Discretionary Review
Abbreviated Analysis
HEARING DATE: JULY 9, 2020

Date: July 2, 2020
Case No.: 2019-000507DRP
Project Address: 3537 23rd Street
Permit Applications: 2019.0107.9729
Zoning: RH-3 [Residential House, Three-Family]
40-X Height and Bulk District
Block/Lot: 3846 / 023
Project Sponsor: William Pashelinsky Architect
1937 Hayes Street
San Francisco, CA 94117
Staff Contact: David Winslow – (415) 575-9159
David.Winslow@sfgov.org
Recommendation: Do Not Take DR and Approve

PROJECT DESCRIPTION

The project proposes a two-story vertical addition and horizontal rear addition to an existing two-story single-family-home to add a dwelling unit. The project also includes alterations to the front façade. A variance for front setback was requested and heard at a separate hearing. This is not a demolition per Planning Code Section 317.

SITE DESCRIPTION AND PRESENT USE

The site is a 25'-0” wide x 114'-0” deep slightly lateral sloping lot with an existing 2-story, one-family house built in 1900 and is categorized as an ‘A’ – Historic Resource due to its status as a non-contributor within an historic district.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The buildings on this block of 23rd Street are primarily 3- 4 story wood clad multi-unit buildings with, varied front setbacks at the street face. The open space at the rear faces South. This building is set in between buildings that extend deeper into the rear to define an irregular mid-block open space.

BUILDING PERMIT NOTIFICATION

<table>
<thead>
<tr>
<th>TYPE</th>
<th>REQUIRED PERIOD</th>
<th>NOTIFICATION DATES</th>
<th>DR FILE DATE</th>
<th>DR HEARING DATE</th>
<th>FILING TO HEARING TIME</th>
</tr>
</thead>
<tbody>
<tr>
<td>311 Notice</td>
<td>30 days</td>
<td>March 20, 2020 – April 21, 2020</td>
<td>4.21.2020</td>
<td>7.9.2020</td>
<td>79 days</td>
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HEARING NOTIFICATION

<table>
<thead>
<tr>
<th>TYPE</th>
<th>REQUIRED PERIOD</th>
<th>REQUIRED NOTICE DATE</th>
<th>ACTUAL NOTICE DATE</th>
<th>ACTUAL PERIOD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Posted Notice</td>
<td>20 days</td>
<td>June 19, 2020</td>
<td>June 19, 2020</td>
<td>20 days</td>
</tr>
<tr>
<td>Mailed Notice</td>
<td>20 days</td>
<td>June 19, 2020</td>
<td>June 19, 2020</td>
<td>20 days</td>
</tr>
<tr>
<td>Online Notice</td>
<td>20 days</td>
<td>June 19, 2020</td>
<td>June 19, 2020</td>
<td>20 days</td>
</tr>
</tbody>
</table>

PUBLIC COMMENT

<table>
<thead>
<tr>
<th>Adjacent neighbor(s)</th>
<th>SUPPORT</th>
<th>OPPOSED</th>
<th>NO POSITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other neighbors on the block or directly across the street</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Neighborhood groups</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

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

DR requestor #1:
Antonio Mezquiriz of 3535 23rd Street, adjacent neighbor to the East of the proposed project.

DR REQUESTOR’S CONCERNS AND PROPOSED ALTERNATIVES

DR requestor is concerned that the proposed new massing of the building will block light to his side property line windows.

Proposed alternatives:
Provide light wells or a setback of 22’-9” at the third floor to preserve function of windows.


PROJECT SPONSOR’S RESPONSE TO DR APPLICATION

The project has been reviewed by Planning Department staff and modified per recommendations from Planning staff and found to be compliant to the Planning Code and Residential Design Guidelines. Although the DR requestor’s property line windows are not protected, attempts have been to compensate
for their loss by offering to pay for their closure and providing skylights. None of the windows are required for light or ventilation to either of the rooms they serve. There are no exceptional or extraordinary circumstances.

See attached Response to Discretionary Review Applications, dated 6.30.20

DEPARTMENT REVIEW

The Department’s Residential Design Advisory Team (RDAT) re-reviewed this and confirmed that the proposed project conforms to the Residential Design Guidelines. Furthermore, the proposed blockage or diminishment of light to existing property line windows - a non-complying condition of the adjacent property – are not protected by Planning Code, Policy, or Design Guidelines and are not an exceptional or extraordinary circumstance.

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 Applications dated 6.30.20
311 Notification plans and dated 1.10.19 (and revised set for clarity, received 6.31.20)
Exhibits
*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.
Discretionary Review Hearing
Case Number 2019-000507DRP
3537 23rd Street
Site Photo

Discretionary Review Hearing
Case Number 2019-000507DRP
3537 23rd Street
NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On January 7, 2019, Building Permit Application No. 201901079729 was filed for work at the Project Address below.

Notice Date: March 20, 2020  Expiration Date: April 21, 2020

<table>
<thead>
<tr>
<th>PROJECT INFORMATION</th>
<th>APPLICANT INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Address: 3537 23rd Street</td>
<td>Applicant: William Pashelinsky</td>
</tr>
<tr>
<td>Cross Street(s): Guerrero Street &amp; San Jose Avenue</td>
<td>Address: 1937 Hayes Street</td>
</tr>
<tr>
<td>Block/Lot No.: 3646/023</td>
<td>City, State: San Francisco CA 94117</td>
</tr>
<tr>
<td>Record Number: 2019-000507PRJ</td>
<td>Email: <a href="mailto:billpash@gmail.com">billpash@gmail.com</a></td>
</tr>
</tbody>
</table>

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 weekend 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
- □ Change of Use
- ☑ Rear Addition
- □ New Construction
- ☑ Façade Alteration(s)
- ☑ Front Addition
- □ Alteration
- □ Side Addition
- ☑ Vertical Addition

PROJECT FEATURES

<table>
<thead>
<tr>
<th>EXISTING</th>
<th>PROPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Use</td>
<td>Residential</td>
</tr>
<tr>
<td>Front Setback</td>
<td>1 foot</td>
</tr>
<tr>
<td>Side Setbacks</td>
<td>None</td>
</tr>
<tr>
<td>Building Depth</td>
<td>56 feet</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>57 feet</td>
</tr>
<tr>
<td>Building Height</td>
<td>22 feet</td>
</tr>
<tr>
<td>Number of Stories</td>
<td>2</td>
</tr>
<tr>
<td>Number of Dwelling Units</td>
<td>1</td>
</tr>
<tr>
<td>Number of Parking Spaces</td>
<td>2</td>
</tr>
</tbody>
</table>

PROJECT DESCRIPTION

The project includes a two story vertical and horizontal additions of approximately 3463 square feet, and the addition of a dwelling unit to a single family dwelling.

The proposal requires a Variance from the required front yard, which will be noticed separately. A public hearing on the Variance is scheduled on March 25, 2020.

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

For more information, please contact Planning Department staff:
Ella Samonsky, 415-575-9112, ella.samonsky@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) in person at 1660 Mission Street, via phone at (415) 558-6377, or via email at 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 [www.communityboards.org](http://www.communityboards.org) 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.

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, or online at [www.sfplanning.org](http://www.sfplanning.org). **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 [www.sfplanning.org](http://www.sfplanning.org). If the project includes multiple building permits, i.e. demolition and new construction, a **separate request for Discretionary Review must be submitted, with all required materials and fee, for each permit that you feel will have an impact on you.** Incomplete applications will not be accepted.

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

**BOARD OF APPEALS**

An appeal of the Planning Commission’s decision on a Discretionary Review case may be made to the **Board of Appeals within 15 calendar days after the building permit is issued** (or denied) by the Department of Building Inspection. 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 [www.sfplanning.org](http://www.sfplanning.org). An appeal of the decision **to exempt the proposed project from CEQA may be made to the Board of Supervisors within 30 calendar days** after the project approval action identified on the determination. The procedures for filing an appeal of an exemption determination are available from the 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

<table>
<thead>
<tr>
<th>Project Address</th>
<th>Block/Lot(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3537 23RD ST</td>
<td>3646023</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Case No.</th>
<th>Permit No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019-000507ENV</td>
<td>201901079729</td>
</tr>
</tbody>
</table>

Project description for Planning Department approval.

2 story vertical addition & roof decks. Horizontal rear yard addition. Provide new unit. 1ST UNIT at 1st floor and 2nd floor. 2nd unit @ 3rd & 4th floor. remodel front facade.

STEP 1: EXEMPTION CLASS

The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA).

- **Class 1 - Existing Facilities.** Interior and exterior alterations; additions under 10,000 sq. ft.

- **Class 3 - New Construction.** Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.

- **Class 32 - In-Fill Development.** New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below:
  (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
  (b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.
  (c) The project site has no value as habitat for endangered rare or threatened species.
  (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
  (e) The site can be adequately served by all required utilities and public services.

  FOR ENVIRONMENTAL PLANNING USE ONLY

- **Class _____**
### STEP 2: CEQA IMPACTS

**TO BE COMPLETED BY PROJECT PLANNER**

<table>
<thead>
<tr>
<th>Category</th>
<th>Question</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Quality:</td>
<td>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 &gt; CEQA Catex Determination Layers &gt; Air Pollution Exposure Zone)</td>
<td></td>
</tr>
<tr>
<td>Hazardous Materials:</td>
<td>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? <strong>Note that a categorical exemption shall not be issued for a project located on the Cortese List 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</strong> (refer to EP_ArcMap &gt; Maher layer)</td>
<td></td>
</tr>
<tr>
<td>Transportation:</td>
<td>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?</td>
<td></td>
</tr>
<tr>
<td>Archeological Resources:</td>
<td>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 &gt; CEQA Catex Determination Layers &gt; Archeological Sensitive Area)</td>
<td></td>
</tr>
<tr>
<td>Subdivision/Lot Line Adjustment:</td>
<td>Does the project involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Topography). If yes, Environmental Planning must issue the exemption.</td>
<td></td>
</tr>
<tr>
<td>Slope = or &gt; 25%:</td>
<td>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 &gt; CEQA Catex Determination Layers &gt; Topography) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</td>
<td></td>
</tr>
<tr>
<td>Seismic: Landslide Zone:</td>
<td>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 &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</td>
<td></td>
</tr>
<tr>
<td>Seismic: Liquefaction Zone:</td>
<td>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 &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required and Environmental Planning must issue the exemption.</td>
<td></td>
</tr>
</tbody>
</table>

**Comments and Planner Signature (optional):** Laura Lynch
## STEP 3: PROPERTY STATUS - HISTORIC RESOURCE
TO BE COMPLETED BY PROJECT PLANNER

<table>
<thead>
<tr>
<th>PROPERTY IS ONE OF THE FOLLOWING: (refer to Property Information Map)</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Category A: Known Historical Resource. <strong>GO TO STEP 5.</strong></td>
</tr>
<tr>
<td>☐ Category B: Potential Historical Resource (over 45 years of age). <strong>GO TO STEP 4.</strong></td>
</tr>
<tr>
<td>☐ Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). <strong>GO TO STEP 6.</strong></td>
</tr>
</tbody>
</table>

## 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 features.
- [ ] 6. **Restoration** based upon documented evidence of a building’s historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
7. **Addition(s)**, including mechanical equipment that are minimally visible from a public right-of-way and meet the *Secretary of the Interior's Standards for Rehabilitation*.

8. **Other work consistent** with the *Secretary of the Interior Standards for the Treatment of Historic Properties* (specify or add comments):

9. **Other work** that would not materially impair a historic district (specify or add comments):

   See HRER Part II signed 3/9/20 (2019-000507ENV). Property is a non-contributor to the Horner’s Addition East Historic District and proposed project will not impact the historic district.

   *(Requires approval by Senior Preservation Planner/Preservation Coordinator)*

10. **Reclassification of property status.** *(Requires approval by Senior Preservation Planner/Preservation Coordinator)*

   - [ ] Reclassify to Category A
   - [ ] Reclassify to Category C
     
     - a. Per HRER or PTR dated
     - b. Other (specify):

   *(attach HRER or PTR)*

   Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.

   - [ ] Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. **GO TO STEP 6.**

   Comments *(optional)*:

   Preservation Planner Signature: Allison Vanderslice

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**STEP 6: CATEGORICAL EXEMPTION DETERMINATION**

*TO BE COMPLETED BY PROJECT PLANNER*

- [ ] **No further environmental review is required.** The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.

  **Project Approval Action:**
  - Building Permit
  - If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.

  **Signature:**
  - Ella Samonsky
  - 06/30/2020

Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of 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.

MODIFIED PROJECT DESCRIPTION

Modified Project Description:

<table>
<thead>
<tr>
<th>DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compared to the approved project, would the modified project:</td>
</tr>
<tr>
<td>[ ] Result in expansion of the building envelope, as defined in the Planning Code;</td>
</tr>
<tr>
<td>[ ] Result in the change of use that would require public notice under Planning Code Sections 311 or 312;</td>
</tr>
<tr>
<td>[ ] Result in demolition as defined under Planning Code Section 317 or 19005(f)?</td>
</tr>
<tr>
<td>[ ] 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?</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>DETERMINATION OF NO SUBSTANTIAL MODIFICATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ] The proposed modification would not result in any of the above changes.</td>
</tr>
</tbody>
</table>

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.

Planner Name:  
Date:
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, San Francisco, where planners are available to assist you.

Please read the Discretionary Review Informational Packet carefully before the application form is completed.

WHAT TO SUBMIT:

☐ Two (2) complete applications signed.

☐ A Letter of Authorization from the DR requestor giving you permission to communicate with the Planning Department on their behalf, if applicable.

☐ Photographs or plans that illustrate your concerns.

☐ Related covenants or deed restrictions (if any).

☐ A digital copy (CD or USB drive) of the above materials (optional).

☐ Payment via check, money order or debit/credit for the total fee amount for this application. (See Fee Schedule).

HOW TO SUBMIT:

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

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

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

中文：如果您希望获得使用中文填写这份申请表的帮助，请致电415.575.9010。请注意，规划部门需要至少一个工作日来回应。

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 pan trabaho para makasagot.
DISCRETIONARY REVIEW PUBLIC (DRP)

APPLICATION

Discretionary Review Requestor’s Information

Name: Antonio Mezquiriz
Address: 3535 23rd Street
Email Address: antoniomezquiriz@yahoo.com
Telephone: 4159710997

Information on the Owner of the Property Being Developed

Name: William Pashelinsky
Company/Organization:
Address: 1937 Hayes Street
Email Address: billpash@gmail.com
Telephone: 4153793676

Property Information and Related Applications

Project Address: 3537 23rd Street
Block/Lot(s): 3046/023
Building Permit Application No(s): 201901079729

ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

<table>
<thead>
<tr>
<th>PRIOR ACTION</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have you discussed this project with the permit applicant?</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Did you discuss the project with the Planning Department permit review planner?</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Did you participate in outside mediation on this case? (including Community Boards)</td>
<td>✓</td>
<td></td>
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</tbody>
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Changes Made to the Project as a Result of Mediation.
If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the result, including any changes that were made to the proposed project.
DISCRETIONARY REVIEW REQUEST

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

1. What are the reasons for requesting Discretionary Review? The project meets the standards of the Planning Code and the Residential Design Guidelines. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City’s General Plan or the Planning Code’s Priority Policies or Residential Design Guidelines? Please be specific and site specific sections of the Residential Design Guidelines.

2. The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be unreasonably affected, please state who would be affected, and how.

The construction of this building will completely cover the windows to the bathrooms on the second and third floor. There are two different views on the plans provided of the new build for the facade. Page A-3.04 shows a 3rd floor setback at 22.70' and a 4th floor setback at 30.00 feet, page A-4.01 shows a single setback at the 4th floor at 30.00'. If there is only a 4th floor setback at 30.00' it would box us in and deprive us of natural daylight.

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?

We need clarification on the setback. We're okay if the setback starts at 22.70'. The construction of light wells at our bathroom windows would reduce the impact of this new build.
DISCRETIONARY REVIEW REQUESTOR’S AFFIDAVIT

Under penalty of perjury the following declarations are made:

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

Signature ___________________________    Name (Printed) ___________________________

Relationship to Requestor: ___________________________    Phone 415.971.0997

(i.e. Attorney, Architect, etc.)    Email antoniomezquiriz@yahoo.com

For Department Use Only

Application received by Planning Department:

By:  ___________________________________________    Date:  ___________________________
The Architect William Pashelinsky and project sponsor Kieran Buckley met with the DR applicant Antonio Mezquiriz at the project site 3537 23rd Street, on June 15th, 2020. At the meeting Mr. Mezquiriz was concerned about his loss of light to his 6 small windows at his 3rd floor bathroom and to loss of light to his window located at his 3rd floor at the northwest corner of his building. He noted he also had 2 property line windows at his 2nd floor towards the rear. However he stated he was not so concerned about their removal as he was about the other 2 locations.

A tentative agreement was worked to include the following. Kieran Buckley would re-imburse Mr. Mezquiriz for the provision at 3535 23rd Street of a new skylight at the front 3rd floor bedroom and for 2 legal skylights to be located above the 3rd floor bathroom. Mr Buckley would also reimburse Mr. Mezquiriz for the cost of removing and closing in the property line windows at the west elevation of 3535 23rd Street. This tentative agreement was emailed to Mr. Mezquiriz on June 15th, 2020. As of June 31st there has been no reply.

1). Property line windows are not legal under any circumstances. The windows located at the west elevation of 3535 23rd street are not part of the original construction of the building. The lower rear 2 windows appear to be recently constructed.

2). The bathroom at the 3rd floor is not required to have light as long as a fan is provided. However Mr Mezquiriz noted he constructed a ventilating skylight.
As noted we are willing to provide 2 legal skylights at this location. The current skylight appears to be undocumented.

3). The window at the front bedroom already receives good light. The top floor of the proposed addition set backs and does not impact this window. The new 3rd floor would have a minimal impact. The 3rd floor does exceed the required front setback by 44 inches. However, it was the recommendation of the San Francisco Planning RDAT team to bring the front wall out to match the already existing 1st and 2nd floors. They felt there was a strong pattern on the block for 3-4 story buildings providing a strong vertical plane at the front. We agreed to a new skylight at this room. The skylight would not be visible from the street as there is already a significant front parapet to 3535 23rd street. Planning stated they would strongly support the required variance. The variance is only for the 3rd floor and the reconstruction of the existing front bay.

The issues are not significant. We remain optimistic an agreement can be worked out.
ALL IDEAS, DESIGNS, ARRANGEMENTS AND PLANS DEPICTED OR SHOWN BY MEASUREMENTS SHOWN ON THIS DRAWING OR PLAN ARE THE ORIGINALWORK OF WILLIAM PASHELINSKY ARCHITECT AND ARE THE PROPERTY OF WILLIAM PASHELINSKY ARCHITECT AND WERE CREATED, EVOLVED AND DEVELOPED FOR USE ON, AND IN CONNECTION WITH THIS SPECIFIC PROJECT. NONE OF THESE IDEAS, DESIGNS, ARRANGEMENTS OF PLANS SHALL BE USED BY OR DISCLOSED TO ANY PERSON, FIRM, OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISISON OF WILLIAM PASHELINSKY ARCHITECT.

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PROJECT NO. 2018.xx SHEET
WILLIAM PASHELINSKY
ARCHITECT

ADDITION AND ALTERATIONS
SAN FRANCISCO, CA

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(ii) NORTH ELEVATION

Wood Siding
Cable Railing
Cement PL
Wood Cornice

TEXTURED CONCRETE

ADJ BLDG EAST
ADJ BLDG WEST

TYP WINDOW DETAIL HUNG 2'-0" 2'-10"

WOOD SLIGHTS TO BE MARVIN INTEGRITY SERIES ALUM CLAD WOOD

GARAGE DR TO BE SECTIONAL WOOD OVERHEAD DOOR TO BE PAINTED

RECESSED WINDOW SEE A2.03 PROJECT NO.

SHEET A-3.01

WILLIAM PASHELINSKY
ARCHITECT

PROJECT NO. 2018-26

ADDITION AND ALTERATIONS
SAN FRANCISCO, CA

NO. DATE DESCRIPTION
2.8.18 PLANNING REV
12.18 PLANNING REV
12.30 PLANNING REV
2.13.19 PLANNING REV

ADJ BLDG EAST
ADJ BLDG WEST
(ii) NORTH ELEVATION

NO. DATE DESCRIPTION

ADJ BLDG EAST
ADJ BLDG WEST
(ii) NORTH ELEVATION
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SITE AND ROOF PLAN (N)

SITE AND ROOF PLAN (E)

NOTE FOR LANDSCAPING REQUIREMENTS FOR THE FRONT SETBACK SEE A-2.02

WILLIAM PASHELINSKY
ARCHITECT
1937 HAYES STREET
SAN FRANCISCO, CA

ADDITION AND ALTERATIONS
3537 23RD STREET
SAN FRANCISCO, CA

NO. DATE DESCRIPTION

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SOUTH ELEVATION

1/4"=1'-0"

WOOD SIDING

GLASS RAILING

ADJ BLDG WEST
ADJ BLDG EAST

29'-6"
39'-5"

WOOD SIDING

GLASS RAILING

ADJ BLDG WEST
ADJ BLDG EAST

10'-0"
10'-0"
10'-6"
11'-0"

WILLIAM PASHELINSKY
ARCHITECT
1937 HAYES STREET
SAN FRANCISCO, CA
415 379 3676

ADDITION AND ALTERATIONS
SAN FRANCISCO, CA

PROJECT NO.
2018.26

SHEET A-3.02

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