



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Abbreviated Analysis HEARING DATE: OCTOBER 3, 2019

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

Reception:
415.558.6378

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415.558.6409

Planning
Information:
415.558.6377

Date: September 26, 2019
Case No.: **2019-012253DRP**
Project Address: **463 CASTRO ST**
Permit Application: 2019.05.30.2067
Zoning: Castro Street Neighborhood Commercial District
40-X Height and Bulk District
Block/Lot: 3582/062
Project Sponsor: Assaf Pashut
1166 Belbrook st
Milpitas, CA 95035
Staff Contact: Cathleen Campbell– 415-575-8732
Cathleen.campbell@sfgov.org
Recommendation: **Do not take DR and approve**

PROJECT DESCRIPTION

The project includes a change of use of an existing commercial space to a limited-restaurant (DBA Vegan Sandwich Bar). It also includes tenant improvements of the interior.

SITE DESCRIPTION AND PRESENT USE

The site is an approximately 25' wide x 125' deep down sloping lot with an existing 3-story five dwelling unit building, with ground floor commercial space, built in 1906. The building is a category 'A' historical resource. The commercial space was most recently used as a retail store.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Project Site is located in the Castro Street NCD. Surrounding properties along the subject block-face contain either two or three-story buildings. The surrounding residential district is the RH-3 Zoning District. The adjacent parcel to the north is a public parking lot. The three-story building south of the Subject Property contains commercial uses on the ground and second floors and one dwelling unit on the third floor.

The Castro Street NCD provides convenience goods to its immediate neighborhood and comparison-shopping goods and services on a specialized basis to a wider trade area. Commercial businesses, including a number of bars, restaurants and specialty clothing and gift stores, are active both in the daytime and late into the evening. The Castro Street NCD also supports several conversions from residential uses to nonresidential uses on the second floors in residential buildings.

BUILDING PERMIT NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	July 15 th , 2019– August 14 th , 2019	8.14.2019	10.3.2019	50 days

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	20 days	September 13, 2019	September 13, 2019	20 days
Mailed Notice	20 days	September 13, 2019	September 13, 2019	20 days
Online Notice	20 days	September 13, 2019	September 13, 2019	20 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	0	0	0
Other neighbors on the block or directly across the street	0	0	0
Neighborhood groups	0	1	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

DR requestor:

Cem Bulutoglu of 499 Castro Street, a business operator at the corner of Castro Street and 18th Street.

DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

DR requestor:

1. Concerns for the loss of key retail spaces.
2. The importance of the specific retail location, as it is adjacent to a public parking.

3. The suggested proposed alternative is to relocate the business to an existing vacant limited restaurant space.

See attached *Discretionary Review Application*, dated August 14, 2019.

PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

The sponsor response concludes the conversion of the retail space would have no impact on the financial well-being of the Castro neighborhood business district.

PLANNING ANALYSIS

The Planning Staff re-reviewed the application and confirmed that the change of use does not present an exceptional or extraordinary circumstance with respect to the compatibility of the proposed use within the neighborhood. A limited-restaurant is principally permitted within the Castro Street Neighborhood Commercial District per Planning Code Sections 715, 102, 202.2(a). The existing vacant Limited-Restaurant & Restaurant use commercial spaces may be converted to a Retail use without neighborhood notice per Planning Code Section 311.

RECOMMENDATION:	Do not take DR and approve project
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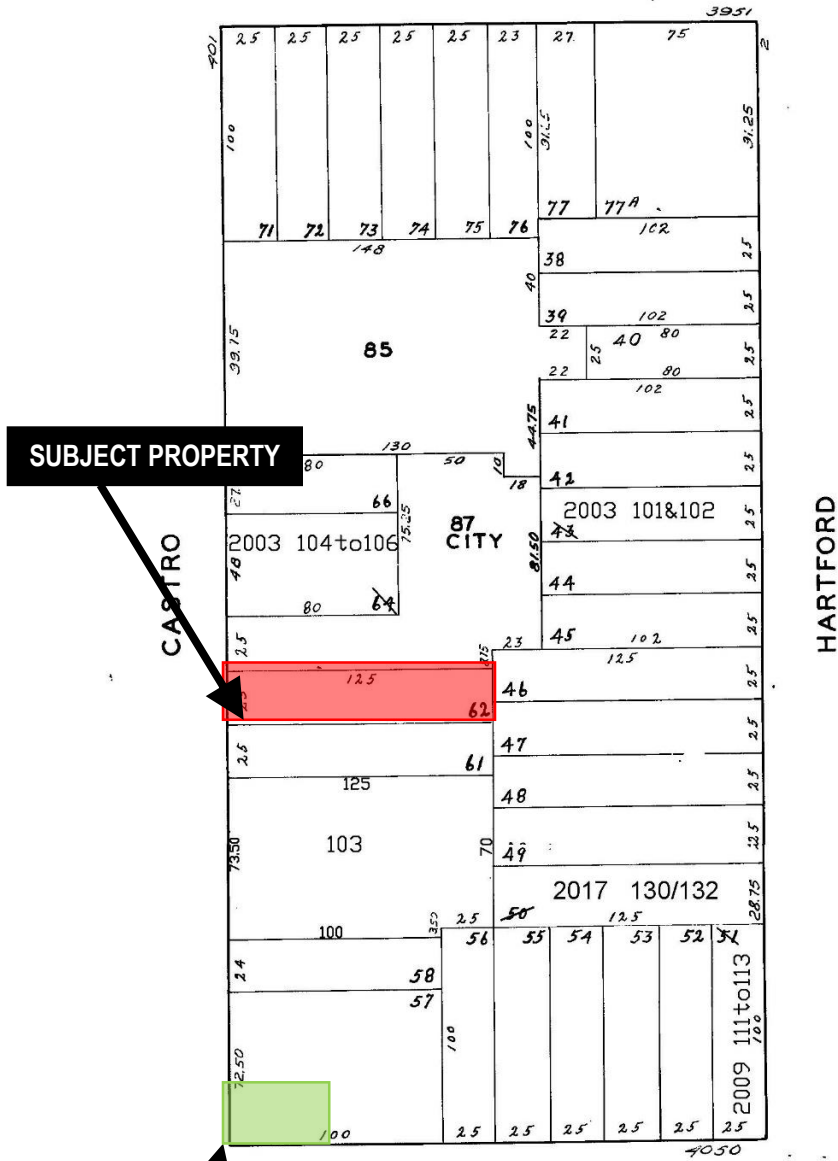
Attachments:

- Block Book Map
- Sanborn Map
- Zoning Map
- Aerial Photographs
- Context Photographs
- Section 311 Notice
- CEQA Determination
- DR Application
- Response to DR Application
- Reduced Plans
- Public Comment

Parcel Map

2007 into lots 116 & 117 for 2016 roll
 Lot 84 into lots 116 & 117 for 2016 roll
 Lot 50 into lots 130 to 132 for 2017 roll

17 TH



HARTFORD

18 TH

445-451 CASTRO ST.

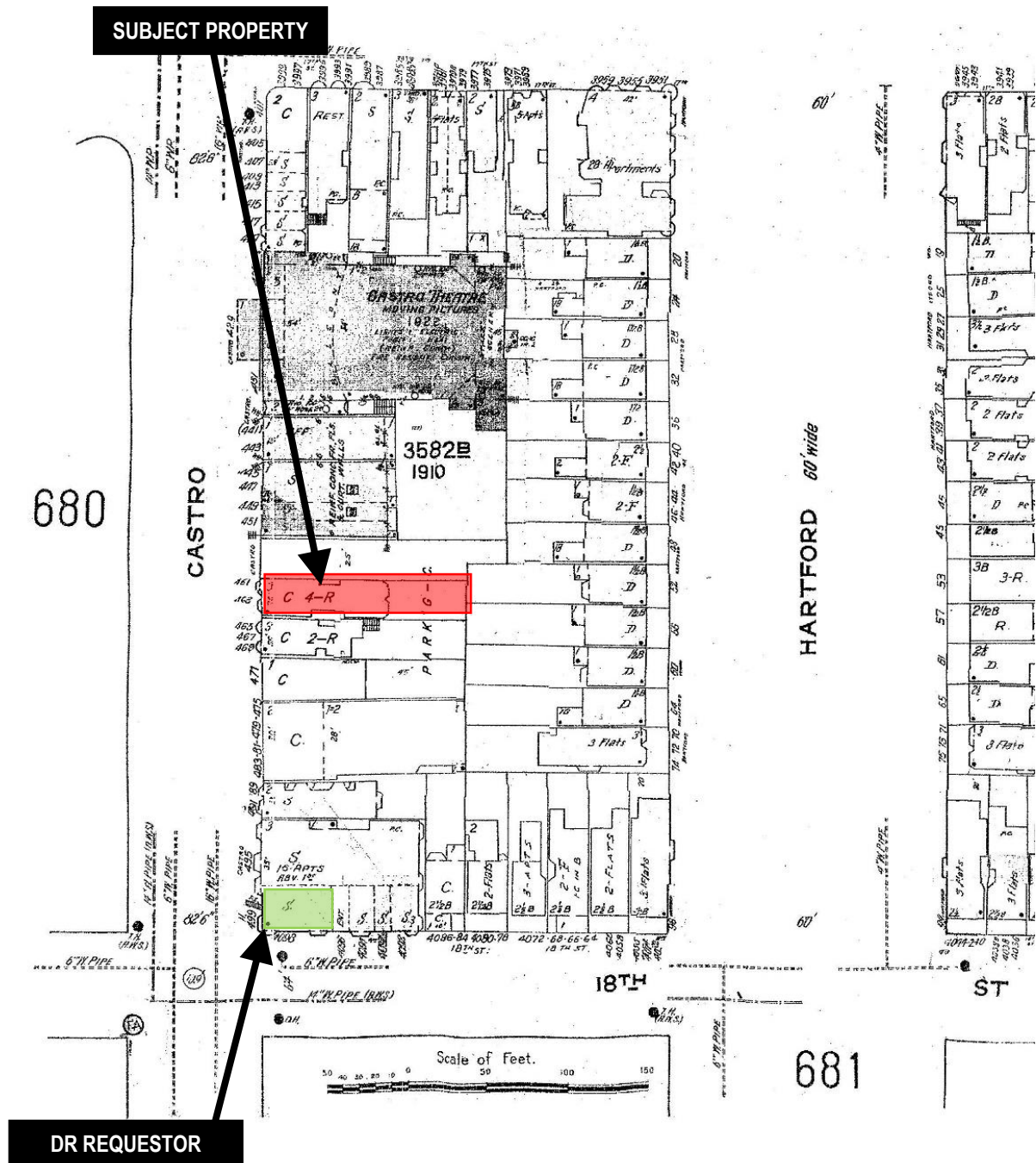
3919-3921 17TH ST.

DR REQUESTOR



Discretionary Review Hearing
 Case Number 2019-012253DRP
 463 Castro St

Sanborn Map*

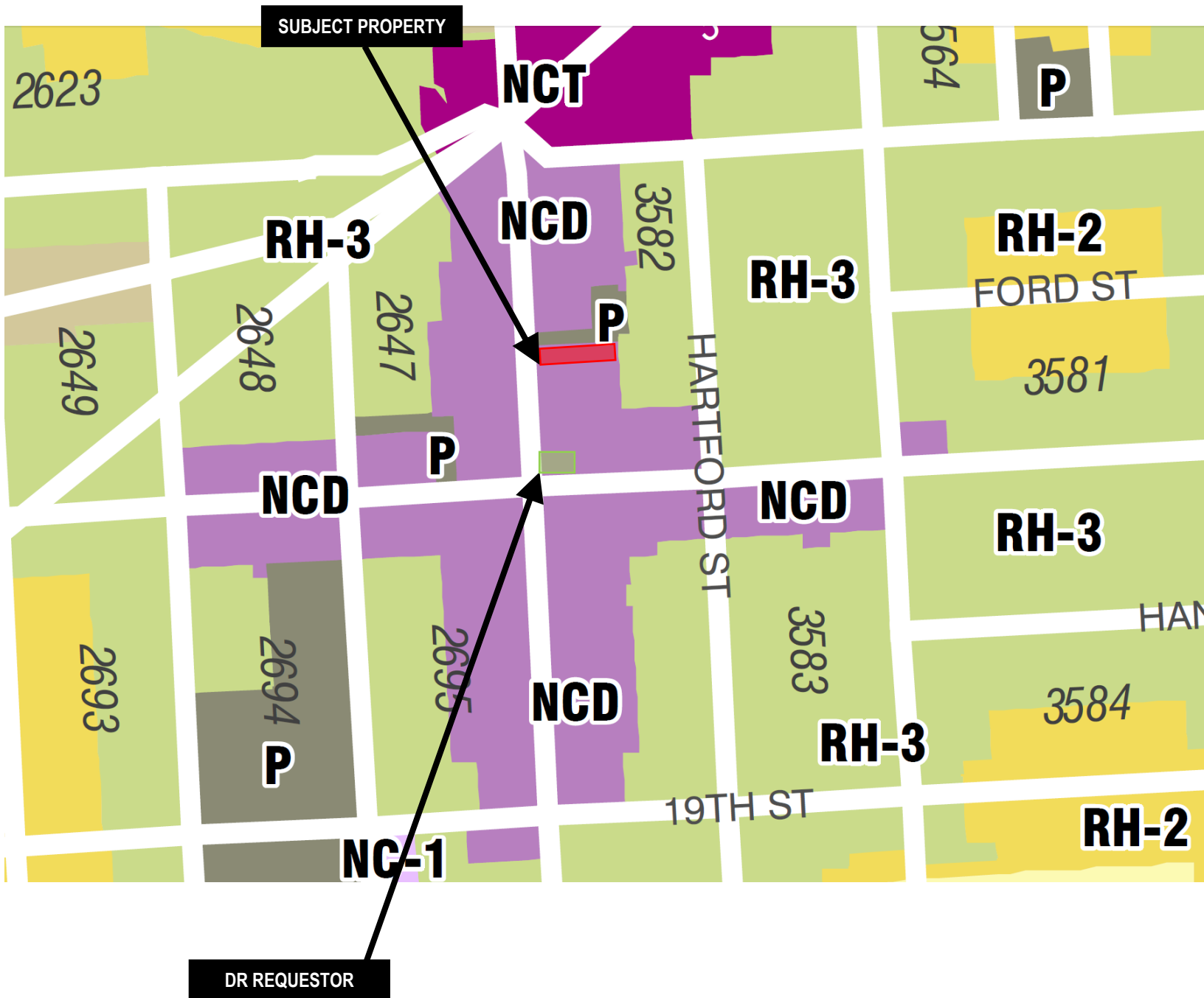


**The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.*



Discretionary Review Hearing
Case Number 2019-012253DRP
463 Castro St

Zoning Map



Discretionary Review Hearing
Case Number 2019-012253DRP
463 Castro St

Aerial Photo – View 1



SUBJECT PROPERTY

DR REQUESTOR



Discretionary Review Hearing
Case Number 2019-012253DRP
463 Castro St

Aerial Photo – View 2



SUBJECT PROPERTY

DR REQUESTOR



Site Photo



Discretionary Review Hearing
Case Number 2019-012253DRP
463 Castro St



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **May 30, 2019**, Building Permit Application No. 201905302067 was filed for work at the Project Address.

Notice Date: July 15th, 2019

Expiration Date: August 14th, 2019

PROJECT INFORMATION		APPLICANT INFORMATION	
Project Address:	463 CASTRO ST	Applicant:	Assaf Pashut
Cross Street(s):	17th and 18th St	Address:	1166 Belbrook st
Block/Lot No.:	3582 / 062	City, State:	Milpitas, CA 95035
Zoning District(s):	NCD /40-X	Telephone:	408-515-6763
Record Number:	2019-012253PRJ	Email:	flyingfalafel@gmail.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		
<input type="checkbox"/> Demolition	<input type="checkbox"/> New Construction	<input type="checkbox"/> Alteration
<input checked="" type="checkbox"/> Change of Use	<input type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Retail	Limited Restaurant
Front Setback	None	No Change
Side Setbacks	N/A	
Building Depth	+53'	No Change
Rear Yard	+72'	No Change
Building Height	+30'	No Change
Number of Stories	3	No Change
Number of Dwelling Units	5	No Change
Number of Parking Spaces	0	No Change
PROJECT DESCRIPTION		
The project includes a change of use of an existing commercial space, most recently used as a retail store, to a limited-restaurant (DBA Vegan Sandwich Bar). It also includes tenant improvements of the interior.		
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:
Cathleen Campbell, 415-575-8732, Cathleen.Campbell@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 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 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 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. 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. 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.



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
463 CASTRO ST		3582062
Case No.		Permit No.
2019-012253PRJ		201905302067
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRE for Category B Building)	<input type="checkbox"/> New Construction
Project description for Planning Department approval. Change of use from retail to limited restaurant. No physical work. Mep under separate permit.		

STEP 1: EXEMPTION CLASS

The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA).	
<input checked="" type="checkbox"/>	Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	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.
<input type="checkbox"/>	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
<input type="checkbox"/>	Class ____

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	Air Quality: 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)
<input type="checkbox"/>	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? <i>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).</i>
<input type="checkbox"/>	Transportation: 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?
<input type="checkbox"/>	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)
<input type="checkbox"/>	Subdivision/Lot Line Adjustment: 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.
<input type="checkbox"/>	Slope = or > 25%: 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.
<input type="checkbox"/>	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.
<input type="checkbox"/>	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.
Comments 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*)

<input checked="" type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input type="checkbox"/>	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
<input type="checkbox"/>	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.

<input checked="" type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	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.

<input type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input checked="" type="checkbox"/>	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.

<input type="checkbox"/>	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.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.

<input type="checkbox"/>	7. Addition(s) , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
<input type="checkbox"/>	8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. Other work that would not materially impair a historic district (specify or add comments): (Requires approval by Senior Preservation Planner/Preservation Coordinator)
<input type="checkbox"/>	10. Reclassification of property status. (Requires approval by Senior Preservation Planner/Preservation <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category A a. Per HRER or PTR dated b. Other (specify): </div> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category C (attach HRER or PTR) </div> </div>
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.	
<input type="checkbox"/>	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:	

STEP 6: CATEGORICAL EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER

<input checked="" type="checkbox"/>	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: Cathleen Campbell 07/16/2019
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.

PROPERTY INFORMATION/PROJECT DESCRIPTION

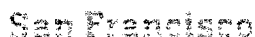
Project Address (If different than front page)		Block/Lot(s) (If different than front page)
463 CASTRO ST		3582/062
Case No.	Previous Building Permit No.	New Building Permit No.
2019-012253PRJ	201905302067	
Plans Dated	Previous Approval Action	New Approval Action
	Building Permit	
Modified Project Description:		

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:	
<input type="checkbox"/>	Result in expansion of the building envelope, as defined in the Planning Code;
<input type="checkbox"/>	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
<input type="checkbox"/>	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
<input type="checkbox"/>	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 least one of the above boxes is checked, further environmental review is required.	

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

<input type="checkbox"/>	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.	
Planner Name:	Date:



Discretionary Review Requestor's Information

Telephone: 415-554-0352

Telephone: 408-515-6763

Building Permit Application No(s): 2019-05-30-2067

V. 02.07.1919. SAN FRANCISCO PLANNING DEPARTMENT

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 cite specific sections of the Residential Design Guidelines.

The Castro district is losing its key retail spaces. There are three falafel shops on the 400 block of Castro. The entire business district depends upon healthy retail foot traffic. One more fast food walk-up counter style limited restaurant is the last thing this community needs - but if this operator would like to open in the neighborhood he is very welcome. Our only request is that the planning Department will require that an existing vacant limited restaurant space be occupied for this purpose.

There should be no loss of potential retail spaces.

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 retail space in question was home to the legendary "All-American Boy" clothing store for something around 30 years. The long-term success of that store was due to many factors that one very important one was the critical retail location adjacent to the only parking lot in the heart of the Castro. This is a very high profile retail space, and should it be converted to walk up fast food the potential long-term impacts on the financial well-being of the business district can be severe.

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 request this applicant take over one of the many vacant limited restaurant spaces currently available in the district.

Under penalty of perjury the following declarations are made:

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



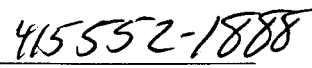
Signature



Name (Printed)



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



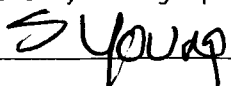
Phone

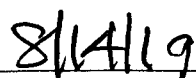


Email

For Department Use Only

Application received by Planning Department:

By: 

Date: 

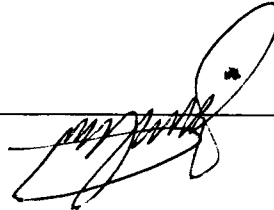
Letter of Authorized Agency

This will Authorize the office of Quickdraw Permit Consulting and it's personnel, Cathy Wise, and Jeremy Paul to act as my agents in matters of building permits, requests for Discretionary Review, records, historical documents, appeals, assessors records, application submittal and withdrawal, variance and conditional use, and related issues on the property located at:

463 Castro Street

Legal Address

Signed: _____



Print Name: _____

Cem Bulutoglu

Address: _____

463 Castro St. San Francisco CA
94114

Date: _____

7/30/19

Client Intake Data (provide info as applicable)

Date: _____

Name Cem Bulutoglu

Phone (415) 554-0352

Email gyroexpress14@gmail.com

Partner/Spouse Name Songul Bulutoglu

Architect _____

Phone _____

Email _____

Engineer _____

Phone _____

Email _____

Address Project 463 Castro DISCRETIONARY REVIEW

City, State, Zip _____

Address Home/Mailing 1108 Chula Vista Ave #3

City, State, Zip Burlingame CA 94010

Scope of Work: _____

Is there a current Application, or Appeal Number? Y/N #:

Is there a current Complaint, or Violation Number? Y/N #:

BUILDING INFORMATION		DRAWING INDEX																									
BLOCK & LOT CONSTRUCTION TYPE: OCCUPANCY: EXISTING: PROPOSED: STORIES/BASEMENT SPACE AREA PROJECT AREA	3582/062 Wood or steel frame M (RETAIL) B (LIMITED RESTAURANT) 3/0 429 SQ-FT 131 SQ-FT	ARCHITECTURAL SHEET NO. A0.1 A0.2 D0.1 E0.1 F0.1 S0.1	SHEET TITLE TITLE SHEET EXISTING & PROPOSED FLOOR PLANS DISABLED ACCESS COMP. CHECKLIST ELEVATIONS FINISH SCHEDULE & FRONT FASCADE SITE PLAN																								
ABBREVIATIONS & SYMBOLS		SCOPE OF WORK																									
ST = Storage CO = Counter BA = Bathroom FC = Fold-up Counter WT = Work Table PT = Prep Table CO = Counter <div><div>1</div> = Handwash Sink</div> <div><div>2</div> = Prep Sink</div> <div><div>3</div> = Three Compartment Sink</div> <div><div>4</div> = Mop Sink</div> <div><div>5</div> = Shelving</div>		INSTALL KITCHEN PREP AREA CHANGE OF USE FROM RETAIL TO LIMITED RESTAURANT (PRINCIPALLY PERMITTED) SEPARATE PERMITS FOR THE FOLLOWING: MECHANICAL PLUMBING ELECTRICAL																									
OCCUPANCY CALCULATION		APPLICABLE CODES																									
<table><tr><th>OCCUPANCY TYPE</th><th>AREA</th><th>LOAD FACTOR</th><th>OCC. LOAD</th></tr><tr><td>KITCHEN</td><td>131 SF</td><td>200 SF</td><td>1</td></tr><tr><td>BATHROOM</td><td>19 SF</td><td>0 SF</td><td>1</td></tr><tr><td>UNCONCENTRATED (TABLES & CHAIRS)</td><td>32 SF</td><td>15 SF</td><td>2</td></tr><tr><td colspan="3"></td><td></td></tr><tr><td colspan="3">TOTAL</td><td>4</td></tr></table>		OCCUPANCY TYPE	AREA	LOAD FACTOR	OCC. LOAD	KITCHEN	131 SF	200 SF	1	BATHROOM	19 SF	0 SF	1	UNCONCENTRATED (TABLES & CHAIRS)	32 SF	15 SF	2					TOTAL			4	2016 CALIFORNIA BUILDING CODE 2016 SAN FRANCISCO BUILDING CODE 2016 CALIFORNIA TITLE 24 ENERGY CODE 2016 SAN FRANCISCO PLUMBING CODE	
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TOTAL			4																								
		VICINITY PLAN																									
EXITS REQUIRED PER 2016 CBC TABLE 1006.2.1 NUMBER OF EXITS REQUIRED 1 NUMBER OF EXITS PROVIDED 1		<div>PROJECT</div>																									

CHANGE OF USE

463 CASTRO STREET
SAN FRANCISCO, CA

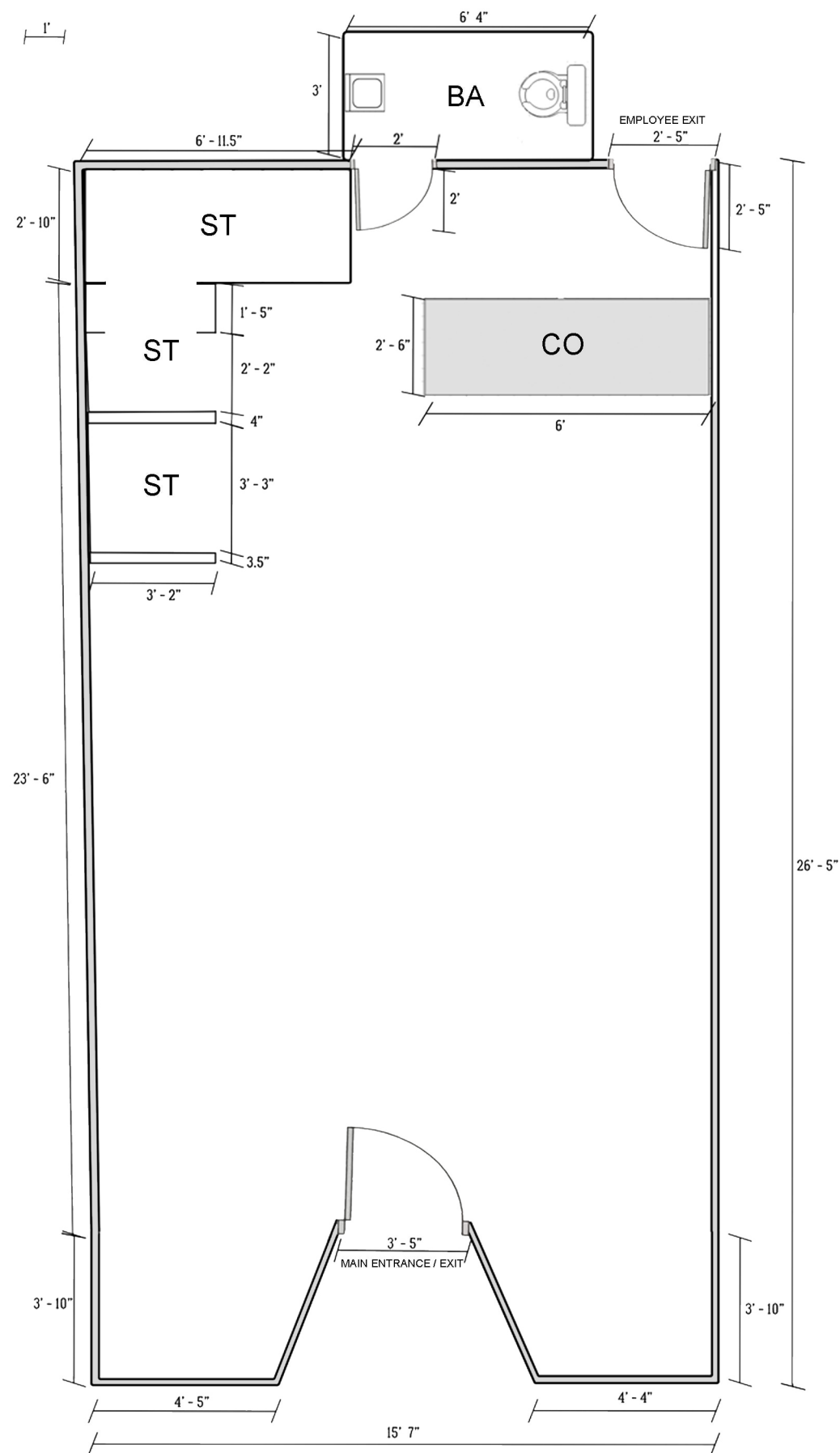
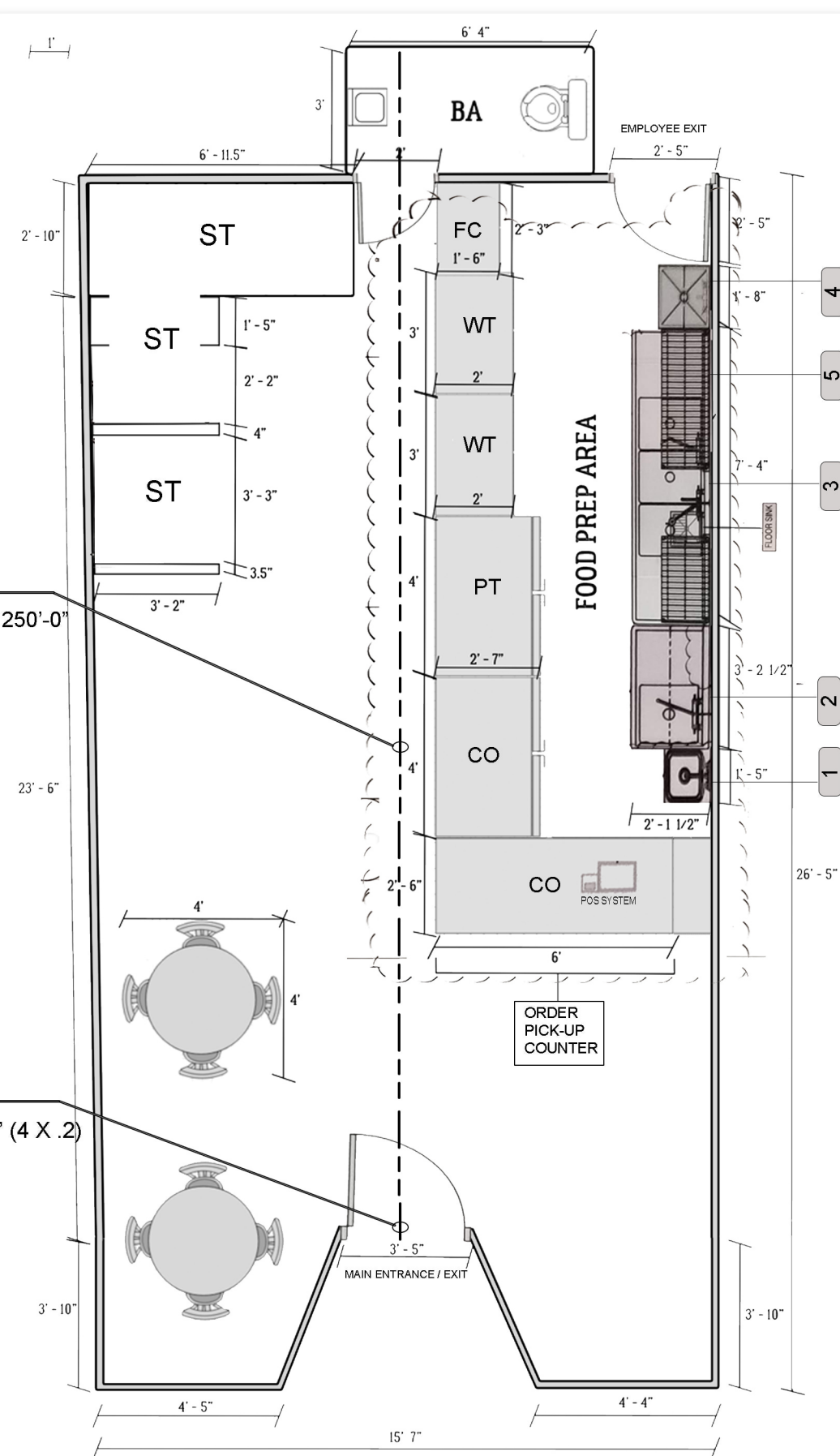
APPROVAL: DATE:

TITLE SHEET

PROJ NO. 14391
SCALE AS SHOWN

SHEET NUMBER

A0.1


$$1/4'' = 1'-0''$$

$$1/4'' = 1'-0''$$

CHANGE OF USE

463 CASTRO STREET
SAN FRANCISCO, CA

APPROVAL:

DATE:

TITLE SHEET

PROJ NO.
SCALE

14391
AS SHOWN

SHEET NUMBER

A0.2

DISABLED ACCESS COMPLIANCE CHECKLIST
PAGE 1

The details of any Technical Infeasibility or Unreasonable Hardship shall be recorded and entered into the files of the Department. All Unreasonable Hardships shall be ratified by the AAC.

D.A. CHECKLIST (p. 2 of 2): The address of the project is :

Check all applicable boxes and specify where on the drawings the details are shown:

	Existing Fully Complying		Equivalent facilitation will provide full access	Compliance is Technically infeasible	Approved in compliance with immediately preceding code	Not required by Code (and/or none existing)	Non-compliant request URH Must be ratified by AAC	Location of detail(s)- include detail no. & drawing sheet (do not leave this part blank!). Also clarification comments can be written here.
Note: upgrades below are listed in priority based on CBC-11B-202.4, exception 8								
A. One accessible entrance including: approach walk, vertical access, platform (landings), door / gate and hardware for door/gate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	FA 01
B. An accessible route to the area of remodel including: Parking/access aisles and curb ramps Curb ramps and walks Corridors, hallways, floors Ramps elevators, lifts	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
C. At least one accessible restroom for each sex or a single unisex restroom serving the area of remodel.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Restroom upgrade would cost more than 20% of cost of construction.
D. Accessible public pay phone.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
E. Accessible drinking fountains.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
F. Additional accessible elements such as parking, stairways, storage, alarms and signage.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	FA 01 Wheelchair accessible signs visible in entrance.
See the requirements for additional forms listed below	1.	2.	3.	4.	5.	6.	7.	

- 1. No additional forms required
- 2. No additional forms required
- 3. Fill out Request for Approval of Equivalent Facilitation form for each item checked and attach to plan.
- 4. Fill out Request for Approval of Technical Infeasibility form for each item checked and attach to plans.
- 5. Provide details from a set of City approved reference drawings, provide its permit application number here: and list reference drawing number on plans.

DISABLED ACCESS COMPLIANCE CHECKLIST
PAGE 2

- 6. No additional forms required
- 7. Fill out Request for an Unreasonable Hardship form for each item checked and attach to plan. All UHR must be ratified by the Access Appeals Commission (see UHR form for details)

Form C: DISABLED ACCESS 20% RULE

This form is only required for projects equal to or under the valuation threshold when box “C” is checked off on the D.A. Checklist and is for providing an itemized list of the estimated costs for the expenditures used for disabled access upgrades for this project. Reproduce this form along with the D.A. Checklist and any required form(s) on the plans.

Based on CBC Section 11B-202.4 Exception 8, only projects with a construction cost less than or equal to the valuation threshold (current ENR Construction Cost Index Amount) are eligible for the 20% rule. In choosing which accessible elements to provide, priority should be as listed on p. 2 of the D.A. Checklist.

In general, projects valued over the threshold are not eligible for the 20% rule (see CBC 11B-202.4 Exceptions1 through 8 for other exceptions).

CBC Section11B-202.4, Exception 9 (abbreviated): In alteration projects involving buildings & facilities previously approved & built without elevators, areas above & below the ground floor are subject to the 20% disproportionality provisions described in Exception 8, even if the value of the project exceeds the valuation threshold in Exception 8. Refer to the Code for the types of buildings & facilities that qualifies for this 20% disproportionality provisions when project valuation is over the threshold.

	Contractor's Estimated Cost	DBI Revised Cost
A) Cost of Construction: (Excluding Alterations to the Path of Travel as required by 11B-202.4)	\$ 7,500	\$
B) 20% of A) :	\$ 1,500	\$

List the Upgrade Expenditures and their respective construction cost below:

1. Install guard rails in bathroom.	\$ 1,500	\$
2.	\$	\$
3.	\$	\$
4.	\$	\$
5.	\$	\$
6.	\$	\$
7.	\$	\$
8.	\$	\$
9.	\$	\$

Total Upgrade Expenditures Should be approximately equal to, but not to exceed, Line B	\$ 1,500	\$
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CHANGE OF USE

463 CASTRO STREET
SAN FRANCISCO, CA

APPROVAL: DATE:

TITLE SHEET
PROJ NO. 14391
SCALE AS SHOWN

SHEET NUMBER

D0.1

CHANGE OF USE

463 CASTRO STREET
SAN FRANCISCO, CA

APPROVAL: DATE:



NO CHANGES TO FRONT FASCADE

FINISH SCHEDULE

AREA	WALL COVER	FLOORING	BASEBOARD
KITCHEN	FRP	QUARRY	QUARRY TILE
BATHROOM	NO CHANGE	NO CHANGE	NO CHANGE
PUBLIC AREA	NO CHANGE	NO CHANGE	NO CHANGE

ADDITIONAL HEALTH DEPARTMENT NOTES:

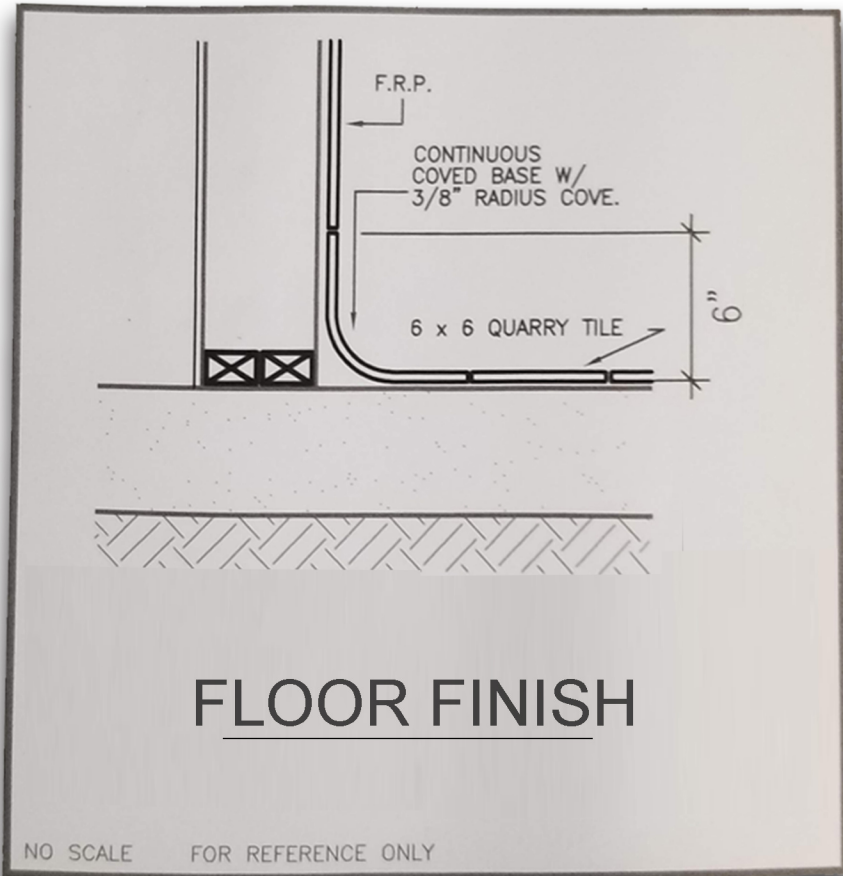
1. ALL COUNTERS TO BE LIGHT COLORED AND FINISHED INSIDE AND OUTSIDE, INCLUDING THE UNDERSIDE OF COUNTERS WITH NON-ABSORBENT MATERIAL WHICH IS SMOOTH AND CLEANABLE.
2. ALL WALLS IN ALL ROOMS SHALL BE OF A DURABLE SMOOTH NON-ABSORBENT AND EASILY CLEANABLE SURFACE.
3. ALL WALLS BEHIND SINKS MUST BE PROTECTED WITH AT LEAST 8'-0"H WATER RESISTANT MATERIAL MEASURED FROM THE TOP OF COVE BASE UP.

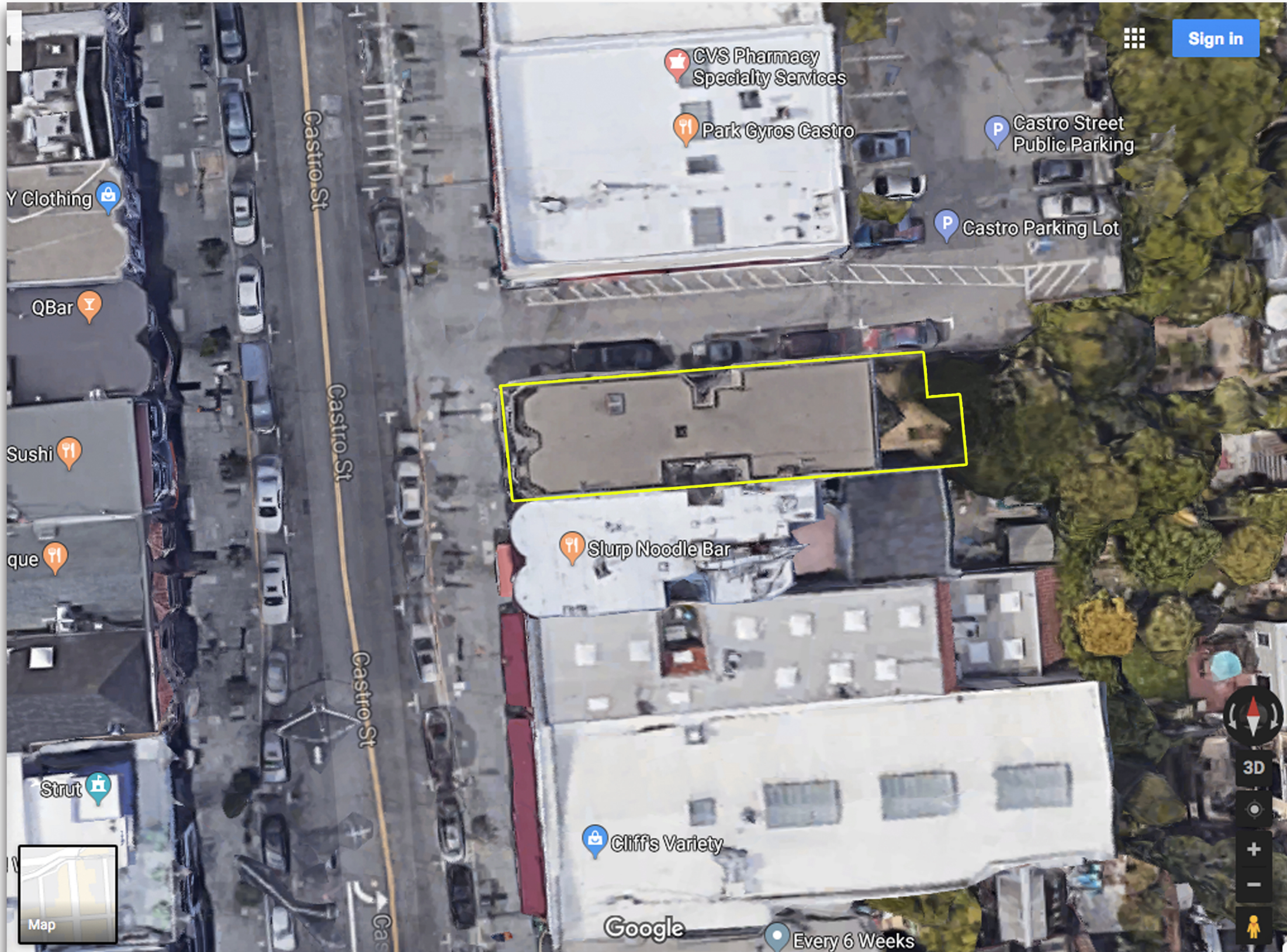
TITLE SHEET

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SHEET NUMBER

F0.1





CHANGE OF USE

463 CASTRO STREET
SAN FRANCISCO, CA

APPROVAL: DATE:

TITLE SHEET

PROJ NO. 14391
SCALE AS SHOWN

SHEET NUMBER

SITE PLAN

$1/8" = 1' - 0"$

S0.1



**584 Castro Street #333
San Francisco CA 94114-2512**

415/431-2359

formerly "Merchants of Upper Market & Castro – MUMC"

Info@CastroMerchants.com
www.CastroMerchants.com

Masood Samereie, President

September 10, 2019

By Email and USPS Hardcopy

Cathleen Campbell, Staff Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103

Re: Your Record No. 2019-012253PRJ
Proposed Flying Falafel Vegan Sandwich Bar, 463 Castro Street (Assaf Pashut)

Dear Ms. Campbell

This confirms that Castro Merchants (formerly "Merchants of Upper Market & Castro – MUMC") **SUPPORTS** the Application for a Change of Use to a Limited-Restaurant under the matter captioned above. We understand that a request for Discretionary Review was filed timely and currently is scheduled to be heard on October 3.

Our SUPPORT includes for related applications to other San Francisco Departments including Building Inspection, Public Health, and Fire and to other City and State jurisdictions, and other entitlements related to the proposed operation of a Limited-Restaurant at the subject location.

Castro Merchants' support is based on information provided previously by the Applicant (Mr. Pashut) at the August 1 Castro Merchants Members Meeting, with a recent update at the September 5 Members Meeting. On September 5, the Meeting also heard from the DR requesters. The support communicated in this letter remains in effect until withdrawn in writing. We have asked Mr. Pashut to continue to update us promptly, if there is/are any substantial change(s) in information or Conditions of Approval as his project nears its City entitlement Hearing date(s) and other approval milestones.

Castro Merchants represents business owners and managers in San Francisco's Castro-Upper Market area, generally along Upper Market Street from Castro Street to Octavia Blvd.; Castro from Market to 19th Street; and commercially-zoned portions of cross streets throughout that area. Castro Merchants has about 300 currently paid Members through April 30, 2020. 463 Castro Street is within Castro Merchants' primary service area.

.... continued



CASTRO MERCHANTS

September 10, 2019

San Francisco Planning Department,
Re: Your Record No. 2019-012253PRJ
Proposed Flying Falafel Vegan Sandwich Bar, 463 Castro Street (Assaf Pashut)

Please let us know if you have any questions regarding Castro Merchants support for this Application. Please include this letter in the matter's permanent file and any successor files and assure that our support is communicated to all applicable Staff in your Department and to all Commissioners prior to any Hearing on this matter, and to any Appeal panel(s) at the time that this matter might be considered by them.

Hardcopies of this letter are being mailed to you and to Mr. Pashut.

Thank you for considering our comments.

Respectfully,

A handwritten signature in black ink that reads "Masood Samereie".

Masood Samereie, CASTRO MERCHANTS President

email cc: S.F. District 8 Supervisor Rafael Mandelman, Staff Tom Temprano
SFPD Mission Station Captain Gaetano Caltagirone
Regina Dick-Endrizzi, S.F. Office of Small Business
Jeremy Paul, Quickdraw Consulting
Cem Bulutoglu, GyroExpress (DR requester)
cc: Assaf Pashut

....LtrPlanningFlyFalafel091019