



# SAN FRANCISCO PLANNING DEPARTMENT

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## Memo to the Planning Commission

HEARING DATE: JULY 24, 2014  
Continued from the July 10, 2014 Hearing

*Date:* July 17, 2014  
*Case No.:* 2012.0075DD / 2014.0981D  
*Project Address:* 437 DUNCAN STREET  
*Zoning:* RH-2 (Residential House, Two-Family)  
40-X Height and Bulk District  
*Block/Lot:* 6602/035  
*Project Sponsor:* Reza Khoshnevisan, SIA Consulting Corporation  
1256 Howard Street  
San Francisco, CA 94103  
*Staff Contact:* Doug Vu – (415) 575-9120  
[Doug.Vu@sfgov.org](mailto:Doug.Vu@sfgov.org)  
*Recommendation:* **Do not take DR and approve demolition.**  
**Take DR and approve new construction with proposed modifications.**

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### BACKGROUND

This case was continued at the request of the Project Sponsor in order to prepare and provide additional information and project renderings. The Commission was required to continue the case since the Project Sponsor failed to post the site with the required notice, pursuant to Planning Code Section 311.

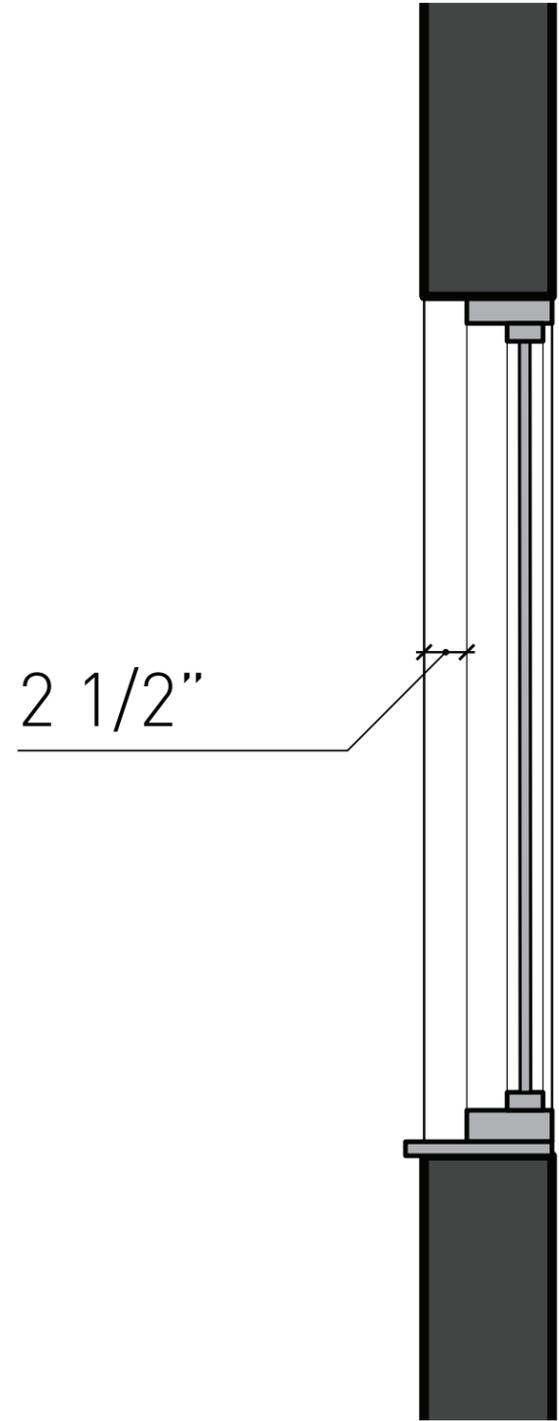
No changes have been made to the proposal since the July 10, 2014 hearing date, but additional letters and materials have been submitted and are attached for the Commission's review and consideration.

### Attachments:

- Submitted letters from the public
- Submitted renderings from the Project Sponsor.







2 1/2"

SECTION AT FRONT FACADE WOOD WINDOWS







445 DUNCAN ST  
FRONT OF LOT

437 DUNCAN ST  
FRONT OF LOT

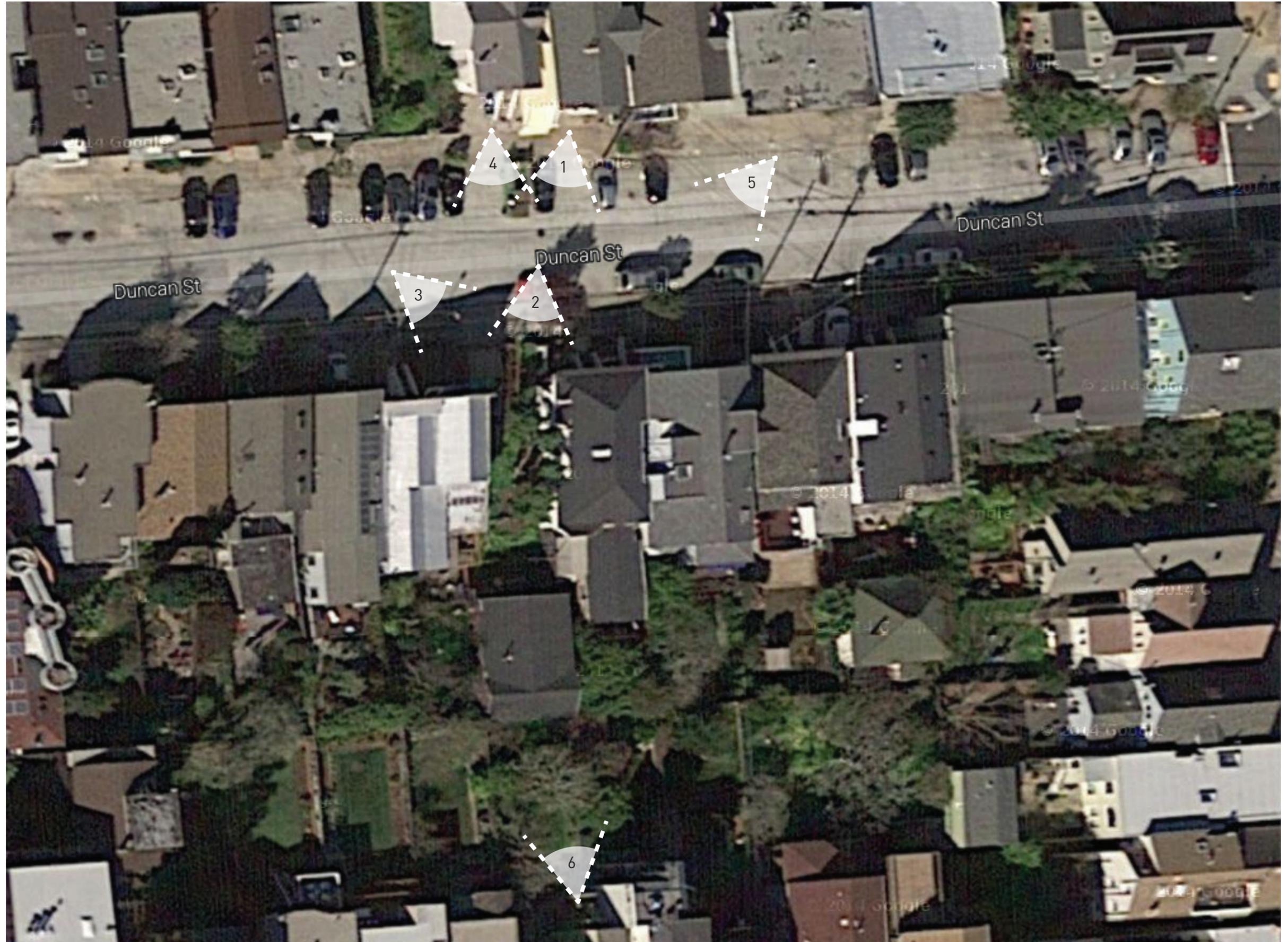
435 DUNCAN ST  
FRONT OF LOT

+/- 5'

TOP OF FF

+/- 6'

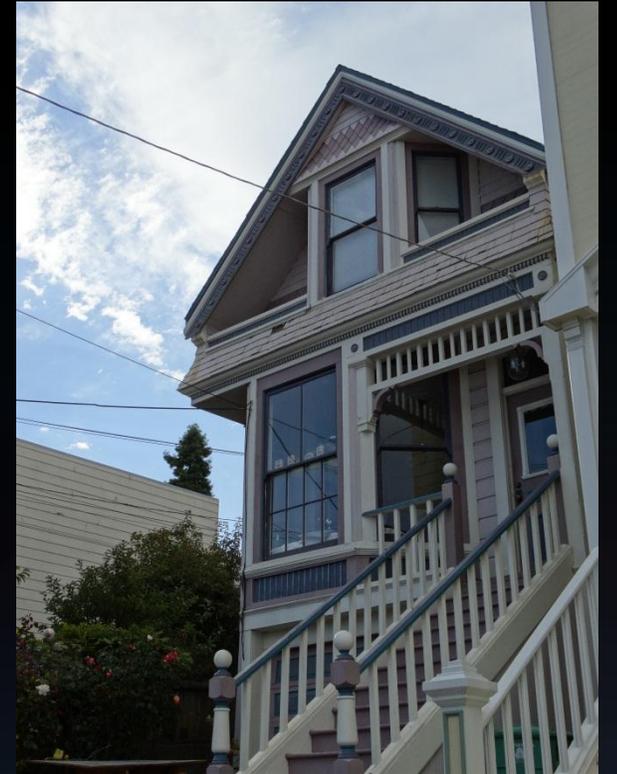
+/- 15'





Neighborhood Opposition to  
Proposed Plans at  
437 Duncan Street

# *Existing Homes Built in Scale*



# *Homes Complement Topography*



# Homes Complement Topography



Directly across the street



Directly adjacent uphill

# *Top Concern: Top Floor Penthouse*



North facing perspective from 28<sup>th</sup> Street - Scale does not “preserve neighborhood character”(RDG)

# *Penthouse: Out of Scale with Neighborhood*

Looking  
Uphill on  
Duncan



# *Penthouse: Out of Scale with Neighborhood*

Directly  
across the  
street on  
Duncan



# *Penthouse: Out of Scale with Neighborhood*

Across the  
street on  
Duncan

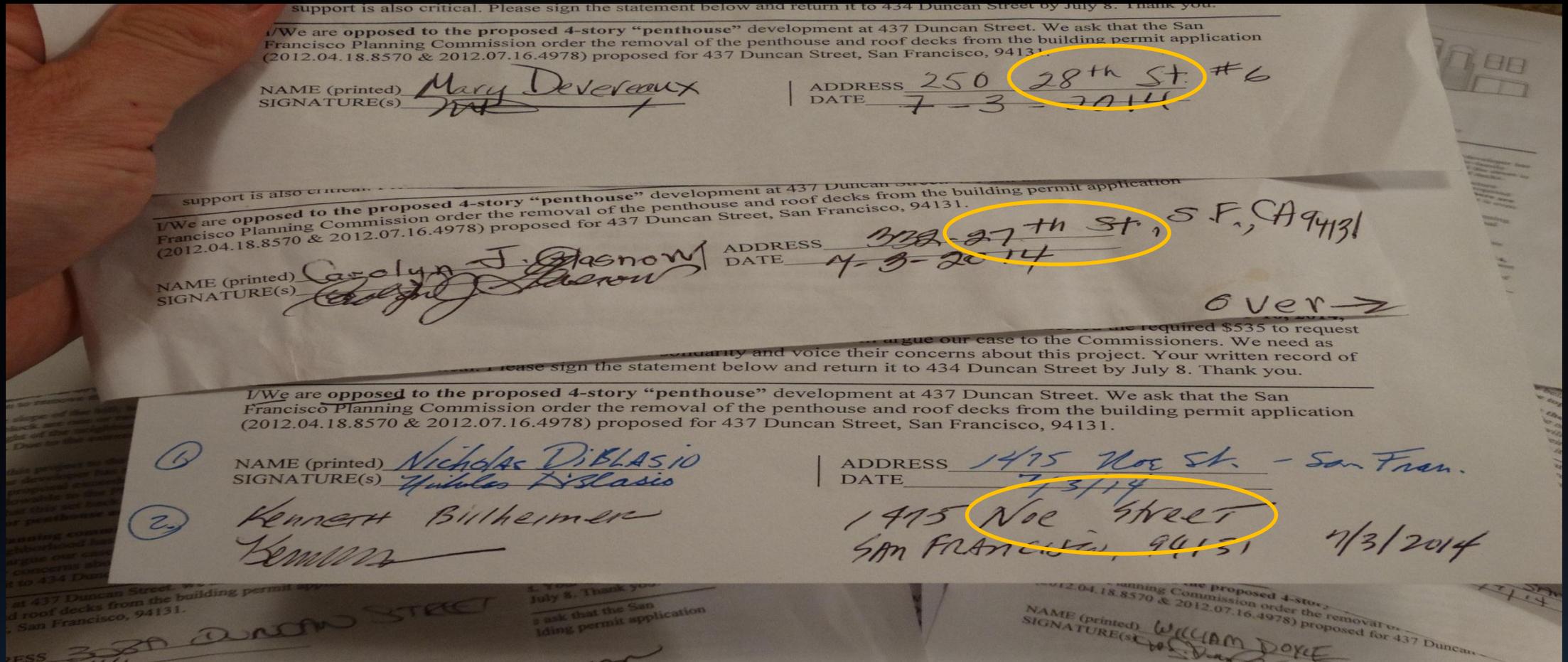


# *Penthouse: Out of Scale with Neighborhood*

Looking downhill on Duncan



# Community is United: Please Remove Penthouse and Roof Deck



This is not a Duncan Street only concern – Residents on 27<sup>th</sup>, 28<sup>th</sup>, Noe, Sanchez Don't Want the Penthouse

**Thank You**

July 15, 2014

**TO:** Dear President Wu and Members of the Planning Commission

**RE:** 437 Duncan Application # 2012.04.18.8570

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I live at 434 Duncan Street and have been a home owner in this neighborhood for over a decade. I am writing in support of the DR application submitted by neighbors and residents on Duncan Street regarding the 437 Duncan Application #2012.04.18.8570. I would appreciate it if you included this letter in the packet for the DR hearing on July 24<sup>th</sup>, 2012.

I understand the composition of the planning commission will be changing by the time we have our new hearing on July 24<sup>th</sup>. I hope and trust the new members of the commission will be briefed on our community's two year struggle working with this project sponsor.

I was one of the community members present on July 10<sup>th</sup> when the project sponsor petitioned for a continuance due to their 'forgetting' to post the legal notice 10 days prior to our July hearing. It is appalling that the project sponsor would waste the commission's time and the communities by withholding the reason for their continuance request until the day of the hearing when clearly they knew the posting was a legal point of procedure.

As a home owner across the street from the proposed new structure I am glad the property is being developed. However with that said I am surprised and more than dismayed at the size and footprint of the proposed structure. Homes on this block in the past have all been built in scale to the slope of the hill; however, the proposed structure ignores this sightline. Most of the single-family homes on this block are one or two story over garage and respect the height of the neighboring buildings. The proposed building would be three story over garage and surpass the height of the neighboring building up the hill. There are NO existing three story over garage structures on this block.

I hope and trust the commission will reconsider this decision and require the removal of the top floor penthouse and rooftop decks. The decision to allow the first 3 story over garage structure sets a less than positive precedent in my opinion. The community is clearly opposed to the size/footprint of this building and has shown its support not only by showing in numbers on July 10<sup>th</sup> but by also providing over 70 neighborhood signatures from the surrounding streets. Your decision on July 24<sup>th</sup> will impact not only our immediate neighborhood but sets the tone for future 'mini-mansions' in an otherwise 2 story over garage neighborhood.

We want the property developed but it should be in alignment with the planning commission guidelines set forth in the Residential Design Guidelines (pages 11, 23-25) that this proposed structure clearly does not follow. I know the commission will do the right thing for all parties involved.

Thank you for your time and careful consideration of the impact this development would have on our community.

Regards,



Meredith Daane

Noe Valley Homeowner

434 Duncan Street

415-205-1611

Meredith\_Daane@Symantec.com

Celia and Leticia Gonzalez  
435 Duncan Street  
San Francisco, CA 94131  
Gleticia23@yahoo.com

July 16, 2014

RE: 437 Duncan Application # 2012.04.18.8570

Dear President Wu and Members of the Planning Commission

As you will notice Duncan Street steep hill master plan was developed to allow all houses to receive maximum sunlight, air and privacy. This project does not allow us to do so. My mother 87 yrs. old (owner 60 yrs.) and myself (legal heir) are east side adjacent neighbors at 435 Duncan St and are directly impacted by the proposed project at 437 Duncan St. We oppose the relocation of the construction from the rear to the front for these reasons:

- We were not sent a 311 notice for application of permits and not included during the initial planning stages of this project.
- The current plans pg. A-3.3 infringe on our privacy at all levels. Each window is located directly in line with ours looking into our home. There are full length windows directly across from three of our main rooms. . If you check carefully at all existing photographs of the block you will not find one window overlapping into the adjacent neighbors home (Defined Visual Character, pg. 9, Residential Guidelines).
- NOPDR #4, pg. 2, item #3a states: Light and Privacy. To comply with the guidelines on pages 16-17, the accessible deck and railing at the first floor should be eliminated to improve light/air access and address privacy issues with the property at 435 Duncan Street. According to pg. A-3.3 of plans they do not comply. Decks are also position overlooking over our patio and rear yard (Privacy, pg25,RDG)
- Current plans pg. A-3.4 is incorrectly depicted. Please check existing pictures from DR Requestor as the pictures supplied from the lawyer do no justice. The projects front setbacks to adjacent neighbor on the west side will surpass their bay windows. Our house on the east side does not line up with the house on the west side.
- Current plans pg. A-2.0 incorrectly label and bring into question their ethics of craftsmanship. They have a crawlspace but I have eye witnessed a 7 ft. storage room with cement floor and walls. Suggesting, to fill in or bury the entire lower level of the current building will result in a poor growing habitat for future vegetation and wildlife. Furthermore, threatening a lateral slope of 55% by future overgrown roots to retaining walls.

Changing the footprint will develop over green field land with a willow tree over 60 yrs. old. Approving these permits to relocate the structure is against the Human Rights Act to peaceful enjoyment of all our possessions, which include the home and land. You are our last hope.

Thank You Sincerely

Leticia Gonzalez  
Alumni Member of St Paul's Parrish



**From:** [Bill](#)  
**To:** [Vu, Doug \(CPC\)](#)  
**Subject:** 437 Duncan Street Proposed Development  
**Date:** Monday, July 14, 2014 7:14:36 PM

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Mr Vu,

I am writing once again to reiterate my opposition to the construction of the new residence at 437 Duncan as presently planned. The proposed construction is all out of scale to its neighbors and every other residence on its Duncan Street block save those at the bottom of the hill. The "penthouse" and sheer bulk of the building create significant shade and privacy concerns.

I am the property owner at 348 28th, which has been in my family since 1950 and now occupied by my son and granddaughter.

Where you have such a significant number of neighbors virtually without exception united in opposition, this suggests that the developer has not integrated his plans into the community and is trying to "bull his way through" the process here.

William Elsbernd  
144 Moffitt St  
San Francisco Ca 94131  
415-587-8816

Sent from my iPad

**From:** [Anne Wilson](#)  
**To:** [Vu, Doug \(CPC\)](#)  
**Subject:** 437 Duncan Street, App. #2012.04.18.8570  
**Date:** Wednesday, July 16, 2014 11:42:46 AM

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Dear President Wu and members of the Planning Commission,  
I am writing to object to the proposed project at 437 Duncan Street and to ask that you grant the Discretionary Review. The proposed penthouse and roof deck would make the building significantly out of scale with the rest of the block and with the neighborhood.

I have lived in my house at 322 - 28th Street for 26 years. My house is several houses to the SE of 437 Duncan. It's typically sized for the neighborhood at 2 stories over garage - but the top story is actually a low-ceilinged attic under a peaked roof. This type of construction is more typical of the neighborhood than the 4-story high, boxy structure proposed for 437.

One reason that Noe Valley is a popular neighborhood is the relatively small scale of much of the architecture, which is visually pleasing and promotes a small-town, know-your-neighbors feeling that many of us love.

Please grant the Discretionary Review for 437 Duncan.  
Thank you.  
Anne Wilson  
322 - 28th Street  
San Francisco, CA 94131

**Kim Drew  
476 Duncan Street  
San Francisco, CA 94131**

July 14, 2014

Re: 437 Duncan Application # 2012.04.18.8570

VIA EMAIL

President Wu and Members of the Planning Commission  
San Francisco City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Dear President Wu and Members of the Planning Commission,

I'm writing to object to the proposed plans for the property located at 437 Duncan Street. The proposed plans from the developer call for a structure that would be out of character, inconsistent, and out of scale with the surrounding properties on Duncan Street. The roof deck/penthouse of the proposed plans call for an additional level to this property that is unmatched by surrounding homes.

Please protect the character, consistency and uniform scale of the street by rejecting the current proposed plans for 437 Duncan Street.

Sincerely,

Kim Drew  
Neighbor

cc: Doug Vu, Planning Department















**Say NO to the Duncan Street PENTHOUSE!**  
**HELP TO PRESERVE THE CHARM AND CHARACTER OF NOE VALLEY!**  
**PUBLIC HEARING JULY 10TH AT NOON**  
**City Hall, Room 400**

I/We are opposed to the proposed 4-story "penthouse" development at 437 Duncan Street. We ask that the San Francisco Planning Commission order the removal of the penthouse and roof decks from the building permit application (2012.04.18.8570 & 2012.07.16.4978) proposed for 437 Duncan Street, San Francisco, 94131.

Signature

Printed Name :

Address

Date

*Kim Drew*

Kim Drew

476 Duncan St.

7/15/14





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**HELP TO PRESERVE THE CHARM AND CHARACTER OF NOE VALLEY!**  
**PUBLIC HEARING JULY 10<sup>TH</sup> AT NOON**

Dear Neighbors,

The property at 437 Duncan Street is currently a **single-story 816 square foot** structure. The new owner/developer has proposed that the existing property be demolished and be replaced with a **4-story 3,972 square foot** single-family residence. We believe that the height and scale of this project is way out of line with the neighborhood and the street in particular and, as such, we are asking the Planning Commission to remove the 4<sup>th</sup> Floor Penthouse and roof decks.

Historically, homes on this block have been built in scale to the slope of the hill; however, the proposed structure ignores this sightline. Most of the single-family homes on this block are one or two story over garage. The proposed building would be three story over garage and surpasses the height of the neighboring building up the hill. **There are NO existing three story over garage structures on this block.** Due to the extreme grade of the block, height is even more of a factor.

We have expressed opposition regarding the height and scale of this project to the developer and to the S.F. Planning Department since we received initial notice in 2012, and while the developer has made amendments to the original proposal, these have largely been due to the fact that the original proposal exceeded other Planning Department guidelines and codes. The 4<sup>th</sup> Floor and roof decks still stand...allowable to the Planning Department because the Penthouse is now set back from the street. However, we believe that this set back is not sufficient to reduce the mass imposed by this project, and **we are asking that both the top floor penthouse and roof decks be removed.**

**Please show your opposition to this project by attending the planning commission's hearing on JULY 10, 2014, CITY HALL, ROOM 400 AT NOON (exact time tbd).** The neighborhood has collected the required \$535 to request a Discretionary Review before the Planning Commission and will argue our case to the Commissioners. We need as many people to come as possible to show solidarity and voice their concerns about this project. Your written record of support is also critical. Please sign the statement below and return it to 434 Duncan Street by July 8. Thank you.

I/We are **opposed to the proposed 4-story "penthouse" development** at 437 Duncan Street. We ask that the San Francisco Planning Commission order the removal of the penthouse and roof decks from the building permit application (2012.04.18.8570 & 2012.07.16.4978) proposed for 437 Duncan Street, San Francisco, 94131.

NAME (printed)  
SIGNATURE(S)

*Michael Weinstein*

ADDRESS  
DATE

*313 Duncan St.*  
*6-30-14*



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NAME (printed) JOHN ROBINSON  
 SIGNATURE(S) PAMELA FAULK  
Pamela Faulk  
John Robinson

ADDRESS 342 DUNCAN  
 DATE 7-5-2014



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NAME (printed) John Jordan / Krysanne Jordan ADDRESS 342-28<sup>th</sup> ST.  
SIGNATURE(S) John Jordan / Krysanne Jordan DATE July 7, 2014



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NAME (printed) Susan Torres  
SIGNATURE(S) Susan Torres

ADDRESS 953 Sanchez St  
DATE 7-8-14



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NAME (printed) PAUL MAYFIELD  
SIGNATURE(s) [Handwritten Signature]

ADDRESS 953 Sanchez St  
DATE 7-8-14



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NAME (printed) Amy DeGrandi  
SIGNATURE(s) Amy DeGrandi

ADDRESS 357-28<sup>th</sup> St  
DATE 7/8/2014



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① NAME (printed) Nicholas DiBLASIO  
 SIGNATURE(s) Nicholas DiBlasio

ADDRESS 1475 Noe St. - San Fran.  
 DATE 7/3/14

② Kenneth Billheimer  
Kenneth

1475 Noe Street  
San Francisco, 94131 7/3/2014



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**PUBLIC HEARING JULY 10<sup>TH</sup> AT NOON**

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NAME (printed)  
SIGNATURE(s)

Mary Devereaux  
*[Handwritten Signature]*

ADDRESS  
DATE

250 28<sup>th</sup> St. #6  
7-3-2014



**Say NO to the Duncan Street PENTHOUSE!**  
**HELP TO PRESERVE THE CHARM AND CHARACTER OF NOE VALLEY!**  
**PUBLIC HEARING JULY 10<sup>TH</sup> AT NOON**

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NAME (printed)  
SIGNATURE(S)

Gregory Foss  
Gregory Foss

ADDRESS  
DATE

314 20<sup>th</sup> St. SF  
7/3/14



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NAME (printed) Sandra Stricker | ADDRESS 1481 NOE St.  
SIGNATURE(s) Sandra Stricker | DATE July 5, 2014



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NAME (printed)  
SIGNATURE(S)

NOEL SCHWERN

ADDRESS  
DATE

330 Duncan St  
7/3/14



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NAME (printed) Kim Webb  
SIGNATURE(s) [Handwritten Signature]

ADDRESS 1491 SANCTEZ  
DATE 7/7/14



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NAME (printed) WILLIAM DOYLE  
SIGNATURE(S) [Signature]

ADDRESS 326 27<sup>th</sup> St.  
DATE 7/4/2014



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NAME (printed) Lee Randall  
 SIGNATURE(S) *Lee Randall*

ADDRESS 324 Duncan St SF, CA 94131  
 DATE 7/3/14



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NAME (printed)  
SIGNATURE(S)

CLARA Mikowski  
CLARA Mikowski

ADDRESS  
DATE

1488 Sanchez St  
July 7, 2014



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NAME (printed)  
SIGNATURE(s)

Attlaughe

ADDRESS  
DATE

308A DUNCAN STREET  
7/4/14



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NAME (printed) Cavado, Mr. & Mrs.  
SIGNATURE(S) [Signature]

ADDRESS 1459 Sanchez St. 94131  
DATE 7/3/14

[Signature]



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NAME (printed) Carolyn J. Glasnow ADDRESS 332-27<sup>th</sup> St., S.F., CA 94131  
 SIGNATURE(S) *Carolyn J. Glasnow* DATE 7-3-2014

over →

I'm 100% for you as I went through  
this fight some 25 years ago,

~~Carry~~  
~~Stacy~~ on!  
J



**Say NO to the Duncan Street PENTHOUSE!**  
*HELP TO PRESERVE THE CHARM AND CHARACTER OF NOE VALLEY!*  
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NAME (printed) Audrey Mills  
SIGNATURE(S) Audrey Mills

ADDRESS 425 Duncan Street  
DATE 7/10/14



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Historically, homes on this block have been built in scale to the slope of the hill; however, the proposed structure ignores this sightline. Most of the single-family homes on this block are one or two story over garage. The proposed building would be three story over garage and surpasses the height of the neighboring building up the hill. **There are NO existing three story over garage structures on this block.** Due to the extreme grade of the block, height is even more of a factor.

We have expressed opposition regarding the height and scale of this project to the developer and to the S.F. Planning Department since we received initial notice in 2012, and while the developer has made amendments to the original proposal, these have largely been due to the fact that the original proposal exceeded other Planning Department guidelines and codes. The 4<sup>th</sup> Floor and roof decks still stand...allowable to the Planning Department because the Penthouse is now set back from the street. However, we believe that this set back is not sufficient to reduce the mass imposed by this project, and **we are asking that both the top floor penthouse and roof decks be removed.**

**Please show your opposition to this project by attending the planning commission's hearing on JULY 10, 2014, CITY HALL, ROOM 400 AT NOON (exact time tbd).** The neighborhood has collected the required \$535 to request a Discretionary Review before the Planning Commission and will argue our case to the Commissioners. We need as many people to come as possible to show solidarity and voice their concerns about this project. Your written record of support is also critical. Please sign the statement below and return it to 434 Duncan Street by July 8. Thank you.

I/We are opposed to the proposed 4-story "penthouse" development at 437 Duncan Street. We ask that the San Francisco Planning Commission order the removal of the penthouse and roof decks from the building permit application (2012.04.18.8570 & 2012.07.16.4978) proposed for 437 Duncan Street, San Francisco, 94131.

NAME (printed) DAVID BOWES  
SIGNATURE(S) David Bowes

ADDRESS 416 DUNCAN #6 SF 94131  
DATE 07/10/14



**Say NO to the Duncan Street PENTHOUSE!**  
**HELP TO PRESERVE THE CHARM AND CHARACTER OF NOE VALLEY!**  
**PUBLIC HEARING JULY 10<sup>TH</sup> AT NOON**

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The property at 437 Duncan Street is currently a **single-story 816 square foot** structure. The new owner/developer has proposed that the existing property be demolished and be replaced with a **4-story 3,972 square foot** single-family residence. We believe that the height and scale of this project is way out of line with the neighborhood and the street in particular and, as such, we are asking the Planning Commission to remove the 4<sup>th</sup> Floor Penthouse and roof decks.

Historically, homes on this block have been built in scale to the slope of the hill; however, the proposed structure ignores this sightline. Most of the single-family homes on this block are one or two story over garage. The proposed building would be three story over garage and surpasses the height of the neighboring building up the hill. **There are NO existing three story over garage structures on this block.** Due to the extreme grade of the block, height is even more of a factor.

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NAME (printed) SHARON RUTIT  
SIGNATURE(s) Sharon Ruth

ADDRESS 377 DUNCAN ST, SF, CA  
DATE 7/9/14 94131

**From:** [David Daniel Bowes](#)  
**To:** [Vu, Doug \(CPC\)](#)  
**Subject:** Fwd: 4070  
**Date:** Sunday, July 13, 2014 10:30:26 AM

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Dear President Wu, Members of the Planning Commission, and Mr. Vu,

I am writing regarding the application for 437 Duncan St., #2102.04.18.8570. I attended the hearing on July 10th.

I strongly oppose and am in agreement with our neighborhood association members that the proposed project is out of line in almost every way with the character and architectural charm of the 400 block of Duncan St. The protest we are mounting is not just about Duncan St. Noe Valley, Bernal Heights, and Glen Park to the south have much historical detail and reflect the life and times of an earlier San Francisco..

What has been proposed on Duncan is a monstrosity that will tower over neighboring properties and cut off light and views for neighbors. Attached to this email are photos of a 3 bedroom/2bath home that was built at 4070 26th St. btw. Sanchez and Noe St. This new home respectfully addresses the height issue of houses on either side, and to the left, the preservation of the light well for the older home. While this new building is a modern home, it is in keeping with the style of the neighborhood. The planners and builders for this home made some excellent choices.

From 1999 to 2006 I was a real estate sales associate with Zephyr SOMA, during which time I developed a keen interest in property preservation. I am a 38 year resident of San Francisco and have lived in many neighborhoods. My primary occupation is that of playing the viola in several chamber orchestras.

I urge you to carefully review the plans for 437 Duncan, especially for the penthouse and the facade of the building. There seem to have been some changes drawn along the way. It was careless and unprofessional of the builders/planners of the 437 project not to post the July 10 hearing notice, taking the time of the Commission and of the people our neighborhood that attended. I am also strongly opposed to another continuations.

Dear new Commission members, welcome to you. I hope that this helps bring you up to date on a few points we are very concerned with. A four-story home would be a blight on our block, and set an unfortunate precedent for possible future building.

Thank you for your time. I look forward to the next hearing on the 24th.

David D. Bowes  
416 Duncan #6



**From:** [cynthia\\_gregory@comcast.net](mailto:cynthia_gregory@comcast.net)  
**To:** [Vu, Doug \(CPC\)](mailto:Vu, Doug (CPC))  
**Subject:** Fwd: Letter to Planning Comm Regarding 437 Duncan Application #2012.04.18.8570.  
**Date:** Monday, July 14, 2014 11:50:22 AM

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Just want to insure my letter is in the packet to the commissioners for the next hearing.

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**From:** "Gregory, Cynthia" <cynthia\_gregory@comcast.net>  
**To:** "doug vu" <doug.vu@sfgov.org>  
**Sent:** Wednesday, July 2, 2014 3:12:25 PM  
**Subject:** Letter to Planning Comm Regarding 437 Duncan Application #2012.04.18.8570.

Dear President Wu and Members of the Planning Commission

Re: 437 Duncan Application # 2012.04.18.8570

I wish to confirm my opposition to the proposed plans at 437 Duncan Street. The huge 4 story structure does not fit either the topography and the existing building scale of the neighborhood. I believe this is against the Residential Design Guidelines ("RDG") (pages 11, 23-25). The exceptional and extraordinary features are (a.) the pronounced grade of the street, (b.) the existing consistent visual scale and stepping of homes on the hill, and (c.) the aggressive scale of the proposed structure. I am worried that allowing a fourth floor will set a precedent that will completely change the feel of the neighborhood. It will also block light and air for its adjacent homes.

Please see my letter dated 6-11-2012 that I sent when I first learned of this project.

All the best,

Cynthia  
415-648-8454

'My advice to you is not to inquire why or whither, but just enjoy your ice cream while it's on your plate.' ~ Thornton Wilder

Cynthia E. Gregory

418 Duncan St.

San Francisco CA 94131

June 11, 2012

DOUG VU

SAN FRANCISCO PLANNING DEPT

1650 MISSION STREET, Suite 400

SAN FRANCISCO, CA 94103

Dear Doug Vu:

I am writing regarding the proposed construction at:

437 DUNCAN STREET

PERMIT APPLICATION #201204188570

Block/Lot: 6602 / 035

I live across the street from this lot. My major concerns are the size and appearance of the proposed building. The 4<sup>th</sup> floor towers over the adjacent homes and creates an eyesore when viewed in the context of the neighboring homes. This is compounded by the dark colors that cause the building to stick out like a sore thumb. I believe the building plan does not comply with the Building Scale & Form (planning code section 130, 136 & 250) of the SF Residential Design Guidelines. If the building is built as proposed it will be like living across from a giant bill board.

I ask that you check the rear set back to be sure it also complies with the building codes as I believe they have erred in the design. Also the proposed building will adversely impact light to light wells and windows both neighboring homes.

Thank you for your consideration.

Sincerely,

Cynthia E Gregory



Joerg Herrmann  
448 Duncan Street  
San Francisco, CA 94131  
July 11, 2014

Doug Vu  
Building Planning Commission  
San Francisco, CA 94102

**Letter to Planning Commission Regarding 437 Duncan Application  
#2012.04.18.8570.**

Dear President Wu and Members of the Planning Commission:

Due to the postponed DR at this week's Planning Commission meeting I am writing to you again to express my opposition to the proposed plans at 437 Duncan Street to build a monstrous 3-level-over-garage structure. I think this building is too tall and will not fit into the neighborhood since it will be the tallest building on the block. None of the other existing structures exceed two-level-over-garage. I am very concerned that this proposed building will negatively impact the character of our neighborhood.

For this reason I plead that the planning commission will require the removal of the top floor of the proposed structure at 437 Duncan Street.

Thank you for your support.

Sincerely,



Joerg Herrmann

15 July 2014

Dear President Wu and Members of the Planning Commission

Re: 437 Duncan application #2012.04.18.8570

After the pre-application notification (the four adjacent neighbors) a meeting was held on 2/22/12. The developers submitted a signed affidavit to the Planning Department reporting that meeting. It was inaccurate at best in that it reported only a fraction of the number of neighbors in attendance and failed to report any of the content of the meeting, i.e. unanimous opposition to the fourth floor and to a footprint that went well beyond that allowable under the code. The developers followed with a number of procedural violations culminating in the failure to post the required notice prior to the 7/10/14 Planning Commission meeting. We were among those who made special arrangements in order to attend that meeting and we will again have to rearrange our schedules in order to attend the 7/24/14 meeting.

The Notice of Planning Department Requirements #1 dated 9/9/12 told the developers to remove the fourth floor. They responded with a design showing the fourth floor in a setback position accompanied by nine pictures of projects that they contend support their design. One is in Noe Valley and the rest are in neighborhoods all over the city. None reflects the conditions on the 400 block of Duncan, one of the steepest streets in the city with modest size homes with roof lines stepping down to follow the contour of the hill.

We oppose the proposed design and support the Application for Discretionary Review submitted by John Pilgrim. We ask that you carefully consider the arguments put forth in the application and the unique character of the 437 Duncan site and issue a decision requiring removal of the fourth floor penthouse. That decision would be in keeping with the intent of the Residential Design Guidelines.

Thank you,



Jean Hardin  
449 Duncan Street



Jim Hardin  
449 Duncan Street

Luann & Jim Lynch  
453 Duncan Street  
San Francisco, CA 94131

July 14, 2014

Ms. Cindy Wu - President  
San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

**Re: 437 Duncan Street  
Notice of Public Hearing – Discretionary Review  
Permit Application #2012.04.18.8570  
Assessor's Block / Lot: 6602 / 035**

Dear President Wu and members of the San Francisco Planning Commission,

We are submitting this letter to make a matter of record our opposition to the Planning Commission approving a 4-story structure at 437 Duncan Street, as described in the referenced "Notice of Public Hearing". We are also in **COMPLETE DISAGREEMENT** with the "Project Description" listed on the related "311 Notice" dated March 3, 2014. Specifically, we are in **total disagreement** with the statement, in that notice, that the proposed project at 437 Duncan Street:  
**"... is consistent with the size and scale of surrounding properties in the neighborhood."**

As we have stated in three previous letters to the assigned planner, Mr. Doug Vu, (March 5, 2014, May 2, 2013, and June 13, 2012) we find the proposed project to be:

- Excessive in scale and mass with the surrounding properties on the 400 block of Duncan Street.
- The proposal is not in compliance with the *Residential Design Guidelines* of the Planning Department, largely due to the topography of the hill which magnifies the size of the proposed development.
- Our conclusion has been echoed by numerous other neighbors who have submitted similar concerns to the Planning Department and the Planning Commission in writing both individually, and in group documents. Additionally,
- Mr. Vu, the assigned planner, has visited the site, and met with several neighbors, who have voiced their concerns with the proposed excessive size of the project (3-stories over a garage).

Given the level of opposition brought forward by this community regarding the proposed size, scale and mass of this project, we find it hard to comprehend that the Planning Department would ignore these concerns, by including the above referenced statement in the Department's "311 Notice".

We are long-term neighborhood stakeholders, who have never before opposed the construction of a residential project. Jim is a native of Noe Valley who has:

- Lived in 8 different residents in this neighborhood.

- His parents were immigrants from Ireland, who met in San Francisco, and raised their middle-class family of 5 children in the Noe Valley.
- Jim attended grammar school in Noe Valley, delivered newspapers and worked in retail establishments in the neighborhood, prior to becoming a member of, and 31 years later, retiring from the SFPD.

After our marriage in 1978, our young family resided in Noe Valley. It was our goal to raise and educate our children in this neighborhood. However, in 1985 we realized that we could not afford to continue that plan and purchased a home in Daly City. Jim's parents remained in Noe Valley and our family maintained our association with the neighborhood. Our children attended various San Francisco schools and retained their San Francisco linkage. After 25 years, we were finally able to return to Noe Valley and purchase a home.

Over these decades, we have observed the transformation of this neighborhood from a thriving culturally diverse, and affordable middle class neighborhood into its current more upscale version. For various reasons, such as its architecture, proximity to transit and its good weather, Noe Valley has retained a "village within a city" atmosphere. However, we are concerned that recently there has been a trend towards the building of residences which are **excessive in scale and mass**. The proposed project at 437 Duncan is a prime example of such a development. We are concerned that continued approval of such developments will result in this classic neighborhood losing its charm and character (which has attracted families and residents for well over a century).

The proposed project may be in compliance with the interpretation of Planning Department's *Residential Design Guidelines*, as seen through the eyes of property developers, lawyers, and the real estate industry. However, as demonstrated over the last 2-plus years, through:

- Numerous letters of opposition to the Planning Department,
- Community meetings both internally and with the "owner / developer" and the Planning Department's assigned project planner,
- Contributions from the community totaling over \$535 to file a Discretionary Review request and with the Planning Commission, opposing the 4<sup>th</sup> floor penthouse,
- Collecting petitions containing approximately 80 signatures from residents in the impacted area opposing the penthouse, and
- Through the attendance of approximately 20 members of the community at your Discretionary Review Hearing of July 10, 2014, (which was "continued" due to the "owner/ developer's" failure to comply with Planning department rules regarding the posting of Hearing Notices);

**The impacted community has clearly voiced its message that the proposed project at 437 Duncan Street IS NOT in compliance with those same *Residential Design Guidelines*.**

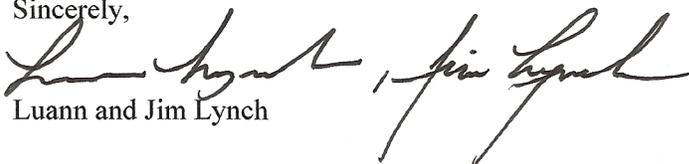
We urge you to make a decision which is best for the community, so please:

- Review the issues and concerns of the Duncan Street Area community, and
- Approve a **reasonable version of the proposed project** which eliminates the developer's currently proposed 4<sup>th</sup> story penthouse.

Thank you for your consideration of our concerns and objections related to this project.

Sincerely,

Luann and Jim Lynch



**From:** [Adam Turner](#)  
**To:** [Vu, Doug \(CPC\)](#)  
**Subject:** Regarding 437 Duncan Application #2012.04.18.8570.  
**Date:** Monday, July 14, 2014 10:53:21 PM

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Dear Doug and members of the Planning Commission:

Please do not listen to the absurd concerns of Cynthia Gregory and other overprivileged, wealthy Noe Valley NIMBYs regarding the proposed construction at 437 Duncan. It is clear that their only concerns are for their own private property values, the preservation of the views of their own property, and their desire not to see or occasionally hear their neighbors ever enjoying themselves on an outdoor deck or "party room." Their selfish concerns do not override the right of private property owners to build, within reason, as they see fit on the property that they own.

As a tenant down the hill at 205 28th Street, I have had to endure ancient plumbing that may be leaching lead into my drinking water. I sleep every night with earplugs because the walls in my pre-1906 building are far too thin to block the noise of the J-Church Muni streetcar. I endured jackhammering and construction noise for almost a full year as the Luxe apartment building across the street from me was built, and could not call in a noise complaint because San Francisco has decided that virtually all construction noise is permissible between 7 AM and 8 PM, even though most people (myself included) are home and disturbed by the noise at these hours.

If San Francisco decides that it's OK to make its citizens put up with all of that, it should also decide that Ms. Gregory's concerns are trivially stupid in comparison, and worthy only of being ignored. San Francisco is a city that should be run for everyone, not a place where its Planning Commission is a tool of the most privileged and delicate among us at everyone else's expense.

Regards,

Adam Turner

Cover Memo re: 437 Duncan Street App# 2012.04.18.8570

To be heard at the July 24th Hearing continued from the July 10th Hearing

TO: President WU

Vice-President FONG

Commissioner ANTONINI

Commissioner SUGAYA

Commissioner MOORE

Commissioner HILLIS

Commissioner JOHNSON

FROM: Georgia Schuttish, Resident and Owner 460 Duncan Street

**RECEIVED**

JUL 16 2014

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
RECEPTION DESK

Dear President Wu and Members of the Commission:

Attached are my ORIGINAL COMMENTS which are pages one through three that I submitted to you for the July 10, 2014 Mandatory Discretionary Review, now set for July 24, 2014.

Also attached are pages four through six, which are my new ADDITIONAL COMMENTS to you responding to:

Mr. Kevlin's July 2, 2014 letter to the Commission; the Application for Dwelling Unit Removal dated October 15, 2012; and the July 3, 2014 Discretionary Review Analysis.

There are also additional comments on page six amplifying my request that you please take Discretionary Review for this project.

Thank you.



July 16, 2014

June 30, 2014

To: President Cindy Wu and Members of the Planning Commission

From: Georgia Schuttish, 460 Duncan Street San Francisco 94131

Re: 437 Duncan Street (south side of Duncan Street)

Application No. 2012.04.18.8570 July 10, 2014 hearing

Dear President Wu and Commission Members:

The project before you is a Mandatory Discretionary Review. Because of the demolition of the existing house at 437 Duncan, and because of Planning Code Section 317 you need to examine the issues of affordability and relative affordability. The issues of affordability and relative affordability are a concern not only for political leaders and decision makers, but for all citizens of San Francisco and most especially in this instance for the residents of Duncan Street.

It is my understanding that the project sponsor is not contesting the affordability of the existing house and it must be assumed that it does not cross the threshold \$1.5 million which is the current amount determined by the Zoning Administrator to be considered affordable. Nonetheless the project sponsor, 437 Duncan LLC, intends to demolish the existing house.

As a nearby property owner within the 150 feet radius and a resident of Duncan Street since 1986, I respectfully request that you use your power under Mandatory Discretionary Review, to either deny the demolition permit of an affordable structure, or allow a new building with modifications.

A new building should meet the standard of relative affordability required by Section 317 (d) (3) (C) (ix), which in your duties as Commissioners you have often discussed in previous decisions. In addition, it should be a building that more closely aligns with the existing houses on the 400 block of Duncan Street and that truly complies with Section 101.1 and Sections 317 (d) (3) (C) (vii), (viii) and (xiv), and the Residential Design Guidelines.

Here is how you can do both.

**RECEIVED**  
JUN 30 2014  
CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
RECEPTION DESK

**RECEIVED**  
JUN 30 2024  
CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
RECEPTION DESK

## Relative Affordability

The proposed project is just under 4,000 square feet. To better meet the Section 317 relative affordability standard the project should be reduced in size to closer to 2,000 square feet. It can be reasonably stipulated that family housing with *more* square footage is *less* relatively affordable, while family housing with *less* square footage is *more* relatively affordable.

This project has much extraneous space. In addition to the three bedrooms, which the Commission has acknowledged is perfectly satisfactory to create family housing, it has three additional spaces that add to the square footage but make it less relatively affordable. These spaces are: the penthouse, the guest bedroom and the bonus room. These spaces are not critical for comfortable family-style living.

Additionally, one could argue that the roof deck is nothing more than a marketing tool which inflates the selling price. (This is a spec house as neighbors have been told from the very beginning by the developer/contractor).

Further, this house has three large living areas. In addition to the very large living room, there is a large dining room and a large family room. While a very large living room that no one may "live" in is arguably duplicated by a large family room, it is certain that these very large spaces need not necessarily be as large as proposed. Smaller common areas with three bedrooms would make a comfortable family home that would more effectively meet the Section 317 standard of relative affordability than would the project as currently proposed.

Nothing in Section 317 prohibits you as the Planning Commission from applying some standard of relative affordability to the new replacement structure.

## Section 101.1 and Sect. 317 (d) (3) (C) (vii), (viii) and (xiv) and RDGs

The proposed project at 437 Duncan does not meet these Planning Code Sections or follow the Residential Design Guidelines. Here is why.

The average single family home on the 400 block of Duncan Street is approximately 1400 to 1800 square feet. Most of the single family homes are two to three bedrooms. The newest single family homes were built in 1951. All the homes on Duncan Street are single family homes, with the exception of: two mid-century apartment buildings on the north side of Duncan Street near the corner of Sanchez; a 1906 Edwardian four-plex on the south side of Duncan Street (two side by side duplex buildings) five doors to the east of the project; and a pair of Edwardian/Victorian flats on the north side of Duncan Street

across from the proposed project. The two mid-century apartment buildings are three stories total, or two stories over the garage level.

None of the 27 single family homes are three stories over garage. In fact they are one or two stories over garage and they are mostly peaked (gabled) roof homes. There are 17 peaked roof homes on the street. The proposed project has four peaked roof homes immediately downhill from the site and four peaked roof homes immediately uphill from the site. The project is surrounded by peaked roof homes. With regard to assessing the dominant style of rooflines, the Residential Design Guidelines on page 30 say "most" and are misquoted in the Residential Design Team's May 15, 2014 report as "exclusive". "Most" and "Exclusive" are not synonyms. Most of the homes on Duncan Street are peaked roof single family homes -- 17 out of 27.

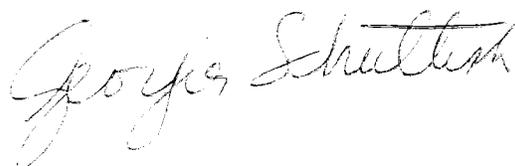
Just as 437 is a peaked roof home on the rear of the lot with the yard in front, there are two other homes on the block with peaked roofs on the rear of their lots with front yards. One of these received a variance from the Zoning Administrator nine years ago to slightly enlarge the home on the rear of the lot. Additionally there are three other peaked roof homes on the rear of lots behind buildings on the front of the lots, for an overall total of 20 peaked roof homes.

The above description summarizes the 400 block of Duncan. It highlights the style of homes, the overall consistent size of homes and the predominant roofline of the single family homes, most especially the single family homes surrounding the proposed project site. This is a true picture.

### Conclusion

Please Commissioners, use your power under the rules of a Mandatory Discretionary Review. Due to the exceptional and extraordinary arguments I have put before you, please resolve the issue of relative affordability by either denying the demolition permit or by eliminating the extraneous square footage of this proposed family housing. This would comply with Section 317 with its critically important subsection concerning relative affordability, as well as the other subsections cited above. And it would also align with the neighborhood character and affordability requirements of Section 101.1. Additionally, the Residential Design Guidelines would be more fully realized.

Thank you.



ADDITIONAL COMMENTS to President Cindy Wu and Members of the Planning Commission re: the Mandatory Discretionary Review for 437 Duncan Street

I. Response to Mr. Kevlin's July 2, 2014 letter to the Commission:

In his letter to you, the project sponsor's attorney does not address the issue of affordability or relative affordability in Planning Code Sections 317 and 101.1.

II. Response to October 15, 2012 Application for Dwelling Unit Removal

In the project sponsor's affirmed Application for Dwelling Unit Removal, on page eleven under the heading, "Priority Policies" the project sponsor answers Question 11 by repeating the question.

Here is Question 11, verbatim

**11. Whether the project protects the relative affordability of existing housing?**

Here is the answer to Question 11, verbatim:

**11. The proposed single family dwelling protects the relative affordability of existing housing.**

And on page 15 of this same document the response, verbatim, to the policy of preservation of affordable housing: "The proposed project will construct a new affordable single family dwelling, thus increasing the City's supply of affordable housing."

It is impossible to glean anything from the answers, other than the logical conclusion that the proposed project *does not* protect the relative affordability, and the fact that the new house *is not* relatively affordable, let alone affordable, since saying so doesn't make it so! Additionally, the answer to Question 1 on page nine of this same document does not answer the question about an appraisal.

Here is Question 1, verbatim:

**1. Whether the Project Sponsor has demonstrated that the value of the existing land and structure of a single-family dwelling is not affordable or financially accessible housing (above the 80% average price of single-family homes in San Francisco, as determined by a credible appraisal with six months).**

Here is the answer to Question 1, verbatim:

**1. The existing shed under utilizes the lot with an approx. 80' set back, and thus does not provide family size housing. Moreover, the existing shed stands in a dilapidated state and is currently uninhabitable.**

### III. Response to July 3, 2014 Discretionary Review Analysis

In response to the exact same Question 11 discussed above as to whether the proposed project protects the relative affordability of existing housing Mr. Vu writes on Page nine of the Discretionary Review Analysis that the "Project Does Not Meet Criteria" and confirms there is no appraisal.<sup>1</sup> He writes:

There is no appraisal to confirm that the existing dwelling proposed for demolition is above the 80% average price of single family home and is thus considered "relatively affordable and financially accessible housing, and defined as an "affordable dwelling-unit" by the Mayor's Office of Housing.

But then there is a second sentence in this criteria,

However, the land value of the Subject Property compared with the value of other properties in this neighborhood would likely confirm the existing property is above the 80% average price of a single family home, and is thus unaffordable.

This "however" sentence is baffling. How can this be when there is no appraisal? And when it has been "claimed" to be "relatively affordable"? Please see the footnote on the bottom of this page for further important discussion.

Therefore, this project does not meet three of the four Priority Policies under Section 317 according to the Discretionary Review Analysis. And ultimately, it does not meet the fourth either as I briefly outline in Section V below and more extensively discuss previously on Pages two and three above.

### IV. Please read my June 30th Conclusion on Page Three above.

The issues around affordability and relative affordability are Extraordinary and Exceptional as I have outlined throughout both submissions including the footnote below. To reiterate: **Please take Discretionary Review and please truly and more completely deal with the relative affordability issues of this project that**

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<sup>1</sup> On page 8 of the Discretionary Review Analysis in response to Question 1, Demolition Criteria, Existing Value and Soundness, Mr. Vu writes that the project does not meet the criteria with this statement, "The Project Sponsor does not claim that the property is valued at or above the 80% of the median single-family home prices in San Francisco. As such the property is considered relatively affordable and financially accessible housing for the purposes of this report and Planning Code Section 317."

Therefore, under Planning Code Section 317 relative affordability must be considered with regard to the replacement structure. As I stated on Page two of this submission, "It can be reasonably stipulated that family housing with more square footage is less relatively affordable, while family housing with less square footage is more relatively affordable." For example, many, many times this citizen has heard members of the Planning Commission say that three bedroom housing is good family housing. And I agree. However, the proposed project has 4 bedrooms, a bonus room and a penthouse, very large common spaces that include a living room and a family room, a roof deck, another deck, etc.

are in the Planning Code by reducing the square footage of this project and approve a family home that will align with Section 317, Section 101.1, and the true intentions of the Housing Element and the Residential Design Guidelines.

#### V. Priority Policies and Residential Design Guidelines

Beyond the affordability/relative affordability issues there is a great deal wrong with this project. It does not conserve or enhance neighborhood character. It is not consistent with the prevailing pattern of this block, which is primarily single family homes averaging 2,000 square feet with peaked, hipped or gabled roofs, and with windows or glazing that can be considered traditional and are vertical in orientation. This is discussed in more detail on Pages two and three above. Please look at the overhead photos of the block provided by staff to see all the peaked roofs, as well as the photos from Mr. Kevlin to examine the windows of all the houses on the south side of Duncan Street. Both sets of photos make my point with regard to the prevailing pattern.

#### VI. Further Consequences of the Proposed Project

Additionally the project has major impacts on the immediate neighbors to the east and to the west, both long time homeowners at 435 and 445 Duncan Street, that no one, the project sponsor, the Department, the Public DR Requestor or *even* myself have adequately addressed. These neighbors are two of the longest tenured owner occupying residents on Duncan Street. However, this is not just an emotional issue. These neighbors have issues of major concerns regarding light, air, privacy, and preservation of their homes that need to be recognized and resolved by the Commission.

#### VII. Concrete Solutions to Some of the Issues Raised Here

Of the two meetings mentioned by the Mr. Kevlin, attorney for the project sponsor, I attended neither, because I knew of neither. After studying the several different iterations of plans for this project, (plans that in reality have not been revised all that much from the beginning), I have several suggestions for reconfiguring the project that may be constructive and I would be happy to share them.

But the overriding consideration, as I have outlined here in both submissions to you, must be to approve a project that meets some standard of relative affordability as required by the Planning Code. The current version of the proposed project does not meet any standard of relative affordability.

Thank you. (pages 1-3 originally submitted 6/30/14; pages 4-6 submitted 7/16/14)

