

Discretionary Review Abbreviated Analysis

HEARING DATE: APRIL 11, 2019

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

Reception:

415.558.6378

Fax:

415.558.6409

Planning Information: 415.558.6377

Date: March 21, 2019

Case No.: 2018-007006DRP
Project Address: 2000 Grove Street

Permit Application: 2018.0509.8704

Zoning: RM-1 [Residential Mixed, Low-Density]

40-X Height and Bulk District

Block/Lot: 1189/002D

Project Sponsor: Seth Pare-Meyer

1349 Spruce St. Napa, CA 94559

Staff Contact: David Winslow – (415) 575-9159

David.Winslow@sfgov.org

Recommendation: Do not take DR and approve as proposed

PROJECT DESCRIPTION

The project consists of mandatory seismic retrofit, the removal of three off-street parking spaces, and construction of an accessory dwelling unit in the ground level garage of an existing 4-story apartment house. No expansion outside the existing building envelope is proposed.

SITE DESCRIPTION AND PRESENT USE

The site is a 25′-0″ x 106′-3″ corner 4-story, 6-unit apartment building with ground level garages. The building was constructed in 1925 and is listed as a category 'B' historic resource.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

This block of Grove consists of 3-4-story multi-family houses fronting the street.

BUILDING PERMIT NOTIFICATION

ТҮРЕ	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
None	NA	NA	8.10. 2018	4.11.2019	244 days

HEARING NOTIFICATION

ТҮРЕ	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	20 days	March 22, 2019	March 22, 2019	20 days
Mailed Notice	20 days	March 22, 2019	March 22, 2019	20 days
Newspaper Notice	20 days	March 22, 2019	March 22, 2019	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			
Neighborhood groups	0	0	0

DR REQUESTOR

Jennifer Fieber of the San Francisco Tenants Union, on behalf of the building tenants.

DR REQUESTORS' CONCERNS AND PROPOSED ALTERNATIVES

1. The garage spaces are part of tenant services that are included as a part of the tenants' lease which the tenants have not agreed to give up.

See attached Discretionary Review Applications, dated August 10, 2018.

PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

The sponsor has complied with the Planning Code and the Department's procedures of notification for adding accessory dwelling units and has reduced the scope to add a single ADU.

See attached *plans*, dated March 11, 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).

DEPARTMENT REVIEW

The proposed accessory dwelling unit (ADU) complies with the Planning Code and the Department's applicable design guidelines and policy goals. The Planning Code does not require parking and allows for the removal of off-street parking for a variety of uses. Tenants are required to be notified per DBI screening procedures for ADUs, which require an owner affidavit regarding housing services.

The removal and re-allocation of tenant housing services is not an issue regulated by the Planning Department, but rather by the Rent Board. The project sponsor revised the scope of work to add only a single ADU and maintain 3 garage spaces as a part of retention of tenant housing services.

RECOMMENDATION:

Do not take DR and approve project

Attachments:

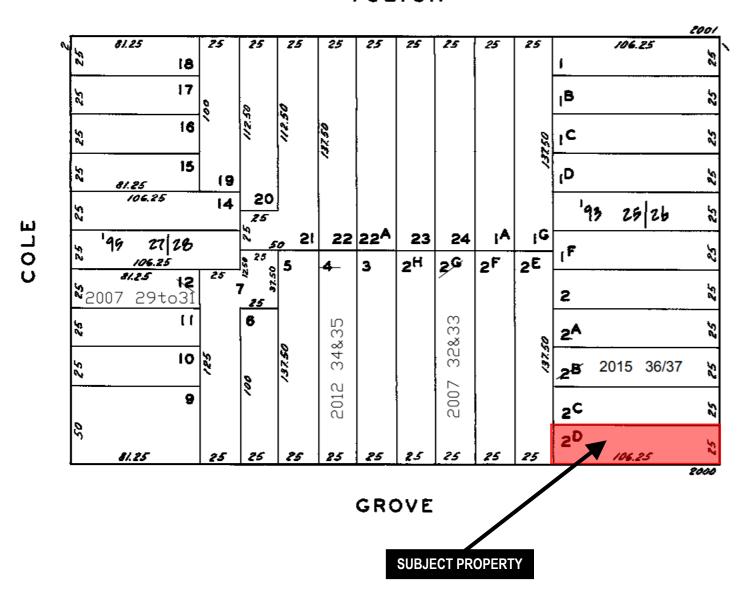
Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs
Context Photographs
Section 311 Notice
CEQA Determination
DR Application
ADU screening form and Affidavit
Tenant notification
Reduced revised Plans dated March 11, 2019

Exhibits

CLAYTON

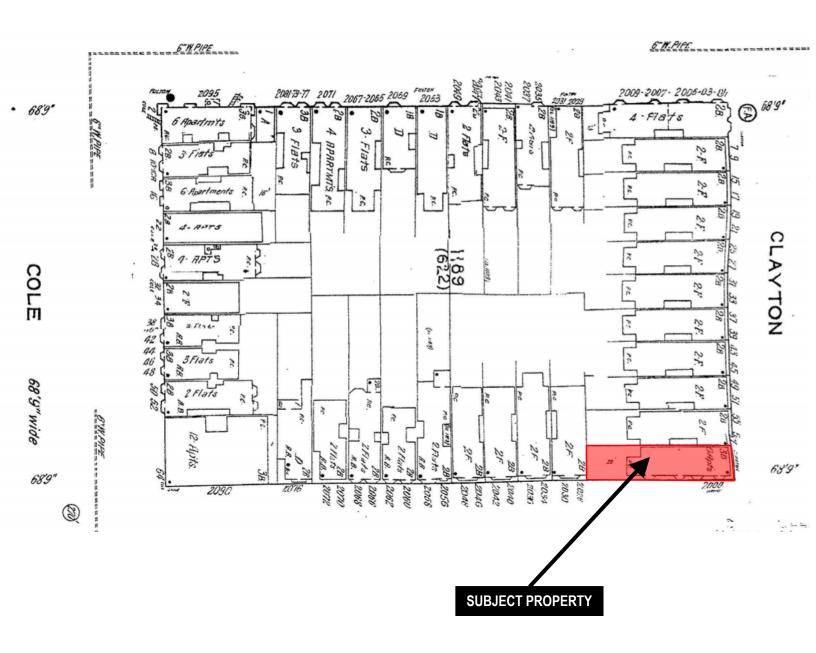
Parcel Map

FULTON

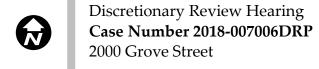




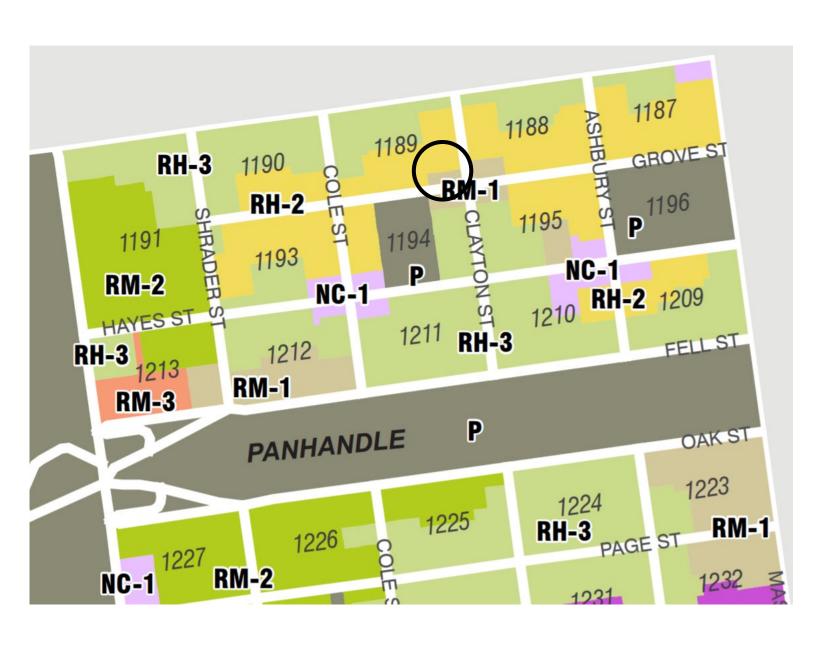
Sanborn Map*



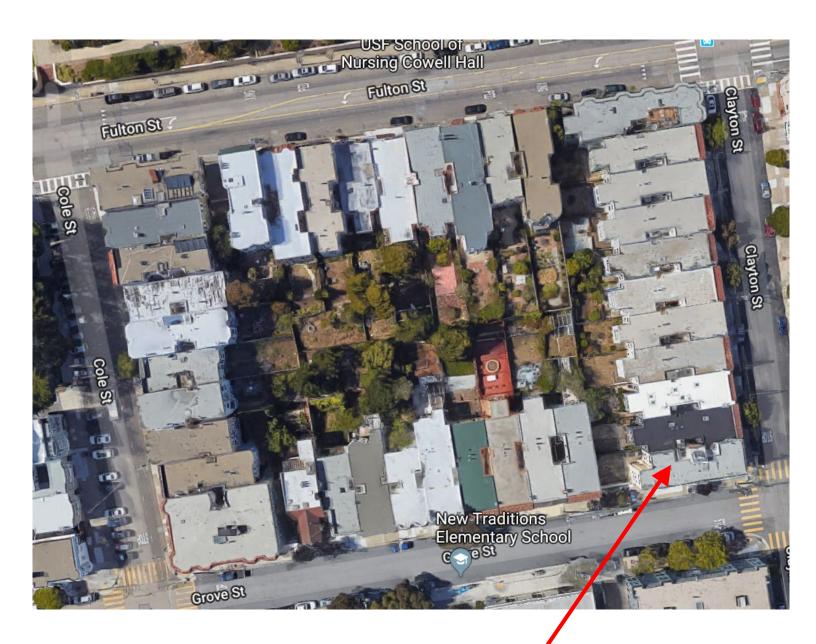
*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Zoning Map



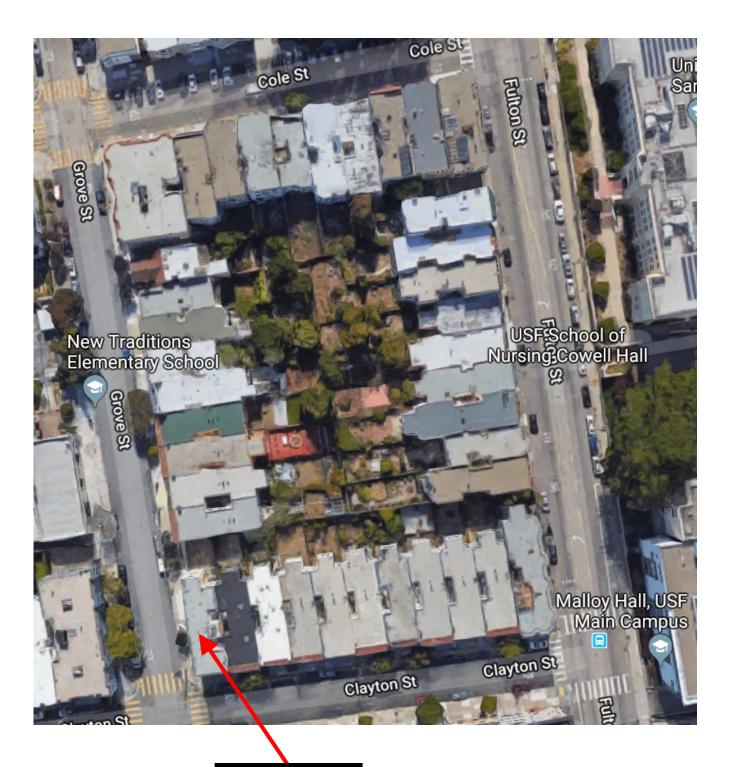




SUBJECT PROPERTY



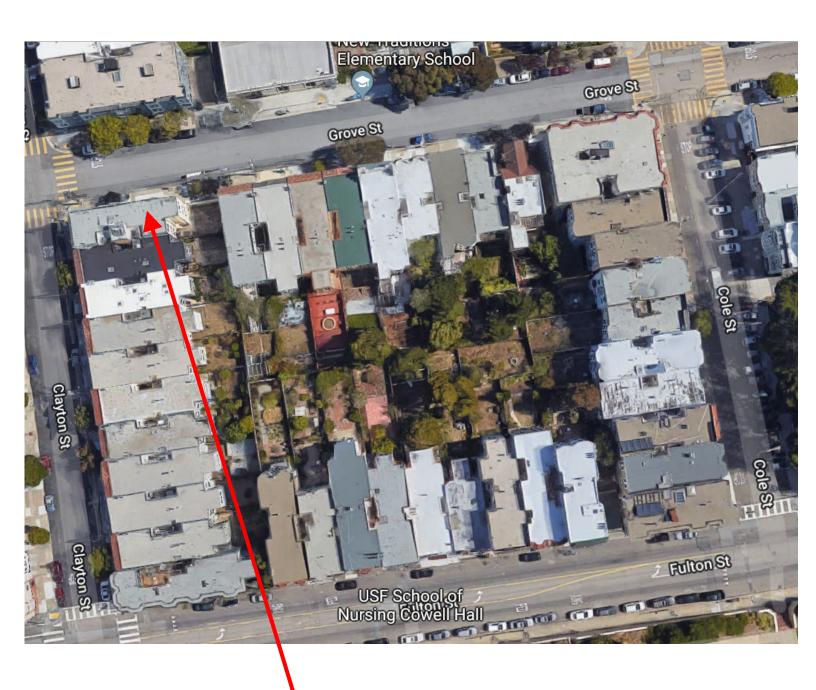
Discretionary Review Hearing Case Number 2018-007006DRP 2000 Grove Street



SUBJECT PROPERTY

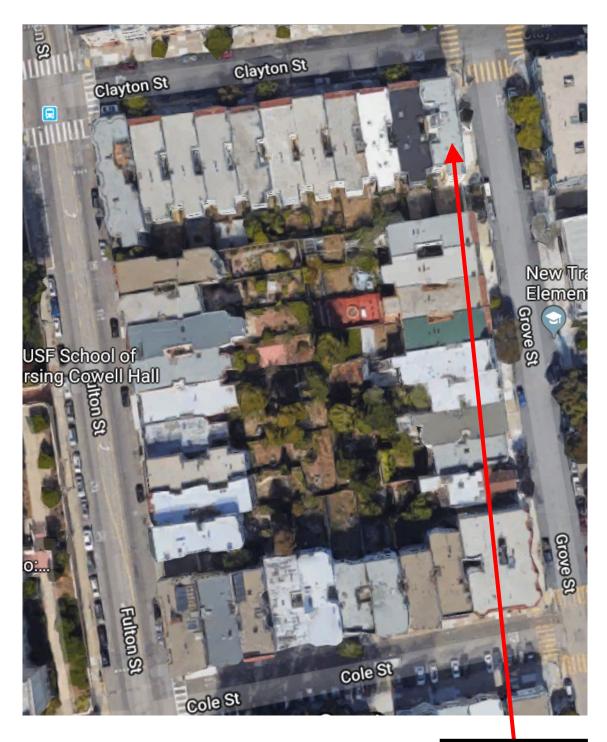


Discretionary Review Hearing Case Number 2018-007006DRP 2000 Grove Street



SUBJECT PROPERTY



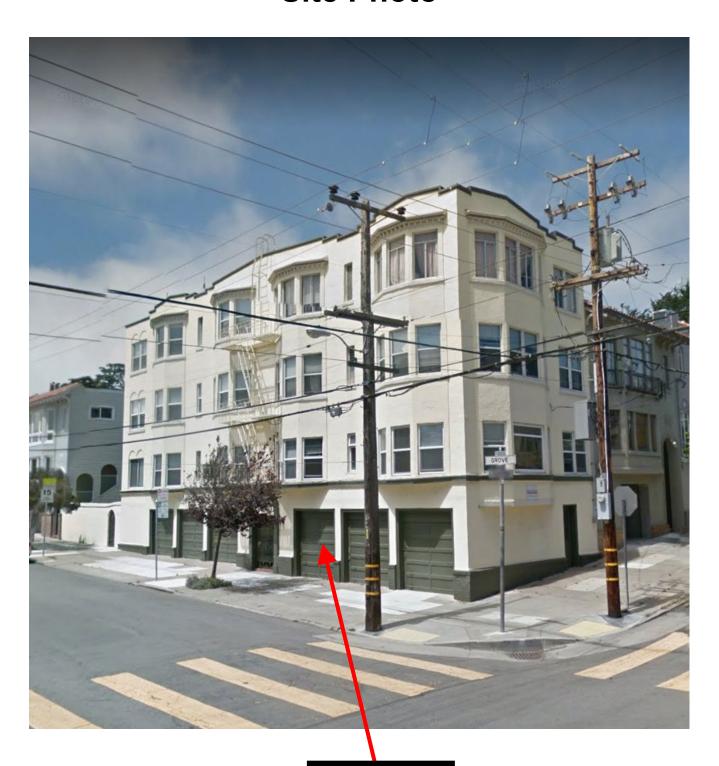


SUBJECT PROPERTY



Discretionary Review Hearing Case Number 2018-007006DRP 2000 Grove Street

Site Photo



SUBJECT PROPERTY

Discretionary Review Hearing Case Number 2018-007006DRP 2000 Grove Street





DISCRETIONARY REVIEW APPLICATION

RECEIVED

AUG 1 0 2018

Property Owner's Information		CITY & COUNTY OF S.F.
Name:		PLANNING DEPARTMENT PIC
Address:	Email Address:	
	Telephone:	
Applicant Information (if applicable)		
Name: Jennifer Fieber		Same as above
Company/Organization: San Francisco Tenants Union		
Address: 558 Capp St San Francisco CA 94110	n Email Address:	jennifer@sftu.org
336 Capp St San Mancisco CA 94110	Telephone:	415-282-6543
Please Select Billing Contact: Owner	Applicant	Other (see below for details)
Name: Email:		Phone:
Please Select Primary Project Contact: Owner	Applicant	Billing
Property Information		
Project Address: 2000 Grove St	Block/Lot(s): 1	189/002D
Plan Area: 2656 sq ft		
Project Description:		
Please provide a narrative project description that summarizes the pr	oject and its purpo:	se.
Conversion of ground level garage space to 2 ADU u	nits within env	elop of this 6 unit building.
The garage spaces are currently parking spaces which tenants have not agreed to give up these spaces which		A



DISCRETIONARY REVIEW APPLICATION

APPLICATION SUBMITTAL REQUIREMENTS

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

Please read the <u>Discretionary Review Informational Packet</u> carefully before the application form is completed.

WHAT TO SUBMIT:

Two (2) complete applications signed by owner or agent.
A Letter of Authorization for Agent from the owne giving you permission to communicate with the Planning Department on their behalf.
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 required intake fee amount. (See <u>Fee Schedule and/or Calculator</u>)

HOW TO SUBMIT:

To file your Mandatory or Staff Initiated Discretionary Review application, please send an email request along with the intake appointment request form to: <u>CPC.lntake@sfgov.org</u>. Intake request forms are available here: http://sf-planning.org/permit-forms-applications-and-fees.

To file your Public Initiated Discretionary Review (Public) application, please submit in person at the Planning Information Center, 1660 Mission Street, first floor, with all required materials including a check payable to the Planning Department.

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 415.575.9121. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.

ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

In reviewing applications for Certificate of Appropriateness the Historic Preservation Commission, Department staff, Board of Appeals and/or Board of Supervisors, and the Planning Commission shall be governed by *The Secretary of the Interior's Standards for the Treatment of Historic Properties* pursuant to Section 1006.6 of the Planning Code. Please respond to each statement completely (Note: Attach continuation sheets, if necessary). Give reasons as to *how* and *why* the project meets the ten Standards rather than merely concluding that it does so. IF A GIVEN REQUIREMENT DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

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?	V	
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 attach a summary of the result, including any changes that were made to the proposed project.

Tenant has filed their own objection with assigned planner. Planner recommended additional step of Discretionary Review be filed if unsatisfied.

Project Details:				
☑ Change of Use	☐ New Construction	☐ Demolition ☐	Facade Alterations	ROW Improvements
Additions	Legislative/Zoning Changes	Lot Line Adjustment-	-Subdivision 🗹 Othe	er Seismic work
Estimated Const	ruction Cost: 150000			
	Special Needs Senior Hou Inclusionary Housing Required		Student Housing Dwe	
Non-Residential:		☐ Medical Cannabis Dispensa☐ Massage Establishment	Tobacco Parap	ohernalia Establishment
Related Building F	Permits Applications			
Building Permit Applic	cations No(s): 201805098	3704		

1. What are the reasons for requesting Discretionary Review? What are the exceptional and extraordinary circumstances that justify Discretionary Review? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines?

The owner seeks to introduce ADU units into ground floor garage spaces that are currently occupied by existing tenants current leases. San Francisco Rent Ordinance Section 37.2 (r) defines a rental unit as:

(r) <u>Rental Units</u>. All residential dwelling units in the City and County of San Francisco together with the land and appurtenant buildings thereto, and all housing services, privileges, furnishings and facilities supplied in connection with the use or occupancy thereof, including garage and parking facilities.

And that

Garage facilities, parking facilities, driveways, storage spaces, laundry rooms, decks, patios, or gardens on the same lot, or kitchen facilities or lobbies in single room occupancy (SRO) hotels, supplied in connection with the use or occupancy of a unit, may not be severed from the tenancy by the landlord without just cause as required by Section 37.9(a).

The planning department acknowledges on their ADU permit applications that issuance of a permit does not constitute a Just Cause. The tenants have not agreed a buyout nor willingly given up these spaces, which is their right, so the owners have no Just Cause to remove the housing services.

These permits need to be rejected because the space in which the ADUs intend to be placed is currently occupied by existing tenants and is not "unused space." Approval of permits which grant permission to take away services from existing tenants would indeed be an example of the extraordinary disregard of San Francisco's Rent Ordinance and a slippery slope to allowing cutting tenants units in half to create more housing. Do not require the tenants to hire private attorneys to defend their rights.

- 2. Explain how this project would cause unreasonable impacts...to your property and/or the properties of others.
- Parking was offered to each tenant upon moving in and for those who opted in, it became part of the lease agreement and therefore their property. To remove it would be in violation of the lease.
- Removal of parking spaces will severely impact numerous tenants, especially in terms of personal safety
 when returning home at night and vehicular safety, as well as the expectation that parking would be
 available when signing the lease.
- 3. What alternatives or changes would respond to the exceptional and extraordinary circumstances?
 - Refuse permission for ADU plans until and if garage space have been naturally given up by tenants as they move out or agree to buyouts.
 - If the owners can get the existing tenants to agree to occupy different parking spots in a one-toone exchange, plans could be drawn up for less ADUs in the available spaces.

DISCRETIONARY REVIEW REQUEST

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

	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.
See	next page
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.
See	e next page
· · ·	

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

See next page



London N. Breed, Mayor Tom C. Hui, S.E., C.B.O., Director

Attachment B

Addition of Dwelling Units per Ordinance

■ No. 162-16 or
○ No. 95-17 or
○ No. 162-17 (check one box only)

SCREENING FORM - No fee to file

Section 1 and 3 of the screening form shall be completed by the owner or agent to determine the eligibility for adding dwelling units per Ordinance No. 162-16 based on permits for Mandatory Seismic Retrofitting under SFEBC Chapter 4D, or voluntary seismic retrofitting per AB-094, or existing residential building complies with the requirements of Ordinance No. 162-16, No. 95-17 or No. 162-17. Section 2 shall only be completed by the owner.

Submit the completed Screening Form (with the supporting documents) as a hardcopy in person or by U.S. mail to Department of Building Inspection, 1660 Mission Street, San Francisco, CA 94103

BLOCK / LOT NU	JMBER: 1189/002D	
ADI	DRESS: 2000 GROVE ST	
CONTACT (OWNER OR A	GENT) : SETH PARE-MAYER	(AGENT)
SEC	TION 1 – ADMINISTRATIVE	INFORMATION
SETH PARE-MAYER	415-624-4334	SETH@ATELIER-KS.COM
Contact Name	Contact Telephone	Contact Email
101 S. COOMBS ST, SUIT	TE Y-7, NAPA, CA 94559	
Contact Mailing Address		

SECTION 2 - OWNER AFFIDAVIT - HOUSING SERVICES

(Completed by Owner only)

A.	lot, or kitchen facilities and lobbie The issuance of a permit does Owner(s) is aware of these lega existing space within their buildin that property is not subject to thes of housing services, therefore B oprocess.	ge space, laundry rooms, decks, p s within an SRO from an existing t not constitute a just cause. A sig I requirements and is proceeding g into an Accessory Dwelling Unit se controls in Rent Ordinance or pr	atios, and gardens on the same enancy requires a "just cause". gnature below asserts that the with filing a permit to convert (s), or owner signature asserts oject does not propose removal ired as part of Screening Form
	AMICHI AMAR		02-04-19
	Printed Name of Owner	Signature	Date

Technical Services Division 1660 Mission Street – San Francisco CA 94103 Office (415) 558-6205 – FAX (415) 558-6401 – www.sfdbi.org

- B. AND Owner must notify affected tenants of the Owner(s) intention to convert aforementioned space(s) to Accessory Dwelling Unit(s):
 - i) Notice to be posted for 15-days in a common area of the building; and
 - ii) Notice to be mailed to all tenants and to property owner.
- C. AND Submit copy of posted/mailed notice, postmarked letter to owner, photograph of posted notice, and copy of mailing list with this Screening Form.

SECTION 3 - DETERMINATION OF ELIGIBILITY TO ADD DWELLING UNITS

1. Has mandatory seismic retrofitting been filed under SFEBC Chapter 4D, Mand Earthquake Retrofit of Wood Frame Buildings?	datory	<u>yes</u>	<u>№</u>
If yes, Permit Application Number:			
2. Has voluntary seismic strengthening been filed under Administrative Bulletin AE	3-094,	<u>Yes</u>	<u>No</u>
Definition and Design Criteria for Voluntary Seismic Upgrade of Soft Story, Type-V (frame) Buildings?			
If yes, Permit Application Number:			
		Vec	Mo
3. Does existing residential building comply with Ordinance No. 162-16, No. 95-162-17 for addition of dwelling units? (Subject to Planning review)	-17 or	<u>Yes</u> □	<u>No</u> □
Owner / Agent:			
☐ Agent			
Signature Date			
FOR DBI USE ONLY			
DBI has received the materials submitted and filed under "Addition of dwelling Ordinance No. 162-16, No. 95-17 or No. 162-17".	units	per	
Further discussions on code issues and equivalencies on compliance will be via pre- application meetings or Administrative Bulletin AB-005.	-		
Date received by DBI			



2000 Grove Street San Francisco, CA 94117

Re: Tenant Notification List

Notification Letter was posted in common lobby next to front door in addition to individual notifications (see below).

Building Tenants (all notified via USPS)

Unit #1 - Amichi Amar (owner)

Unit #2 - Diego Bauducco

Unit #3 - Kimberly Sterling

Unit #4 - Larson / FlorCruz

Unit #5 - Elyse Jacobs

Unit #6 - Melissa Stein

Garage Tenants (notified via email & letter slipped under garage door)

Garage A - garage tenant has since left

Garage B - Scott Ellington

Garage C - Empty

Garage D - Amichi Amar (building owner)

Garage E - Greg Fong

Garage F - Melissa Stein (building tenant in Unit #6)



2000 Grove Street San Francisco, CA 94117

Re: Tenant Notification

Dear Tenants,

We are writing to notify you of the property owner's intention to convert the existing six garage parking spaces at 2000 Grove Street into two additional dwelling units (ADUs) (permit application #201805098704). This work will be performed concurrently with the mandatory soft story retrofit that is currently under review by the building department (permit application #201706219914).

Please feel free to reach out with any questions or comments you may have.

Thank you.

atelier KS attn. Seth Pare-Mayer 415-644-5203 seth@atelier-ks.com



2000 Grove Street >> Tenant Notification >> July 16th, 2018 >> Page 1 of 1



2000 Grove Street San Francisco, CA 94117

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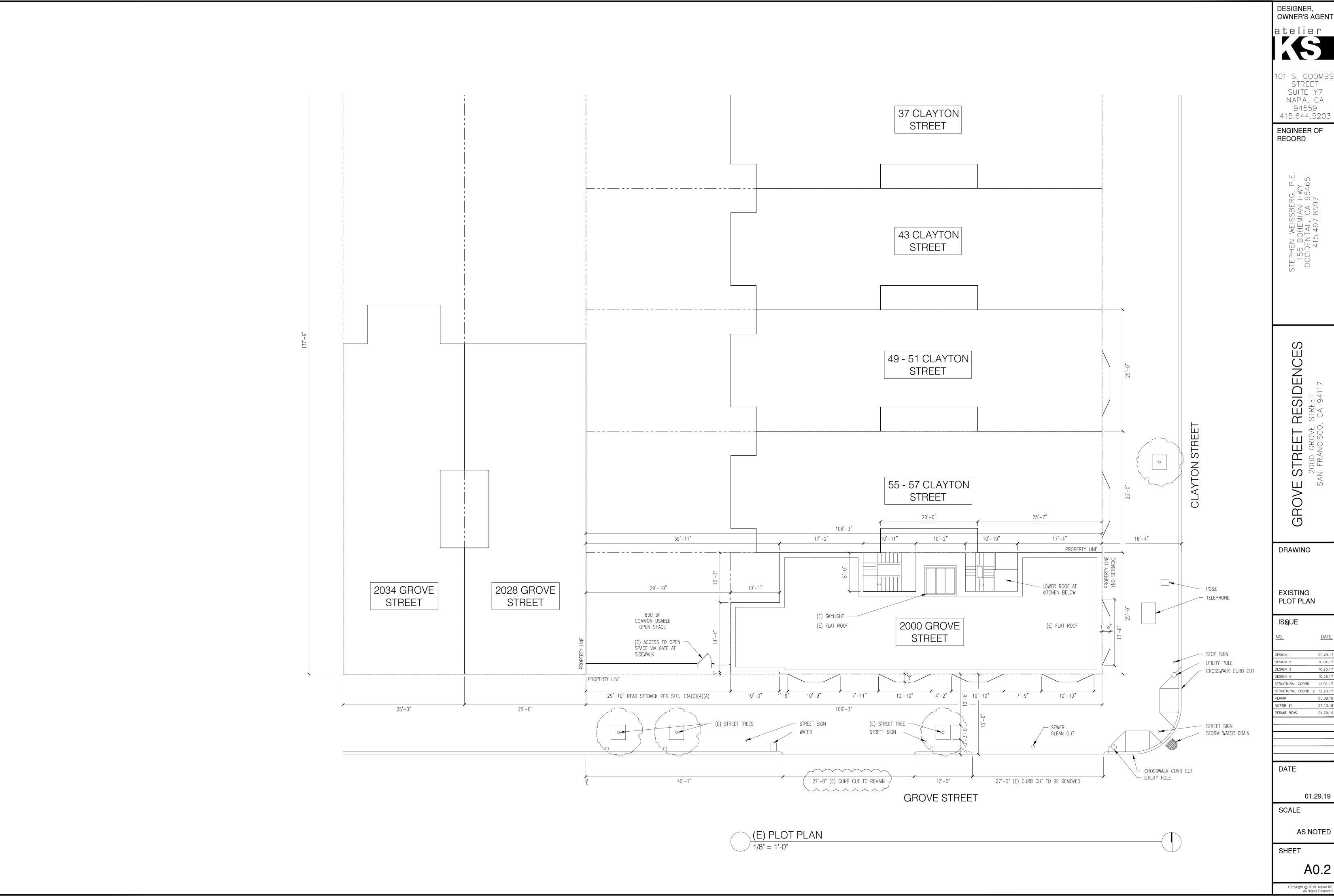
Thank you.

atelier KS attn. Seth Pare-Mayer 415-644-5203 seth@atelier-ks.com

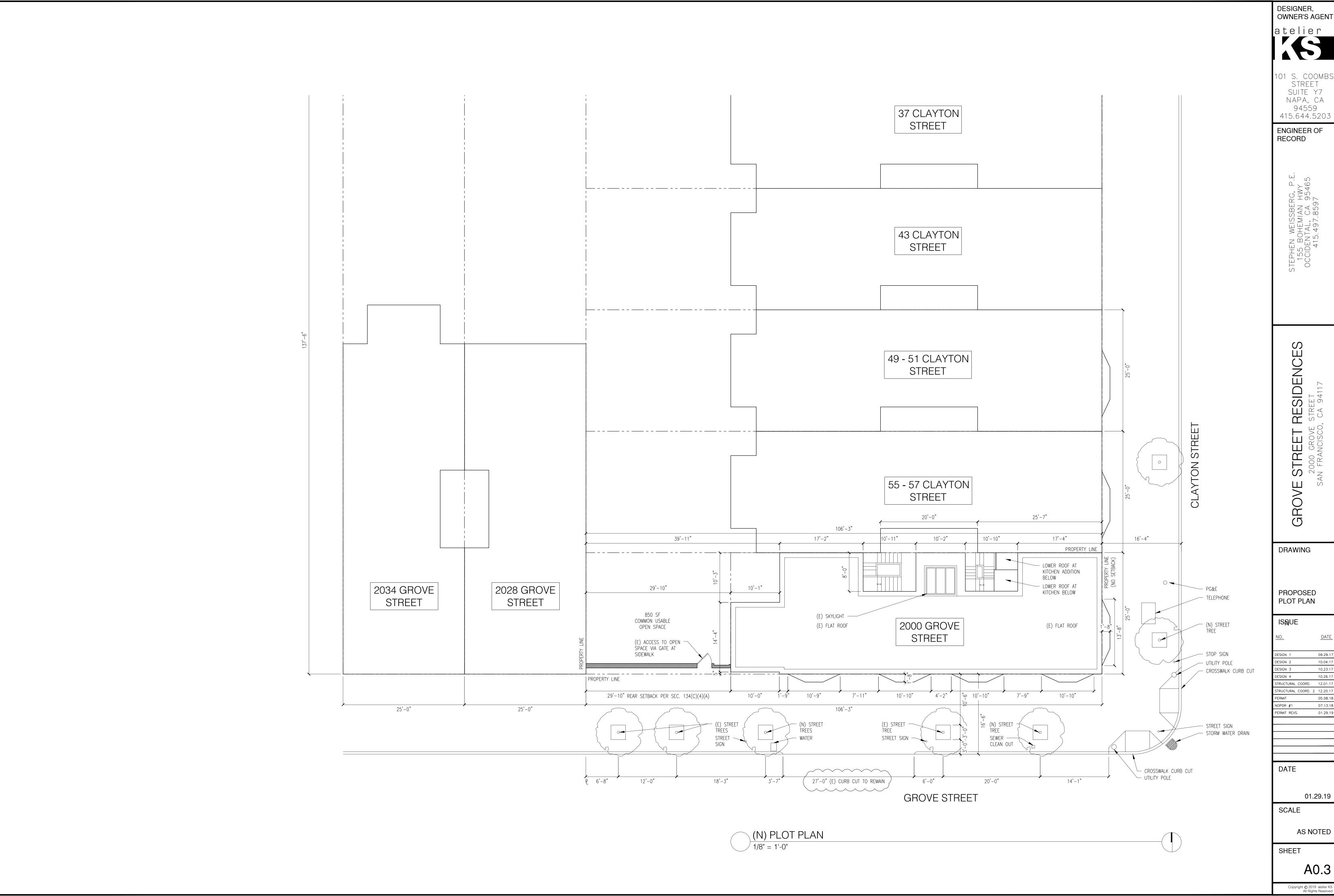
atelier KS >> 1349 Spruce Street Napa. CA 94559 >> 415 644 5203



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 $\frac{1}{4}$ " = 1'-0"



DESIGNER,
OWNER'S AGENT

a telier

101 S. COOMBS STREET SUITE Y7 NAPA, CA 94559 415.644.5203

ENGINEER OF RECORD

STEPHEN WEISSBERG, P.E. 155 BOHEMIAN HWY OCCIDENTAL, CA 95465 415.497.8597

GROVE STREET RESIDENCES

2000 GROVE STREET
SAN FRANCISCO, CA 94117

DRAWING

3RD & 4TH FLOORS -EXISTING

ISSUE

1 1 09.29.17 1 2 10.04.17 1 3 10.23.17 1 4 10.26.17

STRUCTURAL COORD. 12.01.17

STRUCTURAL COORD. 2 12.20.17

PERMIT 05.08.18

NOPDR #1 07.13.18

PERMIT REVS. 01.29.19

PERMIT REVS. 01.29.19

DATE

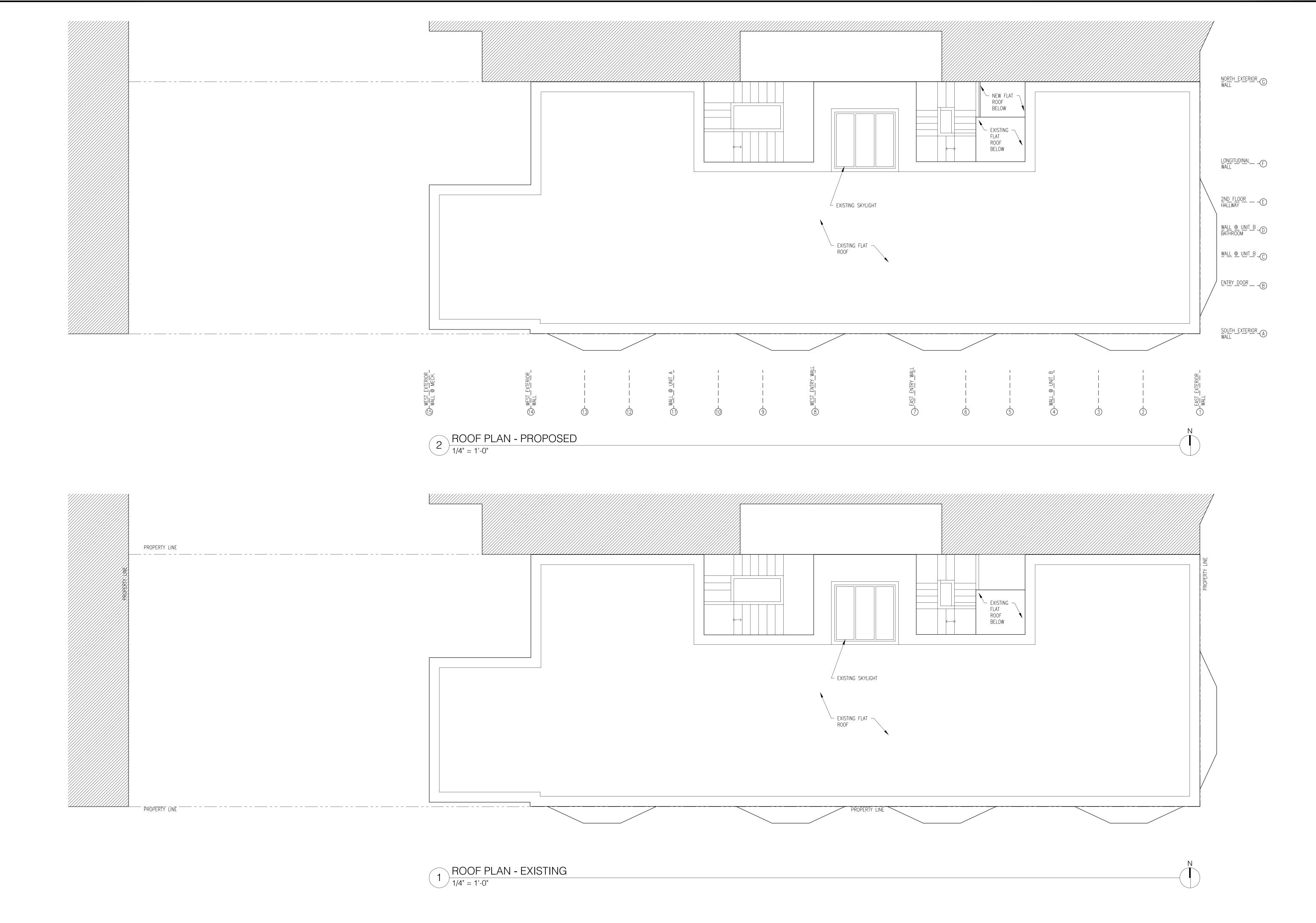
SCALE

01.29.19

 $\frac{1}{4}$ " = 1'-0"

A2.3

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DESIGNER, OWNER'S AGENT atelier

101 S. COOMBS STREET SUITE Y7 NAPA, CA 94559 415.644.5203

ENGINEER OF RECORD

STEPHEN WEISSBERG, P.E. 155 BOHEMIAN HWY OCCIDENTAL, CA 95465 415.497.8597

TREET RESIDENCES

DOD GROVE STREET
FRANCISCO, CA 94117 GROVE

DRAWING

ROOF PLAN -EXISTING & PROPOSED

ISSUE

STRUCTURAL COORD. 12.01.17

PERMIT REVS. 01.29.19

DATE

01.29.19 SCALE

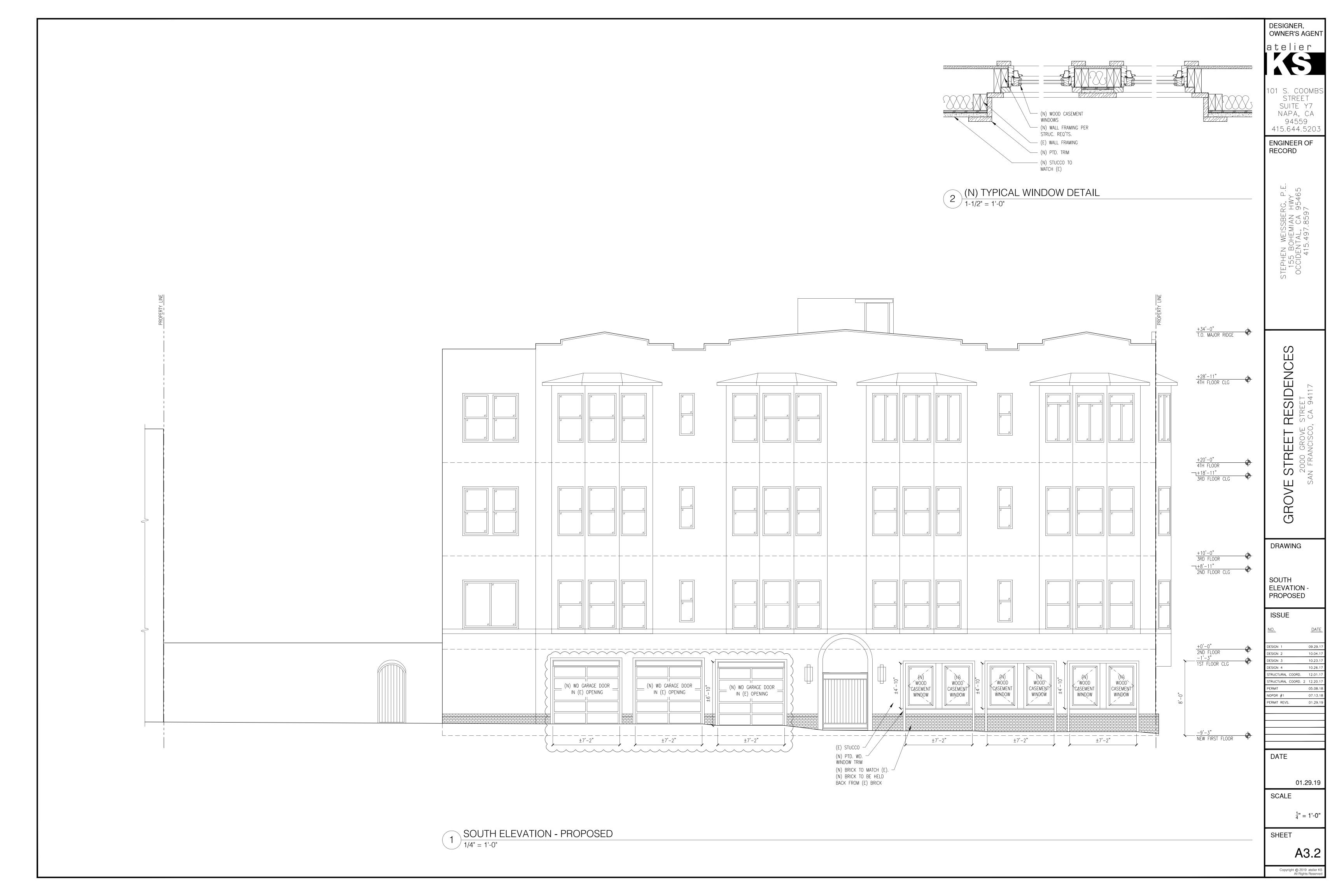
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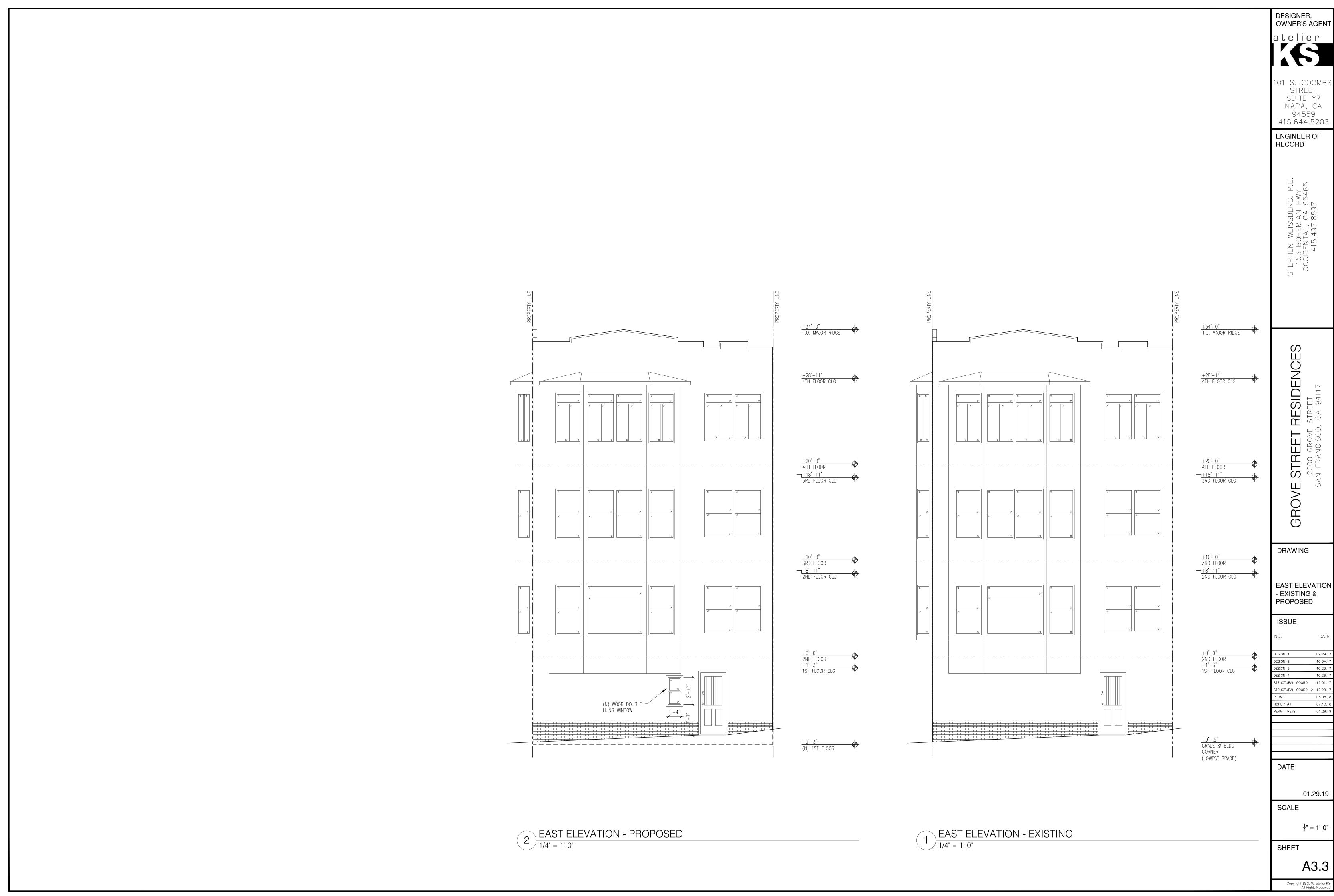
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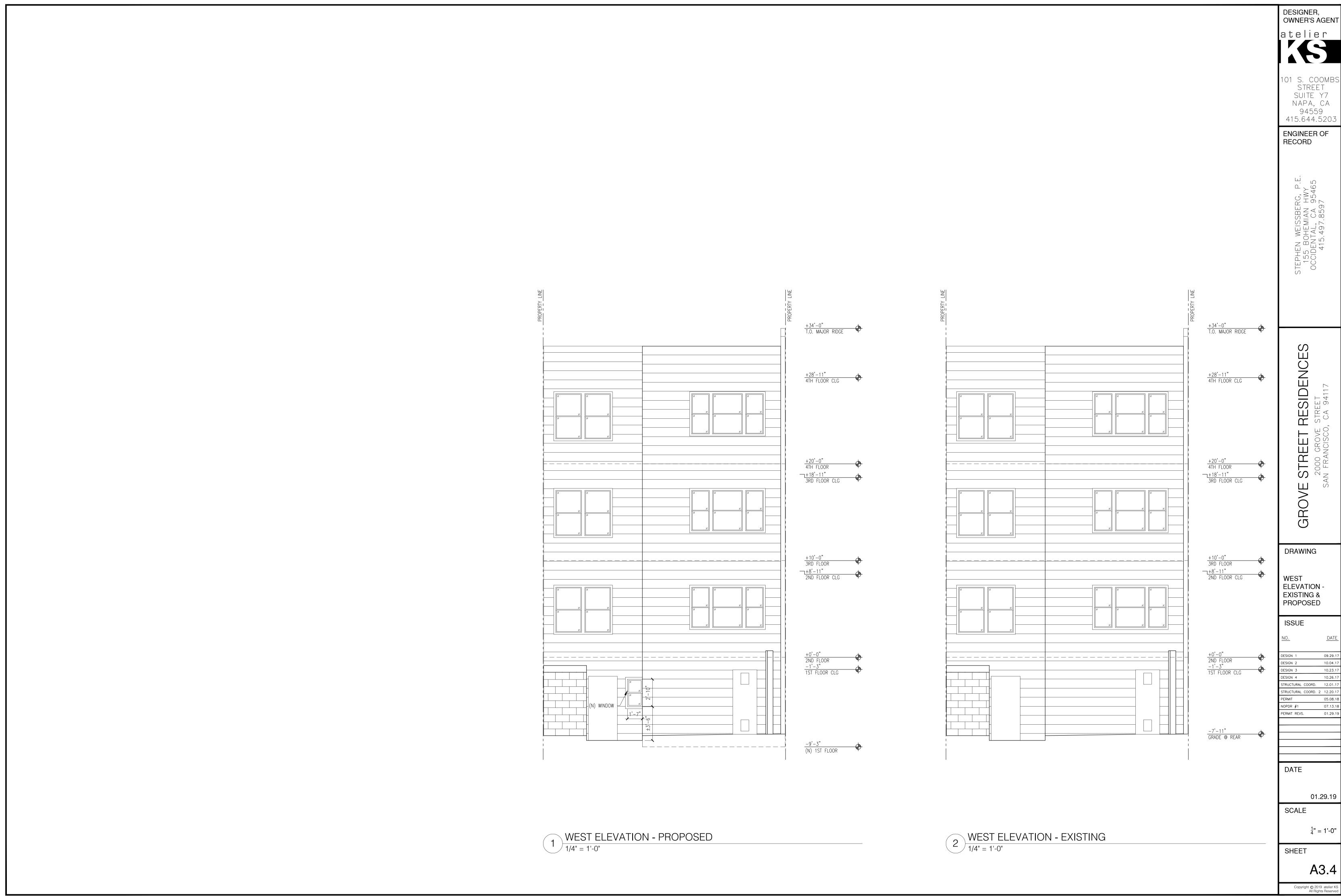
SHEET

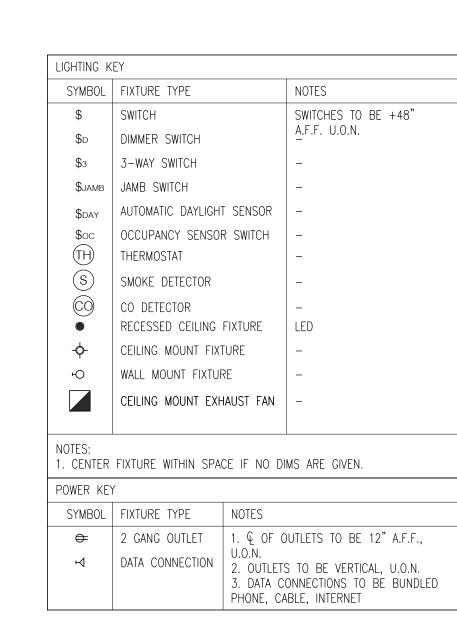
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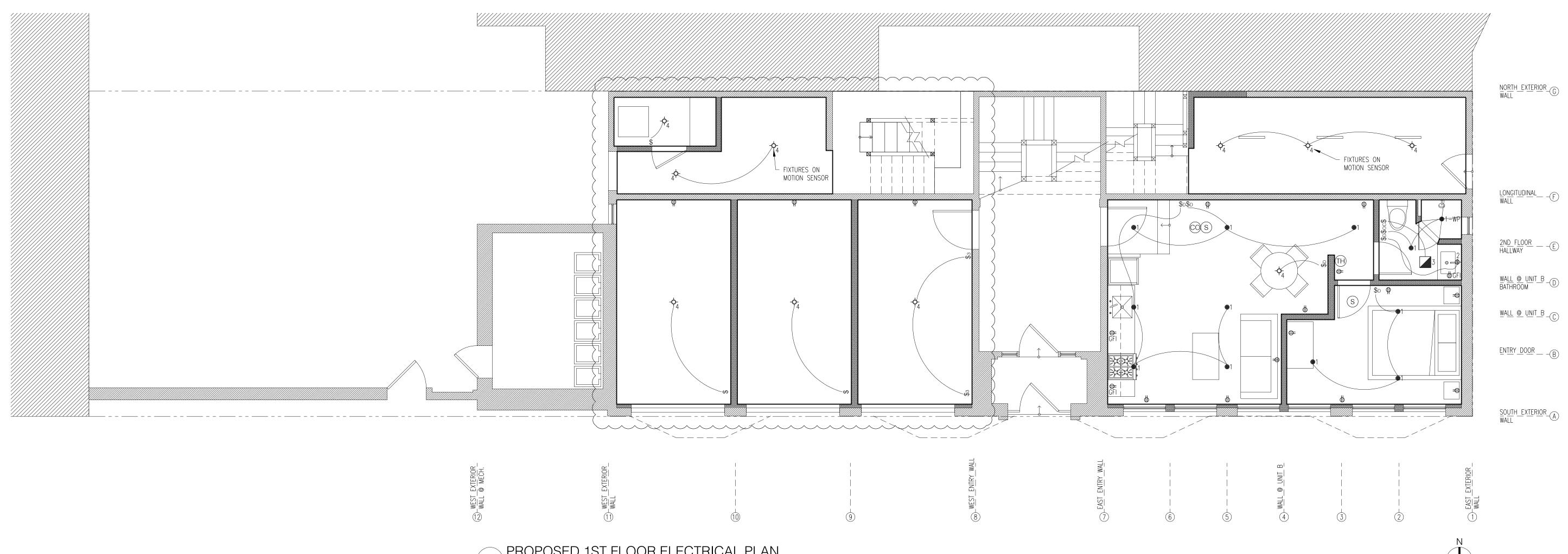












DESIGNER, OWNER'S AGENT atelier 101 S. COOMBS

STREET SUITE Y7 NAPA, CA 94559 415.644.5203

ENGINEER OF RECORD

- RESIDENCES

E STREET

O, CA 94117 TREE GROVE

DRAWING

1ST FLOOR ELECTRICAL PLAN

ISSUE

STRUCTURAL COORD. 12.01.17

PERMIT REVS.

DATE

01.29.19 SCALE

 $\frac{1}{4}$ " = 1'-0"

SHEET

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PROPOSED 1ST FLOOR ELECTRICAL PLAN

1/4" = 1'-0"