

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
NOPA WEST NEIGHBORS, _____)
Appellant(s))
vs.)
DEPARTMENT OF BUILDING INSPECTION, _____)
PLANNING DEPARTMENT APPROVAL Respondent

Appeal No. **24-047**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on August 22, 2024, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on August 7, 2024 to Green Grove SF LLC, of a Site Permit (Building One: Erect two-story, no basement, two dwelling residential building) at 1819-1821 Fulton Street.

APPLICATION NO. 2019/12/24/0493

FOR HEARING ON October 30, 2024

Address of Appellant(s):

Address of Other Parties:

NOPA West Neighbors, Appellant(s) c/o Brian Kingan, Agent for Appellant(s)	Green Grove SF LLC, Permit Holder(s) c/o Troy Kashanipour, Agent for Permit Holder(s) Troy Kashanipour Architecture 2783K Diamond Street San Francisco, CA 94131
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BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
NOPA WEST NEIGHBORS, _____)
Appellant(s))
vs.)
DEPARTMENT OF BUILDING INSPECTION, _____)
PLANNING DEPARTMENT APPROVAL Respondent

Appeal No. **24-048**

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The substance or effect of the decision or order appealed from is the ISSUANCE on August 7, 2024 to Green Grove SF LLC, of a Site Permit (Building 2: Erect two-story, no basement, two-dwelling residential building) at 1823-1825 Fulton Street.

APPLICATION NO. 2019/12/24/0614
FOR HEARING ON October 30, 2024

Address of Appellant(s):

Address of Other Parties:

NOPA West Neighbors, Appellant(s) c/o Brian Kingan, Agent for Appellant(s)	Green Grove SF LLC, Permit Holder(s) c/o Troy Kashanipour, Agent for Permit Holder(s) Troy Kashanipour Architecture 2783K Diamond Street San Francisco, CA 94131
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BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
NOPA WEST NEIGHBORS, _____)
Appellant(s))
vs.)
DEPARTMENT OF BUILDING INSPECTION, _____)
PLANNING DEPARTMENT APPROVAL Respondent

Appeal No. **24-049**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on August 22, 2024, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on August 7, 2024 to Green Grove SF LLC, of a Site Permit (Building 3: Erect one-story, no basement, bicycle shed) at 1819 Fulton Street.

APPLICATION NO. 2019/12/24/0615

FOR HEARING ON October 30, 2024

Address of Appellant(s):

Address of Other Parties:

NOPA West Neighbors, Appellant(s) c/o Brian Kingan, Agent for Appellant(s)	Green Grove SF LLC, Permit Holder(s) c/o Troy Kashanipour, Agent for Permit Holder(s) Troy Kashanipour Architecture 2783K Diamond Street San Francisco, CA 94131
---	--



Date Filed: August 22, 2024

**CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS**

PRELIMINARY STATEMENT FOR APPEAL NO. 24-047

I / We, **NOPA West Neighbors**, hereby appeal the following departmental action: **ISSUANCE** of **Site Permit No. 2019/12/24/0493** by the **Department of Building Inspection** which was issued or became effective on: **August 7, 2024**, to: **Green Grove SF LLC**, for the property located at: **1819-1821 Fulton Street**.

BRIEFING SCHEDULE:

Appellant's Brief is due on or before: 4:30 p.m. on **September 5, 2024, (no later than three Thursdays prior to the hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, corey.teague@sfgov.org, tina.tam@sfgov.org and tk@tkworkshop.com

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **September 19, 2024, (no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be doubled-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, corey.teague@sfgov.org, tina.tam@sfgov.org and kinganb33@gmail.com

Hard copies of the briefs do NOT need to be submitted to the Board Office or to the other parties.

Hearing Date: **Wednesday, September 25, 2024, 5:00 p.m., Room 416 San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place**. The parties may also attend remotely via Zoom. Information for access to the hearing will be provided before the hearing date.

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any changes to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should email all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. to boardofappeals@sfgov.org. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection on the Board's website at www.sfgov.org/boa. You may also request a hard copy of the hearing materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

The reasons for this appeal are as follows:

See attachment to the preliminary Statement of Appeal.

Appellant or Agent:

Signature: Via Email

Print Name: Brian Kingan, agent for appellant

NOPAWN – BOA Appeal Preliminary Statement – Permits 201912240493, 614, 615

We are members of NOPA West Neighbors (“NOPAWN”) and are requesting an appeal of the development project at 1846v Grove Street as unsafe. Three permits (attached) were recently approved without a full assessment of the adequacy of safety measures. The development is for 4 residences in an in-fill lot, which is unique in San Francisco because the only means of access and egress is through a 3.5 ft wide by 100 ft. long alleyway.

This project was reviewed by the Board of Supervisors at its meeting on August 25, 2020. At the meeting, a safety consultant alerted the Board that the residents of the development would be in danger of being trapped in the event of a fire or earthquake due to the narrow egress width (especially when first responders are entering with their equipment). The alleyway does not provide the proper fire resistance rating as required by the 2019 CBC Chapter 10, and the project pre-application approval was based on the outdated and revoked SFFD Admin Bulletin 5.12. Furthermore, the buildings on either side of the alleyway could be damaged and collapse, further restricting passage.

The entry gate will not conform to SFFD’s Access Review Approval, which requires a minimum width of 42 inches with no obstructions. Additionally, the project has manipulated its R-2/R-3 categorizations throughout the process. It does not adhere to the intent of the code.

The BOS unanimously voted to restrict the density of the project to a maximum of 2 units (not 4 units). However, the developers are disregarding the BOS’ CU conditions, first with the fourplex ordinance / density exception, and now through the Constraints Reduction Ordinance (with no consideration of affordable housing), which diminishes public input.

We request that you probe into what we believe are substantial overall safety issues. We recommend that the project should be restricted to a maximum of 2 units.

City and County of
San Francisco

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- Plan Review
- Inspection Services
- Most Requested
- Key Programs
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Welcome to our Permit / Complaint Tracking System!

Permit Details Report

Report Date: 10/25/2024 8:49:27 AM

Application Number: 201912240493

Form Number: 1

Address(es): 1187 / 003H / 0 1819 FULTON ST
1187 / 003H / 0 1821 FULTON ST

Description: BLDG 1. ERECT 2-STORY, NO BASEMENT, 2 DWELLING RESIDENTIAL BLDG.

Cost: \$710,000.00

Occupancy Code: R-3

Building Use: 28 - 2 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
12/24/2019	TRIAGE	
12/24/2019	FILING	
12/24/2019	FILED	
8/7/2024	APPROVED	
8/7/2024	ISSUED	
8/22/2024	SUSPEND	Per BOA Appeal No. 24-047

Contact Details:

Contractor Details:

License Number: 768992

Name: RONAN CONCANNON

Company Name: CONCANNON CONSTRUCTION INC

Address: 71 CLIFFSIDE DRIVE * DALY CITY CA 94015-0000

Phone:

Addenda Details:

Description:

SITE

Station	Rev#	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Review Result	Hold Description
CPB		6/16/23	6/16/23			6/23/23	CHEUNG DEREK		ELECTRONICALLY SUBMITTED OK BY MARK WALLS. SHARING PLANS W/ 201912240614 & 201912240615
CP-ZOC		6/26/23	3/13/24			3/13/24	DITO MATTHEW	Approved	Approved per 2018-011441VAR and DRA-851.
CP-NP		8/2/23	8/2/23	8/2/23		8/10/23	DITO MATTHEW	Administrative	8/2/23: Emailed 311 cover letter - Vlad 8/10/23: Mailed 311 notice 8/21/23; Expires 9/20/23 - Vlad
CP-DR		9/19/23	3/14/24			3/14/24	DITO MATTHEW	Administrative	
BLDG		3/14/24	4/10/24			4/10/24	BARNES	Issued	comments emailed to Troy Kashanipour 3 permit applications associated with this project 2 R-3 buildinga & 1 U-building,

							JEFF	Comments	waiting for response. see 201912240493 & 201912240615, 201912240614 in BB session 892-559-923
BLDG	1	6/12/24	6/13/24			6/13/24	BARNES JEFF	Issued Comments	BB meeting W/AOR Troy
BLDG	2	7/16/24	7/16/24			7/26/24	OSPITAL JOSEPH	Approved	
PAD-STR		6/14/24	7/17/24			7/17/24	OSPITAL JOSEPH	Administrative	N/A
SFFD		3/14/24	4/29/24			4/29/24	HOM CLARENCE	Issued Comments	Assigned to Hom bb 4/29/24. LP COMMENTS ISSUED IN BB...PRV...STATUS UPDATED TO WAITING
SFFD	1	6/12/24	7/19/24			7/19/24	HOM CLARENCE	Approved	APPROVED...PRV...NO INSP FEES...CLARENCE.HOM@SFGOV.ORG
DPW-BSM		3/14/24	3/21/24			3/21/24	DENNIS RASSENDYLL	Approved	3.21.2024 Approve. EPR- No alteration or construction of City Right-of-Way under this permit . -RD
SFPUC		3/14/24	3/29/24			3/29/24	GARCIA JOBEL	Issued Comments	Sent email reminder to Architect/Designer for the requested information and pdfs - 5/21/24. Sent email reminder to Architect/Designer for the requested information and pdfs - 4/17/24. Requested additional information and pdfs from Architect/Designer - 03/29/24.
SFPUC	1	5/24/24	5/24/24			5/24/24	GARCIA JOBEL	Approved	EPR - Permit has been assessed a Capacity Charge. DBI will collect charges. See Invoice attached to application. - 05/24/24.
DPW-BUF		3/14/24	7/18/24			7/18/24	STACY SARA	Approved-Stipulated	Contractor must have removal permit in place before tree may be removed. Tree is required to be protected until removal permit issued.
CP-ZOC	1	6/12/24	6/13/24			6/13/24	DITO MATTHEW	Approved	re-stamp EPR
CP-ZOC	2	6/26/24	6/26/24			6/26/24	DITO MATTHEW	Approved	re-stamp EPR REV2
CP-ZOC	4	7/15/24	7/15/24			7/18/24	DITO MATTHEW	Approved	re-stamp EPR Rev 4
DPW-BSM	1	6/12/24	6/13/24			6/13/24	DENNIS RASSENDYLL	Approved	Approve. EPR- No alteration or construction of City Right-of-Way under this permit . -RD
DPW-BSM		7/15/24	7/15/24			7/15/24	DENNIS RASSENDYLL	Approved	Approve. EPR- No alteration or construction of City Right-of-Way under this permit . -RD
SFPUC	1	6/12/24	6/21/24			6/21/24	GARCIA JOBEL	Approved	RESTAMP - EPR - Permit has been assessed a Capacity Charge. DBI will collect charges. See Invoice attached to application. - 06/21/24.
SFPUC		7/12/24	7/12/24			7/12/24	GARCIA JOBEL	Approved	RESTAMP - EPR - Permit has been assessed a Capacity Charge. DBI will collect charges. See Invoice attached to application. - 07/12/24.
DFCU		7/22/24	7/22/24			7/22/24	BLACKSHEAR JOHN	Administrative	7/22/24: Planning added child care fee on this permit. The fee will be collected at addenda 1 issuance. The DFCU will need to be in the addenda 1 routing to check if this fee can be reduced by 33% per Ordinance 187-23.
PPC		6/23/23	6/26/23			7/29/24	LUA NATALIE	Administrative	07/29/24 08:28 AM Invite sent to CPB to close out permit; NL 7/22/2024: Follow up email sent to BLDG and SFFD to provide approval stamp on permit application forms (3 permits);nl 7/17/2024: Update approval date stamp on permit application forms for Planning, BLDG and BUF to match PTS and drawing. SFFD to end date on PTS;nl 6/12/24: Invite sent to plan reviewers to review and stamp REV1 drawing (W/201912240614 & 201912240615); HP 3/14/2024: Invite sent to BLDG, SFFD, BSM, PUC, BUF to start electronic plan review (W/201912240614 & 201912240615);nl 6/26/23: Invite sent to applicant to join BB session; HP 6/26/23: Bluebeam session

									created, invite sent to CP-ZOC to start electronic plan review (W/201912240614 & 201912240615); HP
CPB		7/29/24	7/30/24			8/7/24	CHEUNG DEREK	Administrative	8/7/24: issued to contractor on bluebeam. applicant picking up big placard -dc 08/02/2024 SFUSD FEES APPLIED TO ISSUANCE S.C 07/30/2024 SFUSD FEES SENT FOR CALCULATION NOT READY TO BE ISSUED S.C 7/30/24: SCHOOL FEE FORM TO SFUSD FOR CALCULATION. -DC 7/22/2024: Include the DFCV in the addenda 1 routing.

This permit has been issued. For information pertaining to this permit, please call 628-652-3450.

Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
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Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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[Online Permit and Complaint Tracking](#) home page.

Technical Support for Online Services

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Date Filed: August 22, 2024

**CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS**

PRELIMINARY STATEMENT FOR APPEAL NO. 24-048

I / We, **NOPA West Neighbors**, hereby appeal the following departmental action: **ISSUANCE** of **Site Permit No. 2019/12/24/0614** by the **Department of Building Inspection** which was issued or became effective on: **August 7, 2024**, to: **Green Grove SF LLC**, for the property located at: **1823-1825 Fulton Street**.

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Appellant or Agent:

Signature: Via Email

Print Name: Brian Kingan, agent for appellant

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This project was reviewed by the Board of Supervisors at its meeting on August 25, 2020. At the meeting, a safety consultant alerted the Board that the residents of the development would be in danger of being trapped in the event of a fire or earthquake due to the narrow egress width (especially when first responders are entering with their equipment). The alleyway does not provide the proper fire resistance rating as required by the 2019 CBC Chapter 10, and the project pre-application approval was based on the outdated and revoked SFFD Admin Bulletin 5.12. Furthermore, the buildings on either side of the alleyway could be damaged and collapse, further restricting passage.

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The BOS unanimously voted to restrict the density of the project to a maximum of 2 units (not 4 units). However, the developers are disregarding the BOS’ CU conditions, first with the fourplex ordinance / density exception, and now through the Constraints Reduction Ordinance (with no consideration of affordable housing), which diminishes public input.

We request that you probe into what we believe are substantial overall safety issues. We recommend that the project should be restricted to a maximum of 2 units.

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Permit Details Report

Report Date: 10/25/2024 8:48:46 AM

Application Number: 201912240614
 Form Number: 1

Address(es): 1187 / 003H / 0 1823 FULTON ST
 1187 / 003H / 0 1825 FULTON ST

Description: BLDG 2. ERECT 2-STORY, NO BASEMENT, 2 DWELLING RESIDENTIAL BLDG.
 Cost: \$895,600.00
 Occupancy Code: R-3
 Building Use: 28 - 2 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
12/24/2019	TRIAGE	
12/24/2019	FILING	
12/24/2019	FILED	
8/7/2024	APPROVED	
8/7/2024	ISSUED	
8/22/2024	SUSPEND	Per BOA Appeal No. 24-048

Contact Details:

Contractor Details:

License Number: 768992
 Name: RONAN CONCANNON
 Company Name: CONCANNON CONSTRUCTION INC
 Address: 71 CLIFFSIDE DRIVE * DALY CITY CA 94015-0000
 Phone:

Addenda Details:

Description:
SITE

Station	Rev#	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Review Result	Hold Description
CPB		6/16/23	6/16/23			6/23/23	CHEUNG DEREK		ELECTRONICALLY SUBMITTED OK BY MARK WALLS. SHARE PLANS W/ 201912240493 & 201912240615
CP-ZOC		6/26/23	3/13/24			3/13/24	DITO MATTHEW	Approved	Approved per 2018-011441VAR and DRA-851.
CP-NP		8/2/23	8/2/23	8/2/23		8/10/23	DITO MATTHEW	Administrative	8/2/23: Emailed 311 cover letter - Vlad 8/10/23: Mailed 311 notice 8/21/23; Expires 9/20/23 - Vlad
BLDG		3/14/24	4/10/24			4/10/24	BARNES JEFF	Issued Comments	comments emailed to Troy Kashanipour 3 permit applications associated with this project 2 R-3 buildinga & 1 U-building, waiting for response. see 201912240493 & 201912240615, 201912240614 in BB

									session 892-559-923
BLDG	1	6/12/24	6/13/24			6/13/24	BARNES JEFF	Issued Comments	BB meeting W/aor Troy
BLDG	2	7/16/24	7/16/24			7/26/24	OSPITAL JOSEPH	Approved	
SFFD		3/14/24	4/29/24			4/29/24	HOM CLARENCE	Issued Comments	COMMENTS ISSUED IN BB...PRV...STATUS UPDATED TO WAITING Assigned to Hom bb 4/29/24. LP
SFFD	1	6/12/24	7/19/24			7/19/24	HOM CLARENCE	Approved	APPROVED...PRV...COMMENTS ADDRESSED...NO INSP FEES...CLARENCE.HOM@SFGOV.ORG
DPW-BSM		3/14/24	3/21/24			3/21/24	DENNIS RASSENDYLL	Approved	3.21.2024 Approve. EPR- No alteration or construction of City Right-of-Way under this permit . -RD
DPW-BUF		3/14/24	7/18/24			7/18/24	STACY SARA	Approved-Stipulated	Tree requires removal permit; contractor must protect street tree until tree removal permit is issued.
SFPUC		3/14/24	3/29/24			3/29/24	GARCIA JOBEL	Issued Comments	Requested additional information and pdfs from Architect/Designer - 03/29/24.
SFPUC	1	6/12/24	6/21/24			6/21/24	GARCIA JOBEL	Approved	REESTAMP - EPR - Capacity Charge not applicable. No change in meter size, not enough fixtures added to warrant a larger meter. - 06/21/24.
SFPUC		7/12/24	7/12/24			7/12/24	GARCIA JOBEL	Approved	REESTAMP - EPR - Capacity Charge not applicable. No change in meter size, not enough fixtures added to warrant a larger meter. - 07/12/24.
CP-ZOC	1	6/12/24	6/13/24			6/13/24	DITO MATTHEW	Approved	re-stamp EPR
CP-ZOC	2	6/26/24	6/26/24			6/26/24	DITO MATTHEW	Approved	re-stamp EPR REV2
CP-ZOC	4	7/15/24	7/15/24			7/18/24	DITO MATTHEW	Approved	re-stamp EPR Rev 4
DPW-BSM	1	6/12/24	6/13/24			6/13/24	DENNIS RASSENDYLL	Approved	Approve. EPR- No alteration or construction of City Right-of-Way under this permit . -RD
DPW-BSM		7/15/24	7/15/24			7/15/24	DENNIS RASSENDYLL	Approved	Approve. EPR- No alteration or construction of City Right-of-Way under this permit . -RD
DFCU		7/22/24	7/22/24			7/22/24	BLACKSHEAR JOHN	Administrative	7/22/24: Planning entered a Child Care impact fee on this permit. The fee will be collected at addenda 1 issuance. The DFCU will need to be in the addenda 1 routing to check if this fee can be reduced by 33% per Ordinance 187-23.
PPC		6/23/23	6/26/23			7/29/24	LUA NATALIE	Administrative	07/29/24 08:29 AM Invite sent to CPB to close out permit; NL 7/22/2024: Follow up email sent to BLDG and SFFD to provide approval stamp on permit application forms (3 permits);nl 7/17/2024: Update approval date stamp on permit application forms for Planning, BLDG and BUF to match PTS and drawing. SFFD to end date on PTS;nl 6/12/24: Invite sent to plan reviewers to review and stamp REV1 drawing (W/201912240493 & 201912240615); HP 3/14/2024: Invite sent to BLDG, SFFD, BSM, BUF and PUC to start electronic plan review (W/201912240493 & 201912240615);nl 6/26/23: Invite sent to applicant to join BB session; HP 6/26/23: Bluebeam session created, invite sent to CP-ZOC to start electronic plan review (W/201912240493 & 201912240615); HP
CPB		7/29/24	7/30/24			8/7/24	CHEUNG DEREK	Administrative	8/7/24: issued to contractor on bluebeam. applicant picking up big placard -dc 08/02/2024 SFUSD FEES APPLIED TO ISSUANCE S.C 07/30/2024 SFUSD FEES SENT FOR CALCULATION NOT READY TO BE ISSUED S.C 7/30/24: SCHOOL FEE FORM TO SFUSD FOR CALCULATION. -DC 7/22/24: Include the DFCU in the addenda 1 routing.

This permit has been issued. For information pertaining to this permit, please call 628-652-3450.

Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
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Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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For information, or to schedule an inspection, call 628-652-3400 between 8:30 am and 3:00 pm.

[Online Permit and Complaint Tracking](#) home page.

Technical Support for Online Services

If you need help or have a question about this service, please visit our [FAQ area](#).



Date Filed: August 22, 2024

**CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS**

PRELIMINARY STATEMENT FOR APPEAL NO. 24-049

I / We, **NOPA West Neighbors**, hereby appeal the following departmental action: **ISSUANCE** of **Site Permit No. 2019/12/24/0615** by the **Department of Building Inspection** which was issued or became effective on: **August 7, 2024**, to: **Green Grove SF LLC**, for the property located at: **1819 Fulton Street**.

BRIEFING SCHEDULE:

Appellant's Brief is due on or before: 4:30 p.m. on **September 5, 2024, (no later than three Thursdays prior to the hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, corey.teague@sfgov.org, tina.tam@sfgov.org and tk@tkworkshop.com

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **September 19, 2024, (no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be doubled-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, corey.teague@sfgov.org, tina.tam@sfgov.org and kinganb33@gmail.com

Hard copies of the briefs do NOT need to be submitted to the Board Office or to the other parties.

Hearing Date: **Wednesday, September 25, 2024, 5:00 p.m., Room 416 San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place**. The parties may also attend remotely via Zoom. Information for access to the hearing will be provided before the hearing date.

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any changes to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should email all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. to boardofappeals@sfgov.org. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection on the Board's website at www.sfgov.org/boa. You may also request a hard copy of the hearing materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

The reasons for this appeal are as follows:

See attachment to the preliminary Statement of Appeal.

Appellant or Agent:

Signature: Via Email

Print Name: Brian Kingan, agent for appellant

NOPAWN – BOA Appeal Preliminary Statement – Permits 201912240493, 614, 615

We are members of NOPA West Neighbors (“NOPAWN”) and are requesting an appeal of the development project at 1846v Grove Street as unsafe. Three permits (attached) were recently approved without a full assessment of the adequacy of safety measures. The development is for 4 residences in an in-fill lot, which is unique in San Francisco because the only means of access and egress is through a 3.5 ft wide by 100 ft. long alleyway.

This project was reviewed by the Board of Supervisors at its meeting on August 25, 2020. At the meeting, a safety consultant alerted the Board that the residents of the development would be in danger of being trapped in the event of a fire or earthquake due to the narrow egress width (especially when first responders are entering with their equipment). The alleyway does not provide the proper fire resistance rating as required by the 2019 CBC Chapter 10, and the project pre-application approval was based on the outdated and revoked SFFD Admin Bulletin 5.12. Furthermore, the buildings on either side of the alleyway could be damaged and collapse, further restricting passage.

The entry gate will not conform to SFFD’s Access Review Approval, which requires a minimum width of 42 inches with no obstructions. Additionally, the project has manipulated its R-2/R-3 categorizations throughout the process. It does not adhere to the intent of the code.

The BOS unanimously voted to restrict the density of the project to a maximum of 2 units (not 4 units). However, the developers are disregarding the BOS’ CU conditions, first with the fourplex ordinance / density exception, and now through the Constraints Reduction Ordinance (with no consideration of affordable housing), which diminishes public input.

We request that you probe into what we believe are substantial overall safety issues. We recommend that the project should be restricted to a maximum of 2 units.

City and County of San Francisco

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Welcome to our Permit / Complaint Tracking System!

Permit Details Report

Report Date: 10/25/2024 8:45:50 AM

Application Number: 201912240615
 Form Number: 1
 Address(es): 1187 / 003H / 0 1819 FULTON ST
 Description: BLDG 3. ERECT 1-STORY, NO BASEMENT, BICYCLE SHED.
 Cost: \$40,500.00
 Occupancy Code: U
 Building Use: 61 - STORAGE SHED

Disposition / Stage:

Action Date	Stage	Comments
12/24/2019	TRIAGE	
12/24/2019	FILING	
12/24/2019	FILED	
8/7/2024	APPROVED	
8/7/2024	ISSUED	
8/22/2024	SUSPEND	Per BOA Appeal No. 24-049

Contact Details:

Contractor Details:

License Number: 768992
 Name: RONAN CONCANNON
 Company Name: CONCANNON CONSTRUCTION INC
 Address: 71 CLIFFSIDE DRIVE * DALY CITY CA 94015-0000
 Phone:

Addenda Details:

Description:

SITE

Station	Rev#	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Review Result	Hold Description
CPB		6/16/23	6/16/23			6/23/23	CHEUNG DEREK		ELECTRONICALLY SUBMITTED OK BY MARK WALLS. SHARE PLANS W/ 201912240493 & 201912240614
CP-ZOC		6/26/23	3/13/24			3/13/24	DITO MATTHEW	Approved	Approved per 2018-011441VAR and DRA-851.
CP-NP		8/2/23	8/2/23	8/2/23		8/10/23	DITO MATTHEW	Administrative	8/2/23: Emailed 311 cover letter - Vlad 8/10/23: Mailed 311 notice 8/21/23; Expires 9/20/23 - Vlad
BLDG		3/14/24	4/10/24			4/10/24	BARNES JEFF	Issued Comments	comments emailed to Troy Kashanipour 3 permit applications associated with this project 2 R-3 buildinga & 1 U-building, waiting for response. see 201912240493 & 201912240615, 201912240614 in BB session 892-559-923

BLDG	1	6/12/24	6/13/24			6/13/24	BARNES JEFF	Issued Comments	BB meeting w/AOR Troy
BLDG	2	6/25/24	6/25/24			6/25/24	BARNES JEFF	Approved	approved ib BB session
BLDG		7/16/24	7/16/24			7/26/24	OSPITAL JOSEPH	Approved	
SFFD		3/14/24	4/29/24			4/29/24	HOM CLARENCE	Issued Comments	COMMENTS ISSUED IN BB...PRV...STATUS UPDATED TO WAITING Assigned to Hom bb 4/29/24. LP
SFFD	1	6/12/24	7/19/24			7/19/24	HOM CLARENCE	Approved	APPROVED...PRV...COMMENTS ADDRESSED...NO INSP FEES...CLARENCE.HOM@SFGOV.ORG
DPW-BSM		3/14/24	3/21/24			3/21/24	DENNIS RASSENDYLL	Approved	3.21.2024 Approve. EPR- No alteration or construction of City Right-of-Way under this permit . -RD
DPW-BUF		3/14/24	5/28/24			5/28/24	STACY SARA	Approved-Stipulated	Existing tree must be protected until removal permit issued to fine recipient or permit applicant. Contractor must have removal permit in place before tree may be removed. Linear frontage is only 42" and fire dept requests removal of tree for access. No 806(d) tree requirement.
DPW-BUF		7/18/24	7/18/24			7/18/24	STACY SARA	Approved-Stipulated	Existing tree must be protected until removal permit issued to fine recipient or permit applicant. Contractor must have removal permit in place before tree may be removed. Linear frontage is only 42" and fire dept requests removal of tree for access. No 806(d) tree requirement.
SFPUC		3/14/24	3/29/24			3/29/24	GARCIA JOBEL	Issued Comments	Requested additional information and pdfs from Architect/Designer - 03/29/24.
SFPUC	1	6/12/24	6/21/24			6/21/24	GARCIA JOBEL	Approved	EPR - N/A, Addendum, reviewed at site permit with no capacity charge. -06/21/24.
SFPUC		7/12/24	7/12/24			7/12/24	GARCIA JOBEL	Approved	RE stamps - EPR - N/A, Addendum, reviewed at site permit with no capacity charge. -07/12/24.
CP-ZOC	1	6/12/24	6/13/24			6/13/24	DITO MATTHEW	Approved	re-stamp EPR
CP-ZOC	2	6/26/24	6/26/24			6/26/24	DITO MATTHEW	Approved	re-stamp EPR REV2
CP-ZOC	4	7/15/24	7/15/24			7/18/24	DITO MATTHEW	Approved	re-stamp EPR Rev 4
DPW-BSM	1	6/12/24	6/13/24			6/13/24	DENNIS RASSENDYLL	Approved	Approve. EPR- No alteration or construction of City Right-of-Way under this permit . -RD
DPW-BSM		7/15/24	7/15/24			7/15/24	DENNIS RASSENDYLL	Approved	Approve. EPR- No alteration or construction of City Right-of-Way under this permit . -RD
DFCU		7/22/24	7/22/24			7/22/24	BLACKSHEAR JOHN	Administrative	7/22/24: Planning entered a Child Care impact fee on this permit. The fee will be collected at addenda 1 issuance. The DFCU will need to be in the addenda 1 routing to check if this fee can be reduced by 33% per Ordinance 187-23.
PPC		6/23/23	6/26/23			7/29/24	LUA NATALIE	Administrative	07/29/24 08:29 AM Invite sent to CPB to close out permit; NL 7/22/2024: Follow up email sent to BLDG and SFFD to provide approval stamp on permit application forms (3 permits);nl 7/17/2024: Update approval date stamp on permit application forms for Planning, BLDG and BUF to match PTS and drawing. SFFD to end date on PTS;nl 6/12/24: Invite sent to plan reviewers to review and stamp REV1 drawing (W/201912240614 & 201912240493); HP 3/14/2024: Invite sent to BLDG, SFFD, BSM, BUF, PUC to start electronic plan review with (W/201912240493 & 201912240614);nl 6/26/23: Invite sent to applicant to join BB session; HP 6/26/23: Bluebeam session created, invite sent to CP-ZOC to start electronic plan review (W/201912240493 & 201912240614); HP
									8/7/24: issued to contractor on bluebeam.

CPB		7/29/24	7/30/24			8/7/24	CHEUNG DEREK	Administrative	applicant picking up big placard -dc 07/30/2024 SFUSD FEES SENT FOR CALCULATION NOT READY TO BE ISSUED S.C 7/30/24: SCHOOL FEE FORM TO SFUSD FOR CALCULATION. -DC 7/22/2024: Include the DFCU in the addenda 1 routing.
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This permit has been issued. For information pertaining to this permit, please call 628-652-3450.

Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
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Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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For information, or to schedule an inspection, call 628-652-3400 between 8:30 am and 3:00 pm.

[Online Permit and Complaint Tracking](#) home page.

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BRIEF SUBMITTED BY THE APPELLANT(S)

APPEAL BRIEF

CITY AND COUNTY OF SAN FRANCISCO

BOARD OF APPEALS

APPEAL NO. 24-047, 24-048, 24-049
Protest Appeal

SUBMITTED BY NOPAWN

October 10, 2024

EXECUTIVE SUMMARY

In the recent history of San Francisco, the lot at 1819-1825 Fulton Street (previously referred to as 1846 Grove Street) has been subject of many attempts to develop it at lower occupancy density, constrained by the number of variances required and the lot's unique nature in that a narrow utility alley is the sole means of access and egress.

This latest version of the 1819-1825 Fulton St development project ("Project"), to build 4 residences, has benefited from 5 variances and from favorable zoning and occupancy classifications. The Appellant is concerned that these variances and classifications may not be consistent with the San Francisco Charter and the San Francisco Planning Code in spirit and intent. Further, these variances and classifications may have increased the Project's safety risks.

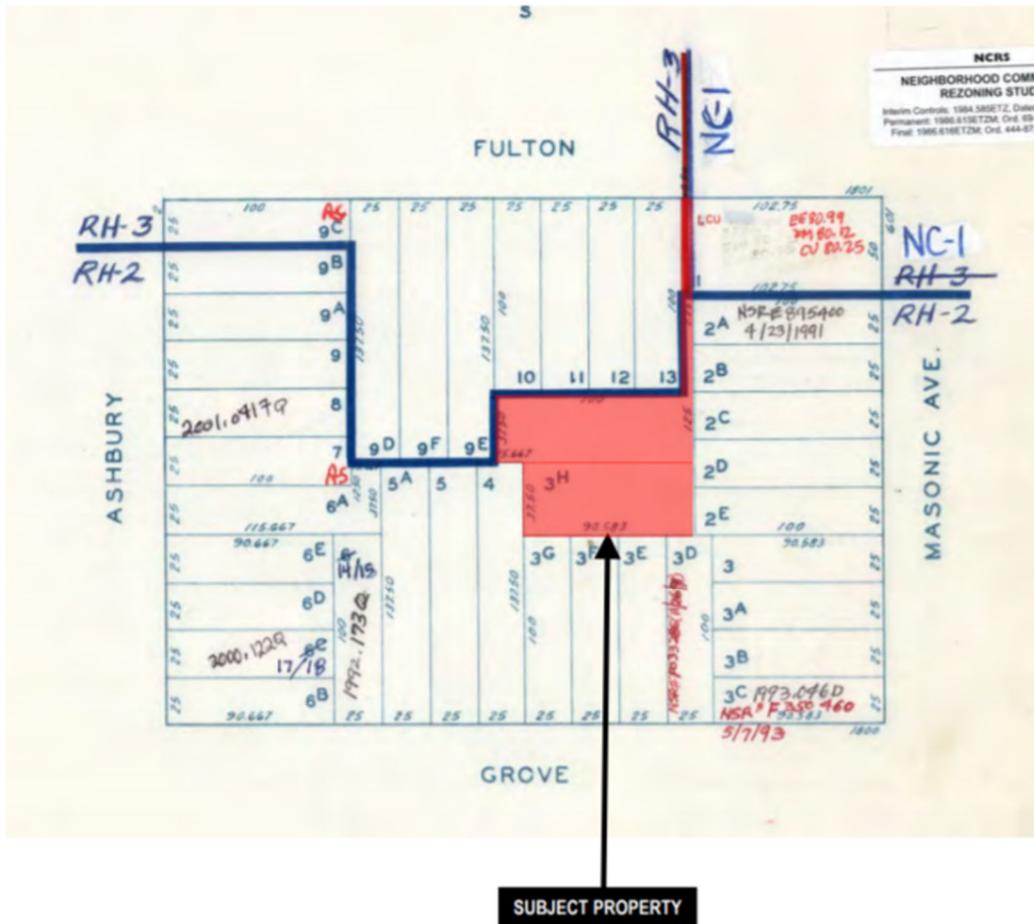
The Board of Supervisors deemed the Project unsafe and imposed a Conditional Use restricting the number of units in the Project to 2 with a maximum occupancy of 16 people. However, the developers are disregarding these CU conditions, first with the fourplex/density exception ordinance, and now through the Constraints Reduction Ordinance, which diminishes public input. These attempts are made without addressing the safety issues considered by the Board of Supervisors.

The appeal to the Board of Appeals is to assess the appropriateness of variances and classifications, to revoke the permits issued, and to limit the Project to 2 units.

OVERVIEW OF THE PROJECT

The Project is a four-unit residential complex with no affordable units nor units reserved for teachers, nurses, first responders or others on whom the City of San Francisco depends. It is located in an infill lot on Block 1187:

Parcel Map



Please note that the only means of access/egress is through a narrow utility easement alley shown in red on the top right corner of the diagram. Except for the utility alley, which has buildings abutting it on both sides, the lot is entirely enclosed by other homes.

Please also note that this lot encompasses two different zoning classifications. The major portion of the lot, where all the residential units would be located, lies in the area classified as RH-2 below or South of the heavy line in the picture above. The utility alley lies in the area classified as RH-3, above the line.

There have been multiple attempts to develop this lot which have not come to fruition because of the variances needed and the safety concerns. (See Exhibit A – letter regarding a 2005 development proposal at a lower occupation density than the current Project.)

LOT ZONING RH-2/RH-3

The Appellant believes that the designation of the lot as RH-3 is an important step in the approval process and the safety requirements of the Project. The Appellant questions the rationale behind the designation. The granting of variances (Section 209.1, one of the five variances granted) is made by the Zoning Administrator. The City Charter (Section 4.105) requires that “the Zoning Administrator has the power to grant only those variances that are consistent with the general purpose and the intent of the Planning Code. The power to grant a variance shall be applied only when the plain and literal interpretation and enforcement of the Code would ‘result in practical difficulties, unnecessary hardships or where the results would be inconsistent with the general purpose of the [code]’.” (Source: https://sfplanning.org/sites/default/files/forms/VAR_SupplementalApplication.pdf.)

The Appellant questions whether this variance, perhaps critical to the Project and to the safety of its residents, guests and neighbors, was granted in accordance with the intent and the

spirit of the Charter and the Planning Code. It also questions whether there is adequate transparency on the reasoning in the granting of this variance.

OCCUPANCY DESIGNATION R-2/R-3

The developers are treating the Project as R-3 occupancy which may be incorrect. The San Francisco Building Code Section 310.4 defines a Residential Group R-3 as, among other things, “Buildings that do not contain more than two dwelling units.” Section 310.3 defines “Residential Group R-2 occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including apartment houses...” It should be clear that the lower occupancies are classified as R-3 and the higher occupancies as R-2. The use of the word “buildings” in the definition of R-3 assumes and applies to projects with one building per lot, and not to multiple buildings on one lot. To apply Section 310.4 definition to multiple buildings on a single lot would erase any distinction between the R-2 and R-3 designations. In addition, the units in the Project are similar to an apartment house. The Appellant believes the Project is more properly classified as having R-2 occupancy.

The occupancy classification of the Project determines many of the requirements for the construction, one of which is the San Francisco Fire Department’s access requirements. At a meeting to discuss the Fire Department’s pre-application approval conducted with the District Supervisor, the NOPAWN co-presidents and with the Fire Marshall on the telephone, the Fire Marshall clarified that the approval was based on the R-3 designation. He clarified that if the designation were R-2, there would be “major issues.”

The Marshall further clarified that the Fire Department's sign-off did not signify that it deemed that the construction was safe. In approving the request, it was merely discharging its ministerial duty in accordance with classifications and ratings that other agencies may ascribe. Different codes have different requirements so with a designation of R-2, if correct, the Project could well not receive the Fire Department's sign-off.

SFFD ACCESS REQUIREMENTS

Access and egress to a project are governed by the regulations in Chapter 10 of the California Building Code. Based on the California Building Code, the utility alley does not meet the definition of an egress court, which is essentially how the Project intends to use the utility alley. The Code defines an egress court as "A court or yard which provides access to a public way [Fulton Street, in the Project's case] for one or more exits." California Building Code Section 1028.2 states that when the width of the egress court is less than 10 ft wide, the walls shall have a fire resistance rating of one hour for a distance (height) of ten feet above the floor of the egress court. The two buildings on the sides of the utility alley appear to be Type V-B construction and are not fire rated. The owners of one of those two buildings indicated that their siding is not fire-rated and that they are not willing to alter their exposing walls.

In addition, California Building Code Section 1028.4.1 requires that the minimum width of an exit court shall be 36 inches for R-3 or 42 inches for any other occupancy code, including an R-2 code. This is the minimum clear opening. The Appellant questions whether the width of the utility alley width can accommodate a gate which satisfies either requirement for an opening once side posts to hold the gate are erected and hinges are installed.

SAFETY OF THE PROJECT

While infill lot developments are not uncommon in San Francisco, this lot is unique because of its means of access and egress. The utility alley was not intended to be used as a means of access/egress, let alone the sole means. The alley measures 3.5 ft at the point where it discharges onto Fulton Street. Entering from Fulton, the first 50 ft is 3.5ft. wide. (See photos below.) It then widens to 6.25 ft for another 50 ft. The total length of the alley is 100 ft before it reaches the part of the lot where all the residential units will be located.

TOP VIEW OF FIRST 50 FT. OF UTILITY ALLEY



VIEW OF UTILITY ALLEY FROM FULTON STREET



Two people cannot pass each other in the utility alley at a normal stride due to the narrow width. The photo below shows two people standing at the gate of the alley. It can be seen that the shoulder of the person standing on the right side of the photo extends beyond the width of the utility alley.

TWO PEOPLE STANDING AT GATE OF UTILITY ALLEY



This raises concerns for the safety of the Project’s residents, their guests and their neighbors. In the event of a fire or an earthquake, residents and guests will be fleeing from danger through the utility alley. At the same time, first responders will be attempting to gain access through the same means, most likely carrying their equipment, such as ladders, gurneys, etc. It is not unlikely that mobility-challenged people with crutches or on wheelchairs will be among the Project’s residents and guests.

There is also the possibility that the buildings on either side of the utility alley may be partially or totally damaged in the event of fire or earthquake. A partial or complete collapse is not out of the question. In such an event, the residents and guests of the Project may be trapped with no means of egress.

Although the developer will state that the Project will be constructed with fire-resistant materials and a sprinkler system, the neighbors' wooden houses (most of which were built in the early 1900's) and their fences certainly are not.

The increased frequency of atmospheric rivers in recent years poses a newly identified risk. The lot is located on a steep hill sloping down from Ashbury St to Masonic Ave. With a less permeable field and more buildings and concrete, there is a higher likelihood of flooding. We question if the City code governing drainage is keeping pace with climate change. In fact, during the atmospheric rivers of January 2023, one of the fences bordering the alley partially collapsed, leaving the egress essentially impassable.

In 2020, 220 people signed a petition in opposition to the prior version of the Project. (See Exhibit B.) At that time, the Haight-Ashbury Neighborhood Council ("HANC") wrote a letter expressing, among other concerns, the safety of the project then submitted. (See Exhibit C.)

BOARD OF SUPERVISORS' DETERMINATION

The developers had submitted a previous version of the Project which reached the Board of Supervisors in 2020 in substantially the same format – four residential units. At the BOS meeting of September 29, 2020, a safety consultant (see Exhibit D) testified that the risk of

people being trapped in the Project is significant, in the event of an earthquake, fire or other disaster.

The Appellant is concerned that while different agencies of the City have discharged their ministerial obligations, no entity has evaluated the overall safety of the Project at its currently proposed occupancy level, as the Board of Supervisors had in 2020. The Appellant further believes that the Project continues to be unsafe due to the narrow width of the utility alley used as the sole means of access and egress to accommodate a large number of occupants.

The Board of Supervisors limited the development to two units with a maximum occupancy of 16 people on the Project lot. This Conditional Use was imposed for “the health and safety of persons living at the Project and nearby.” (See Exhibit E.)

This latest submission by the developers appears to be an attempt to get around the Conditional Use imposed by the Board of Supervisors. It has the same occupancy density as the one submitted to the Board without any significant improvements in safety.

APPEAL

The Project has benefitted from variances and classifications that merit closer analyses. These variances and classifications may not be in accordance with the spirit of the San Francisco Planning Code or of the San Francisco Charter. They may well increase the risks to the safety of residents, guests and neighbors of the Project. In the unfortunate event of a fire, earthquake or other natural disaster, the City’s residents and visitors would be imperiled. The approval and construction of this Project entails risks that should be assessed globally. It is not sufficient to

ministerially approve each component of the Project based on variances and classifications granted and made by other agencies.

The appeal is to (a) more closely examine the appropriateness of the classification of the Project as RH-3 through the granting of the Section 209.1 variance and the occupancy classification of R-3; (b) revoke the issuance of the permits; and (c) assess the overall safety for the Project and limit the Project to 2 units, which the Board of Supervisors deemed to be safe.

The Project, if constructed as proposed currently, dangerously sacrifices safety and places significant risk of purse, life and limb to the City and its residents.

EXHIBITS

Exhibit Table of Contents

A. Letter Regarding Pre-Application Meeting from 2005	Electronic pages 16 -17
B. Petition Signed by 230 People Opposing Development 2020	19 - 33
C. Letter to BOS From Haight Ashbury Neighborhood Council 2020	35 – 37
D. Safet Consultant’s Opinion Letter	39 – 43
E. Board of Supervisors Adoption of Findings	45 - 48

Exhibit A

Letter Regarding Pre-Application Meeting In 2005

Rejecting a Proposed Development on the Lot of Lower Occupancy Density

Following is a copy of a Pre-Application Meeting letter pertaining to 1846 Grove Street from the Department of Building Inspection dated 11/30/05. It was to prior owners and/or architects of the flag lot who were considering a development and ultimately decided against it.

According to DBI's findings at the time:

- "Project is limited to (2) two story buildings with a maximum height of 20 feet."
- "The total cumulative occupant load for both of the buildings shall not exceed nine (9) persons."
- "The combined floor area of both buildings shall not exceed 2700 square feet."

The plans for the current project have a combined floor area of 4785 total square feet (3201 first story-only square feet).

For the current project, the occupant load is listed as 24 in the plans.



DEPARTMENT OF BUILDING INSPECTION

City and County of San Francisco

1660 Mission Street, 2nd Floor, San Francisco, California 94103-2414

Pre-Application Meeting

Date: 11/30/05

Property Address: 1846 Grove St.

Block No: 1187 **Lot No:** 03H

PROPOSED CHARACTERISTICS

Type of Construction: N/A

Occupancy Classification: N/A

Stories / Basements: vacant lot

ATTENDEES

Applicant:

David Teeters, Architect
1427 Paru Street
Alameda, CA 94501

Department of Building Inspection:

Tony Grieco, DBI
Gerald Zari, SFFD

PROPOSED WORK:

Construct (2) two family dwellings on a lot with only one 3.5 foot wide yard to access the Public Way.

FINDINGS: Dwellings may be built on the subject property provided the following conditions and limitations are complied with:

1. Project is limited to (2) two story buildings with a maximum height of 20 feet.
2. The occupancy is limited to R.3 two family dwellings.
3. The total cumulative occupant load for both of the buildings shall not exceed nine (9) persons.
4. The combined floor area of both buildings shall not exceed 2700 square feet.
5. A continuous illuminated exit path of travel shall be provided for 3.5 foot wide yard leading to the Public Way.
6. Fire Department standpipes shall be installed in locations approved by the SFFD.
7. The buildings shall be provided with an automatic fire extinguishing system.
8. Plans shall clearly detail the limitations listed above.

This decision is not to be used as a precedent since it is intended to apply only to this particular situation. **Please copy this letter onto the cover sheet of each plan set submittal.**

Please be advised that this response is based upon the accuracy and completeness of information supplied by you or your representative to the Department of Building Inspection.

Sincerely,

Tony Grieco, Senior Building Inspector
Residential Plan Check Division
415-558-6198

Lt. William Mitchell
San Francisco Fire Department

Exhibit B

Petition Signed by 220 People Concerned About Project Safety in 2020

San Francisco Board of Supervisors,

220 people have signed a petition on Action Network telling you to We oppose the landlocked lot construction project at Fulton and Masonic.

Here is the petition they signed:

Dear Supervisors,

We oppose the landlocked lot construction project at 1846 Grove Street and ask the Board to disapprove this proposal.

The project site has one narrow 3.5-foot-wide breezeway as its only entrance and exit. Building four units at this site will lead to an unsafe situation for occupants and responding emergency personnel in the event of an emergency such as a fire. We ask that you enforce the applicable building and fire codes and deny this project's conditional use application.

Your Name

You can view each petition signer and the comments they left you below.

Thank you,

Malinda Tuazon

1. Yuko Juma (ZIP code: CA94536)

2. Pat Forbeck (ZIP code: 94117)

I am deeply concerned about the safety of this project. 4 units in such a congested space, with only a narrow corridor for access to the street -through which fire crews will also need access to fight any incident - seems a recipe for disaster. Since fire crews would be delayed getting to any incident at this building as a result of the problematic access, the numerous abutting buildings (and lives of those residents) would also be put at risk. Please reconsider this unsafe proposal.

3. M Davignon (ZIP code: 94117)

I oppose this project

4. Abbie Chen (ZIP code: 94602)

5. Abigail Kingan (ZIP code: 94117)

I oppose this infill project. I am a resident of this block. This project is too dense and unsafe. The space is zoned for 2 units and the developer will not consider two units.

6. Anne Lakota (ZIP code: 94949)

7. Anita Lofton (ZIP code: 94114)

I oppose this construction.

8. Alyssandra Wu (ZIP code: 94132)

9. Anne Megan McCarthy (ZIP code: 94117)

10. Amelia Holst (ZIP code: 94117)

this is not safe

11. amie Dowling (ZIP code: 94410)

12. Amy Weiss (ZIP code: 94110)

13. Amy Somers (ZIP code: 93923)

Please leave this space green and beautiful __

14. Colleen Anderson (ZIP code: 94122)

To: San Francisco Board of Supervisors

From: [Your Name]

Dear Supervisors,

We oppose the landlocked lot construction project at 1846 Grove Street and ask the Board to disapprove this proposal.

The project site has one narrow 3.5-foot-wide breezeway as its only entrance and exit. Building four units at this site will lead to an unsafe situation for occupants and responding emergency personnel in the event of an emergency such as a fire. We ask that you enforce the applicable building and fire codes and deny this project's conditional use application.

Sincerely,

Colleen Anderson

15. Angela Zhao (ZIP code: 94107)

16. Anita Lee (ZIP code: 94121)

17. Annarita Scaramozza (ZIP code: 94117)

18. Annick Persinger (ZIP code: 90275)

19. Avery Flasher-Duzgunes (ZIP code: 94941)

20. Ayana Yonesaka (ZIP code: 94118)

21. Basil Ayish (ZIP code: 94117)

I am all for appropriate development in appropriate locations. This proposal fails on both counts.

22. Matthew Langlois (ZIP code: 94117)

Please stop this build.

Our neighborhood and city doesn't need this, especially considering how fast the vacancy rate is rising along with so many newly built luxury apartments sitting empty!

23. emmeline chu (ZIP code: 94116)

opposed to this unsafe development

24. Brandon Daniel (ZIP code: 94114)

25. Silvia Navarro (ZIP code: 94565)

26. Christine Boyle (ZIP code: 94102)

27. Brad Aldridge (ZIP code: 94117)

28. Brandon Keefe (ZIP code: 94117)

I am a neighbor that would be impacted by the lack of fire safety.

29. Brie McFarland (ZIP code: 97206)

Unsafe!

30. Brittany Stonesifer (ZIP code: 94118)

31. Brooke Harris (ZIP code: 95116)

32. Calee Spinney (ZIP code: 94928)

33. Christine Cali (ZIP code: 94117)

not in my backyard!

34. Carolyn Mitsi Hanrahan (ZIP code: 94115)

35. Cat Stevans (ZIP code: 94122)

This proposed project defies all reason and logic. It is the definition of a fire trap.

36. Chelsea Brown (ZIP code: 94605)

37. Catherine Farmer (ZIP code:)

38. Christopher Fortier (ZIP code: 94117)

39. Chelsea Van Billiard (ZIP code: 94131)

40. Chelsea Reichert (ZIP code: 94117)

41. Cherie Daly (ZIP code: 28056)

42. Chloë Zimberg (ZIP code: 94117)

43. Christie Marshall (ZIP code: 94117)

I have written emails to the supervisors to express my opposition to this building project.

44. Christina Kitchen (ZIP code: 90808)

45. Amy Mack (ZIP code: 94116)

Terrible plan!

46. wilson chu (ZIP code: 94116)

don't believe the paid lobby YIMBYs. there are not affordable housing units here. only luxury condos over a million dollars. shame on you for using affordable housing groups to get this approved. when there are no such units being built.

47. Courtney Cavagnero (ZIP code: 97209)

I used to go to school at USF and worked at the Starbucks on that corner. This patch of green is one of my best friend's backyard. Please don't.

48. Cole Keister (ZIP code: 97202)

49. Colleen Ivie (ZIP code: 94117)

50. Craig Rosen (ZIP code: 94117)

I am an owner in the adjacent area and I OPPOSE this construction project.

51. Christopher Green (ZIP code: 87111)

52. Justin Andrews (ZIP code: 94116)

53. Daniel Saucedo (ZIP code: 94703)

This is absurd. With the mass exodus of tech workers happening right now because of Covid, there's absolutely no need to build on every available square inch of land. Shame on you.

54. David Troup (ZIP code: 94114)

This is insane and should not be allowed.

55. David Ahn (ZIP code: 94102)

56. Dana Curtis (*ZIP code: 95210*)

57. Deric Brown (*ZIP code: 94117*)

58. Rachel Tennenbaum (*ZIP code: 94121*)

59. David Rinaldo (*ZIP code: 94117*)

This project is inherently unsafe. Should a fire, earthquake or other disaster block this narrow exit, the residents of this infill development will have no means of egress. I do not believe any building with a single entrance would be permitted.

60. Elayne Wesley (*ZIP code: 94109*)

61. Elaine Robertson (*ZIP code: 94117*)

62. Emily Sellers (*ZIP code: 94118*)

63. Essi Salonen (*ZIP code: 94110*)

64. Farrah McAdam (*ZIP code: 94928*)

65. Rachel Clee (*ZIP code: 94117*)

66. F Yoo (*ZIP code: 94110*)

If you don't want to live with neighbors, move to the suburbs.

67. Geena Cali (*ZIP code: 94117*)

Do not let this happen.

68. Christine Geiser (*ZIP code: 94110*)

69. Emily Navarra (*ZIP code: 60645*)

70. Ginger Daughtry (*ZIP code: 94602*)

71. Meagan Ryall (*ZIP code: 95404*)

72. Goldameir Clemente (*ZIP code: 94928*)

73. Kevin Bard (*ZIP code: 94102*)

74. Gus Hernandez (*ZIP code: 94117*)

75. Grant Keefe (ZIP code: 94117)

I strongly oppose this infill development problem. It would be unsafe for neighborhood and the prospective tenants.

76. Marc Fletcher (ZIP code: 94117)

The street access is so narrow it would be difficult for emergency services to access the proposed housing.

77. Christine Harper (ZIP code: 90042)

78. Hannah Marks (ZIP code: 96150)

79. Heike Rapp (ZIP code: 94117)

Please keep SF safe and don't overbuild. Seems like commercial real estate can be converted to apartments.

80. Helen Robertson (ZIP code: 94903)

Limited access in event of fire

81. Henry Tang (ZIP code: 94117)

This project is unlike any other proposed projects in S.F. It is confined by a narrow 3.5 ft by 50 ft breezeway as the only means of access/egress which renders the proposed development unsafe for its residents and neighbors. If built, it will be a monument to the folly of the current city government.

82. Kim Holt (ZIP code: 94117)

Unsafe. Limited Space and access. Potential hazard especially if tenants need to exit quickly in an emergency.

83. Hiromu Sogi (ZIP code: 95476)

84. Ian Robertson (ZIP code: 94903)

This project should be denied permission. It is dangerously cramped with poor fire services entry.

85. Jeffreyasko Masko (ZIP code: 94117)

The fire dept has said it could handle fires in the back but never said how they would handle an obstructed passage in an emergency. There are too many issues with safety and density to see this as a viable project

86. Jacqueline Burns (ZIP code: 94901)

87. Jasmine Pritchard (ZIP code: 94118)

88. jason chujason chu (ZIP code: 94122)

Neighbors were not properly noticed of meetings regarding the development which is why the developers did not receive feedback. One time meeting location was changed the day before and the

only notice was posted to the gate for the subject property. Plans issued to the planning commission de-emphasize the height and lack of setback given to neighbors. Requests for compromise were scoffed at or ignored. Fire and emergency safety is being ignored with a 3.5 foot wide egress/ingress as the ONLY way to get in or out. The developer should follow the rules and just build two units, not stuff five units (later changed to 4 units but no change in overall use of land space) without consideration of safety for the people who will live in his luxury condo units. He also wants to build all of this with a wheelbarrow and shopping cart (his words at a planning commission meeting) as he can't get heavy machinery into the lot to build. Basically I'd be scared for the new owners. And as for affordable housing ... there is none. Its all going to be million \$ plus luxury condo. With COVID 19, less dense housing saves lives. There is a mass exodus out of cities due to covid 19. The virus has solved the rental price crisis by making people realize its great to live outside of dense cities. Learn from NYC ... dense housing = more viral infections.

89. Jay Keister (*ZIP code: 97461*)

I am Jean Kellogg's brother and have spent many days at her house . I was shocked to hear of this proposal. Any reasonable person would think it crazy to cram such a building into such a small and inaccessible place. The best city in the country can do better.

90. Julie Stiefel Stiefel (*ZIP code: 94115-5315*)

91. Jessica Langlois (*ZIP code: 05255*)

92. Justine Costerouse (*ZIP code: 94114*)

93. Jeff Dewey (*ZIP code: 94117*)

94. Jennifer Latimer (*ZIP code: 94117*)

95. Jennifer Satoh (*ZIP code: 94610*)

96. Jennifer Gamble (*ZIP code: 94061*)

97. Jesse Dunn (*ZIP code: 94117*)

Clearly this is a dangerous and unsafe development project.

98. Jessica Potts (*ZIP code: 94117*)

This project is completely unsafe for current and future neighbors. We need additional housing in San Francisco, but in a safe way.

99. Jennifer Liu (*ZIP code: 94110*)

100. Johnathon Garcia (*ZIP code: 95811*)

101. Jia Rogal (*ZIP code: 94117*)

We're believe this project sets a dangerous precedent for the neighborhood.

102. Jean Kellogg (ZIP code: 94117)

The safety issues with the single very narrow entrance greatly concerns me. If there's a fire or other emergency, only one person can get through those 50 feet at a time. So anyone entering as someone is trying to get out will cause blockage. I'm concerned for all - those living in the project and those living in the buildings surrounding it.

103. John-Mark Ikeda (ZIP code: 94117)

This lot not only provides much needed green space for all residents on our block but adding all those units and residents with only one small 3.5 foot access point that goes back over 100 feet would be a significant safety issue.

The builder has done little to nothing to address concerns of the neighbors which is why almost everyone on our block vocally opposes it.

104. Jodi Sommers (ZIP code: 97461)

I am concerned with fire safety for this development.

105. joey castor (ZIP code: 95403)

106. jonathan chu (ZIP code: 94121)

development for profit ... not for people. safety issues abound from fire to covid-19 spread with this high density housing. no affordable housing component.

107. Jordan Wanderer (ZIP code: 94114)

108. Judi Bolanos (ZIP code: 94070)

109. Julia Daniel (ZIP code: 95073)

110. Julia Warthin (ZIP code: 94901)

As a 3rd generation San Francisco native I know that this development will not benefit our community. We need to build up NOT out.

Julia Warthin

111. Becca Klarin (ZIP code: 94117)

Please do not develop this land as a 4-unit apartment building in a landlocked lot. This plan as proposed, would affect many families and long-term residents on the block.

112. Guy Silvestro (ZIP code: 94117)

113. karen liu (ZIP code: 94122)

ill conceived.

not what san francisco needs.

we need open space, we need affordable housing. we need safe housing. this provides none of that

... only profits for wealthy investors and developers. a developer with a public history of not cooperating with neighbors or the city -- just google his name

114. Karlie Guthrie (*ZIP code: 94114*)

115. Kate Langlois (*ZIP code: 94122*)

116. Katherine Disenhof (*ZIP code: 94401*)

117. Kathryn Jaller (*ZIP code: 94117*)

118. Katrina McHugh (*ZIP code: 94121*)

119. Kam Bacon (*ZIP code: 94103*)

Stop the madness

120. Keith MacGowan (*ZIP code: 94122*)

121. Kenya Sims (*ZIP code: 94619*)

122. Kevin Tang (*ZIP code: 94117*)

123. Brian Kingan (*ZIP code: 94117*)

We're only asking that the investor adhere to the planning and building code rules and be fair.

124. Kirsten VerHaar (*ZIP code: 94123*)

125. Kristen Daley (*ZIP code: 94952*)

126. Kris Jensen (*ZIP code: 78702*)

127. Kristin Tieche (*ZIP code: 94117*)

I live on Fulton and I oppose this development scheme.

128. Laura Carmany (*ZIP code: 94117*)

I oppose this construction . It is a fire hazard for one but also creates a hyper density of buildings which is not healthy or necessary for both those that abut the property but for the entire neighborhood.

129. Laura Malchow-Hay (*ZIP code: 94610*)

130. Lauren Monheim (*ZIP code: 94619*)

131. Lauren Rosenfield (ZIP code: 94609)

132. michael leeder (ZIP code: 94117)

133. Leigh Riley (ZIP code: 94114)

134. Linda Ordonio-Dixon (ZIP code: 94510)

This really is unsafe for the surrounding homes. Please don't approve this.

135. Damien Ivan (ZIP code: 94103)

This is absurd

136. Evaristo Sandoval (ZIP code: 94110)

137. Larry O'Loane (ZIP code: 99901)

I am familiar with this property and can not think of a less suitable use than the proposed development.

138. Purvi Sahu (ZIP code: 94115)

139. Malinda Tuazon (ZIP code: 94117)

140. Margaret Ohrn (ZIP code: 01950)

141. Marian Ivan (ZIP code: 94117-1225)

This project is inappropriate for the site.

142. Marina Solomon (ZIP code: 94118)

143. Marshall Woodward (ZIP code: 04102)

144. Matt Bissinger (ZIP code: 94117)

We don't want to lose our open space!

145. Maxine Raphael (ZIP code: 94118)

146. Maria Doglio (ZIP code: 05775)

This is a lovely open space. Better made into a park and community gardens for residents is a wiser use of the property. Hope you have success in blocking the apartment development.

147. Melissa Clark (ZIP code: 95945)

148. Meg Tuazon Shemai (ZIP code: 87122)

Don't build these properties!

149. Meg Gray (*ZIP code: 94117*)

150. Meegan Hertensteiner (*ZIP code: 94103*)

151. Michelle Nardella (*ZIP code: 94102*)

152. Mike Andrews (*ZIP code: 94118*)

153. Mirba Estrellas (*ZIP code: 94117*)

154. Harmony Jupiter (*ZIP code: 90046*)

I grew up right near here. Too many construction projects ruin the experience of neighbors. Please don't do this!!!

155. Mathew Mitchell (*ZIP code: 94117*)

156. Maya Lujan (*ZIP code: 78736*)

157. Monica Schlaug (*ZIP code: 90026*)

158. Monique Fong (*ZIP code: 94117*)

159. Michelle Dobrow (*ZIP code: 94127*)

160. Michelle Ciccarello (*ZIP code: 94131*)

161. Nadia Muwafi (*ZIP code: 94127*)

162. Naomi Oppenheim (*ZIP code: 94014*)

163. Nathalie Khankan (*ZIP code: 94117*)

It is the wrong project in the wrong place.

164. Nina Sawant (*ZIP code: 94601*)

165. Sophia T (*ZIP code: 94118*)

166. Natalie Greene (*ZIP code: 94134*)

167. Nina Haft (*ZIP code: 94611*)

Green space is vital to human survival!

168. Oona Wong-Danders (*ZIP code: 94609*)

169. Ozzie Rohm (ZIP code: 94114)

170. Pedro Vidal (ZIP code: 94102)

171. Paul Grayson (ZIP code: 94117)

172. Pauline Canteneur (ZIP code: 94110)

173. Patrick Kelly (ZIP code: 91001)

It's dangerous. It takes away valuable green space it should be illegal.

174. Phyllis Moir (ZIP code: 94127)

175. Emily Davis (ZIP code: 97405)

176. Donovan Plant (ZIP code: 94109)

177. Phoenicia Pettyjohn (ZIP code: 94115)

178. Shailesh Phansalkar (ZIP code: 94117)

179. Priya Talreja (ZIP code: 94043)

We live in an earthquake/fire hazard environment to start with and a place like this does not seem appropriate in this type of environment.

180. Alyce Kalmar (ZIP code: 94110)

Do you remember Ghostship?? This is a terrible idea.

181. Kimberley (ZIP code: 94928)

182. Richard Kay (ZIP code: 94117)

I can't believe that Planning would permit a project like this -- it seems so unsafe. I wonder if down the road, if there's ever an emergency such as a quake, with zero access for emergency vehicles, could the City be held liable for permitting this development.

183. Rose Allen (ZIP code: 94611)

184. Mark D'Avignon (ZIP code: 94117)

I oppose this project.

185. pota perimenis (ZIP code: 94117)

Opposed!! This lot is virtually landlocked and is not in keeping with San Francisco planning provisions. It should have been parceled as part of people's back yards long ago, like other similar lots. Having a 3.5 foot wide access to the street makes it a safety hazard to be avoided, not an

opportunity to build on.

186. Margaret Rothschild (ZIP code: 94705)

187. Sally Spalding (ZIP code: 95247)

188. Sara George (ZIP code: 94103)

189. Sara McNulty (ZIP code: 94114)

190. Sara O'Hearn (ZIP code: 94103)

191. Seth Schoenfeld (ZIP code: 94118)

This is the wrong place for a project like this and will dramatically reduce the quality of life not only for the tenants and property owners already loving there but for the new occupants, as well. I oppose this project strenuously.

192. renee curran (ZIP code: 94122)

193. Victor Valdiviezo (ZIP code: 94115)

194. Suzanne Gelber Rinaldo (ZIP code: 94117)

We strongly protest this poorly located development that does nothing to address fire and safety and egress concerns and in fact poses an unacceptable hazard to existing dwellings.

195. sheil Harman (ZIP code: 94044)

Please, control the push for fancy is better housing.

196. Susan Prion (ZIP code: 94117-1216)

197. Shannon Bolt (ZIP code: 94110)

198. Rhonda Smith (ZIP code: 94134)

199. Spike Wray kirk (ZIP code: 47401)

200. Sonya Lowe (ZIP code: 94597)

201. Anjelica Martinez (ZIP code: 92069)

202. Jesse Bie (ZIP code: 94114)

203. Ben Stefonik (ZIP code: 94117)

204. Stephanie Bourne (ZIP code: 94110)

PLEASE respect the safety and uniqueness that makes our SF neighborhoods unique and liveable

205. Suzanne Glynne (ZIP code: 94117)

206. Christine Wilkin (ZIP code: 89434)

207. Sherri Morris (ZIP code: 94121)

How would any emergency service easily access a multi-unit building with 3'-6" of frontage space? Alone, the further congestion at an already congested corner should be enough to squash this plan.

208. Thomas Ballard (ZIP code: 94115)

209. Claire Shoun (ZIP code: 94102)

210. Tom murphy (ZIP code: 94109)

follow your own rules

211. Tom Greenberg (ZIP code: 94709)

Safety should be a primary concern

Accessibility and safety!

There is no compromise, please do not allow this to move forward!

212. Tony Moir (ZIP code: 94127)

213. Thea Patterson (ZIP code: 94577)

214. Valencia Herrera (ZIP code: 94124)

215. Jenna Valez (ZIP code: 94109)

216. Vincent Pietromartire (ZIP code: 94115)

This plan was wrong when I first heard about last year. In the current (Covid-19) era we are now in this plan makes even less sense. the Safety/ emergency response issues are numerous and far outweigh the gain of 4 additional units .

217. William Dice (ZIP code: 94117)

I oppose the landlocked lot construction project at Fulton and Masonic. This neighborhood is dense enough without shoving buildings into my neighbor's back yard

218. Lisa Awbrey (ZIP code: 94117)

I live within 2 blocks of the site. I have walked through the property. Endangering hundreds of neighbors by developing a landlocked parcel is completely irresponsible. The sole access point to the back lot is a narrow 3.5 foot wide alley, the only way in or out. Building multiple units on a back lot with a single way in and out violates fire and safety codes.

219. Whitney Boomer (*ZIP code: 76209*)

220. Zuhra St. Denny (*ZIP code: 94117*)

Exhibit C

Haight-Ashbury Neighborhood Council Letter to Board of Supervisors in 2020
Expressing Concern for Safety of Development

From: [Jaime](#)
To: [BOS Legislation, \(BOS\)](#)
Subject: Public Comment Letter: 1846 Grove Street (CUA No. 2018-011441CUAVAR)
Date: Sunday, September 27, 2020 7:37:48 AM
Attachments: [HANCitr.NOPAWNAppeal.1846GroveSt.09.26.20.pages](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To Whom It May Concern,

Please accept the attached comment letter for distribution to the BOS for the meeting of Sept. 29, 2020. Thank you.

Jaime Michaels

September 27, 2020

TO: **San Francisco Board of Supervisors**
c/o Lisa Lew
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

FR: Haight Ashbury Neighborhood Council
Jaime Michaels, Member-at-Large
board@hanc-sf.org

RE: **1846 Grove Street (Conditional Use Authorization No. 2018-011441CUAVAR)
Consideration of NOPA West Neighbors' Appeals**

These comments are provided on behalf of the Haight Ashbury Neighborhood Council (HANC) in support of two appeals submitted by NOPA West Neighbors (NOPAWN) regarding the Conditional Use Authorization (No. 2018-011441CUAVAR) issued by the Planning Commission on April 9, 2020 for the development of four single-family residences (and amenities) at 1846 Grove Street, an undeveloped rear flag-lot located within the HANC boundaries of concern.

We understand that both appeals—one regarding the Categorical Exemption and the second for the Conditional Use Authorization—are scheduled for consideration by the Board of Supervisors at the September 29, 2020 meeting and are based on the following general issues:

1. **Appropriateness of Categorical Exemption:** Under CEQA, development defined as “categorically exempt” and, thus not subject to full environmental review, include “Class 3” projects. Such projects involve the construction of “limited numbers of new, small facilities or structures” as well as a limited number of structures with some exceptions including “[i]n urbanized areas, up to three single-family residences” or “[a] duplex or similar multi-family residential structure totally no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes, and similar structures designed for not more than six dwelling units.”

NOPAWN believes that the subject project involving the construction of four single family residences at the lot does not meet CEQA’s definition of “categorically-exempt” and, thus, is appealing the Planning Commission’s determination. HANC agrees with NOPAWN as it appears that the CEQA standards for categorical exemptions were intended for projects of limited scope, size, and type—far more limited than the project planned for 1846 Grove St. Therefore, it appears that further environmental review of potential project impacts (e.g., traffic) and mitigation measures are warranted prior to permit issuance.

2. **Project-Specific Issues.** NOPAWN has identified issues regarding the Conditional Use Authorization, which are the basis of the second appeal and include:

RH-2 Zoning District. The area of the property where development would occur is zoned RH-2, i.e., for two-family residences. The proposed project involves the construction of four individual homes (and associated amenities) and, hence, conflicts with the existing zoning designation.

Resident Safety: A 50-foot-long section of the ingress/egress corridor between the developed residential area and Fulton Street measures 3.5 feet (42 inches) in width. According to the project sponsor, in the event of a fire, earthquake or other emergency, residents are expected to shelter-in-place. It is, however, entirely possible that they would instead attempt to escape from their homes along a 3.5-foot-wide corridor which also happens to be the area where emergency workers are expected to access the site.

The project sponsor consulted a retired marshal of the San Francisco Fire Department (SFFD), and the SFFD issued a pre-application approval based on materials not yet fully sanctioned by other agencies. The approval process to date has been based on certain assumptions and does not mean the fire department has deemed the project “safe”. While the conditional use authorization provides some relief *after* construction if further evaluation is found necessary, it appears that resident as well as neighbor safety has not yet been sufficiently evaluated or addressed.

Precedent: If a permit is ultimately issued for the proposed project without further evaluation or environmental review, an undesirable precedent could be set in authorizing future residential development. For example, such projects could: be routinely allowed to exceed zoning restrictions on number of residential units; neglect to include critical emergency safety features and procedures; and ignore environmental impacts and necessary measures to mitigate.

HANC agrees with NOPAWN on these issues and supports a Board of Supervisor action to further evaluate, address, or mitigate remaining issues of concern about the project prior to the issuance of a final permit.

Thank you for considering HANC’s comments in support of NOPAWN’s appeals. We look forward to hearing the outcome of your meeting on September 29, 2020.

Exhibit D

Safety Consultant Opinion Letter



July 15, 2020

NOPA West Neighbors (NOPAWN)
C/O Brian Kingan
627 Masonic Ave,
San Francisco, CA, 94117

Subject: Planned Development
1846 Grove Street, San Francisco, CA
Fire Protection Opinion Letter

This opinion letter has been prepared at the request of NOPAWN to evaluate the fire safety of the proposed means of egress from the planned location of the development.

Opinion Summary

Based upon a review of the 2019 California Building and Fire Codes, with City of San Francisco Amendments, the proposed means of egress from the new proposed construction to the public way does not meet code requirements for egress and presents an unsafe condition to the occupants of those new buildings.

My Background

I graduated from the College of Engineering, Department of Fire Protection Engineering, at the University of Maryland in 1974 with a B.S. in Fire Protection Engineering. In 1991 I graduated from Seattle University with an MBA. From 1970 to 1978 I was a volunteer fire fighter/EMT-A with the Prince George's County Fire Department (suburban Washington DC) operating from College Park Station 12 (f/f, EMT, 1970-1978), and West Lanham Hills Station 48 (EMT, 1975-1978). During the later years with those stations, I was also a certified CPR instructor.

I began my career as a fire protection engineer in 1974. Since that time, I was employed in that position by the US Navy, The Boeing Company, The University of Washington, Raychem Corporation and two different consulting firms. In 2000 I started ESH Consultants, a fire protection engineering consulting firm. Some of my major clients included Genentech Corporation, DSA Oakland Regional Office, DSA Sacramento Office, Safeway Corporation, the City of Mountain View Community Development Department (Building Department) and City of Sunnyvale Department of Public Safety.

With the exception of Genentech, the work for DSA and the cities involved plan review for compliance with the California Building and Fire Codes as well as local regulations and ordinances. In that role I was responsible to verify (and approve) designs met the construction and life safety requirements of the codes. This involved new construction and tenant improvement projects for Assembly, Business, Commercial, Educational, Institutional, Residential and Storage occupancies. Since 2014, for the City of Mountain View, I provided over 1,000 hours of plan review each year, reviewing 45-85 projects per month.

In 1980 I received my PE registration in the State of Oregon, and later in Washington and California. Currently I maintain my PE registration in California and have retired the other registrations as I no longer provided engineering services in those states. I have been a professional member of the International Code Council, the National Fire Protection Association, and have been an officer in two chapters of the Society of Fire Protection Engineers. Since 2001 I have been a member of the NORCAL Fire Prevention Officers, a Division of the California Fire Chiefs.

Project Description

The plans submitted to the San Francisco Planning Department are not clear as to whether the project is four individual buildings or one building with four dwelling units. To be considered as separate buildings, each property needs its own APN designation, and the utilities for each unit shall not be installed in a manner where they pass through another dwelling unit or cross property lines. Thus, all utilities to each unit shall enter the unit directly from the outside of each building. From discussions with members of NOPAWN, the four buildings are located on a single lot. Thus, with adjacent common walls, this should be considered as a four dwelling within a single building, thus, R-2 per the California Building Code.

Based upon the reviewed documentation, it appears the developer is calling these an R-3 Occupancy. Based upon the above information, that designation is incorrect and the correct Occupancy is R-2. These four properties are landlocked with the only access to the public way via a utility easement alley between two existing R-3 residential buildings.

Codes applied to this opinion letter are from the 2019 California Building Code Chapters 5, 6, 7 and 10, as well as the 2019 California Fire Code Chapter 10. San Francisco Fire Department Administrative Bulletins (2020) and San Francisco published modifications to the California Building and Fire Codes were reviewed on line on July 5. This review indicated there were no specific San Francisco modifications to the codes that involved egress from the R-3 structures.

Documents provided by NOPAWN to ESH Consultants were those provided during planning hearings and as submitted by the project architect. Those documents indicate that the existing utility easement (alley) would be the acceptable means of egress for the occupants and an acceptable means of ingress for the fire department and other emergency personnel. The first 50 feet of the easement (in the direction of egress) is six feet wide (+/-) and then reduces to three feet six inches (42 inches) wide for the remaining 50 foot of travel to the street. There are no other means of ingress/egress for the project site.

Applying The Codes

It is important to understand that the codes currently applied do not apply to any existing construction unless the buildings will be remodeled, renovated, or modified in size as noted in the San Francisco codes. As a result, one cannot infer that if the design was acceptable for the existing buildings, at the time of construction, then it should be acceptable for all new construction. The newer codes have requirements that exceed code requirements at the time of construction of the existing buildings.

The following comment from the developer's fire protection expert, taken from the transcript of the 4/9/2020 Planning Committee Video Conference, does not provide a valid reason for not meeting the current codes. *"For the general public that's listening, and the commissioners, the buildings in san francisco are not unique. We have buildings that are four stories, wood frame construction, no sprinkler system, one way in, one way out. They're throughout the city, and the fire department deals with them on a regular basis."* Using that logic, new high-rise buildings in San Francisco would not need to be built with

sprinklers, smoke control, standpipes etc., as the city has existing high-rise buildings built before the code changes and those are “dealt with” by the fire department. Such rationale does not apply to any situation of new construction. New construction has to meet or exceed the current code minimum requirements even if all the other buildings in the area do not meet current code. Current code is not retroactively applied to existing construction except as noted above.

Nowhere in the California Building and Fire Codes, nor in any of the guide codes presented by the International Code Council or the National Fire Protection Association, does it state that construction is exempt from meeting the codes based upon the approval of the fire department.

The codes do allow for the application of an Alternative Materials and Methods Request (AMMR) Section 104.11 of the California Building Code. This request must show the alternative meets or exceeds the code requirements by the use of research reports, tests and supporting data. This request must be approved by the building official. This code section does not indicate approval by the fire department; however, they may provide input as to whether they believe the alternative does or does not meet the code intent.

Per Section 104.9 of the California Fire Code, the fire official can approve the AMMR. Typically, the fire code official would be involved with changes to required fire protection devices and systems, whereas the building official would be involved with changes to building construction and egress issues. In many jurisdictions, since the construction permit is a building permit, the AMMR approval is by the building official. The documentation provided to the Planning Commission does not include an AMMR, only a letter of Conditions of Approval, by the San Francisco Fire Department Fire Prevention Bureau,

Please note that California Building Code and California Fire Code Chapter 10 are similar and the fire code version is based upon the building code version.

Code Definitions (CBC Chapter 2)

*Egress Court – “A court or yard which provides access **to a public way** for one or more exits”.*

*Exit – “That portion of a means of egress system between the exit access and the exit discharge or **public way**. Exit components include exterior exit doors at the level of exit discharge, interior exit stairways and ramps, exit passageways, exterior exit stairways and ramps and horizontal exits”.*

*Exit Discharge – “That portion of a means of egress system between the termination of an **exit and a public way**”.*

*Public Way – “A street, **alley or other parcel of land open to the outside air leading to a street, that has been deeded, dedicated or otherwise permanently appropriated to the public for public use and which has a clear width and height of not less than 10 feet (3048 mm)**”.*

The Code

As the issue being debated involves egress from the new buildings, this section is based upon Chapter 10 of the California Building Code. Other code sections may be references as needed; however, a full review of the plans versus Chapters 5, 6, 7 and 9 sections that do not apply to the egress situation has not been made. The disparities between the proposed development and Chapter 10 should be sufficient to demonstrate that the buildings are nonconforming and unsafe.

Former SFFD Administrative Bulletin 5.12 (2010) allowed the use of a minimum 36-inch alley access to buildings with no apparatus access to any side of the buildings. As of a few previous code cycles, SFFD AB 5.12 no longer exists and is indicated on the SFFD website as a reserved AB number. As a result, this allowance no longer exists and cannot be applied to this project.

Based upon the California Building Code **the alley does not meet the definition of an egress court; however, the proposed use is similar and the egress court section could be applied to the alley.** California Building Code Section 1028.4.2 states that when the width of the egress court is less than 10 feet wide, the walls shall have a fire resistance rating of one hour for a distance (height) of ten feet above the floor of the egress court. The two buildings on the sides of the alley appear to be Type V-B construction and are not fire rated. The owner of one of those two buildings indicated they are not willing to change their exposing walls to one-hour fire resistive construction.

If we look at the existing two buildings that form the alley, they do not meet current code nor do they need to meet current code as there is no proposed construction modifications to those buildings. Both buildings are assumed to be Type V-B combustible construction. The building code requires a fire resistance rating based upon the construction type, occupancy group and distance from the property line (or imaginary property line when more than one building occupies the same property).

Table 602 of the California Building Code, footnote "i" does not require an exterior wall fire resistance rating, for Type II-B or Type V-B construction, if the fire separation distance is five or more feet, or three feet or more if the building has a California Fire Code Section 903.3 fire sprinkler system. The proposed construction is Type III-B. Even if the construction were upgraded to Type II-B, it does not appear that either of the two buildings forming the alley have a sprinkler system and the distance between the buildings would need to be a minimum of 10 feet to meet the exception the required fire resistance rated construction requirement (similar to an Egress Court).

The current design was probably acceptable when these two buildings were built but would not be acceptable for new construction today without the exterior walls being a one-hour rating on each building. Additionally, California Building Code Table 705.8, does not allow any unprotected openings, in non-sprinklered buildings with less than a 10-foot separation (5 feet of fire separation distance from each building for a total of 10 feet). There are some unprotected openings on the second floor of one of the buildings. Thus, even if not considered as an egress court, the alley does not meet code.

Section 1022.1 of the California Building Code indicates that an exit shall not be used for any purpose that interferes with its function as a means of egress. As a result, this alley must be kept clear of any obstructions, either mobile or fixed to the buildings.

Section 1028.4 for Egress Courts requires a minimum exit Section 1028.5 of the California Building Code, "**Access to a public way**" states the exit discharge shall provide a direct and unobstructed access to a public way. No means have been shown to prevent occupants of the new buildings from storing items in the alley, such as bicycles, strollers, planters or other obstructive items. The code does allow an exception to an obstructive access if a safe dispersal area of 5 sq ft per person is provided. The safe dispersal area must be at least 50 feet away from the building requiring egress, and marked as to its purpose. It is not apparent from the plans that the use of a safe dispersal area has been proposed or can be used based upon the project land size and building locations.

Opinion and Comments

It is the opinion of ESH Consultants that the proposed method of using an alley as a means of egress to the public way from **the proposed buildings does not meet the requirements nor the intentions of the California Building or Fire Codes.** This will lead to an unsafe situation for both the occupants and responding emergency personnel. SFFD AB 5.12 (2010) which would have allowed the use of a minimum 3-foot-wide access alley has not been in existence since 2013, and has

been deleted from the currently enforced administrative bulletins. **The use of the alley, in this fashion, just because it has been done before, does not make it acceptable or code compliant.**

The Fire Prevention Bureau of the San Francisco Fire Department issued a Conditions of Approval letter to allow the use of the alley based upon a minimum, unobstructed width of 42 inches. This will require the door opening (gate) to be a minimum of 42 inches. It is possible that with a 42-inch-wide alley, when one factors in the two gate frame sides and hinges, the door will not meet the 42-inch minimum opening. The owners of the property on one side of the alley are not willing to allow parts of the gate to be installed on their property. Egress is under the jurisdiction of the Building Department and there is no evidence from the SFFD letter to indicate where the alley meets code requirements or why the code requirements have been waived.

The use of the unprotected alley is a fire/life safety issue. Should there be a fire in either of the buildings adjacent to the ingress/egress alley, it will not be possible for the occupants of the new construction to exit to the public way. The occupants would be trapped. After such a fire, if the alley were not passable, the occupants would not be able to egress from or gain access to their residences. This same condition would exist for emergency responders. These conditions would require individuals to access an unsafe alley if they wanted to leave the area or gain access to the area.

Prepared by: Elliot L. Gittleman, FPE, MBA
CA PE FP1341



Expires 09/30/2020

Exhibit E

Board of Supervisors' Adoption of Findings Related to Conditional Use Authorization

1846 Grove Street/1819-1821 Fulton St

1 [Adoption of Findings Related to Conditional Use Authorization - 1846 Grove Street]

2
3 **Motion adopting findings in support of the Board of Supervisors’ disapproval of**
4 **Planning Commission Motion No. 20681, approving a Conditional Use Authorization,**
5 **identified as Planning Case No. 2018-011441CUA, for a proposed project at 1846 Grove**
6 **Street, and the Board’s approval of a Conditional Use Authorization for the same**
7 **Planning Case and property with different conditions; adopting findings of consistency**
8 **with the General Plan, and the eight priority policies of Planning Code, Section 101.1;**
9 **and affirming the Planning Department’s determination under the California**
10 **Environmental Quality Act.**

11
12 WHEREAS, The project (“Project”) would involve the construction of four two-story
13 single-family dwelling units on a vacant lot within an RH-2 (Residential, house - Two Family)
14 and RH-3 (Residential House - Three Family) Zoning District and a 40-X Height and Bulk
15 District; and

16 WHEREAS, On April 9, 2020, the Planning Commission found that the Project is
17 consistent with the General Plan, and the eight priority policy findings of the Planning Code,
18 Section 101.1, for the reasons set forth in Planning Commission Resolution No. 20681, and
19 approved Conditional Use Authorization No. 2018-011441CUA, to allow the construction of
20 four single family homes; and

21 WHEREAS, On November 21, 2019, the Planning Department determined that the
22 Project is categorically exempt from further environmental review; and

23 WHEREAS, On May 11, 2020, Meg Gray and Malinda Steven Kai Tuazon and other
24 property owners affected by the proposed conditional use (“Appellants”) filed a timely appeal
25 protesting the approval of the Conditional Use Authorization by the Planning Commission; and

1 WHEREAS, On September 29, 2020, this Board held a duly noticed public hearing to
2 consider the appeal; and

3 WHEREAS, At the September 29, 2020 hearing, the Board heard extensive testimony
4 about the Project, including information about the project site, which is a “flag lot” that has a
5 50-foot long, 3.5-foot wide breezeway as its sole means of ingress and egress, both during
6 and after construction; and

7 WHEREAS, The project, as approved by the Planning Commission, would allow the
8 construction of four dwelling units in an RH-2 Zoning District where typically only two dwelling
9 units are principally permitted; and

10 WHEREAS, In the event of a fire, earthquake, or other adverse event, residents of the
11 dwelling units and their guests would be required to exit through the narrow breezeway, at the
12 same time that first responders would be required to enter through same; and

13 WHEREAS, Wheelchair users and individuals with mobility impairments would find
14 egress impracticable, and could be at extremely high risk during an emergency; and

15 WHEREAS, Following the conclusion of the public hearing on September 29, 2020, the
16 Board voted to conditionally disapprove the decision of the Planning Commission and to
17 approve the requested Conditional Use Authorization with the following conditions, subject to
18 adoption of written findings by the Board, as reflected in Board of Supervisors Motion No. 20-
19 136: 1) those conditions imposed by the Planning Commission in Planning Commission
20 Motion No. 20681; 2) a limit of two dwelling units on the lot; and 3) a maximum occupancy of
21 16 people; and

22 WHEREAS, In deciding the appeal, the Board considered the entire written record
23 before the Board and all the presentations and public comments made in support of an in
24 opposition to the appeals; and

25

1 WHEREAS, The written record and oral testimony in support of and opposed to the
2 appeal and deliberation of the oral and written testimony at the public hearing before the
3 Board of Supervisors by all parties and the public in support of and opposed to the appeal is
4 in the Clerk of the Board of Supervisors' File No. 200750, and is incorporated in this motion as
5 though set forth in its entirety; now, therefore, be it

6 MOVED, That the Board finds that with the conditions imposed by the Board at the
7 September 29, 2020 hearing, the Project is necessary or desirable for, and compatible with,
8 the neighborhood and the community; and, be it

9 FURTHER MOVED, That the Board finds that the conditions imposed by the Board of
10 Supervisors in Motion No. 20-136 will reduce the size and intensity of the project so that the
11 project is not detrimental to the health and safety of persons living at the Project and nearby,
12 given the significant safety risks presented by the narrow path of ingress and egress, and will
13 prevent adverse impacts by reducing the risk that residents, neighbors, and first responders
14 will be unable to enter and/or exit the lot safely during an emergency; and, be it

15 FURTHER MOVED, That these conditions are consistent with and supported by the
16 Planning Commission's findings of consistency with the General Plan, and Planning Code,
17 Section 101.1, and the Board hereby incorporate these findings and adopts them as its own;
18 and, be it

19 FURTHER MOVED, That on September 29, 2020, this Board affirmed the
20 Planning Department's determination of exemption from further review under CEQA, which
21 affirmation is on file with the Clerk of the Board of Supervisors in File No. 200747 and is
22 incorporated herein by reference.

23
24
25



City and County of San Francisco

Tails

Motion: M20-165

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 201231

Date Passed: November 03, 2020

Motion adopting findings in support of the Board of Supervisors' disapproval of Planning Commission Motion No. 20681, approving a Conditional Use Authorization, identified as Planning Case No. 2018-011441CUA, for a proposed project at 1846 Grove Street, and the Board's approval of a Conditional Use Authorization for the same Planning Case and property with different conditions; adopting findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and affirming the Planning Department's determination under the California Environmental Quality Act.

November 03, 2020 Board of Supervisors - APPROVED

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

File No. 201231

I hereby certify that the foregoing Motion was APPROVED on 11/3/2020 by the Board of Supervisors of the City and County of San Francisco.

A handwritten signature in blue ink, appearing to read "Angela Calvillo".

Angela Calvillo
Clerk of the Board

PERMIT HOLDER'S BRIEF

The Appellant Brief to the Board of Appeals contains factual errors and misrepresentations. They seek to create confusion about the codes under which the project was reviewed and approved. They seek to undermine the Board's confidence in the San Francisco Planning Department, Fire Department, and the Department of Building Inspection to implement their guidelines. The Appellants request that you enforce standards not imposed on other parcels in the city. They invite the Board to stop the construction of new homes on this oversized parcel through self-serving interpretations.

They attempt to deprive us, as the permit holders, of a substantial property right by denying a duly issued permit that followed an appropriate process over a multiyear period. They call for the Board to overturn permits that implement conditions of approval by city agencies and departments. They seek to overturn a Site Permit based on the issuance of variances by the Zoning Administrator. This is requested years after the issuance of these Variances, well beyond the 10-day period in which they could have been appealed to this Board.

Throughout the process, we have sought guidance and determinations at every step from city departments based on legally established procedures. We arrived at a design based on binding determinations from DBI and Fire. These determinations implement the highest standards of safety on this parcel with conditions imposed that are greater than those imposed upon other homes.

This brief will be divided into Three Sections.

Section 1 will discuss the parcel itself, the design for the project, and how it is consistent with the General Plan. It will summarize the project as reviewed before the Planning Commission and will provide an overview of the homes designed for this site. This section will elaborate on the process after

the Approval, then the Reversal of the Conditional Use Authorization, and then the Approval of the project at Discretionary Review.

Section 2 will outline the code basis for approval by the Fire Department and the Department of Building Inspection. This section will be a direct rebuttal of the statements asserted by the Appellants through the plain language of the code.

Section 3 will address the argument that approval is based on a “loophole.” The Appellants argue that two duplexes equal a four-unit apartment building. I will demonstrate why this is not true. In this section, I will substantiate our rights to due process. It will elaborate on the effect of a reduction in the size and number of homes and the adverse impact that would have.

As a quasi-judicial body, the Board of Appeals endeavors to provide an efficient, fair, and expeditious decision-making process as an impartial panel at the last step in the City's permit issuance process. We request that the board be fact-based. We request that the Board fully explore the assertions of both parties based on the code, reliable testimony, and from departmental experts.

As the Permit Applicant, we did not get to write the codes and regulations for our purposes. From the very beginning, we took the necessary steps to ensure that the project presented met the code. The Appellants should not be able to write the codes based on their self-serving interests.

Section 1: Background Information and Previous Consideration

Pre-application reviews: After purchase, the Project Owners went through project review meetings with the Planning Department Staff, Fire Department, and the Building Department to fully understand the code and life-safety requirements. The Fire Department provided a pre-application review letter that stated their conditions of approval and measures that would need to be incorporated into the project. The Building Department issued a similar letter. These early letters informed decisions about the design and permit applications.

Project Goals:

The Project, as designed, is the result of a careful consideration of the context of the lot in consultation with Departments and with input from neighbors during the pre-application meeting process.

See Exhibit A for three-dimensional views provided to the Planning Commission for Public Hearings.

Recognizing the unique nature of the site, the designer sought to create a project with minimal impact on adjoining parcels. Project goals include the following:

Create a **modest number of homes** on this lot. The lot is larger than three standard city lots.

Zoning allows up to 6 homes on this parcel. The approval was granted for four dwellings.

Create homes that are **minimally impactful** on the surrounding homes.

Create a project that has an **inward focus rather** than an outward one.

- The design places circulation at the center of the parcel for lesser impact than at the exterior of a building centered in the parcel.

- The design creates outdoor space centered among the homes rather than creating a building with outdoor open space facing the rear of adjacent buildings and rear yards.
- The courtyard design **minimizes windows facing adjacent properties'** rear windows.

Create **homes that are low in scale**, largely one story with much smaller 2-story pop-up areas.

Nest structures into the topography.

Minimizing shadow impacts to adjacent properties with smaller volumes set back from property line edges, considering solar orientation.

Create a **Permeable site**.

- **Visually permeable:** a broken up massing, allowing view corridors through the parcel rather than a larger centered massing. Permeable for light and air.
- Site permeability without expanses of concrete allows water to percolate into the water table.

Preserve and **protect the mature coastal live oak present on the site**; Certified Arborist as part of the project team.

Create a **drought-tolerant landscape** and utilize non-native, non-invasive climate-appropriate plants and well-adapted California native plantings that can support pollinator diversity.

Creating an extended landscape of **living roofs** visible from adjacent properties, slowing run-off, reducing the heat island effect, and providing habitat.

Low environmental impact: no gas service, highly efficient electric heat pump systems, low embodied carbon construction.

Create homes with ground-floor bedrooms and bathrooms **suitable for those who have difficulty with stairs**. Family-sized housing with two and 3-bedroom units.

Natural affordability due to the unique nature of the site, smaller homes, minimally sized, modest amenities, and no auto parking.

Create a smaller-scale community of garden homes, with a shared common area as a “village green” around trees and a courtyard. Private spaces are connected and permeable to the common space, allowing interaction between residents and fostering community.

Project Modification: The Project was modified in response to Planning Commission input:

- The revised number of families that can live here is from 5 to 4.
- Reduced two 2-story volumes at the West edge of the Property to 1 story.
- Moved 2nd story volume away from the property line at Unit 3.
- Reduced one-story volume on the East edge of the Property.
- Reduced one-story volume at the South edge of the Property.
- Provide a Planting Screen on the East side of the Property.
- Relocated bin area to the center of the property, minimizing noise.
- Removed the east-facing window on the upper bedroom of Unit 1.
- Agree to provide a Tree Planting and Protection Plan from a certified Arborist.
- Agree to provide low voltage pathway lighting rather than flood lighting.
- Agreed to provide the soft-close device at the gate.
- Agreed to modify windows with potential privacy impact to the neighbor. Any smaller bathroom window facing neighbors directly will be frosted glass.
- Agreed to have a pre-construction meeting with interested neighbors with contractor, coordinated timeline in advance of construction.

The Planning Commission Decision:

The unanimous Approval by the Planning Commission is consistent with the Direction of the General Plan in the following ways:

- It **increases housing stock by maximizing density** where appropriate and in conformance with the General Plan.
- The project landscape **aligns with the San Francisco Biodiversity Plan** adopted by the Board of Supervisors.
- Provides housing that **promotes alternative transportation** in an area with easy access to public transportation, walking distance from neighborhood-serving retail and services, and ample bicycle parking.
- Promote sustainability through sensitive infill housing, creating opportunities for people to live and work in San Francisco rather than promoting commuting and suburban sprawl.
- It is consistent with the general Plan object of creating certainty in the development entitlement process by providing clear community parameters for development and consistent application of regulations.
- The preface of the Housing Element of the General Plan states that "*law requires a local government plan for their existing and projected housing need, by providing opportunities for housing development, rather than constraining opportunities.*" The project creates housing in a way that is sensitive to the context. It creates housing that is efficiently sized and appropriate to families and individuals with a range of ages and needs, preserving the diversity of the community.

- The Environmental Protection Section of the General Plan states that *"In highly urban San Francisco, environmental protection is not primarily a process of shielding untouched areas from the initial encroachment of a man-made environment. The scales already are and will continue to be balanced toward the side of developmentThe challenge in San Francisco is to achieve a more sensitive balance, repairing damage already done, restoring some natural amenities to the city, and bringing about productive harmony between people and their environment. An important purpose, therefore, of an environmental protection element is to give natural environment amenities and values appropriate consideration in urban development along with economic and social considerations."*
- Consistent with the Transportation and Environmental Protection elements of the General Plan, the project **encourages the use of public transportation and alternative means, such as bicycling**, without reliance on private automobiles.

The Planning Commission had the opportunity to study the plans and three-dimensional views in a detailed way that thoroughly considered the unique qualities of the site, and heard public testimony. The project was modified to reflect comments.

At the April 9th hearing, Commission Moore, after reviewing the modifications, noted:

"The project with the reduction of units has created contextual fit into the space"

[It is a] "Wonderful unique solution for a very difficult space."

"The density that this project achieves is quite admirable...a creative infill project"

"There is no doubt in my mind that it should be approved"

The Board of Supervisors:

Unhappy with the decision of the Planning Commission, the Appellants went to the District Supervisor for relief. Supervisor Preston agreed to hear an Appeal of the CEQA decision as well as the Conditional Use Authorization.

The Board of Supervisors heard the Appeal on September 9th, 2020, and voted to uphold the CU and CEQA but, confusingly, disallow more than two dwellings for which the CU approval was granted.

The Conditional Use Authorization is no longer required, but Appellants have used the Board of Supervisors decision as a justification for this Appeal to the Board of Appeals. For this reason, we outline the deficiencies of the decision to reverse the Conditional Use:

1. The Board of Supervisors failed to consider the written documents provided by the San Francisco Fire Department signed by the San Francisco Fire Marshal along with others in the chain of command. This document approves the project for Fire Department Access with a “Conditions of Approval Letter dated 11/27/2018 signed by Fire Marshal Daniel De Cossio, Captain Michael Patt, and Kamal Andrews, P.E.
2. The Board of Supervisors failed to consider the written documents provided by the Department of Building Inspection related to exiting. Documents were provided through a pre-application process signed by Jeff Ma, DBI Technical Services, on 6/13/2017. The Board of Supervisors ignored the recognized process for determination of code compliance as described in DBI Administrative Bulletin AB-028. The Board of Supervisors fails to recognize that this is the process by which exit width and occupancy classification is determined.

3. During deliberation, Supervisor Preston draws a false equivalency with respect to exiting between an apartment building (and R-2 occupancy) and the same number of units designed as a single-family/duplex (R-3 occupancy). The Board of Supervisors ignores the clear distinctions made in the building code with respect to exiting and fire safety that are inherent to each of these building types.

The Board of Supervisors fails to recognize that the occupancy classification cannot be severed from codes related to egress width. The San Francisco Building Code is an integrated document.

4. The Board of Supervisors fails to invite or compel DBI Staff and representatives of the Fire Department to provide testimony with regard to the project and their letters of Approval. No Departmental Staff, except Planning Staff, were present at the hearing.

5. Instead, the Board of Supervisors inappropriately relied on the testimony of Planning Department Staff, who were asked to affirm statements made by Supervisor Preston about the Building Code. These issues are not in the jurisdiction of the Planning Department.

In later testimony, a Planning Supervisor (Aaron Starr) correctly states that Planning Staff are in no way qualified to affirm suppositions by the Supervisors about building code issues. Planning Staff suggest the DBI and Fire Department Staff be called upon to answer questions about safety. Supervisors ignore Planning staff, and these departments are not called upon to testify.

6. The Board of Supervisors failed to consider their own ADU legislation, which allows a similar configuration of units in an R-3 or R-2 occupancy to use a single ingress/egress path of a size that meets code. This is as outlined in DBI Information Sheet EG-05, which was referenced in the Project Sponsor's package but was ignored by the Supervisors.

7. The Board of Supervisors fails to recognize that the Board of Permit Appeals is the Board having jurisdiction over matters related to a dispute related to building code issues concerning exiting, fire ratings, and egress width. Disapproval of Planning Commission findings related to Building Code compliance is an inappropriate exercise by a political body without professional expertise and without process by which to adjudicate issues related to the building code and, thus, safety.

8. The Board of Supervisors failed to consider their obligations under the Housing Accountability Act (applicable to market-rate housing per *Honchariw v. County of Stanislaus*), which requires that Government Agencies make substantial written findings based upon substantial evidence in the record. The HAA requires that the Board of Supervisors, in overturning an approval, identify the provision of the code by which the project is not in compliance. The Board of Supervisors has failed to provide such documentation about the findings of “significant safety risks.” These findings are not based upon and supported by the “preponderance of the evidence” as required by the Housing Accountability Act, and documentation of such evidence is not provided.

Following the Board of Supervisors hearing, I met with Supervisor Mandelman. As many of the Supervisors at the hearing expressed support for the project during deliberation, I was confused by the final vote. He explained that, except in very rare circumstances, they do not exercise their individual judgment for Conditional Use Appeals but rather defer to the decision of the District Supervisor.

Supervisor Mandelman suggested that the project be brought back in a manner that avoids the politics of the Board of Supervisors. He later supported legislation that would allow the project to continue

without requiring CU under the **Constraints Reduction Ordinance**. The ordinance removed CU Authorization requirements for homes on oversized lots to streamline housing production and remove politicians from the process of housing approval.

After the passage of the Ordinance, an additional meeting with neighbors to review the project was held on May 24, 2023.

The Appellant requested a Discretionary Review, and a Public hearing was held by the Planning Commission on February 29, 2024. The Planning Commission, this time with an altered group of Commissioners, unanimously approved the project.

Following Planning Approval, the Site Permit drawings were reviewed by DBI, Fire Department, DPW, and PUC. Substantial Permit and impact fees were assessed and paid by the Permit Applicants, and the Site Permit was issued on August 7, 2024

The Issuance of the Site Permit was Appealed to the Board of Appeals on August 22, 2024.

Section 2: Rebuttal of the specific arguments based on the Code:

Appellants have asserted that the Architect, the Building Department, and the Fire Department have the Occupancy Classification wrong and that the permit is, therefore, wrongly approved. They have asserted that departments have incorrectly or insufficiently evaluated the safety of the project regarding the exit discharge from the property. They allege that the Fire Department has not correctly evaluated access to the site. In this section, I will prove the project is code-compliant through the plain language of the code.

Permit Applications with a date in 2019 are regulated by the 2016 California Building Code with San Francisco Amendments. The project does not rely on any earlier or later versions of the code.

Per CBC 310.5, a two-unit dwelling or duplex is an R-3 Occupancy. This occupancy classification also includes congregate residences and boarding houses.

Per CBC 310.4, an Apartment house is a residential occupancy containing sleeping units of more than two dwelling units where the occupants are primarily permanent in nature. This occupancy classification also includes dormitories, convents, hotels, and motels. These are R-2 occupancies.

The Applicant is allowed to designate the Occupancy classification as defined in Chapter 3 of the code. The design must then follow the appropriate sections of the code related to occupancy in each of the following chapters.

The project proposes two duplexes on the property, both of which are R-3 Occupancies.

The Appellants falsely assert that the number of individual dwellings on a parcel must be counted cumulatively in establishing that occupancy classification. They assert that the number of units on a

parcel is the correct way to determine the occupancy rather than the occupancy of individual buildings on that parcel.

CBC Section 705.3 Building on the Same Lot establishes that multiple buildings shall be regulated as separate buildings as long as separate occupancies are within the limits for height, number of stories, and building area as defined in Chapter 5.

The Building Department and Fire Department have established a legally binding procedure for seeking clarification of the Code. This procedure allows an Owner and Architect to move forward with reliability as time and money are invested in the design phase of a project. It allows Department experts to provide written determinations based on the code in effect at the time of permit application. This process is defined in DBI **Administrative Bulletin 28: Pre-application and Pre-addendum Plan Review Procedures**. Item 14 of AB-28 states, **“These decisions will be honored by the responsible plan reviewer during the plan review process and subsequently by field inspection staff.”**

A pre-application meeting established that multiple R-3 occupancies were allowed on this parcel, confirming the clear language of the Building Code. A Site Plan was provided at the pre-application meeting indicating the lot shape, dimensions, and condition of adjacent properties as well as the proposed number of buildings and dwelling units. The pre-application process affirmed the adequacy of the egress from and fire Department Access to the site as demonstrated by the Fire Department Letter signed by the San Francisco Fire Marshall (Exhibit B).

Under **California Fire Code Section 503** (Exhibit C) approval for **Site Access**, the project will provide a Sprinkler system and standpipes, as noted in the Fire Department Letter and the Site Permit Drawings.

The appellants have argued that site Access is through a “utility easement.” There is no recorded easement on this portion of the property. The narrow portion of the lot is not an easement.

The Appellants assert that 42” does not meet the code as an Exit Discharge. CBC Section **1028.2 Exit Discharge Width or Capacity** requires the minimum width or required capacity of the exit discharge shall be not less than the minimum width or required capacity of the exits being served. The minimum width required is 36 inches.

The Appellants assert that the 42-inch wide by 50-foot long passage as part of the Exit Discharge does not meet the code requirements due to a gate obstruction. **CBC 1028.4.1** Regulates **Width and Capacity** in this circumstance. Encroachments complying with **1005.7** for Doors can allow up to a 7” encroachment into the required egress width. **Section 1010.2** says that Gates are to be viewed as doors. The documents presented to DBI and the Fire Department during the pre-application phase indicated a gate that narrowed the 42” clear passage. The assertion the Egress system does not meet the code is false.

The argument that two persons cannot pass along the site access was made at the Planning Commission hearing. This argument is contradicted by the fact that two persons can pass comfortably along the site access. As mentioned, this access is about the width of a residential corridor.



The Appeal speculates that a disaster in adjacent buildings presents a safety risk to the occupants of this parcel. **The Building Department and Fire Department enforce basic provisions to manage risk throughout the city and have not deemed construction on this parcel to present an identifiable risk.**

The Appellants have produced a letter from ESHconsultants dated July 15, 2020, signed by Elliot L. Gittleman, who is a fire sprinkler engineer who performs plan check as a consultant for the City of Mountain View. I have provided a point-by-point and more detailed rebuttal to this letter as Exhibit D, but summarize below:

In the “Project Description” section, he implies there cannot be multiple buildings on the same lot without combining them into a single occupancy. I have already addressed this error previously.

He states that access to the public way is through a utility easement, which it is not. He correctly states that there were no building code modifications requested for the project. No code modifications were requested, as none were required.

In the Section “Applying the Code,” he discusses existing buildings, correctly stating that they are not required to meet the current code, but somehow conflates this with the project presented.

In a section titled “The Code,” ESH cites SFFD Administrative Bulletin 5.12 as the supposed basis for the review for Site Access. There is no indication the SFFD relied upon SFFD AB 5.12. The Fire Department has spoken through their review letter. They do not cite this bulletin.

The ESH letter continues into a long discussion of the requirements for an exit discharge and egress courts discussing the fire rating of exterior walls on adjacent buildings. He assumes that the exterior walls of adjacent buildings are unprotected from the interior by either a 5/8” gypsum board or equivalent plaster layer. The construction and rating of these walls (which almost surely **are** 1-hour rated for interior exposure) is irrelevant. ESH ignores **CBC 1028.4.2**, which says that walls adjoining courts in R-3 occupancies are not required to be fire-rated.

The code, logically, requires compliance for the subject parcel only. The Appellants assert that their homes do not meet basic fire safety standards. Therefore, they assert, the construction of homes that meet the highest standards on adjoining parcels should be prohibited. This is a perplexing argument.

The ESH letter suggests that we have not demonstrated a way to prevent the occupants of the new buildings from storing items such as bicycles, strollers, or planters in the exit discharge. If this were an issue, it would prevent approval of residential hallways such items could also be left. Bicycle parking on site is provided in designated areas. The building permits indicate a clear and unobstructed path. There

is no way for the Building Department to police any number of illegal acts done inside buildings, but it does not prevent the building department from issuing permits.

Appellants ask that you substitute their judgment for that of trained professionals. The project meets the language of the code, as affirmed in the project review and approval. It is the primary task of DBI and Fire Department Plan reviewers to understand the code. The Departments hire professionals for plan review, they have routine training. They have internal discussions. They attend classes and seminars. Week after week, year after year, DBI staff members study the code and apply the code in Plan review. The Appellants request that you throw out the collective expertise.

Section 3 - The letter and the spirit:

I have demonstrated that the project meets the language of code, but does it meet the spirit? Do two duplexes equal one four-unit Apartment, as the Appellants allege? Is the Building Department and Fire Department applying a “loophole”? The answer is no.

Studying the code, it becomes clear that Apartment Houses (R-2) and Duplexes (R-3) are different.

Apartment houses, while not considered hazardous, are considered more hazardous than single-family homes and duplexes. Two duplexes have the compartmentalization of exterior walls and fire separation not found in an Apartment. An Apartment would have common stairways that may not be present in a duplex. An apartment may or may not contain elevator shafts and may have shared utilities. A single-family home and duplex is a more intimate building type, smaller, and inhabited by family members rather than strangers under a single roof. Typically, it does not also stack units on top of each other in the same way an Apartment would. Fire does not spread between buildings as easily as it can between units in a single Apartment. Structural and Fire protection systems are independent.

Can one dissect an Apartment building with dwellings that are more of a side-by-side arrangement, with independent structure, systems, and redundancy? Yes, but it would no longer be an Apartment building. Two duplexes do not equal one Apartment in either the letter or the spirit of the code.

Multiple sections of Chapter 10 are written to constrain occupant load (number of occupants) relative to egress width. The project complies with required width of egress based on the number of occupants. If it were the intent of the code to create prevent two duplexes on this lot, or any lot, the code would have been written as such.

If the Board were to take action to consider the two duplexes on a single lot as Apartment, it would have broad implications beyond the project being considered here today. It would essentially re-write the building code in San Francisco and prevent the construction of a great number of homes. Examples found in the adopted Planning Department “Objective Design Standards” would also be in jeopardy. ADUs and other housing types built at the rear of lots would not comply with code if the total number of dwellings on a property is the factor determining occupancy rather than looking at each building occupancy.

San Francisco contains hundreds of buildings that do not have direct frontage to the street. What is proposed is not a highly unusual condition. When a new building without frontage is proposed, what typically happens, is exactly what has happened here. The Departments evaluate the proposal relative to the code and provide letters approving, denying, or providing conditions of approval:

The pre-application approvals require increased safety standards as follows:

Required Type III non-combustible construction. A typical new home is Type V, combustible.

Required two-hour rated exterior walls. Non-rated and 1-hour exterior walls are in typical new construction.

Required an NFPA-13 fire sprinkler system. An NFPA system is designed to fully extinguish a fire.

Most new residential construction has a 13R system, which is designed to allow the occupant only time to escape.

Required Standpipes at two locations on the parcel for fire department hose hook-up. This standpipe could be used by the Fire Department to fight fires and the rear of any adjacent

parcel, increasing the safety for other parcels in the risk of an emergency. This project creates access which does not currently exist.

Required a 20' height limit above grade. Typically, the code allows 40' in height.

Construction in San Francisco has slowed due to increased costs, lower values, and higher financing. The Planning Department, Mayor's Office, and the State have offered inducements to build and restart projects that are no longer economically viable. Additional density, reducing/eliminating inclusionary housing requirements, and deferred payments of impact fees are offered as incentives to restart construction to meet state and city goals.

The Appellants have asked that you go the opposite direction and reduce the unit count on this project by half, from four to two. Such a reduction essentially ensures that the number of homes built will be zero. Perhaps that is the intent of the Appeal.

The project will be more expensive to build than typical low-rise residential construction due to the constraints of the site and the amenities offered to make the project appealing to neighbors. These include elements such as the living roof and extensive landscaping. Safety measures such as standpipes, non-combustible framing, two-hour rated walls, and robust sprinklers add costs. The site itself requires longer runs for plumbing and electrical. The site requires additional labor to do more work by hand rather than with heavy equipment.

We see no financial margin in which a reduced project makes sense.

It is expected, and the Housing Accountability Act requires, that the Board of Appeals, in overturning an approval, identify the provision of the code by which the project is not in compliance. The Board must provide documentation about findings based on the “preponderance of the evidence.”

In this case, there is simply no credible evidence of any deficiency in the project or in the code that would warrant the alteration or denial of these duly issued permits. The project has been many years in the process of approval. We have invested over a thousand hours, and hundreds of thousands of dollars, in the project design, approval process, and permit fees. Rejection of the permits would create a great adverse impact on us and deny us basic rights as the permit holder. We urge the board to uphold the permits and deny the appeal.

EXHIBITS:

A: 3-D VIEWS OF PROJECT

B: BUILDING DEPARTMENT AND FIRE DEPARTMENT PRE-APPLICATION MEETING NOTES AND
CONDITIONS OF APPROVAL LETTER

C: CALIFORNIA FIRE CODE SECTION 503

D: RESPONSE TO APPELLANTS ESH CONSULTANTS'S LETTER

E: URBAN INFILL MISSING MIDDLE HOUSING



Site and Buildings In the context of the block



View from Southwest

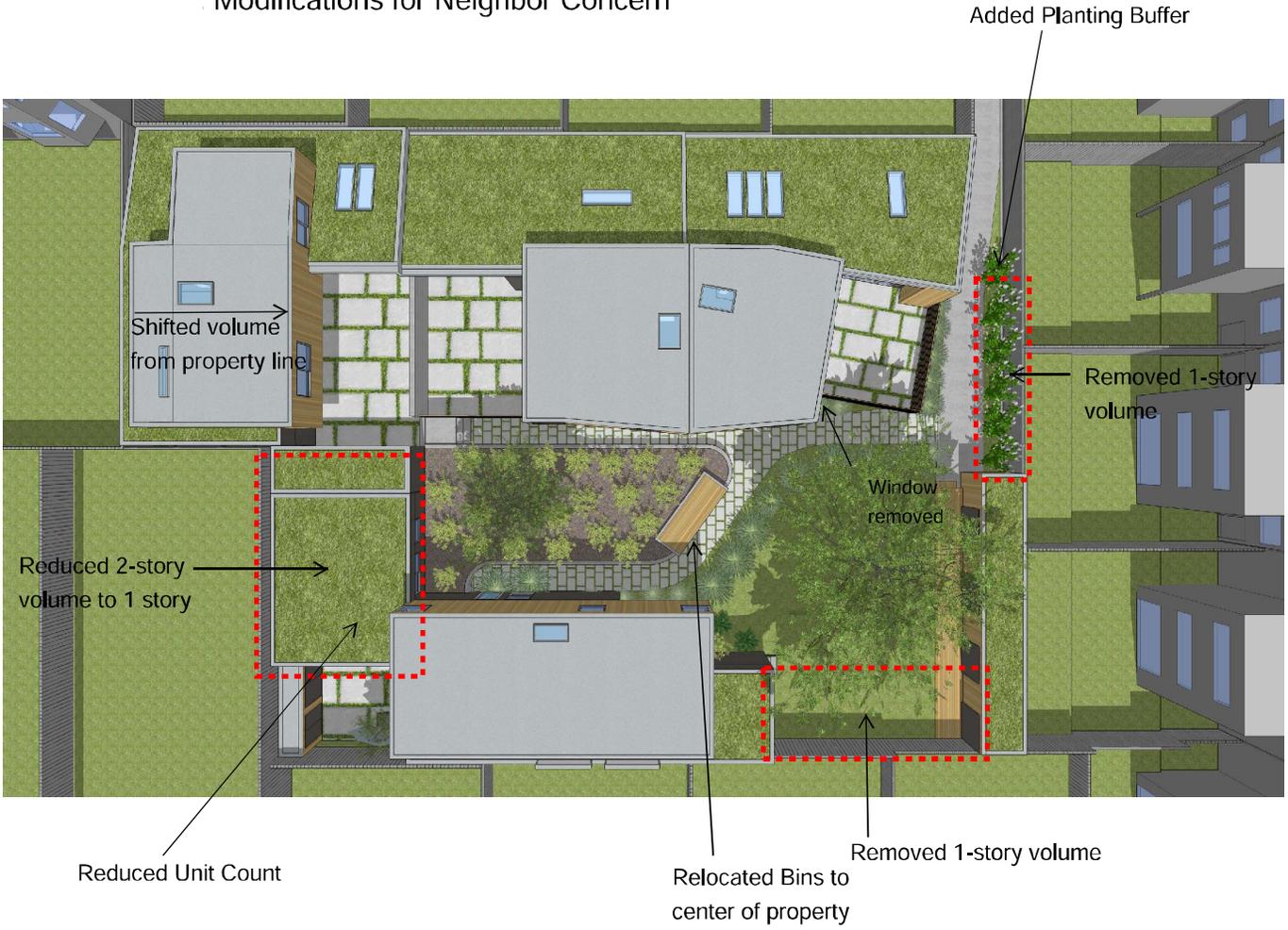


Overhead view from Southeast



Overhead view from Northeast

Modifications for Neighbor Concern





Window Exposure: looking inward toward court, away from neighbor properties



New Fences for screening for 1 story volume

New Fences for screening

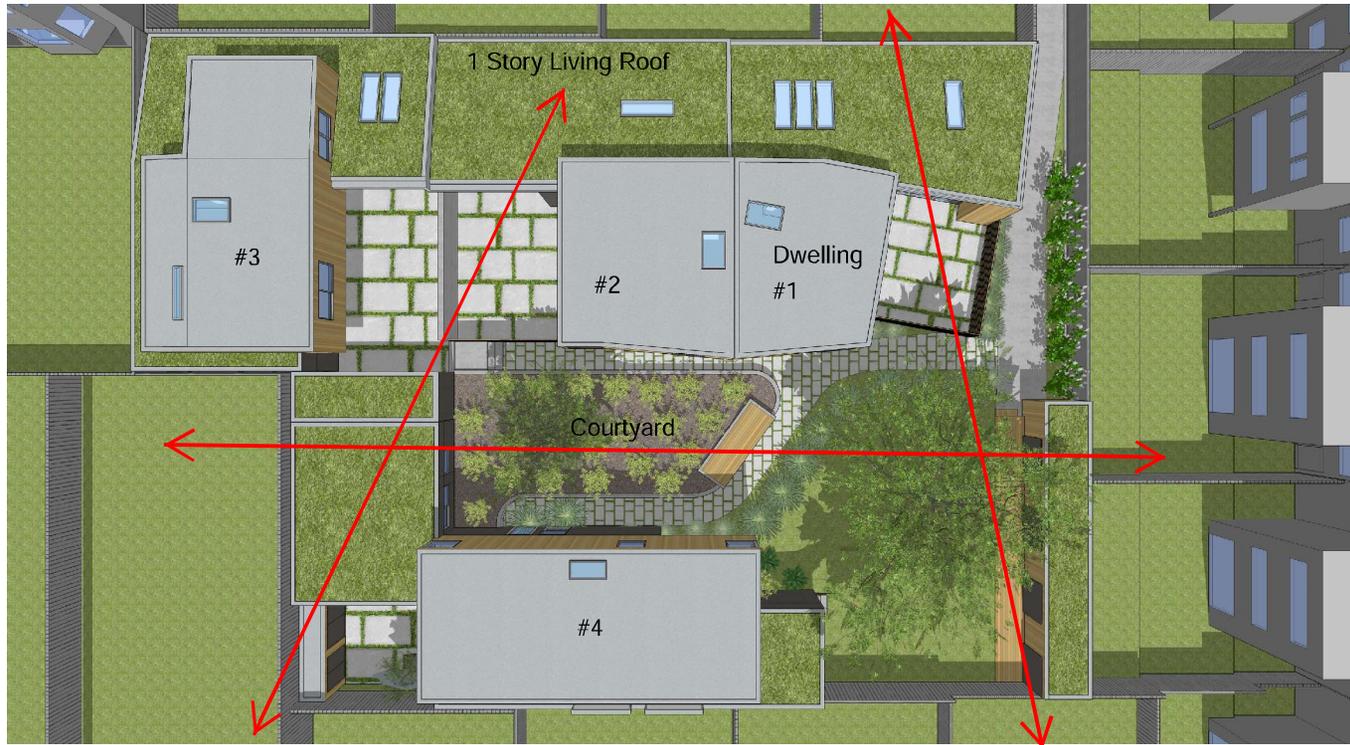
Tree as screening element

Window Orientation

Shadows/Solar Orientation: 2nd story arranged to minimize shadow impacts on adjacent properties. Shadows shown on March 25th, 11am
1-story volume shadows typical of fences
Unit 4 at south does not shade adjacent yards,
Unit 3 roof slopes to minimize shadows, excavated 1st floor to reduce height
Unit 1 and 2 upper level set back from north property line



Permeability: views into and through site, light and air.



Views, Light, Air through site

EXHIBIT B: Fire Department Conditions of Approval

1821 Fulton Street (5 units R-3 Dwelling units)

Block 1187/ lot 003H

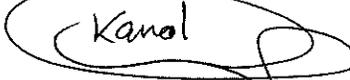
The Architecture plans has been reviewed and SFFD comments:

Condition of approval.

Revise the Architecture plans

- 1- licensed architect need to stamp and sign the Architecture plans.
- 2- Architecture plans must be approved from San Francisco Building department.
- 3- Indicate in the Architecture plans:
 - Each R-3 dwelling shall be sprinklered and monitored per 2016 NFPA 13 and 2016 CFC 903.3.1.1. per pre-application meeting on 2/6/2018.
 - The sprinkler system for each R-3 dwelling shall be monitored.
 - The Maximum height at the second story will not exceed 20 feet above grade.
 - The type construction of each R-3 dwelling shall be Type III per pre-application meeting on 2/6/2018.
 - Standpipe system 2ways X 3 inches outlets shall be provided at the entry, in middle and far end of the property per pre-application meeting on 2/6/2018.
 - Removal of the street tree at sidewalk near entry gate per pre-application meeting on 2/6/2018.
 - A minimum 3.5 feet clear width without obstruction at any access point of the exist discharge shall be provided.
 - A red fire zone curb" NO PARKING" shall be provided in front of property.

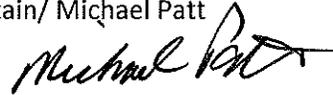
Kamal Andrawes, P.E


Fire Protection Engineer

4/27/18

San Francisco Fire Department

Captain/ Michael Patt



Bureau of Fire Prevention

San Francisco Fire Department

APPROVED
DATE 4/27/18

CHIEF, DIVISION OF FIRE
PREVENTION & INVESTIGATION

AS NOTED

in addition:
rescue windows
required

EXHIBIT B: DBI PRE-APPLICATION MEETING NOTES

TROY KASHANIPOUR ARCHITECTURE

2325 3RD STREET SUITE 401. SAN FRANCISCO CALIFORNIA 94107.

Department of Building Inspection
1660 Mission Street
San Francisco, CA 94103-2414
Phone: 415.558.6133 Fax: 415.558.6686

May 1, 2017

Re: Pre-Application Plan Review Meeting
Project Address: 1846 Grove Street; Block 1187 Lot 003H
Code Basis: SFBC 2016

Reviewers: Jeff Ma (DBI), Lt. Janice Hayes (SFFD)
Meeting Attendees: Troy Kashanipour (Architect), Sasha Plotitsa
Meeting Date: May 16, 2017

Background and Project Summary Information:

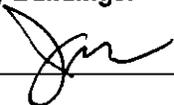
The existing vacant parcel is a flag lot accessed through a gate on Fulton Street. The lot is 7,869 square feet. The access is through a 4' wide space between buildings, six inches of which belong to the adjacent corner parcel on Lot 1. Planning Department density allows, and Planning staff supports 5 dwelling units on a parcel of this size. Five R-3 dwellings are proposed. An existing mature oak tree will be maintained. The proposed 3-R dwellings will be limited in height to 2 story with an internal open courtyard. Also proposed on-site are smaller accessory storage structures. Window area for the dwellings on each parcel shall be based on an assumed property line between buildings per 705.3 and shall conform with fire separation distances as defined in 705.8.

Construction type shall be Type V-A unless otherwise required by Fire and DBI. The buildings on-site and the Site shall have Egress per CBC Chapter 10.

Code Discussion Items:

- 1. Number of Exits and Exit Access Doorways from each Dwelling – CBC 1006.**
 - The exit from each dwelling. CBC 1006.2.1 Single Exits are permitted from each R-3 dwelling with an occupant load of less than 20 where the dwelling unit is equipped with sprinklers and the common path of egress travel is less than 125'.

**DBI RESPONSE: Agreed. Access to dwelling unit exit (door to exterior court) less than 125'.
Maximum 3 Story Buildings.**


_____, Jeff Ma

- 2. Outdoor Area occupant load: Please confirm that outdoor areas are accessory to the residential units No additional occupant load is required per Exception 1 and 2 of 1004.5**

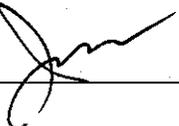
CBC 1004.5 Outdoor areas: Yards, patios, courts and similar outdoor areas accessible to and

usable by the building occupants shall be provided with means of egress as required by this chapter. The occupant load of such outdoor areas shall be assigned by the building official in accordance with the anticipated use. Where outdoor areas are to be used by persons in addition to the occupants of the building, and the path of egress travel from the outdoor areas passes through the building, means of egress requirements for the building shall be based on the sum of the occupant loads of the building plus the outdoor areas.

Exceptions:

1. Outdoor areas used exclusively for service of the building need only have one means of egress.
2. Both outdoor areas associated with Group R-3 and individual dwelling units of Group R-2

DBI RESPONSE: Agreed, outdoor areas are accessory to the residential use and do not have their own occupant load.

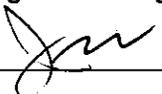

_____, Jeff Ma

3. The Exit Discharge:

The passage between the existing buildings on lot 1 and lot 13 is 3'-6" wide is considered an Egress Court.

- Per 1028.4.1: The required width is 36" for R-3 occupancies.
- Per 1028.4.2: The Construction of an egress court serving R-3 occupancies requires no rating per Exception 1.

DBI RESPONSE: Agreed as long as less than 50 total occupants are served by egress court


_____, Jeff Ma

4. Sprinklering - The following is proposed:

- A dedicated fire sprinkler line shall be brought into the property. This line will be provide with a backflow preventer and a check-valve.
- After the valves the main line shall split and, there shall be independent service to each dwelling unit.
- Each unit will be equipped with an independent monitoring service.
- Each R-3 dwelling shall be sprinklered to NFPA-13R standards.
- Small independent accessory to the main structure shall have fire ratings as required by code but are not proposed to be sprinklered. They shall be used for light storage such as bicylces, garden and household equipment.

FIRE DEPARTMENT RESPONSE: Applicants to meet with Fire Department to discuss Fire Department Access.

DBI RESPONSE: Sprinklering per NFPA-13.

subject to Fire Dept. plan review.

Jim, Jeff Ma

5. Alternate Senario:

Combine Units 1&2 into a single R-3 Occupancy, Combine Units 3&4 into an R-3 Occupancy, Unit 3 shall remain as R-3. This is permitted per 705.3 Exception 1. Please advise of acceptability.

DBI RESPONSE: Combining units as proposed above is acceptable.

Jim, Jeff Ma

Please advise of any additional Fire Department or Building Department requirements for this parcel based on the scheme presented that are anticipated for this parcel.

Troy Kashanipour

Troy Kashanipour, Architect & Agent for Owner

Reviewed and agreed by

Jeffrey Ma 6/13/17

Jeffrey Ma

SFDBI

EXHIBIT C: CALIFORNIA FIRE CODE SECTION 503

FIRE SERVICE FEATURES

FIRE DEPARTMENT MASTER KEY.

FIRE LANE.

KEY BOX.

TRAFFIC CALMING DEVICES.

SECTION 503

FIRE APPARATUS ACCESS ROADS

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3.

503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exceptions:

1. The fire code official is authorized to increase the dimension of 150 feet (45 720 mm) where any of the following conditions occur:
 - 1.1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
 - 1.2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.
 - 1.3. There are not more than two Group R-3 or Group U occupancies.
2. Where approved by the fire code official, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.

503.1.2 Additional access. The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

503.1.3 High-piled storage. Fire department vehicle access to buildings used for high-piled combustible storage shall comply with the applicable provisions of Chapter 32.

503.2 Specifications. Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.8.

[California Code of Regulations, Title 19, Division 1, §3.05(a)] Fire Department Access and Egress. (Roads)

(a) Roads. Required access roads from every building to a public street shall be all-weather hard-surfaced (suitable for use by fire apparatus) right-of-way not less than 20 feet in width. Such right-of-way shall be unobstructed and maintained only as access to the public street.

Exception: The enforcing agency may waive or modify this requirement if in his opinion such all-weather hard-surfaced condition is not necessary in the interest of public safety and welfare.

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

503.2.2 Authority. The fire code official shall have the authority to require or permit modifications to the required access widths where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction.

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.

503.2.4 Turning radius. The required turning radius of a fire apparatus access road shall be determined by the fire code official.

503.2.5 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus.

503.2.6 Bridges and elevated surfaces. Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO HB-17. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges where required by the fire code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces that are not designed for such use, approved barriers, approved signs or both shall be installed and maintained where required by the fire code official.

503.2.7 Grade. The grade of the fire apparatus access road shall be within the limits established by the fire code official based on the fire department's apparatus.

503.2.8 Angles of approach and departure. The angles of approach and departure for fire apparatus access roads shall be within the limits established by the fire code official based on the fire department's apparatus.

503.3 Marking. Where required by the fire code official, approved signs or other approved notices or markings that

EXHIBIT D: REBUTTAL TO ESH CONSULTANTS LETTER

Project Sponsor Response to ESHCONSULTANTS letter dated July 15, 2020

The letter provided by the Appellant from Mr. Gittleman, contains false assumptions about the project, factual inaccuracies, and omits critical sections of the code. The response is in below with excerpts from the ESH letter in red boxes.

ESH
excerpt:



July 15, 2020

NOPA West Neighbors (NOPAWN)
C/O Brian Kingan
627 Masonic Ave,
San Francisco, CA, 94117

Subject: Planned Development
1846 Grove Street, San Francisco, CA
Fire Protection Opinion Letter

This opinion letter has been prepared **at the request of NOPAWN** to evaluate the fire safety of the proposed means of egress from the planned location of the development.

Opinion Summary

Based upon a review of the 2019 California Building and Fire Codes, with City of San Francisco Amendments, the proposed means of egress from the new proposed construction to the public way does not meet code requirements for egress and presents an unsafe condition to the occupants of those new buildings.

The Applicable Code is the 2016 California Building Code and Fire Code with San Francisco Amendments. The date of permit application defines the code cycle under which it is reviewed. Review under the 2019 code cycle began January 1st, 2020. The project remains compliant with both the 2016 and the 2019 codes.

ESH
excerpt:

Project Description

The plans submitted to the San Francisco Planning Department are not clear as to whether the project is four individual buildings or one building with four dwelling units. To be considered as separate buildings, each property needs its own APN designation, and the utilities for each unit shall not be installed in a manner where they pass through another dwelling unit or cross property lines. Thus, all utilities to each unit shall enter the unit directly from the outside of each building. From discussions with members of NOPAWN, the four buildings are located on a single lot. Thus, **with adjacent common walls**, this should be considered as a four dwelling within a single building, thus, R-2 per the California Building Code.

The Consultant incorrectly describes the buildings: Permit Applications have been submitted for two 2-unit duplex buildings as **R-3 occupancies under permit application 2019-1224-0615 and 2019-1224-0614**. The homes are not designed with common walls is as clearly shown in the plans.

The discussion of the APN is irrelevant. The APN is a tool of the Assessor. With new construction the Assessor receives a record of permit applications. After the "Certificate of Final Completion" from the Building Department the Assessor may issue a unique APN for each dwelling for the purposes of assessment. The lot, (the land) remains a single parcel and will not be subdivided with new property lines. No property lines are crossed for utilities.

Two or more building on a single lot are permitted in the Building Code with requirements found in SFBC Section 705.8.

ESH incorrectly restates that these Single-family home or duplexes (R-3) should be classified as R-2 or “Apartments”

ESH excerpt: Based upon the reviewed documentation, it appears the developer is calling these an R-3 Occupancy. Based upon the above information, that designation is incorrect and the correct Occupancy is R-2. These four properties are landlocked with the only access to the public way via a utility easement alley between two existing R-3 residential buildings.

Below is the definition of an R-2, a class which include Apartments, Convents, Dormitories, Hotels & Motels

Building Code: **310.3 Residential Group R-2**

Residential Group R-2 occupancies containing *sleeping units* or more than two *dwelling units* where the occupants are primarily permanent in nature, including:

Apartment houses:

Congregate residences (nontransient) with more than 16 occupants

Boarding houses (nontransient)

Convents

Dormitories

Fraternities and sororities

Monasteries

Hotels (nontransient)

Live/work units

Motels (nontransient)

Vacation timeshare properties

Below is the Definition of an R-3 which include Single-family home and duplex.

Building Code: **310.4 Residential Group R-3**

Residential Group R-3 occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-2.1, R-2.2, R-3.1, R-4 or I, including:

Buildings that do not contain more than two *dwelling units*

Congregate residences (nontransient) with 16 or fewer occupants

Boarding houses (nontransient)

Convents

Dormitories

Fraternities and sororities

Monasteries

Congregate residences (transient) with 10 or fewer occupants

The R-3 Occupancy classification is clear in the code and agreed upon by the Department of Building Inspection.

ESH falsely asserts that the property is landlocked. It is not.

ESH Consultants falsely calls the access to the street an “easement”. An easement is defined as: “*the grant of a nonpossessory property interest that grants the easement holder permission to use another person's land.*” (Source: Legal Information Institute, Cornell Law School).

The Owner of the property has found no easements recorded with the deed, the Survey did not find an easement, nor have the Appellant provided any document showing that a recorded easement.

The ESH letter falsely asserts that the project relies on some older codes. The project will meet or exceed the code as determined by the Department of Building Inspection. A new application cannot be submitted based on an older code cycle.

Applying The Codes

ESH
excerpt:

It is important to understand that the codes currently applied do not apply to any existing construction unless the buildings will be remodeled, renovated, or modified in size as noted in the San Francisco codes. As a result, one cannot infer that if the design was acceptable for the existing buildings, at the time of construction, then it should be acceptable for all new construction. The newer codes have requirements that exceed code requirements at the time of construction of the existing buildings.

The ESH letter **takes out of context the statement** quoted below from the Planning Commission Hearing:

ESH
excerpt:

The following comment from the developer's fire protection expert, taken from the transcript of the 4/9/2020 Planning Committee Video Conference, does not provide a valid reason for not meeting the current codes. *"For the general public that's listening, and the commissioners, the buildings in san francisco are not unique. We have buildings that are four stories, wood frame construction, no sprinkler system, one way in, one way out. They're throughout the city, and the fire department deals with them on a regular basis."* Using that logic, new high-rise buildings in San Francisco would not need to be built with

At the Planning Commission Hearing Captain Mario Ballard, (retired) firefighter and former head of Fire Plan Check Division, was simply saying that the Fire Department is well equipped to deal with the diversity of home configurations in San Francisco many of which are less fire safe than these homes. His statement did not indicate that project will not conform to current code, but rather that the property is far safer than the typical condition which SFFD deals with on a daily basis. The conditions of approval by the Fire Department require that the project exceed the minimum requirements.

ESH falsely asserts that an AMMR is needed or requested for egress.

ESH
excerpt:

Per Section 104.9 of the California Fire Code, the fire official can approve the AMMR. Typically, the fire code official would be involved with changes to required fire protection devices and systems, whereas the building official would be involved with changes to building construction and egress issues. In many jurisdictions, since the construction permit is a building permit, the AMMR approval is by the building official. The documentation provided to the Planning Commission does not include an AMMR, only a letter of Conditions of Approval, by the San Francisco Fire Department Fire Prevention Bureau,

In the "Code Definitions" Section: ESH correctly provides the Definitions found in Chapter 2 of the building Code

Code Definitions (CBC Chapter 2)

ESH
excerpt:

Egress Court – "A court or yard which provides access **to a public way** for one or more exits".

Exit – "That portion of a means of egress system between the exit access and the exit discharge or **public way**. Exit components include exterior exit doors at the level of exit discharge, interior exit stairways and ramps, exit passageways, exterior exit stairways and ramps and horizontal exits".

Exit Discharge – "That portion of a means of egress system between the termination of an **exit and a public way**".

Public Way – "A street, **alley or other parcel of land open to the outside air leading to a street, that has been deeded, dedicated or otherwise permanently appropriated to the public for public use and which has a clear width and height of not less than 10 feet (3048 mm)**".

In this case, the “Exit” is the door from the dwelling that leads outside- to the courtyard of the project. This door is the building “Exit”.

The “Exit Discharge” is the path from that exterior door (the “Exit”) to Fulton Street (“Public Way”). The width of “Exit Discharge” on this site varies from more than 20 feet to 3.5’ at the narrowest point.

In the definition of “Public Way” ESH holds a portion of the definition include the width. Fulton Street clearly exceeds the 10’ width dimension. The narrowest portion of the property, part of the “Exit Discharge”, what ESH calls the ‘alley’ is not deeded, dedicated, or permanently appropriated to the public, and is not the “Public Way”

In the section of the letter titled ‘The Code’ ESH correctly states that Chapter 10 of the Building Code governs Exiting.

ESH then incorrectly asserts that the project relies on SFFD Administrative Bulletin 5.12. Neither the project Sponsor, DBI, nor the Fire Department letters cite this bulletin which allowed a 3 foot clear width in similar circumstances.

ESH
excerpt:

Former SFFD Administrative Bulletin 5.12 (2010) allowed the use of a minimum 36-inch alley access to buildings with no apparatus access to any side of the buildings. As of a few previous code cycles, SFFD AB 5.12 no longer exists and is indicated on the SFFD website as a reserved AB number. As a result, this allowance no longer exists and cannot be applied to this project.

If the SFFD Bulletin 5.12 were available, then the Pre-application review letter and conditions of Approval would not have been required, and the project could have simply referenced the Bulletin.

ESH then goes on to refer to the 3.5 foot section of the “Exit Discharge” as an ‘alley’, which it is not, but then agrees with the Building Department that this section of the “Exit Discharge” can viewed as “Egress Court”.

ESH
excerpt:

Based upon the California Building Code **the alley does not meet the definition of an egress court; however, the proposed use is similar and the egress court section could be applied to the alley.** California Building Code Section 1028.4.2 states that when the width of the egress court is less than 10 feet wide, the walls shall have a fire resistance rating of one hour for a distance (height) of ten feet above the floor of the egress court. The two buildings on the sides of the alley appear to be Type V-B construction and are not fire rated. The owner of one of those two buildings indicated they are not willing to change their exposing walls to one-hour fire resistive construction.

ESH cites 1028.4.2 which govern “Egress Courts” but only a portion of Section 1028.4.2 saying that the building walls of an egress court need to be fire rated. **The full text of 1028.4.2 is omitted!** The full text says that the fire rating is not applicable to Egress Courts serving R-3 occupancies. This is an R-3 occupancy.

1028.4.2 Construction and Openings

Code
Excerpt:

Where an *egress court* serving a building or portion thereof is less than 10 feet (3048 mm) in width, the *egress court* walls shall have not less than 1-hour *fire-resistance-rated* construction for a distance of 10 feet (3048 mm) above the floor of the *egress court*. Openings within such walls shall be protected by opening protectives having a fire protection rating of not less than $\frac{3}{4}$ hour.

Exceptions:

1. *Egress courts* serving an *occupant load* of less than 10.



2. *Egress courts* serving Group R-3.

ESH continues in his letter to say that the condition of the neighboring buildings, being older, effects the code compliance of this property. It is arguable that the neighboring building adjacent walls are 1-hour rated based on CBC

Section 721.2.1.4(2). However, the construction of the adjacent neighboring buildings is irrelevant as the code does not required rated walls on an Egress Court serving Group R-3. See highlighted above.

ESH continues to say that, true to the conditions of approval, the exit discharge must be kept clear of mobile or fixed obstructions. This is correct.

ESH
excerpt:

Section 1028.4 for Egress Courts requires a minimum exit Section 1028.5 of the California Building Code, **“Access to a public way”** states the exit discharge shall provide a direct and unobstructed access to a public way. No means have been shown to prevent occupants of the new buildings from storing items in the alley, such as bicycles, strollers, planters or other obstructive items. The code

Plans show bicycle parking and bins in designated areas not in the Exit Discharge.

In the “Opinions and Comment” Section of the ESH letter, ESH again references a non-current Fire Department Bulletin on which our project does not rely.

ESH then questions the gate (the entry gate to the property) between the “Exit Discharge” and the Public way which was not specifically address in the Fire Department letter.

ESH
excerpt:

The Fire Prevention Bureau of the San Francisco Fire Department issued a Conditions of Approval letter to allow the use of the alley based upon a minimum, unobstructed width of 42 inches. This will require the door opening (gate) to be a minimum of 42 inches. It is possible that with a 42-inch-wide alley, when one factors in the two gate frame sides and hinges, the door will not meet the 42-inch minimum opening. The owners of the property on one side of the alley are not willing to allow parts of the gate to be installed on their property. Egress is under the jurisdiction of the Building Department and there is no evidence from the SFFD letter to indicate where the alley meets code requirements or why the code requirements have been waived.

The general language of the Building Code describes exits, corridors, stairways, exit passageways with “clear width” dimensions. This same language is used in the Fire Department Conditions of Approval letter.

The drawings provided to the Fire Department in the pre-application submittal clearly show the gate. It is not explicitly mentioned in the Fire Department letter because there are no additional requirements.

The dimensional requirement for gates is found in 1010.2 and is the same as that for doors.

1010.2 Gates

Code
Excerpt:

Gates serving the *means of egress* system shall comply with the requirements of this section. Gates used as a component in a *means of egress* shall conform to the applicable requirements for doors.

For doors, in most common circumstances including this one, 32” clear width is required. The size of doors is, without exception, permitted to be narrow than the clear width requirements for corridors, exits and the exit discharge, as doors have door frames.

1010.1.1 Size of Doors

Code
Excerpt:

The required capacity of each door opening shall be sufficient for the *occupant load* thereof and shall provide a minimum clear opening width of 32 inches (813 mm). The clear opening width of doorways with swinging doors shall be measured between the face of the door and the stop, with the door open 90 degrees (1.57 rad). Where this section requires a minimum clear opening width of 32 inches (813 mm) and a door opening includes two door leaves without a mullion, one leaf shall provide a minimum clear opening width of 32 inches (813 mm). In Group I-2 or I-2.1, doors

The Owner's reserve the option of moving the gate further back on the property to the location where the Exit Discharge is 5'-6" wide.

Conclusion:

Without valid code citation, legal opinion, or precedent, the ESH letter conjectures that the exiting from the property will be unsafe based on a fire in either building adjacent to the gate. The letter ignores that there would be no requirement to exit the homes if there were a fire on an adjacent property until the fire was extinguished.

The letter ignores the fact that additional fire-fighting resources are provided to all adjacent properties by improving this property, standpipes to which Fire Department may connect hoses, to fight fires from the rear of any adjacent property.

The letter ignores the fact that the new homes are constructed with a construction type considered "non-combustible".

The letter ignores the fact that the new homes are sprinklered to the highest water-flow standards (NFPA-13) designed to fully extinguish a fire.

The letter ignores the fact that the Fire Department and building Department routinely approve construction on flag shaped lots and even lots where access is provide through an "easement" and provide similar conditions of approval.

The letter ignores the Department of Building Inspection Guidance (Information Sheet EG-05) which allows exiting for an unlimited number of ADU's at the rear of a building through a single 3 foot wide tradesman's entry.

The ESH letter incorrectly calls this an "Apartment" R-2 occupancy which it is not.

The ESH letter ignores the Pre-application Review process, the legal process for project review and code clarification as established in DBI Administrative Bulletin 28: Pre-application and Pre-addendum Plan Review Procedures.

Finally, safety is determined by the responsible agencies during the pre-application review and plan check process.

It is not determined to be safe by the project Sponsor, or the Appellant. Outside experts can provide opinions and perspective, but the ultimate decision makers are the Building and Fire Departments.

These Departments have reviewed the Fire Department Access, and Exiting and provided review letters on which the project Sponsor may rely. The pre-application letter was been signed by: Jeff Ma, Department of Building Inspection.

The Fire Department Conditions of Approval have been signed by: Kamal Andrawes, P.E, Captain Michael Patt, Bureau of Fire Prevention, and Daniel de Cossio, Fire Marshall and Assistant Deputy Chief of the SF Fire Department.

The final set of construction drawings will demonstrate compliance with the code. If it does not demonstrate compliance no building permits will be issued.

Response prepared by: Troy Kashanipour, Architect license C-27646, and Mario Ballard, Code Consultant.

Attachments:

- Fire Department Conditions of Approval Letter dated
- DBI Pre-application review letter
- Project Site Plan
- Administrative Bulletin AB-028

TROY KASHANI/FOUR ARCHITECTURE 2325 3RD STREET SUITE 401, SF CA 94107, PHONE/FAX 415.431.0899

OWNER: UNIVERSITY OF ILLINOIS 2325 3RD STREET, SUITE 401, SPAN FRANCISCO, CA 94107 PHONE: 415.431.0899

DATE: 08/15/2018
ISSUED FOR VARIANCE & CIA 08/15/2018
PLANNING REVISIONS 08/15/2019
PLANNING REVISIONS 08/15/2019
PLANNING C.U. RESPONSE 02/27/2020

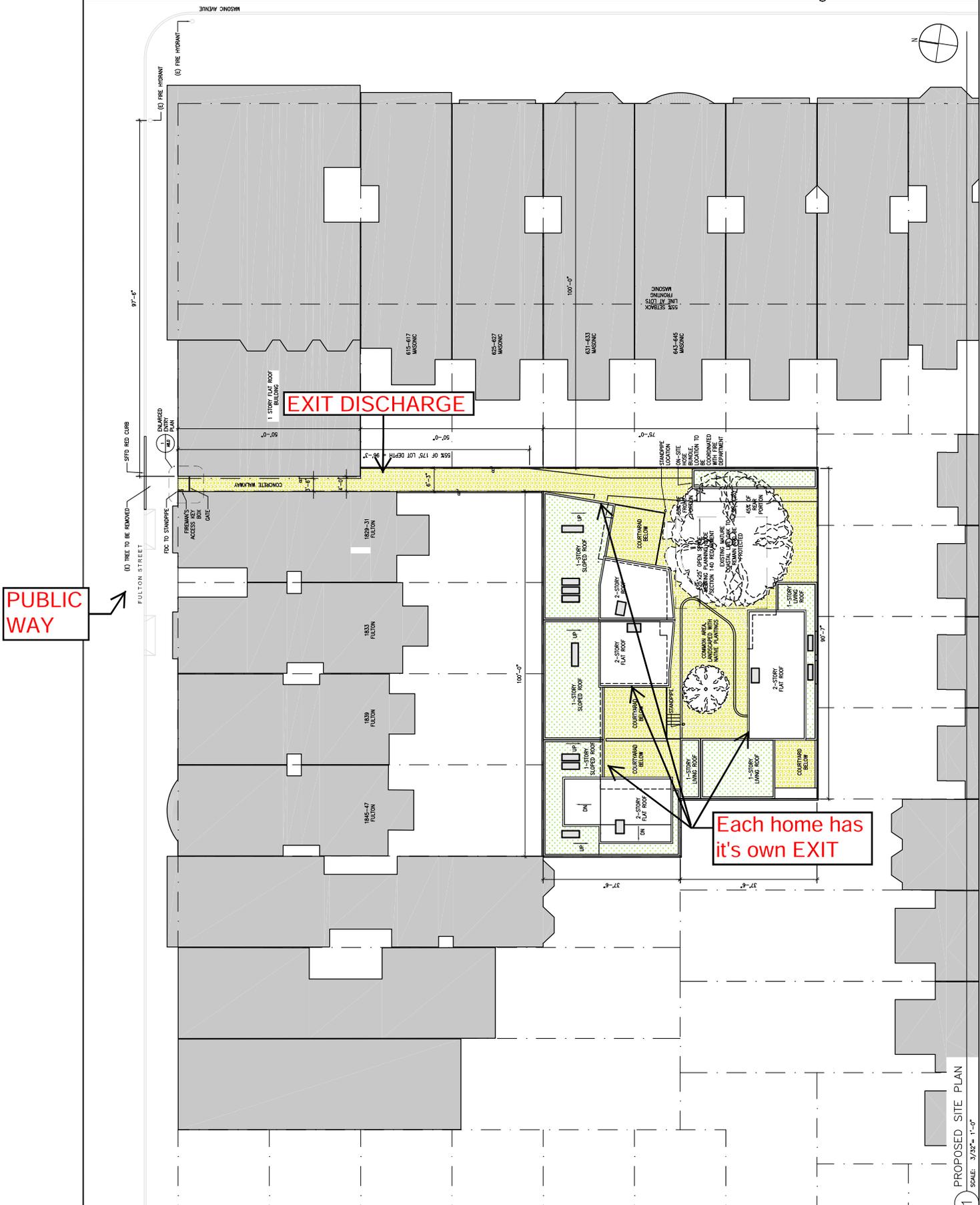
CONSULTANT

APPROVAL

DRAWN	TK	CHECKED	TK	SCALE	3/32"=1'-0"
					

PROPOSED SITE PLAN

A1.1



PUBLIC WAY

EXIT DISCHARGE

Each home has it's own EXIT

1 PROPOSED SITE PLAN
SCALE: 3/32" = 1'-0"

EXHIBIT D: ESH Rebuttal Diagram

EXHIBIT E: URBAN INFILL MISSING MIDDLE HOUSING

<https://www.nlc.org/article/2024/01/23/what-is-missing-middle-housing/>

PLANET MONEY:

<https://www.npr.org/2024/08/30/1197961522/minneapolis-minnesota-housing-2040-tim-walz>

KQUE Forum:

<https://www.kqed.org/forum/2010101907079/is-too-much-local-democracy-to-blame-for-the-housing-crisis>

KQUE Forum:

<https://www.kqed.org/forum/2010101907185/how-should-progressive-cities-face-their-urban-crises>

BRIEF(S) SUBMITTED BY RESPONDENT DEPARTMENT(S)



BOARD OF APPEALS BRIEF

HEARING DATE: October 30, 2024

October 24, 2024

Appeal Nos.: 24-047, 048, & 049
Project Address: 1819 Fulton Street (aka 1896 Grove Street)
Building Permits: 201912240493, 201912240614, & 201912240615
Block/Lot: 1187/003H
Zoning District: RH-2 (Residential-House, Two Family)
RH-3 (Residential-House, Three Family)
Height District: 40-X
Staff Contact: Corey A. Teague, Zoning Administrator – (628) 652-7328
corey.teague@sfgov.org

Introduction

The details of the subject project and its history are provided within the Planning Department case report (Exhibit A) to the Planning Commission for the Discretionary Review (DR) hearing, and within DR Action Memo No. 851 (Exhibit B). Additionally, the associated variance decision for rear yard, exposure, and bicycle parking is provided as Exhibit C. As such, the information provided in those documents is not repeated in this brief.

Ultimately, the Appellant's arguments are primarily related to life/safety concerns, and much of their brief is dedicated to issues outside the purview of the Planning Code, such as residential occupancy classifications in the Building Code and Fire Department access to the interior of the lot. These issues were

discussed both times this project was heard at the Planning Commission (the original Conditional Use Authorization, and then the subsequent DR hearing).

In both instances, assurance was provided that the project met the minimum requirements of the Building and Fire Codes, and the Planning Commission expressed their reliance on the Department of Building Inspection and the Fire Department to ensure that the project would meet minimum life/safety standards. It was also stated and understood that, if the project required modifications upon review of those agencies to ensure it met minimum life/safety standards, it would possibly need to come back to the Planning Commission for a new approval.

The other argument from the Appellant is that the Planning Commission should have honored the Board of Supervisors' decision on the appeal of the original Conditional Use Authorization, which limited the project to only 2 dwelling units. However, the Planning Commission found the project's 4-unit proposal to be designed within the context of the surrounding block and consistent with the Residential Design Guidelines, and voted 6-0 to not take DR and to approve the project as proposed.

The Planning Department respectfully requests that the Board deny the appeals of the three building permits and uphold the Planning Commission's approval of the overall project.

cc: Brian Kingan, President, NOPAWN (Representative of Appellants)
Matt Dito (Planning Department)

Enclosure: Exhibit A – Planning Department Case Report for DR Case No. 2023-006990DRP
Exhibit B – DR Action Memo No. 851
Exhibit C – Variance Decision Letter issued June 19, 2020

EXHIBIT A



DISCRETIONARY REVIEW ANALYSIS

HEARING DATE: FEBRUARY 29, 2024

Record No.: 2023-006990DRP
Project Address: 1846 Grove Street
Permit Applications: 201912240493, 201912240614, 201912240615
Zoning: RH-2 (Residential, House – Two-Family) and RH-3 (Residential, House – Three-Family)
 Family Housing Opportunity Special Use District
 40-X Height and Bulk District
Cultural District: N/A
Block/Lot: 1187/003H
Property Owner: Green Grove SF LLC (c/o Troy Kashanipour)
 2339 Third Street, Suite 43
 San Francisco CA, 94107
Project Sponsor: Troy Kashanipour
 Troy Kashanipour Architecture
 2339 Third Street, Suite 43
 San Francisco CA, 94107
Staff Contact: Matt Dito – (628) 652-7358
Environmental Review: Common Sense Exemption

Recommendation: Do not take DR and Approve

Project Description

The project proposes to construct two new residential buildings with two dwelling units each, for a total of four new dwelling units. One of the four dwelling units will be a State Accessory Dwelling Unit (ADU). The remaining three dwelling units are permitted pursuant to the residential density exception of Planning Code Section 207(c)(8). The project was previously granted rear yard, exposure, and bicycle parking variances.

Project History

On April 9, 2020, the Planning Commission approved Conditional Use Authorization Record No. 2018-011441CUA by Motion No. 20681. The Conditional Use Authorization was to exceed the principally permitted density of two dwelling units in an RH-2 Zoning District and construct four dwelling units. The Conditional Use Authorization was subsequently appealed to the Board of Supervisors.

On June 19, 2020, the Zoning Administrator granted variances for the rear yard, exposure, and bicycle parking access requirements of the Planning Code. These variances were not appealed and remain valid.

On September 29, 2020, the Board of Supervisors unanimously disapproved the decision of the Planning Commission (M20-136) and directed the Clerk of the Board to prepare findings in support of that disapproval (M20-137). On November 3, 2020, the Board of Supervisors unanimously adopted findings in support of a new Conditional Use Authorization (M20-165) to limit development at the lot to two dwelling units and a maximum of 16 total occupants, in addition to the previous conditions imposed by the Planning Commission.

In October 2022, the Board of Supervisors approved, and the Mayor signed, Ordinance 210-22. This ordinance created a density exception in RH districts that principally permits (meaning Conditional Use is not required) four dwelling units per lot if certain eligibility criteria are met. This property was deemed eligible for the density exception as it is zoned RH-2 and RH-3.

On August 1, 2023, the Project Sponsor filed a new application (2023-006990PRJ) to construct four dwelling units with the same overall design as Record No. 2018-011441CUA. The new application is not subject to the density limitation that the Board of Supervisors conditioned the previous project with, as no action was taken to vest that approval. In short, the new application is unencumbered by the previous project.

Since the filing of the new application, the Planning Code has been amended through Ordinance 248-23 (Housing Production) to permit one dwelling unit per 1,500 square feet of lot area in an RH-2 Zoning District. Five dwelling units are now principally permitted at the subject property. As a result, the Project Sponsor is no longer pursuing the proposed four dwelling units through the density exception of Section 207, instead seeking them as a principally permitted use. This is a procedural change that does not affect the scope of the development or design of the Project.

Site Description and Present Use

The site is located on the south side of Fulton Street in the Haight Ashbury neighborhood between Ashbury Street and Masonic Avenue. The lot is an undeveloped “flag lot” (a lot with minimal street frontage and a long access path before widening at the rear). Most of the lot area is at the rear, where the mid-block open space is typically located, and shares a property line with 17 adjacent lots. The lot slopes upward approximately 10 percent from the east to the west. The lot is accessed from Fulton Street, despite the Grove Street address.

Surrounding Properties and Neighborhood

The site is located within both RH-2 and RH-3 Zoning Districts in the Haight Ashbury neighborhood. The front of the lot (containing the accessway from Fulton Street) is zoned RH-3 and will not be developed. The Project proposes to construct the four dwelling units within the portion of the lot within a RH-2 Zoning District. The lots adjacent to the Project Site are predominantly zoned RH-2 and RH-3, with three-story one- or two-family dwellings. The corner lot to the northeast of the Project Site is in a NC-1 Zoning District, with a four-story eight-family dwelling located on the lot. While there is no nearby commercial corridors, the Project Site is located approximately one-half block away from a shopping center at Masonic Avenue and Fulton Street, which contains many necessary neighborhood necessities.

Building Permit Notification

Type	Required Period	Notification Dates	DR File Date	DR Hearing Date	Filing to Hearing Date
311 Notice	30 days	August 21, 2023 – September 20, 2023	September 19, 2023	January 18, 2024	121 days

Hearing Notification

Type	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	20 days	December 29, 2023	December 29, 2023	20 days
Mailed Notice	20 days	December 29, 2023	December 29, 2023	20 days
Online Notice	20 days	December 29, 2023	December 29, 2023	20 days

Public Comment

Since the filing of DR, the Department has received 18 letters of support for the Project and no letters of opposition.

Environmental Review

Pursuant to Chapter 31 of the San Francisco Administrative Code, the Environmental Review Officer determined that the proposed project, which was originally approved by the Board of Supervisors on November 3, 2020 (Motion M20-165), does not constitute a “substantial modification” as compared to the original project application upon which the categorical exemption dated November 21, 2019 was based. Therefore, no additional environmental review is required.

DR Requestors

DR requestor 1:

Brian Kingan of NOPAWN Neighborhood Association, a resident of an adjacent property to the east.

DR Requestor’s Concerns and Proposed Alternatives

DR requestor 1:

The DR requestor has raised the following concerns about the Project:

1. The 3.5-foot breezeway creates safety issues in the event of a fire or natural hazard, and does not comply with Building or Fire codes.
2. The Project was erroneously granted variances for the rear yard and bicycle parking access requirements.
3. The Project proposes unreasonable impacts to the 17 adjacent properties. The impacts include loss of

privacy, loss of mid-block open space, and potential rainwater runoff.

4. The amount of underground utilities necessary for the development cannot be supplied from the public right-of-way due to the constrained nature of the 3.5-foot breezeway.

Proposed alternatives:

1. Limit the project to a total of two dwelling units, in accordance with the Board of Supervisors decision from 2020.

See attached *Discretionary Review Application*, submitted September 20, 2023.

Project Sponsor’s Response to DR Application

The design was previously modified in response to neighbor concerns over the course of six outreach meetings, including the elimination of a fifth unit. The Project complies Residential Design Guidelines. The DR requestor cites numerous codes in an attempt to demonstrate that the Project will be unsafe for occupancy, and a danger to surrounding properties. The code issues they raise are not correct. Additionally, the Project will be subject to all relevant life and safety Codes when reviewed by the agencies responsible for those codes, such as the Fire Department and the Department of Building Inspection. The DR requestors have not identified any exceptional or extraordinary circumstances.

See attached Response to Discretionary Review.

Department Review

The Department’s Residential Design Advisory Team (RDAT) re-reviewed this and confirmed that this meets the Residential Design Guidelines (RDGs). While the Department recognizes the unique nature of the lot, which includes the fact that the lot shares a boundary with 17 adjacent properties, the Project has been designed to minimize impacts to neighbors and considers any remaining impacts to be reasonable.

Furthermore:

1. The Project Sponsor has met with both Department of Building Inspection and Fire Department staff prior to permit submittal. The meeting occurred in 2017. The Project Sponsor believes the Project is feasible and complies with the relevant codes at the time of permit submittal. The Planning Department has advised that if any other department determines that the Project does not comply with their code, revisions will be required and, potentially, the Planning process will need to be restarted if significant changes result. These concerns raised by the DR requestor are not Planning Code or Residential Design Guideline issues. The Department frequently hears safety concerns from nearby residents and informs them of permit procedure. The safety concerns will be appropriately addressed during the course of building permit review by the responsible agencies.
2. The Zoning Administrator granted variances for the rear yard and bicycle parking access requirements in 2020. Due to an extension and tolling during the DR process, the variance remains valid for approximately six months after the conclusion of the DR process. The variances were duly noticed and, following the ZA’s

decision, appealable. No appeals were filed. The DR process is not a valid method of protesting the granted variances.

3. While it is uncommon for a property to share a boundary with 17 additional properties, as previously discussed the Project has been designed in a way that reduces any impacts to a reasonable level. The DR requestor cites impacts to the privacy of surrounding occupants, loss of mid-block open space, and rainwater runoff. The Project proposes a maximum height of two-stories, or 20 feet. The second story of each unit is setback at least two feet from the property line and eight feet where an adjacent building abuts the property line. The RDGs accept some privacy impacts due to the dense urban environment of San Francisco. The Project proposes some privacy impacts to surrounding buildings in a manner consistent with the RDGs. The Project limits windows on the second floor that face toward adjacent properties, and uses frosted glass when possible. The only modification to the Project that would eliminate all privacy impacts is to limit development to one-story, which is not a reasonable expectation.

Similarly, impacts to the mid-block open space will be minimized due to the layout of the massing on the perimeters of the lot. Mid-block open space is defined by properties with typical layouts providing similar rear yards. The subject property is atypical in size and shape. Requiring that the subject lot fully maintain the mid-block open space pattern would render the lot undevelopable, as the bulk of the lot is within the mid-block. The Project respects existing natural resources and has been designed to preserve an existing tree that has been present for over 100 years. The Project also includes green roofs where possible.

4. Similar to the previously addressed safety concerns, utilities required for the development are not under the purview of the Planning Code. The Department has informed the sponsor of practical difficulties the project may face, and the Project Sponsor is aware of them. The appropriate agencies will require and verify that the Project comply with all applicable requirements.

Finally, the proposed alternative from the DR requestor is not reasonable, as the Project proposes a principally permitted density. The subject property is principally permitted five dwelling units, while the Project proposes four.

The building has been designed to respect the scale, massing, and open space of its context. While the lot itself presents a unique set of challenges, the Department believes these challenges and circumstances have been addressed, leaving no exceptional or extraordinary circumstances remaining to warrant Discretionary Review.

Recommendation: Do not take DR and Approve

Attachments:

Plans
Section 311 Notice
Maps and Context Photos
CEQA Determination
DR Application
Response to DR Applications

Project Application
Planning Commission Motion No. 20681
Variance Decision Letter, dated June 19, 2020
M-136
M-137
M-175

FULTON STREET RESIDENCES (1846V GROVE) SAN FRANCISCO, CALIFORNIA 94117

DRAWING LIST

A0.0	PROJECT INFORMATION
A0.1	FIRE DEPARTMENT APPROVAL, PROJECT PRE-APPLICATION LETTERS
A0.2A	VARIANCE DECISION
A0.2.B	VARIANCE DECISION
SURVEY	SITE SURVEY
A0.4	SITE PHOTOGRAPHS
A1.1	PROPOSED SITE PLAN
A1.2	OPEN SPACE AND UNIT EXPOSURE DIAGRAM
A2.0	FIRST AND SECOND FLOOR PLANS
A2.1	ENLARGED PROPOSED FIRST FLOOR PLAN
A2.2	ENLARGED PROPOSED SECOND FLOOR PLAN
A2.3	PROPOSED ROOF PLAN, LANDSCAPING PLAN
A3.0	PROPOSED ELEVATIONS
A3.1	PROPOSED ELEVATIONS
A3.2	PROPOSED SECTIONS
A3.3	PROPOSED SECTIONS
A3.4	PROPOSED SECTIONS
A8.0	CONSTRUCTION DETAILS

APPLICABLE REGULATIONS & STANDARDS

- 2016 CALIFORNIA BUILDING CODE WITH SAN FRANCISCO AMENDMENTS.
 - 2016 CALIFORNIA MECHANICAL CODE WITH SAN FRANCISCO AMENDMENTS.
 - 2016 CALIFORNIA PLUMBING CODE WITH SAN FRANCISCO AMENDMENTS.
 - 2016 CALIFORNIA ELECTRICAL CODE WITH SAN FRANCISCO AMENDMENTS.
 - 2016 CALIFORNIA FIRE CODE WITH SAN FRANCISCO AMENDMENTS.
 - ENERGY CODE - TITLE 24 - CALIFORNIA CODE OF REGULATIONS
 - LIFE SAFETY CODE, 2016 EDITION NFPA 72
 - NFPA 13, 2010 EDITION
- APPLICABLE STANDARDS:
- UL-UNDERWRITERS LABORATORIES FIRE RESISTIVE DIRECTORY-2016 EDITION
 - UL-UNDERWRITERS LABORATORIES BUILDING MATERIALS DIRECTORY-2016 EDITION
 - SMACNA - FIRE SMOKE AND RADIATION DAMPER INSTALLATION GUIDE FOR HVAC SYSTEMS, 5TH EDITION

SCOPE OF WORK THIS PROJECT:

- CONSTRUCT FOUR NEW DWELLINGS: THE DWELLINGS WILL BE TWO STORIES, NEW ACCESSORY BICYCLE AND TOOL SHED. PERMIT 2019-1224-0493S SHALL BE A TWO-UNIT R-3 OCCUPANCY, PERMIT 2019-1224-0414S SHALL BE A TWO-UNIT R-3 OCCUPANCY, PERMIT 2019-1224-0415S SHALL BE AN ACCESSORY BICYCLE AND TOOL SHED.

BUILDING & PLANNING DEPARTMENT NOTES:

OWNER: GREENGROVE SF LLC, IN CARE OF TROY KASHANIPOUR ARCHITECTURE
2339 3RD STREET, SUITE 43
SAN FRANCISCO CA, 94017
PHONE: 415.431.0869
EMAIL: TK@TKWORKSHOP.COM

ARCHITECT: TROY KASHANIPOUR ARCHITECTURE
2339 3RD STREET, SUITE 43
SAN FRANCISCO CA, 94017
PHONE: 415.431.0869
EMAIL: TK@TKWORKSHOP.COM

BLOCK/LOT: BLOCK 1187 LOT 003H
ZONING: RH-2, 4 UNITS ALLOWABLE PER PLANNING CODE SECTION 207(c)(8)
LOT DIMENSIONS: 100'x75' APPROXIMATELY (IRREGULAR-SHAPED FLAG LOT)
NEIGHBORHOOD: 7,869 SQUARE FEET
EXISTING USE: HAIGHT ASHBURY
PROPOSED USE: VACANT LOT
HEIGHT/BULK DISTRICT: 4 DWELLINGS: SEE SUMMARY BELOW FOR BEDROOM MIX 40-X
USABLE OPEN SPACE SUMMARY: 3902 SQUARE FOOT COMBINED COMMON AND PRIVATE
OFF STREET VEHICLE SPACES: 0 PROPOSED
CLASS 1 BICYCLE PARKING SPACES: 10 PROPOSED
NO. OF STREET TREES: IN-LEU FEE

OCCUPANCY: R-3
OCCUPANT LOAD: 4785 SQFT / 200 OCC LOAD = 24 OCCUPANTS
NUMBER OF STORIES/BASEMENTS: 2/0
TYPE OF CONSTRUCTION: III

LOT DATA:
LANDSCAPE OPEN AREA AT FIRST FLOOR: 3727 SQFT OR 47% OF LOT
AREA OF LIVING ROOF: 2207
COMBINED AREA OF OPEN SPACE+ LIVING ROOF= 6109 OR 77% OF LOT

	1ST STORY	2ND STORY	TOTAL		
DWELLING 1	2 BEDROOM	742	284	1026	PERMIT 2019-1224-0493S
DWELLING 2	2 BEDROOM	764	337	1101	
DWELLING 3	3 BEDROOM	811	440	1251	PERMIT 2019-1224-0614S
DWELLING 4	3 BEDROOM	884	523	1407	
TOTAL		3201	1584	4785	

ACCESSORY GARDEN TOOL / BICYCLE STORAGE: 149 — PERMIT 2019-1224-0615S

SYMBOLS

	CEILING MOUNTED FIXTURE
	WALL MOUNTED FIXTURE
	EXTERIOR OR WATERPROOF LIGHT FIXTURE
	WALL WASH LIGHT FIXTURE
	RECESSED CEILING MOUNTED FIXTURE
	FLORESCENT LIGHT FIXTURE
	SMOKE ALARM
	CARBON MONOXIDE ALARM/SMOKE ALARM
	TELEPHONE
	INTERCOM
	DUPLEX OUTLET: 16" A.F.F.
	DUPLEX GFI OUTLET
	DUPLEX SWITCHED OUTLET
	DATA/TELEPHONE OUTLET
	DOUBLE DUPLEX, COUNTER HT
	DOUBLE DUPLEX OUTLET: 16" A.F.F.
	COUNTER HEIGHT DUPLEX OUTLET
	HALF SWITCHED DUPLEX OUTLET
	DIRECTIONAL EXIT SIGN
	FAN
	THERMOSTAT
	SWITCH
	DIMMER SWITCH
	3-WAY SWITCH
	DOOR TAG
	CEILING HEIGHT TAG
	ELEVATION
	FIXTURE TAG, P-PLUMBING, E-EQUIPMENT
	DRAWING REVISION TAG
	DETAIL KEY
	INTERIOR ELEVATION KEY
	SECTION/ELEVATION KEY

GENERAL NOTES:

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL CONDITIONS AND DIMENSIONS ON THE JOB SITE AND REPORT ANY AND ALL DISCREPANCIES AND/OR UNUSUAL CIRCUMSTANCES TO THE ARCHITECT PRIOR TO FINALIZING BIDS AND COMMENCEMENT OF CONSTRUCTION.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATION BETWEEN ARCHITECTURAL, STRUCTURAL, FIRE PROTECTION, MECHANICAL, PLUMBING, AND ELECTRICAL. THIS INCLUDES REVIEWING REQUIREMENTS OF INDIVIDUAL SYSTEMS BEFORE ORDERING AND INSTALLATION OF ANY WORK. VERIFY ALL ARCHITECTURAL DETAILS AND ALL FINISH CONDITIONS (WHETHER DEPICTED IN DRAWINGS OR NOT) WITH THE SAME DISCIPLINES.
3. ANY ERRORS, OMISSIONS, OR CONFLICTS FOUND IN THE CONSTRUCTION DOCUMENTS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT AND THE OWNER BEFORE PROCEEDING WITH THE WORK.
4. DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS GOVERN.
5. ALL CLEAR DIMENSIONS ARE NOT TO BE ADJUSTED WITHOUT APPROVAL OF THE ARCHITECT.
6. DETAILS SHOWN ARE TYPICAL, SIMILAR DETAILS APPLY IN SIMILAR CONDITIONS.
7. PROVIDE FIRE-BLOCKING AND DRAFT STOPPING AT ALL CONCEALED DRAFT OPENINGS (VERTICAL AND HORIZONTAL) AS PER 2010 CBC 708, 717.2 AND 717.3. FIRE BLOCKING AND DRAFT STOPS SHALL BE PROVIDED IN THE FOLLOWING LOCATIONS:
 - A) IN CONCEALED SPACES OF STUD WALLS AND PARTITIONS, INCLUDING FURRED SPACES, AT THE CEILING AND FLOOR LEVELS AND AT 10-FOOT INTERVALS BOTH VERTICAL AND HORIZONTAL.
 - B) IN CONCEALED SPACES BETWEEN STAIR STRINGERS AT THE TOP AND BOTTOM OF THE RUN AND BETWEEN STUDS ALONG AND IN LINE WITH THE RUN OF THE STAIRS IF THE WALLS UNDER THE STAIRS ARE UNFINISHED.
 - C) IN OPENINGS AROUND VENTS, PIPES, DUCTS, AND SIMILAR OPENINGS WHICH AFFORD A PASSAGE FOR FIRE AT CEILING AND FLOOR LEVELS, WITH NONCOMBUSTIBLE MATERIALS.
8. THERMAL AND SOUND INSULATING INSULATION SHALL COMPLY WITH 2013 CBC SECTION 719.
9. INSTALL ALL FIXTURES, EQUIPMENT, AND MATERIALS PER MANUFACTURER'S RECOMMENDATIONS AND CODE REQUIREMENTS. ALL APPLIANCES, FIXTURES, AND EQUIPMENT ASSOCIATED WITH PLUMBING, ELECTRICAL, MECHANICAL SYSTEMS SHALL BE LISTED BY A NATIONALLY RECOGNIZED AND APPROVED AGENCY.
10. VERIFY CLEARANCES FOR VENTS, CHASES, SOFFITS, FIXTURES BEFORE ANY CONSTRUCTION, ORDERING OF, OR INSTALLATION OF ANY ITEM OF WORK.
11. PROVIDE ALL LIGHTS, GUARDRAILS, BARRICADES, SIGNS AND PROTECTIVE MEASURES AS MAY BE REQUIRED BY THE OWNER, LOCAL AUTHORITIES, OR OTHERS HAVING JURISDICTION.
12. ALL WALL AND CEILING FINISHES SHALL COMPLY WITH CBC CHAPTER 8.
13. ALL DIMENSIONS ARE TO FACE OF FINISH UNLESS OTHERWISE NOTED.
14. UNLESS OTHERWISE NOTED, THE CONTRACTOR SHALL PROVIDE SOLID BLOCKING AND BACKING AS REQ'D FOR ALL NAILING OF INTERIOR TRIM AND FINISHES, AND SHALL COORDINATE AND PROVIDE ALL FRAMING, BACKING AND BRACING AS NECESSARY FOR INSTALLATION OF EQUIPMENT INDICATED ON THE DRAWINGS. PROVIDE BACKING PLATES AT ALL BATH ACCESSORIES, HANDRAILS, CABINETS, TOWEL BARS, WALL MOUNTED FIXTURES AND ANY OTHER ITEMS ATTACHED TO WALLS.
15. NOTE THAT MECHANICAL, ELECTRICAL, FIRE PROTECTION, PLUMBING AND COMMUNICATIONS ARE DESIGN BUILD ITEMS. ARCHITECTURAL DRAWINGS SHOW DESIGN INTENT. CONTRACTOR TO CONFIRM ALL SYSTEM REQUIREMENTS WITH BUILDING OWNER AND ARCHITECT PRIOR TO INSTALLATION. CONTRACTOR/SUBCONTRACTOR SHALL SUBMIT PLANS FOR THEIR RESPECTIVE WORK TO THE BUILDING DEPARTMENT AS REQUIRED FOR PLAN CHECK AND PERMIT ISSUANCE, INCLUDING PAYING FOR ALL PLAN CHECK AND PERMIT FEES.
16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR APPLYING AND OBTAINING ALL REQUIRED INSPECTIONS TO CONFORM WITH LOCAL BUILDING AND FIRE CODES.
17. ALL CHANGES IN FLOOR MATERIALS OCCUR AT THE CENTERLINE OF DOOR OR FRAMED OPENING UNLESS OTHERWISE NOTED.
18. WINDOW SIZES ON DRAWINGS ARE NOMINAL, REFER TO MANUFACTURERS FOR ACTUAL ROUGH OPENING DIMENSIONS.
19. ALL EXTERIOR DOORS AND WINDOWS ARE TO BE WEATHER-STRIPPED PER TITLE 24 REQUIREMENTS.
20. PROVIDE SAFETY GLAZING AT ALL HAZARDOUS LOCATIONS INCLUDING, BUT NOT LIMITED TO GLAZING WITHIN 18" OF A WALKING SURFACE. GLAZING IN DOORS AND WINDOWS ADJACENT TO DOORS IN ACCORDANCE WITH SECTION 2406.4.
21. ALL TEMPERED GLASS SHALL BE AFFIXED WITH A PERMANENT LABEL PER CBC SECTION 2406.3.
22. ALL NEW SMOKE ALARMS TO COMPLY WITH CBC SECTIONS: 907.2.10.1.2 FOR LOCATION, 907.2.10.2 TO BE HARD-WIRED WITH BATTERY BACKUP, 907.2.10.3 FOR INTERCONNECTION.
23. PER 1009.6.3 ENCLOSURES UNDER STAIRWAYS. THE WALLS AND SOFFITS WITHIN ENCLOSED USABLE SPACES UNDER ENCLOSED AND UNENCLOSED STAIRWAYS SHALL BE PROTECTED BY 1-HOUR FIRE-RESISTANCE-RATED CONSTRUCTION OR THE FIRE-RESISTANCE RATING OF THE STAIRWAY ENCLOSURE, WHICHEVER IS GREATER. ACCESS TO THE ENCLOSED SPACE SHALL NOT BE DIRECTLY FROM WITHIN THE STAIR ENCLOSURE.
EXCEPTION: SPACES UNDER STAIRWAYS SERVING AND CONTAINED WITHIN A SINGLE RESIDENTIAL DWELLING UNIT IN GROUP R-2 OR R-3 SHALL BE PERMITTED TO BE PROTECTED ON THE ENCLOSED SIDE WITH 1/2-INCH (12.7 MM) GYPSUM BOARD.
THERE SHALL BE NO ENCLOSED USABLE SPACE UNDER EXTERIOR EXIT STAIRWAYS UNLESS THE SPACE IS COMPLETELY ENCLOSED IN 1-HOUR FIRE-RESISTANCE-RATED CONSTRUCTION. THE OPEN SPACE UNDER EXTERIOR STAIRWAYS SHALL NOT BE USED FOR ANY PURPOSE.

LOCATION PLAN



E.P.R. STAMPS

2019 1224 0493 S
2019 1224 0614 S
2019 1224 0615 S

TROY KASHANIPOUR ARCHITECTURE 2325 3RD STREET SUITE 401, SF CA 94107. PHONE/FAX 415.431.0869

1821 FULTON STREET

ABBREVIATIONS

A.C.	AIR CONDITIONING	D.F.	DRINKING FOUNTAIN	GA.	GAUGE	NO.	NUMBER	SH.	SHelf
A.C. TILE	ACOUSTIC TILE	DIA.	DIAMETER	GALV.	GALVANIZED	NOM.	NOMINAL	SHR.	SHOWER
ACCESS.	ACCESSIBLE	DM.	DIMENSION	G.B.	GRAB BAR	N.T.S.	NOT TO SCALE	SHT.	SHEET
ACUST.	ACOUSTICAL	DN.	DOWN	G.C.	GENERAL CONTRACTOR	NUMBER		SM.	SIMILAR
A.D.	AREA DRAIN	D.O.	DOOR OPENING	G.H.	GARMENT HOOK	#	OVERALL	S.M.D.	SEE MECHANICAL DRAWINGS
ADJ.	ADJACENT	DN.	DOWN	GL.	GLASS	O.A.	OVERALL	S.N.D.	SANITARY NAPKIN DISPENSER
ADJUST.	ADJUSTABLE	D.O.	DOOR OPENING	GR.	GRADE	OBS.	OBSCURE	S.N.R.	SANITARY NAPKIN RECEPTACLE
A.E.S.	ABOVE EXISTING SLAB	DRESS.	DRESSING	GR.	GRADE	O.C.	ON CENTER	S.P.D.	SEE PLUMBING DWG'S SPECIFICATION
A.E.S.S.	ARCHITECTURAL EXPOSED STRUCTURAL STEEL	DS.	DOWNSPOUT	GRD.	GROUND	OFF.	OFFICE	SPEC'D	SPECIFIED
A.F.F.	ABOVE FINISHED FLOOR	DTL.	DETAIL	GR.	GRADE	OPN'G	OPENING	SQ.	SQUARE
AGGR.	AGGREGATE	DWG.	DRAWING	GSM.	GALVANIZED SHEET METAL	OPP.	OPPOSITE	S.S.D.	SEE STRUCTURAL DRAWINGS
AL.	ALUMINUM	E.	EAST	G.W.B.	GYPSUM WALLBOARD	OPF. HD.	OPPOSITE HAND OWNER SUPPLIED	S.S.K.	SERVICE SINK
ALUM.	ALUMINUM	(E)	EXISTING	GYP.	GYPSUM	O.S.C.I.	OWNER SUPPLIED CONTRACTOR INSTALLED	SST.	STAINLESS STEEL
APPROX.	APPROXIMATELY	EA.	EACH	GYPBD.	GYPSUM BOARD			ST.	STONE
ARCH.	ARCHITECTURAL	EA.	EACH	H.B.	HOSE BIBB	P.	PAINT	STA.	STATION
ASB.	ASBESTOS	E.J.	EXPANSION JOINT	H.C.	HOLLOW CORE	PC.	PRECAST CONCRETE	STD.	STANDARD
ASPH.	ASPHALT	E.L.	ELEVATION	HD.	HAND	PCS.	PIECES	STL.	STEEL
Ø	AT	ELEV.	ELEVATION	HOWD.	HARDWOOD	PL.	PLATE	STOR.	STORAGE
BD.	BOARD	ELEV.	ELEVATION	H.M.	HOLLOW METAL	PLAM.	PLYWOOD	STRUC.	STRUCTURAL
BITUM.	BITUMINOUS	EMER.	EMERGENCY	HORIZ.	HORIZONTAL	PLAS.	PLASTER	SUSP.	SUSPENDED
BLOC.	BUILDING	ENCL.	ENCLOSURE	HR.	HOUR	PLYW.	PLYWOOD	SYL.	SYMMETRICAL
BLK.	BLOCK	ENCL.	ENCLOSURE	HT.	HEIGHT	POL.	POLISHED	PT.	POINT
BLK'G	BLOCKING	E.P.	ELECTRICAL PANEL	HOWD.	HARDWOOD	PR.	PAIR	P.T.D.	PAPER TOWEL DISPENSER
BM.	BEAM	EQ.	EQUAL	INSUL.	INSULATION	PRCST.	PRECAST	PTD.	PAINTED
B.O.	BOTTOM OF	EQT.	EQUIPMENT	INT.	INTERIOR	PT.	POINT	P.T.D./R.	PAPER TOWEL DISPENSER
BOT.	BOTTOM	ESC.	ESCALATOR	JAN.	JANITOR	PTD.	PAINTED	P.T.D./R.	PAPER TOWEL DISPENSER
		E.W.C.	ELECTRIC WATER COOLER	JT.	JOINT	P.T.D./R.	PAPER TOWEL DISPENSER	T.	TREAD
		EXIST.	EXISTING	JN.	JANITOR	PTD.	PAINTED	T.B.	TOWEL BAR
		EXP.	EXPANSION	JT.	JOINT	PTD.	PAINTED	TC	TOP OF CURB
		EXPO.	EXPOSED	KIT.	KITCHEN	PTN.	PARTITION	TC	TERRA COTTA
		EXT.	EXTERIOR	L	ANGLE	P.T.R.	PAPER TOWEL RECEPTACLE	T.C.	TEMPERED
		F.A.	FIRE ALARM	L	LAMINATE	PU.	POLYURETHANE	TER.	TERRAZZO
		F.B.	FLAT BAR	LAM.	LAMINATE	PY.	POLYCARBONATE	THK.	THICK
		LAV.	LAVATORY	LAV.	LAVATORY	Q.T.	QUARRY TILE	T.O.	TOP OF
		LL	LANDLORD	LL	LANDLORD	R.	RISER	T.O.C.	TOP OF CONCRETE
		FDN.	FLOOR DRAIN	LL	LANDLORD	RAD.	RADIUS	T.O.P.	TOP OF PAVEMENT
		FDN.	FOUNDATION	LKR.	LOCKER	RCP	REFLECTED CEILING PLAN	T.O.S.	TOP OF SLAB
		F.E.C.	FIRE EXTINGUISHER	LT.	LIGHT	R.D.	ROOF DRAIN	T.S.	TUBE STEEL
		F.H.C.	FIRE HOSE CABINET	MANUF.	MANUFACTURER	R.O.	REDWOOD	TYP.	TYPICAL
		F.F.	FIRE FINISH	MAX.	MAXIMUM	ROWD.	REDWOOD	UR.	URINAL
		F.F.I.	FIRE FIBER INSULATION	M.C.	MEDICINE CABINET	REF.	REFERENCE	V.I.F.	VERIFY IN FIELD
		F.F.L.	FIRE FIBER INSULATION	M.D.	MEDIUM DENSITY FIBERBOARD	REFR.	REFRIGERATOR	VERT.	VERTICAL
		FLASH.	FLASHING	M.F.	MEDIUM DENSITY FIBERBOARD	REIN.F.	REINFORCED	VEST.	VESTIBULE
		FLUOR.	FLUORESCENT	MECH.	MECHANICAL	REG.	REGISTER	W.	WEST
		F.O.	FACE OF	MEMB.	MEMBRANE	REQ.	REQUIRED	W.C.	WATER CLOSET
		F.O.C.	FACE OF CONCRETE	MFR.	MANUFACTURER	RESIL.	RESILIENT	WD.	WOOD
		F.O.F.	FACE OF FINISH	MILL WK.	MILLWORK	RET.	RETARDANT	WDO.	WINDOW
		F.O.S.	FACE OF STUDS	M.H.	MANHOLE	RGTR.	REGISTER (CASH)	W/O	WITHOUT
		F.P.	FIRE PROOF	MIN.	MINIMUM	R.O.	ROUGH OPENING	WP.	WALLPAPER
		F.P.P.F.G.	FIRE PROOFING CERAMIC TILE	MIR.	MIRROR	R.W.L.	RAIN WATER LEADER	WT.	WEIGHT
		F.P.R.F.G.	FIRE PROOFING CERAMIC TILE	MISC.	MISCELLANEOUS	S.	SOUTH		
		F.R.	FIRE RETARDANT	M.O.	MASONRY OPENING	S.B.O.	SUPPLIED BY OWNER		
		F.T.	FIRE TREATED	M.T.	MOUNTED	S.C.	SOLID CORE		
		FT.	FOOT/FEET	MUL.	MULLION	S.C.D.	SEAT COVER DISPENSER		
		F.F.	FLOOR FINISH	MWC.	MILLWORK CONTRACTOR	SCH.	SCHEDULE		
		F.F.S.	FULL SIZE			SCHD.	SCHEDULE(D)		
		F.FUR.	FURRING			S.D.	SOAP DISPENSER		
		FUT.	FUTURE			SECT.	SECTION		
				N.	NORTH	S.E.D.	SEE ELECTRICAL DRAWINGS		
				(N)	NEW				
				N.I.C.	NOT IN CONTRACT				

OWNER:
GREEN GROVE SF LLC
2325 3RD STREET, SUITE 401
SAN FRANCISCO, CA 94107
PHONE: 415.431.0869

ISSUE: 2019 1224 0493 S
DATE: 08.15.2018
PLANNING REVISIONS 2019 1224 0614 S
DATE: 08.02.2019
ISSUED FOR PERMIT 2019 1224 0615 S
DATE: 12.24.2019

CONSULTANT: TROY KASHANIPOUR ARCHITECTURE

APPROVAL: [Signature]

DRAWN: TK
CHECKED: TK
SCALE: NONE

PROJECT INFORMATION
A0.0

TROY KASHANIPOUR ARCHITECTURE 2325 3RD STREET SUITE 401, SAN FRANCISCO CALIFORNIA 94107.

Department of Building Inspection 1650 Mission Street San Francisco, CA 94103-2414
 May 1, 2017
 Phone: 415.558.8133 Fax: 415.558.8866

Re: Pre-Application Plan Review Meeting
 Project Address: 1846 Grove Street, Block 1187 Lot 003H
 Code Basis: SFBC 2016

Reviewers: Jeff Ma (DBI), Lt. Janice Hayes (SFFD)
 Meeting Attendees: Troy Kashani pour (Architect), Seshra Plotitsa
 Meeting Date: May 16, 2017

Background and Project Summary Information:

The existing vacant parcel is a flag lot accessed through a gate on Fulton Street. The lot is 7,800 square feet. The access is through a 4' wide space between buildings, six inches of which belong to the adjacent corner parcel on Lot 1. Planning Department density allows, and Planning staff supports 5 dwelling units on a parcel of this size. Five R-3 dwellings are proposed. An existing mature oak tree will be maintained. The proposed 3-R dwellings will be limited in height to 2 story with an internal open courtyard. Also proposed on-site are smaller accessory storage structures. Window area for the dwellings on each parcel shall be based on an assumed property line between buildings per 705.3 and shall conform with fire separation distances as defined in 705.8.

Construction type shall be Type V-A unless otherwise required by Fire and DBI. The buildings on-site and the Site shall have Egress per CBC Chapter 10.

Code Discussion Items:

- Number of Exits and Exit Access Doorways - CBC 1006.1.
 - The exit from each dwelling. CBC 1006.2.1 Single Exits are permitted from each R-3 dwelling with an occupant load of less than 20 where the dwelling unit is equipped with sprinklers and the common path of egress travel is less than 125'.

DBI RESPONSE: Agreed. Access to dwelling unit exit (door to exterior court) less than 125'. Maximum 3 Story Buildings.

Jeff Ma

- Outdoor Area occupant load: Please confirm that outdoor areas are accessory to the residential units. No additional occupant load is required per Exception 1 and 2 of 1004.5

CBC 1004.5 Outdoor areas: Yards, patios, courts and similar outdoor areas accessible to and

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DBI RESPONSE: Sprinklering per NFPA-13. *subject to Fire Dept. plan review.*
 Jeff Ma

5. Alternate Scenario:

Combine Units 1&2 into a single R-3 Occupancy, Combine Units 3&4 into an R-3 Occupancy, Unit 3 shall remain as R-3. This is permitted per 705.3 Exception 1. Please advise of acceptability.

DBI RESPONSE: Combining units as proposed above is acceptable.

Jeff Ma

Please advise of any additional Fire Department or Building Department requirements for this parcel based on the scheme presented that are anticipated for this parcel.

Troy Kashani pour

Troy Kashani pour, Architect & Agent for Owner

Revised and agreed by Jeff Ma 6/13/17 SFFD

TROY KASHANIPOUR ARCHITECTURE 2325 3RD STREET SUITE 401, SAN FRANCISCO CALIFORNIA 94107.

usable by the building occupants shall be provided with means of egress as required by this chapter. The occupant load of such outdoor areas shall be assigned by the building official in accordance with the anticipated use. Where outdoor areas are to be used by persons in addition to the occupants of the building, and the path of egress travel from the outdoor areas passes through the building, means of egress requirements for the building shall be based on the sum of the occupant loads of the building plus the outdoor areas.

Exceptions:

- Outdoor areas used exclusively for service of the building need only have one means of egress.
- Both outdoor areas associated with Group R-3 and individual dwelling units of Group R-2

DBI RESPONSE: Agreed, outdoor areas are accessory to the residential use and do not have their own occupant load.

Jeff Ma

3. The Exit Discharge:

The passage between the existing buildings on lot 1 and lot 13 is 3'-6" wide is considered an Egress Court.

- Per 1028.4.1: The required width is 36" for R-3 occupancies.
- Per 1028.4.2: The Construction of an egress court serving R-3 occupancies requires no rating per Exception 1.

DBI RESPONSE: Agreed as long as less than 50 total occupants are served by egress court

Jeff Ma

4. Sprinklering - The following is proposed:

- A dedicated fire sprinkler line shall be brought into the property. This line will be provide with a backflow preventer and a check-valve.
- After the valves the main line shall split and, there shall be independent service to each dwelling unit.
- Each unit will be equipped with an independent monitoring service.
- Each R-3 dwelling shall be sprinklered to NFPA-13R standards.
- Small independent accessory to the main structure shall have fire ratings as required by code but are not proposed to be sprinklered. They shall be used for light storage such as bicycles, garden and household equipment.

FIRE DEPARTMENT RESPONSE: Applicants to meet with Fire Department to discuss Fire Department Access.

FIRE DEPARTMENT: ACCESS REVIEW APPROVAL:

1821 Fulton Street (5 units R-3 Dwelling units)

Block 1187/ lot 003H

The Architecture plans has been reviewed and SFFD comments:

Condition of approval.

Revise the Architecture plans

- licensed architect need to stamp and sign the Architecture plans.
- Architecture plans must be approved from San Francisco Building department.
- Indicate in the Architecture plans:
 - Each R-3 dwelling shall be sprinklered and monitored per 2016 NFPA 13 and 2016 CFC 903.3.1.1. per pre-application meeting on 2/6/2018.
 - The sprinkler system for each R-3 dwelling shall be monitored.
 - The Maximum height at the second story will not exceed 20 feet above grade.
 - The type construction of each R-3 dwelling shall be Type III per pre-application meeting on 2/6/2018.
 - Standpipe system 2ways X 3 inches outlets shall be provided at the entry, in middle and far end of the property per pre-application meeting on 2/6/2018.
 - Removal of the street tree at sidewalk near entry gate per pre-application meeting on 2/6/2018.
 - A minimum 3.5 feet clear width without obstruction at any access point of the exist discharge shall be provided.
 - A red fire zone curb* NO PARKING* shall be provided in front of property.

Kamal Andrews, P.E.
Kamal Andrews
 Fire Protection Engineer 4/27/18
 San Francisco Fire Department

Captain/ Michael Patt
Michael Patt
 Bureau of Fire Prevention
 San Francisco Fire Department

APPROVED AS NOTED
 DATE 4/27/18
Daniel Bates
 CHIEF, DIVISION OF FIRE PREVENTION & INVESTIGATION

in addition: rescue windows required

2019 1224 0493 S
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 2019 1224 0615 S

TROY KASHANIPOUR ARCHITECTURE 2325 3RD STREET SUITE 401, SF CA 94107. PHONE/FAX 415.431.0869

1821 FULTON STREET

OWNER:
 GREEN GROVE SF LLC
 2325 3RD STREET, SUITE 401
 SAN FRANCISCO, CA 94107
 PHONE: 415.431.0869

ISSUE: DATE:
 ISSUED FOR VARIANCE & CUA 08.15.2018
 ISSUED FOR PERMIT 12.24.2019

CONSULTANT

APPROVAL



DRAWN: TK
 CHECKED: TK
 SCALE: NONE

FIRE DEPARTMENT APPROVAL
 PRE-APPLICATION LETTERS

A0.1



Variance Decision

Date: June 19, 2020
Case No.: 2018-011441VAR
Project Address: 1846 GROVE STREET
Zoning: RH-2 (Residential, House - Two-Family) Zoning District
RH-3 (Residential, House - Three-Family) Zoning District
40-X Height and Bulk District

1650 Mission St.
Suite 400
San Francisco, CA 94103-2479
Reception: 415.558.6378
Fax: 415.558.6409
Planning Information: 415.558.6377

DESCRIPTION OF VARIANCE - REAR YARD, EXPOSURE, AND BICYCLE PARKING VARIANCES SOUGHT:

The proposal is to construct four two-story, single-family dwellings. The subject property is an undeveloped "flag lot" (a lot with minimal street frontage and a long access path before widening at the rear). The proposed project includes two two-bedroom dwellings and two three-bedroom dwellings. The units range in size from 1,026 to 1,407 square feet. The lot is accessed by a 100-foot long access path from Fulton Street that is three-foot six-inches wide for the first 30 feet and six-foot three-inches wide for the remainder of its depth. The subject property is located within both an RH-2 (Residential, House - Two-Family) and RH-3 (Residential, House - Three-Family) Zoning District. The entirety of the proposed development is on the portion of the lot zoned RH-2.

Planning Code Section 134 requires properties in the RH-2 Zoning District to maintain a rear yard equivalent to 45 percent of the total lot depth at grade level and at each succeeding story of the building, unless reduced to the average of qualifying adjacent rear building walls. Two of the proposed four dwelling units will extend to the rear property line. As such, no rear yard is provided in the proposal. Therefore, a variance is required.

Planning Code Section 140 requires all dwelling units in all district to face onto a qualifying open area. Each dwelling unit shall maintain at least one room that meets the 120 square-foot minimum superficial floor area requirement of Section 503 of the Housing Code, and shall face directly onto either a public street, public alley at least 20 feet in width, side yard at least 25 feet in width, rear yard meeting the requirements of the Planning Code, or an open area (whether an inner court or space between buildings on the same lot) that is no less than 25 feet in every horizontal dimension. Two of the four dwelling

中文詢問請電 415.558.6310 | PARA INFORMACION EN ESPAÑOL, LLAMAR AL: 415.558.6310 | PARA SA INFORMACAOYON SA TAGALOG TUMAWAG SA: 415.558.6310 | WWW.SPPLANNING.ORG

Variance Decision June 19, 2020 CASE NO. 2018-011441VAR 1846 Grove Street

units do not face onto an area that meets the requirements of Planning Code Section 140. Therefore, a variance is required.

Planning Code Section 155.1 requires that all Class 1 bicycle parking spaces shall be located on the ground floor within 100 feet of the major entrance to the lobby. There shall be either: (i) convenient access to and from the street to the bicycle parking space and another entrance from the bicycle parking space to the lobby area, or (ii) a minimum five foot wide hallway or lobby space that leads to the bicycle parking major entrance, where direct access to bicycle parking space from the street does not exist. Such access routes may include up to two limited restriction points, such as doorways, provided that these restrictions are no narrower than three feet wide and extend for no more than one foot of distance. The proposed project requires a minimum of four Class 1 bicycle spaces and provides 10 spaces. The spaces require travelling through the 50-foot long access path which does not provide a five-foot minimum hallway, as it is only three feet and six inches wide. Therefore, a variance is required.

PROCEDURAL BACKGROUND:

- 1. The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 3 categorical exemption.
2. Following continuances on November 7, 2019, December 12, 2019, March 12, 2020, March 19, 2020, and March 26, 2020, the Zoning Administrator held a duly public hearing on Variance Application No. 2018-011441VAR on April 9, 2020. The hearing was held in conjunction with a duly noticed Planning Commission hearing on Conditional Use Application No. 2018-011441CUA. At this hearing, the Planning Commission unanimously approved the Conditional Use Authorization (Motion No. 20681).
3. Planning Code Section 311 notification was conducted concurrently with the required notification for the joint Planning Commission and Variance hearings. Two notifications were conducted. A notification was mailed on October 18, 2019 for the public hearings conducted on November 7, 2019. A second notification was mailed on February 21, 2020 for the public hearings scheduled for March 12, 2020.

DECISION:

GRANTED, in general conformity with the plans on file with this application, shown as EXHIBIT A, to construct four two-story single-family dwellings. Two of the dwellings extend into the required rear yard, two of the dwellings do not provide sufficient access to light and air, and all four dwelling units do not provide sufficient access to bicycle parking.

- 1. The authorization and rights vested by virtue of this decision letter shall be deemed void and cancelled if (1) a Site or Building Permit has not been issued within three years from the effective date of this decision; or (2) a Tentative Map has not been approved within three years from the effective date of this decision for Subdivision cases; or (3) neither a Site or Building Permit or Tentative Map is involved but another required City action has not been approved within three years from the effective date of this decision. However, this authorization may be extended by the Zoning Administrator when the issuance of a necessary Building Permit or

SAN FRANCISCO PLANNING DEPARTMENT 2

Variance Decision June 19, 2020 CASE NO. 2018-011441VAR 1846 Grove Street

approval of a Tentative Map or other City action is delayed by a City agency or by appeal of the issuance of such a permit or map or other City action.

- 2. Any future physical expansion, even in the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood character and scale. If the Zoning Administrator determines that there would be a significant or extraordinary impact, the Zoning Administrator shall require either notice to adjacent and/or affected property owners or a new Variance application be sought and justified.
3. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls apply.
4. Minor modifications as determined by the Zoning Administrator may be permitted.
5. The owner of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this Variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.
6. This Variance Decision and the recorded Notice of Special Restrictions shall be reproduced on the Index Sheet of the construction plans submitted with the Site or Building Permit Application for the Project, if applicable.

FINDINGS: Section 305(c) of the Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

FINDING 1. That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district.

Requirement Met.

- A. The subject property is an undeveloped "flag lot" (a lot with minimal frontage and a long access path before widening at the rear). At 7,868 square feet, the lot is larger in area than what is typical for the neighborhood. While the subject property has a Grove Street address, the lot fronts Fulton Street between Ashbury Street and Masonic Avenue. The lot has approximately three feet six inches of frontage on Fulton Street, with a 100-foot access path to the widened area at the rear. The access path widens to approximately six feet three inches for the final 50 feet of its depth.
B. The shape of the lot is irregular and makes a Code-compliant project difficult to develop. The lot has eight sides and varying depths, as opposed to the typical rectangular shape of standard lots.

SAN FRANCISCO PLANNING DEPARTMENT 3

Variance Decision June 19, 2020 CASE NO. 2018-011441VAR 1846 Grove Street

- C. All dwelling units in all district are required to face an open area, pursuant to Planning Code Section 140. An open area is considered to be a Code-compliant rear yard, a public street, or an interior courtyard of no less than 25 feet in every horizontal direction. The shape of the lot effectively eliminates facing onto a public street as an option for Code-compliance, resulting in a Code-compliant rear yard or interior courtyard as the only options for compliance with the exposure requirement. An interior courtyard is provided that meets the exposure requirement; however, given the size and shape of the lot only two units face onto this area. While the two other units face onto open areas that provide adequate light and air, they do not meet the requirements of the Planning Code and require a variance.
D. Code-compliant bicycle parking requires a minimum five-foot wide hallway or lobby that leads directly from the street to the bicycle parking area, pursuant to Planning Code Section 155.1. As the only means of access from the street to the development is an access path that is only three feet six inches wide (at the narrowest point), compliance with this requirement is not possible. That the lot only has a three-foot six-inch wide frontage is an exceptional and extraordinary circumstance that is not applicable in other properties or uses in the same class of district.

FINDING 2. That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in a practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

Requirement Met.

- A. The proposed project contains four two-story single-family dwellings. Literal enforcement of the rear yard requirement would allow larger, more concentrated massing on the north side of the property in the building area. While this massing would be in scale with the rest of the neighborhood, it would provide negative impacts to the neighboring properties in comparison to the proposed project. Additionally, the proposed project is in compliance with the Residential Design Guidelines. Compliance with the Guidelines is a Planning Code requirement, pursuant to Planning Code Section 311. Literal enforcement of the rear yard requirement would prevent the project from providing four dwelling units in a manner that complies with the Residential Design Guidelines and represent an unnecessary hardship not created by or attributed to the applicant.
B. Granting the exposure variance will allow the property owner to construct dwelling units around the edge of the lot, which is both the most practical design and the most compliant with the Residential Design Guidelines. The shape of the lot makes it infeasible to create a practical design that is compliant with the design guidelines, while also meeting the Code requirement for access to light and air. Literal enforcement of the light and air requirement would be impractical given the constraints the shape of the lot creates and represent an unnecessary hardship not created by or attributed to the applicant.
C. Literal enforcement of the requirements for access to bicycle parking would render this project infeasible for any development. Because the path to the bicycle parking from the street is a feature of the lot, which cannot be altered, and not one attributable to a proposed building.

SAN FRANCISCO PLANNING DEPARTMENT 4

Variance Decision June 19, 2020 CASE NO. 2018-011441VAR 1846 Grove Street

there is no Code-compliant alternative. The shape of the lot is a practical difficulty neither created by nor attributable to the property owner.

FINDING 3. That such variance is necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

Requirement Met.

- A. These variances allow for the creation of four dwelling units on a 7,868 square foot lot that is primarily within an RH-2 Zoning District. A typical development on a standard 2,500 square foot lot in this district would allow for 55% lot coverage and two dwelling units. The subject project (which is located on a lot three times larger than a standard lot) proposes approximately 45% lot coverage and a total of four dwelling units. The addition of dwelling units in a manner which complies with the Residential Design Guidelines is a substantial property right possessed by other property in the same class of district.

FINDING 4. That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

Requirement Met.

- A. The Project creates four additional dwelling units and has been designed to minimally impact surrounding properties. Therefore, granting the variance will improve the livability of the subject property and will not be materially detrimental to the public welfare or materially injurious to the neighboring properties.
B. The Planning Department and Planning Commission determined the project to be consistent with the Residential Design Guidelines. The project limits the height of the units to two stories and includes landscaping and living roofs to minimize impacts on the mid-block open space.
C. The Planning Department received 45 letters of opposition and 24 letters of support for the proposed project. The letters of opposition raised concerns related to fire safety (due to the narrow access path) and impact on the mid-block open space. The Applicant demonstrated that they had reviewed initial designs with the San Francisco Building and Fire Departments, which found the proposal to be feasible and meet minimum fire safety requirements. As noted previously, the project design has been found to comply with the Residential Design Guidelines to minimize impacts on adjacent properties.

FINDING 5. The granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

Requirement Met.

SAN FRANCISCO PLANNING DEPARTMENT 5

Variance Decision June 19, 2020 CASE NO. 2018-011441VAR 1846 Grove Street

A. This development is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. Planning Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. The project meets all relevant policies, including conserving neighborhood character, and maintaining housing stock.

- 1. Existing neighborhood retail uses will not be adversely affected by the proposed project.
2. The proposed project will be in keeping with the existing housing and neighborhood character. The proposal will create four dwelling units on the property.
3. The proposed project will have no effect on the City's supply of affordable housing.
4. The proposed project does not adversely affect neighborhood parking or public transit.
5. The project will have no effect on the City's industrial and service sectors.
6. The proposed project will have no effect on the City's preparedness to protect against injury and loss of life in an earthquake.
7. The project will have no effect on the City's landmarks or historic buildings.
8. The project would not affect any existing or planned public parks or open spaces.

The effective date of this decision shall be either the date of this decision letter if not appealed, or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

Once any portion of the granted variance is used, all specifications and conditions of the variance authorization become immediately operative.

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.

SAN FRANCISCO PLANNING DEPARTMENT 6

2019 1224 0493 S
2019 1224 0614 S
2019 1224 0615 S
TROY KASHANIPOUR ARCHITECTURE
1821 FULTON STREET

OWNER: GREEN GROVE SF LLC
2325 3RD STREET, SUITE 401
SAN FRANCISCO, CA 94107
PHONE: 415.431.0869

ISSUE: ISSUED FOR PERMIT DATE: 06.09.2023

CONSULTANT

APPROVAL

DRAWN: TK
CHECKED: TK
SCALE: NONE

VARIANCE DECISION

A0.2A

VARIANCE DECISION

Variance Decision
June 19, 2020

CASE NO. 2018-01141VAR
1846 Grove Street

APPEAL: Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 1660 Mission Street, 5th Floor (Room 304) or call 975-6880.

Very truly yours,



Scott F. Sanchez
Acting Zoning Administrator

THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OCCUPANCY. PERMITS FROM APPROPRIATE DEPARTMENTS MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.

SAN FRANCISCO
PLANNING DEPARTMENT

7

2019 1224 0493 S
2019 1224 0614 S
2019 1224 0615 S

TROY KASHANIPOUR ARCHITECTURE 2325 3RD STREET SUITE 401, SF CA 94107 PHONE/FAX 415.431.0869

1821 FULTON STREET

OWNER:
GREEN GROVE SF LLC
2325 3RD STREET, SUITE 401
SAN FRANCISCO, CA 94107
PHONE: 415.431.0869

ISSUE: DATE:
ISSUED FOR PERMIT 06.09.2023

CONSULTANT
-

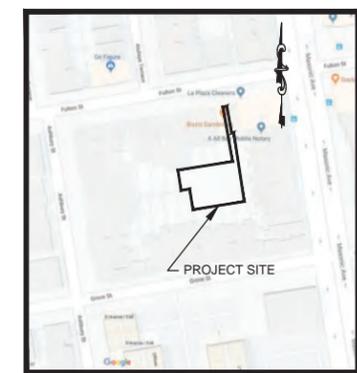
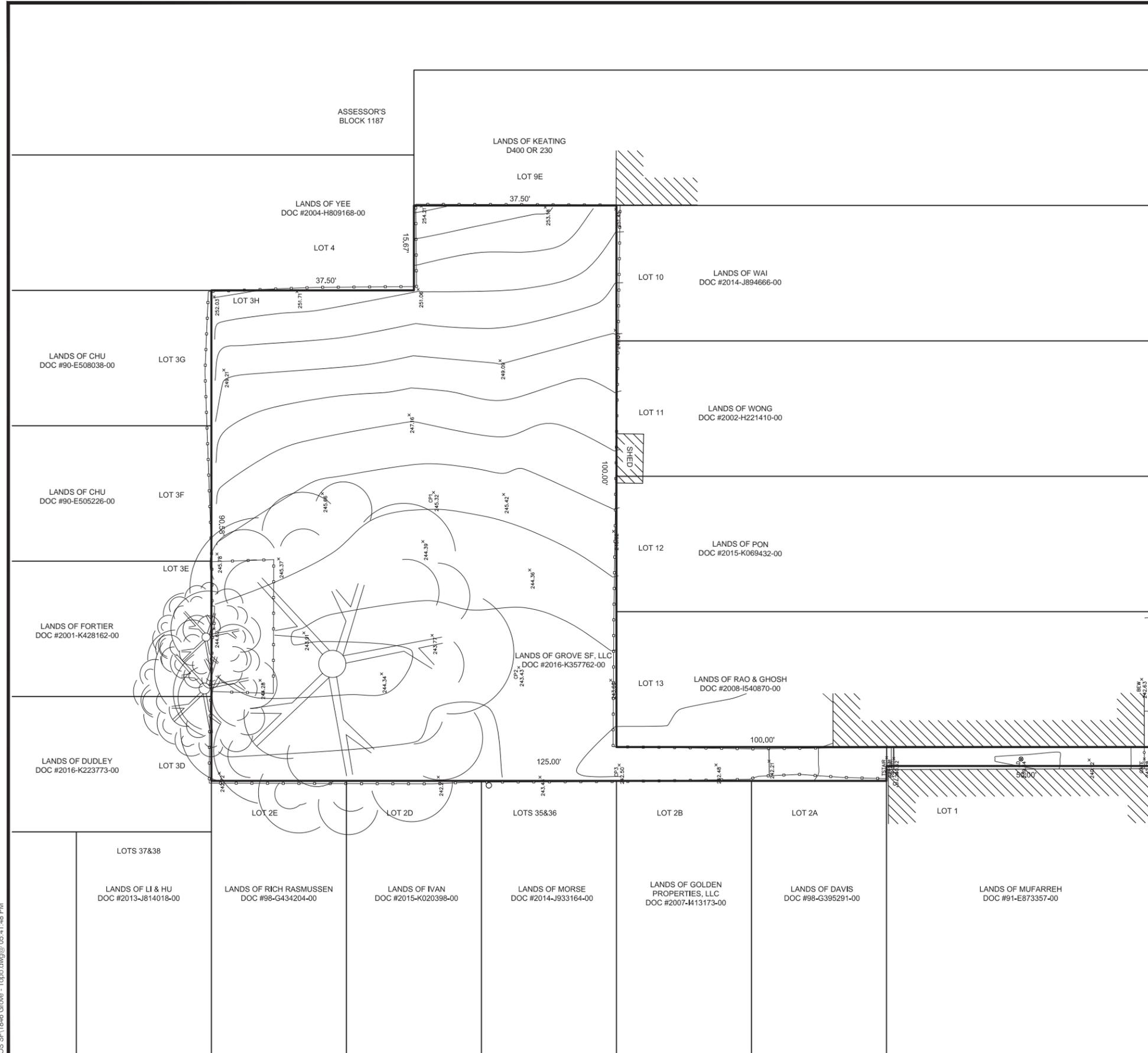
APPROVAL



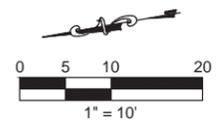
DRAWN: TK
CHECKED: TK
SCALE: NONE

VARIANCE DECISION

A0.2B



VICINITY MAP
NO SCALE



LEGEND

- APPROXIMATE BOUNDARY OF PROPERTY LINE
- - - APPROXIMATE BOUNDARY OF ADJOINING PROPERTIES
- LOT LINE PER ORIGINAL SUBDIVISION
- - - WOODEN FENCE LINE
- - - CHAIN LINK FENCE LINE
- - - CONTOUR LINE W/ ELEVATION
- 59 BUILDING FOOTPRINT
- EP EDGE OF PAVEMENT
- FG FINISHED GRADE
- IR IRRIGATION CONTROLS
- DI DRAINAGE INLET
- WV WATER VALVE
- CL CENTERLINE
- FS FINISHED SURFACE
- FF FINISHED FLOOR
- CONC CONCRETE
- HYD HYDRANT
- RL RIDGE LINE ELEVATION
- GF GARAGE FLOOR ELEVATION
- FD FOUND
- (XXX) RECORD DATA
- (Tree Symbol) TREE

NOTE

RECORD OF SURVEY TO BE FILED WITH THE CITY AND COUNTY OF SAN FRANCISCO. PROPERTY CORNERS WILL BE SET AT ALL PROPERTY CORNERS OR OFFSETS THERETO.

BASIS OF ELEVATIONS

THE COORDINATES AND ELEVATION ARE BASED FROM THE CONTROL POINT CP1 LOCATED IN DANMANN AVENUE ALONG THE FRONTAGE OF THE PROPERTY. SAID COORDINATES BEING IN NAD83(2011)(EPOCH:2010.0000 PER OPUS SOLUTION DATED SEPTEMBER 1, 2018) CALIFORNIA ZONE 3 STATE PLANE COORDINATE SYSTEM, HAVING A NORTHING OF 2,110,615.10 AND AN EASTING OF 5,998,954.67, AND SAID ELEVATION BEING NAVD88 (COMPUTED USING GEOD12B) AND HAVING AN ELEVATION OF 245.32'.

ELEVATIONS AND CONTOURS SHOWN HEREIN ARE BASED ON A SURVEY DONE ON FEBRUARY 09, 2019.

Michael S. Mahoney
MICHAEL S. MAHONEY PLS 5577



E:\2019-1002 TB Map & RGS SF 1846 Grove - Topo.dwg @ 05:41:48 PM

NO.	REVISIONS	DATE

JOB#: 2019.1002
DATE: 2/9/19
100% SUBMITTAL

(650) 244-9667
jgmahoney@pls-corp.com
901 Sneath Ln, Suite 117
San Bruno, CA 94066

Professional Land Services
LAND DEVELOPMENT SPECIALISTS

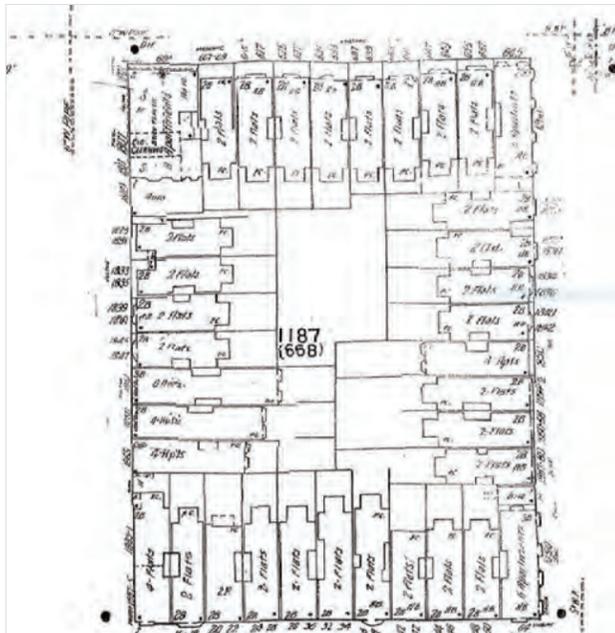
DESIGNED: JKO
DRAWN: JKO
APPROVED: JKO/MSM

PREPARED FOR:
GREEN GROVE LLC /CARE
OF TROY KASHANIPOUR
225 3RD STREET, SUITE 401
SAN FRANCISCO, CA 94107

TITLE:
TOPOGRAPHIC MAP OF
1846V GROVE STREET
SAN FRANCISCO, CA 94044

SHEET 1
OF
1

SANBORN MAP



OVERHEAD VIEW LOOKING FROM NORTH



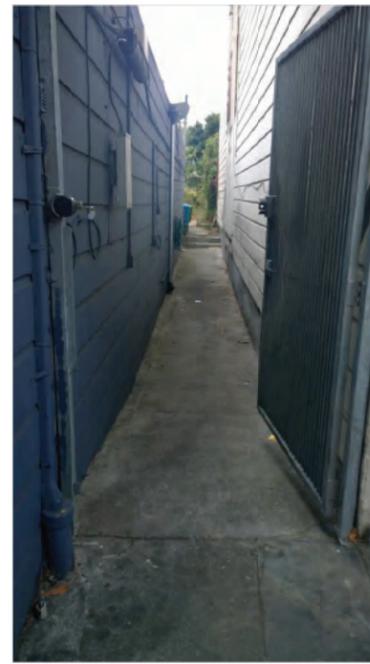
OVERHEAD VIEW LOOKING FROM SOUTH



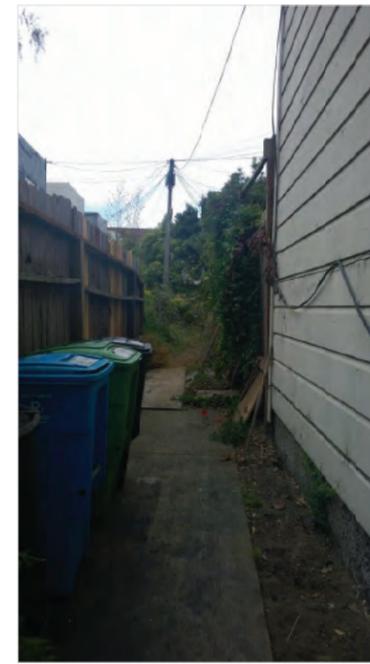
OVERHEAD VIEW



ACCESS FIRST 50' : 3.5' WIDTH



NEXT 50' : 6.25' WIDTH



ENTER FULL LENGTH OF LOT, LOOKING NORTH



LOOKING WEST



LOOKING EAST



LOOKING SOUTH



2019 1224 0493 S
2019 1224 0614 S
2019 1224 0615 S

TROY KASHANIPOUR ARCHITECTURE 2325 3RD STREET SUITE 401, SF CA 94107, PHONE/FAX 415.431.0869

1821 FULTON STREET

OWNER:
GREEN GROVE SF LLC
2325 3RD STREET, SUITE 401
SAN FRANCISCO, CA 94107
PHONE: 415.431.0869

ISSUE: ISSUED FOR VARIANCE & CUA
ISSUED FOR PERMIT

DATE: 08.15.2018
12.24.2019

CONSULTANT

APPROVAL



DRAWN: TK
CHECKED: TK
SCALE: NONE

SITE PHOTOGRAPHS

A0.2



1 PROPOSED SITE PLAN
SCALE: 3/32" = 1'-0"



2019 1224 0493 SS
2019 1224 0614 SS
2019 1224 0615 SS

TROY KASHANIPOUR ARCHITECTURE 2325 3RD STREET SUITE 401, SF CA 94107, PHONE/FAX 415.431.0869

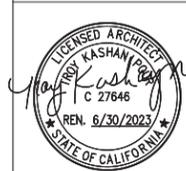
1821 FULTON STREET

OWNER:
GREEN GROVE SF LLC
2325 3RD STREET, SUITE 401
SAN FRANCISCO, CA 94107
PHONE: 415.431.0869

ISSUE: DATE:
ISSUED FOR VARIANCE & CUA 08.15.2018
PLANNING REVISIONS 06.10.2019
PLANNING REVISIONS 08.02.2019
ISSUED FOR BUILDING PERMIT 12.24.2019

CONSULTANT

APPROVAL



DRAWN: TK
CHECKED: TK
SCALE: 3/32" = 1'-0"

PROPOSED SITE PLAN

A1.1



OPEN SPACE REQUIREMENTS PER SECTION 135, RH-2 ZONING 125 SQFT PER UNIT IF PRIVATE, 166 SQFT PER UNIT IF COMMON.

OPEN SPACE ON SITE IS IRREGULAR: TOTAL SIZE: 3819 SQFT

CONTINUOUS RECTANGULAR AREA OF SHARED OPEN SPACE: 21.5'x68.5' = 1,473 SQFT

PRIVATE OPEN SPACE: 125 SQFT PER UNIT REQUIRED IF PRIVATE

DWELLING 1: 230 SQFT - COMPLIES AS PRIVATE OPEN SPACE
 DWELLING 2: 257 SQFT -- COMPLIES AS PRIVATE OPEN SPACE
 DWELLING 3: 254 SQFT - COMPLIES AS PRIVATE OPEN SPACE
 DWELLING 4: 132 SQFT- COMPLIES AS PRIVATE OPEN SPACE

1 OPEN SPACE AND UNIT EXPOSURE DIAGRAM
 SCALE: 3/32" = 1'-0"

2019 1224 0493 S
 2019 1224 0614 S
 2019 1224 0615 S

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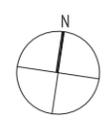
APPROVAL

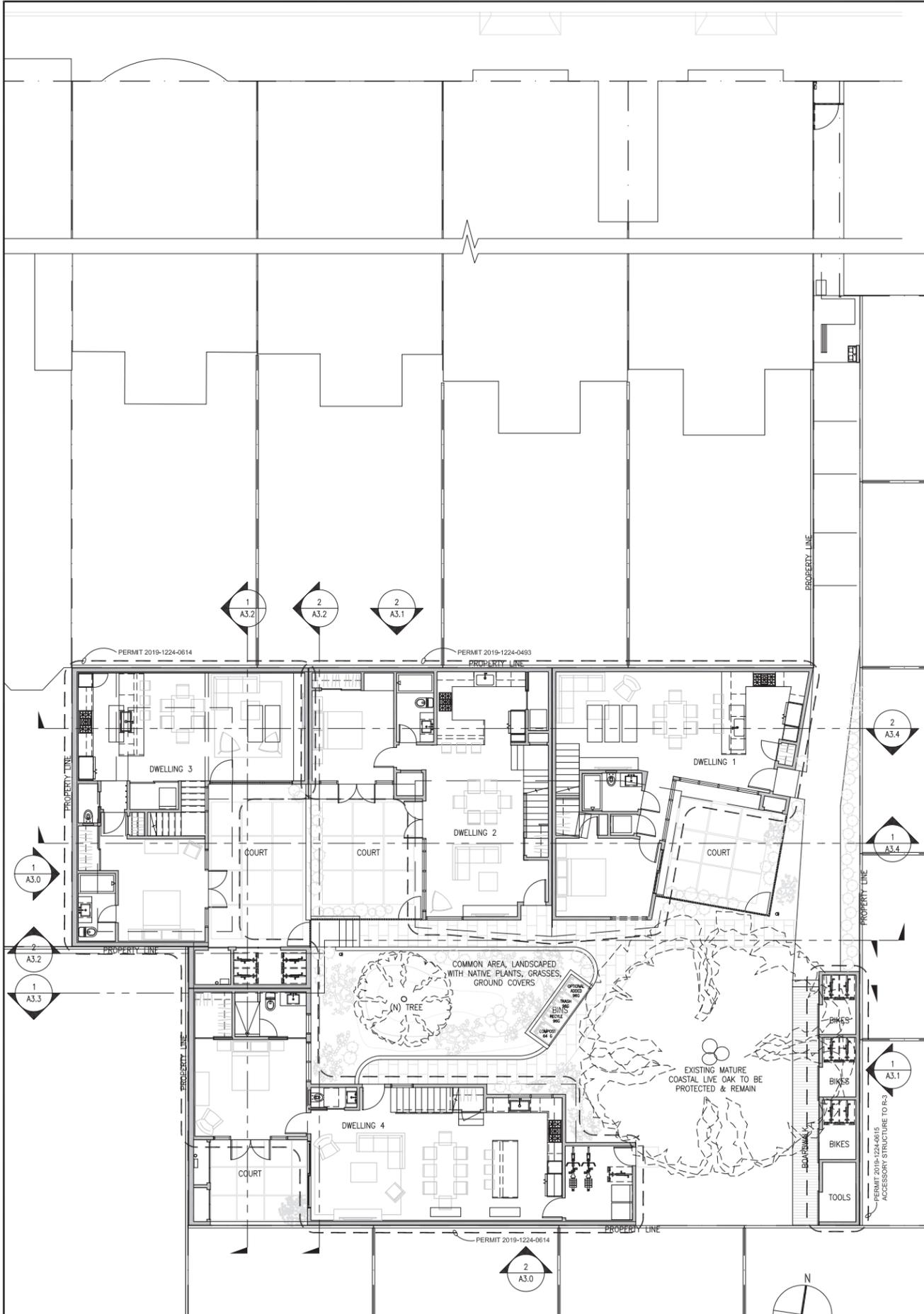


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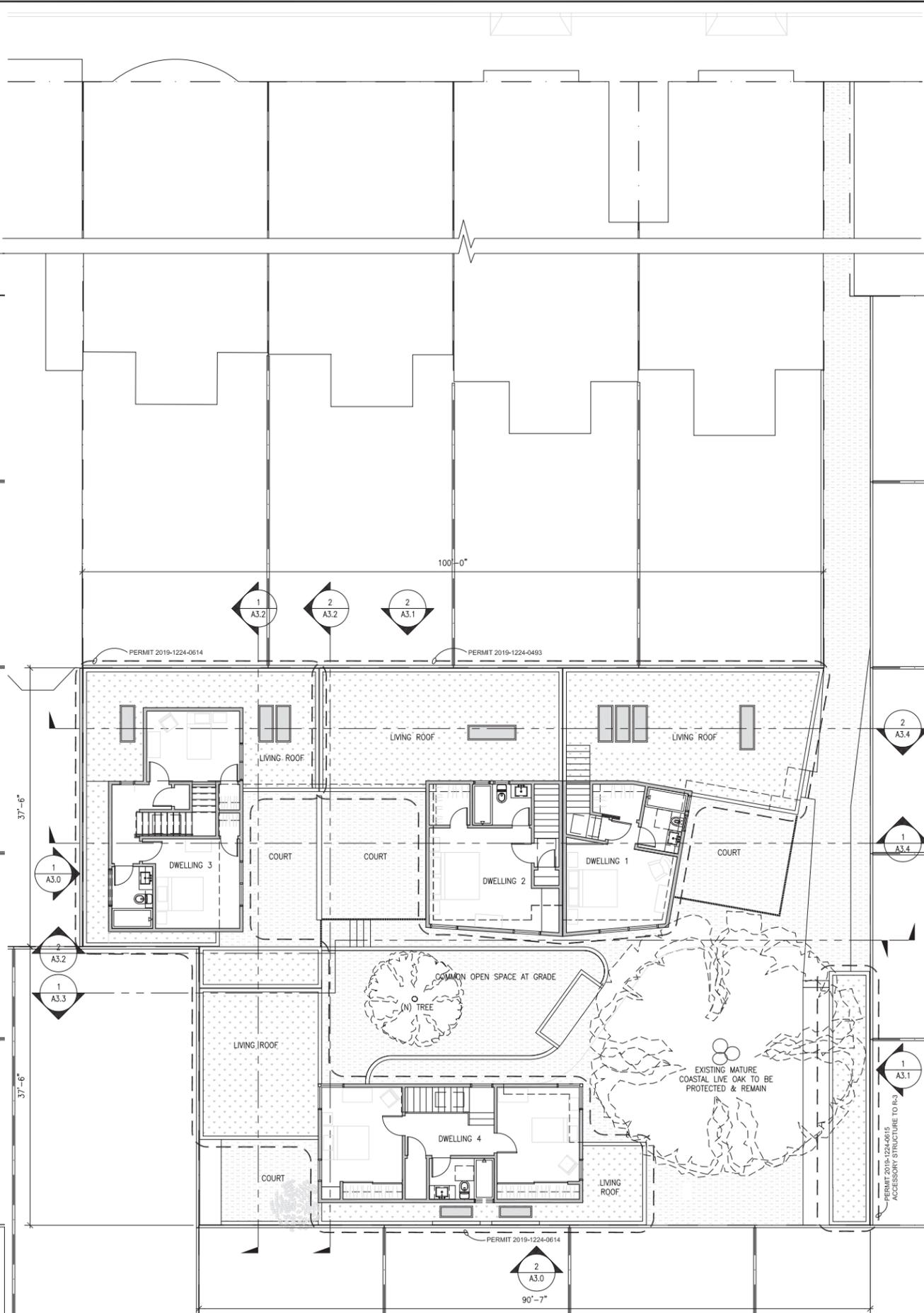
OPEN SPACE & UNIT EXPOSURE DIAGRAM

A1.2





1 PROPOSED FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"



2 PROPOSED SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"

2019 1224 0493 S
2019 1224 0614 S
2019 1224 0615 S

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ISSUED FOR PERMIT	12.24.2019

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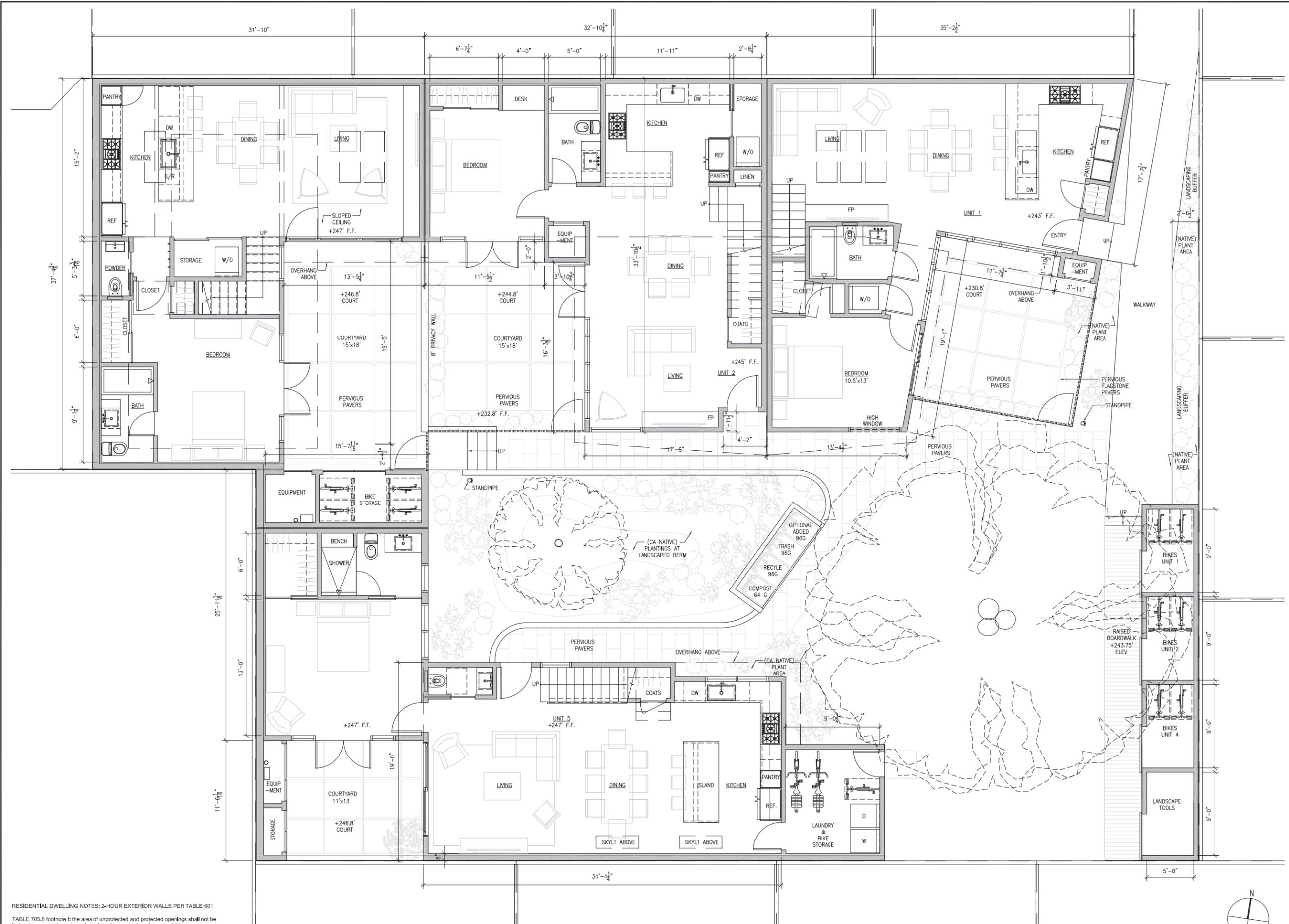
APPROVAL



DRAWN: TK
CHECKED: TK
SCALE: 1/8" = 1'-0"

PROPOSED FLOOR PLANS

A2.0



RESIDENTIAL DWELLING NOTES; 2-HOUR EXTERIOR WALLS PER TABLE 601
 TABLE 705.8 footnote f: the area of unprotected and protected openings shall not be limited for group r-3 occupancies, with a fire separation distance of 5 feet or greater.

1 PROPOSED FIRST FLOOR PLAN
 SCALE: 1/4" = 1'-0"

2019 1224 0493 S
 2019 1224 0614 S
 2019 1224 0615 S

TROY KASHANIPOUR ARCHITECTURE 2325 3RD STREET SUITE 401, SF CA 94107, PHONE/FAX 415.431.0869

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 ISSUED FOR PERMIT 12.24.2019

CONSULTANT

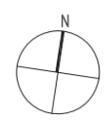
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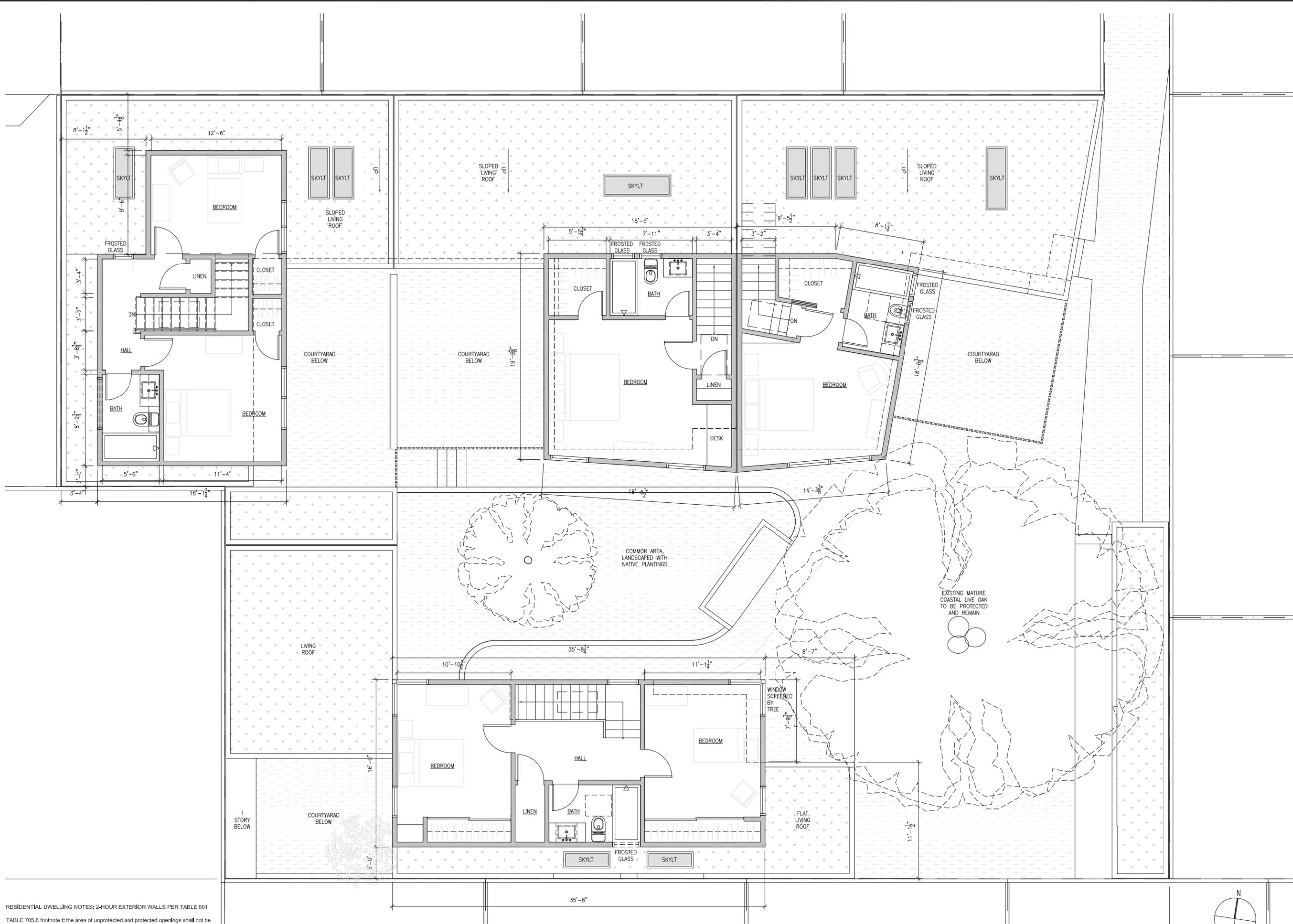


DRAWN: TK
 CHECKED: TK
 SCALE: 1/4" = 1'-0"

PROPOSED FIRST FLOOR PLAN

A2.1





RESIDENTIAL DWELLING NOTES; 2-HOUR EXTERIOR WALLS PER TABLE 601
 TABLE 705.8 footnote f: the area of unprotected and protected openings shall not be limited for group r-3 occupancies, with a fire separation distance of 5 feet or greater.

1 PROPOSED SECOND FLOOR PLAN
 SCALE: 1/4" = 1'-0"

2019 1224 0493 S
 2019 1224 0614 S
 2019 1224 0615 S

TROY KASHANIPOUR ARCHITECTURE 2325 3RD STREET SUITE 401, SF CA 94107, PHONE/FAX 415.431.0869

1821 FULTON STREET

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CONSULTANT

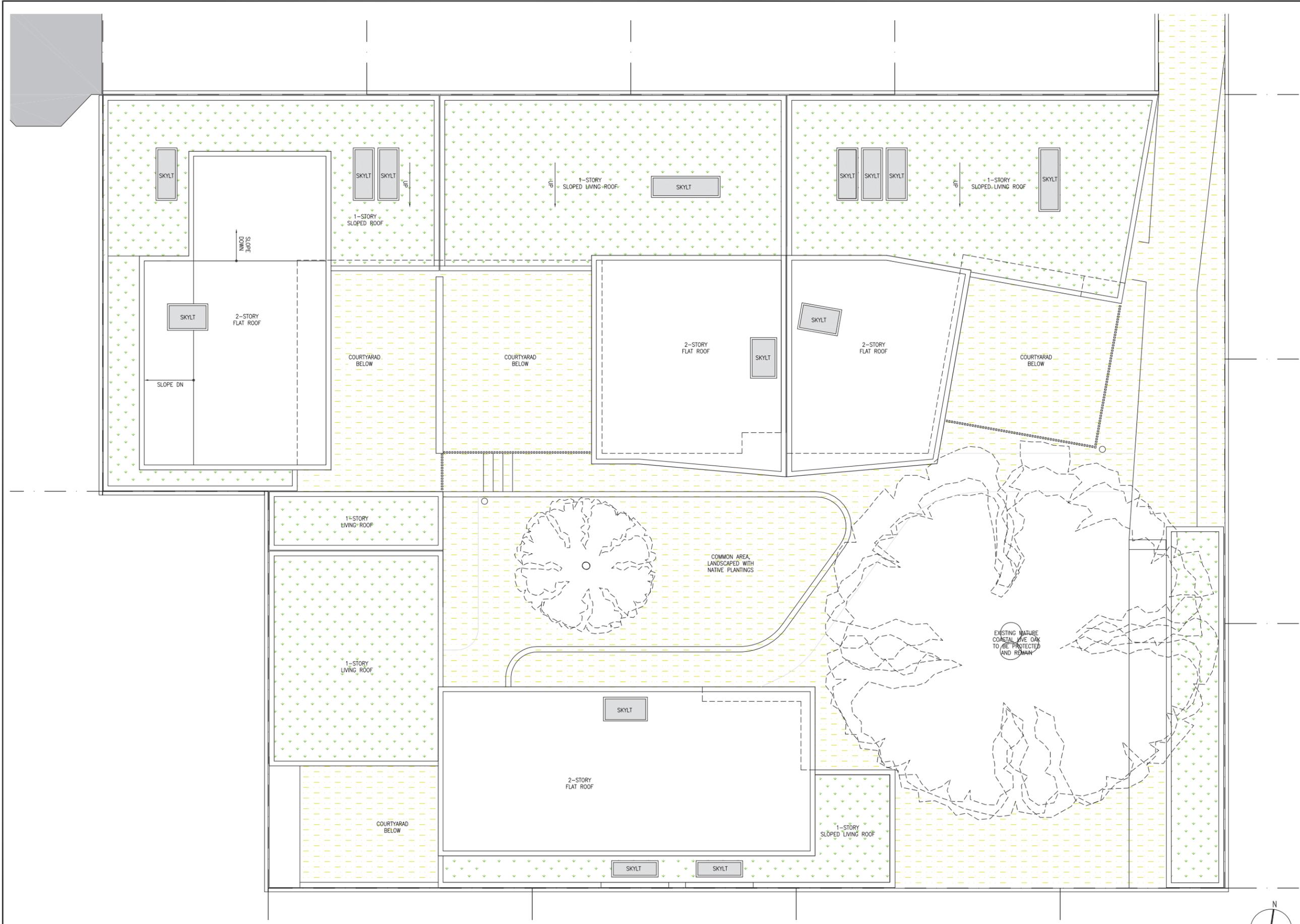
APPROVAL



DRAWN: TK
 CHECKED: TK
 SCALE: 1/4" = 1'-0"

PROPOSED SECOND FLOOR PLAN

A2.2



1 PROPOSED ROOF PLAN
SCALE: 1/4" = 1'-0"

2019 1224 0493 S
2019 1224 0614 S
2019 1224 0615 S

TROY KASHANIPOUR ARCHITECTURE 2325 3RD STREET SUITE 401, SF CA 94107, PHONE/FAX 415.431.0869

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ISSUED FOR PERMIT	12.24.2019

CONSULTANT

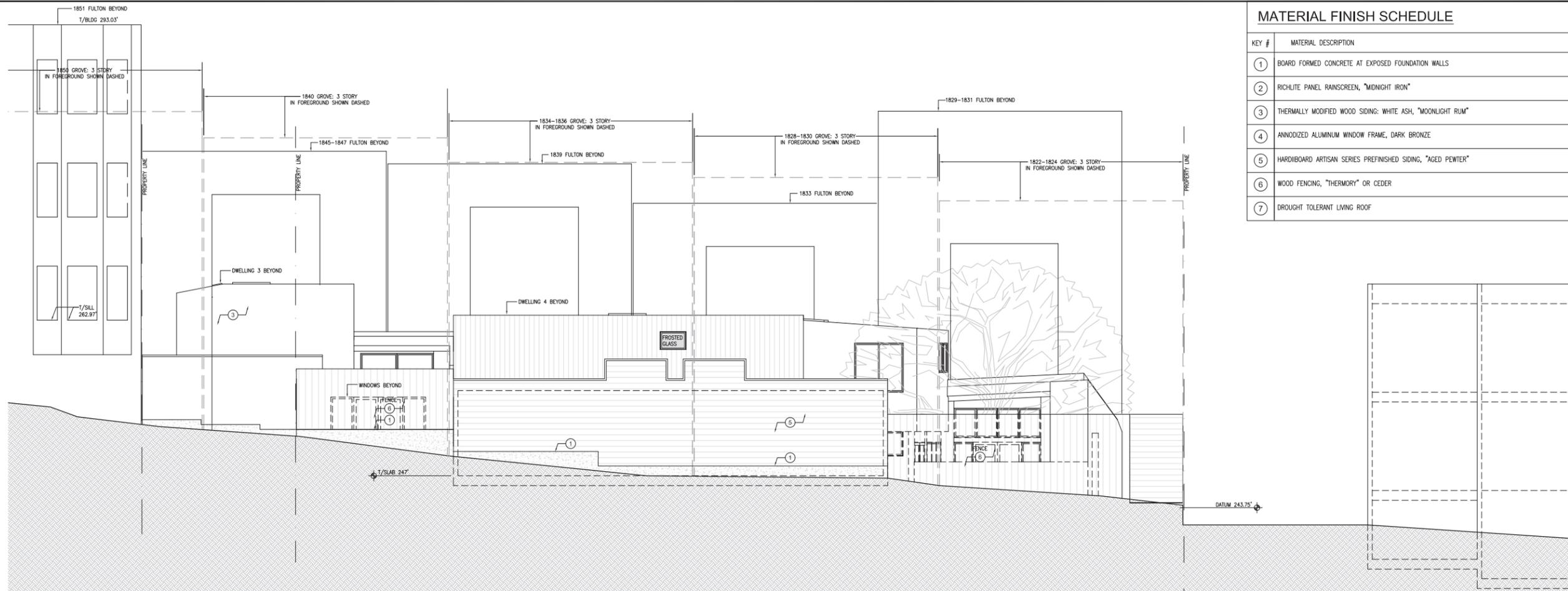
APPROVAL



DRAWN: TK
CHECKED: TK
SCALE: 1/4" = 1'-0"

PROPOSED ROOF PLAN

A2.3



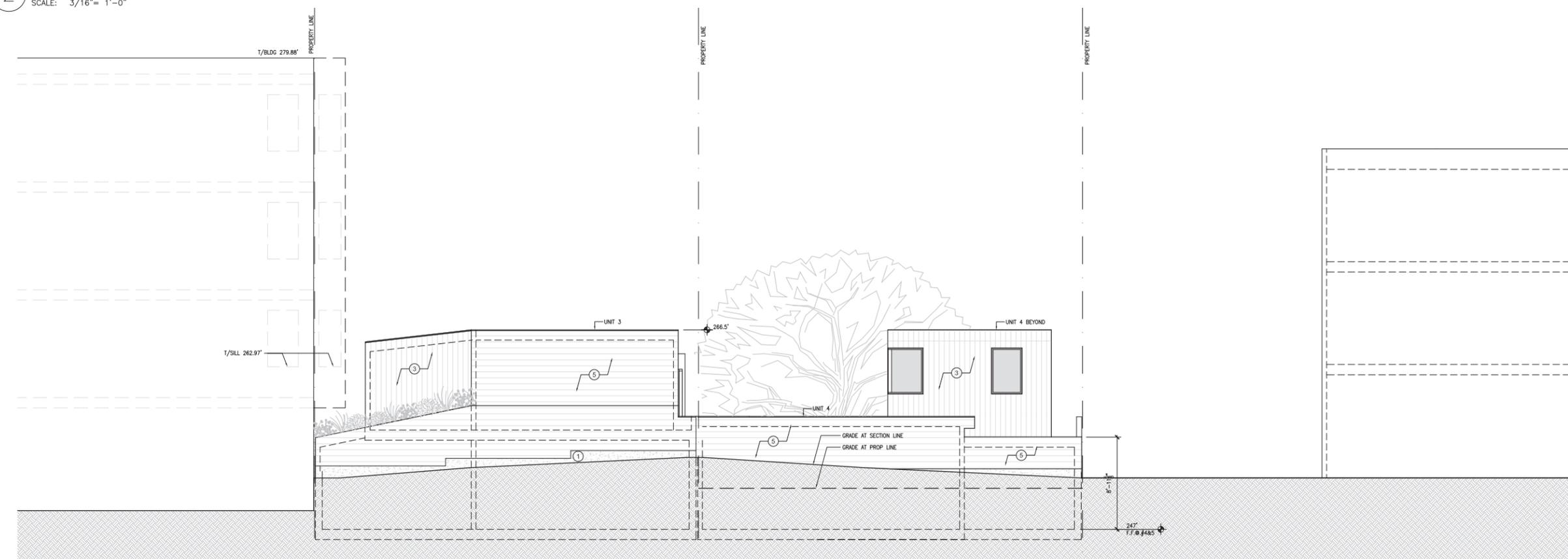
MATERIAL FINISH SCHEDULE	
KEY #	MATERIAL DESCRIPTION
①	BOARD FORMED CONCRETE AT EXPOSED FOUNDATION WALLS
②	RICHLITE PANEL RAINSCREEN, "MIDNIGHT IRON"
③	THERMALLY MODIFIED WOOD SIDING: WHITE ASH, "MOONLIGHT RUM"
④	ANNOZIDIZED ALUMINUM WINDOW FRAME, DARK BRONZE
⑤	HARDIBOARD ARTISAN SERIES PREFINISHED SIDING, "AGED PEWTER"
⑥	WOOD FENCING, "THERMORY" OR CEDER
⑦	DROUGHT TOLERANT LIVING ROOF

2019 1224 0493 S
 2019 1224 0614 S
 2019 1224 0615 S

TROY KASHANIPOUR ARCHITECTURE 2325 3RD STREET SUITE 401, SF CA 94107, PHONE/FAX 415.431.0869
 1821 FULTON STREET

OWNER:
 GREEN GROVE SF LLC
 2325 3RD STREET, SUITE 401
 SAN FRANCISCO, CA 94107
 PHONE: 415.431.0869

2 SOUTH ELEVATION AT PROPERTY LINE
 SCALE: 3/16" = 1'-0"



1 WEST ELEVATION AT PROPERTY LINE
 SCALE: 3/16" = 1'-0"

ISSUE:	DATE:
ISSUED FOR VARIANCE & CUA	08.15.2018
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PLANNING REVISIONS	08.02.2019
ISSUED FOR PERMIT	12.24.2019

CONSULTANT
 -

APPROVAL

DRAWN: TK
 CHECKED: TK
 SCALE: 3/32" = 1'-0"

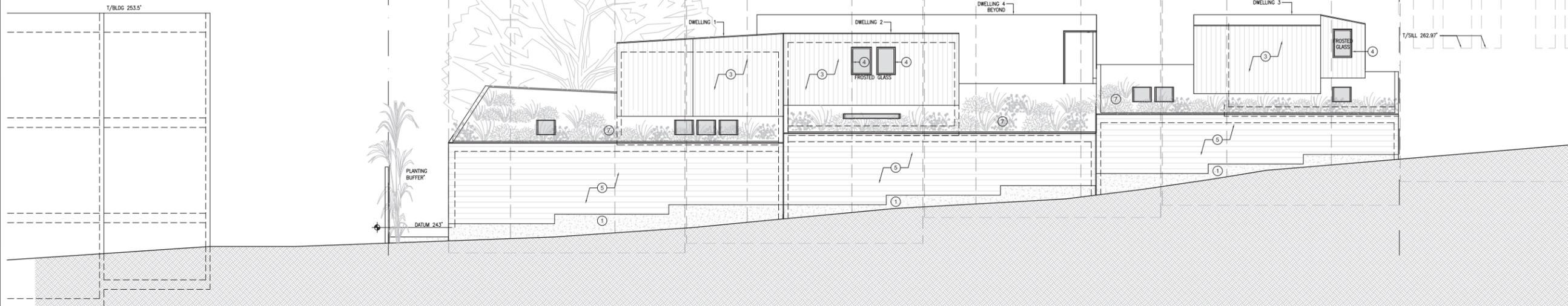


PROPOSED ELEVATIONS

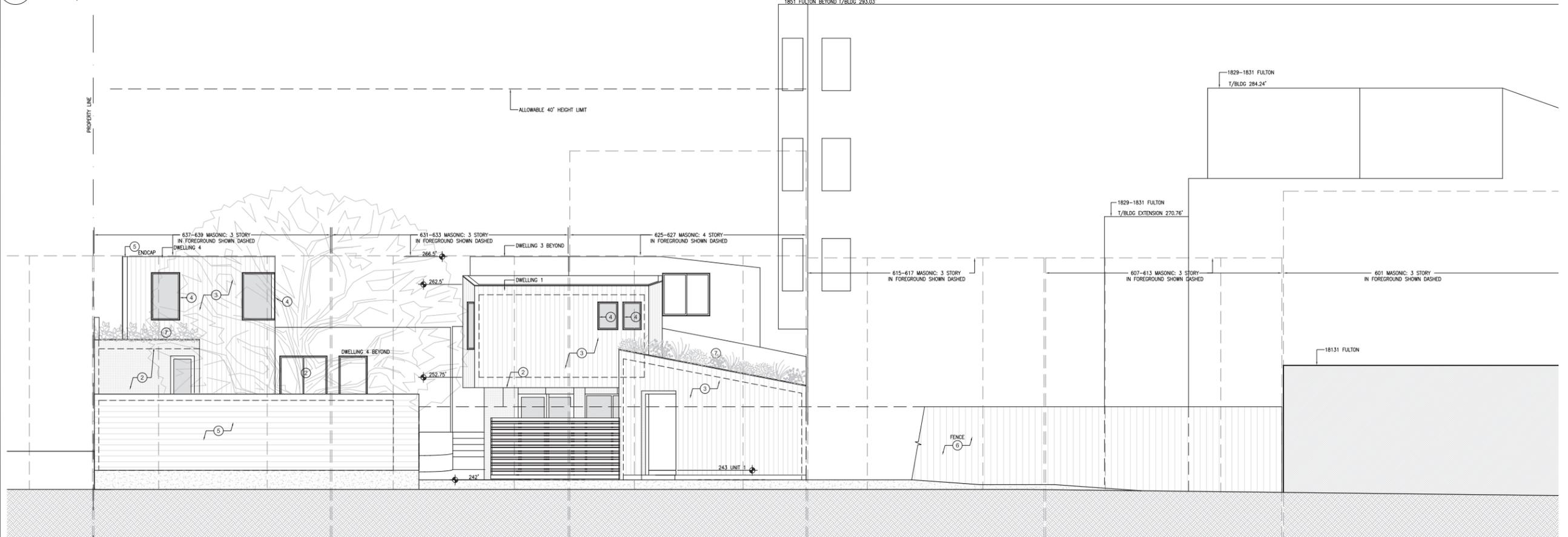
A3.0

MATERIAL FINISH SCHEDULE

KEY #	MATERIAL DESCRIPTION
①	BOARD FORMED CONCRETE AT EXPOSED FOUNDATION WALLS
②	RICHLITE PANEL RAINSCREEN, "MIDNIGHT IRON"
③	THERMALLY MODIFIED WOOD SIDING: WHITE ASH, "MOONLIGHT RUM"
④	ANNOXIDIZED ALUMINUM WINDOW FRAME, DARK BRONZE
⑤	HARDIBOARD ARTISAN SERIES PREFINISHED SIDING, "AGED PEWTER"
⑥	WOOD FENCING, "THERMORY" OR CEDER
⑦	DROUGHT TOLERANT LIVING ROOF



2 NORTH ELEVATION AT PROPERTY LINE
SCALE: 3/16" = 1'-0"



1 EAST ELEVATION AT PROPERTY LINE
SCALE: 3/16" = 1'-0"

2019 1224 0493 S
2019 1224 0614 S
2019 1224 0615 S

TROY KASHANIPOUR ARCHITECTURE 2325 3RD STREET SUITE 401, SF CA 94107, PHONE/FAX 415.431.0869

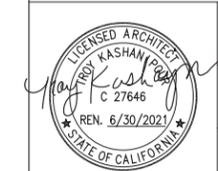
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CONSULTANT

APPROVAL



DRAWN: TK
CHECKED: TK
SCALE: 3/32" = 1'-0"

PROPOSED ELEVATIONS

A3.1



2 BUILDING SECTION/ELEVATION LOOKING NORTH
SCALE: 3/16" = 1'-0"



1 BUILDING SECTION/ELEVATION LOOKING WEST
SCALE: 3/16" = 1'-0"

2019 1224 0493 S
2019 1224 0614 S
2019 1224 0615 S

TROY KASHANIPOUR ARCHITECTURE 2325 3RD STREET SUITE 401, SF CA 94107, PHONE/FAX 415.431.0869

1821 FULTON STREET

OWNER:
GREEN GROVE SF LLC
2325 3RD STREET, SUITE 401
SAN FRANCISCO, CA 94107
PHONE: 415.431.0869

ISSUE:	DATE:
ISSUED FOR VARIANCE & CUA	08.15.2018
PLANNING REVISIONS	06.10.2019
PLANNING REVISIONS	08.02.2019
ISSUED FOR PERMIT	12.24.2019

CONSULTANT

APPROVAL

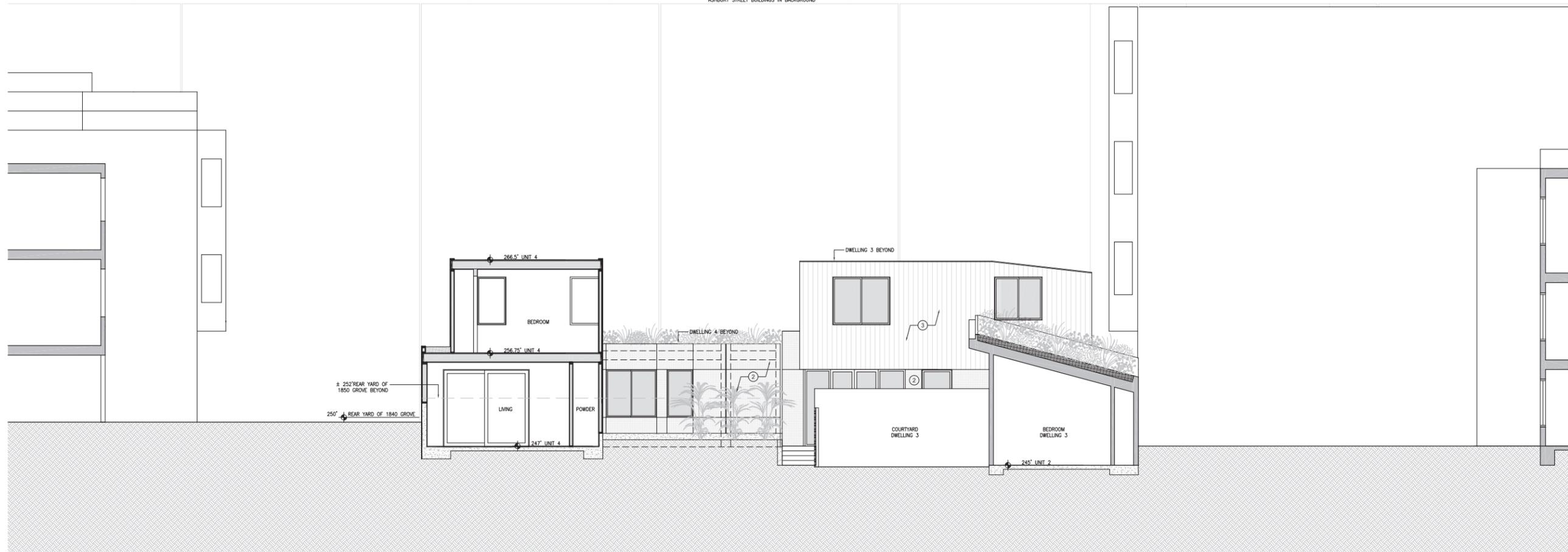


DRAWN: TK
CHECKED: TK
SCALE: 3/32" = 1'-0"

PROPOSED SECTIONS

A3.2

ASHBURY STREET BUILDINGS IN BACKGROUND



2 BUILDING SECTION/ELEVATION LOOKING WEST
SCALE: 3/16" = 1'-0"



1 BUILDING SECTION/ELEVATION LOOKING SOUTH
SCALE: 3/16" = 1'-0"

2019 1224 0493 S
2019 1224 0614 S
2019 1224 0615 S

TROY KASHANIPOUR ARCHITECTURE 2325 3RD STREET SUITE 401, SF CA 94107, PHONE/FAX 415.431.0869

1821 FULTON STREET

OWNER:
GREEN GROVE SF LLC
2325 3RD STREET, SUITE 401
SAN FRANCISCO, CA 94107
PHONE: 415.431.0869

ISSUE:	DATE:
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ISSUED FOR PERMIT	12.24.2019

CONSULTANT
-

APPROVAL



DRAWN:
TK
CHECKED:
TK
SCALE:
3/32" = 1'-0"

PROPOSED SECTIONS

A3.3



2 BUILDING SECTION/ELEVATION LOOKING SOUTH
SCALE: 3/16" = 1'-0"



1 BUILDING SECTION/ELEVATION LOOKING SOUTH
SCALE: 3/16" = 1'-0"

2019 1224 0493 S
2019 1224 0614 S
2019 1224 0615 S

TROY KASHANIPOUR ARCHITECTURE 2325 3RD STREET SUITE 401, SF CA 94107, PHONE/FAX 415.431.0869

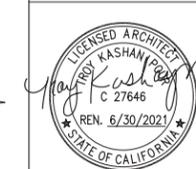
1821 FULTON STREET

OWNER:
GREEN GROVE SF LLC
2325 3RD STREET, SUITE 401
SAN FRANCISCO, CA 94107
PHONE: 415.431.0869

ISSUE:	DATE:
ISSUED FOR VARIANCE & CUA	08.15.2018
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CONSULTANT

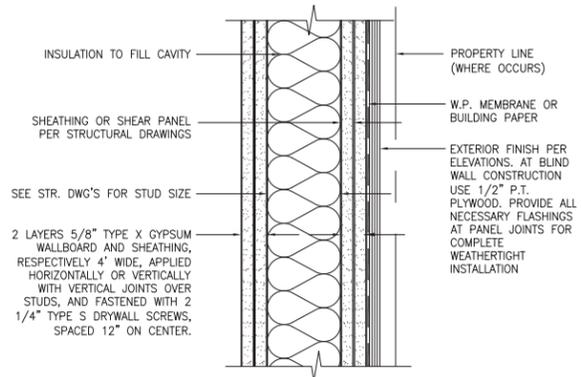
APPROVAL



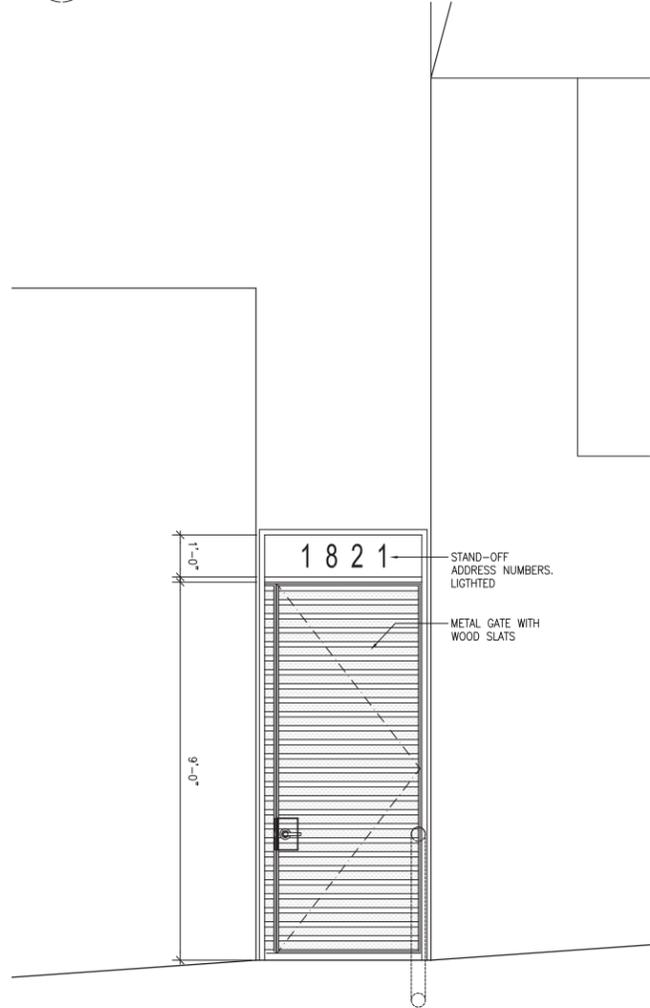
DRAWN:
TK
CHECKED:
TK
SCALE:
3/32" = 1'-0"

PROPOSED SECTIONS

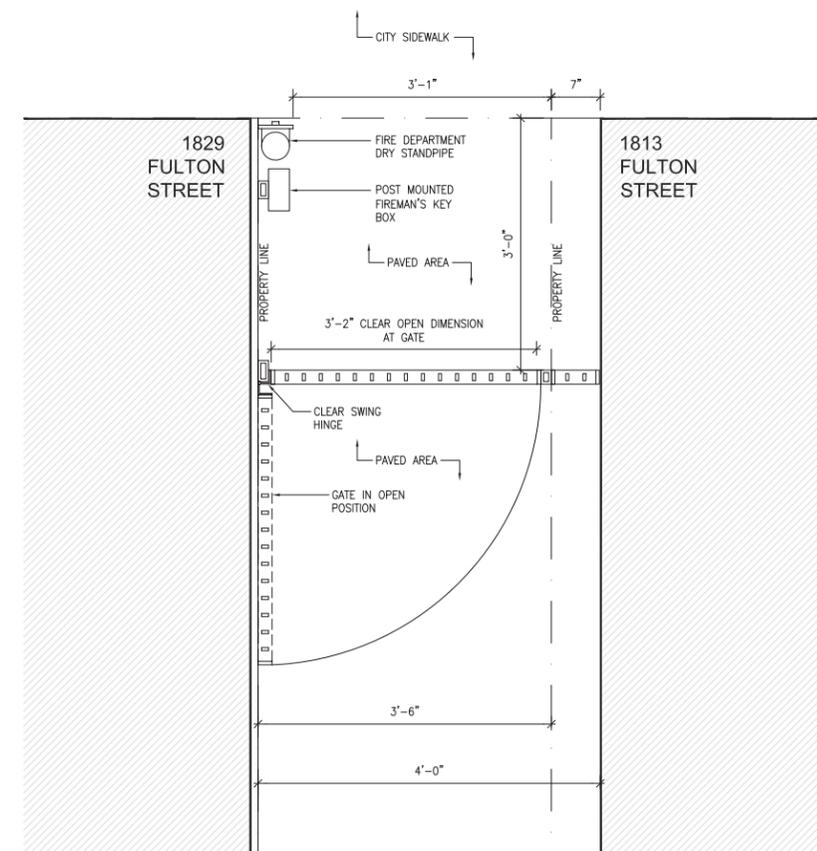
A3.4



6 SECTION AT EXTERIOR WALL - 2HR
 SCALE: 3" = 1'-0" REFERENCE CBC TABLE 721.1(2) ITEM 14-1.5. UL DESIGN U301



5 ELEVATION AT ENTRY GATE
 SCALE: 1/2" = 1'-0"



1 ENLARGED PLAN AT GATE
 SCALE: 1" = 1'-0"

2019 1224 0493 S
 2019 1224 0614 S
 2019 1224 0615 S

TROY KASHANIPOUR ARCHITECTURE 2325 3RD STREET SUITE 401, SF CA 94107, PHONE/FAX 415.431.0869

1821 FULTON STREET

OWNER:
 GREEN GROVE SF LLC
 2325 3RD STREET, SUITE 401
 SAN FRANCISCO, CA 94107
 PHONE: 415.431.0869

ISSUE: DATE:
 ISSUED FOR VARIANCE & CUA 08.15.2018
 ISSUED FOR PERMIT 12.24.2019

CONSULTANT

APPROVAL



DRAWN: TK
 CHECKED: TK
 SCALE: AS SHOWN

CONSTRUCTION DETAILS

A8.0

Notice of an application for New Construction

Project Location & Details:
1846 Grove Street

Building Permit Application Nos. 2019.12.24.0614,
2019.12.24.0615, 2019.12.24.0493

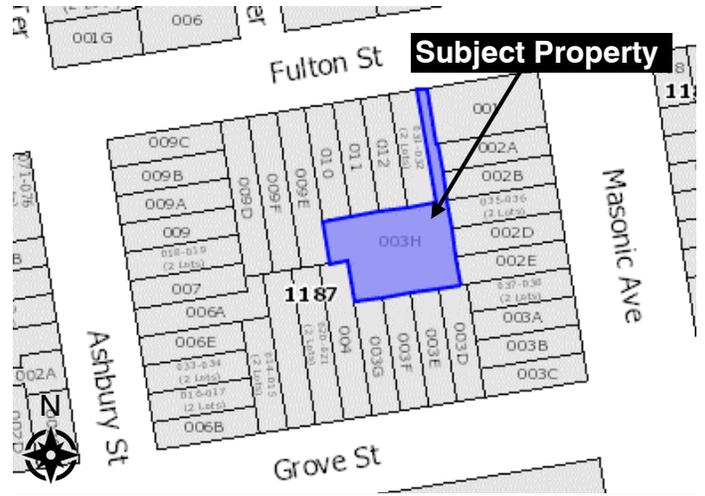
Block/Lot No. 1187 / 003H

Zoning District: RH-2 (Residential, House – Two-Family)
and RH-3 (Residential, House – Three-Family)

The Project at **1846 Grove Street** proposes to construct 2 new residential buildings. The project was previously granted rear yard, exposure, and bicycle parking variances (2018-011441VAR). The project is proposing four dwelling units by using a residential density exception, pursuant to Planning Code Section 207(c)(8).

Applicant: Troy Kashaipour
415-431-0869 tk@tkworkshop.com

City Planner: Matthew Dito
628-652-7358 Matthew.Dito@sfgov.org



<i>Project Features</i>	<i>Existing</i>	<i>Proposed</i>
Building Use	Empty Lot	Residential
Building Height	None	20 feet
Dwelling Units	0	4

**You are not
required to take
any action.**

If you believe there are exceptional circumstances, you may request a **public hearing for Discretionary Review** by the response deadline.

For information on how to request a public hearing please contact the City Planner or visit sfplanning.org/resource/drp-application.

中文:

該專案位於1846 Grove Street提議建造2新的住宅樓。有關此通知的中文信息，請於以下截止日期前致電628.657.7550，並提供項目地址及項目編號。

Español:

El proyecto en 1846 Grove Street propone construir 2 nuevos edificios residenciales. Para información sobre esta notificación en español, favor de llamar al 628.657.7550 antes de la fecha límite listada abajo, y mencione la dirección y número de proyecto.

Filipino:

Iminungkahi ng proyektong nasa 1846 Grove Street na magtayo ng 2 bagong residensiyal na gusali. Para sa impormasyon tungkol dito sa abiso sa Filipino, pakitawagan ang 628.657.7550 sa petsa ng deadline na nakalista sa ibaba, at banggitin ang address ng proyekto at ang numero ng record.

Response Deadline: **9/20/23**

Record No. **2023-006990PRJ**



**San Francisco
Planning**

了解更多信息 Para más información Para sa karagdagang impormasyon

sfplanning.org/notices



For more information

General Information About Procedures

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

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

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

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

To file a DR Application, you must:

1. Complete the Discretionary Review PDF application (<https://sfplanning.org/resource/drp-application>) and email the completed PDF application to CPC.Intake@sfgov.org by the

expiration date listed on the front of this notice. You will receive follow-up instructions via email on how - and by when - to post payment for the DR Application.

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

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

BOARD OF APPEALS

An appeal of the Planning Commission's decision on a Discretionary Review case may be made to the **Board of Appeals within 15 calendar days after the building permit is issued** (or denied) by the Department of Building Inspection. The Board of Appeals is accepting appeals via e-mail. For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (628) 652-1150.

ENVIRONMENTAL REVIEW

This project has undergone preliminary review pursuant to California Environmental Quality Act (CEQA). If, as part of this process, the Department's Environmental Review Officer has deemed this project to be exempt from further environmental review, an exemption determination will be prepared and can be obtained through the Exemption Map at www.sfplanning.org prior to the approval action. An appeal of the decision **to exempt the proposed project from CEQA may be made to the Board of Supervisors within 30 calendar days** after the project approval action identified on the determination. The procedures for filing an appeal of an exemption determination are available from the Board of Supervisors at bos.legislation@sfgov.org, or by calling (415) 554-5184.

Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.



San Francisco
Planning

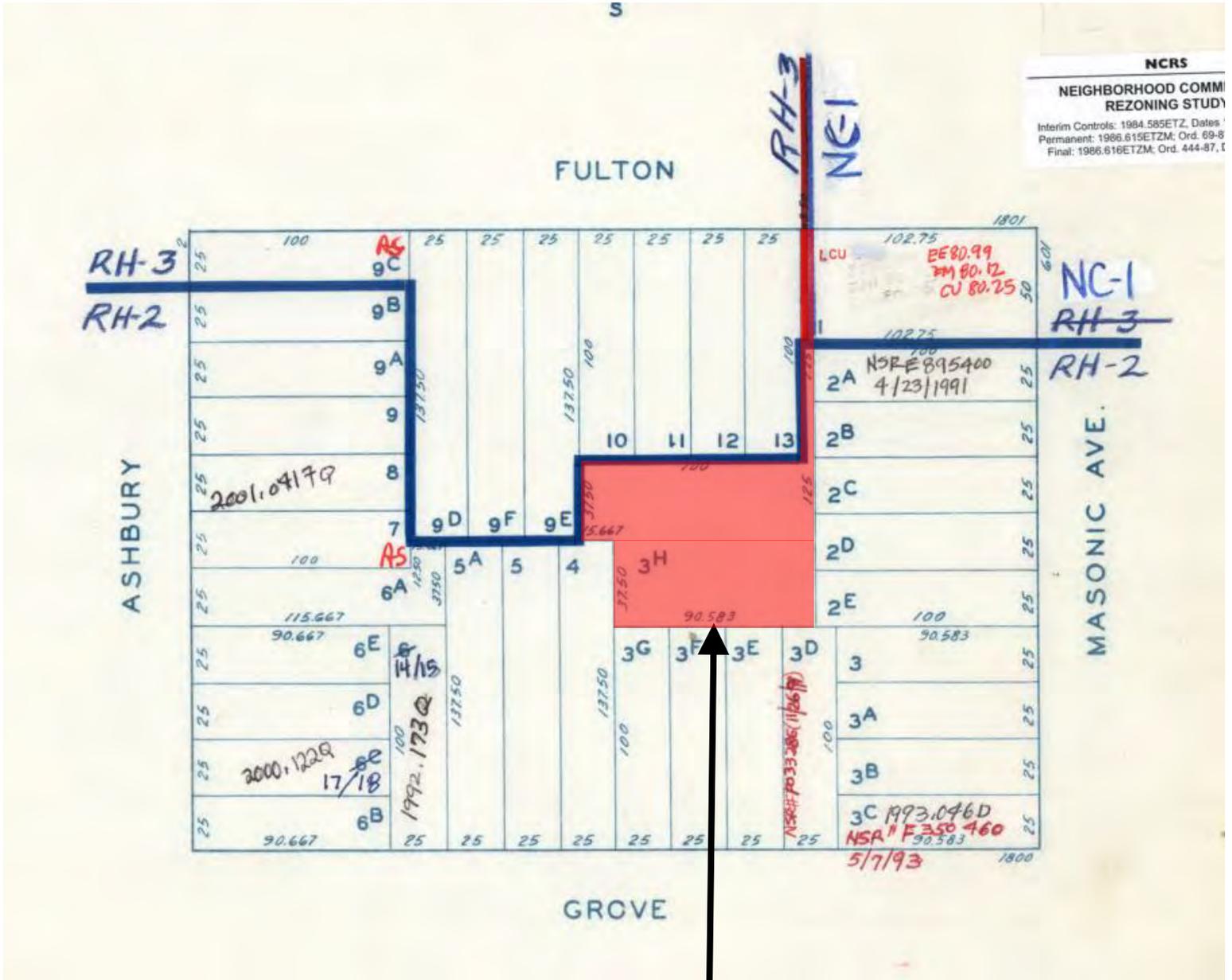
了解更多信息 Para más información Para sa karagdagang impormasyon

sfplanning.org/notices

For more information



Parcel Map

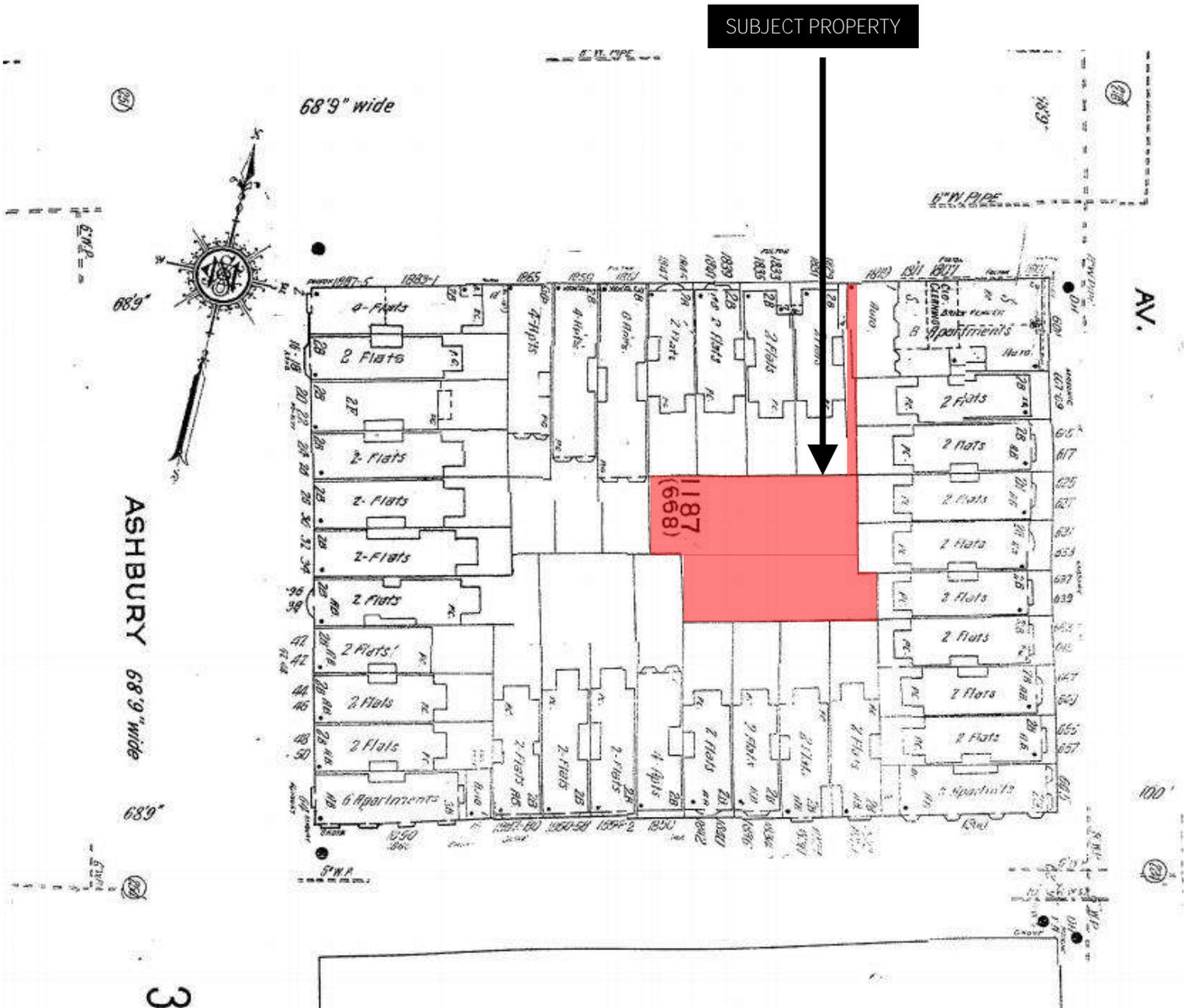


SUBJECT PROPERTY



Discretionary Review
 Case Number 2023-006990DRP
 1846 Grove Street
 February 29, 2024

Sanborn Map*



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

Discretionary Review
Case Number 2023-006990DRP
1846 Grove Street
February 29, 2024



Aerial Photo – View 1

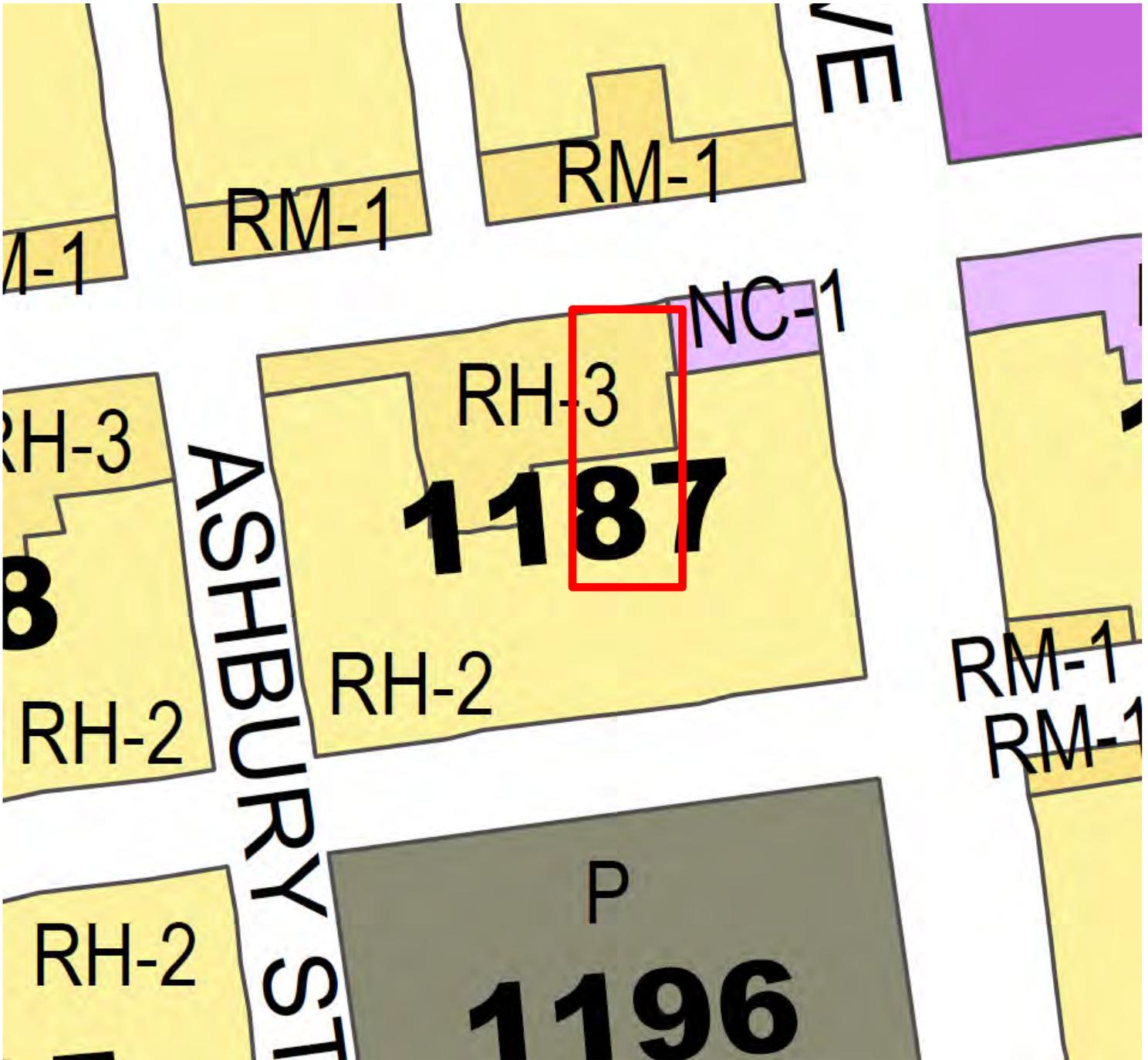


SUBJECT PROPERTY



Discretionary Review
Case Number 2023-006990DRP
1846 Grove Street
February 29, 2024

Zoning Map



Discretionary Review
Case Number 2023-006990DRP
1846 Grove Street
February 29, 2024

Site Photo

SUBJECT PROPERTY





CEQA Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address 1846 GROVE ST		Block/Lot(s) 1187003H
Case No. 2018-011441PRJ		Permit No. 201912240493, 201912240493, 201912240614
<input type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRE for Category B Building)	<input checked="" type="checkbox"/> New Construction
<p>Project description for Planning Department approval. New construction on a 7,868 square foot undeveloped parcel to create five (5) new residential dwelling units.</p>		

EXEMPTION TYPE

The project has been determined to be exempt under the California Environmental Quality Act (CEQA).	
<input type="checkbox"/>	Class 1 - Existing Facilities. (CEQA Guidelines section 15301) Interior and exterior alterations; additions under 10,000 sq. ft.
<input checked="" type="checkbox"/>	Class 3 - New Construction. (CEQA Guidelines section 15303) Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	<p>Class 32 - In-Fill Development. (CEQA Guidelines section 15332) New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below:</p> <p>(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.</p> <p>(b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.</p> <p>(c) The project site has no value as habitat for endangered rare or threatened species.</p> <p>(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.</p> <p>(e) The site can be adequately served by all required utilities and public services.</p>
<input checked="" type="checkbox"/>	Other _____ Planning Department Case File No. 1997.304E
<input type="checkbox"/>	Common Sense Exemption (CEQA Guidelines section 15061(b)(3)). It can be seen with certainty that there is no possibility of a significant effect on the environment.

ENVIRONMENTAL SCREENING ASSESSMENT

Comments:

Planner Signature: Matthew Dito

PROPERTY STATUS - HISTORIC RESOURCE

PROPERTY IS ONE OF THE FOLLOWING:

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> | Category A: Known Historical Resource. |
| <input checked="" type="checkbox"/> | Category B: Potential Historical Resource (over 45 years of age). |
| <input type="checkbox"/> | Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). |

PROPOSED WORK CHECKLIST

Check all that apply to the project.

- | | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | Change of use and new construction. Tenant improvements not included. |
| <input type="checkbox"/> | Regular maintenance or repair to correct or repair deterioration, decay, or damage to building. |
| <input type="checkbox"/> | Window replacement that meets the Department's <i>Window Replacement Standards</i> . |
| <input type="checkbox"/> | Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , or replacement of a garage door in an existing opening that meets the Residential Design Guidelines. |
| <input type="checkbox"/> | Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way. |
| <input type="checkbox"/> | Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way. |
| <input type="checkbox"/> | Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> . |
| <input type="checkbox"/> | Addition(s) not visible from any immediately adjacent public right-of-way for 150 feet in each direction; or does not extend vertically beyond the floor level of the top story of the structure, or does not cause the removal of architectural significant roofing features. |
| <input type="checkbox"/> | Façade or storefront alterations that do not remove, alter, or obscure character -defining features. |
| <input type="checkbox"/> | Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings. |

Note: Project Planner must check box below before proceeding.

- | | |
|--------------------------|--|
| <input type="checkbox"/> | Project is not listed. |
| <input type="checkbox"/> | Project involves scope of work listed above. |

ADVANCED HISTORICAL REVIEW

Check all that apply to the project.

<input type="checkbox"/>	<p>Reclassification of property status. (<i>Attach HRRER Part I relevant analysis; requires Principal Preservation Planner approval</i>)</p> <p><input type="checkbox"/> Reclassify to Category A</p> <p style="text-align: right;"><input type="checkbox"/> Reclassify to Category C</p> <p style="text-align: right;"><input type="checkbox"/> Lacks Historic Integrity</p> <p style="text-align: right;"><input type="checkbox"/> Lacks Historic Significance</p>
<input type="checkbox"/>	Project involves a known historical resource (CEQA Category A)
<input type="checkbox"/>	Project does not substantially impact character-defining features of a historic resource (see Comments)
<input type="checkbox"/>	Project is compatible, yet differentiated, with a historic resource.
<input type="checkbox"/>	Project consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties
Note: If ANY box above is checked, a Preservation Planner MUST sign below.	
<input type="checkbox"/>	Project can proceed with EXEMPTION REVIEW. The project has been reviewed by the Preservation Planner and can proceed with exemption review.
Comments by Preservation Planner:	
<p>Preservation Planner Signature: Matthew Dito</p>	

EXEMPTION DETERMINATION

<input checked="" type="checkbox"/>	<p>No further environmental review is required. The project is exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.</p>	
	<p>Project Approval Action: Planning Commission Hearing</p>	<p>Signature: Matthew Dito 11/21/2019</p>
	<p>Supporting documents are available for review on the San Francisco Property Information Map, which can be accessed at https://sfplanninggis.org/pim/. Individual files can be viewed by clicking on the Planning Applications link, clicking the "More Details" link under the project's environmental record number (ENV) and then clicking on the "Related Documents" link.</p> <p>Once signed and dated, this document constitutes an exemption pursuant to CEQA Guidelines and Chapter 31 of the SF Admin Code. Per Chapter 31, an appeal of an exemption determination to the Board of Supervisors shall be filed within 30 days after the Approval Action occurs at a noticed public hearing, or within 30 days after posting on the Planning Department's website a written decision or written notice of the Approval Action, if the approval is not made at a noticed public hearing.</p>	

MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

MODIFIED PROJECT DESCRIPTION

The modified project proposes to construct four dwelling units and one accessory storage structure for garden tools and bicycle parking on a vacant lot (Building Permit Applications 2019.1224.0493, 2019.1224.0614, and 2019.1224.0615).

Pursuant to Chapter 31 of the San Francisco Administrative Code, the Environmental Review Officer determined that the proposed project, which was originally approved by the Board of Supervisors on November 3, 2020 (Motion M20-165), does not constitute a "substantial modification" as compared to the original project application upon which the CEQA exemption dated November 21, 2019 was based. Therefore, no additional environmental review is required.

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:

- | | |
|--------------------------|--|
| <input type="checkbox"/> | Result in expansion of the building envelope, as defined in the Planning Code; |
| <input type="checkbox"/> | Result in the change of use that would require public notice under Planning Code Sections 311 or 312; |
| <input type="checkbox"/> | Result in demolition as defined under Planning Code Section 317 or 19005(f)? |
| <input type="checkbox"/> | Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption? |

If at least one of the above boxes is checked, further environmental review is required

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

The proposed modification would not result in any of the above changes.

If this box is checked, the proposed modifications are exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed to the Environmental Review Officer within 10 days of posting of this determination.

Planner Name:

Don Lewis

Date:

01/02/2024



DISCRETIONARY REVIEW PUBLIC (DRP)

APPLICATION PACKET

Pursuant to Planning Code Section 311, the Planning Commission may exercise its power of Discretionary Review over a building permit application.

For questions, you can call the Planning counter at 628.652.7300 or email pic@sfgov.org where planners are able to assist you.

Please read the [Discretionary Review Informational Packet](#) carefully before the application form is completed.

WHAT TO SUBMIT:

- Two (2) complete applications signed.
- A Letter of Authorization from the DR requestor giving you permission to communicate with the Planning Department on their behalf, if applicable.
- Photographs or plans that illustrate your concerns.
- Related covenants or deed restrictions (if any).
- A digital copy (CD or USB drive) of the above materials (optional).
- Payment via check, money order or debit/credit for the total fee amount for this application. (See [Fee Schedule](#)).

HOW TO SUBMIT:

To file your Discretionary Review Public application, please email the completed application to cpc.intake@sfgov.org.

Español: Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 628.652.7550. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder.

中文：如果您希望獲得使用中文填寫這份申請表的幫助，請致電628.652.7550。請注意，規劃部門需要至少一個工作日來回應。

Filipino: Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 628.652.7550. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.



DISCRETIONARY REVIEW PUBLIC (DRP)

APPLICATION

Discretionary Review Requestor's Information

Name: _____

Email Address: _____

Address: _____

Telephone: _____

Please Select Billing Contact: _____

Applicant

Other (see below for details)

Name: _____ Email: _____ Phone: _____

Information on the Owner of the Property Being Developed

Name: _____

Company/Organization: _____

Email Address: _____

Address: _____

Telephone: _____

Property Information and Related Applications

Project Address: _____

Block/Lot(s): _____

Building Permit Application No(s): _____

ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

PRIOR ACTION	YES	NO
Have you discussed this project with the permit applicant?		
Did you discuss the project with the Planning Department permit review planner?		
Did you participate in outside mediation on this case? (including Community Boards)		

Changes Made to the Project as a Result of Mediation.

If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the result, including any changes that were made to the proposed project.

DISCRETIONARY REVIEW REQUEST

In the space below and on separate paper, if necessary, please present facts sufficient to answer each question.

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

-
2. The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be unreasonably affected, please state who would be affected, and how.

-
3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

DISCRETIONARY REVIEW REQUESTOR'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

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



Signature

Name (Printed)

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

Phone

Email

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

DISCRETIONARY REVIEW REQUEST

In the space below and on separate paper, if necessary, please present facts sufficient to answer each question.

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

Our neighborhood association, many members of whom live in the 17 adjoining properties surrounding the proposed development project (and others who don’t), would like to request and apply for a Discretionary Review. Every aspect of the definition of exceptional and extraordinary circumstances applies in this case:

“Exceptional and extraordinary circumstances occur where the common-place application of adopted design standards to a project does not enhance or conserve neighborhood character, or balance the right to develop the property with impacts on near-by properties or occupants. These circumstances may arise due to complex topography, irregular lot configuration, unusual context or other conditions not addressed in the design standards.”

Reasons for DR

Life Safety:

The Project has a unique, extremely challenging feature which makes it inherently unsafe for its residents, guests and neighbors. It is constrained by a narrow 3.5’ wide by 50’ long (100’ total) wooden breezeway as its only means of access and egress (both during and after construction). Two people cannot pass each other in it while walking normally.

In the event of a fire, earthquake or other adverse event, it is hard to envision how residents can safely exit while first responders simultaneously enter carrying their equipment, such as a 25’ ladder. Residents will be advised to shelter in place in the event of an emergency, against human primal instinct. There were deadly consequences of similar shelter-in-place procedures recently in Lahaina, Maui. Additionally, even if the new development is constructed with some fire-resistant materials, the neighbors’ houses built in the early 1900’s and their fences definitely are not. Winds blowing off of the Pacific Ocean from west to east can sometimes reach over 20mph. We saw first hand during the atmospheric rivers last January how narrow this passage is, when the intense winds partially blew over a neighboring fence, leaving the entrance to the lot essentially impassable. Proving that in addition to fire, severe weather events pose a risk for a lot with such limited access. Shelter in place is not a real solution.

There’s also the possibility of a fire spreading to the older buildings on either side of the egress itself, which have wood panel siding. The alleyway does not provide the proper fire resistance rating as required by the 2019 CBC Chapter 10. The Project approval was based on the outdated and revoked SFFD Administrative Bulletin 5.12, last issued in 2010, and no longer in

effect as of 2013. California Building Code §1028.4.2 states that when the width of the egress court is less than 10’ wide, the walls shall have fire resistance rating for one hour for a height of 10’ on either side of the egress. The buildings on either side of this egress do not have such fire resistance (nor are they required to). Additionally, the Project, once it builds a gate as planned, will not conform to SFFD’s Access Review Approval which requires 3.5 ft (42 inches) minimum clear width without any obstruction at any access point.

No other developed “flag lots” have such a concentrated and combustible alleyway as the only means of access/egress. In fact, this middle lot was originally left vacant intentionally as a fire break shortly after the 1906 earthquake.

Variations:

The Project benefits from several excessive variations, as listed below, at the expense of the 17 adjoining properties and without providing any social benefit to the City. We’ll elaborate on a few of them.

- a. Section 209.1
- b. Section 132
- c. Section 134
- d. Section 151.1
- e. Section 155.1

Section 209.1 mandates that lots zoned RH-2 have no more than one or two single-family homes. This lot should be classified as RH-2, however, the Project is claiming it should be RH-3 zoning with four dwelling units, which is too dense. Apparently, if it were to be properly classified as a single property with four units, the development would have to be rejected due to the narrow egress width. The intent of the code should be considered in this case.

At a previous meeting, the Fire Marshall said that the pre-application approval was conducted following the codes based on an RH-3 designation, not necessarily whether it’s safe or unsafe. Both the Fire Marshall and DBI representative went on to state that if it were to be designated RH-2 there would be “major issues”.

Furthermore, in 2020, the Project also used conflicting classifications of the dwelling units to evade various code requirements, calling it four single-family residences for CU purposes and four units in one building for CEQA purposes.

Section 134 requires a minimum rear yard setback of the greater of 15’ or 30% of lot depth, with which all 17 adjoining properties comply. This variance permits the Project to build up to 3’ from many of its neighbors’ rear fences. It eliminates their own backyards, taking benefit from the adjoining neighbors’ yards, so they can fit more units than it’s zoned for, while enjoying their own courtyard in the middle.

Additionally, this makes it difficult or impossible for the neighbors to build accessory dwelling units (ADUs) in their own rear yards, and it exacerbates the fire safety issue.

Section 155.1 requires that bicycles have convenient access to and from the street. It specifies a minimum of 5' in width of entrances and egress, which the 3.5' breezeway fails to provide. There's an exception to the 5' wide constraint point, such as doorways, provided that the points extend no more than 1', whereas the breezeway extends for 50'. It will also be difficult for two bicycles to pass each other.

2. The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be unreasonably affected, please state who would be affected, and how.

There are several unreasonable impacts of the Project, especially at the expense of the 17 adjoining neighbors' properties. Equal and fair application of the well-conceived planning rules, such as setbacks, determines how much land and sky can be covered by a building and how much land must remain open space, thus maintaining the appropriate levels of privacy, quietness, and unobstructed sunlight. Backyards are beneficial to the community and the neighbors' wellbeing, not to mention the environment and the protected coast live oak tree on the property which will be affected.

We're concerned about rain water runoff, as the hill slopes down steeply from Ashbury to Masonic St. With less permeable field and more buildings and concrete, likely less of the water will be absorbed and could flow into the eastern backyards and buildings. The January 2023 atmospheric rivers made this an even more alarming prospect with the sheer quantity of water pouring down the hill in such a short time— climate change has made the need for more permeable space, especially on hills, even more important.

We also question if all of the utilities' piping can appropriately be run under the 3.5' breezeway, such as sewer, water lines, underground electric, gas, etc. Per California Code of Regulations Section 64572 Title 22 Chapter 16, "new water mains and new supply lines shall not be installed in the same trench as, and shall be at least 10 feet horizontally from and one foot vertically above, any parallel pipeline conveying: (1) Untreated sewage, (2) Primary or secondary treated sewage¹". Furthermore PG&E requires you to "provide at least three feet of horizontal separation from trenches containing propane lines and sewer, water, or storm drainpipes, since these are not permitted in a multiple utility trench²". Given the width of the passageway from the units to the street, this separation is impossible- posing yet another safety hazard and making us question how obtaining building permits would be possible.

¹ <https://www.law.cornell.edu/regulations/california/22-CCR-64572>

²

https://www.pge.com/includes/docs/pdfs/shared/customerservice/otherrequests/newconstruction/BRSC_Guide_Trenching.pdf

1846 Grove-1821 Fulton

Both the adjoining properties as well as many other properties on nearby blocks will be negatively impacted by traffic increases and parking shortages (there is no parking included in the plans). Furthermore, the Project will not include any affordable housing, only market rate prices.

Lastly, projects utilizing the density exception are subject to the following criteria:

- Units are subject to rent and price controls.
- Units may be converted to condominiums, subject to another full set of regulations, but they retain the rent/price controls, and the applicant must live in one of the units for at least three years after construction is complete.

Based on that requirement, we were informed it's not likely these will be condominiums. We want to state for the record that we will be closely monitoring this stipulation.

3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

On 9/29/20, the Board of Supervisors approved our Conditional Use appeal 11-0 and the BOS mandated the following conditions (along with the file and case numbers)"

FURTHER MOVED, That the Board hereby approves a Conditional Use authorization 9 for the same property incorporating all the conditions imposed by the Planning Commission 10 and with the following additional conditions: 1) the Project may consist of no more than two 11 residential units on the lot; and 2) the maximum occupancy of the lot shall be no more than 12 16 persons; and, be it...

1846 Grove, Block 1187, Lot 003H

File # 200746 - 200752

Planning case # 2018-011441 CUA

enactment # M20-136

<https://sfgov.legistar.com/LegislationDetail.aspx?ID=4593395&GUID=DA256748-6E9E-43D0-AB32-3808A50C949A>

The District Supervisor said that the property had been categorized on a technicality and that the proposed development plans for four units is unsafe. We agree with the Board of Supervisors and believe two units seems much safer for the landlocked property with a single, narrow egress.

Conclusion:

It was discussed at the Board of Supervisors meeting of September 29, 2020 that this development is rendered unsafe by the narrow alleyway serving as the only means of access and egress. In the event of a fire or an earthquake, residents and guests may be trapped, unable to exit due to collapsing neighbors' walls and fences. In addition, first responders are attempting to enter the development with their equipment and perhaps carry out handicapped or incapacitated people. Approval of this development may bring liability on the City and its agencies.

Photographs:

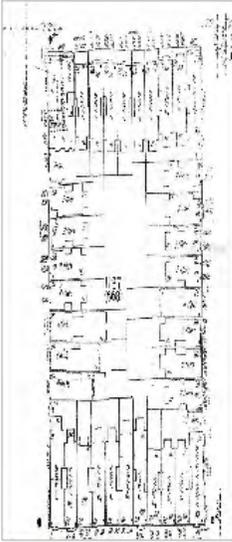
View of 3.5 x 50 foot alleyway from Fulton St as only means of access and egress to entire development



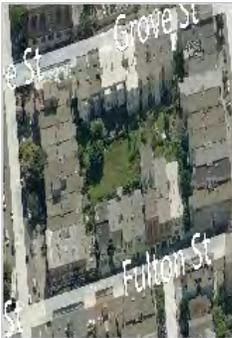
Two people standing at the alleyway entrance demonstrating two people side-by-side exceed the width of the alleyway



SPHERICMAP



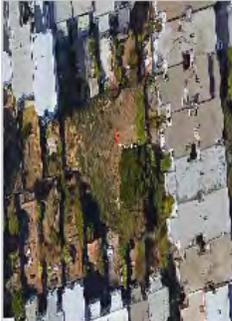
OVERHEAD VIEW LOOKING FROM NORTH



OVERHEAD VIEW LOOKING FROM SOUTH



OVERHEAD VIEW



ACCESS FROM 20'x96' NCTH



VERTICAL 1020' NCTH



ENTERF. ALLEYWAY OF LOT LOOKING NORTH



LOOKING EAST



LOOKING WEST



LOOKING SOUTH



TROY KASHANIPOUR ARCHITECTURE 2520 3RD STREET SUITE 401, SF CA 94107, PHONE/TEXT 415.431.0099

DATE: 05/24/2017
 TIME: 10:00 AM
 PHOTOGRAPHER: TROY KASHANIPOUR

FILE NAME: 1846 GROVE-1821 FULTON

PROJECT: 1846 GROVE-1821 FULTON

CLIENT: [REDACTED]

SCALE: 1:100



STEP: 001-010

A02



San Francisco Board of Supervisors,

230 people have signed a petition on Action Network telling you to We oppose the landlocked lot construction project at Fulton and Masonic.

Here is the petition they signed:

Dear Supervisors,

We oppose the landlocked lot construction project at 1846 Grove Street and ask the Board to disapprove this proposal.

The project site has one narrow 3.5-foot-wide breezeway as its only entrance and exit. Building four units at this site will lead to an unsafe situation for occupants and responding emergency personnel in the event of an emergency such as a fire. We ask that you enforce the applicable building and fire codes and deny this project's conditional use application.

Your Name

You can view each petition signer and the comments they left you below.

Thank you,

Malinda Tuazon

1. Yuko Juma (*ZIP code: CA94536*)

2. Pat Forbeck (*ZIP code: 94117*)

I am deeply concerned about the safety of this project. 4 units in such a congested space, with only a narrow corridor for access to the street -through which fire crews will also need access to fight any incident - seems a recipe for disaster. Since fire crews would be delayed getting to any incident at this building as a result of the problematic access, the numerous abutting buildings (and lives of those residents) would also be put at risk. Please reconsider this unsafe proposal.

3. M Davignon (*ZIP code: 94117*)

I oppose this project

4. Abbie Chen (*ZIP code: 94602*)

5. Abigail Kingan (*ZIP code: 94117*)

I oppose this infill project. I am a resident of this block. This project is too dense and unsafe. The space is zoned for 2 units and the developer will not consider two units.

6. Anne Lakota (*ZIP code: 94949*)

7. Anita Lofton (ZIP code: 94114)

I oppose this construction.

8. Alyssandra Wu (ZIP code: 94132)

9. Anne Megan McCarthy (ZIP code: 94117)

10. Amelia Holst (ZIP code: 94117)

this is not safe

11. amie Dowling (ZIP code: 94410)

12. Amy Weiss (ZIP code: 94110)

13. Amy Somers (ZIP code: 93923)

Please leave this space green and beautiful __

14. Colleen Anderson (ZIP code: 94122)

To: San Francisco Board of Supervisors

From: [Your Name]

Dear Supervisors,

We oppose the landlocked lot construction project at 1846 Grove Street and ask the Board to disapprove this proposal.

The project site has one narrow 3.5-foot-wide breezeway as its only entrance and exit. Building four units at this site will lead to an unsafe situation for occupants and responding emergency personnel in the event of an emergency such as a fire. We ask that you enforce the applicable building and fire codes and deny this project's conditional use application.

Sincerely,

Colleen Anderson

15. Angela Zhao (ZIP code: 94107)

16. Anita Lee (ZIP code: 94121)

17. Annarita Scaramozza (ZIP code: 94117)

18. Annick Persinger (ZIP code: 90275)

19. Avery Flasher-Duzgunes (ZIP code: 94941)

20. Ayana Yonesaka (ZIP code: 94118)

21. Basil Ayish (ZIP code: 94117)

I am all for appropriate development in appropriate locations. This proposal fails on both counts.

22. Matthew Langlois (ZIP code: 94117)

Please stop this build.

Our neighborhood and city doesn't need this, especially considering how fast the vacancy rate is rising along with so many newly built luxury apartments sitting empty!

23. emmeline chu (ZIP code: 94116)

opposed to this unsafe development

24. Brandon Daniel (ZIP code: 94114)

25. Silvia Navarro (ZIP code: 94565)

26. Christine Boyle (ZIP code: 94102)

27. Brad Aldridge (ZIP code: 94117)

28. Brandon Keefe (ZIP code: 94117)

I am a neighbor that would be impacted by the lack of fire safety.

29. Brie McFarland (ZIP code: 97206)

Unsafe!

30. Brittany Stonesifer (ZIP code: 94118)

31. Brooke Harris (ZIP code: 95116)

32. Calee Spinney (ZIP code: 94928)

33. Christine Cali (ZIP code: 94117)

not in my backyard!

34. Carolyn Mitsi Hanrahan (ZIP code: 94115)

35. Cat Stevans (ZIP code: 94122)

This proposed project defies all reason and logic. It is the definition of a fire trap.

36. Chelsea Brown (ZIP code: 94605)

37. Catherine Farmer (ZIP code:)

38. Christopher Fortier (ZIP code: 94117)

39. Chelsea Van Billiard (ZIP code: 94131)

40. Chelsea Reichert (ZIP code: 94117)

41. Cherie Daly (ZIP code: 28056)

42. Chloë Zimberg (ZIP code: 94117)

43. Christie Marshall (ZIP code: 94117)

I have written emails to the supervisors to express my opposition to this building project.

44. Christina Kitchen (ZIP code: 90808)

45. Amy Mack (ZIP code: 94116)

Terrible plan!

46. wilson chu (ZIP code: 94116)

don't believe the paid lobby YIMBYs. there are not affordable housing units here. only luxury condos over a million dollars. shame on you for using affordable housing groups to get this approved. when there are no such units being built.

47. Courtney Cavagnero (ZIP code: 97209)

I used to go to school at USF and worked at the Starbucks on that corner. This patch of green is one of my best friend's backyard. Please don't.

48. Cole Keister (ZIP code: 97202)

49. Colleen Ivie (ZIP code: 94117)

50. Craig Rosen (ZIP code: 94117)

I am an owner in the adjacent area and I OPPOSE this construction project.

51. Christopher Green (ZIP code: 87111)

52. Justin Andrews (ZIP code: 94116)

53. Daniel Saucedo (ZIP code: 94703)

This is absurd. With the mass exodus of tech workers happening right now because of Covid, there's absolutely no need to build on every available square inch of land. Shame on you.

54. David Troup (ZIP code: 94114)

This is insane and should not be allowed.

55. David Ahn (ZIP code: 94102)

56. Dana Curtis (*ZIP code: 95210*)

57. Deric Brown (*ZIP code: 94117*)

58. Rachel Tennenbaum (*ZIP code: 94121*)

59. David Rinaldo (*ZIP code: 94117*)

This project is inherently unsafe. Should a fire, earthquake or other disaster block this narrow exit, the residents of this infill development will have no means of egress. I do not believe any building with a single entrance would be permitted.

60. Elayne Wesley (*ZIP code: 94109*)

61. Elaine Robertson (*ZIP code: 94117*)

62. Emily Sellers (*ZIP code: 94118*)

63. Essi Salonen (*ZIP code: 94110*)

64. Farrah McAdam (*ZIP code: 94928*)

65. Rachel Clee (*ZIP code: 94117*)

66. F Yoo (*ZIP code: 94110*)

If you don't want to live with neighbors, move to the suburbs.

67. Geena Cali (*ZIP code: 94117*)

Do not let this happen.

68. Christine Geiser (*ZIP code: 94110*)

69. Emily Navarra (*ZIP code: 60645*)

70. Ginger Daughtry (*ZIP code: 94602*)

71. Meagan Ryall (*ZIP code: 95404*)

72. Goldameir Clemente (*ZIP code: 94928*)

73. Kevin Bard (*ZIP code: 94102*)

74. Gus Hernandez (*ZIP code: 94117*)

75. Grant Keefe (ZIP code: 94117)

I strongly oppose this infill development problem. It would be unsafe for neighborhood and the prospective tenants.

76. Marc Fletcher (ZIP code: 94117)

The street access is so narrow it would be difficult for emergency services to access the proposed housing.

77. Christine Harper (ZIP code: 90042)

78. Hannah Marks (ZIP code: 96150)

79. Heike Rapp (ZIP code: 94117)

Please keep SF safe and don't overbuild. Seems like commercial real estate can be converted to apartments.

80. Helen Robertson (ZIP code: 94903)

Limited access in event of fire

81. Henry Tang (ZIP code: 94117)

This project is unlike any other proposed projects in S.F. It is confined by a narrow 3.5 ft by 50 ft breezeway as the only means of access/egress which renders the proposed development unsafe for its residents and neighbors. If built, it will be a monument to the folly of the current city government.

82. Kim Holt (ZIP code: 94117)

Unsafe. Limited Space and access. Potential hazard especially if tenants need to exit quickly in an emergency.

83. Hiromu Sogi (ZIP code: 95476)

84. Ian Robertson (ZIP code: 94903)

This project should be denied permission. It is dangerously cramped with poor fire services entry.

85. Jeffreyasko Masko (ZIP code: 94117)

The fire dept has said it could handle fires in the back but never said how they would handle an obstructed passage in an emergency. There are too many issues with safety and density to see this as a viable project

86. Jacqueline Burns (ZIP code: 94901)

87. Jasmine Pritchard (ZIP code: 94118)

88. jason chujason chu (ZIP code: 94122)

Neighbors were not properly noticed of meetings regarding the development which is why the developers did not receive feedback. One time meeting location was changed the day before and the

only notice was posted to the gate for the subject property. Plans issued to the planning commission de-emphasize the height and lack of setback given to neighbors. Requests for compromise were scoffed at or ignored. Fire and emergency safety is being ignored with a 3.5 foot wide egress/ingress as the ONLY way to get in or out. The developer should follow the rules and just build two units, not stuff five units (later changed to 4 units but no change in overall use of land space) without consideration of safety for the people who will live in his luxury condo units. He also wants to build all of this with a wheelbarrow and shopping cart (his words at a planning commission meeting) as he can't get heavy machinery into the lot to build. Basically I'd be scared for the new owners. And as for affordable housing ... there is none. Its all going to be million \$ plus luxury condo. With COVID 19, less dense housing saves lives. There is a mass exodus out of cities due to covid 19. The virus has solved the rental price crisis by making people realize its great to live outside of dense cities. Learn from NYC ... dense housing = more viral infections.

89. Jay Keister (ZIP code: 97461)

I am Jean Kellogg's brother and have spent many days at her house . I was shocked to hear of this proposal. Any reasonable person would think it crazy to cram such a building into such a small and inaccessible place. The best city in the country can do better.

90. Julie Stiefel Stiefel (ZIP code: 94115-5315)

91. Jessica Langlois (ZIP code: 05255)

92. Justine Costerouse (ZIP code: 94114)

93. Jeff Dewey (ZIP code: 94117)

94. Jennifer Latimer (ZIP code: 94117)

95. Jennifer Satoh (ZIP code: 94610)

96. Jennifer Gamble (ZIP code: 94061)

97. Jesse Dunn (ZIP code: 94117)

Clearly this is a dangerous and unsafe development project.

98. Jessica Potts (ZIP code: 94117)

This project is completely unsafe for current and future neighbors. We need additional housing in San Francisco, but in a safe way.

99. Jennifer Liu (ZIP code: 94110)

100. Johnathon Garcia (ZIP code: 95811)

101. Jia Rogal (ZIP code: 94117)

We're believe this project sets a dangerous precedent for the neighborhood.

102. Jean Kellogg (ZIP code: 94117)

The safety issues with the single very narrow entrance greatly concerns me. If there's a fire or other emergency, only one person can get through those 50 feet at a time. So anyone entering as someone is trying to get out will cause blockage. I'm concerned for all - those living in the project and those living in the buildings surrounding it.

103. John-Mark Ikeda (ZIP code: 94117)

This lot not only provides much needed green space for all residents on our block but adding all those units and residents with only one small 3.5 foot access point that goes back over 100 feet would be a significant safety issue.

The builder has done little to nothing to address concerns of the neighbors which is why almost everyone on our block vocally opposes it.

104. Jodi Sommers (ZIP code: 97461)

I am concerned with fire safety for this development.

105. joey castor (ZIP code: 95403)

106. jonathan chu (ZIP code: 94121)

development for profit ... not for people. safety issues abound from fire to covid-19 spread with this high density housing. no affordable housing component.

107. Jordan Wanderer (ZIP code: 94114)

108. Judi Bolanos (ZIP code: 94070)

109. Julia Daniel (ZIP code: 95073)

110. Julia Warthin (ZIP code: 94901)

As a 3rd generation San Francisco native I know that this development will not benefit our community. We need to build up NOT out.

Julia Warthin

111. Becca Klarin (ZIP code: 94117)

Please do not develop this land as a 4-unit apartment building in a landlocked lot. This plan as proposed, would affect many families and long-term residents on the block.

112. Guy Silvestro (ZIP code: 94117)

113. karen liu (ZIP code: 94122)

ill conceived.

not what san francisco needs.

we need open space, we need affordable housing. we need safe housing. this provides none of that

... only profits for wealthy investors and developers. a developer with a public history of not cooperating with neighbors or the city -- just google his name

114. Karlie Guthrie (ZIP code: 94114)

115. Kate Langlois (ZIP code: 94122)

116. Katherine Disenhof (ZIP code: 94401)

117. Kathryn Jaller (ZIP code: 94117)

118. Katrina McHugh (ZIP code: 94121)

119. Kam Bacon (ZIP code: 94103)

Stop the madness

120. Keith MacGowan (ZIP code: 94122)

121. Kenya Sims (ZIP code: 94619)

122. Kevin Tang (ZIP code: 94117)

123. Brian Kingan (ZIP code: 94117)

We're only asking that the investor adhere to the planning and building code rules and be fair.

124. Kirsten VerHaar (ZIP code: 94123)

125. Kristen Daley (ZIP code: 94952)

126. Kris Jensen (ZIP code: 78702)

127. Kristin Tieche (ZIP code: 94117)

I live on Fulton and I oppose this development scheme.

128. Laura Carmany (ZIP code: 94117)

I oppose this construction . It is a fire hazard for one but also creates a hyper density of buildings which is not healthy or necessary for both those that abut the property but for the entire neighborhood.

129. Laura Malchow-Hay (ZIP code: 94610)

130. Lauren Monheim (ZIP code: 94619)

131. Lauren Rosenfield (ZIP code: 94609)

132. michael leeder (ZIP code: 94117)

133. Leigh Riley (ZIP code: 94114)

134. Linda Ordonio-Dixon (ZIP code: 94510)

This really is unsafe for the surrounding homes. Please don't approve this.

135. Damien Ivan (ZIP code: 94103)

This is absurd

136. Evaristo Sandoval (ZIP code: 94110)

137. Larry O'Loane (ZIP code: 99901)

I am familiar with this property and can not think of a less suitable use than the proposed development.

138. Purvi Sahu (ZIP code: 94115)

139. Malinda Tuazon (ZIP code: 94117)

140. Margaret Ohrn (ZIP code: 01950)

141. Marian Ivan (ZIP code: 94117-1225)

This project is inappropriate for the site.

142. Marina Solomon (ZIP code: 94118)

143. Marshall Woodward (ZIP code: 04102)

144. Matt Bissinger (ZIP code: 94117)

We don't want to lose our open space!

145. Maxine Raphael (ZIP code: 94118)

146. Maria Doglio (ZIP code: 05775)

This is a lovely open space. Better made into a park and community gardens for residents is a wiser use of the property. Hope you have success in blocking the apartment development.

147. Melissa Clark (ZIP code: 95945)

148. Meg Tuazon Shemai (ZIP code: 87122)

Don't build these properties!

149. Meg Gray (*ZIP code: 94117*)

150. Meegan Hertensteiner (*ZIP code: 94103*)

151. Michelle Nardella (*ZIP code: 94102*)

152. Mike Andrews (*ZIP code: 94118*)

153. Mirba Estrellas (*ZIP code: 94117*)

154. Harmony Jupiter (*ZIP code: 90046*)

I grew up right near here. Too many construction projects ruin the experience of neighbors. Please don't do this!!!

155. Mathew Mitchell (*ZIP code: 94117*)

156. Maya Lujan (*ZIP code: 78736*)

157. Monica Schlaug (*ZIP code: 90026*)

158. Monique Fong (*ZIP code: 94117*)

159. Michelle Dobrow (*ZIP code: 94127*)

160. Michelle Ciccarello (*ZIP code: 94131*)

161. Nadia Muwafi (*ZIP code: 94127*)

162. Naomi Oppenheim (*ZIP code: 94014*)

163. Nathalie Khankan (*ZIP code: 94117*)

It is the wrong project in the wrong place.

164. Nina Sawant (*ZIP code: 94601*)

165. Sophia T (*ZIP code: 94118*)

166. Natalie Greene (*ZIP code: 94134*)

167. Nina Haft (*ZIP code: 94611*)

Green space is vital to human survival!

168. Oona Wong-Danders (*ZIP code: 94609*)

169. Ozzie Rohm (ZIP code: 94114)

170. Pedro Vidal (ZIP code: 94102)

171. Paul Grayson (ZIP code: 94117)

172. Pauline Canteneur (ZIP code: 94110)

173. Patrick Kelly (ZIP code: 91001)

It's dangerous. It takes away valuable green space it should be illegal.

174. Phyllis Moir (ZIP code: 94127)

175. Emily Davis (ZIP code: 97405)

176. Donovan Plant (ZIP code: 94109)

177. Phoenicia Pettyjohn (ZIP code: 94115)

178. Shailesh Phansalkar (ZIP code: 94117)

179. Priya Talreja (ZIP code: 94043)

We live in an earthquake/fire hazard environment to start with and a place like this does not seem appropriate in this type of environment.

180. Alyce Kalmar (ZIP code: 94110)

Do you remember Ghostship?? This is a terrible idea.

181. Kimberley (ZIP code: 94928)

182. Richard Kay (ZIP code: 94117)

I can't believe that Planning would permit a project like this -- it seems so unsafe. I wonder if down the road, if there's ever an emergency such as a quake, with zero access for emergency vehicles, could the City be held liable for permitting this development.

183. Rose Allen (ZIP code: 94611)

184. Mark D'Avignon (ZIP code: 94117)

I oppose this project.

185. pota perimenis (ZIP code: 94117)

Opposed!! This lot is virtually landlocked and is not in keeping with San Francisco planning provisions. It should have been parceled as part of people's back yards long ago, like other similar lots. Having a 3.5 foot wide access to the street makes it a safety hazard to be avoided, not an

opportunity to build on.

186. Margaret Rothschild (ZIP code: 94705)

187. Sally Spalding (ZIP code: 95247)

188. Sara George (ZIP code: 94103)

189. Sara McNulty (ZIP code: 94114)

190. Sara O'Hearn (ZIP code: 94103)

191. Seth Schoenfeld (ZIP code: 94118)

This is the wrong place for a project like this and will dramatically reduce the quality of life not only for the tenants and property owners already loving there but for the new occupants, as well. I oppose this project strenuously.

192. renee curran (ZIP code: 94122)

193. Victor Valdiviezo (ZIP code: 94115)

194. Suzanne Gelber Rinaldo (ZIP code: 94117)

We strongly protest this poorly located development that does nothing to address fire and safety and egress concerns and in fact poses an unacceptable hazard to existing dwellings.

195. sheil Harman (ZIP code: 94044)

Please, control the push for fancy is better housing.

196. Susan Prion (ZIP code: 94117-1216)

197. Shannon Bolt (ZIP code: 94110)

198. Rhonda Smith (ZIP code: 94134)

199. Spike Wray kirk (ZIP code: 47401)

200. Sonya Lowe (ZIP code: 94597)

201. Anjelica Martinez (ZIP code: 92069)

202. Jesse Bie (ZIP code: 94114)

203. Ben Stefonik (ZIP code: 94117)

204. Stephanie Bourne (ZIP code: 94110)

PLEASE respect the safety and uniqueness that makes our SF neighborhoods unique and liveable

205. Suzanne Glynne (ZIP code: 94117)

206. Christine Wilkin (ZIP code: 89434)

207. Sherri Morris (ZIP code: 94121)

How would any emergency service easily access a multi-unit building with 3'-6" of frontage space? Alone, the further congestion at an already congested corner should be enough to squash this plan.

208. Thomas Ballard (ZIP code: 94115)

209. Claire Shoun (ZIP code: 94102)

210. Tom murphy (ZIP code: 94109)

follow your own rules

211. Tom Greenberg (ZIP code: 94709)

Safety should be a primary concern

Accessibility and safety!

There is no compromise, please do not allow this to move forward!

212. Tony Moir (ZIP code: 94127)

213. Thea Patterson (ZIP code: 94577)

214. Valencia Herrera (ZIP code: 94124)

215. Jenna Valez (ZIP code: 94109)

216. Vincent Pietromartire (ZIP code: 94115)

This plan was wrong when I first heard about last year. In the current (Covid-19) era we are now in this plan makes even less sense. the Safety/ emergency response issues are numerous and far outweigh the gain of 4 additional units .

217. William Dice (ZIP code: 94117)

I oppose the landlocked lot construction project at Fulton and Masonic. This neighborhood is dense enough without shoving buildings into my neighbor's back yard

218. Lisa Awbrey (ZIP code: 94117)

I live within 2 blocks of the site. I have walked through the property. Endangering hundreds of neighbors by developing a landlocked parcel is completely irresponsible. The sole access point to the back lot is a narrow 3.5 foot wide alley, the only way in or out. Building multiple units on a back lot with a single way in and out violates fire and safety codes.

219. Whitney Boomer (*ZIP code: 76209*)

220. Zuhra St. Denny (*ZIP code: 94117*)

Following is a copy of a Pre-Application Meeting letter pertaining to 1846 Grove Street from the Department of Building Inspection dated 11/30/05. It was to prior owners and/or architects of the flag lot who were considering a development and ultimately decided against it.

According to DBI's findings at the time:

- "Project is limited to (2) two story buildings with a maximum height of 20 feet."
- "The total cumulative occupant load for both of the buildings shall not exceed nine (9) persons."
- "The combined floor area of both buildings shall not exceed 2700 square feet."

The plans for the current project have a combined floor area of 4785 total square feet (3201 first story-only square feet).

For the current project, the occupant load is listed as 24 in the plans.



DEPARTMENT OF BUILDING INSPECTION

City and County of San Francisco

1660 Mission Street, 2nd Floor, San Francisco, California 94103-2414

Pre-Application Meeting

Date: 11/30/05

Property Address: 1846 Grove St.

Block No: 1187 **Lot No:** 03H

PROPOSED CHARACTERISTICS

Type of Construction: N/A

Occupancy Classification: N/A

Stories / Basements: vacant lot

ATTENDEES

Applicant:

David Teeters, Architect
1427 Paru Street
Alameda, CA 94501

Department of Building Inspection:

Tony Grieco, DBI
Gerald Zari, SFFD

PROPOSED WORK:

Construct (2) two family dwellings on a lot with only one 3.5 foot wide yard to access the Public Way.

FINDINGS: Dwellings may be built on the subject property provided the following conditions and limitations are complied with:

1. Project is limited to (2) two story buildings with a maximum height of 20 feet.
2. The occupancy is limited to R.3 two family dwellings.
3. The total cumulative occupant load for both of the buildings shall not exceed nine (9) persons.
4. The combined floor area of both buildings shall not exceed 2700 square feet.
5. A continuous illuminated exit path of travel shall be provided for 3.5 foot wide yard leading to the Public Way.
6. Fire Department standpipes shall be installed in locations approved by the SFFD.
7. The buildings shall be provided with an automatic fire extinguishing system.
8. Plans shall clearly detail the limitations listed above.

This decision is not to be used as a precedent since it is intended to apply only to this particular situation. **Please copy this letter onto the cover sheet of each plan set submittal.**

Please be advised that this response is based upon the accuracy and completeness of information supplied by you or your representative to the Department of Building Inspection.

Sincerely,

Tony Grieco, Senior Building Inspector
Residential Plan Check Division
415-558-6198

Lt. William Mitchell
San Francisco Fire Department



July 15, 2020

NOPA West Neighbors (NOPAWN)
C/O Brian Kingan
627 Masonic Ave,
San Francisco, CA, 94117

Subject: Planned Development
1846 Grove Street, San Francisco, CA
Fire Protection Opinion Letter

This opinion letter has been prepared at the request of NOPAWN to evaluate the fire safety of the proposed means of egress from the planned location of the development.

Opinion Summary

Based upon a review of the 2019 California Building and Fire Codes, with City of San Francisco Amendments, the proposed means of egress from the new proposed construction to the public way does not meet code requirements for egress and presents an unsafe condition to the occupants of those new buildings.

My Background

I graduated from the College of Engineering, Department of Fire Protection Engineering, at the University of Maryland in 1974 with a B.S. in Fire Protection Engineering. In 1991 I graduated from Seattle University with an MBA. From 1970 to 1978 I was a volunteer fire fighter/EMT-A with the Prince George's County Fire Department (suburban Washington DC) operating from College Park Station 12 (f/f, EMT, 1970-1978), and West Lanham Hills Station 48 (EMT, 1975-1978). During the later years with those stations, I was also a certified CPR instructor.

I began my career as a fire protection engineer in 1974. Since that time, I was employed in that position by the US Navy, The Boeing Company, The University of Washington, Raychem Corporation and two different consulting firms. In 2000 I started ESH Consultants, a fire protection engineering consulting firm. Some of my major clients included Genentech Corporation, DSA Oakland Regional Office, DSA Sacramento Office, Safeway Corporation, the City of Mountain View Community Development Department (Building Department) and City of Sunnyvale Department of Public Safety.

With the exception of Genentech, the work for DSA and the cities involved plan review for compliance with the California Building and Fire Codes as well as local regulations and ordinances. In that role I was responsible to verify (and approve) designs met the construction and life safety requirements of the codes. This involved new construction and tenant improvement projects for Assembly, Business, Commercial, Educational, Institutional, Residential and Storage occupancies. Since 2014, for the City of Mountain View, I provided over 1,000 hours of plan review each year, reviewing 45-85 projects per month.

In 1980 I received my PE registration in the State of Oregon, and later in Washington and California. Currently I maintain my PE registration in California and have retired the other registrations as I no longer provided engineering services in those states. I have been a professional member of the International Code Council, the National Fire Protection Association, and have been an officer in two chapters of the Society of Fire Protection Engineers. Since 2001 I have been a member of the NORCAL Fire Prevention Officers, a Division of the California Fire Chiefs.

Project Description

The plans submitted to the San Francisco Planning Department are not clear as to whether the project is four individual buildings or one building with four dwelling units. To be considered as separate buildings, each property needs its own APN designation, and the utilities for each unit shall not be installed in a manner where they pass through another dwelling unit or cross property lines. Thus, all utilities to each unit shall enter the unit directly from the outside of each building. From discussions with members of NOPAWN, the four buildings are located on a single lot. Thus, with adjacent common walls, this should be considered as a four dwelling within a single building, thus, R-2 per the California Building Code.

Based upon the reviewed documentation, it appears the developer is calling these an R-3 Occupancy. Based upon the above information, that designation is incorrect and the correct Occupancy is R-2. These four properties are landlocked with the only access to the public way via a utility easement alley between two existing R-3 residential buildings.

Codes applied to this opinion letter are from the 2019 California Building Code Chapters 5, 6, 7 and 10, as well as the 2019 California Fire Code Chapter 10. San Francisco Fire Department Administrative Bulletins (2020) and San Francisco published modifications to the California Building and Fire Codes were reviewed on line on July 5. This review indicated there were no specific San Francisco modifications to the codes that involved egress from the R-3 structures.

Documents provided by NOPAWN to ESH Consultants were those provided during planning hearings and as submitted by the project architect. Those documents indicate that the existing utility easement (alley) would be the acceptable means of egress for the occupants and an acceptable means of ingress for the fire department and other emergency personnel. The first 50 feet of the easement (in the direction of egress) is six feet wide (+/-) and then reduces to three feet six inches (42 inches) wide for the remaining 50 foot of travel to the street. There are no other means of ingress/egress for the project site.

Applying The Codes

It is important to understand that the codes currently applied do not apply to any existing construction unless the buildings will be remodeled, renovated, or modified in size as noted in the San Francisco codes. As a result, one cannot infer that if the design was acceptable for the existing buildings, at the time of construction, then it should be acceptable for all new construction. The newer codes have requirements that exceed code requirements at the time of construction of the existing buildings.

The following comment from the developer's fire protection expert, taken from the transcript of the 4/9/2020 Planning Committee Video Conference, does not provide a valid reason for not meeting the current codes. *"For the general public that's listening, and the commissioners, the buildings in san francisco are not unique. We have buildings that are four stories, wood frame construction, no sprinkler system, one way in, one way out. They're throughout the city, and the fire department deals with them on a regular basis."* Using that logic, new high-rise buildings in San Francisco would not need to be built with

sprinklers, smoke control, standpipes etc., as the city has existing high-rise buildings built before the code changes and those are “dealt with” by the fire department. Such rationale does not apply to any situation of new construction. New construction has to meet or exceed the current code minimum requirements even if all the other buildings in the area do not meet current code. Current code is not retroactively applied to existing construction except as noted above.

Nowhere in the California Building and Fire Codes, nor in any of the guide codes presented by the International Code Council or the National Fire Protection Association, does it state that construction is exempt from meeting the codes based upon the approval of the fire department.

The codes do allow for the application of an Alternative Materials and Methods Request (AMMR) Section 104.11 of the California Building Code. This request must show the alternative meets or exceeds the code requirements by the use of research reports, tests and supporting data. This request must be approved by the building official. This code section does not indicate approval by the fire department; however, they may provide input as to whether they believe the alternative does or does not meet the code intent.

Per Section 104.9 of the California Fire Code, the fire official can approve the AMMR. Typically, the fire code official would be involved with changes to required fire protection devices and systems, whereas the building official would be involved with changes to building construction and egress issues. In many jurisdictions, since the construction permit is a building permit, the AMMR approval is by the building official. The documentation provided to the Planning Commission does not include an AMMR, only a letter of Conditions of Approval, by the San Francisco Fire Department Fire Prevention Bureau,

Please note that California Building Code and California Fire Code Chapter 10 are similar and the fire code version is based upon the building code version.

Code Definitions (CBC Chapter 2)

*Egress Court – “A court or yard which provides access **to a public way** for one or more exits”.*

*Exit – “That portion of a means of egress system between the exit access and the exit discharge or **public way**. Exit components include exterior exit doors at the level of exit discharge, interior exit stairways and ramps, exit passageways, exterior exit stairways and ramps and horizontal exits”.*

*Exit Discharge – “That portion of a means of egress system between the termination of an **exit and a public way**”.*

*Public Way – “A street, **alley or other parcel of land open to the outside air leading to a street, that has been deeded, dedicated or otherwise permanently appropriated to the public for public use and which has a clear width and height of not less than 10 feet (3048 mm)**”.*

The Code

As the issue being debated involves egress from the new buildings, this section is based upon Chapter 10 of the California Building Code. Other code sections may be references as needed; however, a full review of the plans versus Chapters 5, 6, 7 and 9 sections that do not apply to the egress situation has not been made. The disparities between the proposed development and Chapter 10 should be sufficient to demonstrate that the buildings are nonconforming and unsafe.

Former SFFD Administrative Bulletin 5.12 (2010) allowed the use of a minimum 36-inch alley access to buildings with no apparatus access to any side of the buildings. As of a few previous code cycles, SFFD AB 5.12 no longer exists and is indicated on the SFFD website as a reserved AB number. As a result, this allowance no longer exists and cannot be applied to this project.

Based upon the California Building Code **the alley does not meet the definition of an egress court; however, the proposed use is similar and the egress court section could be applied to the alley.** California Building Code Section 1028.4.2 states that when the width of the egress court is less than 10 feet wide, the walls shall have a fire resistance rating of one hour for a distance (height) of ten feet above the floor of the egress court. The two buildings on the sides of the alley appear to be Type V-B construction and are not fire rated. The owner of one of those two buildings indicated they are not willing to change their exposing walls to one-hour fire resistive construction.

If we look at the existing two buildings that form the alley, they do not meet current code nor do they need to meet current code as there is no proposed construction modifications to those buildings. Both buildings are assumed to be Type V-B combustible construction. The building code requires a fire resistance rating based upon the construction type, occupancy group and distance from the property line (or imaginary property line when more than one building occupies the same property).

Table 602 of the California Building Code, footnote "i" does not require an exterior wall fire resistance rating, for Type II-B or Type V-B construction, if the fire separation distance is five or more feet, or three feet or more if the building has a California Fire Code Section 903.3 fire sprinkler system. The proposed construction is Type III-B. Even if the construction were upgraded to Type II-B, it does not appear that either of the two buildings forming the alley have a sprinkler system and the distance between the buildings would need to be a minimum of 10 feet to meet the exception the required fire resistance rated construction requirement (similar to an Egress Court).

The current design was probably acceptable when these two buildings were built but would not be acceptable for new construction today without the exterior walls being a one-hour rating on each building. Additionally, California Building Code Table 705.8, does not allow any unprotected openings, in non-sprinklered buildings with less than a 10-foot separation (5 feet of fire separation distance from each building for a total of 10 feet). There are some unprotected openings on the second floor of one of the buildings. Thus, even if not considered as an egress court, the alley does not meet code.

Section 1022.1 of the California Building Code indicates that an exit shall not be used for any purpose that interferes with its function as a means of egress. As a result, this alley must be kept clear of any obstructions, either mobile or fixed to the buildings.

Section 1028.4 for Egress Courts requires a minimum exit Section 1028.5 of the California Building Code, "**Access to a public way**" states the exit discharge shall provide a direct and unobstructed access to a public way. No means have been shown to prevent occupants of the new buildings from storing items in the alley, such as bicycles, strollers, planters or other obstructive items. The code does allow an exception to an obstructive access if a safe dispersal area of 5 sq ft per person is provided. The safe dispersal area must be at least 50 feet away from the building requiring egress, and marked as to its purpose. It is not apparent from the plans that the use of a safe dispersal area has been proposed or can be used based upon the project land size and building locations.

Opinion and Comments

It is the opinion of ESH Consultants that the proposed method of using an alley as a means of egress to the public way from **the proposed buildings does not meet the requirements nor the intentions of the California Building or Fire Codes.** This will lead to an unsafe situation for both the occupants and responding emergency personnel. SFFD AB 5.12 (2010) which would have allowed the use of a minimum 3-foot-wide access alley has not been in existence since 2013, and has

been deleted from the currently enforced administrative bulletins. **The use of the alley, in this fashion, just because it has been done before, does not make it acceptable or code compliant.**

The Fire Prevention Bureau of the San Francisco Fire Department issued a Conditions of Approval letter to allow the use of the alley based upon a minimum, unobstructed width of 42 inches. This will require the door opening (gate) to be a minimum of 42 inches. It is possible that with a 42-inch-wide alley, when one factors in the two gate frame sides and hinges, the door will not meet the 42-inch minimum opening. The owners of the property on one side of the alley are not willing to allow parts of the gate to be installed on their property. Egress is under the jurisdiction of the Building Department and there is no evidence from the SFFD letter to indicate where the alley meets code requirements or why the code requirements have been waived.

The use of the unprotected alley is a fire/life safety issue. Should there be a fire in either of the buildings adjacent to the ingress/egress alley, it will not be possible for the occupants of the new construction to exit to the public way. The occupants would be trapped. After such a fire, if the alley were not passable, the occupants would not be able to egress from or gain access to their residences. This same condition would exist for emergency responders. These conditions would require individuals to access an unsafe alley if they wanted to leave the area or gain access to the area.

Prepared by: Elliot L. Gittleman, FPE, MBA
CA PE FP1341



Expires 09/30/2020

From: [Jaime](#)
To: [BOS Legislation, \(BOS\)](#)
Subject: Public Comment Letter: 1846 Grove Street (CUA No. 2018-011441CUAVAR)
Date: Sunday, September 27, 2020 7:37:48 AM
Attachments: [HANCitr.NOPAWNAppeal.1846GroveSt.09.26.20.pages](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To Whom It May Concern,

Please accept the attached comment letter for distribution to the BOS for the meeting of Sept. 29, 2020. Thank you.

Jaime Michaels

September 27, 2020

TO: **San Francisco Board of Supervisors**
c/o Lisa Lew
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

FR: Haight Ashbury Neighborhood Council
Jaime Michaels, Member-at-Large
board@hanc-sf.org

RE: **1846 Grove Street (Conditional Use Authorization No. 2018-011441CUAVAR)
Consideration of NOPA West Neighbors' Appeals**

These comments are provided on behalf of the Haight Ashbury Neighborhood Council (HANC) in support of two appeals submitted by NOPA West Neighbors (NOPAWN) regarding the Conditional Use Authorization (No. 2018-011441CUAVAR) issued by the Planning Commission on April 9, 2020 for the development of four single-family residences (and amenities) at 1846 Grove Street, an undeveloped rear flag-lot located within the HANC boundaries of concern.

We understand that both appeals—one regarding the Categorical Exemption and the second for the Conditional Use Authorization—are scheduled for consideration by the Board of Supervisors at the September 29, 2020 meeting and are based on the following general issues:

1. **Appropriateness of Categorical Exemption:** Under CEQA, development defined as “categorically exempt” and, thus not subject to full environmental review, include “Class 3” projects. Such projects involve the construction of “limited numbers of new, small facilities or structures” as well as a limited number of structures with some exceptions including “[i]n urbanized areas, up to three single-family residences” or “[a] duplex or similar multi-family residential structure totally no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes, and similar structures designed for not more than six dwelling units.”

NOPAWN believes that the subject project involving the construction of four single family residences at the lot does not meet CEQA’s definition of “categorically-exempt” and, thus, is appealing the Planning Commission’s determination. HANC agrees with NOPAWN as it appears that the CEQA standards for categorical exemptions were intended for projects of limited scope, size, and type—far more limited than the project planned for 1846 Grove St. Therefore, it appears that further environmental review of potential project impacts (e.g., traffic) and mitigation measures are warranted prior to permit issuance.

2. **Project-Specific Issues.** NOPAWN has identified issues regarding the Conditional Use Authorization, which are the basis of the second appeal and include:

RH-2 Zoning District. The area of the property where development would occur is zoned RH-2, i.e., for two-family residences. The proposed project involves the construction of four individual homes (and associated amenities) and, hence, conflicts with the existing zoning designation.

Resident Safety: A 50-foot-long section of the ingress/egress corridor between the developed residential area and Fulton Street measures 3.5 feet (42 inches) in width. According to the project sponsor, in the event of a fire, earthquake or other emergency, residents are expected to shelter-in-place. It is, however, entirely possible that they would instead attempt to escape from their homes along a 3.5-foot-wide corridor which also happens to be the area where emergency workers are expected to access the site.

The project sponsor consulted a retired marshal of the San Francisco Fire Department (SFFD), and the SFFD issued a pre-application approval based on materials not yet fully sanctioned by other agencies. The approval process to date has been based on certain assumptions and does not mean the fire department has deemed the project “safe”. While the conditional use authorization provides some relief *after* construction if further evaluation is found necessary, it appears that resident as well as neighbor safety has not yet been sufficiently evaluated or addressed.

Precedent: If a permit is ultimately issued for the proposed project without further evaluation or environmental review, an undesirable precedent could be set in authorizing future residential development. For example, such projects could: be routinely allowed to exceed zoning restrictions on number of residential units; neglect to include critical emergency safety features and procedures; and ignore environmental impacts and necessary measures to mitigate.

HANC agrees with NOPAWN on these issues and supports a Board of Supervisor action to further evaluate, address, or mitigate remaining issues of concern about the project prior to the issuance of a final permit.

Thank you for considering HANC’s comments in support of NOPAWN’s appeals. We look forward to hearing the outcome of your meeting on September 29, 2020.

**1846 Grove Street Proposed Development
Designation of R-2 or R-3**

The California Building Code Sections 310.4 and 310.5 establish the criteria for residential designations. Higher occupancy structures, such as apartment buildings, boarding houses, congregate residences, convents, dormitories, etc. are classified under §310.4 as residential group R-2.

Lower occupancy structures such as buildings that do not contain more than two dwelling units, boarding houses with 16 or fewer nontransient occupants or boarding houses with 10 or fewer transient occupants, etc. are classified under §310.5 as residential group R-3.

The language of §310.5 “Buildings that do not contain more than two dwelling units” applies to one building per lot. The plural in the word “buildings” applies to the general class of structures and does not mean that multiple buildings can be built on one lot and still be classified as R-3.

If §310.5 were to be interpreted to mean multiple buildings on one lot, there would be no practical distinction between the designations of R-2 and R-3. The California Fire Code, by requiring higher safety standards for R-2 structures, is in conformance to the higher occupancy of R-2 structures. We believe the proper designation for the Proposed Development is R-2.

If the Proposed Development is designated as R-2, then the minimum exit should be 44 inches and the Proposed Development would be non-conforming.

If the Proposed Development is designated as R-3, then stricter ADA requirements would apply and CEQA Class 3 categorical exemption would not apply to this development.

1846 Grove – 1821 Fulton – Response to DR

Project History:

The Project before the Commission is the same project that was unanimously approved by the Planning Commission on April 9, 2020 for Conditional Use Authorization.

The Conditional Use Findings made by the Planning Commission under the CUA are applicable for DR today. Please reference Motion 20681, pages 5-10 following this DR response.

The Findings indicate that the proposed new buildings “provide a development that is necessary, desirable, and compatible with the neighborhood or community”.

The Conditional Use Hearing can be found here:

https://sanfrancisco.granicus.com/player/clip/35574?view_id=20&redirect=true&h=dc9575ee51f8c475cb49ac763b7d41cc

Commissioner comments and questions start at time 4:44 of the CUA hearing. Commissioner deliberation begins at 5:02.

Per the comments of Commissioner Moore on April 9, 2020:

“The project with the reduction of units has created contextual fit into the space”

[It is a] “wonderful unique solution for a very difficult space.”

“The density that this project achieves is quite admirable...a creative infill project”

“Having heard the Fire Department plan review comments make me feel that those concerns have been fully answered. I know how difficult pre-app meetings are when the Fire Department and DBI come together, they really set the most narrow and stringent course for designing a building and if they have gone through that, and got the support there is no doubt in mind that final approval from those two entities is basically done because you are designing against a high bar of performance. For that reason, I will wholeheartedly support this project.”

“There is no doubt in my mind that it should be approved”

The Project:

The project creates four family-size dwellings. Two two-bedroom homes and two three-bedroom homes. These “patio home” units are efficiently sized with basic amenities. The design creates a small community on the site with the shared amenity of the existing oak tree and landscaped courtyard.

San Francisco, due to its unique topography and history of development, has many atypical parcels and allows a variety of housing types. This variety makes the city interesting. Pedestrian only streets and homes along narrow stairways, such as on Telegraph hill, become iconic of the city. San Francisco also has many examples of buildings behind buildings, at the rear of lots, with the only access being through a single door through to a tradesman’s entry.

Examples in the immediate neighborhood were provided in the CUA presentation following this letter, but a survey of the entire city would likely illustrate several hundred homes.

The DR request recycles most of the arguments against the project from the CUA hearings.

1846 Grove – 1821 Fulton – Response to DR

Site Access:

The DR filers are objecting to the Site Access and have stated that two people cannot pass comfortably. Please see the video at the following link which illustrates the two individually passing comfortably in the 50' section.

https://drive.google.com/file/d/1D6MPnxtbKAAPRpqUGJ2qE9jV9uGEnUrD/view?usp=drive_link

Fire Department Approval:

The DR filers have asserted that the Fire Department would be unable to coordinate access to and egress from the site along the narrowest 50' section of the flag lot. The Fire Department is trained and equipped to deal with many types of buildings, conditions and emergency situations. Drawings were submitted to the Fire Department as part of their review that well illustrated elements of the project. The Fire Department staff visited the Site and the project was reviewed within the Fire Department by several individuals including the Fire Marshall who signed the pre-application review letter.

Conditions of approval include a 20' height limitation, provision of a full fire sprinkler system, standpipes, and non-combustible construction. The letter is included with the building permit application.

Exiting and Occupancy Classification:

The DR filers have cited a number of codes as pretext for disapproval which do not apply:

There DR requestors have used the term "Shelter in Place". There is no requirement that residents shelter-in-place. The homes on the site have the appropriate number of exits as required in the building code and an exit discharge width (defined as the path from the building exit to the public way). The exit discharge width exceeds the code requirement.

There are many circumstances where only one exit is required from a building. A four-story home can be constructed with a single exit as long as it is sprinklered for example. In most cases, a single exit discharge from a site to the street is required. The DR filers continue to misquote Building Code Section 1028.4.2 neglecting the requirements for R-3 occupancies.

The DR filer has no authority to determine the Occupancy Classification. The DR requestors have falsely said that these homes (R-3 occupancies under the building code) are really just an Apartment building in disguise (R-2 occupancies). The building Department, through the Pre-application review letter has stated that these are R-3 occupancies (single family homes and duplexes). The homes are self-supporting and compartmentalized with double fire rated walls between buildings as opposed to having shared walls as one would have in an Apartment building. The homes do not share common corridors and stairways.

A building code analysis starts with designation of the Occupancy classification as defined in CBC Chapter 3. The safety requirements for each occupancy will follow in each subsequent chapter of the building Code. Single-family homes have different

1846 Grove – 1821 Fulton – Response to DR

requirements than other building types. Each will have their own requirement for rated walls, type of construction fire ratings between units, sprinkler systems, and egress. The code is an integrated document.

The Planning Department's own "Objective Design Standards" illustrate buildings at the rear of other buildings with less access than the homes proposed on this parcel. See page 15 of the link below.

https://drive.google.com/file/d/1XtqvMCHpgN4AlkaJUn0kEKcFbalecEa4/view?usp=drive_link

Variances Granted:

The DR filers cite the Variances granted at the previous hearing as a reason for the Commission to take DR. The Variances were duly heard by the Zoning Administrator and Findings were appropriately documented. There is no modification to the project that would invalidate the Findings.

ADU's on Adjacent Parcels:

The DR filers falsely assert that development on this large parcel will preclude development of ADU's on adjacent parcels. There is no factual basis for this assertion as was explained by the Zoning Administrator at the CUA hearing.

Rainwater Infiltration:

The DR filers have asserted that the new construction at this parcel will result in increased run-off into their properties. The project will conform to the PUC requirements for stormwater management and the requirements of the Plumbing Code. Where possible stormwater will percolate into soils for ground water recharge. Roof runoff will not discharge on to adjacent properties.

Site Utilities:

The DR filers reach deep into CA regulations and cite an obscure section of the California Code related to "Materials and Installation of Water Mains and Appurtenances", saying that site utilities are infeasible. The code cited seems to be for utility scale infrastructure. A very simple look at the sidewalk at new sewer and water lines installations shows that the code cited for a 10' separation is not applicable.



The DR cites PG&E requirements. It is up to the project sponsor to review the project with PG&E for specific requirement applicable. The project will be reviewed by the PG&E Engineering division at the appropriate time. The Planning Commission is not the

1846 Grove – 1821 Fulton – Response to DR

regulatory agency for compliance with PG&E standards. The DR cites codes about Propane piping of which there is none to the property.

Density:

The DR requestor cites incorrect requirements about owner-occupancy. The project is approvable for four dwellings under the “Constraints Reduction Ordinance”.

The DR filers likely hope to make construction of new housing on this site financially unfeasible by limiting the number of unit and unit size. There are a number of expense items that must be factored into the bottom line of this project that are not typical of most homes. These include:

- The living roof along with waterproofing and structural upgrades to support it.
- Provision of a steel pipe fire sprinkler system throughout with high waterflow.
- Extending utilities into the site.
- Cost of hand carrying of materials in and out of the site.
- Cost of construction with limited heavy equipment.
- Cost of construction using non-combustible materials.
- Tree protection and extensive landscaping costs.

Our Contractor Partner (Concannon Construction) has experience with similar construction challenges and is enthusiastic about the project. However there will be significant built-in expenses that are not typical of most projects. Current high lending costs, increasing permit fees, in addition to high construction costs make the economics of the project very tight.

Due to these factors modification of the project to reduce unit sizes will likely kill the project for the foreseeable future.

Given the very positive response at the CUA hearing we hope that the Planning Commission will not take DR and allow the project to proceed without modification so it remains viable to construct.

The Board of Supervisors:

Realizing the extraordinary need for additional housing supply, the Board of Supervisor’s passed the Constraint Reduction Ordinance with an effective date of 1/14/2024. The ordinance eliminated the Condition Use Authorization for oversized lots. Separate legislation passed by the Board of Supervisors allows any lot in the city to develop a minimum of 4 dwelling units.

The Board of Supervisor wrote the legislation with the full knowledge that the Department of Building Inspection and the Fire Department will review projects for building code requirements including issues raised in this DR filing.

1846 Grove – 1821 Fulton – Response to DR

Conclusion:

The project was altered to mitigate neighbor concerns after a series of six outreach meetings. It was rigorously reviewed by Planning Staff and the Residential Design Advisory Team (RDAT). It was reviewed by the Zoning Administrator. After the first Planning Commission Hearing where the case was “continued”, it was altered to reduce the number of units and building massing in response to Commission comments.

On April 9, 2020 the Planning Commission voted unanimously for approval. Given the findings made in support of the Conditional Use Authorization we urge the Planning Commission not to take DR and to allow the Site Permit to proceed to the Department of Building Inspection for review.

Attachments:

Planning Commission Motion 20681, CUA approval and findings

Architect’s CUA presentation documenting the design ideas and history of the project



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Motion No. 20681

HEARING DATE: APRIL 9, 2020

Record No.: 2018-011441CUAVAR
Project Address: 1846 GROVE STREET
Zoning: RH-2 (Residential, House – Two Family) Zoning District
RH-3 (Residential, House – Three Family) Zoning District
40-X Height & Bulk District
Block/Lot: 1187/003H
Project Sponsor: Troy Kashanipour
Troy Kashanipour Architecture
2325 3rd Street, Suite 401
San Francisco, CA 94107
Property Owner: Green Grove SF, LLC
2325 3rd Street, Suite 401
San Francisco, CA 94107
Staff Contact: Matt Dito – (415) 575-9164
matthew.dito@sfgov.org

1650 Mission St.
Suite 400
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CA 94103-2479

Reception:
415.558.6378

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415.558.6409

Planning
Information:
415.558.6377

ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION, PURSUANT TO PLANNING CODE SECTIONS 207, 209.1, AND 303, FOR RESIDENTIAL DENSITY OF ONE UNIT PER 1,500 SQUARE FEET OF LOT AREA TO PERMIT THE CONSTRUCTION OF FOUR TWO-STORY SINGLE-FAMILY DWELLING UNITS ON A VACANT LOT LOCATED AT 1846 GROVE STREET, LOT 003H IN ASSESSOR'S BLOCK 1187, WITHIN AN RH-2 (RESIDENTIAL, HOUSE – TWO FAMILY) AND RH-3 (RESIDENTIAL, HOUSE – THREE FAMILY) ZONING DISTRICT AND A 40-X HEIGHT & BULK DISTRICT.

PREAMBLE

On August 20, 2018, Troy Kashanipour of Troy Kashanipour Architecture (hereinafter "Project Sponsor") filed Application No. 2018-011441CUAVAR (hereinafter "Application") with the Planning Department (hereinafter "Department") for Conditional Use Authorization to allow four dwelling units (hereinafter "Project") at 1846 Grove Street, Lot 003H in Assessor's Block 1187 (hereinafter "Project Site").

On November 7, 2019, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2018-011441CUAVAR and continued the hearing to December 12, 2019.

On December 12, 2019, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2018-011441CUAVAR.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 3 Categorical Exemption.

The Planning Department Commission Secretary is the Custodian of Records; the File for Record No. 2018-011441CUAVAR is located at 1650 Mission Street, Suite 400, San Francisco, California.

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.

MOVED, that the Commission hereby authorizes the Conditional Use Authorization as requested in Application No. 2018-011441CUAVAR, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The Project proposes construction of four two-story single-family dwelling units in the rear yard of a vacant lot. The dwellings consist of one one-bedroom unit, three two-bedroom units, and one three-bedroom unit. The units range in size from 673 to 1,266 square feet. Due to the practical infeasibility of developing the front of the subject property, the Project is located at the rear of the lot. Setbacks and sloped roofs have been provided at the second story, wherever possible, to minimize impacts on the 17 properties that share a property line with the subject property. The Project includes 10 bicycle parking spaces and no off-street automobile parking spaces. The Project proposes a mixture of public and private open space, with a total of 2,390 square feet being usable. There is a total of 3,753 square feet of open space included in the Project.
3. **Site Description and Present Use.** The Project Site is located on the south side of Fulton Street in the Haight Ashbury neighborhood between Ashbury Street and Masonic Avenue. The lot is an undeveloped "flag lot" (a lot with minimal street frontage and a long access path before widening at the rear). The majority of lot area at the rear, where the mid-block open space is typically located, and shares a property line with 17 adjacent lots. The lot slopes upward approximately 10 percent from the east to the west. The lot is accessed from Fulton Street, despite the Grove Street address.
4. **Surrounding Properties and Neighborhood.** The Project Site is located within both an RH-2 and RH-3 Zoning District in the Haight Ashbury neighborhood. The front of the lot (containing the accessway from Fulton Street) is zoned RH-3, and will not be developed. The Project proposes to construct the four dwelling units only in the area of the lot located within an RH-2 Zoning District. The lots adjacent to the Project Site are predominantly zoned RH-2 and RH-3, with three-story one- or two-family dwellings. The corner lot to the northeast of the Project Site is located in an NC-1

Zoning District, with a four-story eight-family dwelling located on the lot. While there is no nearby commercial corridors, the Project Site is located approximately one-half block away from a shopping center at Masonic Avenue and Fulton Street, which contains many necessary neighborhood necessities.

5. **Public Outreach and Comments.** The Department has received 45 letters in opposition to the Project, and 24 letters in support of the Project.

a. **Outreach:** The Sponsor has hosted two meetings within the community, on September 7, 2017 and on October 22, 2017.

i. **Feedback from September 2017:** Most feedback was centered on the feasibility of the project due to site constraints. Some opposition was received due to the perceived financial impact the development would have on their own surrounding properties.

ii. **Feedback from October 2019:** Most feedback was in regards to concern about the impacts development may have on surrounding properties and quality of life concerns. Story poles were requested on the project site so that neighbors could see the proposed height of the buildings.

iii. **November 2019:** There were two attendees at the November meeting. One was concerned about density and the other was supportive of the project.

6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

A. **Use.** Planning Code Section 209.1 states that Conditional Use Authorization is required in an RH-2 Zoning District to exceed the principally permitted density limit of two dwelling units per lot. One dwelling unit per 1,500 square feet of lot area is permitted with Conditional Use Authorization.

The Project Site is located in both an RH-2 and RH-3 Zoning District, though the Project proposes only to develop the RH-2 portion. The RH-2 portion of the lot is 7,476 square feet. With Conditional Use Authorization, a maximum of five dwelling units are permitted. The Project proposes four dwelling units.

B. **Front Setback.** Planning Code Section 132 states that the minimum front setback depth shall be based on the average of adjacent properties or a Legislated Setback.

The adjacent properties do not have front setbacks, and there is no legislated setback on the Project Site. Therefore, the project does not have a required front setback.

- C. **Rear Yard.** Planning Code Section 134 requires a rear yard equal to 45 percent of the total lot depth, at grade and above, for properties containing dwelling units in RH-2 Zoning Districts.

The subject property has a lot depth of approximately 175 feet, resulting in a required rear yard of approximately 79 feet pursuant to the Planning Code. However, it is generally recognized with lots that have significantly different depths in one horizontal direction throughout the lot, that there shall be separate rear yard lines calculated, as the general intent of the code is to ensure that every lot has a feasible buildable area. In the case of the Project Site, the narrow portion of the lot off Fulton Street would have a separate rear yard calculation from the wider bulk of the lot at the rear. The dual rear yard lines can be seen in Exhibit B. Due to the concentric configuration of the dwelling units at the rear of the lot, a variance from the Planning Code is required.

- D. **Useable Open Space.** Planning Code Section 135 requires 125 square feet of useable open space for each dwelling unit if all private, or 166 square feet of common usable open space per unit.

The Project proposes a mixture of private and public usable open space for the four dwelling units. All of the dwelling units have private, Code-compliant usable open space adjacent to the buildings. In addition, there is a large amount of public open space in the middle of the development.

- E. **Dwelling Unit Exposure.** Planning Code Section 140 requires that at least one room of all dwelling units face onto a public street or public alley at least 30 feet in width, a side yard at least 25 feet in width, a rear yard meeting the requirements of the Code or an open area, whether an inner court or space between separate buildings on the same lot, that is no less than 25 feet in every horizontal dimension.

The Project proposes a large inner court between the four dwelling units, measuring approximately 2,500 square feet. Due to the nature of the Project Site as a "flag lot", and the applicant's effort to design the dwellings in a manner that least impacts the adjacent neighbors, two of the four dwelling units do not meet the requirement of Planning Code Section 140, despite the copious inner court. A variance from the Planning Code is required.

- F. **Off-Street Parking.** Planning Code Section 151.1 permits a maximum of 1.5 off-street automobile parking spaces per dwelling unit.

The Project does not include any off-street automobile parking.

- G. **Bicycle Parking.** Planning Code Section 155.2 requires at least one weather-protected bicycle parking space for each dwelling unit.

The Project proposes 10 bicycle parking spaces in storage lockers for four dwelling units, meeting the Planning Code requirement.

- H. **Bicycle Parking Access.** Planning Code Section 155.1 requires that bicycle parking spaces be located in area with a minimum five foot wide hallway that leads to the parking entrance. Two limited constriction points, where the route may narrow to a minimum of three feet, and extend no more than one foot of distance, are permitted.

Due to the nature of the Project Site as a "flag lot", the only available access to the bicycle parking lockers is through a three and one-half foot corridor from the street. A variance from the Planning Code is required.

- I. **Height.** Planning Code Section 260 requires that all structures be no taller than the height prescribed in the subject height and bulk district. Section 260(a)(1)(B) states that where a lot is level with or slopes downward from a street at the centerline of the building or building step, such point shall be taken at curb level on such a street.

The subject property is located within a 40-foot height district. The Project includes four single-family dwellings with a maximum height of 20 feet above grade, in compliance with the height district.

- J. **Child Care Requirements for Residential Projects.** Planning Code Section 414A requires that any residential development project that results in at least one net new residential unit shall comply with the imposition of the Residential Child Care Impact Fee requirement.

The Project proposes new construction of four residential units. Therefore, the Project is subject to the Residential Child Care Impact Fee and must comply with the requirements of Planning Code Section 414A.

7. **Conditional Use Findings.** Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the project complies with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The Project Site is larger than what is typical for residential lots in the Haight Ashbury neighborhood, such that the Planning Code allows increased dwelling unit density at a rate of one dwelling unit per 1,500 square feet of lot area. The four single-family dwelling units proposed are necessary and desirable in that the Project would add to the neighborhoods housing stock, while developing a heretofore vacant lot. Due to the nature of the Project Site as a "flag lot", some impact to the 17 adjacent neighbors is unavoidable, but the Project has been designed in a way to minimize such impacts. The design of the buildings are consistent with the Residential Design Guidelines, and compatible with the neighborhood.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that

could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- (1) Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The Project Site is a "flag lot," which is uncommon. It features a long, narrow access path from Fulton Street before widening at the rear, where the mid-block open space is typically located. The Project includes four two-story single-family dwelling units, located near the perimeter of the lot at the rear. While some impact to the 17 adjacent neighbors is unavoidable, the Project has been designed in a manner that minimizes those impacts by incorporating greenery, sloped roofs, and setbacks wherever possible. The Project is consistent with the Residential Design Guidelines.

- (2) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The Planning Code does not require parking or loading for residential uses, and the Project includes 10 bicycle parking spaces. The Project will not significantly affect traffic patterns in the immediate area.

- (3) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

As the proposed project is residential in nature, unlike commercial or industrial uses, the proposed residential use is not expected to produce noxious or offensive emissions. Safeguards will be used during construction to mitigate any impact to the neighborhood.

- (4) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

The Project is designed in a contemporary aesthetic, and incorporates significant landscaping and screening. Portions of the proposed dwellings that are one-story will maintain a landscaped roof, minimizing the visual impact to adjacent neighbors. There is a large amount of open space in the form of an inner court. The access path from Fulton Street will be constructed with floor lighting, which is appropriate given its close proximity to adjacent properties.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Use District.

The proposed project is consistent with the stated purposes of the RH-2 Zoning District, which are devoted to one- and two-family buildings, and generally do not exceed three or four stories. The Project proposes four single-family dwellings, and does not exceed two stories in height.

8. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1:

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

Policy 1.10

Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

The Project does not include off-street automobile parking, but includes ten bicycle parking spaces for four dwelling units, and is located near numerous Muni transit lines. These features will ensure that households can easily rely on alternate methods to the private automobile for their transit needs.

OBJECTIVE 11:

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

Policy 11.1

Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

Policy 11.2

Ensure implementation of accepted design standards in project approvals.

Policy 11.3

Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

Policy 11.4:

Continue to utilize zoning districts which conform to a generalized residential land use and density plan and the General Plan.

Policy 11.6

Foster a sense of community through architectural design, using features that promote community interaction.

Policy 11.8

Consider a neighborhood's character when integrating new uses, and minimize disruption caused by expansion of institutions into residential areas.

The Project has been designed in conformity with Residential Design Guidelines, which ensure that existing residential neighborhood character is respected and unimpacted, to the extent possible. The development includes a large amount of common open space in the middle of the development, which should promote community interaction amongst residents of the dwelling units. The residential uses provided conform to the general land use profile of the neighborhood.

OBJECTIVE 12:

BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.

Policy 12.2

Consider the proximity of quality of life elements such as open space, child care, and neighborhood services, when developing new housing units.

The Project provides a large amount of public open space for prospective residents, and is located nearby many neighborhood services such as grocery stores, other retail uses, eating and drinking uses, and personal services. The Project also will require that the Project Sponsor pay the Residential Child Care Impact Fee pursuant to Planning Code Section 414A.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1:

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

Policy 1.2:

Recognize, protect and reinforce the existing street pattern, especially as it is related topography.

Policy 1.3:

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

The Project proposes the four single-family dwelling units on a vacant "flag lot." The Project represents the sensitive infill of a large vacant lot within the allowable density of the RH-2 Zoning District in which the lot is located. The proposed massing and location of the dwellings are compatible with the existing neighborhood character. While the development pattern of the neighborhood generally does not include residential development in the mid-block open space, the Project minimizes, to the extent possible, impacts on the 17 adjacent properties by incorporating sloped roofs, landscaped roofs, and setbacks. The scale and design of the proposed Project is compatible with the neighborhood and, in total, will create a positive effect for the neighborhood and City as a whole.

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project complies with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The Project Site does not possess any neighborhood-serving retail uses. The Project provides four new dwelling units, which will enhance the nearby retail uses by providing new residents.

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The project site does not possess any existing housing. The Project would provide four new dwelling units, thus resulting in an overall increase in the neighborhood housing stock. The Project maintains a height and scale compatible with the surrounding neighborhood and is consistent with the Residential Design Guidelines.

- C. That the City's supply of affordable housing be preserved and enhanced,

The Project does not include any existing or proposed affordable housing; however, the four proposed single-family dwellings are small to moderately sized, making them naturally more affordable, and will be added to the City's housing stock.

- D. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking.

The Project Site is well-served by public transit, being located within a quarter-mile of stops for the 5-Fulton, 5R-Fulton Rapid, 31-Balboa, 31BX-Balboa B Express, and 43-Masonic Muni transit lines.

Additionally, the Project provides bicycle parking for residents of the dwellings. Muni transit service and the neighborhood streets will not be overburdened by the Project.

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Project will not displace any service or industry establishment. The Project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this Project.

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The Project will be designed and will be constructed to conform to the structural and seismic safety requirements of the Building Code. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

Currently, the Project Site does not contain any City Landmarks or historic buildings.

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

The Project will have no negative impact on existing parks and public open spaces. The Project is located in what is typically considered the mid-block open space, though impacts will be minimized due to small scale of the Project and other attenuating measures.

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2018-011441CUAVAR** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated February 17, 2020 and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion. The effective date of this Motion shall be the date of this Motion if not appealed (after the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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 ADOPTED the foregoing Motion on April 9, 2020.



Jonas P. Ionin
Commission Secretary

AYES: Diamond, Fung, Imperial, Johnson, Koppel, Moore
NAYS: None
ABSENT: None
ADOPTED: April 9, 2020

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow the construction of four single-family dwellings located at 1846 Grove Street, Lot 003H within Assessor's Block 1187, pursuant to Planning Code Sections **207, 209.1, and 303** within an RH-2 (Residential, House – Two Family) Zoning District and a 40-X Height and Bulk District; in general conformance with plans, dated **February 17, 2020**, and stamped "EXHIBIT B" included in the docket for Record No. **2018-011441CUAVAR** and subject to conditions of approval reviewed and approved by the Commission on **April 9, 2020** under Motion No. **20681**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **April 9, 2020** under Motion No. **20681**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **20681** shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

DESIGN – COMPLIANCE AT PLAN STAGE

6. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
7. **Garbage, Composting and Recycling Storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
8. **Fire Safety.** Should compliance with technical standards related to fire safety result in a significant change to the Project, as determined by the Zoning Administrator, then a new Conditional Use authorization shall be required by the Planning Commission.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

PARKING AND TRAFFIC

9. **Bicycle Parking.** The Project shall provide no fewer than **four** Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.2.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
10. **Parking Maximum.** Pursuant to Planning Code Section 151, the Project shall provide no more than **eight (8)** off-street parking spaces.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

PROVISIONS

11. **Residential Child Care Impact Fee.** The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

12. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

13. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Attachment 1: Material Provided to Planning Commission for April 9th, hearing, 3-d views, and diagrams pages 16-42

Summary of Project & Design Modification: 1821 Fulton (1846 Grove)

The Lot is a large Flag lot with an Entry on Fulton Street

- This is an oversized lot: Greater in size than 3 standard city lots. RH-2 Zoning allows up to 6 units. Proposed units on property is 4.

Design Intent and Approach

Due to the unique nature of the site in the mid-block location, the project must be sensitive to the context. Due to the unique nature of the lot, the project requests a variance in order to minimize impacts on adjacent properties rather than follow the prescriptive requirements of the code.

A project which does not request the Section 134 Rear Yard Variance may build to the Front property line (north) and both side property lines (east and west). See Diagram below with the shaded area being buildable area. Setbacks shown are typical for residential lots. Front setbacks are averaged off of neighboring buildings and there are no side setback requirements in the code. In this case, the front of the lot is considered to be the north side closest to Fulton Street. See enlarge **Exhibit A** at end of narrative and smaller image below:

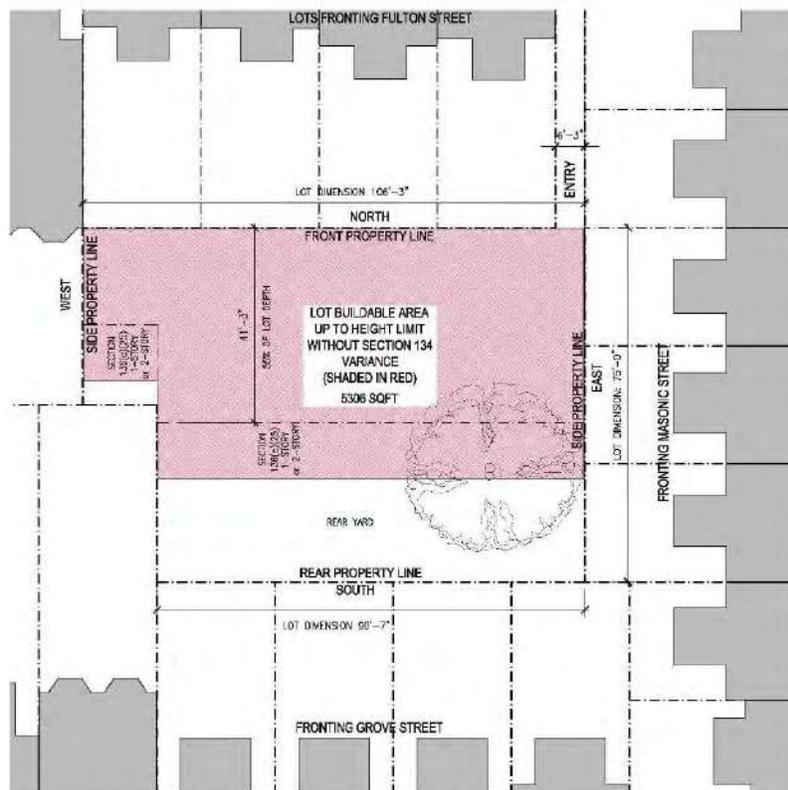


Exhibit A

Rather than concentrating the volume of the building in the area shown shaded as a 2 story volume, the proposed design more evenly distributes the building area across the site. In the Planning Code, one-story volumes are generally are not considered to be impactful on neighbors. For this reason a 1-story “pop-out” allowed in Section 136(c)(25) is allowed to go the full width of the lot. The one-story is considered to be no more impactful than a 10’ fence which may be approved without a variance.

The proposed design breaks up the massing of a “big block “building shown in the shaded area above and distributes largely one story volumes in a more even manner at north, west, and south sides. It places only a very small 1-story volume at the east side where the rear walls of Masonic Street buildings are closest to the side property line of our parcel. Shaping the proposed volumes across the site allows for the lot to be developed while preserving the oak tree.

The area of 2-story volumes are positioned and shaped to minimize shadow impacts on adjacent yards. The area of 2nd story volume (1584 sqft) on the site is just 29% of what is considered buildable area.

Approval of the Variance is justified in that it allows the project to distribute, rather than concentrate, impacts where the rear yard condition of adjacent parcels similar.

What is Proposed:

4 Dwelling units: 2- 2 bedrooms, 2- 3 bedrooms.

Mostly one-story volumes with smaller areas of 2-story pop-ups. 2nd story volumes positions and shaped to minimize shadow impacts.

Inwardly focused

Minimize window exposure to neighbors

Minimize shadow impacts

Homes nested into topography

Preserve Coastal Live Oak tree.

Provide Living roofs.

Provide low-water California native plantings.

Summary of Meetings and Neighbor Outreach:

1. Pre-application Meeting: September 7th, 2017

- SFPL meeting room 1833 Page Street.
- Letters send to pre-app meeting list provided by Radius Services
- 25 Attendees

2. Neighbor Meeting 2: September 6, 2019

- SFPL meeting room 1833 Page Street
- Email notification and communication through Planner and Legislative Aide,
- Attended by District 5 Legislative Aide,
- 17 Attendees

Story Poles provided on site illustrating volume of unit 2 and 3 per neighbor request. See exhibits L and M.

3. Neighbor Meeting 3 : November 19, 2019

- SFPL Meeting Room at 1833 Page Street
- Email notification and letters mailed to Pre-app mailing list.
- 2 Attendees.

Additional offers to meet with neighbors in smaller groups or individually were declined, or not response received.

Post CU hearing meetings

4. Neighbor Meeting 4: February 6, 2020

- SFPL Meeting Room at 1833 Page Street
- Email notification to sign in list.
- 18 Attendees including Haight Ashbury NC representatives.

5. Neighbor Meeting 5: February 26, 2020

- City College classroom, 633 Hayes.
- Email notification to sign-in list. Additional letters hand delivered to each adjoining parcel. Sign posted at gate.

- 11 Attendees.

6. Community Group presentation: 2/27/2020

NOPNA Land Use Subcommittee of the North of the Panhandle
Neighborhood Association

633 Page Street

9 Attendees.

Summary of Design Modification and responses to Neighbor Concerns

(See Diagram B in package):

1. Revised number of units on property from 5 to 4.
2. Reduced 2 Story Volume at West edge of Property to 1 story
3. Moved 2nd story volume away from property line at Unit 3.
4. Reduced 1 story volume on East edge of Property.
5. Reduced 1 story volume at South edge of Property
6. Provide Planting Screen at East side of Property
7. Relocated bin area to center of property minimizing noise.
8. Removed East facing window on upper bedroom of Unit 1.
9. Agree to NSR restricting short term rental at Commission discretion.
10. Agree to provide Tree Planting and Protection Plan from certified Arborist
11. Agree to provide low voltage pathway lighting rather than flood lighting.
12. Agreed to provide soft-close device at gate
13. Agreed to modify windows with potential privacy impact to neighbor. Any smaller bathroom window facing neighbors directly will be frosted glass.
14. Agreed to have a pre-construction meeting with interested neighbors with contractor coordinated timeline in advance of construction. Will designate point of contact at that time.
15. Agreed to repair any damage at adjoining yards or landscaping,
16. Along entry agreed to protect adjoining buildings and repair any damage at our sole expense.

Summary of Features Retained (See Exhibit B):

1. Preserves and protects existing Oak Tree.

2. Creates Living Roof
3. Creates native planting areas as pollinator habitat.
4. Minimizes windows looking on to neighbor properties. See Exhibit D
5. Minimizes shadows. See Exhibit E for Solar Orientation.
6. Allows view corridors through the project. Allows light and breeze permeability. See Exhibit F.
7. Preserves inwardly focused scheme that minimizes exposure to neighbors. Preserves privacy, contains noise, reduces light, keeps circulation away from property lines, minimized unused space where debris can accumulate, maximizes security, creates community.
8. Provides additional firefighting resources with standpipes on property that can be used to by firefighters on fires on surrounding wood frame, non-sprinklered buildings. Firefighters will have full access to site through a key box. Improves the fire safety on the block rather than reduce it.
9. Preserves Bicycle Parking.
10. Preserves minimal FAR, minimal lot coverage. Floor area ratio of site, is less than 1/3 of that of typical San Francisco lot, due to unique conditions of the site.
11. Provides additional housing supply in an area of the city that has not seen great contribution relative to other areas of the city.
12. Creates units with a ground floor bedroom, suitable for older adults who do not wish to climb stairs.

Summary of Sustainability:

1. Infill housing in an urban area as opposed to suburban growth.
2. Near major transit and bicycle lanes. On-site bicycle parking. No construction for housing cars.
3. Dumped garbage and construction debris on property will be removed. Invasive English Ivy and invasive blackberry will also be removed.
4. Mature Oak Tree will be preserved, maintained, and protected.
5. Planting of native plants and pollinator habitats. Low water irrigation systems for landscaping. Work with “Bay Area Natives” on Cargo Way, and “Sloat Garden Center” in San Francisco, and similar nurseries.
6. Living roof: providing habitat, slowing and absorbing run-off, reducing heat gain, reducing heat island effect. Visually calming for adjacent properties.
7. Fossil Fuel free, no natural gas connection. All electric systems. Heat pump water heater, clothes dryers, induction stoves.
8. Intent to utilize “carbon cure” and low cement content concrete mixes for lower embodied carbon (8% of worldwide CO2 emissions due to cement production). Carbon sequestering technologies available for concrete.

For foundations we intend to consider the embodied carbon impact of this construction, sourcing concrete with low-cement content and CO2 sequestering technologies such as “Carbon Cure” and possibly even man-made Carbon sequestering aggregate such as Blue Planet Aggregate. Architects, Engineers, and Policy makers need to provide housing but minimize embodied carbon in building materials as a way of reducing emissions. Requirements for low embodied carbon materials need to be written into the code, and quickly. Small project such as this one are good for demonstration of concept the real impact happens with the mega-

developments and infrastructure. We encourage San Francisco do adopt the standards of the “Bay Area Low-Carbon Concrete Codes Project”

9. Creates a community:

- Sense of collective open space for interaction. Village Green concept as precedent around Tree and Courtyard, encourages interaction.
- Links common space to private realms. Visual and spatial connections.

Frequently Asked Questions:

How is the Site Accessed?

Through gate fronting to Fulton Street. The width meets the Building Department and Fire Department Requirements as confirmed through Pre-application process.

Can two persons pass along the site access?

- The narrowest point is the first 50'.
 - The width it is about that of a typical residential apartment single loaded corridor.
 - It exceeds the code requirements.
 - Two persons can pass comfortably.



Sasha and his father at access

- Average walking time to traverse 50 feet is 12 seconds.
The next 50' of the entry is 6'-3" wide and between fences.

Is there is precedent homes in a similar location, behind other homes, in immediate area?

Yes in the immediate area and all over San Francisco. In many cases at much higher density that what is proposed. See Exhibits G,H,I,J,K.

The entry to the Site is unusual. Do you have approval?

The Entry and Exit Condition has been reviewed and approved by the San Francisco Fire Department and the Department of Building Inspection based on conditions which include:

1. NFPA 13 Fire Sprinkler System – Highest Sprinkler standard designed to fully extinguish. Same system for high-rise towers.
2. Standpipes on site.
3. R-3 (single family home and duplex) occupancies.
4. Not more than 20’ in height. Based on 24’ ladder carried by 2 firefighters
5. Type III Non-combustible Construction.
6. Red zone and removal of sidewalk tree.
7. Clear width of 42”.

Code Basis for Approval: San Francisco Fire Code 5.12 Item 6. Project meets all conditions, San Francisco Building Code Regarding Exits and Exit Discharge: 1014, 1015, 1022, 1028.4, Reference pre-app letters.

Are 2 Exits from a site required?

No. Some building require 2 exits, but only one exit discharge is from any site. The exit discharge is defined as “the portion of the means of egress between the building exit and the public way”. The exit discharge is required to be open to the sky.

The Fire Department has reviewed and approved.

The condition on this lot is better that the vast majority of SF buildings where a rear stair requires one to pass back through and under a building to get to the public way.

The project has the highest level of sprinkler protection, but water should not be used on electrical fires. What about electrical fires and short circuiting of appliances?

Most electrical fires are caused by overloaded outlets with too many appliances plugged in to the same outlet, or multiple splitters and extension cords off on insufficiently placed outlets. This occurs in older homes that do not have an adequate number of outlets for the intended use, where circuits do not have the appropriate circuit breaker protection, and where work was done unprofessionally without permits and inspection.

This project will be fully up to code which requires a generous number of outlets. Outlets will be protected with GFCI Protection and Arc Fault Circuit Interrupter protection for other receptacles. AFCI is a circuit breaker that breaks the circuit when it detects an electric arc in the circuit it protects, to prevent electrical fires. Fire Sprinkler systems function normally in homes with AFCI protection.

What was the review process at the Planning Department?

- Early ideas were discussed in a project review meeting with Senior Planners (David Lindsay and Sarah Velve) for general approach prior to purchase with design options presented.
- After purchase, early design, and neighborhood pre-application meeting, a Conditional Use Application was presented.
- Project was reviewed by Planning Staff.
- Project was reviewed by Environmental Planner.
- Project was reviewed by Residential Design Advisory Team (RDAT) with the recommendation for approval by the Planning Commission
- After December Planning Commission hearing a revised project due to neighbor concerns was reviewed by Project Planner and RDAT with the recommendation for approval by the Planning Commission.

Will the units be Affordable? Is this luxury housing?

The SF affordability question is challenging one. The Board of Supervisors has written the Planning code to require a project with 9 units or more to

enter the BMR program. The higher density at this site would be problematic from a code perspective and equally problematic to neighbors.

Units will be smaller and more naturally affordable due to size and unique conditions on the parcel. Those in search of a luxury housing experience will not be inclined to live here: there is no parking, no home theatres, no spas or luxury soaking tubs. Those with stock options or trust funds will likely be looking for units with: views, large bedrooms, and grand living spaces. The cottages will be well crafted but not luxury.

Units have ground floor bedrooms. The ground floor bedroom is encouraged with ADU legislation. Units are suitable for a family with an adult that has difficulty on a long stairway.

We hope the project will have a “secret garden” feel.

How will Construction be handled and what is the timeline?

All materials move through our site access way

Access wide enough to bring in 3' bobcat

Excavation material likely move out with wheelbarrows. San Francisco homes are often built, repaired and modified without heavy equipment.

Carts (similar to Home Depot carts) used to bring in materials.

Everything modular

Materials moves horizontally instead of vertically as in multi-story homes.

Timing:

- 2 months soft setup and preliminary work.
- 6 months for foundation and framing, site utilities.
- 6 months for finishes and interior work.
- 2 months: final period landscaping and site improvements.

Normal working hours

Noise: no heavy equipment (except small bobcat), but standard hand tool noise, hammering, saws, screw guns.

The General Contractor is one of 3 partners/owners of the property with decades of experience in construction with limited access.

Will Construction impact MUNI or neighborhood traffic?

The appropriate approvals will be obtained from MTA and DPW for construction related work typical of work on any site. MUNI will not be impeded.

How will 1-story volumes along back fences be constructed?

They will be constructed like those of side property line walls on a typical lot. One sided blind wall construction is typical in circumstances where access is not possible from both sides.

Why can you build to the fence lines?

The planning code looks at each lot and designates a front property line, side property line and rear property line based on the position of the lot relative to the nearest street. Every lot has the right to build to the side property lines, and normally the front property line as well. Only at the rear property line are there setback requirements. Rather than building 2 stories at front (north), and side (east and west) property lines, increasing impact on adjacent properties, the project reduces the volumes at these edges and more generally distributes the volumes. This approach allows the preservation of the Oak tree which is only partially in the setback area. We have opened views through the site and minimize shadows on yards through the distribution of the volumes.

Wouldn't building with setbacks at all sides be better for neighbors?

I do not believe it would be. Activity would be pushed to the fence lines. It would mean that unit windows would face outward toward neighboring rear windows. It would mean a greater 2 story volume which would be more solid and have greater shadow impacts closer to yards. In locations it would create unused exterior space that would be neglected and accumulate junk.

Are you taking advantage of the code to build bigger buildings than would be otherwise allowed?

No. A project that does not request a rear yard variance allows a buildable area of more than double what has been proposed. We chose the approach that was of lesser impact to the neighbors rather than what provides the largest buildings. Good architecture was a higher priority.

How will runoff be handled?

- Green roofs slow runoff.
- Roof drains connected to city system per code.
- Large areas of permeable pavers and site landscaping.
- Site soils are highly pervious.

Will there be Pets?

We are pro-animal and will not exclude. The parcel will be self-policing with internal courtyard, rather than outward facing yards.

What about noise for neighbors?

- Where possible circulation will be at the courtyard, except at entry.
- The design screens yards from noise
- Windows to major rooms face courtyard, not adjacent homes.
- The bin area is located to the center of the parcel.
- Homes will be well insulated for thermal comfort and acoustics.

What about privacy?

Windows facing immediate neighboring building windows are minimized or screened by the tree. Where smaller windows in bathrooms are needed for natural light they are frosted.

What about light pollution and light on to neighboring properties?

Lighting will be minimal, low voltage and low to pathways. There is no overall site lighting or floodlights.

See privacy question for spillover from interior lighting

How many persons will be living here?

Assuming 4 units with 2 adults in "master bedrooms" and 1 person in 6 other bedrooms, the number is 14 persons on this property.

Open living/dining/kitchen spaces cannot be subdivided to add bedrooms.

Some people may want a spare bedroom for visitors, or home office, or other uses, and others may be doubling up younger children. Empty nesters would reduce the overall count.

A city lot that is larger than size of 3 standard city lots can easily accommodate this number of persons.

What are the public benefits of this project?

Increasing housing supply without public spending.

Improving fire safety on block through standpipes on site.

Additional housing tax base contributes to the General Fund, funding city services.

How is the approval of the Conditional Use consistent with the General Plan?

The granting of Conditional use will be in harmony with the intent of the Planning code to create additional opportunity for persons to live and work in San Francisco.

The preface of Housing Element of the General Plan states that "*law requires local governments plan for their existing and projected housing need, by providing opportunities for housing development, rather than constraining opportunities*". The project creates housing in a way that is sensitive to the context. It creates housing which is efficiently sized and appropriate to families and individuals with a range ages and need, preserving the diversity of the community.

The Environmental Protection Section of the General Plan states that "*In highly urban San Francisco environmental protection is not primarily a process of shielding untouched areas from the initial encroachment of a man-made environment. The scales already are and will continue to be balanced toward the side of development . . . The challenge in San Francisco is to achieve a more sensitive balance, repairing damage already done, restoring some natural amenity to the city, and bringing about productive harmony between people and their environment. An important*

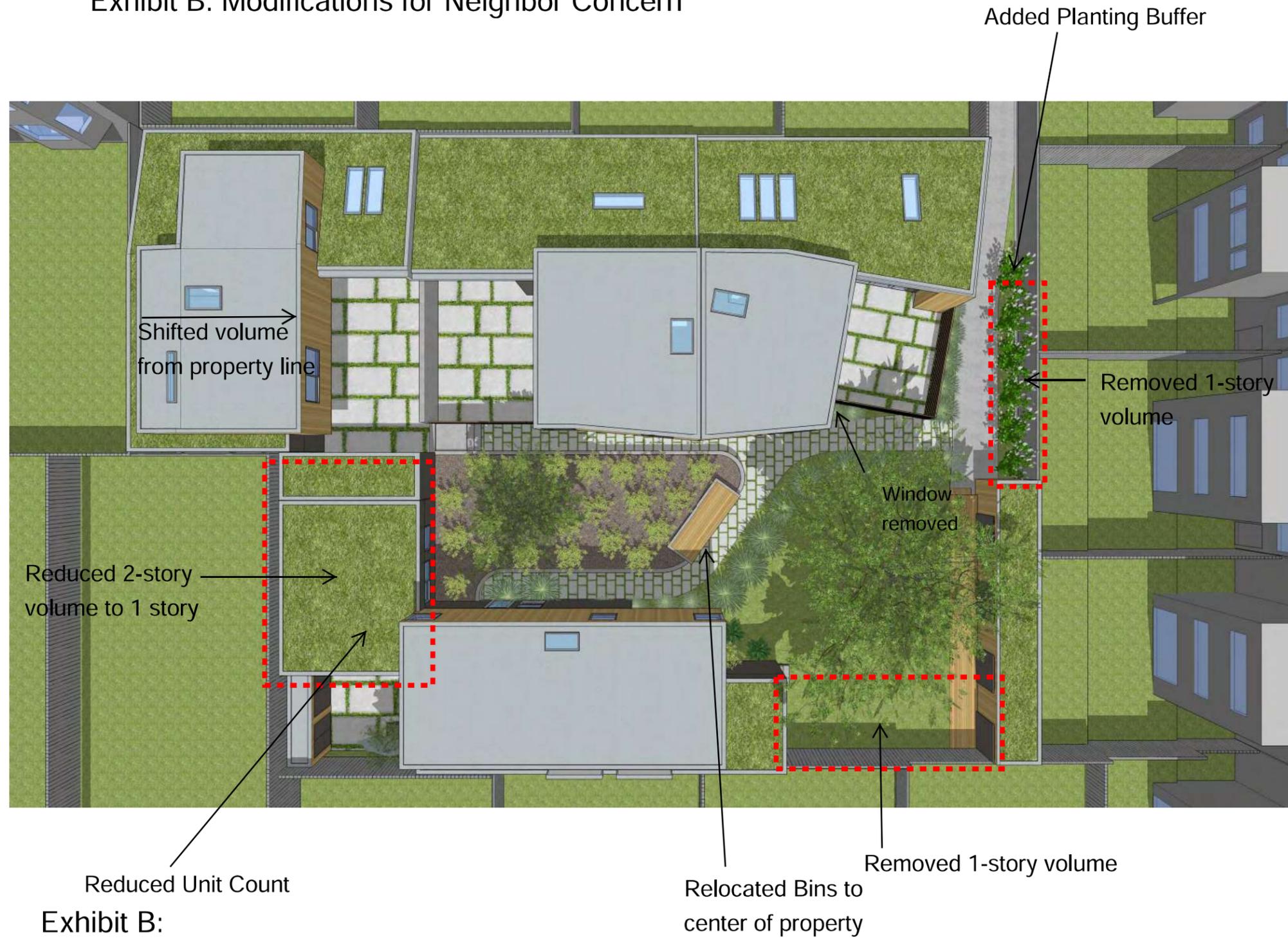
purpose, therefore, of an environmental protection element is to give natural environment amenities and values appropriate consideration in urban development along with economic and social considerations."

Care is taken with this project to preserve and enhance the existing landscape and natural amenities of the site through the planting of a living roof, preservation of the existing oak, and additional California native landscaping.

Consistent with the Transportation and Environmental protection elements of the General Plan, the project encourages the use of public transportation and alternative means such as bicycling without reliance on private automobiles. The project is well situated near developed bicycle corridors on Masonic and the Golden Gate Panhandle, leading to employment centers such as downtown, South of Market, and Mission Bay. Within 1 1/2 block is University of San Francisco. The site is also walking distance from neighborhood markets and larger supermarkets such as Petrini Plaza.

See 3-d views and Architectural Plans following Exhibits for Additional information.

Exhibit B: Modifications for Neighbor Concern



Site Features:



Exhibit C: Site Features

Bicycle Parking

Preserves Tree

Garden tools

Added Planting Buffer

1 Story Living Roof

#3

#2

Dwelling #1

Courtyard

Bins

Bicycle Parking

1 story Living Roof

#4

1 Story Living Roof

Bicycle Parking

Window Exposure: looking inward toward court, away from neighbor properties

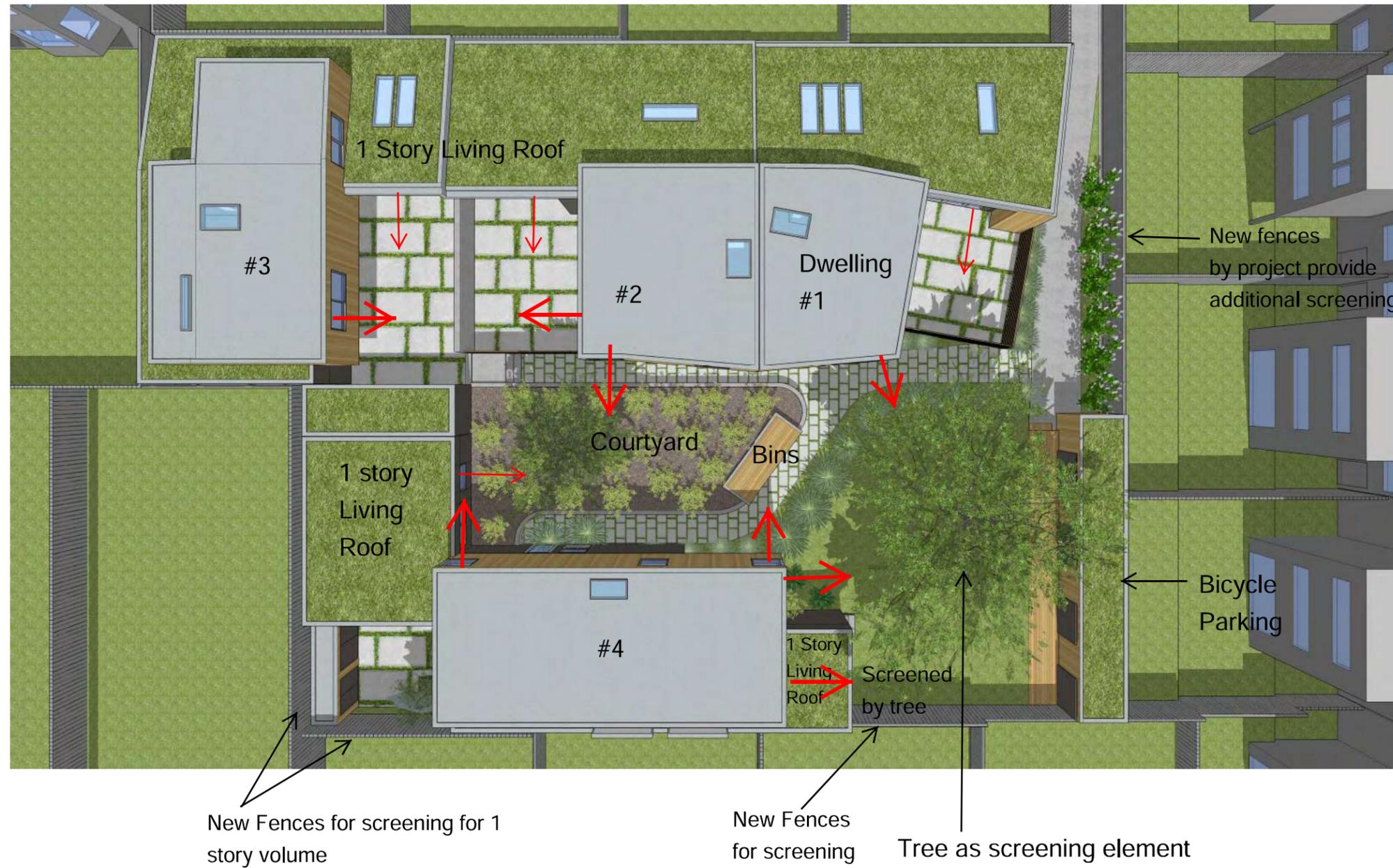


Exhibit D: Window Orientation

Shadows/Solar Orientation: 2nd story arranged to minimize shadow impacts on adjacent properties. Shadows shown on March 25th, 11am
1-story volume shadows typical of fences
Unit 4 at south does not shade adjacent yards,
Unit 3 roof slopes to minimize shadows, excavated 1st floor to reduce height
Unit 1 and 2 upper level set back from north property line



Exhibit E: Solar Orientation

Permeability: views into and through site, light and air.



Exhibit F: Views, Light, Air through site

800 Block of Masonic

3 Stories, 12 units on parcel, 4 in building

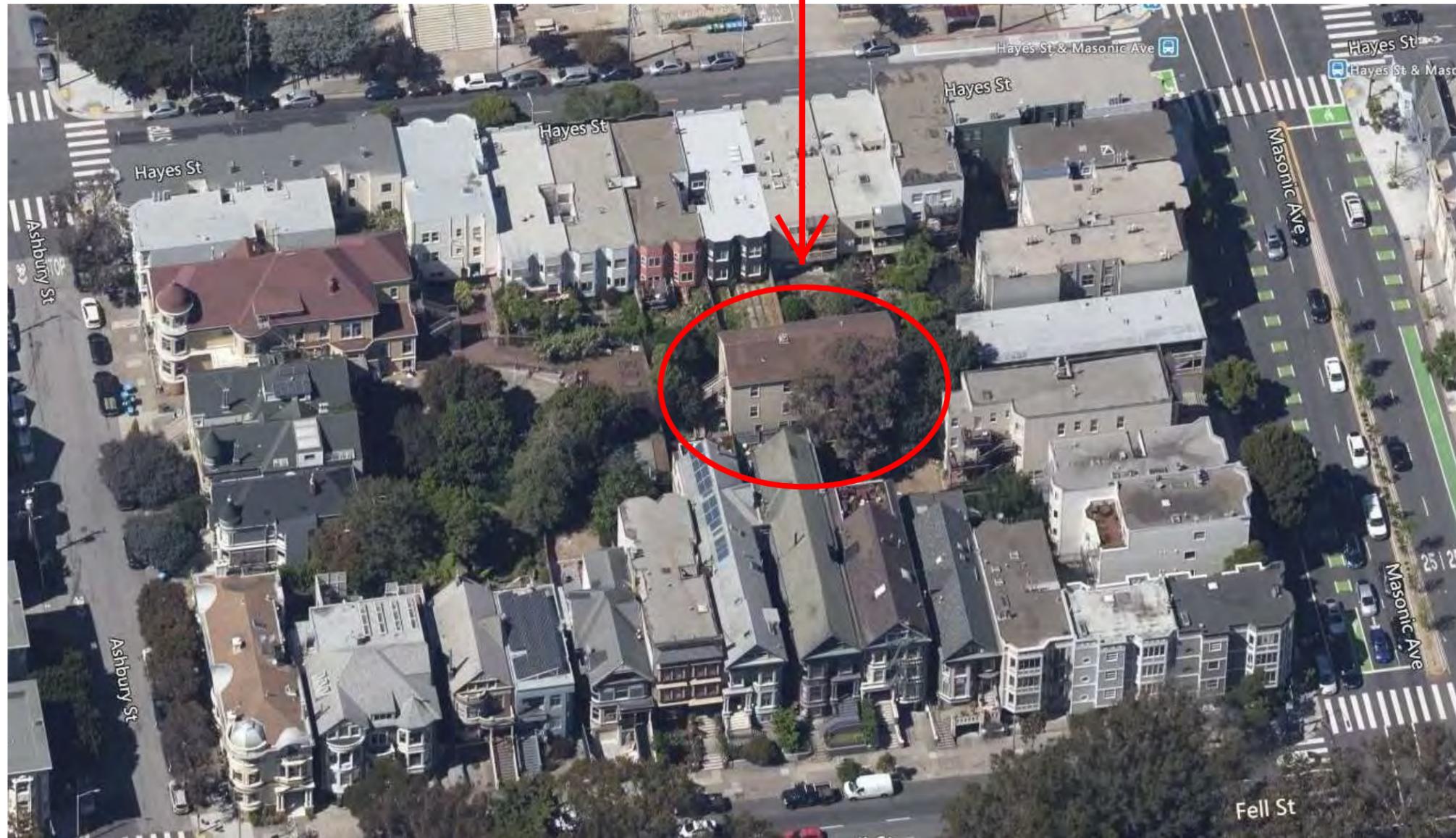


Exhibit G: Precedent

1600 Block Fulton

3 Stories, 5 units



Exhibit H

1600 Block of Fulton North Side

2 & 3 story Buildings, 8 dwelling unit



Exhibit I

1600 Block of Hayes

3 story residence

5k sqft Rectory



Exhibit J



Overhead View of Site

Oakwood and 18th Street

2&3 stories, 24 units at rear yard



Exhibit J: not in neighborhood but show density in some areas. Proposed project much less dense.



Exhibit K: Story poles requested by neighbors

Exhibit L:
Unit 3, prior to
additional setback
at 2nd floor.
First floor at fence
height





Site and Buildings In the context of the block



View from Southwest



Overhead view from Southeast

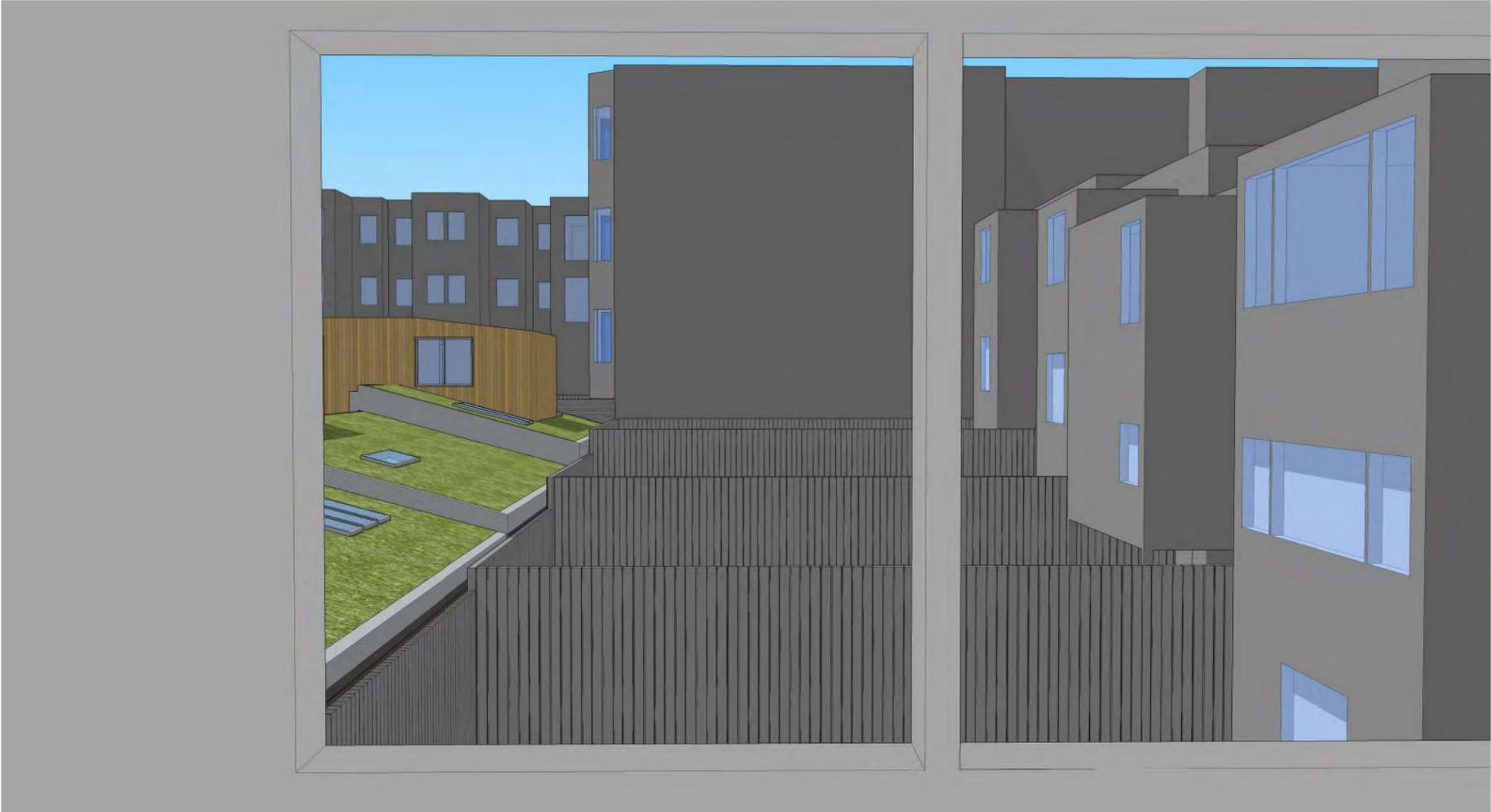


Overhead view from Northeast



View from Northeast

View from window at 615 Masonic Street



View from window at 627 Masonic Street



View from window at 1824 Grove Street



View from window at 1828 Grove Street



View from window at 1840 Grove Street



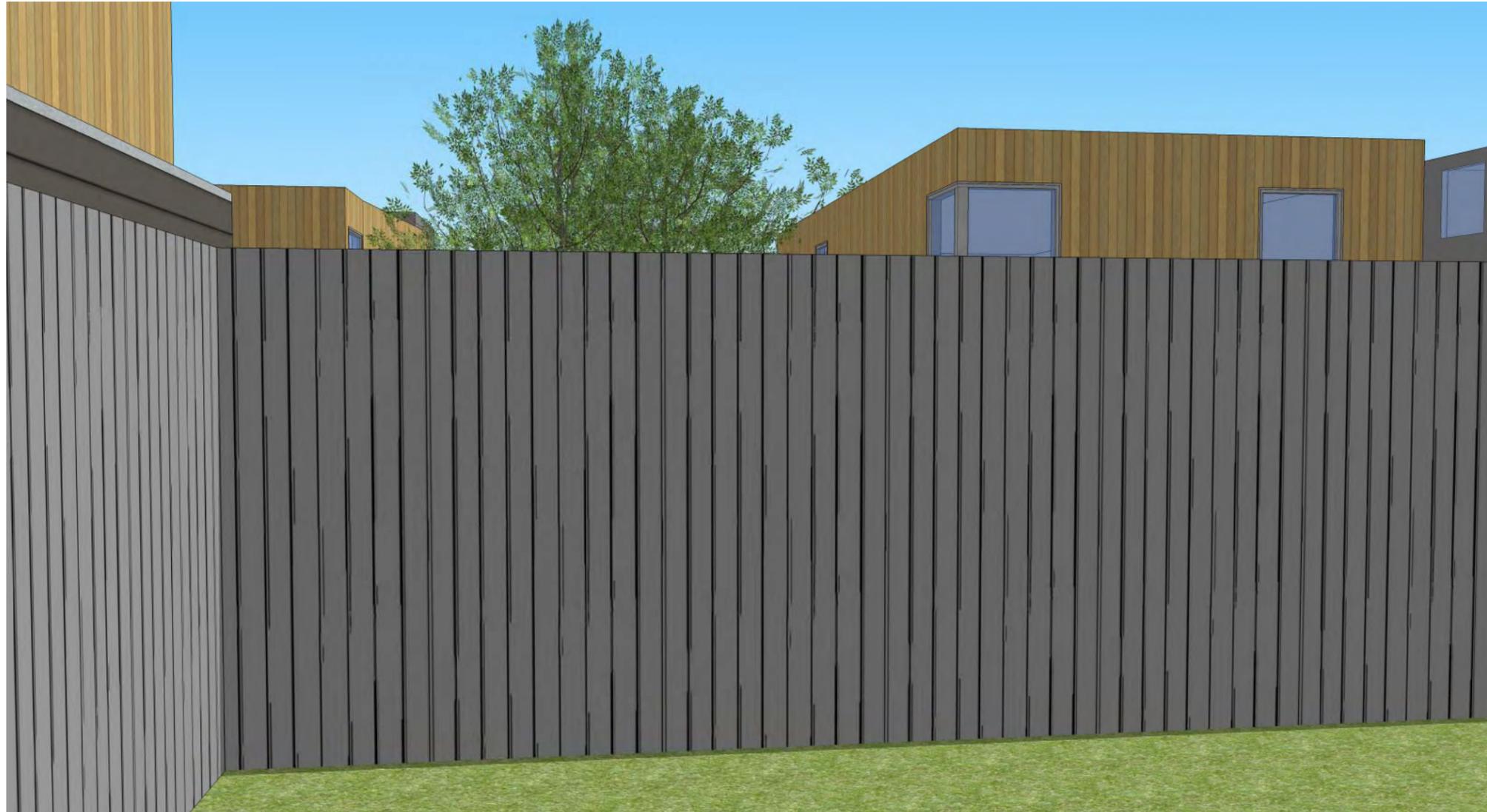
View from window at 1841 Fulton Street



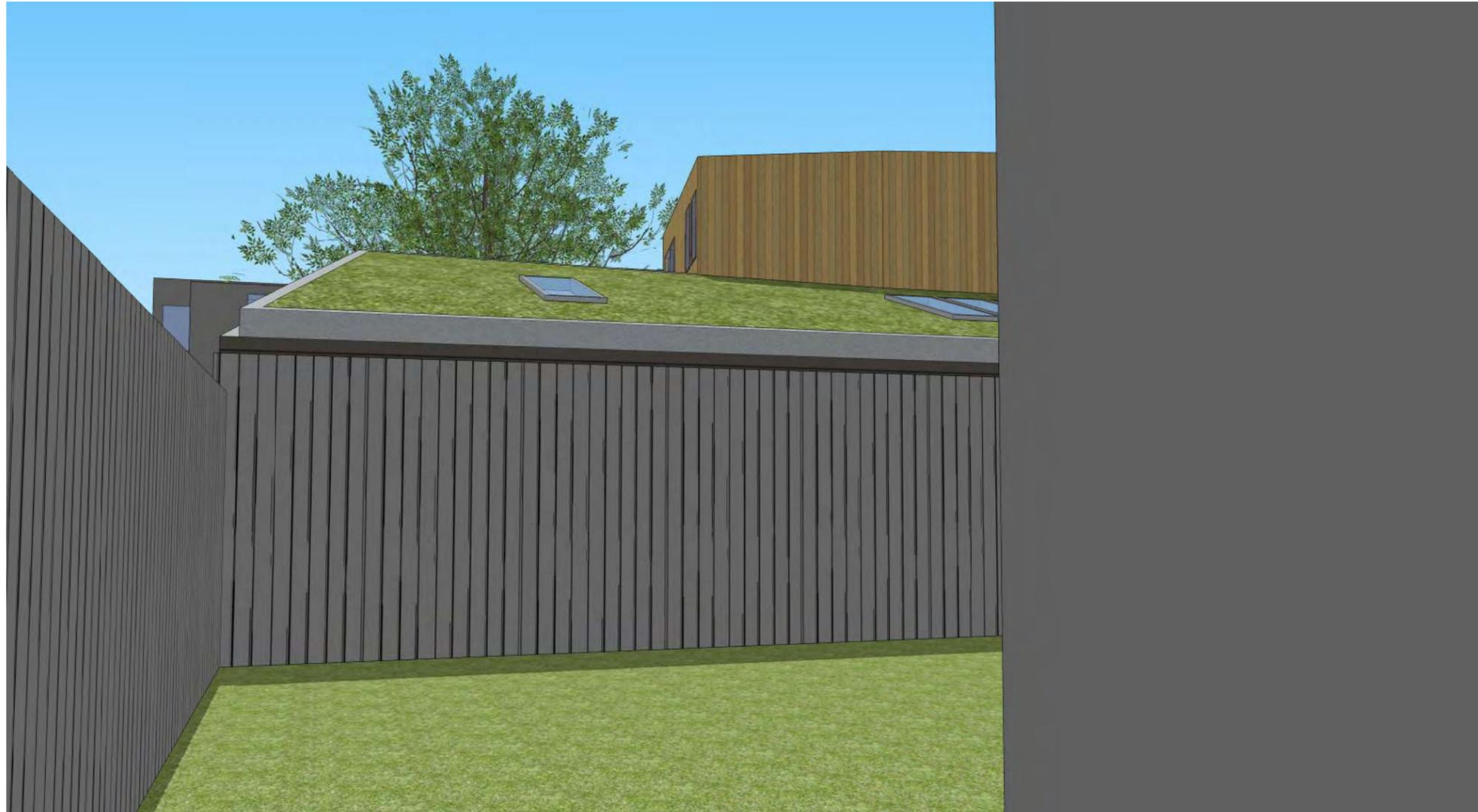
View from window at 1831 Fulton Street



View from 1850 Grove Street Yard



View from 1831 Fulton Yard





SMALL RESIDENTIAL PROJECT APPLICATION (PRJ)

GENERAL INFORMATION

Property Information

Project Address: _____

Block/Lot(s): _____

Property Owner's Information

Name: _____

Address: _____

Email Address: _____

Telephone: _____

Applicant Information

Same as above

Name: _____

Company/Organization: _____

Address: _____

Email Address: _____

Telephone: _____

Please Select Billing Contact: Owner Applicant Other (see below for details)

Name: _____ Email: _____ Phone: _____

Please Select Primary Project Contact: Owner Applicant Billing

RELATED APPLICATIONS

Related Building Permit Applications (any active building permits associated with the project)

N/A

Building Permit Application No(s): _____

Related Preliminary Project Assessments (PPA)

N/A

PPA Application No: _____

PPA Letter Date: _____

PROJECT INFORMATION

PROJECT DESCRIPTION:

Please provide a narrative project description that summarizes the project and its purpose. Please list any required approvals (e.g. Variance) or changes to the Planning Code or Zoning Maps if applicable.

PROJECT DETAILS:

Change of Use	New Construction	Demolition	Facade Alterations	ROW Improvements
Additions	Legislative/Zoning Changes	Lot Line Adjustment-Subdivision	Other: _____	

Residential:

Accessory Dwelling Unit State Local Hybrid	Dwelling Unit Legalization Ord. 43-14	Fourplex Density Bonus Exemption	Automotive Housing Density Bonus
Planning Code Section 317 Demolition Conversion Removal	Senior Housing	Intermediate Length Occupancy Units (ILOs)	100% Affordable Housing
Permanent Supportive Housing	Housing Tenure Rental Ownership Unknown		

Indicate whether a Preliminary Housing Development Application (SB-330) is or has been submitted: Yes No

Estimated Construction Cost: _____

PROJECT AND LAND USE TABLES

All fields relevant to the project **must be completed** in order for this application to be accepted.

		Existing	Proposed
General Land Use	Parking GSF		
	Residential GSF		

Project Features	Dwelling Units - Affordable		
	Dwelling Units - Market Rate		
	Dwelling Units - Total		
	Number of Building(s)		
	Number of Stories		
	Parking Spaces		
	Loading Spaces		
	Bicycle Spaces		
	Car Share Spaces		
	Useable Open Space GSF		
	Public Open Space GSF		
	Roof Area GSF - Total		
	Living Roof GSF		
	Solar Ready Zone GSF		
Other: _____			

Land Use - Residential	Studio Units		
	One Bedroom Units		
	Two Bedroom Units		
	Three Bedroom (or +) Units		
	Group Housing - Rooms		
	Group Housing - Beds		
	SRO Units		
	Micro Units		
	Accessory Dwelling Units For ADUs, list all ADUs and include unit type (e.g. studio, 1 bedroom, 2 bedroom, etc.) and the square footage area for each unit.		

CHECKLISTS

In order for the Planning Department to consider a Project Application as accepted, the application must be accompanied by all required supporting materials and all relevant supplemental applications, as listed below.

Review and complete the checklist to determine if the materials are required as part of your Project Application submission.

PROJECT SUBMISSION CHECKLIST				
Documents <i>(completed and signed)</i>	When is it required?	Applicants: <i>is this required as part of your project & submitted?</i>		Planning staff only: <i>verification of submission & completeness</i>
Project Application (PRJ)	Always	Yes	No	Yes No
Letter of Authorization	Always	Yes	No	Yes No
Pre Application Meeting including: <ul style="list-style-type: none"> A copy of the invitation letter noting a phone number, video conferencing link, and an in-person meeting location A list of the neighborhood organizations and individuals invited to the meeting A copy of the sign-in sheet A summary of the discussion from the meeting The affidavit One reduced copy of the plans presented at Pre-App 	Projects subject to 311 Notification that include: <ul style="list-style-type: none"> New Construction; Any vertical addition of 7 feet or more; Any horizontal addition of 10 feet or more; and Decks over 10 feet above grade or within the required rear yard. Also, the following projects: <ul style="list-style-type: none"> Cannabis uses; All Formula Retail uses subject to a Conditional Use Authorization; Community Business Priority Processing (CB3P); Projects in PDR-1-B Districts subject to Section 313; and Local Program ADU(s) that will be constructed under a cantilevered room or deck in the rear yard 	Yes	No	Yes No
		Yes	No	Yes No
		Yes	No	Yes No
		Yes	No	Yes No
		Yes	No	Yes No
		Yes	No	Yes No
Building Permit Application	Required in most instances. Optional for entitlement only projects (i.e. Variances and Conditional Uses).	Yes	No	Yes No
Electronic copy of the plans in pdf format, formatted to print at 11" x 17". Please see the Department's Plan Submittal Guidelines for more information about the required contents of plan submittals.	Required for paper building permit applications and entitlement only projects.	Yes	No	Yes No

PROJECT SUBMISSION CHECKLIST

Supplemental Documents <i>(completed and signed)</i>	When is it required?	Applicants: <i>is this required as part of your project & submitted?</i>	Planning staff only: <i>verification of submission & completeness</i>
Preliminary Housing Development (SB-330)	<p>Required for projects that will:</p> <ul style="list-style-type: none"> • remove, • merge, • convert, or • demolish dwelling units <p>(per Planning Code Section 317).</p> <p>Optional for all other projects.</p>	Yes No	Yes No
Reasonable Modification Application	For applicants with a disability that would like to seek a modification to their residence to accommodate their disability.	Yes No	Yes No
Entitlement / Housing Programs Applications <i>(dependent on scope, consult Planning Information Counter if unsure)</i>	When is it required?	Applicants: <i>is this required as part of your project & submitted?</i>	Planning staff only: <i>verification of submission & completeness</i>
Conditional Use Authorization	Projects that propose a use that is conditionally permitted.	Yes No	Yes No
Conditional Use Authorization for Large Residential Projects within the Central Neighborhood Special Use District	Projects zoned RH within the Central Neighborhoods Large Residence Special Use District that seek to build or expand a residential building that would result in a dwelling unit with a Gross Floor Area (GFA) exceeding the Floor Area Ratio, or would result in a dwelling unit exceeding 3,000 sq feet of GFA.	Yes No	Yes No
Variance	Projects that seek an exception from Planning Code Standards (such as rear yard or front setback)	Yes No	Yes No
317 Dwelling Unit Removal, Merger, Conversion or Demolition	Projects that will remove, merge, convert or demolish a residential or unauthorized unit.	Yes No	Yes No
Fourplex Density Bonus in RH Districts	Projects in RH Zoning Districts that seek to exceed the permitted density and elect to use this program.	Yes No	Yes No

PROJECT SUBMISSION CHECKLIST

Commerical or Residential Projects	When is it required?	Applicants: <i>is this required as part of your project & submitted?</i>	Planning staff only: <i>verification of submission & completeness</i>
Shadow Analysis Supplemental Application	For Projects over 40 feet in height that will cast shadow on a property under the jurisdiction of the San Francisco Recreation and Parks Department.	Yes No	Yes No
Legislative Amendment	Projects that seek to reclassify a parcel, amend the Planning Code, or modify the General Plan.	Yes No	Yes No
Coastal Zone Authorization	Projects located in the Coastal Zone.	Yes No	Yes No
Projects Altering Historic Buildings (Marked as A or B on PIM)	When is it required?	Applicants: <i>is this required as part of your project & submitted?</i>	Planning staff only: <i>verification of submission & completeness</i>
Major Permit to Alter Application	Projects that seek to alter a building designated under Article 11 of the Planning Code.	Yes No	Yes No
Mills Act Historical Property Contract	Buildings designated as a City landmark or listed on the State or National Register that elect to use this program.	Yes No	Yes No
Minor Permit to Alter Application	Projects that seek to alter a building designated under Article 11 of the Planning Code with a scope determined to be minor. Contact PIC to confirm Minor vs. Major.	Yes No	Yes No
Certificate of Appropriateness Application	Projects that seek to alter a building designated under Article 10 of the Planning Code.	Yes No	Yes No
Administrative Certificate of Appropriateness Application	Projects that seek to alter a building designated under Article 10 of the Planning Code with a scope determined to be minor. Contact PIC to confirm Minor vs. Major.	Yes No	Yes No

PLAN SUBMITTAL CHECKLIST

To be reviewed and completed by a design professional

Title Page Requirement	When is it required?	Applicants: <i>is this required as part of your project & submitted?</i>		Planning staff only: <i>verification of submission & completeness</i>		
Written Project Description	Always	Yes	No	Yes	No	Missing
Address, Block, Lot	Always	Yes	No	Yes	No	Missing
Zoning District, Height and Bulk District, any Special Use District	Always	Yes	No	Yes	No	Missing
Number of Commercial Units and Residential Dwelling Units (Existing and Proposed)	Always	Yes	No	Yes	No	Missing
Building square footage and breakdown by units (existing and proposed) as defined by gross floor area in Planning Code Section 102	Always	Yes	No	Yes	No	Missing
Height (Existing and Proposed)	Always	Yes	No	Yes	No	Missing
Dwelling Unit Mix Breakdown (Number of Studio, One bedrooms etc.)	Always	Yes	No	Yes	No	Missing
Percentage and number of on-site affordable units	Optional for others.	Yes	No	Yes	No	Missing
Number of vehicle parking spaces and car share spaces	Always	Yes	No	Yes	No	Missing
Number of bicycle parking spaces	Always	Yes	No	Yes	No	Missing
Square footage of useable open space	Always	Yes	No	Yes	No	Missing
Better roofs ordinance, including total roof area, living roof area, and solar ready zone area	Project subject to Planning Code Section 149	Yes	No	Yes	No	Missing
Describe average slope of the projects site (%)	Projects with exterior expansions	Yes	No	Yes	No	Missing
Licensed design professional stamp and signature- may be electronic	Always	Yes	No	Yes	No	Missing

PLAN SUBMITTAL CHECKLIST

To be reviewed and completed by a design professional

Site Survey Requirement	When is it required?	Applicants: <i>is this required as part of your project & submitted?</i>	Planning staff only: <i>verification of submission & completeness</i>
Signed by licensed surveyor, 1/8" or 1" scale, full width of all buildings on adjacent lots, front setback of all adjacent buildings, curb elevation in line with the mid-point of the subject building and adjacent lots, grade elevation at the mid-point of the front wall of adjacent buildings, roof elevations including elevation of eaves/peaks of pitched roofs, contour lines, utility lines, street trees, existing structure on site, north arrow.	New construction, Lot splits or mergers	Yes No	Yes No Missing
Site Plans Requirement	When is it required?	Applicants: <i>is this required as part of your project & submitted?</i>	Planning staff only: <i>verification of submission & completeness</i>
<p>Effective January 1, 2023, California Government Code 65103.5 allows design professional or the owner of the copyright to restrict the copying and public distribution of architectural drawings containing protected information. Applicants who wish to restrict access to the full architectural drawings for a specific project must also submit a supplemental, reduced plan set containing a site plan and massing diagram, as defined in CA Government Code 65013.5(f), for online posting or public distribution. If the design professional or the owner of the copyright elects not to submit a reduced plan set, permission will be deemed granted for the copying or distribution of the full architectural documents.</p>			
Scale: 1/8" = 1' (or 1" = 10' if project is too large).	Always	Yes No	Yes No Missing
Separate existing and proposed site plans: showing all buildings on the lot.	Only if exterior changes proposed	Yes No	Yes No Missing
Adjacent lots showing full width outlines of all buildings on adjacent properties.	Always	Yes No	Yes No Missing
Direction of true north: show project north if it is different from true north.	Always	Yes No	Yes No Missing

PLAN SUBMITTAL CHECKLIST

To be reviewed and completed by a design professional

Site Plans Requirement	When is it required?	Applicants: <i>is this required as part of your project & submitted?</i>	Planning staff only: <i>verification of submission & completeness</i>
Dimensions: show the distance from the existing building walls to property lines and other structures on the lot. Include width of sidewalk from front property line to curb.	Always	Yes No	Yes No Missing
Landscape and permeable surface: show/dimension the space to be landscaped/permeable within the required front setback (include permeability and landscape calculations).	Only if existing front setback	Yes No	Yes No Missing
Usable open space: show the dimensions of decks, terraces and yards.	Always	Yes No	Yes No Missing
Curb cuts: existing and proposed curb cuts, curb lines, including both adjacent properties.	If removing or adding parking	Yes No	Yes No Missing
Heights: (in feet and number of stories, calculated as defined in Planning Code Sections 102 and 260) and any difference in elevation due to pitched roofs or steps in building mass.	Always	Yes No	Yes No Missing
Dimensioned setback requirements: Front setback, rear yard and side yard of the subject and adjacent buildings.	Always	Yes No	Yes No Missing
Street Names	Always	Yes No	Yes No Missing
Street tree: show the location of existing and proposed street trees or add a notation if you pay the in-lieu fee.	Always	Yes No	Yes No Missing

PLAN SUBMITTAL CHECKLIST

To be reviewed and completed by a design professional

Floor and Roof Plans Requirement	When is it required?	Applicants: <i>is this required as part of your project & submitted?</i>		Planning staff only: <i>verification of submission & completeness</i>		
Separate existing and proposed floor and roof plans	When changes are made to the floor or roof.	Yes	No	Yes	No	Missing
Scale: ¼"= 1' (unless project is too large in which case 1/8" = 1' is acceptable).	Always	Yes	No	Yes	No	Missing
North Arrow	Always	Yes	No	Yes	No	Missing
On all plan views: label the street names, intended use of rooms, and areas,.	Always	Yes	No	Yes	No	Missing
Toters: show location of dedicated space for trash, recycling and compost carts on private property and screened from public view. Visit www.recology.com/recology-san-francisco for more information.	Always	Yes	No	Yes	No	Missing
Laundry and storage: show the locations.	Always	Yes	No	Yes	No	Missing
Parking: show dimensions and outlines of all existing and proposed vehicle and bicycle parking.	Always	Yes	No	Yes	No	Missing
Electrical Transformers: show the locations.	Always	Yes	No	Yes	No	Missing
Roof: Total roof area, living roof area, and/or solar ready zone area in gross square feet (existing and proposed).	Always	Yes	No	Yes	No	Missing

PLAN SUBMITTAL CHECKLIST

To be reviewed and completed by a design professional

Floor and Roof Plans Requirement	When is it required?	Applicants: <i>is this required as part of your project & submitted?</i>	Planning staff only: <i>verification of submission & completeness</i>
Walls: Those to remain and those to be removed or added (with key). If substantial amounts of demolition are proposed, include demolition calculations pursuant to Planning Code Section 317.	Always	Yes No	Yes No Missing
Door and Windows: Existing and Proposed with materials.	Always	Yes No	Yes No Missing
Building Elevation Requirement	When is it required?	Applicants: <i>is this required as part of your project & submitted?</i>	Planning staff only: <i>verification of submission & completeness</i>
Separate existing and proposed elevations: if exterior changes are proposed, provide separate existing and proposed elevations for only the building face(s) related to the work.	Only if exterior changes proposed.	Yes No	Yes No Missing
Profiles of Adjacent Buildings: Show the full outline of each adjacent building/structure. Side elevations should show the full profile of adjacent buildings, window openings, and light wells that face the project. Show the grade plane and heights of buildings. Identify the height limit pursuant to Planning Code Section 260.	Only if exterior changes proposed.	Yes No	Yes No Missing
Exterior materials: if exterior changes are proposed, include existing and proposed exterior materials for new or replacement doors, windows, and exterior finish material. If an elevation is not required, this information can go elsewhere in the plan set.	Only if exterior changes proposed.	Yes No	Yes No Missing
Windows: include dimensions, operation, and material type. Provide plan section detail of new windows.	Only if exterior changes proposed.	Yes No	Yes No Missing

PLAN SUBMITTAL CHECKLIST

To be reviewed and completed by a design professional

Sections Requirement	When is it required?	Applicants: <i>is this required as part of your project & submitted?</i>	<i>Planning staff only: verification of submission & completeness</i>		
<p>At least two sections (longitudinal and latitudinal)</p> <p>Longitudinal: show relation between the street, front property line, subject building, rear yard, and rear property line</p> <p>Latitudinal: show relation between subject building and the outline of each adjacent building</p>	Expansions and projects with excavation.	Yes No	Yes	No	Missing
Separate existing and proposed sections	If there is a change in floor to ceiling heights or if excavation is proposed.	Yes No	Yes	No	Missing
Scale: ¼"=1' (unless the project is too large)	For all sections.	Yes No	Yes	No	Missing
Height datum point: Center line of the building, top of curb	For all sections.	Yes No	Yes	No	Missing
Floor to Ceiling height dimensions	For all sections.	Yes No	Yes	No	Missing
Existing and Proposed Grade	For all sections.	Yes No	Yes	No	Missing
Key section location of floor plans and site plans	For all sections.	Yes No	Yes	No	Missing
North Arrow	For all sections.	Yes No	Yes	No	Missing

PLAN SUBMITTAL CHECKLIST

To be reviewed and completed by a design professional

Additional Requirement	When is it required?	Applicants: <i>is this required as part of your project & submitted?</i>	Planning staff only: <i>verification of submission & completeness</i>
Renderings	New construction	Yes No	Yes No Missing
Photographs	Always	Yes No	Yes No Missing
As Built Plans: In addition to the requirements above, as-built plans are required. This will demonstrate what the existing conditions are as differentiated from the existing plans (previous condition without unauthorized work) and the proposed plans (future condition that legalizes unauthorized work and proposes code compliant work.	If permit is to abate an enforcement case (either DBI or PLN).	Yes No	Yes No Missing
Demolition Calculations: Pursuant to Planning Code Section 317.	If vertical addition and significant demolition of at least one additional wall OR If horizontal addition with significant demolition of two walls.	Yes No	Yes No Missing

ENVIRONMENTAL EVALUATION SCREENING FORM

All projects must complete this section.

Applications (completed and signed)	When is it required?	Applicants: <i>is this required as part of your project & submitted?</i>	Planning staff only: <i>verification of submission & completeness</i>
Provide foundation design type, if applicable (e.g., mat foundation, spread footings, drilled piers, etc.).	Select “N/A” if the information is not applicable.	Yes N/A Foundation type: _____	Yes No Missing
Provide <ol style="list-style-type: none"> 1. area on site to be excavated in square feet; 2. depth of excavation (including foundation work) in feet; and 3. volume of excavation/ disturbance below grade in cubic yards 	Projects proposing ground disturbance.	Yes N/A Area (sq. ft): _____ Depth (ft): _____ Volume (yd ³): _____	Yes No Missing
Provide section and plan showing area and depth of soil disturbance in feet (including foundation work).	Projects in Archeological Zone 1 (review in PIM) with more than 2 feet and 25 cubic yards of soil disturbance OR Project in Archeological Zone 2 with more than 5 feet and 50 cubic yards of soil disturbance.	Yes N/A	Yes No Missing
Historic Resource Determination	Projects that involve demolition of a building constructed 45 years ago or more, or a building contributing to a historic district? For demolitions, scope the report by contacting: CPC-HRE@sfgov.org OR Projects that involve complete alteration to a front facade or add a substantial vertical addition visible from public rights-of-way (applicable only to Category A*, A & B).	Yes N/A	Yes No Missing

Applications (completed and signed)	When is it required?	Applicants: <i>is this required as part of your project & submitted?</i>		Planning staff only: <i>verification of submission & completeness</i>		
Submit copy of an Application for Article 38 Compliance with proof of receipt from the Department of Public Health.	For Projects located in an Air Pollution Exposure Zone (2022) as identified on PIM AND Projects that propose a childcare, school, senior center, or hospital.	Yes	N/A	Yes	No	Missing
Submit copy of the Maher Application with proof of receipt from the Department of Public Health.	Projects on Maher site OR sites suspected of containing potential subsurface soil or groundwater contamination AND requires more than 50 cubic yards of excavation OR change of use from industrial use to residential or institutional uses	Yes	N/A	Yes	No	Missing
Phase 1 environmental site evaluation AND Documentation of Enrollment in DPH's Maher Program	Projects on Maher site with more than 50 cubic yards of excavation OR Projects proposing a change of use from industrial use to residential or institutional uses. Projects on Cortese sites OR Projects on a site with an existing or former gas station, parking lot, auto repair, dry cleaner, manufacturing use, or a site with current or former underground storage tanks OR AB 2011 applications.	Yes	N/A	Yes	No	Missing

Applications (completed and signed)	When is it required?	Applicants: <i>is this required as part of your project & submitted?</i>		Planning staff only: <i>verification of submission & completeness</i>		
Geotechnical Study	<p>Projects located within a Landslide Hazard Zone, Liquefaction Zone as shown on PIM,</p> <p style="text-align: center;">OR</p> <p>Projects on a lot with an average slope of 25% or greater</p> <p style="text-align: center;">AND</p> <p>Projects involving:</p> <ul style="list-style-type: none"> • construction of a new building; • horizontal additions with increases more than 50%; • vertical additions with increases more than 500 square feet of new roof area; • substantial grading disturbing 5,000 cubic yards of material); • substantial cuts for grading (e.g., 10 feet in vertical height or steep slopes); • a deep foundation system (e.g., piers, piles); or • any grading within a Landslide Hazard Zone or Liquefaction Zone. 	Yes	N/A	Yes	No	Missing
Consultant prepared shadow fan.	<p style="text-align: center;">AND</p> <p>If it is known that the Project will cast shadow on a property under the jurisdiction of the Recreation and Parks Department</p> <p>If unknown, this information will be relayed to applicant by Department staff in the response to this submittal.</p>	Yes	N/A	Yes	No	Missing

Applications (completed and signed)	When is it required?	Applicants: <i>is this required as part of your project & submitted?</i>		Planning staff only: <i>verification of submission & completeness</i>		
Childcare pickup and drop off management plan and application	If proposing a childcare facility with 30 or more students or 1,500 sqft or more of new space.	Yes	N/A	Yes	No	Missing
Major Projects	Projects over 10,000 sqft OR Project proposing more than 25 units.	Yes	N/A	Yes	No	Missing
Categorical Exemption Certificate Fee	The project involves: <ul style="list-style-type: none"> • 25 units or less; • 10,000 square feet or less of non-residential uses (either as change of use or addition); AND does not require an amendment to the General Plan or Planning Code (e.g. special use district).	Yes	N/A	Yes	No	Missing

APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

- a) The undersigned is the owner or authorized agent of the owner of this property.
- b) The information presented is true and correct to the best of my knowledge.
- c) Other information or applications may be required.
- d) I hereby authorize City and County of San Francisco Planning staff to conduct a site visit of this property as part of the City's review of this application, making all portions of the interior and exterior accessible through completion of construction and in response to the monitoring of any condition of approval.
- e) I attest that personally identifiable information (PII) - i.e. social security numbers, driver's license numbers, bank accounts - have not been provided as part of this application. Furthermore, where supplemental information is required by this application, PII has been redacted prior to submittal to the Planning Department. I understand that any information provided to the Planning Department becomes part of the public record and can be made available to the public for review and/or posted to Department websites.

Signature

Name (Printed)

Date

Relationship to Project
(i.e. Owner, Architect, etc.)

Phone

Email

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Motion No. 20681

HEARING DATE: APRIL 9, 2020

Record No.: 2018-011441CUAVAR
Project Address: 1846 GROVE STREET
Zoning: RH-2 (Residential, House – Two Family) Zoning District
RH-3 (Residential, House – Three Family) Zoning District
40-X Height & Bulk District
Block/Lot: 1187/003H
Project Sponsor: Troy Kashanipour
Troy Kashanipour Architecture
2325 3rd Street, Suite 401
San Francisco, CA 94107
Property Owner: Green Grove SF, LLC
2325 3rd Street, Suite 401
San Francisco, CA 94107
Staff Contact: Matt Dito – (415) 575-9164
matthew.dito@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION, PURSUANT TO PLANNING CODE SECTIONS 207, 209.1, AND 303, FOR RESIDENTIAL DENSITY OF ONE UNIT PER 1,500 SQUARE FEET OF LOT AREA TO PERMIT THE CONSTRUCTION OF FOUR TWO-STORY SINGLE-FAMILY DWELLING UNITS ON A VACANT LOT LOCATED AT 1846 GROVE STREET, LOT 003H IN ASSESSOR'S BLOCK 1187, WITHIN AN RH-2 (RESIDENTIAL, HOUSE – TWO FAMILY) AND RH-3 (RESIDENTIAL, HOUSE – THREE FAMILY) ZONING DISTRICT AND A 40-X HEIGHT & BULK DISTRICT.

PREAMBLE

On August 20, 2018, Troy Kashanipour of Troy Kashanipour Architecture (hereinafter "Project Sponsor") filed Application No. 2018-011441CUAVAR (hereinafter "Application") with the Planning Department (hereinafter "Department") for Conditional Use Authorization to allow four dwelling units (hereinafter "Project") at 1846 Grove Street, Lot 003H in Assessor's Block 1187 (hereinafter "Project Site").

On November 7, 2019, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2018-011441CUAVAR and continued the hearing to December 12, 2019.

On December 12, 2019, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2018-011441CUAVAR.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 3 Categorical Exemption.

The Planning Department Commission Secretary is the Custodian of Records; the File for Record No. 2018-011441CUAVAR is located at 1650 Mission Street, Suite 400, San Francisco, California.

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.

MOVED, that the Commission hereby authorizes the Conditional Use Authorization as requested in Application No. 2018-011441CUAVAR, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The Project proposes construction of four two-story single-family dwelling units in the rear yard of a vacant lot. The dwellings consist of one one-bedroom unit, three two-bedroom units, and one three-bedroom unit. The units range in size from 673 to 1,266 square feet. Due to the practical infeasibility of developing the front of the subject property, the Project is located at the rear of the lot. Setbacks and sloped roofs have been provided at the second story, wherever possible, to minimize impacts on the 17 properties that share a property line with the subject property. The Project includes 10 bicycle parking spaces and no off-street automobile parking spaces. The Project proposes a mixture of public and private open space, with a total of 2,390 square feet being usable. There is a total of 3,753 square feet of open space included in the Project.
3. **Site Description and Present Use.** The Project Site is located on the south side of Fulton Street in the Haight Ashbury neighborhood between Ashbury Street and Masonic Avenue. The lot is an undeveloped "flag lot" (a lot with minimal street frontage and a long access path before widening at the rear). The majority of lot area at the rear, where the mid-block open space is typically located, and shares a property line with 17 adjacent lots. The lot slopes upward approximately 10 percent from the east to the west. The lot is accessed from Fulton Street, despite the Grove Street address.
4. **Surrounding Properties and Neighborhood.** The Project Site is located within both an RH-2 and RH-3 Zoning District in the Haight Ashbury neighborhood. The front of the lot (containing the accessway from Fulton Street) is zoned RH-3, and will not be developed. The Project proposes to construct the four dwelling units only in the area of the lot located within an RH-2 Zoning District. The lots adjacent to the Project Site are predominantly zoned RH-2 and RH-3, with three-story one- or two-family dwellings. The corner lot to the northeast of the Project Site is located in an NC-1

Zoning District, with a four-story eight-family dwelling located on the lot. While there is no nearby commercial corridors, the Project Site is located approximately one-half block away from a shopping center at Masonic Avenue and Fulton Street, which contains many necessary neighborhood necessities.

5. **Public Outreach and Comments.** The Department has received 45 letters in opposition to the Project, and 24 letters in support of the Project.

a. **Outreach:** The Sponsor has hosted two meetings within the community, on September 7, 2017 and on October 22, 2017.

i. **Feedback from September 2017:** Most feedback was centered on the feasibility of the project due to site constraints. Some opposition was received due to the perceived financial impact the development would have on their own surrounding properties.

ii. **Feedback from October 2019:** Most feedback was in regards to concern about the impacts development may have on surrounding properties and quality of life concerns. Story poles were requested on the project site so that neighbors could see the proposed height of the buildings.

iii. **November 2019:** There were two attendees at the November meeting. One was concerned about density and the other was supportive of the project.

6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

A. **Use.** Planning Code Section 209.1 states that Conditional Use Authorization is required in an RH-2 Zoning District to exceed the principally permitted density limit of two dwelling units per lot. One dwelling unit per 1,500 square feet of lot area is permitted with Conditional Use Authorization.

The Project Site is located in both an RH-2 and RH-3 Zoning District, though the Project proposes only to develop the RH-2 portion. The RH-2 portion of the lot is 7,476 square feet. With Conditional Use Authorization, a maximum of five dwelling units are permitted. The Project proposes four dwelling units.

B. **Front Setback.** Planning Code Section 132 states that the minimum front setback depth shall be based on the average of adjacent properties or a Legislated Setback.

The adjacent properties do not have front setbacks, and there is no legislated setback on the Project Site. Therefore, the project does not have a required front setback.

- C. **Rear Yard.** Planning Code Section 134 requires a rear yard equal to 45 percent of the total lot depth, at grade and above, for properties containing dwelling units in RH-2 Zoning Districts.

The subject property has a lot depth of approximately 175 feet, resulting in a required rear yard of approximately 79 feet pursuant to the Planning Code. However, it is generally recognized with lots that have significantly different depths in one horizontal direction throughout the lot, that there shall be separate rear yard lines calculated, as the general intent of the code is to ensure that every lot has a feasible buildable area. In the case of the Project Site, the narrow portion of the lot off Fulton Street would have a separate rear yard calculation from the wider bulk of the lot at the rear. The dual rear yard lines can be seen in Exhibit B. Due to the concentric configuration of the dwelling units at the rear of the lot, a variance from the Planning Code is required.

- D. **Useable Open Space.** Planning Code Section 135 requires 125 square feet of useable open space for each dwelling unit if all private, or 166 square feet of common usable open space per unit.

The Project proposes a mixture of private and public usable open space for the four dwelling units. All of the dwelling units have private, Code-compliant usable open space adjacent to the buildings. In addition, there is a large amount of public open space in the middle of the development.

- E. **Dwelling Unit Exposure.** Planning Code Section 140 requires that at least one room of all dwelling units face onto a public street or public alley at least 30 feet in width, a side yard at least 25 feet in width, a rear yard meeting the requirements of the Code or an open area, whether an inner court or space between separate buildings on the same lot, that is no less than 25 feet in every horizontal dimension.

The Project proposes a large inner court between the four dwelling units, measuring approximately 2,500 square feet. Due to the nature of the Project Site as a "flag lot", and the applicant's effort to design the dwellings in a manner that least impacts the adjacent neighbors, two of the four dwelling units do not meet the requirement of Planning Code Section 140, despite the copious inner court. A variance from the Planning Code is required.

- F. **Off-Street Parking.** Planning Code Section 151.1 permits a maximum of 1.5 off-street automobile parking spaces per dwelling unit.

The Project does not include any off-street automobile parking.

- G. **Bicycle Parking.** Planning Code Section 155.2 requires at least one weather-protected bicycle parking space for each dwelling unit.

The Project proposes 10 bicycle parking spaces in storage lockers for four dwelling units, meeting the Planning Code requirement.

- H. **Bicycle Parking Access.** Planning Code Section 155.1 requires that bicycle parking spaces be located in area with a minimum five foot wide hallway that leads to the parking entrance. Two limited constriction points, where the route may narrow to a minimum of three feet, and extend no more than one foot of distance, are permitted.

Due to the nature of the Project Site as a "flag lot", the only available access to the bicycle parking lockers is through a three and one-half foot corridor from the street. A variance from the Planning Code is required.

- I. **Height.** Planning Code Section 260 requires that all structures be no taller than the height prescribed in the subject height and bulk district. Section 260(a)(1)(B) states that where a lot is level with or slopes downward from a street at the centerline of the building or building step, such point shall be taken at curb level on such a street.

The subject property is located within a 40-foot height district. The Project includes four single-family dwellings with a maximum height of 20 feet above grade, in compliance with the height district.

- J. **Child Care Requirements for Residential Projects.** Planning Code Section 414A requires that any residential development project that results in at least one net new residential unit shall comply with the imposition of the Residential Child Care Impact Fee requirement.

The Project proposes new construction of four residential units. Therefore, the Project is subject to the Residential Child Care Impact Fee and must comply with the requirements of Planning Code Section 414A.

7. **Conditional Use Findings.** Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the project complies with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The Project Site is larger than what is typical for residential lots in the Haight Ashbury neighborhood, such that the Planning Code allows increased dwelling unit density at a rate of one dwelling unit per 1,500 square feet of lot area. The four single-family dwelling units proposed are necessary and desirable in that the Project would add to the neighborhoods housing stock, while developing a heretofore vacant lot. Due to the nature of the Project Site as a "flag lot", some impact to the 17 adjacent neighbors is unavoidable, but the Project has been designed in a way to minimize such impacts. The design of the buildings are consistent with the Residential Design Guidelines, and compatible with the neighborhood.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that

could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- (1) Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The Project Site is a "flag lot," which is uncommon. It features a long, narrow access path from Fulton Street before widening at the rear, where the mid-block open space is typically located. The Project includes four two-story single-family dwelling units, located near the perimeter of the lot at the rear. While some impact to the 17 adjacent neighbors is unavoidable, the Project has been designed in a manner that minimizes those impacts by incorporating greenery, sloped roofs, and setbacks wherever possible. The Project is consistent with the Residential Design Guidelines.

- (2) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The Planning Code does not require parking or loading for residential uses, and the Project includes 10 bicycle parking spaces. The Project will not significantly affect traffic patterns in the immediate area.

- (3) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

As the proposed project is residential in nature, unlike commercial or industrial uses, the proposed residential use is not expected to produce noxious or offensive emissions. Safeguards will be used during construction to mitigate any impact to the neighborhood.

- (4) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

The Project is designed in a contemporary aesthetic, and incorporates significant landscaping and screening. Portions of the proposed dwellings that are one-story will maintain a landscaped roof, minimizing the visual impact to adjacent neighbors. There is a large amount of open space in the form of an inner court. The access path from Fulton Street will be constructed with floor lighting, which is appropriate given its close proximity to adjacent properties.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Use District.

The proposed project is consistent with the stated purposes of the RH-2 Zoning District, which are devoted to one- and two-family buildings, and generally do not exceed three or four stories. The Project proposes four single-family dwellings, and does not exceed two stories in height.

8. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1:

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

Policy 1.10

Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

The Project does not include off-street automobile parking, but includes ten bicycle parking spaces for four dwelling units, and is located near numerous Muni transit lines. These features will ensure that households can easily rely on alternate methods to the private automobile for their transit needs.

OBJECTIVE 11:

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

Policy 11.1

Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

Policy 11.2

Ensure implementation of accepted design standards in project approvals.

Policy 11.3

Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

Policy 11.4:

Continue to utilize zoning districts which conform to a generalized residential land use and density plan and the General Plan.

Policy 11.6

Foster a sense of community through architectural design, using features that promote community interaction.

Policy 11.8

Consider a neighborhood's character when integrating new uses, and minimize disruption caused by expansion of institutions into residential areas.

The Project has been designed in conformity with Residential Design Guidelines, which ensure that existing residential neighborhood character is respected and unimpacted, to the extent possible. The development includes a large amount of common open space in the middle of the development, which should promote community interaction amongst residents of the dwelling units. The residential uses provided conform to the general land use profile of the neighborhood.

OBJECTIVE 12:

BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.

Policy 12.2

Consider the proximity of quality of life elements such as open space, child care, and neighborhood services, when developing new housing units.

The Project provides a large amount of public open space for prospective residents, and is located nearby many neighborhood services such as grocery stores, other retail uses, eating and drinking uses, and personal services. The Project also will require that the Project Sponsor pay the Residential Child Care Impact Fee pursuant to Planning Code Section 414A.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1:

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

Policy 1.2:

Recognize, protect and reinforce the existing street pattern, especially as it is related topography.

Policy 1.3:

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

The Project proposes the four single-family dwelling units on a vacant "flag lot." The Project represents the sensitive infill of a large vacant lot within the allowable density of the RH-2 Zoning District in which the lot is located. The proposed massing and location of the dwellings are compatible with the existing neighborhood character. While the development pattern of the neighborhood generally does not include residential development in the mid-block open space, the Project minimizes, to the extent possible, impacts on the 17 adjacent properties by incorporating sloped roofs, landscaped roofs, and setbacks. The scale and design of the proposed Project is compatible with the neighborhood and, in total, will create a positive effect for the neighborhood and City as a whole.

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project complies with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The Project Site does not possess any neighborhood-serving retail uses. The Project provides four new dwelling units, which will enhance the nearby retail uses by providing new residents.

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The project site does not possess any existing housing. The Project would provide four new dwelling units, thus resulting in an overall increase in the neighborhood housing stock. The Project maintains a height and scale compatible with the surrounding neighborhood and is consistent with the Residential Design Guidelines.

- C. That the City's supply of affordable housing be preserved and enhanced,

The Project does not include any existing or proposed affordable housing; however, the four proposed single-family dwellings are small to moderately sized, making them naturally more affordable, and will be added to the City's housing stock.

- D. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking.

The Project Site is well-served by public transit, being located within a quarter-mile of stops for the 5-Fulton, 5R-Fulton Rapid, 31-Balboa, 31BX-Balboa B Express, and 43-Masonic Muni transit lines.

Additionally, the Project provides bicycle parking for residents of the dwellings. Muni transit service and the neighborhood streets will not be overburdened by the Project.

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Project will not displace any service or industry establishment. The Project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this Project.

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The Project will be designed and will be constructed to conform to the structural and seismic safety requirements of the Building Code. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

Currently, the Project Site does not contain any City Landmarks or historic buildings.

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

The Project will have no negative impact on existing parks and public open spaces. The Project is located in what is typically considered the mid-block open space, though impacts will be minimized due to small scale of the Project and other attenuating measures.

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2018-011441CUAVAR** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated February 17, 2020 and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion. The effective date of this Motion shall be the date of this Motion if not appealed (after the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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 ADOPTED the foregoing Motion on April 9, 2020.



Jonas P. Ionin
Commission Secretary

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

NAYS: None

ABSENT: None

ADOPTED: April 9, 2020

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow the construction of four single-family dwellings located at 1846 Grove Street, Lot 003H within Assessor's Block 1187, pursuant to Planning Code Sections **207, 209.1, and 303** within an RH-2 (Residential, House – Two Family) Zoning District and a 40-X Height and Bulk District; in general conformance with plans, dated **February 17, 2020**, and stamped "EXHIBIT B" included in the docket for Record No. **2018-011441CUAVAR** and subject to conditions of approval reviewed and approved by the Commission on **April 9, 2020** under Motion No. **20681**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **April 9, 2020** under Motion No. **20681**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **20681** shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

DESIGN – COMPLIANCE AT PLAN STAGE

6. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
7. **Garbage, Composting and Recycling Storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
8. **Fire Safety.** Should compliance with technical standards related to fire safety result in a significant change to the Project, as determined by the Zoning Administrator, then a new Conditional Use authorization shall be required by the Planning Commission.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

PARKING AND TRAFFIC

9. **Bicycle Parking.** The Project shall provide no fewer than **four** Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.2.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
10. **Parking Maximum.** Pursuant to Planning Code Section 151, the Project shall provide no more than **eight (8)** off-street parking spaces.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

PROVISIONS

11. **Residential Child Care Impact Fee.** The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

12. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

13. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

TROY KASHANIPOUR ARCHITECTURE 2325 3RD STREET SUITE 401, SAN FRANCISCO CALIFORNIA 94107.

Department of Building Inspection
1650 Mission Street
San Francisco, CA 94103-2414
Phone: 415.558.6133 Fax: 415.558.6886

May 1, 2017

Re: Pre-Application Plan Review Meeting
Project Address: 1848 Grove Street; Block 1187 Lot 003H
Code Basis: SFBC 2016

Reviewers: Jeff Ma (DBI), Lt. Janice Hayes (SFFD)
Meeting Attendees: Troy Kashani pour (Architect), Sasha Plotitsa
Meeting Date: May 16, 2017

Background and Project Summary Information:

The existing vacant parcel is a flag lot accessed through a gate on Fulton Street. The lot is 7,869 square feet. The access is through a 4' wide space between buildings, six inches of which belong to the adjacent corner parcel on Lot 1. Planning Department density allows, and Planning staff supports 5 dwelling units on a parcel of this size. Five R-3 dwellings are proposed. An existing mature oak tree will be maintained. The proposed 3-R dwellings will be limited in height to 2 story with an internal open courtyard. Also proposed on-site are smaller accessory storage structures. Window area for the dwellings on each parcel shall be based on an assumed property line between buildings per 705.3 and shall conform with fire separation distances as defined in 705.8.

Construction type shall be Type V-A unless otherwise required by Fire and DBI. The buildings on-site and the Site shall have Egress per CBC Chapter 10.

Code Discussion Items:

- Number of Exits and Exit Access Doorways from each Dwelling – CBC 1006.
 - The exit from each dwelling, CBC 1006.2.1 Single Exits are permitted from each R-3 dwelling with an occupant load of less than 20 where the dwelling unit is equipped with sprinklers and the common path of egress travel is less than 125'.

DBI RESPONSE: Agreed. Access to dwelling unit exit (door to exterior court) less than 125'. Maximum 3 Story Buildings.

Jeff Ma, Jeff Ma

- Outdoor Area occupant load: Please confirm that outdoor areas are accessory to the residential units. No additional occupant load is required per Exception 1 and 2 of 1004.5

CBC 1004.5 Outdoor areas: Yards, patios, courts and similar outdoor areas accessible to and

1

TROY KASHANIPOUR ARCHITECTURE 2325 3RD STREET SUITE 401, SAN FRANCISCO CALIFORNIA 94107.

DBI RESPONSE: Sprinklering per NFPA-13. *subject to Fire Dept. plan review.*
Jeff Ma, Jeff Ma

5. Alternate Scenario:

Combine Units 1&2 into a single R-3 Occupancy, Combine Units 3&4 into an R-3 Occupancy, Unit 3 shall remain as R-3. This is permitted per 705.3 Exception 1. Please advise of acceptability.

DBI RESPONSE: Combining units as proposed above is acceptable.

Jeff Ma, Jeff Ma

Please advise of any additional Fire Department or Building Department requirements for this parcel based on the scheme presented that are anticipated for this parcel.

Troy Kashani pour

Troy Kashani pour, Architect & Agent for Owner

*Reviewed and agreed by
Jeff Ma 6/13/17
SFFD DBI*

3

TROY KASHANIPOUR ARCHITECTURE 2325 3RD STREET SUITE 401, SAN FRANCISCO CALIFORNIA 94107.

usable by the building occupants shall be provided with means of egress as required by this chapter. The occupant load of such outdoor areas shall be assigned by the building official in accordance with the anticipated use. Where outdoor areas are to be used by persons in addition to the occupants of the building, and the path of egress travel from the outdoor areas passes through the building, means of egress requirements for the building shall be based on the sum of the occupant loads of the building plus the outdoor areas.

- Exceptions:
- Outdoor areas used exclusively for service of the building need only have one means of egress.
 - Both outdoor areas associated with Group R-3 and individual dwelling units of Group R-2

DBI RESPONSE: Agreed, outdoor areas are accessory to the residential use and do not have their own occupant load.

Jeff Ma, Jeff Ma

3. The Exit Discharge:

The passage between the existing buildings on lot 1 and lot 13 is 3'-6" wide is considered an Egress Court.

- Per 1028.4.1: The required width is 36" for R-3 occupancies.
- Per 1028.4.2: The Construction of an egress court serving R-3 occupancies requires no rating per Exception 1.

DBI RESPONSE: Agreed as long as less than 50 total occupants are served by egress court

Jeff Ma, Jeff Ma

4. Sprinklering - The following is proposed:

- A dedicated fire sprinkler line shall be brought into the property. This line will be provide with a backflow preventer and a check-valve.
- After the valves the main line shall split and, there shall be independent service to each dwelling unit.
- Each unit will be equipped with an independent monitoring service.
- Each R-3 dwelling shall be sprinklered to NFPA-13R standards.
- Small independent accessory to the main structure shall have fire ratings as required by code but are not proposed to be sprinklered. They shall be used for light storage such as bicycles, garden and household equipment.

FIRE DEPARTMENT RESPONSE: Applicants to meet with Fire Department to discuss Fire Department Access.

2

FIRE DEPARTMENT: ACCESS REVIEW APPROVAL:

1821 Fulton Street (5 units R-3 Dwelling units)

Block 1187/ lot 003H

The Architecture plans has been reviewed and SFFD comments:

Condition of approval.

- Revise the Architecture plans
- licensed architect need to stamp and sign the Architecture plans.
 - Architecture plans must be approved from San Francisco Building department.
 - Indicate in the Architecture plans:
 - Each R-3 dwelling shall be sprinklered and monitored per 2016 NFPA 13 and 2016 CFC 903.3.1.1. per pre-application meeting on 2/6/2018.
 - The sprinkler system for each R-3 dwelling shall be monitored.
 - The Maximum height at the second story will not exceed 20 feet above grade.
 - The type construction of each R-3 dwelling shall be Type III per pre-application meeting on 2/6/2018.
 - Standpipe system 2ways X 3 inches outlets shall be provided at the entry, in middle and far end of the property per pre-application meeting on 2/6/2018.
 - Removal of the street tree at sidewalk near entry gate per pre-application meeting on 2/6/2018.
 - A minimum 3.5 feet clear width without obstruction at any access point of the exist discharge shall be provided.
 - A red fire zone curb "NO PARKING" shall be provided in front of property.

Kamal Andrews, P.E.
Kamal
Fire Protection Engineer
San Francisco Fire Department

Captain/ Michael Patt
Michael Patt
Bureau of Fire Prevention
San Francisco Fire Department

APPROVED AS NOTED
DATE 6/13/18
Daniel Holles
CHIEF, DIVISION OF FIRE PREVENTION & INVESTIGATION

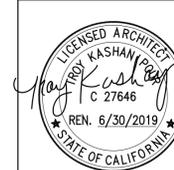
*in addition:
rescue windows
required*

OWNER:
GREEN GROVE SF LLC
2325 3RD STREET, SUITE 401
SAN FRANCISCO, CA 94107
PHONE: 415.431.0869

ISSUE: ISSUED FOR VARIANCE & CUA
DATE: 08.15.2018

CONSULTANT

APPROVAL



DRAWN: TK
CHECKED: TK
SCALE: NONE

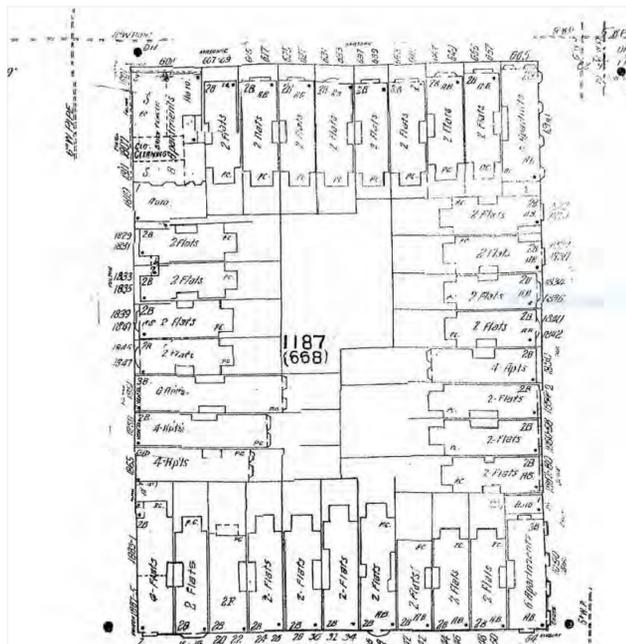
PRE-APPLICATION NOTES

A0.1

TROY KASHANIPOUR ARCHITECTURE 2325 3RD STREET SUITE 401, SF CA 94107. PHONE/FAX 415.431.0869

1821 FULTON STREET

SANBORN MAP



OVERHEAD VIEW LOOKING FROM NORTH



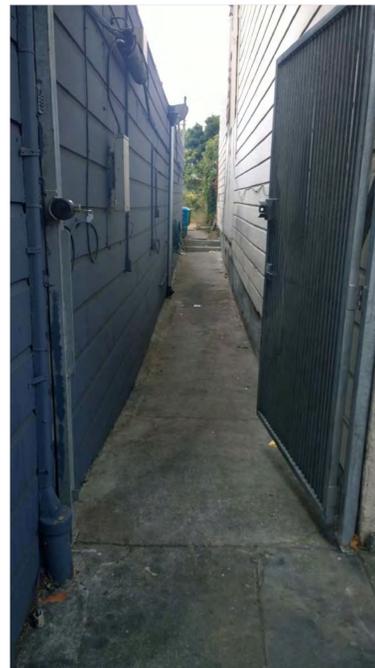
OVERHEAD VIEW LOOKING FROM SOUTH



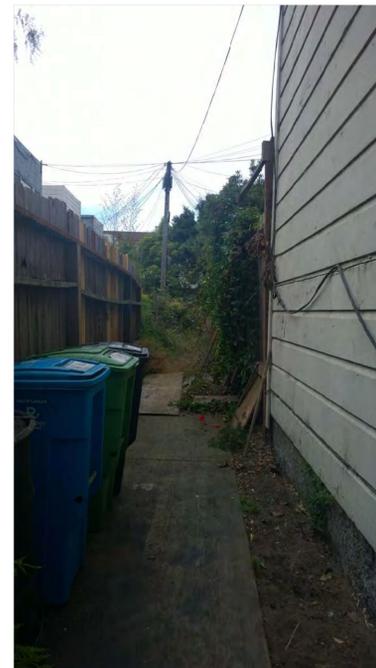
OVERHEAD VIEW



ACCESS FIRST 50' : 3.5' WIDTH



NEXT 50' : 6.25' WIDTH



ENTER FULL LENGTH OF LOT, LOOKING NORTH



LOOKING WEST



LOOKING EAST



LOOKING SOUTH



TROY KASHANIPOUR ARCHITECTURE 2325 3RD STREET SUITE 401 SF CA 94107 PHONE/FAX 415.431.0869
1821 FULTON STREET

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APPROVAL

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 CHECKED: TK
 SCALE: NONE

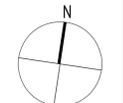


SITE PHOTOGRAPHS

A0.2



1 PROPOSED SITE PLAN
 SCALE: 3/32" = 1'-0"



TROY KASHANIPOUR ARCHITECTURE 2325 3RD STREET SUITE 401, SF CA 94107, PHONE/FAX 415.431.0869

1821 FULTON STREET

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 SAN FRANCISCO, CA 94107
 PHONE: 415.431.0869

ISSUE:	DATE:
ISSUED FOR VARIANCE & CUA	08.15.2018
PLANNING REVISIONS	06.10.2019
PLANNING REVISIONS	08.02.2019

CONSULTANT
 -

APPROVAL

	DRAWN:
	TK
	CHECKED:
	TK
SCALE:	
3/32" = 1'-0"	

PROPOSED SITE PLAN

A1.1



OPEN SPACE REQUIREMENTS PER SECTION 135, RH-2 ZONING
 125 SQFT PER UNIT IF PRIVATE, 166 SQFT PER UNIT IF COMMON.

OPEN SPACE ON SITE IS IRREGULAR: TOTAL SIZE: 3753 SQFT

CONTINUOUS RECTANGULAR AREA OF SHARED OPEN SPACE:
 21.5'x68.5' = 1,473 SQFT

PRIVATE OPEN SPACE: 125 SQFT PER UNIT REQUIRED IF PRIVATE

- DWELLING 1: 230 SQFT - COMPLIES AS PRIVATE OPEN SPACE
- DWELLING 2: 257 SQFT - COMPLIES AS PRIVATE OPEN SPACE
- DWELLING 3: 254 SQFT - COMPLIES AS PRIVATE OPEN SPACE
- DWELLING 4: 176 SQFT - COMPLIES AS PRIVATE OPEN SPACE
- DWELLING 5: 49 SQFT - DOES NOT COMPLY AS PRIVATE OPEN SPACE, UNIT USES COMMON OPEN SPACE

OWNER:
 GREEN GROVE SF LLC
 2325 3RD STREET, SUITE 401
 SAN FRANCISCO, CA 94107
 PHONE: 415.431.0869

ISSUE: PLANNING REVISIONS DATE: 08.18.2019

CONSULTANT

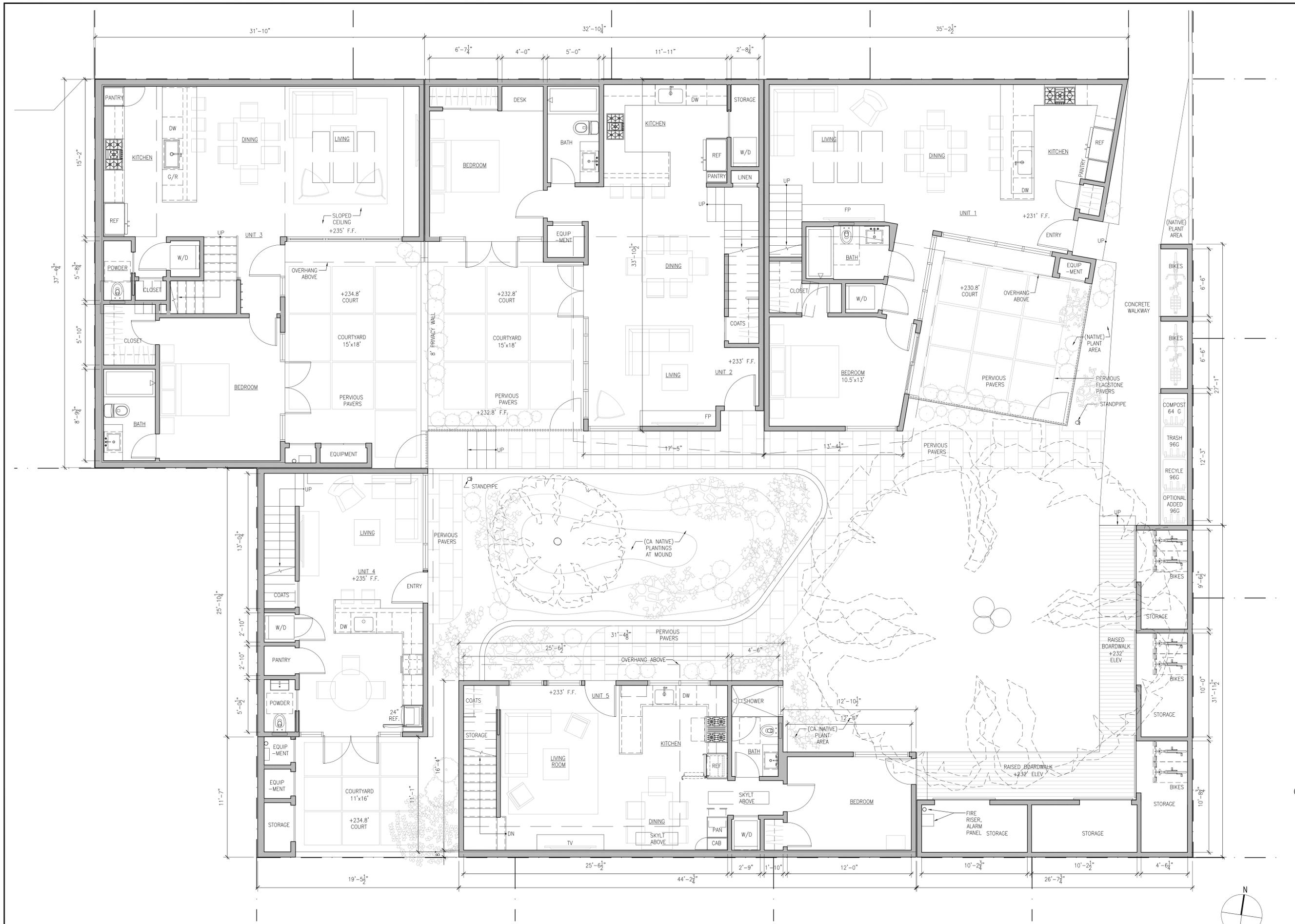
APPROVAL



DRAWN: TK
 CHECKED: TK
 SCALE: 3/32"=1'-0"

OPEN SPACE AND
 UNIT EXPOSURE DIAGRAM

A1.2



1 PROPOSED FIRST FLOOR PLAN
 SCALE: 1/4" = 1'-0"

TROY KASHANIPOUR ARCHITECTURE 2325 3RD STREET SUITE 401, SF CA 94107, PHONE/FAX 415.431.0869

1821 FULTON STREET

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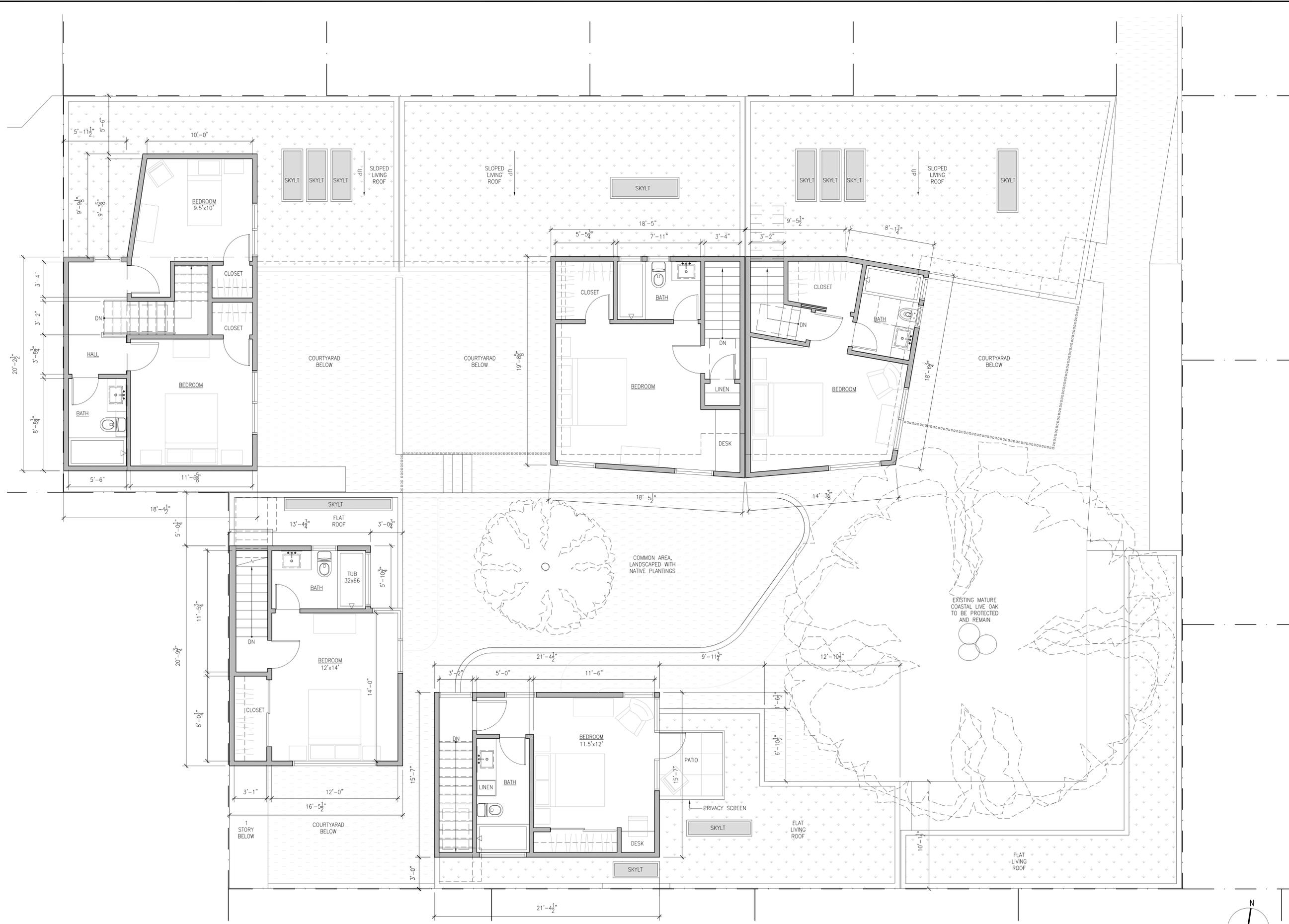
CONSULTANT
 -

APPROVAL

DRAWN:	TK
CHECKED:	TK
SCALE:	1/4" = 1'-0"

PROPOSED FIRST FLOOR PLAN

A2.1



1 PROPOSED SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

TROY KASHANIPOUR ARCHITECTURE 2325 3RD STREET SUITE 401, SF CA 94107, PHONE/FAX 415.431.0869

1821 FULTON STREET

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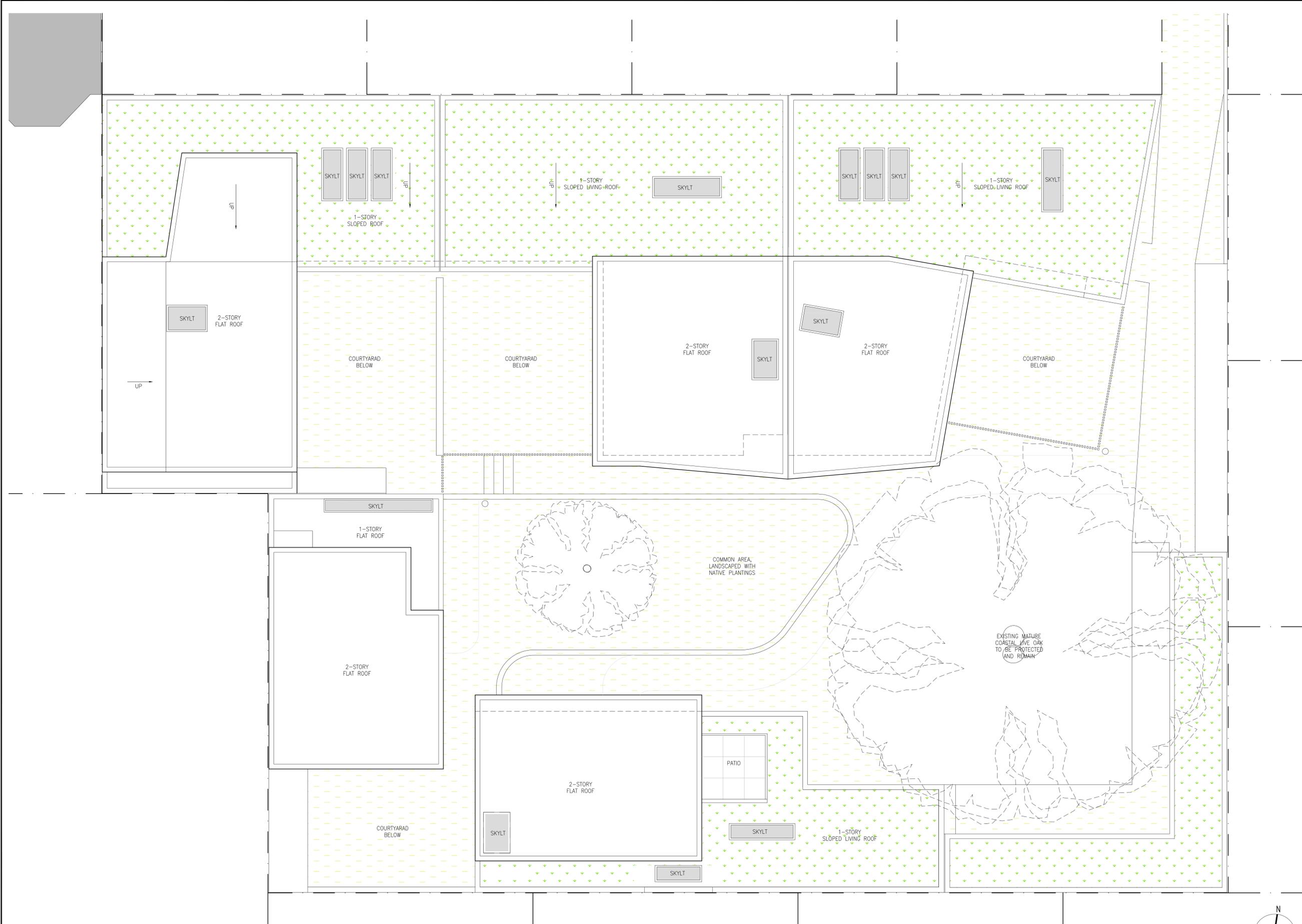
CONSULTANT
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APPROVAL

DRAWN:	TK
CHECKED:	TK
SCALE:	1/4" = 1'-0"

PROPOSED SECOND FLOOR PLAN

A2.2



1 PROPOSED ROOF PLAN
SCALE: 1/4" = 1'-0"

TROY KASHANIPOUR ARCHITECTURE 2325 3RD STREET SUITE 401, SF CA 94107. PHONE/FAX 415.431.0869

1821 FULTON STREET

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CONSULTANT
-

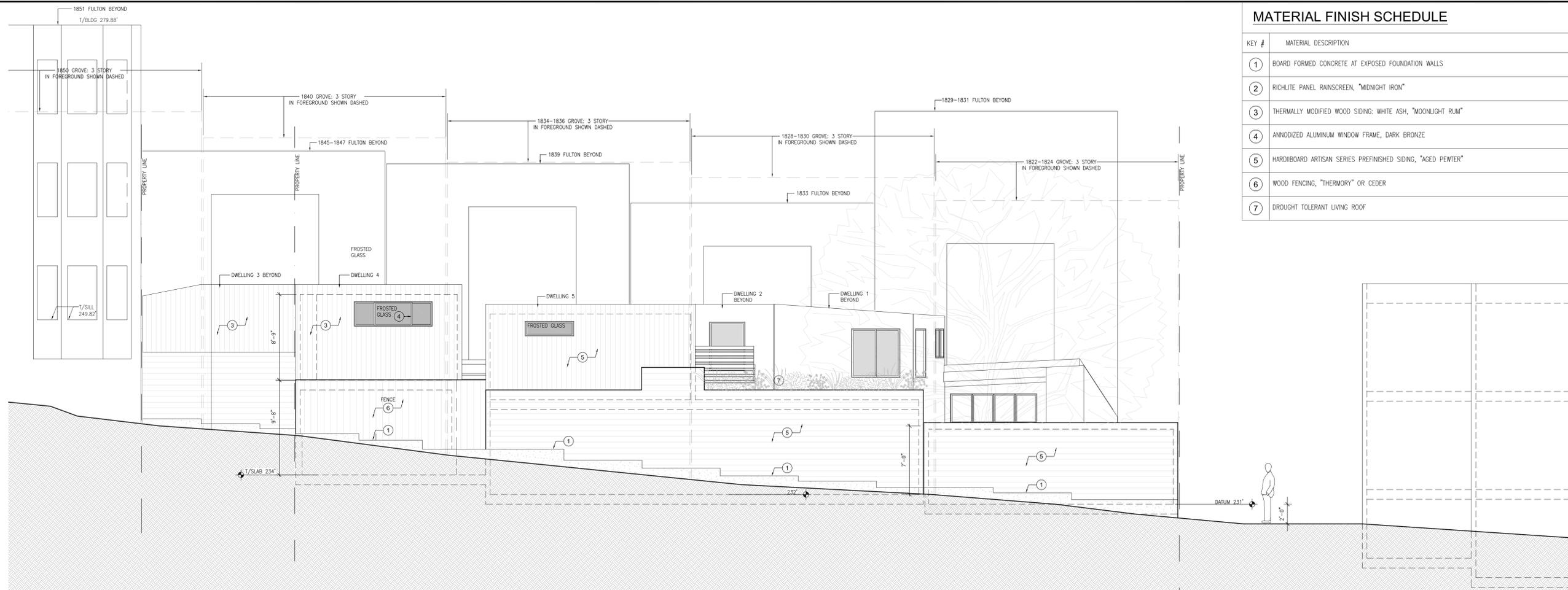
APPROVAL



DRAWN:
TK
CHECKED:
TK
SCALE:
1/4" = 1'-0"

PROPOSED ROOF PLAN

A2.3

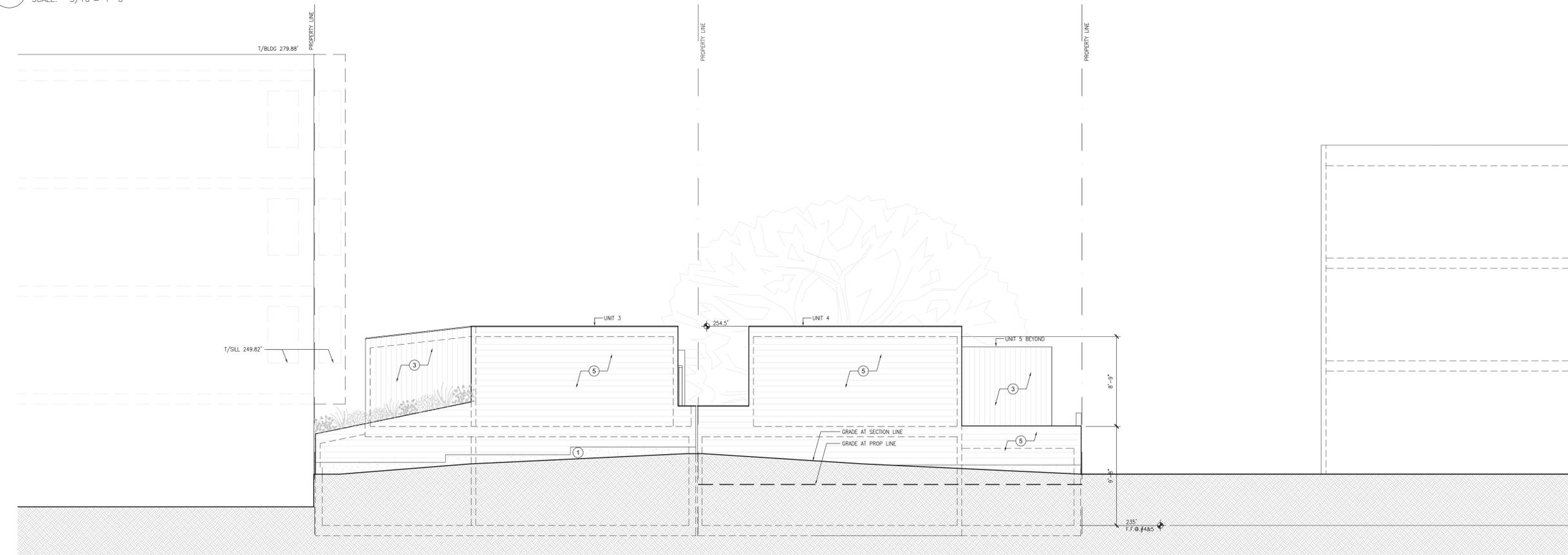


MATERIAL FINISH SCHEDULE

KEY #	MATERIAL DESCRIPTION
①	BOARD FORMED CONCRETE AT EXPOSED FOUNDATION WALLS
②	RICHLITE PANEL RAINSCREEN, "MIDNIGHT IRON"
③	THERMALLY MODIFIED WOOD SIDING: WHITE ASH, "MOONLIGHT RUM"
④	ANNOXIDIZED ALUMINUM WINDOW FRAME, DARK BRONZE
⑤	HARDIBOARD ARTISAN SERIES PREFINISHED SIDING, "AGED PEWTER"
⑥	WOOD FENCING, "THERMORY" OR CEDER
⑦	DROUGHT TOLERANT LIVING ROOF

2 SOUTH ELEVATION AT PROPERTY LINE

SCALE: 3/16" = 1'-0"



1 WEST ELEVATION AT PROPERTY LINE

SCALE: 3/16" = 1'-0"

TROY KASHANIPOUR ARCHITECTURE 2325 3RD STREET SUITE 401, SF CA 94107. PHONE/FAX 415.431.0869

1821 FULTON STREET

OWNER:
GREEN GROVE SF LLC
2325 3RD STREET, SUITE 401
SAN FRANCISCO, CA 94107
PHONE: 415.431.0869

ISSUE: DATE:
ISSUED FOR VARIANCE & CUA 08.15.2018
PLANNING REVISIONS 06.10.2019
PLANNING REVISIONS 08.02.2019

CONSULTANT
-

APPROVAL



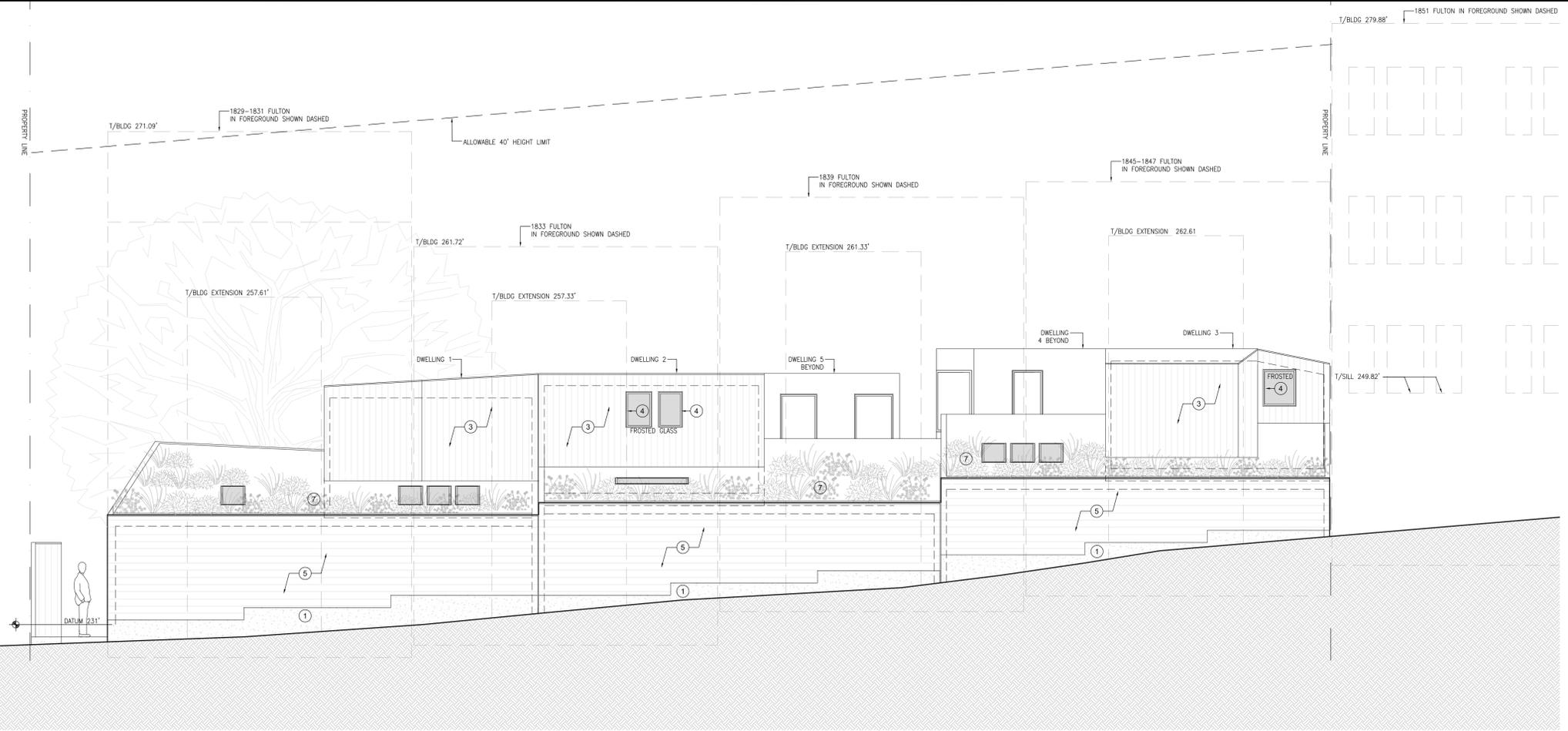
DRAWN:
TK
CHECKED:
TK
SCALE:
3/32" = 1'-0"

PROPOSED ELEVATION

A3.0

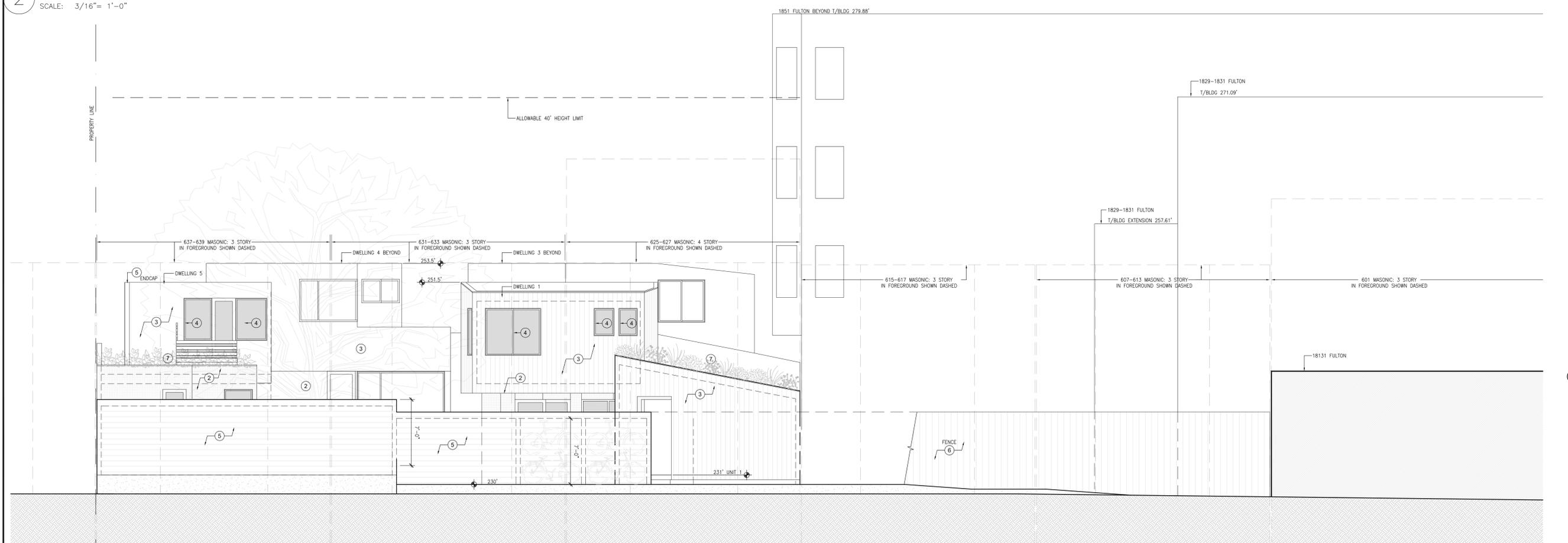
MATERIAL FINISH SCHEDULE

KEY #	MATERIAL DESCRIPTION
1	BOARD FORMED CONCRETE AT EXPOSED FOUNDATION WALLS
2	RICHLITE PANEL RAINSCREEN, "MIDNIGHT IRON"
3	THERMALLY MODIFIED WOOD SIDING: WHITE ASH, "MOONLIGHT RUM"
4	ANNOXIDIZED ALUMINUM WINDOW FRAME, DARK BRONZE
5	HARDIBOARD ARTISAN SERIES PREFINISHED SIDING, "AGED PEWTER"
6	WOOD FENCING, "THERMORY" OR CEDER
7	DROUGHT TOLERANT LIVING ROOF



2 NORTH ELEVATION AT PROPERTY LINE

SCALE: 3/16" = 1'-0"



1 EAST ELEVATION AT PROPERTY LINE

SCALE: 3/16" = 1'-0"

TROY KASHANIPOUR ARCHITECTURE 2325 3RD STREET SUITE 401, SF CA 94107, PHONE/FAX 415.431.0869
1821 FULTON STREET

OWNER:
 GREEN GROVE SF LLC
 2325 3RD STREET, SUITE 401
 SAN FRANCISCO, CA 94107
 PHONE: 415.431.0869

ISSUE: DATE:
 ISSUED FOR VARIANCE & CUA 08.15.2018
 PLANNING REVISIONS 06.10.2019
 PLANNING REVISIONS 08.02.2019

CONSULTANT
 -

APPROVAL

LICENSED ARCHITECT
 TROY KASHANIPOUR
 C 27646
 REN. 6/30/2021
 STATE OF CALIFORNIA

DRAWN:
TK

CHECKED:
TK

SCALE:
3/32" = 1'-0"

PROPOSED ELEVATION

A3.1



2 BUILDING SECTION/ELEVATION LOOKING NORTH
SCALE: 3/16" = 1'-0"

TROY KASHANIPOUR ARCHITECTURE 2325 3RD STREET SUITE 401, SF CA 94107. PHONE/FAX 415.431.0869

1821 FULTON STREET

OWNER:
GREEN GROVE SF LLC
2325 3RD STREET, SUITE 401
SAN FRANCISCO, CA 94107
PHONE: 415.431.0869

ISSUE: DATE:
ISSUED FOR VARIANCE & CUA 08.15.2018
PLANNING REVISIONS 06.10.2019
PLANNING REVISIONS 08.02.2019

CONSULTANT
-

APPROVAL

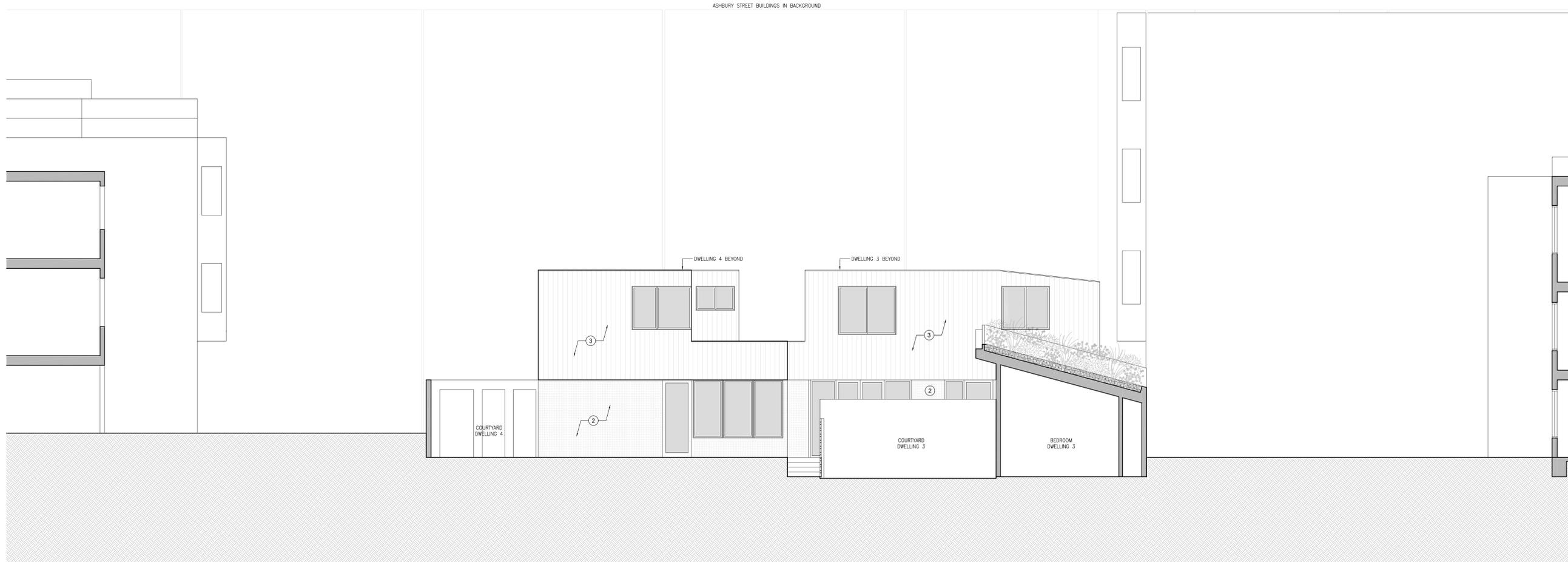
DRAWN:
TK
CHECKED:
TK
SCALE:
3/32" = 1'-0"

PROPOSED SECTION

A3.2



1 BUILDING SECTION/ELEVATION LOOKING WEST
SCALE: 3/16" = 1'-0"



2 BUILDING SECTION/ELEVATION LOOKING WEST
SCALE: 3/16" = 1'-0"



1 BUILDING SECTION/ELEVATION LOOKING SOUTH
SCALE: 3/16" = 1'-0"

TROY KASHANIPOUR ARCHITECTURE 2325 3RD STREET SUITE 401, SF CA 94107. PHONE/FAX 415.431.0869

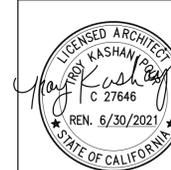
1821 FULTON STREET

OWNER:
GREEN GROVE SF LLC
2325 3RD STREET, SUITE 401
SAN FRANCISCO, CA 94107
PHONE: 415.431.0869

ISSUE: DATE:
ISSUED FOR VARIANCE & CUA 08.15.2018
PLANNING REVISIONS 06.10.2019
PLANNING REVISIONS 08.02.2019

CONSULTANT
-

APPROVAL



DRAWN:
TK
CHECKED:
TK
SCALE:
3/32" = 1'-0"

PROPOSED SECTION

A3.3



2 BUILDING SECTION/ELEVATION LOOKING SOUTH
SCALE: 3/16" = 1'-0"



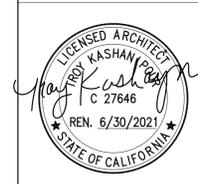
1 BUILDING SECTION/ELEVATION LOOKING SOUTH
SCALE: 3/16" = 1'-0"

OWNER:
GREEN GROVE SF LLC
2325 3RD STREET, SUITE 401
SAN FRANCISCO, CA 94107
PHONE: 415.431.0869

ISSUE: DATE:
ISSUED FOR VARIANCE & CUA 08.15.2018
PLANNING REVISIONS 06.10.2019
PLANNING REVISIONS 08.02.2019

CONSULTANT
-

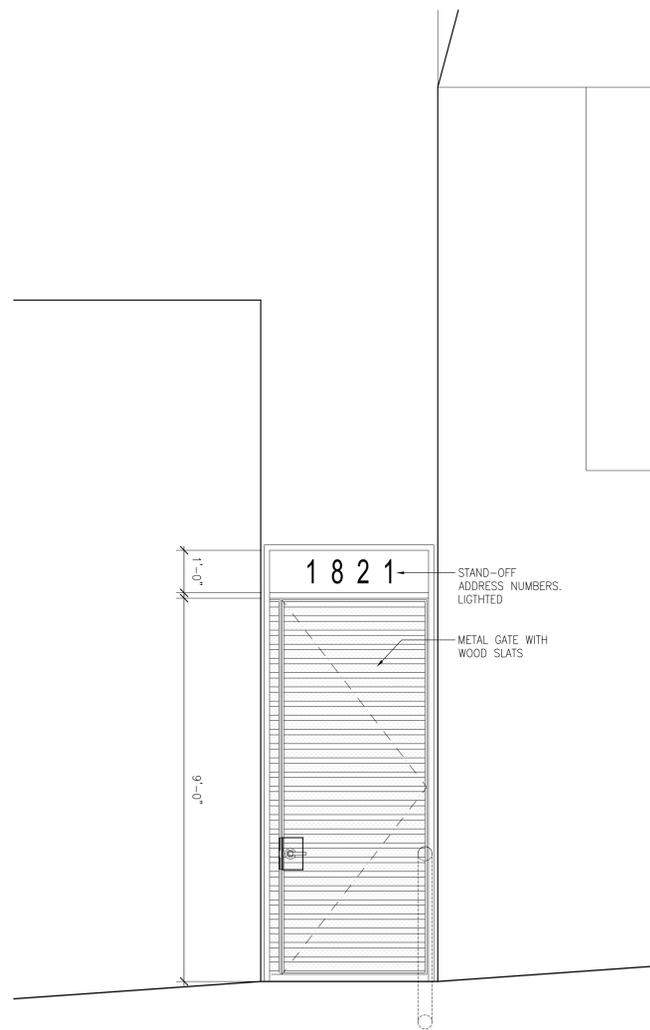
APPROVAL



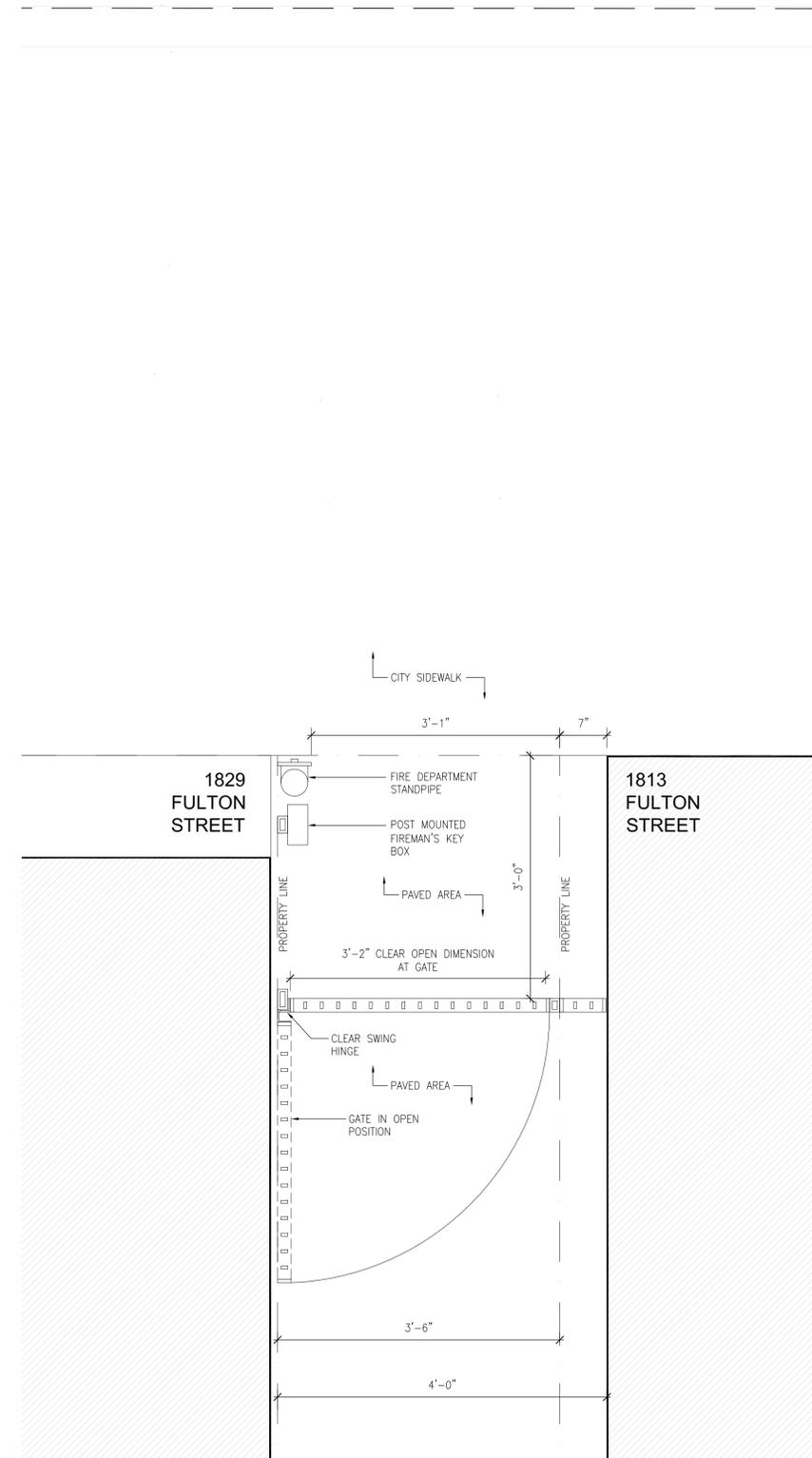
DRAWN:
TK
CHECKED:
TK
SCALE:
3/32" = 1'-0"

PROPOSED SECTION

A3.4



5 ELEVATION AT ENTRY GATE
SCALE: 1/2" = 1'-0"



1 ENLARGED PLAN AT GATE
SCALE: 1" = 1'-0"

TROY KASHANIPOUR ARCHITECTURE 2325 3RD STREET SUITE 401, SF CA 94107. PHONE/FAX 415.431.0869

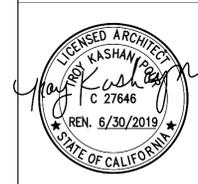
1821 FULTON STREET

OWNER:
GREEN GROVE SF LLC
2325 3RD STREET, SUITE 401
SAN FRANCISCO, CA 94107
PHONE: 415.431.0869

ISSUE: ISSUED FOR VARIANCE & CUA DATE: 08.15.2018

CONSULTANT
-

APPROVAL



DRAWN: TK
CHECKED: TK
SCALE: AS SHOWN

ENLARGED DETAILS

A8.0



SAN FRANCISCO PLANNING DEPARTMENT

Variance Decision

Date: June 19, 2020
Case No.: **2018-011441VAR**
Project Address: **1846 GROVE STREET**
Zoning: RH-2 (Residential, House – Two-Family) Zoning District
 RH-3 (Residential, House – Three-Family) Zoning District
 40-X Height and Bulk District
Block/Lots: 1187/003H
Applicant: Troy Kashanipour
 Troy Kashanipour Architecture
 2325 3rd Street, Suite 401
 San Francisco, CA 94107
Owner: Green Grove SF, LLC
 2325 3rd Street, Suite 401
 San Francisco, CA 94107
Staff Contact: Matt Dito – (415) 575-9164
matthew.dito@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
 Information:
415.558.6377

DESCRIPTION OF VARIANCE – REAR YARD, EXPOSURE, AND BICYCLE PARKING VARIANCES SOUGHT:

The proposal is to construct four two-story, single-family dwellings. The subject property is an undeveloped “flag lot” (a lot with minimal street frontage and a long access path before widening at the rear). The proposed project includes two two-bedroom dwellings and two three-bedroom dwellings. The units range in size from 1,026 to 1,407 square feet. The lot is accessed by a 100-foot long access path from Fulton Street that is three-foot six-inches wide for the first 50 feet and six-foot three-inches side for the remainder of its depth. The subject property is located within both an RH-2 (Residential, House – Two-Family) and RH-3 (Residential, House – Three-Family) Zoning District. The entirety of the proposed development is on the portion of the lot zoned RH-2.

Planning Code Section 134 requires properties in the RH-2 Zoning District to maintain a rear yard equivalent to 45 percent of the total lot depth at grade level and at each succeeding story of the building, unless reduced to the average of qualifying adjacent rear building walls. Two of the proposed four dwelling units will extend to the rear property line. As such, no rear yard is provided in the proposal. Therefore, a variance is required.

Planning Code Section 140 requires all dwelling units in all district to face onto a qualifying open area. Each dwelling unit shall maintain at least one room that meets the 120 square-foot minimum superficial floor area requirement of Section 503 of the Housing Code, and shall face directly onto either a public street, public alley at least 20 feet in width, side yard at least 25 feet in width, rear yard meeting the requirements of the Planning Code, or an open area (whether an inner court or space between buildings on the same lot) that is no less than 25 feet in every horizontal dimension. Two of the four dwelling

units do not face onto an area that meets the requirements of Planning Code Section 140. Therefore, a variance is required.

Planning Code Section 155.1 requires that all Class 1 bicycle parking spaces shall be located on the ground floor within 100 feet of the major entrance to the lobby. There shall be either: (i) convenient access to and from the street to the bicycle parking space and another entrance from the bicycle parking space to the lobby area, or (ii) a minimum five foot wide hallway or lobby space that leads to the bicycle parking major entrance, where direct access to bicycle parking space from the street does not exist. Such access route may include up to two limited constriction points, such as doorways, provided that these constrictions are no narrower than three feet wide and extend for no more than one foot of distance. The proposed project requires a minimum of four Class 1 bicycle spaces and provides 10 spaces. The spaces require travelling through the 50-foot long access path which does not provide a five-foot minimum hallway, as it is only three feet and six inches wide. Therefore, a variance is required.

PROCEDURAL BACKGROUND:

1. The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 3 categorical exemption.
2. Following continuances on November 7, 2019, December 12, 2019, March 12, 2020, March 19, 2020, and March 26, 2020, the Zoning Administrator held a duly public hearing on **Variance Application No. 2018-011441VAR** on **April 9, 2020**. The hearing was held in conjunction with a duly noticed Planning Commission hearing on Conditional Use Application No. 2018-011441CUA. At this hearing, the Planning Commission unanimously approved the Conditional Use Authorization (Motion No. 20681).
3. Planning Code Section 311 notification was conducted concurrently with the required notification for the joint Planning Commission and Variance hearings. Two notifications were conducted. A notification was mailed on October 18, 2019 for the public hearings conducted on November 7, 2019. A second notification was mailed on February 21, 2020 for the public hearings scheduled for March 12, 2020.

DECISION:

GRANTED, in general conformity with the plans on file with this application, shown as EXHIBIT A, to construct four two-story single-family dwellings. Two of the dwellings extend into the required rear yard, two of the dwellings do not provide sufficient access to light and air, and all four dwelling units do not provide sufficient access to bicycle parking.

1. The authorization and rights vested by virtue of this decision letter **shall be deemed void and cancelled** if (1) a Site or Building Permit has not been issued within three years from the effective date of this decision; or (2) a Tentative Map has not been approved within three years from the effective date of this decision for Subdivision cases; or (3) neither a Site or Building Permit or Tentative Map is involved but another required City action has not been approved within three years from the effective date of this decision. However, this authorization may be extended by the Zoning Administrator when the issuance of a necessary Building Permit or

approval of a Tentative Map or other City action is delayed by a City agency or by appeal of the issuance of such a permit or map or other City action.

2. Any future physical expansion, even in the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood character and scale. If the Zoning Administrator determines that there would be a significant or extraordinary impact, the Zoning Administrator shall require either notice to adjacent and/or affected property owners or a new Variance application be sought and justified.
3. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls apply.
4. Minor modifications as determined by the Zoning Administrator may be permitted.
5. The owner of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this Variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.
6. This Variance Decision and the recorded Notice of Special Restrictions shall be reproduced on the Index Sheet of the construction plans submitted with the Site or Building Permit Application for the Project, if applicable.

FINDINGS:

Section 305(c) of the Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

FINDING 1.

That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district.

Requirement Met.

- A. The subject property is an undeveloped “flag lot” (a lot with minimal frontage and a long access path before widening at the rear). At 7,868 square feet, the lot is larger in area than what is typical for the neighborhood. While the subject property has a Grove Street address, the lot fronts Fulton Street between Ashbury Street and Masonic Avenue. The lot has approximately three feet six inches of frontage on Fulton Street, with a 100-foot access path to the widened area at the rear. The access path widens to approximately six feet three inches for the final 50 feet of its depth.
- B. The shape of the lot is irregular and makes a Code-compliant project difficult to develop. The lot has eight sides and varying depths, as opposed to the typical rectangular shape of standard lots.

- C. All dwelling units in all district are required to face an open area, pursuant to Planning Code Section 140. An open area is considered to be a Code-compliant rear yard, a public street, or an interior courtyard of no less than 25 feet in every horizontal direction. The shape of the lot effectively eliminates facing onto a public street as an option for Code-compliance, resulting in a Code-compliant rear yard or interior courtyard as the only options for compliance with the exposure requirement. An interior courtyard is provided that meets the exposure requirement; however, given the size and shape of the lot only two units face onto this area. While the two other units face onto open areas that provide adequate light and air, they do not meet the requirements of the Planning Code and require a variance.
- D. Code-compliant bicycle parking requires a minimum five-foot wide hallway or lobby that leads directly from the street to the bicycle parking area, pursuant to Planning Code Section 155.1. As the only means of access from the street to the development is an access path that is only three feet six inches wide (at the narrowest point), compliance with this requirement is not possible. That the lot only has a three-foot six-inch wide frontage is an exceptional and extraordinary circumstance that is not applicable in other properties or uses in the same class of district.

FINDING 2.

That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in a practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

Requirement Met.

- A. The proposed project contains four two-story single-family dwellings. Literal enforcement of the rear yard requirement would allow larger, more concentrated massing on the north side of the property in the building area. While this massing would be in scale with the rest of the neighborhood, it would provide negative impacts to the neighboring properties in comparison to the proposed project. Additionally, the proposed project is in compliance with the Residential Design Guidelines. Compliance with the Guidelines is a Planning Code requirement, pursuant to Planning Code Section 311. Literal enforcement of the rear yard requirement would prevent the project from providing four dwelling units in a manner that complies with the Residential Design Guidelines and represent an unnecessary hardship not created by or attributed to the applicant.
- B. Granting the exposure variance will allow the property owner to construct dwelling units around the edge of the lot, which is both the most practical design and the most compliant with the Residential Design Guidelines. The shape of the lot makes it infeasible to create a practical design that is compliant with the design guidelines, while also meeting the Code requirement for access to light and air. Literal enforcement of the light and air requirement would be impractical given the constraints the shape of the lot creates and represent an unnecessary hardship not created by or attributed to the applicant.
- C. Literal enforcement of the requirements for access to bicycle parking would render this project infeasible for any development. Because the path to the bicycle parking from the street is a feature of the lot, which cannot be altered, and not one attributable to a proposed building,

there is no Code-compliant alternative. The shape of the lot is a practical difficulty neither created by nor attributable to the property owner.

FINDING 3.

That such variance is necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

Requirement Met.

- A. These variances allow for the creation of four dwelling units on a 7,868 square foot lot that is primarily within an RH-2 Zoning District. A typical development on a standard 2,500 square foot lot in this district would allow for 55% lot coverage and two dwelling units. The subject project (which is located on a lot three times larger than a standard lot) proposes approximately 45% lot coverage and a total of four dwelling units. The addition of dwelling units in a manner which complies with the Residential Design Guidelines is a substantial property right possessed by other property in the same class of district.

FINDING 4.

That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

Requirement Met.

- A. The Project creates four additional dwelling units and has been designed to minimally impact surrounding properties. Therefore, granting the variance will improve the livability of the subject property and will not be materially detrimental to the public welfare or materially injurious to the neighboring properties.
- B. The Planning Department and Planning Commission determined the project to be consistent with the Residential Design Guidelines. The project limits the height of the units to two stories and includes landscaping and living roofs to minimize impacts on the mid-block open space.
- C. The Planning Department received 45 letters of opposition and 24 letters of support for the proposed project. The letters of opposition raised concerns related to fire safety (due to the narrow access path) and impact on the mid-block open space. The Applicant demonstrated that they had reviewed initial designs with the San Francisco Building and Fire Departments, which found the proposal to be feasible and meet minimum fire safety requirements. As noted previously, the project design has been found to comply with the Residential Design Guidelines to minimize impacts on adjacent properties.

FINDING 5.

The granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

Requirement Met.

- A. This development is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. Planning Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. The project meets all relevant policies, including conserving neighborhood character, and maintaining housing stock.
1. Existing neighborhood retail uses will not be adversely affected by the proposed project.
 2. The proposed project will be in keeping with the existing housing and neighborhood character. The proposal will create four dwelling units on the property.
 3. The proposed project will have no effect on the City's supply of affordable housing.
 4. The proposed project does not adversely affect neighborhood parking or public transit.
 5. The project will have no effect on the City's industrial and service sectors.
 6. The proposed project will have no effect on the City's preparedness to protect against injury and loss of life in an earthquake.
 7. The project will have no effect on the City's landmarks or historic buildings.
 8. The project would not affect any existing or planned public parks or open spaces.

The effective date of this decision shall be either the date of this decision letter if not appealed, or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

Once any portion of the granted variance is used, all specifications and conditions of the variance authorization become immediately operative.

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.

Variance Decision
June 19, 2020

CASE NO. 2018-011441VAR
1846 Grove Street

APPEAL: Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 1650 Mission Street, 3rd Floor (Room 304) or call 575-6880.

Very truly yours,



Scott F. Sanchez
Acting Zoning Administrator

THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OCCUPANCY. PERMITS FROM APPROPRIATE DEPARTMENTS MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.

1 [Conditionally Disapproving Conditional Use Authorization - 1846 Grove Street]

2

3 **Motion conditionally disapproving the decision of the Planning Commission by its**
4 **Motion No. 20681, approving a Conditional Use Authorization, identified as Planning**
5 **Case No. 2018-011441CUA, for a proposed project at 1846 Grove Street, subject to the**
6 **adoption of written findings by the Board in support of this determination.**

7

8 MOVED, That the Planning Commission’s approval on April 9, 2020, of a Conditional
9 Use Authorization identified as Planning Case No. 2018-011441CUA, by its Motion No.
10 20681, for residential density of one unit per 1,500 square feet of lot area to permit the
11 construction of four two-story single-family dwelling units on a vacant lot within an RH-2
12 (Residential, House - Two Family) and RH-3 (Residential, House - Three Family) Zoning
13 District and a 40-X Height and Bulk District, for a proposed project located at:

14 1846 Grove Street, Assessor’s Parcel Block No. 1187, Lot No. 003H, is hereby
15 disapproved, subject to the adoption of written findings by the Board in support of this
16 determination.

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City and County of San Francisco

Tails

Motion: M20-136

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 200752

Date Passed: September 29, 2020

Motion conditionally disapproving the decision of the Planning Commission by its Motion No. 20681, approving a Conditional Use Authorization, identified as Planning Case No. 2018-011441CUA, for a proposed project at 1846 Grove Street, subject to the adoption of written findings by the Board in support of this determination.

July 28, 2020 Board of Supervisors - CONTINUED

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

August 25, 2020 Board of Supervisors - CONTINUED

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

September 29, 2020 Board of Supervisors - APPROVED

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

File No. 200752

I hereby certify that the foregoing Motion was APPROVED on 9/29/2020 by the Board of Supervisors of the City and County of San Francisco.

A handwritten signature in blue ink, appearing to read "Angela Calvillo".

Angela Calvillo
Clerk of the Board

1 [Preparation of Findings Related to Conditional Use Authorization Appeal - 1846 Grove Street]

2 **Motion directing the Clerk of the Board to prepare findings in support of the Board of**
3 **Supervisors' disapproval of the proposed Conditional Use Authorization, identified as**
4 **Planning Case No. 2018-011441CUA, for a proposed project at 1846 Grove Street.**
5

6 **MOVED, That the Board of Supervisors hereby directs the Clerk of the Board to**
7 **prepare findings related to the Board of Supervisors' disapproval of the proposed Conditional**
8 **Use Authorization identified as Planning Case No. 2018-011441CUA, for a proposed project**
9 **at 1846 Grove Street, Assessor's Parcel Block No. 1187, Lot No. 003H.**
10

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City and County of San Francisco

Tails

Motion: M20-137

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 200753

Date Passed: September 29, 2020

Motion directing the Clerk of the Board to prepare findings in support of the Board of Supervisors' disapproval of the proposed Conditional Use Authorization, identified as Planning Case No. 2018-011441CUA, for a proposed project at 1846 Grove Street.

July 28, 2020 Board of Supervisors - CONTINUED

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

August 25, 2020 Board of Supervisors - CONTINUED

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

September 29, 2020 Board of Supervisors - APPROVED

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

File No. 200753

I hereby certify that the foregoing Motion was APPROVED on 9/29/2020 by the Board of Supervisors of the City and County of San Francisco.

A handwritten signature in blue ink, appearing to read "Angela Calvillo".

Angela Calvillo
Clerk of the Board

1 [Adoption of Findings Related to Conditional Use Authorization - 1846 Grove Street]

2
3 **Motion adopting findings in support of the Board of Supervisors’ disapproval of**
4 **Planning Commission Motion No. 20681, approving a Conditional Use Authorization,**
5 **identified as Planning Case No. 2018-011441CUA, for a proposed project at 1846 Grove**
6 **Street, and the Board’s approval of a Conditional Use Authorization for the same**
7 **Planning Case and property with different conditions; adopting findings of consistency**
8 **with the General Plan, and the eight priority policies of Planning Code, Section 101.1;**
9 **and affirming the Planning Department’s determination under the California**
10 **Environmental Quality Act.**

11
12 WHEREAS, The project (“Project”) would involve the construction of four two-story
13 single-family dwelling units on a vacant lot within an RH-2 (Residential, house - Two Family)
14 and RH-3 (Residential House - Three Family) Zoning District and a 40-X Height and Bulk
15 District; and

16 WHEREAS, On April 9, 2020, the Planning Commission found that the Project is
17 consistent with the General Plan, and the eight priority policy findings of the Planning Code,
18 Section 101.1, for the reasons set forth in Planning Commission Resolution No. 20681, and
19 approved Conditional Use Authorization No. 2018-011441CUA, to allow the construction of
20 four single family homes; and

21 WHEREAS, On November 21, 2019, the Planning Department determined that the
22 Project is categorically exempt from further environmental review; and

23 WHEREAS, On May 11, 2020, Meg Gray and Malinda Steven Kai Tuazon and other
24 property owners affected by the proposed conditional use (“Appellants”) filed a timely appeal
25 protesting the approval of the Conditional Use Authorization by the Planning Commission; and

1 WHEREAS, On September 29, 2020, this Board held a duly noticed public hearing to
2 consider the appeal; and

3 WHEREAS, At the September 29, 2020 hearing, the Board heard extensive testimony
4 about the Project, including information about the project site, which is a “flag lot” that has a
5 50-foot long, 3.5-foot wide breezeway as its sole means of ingress and egress, both during
6 and after construction; and

7 WHEREAS, The project, as approved by the Planning Commission, would allow the
8 construction of four dwelling units in an RH-2 Zoning District where typically only two dwelling
9 units are principally permitted; and

10 WHEREAS, In the event of a fire, earthquake, or other adverse event, residents of the
11 dwelling units and their guests would be required to exit through the narrow breezeway, at the
12 same time that first responders would be required to enter through same; and

13 WHEREAS, Wheelchair users and individuals with mobility impairments would find
14 egress impracticable, and could be at extremely high risk during an emergency; and

15 WHEREAS, Following the conclusion of the public hearing on September 29, 2020, the
16 Board voted to conditionally disapprove the decision of the Planning Commission and to
17 approve the requested Conditional Use Authorization with the following conditions, subject to
18 adoption of written findings by the Board, as reflected in Board of Supervisors Motion No. 20-
19 136: 1) those conditions imposed by the Planning Commission in Planning Commission
20 Motion No. 20681; 2) a limit of two dwelling units on the lot; and 3) a maximum occupancy of
21 16 people; and

22 WHEREAS, In deciding the appeal, the Board considered the entire written record
23 before the Board and all the presentations and public comments made in support of an in
24 opposition to the appeals; and

25

1 WHEREAS, The written record and oral testimony in support of and opposed to the
2 appeal and deliberation of the oral and written testimony at the public hearing before the
3 Board of Supervisors by all parties and the public in support of and opposed to the appeal is
4 in the Clerk of the Board of Supervisors' File No. 200750, and is incorporated in this motion as
5 though set forth in its entirety; now, therefore, be it

6 MOVED, That the Board finds that with the conditions imposed by the Board at the
7 September 29, 2020 hearing, the Project is necessary or desirable for, and compatible with,
8 the neighborhood and the community; and, be it

9 FURTHER MOVED, That the Board finds that the conditions imposed by the Board of
10 Supervisors in Motion No. 20-136 will reduce the size and intensity of the project so that the
11 project is not detrimental to the health and safety of persons living at the Project and nearby,
12 given the significant safety risks presented by the narrow path of ingress and egress, and will
13 prevent adverse impacts by reducing the risk that residents, neighbors, and first responders
14 will be unable to enter and/or exit the lot safely during an emergency; and, be it

15 FURTHER MOVED, That these conditions are consistent with and supported by the
16 Planning Commission's findings of consistency with the General Plan, and Planning Code,
17 Section 101.1, and the Board hereby incorporate these findings and adopts them as its own;
18 and, be it

19 FURTHER MOVED, That on September 29, 2020, this Board affirmed the
20 Planning Department's determination of exemption from further review under CEQA, which
21 affirmation is on file with the Clerk of the Board of Supervisors in File No. 200747 and is
22 incorporated herein by reference.

23
24
25



City and County of San Francisco

Tails

Motion: M20-165

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 201231

Date Passed: November 03, 2020

Motion adopting findings in support of the Board of Supervisors' disapproval of Planning Commission Motion No. 20681, approving a Conditional Use Authorization, identified as Planning Case No. 2018-011441CUA, for a proposed project at 1846 Grove Street, and the Board's approval of a Conditional Use Authorization for the same Planning Case and property with different conditions; adopting findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and affirming the Planning Department's determination under the California Environmental Quality Act.

November 03, 2020 Board of Supervisors - APPROVED

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

File No. 201231

I hereby certify that the foregoing Motion was APPROVED on 11/3/2020 by the Board of Supervisors of the City and County of San Francisco.

A handwritten signature in blue ink, appearing to read "Angela Calvillo", written over a horizontal line.

Angela Calvillo
Clerk of the Board

EXHIBIT B



DISCRETIONARY REVIEW ACTION DRA-851

HEARING DATE: FEBRUARY 29, 2024

Record No.: 2023-006990DRP

Project Address: 1846 Grove Street

Permit Applications: 2019.1224.0493, 2019.1224.0614, 2019.1224.0615

Zoning: RH-2 (Residential, House – Two-Family) and RH-3 (Residential, House – Three-Family)
Family Housing Opportunity Special Use District
40-X Height and Bulk District

Block/Lot: 1187/003H

Property Owner: Green Grove SF LLC (c/o Troy Kashanipour)
2339 Third Street, Suite 43
San Francisco CA, 94107

Project Sponsor: Troy Kashanipour
Troy Kashanipour Architecture
2339 Third Street, Suite 43
San Francisco CA, 94107

DR Requestor: Brian Kingan
627 Masonic Avenue
San Francisco, CA 94117

Staff Contact: Matt Dito – (628) 652-7358

ADOPTING FINDINGS RELATED TO NOT TAKING DISCRETIONARY REVIEW OF RECORD NO. 2023-006990DRP AND THE APPROVAL OF BUILDING PERMIT APPLICATION NOS. 2019.1224.0493, 2019.1224.0614, AND 2019.1224.0615 PROPOSING CONSTRUCTION OF TWO RESIDENTIAL DUPLEXES WITH TWO DWELLING UNITS EACH, FOR A TOTAL OF FOUR DWELLING UNITS WITHIN A RH-2 (RESIDENTIAL, HOUSE – TWO-FAMILY) ZONING DISTRICT, A 40-X HEIGHT AND BULK DISTRICT, AND THE FAMILY HOUSING OPPORTUNITY SPECIAL USE DISTRICT.

Preamble

On December 24, 2019, Troy Kashanipour (hereinafter “Project Sponsor” filed for Building Permit Application Nos. 2019.1224.0493, 2019.1224.0614, and 2019.1224.0615 proposing construction of two residential duplexes with two dwelling units each, for a total of four dwelling units within a RH-2 (Residential, House – Two-Family) Zoning District, 40-x Height and Bulk District, and the Family Housing Opportunity Special Use District.

On January 24, 2011 Brian Kingan (hereinafter “Discretionary Review (DR) Requestor”) filed an application with the Planning Department (hereinafter “Department”) for Discretionary Review (2023-006990DRP) of Building Permit Application Nos. 2019.1224.0493, 2019.1224.0614, and 2019.1224.0615.

Pursuant to Chapter 31 of the San Francisco Administrative Code, the Environmental Review Officer determined that the proposed project, which was originally approved by the Board of Supervisors on November 3, 2020 (Motion M20-165), does not constitute a “substantial modification” as compared to the original project application upon which the categorical exemption dated November 21, 2019 was based. Therefore, no additional environmental review is required.

On January 18, 2024, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing and continued Discretionary Review Application 2024-006990DRP without hearing to February 29, 2024.

On February 29, 2024, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Discretionary Review Application 2024-006990DRP.

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 does not take Discretionary Review requested in Record No. 2023-006990DRP and approves Building Permit Application Nos. 2019.1224.0493, 2019.1224.0614, and 2019.1224.0615.

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

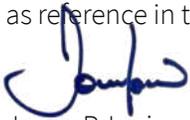
1. There are no extraordinary or exceptional circumstances in the case. The proposal complies with the Planning Code, the General Plan, and conforms with the Residential Design Guidelines.
2. The Commission determined that no modifications to the project were necessary and they instructed staff to approve the Project per plans marked Exhibit A, dated December 24, 2019, on file with the Planning Department.

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 did not take Discretionary Review and approved the building permit as reference in this action memo on February 29, 2024.



Jonas P. Ionin
Commission Secretary

AYES: Braun, Ruiz, Imperial, Koppel, Moore, Diamond

NOES: None

ABSENT: None

ADOPTED: February 29, 2024

EXHIBIT C



SAN FRANCISCO PLANNING DEPARTMENT

Variance Decision

Date: June 19, 2020
Case No.: **2018-011441VAR**
Project Address: **1846 GROVE STREET**
Zoning: RH-2 (Residential, House – Two-Family) Zoning District
 RH-3 (Residential, House – Three-Family) Zoning District
 40-X Height and Bulk District
Block/Lots: 1187/003H
Applicant: Troy Kashanipour
 Troy Kashanipour Architecture
 2325 3rd Street, Suite 401
 San Francisco, CA 94107
Owner: Green Grove SF, LLC
 2325 3rd Street, Suite 401
 San Francisco, CA 94107
Staff Contact: Matt Dito – (415) 575-9164
matthew.dito@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
 Information:
415.558.6377

DESCRIPTION OF VARIANCE – REAR YARD, EXPOSURE, AND BICYCLE PARKING VARIANCES SOUGHT:

The proposal is to construct four two-story, single-family dwellings. The subject property is an undeveloped “flag lot” (a lot with minimal street frontage and a long access path before widening at the rear). The proposed project includes two two-bedroom dwellings and two three-bedroom dwellings. The units range in size from 1,026 to 1,407 square feet. The lot is accessed by a 100-foot long access path from Fulton Street that is three-foot six-inches wide for the first 50 feet and six-foot three-inches side for the remainder of its depth. The subject property is located within both an RH-2 (Residential, House – Two-Family) and RH-3 (Residential, House – Three-Family) Zoning District. The entirety of the proposed development is on the portion of the lot zoned RH-2.

Planning Code Section 134 requires properties in the RH-2 Zoning District to maintain a rear yard equivalent to 45 percent of the total lot depth at grade level and at each succeeding story of the building, unless reduced to the average of qualifying adjacent rear building walls. Two of the proposed four dwelling units will extend to the rear property line. As such, no rear yard is provided in the proposal. Therefore, a variance is required.

Planning Code Section 140 requires all dwelling units in all district to face onto a qualifying open area. Each dwelling unit shall maintain at least one room that meets the 120 square-foot minimum superficial floor area requirement of Section 503 of the Housing Code, and shall face directly onto either a public street, public alley at least 20 feet in width, side yard at least 25 feet in width, rear yard meeting the requirements of the Planning Code, or an open area (whether an inner court or space between buildings on the same lot) that is no less than 25 feet in every horizontal dimension. Two of the four dwelling

units do not face onto an area that meets the requirements of Planning Code Section 140. Therefore, a variance is required.

Planning Code Section 155.1 requires that all Class 1 bicycle parking spaces shall be located on the ground floor within 100 feet of the major entrance to the lobby. There shall be either: (i) convenient access to and from the street to the bicycle parking space and another entrance from the bicycle parking space to the lobby area, or (ii) a minimum five foot wide hallway or lobby space that leads to the bicycle parking major entrance, where direct access to bicycle parking space from the street does not exist. Such access route may include up to two limited constriction points, such as doorways, provided that these constrictions are no narrower than three feet wide and extend for no more than one foot of distance. The proposed project requires a minimum of four Class 1 bicycle spaces and provides 10 spaces. The spaces require travelling through the 50-foot long access path which does not provide a five-foot minimum hallway, as it is only three feet and six inches wide. Therefore, a variance is required.

PROCEDURAL BACKGROUND:

1. The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 3 categorical exemption.
2. Following continuances on November 7, 2019, December 12, 2019, March 12, 2020, March 19, 2020, and March 26, 2020, the Zoning Administrator held a duly public hearing on **Variance Application No. 2018-011441VAR** on **April 9, 2020**. The hearing was held in conjunction with a duly noticed Planning Commission hearing on Conditional Use Application No. 2018-011441CUA. At this hearing, the Planning Commission unanimously approved the Conditional Use Authorization (Motion No. 20681).
3. Planning Code Section 311 notification was conducted concurrently with the required notification for the joint Planning Commission and Variance hearings. Two notifications were conducted. A notification was mailed on October 18, 2019 for the public hearings conducted on November 7, 2019. A second notification was mailed on February 21, 2020 for the public hearings scheduled for March 12, 2020.

DECISION:

GRANTED, in general conformity with the plans on file with this application, shown as EXHIBIT A, to construct four two-story single-family dwellings. Two of the dwellings extend into the required rear yard, two of the dwellings do not provide sufficient access to light and air, and all four dwelling units do not provide sufficient access to bicycle parking.

1. The authorization and rights vested by virtue of this decision letter **shall be deemed void and cancelled** if (1) a Site or Building Permit has not been issued within three years from the effective date of this decision; or (2) a Tentative Map has not been approved within three years from the effective date of this decision for Subdivision cases; or (3) neither a Site or Building Permit or Tentative Map is involved but another required City action has not been approved within three years from the effective date of this decision. However, this authorization may be extended by the Zoning Administrator when the issuance of a necessary Building Permit or

approval of a Tentative Map or other City action is delayed by a City agency or by appeal of the issuance of such a permit or map or other City action.

2. Any future physical expansion, even in the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood character and scale. If the Zoning Administrator determines that there would be a significant or extraordinary impact, the Zoning Administrator shall require either notice to adjacent and/or affected property owners or a new Variance application be sought and justified.
3. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls apply.
4. Minor modifications as determined by the Zoning Administrator may be permitted.
5. The owner of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this Variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.
6. This Variance Decision and the recorded Notice of Special Restrictions shall be reproduced on the Index Sheet of the construction plans submitted with the Site or Building Permit Application for the Project, if applicable.

FINDINGS:

Section 305(c) of the Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

FINDING 1.

That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district.

Requirement Met.

- A. The subject property is an undeveloped “flag lot” (a lot with minimal frontage and a long access path before widening at the rear). At 7,868 square feet, the lot is larger in area than what is typical for the neighborhood. While the subject property has a Grove Street address, the lot fronts Fulton Street between Ashbury Street and Masonic Avenue. The lot has approximately three feet six inches of frontage on Fulton Street, with a 100-foot access path to the widened area at the rear. The access path widens to approximately six feet three inches for the final 50 feet of its depth.
- B. The shape of the lot is irregular and makes a Code-compliant project difficult to develop. The lot has eight sides and varying depths, as opposed to the typical rectangular shape of standard lots.

- C. All dwelling units in all district are required to face an open area, pursuant to Planning Code Section 140. An open area is considered to be a Code-compliant rear yard, a public street, or an interior courtyard of no less than 25 feet in every horizontal direction. The shape of the lot effectively eliminates facing onto a public street as an option for Code-compliance, resulting in a Code-compliant rear yard or interior courtyard as the only options for compliance with the exposure requirement. An interior courtyard is provided that meets the exposure requirement; however, given the size and shape of the lot only two units face onto this area. While the two other units face onto open areas that provide adequate light and air, they do not meet the requirements of the Planning Code and require a variance.
- D. Code-compliant bicycle parking requires a minimum five-foot wide hallway or lobby that leads directly from the street to the bicycle parking area, pursuant to Planning Code Section 155.1. As the only means of access from the street to the development is an access path that is only three feet six inches wide (at the narrowest point), compliance with this requirement is not possible. That the lot only has a three-foot six-inch wide frontage is an exceptional and extraordinary circumstance that is not applicable in other properties or uses in the same class of district.

FINDING 2.

That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in a practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

Requirement Met.

- A. The proposed project contains four two-story single-family dwellings. Literal enforcement of the rear yard requirement would allow larger, more concentrated massing on the north side of the property in the building area. While this massing would be in scale with the rest of the neighborhood, it would provide negative impacts to the neighboring properties in comparison to the proposed project. Additionally, the proposed project is in compliance with the Residential Design Guidelines. Compliance with the Guidelines is a Planning Code requirement, pursuant to Planning Code Section 311. Literal enforcement of the rear yard requirement would prevent the project from providing four dwelling units in a manner that complies with the Residential Design Guidelines and represent an unnecessary hardship not created by or attributed to the applicant.
- B. Granting the exposure variance will allow the property owner to construct dwelling units around the edge of the lot, which is both the most practical design and the most compliant with the Residential Design Guidelines. The shape of the lot makes it infeasible to create a practical design that is compliant with the design guidelines, while also meeting the Code requirement for access to light and air. Literal enforcement of the light and air requirement would be impractical given the constraints the shape of the lot creates and represent an unnecessary hardship not created by or attributed to the applicant.
- C. Literal enforcement of the requirements for access to bicycle parking would render this project infeasible for any development. Because the path to the bicycle parking from the street is a feature of the lot, which cannot be altered, and not one attributable to a proposed building,

there is no Code-compliant alternative. The shape of the lot is a practical difficulty neither created by nor attributable to the property owner.

FINDING 3.

That such variance is necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

Requirement Met.

- A. These variances allow for the creation of four dwelling units on a 7,868 square foot lot that is primarily within an RH-2 Zoning District. A typical development on a standard 2,500 square foot lot in this district would allow for 55% lot coverage and two dwelling units. The subject project (which is located on a lot three times larger than a standard lot) proposes approximately 45% lot coverage and a total of four dwelling units. The addition of dwelling units in a manner which complies with the Residential Design Guidelines is a substantial property right possessed by other property in the same class of district.

FINDING 4.

That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

Requirement Met.

- A. The Project creates four additional dwelling units and has been designed to minimally impact surrounding properties. Therefore, granting the variance will improve the livability of the subject property and will not be materially detrimental to the public welfare or materially injurious to the neighboring properties.
- B. The Planning Department and Planning Commission determined the project to be consistent with the Residential Design Guidelines. The project limits the height of the units to two stories and includes landscaping and living roofs to minimize impacts on the mid-block open space.
- C. The Planning Department received 45 letters of opposition and 24 letters of support for the proposed project. The letters of opposition raised concerns related to fire safety (due to the narrow access path) and impact on the mid-block open space. The Applicant demonstrated that they had reviewed initial designs with the San Francisco Building and Fire Departments, which found the proposal to be feasible and meet minimum fire safety requirements. As noted previously, the project design has been found to comply with the Residential Design Guidelines to minimize impacts on adjacent properties.

FINDING 5.

The granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

Requirement Met.

- A. This development is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. Planning Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. The project meets all relevant policies, including conserving neighborhood character, and maintaining housing stock.
1. Existing neighborhood retail uses will not be adversely affected by the proposed project.
 2. The proposed project will be in keeping with the existing housing and neighborhood character. The proposal will create four dwelling units on the property.
 3. The proposed project will have no effect on the City's supply of affordable housing.
 4. The proposed project does not adversely affect neighborhood parking or public transit.
 5. The project will have no effect on the City's industrial and service sectors.
 6. The proposed project will have no effect on the City's preparedness to protect against injury and loss of life in an earthquake.
 7. The project will have no effect on the City's landmarks or historic buildings.
 8. The project would not affect any existing or planned public parks or open spaces.

The effective date of this decision shall be either the date of this decision letter if not appealed, or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

Once any portion of the granted variance is used, all specifications and conditions of the variance authorization become immediately operative.

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.

Variance Decision
June 19, 2020

CASE NO. 2018-011441VAR
1846 Grove Street

APPEAL: Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 1650 Mission Street, 3rd Floor (Room 304) or call 575-6880.

Very truly yours,



Scott F. Sanchez
Acting Zoning Administrator

THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OCCUPANCY. PERMITS FROM APPROPRIATE DEPARTMENTS MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.

PUBLIC COMMENT

Longaway, Alec (BOA)

From: D. Paul Barnes <barnes.d.paul@gmail.com>
Sent: Wednesday, October 16, 2024 8:57 AM
To: BoardofAppeals (PAB)
Subject: In support of developments at 1819-1825 Fulton St

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Appeals,

I am a current resident of the 1800 block of Fulton St and I would like to share my support for issuing the building permit for the proposed developments on the interior of our block. (Appeal nos. 24-047, 24-048, 24-049)

This city is deep in a housing crisis due to a lack of housing supply. The only way to solve that problem is to add more housing stock. A majority of San Francisco residents, myself included, are renters, and increased competition in the market through addition of units is extremely important to us for keeping rents affordable.

I disagree that any perceived inconveniences with this specific development outweigh its benefits. I reviewed the architectural plans and it's clear that various considerations for the neighbors were included - height limits, sight lines, green roofs, and the preservation of the existing mature tree. And the noise from construction is part of living in a city; as long as it is kept to reasonable hours, I see no reason why a neighbor should be able to hold hostage someone else's property rights for a lawful and well-considered building.

What if the home I live in today was never built because someone in the 1920's was worried about a couple bushes and a few months of noise?

I urge you to deny this appeal and maintain the approval of the building permit.

Thank you,
Douglas Paul Barnes

Longaway, Alec (BOA)

From: Jason Chu <zhutou2002-sfo@yahoo.de>
Sent: Monday, October 21, 2024 12:51 AM
To: Longaway, Alec (BOA)
Cc: Mejia, Xiomara (BOA)
Subject: COMMENT ON APPEAL FILED NO. 24-047 @ 1819-1825 FULTON STREET - PREVIOUSLY 1846 GROVE ST TO BE HEARD BY BOA on 10/30/2024
Attachments: Comments by Planning Commissioners.ppt; letter to appeals board F.docx

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mr. Longaway:

As I understand, an appeal to the approved project at 1819-1825 Fulton St (previously 1846 Grove St) has been filed, and the Board of Appeals will be hearing on the matter on October 30, 2024. I also understand that public comment in the form of letters may be sent to you prior to October 24 so that BOA members may have time to review them.

I have included a letter to the BOA as well as a summary presentation (powerpoint) toward that end.

I am certain that you will hear from many neighbors about how this project is unsafe. Indeed, as someone trained in both public health and in real estate development, the health and safety of the public should be paramount. But I have seen members of the public cut off from expressing their views, and paid lobbyists overwhelming the voice of reason, common sense, and logic that says building in this lot is a very very bad idea.

There are also aspects of history that have been missed, reputation (or disrepute) of the Developer in the media and his modus operandi, and claims that this is supportive of affordable housing when it is clearly NOT affordable housing and will prevent neighbors from building their own ADU's.

Impacts to traffic safety, and hindrance of MUNI / SFMTA vehicles has been glossed over. Destruction of 2 heritage trees has been ignored. Attempts to discuss converting the lot into a public park or community garden have been ignored.

But in the end, it is truly the issue of safety that is PARAMOUNT:

- 1) a 3.2 foot wide covered hallway does not allow ingress/egress freely during or after an earthquake or fire
- 2) the Developers plan to have everyone shelter in place is not viable -- evidenced by mistakes with 9/11 and
Lahaina, Maui

- 3) There are issues with ADA access and safety (Americans with Disabilities Act)
- 4) City engineers and fire department officials FORCED developers to leave these empty donut hole lots all over NOPA and other districts in San Francisco after the 1906 Earthquake and GREAT FIRE to slow spread of fire, and give people the opportunity to escape via their back yards.

This project's developer's design to build zero lot along the perimeter takes away the evacuation method

those engineers and fire safety officials had planned for since 1906.

- 5) The issue of a 25 foot ladder being able to pass through the hallway was touted as a key fire safety requirement, but while the ladder can enter the hallway (assuming no one is trying to escape at the same time because the hallway is too narrow for both), it cannot be extracted from the same hallway on the other side due to the covered nature of the hallway, its narrow width, and the bike storage structure/trash collection shed that the Developer will build at the end of the same hallway.
- 6) The Developer and his partners do not completely OWN the hallway they are using, but instead have an easement more about 1/3 of the hallway. That means high voltage electric, water, gas, etc utilities will not likely be attached to the walls of neighbor's properties, and will have to be stacked on top of each other underground. It is likely obvious that water and electricity do not mix well -- especially after leaks that occur after an earthquake or fire.

I know from my own interactions with DBI, that water supply mains cannot be near electrical panels, so stacking like this likely is not permitted.

- 7) No clear, viable construction plan has been proposed. The Developer intends to use a shopping cart to load and bring materials on-site. Since there is no parking space or garage driveway for this 3 foot wide alley, the Developer will have to block one lane of traffic for the 1-2 years it will take him to complete the construction and his residents will also block traffic as well with no place for their private cars, Ubers to pull in. The 5 and 5R Fulton buses will not only have to swerve out of the way, but will have access to their bus stop on Fulton and Masonic blocked.

- 8) The Developer's definitions and selections of zoning etc are quite fluid and seem to change with each requirement he has to meet... CEQA, Fire, etc. He should be held to a standard that is consistent.

- 9) Without losing living square footage, the Developer could put all buildings in the center of the lot instead of walling off neighbors with 2 story shoebox monoliths (he touts living, slanted roofs, etc, but of course omits all 3-D renderings of the 2 story rectangle monolith he is building (#4) zero lot on the Southern perimeter. He also neglects to show how the second floor has no setback.

Thank you for passing this email and the two documents attached to members of the Board of Appeals. It is my sincere hope that with wise input from the experts at DBI, consideration of the objections/questions that Planning Commissioners raised, the previous UNANIMOUS decision not to permit the project as proposed, and potential to make this a community garden instead to serve school children, aid with food security, and unite the neighborhood while maintaining fire safety, you and the BOA will choose to stop this development.

If he is allowed to continue, then the zero lot variances he is asking for should be revoked such that his buildings are relocated to the center of the lot so that he is not permitted to use his neighbor' backyards as effective setback and buffers. He would lose no living square footage and perceived open space would be doubled. The ability for his residents and his neighbors to evacuate would also not be lost (city engineers and fire officials since 1906) if buildings were placed in the center of the lot instead of the perimeters.

Thank you in advance for your great service to the residents of San Francisco.

Sincerely,

Jason Chu, MPH
Director-elect, San Francisco Assoc. of Realtors

1819-1825 Fulton Street

Comments and Questions by Planning Commissioners
That Have Never Been Addressed
By Luxury Condo Developers

Jason Chu, MPH
Director-Elect, SF Board of Realtors

Real Estate Developer and Licensed Realtor since 1991

Flawed Feasibility of Construction

Commissioner Diamond:

- "Zero lot lines, I don't understand how you are constructing this with a 3' work passageway. Less density may address some of these issues. I'm hopeful you work on this and come back and address the concerns you heard today."

Commissioner Diamond and the then President of the Planning Commission both had similar responses when the Developer said he planned on using shopping carts and wheelbarrows to carry materials in to the construction site.

Utilities Cannot be Stacked

- Since each wall and the covering of the hallway belong to neighbors, it is unlikely they will allow attachment of gas, high voltage electricity, water or telecomm cables and pipes to their properties. This means utilities will have to be stacked and buried under $\frac{1}{2}$ of the width of the hallway (only part is owned by the Developer and the other half owned by the neighbor).
- Basic building code prohibits water and electricity from being “stacked on top of each other” as water will conduct electricity and short electrical lines. Public safety and exit via that hallway will be prevented if water leaks become “electrified” after damage from earthquake or fire.

Fire Safety Issue: A 25 foot ladder can be brought into the covered hallway, but it cannot be extracted on the other side!



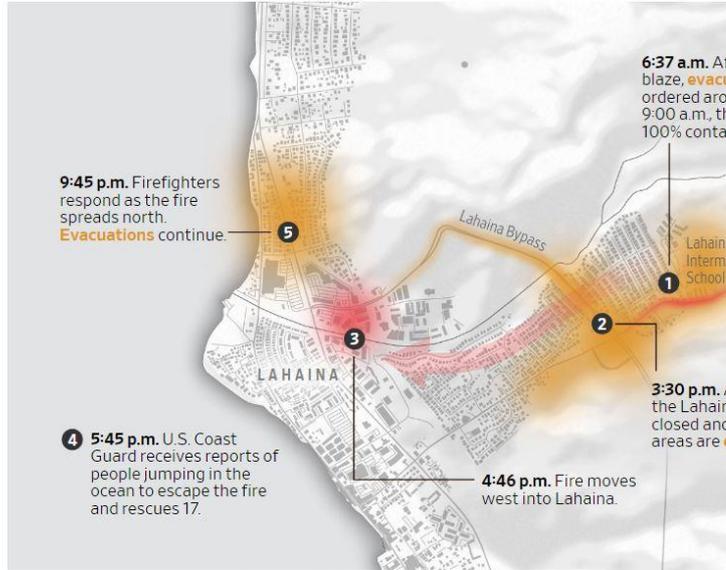
The 25' ladder requirement for fire safety has been talked about, and yes you can get a 25' ladder into the hallway, but **due to its covered nature, and a bike storage building at the end of the hallway, you cannot TURN or get that Ladder out of the hallway!**

Certainly if the hallway is blocked due to fire or earthquake debris, or injured residents, NO ONE and NO LADDER is going to even get OUT of that hallway!

Fire Safety Issue 2: These donut hole lots were purposely reserved throughout NOPA as a Fire Prevention and Safety Measure!

- You may have wondered why there are dozens of these landlocked “donut hole” lots all over NOPA. Certainly past property developers/builders would not have left land unused if they could help it.
- They were required to keep these lots open!
 - City Architects and Fire Prevention Engineers purposefully kept these “donut hole” lots in place throughout NOPA and other neighborhoods in San Francisco as a fire spread prevention buffer and as a safety retreat area.
 - They stem from lessons of the Great Fire after the 1906 Earthquake.
 - **Why would you go against the wisdom of previous fire fighters and city engineers who knew that leaving open space in the middle of the block would slow spread of fire and give people a way to evacuate over fences to other neighboring lots. This project prevents that evacuation method!**
 - And why would you choose a death trap design that only offers 1 way in and out and less than the 36” width needed for common garage to living space doors and all ADA compliance bathrooms?
 - Lahaina, Maui has 1 main highway through town which means 2 ways out! Cars and people were burned alive as gridlock and bottlenecks blocked those 2 exits. A third road into the mountains was blocked as fire came from that direction.

3 ways out in Lahaina. Only 1 here.

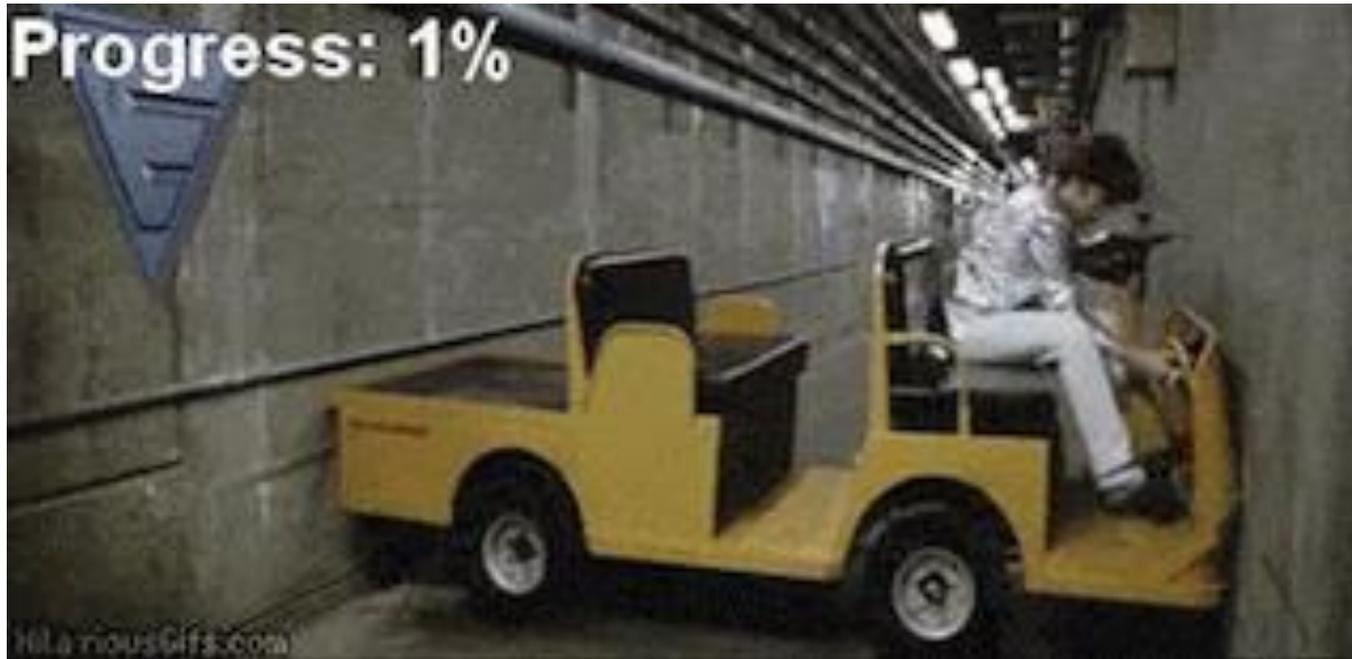


Commissioner Fung not only recognized a “zero lot” issue but questioned noise impact and sensitivity to neighbors needs

Commissioner Fung

- “How is the noise handled, right up against the property line. See if they can come to a more sensitive design.”

Both construction and fire equipment face the Austin Powers Problem!



[Click here for full video](#)

The green areas are a deceptive setback limited to the 2nd floor. Actually building is “zero lot’



Questions from both Commissioners and the Public That Have Never Been Answered By Developer

- Why not build in the center of the empty lot so that open space for your residents meets open space for neighbors creating a feeling of MORE OPEN SPACE without losing living area square footage
 - Your design walls off neighbors, using their backyards as your “set back”, and
 - Effectively prevents them from ever building ADU’s due to the needed setback and % open space requirement in their backyards.
 - **ALLOWING CONSTRUCTION LIKE THIS PREVENTS THE BUILDING OF MORE AFFORDABLE HOUSING BY NEIGHBORS!**

Building 4 has no sloped or living roof, is Zero Lot, and is a 2 story shoebox with no architectural merits. But “conveniently” there are **NO** 3-D diagrams from the Grove St facing North direction! This isn’t innovative architecture. Its creative omission!

Project kills 2 trees in the NW corner that have lived for over 75 years.



SHOEBOX BUILDING AGAINST FENCE LINE. NO SECOND FLOOR SETBACK TO SPEAK OF.

CoViD-19 Memorial Garden / Mayor Ed Lee Garden?

Can this lot be maintained as a public park or community garden?

Benefits for neighborhood use of open space, educational programs for SFUSD schools



Paid YIMBY Lobby Will Lead You Astray

- YIMBY wants you to think this is about building more affordable housing. These are really 4 luxury condos that will sell in the \$1.4 to \$1.5 M range each.

YIMBY's funding by luxury (high-priced) real estate developers is well established.

Fact-checking shows their claims with regard to this development on their website to be FALSE!

No Parking Spot, No Driveway, Blocked Traffic and Blocked SFMTA Bus Lines

The Developer tried to get this project approved under 1846 Grove since the noise, traffic and congestion associated with a Fulton St address would lower property value. A traffic impact study might also be in



YIMBY Fact-Checked



1846 Grove Street

CLAIM: 8 homes blocked **FALSE**

FACT: In the interest of fire safety, this proposal was reduced from a 4-unit to a 2-unit by a unanimous Board of Supervisors.

Their math may be wrong, but it is accurate that Supervisor Preston asked the developer to scale back their 4 unit proposal to 2 units, on a strange internal lot abutted on all sides by existing housing in the North of Panhandle neighborhood. Neighbors of the adjacent buildings raised concerns about fire access in an appeal to the Board of Supervisors. The heart of their concern: if the project is considered to be a single, four-unit proposal, then the tight quarters for firefighter access – a few feet between the existing structures – would make it ineligible under the Fire Code. But because the developer split the two buildings into two separate two-unit buildings, they were able to take advantage of a loophole that allowed for a smaller egress. But the point remained – the number of people who would need to be evacuated in the event of a fire would be the equivalent to a 4-unit building. Supervisor Preston believed a two-unit project would be safer, and asked the developer to scale back, so it is accurate that he supported a slight reduction in size of this small project. But approving two units of market rate housing instead of four units of market rate housing, in the name of fire safety, is hardly a scandal in the way YIMBY frames it to be. Notably, the vote at the Board of Supervisors on this was unanimous 11-0.

Loophole explained: "If the occupancy of the building is R2, the minimum width of the egress court is 44 inches even if the total occupant load from all buildings is less than 50. If the occupancy of the building is R3, and the total occupant load from all buildings is less than 50, the minimum width of the egress court is 36 inches. If the total occupant load from all buildings is 50 or more, the minimum width of the egress court is 44 inches no matter whether the building is classified as R3 or R2 occupancy."

<https://www.deanshousingrecord.com>

Who is YIMBY?

YIMBY, an acronym for "Yes in My Backyard," positions itself as a grassroots movement, when it fact is better understood as an astroturf campaign for real estate developers and the upper class that benefits directly from luxury housing. Founded in response to public backlash against the largest tech companies contribution to gentrification in the Bay Area, SF YIMBY and a constellation of YIMBY organizations are bankrolled in large part by developers, real estate lobbyists, landlord's attorneys and tech executives. Their agenda is positioned as simply "pro-housing," but the policies they push are a repackaged version of the deregulation, trickle-down Reaganomics agenda. Every rule that seeks to ensure social benefit from housing development – affordable housing requirements, for example – are tools that "block" more housing under the YIMBY framework. While there is no doubt that some members genuinely believe that their agenda may result in more housing affordability, with [deep ties](#) to right-wing think-tanks and the likes of the Koch brothers, YIMBY leadership is pushing a political agenda to defeat anyone who questions their "the market will fix it" mantra. The issue they won't address is, fix it for whom?

What is their "report"?

In November 2021, SF YIMBY members published a [website](#), presenting itself as an academic report, full of misinformation about Supervisor Preston's track record. They completely ignore Preston's extensive housing accomplishments. They claim that by seeking amendments to a state bill – a bill that was not up for vote by the Board of Supervisors – that is somehow the same as "blocking" all of the housing theoretically allowed had that bill passed; that by listening to community demands for additional study on gentrification impacts, he somehow "blocked" every conceivable units on a proposed rezoning plan; and that by demanding more concrete affordable housing commitments for a major expansion of the USCF campus, it is the same as opposing "the expansion of a public hospital during a pandemic." The site also continues to list the project at 650 Divisadero Street as somehow being "opposed" by Preston, despite the fact that his successful efforts to raise affordable housing funds are what is making the 100% affordable project there possible.

1819-1825 Fulton Street

**PLEASE JOIN THE UNANIMOUS BOARD OF SUPERVISORS
AND DO NOT ALLOW THE BUILDING OF THIS PROJECT AS PROPOSED.**

**DO NOT ALLOW THE DEVELOPER TO WALL IN NEIGHBORS AND USE THEIR
BACKYARDS AS HIS "SET BACK" AND PREVENT NEIGHBORS FROM BUILDING ADU's**

CORRECT THE ISSUES WITH FIRE SAFETY (including stacked utilities)

**CONSIDER THE NEIGHBORHOOD PROPOSAL (WHICH THE DEVELOPER HAS REJECTED)
TO WORK WITH THE PARKS TRUST, SFUSD, OR THE SF PARKS ALLIANCE TO MAKE THIS A
COMMUNITY GARDEN NAMED AFTER THE LATE MAYOR LEE OR ANOTHER
PUBLIC SERVANT OF NOTE!**

September 13, 2024

City and County of San Francisco
Board of Appeals

Re: 1846 Grove St
now called
1819-1825 Fulton Street

Dear Sir or Madam:

As I understand on October 30, 2024, you will hear and decide on the matter of development in the empty “fire safety lot” the developer had chosen to name 1846 Grove St, and now is named 1819-1825 Fulton Street as the only access point to the property is a covered 3.2 foot-wide easement on Fulton St.

This need to restate the project address is just the tip of an iceberg of ways this developer has found to skirt or avoid reviews for safety, environmental impact, and traffic congestion (including hindering the busy 5 Fulton SFMTA bus line). **I ask that you please review this letter prior to your hearing on October 30, 2024, and welcome the opportunity to meet with any or all of you at the proposed site to give you a first hand understanding of the issues impacting health and human safety as well as other issues that may not only allow the development to proceed, but with better outcomes for all – developer and neighbours alike.**

KEY TOPICS IN THIS LETTER:

- A. **SHELTER IN PLACE ONLY DURING DISASTER**
- B. **AMERICANS WITH DISABILITIES ACT VIOLATION**
- C. **FIRE SAFETY** (25 ft ladder; and original intent for these lots)
- D. **“SLICK” PRACTICES** (ZONING, CEQA, PUBLIC MEETINGS, 3-D DRAWINGS OMISSIONS, EFFECTIVE “ZERO-LOT” CONSTRUCTION, AFFORDABLE HOUSING, **TRAFFIC CONGESTION and SFMTA vehicle hindrance**, HERITAGE TREE PRESERVATION)
- E. **PLANNING COMMISSION OBJECTIONS**
-- No clear, feasible construction plans
- F. **WISDOM OF PRIOR SAN FRANCISCO OFFICIALS, FIRE OFFICIALS, CITY ARCHITECTS** (UNANIMOUS DECISIONS AGAINST CONSTRUCTION)
- G. **ENVIRONMENTAL IMPACTS / COMMUNITY GARDEN (CITY PARK)**

A. SHELTER IN PLACE ONLY DURING DISASTER

As you will undoubtedly hear from the neighbors and neighborhood groups like, the primary and most important objection to building on this lot is SAFETY in the event of an earthquake or fire. There is only one way to enter or exit the property, and that is by a small 3.2 foot wide covered hallway on Fulton St.

This poses multiple problems:

1) two persons cannot easily pass each other in the hallway and certainly persons would be unable to pass emergency responders carrying or wearing bulky gear such as tank-respirators, fire-retardant suits, gurneys, ladders, etc. **This would either prevent emergency responders from entering the property to fight fire or rescue occupants; and this also prevents residents from exiting the premises – BOTH of which the Developer fully acknowledges.**

In fact, the developer has suggested in open Planning Commission hearings that his sole plan for protecting human life in the event of an emergency is to “shelter in place”.

As presented in a Planning Commission earlier this year, 3 examples were cited for why “shelter in place” cannot be the primary, and in this case the ONLY disaster plan:

1) 9/11 – Had all the people in the steel girder constructed Twin Towers sheltered in place, they would all be severely injured or dead. A lot of the deaths and injuries suffered by 9/11 victims were due to building occupants told to “shelter in place” initially, taking away valuable time to evacuate.

2) Lahaina, Maui. The entire town of Lahaina was destroyed by wildfire due to bottlenecks cause by the towns only 2 entry/exit points along the same road. \$3 billion dollars in damage, and lost lives resulted because the residents were forced to flee through a single road along the coast. In the hearing, pictures of cars where residents left them to be engulfed by flame show the danger of having only 2 ways to exit. There actually was a third road up into the mountains but that was blocked by fire.

In the case of 1819-1825 Fulton Street, the residents don't even have 2 ways to exit. They have only this hallway where 2 people cannot pass each other easily to escape with their lives!

3) Comically, I presented a clip from the movie Austin Powers, in which the lead character could not exit a narrow hallway in a golf cart/maintenance vehicle. He took 2 whole minutes to complete a 3 point turn in the hallway during an emergency. This is hilarious in a movie, but it would mean death to residents or emergency personnel if the hallway was somehow obstructed or if a crucial piece of equipment could not be turned or moved through the hallway. (As described below, even a 25 foot long ladder commonly used by fire personnel would not be able to be extracted from this hallway.)

B. AMERICANS WITH DISABILITIES ACT VIOLATION

1) As anyone who has used a ADA-compliant bathroom or doorway can attest, it is important that someone in a wheelchair be able to effectively turn a full 360 degrees and ingress/egress a building structure easily. The single narrow hallway described above does NOT allow someone in a wheelchair to turn 360 degrees with any ease, and would certainly be an issue in the event of earthquake debris (e.g. the overhead “covering” of this hallway falling down in an earthquake), first responder equipment, or fire blocking the same. To someone in a wheelchair, this covered hallway is a potential deathtrap.

The developer has had opportunity to purchase other properties surrounding this lot but has not made a single offer to purchase as far as neighbors understand. By opening up a garage portal to the back of a neighboring property, the issues of the narrow hallway “go-away”.

C. FIRE SAFETY (25 ft ladder; and original intent for these lots)

1) One of the key factors for fire safety “passing”, is that a 25 foot ladder commonly carried on fire engines/trucks be able to be deployed on site. While no one argues that – without any one else in the hallway or debris blocking the path – a 25 foot ladder can be brought through the 3.2 foot wide hallway, what has been glossed over is that the ladder cannot be extracted from the same hallway once it is brought to the end. The reason for this is that the Developer has a bike/storage/trash structure planned at the end of the hall way that would prevent that ladder from turning.

I beg you to consider one of your own “furniture-moving” experiences in your own lives. Have you ever had to take a long sofa or couch into a room, and discover that while you can traverse the hallway leading to the target room, once you try to make a turn into that room, the narrowness of the hallway keeps you from turning? Now imagine there is a wall of a storage/trash structure blocking you just feet from the edge of that narrow hallway. Now you can’t turn and you can’t go straight either!

2) One thing many people have neglected to ask during the reviews of the Development plans, is why this open space even exists in the first place!

It exists because fire department leadership, and city engineers and architects designed them to be there! In fact all over the neighborhood and north to Van Ness Avenue, these “fire safety lots” in the middle of neighborhood blocks exist in great number.

From lessons learned after the 1906 earthquake and Great Fire, and due to a large number of homes still being gas-lit, in their wisdom, San Francisco engineers and architects forced developers to leave empty “doughnut” holes to

- a) residents to escape if the frontages of their homes or gardens were not accessible or too close to burning buildings or falling debris,
- b) create a “fire break” which would slow fire progression within the block and from block to block

A happy side-effect of this was an open space that all could enjoy in a town becoming urbanized so very quickly.

D. “SLICK” PRACTICES (ZONING, CEQA, PUBLIC MEETINGS, 3-D DRAWINGS OMISSIONS, EFFECTIVE “ZERO-LOT” CONSTRUCTION, AFFORDABLE HOUSING, TRAFFIC CONGESTION, HERITAGE TREE PRESERVATION)

1) ZONING and CEQA: The Developer has not dealt in “good-faith” with either neighbors or the City. As I am sure you will read in detail from briefs from the neighborhood groups and neighbors, as well as from reviews by CEQA consultants and fire safety consultants, the Developer has changed classification of his project to meet requirements, and to skirt others. Now, doing that acceptable and

no one is denying that “re-classification is not possible.” The problem is that this Developer will assume 2 different zoning classifications AT THE SAME TIME to avoid compliance – something the ENTIRE SF BOARD OF SUPERVISORS found him guilty of doing.

The Developer must decide once and for all what zoning he wants to use, and then adjust his building plans to meet the requirements, not claim RH-2 then RH-3 at the same time. If he needs to change zoning , then do it the right way and apply but again not keep both and use one or the other when he “feels like it”.

The Developer is well known in the Glen Park area for building his own home, and having the same modus operandi when it comes to ignoring public input, flip-flopping between different classifications of construction, zoning or building method to meet different requirements at different times. Far too many articles in the news paper and protests against his development practices exist to be ignored. A leopard does not change spots.

2) PUBLIC MEETINGS

The Developer has claimed there has been no to little opposition to his project. However, 27 neighbors forming a group, the unanimous decision by the SF Board of Supervisors (including pro affordable housing champions), and the very fact that you are hearing this matter on the Board of Appeals says otherwise.

The Developer will claim he held public meetings for feedback but he does not reveal to you that he changed the location of those meetings the day of the meeting and only by posting a small 8.5x11 sign on the gate on Fulton St (not Grove St as there is no frontage there) hours before the meeting he claims “no one showed up from the neighborhood”. When he does receive feedback or suggestions, he dismisses them “off hand”.

The Planning Commissioners actually suggested during an initial hearing that the Developer take the opportunity to talk to the neighbors who were clearly upset by their inability to voice their questions, suggestions or opinions due to the practice noted above.

That afternoon, the neighbors did meet with the Developer in the hallway outside the hearing room. At that meeting, I suggested that:

ALOT OF OBJECTIONS WOULD BE ELIMINATED BY BUILDING IN THE CENTER OF THE LOT; AND NOT ON THE PERIMETER

Basically, I suggest that if he constructed the exact same buildings (i.e. have the same living square footage and amenities) but instead of walling off neighbor by building literally “right up against their backyard fences” (aka “zero lot”), he could concentrate his structures in the center of the empty lot.

This would create an open space buffer between his buildings and the neighbors fences. Currently his plan walls off neighbors and uses the neighbors backyards as a the only open space buffer. By flipping the construction around and having his yards facing the backyards of neighbors, a larger feeling of “open space” is created not just for the neighbors but also for his residents!

It would bring more light to his buildings and would not create a claustrophobic effect. Also, if needed, in an emergency, the open space is now doubled and people could get away from structures more easily, as well as jump over fences to waiting neighbors if needed. **As proposed constructing buildings on the perimeter zero lot prevent people from escaping.**

His answer. “Nope, not doing that”. No discussion. He just turned away from me. I have sent letters to his office and brought up this idea of building in the center to both his residents and the neighbors’ mutual benefit WITHOUT ANY LOSS of living space or garden space, with greater fire safety, but none of my letters were ever answered. I brought the issue up again in a Zoom meeting with the Developer and other neighbors, and he promised to get back to me in that meeting – again nothing.

3) 3-D DRAWING OMISSION

The Developer will undoubtedly show you beautiful 3-D color renderings of his project. They show angled, living roofs and structures that have heights just over the normal fence height of neighboring backyards.

However, all too conveniently, the 2 story shoe box structure (with no architectural merits like an angled, living roof, or even a designed facade) that abuts 1834 Grove, 1840 Grove and 1850 Grove is completely omitted from those gorgeous 3-D renderings.

Sight lines for those same drawings are at angles which show off open space within his project site, but without showing one from the backyard of any of these three properties facing his development, you would not know a **2 story monolith** straight out of 2001 Space Odyssey is blocking both light and view for neighbors. The claustrophobic effects are similar to standing 1 foot in front of a 12 foot tall wall at the Board of Appeals hearing room and looking up only to see the flat panel wall!

****** Please ask for renderings of this 2 story box of a building as if you were a person standing on the ground facing North in the backyard of 1834/1840/1850 Grove St before you make any decision!***

4) TRAFFIC CONGESTION / HINDRANCE TO SFMTA VEHICLES ISSUES (UNADDRESSED)

The Developer has been finally forced to use Fulton St as the address for this development. There is no access point or even frontage on Grove St. The reasons are very clear for his initial choice:

a) there is no parking space or driveway in front of the alleyway entrance for this project. That means cars will need to double park on a very busy Fulton St (near the University of San Francisco and at the very busy and often gridlocked Masonic/Fulton interjection). Even worse, the 5 Fulton and 5R Fulton would not be able to circumvent double parked cars without significant effort and danger to lanes of traffic.

b) since the Developer has no way to access the project site other than the small alley way which does not have a parking space in front or even a driveway, the Developer will be forced to block one lane of traffic and SFMTA vehicles for a prolonged time – especially since he plans to unload and transport all building materials using a shopping cart and/or wheelbarrow.

c) the use of a Fulton St address diminishes the value of the project for the Developer due to heavy traffic and congestion associated with Fulton St vs. Grove St.

d) Traffic impact studies may be needed on a Fulton St vs Grove St site address

5) THIS IS NOT AFFORDABLE HOUSING AND MAY INDEED PREVENT AFFORDABLE HOUSING FROM BEING BUILT

The Developer would like everyone to think that this project is helping to ease the affordable housing crisis in San Francisco. Actually, to build this project using only wheelbarrows and shopping carts, and given the types of materials, special utilities connections, and safety issues, a good estimate for these 1-2 bedroom condos is between \$1.4 and \$1.5 M each. Hardly affordable.

Additionally, each of the 27 affected neighbouring properties may be prevented from building an ADU – 27 potential ADU’s that would actually improve the affordable housing situation in NOPA. The planning department will inform you that each property is assessed on its own merits. And that is 100% true. However, neighboring properties do impact whether extensions and ADU’s can be built.

The Developer is essentially building zero lot, 2 story buildings. If I as a neighbor wanted to build a new structure ADU, first, I would not be normally allowed to build zero lot and a setback is required. Second, if there is a structure on a neighboring lot already built zero lot, that set back becomes even more important especially since windows would be blocked and fire hazards might be created by having 2 buildings so close to each other.

Another issue is the ratio of structure footprint to open space footprint. With arguably a larger set back required, there will be less distance between the original main structure and the ADU structure, limiting open space and usability.

6) Heritage Tree Preservation

The Developer has touted his love for one of 3 heritage trees on the lot (the Coastal Oak in the SE corner of the lot). Frankly, he doesn’t have a choice in the matter and must save the tree due to regulations. However, 2 trees that were already several decades old when I first encountered them in 1985 will be destroyed in the SW corner. These 70+ year trees are not on the Developer’s “love list”.

E. PLANNING COMMISSION OBJECTIONS OR CONCERNS REMAIN UNADDRESSED

During Planning Commission hearings, the Developer was asked to answer specific questions and provide greater detail. He has not done any of these.

Key items Planning Commissioners asked the Developer to address:

1) “I need to see more detail around construction planning. I cannot believe you intend to build all of this using a shopping cart and a wheelbarrow as you, yourself, claim. It doesn’t seem feasible.”

2) “I would like to see more information about how you intend to address the issue of fire safety, particularly with only this narrow pathway as the only form of entry and exit. It seems you have the

opinion of a retired fire marshall, but more up-to-date fire codes since his retirement may need to be addressed.”

3) “I would like to hear how you have addressed the concerns of the neighbors here who seem to all echo a lack of cooperation or dialogue.”

4) “I would like to know if there is any validity to one neighbor’s claim that if you are allowed to build up to his fenceline, his ability to build an ADU is impacted or hindered as he would be required to have setbacks to your structures so close to the property line. Your neighbor has to comply with setback requirements and total open space to structure percentages. We may be preventing much needed housing from being built on the adjacent 27 lots by allowing your proposal as presented.”

(As I noted above, I asked the Developer to consider building in the center of his lot, but this point brought up in the PC hearing is a good one to investigate. By allowing Zero Lot construction here, will I be prevented from building an ADU due to a) setback requirements, and b) requirements for open space on my lot once those setbacks are adhered to?)

As the then head of the Planning Commission noted prior to her leaving the seat for another role, she did not find that the constructions plans were well developed. She found it incredulous that the Developer intended to build all of the structures proposed using a wheelbarrow or a shopping cart.

It became clear too that the developer has no plans for bringing in high voltage power lines, water, and natural gas lines, into the site, as the only space available to him is in the narrow 3.2 foot pathway. Since it is covered by another neighbor’s property, and part of the pathway is granted only as an “access easement”, it is unlikely that the Developer will be able to attach such high voltage or other utility lines to structures that do not belong to the vacant lot owners, and also would not be able to violated easements for “access only” by burying the same utility lines under that same hallway.

Additionally there are code restrictions when stacking water, electricity, and gas lines. Basically, as any PGE or SF Water utility worker will tell you, or really, anyone who has used a hair dryer near a sink will tell you, electricity and water don’t mix well.

Since the same pathway is the only means of entry or exit, I would futher aruge that any damage to those utilities would block the ingress or egress by that pathway.

F. WISDOM OF PRIOR SAN FRANCISCO OFFICIALS, FIRE OFFICIALS, CITY ARCHITECTS (UNANIMOUS DECISION AGAINST CONSTRUCTION)

In addition to the argument for keeping these lots open to prevent the spread of fires and to provide an escape route if trapped, as San Francisco City Architects and Engineers intended; it is important to note that the FULL BOARD OF SUPERVISORS, reviewed the plans and found that the Developer did not address the issues against his constructions plans – particularly around those regarding health and human safety.

UNANIMITY at the Board of Supervisors is rare; and that decision speaks volumes as to the unsafe nature of this project.

Development of property can be politically charged, especially as San Francisco facing a housing shortage and crisis. However, the Board of Appeals has an opportunity to side with the UNANIMOUS Board of Supervisors against this development. The BOS felt that despite the politics, the safety of San Francisco residents took precedence – PERIOD.

Please do not allow politics to sway you here. This is not about affordable housing, or even shady development practices. Objections to development on this lot as planned are really about safety. In the end, when a tragedy like Lahaina, Maui stikes and people cannot get out of this development, the Board of Appeals was the last line of defense for the people of San Francisco, and the Board of Appeals will have the opportunity to show safety comes before Developer profits.

G. ENVIRONMENTAL IMPACTS / COMMUNITY GARDEN

The Developer will be quick to say he “loves the Heritage Oak” on the lot and will do everything to protect it. However, his flip-flopping manipulation of zoning to meet CEQA requirements shows that the tree is really only an obstacle he needs to embrace to appear environmentally friendly. There are 2 other trees in the SW corner of the lot that have been there more than 70 years and he makes no mention of how he will rip them out to build a courtyard for one of his structures.

The neighborhood group and independent neighbors have proposed that the land be acquired by the City of San Francisco, the Parks Trust, or the SF Parks Alliance to be used as a park or community garden named after the late Mayor Ed Lee, or perhaps dedicated to the first responders who helped fight CoViD-19. The Developer denies this was ever suggested. Pure fabrication on his part as then SF Rec and Park Commissioner, David Lee, can easily attest.

Clearly an environmentally-friendly, educational, and community building garden or park would be a better use of this “fire prevention and evacuation reserved lot” than luxury condominiums that reduce open space, and kill two 70 year old trees.

Thank you for taking the time to read this letter. It details background, history, and issues that are not easily brought up in a 2-3 minute presentation time. As Board of Appeals members, you are San Francisco’s final defense in protection of life and property, and you must oppose this Developer’s project as the unanimous Board of Supervisors did last year.

Sincerely,

Jason Chu, MPH (Master’s in Public Health)
Director-Elect, San Francisco Board of Realtors
Broker, Ambiance Real Estate

Longaway, Alec (BOA)

From: Jimmy Pon <jimmy_pon@yahoo.com>
Sent: Wednesday, October 23, 2024 9:37 AM
To: BoardofAppeals (PAB)
Subject: Opposition to 1819-1825 Fulton St Development Project

Follow Up Flag: Follow up
Flag Status: Completed

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board Members,

I am in favor of the appeal and opposed to the issuance of the permits enabling the 1819-1825 development project. There are two primary reasons for my opposition:

First, the development project is unfair – it questionably obtained a variance enabling it to essentially benefit from setback requirements by usurping the open space of its many adjoining neighbors, I believe 17. The variance permitted this project from the requirement of having back yards which provides distance from its adjoining neighbors' structures. Instead, it allows construction right up to the fence lines and permits the project to have a central courtyard which only they can enjoy.

Second, I believe this project is an attempt at an end-run around the Board of Supervisors' restrictions imposed due to safety concerns. I agree with the Board of Supervisors that this project is unsafe and I see no change from the plans submitted to it to mitigate the Board's concerns. The approval and construction of this project will endanger our neighborhood and its residents who reside here.

Please uphold the Board of Supervisors' unanimous decision, protect my neighbors by revoking the permits and reaffirming the Board of Supervisors' restriction of the allowed units to two.

Sincerely,

Jimmy Pon
Owner of 1833-1835 Fulton St. San Francisco Ca. 94117

Longaway, Alec (BOA)

From: John-Mark Ikeda <jmikeda@gmail.com>
Sent: Wednesday, October 23, 2024 11:40 AM
To: BoardofAppeals (PAB)
Subject: Opposition to 1819-1825 Fulton St Development Project

Follow Up Flag: Follow up
Flag Status: Completed

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Dear Board Members,

I am in favor of the appeal and opposed to the issuance of the permits enabling the 1819-1825 development project. There are two primary reasons for my opposition:

First, the development project is unfair – it questionably obtained a variance enabling it to essentially benefit from setback requirements by usurping the open space of its many adjoining neighbors, I believe 17. The variance permitted this project from the requirement of having back yards which provides distance from its adjoining neighbors' structures. Instead, it allows construction right up to the fence lines and permits the project to have a central courtyard which only they can enjoy.

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Please uphold the Board of Supervisors' unanimous decision, protect my neighbors and my family by revoking the permits and reaffirming the Board of Supervisors' restriction of the allowed units to two.

Sincerely,

John-Mark Ikeda
1829 Fulton Street - the varian impacts my property and I live next door to the only point of ingress/egress.

Longaway, Alec (BOA)

From: Judy Lee <judywinglee@yahoo.com>
Sent: Wednesday, October 23, 2024 3:36 PM
To: BoardofAppeals (PAB)
Subject: Opposition to 1819-1825 Fulton St Development Project - URGENT

Follow Up Flag: Follow up
Flag Status: Completed

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board Members,

I am in favor of the appeal and opposed to the issuance of the permits enabling the 1819-1825 development project. There are two primary reasons for my opposition:

First, the development project is unfair – it questionably obtained a variance enabling it to essentially benefit from setback requirements by usurping the open space of its many adjoining neighbors, I believe 17. The variance permitted this project from the requirement of having back yards which provides distance from its adjoining neighbors' structures. Instead, it allows construction right up to the fence lines and permits the project to have a central courtyard which only they can enjoy.

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Please uphold the Board of Supervisors' unanimous decision, protect my neighbors and my family by revoking the permits and reaffirming the Board of Supervisors' restriction of the allowed units to two.

Sincerely,
JUDY LEE
773 - 19th Avenue
San Francisco, CA 94121

Sent from my iPad

Longaway, Alec (BOA)

From: Lorinda Zheng <lorinda321@yahoo.com>
Sent: Wednesday, October 23, 2024 3:46 PM
To: BoardofAppeals (PAB)
Subject: Opposition to 1819-1825 Fulton St Development Project

Follow Up Flag: Follow up
Flag Status: Completed

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Dear Board Members,

I am in favor of the appeal and opposed to the issuance of the permits enabling the 1819-1825 development project. There are two primary reasons for my opposition:

First, the development project is unfair – it questionably obtained a variance enabling it to essentially benefit from setback requirements by usurping the open space of its many adjoining neighbors, I believe 17. The variance permitted this project from the requirement of having back yards which provides distance from its adjoining neighbors' structures. Instead, it allows construction right up to the fence lines and permits the project to have a central courtyard which only they can enjoy.

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Please uphold the Board of Supervisors' unanimous decision, protect my neighbors and my family by revoking the permits and reaffirming the Board of Supervisors' restriction of the allowed units to two.

Sincerely,
Lorinda Zheng

Longaway, Alec (BOA)

From: Gordon Lai <glai15bu@gmail.com>
Sent: Wednesday, October 23, 2024 4:48 PM
To: BoardofAppeals (PAB)
Subject: Opposition to 1819-1825 Fulton St Development Project [URGENT]

Follow Up Flag: Follow up
Flag Status: Completed

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board Members,

I am in favor of the appeal, and I am opposed to the issuance of the permits enabling the 1819-1825 development project. There are two primary reasons for my opposition:

First, the development project is unfair – it questionably obtained a variance enabling it to essentially benefit from setback requirements by usurping the open space of its many adjoining neighbors, I believe 17. The variance permitted this project from the requirement of having back yards which provides distance from its adjoining neighbors' structures. Instead, it allows construction right up to the fence lines and permits the project to have a central courtyard which only they can enjoy.

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Please uphold the Board of Supervisors' unanimous decision, protect my neighbors and my family by revoking the permits and reaffirming the Board of Supervisors' restriction of the allowed units to two.

Sincerely,
Gordon Lai
229 8th Avenue
San Francisco, CA 94118

Longaway, Alec (BOA)

From: Minjeong Jeon <arbormj@gmail.com>
Sent: Wednesday, October 23, 2024 6:04 PM
To: BoardofAppeals (PAB)
Subject: Opposition to 1819-1825 Fulton St Development Project

Follow Up Flag: Follow up
Flag Status: Completed

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Dear Board Members,

I am in favor of the appeal and opposed to the issuance of the permits enabling the 1819-1825 development project. There are two primary reasons for my opposition:

First, the development project is unfair – it questionably obtained a variance enabling it to essentially benefit from setback requirements by usurping the open space of its many adjoining neighbors, I believe 17. The variance permitted this project from the requirement of having back yards which provides distance from its adjoining neighbors' structures. Instead, it allows construction right up to the fence lines and permits the project to have a central courtyard which only they can enjoy.

Second, I believe this project is an attempt at an end-run around the Board of Supervisors' restrictions imposed due to safety concerns. I agree with the Board of Supervisors that this project is unsafe and I see no change from the plans submitted to it to mitigate the Board's concerns. The approval and construction of this project will imperil me, my family and my neighbors in addition to its residents.

Please uphold the Board of Supervisors' unanimous decision, protect my neighbors and my family by revoking the permits and reaffirming the Board of Supervisors' restriction of the allowed units to two.

Sincerely,

Minjeong Jeon

Longaway, Alec (BOA)

From: Cynthia Law <cynthia_law@yahoo.com>
Sent: Thursday, October 24, 2024 8:15 AM
To: BoardofAppeals (PAB)
Subject: Opposition to 1819-1825 Fulton St Development Project

Follow Up Flag: Follow up
Flag Status: Completed

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Dear Board Members,

I am in favor of the appeal and opposed to the issuance of the permits enabling the 1819-1825 development project. There are two primary reasons for my opposition:

First, the development project is unfair – it questionably obtained a variance enabling it to essentially benefit from setback requirements by usurping the open space of its many adjoining neighbors, I believe 17. The variance permitted this project from the requirement of having back yards which provides distance from its adjoining neighbors' structures. Instead, it allows construction right up to the fence lines and permits the project to have a central courtyard which only they can enjoy.

Second, I believe this project is an attempt at an end-run around the Board of Supervisors' restrictions imposed due to safety concerns. I agree with the Board of Supervisors that this project is unsafe and I see no change from the plans submitted to it to mitigate the Board's concerns. The approval and construction of this project will imperil me, my family and my neighbors in addition to its residents.

Please uphold the Board of Supervisors' unanimous decision, protect my neighbors and my family by revoking the permits and reaffirming the Board of Supervisors' restriction of the allowed units to two.

Sincerely,

Cynthia Law

To: Boardofappeals@sfgov.org

Board of Appeals Meeting: October 30, 2024
Opposition to 1819-1825 Fulton St Development Project

Dear Board Members:

I am in favor of the appeal and opposed to the issuance of the permits enabling the 1819-1825 development project. My home is immediately adjacent to the parcel and I have NOT been paid to make comments.

I am opposed for three reasons:

Setback requirements

Safety issues during and post construction

Saving the ancient Live Oak tree on the parcel

Setback requirements:

- Instead of having the required back yards which provide some distance to the neighbors, the variance basically deviates from setback requirements by usurping the open space of its roughly seventeen adjoining neighbors. The variance allows construction right up to the fence lines and permits the project to have a central courtyard which benefits only those living in the proposed proposed buildings.

Safety:

- This project is no safer than it was when the BOS unanimously denied its construction originally: the sidewalk is no wider and it is just as long as it was previously.
- Several multi million dollar fires occurred during construction of apartment buildings in recent years in San Francisco and the Bay Area. I spent my career as a risk manager for a company that built, among other things, residential locations. As a result I have paid attention to the inherent danger of these projects in a way that others may not have. I am not here in a professional capacity but am concerned for the safety of my property and those of my neighbors. The projects that burned were insulated from nearby apartments by adjacent streets or the large sites themselves. In this case the proposal calls for construction up to the property line which in all cases consists of wood fences, with wooden homes just a few feet away.
- This project has fire exposure on all sides from, for example, welding during construction
- The parcel is surrounded on all sides by:
 - old wooden fences within mere feet or even directly touching the fences owned by the adjacent home owners,
 - by neighboring houses that are more than 100 years old that are only a few feet away from the fences
- Once construction is complete, the danger doesn't end:
 - There is exposure to fires from bar-be-ques, for example, on the proposed tiny patios adjacent to the wooden fences.
 - These patios are the only private spaces contemplated for these units.

Live Oak tree

- The ancient Live Oak tree on this parcel is a treasure to the neighborhood
- Live Oaks are an endangered species
- According to experts they are threatened by two simple things: smog and people walking under the tree
- If the tree survives the construction process, it is doubtful it will survive people living there because there would be so little room on the parcel for them to walk.
- The proposed project is simply too dense to allow space for people to walk around other than under the tree.

I respectfully request that the Board of Appeals NOT approve this project as permitted. Please reaffirm the BOS' restriction of two allowed units.

Regards,

Marian Ivan
631 Masonic Avenue

San Francisco, CA 94117

October 24, 2024

From: [Lyman](#)
To: [BoardofAppeals \(PAB\)](#)
Subject: Opposition to 1819-1825 Fulton Development Project
Date: Wednesday, October 23, 2024 8:54:21 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board Members,

I am in favor of the appeal and opposed to the issuance of the permits enabling the 1819-1825 development project. There are two primary reasons for my opposition:

First, the development project is unfair – it questionably obtained a variance enabling it to essentially benefit from setback requirements by usurping the open space of its many adjoining neighbors, I believe 17. The variance permitted this project from the requirement of having back yards which provides distance from its adjoining neighbors' structures. Instead, it allows construction right up to the fence lines and permits the project to have a central courtyard which only they can enjoy.

Second, I believe this project is an attempt at an end-run around the Board of Supervisors' restrictions imposed due to safety concerns. I agree with the Board of Supervisors that this project is unsafe and I see no change from the plans submitted to it to mitigate the Board's concerns. The approval and construction of this project will imperil me, my family and my neighbors in addition to its residents.

Please uphold the Board of Supervisors' unanimous decision, protect my neighbors and my family by revoking the permits and reaffirming the Board of Supervisors' restriction of the allowed units to two.

Sincerely,

Lyman Lum
A concerned SF Resident

From: [Julia](#)
To: [BoardofAppeals \(PAB\)](#)
Subject: Opposition to 1819-1825 Fulton St Development Project
Date: Wednesday, October 23, 2024 10:15:30 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board Members,

I am in favor of the appeal and opposed to the issuance of the permits enabling the 1819-1825 development project. There are two primary reasons for my opposition:

First, the development project is unfair – it questionably obtained a variance enabling it to essentially benefit from setback requirements by usurping the open space of its many adjoining neighbors, I believe 17. The variance permitted this project from the requirement of having back yards which provides distance from its adjoining neighbors' structures. Instead, it allows construction right up to the fence lines and permits the project to have a central courtyard which only they can enjoy.

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Please uphold the Board of Supervisors' unanimous decision, protect my neighbors and my family by revoking the permits and reaffirming the Board of Supervisors' restriction of the allowed units to two.

Sincerely,

Julia Randall

Employed in SF at Liffoff Mobile
Resident of SF at 90 Manor Drive, SF CA 94127

[Sent from Yahoo Mail for iPhone](#)

From: [Karen Liu](#)
To: [BoardofAppeals \(PAB\)](#)
Subject: Opposition to 1819-1825 fulton
Date: Friday, October 25, 2024 3:52:27 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Simply put... the development is a death trap waiting to happen. And the last stand against the insanity of Building a walled up, bottlenecked set of 4 luxury condo units (really this is not 2 units plus 2 adu's) in a lot that was originally set aside to create a fire buffer zone after the 1906 Great Fire is you -- the Board of Appeals.

This developer time and time again s been asked by neighbors to put his structures in the center of the lot so that open space is in the perimeter of his lot. This allows for people to evacuate over 3 to 6 foot fences into neighbors yards. But instead this develope insists on

A) walling off his residents from neighbors with 2 story structures with no fire escapes

B) Building zero lot against neighbors to use their backyards as his effective setbacks to create a central courtyard for his residents, but then also removing the very ability to escape and keep fire from spreading for which these lots were reserved all over NOPA and San francisco.

(You see developers, it stands to reason that no developer would ever want to keep a lot in the middle of the block open instead of using it to build more homes. But at the time NOPA was being built up after the 1906 Great Fire, the City of SF required these lots to improve human safety, keep open spaces, and slow fire spread in what was still a natural gas lamp area.)

The Developer would maintain 100% of livable square footage for his residents while neighbors get their open space facing the Developer's open space for fire escape purposes, both the Developer's residents and the neighbors preserve maximum, effectively continuous open space, and...

Neighbors won't be prevented from building one story ADUs with a zero lot development next door.

Yes by approving this 2 unit (plus 2 adu) deathtrap, you also are keeping all surrounding lots from building ADUs. Your decision to approve this development Will worsen San Francisco's housing crisis.

FINALLY BUT MOST IMPORTANTLY, this developer proposes that a narrow 3.2 foot covered hallway is a viable means of allowing construction, provision of utilities (water , gas, sewage, trash collection, and high voltage electricity (power for 4 units at 200 amps minimum each) and emergency egress in the event of a fire or earthquake. That is ludicrous!!!!

First the hallway is covered and surrounded on both sides by property thr developer does not own so utilities will have to be underground and stacked on top of each other which in itself is hazardous. Furthermore the hallway is not even fully owned by the Developer but instead is only an easement granted for access to the lot. There is question whether the subterranean

rights are available at all and it's hard to say all those utilities can be provided under only a portion of that already narrow hallway. DBI HAS NOT CONSIDERED THIS FROM ANY DOCUMENTS I HAVE READ.

With a covered hallway, bike storage building and tree at the end of the hallway inside the lot, how would fire fighters get a ladder out to evacuate residents? You literally can get a ladder into this hallway but can't turn it or extract it ! If you watched Friends turning a couch in a narrow stairway/hallway is funny with Ross yelling "pivot--- pivot" but if you are a firefighter trying to get a 25 foot ladder in to save people, you and the souls you are trying to save are damned.

Please stop this. Tell the Developer to sell his land back at cost and let the neighborhood create permanent open space to slow fire and evacuate to in the form of an educational and community forming community garden or park. This has been proposed to the Developer but he pretends he has never heard of it. The City never should have allowed the sale of the lot to his Cannabis-growing backed investors, but over time the restrictions to building in this fire safety lot were lifted.

People's lives, more affordable housing would be saved by stopping this ill-conceived development... but if you had only one decision to allow development but maintain the safety components, then force the Developer to build in the middle of the lot and keep his open space adjacent to neighbors open space and give his neighbors a chance to escape.

Karen Liu
SF Resident

From: [Zhi Shan Qiu](#)
To: [BoardofAppeals \(PAB\)](#)
Subject: 1819 to 1825 Fulton St.
Date: Friday, October 25, 2024 4:18:56 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please stop the development at 1819 to 1825 Fulton St. This development is a danger to public safety and must be stopped.

From impacts to the 5 Fulton bus line and increased traffic congestion and accidents, to loss of a "fire safety buffer and evacuation lot", to inhumane and borderline insane plans to have people trapped inside a landlocked lot with no effective way to escape or allow first responders in by using the euphemism "shelter in place" ... this development is ill-advised at best and something that will haunt the Board of Appeals as a sentence to San Franciscans death at its worse.

This developer has been asked many times to build in the center of the lot as a compromise to maintain a way for his future tenants or owners to evacuate into neighbors yards. He has had opportunities to purchase buildings which he could open up the garage/ground floor of into the landlocked lot. But despite having deep pockets of cannabis growing investors behind him ... he wouldn't.

Other lots in NOPA like this exist due to fire and safety requirements imposed by the City and County of San Francisco ... where they have been developed successfully and safely like on Hayes St. Which the developer uses as an example, is where the lot is connected by title/ownership to a building on the perimeter frontage. For example a church bought the land in the middle doughnut hole and uses the lot as an extension for its social hall and a outdoor space. This kind of ownership by neighboring properties allows evacuation and easy access without the restriction of a narrow 3.2 foot hallway that the Developer doesn't fully own that 1819-1825 Fulton has.

The City allowed these lots to be purchased and developed by neighbors so that expansion into them would be possible without safety issues.

And a neighbor had purchased the land with that intent. But later sold it to this Developer when he ran into financial trouble. But unlike other safe and safe successful development of these doughnut hole lots, this Developer doesn't have a 25 to 30 foot wide frontage access ad a neighboring property would.

I am sure that the unanimous decision of the Board of Supervisors against development a year ago is not lost on you.

With political capital on the line pro housing and pro tenant Supervisors Went against building more homes here because it meant condemning people to death in the event of a fire or earthquake. Good conscience outweighed good politics.

You have the same opportunity here.

Thank you.

QIU ZHI SHAN

Neighbor 1800 block of Grove St.

From: [Yung Wing Investment Co.](#)
To: [BoardofAppeals \(PAB\)](#)
Subject: Please stop the development of 1819-1825 Fulton st.
Date: Friday, October 25, 2024 5:00:55 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I represent the interests of the Yee family which owns 1850 Grove st. My tenants would suffer the loss of light, open space views, and worse if all... the ability to escape to the lot in the middle of the block which as I have learned from records was reserved to be a fire spread deterrent and buffer zone while also allowing evacuation.

The vacant lot also is home to 3 heritage trees but two closest to my property (over 7 decades old) would be destroyed by this Developer as he pretends to want to preserve trees by diverting attention away to a single coastal oak on the s.e. corner.

This developer is sneaky. He changes meeting locations at the last minute and is very fluid in his definitions depending on what building or zoning requirement he is trying to pass. He did the same thing with a development project in Glen Park and his actions, ignorance of neighbors requests for redesign and discussion, and fluid "definitions" brought the ire of the neighborhood and DBI alike. He is infamous for such practices and he needs to be told... the laws are there for everyone equally.

Ronald Yee

From: [TFK MAINT](#)
To: [BoardofAppeals \(PAB\)](#)
Subject: 1819 - 1825 Fulton St is a deathtrap
Date: Friday, October 25, 2024 5:24:21 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

PLEASE PLEASE PLEASE

This development is a deathtrap.

Selfishly, I would lose light, view, and suffer from claustrophobia if this developer is allowed to build a 2 story building in direct line from my window and against my fence line.

But my personal benefits lost aside....

The more important issue is this is an unsafe development. How can any reasonable person think a narrow 3 foot easement is enough for 4 families to evacuate while emergency personnel are trying to come in.

How can any reasonable person ask people to shelter in place while they see debris raining down or walls engulfed in flame?

How can you say you are pro affordable housing then sell your million dollar plus luxury condos without any below market rate (affordable housing) component ? Any development these days should have at least a 20% requirement for affordable housing.

How can you build next to people's fences and expect them to be able to build more affordable housing in their own backyards? The very purpose of new adu fast track laws is lost here?

You can't! Because
There is so much wrong here

Please stop this insanity.

The full Board of Supervisors saw something very wrong with this development despite passing Planning Commission and DBI initial reviews. We all know that in the complexities and short staffing during COVID that things fall through the cracks.

Consistency in zoning and code compliance between departments and with the Developer changing his rh2 to rh3 zoning labels almost at will , even using a Grove St address originally to avoid issues of development on a much busier Fulton St, made things all that more confusing and disjointed between city departments.

At other times, it seemed that officials seems to bow down in the face of political relationships (sf fire didnt want to offend a retired marshall who had made a fortune from writing opinions for deep pocket developers even though it's self evident his knowledge of fire code is decades

old). When asked if allowing this development would indeed prevent neighbors from building ADUs the planning clerk conveniently sidestepped the question saying that each project is evaluated separately on its own merits.

When pressed with examples of how expansion horizontally or vertically is directly impacted by a neighbor's existing structure, the same clerk sidestepped again saying he couldn't comment on how a developer was only allowed to build as far as the neighbor did.

In a time rocked by scandal for corruption in City Hall.... 555 Fulton for example... DBI inspectors being paid off to sign job cards...

It's time to stand up like the full Board of Supervisors did --- and put safety before politics and playoffs.

Please stop this insanity.

You are San Francisco's last hope.

Thank you

Kennedy Muckelroy

From: [Jonathan Chu](#)
To: [BoardofAppeals \(PAB\)](#)
Subject: Opposition to 1819-1825 Fulton St Development Project
Date: Tuesday, October 22, 2024 2:51:04 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board Members,

I am in favor of the appeal and opposed to the issuance of the permits enabling the 1819-1825 development project. There are two primary reasons for my opposition:

First, the development project is unfair – it questionably obtained a variance enabling it to essentially benefit from setback requirements by usurping the open space of its many adjoining neighbors, I believe 17. The variance permitted this project from the requirement of having back yards which provides distance from its adjoining neighbors' structures. Instead, it allows construction right up to the fence lines and permits the project to have a central courtyard which only they can enjoy.

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Please uphold the Board of Supervisors' unanimous decision, protect my neighbors and my family by revoking the permits and reaffirming the Board of Supervisors' restriction of the allowed units to two.

Sincerely,

Jonathan Chu, Esq.
Associate Professor
University of San Francisco School of Law
2130 Fulton Street
San Francisco, CA 94117