DISCRETIONARY REVIEW
ABBREVIATED ANALYSIS

HEARING DATE: October 22, 2020

Record No.: 2019-005728DRP
Project Address: 945-947 Minnesota Street
Permit Applications: 2019.1003.3468
Zoning: RH-3 [Residential-House, Three Family]
        40-X Height and Bulk District
Block/Lot: 4107 / 018
Project Sponsor: Suheil Shatara
                890 7th Street
                San Francisco, CA 94107
Staff Contact: David Winslow – (628) 652-7335
               david.winslow@sfgov.org

Recommendation: Do Not Take DR and Approve

Project Description

The project is to replace front and rear stairs, entry doors, and all windows (modification of windows at the front bay includes widening center bay windows); replace all clapboard siding to rustic siding to partially match existing siding; infill below existing conforming habitable space, create new rear deck at the 3rd floor over an existing roof and a roof deck accessed by a spiral stair. A variance is requested to rebuild the existing rear stairs and construct the third-floor roof deck because they encroach into the required rear yard. Furthermore, a portion of the spiral stair exceeds the height allowed by using averaging for required rear yards and therefore also requires a variance.

Site Description and Present Use

The site is a 25’ wide x 100’-0” deep slightly lateral sloping lot containing an existing 3-story, two-family home. The existing building is a Category ‘A’ historic resource built in 1900.

Surrounding Properties and Neighborhood

The buildings on this block of Minnesota Street are typically 3-story houses setback from the street and articulated by raised entries. The mid-block open space is defined by a consistent alignment of buildings, apart
from the adjacent lot to the north which has a surface parking lot and playground serving the pre-school and boys’ club fronting Tennessee Street. This lot is zoned ‘P’ for public use.

**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 Date</th>
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<tbody>
<tr>
<td>311 Notice</td>
<td>30 days</td>
<td>July 15, 2020–August 14, 2020</td>
<td>8.14 2020</td>
<td>10.22. 2020</td>
<td>69 days</td>
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**Hearing Notification**

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<tr>
<th>Type</th>
<th>Required Period</th>
<th>Required Notice Date</th>
<th>Actual Notice Date</th>
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<tbody>
<tr>
<td>Posted Notice</td>
<td>20 days</td>
<td>October 2, 2020</td>
<td>October 2, 2020</td>
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<tr>
<td>Mailed Notice</td>
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<td>October 2, 2020</td>
<td>October 2, 2020</td>
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</tr>
<tr>
<td>Online Notice</td>
<td>20 days</td>
<td>October 2, 2020</td>
<td>October 2, 2020</td>
<td>20 days</td>
</tr>
</tbody>
</table>

**Public Comment**

<table>
<thead>
<tr>
<th></th>
<th>Support</th>
<th>Opposed</th>
<th>No Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adjacent neighbor(s)</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<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>1</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 Requestor**

Spencer Gosch, resident of the adjacent property to the east of the proposed project.
**DR Requestor’s Concerns and Proposed Alternatives**

Is concerned that the proposed project is already noncompliant with respect to the rear yard requirements and will further encroach into what is left of the small mid-block open space.

**Proposed alternatives:**

Remove the portion of the existing structure that is built within the required rear yard to provide a code-complying structure.


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

The proposal to work within the existing footprint of the non-complying building to improve the home still retains adequate separation from the neighbors at the rear and sides.

See attached Response to Discretionary Review, dated September 15, 2020

**Department Review**

The Planning Department’s review of this proposal confirmed support for this project as the additions are minimal and so the impacts the mid-block open space are likewise minimal.

The variances being sought are for the rebuilding of the existing non-complying rear stairs, and construction of a portion of the proposed third-floor roof deck (built over an existing structure) that encroach into the required rear yard, and for the portion of the spiral stair that exceeds 30 feet in height.

The proposed roof deck is within the allowed buildable area.

Existing non-complying structures are not uncommon and allowed to remain. However, increasing the non-compliance is typically reviewed with great scrutiny against the required variance findings and the Residential Design Guidelines. The Department does not typically require the removal of existing non-complying structures. Some circumstances where they might be required to be removed include clear and recent evidence that they were built recently without a permit and; when they pose a hazard; when they require repair of more than 50% of the structure to be maintained.

Although a variance is required for the proposed work, staff did not consider the impacts to the mid-block open space detrimental to adjacent properties or subject to exceptional or extraordinary circumstances.

**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 Application
Response to DR Application, dated September 15, 2020
311 plans
Exhibits
The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.
Aerial Photo

Discretionary Review Hearing
Case Number 2019-005728DRP
945-947 Minnesota Street
Aerial Photo

Discretionary Review Hearing
Case Number 2019-005728DRP
945-947 Minnesota Street
NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On October 3, 2019, Building Permit Application No. 201910033468 was filed for work at the Project Address below.

Notice Date: July 15, 2020
Expiration Date: August 14, 2020

PROJECT INFORMATION

Project Address: 945-947 MINNESOTA ST.
Cross Street(s): 20th and 22nd Streets
Block/Lot No.: 4107 / 018
Zoning District(s): RH-3 /40-X
Record Number: 2019-005728PRJ

APPLICANT INFORMATION

Applicant: Suheil Shatara
Address: 890 7th Street
City, State: San Francisco, CA 94115
Telephone: (415) 512-7566
Email: suheil@shataraarch.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 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 ☐ New Construction ☐ Alteration
☐ Change of Use ☒ Façade Alteration(s) ☐ Front Addition
☐ Rear Addition ☐ Side Addition ☐ Vertical Addition

PROJECT FEATURES

EXISTING PROPOSED
Building Use Residential No Change
Front Setback 10 feet 7 inches No Change
Side Setbacks None No Change
Building Depth 69 feet No Change
Rear Yard 17 feet (non-complying) No Change
Building Height 32 feet 36 feet
Number of Stories 3 No Change
Number of Dwelling Units 2 No Change
Number of Parking Spaces 1 No Change

PROJECT DESCRIPTION

The proposed project includes restoration of the front façade with new entry stairs, expanded window openings, wood windows with ogee lugs, rustic siding, and a new cornice. At the rear of the building, an existing wood exit stair will be reconstructed and a ground-floor open area under an existing rear addition will be infilled. The project also includes rear decks at the third floor and roof levels, as well as interior work. In addition, the Zoning Administrator will review a request for a rear yard variance and the Historic Preservation Commission will review a request for a Certificate of Appropriateness. Notification of the Historic Preservation Commission and Variance Hearings will be conducted separately.

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:
Monica Giacomucci, 415-575-8714, Monica.Giacomucci@sfgov.org
GENERAL INFORMATION ABOUT PROCEDURES
DURING COVID-19 SHELTER-IN-PLACE ORDER

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

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

1. Contact the project Applicant to get more information and to discuss the project’s impact on you.
2. Contact the nonprofit organization Community Boards at (415) 920-3820, or online at www.communityboards.org for a facilitated. Community Boards acts as a neutral third party and has, on many occasions, helped reach mutually agreeable solutions.
3. Where you have attempted, through the use of the above steps or other means, to address potential problems without success, please contact the planner listed on the front of this notice to discuss your concerns.

If, after exhausting the procedures outlined above, you still believe that exceptional and extraordinary circumstances exist, you have the option to request that the Planning Commission exercise its discretionary powers to review the project. These powers are reserved for use in exceptional and extraordinary circumstances for projects that conflict with the City’s General Plan and the Priority Policies of the Planning Code; therefore the Commission exercises its discretion with utmost restraint. This procedure is called Discretionary Review (“DR”). If you believe the project warrants Discretionary Review by the Planning Commission, **you must file a DR Application prior to the Expiration Date shown on the front of this notice.**

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

To determine the fee for a Discretionary Review, please refer to the Planning Department Fee Schedule available at www.sfplanning.org. If the project includes multiple building permits, i.e. demolition and new construction, a separate request for Discretionary Review must be submitted, with all required materials and fee, for each permit that you feel will have an impact on you. Incomplete applications will not be accepted.

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

BOARD OF APPEALS
An appeal of the Planning Commission’s decision on a Discretionary Review case may be made to the **Board of Appeals within 15 calendar days after the building permit is issued** (or denied) by the Department of Building Inspection. The Board of Appeals is accepting appeals via e-mail. For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (415) 575-6880.

ENVIRONMENTAL REVIEW
This project has undergone preliminary review pursuant to California Environmental Quality Act (CEQA). If, as part of this process, the Department’s Environmental Review Officer has deemed this project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained through the Exemption Map at www.sfplanning.org. An appeal of the decision to exempt the proposed project from CEQA may be made to the **Board of Supervisors within 30 calendar days after the project approval action identified on the determination.** The procedures for filing an appeal of an exemption determination are available from the Board of Supervisors at bos.legislation@sfgov.org, 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>Property Information</th>
<th>Project Address</th>
<th>Block/Lot(s)</th>
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</thead>
<tbody>
<tr>
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<td>945-947 MINNESOTA ST.</td>
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<tr>
<td>Case No.</td>
<td>2019-005728PRJ</td>
<td>201910033468</td>
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<td>Permit No.</td>
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Addition/Alteration   Demolition (requires HRE for Category B Building) New Construction

Project description for Planning Department approval.
Certificate of Appropriateness to replace damaged façade stairs, entry doors, and all windows. Modification of windows at front bay includes widening center bay windows. Proposed side and rear windows will be aluminum clad wood windows. Replace all clapboard siding to rustic siding to partially match existing siding. Infill below existing conforming habitable space, create new rear deck at rear 3rd floor roof decks at 3rd floor and roof deck.

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
**STEP 2: CEQA IMPACTS**

**TO BE COMPLETED BY PROJECT PLANNER**

<table>
<thead>
<tr>
<th><strong>Air Quality:</strong> 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)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hazardous Materials:</strong> 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 (refer to EP_ArcMap &gt; Maher layer).</strong></td>
</tr>
<tr>
<td><strong>Transportation:</strong> 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>
</tr>
<tr>
<td><strong>Archeological Resources:</strong> 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>
</tr>
<tr>
<td><strong>Subdivision/Lot Line Adjustment:</strong> 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 &gt; CEQA CateX Determination Layers &gt; Topography). If yes, Environmental Planning must issue the exemption.</td>
</tr>
<tr>
<td><strong>Slope = or &gt; 25%:</strong> 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>
</tr>
<tr>
<td><strong>Seismic: Landslide Zone:</strong> 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) <strong>If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</strong></td>
</tr>
<tr>
<td><strong>Seismic: Liquefaction Zone:</strong> 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) <strong>If box is checked, a geotechnical report will likely be required and Environmental Planning must issue the exemption.</strong></td>
</tr>
</tbody>
</table>

**Comments and Planner Signature (optional):** Monica Giacomucci
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 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):
   - Rear roof decks and reconstruction of rear stair

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

   (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
     - a. Per HRER or PTR dated
     - b. Other (specify): Certificate of Appropriateness required
   - Reclassify to Category C

   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: Monica Giacomucci

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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: Planning Commission Hearing

  Signature: Monica Giacomucci

  06/23/2020

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.

DETERMINATION OF NO SUBSTANTIAL 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.

<table>
<thead>
<tr>
<th>Planner Name:</th>
<th>Date:</th>
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</table>
DISCRETIONARY REVIEW PUBLIC (DRP) APPLICATION

Discretionary Review Requestor's Information

Name: Spencer Gosch
Address: P. O. Box 170221, SF, CA 94117
Email Address: skg@comcast.net
Telephone: 415-643-8740

Information on the Owner of the Property Being Developed

Name: Reed and Aleena Moulds
Company/Organization: U/K
Address: 73 Maple Avenue, Atherton, CA 94027
Email Address: aleena@yahoo.com
Telephone: 415-512-7566

Property Information and Related Applications

Project Address: 945-947 Minnesota Street
Block/Lot(s): 4107/018
Building Permit Application No(s): 201910033468, 201804095888, 201710252264, 201901100006, + 2 others

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>
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</tbody>
</table>

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.

This property has illegal construction within the rear yard setback. This project does NOT meet the code for rear yard open space. I do not believe that is in compliance with the Planning Code. Further, that illegal use is proposed to be expanded with a variance even further reducing required open space. The plans for this project contain much misinformation and require this project have oversight. See Section on Rear Yard Light and Privacy Issues starting n Page 16. See also Planning Code Section 101. Please see attached Brief.

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 illegal structures are closer to my apartment than allowable and cover more lot than is allowable. Expanding their use would impact me even more with noise, smells, etc. Other neighbors would share these impacts, including the reduction of open space that serves all with light and air. Please see attached Brief.

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?

Once the illegal noncomplying structures are removed, the new design can comply with current Planning Code. Please see attached Brief.
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
Self

415-643-8740

Spencer Gosch

Name (Printed)

skg@comcast.net

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

Phone

Email

For Department Use Only

Application received by Planning Department:

By: ________________________________ Date: __________________________
945-947 Minnesota Street- Discretionary Review
Applicant’s Brief Supplement

Commissioners-

Thank you all for your time and the opportunity to be heard. My name is Spencer Gosch and I live behind the proposed project at 945 Minnesota Street. I am here to request removal of the illegal structures at the rear of that building as a condition of further improvements being allowed to the building.

I apologize in advance for not having mastered all the resources available technologically (PIM, Public Portal) as it proved too difficult. If I missed something that I am supposed to know that proves important, it’s not that I didn’t spend a lot of time trying.

My previous brief was not specific as I had hoped to obtain further information regarding the project. My intentions have been stymied by an uncooperative Developer/Property Owner refusing me access to his plans.

While all previous comments continue to be valid, I have narrowed my specific complaints for requesting removal of the illegal construction to the following 4 issues, which are then discussed further below:

A.) Illegal construction violating numerous provisions of the Planning Code

B.) Recent Substantial Reduction of Mid-Block Open Space

C.) Numerous Permit, Plan, and Documentation Errors

D.) Defense against Likely Rebuttals by Project Sponsor

A.) Illegal construction violating numerous provisions of the Planning Code

Current Planning Code Violations include:
Sections 101 (c) & (d), 101.1(b)8, 134(a) 1-4, 134(c)3, and 134(e), SFPC.

These provisions all relate either to maintaining light and air or rear yard/open space requirements.

The illegal Construction has reached the end of its life and will need to be demolished in its entirety regardless of what is determined. The new owner is proposing to replace and further develop this illegally occupied land as a part of this Permit Application. I believe
a new addition that complies with the Planning Code be allowed to take the place of the demolished illegal construction.

B.) Recent Substantial Reduction of Mid-block Open Space

1.) Our little Mid-Block Open Space is cut off from the larger Mid-Block Open Space by unregulated School Property, who has already unsympathetically sited school buildings in what would typically be a rear yard setback/Mid-block Open Space [see Attachment B.2.]

2.) Recent re-zoning along 22nd Street to NCT-2 will result in the removal of more than 50% of our small Mid-Block Open Space- [see Attachments B.1 (before) and B.2 (after).]

The Mid-Block Open Space for the area South of the unregulated School Property has been reduced down to 4 lots, one of which is much occupied by the illegal construction under discussion. In light of all the recent Government take-aways, here is the opportunity to restore some unlawfully occupied land to a Mid-block Open Space that desperately needs it.

C.) Numerous Permit, Plan, and Documentation Errors

1.) I have previously identified the plans submitted as inadequate, due to misinformation, missing information, dimensional discrepancies, etc.- in particular regarding the illegal structures at the rear of the building. This level of error by an experienced architect would almost seem purposeful.

The Permit Application under review [PA# 201910033468] is a(n) (unacknowledged) revision of previously ISSUED Permits [PA# 201804095888 and 201901100006]. The Owner/Developer’s refusal to allow me access to those previously ISSUED plans have prevented my complete understanding of this project.

2.) I have presented specific issues regarding the the Variance and the Certificate of Appropriateness Applications in my previous brief. Overall, the applications seem to be presented as a mash-up of information non-specific to either application. The illegal structures are barely mentioned, either in text nor dimensioned specifically on plan.

Oddly, there is specific information regarding the Variance (33’4” Rear Yard Requirement and 17’ Setback Dimension being provided) contained ONLY in the the Notice of Public Hearing for Wednesday July 15, 2020- this information was not represented on plan nor in the applications. [For the record, I believe the applicant must maintain a minimum 35’ Rear Yard Setback per Section 134(e), SFPC.]
D.) Defense against Likely Rebuttals by Project Sponsor

1.) I understand the New Owner/Developer has a family, so that will likely be their argument for keeping and developing the illegal structures. A family may come and go, but once the land is legally claimed by a building it will never be relinquished or restored—if the family argument is not a ploy for development.

I offer an alternative for the space they will “lose” upon demolition of the illegal structures. This building historically had a Gable Roof. I would not object to the restoration of that design which would allow additional space and bring the building back into a historical context more appropriate to the surrounding structures and neighborhood.

2.) There is no loss of value in the valid demolition of the illegal structures. If the New Owner/Developer paid too much (not likely) for illegal construction, against the disclaimers in the sales contract, I would say they received bad advice from their experts, including themselves. New roof construction would help offset alleged value loss. The only real loss is in Development Potential, which is likely what the real issue is here.

3.) A likely argument is also that “It’s been there for a long time.” I will concede the point. It has no bearing on its legal standing. There was a saying in the Building Department that “You buy the problems with the property” which is how I see this case. Let’s get rid of the problem now, at the appropriate time, with a New Owner/Developer attempting to further develop the illegal spaces.

Conclusion
Please consider the small, reduced size of the Mid-block Open Spaces. Please also consider the numerous San Francisco Planning Codes being considered for permanent violation, many of which cited are in strong favor of my arguments, specifically Section 134(a)1-4, SFPC; there need be no violation of the Planning Codes. Please also consider the Public Good of many versus the personal gain of New Owners/Developer of this property. This Request is made for all of the people who live in buildings with windows opening toward the Mid-Block Open Space, present and future. Thank you for these considerations.
The owners, who previously lived on Minnesota Street, bought the subject property three years ago in its current state of disrepair. The home suffered a fire in 1975 and the roof, ceiling, windows, and wiring in ceiling were repaired from the fire damaged and the gabled attic level was removed. We believe that the rear structure addition was also done as part of the fire repairs at the same time 45 years ago, which notably means it was in existence prior to the appellant’s moving into his apartment, which he has stated occurred 22 years ago.

For context, the distance from the back wall of the structure to the appellant’s rear wall is approximately 62-feet, from the appellant’s outer deck to the rear of the subject property approximately 54-feet and to the proposed roof deck approximately 73-feet.

It would be very cost-prohibitive to rework and rebuild the back structure instead of rehabilitating the existing structure as proposed. The project sponsor’s proposal is to rehabilitate the existing structure as well as rehabilitate the main three-story building completely and restore it consistent with the materials and characteristics of neighborhood.

The proposal by the project sponsor to infill below the existing structure at the rear should not impact the existing open space since that area is in shadow at all times. There is approximately 28-30 feet of rear yard with the encroachment of the exit stair.

The project sponsor is seeking the variance necessary to make the structure fully code compliant, some of the existing elements such as windows less than five feet from property line are existing, some relocated and will be managed during the building permitting process.

As far as the multiple permitting, the following permits were obtained so far,

2018-0409-5888; Remodel the two unit 3-stories and rearrange floor plans, interior remodel only.

2019-0110-0006; Revision to 2018-0409-5888: To replace masonry foundation with new concrete foundation which was recommended by the contractor. Existing foundation was substandard and was strongly recommended to be replaced.
2019-0226-3825: Repair existing siding at south elevation only: We were planning to repair the siding and found that the siding was in extremely poor condition. The siding was in extremely poor condition on the south elevation. There was also a mixture of clapboard siding as well as ship lap siding. The south side of the building is also where the building settled approximately three inches. The settlement caused the siding to pull away from the framing. Additionally, the waterproofing was compromised and needed repair or replacement. As a result of these conditions we spoke to planning staff to see how we can move forward through the process. The project sponsor decided move forward with the planning staff recommendations, to seek a Certificate of Appropriateness, a Variance and the Section 311 Notification. Planning staff recommended this to bring the building into full compliance through the appropriate, documented process.

2019-1003-3463: This permit was requested by planning staff for an exploratory demo in areas of the front façade. The permit required to do this was an “Administrative Certificate of Appropriate.” The planner met me at the site to evaluate the conditions below the current tile siding to evaluate appropriate material or trim.

The project was reviewed by the Historic Preservation Commission and approved unanimously with conditions for staff to review further if needed on August 19, 2020. Conditions will be met with the planning department’s further review for finishes.

With regards to the 311 Notice Process, there were two noticing mailings that were sent out on two separate occasions. The appellant called and left a message at our office which we responded to by calling him back but we did not hear from him until the latest posters were place on the building for all three processes.

The intent is to rehabilitate a modest building, make it compatible with the historical district by providing traditional materials / elements indicative of its surroundings, bring the building to the current seismic standards and restore long-vacant residential units.

Thank you for your consideration of this proposal.

Regards,

Suheil Shatara
Architect
Michael:

The Alliance for a Better District 6 is in full support on the new construction of 945-947 Minnesota Street development.

We like to see upgrade to properties.

If there any questions about this letter of support please email. And please for this e-mail to the Planning Commission and staff.

Michael Nulty

Executive Director

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(415) 820-1412 - Tenderloin Futures Collaborative
http://abd6.cfsites.org/
EXISTING & PROPOSED ELEVATIONS

(P) SOUTH REAR ELEVATION

SCALE: 1/4"=1'-0"

(E) SOUTH REAR ELEVATION

SCALE: 1/4"=1'-0"