



# SAN FRANCISCO PLANNING DEPARTMENT

## Discretionary Review Abbreviated Analysis HEARING DATE: DECEMBER 6, 2018

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

Reception:  
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Planning  
Information:  
**415.558.6377**

*Date:* November 15, 2018  
*Case No.:* **2017-011478DRP-02**  
*Project Address:* **463 Duncan St.**  
*Permit Application:* 2017.0815.4881  
*Zoning:* RH-2 [Residential House, Two-Family]  
40-X Height and Bulk District  
*Block/Lot:* 6602/030  
*Project Sponsor:* William Pashelinsky  
1937 Hayes St.  
San Francisco, CA 94117  
*Staff Contact:* David Winslow – (415) 575-9159  
[David.Winslow@sfgov.org](mailto:David.Winslow@sfgov.org)  
*Recommendation:* **Do not take DR and approve as proposed**

### PROJECT DESCRIPTION

The project consists of construction of a horizontal front and rear expansion to an existing 2-story over basement single-family residence. The proposal also includes excavation to add a new basement level, façade alterations, and a roof deck to add a second dwelling unit.

### SITE DESCRIPTION AND PRESENT USE

The site is a 27.5' x 114' lateral and down sloping lot with an existing 2-story, 1,030 s.f. single-family house built in 1927.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

This block of Duncan has a consistent pattern of 2-story houses with varying front setbacks from the street to accommodate raised stair entries. The mid-block open space has a generally strong pattern with the exception of the adjacent building to the west situated in the rear yard.

### BUILDING PERMIT NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	August 13, 2018 – September 12, 2018	09.5.2018 09.11.2018	12.06. 2018	93 days

## HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	November 26, 2018	November 26, 2018	10 days
Mailed Notice	10 days	November 26, 2018	November 26, 2018	10 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 REQUESTORS

1. Paul Sheard, of 457 Duncan, adjacent neighbor to the East.
2. Georgia Schuttish of 460 Duncan, an across the street neighbor.

## DR REQUESTORS' CONCERNS AND PROPOSED ALTERNATIVES

### DR requestor 1:

1. Building is not compatible with the scale of other buildings at the rear mid-block open space due to excessive extension of the proposed building and excavation.
2. New construction does not respect the pattern of side setbacks.
3. Impacts to light and privacy due to building mass and decks.
4. Endangerment to an existing mature tree.

See attached *Discretionary Review Applications*, dated September 10, 2018

### DR requestor 2

1. Roof deck disrupts the scale of the building at the front - will be highly visible and tantamount to a vertical addition.
2. Loss of the existing façade disrupts existing neighborhood character by removing historic architectural detailing, materiality and scale.
3. Extensive demolition and expansion undermines general affordability and quality of second unit.
4. Extensive excavation raises issues of affordability and hillside safety.

See attached *Discretionary Review Applications*, dated September 5, 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 September 5, 2018.

## 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

In light of the DR requests, RDAT re-reviewed this project and recommended that the project sponsor reduce and articulate the massing at the rear by:

1. Providing a 4'-4" side setback at the east property line at the first level.  
The project sponsor additionally reduced the size of the garage and the rear extension of the top floor by 5'.

RDAT review also confirmed that:

1. The building was not listed as either an historical resource or a contributor in a district, and therefore the existing façade was not a preservation issue. Direction was given, however, to improve the window proportions, façade composition to better relate to the patterns of the block face.
2. The roof deck was determined to be modestly sized, set back from all building edges, and accessed via an internal stair such that it does not add massing with roof appurtenances. This complies with direction the Planning Commission has been consistently giving.
3. Excavation is typical and regulated by structural requirements of DBI, and geotechnical reports and engineering. The project is not a demolition by the Planning Code definition.
4. The location of an additional dwelling unit below the street level due to the downslope of the lot does not create an exceptional condition. Single-aspect dwellings of this type are common and normal. It is configured to provide a legal dwelling unit. The Department cannot speculate on the future abuse of the space, but it has a distinct front entrance, and relatively close size parity with the upper unit.
5. Trees are not regulated by the Planning Department, but the project sponsor has received a letter from an arborist regarding the survivability of the tree under the proposed circumstances.

RDAT determined that none of these conditions or circumstances rose to exceptional or extraordinary.

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

Block Book Map

Sanborn Map

Zoning Map

Aerial Photographs

Context Photographs

Section 311 Notice

CEQA Determination

DR Application

Response to DR Application dated August 24, 2018

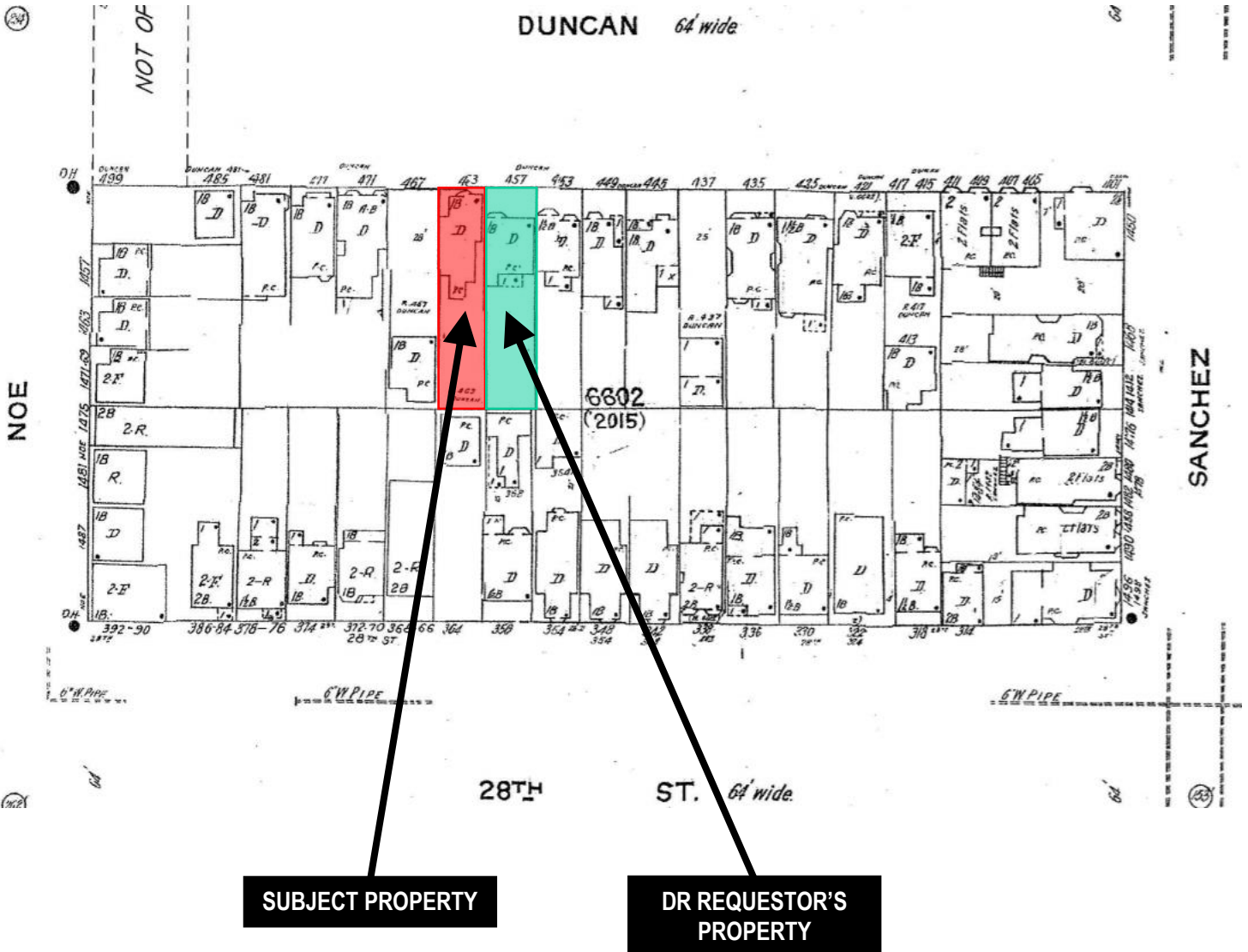
Reduced Plans

3 D images

# Exhibits



# Sanborn Map\*

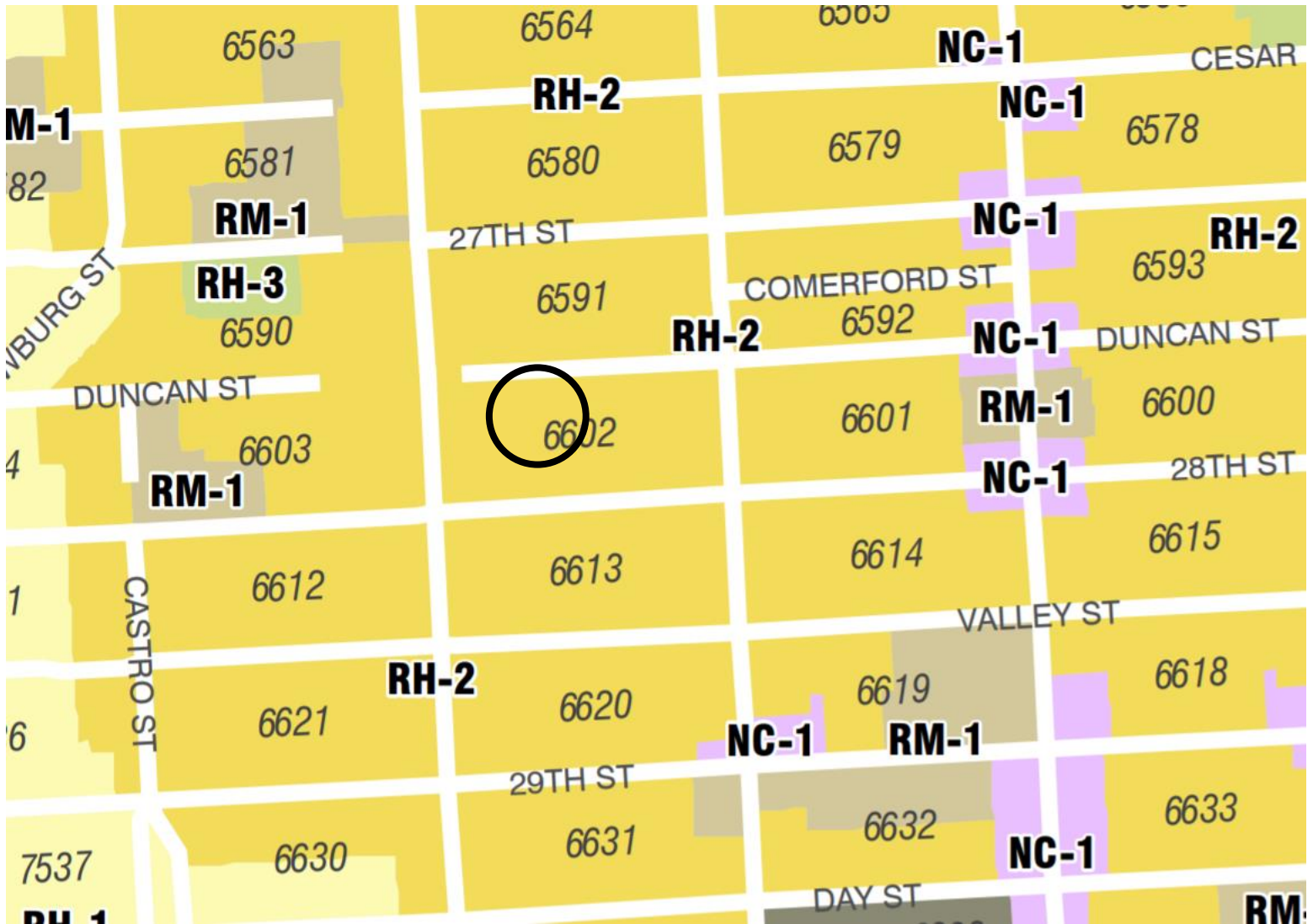


\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Discretionary Review Hearing  
Case Number 2017-011478DRP  
463 Duncan Street

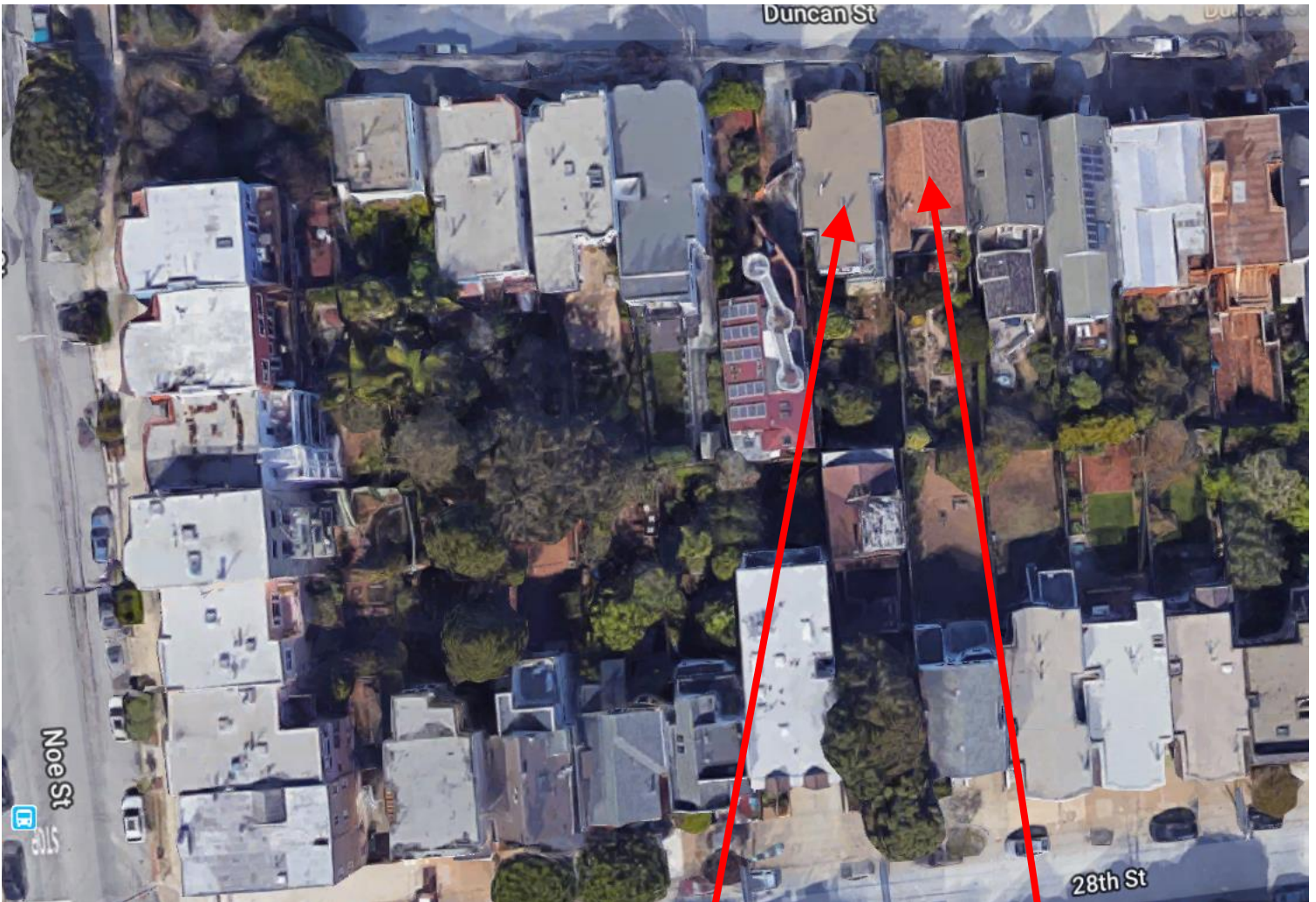
# Zoning Map



Discretionary Review Hearing  
Case Number 2017-011478DRP  
463 Duncan Street



# Aerial Photo



**SUBJECT PROPERTY**

**DR REQUESTOR'S  
PROPERTY**



Discretionary Review Hearing  
Case Number 2017-011478DRP  
463 Duncan Street

# Aerial Photo



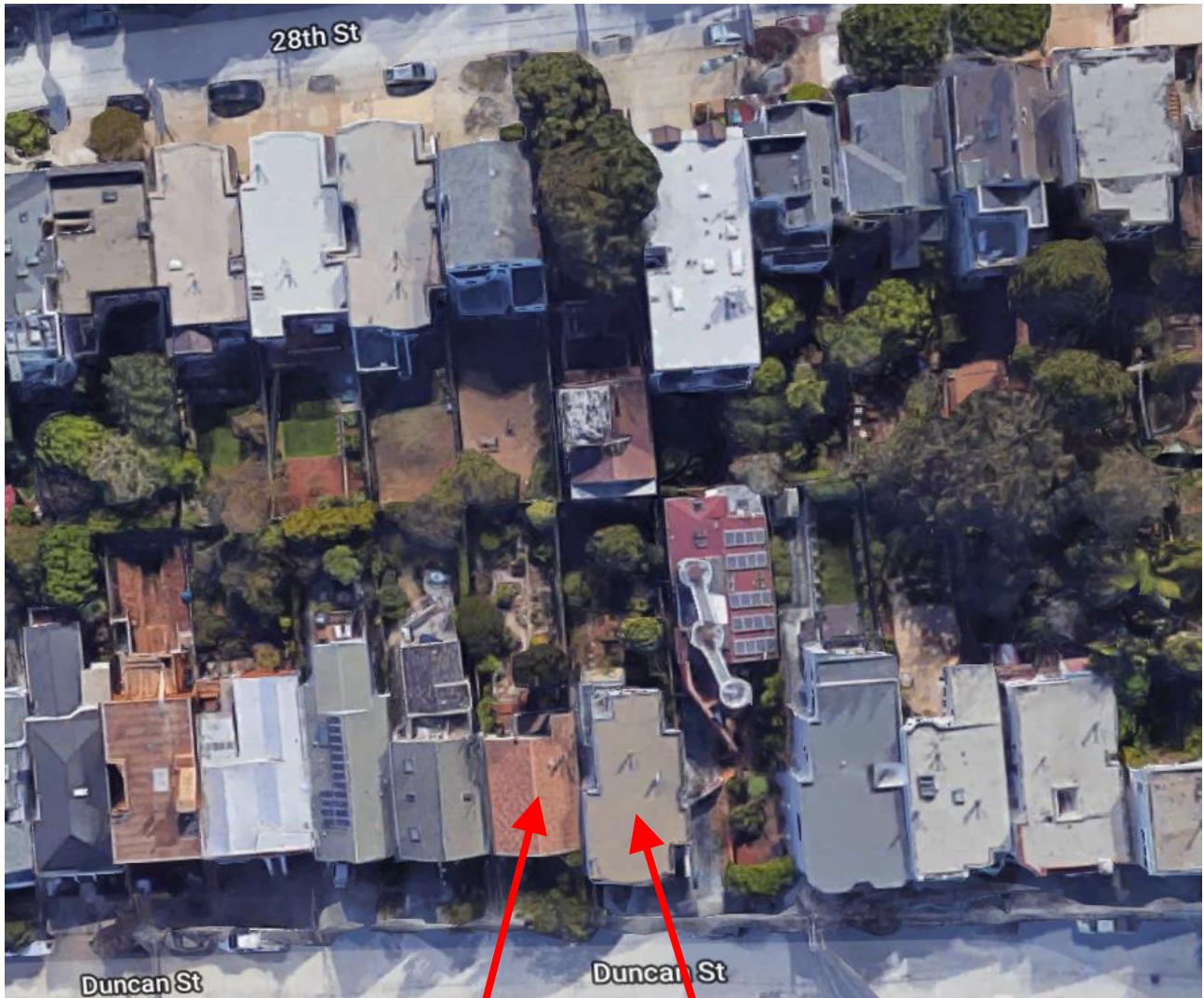
**SUBJECT PROPERTY**

**DR REQUESTOR'S PROPERTY**



Discretionary Review Hearing  
Case Number 2017-011478DRP  
463 Duncan Street

# Aerial Photo



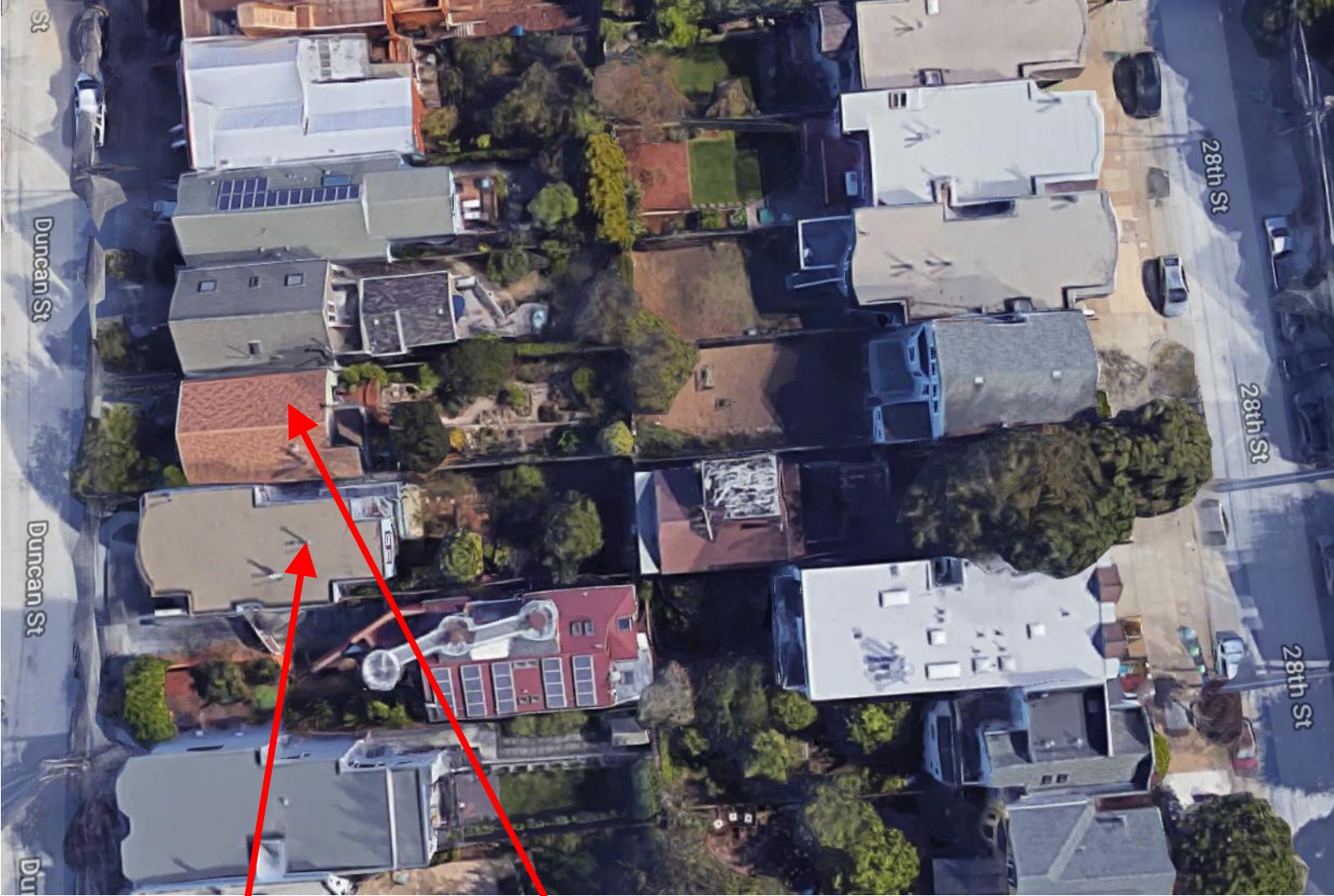
**DR REQUESTOR'S  
PROPERTY**

**SUBJECT PROPERTY**



Discretionary Review Hearing  
Case Number 2017-011478DRP  
463 Duncan Street

# Aerial Photo



**SUBJECT PROPERTY**

**DR REQUESTOR'S  
PROPERTY**



Discretionary Review Hearing  
Case Number 2017-011478DRP  
463 Duncan Street

# Site Photo



**SUBJECT PROPERTY**

Discretionary Review Hearing  
Case Number 2017-011478DRP  
463 Duncan Street



# SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

## NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **August 15, 2017**, the Applicant named below filed Building Permit Application No. **2017.08.15.4881** with the City and County of San Francisco.

PROJECT INFORMATION		APPLICANT INFORMATION	
Project Address:	<b>463 Duncan Street</b>	Applicant:	<b>Bill Pashelinsky</b>
Cross Street(s):	<b>Noe and Sanchez Streets</b>	Address:	<b>1937 Hayes Street</b>
Block/Lot No.:	<b>6602/030</b>	City, State:	<b>San Francisco, CA 94117</b>
Zoning District(s):	<b>RH-2/ 40-X</b>	Telephone:	<b>(415) 379-3676</b>
Record No.:	<b>2017-011478PRJ</b>	Email:	<b><a href="mailto:billpash@gmail.com">billpash@gmail.com</a></b>

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

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

PROJECT SCOPE		
<input type="checkbox"/> Demolition	<input type="checkbox"/> New Construction	<input checked="" type="checkbox"/> Alteration
<input type="checkbox"/> Change of Use	<input checked="" type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input checked="" type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input checked="" type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Residential	No Change
Front Setback	3 feet 10 inches	No Change
Side Setbacks	None	No Change
Building Depth	53 feet 4 inches	81 feet 8 inches at maximum depth
Rear Yard	57 feet 3 inches	28 feet 6 inches
Building Height	20 feet 6 inches	22 feet
Number of Stories	Two	Two Over Basement
Number of Dwelling Units	One	Two
Number of Parking Spaces	One	No Change
PROJECT DESCRIPTION		
<p>The proposal includes a horizontal (front and rear) addition to an existing 2-story-over basement single-family residence. The proposal includes excavation to add a new basement level; façade alterations; and a roof and rear decks.</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: Veronica Flores  
 Telephone: (415) 575-9173  
 E-mail: [veronica.flores@sfgov.org](mailto:veronica.flores@sfgov.org)

Notice Date: 8/13/18  
 Expiration Date: 9/12/18

# 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](http://www.communityboards.org) for a facilitated discussion in a safe and collaborative environment. Community Boards acts as a neutral third party and has, on many occasions, helped reach mutually agreeable solutions.
3. Where you have attempted, through the use of the above steps or other means, to address potential problems without success, please contact the planner listed on the front of this notice to discuss your concerns.

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

**Incomplete applications will not be accepted.**

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

## BOARD OF APPEALS

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

## ENVIRONMENTAL REVIEW

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

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



# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

<b>Project Address</b>		<b>Block/Lot(s)</b>
463 DUNCAN ST		6602030
<b>Case No.</b>		<b>Permit No.</b>
2017-011478ENV		201708154881
<input checked="" type="checkbox"/> <b>Addition/ Alteration</b>	<input type="checkbox"/> <b>Demolition (requires HRE for Category B Building)</b>	<input type="checkbox"/> <b>New Construction</b>
<p><b>Project description for Planning Department approval.</b>          ADD (N) RESIDENTIAL UNIT @ BASEMENT. SIDE ADDITION @ 2ND FL EAST &amp; WEST ELEVATION.          HORIZONTAL ADDITION @ 1ST FL. PROVIDE BASEMENT LEVEL. REMODEL INTERIOR.</p>		

### STEP 1: EXEMPTION CLASS

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



**STEP 2: CEQA IMPACTS**  
**TO BE COMPLETED BY PROJECT PLANNER**

<p>If any box is checked below, an <i>Environmental Evaluation Application</i> is required.</p>	
<input type="checkbox"/>	<p><b>Air Quality:</b> Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Air Pollution Exposure Zone)</p>
<input type="checkbox"/>	<p><b>Hazardous Materials:</b> If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment. <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap &gt; Maher layer).</i></p>
<input type="checkbox"/>	<p><b>Transportation:</b> Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?</p>
<input type="checkbox"/>	<p><b>Archeological Resources:</b> Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non -archeological sensitive area? (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Archeological Sensitive Area)</p>
<input type="checkbox"/>	<p><b>Subdivision/Lot Line Adjustment:</b> Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Topography)</p>
<input checked="" type="checkbox"/>	<p><b>Slope = or &gt; 20%:</b> 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 &gt; CEQA Catex Determination Layers &gt; Topography) <b>If box is checked, a geotechnical report is required.</b></p>
<input type="checkbox"/>	<p><b>Seismic: Landslide Zone:</b> 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 &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones) <b>If box is checked, a geotechnical report is required.</b></p>
<input type="checkbox"/>	<p><b>Seismic: Liquefaction Zone:</b> 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 &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones) <b>If box is checked, a geotechnical report will likely be required.</b></p>
<p><b>If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an <i>Environmental Evaluation Application</i> is required, unless reviewed by an Environmental Planner.</b></p>	
<p><b>Comments and Planner Signature (optional):</b> Joy Navarette</p> <p>Geotechnical Report provided</p>	

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

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

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

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

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

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

<input type="checkbox"/>	7. <b>Addition(s)</b> , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
<input type="checkbox"/>	8. <b>Other work consistent</b> with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. <b>Other work</b> that would not materially impair a historic district (specify or add comments):  (Requires approval by Senior Preservation Planner/Preservation Coordinator)
<input type="checkbox"/>	10. <b>Reclassification of property status.</b> (Requires approval by Senior Preservation Planner/Preservation <input type="checkbox"/> Reclassify to Category A <input checked="" type="checkbox"/> Reclassify to Category C a. Per HRER dated 05/01/2018 (attach HRER) b. Other (specify): Per PTR form signed on May 1, 2018
<b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.</b>	
<input type="checkbox"/>	<b>Further environmental review required.</b> Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. <b>GO TO STEP 6.</b>
<input checked="" type="checkbox"/>	<b>Project can proceed with categorical exemption review.</b> The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. <b>GO TO STEP 6.</b>
<b>Comments (optional):</b>	
<b>Preservation Planner Signature:</b> Stephanie Cisneros	

**STEP 6: CATEGORICAL EXEMPTION DETERMINATION  
TO BE COMPLETED BY PROJECT PLANNER**

<input type="checkbox"/>	<b>Further environmental review required.</b> Proposed project does not meet scopes of work in either (check all that apply): <input type="checkbox"/> Step 2 - CEQA Impacts <input type="checkbox"/> Step 5 - Advanced Historical Review <b>STOP! Must file an <i>Environmental Evaluation Application</i>.</b>	
<input checked="" type="checkbox"/>	<b>No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.</b>	
	<b>Project Approval Action:</b> Building Permit	<b>Signature:</b> Stephanie Cisneros
	If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	05/04/2018
	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)
463 DUNCAN ST		6602/030
Case No.	Previous Building Permit No.	New Building Permit No.
2017-011478PRJ	201708154881	
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?
<b>If at least one of the above boxes is checked, further environmental review is required.</b>	

### 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 DEPARTMENT

## PRESERVATION TEAM REVIEW FORM

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

<b>Preservation Team Meeting Date:</b>		<b>Date of Form Completion</b>	4/25/2018
--	--	--------------------------------	-----------

PROJECT INFORMATION:		
<b>Planner:</b>	<b>Address:</b>	
Stephanie Cisneros	463 Duncan Street	
<b>Block/Lot:</b>	<b>Cross Streets:</b>	
6591/039	Sanchez Street & Noe Street	
<b>CEQA Category:</b>	<b>Art. 10/11:</b>	<b>BPA/Case No.:</b>
B	N/A	2017-011478ENV

PURPOSE OF REVIEW:		PROJECT DESCRIPTION:		
<input checked="" type="radio"/> CEQA	<input type="radio"/> Article 10/11	<input type="radio"/> Preliminary/PIC	<input checked="" type="radio"/> Alteration	<input type="radio"/> Demo/New Construction

<b>DATE OF PLANS UNDER REVIEW:</b>	Submitted 11/14/2017
------------------------------------	----------------------

PROJECT ISSUES:	
<input checked="" type="checkbox"/>	Is the subject Property an eligible historic resource?
<input type="checkbox"/>	If so, are the proposed changes a significant impact?
Additional Notes:	
Submitted: Supplemental Information for Historic Resource Determination prepared by Tim Kelley Consulting (dated July 2017)	
Proposed Project: Add new residential unit at basement. Side addition at 2nd floor at east and west elevations. Horizontal addition at 1st floor. Provide basement level. Remodel interior.	

PRESERVATION TEAM REVIEW:			
<b>Category:</b>	<input type="radio"/> A	<input type="radio"/> B	<input checked="" type="radio"/> C
<b>Individual</b>		<b>Historic District/Context</b>	
Property is individually eligible for inclusion in a California Register under one or more of the following Criteria:		Property is in an eligible California Register Historic District/Context under one or more of the following Criteria:	
Criterion 1 - Event:	<input type="radio"/> Yes <input checked="" type="radio"/> No	Criterion 1 - Event:	<input type="radio"/> Yes <input checked="" type="radio"/> No
Criterion 2 - Persons:	<input type="radio"/> Yes <input checked="" type="radio"/> No	Criterion 2 - Persons:	<input type="radio"/> Yes <input checked="" type="radio"/> No
Criterion 3 - Architecture:	<input type="radio"/> Yes <input checked="" type="radio"/> No	Criterion 3 - Architecture:	<input type="radio"/> Yes <input checked="" type="radio"/> No
Criterion 4 - Info. Potential:	<input type="radio"/> Yes <input checked="" type="radio"/> No	Criterion 4 - Info. Potential:	<input type="radio"/> Yes <input checked="" type="radio"/> No
Period of Significance:	<input type="text"/>	Period of Significance:	<input type="text"/>
		<input type="radio"/> Contributor <input type="radio"/> Non-Contributor	

Complies with the Secretary's Standards/Art 10/Art 11:	<input type="radio"/> Yes	<input type="radio"/> No	<input checked="" type="radio"/> N/A
CEQA Material Impairment to the individual historic resource:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
CEQA Material Impairment to the historic district:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Requires Design Revisions:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Defer to Residential Design Team:	<input checked="" type="radio"/> Yes	<input type="radio"/> No	


**PRESERVATION TEAM COMMENTS:**

According to the Supplemental Information for Historic Resource Determination prepared by Tim Kelley Consulting and information found in the Planning Department files, the subject property at 463 Duncan Street contains a one-story-over-basement, wood-frame, single-family residence. Designed in a vernacular architectural style with some references to the Mediterranean Revival style, the residence was constructed in 1927 by then-owner and builder Andrew Berwick. Berwick sold the residence immediately after construction to Anthony Tsougarakis, a printer, and his wife Sophia. Known alterations to the property include re-roofing (1990) and remodeling the kitchen, converting a bedroom to a family room, plaster work, painting the interior and exterior, and adding a deck at the rear (1990).

No known historic events occurred at the subject property (Criterion 1). Research has not indicated that any of the owners or occupants are important to local, state or national history (Criterion 2). The subject property is a nondescript example of a single-family residence. It is not architecturally distinct such that it would qualify individually for listing in the California Register under Criterion 3. The subject building is not significant under Criterion 4, since this significance criteria typically applies to rare construction types when involving the built environment. The subject building is not an example of a rare construction type.

The subject property is not located adjacent to any known historic resources (Category A properties) or within the boundaries of any identified historic district. The subject property is located in the Noe Valley neighborhood on a block that exhibits a collection of buildings designed in a variety of architectural styles, most with post-construction alterations, and construction dates ranging from 1900 (or pre-1900) through 1998. The block does not comprise a significant concentration of historically or aesthetically unified buildings such that the formation of a historic district would be warranted.

Therefore, the subject property is not eligible for listing in the California Register under any criteria individually or as part of a historic district.

Signature of a Senior Preservation Planner / Preservation Coordinator:	Date:
	5/1/18



# 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

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## Project Information

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Property Address:

Zip Code:

Building Permit Application(s):

Record Number:

Assigned Planner:

---

## Project Sponsor

---

Name:

Phone:

Email:

---

## Required Questions

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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.

<b>Signature:</b>	<b>Date:</b>
<b>Printed Name:</b>	<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.*



2017-011478DRP

RECEIVED

SEP 05 2018

CITY & COUNTY OF S.F. PLANNING DEPARTMENT PIC

DISCRETIONARY REVIEW APPLICATION

Property Owner's Information

Name: JAMES O'DRISCOLL Address: P.O. Box 27006 SF, CA 94127 Email Address: odrisjimmy@gmail.com jodelectric@sbcglobal.net Telephone: 415-850-2241

DR Applicant Information (if applicable)

Name: GEORGIA SCHUTTISH Same as above [ ]

Company/Organization: [ ]

Address: 460 DUNCAN STREET SF, CA 94131 Email Address: schuttishtr@sbcglobal.net Telephone: [ ]

Please Select Billing Contact: [ ] Owner [ ] Applicant [ ] Other (see below for details)

Name: N/A Email: N/A Phone: N/A

Please Select Primary Project Contact: [X] Owner [X] Applicant [ ] Billing OF 460 DUNCAN

Property Information

Project Address: 463 DUNCAN ST. Block/Lot(s): 6602/030

Plan Area: SW QUADRANT

Project Description:

Please provide a narrative project description that summarizes the project and its purpose.

DEMOLITION OF THE ORIGINAL 1927 FACADE WITH THE ADDITION OF A ROOF DECK AND A MAJOR EXCAVATION OF THE LOT ON A STEEP STREET. IT IS A COMPLETE AND TOTAL INTERIOR GUTTING WITH AN EXPANSION INTO THE REAR YARD WITH ADDITIONAL DECKS. THERE IS THE ADDITION OF A SUBTERRANEAN SECOND UNIT LOCATED BELOW THE GARAGE. MANY OTHER EXTERIOR WALLS ARE TO BE DEMOLISHED.

**Project Details:**

- Change of Use     New Construction     Demolition     Facade Alterations     ROW Improvements  
 Additions     Legislative/Zoning Changes     Lot Line Adjustment-Subdivision     Other

Estimated Construction Cost: \$375,000 PER PERMIT

**MAJOR  
EXCAVATION ON  
VERY STEEP HILL**

- Residential:**     Special Needs     Senior Housing     100% Affordable     Student Housing     Dwelling Unit Legalization  
 Inclusionary Housing Required     State Density Bonus     Accessory Dwelling Unit

- Non-Residential:**     Formula Retail     Medical Cannabis Dispensary     Tobacco Paraphernalia Establishment  
 Financial Service     Massage Establishment     Other:

**Related Building Permits Applications**

Building Permit Applications No(s): 2017.08.15.4881

### ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

In reviewing applications for Certificate of Appropriateness the Historic Preservation Commission, Department staff, Board of Appeals and/or Board of Supervisors, and the Planning Commission shall be governed by *The Secretary of the Interior's Standards for the Treatment of Historic Properties* pursuant to Section 1006.6 of the Planning Code. Please respond to each statement completely (Note: Attach continuation sheets, if necessary). Give reasons as to *how* and *why* the project meets the ten Standards rather than merely concluding that it does so. IF A GIVEN REQUIREMENT DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

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

### CHANGES MADE TO THE PROJECT AS A RESULT OF MEDIATION

If you have discussed the project with the applicant, planning staff or gone through mediation, please attach a summary of the result, including any changes that were made to the proposed project.

See Attached.  
Also see previous submissions to Planner + Sponsors concerning project.

**Answer to “Changes Made.....” on page 4 of DR Application**

I was at the Pre App meeting in the Summer of 2017 and voiced my concerns about the project, particularly the facade and the excavation.

I submitted an email to Ms. Flores in November 2017 about the facade. This is attached.

I submitted further comments in July 2018 prior to the issuance of the 311 after reviewing the file. This is attached.

Both sets of comments were forwarded to the Project Sponsor.

I had an informal conversation for nearly an hour with Mr. Stephen Elroy, the Foreman for the project the day he was posting the orange notice on 463.

I wrote an email to Mr. Jimmy O’Driscoll and Mr. Elroy suggesting a meeting.

We met on August 22nd for about a hour at a cafe on 24th Street and I brought a copy of my July 2018 comments for each of them.

A week later I wrote a follow up email to Mr. O’Driscoll with a cc to Mr. Elroy and Ms. Flores to see if they had any further thoughts. Mr. O’Driscoll said he did not.

Therefore, nothing happened and the project from my perspective has not changed since the Pre App. It certainly did not change after our talks. They have their position and I have mine. But I do appreciate their taking the time to talk to me.

## 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 Attached answer.*

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 Attached answer.*

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?

1. PRESERVE FACADE  
2. ELIMINATE ROOF DECK.  
3. NO EXCAVATION BUT PROVIDE 2ND UNIT  
SIMILAR TO ADU GUIDELINES IN ~~REAR~~ GARAGE.

### Answer to Question 1 on page 5 of DR Application

This DR Request has been submitted for three reasons, all of which are interrelated in the project at 463 Duncan Street: **The Roof Deck, The Facade and The Excavation.**

Due to the extremely steep topography of this upper portion of Duncan Street and the configuration of the structure on the adjacent uphill lot, the **roof deck** will be highly visible from the public right of way as would any vertical addition on the existing roof. This does not comply with RDG pgs. 11-13; pgs. 23-24. The open space requirement of the Planning Code can be met within the rear yard, without a roof deck. *It would be Extraordinary and Exceptional to permit this roof deck.*

The HRE did not fully analyze the loss of the **facade**. This is an original 1927 facade. Its architectural features create a harmony of design and scale. The windows and the front door match and create a theme. There are medallions, and scallops of half moons over the original windows in the bay. There is a large medallion over the original front door. There is a soupçon of terra cotta roof tile that is also original. This style whether you call it Spanish Revival or California Mediterranean is a recognized, vernacular architectural style and is cited in many of the Department's own studies and published documents of residential architecture. Some call it Marina Style, although that can also relate to the floor plan. The **facade** does not "overwhelm" the width of the lot. See RDG pgs. 7-10; pgs.28-29; pgs.43-44.

Usually clustered together in neighborhoods from the Marina, to the Richmond, to the Sunset, to the Excelsior, etc, there are fewer of these **facades** in Noe Valley and they are scattered throughout the neighborhood. The specificity of this style of domestic architecture to San Francisco and the uniqueness to Noe Valley *makes this original facade Extraordinary and Exceptional and it would be improper to demolish it.* See RDG pgs. 7-10.

The architectural detailing, windows, front door, use of tile and stucco are themes that illustrate and predominate throughout the post-1906 Quake through the post-WWII era of San Francisco's Residential Neighborhoods. It embellishes single family homes, flats and multi unit buildings constructed during this period. *Again, demolition of this facade would be Extraordinary and Exceptional.*

The HRE stated that most homes on Duncan Street, particularly those on the upper end of this dead-end street (some call it a "cul-de-sac") are not original. This is incorrect. The neighborhood character of the street is primarily original or original in texture and quality with a range of homes illustrating the development throughout the years of what is historically known as Horner's Addition. The only home which has undergone recent major remodeling nearby to 463 is the home at 469 Duncan and that home is set back, far off the block face. (Please see my November 2017 email to Ms. Flores that is attached)

Additionally this extensive remodel and **excavation** proposed at 463 Duncan raises questions of demolition and loss of relatively affordable housing per Section 317 of the Planning Code regardless of the second unit's addition to the project. This project is a "gut job", not a mere alteration. *The extreme excavation and alteration is Extraordinary and Exceptional.*

The second unit's location underneath the garage within the **excavated** area is highly questionable in terms of livability and tenure. *The creation and location of this unit is Extraordinary and Exceptional.* Is this second unit to be sold, rented, absorbed into the main unit, or will it be a short term rental? It is unclear as the Project Sponsor will be selling the completed project with their admitted market being "techies" as was stated by them in our conversations.

Additionally and importantly, there is loss of neighborhood character per Section 101.1 (b). There is non-compliance with the RDG pg. 28-29 on building form. There is the questionable design of a unit constructed below a garage, something which is unusual to say the least and may not itself comply with the intent of standards for light and air per the RDG pg. 16 or even the exposure requirements of the Planning Code. There are Section 317 issues and issues relating to the preservation of relatively affordable housing and existing housing all of which are Objectives/Policies in the Housing Element of the Master Plan.

There are alternatives to this project that would maintain the **facade** and provide a better second unit without major **excavation** and do not require a **roof deck**.

Please see my earlier submissions from November 2017 and July 2018 for more discussion of this question number 1. These two documents are attached to this Request for Discretionary Review along with a photo of 463 where the architectural details are apparent.



### Answer to Question 2 on page 5 of DR Application

This **excavation** of at least 10 feet below the existing house on this very steep hill to create a subterranean unit, that when completed will have desirability and livability issues makes construction of such a unit highly questionable. It is one thing to create a second unit, which could easily be done on the existing ground level; it is another to have a major **excavation** of basically the entire length of the lot with all the issues that such an extensive **excavation** raises regarding safety not only on the site itself but to the neighboring properties and Duncan Street itself. It is risky. And it is unclear if it will be additional housing or merely more square footage to sell.

My bedroom window is directly across the street from the proposed **roof deck** and while this **roof deck** is intended to be set back from the front of the project, given the quiet nature of the dead end street, this **roof deck** will increase the likelihood of an exponential increase in lack of privacy and an exponential increase in noise from the current pleasant living situation my husband and I enjoy.

Given the fact that the open space requirement can be met by the rear yard, and the **roof deck** will not comply with the RDG as stated in Question 1, the **roof deck** is unnecessary and nothing more than a selling point to boost the price in this speculative project. Plus the interior stairs to the **roof deck** take up square footage in the main unit that could be put to better use as living space for the future occupants.

With regard to the **facade**: It's demolition offends me aesthetically.

To obliterate this original 1927 **facade** with all of its architectural details means loss of neighborhood character on the 400 block of Duncan Street. This is one of Noe Valley's more unique streets due to the dead end with the WPA era wall at the top of Noe Street, the extreme steepness of the hill, and the originality of the homes throughout the decades. The **facade** can be preserved.

All three of these are unreasonable affects on myself and my neighbors and can be avoided.

*Additionally it is vital to maintain the economic diversity and character of the neighborhood as passed by the voters in 1986 through the Priority Policies of Planning Code Section 101.1 (b). The losses from this type of project are a detriment to my neighbors and myself. It is an intangible, but it is reality and it is palpable for all, daily, as residents of the City. It is on beyond Gentrification.*

# DISCRETIONARY REVIEW APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

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

Georgia Schuttish  
Signature

GEORGIA SCHUTTISH  
Name (Printed)

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

N/A  
Phone

Schuttishtr@sbcglobal.net  
Email

ADJACENT NEIGHBOR  
DIRECTLY ACROSS THE

STREET I AM THE OWNER OF 460 DUNCAN W/ MY HUSBAND  
IN A FAMILY TRUST

## APPLICANT'S SITE VISIT CONSENT FORM

I hereby authorize City and County of San Francisco Planning staff to conduct a site visit of this property, making all portions of the interior and exterior accessible.

You are welcome to come to my house

Signature

but I can't authorize you to go to

Name (Printed)

Date

9.5.2018

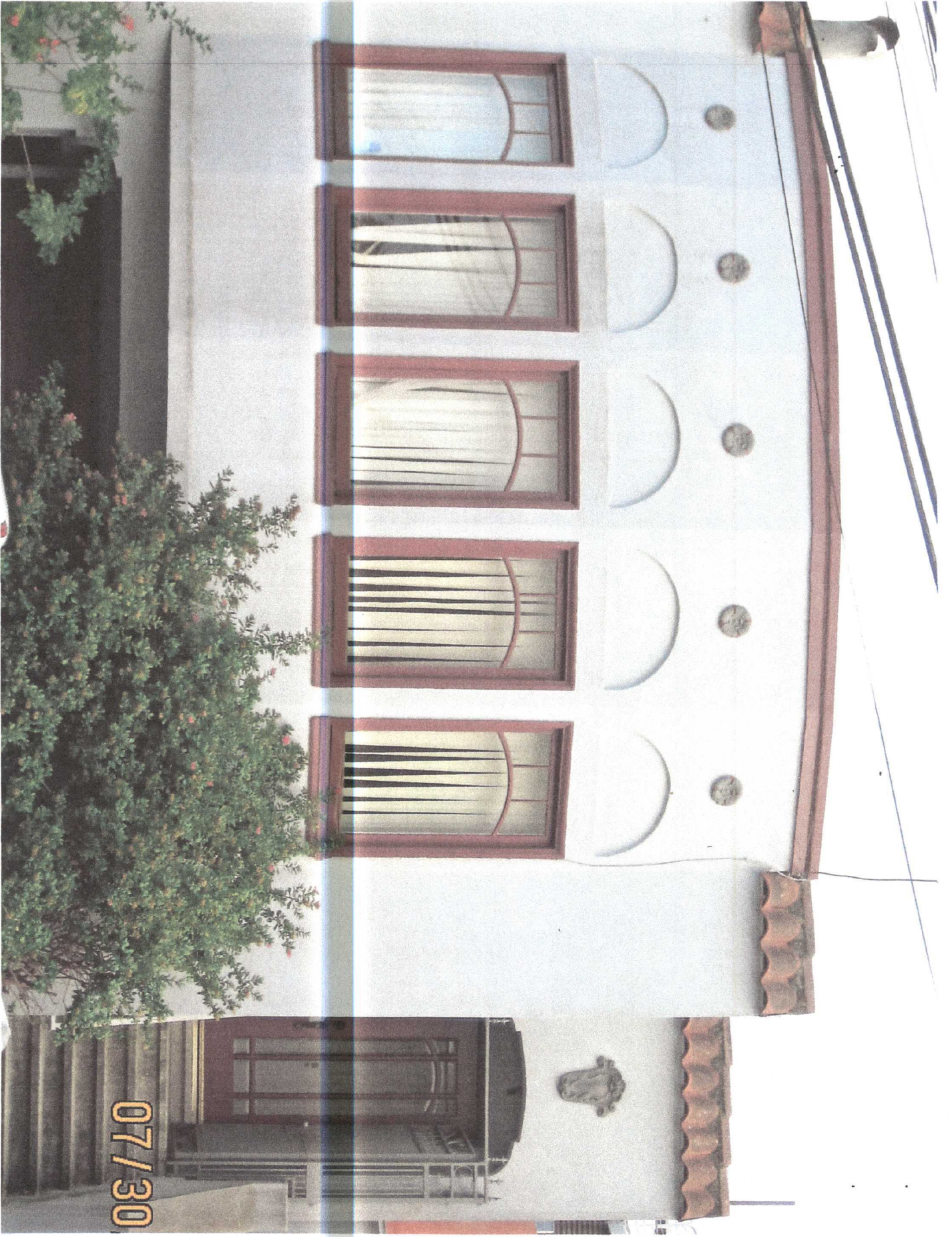
the project site.

For Department Use Only

Application received by Planning Department:

By: Xline

Date: 9/5/18



07/30

July 20, 2018

Comments on:  
**463 Duncan Street**  
**BPA 201708154881**  
**2017-011478PRJ**

To: Veronica Flores  
From: Georgia Schuttish (460 Duncan Street)

Here are the points I would like to make about this proposed project. I am following up on my email from last November and the one I sent this morning to you with that previous email attached.

### FRONT FACADE

The demolition of the front facade is a mistake because the facade is original from 1927. Contrary to the HRE and the Supplemental information in the CatEx so are the majority of the facades on this block.

Four are "remodeled" and only one of these was done in the past decade, while the rest are much earlier in their life cycle.

So the statement that, "most with post construction alterations" regarding the buildings on the block in the Supplemental seems to be incorrect. *Therefore it should not be used to justify the demolition of the existing facade.*

### ROOF DECK

There are two other decks proposed for this unit, on the rear into the backyard so at this point it seems like the roof deck is unnecessary. Plus there is also the backyard.

The roof deck on the very topmost part of the proposal (on the actual roof of the building) is out of character and will be visible from Duncan Street regardless of how far it is set back due to the steep nature of the hill.

***(Actually the roof deck and the demolition of the facade are linked because they are not in keeping with neighborhood character).***

I would imagine that the idea of the roof deck being OK is due to the fact that the immediately adjacent house at 467 has a catwalk on the top of the building....and that is the point....it is a catwalk....it cannot be called a roof deck. As a catwalk it is narrow, and it is part of the 2007 remodel of the cottage which can be considered integral to the re-design of this building.

Frankly the catwalk on 467 is probably not necessary, but it is part of the planned architectural design of the top of the copper "cans" that reference bays or dormers. This project received a Variance because it was on the rear of the lot. (non-conforming structure). I think the elevations for 463 fail to convey that the building at 467 is on the rear of the lot, does not affect the block face and that the catwalk is really not comparable to the proposed roof deck on 463. Additionally, and importantly, the 2007 "remodel" of the rear cottage is different that the proposed demolition of the 1927 facade located right along the Duncan Street block face per the RDGs.

## PROGRAMMING OF UNITS

463 Duncan Street currently has a separate entrance (probably the historic tradesman entrance). This is perfect for an entrance on the garage level and with expansion into the rear yard, a fine, solid unit could be created on this level as Unit 2.

Unit 2 as proposed is primarily below grade....in fact it is designated as "basement" on the plans. And it is below the garage, This is creating a fundamentally undesirable unit because being below ground and below the garage in a brand new unit seems contradictory to the point of a brand new unit that should be very livable.

The garage is not necessary and unit 2 could be created there and out towards the backyard.

As for Unit 1 which is proposed for two levels (behind the existing garage and on the existing living level) the space could be used better and could create or rather re-create a more than habitable family sized unit. Athena Tsougarakis did some remodeling and removed a bedroom and a sun porch in the 1990s when she retired from her position as an executive at the Bank of America.

With the allowable expansion into the rear yard, a clever use of space could create three bedrooms on this one level where there are decks now....plus there is all that space in the public area, including the stairway to the roof hatch....get rid of the roof deck and the square footage needed for the stairway to the hatch is gone too. Let's think in a practical way and in terms of relative affordability and neighborhood character as this home is upgraded and consider a very simple re-design of this project to create two really nice and marketable units that are in character with the other homes on the block.

## ATHENA TSOUGARAKIS

One more thing about my former neighbor who passed away a couple of years ago. In the HRE and Supplemental Info attached to the CatEx it says that Athena's occupation was "unknown". To the best of my knowledge she was an executive with Bank of America at the time when I imagine there were very few women in similar positions. She was active in the League of Women Voters. She was an appointee to the Airport Commission by Mayor Feinstein. She apparently helped the City and County of San Francisco set up a computer system in the 1980s and I know this because she had a proclamation on her living room wall declaring "Athena Tsougarakis Day".

Maybe this doesn't rise to the level of historical significance, but at the very least the historical documentation should have said more than "occupation unknown" for this woman who spent her entire life living at 463 Duncan Street from the day she was carried up the hill as an infant in her mother's arms after her birth at St. Luke's Hospital to the day she died at her home after a long siege of Alzheimer's.

## SUMMARY OF POINTS

**No demolition of 1927 front facade on Duncan Street**  
**No Roof Deck on main roof**  
**Better programming of Unit 1 and Unit 2**  
**Athena did have an occupation**

From: SchuT schuttishtr@sbcglobal.net  
Subject: Fwd: 463 Duncan Street BPA 201708154881  
Date: Jul 19, 2018 at 6:50:09 PM  
To: Georgia Brittan Schuttish schuttishtr@sbcglobal.net

ORIGINALLY SENT  
NOV. 2017 / RESENT  
JULY 2018

**From:** Thomas Schuttish <schuttishtr@sbcglobal.net>  
**Sent:** Tuesday, November 7, 2017 11:27 AM  
**To:** Flores, Veronica (CPC)  
**Cc:** Washington, Delvin (CPC)  
**Subject:** 463 Duncan Street BPA 201708154881

Dear Ms. Flores,

Good morning.

I live directly across the street from this project at 460 Duncan. I have lived here since 1986, (which makes me old) but also allows me to share with you the character of the street.

*As of now*, my only concern and potential opposition to the project is the removal of the facade.

463 Duncan has an original, what I guess could easily be called, Marina-style facade. It still has the original windows, the little medallions over the windows and front door, and it has the suggestion of a tile roof along the flat roof line. The Marina-style is unique to San Francisco and it is interesting when they pop up in other neighborhoods, particularly the older neighborhoods like Noe Valley. Since they are rare outside of the Marina that makes them worthwhile to the character of the neighborhood.

The house was built in 1927 and until my neighbor's death occupied by the same family since it was new.

I think this upper part of Duncan Street is unique because it has three buckets of housing-era that are fundamentally original.

1. There is the pre 1920 bucket of Edwardian/Victorian era.
2. There is the post 1920s-pre World War II moderne style that includes the

Marina Style homes.

3. And then there is the post WW II which also includes two remodels that suggest some of the older homes beneath them. (One probably more than the other).

The lower part of Duncan has many older buildings from buckets #1 and #2 above, which includes two large multi-unit apartment buildings that would be in #3. It also includes a brand new construction completed in 2016 that had involved a Mandatory as well as a Public DR (2013) and a hearing at the Board of Appeals. This new single family home sticks out like a sore thumb.

I know there is a lot of debate within the design team at the Department about the problems of façadism.

However, I am requesting that when you and the RDAT meet to discuss this project that you consider the originality of the existing facade and the fact that Marina-style homes are a rarity in Noe Valley, and that within the context of the 400 block of Duncan, particularly within the context of the upper part of Duncan which is a dead-end street, that the 463 Duncan, 1927 facade, should be preserved. Here are the dates of the other original homes of this post 1920s-pre World War II era style.

464 Duncan.....1931 (directly across from 463)

477 Duncan.....1936

481 Duncan.....1938

The other issue is that due to 469 Duncan which is the immediately adjacent uphill property being setback on the rear of the lot, the west side of the project will be visible from the public right of way. Right now it is fairly innocuous and blends in with the streetscape and it definitely part of the block face. So in that sense, I guess there are two facades...

Again, I know you are early in your review, but I wanted to add this to the file and request that you present this to the RDAT whenever they meet...hopefully I am not too late.



SEP 11 2018

CITY & COUNTY OF S.F. PLANNING DEPARTMENT PIC

DISCRETIONARY REVIEW APPLICATION

DR Filer:

Property Owner's Information

Name: Paul Sheard
Address: 457 Duncan St
Email Address: paul\_sheard@yahoo
Telephone: (415)642-9837

Applicant Information (if applicable)

Name: Same as above
Company/Organization:
Address:
Email Address:
Telephone:

Please Select Billing Contact: Owner, Applicant, Other

Name: Email: Phone:

Please Select Primary Project Contact: Owner, Applicant, Billing

Property Information

Project Address: 463 Duncan Street
Block/Lot(s): 6602/030
Plan Area:

Project Description:

Please provide a narrative project description that summarizes the project and its purpose.

The project is a speculative development of a 2 story single family residence. The proposal will demolish the existing property except for small portions of two side walls. It includes, removal of the facade and back walls, plus removal of some pieces of the side walls, excavation of the entire plot by at least 10ft below street level to add a new basement level, horizontal (front and rear) additions, fa new facade, a new roof deck as well as rear decks on each level for a total of three decks. The building depth would change from 53ft 4in to 81ft 8in within a 114ft long plot with a matching decrease in rear yard from 57ft 3in to 28ft 6in. The building would change from a single dwelling unit to two units. The height is being increased from 20ft 6in to 22ft. The visual height at the rear of the building would automatically jump by at least 12ft due to the excavation of the entire site and the addition of a roof deck.



RECEIVED

**Project Details:**

- Change of Use     New Construction     Demolition     Facade Alterations     ROW Improvements  
 Additions     Legislative/Zoning Changes     Lot Line Adjustment-Subdivision     Other Addition of 1 unit

**Estimated Construction Cost:** \$375,000

- Residential:**     Special Needs     Senior Housing     100% Affordable     Student Housing     Dwelling Unit Legalization  
 Inclusionary Housing Required     State Density Bonus     Accessory Dwelling Unit

- Non-Residential:**     Formula Retail     Medical Cannabis Dispensary     Tobacco Paraphernalia Establishment  
 Financial Service     Massage Establishment     Other: \_\_\_\_\_

**Related Building Permits Applications**

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Building Permit Applications No(s): 2017.08.15.4881

## ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

In reviewing applications for Certificate of Appropriateness the Historic Preservation Commission, Department staff, Board of Appeals and/or Board of Supervisors, and the Planning Commission shall be governed by *The Secretary of the Interior's Standards for the Treatment of Historic Properties* pursuant to Section 1006.6 of the Planning Code. Please respond to each statement completely (Note: Attach continuation sheets, if necessary). Give reasons as to *how* and *why* the project meets the ten Standards rather than merely concluding that it does so. IF A GIVEN REQUIREMENT DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

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

## CHANGES MADE TO THE PROJECT AS A RESULT OF MEDIATION

If you have discussed the project with the applicant, planning staff or gone through mediation, please attach a summary of the result, including any changes that were made to the proposed project.

A number of neighbors met with the owner & his architect in Aug 2017 at a pre-planning meeting and provided feedback on their initial plans. One neighbor followed up with a second meeting in August. Since then the neighborhood group has had a number of meetings and provided follow up emails with the owner. One of our group sent a letter to the planner in Novemeber 2017. Some of the group have also been in contact with the planner and we have be filing complaints with planning since Jan 2018. I personally have not had a discussion with Ms Flores, the planner on this project - hence the check mark above. The neighborhood team has not used outside mediation.

No changes have been made to the plans which impact the overall project. What changes have been made since initial plans were first released seem more code based, e.g. setting deck railings back from plot lines by 5ft.

## 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 attached

- 
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 attached

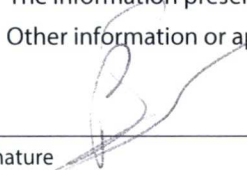
- 
3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

See attached

# APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

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

  
\_\_\_\_\_  
Signature

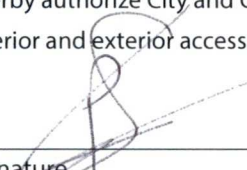
Next door neighbor \_\_\_\_\_ (415)642-9837 \_\_\_\_\_  
Relationship to Project Phone  
(i.e. Owner, Architect, etc.)

Paul Sheard  
\_\_\_\_\_  
Name (Printed)

paul\_sheard@yahoo.com  
\_\_\_\_\_  
Email

# APPLICANT'S SITE VISIT CONSENT FORM

I hereby authorize City and County of San Francisco Planning staff to conduct a site visit of this property, making all portions of the interior and exterior accessible.

  
\_\_\_\_\_  
Signature

Sept 10th 2018  
\_\_\_\_\_  
Date

Paul Sheard  
\_\_\_\_\_  
Name (Printed)

For Department Use Only

Application received by Planning Department:

By: H. Kline \_\_\_\_\_

Date: 9/11/18 \_\_\_\_\_

**Q1 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.**

I am the downhill next door neighbor to the house with the building permit application and have been a resident there since 1998. I have a number of concerns about this proposed project which I think have exceptional and extraordinary circumstances and merit a discretionary review. Resolution of some of the primary issues along the lines I suggest could automatically resolve other, more secondary issues.

### **Existing neighborhood character**

The 400 block of Duncan Street has strong and distinctive visual character, marked by buildings of uniform and consistent modest scale and a regular stepping of homes which respects the topography of the hill (RDG pgs 9, 10, 11). The majority of houses on the odd-numbered side of the street have front setbacks of 15ft, with a few having a zero setback. All houses have generous rear yards and the majority of those with a zero front setback having larger rear yards. This has created quite a strong mid-block open space, (RDG 25-17). Please refer to the later photos of the street panorama and aerial shots of the block to confirm this, attached in the photo section after this response.

### **Issue - Proposed building scale, encroachment into mid-block open space**

I am requesting a discretionary review of this project because of an excessive mismatch between the scale of the proposed building and the existing housing on this block and in the neighborhood in general, (RDG Design Principals, pg5, and RDG pgs 7, 23, 25, 28)

The building is making use of one possible interpretation of planning codes to propose an excessively long building which is out of character for the block and neighborhood and as a result also eats up most of the existing mid-block open space on the lot. The uphill neighboring house was built over 100 years ago as a non-conforming cottage at the rear of the adjacent lot. It is the sole building on the lot. The plans use the midpoint of the two neighboring houses' rear setbacks to come up with the maximum length of the proposal, and then tacks on another Sec 136 12ft extension. This increases the length of the house by 53% from the current 53ft 4in to 81ft 8in on a 114ft long plot. I have attached aerial views of the block showing the current building and a second illustrating the proposed building length, please refer to them for visual comparisons, noting how the proposal is out of scale with the rest of the block.

The existing building at 463 Duncan is already non-conforming with it's 3ft front setback in respect to it's neighbors. The adjacent 9 houses east and downhill of the proposed construction, down to the corner of the street are all setback 15ft. So the existing structure already enjoys a longer than average footprint. 4 of the remaining house on the block, uphill from the subject property have setbacks similar to 463. 2 of these houses to left in the aerial view of the street, and up the hill, are of similar length to the current house at 463, and one is a few feet longer.

Looking at the street as a whole the existing house at 463 Duncan is already one of the longest on the block, prior to any changes.

While a strict reading of the code may permit the developer to extend the existing house by 53%, the resulting house's scale would stick out like a sore thumb when compared to the surrounding buildings and to the whole neighborhood in general. This goes against the basic design principals on pg 5 of the DRG, and those on pgs 7, 23, 25-27, 28.

My reading of planning code sec 134 requires a minimum rear yard of 45% of the lot in an RH-2 neighborhood. The 53% increase in length of the house proposed would reduce the rear yard to just 25% of the lot. Planning code sec 132 (c)(1) has verbiage which can be interpreted in a way that the proposal is making use of the maximum permissible length of the building by taking the average rear setbacks. However, all of the illustrated examples of how different house configurations help determine the rear setback cover conforming or multi-building situations, none deal with a plot with only one non-conforming building. The special conditions section of Sec 132, (c)(4)(B) also does not explicitly cover this use case, but it does have one example, where a neighbor house has been built on the "back" of the adjacent lot because it fronts an alternative alley or street. In this case the code specifically notes that the adjacent house should be ignored for the calculation of the rear setback. The Zoning administrator's bulletin #5 is just a re-iteration of the code and again doesn't cover this single non-conforming building use case.

If the project is permitted to go ahead at its proposed length it could set an unwarranted precedent and create two distinct sets of rules, one where both neighboring houses are conforming and one where there is a single non-conforming house on the rear of a plot. This would provide some owners an opportunity for expansion which would be denied to others. In and of itself, this creates an exceptional and extraordinary situation as the code should provide equal opportunities for all property owners.

Based on neighborhood investigation work done for a recent construction on the block, the street is made up of modest homes, with an average size of 1541 sq ft, and a median of 1372 sq ft. The proposed building is oversized compared to the rest of the block.

The conflict between one interpretation of Sec 132 of the code, and the RDG's creates an extraordinary circumstance. The oversized length of the proposal and the encroachment into the mid-block open space, both contrary to the RDG, creates an exceptional circumstance. Both warrant taking the proposal through the discretionary review process.

In the photograph section below, the aerial shot of the block shows that the block has quite a strong open space pattern with only 2 non-conforming buildings at the backs of their lots, and one lot with buildings at front and rear. I have also attached a modified version of that aerial block shot showing the length of the proposed structure in context (based on plans in the "311").

**Issue - Whole site excavation, the resulting building scale & proportions, and environmental impact**

Photos attached after this writeup show the impact of the proposed building when viewed from neighbors' properties in the mid-block open space.

Pages 25, 26 & 27 of the DRG address building scale in the mid-block open space. This block of Duncan Street is steep. The previous owner of 463 Duncan street told stories of car competitions which used to happen before the end of the road was blocked off, (this is confirmed by articles in the SF library and from a 2016 Standard Oil periodical). Seemingly that last pieces of the street was the steepest pieces of street in San Francisco at a 50% to 55% grade. The competition was to drive your car up to the steepest piece, bring it to a halt, then attempt to drive off again and round the corner at the top. Anyway, we have a steep hill and the road is now a cul-de-sac. The point here is that the mid-block open space is a mostly uncluttered oasis enjoyed by all the residents of the block. All back yards are well tended, and the hill gives everyone views down across the mid-block space and out across the bay, and the space supports a vibrant wildlife community, (like: hummingbirds; hate: skunks). The block is also a pretty quiet place to relax.

This proposal would excavate the entire plot down 10ft to make room for the basement. In previous excavations, (see later comments about recent construction at 437 Duncan Street from 2014), the excavation only covered the portions of the site where a basement was to be built with the rest of the site filled back to the existing grade. The proposed excavation of the rear yard would take it below the grade of at least my plot at 457 Duncan and to or below that of my downhill neighbor at 453. The excavation of the rear yard exposes the bulk of the proposal to neighbors and instead of seeing a 22ft high building, which is keeping with the rest of the block, instead we see a much taller building of 32ft or more which dominates the rear blockface. The proposed additional mass of the building, extending into the mid-block open space will also make down hill neighbors feel “boxed in” by a building which dominates and reduces the open space. The rear yard at 463 currently has trees and (until the transition of the property to the current speculator), had a maintained garden. The excavation which exposes the building's true bulk, and the choice of window/glass door sizes and patterns, with decks at every level create a building which is out of proportion and design to the rest of the block, RDG 5, 23, 25-27, 28, 29, 43, 45, 46. A photo of the rear block face of adjacent properties is included in the photo section.

The length of the proposed building, the proposal to excavate the site to make room for a 10ft high basement and the resulting concrete walls and foundations, when taken together with the non-conforming uphill neighbor on the west site, 467 Duncan) crates a dam configuration on a very steep hill, with one house's foundations/walls overlapping the others. This could negatively impact ground water absorption, the neighborhood aquifer and negatively increase the impact on the city's sewer system. The proposal will significantly reduce the area of permeable ground at this point of the open space meaning less water drains into the mid block aquifer. It seems reasonable to assume the water will be diverted into the City's over-taxed wastewater system. The area of ground left exposed, after the removal of over 10ft of dirt will result in ground which is also less permeable resulting in pooling and slow drainage. This part of the proposal seems to be in conflict with current planning and SFPUC policies on creating more permeable surfaces to divert water away from the wastewater sewer system.

### **Issue - Decks**

I think there are too many decks on the proposal which bring design, privacy, scale and character problems. The plans call for multiple private decks: above the dug out basement; and at the second floor. Because the proposal has the entire back yard's grade reduced to the level of the basement, these decks are at the 2<sup>nd</sup> and 3<sup>rd</sup> floors at the back of the building and are private to one unit. The Planning Commission had a presentation on this topic at it's regular meeting on August 30<sup>th</sup> where it asked planning staff to develop policies on residential decks. Commissioners noting that there should be reciprocal privacy from such decks, that rear yards should be protected, and commissioners were much opposed to multiple decks creating the "Love Boat" effect. These are all descriptions which certainly apply to this proposal. Page A-3.02 , south elevation (N) of the plans submitted with the 311 illustrate this particularly well, and I have included a copy of the same in the photos section later. RDG pg 9, plus the minutes of Planning Commission regular meeting Aug 30<sup>th</sup> 2018, item 10.

The plans call for an additional roof deck on top of the building. This will be visible to everyone because of the incline of the street and because there is no common wall of an uphill house to provide some camouflage for the feature. I go back to both the Planning Commissions comments referenced above, and to the Discretionary Review notes from the construction at 437 Duncan (reference in my response to question #3 below). At that Discretionary Review Commissioners noted that a small deck set well back would not be inappropriate because it was hidden from general view by the uphill neighbors. Unfortunately, in the case of 463 Duncan, there is no such wall to hide the feature and the street is much steeper giving everyone a clear view of the roof, plus a section of the property line side wall would be increased in height, making the building appear taller. This rood deck is also part of the issues raised by a separate discretionary review request filed by another neighbor.

### **Issue - Side setback, shading of adjacent buildings**

The uphill neighbor has windows at the same level as the 2<sup>nd</sup> floor of 463 Duncan. (seen in the pictures in the photo section later). These are set back 3ft from the property line according to the plans. At that location 463 also currently has a 5ft setback which provides light to both sides of the property line. The proposed development is seeking to eliminate this setback on the 463 side and continue the building south along the property line a few feet higher than the current maximum. This will cause quite a loss of light for the neighbor (Code Sec 101, RDGs pgs 16, 17, 21)

The existing house at 463 Duncan street currently has setbacks on both sides. The proposed build eliminates this and all new construction is built out to the property line (with the exception of one shorter lightwell, which only benefits the property being developed as it abuts a blank wall at the neighboring property). Apart from the shading issue noted above, this goes against the general neighborhood character. I will note that all recently development on this block going back to the 1993 extension of 453 Duncan, the extension of 449 Duncan and the most recent build at 437 Duncan, (more info on this later), have all followed the RDG's and provided side setbacks of 5ft on each side for their extensions. RDGs pgs 15, 16 and 17.



**Q2 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.**

### **Privacy**

- On my side of 463 Duncan, the east, downhill side of the property my privacy would be impacted by the proposed building. The proposal contains two new rear decks at each level of the building, one 10ft deep the other 12ft deep. Anyone on these decks will be above the 10ft high fence on the common property line, the higher one well above. These decks will give the new owners unobstructed views into the rear of my house, into my bathroom kitchen and bedroom at the rear of the house as well as removing any semblance of privacy that the existing fence provided to me when gardening or relaxing in the back garden.
- The same decks would also impact the privacy of my downhill neighbors at 453 and 449 Duncan Street in a similar way. My immediate neighbor at 453 Duncan Street has a small hot tub on his second floor balcony which is currently shielded from any neighborhood views by a low wall. This hot tub would be in full view of people on the proposed decks, removing any privacy they currently have.
- On the west, uphill side, the new decks are positioned right at the window level of the uphill neighbor, 467 Duncan Street. The proposed construction overlaps 57% of the neighbor's building. 467 Duncan has a side setback of 3ft according to the plans in the 311. However, the proposed new construction extends along the property line. With a deck setback of 5ft, people on this deck would be just 8ft from the neighbors living room windows, at the same level, looking directly into it. They have full views directly into the neighbors living room, kitchen, bedrooms and bathroom. This design is the definition of an invasion of privacy. There are no measures in the plans to provide mutual privacy on this side, and other than the neighbors in their house, there's nothing to look at uphill from these decks.

### **Light reduction**

- The proposed building is being extended along the property line past the end of my house at 457 Duncan St. The building will be 24ft above the living level of my house for around 12 ft past the end of my house, then dropping down to around 6ft above the top of the fence for a further 12 ft. This reduces the light to the back of my house.
- The uphill neighbor currently has one window in his lounge which overlaps 463 Duncan St. However, currently, at that point 463 Duncan has a 5ft setback and the uphill neighbor, 467 Duncan, has a 3ft setback with the window angled away to catch more light. The proposal is to eliminate the setback, build new walls along the property line, increase the height by few more feet and further overlap neighbor's house. This will result in much dimming of the neighbor's lounge. This window is shown in a shot in the photo's section below.

### **“Boxed in”**

RDG p26 has a great description of how the scale of the proposed construction would impact me, my downhill neighbors have expressed similar concerns. The new construction would extend the neighboring house out greatly into the mid block open space and dominate the downhill gardens. Placed uphill from us and overlooking our houses and gardens 463 Duncan would have a domineering impact

on the feelings of the occupants of downhill properties. My property at 457 Duncan has not been extended yet and it would feel very much boxed in by a dominating extension. Although the downhill house already has an extension, blocking views from the back of my house down the hill, it isn't as tall as that proposed, is also setback with a gabled roof and don't extend into the open space enough to dominate and block all views.

### **Neighborhood sprawl**

If the project were to proceed per the current plans the resulting house will be much longer than everything on the block and be longer than the great majority of other buildings in the neighborhood. It would set a precedent for building size that would be used by others to expand their houses, reducing mid-block open spaces, reducing wild life populations, increasing runoff flows into the city's wastewater treatment systems and changing the character of the neighborhood. Alternatives should be used to increase the housing supply rather than concreting over everything and encouraging sprawl.

### **Reckless endangerment to property**

My downhill property has a mature yew tree 4ft from property line and well within the area designated for the basement. The tree's growth displays that the prevailing winds come from the west, from the subject property. A 10ft excavation would severely weaken the root system of the tree making it liable to fall during any strong winter storm, or when the summer fog bank rolls in (winds on the edge of the fog bank can reach over 30 miles/hr). Any falling tree will damage my house somewhat, but will smash the living room/kitchen extension of my downhill neighbor to the east. See pictures.

### **Q3 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?**

I'd like to reference the recent, 2012-2015, new construction of 437 Duncan, a 2-story over basement and garage single unit family house on this block of Duncan Street, (the numbers on this are: 2012.04.18.8570, 2012.0075DD / 2014.0981D and DRW-0370). The house is on the same side of the street as 463 Duncan and shares the same mid-block open space. This project initially proposed a building which had a similar bulk to the proposal at 463. After much negotiation involving input from over 30 neighbors, and many changes to the original proposals, the project was still taken to a discretionary review and appeals. The planning commission and staff noted that the final, reduced, proposal was still out of character for the block and neighborhood and directed changes. The completed building is a 3,500+ sq ft 2 story over basement house. The house has a front setback of 15ft, and excavation over covered the portion of the site occupied by the basement. The building includes 2 car parking, only one rear deck, conforms to the general bulk and roofline of the street, it's rear extension past common blank walls is setback on both sides, and it has retained a back yard comparable to the rest of the mid block greenbelt. Based on the level of community input, compromise, and related Planning Commission directives, the principals from this hard fought recent project should be referenced as a model for the scale and character of any near term future developments on the block.

The alternatives I have proposed in my complaint filed against the 311 follow this model:

- The total length of the building should be reduced to be compatible with the rest of the block. An interpretation of code which eliminates the non-conforming neighboring house may mean that the existing building may already be at its maximum length, prior to applying for a Sec 136 extension. I can suggest a couple of different ways to calculate a maximum length which are not arbitrary in nature and could be of benefit to other such similar scenarios:
  - o Ignore the nonconforming uphill neighbor's rear setback, treating that building as the code, (Sec 132 (c)(4)(B)), would for a building fronting onto an alternative alley or street, or
  - o Take the length of the nonconforming property into consideration but treat it as though it were constructed in a conforming manner being placed on the street facing property line.
  - o An alternative, novel, way of applying the code could be to use the proposed interpretation of the rear-setback, but also require the same interpretation to be made for the front setback of the building at 463, resulting in a building which would be smaller than the current structure and located mid-block as a non conforming building. Total demolition of the existing structure is a waste of resources and an unnatural burden on the owner, but you could take the building that results from this calculation and set it at the front of the plot, giving you a building length that is set by a consistent interpretation of the setback codes. Such a building length would also be in line with the RDG about maintaining compatible scale with neighboring buildings
- The reduction in length should result in maintaining at least a 45% rear yard
- If any extension of the current building is approved, maintain the side setbacks already in the building and follow the patterns of other buildings on the block, maintaining a 5ft side setback
- Do not excavate the entire site. Remove only dirt that is required to construct a basement providing light wells and stairs back to existing grade level, if access to the rear yard is to be shared
- Follow recent Commissioners comments about multiple decks: reduce the number of private decks and place and construct any resulting deck such that it provides reciprocal privacy for the owners and impacted neighbors
- Eliminate the roof deck
- It would be beneficial to have the commission or staff issue guidelines, code, or a clause in the RDG to cover this single non-conforming building use case, because there are a number of properties in the area which have similar neighboring cottages at the back of their lots

I believe the above are reasonable alterations which could be made while continuing to convert the property to two dwelling units and provide a reasonable return on the speculator's investment. This can be done while keeping the resulting building in scale with the neighborhood and maintaining the strong existing mid-block open space.

## Supporting photographs / diagrammes

The block containing 463 Duncan Street – Google Maps.





**Photo location map**

The following is an aerial view of a portion of the block on which 463 Duncan Street is located. The various arrows show where the following photographs were taken from and in which direction the lens was pointing. 463 Duncan Street is noted by the red star.



**Photo #1 on the location map.**

The following is the view taken by a neighbor from 360 28<sup>th</sup> Street and is a view over his and my back gardens, past his neighbor's non-conforming house (the 2<sup>nd</sup> of only 2 on the whole block), looking north towards the blue/grey house with stairs descending into the back yard at 463 Duncan, the location of the proposed project.



I have tried to show what a 54% extension of the house, an excavation of 10ft below current grade and multiple decks would look from my neighbors perspective, demonstrating the excessive size of the proposal. The resulting bulk is consistent with page A-3.02 of the plans provided with the 311 which is reproduced a few diagrams above.





**Photo #2 on the location map**

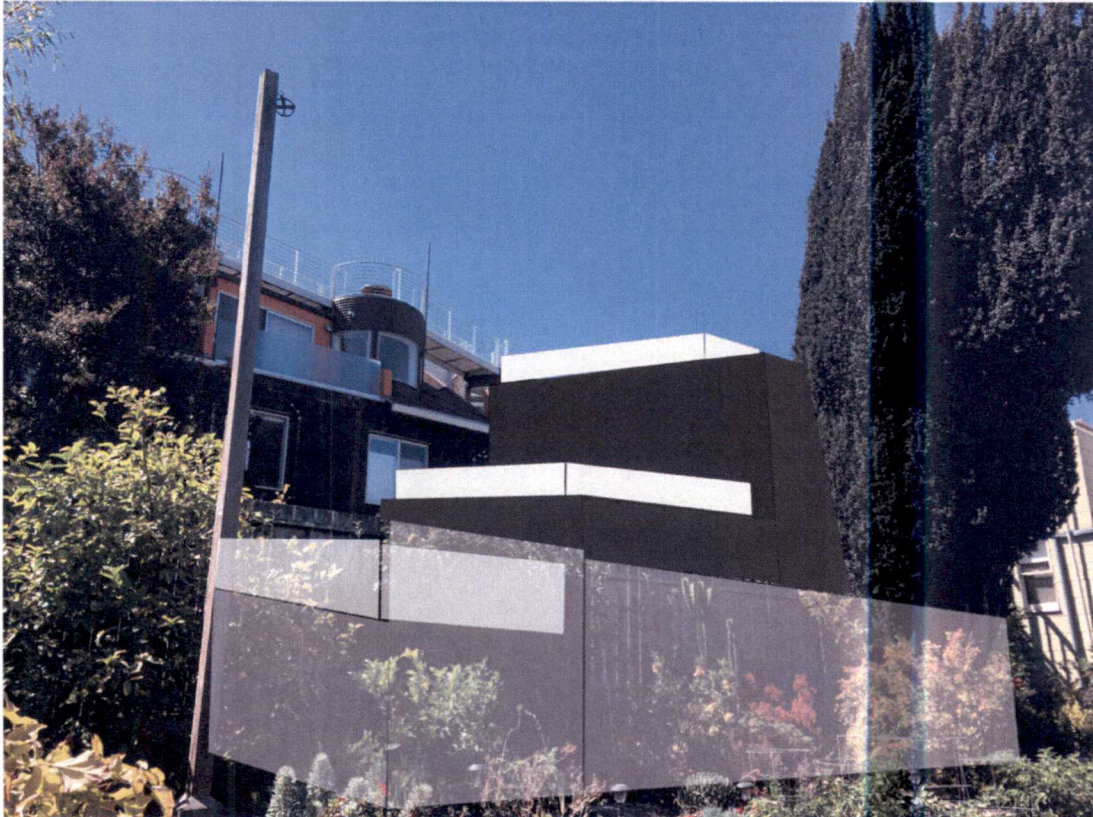


Photo taken from back garden of 453 Duncan Street showing an approximation of the portions of the 2<sup>nd</sup> story and it's deck which will rise about the 10ft high current fence. Note that the 1<sup>st</sup> floor extension and deck, and the basement extension do not project above the current fence. However, anyone standing on this deck will be head and shoulders above the fence. I think I have made the proposal on this shot smaller than it will be per the 311, it would be useful for the developer to install story poles to get a more accurate view.

**Photo 3 on the location map.**

The following is a snapshot from the same 28<sup>th</sup> Street neighbor as photo #1 above. It shows the modest extensions, all with side property line setbacks that have been built on the block adjacent to 463 Duncan over the last few decades. (463 Duncan St, the property with the proposed development is the grey/blue house on the left with the flat roof and stairs descending to the back yard)

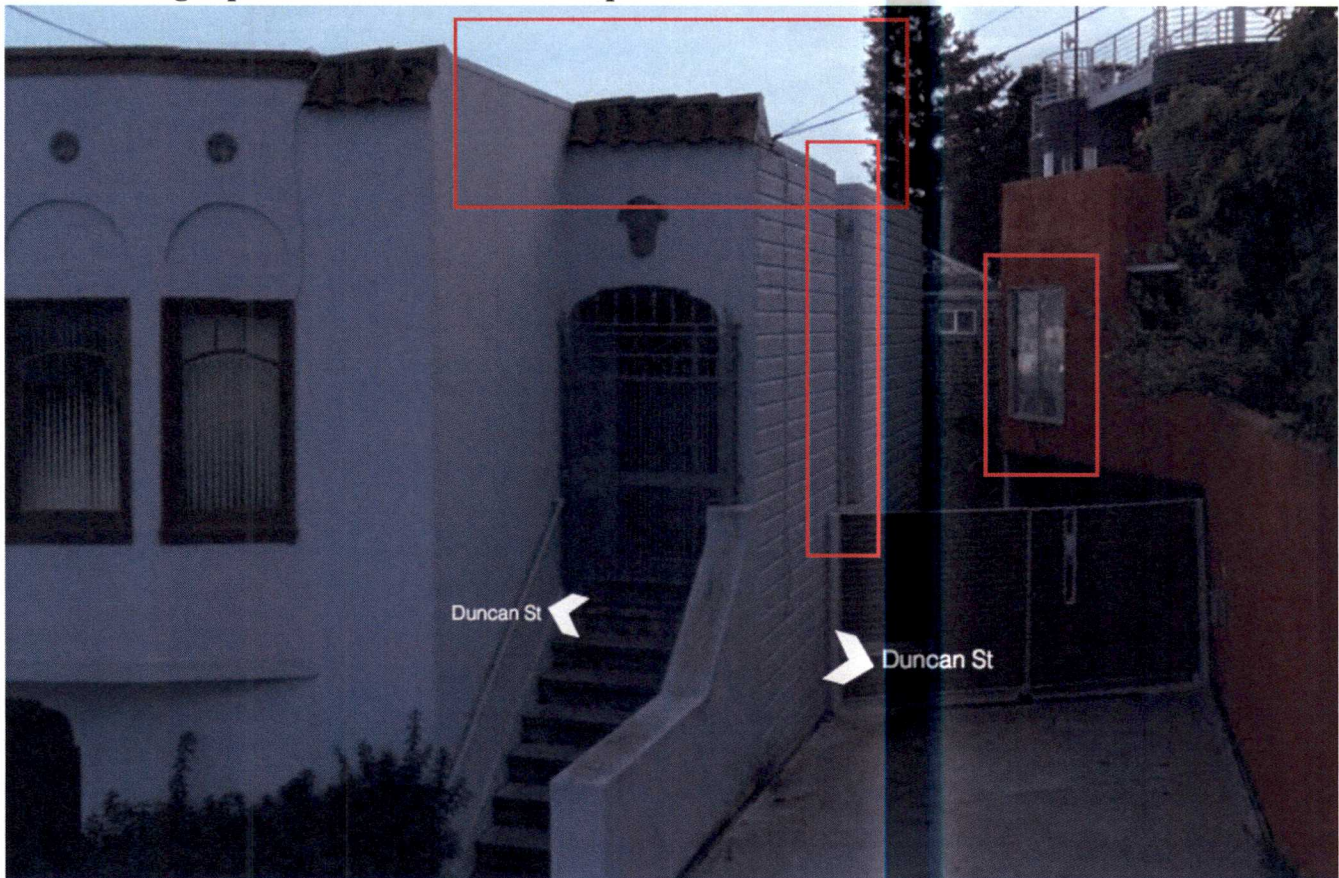


The following is photo #4 on the location map.



The above is shot from the back of my garden, 457 Duncan, with 463, the property to be developed on the left with the stairs descending into the back yard, (uphill and west side). The picture shows a large, mature yew tree close to the property line. This tree is close to the back of my house and overlaps the neighbors extension. The growth pattern of the tree illustrates that the prevailing winds come from the west, blowing from the property to be developed to the right and downhill. Excavation down over 10ft on the uphill side of this tree will remove the root system on the side from which the prevailing winds blow and endangering downhill residents during high wind days.

The following is photo #5 on the location map.



The above shot is taken from Duncan Street looking south into the driveway of 467 Duncan street, the uphill neighbor to 463 Duncan. The house on the left is the property with the development proposal, the subject of the DR request. Three things are highlighted in red, from left to right: the highly visible roof line without any adjacent, blank common wall uphill; a current small light well; the window of the uphill neighbor's front room, which is set back and angled away from 463. The image comes from Bing's street view feature.

November 16, 2018

President Rich Hillis, Vice President Myrna Melgar, Commissioner Kathrin Moore,  
Commissioner Joel Koppel, Commissioner Millicent Johnson,  
Commissioner Dennis Richards, Commissioner Rodney Fong

**Re: 463 Duncan Street Discretionary Review Hearing 12/6/2018 Supplemental Comments**

Dear Commissioners:

This letter is supplemental information to my DR Request which is in your packet for the December 6th Commission hearing. *I hope you will please have time to read my DR Request and consider the Residential Design Guideline issues and Planning Code issues that I cite there. Thank you.*

There are three key issues in the DR Request that make this project Extraordinary and Exceptional and that I want to elaborate on below, but there are details in the original DR Request as well .

**The Facade**

The Department has issued two important documents that relate to this 1927 Facade which I referred to as “Marina-style” in the original DR Request but is correctly called “Barrel-Front Mediterranean Revival” in the wonderful report by Mary Brown, entitled, “**Sunset District Residential Builders, 1925-1950, Historic Context Statement**”.

On page 90 of this report Ms. Brown writes that this style was only constructed from the mid-1920s until c1931 and was part of the early tracts out in the Sunset and “*are the only style found in these early tracts*”. This same style of house is also mentioned in the “**Eureka Valley Context Statement**” which analyzes the various styles within that neighborhood. Here they are not part of a large grouping, but rather a design found in this older neighborhood (which has a similar history to Noe Valley) and are presumably what would be called today “infill”. I think these historic associations warrant the Commission’s consideration for preservation of this 1927 original facade. It has all the characteristics cited in Ms. Brown’s study. And it is 90 years old. It is a fine example, representative of a uniquely San Francisco style of vernacular architecture that should be preserved just as original Edwardian and Victorian facades have been preserved by other developers in other speculative projects.

**The Roof Deck**

The open space requirement can be met in the rear yard. The deck is extraneous and adds to the cost when this project is completed and returns to the market for sale.

**The Subterranean Second Unit below the Garage**

The Second Unit should be on the garage level. As currently proposed nearly one-third of the unit is without any exposure. A second unit could be located within the garage level and have much better exposure. Parking on Duncan Street is not an issue, as many residents park on the street or within their curb cuts and *never* use the garage. The tenants who have been living at 463 Duncan for the past two years have never used their garage and park their trucks on the street utilizing the curb cut. This is very specific to this 400 block of Duncan Street, which is not only a very steep street, but is also a dead-end. Additionally this would reduce the cost when this project is completed and returns to the market for sale.

Sincerely,

Georgia Schuttish

460 Duncan Street (Immediately Adjacent Neighbor per Section 311)



**PROJECT STATISTICS**

<b>EXISTING</b>	
1ST FLOOR:	674 SQ FT
GARAGE:	305 SQ FT
TOTAL 1ST FLOOR:	979 SQ FT
2ND FLOOR:	1,247 SQ FT
TOTAL 2ND FLOOR:	1,247 SQ FT
TOTAL BUILDING:	2,226 SQ FT
<b>PROPOSED</b>	
BASEMENT:	
UNIT 2:	1,656 SQ FT
TOTAL BASEMENT:	1,656 SQ FT
1ST FLOOR:	1,192 SQ FT
UNIT 1:	160 SQ FT
UNIT 2:	385 SQ FT
GARAGE:	1,737 SQ FT
1ST FLOOR TOTAL:	
2ND FLOOR:	1,234 SQ FT
UNIT 1:	1,234 SQ FT
2ND FLOOR TOTAL:	4,627 SQ FT
TOTAL BUILDING:	
TOTAL UNIT 1:	1,816 SQ FT
TOTAL UNIT 2:	2,426 SQ FT
TOTAL HABITABLE:	4,242 SQ FT
TOTAL GARAGE/STORAGE:	385 SQ FT

**PROJECT INFORMATION:**

ZONING: RH-2  
 OCCUPANCY R-3  
 EXISTING USE: SINGLE FAMILY RESIDENCE  
 PROPOSED USE: TWO FAMILY RESIDENCE  
 EXISTING BUILDING HEIGHT: 20'-6"  
 PROPOSED BUILDING HEIGHT: 22'-0"  
 EXISTING 2 STORIES  
 PROPOSED 2 STORIES OVER BASEMENT  
 CONSTRUCTION TYPE: 5-8 EXISTING AND PROPOSED BUILDING TO BE FIRE SPRINKLERED NFPA-13R  
 BLOCK 6606 LOT 030  
 SCOPE OF WORK:  
 ADD NEW RESIDENTIAL UNIT AT NEW BASEMENT  
 SIDE ADDITION AT 2ND FLOOR AT EAST AND WEST ELEVATIONS  
 HORIZONTAL ADDITION AT 1ST FLOOR PROVIDE BASEMENT LEVEL.  
 REMODEL INTERIOR

**DRAWING INDEX:**

- A 1.01 SITE AND ROOF PLAN, GENERAL NOTES, AND DRAWING INDEX  
 A 1.02 SITE AND ROOF PLANS  
 A 1.03 DEMOLITION ANALYSIS  
 A 2.01 FLOOR PLANS EXISTING  
 A 2.02 FLOOR PLANS PROPOSED  
 A 2.03 FLOOR PLANS PROPOSED  
 A 2.04 FLOOR PLANS PROPOSED  
 A 3.01 EXTERIOR ELEVATIONS  
 A 3.02 EXTERIOR ELEVATIONS  
 A 3.03 EXTERIOR ELEVATIONS  
 A 3.04 EXTERIOR ELEVATIONS  
 A 4.01 BUILDING SECTIONS

**GENERAL NOTES:**

**INTENT OF DOCUMENTS:**

It is the intent of these Contract Documents to establish a high quality of material and workmanship, but not necessarily to note and call for every last item of work to be done. Any item not specifically covered but deemed necessary for satisfactory completion of the work shall be accomplished by the Contractor in a manner consistent with the quality of the work without additional cost to the Owner. All materials and methods of installation shall be in accordance with industry standards and manufacturers recommendations.

A. All materials and workmanship shall conform to the requirements of the following codes and regulations and any other local and state laws and regulations:  
 San Francisco Building Code 2016 Edition  
 San Francisco Fire Code 2016 Edition  
 San Francisco Plumbing Code 2016 Edition  
 San Francisco Electrical Code 2016 Edition  
 San Francisco Mechanical Code 2016 Edition

Verify all existing conditions and dimensions at the project site. Notify the Architect and/or Engineer of any discrepancies before beginning construction.

B. Provide adequate and proper shoring and bracing to maintain safe conditions at all times. The contractor shall be solely responsible for providing adequate shoring and bracing as required for protection of life and property during the construction of the project.

C. At all times the Contractor shall be solely and completely responsible for all conditions at the jobsite, including safety of persons and property, and all necessary independent engineering reviews of these conditions. The Architects jobsite reviews are not intended nor shall they be construed to include a review of the adequacy of the contractors safety measures.

D. Unless otherwise shown or noted, all typical details shall used where applicable.

E. All details shall be construed typical at similar conditions.

F. All Drawing conflicts shall be brought to the attention of the Architect and/or Consulting Engineer for clarification before work proceeds.

G. The Contractor shall supply all labor, materials, equipment and services, including water and power, necessary for the proper execution of the work shown on these drawings. All materials shall be new and workmanship shall be good quality. All workman and subcontractors shall be skilled in their trade. Any inspections, special or otherwise, that are required by the building codes, local buling departments, on these plans shall be done by an independent inspection company.

H. Finishes: Replace patch, repair and refinish all existing surfaces affected by the new work. All new finishes shall match the adjacent surface.

I. The General Contractor shall visit the site and familiarize themselves with the existing site conditions prior to finalizing of any proposal to the owner. The general Contractor shall be responsible to inform the owner or Architect of potential existing conditions that need to be addressed and or modified in order to complete the work as herein described in these Drawings.

J. The General Contractor shall be responsible for all means and methods of construction including but not limited to leveling, shoring, and blocking. The General Contractor shall make specific note of such items that can not be known prior to the commencement of construction.

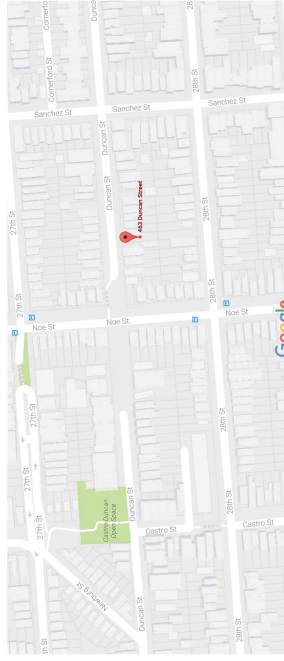
BUILDING TO BE FULLY FIRE SPRINKLERED PER NFPA 13-R  
 WORK BY SEPERATE PERMIT

**ABBREVIATIONS:**

⊕	AT	HET./HT.	HEIGHT
∅	CENTERLINE DIAMETER OR ROUND	INSUL.	INSULATION
(E)	EXISTING		
(N)	NEW	MF6:	MANUFACTURING
(R)	REPLACE	MAX.	MAXIMUM
		MTL.	METAL
		MIN.	MINIMUM
AFF	ABOVE FINISH FLOOR	O.C.	ON CENTER
BM	BEAM	PR.	PAIR
BLDG.	BUILDING	PKT.	POCKET
		P.T.	PRESSURE TREATED
CBC	CALIFORNIA BUILDING CODE	REF	REFRIGERATOR
CLR.	CLEAR	REQ'D	REQUIRED
CLOS.	CLOSET	REQ T	REQUIREMENT
CONC.	CONCRETE	RTG.	RETAINING
DECK'G	DECKING	R & S	ROD AND SHELF
DET.	DETAIL	RM.	ROOM
DIA.	DIAMETER		
DISP.	DISPOSAL		
DISHW.	DISHWASHER		
DR.	DOOR	SIM.	SIMILAR
DR.	DOUBLE	S.C.	SOLID CORE
DBL.	DOUBLE	SQ. FT.	SQUARE FOOT/FEET
DN.	DOWN	STOR.	STORAGE
DRWGS.	DRAWINGS	STRUCT.	STRUCTURAL
D	DRYER		
EA.	EACH	TEMP.	TEMPERED
		TRANS.	TRANSPARENT
		TYP.	TYPICAL
F	FAHRENHEIT	U.O.N.	UNLESS OTHERWISE NOTED
FIN.	FINISH		
F.R.	FIRE RATED		
FLR.	FLOOR		
FT.	FOOT OR FEET	V.I.F.	VERIFY IN FIELD
FR.	FRENCH		
FURN.	FURNISH	W	WASHER
FURR.	FURRING	WH.	WATER HEATER
		WP	WATERPROOF
		WDO.	WINDOW
		W/W	WITH
		WD.	WOOD
GA.	GAUGE		
GL.	GLAZING		
GYP.	GYP SUM		
GYP.BD.	GYP SUM BOARD		

**DRAWING SYMBOLS**

- ① DOOR NUMBER
- ② WINDOW NUMBER
- ③ SKYLIGHT NUMBER
- △ DRAWING REVISION
- ④ DETAIL NUMBER AND DRAWING REFERENCE
- ⑤ NOTE/ITEM NUMBER
- 0'-0" GRADE
- PL - - - - - PROPERTY LINE
- ① ELEV. NO.
- ⑦ DRAWING REFERENCE



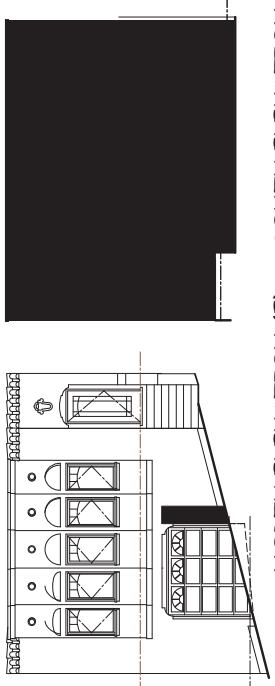
VICINITY MAP

NO.	DATE	DESCRIPTION
1	12/3/17	PLANNING REV
2	06/15/18	PLANNING REV
3	06/12/18	PLANNING REV
4	11/12/18	PLANNING REV

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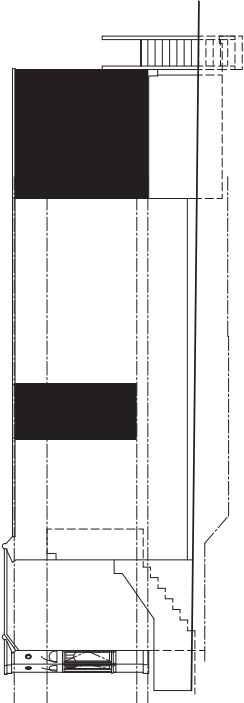




**NORTH ELEVATION (E)**  
1/8"=1'-0"

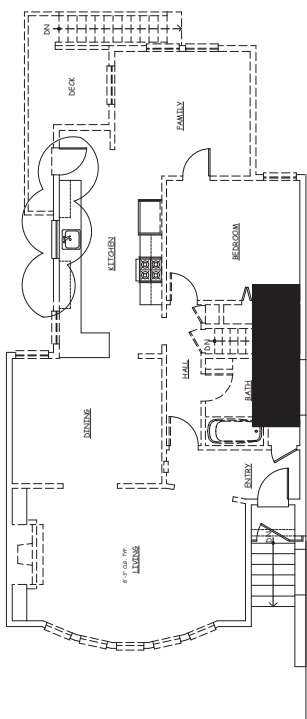


**SOUTH ELEVATION (E)**  
1/8"=1'-0"

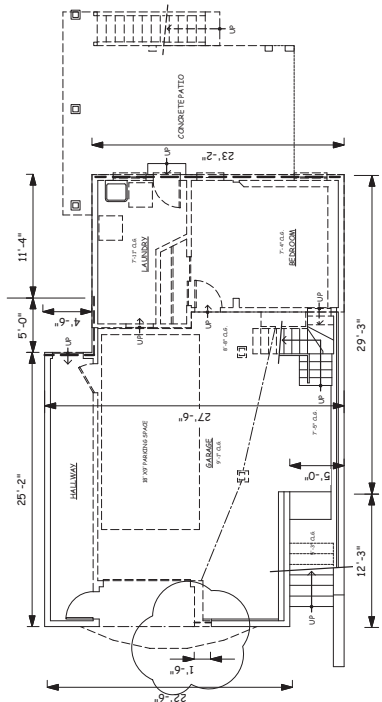


**WEST ELEVATION (N)**  
1/8"=1'-0"

**EAST ELEVATION (E)**  
1/8"=1'-0"



**2ND FLOOR PLAN (E)**  
1/8"=1'-0"



**FOUNDATION PLAN (E)**  
1/8"=1'-0"

ELEVATION	EXISTING	DEMOLISH	PERCENT
NORTH	578 SQ FT	218 SQ FT	
SOUTH	588 SQ FT	988 SQ FT	
EAST	1,072 SQ FT	476 SQ FT	
WEST	1,066 SQ FT	194 SQ FT	
TOTAL	3,306 SQ FT	1,476 SQ FT	44%

46% DEMOLITION VERTICAL ELEMENTS

FLOOR	EXISTING	DEMOLISH
2ND FLOOR	1,224 SQ FT	56 SQ FT
ROOF	1,224 SQ FT	1,224 SQ FT
TOTAL	1,248 SQ FT	1,248 SQ FT

51% DEMOLITION HORIZONTAL ELEMENTS

ELEVATION	EXISTING	DEMOLISH	PERCENT
NORTH	27' 6" LF	1' 6" LF	5%
SOUTH	27' 6" LF	27' 6" LF	100%
TOTAL	55' 0" LF	29' 0" LF	52.5%
EAST	41' 6" LF	5' 0" LF	12%
WEST	41' 6" LF	0' 0" LF	0%
TOTAL	138' 0" LF	34' 0" LF	24.5%

32% DEMOLITION PERIMETER ELEMENTS  
AS TAKEN FROM THE FOUNDATION LEVEL

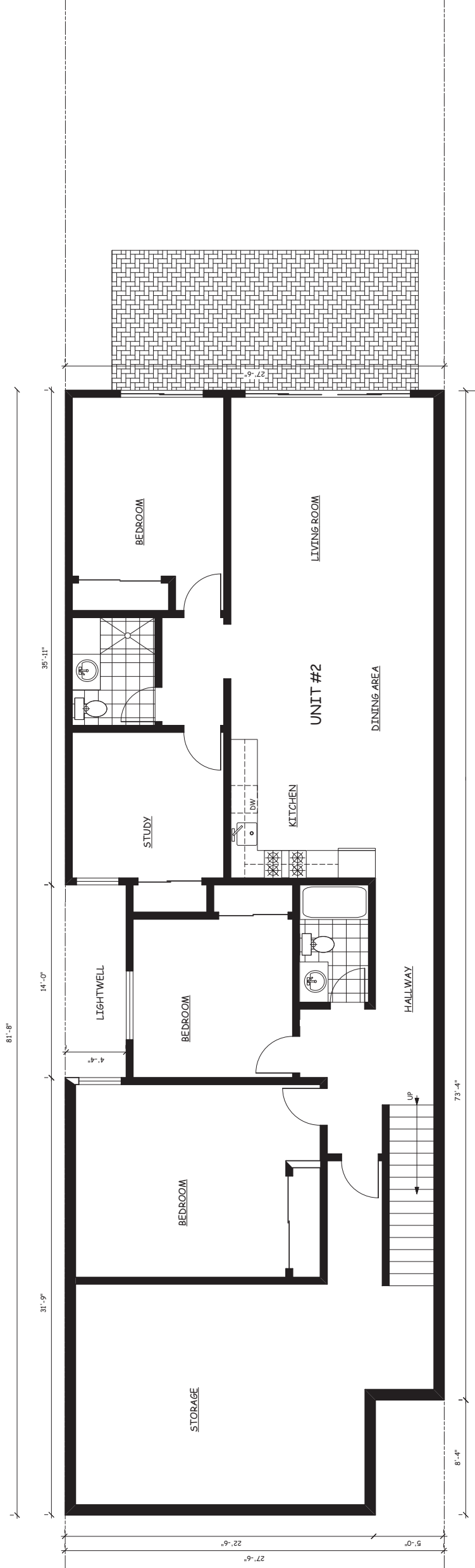
**LEGEND**

- EXISTING TO REMAIN
- DEMOLISH
- PERIMETER ELEMENTS TO BE DEMOLISHED

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NO.	DATE	DESCRIPTION
2	05/15/18	PLANNING REV
3	06/12/18	PLANNING REV



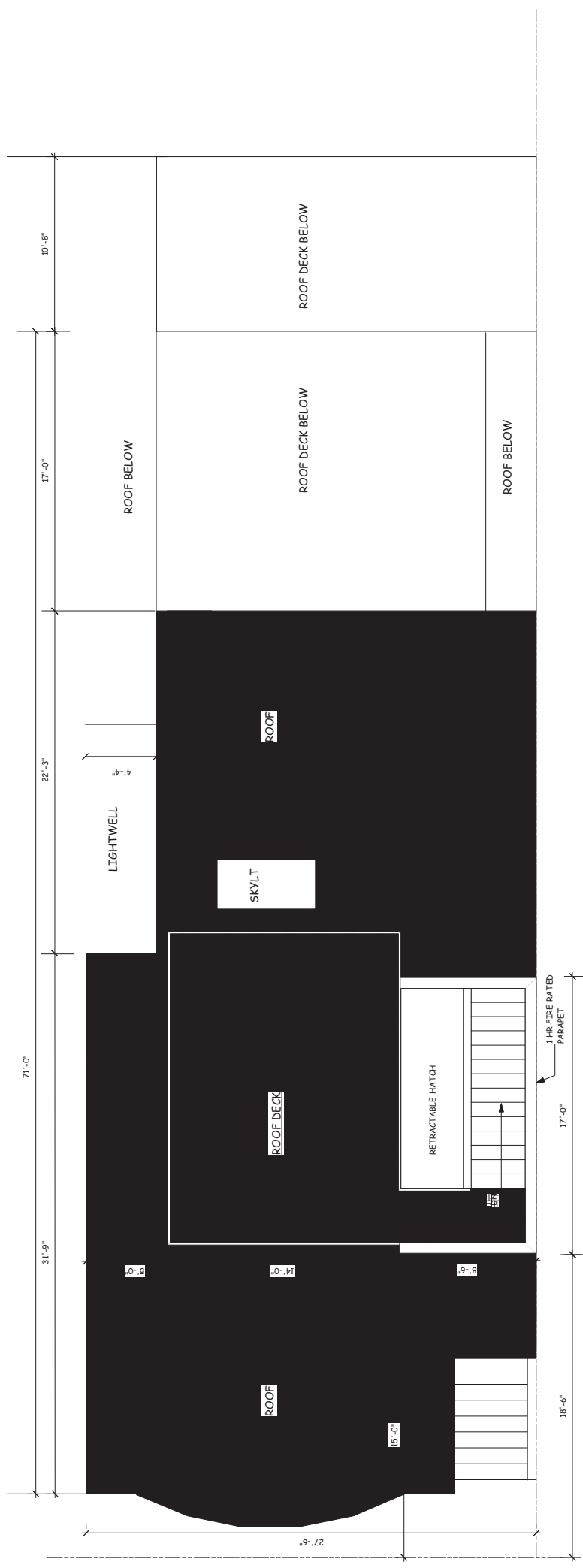


**BASEMENT PLAN (N)**  
1/4"=1'-0"

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NO.	DATE	DESCRIPTION
3	06/12/18	PLANNING REV
4	11/12/18	PLANNING REV



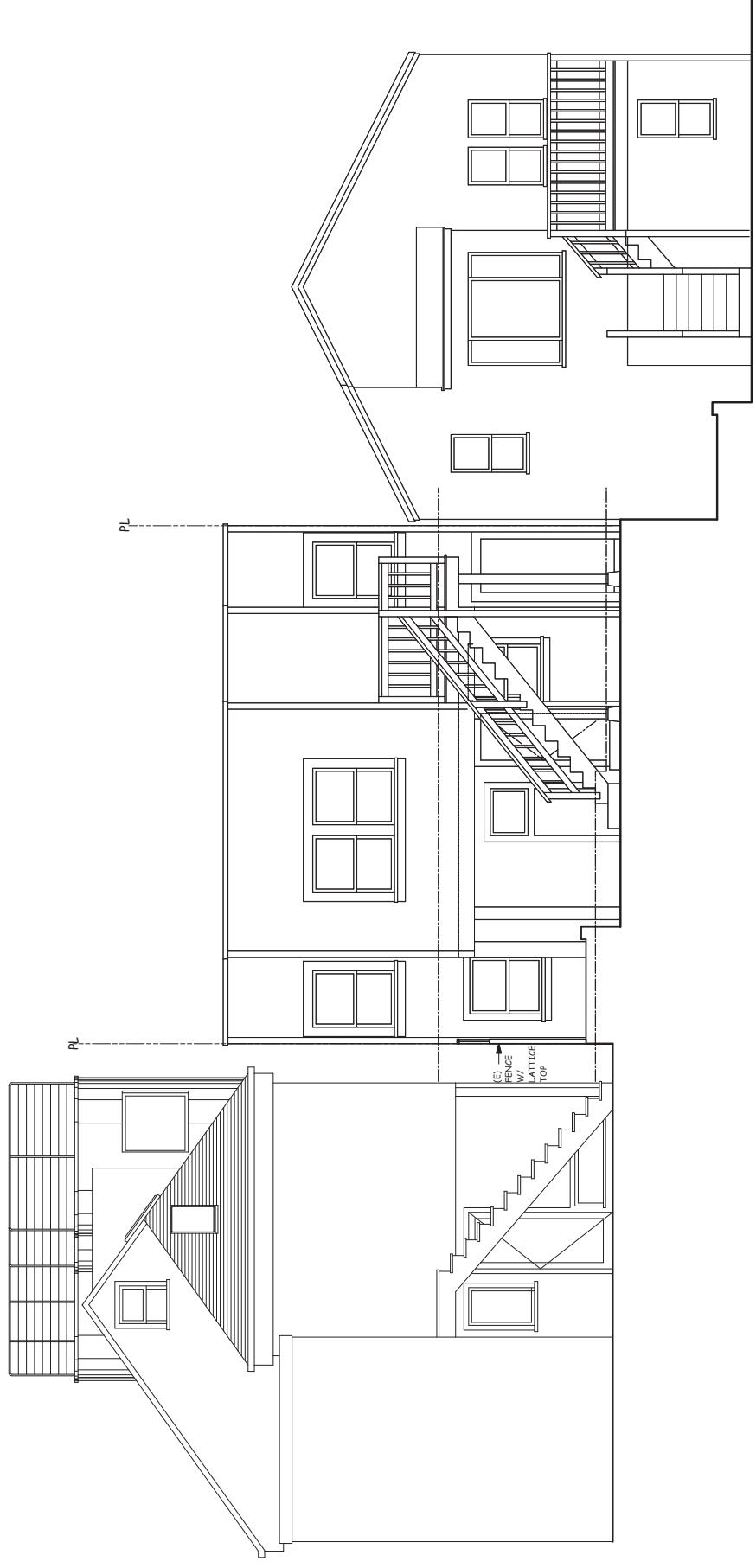


**ROOF PLAN (N)**  
1/4"=1'-0"

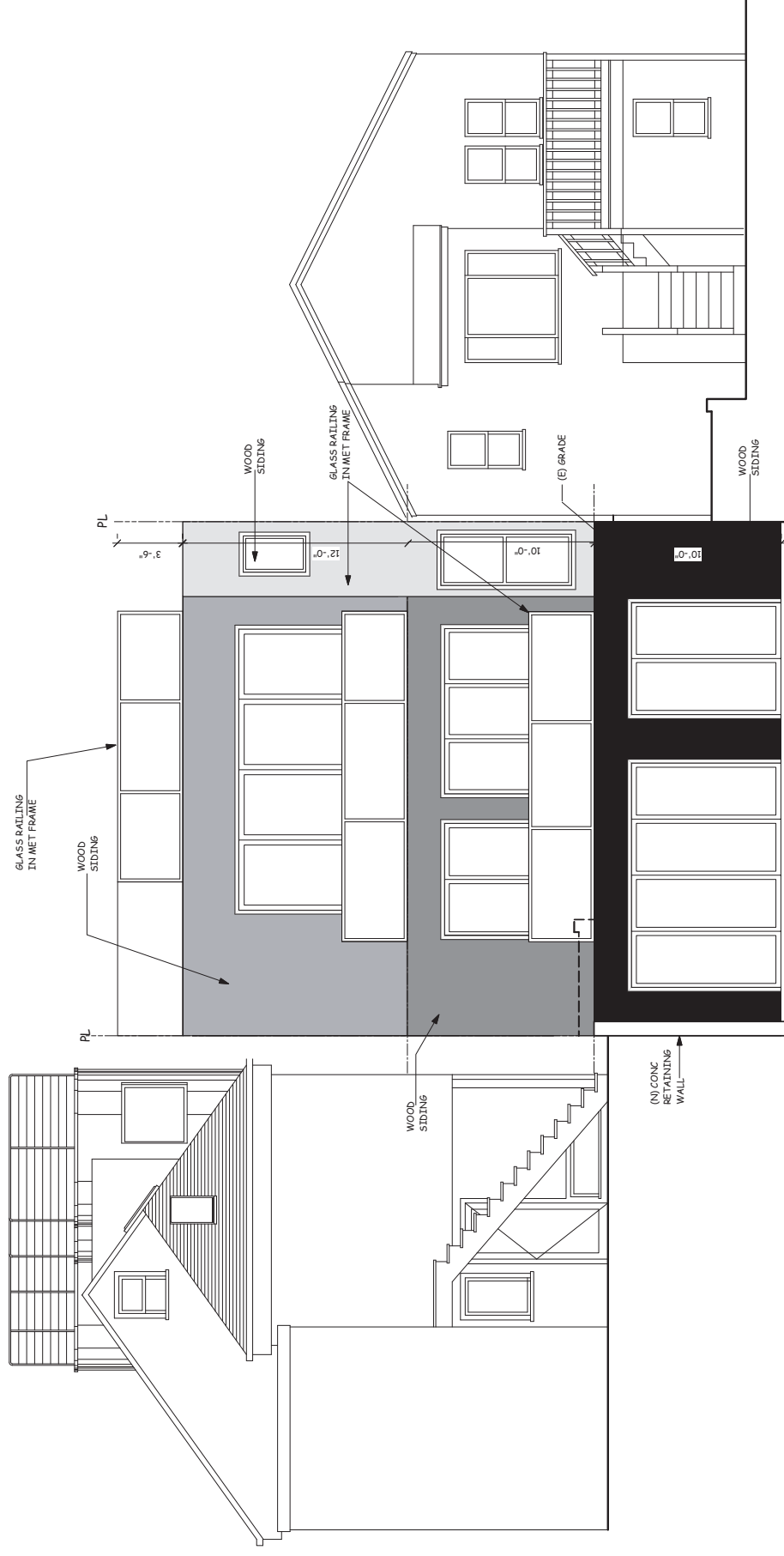
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1	12/3/17	PLANNING REV
3	06/12/18	PLANNING REV





SOUTH ELEVATION (E)  
 1/4"=1'-0"



SOUTH ELEVATION (N)  
 1/4"=1'-0"

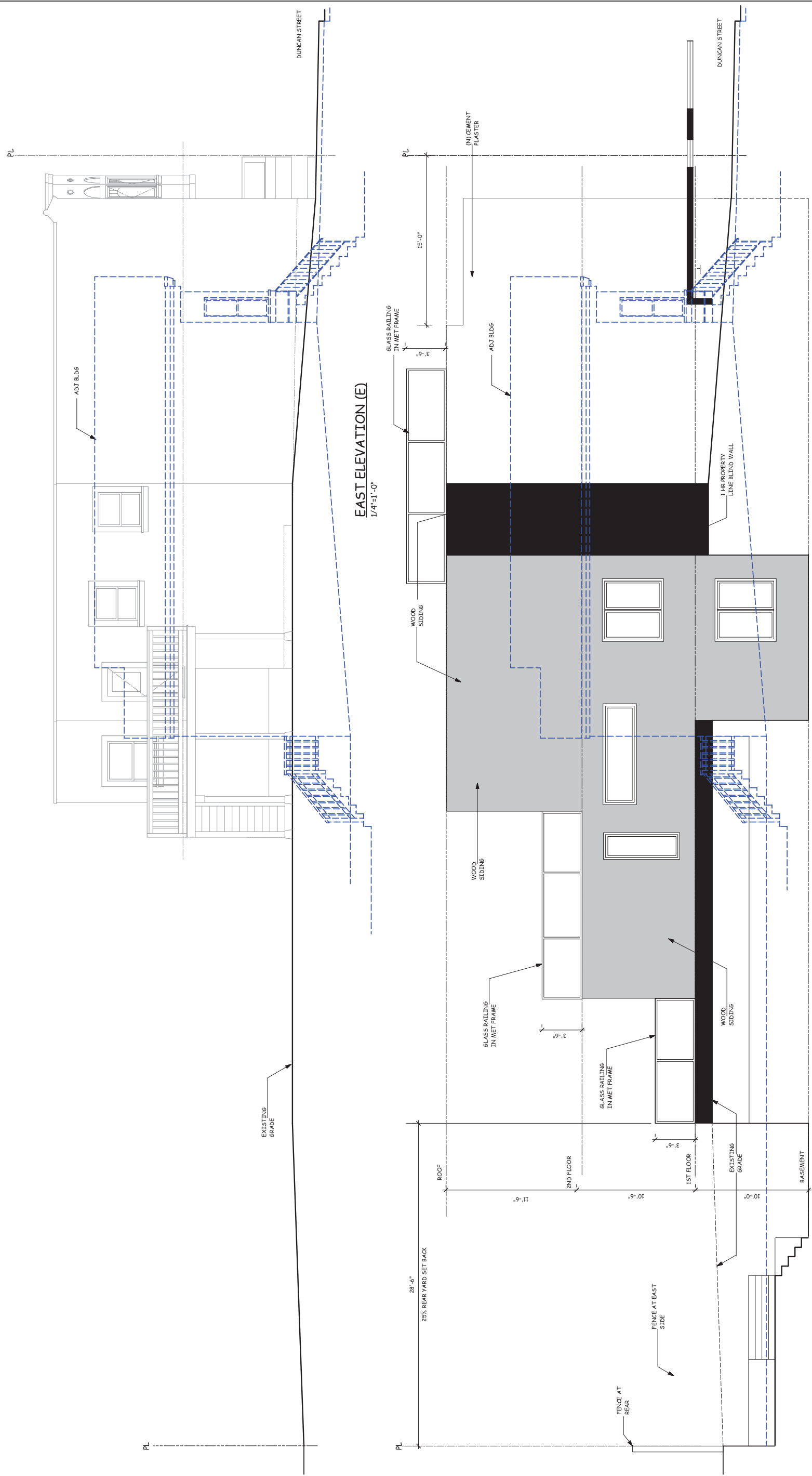
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NO.	DATE	DESCRIPTION
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2	06/12/18	PLANNING REV
4	11/12/18	PLANNING REV



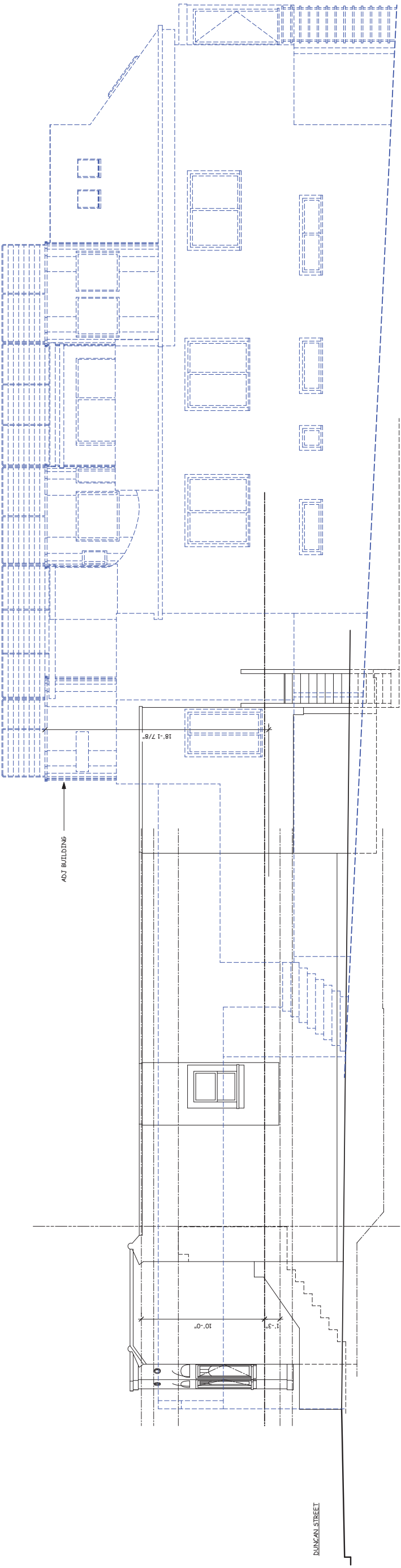
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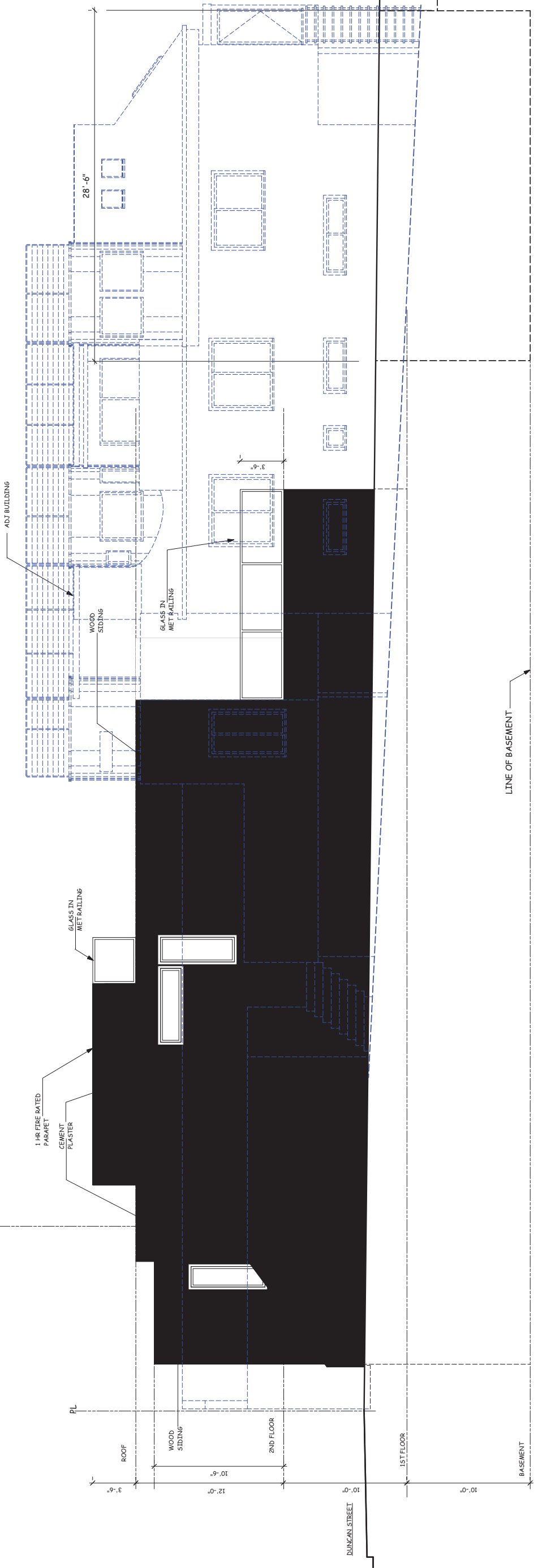


EAST ELEVATION (N)  
 1/4"=1'-0"

NO.	DATE	DESCRIPTION
1	12/3/17	PLANNING REV
4	11/12/18	PLANNING REV

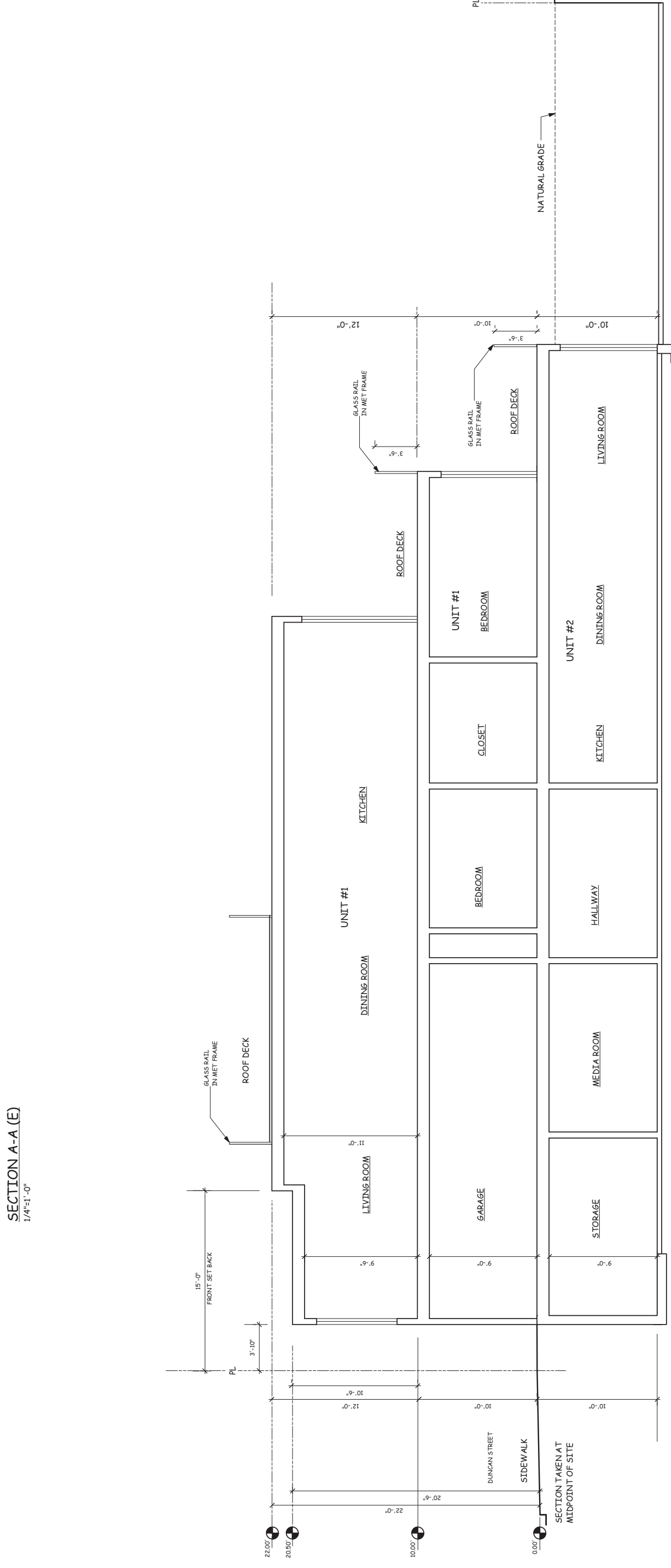
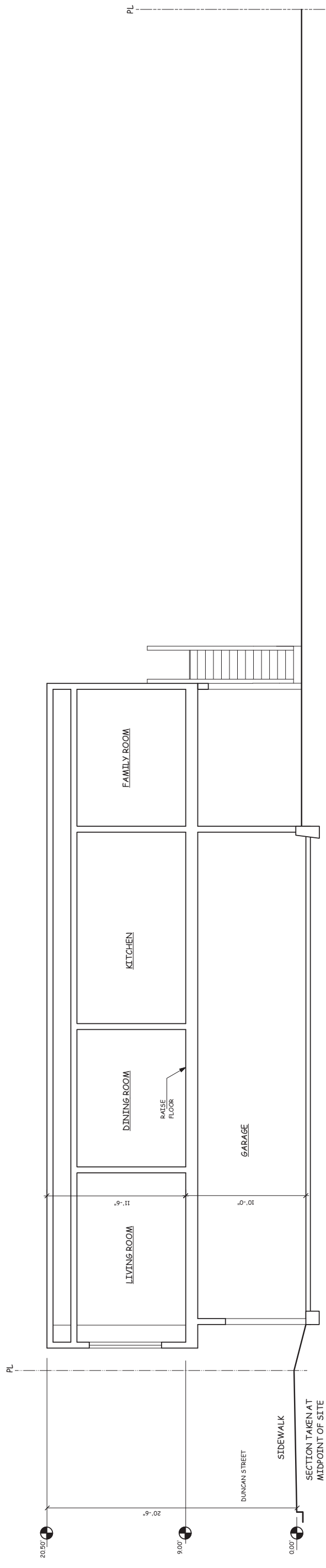


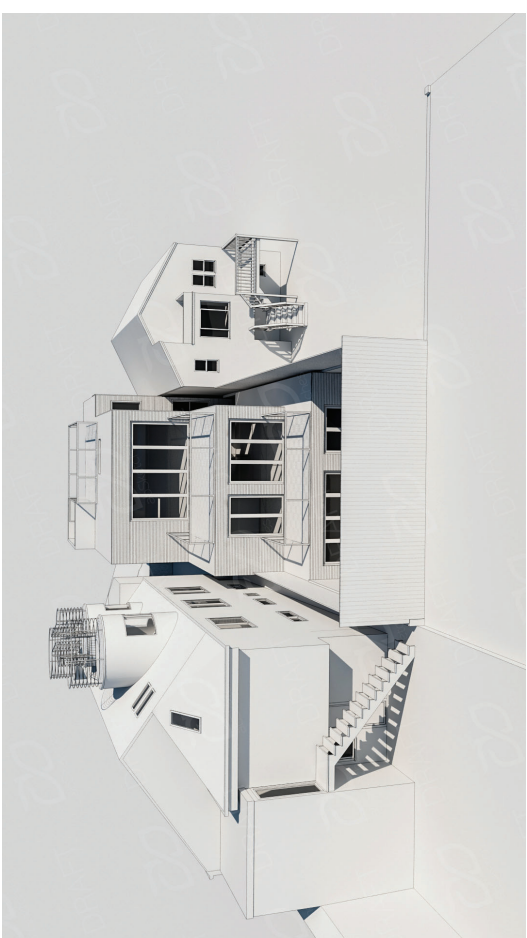
WEST ELEVATION (N)  
1/4"=1'-0"

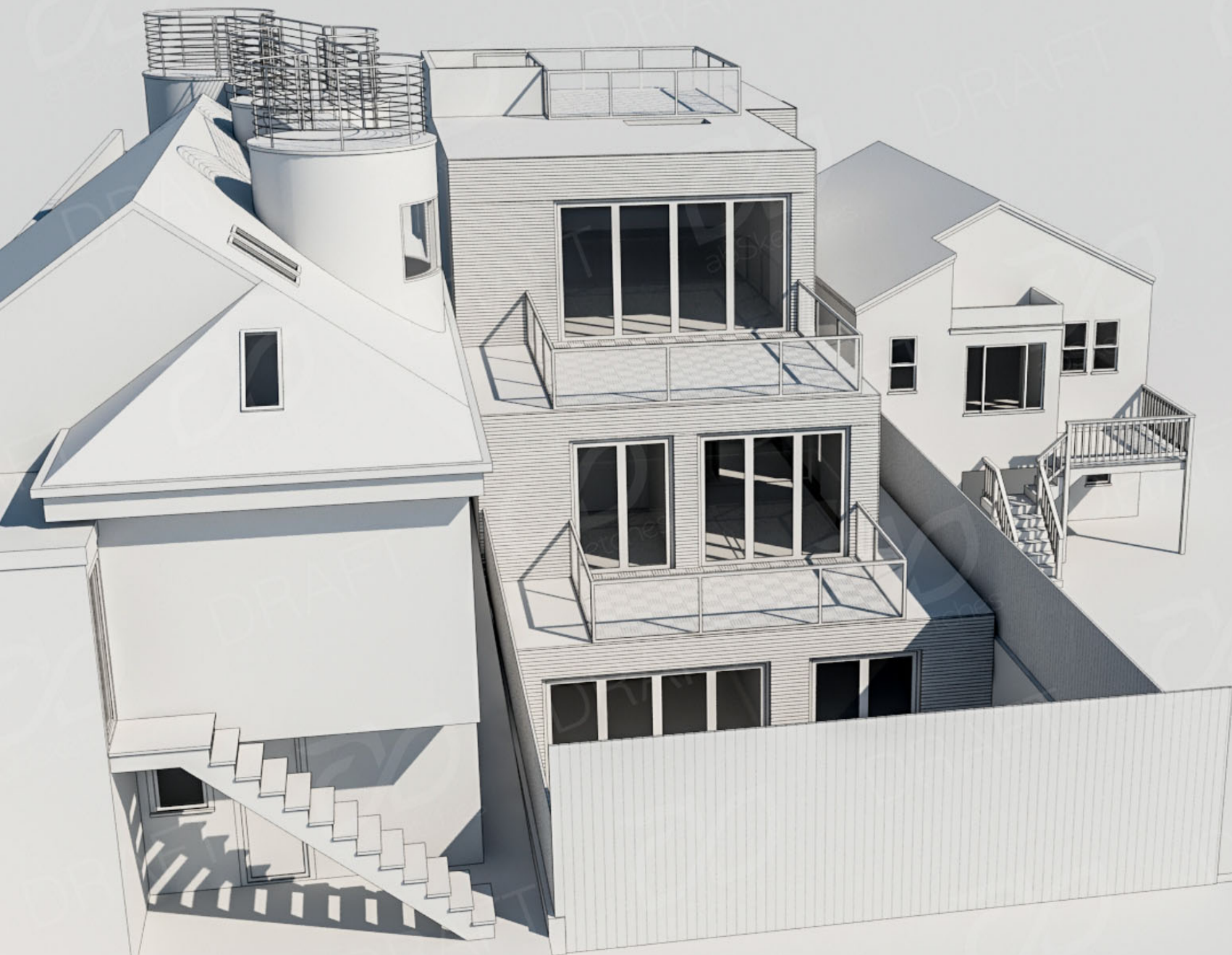


WEST ELEVATION (N)  
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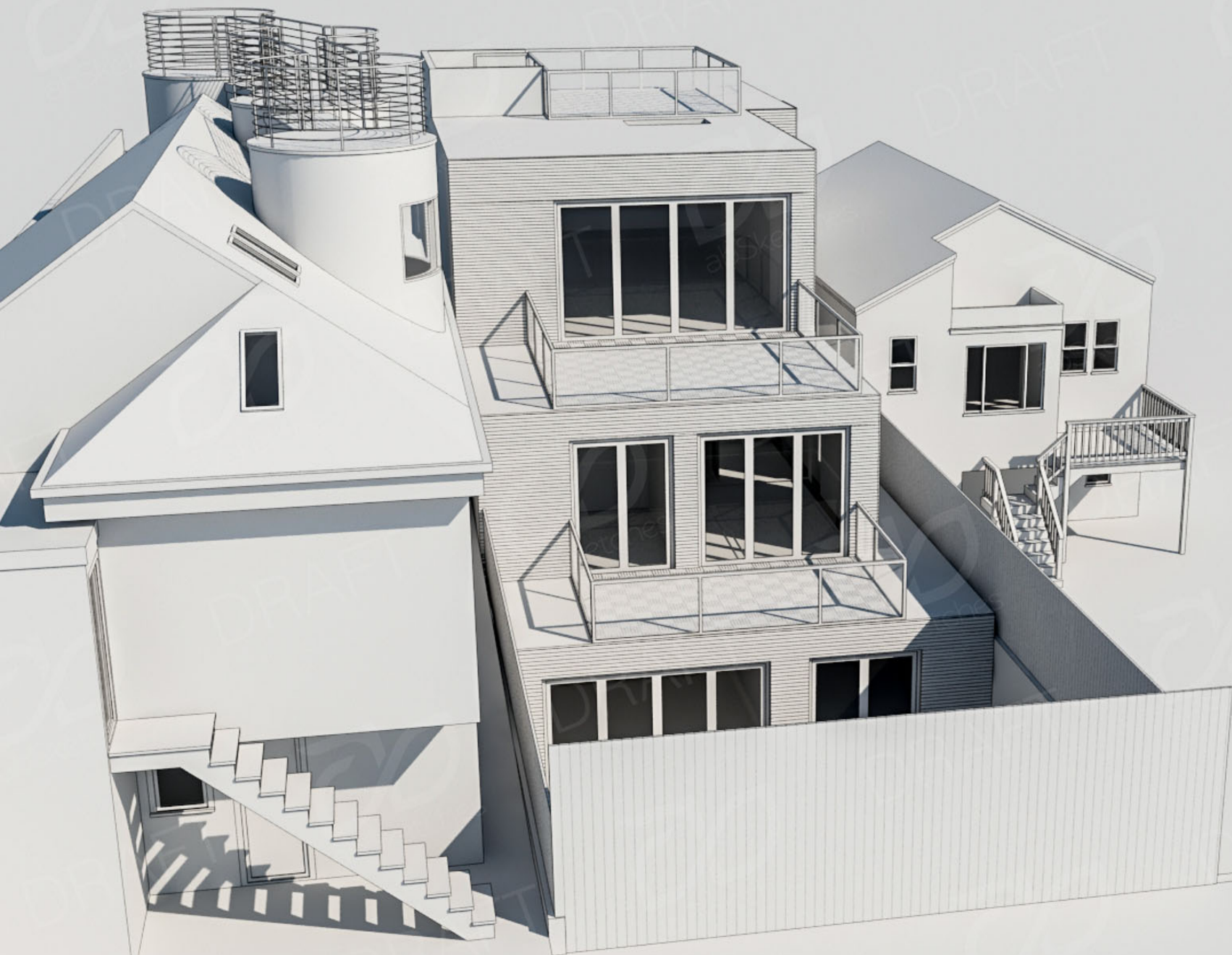
NO.	DATE	DESCRIPTION
1	12/3/17	PLANNING REV
4	11/12/18	PLANNING REV











**KUTCHES TREE CO.  
CA LIC # 682145  
CA QAL# 10-48-87**

**MARTIN KUTCHES, Tree Health Care Specialist**

**Cell 415 218 4897, Office 415 584 6878**

October 18<sup>th</sup>, 2018

Please be advised that the tree in the back yard of the downhill property from 463 Duncan Street is a TAXUS BACCATA English Yew (female) tree. The root structure of these trees is usually dense, so it is unlikely that the excavation of 463 Duncan would run in to any root structure of this Yew tree. Therefore, it is unlikely that the tree would be negatively impacted by the work at 463 Duncan Street.

Martin Kutches

