

November 23, 2015

Rodney Fong, President and  
Planning Commissioners  
San Francisco Planning Commission  
165 Mission Street  
San Francisco, CA

**Steve Atkinson**  
Counsel  
415.805.7971 DIRECT  
415.757.5501 FAX  
steve.atkinson@arentfox.com

Re: 1430 36th Avenue--- Request for Discretionary Review

Dear President Fong and Planning Commissioners:

We represent Ann and Chris Grimaldi, owners of the single family home at 1434 36<sup>th</sup> Avenue, the DR requestors. The Grimaldi property is immediately adjacent and south of the proposed renovation and addition at 1430 36<sup>th</sup> Avenue (the "Project"). As explained in more detail below, the Grimaldi's are seeking DR because it is evident that the property owner/Project Sponsor intends to illegally convert the Project to a 2-unit dwelling, and that the proposed design will facilitate an illegal conversion to create a 2-unit building in an RH-1 district, as well as significantly expand the building footprint. This, as well as the apparent violation of the Planning Department's guidelines for addition of lower level rooms, represents the exceptional and extraordinary circumstance that warrants the Commission to take DR in this case. The DR applicants are not opposed to increasing residential density but believe any such increase should be done in accordance with rules.

In addition to the objections to the Project itself, the DR requestors would also like to direct the Commission's attention to several errors in the notice for this hearing. (See Exhibit 9.) The mailed notice misidentified the cross-street as "Clipper", and the proposed horizontal addition was mis-described as including two bedrooms, when the addition in fact includes three bedrooms (and the Project overall will result in an increase of three or four bedrooms, (since the proposed "study" can easily be used as a bedroom.) Those errors have confused some residents about the subject of this hearing.

### **Background**

The Project site at 1430 36<sup>th</sup> Avenue is zoned RH-1, as is the DR Requestor's home, and the vast majority of this block. A small part of the block, near Judah Street, beginning several parcels north of the Project site; is zoned RH-3. The Project site, like the DR Requestor's property, is currently developed with a single family home. The Grimaldi's have resided here since 1994. As renovated several years ago within the pre-existing footprint, the Grimaldi's house has three

AFDOCS/12699496.1

bedrooms and three baths, and is occupied by Ann and Chris Grimaldi and their two teenage children.

The current Project Sponsors purchased the Property in mid-2014. As stated in the listing summary (see Exhibit 1), the Property was a single family home with two bedrooms and one bath, as well as a small family room and two car garage on the lower level, with a total of 1250 square feet.

In September 2014, the Project Sponsors (Property owner, Christina Vuong, Project Sponsor Jason Chan (the architect) and Hayden Ly) sent out a Notice of Pre-Application Meeting. The notice states that the development proposed was:

In 1<sup>st</sup> floor, add a family room, two bedrooms, two baths, a study room, and a kitchen. In 2<sup>nd</sup> floor: add a bath, relocate bedrooms, convert existing bedroom to a study and a ply [play] room, remodel kitchen. (Emphasis added.)

(See Exhibit 2.)

In October, 2014, pursuant to Planning Department requirements, a pre-application meeting was held. At that meeting, the Project Sponsor presented plans to the attendees. The plans that were presented are similar to the application later submitted, except that those initial plans listed "kitchen" as part of the scope of work on the first floor, and showed a kitchen (sink and cabinets) in the proposed large "family room" on the ground level (See Exhibit 3).

Those pre-application meeting plans also included laundry facilities (marked W/D for washer/dryer) on both the first and second level, as further indication of the intent to develop the Property with two independent units.

At the same pre-application meeting, the Project Sponsor-architect stated that a second kitchen would be constructed downstairs. When the neighbors attending stated that a second kitchen would not be legal, the architect stated that the City would allow a second unit and kitchen at the Property.

Subsequently, a gentleman who identified himself as the owner stated that he intended to construct a second unit in the lower level and rent it out. He specifically stated "I would never have bought this property if I could not rent out a downstairs unit." Project Sponsor's intent to develop a second unit is verified by signed, sworn statements from neighbors in attendance. (See Exhibit 4). Project Sponsor's stated intent to develop two units should inform the Commission's review of this DR request.

Following the pre-application meeting, the Project Sponsor submitted a building permit application. The plans were very similar to those presented at the pre-app meeting, except that the reference to the kitchen in the lower level family room, as well as a separate washer/dryer on the lower level, were deleted. Planning Department procedure requires, along with the application itself, that an applicant submit a copy of the pre-application notice, as well as the plans presented at the pre-application meeting. Exhibit 5 is a copy of the pre-application notice in the Planning Department files. Notably, the pre-application notice still includes a reference to a "kitchen" on the first floor. However, the plans submitted with the application do not include the kitchen fixtures (sink/counter) in the family room, or the separate washer/dryer on the lower level.

As proposed, the Project included extensive renovations to the existing home, within the existing structure, as well as a large two-level rear addition. As proposed, the ground level renovation included a greatly expanded family room, a full and half bath, and a bedroom. The proposed rear addition, which extended approximately 27 feet from the existing house, included two bedrooms at the ground level, as well as a bedroom and study on the second level. Overall with the proposed renovation and additions, the Project's lower level would include three bedrooms, one and a half baths, and a large family room.

During the Planning Department review, the Project Sponsor was directed to reduce the depth of the addition by 10 feet, and the plans were so revised. The upper level addition was reduced in depth by 10 feet, however the lower level addition was enlarged by several feet. As revised the rear addition still included one bedroom and a bath on the upper level, and two bedrooms on the lower level, and overall the lower level still included the addition of three bedrooms and one and a half baths, and an approximately 340 square foot family room. The proposed upper level included two full baths, two bedrooms and a study (with a closet) that had been a bedroom in the existing house. These were the plans that were ultimately approved by the Planning staff and which are the subjects of this DR request.

On June 30, 2015, the DR request was submitted (See Exhibit 6). The DR request raised several issues about the proposed plans. At this time, we will focus on the chief issue, which is that the plans as approved will greatly facilitate the Project Sponsor's planned goal to illegally create two separate units.

## Discussion

For many years, the Planning Department has followed policies intended to limit construction that would facilitate the creation of illegal units. (*Bulletin No 1, Developing Ground Floor Accessory Rooms in Residential Buildings*) ("Policy") (See Exhibit 7). The approved Project is contrary to the letter and spirit of that Policy.

Under that Policy, the type of rooms allowed on a ground level is based on several factors, including

- whether building is new construction or an addition
- whether the ground level rooms have direct or indirect access to the street and
- the degree of visual and spatial connection between the levels

The Project includes a ground level with both a full bath and half bath. Under the Policy, a full bath and half bath should be allowed only if there is only an “indirect” connection of the lower rooms to the street, and at least a limited visual and spatial connection between the floors.

Contrary to the Planning staff’s apparent conclusion, we believe the Project is more properly characterized as having a direct connection to the street, and essentially no visual or spatial connection between the two levels.

**Street Access:** There is a door at the ground level, adjacent to the garage door. A person entering that door from the street would cross a short open area and then go through another door to a hallway that directly accesses the lower residential rooms. (See Exhibit 8, showing direct access path into the lower residential rooms) While the short area crossed between the exterior door and the door into the lower living area is connected to the garage, it would take only the most minimal construction the seal this corridor off from the rest of the garage, providing a completely independent entry to the lower level rooms. As compared to the situation illustrated in the Policy, this should be considered as direct access from the street to the new residential rooms.

**Visual Spatial Connection;** As shown on the plans the only connection between the ground and second levels is a narrow stairway, which appears to have doors and doorways at its upper and lower end. (See Exhibit 8). Closing either door provides a complete visual/spatial separation between the two levels.

Under the Policy, a walled stairway with doors (or opening that would easily accommodate a door at each end) is considered an example of “limited visual and spatial connection between floors.” However, it is clear that once doors at either the upper or lower end of the stairs are closed and locked, there is no visual or spatial connection between the floor levels of the Project, and the existence of such an easily closed stairway in no way limits the ability to create a second, illegal unit on the lower level.

The Policy states that the standards in the matrix will be applicable in most cases but “there may be some unusual circumstances which warrant additional or alternate standards.” (See Exhibit 7, AFDOCS/12699496.1

p. 5.) This Project presents such unusual circumstances. This is not a case where the lower level has one or two habitable rooms. Instead, as proposed the lower level (with the proposed addition) will include three bedrooms, a bath and half bath and a large family room where a kitchen could be accommodated. Moreover, in this case, the Project Sponsors have made clear their intent to have two units. Thus, for this case the appropriate standard to judge the Project by is that applicable to "No Visual Connection" between the levels.

If the direct street access and (lack of) connection between the floors is properly characterized, then the matrix in the Policy states that a full bath on the lower level would be prohibited, and the Project could only elect between a half bath and wet bar. Therefore, properly applied, the Department's Policy would at least require the elimination of the full bath on the lower level.

Even if the Commission is unwilling to second-guess staff's application of the Policy regarding access to the street and connection between houses, the Commission has sufficient basis to take DR and require the Project to be modified. The exceptional circumstances in this case include elements of the proposal that so readily permit this to be converted to an illegal separate unit, the size of the intended lower unit, and the Project Sponsor's announced intention to create such an illegal second unit.

As approved, the lower level would include three bedrooms, one full and one half bath, and a very large "family room". It has direct access to 36<sup>th</sup> Avenue, as well as access to the rear yard. The lower level could be separated from the upper level by simply closing and locking doors at the top and bottom of the narrow stairs. The only thing the lower level theoretically lacks to be a full dwelling unit is a kitchen. However, the family room (where the original plans (see Exhibit 3) showed a kitchen), can certainly accommodate a kitchen. Functional cooking facilities could be added with a microwave and refrigerator, and a full kitchen could be added with minimal (illegal) construction that would be difficult to detect and take enforcement against. (Among other things, plumbing will be located immediately adjacent to the family room.) In addition, a washer/dryer laundry unit could be added where it was shown in the pre-application plans. Even if only limited kitchen facilities are provided, short of a full legal kitchen, in the current housing market such a unit with a partial kitchen could easily be rented. Moreover the upper unit, with 2-3 bedrooms and two full baths, could also easily be rented as a full unit.

Therefore, even if the construction would satisfy the Policy, it is evident that what the Project would produce is a plan that practically begs to be converted into two separate units, in violation of the RH-1 zoning. Moreover, from the beginning the Sponsor made clear his intent to create two separate rental units, not a single large home for his family. Therefore, the Commission has the basis to take DR and to require at least the following changes to prevent the creation of an illegal unit:

- require the deletion of the full bath on the lower level
- require the plans be revised to open up the connection between the two floors so it cannot be readily closed off
- substantially reduce the size of the family room to reduce the ability to add (illegal) kitchen facilities here (space taken from the family room can be added back to the garage, perhaps as storage accessible only from the garage)

What makes the Project so objectionable is not only the clear intent and ability to add an illegal unit, but also the significant overall expansion of the building and the intensity of use. An alternative modification would be to reduce the Project by removing all or most of the new addition. If the Commission exercises DR, and directs that the lower rear addition be removed, then even if the lower level eventually became an illegal unit, then at least the degree of violation will be mitigated.

-even if the above physical changes are required, require the Project Sponsor to record a notice of special restriction that would explicitly limit addition of any kitchen facilities on the lower level, as well as explicitly limit any separate rental of the lower level, and permit periodic inspections to assure these conditions are being adhered to. The appropriateness of such an NSR is specifically recognized in the Planning Department's Policy.

With these changes, the sponsor will still have a home with five bedrooms, two and a half baths and a study and family room, able to accommodate a very large family. Such a home will be much larger than the Grimaldi's and most homes on this block. At the same time, these reasonable changes will significantly reduce the ability to create an illegal unit at 1430 36<sup>th</sup> Avenue. Thus the changes will strike an appropriate balance between allowing expanded housing for families while discouraging violations of the Planning Code.

## Conclusion

Most people in this room probably recognize that San Francisco has an acute need for additional housing. Numerous options to create more housing are being considered, including increased density in transit corridors, as well as ability to add "accessory dwelling units" ("ADU") under specified circumstances.

At this time, the Property is not in an area where such an ADU is permitted. Even where such an ADU can be constructed, such units are typically required to be developed within an existing building envelope, and be rented at an affordable rent – neither which would be true in this case.

As the City seeks to expand residential opportunities, it needs to assure concerned residents that any additional residential units that may be added comply with the applicable rules, in order to maintain the confidence of the residents. A two-unit building at the Project site is flatly illegal. Even if the Planning Code allowed an ADU at this location, this Project would be inconsistent with the evolving ADU rules, because the Project is significantly expanding the building envelope to accommodate the (likely) new unit, and the intended new lower unit would not be subject to any affordability requirements.

Allowing the Project to proceed in its present form might create additional housing, but in a way that does not comport with either the existing rules, or evolving housing policy. As the City considers new rules to create new residential opportunities, it also needs to assure residents that any rules are enforced.

Therefore we respectfully request the Planning Commission to take discretionary review and to require the Project to be modified as proposed above.

Sincerely,



Steve Atkinson

cc: David Silverman, for Project Sponsor

Exhibits

# **EXHIBIT 1**



Property History

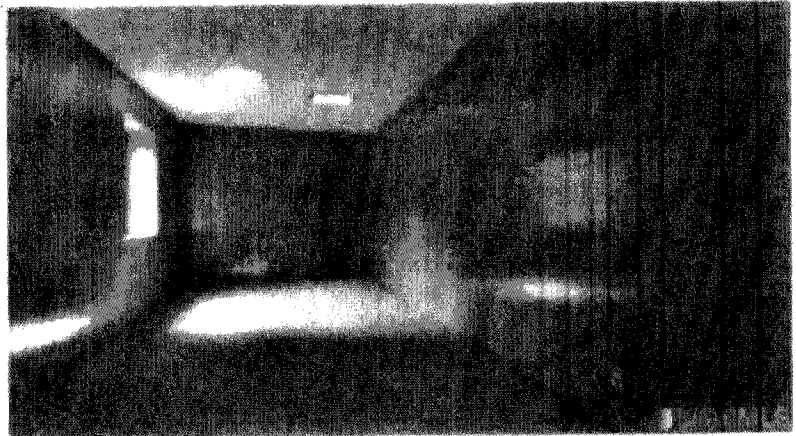
### Listing Summary

[Interactive Map](#) [Report Violation](#)

Listing #420896      **1430 36th Ave, San Francisco, CA 94122\***      Sold (07/31/14) DOM: 47  
 \$849,000 (LP)      **Bed: 2**      Baths: 1      Sq Ft: 1250\*      Lot Sz: 2748\*  
 \$850,000 (SP)  
 Price/SqFt: 680.00      **District : 2 - Central Sunset**      Yr: 1945\*  
 SP % LP: 100.12

### Remarks

Charming 2BD/1BA in the heart of Sunset District. Features a center patio and a cozy breakfast nook. New interior paint. New carpet and new linoleum floor. One room downstairs. Large garage can fit 2 cars. High ceiling at basement level with separate entrance. Spacious backyard. Walking distance to the Golden Gate Park, restaurants, shops, schools and N car line. Property is currently vacant. A must see!



Pictures (15)



<b>Agent</b>	Jenny Ying He (ID: 805815) Primary:415-860-8320 Secondary:650-301-0553 Lic: 01255995
<b>Office</b>	Century 21 Realty Alliance Fine Homes and Estates (ID:CAFH) Phone: 415-213-1800. FAX: 415-213-9088 Office Lic.:
<b>Property Type</b>	Single-Family Homes <b>Property Subtype(s)</b> Single-Family Homes
<b>Status</b>	Sold (07/31/14)
<b>DOM</b>	47
<b>Type Listing</b>	Excl Right to Sell
<b>Known Short Sale</b>	No
<b>REO</b>	No
<b>District</b>	2 - E
<b>Commission</b>	<b>Selling Office</b> <b>Dual/Var. Rate</b>
	2.5      No
<b>County</b>	San Francisco <b>Bik/Lt/APN</b> 1818033
<b>Scope of Service</b>	Full Service
<b>Beds</b>	2 <b>Baths</b> 1
<b>Den/Bonus Room</b>	0
<b>Approx Square Feet</b>	1250* <b>Sq Ft Source</b> Per Tax Records <b>Price / SqFt</b> 680.00
<b>Lot Sq Ft (approx)</b>	2748* <b>Lot Acres (approx)</b> 0.0631 <b>Lot Size Source</b> (Per Tax Records)
<b>Year Built</b>	1945*
<b>Map Book</b>	SFAR Map <b>Map Coordinates</b> SFAR, CJ45
<b>Cross Street</b>	Judah
<b>Listing Date</b>	05/21/14 <b>Entry Date</b> 05/21/14
<b>On Market Date</b>	05/21/14
<b>Original Price</b>	849,000
<b>Occupant Type</b>	Vacant
<b>Occupant Name</b>	
<b>Directions to Property</b>	Cross street is Judah.
<b>Agent Remarks</b>	Subject to cancellation of previous contract. Go directly. On Supra Lockbox. Call LA for all questions at 415-860-8320. A must see!

### Selling Information

**Selling Price**      850,000      **Selling Date**      07/31/14

10/5/2014

San Francisco

**Listing Price** 849,000  
**SP % LP** 100.12  
**Financing** Fixed Conventional  
**Comments**  
**Selling Agent** Veronica V Tran (802057)  
**Selling Co-Agent**

**Pending Date** 07/07/14  
**Original Price** 849,000

**Selling Office** Tran Real Estate (TRRE)  
**Selling Co-Office**

**Zoning**

**Total # of Rooms** 5  
**# of Parking Spaces** 2  
**Parking Access** Tandem  
**Green Point Rating** 0  
**HERS Index** 0  
**HOA Dues** \$ 0.00  
**Probate Sale** No  
**Unconfirmed Coop Fee** 0.00

**Features**

**Showing Instructions** Go Directly, Supra iBox, Leave Card  
**Possession** Close of Escrow  
**Parking** Garage, Auto Door  
**Style** Contemporary, Traditional  
**Exterior** Stucco  
**Main Level** 2 Bedrooms, 1 Bath, Living Room, Dining Room, Kitchen  
**Lower Level** 1 Bedroom  
**Kitchen** Gas Range, Freestanding Range, Refrigerator, Dishwasher, Formica Counter, Breakfast Room, Skylight(s)  
**Dining Room** Formal  
**Living Room** View  
**Foundation** Concrete Perimeter  
**Construction** Wood Frame  
**Roof** Bitumen  
**Heating/Cooling Sys** Central Heating, Gas  
**Laundry Appliances** 220 Volt Wiring, Hookups Only, In Basement  
**Floors** Wall to Wall Carpet, Linoleum  
**Fireplace** 1  
**Bath Type/Includes** Tile, Shower and Tub  
**Lot Description** Level  
**Driveway/Sidewalks** Paved Driveway, Paved Sidewalks  
**Documents/Disclosure** Disclosure Pkg Avail  
**Water/Sewer** Water-Public  
**Transportation** 1 Block  
**Shopping** 2 Blocks

\* Denotes information autofilled from tax records.

All data NOT VERIFIED. Subject to ERRORS, OMISSIONS, or REVISIONS. Prospective Buyers URGED TO INVESTIGATE. - Copyright: 2014 by  
 San Francisco Assoc of REALTORS.  
 Copyright ©2014 Rapattoni Corporation. All rights reserved.  
 U.S. Patent 6,910,045  
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# **EXHIBIT 2**

# Notice of Pre-Application Meeting

09/17/2014

Date

Dear Neighbor:

You are invited to a neighborhood Pre-Application meeting to review and discuss the development proposal at 1430 36th Ave. cross street(s) Judah St. (Block/Lot#: 1818/033); Zoning: RH-1), in accordance with the San Francisco Planning Department's Pre-Application procedures. The Pre-Application meeting is intended as a way for the Project Sponsor(s) to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the City. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is submitted for the Planning Department's review. Once a Building Permit has been submitted to the City, you may track its status at [www.sfgov.org/dbi](http://www.sfgov.org/dbi).

The Pre-Application process is only required for projects subject to Planning Code Section 311 or 312 Notification. It serves as the first step in the process prior to building permit application or entitlement submittal. Those contacted as a result of the Pre-Application process will also receive a formal entitlement notice or 311 or 312 notification when the project is submitted and reviewed by Planning Department staff.

A Pre-Application meeting is required because this project includes (check all that apply):

- New Construction;
- Any vertical addition of 7 feet or more;
- Any horizontal addition of 10 feet or more;
- Decks over 10 feet above grade or within the required rear yard;
- All Formula Retail uses subject to a Conditional Use Authorization.

The development proposal is to: add a bath, relocate bedrooms, convert existing bedroom to a study and apply room, remodel kitchen  
 In 1st floor: add a family room, two bedrooms, two baths, a study room, and a kitchen. In 2nd floor:

Existing # of dwelling units: <u>One</u>	Proposed: <u>One</u>	Permitted: <u>Two</u>
Existing bldg square footage: <u>2440 s.f.</u>	Proposed: <u>3241 s.f.</u>	Permitted: <u>5000 s.f.</u>
Existing # of stories: <u>Two</u>	Proposed: <u>Two</u>	Permitted: <u>Four</u>
Existing bldg height: <u>20 feet</u>	Proposed: <u>20 feet</u>	Permitted: <u>40 feet</u>
Existing bldg depth: <u>50'-10"</u>	Proposed: <u>27'-8"</u>	Permitted: <u>90'-0"</u>

**MEETING INFORMATION:**

Property Owner(s) name(s): Christina Vuong  
 Project Sponsor(s): Jason Chan, Hayden Ly  
 Contact information (email/phone): haydenly@gmail.com, 925-437-9069  
 Meeting Address\*: 1430 36th ave, san francisco, ca 94122  
 Date of meeting: October 4th, 2014  
 Time of meeting\*\*: 5:00 pm

\*The meeting should be conducted at the project site or within a one-mile radius, unless the Project Sponsor has requested a Department Facilitated Pre-Application Meeting, in which case the meeting will be held at the Planning Department offices, at 1650 Mission Street, Suite 400.

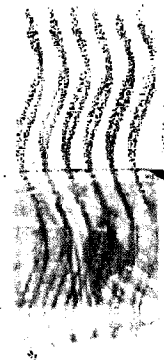
\*\*Weeknight meetings shall occur between 6:00 p.m. - 9:00 p.m. Weekend meetings shall be between 10:00 a.m. - 9:00 p.m., unless the Project Sponsor has selected a Department Facilitated Pre-Application Meeting.

If you have any questions about the San Francisco Planning Code, Residential Design Guidelines, or general development process in the City, please call the Public Information Center at 415-558-6378, or contact the Planning Department via email at [pic@sfgov.org](mailto:pic@sfgov.org). You may also find information about the San Francisco Planning Department and on-going planning efforts at [www.sfplanning.org](http://www.sfplanning.org).

CHRISTOPHER J. ...  
2005 MAIN ST ...  
ANTIOCH, CA 94509

*Handwritten:* Thank you for ...  
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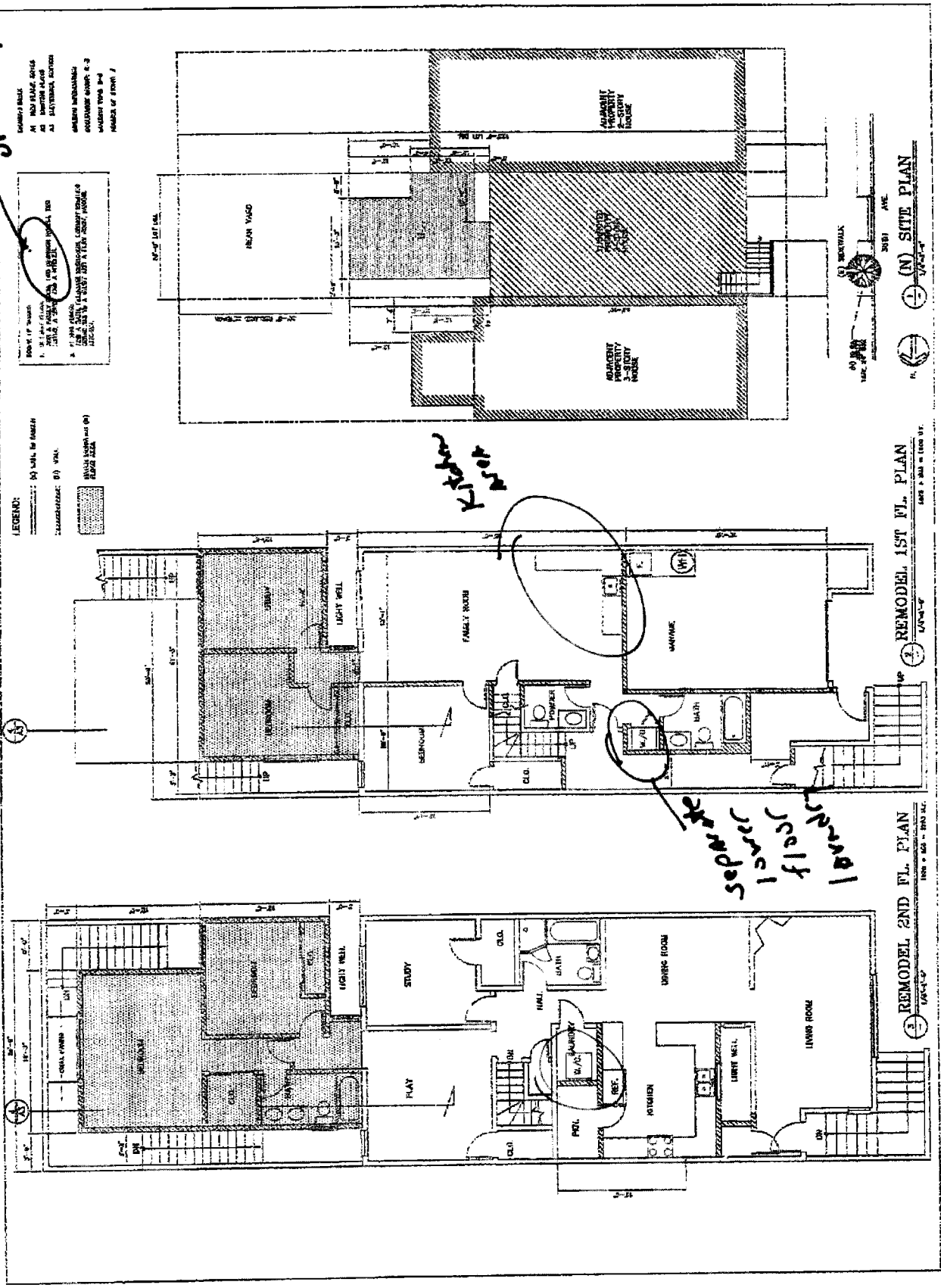
# **EXHIBIT 3**

*kindergarten  
 for 15-20 kids*

**LEGEND:**  
 Hatched areas  
 1. NEW FLOORING  
 2. NEW WALLS  
 3. NEW PARTITIONS  
 4. NEW DOORS  
 5. NEW WINDOWS  
 6. NEW LIGHT FIXTURES  
 7. NEW PAINT

**LEGEND:**  
 1. NEW FLOORING  
 2. NEW WALLS  
 3. NEW PARTITIONS  
 4. NEW DOORS  
 5. NEW WINDOWS  
 6. NEW LIGHT FIXTURES  
 7. NEW PAINT

**LEGEND:**  
 1. NEW FLOORING  
 2. NEW WALLS  
 3. NEW PARTITIONS  
 4. NEW DOORS  
 5. NEW WINDOWS  
 6. NEW LIGHT FIXTURES  
 7. NEW PAINT



*separate lower level*


*separate lower level*

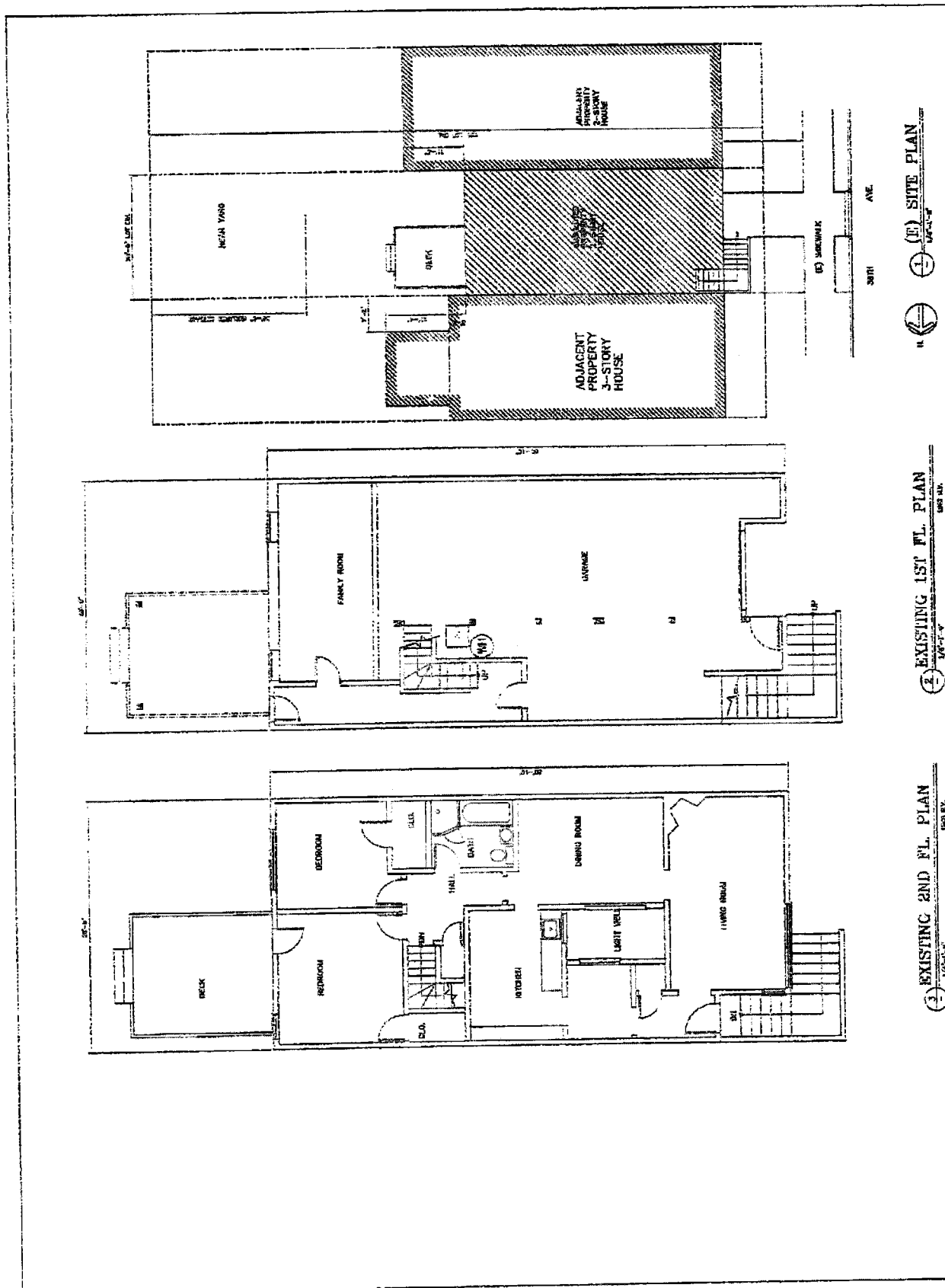
REAR ADDITION  
 1430 36TH AVE.  
 SAN FRANCISCO, CA 94122  
 BLOCK 1818, LOT 033

REMODEL 1ST FL. PLAN  
 1430 36TH AVE.  
 SAN FRANCISCO, CA 94122  
 BLOCK 1818, LOT 033

REMODEL 2ND FL. PLAN  
 1430 36TH AVE.  
 SAN FRANCISCO, CA 94122  
 BLOCK 1818, LOT 033

2. PROPOSED ADDITION TO EXISTING 1ST FLOOR PLAN FOR THE 1430 36TH AVENUE, SAN FRANCISCO, CALIFORNIA. THE PROPOSED ADDITION IS A 1-1/2 STORY STRUCTURE TO BE ADDED TO THE REAR OF THE EXISTING 1-1/2 STORY HOUSE. THE PROPOSED ADDITION WILL BE USED AS A GARAGE AND STORAGE AREA. THE PROPOSED ADDITION WILL BE CONSTRUCTED OF CONCRETE AND STEEL. THE PROPOSED ADDITION WILL BE 12 FEET WIDE BY 24 FEET DEEP. THE PROPOSED ADDITION WILL BE 12 FEET WIDE BY 24 FEET DEEP. THE PROPOSED ADDITION WILL BE 12 FEET WIDE BY 24 FEET DEEP.

SHEET NO. DATE DRAWN BY CHECKED BY APPROVED BY	<b>A2</b> REAR ADDITION 1430 36TH AVE. SAN FRANCISCO, CA 94122 BLOCK 1818, LOT 033	<b>BLDG. ELEVATIONS</b> <b>BLDG. SECTION</b>	 JASON RALPH OWAN ARCHITECT 220 BATTERY STREET, SUITE 200 SAN FRANCISCO, CA 94102 TEL: (415) 398-1234	
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1. (E) SITE PLAN  
 1/4" = 1'-0"

2. EXISTING 1ST FL. PLAN  
 1/8" = 1'-0"

3. EXISTING 2ND FL. PLAN  
 1/8" = 1'-0"

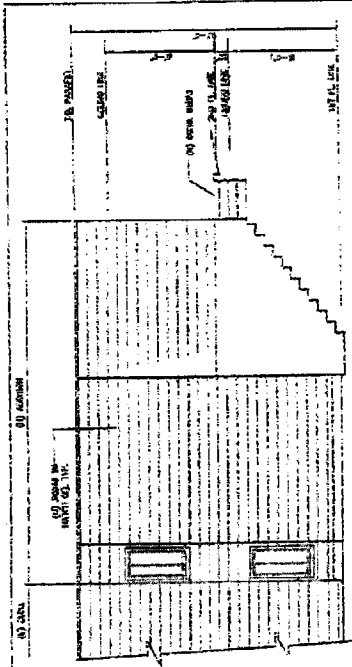


LONDON HILL ORGAN PROJECT  
 800 SOUTH BAYVIEW AVE  
 SALT LAKE CITY, UTAH  
 ARCHITECT: JAMES H. HARRIS  
 1-411-1234

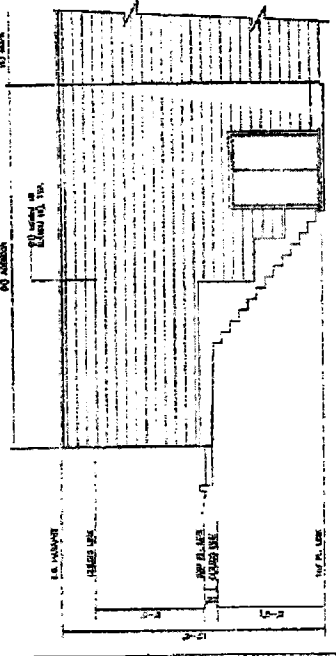


BLDG. ELEVATIONS  
 BLDG. SECTION

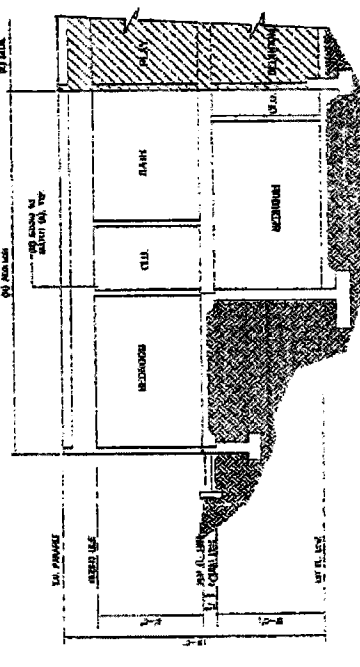
72 FEET ADDITION  
 1400 85TH AVE.  
 SAN FRANCISCO, CA 94122  
 BLOCK 181B, LOT 035  
 DATE: 12-15-00  
 SCALE: 1/4" = 1'-0"  
 SHEET: A3  
 TOTAL SHEETS: 10



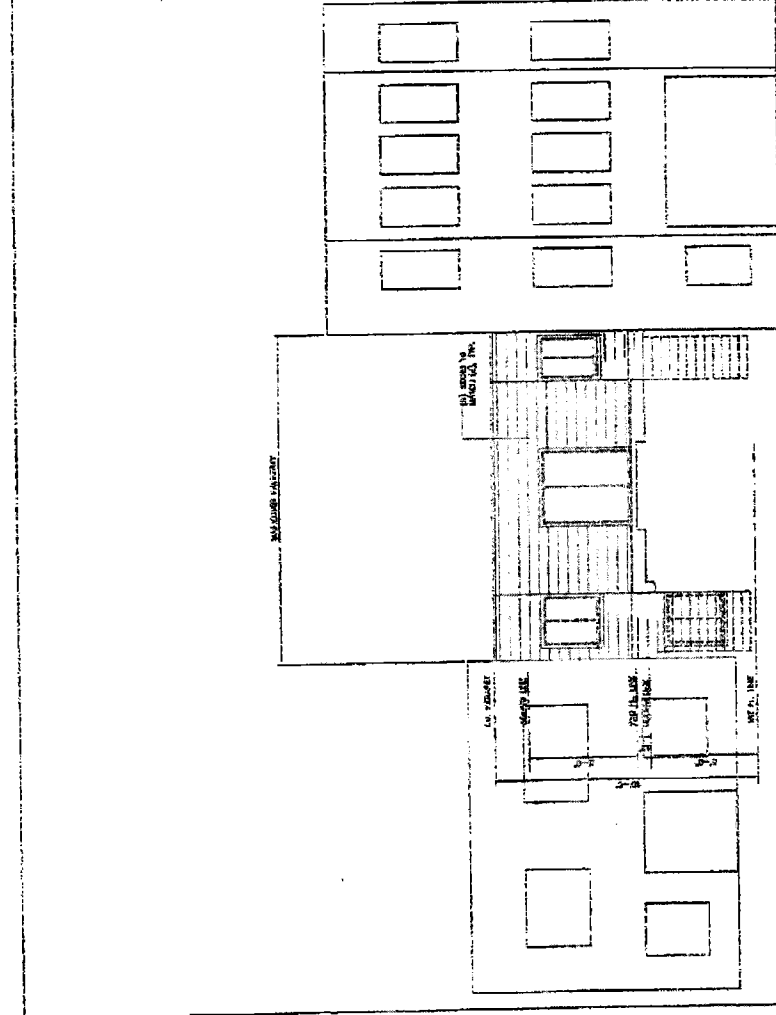
① SIDE (SOUTH) ELEVATION



② SIDE (NORTH) ELEVATION



③ CROSS SECTION



④ SIDE (EAST) ELEVATION

# **EXHIBIT 4**

**DECLARATION IN SUPPORT OF DISCRETIONARY REVIEW**

**1430 36<sup>TH</sup> AVE., SAN FRANCISCO**

1. I, Lee Hopkins reside at 1426~~th~~ 36<sup>th</sup> Ave, San Francisco, California. I have personal knowledge of the matters stated herein, and if called as a witness and sworn, I could competently testify thereto.

2. On or about October 4, 2014, I attended a meeting at 1430 36<sup>th</sup> Ave. regarding a proposed construction project at that property. The property owner and family members were at the meeting, as well as the owner's architect and other neighbors.

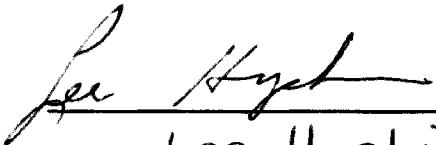
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4. A gentleman, who identified himself as the owner (I believe he is the owner's husband), stated that he intended to construct a second unit at the street level location of the home and that he intended to rent that second unit. He

specifically stated, "I would never have bought this property if I could not rent out a downstairs unit."

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 11/18/15, 2015 in San Francisco, California.

  
Name: Lee Hopkins

**DECLARATION IN SUPPORT OF DISCRETIONARY REVIEW**

**1430 36<sup>TH</sup> AVE., SAN FRANCISCO**

1. I, Rosemary Pali, reside at 1412-36<sup>TH</sup> AVE., San Francisco, California. I have personal knowledge of the matters stated herein, and if called as a witness and sworn, I could competently testify thereto.

2. On or about October 4, 2014, I attended a meeting at 1430 36<sup>th</sup> Ave. regarding a proposed construction project at that property. The property owner and family members were at the meeting, as well as the owner's architect and other neighbors.

3. At the meeting, the architect showed us the project plans and said that a second kitchen would be constructed downstairs. Many neighbors, including me, informed the architect, the owner, and the owner's family members, that constructing a second kitchen would not be legal. The architect stated that was not true and that the City of San Francisco would allow the construction of a second kitchen as part of a second unit at the property.

4. A gentleman, who identified himself as the owner (I believe he is the owner's husband), stated that he intended to construct a second unit at the street level location of the home and that he intended to rent that second unit. He

specifically stated, "I would never have bought this property if I could not rent out a downstairs unit."

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on Nov. 15, 2015, 2015 in San Francisco, California.

Rosemarie C. Pawi  
Name: [Signature]

**DECLARATION IN SUPPORT OF DISCRETIONARY REVIEW**

**1430 36<sup>TH</sup> AVE., SAN FRANCISCO**

1. I, HARRY PAI, reside at 1412 30<sup>TH</sup> AVE, San Francisco, California. I have personal knowledge of the matters stated herein, and if called as a witness and sworn, I could competently testify thereto.

2. On or about October 4, 2014, I attended a meeting at 1430 36<sup>th</sup> Ave. regarding a proposed construction project at that property. The property owner and family members were at the meeting, as well as the owner's architect and other neighbors.

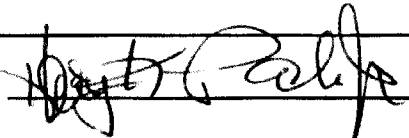
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 11/15/15, 2015 in San Francisco, California.

Name: 



**DECLARATION IN SUPPORT OF DISCRETIONARY REVIEW**

**1430 36<sup>TH</sup> AVE., SAN FRANCISCO**

1. I, Kevin Hopkins, reside at 1426 36<sup>th</sup> Ave, San Francisco, California. I have personal knowledge of the matters stated herein, and if called as a witness and sworn, I could competently testify thereto.

2. On or about October 4, 2014, I attended a meeting at 1430 36<sup>th</sup> Ave. regarding a proposed construction project at that property. The property owner and family members were at the meeting, as well as the owner's architect and other neighbors.


3. At the meeting, the architect showed us the project plans and said that a second kitchen would be constructed downstairs. Many neighbors, including me, informed the architect, the owner, and the owner's family members, that constructing a second kitchen would not be legal. The architect stated that was not true and that the City of San Francisco would allow the construction of a second kitchen as part of a second unit at the property.

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specifically stated, "I would never have bought this property if I could not rent out a downstairs unit."

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 11/18/15, 2015 in San Francisco, California.

  
Name: Kevin Hopkins

**DECLARATION IN SUPPORT OF DISCRETIONARY REVIEW**

**1430 36<sup>TH</sup> AVE., SAN FRANCISCO**

1. I, Kim Cheever, reside at 1427 35<sup>th</sup> Ave, San Francisco, California. I have personal knowledge of the matters stated herein, and if called as a witness and sworn, I could competently testify thereto.

2. On or about October 4, 2014, I attended a meeting at 1430 36<sup>th</sup> Ave. regarding a proposed construction project at that property. The property owner and family members were at the meeting, as well as the owner's architect and other neighbors.


3. At the meeting, the architect showed us the project plans and said that a second kitchen would be constructed downstairs. Many neighbors, including me, informed the architect, the owner, and the owner's family members, that constructing a second kitchen would not be legal. The architect stated that was not true and that the City of San Francisco would allow the construction of a second kitchen as part of a second unit at the property.

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specifically stated, "I would never have bought this property if I could not rent out a downstairs unit."

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on Nov. 18, 2015 in San Francisco, California.

  
Name: Kimberly Cheever

**DECLARATION IN SUPPORT OF DISCRETIONARY REVIEW**

**1430 36<sup>TH</sup> AVE., SAN FRANCISCO**

1. I, Chris Grimaldi, reside at 1434 34th Ave San Francisco, California. I have personal knowledge of the matters stated herein, and if called as a witness and sworn, I could competently testify thereto.

2. On or about October 4, 2014, I attended a meeting at 1430 36<sup>th</sup> Ave. regarding a proposed construction project at that property. The property owner and family members were at the meeting, as well as the owner's architect and other neighbors.


3. At the meeting, the architect showed us the project plans and said that a second kitchen would be constructed downstairs. Many neighbors, including me, informed the architect, the owner, and the owner's family members, that constructing a second kitchen would not be legal. The architect stated that was not true and that the City of San Francisco would allow the construction of a second kitchen as part of a second unit at the property.

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specifically stated, "I would never have bought this property if I could not rent out a downstairs unit."

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on Nov 18, 2015, 2015 in San Francisco, California.

  
Name: Chrill Grimaldi

**DECLARATION IN SUPPORT OF DISCRETIONARY REVIEW**

**1430 36<sup>TH</sup> AVE., SAN FRANCISCO**

1. I, ANN GRIMAUDI, reside at 1434-36<sup>th</sup> Ave., San Francisco, California. I have personal knowledge of the matters stated herein, and if called as a witness and sworn, I could competently testify thereto.

2. On or about October 4, 2014, I attended a meeting at 1430 36<sup>th</sup> Ave. regarding a proposed construction project at that property. The property owner and family members were at the meeting, as well as the owner's architect and other neighbors.

3. At the meeting, the architect showed us the project plans and said that a second kitchen would be constructed downstairs. Many neighbors, including me, informed the architect, the owner, and the owner's family members, that constructing a second kitchen would not be legal. The architect stated that was not true and that the City of San Francisco would allow the construction of a second kitchen as part of a second unit at the property.

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specifically stated, "I would never have bought this property if I could not rent out a downstairs unit."

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on Nov. 18, 2015 in San Francisco, California.

Ann Dini  
Name: ANN GERMAO



# **EXHIBIT 5**

# Notice of Pre-Application Meeting

09/17/2014

One

Dear Neighbor:

You are invited to a neighborhood Pre-Application meeting to review and discuss the development proposal at 1430 36th Ave., cross street(s) Judah St. (Block/Lot#: 1818/033; Zoning: RH-1), in accordance with the San Francisco Planning Department's Pre-Application procedures. The Pre-Application meeting is intended as a way for the Project Sponsor(s) to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the City. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is submitted for the Planning Department's review. Once a Building Permit has been submitted to the City, you may track its status at [www.sfgov.org/dbi](http://www.sfgov.org/dbi).

The Pre-Application process is only required for projects subject to Planning Code Section 311 or 312 Notification. It serves as the first step in the process prior to building permit application or entitlement submittal. Those contacted as a result of the Pre-Application process will also receive a formal entitlement notice or 311 or 312 notification when the project is submitted and reviewed by Planning Department staff.

A Pre-Application meeting is required because this project includes (check all that apply):

- New Construction;
- Any vertical addition of 7 feet or more;
- Any horizontal addition of 10 feet or more;
- Decks over 10 feet above grade or within the required rear yard;
- All Formula Retail uses subject to a Conditional Use Authorization.

The development proposal is to: In 1st floor: add a family room, two bedrooms, two baths, a study room, and a kitchen. In 2nd floor: add a bath, relocate bedrooms, convert existing bedroom to a study and a play room, remodel kitchen.

Existing # of dwelling units: <u>One</u>	Proposed: <u>One</u>	Permitted: <u>Two</u>
Existing bldg square footage: <u>2440 s.f.</u>	Proposed: <u>3241 s.f.</u>	Permitted: <u>5000 s.f.</u>
Existing # of stories: <u>Two</u>	Proposed: <u>Two</u>	Permitted: <u>Four</u>
Existing bldg height: <u>20 feet</u>	Proposed: <u>20 feet</u>	Permitted: <u>40 feet</u>
Existing bldg depth: <u>50'-10"</u>	Proposed: <u>27'-8"</u>	Permitted: <u>90'-0"</u>

**MEETING INFORMATION:**

Property Owner(s) name(s): Christina Vuong  
 Project Sponsor(s): Jason Chan, Hayden Ly  
 Contact information (email/phone): haydenly@gmail.com, 925-437-9069  
 Meeting Address\*: 1430 36th ave, san francisco, ca 94122  
 Date of meeting: October 4th, 2014  
 Time of meeting\*\*: 5:00 pm

\*The meeting should be conducted at the project site or within a one-mile radius, unless the Project Sponsor has requested a Department Facilitated Pre-Application Meeting, in which case the meeting will be held at the Planning Department offices, at 1650 Mission Street, Suite 400.

\*\*Weeknight meetings shall occur between 6:00 p.m. - 9:00 p.m. Weekend meetings shall be between 10:00 a.m. - 9:00 p.m., unless the Project Sponsor has selected a Department Facilitated Pre-Application Meeting.

If you have any questions about the San Francisco Planning Code, Residential Design Guidelines, or general development process in the City, please call the Public Information Center at 415-558-8378, or contact the Planning Department via email at [pic@sfgov.org](mailto:pic@sfgov.org). You may also find information about the San Francisco Planning Department and on-going planning efforts at [www.sfpplanning.org](http://www.sfpplanning.org).

### Affidavit of Conducting a Pre-Application Meeting, Sign-in Sheet and Issues/Responses submittal

I, Hayden Ly, do hereby declare as follows:

1. I have conducted a Pre-Application Meeting for the proposed new construction or alteration prior to submitting any entitlement (Building Permit, Variance, Conditional Use, etc.) in accordance with Planning Commission Pre-Application Policy.
2. The meeting was conducted at 1430 36<sup>th</sup> ave, SF CA (location/address) on 4<sup>th</sup> Oct (date) from 5-6 pm.
3. I have included the mailing list, meeting initiation, sign-in sheet, issue/response summary, and reduced plans with the entitlement Application. I understand that I am responsible for the accuracy of this information and that erroneous information may lead to suspension or revocation of the permit.
4. I have prepared these materials in good faith and to the best of my ability.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

EXECUTED ON THIS DAY, Oct 4<sup>th</sup>, 2014 IN SAN FRANCISCO.

[Signature]  
Signature

Hayden Ly  
Name (type or print)

Husband  
Relationship to Project (e.g. Owner, Agent)

(If Agent, give business name & profession)

1430 36<sup>th</sup> ave, SF, CA  
Project Address

# Pre-Application Meeting Sign-in Sheet

Meeting Date: \_\_\_\_\_  
Meeting Time: \_\_\_\_\_  
Meeting Address: \_\_\_\_\_  
Project Address: \_\_\_\_\_  
Property Owner Name: \_\_\_\_\_  
Project Sponsor/Representative: \_\_\_\_\_

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS
1.	Home of Peace Park		(415) 398-1234	ROBERTA.LI@HomePeacePark.org	<input type="checkbox"/>
2.	_____	_____	_____	_____	<input type="checkbox"/>
3.	_____	_____	_____	_____	<input type="checkbox"/>
4.	_____	_____	_____	_____	<input type="checkbox"/>
5.	_____	_____	_____	_____	<input type="checkbox"/>
6.	_____	_____	_____	_____	<input type="checkbox"/>
7.	_____	_____	_____	_____	<input type="checkbox"/>
8.	_____	_____	_____	_____	<input type="checkbox"/>
9.	_____	_____	_____	_____	<input type="checkbox"/>
10.	_____	_____	_____	_____	<input type="checkbox"/>
11.	_____	_____	_____	_____	<input type="checkbox"/>
12.	_____	_____	_____	_____	<input type="checkbox"/>
13.	_____	_____	_____	_____	<input type="checkbox"/>
14.	_____	_____	_____	_____	<input type="checkbox"/>
15.	_____	_____	_____	_____	<input type="checkbox"/>
16.	_____	_____	_____	_____	<input type="checkbox"/>
17.	_____	_____	_____	_____	<input type="checkbox"/>
18.	_____	_____	_____	_____	<input type="checkbox"/>

# **EXHIBIT 6**

Application for Discretionary Review

CASE NUMBER:  
For Staff Use only

RECEIVED

JUN 30 2012

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

# APPLICATION FOR Discretionary Review

## 1. Owner/Applicant Information

DR APPLICANT'S NAME: Chris Grimaldi		
DR APPLICANT'S ADDRESS: 1434 36th Ave., San Francisco, CA	ZIP CODE: 94122	TELEPHONE: (650 )225-0630

PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: Christina Vuong		
ADDRESS: 2005 Mahua Way, Antioch, CA	ZIP CODE: 94509	TELEPHONE: ( ) unknown

CONTACT FOR DR APPLICATION: Same as Above <input checked="" type="checkbox"/>		
ADDRESS:	ZIP CODE:	TELEPHONE: ( )
E-MAIL ADDRESS: grim@gene.com		

## 2. Location and Classification

STREET ADDRESS OF PROJECT: 1430 36th Ave., San Francisco, CA		ZIP CODE: 94122		
CROSS STREETS: Judah and Kirkham				
ASSESSORS BLOCK/LOT: 1818 /033	LOT DIMENSIONS: 25X110	LOT AREA (SQ FT): 2748	ZONING DISTRICT: RH-1	HEIGHT/BULK DISTRICT: 40-X

## 3. Project Description

Please check all that apply  
Change of Use  Change of Hours  New Construction  Alterations  Demolition  Other

Additions to Building: Rear  Front  Height  Side Yard   
Single family

Present or Previous Use: \_\_\_\_\_

Proposed Use: Multi-family

Building Permit Application No. ~~2014.10.8615~~ Date Filed: October 17, 2014

2014.10.10.8615 *Jr*

**ORIGINAL**

4. Actions Prior to a Discretionary Review Request

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

5. Changes Made to the Project as a Result of Mediation

If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the result, including any changes there were made to the proposed project.

We discussed the project with planning staff and minor changes were made, e.g., the mailed 311 Notice was revised to delete a reference to a spiral staircase at the rear of the building (the posted 311 Notice still contains that reference). The scope of the project remained the same.

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## Discretionary Review Request

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

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

At October 4, 2014 pre-application meeting, both Owner and architect disclosed their objective to convert this RH-1 zoned property into a multi-unit building for rental. Owner stated that he would never have purchased the subject property if he could not convert to multi-unit rental building. Original plans showed a second kitchen to be installed on first floor. 311 Notice posted on property as of June 29, 2015 states that rear staircase will be built for egress from each floor, further suggesting conversion to unit building. (cont. on Attachment)

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

Proposed plans show that substantial soil excavation is required. Owner has provided no documentation about the credentials and experience of contractors to undertake the soil excavation and about how the proposed soil excavation will be undertaken so as to not adversely affect adjacent properties. The proposed alteration will substantially reduce light and impair privacy for adjacent properties. No other building on this block has been extended to this level. (cont. on Attachment)

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

Multiple neighbors are concerned about the adverse impact of the proposed project. The project must be scaled back, avoid light and privacy impacts and adhere to overall neighborhood design. Owner must assure the Commission that property will not be converted to multi-family building. Owner must provide engineering documentation regarding the significant soil excavation to be undertaken, to assure that there will be no adverse impact to adjacent properties. Rear yard setback must be consistent with neighborhood.

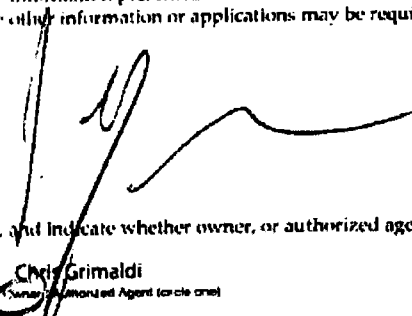


## Applicant's Affidavit

Under penalty of perjury the following declarations are made:

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

Signature:




Date: June 29, 2015

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

Cheryl Grimaldi  
(Owner/Authorized Agent (circle one))

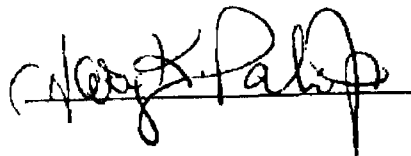
The following neighbor also joins in this DR Application:

Lee Hopkins   
1426 36th Ave.  
San Francisco, CA

Dated: June 29, 2015 \_\_\_\_\_

Harry Pali  
1412 36th Ave.  
San Francisco, CA

Dated: June 29, 2015



Application for **Discretionary Review**

CASE NUMBER:  
For Dept Use only

# Discretionary Review Application Submittal Checklist

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

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

NOTES:

Required Material.

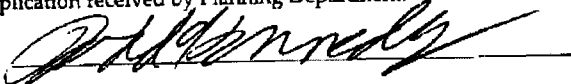
Optional Material.

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

For Department Use Only

Application received by Planning Department:

By:



Date:

8/13/15

PROJECT ADDRESS: . 1430 36<sup>TH</sup> Ave.

**DISCRETIONARY REVIEW APPLICATION - ATTACHMENT**  
Chris Grimaldi –DR Applicant and Owner of 1434 36<sup>th</sup> Ave.

**CONTINUATION OF QUESTION 1:**

More recent proposed plans show how easy conversion to multi-unit building would be after construction is completed, whether or not the property is rezoned for such purpose.

The Notice of Pre-Application meeting also reveals numerous inconsistencies supporting the conclusion that Owner intends to build an unlawful multi-unit rental building, including:

- Pre-Application meeting materials state that existing square footage is 2440 and that up to 5000 square feet of building is permitted. Real estate listing, pursuant to which Owner purchased the property, shows square footage at 1250 square feet. San Francisco Property Information Map also shows 1250 square feet for existing building (<http://ec2-50-17-237-182.compute-1.amazonaws.com/PIM/>).

Dimensions stated in mailed 311 Notice is inconsistent with actual lot size and the plans, raising concerns about what precisely is being proposed.

Most recent plans also show alterations that do not conform to the neighborhood character, will intrude on privacy in adjacent properties and will impair light on adjacent properties. Further, the proposed rear extension will make it impossible for this DR Applicant to maintain that side of his home, since it will prevent access to that portion of his property.

In addition, this DR Applicant has a chicken coop located more than 20 feet from any door or window of buildings used for human habitation. The proposed project will require the DR Applicant to move the chicken coop at considerable expense in order to meet City requirements.

Proposed plans show 2 off-street parking spaces. However, the large number of bedrooms shown in the proposed plans, even if a rental building is not constructed, suggest several adults, presumably each with his own vehicle, will take up numerous off-street parking spaces.

PROJECT ADDRESS: 1430 36<sup>TH</sup> Ave.

CONTINUATION OF QUESTION #2:

The look and feel of the proposed construction is significantly different than other homes in this neighborhood, disrupting the neighborhood's character.

The proposed plans are not detailed enough to evaluate the potential environmental impact of the proposed construction. For example, the proposed first floor bedroom appears to be located well below grade, creating concerns about mold intrusion. This property already has been the subject of a lawsuit by prior tenants regarding mold growth.

# **EXHIBIT 7**





SAN FRANCISCO  
PLANNING  
DEPARTMENT

# ZONING ADMINISTRATOR BULLETIN NO. 1

## Developing Ground Floor Accessory Rooms In Residential Buildings

Section 307 of the Planning Code mandates the Zoning Administrator to issue and adopt such rules, regulations and interpretations as are in the Zoning Administrator's opinion, necessary to administer and enforce the provisions of the Planning Code. [Section 7.502 of the San Francisco Charter charges the Zoning Administrator with the responsibility of administering and enforcing the Planning Code.]

Date:  
JUNE 1993

Reprinted:  
OCTOBER 2009

Relevant Code Sections:  
102.7 (the Definition of Dwelling Unit)  
174 (Compliance with Conditions)

Formerly known as: Zoning Administrator Bulletin No. 1993-01

### RULING.

In order to allow property owners to efficiently and cost-effectively add livable space to their homes, but to hinder the creation of illegal residential units, proposals to develop ground-floor rooms in residential buildings shall be reviewed according to a set of standards summarized in the Matrix below. These standards take into account 1) whether the building is proposed for new construction or is existing and proposed for alteration; 2) the type of access from the proposed rooms to the street and 3) the type of visual and spatial connection proposed between the ground floor rooms and rooms on the main floor of the unit (usually the floor above the ground floor). Terms used in the matrix are defined on Pages 2, 3, and 4 with graphic examples and a brief explanation or how to use the matrix is found on Pages 5.

Matrix for  
Developing  
Rooms on the  
Ground Floor

Permitted

Choose 1 of 2 Options  
Not Permitted

Interior Connection to Main Floor Occupancy	Room Use	NEW BUILDING Accessibility to Street		ALTERATION Accessibility to Street	
		DIRECT	INDIRECT	DIRECT	INDIRECT
OPEN Visual Spatial Connection between Floors	Full Bath Half Bath Wet bar Laundry Sink	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
LIMITED Visual Spatial Connection between Floors	Full Bath Half Bath Wet bar Laundry Sink	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTAL LACK Visual Spatial Connection between Floors	Full Bath Half Bath Wet bar Laundry Sink	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Matrix Definitions

In addition to the types of room uses listed in the matrix which are all served by plumbing, non-habitable storage rooms and habitable living areas not served by plumbing lines are also allowed.

**OPEN VISUAL AND SPATIAL CONNECTION BETWEEN FLOORS** – refers to a stair or other opening that allows an open, unobstructed view from habitable areas on the principal floor of occupancy to habitable rooms of the ground-level. There are no doors at either floor of the opening, nor could doors be easily added. A stairway with a completely open railing from top to bottom is a typical example. See illustrations to the right.

Figure 1

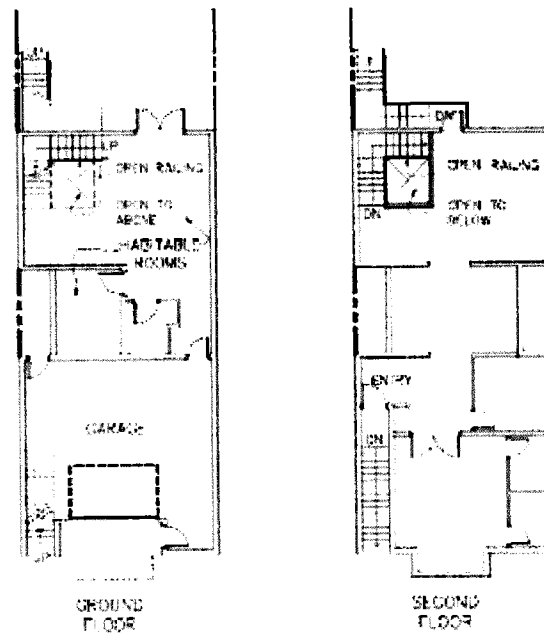
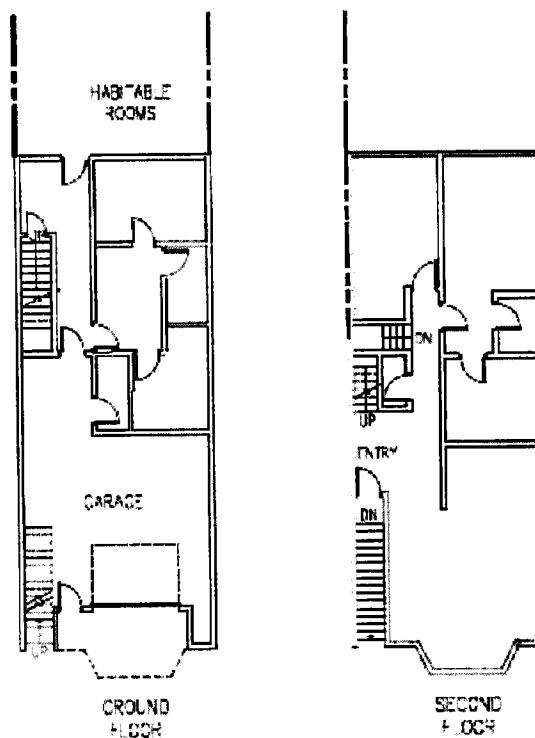


Figure 2



**LIMITED VISUAL AND SPATIAL CONNECTION BETWEEN FLOORS** – refers to a stair or other opening that provides direct access between the principal floor of occupancy and habitable areas of the ground floor but not necessarily an open view between these floors. Walled stairways with doors or with openings which could easily accommodate a door at one or both ends is a typical example. See illustrations to the right.



Figure 3

**TOTAL LACK OF VISUAL AND SPATIAL CONNECTION BETWEEN FLOORS** – refers to a situation where there is neither direct access nor open, unobstructed view between habitable areas of the principal floor of occupancy and habitable areas of the ground floor. Examples include stairways that lead from the principal floor to non-habitable areas such as the garage. See illustrations to the right.

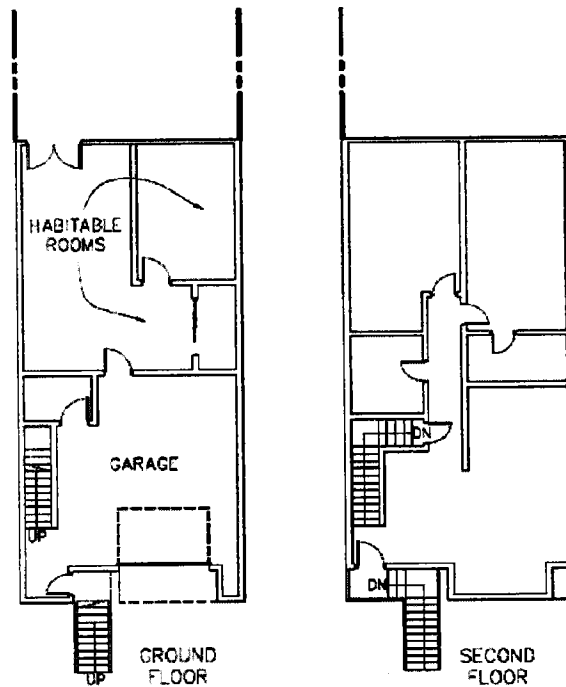
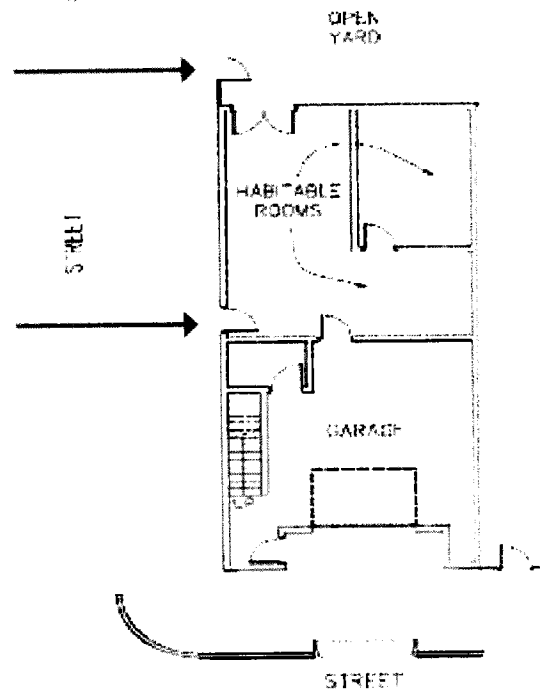


Figure 4

**ACCESSIBILITY TO THE STREET** – refers to how one exits and enters the ground floor rooms in order to get outside the building. Access is classified as either **DIRECT** or **INDIRECT**, defined below.

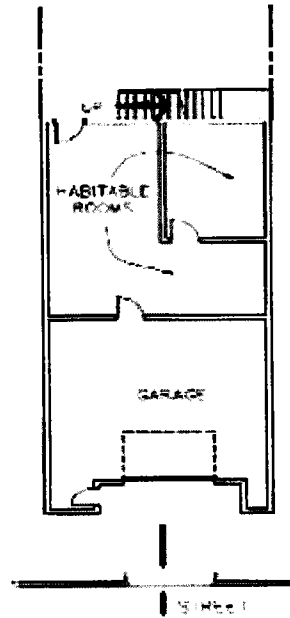
**DIRECT ACCESS** – refers to doors which lead directly from habitable areas of the ground floor to the front yard or to the street or to rear yards or side yards when those rear yards or side yards lead directly to the street. See illustration to the right.



**INDIRECT ACCESS** – refers to doors which only lead from habitable areas of the ground floor to the garage or to other interior common areas (such as laundry rooms which serve one or more upper floor units) or to outdoor areas which do not lead directly to the street. See illustration to the right.

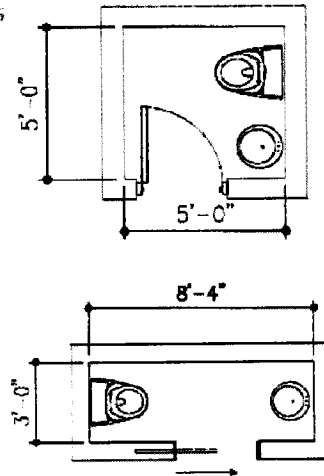
*\*NOTE – when there is no access from habitable ground floor rooms which lead either directly or indirectly to the street, ground floor rooms can include all types of rooms listed in the Matrix*

Figure 5



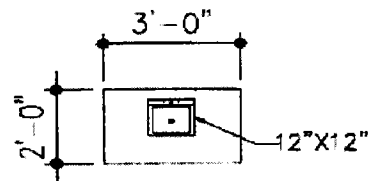
**HALF BATH** - refers to a bathroom that does not have a shower or a bathtub and which is not larger than 25 square feet in area.

Figure 6



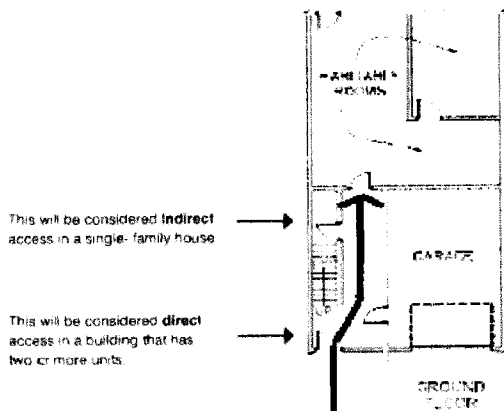
**WET BAR** – a sink not exceeding 12 inches in width and length, allowed with a counter top not exceeding three feet in length.

Figure 7



## How to Use the Matrix

- 1) If the rooms are part of a new building proposed for construction (i.e., the entire building has not been constructed yet), use the two columns of the matrix labeled "NEW BUILDING". If the rooms are proposed for an existing building, use the two columns of the matrix labeled "ALTERATION".
- 2) Next determine the type of interior connection between the ground and upper floor that exists (or is proposed) – "OPEN", "LIMITED" OR "TOTAL LACK" – and use the rows to the right where you will see four features listed.
- 3) Finally, determine whether the access from the ground floor rooms is "DIRECT" or "INDIRECT" and look down that column.

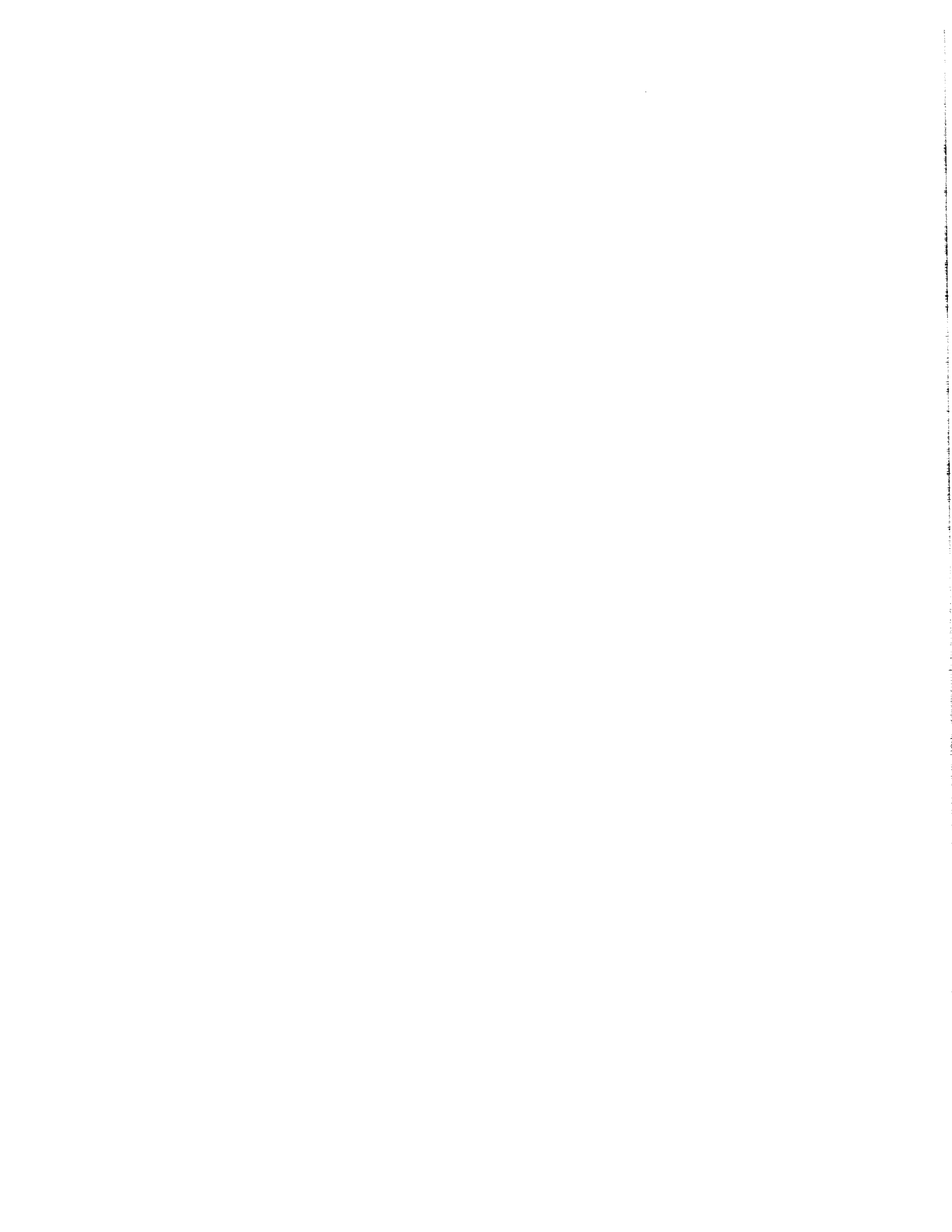


### Example:

Your existing house has no stairway between the ground floor and the floor above. The access from the ground floor to the street is indirect (i.e., the only way to get from these rooms to the street is through the garage). Using the columns labeled "ALTERATION" and "INDIRECT" (access) and the rows labeled "TOTAL LACK of visual/spatial connection between floors", you see that you can have either a full bath or a wet bar and a half bathroom and laundry room. If you want to have both a full bath and a wet bar you could find portions of the matrix where they are permitted (such as in the "OPEN visual and spatial connection" row) and propose to add the required features (such as an open stairway).

Note that the standards in the matrix will be applicable in most cases; however, there may be some unusual circumstances which warrant additional or alternate standards. Code section 307 authorizes the Zoning Administrator to make such determinations. Additionally, the Zoning Administrator may require property owners to record a Notice of Special Restriction on the property title in order to assist in enforcement of code requirements and to clarify the legal use of ground floor rooms for current and future property owners.

The Rooms Down Matrix tells us what features are permitted in instances where there is direct and indirect access. Both types of access are generally defined. However, there is a common type of situation which the definitions do not address. This situation is where there is a common area (other than a non-habitable area such as a garage) between the rooms and the upper story. See illustration above. Some planners see this situation as direct access and others see it as indirect. After due consultation and consideration, I have determined that in single-family buildings such a situation for now shall be deemed indirect access and in two or more unit buildings this situation shall be deemed direct access.





SAN FRANCISCO  
PLANNING  
DEPARTMENT

FOR MORE INFORMATION:  
Call or visit the San Francisco Planning Department

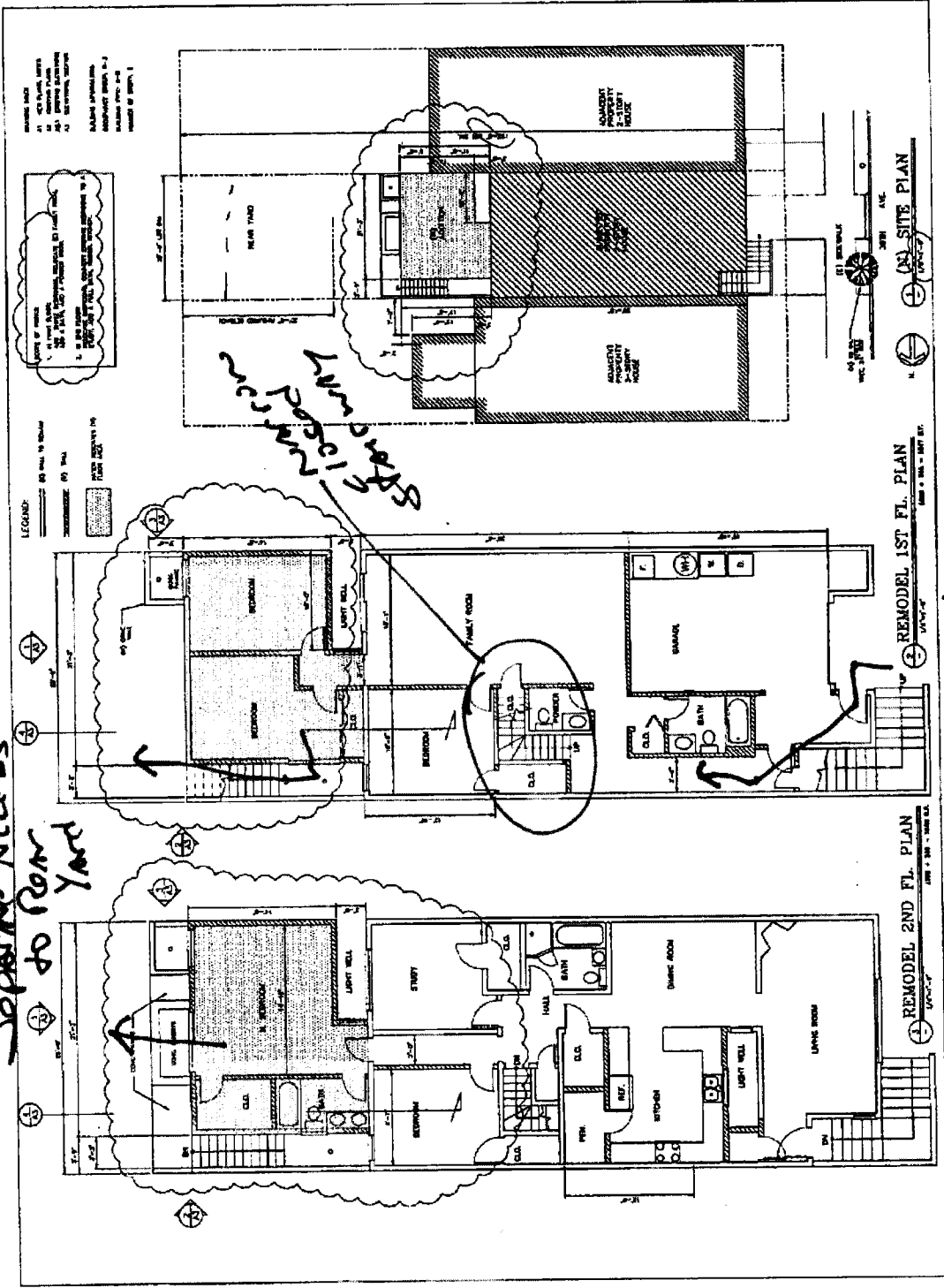
**Central Reception**  
1650 Mission Street, Suite 400  
San Francisco CA 94103-2479

TEL: **415.558.6378**  
FAX: **415 558-6409**  
WEB: **<http://www.sfplanning.org>**

**Planning Information Center (PIC)**  
1660 Mission Street, First Floor  
San Francisco CA 94103-2479

TEL: **415.558.6377**  
*Planning staff are available by phone and at the PIC counter.  
No appointment is necessary.*

# **EXHIBIT 8**



*Separate Access  
to Rear  
Yard*

*Steps from  
Rear Yard*

*Direct Access  
from Street*

AI SITE PLAN

REMODEL 1ST FL. PLAN

REMODEL 2ND FL. PLAN

# **EXHIBIT 9**





**SAN FRANCISCO  
PLANNING DEPARTMENT**

1650 Mission Street, Suite 400 • San Francisco, CA 94103 • Fax (415) 558-6409

**NOTICE OF PUBLIC HEARING**

Hearing Date: **Thursday, December 3, 2015**  
 Time: **Not before 12:00 PM (noon)**  
 Location: **City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400**  
 Case Type: **Discretionary Review**  
 Hearing Body: **Planning Commission**

PROPERTY INFORMATION	APPLICATION INFORMATION
Project Address: <b>1430 36<sup>th</sup> Ave</b> Cross Street(s): <b>Clipper Street</b> Block /Lot No.: <b>1818/033</b> Zoning District(s): <b>RH-1/40-X</b> Area Plan: <b>N/A</b>	Case No.: <b>2014-001088DRP</b> Building Permit: <b>2014.10.10.8615</b> Applicant: <b>Steve Atkinson</b> Telephone: <b>(415) 805-7971</b> E-Mail: <b><a href="mailto:steve.atkinson@arentfox.com">steve.atkinson@arentfox.com</a></b>

**PROJECT DESCRIPTION**

The Request is for a Discretionary Review of Building Permit Application No. 2014.10.10.8615 proposing to construct a ~~horizontal rear addition~~ of a single family dwelling unit. This alteration will include the rear addition plus an internal remodel. The rooms to be included on the rear addition will include a family room, 2 bedrooms, 2 bathrooms, a study, and convert some other rooms.

**ADDITIONAL INFORMATION**

**ARCHITECTURAL PLANS:** If you are interested in viewing the plans for the proposed project please contact the planner listed below. The plans of the proposed project will also be available one week prior to the hearing through the Planning Commission agenda at: <http://www.sf-planning.org>

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.

**FOR MORE INFORMATION, PLEASE CONTACT PLANNING DEPARTMENT STAFF:**

Planner: **Todd Kennedy** Telephone: **(415) 575-9125** E-Mail: **[todd.kennedy@sfgov.org](mailto:todd.kennedy@sfgov.org)**

中文詢問請電: (415) 575-9010

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