



# SAN FRANCISCO PLANNING DEPARTMENT

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## Discretionary Review Abbreviated Analysis HEARING DATE: MARCH 10, 2016

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Date:* March 1, 2016  
*Case No.:* **2014-003127DRP**  
*Project Address:* **155 & 157 29<sup>th</sup> Street**  
*Permit Application:* 2014.1205.3112  
*Zoning:* RH-3 (Residential House, Three-Family)  
40-X Height and Bulk District  
*Block/Lot:* 6634 / 025  
*Project Sponsor:* Alex Nie, AIA, Nie Yang Architects  
100 Old County Rd, Suite 100A  
Brisbane, CA 94005  
*Staff Contact:* Colin Clarke at (415) 575-9184 or [Colin.Clarke@sfgov.org](mailto:Colin.Clarke@sfgov.org)  
*Recommendation:* **Do not take DR and approve as proposed**

### PROJECT DESCRIPTION

The proposed project includes the construction of a two-story rear horizontal addition, with roof deck above, and a vertical addition of a third story with roof deck above an existing two-story (over garage) two-family dwelling. The project also includes infill of two lightwells at the ground floor and adding a roof deck at the front of the third story, as well as façade and interior alterations.

### SITE DESCRIPTION AND PRESENT USE

The Project Site, Lot 025 in Assessor's Block 6634, is located on the southern side of 29<sup>th</sup> Street, between Dolores Street and San Jose Avenue. The property is located within the RH-3 (Residential House, Three-Family) Zoning District, and within the 40-X Height and Bulk District. The property is developed with a 3,950 square-foot two-story (over garage), two-family dwelling. The 114-foot-long lot, 2,850 square-foot in size, is approximately 50% covered by the subject building, with the rear yard abutting the property at 36 Day Street (6634/008).

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Project Site is located on 29<sup>th</sup> Street in the Bernal Heights neighborhood. The Project Site and the immediate vicinity are located primarily in an RH-3 Zoning District; however, the lots on the northwestern side of 29<sup>th</sup> Street are within the NC-1 Zoning District (see attached Zoning map). In RH-3 (Residential House, Three-Family) Zoning Districts, structures with three units are common in addition to one-family and two-family houses. The predominant form is large flats rather than apartments, with lots 25-feet wide, a fine or moderate scale, and separate entrances for each unit. Building styles tend to be varied but complementary to one another. Outdoor space is available at ground level, and also on decks and balconies for individual units.

## BUILDING PERMIT NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
<a href="#">311 Notice</a>	30 days	November 16, 2015 – December 18, 2015	December 18, 2015	March 10, 2016	83 days

## HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	February 29, 2016	February 29, 2016	10 days
Mailed Notice	10 days	February 29, 2016	February 29, 2016	10 days

## PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	0	1 (including DR requestor)	--
Other neighbors on the block or directly across the street	0	--	--
Other neighbors within 150' radius from property	0	--	--
Neighborhood groups	0	--	--

## DR REQUESTOR

David DeGroot, owner/resident of 6634/024 which includes an owner-occupied rear cottage at 161 29<sup>th</sup> Street and three rental units: 163, 165, and 165A 29<sup>th</sup> Street, San Francisco, CA 94110, whose side property line abuts the west side of the subject property 155/157 29<sup>th</sup> Street.

## DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

See attached *Discretionary Review Application*, dated December 18, 2015, and correspondence between neighbors (letters and emails).

Since the DR was filed, the Applicant has been working with the DR Requestor to reach a resolution. Below are revisions that have been made since the filing of the DR:

1. The depth of the Subject Property's rear addition in the 5-foot existing side yard area at the west property line (see "Roof Over 1<sup>st</sup> Floor (No Deck)" label) has been reduced by 2-feet 11-inches at the second, third, and fourth floors – to maximize sunlight exposure for the DR Requestor.
2. The rear windows and doors have been removed from the west side, and moved to the east side of the two-story pop-out to respond to the DR Requestor's privacy concerns.
3. The rear façade will be painted in a light color per the DR Requestor's requests, noted on drawings (not related to Planning Code).

4. The roof deck railings at the 2<sup>nd</sup> and 4<sup>th</sup> floors have been revised to be clear glass to maximize sunlight exposure for the DR Requestor.

## PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

See attached *Responses to Discretionary Review*, with multiple letters and emails, each with dates.

## ENVIRONMENTAL REVIEW

The Department has determined that the proposed project is exempt from environmental review, pursuant to CEQA Guideline Section 15301 (Class One - Minor Alteration of Existing Facility, (e) Additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet). See attached CEQA Categorical Exemption dated October 23, 2015.

## RESIDENTIAL DESIGN TEAM REVIEW

On February 17, 2016, the RDT found that the proposed additions are compatible with the character of the surrounding neighborhood. The Project Sponsor acted in good faith to respond to the DR Requestor's comments to the extent possible. Rear windows and doors have been moved to the east at the rear of the 2-story pop-out to address the DR Requestor's privacy concerns. The RDT noted that the DR Requestor has a 2-story rear residential cottage amenity, and that the majority of sun exposure is from the south. Because the DR Requestor is to the southwest of the Project, the Project would not affect exposure to sunlight in a way that is significant enough to warrant additional changes to the plans, other than those already offered by the Applicant.

The RDT previously requested that the Project's 4-story extension be limited to the average of the neighbor's main rear building walls, supporting a proposal for a 2-story, 12-foot pop-out with 5-foot setbacks to extend beyond. The Applicant made those changes prior to neighborhood notification. As proposed, the RDT finds that the project does not contain or create exceptional or extraordinary circumstances, and the Planning Commission should approved the project as proposed.

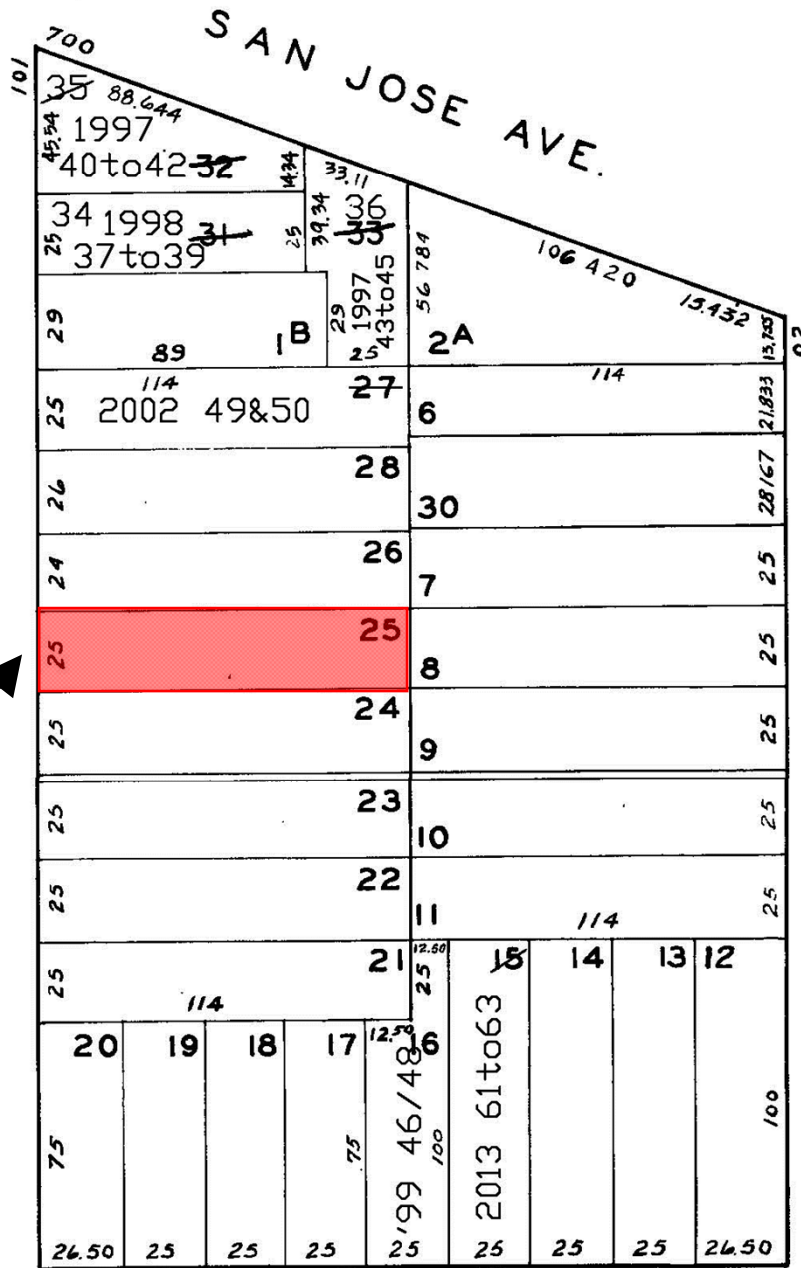
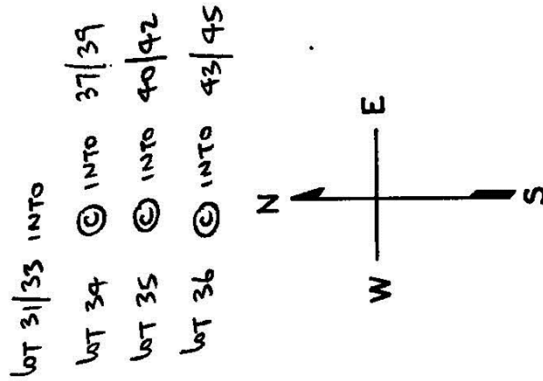
**Under the Commission's pending DR Reform Legislation, this project would not be referred to the Commission as this project does not contain or create any exceptional or extraordinary circumstances.**

<b>RECOMMENDATION:</b>	<b>Do not take DR and approve project as proposed</b>
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### Attachments:

Parcel Map  
Historic Block Map & Sanborn Map  
Zoning Map  
Aerial & Context Photographs  
3D Renderings (proposed)  
CEQA Environmental Determination (CatEx)  
Section [311](#) Notice  
DR Application filed December 18, 2015  
Responses to DR Application  
Reduced Plans

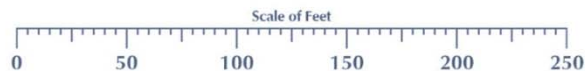
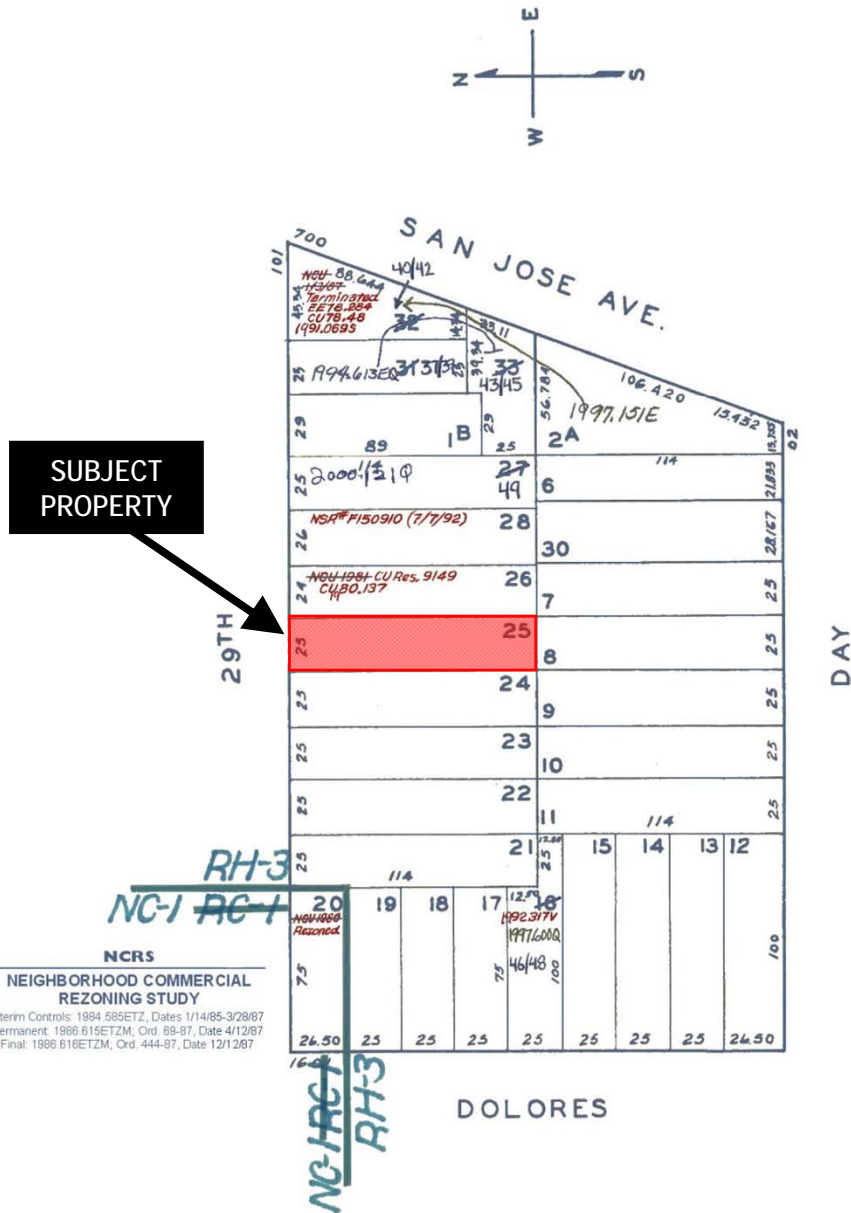
# Parcel Map



Discretionary Review  
Record Number 2014-003127DRP  
155-157 29th Street

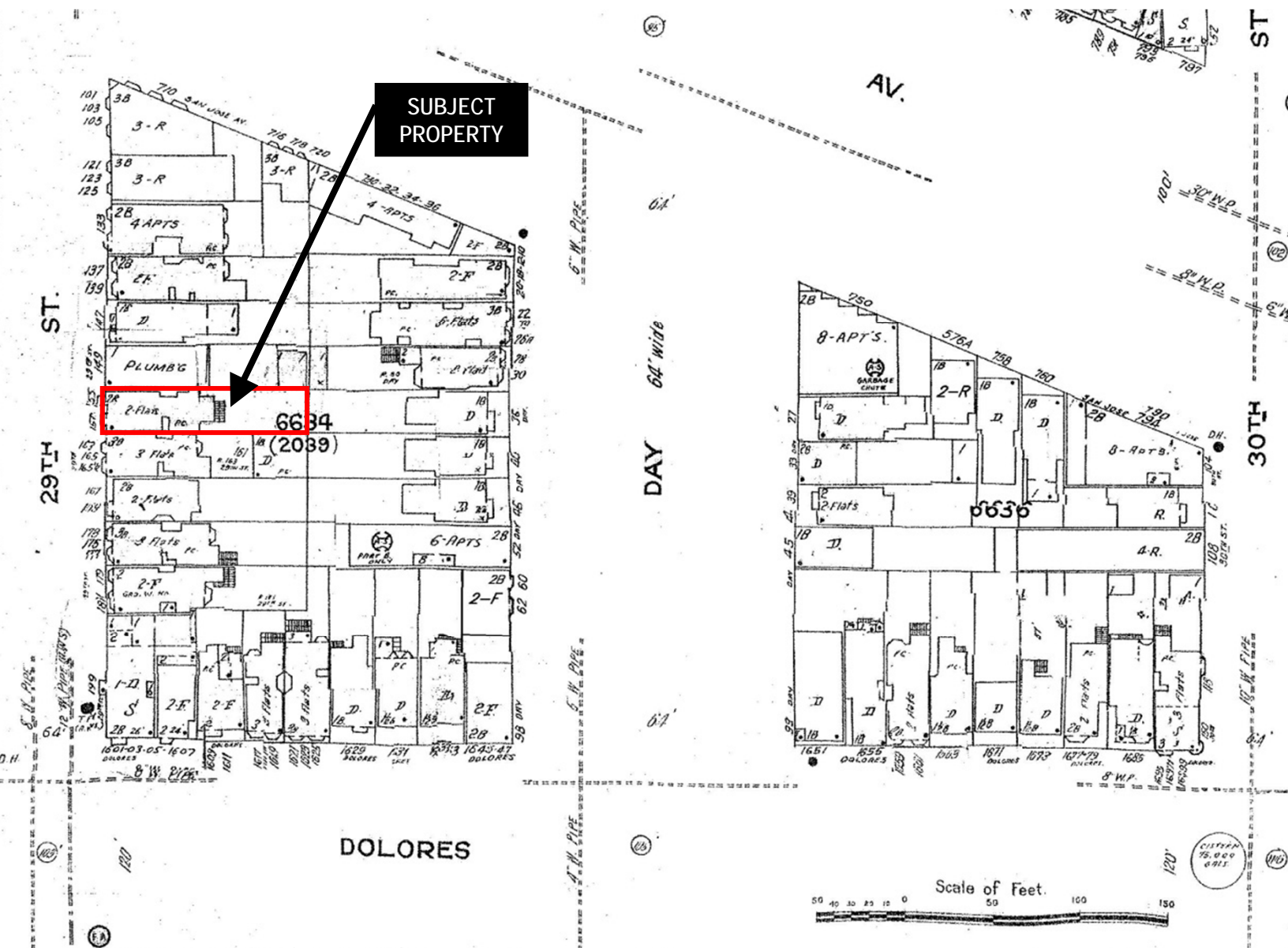


# Historic Block Map



Discretionary Review  
Record Number 2014-003127DRP  
155-157 29<sup>th</sup> Street

# 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  
Record Number 2014-003127DRP  
155-157 29<sup>th</sup> Street

# Zoning Map



Discretionary Review  
Record Number 2014-003127DRP  
155-157 29<sup>th</sup> Street



# Site Photo



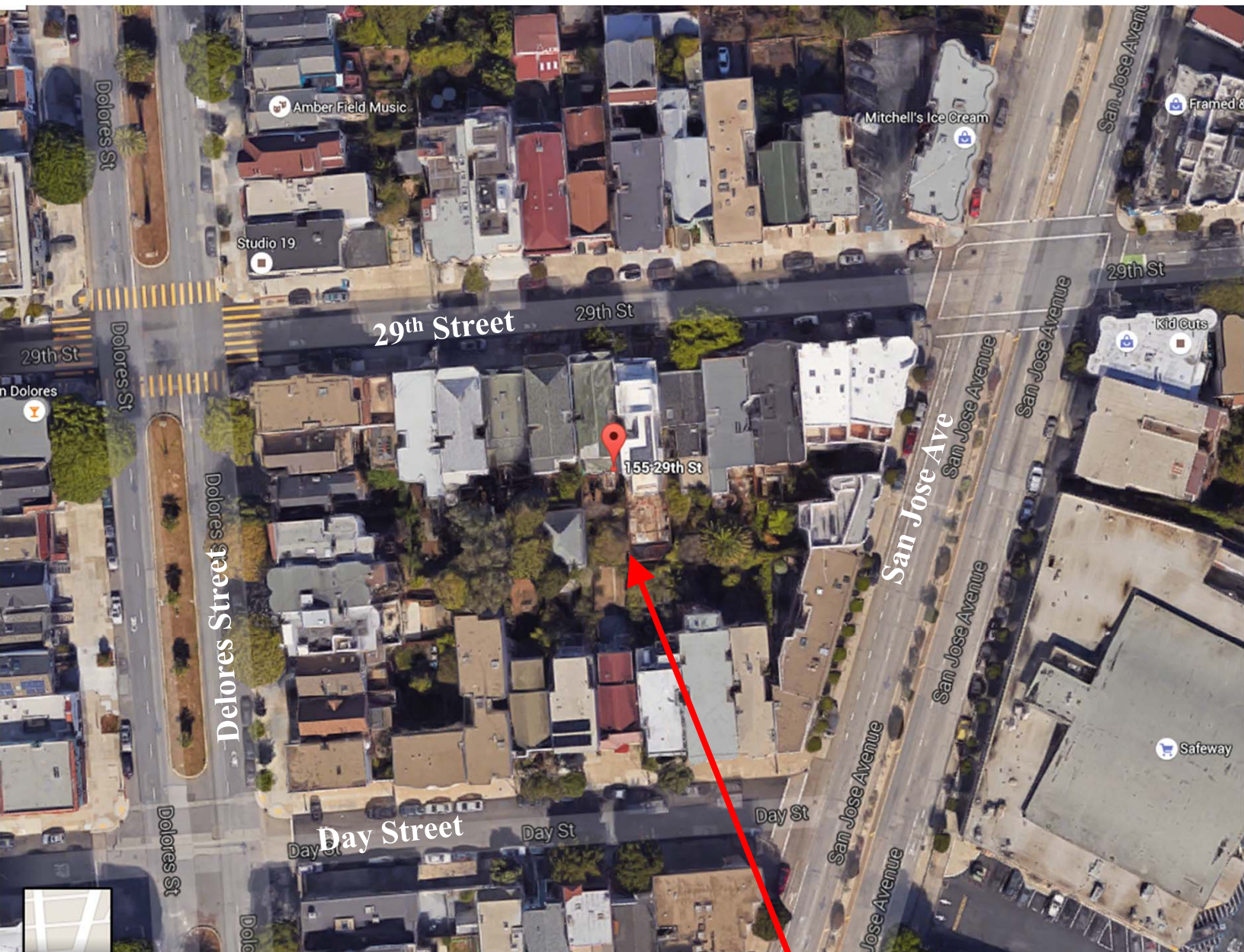
SUBJECT PROPERTY



Discretionary Review  
Record Number 2014-003127DRP  
155-157 29<sup>th</sup> Street



# Aerial Photo



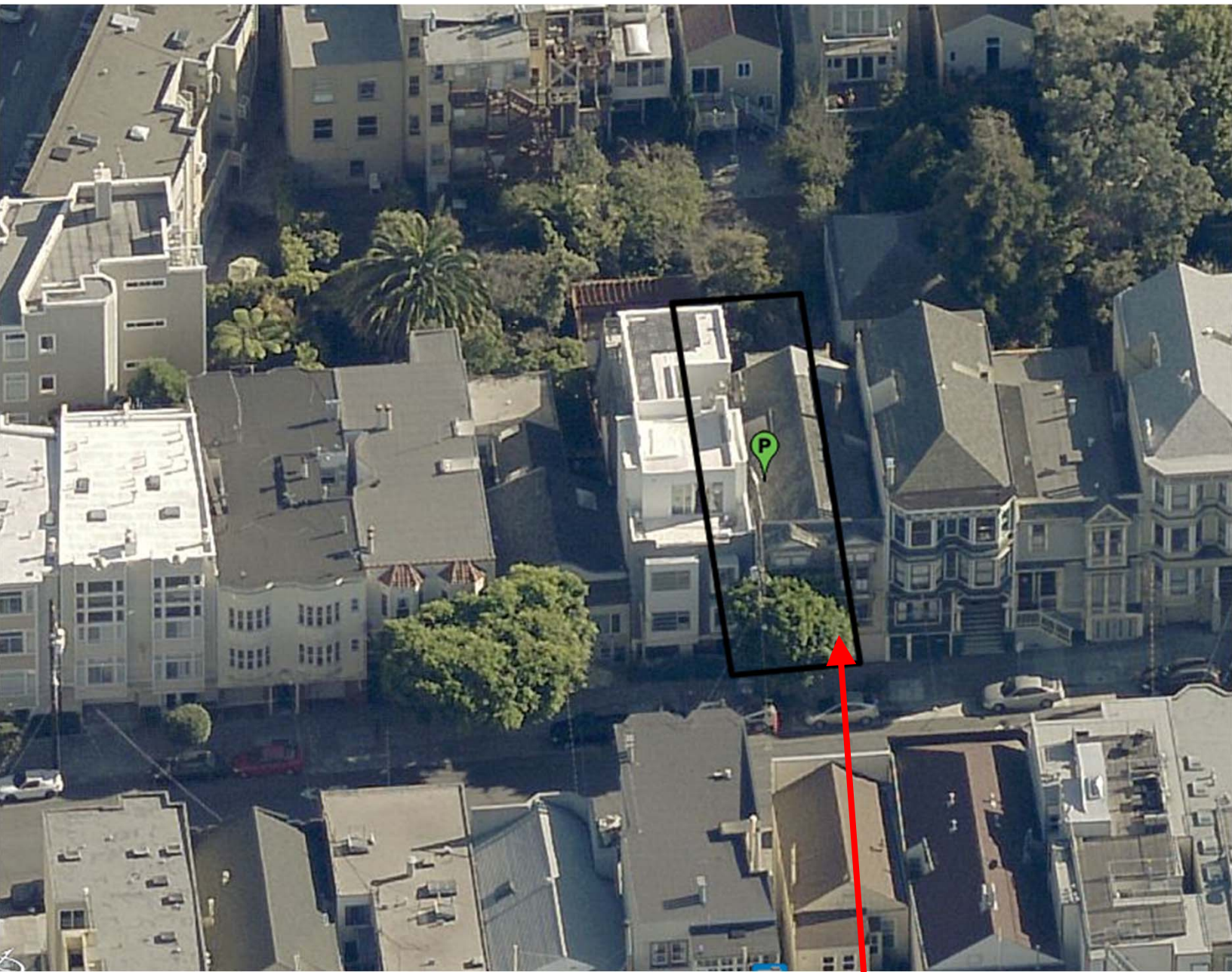
SUBJECT PROPERTY



Discretionary Review  
Record Number 2014-003127DRP  
155-157 29<sup>th</sup> Street



# Aerial Photo

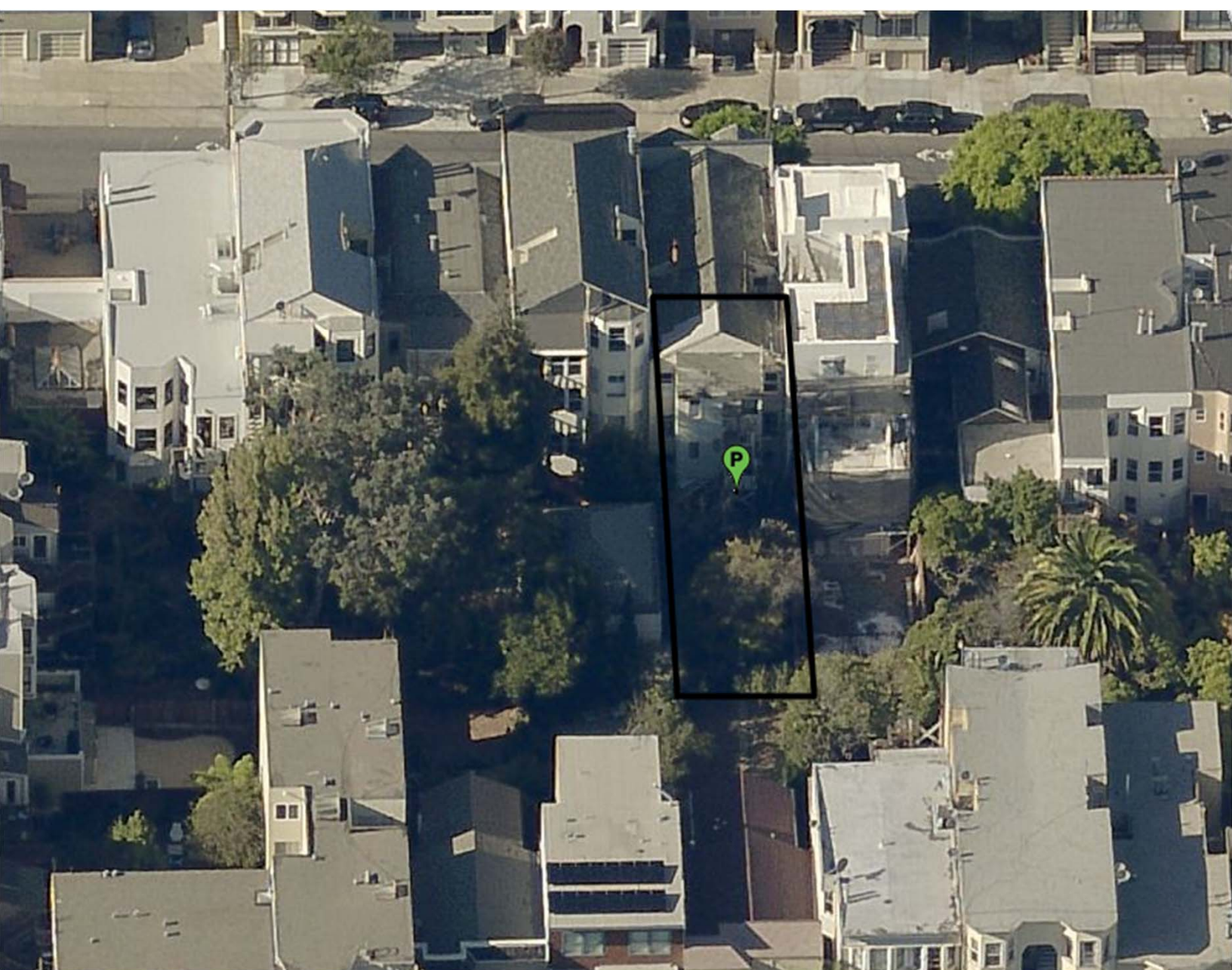


SUBJECT PROPERTY





# Aerial Photo





# Aerial Photo



DR Requestor

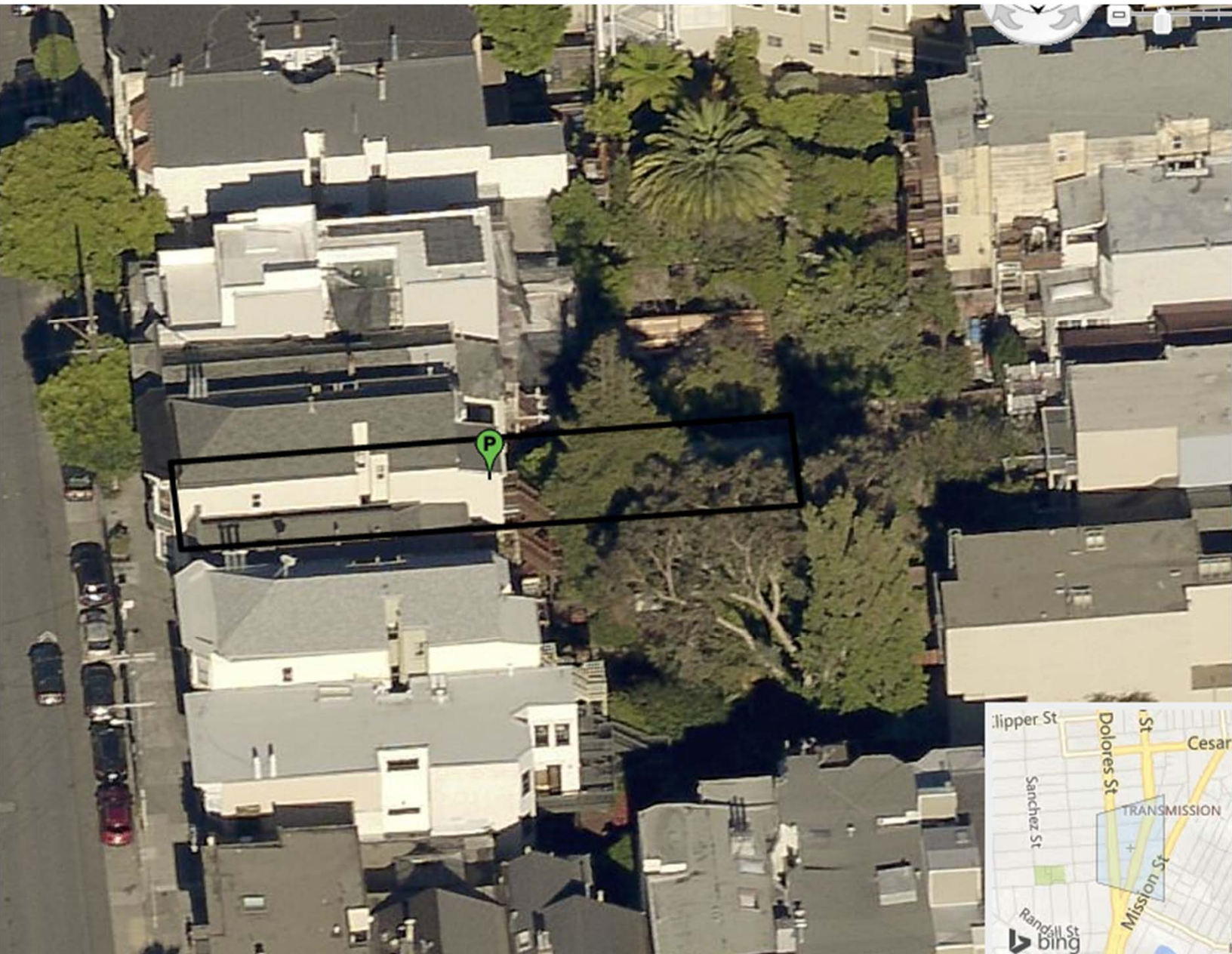
SUBJECT PROPERTY

Discretionary Review  
Record Number 2014-003127DRP  
155-157 29<sup>th</sup> Street





# Aerial Photo



Discretionary Review  
Record Number 2014-003127DRP  
155-157 29<sup>th</sup> Street



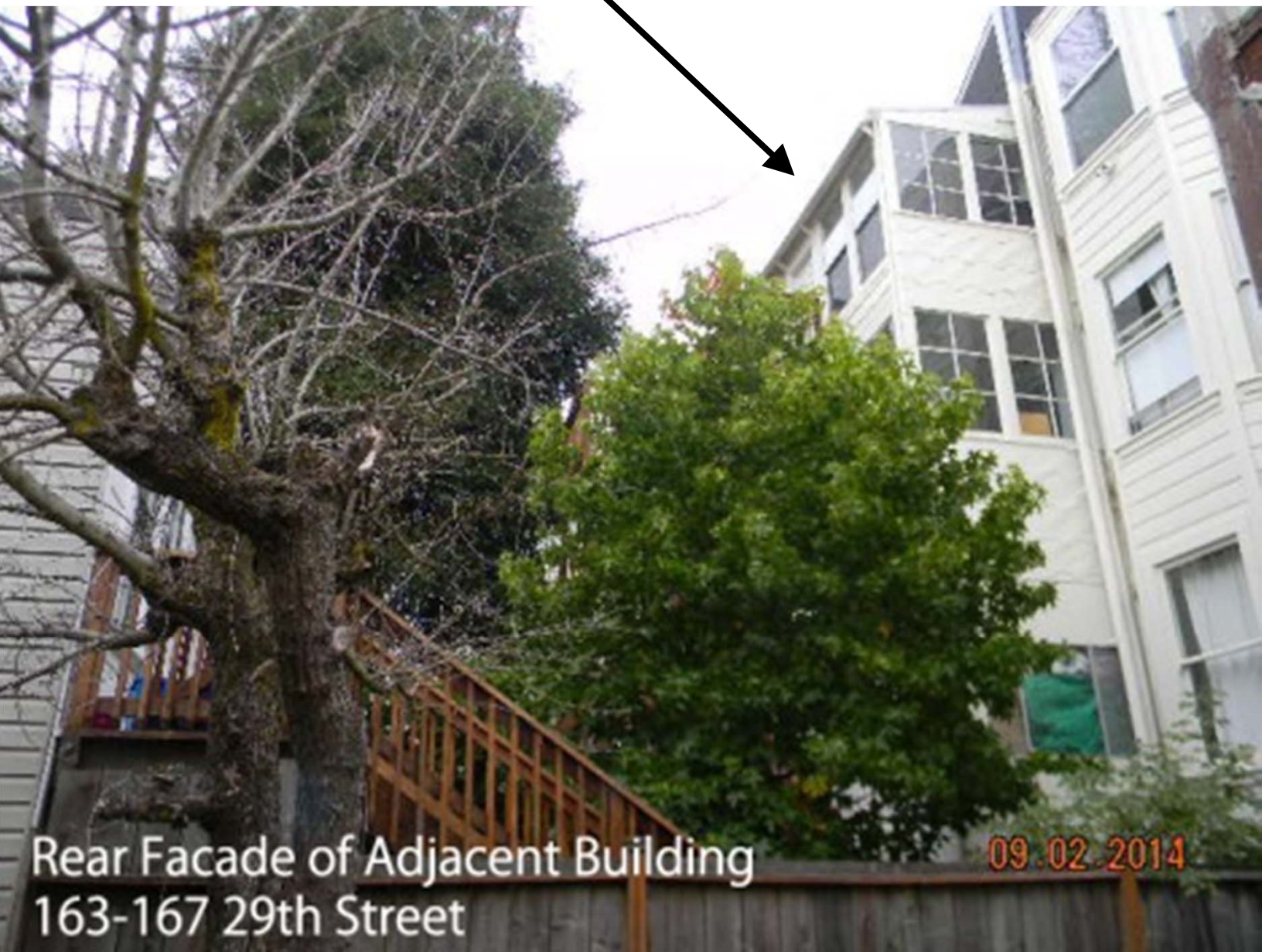


# Aerial Photo





# South/Rear Façade of Western Neighbor



Rear Facade of Adjacent Building  
163-167 29th Street

09.02.2014



Discretionary Review  
Record Number 2014-003127DRP  
155-157 29<sup>th</sup> Street



# North Façade of Rear Bldg, Western Neighbor

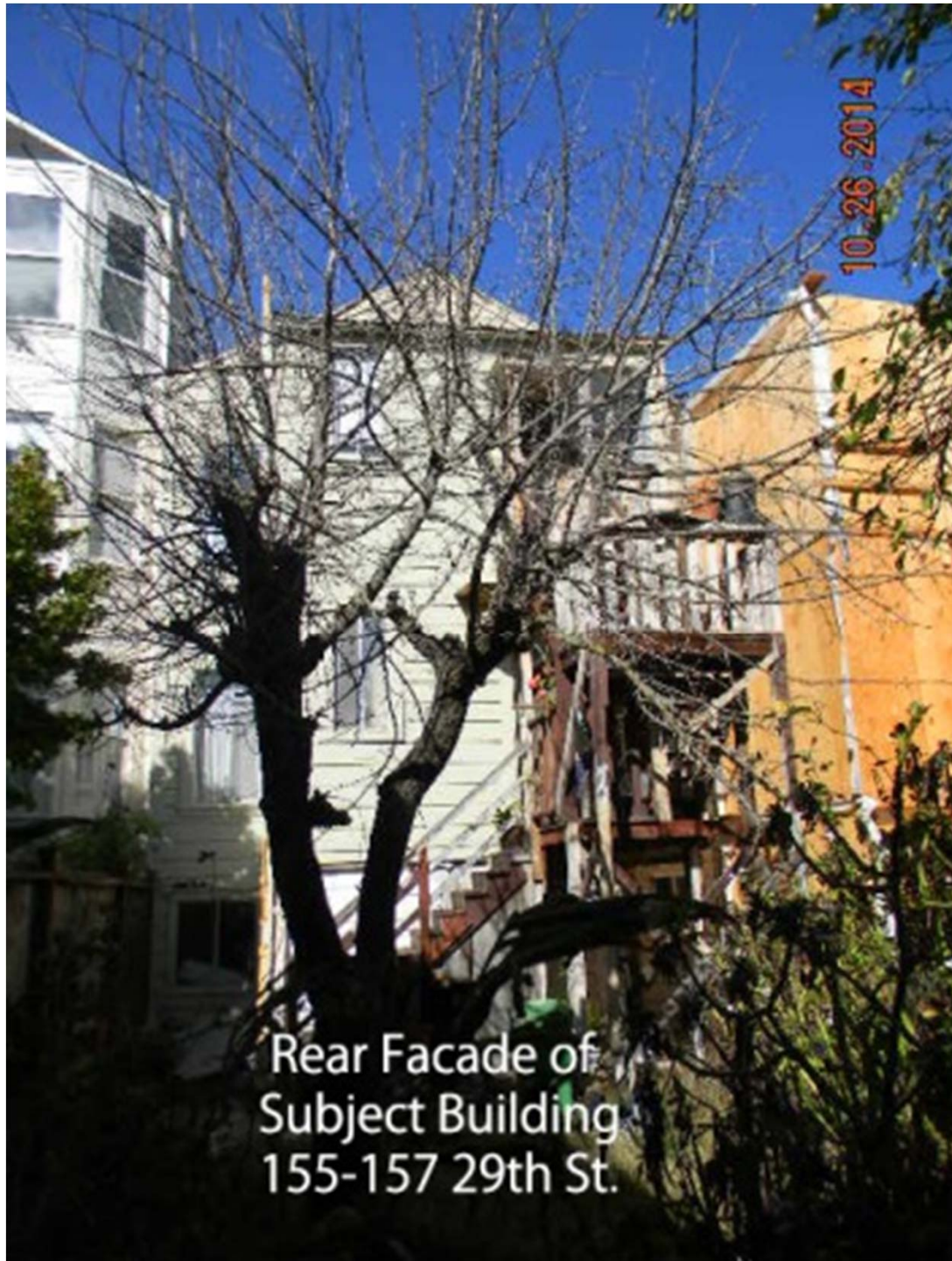


## West Adjacent to Subject Building

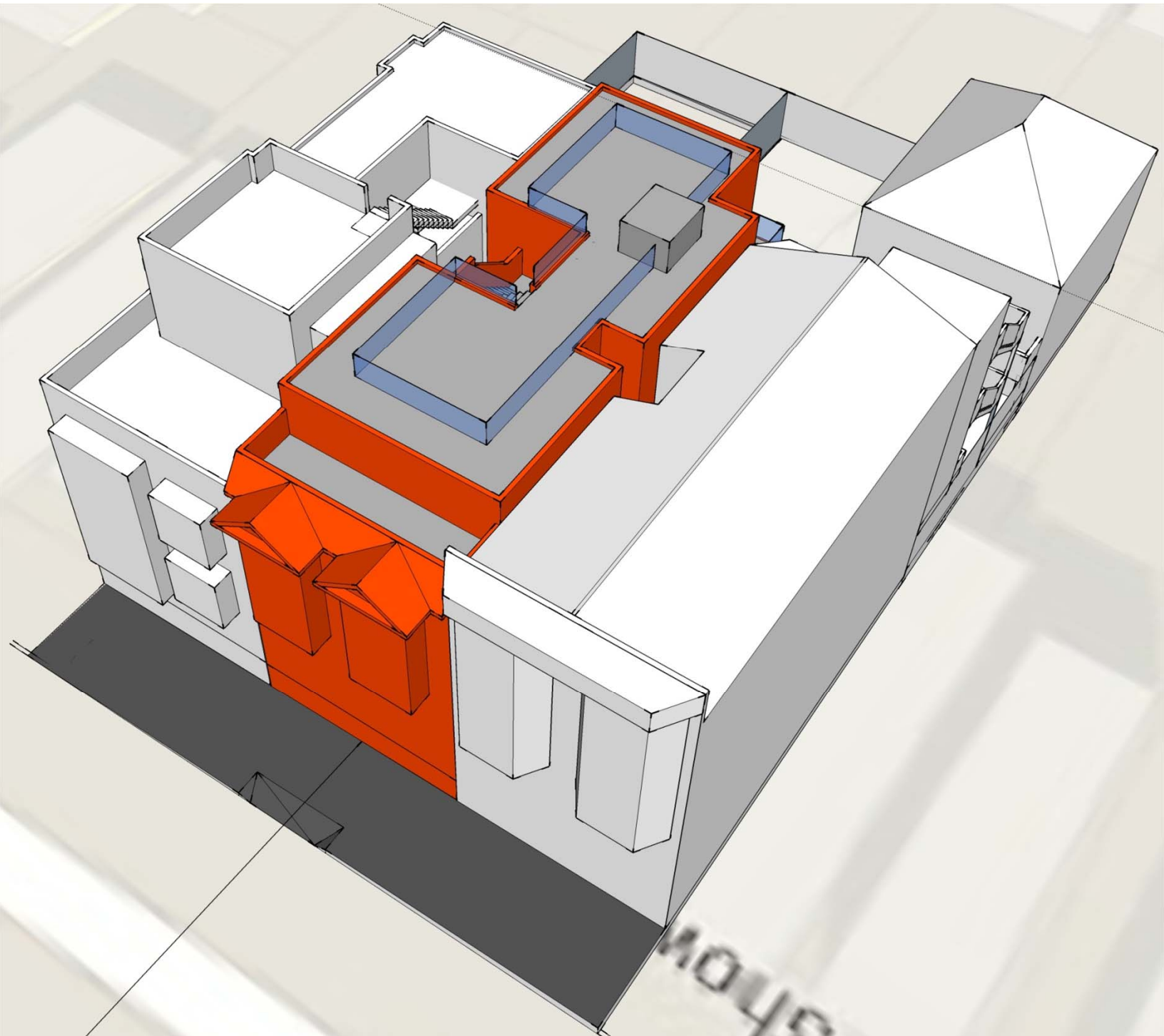




# South/Rear Façade, 155-157 29<sup>th</sup> Street

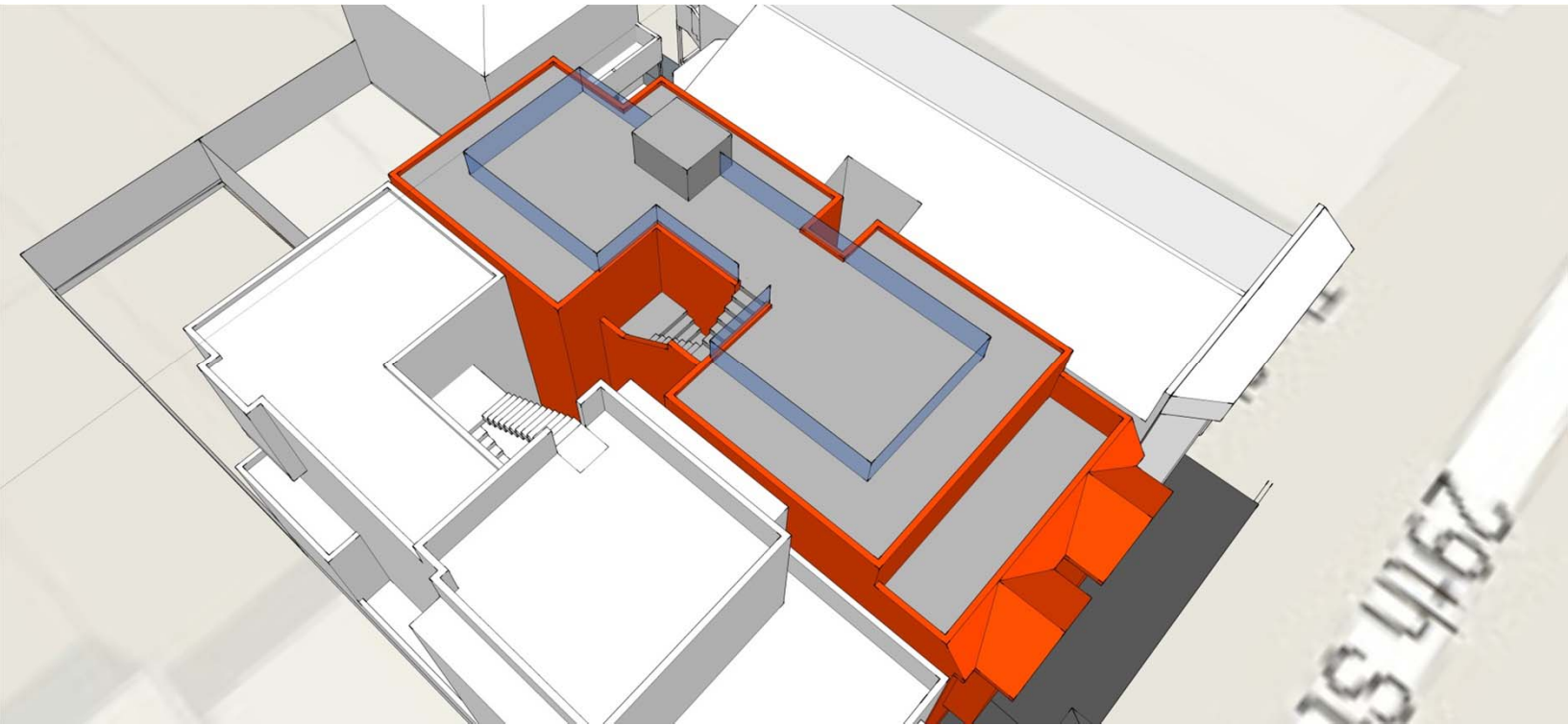


# 3D Rendering (proposed)

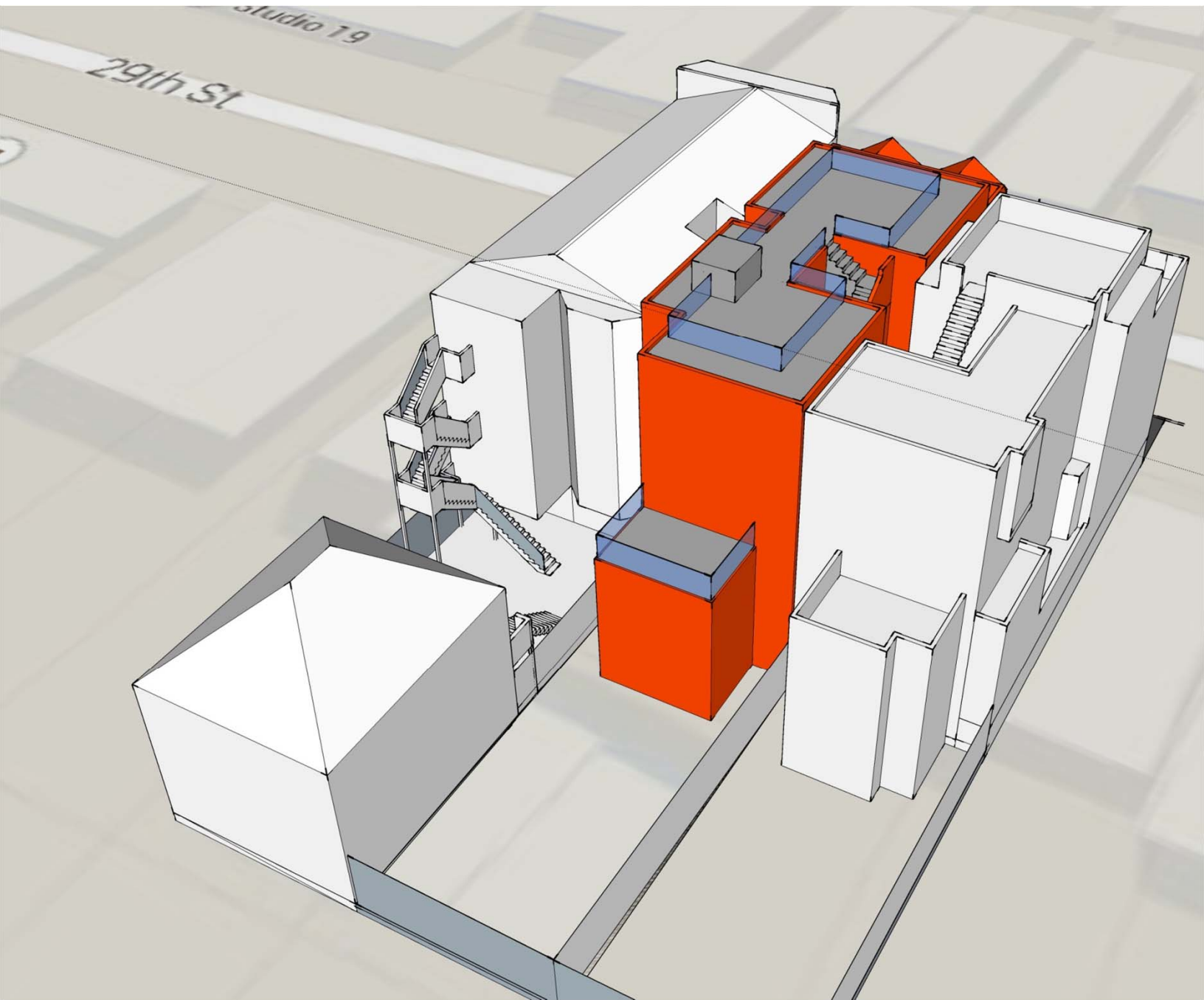




# 3D Rendering (proposed)

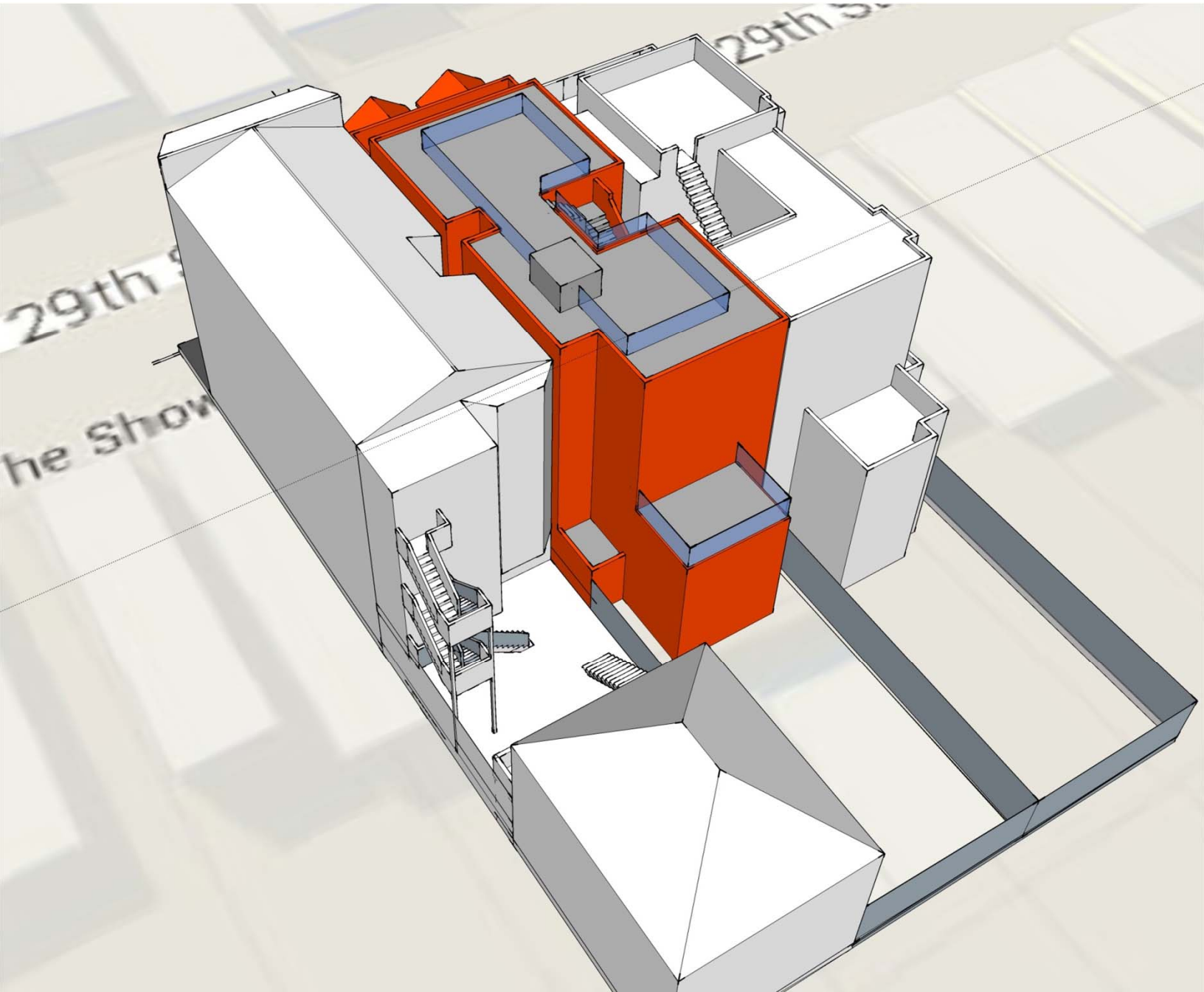


# 3D Rendering (proposed)



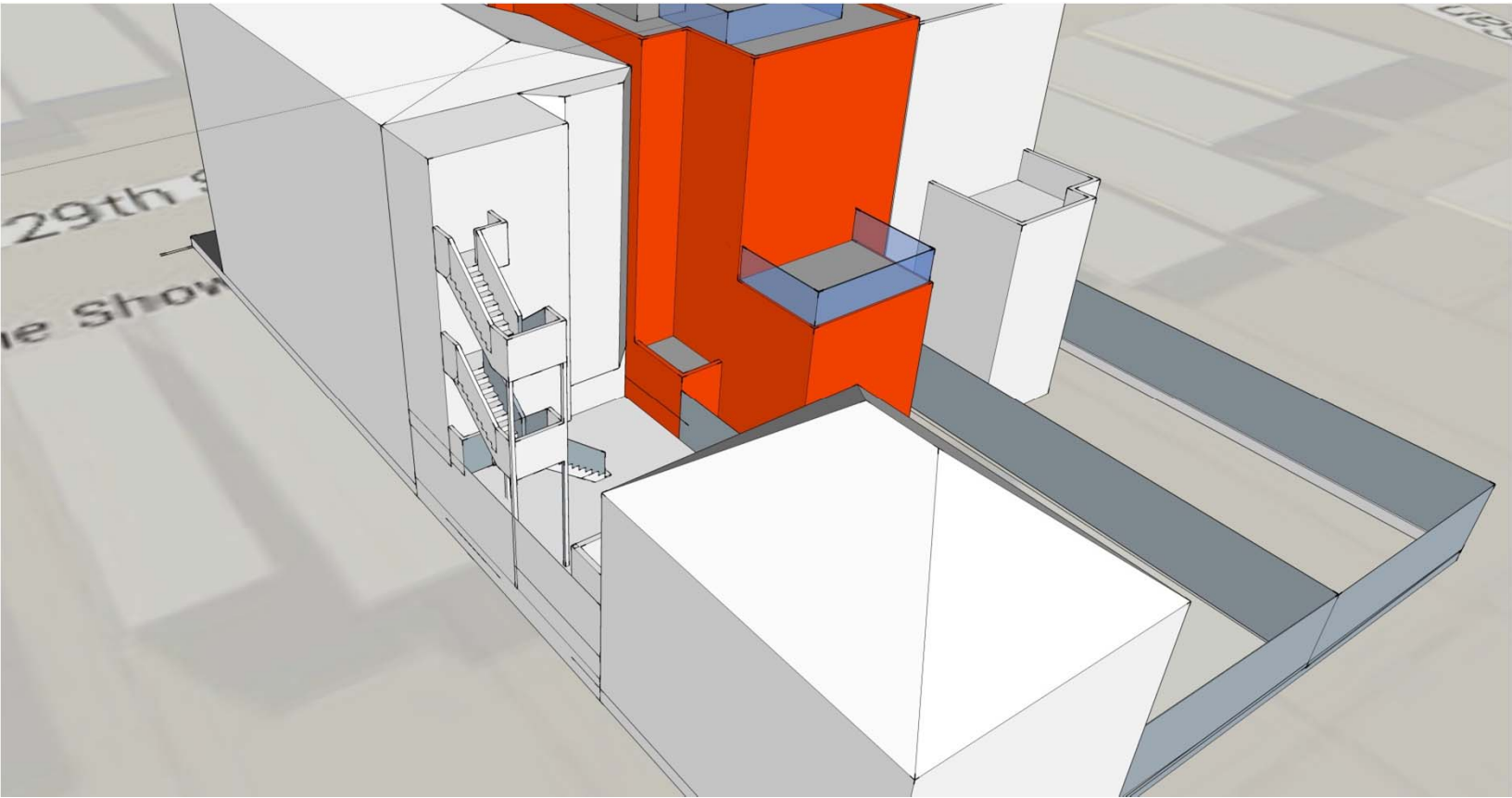
Discretionary Review  
Record Number 2014-003127DRP  
155-157 29<sup>th</sup> Street

# 3D Rendering (proposed)

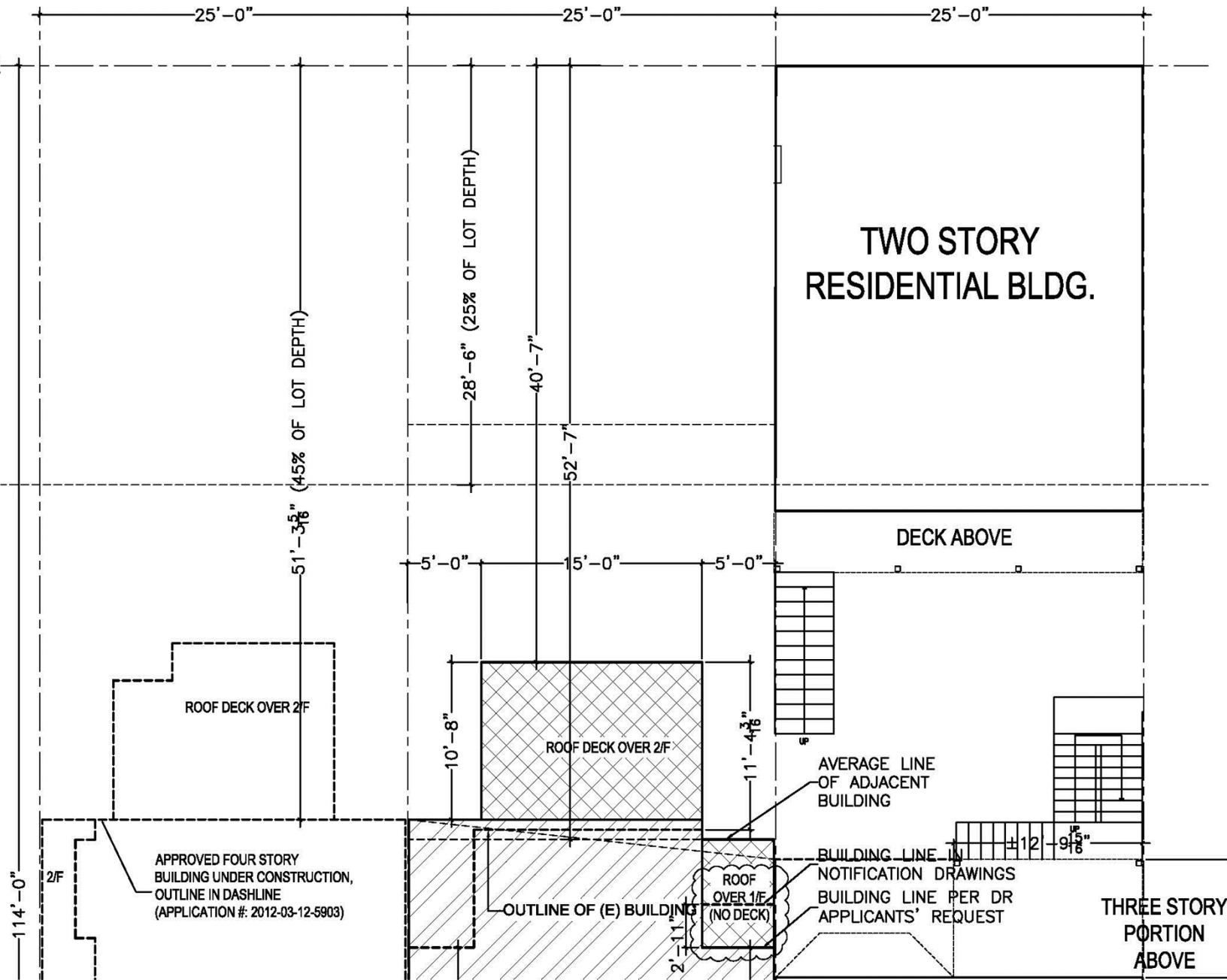


Discretionary Review  
Record Number 2014-003127DRP  
155-157 29<sup>th</sup> Street

# 3D Rendering (proposed)



# Sample of Highlighted Revisions per DR Request



Discretionary Review  
Record Number 2014-003127DRP  
155-157 29<sup>th</sup> Street





# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
155/157 29th Street		6634 / 025	
Case No.	Permit No.	Plans Dated	
N/A	2014.1205.3112	9/18/2015 DBI Stamp Date on Plans	
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRER if over 45 years old)	<input type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification (GO TO STEP 7)
Project description for Planning Department approval. The proposal includes the construction of a two-story rear horizontal addition, with roof deck above, and a vertical addition of a third story above an existing two-story (over garage) two-family dwelling. Also includes infill of two lightwells at ground floor, adding a roof deck at the front third story (over garage), façade alterations, enlargement of the garage width, and interior alterations.			

### STEP 1: EXEMPTION CLASS

TO BE COMPLETED BY PROJECT PLANNER

<b>Note: If neither Class 1 or 3 applies, an <i>Environmental Evaluation Application</i> is required.</b>	
<input checked="" type="checkbox"/>	<b>Class 1 – Existing Facilities.</b> Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	<b>Class 3 – New Construction/ Conversion of Small Structures.</b> Up to three (3) new single-family residences or six (6) 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"/>	<b>Class__</b>

### STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

<b>If any box is checked below, an <i>Environmental Evaluation Application</i> is required.</b>	
<input type="checkbox"/>	<b>Air Quality:</b> Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks)? <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Article 38 program and the project would not have the potential to emit substantial pollutant concentrations. (refer to EP _ArcMap &gt; CEQA Catex Determination Layers &gt; Air Pollutant Exposure Zone)</i>
<input type="checkbox"/>	<b>Hazardous Materials:</b> If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I

	Environmental Site Assessment. <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap &gt; Maher layer).</i>
<input type="checkbox"/>	<b>Transportation:</b> Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	<b>Archeological Resources:</b> Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? <i>(refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Archeological Sensitive Area)</i>
<input type="checkbox"/>	<b>Noise:</b> Does the project include new noise-sensitive receptors (schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) fronting roadways located in the noise mitigation area? <i>(refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Noise Mitigation Area)</i>
<input type="checkbox"/>	<b>Subdivision/Lot Line Adjustment:</b> Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? <i>(refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Topography)</i>
<input type="checkbox"/>	<b>Slope = or &gt; 20%:</b> Does the project involve excavation of 50 cubic yards of soil or more, new construction, or square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint? <i>(refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Topography)</i> <b>If box is checked, a geotechnical report is required.</b>
<input type="checkbox"/>	<b>Seismic: Landslide Zone:</b> Does the project involve excavation of 50 cubic yards of soil or more, new construction, or square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint? <i>(refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones)</i> <b>If box is checked, a geotechnical report is required.</b>
<input type="checkbox"/>	<b>Seismic: Liquefaction Zone:</b> Does the project involve excavation of 50 cubic yards of soil or more, new construction, or square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint? <i>(refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones)</i> <b>If box is checked, a geotechnical report will likely be required.</b>
<b><u>If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an Environmental Evaluation Application is required, unless reviewed by an Environmental Planner.</u></b>	
<input checked="" type="checkbox"/>	<b>Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.</b>
<b>Comments and Planner Signature (optional):</b>	

### STEP 3: PROPERTY STATUS – HISTORIC RESOURCE TO BE COMPLETED BY PROJECT PLANNER

<b>PROPERTY IS ONE OF THE FOLLOWING:</b> <i>(refer to Parcel Information Map)</i>	
<input type="checkbox"/>	<b>Category A:</b> Known Historical Resource. <b>GO TO STEP 5.</b>
<input checked="" type="checkbox"/>	<b>Category B:</b> Potential Historical Resource (over 45 years of age). <b>GO TO STEP 4.</b>
<input type="checkbox"/>	<b>Category C:</b> Not a Historical Resource or Not Age Eligible (under 45 years of age). <b>GO TO STEP 6.</b>



**STEP 4: PROPOSED WORK CHECKLIST**  
TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.	
<input type="checkbox"/>	1. <b>Change of use and new construction.</b> Tenant improvements not included.
<input type="checkbox"/>	2. <b>Regular maintenance or repair</b> to correct or repair deterioration, decay, or damage to building.
<input checked="" type="checkbox"/>	3. <b>Window replacement</b> that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input checked="" type="checkbox"/>	4. <b>Garage work.</b> A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input checked="" type="checkbox"/>	5. <b>Deck, terrace construction, or fences</b> not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. <b>Mechanical equipment installation</b> that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. <b>Dormer installation</b> that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. <b>Addition(s)</b> that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
<b>Note: Project Planner must check box below before proceeding.</b>	
<input type="checkbox"/>	Project is not listed. <b>GO TO STEP 5.</b>
<input checked="" type="checkbox"/>	Project <b>does not conform</b> to the scopes of work. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>four or more</b> work descriptions. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>less than four</b> work descriptions. <b>GO TO STEP 6.</b>


**STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW**  
TO BE COMPLETED BY PRESERVATION PLANNER

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a <b>known historical resource (CEQA Category A)</b> as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. <b>Interior alterations to publicly accessible spaces.</b>
<input type="checkbox"/>	3. <b>Window replacement</b> of original/historic windows that are not “in-kind” but are consistent with existing historic character.
<input type="checkbox"/>	4. <b>Façade/storefront alterations</b> that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. <b>Raising the building</b> in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. <b>Restoration</b> based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input checked="" type="checkbox"/>	7. <b>Addition(s)</b> , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .

<input checked="" type="checkbox"/>	8. <b>Other work consistent</b> with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments): (N) pedestrian door at garage level, in keeping with multi-units on block and style; restore non-original windows to character-defining window operation and material
<input type="checkbox"/>	9. <b>Other work</b> that would not materially impair a historic district (specify or add comments):  (Requires approval by Senior Preservation Planner/Preservation Coordinator) _____
<input type="checkbox"/>	10. <b>Reclassification of property status</b> to Category C. (Requires approval by Senior Preservation Planner/Preservation Coordinator) a. Per HRER dated: _____ (attach HRER) b. Other (specify): _____
<b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.</b>	
<input type="checkbox"/>	<b>Further environmental review required.</b> Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. <b>GO TO STEP 6.</b>
<input type="checkbox"/>	<b>Project can proceed with categorical exemption review.</b> The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. <b>GO TO STEP 6.</b>
<b>Comments (optional):</b> enlarge garage door to 9'-6"	
<b>Preservation Planner Signature:</b> Marcelle Boudreaux <small>Digitally signed by Marcelle Boudreaux DN: cn=org, dc=sfgov, dc=cityplanning, ou=CityPlanning, ou=Current Planning, o=Marcelle Boudreaux, email=Marcelle.Boudreaux@sfgov.org Date: 2015.10.22 17:06:10 -0700</small>	

## STEP 6: CATEGORICAL EXEMPTION DETERMINATION

### TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	<b>Further environmental review required.</b> Proposed project does not meet scopes of work in either (check all that apply): <input type="checkbox"/> Step 2 – CEQA Impacts <input type="checkbox"/> Step 5 – Advanced Historical Review <b>STOP! Must file an <i>Environmental Evaluation Application</i>.</b>	
<input checked="" type="checkbox"/>	<b>No further environmental review is required. The project is categorically exempt under CEQA.</b>	
	<b>Planner Name:</b> Colin B. Clarke, AICP	<b>Signature:</b>  <b>Colin Clarke</b> <small>Digitally signed by Colin Clarke DN: dc=org, dc=sfgov, dc=cityplanning, ou=CityPlanning, ou=Current Planning, cn=Colin Clarke Date: 2015.10.23 08:25:30 -0700</small>
	<b>Project Approval Action:</b> <b>Building Permit</b> If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	
Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.		



# SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

## NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **December 5, 2014**, the Applicant named below filed Building Permit Application No. **201412053112** with the City and County of San Francisco.

PROPERTY INFORMATION		APPLICANT INFORMATION	
Project Address:	<b>155/157 29th Street</b>	Applicant:	<b>Alex Yang Nie, Architect</b>
Cross Street(s):	<b>Between Dolores St &amp; San Jose Ave</b>	Address:	<b>100 Old County Rd, Suite 100A</b>
Block/Lot No.:	<b>6634 / 025</b>	City, State:	<b>Brisbane, CA 94005</b>
Zoning District(s):	<b>RH-3 / 40-X</b>	Telephone:	<b>(415) 203-2371</b>
		Email:	<a href="mailto:nyarchitects@gmail.com">nyarchitects@gmail.com</a>

You are receiving this notice as a property owner or resident within 150 feet of the proposed project. You are not required to take any action. For more information about the proposed project, or to express concerns about the project, please contact the Applicant listed above or the Planner named below as soon as possible. If you believe that there are exceptional or extraordinary circumstances associated with the project, you may request the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown below, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

PROJECT SCOPE		
<input type="checkbox"/> Demolition	<input type="checkbox"/> New Construction	<input checked="" type="checkbox"/> Alteration
<input type="checkbox"/> Change of Use	<input checked="" type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input checked="" type="checkbox"/> Rear Addition [Horiz]	<input type="checkbox"/> Side Addition	<input checked="" type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Two-Family Residential	No Change
Front Setback	0 feet	No Change
Side Setbacks	None	No Change
Building Depth	62 feet (approx.)	73 feet (approx.)
Rear Yard (to rear building wall)	52 feet (approx.)	41 feet (approx.)
Building Height	34 feet (approx.)	40 feet (approx.)
Number of Stories	2 over garage	3 over garage
Number of Dwelling Units	2	No Change
PROJECT DESCRIPTION		
<p>The proposal includes the construction of a two-story rear horizontal addition, with roof deck above, and a vertical addition of a third story above an existing two-story (over garage) two-family dwelling. The project also includes infill of two lightwells at the ground floor, adding a roof deck at the front third story (over garage), as well as façade alterations and interior alterations. See attached plans.</p> <p>The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.</p>		

**For more information, please contact Planning Department staff:**

Planner: Colin B. Clarke, AICP  
Telephone: (415) 575-9184  
E-mail: [Colin.Clarke@sfgov.org](mailto:Colin.Clarke@sfgov.org)

Notice Date: 11/16/15

Expiration Date: 12/16/15

中文詢問請電: (415) 575-9010

Para información en Español llamar al: (415) 575-9010

# GENERAL INFORMATION ABOUT PROCEDURES

Reduced copies of the proposed project plans have been included in this mailing for your information. If you have questions about the plans, please contact the project Applicant listed on the front of this notice. You may wish to discuss the plans with your neighbors or neighborhood association, as they may already be aware of the project. If you have general questions about the Planning Department's review process, please contact the Planning Information Center at 1660 Mission Street, 1st Floor (415/ 558-6377) between 8:00am - 5:00pm Monday-Friday. If you have specific questions about the proposed project, you should contact the planner listed on the front of this notice.

If you believe that the impact on you from the proposed project is significant and you wish to seek to change the project, there are several procedures you may use. **We strongly urge that steps 1 and 2 be taken.**

1. Request a meeting with the project Applicant to get more information and to explain the project's impact on you.
2. Contact the nonprofit organization Community Boards at (415) 920-3820, or online at [www.communityboards.org](http://www.communityboards.org) for a facilitated discussion in a safe and collaborative environment. Community Boards acts as a neutral third party and has, on many occasions, helped reach mutually agreeable solutions.
3. Where you have attempted, through the use of the above steps or other means, to address potential problems without success, please contact the planner listed on the front of this notice to discuss your concerns.

If, after exhausting the procedures outlined above, you still believe that exceptional and extraordinary circumstances exist, you have the option to request that the Planning Commission exercise its discretionary powers to review the project. These powers are reserved for use in exceptional and extraordinary circumstances for projects which generally conflict with the City's General Plan and the Priority Policies of the Planning Code; therefore the Commission exercises its discretion with utmost restraint. This procedure is called Discretionary Review. If you believe the project warrants Discretionary Review by the Planning Commission, **you must file a Discretionary Review application prior to the Expiration Date shown on the front of this notice.** Discretionary Review applications are available at the Planning Information Center (PIC), 1660 Mission Street, 1st Floor, or online at [www.sfplanning.org](http://www.sfplanning.org). You must submit the application in person at the Planning Information Center (PIC) between 8:00am - 5:00pm Monday-Friday, with all required materials and a check payable to the Planning Department. To determine the fee for a Discretionary Review, please refer to the Planning Department Fee Schedule available at [www.sfplanning.org](http://www.sfplanning.org). If the project includes multiple building permits, i.e. demolition and new construction, a **separate request for Discretionary Review must be submitted, with all required materials and fee, for each permit that you feel will have an impact on you.**

**Incomplete applications will not be accepted.**

If no Discretionary Review Applications have been filed within the Notification Period, the Planning Department will approve the application and forward it to the Department of Building Inspection for its review.

## BOARD OF APPEALS

An appeal of the Planning Commission's decision on a Discretionary Review case may be made to the **Board of Appeals within 15 calendar days after the building permit is issued** (or denied) by the Department of Building Inspection. Appeals must be submitted in person at the Board's office at 1650 Mission Street, 3rd Floor, Room 304. For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (415) 575-6880.

## ENVIRONMENTAL REVIEW

This project has undergone preliminary review pursuant to California Environmental Quality Act (CEQA). If, as part of this process, the Department's Environmental Review Officer has deemed this project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained through the Exemption Map, on-line, at [www.sfplanning.org](http://www.sfplanning.org). An appeal of the decision **to exempt the proposed project from CEQA may be made to the Board of Supervisors within 30 calendar days** after the project approval action identified on the determination. The procedures for filing an appeal of an exemption determination are available from the Clerk of the Board at City Hall, Room 244, or by calling (415) 554-5184.

Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.

DEC 18 2015

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
P I C

# APPLICATION FOR Discretionary Review

## 1. Owner/Applicant Information

DR APPLICANT'S NAME: David A. DeGroot and Mary Kane		
DR APPLICANT'S ADDRESS: 161 29th Street, San Francisco, CA	ZIP CODE: 94110	TELEPHONE: (415 ) 824-4662
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: Angelina Milan and Warren Howells		
ADDRESS: 155-157 29th Street, San Francisco, CA	ZIP CODE: 94110	TELEPHONE: (415 ) 756-4455
CONTACT FOR DR APPLICATION: Same as Above <input checked="" type="checkbox"/> <input type="checkbox"/>		
ADDRESS: 	ZIP CODE: 	TELEPHONE: ( )
E-MAIL ADDRESS: daviddegroot@comcast.net		

## 2. Location and Classification

STREET ADDRESS OF PROJECT: 155-157 29th Street, San Francisco, CA		ZIP CODE: 94110		
CROSS STREETS: block between Dolores St. and San Jose Ave.				
ASSESSORS BLOCK/LOT: 6634 /25	LOT DIMENSIONS: 25' x 114'	LOT AREA (SQ FT): 2850	ZONING DISTRICT: RH-3	HEIGHT/BULK DISTRICT: 40-X

## 3. Project Description

Please check all that apply

Change of Use ☐ Change of Hours ☐ New Construction ☐ Alterations ☒ Demolition ☐ Other ☐Additions to Building: Rear ☒ Front ☒ Height ☒ Side Yard ☐  
residential housing

Present or Previous Use:

Proposed Use: residential housing

Building Permit Application No. 201412053112

Date Filed: December 5, 2014

 ORIGINAL



#### 4. Actions Prior to a Discretionary Review Request

Prior Action	YES	NO
Have you discussed this project with the permit applicant?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you discuss the project with the Planning Department permit review planner?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you participate in outside mediation on this case?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### 5. 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 there were made to the proposed project.

The Applicants have set out their concerns at length in correspondence with the project Sponsor's architect.

The major concerns have not been addressed. The Sponsor did agree to install clear bird-proof glass on decks.

In responding to expressed concerns to the project blocking light and air of our rent-controlled tenants, the Sponsor's architect suggested that we trim a tree on our property.

## 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 minimum standards of the Planning Code. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines? Please be specific and cite specific sections of the Residential Design Guidelines.

The proposed Project will adversely affect the light, air and access to mid-block open space of our property. The Project will effectively raze the existing building and replace it with one 50% larger, even though it does not add another unit to the city's housing stock. The main impacts are from an extension of the lot line wall. Please see Planning Code sections 134, 136, Residential Design Guidelines at 25-28 (regarding mid-block open space). See attachment. Sponsors also propose a three-foot excavation of the rear yard that is inappropriate.

2. The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

The adverse impacts would fall mostly on our rent-controlled tenants. The buildings on our property and the existing neighboring building have been in their current form for over a century. The south-facing end of their apartments would be boxed-in by the proposal. A reduction of less than 300 square feet in the Project would reduce or eliminate these impacts and still leave the opportunity for almost 90% of the proposed expansion. This would be consistent with many renovations on the block that did not encroach on mid-block open space.

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?

As explained further in the attachment, the main changes would be (1) to have the new lot line wall meet our main building's lot line wall (or at least not exceed the existing wall, which extends about a foot past the existing wall); (2) reduce or eliminate the proposed pop out into the rear yard; and (3) reduce or eliminate the excavation of the rear yard. See attachment.

## 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: The other information or applications may be required.

Signature: David A. DeGroot Mary Kane

Date: 12/18/15

Print name, and indicate whether owner, or authorized agent:

David A. DeGroot and Mary Kane, owners  
Owner / Authorized Agent (circle one)



# Discretionary Review Application Submittal Checklist

Applications submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and **signed by the applicant or authorized agent**.

REQUIRED MATERIALS (please check correct column)	DR APPLICATION
Application, with all blanks completed	<input checked="" type="checkbox"/>
Address labels (original), if applicable	<input checked="" type="checkbox"/>
Address labels (copy of the above), if applicable	<input checked="" type="checkbox"/>
Photocopy of this completed application	<input type="checkbox"/>
Photographs that illustrate your concerns	<input checked="" type="checkbox"/>
Covenant or Deed Restrictions	<input checked="" type="checkbox"/>
Check payable to Planning Dept.	<input checked="" type="checkbox"/>
Letter of authorization for agent	<input type="checkbox"/>
Other: Section Plan, Detail drawings (i.e. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (i.e. windows, doors)	<input checked="" type="checkbox"/>

## NOTES:

☐ Required Material.

☒ Optional Material.

☐ Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

For Department Use Only

Application received by Planning Department:

By: Heidi Kline

Date: 12/18/15

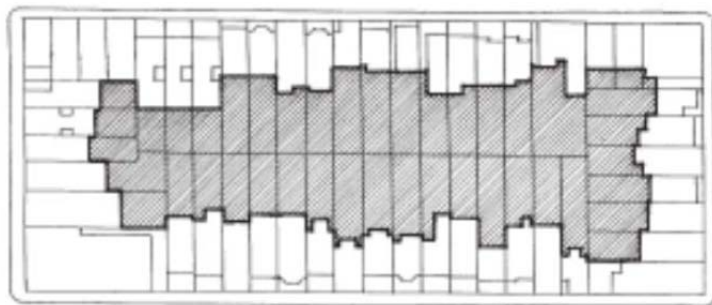
## Discretionary Review Application – 155-157 29th Street

### 1. Reasons for Discretionary Review

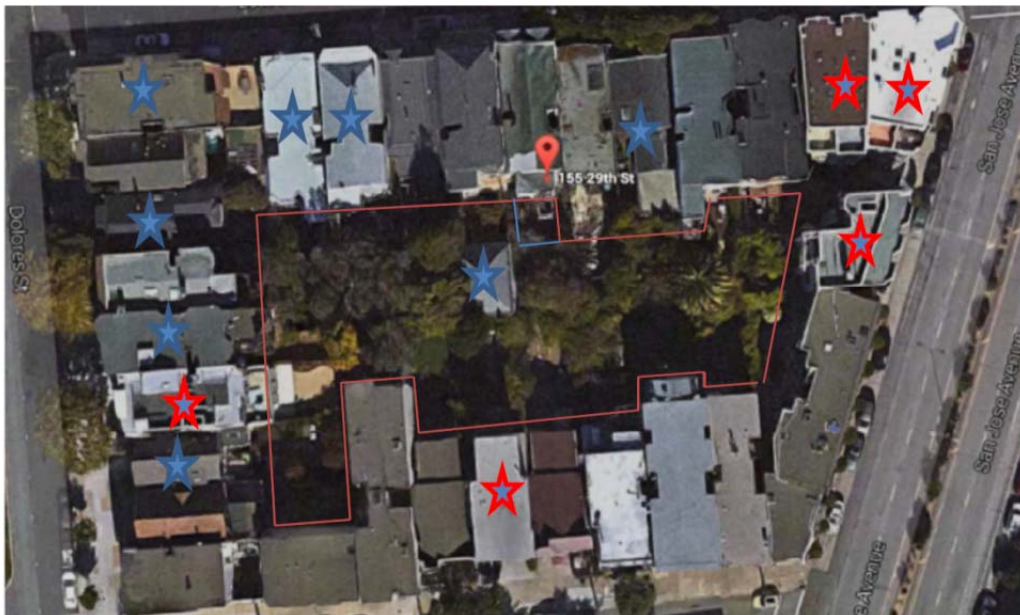
There are three ways that the proposal is incompatible with its surroundings: (1) the lot line wall is extended beyond the existing building and the neighboring lot line wall; (2) the “pop-out” is inconsistent with Residential Design Guidelines (“RDG”) on mid-block open space; and (3) the excavation of a three-foot deep pit through the vast majority of the rear yard is unnecessary and potentially destabilizing of the Applicants’ property.

The Residential Design Guidelines (“RDG”) suggest that strong patterns of mid-block open space should be maintained. According to RDG, at 25-26, “An out-of-scale rear yard addition can leave surrounding residents feeling ‘boxed-in’ and cut-off from the mid-block open space.” RDG at 26.

*Block with a strong mid-block open space pattern.*



The subject block has a strong mid-block pattern of open space, as shown below in red marking. Many property owners on the block have undertaken substantial renovations in the last 20 years without intruding on the mid-block open space pattern. In the diagram below, blue stars show those projects that were substantial renovations that remained within existing building envelopes. Red stars show new construction or renovations that exceeded existing envelopes without intruding into mid-block open space.



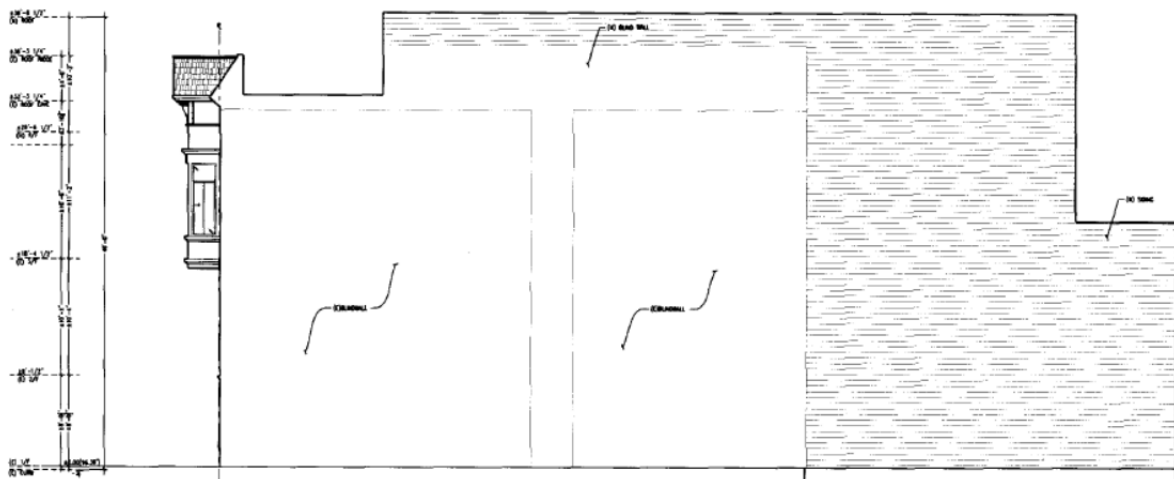
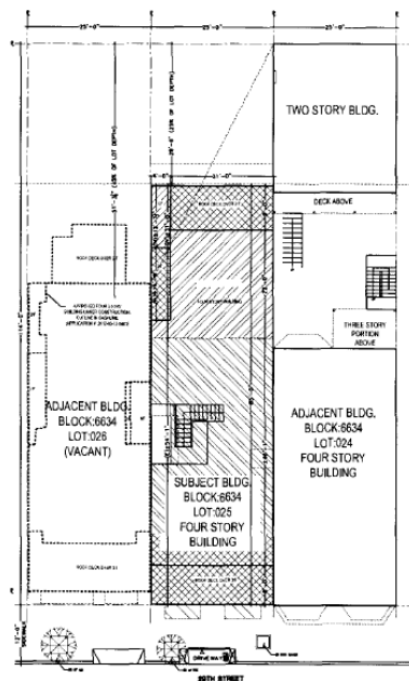
The Sponsors have not considered a renovation within the existing envelope.

## Discretionary Review Application – 155-157 29th Street

### 2. & 3. Impacts of the Proposed Project and Proposed Solutions

A brief history of the proposal is in order. The Sponsors' pre-application proposal was for a gigantic expansion of the existing building envelope. This was not a serious proposal, but rather an attempt to gain leverage and then present the "real" proposal as a compromise.

The initial proposal would have entirely built out the lot line between the Sponsors' and the Applicants' property with a 40-foot high wall. This for a project that is for one family and an elderly woman, according to the Sponsors. See below for initial proposal details (plan and elevation views). This speaks of a concern solely for maximizing square footage.





## Discretionary Review Application – 155-157 29th Street

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The current project is “reduced” to what is really the maximum permitted: full lot coverage up to the 45% rear yard requirement, plus a standard 12-foot pop-out, plus the addition of an entire floor on top and build out of the rear of the ground floor with a two-story addition.

A slight reduction in the proposal would substantially limit the impact on the rent-controlled tenants who live in the main building on the adjacent property (which consists of a three-flat main building plus an owner-occupied cottage at the rear of the adjacent lot, both of which are over a century old).

### Issue #1 - Lot line wall extension

The photos below show existing views from the middle and upper units of the main building. The lower unit has a similar view to the main building. (The wall with the peeling pink paint is the existing lot line wall.) The building on the other side of the subject property is a brand new building that is not completed. Before the approval of that building, the mid-block open space was even more coherent. The Sponsors do not have a clear indication on their plans of how they plan to extend the lot line wall, but it appears that they propose a four-foot extension.



*View from middle unit. Wall with chipped paint is lot line wall.*



*View from upper unit.*

The Sponsors have suggested that the lot-line wall extension only goes two-feet beyond the tenants’ existing bay windows. These windows will, if the Sponsors’ proposal is approved, have that “boxed-in” feeling that RDG suggests is not appropriate.

## Discretionary Review Application – 155-157 29th Street

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Photos taken December 11 at 8:45 am, below, also show the substantial morning light that reaches these windows now, has for over a century, and won't in the future if the Sponsor's project is not altered.



*Dec. 11, 2015, 8:45 am. View of rear bay windows on neighboring property.*



*View of existing juncture of lot line walls, with tree Sponsors believe should be trimmed in foreground.*

In correspondence, the Sponsors' architect suggested that concerns over the tenants' light, air and access to mid-block open space could be addressed if the Applicants considered "trimming and thinning the tree to improve the lighting."

***Solution: Either shorten the existing condition by one foot to meet the current neighboring lot line wall or limit construction to current one-foot extension beyond neighboring lot line wall.***

This would change the Sponsors' plans by just a four- or five-foot reduction of their proposed lot line wall extension. The benefit to the tenants would be substantial while the change to the current proposal would be minimal, reducing it by about 80 square feet.

It would also meet the goals of the Planning Code and the Residential Design Guidelines. The figures below show an example of adjusting building shapes in the rear yard from the Zoning Administrator's Bulletin No. 5, at 6, fig. 7, below. Having lot line walls match adds to the coherence of the mid-block open space and prevents residents on both sides from having the

## Discretionary Review Application – 155-157 29th Street

“boxed-in” feeling that RDG says to avoid. The Sponsors match the lot line wall on the other side of their proposal. See below. They should do the same on the Applicants’ side.

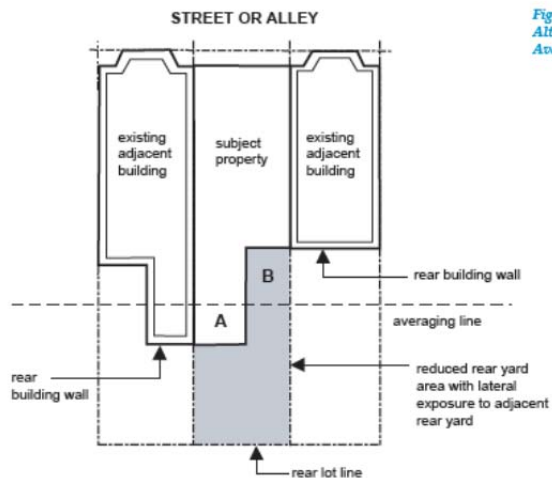
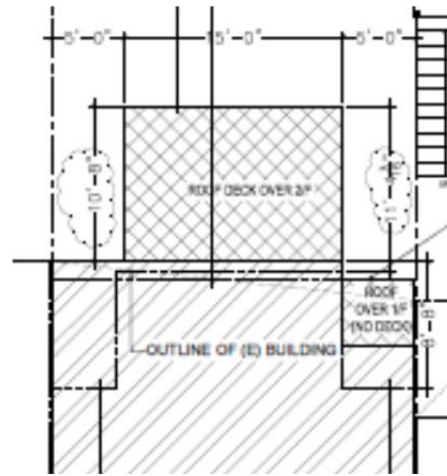


Fig  
Alte  
Aven

*Fig. 7, Zoning Administrator Bulletin No. 5, showing match of lot line walls on neighboring properties.*



*Detail of Sponsors' proposal, showing perfect match of neighboring lot line wall at left but large extension at right.*

### Issue #2 – Pop out extension

The following photos illustrate the existing condition and an example of the proposed condition from the neighboring property, a recently constructed 2-unit condominium.



## Discretionary Review Application – 155-157 29th Street

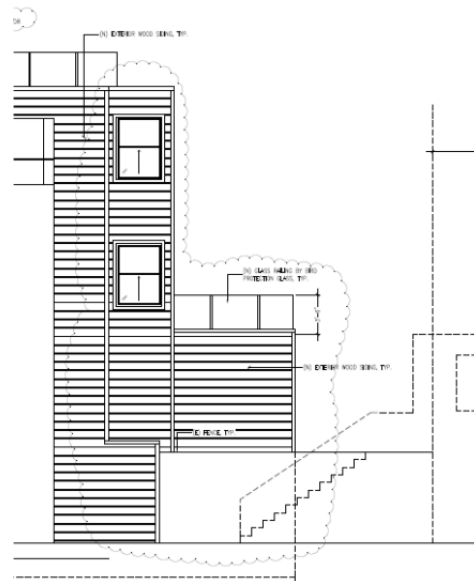


*View from back landing between second and third floors.*

The elevation view shows the substantial filling in of the open area of the Applicants' small yard. While less than the 100% filling in at the lot line of the Sponsors' original proposal, it is still a major impact.



*Existing.*



*Proposed.*

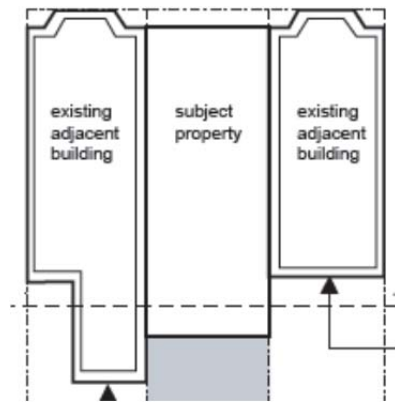
## Discretionary Review Application – 155-157 29th Street

It is unfortunate that the large construction at 149 29<sup>th</sup> Street adjacent to the subject property was approved. That construction should not become the new normal for rear yard encroachments on this block.

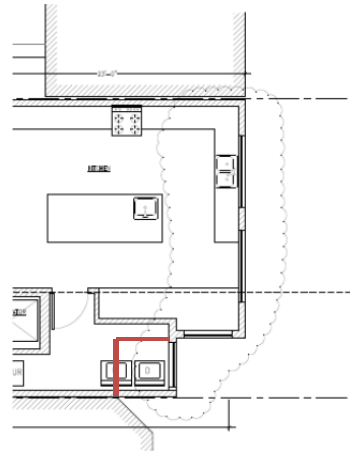
**Solution: Eliminate or reduce by eight feet the pop-out.**

The proposed solution does not affect the additional floor. It would reduce the expansion of the property by 120-180 square feet, a minimal impact. It would also be consistent with RDG for preserving mid-block open space.

Such a change would also be in keeping the “averaging” for rear extensions. The rear yard intrusion of an opaque structure could be stepped back from 149 29<sup>th</sup> Street to the Sponsors’ proposal to the Applicants’ property. As illustrated below from the Zoning Administrator’s Bulletin No. 5, such stepping creates context.

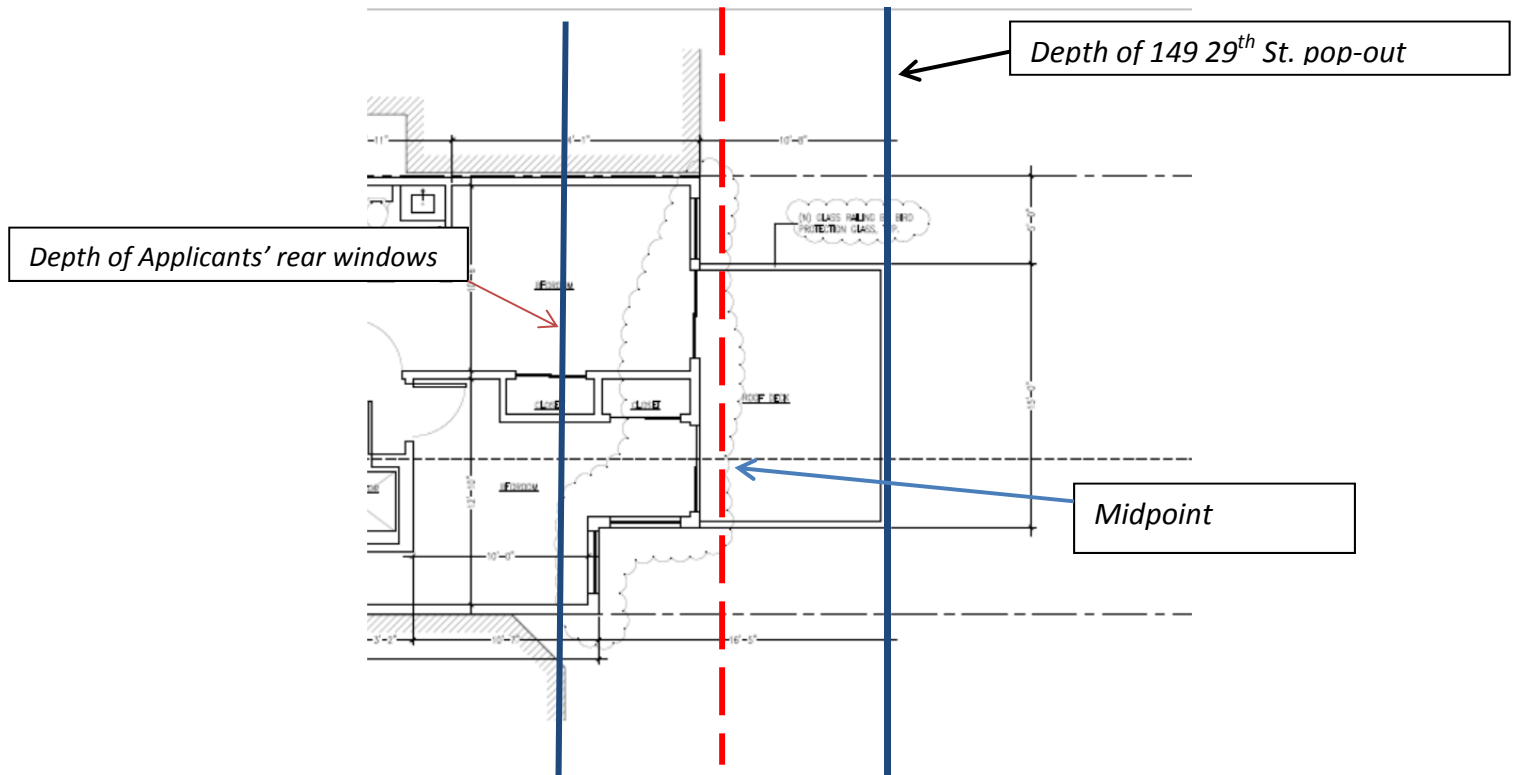


*Stepping concept from Zoning Administrator's Bulletin No. 5.*



*Matching lot line walls provides context (from 4<sup>th</sup> Floor of Sponsor proposal, with Applicants' edit of west lot line wall in red).*

## Discretionary Review Application – 155-157 29th Street



The diagram above, using the Sponsors proposed third floor plan, shows the midpoint between the depth of 149 29<sup>th</sup> Street on the east side of the subject property and the depth of the rear bay windows on the Applicants' main building.

Eliminating the pop-out would be consistent with stepping concept. A four-foot pop-out would still be contextual with the existing buildings and the mid-block open space.

### Issue #3 – excavation of yard

We have very little information on this. Apparently, the Sponsors wish to excavate their rear yard by three feet. We believe that this could adversely affect the foundations of our buildings. Additionally, we are worried that future owners of the subject property could experience water run-off and even slight subsidence from our property, leading to claims against us.

The rear elevation from Sponsors' plans, below, shows the steep drop-off.

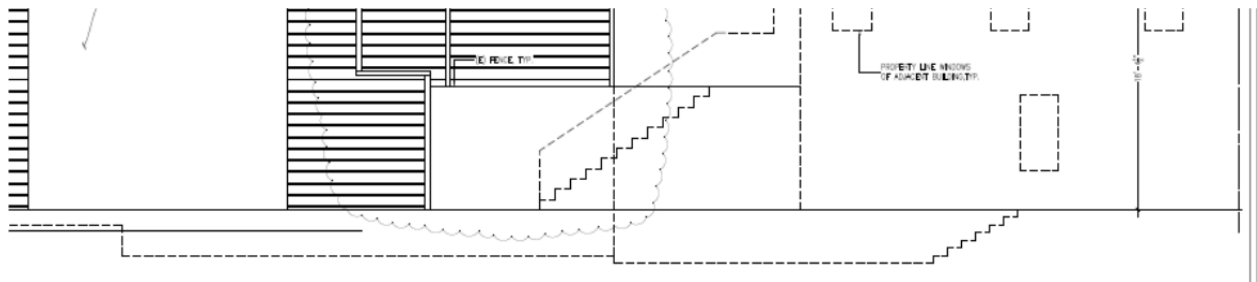


## Discretionary Review Application – 155-157 29th Street



The excavation appears to be in the service of assuring that the Sponsors' overgrown proposal can have 10-foot ceilings on every floor. While that might be desirable for future condominium advertisements, creating a cliff between our property and the Sponsors' property.

The side elevation below shows how the proposal will go next to and below the foundations of our two buildings. We asked for additional information about our concerns. The Sponsors' architect simply assured us that work would be done by a good contractor who met applicable standards. That is insufficient to allay our concerns.



**Solution:** Reduce floor to ceiling heights by 6 inches and excavate one foot. Alternatively, the Sponsors can maintain their preferred ceiling heights and simply step up from the ground floor into the at-grade yard.

### Issue #4 – Construction impacts

We have sought some assurances that the impact of construction will be minimized on the neighborhood. We've been impacted by excessive noise from the construction at 149 29<sup>th</sup> Street for over two years. The concerns have been set out in other correspondence that the Planner, Colin Clarke, has. Those concerns have not been addressed. We'd like them to be. Hopefully they can be without a hearing.

December 11, 2015

**VIA E-MAIL**

Mr. Alex Nie  
Nie Yang Architects  
100 Old County Road, Suite 100A  
Brisbane, CA 94005  
E-Mail: nyarchitects@gmail.com

Re: 155-57 29th Street – Building Permit Application No. 201412053112

Dear Mr. Nie:

As you know, we own the property at 161-165A 29<sup>th</sup> Street, San Francisco, CA, that is adjacent to west of the property owned by your clients. We write in reference to the above-referenced application of Angelina Milan and Warren Howells for a building permit.

Let me first state that we are disappointed that you did not provide us with updated information on this proposal since the pre-application meeting, in spite of your promise to do so. Thus, the Notice we received, with a mid-December deadline, gave us very little time to evaluate your proposal and came at a very busy time of year for us, both professionally and personally. While the current proposal is improved from the prior proposal that had a 40-foot lot line will extending up ten feet and back thirty feet from the existing building, it has been very challenging for us to evaluate your current proposal, especially during the holidays.

We note that there have been a number of substantial renovations projects on our block over the last number of years. None of them have proposed a rear-yard extension, let alone the very large expansion like your clients' proposal. The only exception to that was the property adjacent to your clients' property. I assume that your clients did not object because they wished to develop the property with a major expansion. This would explain the major deterioration in your clients' building over the last ten years. See Photos 1, 2. In contrast, major renovations on our property and at least a half dozen properties on this block have stayed completely within the existing building envelope. Substantial value could be added to your clients' property and substantial profits made within the existing envelope or with minor changes. Further, going up one floor would add substantial value without changing the footprint of your clients' building. What your clients propose is a major expansion that will harm our property, darken our tenants' units and our yard, and adversely affect the interests of other neighbors and our rent-controlled tenants.

We also note that your proposal will lead to the further loss of rental units. The current lower unit was previously occupied by an elderly gay grandfather whose rent was far below market. The proposal also will not increase the number of housing units. We have three rental units, two of

which are occupied by tenants below market rates. Their units would be negatively impacted by your clients' proposal.

Nevertheless, we have taken the time (at a very inconvenient time) to look at the proposal and we have a number of concerns. I state those concerns as succinctly as I can below. I look forward to your responses as rapidly as you can provide them, in the hope that we can avoid filing for discretionary review. If we are forced to seek discretionary review by the deadline, we remain committed to having a dialogue with regard to our concerns.

Our overall concern remains with the impact the proposal will have on our property. This covers a number of areas.

#### Rear yard

1. The plans indicate an extension of the lot-line wall of almost 9 feet. Currently, that wall extends just a few inches and does not block our tenants' windows in a significant way. Some photos are attached that indicate the current condition from the second and third floor apartments in our main building. (Photo 3, 4 (views from middle and upper units).) As seen from outside, the rental units currently have substantial light even early on a winter morning. (Photo 5, showing the current condition on Dec. 11, 2015 at 8:45 am) The proposed extension of the lot line wall will have a severe impact. Likewise, the height increase will have an impact on the upper floor, which currently has a beautiful clear view. (Photo 4.) The proposal would block that view and darken the south-facing view of those renters. The lot line wall adjacent to our property should not be extended back at all.
2. The extension of the building into the rear yard will significantly impact the yard on our property. As you know, the building envelope on our property has not changed in over 100 years. The plans show a building that mirrors the new and incomplete structure to the east of your property as the "new normal." We believe that the building on your clients' property should fit with our property, not just the new building on the other side. The rear of your building should not extend more, as its depth is in context now. Photo 6.
3. While we note that the expansion into the rear yard proposed now is an improvement over your original proposal, that proposal was not serious. Your clients proposed building a 40-foot high lot line wall that would have completely filled the space between our main building and our in-law cottage. That they've backed off of that doesn't make the current proposal that covers more than half of the open space between our main building and our cottage reasonable.
4. We believe that no extension of the rear of the current building is necessary. See Photos 6 and 7 for existing condition. This deep extension would simply allow an unneeded fourth bedroom for the proposed units and a back deck redundant to one that your clients propose for the roof. This rear extension is what most greatly impacts us and our tenants. At most, an extension of the existing back wall of two or three feet instead of almost 12 feet of from the existing rear wall would accommodate plenty of space for the



proposed units. You can extend that lot line wall on the east side of your building, as that would have little impact on the new building to the east, which has not been around for over 100 years like ours. We don't believe that the current existence of old wooden back stairs should become the baseline for the back wall of any proposed building. The current back wall defines a completely adequate building envelope. An extension, if any, should be modest. What is proposed is not modest or in keeping with the surroundings.

5. The color of the rear yard extension is also important. It should be white or a light color to minimize the visual impact on our property and our tenants.
6. The plans do not indicate clearly how the outdoor deck on the third floor will be used. On the building to the east of your clients', we've been surprised at the extension of opaque walls out from the back wall of the third floor. (See Photo 6, deck of new construction.) Opaque walls or railings would further limit the light and air available to our property. The railings for the deck on your plans are indicated as glass. These should be completely transparent, allow light and air through, and be binding on future owners.
7. We were also surprised that the adjacent property owner installed a hot tub on their third floor outside deck. We have had significant problems with a recent neighbor who partied night after night in their ground level hot tub. We don't believe that one on a third floor deck would be safe. It could become a nuisance. We'd like a binding commitment that no outdoor hot tub will be installed on any decks.
8. How will you avoid damaging the fence between our property and your clients' property? (See Photos 8, 9 for existing condition.)

#### Excavation

9. It appears that your plans call for excavating a large portion of your clients' property, ending up with a steep drop from our property to your clients' property. This is very concerning. (Photos 10, 11 for existing condition.) Currently, there is no irregular drop-off between your clients' property and ours. The proposal would create such a drop-off, for no apparent reason.
10. We do not have any information with regard to how you plan to engineer this work. Will there be retaining walls? How will this relate to our buildings? What provisions will be made to assure that our buildings will not be damaged or affected? How will drainage be handled?
11. How will subsidence of our land, foundations, and buildings be prevented? We are concerned with the possibility of subsidence on our property, which could result in future claims against us, even though they would be caused by your clients' unnecessary excavation. What happens if soil slides from our property into your lowered yard?
12. All of this is particularly alarming because it appears driven by a desire to have 10-foot ceilings at the garden level. While having high ceilings may benefit a future condo listing,

it should not be done through an ill-conceived excavation. The lot as it is can accommodate perfectly adequate nine-foot ceilings without excavation.

13. We believe that the plans should not call for excavation of the yard of more than one foot. Otherwise, there will be a pit causing problems long after the applicants are gone, leaving those of us who remain here and innocent rent-controlled tenants to suffer the consequences.

#### Other issues with proposed plans

14. Lightwell – your proposal changes the current lightwell, which extends all the way to the ground, with a structural wall that extends above the first floor. Please explain this change. (See Photos 1, 12 for existing condition.)
15. Elevator – explain if the mechanical portion of the proposed elevator will be located on the roof and, if so, what noise rating or noise standard the installed machinery will meet as well as what soundproofing will be provided. The footprint of the elevator also drives part of your clients' need to push the building back. Removing the elevator and the resulting further encroachment into the rear yard would reduce the impact on our property.
16. Front facade – we frankly are indifferent to the façade and front setback of your proposal. The façade of your clients' building is the least attractive of a number on the block. Since it appears that your clients' propose to all but raze the entire structure except for the façade, we would have no objection if they went all the way and razed the façade, too. We would be amenable to that to allow your clients greater flexibility so that they could reduce the impact in the rear.
17. Curb cut – how is the proposed curb cut changing from existing? It appears to be wider in the plans. The existing distance from your clients' property line to the curb cut is about nine feet. Our concern is continuing to be able to park in front of our own driveway, which conserves street parking for others. Distance from lot line to west edge of curb cut should be at least seven feet, which would allow for an adequate widening of the garage door. We would also anticipate that new occupants would not need to park in front of driveway due to shared garage.

#### Construction issues

18. As mentioned above, we believe that your plans call for razing almost all of the current structure other than the façade. Please describe the extent of the planned demolition of the current structure, the planned replacement of foundation, and the full extent of excavation across the entire property.
19. We need to understand how foundation work on your property will not affect ours. We need engineering information to describe how work on your clients' property will impact

ours. We will also need time for an engineer to review your clients' proposal. This is a very important safety issue.

20. Assuming that most of the existing building would be razed, we request access so that the side of our main building that will be temporarily exposed can be inspected, painted and have any other necessary work performed. We note that this was apparently done with your clients' property when the lot adjacent to theirs was developed. Likewise, if foundation work on our building is necessary due to your construction, your clients would assume the cost of work necessitated by their construction (as opposed to work that is simply desirable) and would allow time and access to do needed work (whether necessitated by the construction or desirable). The importance of this would be determined based on engineering information that has not been provided.
21. Three months' notice before the beginning of demolition would be provided, to allow us to hire appropriate professionals and tradesmen to do engineering, painting, and possible foundation work. This would be a binding condition of the permit.
22. We have lived through years of construction at the property to the east of your clients' property. The original project sponsor intended to do the improvements and was known to and trusted by us. Unfortunately, he and his partner sold their property to a less-experienced developer who has had difficulty completing the project. Regardless of your clients' intentions, we must assume the possibility that the property will be sold and a new developer will not honor any representations made by your clients unless they are binding and part of the approval. Therefore, your clients' commitments must be a binding part of any permit.
23. Regarding the time of day for construction, it should not commence before 8 am on weekdays, 9 am on Saturdays or Sundays. This is particularly important to our rent-controlled tenants. There is a young boy who lives in one unit and a baby girl in another. The lives of these families should not be interrupted by dawn to dusk construction work. Too often that has been the case at the recent construction next door to your clients' property. Please indicate whether your clients will agree to this as a binding condition.
24. Construction parking – the area in front of your clients' property should be sufficient for normal construction parking. Please commit to not seeking months' long construction parking in front of our property and obtain that only in exceptional circumstances (like when concrete is being poured). Workers who are simply driving to the site to work can find parking on the street like everyone else and don't need a special parking area taking up street parking simply for convenience.

In summary, your clients propose a building that is too large and is out of character with everything but a neighboring building that is not even finished. That new construction does not establish the context that your clients' building should fit into. A proposal that was consistent with existing context would not extend the lot line wall next to our property, would not move the real wall back a dozen feet, and would not deprive us and our tenants of much of the light and air we currently enjoy, all for a few extra sellable square feet.



Mr. Alex Nie  
December 11, 2015  
Page 6

We believe it would be useful if your clients would extend the deadline for filing for discretionary review until after the holidays, in order to allow you time to address our concerns and, hopefully, reach a satisfactory resolution. Please let us know by Tuesday at 10 am if that is possible. Otherwise, we'll have to file for discretionary review. If we do, we would still be open to a continuing dialogue in the hope that a satisfactory resolution can be obtained in keeping with the current character of the block.

Very truly yours,

/signed/

David A. DeGroot and  
Mary Kane

December 15, 2015

Mr. David A. DeGroot  
Mrs. Mary Kane  
DDeGroot@sheppardmullin.com  
mary.kane@comcast.net

Dear Mr DeGroot,

Thank you for your letter dated December 11, 2015, regarding my clients' plans for the property at 155-157 29<sup>th</sup> St.

As you noted in your letter, my clients' plans for the property have changed significantly since we presented them to you at the pre-application outreach meeting held in November 2014. The overall project, and in particular the extension to the rear of the building, which you expressed concern about at that meeting, has been dramatically reduced. This is the result of my client and me working diligently with the project planner and the Residential Design Team (RDT), during which time the project went through a number of revisions. I didn't feel it appropriate to share these revisions with you as they had not received final approval from the Planner & the RDT.

The final set of plans after planning review, mailed to you on November 16, 2015 by the Planning Dept., were the appropriate ones for your review and consideration. It is unfortunate that the timing is so close to the Holidays, but if you'd reached out to me at the same time you contacted the planner (on November 17) with your initial objections we could have spent the intervening weeks trying to address your concerns.

We understand your concern over the lighting for the rear of your building but would like to point out that the two story extension would be to the southeast of your building and so any impact on direct light will be limited to the early hours of the morning. In addition, our proposed 3<sup>rd</sup> floor is only 8" beyond the existing rear wall, while the proposed two story portion has a side set back of 5' from the property line consequently the impact on the light is minimized. As you will note below, my clients are willing to use colors and materials to minimize the impact, but they also suggest that the large tree in the space between your rear building and your front building (see pictures) has a much greater impact on the light for the lower two units. The height of that tree is similar to your rear building and is much taller than the rear 2 story portion of our addition. Perhaps you could consider trimming and thinning the tree to improve the lighting for these two units too.

My clients are planning to return to live in the property once the work is completed and want to have a positive relationship with their neighbors and so are keen to address many of your concerns with regards to the property design and the construction process.

We have talked to the project planner about the filing date deadline for design review hearing. Unfortunately, we have no control over that date. I believe that the Project Planner, Mr. Clarke, has responded to this question already.

My clients have already shared with me their positive responses to the following concerns you raised in your letter:

**Rear Yard:**

1. The 9 feet extension lot line wall you mentioned in your letter is only one story high, the wall above at the 2<sup>nd</sup> floor is only 2 feet beyond your bay windows.
2. The adjacent building under construction was approved by the Planning Department and complies with current planning code and design guidelines. Given our proposed building only extends 8 inches from the existing rear wall at 3<sup>rd</sup> floor, the rear addition is really limited to the two stories, which are side set back and will have limited impact on your property. The proposed building footprint has been cut to fit between your building & the building under construction to meet the planning code & design guidelines. If we compare the building footprint or lot coverage, your existing buildings are much bigger than both the adjacent building under construction and our proposed building. I can email you a rough area comparison per floor between the three buildings if you wish to review.
3. Same as above.
4. Same as above.
5. My clients intend to use light colors for the rear of the property and will happily share with you the choices at the appropriate time.
6. My clients intend to have a glass railing around the deck to minimize any reduction in light. The City requires glass that protects birdlife, which might be the reason the adjacent building has used opaque glass. My clients are willing to use the more costly glass with invisible bird protection to reduce the impact on the light.
7. My clients are equally alarmed by the installation of the hot tub in the garden of the adjacent property and were not consulted. They have no intention of installing a hot tub in their garden. Instead the garden design will be consistent with the family orientation of the lower garden unit.
8. My clients would like to propose replacing the existing fence with a new one at no cost to you. If you prefer to keep the existing fence, every effort will be made to protect it during construction.

**Excavation:**

9. -13 We chose to excavate so as to reduce the overall height of the building. The project is currently still in the site permit stage and so our engineers have not started the detailed design & calculation. They will start to work on the project once the site permit is approved by the City. DBI will review the building permit drawings and give comments as necessary. My clients would like to assure you that the design and excavation will be performed to the highest standards and meet California Building Code. As mentioned earlier, my clients intend on



returning to the building and want no issues with the property once the construction is complete.

**Other Issues:**

14. The infill of lightwell at the ground floor is supported by the RDT.
15. One of my clients is an elderly lady of limited mobility. Although she will continue to reside in the lower unit, the elevator will allow her easy access to her family in the upper unit. The elevator provides access for the disabled to the top unit which I'm sure you'll agree is something to be commended. The elevator will be a residential, low speed elevator which is much less noisy than those you would find in commercial buildings. My clients will carefully consider the elevator selection as the noise would be much louder inside their house. In addition, the elevator is not located directly next to the property line, there is a corridor between the property line wall and the elevator.
16. My clients, while lovers of Noe Valley's Victorian homes, share your opinion about the attractiveness of the property. Unfortunately, the façade has had to be maintained as required by the Planning Department for preservation reasons. My clients will be restoring the façade and pick more attractive colors to improve its appearance.
17. Our project is required to have a sidewalk improvement permit from the DPW. The curb cut is 10' as per the current standard (non-standard curb cuts won't be approved by DPW), but it shouldn't prevent you from parking in front of your driveway.

**Construction Issues:**

- 18-24. Your annoyance with the unprofessional approach of the contractors engaged for the recent construction of the adjacent property is shared by my clients who have been extremely inconvenienced during the project. You may rest assured that they will engage a general contractor with the necessary experience for such a project and a reputation for being considerate of the neighborhood.

Thank-you again for your letter and I hope I have at least addressed some of your concerns. Please let me know if you have any further questions.

Sincerely,

*Yang Nie*

December 17, 2015

**VIA E-MAIL**

Mr. Alex Yang Nie  
Nie Yang Architects  
100 Old County Road, Suite 100A  
Brisbane, CA 94005  
E-Mail: nyarchitects@gmail.com

Re: 155-57 29th Street – Building Permit Application No. 201412053112

Dear Mr. Nie:

Thank you for your response dated December 11, 2015. We have reproduced the points we made in our prior letter, your responses, and our replies. That will help to keep track of where we stand. Before we get to that, it is important to address some of your statements in your letter.

First, we sincerely wish that you would have followed through on your promise to provide us with changes to your clients' plans. You state that you didn't feel it would be "appropriate to share these revisions with you as they had not received final approval from the Planner & the RDT." We were led to believe that we'd receive information so that we could be part of that process. It is obviously to your advantage to work things out with the Planner and RDT without the input of your clients' neighbors. We don't agree that your choice was "appropriate."

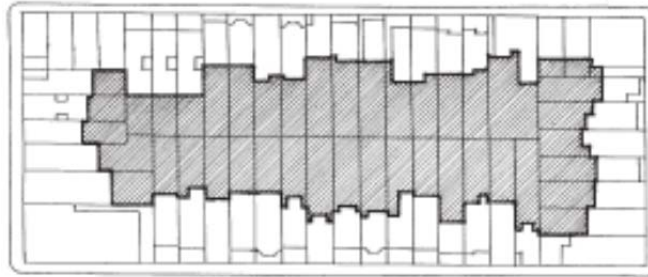
Second, we unfortunately must raise again the misleading pre-application notice you provided to us and presumably other neighbors. Most just received a form that indicated an 1,100 square foot expansion. As you later acknowledged, the calculation presented was incorrect and the proposed plans almost doubled the building's size, yet you never re-noticed the pre-application. We believe your explanation that it was an innocent error, but that error potentially excluded more people from having input. That was regrettable. Your failure to provide promised updates on project changes is unfortunately consistent with that earlier error.

Third, your letter leaves out less flattering details of your proposal. For example, while you mention that your proposal only extends the back wall eight inches at the third floor, you fail to mention that it also adds an entire fourth floor with no rear setback as well a giant extension of the first and second floor of over 12 feet. Your main response to our concerns about sunlight for our tenants is that It will only affect mornings and that we should trim our tree. A nice tree that filters light and is attractive in and of itself is an asset to our tenants, who appreciate it.

Fourth, we also call your attention to the mid-block open space provisions of the Residential Design Guidelines ("RDG") at 25-26. "An out-of-scale rear yard addition can leave surrounding

residents feeling 'boxed-in' and cut-off from the mid-block open space." RDG at 26. The principle is illustrated by the following diagram:

*Block with a strong mid-block open space pattern.*



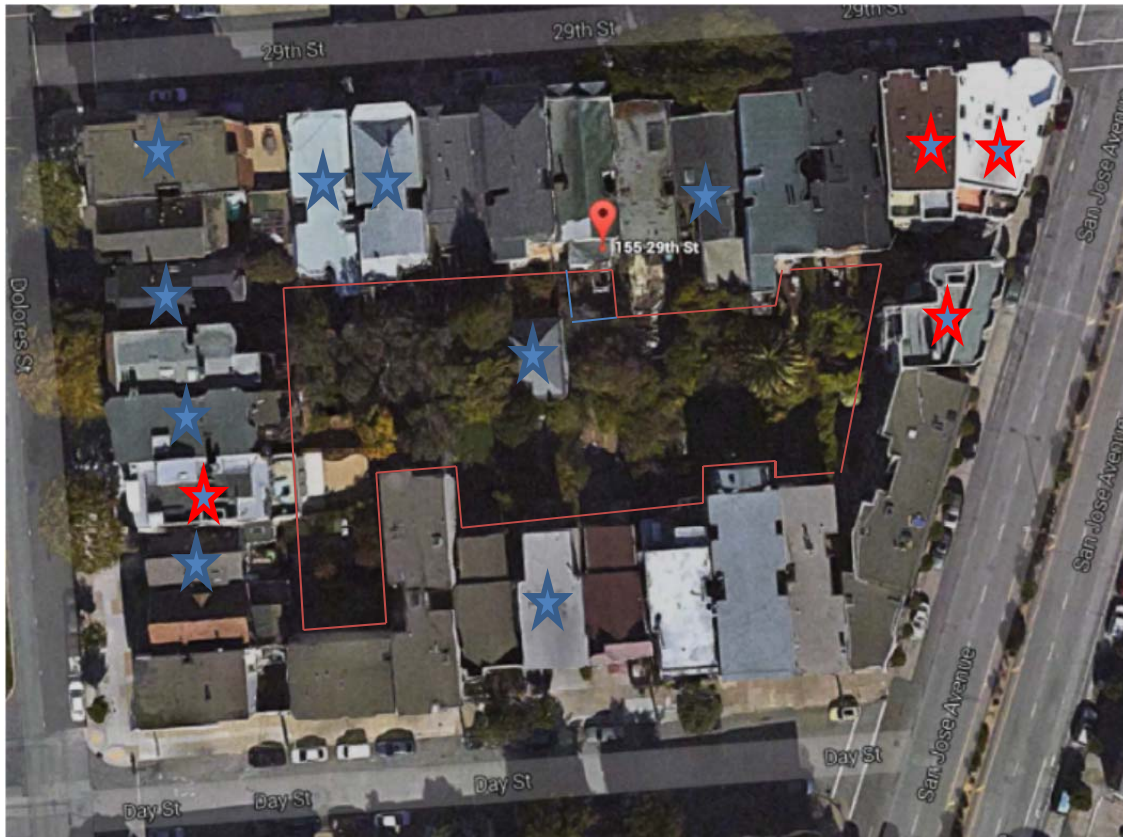
As shown on the following page, our block exhibits that same "strong mid-block open space pattern." We think that the proposed rear extension will make our rent-controlled tenants feel "boxed-in' and cut off from the mid-block open space." You don't seem to recognize this as an issue and your initial proposal of a 40-foot wall that would have completely filled in the space between our cottage and main building suggests an indifference to this issue.

On the photo below, we have roughly outlined the existing rear building lines in red, with a blue illustration for your proposed change. The block is currently consistent with the strong mid-block open space pattern discussed in the RDG. That pattern should be respected.

Also on the photo below, we have marked with blue stars those buildings on the block that we know have been substantially renovated in the last 20 years *without* going outside of the existing building envelope. These renovations were done by owners who intended to remain in their buildings, just like your clients. These owners were able to find ways to accommodate their needs within the existing context. It is regrettable that an expansion into the current garage and a full-story addition on top of the current envelope is not enough for your clients.

The block has also accommodated substantial new construction. Those buildings are marked with red stars. Those buildings have successfully blended into the mid-block open space, finding a compromise between new housing and preservation of that shared mid-block open space resource. The only exception to that was the new construction next to your clients' property. That outlier would now become the rule under your proposal. We believe a balance should be achieved.





*Strong mid-block open space pattern on subject block.*

In short, it is disappointing that you appear to be unwilling to alter your plans in spite of our concerns.

Below is the restatement of our numbered points from our prior letter for convenience of reference, along with your responses in **bold**. Please see our replies in *italics*.

Rear yard

1. The plans indicate an extension of the lot-line wall of almost 9 feet. Currently, that wall extends just a few inches and does not block our tenants' windows in a significant way. Some photos are attached that indicate the current condition from the second and third floor apartments in our main building. (Photo 3, 4 (views from middle and upper units).) As seen from outside, the rental units currently have substantial light even early on a winter morning. (Photo 5, showing the current condition on Dec. 11, 2015 at 8:45 am) The proposed extension of the lot line wall will have a severe impact. Likewise, the height increase will have an impact on the upper floor, which currently has a beautiful

clear view. (Photo 4.) The proposal would block that view and darken the south-facing view of those renters. The lot line wall adjacent to our property should not be extended back at all.

**Response: The 9 feet extension lot line wall you mentioned in your letter is only one story high, the wall above at the 2nd floor is only 2 feet beyond your bay windows.**

*Reply: What, exactly, is the extension of the building your clients are proposing? The point is not how far it extends past the bay windows, but how much you want to change things from the current condition. Please describe the dimensions. Please advise if you will agree not to extend the lot line wall on our property line. We would be willing to accept the proposed extension of the lot line wall on the ground floor only, which would not block our tenants' windows. It appears that there is a low roof above the first floor along the lot line as well. Please confirm or explain if there would be a parapet wall above this low roof.*

2. The extension of the building into the rear yard will significantly impact the yard on our property. As you know, the building envelope on our property has not changed in over 100 years. The plans show a building that mirrors the new and incomplete structure to the east of your property as the "new normal." We believe that the building on your clients' property should fit with our property, not just the new building on the other side. The rear of your building should not extend more, as its depth is in context now. Photo 6.

**Response: The adjacent building under construction was approved by the Planning Department and complies with current planning code and design guidelines. Given our proposed building only extends 8 inches from the existing rear wall at 3rd floor, the rear addition is really limited to the two stories, which are side set back and will have limited impact on your property. The proposed building footprint has been cut to fit between your building & the building under construction to meet the planning code & design guidelines. If we compare the building footprint or lot coverage, your existing buildings are much bigger than both the adjacent building under construction and our proposed building. I can email you a rough area comparison per floor between the three buildings if you wish to review.**

*Reply: Your clients' and my buildings have existed in their current form for over 100 years. Your clients are the ones who wish to change the century old status quo. We're willing to live with the vertical expansion. Our concern with this point is the extension of the lower floors by over 12 feet. Comparing the lot coverage is not relevant, as our cottage is a pre-existing non-conforming building over a century old. We would be willing to accept a modest extension of four feet, which would be sufficient for the needs of your elderly client and would allow a small deck on the third floor to supplement the planned roof deck. Please advise if your clients are willing to agree.*

3. While we note that the expansion into the rear yard proposed now is an improvement over your original proposal, that proposal was not serious. Your clients proposed building a 40-foot high lot line wall that would have completely filled the space between our main building and our in-law cottage. That they've backed off of that doesn't make the current proposal that covers more than half of the open space between our main building and our cottage reasonable.

Response: **Same as above.**

Reply: *See 2 above.*

4. We believe that no extension of the rear of the current building is necessary. See Photos 6 and 7 for existing condition. This deep extension would simply allow an unneeded fourth bedroom for the proposed units and a back deck redundant to one that your clients propose for the roof. This rear extension is what most greatly impacts us and our tenants. At most, an extension of the existing back wall of two or three feet instead of almost 12 feet of from the existing rear wall would accommodate plenty of space for the proposed units. You can extend that lot line wall on the east side of your building, as that would have little impact on the new building to the east, which has not been around for over 100 years like ours. We don't believe that the current existence of old wooden back stairs should become the baseline for the back wall of any proposed building. The current back wall defines a completely adequate building envelope. An extension, if any, should be modest. What is proposed is not modest or in keeping with the surroundings.

Response: **Same as above.**

Reply: *Three bedrooms are perfectly adequate for a very nice unit. The extension that we object to is to accommodate a fourth bedroom. Without the fourth bedroom, a very large problem for us is solved.*

5. The color of the rear yard extension is also important. It should be white or a light color to minimize the visual impact on our property and our tenants.

Response: **My clients intend to use light colors for the rear of the property and will happily share with you the choices at the appropriate time.**

Reply: *That's appreciated. We would like a binding commitment that the color will be light.*

6. The plans to not indicate clearly how the outdoor deck on the third floor will be used. On the building to the east of your clients', we've been surprised at the extension of opaque walls out from the back wall of the third floor. (See Photo 6, deck of new construction.) Opaque walls or railings would further limit the light and air available to our property. The railings for the deck on your plans are indicated as glass. These should be completely transparent, allow light and air through, and be binding on future owners.

Response: **My clients intend to have a glass railing around the deck to minimize any reduction in light. The City requires glass that protects birdlife, which might be the reason the adjacent building has used opaque glass. My clients are willing to use the more costly glass with invisible bird protection to reduce the impact on the light.**

Reply: *We appreciate that and your clients' binding commitment to make that change.*

7. We were also surprised that the adjacent property owner installed a hot tub on their third floor outside deck. We have had significant problems with a recent neighbor who partied night after night in their ground level hot tub. We don't believe that one on a third floor deck would be safe. It could become a nuisance. We'd like a binding commitment that no outdoor hot tub will be installed on any decks.

Response: **My clients are equally alarmed by the installation of the hot tub in the garden of the adjacent property and were not consulted. They have no intention of installing a hot tub in their garden. Instead the garden design will be consistent with the family orientation of the lower garden unit.**

Reply: *We appreciate that. We wish to confirm that there will also be no hot tub on the third floor deck or the roof, as your letter only refers to there being no hot tub in the garden.*

8. How will you avoid damaging the fence between our property and your clients' property? (See Photos 8, 9 for existing condition.)

Response: **My clients would like to propose replacing the existing fence with a new one at no cost to you. If you prefer to keep the existing fence, every effort will be made to protect it during construction.**

Reply: *We prefer to keep the existing fence.*

### Excavation

9. It appears that your plans call for excavating a large portion of your clients' property, ending up with a steep drop from our property to your clients' property. This is very concerning. (Photos 10, 11 for existing condition.) Currently, there is no irregular drop-off between your clients' property and ours. The proposal would create such a drop-off, for no apparent reason.
10. We do not have any information with regard to how you plan to engineer this work. Will there be retaining walls? How will this relate to our buildings? What provisions will be made to assure that our buildings will not be damaged or affected? How will drainage be handled?



11. How will subsidence of our land, foundations, and buildings be prevented? We are concerned with the possibility of subsidence on our property, which could result in future claims against us, even though they would be caused by your clients' unnecessary excavation. What happens if soil slides from our property into your lowered yard?
12. All of this is particularly alarming because it appears driven by a desire to have 10-foot ceilings at the garden level. While having high ceilings may benefit a future condo listing, it should not be done through an ill-conceived excavation. The lot as it is can accommodate perfectly adequate nine-foot ceilings without excavation.
13. We believe that the plans should not call for excavation of the yard of more than one foot. Otherwise, there will be a pit causing problems long after the applicants are gone, leaving those of us who remain here and innocent rent-controlled tenants to suffer the consequences.

Response (9-13): **We chose to excavate so as to reduce the overall height of the building. The project is currently still in the site permit stage and so our engineers have not started the detailed design & calculation. They will start to work on the project once the site permit is approved by the City. DBI will review the building permit drawings and give comments as necessary. My clients would like to assure you that the design and excavation will be performed to the highest standards and meet California Building Code. As mentioned earlier, my clients intend on returning to the building and want no issues with the property once the construction is complete.**

*Reply: Your response does not answer any of our concerns. While we appreciate and assume your clients' good intentions, we both have the recent experience at the neighboring property. An acquaintance of mine intended to develop that property, but his situation changed and it was sold to another person who was not easy to deal with. If your clients' plans change, I'll be stuck with someone digging a pit next to our home with no idea how that's going to affect our buildings or our property. Given that your clients have suffered from this exact situation recently, we hope that they would be sensitive to the situation and willing to provide information. Further, small reductions in the floor-to-ceiling heights would reduce or eliminate the need for such a deep excavation. Please advise if your clients will agree to them.*

#### Other issues with proposed plans

14. Lightwell – your proposal changes the current lightwell, which extends all the way to the ground, with a structural wall that extends above the first floor. Please explain this change. (See Photos 1, 12 for existing condition.)

Response: **The infill of lightwell at the ground floor is supported by the RDT.**

Reply: *This is acceptable to us.*

15. Elevator – explain if the mechanical portion of the proposed elevator will be located on the roof and, if so, what noise rating or noise standard the installed machinery will meet as well as what soundproofing will be provided. The footprint of the elevator also drives part of your clients' need to push the building back. Removing the elevator and the resulting further encroachment into the rear yard would reduce the impact on our property.

**Response: One of my clients is an elderly lady of limited mobility. Although she will continue to reside in the lower unit, the elevator will allow her easy access to her family in the upper unit. The elevator provides access for the disabled to the top unit which I'm sure you'll agree is something to be commended. The elevator will be a residential, low speed elevator which is much less noisy than those you would find in commercial buildings. My clients will carefully consider the elevator selection as the noise would be much louder inside their house. In addition, the elevator is not located directly next to the property line, there is a corridor between the property line wall and the elevator.**

*Reply: We are satisfied regarding noise. If the main purpose of the elevator is for the access of your elderly client, you might consider having the elevator available from the lower unit. We again note that eliminating it would facilitate reducing the rear extension. That is our main concern; we pointed out one way to accomplish it.*

16. Front facade – we frankly are indifferent to the façade and front setback of your proposal. The façade of your clients' building is the least attractive of a number on the block. Since it appears that your clients' propose to all but raze the entire structure except for the façade, we would have no objection if they went all the way and razed the façade, too. We would be amenable to that to allow your clients greater flexibility so that they could reduce the impact in the rear.

**Response: My clients, while lovers of Noe Valley's Victorian homes, share your opinion about the attractiveness of the property. Unfortunately, the façade has had to be maintained as required by the Planning Department for preservation reasons. My clients will be restoring the façade and pick more attractive colors to improve its appearance.**

*Reply: We would obviously prefer reducing the rear yard extension in whatever manner possible. If additional density in front is possible, that would be useful to pursue.*

17. Curb cut – how is the proposed curb cut changing from existing? It appears to be wider in the plans. The existing distance from your clients' property line to the curb cut is about nine feet. Our concern is continuing to be able to park in front of our own driveway, which conserves street parking for others. Distance from lot line to west edge of curb cut should be at least seven feet, which would allow for an adequate widening of the garage door. We would also anticipate that new occupants would not need to park in front of driveway due to shared garage.

Response: **Our project is required to have a sidewalk improvement permit from the DPW. The curb cut is 10' as per the current standard (non-standard curb cuts won't be approved by DPW), but it shouldn't prevent you from parking in front of your driveway.**

Reply: *This is acceptable.*

#### Construction issues

18. As mentioned above, we believe that your plans call for razing almost all of the current structure other than the façade. Please describe the extent of the planned demolition of the current structure, the planned replacement of foundation, and the full extent of excavation across the entire property.
19. We need to understand how foundation work on your property will not affect ours. We need engineering information to describe how work on your clients' property will impact ours. We will also need time for an engineer to review your clients' proposal. This is a very important safety issue.
20. Assuming that most of the existing building would be razed, we request access so that the side of our main building that will be temporarily exposed can be inspected, painted and have any other necessary work performed. We note that this was apparently done with your clients' property when the lot adjacent to theirs was developed. Likewise, if foundation work on our building is necessary due to your construction, your clients would assume the cost of work necessitated by their construction (as opposed to work that is simply desirable) and would allow time and access to do needed work (whether necessitated by the construction or desirable). The importance of this would be determined based on engineering information that has not been provided.
21. Three months' notice before the beginning of demolition would be provided, to allow us to hire appropriate professionals and tradesmen to do engineering, painting, and possible foundation work. This would be a binding condition of the permit.
22. We have lived through years of construction at the property to the east of your clients' property. The original project sponsor intended to do the improvements and was known to and trusted by us. Unfortunately, he and his partner sold their property to a less-experienced developer who has had difficulty completing the project. Regardless of your clients' intentions, we must assume the possibility that the property will be sold and a new developer will not honor any representations made by your clients unless they are binding and part of the approval. Therefore, your clients' commitments must be a binding part of any permit.
23. Regarding the time of day for construction, it should not commence before 8 am on weekdays, 9 am on Saturdays or Sundays. This is particularly important to our rent-controlled tenants. There is a young boy who lives in one unit and a baby girl in another. The lives of these families should not be interrupted by dawn to dusk construction work.

Too often that has been the case at the recent construction next door to your clients' property. Please indicate whether your clients will agree to this as a binding condition.

24. Construction parking – the area in front of your clients' property should be sufficient for normal construction parking. Please commit to not seeking months' long construction parking in front of our property and obtain that only in exceptional circumstances (like when concrete is being poured). Workers who are simply driving to the site to work can find parking on the street like everyone else and don't need a special parking area taking up street parking simply for convenience.

**Response: Your annoyance with the unprofessional approach of the contractors engaged for the recent construction of the adjacent property is shared by my clients who have been extremely inconvenienced during the project. You may rest assured that they will engage a general contractor with the necessary experience for such a project and a reputation for being considerate of the neighborhood.**

*Reply: We appreciate your clients good intentions, but your response does not otherwise address our concerns. Please advise what binding commitments your clients are willing to make on these points. What we would like are binding commitments. Please advise if your clients are willing to agree to our proposals.*

Going forward, we suggest that you respond to this letter in writing and propose some dates and times for a meeting to discuss your proposal. Although we will be filing for a Discretionary Review, we would greatly prefer for a dialogue to reach a mutually-satisfactory conclusion. At the suggestion of Colin Clarke of the Planning Department in his email of December 14, we will ask him to put our DR application on hold pending our further dialogue. We intend the hold simply to allow a short period of time of that dialogue.

Very truly yours,

/signed/

David A. DeGroot and  
Mary Kane

David A. DeGroot and Mary Kane  
161 29<sup>th</sup> Street  
San Francisco, CA 94110  
daviddegroot@comcast.net  
mary.kane@comcast.net



January 20, 2016

Mr. David A. DeGroot  
Mrs. Mary Kane  
DDeGroot@sheppardmullin.com  
mary.kane@comcast.net

Dear Mr DeGroot,

Thank you for second letter dated December 17, 2015, regarding my clients' plans for the property at 155-157 29<sup>th</sup> St.

As I mentioned in my email, my clients were hoping to discuss the issues in a meeting with you, but you made it clear you won't meet until you receive another written response. I have copied your letter below and inserted our responses in bold texts and your letter in italic.

*Dear Mr. Nie:*

*Thank you for your response dated December 11, 2015. We have reproduced the points we made in our prior letter, your responses, and our replies. That will help to keep track of where we stand. Before we get to that, it is important to address some of your statements in your letter.*

*First, we sincerely wish that you would have followed through on your promise to provide us with changes to your clients' plans. You state that you didn't feel it would be "appropriate to share these revisions with you as they had not received final approval from the Planner & the RDT." We were led to believe that we'd receive information so that we could be part of that process. It is obviously to your advantage to work things out with the Planner and RDT without the input of your clients' neighbors. We don't agree that your choice was "appropriate."*

**Response on 1/20/2016: I must respond to this as you have repeatedly stated that I failed to follow through on my promise. I did NOT promise I would forward you every submission to Planning Department (The Planning Department sends notification to neighbors). I did provide you with the drawings we submitted for the site permit and also emailed you the correction for area calculation later when we submitted the site permit application to City. In addition, you made it quite clear in the pre-application meeting that you were totally opposed to any development of my clients' property and showed no inclination to compromise.**

*Second, we unfortunately must raise again the misleading pre-application notice you provided to us and presumably other neighbors. Most just received a form that indicated an 1,100 square foot expansion. As you later acknowledged, the calculation presented was incorrect and the proposed plans almost doubled the building's size, yet you never re-noticed the pre-application. We believe your explanation that it was an innocent error, but that error potentially excluded more people from having input. That was regrettable. Your failure to provide promised updates on project changes is unfortunately consistent with that earlier error.*

**Response on 1/20/2016:** As I mentioned above, I did provide you with the corrected area calculation when you identified the error in your first email back in 2014. Furthermore, updated area calculations were provided to the neighbors with the Planning 311/312 notification package. This notice covered more neighbors and provided updated information about the project.

*Third, your letter leaves out less flattering details of your proposal. For example, while you mention that your proposal only extends the back wall eight inches at the third floor, you fail to mention that it also adds an entire fourth floor with no rear setback as well a giant extension of the first and second floor of over 12 feet. Your main response to our concerns about sunlight for our tenants is that it will only affect mornings and that we should trim our tree. A nice tree that filters light and is attractive in and of itself is an asset to our tenants, who appreciate it.*

**Response on 1/20/2016:** The proposed 2-story, 12 feet pop-out with 5 feet side set back is permitted in required rear yard under the SF Planning Code. The Planning Department takes the neighbors' lighting into consideration when establishing the standard in Planning Code. As I discuss below, my elderly client has a real need for the additional space in the lower unit.

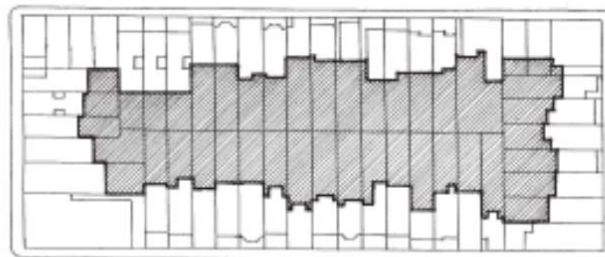
However, in the spirit of compromise, my clients have asked me to offer a further modification to their plans to address your concerns over the lighting/boxing-in of the units in your investment property. We will cut back the addition at the property line and keep the existing rear wall at the property line from the 2<sup>nd</sup> floor up.

Consequently, there will be no impact to the tenant units in your investment property. This is not an insignificant offer as my clients will be reducing the size of two of the bedrooms and possibly lose a bathroom. They hope you will find it sufficient and in the same spirit of compromise, accept the pop-out and withdraw your DR Application. Please see the revised Plot Plan attached to the letter.

*Fourth, we also call your attention to the mid-block open space provisions of the*

*Residential Design Guidelines ("RDG") at 25-26. "An out-of-scale rear yard addition can leave surrounding residents feeling 'boxed-in' and cut-off from the mid-block open space." RDG at 26. The principle is illustrated by the following diagram:*

*Block with a strong mid-block open space pattern.*

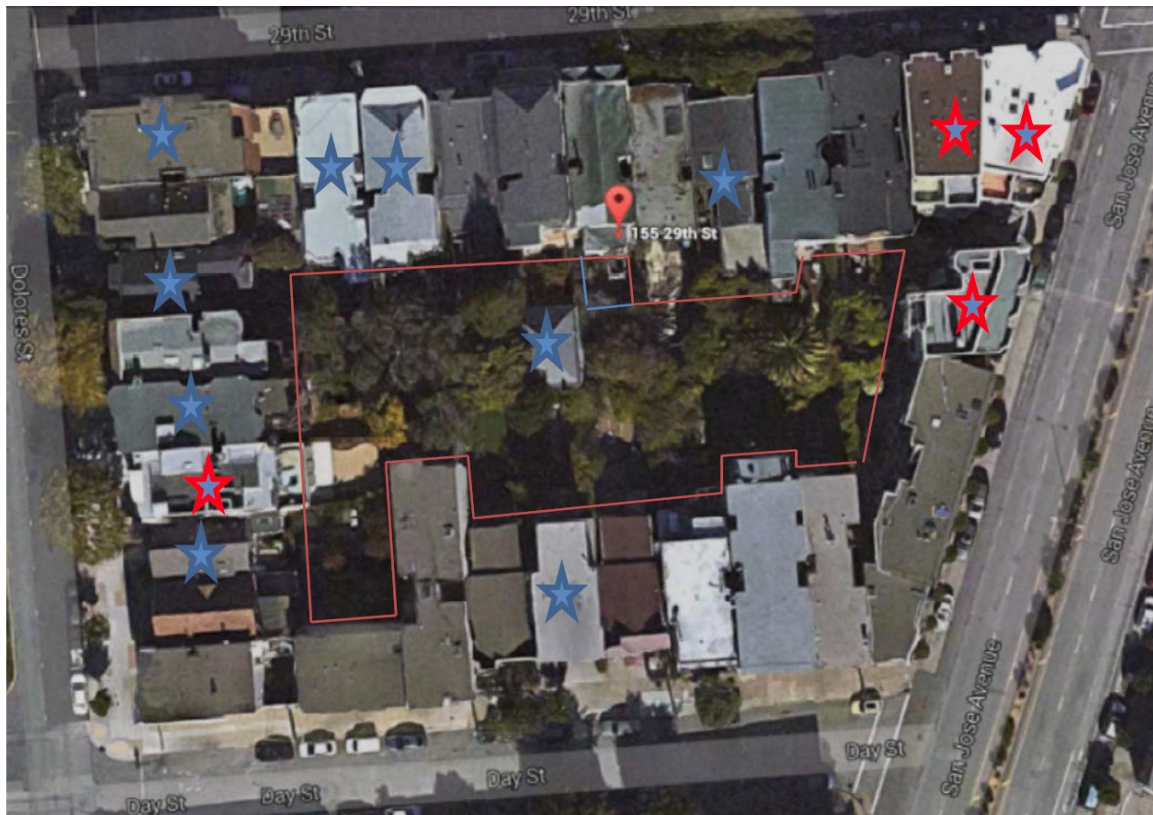


*As shown on the following page, our block exhibits that same “strong mid-block open space pattern.” We think that the proposed rear extension will make our rent-controlled tenants feel “boxed-in’ and cut off from the mid-block open space.” You don’t seem to recognize this as an issue and your initial proposal of a 40-foot wall that would have completely filled in the space between our cottage and main building suggests an indifference to this issue.*

*On the photo below, we have roughly outlined the existing rear building lines in red, with a blue illustration for your proposed change. The block is currently consistent with the strong mid-block open space pattern discussed in the RDG. That pattern should be respected.*

*Also on the photo below, we have marked with blue stars those buildings on the block that we know have been substantially renovated in the last 20 years without going outside of the existing building envelope. These renovations were done by owners who intended to remain in their buildings, just like your clients. These owners were able to find ways to accommodate their needs within the existing context. It is regrettable that an expansion into the current garage and a full-story addition on top of the current envelope is not enough for your clients.*

*The block has also accommodated substantial new construction. Those buildings are marked with red stars. Those buildings have successfully blended into the mid-block open space, finding a compromise between new housing and preservation of that shared mid-block open space resource. The only exception to that was the new construction next to your clients’ property. That outlier would now become the rule under your proposal. We believe a balance should be achieved.*





*Strong mid-block open space pattern on subject block.*

**Response on 1/20/2016:** We are aware of the mid-block open space requirements from the design guidelines. We worked with the project planner and RDT to reduce the proposed addition to current size. Please note that there will be 40'-7" rear yard at the ground floor level and 52'-7" rear yard space at the third floor level. We believe that the current design keeps the mid-block open space pattern and meets Planning guidelines. In fact, as your picture shows your residence at the rear of the lot, which is 2-story with a high pitched roof on top, is the only building occupying the mid-block open space. We understand it is an existing non-conforming building, but it has a significant impact on the mid-block open space.



*In short, it is disappointing that you appear to be unwilling to alter your plans in spite of our concerns.*

*Below is the restatement of our numbered points from our prior letter for convenience of reference, along with your responses in bold. Please see our replies in italics.*

**Rear yard**

1. *The plans indicate an extension of the lot-line wall of almost 9 feet. Currently, that wall extends just a few inches and does not block our tenants' windows in a significant way. Some photos are attached that indicate the current condition from the second and third floor apartments in our main building. (Photo 3, 4 (views from middle and upper units).) As seen from outside, the rental units currently have substantial light even early on a winter morning. (Photo 5, showing the current condition on Dec. 11, 2015 at 8:45 am The proposed extension of the lot line wall will have a severe impact. Likewise, the height increase will have an impact on the upper floor, which currently has a beautiful clear view. (Photo 4.) The proposal would block that view and darken the south-*



*facing view of those renters. The lot line wall adjacent to our property should not be extended back at all.*

**Response: The 9 feet extension lot line wall you mentioned in your letter is only one story high, the wall above at the 2nd floor is only 2 feet beyond your bay windows.**

*Reply: What, exactly, is the extension of the building your clients are proposing? The point is not how far it extends past the bay windows, but how much you want to change things from the current condition. Please describe the dimensions. Please advise if you will agree not to extend the lot line wall on our property line. We would be willing to accept the proposed extension of the lot line wall on the ground floor only, which would not block our tenants' windows. It appears that there is a low roof above the first floor along the lot line as well. Please confirm or explain if there would be a parapet wall above this low roof.*

**Response on 1/20/2016: As I mentioned above, my clients have asked me to offer a further modification to their plans to address your concerns over the lighting/boxing-in of the units in your investment property. We are going to cut back the addition at the property line and keep the existing rear wall at the property line from the 2<sup>nd</sup> floor up. There will be no impact to your investment property in this way. This is not an insignificant offer as my clients will be reducing the size of two of the bedrooms and possibly lose a bathroom, but hope you will find it sufficient to withdraw your DR Application. We are using a fire rated roof for the ground floor at the property line so there is no need for a parapet wall on top of the roof.**

2. *The extension of the building into the rear yard will significantly impact the yard on our property. As you know, the building envelope on our property has not changed in over 100 years. The plans show a building that mirrors the new and incomplete structure to the east of your property as the "new normal." We believe that the building on your clients' property should fit with our property, not just the new building on the other side. The rear of your building should not extend more, as its depth is in context now. Photo 6.*

**Response: The adjacent building under construction was approved by the Planning Department and complies with current planning code and design guidelines. Given our proposed building only extends 8 inches from the existing rear wall at 3rd floor, the rear addition is really limited to the two stories, which are side set back and will have limited impact on your property. The proposed building footprint has been cut to fit between your building & the building under construction to meet the planning code & design guidelines. If we compare the building footprint or lot coverage, your existing buildings are much bigger than both the adjacent building under construction and our proposed building. I can email you a rough area comparison per floor between the three buildings if you wish to review.**

*Reply: Your clients' and my buildings have existed in their current form for over 100 years. Your clients are the ones who wish to change the century old status quo. We're willing to live with the vertical expansion. Our concern with this point*

*is the extension of the lower floors by over 12 feet. Comparing the lot coverage is not relevant, as our cottage is a pre-existing non-conforming building over a century old. We would be willing to accept a modest extension of four feet, which would be sufficient for the needs of your elderly client and would allow a small deck on the third floor to supplement the planned roof deck. Please advise if your clients are willing to agree.*

**Response on 1/20/2016:** The bottom unit is occupied by my elderly client and two adult sons. They currently share one bathroom and one of her sons uses the dining room as a bedroom. Due to her poor health and mobility issues, my client is increasingly housebound and spends many hours in her bedroom. The 12' pop-out at the rear of the property will dramatically improve her quality of life. Moving the kitchen and living room to the ground level will make the garden accessible to her. She loves gardening but cannot navigate the current staircase to the garden. On the 2nd floor, the property extension will provide her with a private bathroom and a formal bedroom for her son currently occupying the dining room. She would also like an additional bedroom so that her eldest son, a veteran with severe health problems who currently lives on his own in Oakland, can move in with her. Again, the rear addition is only 2-story high with 5 feet side setbacks, it will not block the light for your tenant located at the same level.

**Finally, it is misleading to claim your buildings have existed in the current form for over 100 years. As you show in your photograph above, your 2 story cottage at the rear of your lot underwent a substantial renovation and now bears little resemblance to the original 100 year old structure.**

3. *While we note that the expansion into the rear yard proposed now is an improvement over your original proposal, that proposal was not serious. Your clients proposed building a 40-foot high lot line wall that would have completely filled the space between our main building and our in-law cottage. That they've backed off of that doesn't make the current proposal that covers more than half of the open space between our main building and our cottage reasonable.*

**Response: Same as above.**

*Reply: See 2 above.*

4. *We believe that no extension of the rear of the current building is necessary. See Photos 6 and 7 for existing condition. This deep extension would simply allow an unneeded fourth bedroom for the proposed units and a back deck redundant to one that your clients propose for the roof. This rear extension is what most greatly impacts us and our tenants. At most, an extension of the existing back wall of two or three feet instead of almost 12 feet of from the existing rear wall would accommodate plenty of space for the proposed units. You can extend that lot line wall on the east side of your building, as that would have little impact on the new building to the east, which has not been around for over 100 years like ours. We don't believe that the current existence of old wooden back stairs should become the baseline for the back wall of any proposed building. The*

*current back wall defines a completely adequate building envelope. An extension, if any, should be modest. What is proposed is not modest or in keeping with the surroundings.*

**Response: Same as above.**

*Reply: Three bedrooms are perfectly adequate for a very nice unit. The extension that we object to is to accommodate a fourth bedroom. Without the fourth bedroom, a very large problem for us is solved.*

**Response on 1/20/2016: See above justification for the fourth bedroom for the lower unit.**

5. *The color of the rear yard extension is also important. It should be white or a light color to minimize the visual impact on our property and our tenants.*

**Response: My clients intend to use light colors for the rear of the property and will happily share with you the choices at the appropriate time.**

*Reply: That's appreciated. We would like a binding commitment that the color will be light.*

**Response on 1/20/2016: We will put this as a note for construction on the drawings for planning approval as you requested.**

6. *The plans do not indicate clearly how the outdoor deck on the third floor will be used. On the building to the east of your clients', we've been surprised at the extension of opaque walls out from the back wall of the third floor. (See Photo 6, deck of new construction.) Opaque walls or railings would further limit the light and air available to our property. The railings for the deck on your plans are indicated as glass. These should be completely transparent, allow light and air through, and be binding on future owners.*

**Response: My clients intend to have a glass railing around the deck to minimize any reduction in light. The City requires glass that protects birdlife, which might be the reason the adjacent building has used opaque glass. My clients are willing to use the more costly glass with invisible bird protection to reduce the impact on the light.**

*Reply: We appreciate that and your clients' binding commitment to make that change.*

**Response on 1/20/2016: We will put this as a note for construction on the drawings for planning approval as you requested.**

7. *We were also surprised that the adjacent property owner installed a hot tub on their third floor outside deck. We have had significant problems with a recent neighbor who partied night after night in their ground level hot tub. We don't believe that one on a third floor deck would be safe. It could become a nuisance. We'd like a binding commitment that no outdoor hot tub will be installed on any decks.*

**Response: My clients are equally alarmed by the installation of the hot tub in the garden of the adjacent property and were not consulted. They have no intention of installing a hot tub in their garden. Instead the garden design will be consistent with the family orientation of the lower garden unit.**

*Reply: We appreciate that. We wish to confirm that there will also be no hot tub on the third floor deck or the roof, as your letter only refers to there being no hot tub in the garden.*

**Response on 1/20/2016: We will put this as a note for construction on the drawings for planning approval as you requested.**

8. *How will you avoid damaging the fence between our property and your clients' property? (See Photos 8, 9 for existing condition.)*

**Response: My clients would like to propose replacing the existing fence with a new one at no cost to you. If you prefer to keep the existing fence, every effort will be made to protect it during construction.**

*Reply: We prefer to keep the existing fence.*

**Response on 1/20/2016: As my clients stated, all effort will be made to keep the existing fence. However, if the fence is damaged during construction a new fence will be installed at no cost to you.**

#### *Excavation*

9. *It appears that your plans call for excavating a large portion of your clients' property, ending up with a steep drop from our property to your clients' property. This is very concerning. (Photos 10, 11 for existing condition.) Currently, there is no irregular drop-off between your clients' property and ours. The proposal would create such a drop-off, for no apparent reason.*
10. *We do not have any information with regard to how you plan to engineer this work. Will there be retaining walls? How will this relate to our buildings? What provisions will be made to assure that our buildings will not be damaged or affected? How will drainage be handled?*
11. *How will subsidence of our land, foundations, and buildings be prevented? We are concerned with the possibility of subsidence on our property, which could result in future claims against us, even though they would be caused by your clients' unnecessary excavation. What happens if soil slides from our property into your lowered yard?*
12. *All of this is particularly alarming because it appears driven by a desire to have 10-foot ceilings at the garden level. While having high ceilings may benefit a future condo listing, it should not be done through an ill-conceived excavation. The lot as it is can accommodate perfectly adequate nine-foot ceilings without excavation.*



13. *We believe that the plans should not call for excavation of the yard of more than one foot. Otherwise, there will be a pit causing problems long after the applicants are gone, leaving those of us who remain here and innocent rent-controlled tenants to suffer the consequences.*

**Response (9-13): We chose to excavate so as to reduce the overall height of the building. The project is currently still in the site permit stage and so our engineers have not started the detailed design & calculation. They will start to work on the project once the site permit is approved by the City. DBI will review the building permit drawings and give comments as necessary. My clients would like to assure you that the design and excavation will be performed to the highest standards and meet California Building Code. As mentioned earlier, my clients intend on returning to the building and want no issues with the property once the construction is complete.**

*Reply: Your response does not answer any of our concerns. While we appreciate and assume your clients' good intentions, we both have the recent experience at the neighboring property. An acquaintance of mine intended to develop that property, but his situation changed and it was sold to another person who was not easy to deal with. If your clients' plans change, I'll be stuck with someone digging a pit next to our home with no idea how that's going to affect our buildings or our property. Given that your clients have suffered from this exact situation recently, we hope that they would be sensitive to the situation and willing to provide information. Further, small reductions in the floor-to-ceiling heights would reduce or eliminate the need for such a deep excavation. Please advise if your clients will agree to them.*

**Response on 1/20/2016: 3'-6" Excavation is a very normal practice in San Francisco. Licensed professional engineers will work on the structural and retaining wall system and DBI structural plan checkers will review the plans and calculations. Shoring will be provided as appropriate. Unfortunately, we cannot provide more detailed drawings and calculation since the plans have not been approved by planning and the structural engineers have not been able to start their work yet.**

#### *Other issues with proposed plans*

14. *Lightwell – your proposal changes the current lightwell, which extends all the way to the ground, with a structural wall that extends above the first floor. Please explain this change. (See Photos 1, 12 for existing condition.)*

**Response: The infill of lightwell at the ground floor is supported by the RDT.**

*Reply: This is acceptable to us.*

**Response on 1/20/2016: Thanks.**

15. *Elevator – explain if the mechanical portion of the proposed elevator will be located on the roof and, if so, what noise rating or noise standard the installed machinery will meet as well as what soundproofing will be provided. The footprint of the elevator also drives part of your clients' need to push the building back. Removing the elevator and the resulting further encroachment into the rear yard would reduce the impact on our property.*

**Response:** One of my clients is an elderly lady of limited mobility. Although she will continue to reside in the lower unit, the elevator will allow her easy access to her family in the upper unit. The elevator provides access for the disabled to the top unit which I'm sure you'll agree is something to be commended. The elevator will be a residential, low speed elevator which is much less noisy than those you would find in commercial buildings. My clients will carefully consider the elevator selection as the noise would be much louder inside their house. In addition, the elevator is not located directly next to the property line, there is a corridor between the property line wall and the elevator.

*Reply:* We are satisfied regarding noise. If the main purpose of the elevator is for the access of your elderly client, you might consider having the elevator available from the lower unit. We again note that eliminating it would facilitate reducing the rear extension.

*That is our main concern; we pointed out one way to accomplish it.*

**Response on 1/20/2016:** The elevator is to permit elderly client to visit her daughter and grandchildren in the top unit. An elevator serving both units would need to be much bigger.

16. *Front facade – we frankly are indifferent to the façade and front setback of your proposal. The façade of your clients' building is the least attractive of a number on the block. Since it appears that your clients' propose to all but raze the entire structure except for the façade, we would have no objection if they went all the way and razed the façade, too. We would be amenable to that to allow your clients greater flexibility so that they could reduce the impact in the rear.*

**Response:** My clients, while lovers of Noe Valley's Victorian homes, share your opinion about the attractiveness of the property. Unfortunately, the façade has had to be maintained as required by the Planning Department for preservation reasons. My clients will be restoring the façade and pick more attractive colors to improve its appearance.

*Reply:* We would obviously prefer reducing the rear yard extension in whatever manner possible. If additional density in front is possible, that would be useful to pursue.

**Response on 1/20/2016:** We wish we could do more to improve the facade too.

17. *Curb cut – how is the proposed curb cut changing from existing? It appears to be wider in the plans. The existing distance from your clients' property line to the curb cut is about nine feet. Our concern is continuing to be able to park in front of our own driveway, which conserves street parking for others. Distance from lot*

*line to west edge of curb cut should be at least seven feet, which would allow for an adequate widening of the garage door. We would also anticipate that new occupants would not need to park in front of driveway due to shared garage.*

**Response:** Our project is required to have a sidewalk improvement permit from the DPW. The curb cut is 10' as per the current standard (non-standard curb cuts won't be approved by DPW), but it shouldn't prevent you from parking in front of your driveway.

*Reply: This is acceptable.*

**Response on 1/20/2016: Thanks.**

#### *Construction issues*

18. *As mentioned above, we believe that your plans call for razing almost all of the current structure other than the façade. Please describe the extent of the planned demolition of the current structure, the planned replacement of foundation, and the full extent of excavation across the entire property.*
19. *We need to understand how foundation work on your property will not affect ours. We need engineering information to describe how work on your clients' property will impact ours. We will also need time for an engineer to review your clients' proposal. This is a very important safety issue.*
20. *Assuming that most of the existing building would be razed, we request access so that the side of our main building that will be temporarily exposed can be inspected, painted and have any other necessary work performed. We note that this was apparently done with your clients' property when the lot adjacent to theirs was developed. Likewise, if foundation work on our building is necessary due to your construction, your clients would assume the cost of work necessitated by their construction (as opposed to work that is simply desirable) and would allow time and access to do needed work (whether necessitated by the construction or desirable). The importance of this would be determined based on engineering information that has not been provided.*
21. *Three months' notice before the beginning of demolition would be provided, to allow us to hire appropriate professionals and tradesmen to do engineering, painting, and possible foundation work. This would be a binding condition of the permit.*
22. *We have lived through years of construction at the property to the east of your clients' property. The original project sponsor intended to do the improvements and was known to and trusted by us. Unfortunately, he and his partner sold their property to a lessexperienced developer who has had difficulty completing the project. Regardless of your clients' intentions, we must assume the possibility that the property will be sold and a new developer will not honor any representations made by your clients unless they are binding and part of the approval. Therefore, your clients' commitments must be a binding part of any permit.*

23. *Regarding the time of day for construction, it should not commence before 8 am on weekdays, 9 am on Saturdays or Sundays. This is particularly important to our rentcontrolled tenants. There is a young boy who lives in one unit and a baby girl in another. The lives of these families should not be interrupted by dawn to dusk construction work. Too often that has been the case at the recent construction next door to your clients' property. Please indicate whether your clients will agree to this as a binding condition.*
24. *Construction parking – the area in front of your clients' property should be sufficient for normal construction parking. Please commit to not seeking months' long construction parking in front of our property and obtain that only in exceptional circumstances (like when concrete is being poured). Workers who are simply driving to the site to work can find parking on the street like everyone else and don't need a special parking area taking up street parking simply for convenience.*

**Response: Your annoyance with the unprofessional approach of the contractors engaged for the recent construction of the adjacent property is shared by my clients who have been extremely inconvenienced during the project. You may rest assured that they will engage a general contractor with the necessary experience for such a project and a reputation for being considerate of the neighborhood.**

*Reply: We appreciate your clients good intentions, but your response does not otherwise address our concerns. Please advise what binding commitments your clients are willing to make on these points. What we would like are binding commitments. Please advise if your clients are willing to agree to our proposals.*

**Response on 1/20/2016: City has comprehensive standards about the construction time schedule and street use during construction. My clients' contractors will need to follow those standards enforced by SFDBI or DPW. As I pointed out above, the structural engineers have not worked on the foundation plans and details since the plans have not yet been approved.**

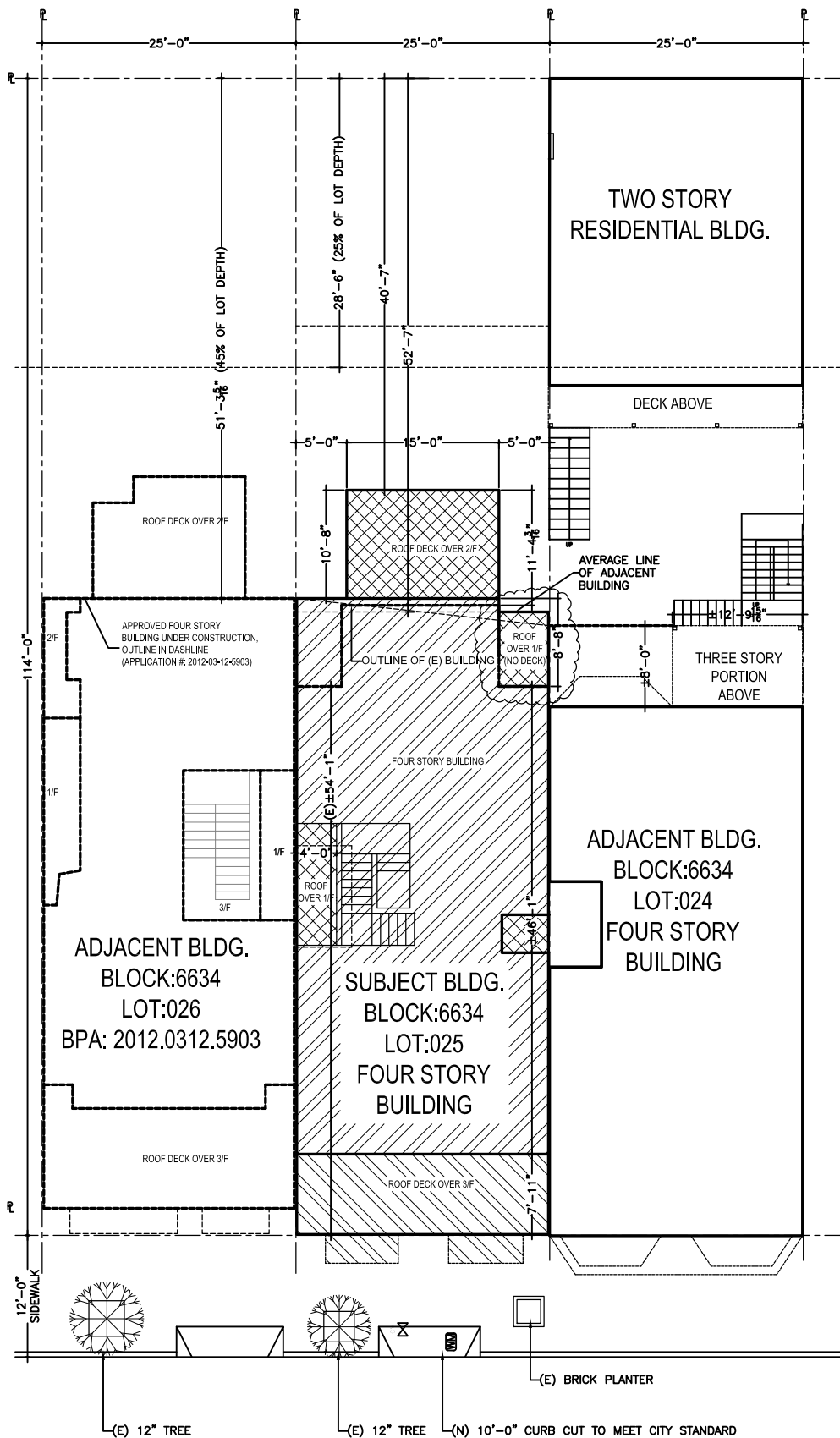
*Going forward, we suggest that you respond to this letter in writing and propose some dates and times for a meeting to discuss your proposal. Although we will be filing for a Discretionary Review, we would greatly prefer for a dialogue to reach a mutually-satisfactory conclusion. At the suggestion of Colin Clarke of the Planning Department in his email of December 14, we will ask him to put our DR application on hold pending our further dialogue. We intend the hold simply to allow a short period of time of that dialogue.*

Above is the copy of your letter and our responses on 1/20/2016. We have been working hard to get closer now. We might still have different ideas on several items. Hopefully, we could have a chance to meet and reach an agreement to avoid the DR Hearing.

Sincerely,

Yang Nie





DRAWING NAME: D:\Cloud\Dropbox\Projects\29th 155-157 29th street\Arch\Site Permit\Revision 3\155-29TH-R reduce at pline.dwg  
PLOT DATE: 02-16-16 PLOTTED BY: Alex

**GENERAL NOTES**

GENERAL CONDITIONS: AIA DOCUMENT A201, GENERAL CONDITIONS FOR THE PERFORMANCE OF THE CONTRACT IS HEREBY INCORPORATED INTO THE DRAWINGS AND SHALL BE CONSIDERED AS PART OF THE REQUIREMENTS FOR THE COMPLETION OF THE PROJECT.

EXISTING CONDITIONS: CONDITIONS SHOWN ON THE DRAWINGS ARE AS SHOWN ON THE ORIGINAL DRAWINGS AND AS OBSERVED ON THE SITE, BUT THEIR ACCURACY IS NOT GUARANTEED. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AT THE SITE. ANY DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT PRIOR TO PROCEEDING WITH THE WORK. NOTE, DIMENSIONS TAKE PRECEDENCE OVER SCALE OF THE DRAWINGS.

PERMITS: THE CONTRACTOR SHALL OBTAIN AND PAY ALL CITY AND/OR COUNTY FEES RELATING TO PROJECT, EXCEPT THE GENERAL PERMIT, WHICH IS THE RESPONSIBILITY OF THE OWNER AND IS REIMBURSABLE TO THE G.C.

CODES: ALL WORK SHALL BE DONE IN COMPLIANCE WITH ALL APPLICABLE CODES, INCLUDING BUT NOT LIMITED TO: UNIFORM BUILDING CODES, NATIONAL ELECTRIC, MECHANICAL AND PLUMBING CODES, HEALTH DEPARTMENT REGULATIONS, FIRE AND SAFETY CODES, CITY/COUNTY ORDINANCES AND REGULATIONS AND OTHER CODES GOVERNING CONSTRUCTION.

SITE RESPONSIBILITY: IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR WILL BE SOLEY AND COMPLETELY RESPONSIBLE FOR CONDITIONS ON THE JOB SITE, INCLUDING HEALTH AND SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. CONTRACTOR TO LIMIT TRAFFIC AND ACCESS TO THOSE AREAS WHERE WORK IS BEING PERFORMED.

CLEAN UP AND REPAIRS: THE CONSTRUCTION SITE SHALL BE MAINTAINED IN AN ORDERLY MANNER AT ALL TIMES WITH ALL DEBRIS REMOVED AT THE END OF EACH DAY. AT THE COMPLETION OF CONSTRUCTION, REMOVE ALL EXCESS MATERIALS AND REFUSE FROM SITE. LEAVE ALL SURFACES WITHIN CONSTRUCTION SITE FREE FROM DUST, DIRT AND STAINS. THE CONTRACTOR SHALL REPAIR OR REPLACE ANY SURFACES OR ITEMS DAMAGED BY CONSTRUCTION TO THE SATISFACTION OF THE ARCHITECT AND THE OWNER.

PATCHING: PROPERLY PREPARE SURFACES FOR RECEIVING THE SPECIFIED FINISHES INCLUDING PATCHING SURFACES ALTERED BY CONSTRUCTION. ON PATCHED AREAS OR AREAS WHERE A FINISH IS NOT SPECIFIED, THE FINISH SHALL MATCH ADJACENT MATERIAL IN CONSTRUCTION, COLOR AND TEXTURE.

ALL WORK NOTED "N.I.C." OR NOT IN CONTRACT IS TO BE ACCOMPLISHED BY A CONTRACTOR OTHER THAN THE GENERAL CONTRACTOR AND IS NOT TO BE PART OF THE WORK.

"ALIGN" AS USED IN THESE DOCUMENTS SHALL MEAN TO ACCURATELY LOCATE FINISH FACES ON THE SAME PLANE.

"TYPICAL" AS USED IN THESE DOCUMENTS SHALL MEAN THAT THE CONDITION IS THE SAME OR REPRESENTATIVE FOR SIMILAR CONDITIONS THROUGHOUT, U.O.N.

DETAILS ARE USUALLY KEYED AND NOTED "TYPICAL" ONLY ONCE, WHEN THEY FIRST OCCUR, AND ARE REPRESENTATIVE FOR SIMILAR CONDITIONS THROUGHOUT, U.O.N.

INSTALLATION: ALL ITEMS SPECIFIED SHALL BE INSTALLED AS PER MANUFACTURERS' RECOMMENDATION. ALL OPERATING MANUALS AND GUARANTEES SHALL BE GIVEN TO OWNER.

SCHEDULE: UPON SUBMITTAL OF THE FINAL CONSTRUCTION COSTS, THE CONTRACTOR SHALL ALSO SUBMIT A CONSTRUCTION SCHEDULE INDICATING THE REQUIRED CONSTRUCTION TIME FOR ALL SUB-CONTRACTOR'S WORK AND A COST-BY-TRADE BREAKDOWN FOR USE IN SCHEDULING AND EVALUATING PAY REQUESTS.

SUBSTITUTIONS: SUBSTITUTIONS, REVISIONS OR CHANGES MUST HAVE APPROVAL BY THE ARCHITECT PRIOR TO PROCEEDING WITH THE WORK.

DAMAGE: THE CONTRACTOR SHALL REPAIR OR REPLACE ANY SURFACES OR ITEMS DAMAGED BY CONSTRUCTION TO THE SATISFACTION OF THE ENGINEER OR OWNER.

















GUARANTEES: THE CONTRACTOR SHALL GUARANTEE THAT THE PROJECT WILL BE FREE OF DEFECTS OF WORKMANSHIP AND MATERIALS FOR A PERIOD OF ONE YEAR FROM THE DATE OF ACCEPTANCE BY THE OWNER. NO WORK DEFECTIVE IN CONSTRUCTION OR QUALITY OR DEFICIENT IN ANY REQUIREMENT OF THE DRAWINGS OR NOTES WILL BE ACCEPTABLE IN CONSEQUENCE OF THE OWNER'S OR ARCHITECT'S FAILURE TO POINT OUT DEFECTS OR DEFICIENCIES DURING CONSTRUCTION. DEFECTS OF WORKMANSHIP OR MATERIALS REVEALED WITHIN A PERIOD OF ONE YEAR FROM THE ACCEPTANCE SHALL BE REPLACED BY WORK CONFORMING WITH THE INTENT OF THE CONTRACT AT NO COST TO THE OWNER. NO PAYMENT, EITHER PARTIAL OR FINAL, SHALL BE CONSTRUED AS AN ACCEPTANCE OF DEFECTIVE WORK OR IMPROPER MATERIALS.

DEMOLITON: ALL DEMOLITON INDICATED ON PLANS SHALL BE CAREFULLY CUT AND REMOVED IN ORDER TO MINIMIZE DISRUPTION AND DAMAGE OF EXISTING SPACE.

COLUMNS CENTERLINES (ALSO REFERED TO AS GRID LINES) ARE SHOWN FOR DIMENSIONAL PURPOSES. (REFER TO BASE BUILDING DRAWINGS FOR EXACT LOCATIONS).

ALL WORK PERFORMED BY THE CONTRACTOR SHALL CONFORM TO THE EXISTING BUILDING STANDARDS.

ABBREVIATIONS			
A/C	AIR CONDITIONING	FIN.	FINISH
ADJ.	ADJUSTABLE	FL.	FLOOR
A.F.F.	ABOVE FINISH FLR.	FLOUR.	FLOURESCENT
ALUM.	ALUMINUM	F.O.F.	FACE OF FINISH
ALT.	ALTERNATE	F.O.S.	FACE OF STUD
APPROX.	APPROXIMATELY	GA.	GAUGE
ARCH.	ARCHITECTURAL	G.C.	GEN. CONTRACTOR
BLDG.	BUILDING	GYP. BD.	GYPSUM BOARD
BLKG.	BLOCKING	H.B.	HOSE BIB
BM.	BEAM	H.C.	HANDICAP
CAB.	CABINET	HDWR.	HARDWARE
CL.	CENTER LINE	HP	HIGH POINT
CLG.	CEILING	H.W.	HOT WATER
CLOS.	CLOSET	INSUL.	INSULATION
CLR.	CLEAR	INT.	INTERIOR
COL.	COLUMN	L.P.	LOW POINT
CONC.	CONCRETE	MECH.	MECHANICAL
CONST.	CONSTRUCTION	MTL.	METAL
C.T.	CERAMIC TILE	(N)	NEW
CTR.	CENTER	N.I.C.	NOT IN CONTRACT
DET.	DETAIL	NO.	NUMBER
D.F.	DRINKING FOUNTAIN	O.C.	ON CENTER
DIA.	DIAMETER	OPP.	OPPOSITE
DIM.	DIMENSION	P-LAM	PLASTIC LAMINATE
DN.	DOWN	PLYWD.	PLYWOOD
DR.	DOOR	R.D.	ROOF DRAIN
DWG.	DRAWING	R.O.	ROUGH OPENING
(E)	EXISTING	S.C.	SOLID CORE
EA.	EACH	STOR.	STORAGE
EL.	ELEVATION	SHT.	SHEET
ELEC.	ELECTRICAL	T + G	TONGUE & GROOVE
EQ.	EQUAL	TYP.	TYPICAL
EQUIP.	EQUIPMENT	U.O.N.	UNLESS OTHERWISE
EXP.	EXPANSION		NOTED
EXPOS.	EXPOSED	WD.	WOOD
EXT.	EXTERIOR	W.P.	WATERPROOF
F.D.	FLOOR DRAIN		

LEGEND	
	DOOR TYPE/WINDOW TYPE, SEE SCHEDULE
	SWITCH
	SWITCH (THREE WAY)
	ELECTRICAL OUTLET
	GROUND FAULT INTERRUPT
	LIGHTING FIXTURE (WALL-MOUNT)
	LIGHTING FIXTURE (WALL-MOUNT)
	LIGHTING FIXTURE (RECESSED)
	FLUORESCENT LAMP
	SMOKE DETECTOR
	110V W/ BATTERY BACKUP
	TELEPHONE
	EXHAUST FAN
	HEAT REGISTER
BATH.	BATHROOM
CLS.	CLOSET
	STUD WALL @ 16" O.C., U.O.N.
	(N) WALL
	30" HIGH 1-HR FIRE RATED PARAPET
	1-HR WALL

APPLICABLE BLDG. CODE	
1.	2013 CALIF. BLDG. CODE & S.F. AMENDMENTS
2.	2013 CALIF. MECH. CODE & S.F. AMENDMENTS
3.	2013 CALIF. PLMBG. CODE & S.F. AMENDMENTS
4.	2013 CALIF. ELECTR. CODE & S.F. AMENDMENTS
5.	2013 CALIF. ENERGY CODE
6.	2013 CALIF. FIRE CODE & S.F. AMENDMENTS
7.	2013 S.F. HOUSING CODE
8.	2013 CALIF. RESIDENTIAL BUILDING CODE

SCOPE OF WORK	
1.	HORIZONTAL & VERTICAL ADDITION TO A DUPLEX
2.	ADD 2-BEDROOM & 3 BATH TO UNIT 1
3.	ADD 1-BEDROOM & 4 BATH TO UNIT 2
4.	MECHANICAL, ELECTRICAL, PLUMBING & FIRE SPRINKLER UNDER SEPARATE PERMITS.

PROJECT DATA

BLOCK: 6634

ZONE: RH-3

REAR SETBACK:

LOT: 025

(E) ±41'-9"

(N) 28'-11"

OCCUPANCY: (E) R-3 (NO CHANGE)

NO. OF RESIDENTIAL UNITS: (E) 2 (NO CHANGE)

NO. OF STORIES: (E) 2 OVER GARAGE  
(N) 3 OVER GARAGE

TYPE OF CONSTRUCTION: V-A W/ FIRE SPRINKLER SYSTEM

HEIGHT LIMIT: 40'-0" MAX.

BUILDING FLOOR AREA:

FRONT BUILDING:

	EXISTING	ADDITION	PROPOSED
FIRST FLOOR	1,172 S.F.	538 S.F.	1,710 S.F.
SECOND FLOOR	1,357 S.F.	151 S.F.	1,508 S.F.
THIRD FLOOR	1,421 S.F.	69 S.F.	1,490 S.F.
FOURTH FLOOR		1,163 S.F.	1,163 S.F.
TOTAL:	3,950 S.F.	1,921 S.F.	5,871 S.F.

SITE PLAN

N.T.S.

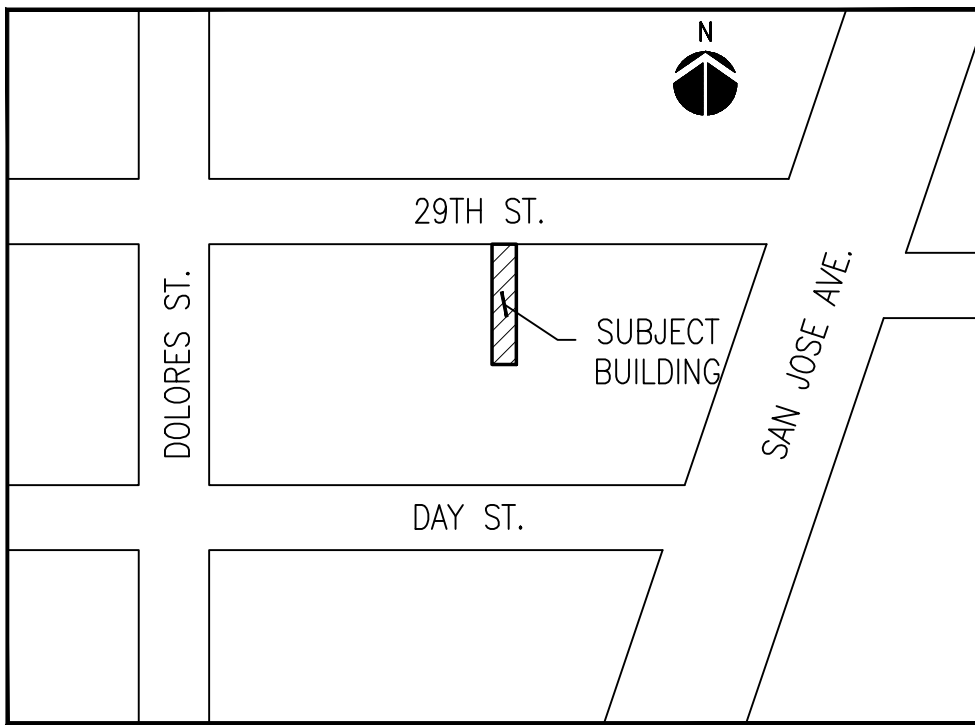


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A4.7

A5.0

A5.1

A5.2

A6.0

TITLE SHEET

BLOCK FACES, PHOTOS

EXISTING & PROPOSED PLOT PLANS

EXISTING 1/F PLAN

PROPOSED 1/F PLAN

EXISTING 2/F PLAN & PROPOSED 2/F PLAN

EXISTING 3/F PLAN & PROPOSED 3/F PLAN

EXISTING ROOF PLAN & PROPOSED 4/F PLAN

PROPOSED ROOF PLAN

EXISTING FRONT ELEVATION

PROPOSED FRONT ELEVATION

EXISTING REAR ELEVATION

PROPOSED REAR ELEVATION

EXISTING WEST ELEVATION

PROPOSED WEST ELEVATION

EXISTING EAST ELEVATION

PROPOSED EAST ELEVATION

EXISTING SECTION 1

PROPOSED SECTION 1

VERTICAL ADDITION VISIBILITY ANALYSIS

DETAILS

**NIE YANG ARCHITECTS**

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CA 94110  
TEL: (415) 756-4455

155-157 29TH ST.  
SAN FRANCISCO

ADDITION TO A  
DUPLEX

SITE PERMIT  
SET

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REVISIONS 3

SCALE  
1/4"=1'-0"

DATE  
02/08/2016

JOB NO.  
140415

SHEET TITLE  
TITLE SHEET  
SITE PLAN

SHEET NO.  
A1.0  
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BLOCK FACES  
PHOTOS

SHEET NO.

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BLOCK FACE OF FACING SIDE OF STREET



BLOCK FACE OF SAME SIDE OF STREET



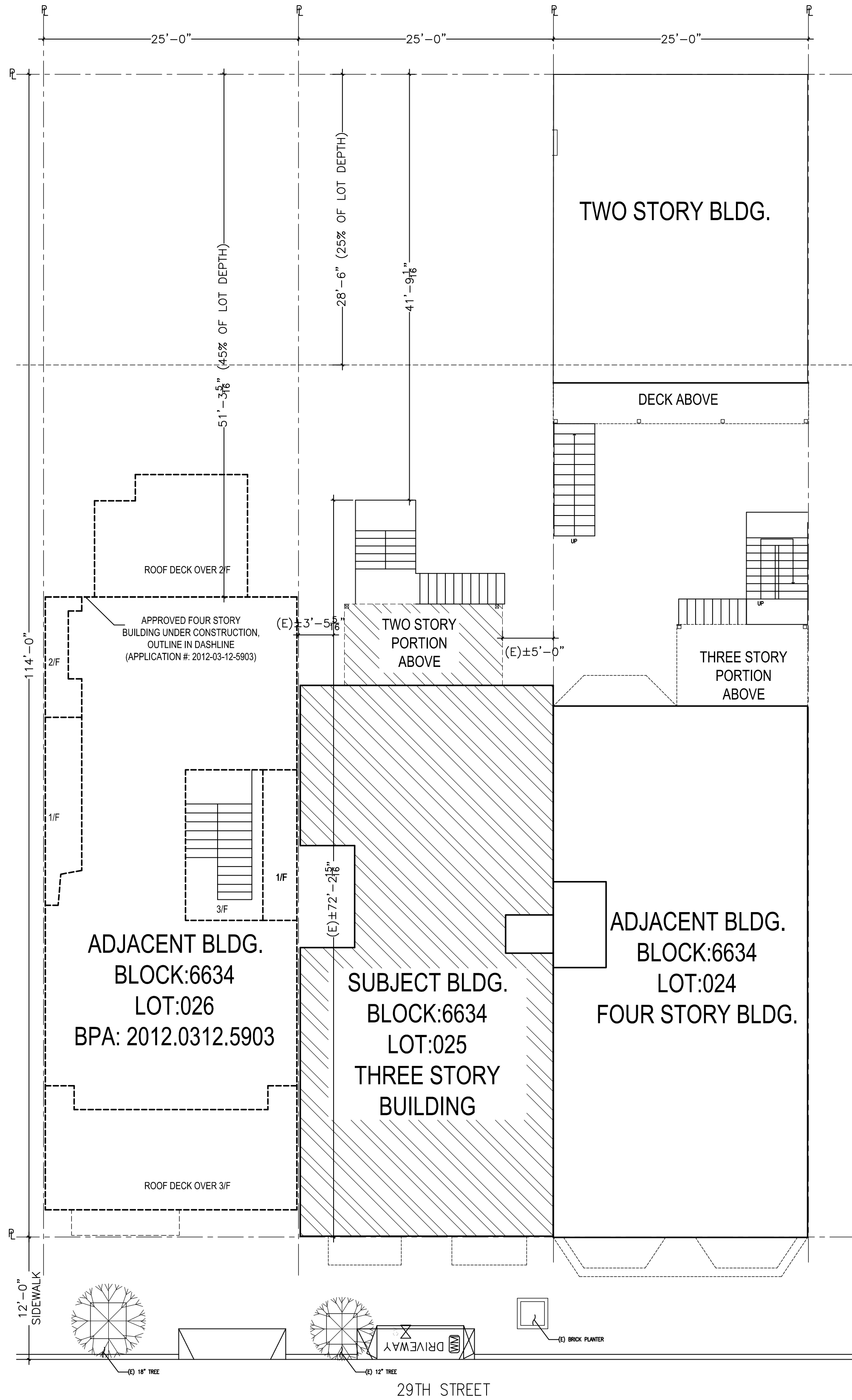
PHOTO OF SUBJECT BUILDING



PHOTO OF REAR YARD

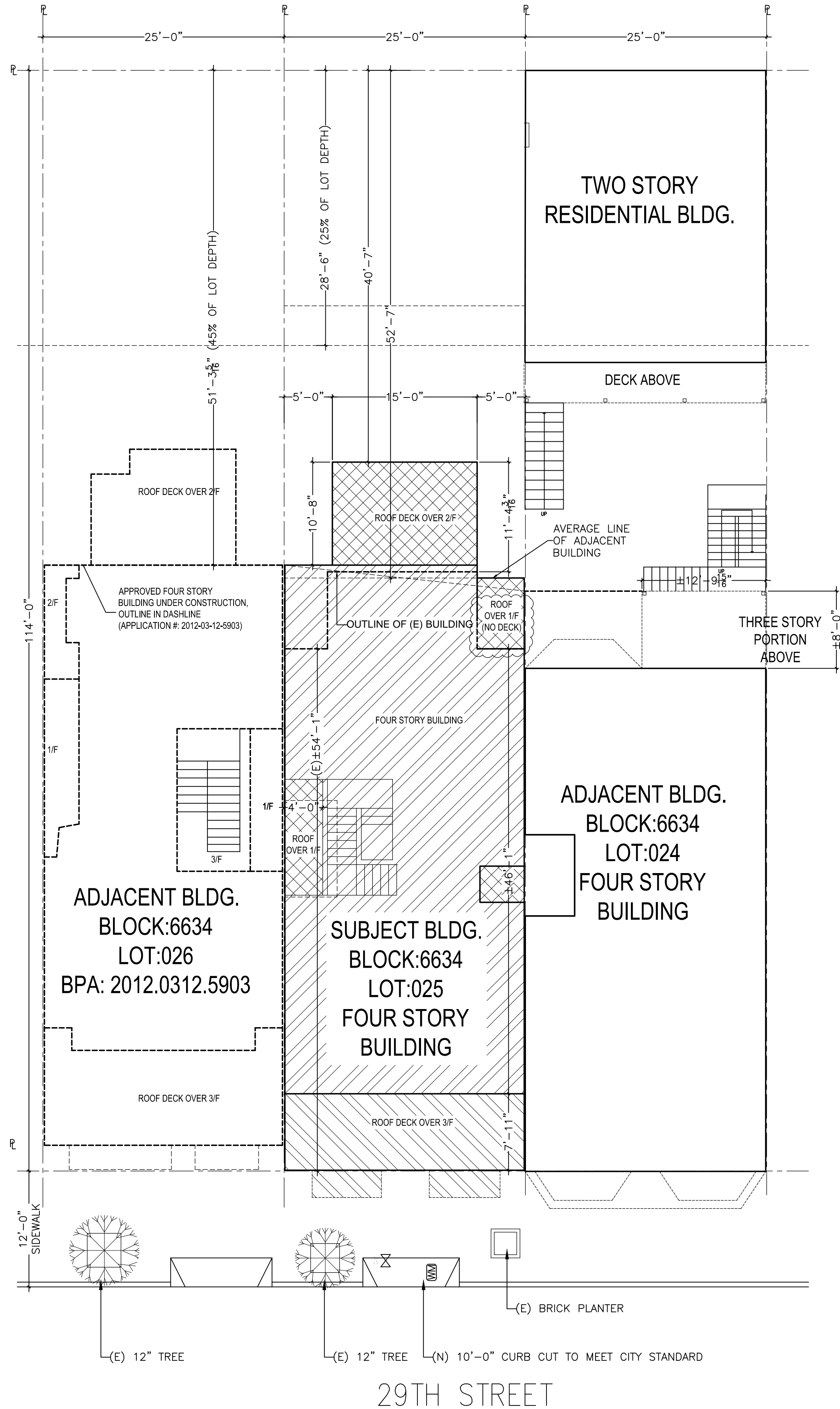


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EXISTING PLOT PLAN 1/8"=1'-0"

2



PROPOSED PLOT PLAN 1/8"=1'-0"

1

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DUPLEX**

**SITE PERMIT  
SET**

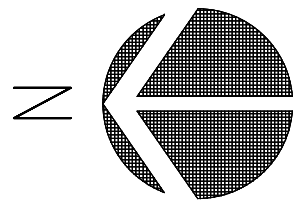
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PLOT PLANS

SHEET NO.

A1.2



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SHEET TITLE

EXISTING 1/F PLANS

SHEET NO.

A2.0

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DRIVEWAY

29TH STREET

WM

DRIVEWAY 80'

ADJACENT BUILDING

ADJACENT BUILDING

ADJACENT BUILDING

THREE STORY  
PORTION  
ABOVE

LEGEND:  
===== (F) WALL

EXISTING G/F PLAN 1/4"=1'-0"

1

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## ADDITION TO A DUPLEX

# SITE PERMIT SET

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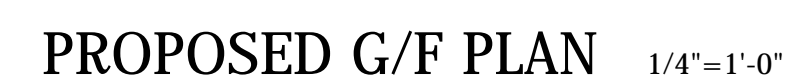
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## PROPOSED FLOOR PLANS

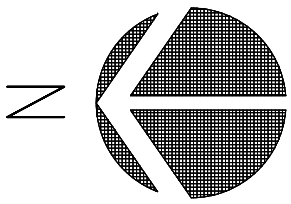
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1



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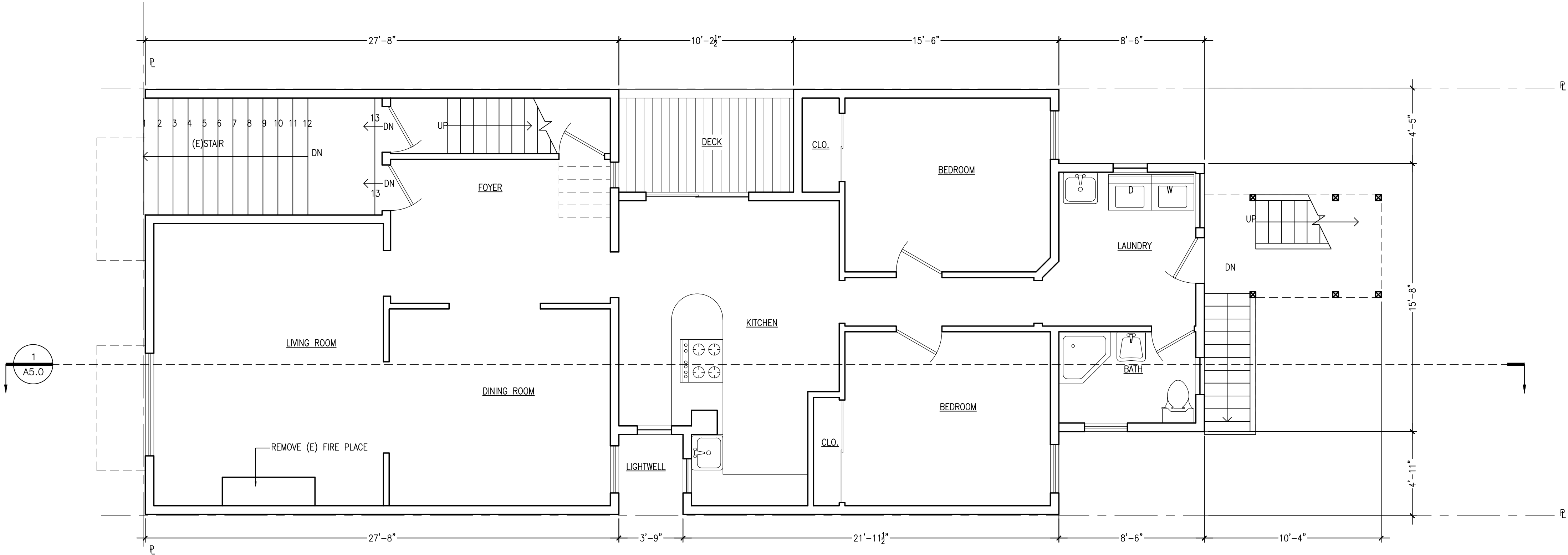
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PROPOSED 2/F PLAN

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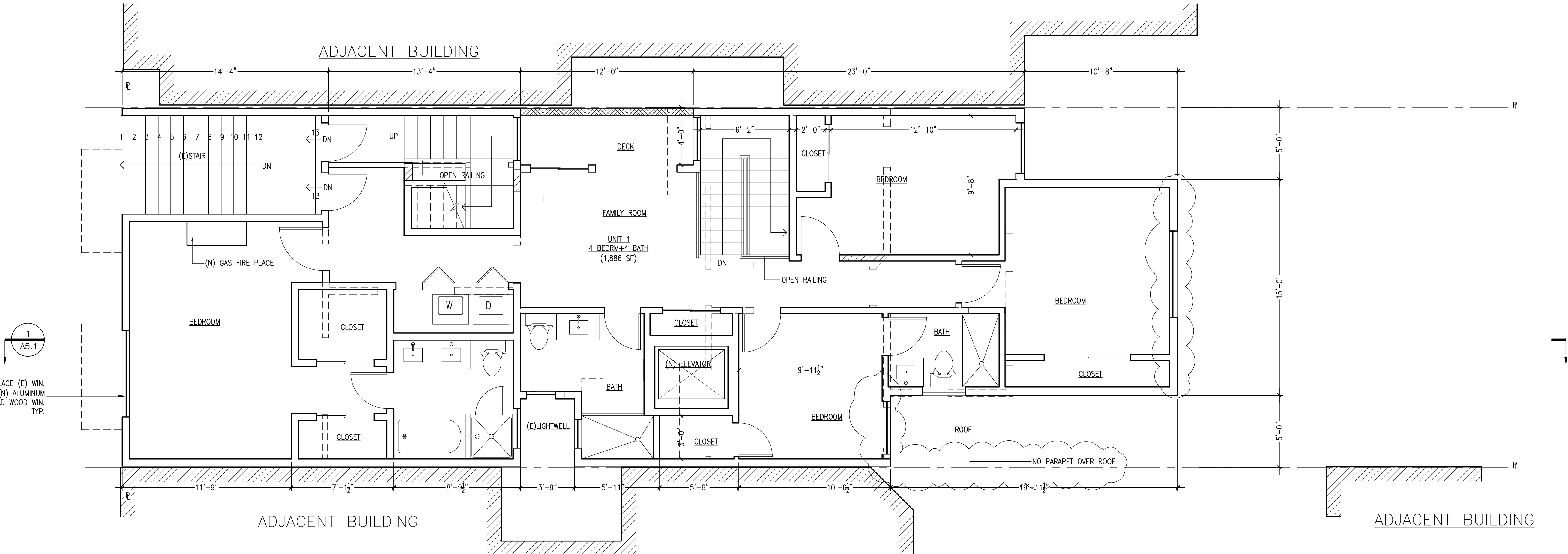
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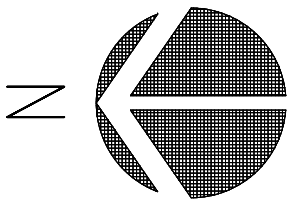
EXISTING 2/F PLAN 1/4"=1'-0"

1



PROPOSED 2/F PLAN 1/4"=1'-0"

2



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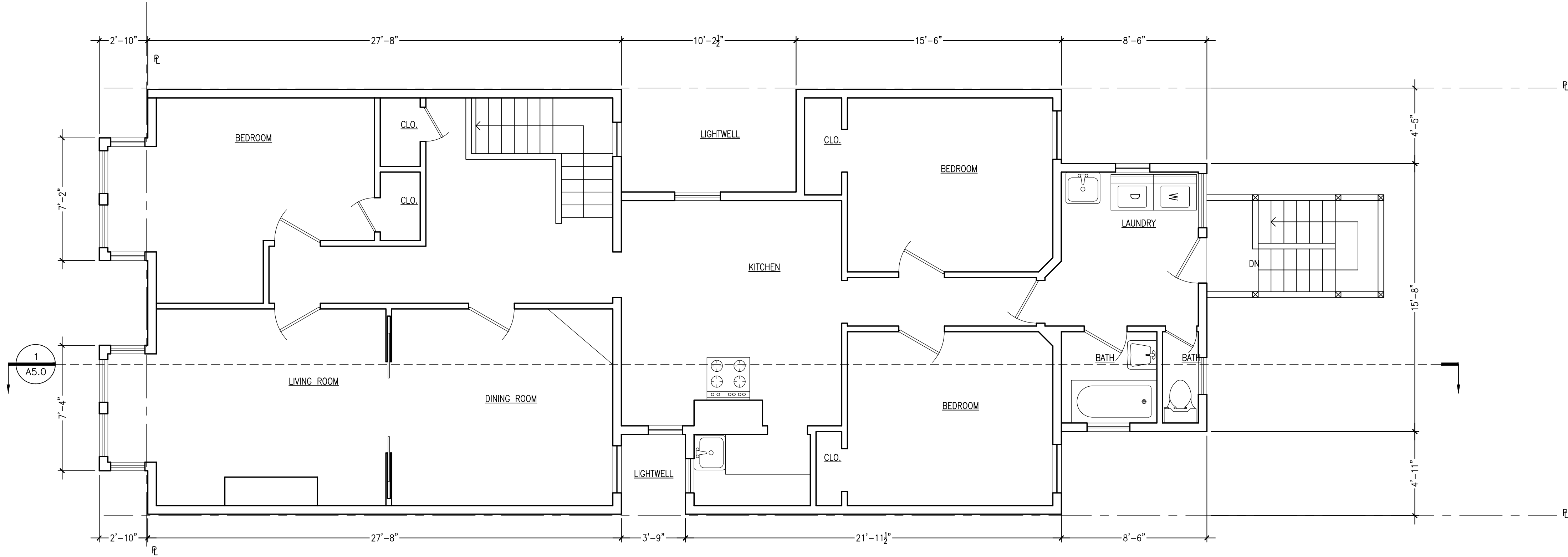
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EXISTING 3/F PLAN  
PROPOSED 3/F PLAN

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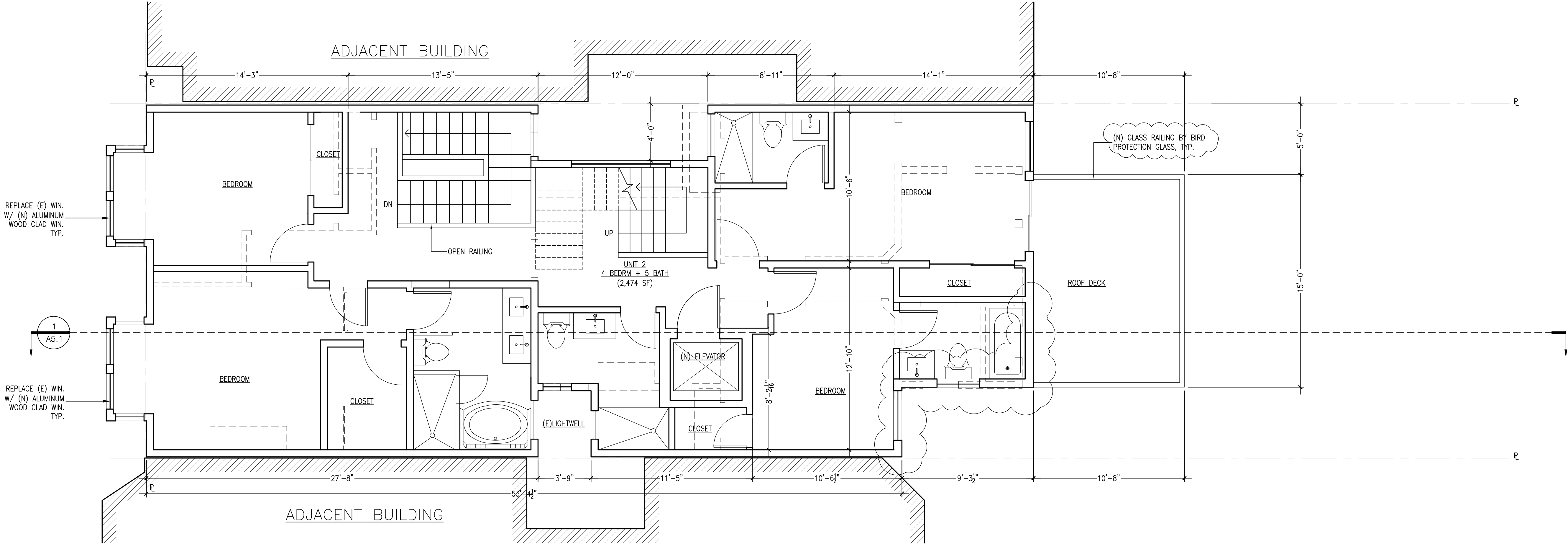
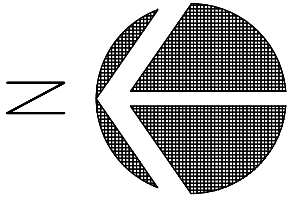
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EXISTING 3/F PLAN 1/4"=1'-0"

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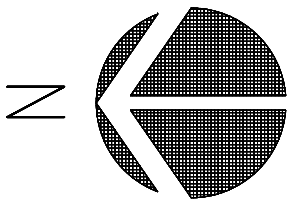


- LEGEND:
- (N) WALL
  - (E) WALL
  - (E) WALL TO BE REMOVED
  - 42", 1-HR FIRE RATED GUARD WALL
  - (N) 1-HR FIRE RATED WALL

PROPOSED 3/F PLAN 1/4"=1'-0"

2

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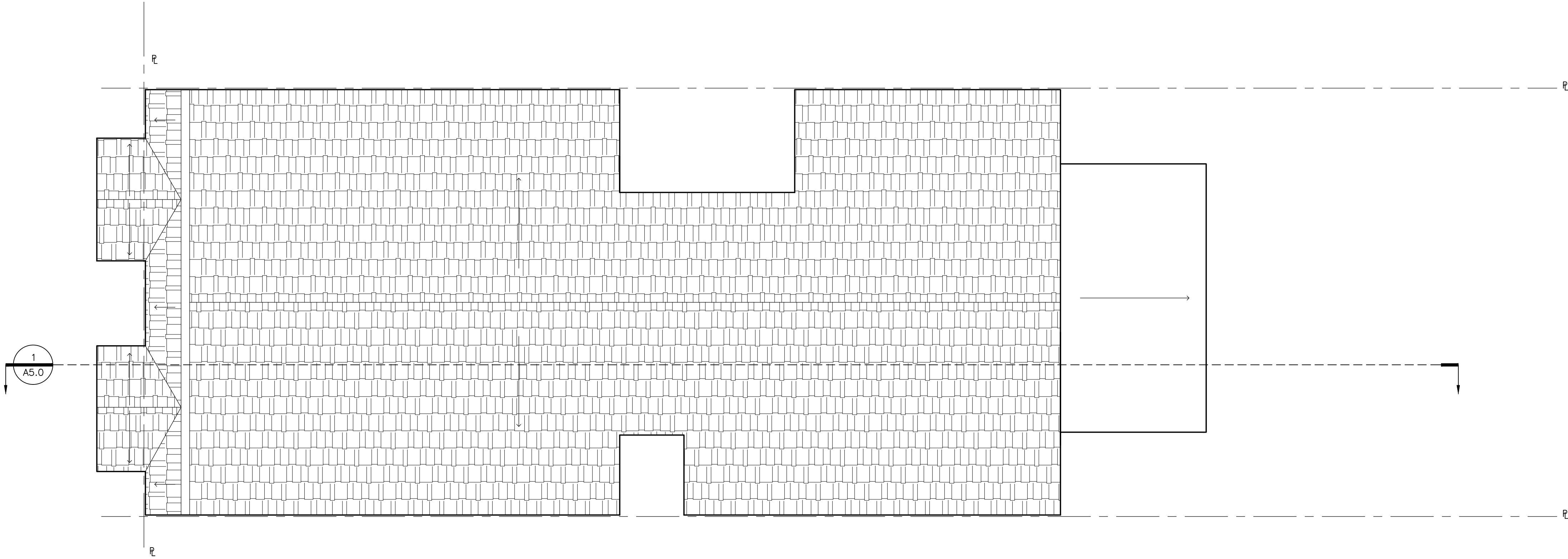
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EXISTING ROOF PLAN  
PROPOSED 4/F PLAN

SHEET NO.

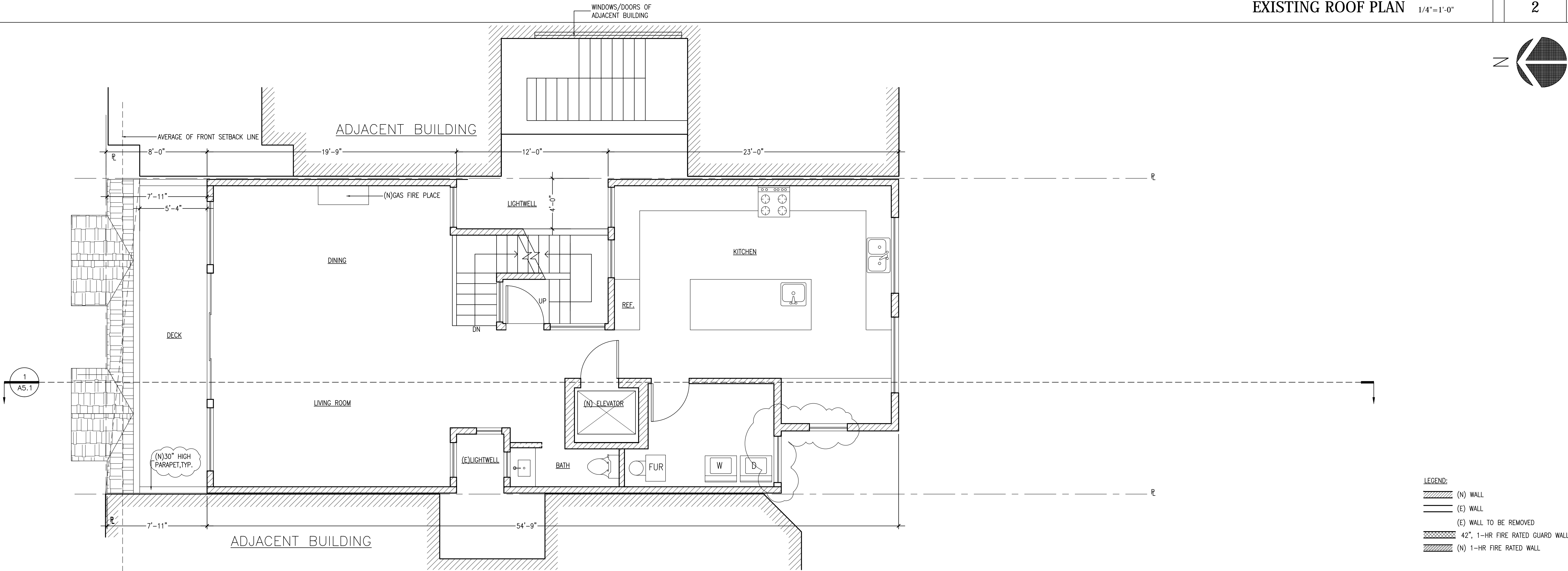
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2

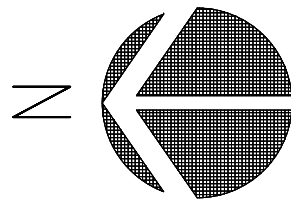


PROPOSED 4/F PLAN 1/4"=1'-0"

1

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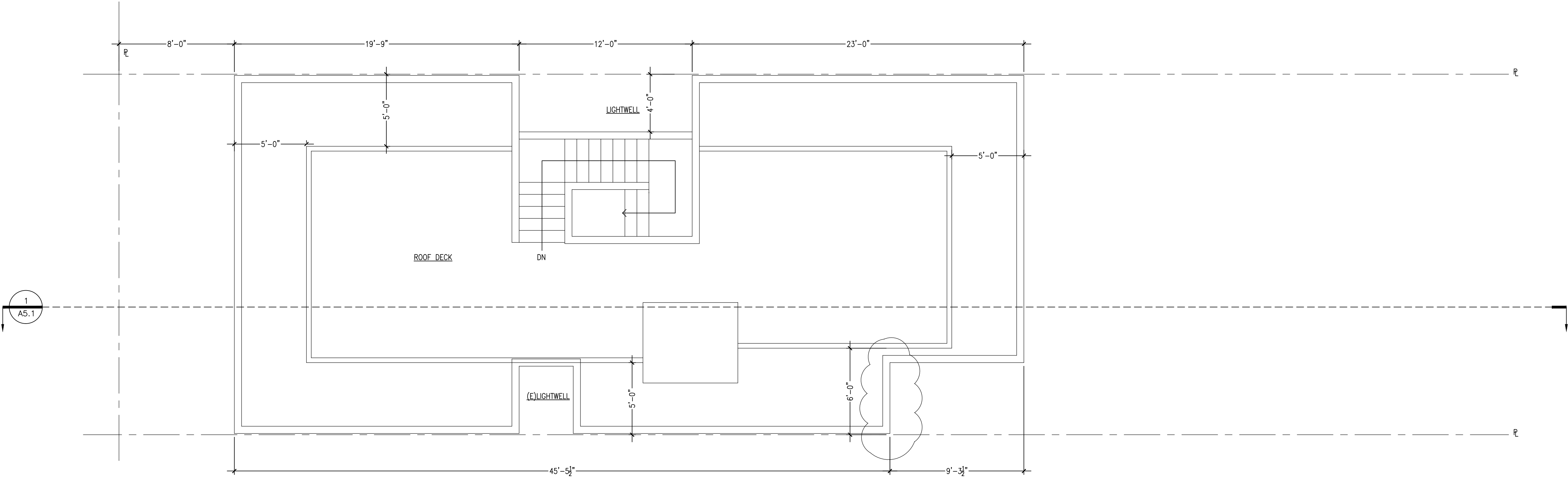
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DUPLEX

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SHEET TITLE  
PROPOSED ROOF  
PLAN

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

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EXISTING FRONT  
ELEVATION

SHEET NO.

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SAN FRANCISCO

## ADDITION TO A DUPLEX

# SITE PERMIT SET

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REVISIONS 3

SCALE  
1/4"=1'-0"

DATE  
02/08/2016

JOB NO.  
140415

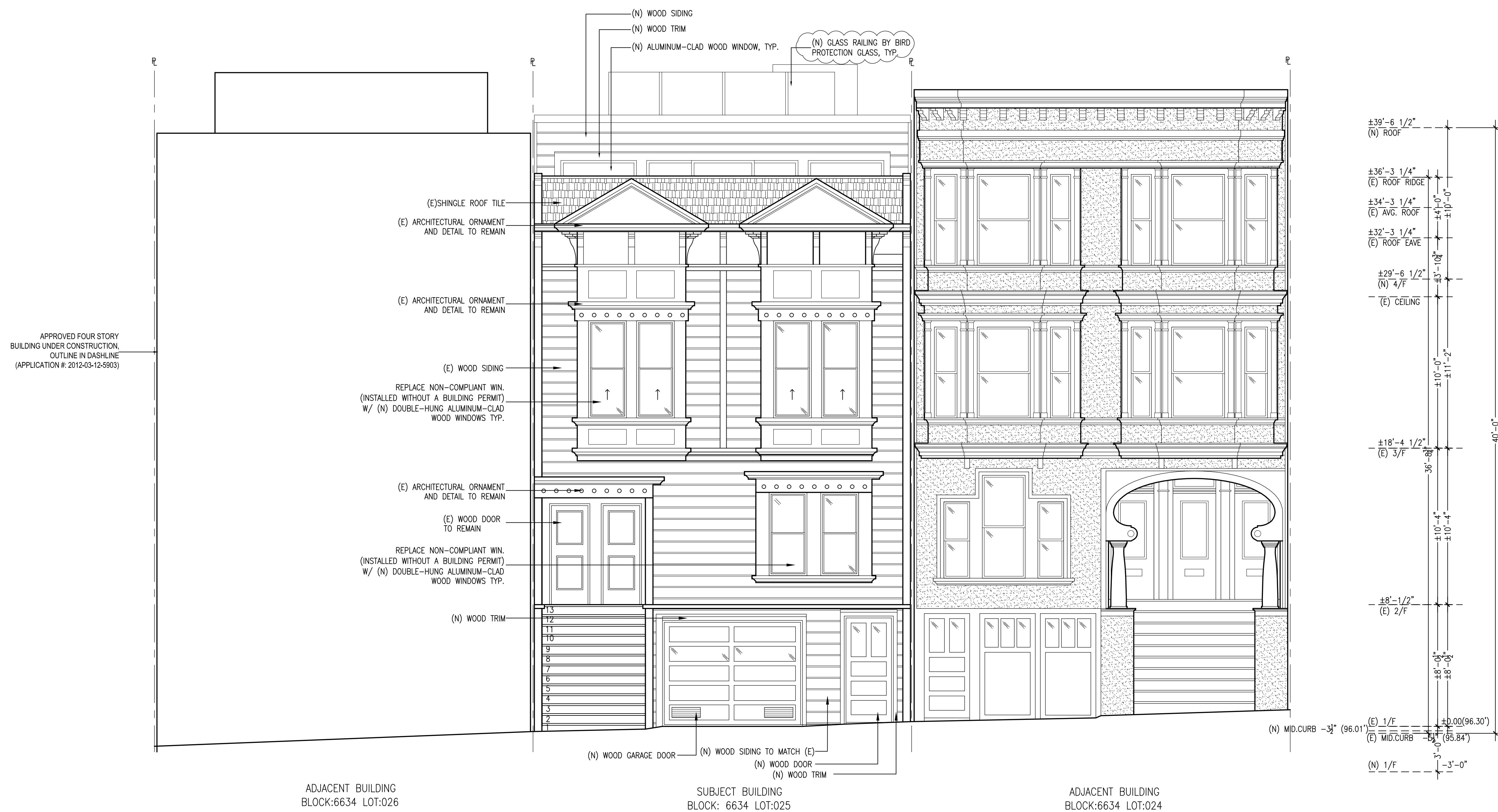
SHEET TITLE

PROPOSED FRONT  
ELEVATION

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A4.1

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SAN FRANCISCO,  
CA 94110  
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155-157 29TH ST.  
SAN FRANCISCO

ADDITION TO A  
DUPLEX

SITE PERMIT  
SET

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SCALE  
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SHEET TITLE

EXISTING REAR  
ELEVATION

SHEET NO.

A4.2

Of 21 Sheets



DRAWING NAME: D:\Cloud\Dropbox\Projects\29th 155-157 29th street\Arch\Site Permit\Revision 3\155-29TH-R reduce at pline.dwg  
PLOT DATE: 02-16-16 PLOTTED BY: Alex



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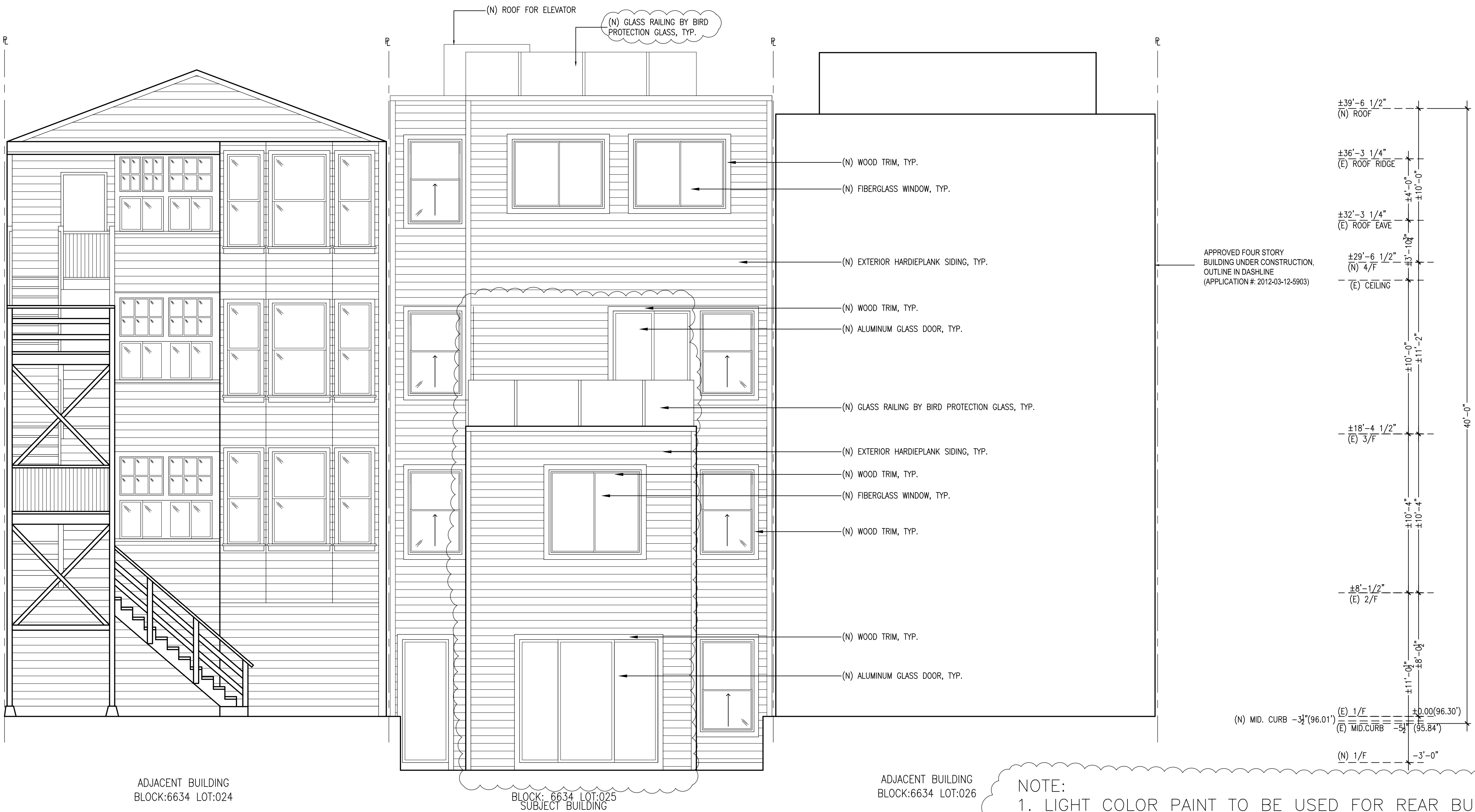
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SHEET TITLE

PROPOSED REAR  
ELEVATION

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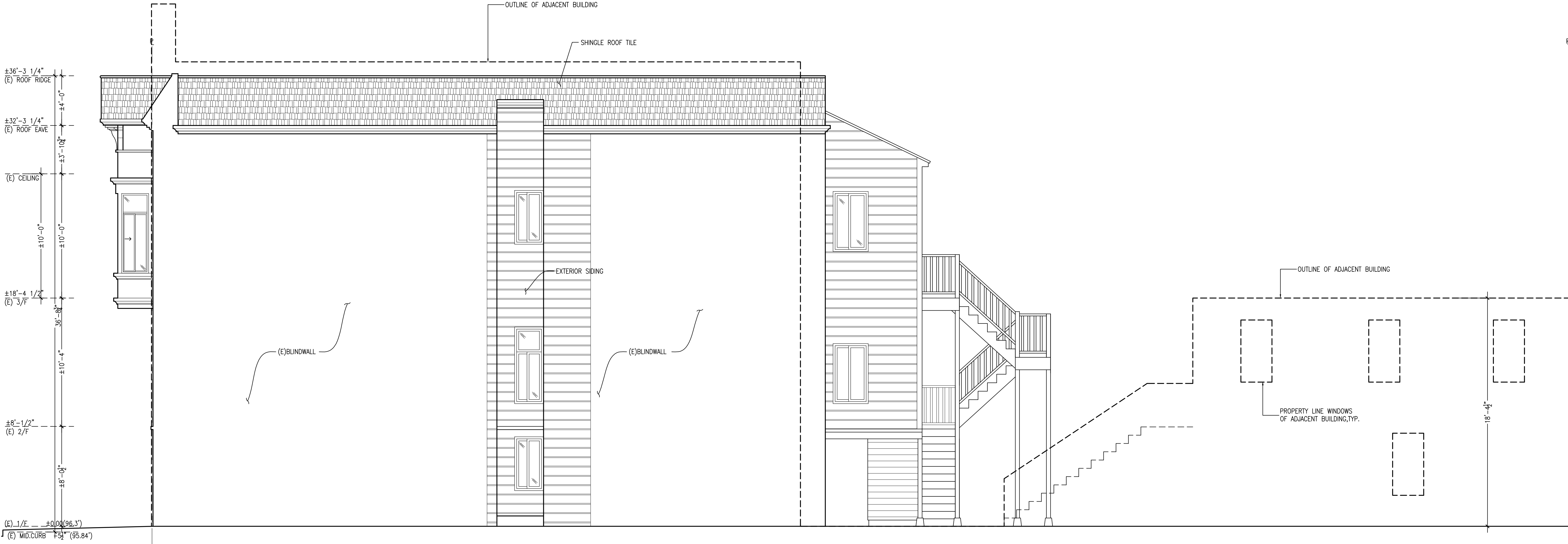
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140415  
SHEET TITLE

EXISTING WEST  
ELEVATION

SHEET NO.

A4.4  
Of 21 Sheets



EXISTING WEST ELEVATION 1/4"=1'-0"

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SHEET TITLE

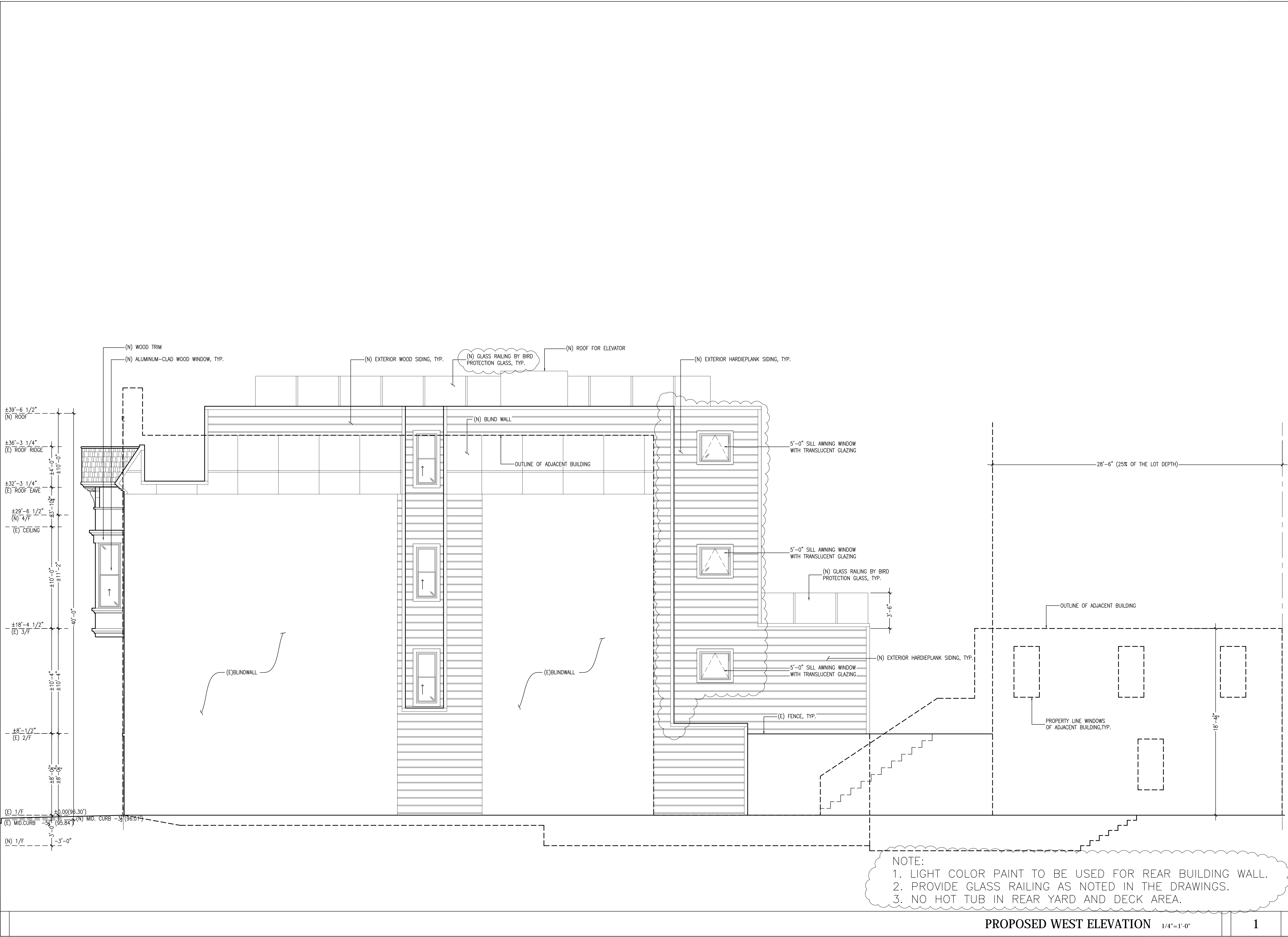
PROPOSED WEST  
ELEVATION

SHEET NO.

A4.5

Of 21 Sheets

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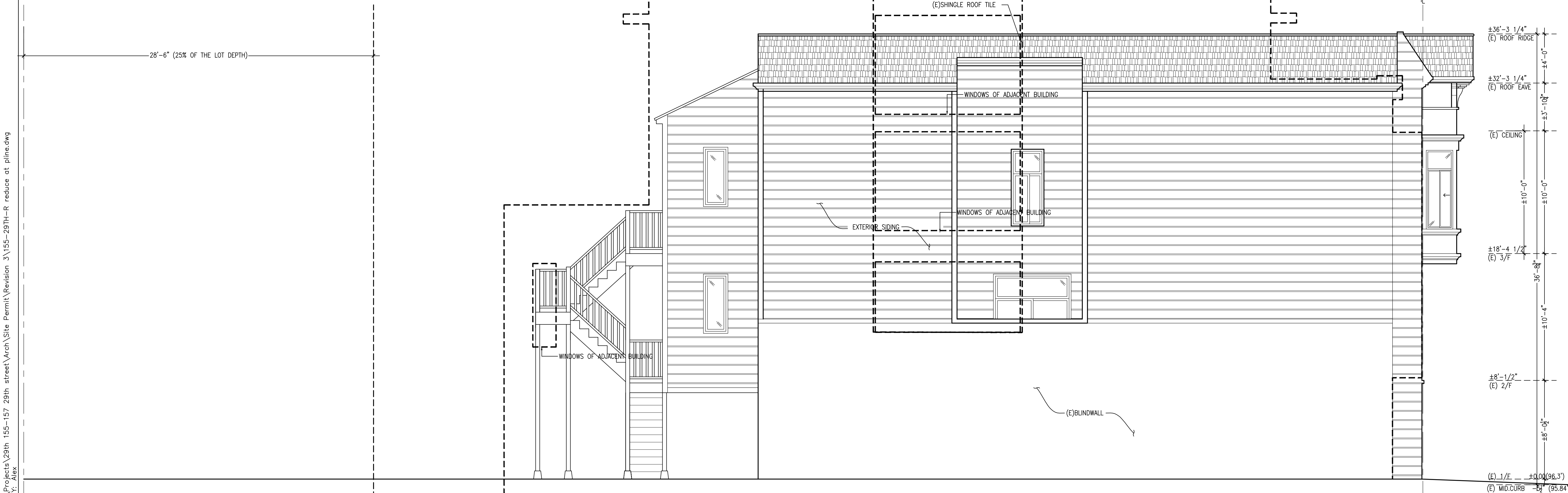
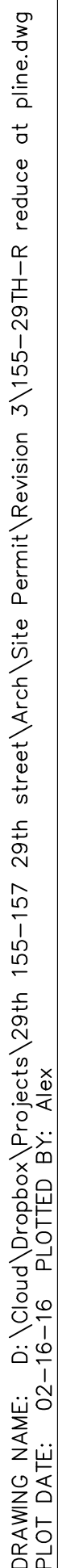
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EXISTING EAST  
ELEVATION

SHEET NO.

A4.6

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EXISTING EAST ELEVATION 1/4"=1'-0"

1



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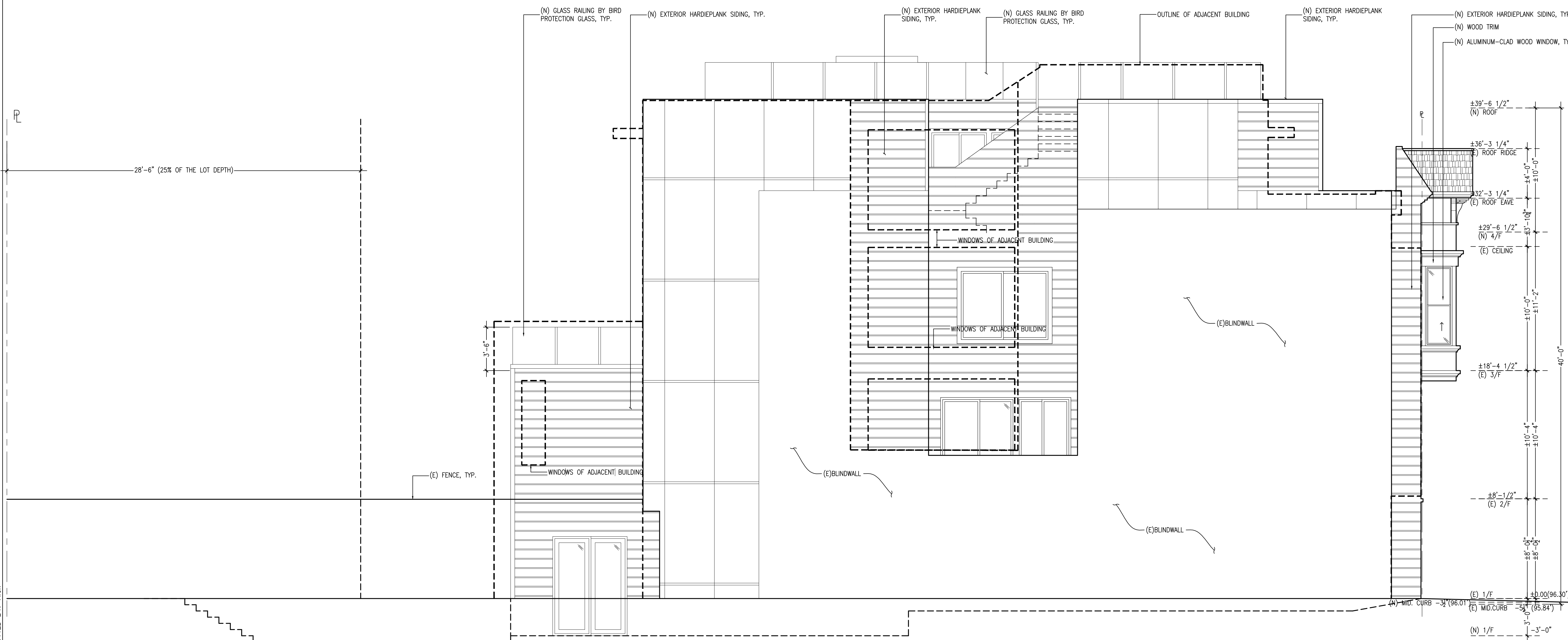
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PROPOSED EAST  
ELEVATION

SHEET NO.

A4.7

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PROPOSED EAST ELEVATION 1/4"=1'-0"

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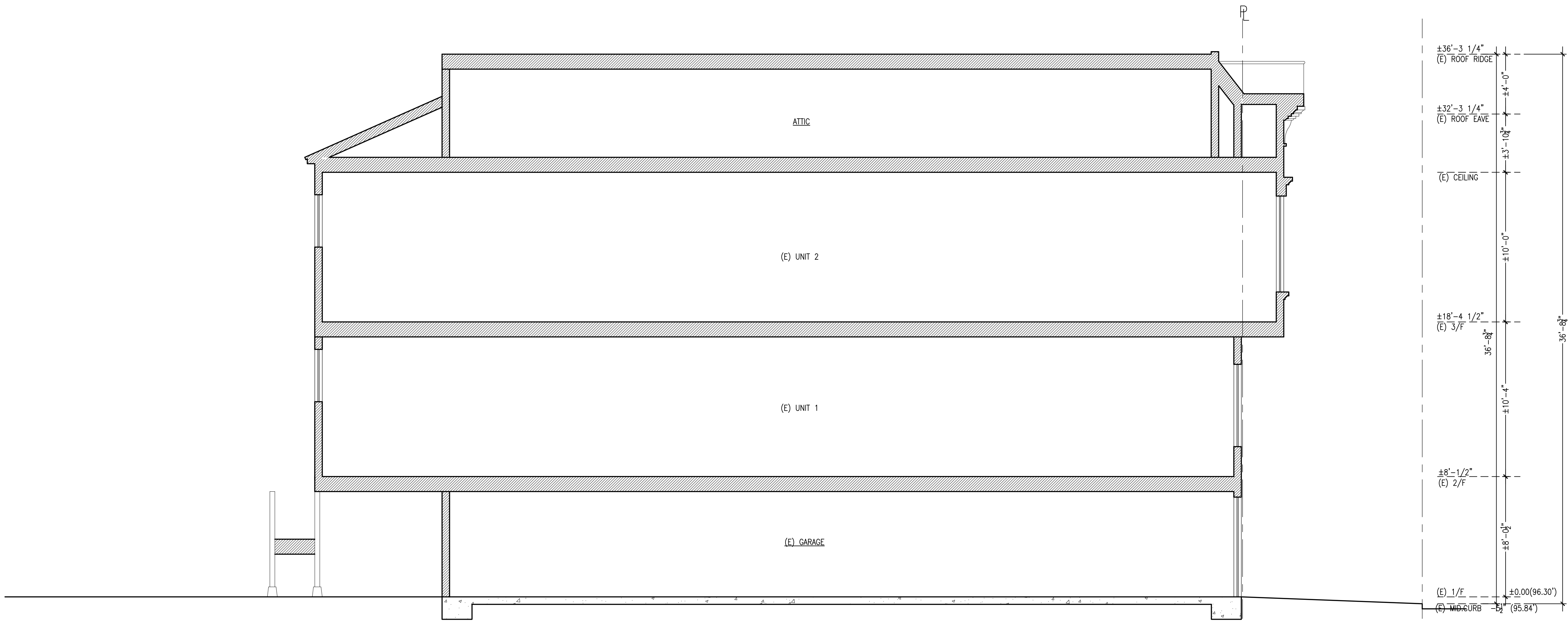
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EXISTING SECTION AA

SHEET NO.  
A5.0  
Of 21 Sheets



EXISTING SECTION AA 1/4"=1'-0"

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PROPOSED  
SECTION A-A

SHEET NO.

A5.1

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PROPOSED SECTION AA 1/4"=1'-0"

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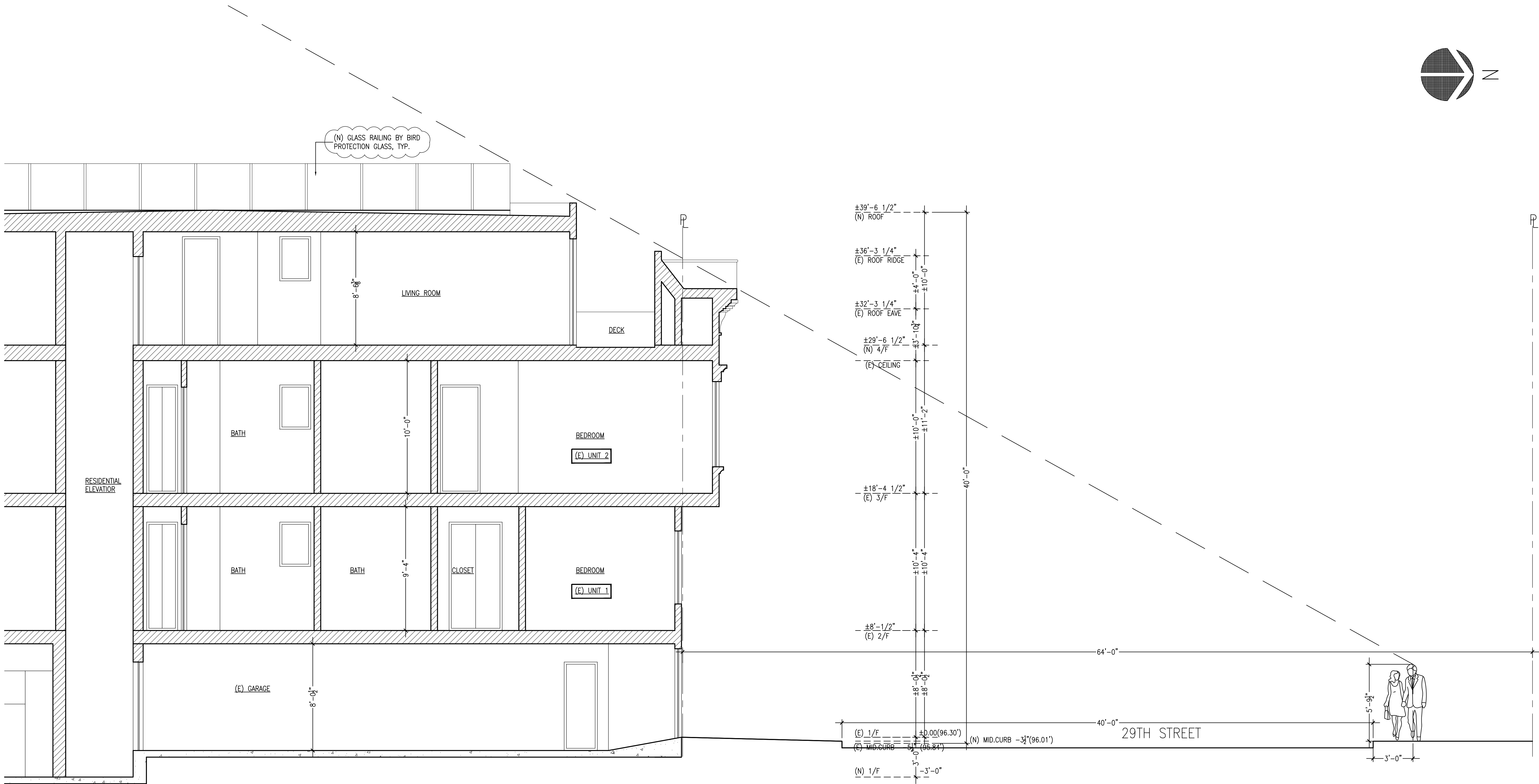
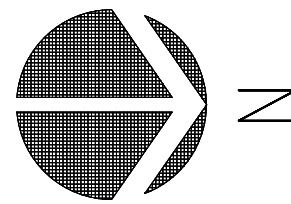
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VERTICAL ADDITION  
VISIBILITY ANALYSIS

SHEET NO.

A5.2

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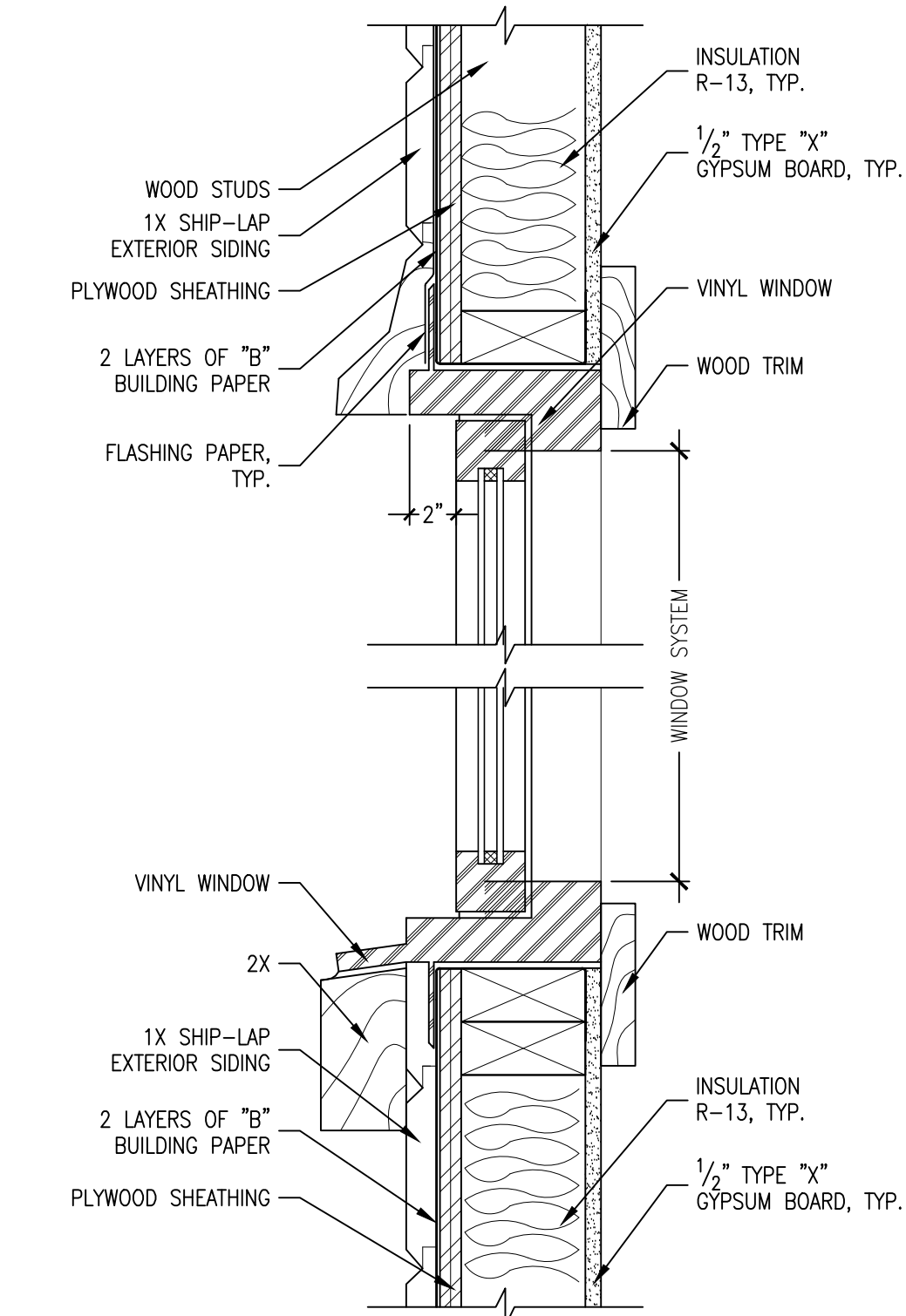
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DETAILS

SHEET NO.

A6.0



1 WALL @ WINDOW WITH WOOD SIDING  
N.T.S.