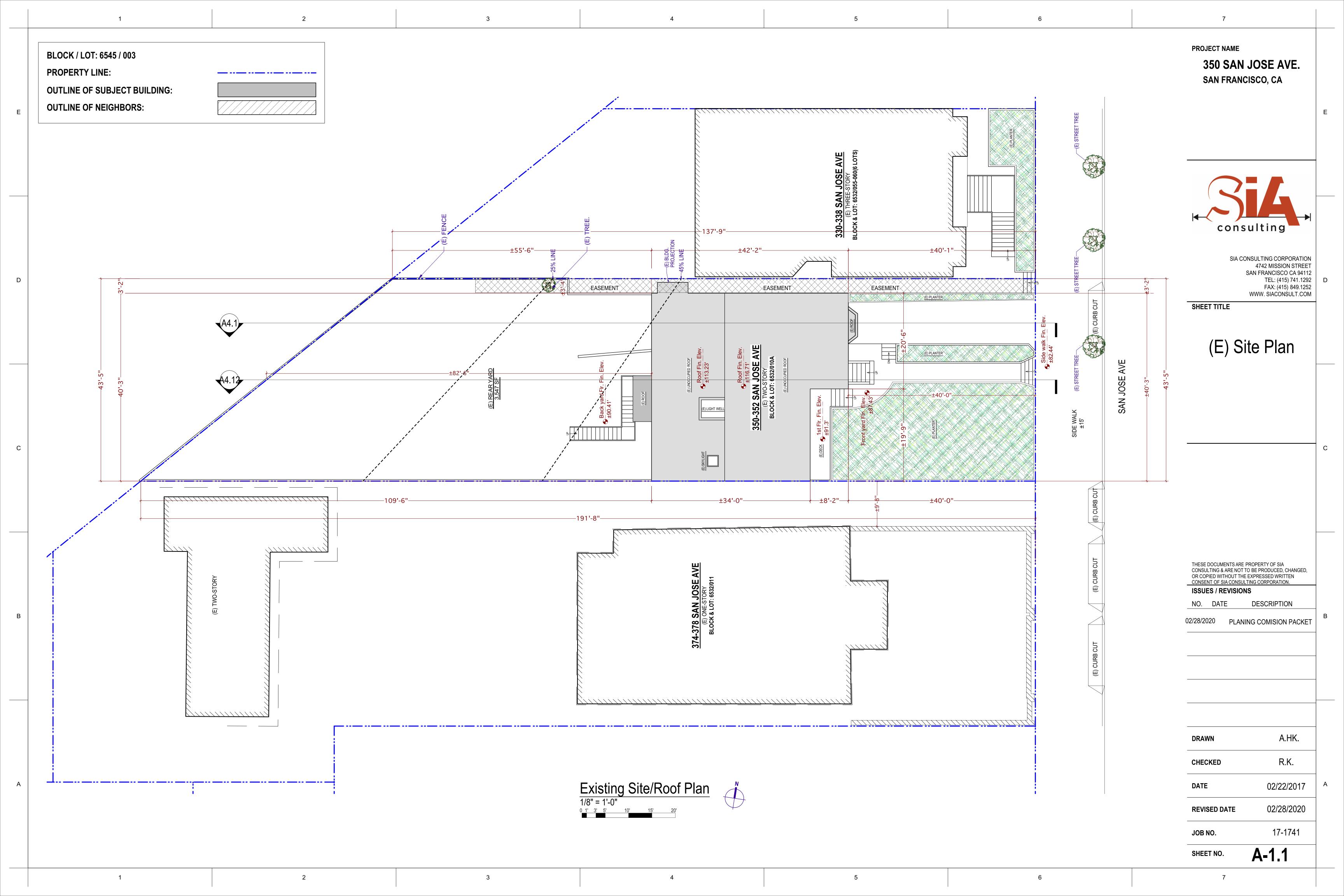


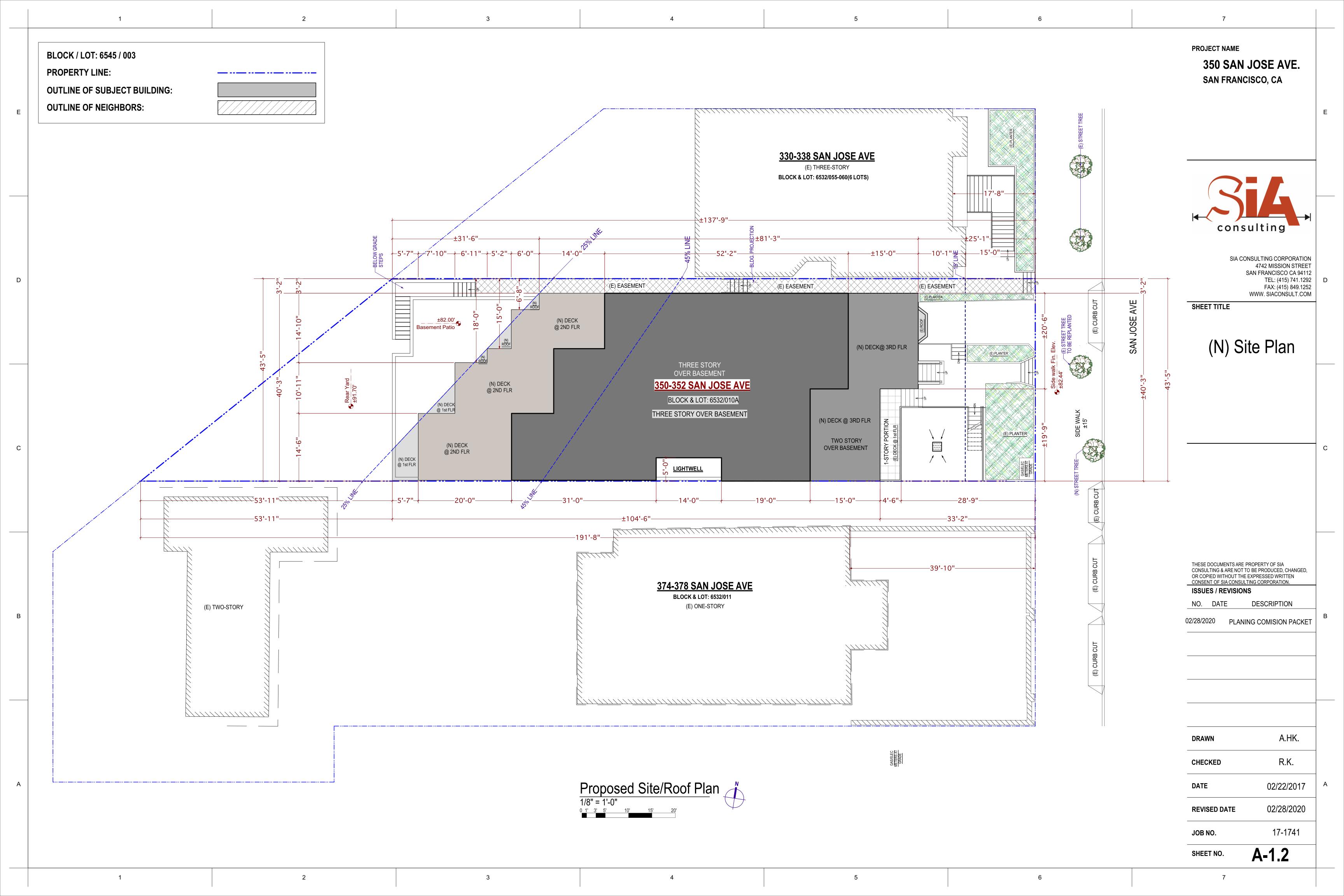
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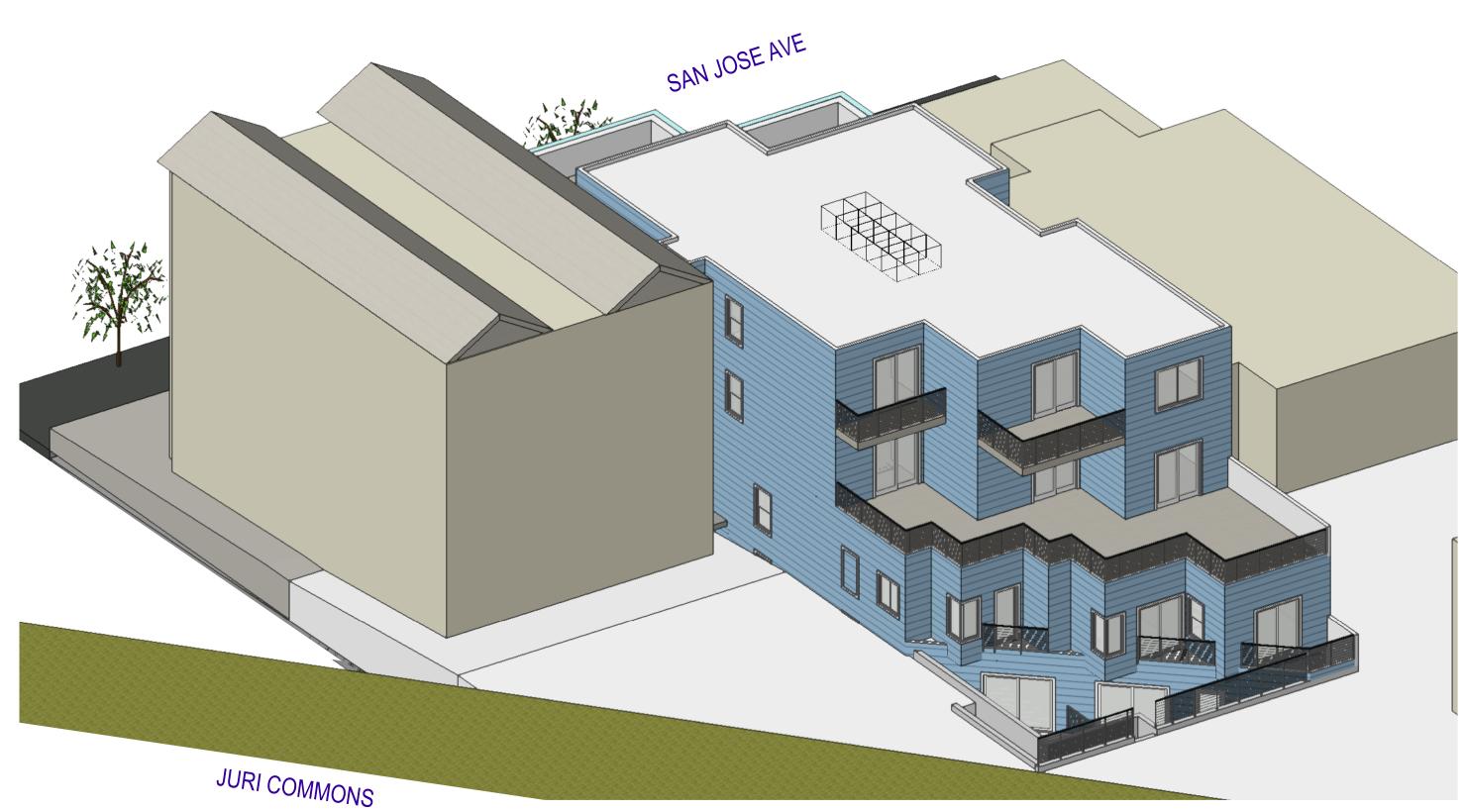
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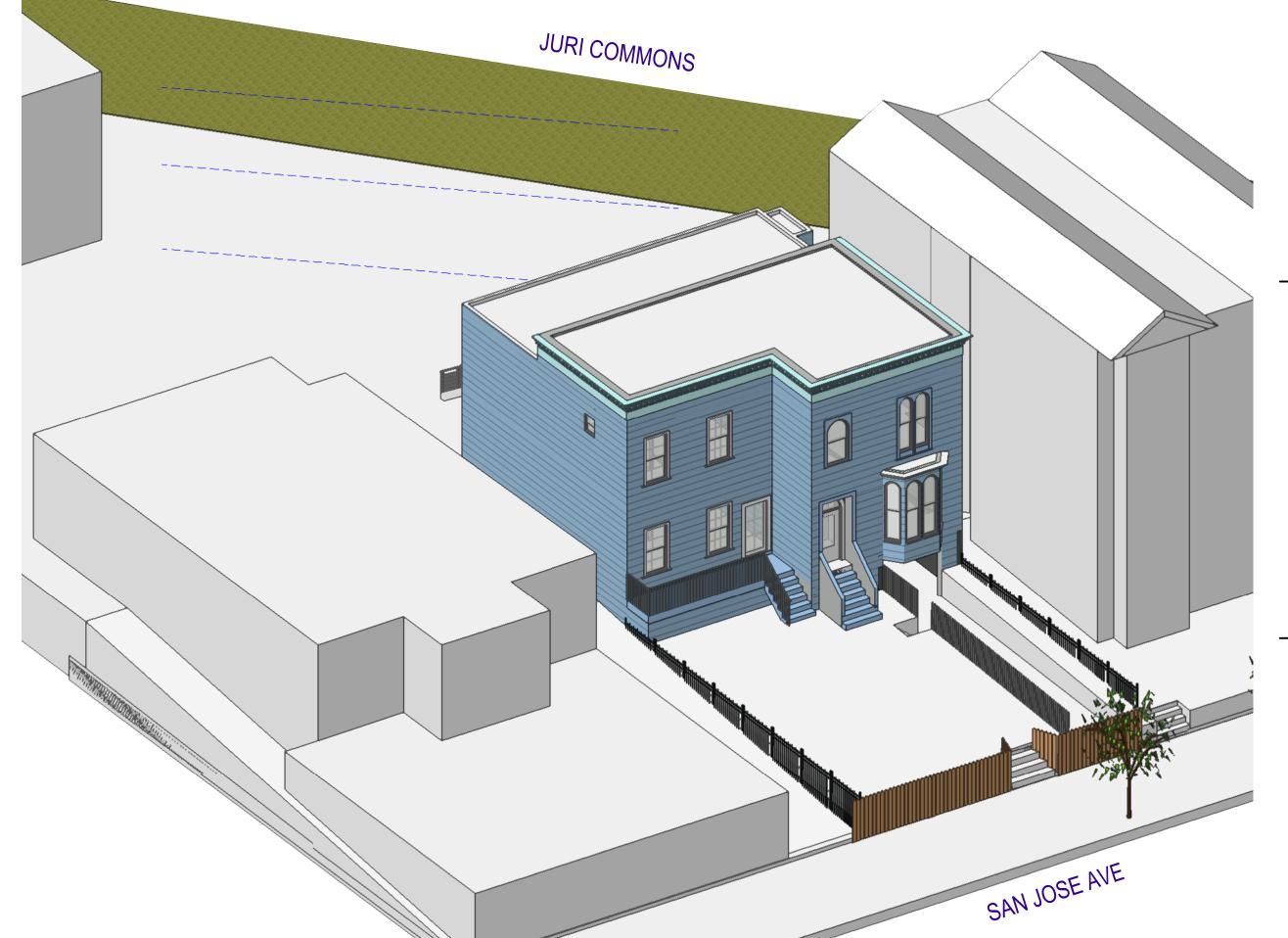




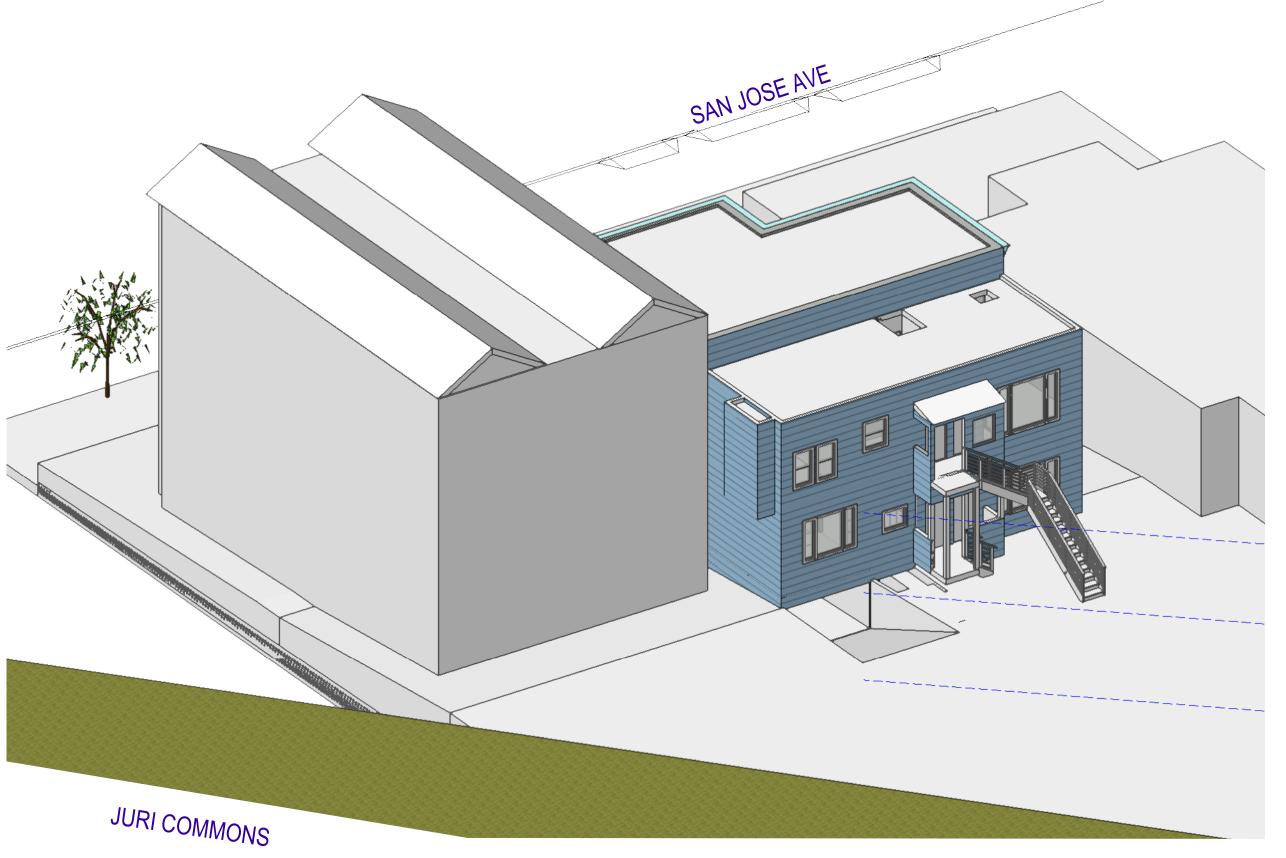




Proposed Isometric- Rear (southeast) view



Existing Isometric- Front (northwest) view



PROJECT NAME 350 SAN JOSE AVE. SAN FRANCISCO, CA



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## Isometric View

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REVISED DATE

17-1741

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Existing Isometric- Rear (southeast) view

