



Date: Oct 3, 2023

TENTATIVE MAP DECISION

Department of City Planning
 49 South Van Ness Avenue
 14th Floor, Suite 1400
 San Francisco, CA 94103

Project ID: 12104			
Project Type: 2 Lot Vertical Subdivision and 8 New Condominium units			
Address#	StreetName	Block	Lot
350 - 352	SAN JOSE AVE	6532	010A
Tentative Map Referral			

Attention: Mr. Corey Teague.

Please review* and respond to this referral within 30 days in accordance with the Subdivision Map Act.

(*In the course of review by City agencies, any discovered items of concern should be brought to the attention of Public Works for consideration.)

Sincerely

Katharine S. Anderson PLS, 8499
 City and County Surveyor
 City and County of San Francisco

By: Jacob F. Rems, PLS 4636, Chief Surveyor

The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code. On balance, the Tentative Map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 based on the attached findings. The subject referral is exempt from California Environmental Quality Act (CEQA) environmental review as categorically exempt Class _____, CEQA Determination Date _____, based on the attached checklist.

The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code subject to the attached conditions.

The subject Tentative Map has been reviewed by the Planning Department and does not comply with applicable provisions of the Planning Code due to the following reason(s):

PLANNING DEPARTMENT

Signed _____

Date _____

Planner's Name _____
 for, Corey Teague, Zoning Administrator



CERTIFICATE OF DETERMINATION COMMUNITY PLAN EVALUATION

<i>Record No.:</i>	2017-015038ENV, 350-352 San Jose Avenue
<i>Zoning:</i>	RM-2 (Residential – Mixed, Moderate Density) District 40-X Height and Bulk District Mission District
<i>Plan Area:</i>	Eastern Neighborhoods Area Plan, Mission Area Plan
<i>Block/Lot:</i>	6532/010A
<i>Lot Size:</i>	7,148 square feet
<i>Project Sponsor:</i>	James Nunemacher, 350 San Jose LLC, (415) 321-7007
<i>Staff Contact:</i>	Megan Calpin, Megan.Calpin@sfgov.org , 628.652.7508

Project Description

The approximately 7,150-square-foot project site is located on the west side of San Jose Avenue, on the block bounded by 25th Street to the north, Valencia Street to the east, Guerrero Street to the west, and 26th Street to the south in the Mission neighborhood (see **Figure 1**, Location Map, in Section G. Figures). The existing building is an approximately 3,560-square-foot, approximately 34-foot-tall, two-story-over-basement residential building constructed circa 1875. The building contains four dwelling units and is set back 40 feet from the front property line. The site is relatively flat, sloping up from San Jose Avenue less than 4 percent. An existing approximately 10-foot-wide curb cut on San Jose Avenue provides access to a driveway that goes underneath a cantilevered portion of the building, providing vehicle access to a paved rear yard with five parking spaces.

The sponsor proposes to move the existing building 23 feet eastward on the lot (toward the San Jose Avenue frontage), reducing the front set back from approximately 40 feet to approximately 17 feet. The project would also include a horizontal and vertical addition to the building that would increase the residential square footage by approximately 8,670 square feet to a new total of approximately 12,235 square feet. One vertical floor would be added to the building, with a resulting height of approximately 40 feet, with an additional 3 feet to the top of the rooftop mechanical features. An accessory dwelling unit (ADU) unit would be added on the basement level.¹ Eight dwelling units would be added to the building—at the basement, first, second, and third floors, for a total of 12 dwelling units and an ADU. The final unit mix would be six one-bedroom units, six two-bedroom units, and one two-bedroom ADU. See Project Plans in Section G. Figures for existing and proposed site plans and

1 Throughout this Initial Study, the proposed ADU is differentiated from the proposed dwelling units, although CEQA impacts would be the same for both unit types as they would function in the same way. Pursuant to San Francisco Planning Code section 209.2, the RM-2 zoning district permits residential density of up to one unit per 600 square feet of lot area. The lot area of this parcel is 7,148 square feet; therefore, a maximum of 12 dwelling units is permitted on the site. Pursuant to planning code section 207, ADUs are exempt from density limits; thus the proposed ADU is also permitted on the site but is counted separately from the proposed dwelling units per the planning code.

proposed floor plans and sections. The existing curb cut would be removed and a new 10-foot curb cut would be installed. The proposed project would not include any off-street vehicle parking. Space for 10 Class 1 bicycle spaces will be provided in the rear yard.

Approval Action: If discretionary review before the planning commission is requested, the discretionary review hearing is the approval action for the project. If no discretionary review is requested, the issuance of a building permit is the approval action. The approval action date establishes the start of the 30-day appeal period for this CEQA determination pursuant to section 31.04(h) of the San Francisco Administrative Code.

Community Plan Evaluation Overview

California Environmental Quality Act (CEQA) section 21083.3 and CEQA Guidelines section 15183 provide that projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an environmental impact report (EIR) was certified, shall not be subject to additional environmental review except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that: a) are peculiar to the project or parcel on which the project would be located; b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent; c) are potentially significant off-site and cumulative impacts that were not discussed in the underlying EIR; or d) are previously identified in the EIR, but which, as a result of substantial new information that was not known at the time that the EIR was certified, are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for the project solely on the basis of that impact.

This determination evaluates the potential project-specific environmental effects of the [Application Name] project described above and incorporates by reference information contained in the programmatic EIR for the Eastern Neighborhoods Rezoning and Area Plans (PEIR)². Project-specific studies were prepared for the proposed project to determine if the project would result in any significant environmental impacts that were not identified in the Eastern Neighborhoods PEIR.

Findings

As summarized in the initial study – community plan evaluation prepared for the proposed project (Attachment A)³:

2 Planning Department Record No. 2004.0160E and State Clearinghouse No. 2005032048. Available at: https://sfplanning.org/environmental-review-documents?field_environmental_review_catag_target_id=214&items_per_page=10. Accessed August 16, 2019.

3 The initial study – community plan evaluation is available for review at the San Francisco Property Information Map, which can be accessed at <https://sfplanninggis.org/PIM/>. The file can be viewed by clicking on the Planning Applications link, clicking the “More Details” link under the project’s environmental record number 2017-01539ENV and then clicking on the “Related Documents” link.

1. The proposed project is consistent with the development density established for the project site in the Eastern Neighborhoods Rezoning and Area Plans⁴;
2. The proposed project would not result in effects on the environment that are peculiar to the project or the project site that were not identified as significant effects in the Eastern Neighborhoods PEIR;
3. The proposed project would not result in potentially significant off-site or cumulative impacts that were not identified in the Eastern Neighborhoods PEIR;
4. The proposed project would not result in significant effects, which, as a result of substantial new information that was not known at the time the Eastern Neighborhoods PEIR was certified, would be more severe than were already analyzed and disclosed in the PEIR; and
5. The project sponsor will undertake feasible mitigation measures specified in the Eastern Neighborhoods PEIR to mitigate project-related significant impacts.

Mitigation measures are included in this project and the project sponsor has agreed to implement these measures. See the attached Mitigation Monitoring and Reporting Program (MMRP) (Attachment B) for the full text of required mitigation measures.

CEQA Determination

The project is eligible for streamlined environmental review per section 15183 of the CEQA Guidelines and California Public Resources Code section 21083.3.

Determination

I do hereby certify that the above determination has been made pursuant to State and local requirements.



Lisa Gibson
Environmental Review Officer

September 23, 2020

Date

Attachments

- A. Initial Study – Community Plan Evaluation
- B. Mitigation Monitoring and Reporting Program

CC: Jonathan Moftakhar and James Nunemacher, 350 San Jose LLC, Project Sponsor;
Supervisor Hillary Ronen, District 9;
Esmeralda Jardines, Current Planning Division;
David Winslow, Current Planning Division

⁴ Preliminary Project Assessment, 350-352 San Jose Avenue, Case No. 2017-015039PPA, February 8, 2018.

COVER SHEET: MITIGATION MONITORING AND REPORTING PROGRAM

The table below indicates when compliance with each mitigation measure must occur. Some mitigation measures span multiple phases. Substantive descriptions of each mitigation measure’s requirements are provided on the following pages in the Mitigation Monitoring and Reporting Program.

Period of Compliance

Adopted Mitigation Measure	Prior to the start of Construction*	During Construction**	Post-Construction or Operational	Compliance with MM completed?
Project Mitigation Measure 1: Archeological Monitoring Program	X	X	X	
Project Mitigation Measure 2: Construction Air Quality	X	X	X	

*Prior to any ground disturbing activities at the project site.

**Construction is broadly defined to include any physical activities associated with construction of a development project including, but not limited to: site preparation, clearing, demolition, excavation, shoring, foundation installation, and building construction.

MITIGATION MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	MONITORING AND REPORTING PROGRAM			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Schedule
MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR				
HISTORIC ARCHITECTURAL/CULTURAL RESOURCES				
Project Mitigation Measure 1: Archeological Monitoring (Eastern Neighborhoods Programmatic Environment Impact Report (PEIR) Mitigation Measure J-2)				
<p>Based on the reasonable potential that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c).</p>	<p>Project sponsor/ archeological consultant at the direction of the Environmental Review Officer (ERO).</p>	<p>Prior to issuance of site permits.</p>	<p>Project Sponsor shall retain archaeological consultant to undertake archaeological monitoring program in consultation with ERO.</p>	<p>Complete when Project Sponsor retains qualified archaeological consultant.</p>
<p>Archeological monitoring program (AMP). The archeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The 	<p>The Project Sponsor and archaeological consultant at the direction of the ERO.</p>	<p>Prior to issuance of site permits.</p>	<p>Consultation with ERO on scope of AMP</p>	<p>After consultation with and approval by ERO of AMP.</p>

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Schedule
<p>ERO in consultation with the project archeologist shall determine what project activities shall be archeologically monitored. In most cases, any soils disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the potential risk these activities pose to archaeological resources and to their depositional context;</p> <ul style="list-style-type: none"> ▪ The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource; ▪ The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the archeological consultant, determined that project construction activities could have no effects on significant archeological deposits; ▪ The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis 	<p>The archaeological consultant, Project Sponsor and project contractor at the direction of the ERO.</p>	<p>Monitoring of soils disturbing activities.</p>	<p>Archaeological consultant to monitor soils disturbing activities specified in AMP and immediately notify the ERO of any encountered archaeological resource.</p>	<p>Considered complete upon completion of AMP.</p>
<p>If an intact archeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction crews and heavy equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO.</p>				

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Schedule
<p>If the ERO in consultation with the archeological consultant determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <p>A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or</p> <p>B) An archeological data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</p>	<p>ERO, archeological consultant, and Project Sponsor.</p>	<p>Following discovery of significant archeological resource that could be adversely affected by project.</p>	<p>Redesign of project to avoid adverse effect or undertaking of archeological data recovery program.</p>	<p>Considered complete upon avoidance of adverse effect</p>
<p>If an archeological data recovery program is required by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The project archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.</p>	<p>ERO, archeological consultant, and Project Sponsor.</p>	<p>After determination by ERO that an archeological data recovery program is required</p>	<p>Archaeological consultant to prepare an ADRP in consultation with ERO</p>	<p>Considered complete upon approval of ADRP by ERO.</p>
<p>The scope of the ADRP shall include the following elements</p> <ul style="list-style-type: none"> ▪ Field Methods and Procedures. Descriptions of proposed field strategies, procedures, and operations. ▪ Cataloguing and Laboratory Analysis. Description of selected cataloguing system and artifact analysis procedures. ▪ Discard and Deaccession Policy. Description of and rationale for field and post-field discard and deaccession policies. ▪ Interpretive Program. Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program. 				

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Schedule
<ul style="list-style-type: none"> ▪ Security Measures. Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities. ▪ Final Report. Description of proposed report format and distribution of results. ▪ Curation. Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities. 				
<p>Human Remains and Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and federal laws. This shall include immediate notification of the Medical Examiner of the City and County of San Francisco and, in the event of the Medical Examiner’s determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission, which will appoint a Most Likely Descendant (MLD). The MLD will complete his or her inspection of the remains and make recommendations or preferences for treatment within 48 hours of being granted access to the site (Public Resources Code section 5097.98). The ERO also shall be notified immediately upon the discovery of human remains.</p>	Archaeological consultant or medical examiner	Discovery of human remains	Notification of County/City Coroner and, as warranted, notification of NAHC.	<p>Considered complete on finding by ERO that all State laws regarding human remains/burial objects have been adhered to, consultation with MLD is completed as warranted, that sufficient opportunity has been provided to the archaeological consultant for any scientific /historical analysis of remains/funerary objects specified in the Agreement, and the agreed-upon disposition of the remains has occurred</p>
<p>The project sponsor and ERO shall make all reasonable efforts to develop a Burial Agreement (“Agreement”) with the MLD, as expeditiously as possible, for the treatment and disposition, with appropriate dignity, of human remains and associated or unassociated funerary objects (as detailed in CEQA Guidelines section 15064.5(d)). The Agreement shall take into consideration the appropriate excavation, removal, recordation, scientific analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. If the MLD agrees to scientific analyses of the remains and/or associated or unassociated funerary objects, the archaeological consultant shall retain possession of the remains and associated or unassociated funerary objects until completion of any such analyses, after which the remains and associated or unassociated funerary objects shall be reinterred or curated as specified in the Agreement.</p>				

MONITORING AND REPORTING PROGRAM

	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Schedule
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Adopted Mitigation Measures

Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept treatment recommendations of the MLD. However, if the ERO, project sponsor and MLD are unable to reach an Agreement on scientific treatment of the remains and/or associated or unassociated funerary objects, the ERO, with cooperation of the project sponsor, shall ensure that the remains and/or associated or unassociated funerary objects are stored securely and respectfully until they can be reinterred on the property, with appropriate dignity, in a location not subject to further or future subsurface disturbance.

Treatment of historic-period human remains and of associated or unassociated funerary objects discovered during any soil-disturbing activity, additionally, shall follow protocols laid out in the project archaeological treatment document, and other relevant agreement established between the project sponsor, Medical Examiner and the ERO.

Final Archeological Resources Report. The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the draft final report.

Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO copies of the FARR shall be distributed as follows: California Historical Resources Information System, Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.

Archaeological consultant at the direction of the ERO	Following completion of cataloguing, analysis, and interpretation of recovered archaeological data.	Preparation of FARR	FARR is complete on review and approval of ERO
Archaeological consultant at the direction of the ERO.	Following completion and approval of FARR by ERO	Distribution of FARR after consultation with ERO	Complete on certification to ERO that copies of FARR have been distributed

MONITORING AND REPORTING PROGRAM

Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Schedule
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Adopted Mitigation Measures

AIR QUALITY

Project Mitigation Measure 2: Construction Air Quality (Eastern Neighborhoods Programmatic Environment Impact Report (PEIR) Mitigation Measure G-1)

The project sponsor or the project sponsor’s contractor shall comply with the following:

Engine Requirements:

- All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. EPA or California Air Resources Board Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement.
- Where access to alternative sources of power are available, portable diesel engines shall be prohibited.
- Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two minute idling limit.
- The contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.

Project sponsor’s construction contractor

Prior to issuance of construction permits and throughout the construction period

Planning Department

Considered completed after construction activities are completed

Waivers:

- The San Francisco Planning Department Environmental Review Officer or designee (ERO) may waive the alternative source of power requirement above if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the contractor must submit documentation that the equipment used for onsite power generation meets the engine requirements above.

MONITORING AND REPORTING PROGRAM

Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Schedule
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Adopted Mitigation Measures

- The ERO may waive the equipment requirements of above if: a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the contractor must use the next cleanest piece of off-road equipment, according to Table M-AQ-2, below.

Table M-AQ-2: Off-Road Equipment Compliance Step-Down Schedule

Compliance Alternative	Engine Emission Standard	Emissions Control
1	Tier 2	ARB Level 2 VDECS
2	Tier 2	ARB Level 1 VDECS
3	Tier 2	Alternative Fuel*

How to use the table: If the ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the Contractor must meet Compliance Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3.

** Alternative fuels are not a VDECS.

Construction Emissions Minimization Plan.

Before starting on-site construction activities, the contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the contractor will meet the engine requirements above.

The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter

Project sponsor's construction contractor	Prior to issuance of construction permits and throughout the construction period	Planning Department	Considered completed after construction activities are completed
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MONITORING AND REPORTING PROGRAM

	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Schedule
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Adopted Mitigation Measures

reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.

- The project sponsor shall ensure that all applicable requirements of the Plan have been incorporated into the contractor's contract specifications. The Plan shall include a certification statement that the contractor agrees to comply fully with the Plan.
- The contractor shall make the Plan available to the public for review on-site during working hours. The contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.
- Monitoring. After start of construction activities, the contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.



DISCRETIONARY REVIEW ACTION DRA-722

HEARING DATE: SEPTEMBER 24, 2020

Record No.: **2017-015039DRP-04**
Project Address: **350-352 San Jose**
Building Permit: **2018.0403.5430**
Zoning: RM-2 (Residential Mixed, Moderate Density) Zoning District
40-X Height and Bulk District
Block/Lot: 6532 / 010A
Project Sponsor: Amir Afifi
SIA Consulting
1256 Howard Street
San Francisco, CA 94112
DR Requestors: Thomas Willis
330 San Jose
San Francisco, CA 94110
Carlo Camozzi
338 San Jose
San Francisco, CA 94110
Elisabeth Krainer
376 San Jose
San Francisco, CA 94110
Jennifer Fieber
on behalf of the San Francisco Tenant's Union
Staff Contact: David Winslow – (628) 652-7335
David.Winslow@sfgov.org

ADOPTING FINDINGS RELATED TO TAKING DISCRETIONARY REVIEW OF RECORD NO. 2017-015039DRP-04 AND THE APPROVAL OF BUILDING PERMIT APPLICATION NO. 2018.0403.5430 PROPOSING A HORIZONTAL ADDITION AND A 5-FOOT 8-INCH VERTICAL ADDITION TO ADD EIGHT DWELLING UNITS AND AN ACCESSORY DWELLING UNIT TO AN EXISTING TWO-STORY OVER BASEMENT, FOUR-DWELLING RESIDENTIAL BUILDING FOR A TOTAL OF 13 DWELLING UNITS, WITHIN THE RM-2 (RESIDENTIAL MIXED, MODERTAE-DENSITY) ZONING DISTRICT AND THE 40-X HEIGHT AND BULK DISTRICT. THE PROPOSAL ALSO INCLUDES LIFTING AND RELOCATING THE BUILDING 23 FEET FORWARD TOWARDS SAN JOSE AVENUE. THE EXISTING 4 DWELLING UNITS ARE SUBJECT TO RENT CONTROL AND WILL REMAIN SO. THE ACCESSORY DWELLING WILL ALSO BE SUBJECT TO RENT CONTROL

Preamble

On April 3, 2018, Amir Afifi filed for Building Permit Application No. 2018.0403.5430 proposing construction of a 70-foot 6-inch horizontal addition and a 5-foot 8-inch vertical addition to add eight dwelling units for a total of 12 dwelling units with 4 parking spaces to a two-story over basement, four-dwelling building within the RM-2 (Residential, Mixed, Two-Family) District and a 40-X Height and Bulk District..

On December 6, 2019 Thomas Willis, and on July 6, 2020 Carlo Camozzi, Elisabeth Krainer, and Jennifer Fieber (hereinafter “Discretionary Review (DR) Requestors”) filed an application with the Planning Department (hereinafter “Department”) for Discretionary Review (2017-015039DRP-04) of Building Permit Application No. 2018.0403.5430.

The Project is exempt from further environmental review per the California Environmental Quality Act (“CEQA”) under Section 15183 of the CEQA Guidelines and California Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Eastern Neighborhoods Area Plan and was encompassed within the analysis contained in the Eastern Neighborhoods Area Plan Final EIR. Since the Final EIR was finalized, there have been no substantial changes to the Eastern Neighborhoods Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR.

On September 24, 2020, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Discretionary Review Application 2017-015039DRP-04.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

Action

The Commission hereby takes Discretionary Review requested in Record No. 2017-015039DRP-04 and approves Building Permit Application 2018.0403.5430.

The reasons that the Commission took the action described above include:

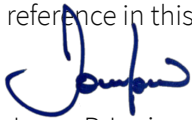
1. There are extraordinary or exceptional circumstances in the case pertaining to the shading of Juri Commons - a public park - and adjacent neighbors. The proposal complies with the General Plan, and conforms with the Residential Design Guidelines, but additional modifications were needed to make the bicycle parking Code-complaint.
2. The Commission determined that modifications to the project were necessary and they instructed staff to approve the Project per drawings on file with the Planning Department, dated September 17, 2020, which indicate moving the building forward an additional 8 feet; reducing a portion of the rear upper floor at the southwest corner; and adding an accessory dwelling unit by removing the on-site parking and; per the conditions below:
 1. Provide a minimum of 5- foot setback on the second-floor deck from at the south property line;
 2. Relocate and design the bicycle parking to be compliant with PC 155.1. and;
 3. Provide sufficient space in the building for trash and recycling, plumbing and mechanical equipment such that roof top equipment is minimized.

APPEAL AND EFFECTIVE DATE OF ACTION: Any aggrieved person may appeal this Building Permit Application to the Board of Appeals only after the Department of Building Inspection (DBI) takes action (issuing or disapproving) the permit. Such appeal must be made within fifteen (15) days of DBI's action on the permit. For further information, please contact the Board of Appeals at (628) 652-1150, 49 South Van Ness Ave, Suite 1475, San Francisco, CA 94103.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives NOTICE that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission took Discretionary Review and approved the building permit as reference in this action memo on September 24, 2020.



Jonas P. Ionin
Commission Secretary

AYES: Chan, Diamond, Fung, Imperial, Koppel, Moore

NOES: None

ABSENT: None

ADOPTED: September 24, 2020