

Norman Yee, President
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

October 26, 2020

RE: **Appeal of Community Plan Exemption from Environmental Review**
PROJECT: **Horizontal & Vertical “Addition” of 9,985 sq. ft. to a Class A Historic Resource—Including New Top Floor and Ground Level Floor**
ADDRESS: **350-352 San Jose Ave. ---Block 6532/ Lot 010A**
ZONING: **RM-2 (Residential – Mixed, Moderate Density) District
Eastern Neighborhoods Area Plan, Mission Area Plan**

President Yee and Members of the Board:

INTRODUCTION AND FACTUAL BACKGROUND

On behalf of Elisabeth Kranier (Appellant) and numerous other neighbors, I am writing to urge this Board to set aside the exclusion from environmental review under the provisions of the second Community Plan Exemption (“CPE2”) granted under the California Environmental Quality Act (CEQA) by the Planning Dept to the project proposed at 350-352 San Jose Ave. (the “Project”). The CPE2 (reissued 09-23-20-Exhibit 1—without lengthy attachments) is a retroactive part of an exemption from environmental review given to the Project *after* it was heard at the Planning Commission and after the Project was substantially modified.

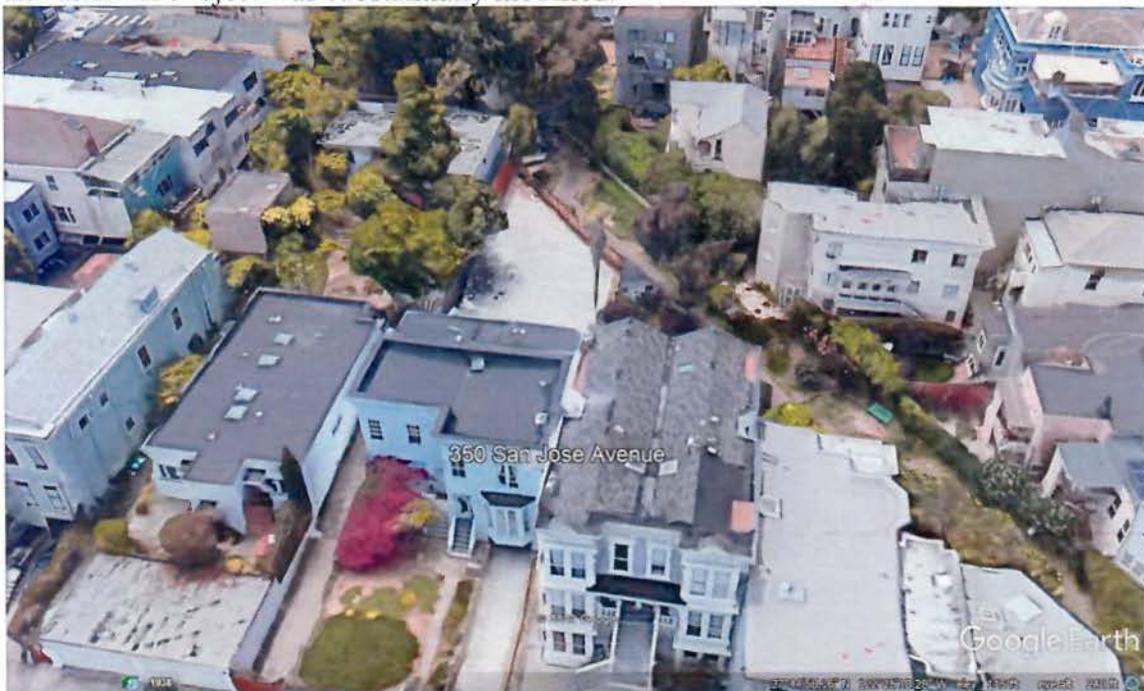


Figure 1—The subject site at 350-352 San Jose Avenue is shown above at center and Juri Commons behind

The Large "Addition" of 9,985 s.f. Will Negatively Impact Neighbors and the Park

Ms. Kranier lives at 376 San Jose, in a small, historic, one-story building with four units, immediately adjacent (south) of the subject property. There is a second small building on the lot (374 San Jose Ave.) which is located at the far rear of the lot. In total there are five rent-controlled units on the adjacent lot (left of subject site shown above).

As can be clearly seen, this project will place the neighboring one-story, four unit building at 376-378 San Jose Ave in a "box" surrounded by taller buildings on both sides. The subject site ALREADY looms nearly two stories over the neighbors' small building and garden as shown in the photo above and adding two new floors will only increase that negative impact.

The above photo is a view looking due west and the small building at 374 San Jose Avenue can be seen at the rear of the lot in the upper center left. Obviously adding a fourth floor to 350 San Jose Ave will further, dramatically extend that building over the neighbors' building and garden and will dramatically shadow Juri Commons, a public open-space/park that bisects the block.

The proposal is incredibly ambitious and proposes to add an addition eight (8) units to the existing historic four unit building at 350-352 San Jose Avenue. This includes adding a new fourth floor of living space to this building, adding a new ground floor, after *lifting* the entire building and moving it forward on the lot. The plan adds nearly 10,000 square feet of new conditioned space to the existing building which is currently 2,250 square feet (Assessor's Record). The developers claim the current building is 3,562 square feet, which is 1,312 more than the Assessor's Report, reprinted below, for the convenience of the Board. The developers are adding 9,985 square feet of new space to this historic building...just 15 square feet short of a 10,000 square foot addition which would mandate further environmental review.

Assessor's Summary Report

Parcel	6532010A	Construction Type	Wood or steel frame
Address	350-352 SAN JOSE AV	Use Type	Apartment 4 units or less
Assessed Values		Units	4
Land	\$1,254,600.00	Stories	2
Structure	\$836,400.00	Rooms	13
Fixtures		Rooms	4
Personal Property		Bathrooms	4
Last Sale	11/15/2017	Basement	-
Last Sale Price	\$2,050,000.00		
Year Built	1900		
Building Area	<u>2,250 sq. ft</u> (developers' plans falsely claim existing building is 3,562 sq. ft.)		
Parcel Area	7,148 sq. ft	Parcel Shape	-
Parcel Frontage	-	Parcel Depth	-

Although presented as an “alteration,” the Project creates a very strong impression of a de facto demolition and facadism. Lifting the building and moving it forward on the lot, adding a large new basement under the existing building AND a new fourth floor and eight additional units to the existing four unit building is in essence a complete reconstruction of the structure behind the historic façade, “sandwiching” the existing building between two new floors.

The Project is opposed by ALL of its immediate neighbors because of potential negative impacts to the historic neighborhood and what is supposed to be a specifically preserved historic *open space* character on the narrow park at Juri Commons adjacent to the site and to the west. The proposed new building in excess of forty feet (40’) in height with its rooftop appurtenances will be decidedly out-of-character and out of place in this historic neighborhood and will cast what the Planning Dept itself termed as “exceptional” and extraordinary shadows on Juri Commons. At certain times and days, the new building will shadow a full 15% of the entire park’s land area.

The Project Represents the Very Worst of the Root Cause of the Housing Crisis

Driving out rent controlled tenants in order to expand and luxuriate the building for profit violates every single City policy in the middle of the housing crisis. The Project Sponsors are VERY well-known real estate development speculators who have developed numerous properties in the City for decades. Prior to (and immediately after) purchasing this four-unit rent controlled building the developer moved to oust the long-term tenants out of the building. The building has four rent-controlled units which the developer now seeks to luxuriate and remodel out of existence by making them market-rate housing. The timeline for the developers buying the property forcing out the elderly, rent-controlled tenants is as follows:

<u>May 5, 2017</u>	Prior Owner Starts Procedure at Rent Board to Oust Long-Term Tenants: (Exhibit 2)
<u>September 7, 2017</u>	James Nunemacher of Vanguard Realty forms 350 San Jose LLC; (Exhibit 3)
<u>September 19, 2017</u>	Project Review Meeting at Planning Dept.
<u>November 15, 2017</u>	Purchase is completed, and Deed filed in name of LLC.
<u>November 17, 2017</u>	Preliminary Project. Assessment at Planning (Owners Nunemacher & Cassidy).
<u>February 21, 2018</u>	Developers Continue Procedures at Rent Board using Andrew Zacks (Ex. 4).
<u>April 3, 2018</u>	Building Permit Application Filed with DBI and Planning.

One tenant, who had lived at the property for nearly 40 years and was a nurse in a local hospital died while the buyout/eviction was being pursued. The developer ended up not paying the tenants a penny to move out. These developers represent the root cause of our housing crisis....buying up occupied “cheap” rent-controlled properties, kicking out elderly, long-term, rent controlled tenants and developing the properties into market rate

housing....This is the exact situation before the Board and a situation which was completely ignored first by the Planning staff and then by the Planning Commission. The developers' grown children now live in the building.

Taking this four-unit, rent-controlled, naturally affordable building out of the rental market in order to luxuriate existing units and add additional luxury units violates numerous over-arching policy considerations. The developers and their allies claim to be solving the housing crisis by building new units. In reality they are the root cause of the crisis by pulling this type of housing off the market, evicting, or buying out long term tenants and repurposing the affordable housing as market rate housing. There is no shortage of market rate housing in San Francisco but there is a woeful shortage of rent-controlled housing.

Retention of this type of affordable, rent-controlled housing is the highest priority policy and a keystone to every plan to fight the affordability crisis in San Francisco. A decision to luxuriate and expand it is contrary to the Mayor's Executive Directives, contrary to the General Plan and contrary to the controlling policies of the Housing Element all of which mandate the retention of the existing units as "naturally affordable." There is no policy that allows this type of sound, affordable rent-controlled housing to be remodeled out of existence and turned into new, market rate luxury condominium housing by speculative developers. Once this type of housing is "remodeled," it is gone forever. There is a finite supply of this housing and the policies of the City demand its retention.

1. The New (Second) CPE Issued for the Project Fails to Address the "Exceptional" and Extraordinary Impacts of the Project and Such Impacts were NOT identified in the Eastern Neighborhoods PEIR

The project is located in an RM-2 – Residential Mixed, Moderate Density zoning district. Because of the unique nature and location of the site and the valuable historic existing building at the site, the Dept provided specific direction to the developers. The rear of the site extends to, and fronts on, Juri Commons, a City Recreation and Park owned public open space.

Juri Commons is a tree-lined "mini-park" that cuts through the entire city block bound by Guerrero St., San Jose Ave., 25th St. and 26th St., and is directly adjacent and to the west of the subject site. The fourth-floor addition proposed will be prominent when viewed from the park which is directly behind these buildings. The setback may be "hidden" from view on San Jose Avenue however, the addition will stick out like sore thumb when viewed from the City park directly adjacent to the rear of the subject site. The addition of a fourth floor at the mid-block will be visible from every street other than San Jose Avenue and is entirely inappropriate. The Project will cause *substantial* new shadowing on the park because of its unique location.

The existing building at 350-352 San Jose Ave is a Category 'A' historic resource set back 40 feet from the street fronting property line. Part of the defining feature of this

property is the front set back and the Dept determined the proposed addition was out of scale and “exceptional,” on it impacts to the Juri Commons and surrounding homes. . The Dept itself found that the addition of these new shadows to the Park creates an “exceptional” and extraordinary circumstanceSuch a finding BY THE DEPT ITSELF....mandates additional environmental review and acknowledges that such “exceptional” impacts were NOT analyzed, considered or discussed in the Eastern Neighborhood Plan, the Community Plan or the EIR’s completed for those plans. The Dept stated in its review Memo:

*“ An **exceptional condition** exists where Juri Commons, a City Recreation and Park owned open space, is at the rear. Massing should likewise minimize shadows on this Park and Recreation space.”(Exhibit 5, page 2).*

Having a City Park which is extremely narrow and bisects a residential block is absolutely unique and particular to this parcel and particular project. Because of the unique situation, the shadow impacts are dramatic, and the new building will at times cover 15% of the entire park area. Such impacts on public open space were never considered in the area plan EIR’s as the other parks in the area plan are not at all like Juri Commons.

A shadow study was submitted to the Planning Dept and it shows that the project (because of depth into the rear yard and height and the unique location of Juri Commons) would cast new shadows on the park year-round and that will last for hours and at times will cover as much as 15% of the entire park. Here are the conclusions from the report:

“Timing and Location of Net New Shadow from Proposed Project
Net new shadow from the proposed project would fall on Juri Commons year-round. Over the summer, net new shadow would be present in the early mornings and would leave the park by between 9am and 11am. Over the spring and fall, net new shadow would again be present during the morning but remain in the park until between 11am and 12:45pm. Over the winter, shadows would be present from the morning and remain until between 12:45pm and 1:45pm. The duration of new shading in the park would range from about 2 hours and 45 minutes on the summer solstice to around 5 hours and 45 minutes on the winter solstice, with shadows moving from the southwest toward the northeast throughout that period. The size of the new shadows would also vary, with the largest new shadow area occupying about 15% of the park area.” (Page 13 of Prevision Design Shadow Analysis Report for the Proposed 350 San Jose Avenue Per SF Planning and California Environmental Quality Act (CEQA) Standards---Exhibit 6)

These are not reasonable impacts for a private for-profit development and the new shadows were not discussed or analyzed in the Area Plan EIR as set forth below.

2. The Initial Study of the Community Plan Exemption Given to the Project Mischaracterizes the Conclusions of the Shadow Findings of the Eastern Neighborhood Plan EIR—There is No Findings of Significant and Unavoidable Impacts for Juri Commons and other Similar Parks

The Initial Study attached to the Community Plan Exemption given to the Project completely mischaracterizes and misstates the conclusions and analysis given to shadow effects on the subject area and specifically given to the Juri Commons as a result of the adoption of the Eastern Neighborhood Plan EIR. The Initial Study states that the PEIR, “determined shadow impacts to be significant and unavoidable for all three of the Plan’s proposed zoning options and for the No-Project alternative.” (Initial Study page 31). This is simply not true. The Area Plan EIR does not state that its adoption could result in significant and unavoidable shadow impacts on Juri Commons. It applies a different analysis to different parks based on location and the re-zoning impacts of the Plan.

Because there was no increase in the permissible building height limits granted to the parcels surrounding Juri Commons under the Eastern Neighborhoods Plan, a separate shadow analysis was applied to those areas with no increase in existing height limits as opposed to the majority of the Plan Area which included an increase in the building height limit. At page 390 of the Area Plan it states as follows:

“Parks Where No Increase to Surrounding Height Limits is Proposed

The following parks are surrounded by parcels and blocks in which the existing height limits would remain the same or decrease under all three of the Eastern Neighborhoods rezoning options. The majority of these parks are also located in residential neighborhoods where the use regulations are not expected to substantively change, so the project would not likely to result in any development pressure on properties not currently built to the maximum height.

- South Beach Park (East SoMa)
- Mission Center (Mission)
- Jose Coronado Playground (Mission)
- Parque Ninos Unidos (Mission)
- **Juri Commons (Mission)**
- Garfield Square (Mission)
- McKinley Square (Showplace Square/Potrero Hill)
- Potrero Hill Recreation Center (Showplace Square/Potrero Hill)
- Tulare Park (Central Waterfront)

Because no changes to the height limits surrounding these parks and open spaces are proposed, none of the rezoning options are expected to result in increases in the extent or duration of daily shadow cast on them. Additionally, no changes to existing height limits are proposed surrounding the non-Recreation and Park Department open spaces along the Embarcadero in East SoMa, and thus these spaces would not be adversely affected by the project.

Some of the above parks could be shaded by development pursuant to existing height limits (i.e., under the No-Project scenario). Those in the Mission District would have the greatest potential for new shadow under existing height limits, as many of these parks are relatively small and some are nestled within city blocks. In particular, Juri Commons, located on a former railroad right-of-way that cuts through the block bounded by 25th, 26th, Guerrero, and Valencia Streets, is a narrow open space. Although taller buildings than those that exist could be constructed within the current 40-foot height limit, the **effect on Juri Commons would be limited** because the narrowness of the space means existing buildings already cast substantial shadows except at midday. Moreover, this park is heavily landscaped, with several mature trees that also cast shade.” (Eastern Neighborhoods Rezoning and Area Plans, page 390).

The Area Plan EIR mistakenly concluded that Juri Commons could not be significantly impacted by shadow because, (1) it is located in an area where the existing height limit was not increased by the Plan and, (2) absent a specific shadow study, wrongly concluded that the existing shadows on Juri Commons were such that no, new and significant impacts from shadows were likely or even possible. This mistaken conclusion is directly at odds with the new finding by the Dept that the new shadows from the proposed project are “exceptional” and at times will cover as much as 15% of the entire park! Obviously, such a result is significant and was not identified in the Area Plan EIR. The Area Plan EIR actually comes to the opposite conclusion.

The Area Plan then analyzed numerous other areas and other parks within the Eastern Neighbors Plan Area where the existing height limits were being increased and made a different determinations by specifically stating that, “*it cannot be concluded that this impact would be less than significant, and therefore the impact on this park is judged to be significant and unavoidable for all three rezoning options and for the No-Project Alternative.*” (See, e.g. page 400). The Plan treated these areas far differently from those areas without an increase in the height limit and created specific Tables for “Potential Shadows” for parks in areas where the height limit was being increased. No such analysis or study was done for Juri Commons or any of the parks where the height limit was not being increased. The new shadowing now discovered is a project-specific significant effects not identified in the programmatic Plan Area EIR.

The “exceptional” and extraordinary new shadow impacts from the proposed project were not considered, identified, or analyzed in the PEIR. The new impacts of shadows were discovered only when the new project was proposed, and a shadow study was conducted, and that study concluded the impacts would be significant. The fact that the new project will contribute significantly to the shadow impacts on Juri Commons was not previously identified in the PEIR. In fact, just the opposite. The PEIR specifically concluded that Juri Commons would not be adversely impacted by the adoption of the Area Plan and that no significant new shadows would result.

Accordingly, because new site and project-specific significant impacts have now been identified (by the Dept as “exceptional”) for the proposed project that were not identified in the *Eastern Neighborhoods PEIR*, and because the new significant impacts can be

mitigated to a less-than-significant level (which they can), then a focused mitigated negative declaration should be prepared to address the shadow impacts, and a supporting CPE checklist is prepared to address all other impacts that were encompassed by the *Eastern Neighborhoods PEIR*, with all pertinent mitigation measures and CEQA findings from the *Eastern Neighborhoods PEIR* also applied to the proposed project.

3. The Project Violates Numerous Provisions of the General Plan, CEQA Clearance Cannot Be Granted Based on the Loss of Sound, Rent-Controlled, Affordable Units –City Policies Mandate the Preservation of the Existing, Naturally Affordable Rent Controlled Housing Stock

When will the City actually start to enforce its housing policies? San Francisco's highest Priority Policies are enumerated in the General Plan. Further, to the extent some policies may clash with others, (for example—the creation of new housing vs. retention of existing housing---such as here) the two policies that are to be given primacy are found in The Residence Element to the City's General Plan and state as follows:

“Two policies are to be given priority and are to be the basis upon which inconsistencies in this Element and other parts of the Master Plan are resolved. They are:

- **That the City's supply of affordable housing be preserved and enhanced.**
- **That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.” (bold type in the original)**

The Department fails to acknowledge that this Project, by forcing out long-term tenants from their homes, violates these fundamental policies. The analysis presented by the Dept does what the General Plan forbids it to do...it “balances” a litany of lesser policies and priorities against these ultimate priority policies and concludes that the Project meets assorted Urban Design Element-Transportation Element-Recreation and Open Space Element etc. and is sufficient to set aside and violate the priority policies. However, under CEQA, the Dept has the obligation to at least review the issues and not to completely ignore them. There is no mention of these impacts in any of the CEQA review documents.

Although this is not a referendum on the development team (it doesn't matter who the applicant is, these policies may not be violated) the laundry list of “benefits” are all private benefits for a private profiteers who sell real estate. Such matters are completely irrelevant to the issues and policies to be considered by review under the General Plan for the purposes of CEQA. For this reason, the CEQA Determination is completely inadequate and cannot provide legal justification for violation of the most fundamental and important policies of the City's General Plan. It simply fails to correctly describe the impacts of the Project or to review the policies applicable to the Project.

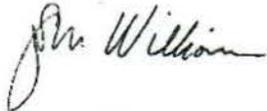
There is no evidence to support the Dept's conclusion that all issues were addressed in the Area Plan EIR given the obvious violation of the General Plan's most important priority policies. In this instance the Community Plan Exemption is incomplete and

invalid because it fails to offer a proper basis for approving the Project and simply fails to discuss possible environmental effects of allowing repeat offending developers to evict/buyout tenants. The record simply does not support the Dept's finding that a CPE may issue under the circumstances in front of the Board.

CONCLUSION

We request that the Board of Supervisors uphold and grant our appeal and return the Community Plan Exemption to the Department for further consideration and for findings consistent with the General Plan and require a focused mitigated negative declaration to address the site/project specific significant impacts not addressed in the Area Plan EIR.

VERY TRULY YOURS,

A handwritten signature in cursive script, appearing to read "Stephen M. Williams".

STEPHEN M. WILLIAMS

EXHIBIT 1



CERTIFICATE OF DETERMINATION COMMUNITY PLAN EVALUATION

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

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.



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination Community Plan Evaluation

Case No.: 2017-015039ENV
Project Address: 350-352 San Jose Avenue
Zoning: RM-2 (Residential – Mixed, Moderate Density) District
40-X Height and Bulk District
Mission District
Block/Lot: 6532/010A
Lot Size: 7,148 square feet
Plan Area: Eastern Neighborhoods Plan Area, Mission subarea
Project Sponsor: James Nunemacher, 350 San Jose LLC, (415) 321-7007
Staff Contact: Megan Calpin – (415) 575-9049
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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, San Jose Avenue to the east, Guerrero Street to the west, and 26th Street to the south in the Mission neighborhood (see Figure 1, Location Map in Appendix). The existing building is a 3,562-square-foot, 34-foot-2-inch-tall, two-story-over-basement residential building constructed around 1900. The building contains four dwelling units. The building is set back 40 feet from the front property line. An existing 9'-7" curb cut on San Jose Avenue provides access to a driveway that goes underneath a portion of the building, providing vehicle access to a paved rear yard with 5 parking spaces.

The project proposes moving the existing building 15 feet forward on the lot, reducing the front set back to 25 feet. The project also proposes a horizontal and vertical addition to the building that would increase the residential square footage by approximately 9,192 square feet. One vertical floor would be added to the building, with a resulting height of 40 feet. Eight dwelling units would be added to the building—at the basement, first, second, and third floors. See Project Plans in Appendix for existing and proposed site plans and proposed floor plans and sections. The existing curb cut would remain and provide access to a new below-grade garage. The driveway underneath the building would be filled in to accommodate basement-level units and a garage with four vehicle parking spaces and 12 Class 1 bicycle spaces.

Approval Action: The approval action is a building permit. 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 the 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 350-352 San Jose Avenue project described above and incorporates by reference information contained in the programmatic EIR for the Eastern Neighborhoods Rezoning and Area Plans (PEIR)¹. 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 project²:

1. The proposed project is consistent with the development density established for the project site in the Eastern Neighborhoods Rezoning and Area Plans;
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 a feasible mitigation measure specified in the Eastern Neighborhoods PEIR to mitigate project-related significant impacts.

Mitigation measure is included in this project and the project sponsor has agreed to implement this measure. See the attached Mitigation Monitoring and Reporting Program (MMRP) for the full text of the required mitigation measure.

¹ Planning Department Case No. 2004.0160E and State Clearinghouse No. 2005032048

² 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 case number (2017-015039ENV) and then clicking on the “Related Documents” link.

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


Date

ATTACHMENTS

- A. MMRP
- B. Initial Study – Community Plan Evaluation
- C. Appendix (Figures)

CC: Amir Afifi, SIA Consulting Group, Project Sponsor;

Supervisor Hillary Ronen, District 9;

Esmeralda Jardines, Current Planning Division;

Jonathan Moftakhar and James Nunemacher, 350 San Jose LLC, Property Owner.

MITIGATION MONITORING AND REPORTING PROGRAM

MONITORING AND REPORTING PROGRAM				
Adopted Mitigation Measures	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Schedule and Verification of Compliance
MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR				
Mitigation Measure M-CR-2c: Archeological Testing				
<p>Based on a reasonable presumption 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 testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). 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 to retain a qualified archeological consultant who shall report to the ERO. Qualified archeological consultant will scope archeological testing program with ERO.</p>	<p>Archeological consultant shall be retained prior to issuing of site permit. Archeological consultant has approved scope by the ERO for the archeological testing program Date Archeological consultant retained: _____</p> <p>Date Archeological consultant received approval for archeological testing program scope: _____</p>
<p><i>Archeological Testing Program.</i> The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP</p>	<p>Project sponsor/ archeological consultant at the</p>	<p>Prior to any soil-disturbing activities on the project site.</p>	<p>Archeologist shall prepare and submit draft ATP to the ERO. ATP to be submitted and reviewed</p>	<p>Date ATP submitted to the ERO: _____</p>

MITIGATION MONITORING AND REPORTING PROGRAM

MONITORING AND REPORTING PROGRAM				
Adopted Mitigation Measures	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Schedule and Verification of Compliance
<p>shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.</p>	direction of the ERO.		by the ERO prior to any soils disturbing activities on the project site.	<p>Date ATP approved by the ERO: _____</p> <p>Date of initial soil disturbing activities: _____</p>
<p>At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. If the ERO 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> <ol style="list-style-type: none"> a. The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or b. A 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. 	Project sponsor/ archeological consultant at the direction of the ERO.	After completion of the Archeological Testing Program.	Archeological consultant shall submit report of the findings of the ATP to the ERO.	<p>Date archeological findings report submitted to the ERO: _____</p> <p>ERO determination of significant archeological resource present? Y N</p> <p>Would resource be adversely affected? Y N</p> <p>Additional mitigation to be undertaken by project sponsor? Y N</p>
<p><i>Archeological Data Recovery Program.</i> The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor,</p>	Archeological consultant at the	If there is a determination that an ADRP	Project sponsor/ archeological consultant/ archeological monitor/	<p>ADRP required? Y N</p> <p>Date: _____</p>

MITIGATION MONITORING AND REPORTING PROGRAM

MONITORING AND REPORTING PROGRAM				Monitoring Actions/ Schedule and Verification of Compliance
Adopted Mitigation Measures	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	
<p>and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. 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>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> • <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations. • <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures. • <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies. • <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program. • <i>Security Measures.</i> Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities. • <i>Final Report.</i> Description of proposed report format and distribution of results. <p><i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value,</p>	<p>direction of the ERO</p>	<p>program is required</p>	<p>contractor(s) shall prepare an ADRP if required by the ERO.</p>	<p>Date of scoping meeting for ADRP: _____</p> <p>_____</p> <p>Date Draft ADRP submitted to the ERO: _____</p> <p>_____</p> <p>Date ADRP approved by the ERO: _____</p> <p>Date ADRP implementation complete: _____</p>

MITIGATION MONITORING AND REPORTING PROGRAM

MONITORING AND REPORTING PROGRAM				
Adopted Mitigation Measures	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Schedule and Verification of Compliance
<p>identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.</p>				
<p><i>Human Remains and Associated or Unassociated Funerary Objects.</i> 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>	<p>Project sponsor / archeological consultant in consultation with the San Francisco Medical Examiner, NAHC, and MLD.</p>	<p>If human remains and/or funerary objects are found, coroner notification immediately; NAHC appoint MLD within 24 hours; MLD inspects remains within 48 hours of access</p>	<p>Project sponsor/ archeological consultant to monitor (throughout all soil disturbing activities) for human remains and associated or unassociated funerary objects and, if found, contact the San Francisco Medical Examiner/ NAHC/ MLD</p>	<p>Human remains and associated or unassociated funerary objects found? Y N Date: _____ Persons contacted: Date: _____ Persons contacted: Date: _____ Inspection date: _____ Recommendations received by sponsor and ERO: _____ Burial Agreement received or ERO/sponsor determine that agreement cannot be reached Date: _____</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</p>			<p>MLD to inspect the remains and make treatment and disposition recommendations MLD, ERO, Sponsor to develop Burial Agreement</p> <p>ERO to ensure that Agreement is implemented as specified and burial disposition has occurred as agreed.</p>	<p>Considered complete on finding by ERO that all State laws regarding human remains/burial objects</p>

MITIGATION MONITORING AND REPORTING PROGRAM

MONITORING AND REPORTING PROGRAM				
Adopted Mitigation Measures	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Schedule and Verification of Compliance
<p>associated or unassociated funerary objects shall be reinterred or curated as specified in the Agreement.</p> <p>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 associated or unassociated funerary objects, the ERO, with cooperation of the project sponsor, shall ensure that the remains 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.</p> <p>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's archaeological treatment documents, and in any related agreement established between the project sponsor, Medical Examiner and the ERO.</p>				<p>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. Date: _____</p>
<p><i>Final Archeological Resources Report.</i> The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance 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 final report. Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information</p>	Project sponsor/ archeological consultant at the direction of the ERO.	After completion of the archeological data recovery, inventorying, analysis and interpretation.	Project sponsor/ archeological consultant	<p>Following completion of soil disturbing activities. Considered complete upon distribution of final FARR. Date Draft FARR submitted to ERO: _____</p>

MITIGATION MONITORING AND REPORTING PROGRAM

MONITORING AND REPORTING PROGRAM				
Adopted Mitigation Measures	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Schedule and Verification of Compliance
<p>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 in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.</p>				<p>Date FARR approved by ERO: _____</p> <p>Date of distribution of Final FARR: _____</p> <p>Date of submittal of Final FARR to information center: _____</p>

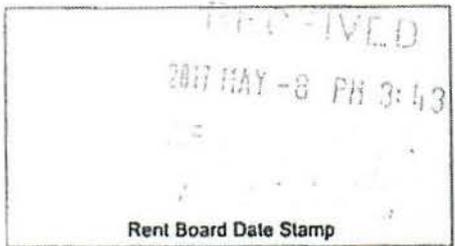
EXHIBIT 2



San Francisco Residential Rent Stabilization and Arbitration Board

INSTRUCTIONS

- (1) The landlord must provide all of the requested information and file this Declaration at the Rent Board prior to commencing Buyout Negotiations with the tenant.
- (2) Only one rental unit may be included on each Declaration form, but more than one tenant in the unit can be listed on the same form.



Declaration of Landlord Regarding Service of Pre-Buyout Negotiations Disclosure Form

(1) The address of the rental unit that may be the subject of Buyout Negotiations:

350 San Jose Ave 1 San Francisco CA 94110
 Tenant's Address: Street Number Street Name Unit Number City State Zip Code

(2) The landlord's name, business address, business email address and business telephone number:

Marialice Faubel Faubel Family Trust
 Landlord's Name
 11060 El Amanillo Ave Fountain Valley CA 92708
 Business Address: Street Number Street Name Unit Number City State Zip Code
 714 865-4086 rampitup2@gmail.com
 Business Phone Number Business Email Address

(3) The name of each tenant with whom the landlord intends to enter into Buyout Negotiations at the above address:

[Redacted] [Redacted] [Redacted]
 First Name (Tenant) Middle Initial Last Name
 First Name (Tenant) Middle Initial Last Name
 First Name (Tenant) Middle Initial Last Name

DECLARATION OF LANDLORD

I declare under penalty of perjury under the laws of the State of California that the landlord provided each tenant listed above with the Pre-Buyout Negotiations Disclosure Form required by Ordinance Section 37.9E(d) prior to commencing Buyout Negotiations.

Marialice Faubel Print Landlord's Name Here
 Marialice Faubel Landlord's Signature
 5/2/17 Date



San Francisco Residential Rent Stabilization and Arbitration Board

INSTRUCTIONS

- (1) The landlord must provide all of the requested information and file this Declaration at the Rent Board prior to commencing Buyout Negotiations with the tenant.
- (2) Only one rental unit may be included on each Declaration form, but more than one tenant in the unit can be listed on the same form.



Declaration of Landlord Regarding Service of Pre-Buyout Negotiations Disclosure Form

(1) The address of the rental unit that may be the subject of Buyout Negotiations:

350 San Jose Ave 3 San Francisco CA 94110
 Tenant's Address: Street Number Street Name Unit Number City State Zip Code

(2) The landlord's name, business address, business email address and business telephone number:

Martine Faubel Faubel Family Trust
 Landlord's Name

11060 El Amanillo Ave Foresta Valley CA 92708
 Business Address: Street Number Street Name Unit Number City State Zip Code

714 865-4086 vampitup2@gmail.com
 Business Phone Number Business Email Address

(3) The name of each tenant with whom the landlord intends to enter into Buyout Negotiations at the above address:

[Redacted] [Redacted]
 First Name (Tenant) Middle Initial Last Name

 First Name (Tenant) Middle Initial Last Name

 First Name (Tenant) Middle Initial Last Name

DECLARATION OF LANDLORD

I declare under penalty of perjury under the laws of the State of California that the landlord provided each tenant listed above with the Pre-Buyout Negotiations Disclosure Form required by Ordinance Section 37.9E(d) prior to commencing Buyout Negotiations.

Martine Faubel Martine Faubel 5/2/17
 Print Landlord's Name Here Landlord's Signature Date

EXHIBIT 3



Secretary of State
Articles of Organization
 Limited Liability Company (LLC)

LLC-1

201725710081

FILED ^{KMJ}
_{VCC}

Secretary of State
 State of California

SEP 07 2017

IMPORTANT — Read Instructions before completing this form.

Filing Fee - \$70.00

Copy Fees - First page \$1.00; each attachment page \$0.50;
 Certification Fee - \$5.00

Note: LLCs may have to pay minimum \$800 tax to the California Franchise Tax Board each year. For more information, go to <https://www.ftb.ca.gov>.

IPC

This Space For Office Use Only

1. Limited Liability Company Name (See Instructions – Must contain an LLC ending such as LLC or L.L.C. "LLC" will be added, if not included.)

350 San Jose Ave LLC

2. Business Addresses

a. Initial Street Address of Designated Office in California - Do not enter a P.O. Box	City (no abbreviations)	State	Zip Code
2501 Mission Street	San Francisco	CA	94110
b. Initial Mailing Address of LLC, if different than Item 2a	City (no abbreviations)	State	Zip Code

3. Service of Process (Must provide either Individual OR Corporation.)

INDIVIDUAL – Complete Items 3a and 3b only. Must include agent's full name and California street address.

a. California Agent's First Name (if agent is not a corporation)	Middle Name	Last Name	Suffix
James		Nunemacher	
b. Street Address (if agent is not a corporation) - Do not enter a P.O. Box	City (no abbreviations)	State	Zip Code
2501 Mission Street	San Francisco	CA	94110

CORPORATION – Complete Item 3c. Only include the name of the registered agent Corporation.

c. California Registered Corporate Agent's Name (if agent is a corporation) – Do not complete Item 3a or 3b

4. Management (Select only one box)

The LLC will be managed by:

- One Manager More than One Manager All LLC Member(s)

5. Purpose Statement (Do not alter Purpose Statement)

The purpose of the limited liability company is to engage in any lawful act or activity for which a limited liability company may be organized under the California Revised Uniform Limited Liability Company Act.

6. The Information contained herein, including in any attachments, is true and correct.

Organizer sign here

Mikel D. Bryan
 Print your name here

EXHIBIT 4



San Francisco Residential Rent Stabilization and Arbitration Board

2018 FEB 21 PM 1:26

INSTRUCTIONS

- (1) The landlord must provide all of the requested information and file this Declaration at the Rent Board prior to commencing Buyout Negotiations with the tenant.
- (2) Only one rental unit may be included on each Declaration form, but more than one tenant in the unit can be listed on the same form.



Declaration of Landlord Regarding Service of Pre-Buyout Negotiations Disclosure Form

(1) The address of the rental unit that may be the subject of Buyout Negotiations:

350 San Jose Avenue, Unit 3 San Francisco CA 94110

Tenant's Address: Street Number Street Name Unit Number City State Zip Code

(2) The landlord's name, business address, business email address and business telephone number:

350 San Jose Ave LLC

Landlord's Name

c/o Zacks, Freedman & Patterson, PC, 235 Montgomery Street, Suite 400, San Francisco, CA 94104

Business Address: Street Number Street Name Unit Number City State Zip Code

415-956-8100 az@zfplaw.com

Business Phone Number Business Email Address

(3) The name of each tenant with whom the landlord intends to enter into Buyout Negotiations at the above address:

[Redacted] [Redacted]

First Name (Tenant) Middle Name Last Name

First Name (Tenant) Middle Name Last Name

First Name (Tenant) Middle Name Last Name

DECLARATION OF LANDLORD

I declare under penalty of perjury under the laws of the State of California that the landlord provided each tenant listed above with the Pre-Buyout Negotiations Disclosure Form required by Ordinance Section 37.9E(d) prior to commencing Buyout Negotiations.

Andrew M. Zacks, on behalf of Landlord

Print Landlord's Name Here

Landlord's Signature

2/21/18

Date

EXHIBIT 5



SAN FRANCISCO PLANNING DEPARTMENT

UDAT MEETING NOTES

Project: 350-352 San Jose

Planner: RDAT review

Date: 10.12.2018

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

The existing building is a category 'A' historic resource set back 40' from the street fronting property line. Part of the defining feature of this property is the front set back.

Reduce the massing Site Design, Open Space, and Massing

To comply with the Residential Design Guideline "Design the height and depth of the building to be compatible with the scale at the street", set the vertical addition entirely behind the roof parapet wall where the existing cornice ends (Closest to column line 5).

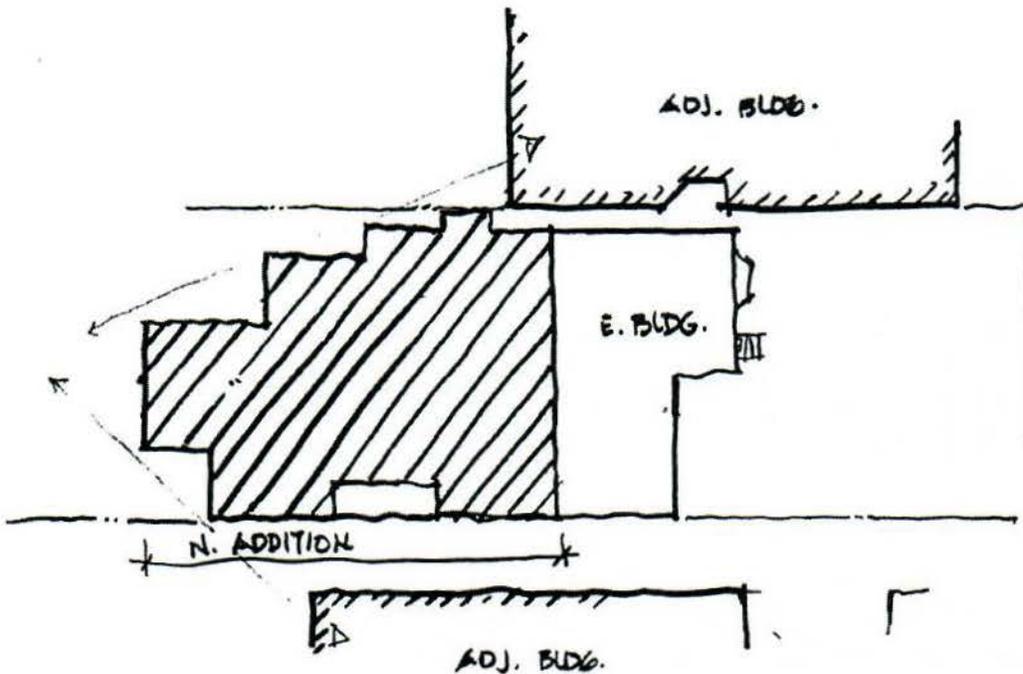
To comply with the Residential Design Guideline "Design the height and depth of the building to be compatible with the existing scale at the mid-block open space", reduce the massing at the rear by setting the building back from the adjacent property lines and limiting the depth to preserve the mid-block open space.

An exceptional condition exists where Juri Commons, a City Recreation and Park owned open space, is at the rear. Massing should likewise minimize shadows on this Park and Recreation space.

See attached site plan sketch as a means for achieving this.

Bike parking may be substituted for car parking allowing more usable residential space at the ground floor.

Design the project to access the ample front and rear yards to be utilized as common open space for residents. Roof terraces or decks for such purposes are not recommended.



To comply with the Residential Design Guideline Ensure that the new windows at the front unit 5 are proportioned and aligned in relation to the existing window patterns and proportions.

Given the proposed grade difference from the raised front yard and the sunken patio, consider alternates means to ameliorate the sunken-ness and need for guardrails, and full exterior stair run by perhaps re-grading and re-landscaping the front yard to have a more gradual, continuous and direct relationship with the street frontage.

UDAT will provide further detailed design review on the subsequent submission. UDAT recommends that the project provide high-quality materials, and meet the architectural detailing and character of the neighborhood.

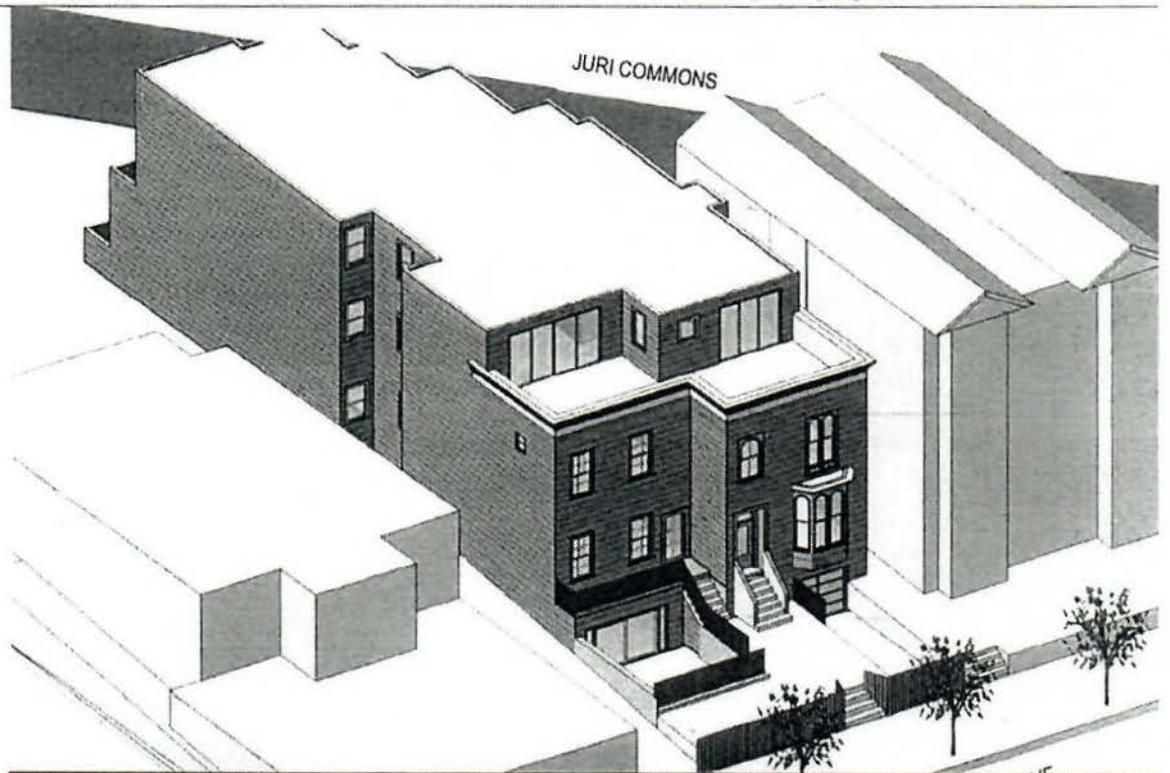
EXHIBIT 6



DESIGN

APRIL 23, 2019
FINAL R3

**SHADOW ANALYSIS REPORT FOR THE PROPOSED
350 SAN JOSE AVENUE PER SF PLANNING AND CALIFORNIA
ENVIRONMENTAL QUALITY ACT (CEQA) STANDARDS**



FROM:
ADAM PHILLIPS
PRINCIPAL
PREVISION DESIGN

TO:
MEGAN CALPIN SAN FRANCISCO PLANNING DEPT.
1650 MISSION STREET, SUITE 400
SAN FRANCISCO, CA 94103

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nearly the entire park is cast in shadow prior to 9am with shadows slowly diminishing until the late afternoon when the park becomes largely unshaded.

Timing and Location of Net New Shadow from Proposed Project

Net new shadow from the proposed project would fall on Juri Commons year-round. Over the summer, net new shadow would be present in the early mornings and would leave the park by between 9am and 11am. Over the spring and fall, net new shadow would again be present during the morning but remain in the park until between 11am and 12:45pm. Over the winter, shadows would be present from the morning and remain until between 12:45pm and 1:45pm. The duration of new shading in the park would range from about 2 hours and 45 minutes on the summer solstice to around 5 hours and 45 minutes on the winter solstice, with shadows moving from the southwest toward the northeast throughout that period. The size of the new shadows would also vary, with the largest new shadow area occupying about 15% of the park area.

The portions of the park affected by the net new shadow are shown by Exhibit A1, which graphically represents the aggregate shadow boundary of areas receiving net new shadow from the proposed project throughout the year. The areas that would most frequently receive net new shadow would be the central portion of the park which include the walking path and landscaped/planting areas. The northern portion of the children's play area would also receive some early morning shadow over the summertime for up to approximately one hour and 15 minutes (shadow would be gone no later than 8:00 am).

The days of maximum net new shadow on the park due to the proposed project would occur on Dec 20 and Dec 21, when net new shadow from the proposed project would fall on Juri Commons from one hour after sunrise (8:19am) and be present for approximately 5 hours and 45 minutes, until around 1:45pm. The largest shadows on this date would occur between 9:30 and 11:30 am where up to approximately 15% of the park area would be affected. The areas affected on this date include landscaped areas as well as the pedestrian pathway. The children's play area would not be affected.

As stated, per Planning Department standards, private fences, trees and other plantings are not accounted for in this shadow analysis. On a practical basis, the approximately 10 mature trees, numerous solid fences, and other plantings present in the park do significantly contribute to the current shadow conditions and user experience of the park, and therefore shadows created by the proposed project may have a diminished perceived effect on features that are currently already in shadow due to shadow cast by such features. ■

EXHIBIT A: AGGREGATE SHADOW FAN DIAGRAM

A1 - Annual net new shadow extents from the proposed project

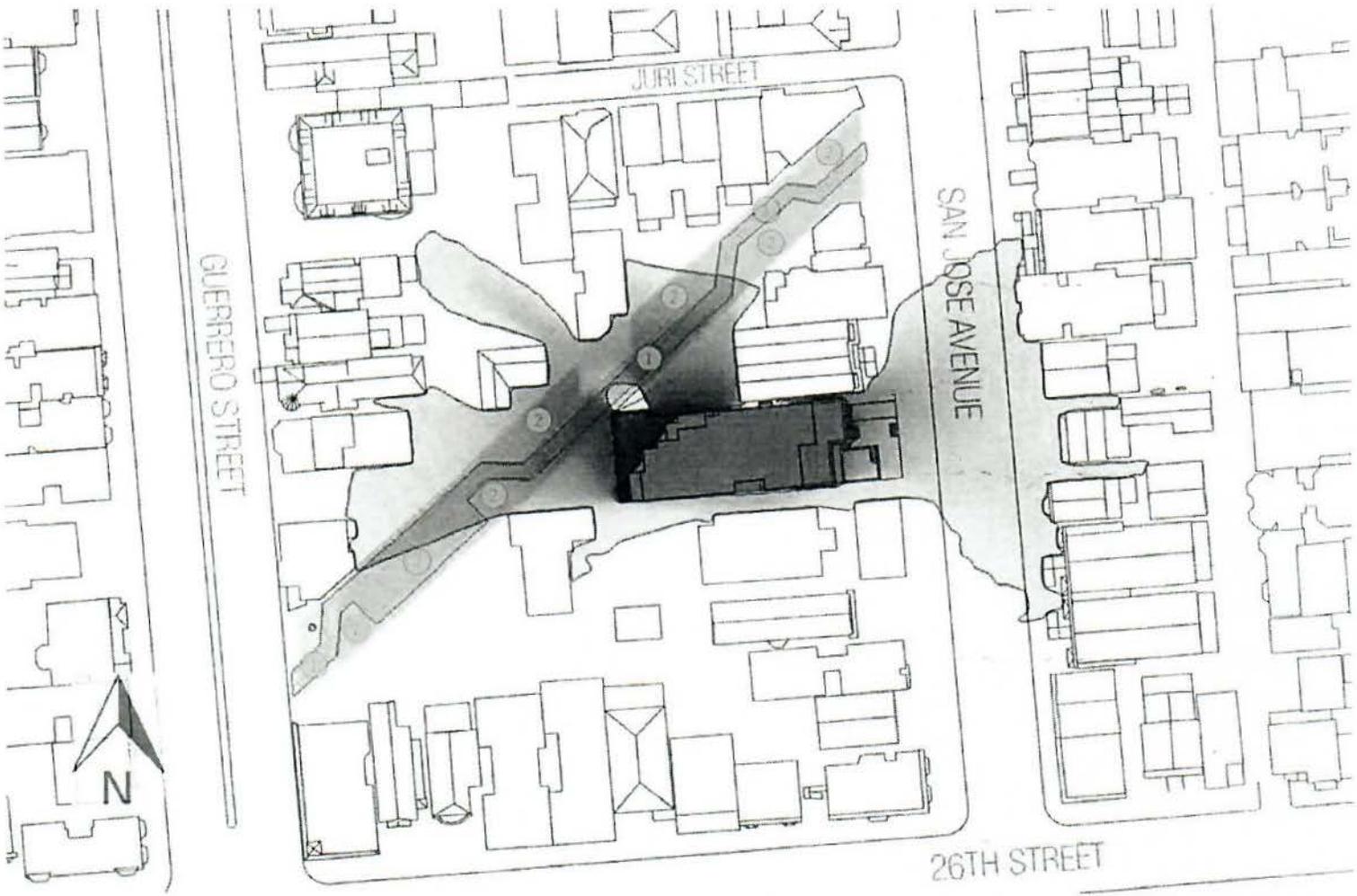
Diagram showing extents of all areas receiving net new shadow from the proposed project at *some* point during the year.



A1

350 SAN JOSE AVENUE

Refined Shadow Fan diagram, factoring in existing shadow



AGGREGATE NET NEW SHADOW AREAS OF IMPACT REFINED SHADOW FAN **FULL YEAR**



- Jun Commons (RPD)
- Park Features
 - Paved Pathway
 - Landscaping
 - Play Area

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2020 OCT 27 PM 12:42

BY *[Signature]*

LAW OFFICE OF STEPHEN M. WILLIAMS
ATTORNEY/CLIENT TRUST ACCOUNT
1934 DIVISADERO ST.
SAN FRANCISCO, CA 94115
PH: (415) 292-3656

1200

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10-27-20 Date

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Six Hundred Sixty-Five ⁰⁰/₁₀₀ Dollars

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Harland Clarke