Discretionary Review
Abbreviated Analysis
HEARING DATE: DECEMBER 5, 2019

Date: November 22, 2019
Case No.: 2019-013559DRP-02
Project Address: 2517 Pacific Avenue
Permit Application: 2019.0617.3611
Zoning: RH-1 [Residential House, One-Family]
40-X Height and Bulk District
Block/Lot: 0586 / 013
Project Sponsor: David Penn
GB & Associates
201 Noe Street
San Francisco, CA 94114
Staff Contact: David Winslow – (415) 575-9159
David.Winslow@sfgov.org
Recommendation: Do Not Take DR and Approve

PROJECT DESCRIPTION
The project proposes a drilled pier and grade beam retaining wall at the rear property.

SITE DESCRIPTION AND PRESENT USE
The site is a 55’ wide x 127’-8” deep up sloping lot with an existing 3-story, one-family house built in 1900. The building is a category ‘A’ historical resource.

SURROUNDING PROPERTIES AND NEIGHBORHOOD
This block of Pacific Avenue has consistent 4-story building height and mid-block open space pattern.

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>
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<tbody>
<tr>
<td>None</td>
<td>NA</td>
<td>NA</td>
<td>8.18. 2019</td>
<td>12.5. 2019</td>
<td>110 days</td>
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www.sfplanning.org
HEARING NOTIFICATION

<table>
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<th>TYPE</th>
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<tr>
<td>Posted Notice</td>
<td>20 days</td>
<td>November 15, 2019</td>
<td>November 15, 2019</td>
<td>20 days</td>
</tr>
<tr>
<td>Mailed Notice</td>
<td>20 days</td>
<td>November 15, 2019</td>
<td>November 15, 2019</td>
<td>20 days</td>
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<tr>
<td>Online Notice</td>
<td>20 days</td>
<td>November 15, 2019</td>
<td>November 15, 2019</td>
<td>20 days</td>
</tr>
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PUBLIC COMMENT

<table>
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<tr>
<th>Adjacent neighbor(s)</th>
<th>Support</th>
<th>Opposed</th>
<th>No Position</th>
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</table>

<table>
<thead>
<tr>
<th>Other neighbors on the block or directly across the street</th>
<th>Support</th>
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<tbody>
<tr>
<td></td>
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<td>0</td>
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</table>

<table>
<thead>
<tr>
<th>Neighborhood groups</th>
<th>Support</th>
<th>Opposed</th>
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<tbody>
<tr>
<td></td>
<td>0</td>
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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 requestors 1:
Joseph and Christina Bou-Saba of 2513 Pacific Avenue, residents of the property to the immediate East of the proposed project.

DR requestors 2:
Robert and Judith Duffy, of 2519 Pacific Avenue residents of the adjacent property to the immediate West of the proposed project.

DR REQUESTOR’S CONCERNS AND PROPOSED ALTERNATIVES

DR requestor 1:

1. The proposed retaining wall is part of a larger project performed under several permits consisting of excavation of the basement in 2017;
2. That the cumulative excavation of soil will exceed 50 cubic yards;
3. The excavation needs to comply with the Maher ordinance and;
4. Concern that the amount of soil disturbance and the design of the retaining wall will endanger their safety.
Proposed alternative: further soils and structural analysis to address safety concerns, and archeology report should be submitted.

See attached *Discretionary Review Application*, dated August 18, 2019.

**DR requestor 2:**

1. The proposed permit application lacks information pertaining to how it will connect to the existing shared side retaining wall;
2. The proposed retaining wall design does not appear to incorporate recommendations from the geotechnical report and;
3. The retaining wall will impact the existing shared retaining wall between the properties.

See attached *Discretionary Review Application*, dated August 18, 2019.

**PROJECT SPONSOR’S RESPONSE TO DR APPLICATION**

The project sponsor has modified plans to respond to issue posed by the neighbors to the East and West, and believes this retaining wall is improving safety for the neighboring properties.


**DEPARTMENT REVIEW**

The Department’s review of this permit application confirmed that because the proposed retaining wall:

1. is not in an archeologically sensitive area;
2. is not in a seismic landslide zone;
3. is not in a seismic liquefaction zone;
4. is not likely to be subject to the Maher ordinance due to the historically residential use;
5. does not require excavation of 50 cubic yards or more of soil;
6. is separate and independent from the previous project in 2017, and therefore it is not considered piecemealing with respect to CEQA or subject to cumulative accounting and;
7. is within a 25% slope, and as such we rely on DBI’s review of geotechnical information to ensure drainage and structural requirements are met.

In addition, the project sponsor has made design changes to accommodate some of the DR requestor’s concerns - by relocating the wall 2” away from the rear property line, to alleviate the potential for aggravating the uphill neighbor’s failing retaining wall and causing harm to the adjacent properties. This project has been determined to be categorically exempt from CEQA by the Planning Department. As such staff does not find exceptional or extraordinary circumstances and 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 Application
Response to DR Application, dated November 22, 2019
Reduced Plans
Exhibits
Parcel Map

Discretionary Review Hearing
Case Number 2019-013559DRP-02
2517 Pacific Avenue
The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.
Zoning Map

Discretionary Review Hearing
Case Number 2019-013559DRP-02
2517 Pacific Avenue
Discretionary Review Hearing
Case Number 2019-013559DRP-02
2517 Pacific Avenue
Aerial Photo

Discretionary Review Hearing
Case Number 2019-013559DRP-02
2517 Pacific Avenue
Site Photo

Discretionary Review Hearing
Case Number 2019-013559DRP-02
2517 Pacific Avenue
CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

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<th>Project Address</th>
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<td>0586013</td>
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<th>Case No.</th>
<th>Permit No.</th>
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<tbody>
<tr>
<td>2019-013091PRL</td>
<td>201906173611</td>
</tr>
</tbody>
</table>

- **Addition/Alteration**
- **Demolition (requires HRE for Category B Building)**
- **New Construction**

Project description for Planning Department approval.
Replace failing retaining wall at rear of residential parcel with 9-foot high concrete wall supported on grade beam with drilled piers to a depth of 15 feet.

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>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Air Quality:</strong></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>
</tr>
<tr>
<td><strong>Hazardous Materials:</strong></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? 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).</td>
</tr>
<tr>
<td><strong>Transportation:</strong></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>
</tr>
<tr>
<td><strong>Archaeological Resources:</strong></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>
</tr>
<tr>
<td><strong>Subdivision/Lot Line Adjustment:</strong></td>
<td>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></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>
</tr>
<tr>
<td><strong>Seismic: Landslide Zone:</strong></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>
</tr>
<tr>
<td><strong>Seismic: Liquefaction Zone:</strong></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>
</tr>
</tbody>
</table>

**Comments and Planner Signature (optional):** Sally Morgan

Archaeological review conducted. No effects anticipated.
### STEP 3: PROPERTY STATUS - HISTORIC RESOURCE
**TO BE COMPLETED BY PROJECT PLANNER**

**PROPERTY IS ONE OF THE FOLLOWING:** *(refer to Property Information Map)*

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>☐</td>
<td>Category A: Known Historical Resource. <strong>GO TO STEP 5.</strong></td>
</tr>
<tr>
<td>☐</td>
<td>Category B: Potential Historical Resource (over 45 years of age). <strong>GO TO STEP 4.</strong></td>
</tr>
<tr>
<td>☐</td>
<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.

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

**Note:** Project Planner must check box below before proceeding.

<p>| | |</p>
<table>
<thead>
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<tbody>
<tr>
<td>☐</td>
<td>Project is not listed. <strong>GO TO STEP 5.</strong></td>
</tr>
<tr>
<td>☐</td>
<td>Project does not conform to the scopes of work. <strong>GO TO STEP 5.</strong></td>
</tr>
<tr>
<td>☐</td>
<td>Project involves four or more work descriptions. <strong>GO TO STEP 5.</strong></td>
</tr>
<tr>
<td>☐</td>
<td>Project involves less than four work descriptions. <strong>GO TO STEP 6.</strong></td>
</tr>
</tbody>
</table>

### STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW
**TO BE COMPLETED BY PROJECT PLANNER**

Check all that apply to the project.

<p>| | |</p>
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>☐</td>
<td>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.</td>
</tr>
<tr>
<td>☐</td>
<td>2. Interior alterations to publicly accessible spaces.</td>
</tr>
<tr>
<td>☐</td>
<td>3. Window replacement of original/historic windows that are not “in-kind” but are consistent with existing historic character.</td>
</tr>
<tr>
<td>☐</td>
<td>4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.</td>
</tr>
<tr>
<td>☐</td>
<td>5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.</td>
</tr>
<tr>
<td>☐</td>
<td>6. Restoration based upon documented evidence of a building’s historic condition, such as historic photographs, plans, physical evidence, or similar buildings.</td>
</tr>
</tbody>
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**SAN FRANCISCO PLANNING DEPARTMENT**

For information in Español llamar al: 415.575.9010
Para sa impormasyon sa Tagalog tumawag sa: 415.575.9121
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):*
   
   Replace non-visible rear retaining wall.

*(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
       - (attach HRER or PTR)
     - b. Other *(specify):*

   **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
  **Signature:** Sally Morgan

  If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.

  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

<table>
<thead>
<tr>
<th>Project Address (If different than front page)</th>
<th>Block/Lot(s) (If different than front page)</th>
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<tbody>
<tr>
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<td>0586/013</td>
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<tr>
<td>Case No.</td>
<td>Previous Building Permit No.</td>
</tr>
<tr>
<td>2019-013091PRL</td>
<td>201906173611</td>
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<tr>
<td>Plans Dated</td>
<td>Previous Approval Action</td>
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<tr>
<td></td>
<td>New Approval Action</td>
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</table>

Modified Project Description:

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:

☐ Result in expansion of the building envelope, as defined in the Planning Code;

☐ Result in the change of use that would require public notice under Planning Code Sections 311 or 312;

☐ Result in demolition as defined under Planning Code Section 317 or 19005(f)?

☐ Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?

If at 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.

Planner Name:                      Date:
DISCRETIONARY REVIEW PUBLIC (DRP)
APPLICATION

Discretionary Review Requestor's Information
Name: Joseph Bou-Saba and Tina Bou-Saba c/o Zacks, Freedman & Patterson, PC
Address: 2513 Pacific Ave, San Francisco, CA 94115
Email Address: sboshana@zfplaw.com
Telephone: (415) 956-8100

Information on the Owner of the Property Being Developed
Name: Michael Kawaja and Hazel Kawaja
Company/Organization:
Address: 2517 Pacific Ave, San Francisco, CA 94115
Email Address: c/o jlowenthal@steyerlaw.com
Telephone: (415) 421-3400

Property Information and Related Applications
Project Address: 2517 Pacific Ave, San Francisco, CA 94115
Block/Lot(s): 0586/013
Building Permit Application No(s): 201906173611

ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

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<thead>
<tr>
<th>PRIOR ACTION</th>
<th>YES</th>
<th>NO</th>
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<tbody>
<tr>
<td>Have you discussed this project with the permit applicant?</td>
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<tr>
<td>Did you discuss the project with the Planning Department permit review planner?</td>
<td>☑️</td>
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<tr>
<td>Did you participate in outside mediation on this case? (including Community Boards)</td>
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</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.

No changes 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 permit is part of a larger project, performed under several permits. Previously, the Property Owners excavated their basement as part of the same project, but under a separate permit. Cumulative analysis of the excavation, as required by CEQA, indicates that far more than 50 cubic yards of soil will be removed. The Maher Ordinance applies, although no application or analysis appears to have been completed.

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 Project proposes to excavate a substantial amount of soil alongside the Applicants' property without complying with the Maher Ordinance. Applicants also have concerns about the safety of the proposed wall as designed, and its adherence to General Plan Priority Policy No. 6: "That the City achieve the greatest possible preparedness to protect against injury and the loss of life in an earthquake." (Planning Code, §101.1(b).)

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?

Further analysis of the soil to be excavated is required. An archaeology report should be submitted. Safety concerns should be addressed through further review of the Project.
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

Attorney

(415) 956-8100

Phone

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

Shoshana Raphael

Name (Printed)

shoshana@zfplaw.com

Email

For Department Use Only
Application received by Planning Department:

By: ________________________________ Date: ________________________________
August 9, 2019

We, Joseph Bou-Saba and Christina Bou-Saba, hereby authorize Zacks, Freedman & Patterson, PC, including but not limited to Ryan J. Patterson, Esq., to file a request for Discretionary Review of Building Permit No. 201906.17.3611 (2517 Pacific Avenue) on our behalf.

Signed,

[Signature]
Joseph Bou-Saba

[Signature]
Christina Bou-Saba
### DISCRETIONARY REVIEW PUBLIC (DRP)

#### APPLICATION

**Discretionary Review Requestor's Information**

- **Name:** Robert and Judith Duffy
- **Address:** 2519 Pacific Avenue
- **Email Address:** Robert.Duffy@atkearney.com
- **Telephone:** (415) 203-4506

**Information on the Owner of the Property Being Developed**

- **Name:** Michael and Hazel Kawaja
- **Company/Organization:** Kawaja Family Trust
- **Address:** 2517 Pacific Avenue
- **Email Address:**
- **Telephone:**

#### Property Information and Related Applications

- **Project Address:** 2517 Pacific Avenue
- **Block/Lot(s):** 0586/013
- **Building Permit Application No(s):** 201906173611

### ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

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<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>
</tr>
</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.

None
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.

Please see attached statement.

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.

Please see attached statement.

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?

Please see attached statement.
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: ________________________________

Robia S. Crisp

Name (Printed): ________________________________

(415) 995-5806

Phone: ________________________________

rcrisp@hansonbridgett.com

Email: ________________________________

For Department Use Only

Application received by Planning Department:

By: ________________________________

Date: ________________________________
August 19, 2019
San Francisco Planning Department
City and County of San Francisco
1650 Mission St, Ste. 400
San Francisco, CA 94103

Re: Authorization to File Discretionary Review Application

To Whom it May Concern:

We, Robert Duffy and Judith Duffy, owners of the property located at 2519 Pacific Avenue, San Francisco, CA 94115, authorize Robia S. Crisp of Hanson Bridgett LLP to file on our behalf an application for Discretionary Review with the San Francisco Planning Department.

Please feel free to contact me with any questions.

Very truly yours,

[Signatures]

Robert Duffy
Judith Duffy

8/18/19
8/18/19

15766898.1
Attachment to Discretionary Review Application for the Proposed Project at 2517 Pacific Avenue

Our clients, Robert and Judith Duffy (collectively, the "Duffys"), own and reside at 2519 Pacific Avenue (the "Duffy Property"). The Duffy Property is located immediately to the west of the project site of the adjacent property at 2517 Pacific Avenue (the "Project Site").

The Duffy Property and the Project Site share a common boundary line. Along that boundary line, there is a brick wall with a concrete cap (the "Side Retaining Wall"). The Side Retaining Wall runs north-south underneath a jointly-owned walkway that separates the residences on the Project Site and Duffy Property. From there, it projects out of the ground and proceeds upslope to the southerly perimeter of the Project Site and Duffy Property. At that southerly perimeter, there is an existing concrete retaining wall (the "Rear Retaining Wall") that runs east-west along the rear property lines of the Project Site and the Duffy Property.

The building permit application for the Proposed Project, BPA 201906.17.3611 (the "Permit Application"), calls for the installation of a new retaining concrete retaining wall measuring approximately eight feet, nine inches in height in front of the existing Rear Retaining Wall (the "Proposed Project"). The Duffys submit this Application for Discretionary Review because (1) the plans associated with the Permit Application are incomplete and inaccurate, (2) excavation will likely cause unreasonable impacts in an area with steeply sloping topography and a known history of ground movement, and (3) additional impacts from the Proposed Project, when combined with the work proposed under separate permits filed and/or issued for the Project Site, cannot presently be analyzed and identified. Based on our preliminary review, it is apparent that the proposed work, together with the foundation replacement and basement remodel under separate Permit No. 201705247512, will result in over 50 cubic yards of excavation, requiring compliance with the requirements of the Maher Ordinance.

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

The Permit Application contains inaccurate and incomplete information. The Permit Application indicates that the Proposed Project is for a new retaining wall that will be independent of the existing Rear Retaining Wall and does not show the existing Side Retaining Wall. The plans, however indicate the scope of work and new wall will span the entire 55-foot width of the lot, which it will necessarily require attaching to, or cutting into, the existing Side Retaining Wall. We understand that the applicant for the Proposed Project intends to prepare a detailed dimension showing both the Rear Retaining Wall and the Side Retaining Wall and setbacks from those existing walls. Such drawing is critical to understanding how the drilling of piers below ground to support the new retaining wall may impact the existing shared walls.

In addition, the plans submitted with the Permit Application reference the Geotechnical Report dated May 8, 2019 (the "Geotechnical Report"). However, the Proposed Project does not appear to incorporate the recommendations contained in the Geotechnical Report. For example, the Geotechnical Report recommends drilled piers at least 16 inches in diameter extending at least 15 feet below the base of the new wall. The plans accompanying the Permit Application do not show the piers as recommended. Significantly, in either case—whether the depth of the piers is
Attachment to Discretionary Review Application for the Proposed Project at 2517 Pacific Avenue

not as recommended, or whether the piers will be drilled 15 feet into the ground, there will be impacts to the shared retaining walls and the Duffy Property that require additional evaluation and review.

Finally, the plans accompanying the Permit Application contain erroneous information regarding the scope of the Proposed Project. For example, the General Notes on Page 2 of the plan set, which shows the west elevation of the Project Site state the following: (1) SHINGLE REPAIR & REPLACEMENT IN-KIND ON SEPARATE PERMIT #2017.0413.3974; (2) ALL WINDOWS TO BE REPLACED, UNLESS OTHERWISE NOTED AS NEW (N). ALL WINDOWS TO BE ALL-WOOD, DUAL GLAZED, WITH PAINTED WOOD CASINGS; and (3) PATCH, REPAIR AND REPLACE-IN-KIND ANY DAMAGED OR ROTTED MOLDINGS OR OTHER WOOD DETAILS.

The failure to provide complete and accurate information relating to the Proposed Project precludes any meaningful review by directly impacted neighbors including the Duffys, defeating the purpose of the City’s notice requirements.

In response to our requests for clarification, we are advised that the notes that appear on the plans are not in fact applicable to the Permit Application and will be removed from the plans. Without this clarification, the basic scope of the Proposed Project is entirely unclear. We request that the City re-notice the Permit Application once the updated plans are made available. In the alternative, we reserve the right to submit supplemental information relating to the grounds for seeking discretionary review based on the updated plans.

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 adversely affected, please state who would be affected, and how:

As discussed above, because the plans associated with the Permit Application are incomplete and inaccurate, it is impossible to assess the potential impacts of the Proposed Project, which given its potential amount of drilling, excavation and construction, in close proximity to and against shared retaining walls is unreasonable.

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?

If in fact the Proposed Project is simply to construct a new retaining wall wholly independent from the Rear Retaining Wall for the purposes of aesthetics or to delineate the rear yard of the Project Site, it is unreasonable to undertake the extensive ground work proposed under the Permit Application.

If, on the other hand, the purpose of the new retaining wall is to provide support in the event the existing Rear Retaining Wall fails, that risk must be assessed and the Rear Retaining Wall potentially replaced. As currently proposed, it is not clear whether the new wall would withstand any failure of the Rear Retaining Wall.
DECLARATION OF PATRICK BUSCOVICH, S.E. IN SUPPORT OF REQUEST FOR DISCRETIONARY REVIEW

BPA No.: 201906173611
Subject Address: 2517 Pacific Ave.
I, Patrick Buscovich, declare as follows:

1. I am a licensed civil and structural engineer, practicing for more than 40 years in San Francisco, California. I make this declaration in support of the above-captioned Request for Discretionary Review. Unless otherwise stated, I have personal knowledge of the facts stated herein and, if called as a witness, could and would testify competently thereto.

2. I have made multiple site visits to the vicinity of 2517 Pacific Avenue, San Francisco (the “Project Site”), including to the adjacent properties to the east, west, and south, bordering the Project Site. During these several site visits, I examined the retaining wall spanning the north property line of 2546 Jackson Street (the “Existing Retaining Wall”), which borders on portions of the Project Site, as well as the adjacent properties at 2513 Pacific Avenue (my clients’ property) and 2519 Pacific Avenue. I have also reviewed the Project’s soils report.

3. The Project Site is a steeply upsloping lot to the south, with an additional steep cross-slope to the west. The Existing Retaining Wall was built many years ago, apparently to create a level rear yard for the property at 2546 Jackson Street ca. 1900. At the time of construction, concrete technology was rudimentary, and wall is likely unreinforced.

4. The Existing Retaining Wall is very tall and spans the adjacent lots at the Project Site, 2513 Pacific Avenue and 2519 Pacific Avenue, terminating at 2570 Jackson Street. There is a return on the Existing Retaining Wall at its east corner, running south, to provide a retaining wall between 2546 Jackson Street and 2518 Jackson Street, where there is an approximately seven-foot grade change. It does not appear this return was installed for the purpose of providing stability. There does not appear to be a return at the Existing Retaining Wall’s west corner.

5. The Existing Retaining Wall is built on native soil, which in this location is loose sand. Behind the wall (and being held back by the wall) is fill dirt.

6. The Existing Retaining Wall is highly overstressed. As a result, there is a very significant crack at the corner of the face of the Existing Retaining Wall and its return. This crack likely extends through the entire thickness of the wall, and the wall is rotating over (overturning) to the north.
7. The above-described combination of circumstances affecting the nexus between these six properties contacting the Existing Retaining Wall is highly unusual.

8. These unusual circumstances at the Project Site create a high likelihood that the proposed Project will cause a significant environmental impact.

9. To wit, building the proposed retaining wall immediately adjacent to the Existing Retaining Wall as a buttress – but only on the Project Site and without spanning the entire length of the Existing Retaining Wall – will likely increase and/or redirect the overloaded soil pressure onto the portions of the Existing Retaining Wall that are not buttressed by the proposed retaining wall. I.e., the soil pressure will be shifted onto the ends of the failing wall above my client’s property at 2513 Pacific Avenue and the neighbor at 2519 Pacific Avenue and 2518 Jackson Street. In other words, the proposed retaining wall will increase the soil pressure behind the entire Existing Retaining Wall, but it will not buttress the portions of the Existing Retaining Wall at its north, east, and west ends.

10. This creates a high risk that the portions of the Existing Retaining Wall bordering 2513 Pacific Avenue, 2519 Pacific Avenue, and 2518 Jackson Street will fail catastrophically in the near future, causing a devastating landslide onto these properties.

11. The risk of landslide is exacerbated by the significant cracking in the Existing Retaining Wall, located precisely at the eastern corner where the return begins. This means there appears to be nothing holding back the portion of the wall bordering on 2513 Pacific Avenue and 2518 Jackson Street.

12. Attached hereto as Exhibit A are photographs I took of the Existing Retaining Wall on or about November 18, 2019, showing significant cracking.

13. Attached hereto as Exhibit B is a true and correct copy of my curriculum vitae. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this was executed on November 20, 2019.

Patrick Busovich
EXHIBIT A
EXHIBIT B
Patrick Buscovich S.E.

Education:
- University of California, Berkeley – Bachelor of Science, Civil Engineering 1978
- Masters of Science, Structural Engineering 1979

Organizational:
- State of California, Building Standards Commission
  - Commissioner 2000 – 2002
- City & County of San Francisco, Department of Building Inspection (DBI)
  - Commissioner/Vice President 1995 – 1996
  - Chair, SF Housing Code Update 1995
  - UMB Appeals Board 2005 – 2006
  - Code Advisory Committee 1990 – 1992
  - Chair of Section 104 Sub-Committee, Structural Engineers Association of Northern California (SEAONC)
  - President 1997 – 1998
  - Vice President 1996 – 1997
  - Board of Directors 1994 – 1999
  - College of Fellows Elected 2002
  - Edwin Zacher Award 1999
- Structural Engineers Association of California (SEAOC)
  - Board of Directors 1986 – 1990
  - Applied Technology Council (ATC)
    - President 2007 – 2008
    - Board of Directors 2000 – 2009

Licenses:
- California, Civil Engineer C32865, 1981
- Structural Engineer S2708, 1985

Experience:
- Patrick Buscovich and Associates, Structural Engineer – Senior Principal (1990 to Present)
- Specializing in Existing Buildings, Seismic Strengthening, Structural Rehabilitation, Building Code/Permit Coordination, Peer Review, Expert Witness/Forensic Engineering
  - Code Consulting and Peer Review for projects in San Francisco (Planning Department, Fire, Inspecting, Street Use & Mapping, Building Department, Board of Appeals)
  - Permit Consultant in San Francisco (DBL, DCP, SFUSD, RSU8 & BOA)
  - Expert Witness/Forensic Engineering/Engineer/Analysis
  - Seismic Retrofit Consultant
  - Member of the following AACE/DBO Committees:
    - Committee to revise San Francisco Building Code Section 104F/104.6
    - 1988-1990 Committee to draft San Francisco UMB ordinance
    - 1995 Committee to review the San Francisco UMB ordinance
    - SEONC Blue-Ribbon Panel to review earthquake damage triggers, 1993
    - Secretary, Blue Ribbon Panel reviewing The San Francisco Building Department on CAPSS
  - Co-Author of the following SF Building Code Sections
    - EQ damage triggers SFBC 2404.7.2, Repair 2404.13, Change of Occupancy 2404.4.1, Lateral Forces Existing Building 1604.11.1
  - Author SBBC Administrative Bulletin: AB102 (Seismic alteration) & AB103 (CPC)
  - Speaker at 2005 SEAONC Seminar on San Francisco UMB Code, 1850 to Present.
  - Member of 1993 San Francisco UMB Bond Advisory Board.
  - Speaker at numerous San Francisco Department of Building Inspection Seminars on UMB.
  - Speaker at numerous code workshops for the San Francisco Department Building Inspection.
  - Co-author of 1990 San Francisco UMB Appeals Board Legislation
  - Co-author of San Francisco Building Code Earthquake Damage Trigger for Seismic Upgrade, Committee Rewrite 2008
  - As a San Francisco Building Commissioner:
    - Directed formulation of Building Occupancy Reassessment Plan (BOPR)
    - Chaired the 1993 update on the San Francisco Housing Code.
  - Directed formulation of UMB tenant protection program
  - Consultant to the City of San Francisco for evaluation of buildings damaged in the Loma Prieta Earthquake (October 17, 1989) to assist the Bureau of Building Inspection regarding retrofitting or demolition of "Red Tagged" structures (SOHA).
  - Consultant to San Francisco Department of Building Inspection on the Edgehill Landslide 1997.
  - Consultant to 100's of private clients for evaluating of damage to their buildings from the October 17, 1989 Loma Prieta Earthquake.
  - Project Manager for seismic strengthening of the Marin Civic Center (SOHA).
  - Structural Engineer for the Opera Center, Louise Theater and Golden Gate Theater.
  - Consultant on numerous downtown SF High Rise Buildings.
  - Rehabilitation & Seismic Strengthening design for 1000's of commercial and residential buildings in San Francisco.
  - Commercial Tenant Improvement
  - Structural Rehabilitation of Historic Buildings.
  - Structural consultant for 1000's of single family homes and apartment buildings alteration in San Francisco

Previous Employment
- SOHA 1980-1990, Associate
- PMB 1979-1980, Senior Designer

Public Service:
- Association of Bay Area Governments – Advocacy Panels
- Holy Family Day Home – Board of Director
- Community Action Plan for Seismic Safety (CAPPS), Advisory Panel

Awards:
- Congressional Award, 2003,
- SFDBC Certificate of Recognition, 1996.
November 21, 2019

Delivered Via Hand Delivery and Email (david.winslow@sfgov.org)

President Myrna Melgar
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: 2517 Pacific Avenue
Brief in Opposition to Discretionary Review Requests
Planning Dept. Case No.: 2019-013559DRP
Hearing Date: December 5, 2019
Our File No.: 10674.01

Dear President Melgar and Commissioners:

Our office represents Michael and Hazel Kawaja (the “Kawajas”), who own the single family home at 2517 Pacific Avenue (the “Property”). In June 2019, the Kawajas applied for a building permit to construct a retaining wall at the rear of the Property (the “Project”).

This DR Request was filed by the owners of neighboring properties to the east and west along Pacific Avenue (“Requestors”). The DR Requests should be denied because:

- There are no exceptional or extraordinary circumstances to justify the Commission’s use of special discretionary review powers;
- The Project is code-compliant and necessary to protect the Kawajas’ Property; and
- Requestors have identified no valid Planning Code or design concerns. The new retaining wall will not be visible from the public street and will be screened from neighboring properties.

A. PROPERTY AND PROJECT DESCRIPTION

The Property contains a single family home in the Pacific Heights neighborhood, where the Kawajas have lived for more than 10 years.
In December 2016, the Kawajas suffered a devastating fire at their home. Fortunately, no one was seriously injured, but the building was damaged and required significant repair. The Kawajas were displaced for nearly three years as a result, and have only just returned to their home in October 2019. The home repair & remodeling work was completed under previous building permits.

The Kawajas’ Property slopes uphill from front (Pacific Avenue) to back. The rear yard is bordered by an existing, 6’9” tall, unreinforced concrete retaining wall on the uphill neighbor’s property (the “Existing Wall”). The Existing Wall spans the full 55-foot width of the Kawajas’ rear yard and continues on for a few feet to the east and the west across the neighboring properties.

Late last year, the Kawajas’ structural engineers inspected the Existing Wall and advised them that its lifespan was uncertain. The Existing Wall has a significant diagonal crack at its west end, and another horizontal crack is developing along its middle section. There is also deteriorating concrete at the base of the Existing Wall.

Because the Existing Wall belongs to their uphill neighbor, the Kawajas lack authority to repair or replace it. Their uphill neighbor has refused to do so.
The Project will construct a new retaining wall ("New Wall") directly in front of the Existing Wall, which will remain in place. It will protect the Kawaja’s Property should the Existing Wall fail.

As shown in the Project plans (attached as Exhibit A), the New Wall is 8-inch thick concrete with reinforced steel bars, reaching a height of approximately 8’ 9”. It will be supported by ten (10), 24-inch diameter drilled piers embedded to a depth of 15 feet below ground surface. Appropriate back-drainage will be provided.

The New Wall will be located entirely on the Kawajas’ Property and will not connect to retaining walls or fencing on neighboring properties. Its east edge will be set back 6” from the Property line and its west edge will be set back 1.2’ from the Property line. It won’t be visible from the public street and will be screened from neighboring properties.

The design of the New Wall complies with all applicable Planning and Building code requirements, as well as all recommendations of the Kawajas’ licensed geotechnical engineers. Further, it will be subject to additional review and approval from the Department of Building Inspection.

A. THE STANDARD FOR DISCRETIONARY REVIEW HAS NOT BEEN MET

Discretionary review is a “special power of the Commission, outside of the normal building permit approval process. It is supposed to be used only when there are exceptional and extraordinary circumstances associated with the proposed project.”¹ The Commission has been advised by the City Attorney that the Commission’s discretion is sensitive and must be exercised with utmost constraint.²

The Project poses no exceptional or extraordinary circumstances necessary to justify Discretionary Review. It will install retaining wall entirely within the Kawajas’ Property that will not be visible from the public street. The New Wall is designed and will be constructed consistent with all applicable Planning and Building Code requirements. Thus, the DR Requests should be denied.

B. RESPONSES TO REQUESTER’S CONCERNS

The DR Requesters asserted the following concerns, all of which are either unsupported or have already been addressed by the Kawajas’ consultants:

¹ Planning Department, Public Discretionary Review Informational Packet (1.1.2019), available online at: https://sfplanning.org/sites/default/files/forms/DRP_InfoPacket.pdf ; [emphasis added].
² Planning Department, Discretionary Review web page, accessed 11.18.19, available online at: https://sfplanning.org/resource/discretionary-review
1. **There Are No Reasonable Safety or Design Concerns.**

The Requesters suggest that because the New Wall will buttress the Existing Wall, if the Existing Wall should fail in the future its movement could result in cracking along portions that continue on for a few feet along the neighboring properties. The Requestors point to a crack on a portion of the Existing Wall entirely outside of the Kawajas’ Property, and speculate it could worsen following construction of the New Wall. They suggest that this existing defect could be addressed through costly underpinning on a neighboring property.

This concern does not justify delay or modification of the Project.

First, the Requestors concerns are speculative. The New Wall is anticipated to improve safety conditions for both the Kawajas’ Property and neighboring properties. It will act as a barrier, minimizing damage that could result from failure of the Existing Wall. If the Existing Wall fails without the New Wall in place, it could cause earth movement, cracking, wall collapse, and property damage not only along the Kawajas’ Property but along portions of the neighboring properties as well.

Second, the Kawajas are not responsible for underpinning retaining walls located on their neighbors’ properties to address existing defects. The Kawajas should not be prohibited or delayed from obtaining a permit for the Project and taking reasonable action as recommended by their licensed engineers to protect their own Property from failure of the Existing Wall.

Finally, the Requestors’ suggestion that the Kawajas delay the Project and investigate underpinning of neighboring retaining walls is unreasonable. The Kawajas are not authorized to perform work outside of their Property. If the Requestors wish to repair or replace portions of retaining walls on their own or adjacent properties, they are free to pursue those engineering solutions through a separate permit process.

2. **Project Plans are Accurate and Complete.**

Both Requestors have filed Block Book Notice (“BBN”) requests on the Property, and accordingly were each provided a copy of Project plans concurrent with permit submittal. Following their review, the Requestors asked for additional detail and clarifications, and identified one clerical error on the plan set.

The Kawajas’ engineers and contractors responded promptly and directly to each of the Requestors’ concerns, and revised the plans accordingly. Among other items, this included:

- Confirmation that the New Wall will be a standalone retaining wall that is setback from the east and west property lines and does not connect or tie-in to any neighboring fences or retaining walls;
- Confirmation that the New Wall will conform to all recommendations of geotechnical reports prepared by licensed consultants; and
o Clarification of new Wall dimensions and provision of additional drawing details.

The Project plans are accurate and complete and there are no unaddressed design or engineering concerns of the Requestors.

3. **This Project is Distinct from the Prior Home Restoration and Is Anticipated To Be Exempt from the Maher Ordinance.**

The Requestors incorrectly claim that the Project is a part of previous repair and remodeling work to the Kawaja’s Home, which was severely damaged by a 2016 fire, and thus should be analyzed as a single project under CEQA. Requestors further claim that the Project should be subject to the City’s Maher Program (SF Health Code, Article 22A).

These claims are unsupported. The Project would construct a retaining wall in the Kawaja’s rear yard, in front of an existing, failing retaining wall. It is not a reasonably foreseeable consequence of the previous home repair work, and is simply unrelated to it. This is a separate project for purposes of CEQA.

Further, the Maher Ordinance is not anticipated to apply. The purpose of the Maher Ordinance is to enable the Department of Public Health (“DPH”) to protect against the release of hazardous substances in soil and groundwater that are typically found on industrial sites or properties with underground storage tanks, etc. Accordingly, the Maher Ordinance allows DPH to waive its application to the Property, which has been consistently zoned for and occupied by residential use since before 1921 with no evidence to suggest the soils contain hazardous substances.³

While the Project would of course comply with the Maher Ordinance if required by DPH, it should be inapplicable to this longstanding residential property.

C. **CONCLUSION**

The DR Requests should be denied. The Requestors have identified no exceptional or extraordinary circumstances justifying the Commission’s discretionary review. Further, the Project is a minimal scope entirely within the Kawajas’ Property and not visible from the public street. It will not result in significant impacts to the neighboring properties.

Very truly yours,

**REUBEN, JUNIUS & ROSE, LLP**

[Signature]

Melinda A. Sarjapur

---

³San Francisco Health Code, § 22A.4
Enclosures:

Exhibit A: Project Plans

cc:

Vice President Joel Koppel
Commissioner Frank S. Fung
Commissioner Milicent A. Johnson
Commissioner Kathrin Moore
Commissioner Dennis Richards
Commissioner Sue Diamond
Jonas P. Ionin, Commission Secretary
THE FOLLOWING SPECIFIC ITEMS SHALL BE INSPECTED AND/OR TESTED BY THE TESTING LAB:

1) CONCRETE:
   - Certifications shall be submitted for review and approval before fabrication, for the following items:
     a. Material certificates for reinforcing steel
     b. Drawings for fabrication, bending, and placement of reinforcing steel in accordance with ACI 315
     c. Concrete placement

2) ALL EXCAVATIONS AND EARTH FORMS SHALL BE INSPECTED BY THE LOCAL MATERIALS AND WORKMANSHIP TO CONFORM TO THE BUILDING CODE DEFINED ABOVE, INCLUDING RESULTS OF SLUMP, COMPRESSION, AND SHRINKAGE TESTS AND OTHER PROJECT SPECIFIC CRITERIA.

3) PIER FOUNDATIONS
   - Periodic special inspection of location and depth by the geotechnical engineer and special inspector.
   - Continuous special inspection of drilling and concrete placement by the geotechnical engineer and special inspector.

THE WORK ILLUSTRATED HEREIN IS FOR THE NEW RETAINING WALL ON THE SOUTH PROPERTY LINE.

ACCORDANCE WITH THE 2016 CALIFORNIA BUILDING CODE (CBC) WITH CITY OF SAN FRANCISCO, CA.

MATERIALS AND WORKMANSHIP TO CONFORM TO THE BUILDING CODE DEFINED ABOVE, INCLUDING RESULTS OF SLUMP, COMPRESSION, AND SHRINKAGE TESTS AND OTHER PROJECT SPECIFIC CRITERIA.

NOTE THAT CALIFORNIA STATE DIVISION OF INDUSTRIAL SAFETY REQUIRES A PERMIT FOR EXCAVATIONS FIVE (5) OR MORE FEET IN DEPTH.

SPECIAL INSPECTION REQUIRED AND DETAIL STRUCTURAL OBSERVATIONS

- Include special inspection requirements for all materials as required by the governing code that govern the project.
- Verify all inspections and test results with the undersigned or a qualified inspector and/or testing laboratory.
- This special inspection form shall be used to perform all required inspections, tests, and observations.

GENERAL SYMBOLS

A. PHYSICAL DEVIATIONS AND ASSUMPTIONS STRUCTURAL OBSERVATIONS

- Include all special inspection requirements for all materials as required by the governing code that govern the project.
- Verify all inspections and test results with the undersigned or a qualified inspector and/or testing laboratory.
- This special inspection form shall be used to perform all required inspections, tests, and observations.

ABBREVIATIONS

- P.L. PROPERTY LINE
- S.O.G. STEEL OBSERVATION
- T.O.W. TOP OF WALL
- TYP. TYPICAL
- B.O.S. BOTTOM OF SHORING (LAGGING)
- F.G. FINISHED GRADE
- STG. SUPPORT
- F.G. FINISHED GRADE
- T.E. TOWER ELEVATION
- G. B. G. LINE
- P.S. PIPELINE
- A.B. ADJ. ADJACENT
- C.T. CUTOFF TUBE
- L.T. LAYER
- H.T. HEADROOM
- DET. DETAIL
- F.G. FINISHED GRADE
- T.E. TOWER ELEVATION
- G. B. G. LINE
- P.S. PIPELINE
- A.B. ADJ. ADJACENT
- C.T. CUTOFF TUBE
TABLE 1: DRILLED CONC. PIER, 22 3/4" PIER, 22"

<table>
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<td>190&quot;</td>
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**Notes:**
- Lap splice lengths are for uncoated bars.
- Multiply splice lengths by 1.33 for lightweight concrete.
- Provide min. cover per general notes, but not less than 1x bar diameter.
- Do not field bend reinforcement partially embedded in concrete.
- All drainage behind the wall shall be provided.
- This table contains min. lengths for lap splices & bar development not otherwise.
- The table may be reduced in certain situations, subject to prior review & approval of the engineer.

**Retaining Wall Section:**
- Concrete grade beam, 8" thick concrete, shall be smooth-formed.
- Pier reinf., see plan, typ.
- Piers 1-P10 24" 15'.
- E=12db, 90° bend 2 1/2" min. all around.
- STD. hook, 180° bend (hook extension).
The Design of the Retaining Wall is Based Upon the Following Information:


2. Construction shall be performed in accordance with the following drawings:
   a) Geotechnical investigation
   b) Shop drawings, mill certificates, and/or other related documents
   c) Compliance with applicable Cal/OSHA requirements including, but not limited to:
      i) Permits for excavations five (5) or more feet in depth
      ii) Required personnel qualifications
      iii) Required equipment qualifications
      iv) Required qualifications for personnel
      v) Required permits for utility lines
      vi) Required permits for public utilities
      vii) Required permits for temporary power
      viii) Required permits for temporary water

3. The Design of the Retaining Wall is Based Upon the Following Information:

   a) Chemical analysis of soils
   b) Geotechnical investigation
   c) Compliance with applicable Cal/OSHA requirements
   d) The following specific items shall be inspected and/or tested by the following:
      i) Concrete: strength
      ii) Shotcrete: compressive strength
      iii) Reinforcing steel: yield strength
      iv) Bearing capacity
      v) Lateral pressures
      vi) Water content
      vii) Aggregate gradation
      viii) Reinforcement spacing
      ix) Reinforcement embedment
      x) Shotcrete thickness

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      ix) Reinforcement embedment
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4. The Design of the Retaining Wall is Based Upon the Following Information:

   a) Chemical analysis of soils
   b) Geotechnical investigation
   c) Compliance with applicable Cal/OSHA requirements
   d) The following specific items shall be inspected and/or tested by the following:
      i) Concrete: strength
      ii) Shotcrete: compressive strength
      iii) Reinforcing steel: yield strength
      iv) Bearing capacity
      v) Lateral pressures
      vi) Water content
      vii) Aggregate gradation
      viii) Reinforcement spacing
      ix) Reinforcement embedment
      x) Shotcrete thickness

5. The Design of the Retaining Wall is Based Upon the Following Information:

   a) Chemical analysis of soils
   b) Geotechnical investigation
   c) Compliance with applicable Cal/OSHA requirements
   d) The following specific items shall be inspected and/or tested by the following:
      i) Concrete: strength
      ii) Shotcrete: compressive strength
      iii) Reinforcing steel: yield strength
      iv) Bearing capacity
      v) Lateral pressures
      vi) Water content
      vii) Aggregate gradation
      viii) Reinforcement spacing
      ix) Reinforcement embedment
      x) Shotcrete thickness

6. The Design of the Retaining Wall is Based Upon the Following Information:

   a) Chemical analysis of soils
   b) Geotechnical investigation
   c) Compliance with applicable Cal/OSHA requirements
   d) The following specific items shall be inspected and/or tested by the following:
      i) Concrete: strength
      ii) Shotcrete: compressive strength
      iii) Reinforcing steel: yield strength
      iv) Bearing capacity
      v) Lateral pressures
      vi) Water content
      vii) Aggregate gradation
      viii) Reinforcement spacing
      ix) Reinforcement embedment
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NOTES:

1. Lap splice and development lengths in concrete:

2. Bars in tension splices shall be placed in concrete on the same side of the tension reinforcement.

3. When more than 1/8 of a plain or deformed bar is placed in tension, a 180° hook shall be provided in accordance with the development length of the bar. The hook shall be designed to support two times the tension force of the bar.

4. For lap splice and development requirements for deformed bars, see the manufacturer's instructions.

5. The lap splice length shall be determined by the minimum lap splice length specified in Table 20-151 and by the development length for the bar, whichever is greater.

6. For lap splice and development requirements for plain bars, see the manufacturer's instructions.

7. Placing bars in tension splices shall be placed in concrete on the same side of the tension reinforcement. When the bar is placed in the concrete, it shall be secured with a 180° hook and the hook shall be designed to support two times the tension force of the bar.

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9. For lap splice and development requirements for deformed bars, see the manufacturer's instructions.

10. For lap splice and development requirements for plain bars, see the manufacturer's instructions.

11. Bars in tension splices shall be placed in concrete on the same side of the tension reinforcement. When the bar is placed in the concrete, it shall be secured with a 180° hook and the hook shall be designed to support two times the tension force of the bar.

12. The lap splice length shall be determined by the minimum lap splice length specified in Table 20-151 and by the development length for the bar, whichever is greater.

LAP SPlice / DEVELOPMENT SCHEDULE

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<th>BAR SIZE</th>
<th>FTR MPM</th>
<th>TAC MPM</th>
<th>MIN SPLICE L</th>
<th>TOP DEVELOP L</th>
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STANDARD HOOK DIM. / DEVELOPMENT SCHED.

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23. The lap splice length shall be determined by the minimum lap splice length specified in Table 20-151 and by the development length for the bar, whichever is greater.

24. For lap splice and development requirements for deformed bars, see the manufacturer's instructions.

25. For lap splice and development requirements for plain bars, see the manufacturer's instructions.