

### SAN FRANCISCO PLANNING DEPARTMENT

### Discretionary Review Abbreviated Analysis

HEARING DATE: NOVEMBER 29, 2012

Date:	November 19, 2012
Case No.:	2012.1102D
Project Address:	88 28 <sup>th</sup> STREET
Permit Application:	2012.03.14.6044
Zoning:	RH-2 (Residential House, Two-Family) District
	40-X Height and Bulk District
Block/Lot:	6599/016A
Project Sponsor:	Cary Bernstein
	2325 3 <sup>rd</sup> Street
	San Francisco, CA 94107
Staff Contact:	Doug Vu – (415) 575-9120
	Doug.Vu@sfgov.org
Recommendation:	Do not take DR and approve as proposed

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

Reception: 415.558.6378

Fax:

415.558.6409

Planning Information: **415.558.6377** 

### PROJECT DESCRIPTION

The project is to construct a rear horizontal addition at the first and second stories, a new third story, and a new roof deck above the second story at the front and rear of the existing two-story, single family residence.

### SITE DESCRIPTION AND PRESENT USE

The project site is an approximately 25 foot wide by 114 foot deep key lot containing 2,848 square feet, and located on the north side of 28<sup>th</sup> Street between Dolores and Guerrero Streets. The lot contains a twostory, one-family dwelling that was originally constructed in 1955, per City records.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located in the Bernal Heights neighborhood, approximately two blocks southwest of the California Pacific Medical Center – St. Luke's Campus. The subject block is within an RH-2 Zoning District and residential in character, with the blockface containing residences that are primarily two to three stories in height. The adjacent lot to the east (84 28<sup>th</sup> Street) contains a two-story over raised basement, single-family dwelling. Since the subject property is a key lot, there are three adjacent lots to the west including 92-96 28<sup>th</sup> Street that contains a two-story, two-family dwelling that also has frontage on Dolores Streets, 1485-1491 Dolores Street that contains a two-story over garage, four-family dwelling, and 1477-1483 Dolores Street that also contains a two-story over garage, four-family dwelling.

### BUILDING PERMIT NOTIFICATION

ТҮРЕ	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	July 23, 2012 – August 22, 2012	August 20, 2012	November 29, 2012	101 days

### **HEARING NOTIFICATION**

ТҮРЕ	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	November 19, 2012	November 18, 2012	11 days
Mailed Notice	10 days	November 19, 2012	November 16, 2012	13 days

### PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	1	1	1
Other neighbors on the			
block or directly across	14	-	-
the street			
Neighborhood groups	-	-	-

Owners and/or residents from sixteen properties on the subject block or directly across the street have submitted letters to the Department either supporting or not objecting to the proposed addition. Other than the DR Requestor, the Department has received one letter of opposition to the proposed project.

### DR REQUESTOR

Nicole S. Yee 1489 Dolores Street San Francisco, CA 94110 (An adjacent neighbor to the west)

### DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

See attached *Discretionary Review Application* submitted August 20, 2012, and supplemental materials submitted October 10, 2012.

### PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

See attached *Response to Discretionary Review* dated November 16, 2012.

### ENVIRONMENTAL REVIEW

The Department has determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15301 (Class One - Minor Alteration of Existing Facility, (e) Additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet).

### **RESIDENTIAL DESIGN TEAM REVIEW**

The Residential Design Team (RDT) reviewed the project following the filing of the DR application and found the project to be consistent with the Residential Design Guidelines (RDGs). The RDT determined that although the massing, scale and location of the proposed third story and roof deck may result in some reduction of light and privacy to the adjacent properties to the west, the impacts are not considered unusual given the subject block's existing building pattern. Although the adjacent properties to the west have noncomplying rear yards that are between 12 and 15 feet in depth, this is a condition found throughout key lots on the subject and neighboring blocks, with some buildings having even greater massing than the proposed project. In summary, the RDT determined the proposed third story addition and roof deck will not prevent the neighboring properties from having adequate light, air and privacy, and there are no exceptional or extraordinary circumstances.

Under the Commission's pending DR Reform Legislation, this project would not be referred to the Commission as this project does not contain or create any exceptional or extraordinary circumstances.

<b>RECOMMENDATION:</b>	Do not take DR and approve project as proposed
Attachments:	
Block Book Map	
Sanborn Map	
Zoning Map	
Aerial Photographs	
Context Photograph	
Section 311 Notice	
DR Application	
Supplemental Materials from D	R Requestor dated October 10, 2012
Response to DR Application da	ted November 16, 2012
Public Comment Letters	
Reduced Plans	

G:\Documents\DRs\88 28th Street\_2012.1102D\Reports\Abbreviated Analysis.docx

## **Parcel Map**



Discretionary Review Hearing **Case Number 2012.1102D** Abbreviated Analysis 88 28<sup>th</sup> Street

## Sanborn Map\*



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



# Aerial Photo view facing north



DR REQUESTOR'S PROPERTY SUBJECT PROPERTY

# Aerial Photo view facing south



SUBJECT PROPERTY

DR REQUESTOR'S PROPERTY

view facing east

**Aerial Photo** 



DR REQUESTOR'S PROPERTY SUBJECT PROPERTY

Discretionary Review Hearing **Case Number 2012.1102D** Abbreviated Analysis 88 28<sup>th</sup> Street

SAN FRANCISCO PLANNING DEPARTMENT

## Aerial Photo view facing west



SUBJECT PROPERTY

DR REQUESTOR'S PROPERTY

## **Zoning Map**



## **Site Photo**



SUBJECT PROPERTY



### SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

#### ICE OF BUILDING PERMIT APPLICATION (SECTION 311) NO

On March 14, 2012, the Applicant named below filed Building Permit Application No. 2012.03.14.6044 (Alteration) with the City and County of San Francisco.

	CONTACT INFORMATION	PROJECT	SITE INFORMATION
Applicant:	-	Project Address:	88 28 <sup>th</sup> Street
Address:		Cross Streets:	Dolores & Guerrero Streets
City, State:		Assessor's Block /Lot No.:	6599 / 016A
Telephone:		Zoning Districts:	RH-2 / 40-X

Under San Francisco Planning Code Section 311, you, as a property owner or resident within 150 feet of this proposed project, are being notified of this Building Permit Application. You are not obligated to take any action. For more information regarding the proposed work, or to express concerns about the project, please contact the Applicant above or the Planner named below as soon as possible. If you believe that there are exceptional or extraordinary circumstances associated with the project, you may request the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown below, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

#### PROJECT SCOPE

and/or [] DEMOLITION [X] VERTICAL EXTENSION

**PROJECT FEATURES** 

[] NEW CONSTRUCTION or [] CHANGE # OF DWELLING UNITS

[] FACADE ALTERATION(S)

[] HORIZ. EXTENSION (FRONT)

## [] HORIZ. EXTENSION (SIDE)

[X] HORIZ. EXTENSION (REAR)

[X] ALTERATION

## EXISTING CONDITION PROPOSED CONDITION

BUILDING USE	Residential	No Change
FRONT SETBACK		No Change
SIDE SETBACKS		
BUILDING DEPTH		
REAR YARD		
HEIGHT OF BUILDING		
NUMBER OF STORIES	Two	Three
NUMBER OF DWELLING UNITS	One	No Change
NUMBER OF OFF-STREET PARKING SPACES	One	No Change

### PROJECT DESCRIPTION

The proposal includes a rear horizontal addition at the first and second stories and construction of a new third story totaling 725 square feet. The project also includes a new roof deck totaling 875 square feet above the second story at the front and rear of the existing single-family dwelling. The project is in compliance with all applicable provisions of the Planning Code. See attached plans.

PLANNER'S NAME: PHONE NUMBER: EMAIL:

Doug Vu (415) 575-9120 Doug.Vu@sfgov.org

DATE OF THIS NOTICE: **EXPIRATION DATE:** 

7-23-12 8-22-12

### NOTICE OF BUILDING PERMIT APPLICATION GENERAL INFORMATION ABOUT PROCEDURES

Reduced copies of the site plan and elevations (exterior walls), and floor plans (where applicable) of the proposed project, including the position of any adjacent buildings, exterior dimensions, and finishes, and a graphic reference scale, have been included in this mailing for your information. Please discuss any questions with the project Applicant listed on the reverse. You may wish to discuss the plans with your neighbors and neighborhood association or improvement club, as they may already be aware of the project. Immediate neighbors to the project, in particular, are likely to be familiar with it.

Any general questions concerning this application review process may be answered by the Planning Information Center at 1660 Mission Street, 1st Floor (415/ 558-6377) between 8:00 a.m. - 5:00 p.m. Please phone the Planner listed on the reverse of this sheet with questions specific to this project.

If you determine that the impact on you from this proposed development is significant and you wish to seek to change the proposed project, there are several procedures you may use. We strongly urge that steps 1 and 2 be taken.

- 1. Seek a meeting with the project sponsor and the architect to get more information, and to explain the project's impact on you and to seek changes in the plans.
- 2. **Call the nonprofit organization Community Boards at (415) 920-3820, or online at <u>www.communityboards.org</u> for a facilitated discussion in a safe and collaborative environment through mediation. Community Boards acts as a neutral third party and has, on many occasions, helped parties reach mutually agreeable solutions.**
- 3. Where you have attempted, through the use of the above steps, or other means, to address potential problems without success, call the assigned project planner whose name and phone number are shown at the lower left corner on the reverse side of this notice, to review your concerns.

If, after exhausting the procedures outlined above, you still believe that exceptional and extraordinary circumstances exist, you have the option to request that the Planning Commission exercise its discretionary powers to review the project. These powers are reserved for use in exceptional and extraordinary circumstances for projects, which generally conflict with the City's General Plan and the Priority Policies of the Planning Code; therefore the Commission exercises its discretion with utmost restraint. This procedure is called Discretionary Review. If you believe the project warrants Discretionary Review by the Planning Commission over the permit application, you must make such request within 30 days of this notice, prior to the Expiration Date shown on the reverse side, by completing an application (available at the Planning Department, 1660 Mission Street, 1st Floor, or on-line at www.sfplanning.org). You must submit the application to the Planning Information Center (PIC) during the hours between 8:00 a.m. and 5:00 p.m., with all required materials, and a check, for each Discretionary Review request payable to the Planning Department. To determine the fee for a Discretionary Review, please refer to the Planning Department Fee Schedule available at www.sfplanning.org or at the PIC located at 1660 Mission Street, First Floor, San Francisco. For questions related to the Fee Schedule, please call the PIC at (415) 558-6377. If the project includes multi building permits, i.e. demolition and new construction, a separate request for Discretionary Review must be submitted, with all required materials and fee, for <u>each</u> permit that you feel will have an impact on you. Incomplete applications will not be accepted.

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

#### **BOARD OF APPEALS**

An appeal of the approval (or denial) of the permit application by the Planning Department or Planning Commission may be made to the **Board of Appeals within 15 days** after the permit is issued (or denied) by the Superintendent of the Department of Building Inspection. Submit an application form in person at the **Board's office at 1650 Mission Street**, **3rd Floor**, **Room 304**. For further information about appeals to the Board of Appeals, including their current fees, **contact the Board of Appeals** at **(415) 575-6880**.

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## APPLICATION FOR Discretionary Review

1. Owner/Applicant Information

DR APPLICANT'S NAME: ALS Nicole S. Yee &	O: LOUIS + DIANA CES PAUL MOSHOMER	ARETTI	OWNERS OF LOTIOB (	)
DR APPLICANT'S ADDRESS	ADPRESS:	ZIP CODE	TELEPHONE: 1007	16BC2
1489 Dolores Street & (LOT ( 16 C)	1483 DOWRES ST.	94110	(415) 350-5803 O(707) 887 - 7065	-
· · · · · · · · · · · · · · · · · · ·	CT ON WHICH YOU ARE REQUESTING DISCRETION	RY REVIEW NAME	@ (415) 641.7392	
Dante & Tracey Briones				
ADDRESS;		ZIP CODE:	TELEPHONE:	
88 28th Street		94110	(415) 440-6424	
CONTACT FOR DR APPLICATION:				
Same as Above Janet Campbell,	Architect			
ADDRESS:		ZIP CODE:	TELEPHONE:	
2 Parker Avenue, No. 302		94118	(415 ) 261-2613	
E-MAIL ADDRESS:				
campbellarchitec@aol.com				

### 2. Location and Classification

	RESS OF PROJECT					ZIP CODE:
88 28tl	h Street					94110
CROSS STREE						
Dolore	s Street and G	uerrero Street				
ASSESSORS I	BLOCK/LOT.	LOT DIMENSIONS	LOT AREA (SQ FT);	ZONING DISTRICT:	HEIGHT/BUL	K DISTRICT:
6599	/ 16A	114' X 25'	2,848	RH-2	40-X	
Please check all		nge of Hours 🗌	New Constru	ction 🗌 Alterations	s 🛛 Demolition	n 🗌 Other 🗌
Please check all Change of	that apply	nge of Hours 🗌	New Constru ont 🗌 Heigh		s 🛛 Demolition	n 🗌 Other 🗌
Please check all Change of Additions	that apply Use 🗌 Cha	nge of Hours 🗌	ont 🗌 Heigh		s 🛛 Demolition	n 🗌 Other 🗌
Please check all Change of Additions	that apply Use Cha to Building: Previous Use:	nge of Hours 🗌 Rear 🔀 Fro	ont 🗌 Heigh Residence		s 🛛 Demolition	n 🗌 Other 🗌

## RECEIVED

AUG 2 0 2012 CITY & COUNTY OF S.F.

### 4. Actions Prior to a Discretionary Review Request

Prior Action	YES	NO
Have you discussed this project with the permit applicant?	×	
Did you discuss the project with the Planning Department permit review planner?	X	
Did you participate in outside mediation on this case?		

### 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.

No Mediation - we attempted mediation with the Planner and the Architect and we were told that despite the

neighbor on the east being negotiated with and heard prior to the design going out, that we would not be, that

the property owner on Lot 16A had the right to do what they did and we could forget getting our issues heard

or negotiated.

### **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.

See attached discussion, pages 1-8 and attached photos.

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:

See attached discussion, pages 1-8 and attached photos.

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

See attached discussion, pages 1-8.

# 12.11020

### Applicant's Affidavit

Under penalty of perjury the following declarations are made:

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

moleflye Signature:

Date: 8/20/12

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

Nicole S. Yee, Owner Owner / Authorized Agent (circle one)

## Discretionary Review Application Submittal Checklist

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

REQUIRED MATERIALS (please check correct column)	DR APPLICATION
Application, with all blanks completed	
Address labels (original), if applicable	0
Address labels (copy of the above), if applicable	0
Photocopy of this completed application	
Photographs that illustrate your concerns	
Convenant or Deed Restrictions	
Check payable to Planning Dept.	
Letter of authorization for agent	
Other: Section Plan, Detail drawings (i.e. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (i.e. windows, doors)	

NOTES:

Required Material.

Optional Material.

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

For Department Use Only Application received by Planning Department:

M

AP

By:

MBI

Answers to Questions, Page 9 of the DR Request Form, continued....

### **Discretionary Review Request**

### **Question 1:**

Discretionary Review is necessary in this case due to the fact that the complainant's lots are "Key Lots", without the usual light and air as occurs on normal-sized lots, approximately 100-125 deep (100 feet mid-block along Dolores Street), and the massing planned on Lot 16A is directly above the tiny rear yards for Lots 16B and C.

The rear yards for the complainants are 15'-8" deep for Lot 16C and slightly less for Lot 16B.

Lot 16A appears to have been carved out of Lots 16B and C initially, as San born maps show that their rear yard was not extended to the limit it is today in the mid-1990's (Sanborn map). At some point, Lot 16D was also shortened to give Lot 16A more rear yard.

For both Lots 16B and 16c, particularly Lot 16B, it is most troubling to have a mass directly on their property line extending up another floor, with enclosure of a light well with outside stair incorporated, that element backing up to Lot 16B.

Troubling is that there is an interior stair on the other side, the east property line, that could be extended up, the mass could be moved toward the other side, and even more confusing is that the property owner prior to their first notification of the neighbors worked out a compromise with their neighbor on the east, according to what they said to us, and not at all with the tiny rear yards they were affecting most on the west.

We don't understand why you would do so. We offered a compromise, willing to discuss it further.

We asked that they provide obscure glass at a higher height along the property line, so that they could make the most use of the area for a roof deck, while providing light and privacy to Lot 16B.

We asked that they move the mass of the family room towards the other side.

Stepping the elements back to the east would also work, but they weren't willing to discuss anything with us.

There are bedroom windows they will be able to look directly into, and despite requesting they use obscure glass at a higher height to allow at least air and some privacy, they have refused and continued on the path to allow full view.

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There are other concerns:

1. The property owner at Lot 16C has for decades used their rear yard for a garden they harvest weekly. The light colors on all walls have enhanced the light in the space, in addition to the 2-story not being 3-story on Lot 16A, providing a good area to garden. From what we have seen, we believe to be dark, not light in color, cutting down on the reflectance into the rear yards, or "courts", and it will extend up on the hand rail at the deck.

2. The siding on the structure on Lot 16A will be disturbed from adding wood siding, which will disturb the asbestos siding, impacting the usability of the garden. The residents and owners of Lots 16B and 16C are extremely concerned now about their safety, given the lack of hearing as to their privacy and light and air concerns in previous conversations.

3. If the siding has any thickness at all, the wood siding will be over the property line, which is not permissible...

We respectfully request a review of the design as it does adversely impact the two neighbors on Lots 16B and 16C.

#### According to the Residential Guidelines:

**1. "Immediate Context:** When considering the immediate context of a project, the concern is how the proposed project relates to the adjacent buildings."

In this case, the proposed project could have better sited masses on the third level to impact light and air in as minimal fashion as possible, and controlled privacy issues for the neighbors in a better fashion, as suggested in previous communications and in answer to item no. 3, below.

**2. "Corner Lot Context:** When considering the context of a corner lot, the concern is how the proposed project relates to buildings on both streets near the Intersection."

In this case, Key Lots 16B and 16C face the corner street, Dolores Street. **The proposed design should have taken into account the light, air and privacy issues of those Lots.** 

3. Light and Air issues created by narrow, public and common outdoor

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### spaces are addressed in at least two sections of the Planning Code:

A. One way to have impacted light and air minimally would have been to have adopted a "stepped-down" massing approach, similar to the similar to *Planning Code* requirements for light and air to reach alleyways, rather than an "On/Off", full-stop massing approach along a property line, which impacts light, air and privacy issues.

See <u>*Planning Code Section 261.1*</u>, copied below - describing what is to be done in alleyways:

### SEC. 261.1. ADDITIONAL HEIGHT LIMITS FOR NARROW STREETS AND ALLEYS IN, RTO, NC, NCT, EASTERN NEIGHBORHOODS MIXED USE, AND SOUTH OF MARKET MIXED USE DISTRICTS.

(a) **Purpose.** The intimate character of narrow streets (rights-of-way 40 feet in width or narrower) and alleys is an important and unique component of the City and certain neighborhoods in particular. The scale of these streets should be preserved to ensure they do not become overshadowed or overcrowded. *Heights along alleys and narrow streets are hereby limited to provide ample sunlight and air*, as follows:...

(d) Controls.

(1) **General Requirement.** Except as described below, all subject frontages shall have upper stories set back at least 10 feet at the property line above a height equivalent to 1.25 times the width of the abutting narrow street.

(3) **Mid-block Passages.** Subject frontages abutting a mid-block passage provided per the requirements of Section <u>270.2</u> shall have upper story setbacks as follows:

(A) for mid-block passages between 20 and 30 feet in width, a setback of not less than 10 feet above a height of 25 feet.

(B) for mid-block passages between 30 and 40 feet in width, a setback of not less than 5 feet above a height of 35 feet."

# 12.11020



**B.** Another way the Planning Code addresses light and air availability within a very narrow, canyon-like rear yard area regards the treatment of a court . <u>The Planning Code</u> sets out their regulations in Section 135 (g) (2), as follows:

"(2) Use of Inner Courts. The area of an inner court, as defined by this Code, may be credited as common usable open space, if the enclosed space is not less than 20 feet in every horizontal dimension and 400 square feet in area; and if (regardless of the permitted obstructions referred to in Subsection 135(c) above) the height of the walls and projections above the court on at least three sides (or 75 percent of the perimeter, whichever is greater) is such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court."



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In this case:

- Lot 16A appears to have been "carved out" of Lots 16B and 16C, and later expanded across Lot 16C. (See Sanborn Map from the 1990's, exhibiting the latter)
- The rear yard at Lot 16C is 15'-8" from Lot 16A. It is a narrow space. (See photos)
- The rear yard at Lot 16B is
- Lot 16A is two stories at present, similar to the structures surrounding it along 28<sup>th</sup> Street.
- The structure on Lot 16B is two stories, slightly elevated from Lot 16A. It is the corner lot.
- Lot 16C is three stories, similar to all of the other structures along Dolores Street in that block.
- And on both lots 16B and 16C, there are two units and four units, respectively, that share their rear yards as common open space.
- The rear yards back up against the same wall proposed to be extended directly up in a mass along Lot 16B and Lot 16C, and enclosed Light Well against Lot 16B.
- That mass is partially inclusive of extending an outdoor stair up, when there is an internal stair on the east side directly opposite that could be configured to come up to the new level, and the mass moved to that side or in that direction.

The contextual pattern at that street corner in the more modern structures was to step down to the corner, from the older two story gabled front on the east side of the property in question to the two story 1950's mid-moderns on Lots 16A and 16B.

The property at Lot 16C, while an older Victorian, had stepped back on each side lot line in a multi-stepped fashion, allowing more light than normal to its' neighbors on each side. It respected its' neighbors' light and air issues. (See Aerial Photo, attached)

Under the rule for courts, (which the existing condition de facto is by its' narrow nature, the edge of the third floor addition would have to step back starting at 10 feet height - the depth of the court, one foot in height for each foot of court space.

Again, we had asked for less. We had asked them to:

- Move the mass in a less dramatic fashion, and closer to the existing internal stair (which could be carried up to the roof).
- Not move the deck railing back, but make it obscure glass, so they would have more use of the deck, and raise the height so they could not see directly into the bedroom windows of Lot 16C in particular, but also Lot 16B.

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They told us they weren't going to do anything.

It would make sense as per the Court rule on the proposed third floor addition to step back the new mass and any floors and walls accordingly, which would not impact light and air more than has been at present.

### **Question 2:**

The shortness of the two Key Lots backing up to existing structure on the west side of Lot16A has the following issues created by the proposed third floor design, due to not attempting to move back the mass and not obscuring views into the extremely close bedroom windows:

**1. Privacy issues** with the ability to look straight into bedroom windows on the third floor of the structures on Lots 16B and 16C. One can look straight across the tiny backyard from the proposed deck into their windows, with only 42" or so high railings proposed on the new third floor on Lot 16A

Rather than restrict their use of the new top floor for as much deck as possible, and to provide maximum light to Lots16B and 16C, we had asked them to please consider using taller, obscure glass along that building edge. They did not.

In discussing this further, we now ask that they consider raising the solid railing height to 6 feet, in order to avoid visibility into the bedroom windows of Lots 16B and 16C, and pull that tall railing/fence/wall back at least 5 feet. By doing so, they would avoid having to create a fire wall, and allow maximum light into the rear yard of Lots 16B and 16C, without expensive fire-rated obscure glass materials required in anything less than a 5 foot side setback (required by the Building Code).

**2. Light & Air issues,** by creating a mass that would enclose an existing outdoor light well with exterior stair, and extending that third floor mass directly against the west property line of Lot 16A, primarily along the rear or east property line of Lot 16C.

Not only is the existing interior stair on the east side of the residence on Lot 16A, which could be extended up to the roof, the mass could be moved over or in a different position to create less of a canyon in the rear yards for Lots 16B and 16C. We asked for that to happen, and they refused.

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Normally, if two Light Wells back up to each other on either side of a property line, one is not allowed to enclose it. In fact, these backyards are so small the Light Well that exists now on Lot 16A, at the corner of Lot 16C and against the rear of Lot 16B, appears to allow very good light into these extremely short rear yards. The small rear yards should essentially be considered light wells, as that is how they function, other than being a good and long-term source of food for the residents on Lot 16C.

A note here: The light color of the walls on all three lots has added to the lighting in that "canyon", reflecting light from each sun angle across the tiny yards/light wells, bouncing around and lighting it up. Color of materials used is of importance here as well, for reflectivity and the resulting enhanced lighting, to encourage usage of the tiny rear yards, and provide lighting for the food source garden.

**3. Contamination issues**, by removing or nailing through existing asbestos siding along the long west wall of Lot 16C. It is particularly troubling, given the food source garden just below that wall. The complainants want the wall properly tented and tested, to keep any issues from occurring. And ask that they receive copies of the reports to assure them.

**4. Create Property Line Issues,** by adding a layer of siding with thickness along the west side, the property line will necessarily have to be gone over by Lot 16A.

### **Question 3:**

See the solutions discussed in Question 1, as follows:

We had asked them to:

- Move the mass in a less dramatic fashion, and closer to the existing internal stair (which could be carried up to the roof).
- Not move the deck railing back, but make it obscure glass, so they would have more use of the deck, and raise the height so they could not see directly into the bedroom windows of Lot 16C in particular, but also Lot 16B.

We again ask them to do the same, or:

1. Move the solid railing 5 feet back of the property line, and extend up to 6 feet high.

2. Move the mass of the family room back 10 feet.

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3. Do not go over the property line with new siding.

4. Please use a light-colored material if replacing the asbestos siding.

5. Do not allow asbestos of any kind from the construction or its' removal onto the neighbor's properties, in the air, on the ground or on the faces of their structures.

6. Please rework the extension of the rear and it's impact onto the Lemon Tree in the Garden. Light is important to it, and it has been there many years providing food for the families in the residences on Lot 16C.

We respectfully request a review and determination that our concerns are valid and must be addressed in the design.



VIEW OF LEMON TREE AT CORNER OF LOT 16 C + REAR OF 16A STRUCTURE



REAR OF LOT 16C STRUCTORE



ASBESTOS SIDING OF LOT 16A STR.)



THE (E) BARDEN AT WOR INC

LEMON TREE







THE (E) GARDEN AT LOTIGC



THE WEEKLY HARVEST



REAR OF LOT 16C STRUCTORE

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## THE WEEKLY HARVEST







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Campbell & Associates Architecture Planning Interiors Illustrations Due Diligence Two Parker Avenue, No. 302 San Francisco CA 94118

San Francisco, CA 94118 Phone: (415) 261-2613

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To:

October 10, 2012

Mr. Doug Vu Planning Department, City and County of San Francisco 1650 Mission Street, Suite 400 San Francisco, CA 94103

For:

88 28<sup>th</sup> Street Design Discretionary Review Request San Francisco, CA 94110 Requestor: Ms. Nicole Yee 1487 Dolores Street San Francisco, CA 94110

#### Dear Mr. Vu:

Thank you for the opportunity to submit proposed Plans and Elevations for the new massing at the third floor addition. We have also enclosed photos of the great sunlight presently enjoyed in the garden in the rear yard of the Key Lot at 1487 Dolores Street.

#### Enclosed are:

 Option A Floor Plans for the top two floors, showing a 5 foot setback at the massing and translucent glass screen to the rear face. Within the 5 foot setback are indicated an option to place skylights into the second floor Bedroom & Study Areas, affording them more light and possibly air into the interior of the middle floor.
Option B showing the same, illustrating possible changes on the second floor that would impact the extent

2. Option B showing the same, illustrating possible changes on the second floor that would impact the extent of skylights on the roof in the five foot setback area, if chosen to be done.

3. Our proposed, illustrated side (west side) view of the new addition facing Ms. Yee's windows.

4. Front and Rear Elevations, showing that the massing centered and the sloped, glazed area above the new stair to the top are hidden from the front.

5. Photos of the Sunlight into the existing Garden at 1487 Dolores Street. The amount of plantings are large and very prolific, and fruitful. I can't tell you how many Roma Tomatoes I saw growing in the mass of foliage on the ground, probably a couple of hundred. The Lemon Tree is also in very good shape and quite fruitful. One interesting aspect of lighting was seen at these times – reflected light from the glazing at their present stairs was reflected into the Yee's windows and down into the garden, directly onto the Lemon Tree and the plantings in the far northern side. These reflections are seen within the shadowed area.

An important aspect of the garden's lighting is that on Oct. 2-4, there was not only plenty of light in the space afforded by the lower nature of the structure at 88 28<sup>th</sup> street, direct sun was in the garden from about 10:45 am and certainly would have continued to about 3 pm.

With the addition placed alongside the property line, there is no doubt the Yee's property would be severely impacted for at least two hours, possibly three, in gaining direct sunlight. That addition would cut their light in half or more during the day.

Page 2 of 2 (con't).

Dropping the addition back five feet would possibly impact them only 30 minutes or less in lighting and is important to keeping the rear yard usable, not a "Light Well" in which to store items, which we were told it was during negotiations. It has historically and is a vegetable garden that is used for the family's own table.

The suggestion was made for them to move their garden to the roof, which would cause the Yees to add structure to the inside to the grade in order to take on the extra load bearing – for a neighbor's third floor addition placed alongside a property line, not setback 5 feet on both sides of the property. It would seem reasonable that the 5 foot setback be on both side property lines, not just one side as is presently proposed, especially because of the light, air and privacy issues with a smaller than normal Key Lot rear yard at the Yee's property.

If a compromise can be reached, how can we be assured that the designs might be overridden in the future with more massing added?

Sincerely,

bell, Actutal duet

Janet Campbell, Architect

Enclosures Cc: Nicole Yee

## Neighbor Support Letter

November 17, 2012

San Francisco Planning Department 1650 Mission Street, 4/F San Francisco, CA 94103

To Whom It May Concern,

My husband, Louie, and I are the property owners of 92 96 28th Street. We are in full support of the Discretionary Review submitted by Nicole Yee on August 20, 2012 of the proposed afterations of my adjacent neighbor at 88 28<sup>th</sup> Street (Permit Application No. 2012 0314 6044). I have consented to allow Nicole Yee to both communicate our concerns, including loss of privacy and significantly reduced light/sun, and represent our interests in this matter.

Sincerely,

Diana Cesaretti

### Sunlight Study At 1489 Dolores Street's 15 Foot Deep Rear Yard

Adversely Affecting a Table-Ready, Well-Used Vegetable Garden

- · Average Direct Sunlight is 6 hours per day
- Proposed Design for 88 28<sup>th</sup> Street reduces direct sunlight by half
- Requested Design reduces direct sunlight by onequarter



WHERE THE PROPOSED ADDITION SETBACK WOULD BE VERSUS THE PRESENT PROPOSAL, ALONG THE PROPERTY LINE



Sunshine at 9:59 am on October 2, 2012



Sunshine at 10:44 am on October 2, 2012

/ PROPOSED ADDITION SHADOW UNE (DESIGN SUBMITTED)

111



Sunshine at 10:49 am on October 2, 2012







PROPOSED ADDITION SHADOW LINE (DESIGN SUBMITTED)

Sunshine at 11:35 am on October 4, 2012

SUBMITTED 00 - 20THST. - PROPOSED ADDITION SHADOW LINE



DR PEQUESTOR'S PROPOSED ADDITION SHADOW LINE

Sunshine at 12:45 pm on October 4, 2012



Sunshine at 12:45 pm on October 4, 2012



REFLECTED LIGHT IN THE SHADOWS FROM STAIR WELL GLAZING ALLOWING LIGHTING TO PENETRATE TO WINDOWS AT 1487 DOLORES STREET, THEN ONTO THE GROUND, MOVING WITH THE SUN ANGLE

REFLECTED UGHT ON LEMON J. TREE



REFLECTED LIGHT IN THE SHADOWS FROM STAIR WELL GLAZING ALLOWING LIGHTING TO PENETRATE TO WINDOWS AT 1487 DOLORES STREET, THEN ONTO THE GROUND, MOVING WITH THE SUN ANGLE

### DR Requestor's Proposed Design

- Alleviates Sunlight Reduction into the Vegetable Garden at the tiny Rear Yard of 1489 Dolores Street
- Adds Sunlight into the long middle level interior rooms at 88 28<sup>th</sup> Street
- Creates a larger, more useful interior room at the top level of 88 28<sup>th</sup> Street













Albany Atlanta Brussels Denver Los Angeles New York



121 Spear Street • Suite 200 San Francisco, CA 94105 Tel: 415.356.4600 mckennalong.com Orange County Rancho Santa Fe San Diego San Francisco Washington, DC

November 16, 2012

Mr. Rodney Fong President, Planning Commission 1650 Mission Street San Francisco, CA 94013

Subject: Case Number 12.1102D Discretionary Review Request of Single-Family Home Addition at <u>88 28th Street, San Francisco, CA (Block 6599/16A)</u>

Dear President Fong:

Our office represents Tracey and Dante Briones ("Applicants"), who propose to construct a 5' rear extension and to add a partial third-story to the existing two-story single-family home at 88 - 28th Street (Assessor's Block 6599, lot 16A). The Project will increase the square footage from 2045 sf to 2770 sf (or an additional 725 sf). The third floor will have two decks.

On August 20, 2012, Nicole Yee, who is the daughter of the owner of the adjacent fourunit building at 1485-91 Dolores Street ("DR Applicant or Yee"), filed a discretionary review request with the Planning Commission. The Project is Code compliant. There are no extraordinary or exceptional circumstances that would warrant discretionary review of this Project. Planning staff classified the Project as an abbreviated DR and recommends that the Commission rejects the DR request. For the reasons discussed below, the discretionary review request should be denied.

#### SITE AND NEIGHBORHOOD INFORMATION

The Project Site ("Site"), located one lot from the southwest corner of 28th and Dolores Streets, is in an RH-2 zoning district and a 40-X height and bulk district. Surrounding zoning is RH-2, while the opposite end of the block is zoned RH-3. The nearest commercial zoning is an NC-1 district a block away at the corners of 28<sup>th</sup> and Church Streets and an NC-3 district is about three blocks away on Mission Street between Cesar Chavez Street and San Jose Avenue.

The Site, measuring 25' by 114', is level and improved with a two-story single-family home, constructed in 1955 with an altered vernacular modern façade. The buildings on the subject block face are two- and three-stories, with three story-structures predominating. Most are single-family and two-family with a handful of 4- and 6-unit multi-family buildings interspersed, including the DR Applicant's building. Architecturally, the buildings' architectural styles range from simple late Victorian, Edwardian, and post-1960s modern resulting in a heterogeneous mix of character and style. See block face photographs attached hereto as **Exhibit 1.**  Commissioner Rodney Fong November 20, 2012 Page 2 of 8

The Site is a key lot that abuts three properties fronting on Dolores Street to the west. Immediately to the east of the Site is a two-story single family home. The middle of the three buildings fronting on Dolores are owned by the DR applicant's parents. Project Applicants' existing building is well within the Planning Code's permissible buildable envelope. The neighboring building to the east also complies with the current Planning Code. See aerial photographs, photograph of the Project Site and vicinity attached to the Case Report.

The building to the west at the corner of Dolores and 28<sup>th</sup> Streets is a two-story duplex fronting on Dolores with the garage access from 28<sup>th</sup> Street. The two other abutting properties, including DR Applicant's building, fronting on Dolores are both 3-story, 4-unit apartment buildings and are non-conforming uses. All three of the buildings with Dolores Street frontage are lawful non-complying structures in that they do not meet the rear yard requirements.

#### **APPLICANTS and PROJECT PURPOSE**

The Applicants have owned and lived in the existing building with their twin five-yearold daughters since 2008 and Tracey Briones is expecting their third child. Tracey Briones works from home much of the time so that she can be with her young children. Dante also works from home occasionally. This addition is a modest expansion to accommodate a growing family, and to create larger bedrooms and a family room with enclosed outdoor space that allows for easy supervision of young children.

#### PROJECT DESCRIPTION

The proposed Project ("Project") consists of enclosing a partially enclosed entry stairway, expanding the home to the rear by 5', minor alteration to the front façade, adding a partial third floor addition that is sets back 15 feet from the existing front façade and approximately 20.5 feet from the rear building facade. The third-story addition is designed to preserve the two existing skylights, which provide natural light to the two second-story bathrooms. The height of the building will increase from 20 feet to 31 feet. Photomontages of the front and rear of the Project are attached hereto and collectively referred to as **Exhibit 2**.

The new 3<sup>rd</sup> floor roof deck will have a 30" parapet on the west side and a Building Code required 42" guardrail set back 3' to the east to accommodate the DR requestor's concern of privacy. The space between the parapet and the guardrail will be landscaped. The railing of the front third floor deck is set back three feet from the front façade and will have a 30" high clear glass section to further reduce the visual height of the building' from the street. See Exhibit 2 for photomontages.

The existing exterior entry stair along the west property line terminates on the first floor will be extended to access the second and the third floor. Currently, that access to the second floor is via a narrow winding stair on the east side of the first floor at the rear of the building Commissioner Rodney Fong November 20, 2012 Page 3 of 8

with no direct connection to the street and does not comply with current Building Code requirements. On the third floor, obscure glass panels will be used along the west side as a veneer over the one-hour rated fire wall as requested by the DR Applicant. Full-height translucent glass panels will be used under the trellised area along the edge of the rear deck on the west side to allow light to the DR Applicant's property while preserving their privacy per their request. See site plan, elevations and sections attached to Case Report.

#### **DISCRETIONARY REVIEW STANDARD**

Discretionary review is granted *only* if "exceptional and extraordinary circumstances" exists. DR Applicants asserts incorrectly that "key lots abutting shallow lots with shallow rear yards" constitute exceptional circumstances. Key lots are a *common* circumstance through out the City and in the immediate neighborhood. On the subject block they occur on all four corners. On adjacent blocks they occur on many, often most, corners. Copies of the Sanborn Maps are attached hereto and collectively referred to as **Exhibit 3.** In this case, the DR Applicant's building is a 3,600 sf three story lawful non-complying structure in that it intrudes into the required rear yard. and a nonconforming use with 4 units in an RH-2 district. Its 15-foot rear yard is the result of the building exceeding today's permissible building envelope.

In summary, this is a case where the DR Applicant seeks to use the nonconformity of her building to justify imposing limitations on a permissible building envelope of neighboring property. The DR before this Commission is devoid of any exceptional or extraordinary circumstances and the DR must be denied.

#### **CONSULTATION WITH DR APPLICANT**

In addition to phone calls and e-mails, the Project Applicants and their architect has had 14 substantive contacts with the DR Applicant and their architect, and neighbors including 3 meetings between February 26, 2012 and September 23, 2012 to discuss concerns and have revised the design to address many of these concerns. A detailed chronology of the meetings is attached hereto as **Exhibit 4**. As can be seen in the chronology, the Project Applicants have to balance the concerns of other neighbors, the Residential Design Guidelines, as well as the conflicting demands of the DR Applicant that call for opposite solutions. The Project Applicants have addressed the DR Applicant's reasonable requests with consequential increase in the costs of construction. Additionally, the Project Applicants' offer to engage the service of one of the Planning Department's ex-zoning administrators to act as a mediator was rejected. Commissioner Rodney Fong November 20, 2012 Page 4 of 8

#### **ISSUES RAISED BY DR REQUESTORS**

Although other names appear on the DR application, Nicole Yee, whose parents authorized her to file the DR, is the only vocal opponent to the project. Ms. Yee's father attended one meeting. The issues raised in the DR request are:

- 1) Loss of light and air to the DR Applicant's back yard;
- 2) Loss of privacy, specifically to DR Applicant's rear bedroom windows; and.

3) Removal of the exterior asbestos siding on the exterior walls including the west facade would result in the encroachment of the Project Applicant's building encroaching onto the DR Applicant's property.

#### **RESPONSE TO ISSUES RAISED**

#### A. <u>Any loss of light will be de minimus and the project will not affect air access to Yee</u> <u>Property.</u>

The Project Applicant commissioned shadow studies so that they can compare the existing shadow and the new shadow impact on the DR Applicant's rear yard, especially near the vegetable garden and lemon tree. Shadow studies were conducted for the summer and winter solstices, and for the fall equinox, hourly, from 9 am to 4 pm. These shadow studies showed no new shadow is added by the Project after 12 noon at any time of year and the net new shadow from 10 to 11 am for 6 months would be considered minimal under any standard. First, the DR Applicant's vegetable garden is already in shadow and the project will not add any new shadow. The Project Applicants also engage the service of an arborist to determine the impact of the Project on the lemon tree. The arborist, Roy Leggitt determined that the small amount of added shadow will have no adverse effect at all on the lemon tree because the lemon tree currently receives more sun that it required. A copy of the letter from Roy Leggitt letter. Finally, much of the existing shadow on DR Applicant's rear yard is caused by the DR Applicant's fence.

To address the DR Applicant's perception of loss of light and air, the project was revised

to:

1) Use a light palette (white and light grays) on the west façade and at considerable expense, to add obscure glass veneers to the stairwell, family room and translucent glass panels at the trellised portion of the deck abutting the Yees' property.

- 2. Lower the west property line parapet adjacent to the front and rear decks from 42 inches to 30 inches and moved the required 42" guardrail on the west side 3 feet inward from the property line as shown on Sheet A2.2 of the plans attached to the case report,
- 3. Use obscure glass veneer on the stair and adjacent room and translucent glass under the trellised portion of the deck.

The Applicants declined to implement several of suggestions by Yee for the following reasons:

- (1) Extend the winding stairs on the east side to serve the new partial third floor would not allow the use of sky lights to provide natural light for the existing second floor bathrooms and would require relocation of these existing bathrooms. Furthermore, the east side interior stair does not comply with the current Building Code requirement and is dangerous.
- (2) Relocate the family room to the east side of the building for the reasons stated in the paragraph above.
- (3) Move the third floor massing toward the rear of building wall because it would result in:
  - (a) An unbalanced third floor massing that would not meet the Residential Design Guidelines. The proposed location of the third floor balances the massing with the front and rear set backs meeting the Residential Design Guidelines and to ensure sufficient light and air access to the adjacent neighbor's bedroom dormer to the east;
  - (b) Substantial increase in new shadow on the interior block open space, in contrast to the minimal new shadow cast on the DR Applicant's property by the proposed Project;
  - (c) Impairment of the light and air access to the neighbors' west facing dormer.

#### B. <u>The Proposed Project Will Not Intrude Into the DR Applicant's Privacy.</u>

Responding to the DR Applicant's concern of privacy, the Project has incorporated a full height translucent glass privacy screen adjacent to the trellis portion of the rear deck and an area for planters along the western edge of the northern end of the rear deck. In a densely populated urban area, privacy is addressed by window shades. The Applicants have modified their Project in a manner that more than adequately addresses the DR Applicant's privacy concern.

#### C. <u>Removal of Existing Asbestos Shingles from the Exterior Wall</u>

The Project Applicant will retain a contractor or subcontractor licensed to remove asbestos and will comply with all applicable Bay Area Air Quality Management District regulations pertaining to asbestos abatement. The DR Applicant provided no evidence that the new exterior siding of the Project will result in an encroachment onto the DR Applicant's property. Therefore, this ground cannot support a discretionary review request and should be rejected.

#### **CONCLUSION**

There are no exceptional or extraordinary circumstances to support this discretionary review request. The DR Applicant's concern over privacy and light and air access to their rear yard requires conflicting solutions. Some of the suggested design alternatives by the DR Applicant are contrary to the Residential Design Guidelines or impractical. Although the DR Applicant had expressed consent to the April, 2012 design, the Project Applicants further modified the project to enhance their privacy and to maximize light/air access. The Project before this Commission is substantially smaller than the code permitted building envelope in both height and depth. The Project respects the character of the block face and the existing interior block open space. The Case Report shows that the Project complies with the Residential Design Guidelines.

Based on the foregoing, it is respectfully submitted that the discretionary review request be denied and the Project be approved.

Very truly yours,

Alice Suitifie Backley Alice Suet Yee Barkley McKenne Long & All McKenna Long & Aldridge

Enclosures: Exhibits

Commissioner Rodney Fong November 20, 2012 Page 7 of 8

cc: Commissioner Michael Antonini Commissioner Gwyneth Borden Commissioner Rich Hillis Commissioner Kathrin Moore Commissioner Hisashi Sugaya Commission Secretary Scott Sanchez Janet Campbell Doug Vu Tracey and Dante Briones Cary Bernstein Mary Gallagher File

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Commissioner Rodney Fong November 20, 2012 Page 8 of 8

#### **TABLE OF EXHIBITS**

- Exhibit 1 Photographs of Existing Block Face and Block Face With Project
- Exhibit 2 Photomontages of the Project
- Exhibit 3 Sanborn Map: Subject Block Key Lots Adjacent to Shallow Lots and Yards
- Exhibit 4 Chronology of consultations with neighbors
- Exhibit 5 Letter from Arborist re: Impact of Project on Lemon Tree and Shadow Study

## EXHIBIT 1



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# EXHIBIT 2



BRIONES RESIDENCE - 88 28th STREET - EXISTING CONDITIONS FOR REVIEW ONLY - NOT FOR REPRODUCTION, DISTRIBUTION OR PUBLICATION Copyright © 2012 Cary Bernstein Architect All Rights Reserved

11.16.12



BRIONES RESIDENCE - 88 28th STREET - PROPOSED ADDITION FOR REVIEW ONLY - NOT FOR REPRODUCTION, DISTRIBUTION OR PUBLICATION Copyright © 2012 Cary Bernstein Architect All Rights Reserved




# EXHIBIT 3

 
 Sanborn Map

 KEY:
 Shallow rear yards/shallow lots adjacent to key lots



\*\*\*\*\*





VALLEY 64'wide

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## EXHIBIT 4

## **CHRONOLOGY OF CONSULTATION WITH DR APPLICANT**

The following is a chronology of contacts between the DR Applicant, the Project Applicants and their architects, and other neighbors:

- February 26, 2012: The Applicants and the project architect held a prenotification meeting which was attended by the DR applicant and a representative of the owner of 91-97 28<sup>th</sup> Street. At this meeting the DR applicant expressed two concerns: shading on the lemon tree in her back yard and an increase in density at the subject property. The representative for 91-97 28<sup>th</sup> Street noted a concern over loss of view.
- February 27, 2012: The Applicants hand-delivered the proposed plan to the DR applicant.
- March 5, 2012: Eugene Keegan, the owner of the property at 84 28<sup>th</sup> Street expressed concern over the loss of view, light and air to his southern-most west facing dormer window.
- March 8, 2012: Diana Cesaretti, one of the owners of the rental property at 92-96 28<sup>th</sup> Street, inquired if there would be any west facing property line windows. When informed that there are no west facing windows, Ms. Cesaretti declined an invitation to review the plans.
- March 12, 2012: After visiting the Keegan's home, the project architect removed the privacy screening on the east side property line at the front deck to address his concerns. The Keegans expressed support for the project as revised.
- March 15, 2012: DR Applicant's architect wrote to the project architect citing privacy and light access concerns to the rear yard of Yee and Cesaretti and requested design revisions.
- April 29, 2012: DR Applicant's architect sent an email to the project architect stating that the DR Applicant and Cesaretti accept the compromised revised design with suggestions about skylight and deep planters. Accordingly, the project was revised to include the planters on the side in lieu of screening on the northern end of the rear deck. There was no additional communication from the DR Applicant until a DR was filed on August 20, 2012.
- September 4, 2012: The Applicants acknowledged DR Applicant's desire for mediation. The Applicants engaged the service of Mary Gallagher, who was a former San Francisco Zoning Administrator to serve as an impartial mediator because of her knowledge of the Planning Code and Department policies.
- September 8, 2012: The DR Applicant refused to allow Ms. Gallagher to serve as the mediator and sent an e-mail to the Planner assigned to this case stating

erroneously that it was "illegal" for someone other than a licensed architect to negotiate the dispute.

- September 8, 2012: The Applicants, the project applicant, Ms. Yee and her architect, Marie Villareal and Paul Moshomer (both residents of 1477-83 Dolores Street) met to discuss the issues in the DR request. The Applicants presented materials samples and Yee indicated a clear preference for a lighter material palette and an increased use of glass along the west property line. Ms. Villareal and Mr. Moshomer stated their concern as loss of light and air.
- September 12, 2012: Ms. Yee reneged on her previous agreement and demanded through her architect that the project be revised to include a 5-footside setback along the full length of the west side, preference for matte glazing and glass block, a 6-foot glazed privacy screen on the rear portion of the west facade, and expressing concern about removal of the asbestos shingle from the existing exterior walls.
- September 18, 2012: The Applicants and the project architect met with Ms. Yee and her partner, Leland Yee (Nicole's father and the property owner of the DR applicant's), William Rhodes, and the Yees' architect to the proposal plans, the shadow studies, landscape solutions for privacy, and BAAQMB requirements governing removal of asbestos shingle. See Exhibit 5 for a copy of the shadow studies.
- September 19, 2012: The Applicants hand-delivered a request to Ms. Yee requesting access to her home to fully understand her concerns about privacy and light and air access.
- September 20, 2012: Ms. Yee's architect informed the project architect that Leland Yee wanted a 5-foot setback along the entire west property line.
- September 21, 2012: The Applicants' architect responded by pointing out the 3' side set back planting area for the front and rear deck. Yee's architect suggested that Yee might consider dropping the DR if the Applicants would record a non-revocable Notice of Restriction prohibiting in perpetuity additional construction on Applicants' property.
- September 23, 2012: The Applicants' architect again explained the concessions made by the Applicants.

# EXHIBIT 5

#### **Consulting Arborists**

3109 Sacramento Street San Francisco, CA 94115

Member, American Society of Consulting Arborists Certified Arborists, Certified Tree Risk Assessors

cell/voicemail 415.606.3610

fax 415.921.7711

email RCL3@mindspring.com

Mr. & Mrs. Briones 88 28<sup>th</sup> Street San Francisco, CA 94110

Date: 11/15/12

## **ARBORIST REPORT**

#### Assignment

- Provide a site inspection to the Briones property and to view the neighbor's lemon tree.
- Review plans for building expansion and shadow studies.

office 415.921.3610

• Provide an Arborist Report of findings.

#### Background

The Briones have applied for a building permit to expand their house toward the rear and upward. The neighbors to the west at 1485 – 1491 Dolores Street back up to the side of the Briones property, and they have filed for a Discretionary Review. One element under consideration is the welfare of a lemon tree on the neighbors' property near the Briones west property line, and it is that lemon tree that I am discussing herein.

#### **Observations and Discussion**

The neighbors lemon tree is approximately 8 feet tall and 6 feet wide. The Briones home currently shadows this tree during morning to about noon, and the neighbors' building and fence currently shadow this tree during the latter part of the afternoon. Please refer to the Existing Conditions and Proposed Conditions illustrations on pages 3 and 4, and the shade studies on pages 5, 6 and 7.

My review of the shadow studies indicates that there will be a one-hour reduction in sunlight to the neighbor's garden each day. This reduction applies to the whole garden. The lemon tree is much narrower than the garden is wide, and will loose about 15 to 20 minutes of sunlight to portions of the tree each day. This loss of sunlight to the lemon tree will occur just before noon.

Reflected ("refracted") light can produce glare, but does not provide much useful light for plants. Chlorophyll absorbs infrared light at 600nm wavelength, and most light of this frequency is absorbed by buildings and becomes radiant heat. Direct sunlight is most valuable to a tree.

A lemon tree doesn't require too much light to thrive and we see lots of healthy lemon trees in San Francisco where our summers are foggy and cool. This tree gets full sun every

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afternoon, far more than what is needed. Many lemons are growing in a complete shadow such as at the north side of a structure and are still able to thrive. The fruit is supposed to be sour, not sweet, so sunlight is not critical for fruit ripening.

## **Conclusions and Recommendations**

The amount of light reduction caused by this proposed construction is negligible with the tree well adapted to having a fraction of the total daylight available, and will now experience a fraction of light loss for a fraction of an hour. The amount of light loss is not significant.

Based on my experience in caring for many lemon trees in San Francisco, this lemon tree will tolerate the anticipated light loss and continue to thrive.

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#### Illustrations



1477-1483 DOLORES

**Existing Conditions** 

## **Consulting Arborists**

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1477-1483 DOLORES -

**Proposed Conditions** 

## **Consulting Arborists**

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office 415.921.3610

fax 415.921.7711

email RCL3@mindspring.com

EXISTING

 PROPOSED

12 PM

11 AM

10 AM











11,16,12

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SHADOW ANALYSIS USING TRUE NORTH ()(37.745571° N, 122.424011° W)

JUNE 21ST - 10 AM-12 PM Copyright © 2012 Cary Bernstein Architect All Rights Reserved

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fax 415.921.7711

email RCL3@mindspring.com

## EXISTING







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SHADOW ANALYSIS USING TRUE NORTH (37.745571° N, 122.424011° W)

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11,16,12



## **Consulting Arborists**

3109 Sacramento Street San Francisco, CA 94115

Member, American Society of Consulting Arborists Certified Arborists, Certified Tree Risk Assessors

cell/voicemail 415.606.3610



EXISTING

office 415.921.3610

fax 415.921.7711

email RCL3@mindspring.com

### PROPOSED













11 AM

SHADOW ANALYSIS USING TRUE NORTH (+) (37.745571° N, 122.424011° W)

11 16 12

DECEMBER 21ST - 11 AM-1 PM Copyright © 2012 Cary Bernstein Architect All Rights Reserved

Contractor's License #885953 www.treemanagementexperts.blogspot.com Page 7 of 9

**1 PM** 

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## Assumptions and Limiting Conditions

- 1. Any legal description provided to the consultant is assumed to be correct. Title and ownership of all property considered are assumed to be good and marketable. No responsibility is assumed for matters legal in character. Any and all property is appraised or evaluated as though free and clear, under responsible ownership and competent management.
- 2. It is assumed that any property is not in violation of any applicable codes, ordinances, statutes or other governmental regulations.
- 3. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible. The consultant can neither guarantee nor be responsible for the accuracy of information provided by others.
- 4. Various diagrams, sketches and photographs in this report are intended as visual aids and are not to scale, unless specifically stated as such on the drawing. These communication tools in no way substitute for nor should be construed as surveys, architectural or engineering drawings.
- 5. Loss or alteration of any part of this report invalidates the entire report.
- 6. Possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the person to whom it is addressed, without the prior written or verbal consent of the consultant.
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- 8. This report represents the opinion of the consultant. In no way is the consultant's fee contingent upon a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.
- 9. The consultant shall not be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services as described in the fee schedule, an agreement or a contract.
- 10. Information contained in this report reflects observations made only to those items described and only reflects the condition of those items at the time of the site visit. Furthermore, the inspection is limited to visual examination of items and elements at the site, unless expressly stated otherwise. There is no expressed or implied warranty or guarantee that problems or deficiencies of the plants or property inspected may not arise in the future.

#### **Disclosure Statement**

Arborists are tree specialists who use their education, knowledge, training, and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or to seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed.

### **Consulting Arborists**

3109 Sacramento Street San Francisco, CA 94115

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fax 415.921.7711 email RCL3@mindspring.com

Treatment, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, and other issues. An arborist cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist should then be expected to reasonably rely upon the completeness and accuracy of the information provided.

Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate the trees.

## **Certification of Performance**

I, Roy C. Leggitt, III, Certify:

- That we have inspected the trees and/or property evaluated in this report. We have stated findings accurately, insofar as the limitations of the Assignment and within the extent and context identified by this report;
- That we have no current or prospective interest in the vegetation or any real estate that is the subject of this report, and have no personal interest or bias with respect to the parties involved;
- That the analysis, opinions and conclusions stated herein are original and are based on current scientific procedures and facts and according to commonly accepted arboricultural practices;
- That no significant professional assistance was provided, except as indicated by the inclusion of another professional report within this report;
- That compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party.

l am a member in good standing of the American Society of Consulting Arborists and a member and Certified Arborist with the International Society of Arboriculture.

I have attained professional training in all areas of knowledge asserted through this report by completion of a Bachelor of Science degree in Plant Science, by routinely attending pertinent professional conferences and by reading current research from professional journals, books and other media.

I have rendered professional services in a full time capacity in the field of horticulture and arboriculture for more than 20 years.

Signed:	Roy	C.	Legg &	. 14

Date: 11/15/12

Neighbor's Name	Address	Enclosed
Brian Glauder	62 28th St.	Signed letter
Eliezer & Margaret Colon	66 28th St.	Signed letter
Joey Riles	74 28th St.	Signed letter
Jase & Regan	75 28th St.	Signed letter
Barry Solomon	78 28th St.	Signed letter
Eugene Keegan & Miriam McGuinness	84 28th St.	Signed letter
Tom Ruiz & Jan Goben	87 28th St.	Signed letter
Mike Stickel	89 28th St.	Signed letter
Hizam Haron	91 28th St.	Signed letter
Arnie Lerner	95 28th St.	Signed letter
Nathan Moya	97 28th St.	Signed letter
Paul Moshomer	1483 Dolores St.	Signed letter
Svetka Grskovic	179 Duncan St.	Signed letter
Coleman Halloran	181 Duncan St.	Signed letter
Ted Weinstein	287 Duncan St.	Signed letter
Emily and Aaron Quinn	1360 Dolores St.	Signed letter
Richard Ehling & Michel D. Lavoie	179-181 29th St.	Signed letter
Angela Jolie	464 30th St.	Signed letter
Daphne Keller	3855 25th St.	Signed letter
Stephanie Holland	225 Randall St.	Signed letter

## Letters of Support for the Proposed Project at 88 – 28<sup>th</sup> St.

6<sup>2</sup> 28<sup>th</sup> St. San Francisco, CA 94110

November 3, 2012

Mr. Doug Vu San Francisco Planning Department 1650 Mission St. Suite 400 San Francisco, CA 94103

Dear Mr. Vu:

We are Tracey and Dante Briones' neighbors, and we reside at  $6^2$  28<sup>th</sup> St.

We have reviewed their plans for an addition to the rear of their building and to add a partial third story.

The proposed rear extension and partial third floor are modest. The partial third story will be minimally visible from the street and is compatible with the buildings in the neighborhood.

We support these plans.

This addition is considerate of the neighbors' privacy; we do not believe the privacy of any neighbors will be affected with this new addition.

Finally, we have also reviewed the shadow study and any new shadow on the adjacent property is minimal.

We support the Briones' plans to add to their home at  $88 - 28^{\text{th}}$  St to meet the needs of their growing family.

Sincerely, BEIAU GLUDENZ Gro-530-3610

6 6 28<sup>th</sup> St. San Francisco, CA 94110

November 3, 2012

Mr. Doug Vu San Francisco Planning Department 1650 Mission St. Suite 400 San Francisco, CA 94103

Dear Mr. Vu:

We are Tracey and Dante Briones' neighbors, and we reside at  $66-28^{\text{th}}$  St.

We have reviewed their plans for an addition to the rear of their building and to add a partial third story.

The proposed rear extension and partial third floor are modest. The partial third story will be minimally visible from the street and is compatible with the buildings in the neighborhood.

We support these plans.

This addition is considerate of the neighbors' privacy; we do not believe the privacy of any neighbors will be affected with this new addition.

Finally, we have also reviewed the shadow study and any new shadow on the adjacent property is minimal.

We support the Briones' plans to add to their home at  $88 - 28^{th}$  St to meet the needs of their growing family.

Margan B Car

7<sup>-(</sup> 28<sup>th</sup> St. San Francisco, CA 94110

November 3, 2012

Mr. Doug Vu San Francisco Planning Department 1650 Mission St. Suite 400 San Francisco, CA 94103

Dear Mr. Vu:

We are Tracey and Dante Briones' neighbors, and we reside at  $\frac{74}{4}$  28<sup>th</sup> St.

We have reviewed their plans for an addition to the rear of their building and to add a partial third story.

The proposed rear extension and partial third floor are compatible with the buildings in the neighborhood.

We do not object to these plans.

We do not believe that our privacy will be affected with this new addition.

Finally, we have also reviewed the shadow study and any new shadow on the adjacent property is minimal.

We do not object to the Briones' plans to add to their home at 88 - 28<sup>th</sup> St to meet the needs of their growing family.

you thes

75 28<sup>th</sup> St. San Francisco, CA 94110

November 3, 2012

Mr. Doug Vu San Francisco Planning Department 1650 Mission St. Suite 400 San Francisco, CA 94103

Dear Mr. Vu:

We are Tracey and Dante Briones' neighbors, and we reside at  $\frac{\gamma}{28}$  28<sup>th</sup> St.

We have reviewed their plans for an addition to the rear of their building and to add a partial third story.

The proposed rear extension and partial third floor are modest. The partial third story will be minimally visible from the street and is compatible with the buildings in the neighborhood.

We support these plans.

This addition is considerate of the neighbors' privacy; we do not believe the privacy of any neighbors will be affected with this new addition.

Finally, we have also reviewed the shadow study and any new shadow on the adjacent property is minimal.

We support the Briones' plans to add to their home at 88 - 28<sup>th</sup> St to meet the needs of their growing family.

Sincerely 75 18th Steet

BARRY SOLOMON

7 € 28<sup>th</sup> St. San Francisco, CA 94110

November 3, 2012

Mr. Doug Vu San Francisco Planning Department 1650 Mission St. Suite 400 San Francisco, CA 94103

Dear Mr. Vu:

We are Tracey and Dante Briones' neighbors, and we reside at 28<sup>th</sup> St.

We have reviewed their plans for an addition to the rear of their building and to add a partial third story.

The proposed rear extension and partial third floor are modest. The partial third story will be minimally visible from the street and is compatible with the buildings in the neighborhood.

We support these plans.

This addition is considerate of the neighbors' privacy; we do not believe the privacy of any neighbors will be affected with this new addition.

Finally, we have also reviewed the shadow study and any new shadow on the adjacent property is minimal.

We support the Briones' plans to add to their home at  $88 - 28^{th}$  St to meet the needs of their growing family.

By H. Bor

84 28<sup>th</sup> St. San Francisco, CA 94110

November 3, 2012

Mr. Doug Vu San Francisco Planning Department 1650 Mission St. Suite 400 San Francisco, CA 94103

Dear Mr. Vu:

We are Tracey and Dante Briones' next-door neighbors, and we reside at 84 28<sup>th</sup> St.

We have reviewed their plans for an addition to the rear of their building and to add a partial third story.

The proposed rear extension and partial third floor are modest. The partial third story will be minimally visible from the street and is compatible with the buildings in the neighborhood.

We support these plans.

This addition is considerate of the neighbors' privacy; we do not believe the privacy of any neighbors will be affected with this new addition.

Finally, we have also reviewed the shadow study and any new shadow on the adjacent property is minimal.

We support the Briones' plans to add to their home at  $88 - 28^{th}$  St to meet the needs of their growing family.

Sincerely,

Eugene Keegan and Miriam McGuinness

Engel Keegen. 11-3-2012. Mi 11' grunden 11/3/12.

87-28<sup>th</sup> St. San Francisco, CA 94110

November 3, 2012

Mr. Doug Vu San Francisco Planning Department 1650 Mission St. Suite 400 San Francisco, CA 94103

Dear Mr. Vu:

We are Tracey and Dante Briones' neighbors, and we reside at  $8728^{\text{th}}$  St.

We have reviewed their plans for an addition to the rear of their building and to add a partial third story.

The proposed rear extension and partial third floor are modest. The partial third story will be minimally visible from the street and is compatible with the buildings in the neighborhood.

We support these plans.

This addition is considerate of the neighbors' privacy; we do not believe the privacy of any neighbors will be affected with this new addition.

Finally, we have also reviewed the shadow study and any new shadow on the adjacent property is minimal.

We support the Briones' plans to add to their home at 88 - 28<sup>th</sup> St to meet the needs of their growing family.

Sincerely Tom Kuiz + Que gose

89 28<sup>th</sup> St. San Francisco, CA 94110

November 12, 2012

Mr. Doug Vu San Francisco Planning Department 1650 Mission St. Suite 400 San Francisco, CA 94103

Dear Mr. Vu:

We are Tracey and Dante Briones' neighbors, and we reside at **37**28<sup>th</sup> St.

We have reviewed their plans for an addition to the rear of their building and to add a partial third story.

The proposed rear extension and partial third floor are modest. The partial third story will be minimally visible from the street and is compatible with the buildings in the neighborhood.

We support these plans.

This addition is considerate of the neighbors' privacy; we do not believe the privacy of any neighbors will be affected with this new addition.

Finally, we have also reviewed the shadow study and any new shadow on the adjacent property is minimal.

We support the Briones' plans to add to their home at  $88 - 28^{th}$  St to meet the needs of their growing family.

nthe St

MICHEAL STICKEZ

128th St.San Francisco, CA 94110

November 12, 2012

Mr. Doug Vu San Francisco Planning Department 1650 Mission St. Suite 400 San Francisco, CA 94103

Dear Mr. Vu:

We are Tracey and Dante Briones' neighbors, and we reside at  $9 \mid 28^{th}$  St.

We have reviewed their plans for an addition to the rear of their building and to add a partial third story.

The proposed rear extension and partial third floor are modest. The partial third story will be minimally visible from the street and is compatible with the buildings in the neighborhood.

We support these plans.

This addition is considerate of the neighbors' privacy; we do not believe the privacy of any neighbors will be affected with this new addition.

Finally, we have also reviewed the shadow study and any new shadow on the adjacent property is minimal.

We support the Briones' plans to add to their home at  $88 - 28^{\text{th}}$  St to meet the needs of their growing family.

Sincerely

November 12, 2012

Mr. Doug Vu San Francisco Planning Department 1650 Mission Street, Suite 400 San Francisco, CA 94103

Re: 88-28<sup>th</sup> Street Addition

Dear Mr. Vu:

I am Tracey and Dante Briones' neighbor and reside at 527 Dolores Street. I own a condominium at 95-28<sup>th</sup> Street across the street from the Briones' house.

I have reviewed the plans for an addition to the rear of their building and to add a partial third story.

The proposed rear extension and partial third floor are modest. The partial third story will be minimally visible from the street and is compatible with the buildings in the neighborhood.

I support these plans.

This addition is considerate of the neighbor's privacy. I understand the neighbors to the west have proposed additional height and length of the west privacy screen. I believe this additional visible mass is unnecessary and not in the best interests of keeping the resulting mass at a minimum for everyone in the neighborhood. The proposed 3 foot setback on the west property line is a reasonable and attractive compromise to what I understand are the neighbors to the west's concerns.

Finally, I have reviewed the shadow study and any new shadow on the additional property is minimal.

In summary, I support the Briones plans to add to their home at 88-28<sup>th</sup> Street to meet the needs of their growing family.

Sincerely,

Amie Re

Digitally signed by Amold Lemer DN: cn=Amold Lemer, c=Lemer + Associates Architects, ou, emall=amle@lemerarch.com, c=US Date: 2012.11.12 13:09:31 -08:00'

Arnie Lerner 527 Dolores Street, #3 San Francisco, CA 94110 (415) 987-5277 97 28<sup>th</sup> St. San Francisco, CA 94110

November 14, 2012

Mr. Doug Vu San Francisco Planning Department 1650 Mission St. Suite 400 San Francisco, CA 94103

Dear Mr. Vu:

We are Tracey and Dante Briones' neighbors, and we reside at 97 28<sup>th</sup> St.

We have reviewed their plans for an addition to the rear of their building and to add a partial third story.

The proposed rear extension and partial third floor are modest. The partial third story will be minimally visible from the street and is compatible with the buildings in the neighborhood.

We support these plans.

This addition is considerate of the neighbors' privacy; we do not believe the privacy of any neighbors will be affected with this new addition.

Finally, we have also reviewed the shadow study and any new shadow on the adjacent property is minimal.

We support the Briones' plans to add to their home at 88 - 28<sup>th</sup> St to meet the needs of their growing family.

Sincerely.

Nuth My

1483 Doloezs ST. 28th St. San Francisco, CA 94110

November 3, 2012

Mr. Doug Vu San Francisco Planning Department 1650 Mission St. Suite 400 San Francisco, CA 94103

Dear Mr. Vu:

1483 Dowers ST.

We are Tracey and Dante Briones' neighbors, and we reside at

We have reviewed their plans for an addition to the rear of their building and to add a partial third story.

The proposed rear extension and partial third floor are compatible with the buildings in the neighborhood.

We do not object to these plans.

We do not believe that our privacy will be affected with this new addition.

Finally, we have also reviewed the shadow study and any new shadow on the adjacent property is minimal.

We do not object to the Briones' plans to add to their home at 88 - 28<sup>th</sup> St to meet the needs of their growing family.

Path Mostany

179 Durch 28th St. San Francisco, CA 94110

November 12, 2012

Mr. Doug Vu San Francisco Planning Department 1650 Mission St. Suite 400 San Francisco, CA 94103

Dear Mr. Vu:

We are Tracey and Dante Briones' neighbors, and we reside at 28<sup>th</sup> St.

We have reviewed their plans for an addition to the rear of their building and to add a partial third story.

The proposed rear extension and partial third floor are modest. The partial third story will be minimally visible from the street and is compatible with the buildings in the neighborhood.

We support these plans.

This addition is considerate of the neighbors' privacy; we do not believe the privacy of any neighbors will be affected with this new addition.

Finally, we have also reviewed the shadow study and any new shadow on the adjacent property is minimal.

We support the Briones' plans to add to their home at 88 - 28<sup>th</sup> St to meet the needs of their growing family.

Sincerely.

Sheluonii SULTKA GRSKOVIC

181 Duncon St T San Francisco, CA 94110

November 12, 2012

Mr. Doug Vu San Francisco Planning Department 1650 Mission St. Suite 400 San Francisco, CA 94103

Dear Mr. Vu:

181 Duncan St.

We are Tracey and Dante Briones' neighbors, and we reside at

We have reviewed their plans for an addition to the rear of their building and to add a partial third story.

The proposed rear extension and partial third floor are modest. The partial third story will be minimally visible from the street and is compatible with the buildings in the neighborhood.

We support these plans.

This addition is considerate of the neighbors' privacy; we do not believe the privacy of any neighbors will be affected with this new addition.

Finally, we have also reviewed the shadow study and any new shadow on the adjacent property is minimal.

We support the Briones' plans to add to their home at 88 - 28<sup>th</sup> St to meet the needs of their growing family.

Cohenon HALLORAN

Ted Weinstein 287 Duncan Street San Francisco, CA 94131 415-546-7200 tw@tedweinstein.com

October 22, 2012

Mr. Doug Vu San Francisco Planning Department 1650 Mission St. Suite 400 San Francisco, CA 94103

Dear Mr. Vu:

I am Tracey and Dante Briones' neighbor and have lived at 287 Duncan Street for 15 years. I have reviewed their plans for an addition to the rear of their building and to add a partial third story. The proposed rear extension and partial third floor are modest. The partial third story will be minimally visible from the street and is compatible with the buildings in the neighborhood. This addition is considerate of the neighbors' privacy; I do not believe the privacy of any neighbors will be affected with this new addition. I have also reviewed the shadow study and any new shadow on the adjacent property is minimal.

Therefore I support the Briones' plans to add to their home at 88 - 28<sup>th</sup> St.

Ted Weinstein

Emily and Aaron Quinn 1360 Dolores Street San Francisco, CA 94110

November 13, 2012

Mr. Doug Vu San Francisco Planning Department 1650 Mission St. Suite 400 San Francisco, CA 94103

Dear Mr. Vu:

We are Tracey and Dante Briones' neighbors, and we reside at 1360 Dolores Street.

We have reviewed their plans for an addition to the rear of their building and to add a partial third story.

The proposed rear extension and partial third floor are modest. The partial third story will be minimally visible from the street and is compatible with the buildings in the neighborhood.

We support these plans.

This addition is considerate of the neighbors' privacy; we do not believe the privacy of any neighbors will be affected with this new addition.

Finally, we have also reviewed the shadow study and any new shadow on the adjacent property is minimal.

We support the Briones' plans to add to their home at 88 - 28<sup>th</sup> St to meet the needs of their growing family.

Sincerely

Emily and Aaron Quinn

**Dr. Richard Ehling** 179-181 29<sup>th</sup> Street San Francisco, CA 94110

October 18, 2012

#### **Mr. Doug Vu San Francisco Planning Department** 1650 Mission St. Suite 400 San Francisco, CA 94103

Dear Mr. Vu:

We are Tracey and Dante Briones' neighbors and we reside at 179-181 29<sup>th</sup> Street.

We have reviewed their plans for an addition to the rear of their building and to add a partial third story.

The proposed rear extension and partial third floor are modest. The partial third story will be minimally visible from the street and is compatible with the buildings in the neighborhood.

We support these plans.

This addition is considerate of the neighbors' privacy; we do not believe the privacy of any neighbors will be affected with this new addition.

Finally, we have also reviewed the shadow study and any new shadow on the adjacent property is minimal.

We support the Briones' plans to add to their home at 88 - 28<sup>th</sup> St to meet the needs of their growing family.

RICHARD E EHVING.

Angela Jolie 464 30<sup>th</sup> Street San Francisco, CA *94131* 

November 12, 2012

Mr. Doug Vu San Francisco Planning Department 1650 Mission St. Suite 400 San Francisco, CA 94103

## RE: 88 – 28<sup>th</sup> Street, San Francisco

Dear Mr. Vu:

My family and I live at 464 30<sup>th</sup> Street in the same neighborhood as Tracey and Dante Briones. We have reviewed their plans for an addition to the rear of their building and to add a partial third story. We support these plans.

The proposed rear extension and partial third floor are modest. The partial third story will be minimally visible from the street and is compatible with the buildings in the neighborhood. This addition is considerate of the neighbors' privacy; we do not believe the privacy of any neighbors will be affected with this new addition. We have also reviewed the shadow study and any new shadow on the adjacent property is minimal.

We support the Briones' plans to add to their home at 88 - 28<sup>th</sup> St to meet the needs of their growing family. As home owners and parents of young children, we feel it is critical that we find ways to encourage families to stay in San Francisco. These modest plans to improve their home help this family dig deeper roots here. These plans are good for this family and good for our city.

Sincerely, MaBAli

Daphne Keller 3855 25<sup>th</sup> St San Francisco, CA *94114* 

November 12, 2012

Mr. Doug Vu San Francisco Planning Department 1650 Mission St. Suite 400 San Francisco, CA 94103

Dear Mr. Vu:

We are Tracey and Dante Briones' neighbors, and we reside at 3855 25<sup>th</sup> Street.

We have reviewed their plans for an addition to the rear of their building and to add a partial third story.

The proposed rear extension and partial third floor are modest. The partial third story will be minimally visible from the street and is compatible with the buildings in the neighborhood.

We support these plans.

This addition is considerate of the neighbors' privacy; we do not believe the privacy of any neighbors will be affected with this new addition.

Finally, we have also reviewed the shadow study and any new shadow on the adjacent property is minimal.

We support the Briones' plans to add to their home at 88 - 28<sup>th</sup> St to meet the needs of their growing family.

Zaphin litter

225 Randall St. San Francisco, CA 94131

November 12, 2012

Mr. Doug Vu San Francisco Planning Department 1650 Mission St. Suite 400 San Francisco, CA 94103

Dear Mr. Vu:

I am Tracey and Dante Briones' neighbor and reside at 225 Randall St.

I have reviewed their plans for an addition to the rear of their building and to add a partial third story.

The proposed rear extension and partial third floor are modest. The partial third story will be minimally visible from the street and is compatible with the buildings in the neighborhood.

I support these plans.

This addition is considerate of the neighbors' privacy; I do not believe the privacy of any neighbors will be affected with this new addition.

Finally, I have reviewed the shadow study and conclude that any new shadow on the adjacent property will be minimal.

I support the Briones' plans to add to their home at 88 - 28<sup>th</sup> St to meet the needs of their growing family.

tegnan Halld

Stephanie Holland



INDEX OF DRAWINGS		
 ARCHITECTURAL A0.0 COVER SHEET/ LOCATION MAP/ PLOT PLAN A1.1 1ST FLOOR, 2ND FLOOR & ROOF DEMOLITION PLANS A2.1 1ST FLOOR & 2ND FLOOR CONSTRUCTION PLANS A2.2 3RD FLOOR & ROOF CONSTRUCTION PLANS A3.1 EXISTING & PROPOSED SOUTH ELEVATION A3.2 EXISTING & PROPOSED MORTH ELEVATIONS A3.3 EXISTING & PROPOSED NORTH ELEVATIONS A3.4 EXISTING & PROPOSED EAST ELEVATIONS A3.5 BUILDING SECTION	CARY BERNSTEIN   ARCHITECT 2325 THIRD STREET STUDIO 341 SAN FRANCISCO, CA 94107 415.522.1907(T) 415.522.1917(F)	
PROJECT DIRECTORY		
OWNER DANTE & TRACY BRIONES 88 26TH STREET SAN FRANCISCO, CA 94110 ARCHITECT CARY BERNSTEIN ARCHITECT 2325 THIRD STREET, STUDIO 341 SAN FRANCISCO, CA 94107 (T) 415.522.1907 (F) 415.522.1917 ATTN: CARY BERNSTEIN CARY@CBSTUDIO.COM CONTRACTOR TBD	BRIONES RESIDENCE 88 28TH STREET SAN FRANCISCO, CA 94110	
PROJECT DATA	DRAWING	
SITE LOCATION     88 28th Street San Francisco, CA 94110       ASSESSOR'S LOCATION     Block: 6599     Lot: 016A       PROPOSED PROJECT     The project includes third floor and rear yard additions to the existing two-story house. Interior work to include the renovation of two bothrooms, reconstruction of the entry stair and enclosure of the existing, exterior entry hall. Minor interior renovations as related to the new construction.       The proposed third floor will include a new family room, new ½ bath, new roof decks at the front and rear of the building, with new non-combustible trellis and new skyliptis. The proposed rear yard addition is less than 10ft. The existing solar panels will be reinstalled on the proposed rear yard addition is less than 10ft. The existing solar panels will be reinstalled on the proposed rear yard addition is project will increase the Building Height: ±19'-6" Proposed Building Height: ±19'-6" This project will increase the Building Height by ±11'-6"       AREA OF WORK     Tota: 1447 sf 725 sf addition 722 sf (N) roof deck	COVER SHEET / LOCATION MAP / PLOT PLAN ISSUE NO. SITE PERMIT SITE PERMIT SITE PERMIT SITE PERMIT	Rights Reserved
This project will increase the occupied area of the building by 725 sf. OCCUPANCY TYPE R-3 ZONING RH-2 CONSTRUCTION TYPE Existing and proposed Type V-N	DATE 11.09.12	nstein Architect All F
CODE USED 2010 State of California & San Francisco Building Codes	SCALE AS NOTED SHEET A0.0	Copyright © 2012 Cary Bernstein Architect All





CARY BERNSTEIN ARCHITECT 2325 THIRD STREET STUDIO 341 SAN FRANCISCO, CA 94107 415.522.1907(T) 415.522.1917(F)	
BRIONES RESIDENCE 88 28TH STREET SAN FRANCISCO, CA 94110	
DRAWING	
FIRST & SECOND FLOOR CONSTRUCTION PLANS ISSUE STE PERMITA STE PERMITA STE PERMITA STE PERMITA	its Reserved
DATE	ct All Right
11.09.12	stein Archite.
SCALE	Cary Berns
1/4" = 1'-0" SHEET	ight © 2012
A2.1	Copyri

24 A3.4
~



(E) CONSTRUCTION
(E) CONSTRUCTION
(N) CONDITIONED SPACE
(E) WALL CONSTRUCTION
(N) CONSTRUCTION

PROPERTY LINE



(N) GUARORAIL, 42° AFD (N) PARAPET 42° AFD (N) PARAPET 42° AFD	CARY BERNSTEIN ARCHITECT 2325 THIRD STREET STUDIO 341 28N FRANCISCO, CA 94107 415.522.1907(1) 415.522.1917(F)
(N) PRAPET 42" APD W/ TRANSL GLASS PANELS ABOVE (N) GLAZED MTL DOORS + PANELS (N) MTL SKUCHT (2) TO REPLACE (E) (N) WALL (A) (N) MTL WINDOW (N) SERVICE LADDER	BRIONES RESIDENCE 88 28TH STREET SAN FRANCISCO, CA 94110
(N) LAV & WC	DRAWING
(N) GLAZED MTL DOOR & WINDOW PRAPET & GUARDRAIL (N) PARAPET 42" AFD	THIRD FLOOR & ROOF CONSTRUCTION PLANS ISSUE NO. SITE PERMIT SITE PERMIT SITE PERMIT IIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIII
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DRVIING KEY	DATE 11.09.12	Copyright © 2012 Cary Bernstein Architect All Rights Reserved
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CARY BERNSTEIN   ARCHITECT 2335 THIRD STREET STUDIO 341 SAN FRANCISCO, CA 94107 415.522.1907(1) 415.522.1917(F)
BRIONES RESIDENCE 88 28TH STREET SAN FRANCISCO, CA 94110
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