# Discretionary Review Full Analysis <br> HEARING DATE APRIL 21, 2016 

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

Reception:
415.558 .6378

Date:
Case No.:
Project Address:
April 14, 2016
2015-002243DRP/VAR
1615-1633 Grant Avenue
12-26 Medau Place
Permit Application: 2015.0227.9626 \& 9627
Zoning: RM-2
40-X Height and Bulk District
Block/Lot: 0088 / 005
Project Sponsor: Paul C. Okamoto
Okamoto Saijo Architecture
18 Bartol Street
San Francisco, CA 94133
Staff Contact: $\quad$ Claudine Asbagh - (415) 575-9165
claudine.asbagh@sfgov.org
Recommendation: Take DR and approve the project with modifications.

## PROJECT DESCRIPTION

The Project consists of alterations to the existing vacant buildings including the reconfiguration of 16 existing dwelling units (four would expand into ground-floor storage space), reconfiguration of the interior courtyard stairs, and the addition of roof-top decks and four stair penthouses on the Grant Avenue building.

## SITE DESCRIPTION AND PRESENT USE

The Project is located on a rectangular through lot on the west side of Grant Avenue near the intersection of Filbert Street and Grant Avenue, Block 0088, Lot 005. The development site contains 91.5 feet of frontage along Grant Avenue and Medau Place. The project site is located within the RM-2 (Mixed, Moderate Density Residential District) and the 40-X Height and Bulk District and the Telegraph Hill North Beach Residential Special Use District. The site measures 7,771 square feet and is currently occupied by a two-story over basement residential building containing 8 dwelling units that fronts onto Grant Avenue, and a two-story residential building containing 8 dwelling units that fronts onto Medau Place. A narrow central courtyard with stairs that access the second floor units separates the two buildings. Both buildings are currently vacant.

The building is located in the Upper Grant Avenue Historic District and is eligible for the National Register as a contributor to a national register eligible district.

## SURROUNDING PROPERTIES AND NEIGHBORHOOD

The property is located on the west side of Grant Avenue within the Moderate Density Mixed Residential District (RM-2), and the Upper Grant Avenue Historic District. The RM-2 District extends along the western side of Grant Avenue and is generally surrounded by the North Beach Commercial District with RH-3 located directly across Grant Avenue (east) and Greenwich Street (north). Uses in the immediate vicinity are primarily residential with structures ranging in height from two to three stories.

## BUILDING PERMIT APPLICATION NOTIFICATION

| TYPE | REQUIRED <br> PERIOD | NOTIFICATION <br> DATES | DR FILE DATE | DR HEARING DATE | FILING TO HEARING TIME |
| :---: | :---: | :---: | :---: | :---: | :---: |
| 311 <br> Notice | 30 days | December 21, <br> $2015-$ January <br> 20,2016 | January 20, <br> 2016 | April 21, 2016 | 92 days |

## HEARING NOTIFICATION

| TYPE | REQUIRED <br> PERIOD | REQUIRED NOTICE DATE | ACTUAL NOTICE DATE | ACTUAL <br> PERIOD |
| :--- | :---: | :---: | :---: | :---: |
| Posted Notice | 20 days | April 1, 2016 | April 1, 2016 | 20 days |
| Mailed Notice | 10 days | April 12, 2016 | April 11, 2016 | 11 days |

## PUBLIC COMMENT

|  | SUPPORT | OPPOSED | NO POSITION |
| :--- | :---: | :---: | :---: |
| Adjacent neighbor(s) | 0 | 0 | 0 |
| Other neighbors on the <br> block or directly across <br> the street | 1 | 1 | 0 |
| Neighborhood groups | 0 | 0 | 0 |
| Other parts of <br> neighborhood | 1 | 2 (this includes the DR <br> Requestor) | 0 |

## SUPPORT

Letters that support the project express a desire to have the building updated and occupied. Additionally, the project sponsor made modifications to penthouse locations in response to concerns raised by the neighbor across Grant Avenue.

## OPPOSITION

Letters that oppose the project express concerns over the roof decks and number of penthouses as well as potential disruptions from construction activity.

## DR REQUESTOR

Theresa Flandrich, 515 Lombard Street, San Francisco, CA 94133. The DR Requestor is within an approximate 700 foot radius from the project site.

## DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

Issue \#1: The DR requestor believes that the project violates the Planning Code's Priority Policies listed in Section $101.1(b)(2)-(3)$ that prioritize the conservation and preservation of existing housing and neighborhood character. Specifically, the reconfiguration of the units and construction of new roof decks is representative of a development pattern that contributes to the displacement of long term residents.

Issue \#2: The DR requestor believes that four staircase penthouses would be excessive for the site.

Proposed Alternatives: The Requestor has not provided any alternatives and contends that the project should be denied.

Reference the Discretionary Review Application for additional information. The Discretionary Review Application is an attached document.

## PROJECT SPONSOR'S RESPONSE

The building has been in disrepair for a long time and the owners did not have the income stream to maintain the building. The repairs are badly needed and the reconfiguration will help to provide open space for units that currently have none. In addition, the project would create a more simplified and code compliant layout for the courtyard stairways and internal flow of the units. The property has been vacant for eight years and this project would allow the building to be occupied again.

Reference the Response to Discretionary Review for additional information. The Response to Discretionary Review is an attached document.

## PROJECT ANALYSIS

Issue \#1: As previously mentioned, the project's scope of work consists of alterations to existing buildings including the reconfiguration of 16 existing dwelling units, reconfiguration of the courtyard stairs, and the addition of roof-top decks and four stairway penthouses on the Grant Avenue building.

The number of dwelling units will remain the same, with the number of bedroom changing due to the addition of common living areas. Currently the site has 12 three-bedroom units, and four two-bedroom units. When complete the site will have four one-bedroom units, eight two-bedroom units, and four larger three-bedroom units. As a result of the courtyard reconfiguration, the buildings will have greater separation and thus lessen an existing non-conforming situation. No tenants are being displaced as a result of the project as the buildings are currently empty.

Issue \#2: Subsequent to the filing of the DR, the project was reviewed by the Residential Design Team (RDT) for consistency with the City's Residential Design Guidelines. RDT recommends that the project sponsor remove the rooftop penthouses for the private roof decks and replace with hatches.

## ENVIRONMENTAL REVIEW

The Department has determined that the proposed project is exempt from environmental review, pursuant to CEQA Guideline Sections 15301.

## RESIDENTIAL DESIGN TEAM REVIEW

RDT reviewed the project on March 23, 2016. RDT recommends that the project be modified to remove the proposed penthouses. The cumulative effect of rooftop appurtenances diminishes the character of the building. Private open space could be accessed via roof hatches.

## BASIS FOR RECOMMENDATION

Take Discretionary Review and approve the project with modifications

- The reconfiguration of the units creates more common living space and will allow living areas to be located adjacent to the internal courtyard.
- The project does not remove any dwelling units or displace any tenants.
- The reconfiguration of the units will create a more code compliant layout for the courtyard stairways and allow for greater separation between buildings on the lot.
- The project has been reviewed by a preservation planner and found to be consistent with the Secretary of the Interior Standards for rehabilitation.
- The construction of four new roof top penthouses would detract from the character of the building and should be redesigned so that the private decks are accessible by hatches. Removing the penthouses will allow the project to move forward and remain consistent with residential design guidelines.


## RECOMMENDATION:

ATTACHMENTS<br>Block Book Map<br>Sanborn Map<br>Zoning Map<br>Aerial Photographs<br>Context Photos<br>Section 311 Notice<br>DR Application<br>Response to DR Application dated March 21, 2016<br>Reduced Plans

## Parcel Map



1615-1633 Grant Ave., 12-26 Medau Place Discretionary Review/ Variance

## Sanborn Map*


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

## Aerial Photo



## Zoning District Map



## Height and Bulk Map



Case No. 2015.002243DRP/VAR
1615-1633 Grant Ave., 12-26 Medau Place

A. Corner of greenwich street looking south down kramer


C - DOWNHUL SUGHTIY TOWARD CORNER -- NO VISBLBTY

C. UP FROM THE CORNER OF FILBERT STREET LOOKING NORTH (ONE SPOT ON SIDEWALK)


- UPHILL SLIGHTLY ON FILBERT -- NO VISIBILITY


B2. GRANT BELOW GREENWICH LOOKING SOUTH (ONE SPOT ON SIDEWALK)


B2 - DOWNHILL SLIGHTLY ON GRANT @ GERKE -- No VISIBLITY


B2 - UPHILL SLIGHTLY ON GRANT @ GERKE -- NO VIIIBILITY



## NOTICE OF BUILDING PERMIT APPLICATION（SECTION 311／312）

On February 27，2015，the Applicant named below filed Building Permit Application Nos． 201502279626 and 201502279627 with the City and County of San Francisco．

| Project Address： | 1615－33 Grant Ave／12－26 Medau PI | Applicant： | Paul C．Okamoto |
| :---: | :---: | :---: | :---: |
| Cross Street（s）： | Filbert St \＆Pardee Aly | Address： | 18 Bartol Street |
| Block／Lot No．： | 0088／005 | City，State： | San Francisco，CA 94133 |
| Zoning District（s）： | RM－2／40－X | Telephone： | （415）788－2118 |

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 |  |  |
| :---: | :---: | :---: |
| $\square$ Demolition | $\square$ New Construction | 区 Alteration |
| $\square$ Change of Use | 囚 Façade Alteration（s） | $\square$ Front Addition |
| 囚 Rear Addition | $\square$ Side Addition | 囚 Vertical Addition |
| PROJECT FEATURES | EXISTING | PROPOSED |
| Building Use | Residential | Residential |
| Front Setback | None | No Change |
| Side Setbacks | None | No Change |
| Building Depth | 41 feet（front building） <br> 33 feet（rear building） | 40 feet（front building） <br> 30 feet（rear building） |
| Rear Yard | 8 feet | No change |
| Building Height | 40 feet（front building） <br> 33 feet（rear building） | No Change |
| Number of Stories | 3 stories（front building） <br> 2 stories（rear building） | No Change |
| Number of Dwelling Units | 16 | 16 |
| Number of Parking Spaces | 0 | 0 |
| PROJECT DESCRIPTION |  |  |
| The proposed project is for the interior and exterior alteration of two existing structures with 16 dwelling units（ 8 units in each structure）．All units will be reconfigured； 4 of the 8 units that face Grant Avenue will be enlarged to create two－level units by combining existing ground floor storage area with each unit．The existing footprint of each unit along the center courtyard will also be reconfigured（without changing the overall area）．The existing non－conforming stairs and porches within the courtyard will be replaced with new stairs that meet current Building Code requirement and new roof decks will be provided on each structure to provide additional common and private open areas for the existing units，all outside of the required rear yard area． |  |  |

For more information，please contact Planning Department staff：
Planner：Lily Yegazu
Telephone：（415）575－9076
Notice Date：12／21／2015
E－mail：lily．yegazu＠sfgov．org
中文詢問請電：（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 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). 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. 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. 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.

## APPLICATION FOR

Discretionary Review

1. Owner/Applicant Information
OR APPLCANT'S nAME:
Theresa Flandrich

| DR APPUCANT'S ADDRESS: | ZIP CODE: | TELEPHONE: |
| :--- | :--- | :--- |
| 515 Lombard St | 94133 | $(415) 788-2775$ |


| Grant Avenue Land Trust |  |  |
| :---: | :---: | :---: |
| ADDRESS: <br> c/o Okamoto \& Saijo, 18 Bartol St, San Francisco | $\begin{aligned} & \text { ZIP CODE: } \\ & 94133 \end{aligned}$ | TELEPHONE: $(415) \text { 788-2118 }$ |
| CONTACT FOR DR APPUCATION <br> Same as Above $\square$ |  |  |
| ADDRESS: | IIP CODE: | TELEPHONE <br> ( ) |

E-MAIL ADDRESS:
tflandrich@yahoo.com
2. Location and Classification

| STREET ADDRESS OF PROJECT: | ZIP CODE |
| :--- | :--- |
| 1615-33 Grant Ave; $12-26$ Medau PI | 94133 |

cRoss streets:
Filbert \& Pardee

| ASSESSORS BLOCKLOT: | LOT OIMENSIONS: | LOT AREA SSA FT) | ZONING OISTAICT: | HEIGHT/BULKDISTRICT: |
| :--- | :--- | :--- | :--- | :--- |
| 0088 | $/ 005$ |  | 7771 | RM 2 |

3. Project Description

Flease check all that apply
Change of Use $\square$ Change of Hours $\square$ New Construction $\square$ Alterations $\mathbb{X}$ Demolition $\square$ Other $\bar{X}$

| Additions to Building: | Rear $\bar{X}$ <br> Residential | Front $\square$ | Height $\bar{X}$ |
| :--- | :--- | :--- | :--- | Side Yard $\square$

Proposed Use: Residential
Building Permit Application No. 201502279626 Date Filed: 2/27/2015

JAN 202016
CITY \& COUNTY OF S.F
PLANNING DEPARTMENT
PIC
4. Actions Prior to a Discretionary Review Request

| Prior Action | yes | мо |
| :---: | :---: | :---: |
| Have you discussed this project with the permit applicant? | 区 | $\square$ |
| Did you discuss the project with the Planning Department permit review planner? | $\square$ | 凶 |
| Did you participate in outside mediation on this case? | $\square$ | X |

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.
Community members have had repeated communications with the owners and their representatives for many years objecting to evictions and displacement of tenants and conversions of the property from affordable rental to upscale uses. Owners and their representatives have been unresponsive.

## 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 site specific sections of the Residential Design Guidelines.

This project is in the heart of residential North Beach and would complete the gentrification of this property in violation of Planning Code Section 101.1 (b)(2)-(3) following the eviction of all the former residents of the building. The reconfiguration of the building is inconsistent with the historic and residential character of the neighborhood and will intrude upon views from the streets and neighbors in violation of Planning Code Sections 101.1(b)(7)-(8).
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:

Overall, the specific changes are a part of a pattern of gentrifying development impacting the neighborhood and fueling the displacement of long term residents. Reconfiguration of units plus the roof deck are a part of a formula for gentrification in other parts of the City, a process which should not be encouraged in Upper Grant. Moreover, this roof deck has a proposed four penthouse stairways ( $7^{\prime} \times 7^{\prime} / 7^{\prime} \times 10^{\prime}$ ), an unprecedented amount for buildings in the neighborhood (See roofplan on A1.0). (continued on attachment)
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?

The proposed roof deck, reconfiguration of the stairs, and other modifications should be rejected.
(continuation of \#2) Allowing this expansive and visually intrusive roof deck and penthouse stairways will only beget more displacements and roof decks in the neighborhood. They intrude upon the visual and social character of the neighborhood and are also inconsistent with the historic design of the building which is in the National Register of Historic Places and in the Upper Grant Historic District of the California Historic Registry.


Street view of 1616-33 Grant

## 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.
 Date: 20. Jan 2016

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

Owner (Auth orized 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
Address labels (original), if applicable
Address labels (copy of the above), if applicable
Photocopy of this completed application
Photographs that illustrate your concerns
Convenant or Deed Restrictions
Check payable to Planning Dept.
Letter of authorization for agent
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)

[^0]For Department Use Oniy


## Project Information

Property Address: 1615-33 Grant Ave / 12-26 Medau PI
Zip Code: 94133
Building Permit Application(s): 201502279626 and 201502279627
Record Number:
Assigned Planner: Claudine Asbagh

## Project Sponsor

Paul Okomoto
Phone: 415-788-2188
Email: paul@os-architecture.com

## Required Questions

1. Given the concerns of the DR requester and other concerned parties, why do you feel your proposed project should be approved? (If you are not aware of the issues of concern to the DR requester, please meet the DR requester in addition to reviewing the attached DR application.)
see - attached
2. What alternatives or changes to the proposed project are you willing to make in order to address the concerns of the DR requester and other concerned parties? If you have already changed the project to meet neighborhood concerns, please explain those changes and indicate whether they were made before or after filing your application with the City.
see - attached
3. If you are not willing to change the proposed project or pursue other alternatives, please state why you feel that your project would not have any adverse effect on the surrounding properties. Include an explaination of your needs for space or other personal requirements that prevent you from making the changes requested by the DR requester.
see- attached

## Project Features

Please provide the following information about the project for both the existing and proposed features. Please attach an additional sheet with project features that are not included in this table.

|  | EXISTING | PROPOSED |
| :--- | :---: | :---: |
| Dwelling Units (only one kitchen per unit - additional kitchens count as additional units) | 16 | 16 |
| Occupied Stories (all levels with habitable rooms) | 3 | 3 |
| Basement Levels (may include garage or windowless storage rooms) | 0 | 0 |
| Parking Spaces (Off:Street) | 0 | 0 |
| Bedrooms | 32 | 32 |
| Height | $27^{\prime} 3^{\prime \prime}$ | $27^{\prime} 3^{\prime \prime}$ |
| Building Depth | $43^{\prime} \& 31^{\prime}$ | $41^{\prime} \& 29^{\prime}$ |
| Rental Value (monthly) | 0 | TBD |
| Property Value | $\$ 5 \mathrm{M}$ | TBD |



If you have any additional information that is not covered by this application, please feel free to attach additional sheets to this form.

## RESPONSE TO DISCRETIONARY REVIEW REQUEST (DRP).

For Grant Avenue Variance.

## DESCRIPTION OF WHAT IS PROPOSED AND WHY

The City records indicate the building was built in 1908. Given its age, the building contains features that are no longer Code-compliant - further discussed below. The courtyard contains the stairs required for a second means of egress. The stairs have extensive dry rot, their width is deficient, and the incline is extremely steep and thus dangerous. Rear porches face the interior courtyard and serve each unit. However, the porches were constructed beyond the building's foundation and are resting on inadequate footings in a very dangerous condition. Like the stairs, the porches are rotted and require replacement.

## BACKGROUND INFORMATION ON THE HISTORY OF THE PROJECT AND REASON FOR AN ELLIS ACT EVICTION.

The building has been in the same ownership for 69 years, purchased by two Chinese immigrant families which have managed it since that time. The now elderly members of the families found it too much work and time to manage the day to day operations and maintain the building, and did not have the funds at that time to renovate the building to bring it up to modern standards so that continual renovations would no longer be necessary.

About ten years ago, the property's repair and maintenance expense increased dramatically. It was projected that the expense would soon exceed rental revenue if the building was not significantly renovated. The cost of renovation could not be adequately funded by the existing rental revenue. As a result, the elderly members of the family decided to go out of the rental business. They could not afford to operate at a loss, and they were concerned that the inability to make badly needed improvements put the residents at risk during a fire or seismic event. The Ellis Act was created so as not to force a property owner to stay in business at a loss, or when the owners feel a building is not safe. Prior to the Ellis Act, property owners could not do what owners of stores could do when losing money, which is to go out of business..

The elders of the family have designated younger family members,Anthony and James Lee, to be responsible for the property management and renovation approval process. The idea is to keep the building in the family indefinitely, as the rents will assist the elderly family members financially.
(1) Existing project does not have any legal open space - the existing courtyard is not wide enough to comply with open space usable area requirements due to the awkward existing rear stair configuration. Moreover, it is quite dark due to narrowness and shadow from the two buildings. There are no other opens spaces on the roof or elsewhere. Open space with sunlight is important for healthy living, and the open space needs to be accessible to the largest number of building occupants. There will be several roof decks in the future: two will be accessible to all units; four will be accessible by the individual units.

The proposed decks include: (a) common deck on the Medau Building (accessible for all units at 1,272 SF) and (b) four private decks on the Grant Building ( 135 SF for each of the four top floor units). These decks comply with the Code's requirement and meets today's minimum open space for all 16 units.

There are four proposed spiral stair enclosure pop-ups to reach the deck. Because three out of the four enclosures abut a blank wall of an adjacent taller building, these spiral stair enclosure pop-ups will blend into the historic North Beach building fabric and be little noticed.

The project plans simplifies the layout of the bathrooms and stairs to maximize light and air via the habitable room windows facing onto the courtyard - see Sheet A1.5. The owners are remodeling the basement in the Grant Building to maximize the light and air for the habitable rooms facing onto the courtyard. This results in a net decrease in the square footage of the building in the amount of 216 square feet.

Buildings such as this outlive their useful life if they are not repaired/improved extensively every twenty or thirty years. This building is pre-earthquake and now 118 years old, The building is an historic resource with original facades, and a failure to allow this project to go forward would cause a great deterioration of an historic resource. Moreover, without the renovation, all 16 units would continue to remain outside the housing stock despite the major housing shortage in the City.

None of the renovations contemplated, and certainly not the improvements that trigger the variance, would create luxury units out of these units - in fact these units will always be "affordable by design" given the smallness of the bedrooms and other living area and the lack of parking.

The long time vacancy of the building and its uncertain future has been a major concern of the neighbors, and the intent is to bring back an occupied building with changes that bring back life into the block and make it more secure. The construction is expected to take roughly one year.

## SCOPE OF IMPROVEMENTS.

The plan is to improve the bathrooms facing the courtyard by providing proper insulation in them for the first time. Currently the depth and size of the steps are not safe and not legal under today's codes. Additional work includes upgrading the electrical service, upgrading the gas service, installing a complete fire sprinkler system, installing a new hot water heater for each unit, creating a common trash/recycling room (not provided now), and creating a common laundry room (not provided now).

## RESPONSE TO DRP QUESTIONS:

First, we note that the DR Requestor has stated that she has already discussed this project with the permit applicants. The applicant has no recollection of this, but will call or email the DR requestor to initiate this contact. Other members of the community have had communications with applicants, but this occurred over eight years ago, and the comments from the community were not directed at the merits of the variance, but rather directed to landlord/tenant issues that are not subject to the Planning Department or Commission review.

A neighborhood meeting was held in February 2015 We had several neighbors that showed up to the meeting and expressed happiness that this abandoned building was to be fixed and reoccupied.

The only concern was with Michael Chin, a neighbor across the street who did not want a view impaired by the roof deck. The roof deck was altered as a result, and Mr. Chin has written a letter of support.
The Numbers below correspond to the numbered questions in the DRP Form provided by Planning Department. The responses are too lengthy to answer in the form itself.

## Question one. Why the proposed project should be approved?

The improvements are modest and are intended to help bring the building up to modern living standards for tenants today. (SEE ABOVE) The bathrooms are not completely insulated and somewhat exposed to the elements and need major repair. In a fire, the stairs leading to the rear yard (which is one of the triggers for the Variance) are not safe, as the risers and runners and the width are not up to code. Making them code complying means they must be larger, and thus must be built into the required rear yard open space, thus justifying the need for a variance. Without approval of the project, the City would continue to be deprived of 16 dwelling units, and an historic resource with original facade will deteriorate.

Question Two. What alternatives or changes are possible make to address concerns of DR requester and other concerned parties. And what changes to the project have already been made to address neighborhood concerns -- and list which changes preceded the filing of the application with the City for the Variance.

We believe that the concerns of DR requestor are unfounded. Most importantly, the DR Applicant lives at 515 Lombard Street, which is nearly three blocks away. The subject property is not visible from that address. DR requestor shows a photo taken from a public sidewalk where the roof deck is minimally visible (see photo)

The distance between the two properties is about three blocks away down the hill at the closest point. Some of DR Requestor's concerns are based on a misunderstanding of the limited nature of the project, and some are based on eviction issues that are outside the scope of a DR appeal and discussion.

The DR Requestor also states that there are too many locations where there will be pop up stairs that will be seen on the roof when the roof decks go in. First, we do not believe these can be seen by the DR Requestor, and they can barely seen by members of public on nearby streets and sidewalks. The photos attached illustrate that. DR REQUESTOR refers to an "unprecedented number of the stair enclosures for buildings in the neighborhood, We know of no portion of the Planning Code that restricts the number of stairs or roof pop ups. Modification of the roof deck and/or stairwells would not address DR Requestor's primary concern of loss of affordable rental units.

Moreover, the railings will be glass. As a result, the roof deck will not be visible to members of the public observing the building from the street or sidewalk.

- There are two distinct spots on the public sidewalk where it might be possible to see the new stair enclosures but one would have to make a concerted effort to look up at the right moment to see them. A pedestrian taking a I walk along Grant or Filbert would be hard pressed to notice any roof pop-ups from the sidewalk.

Telegraph Hill has perhaps hundreds of homes and apartment buildings with inadequate open space. For a large majority of them, the answer has been to provide roof decks, and they are regularly approved by the Planning Commission where they are set back appropriately and when they have railings that are open or glass to preserve views. This application requests the same.

The DR request states that the building is in the National Register of Historic Places, and is part of the Upper Grant Historic District in the California Historic Registry. That information is not contained in the Property Information Statistics on the Planning Website, which only states that the project is considered an A level Historic Resource by the Planning Department.








 OKAMOTO $\underset{\text { ARCHIECTURE }}{\text { SAIJO }}$
$\square$






$\square$





PROPOSED COURTYARD-LOOKING NORTH


PROPOSED COURTYARD - AERIAL LOOKING NORTH
$\square$




PlanMng set

April 12, 2016

## VIA HAND DELIVERY

Rodney Fong, President
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
Re: DR Hearing and Variance Hearing - April 21, 2016, 1615 Grant Avenue
Dear President Fong and Commissioners:
We represent the Grant Ave. Trust, a group of family members, and the Trust owns the 16 -unit building at 1615 Grant Ave. Members of the Trust are local residents of Chinese origin, and most family members have owned and managed the building for 69 years. Now the next generation is managing the building as the older generation (in their 80's and 90's) wants to keep the building in the family indefinitely. The project is before you because a person from several blocks away filed a DR. Because she lives several blocks away and cannot see the building, we do not understand how project changes would affect her. She has not responded to many inquiries from my clients or an inquiry from your Staff.

The City records indicate the building was built in 1908. Given its age, the building contains features that are no longer code-compliant. The courtyard contains the stairs required for a second means of egress. The stairs have extensive dry rot, their width is deficient, and the incline is extremely steep and thus dangerous. Rear porches face the very narrow interior courtyard of 12.5 feet in width and serve each unit. However, the porches were constructed beyond the building's foundation and are resting on inadequate footings in a very dangerous condition. Like the stairs, the porches are rotted and require replacement.

## I. INFORMATION ON THE HISTORY OF THE PROJECT AND REASON FOR ITS VACANCY TODAY.

The building (in the same ownership for 69 years)was purchased by two Chinese immigrant families which have managed it since that time. The now elderly members of the families found it too much work and time to manage the day to day operations and maintain the building, and starting about ten years ago did not have the funds at that time to renovate the building to bring it up to modern standards so that continual renovations would no longer be necessary.

It was projected that the expense would soon greatly exceed rental revenue if the building was significantly renovated. The cost of renovation could not be adequately funded by the existing rental revenue, and they could not get a loan. As a result, the elderly members of the family decided to go out of the rental business. They could not afford to operate at a loss, and they were concerned that the inability to make badly needed improvements put the family members

Rodney Fong
April 12, 2016
Page 2
living in four of the units, and the building tenants, at risk during a fire or seismic event. The Ellis Act was created so as not to force a property owner to stay in business at a loss, or when the owners feel a building is not safe. Prior to the Ellis Act, property owners could not do what owners of stores could do when losing money, which is to go out of business. Four family members vacated the building along with four other tenants (at that time, six units were vacant for some time).

The elders of the family have designated younger family members Anthony and James Lee to be responsible for the property management and renovation approval process. The idea is to keep the building in the family indefinitely, as the rents will assist the elderly family members financially.

The building is now over 109 years old with an original façade. The building of 16 very small units has been empty for the last 7 years. Of the 16 units, $75 \%$ are below 810 sf; and $50 \%$ are less than 625 sf; only $25 \%$ of the units have 1,000 sf or more.
II. DR Requestor's Concerns. The attached DR Response my clients prepared and sent to Planning Staff, at Exhibit A give my clients' response to Planning Code issues addressed by the DR Requestor. Other issues she mentions are issues she will need to address with other City agencies and departments.
III. Work to Be Performed Now. In the last five years, our client reached out to bank lenders to get a loan for the project, but they would not approve a loan based on the current layout of building and the other code compliance issues which made the building unsafe for the tenants. The lenders considered the stairs too dangerous because the steps are much too narrow and too steep. In addition, the electrical systems were very problematic and they began to present a problem to tenants. Bathrooms at the rear were never insulated and thus showers were usable only certain times of the year.

Our client decided to move forward to address the safety and code issues (and install a fire sprinkler system) to allow them to get a loan. The loan will be funded if this renovation proposal is approved by your Commission.

Additional work includes providing useable open space for the first time, which will be on the roof since the rear courtyard is only 12.5 feet wide and too narrow and dark. (This was strongly recommended to the owners by the Planning Department in 2014.) The renovation also includes plumbing, installing a complete fire sprinkler system, installing a new hot water heater for each unit, creating a common trash/recycling room (not provided now), and creating a common laundry room below (not provided now).
IV. Variance. What triggers a Variance is the fact that when the stairs to the rear courtyard are rebuilt to be less steep, they will encroach into the required rear yard open space. See renderings at Exhibit B.
$\underline{V}$ Level of Support. With the exception of the DR Requestor, my clients were able to find solutions to the issues brought up by neighbors of this project, such as making the roof railings glass and putting glass into the roof pop-ups. My clients have made several attempts by phone to reach the DR Requestor, but my clients have not received a response from the DR Requestor

Rodney Fond
April 12, 2016
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as of yet (and my clients have sent several emails as well without a response). My clients will continue to attempt to connect with the DR Requestor to see if they can make reasonable changes to accommodate her needs as well.

My clients have several supporters that live next to the building. (Exhibit C Letters of Support) One of the individuals who lives across the street from the building on Grant Avenue brought up a concern as to view from his property of the city skyline. My clients made modifications to their original plans to meet his needs, despite the fact that views are not a protected right, and he has written one of the letters of support.
VI. Roof Deck Hatches. Your Residential Design Team told my client a week or so ago that the means to reach the roof decks should be a roof hatch, not stairs. We ask you to reconsider and to review the Memorandum attached as Exhibit D. The Building Code will not allow this, and if this is a Condition of Approval and the Building Department will not allow (for reasons discussed in the attached Memo), our client would have to have another hearing before the Commission for amendment of the Conditional Use Permit. By looking at Exhibit E, you will see the mild visual effect, as it shows the clear railings and the small popups from different street views.

We respectfully request the Planning Commission not to take discretionary review and allow this renovation project to move forward so that the family can provide a safe and healthy living environment to the occupants and to inject life and housing back into this block. While these units are not part of the "affordable rental stock", and never were, they are affordable by virtue of their small size, their very small rooms, and the lack of amenities such as parking or common area (other than deck and laundry areas).


Brett Gladstone

## CC: Grant Avenue Trust

## REDPUNDETU

## Project Information

Property Address: 1615-33 Grant Ave / 12-26 Medau PI Zip Code: 94133

Building Permit Application(s): 201502279626 and 201502279627
Record Number:
Assigned Planner: Claudine Asbagh

## Project Sponsor

| Name: $P$ Paul Okomoto | Phone: 415-788-2188 |
| :--- | :--- |
| Email: paul@os-architecture.com |  |

## Required Questions

1. Given the concerns of the DR requester and other concerned parties, why do you feel your proposed project should be approved? (If you are not aware of the issues of concern to the DR requester, please meet the DR requester in addition to reviewing the attached DR application.)
see - attached
2. What alternatives or changes to the proposed project are you willing to make in order to address the concerns of the DR requester and other concerned parties? If you have already changed the project to meet neighborhood concerns, please explain those changes and indicate whether they were made before or after filing your application with the City.
```
see - attached
```

3. If you are not willing to change the proposed project or pursue other alternatives, please state why you feel that your project would not have any adverse effect on the surrounding properties. Include an explaination of your needs for space or other personal requirements that prevent you from making the changes requested by the DR requester.
see- attached

## Project Features

Please provide the following information about the project for both the existing and proposed features. Please attach an additional sheet with project features that are not included in this table.

|  | EXISTING | PROPOSED |
| :---: | :---: | :---: |
| Dwelling Units (only one kitchen per unit - additional kitchens count as additional units) | 16 | 16 |
| Occupied Stories (all levels with habitable rooms) | 3 | 3 |
| Basement Levels (may include garage or windowless storage rooms) | 0 | 0 |
| Parking Spaces (Oft-Street) | 0 | 0 |
| Bedrooms | 32 | 32 |
| Height | $27^{\prime \prime}{ }^{\prime \prime}$ | $27^{17}$ |
| Building Depth | $43^{\prime}$ \& $31^{\prime}$ | $41^{\prime} \& 29^{\prime}$ |
| Rental Value (monthly) | 0 | TBD |
| Property Value | \$5M | TBD |

I attest that the above information is true to the best of my knowledge.


If you have any additional information that is not covered by this application, please feel free to attach additional sheets to this form.

## RESPONSE TO DISCRETIONARY REVIEW REQUEST (DRP).

## For Grant Avenue Variance.

## DESCRIPTION OF WHAT IS PROPOSED AND WHY

The City records indicate the building was built in 1908. Given its age, the building contains features that are no longer Code-compliant - further discussed below. The courtyard contains the stairs required for a second means of egress. The stairs have extensive dry rot, their width is deficient, and the incline is extremely steep and thus dangerous. Rear porches face the interior courtyard and serve each unit. However, the porches were constructed beyond the building's foundation and are resting on inadequate footings in a very dangerous condition. Like the stairs, the porches are rotted and require replacement.

## BACKGROUND INFORMATION ON THE HISTORY OF THE PROJECT AND REASON FOR AN ELLIS ACT EVICTION.

The building has been in the same ownership for 69 years, purchased by two Chinese immigrant families which have managed it since that time. The now elderly members of the families found it too much work and time to manage the day to day operations and maintain the building, and did not have the funds at that time to renovate the building to bring it up to modern standards so that continual renovations would no longer be necessary.

About ten years ago, the property's repair and maintenance expense increased dramatically. It was projected that the expense would soon exceed rental revenue if the building was not significantly renovated. The cost of renovation could not be adequately funded by the existing rental revenue. As a result, the elderly members of the family decided to go out of the rental business. They could not afford to operate at a loss, and they were concerned that the inability to make badly needed improvements put the residents at risk during a fire or seismic event. The Ellis Act was created so as not to force a property owner to stay in business at a loss, or when the owners feel a building is not safe. Prior to the Ellis Act, property owners could not do what owners of stores could do when losing money, which is to go out of business..

The elders of the family have designated younger family members, Anthony and James Lee, to be responsible for the property management and renovation approval process. The idea is to keep the building in the family indefinitely, as the rents will assist the elderly family members financially.
(1) Existing project does not have any legal open space - the existing courtyard is not wide enough to comply with open space usable area requirements due to the awkward existing rear stair configuration. Moreover, it is quite dark due to narrowness and shadow from the two buildings. There are no other opens spaces on the roof or elsewhere. Open space with sunlight is important for healthy living, and the open space needs to be accessible to the largest number of building occupants. There will be several roof decks in the future: two will be accessible to all units; four will be accessible by the individual units.

The proposed decks include: (a) common deck on the Medau Building (accessible for all units at 1,272 SF) and (b) four private decks on the Grant Building ( 135 SF for each of the four top floor units). These decks comply with the Code's requirement and meets today's minimum open space for all 16 units.

There are four proposed spiral stair enclosure pop-ups to reach the deck. Because three out of the four enclosures abut a blank wall of an adjacent taller building, these spiral stair enclosure pop-ups will blend into the historic North Beach building fabric and be little noticed.

The project plans simplifies the layout of the bathrooms and stairs to maximize light and air via the habitable room windows facing onto the courtyard - see Sheet A1.5. The owners are remodeling the basement in the Grant Building to maximize the light and air for the habitable rooms facing onto the courtyard. This results in a net decrease in the square footage of the building in the amount of 216 square feet.

Buildings such as this outlive their useful life if they are not repaired/improved extensively every twenty or thirty years. This building is pre-earthquake and now 118 years old. The building is an historic resource with original facades, and a failure to allow this project to go forward would cause a great deterioration of an historic resource. Moreover, without the renovation, all 16 units would continue to remain outside the housing stock despite the major housing shortage in the City.

None of the renovations contemplated, and certainly not the improvements that trigger the variance, would create luxury units out of these units - in fact these units will always be "affordable by design" given the smallness of the bedrooms and other living area and the lack of parking.

The long time vacancy of the building and its uncertain future has been a major concern of the neighbors, and the intent is to bring back an occupied building with changes that bring back life into the block and make it more secure. The construction is expected to take roughly one year.

## SCOPE OF IMPROVEMENTS.

The plan is to improve the bathrooms facing the courtyard by providing proper insulation in them for the first time. Currently the depth and size of the steps are not safe and not legal under today's codes. Additional work includes upgrading the electrical service, upgrading the gas service, installing a complete fire sprinkler system, installing a new hot water heater for each unit, creating a common trash/recycling room (not provided now), and creating a common laundry room (not provided now).

## RESPONSE TO DRP QUESTIONS:

First, we note that the DR Requestor has stated that she has already discussed this project with the permit applicants. The applicant has no recollection of this, but will call or email the DR requestor to initiate this contact. Other members of the community have had communications with applicants, but this occurred over eight years ago, and the comments from the community were not directed at the merits of the variance, but rather directed to landlord/tenant issues that are not subject to the Planning Department or Commission review.

A neighborhood meeting was held in February 2015 We had several neighbors that showed up to the meeting and expressed happiness that this abandoned building was to be fixed and reoccupied.

The only concern was with Michael Chin, a neighbor across the street who did not want a view impaired by the roof deck. The roof deck was altered as a result, and Mr. Chin has written a letter of support.
The Numbers below correspond to the numbered questions in the DRP Form provided by Planning Department. The responses are too lengthy to answer in the form itself.

## Question one. Why the proposed project should be approved?

The improvements are modest and are intended to help bring the building up to modern living standards for tenants today. (SEE ABOVE) The bathrooms are not completely insulated and somewhat exposed to the elements and need major repair. In a fire, the stairs leading to the rear yard (which is one of the triggers for the Variance) are not safe, as the risers and runners and the width are not up to code. Making them code complying means they must be larger, and thus must be built into the required rear yard open space, thus justifying the need for a variance. Without approval of the project, the City would continue to be deprived of 16 dwelling units, and an historic resource with original facade will deteriorate.

Question Two. What alternatives or changes are possible make to address concerns of DR requester and other concerned parties. And what changes to the project have already been made to address neighborhood concerns -- and list which changes preceded the filing of the application with the City for the Variance.

We believe that the concerns of DR requestor are unfounded. Most importantly, the DR Applicant lives at 515 Lombard Street, which is nearly three blocks away. The subject property is not visible from that address. DR requestor shows a photo taken from a public sidewalk where the roof deck is minimally visible (see photo)

The distance between the two properties is about three blocks away down the hill at the closest point. Some of DR Requestor's concerns are based on a misunderstanding of the limited nature of the project, and some are based on eviction issues that are outside the scope of a DR appeal and discussion.

The DR Requestor also states that there are too many locations where there will be pop up stairs that will be seen on the roof when the roof decks go in. First, we do not believe these can be seen by the DR Requestor, and they can barely seen by members of public on nearby streets and sidewalks. The photos attached illustrate that. DR REQUESTOR refers to an "unprecedented number of the stair enclosures for buildings in the neighborhood, We know of no portion of the Planning Code that restricts the number of stairs or roof pop ups. Modification of the roof deck and/or stairwells would not address DR Requestor's primary concern of loss of affordable rental units.

Moreover, the railings will be glass. As a result, the roof deck will not be visible to members of the public observing the building from the street or sidewalk.

- There are two distinct spots on the public sidewalk where it might be possible to see the new stair enclosures but one would have to make a concerted effort to look up at the right moment to see them. A pedestrian taking a I walk along Grant or Filbert would be hard pressed to notice any roof pop-ups from the sidewalk.

Telegraph Hill has perhaps hundreds of homes and apartment buildings with inadequate open space. For a large majority of them, the answer has been to provide roof decks, and they are regularly approved by the Planning Commission where they are set back appropriately and when they have railings that are open or glass to preserve views. This application requests the same.

The DR request states that the building is in the National Register of Historic Places, and is part of the Upper Grant Historic District in the California Historic Registry. That information is not contained in the Property Information Statistics on the Planning Website, which only states that the project is considered an A level Historic Resource by the Planning Department.



EXisting courtyard - LOOKing NORTH
Existing courtyard - aErial looking north


EXISTING ROOF DECK ON MEDAU WING

City Planning Department
Re: 1615 Grant Avenue
San Francisco, CA

To whom this may concern

We are Property Owners at 551-557 Greenwich St, we also have here since 1977. We are half a block away from 1615 Grant Ave, along with our backyard facing the property.

Over the years, we have been concerned that the building has been vacant and abandoned.
We have recently been informed that the owners are in the process of rennovating the building.
We joyous to see that the property will be rejuvenated and the building updated. This will certainly be an positive vision for the Grant Ave from Filbert Street to Greenwich Street. We thoroughly support the project for the intended use of the neighborhood. Please do not hesitate to contact us if you need more information.


557 Greenwich Street
San Francisco, CA 94133


Richard H. Dong
1624 Grant Ave.
San Francisco, CA 94133

December 10,2015

Cry Planning Department
Cry y nd County of San Francisco
1650 Mission Street, Suite 400
San Francisco, CA 94103

## Gentlemen:

Subject: Proposed Renovation/Addition of Living Units at 1615 Grant Ave. San Francisco, CA.
I live and own the building (1.622-1.624 Grant Ave) directly across the street from the proposed housing project. I attended the neighborhood meeting earlier this year for subject project where the Architect and Project Manager gave us a complete briefing on the renovation plans for 1615 Grant Ave. The design team shared with us the history of the building complex, showed us the plans for the renovation work and patiently answered all questions and concerns from the audience. Since all work was being done within the existing building shell or within the existing courtyard between the two structures that makeup this complex of units, we were satisfied that this project would not have any impact on the current character of the immediate area. We gave our full endorsement to this project and look forward to the positive upgrade that this project will bring to the neighborhood. Our hope is that the City can help expedite this project to return critically needed housing units back to our community.


Hi Lily,
Lily- I got your vmail yesterday but it was breaking in and out and couldn't make it out. I'm pretty sure this email will have us all on the same page.

Yes, my family met with Jim and Paul yesterday. The meeting was very productive and our families came to an agreement.

We agreed upon 1629 Grant right side, popup window increase in length as much as possible and making the deck size smaller.

Thanks
Michael

On Thursday, January 21, 2016, jim [iim@alliancepropertymanagers.com](mailto:iim@alliancepropertymanagers.com) wrote:
Lilly,
We got your email yesterday requesting the propsed changes to be made by this Friday. Paul will be working on them them later today. As discussed, we met with Michael Chin and his family and came up with solution for their concerns for the city views from their property located across the street from our project (1628-1630 Grant Ave).

Thanks, Jim

## Memorandum

TO: San Francisco Planning Commission and Planning Department<br>FROM: Brett Gladstone $m$ im<br>DATE: April 12, 2016<br>RE: Impossibility of Providing Roof Hatches For the Roof Stairs

The proposal calls for adding several roof decks accessible to all tenants, and several accessible only to some tenants. Multiple roof stairs are required due to the layout of the building. There is currently no good useable space in the dark rear courtyard, so the roof decks will provide the first truly useable open space residents have ever enjoyed.

The owners of 1615 Grant were recently advised that the Planning Department Residential Design Team wants to replace the proposed roof stair enclosures with roof hatches. For the reasons discussed below, our clients may not create the roof decks if roof hatches are required.

The client proposes a small stair housing above each circular stair, with placement against an adjacent building (with one exception). This is an acceptable alternative preferred over roof hatches by the Building Code and supported by the Planning Code and Residential Design Guidelines.

## Reasons Roof Hatches Cannot Be Done

1) Impossibility - The roof decks must be accessed by circular stairs due to the extremely small sizes of rooms below. The project architect does not believe that roof hatch mechanisms are compatible with circular stairs, though he continues to research this issue.
2) Illegality - As stated further below, the Building Code does not allow roof hatches for occupied roofs; and the local equivalency option for roof hatches does not allow their use for buildings under the jurisdiction of the Fire Department. Thus the roof hatches for this building are illegal for two reasons.
3) Danger - Roof hatches could be very dangerous to operate while ascending or descending circular stairs, particularly for the elderly, disabled persons or children.

Memorandum To:
San Francisco Planning Commission and Planning Department
April 12, 2016
Page 2
3) Damage - Water intrusion will cause costly repairs and inconvenience to residents when roof hatches inevitably are not properly closed.
4) Inconvenience - Younger and older residents do not find roof hatches easy to use, and such inconvenience and perceived safety issues may discourage use of the roof decks.

## Building Code Conflict

1) The California Building Code treats stairs to a roof as being a preferred method and roof hatches as an alternative for unoccupied roofs. By contrast, this will be an occupied roof.
2) San Francisco has a process (Local Equivalency Option with request for a Code waiver) to approve roof hatches, but this the Local Equivalency Option's purpose is to provide roof hatches for $\mathrm{R}-3$ building; this building is an R-2 building.
3) This local equivalency option is not applicable to buildings such as 1615 Grant, that are under jurisdiction of the Fire Department.

## Building Code Section 100.16.1 Roof Access

Where a stairway is provided to a roof, access to the roof shall be provided through a penthouse complying with Section 1509.2.

Exceptions: In buildings without an occupied roof, access to the roof shall be permitted to be a roof hatch or trap door not less than 16 square feet ( 1.5 m 2 ) in area and having a minimum dimension of 2 feet $(610 \mathrm{~mm})$. Here, the roof will be occupied so this exception is not applicable.

## Residential Design Guidelines

Roof Hatches are not required by the Planning Code or Residential Design Guidelines. That is not surprising, since in certain kinds of buildings such a requirement would contradict the Building Code. Instead, the Residential Design Guidelines call for minimizing the visibility of stair penthouses from the street and suggests several methods (note image on next page) which my clients have followed:
(1) slanting the roof of the stair housing

- My clients have requested that their architect revise the rooftop structures through which the circular stairs exit so as to shrink the size as noted in

Memorandum To:
San Francisco Planning Commission and Planning Department
April 12, 2016
Page 3

Residential Design Guidelines. The slanting will need to be reconfigured due to the use of circular stairs. We hope to show such changes on newly revised plans at the hearing.
(2) placing the stair penthouses against a building wall.

- My clients have created the stair penthouses against the walls of adjacent taller buildings (with the exception of one location where it was not possible).
- My clients agreed to change the roof railing to glass, reduced size of one pop-up and re-angled another one for a better church view and made roof decks smaller on the Grant side at the request of neighbor Michael Chin.


## Print Excerpts from Code

San Prancisco Buiking Inspection Commission (BIC) Codes

## AB-057 Local Equivalency for Approval of Roof Hatches in Lieu of Stairway Penthouses in Designated Buildings

NO. AB-057 :
DATE : July 19, 2004 (Updated 01/01/14 for code references.)
SUBrect : Plan Revicw and Pemit Process
TrTe :

## Local Equivatency for Approval of Roof Ratches in Licu of Statrway Penthouses

 in Desiguated BuildingsThe purpose of this Administrative Bulletin is to provide standards and procedures for the application, case-by-case review and approval of requests for a modifieation based
PURPOSE : on Local Equivalency to allow the use of roo hatehes as atternates to starway penthouses in R-3 buildings where the stairway access to the roof does not strictly comply with the provisions of Section 1009 , 16 of the San rrancisco Buidding Code. 2013 San Prancisco Building Code

- Section 104A.2.1, General, rules and regulations
- Section 104A.2.7, Modifications
- Seetion 104A.2.8, Altemato materials, alternate design and methods of construction
- Section 705.5 and Tables 601 and 602 , Fire Resistance of Walls
- Seetion 705. 11, Parapets
- Section 1009, Starways
- Section 1009.16, Stamay to roof

This bulletin does not apply to buiklings under the jurisdiction of the San Francisco Fire Deparment, athough requests to apply alternates and equivalencies to the regular code will be considered by the Fire Department on a case-by-case basis.

The use of roof hatches under this Administrative Bulletin is limited to the following applications:

1. Where proposed roof hathes provide access to the roof of buildings under the jurisdiction of the Deparment of Building Inspection, and
2. Whete a staimay to the rool is either required by code or voluntarily proposed, and
3. Where the roof hatch and its appurtenances are appoved and constructed as detailed below, and
4. When the eool hateh is served by a stainway

Other applications for roof hatehes in lien of required fully complying stairways will be considered on a case-by-case basis under the reviow and approval procedures in the Califomia Building Code regarding "Modifications" and "Altornative materials, alternato designs and methods of construction."

Note: Under Section 1009.16.1, Exception: In buildings without an occupied roof, access to the roof shall be permitted to be a roof haten or trap door not less than 16 square feet in area and having a minimum dimension of 2 feet.
















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Phawners set


B2. GRANT BELOW GREENWICH LOOKING SOUTH (ONE STOP ON SIDEWALK)


C - DOWNHILL SLIGHTLY TOWARD CORNER -- NO VISIBILTY

E. MEDAU PLACE LOOKING EAST TOWARD COIT TOWER

A. CORNER OF GREENWICH STREET LOOKING SOUTH DOWN KRAMER



[^0]:    NOTES:
    $\square$ Required Material
    Optional Material.
    O Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street

