## Discretionary Review Abbreviated Analysis

**HEARING DATE: JUNE 25, 2020** 

**CONTINUED FROM APRIL 30, 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: June 18, 2020
 Case No. 2018-013422DRP
 Project Address: 1926 Divisadero Street

Permit Application: 2018.0808.6813

Zoning: NC-2 [Neighborhood Commercial, Small-Scale]

40-X Height and Bulk District

Block/Lot: 1027 / 024

Project Sponsor: Brian Villavicencio

The Kastrop Group 160 Birch Street, Suite B Redwood City, CA 94062

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

David.Winslow@sfgov.org

Recommendation: Do Not Take DR and Approve

#### PROJECT DESCRIPTION

The project proposes to construct an approximately 166 square foot rear addition at the second floor of the two-story over basement residential building. The proposed rear addition (approximately 10 feet 2 inches to 16 feet 6 inches wide to 14 feet 5 inches deep) will abut the north side property line and will be set back approximately 6 feet from the south property line. A portion of the proposed addition will encroach 1'-4" into the required rear yard and therefore a variance is requested. The variance was heard administratively.

#### SITE DESCRIPTION AND PRESENT USE

The site is a 16'-2'' wide x 100'-0'' deep lot with an existing 2-story over basement, one-family house built in 1900 and is categorized as an 'B' – Unknown -Age Eligible Resource present.

#### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The buildings on this block of Divisadero Street, including the subject property and DR requestor are articulated with side setbacks at the rear and generally align to define a consistent an immediate mid-block open space. The DR requestor's building is two -stories. The open space at the rear faces East.

#### **BUILDING PERMIT NOTIFICATION**

ТҮРЕ	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311	20.1	October 30, 2019	12.2.2010	4.2.2020 to	205 days
Notice	30 days	– December 2,	12.2.2019	4.30.2020 to	200 days
		2019		6.25.2020	

#### **HEARING NOTIFICATION**

ТҮРЕ	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	20 days	March 13, 2020	March 13, 2020	20 days
Mailed Notice	20 days	March 13, 2020	March 13, 2020	20 days
Online Notice	20 days	March 13, 2020	March 13, 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			
Neighborhood groups	0	0	0

#### **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).

#### **DR REQUESTORS**

Stephen Williams of 1934 Divisadero Street, adjacent neighbor to the North of the proposed project.

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

DR requestor is concerned that the proposed addition:

- 1. Was not properly noticed;
- 2. Requires a rear yard variance;
- 3. Does not comply with the Residential design Guidelines to "Articulate building to minimize impact to light air and privacy", and "Design the height and depth of the building to be compatible with the existing building scale at the mid-block open space".

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#### Proposed alternatives:

Provide a side setback and do not extend into the rear yard.

See attached Discretionary Review Application.

#### PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

The project has been reviewed by Planning Department staff and found to be compliant with the Planning Code and Residential Design Guidelines. It has been designed with a lower roof so that it respects the adjacent properties to not adversely impact privacy, or access to light and air.

See attached Response to Discretionary Review Application, dated 2.7.20

#### **DEPARTMENT REVIEW**

As far as staff is aware, the project was noticed to comply with 311 noticing requirements.

The Department's Residential Design Advisory Team (RDAT) re-reviewed this and found that the proposed addition does not create exceptional or extraordinary impacts to light and privacy to the adjacent property. Although 14'-5" of the proposed addition abuts the property line, a 3'-4" side setback that reciprocates with the adjacent neighbor's side setback is maintained for most of their common length.

RDAT found that the mutual side setbacks in relation to the relative massing of the two buildings reasonably maintain the articulation of the buildings to preserve light and privacy. The massing of the rear addition is compatible with the scale of the immediate neighboring buildings.

Therefore, staff recommends not taking Discretionary Review.

RECOMMENDATION: Do Not Take DR and Approve

#### **Attachments:**

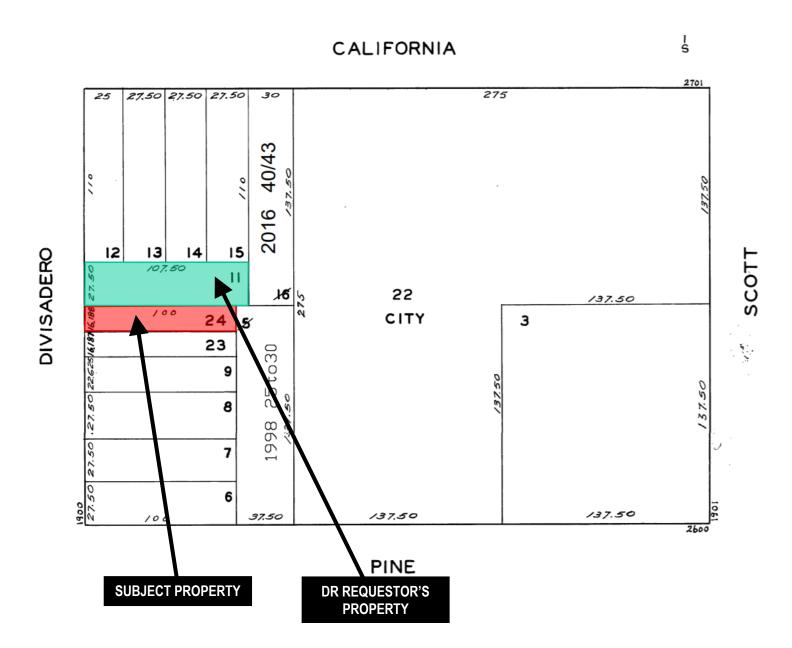
Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs
Context Photographs
Section 311 Notice
CEQA Determination
DR Applications
Response to DR Application dated 2.7.20
311 Notification plans dated 7.10.19

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PLANNING DEPARTMENT

3

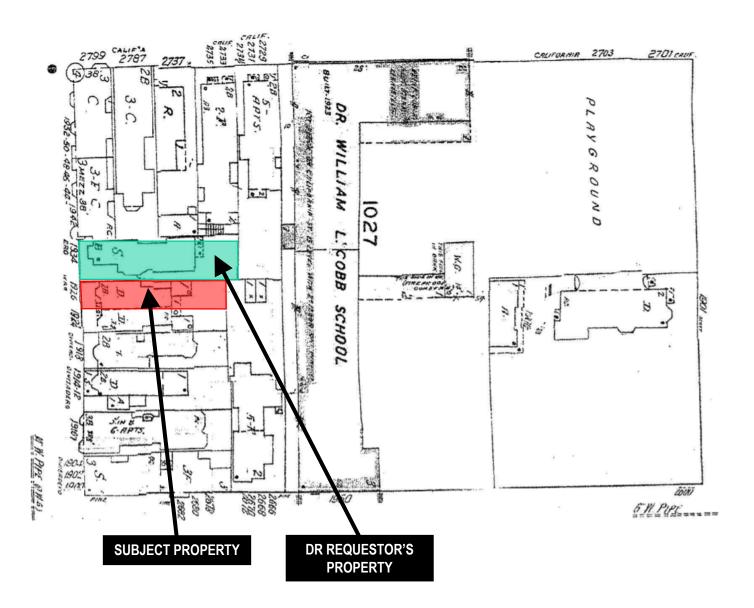
## **Exhibits**

## **Parcel Map**

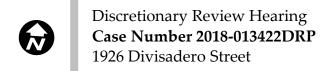




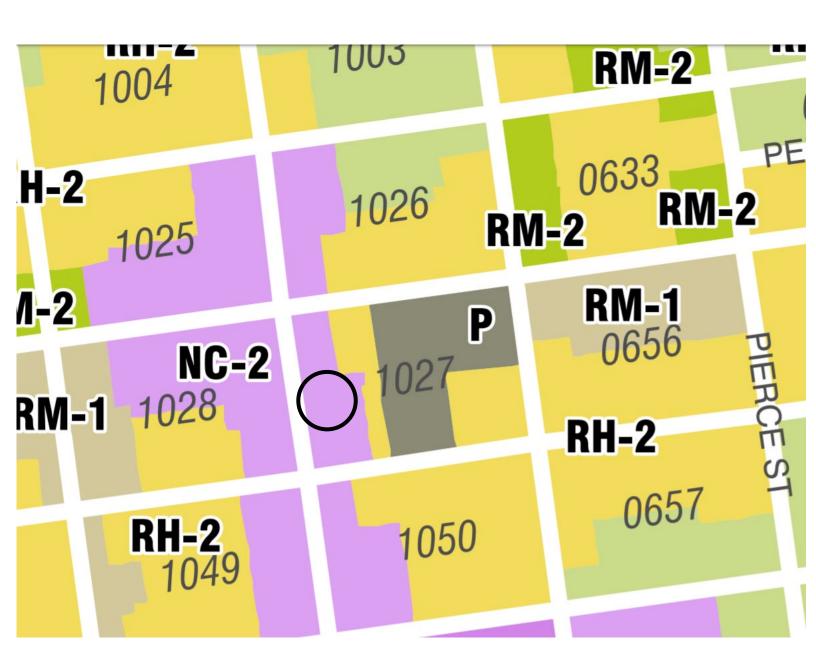
## Sanborn Map\*



<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**







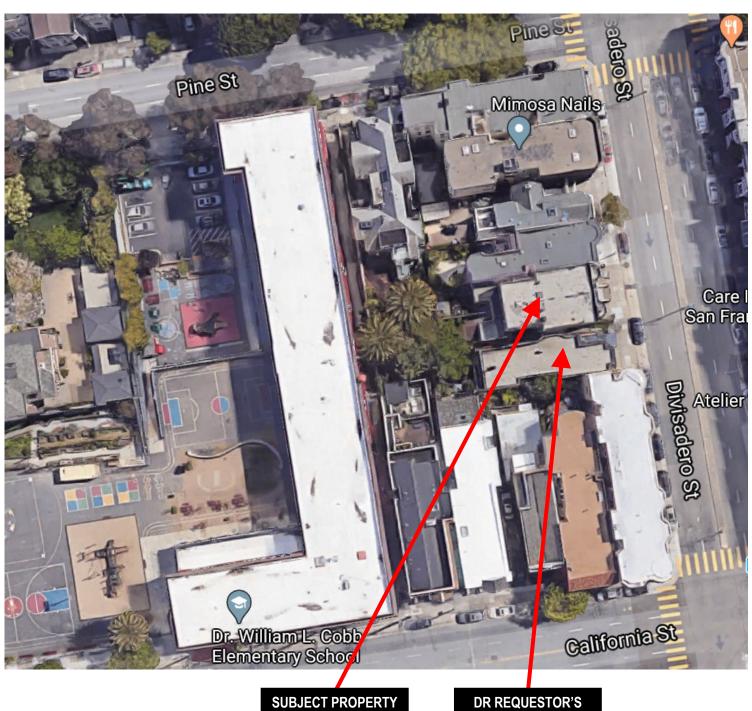




**SUBJECT PROPERTY** 

DR REQUESTOR'S PROPERTY





DR REQUESTOR'S PROPERTY







## **Site Photo**



SUBJECT PROPERTY

1650 Mission Street Suite 400 San Francisco, CA 94103

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

On August 8, 2018, Building Permit Application No. 2018.08.08.6813 was filed for work at the Project Address below.

Notice Date: October 30<sup>th</sup>, 2019 Expiration Date: December 2<sup>nd</sup>, 2019

PROJE	CT INFORMATION	APPLICANT	INFORMATION
Project Address:	1926 Divisadero Street	Applicant (architect):	Brian Villavicencio,
Project Address.	1926 Divisacero Street	Applicant (architect):	The Kastrop Group
Cross Street(s):	California Street / Pine Street	Address:	160 Birch Street, Suite B
Block/Lot No.:	1027 / 024	City, State:	Redwood City, CA
Zoning District(s):	NC-2 / 40-X	Telephone:	(650) 299-0303
Record Number:	2018-013422PRJ	Email:	brian@kastropgroup.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	✓ Facade Alteration (rear)	☐ Front Addition
✓ Rear Addition	☐ Side Addition	□ Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Residential	No Change
Front Setback	Approx. 11 feet	No Change
Building Depth	Approx. 65 feet 4 inches	Approx. 65 feet 4 inches
Rear Yard	Approx. 23 feet 8 inches	Approx. 23 feet 8 inches
Building Height	Approx. 32 feet 1 inches	Approx. 32 feet 1 inches to 30 feet
Number of Stories	2 over basement	No Change
Number of Dwelling Units	1	No Change
Number of Parking Spaces	1	No Change
	DPO IECT DESCRIPTION	N

#### PROJECT DESCRIPTION

The proposal is to construct an approximately 166 square foot rear addition at the second floor of the two-story over basement residential building. The proposed rear addition (approximately 10 feet 2 inches to 16 feet 6 inches wide to 14 feet 5 inches deep) will abut the north side property line and will be set back approximately 6 feet from the south property line. See attached plans. The subject property, with a lot depth of 100 feet, has a required rear yard of 25 feet. A portion of the proposed rear addition will extend approximately 1 foot 4 inches into the required rear yard (to align with the floors below), and requires an Administrative Variance from Planning Code Section 134, which the Zoning Administrator has jurisdiction to grant per Planning Code Section 305(c). This notice is your opportunity to comment on the proposed Variance (Case No. 2018-013422VAR) should you have any questions or concerns.

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:

Sharon M. Young, (415) 558-6346, sharon.m.young@sfgov.org

#### **GENERAL INFORMATION ABOUT PROCEDURES**

Reduced copies of the proposed project plans have been included in this mailing for your information. If you have questions about the plans, please contact the project Applicant listed on the front of this notice. You may wish to discuss the plans with your neighbors or neighborhood association, as they may already be aware of the project. If you have general questions about the Planning Department's review process, contact the Planning Information Center (PIC) at 1660 Mission Street, 1st Floor (415) 558-6377 or pic@sfgov.org. If you have specific questions about the proposed project, you should contact the planner listed on the front of this notice.

If you believe that the impact on you from the proposed project is significant and you wish to seek to change the project, there are several procedures you may use. **We strongly urge that steps 1 and 2 be taken.** 

- 1. Request a meeting with the project Applicant to get more information and to explain the project's impact on you.
- 2. Contact the nonprofit organization Community Boards at (415) 920-3820, or online at <a href="https://www.communityboards.org">www.communityboards.org</a> for a facilitated discussion in a safe and collaborative environment. Community Boards acts as a neutral third party and has, on many occasions, helped reach mutually agreeable solutions.
- 3. Where you have attempted, through the use of the above steps or other means, to address potential problems without success, please contact the planner listed on the front of this notice to discuss your concerns.

If, after exhausting the procedures outlined above, you still believe that exceptional and extraordinary circumstances exist, you have the option to request that the Planning Commission exercise its discretionary powers to review the project. These powers are reserved for use in exceptional and extraordinary circumstances for projects which generally conflict with the City's General Plan and the Priority Policies of the Planning Code; therefore the Commission exercises its discretion with utmost restraint. This procedure is called Discretionary Review. If you believe the project warrants Discretionary Review by the Planning Commission, you must file a Discretionary Review application prior to the Expiration Date shown on the front of this notice. Discretionary Review applications are available at the Planning Information Center (PIC), 1660 Mission Street, 1st Floor, or online at <a href="https://www.sfplanning.org">www.sfplanning.org</a>). You must submit the application in person at the Planning Information Center (PIC), with all required materials and a check payable to the Planning Department. To determine the fee for a Discretionary Review, please refer to the Planning Department Fee Schedule available at <a href="https://www.sfplanning.org">www.sfplanning.org</a>. If the project includes multiple building permits, i.e. demolition and new construction, a <a href="mailto:separate request">separate request</a> for Discretionary Review must be submitted, with all required materials and fee, for <a href="mailto:each">each</a> permit that you feel will have an impact on you. Incomplete applications will not be accepted.

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

#### **BOARD OF APPEALS**

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

#### **ENVIRONMENTAL REVIEW**

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 <a href="https://www.sfplanning.org">www.sfplanning.org</a>. An appeal of the decision to exempt the proposed project from CEQA may be made to the Board of Supervisors within 30 calendar days after the project approval action identified on the determination. The procedures for filing an appeal of an exemption determination are available from the Clerk of the Board at City Hall, Room 244, or by calling (415) 554-5184.

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

### **CEQA Categorical Exemption Determination**

#### PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address			Block/Lot(s)
1926 DIVISADERO ST			1027024
<b>Case No.</b> 2018-013422PRJ			Permit No.
			201808086813
Ac	ddition/	Demolition (requires HRE for	New
Al	teration	Category B Building)	Construction
VERTON T	FICAL & HORIZON OP OF THE EXIST ARGED	Planning Department approval. TAL ADDITION. A 2ND STORY ADDITION OF A FING ROOF AT THE REAR OF THE HOUSE. A K	
The p	P 1: EXEMPTIOn project has been december 1: EXEMPTION   Project has been decem	etermined to be categorically exempt under the	California Environmental Quality
	Class 1 - Existin	g Facilities. Interior and exterior alterations; addit	ions under 10,000 sq. ft.
		onstruction. Up to three new single-family resider rcial/office structures; utility extensions; change of a CU.	<del>-</del>
	10,000 sq. ft. and (a) The project is policies as well a (b) The proposed substantially surn (c) The project si (d) Approval of th water quality. (e) The site can	Development. New Construction of seven or mod meets the conditions described below: so consistent with the applicable general plan designs with applicable zoning designation and regulation development occurs within city limits on a project rounded by urban uses. The project would not result in any significant effect the adequately served by all required utilities and particular of the project would not result in any significant effect the adequately served by all required utilities and particular planning use only	nation and all applicable general plan ons. et site of no more than 5 acres threatened species. s relating to traffic, noise, air quality, or
	Class		

#### **STEP 2: CEQA IMPACTS**

#### TO BE COMPLETED BY PROJECT PLANNER

	<b>Air Quality:</b> Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)
	Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential?
	if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).
	<b>Transportation:</b> Does the project involve a child care facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
	Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? If yes, archeo review is required (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
	<b>Subdivision/Lot Line Adjustment:</b> Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography). If yes, Environmental Planning must issue the exemption.
	<b>Slope = or &gt; 25%:</b> Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.
	Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.
	Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required and Environmental Planning must issue the exemption.
Com	ments and Planner Signature (optional):

#### STEP 3: PROPERTY STATUS - HISTORIC RESOURCE TO BE COMPLETED BY PROJECT PLANNER PROPERTY IS ONE OF THE FOLLOWING: (refer to Property Information Map) Category A: Known Historical Resource. GO TO STEP 5. Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4. Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6. STEP 4: PROPOSED WORK CHECKLIST TO BE COMPLETED BY PROJECT PLANNER Check all that apply to the project. 1. Change of use and new construction. Tenant improvements not included. 2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building. 3. Window replacement that meets the Department's Window Replacement Standards. Does not include storefront window alterations. 4. Garage work. A new opening that meets the Guidelines for Adding Garages and Curb Cuts, and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines. 5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way. 6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way. 7. Dormer installation that meets the requirements for exemption from public notification under Zoning Administrator Bulletin No. 3: Dormer Windows. 8. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features. Note: Project Planner must check box below before proceeding. Project is not listed. GO TO STEP 5. Project does not conform to the scopes of work. GO TO STEP 5. Project involves four or more work descriptions. GO TO STEP 5. Project involves less than four work descriptions. GO TO STEP 6. STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW TO BE COMPLETED BY PROJECT PLANNER Check all that apply to the project. 1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4. 2. Interior alterations to publicly accessible spaces. 3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character. 4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features. 5. Raising the building in a manner that does not remove, alter, or obscure character-defining

6. Restoration based upon documented evidence of a building's historic condition, such as historic

中文詢問請電: 415.575.9010

photographs, plans, physical evidence, or similar buildings.

features.

	7. <b>Addition(s)</b> , including mechanical equipment that are minimally and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i>				
	8. <b>Other work consistent</b> with the Secretary of the Interior Stand Properties (specify or add comments):	ards for the Treatment of Historic			
	9. <b>Other work</b> that would not materially impair a historic district (s	specify or add comments):			
	(Requires approval by Senior Preservation Planner/Preservation	Coordinator)			
	10. <b>Reclassification of property status</b> . (Requires approval by S Planner/Preservation	Senior Preservation			
	Reclassify to Category A	Reclassify to Category C			
	a. Per HRER or PTR dated	(attach HRER or PTR)			
	b. Other (specify):				
	Note: If ANY box in STEP 5 above is checked, a Preser	vation Planner MUST sign below.			
	<b>Project can proceed with categorical exemption review</b> . The preservation Planner and can proceed with categorical exemption				
Comm	ents (optional):				
Preser	vation Planner Signature:				
	EP 6: CATEGORICAL EXEMPTION DETERMINATION BE COMPLETED BY PROJECT PLANNER				
	No further environmental review is required. The project is cat There are no unusual circumstances that would result in a rea effect.				
Î	Project Approval Action:	Signature:			
	Building Permit	Sharon Young			
	If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	10/10/2019			
	Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31of the Administrative Code.  In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the approval action.  Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.				

#### STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

#### TO BE COMPLETED BY PROJECT PLANNER

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

#### PROPERTY INFORMATION/PROJECT DESCRIPTION

Proje	ct Address (If different than fron	t page)	Block/Lot(s) (If different than front page)	
1926	DIVISADERO ST		1027/024	
Case	No.	Previous Building Permit No.	New Building Permit No.	
2018-	013422PRJ	201808086813		
Plans	Dated	Previous Approval Action	New Approval Action	
		Building Permit		
Modi	fied Project Description:			
DET	FERMINATION IF PROJECT	CONSTITUTES SUBSTANTIAL MODIF	ICATION	
Com	pared to the approved project, w	rould the modified project:		
	Result in expansion of the buil	ding envelope, as defined in the Planning	Code;	
	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;			
	Result in demolition as defined	d under Planning Code Section 317 or 190	05(f)?	
	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?			
If at I	east one of the above boxes is	checked, further environmental review i	s required.	
DET	ERMINATION OF NO SUBSTA	NTIAL MODIFICATION		
The proposed modification would not result in any of the above changes.				
If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed within 10 days of posting of this determination.			n the Planning Department ten notice. In accordance	
Planı	ner Name:	Date:		



## **DISCRETIONARY REVIEW PUBLIC (DRP)**

APPLICATION

**Discretionary Review Requestor's Information** 

Name:

Stephen Williams

Address:

1934 Divisadero Street, San Francisco, CA 94133

Email Address: smw@stevewilliamslaw.com

Telephone:

415-292-3656

Information on the Owner of the Property Being Developed

Name: Irina Shestakova

Company/Organization:

Baker & McKenzie

Address:

1926 Divisadero Street, San Francisco, CA 94115

Email Address:

Irina.Shestakova@bakermckenzie.com

Telephone:

650-299-0303

**Property Information and Related Applications** 

Project Address: 1926 Divisadero Street, San Francisco, CA 94115

Block/Lot(s): 1027/024

Building Permit Application No(s): 2018.08.08.6813; 2018-013422VARIANCE

#### **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)		1

The project does not comply with the Planning Code as it requires a variance. It also was not properly noticed under the requirements of Section 311 and 333. The posting for the building permit application was not completed properly and so the public was not given notice under the Code. The posting of the property was not noticeable or legible from the public sidewalk as the posting was 8 1/2 by 11 inches in size and was placed inside the front door window at the top of the Victorian set of stairs some 20-25' feet from the sidewalk.

#### **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.

The project does not comply with the minimum standards of the Planning Code as it requires a variance. The project does not meet the bare minimum standards of the Planning Code was not properly noticed under the requirements of Section 311 and 333. The posting for the building permit application was not completed properly and so the public was not given notice under the Code. The parcel is VERY substandard at 1600 s.f. so additions should be carefully crafted so as to reduce impacts to surrounding buildings. The proposal also does not meet the requirements of the Residential Design Guidelines as it blocks direct sunlight to the windows on the building to the north. The proposed addition is to be build directly on the north property line without a setback and therefore will cast shadows and block light and air to the building (1934 Divisadero Street) to the north. A setback should be incorporated into the design to allow light to the neighboring building.

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.

it is not reasonable to grant ANY variance which would block sunlight to a neighboring property. Violates numerous provisions of the Residential Design Guidelines including the Guidelines for Additions to Buildings of Potential Historic or Architectural Merit. "A addition to a new building should be articulated to minimize impacts on light and privacy to adjacent properties" (pages 16-17). "Design the height and depth of the building to be compatible with the existing building scale at the mid-block open space. (pages 25-26) Design the height and depth of the building to be compatible with the existing building scale at the street. (page 24). The Project is completely unreasonable on this block at this location. It will block direct sunlight and will cast shadows on the small buildings around it including the historic building and garden to the north at 1934 Divisadero Street.

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?

A reasonable project might be built without a variance and constructed on the second floor if it is setback from the north property line. However, it seems clear that ANY addition to this VERY substandard lot located on the north property line will have negative impacts because of the size and location of the subject lot. Adding additional square feet of living space to this small building at the mid-block is unreasonable given the lot size of 1,600 s.f. Adding a new room in order to expand and luxuriate the building with negative impacts on neighbors should be avoided. This lot was split in 1977 from its normal code compliant size and should not now be permitted to expand the building in such a way that negatively impacts the neighboring properties. If the original size had been maintained it could easily be setback.

## DISCRETIONARY REVIEW REQUESTOR'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

- a) The information presented is true and correct to the best of my knowledge.
- b) Other information or applications may be required.

Ri		Stephen Williams
Signature		Name (Printed)
Adjacent Neighbor	415-292-3656	smw@stevewilliamslaw.com
Relationship to Project (i.e. Owner, Architect, etc.)	Phone	Email

For Department Use Only
Application received by Planning Department:

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

# RESPONSE TO DISCRETIONARY REVIEW (DRP)





#### SAN FRANCISCO PLANNING DEPARTMENT

1650 MISSION STREET, SUITE 400 SAN FRANCISCO, CA 94103-2479 MAIN: (415) 558-6378 SFPLANNING.ORG

Pr	ect Information	
Pro	erty Address: Zip Code:	
Bu	ng Permit Application(s):	
Re	rd Number: Assigned Planner:	
Pr	ect Sponsor	
Na	Phone:	
Em		
Re	uired 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 equester 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 neet neighborhood concerns, please explain those changes and indicate whether they were made be after filing your application with the City.	
3.	f you are not willing to change the proposed project or pursue other alternatives, please state why yo hat your project would not have any adverse effect on the surrounding properties. Include an explair of your needs for space or other personal requirements that prevent you from making the changes equested 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.

Signature:	Killais	Date:
Printed Name:		Property Owner 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.

#### Bathroom Addition Project - 1926 Divisadero Street

#### Dear Commissioners,

In anticipation of the discretionary hearing requested by the owner of 1934 Divisadero office building (the "1934 Office Building"), we would like to provide you with additional information about the project and its non-impact on the 1934 Office Building.

We would like to make a modest addition to our living space for the following main reasons:

- the bathroom addition to the second floor that has 3 bedrooms and only one very small bathroom that can accommodate 1 person at a time will allow our adult daughter (29 year old) and her boyfriend to live with us;
- to keep the costs of construction reasonable and have a minimum impact on the neighbors, we followed the old plans for a much bigger project that was approved by the SF Planning Department (we are only planning on implementing one third of the original project). No aspect of our current project exceeds the boundaries of the old plans that were approved by the SF Planning Department; and,
- the addition of the bathroom will make our house more energy efficient resulting in energy savings.

The impact of our project on the 1934 Office Building is minimal for the following reasons:

- the 1934 Office Building is one story building hosting a law office plus a basement that was recently converted into an office space and was rented to an acupuncture. Each room on the north side of the 1934 Office Building has big windows that face our two story Victorian house;
- our respective buildings are several yards apart from each other;
- our project will not result in obstruction of any views because the windows of the 1934 Office Building already face our 2 story house;
- in the mornings and in the evenings when the sun is on the east and west, respectively, the new addition would have no impact on the 1934 Office Building. When the sun is in the south standing in the zenith, there is already now a minor degree of sun obstruction because our house is a two story building while the 1934 Office Building has only one story. Due to the angle of the sun rays, the shading from the addition on the 1934 Office Building will be very very small;
- on most days in our neighborhood in San Francisco, it is foggy and the shading is not a factor:
- relative significance of the shading is de minimums because all buildings in our neighborhood except for the 1934 Office Building have two or more stories including the four story apartment building adjacent to the 1934 Divisadero Building on the south side;

- we have discussed various alternatives to our project with our architect including the changes proposed by the owner of the 1934 Office Building. They are either prohibitively expensive or reduce the added living space disproportionally. And, they do not reduce the marginal shading on the 1934 Office Building. The changes to the project proposed by the owner of the 1934 Office Building would result in misalignment of the current structure and new addition, clash with the Victorian style of the house and would make it more difficult to make the addition energy efficient; and,
- we have met with the owner of the 1934 Office Building to discuss his concerns and to explain the project and its de minimums impact on the 1934 Office Building.

We would very much appreciate if you could please consider the foregoing factors and approve our project at the hearing.

Thank you for your consideration.

Best regards,

Irina & Lothar (1926 Divisadero St)

