



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Abbreviated Analysis HEARING DATE: FEBRUARY 14, 2019

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: January 31, 2019
Case No.: **2016-009554DRP-02**
Project Address: **27 Fountain Street**
Permit Application: 2016.0701.1449
Zoning: RH-2 [Residential House, Two-Family]
40-X Height and Bulk District
Block/Lot: 6502/021
Project Sponsor: Sarah Willmer
Sarah Willmer Architecture
3850 Third Street
San Francisco, CA 94114
Staff Contact: David Winslow – (415) 575-9159
David.Winslow@sfgov.org
Recommendation: **Do not take DR and approve as proposed**

PROJECT DESCRIPTION

The project consists of a 3-story horizontal addition to the rear, and front façade alterations to an existing 3-story two-family house for a total of 4,393 square feet.

SITE DESCRIPTION AND PRESENT USE

The site is a 25' x 125' lateral and down sloping lot with an existing 3-story, 3,609 s.f. two- family house built in 1905.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

This block of Fountain has a fairly jagged alignment of rear building walls that tend to terrace down with the slope at the rear yards. The street face consists of 2- and 3-story stucco and wood clad houses with varying setbacks from the street to accommodate raised stair entries.

BUILDING PERMIT NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	August 20, 2018 – September 19, 2018	09.14. 2018	2.14.2019	92 days

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	20 days	January 25, 2019	January 25, 2019	20 days
Mailed Notice	20 days	January 25, 2019	January 25, 2019	20 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	0	0	0
Other neighbors on the block or directly across the street	0	0	0
Neighborhood groups	0	0	0

DR REQUESTOR 1

Debra and Linus Rukas of 21 Fountain St., adjacent neighbors to the North of the proposed project.

DR REQUESTOR 2

Angela Shiu and Christopher Lewis of 33 Fountain Street, adjacent neighbors to the South of the proposed project.

DR REQUESTOR 1 CONCERNS AND PROPOSED ALTERNATIVES

1. Garden unit disparity with respect to size and quality of existing units may result in a unit that is not intended for full time owner inhabitation. Per the “Residential Flats Removal policy, that preceded this application, this does not result in equitably sized, nor qualitatively equivalent units.
2. The addition and location of hot tub impacts privacy.

See attached *Discretionary Review Applications*, dated September 14, 2018.

DR REQUESTOR 2 CONCERNS AND PROPOSED ALTERNATIVES

1. The rear decks present exceptional issues with respect to privacy to bedrooms.
2. New massing of upper story will block light to skylights and allow views from roof to bathroom through skylight which will invade privacy.
3. New massing blocks light and air.

Recommend a gable roof

See attached *Discretionary Review Applications*, dated September 15, 2018.

PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

The sponsor has complied with the Residential Design Team (RDAT) recommendations enumerated below, in relation to building massing at the rear to address issues related to scale, shading and privacy.

See attached *Response to Discretionary Review*, dated February 1, 2019.

ENVIRONMENTAL REVIEW

The Department has determined that the proposed project is exempt/excluded 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).

RESIDENTIAL DESIGN TEAM REVIEW

1. Though modestly sized, the garden unit is designed with a clear and identifiable direct entry from the street, and in a manner that provides quality of with respect to light and direct access to the rear yard. It is 19% smaller than the original unit, which conforms to Code Section 317 with respect to dwelling mergers.
2. There is no hot tub shown on the current plans.
3. The building mass is reduced along the south side by a 4' side yard / stair and an interior court to mitigate blocking of light and privacy impacts.
4. The second floor deck and upper floor balcony are modestly sized, (12' and 3' deep respectively) and set back 7' from side lot lines so as to not present unreasonable impacts to privacy. There is no roof deck proposed.

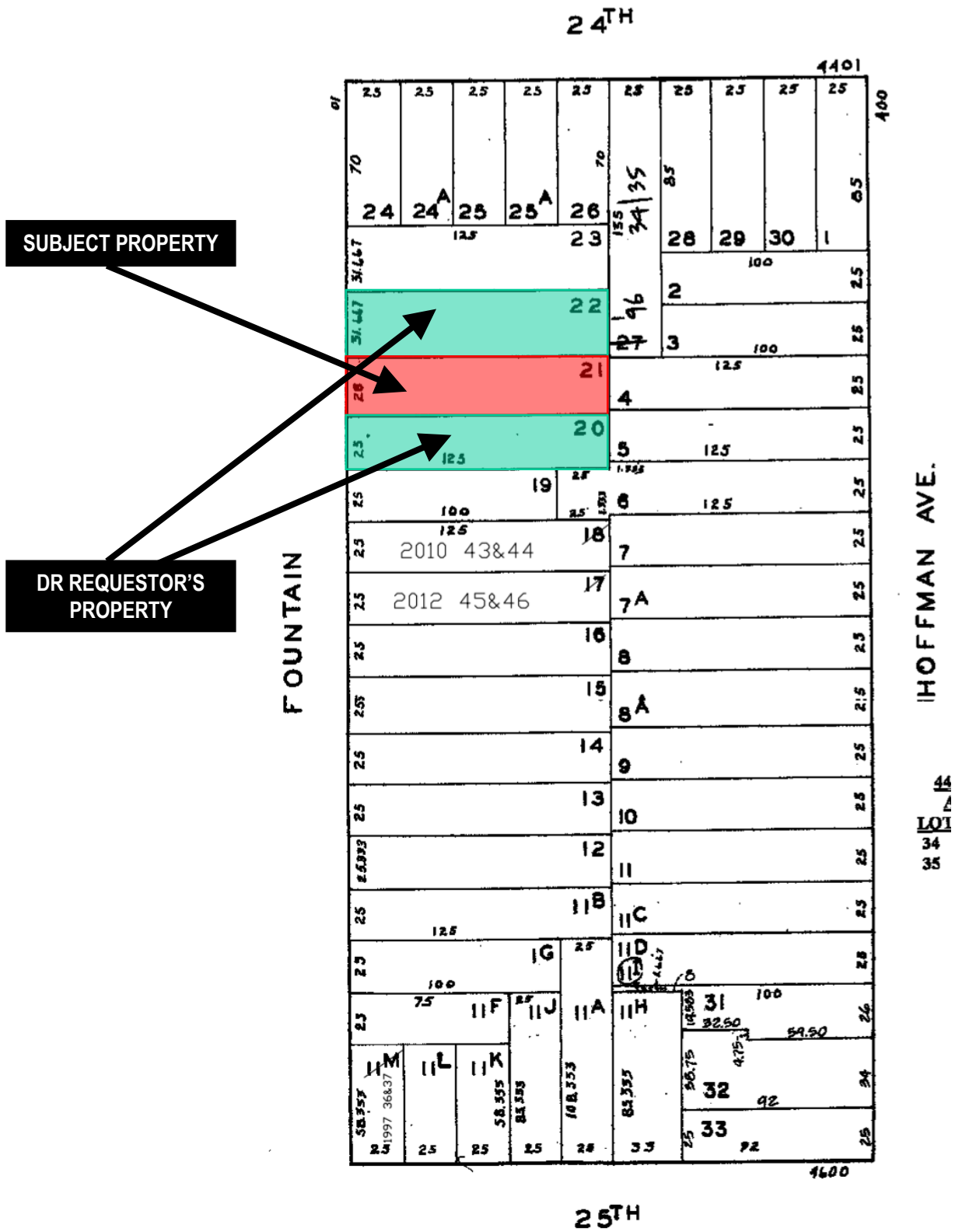
RECOMMENDATION: Do not take DR and approve project as proposed

Attachments:

Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs
Context Photographs
Section 311 Notice
CEQA Determination
DR Application
Response to DR Application dated February 1, 2019
Reduced Plans
Color renderings
Diagrammatic light analysis

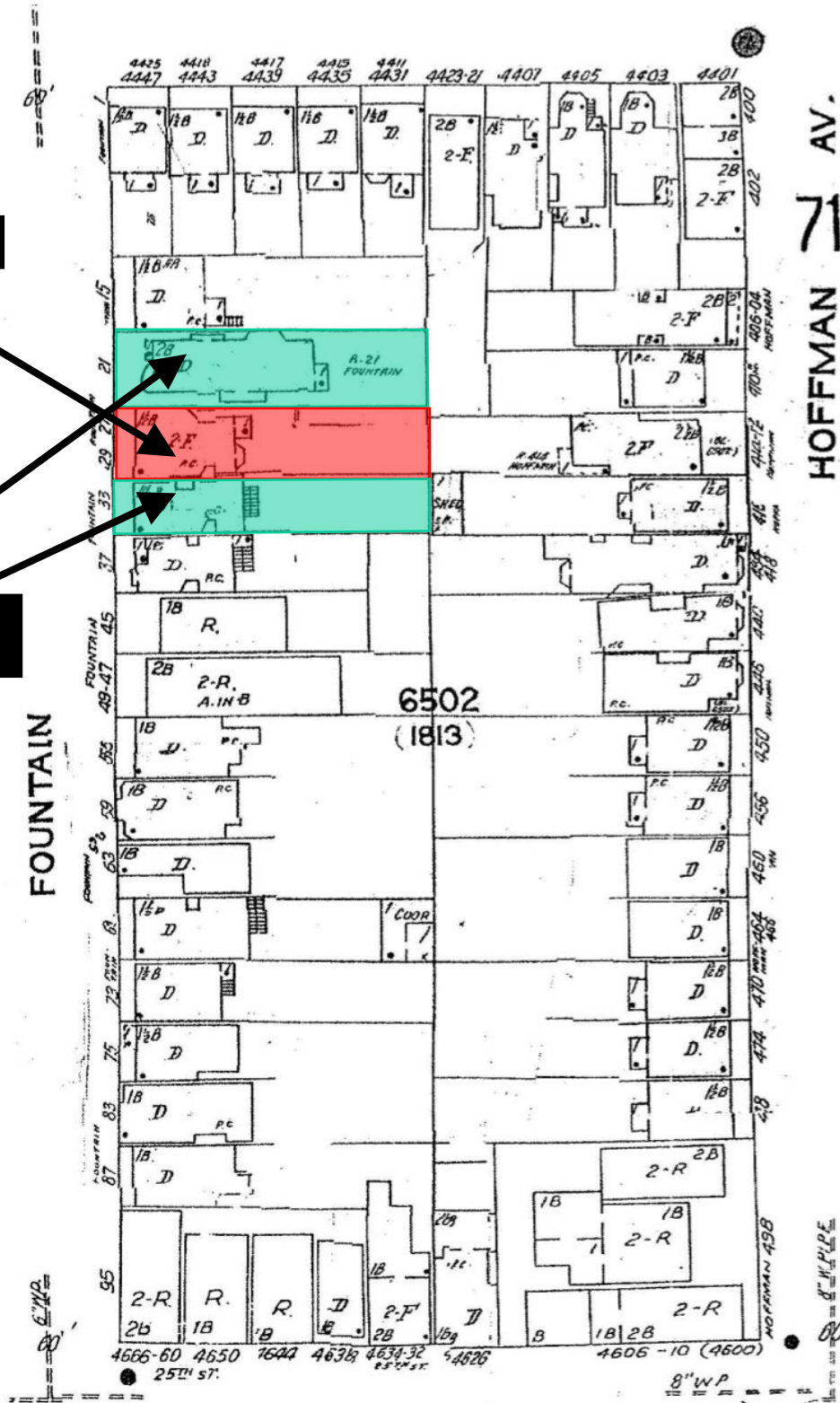
Exhibits

Parcel Map



Discretionary Review Hearing
Case Number 2016-009554DRP-02
27 Fountain Street

Sanborn Map*

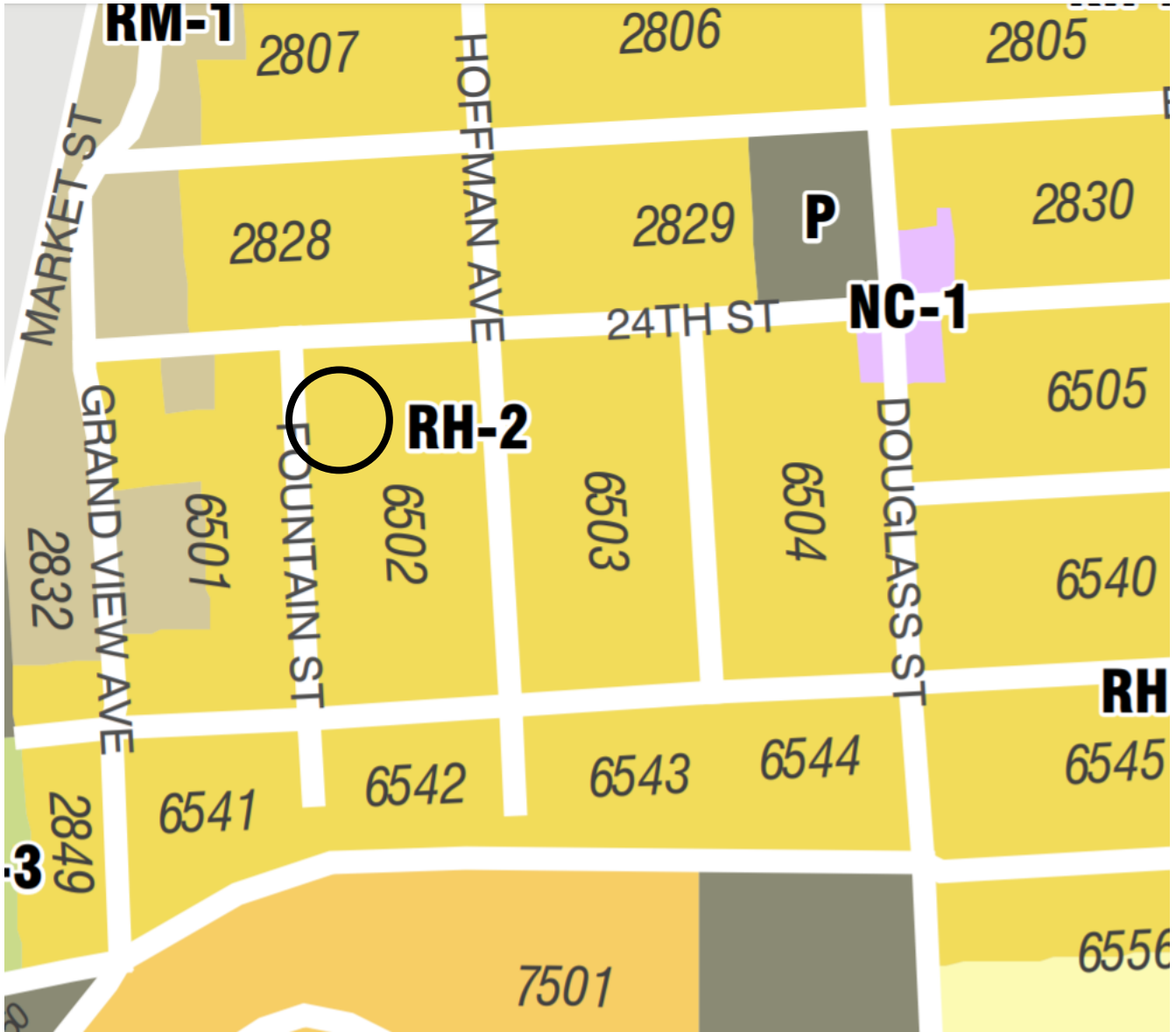


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



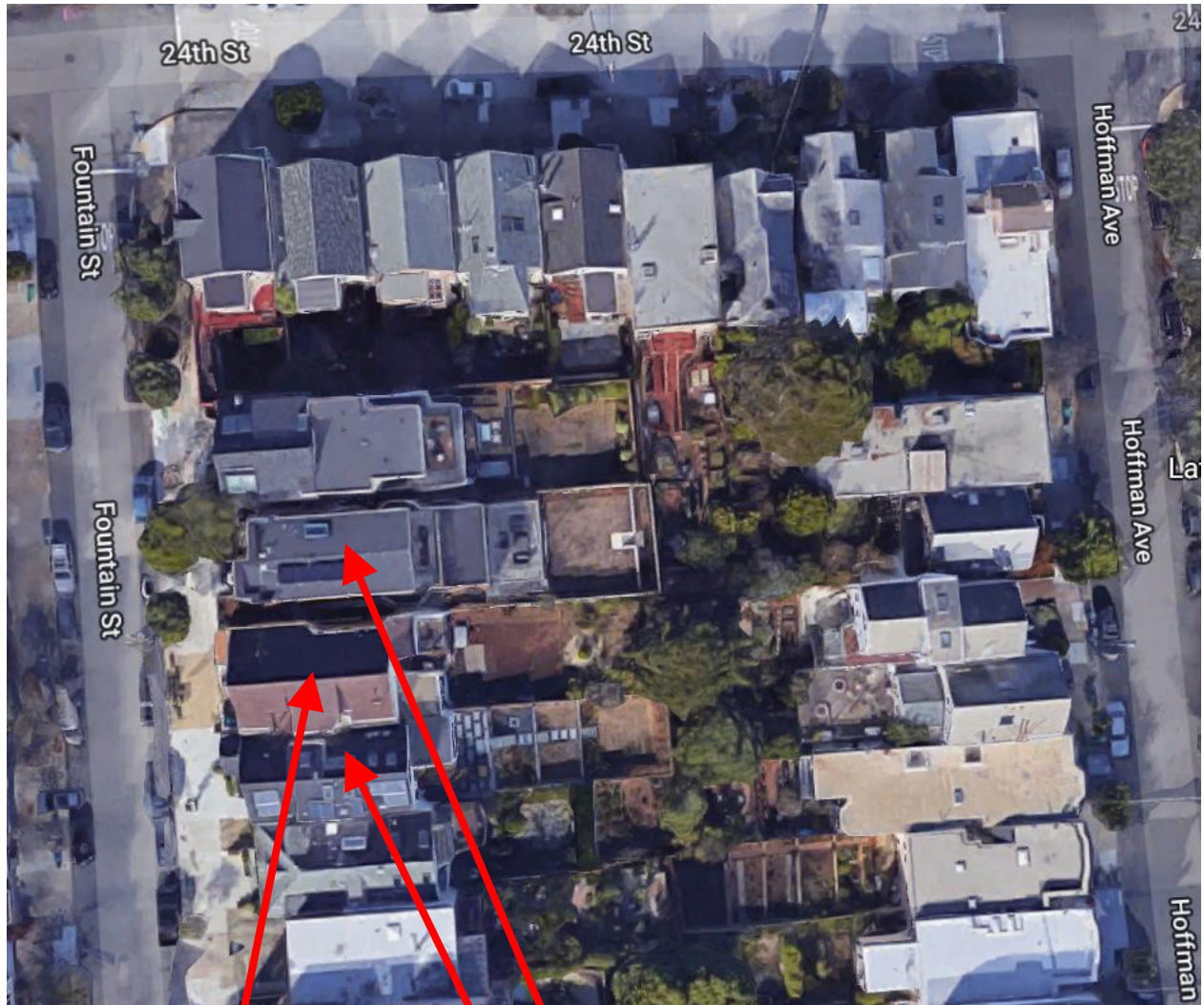
Discretionary Review Hearing
Case Number 2016-009554DRP-02
27 Fountain Street

Zoning Map



Discretionary Review Hearing
Case Number 2016-009554DRP-02
27 Fountain Street

Aerial Photo



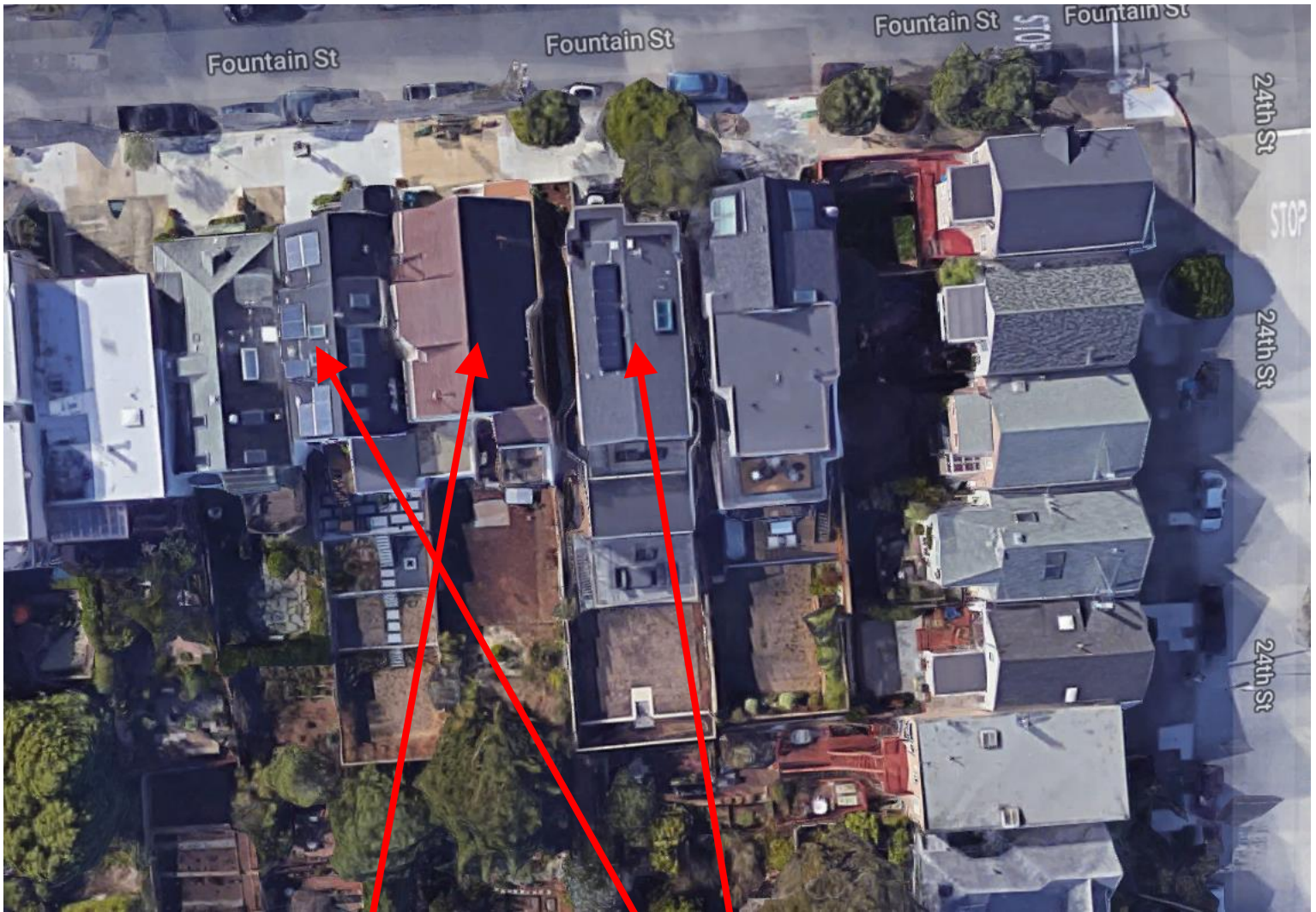
SUBJECT PROPERTY

**DR REQUESTOR'S
PROPERTY**



Discretionary Review Hearing
Case Number 2016-009554DRP-02
27 Fountain Street

Aerial Photo



SUBJECT PROPERTY

DR REQUESTOR'S
PROPERTY



Discretionary Review Hearing
Case Number 2016-009554DRP-02
27 Fountain Street

Aerial Photo



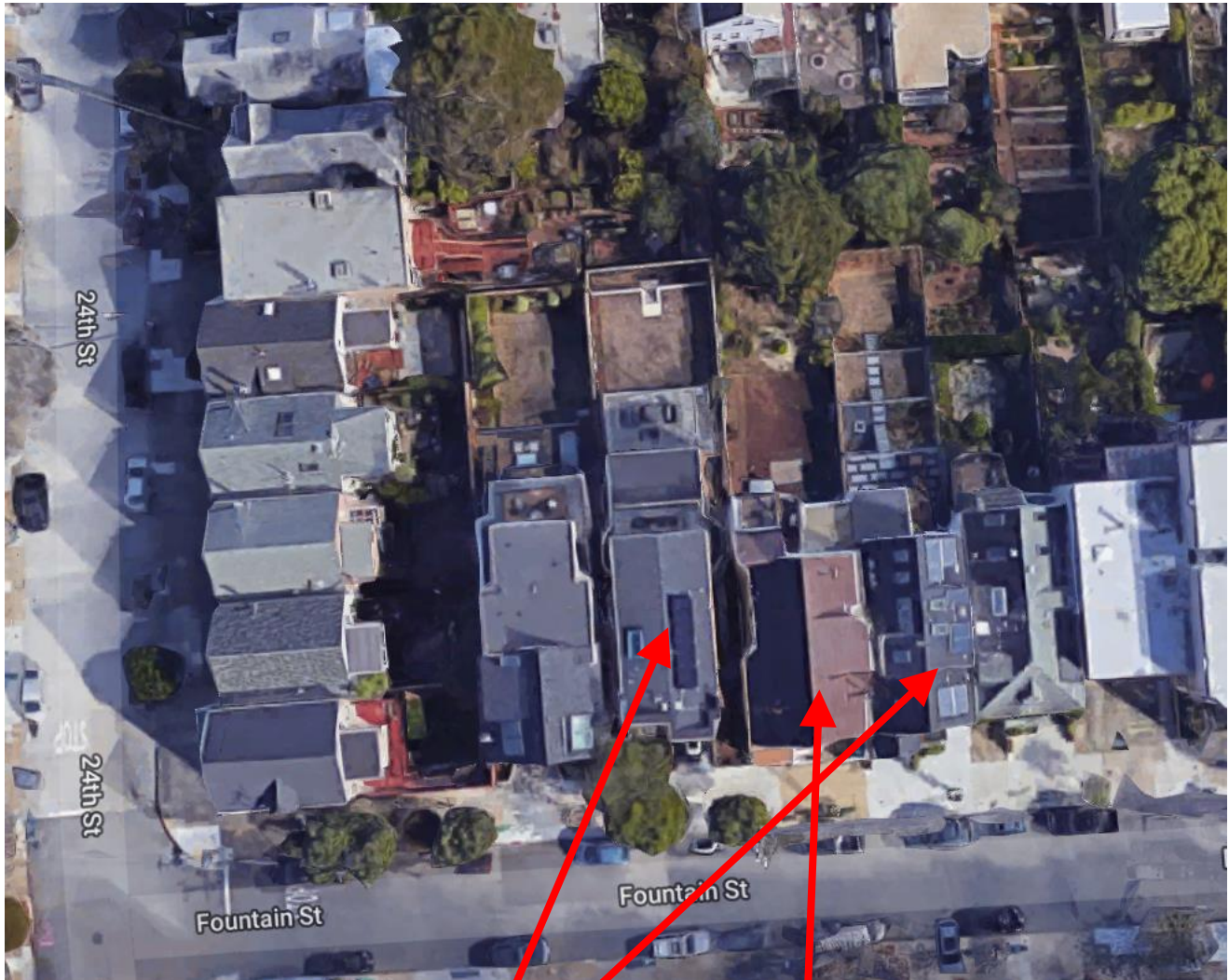
DR REQUESTOR'S
PROPERTY

SUBJECT PROPERTY



Discretionary Review Hearing
Case Number 2016-009554DRP-02
27 Fountain Street

Aerial Photo



**DR REQUESTOR'S
PROPERTY**

SUBJECT PROPERTY



Discretionary Review Hearing
Case Number 2016-009554DRP-02
27 Fountain Street

Site Photo



SUBJECT PROPERTY



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **July 1, 2016**, the Applicant named below filed **Building Permit Application No. Permit: 2016.07.01.1449** with the City and County of San Francisco.

PROJECT INFORMATION		APPLICANT INFORMATION	
Project Address:	27-29 Fountain Street	Applicant:	Studio Sarah Willmer, Architecture
Cross Street(s):	24th and 25th Streets	Address:	3850 23rd Street
Block/Lot No.:	6502/021	City, State:	San Francisco, CA 94114
Zoning District(s):	RH-2/ 40-X	Telephone:	(415) 642-1166
Record No.:	2016-009554PRJ	Email:	swillmer@studio-sw.com

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 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	<input type="checkbox"/> Side Addition	<input type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Residential	Residential
Front Setback	None	No Change
Side Setbacks	N/A	N/A
Building Depth	57 feet 7 inches	68 feet 1 inch
Rear Yard	Approximately 59 feet	44 feet 3 inches
Building Height	26 feet 5 inches	29 feet 9 inches
Number of Stories	2 stories over garage	No Change
Number of Dwelling Units	2	No Change
Number of Parking Spaces	2	No Change
PROJECT DESCRIPTION		
<p>The proposed project includes a horizontal rear addition to extend the lower basement level, front facade alterations, including replacing stucco with wood siding and replacing existing front stair. Interior renovation, including relocation of the lower unit to garden level. 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: Elizabeth Jonckheer
Telephone: (415) 575-8728
E-mail: elizabeth.gordon-jonckheer@sfgov.org

Notice Date: 8/20/18
Expiration Date: 9/19/18

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.



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
27 FOUNTAIN ST		6502021
Case No.		Permit No.
2016-009554ENV		
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRE for Category B Building)	<input type="checkbox"/> New Construction
Project description for Planning Department approval. HORIZONTAL ADDITION AT REAR & EXTEND TO LOWER BASMENT LEVEL; FRONT STAIR & ENTRY REPLACEMENT, INTERIOR REMODEL THROUGHOUT, RESTORE/REPLACE WOO SIDING; REMOVE STUCCO; EXPAND GROUND FLOOR & RELOCATE UNIT TO LOWER LEVEL; ALTER ROOF AT REAR.		

STEP 1: EXEMPTION CLASS

Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.	
<input checked="" type="checkbox"/>	Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	Class 3 - New Construction. Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	Class 32 - In-Fill Development. New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services. FOR ENVIRONMENTAL PLANNING USE ONLY
<input type="checkbox"/>	Class ____

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an *Environmental Evaluation Application* is required.

<input type="checkbox"/>	Air Quality: 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, etc.)? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)
<input type="checkbox"/>	Hazardous Materials: 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 > Maher layer).</i>
<input type="checkbox"/>	Transportation: 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"/>	Archeological Resources: 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? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)
<input type="checkbox"/>	Slope = or > 20%: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required.

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.

Comments and Planner Signature (optional): Elizabeth Gordon Jonckheer

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

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

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

Check all that apply to the project.	
<input type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. Garage work. 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 type="checkbox"/>	5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. Addition(s) 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.
Note: Project Planner must check box below before proceeding.	
<input checked="" type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input checked="" type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration 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. Addition(s) , 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 type="checkbox"/>	8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. Other work that would not materially impair a historic district (specify or add comments): (Requires approval by Senior Preservation Planner/Preservation Coordinator)
<input type="checkbox"/>	10. Reclassification of property status. (Requires approval by Senior Preservation Planner/Preservation <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Reclassify to Category A a. Per HRER dated b. Other (specify): </div> <div> <input type="checkbox"/> Reclassify to Category C (attach HRER) </div> </div>
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.	
<input type="checkbox"/>	Further environmental review required. Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. GO TO STEP 6.
<input checked="" type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature: Elizabeth Gordon Jonckheer	

STEP 6: CATEGORICAL EXEMPTION DETERMINATION

TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	Further environmental review required. 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 STOP! Must file an <i>Environmental Evaluation Application</i>.	
<input checked="" type="checkbox"/>	No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.	
	Project Approval Action: Building Permit If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	Signature: Elizabeth Gordon Jonckheer 07/31/2018
	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. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.	

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
27 FOUNTAIN ST		6502/021
Case No.	Previous Building Permit No.	New Building Permit No.
2016-009554PRJ		
Plans Dated	Previous Approval Action	New Approval Action
	Building Permit	
Modified Project Description:		

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:	
<input type="checkbox"/>	Result in expansion of the building envelope, as defined in the Planning Code;
<input type="checkbox"/>	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
<input type="checkbox"/>	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
<input type="checkbox"/>	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?
If at least one of the above boxes is checked, further environmental review is required.	

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

<input type="checkbox"/>	The proposed modification would not result in any of the above changes.
If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice.	
Planner Name:	Signature or Stamp:



San Francisco Planning

DISCRETIONARY REVIEW PUBLIC (DRP) APPLICATION

Discretionary Review Requestor's Information

Name: Debra Caywood-Rukas & Linas Rukas

Address: 21 Fountain St

Email Address: LRUKAS@yahoo.com

Telephone: 847 902-9240 415 285-2820

Information on the Owner of the Property Being Developed

Name: OWNER Robert Fyfe, Applicant Studio Sarah Willmer, Architects

Company/Organization:

Address: 3850 23RD ST
SF CA 94114

Email Address: swillmer@studio-sw.com

Telephone: 415 642-1166

Property Information

Project Address: 27-29 Fountain St

SF 94114

Block/Lot(s): 6502/021

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? (including Community Boards)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PROJECT APPLICATION RECORD NUMBER (PRJ)

RECEIVED

SEP 14 2018

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
PIC

DISCRETIONARY REVIEW REQUEST

In the space below and on separate paper, if necessary, please present facts sufficient to answer each question.

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

SEE Attachment ANSWER + Attachment A-1,
A-2 + A-3

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

See Attachment ANSWER + ~~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?

SEE Attachment +

SEE ADDITIONAL info: Attachment
package A-4

DISCRETIONARY REVIEW REQUESTOR'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

- a) The information presented is true and correct to the best of my knowledge.
- b) Other information or applications may be required.

L. A. P. H.
Signature

Linas A. Rukas
Name (Printed)

neighbor of project house
Relationship to Project
(i.e. Owner, Architect, etc.)

847 902-9246
Phone

Lukas@yahoo.com
Email

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On July 1, 2016, the Applicant named below filed Building Permit Application No. Permit: 2016.07.01.1449 with the City and County of San Francisco.

PROJECT INFORMATION		APPLICANT INFORMATION	
Project Address:	27-29 Fountain Street	Applicant:	Studio Sarah Willmer, Architecture
Cross Street(s):	24 th and 25 th Streets	Address:	3850 23rd Street
Block/Lot No.:	6502/021	City, State:	San Francisco, CA 94114
Zoning District(s):	RH-2/ 40-X	Telephone:	(415) 642-1166
Record No.:	2016-009554PRJ	Email:	swillmer@studio-sw.com

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 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	<input type="checkbox"/> Side Addition	<input type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Residential	Residential
Front Setback	None	No Change
Side Setbacks	N/A	N/A
Building Depth	57 feet 7 inches	69 feet 1 inch
Rear Yard	Approximately 59 feet	44 feet 3 inches
Building Height	26 feet 5 inches	29 feet 9 inches
Number of Stories	2 stories over garage	No Change
Number of Dwelling Units	2	No Change
Number of Parking Spaces	2	No Change

PROJECT DESCRIPTION

The proposed project includes a horizontal rear addition to extend the lower basement level, front facade alterations, including replacing stucco with wood siding and replacing existing front entrance with a new entrance, including replacement of the lower unit to garden level. See attached plans.

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.

For more information, please contact Planning Department staff:

Planner: Elizabeth Jonckheer
Telephone: (415) 575-8728
E-mail: elizabeth.gordon-jonckheer@sfgov.org

Notice Date: 8/20/18
Expiration Date: 9/19/18

RE: 27-29 Fountain

DR Filed by Debra Caywood-Rukas & Linas Rukas

1. *What are the reasons for requesting Discretionary Review? The project meets the standards of the Planning Code and the Residential Design Guidelines. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines? Please be specific and site specific sections of the Residential Design Guidelines.*

We are the owners (Mr. and Mrs. Rukas) who live at 21 Fountain St, which is next door, on the north side of 27-29 Fountain. (1) We object to the ground floor garden unit proposed to be added behind the garage, which lacks size equity when compared to the present 2 equally sized units in the building, thus taking a normal-sized housing unit off the market and replacing it with a large main house and substantially smaller living quarters in the backyard. (2) We also object to the deck, shower and hot tub proposed for the ground floor with the hot tub abutted against our property line below our master bedroom which more than likely will be the cause of ongoing noise and possible sleep disruption due to sounds emanating from the motor, water pump, showering and congregation of residents from the garden unit as well as the main house in this outdoor recreational area. (3) Finally, we are concerned and find it objectionable that the Project Sponsor appeared to receive preferential treatment that seems to circumvent the process, and in doing so didn't provide fairness to the primarily owner-occupied homeowners most adversely effected by this renovation.

- (1) It appears that the renovation violates the **Residential Mergers regulation (Section 317 (b)(7))**, because it will merge 2 units similar in size that are presently on two floors above the garage into one large unit above the garage and the addition of a substantially smaller ground floor garden unit that appears to have very small living quarters and is somewhat oddly positioned behind the garage without a property line wall at the ground level. We suspect that the small garden unit is a "fake/sham/Airbnb" unit because of its small size (which is not large enough for a family, as was the previous 2nd unit), and the allure with a hot tub, deck and shower or a party house with an outdoor recreational area for all. This suspicion is supported by Airbnb advertisements for 27-29 Fountain after the house was purchased by the current owner, Mr. Robert Fyfe, and that the owner has had Airbnb ads for his other property. Additionally, the new **Planning Commission policy effective October 12, 2017 regarding "Residential Flat Removal"** may apply to this renovation as it relates to the ground floor garden unit behind the garage as it must have dual exposure to the front and rear of the lot. Understanding that this was not a policy requirement when the plans were submitted but as is stated in the new policy, it will be taken into consideration if there is a public DR (see attachments package A-1).

DR Application Re:

27-29 Fountain St

Block/Lot No: 6502/021

San Francisco, CA 94114

Owner: Robert Fyfe

Applicant Architect: Studio Sarah Willmer, Architecture.

3850 23rd St, 94114

415 642-1166

Attachments Package 1

(A-1)

Filers:

Filed 9/14/18

By Debra Caywood-Rukas and Linas Rukas

21 Fountain St. 94114

lrukas@yahoo.com

dcrukas@gmail.com

847 902-9240

847 913-5969

PART 6: Dwelling Unit Mergers

Because housing in San Francisco is a valuable resource that requires protection and the Planning Commission supports the conservation of existing housing, and, although certain special circumstances may arise in which the removal of a dwelling unit may be necessary to further the Objectives and Policies of the General Plan, the Commission maintains a strong objective to minimize the loss of relatively affordable market rate housing.

~~Mergers occur when two or more legal Residential Units are combined resulting in a decrease in the number of Residential Units within a building, or the enlargement of one or more existing units while substantially reducing the size of others by more than 25% of their original floor area, even if the number of units is not reduced.~~

As with demolitions, the merger of Residential Units not otherwise subject to Conditional Use Authorization by the Planning Code must be approved by the Planning Commission at a Mandatory Discretionary Review hearing, or, if the project qualifies for administrative approval, the Planning Department may approve the application.

Certain Residential Units proposed for Merger that exceed the adopted threshold of affordability (financially accessibility) are exempt from Mandatory Discretionary Review hearings, if the hearing is required only on the basis of the merger request.

Merger applications for which the least expensive unit proposed for merger has a value greater than at least 80% of the combined land and structure values of single-family homes in San Francisco, as determined by a credible appraisal, made within six months of the application to merge, may be exempt from a Mandatory Discretionary Review hearing.

Please see the Department's website under Publications for Dwelling Unit Removal: Current Numerical Values - Implementation of the Controls on the Loss of Residential Units.

The Planning Commission, at a Mandatory Discretionary Review hearing, shall apply the criteria listed below when deciding whether to approve the building permit application proposing a Dwelling Unit Merger:

- (i) whether removal of the unit(s) would eliminate only owner occupied housing, and if so, for how long the unit(s) proposed to be removed have been owner occupied;
- (ii) whether removal of the unit(s) and the merger with another is intended for owner occupancy;
- (iii) whether removal of the unit(s) will remove an affordable housing unit as defined in Planning Code Section 415 or housing subject to the Rent Stabilization and Arbitration Ordinance;
- (iv) whether removal of the unit(s) will bring the building closer into conformance with prescribed zoning;
- (v) if removal of the unit(s) removes an affordable housing unit as defined in Planning Code Section 401, or units subject to the Rent Stabilization and Arbitration Ordinance, whether replacement housing will be provided which is equal or greater in size, number of bedrooms, affordability, and suitability to households with children to the units being removed;
- (vi) whether the number of bedrooms provided in the merged unit will be equal to or greater than the number of bedrooms in the separate units;
- (vii) whether removal of the unit(s) is necessary to correct design or functional deficiencies that cannot be corrected through interior alterations.

NOTES AND CLARIFICATIONS:

1. **The Planning Commission has a long-standing policy of treating as mergers any applications that connect (via a door or other communicating opening) two or more existing units, even if all kitchens are retained in each unit, and construction of the opening would be reversible.**
2. **Criterion (vii) would be satisfied only under exceptional circumstances arising from the necessity to remove a unit to relieve significant design deficiencies that compromise its livability and would correct situations that create uninhabitable spaces.**

PLANNING CODE AMENDMENT

EFFECTIVE MAY 18, 2008

1 ~~Section 317. Loss of Dwelling Units through Merger, Conversion, and Demolition~~

2 (a) Findings. San Francisco faces a continuing shortage of affordable housing. There is a high
3 ratio of rental to ownership tenure among the City's residents. The General Plan recognizes that
4 existing housing is the greatest stock of rental and financially accessible residential units, and is a
5 resource in need of protection. Therefore, a public hearing will be held prior to approval of any
6 permit that would remove existing housing, with certain exceptions, as described below. The
7 Planning Commission shall develop a Code Implementation Document setting forth procedures and
8 regulations for the implementation of this Section 317 as provided further below. The Zoning
9 Administrator shall modify economic criteria related to property values and construction costs in the
10 Implementation Document as warranted by changing economic conditions to meet the intent of this
11 Section.

12 (b) Definitions. For the purposes of this Section 317, the terms below shall be defined as
13 follows:

14 (1) "Conversion of Residential Unit" shall mean the removal of cooking facilities in a
15 Residential Unit or the change of occupancy (as defined and regulated by the Building Code), or the
16 change of use (as defined and regulated by the Planning Code), of any Residential Unit to a non-
17 residential use.

18 (2) "Demolition of Residential Buildings" shall mean any of the following:

19 (A) Any work on a Residential Building for which the Department of Building Inspection
20 determines that an application for a demolition permit is required, or

21 (B) A major alteration of a Residential Building that proposes the Removal of more than 50%
22 of the sum of the Front Façade and Rear Facade and also proposes the Removal of more than 65% of
23 the sum of all exterior walls, measured in lineal feet at the foundation level, or

24

25

PLANNING CODE AMENDMENT

EFFECTIVE MAY 18, 2008

1 (C) A major alteration of a Residential Building that proposes the Removal of more than 50%
2 of the Vertical Envelope Elements and more than 50% of the Horizontal Elements of the existing
3 building, as measured in square feet of actual surface area.

4 (D) The Planning Commission may reduce the above numerical elements of the criteria in
5 subsections (b)(2)(B) and (b)(2)(C), by up to 20% of their values should it deem that adjustment is
6 necessary to implement the intent of this Section 317, to conserve existing sound housing and preserve
7 affordable housing.

8 (3) "Facade" shall mean an entire exterior wall assembly, including but not limited to all
9 finishes and siding, fenestration, doors, recesses, openings, bays, parapets, sheathing and framing.

10 (4) "Front Facade" shall mean the portion of the Façade fronting a right-of-way, or the portion
11 of the Façade most closely complying with that definition, as in the case of a flag lot. Where a lot has
12 more than one frontage on rights-of-way, all such frontages shall be considered Front Facades except
13 where a façade meets the definition of "Rear Façade."

14 (5) "Horizontal Elements" shall mean all roof areas and all floor plates, except floor plates at or
15 below grade.

16 (6) "Mandatory Discretionary Review" shall mean a hearing before the Planning Commission
17 that is required by this Section 317 at which the Commission will determine whether to approve,
18 modify or disapprove a permit application.

19 (7) ~~"Merger" shall mean the combining of two or more legal Residential Units, resulting in a~~
20 ~~decrease in the number of Residential Units within a building, or the enlargement of one or more~~
21 ~~existing units while substantially reducing the size of others by more than 25% of their original floor~~
22 ~~area, even if the number of units is not reduced. The Planning Commission may reduce the numerical~~
23 ~~element of this criterion by up to 20% of its value should it deem that adjustment is necessary to~~

PLANNING CODE AMENDMENT

EFFECTIVE MAY 18, 2008

1 implement the intent of this Section 317, to conserve existing housing and preserve affordable
2 housing.

3 (8) "Rear Facade" shall mean that portion of the Façade facing the part of a lot that most closely
4 complies with the applicable Planning Code rear yard requirements.

5 (9) "Removal" shall mean, with reference to a wall, roof or floor structure, its dismantling, its
6 relocation or its alteration of the exterior function by construction of a new building element exterior
7 to it. Where a portion of an exterior wall is removed, any remaining wall with a height less than the
8 Building Code requirement for legal head room shall be considered demolished. Where exterior
9 elements of a building are removed and replaced for repair or maintenance, in like materials, with no
10 increase in the extent of the element or volume of the building, such replacement shall not be
11 considered Removal for the purposes of this Section. The foregoing does not supersede any
12 requirements for or restrictions on noncomplying structures and their reconstruction as governed by
13 Article 1.7 of this Code.

14 (10) "Removal" shall mean, with reference to a Residential Unit, its Conversion, Demolition, or
15 Merger.

16 (11) "Residential Building" shall be mean any structure containing one or more Residential
17 Units as a principal use, regardless of any other uses present in the building.

18 (12) "Residential Unit" shall mean a legal conforming or non-conforming dwelling unit as
19 defined in Planning Code Section 102.7, or a legal non-conforming Live/Work Unit as defined in
20 Planning Code Section 102.13.

21 (13) "Vertical Envelope Elements" shall mean all exterior walls that provide weather and
22 thermal barriers between the interior and exterior of the building, or that provide structural support to
23 other elements of the building envelope.



SAN FRANCISCO PLANNING DEPARTMENT

New Planning Commission Policy:

Commission Policy on Removal of Residential Flats

Amended Sections: NA (Commission Policy does not amend the Code)
Case Number: 2016-003658GEN
Resolution No.: R-20024
Initiated by: Planning Commission
Effective Date: October 12, 2017

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

On October 12, 2017, the Planning Commission voted to adopt a Residential Flat Removal Policy that would require Mandatory Discretionary Review for projects that propose the removal of a 'Residential Flat.'

The Way It Was:

1. There was no definition of a 'Residential Flat' in the Planning Code or General Plan, and there were no controls relative to removal of a Residential Flat.
2. A dwelling unit could be relocated or altered, such that it no longer functioned as a Residential Flat without public notification or review by the Planning Commission, so long as the proposal complied with all other requirements of the Planning Code.

The Way It Is Now:

1. The policy includes a definition of 'Residential Flat' that facilitates the review of future projects proposing alterations to existing dwelling units.
2. Any project resulting in changes to a 'Residential Flat' such that it is no longer a 'Residential Flat' requires a Mandatory Discretionary Review and thereby both public notification and a Planning Commission hearing.
3. The policy indicates that a 'Residential Flat' generally has exposure at the front and rear of its property. This is not meant to exclude other flat configurations where a unit has two means of exposure. The policy also describes a 'Residential Flat' as generally occupying a full story. This is not meant to exempt layouts where multiple flats exist on a single story. Such a layout should be treated as having multiple 'Residential Flats' on a single story and dual exposure should be retained when possible. Similarly, a 'Residential Flat' does not need to span the full width of a front or rear building wall to be a 'Residential Flat.' It is anticipated that some units may share that area with ingress/egress to other units or common areas.

4. The policy only applies to projects where an application has not been filed as of the effective date of the resolution.
5. This policy will sunset upon adoption of the Residential Expansion Threshold Legislative Effort.

Link to Commission Policy:

<http://commissions.sfplanning.org/cpcpackets/Residential%20Flat%20Removal%20Policy.pdf>

27-29 Fountain

From: Gordon-Jonckheer, Elizabeth (CPC)
To: "Kelley Coelho"; Sarah Willmer
Cc: Jeremy Paul
Subject: RE: 27-29 Fountain St 311 notice
Date: Sunday, July 29, 2018 3:23:00 PM
Attachments: Draft 27-29 Fountain Street 311 Notice and Poster.doc

Draft 311 notice attached. Please review for errors or typos.

I also want to make sure that you are aware of the Commission's Removal of Residential Flats Policy. Although this project is not subject to the Mandatory DR because the application was filed prior to the effective date of the resolution, if under public DR, the Commission may recommend changes to the project to reflect the policy. A Residential Flat is defined for these purposes as a unit that has exposure to the front and rear of the lot. The Commission requires the Mandatory DR if the unit is modified or relocated such that it no longer functions as a flat with the dual exposure. Please see: <http://default.sfolanning.org/legislative-changes/new-code-summaries/2016-003658.pdf>

Elizabeth

Elizabeth Gordon-Jonckheer, Principal Planner
Northwest Team, Current Planning Division
Planning Department, City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-575-8728 Fax: 415-558-6409
Email: Elizabeth.Gordon-Jonckheer@sfgov.org
Web: www.sfolanning.org

From: Kelley Coelho [mailto:kcoelho@studio-sw.com]
Sent: Thursday, July 12, 2018 4:53 PM
To: Gordon-Jonckheer, Elizabeth (CPC)
Cc: Jeremy Paul; Sarah Willmer; ROBERT FYFE
Subject: 27-29 Fountain St - 11x17 Site Permit Set NOPDR 311- to be mailed

Hi Elizabeth,

Please see attached pdf for the 11x17 Site Permit Set Packet for 27-29 Fountain St. to be mailed out to the neighbors. Look forward to hearing from you and/or your team regarding our next steps.

Best,
Kelley Coelho

3850 23rd Street
San Francisco,
CA 94114
T: 415-642-1166
www.studio-sw.com

PART 7: Dwelling Conversions

Because housing in San Francisco is a valuable resource that requires protection and the Planning Commission supports the conservation of existing housing, and, although certain special circumstances may arise in which the conversion of a dwelling unit may be necessary to further the Objectives and Policies of the General Plan, the Commission maintains a strong objective to minimize the loss of relatively affordable market rate housing.

Conversions occur when legal Residential Units undergo the removal of cooking facilities, or a change of use (as defined and regulated by the Planning Code) or a change of occupancy (as defined and regulated by the Building Code) of any dwelling unit to a non-residential use. This definition shall not apply to conversions of residential hotel units, which are subject to the Residential Hotel Conversion Ordinance (Chapter 41 of the San Francisco Municipal Code – Ordinance No. 121-90, File No. 113-89-2).

As with demolitions and mergers, the Residential Conversions not otherwise subject to Conditional Use Authorization by this Code must be approved by the Planning Commission at a Mandatory Discretionary Review hearing.

- (i) whether conversion of the unit(s) would eliminate only owner occupied housing, and if so, for how long the unit(s) proposed to be removed were owner occupied;
- (ii) whether conversion of the unit(s) would provide desirable new non-residential use(s) appropriate for the neighborhood and adjoining district(s);
- (iii) in districts where Residential Uses are not permitted, whether Residential Conversion will bring the building closer into conformance with the uses permitted in the zoning district.
- (iv) whether conversion of the unit(s) will be detrimental to the City's housing stock;
- (v) whether conversion of the unit(s) is necessary to eliminate design, functional, or habitability deficiencies that cannot otherwise be corrected.
- (vi) whether the Residential Conversion will remove Affordable Housing, or units subject to the Rent Stabilization and Arbitration Ordinance.

NOTES AND CLARIFICATIONS:

- 1. **Criterion (v) would be satisfied only under exceptional circumstances arising from the necessity to remove a unit to relieve significant design deficiencies that compromise its livability and would correct situations that create uninhabitable spaces.**
- 2. **As with Mergers, the policy of the Planning Commission shall be to consider an application to be tantamount to a conversion if more than 25% of the area of the existing dwelling is converted to a non-residential use.**
- 3. **The conversion of Residential Units to Student Housing is prohibited.**



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 · San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **July 1, 2016**, the Applicant named below filed **Building Permit Application No. Permit: 2016.07.01.1449** with the City and County of San Francisco.

PROJECT INFORMATION		APPLICANT INFORMATION	
Project Address:	27-29 Fountain Street	Applicant:	Studio Sarah Willmer, Architecture
Cross Street(s):	24 th and 25 th Streets	Address:	3850 23rd Street
Block/Lot No.:	6502/021	City, State:	San Francisco, CA 94114
Zoning District(s):	RH-2/ 40-X	Telephone:	(415) 642-1166
Record No.:	2016-009554PRJ	Email:	swillmer@studio-sw.com

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 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	<input type="checkbox"/> Side Addition	<input type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Residential	Residential
Front Setback	None	No Change
Side Setbacks	N/A	N/A
Building Depth	57 feet 7 inches	68 feet 1 inch
Rear Yard	Approximately 59 feet	44 feet 3 inches
Building Height	26 feet 5 inches	29 feet 9 inches
Number of Stories	2 stories over garage	No Change
Number of Dwelling Units	2	No Change
Number of Parking Spaces	2	No Change
PROJECT DESCRIPTION		
The proposed project includes a horizontal rear addition to extend the lower basement level, front facade alterations, including replacing stucco with wood siding and replacing existing front stair. Interior renovation, including relocation of the lower unit to garden level. See attached plans.		
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.		

For more information, please contact Planning Department staff:

Planner: Elizabeth Jonckheer
Telephone: (415) 575-8728
E-mail: elizabeth.gordon-jonckheer@sfgov.org

Notice Date: 8/20/18
Expiration Date: 9/19/18

RE: 27-29 Fountain

Filed by Debra Caywood-Rukas & Linas Rukas

2nd Answer to Question 1

1. *What are the reasons for requesting Discretionary Review? The project meets the standards of the Planning Code and the Residential Design Guidelines. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines? Please be specific and site specific sections of the Residential Design Guidelines.*

2nd part Question 1

Although the ground floor hot tub, deck and shower appear to be taken out of the last drawings and replaced with "'permit exempt landscape'" features, (after we filed an appeal) Mr. Jeremy Paul, the Permit Expediter/Project Sponsor, cancelled the original permit request a day before the appeal hearing date of May 17, 2017 and applied for and received an OTC permit the following day, May 16, 2017 (see plans A2.0 and appeal document in attachments package 1) to have it installed while in discussion with us about our concerns about noise because it abutted the property line. Therefore, although the hot tub, deck and shower are not drawn in the renovation plans they are still a part of the renovation thus our objection is that it is located on the property line and just below our master bedroom still stands. The ongoing noise and sounds, that travel upward and outward, generated from residents and guests using these outdoor recreational facilities and the 24/7 noise generated by the motor and continuous water pumping and circulating as well as running water from a shower will adversely effect our quality of life. Also it appears that the ground floor garden unit as well as the main house residents will share the outdoor facilities since it is accessible by the ground floor service alley thus leading us to believe it will be a extensively used, an area for ongoing congregation, thus a "party area" (see attachments package 2).

DR Application Re:

27-29 Fountain St

Block/Lot No: 6502/021

San Francisco, CA 94114

Owner: Robert Fyfe

Applicant Architect: Studio Sarah Willmer, Architecture.

3850 23rd St, 94114

415 642-1166

Attachments Package 2

(A-2)

Filers:

Filed 9/14/18

By Debra Caywood-Rukas and Linas Rukas

21 Fountain St. 94114

lrukas@yahoo.com

dcrukas@gmail.com

847 902-9240

847 913-5969

27-29 FOUNTAIN

April 26, 2017

Darryl Honda, President
San Francisco Board of Appeals
1650 Mission Street, Room 304
San Francisco, CA 94013

RE: APPEAL NO: 17-038, 27-29 Fountain Street, Permit No. 2017/03/08/0953

President Honda and Members of the Board,

Before you for hearing on May 17, 2017 is the appeal of a form 8 permit for installation of a hot tub at 27-29 Fountain Street. I have appealed the issuance of the permit because:

- 1) **The permit was issued in error** because such a permit requires a site plan and notice; and
- 2) The hot tub's planned location adjacent to our home at 21 Fountain would result in **unnecessary noise impacts.**

Background

The property owner has applied for a substantial expansion of the property under permit application number 201607011449, currently under review in the Planning Department. Neighbors and I have been meeting with the owner's permit expeditor, Jeremy Paul, who is also a current tenant at the property, about the proposal. I raised four issues about the proposal with Mr. Paul on September 17, 2016. One of these issues is the proposed placement of a hot tub, outdoor shower and deck adjacent to the shared side property line and just below my bedroom deck. We had not made any progress with Mr. Paul on any of the issues. About the hot tub, Mr. Paul had told us at the September meeting that the Planning Commission cannot and would not

take any action on the hot tub because it is out of their jurisdiction. In fact, the Planning Commission has not only considered the placement of hot tubs in the past but has actually denied permit applications for hot tubs. One example is 359-361 Lombard Street, in which the Commission took DR on a hot tub permit and disapproved it entirely (Exhibit A, minutes from Commission disapproving the hot tub). We understand Mr. Duffy has recently ruled the subject permit was not required because hot tubs are exempt from permit requirements. Should the permit be cancelled and the hearing then also be cancelled, we will accept that outcome because the Planning Commission would then be free to condition the project as to hot tub location.

Permit Issued in Error

Planning Code Section 136 lists any and all permitted obstructions that may be located in otherwise open areas. Subsection (b) states, "no obstruction shall be constructed, placed, or maintained in any such open area except as specified in this Section." Subsection (c) then lists the permitted obstructions. (See Exhibit B: Section 136(b) and (c).) Hot tubs are not specifically listed as an obstruction but any category under which the Zoning Administrator would place hot tubs -- such as "outdoor recreational features" (136(c)20) or garden structures (136(c)(22) or any other category under which it could fit -- is not permitted in set-backs. And so in order to determine whether a hot tub is located in a permitted or unpermitted area, it must be shown on a site plan. Planning staff then can determine if it is permitted under Section 136. This can usually be done with an over-the-counter permit and so is not an unnecessary hardship on the applicant. The issued permit has no site plan of any kind.

Based upon general due diligence and an uneasy feeling, we had filed a "Block Book Notation" which requires a 10-day notice for any permit applications reviewed by the Planning Department, including applications that would otherwise be issued the same day over-the-

counter (see Exhibit C, BBN shown on Property Information Map). During the 10-day notice period we could have continued our discussions with Mr. Paul about locating the hot tub further away from our bedroom deck, if all else failed, filed a Discretionary Review on the hot tub permit. But because the permit application didn't have a site plan, it wasn't referred to Planning and so Planning could not honor the BBN. I only found out about the permit because I was checking the permit tracking system every day, concerned Mr. Paul would attempt to separate aspects of the larger proposal to have as much of the overall proposal approved piecemeal as he could manage.

And so in summary, the permit was issued in error because it did not include a site plan -- a site plan being required to ensure compliance with Section 136 and associated interpretations. Without a site plan, the hot tub could be placed anywhere on the lot, including in locations not permitted under the Planning Code. In this case, the issuance also resulted in the BBN not being honored because, lacking a site plan, the application was not referred to the Planning Department for review.

Noise Impacts

The unapproved project plan calls for the hot tub to be approximately three feet from our shared property line. Our bedroom deck directly overlooks over the hot tub (Exhibit F). On the ground floor, directly adjacent to the proposed hot tub location, we have a family room and another bedroom. All hot tubs have motors for circulating and heating the water and for blowing air into the water. The blowers in particular are quite loud. Even when not in use, the motor is on and water is pumped and heated 24 hours a day, usually in cycles based on time or water temperature, both of which include hours between midnight and six am. When in use, the full complement of noise consists of the pumping and heating noise, the blowers, and the sounds of people in the hot tub.

What is additionally disconcerting is that the hot tub is directly accessible by both project units according to the proposed plan (Exhibit F, ground floor plan from plan set for proposal still under review). The implication is either that the small, poorly located second unit is what Planning Commissioners now refer to as a "fake" unit so the property can be marketed and sold as a single family home (thus losing one more of the City's dwindling stock of rental units) or that two families will be using one hot tub that is right under our bedroom deck. The Planning Commission has disallowed such small second units on almost a dozen occasions now, requiring instead two units of comparable size and equivalent locations. Given the high likelihood the Commission will be significantly changing the unit sizes and locations, it is also likely the hot tub will move, whether by Commission condition or common sense placement given the floor plan changes to come.

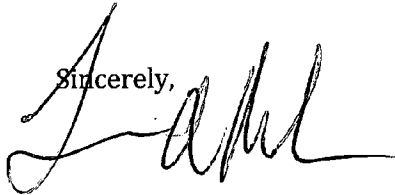
Conclusion

Despite the Permit Holder's apparent lapse in civility and good faith in pursuing the hot tub permit separately and without notice, we remain willing to negotiate a reasonable relocation for the hot tub. Because the permit was issued in error, it makes sense for the Permit Holder to withdraw or cancel this permit so that the hot tub location can be identified on a site plan and either approved with the larger project or on a separate form 3 permit. If the Permit Holder chooses not to withdraw or cancel, we argue that you must disapprove the permit because it was issued in error, without the requisite site plan, and so could be placed anywhere on the lot -- including in permitted areas that could result in unnecessary and unreasonable noise impacts or in wholly unpermitted areas. This is like issuing a Form 8 permit for a 3-foot tall skylight and hoping it is not over the height limit for permitted obstructions or issuing a Form 8 for a 10-foot-tall fence and hoping it isn't in the required front yard setback. When rules exist that may

prohibit a feature's location on part of the lot, a site plan and Form 3 permit application must be submitted so that Planning staff can implement zoning requirements. And when the sponsors submit such an application, notice must be provided if a valid BBN is on file.

If the hot tub is placed, as the Permit Holder's representative has indicated, near our bedroom deck it will result in noise impacts that are completely unnecessary given the host of other available locations on the lot.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Rukas', written over the word 'Sincerely,'.

Linas Rukas

EXHIBITS attached

LIST OF EXHIBITS : Appeal 17-038, 27-29 Fountain Street

Exhibit A: Planning Commission disapproval of a permit for a hot tub

Exhibit B: Section 136 (b) and (c) of the Planning Code

Exhibit C: Appellants Block Book Notation (that ensures a 10-day notice for all permits)

Exhibit D: Site Plan for Permit 201607011449 (still under review by Planning) showing hot tub location

Exhibit E: Photo of bedroom deck overlooking hot tub location

Exhibit F: Ground floor plan for Permit 201607011449 (still under review by Planning)

EXHIBIT A

Minutes of Meeting

Commission Chamber - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, December 2, 1999

1:30 PM

11. 99.556D (BEATTY)

361 LOMBARD STREET, south side between Kearny Street and Grant Avenue, Lot 041 in Assessor's Block 0078 -- Request for Discretionary Review of Building Permit Application No. 9903366, proposing to legalize a hot tub on the roof of the two-unit building and its mechanical equipment in a light well in an RH-3 (House, Three-Family) District and a 40-X Height and Bulk District.

(Continued from Regular Meeting of November 18, 1999)

Note: On October 28, 1999, the Commission passed a Motion of Intent to Disapprove by a vote of +6 to -0. Commissioner Chinchilla was absent.

SPEAKER(S): None

ACTION: Disapproved

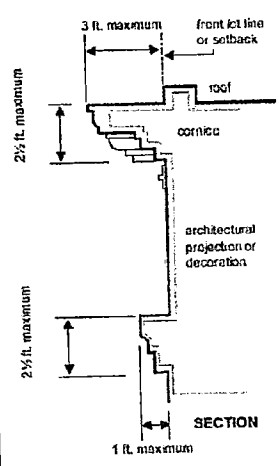
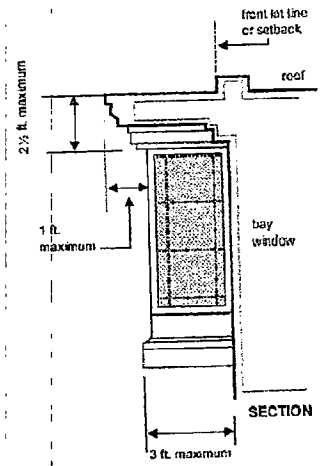
AYES: Theoharis, Mills, Antenore, Joe, Richardson

ABSENT: Chinchilla and Martin

EXHIBIT B

San Francisco Planning Code

SEC. 136. OBSTRUCTIONS OVER STREETS AND ALLEYS AND IN REQUIRED SETBACKS, YARDS, AND USABLE OPEN SPACE.

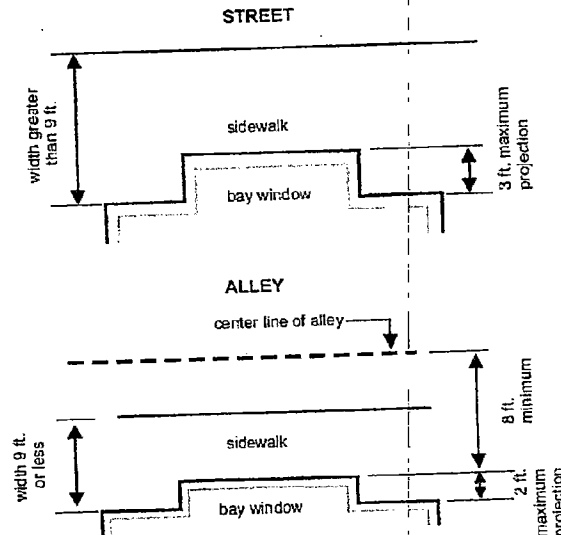
Streets and Alleys	Set-backs	Yards	Usable Open Space	
				<p>(a) The following obstructions shall be permitted, in the manner specified, as indicated by the symbol "X" in the columns at the left, within the required open areas listed herein:</p> <p>(1) Projections from a building or structure extending over a street or alley as defined by this Code. Every portion of such projections over a street or alley shall provide a minimum of 7½ feet of vertical clearance from the sidewalk or other surface above which it is situated, or such greater vertical clearance as may be required by the San Francisco Building Code, unless the contrary is stated below. The permit under which any such projection over a street or alley is erected over public property shall not be construed to create any perpetual right but is a revocable license;</p> <p>(2) Obstructions within legislated setback lines and front setback areas, as required by Sections 131 and 132 of this Code;</p> <p>(3) Obstructions within side yards and rear yards, as required by Sections 133 and 134 of this Code;</p> <p>(4) Obstructions within usable open space, as required by Section 135 of this Code.</p> <p>(b) No obstruction shall be constructed, placed, or maintained in any such required open area except as specified in this Section.</p> <p>(c) The permitted obstructions shall be as follows:</p> <p>(1) Overhead horizontal projections (leaving at least 7½ feet of headroom) of a purely architectural or decorative character such as cornices, eaves, sills and belt courses, with a vertical dimension of no more than two feet six inches, not increasing the floor area or the volume of space enclosed by the building, and not projecting more than:</p> <p>(A) At roof level, three feet over streets and alleys and into setbacks, or to a perimeter in such required open areas parallel to and one foot outside the surfaces of bay windows immediately below such features, whichever is the greater projection.</p> <p>(B) At every other level, one foot over streets and alleys and into setbacks, and</p> <div style="display: flex; justify-content: space-around;">   </div> <p>(C) Three feet into yards and usable open space, or 1/6 of the required minimum dimensions (when specified) of such open areas, whichever is less;</p> <p>(2) Bay (projecting) windows, balconies (other than balconies used for primary access to two or more</p>
X	X	X	X	
X	X	X	X	
X	X	X	X	
X	X	X	X	

ARTICLE 1.2: DIMENSIONS, AREAS, AND OPEN SPACES

dwelling units or two or more bedrooms in group housing), and similar features that increase either the floor area of the building or the volume of space enclosed by the building above grade, when limited as specified herein. With respect to obstructions within yards and usable open space, the bay windows and balconies specified in Paragraph (c)(3) below shall be permitted as an alternative to those specified in this Paragraph (c)(2).

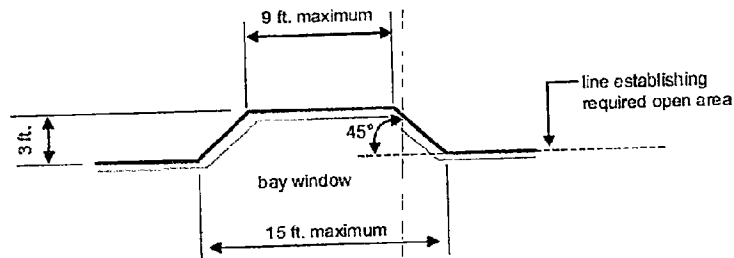
(A) The minimum headroom shall be 7½ feet.

(B) Projection into the required open area shall be limited to three feet, provided that projection over streets and alleys shall be further limited to two feet where the sidewalk width is nine feet or less, and the projection shall in no case be closer than eight feet to the centerline of any alley.



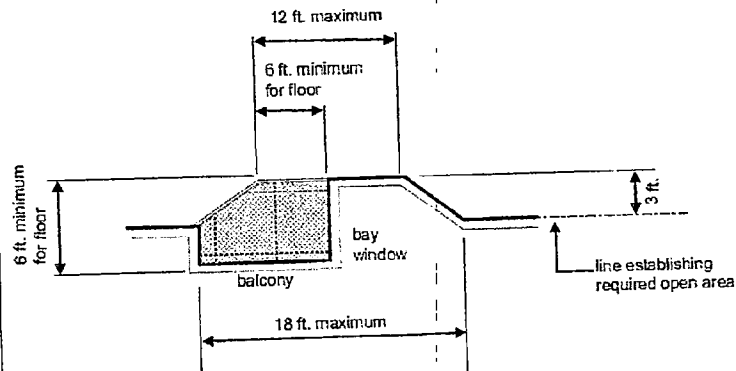
(C) The glass areas of each bay window, and the open portions of each balcony, shall be not less than 50 percent of the sum of the areas of the vertical surfaces of such bay window or balcony above the required open area. At least 1/3 of such required glass area of such bay window, and open portions of such balcony, shall be on one or more vertical surfaces situated at an angle of not less than 30 degrees to the line establishing the required open area. In addition, at least 1/3 of such required glass area or open portions shall be on the vertical surface parallel to, or most nearly parallel to, the line establishing each open area over which the bay window or balcony projects.

(D) The maximum length of each bay window or balcony shall be 15 feet at the line establishing the required open area, and shall be reduced in proportion to the distance from such line by means of 45 degree angles drawn inward from the ends of such 15-foot dimension, reaching a maximum of nine feet along a line parallel to and at a distance of three feet from the line establishing the required open area.



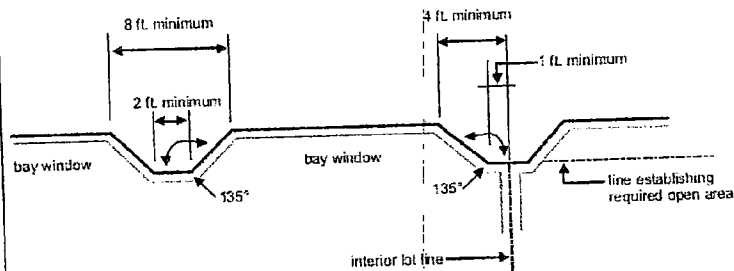
(E) Where a bay window and a balcony are located immediately adjacent to one another, and the floor of such balcony in its entirety has a minimum horizontal dimension of six feet, the limitations of Subparagraph (c)(2) (D) above shall be increased to a maximum length of 18 feet at the line establishing the required open area, and a maximum of 12 feet along a line parallel to and at a distance of three feet from the line establishing the required open area.

ARTICLE 1.2: DIMENSIONS, AREAS, AND OPEN SPACES



(F) The minimum horizontal separation between bay windows, between balconies, and between bay windows and balconies (except where a bay window and a balcony are located immediately adjacent to one another, as provided for in Subparagraph (c)(2)(E) above), shall be two feet at the line establishing the required open area, and shall be increased in proportion to the distance from such line by means of 135-degree angles drawn outward from the ends of such two-foot dimension, reaching a minimum of eight feet along a line parallel to and at a distance of three feet from the line establishing the required open area.

(G) Each bay window or balcony over a street or alley, setback or rear yard shall also be horizontally separated from interior lot lines (except where the wall of a building on the adjoining lot is flush to the interior lot line immediately adjacent to the projecting portions of such bay window or balcony) by not less than one foot at the line establishing the required open area, with such separation increased in proportion to the distance from such line by means of a 135-degree angle drawn outward from such one-foot dimension, reaching a minimum of four feet along a line parallel to and at a distance of three feet from the line establishing the required open area;



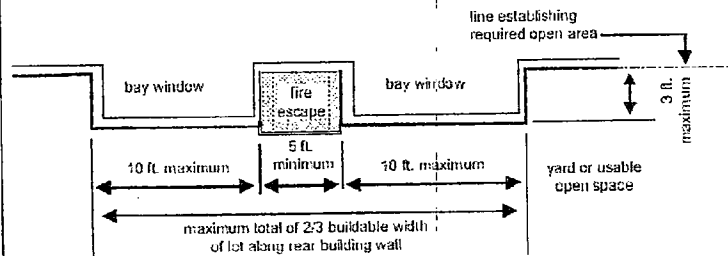
(3) Bay (projecting) windows, balconies (other than balconies used for primary access to two or more dwelling units or two or more bedrooms in group housing), and similar features that increase either the floor area of the building or the volume of space enclosed by the building above grade, when limited as specified herein. With respect to obstructions within yards and usable open space, the bay windows and balconies specified in Paragraph (c)(2) above shall be permitted as an alternative to those specified in this Paragraph (c)(3).

(A) The minimum headroom shall be 7½ feet.

(B) Projection into the required open area shall be limited to three feet, or 1/6 of the required minimum dimension (when specified) of the open area, whichever is less.

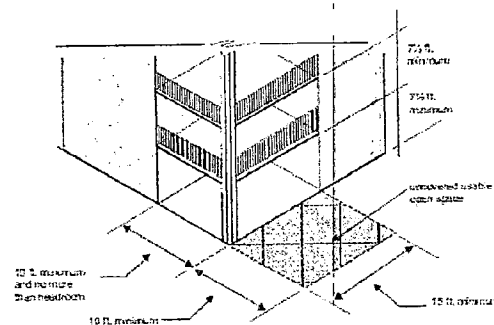
(C) In the case of bay windows, the maximum length of each bay window shall be 10 feet, and the minimum horizontal separation between bay windows shall be five feet, above all parts of the required open area.

(D) The aggregate length of all bay windows and balconies projecting into the required open area shall be no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the length of all open areas along the buildable length of an interior side lot line; in the case of yards, these limits on aggregate length shall apply to the aggregate of all bay windows, balconies, fire escapes and chimneys.



(4) Fire escapes, leaving at least 7½ feet of headroom exclusive of drop ladders to grade, and not projecting more than necessary for safety or in any case more than four feet six inches into the required open area. In the case of yards, the aggregate length of all bay windows, balconies, fire escapes and chimneys that extend into the required open area shall be no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the buildable length of an interior side lot line;

(5) Overhead horizontal projections other than those listed in Paragraphs (c)(1), (2), (3) and (4) above, leaving at least 7½ feet of headroom, where the depth of any such projection is no greater than the headroom it leaves, and in no case is greater than 10 feet; and provided that, in the case of common usable open space at ground level, the open space under the projection directly adjoins uncovered usable open space that is at least 10 feet in depth and 15 feet in width;



(6) Chimneys not extending more than three feet into the required open area or 1/6 of the required minimum dimension (when specified) of the open area, whichever is less; provided, that the aggregate length of all bay windows, balconies, fire escapes and chimneys that extend into the required open area is no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the buildable length of an interior side lot line;

(7) Temporary occupancy of street and alley areas during construction and alteration of buildings and structures, as regulated by the Building Code and other portions of the Municipal Code;

(8) Space below grade, as regulated by the Building Code and other portions of the Municipal Code;

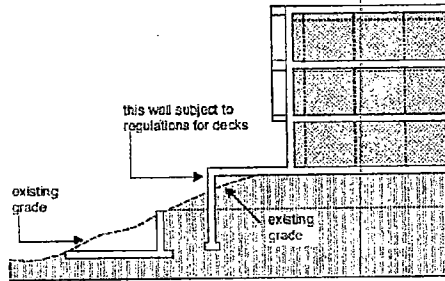
(9) Building curbs and buffer blocks at ground level, not exceeding a height of nine inches above grade or extending more than nine inches into the required open area;

(10) Signs as regulated by Article 6 of this Code, at locations and to the extent permitted therein;

(11) Flagpoles for projecting flags permitted by Article 6 of this Code;

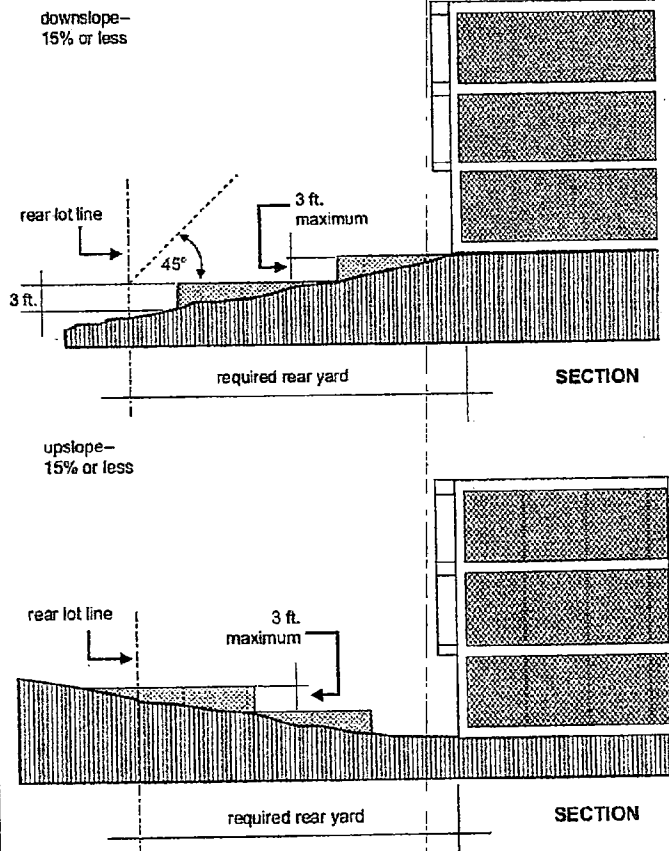
(12) Awnings, Canopies, and Marquees and for Limited Commercial Uses in Residential and RTO Districts, as defined in Section 102 and regulated by the Building Code, and as further limited in Section 136.1 and other provisions of this Code;

(13) Retaining walls that are necessary to maintain approximately the grade existing at the time of construction of a building. Other retaining walls and the grade maintained by them shall be subject to the same regulations as decks (see Paragraphs (c)(24) and (c)(25) below);

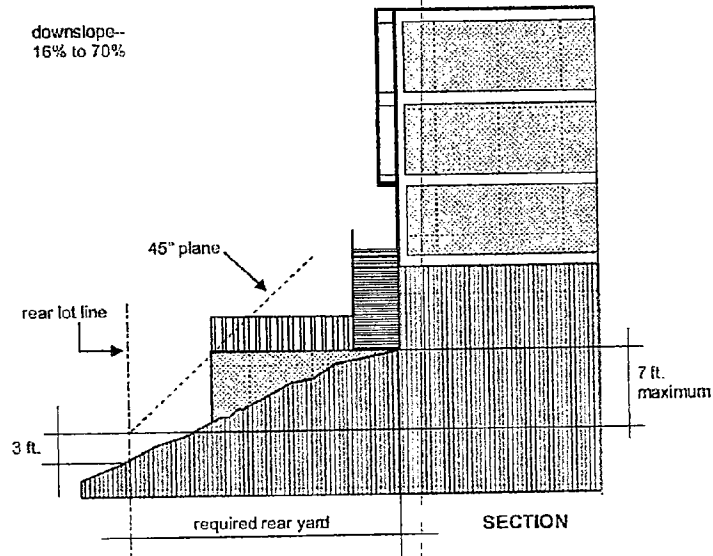


SECTION

- | | | | | | |
|---|---|---|---|--|---|
| | | | | | (14) Steps of any type not more than three feet above grade, and uncovered stairways and landings not extending higher than the floor level of the adjacent first floor of occupancy above the ground story, and, in the case of yards and usable open space, extending no more than six feet into the required open area for any portion that is more than three feet above grade, provided that all such stairways and landings shall occupy no more than 2/3 the buildable width of the lot along a front or rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the length of all open areas along the buildable length of an interior side lot line; |
| | x | x | x | | (15) Railings no more than three feet six inches in height above any permitted step, stairway, landing, fire escape, deck, porch or balcony, or above the surface of any other structure permitted in the required open area. |
| x | x | x | x | | (16) Decorative railings and decorative grille work, other than wire mesh, at least 75 percent open to perpendicular view and no more than six feet in height above grade; |
| | x | x | x | | (17) Fences no more than three feet in height above grade; |
| | x | x | x | | (18) Fences and wind screens no more than six feet in height above grade; |
| | | x | x | | (19) Fences and wind screens no more than 10 feet in height above grade; |
| | | x | x | | (20) Normal outdoor recreational and household features such as play equipment and drying lines; |
| | x | x | x | | (21) Landscaping and garden furniture; |
| | | x | x | | (22) Garden structures enclosed by walls on no more than 50 percent of their perimeter, such as gazebos and sunshades, if no more than eight feet in height above grade and covering no more than 60 square feet of land; |
| | | | x | | (23) Other structures commonly used in gardening activities, such as greenhouses and sheds for storage of garden tools, if no more than eight feet in height above grade and covering no more than 100 square feet of land; |
| | | | x | | (24) Decks, whether attached to a building or not, at or below the adjacent first floor of occupancy, if developed as usable open space and meeting the following requirements: |
| | | | | | (A) Slope of 15 percent or less. The floor of the deck shall not exceed a height of three feet above grade at any point in the required open area, nor shall such floor penetrate a plane made by a vertical angle 45 degrees above horizontal with its vertex three feet above grade at any lot line bordering the required open area. |



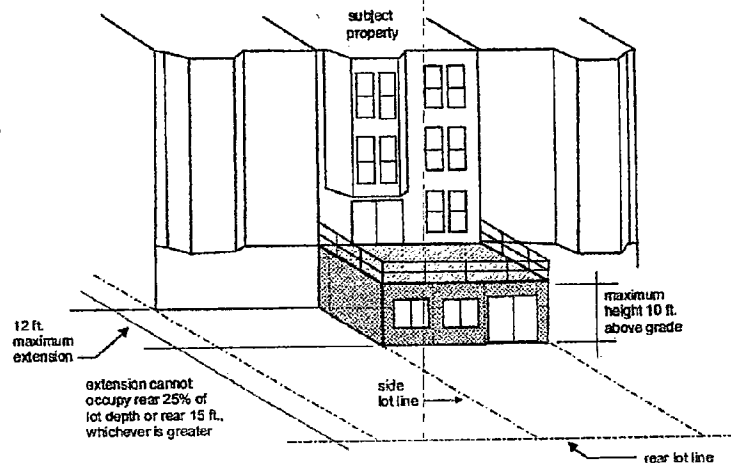
(B) Slope of more than 15 percent and no more than 70 percent. The floor of the deck shall not exceed a height of three feet above grade at any point along any lot line bordering the required open area, nor shall such floor penetrate a plane made by a vertical angle 45 degrees above horizontal with its vertex three feet above grade at any lot line bordering the required open area, except that when two or more lots are developed with adjacent decks whose floor levels differ by not more than three feet, whether or not the lots will remain in the same ownership, each deck may come all the way to the lot line adjacent to the other deck. In addition, the vertical distance measured up from grade to the floor of the deck shall not exceed seven feet at any point in the required open area.



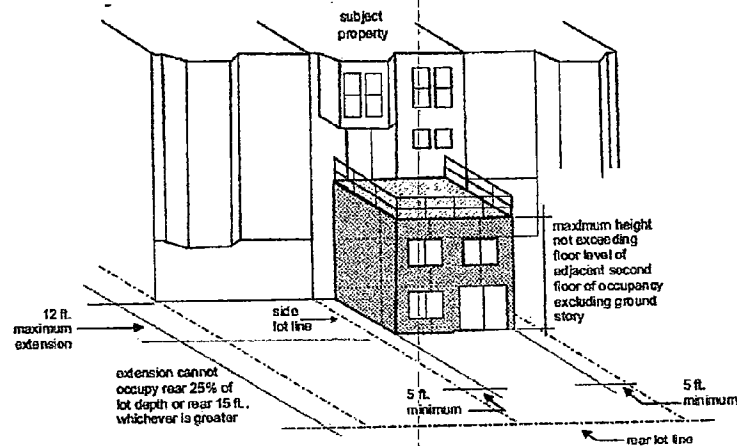
(C) Slope of more than 70 percent. Because in these cases the normal usability of the required open area is seriously impaired by the slope, a deck covering not more than $\frac{1}{3}$ the area of the required open area may be built exceeding the heights specified above, provided that the light, air, view, and privacy of adjacent lots are not seriously affected. Each such case shall be considered on its individual merits. However, the following points shall be considered guidelines in these cases:

- (i) The deck shall be designed to provide the minimum obstruction to light, air, view and privacy.
 - (ii) The deck shall be at least two feet inside all side lot lines.
 - (iii) On downhill slopes, a horizontal angle of 30 degrees drawn inward from each side lot line at each corner of the rear building line shall be maintained clear, and the deck shall be kept at least 10 feet inside the rear lot line;
- (25) Except in required side yards, decks, and enclosed and unenclosed extensions of buildings, when limited as specified herein:
- (A) The structure shall extend no more than 12 feet into the required open area; and shall not occupy any space within the rear 25 percent of the total depth of the lot, or within the rear 15 feet of the depth of the lot, whichever is greater,
 - (B) Within all parts of the required open area, the structure shall be limited in height to either:
 - (i) 10 feet above grade, or

ARTICLE 12: DIMENSIONS, AREAS, AND OPEN SPACES



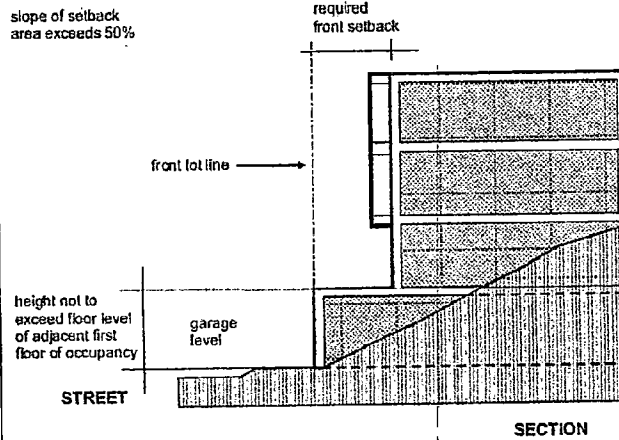
(ii) A height not exceeding the floor level of the second floor of occupancy, excluding the ground story, at the rear of the building on the subject property, in which case the structure shall be no closer than five feet to any interior side lot line,



(C) Any fence or wind screen extending above the height specified in Subparagraph (c)(25)(B) shall be limited to six feet above such height; shall be no closer to any interior side lot line than one foot for each foot above such height; and shall have not less than 80 percent of its surfaces above such height composed of transparent or translucent materials;

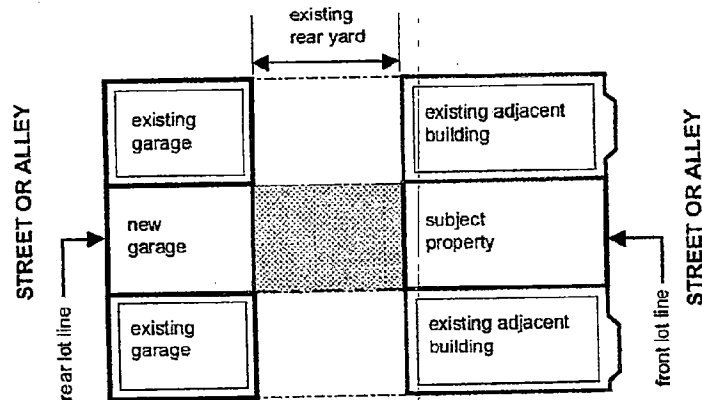
(26) Garages which are underground, or under docks conforming to the requirements of Paragraph (c)(24) or (c)(25) above, if their top surfaces are developed as usable open space, provided that no such garage shall occupy any area within the rear 15 feet of the depth of the lot;

(27) Garages, where the average slope of the required open area ascends from the street lot line to the line at the setback and exceeds 50 percent, provided the height of the garage is limited to 10 feet above grade, or the floor level of the adjacent first floor of occupancy on the subject property, whichever height is less;



Reserved.

(29) Garages, where the subject property is a through lot having both its front and its rear lot line along streets, alleys, or a street and an alley, and both adjoining lots (or the one adjoining lot where the subject property is also a corner lot) contain a garage structure adjacent to the required rear yard on the subject property, provided the garage on the subject property does not exceed the average of the two adjacent garage structures (or the one adjacent garage structure where the subject property is a corner lot) in either height above grade or encroachment upon the required rear yard;



(30) Driveways, for use only to provide necessary access to required or permitted parking that is located in the buildable area of the subject property other than in a required open area, and where such driveway has only the minimum width needed for such access, and in no case shall parking be allowed in the setback;

(31) In the Outer Clement Street Neighborhood Commercial District, outdoor activity area if used in connection with a commercial use on a contiguous lot and which existed in 1978 and has remained in said use since 1978.

(d) Notwithstanding the limitations of Subsection (c) of this Section, the following provisions shall apply in C-3 districts:

(1) **Decorative Architectural Features.** Decorative architectural features not increasing the interior floor area or volume of the space enclosed by the building are permitted over streets and alleys and into setbacks within the maximum vertical and horizontal dimensions described as follows:

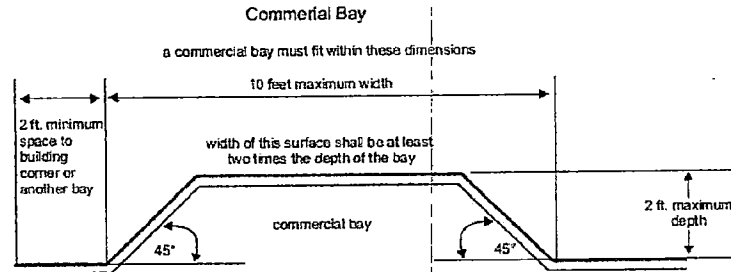
(A) At roof level, decorative features such as cornices, eaves, and brackets may project four feet in districts other than C-3-O(SD) and 10 feet in the C-3-O(SD) district with a maximum vertical dimension no greater than six

feet.

(B) At all levels above the area of minimum vertical clearance required in Subsection (a)(1) above, decorative features, such as belt courses, entablatures, and bosses, may project two feet, with a maximum vertical dimension of four feet, except that in the C-3-O(SD) district at all levels above a minimum vertical clearance of 20 feet from sidewalk grade, decorative features may project half the width of the sidewalk up to a maximum projection of 10 feet.

(C) At all levels above the area of minimum vertical clearance required by Subsection (a)(1) above, vertical decorative features, such as pilasters, columns, and window frames (including pediment and sills), with a cross-sectional area of not more than three square feet at midpoint, may project one foot horizontally.

(2) **Bay Windows.** Notwithstanding the provisions of Subsections (c)(2)(D) and (F) of this Section, bay windows on nonresidential floors of a structure are permitted only if the width of the bay is at least two times its depth, the total width of all bays on a facade plane does not exceed $\frac{1}{2}$ of the width of the facade plane, and the maximum horizontal (plan) dimensions of the bay fit within the dimensions set forth in the diagram below.

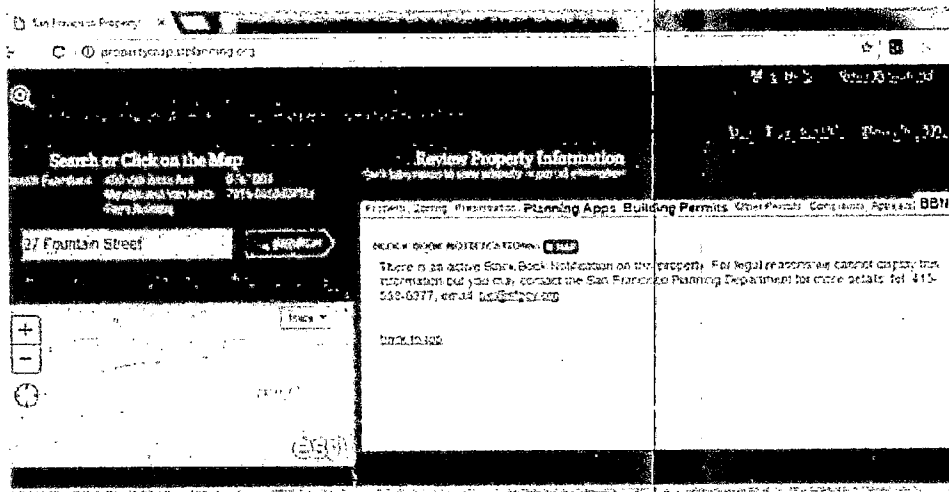


(Amended by Ord. 414-85, App. 9/17/85; Ord. 69-87, App. 3/13/87; Ord. 463-87, App. 11/19/87; Ord. 115-90, App. 4/6/90; Ord. 219-02, File No. 020493, App. 11/8/2002; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 63-11, File No. 101053, App. 4/7/2011, Eff. 5/7/2011; Ord. 182-12, File No. 120665, App. 8/8/2012, Eff. 9/7/2012; Ord. 56-13, File No. 130062, App. 3/28/2013, Eff. 4/27/2013; Ord. 22-15, File No. 141253, App. 2/20/2015, Eff. 3/22/2015; Ord. 188-15, File No. 150871, App. 11/4/2015, Eff. 12/4/2015)

AMENDMENT HISTORY

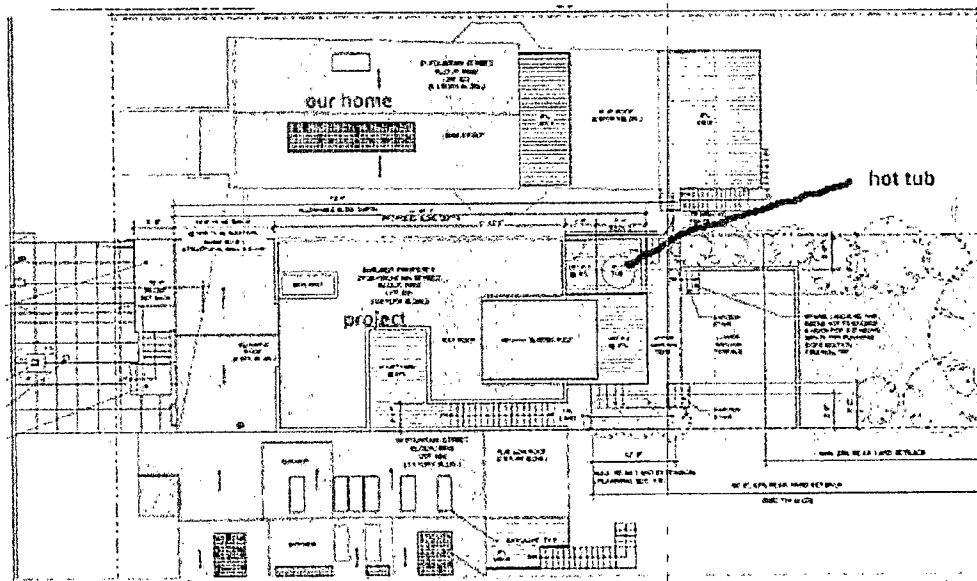
Division (c)(12) amended; former division (c)(28) deleted; Ord. 63-11, Eff. 5/7/2011. Divisions (d)(1)(A) and (B) amended; Ord. 182-12, Eff. 9/7/2012. Division (c)(12) amended; Ord. 56-13, Eff. 4/27/2013. Division (c)(12) amended; Ord. 22-15, Eff. 3/22/2015. Nonsubstantive change; Ord. 188-15, Eff. 12/4/2015.

EXHIBIT C



My active BBN for the subject property

EXHIBIT D



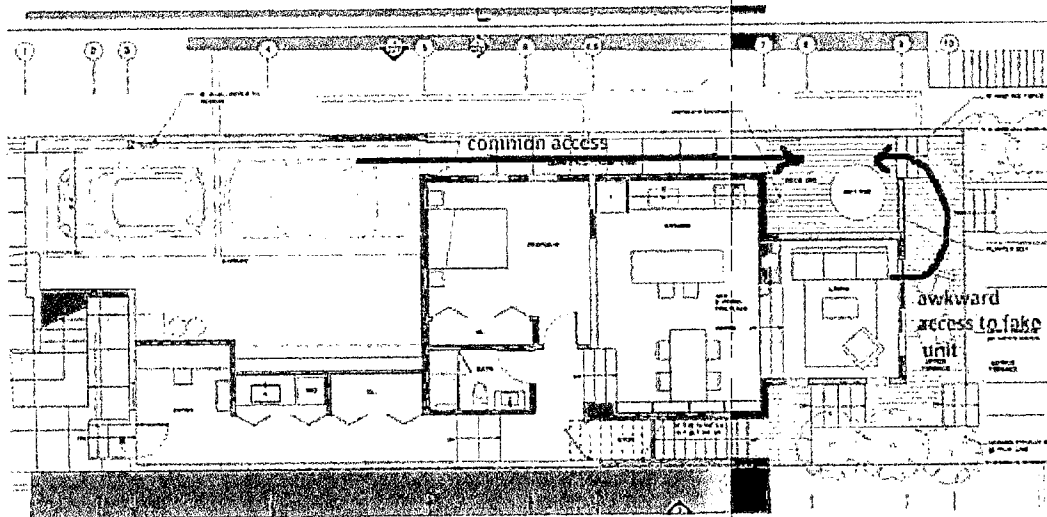
Site plan from permit # 201607011449, currently under review in the Planning Department, showing hot tub three feet from our property line.

EXHIBIT E



From bedroom deck looking onto hot tub site as shown in larger project plans

EXHIBIT F



201607011449, currently under review in the Planning Department.

Hot tub shown accessible by both units, indicating tiny second unit will never be rented separately, a situation that has been modified by the Planning Commission on over a dozen occasions.

City and County of San Francisco

Edwin M. Lee
Mayor



27-29 FOUNTAIN

Board of Appeals

Cynthia G. Goldstein
Executive Director

March 13, 2017

Robert Jones Fyfe, Permit Holder
c/o Jeremy Paul, Agent for Permit Holder
29 Fountain Street
San Francisco, CA 94114

Appeal No.: 17-038
Appeal Title: Rukas vs. DBI
Subject Property: 27-29 Fountain Street
Permit Type: Alteration Permit
Permit No.: 2017/03/08/0953

Dear Robert Jones Fyfe:

This is to notify you that an appeal has been filed with this office protesting the **ISSUANCE** of the above referenced **Alteration Permit**. Pursuant to Article I, §8 of the San Francisco Business & Tax Regulations Code, the subject permit is hereby **SUSPENDED** until the Board of Appeals decides this matter and releases a notice of decision and order.

We are enclosing a copy of the **Preliminary Statement of Appeal** for your information.

The hearing regarding this matter has been scheduled for **May 17, 2017, at 5:00 p.m., City Hall, Room 416, One Dr. Carlton B. Goodlett Place.**

If you have any further questions, you may call this office at (415) 575-6880.

Sincerely,

BOARD STAFF

cc: Department of Building Inspection c/o BID

Linas Rukas, Appellant
21 Fountain Street
San Francisco, CA 94114

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
LINAS RUKAS.

Appellant(s)

VS.

DEPARTMENT OF BUILDING INSPECTION.

Respondent

Appeal No. 17-038

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on March 13, 2017, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on March 08, 2017 to Robert Jones Fyfe, of an Alteration Permit (install new 6' diameter hot tub in rear yard; no structural work) at 27-29 Fountain Street.

APPLICATION NO. 2017/03/08/0953

FOR HEARING ON May 17, 2017

Address of Appellant(s):

Address of Other Parties:

Linas Rukas, Appellant
21 Fountain Street
San Francisco, CA 94114

Robert Jones Fyfe, Permit Holder
c/o Jeremy Paul, Agent for Permit Holder
29 Fountain Street
San Francisco, CA 94114



27-29 FOUNTAIN

BOARD OF APPEALS

Date Filed:

MAR 13 2017

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

APPEAL # 17-c38

PRELIMINARY STATEMENT OF APPEAL

I / We, **Linas Rukas**, hereby appeal the following departmental action: **ISSUANCE of Alteration Permit 2017/03/08/0953** by the **Department of Building Inspection** which was issued or became effective on: **March 08, 2017**, to: **Robert Joness Fyfe**, for the property located at: **27-29 Fountain Street**.

BRIEFING SCHEDULE:

The Appellant may, but is not required to, submit a one page (double-spaced) supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellant's Brief is due on or before: **April 27, 2017, (no later than three Thursdays prior to the hearing date)**, up to 12 pages in length, double-spaced, with unlimited exhibits, with eleven (11) copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day. In addition, an electronic copy should be emailed to: boardofappeals@sfgov.org if possible. *MR*

Respondent's and Other Parties' Briefs are due on or before: **May 11, 2017, (no later than one Thursday prior to hearing date)**, up to 12 pages in length, doubled-spaced, with unlimited exhibits, with eleven (11) copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day. In addition, an electronic copy should be emailed to: boardofappeals@sfgov.org if possible.

Only photographs and drawings may be submitted by the parties at hearing.

Hearing Date: **Wednesday, May 17, 2017, 5:00 p.m., City Hall, Room 416, One Dr. Carlton B. Goodlett Place.**

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

In order to have their documents sent to the Board members prior to hearing, **members of the public** should submit eleven (11) copies of all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

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

If you have any questions please call the Board of Appeals at 415-575-6880

The reasons for this appeal are as follows:

See attached statement.

Appellant or Agent (Circle One):

Signature:

Print Name:

L. A. Rukas
Linas A. Rukas

Appeal of Permit # 201703080953 (form 8), for a hot tub at 27-29 Fountain Street, issued March 8, 2017.

Reasons for Appeal:

- 1) The hot tub is part of a larger project which has not yet gone out for 311 notice. We believe the Planning Commission will move or remove the hot tub because of noise issues as it is located right next to our joint property line.
- 2) We raised 4 issues about the project to the sponsor's representative, Jeremy Paul, one of which was the hot tub. Once we raised the issue, Mr. Paul obtained an over the counter permit for the hot tub shown on the project permit plans to avoid having the noise issue raised at the Planning Commission.
- 3) The hot tub is right next to our property line and so will impact us with the motor noise, the blower noise, and occupant noise in both daytime and night even though there are numerous other places the hot tub could be located that would not impinge on our desire for quiet enjoyment of our home.
- 4) Mr. Paul indicated he would consult with Charles Salter regarding noise quieting measures but did not do so prior to the issuance of the permit.

We ask for either of the following three solutions:

- 1) denial of the permit; or
- 2) removal of the hot tub to a location less impactful to our property AND noise mitigation measures;
or
- 3) continuance of this hearing to a time after the Planning Department's or, if a DR is filed, the Planning Commission's action on the project (permit no. 201607011449, currently under review by Planning).

BOARD OF APPEALS

MAR 13 2017

APPEAL # 17-038

APPROVED
Dept. of Building Insp.

MAR 08 2017

Tom C. Hui
TOM C. HUI, S.E.
DIRECTOR
DEPT. OF BUILDING INSPECTION

BOARD OF APPEALS

MAR 13 2017

APPEAL # 17-035

APPROVED FOR ISSUANCE

Bldg. 3/8
FORM 3/8

APPLICATION NUMBER

OSHA APPROVAL REQ'D

**APPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRS**

FORM 3 ☐ OTHER AGENCIES REVIEW REQUIRED
FORM 8 ☒ OVER-THE-COUNTER ISSUANCE

a NUMBER OF PLAN SETS

**CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION**

APPLICATION IS HEREBY MADE TO THE DEPARTMENT OF BUILDING INSPECTION OF SAN FRANCISCO FOR PERMISSION TO BUILD IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS SUBMITTED HERewith AND ACCORDING TO THE DESCRIPTION AND FOR THE PURPOSE HEREINAFTER SET FORTH.

DO NOT WRITE ABOVE THIS LINE

DATE FILED 3/8/17	FILING FEE RECEIPT NO.	(1) STREET ADDRESS OF JOB 27-29 Fountain	BLOCK & LOT 6502/021
PERMIT NO. 1418998	ISSUED 3/8/17	(2A) ESTIMATED COST OF JOB \$7500.00	(2B) REVISED COST \$7,500
		BY JD	DATE 3-8-17

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING				(8A) OCCUP. CLASS R3	(8B) NO. OF DWELLING UNITS 2
(4A) TYPE OF CONSTR. VN	(4B) NO. OF STORIES OF OCCUPANCY 2	(4C) NO. OF BASEMENTS AND CELLARS 1	(4D) PRESENT USE Duplex		
DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION				(8) OCCUP. CLASS R3	(8B) NO. OF DWELLING UNITS 2
(4) TYPE OF CONSTR. VN	(4B) NO. OF STORIES OF OCCUPANCY 2	(4C) NO. OF BASEMENTS AND CELLARS 1	(4D) PROPOSED USE (LEGAL USE) Duplex		
(10) IS AUTO RUNWAY TO BE CONSTRUCTED OR ALTERED?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(11) WILL STREET SPACE BE USED DURING CONSTRUCTION?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(12) ELECTRICAL WORK TO BE PERFORMED?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
(13) PLUMBING WORK TO BE PERFORMED?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	(14) GENERAL CONTRACTOR <i>Kotas Construction</i>	ADDRESS 27 Fountain St	PHONE 415552-1888	EXPIRATION DATE 12/31/18
(15) OWNER - LESSEE (CROSS OUT ONE)	OWNER <input checked="" type="checkbox"/> LESSEE <input type="checkbox"/>	(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)	Install New 6" Diameter Hot Tub in Rear YARD No Structural work / No Other Work this Permit		
ADDITIONAL INFORMATION					
(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT	(19) DOES THIS ALTERATION CREATE DECK OR HORIZ. EXTENSION TO BUILDING?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA SQ. FT.
(21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(22) WILL BUILDING EXTEND BEYOND PROPERTY LINE?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(23) ANY OTHER EXISTING BLDG. ON LOT? (IF YES, SHOW ON PLOT PLAN)	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY?
(25) ARCHITECT OR ENGINEER (DESIGNER) CONSTRUCTION (L)		ADDRESS		CALIF. CERTIFICATE NO.	
<i>Sarah Willmer</i>		3850 23rd St SF CA		C-29126	
(26) CONSTRUCTION LENDER (ENTER NAME AND BRANCH DESIGNATION IF ANY. IF THERE IS NO KNOWN CONSTRUCTION LENDER, ENTER "UNKNOWN")					

IMPORTANT NOTICES

No change shall be made in the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code.
No portion of building or structure or scaffolding used during construction is to be closer than 6'6" to any wall containing more than 750 volts. See Sec 365, California Penal Code.
Pursuant to San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approved plans and application being kept at building site.
Grade lines as shown on drawings accompanying this application are assumed to be correct. If actual grade lines are not the same as shown, revised drawings showing correct grade lines, cuts and fills, and complete details of retaining walls and wall footings must be submitted to this department for approval.
ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.
BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED.
APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS "YES" TO ANY OF ABOVE QUESTIONS (10) (11) (12) (13) (22) OR (24).
THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.
In dwellings, all insulating materials must have a clearance of not less than two inches from all electrical wires or equipment.
CHECK APPROPRIATE BOX
☐ OWNER
☐ ARCHITECT
☐ LESSEE
☐ AGENT
☒ CONTRACTOR
☐ ENGINEER

APPLICANT'S CERTIFICATION

I HEREBY CERTIFY AND AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THEREIN WILL BE COMPLIED WITH.

REV 06/13

NOTICE TO APPLICANT

HOLD HARMLESS CLAUSE. The permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands or actions.

In conformity with the provisions of Section 3800 of the Labor Code of the State of California, the applicant shall have worker's compensation coverage under (i) or (ii) designated below, or shall indicate item (iii), (iv), or (v), whichever is applicable. If however item (v) is checked, item (ii) must be checked as well. Mark the appropriate method of compliance below.

I hereby affirm under penalty of perjury one of the following declarations:

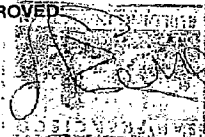
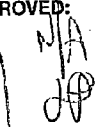

- I have and will maintain a certificate of consent to self-insure for worker's compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.
- I have and will maintain worker's compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My worker's compensation insurance carrier and policy number are:
Carrier: *STATE*
Policy Number: *7600016337161*
- The cost of the work to be done is \$100 or less.
- I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the worker's compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the worker's compensation provisions of the Labor Code of California and fail to comply therewith with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked.
- I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the worker's compensation laws of California and who, prior to the commencement of any work, will file a complete copy of this form with the Central Permit Bureau.

Signature of Applicant or Agent

Date

OFFICE COPY

CONDITIONS AND STIPULATIONS

FER O:	APPROVED:  BUILDING INSPECTOR, DEPT. OF BLDG. INSP.	DATE: _____ REASON: _____ NOTIFIED MR. _____
	APPROVED:  DEPARTMENT OF CITY PLANNING	DATE: _____ REASON: _____ NOTIFIED MR. _____
	APPROVED: _____ BUREAU OF FIRE PREVENTION & PUBLIC SAFETY	DATE: _____ REASON: _____ NOTIFIED MR. _____
	APPROVED: _____ MECHANICAL ENGINEER, DEPT. OF BLDG. INSPECTION	DATE: _____ REASON: _____ NOTIFIED MR. _____
	APPROVED: _____ CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION	DATE: _____ REASON: _____ NOTIFIED MR. _____
	APPROVED: _____ BUREAU OF ENGINEERING	DATE: _____ REASON: _____ NOTIFIED MR. _____
	APPROVED: _____ DEPARTMENT OF PUBLIC HEALTH	DATE: _____ REASON: _____ NOTIFIED MR. _____
	APPROVED: _____ REDEVELOPMENT AGENCY	DATE: _____ REASON: _____ NOTIFIED MR. _____
APPROVED:  HOUSING INSPECTION DIVISION	DATE: _____ REASON: _____ NOTIFIED MR. _____	

HOLD SECTION - NOTE DATES AND NAMES OF ALL PERSONS NOTIFIED DURING PROCESSING

I agree to comply with all conditions or stipulations of the various bureaus or departments noted on this application, and attached statements of conditions or stipulations, which are hereby made a part of this application.

Number of attachments ☐

OWNER'S AUTHORIZED AGENT

CONTACT INFORMATION FOR PARTIES

City & County of San Francisco
BOARD OF APPEALS
BOARD OF APPEALS



Appeal No(s): _____

MAR 13 2017
APPEAL # 17-038

APPELLANT(S)

Name: Linas A. Rukas
Phone Number: 847 902-9240 Fax Number: _____
Email Address: Lukas@yahoo.com
Mailing Address: 21 FOUNTAIN ST SF CA 94114
Street City State Zip

Names of Other Appellants: _____

Agent for Appellant

Name: _____
Phone Number: _____ Fax Number: _____
Email Address: _____
Mailing Address: _____
Street City State Zip

OTHER PARTY (PERMIT HOLDER, VARIANCE HOLDER, ETC.)

Name: _____
Phone Number: _____ Fax Number: _____
Email Address: _____
Mailing Address: _____
Street City State Zip

Names of Other Parties: _____

Agent for Other Party

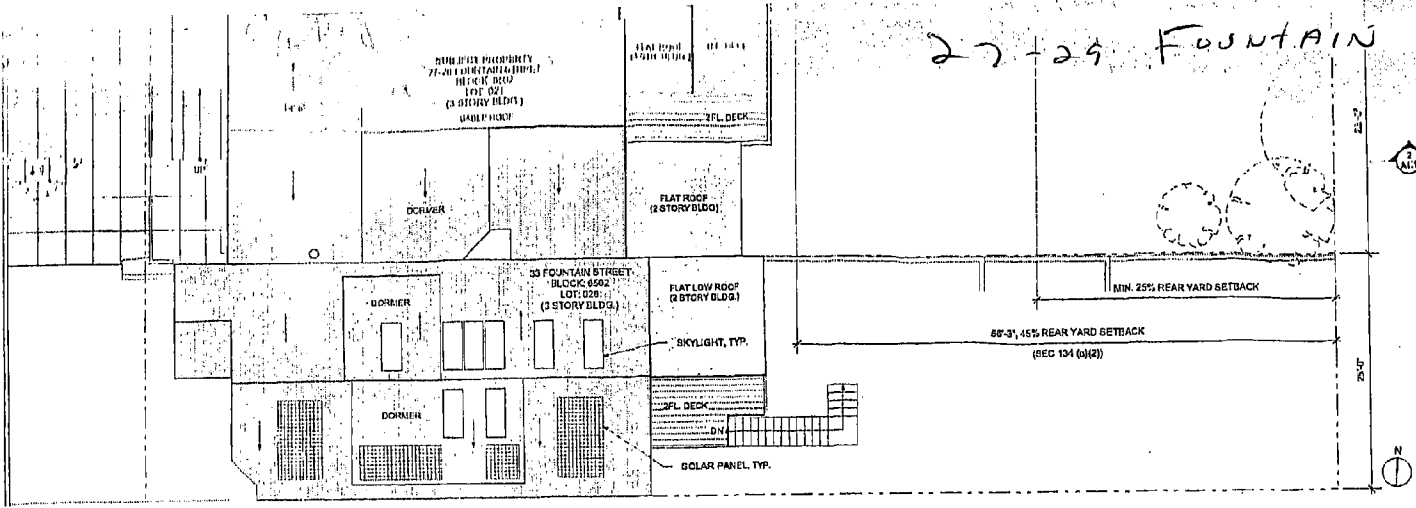
Name: _____
Phone Number: _____ Fax Number: _____
Email Address: _____
Mailing Address: _____
Street City State Zip

PLANTING
(TYPICAL)

PLANTING
(TYPICAL)

(B) TREE TO REMAIN

(C) GAS VALVE TO REMAIN



2 EXISTING SITE PLAN

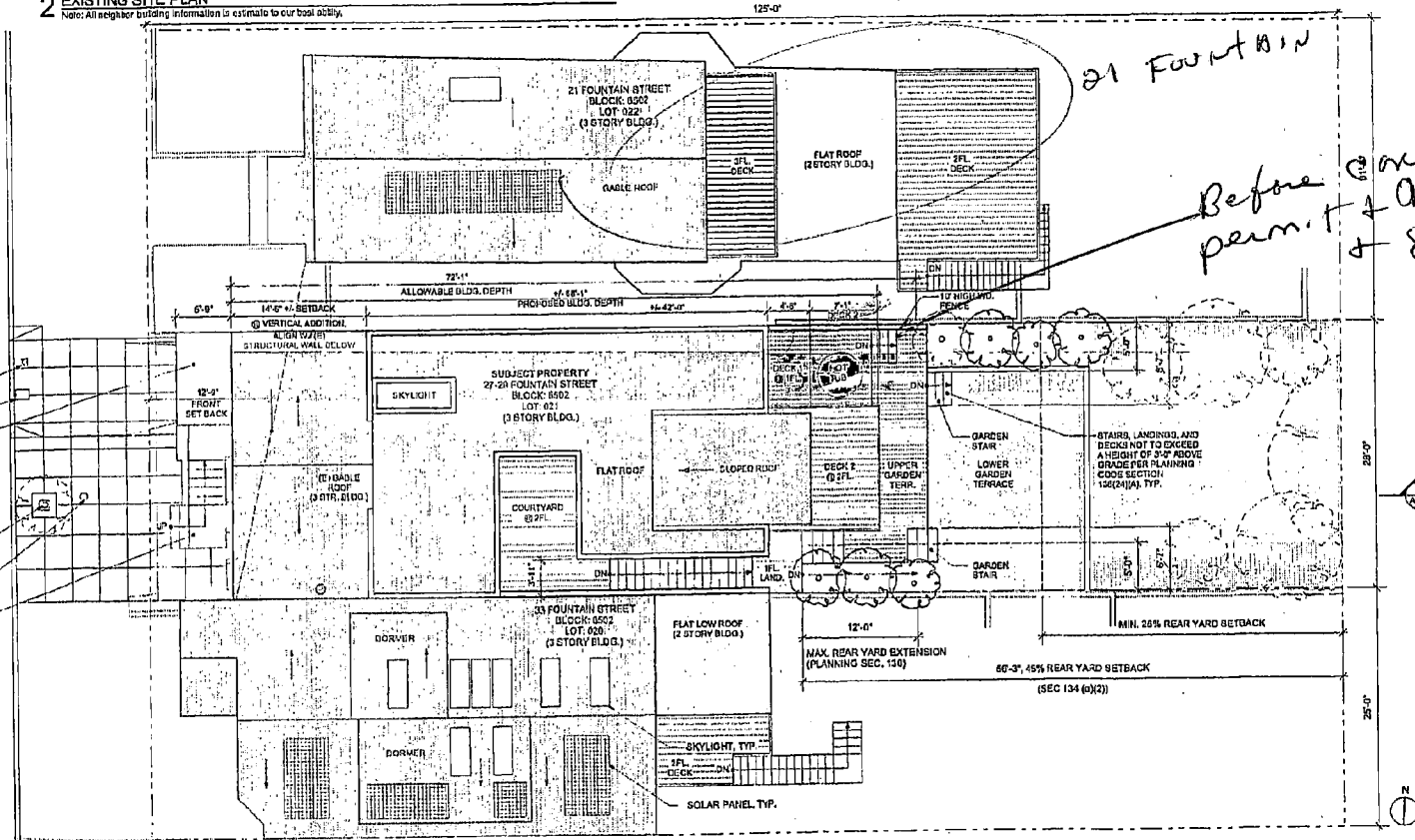
Note: All neighbor building information is estimate to our best ability.

(E) CLEAN OUT TO REMAIN
(F) WATER METER TO REMAIN
FLAT ROOF
(2 STORY BLDG.)

(B) TREE TO REMAIN

(C) GAS VALVE TO REMAIN

(H) ENTRY STAIR WITH CODE COMPLYING RISE AND RUN AND LANDINGS (IF FRONT DOOR, ALLOWABLE STRUCTURE PLANNING CODE SECTION 130)



1 PROPOSED SITE PLAN

Note: All neighbor building information is estimate to our best ability.

Rob Fyfe
Residence
27-29 Fountain St
San Francisco, CA
94110

File
EXISTING & PROPOSED SITE PLANS

Scale 1/8" = 1'-0"
Sheet

A1.0

27-29 Fountain

QUICKDRAW

PERMIT CONSULTING

584 CASTRO STREET SF CA 94114

415-552-1888 INFO@QUICKDRAWSF.COM

WWW.PERMITCONSULTING.COM

Sr. Inspector Joseph Duffy
Department of Building Inspection
1660 Mission St. Third-floor
San Francisco, CA 94103

April 10, 2017

RE: Building Permit Application 2017.0308.0953
Board of Appeals Case No. 17- 038

Dear Inspector Duffy,

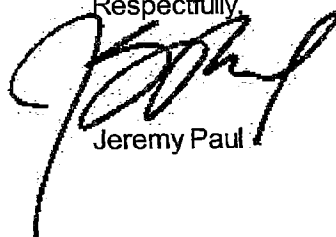
Thank you for providing chapter 106A.2.11 of the San Francisco Building Code which exempts hot tubs such as the one I have planned for my house at Fountain Street, from the permitting requirements of the City and County of San Francisco.

It is also my understanding that under section 106A.2.7 surrounding decks we have planned will also be exempt from permitting requirements.

I will contact the Central Permit Bureau at DBI to initiate procedures for canceling the aforementioned building permit, and I will accelerate my plans to purchase and install our hot tub, of course any associated electrical and plumbing installations will be permitted.)

It is been sometime since I have had the pleasure of joining you at the Board of Appeals on a Wednesday evening; however I can't say that I am disappointed to be missing the May 17th hearing.

Respectfully,



Jeremy Paul

9/9/2018

Gmail - Fwd: Hot Tub Permit Cancellation -29 Fountain Street

22-29 FOUNTAIN

Debra Caywood-Rukas, Ph.D. <dcrukas@gmail.com>

Fwd: Hot Tub Permit Cancellation -29 Fountain Street

1 message

lrukas@yahoo.com <lrukas@yahoo.com>
To: dcrukas@gmail.com

Sun, Sep 9, 2018 at 3:11 PM

-linas

Begin forwarded message:

From: "Duffy, Joseph (DBI)" <joseph.duffy@sfgov.org>
Date: April 10, 2017 at 4:38:06 PM PDT
To: Jeremy Paul <jeremy@quickdrawsf.com>
Cc: ROBERT FYFE <fyfe.rob@me.com>, "Debra Caywood-Rukas, Ph.D." <dcrukas@gmail.com>, Linas Rukas <lrukas@yahoo.com>
Subject: RE: Hot Tub Permit Cancellation -29 Fountain Street

Jeremy

Thank you for your email. You should contact our finance department on the 6th floor to cancel the permit. Can you have the staff mark it for my attention.

On the decks issue I am not sure that we discussed that when we had our conversation at DBI last week. However, if you believe that you are exempt from a permit for planned work per the SFBC building code then that should be fine.

Thank you

Joseph Duffy, Senior Building Inspector

Building Inspection Division

Department of Building Inspection

1660 Mission Street, 3rd Floor

San Francisco, CA 94103

(415) 558-6656 (Desk)

Joseph.Duffy@sfgov.org

9/9/2018

Gmail - Fwd: Hot Tub Permit Cancellation -29 Fountain Street

From: Jeremy Paul [mailto:jeremy@quickdrawsf.com]
Sent: Monday, April 10, 2017 7:49 AM
To: Duffy, Joseph (DBI) <joseph.duffy@sfgov.org>
Cc: ROBERT FYFE <fyfe.rob@me.com>; Debra Caywood-Rukas, Ph.D. <dcrukas@gmail.com>; Linas Rukas <lrukas@yahoo.com>
Subject: Hot Tub Permit Cancellation -29 Fountain Street

Inspector Duffy -
Pursuant to our meeting on Board of Appeals Case Number 2017 - 038
please see the attached letter.

JP

QUICKDRAW

PERMIT CONSULTING

584 CASTRO STREET SF CA 94114

415-552-1868 INFO: QUICKDRAWSF.COM

WWW.PERMITCONSULTING.COM

27-29 FOUNTAIN

Neighbor,

Plans have been submitted to the City for a major rear enlargement at 27-29 Fountain Street. We live next door at 21 Fountain.

We and other neighbors have asked the owner for what we consider reasonable changes to the project. One of them is to relocate a deck, hot tub and outdoor shower which are currently proposed in close proximity to our property line and right below our master bedroom. Noise from the circulation pumps, blowers, shower and occupants will all occur just feet from our bedroom.

We thought we were engaged in a friendly discussion on this and the other issues with the owner's representative until we found out that he had taken out a separate permit "over-the-counter" (that is, without any notice to us) for the hot tub to avoid having that part of the proposal go to the Planning Commission. The Planning Commission has the authority to rule on exterior hot tub locations and in fact in the past has even disapproved hot tubs and mechanical equipment.

We have appealed the hot tub permit, not because we object to the owner, or any owner, having a hot tub, but because it is proposed right next to our home, because it was issued in error (it required a location plan and notice to us through a required process called "Block Book Notification") and because it was removed from the larger project proposal prior to Planning Commission review, in bad faith. We believe that our appeal case also affects everyone in the neighborhood because if this developer can skirt the full review process, can treat neighbors so disingenuously, and can place noise-generating uses without regard to impact, then so too can any developer in the neighborhood.

Please register your support for the appeal in an email to us that we can in turn cite in our presentation to the Board.

Thank you for your time.

Debra and Linas Rukas, 21 Fountain Street

LRUKAS@YAHOO.COM

847 902-9240

27-29 Fountain

Reasons to support the appeal

- * The hot tub is located near the adjacent neighbor's bedroom, where they will hear the blower, circulation pump, and noise from occupants at all hours.
- * Disingenuous for the developer's expediter to be talking with neighbors about issues -- one of which was the hot tub location -- and then take out an over-the-counter permit to prevent the Planning Commission from seeing part of the plan.
- * Hot tubs require location plans and this one does not have one associated with the issued permit.
- * Had a location plan been submitted, the permit would have required notice to the neighbors at 21 Fountain which allows them to be sure it will be seen by the Planning Commission.
- * The hot tub use will likely be extensive because it is shown on the project plans as being shared by two living units -- suggesting this may be a party house and not two normal units, each having private outdoor space.


Please include your name and address in the email.

4/27
5/17

27-29 Fountain

Neighbor,

As you may or may not know plans have been submitted to the city to totally renovate 27-29 Fountain St. We, Debra and Linas Rukas, live next door at 21 Fountain. I have included a part of the plan that was submitted to the Building Department below to obtain the necessary building permits, this process is ongoing. As you can see the plan includes a deck, hot tub and outdoor shower in close proximity to our property line and below our master bedroom.

 We voiced our concerns about noise emanating from circulation pumps, people, the shower, etc. as well as other issues with the renovation to the owner/developer and were ignored. The owner/developer knowing of our objections and fearing that the hot tub would be disallowed in a discretionary review with the Planning Commission sneakily applied for a separate "over the counter" permit just for the hot tub and it was granted without any review.

We have appealed this OTC permit and would appreciate your support for the upcoming Board of Appeals hearing by sending an email voicing your concerns about noise coming from this "party central" reverberating throughout everyone's greenspace at night, to me, which I will include in our brief.

Thanks.

Debra and Linas Rukas

LRUKAS@YAHOO.COM

847 902-9240

21

27-29

33

9/14/2018

Print

Subject: 27-29 Fountain plans - support of appeal
From: Christine Dobson (cdobson19@gmail.com)
To: lrukas@yahoo.com;
Date: Wednesday, April 26, 2017 4:10 PM

Dear Debra and Linas,

I am writing to voice my support of your appeal of a proposed outdoor hot tub permit issued to the owners of 27-29 Fountain Street. I share your concerns about likely noise disturbances that will result from operation and use of the hot tub that, if allowed to go forward as planned and without review by the Planning Commission, could be a significant new source of noise in our neighborhood. Further, it is troubling that the permit for the hot tub was obtained outside of the Planning Commission's purview even though major project plans for 27-29 Fountain are currently in review before the Commission, and I hope that this seemingly piecemeal permitting process for major renovation projects does not become precedent in our or any neighborhood within San Francisco.

I hope that the noise concerns raised by you, me, and other neighbors concerning the siting of an outdoor hot tub at 27-29 Fountain will be considered by both the owner of 27-29 Fountain and by the Planning Commission and ultimately accommodated in the project's final plans.

Respectfully,

Christine Dobson, 15 Fountain St,

9/14/2018

Print

27-29 Fountain

Subject: Appeal

From: Ana Allwood (noni723@yahoo.com)

To: lrukas@yahoo.com;

Date: Sunday, April 2, 2017 1:25 PM

This email is to add my voice and support to the APPEAL filed by Debra and Linas Rukas to the approval of a permit for the owners to install a hot tub and outdoor shower by the owners of 27-29 Fountain Street.

There are two reasons:

- Our neighborhood is very quiet and peaceful, with all the neighbors contributing to this great environmental asset. We find this installation to be in direct conflict with our desire to preserve the silence and peace in our homes. The neighbors were not consulted in issuing this permit.
 - The property requesting this permit is in the process of a major re-development application process and this hot tub was part of the original plan submitted for review by the neighbors. When the proposal of this tub/shower was met with opposition by the affected neighbors, the developer/owner went ahead and applied for its permit separately, as a way to by-pass the opposition of the neighbors. We find this conduct quite non-ethical and not very conducive of a dialogue and agreement on the major re-development they have in mind.
- For these reasons, we believe that the permit should be voided until there is an opportunity for neighbors voices to be heard and considered, as city laws and regulations allow.

thanks

Ana Allwood
37 Fountain St
San Francisco

9/14/2018

Print

27-29 Fountain

Subject: Support for Hot Tub Appeal

From: Carlito Turner (poseyandpanda@yahoo.com)

To: lrukas@yahoo.com;

Date: Saturday, April 8, 2017 11:14 AM

Hi Mr. Rukas,

I am writing in support of your appeal of the hot tub permit planned for 27-29 Fountain St.

Thank you.

Occupant

440 S. Van Ness Ave. Apt 2
San Francisco, CA 94114

9/14/2018

Print

Subject: 27-29 Fountain expansion

27-29 FOUNTAIN

From: roulhac@flash.net (roulhac@flash.net)

To: LRUkas@yahoo.com;

Date: Monday, April 10, 2017 2:32 PM

Hi, Debra and Linus. I'm Katherine Roulhac Garn at 34 Fountain. I wholeheartedly support your appeal to the ~~planning department of the rear extension of 27-29 Fountain.~~ The planning commission needs to be aware of the huge flaw in their process and in the abuse of process by the owner/owner's rep at 27-29 Fountain.

Please let me know if there is further assistance needed for your appeal.

With delight, Katherine Roulhac Garn, 34 Fountain, SF

RE: 27-29 Fountain

Filed by Debra Caywood-Rukas & Linas Rukas

3rd part of answer to question 1:

- 1. What are the reasons for requesting Discretionary Review? The project meets the standards of the Planning Code and the Residential Design Guidelines. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines? Please be specific and site specific sections of the Residential Design Guidelines.*

Lastly, we are puzzled and therefore concerned about how Jeremy Paul, the Project Sponsor/Permit Expediter, seems to have made special requests from the Planning Department agents and in one instance gotten carte blanche to do as he saw fit and/or using his discretion (email from Joseph Duffy, 4/10/17) or being routed to a specific person within the Planning Department (email to Elizabeth Gordon-Jonckheer, 11/13/17). This appears to us that he has been shown overt favoritism in the process to the exclusion of the property owners adversely effected by this renovation. Additionally, it is striking how Jeremy Paul represented himself in emails to the Planning commission of which he is the Project Sponsor/Permit Expediter, that 29 Fountain was his home and without the Planning Commission's reconsideration of what he considered to be "unreasonable design limitations", that he would be "homeless" (email to Elizabeth Gordon-Jonckheer, 1/26/18, email to Pilar LaValley 11/15/17 & 1/1/18 and Attachments package 3). Mr. Paul moved in when the current owner Rob Fyfe (a contractor/developer) purchased the building from his ex-wife (3/27/15) immediately after she and her partner purchased it from long-standing owner-occupied sellers (3/27/15 and transferred deed again 10/5/15) and hired Jeremy as the Project Sponsor/Permit Expediter who moved into one of the apartments almost immediately (see CRIis.com Public Records Search **(see all attachments package 3)**).

DR Application Re:

27-29 Fountain St

Block/Lot No: 6502/021

San Francisco, CA 94114

Owner: Robert Fyfe

Applicant Architect: Studio Sarah Willmer, Architecture.

3850 23rd St, 94114

415 642-1166

Attachments Package 3

(A-3)

Filers:

Filed 9/14/18

By Debra Caywood-Rukas and Linas Rukas

21 Fountain St. 94114

lrukas@yahoo.com

dcrukas@gmail.com

847 902-9240

847 913-5969

9/9/2018

Gmail - Fwd: Hot Tub Permit Cancellation -29 Fountain Street

27-29 FOUNTAIN

Debra Caywood-Rukas, Ph.D. <dcrukas@gmail.com>

Fwd: Hot Tub Permit Cancellation -29 Fountain Street

1 message

lrukas@yahoo.com <lrukas@yahoo.com>
To: dcrukas@gmail.com

Sun, Sep 9, 2018 at 3:11 PM

-linas

Begin forwarded message:

From: "Duffy, Joseph (DBI)" <joseph.duffy@sfgov.org>
Date: April 10, 2017 at 4:38:06 PM PDT
To: Jeremy Paul <jeremy@quickdrawsf.com>
Cc: ROBERT FYFE <fyfe.rob@me.com>, "Debra Caywood-Rukas, Ph.D." <dcrukas@gmail.com>, Linas Rukas <lrukas@yahoo.com>
Subject: RE: Hot Tub Permit Cancellation -29 Fountain Street

Jeremy

Thank you for your email. You should contact our finance department, on the 6th floor to cancel the permit. Can you have the staff mark it for my attention.

? On the decks issue I am not sure that we discussed that when we had our conversation at DBI last week. However if you believe that you are exempt from a permit for planned work per the SFBC building code then that should be fine.

Thank you

Joseph Duffy, Senior Building Inspector

Building Inspection Division

Department of Building Inspection

1660 Mission Street, 3rd Floor

San Francisco, CA 94103

(415) 558-6656 (Desk)

Joseph.Duffy@sfgov.org

2018

Gmail - Fwd: Hot Tub Permit Cancellation -29 Fountain Street

From: Jeremy Paul [mailto:jeremy@quickdrawsf.com]
Sent: Monday, April 10, 2017 7:49 AM
To: Duffy, Joseph (DBI) <joseph.duffy@sfgov.org>
Cc: ROBERT FYFE <fyfe.rob@me.com>; Debra Caywood-Rukas, Ph.D. <dcrukas@gmail.com>; Linas Rukas <lrukas@yahoo.com>
Subject: Hot Tub Permit Cancellation -29 Fountain Street

Inspector Duffy -
Pursuant to our meeting on Board of Appeals Case Number 2017 - 038
please see the attached letter.

JP

QUICKDRAW

PERMIT CONSULTING

584 CASTRO STREET SF CA 94114

415-552-1888 INFO: QUICKDRAWSF.COM

WWW.PERMITCONSULTING.COM

27-29 Fountain

From: Jeremy Paul
To: Gordon-Jonckheer, Elizabeth (CPC)
Subject: 29 Fountain St. 2016.07.01.1449 (my home address)
Date: Monday, November 13, 2017 12:48:35 AM
Attachments: Castro Quickdraw Logo.png

Hello Elizabeth,

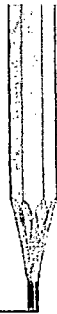
~~I'd like to meet with you and discuss the situation with my house on Fountain Street.~~

Have you got any time on Tuesday or Wednesday that you could meet me on the fourth floor?

? I appreciate Delvin for routing the project to you - I hope you don't mind

Jeremy
415-999-9050

QUICKDRAW



PERMIT CONSULTING

584 CASTRO STREET SF CA 94114

415-552-1688 INFO@QUICKDRAWSF.COM

WWW.PERMITCONSULTING.COM

From: [Jeremy Paul](#)
To: [Gordon-Jonckheer, Elizabeth \(CPC\)](#)
Subject: Re: 29 Fountain St. 2016.07.01.1449 (my home address)
Date: Tuesday, November 14, 2017 10:01:59 AM
Attachments: [Castro Quickdraw Logo.png](#)
[ATT00001.png](#)
[ATT00002.png](#)
[ATT00003.png](#)
[ATT00004.png](#)
[ATT00005.png](#)
[ATT00006.png](#)

Thanks, I'm flexible - - - I'll be around there all afternoon

999-9050

QUICKDRAW



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584 CASTRO STREET SF CA 94114

415-552-1808 info@quickdrawsf.com

www.permitconsulting.com

On 11/14/2017 9:53 AM, Gordon-Jonckheer, Elizabeth (CPC) wrote:

Yes, that works for me – I'll be coming out of a project review at that time. I will see if I can reserve a room.

Elizabeth Gordon Jonckheer
Planner/Preservation, Southwest Quadrant
Planning Department, City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-575-8728 Fax: 415-558-6409
Email: Elizabeth.Gordon-Jonckheer@sfgov.org
Web: www.sfplanning.org



From: Jeremy Paul [<mailto:jeremy@quickdrawsf.com>]
Sent: Monday, November 13, 2017 6:14 PM
To: Gordon-Jonckheer, Elizabeth (CPC)
Subject: Re: 29 Fountain St. 2016.07.01.1449 (my home address)

Tuesday at 3 looks good for me - You?

Jeremy

QUICKDRAW

PERMIT CONSULTING

524 CASTRO STREET SF CA 94114

(415) 999-9050

WWW.PERMITCONSULTING.COM

On 11/13/2017 11:10 AM, Gordon-Jonckheer, Elizabeth (CPC) wrote:

Yes, both tomorrow and Wednesday are pretty open for me. Let me know what works for you.

Elizabeth

From: Jeremy Paul <jeremy@quickdrawsf.com>

Sent: Monday, November 13, 2017 12:48 AM

To: Gordon-Jonckheer, Elizabeth (CPC)

Subject: 29 Fountain St. 2016.07.01.1449 (my home address)

Hello Elizabeth,

I'd like to meet with you and discuss the situation with my house on Fountain Street.

Have you got any time on Tuesday or Wednesday that you could meet me on the fourth floor?

I appreciate Delvin for routing the project to you - I hope you don't mind

Jeremy

415-999-9050

--

27-29 Fountain

From: Jeremy Paul
To: LaValley, Pilar (CPC)
Cc: Gordon-Jonckheer, Elizabeth (CPC)
Subject: 29 Fountain Street / 2016.009554 ENV / 2016.07.01.1449
Date: Thursday, December 14, 2017 12:09:44 PM
Attachments: Castro Quickdraw Logo.png

Any chance we could meet to look this over before the holidays?

JP

ORIGINALLY SENT NOVEMBER 15, 2017

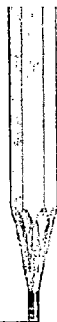
Hello Pilar,
I live at 29 Fountain Street, and have an active application for significant alteration. In her initial review Tina had recommended specific plan modifications so that the environmental review would not need to be completed.

~~I just met with Elizabeth Gordon-Jonckheer on this yesterday, and she recommended I contact you in the interest of reevaluating these two particular modifications -~~
frankly they are really difficult for me to achieve; I'd like to discuss these issues with you and if it cannot be resolved administratively then I wish to move forward with the environmental application.

Thank you for your consideration,

Jeremy Paul
415-999-9050

QUICKDRAW



PERMIT CONSULTING

584 CASTRO STREET SF CA 94114
415-552-1888 INFO@QUICKDRAWSF.COM
WWW.PERMITCONSULTING.COM

27-29 FOUNTAIN

From: Gordon-Jonckheer, Elizabeth (CPC)
To: LaValley, Pilar (CPC)
Subject: 27 - 29 Fountain Street
Date: Tuesday, January 30, 2018 7:06:00 PM

Hi Pilar,

Do you have an on-hold ENV docket for 27-29 Fountain Street? It's a Jeremy Paul project (and also happens to be his house). I ~~have the permit (reassigned from Erika)~~ My understanding is that it was on hold for design changes for a Cat Ex. I feel like you may have given me the docket, but now I can't find it.

Elizabeth

Elizabeth Gordon Jonckheer
Senior Planner | Preservation
Southwest Quadrant Team, Current Planning Division
Planning Department, City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-575-8728 Fax: 415-558-6409
Email: Elizabeth.Gordon-Jonckheer@sfgov.org
Web: www.sfplanning.org

27-29 Fountain

From: ~~Jeremy Paul~~
To: ~~laValley, Pilar (GPO)~~
Subject: 29 Fountain Street / 2016.009554 ENV / 2016.07.01.1449
Date: Monday, January 01, 2018 9:57:00 PM
Attachments: Castro Quickdraw Logo.png

Hello Pilar,

I hope your holidays were all you'd hoped, and at the very least I hope you got some rest and relaxation.

I'm becoming desperate with the situation at my house on Fountain Street. Please find some time for me to come in to speak with you about this application. I've sent several requests and reminders to you and I am running out of time.

I've got trouble with my co-owners and if I can't get a response from the Planning Department, they may cancel the application and force a sale of the property leaving me homeless.

Please don't contribute to homelessness*Pilar. . . Give me 10 minutes, any time in the next week or so, please?
(See the previous message below for the subject matter I wish to discuss with you)

Jeremy Paul
415-999-9050

ORIGINALLY SENT NOVEMBER 15, 2017

Hello Pilar,

I live at 29 Fountain Street, and have an active application for significant alteration. In her initial review Tina had recommended specific plan modifications so that the environmental review would not need to be completed.

I just met with Elizabeth Gordon-Jonkheer on this yesterday, and she recommended I contact you in the interest of reevaluating these two particular modifications - frankly they are really difficult for me to achieve; I'd like to discuss these issues with you and if it cannot be resolved administratively then I wish to move forward with the environmental application.

Thank you for your consideration,

Jeremy Paul
415-999-9050

--

27-29 Fountain

From: ~~Jeremy Paul~~
To: Gordon Jones; Elizabeth (CPC)
Subject: 27 - 29 Fountain Street
Date: Friday, January 26, 2018 8:59:22 AM
Attachments: Castro Quickdraw Logo.png

Hello Elizabeth.

I hope the new year has been treating you well.

Back in October we discussed my outstanding issues at my home on Fountain Street and you suggested that the best pathway to resolution was for me to speak directly with Pilar LaValley. I have been leaving voicemails and sending emails to Pilar on a weekly basis since then to absolutely no avail. I ran into her at the planning commission at the end of November, and she was very kind and said she would call me next week but nothing. She doesn't answer me.

Do you have any suggestions on how I could move forward and get reconsideration of what I view as being unreasonable design limitations? I'm perilously close to having my partners in this building choose to sell it rather than continue with this application - ~~this will leave me homeless~~. I don't need to tell you what that will mean to me in the 2018 rental market - I will be a former San Franciscan.

Please help me out, I'm getting desperate.

Jeremy
415-999-9050

--

QUICKDRAW

PERMIT CONSULTING
504 CASTRO STREET SF CA 94114
415-552-1888 info@quickdrawsf.com
www.permitconsulting.com

27-29 Fountain

From: Linas Rukas [mailto:lrukas@yahoo.com]

Sent: Wednesday, August 22, 2018 12:39 PM

To: Gordon-Jonckheer, Elizabeth (CPC)

Subject: permit status

hi,

i live at 21 fountain st which is next door to 27-29 fountains st. could you please take a moment and briefly explain what is going on with application

number 201607011449.

tia,

-linas rukas
21 fountain st.
847 902-9240

27-29 FOUNTAIN

From: Gordon-Jonckheer, Elizabeth (CPC)
To: "Linus Rukas"
Subject: RE: permit status
Date: Tuesday, August 28, 2018 9:59:00 AM

Yes, you are correct. As part of Planning's review we asked for a few changes to the initially submitted plans, and this revision is the noticed plan set. Please let me know if you have any additional questions.

Thanks,
Elizabeth

Elizabeth Gordon Jonckheer, Principal Planner
Northwest Team, Current Planning Division
Planning Department, City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-575-8728 Fax: 415-558-6409
Email: Elizabeth.Gordon-Jonckheer@sfgov.org
Web: www.sfpplanning.org

From: Linas Rukas [mailto:lrukas@yahoo.com]
Sent: Tuesday, August 28, 2018 8:58 AM
To: Gordon-Jonckheer, Elizabeth (CPC)
Subject: Re: permit status

ms. gordon-jonckheer,

i got your voicemail, thanks.

i have a quick question: the architect gave us drawings that she said were going to be the ones submitted to the city. the drawings in the 311 are different. can i infer that the planning department requested changes or that she just submitted a different set?

thanks,

-linas

From: "Gordon-Jonckheer, Elizabeth (CPC)" <elizabeth.gordon-jonckheer@sfgov.org>
To: Linas Rukas <lrukas@yahoo.com>
Sent: Wednesday, August 22, 2018 6:07 PM
Subject: RE: permit status

Sorry I could not reach out to you today. I will try you mid-day tomorrow.

Elizabeth Gordon Jonckheer, Principal Planner
Northwest Team, Current Planning Division
Planning Department, City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-575-8728 Fax: 415-558-6409
Email: Elizabeth.Gordon-Jonckheer@sfgov.org
Web: www.sfpplanning.org

27-29 FOUNTAIN

From: Gordon-Jonckheer, Elizabeth (CPC)
To: "Linus Rukas"
Subject: RE: requests
Date: Wednesday, August 29, 2018 9:36:00 AM

Linus,

Thank you for your email. I apologize for my delay in responding. Yesterday I was managing a project going to Commission this week, and then out of the office at a required site visit in the afternoon. Please note that it is Department policy to return phone calls and emails within 24 hours. I aim to be equitable in responding to inquiries in the order received and triage potentially urgent matters when feasible. I am running off to meeting at the moment but will email/contact you before noon.

Thanks,
Elizabeth

Elizabeth Gordon Jonckheer, Principal Planner
Northwest Team, Current Planning Division
Planning Department, City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-575-8728 Fax: 415-558-6409
Email: Elizabeth.Gordon-Jonckheer@sfgov.org
Web: www.sfolanning.org

From: Linus Rukas [mailto:lrukas@yahoo.com]
Sent: Wednesday, August 29, 2018 7:36 AM
To: Gordon-Jonckheer, Elizabeth (CPC)
Subject: requests

hi,

if i make a request that can't be fulfilled could you please let me know right away or else provide the information? i don't have much time left to file a dr, if that's what we're going to do. we and our neighbors have been going around in circles with the developers, who happen to know the system inside-out, for two years...

thanks,

-linas

27-29 Fountain

From: Gordon-Jonckheer, Elizabeth (CPC)
To: Kelley Coelho; Sarah Willmer
Cc: Jeremy Paul
Subject: RE: 27-29 Fountain St 311 notice
Date: Sunday, July 29, 2018 3:23:00 PM
Attachments: Draft 27-29 Fountain Street 311 Notice and Poster.doc

Draft 311 notice attached. Please review for errors or typos.

I also want to make sure that you are aware of the Commission's Removal of Residential Flats Policy. Although this project is not subject to the Mandatory DR because the application was filed prior to the effective date of the resolution, if under public DR, the Commission may recommend changes to the project to reflect the policy. A "Residential Flat" is defined for these purposes as a unit that has exposure to the front and rear of the lot. The Commission requires the Mandatory DR if the unit is modified or relocated such that it no longer functions as a "Flat" with the dual exposure. Please see: http://default.sfpplanning.org/legislative_changes/new_code_summaries/2016-003658.pdf

Elizabeth

Elizabeth Gordon Jonckheer, Principal Planner
Northwest Team, Current Planning Division
Planning Department, City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-575-8728 Fax: 415-558-6409
Email: Elizabeth.Gordon-Jonckheer@sfgov.org
Web: www.sfpplanning.org

From: Kelley Coelho [<mailto:kcoelho@studio-sw.com>]
Sent: Thursday, July 12, 2018 4:53 PM
To: Gordon-Jonckheer, Elizabeth (CPC)
Cc: Jeremy Paul; Sarah Willmer; ROBERT FYFE
Subject: 27-29 Fountain St - 11x17 Site Permit Set NOPDR 311- to be mailed

Hi Elizabeth,

Please see attached pdf for the 11x17 Site Permit Set Packet for 27-29 Fountain St. to be mailed out to the neighbors. Look forward to hearing from you and/or your team regarding our next steps.

Best,
Kelley Coelho

3850 23rd Street
San Francisco,
CA 94114
T: 415-642-1166
www.studio-sw.com

RE: 27-29 Fountain
Filed by Debra Caywood-Rukas & Linas Rukas

Answers to questions 2 & 3

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

The renovation will adversely effects at least 2 owner-occupied single-family households on the north and 2 on the south side of the renovation because of the small ground floor garden unit and its outdoor recreational features. If this is in fact an Airbnb or party house, it would significant adversely impact the neighbors on both sides as well as the neighbors on Hoffman street, due to the noise which travels greatly in this area, and transient persons coming and going and using the outdoor recreational facilities. This would negatively impact the character of this residential family-oriented neighborhood due to the noisy atmosphere this type of housing and outdoor facility would attract.

No attachments

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?*

Eliminate the garden unit and keep the building a 2 unit building with unit equity.

Remove the hot tub entirely.

RE: 27-29 Fountain
Filed by Debra Caywood-Rukas & Linas Rukas

Attachments Package A-4

List of communication and actions that have made us distrustful of the owner and/or Project Sponsor/Permit Expediter's intentions due to disingenuous acts and unresponsiveness to reasonable requests throughout the process (see attachments package 4)

- A. We were not provided with renovation plans after the pre-application meeting February 2016 as requested and is policy, neither were the neighbors, who also checked the box on the sign in sheet. Asked for plans several times, with no success.
- B. Asked again for revised plans months after Pre-Application meeting and still did not received plans, email was ignored See email dated 5/8/16.
- C. Original purchaser, the current owner's ex-wife and partner purchased building 3/27/15, then immediately deeded it to Robert Fyfe on 3/27/15 who is a contractor/developer who again transferred deed 10/5/15. The owner then placed Mr. Jeremy Paul as his tenant who was/is the Project Sponsor/Permit Expediter. Unsolicited, both the owner Mr. Fyfe and Mr. Paul were duplicitous in their conversations with us about the intended use of the building and its tenants (see purchase history attached).
- D. During discussion with us about the placement of the hot tub and our appeal (see Appeal to Donald Honda 4/26/17), Mr. Paul changed the plans to reflect "permit exempt landscape" the day before the hearing date and then got an OTC permit the next day for the hot tub and told us he was putting it in soon for his use (see attachments package 4).
- E. We requested larger plans from the architect, Sarah Willmer August 30, 2018 (see emails), after receiving the 311 notice because those attached to the notice were quite small. She told us she had to confer with Mr. Jeremy Paul first, In the meantime Rob had Ms. Willmer send us PDF plans. On Wednesday 9/12/18, exactly one week prior to the filing deadline, Mr. Paul dropped off the plans after 7:00pm (see emails attachments package 4).
- F. Emails from several neighbors supporting the removal of the hot tub from the plans and against changing the character of the neighborhood with the proposed renovation plan.

DR Application Re:

27-29 Fountain St

Block/Lot No: 6502/021

San Francisco, CA 94114

Owner: Robert Fyfe

Applicant Architect: Studio Sarah Willmer, Architecture.

3850 23rd St, 94114

415 642-1166

Attachments Package 4

(A-4)

Filers:

Filed 9/14/18

By Debra Caywood-Rukas and Linas Rukas

21 Fountain St. 94114

lrukas@yahoo.com

dcrukas@gmail.com

847 902-9240

847 913-5969

9/12/2018

Gmail - Re: large plans

27-29 Fountain

Debra Caywood-Rukas, Ph.D. <dcrukas@gmail.com>

Re: large plans

1 message

Sarah Willmer <swillmer@studio-sw.com>

To: lrukas@yahoo.com

Cc: dcrukas@gmail.com, Jeremy Paul <jeremy@quickdrawsf.com>, fyfe.rob@me.com

Sat, Sep 1, 2018 at 6:19 AM

Hello Linas,

Sorry if I missed communicated but on our 2nd call last Thursday I mentioned wanting to wait until I heard from Jeremy to get his advise as to what scale to print so the drawings can be legible.

I am currently out of town for the long weekend and not back in the office until Wednesday. In the mean time would you like a pdf copy of the drawings that were mailed? I can do that remotely.

Best, Sarah

Studio Sarah Willmer, Architecture

415-642-1166

www.studio-sw.com

On Aug 31, 2018, at 9:58 PM, lrukas@yahoo.com wrote:

ms. willmer,

after our phone call on 8/30 I was expecting to hear from you about picking up a set of large drawings. when will you be able to provide them?

-linas rukas

JEREMY hand-delivered
REQUESTED plans WED 9-12-18
after 7:00 PM. DR filing deadline
is 9-19-18. Requested plans 8-30-18

9/12/2018

Gmail - Fwd: 27-29 Fountain St: 311 Mailing Notice | Plan Attached

Debra Caywood-Rukas, Ph.D. <dcrukas@gmail.com>

Fwd: 27-29 Fountain St: 311 Mailing Notice | Plan Attached

1 message

Debra Caywood-Rukas, Ph.D. <dcrukas@gmail.com>
To: Caywood-Rukas Debra <dcrukas@gmail.com>

Wed, Sep 12, 2018 at 9:48 AM

----- Forwarded message -----

From: **Angela Shiu** <angelashiu@icloud.com>
Date: Wed, Sep 5, 2018 at 12:43 PM
Subject: 27-29 Fountain St: 311 Mailing Notice | Plan Attached
To: Debra Caywood-Rukas, Ph.D. <dcrukas@gmail.com>, Linas Rukas <lrukas@yahoo.com>, Noni Allwood <noniailwood@gmail.com>, <peterfair01@hotmail.com>, Ellen Burgin <Ellenburgin@hotmail.com>, Christine Dobson <cdobson19@gmail.com>, <roulhac@flash.net>, <steveroseman@gmail.com>
Cc: Christopher Lewis <lewisofarabia@yahoo.com>

Dear Neighbors,

Please find attached plans for 27-29 Fountain sent by the architect, Sarah Wilmer. Deadline to file a Discretionary Review (DR) is **Sept 19**.

Here is the DR:

DR needed to file in person.

Debra and I are happy to answer any questions you may have but both of us will fill DR before Sept 19.

Angela
917.288.4348

Begin forwarded message:

From: Sarah Wilmer <swilmer@studio-sw.com>
Subject: **27-29 Fountain St: 311 Mailing Notice**
Date: ~~September 4, 2018 at 6:01:20 PM PDT~~
To: angelashiu@icloud.com, lrukas@yahoo.com
Cc: Jeremy Paul <jeremy@quickdrawsf.com>, Robert Fyfe <fyfe.rob@me.com>

Hello Angela and Linas,

Rob has asked that I send these PDF drawings to you in hopes that they are more legible than the copies you received in the mail.

Jeremy is back in town tomorrow at which time I will let him coordinate any outstanding questions that you may have.

Thanks, Sarah

www.studio-sw.com

*Jeremy hand-delivered
Requested plans WED 9-12-18
AFTER 7:00 PM. DEADLINE
is 9-19-18. Requested 8-30-18*

9/12/2018

Gmail - Fwd: 27-29 Fountain St: 311 Mailing Notice | Plan Attached

--
Debra Caywood-Rukas, Ph.D.
dcrukas@gmail.com
847.913.5969

2 attachments



DRP_Application.pdf
196K



2018.07.11-A0.2-Site Permit-Fountain St-311 Notice Compiled.pdf
1456K

27-29 Fountain

2/21/16

Jeremy,

During both the February 13 and 15 Pre-Application Meetings, many attendees checked the "send plans" box on the Meeting sign-up sheet. As of today, April 21, 2016, we have not received a copy of the plans you presented at the meetings or any other plans. According to the Planning Department instructions; "Neighbors may request reduced copies of the plans from the Project Sponsor by checking the "please send me plans" box on the sign-in sheet, and the Project Sponsor shall provide reduced copies upon such request".

Additionally, as per our email correspondence February 17 and 18 2016, as well as your verbal statements during the Pre-Application meetings, there was agreement that the neighbors abutting 27-29 Fountain were to review and receive revised plans before you filed for the permit. This was also reiterated in an email I sent you and April 16, 2016.]

As of today those of us with concerns about your renovation have not had any feedback from you since voicing our concerns. As neighborhood property owners we would like to have information on your project for it potentially effects our properties, quality of life and the character of Noe Valley.

Sincerely,

Debra

May 8, 2016 after Rob sent email about meeting with architect Sarah Wilmer

Rob,

Before a meeting with you and your architect we would like to have a hard and soft copy of the plans in order to study them, and confer (if necessary with an architect), so we will have a clear understanding of your planned renovation and can ask and knowledgeable questions when we all meet.

Several weeks ago I reminded Jeremy that he said he would provide both an 11 x 17 hard copy as well as an email copy to the abutting neighbors, but we haven't received them yet. Also at the both Pre-Application meetings in February most (if not all) of the attendees checked the box to have plans emailed to them as per the planning department's procedure that the "Project Sponsor shall provide reduced copies upon such request".

Because Angela and Chris as well as me and Linas will be effected by your renovation, we think it best that we meet collectively so all we have a full and cohesive understanding of the impact your renovation will have on this section of Fountain St.

Also Angela and Chris agree that that we should all meet collectively so as to fully understand the impact your renovation will have on both sides.

Debra

During both the February 13 and 15 Pre-Application Meetings, many attendees checked the "send plans" box on the Meeting sign-up sheet

the Project Sponsor shall provide reduced copies upon such request".

9/12/2018

Print

Subject: Re: Regarding renovation of 27-19 Fountain St
From: Debra Caywood-Rukas, Ph.D. (dcrukas@gmail.com)
To: jeremy@quickdrawsf.com;
Cc: lrukas@yahoo.com; angelashiu@icloud.com; lewisofarabia@yahoo.com;
Date: Saturday, April 16, 2016 6:08 PM

Jeremy,

As per our email correspondence in February (see email thread); our understanding was that there was an agreement that both abutting neighbors would receive and review your plans before you filed. Linas and I also requested an 11 x 17 hard copy of your final plans as well as an email copy so we can thoroughly study them. Where are we in that process?

Debra

On Thu, Feb 18, 2016 at 4:37 PM, Jeremy Paul <jeremy@quickdrawsf.com> wrote:

Thank you for you email Debra,

You have made your concerns very clear, and we will provide plans to you as stated.

Best,

Jeremy

NEVER SENT
after EMAIL

QUICKDRAW

PERMIT CONSULTING

584 CASTRO STREET SF CA 94114

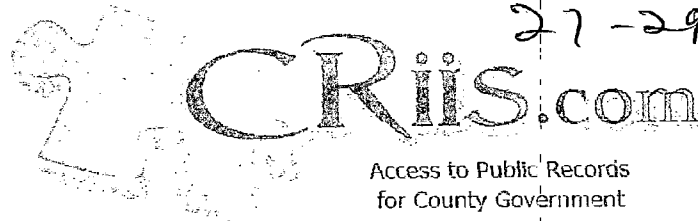
415-552-1688 INFO@QUICKDRAWSF.COM

WWW.PERMITCONSULTING.COM

On 2/17/2016 7:11 PM, Debra Caywood-Rukas, Ph.D. wrote:

Jeremy,

As we have expressed in the Pre-Application Meetings, we have several concerns about the proposed renovation of 27-29 Fountain St.



27-29 Fountain

[CRIIS Home](#) [Contact](#) [AtPac Home](#)

Search Results

Document Details

Year	Document	Record Date	Reel	Image	Document Type	Grantee	Name
2015	K039430-00	03/27/2015			DEED	R R E	RICHMAN PATRICIA SULLIVAN REBECCA E FYFE-ZOE

*Previous Owner**Bayer*

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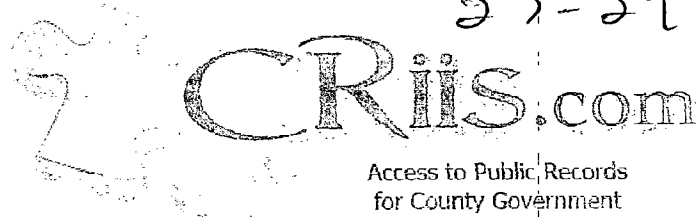
13300 New Airport Rd, Suite 101 Auburn, CA 95602



7/6/2016

Document Details

27-29 FOUNTAIN

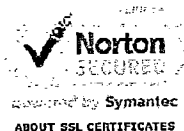


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Search Results

Document Details

Year	Document	Record Date	Real	Image	Document Type	Location	Warranty	Name
2015	K039431-00	03/27/2015			DEED NONTAX	R		FYFE ROBERT
						E		FYFE ZOE



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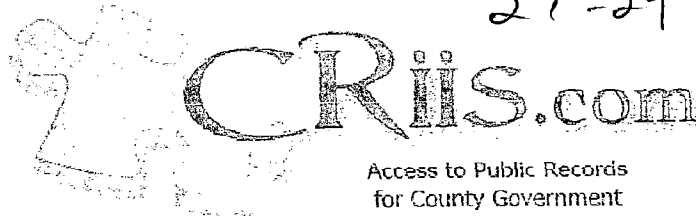
13300 New Airport Rd. Suite 101 Auburn, CA 95602



7/6/2016

Document Details

27-29 Fountain



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Search Results

Document Details

Year	Document	Record Date	Cost	Image	Document Type	Grantor Grantor	Grantee Name
2015	K140751-00	10/05/2015			DEED NONTAX	R E	FYFE ZOE FYFE ROBERT JONESS



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13300 New Airport Rd, Suite 101 Auburn, CA 95602



9/14/2018

Print

Subject: 27-29 Fountain plans - support of appeal

From: Christine Dobson (cdobson19@gmail.com)

To: lrukas@yahoo.com;

Date: Wednesday, April 26, 2017 4:10 PM

Dear Debra and Linas,

I am writing to voice my support of your appeal of a proposed outdoor hot tub permit issued to the owners of 27-29 Fountain Street. I share your concerns about likely noise disturbances that will result from operation and use of the hot tub that, if allowed to go forward as planned and without review by the Planning Commission, could be a significant new source of noise in our neighborhood. Further, it is troubling that the permit for the hot tub was obtained outside of the Planning Commission's purview even though major project plans for 27-29 Fountain are currently in review before the Commission, and I hope that this seemingly piecemeal permitting process for major renovation projects does not become precedent in our or any neighborhood within San Francisco.

I hope that the noise concerns raised by you, me, and other neighbors concerning the siting of an outdoor hot tub at 27-29 Fountain will be considered by both the owner of 27-29 Fountain and by the Planning Commission and ultimately accommodated in the project's final plans.

Respectfully,

Christine Dobson, 15 Fountain St.

9/14/2018

Print

27-29 Fountain

Subject: Appeal

From: Ana Allwood (noni723@yahoo.com)

To: lrukas@yahoo.com;

Date: Sunday, April 2, 2017 1:25 PM

This email is to add my voice and support to the APPEAL filed by Debra and Linas Rukas to the approval of a permit for the owners to install a hot tub and outdoor shower by the owners of 27-29 Fountain Street.

There are two reasons:

- Our neighborhood is very quiet and peaceful, with all the neighbors contributing to this great environmental asset. We find this installation to be in direct conflict with our desire to preserve the silence and peace in our homes. The neighbors were not consulted in issuing this permit.
- The property requesting this permit is in the process of a major re-development application process and this hot tub was part of the original plan submitted for review by the neighbors. When the proposal of this tub/shower was met with opposition by the affected neighbors, the developer/owner went ahead and applied for its permit separately, as a way to by-pass the opposition of the neighbors. We find this conduct quite non-ethical and not very conducive of a dialogue and agreement on the major re-development they have in mind.

For these reasons, we believe that the permit should be voided until there is an opportunity for neighbors voices to be heard and considered, as city laws and regulations allow.

thanks

Ana Allwood

37 Fountain St

San Francisco

9/14/2018

Print

22-29 Fountain

Subject: Support for Hot Tub Appeal

From: Carlito Turner (poseyandpanda@yahoo.com)

To: lrukas@yahoo.com;

Date: Saturday, April 8, 2017 11:14 AM

Hi Mr. Rukas,

I am writing in support of your appeal of the hot tub permit planned for 27-29 Fountain St.

Thank you.

Occupant
440 Hoffman Ave. Apt 2
San Francisco, CA 94111

9/14/2018

Print

Subject: 27-29 Fountain expansion

From: roulhac@flash.net (roulhac@flash.net)

To: LRUKAS@yahoo.com;

Date: Monday, April 10, 2017 2:32 PM

Hi, Debra and Linus. I'm Katherine Roulhac Garn at 34 Fountain. I wholeheartedly support your appeal to the planning department of the rear extension of 27-29 Fountain. The planning commission needs to be aware of the huge flaw in their process and in the abuse of process by the owner/owner's rep at 27-29 Fountain.

Please let me know if there is further assistance needed for your appeal.

With delight, Katherine Roulhac Garn, 34 Fountain, SF

5/21/2016

Gmail - Re: Meeting Re: 27-29 Fountain St. Remodel

27-29 FOUNTAIN

Debra Caywood-Rukas, Ph.D. <dcrukas@gmail.com>

Re: Meeting Re: 27-29 Fountain St. Remodel

1 message

Debra Caywood-Rukas, Ph.D. <dcrukas@gmail.com>

To: ROBERT FYFE <fyfe.rob@me.com>

Cc: Angela Shiu <dancerabia@hotmail.com>, Christopher Lewis <lewisofarabia@yahoo.com>, Linas Rukas <lrukas@yahoo.com>

Bcc: Debra Caywood-Rukas <dcrukas@gmail.com>

Sun, May 8, 2016 at 5:05 PM

Rob,

This is on behalf of Angela, Chris, Linas and me.

Did not provide

copies

No one received copies of plans
via pre app meeting request
or after meeting w/ architect
w/ revisions

Before a meeting with you and your architect, we would like to have a hard and soft copy of the plans in order to study them and confer (if necessary with an architect), so we will have a clear understanding of your planned renovation and be in a position to ask knowledgeable questions when we all meet.

Several weeks ago I reminded Jeremy that he said he would provide both an 11 x 17 hard copy as well as an email copy to the abutting neighbors, but we haven't received them yet. Also at both Pre-Application meetings in February, most (if not all) of the attendees, checked the box to have plans emailed to them as per the planning department's procedure that the "Project Sponsor shall provide reduced copies upon such request".

Because Angela and Chris as well as Linas and I will be directly effected by your renovation, and possibly the character of the neighborhood, we think it best that we meet collectively so all will have a full and cohesive understanding of the impact your renovation will have on our homes as well as the neighborhood.

Thanks,

Debra

On Sat, May 7, 2016 at 10:47 PM, ROBERT FYFE <fyfe.rob@me.com> wrote:

Dear Debra and Linas,

I would like to meet with you in regards to the planned remodel of my house at 27-29 Fountain St. After the initial meetings you had with Jeremy Paul, our permit consultant, my partner Yaella and I reviewed your input and comments and have made some changes to our proposed remodel. In an effort to address your concerns, we have reviewed the plans and the code with Jeremy and Sarah Wilmer (our architect), and we have made some significant changes that we'd like to show you before Jeremy files our application with the city.

As you are our adjacent neighbor directly to the North, you clearly have a specific set of concerns. As such, I'd like to meet directly with you individually to discuss our project. Myself, my partner Yaella and my architect Sarah Wilmer will be present for the meeting.

Would it be convenient for us to come by your house or meet at Sarah Wilmer's office in Noe Valley at the corner of 23rd and Vicksburg? We are available starting Wednesday May 11th late afternoon or early evening. Please let me know what times work best for you.

2/1/2016

Gmail - Re: Meeting Re: 27-29 Fountain St Remodel

Thank you, and we look forward to meeting with you.

Regards,
Rob Fyfe

—
Debra Caywood-Rukas, Ph.D., NCSP
dcrukas@gmail.com

www.specialistedpsy.com



DISCRETIONARY REVIEW PUBLIC (DRP)

APPLICATION PACKET

Pursuant to Planning Code Section 311 (d) and 312 (e), the Planning Commission may exercise its power of Discretionary Review over a building permit application.

For questions, call 415.558.6377, email pic@sfgov.org, or visit the Planning Information Center (PIC) at 1660 Mission Street, First Floor, San Francisco, where planners are available to assist you.

Please read the [Discretionary Review Informational Packet](#) carefully before the application form is completed.

WHAT TO SUBMIT:

- ☐ Two (2) complete applications signed.
- ☐ A Letter of Authorization for Agent from the owner giving you permission to communicate with the Planning Department on their behalf.
- ☐ Photographs or plans that illustrate your concerns.
- ☐ Related covenants or deed restrictions (if any).
- ☐ A digital copy (CD or USB drive) of the above materials (optional).
- ☐ Payment via check, money order or debit/credit for the total fee amount for this application. (See [Fee Schedule](#)).

HOW TO SUBMIT:

To file your Discretionary Review Public application, please submit in person at the Planning Information Center:

Location: 1660 Mission Street, Ground Floor
San Francisco, CA 94103-2479

Español: Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 415.575.9010. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder

中文：如果您希望獲得使用中文填寫這份申請表的幫助，請致電415.575.9010。請注意，規劃部門需要至少一個工作日來回應。

Tagalog: Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 415.575.9010. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.



DISCRETIONARY REVIEW PUBLIC (DRP)

APPLICATION

Discretionary Review Requestor's Information

Name:

Address:

Email Address:

Telephone:

Information on the Owner of the Property Being Developed

Name:

Company/Organization:

Address:

Email Address:

Telephone:

Property Information

Project Address:

Block/Lot(s):

ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

PRIOR ACTION	YES	NO
Have you discussed this project with the permit applicant?		
Did you discuss the project with the Planning Department permit review planner?		
Did you participate in outside mediation on this case? (including Community Boards)		

DISCRETIONARY REVIEW REQUEST

In the space below and on separate paper, if necessary, please present facts sufficient to answer each question.

1. What are the reasons for requesting Discretionary Review? The project meets the standards of the Planning Code and the Residential Design Guidelines. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines? Please be specific and site specific sections of the Residential Design Guidelines.

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

3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

DISCRETIONARY REVIEW REQUESTOR'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

- a) The undersigned is the owner or authorized agent of the owner of this property.
- b) The information presented is true and correct to the best of my knowledge.
- c) Other information or applications may be required.

Signature

Name (Printed)

Relationship to Project
(i.e. Owner, Architect, etc.)

Phone

Email

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

1. What are the reasons for requesting Discretionary Review? The project meets the standards of the Planning Code and the Residential Design Guidelines. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines?

Guideline: Articulate the building to minimize impacts on light and privacy to adjacent properties.

The existing design of the 3 decks on each level presents an exceptional and extraordinary situation that justifies Discretionary Review of the project. The deck on the 3rd level affects privacy of my master bedroom, the deck on the 2nd floor presents yet another threat to my daughter's room's privacy, which is located on the first floor. Please note that there are no decks located at 33 Fountain, if you exclude the little landing to the staircase on the second level.

Also, the new proposed flat roof structure at 27-29 Fountain will have major impact on the 6 skylights I have on my north facing roof. Under those skylights are my master bedroom as well as my daughter's bathroom. There will be encroachment of privacy when someone can peek into my bathroom and master bedroom from your roof. (Please see photo A for my daughter's bathroom under the skylight.) Based on the light study performed, I will also have between 3 to 4 ft of visible roof from my master bedroom's skylights. Again, this will be an exceptional and extraordinary light and privacy impacts. (Please see photo B for the position of the skylight in relation to master bedroom bed.)

Lastly, because of the setback of my master bedroom, the proposed flat roof structure presents blockage of open space. (Please see Photo C for the open space that will disappear.)

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

The unreasonable impacts will be a severe impact on light and encroachment of our privacy, when the skylights are used for natural light purpose in our bathroom and master bedroom, and the entire 3rd floor. The decks present yet another issues of privacy to our master bedroom and 1st floor bedroom.

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?

Guideline: Design rooflines to be compatible with those found on surrounding buildings.

We are proposing to maintain existing style of gable roof from front to back in order to be compatible with surrounding buildings. (Please see Diagram D for the existing and proposed comparisons.) Even though the project is increasing almost 11 ft in building depth, by maintaining the existing roofline structure will minimize impacts on light and privacy to adjacent properties. Also, it will be more comparable with the rooflines of those found on surrounding buildings.

We are also proposing to revise the position and reduce the sizes of both 3rd and 2nd decks in order to protect the privacy at 33 Fountain. (See Diagram D again for deck reduction)

Photo A



Photo B



Photo C



[DR Response Cover.pdf](#)

[DR-Compiled Site Permit Set-02.14.19-Fountain St.pdf](#)

[DR-Context Photos and 3D Representations-02.14.19-Fountain St.pdf](#)

[Response to Discretionary Review 2016 009554DRP1\).pdf](#)

[Response to Discretionary Review 2016 009554DRP2.pdf](#)

RESPONSE TO DISCRETIONARY REVIEW (DRP)



San Francisco
Planning

SAN FRANCISCO PLANNING DEPARTMENT
1650 MISSION STREET, SUITE 400
SAN FRANCISCO, CA 94103-2479
MAIN: (415) 558-6378 SFPLANNING.ORG

Project Information

Property Address:

Zip Code:

Building Permit Application(s):

Record Number:

Assigned Planner:

Project Sponsor

Name:

Phone:

Email:

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.)

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.

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 explanation of your needs for space or other personal requirements that prevent you from making the changes requested by the DR requester.

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)		
Occupied Stories (all levels with habitable rooms)		
Basement Levels (may include garage or windowless storage rooms)		
Parking Spaces (Off-Street)		
Bedrooms		
Height		
Building Depth		
Rental Value (monthly)		
Property Value		

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

Signature:		Date:
Printed Name:		<input type="checkbox"/> Property Owner <input type="checkbox"/> Authorized Agent

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

General Notes:

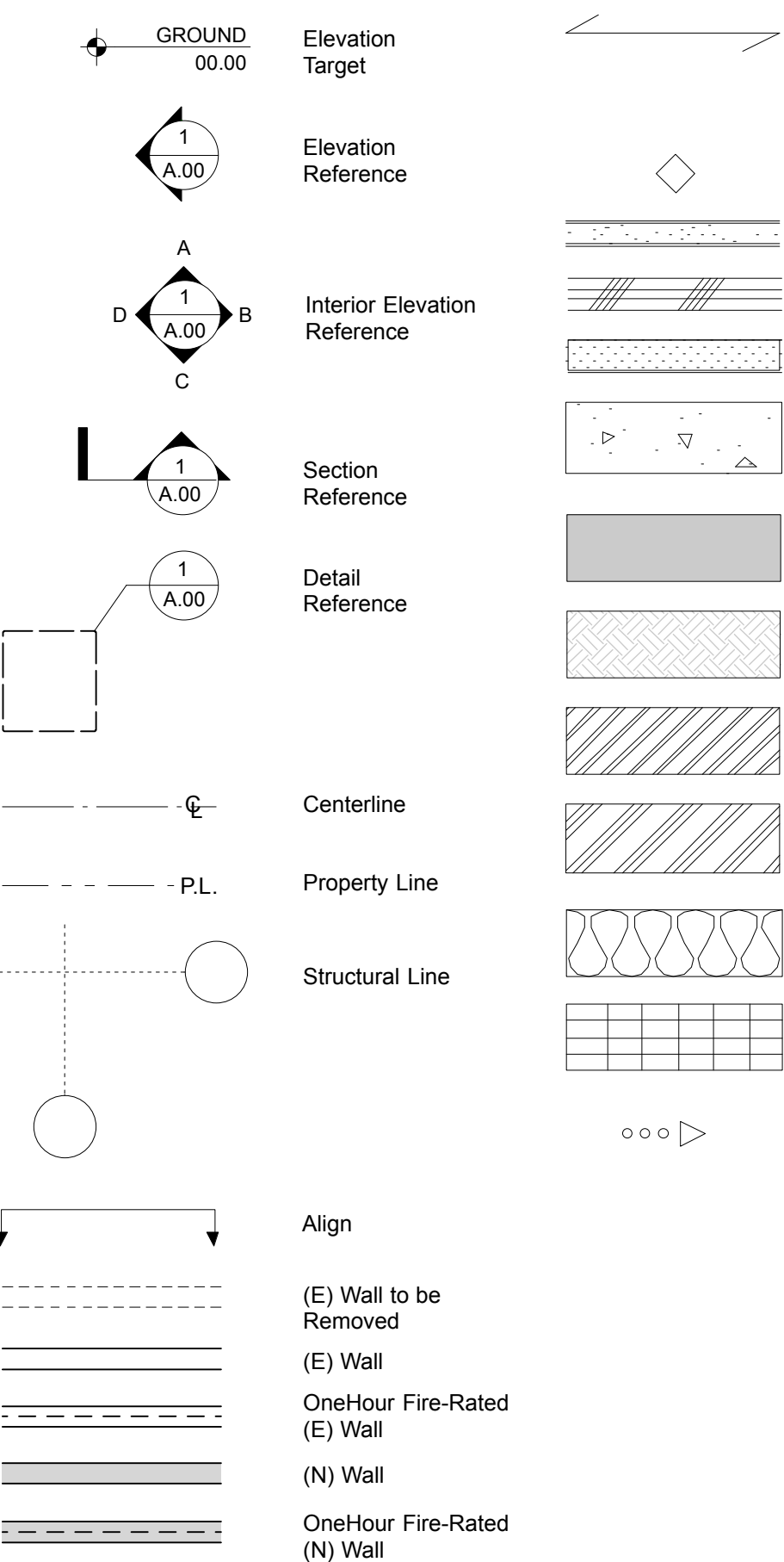
- All work shall be in conformance with the 2013 Edition of the California Building Code (CBC), California Residential Code (CRC), California Fire Code (CFC), California Plumbing, Mechanical and Electrical Codes (CPC, CMC and CEC), and with the requirements of all other agencies having jurisdiction.
- Electrical and Plumbing work to be design/build per 2013 CEC, CPC, CMC and Title 24.
- Insulation per Title 24 Calculations.
- Contractor shall verify all dimensions, elevations, and conditions at the site and notify the Architect in writing of any discrepancies in plans and specifications immediately. Work shall not proceed without Architect's authorization if discrepancies are found.
- All 1/4" plans, exterior elevations and building sections dimensions are to face of framing and subfloor, unless otherwise noted. DO NOT SCALE DRAWINGS, call Architect where clarification is required.
- All interior elevations, enlarged plans, RCP plans, and electrical plans are to face of finish, unless otherwise noted. DO NOT SCALE DRAWINGS, call Architect where clarification is required.
- Details shown are typical. Similar details shall apply in similar locations and conditions.
- These documents describe design intent. Contractor is responsible to provide complete operational systems and installations. No claims for additional work will be awarded for work which is described in these documents or which is reasonably inferable from them.
- Contractor is responsible for thorough coordination of trades. No claims for additional work will be awarded for work related to such coordination.
- Rodent proofing: Fill spaces around pipes and other penetration in the building to be filled with material to prevent the passage of rodents.
- General Contractor shall be solely and completely responsible during the construction period for all conditions at the construction site, including safety of property and persons. The architect's, engineers' or other design professionals' visits to the construction site are not intended, nor shall they be construed, to include a review of the adequacy of the contractor's safety measures.

Abbreviation Schedule:

Abbreviation	Description
A.B.	anchor bolt
ADD.	addendum
ADJ.	adjacent, adjustable
A.F.F.	above finish floor
ALT.	alternate
ALUM.	aluminum
BLDG.	building
BLKG.	blocking
B.O.	bottom of
B.O.W.	bottom of wall
BSMT.	basement
CEM.	cement
CL.	center line
CLR.	clear
C.M.U.	concrete masonry unit
COL.	column
COL. L.	column line
CONC.	concrete
CONSTR.	construction
CONT.	continuous
COORD.	coordinate
DBL.	double
DET.	detail
DIA.	diameter
DIM.	dimension
DN.	down
D.W.	dish washer
DWG.	drawing
(E)	existing
EA.	each
EL.	elevation
ELEC.	electrical
EQ.	equal
EXP. JT.	expansion joint
EXT.	exterior
FDN.	foundation
F.F.	finish floor
FT.	face of finish
FRIG.	refrigerator
F.S.	frame size
F.T.	foot or feet
FTG.	footing
G.A.	gage
GALV.	galvanized
GL.	glass
G.L.B.	glu lam beam
GR.	grade
GWB.	gypsum wall board
H.B.	hose bib
HNDRL.	handrail
HDWD.	hardwood
HORIZ.	horizontal
HR. (1-HR.)	hour (one hour)
HT.	height
INCL.	including
INSUL.	insulation
INT.	interior
JST.	joist
JT.	joint
K.D.	kiln dried

Abbreviation	Description
LAM.	laminate
LT.FIXT.	light fixture
MAX.	maximum
M.D.F.	med density fiberboard
MECH.	mechanical
MIN.	minimum
MTL.	metal
(N)	new
N.I.C.	not in contract
N.T.S.	not to scale
O.C.	on center
OPNG.	opening
OPP. H.	opposite hand
O.S.B.	oriented strand board
P.E.N.	plywood edge nailing
P.L.	property line
P.LAM.	plastic laminate
PLYWD.	plywood
P+M	patch and match
PNT.	paint
PR.	pair
P.T.	pressure treated
QTY.	quantity
R.	riser
RAD.	radius
R.C.	resilient channel
R.C.P.	reflective ceiling plan
REINF.	reinforcing
REQD.	required
REV.	revision
RFG.	roofing
R.O.	rough opening
R.W.L.	rain water leader
S.C.D.	see civil drawings
SCHED.	schedule
SECT.	section
S.F.	square foot/feet
SH.T. MTL.	sheet metal
SIM.	similar
S.L.D.	see landscape drawings
SQ.	square
S.S.D.	see structural drawings
STFR.	storefront
STL.	steel
STN. STL.	stainless steel
STOR.	storage
STRUCT.	structural
T.	tread
T.G.	tempered glass
T&G	tongue and groove
T.O.	top of
T.O.W.	top of wall
TYP.	typical
U.O.N.	unless otherwise noted
VERT.	vertical
V.I.F.	verify in field
V.W.M.	verify with manufacturer
W.C.	water closet
WD.	wood
WH.	water heater
WIN.	window
W.P.	water proofing

Symbols:



4 LOCATION MAP
NOT TO SCALE

PROJECT SUMMARY:

This project involves the renovation of an existing two-unit building. The scope of work includes a renovation and an addition at the rear of the building, upgrading bathrooms and kitchens and updating utilities. Front facade alterations including removing existing stucco and restoring original wood siding and replacing existing front stair with a code compliant stair and landing.

BUILDING DATA:

Occupancy: R3
Construction Type: VB
Zoning: RH-2
Height limit: 40-X
Stories: 3
Sprinkler system required
Type: Per Section 1015.1 #1, exception #1, minimum NFPA 13R system for single exit

GROSS AREA CALCULATION:

PER SFPC SEC 102 DEFINITION OF "FLOOR AREA, GROSS"

EXISTING GROSS AREA	EXISTING HABITABLE GROSS AREA
3RD FLOOR-UNIT 1	1124 SQ. FT.
2ND FLOOR-COMMON PORCH	83 SQ. FT.
2ND FLOOR-UNIT 2	1278 SQ. FT.
1ST FLOOR-GARAGE	1122 SQ. FT.

TOTAL EXISTING GROSS AREA: (including garage) 3608 SQ. FT.

PROPOSED GROSS AREA

3RD FLOOR-UNIT 1	1302 SQ. FT.
2ND FLOOR-UNIT 1	1471 SQ. FT.
1ST FLOOR-UNIT 2	*1039 SQ. FT.
1ST FLOOR-GARAGE	578 SQ. FT.

TOTAL PROPOSED GROSS AREA: (including garage) 4392 SQ. FT.

* 19% reduction of existing Unit 2. Complies per Planning Code sections 317(b)(7) & 317(e)(1)

EXCAVATION CALCULATIONS

SOIL TO BE REMOVED = 35 CUBIC YARDS < 50 CUBIC YARDS

Project Directory & Information:

Block # 6502
Lot # 021

Location:
27-29 Fountain Street
San Francisco, CA 94114

Owner:
Rob Fyfe
1187 South Van Ness Avenue
San Francisco, CA 94110

Architect:
Studio Sarah Willmer
3850 23rd Street
San Francisco, CA 94114
Ph 415.642.1166
Fx 415.642.1188

Engineer:
SEMCO Engineering
Structural Engineer
360 Langton Street, suite 304
San Francisco, CA 94103
Ph 415.553.8810
Fx 415.553.8768

General Contractor:
TBD

Index Of Drawings:

Project Information:

- A0.0 Cover Sheet, Index + Project Information
- A0.2 Existing Front (West) + Rear (East) Elevation
- A0.3 Existing Side Elevations (North & South)
- A0.4 Existing Building Sections
- A0.5 Demolition of Residential Building Analysis

Site Survey:

SV1.0 Site Survey

Architectural:

- A1.0 Existing & Proposed Site Plans
- A1.1 Existing & Proposed Site Sections
- A1.2 Existing/Demolition First + Second Floor Plans
- A1.3 Existing/Demolition Third Floor + Roof Plans
- A1.3A Gross vs. Habitable Third Floor Plan
- A2.0 Proposed First Floor + Second Floor Plans
- A2.1 Proposed Third Floor + Roof Plans
- A3.0 Proposed Front (West) + Rear (East) Elevations
- A3.1 Proposed Side Elevations (North & South)
- A3.2 Proposed Building Sections

Issue	Date
Site Permit Set	06.20.16
Site Permit - Rev. 1	05.16.17
DR	02.14.19



Rob Fyfe
Residence

27-29 Fountain St
San Francisco, CA
94110

Title

COVER SHEET,
INDEX + PROJECT
INFORMATION

Scale AS NOTED
Sheet



2 REAR ELEVATION
Note: All neighbor building information is estimated to our best ability.



1 STREET ELEVATION
Note: All neighbor building information is estimated to our best ability.

S T U D I O
S A R A H
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San Francisco
California 94114
ph 415-642-1166
fax 415-642-1188

Issue	Date
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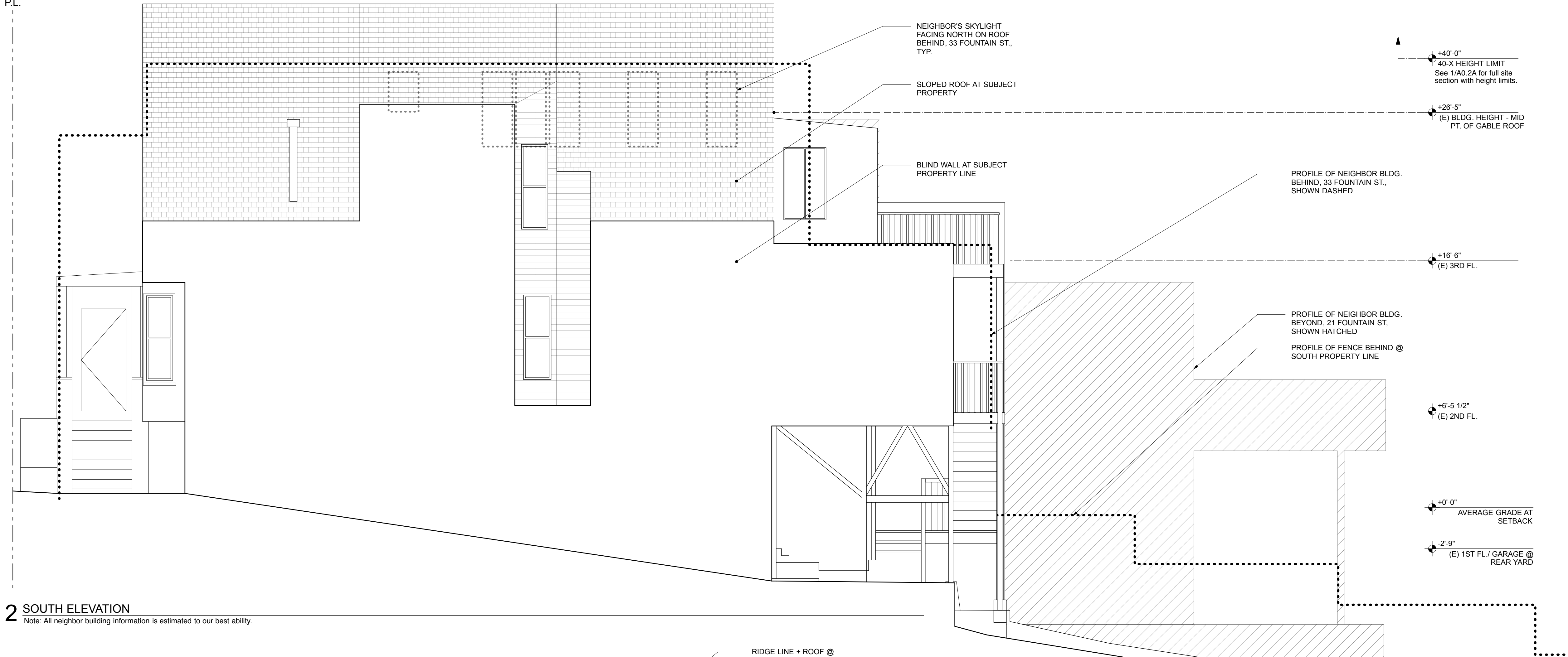
Rob Fyfe
Residence
27-29 Fountain St
San Francisco, CA
94110

Title
**EXISTING FRONT
(EAST) +
REAR (WEST)
ELEVATIONS**

Scale 1/4" = 1'-0"
Sheet

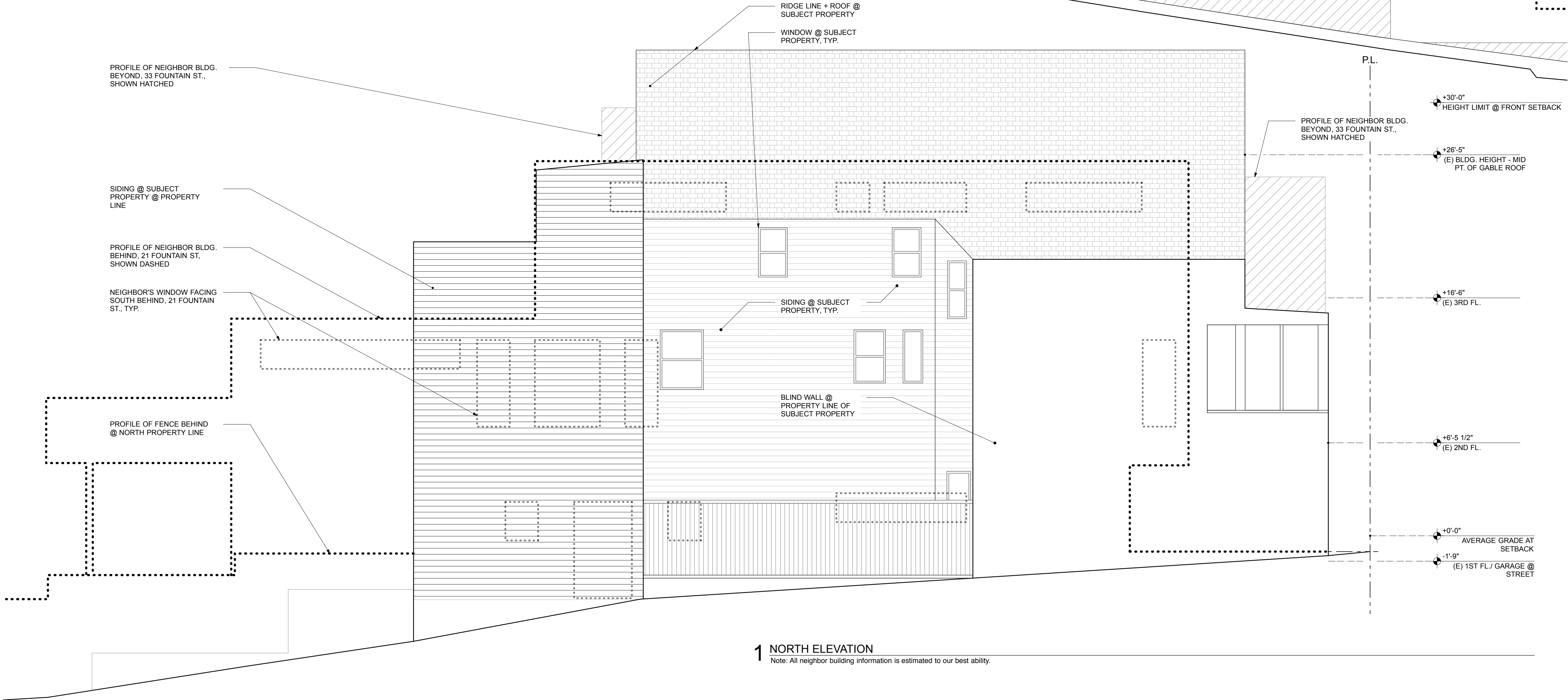
A0.2

P.L.



2 SOUTH ELEVATION

Note: All neighbor building information is estimated to our best ability.



1 NORTH ELEVATION

Note: All neighbor building information is estimated to our best ability.

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fax 415-642-1188

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Site Permit Set	06.20.16
DR	02.14.19



Rob Fyte
Residence

27-29 Fountain St
San Francisco, CA
94110

Title
**EXISTING SIDE
ELEVATIONS
(NORTH & SOUTH)**

Scale 1/4" = 1'-0"
Sheet

A0.3

Issue	Date
Site Permit Set	06.20.16
DR	02.14.19

[illegible]

Rob Fyfe
Residence
27-29 Fountain St
San Francisco, CA
94110

Title

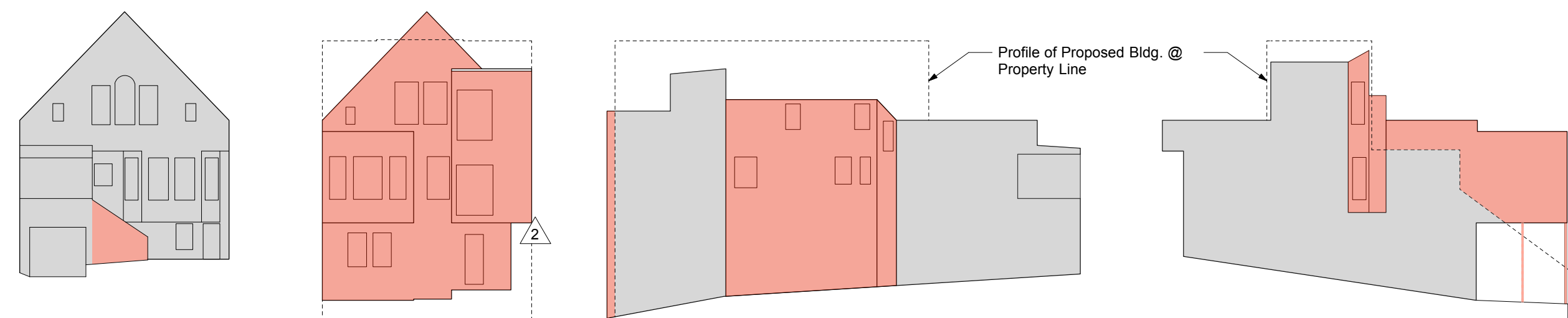
**EXISTING BLDG.
SECTIONS**

Scale	1/4" = 1'-0"
Sheet	

Issue	Date
1 Site Permit - Rev. 1	05.16.17
2 Site Permit - Rev. 2	08.22.17
DR	02.14.19

A: "AREA MEASUREMENT" per Planning Code Section 317 (b)(2)(C)

TOTAL REMOVED VERTICAL ENVELOPE ELEMENTS AREA = 1,805 Sq.Ft. = 43% of vertical envelope element area



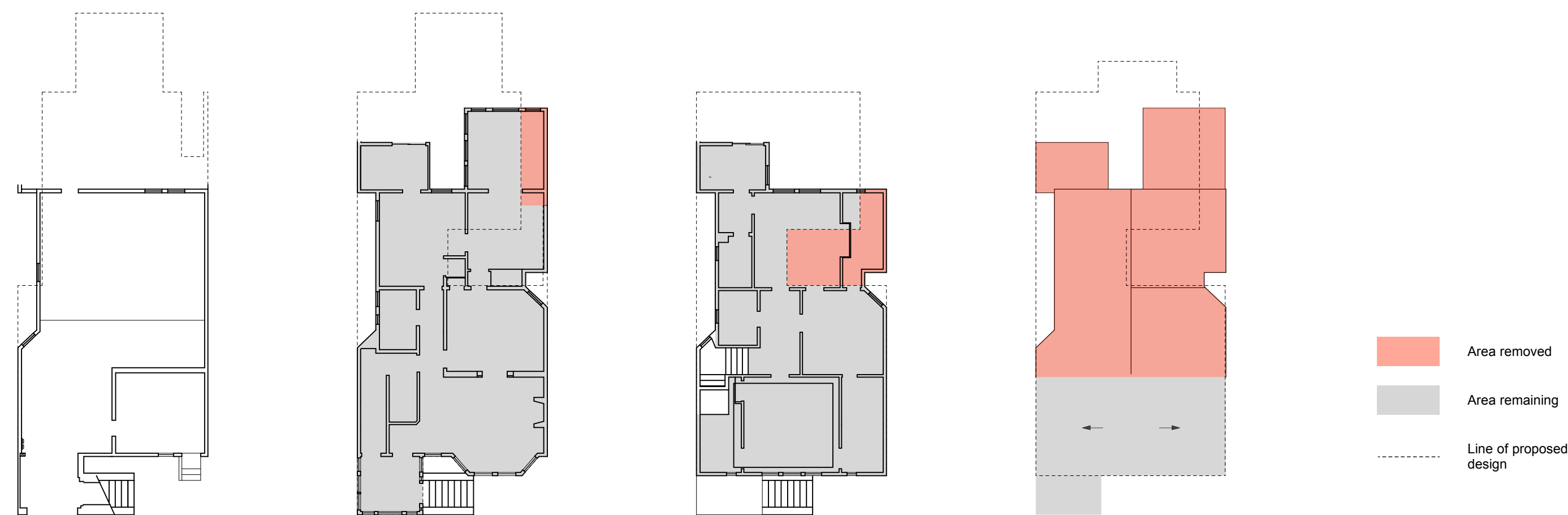
Existing West elevation
Removed vertical envelope
elements area
= 43 Sq.Ft.

Existing East elevation
Removed vertical envelope
elements area = 855 Sq.Ft.

Existing North elevation
Removed vertical envelope
elements area
= 610 Sq.Ft.

Existing South elevation
Removed vertical envelope
elements area
= 297 Sq.Ft.

TOTAL REMOVED HORIZONTAL ELEMENTS AREA = 1,118 Sq. Ft. = 29% of horizontal element area



Existing 1st floor
not regarded as 'Horizontal Element'
as the floor is at grade,
per Planning Code Sec. 317 (b)(5)

Existing 2nd floor
Removed area
= 56 Sq.Ft.

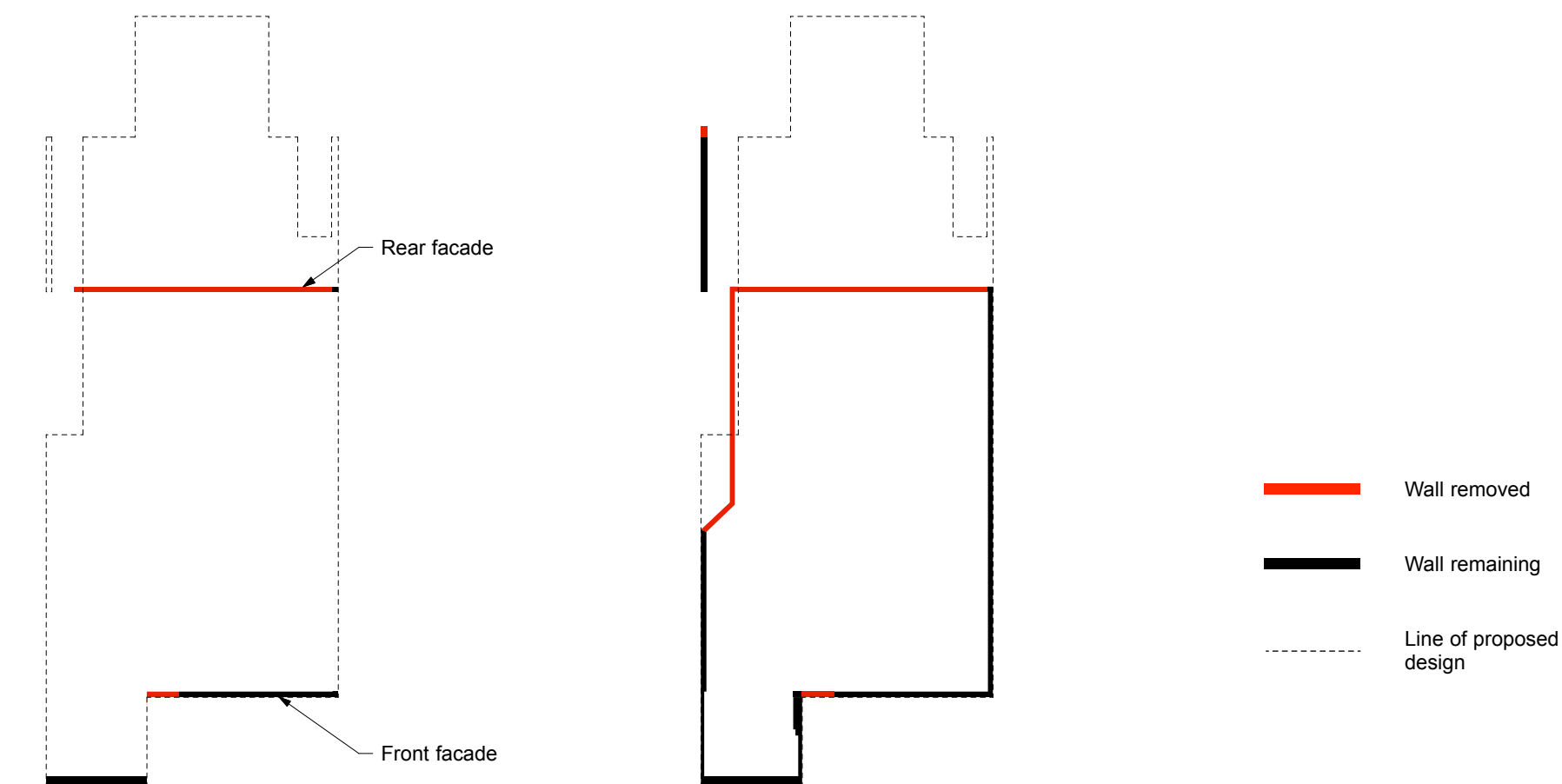
Existing 3rd floor
Removed area
= 138 Sq.Ft.

Existing roof
Removed area
= 924 Sq.Ft.

B: "LINEAR FOOTAGE MEASUREMENT" per Planning Code Section 317 (b)(2)(B)

TOTAL REMOVED FRONT FACADE + REAR FACADE LENGTH
= 28 Ft. = 53 % of front facade + rear facade length

TOTAL REMOVED EXTERIOR FACADES LENGTH
= 63 Ft. = 38 % of 4 facades length



Existing 1st floor
Removed front facade + rear facade length
= 28 Ft.

Existing 1st floor
Removed exterior facades length
= 63 Ft.

AREA MEASUREMENT

VERTICAL ELEMENT	(E) Area (sq. ft.)	Removed (sq. ft.)	% Removed	Is the removal greater than 50%
Front Facade	746	243	6	No less than 50%
Rear Facade	855	855	100	
North Facade	1540	610	40	
South Facade	1100	297	27	
Vert. Total	4241	1805	43%	
HORIZONTAL ELEMENT	(E) Area (sq. ft.)	Removed (sq. ft.)	% Removed	
Second Floor	1364	56	4	No less than 50%
Third Floor	1123	138	12	
Roof	1386	924	67	
Horz. Total	3873	1118	29%	
Residential Demolition per Planning Code Section 317 (b)(2)(C)				

LINEAR FOOTAGE MEASUREMENT

Element	(E) Length (ft.)	Removed (ft.)	% Removed	Is the removal greater than 50%
Front Facade	28	3	11	
Rear Facade	25	25	100	Yes
Totals	53	28	53%	greater than 50%
				Is the removal greater than 65%
South Facade	48	9	19	
North Facade	65	26	40	No
Totals of 4 facades	166	63	38%	less than 65%
Residential Demolition per Planning Code Section 317 (b)(2)(B)				Not applicable




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94110

DEMOLITION OF RESIDENTIAL BUILDING ANALYSIS

Scale	1/16" = 1'-0"
Sheet	

Issue	Date
Site Permit Set	06.20.16
 Site Permit - Rev. 1	05.16.17
DR	02.14.19

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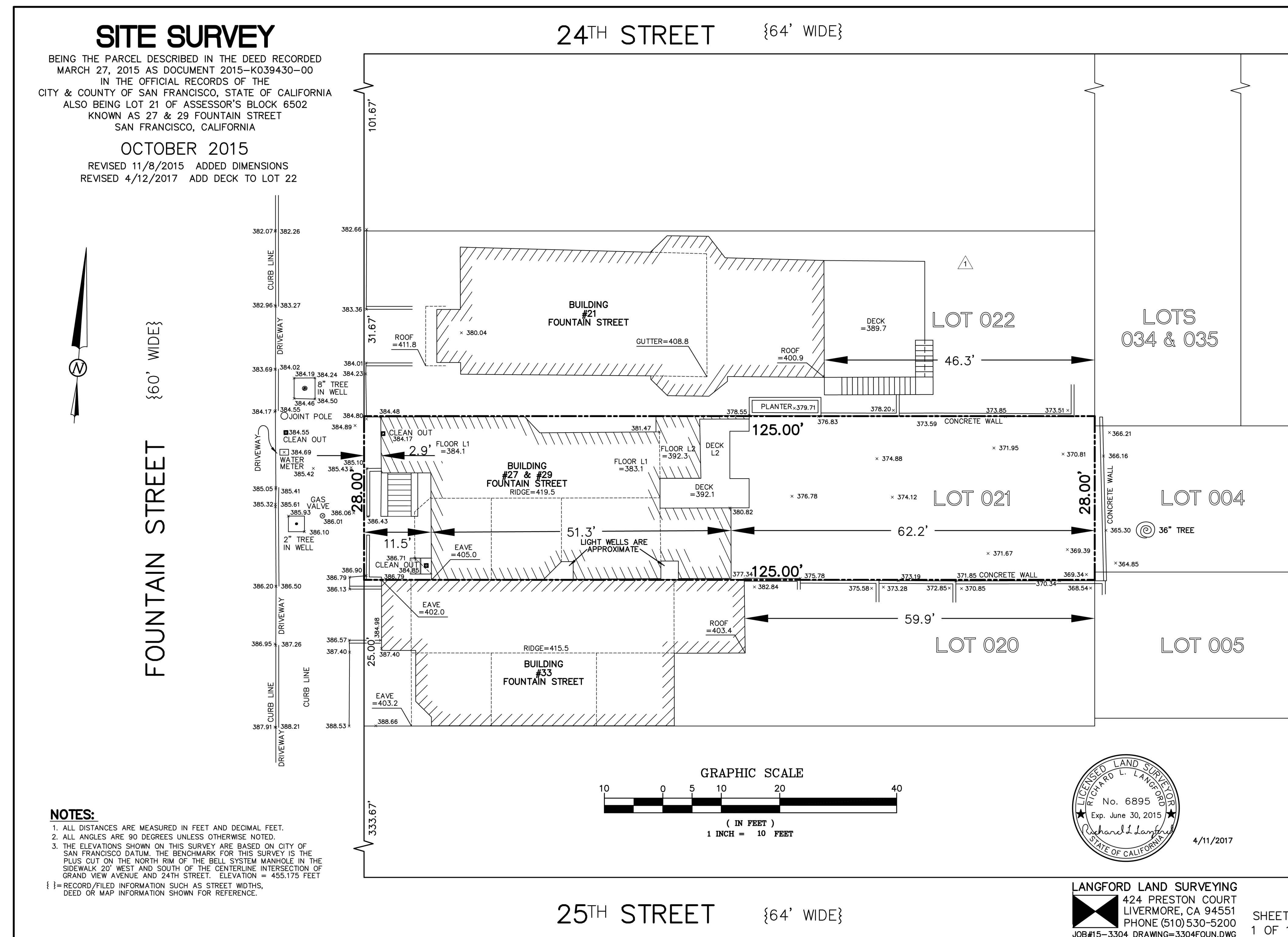
27-29 Fountain St
San Francisco, CA
94110

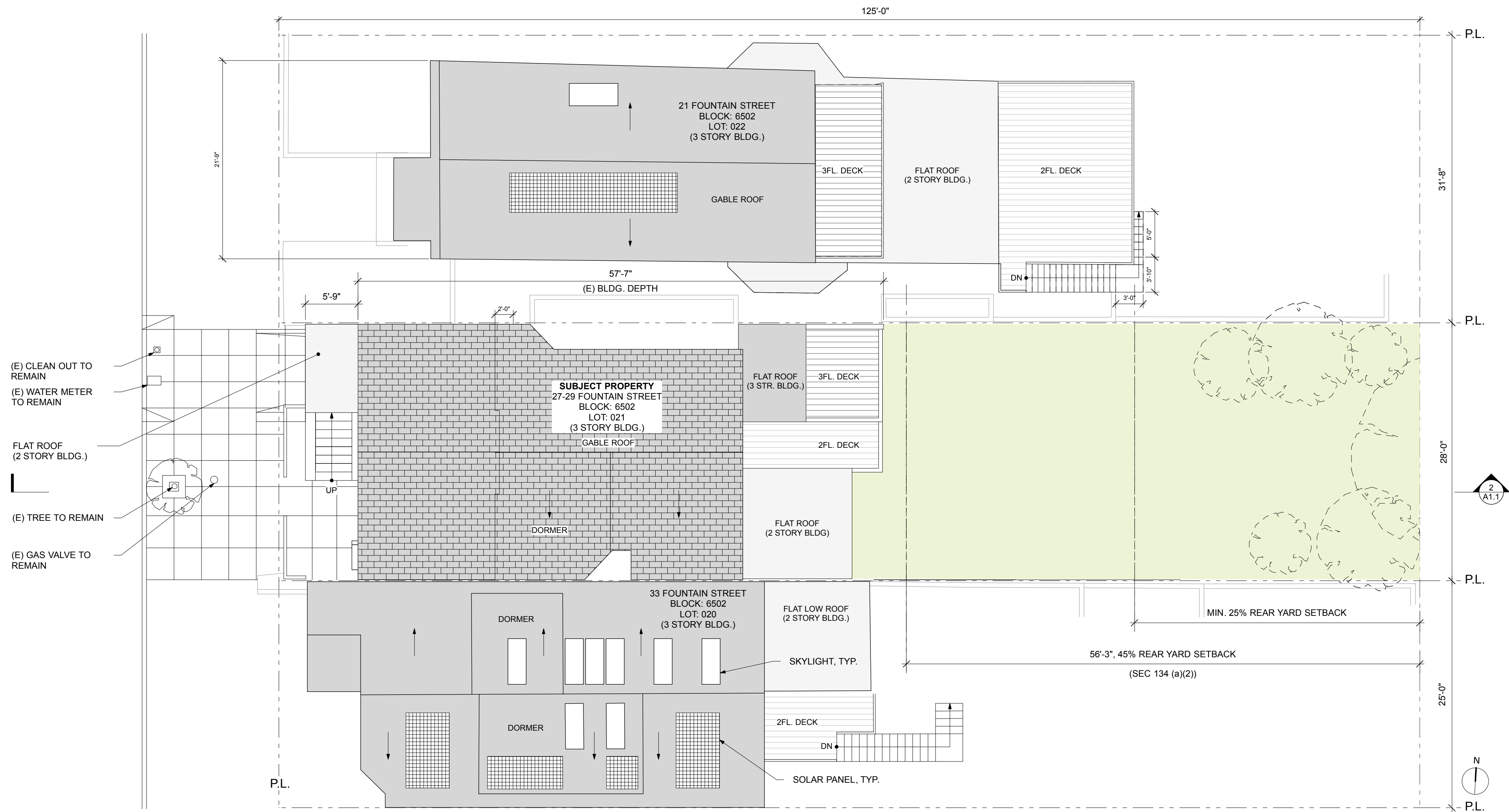
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SITE SURVEY

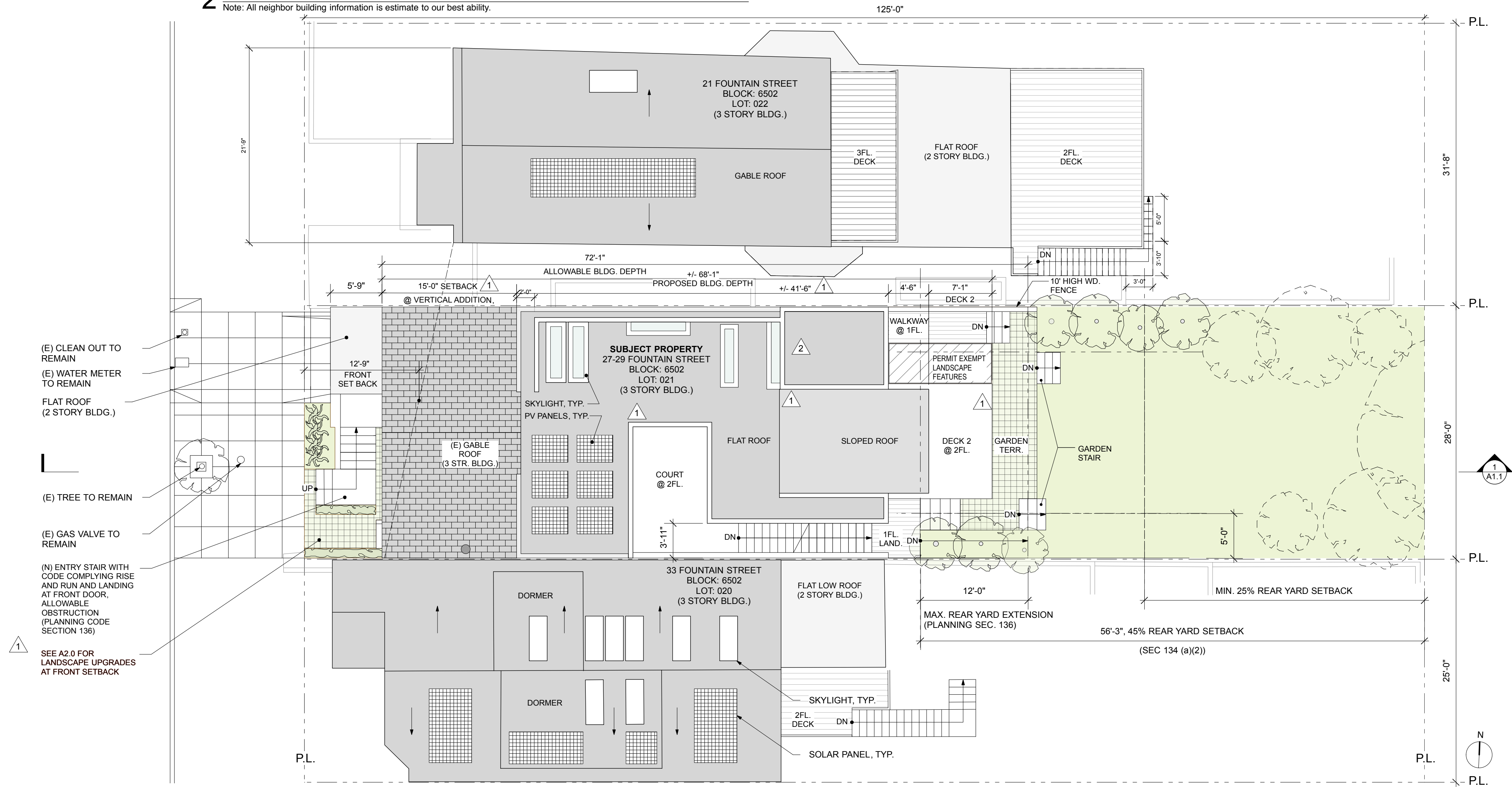
Scale	AS NOTED
Sheet	

SV1.0





2 EXISTING SITE PLAN
Note: All neighbor building information is estimate to our best ability.



1 PROPOSED SITE PLAN
Note: All neighbor building information is estimate to our best ability.

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San Francisco 94114
ph 415-642-1166
fax 415-642-1188

Issue	Date
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1 Site Permit - Rev. 1	05.16.17
2 Site Permit - Rev. 2	06.18.18
DR	02.14.19

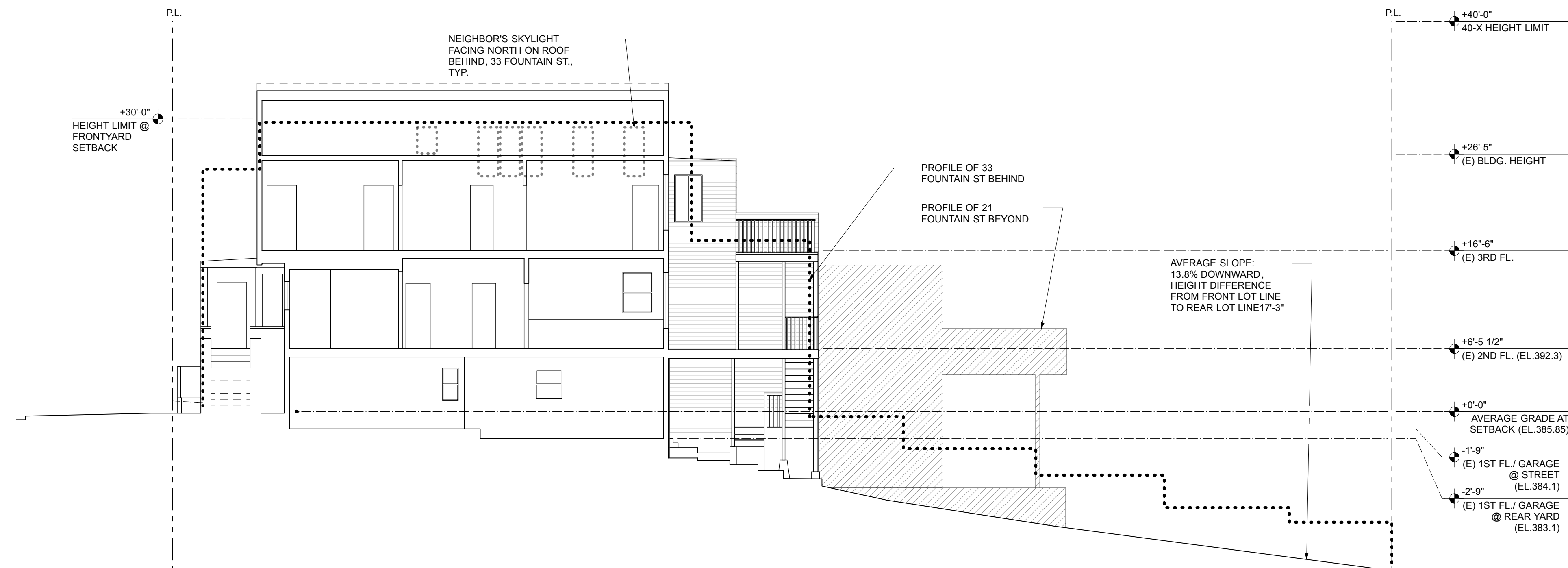
Rob Fyfe
Residence
27-29 Fountain St
San Francisco, CA
94110

Title
**EXISTING &
PROPOSED SITE
PLANS**

Scale
1/8" = 1'-0"

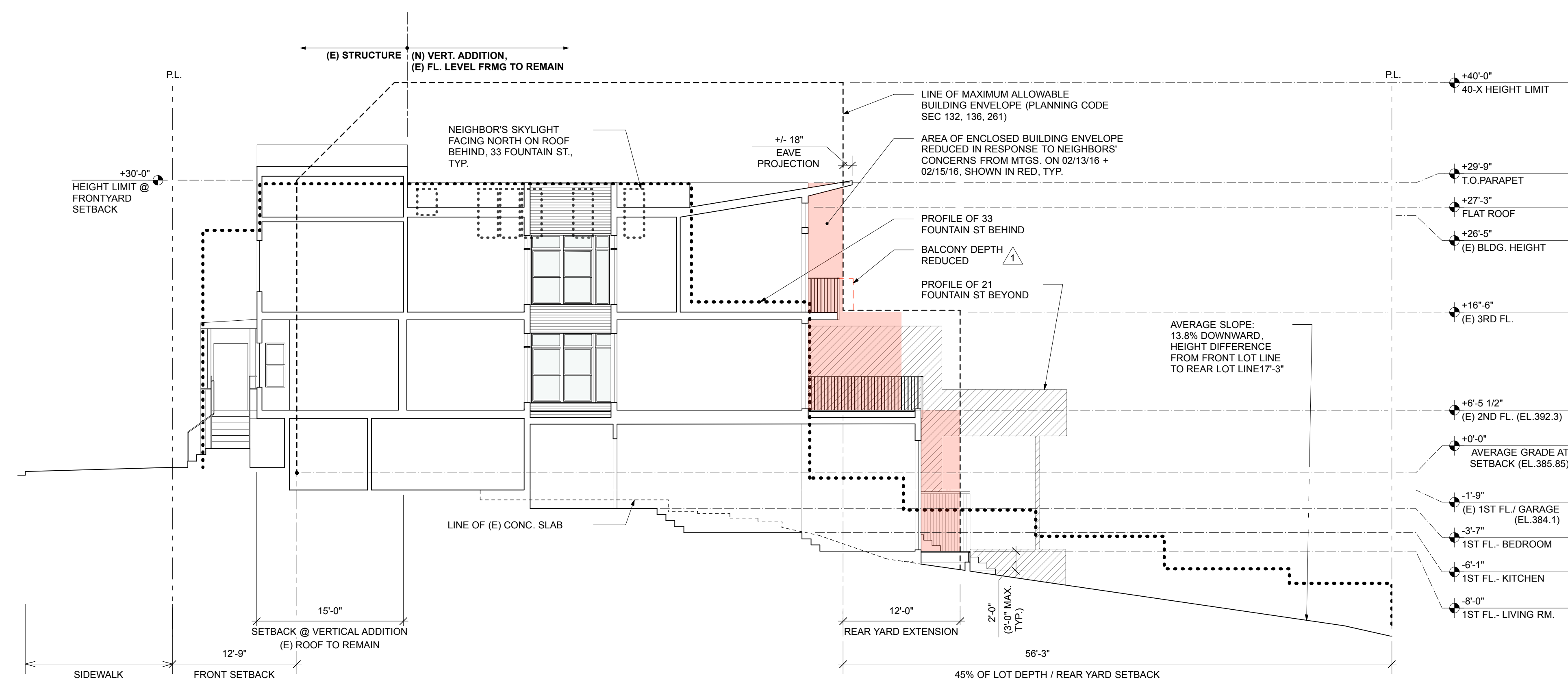
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A1.0

[illegible]

2 EXISTING SITE SECTION - LONGITUDINAL

Note: All neighbor building information is estimated to our best ability.



1 PROPOSED SITE SECTION - LONGITUDINAL

Note: All neighbor building information is estimated to our best ability.



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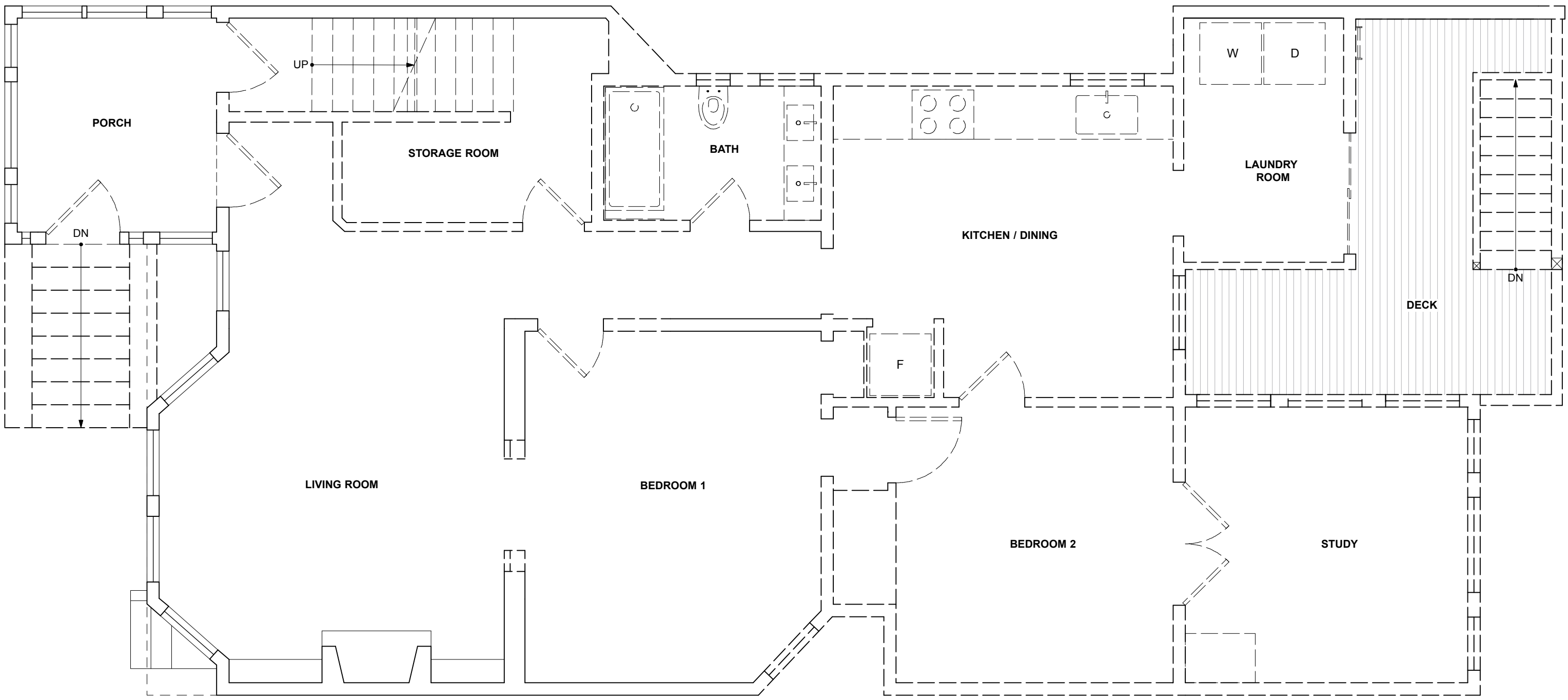
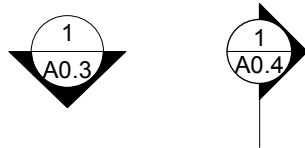
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**EXISTING &
PROPOSED
SITE SECTIONS**

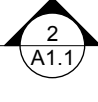
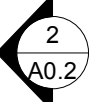
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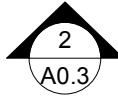
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P.L.

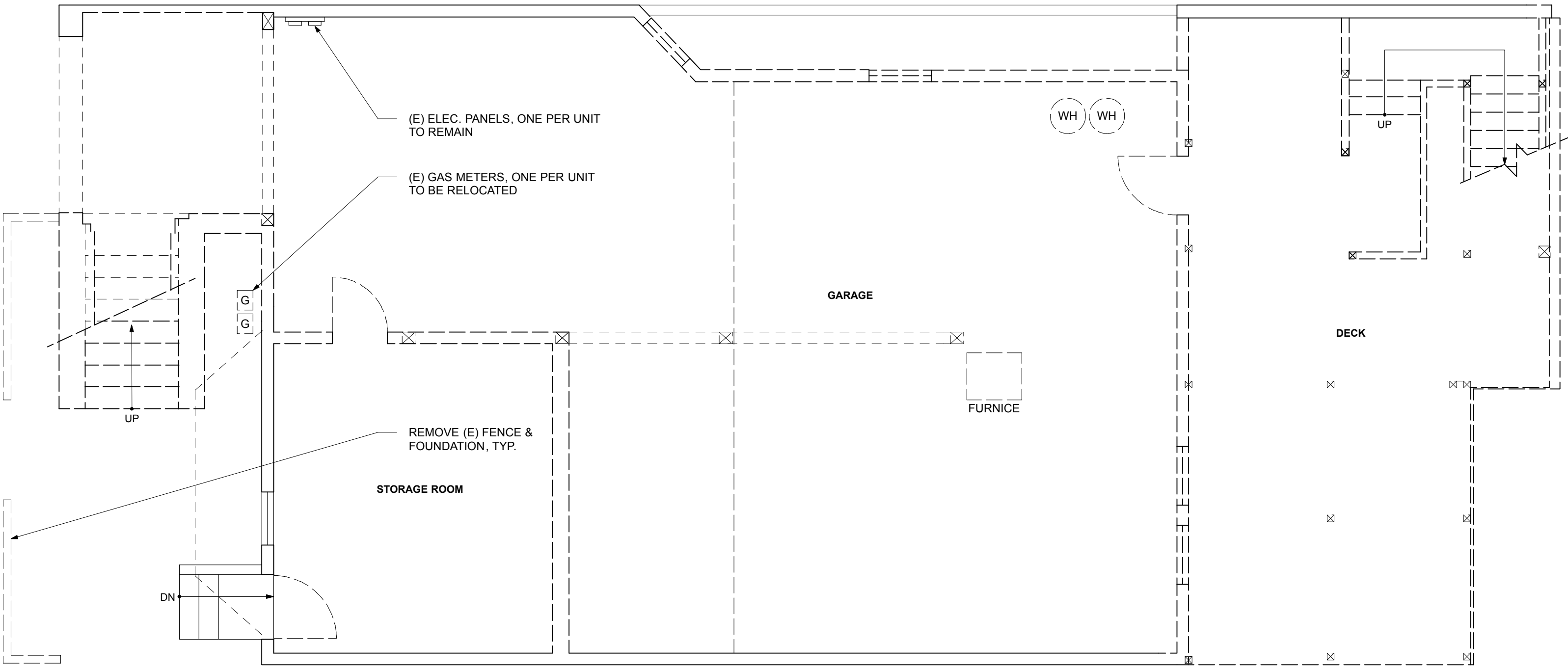
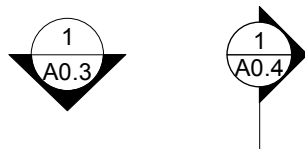


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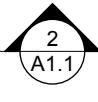
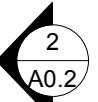


2 2ND FLOOR PLAN - UNIT 2

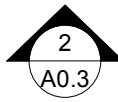
P.L.



P.L.



P.L.



1 1ST FLOOR / GARAGE PLAN

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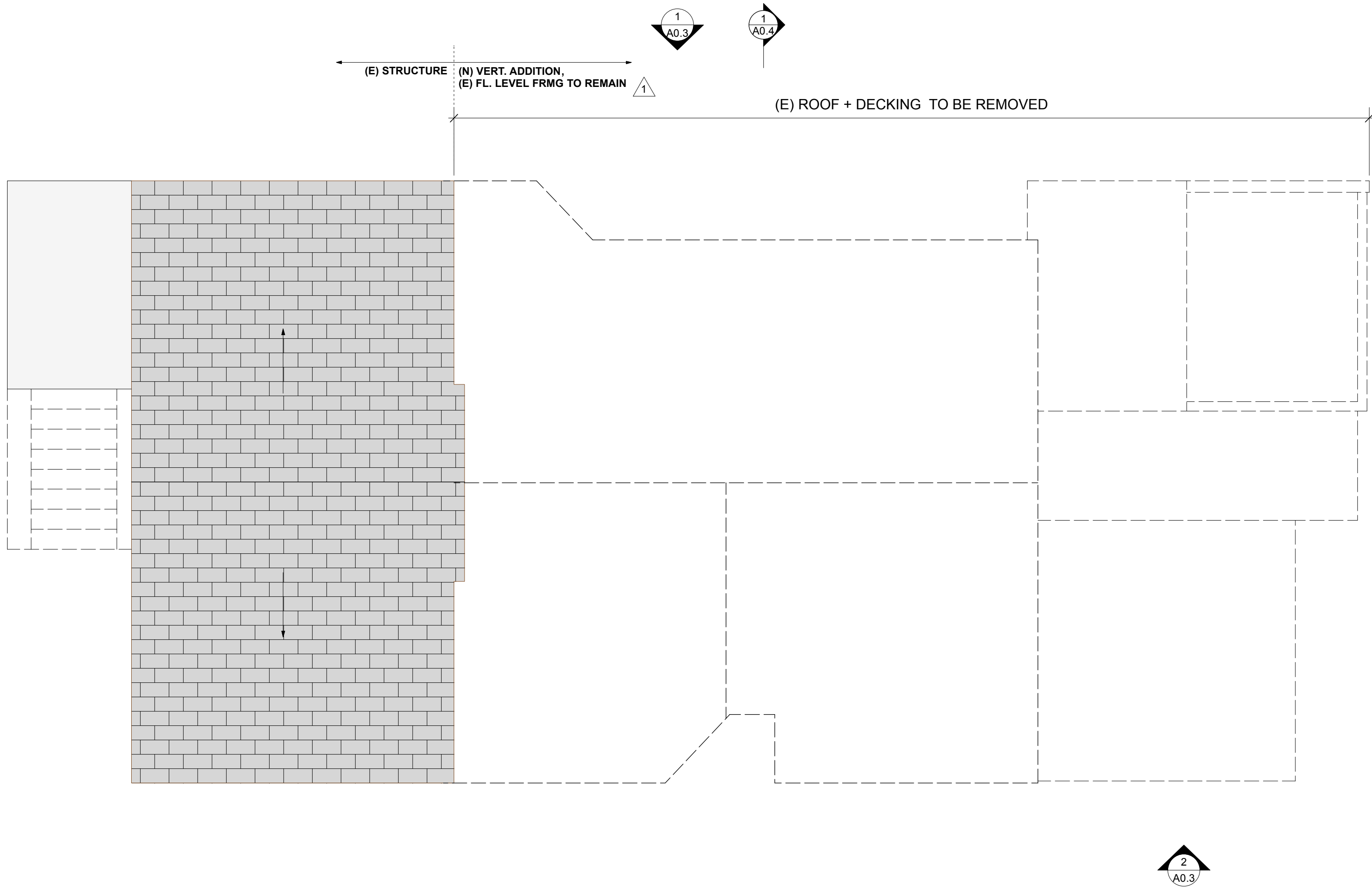
Issue	Date
Site Permit	06.20.16
DR	02.14.19



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Residence
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San Francisco, CA
94110

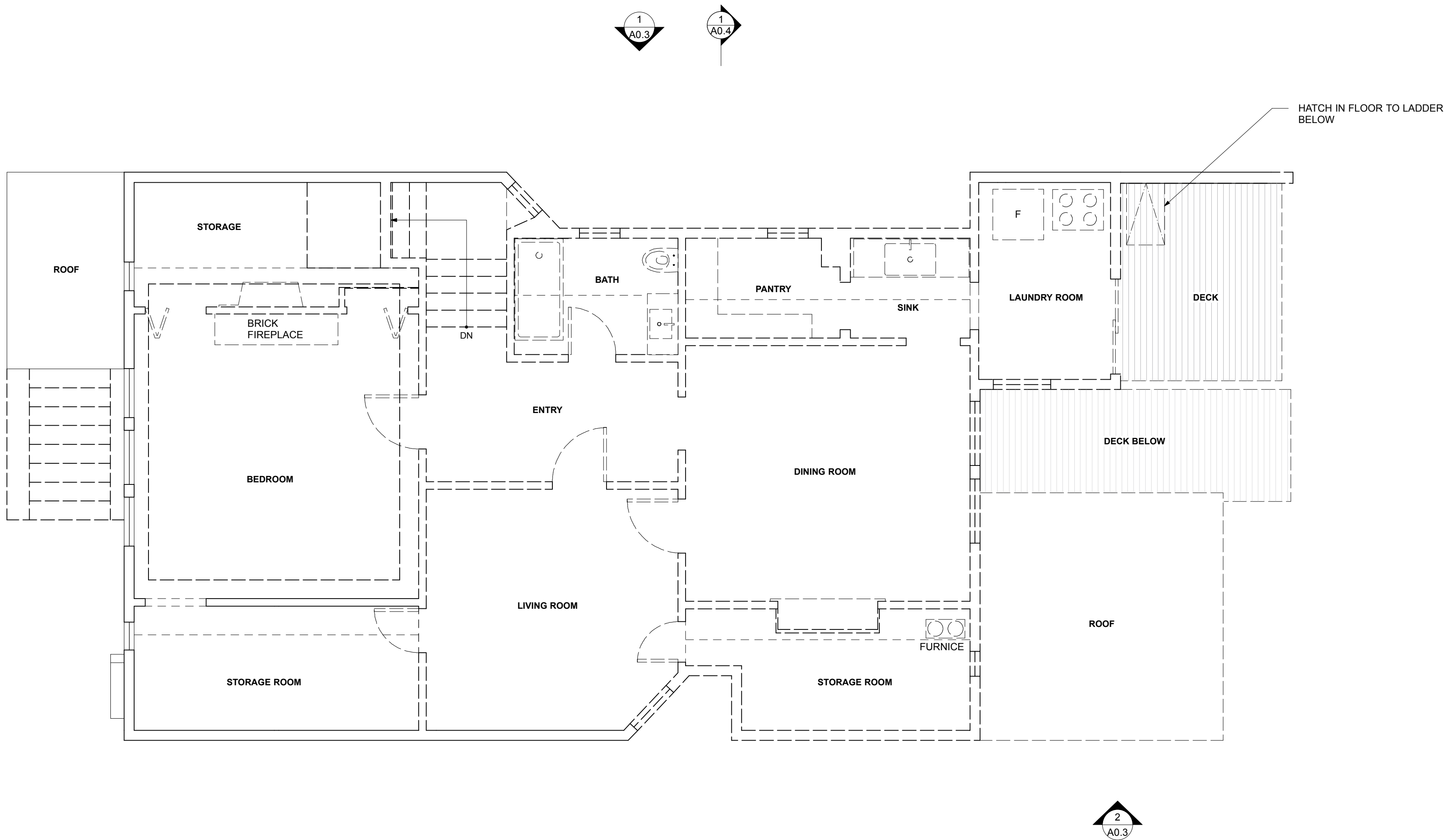
Title
**EXISTING/
DEMOLITION
PLANS: FIRST
FLOOR + SECOND
FLOOR**
Scale 1/4" = 1'-0"
Sheet

P.L.



2 ROOF PLAN

P.L.



1 3RD FLOOR PLAN - UNIT 1

S T U D I O
S A R A H
W I L L M E R

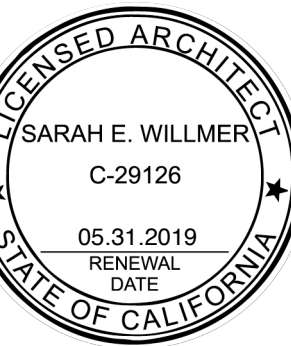
3850 23rd Street
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California 94114
ph 415-642-1166
fax 415-642-1188

Issue Date

Site Permit 06.20.16

1 Site Permit - Rev. 1 05.16.17

DR 02.14.19



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Residence

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San Francisco, CA
94110

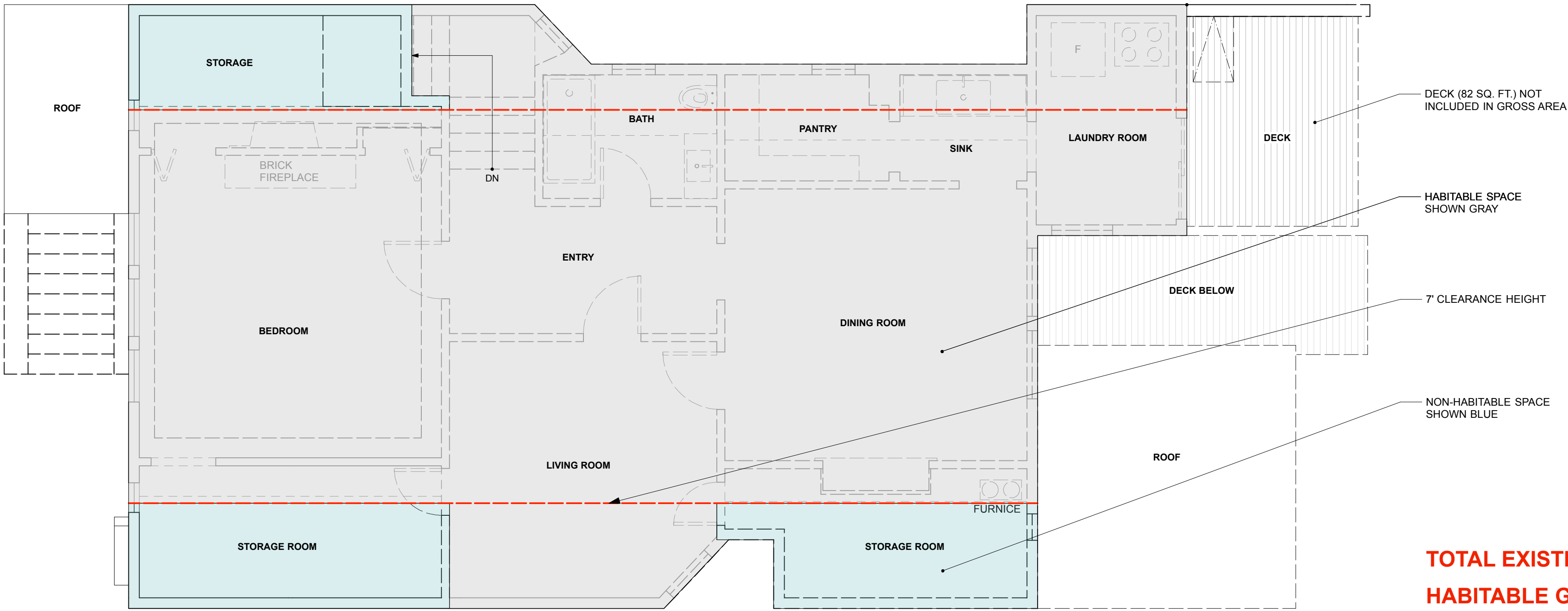
Title

EXISTING
DEMOLITION
PLANS: THIRD
FLOOR + ROOF

Scale 1/4" = 1'-0"

Sheet

Issue	Date
Site Permit	06.20.16
1 Site Permit - Rev. 1	05.16.17
Area Calc	10.05.18
DR	02.14.19



TOTAL EXISTING GROSS AREA: 1184 SQ. FT.
HABITABLE GROSS AREA: 982 SQ. FT.

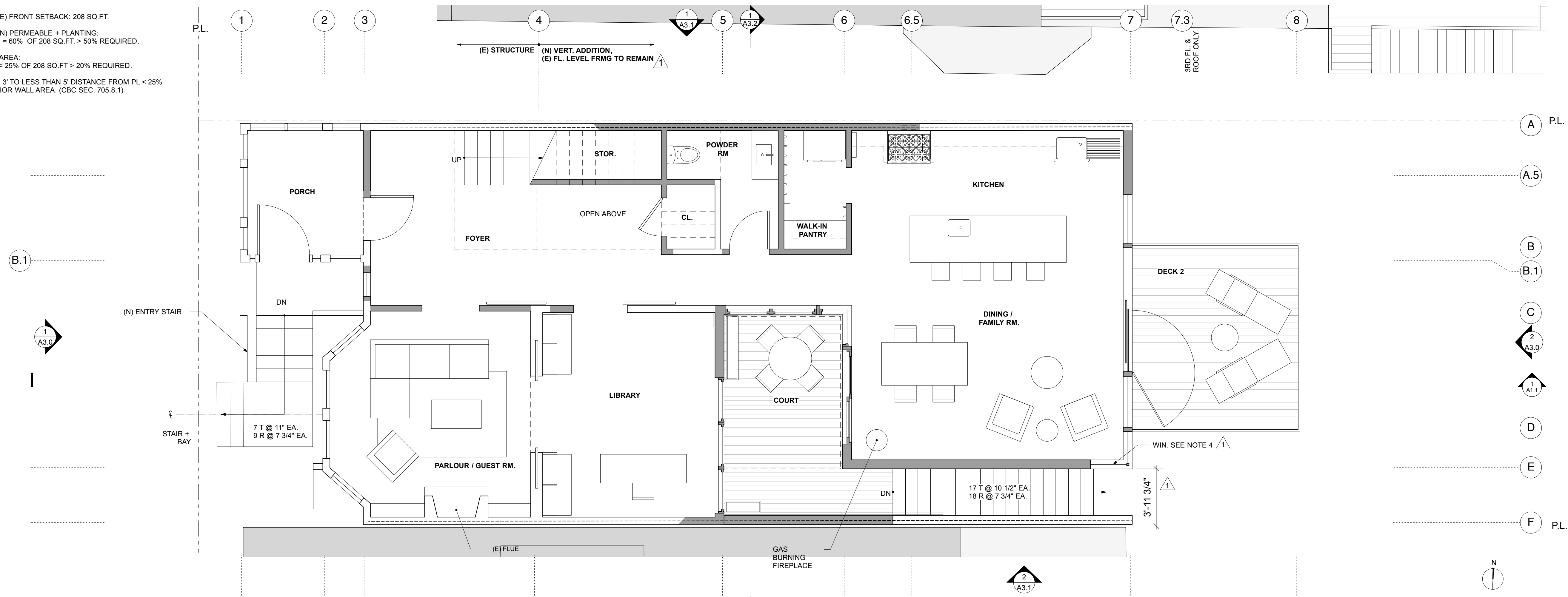


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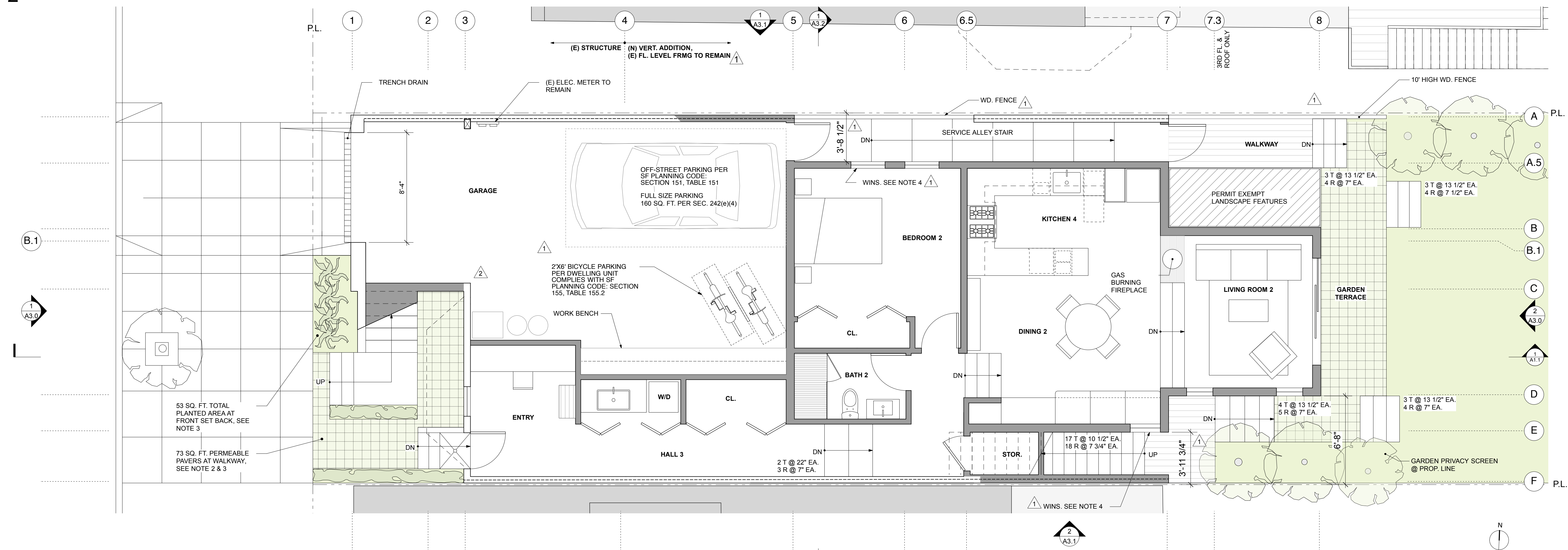
Title
**GROSS VS.
HABITABLE SQ.FT.
THIRD FLOOR PLAN**

Scale 1/4" = 1'-0"
Sheet

- NOTE:
1. AREA OF (E) FRONT SETBACK: 208 SQ. FT.
 2. AREA OF (N) PERMEABLE + PLANTING:
126 SQ. FT. = 60% OF 208 SQ. FT. > 50% REQUIRED.
 3. PLANTED AREA:
53 SQ. FT. = 25% OF 208 SQ. FT. > 20% REQUIRED.
 4. WINDOWS 3' TO LESS THAN 6' DISTANCE FROM PL < 25%
OF EXTERIOR WALL AREA. (CBC SEC. 705.8.1)



2 2ND FLOOR PLAN - UNIT 1



1 1ST FLOOR / GARAGE PLAN - UNIT 2

STUDIO
SARAH
WILLMER

3850 23rd Street
San Francisco, CA 94114
ph 415-642-1166
fax 415-642-1188

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Site Permit	06.20.16
1 Site Permit - Rev. 1	05.16.17
2 Site Permit - Rev. 2	08.22.17
DR	02.14.19

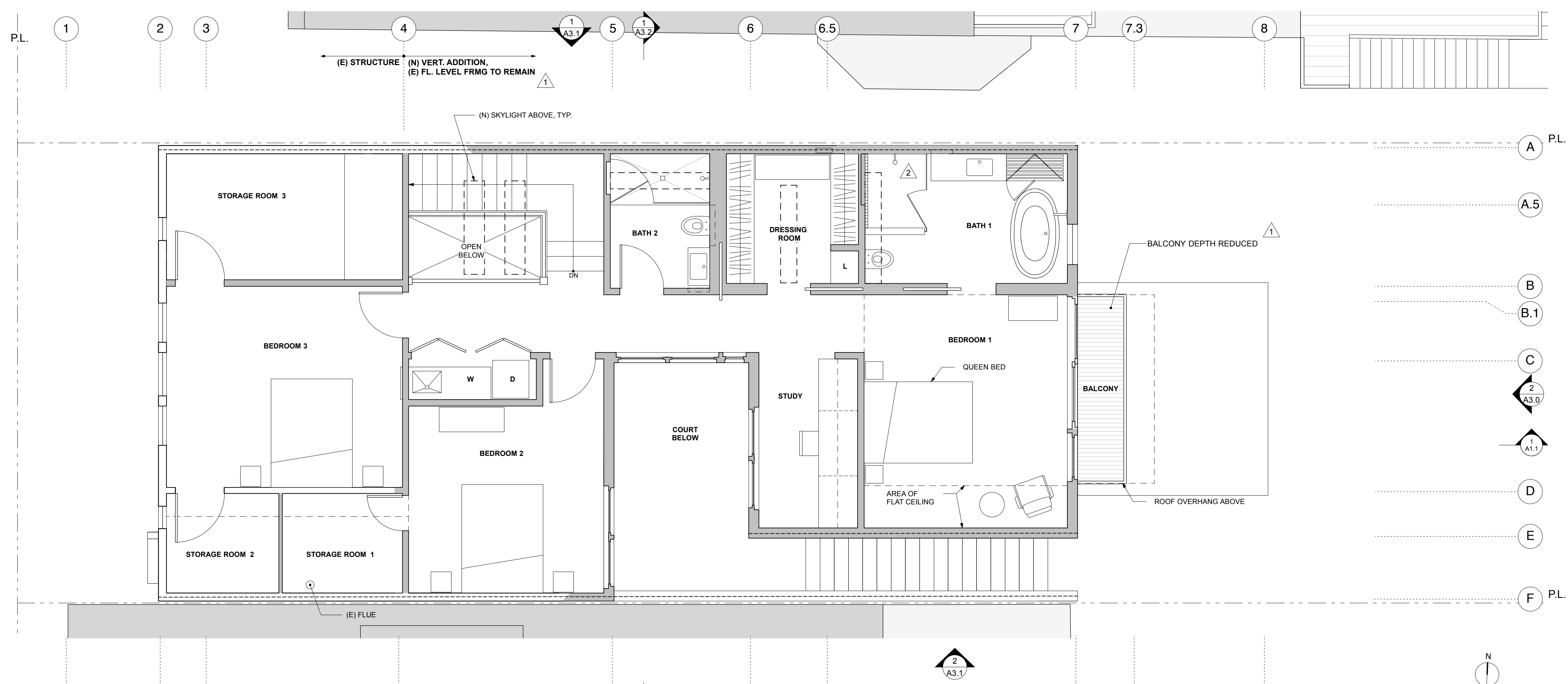
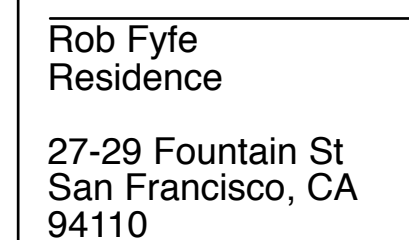


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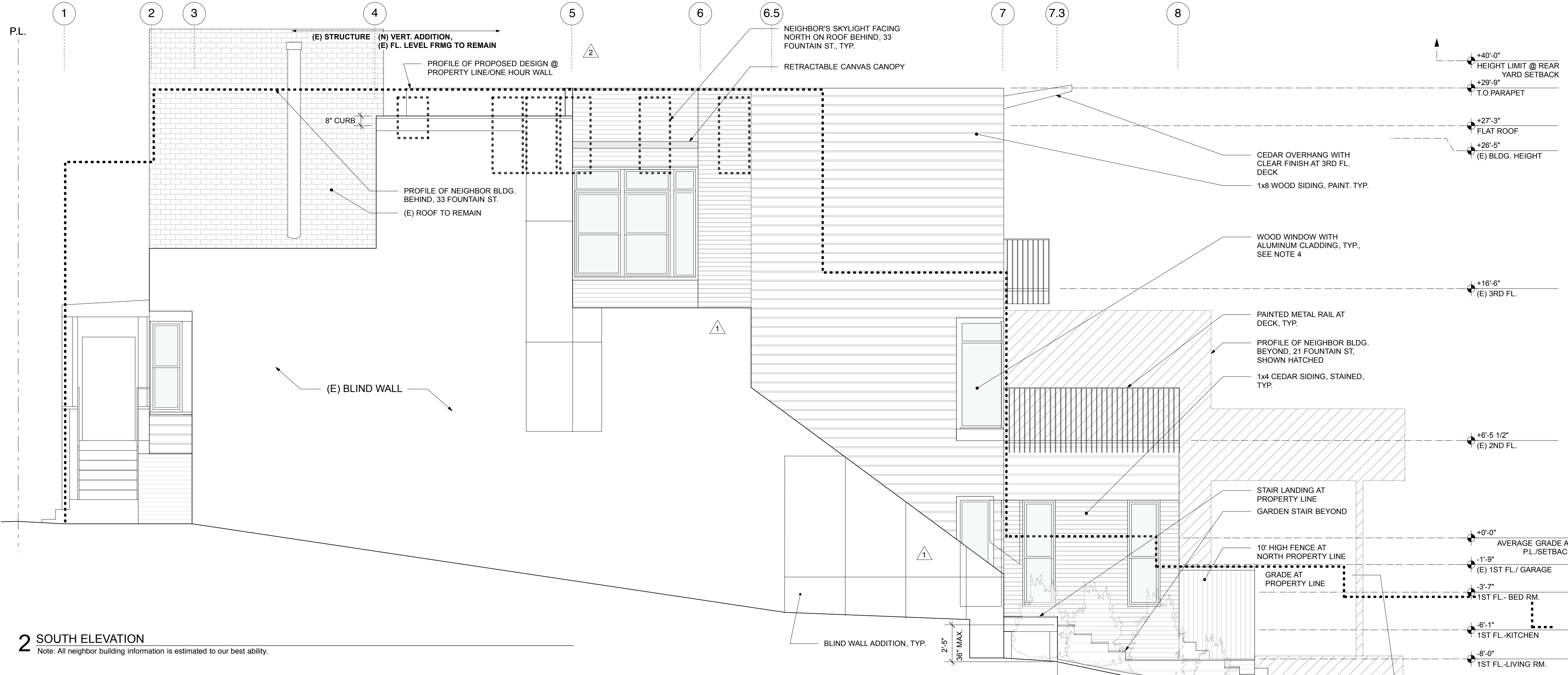
Title
**PROPOSED FIRST
FLOOR + SECOND
FLOOR PLAN**

Scale 1/4" = 1'-0"
Sheet

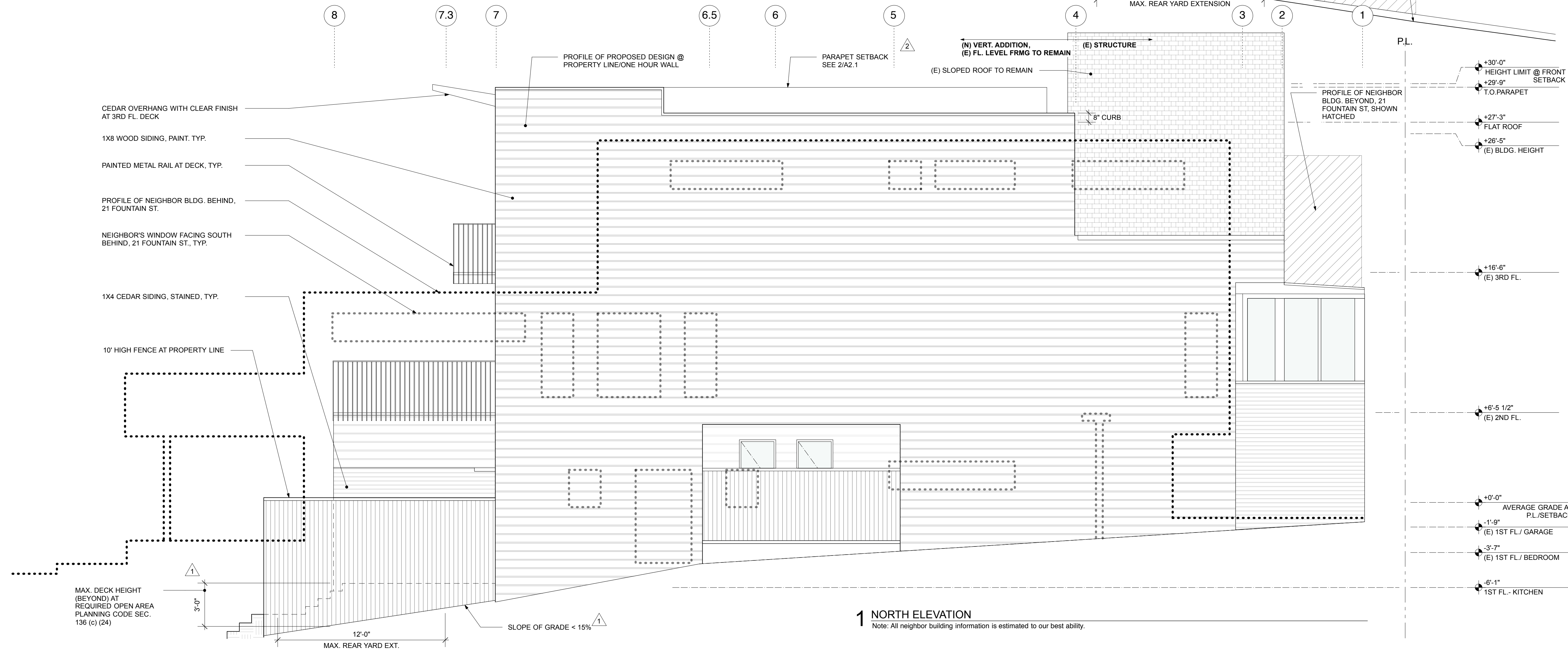
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NOTE:
1. WINDOWS 3' TO LESS THAN 5' DISTANCE FROM PL < 25%
OF EXTERIOR WALL AREA. (CBC SEC. 705.8.1)



2 SOUTH ELEVATION
Note: All neighbor building information is estimated to our best ability.



1 NORTH ELEVATION
Note: All neighbor building information is estimated to our best ability.

STUDIO
SARAH
WILLMER

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Issue	Date
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DR	02.14.19

Rob Fyfe
Residence

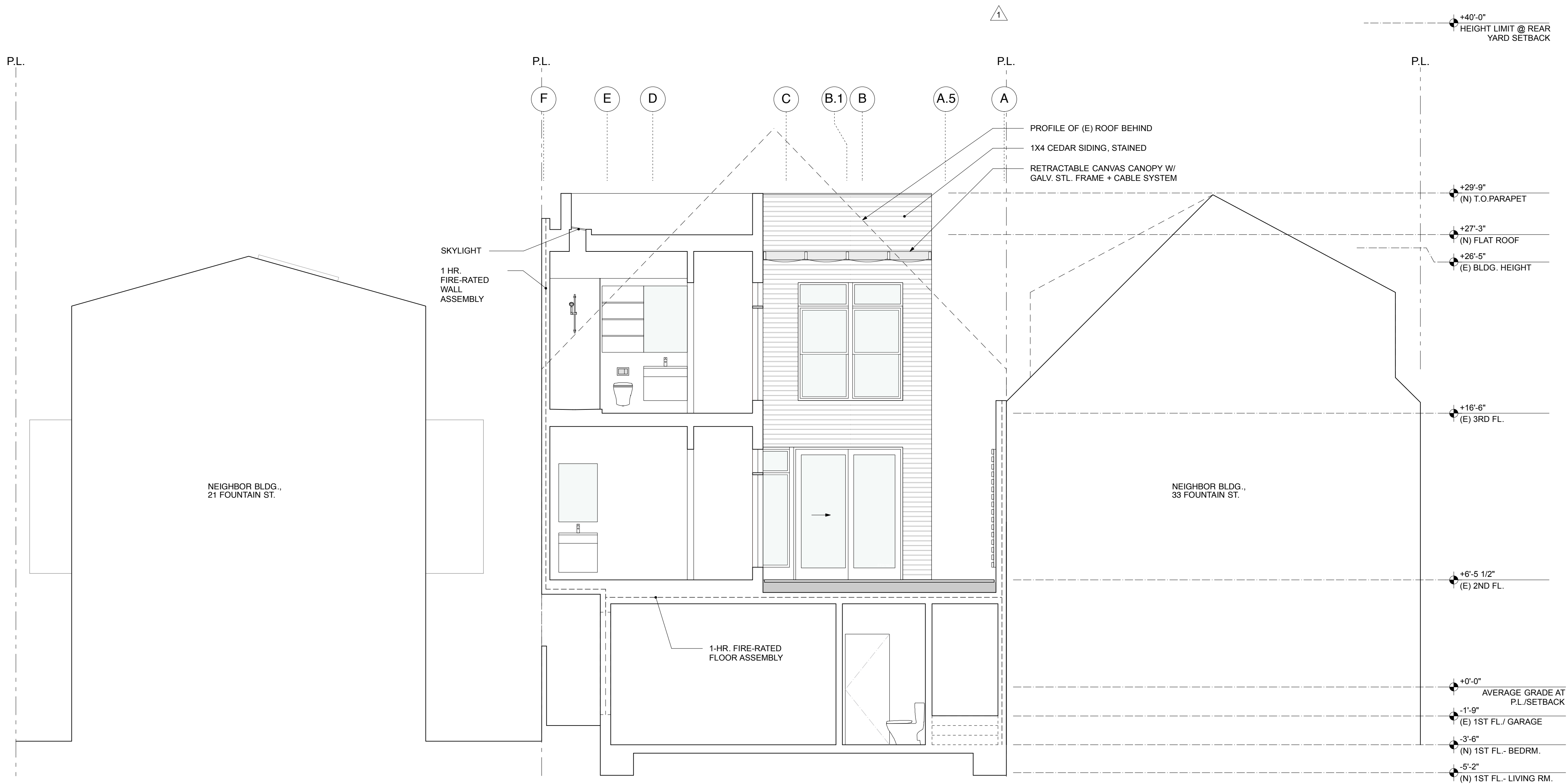
27-29 Fountain St
San Francisco, CA
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Title
**PROPOSED SIDE
ELEVATIONS
(NORTH & SOUTH)**

Scale 1/4" = 1'-0"
Sheet

A3.1

Issue	Date
Site Permit Set	06.20.16
1 Site Permit - Rev. 1	05.16.17
DR	02.14.19



Rob Fyfe
Residence

27-29 Fountain St
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94110

Title
**PROPOSED BLDG.
SECTION**

Scale 1/4" = 1'-0"
Sheet

21 FOUNTAIN STREET
ADJACENT PROPERTY

27-29 FOUNTAIN STREET
(E) SUBJECT PROPERTY

33 FOUNTAIN STREET
ADJACENT PROPERTY



A - STREET VIEW - WEST ELEVATION WITH BUILDINGS ON SAME SIDE OF STREET

SITE PHOTOGRAPHS

Rob Frye Residence
27-29 Fountain St, San Francisco, CA

STUDIO
SARAH WILLMER
ARCHITECTURE

Issue

Site Permit Set 06.20.16

Scale: N.T.S.

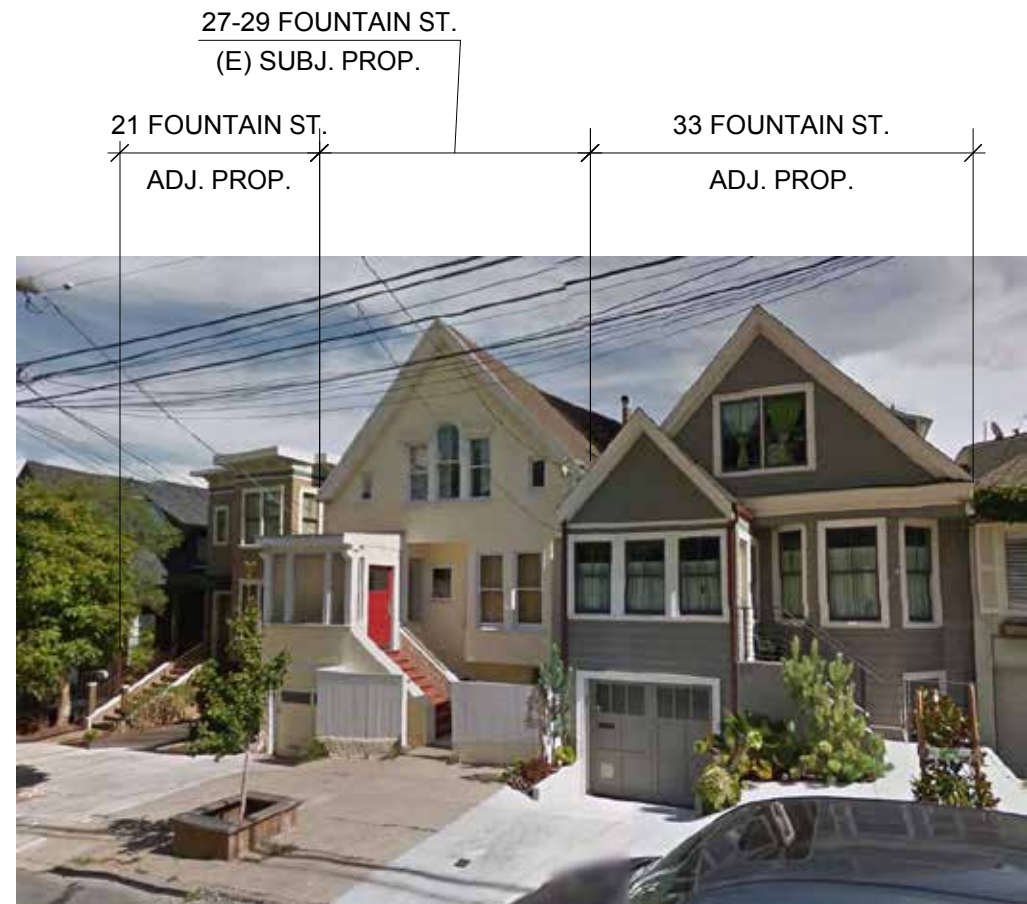
Issued for DR

02.14.19

001



A - STREET VIEW (LOOKING SOUTH EAST)
WEST ELEVATION WITH BUILDINGS ON SAME SIDE OF STREET



B - STREET VIEW (LOOKING NORTH EAST)
WEST ELEVATION WITH BUILDINGS ON SAME SIDE OF STREET

SITE PHOTOGRAPHS

Rob Frye Residence
27-29 Fountain St, San Francisco, CA

STUDIO
SARAH WILLMER
ARCHITECTURE

Issue

Site Permit Set 06.20.16

Scale: N.T.S.

Issued for DR

02.14.19

002



A - STREET VIEW (OPPOSITE SIDE FOUNTAIN STREET) - EAST ELEVATION OF BUILDINGS ON FACING SIDE OF STREET

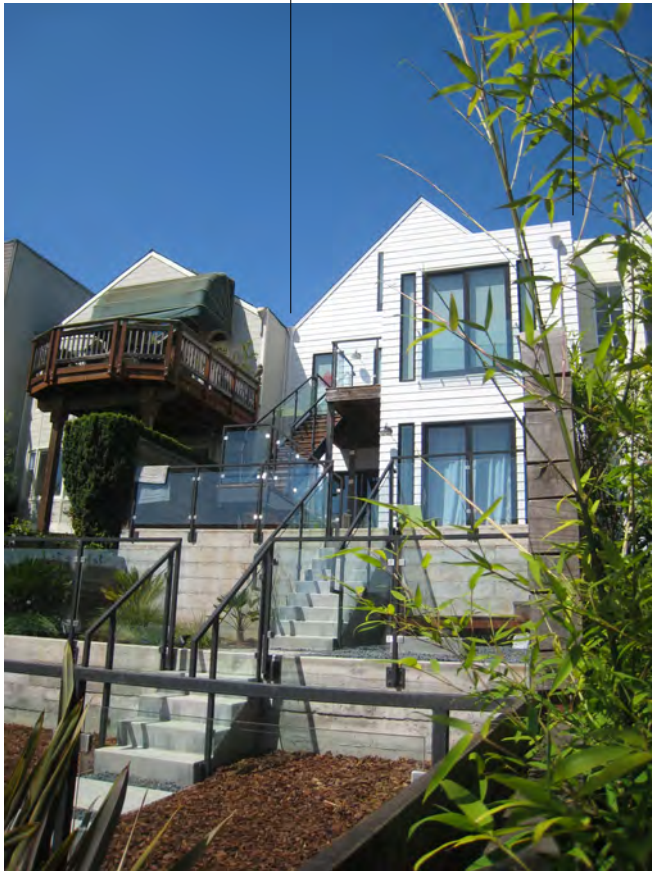
SITE PHOTOGRAPHS

Rob Frye Residence
 27-29 Fountain St, San Francisco, CA

STUDIO
 SARAH WILLMER
 ARCHITECTURE

Issue	
Site Permit Set	06.20.16
Scale:	N.T.S.
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33 FOUNTAIN ST.
ADJ. PROP.



A - 33 FOUNTAIN ST. REAR YARD VIEW

27-29 FOUNTAIN ST.
SUBJECT PROPERTY



**B - 27-29 FOUNTAIN ST.
SUBJECT PROPERTY
REAR YARD VIEW**

21 FOUNTAIN ST.
ADJ. PROP.



C - 21 FOUNTAIN ST. REAR YARD VIEW

EAST ELEVATION WITH BUILDINGS ON SAME SIDE OF STREET

SITE PHOTOGRAPHS

Rob Frye Residence
27-29 Fountain St, San Francisco, CA

STUDIO
SARAH WILLMER
ARCHITECTURE

Issue

Site Permit Set 06.20.16

Scale: N.T.S.

Issued for DR

02.14.19

004

33 FOUNTAIN ST.
ADJ. PROP.



A - 33 FOUNTAIN ST. REAR YARD VIEW

27-29 FOUNTAIN ST.
SUBJECT PROPERTY



B - 27-29 FOUNTAIN ST.
SUBJECT PROPERTY
REAR YARD VIEW

21 FOUNTAIN ST
ADJ. PROP.



C - 21 FOUNTAIN ST. REAR YARD VIEW

EAST ELEVATION WITH BUILDINGS ON SAME SIDE OF STREET (OBLIQUE VIEW)

SITE PHOTOGRAPHS

Rob Frye Residence
27-29 Fountain St, San Francisco, CA

STUDIO
SARAH WILLMER
ARCHITECTURE

Issue	
Site Permit Set	06.20.16
Scale:	N.T.S.
Issued for DR	02.14.19

005

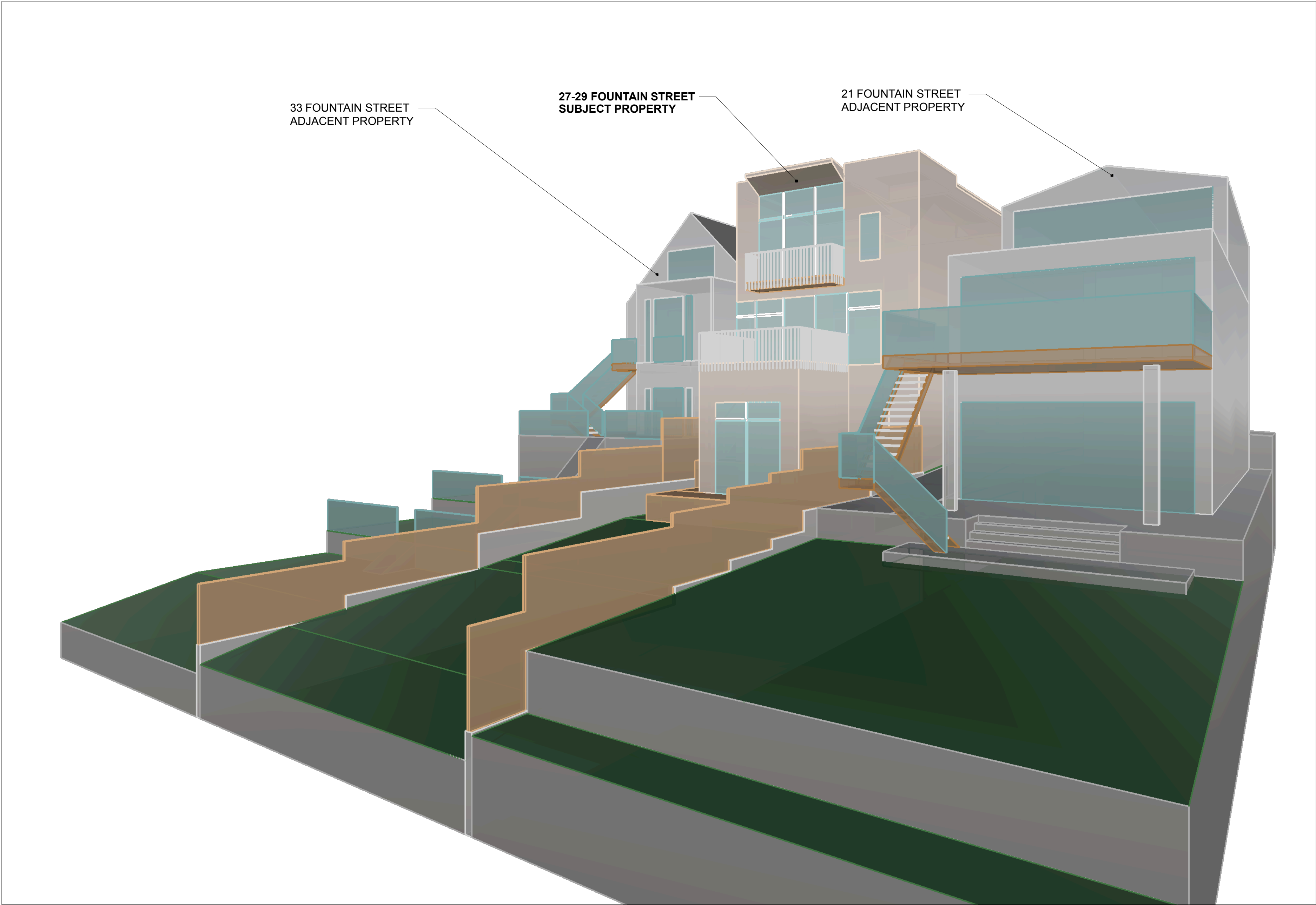


2 EXISTING STREET FACADE



1 SKETCH OF PROPOSED STREET FACADE

Issue	Date
DR	02.14.19



1 3D REPRESENTATION OF PROPOSED DESIGN
Note: All neighbor building information is estimated to our best ability.

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Residence
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San Francisco, CA
94110

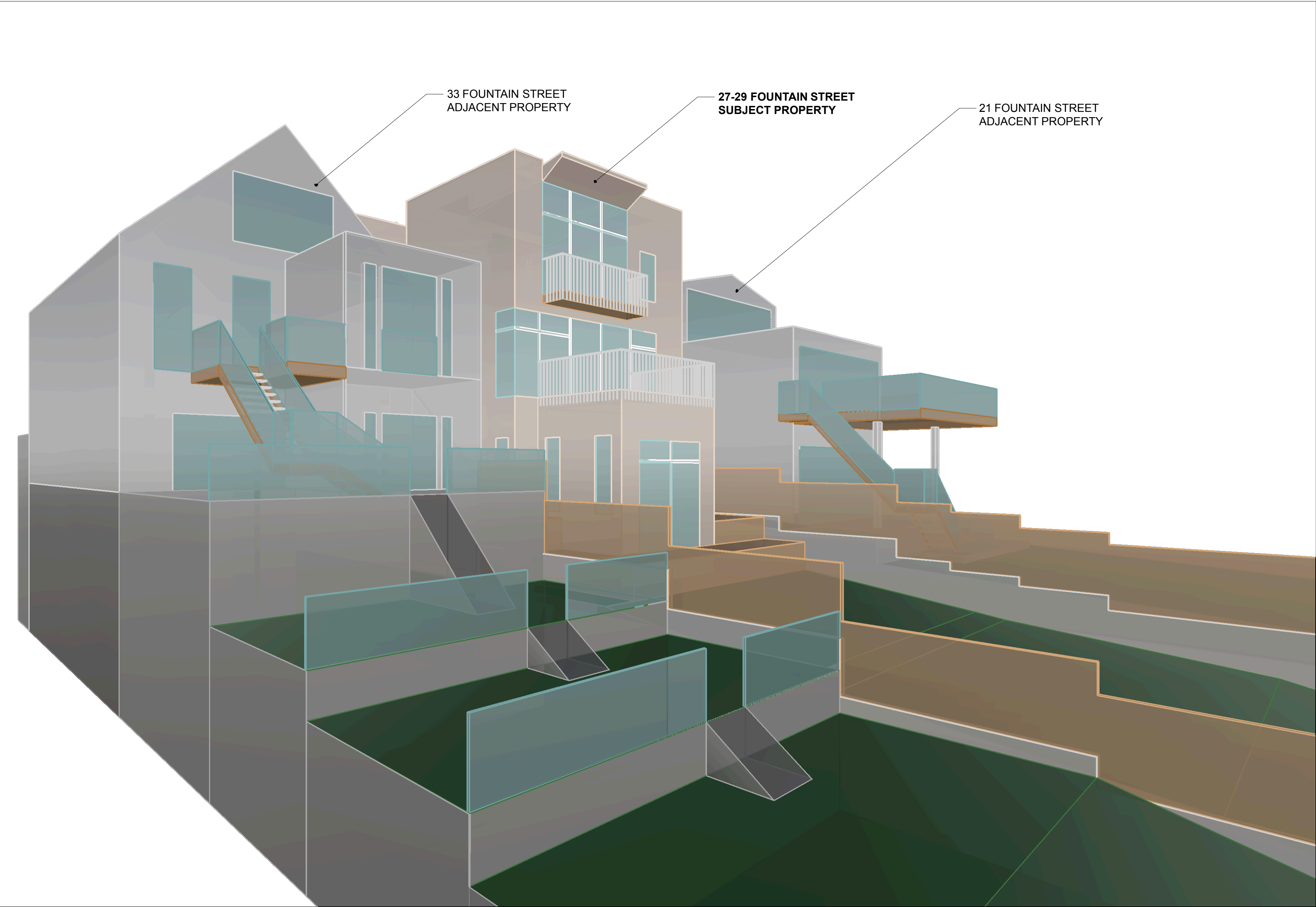
Title

3D REPRESENTATION
OF PROPOSED
DESIGN

Scale

N.T.S

Sheet



1 3D REPRESENTATION OF PROPOSED DESIGN
Note: All neighbor building information is estimated to our best ability.

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27-29 Fountain St
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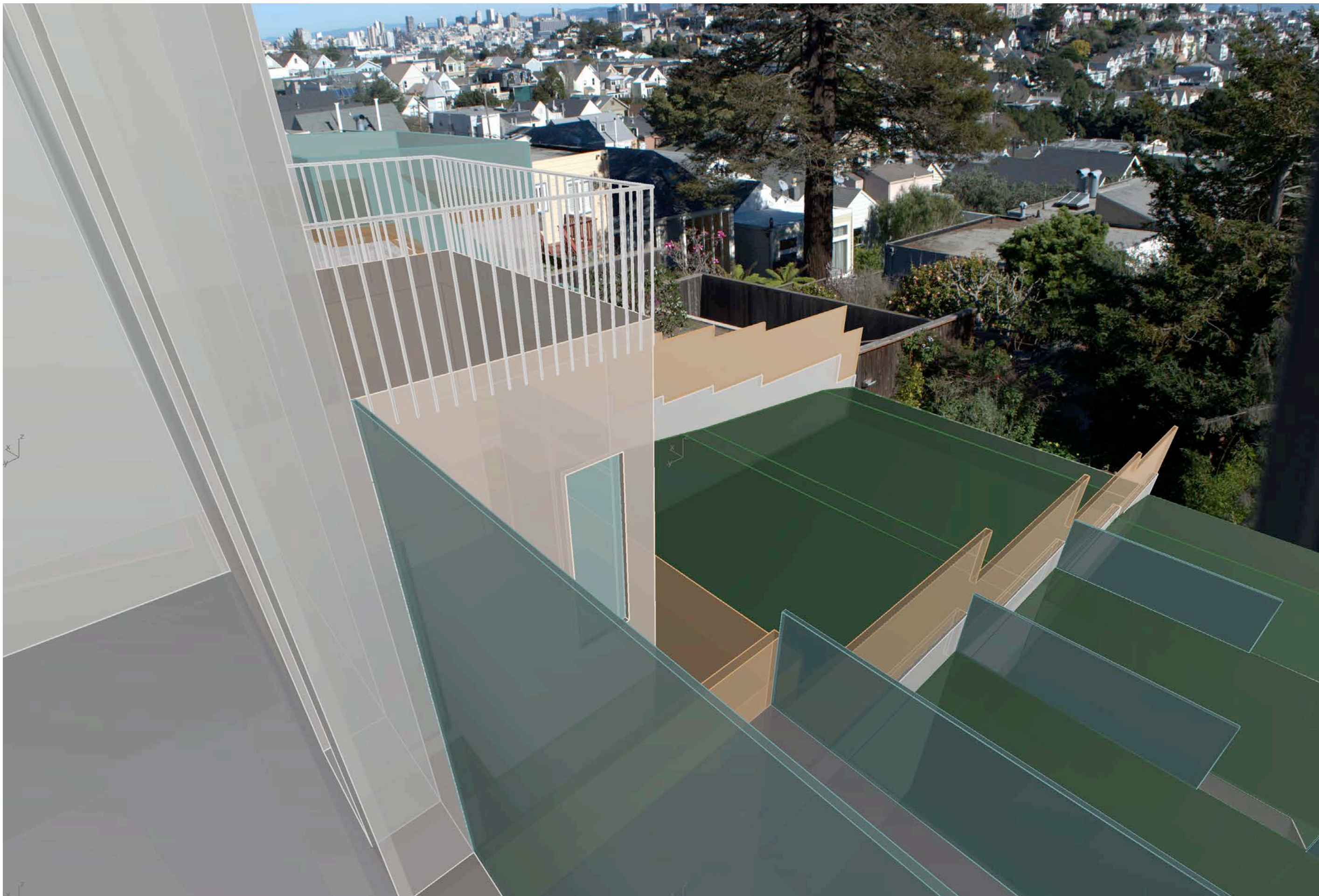
Title

3D REPRESENTATION
OF PROPOSED
DESIGN

Scale N.T.S.
Sheet



2 PHOTOGRAPH TAKEN FROM 33 FOUNTAIN ST. - NEIGHBOR'S LIVING ROOM WINDOW



1 PHOTOMONTAGE FROM NEIGHBOR'S WINDOW W/ PROPOSED DESIGN
Note: All neighbor building information is estimated to our best ability.

S T U D I O
S A R A H
W I L L M E R

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San Francisco 94114
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Issue D308

DR 02.14.19

Rob Fyfe
Residence
27-29 Fountain St
San Francisco CA
94110

Title

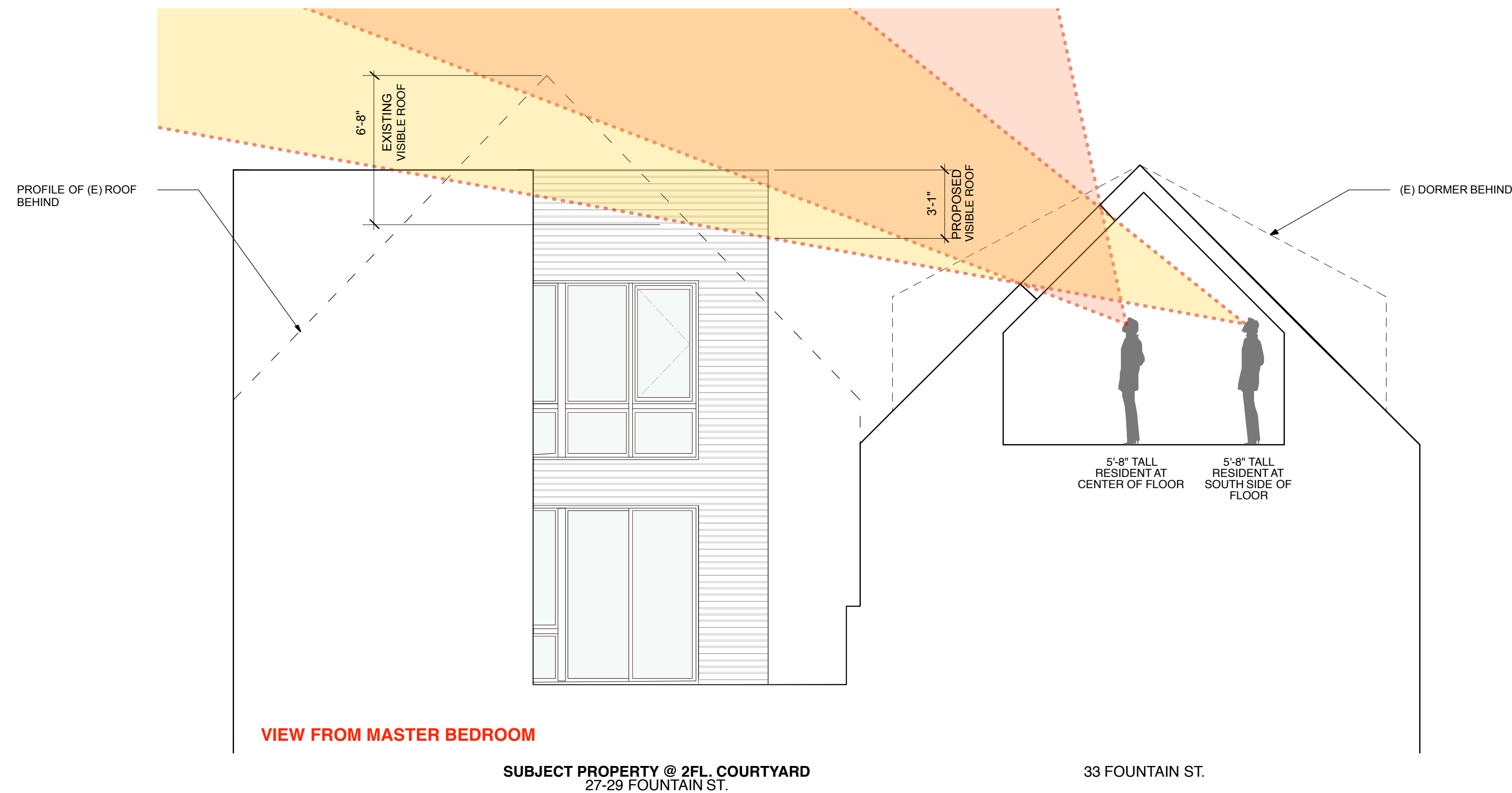
**PERSPECTIVE
STUDY FROM
(33 FOUNTAIN ST.)
NEIGHBOR'S
WINDOW**

Scale N.T.S.

Sheet

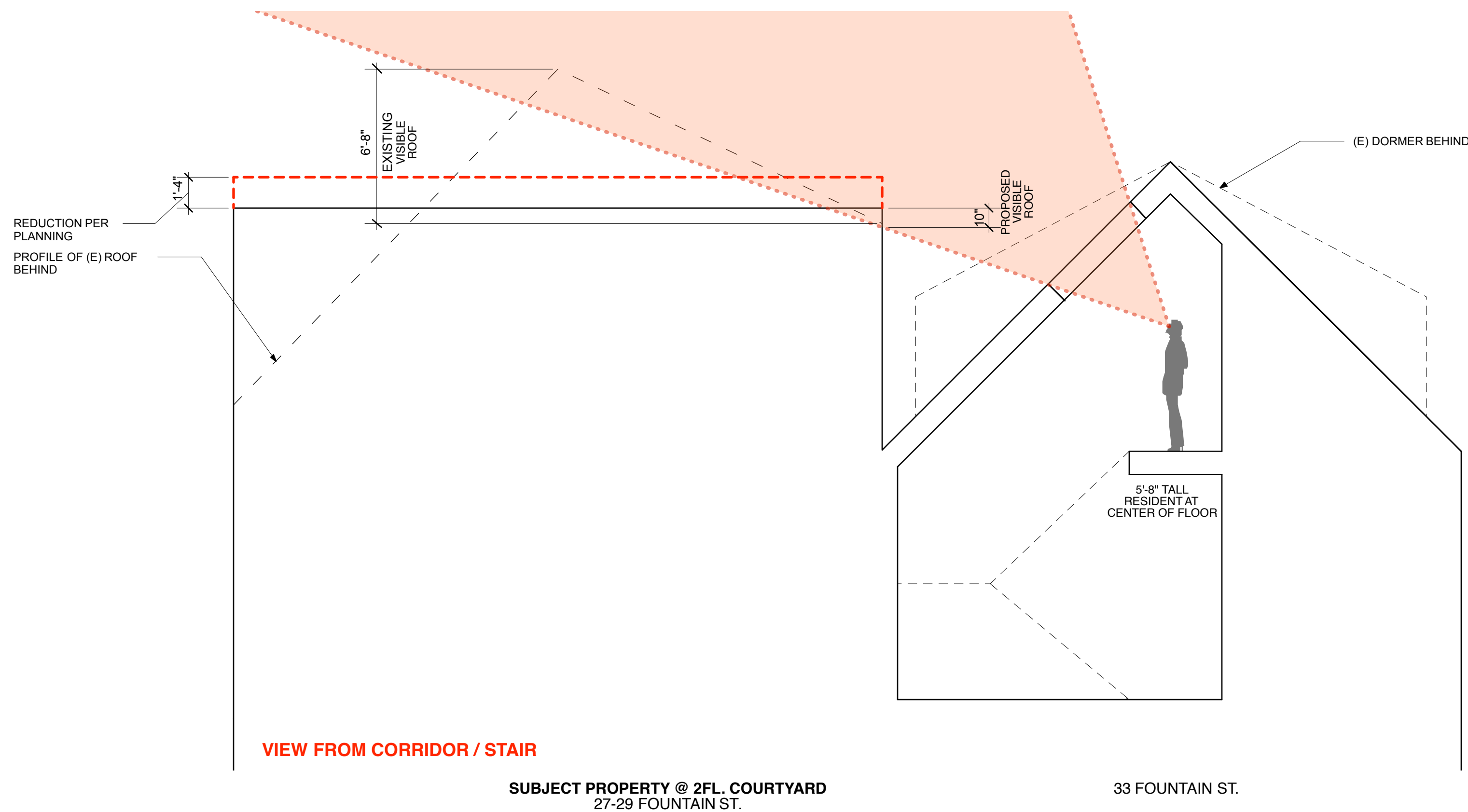
009

Issue	Date
DR	02.14.19



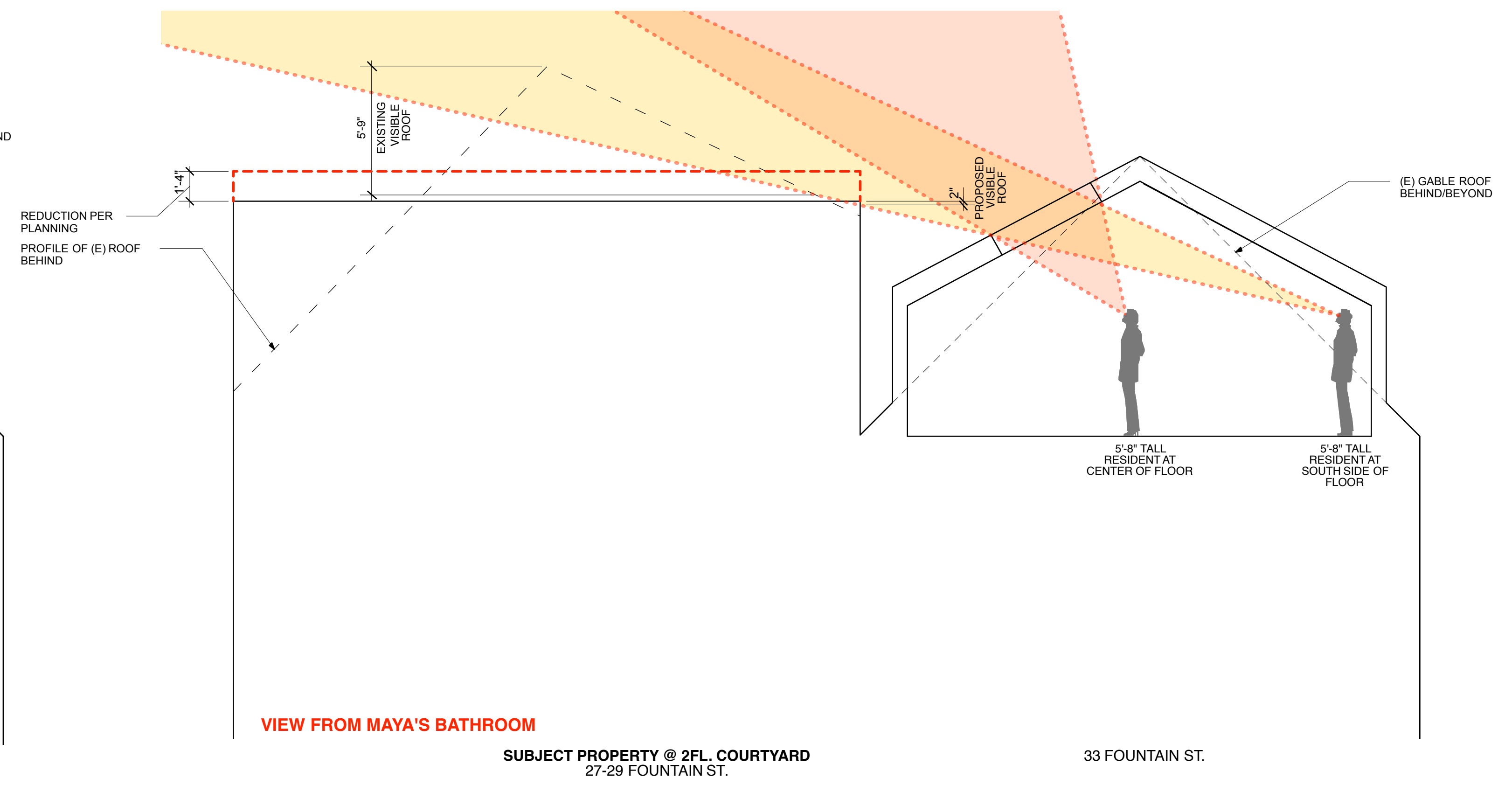
2 CROSS SECTION AT GABLE ROOF SKYLIGHT

Note: All neighbor building information is estimate to our best ability.



3 CROSS SECTION AT GABLE ROOF SKYLIGHT

Note: All neighbor building information is estimated to our best ability.



1 CROSS SECTION AT DORMER SKYLIGHT

Note: All neighbor building information is estimated to our best ability.

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Title
**LIGHT STUDY FROM
33 FOUNTAIN ST.**

Scale 1/4" = 1'-0"
Sheet

010

1) The Request for Discretionary Review from 21 Fountain Street asserts the following:

- A) *The remodeled units “lack size equity when compared to the present two equally sized units in the building” thus constituting removal of a dwelling unit.*

My name is Jeremy Paul, my wife Richelle and I moved to 29 Fountain St., referred to as unit 2 in this application in 2015.

The existing floor area of unit 2 is 1278 ft.² of poorly laid out awkward apartment. The new garden apartment will be 1039 ft.² of design excellence.

This will be a vast improvement over the quality of the living space I now enjoy.

The actual reduction in square footage is 19% of existing unit 2. This complies with Planning Code section 317(b)(7) and 317(e)(1) and does not constitute a loss of housing.

Request for Discretionary Review states: *“We suspect that the small garden unit is a fake/sham/AirB&B unit because of its small size (which is not large enough for a family as was the previous second unit)”*. Currently 29 Fountain aka “Unit 2” has one bedroom. It is completely impractical for a family - We have tried to have my college aged son stay with us, converting the back room for him (designated as STUDY on plans). It didn’t work out. This odd room could never have been used for sleeping; it is more like an old sunroom with two walls of continuous windows. The room overheats in the morning sun and becomes cold and drafty for the rest of the day. There is no closet in this back room, and as it is adjacent to the kitchen, it provides no privacy. The current unit is no place for a family.

My new garden apartment is designed for the way my wife and I wish to live in our home. Compact, functional and affordable, yet we will have a terrific kitchen and easy garden access - a situation far from what we have been living with for more than 3 years.

This project proposes a vast improvement in the quality of the housing provided by our home. There is no loss of a dwelling unit.

- B) *“We also object to the deck shower and hot tub proposed for the ground floor with the hot tub abutted against our property line . . . Also it appears that the ground floor garden unit as well as the main house residents will share the outdoor facilities since it is accessible by the ground floor service alley thus leading us to believe it will be extensively used an area for ongoing congregation thus a ‘party area’ ”.*

We do intend to create some outdoor living amenities, but there are no components of this future project that are subject to the permitting requirements of the Building Code and thus are not part of this application. In the years that we have been neighbors, the DR requesters have never observed us having a party or creating any sort of disturbance.

That is not how we live, and that is not how we intend to live in our new garden apartment. If we do ever install a hot tub, our neighbors can be confident that there will be no audible

equipment noise - nor will there be “*extensive ongoing congregation*”. And if such an unlikely eventuality occurs from 29 Fountain Street, (from future residents) noise complaints are handled by SFPD not the Planning Department in Discretionary Review.

- C) *“We are puzzled and therefore concerned about how Jeremy Paul, the project sponsor/permit expeditor, seems to have made special requests from Planning Department agents . . . This appears to us that he has been shown overt favoritism in the process to the exclusion of the property owners adversely affected by this renovation.”*

Application Date: July 1, **2016**

Assigned to Planning Staff: October 10, 2016

Section 311 Notice Date: August 20, **2018**

If this is what “*overt favoritism*” looks like in the Planning process,
I hope never to be granted “*favoritism*” again!

Planning staff was beyond meticulous in their review of my application. Preservation Planning took close to nine months to issue their determination.

Although I speak and write with familiarity to those Planners with whom I work regularly, I would never ask for special treatment or consideration based on this familiarity. And certainly, no representative of this Department would ever honor such a request.

- 2) *“The renovation will adversely effects (sic) at least two owner occupied single-family households on the North and two on the South side of the renovation because of the small ground-floor garden unit and its outdoor recreational features. If this is in fact an AirBnB or party house it would significant adversely impact the neighbors . . . due to the noise which travels greatly in this area and transient persons coming and going using the outdoor recreational facilities.”*

“Party House”? **“Transient Persons”?** - - - If anything like this were ever to happen in my neighborhood I would first approach my neighbor and respectfully ask that it stop; if it continued I would call the police. I would expect our neighbor at 21 Fountain to do very much the same should there ever be a disturbance in our peaceful neighborhood.

- 3) *Suggested changes to the proposed project:*
“Remove the hot tub entirely”
“Eliminate the garden unit and keep the building a two unit building with unit equity.”

There is no hot tub proposed in this application, and if we ever do put one in we promise that it will be quiet and unobtrusive.

There IS unit equity; while my current flat has more square footage than proposed, the layout is impractical and was the result of past remodels and a poorly conceived unit separation. A

long with our friends and property owners Rob Fyfe and Yaella Frankel who will be our upstairs neighbors in Unit 1, we’ve worked closely with Sarah Willmer, our very talented architect to create a beautiful and affordable home on Fountain Street.

Our neighbors at 33 Fountain Street have become good friends, yet frustration with changes to a neighbors house can be inevitable. Our sincere desire to satisfy the Shiu / Lewis family's concerns have driven our design from our very first plans review meeting with them. We have scaled back our plans repeatedly to achieve the best use of space with the least possible impact on 33 Fountain. We have analyzed the impacts of primary concern and have studied our proposal and prepared graphics to fully understand the long term effects of our work.

The value of our continued friendship with Angela and Chris cannot be measured, and we are thankful for the Discretionary Review process for its capacity to clarify issues and ensure compliance with Planning Code and Residential Design Guidelines.

1) The Request for Discretionary Review from 33 Fountain Street asserts the following:

- A) *The existing design of the 3 decks on each level presents an exceptional and extraordinary situation that justifies Discretionary Review of the project.*

The decks at the top floor and the main living level of Unit 1 (27 Fountain) are the result of significant reductions in mass from our earlier, yet still code compliant design proposals. These spaces were to be enclosed for family living. At the request of our neighbors at 33 Fountain we pulled back to improve access to the view corridor and to improve the openness of the site (Please see Graphic Page 009 and Site Sections A1.1).

The deck at the 21 Fountain neighbors house will continue to project entirely beyond the maximum extent of our horizontal addition.

The top floor balcony no longer proposes space for furniture or sitting - it will simply be a special place for the master bedroom to catch a sunrise.

- B) *Also, the new proposed flat roof structure at 27-29 Fountain will have major impact on the 6 skylights I have on my north facing roof. Under those skylights are my master bedroom as well as my daughter's bathroom. There will be encroachment of privacy when someone can peek into my bathroom and master bedroom from your roof.*

Graphics page 010 provides detailed cross sections at dormers demonstrating the extent of sky blockage from the 33 Fountain skylights. The impact is not significant. Any person on a roof intentionally looking into skylights or windows of another property is violating the law and SFPD should be called immediately.

2) There is nothing about this project that will increase the likelihood of intentionally intrusive behavior either from the deck or from the roof. I have lived in apartments where bathroom windows are 6 feet apart across a lightwell - - Real San Francisco city dwellers DON'T LOOK.

3) We have reduced the mass projection and pulled back 6 feet from the south side property line providing a substantial cushion for privacy, light and air, and of course to maintain views. Any further reduction will harm the project significantly. We have been extraordinarily sensitive

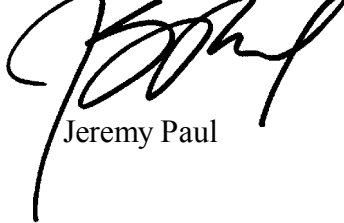
to the needs and concerns expressed by Angela and Chris, and we have no more room to give.

Our design is not greedy nor massive. Rather it represents a carefully designed, code compliant remodel of a house badly in need of improvement. Our Architect, Studio Sarah Willmer is a Noe Valley based all women firm with exceptional experience in this type of Noe Valley home.

Willmer has brought vision and environmental awareness to this project to address the needs of the project sponsors as well as those of our neighbor. It will be beautiful.

Rob and Yaella and family look forward to their remodeled home upstairs at 27 Fountain, and Richelle and I are excited about our garden apartment at 29 Fountain Street. Please deny this request for Discretionary Review and approve our permit application.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'JP', with a long, sweeping horizontal line extending to the left.

Jeremy Paul