



# SAN FRANCISCO PLANNING DEPARTMENT

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## Staff-Initiated Discretionary Review Full Analysis

HEARING DATE MAY 11, 2017

*Date Prepared:* May 1, 2017  
*Case No.:* 2014-000874DRM  
*Project Address:* 38 ROSSI AVENUE  
*Permit Application:* 2013.11.18.2163  
*Zoning:* RH-2 (Residential House, Two-Family)  
40-X Height and Bulk District  
*Block/Lot:* 1134/012A  
*Project Sponsor:* Virginie Manichon  
EAG Studio  
2443 Fillmore Street  
San Francisco, CA 94115  
*Staff Contact:* Laura Ajello – (415) 575-9142  
[laura.ajello@sfgov.org](mailto:laura.ajello@sfgov.org)  
*Recommendation:* Take Discretionary Review and approve with modifications

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 a staff-initiated Discretionary Review (DR). The project sponsor is seeking legalization of unpermitted exterior alterations on the front façade of a circa 1937 3-story single-family house.

The exterior alterations that were made without permit are as follows:

1. The 14'-6" deep by 4' wide open-to-the-sky notch at the north side of the third story was completely filled in to accommodate a master bath and walk-in closet.
2. The original wood-framed third-story front window was removed and replaced with a metal-framed picture window.
3. The decorative arched ceramic tile roof element above the second floor front window was replaced with a flattened tile roof form.

The project, as currently constructed and as proposed for legalization by the applicant, cannot be approved by the Planning Department because it compromises the integrity of a potentially historic building (Category "B" for purposes of CEQA) and does not conform to the Residential Design Guidelines. Planning staff provided the applicant with a list of three modifications that would allow project approval by the Planning Department, but which the applicant has declined to adopt. Thus, the Planning Department has initiated a Discretionary Review in order to have the Planning commission take action on this matter.

## PROJECT HISTORY

August 14, 2013 – The Department of Building Inspection (DBI) issued an over-the-counter permit for the following work as described by the applicant: “Repair water intrusion in the master bedroom & master closet. Remove and replace plaster with new drywall. Repair any dry rot if necessary. Replace in kind master bathroom. Upgrade electrical and plumbing as needed” (permit number 2013.08.14.4242, job value \$35,000). Planning review was not required for this limited scope of interior work, which required no plans.

September 6, 2013 – Shortly after the permit was issued a complaint was filed with DBI by a neighbor for an addition being constructed without a permit (complaint no. 201322091 dated September 6, 2013, description: “Built a wall against my house that was never there. They are extending the master bedroom/bathroom without permits”).

November 18, 2013 – The subject Building Permit Application was filed and routed to the Planning Department for review. The permit description is listed as follows: “Structural framing. Dry rot repair. New laundry room and closet on top floor. 56 sq. ft. addition at master suite. Remodel of existing master bath” was filed (permit number 2013.11.18.2163, job value \$15,000). The permit did not specify that it was filed in response to a DBI complaint for work already completed.

November 3, 2014 – The project sponsor submitted the required Environmental Evaluation Application; approximately 9 months after it was requested by staff in the NOPDR dated January 23, 2014.

In order to make modifications to massing, fenestration or other exterior design features visible from a public right of way, such as an addition at the front of potentially historic building, an Environmental Evaluation Application (EEA) is required as standard Environmental Planning procedure. Due to the unpermitted addition to the massing of the façade an EEA was required by Department staff to assess the historic status of the property. The EEA is typically completed prior to the building permit. During review of the EEA it was realized that the proposed construction had already been completed, a hold was placed on this application and a Planning Zoning and Compliance (enforcement) case was opened (Case no. 2014-002926ENF).

Following some unsuccessful back-and-forth discussion between Preservation staff and the project sponsor, in March 2016, Department staff, having got input from Preservation staff and the Residential Design Advisory Team (RDAT), requested that the project be modified in the following manner in order to be consistent with the Residential Design Guidelines and to not require the completion of an EEA:

1. Set back the third-story infill addition a minimum of five feet from the third story’s primary front wall. The setback should be open to the sky and should be no wider than the original 4’ wide notch.
2. Restore the third-story front window to match the original historic design in material and operation.
3. Restore the decorative arched ceramic tile roof element that was removed above the second story front window.

October 27, 2016 – Notice of Enforcement is issued by Department staff, reiterating the required revisions, below.

Although the applicant agreed to restore the third-story front window as requested, they have not agreed to carry out the other two modifications requested by staff. Rather than providing the requested 5’ deep by 4’ wide open-to-the-sky setback at the north side of the third story, they’ve proposed to create a 3’-6” deep by 8’ wide roofed recess, which has no historic precedent on the subject building or block, with a decorative railing at the third story and they’ve not agreed to restore the arched roof form above the second story front window.

**SITE DESCRIPTION AND PRESENT USE**

The project site is located on the east side of Rossi Avenue between Anza Street and Lone Mountain Terrace in the Inner Richmond neighborhood. The subject parcel measures approximately 25.6 wide by 93 feet deep with an area of 2,382 square feet. The lot contains a three-story single-family building constructed in 1937.

**SURROUNDING PROPERTIES AND NEIGHBORHOOD**

This portion of the Inner Richmond neighborhood was the former site of the Odd Fellow Cemetery and was largely developed in the 1930s. It is now characterized by two- and three-story, single and two-family homes. Angelo J. Rossi Playground is located across the street. Rossi Avenue is a tree-lined street spanning two blocks. Rossi Avenue houses are similar in massing, style and lot size. Nine of the homes on this block, 12-42 Rossi, were constructed by the same builder and designed by the same architect.

As seen in photographs and the Sanborn map included in the Exhibits, the homes on this block have a regular pattern of recessed notches at the front of each building. The setbacks create a strongly defined visual character.

**HEARING NOTIFICATION**

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	May 1, 2017	May 1, 2017	10 days
Mailed Notice	10 days	May 1, 2017	May 1, 2017	10 days

No Building Permit Application Section 311 notice was mailed since the project did not reach a state of compliance.

**PUBLIC COMMENT**

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbors	2	--	--
Other neighbors on the block or directly across the street	--	--	--
Neighborhood groups	--	--	--

The Department has not directly received any letters or phone calls in support of or in opposition to the project. Since no building permit notification was mailed and given the 10-day notice for DR applications there was insufficient time for public comment prior to the creation of the Commission packets. However, the applicant has submitted two letters of support (see Exhibits). Both supporters cite that they do not wish to be subject to additional construction noise and disruptions. It should be noted that this case was initiated by a complaint filed with DBI by the adjacent neighbor at 34 Rossi Avenue.

## **STAFF INITATED DISCRETIONARY REVIEW CONCERNS AND PROPOSED ALTERNATIVES**

**Issue #1:** This project, an addition at the front of a residential building with additional façade changes, was built with complete disregard for City permit requirements, review procedures and processes designed to preserve neighborhood character and allow neighbors to be informed and participate in the review process. Enforcement-related cases such as this require an enormous amount of staff time.

**Issue #2:** The project as-built and as proposed by the applicant alters the massing of the building and eliminates a character-defining set back at the front of the third story, which is a clearly defined pattern on this block (see photographs and Sanborn map in Exhibits). Although removal of the decorative arched ceramic tile roof element is more subjective the original shape was an original 1937 design feature that added interest and better complemented the deeply inset curved window below.

The original front notch was set back approximately 14.5 feet. The Department is willing to support a five-foot notch to reference the original setback. This minimal setback must be no wider than the original four-foot width and open to the sky to preserve the regular pattern of this feature in the neighborhood.

## **PROJECT SPONSOR'S RESPONSE**

The applicant cites a number of reasons, such as "heavy rain," that forced them to build the addition without permits. The claimed financial and procedural hardships are all self-created and stem from a choice to build an addition before applying for City permits. Time delays are also self-created. For example, the Department requested an Environmental Evaluation Application in January 2014; the applicant did not submit this application until November 2014. The EEA application was placed on hold after it was discovered that the building had already been altered. Additionally, In March 2016 the Department provided the applicant with a supportable design that would not require completion of the Environmental Application along with the alternative of a DR. The Project Sponsor opted for the staff-initiated DR but did not submit the application until January 2017 (following a Notice of Enforcement letter sent by the Zoning and Compliance division).

The applicant's first proposal to add a medallion to the façade was rejected by both Preservation staff and the Residential Design Advisory Team as a conjectural feature with no historic precedent. The current plan is to restore a divided lite wood-framed window and create a new balcony at the front of the building. No front set back at the roofline is proposed. The applicant's proposal does not address Residential Design Guidelines concerns and would require completion of the outstanding Environmental Evaluation Application.

## PROJECT ANALYSIS

The applicant's proposal conflicts with the Residential Design Guidelines. The Department has concluded that the façade restoration recommended by staff is an acceptable compromise to partially restore some of the features that were removed via illegal construction.

## ENVIRONMENTAL REVIEW

If the project is approved as proposed by Department staff it would be exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption. Deviation from staff recommendations would require completion of the Environmental Evaluation Application to determine the level of environmental review.

## RESIDENTIAL DESIGN TEAM REVIEW

The applicant's first proposal was reviewed by Preservation staff, the Residential Design Team and senior Planning Department staff. The plan proposed to apply grids to the glass on the surface of the replacement window and leave the infill addition as constructed but apply a polyurethane medallion to the surface of the stucco. This proposal was rejected by the Department.

Staff crafted a concise list of modifications that would render the project approvable. A letter to the project sponsor, dated March 29, 2016, summarized the design revisions necessary to propose a project that is supportable by Planning staff and avoid the need for a DR.

In response the applicant countered with the current proposal and then filed a DR application on January 10, 2017.

## BASIS FOR RECOMMENDATION

The Department recommends the Planning Commission take Discretionary Review and approve the application with the modifications supported by Preservation staff and the Residential Design Advisory Team:

- Partial restoration of the building façade, as recommended by staff, is an acceptable concession that will meet all applicable requirements of the Planning Code and conform to the Residential Design Guidelines. It allows nearly  $\frac{3}{4}$  of the infill addition to remain while preserving the appearance of the front setback pattern.
- The project as-built and proposed by the applicant does create exceptional and extraordinary circumstances because it would legalize the removal of character-defining elements from the subject property and does not preserve and protect the character and stability of the blockface.
- The project, if legalized without the staff recommended modifications, will result in an inappropriate precedent or expectation for legalization of similar in-fill projects elsewhere in this neighborhood and citywide.

<b>RECOMMENDATION:</b> <b>Take DR and approve with modifications.</b>
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**Attachments:**

Design Review Checklist

Block Book Map

Sanborn Map

Zoning Map

Aerial Photographs

Context Photos

Notice of Planning Department Requirements #1 dated January 23, 2014

Notice of Planning Department Requirements #2 dated March 29, 2016

Notice of Planning Department Requirements Final Notice dated August 12, 2016

Notice of Enforcement dated October 27, 2016

Project Sponsor Submittal, including:

- DR Application
- Supplemental Letter
- Support Letters
- Reduced Plans

## Design Review Checklist

### NEIGHBORHOOD CHARACTER (PAGES 7-10)

QUESTION	
The visual character is: (check one)	
Defined	X
Mixed	

**Comments:** Per the Historic Resource Supplemental: Francisco Heights subdivision largely developed in the 1930s. Most or all homes on Rossi date from 1937-1941. Nine houses, including the subject house were built as a single development.

### SITE DESIGN (PAGES 11 - 21)

QUESTION	YES	NO	N/A
<b>Topography (page 11)</b>			
Does the building respect the topography of the site and the surrounding area?			X
Is the building placed on its site so it responds to its position on the block and to the placement of surrounding buildings?			X
<b>Front Setback (pages 12 - 15)</b>			
Does the front setback provide a pedestrian scale and enhance the street?		X	
In areas with varied front setbacks, is the building designed to act as transition between adjacent buildings and to unify the overall streetscape?			X
Does the building provide landscaping in the front setback?		X	
<b>Side Spacing (page 15)</b>			
Does the building respect the existing pattern of side spacing?		X	
<b>Rear Yard (pages 16 - 17)</b>			
Is the building articulated to minimize impacts on light to adjacent properties?			X
Is the building articulated to minimize impacts on privacy to adjacent properties?			X
<b>Views (page 18)</b>			
Does the project protect major public views from public spaces?			X
<b>Special Building Locations (pages 19 - 21)</b>			
Is greater visual emphasis provided for corner buildings?			X
Is the building facade designed to enhance and complement adjacent public spaces?			X
Is the building articulated to minimize impacts on light to adjacent cottages?			X

**Comments:** The project consists of work completed without permits that would not have been approved by the department. The scope of work includes façade changes: infill addition at front that is not in character with blockface, window changes, and a 2<sup>nd</sup> floor roofline change (over arch-top window). Existing front setback does not meet minimum 20% landscaping and 50% permeability standards.

**BUILDING SCALE AND FORM (PAGES 23 - 30)**

QUESTION	YES	NO	N/A
<b>Building Scale (pages 23 - 27)</b>			
Is the building's height and depth compatible with the existing building scale at the street?		X	
Is the building's height and depth compatible with the existing building scale at the mid-block open space?			X
<b>Building Form (pages 28 - 30)</b>			
Is the building's form compatible with that of surrounding buildings?		X	
Is the building's facade width compatible with those found on surrounding buildings?		X	
Are the building's proportions compatible with those found on surrounding buildings?		X	
Is the building's roofline compatible with those found on surrounding buildings?		X	

**Comments:** Addition at front of building completed without permits. Building massing changed, no longer follows the neighborhood pattern of articulation.

**ARCHITECTURAL FEATURES (PAGES 31 - 41)**

QUESTION	YES	NO	N/A
<b>Building Entrances (pages 31 - 33)</b>			
Does the building entrance enhance the connection between the public realm of the street and sidewalk and the private realm of the building?			X
Does the location of the building entrance respect the existing pattern of building entrances?			X
Is the building's front porch compatible with existing porches of surrounding buildings?			X
Are utility panels located so they are not visible on the front building wall or on the sidewalk?			X
<b>Bay Windows (page 34)</b>			
Are the length, height and type of bay windows compatible with those found on surrounding buildings?			X
<b>Garages (pages 34 - 37)</b>			
Is the garage structure detailed to create a visually interesting street frontage?			X
Are the design and placement of the garage entrance and door compatible with the building and the surrounding area?			X
Is the width of the garage entrance minimized?			X
Is the placement of the curb cut coordinated to maximize on-street parking?			X
<b>Rooftop Architectural Features (pages 38 - 41)</b>			
Is the stair penthouse designed to minimize its visibility from the street?			X
Are the parapets compatible with the overall building proportions and other building elements?			X



Are the dormers compatible with the architectural character of surrounding buildings?			X
Are the windscreens designed to minimize impacts on the building's design and on light to adjacent buildings?			X

**Comments:** The project is inappropriate because of its removal of character-defining features, which are consistent within this cohesive neighborhood that was largely developed at the same time.

**BUILDING DETAILS (PAGES 43 - 48)**

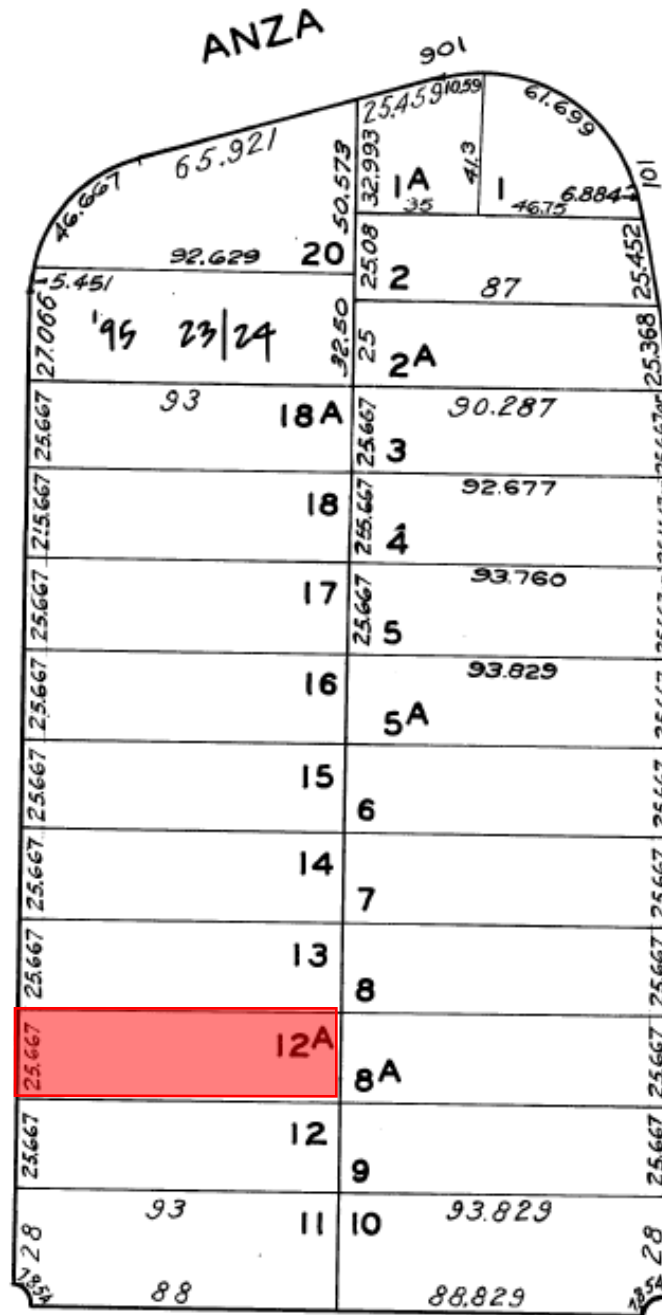
QUESTION	YES	NO	N/A
<b>Architectural Details (pages 43 - 44)</b>			
Are the placement and scale of architectural details compatible with the building and the surrounding area?		X	
<b>Windows (pages 44 - 46)</b>			
Do the windows contribute to the architectural character of the building and the neighborhood?		X	
Are the proportion and size of the windows related to that of existing buildings in the neighborhood?		X	
Are the window features designed to be compatible with the building's architectural character, as well as other buildings in the neighborhood?		X	
Are the window materials compatible with those found on surrounding buildings, especially on facades visible from the street?		X	
<b>Exterior Materials (pages 47 - 48)</b>			
Are the type, finish and quality of the building's materials compatible with those used in the surrounding area?	X		
Are the building's exposed walls covered and finished with quality materials that are compatible with the front facade and adjacent buildings?	X		
Are the building's materials properly detailed and appropriately applied?	X		

**Comments:** New flat looking window installed too close to wall plane; it has no shadow lines. Original three part window pattern changed. The project is inappropriate because of its removal of character-defining features, which are consistent within this cohesive neighborhood that was largely developed at the same time.

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# Parcel Map



**SUBJECT PROPERTY** →

ROSSI AVE.

STANYAN

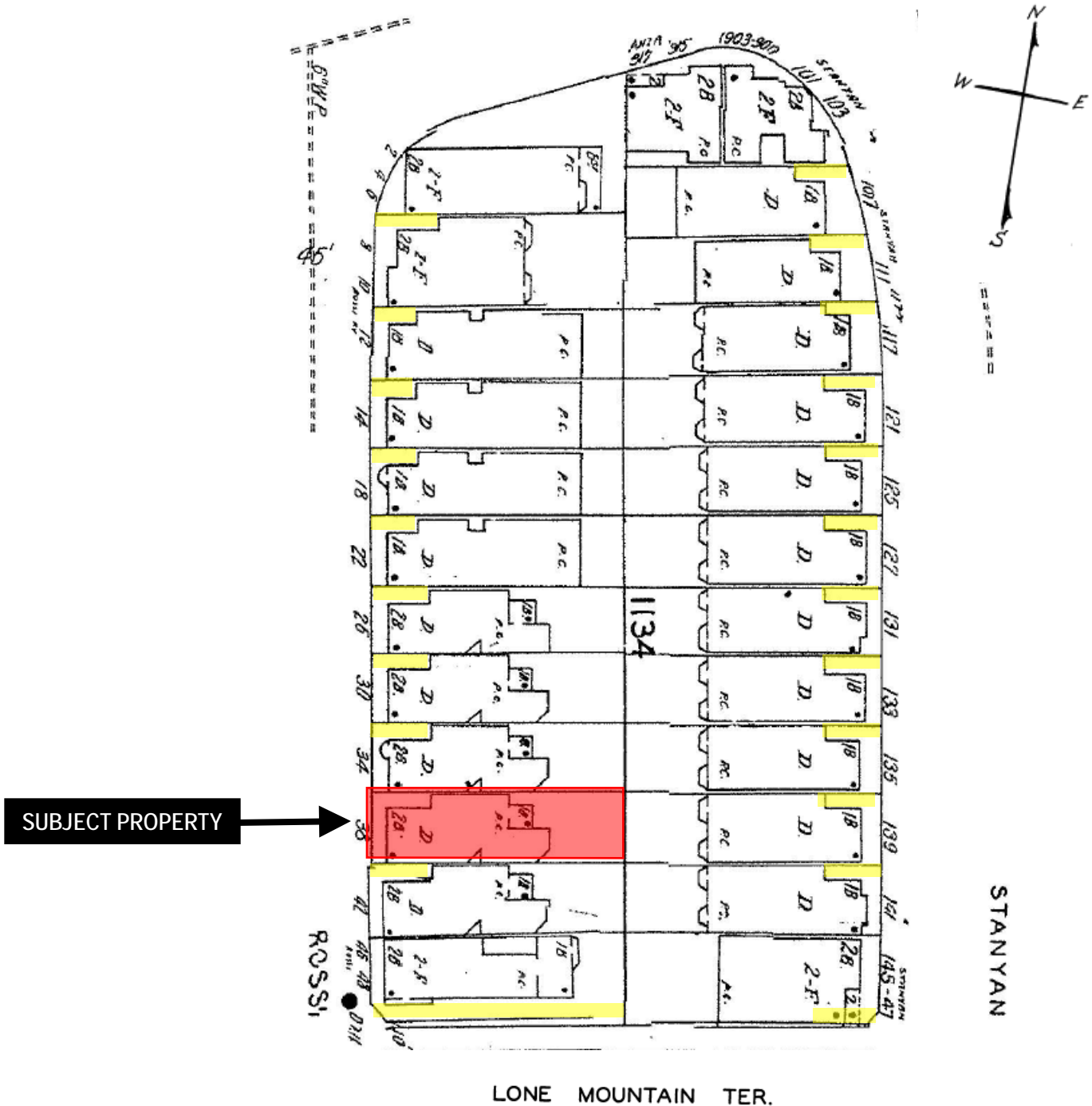
LONE MOUNTAIN TER.

Discretionary Review Hearing  
Case Number 2014-000874DRM  
38 Rossi Avenue



# Sanborn Map\*

Note massing pattern of recessed notches at the front of each building  
Southernmost homes have setbacks that face Lone Mountain Terrace

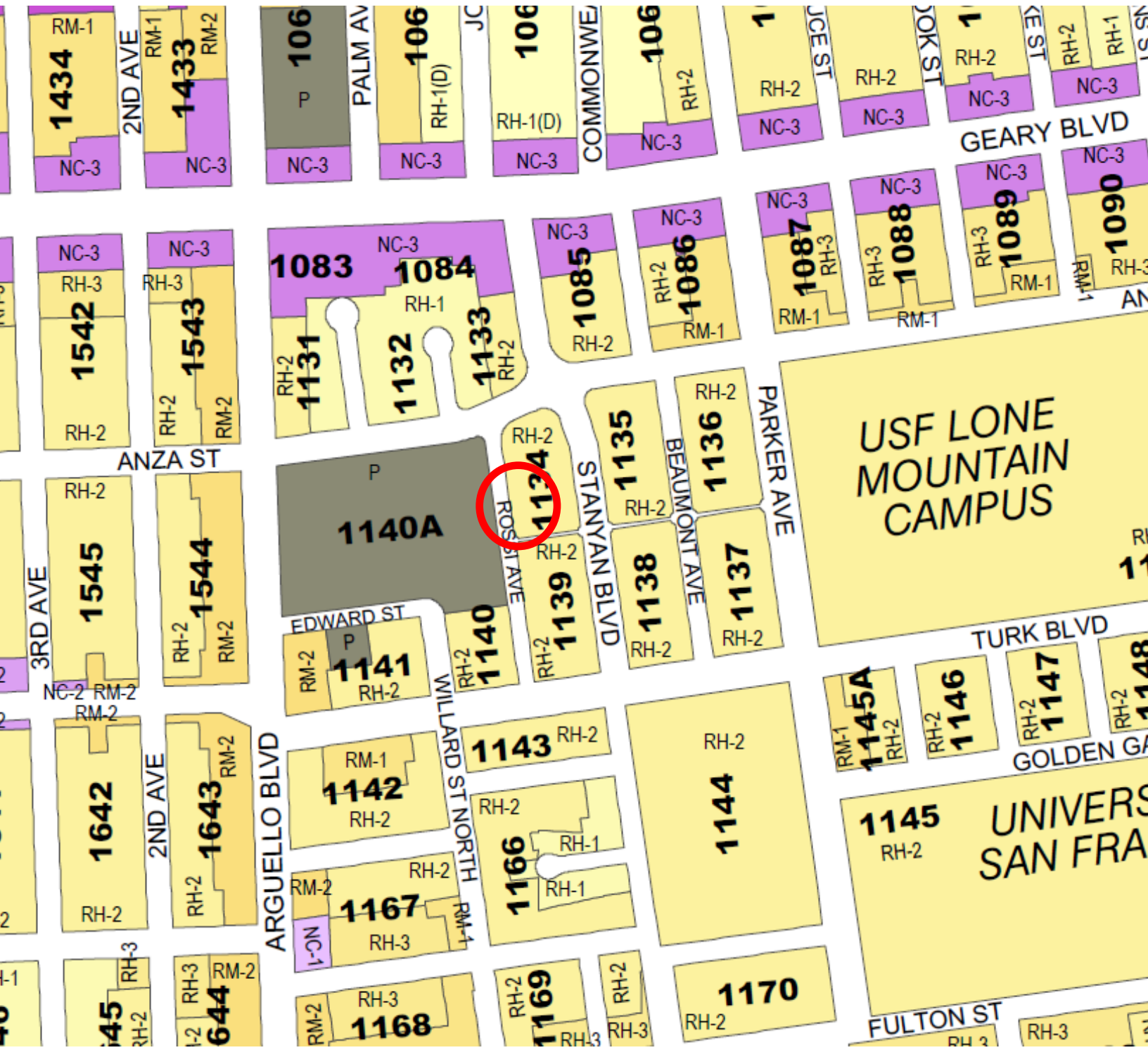


\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Discretionary Review Hearing  
Case Number 2014-000874DRM  
38 Rossi Avenue

# Zoning Map



Discretionary Review Hearing  
Case Number 2014-000874DRM  
38 Rossi Avenue

# Aerial Photo 1

## Subject Blockface

SUBJECT PROPERTY



Discretionary Review Hearing  
Case Number 2014-000874DRM  
38 Rossi Avenue

# Site Photo 1

## Original Condition

SUBJECT PROPERTY

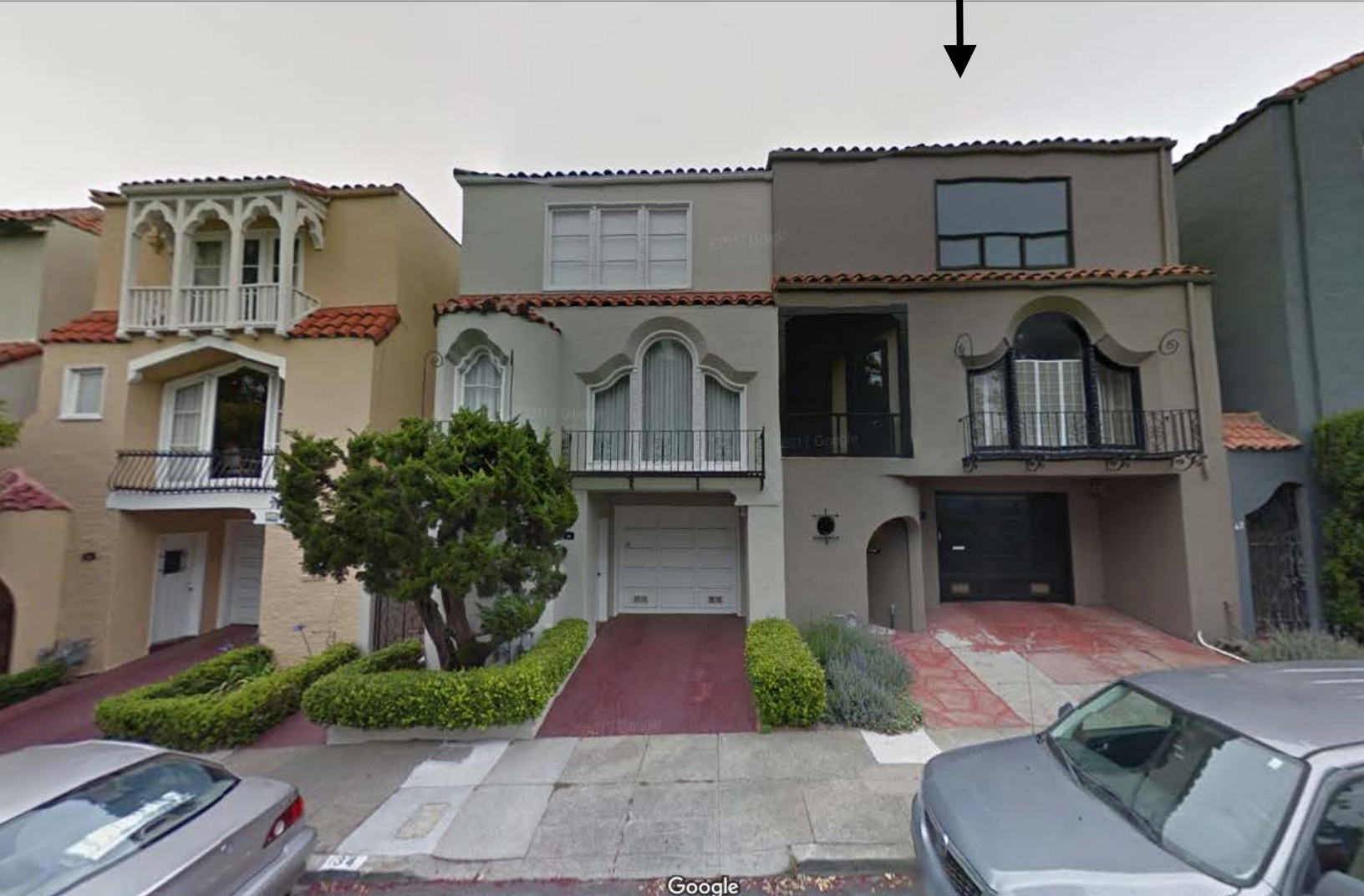


Discretionary Review Hearing  
Case Number 2014-000874DRM  
38 Rossi Avenue

# Site Photo 2

## Current Condition

SUBJECT PROPERTY



Discretionary Review Hearing  
Case Number 2014-000874DRM  
38 Rossi Avenue



# Site Photo 3

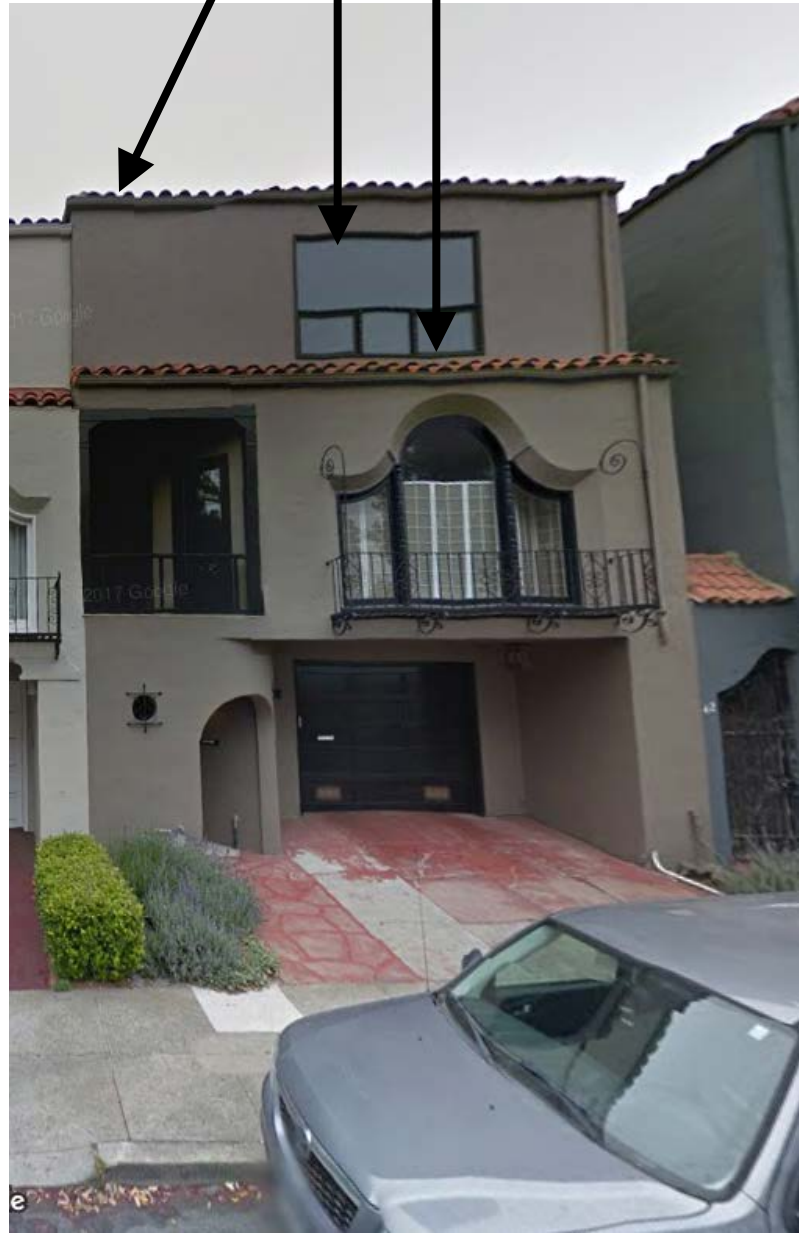
## Side by Side Comparison

Façade changes made without permits: In-fill addition, window replacement, removal of arched roof element

BEFORE



AFTER



Discretionary Review Hearing  
Case Number 2014-000874DRM  
38 Rossi Avenue

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# SAN FRANCISCO PLANNING DEPARTMENT

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## Notice of Planning Department Requirements #1

January 23, 2014

Donovan Weber Design  
1361 7<sup>th</sup> Avenue  
San Francisco, CA 94122

**RE: 38 Rossi Avenue** (Address of Permit Work)  
**1134/012A** (Assessor's Block/Lot)  
**2013.1118.2163-S** (Building Permit Application Number)

Your Building Permit Application # 2013.1118.2163-S has been received by the Planning Department and has been assigned to planner Laura Ajello. She has begun review of your application but the following information is required before it is accepted as complete and/or is considered Code-complying. Time limits for review of your project will not commence until we receive the requested information or materials and verify their accuracy.

In order to proceed with our review of your Building Permit Application, the following is required:

1. As the existing building is over 50 years old and the project is visible from the public right-of-way, an Environmental Evaluation application is required. An application is available at the Planning Information Counter 1660 Mission Street, 1<sup>st</sup> floor or at [www.sfplanning.org](http://www.sfplanning.org). The Department's *California Environmental Quality Act* (CEQA) review process requires that all proposals for demolition or exterior alteration to buildings 50 years or older be analyzed to determine 1) whether or not the building is an historic resource and 2) whether or not the project meets the *Secretary of Interior Standards for the Treatment of Historic Properties* (Standards). *Please note that the current processing time for this environmental application is approximately four months. Additional fees of \$3,471 are due at the time of submittal. You may avoid this process by revising the project to eliminate the proposed addition to the front façade of the home.*
2. The master bedroom windows appear to be three vinyl single-hung windows with artificial grids sandwiched between two panes of glass. This window is unacceptable and is not to be replaced "to match existing," as noted on the plans. Restore the windows to match the original authentic divided lite wood-framed casement windows (see neighboring home at 34 Rossi Ave). Simulated divided lites (with a shadow bar) are generally acceptable; submit a manufacturer's brochure for review by Planning staff.
3. Revise the roof plan and elevations to show the setback of the top floor and roof eave details of the first floor.
4. Correctly depict the master bedroom windows in the existing and proposed floor plans.
5. Dimension the depth of the building and the property lines.

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

NOPDR #1 sent to:  
Donovan Weber  
1361 7<sup>th</sup> Avenue  
San Francisco, CA 94122

January 23, 2014  
2013.1118.2163-S  
38 Rossi Avenue

6. Provide a window cross-section detail that shows exterior trim details and how the window will be installed to match the installation depth of the original windows. This is typically no less than a 2 inch recess for a home of this age.
7. Include a window schedule on the plans. List all new and modified windows and the make and model of the proposed window. Include a column for existing and proposed materials, size and opening style.

Please note that further comment may follow review of the requested information.

**Please provide the requested information within thirty (30) days.** The application will be sent back to the Department of Building Inspection for cancellation if we do not receive the requested information in this time. Please contact the assigned planner if you need more time to prepare the requested information.

**All plans submitted must be to an appropriate scale: site plan 1/8" = 1'; floor plans 1/4" = 1'.**  
**Plans should be clearly labeled. Resubmit floor plans using the proper scale.**

**All plan revisions must be filed at the Department of Building Inspection, Permit Processing Center, 1660 Mission Street, 2<sup>nd</sup> Floor.** Do not submit plans directly to the Planning Department. Plans will not be accepted by mail or messenger, and all plans must be signed by preparer, architect or engineer.

Please respond fully with all requested information and/or plan revisions as described above. You may file any plan revisions responding to this notice at no extra charge. However, please be advised that failure to address all the items listed above, leading to additional requests for revisions beyond those filed in response to this notice, will require a Back-Check Fee for Permit Revisions (\$238 per hour, Planning Code Sections 355(a)2). If you file additional plan revisions in the future, those plan revisions will be subject to the Back-Check Fee.

Planning Department Applications and Publications are available at the Planning Information Center, 1660 Mission Street, 1<sup>st</sup> floor or via the Department website: [www.sfplanning.org](http://www.sfplanning.org).

Please direct any questions concerning this notice to the assigned planner, **Laura Ajello at (415) 575-9142 or [laura.ajello@sfgov.org](mailto:laura.ajello@sfgov.org)**. Contact the assigned planner to set up any meeting, should one be necessary. Please do not come to the Planning Department to discuss this notice without an appointment.

Thank you for your attention to this notice. An early and complete response on your part will help expedite our review of your permit application.

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# SAN FRANCISCO PLANNING DEPARTMENT

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## Notice of Planning Department Requirements #2

March 29, 2016

Donovan Weber Design  
1361 7<sup>th</sup> Avenue  
San Francisco, CA 94122

**RE: 38 Rossi Avenue** (Address of Permit Work)  
**1134/012A** (Assessor's Block/Lot)  
**2013.1118.2163** (Building Permit Application Number)

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

Your Building Permit Application #2013.1118.2163 has been on hold by the Planning Department pending review of related cases (Environmental Evaluation Application, 2014-00087ENV, and Code enforcement complaint) and is now ready to proceed.

Your proposal submitted to the Department staff to legalize the addition and façade changes was reviewed by Preservation staff, the Residential Design Team and senior Planning Staff. The proposal does not meet the Residential Design Guidelines and cannot be approved as proposed. Moving forward there are two options:

1. **Staff approval.** Update the building permit plans as follows in order to receive Planning staff approval:
  - a. Provide a minimum five (5) foot front setback on the addition;
  - b. Restore the front window to match the original authentic divided-lite wood-framed casement windows (see neighboring home at 34 Rossi Ave for reference). Simulated divided lites (with a shadow bar) are generally acceptable; submit a manufacturer's brochure for review by Planning staff; and
  - c. Restore the decorative arched ceramic tile roof element that was removed.
2. **Staff-Initiated Discretionary Review.** The project as currently proposed is not approvable and Department staff would initiate Discretionary Review of the application and take the project to a public hearing before the Planning Commission with a recommendation that the Commission disapprove the application proposing to legalize the addition and other façade changes done without benefit of permit. Please note additional fees apply to this route.

Please note that further comment may follow review of the requested information. Revised plans must meet attached Plan Submittal Guidelines and address outstanding items noted in the original Notice letter dated 1/23/14 (attached).

NOPDR #2 sent to:  
Donovan Weber  
1361 7<sup>th</sup> Avenue  
San Francisco, CA 94122

March 29, 2016  
2013.1118.2163-S  
38 Rossi Avenue

As you are aware, the above application is required to abate an outstanding Planning Code violation. Failure to respond to this notice within the required 30-day time period **will result in enforcement proceedings by the Planning Department**. Administrative penalties of up to **\$250 per day** may also be assessed to the responsible party for each day the violation remains unabated. Additionally, the above application may be scheduled for a Discretionary Review if we do not receive the requested information within 30 days.

**All plans submitted must be to an appropriate scale: site plan 1/8" = 1'; floor plans 1/4" = 1'. Plans should be clearly labeled.**

- **All building permit plan revisions must be filed at the Department of Building Inspection (DBI), Permit Processing Center, 1660 Mission Street, 2<sup>nd</sup> Floor.** To officially submit a change to the building permit plans, do not submit building permit plans directly to the Planning Department. Per DBI requirements, these plan revisions will not be accepted by mail or messenger, and all plans must be signed by preparer, architect or engineer.
- **All planning entitlement case revisions must be submitted to the Planning Department, 1650 Mission Street, 4<sup>th</sup> floor, to the Planner's attention.** To officially submit a change to an active planning entitlement case, submit these directly to the Planning Department. Note this is a separate submittal from DBI.

**Please submit the requested information, or contact the assigned planner if you need more time to prepare the requested information, within thirty (30) days.** If the Department has not received the requested information within 90 days, the application will be sent back to the Department of Building Inspection for cancellation.

Please direct any questions concerning this notice to the assigned planner, **Laura Ajello at (415) 575-9142 or [laura.ajello@sfgov.org](mailto:laura.ajello@sfgov.org)**. Contact the assigned planner to set up any meeting, should one be necessary. **Please do not come to the Planning Department to discuss this notice without an appointment.** Thank you for your attention to this notice. An early and complete response on your part will help expedite our review of your permit application.

Attachments: Plan Submittal Guidelines, NOPDR1 dated 1-23-14  
CC: Property Owner, Gregory Gilchrist 38 Rossi Ave., SF, CA 94118, Contractor, Adamo Capagna, [aacampagna@yahoo.com](mailto:aacampagna@yahoo.com)

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Planning Department Applications and Publications are available at the Planning Information Center, 1660 Mission Street, 1<sup>st</sup> floor or via the Department website: [www.sfplanning.org](http://www.sfplanning.org).



# SAN FRANCISCO PLANNING DEPARTMENT

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## Notice of Planning Department Requirements Final Notice

August 12, 2016

Lynn Krieger & Gregory Gilchrist  
38 Rossi Avenue  
San Francisco, CA 94118

**RE: 38 Rossi Avenue** (Address of Permit Work)  
**1134/012A** (Assessor's Block/Lot)  
**2013.11.18.2163** (Building Permit Application Number)

Building Permit Application #[2013.11.18.2163](#) has been on hold by the Planning Department pending a response to the attached letter dated March 29, 2016. To date, no response has been received.

In order to proceed with our review of your Building Permit Application, the following is required:

1. Revise the building permit plans as follows in order to proceed with the neighborhood notification:
  - a. Provide a minimum five (5) foot front setback on the addition;
  - b. Restore the front window to match the original authentic divided-lite wood-framed casement windows (see neighboring home at 34 Rossi Ave for reference). Simulated divided lites (with a shadow bar) are generally acceptable; submit a manufacturer's brochure for review by Planning staff; and
  - c. Restore the decorative arched ceramic tile roof element that was removed.
  - d. Provide Section 312 neighborhood notification materials.
1. **Staff-Initiated Discretionary Review.** Fill out and return the attached Intake Request form (a fillable PDF can be found online) and schedule an appointment within 15 days. The Department will initiate Discretionary Review of the application and take the project to a public hearing before the Planning Commission if an intake appointment request is not submitted within 15 days. Please note additional fees apply.

Please note that further comment may follow review of the requested information. Revised plans must meet Plan Submittal Guidelines and address outstanding items noted in previous Notice letters.

**All plans submitted must be to an appropriate scale: site plan 1/8" = 1'; floor plans 1/4" = 1'. Plans should be clearly labeled.**

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

NOPDR #3 sent to:  
Property owners  
38 Rossi Avenue  
San Francisco, CA 94118

August 12, 2016  
2013.11.18.2163  
38 Rossi Avenue

**All building permit plan revisions must be filed at the Department of Building Inspection (DBI), Permit Processing Center, 1660 Mission Street, 2<sup>nd</sup> Floor.** To officially submit a change to the building permit plans, do not submit building permit plans directly to the Planning Department. Per DBI requirements, these plan revisions will not be accepted by mail or messenger, and all plans must be signed by preparer, architect or engineer.

**Please submit the requested information within fifteen (15) days. If the Department has not received the requested information within 15 days, the application will be scheduled for Discretionary Review.**

The above application is required to abate an outstanding Planning Code violation. Failure to respond to this notice within the required 15-day time period will result in enforcement proceedings by the Planning Department. Administrative penalties of up to \$250 per day to the responsible party will start to accrue for each day the violation continues unabated. The penalty amount shall be paid within 30 days from the final date of the Notice of Violation. After 30 days, the Planning Department may forward the matter to the Bureau of Delinquent Revenue for collection as authorized by Article V, Section 10.39 of the San Francisco Administrative Code. Please be advised that payment of penalty does not excuse failure to correct the violation or bar further enforcement action. Additional penalties will continue to accrue until a corrective action is taken to abate the violation.

Pursuant to Planning Code Section 350(c)(1), the Planning Department shall charge for 'Time and Materials' to recover the cost of correcting the Planning Code violations. Accordingly, the responsible party is currently subject to a fee of \$1,271 for 'Time and Materials' cost associated with the Code Enforcement investigation. **Please submit a check payable to 'San Francisco Planning Department' for Code Enforcement within 15 days from the date of this notice.** Additional fees will continue to accrue until the violation is abated. This fee is separate from the administrative penalties as noted above and is not appealable.

Please direct any questions concerning this notice to the assigned planner, **Laura Ajello at (415) 575-9142 or [laura.ajello@sfgov.org](mailto:laura.ajello@sfgov.org).** Thank you for your attention to this notice. An early and complete response on your part will help expedite our review of your permit application.

Attachments: NOPDR2 dated 3-29-16

Cc: Laura Lynch, Zoning and Compliance; Alexandra Kirby, Preservation

*G:\building permit apps\201311182163-S\_38 RossiNoPDR3 - final.docx*

Planning Department Applications and Publications are available at the Planning Information Center, 1660 Mission Street, 1<sup>st</sup> floor or via the Department website: [www.sfplanning.org](http://www.sfplanning.org).





# SAN FRANCISCO PLANNING DEPARTMENT

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## NOTICE OF ENFORCEMENT

October 27, 2016

**Property Owner**

Gilchrist Gregory S  
38 Rossi Ave  
San Francisco, CA 94118

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

**Site Address:** 38 Rossi Ave  
**Assessor's Block/ Lot:** 1134/ 012A  
**Complaint Number:** 2014-002926ENF  
**Zoning District:** RH-2, Residential- House, Two Family  
**Code Violation:** **174: Unpermitted exterior alterations**  
**Administrative Penalty:** Up to \$250 Each Day of Violation  
**Response Due:** Within 15 days from the date of this Notice  
**Staff Contact:** Alexandra Kirby, (415) 575-9133, laura.lynch@sfgov.org

The Planning Department has received a complaint that a Planning Code violation exists on the above referenced property that needs to be resolved. As the owner and/or leaseholder of the subject property, you are a responsible party. The purpose of this notice is to inform you about the Planning Code Enforcement process so you can take appropriate action to bring your property into compliance with the Planning Code. Details of the violation are discussed below:

### DESCRIPTION OF VIOLATION

Our records indicate that construction was completed at the third story master bedroom to expand the volume of the subject property without the benefit of a permit. Pursuant to Planning Code Section 311(b)(1), any exterior expansion of a property within a Residential Zoning District shall require a building permit application and 30-day neighborhood notification. Furthermore, the subject property is greater than 45 years old and classified as a Category "B" building for the purposes of CEQA. As such, any alterations that alter character-defining features of the property, such as massing, windows and detailing, are subject to preservation review.

A complaint was filed with the Department of Building Inspection for the expansion on September 6, 2013. On November 18, 2013, a building Permit Application was filed with the Department of Building Inspections, and on December 23, 2013, the application was approved for intake. It was determined that an Environmental Evaluation Application (EEA) would be required to legalize the unpermitted work, and the EEA application was submitted on November 3, 2014. On December 14, 2014, the Planning Department sent you a Notice of Complaint to inform you about the complaint in recognition that the work seeking approval had been previously completed without proper Planning Department review. On

March 29, 2016, you were provided comments that summarized the design revisions necessary to propose a project that is supportable by Planning staff. To date no such plans have been submitted.

Pursuant to Planning Code Section 174, every condition, stipulation, special restriction, and other limitation under the Planning Code shall be complied with in the development and use of land and structures. Failure to comply with any of Planning Code provisions constitutes a violation of Planning Code and is subject to enforcement process under Code Section 176.

## HOW TO CORRECT THE VIOLATION

The Planning Department requires that you immediately proceed to abate the violation by submitting either: (a) plans that address the comments issued on March 29, 2016 (attached); or (b) filing a completed Mandatory Discretionary Review application. The application can be found at <http://sf-planning.org/sites/default/files/FileCenter/Documents/491-Discretionary%20Review%20Application.pdf>.

Please note that Senior Planning Department staff has reviewed this proposal and requests the following modifications to the existing plans. In the event that this should be heard before the Planning Commission, Department recommendation would be the following:

1. Update the building permit plans as follows in order to receive Planning staff approval:
  - a. Provide a minimum five (5) foot front setback of the addition from the primary wall;
  - b. Restore the front window to match the original authentic divided-lite wood-framed casement windows (see neighboring home at 34 Rossi Ave for reference). Simulated divided lites (with a shadow bar) are generally acceptable; submit a manufacturer's brochure for review by Planning staff; and
  - c. Restore the decorative arched ceramic tile roof element that was removed.

Please contact the Department of Building Inspection (DBI), 1660 Mission Street, San Francisco, CA 94103, telephone: (415) 558-6088, website: [www.sfgov.org/dbi](http://www.sfgov.org/dbi), regarding the Building Permit Application process. Please visit the Planning Information Counter located at the first floor of 1660 Mission Street or website: [www.sf-planning.org](http://www.sf-planning.org) for any questions regarding the planning process.

## TIMELINE TO RESPOND

The responsible party has **fifteen (15) days from the date of this notice** to contact the staff planner noted at the top of this notice and submit evidence to demonstrate that the corrective actions have been taken to bring the subject property into compliance with the Planning Code. A site visit may also be required to verify the authorized use at the above property. The corrective actions shall be taken as early as possible. Any unreasonable delays in abatement of the violation may result in further enforcement action by the Planning Department.

## PENALTIES AND APPEAL RIGHTS

Failure to respond to this notice by abating the violation or demonstrating compliance with the Planning Code **within fifteen (15) days from the date of this notice** will result in issuance of a **Notice of Violation** by the Zoning Administrator. Administrative penalties of up to **\$250 per day** will also be assessed to the

responsible party for each day the violation continues thereafter. The Notice of Violation provides appeal processes noted below.

- 1) Request for Zoning Administrator Hearing. The Zoning Administrator's decision is appealable to the Board of Appeals.
- 2) Appeal of the Notice of Violation to the Board of Appeals. The Board of Appeals may not reduce the amount of penalty below \$100 per day for each day the violation exists, excluding the period of time the matter has been pending either before the Zoning Administrator or before the Board of Appeals.

## **ENFORCEMENT TIME AND MATERIALS FEE**

Pursuant to Planning Code Section 350(c) (1), the Planning Department shall charge for 'Time and Materials' to recover the cost of correcting Planning Code violations and violations of Planning Commission and Planning Department's Conditions of Approval. Accordingly, the responsible party may be subject to an amount of \$1,308 plus any additional accrued time and materials cost for Code Enforcement investigation and abatement of violation. This fee is separate from the administrative penalties as noted above and is not appealable.

## **OTHER APPLICATIONS UNDER CONSIDERATION**

The Planning Department requires that any pending violations be resolved prior to the approval and issuance of any new applications that you may wish to pursue in the future. Therefore, any applications not related to abatement of the violation on the subject property will be placed on hold until the violation is corrected. We want to assist you in ensuring that the subject property is in full compliance with the Planning Code. You may contact the enforcement planner as noted above for any questions.

**cc:** Daniel Lowrey, Deputy Director, Department of Building Inspection, San Francisco  
EAG Studio, 2443 Fillmore #215, San Francisco, CA 94115

**中文詢問請電: 558.6378**

**Para información en Español llamar al: 558.6378**

# APPLICATION FOR Discretionary Review

## 1. Owner/Applicant Information

**DR APPLICANT'S NAME:**

Virginie Manichon / EAG Studio

**DR APPLICANT'S ADDRESS:**

2443 Fillmore Street, San Francisco, CA

**ZIP CODE:**

94115

**TELEPHONE:**

(415 ) 300 0585

**PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME:**

Lynn Krieger &amp; Gregory Gilchrist

**ADDRESS:**

38 Rossi Avenue

**ZIP CODE:**

94103

**TELEPHONE:**

( )

**CONTACT FOR DR APPLICATION:**
Same as Above  Virginie Manichon
**ADDRESS:**

2443 Fillmore Street, San Francisco, CA

**ZIP CODE:**

94115

**TELEPHONE:**

(415 ) 300 0585

**E-MAIL ADDRESS:**

virginie@eagstudio.com

## 2. Location and Classification

**STREET ADDRESS OF PROJECT:**

38 Rossi Avenue

**ZIP CODE:**

94103

**CROSS STREETS:**

Anza Street / Lone Mountain Ter

**ASSESSORS BLOCK/LOT:**

1134

/ 012A

**LOT DIMENSIONS:**

25.667'X93'

**LOT AREA (SQ. FT.):**

2,382

**ZONING DISTRICT:**

RH-2

**HEIGHT/BULK DISTRICT:**

40-X

## 3. Project Description

Please check all that apply

Change of Use  Change of Hours  New Construction  Alterations  Demolition  Other 
**Additions to Building:** Rear  Front  Height  Side Yard 
**Present or Previous Use:** SINGLE FAMILY RESIDENCE

**Proposed Use:** SINGLE FAMILY RESIDENCE

**Building Permit Application No.** 201311182163

**Date Filed:** 11/18/13

4. Actions Prior to a Discretionary Review Request

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

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

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

SEE ATTACHED

## 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

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

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

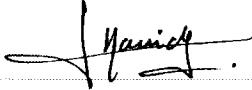
SEE ATTACHED

# Applicant's Affidavit

Under penalty of perjury the following declarations are made:

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

Signature: \_\_\_\_\_



Date: 11/9/16

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

Virginie Manichon

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

**NOTES:**

Required Material.

Optional Material.

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

For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_

Date: \_\_\_\_\_

## DISCRETIONARY REVIEW REQUEST

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PROPERTY ADDRESS

**38 ROSSI AVENUE, SAN FRANCISCO, CA**

LOT: 1134  
BLOCK: 012A  
ZONING RH-2  
BUILT: 1937

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TO: DISCRETIONARY REVIEW STAFF

RE: PERMIT APPLICATION NO. 201311182163 – FILED 11/18/13

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### 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 project.

#### PLANNING DEPARTMENT

In response to a neighbor complaint, the planning department issued the following comments on 1/23/14.

1. File an Environmental evaluation application.
2. Restore the master bedroom window to divided lite wood frame casement window.
3. Revise the roof plan and elevations to show the setback of the top floor eave details of the first floor.
4. Restore the decorative arched ceramic tile roof element that was removed.

#### OWNER

1. The owner filed an environmental application.
2. The window was proposed to be changed to divided lite wood frame window.
3. Client contacted Kelly Wong, the preservation enforcement Planner who told them to hire a historic consultant to propose a solution and that this would be satisfactory.

On 2/10/15 an email exchange between Kelly Wong and the Historic consultant states that the application for approval of the In-Fill 2013-1118-2163 is pending.

The historic consultant submitted three options for ornamental medallions to make the upstairs window symmetrical and in keeping with the other iron work on the façade.

Kelly Wong left the department before she could review and approve the recommendations made by the historic consultant.

The new assigned preservationist planner took a different stand and stated that the EEA application did not need to be determined and that the proposed plans would be ruled on without deciding the EEA application.

#### PLANNING DEPARTMENT

The following notification is issued by the planning department on 3/29/16.

- a. Provide a minimum five (5) foot front setback on the addition
- b. Restore the front window to match the original authentic divided-lite wood-framed casement windows (see neighboring home at 34 Rossi Ave for reference). Simulated divided lites (with a shadow bar) are generally acceptable; submit a manufacturer's brochure for review by Planning Staff; and
- c. Restore the decorative arched ceramic tile roof element that was removed.

**OWNER**

The owner responded with the following changes:

- a. Proposed a five (5) foot front set back from front property line.
- b. Proposed restoring the front window to match the original authentic divided-lite wood-framed casement windows (see neighboring home at 34 Rossi Ave for reference). Provided manufacturer's detail and spec.
- c. Proposed a linear tiled roof element due to the fact that original arched ceramic tile roof element was pitched inward to the house and had created water damage and dryrot. The proposed linear ceramic tile roof element is similar to the neighboring home at 34 Rossi. See Exhibit A

**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**

**PLANNING DEPARTMENT**

In Response to the latest changes, the planning department issued the following response comments:

- a. The 5' deep setback should begin at the front wall of the third story, which is setback from the primary building wall. The width of the setback should match adjacent neighbor at 34 Rossi.
- b & c. Design comments regarding massing and roofing do not meet the design guidelines.

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

The owners feel they have been misled by the planning department and that the solutions provided by the historic consultant were in keeping with the immediate neighboring properties and with the design guidelines.

The 5'-0" x 3'-0" front recess area requested by planning would affect the structural integrity of the property and would create enormous financial hardship in roof redesign and reconstruction.

The immediate neighbors would be adversely affected by the extensive deconstruction and reconstruction process.

**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?**

There have been extraordinary circumstances associated with this project and we believe the planning Commission will determine that either of the proposed sets of accommodations that the owner has proposed will satisfy applicable guidelines, particularly in the absence of any historical significance to this building.

**Virginie Manichon**  
EAG STUDIO  
VIRGINIE@EAGSTUDIO.COM  
415.205.4994 MOBILE

**Enclosures: Exhibit A**

## OWNER AUTHORIZATION

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8/16/2016

PROPERTY ADDRESS

38 ROSSI AVENUE  
SAN FRANCISCO, CA 94118-4218  
Block: 1134 / Lot: 012A / Zoning: RH-2 - First built: 1937

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**SAN FRANCISCO DEPARTMENT OF BUILDING INSPECTION**  
**1660 MISSION STREET**  
**SAN FRANCISCO, CA 94103**  
**(415) 558-6088**

RE: Planning and Building Permit for Renovation at *38 Rossi Avenue, San Francisco, CA 94118*

To Whom It May Concern:

EAG Studio will be working on my property (see address above). Please allow staff of EAG Studio submit plans and pull permits for the renovation work as needed. The contact information of the authorized agent is the following:

**Vin Leger, vin@eagstudio.com, 415-246-8808**  
**Virginie Manichon, virginie@eagstudio.com, 415-205-2994**  
**Michael Terndrup, virginie@eagstudio.com, 415-580-2413**  
**Mike Fenech, virginie@eagstudio.com, 619-246-7306**  
**Jon Bradley, virginie@eagstudio.com, 415-212-8691**

Thank you,

DocuSigned by:

*Lynn Krieger*

FB0E8A6701AC436...

Lynn Krieger  
Owner

# SPONSOR STATEMENT LETTER

REGARDING THE PROPERTY LOCATED AT:

DATE: APRIL 19, 2017

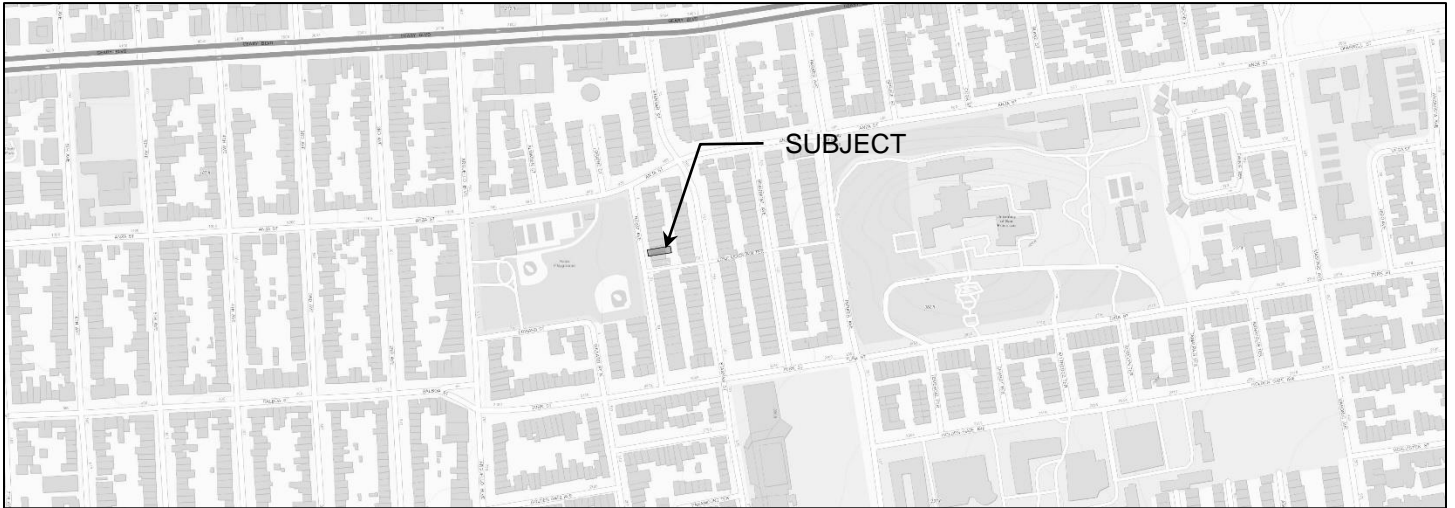
**38 ROSSI STREET**

BLOCK 1134/ LOT: 012A / ZONING R-3

APPLICATION # 201311182163

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**AREA MAP**

## GEOGRAPHICAL CONTEXT

38 Rossi is located in the Richmond District. It is located between Anza Street to the North, Lone Mountain Terrace to the South, Stanyan Street to the East and Rossi Avenue to the West. The Subject Property has neighbors to the North and to the South and is facing a two-city block playground field to the West. The neighbors are supportive of the project as it exists today.

## BACKGROUND INFORMATION

The Subject Property underwent a minor interior remodel in 2013. After the discovery of major dry rot damage as a result of roof lines issues and several gutter inward penetrations that were damaging the home from the inside out, attempts were made to swiftly address the issue during construction.

The said issues needed to urgently be addressed during the rainy season at the time. The owners and the General Contractor communicated with individuals at Planning and Preservation throughout the process and followed the Department's requests in good faith, including paying the city for an environmental evaluation and retaining a historian at the Department's suggestion.

Given their compliance with the Department's requests, owners were left with the impression that their repair and improvement approach would be seconded by the various city agencies they consulted with and preemptively proceeded to sealing up the house to prevent any further damage to their home.

After a series of staff turnover, the position of Planning and Preservation changed and in end, after waiting more than two years, the owners were informed that they would have to reverse the improvements. The owners were given 30 days to submit new plans. They were told that the city would not complete the environmental evaluation that the city had requested.

The work has been completed for a number of years at this point, and the neighbors are supportive of what was done, but the owners have been unable to complete their permit due to the pending enforcement action.

The steps taken by the owners and the General Contractor to promptly address the serious water intrusion issues did not follow the formal process that they now understand should have been followed for such remodel plans, but everyone at the time acted in good faith with the information provided to them.

All involved, including the neighbors, hope that the city will reconsider its demand to reverse the changes, given the relatively minimal impact of the changes as compared to the considerable financial and emotional burden of reversing them.

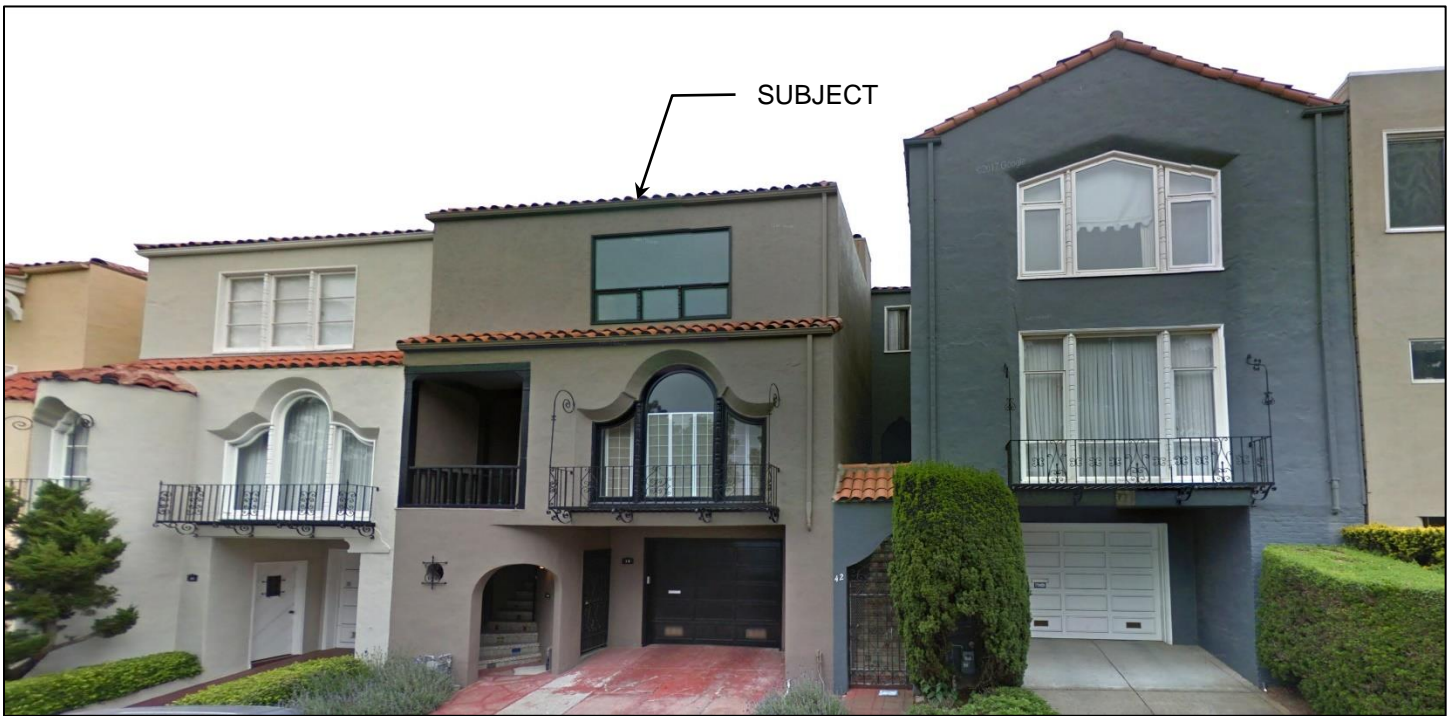
In order to comply with the city's order, the owners will have to completely remove the roof and the front of the house. The estimated cost of doing so is over \$179,000.

The neighbors immediately adjacent to 38 Rossi are elderly and spend most of their time in their homes. In addition to being supportive of the existing appearance of the home, they are extremely concerned about the additional impact and protracted construction this will have on their lives, particularly given that they support the current appearance of the home and see no reason to change it.

The owners hope that review of the circumstances leading up to the current day, and consideration of the impact reversal of these improvements will have on the owners and the neighbors for relatively minimal benefit, weigh in favor of closing this case without requiring a tear-down.



**38 ROSSI AVENUE - 2013 PRE-EXISTING FAÇADE**



**38 ROSSI AVENUE - 2014 AS-BUILT FACADE**

## PROJECT TIMELINE

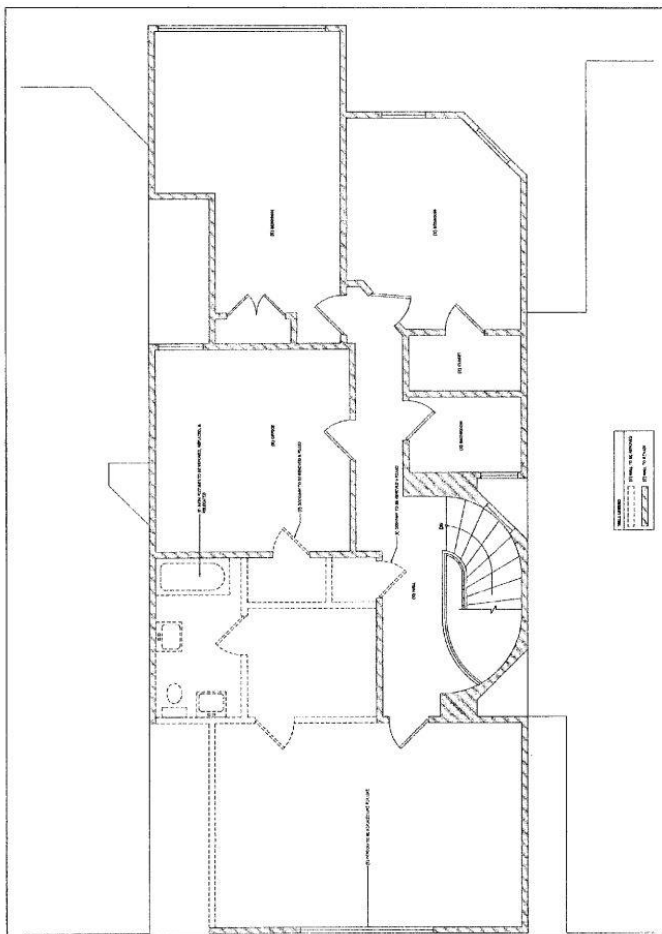
**August 2013** - Permit was filed to repair water intrusion in the master bedroom and master closet. Remove and replace plaster with new drywall. Repair any dry rot if necessary. Replace in kind master bathroom. Upgrade electrical and plumbing as needed. (Permit No. 2013 0814 4242).

While under construction, extensive dry rot was discovered and more framing had to be removed. A field decision was made to expand the master bathroom scope of work and to infill 56 square feet at front of the property.

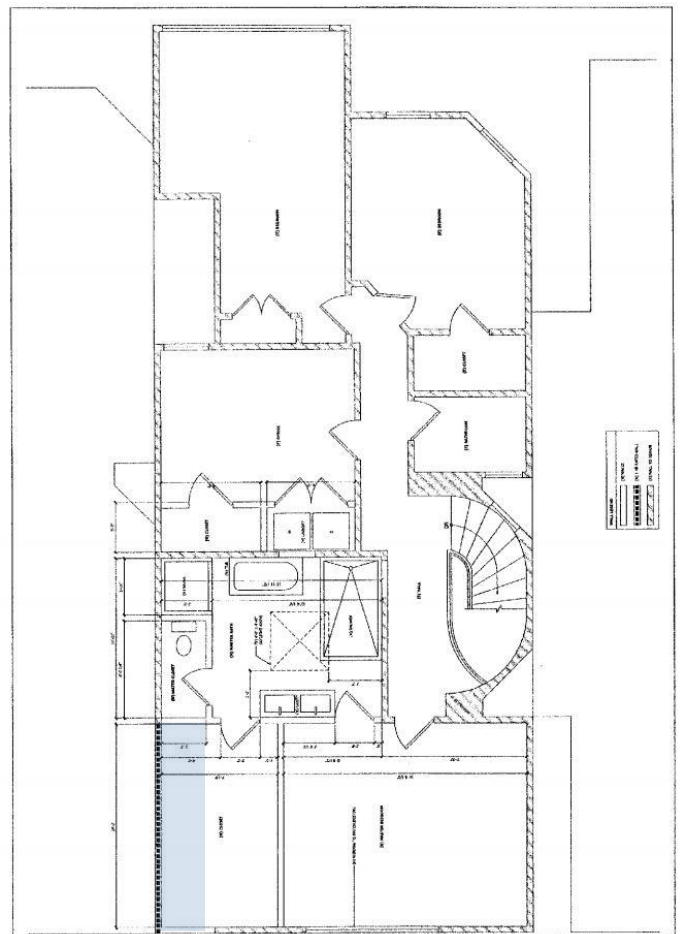
The General Contractor went to the over-the-counter Planning Department. The planner pulled the property information and said that this was a small infill and to file a permit revision.

**September 2013** - Neighbor filed a complaint (*same neighbor later to express support*). Owner and General Contractor revise plans and immediately prepare neighborhood meeting.

**November 2013** - General Contractor files a Permit to infill 56 square feet at front of property - shown darkened in graphics below. (Permit No. 20131118 2163).



2013 - PERMIT DRAWING – PRE-EXISTING CONDITION



2013 – REVISED PERMIT DRAWING - PROPOSED 56 SQFT INFILL

Due to the heavy rain, the General Contractor proceeds with the construction and the framing thinking that the permit will catch up with the construction.



**January 2014** - The Planning Department issues the following plan check comments #1 (Laura Ajello):

1. File an Environmental Evaluation Application (EEA). Owners are asked to pay a filling fee of \$3471
2. Restore the window to match original divided lite wood frame (see neighboring home at 34 Rossi)
3. Revise roof plan and elevations to show the setback of the top floor and roof eave details
4. Correctly depict the master bedroom windows in the existing and proposed floor plans
5. Dimension the depth of the building and the property line

Owner and General Contractor reach out to Planning Department to find a solution to the already built infill (Laura Lynch).

**July 2014** - Per Planning Department's request, client files the EEA

**November 2014** - Per a series of emails and Planning Department's requests, a preservation consultant is hired (Bill Kostura), under the oversight of owner's agent and engineer Alexei Lukban.

**April 2015** - Preservation consultant is in correspondence with the Preservation Planner (Kelly Wong) and submits drawings for Kelly's approval.

**April 24<sup>th</sup> 2015** - Preservation consultant states to owner's agent that Preservationist Planner is fine with either the medallion or the blind window.

**2 (N) FRONT ELEVATION**  
1/4"=1'-0"

**From: Alexei Lukban**  
<alexelukban@yahoo.com>  
**Date:** April 24, 2015 at 3:22:01 PM PDT  
**To:** Lynn Krieger  
<lkrieger@lqlaw.com>  
**Cc:** Adamo Campagna  
<aacampagna@yahoo.com>  
**Subject:** 38 Rossi Schemes

Hello Lynn

Adamo asked me to forward you the proposed schemes for 38 Rossi. The preservationist was fine with either the medallion or the blind window. Let me know what your preference is

All the best

Alexei

**2 (N) FRONT ELEVATION**  
1/4"=1'-0"

**2 (N) FRONT ELEVATION**  
1/4"=1'-0"

2015- FAÇADE DESIGNS ALTERNATES PROPOSED BY HISTORIAN ACCEPTED BY PRESERVATION PLANNER

**May 2015** - Preservation planner Kelly Wong leaves the department and the case is turned over to Chaska Berger.

**August 2015** - Laura Lynch issues an email with the following comments:

1. Submit copies of any historical photograph of the property in the records of the SF Assessor's office
2. Remove the medallion from the 3<sup>rd</sup> story. This is conjectural element and is not appropriate to the historic character of the building
3. Notch the 3<sup>rd</sup> story addition and re-create the original side setback at the 3<sup>rd</sup> story
4. Reconstruct the slightly pitched roof at the front of the property
5. Restore the original window pattern on the 3<sup>rd</sup> floor

Client awaits EEA findings.

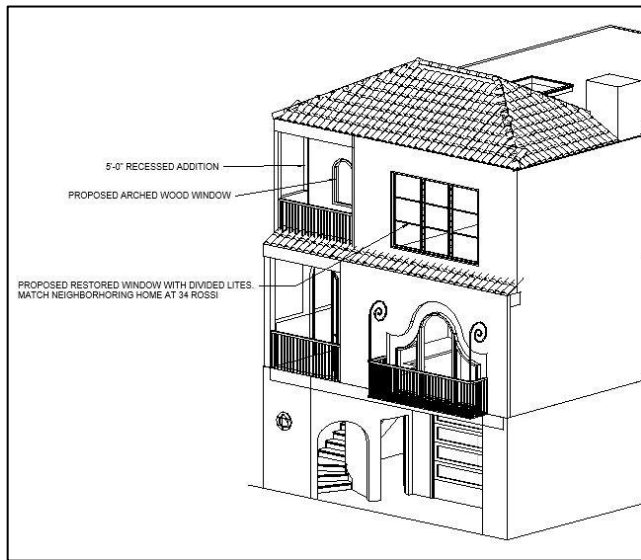
**March 2016** - Planning Department re- issues plan check comments

**May 2016** - Owner requests meeting with Laura Ajello to understand the Planning Department's change of position.

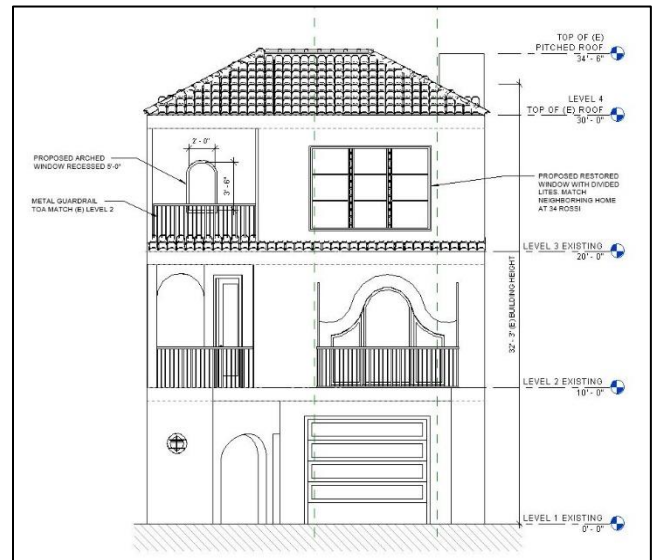
**May 2016** - EEA reviewer states that to qualify for the Categorical exemption, the property first needs to comply with the plan check comments.

**July 2016** - Client hires EAG Studio to help find a suitable solution.

**August 2016** - EAG Studio proposes a compromise to recess the top floor 5'-0" under the existing roof, to attain the design guideline objectives and prevent owners and General Contractor to undergo the extensive expense of redoing all roof lines.



2016 – PROPOSED ALTERNATE BY EAG STUDIO- 3D VIEW



2016 – PROPOSED ALTERNATE ELEVATION BY EAG STUDIO

**August 2016** - Planning Department flatly rejects the proposed revisions and re-issues plan check comments as "Final".

SUBJECT IS NOT OUT OF CHARACTER



ROSSI AVENUE STREET FACADES ON BOTH SIDES OF SUBJECT PROPERTY

## CONCLUSION

What started as a minor field change has turned into a construction nightmare for the owners who have spent three years trying to satisfy the Planning Department requirements.

### **INCONSISTENCY RESULTING FROM STAFF TURNOVER**

With the help of Preservation, solutions were proposed and supported only to be overturned when the assigned preservationist at the time left the department, leaving no continuity in procedures and forcing an unfortunate impasse to the situation.

### **UNFAIR PROCEDURAL BURDEN**

The owners have also been required to file an Environmental Evaluation Application, and to pay its hefty fee (owners sent multiple checks to the Department because the Department repeatedly revised the amount requested), only to be told later that the exemption can only be granted if the building is reverted back to its original condition. The Department never completed the Environmental Evaluation.

### **UNFAIR FINANCIAL HARDSHIP**

The owners have suffered tremendous emotional and financial hardship. The cost to revert the construction to its original condition at \$179,000. Doing so would not only add financial hardship, it would recreate the water infiltration problems that triggered the original repair work. It will also create noise issues that prompted the neighbor to file a complaint.

The project as currently built is in character with its neighbors and has no negative impact on the neighborhood. The owner received letters of support from both adjacent neighbors imploring the Planning Department to leave the property alone and close the matter by leaving the project as is.

We respectfully ask the Planning Commission to allow the project to receive final inspection as currently built.

Sincerely,

A handwritten signature in black ink, appearing to read 'Virginia Manichon', written in a cursive style.

Virginia Manichon

EAG STUDIO

MOBILE: (415) 205-4994

EMAIL: VIRGINIE@EAGSTUDIO.COM

## EXHIBIT 1 - Letter of support from south neighbor

SF Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

April 19, 2017

Home Remodel at 38 Rossi Avenue

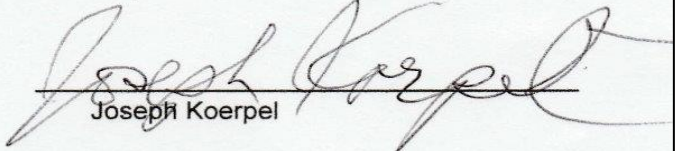
Dear Sir or Madam:

I own the property at 42 Rossi Avenue, directly South of my neighbor at 38 Rossi.

As you can see from the photo below, what was built at 38 Rossi Avenue is not out of character for the area. For instance, there is no gap between my home and the building to the south of me. We are grateful that the Planning Department looks out for the preservation of the character of our neighborhood but we would find it inappropriate at this stage to force large costs upon our neighbor for changes that no one is likely to notice or may believe are less desirable. I and other neighbors were invited and viewed the plans for 38 Rossi before it was built and I had no objection to the construction. I have no objection to the appearance of the house now and believe it fits with the character of the homes on this street.

I would also like to avoid additional construction, noise and repairs that would ensue if the roof and front of the house were dismantled and a small setback built.

Sincerely,



Joseph Koerpel



Date: 4-19-17

To: SF Planning Department / Planning Commissioners

Re: Home remodel at 38 Rossi Avenue

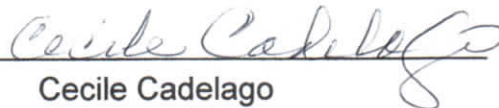
From: \_\_\_\_\_

Dear Planning Commission -

I live at 34 Rossi in the house just north of the house at 38 Rossi Avenue.

I understand the Planning Department has proposed changes to the front of my neighbor's house that will involve considerable re-construction to the front of their home. I would like the Planning Commission to know that I think the front of my neighbor's house looks fine now. In particular, I urge the Planning Commission not to require that the work be undone, with significant additional construction. I would like to avoid additional disruption to me and the neighborhood (and avoid large additional costs to my neighbor). I urge the Planning Commission to leave things as is rather than require more construction to make changes that may not be preferable to the way the front of the house looks now.

Sincerely,

  
Cecile Cadelago



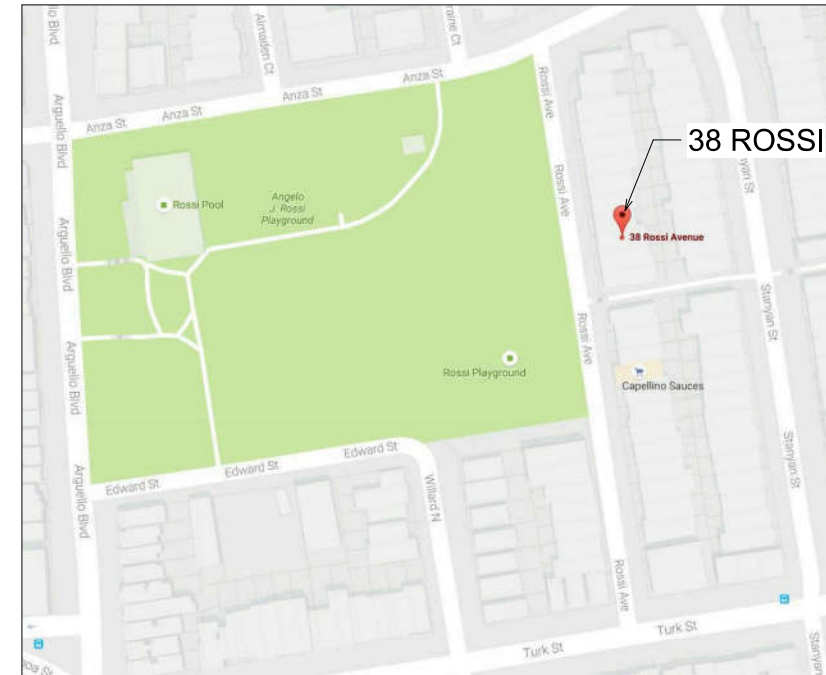
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#	REVISIONS	DATE
	PLANNING SUBMITAL	8/25/14
	DR REVIEW	01/04/17

**38 ROSSI STEET**  
SAN FRANCISCO, CA 94103  
BLOCK 1134 LOT 012A

**SITE PLANS**

**A1**

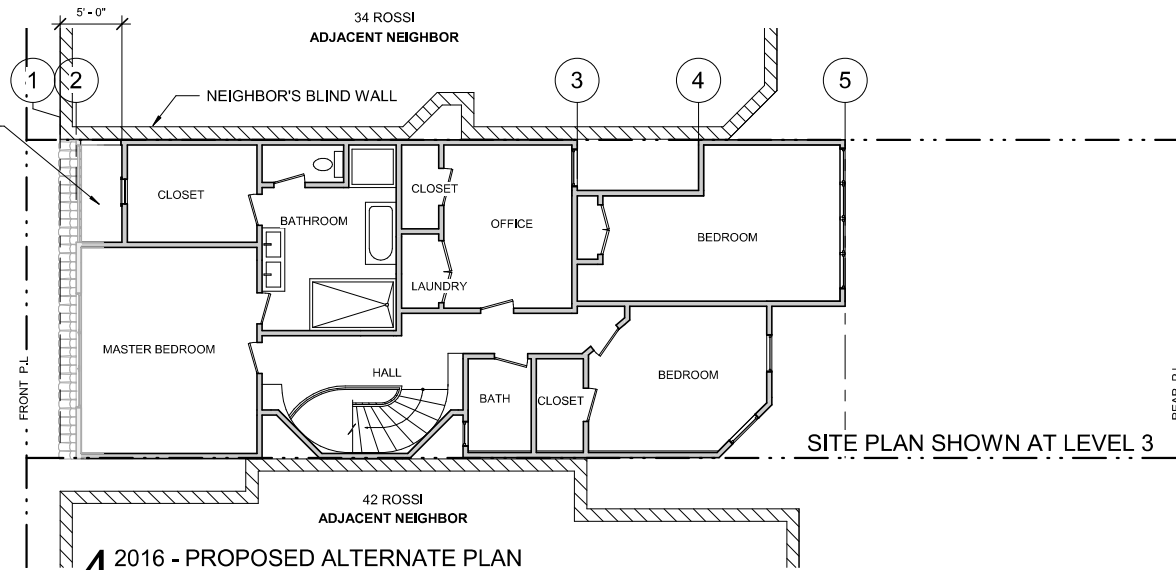


**KEY MAP**

**SHEET INDEX**

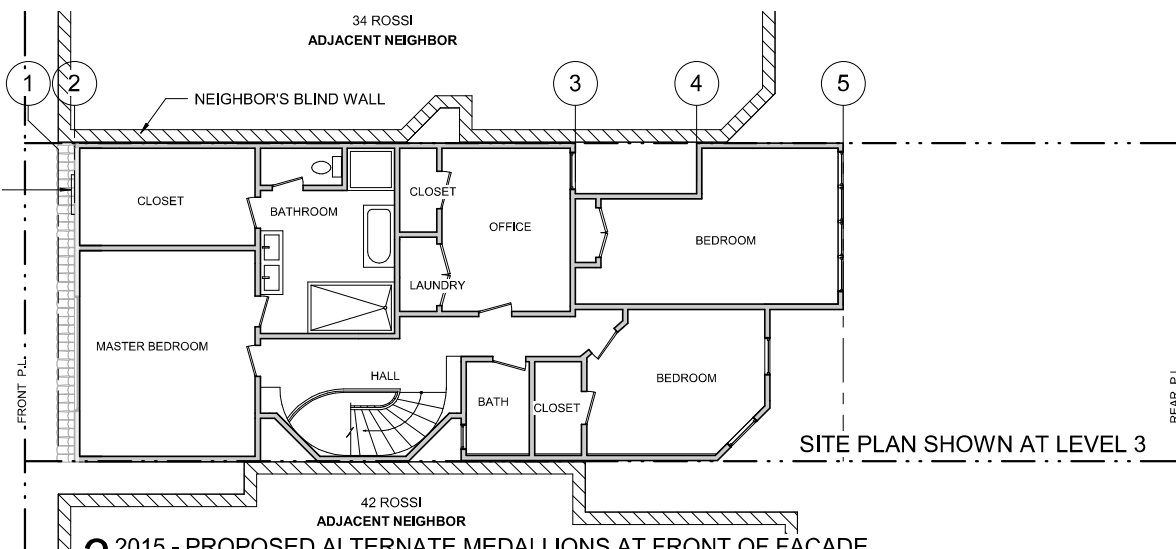
- A1 SITE PLANS
- A2 ELEVATIONS
- A3 2017 - LETTERS OF SUPPORT FROM NEIGHBORS
- A4.1 PROJECT HISTORY TIMELINE
- A4.2 PROJECT HISTORY TIME LINE CONT.
- A5 2013 - PRE-EXISTING PLANS
- A6 2016 - PROPOSED DEMOLITION PLAN AND ELEVATION
- A7 2014 - AS BUILT LEVEL 3 AND ROOF PLAN
- A8 2016 - PROPOSED ALTERNATE LEVEL 3 PLAN
- A9 2014 - AS-BUILT ELEVATIONS
- A10 2016 - PROPOSED ALTERNATE ELEVATIONS
- A11 2016 - PROPOSED ISOMETRIC VIEW

2016 - EAG STUDIO IS HIRED TO HELP THE OWNER AND PROPOSES A NEW ALTERNATE TO RECESS THE INFILL 5'-0" BELOW EXISTING ROOF LINE. REJECTED BY THE PLANNING DEPARTMENT. SEE SHEETS A2 & A6 THROUGH A11



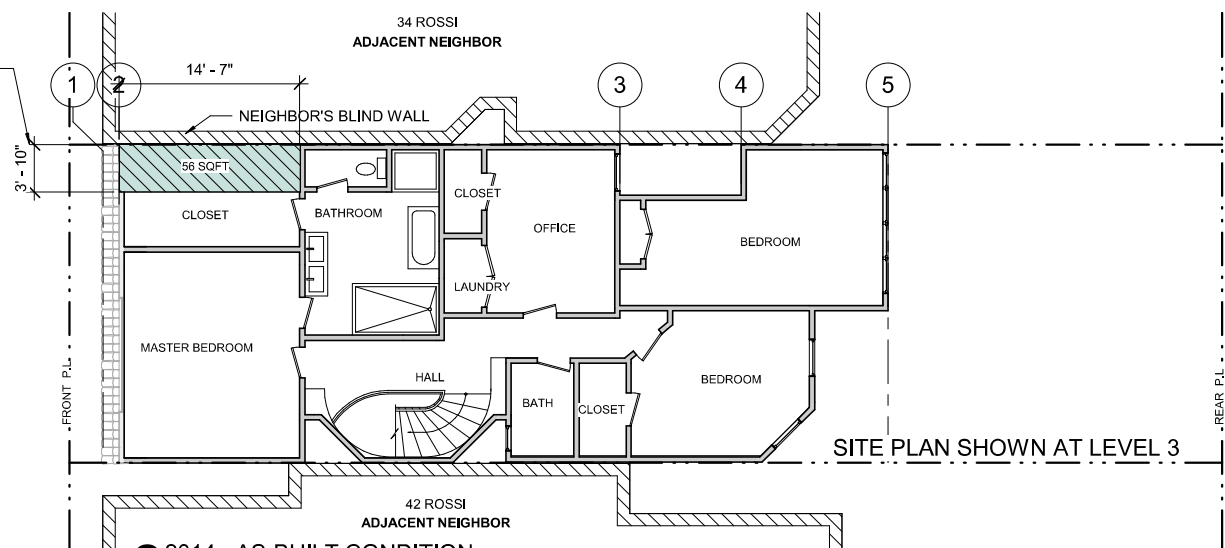
**4 2016 - PROPOSED ALTERNATE PLAN**  
1 : 85

2015 - PRESERVATION CONSULTANT (BILL KOSTURA) PRESENTS THREE ALTERNATE MEDALLIONS. APPROVED BY KELLY WONG (PRESERVATIONIST PLANNER) KELLY WONG LEFT THE DEPARTMENT BEFORE FINALIZING THE APPROVAL. NEW PLANNER REJECTS THE ALTERNATES. SEE SHEET A2.



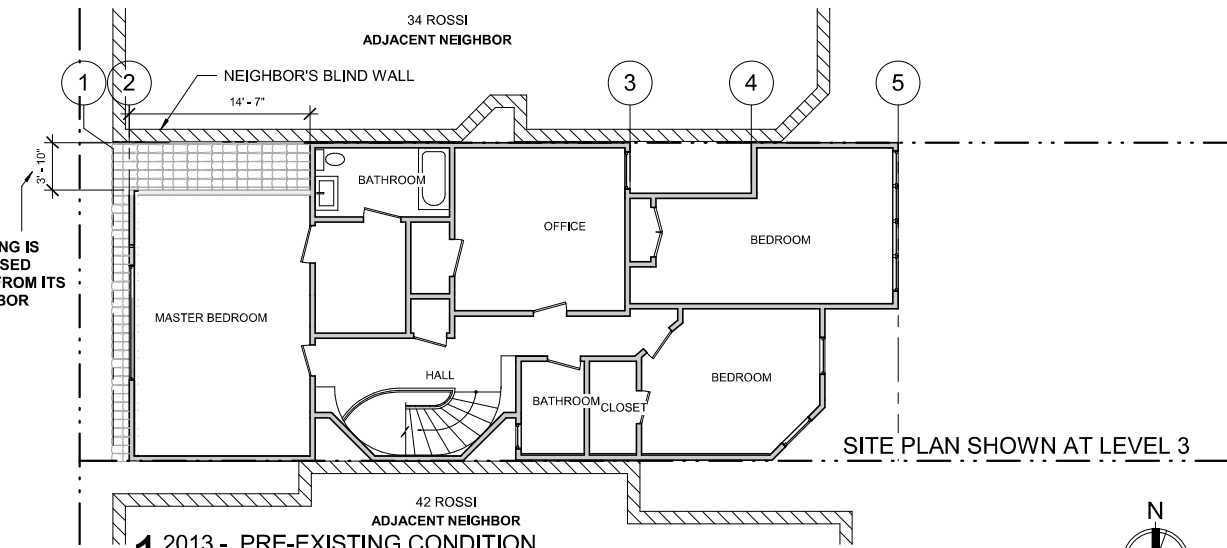
**3 2015 - PROPOSED ALTERNATE MEDALLIONS AT FRONT OF FACADE**  
1 : 85

2014 - BUILDING IS INFILLED PRIOR TO PERMIT BEING ISSUED. SEE PROJECT TIMELINE ON SHEETS A4.1 & A4.2

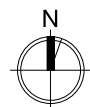


**2 2014 - AS-BUILT CONDITION**  
1 : 85

BUILDING IS RECESSED 3'-10" FROM ITS NEIGHBOR



**1 2013 - PRE-EXISTING CONDITION**  
1 : 85



#	REVISIONS	DATE
	PLANNING SUBMITAL	8/25/14
	DR REVIEW	01/04/17



2016 - PROPOSED ALTERNATE FACADE - REJECTED BY PLANNING DEPARTMENT



**From:** Alexei Lukban  
<[alexlu@icloud.com](mailto:alexlu@icloud.com)>  
**Date:** April 24, 2015 at 3:22:01 PM PDT  
**To:** Lynn Krieger  
<[lkrieger@icloud.com](mailto:lkrieger@icloud.com)>  
**Cc:** Adamo Campagna  
<[acampagna@yahoo.com](mailto:acampagna@yahoo.com)>  
**Subject:** 38 Rossi Schemes

Hello Lynn

Adamo asked me to forward you the proposed schemes for 38 Rossi. The preservationist was fine with either the medallion or the blind window. Let me know what your preference is

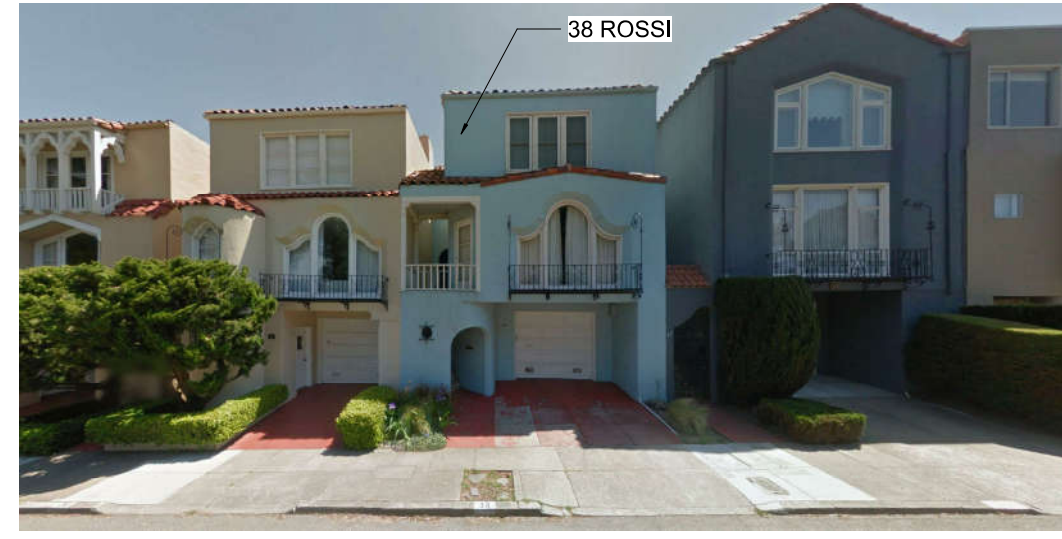
All the best

Alexei

2015 - PROPOSED ALTERNATE MEDALLIONS - APPROVED BY PRESERVATION PLANNER (KELLY WONG) AND LATER REJECTED BY NEW ASSIGNED PLANNER



2014 - AS-BUILT CONDITION



2013 - PRE EXISTING CONDITION

38 ROSSI STEET  
SAN FRANCISCO, CA 94103  
BLOCK 1134 LOT 012A

ELEVATIONS

A2



#	REVISIONS	DATE
	PLANNING SUBMITAL	8/25/16
	DR REVIEW	01/04/17

38 ROSSI STEET  
SAN FRANCISCO, CA 94103  
BLOCK 1134 LOT 012A

2017 - LETTERS OF  
SUPPORT FROM  
NEIGHBORS

A3

SF Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

April 19, 2017

Home Remodel at 38 Rossi Avenue

Dear Sir or Madam:

I own the property at 42 Rossi Avenue, directly South of my neighbor at 38 Rossi.

As you can see from the photo below, what was built at 38 Rossi Avenue is not out of character for the area. For instance, there is no gap between my home and the building to the south of me. We are grateful that the Planning Department looks out for the preservation of the character of our neighborhood but we would find it inappropriate at this stage to force large costs upon our neighbor for changes that no one is likely to notice or may believe are less desirable. I and other neighbors were invited and viewed the plans for 38 Rossi before it was built and I had no objection to the construction. I have no objection to the appearance of the house now and believe it fits with the character of the homes on this street.

I would also like to avoid additional construction, noise and repairs that would ensue if the roof and front of the house were dismantled and a small setback built.

Sincerely,

*Joseph Koerpel*  
Joseph Koerpel



SF Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

April 19, 2017

Home Remodel at 38 Rossi Avenue

Dear Sir or Madam:

I own the property at 42 Rossi Avenue, directly South of my neighbor at 38 Rossi.

As you can see from the photo below, what was built at 38 Rossi Avenue is not out of character for the area. For instance, there is no gap between my home and the building to the south of me. We are grateful that the Planning Department looks out for the preservation of the character of our neighborhood but we would find it inappropriate at this stage to force large costs upon our neighbor for changes that no one is likely to notice or may believe are less desirable. I and other neighbors were invited and viewed the plans for 38 Rossi before it was built and I had no objection to the construction. I have no objection to the appearance of the house now and believe it fits with the character of the homes on this street.

I would also like to avoid additional construction, noise and repairs that would ensue if the roof and front of the house were dismantled and a small setback built.

Sincerely,

*Joseph Koerpel*  
Joseph Koerpel



WE ARE SUBMITTING THIS TIMELINE BECAUSE WE THINK IT SHOWS THAT THE HOMEOWNERS WERE ATTEMPTING TO BE RESPONSIVE TO THE PLANNING DEPARTMENT'S REQUEST TO SUBMIT AN ENVIRONMENTAL EVALUATION APPLICATION. ALL SUBSEQUENT COMMUNICATIONS WAS PENDING ON WHETHER OR NOT THE PROPERTY WAS GOING TO BE DESIGNATED AS A HISTORICAL RESOURCE.

DATE	SUBJECT	DESCRIPTION
8/1/2013	Begin construction	
9/6/2013	Neighbor Cecile Cadelago at 34 Rossi files complaint	"Built a wall against my house that was never there. They are extending the master bedroom/bathroom without permits. There is a building permit #201308144242."
11/20/2013	Lynn and Greg's Notice of neighborhood meeting	Attaches plans from Donovan Weber Design
12/24/2013	Complaint ("CP-ZOC") ARRIVED	(Online record)
1/3/2014	Submits application for approval	Application 2013.1118.2163-S
1/23/2014	SF Planning Department Requirements #1	Application 2013.1118.2163-S Assigned to Laura Aiello. Aiello begins review of application and asks for: (1) environmental evaluation application; (2) additional \$3,471; (3) requires restoration of 3-panel mater window; (4) revise roof plan and elevations to show setback of top floor and roof eave details of first floor; (5) correctly depict master bedroom windows in the existing and proposed floor plans; (6) dimension the depth of the building and property lines; (7) provide window cross-section detail showing exterior trim details and how window will be installed to match installation depth of original; (8) include window schedule on plans. Notation in online record at Dept. of Building inspection (notes "Complaint & E app pending")  Planning returns initial check for \$3,471 and requests slightly different amount.
07/00/14	Kostura first supplemental report	Kostura retained in response to Planning Dept.'s suggestion. Prepares historic research report.
08/00/14	Kostura second supplemental report	Kostura asked to add more historical information
9/11/2014	Lynn authorizes Alexei Lukban to act on our behalf.	
11/12/2014	Deposit of \$_____ (receipt no. 19985617) for environmental review	(Online record: Categorical Exemption-Determination of Historic Resource (2014-000874ENV) Deposit reflected online but specific amount not shown online.
12/18/2014	Complaint 2014-002926ENF opened	Complaint type listed as "Historic Preservation."
2/10/2015	E-mail from Alexei to Kelly Wong	Alexei states that we received Notice of Complaint 2014-002926ENF. Notes that application for approval of in-fill 2013-1118-2163 is pending. Notes that owners and contractors completed in-fill because of weather issues.  States that Tina Tam called Alexei and mentioned she couldn't review the Environmental Evaluation Application in its current scope of work because the in-fill was already built.  Asking what is our best course of action to move forward. Asking if we could revise the EEA to reflect the violation notice instead?
2/24/2015	E-mail from Kelly Wong to Alexei	Department would require removal of unpermitted infill and restoration to original design.
3/10/2015	E-mail from Kelly Wong to Alexei	Asks for his phone number to follow up. In phone conversation, Kelly Wong tells Alexei that our preservationist should consider and recommend acceptable fix.
3/16/2015	E-mail from Alexei to Kelly Wong	Following up on phone convo. Spoke with Bill Kostura and is awaiting Kelly's comments via email so Bill can review and revise what is necessary to abate violation. Contractor/owners prepared to comply with recommendation.
3/16/2015	E-mail from Kelly Wong to Alexei	Department would like more info on building before making a decision about possible next steps for abating the violation. Specifically, need to make determination if building has any historic significance and therefore requires a Historic Resource Evaluation report. Must be produced by qualified preservation consultant.
??/??/15	E-mail from Kelly Wong to Alexei	Asks Alexei for update.
4/10/2015	Alexei prepares three options for medallion placement in discussion with Kostura	



PHONE: 415-300-0585  
 EMAIL: EAGSTUDIO@GMAIL.COM  
 ADDRESS: 2443 FILLMORE STREET #215  
 SAN FRANCISCO, CA 94115-1814

#	REVISIONS	DATE
	PLANNING SUBMITAL	8/25/14
	DR REVIEW	01/04/17

38 ROSSI STEET  
 SAN FRANCISCO, CA 94103  
 BLOCK 1134 LOT 012A

PROJECT HISTORY  
 TIMELINE

A4.1

#	REVISIONS	DATE
	PLANNING SUBMITAL	8/25/14
	DR REVIEW	01/04/17

**38 ROSSI STEET**  
SAN FRANCISCO, CA 94103  
BLOCK 1134 LOT 012A

**PROJECT HISTORY  
TIMELINE CONT.**

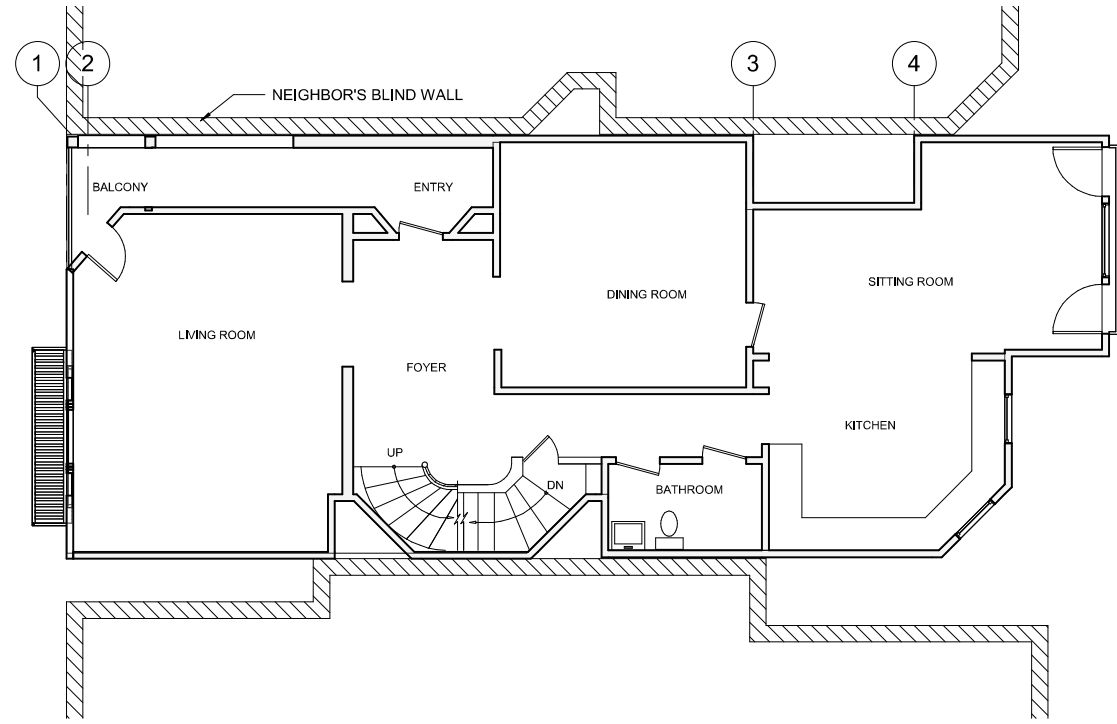
DATE	SUBJECT	DESCRIPTION
4/15/2015	E-mail from Alexei to Bill Kostura	Attaches schemes for 38 Rossi and asks for input
4/24/2015	E-mail from Alexei to owner	Alexi states that the preservationist was fine with either the medallion or the blind window.
4/27/2015	E-mail from Alexei to Kelly Wong	States that we are exploring alternates with help of Kostura. "Not that far off from getting a final design that the owner and Bill will agree on."
4/27/2015	E-mail from Kelly Wong to Alexei	Notes that she will have to review the HRE and proposed design when he submits.
7/18/2015	E-mail from Kelly Wong to Alexei	Informs him that it is her last week at the Planning Department and Chaska Berger will be Alexi's new contact.
7/20/2015	E-mail from Alexei to Kelly Wong	Notifies Kelly that Kostura is reviewing the schemes and they hope to get his work done this week. States he'll forward everything to Laura.
??/??/15	ail from Chaska Berger to Alexei	Introduces herself and asks that Alexi forward plans to her attention.
8/19/2015	E-mail from Laura Lynch to Alexei	States that staff reviewed project and requests: (1) submit historical photos; (2) remove medallion from the plans - it is conjectural element; (3) notch the 3rd story; (4) reconstruct pitched clay tile pent roof; (5) restore original window (glued on light division are not appropriate).
??/??/15	E-mail from Gretchen Hilyard to Alexei	She spoke with her supervisor, Tina Tam, about the project. Based on Alexi's convo with Gretchen at the PIC counter, she understands that we "will not revise the design to meet the requirements outlined in Laura Lynch's email from August 2015 and are asking the Department to continue with the Environmental Review and make a determination regarding the historic resource status of the property." She says she's taken the project out of hold and placed it back in her environmental review queue but due to her holiday schedule and workload, anticipates completion won't be until around March 1, 2016. "There is still some question about whether this property might contribute to an eligible historic district and I will need to conduct additional research in order to make that determination. Please note that even after the historic resources determination is made, all applicable Residential Design and Planning Code requirements will still need to be met and the design will likely require some form of revisions prior to approval."
3/29/2016	Notice of Planning Department Requirements #2	States that permit application 2013.1118.2163 has been on hold pending review of related cases EEA 2014-00087ENV and Code enforcement) and is now ready to proceed. Requires: (1) minimum 5-foot setback; (2) restore window; (3) restore decorative arched ceramic tile roof.
4/22/2016	E-mail from Alexei to Gretchen and Laura Lynch	Requests a meeting after reviewing findings
4/25/2016	E-mail from Laura Lynch to Laura Aiello	Forwards email because it should have gone to Laura Aiello
??/??/16	E-mail from Laura Aiello to Alexei	States a site visit is not necessary; design has been reviewed and instructions sent.
4/27/2016	E-mail from Lynn to Laura Aiello	Requests a 30 additional days.
4/27/2016	E-mail from Laura Aiello to Lynn	Gives 10 days
4/28/2016	E-mail from Lynn to Laura Aiello	Explains we need more time and would like to meet.
4/29/2016	E-mail from Laura Aiello to Lynn	Refuses meeting.
4/29/2016	E-mail from Lynn to Laura Aiello	Explains we are requesting a meeting pursuant to her offer to meet.
5/2/2016	E-mail from Laura Aiello to Lynn	Sets meeting for May 11
5/11/2016	Meeting with Lynn, Laura Aiello, and David Lindsay	Lynn asks about EEA that we were asked to submit and pay for. David says that EEA should have been completed (and that he'll investigate); says he'll defer to whatever Gretchen decides.
5/26/2016	E-mail from Gretchen Hilyard to Lynn	The comments in NOPDR #2 outline the changes required for the project to qualify for a categorical exemption from CEQA. Since the project doesn't meet standards #9 and 10, they won't issue environmental clearance. Alternative is a DR hearing. If there is a staff initiated DR hearing, then Gretchen will complete the evaluation that we submitted. (Note: the "evaluation" is the one for which we retained Kostura and paid a fee in 2014 - 2014-000874ENV.)
8/12/2016	Final Notice	

#	REVISIONS	DATE
	PLANNING SUBMITAL	8/25/14
	DR REVIEW	01/04/17

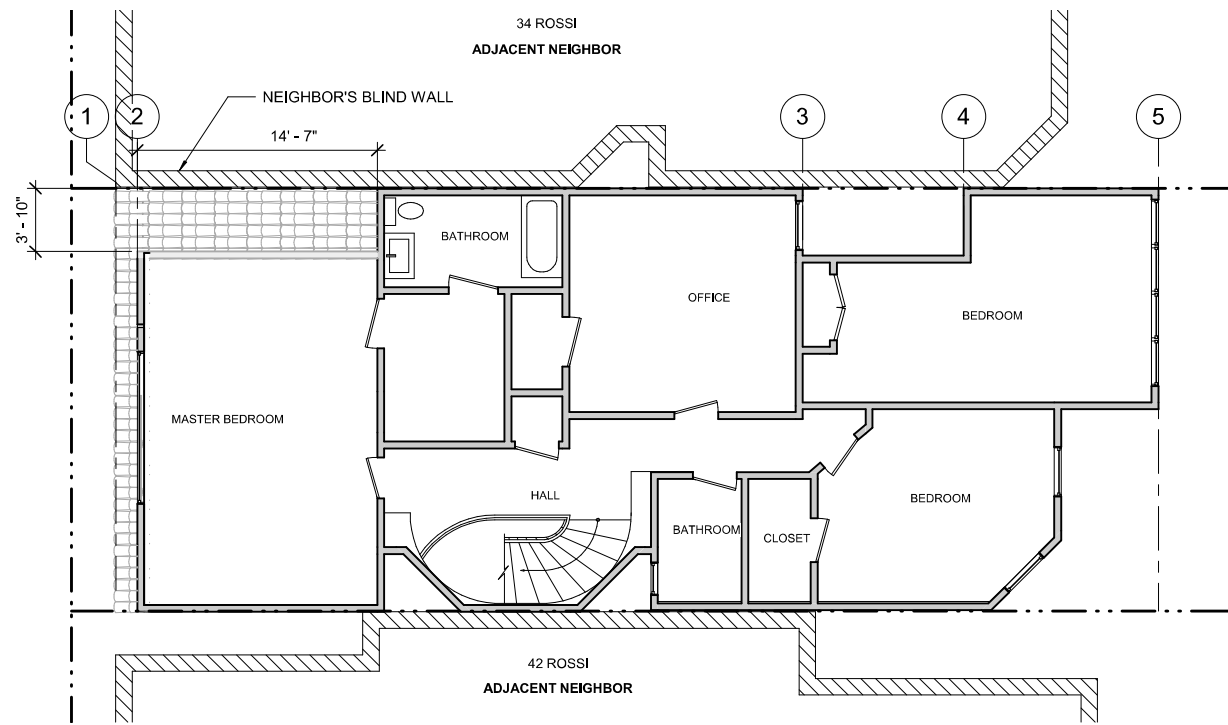
**38 ROSSI STEET**  
SAN FRANCISCO, CA 94103  
BLOCK 1134 LOT 012A

**2013 - PRE-EXISTING  
PLANS**

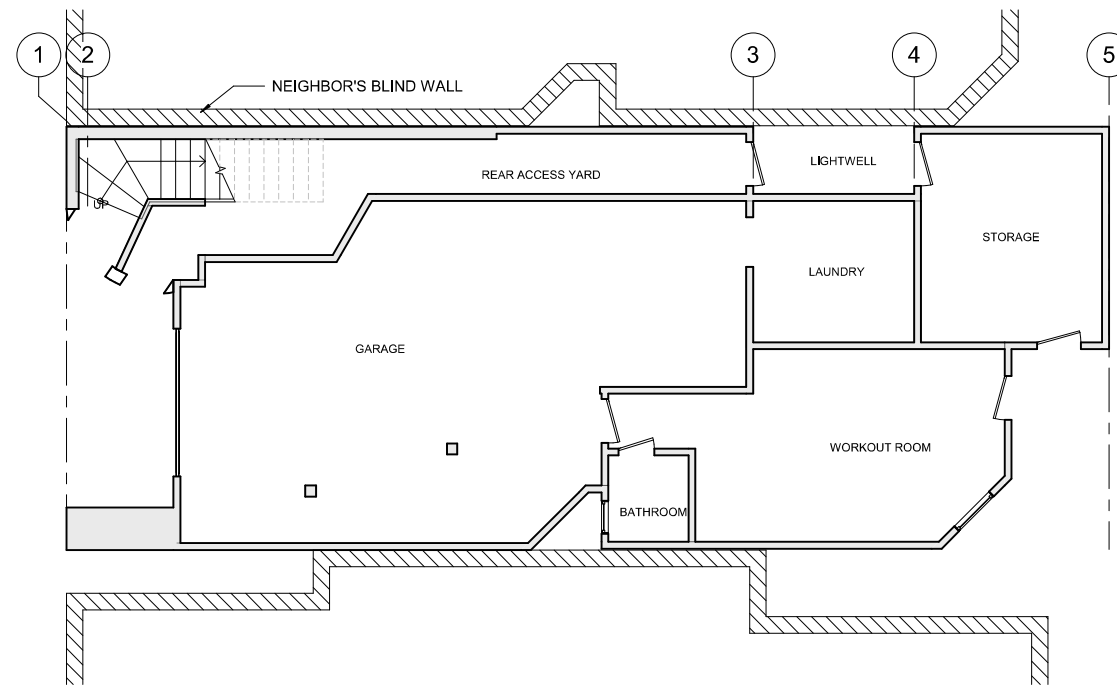
**A5**



**2** 2013 - LEVEL 2 PRE-EXISTING CONDITION (NO CHANGE)  
3/16" = 1'-0"



**3** 2013 - LEVEL 3 PRE-EXISTING CONDITION  
3/16" = 1'-0"



**1** 2013 - LEVEL 1 PRE-EXISTING CONDITION (NO CHANGE)  
3/16" = 1'-0"



**SAN FRANCISCO PLANNING DEPARTMENT**

**Notice of Planning Department Requirements #2**

March 29, 2016

Donovan Weber Design  
1361 7th Avenue  
San Francisco, CA 94122

RE: 38 Rossi Avenue (Address of Permit Work)  
1134/012A (Assessor's Block/Lot)  
2013.1118.2163 (Building Permit Application Number)

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479  
Reception:  
415.558.8378  
Fac:  
415.558.6489  
Planning  
Information:  
415.558.6377

Your Building Permit Application #2013.1118.2163 has been on hold by the Planning Department pending review of related cases (Environmental Evaluation Application, 2014-00087ENV, and Code enforcement complaint) and is now ready to proceed.

Your proposal submitted to the Department staff to legalize the addition and facade changes was reviewed by Preservation staff, the Residential Design Team and senior Planning Staff. The proposal does not meet the Residential Design Guidelines and cannot be approved as proposed. Moving forward there are two options:

1. **Staff approval.** Update the building permit plans as follows in order to receive Planning staff approval:
  - a. Provide a minimum five (5) foot front setback on the addition;
  - b. Restore the front window to match the original authentic divided-lite wood-framed casement windows (see neighboring home at 34 Rossi Ave for reference). Simulated divided lites (with a shadow bar) are generally acceptable; submit a manufacturer's brochure for review by Planning staff; and
  - c. Restore the decorative arched ceramic tile roof element that was removed.
2. **Staff-Initiated Discretionary Review.** The project as currently proposed is not approvable and Department staff would initiate Discretionary Review of the application and take the project to a public hearing before the Planning Commission with a recommendation that the Commission disapprove the application proposing to legalize the addition and other facade changes done without benefit of permit. Please note additional fees apply to this route.

Please note that further comment may follow review of the requested information. Revised plans must meet attached Plan Submittal Guidelines and address outstanding items noted in the original Notice letter dated 1/23/14 (attached).

DEAR LAURA,

THIS LETTER IS IN RESPONSE TO NOTICE OF PLANNING DEPARTMENT REQUIREMENTS #2. WE ARE PROPOSING TO MAKE THE FOLLOWING CHANGES:

- 1A PROVIDE 5'-0" FRONT SETBACK ON THE ADDITION
- 1B RESTORE FRONT WINDOW TO MATCH ORIGINAL DIVIDED LITE WOOD-FRAMED CASEMENT WINDOW. MATCH NEIGHBORING HOME AT 34 ROSSI
- 1C WE ARE PROPOSING TO KEEP THE HORIZONTAL ROOF LINE FOR THE FOLLOWING REASONS:

THE ORIGINAL ROOF LINE WAS PITCHED WITH A SLOPE GOING INWARD TOWARDS THE HOUSE. THE ROOF LINE WAS MODIFIED TO ELIMINATE DRYROT AND WATER DAMAGE.

RESTORING THE ORIGINAL FEATURE WOULD CREATE A CONDITION FOR ADDITIONAL WATER DAMAGE AND DRYROT. IN ADDITION, THE LINEAR ROOF LINE IS IN KEEPING WITH THE NEIGHBORHOOD AND IS MATCHING THE IMMEDIATE ADJACENT PROPERTY AT 34 ROSSI.

1D WE ARE PROPOSING TO KEEP THE ROOF FOR THE FOLLOWING REASONS:

WE UNDERSTAND THAT THE ADDITION WAS COMPLETED WITHOUT FINAL APPROVAL. HOWEVER, IT WAS NEVER THE INTENTION OF THE OWNER OF TO INFILL THE 3RD FLOOR WITHOUT PROPER AUTHORIZATION AND PERMITTING.

WE ARE SUBMITTING A DETAILED PROJECT TIMELINE (SHEET A5) BECAUSE WE THINK IT SHOWS THAT THE HOMEOWNERS WERE ATTEMPTING TO BE RESPONSIVE TO THE PLANNING DEPARTMENT'S REQUEST TO SUBMIT AN ENVIRONMENTAL EVALUATION APPLICATION. ALL SUBSEQUENT COMMUNICATIONS WAS PENDING ON WHETHER OR NOT THE PROPERTY WAS GOING TO BE DESIGNATED AS A HISTORICAL RESOURCE.

OUTLINED BELOW ARE A FEW STEPS SHOWING THE OWNER'S INTENT TO REMEDY THE SITUATION.

A NEIGHBORHOOD PRE-APPLICATION MEETING WAS HELD SHOWING PLANS WITH THE 3RD LEVEL INFILL - SEE ATTACHED EXHIBIT B

A PERMIT APPLICATION WAS FILED - PERMIT NO. 2013.1118. 2163S

WHEN THE NOTICE OF PLANNING DEPARTMENT REQUIREMENTS # 1 WAS ISSUED, THE OWNER LOOKED FOR SOLUTIONS TO COMPLY WITH THE PLAN CHECK COMMENTS. A HISTORIC PRESERVATIONIST WAS HIRED AND AN EEA WAS FILED IN AN ATTEMPT TO RE-CLASSIFY THE BUILDING TO CATEGORY C.

THE HISTORIC PRESERVATIONIST WAS WORKING CLOSELY WITH KELLY WONG, PRESERVATION PLANNER, TO FIND A SOLUTION THAT WOULD BE ACCEPTABLE TO THE PLANNING DEPARTMENT.

KELLY WONG LEFT THE DEPARTMENT IN MAY 2016 AND A NEW PLANNER WAS ASSIGNED.

IT IS OUR CURRENT UNDERSTANDING THAT THE BUILDING WILL NOT BE RE-CLASSIFIED TO "C" SINCE THE ADDITION WAS BUILT WITHOUT A PERMIT.

WE BELIEVE THE OWNERS HAVE FALLEN INTO A CATCH 22 SITUATION AND THAT EXTRAORDINARY CIRCUMSTANCES HAVE BEEN APPLIED TO THIS PROJECT.

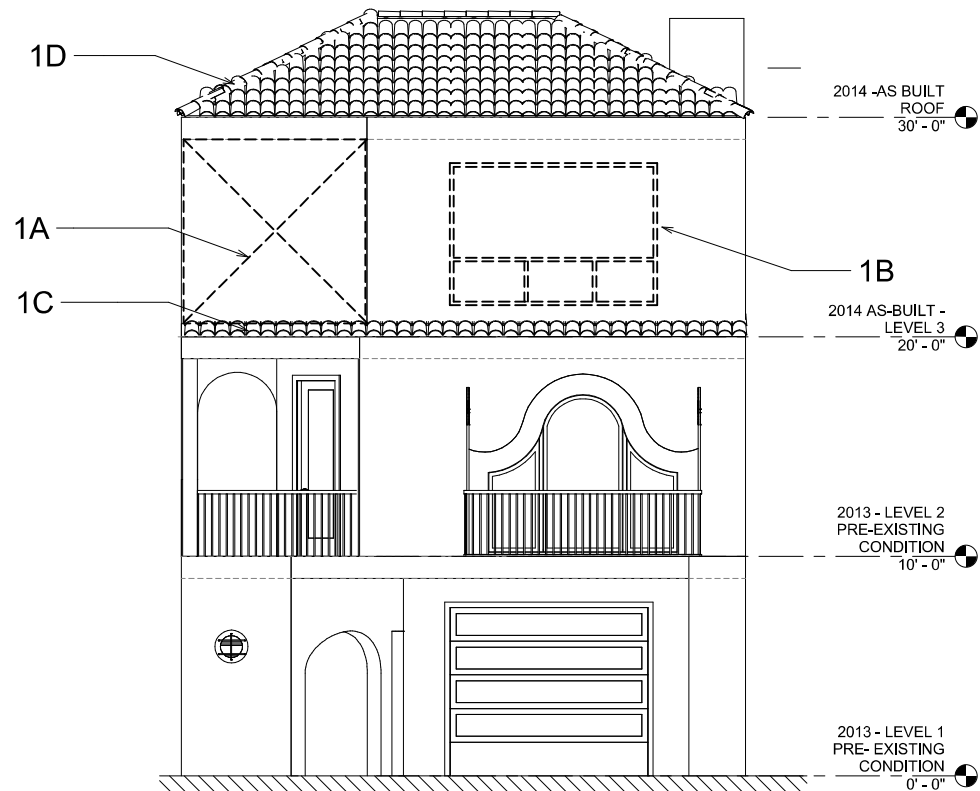
THE CURRENT ROOF IS A SPANISH TILE ROOF THAT IS STRUCTURALLY SUPPORTED AT THE CORNER OF THE BUILDING. THE ESTIMATED COST TO REPLACE THE ROOF IS \$30,000 AND WOULD IMPOSE GREAT FINANCIAL HARDSHIP TO THE OWNERS.

IN ADDITION THE NOISE ASSOCIATED WITH THE DEMOLITION AND RECONSTRUCTION WOULD ALENATE THE NEIGHBOR AT 34 ROSSI WHO INITIATED A NOISE COMPLAINT DURING THE INITIAL CONSTRUCTION.

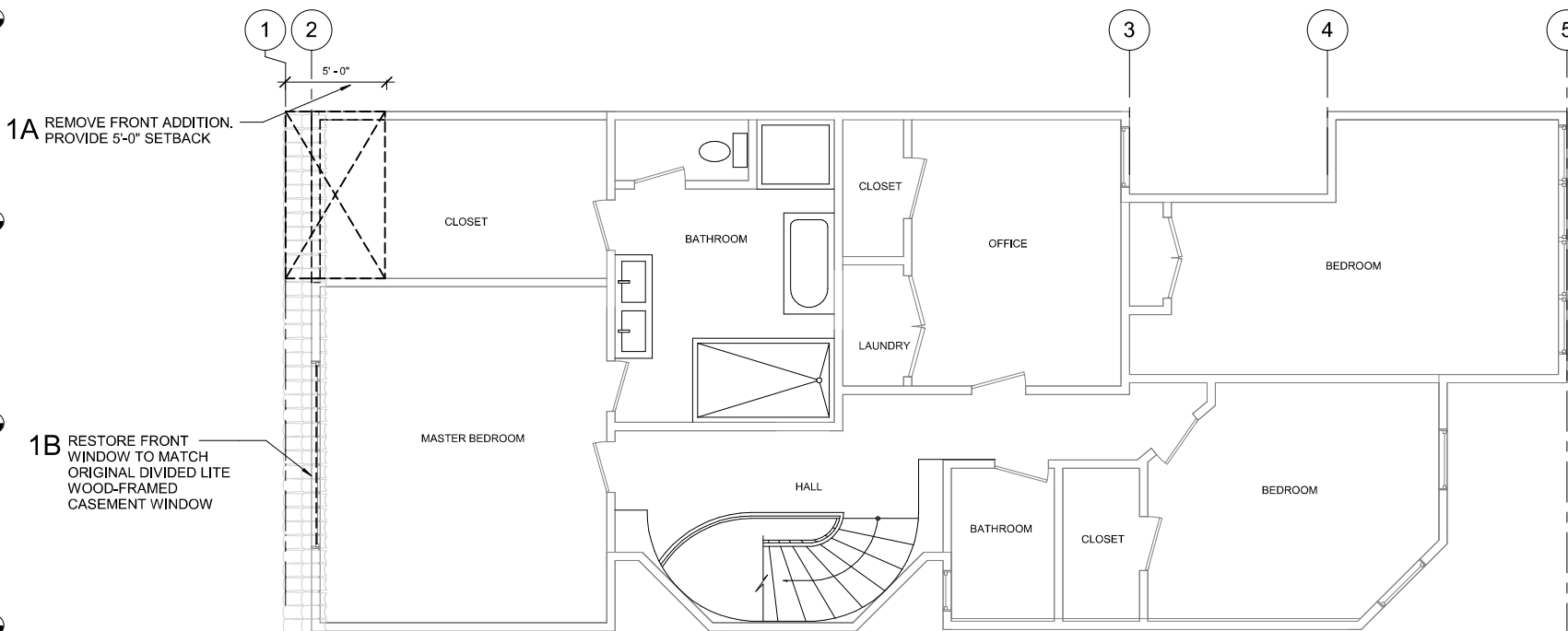
WE BELIEVE THAT KEEPING THE ROOF OVER THE RECESSED ADDITION PROVIDES A OVERHANG THAT IS IN KEEPING WITH THE DESIGN GUIDELINES, SIMILAR TO THE COVERED ADDITION AT 30 ROSSI. SEE STREET PHOTO ON SHEET A9.

WE HOPE THE CHANGES WE MADE WILL BE VIEWED AS REASONABLE AND HOPE THAT THEY WILL MEET THE PLANNING DEPARTMENT'S APPROVAL.

REGARDS,



2 2016 - PROPOSED ALTERNATE FRONT DEMOLITION  
1/4" = 1'-0"



1 2016 - PROPOSED ALTERNATE LEVEL 3 DEMO  
1/4" = 1'-0"

EAG STUDIO

PHONE: 415-304-0585  
EMAIL: EAGSTUDIO@GMAIL.COM  
ADDRESS: 2443 FILLMORE STREET #215  
SAN FRANCISCO, CA 94115-1814

#	REVISIONS	DATE
	PLANNING SUBMITAL	8/25/14
	DR REVIEW	01/04/17

38 ROSSI STEET  
SAN FRANCISCO, CA 94103  
BLOCK 1134 LOT 012A

2016 - PROPOSED  
DEMOLITION PLAN  
AND ELEVATION

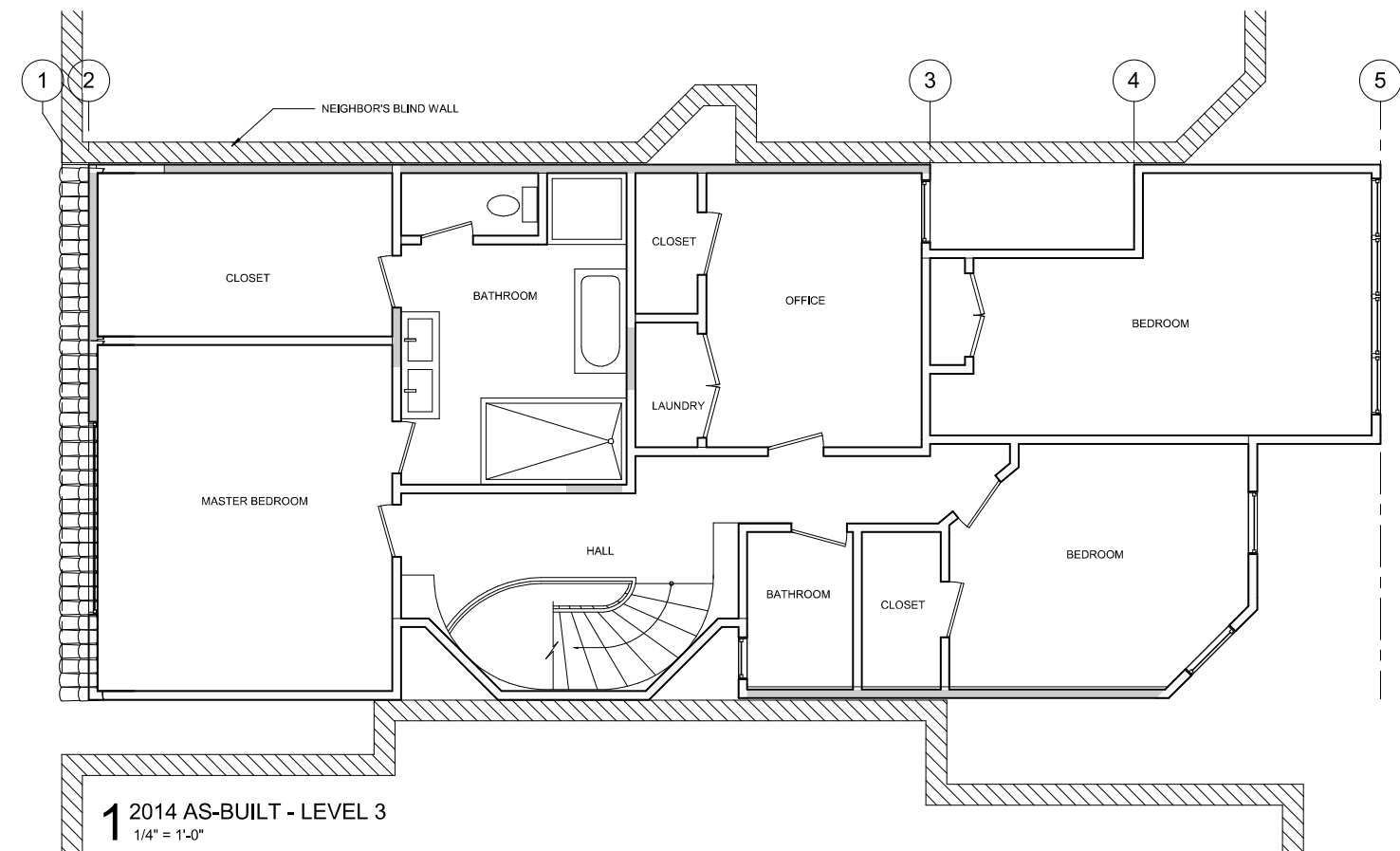
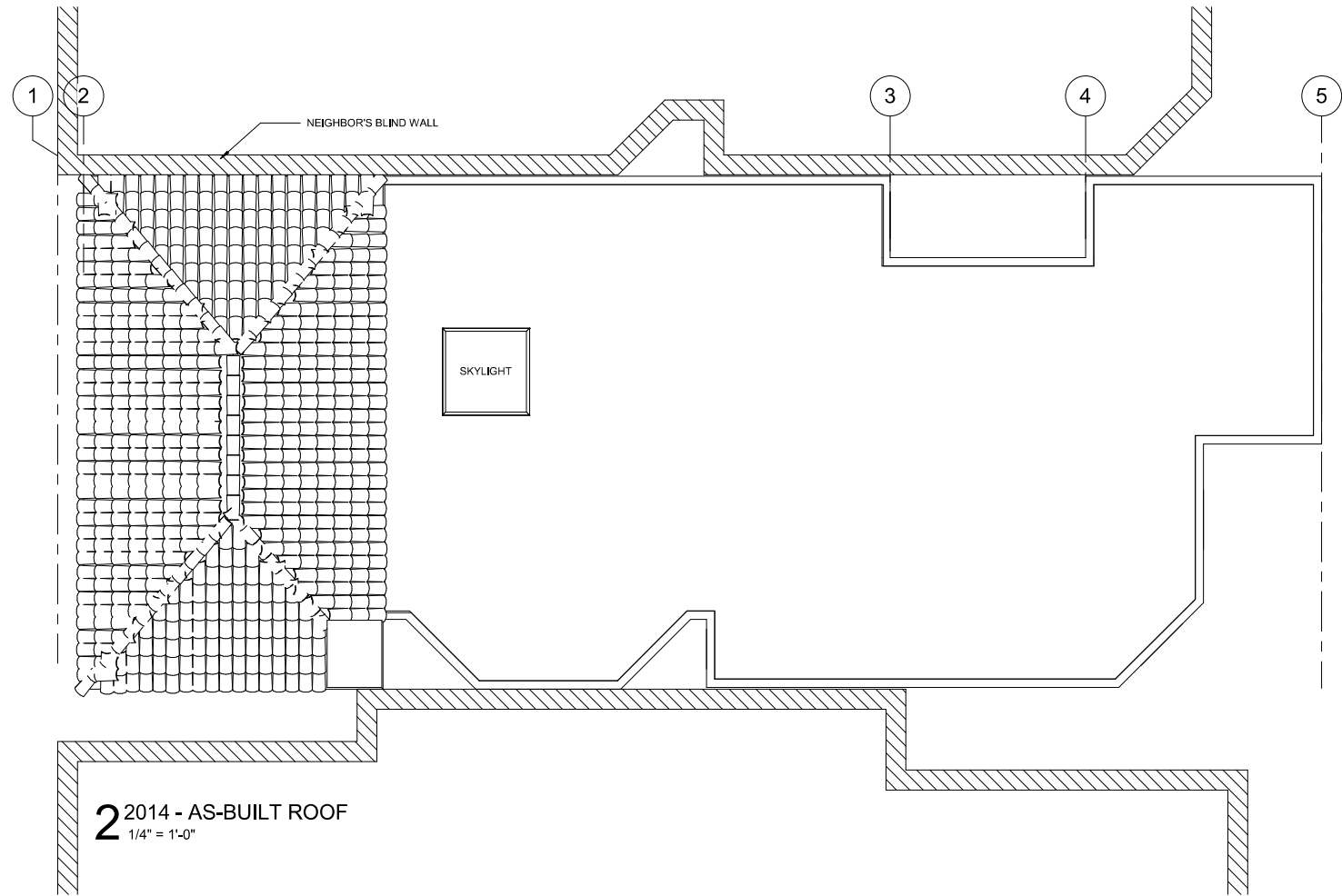
A6

#	REVISIONS	DATE
1	PLANNING SUBMITAL	8/25/14
2	DR REVIEW	01/04/17

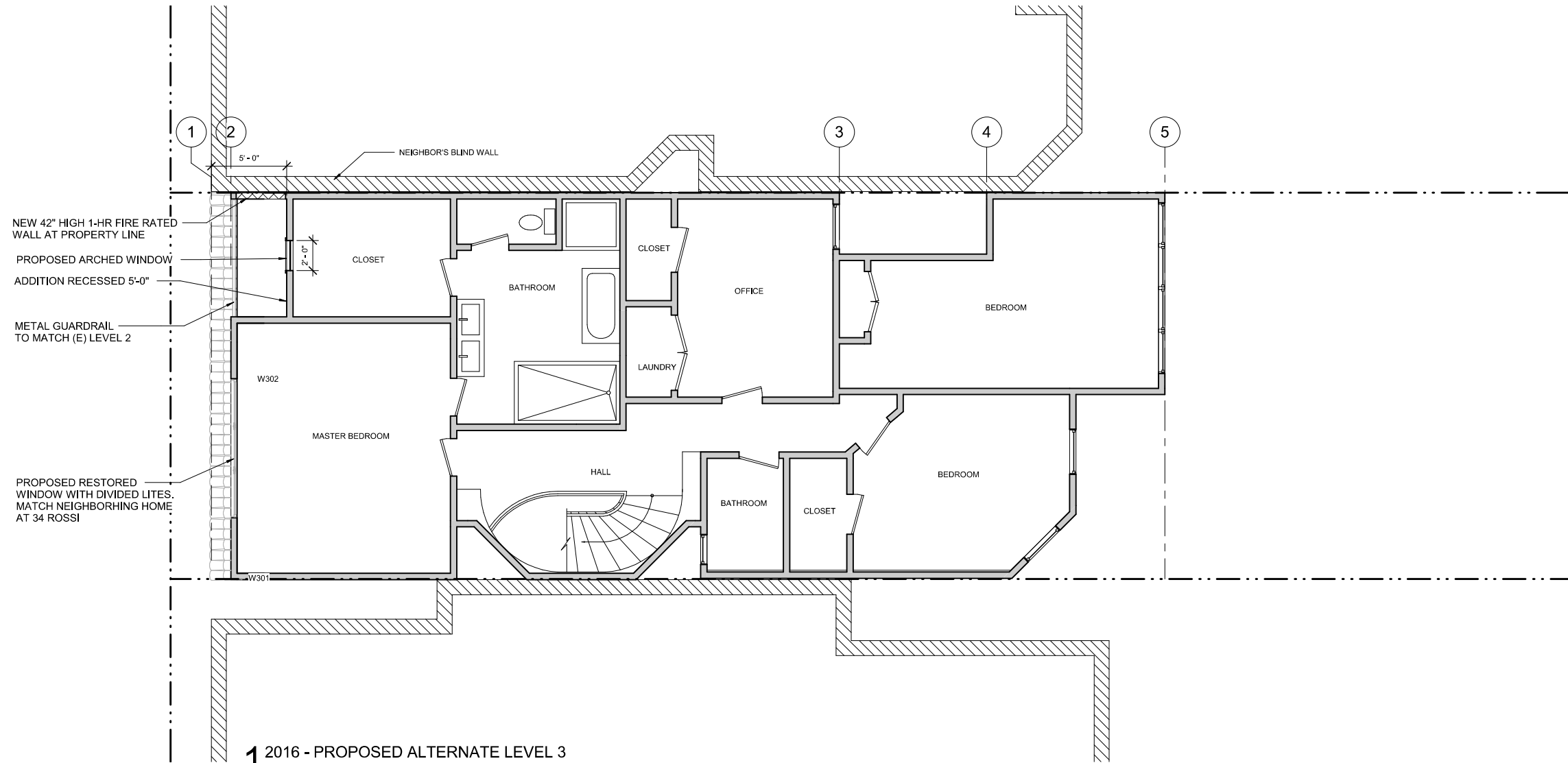
**38 ROSSI STEET**  
SAN FRANCISCO, CA 94103  
BLOCK 1134 LOT 012A

**2014 - AS-BUILT  
LEVEL 3 & ROOF  
PLAN**

**A7**



#	REVISIONS	DATE
	PLANNING SUBMITAL	8/25/14
	DR REVIEW	01/04/17



**38 ROSSI STEET**  
SAN FRANCISCO, CA 94103  
BLOCK 1134 LOT 012A

**2016 - PROPOSED  
ALTERNATE LEVEL 3  
PLAN**

#	REVISIONS	DATE
	PLANNING SUBMITAL	8/25/14
	DR REVIEW	01/04/17

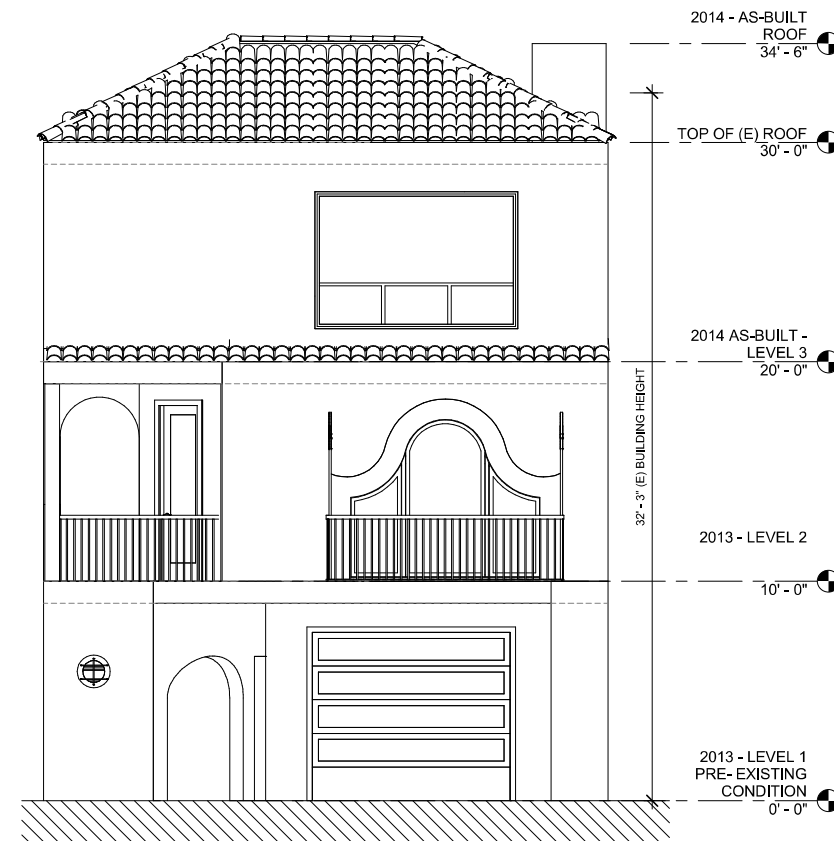
**38 ROSSI STEET**  
SAN FRANCISCO, CA 94103  
BLOCK 1134 LOT 012A

**2014 - AS BUILT  
ELEVATIONS**

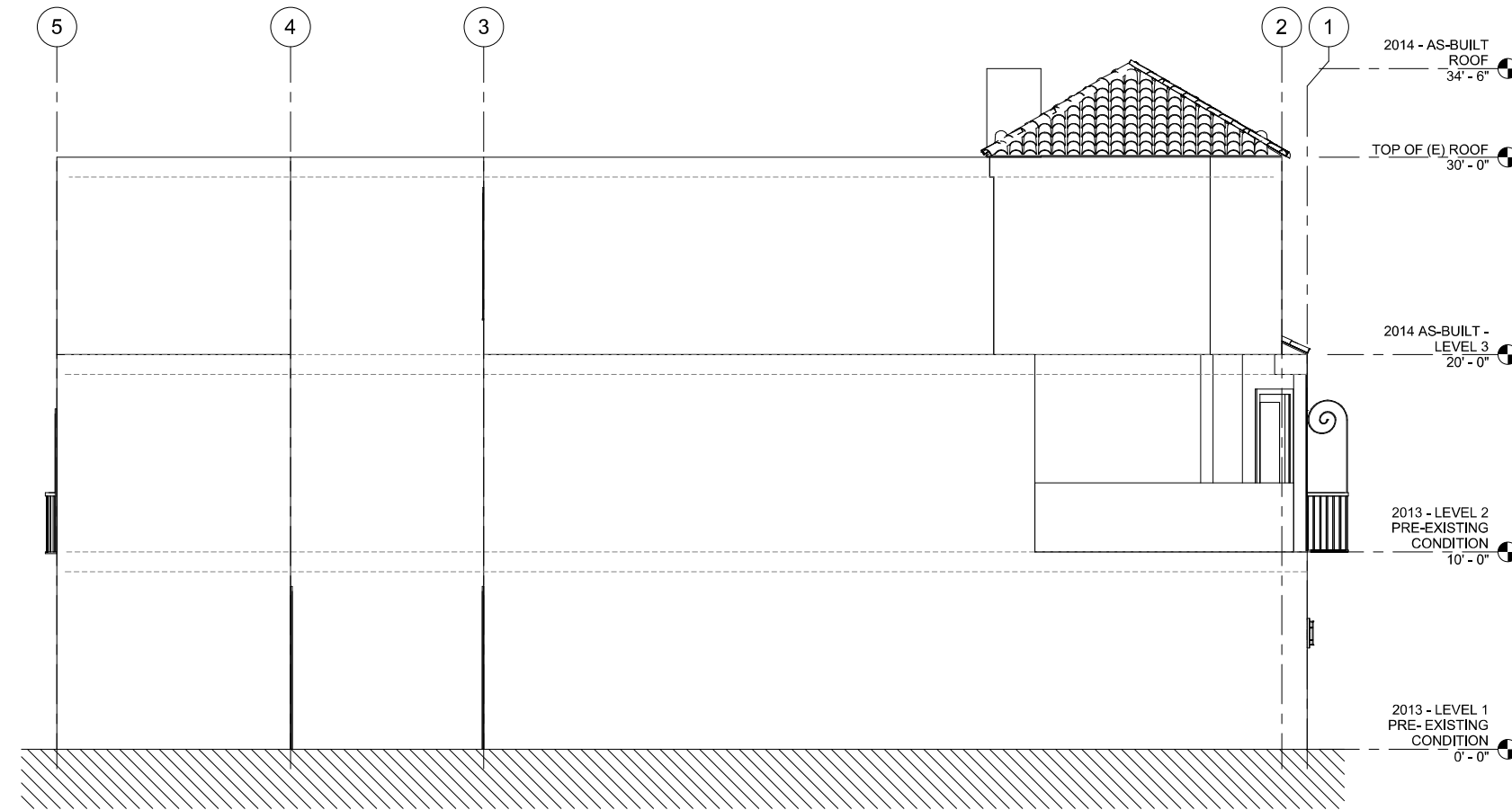
**A9**



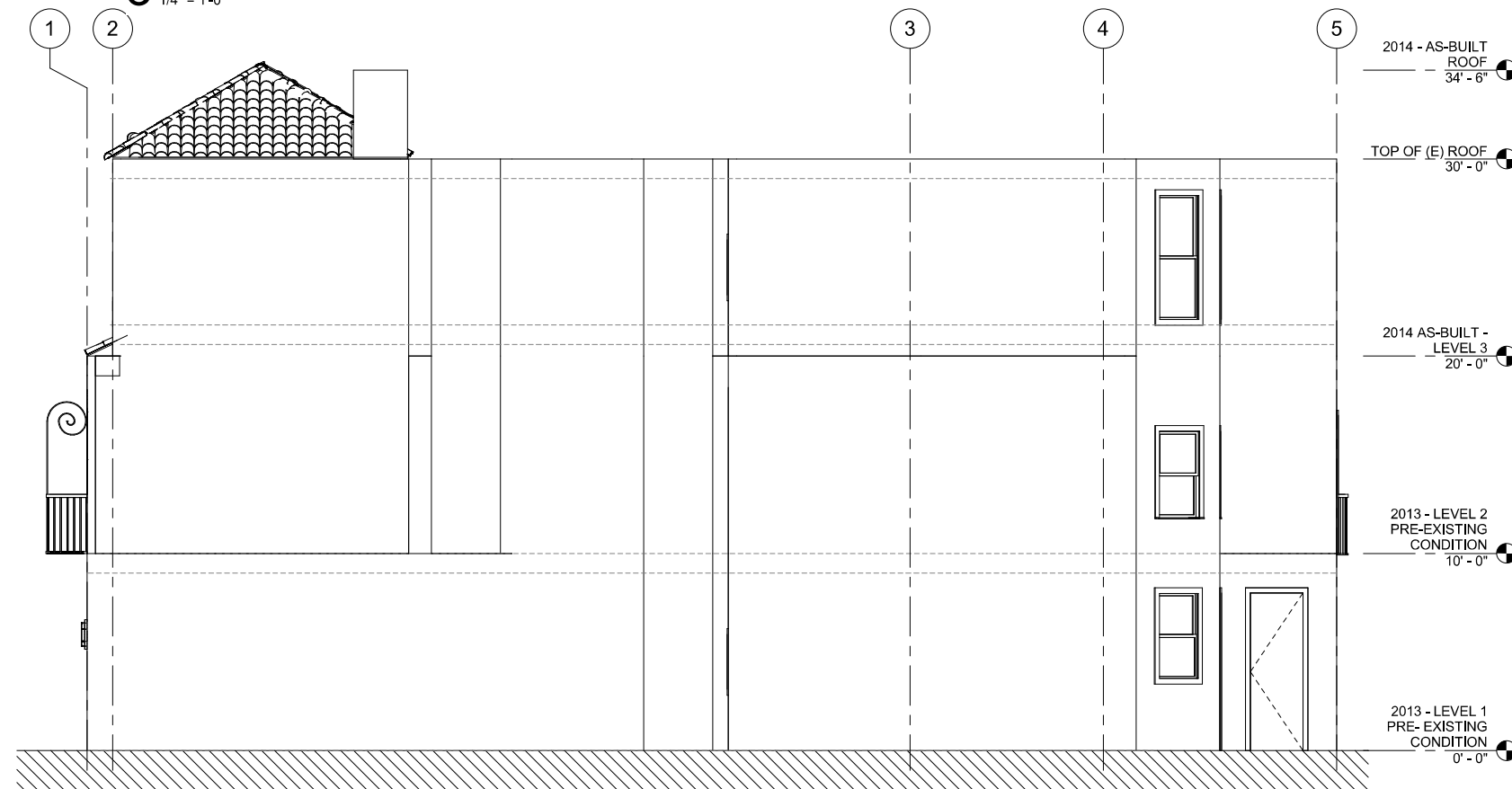
**2 2014 - AS-BUILT REAR ELEVATION**  
1/4" = 1'-0"



**1 2014 AS-BUILT FRONT ELEVATION**  
1/4" = 1'-0"



**3 2014 - AS-BUILT NORTH ELEVATION**  
1/4" = 1'-0"



**4 2014 - AS-BUILT SOUTH ELEVATION**  
1/4" = 1'-0"

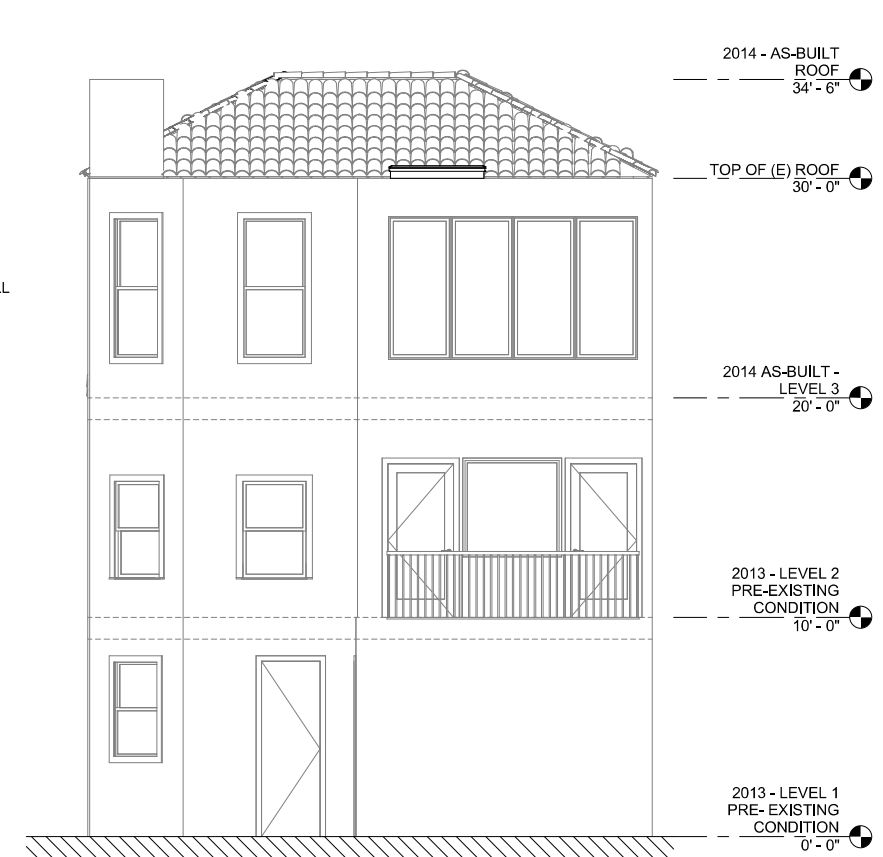


#	REVISIONS	DATE
	PLANNING SUBMITAL	8/25/14
	DR REVIEW	01/04/17

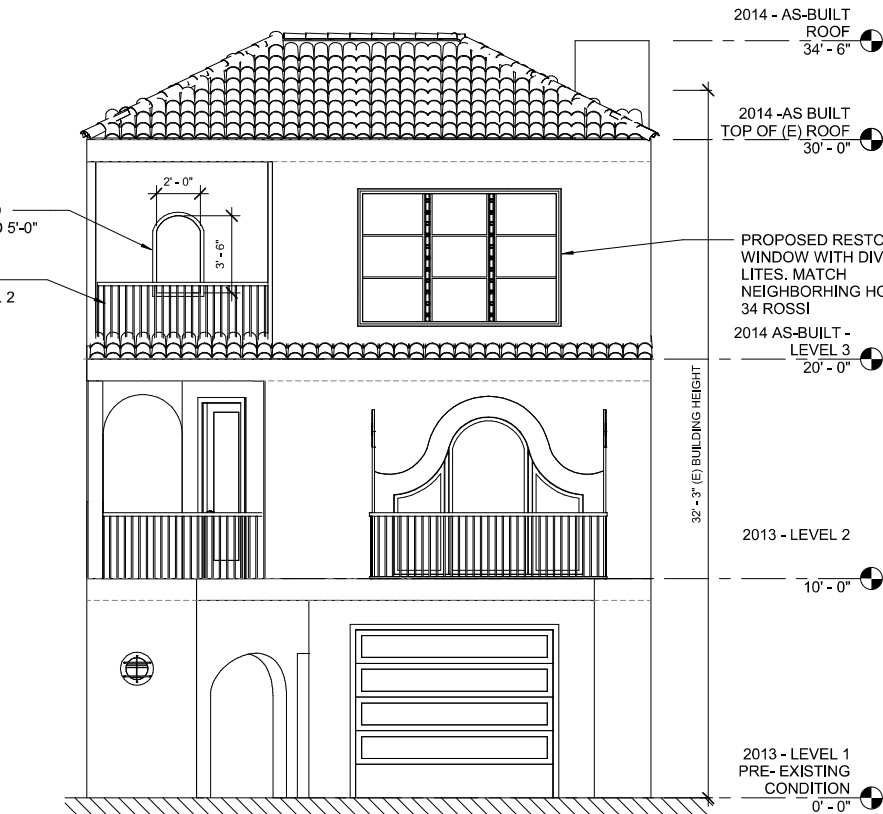
**38 ROSSI STEET**  
SAN FRANCISCO, CA 94103  
BLOCK 1134 LOT 012A

**2016 - PROPOSED  
ALTERNATE  
ELEVATIONS**

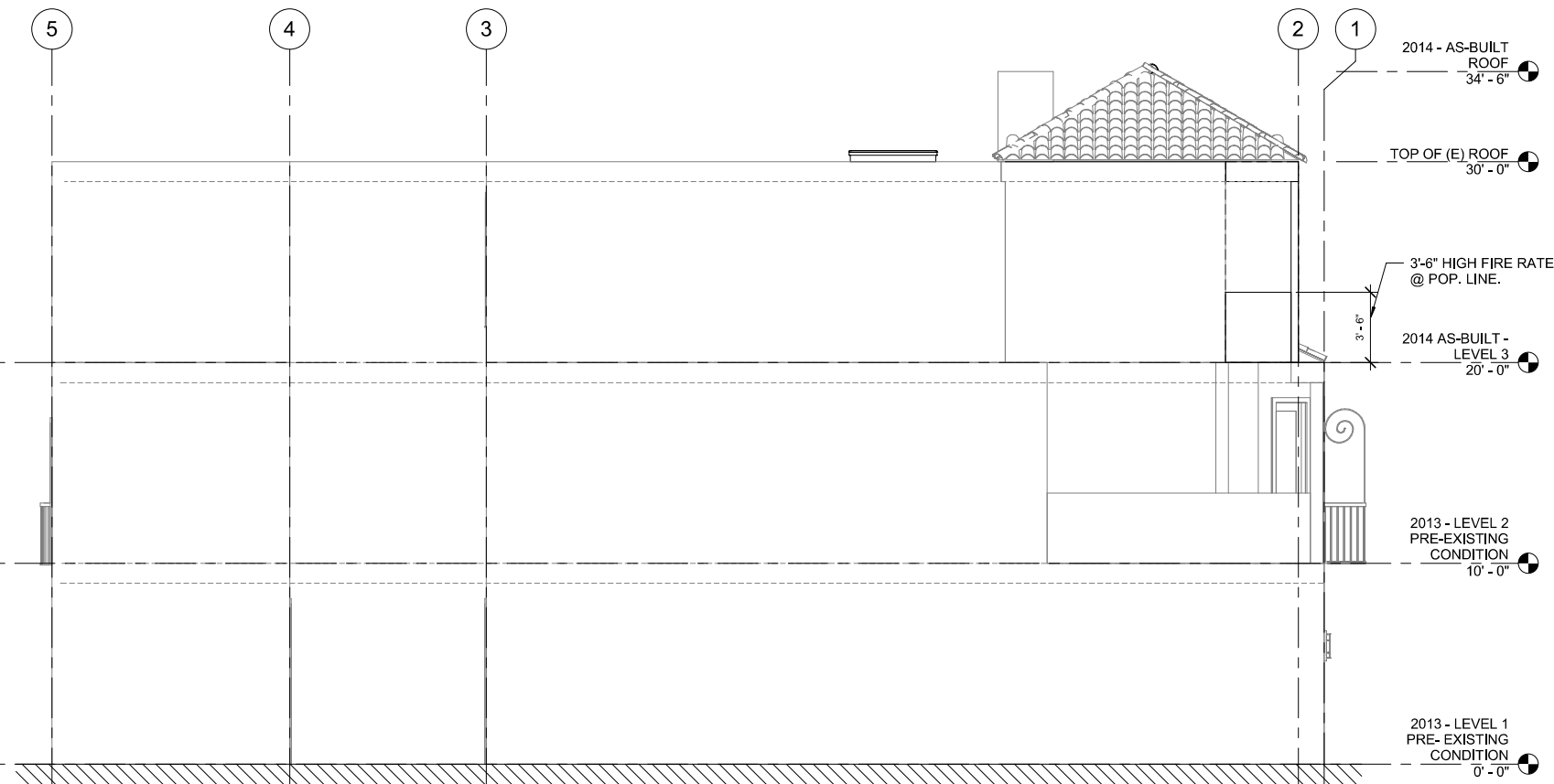
**A10**



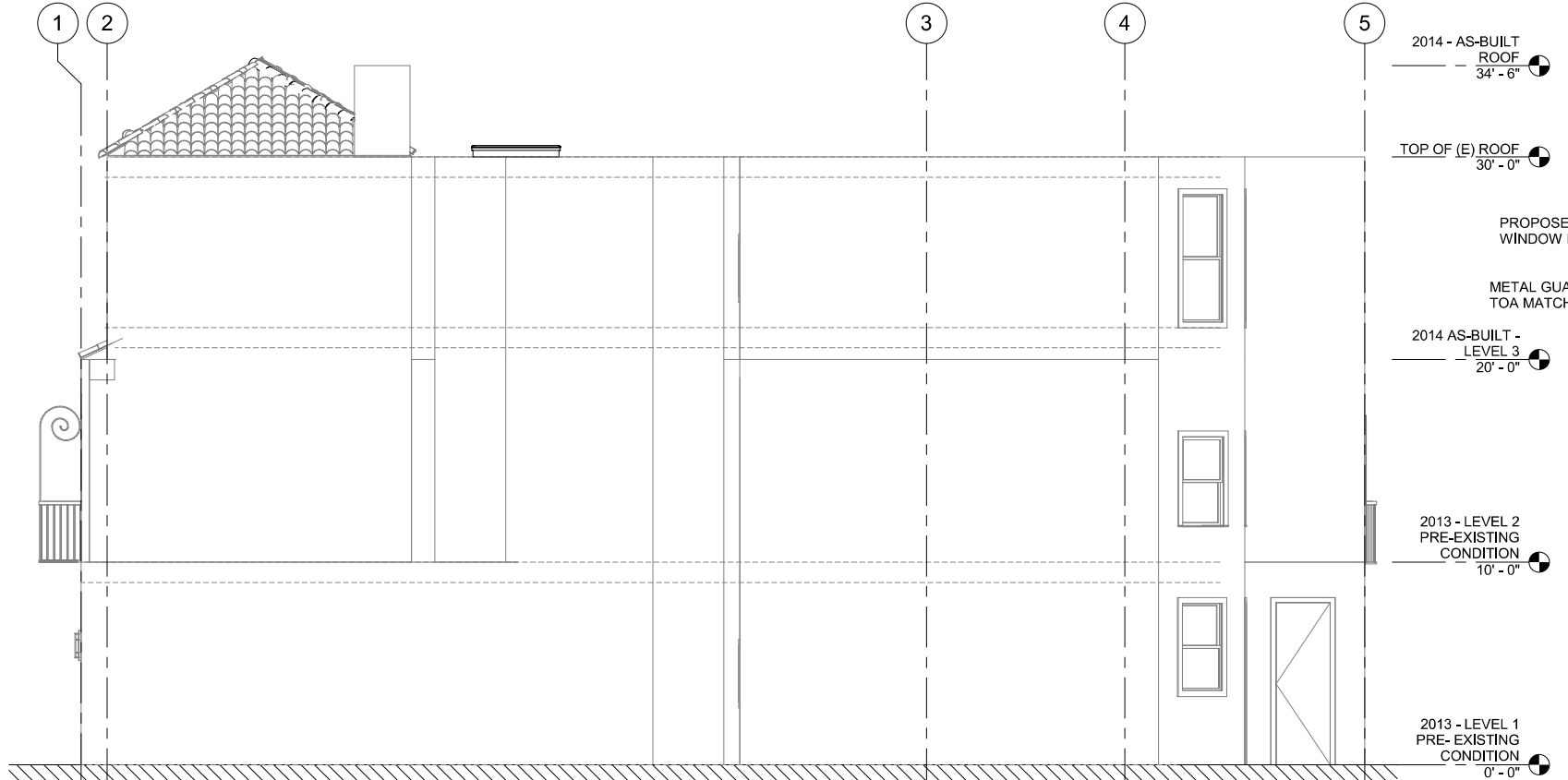
**2** 2016 - PROPOSED REAR ELEVATION - NO CHANGE  
1/4" = 1'-0"



**1** 2016 - PROPOSED ALTERNATE FRONT ELEVATION  
1/4" = 1'-0"



**4** 2016 - PROPOSED ALTERNATE NORTH ELEVATION  
1/4" = 1'-0"



**3** 2016 - PROPOSED SOUTH ELEVATION - NO CHANGE  
1/4" = 1'-0"

#	REVISIONS	DATE
	PLANNING SUBMITAL	8/25/16
	DR REVIEW	01/04/17

**38 ROSSI STEET**  
SAN FRANCISCO, CA 94103  
BLOCK 1134 LOT 012A

**2016 - PROPOSED ISOMETRIC VIEW**

**A11**

WINDOW SCHEDULE

TAG	LOCATION	WIDHT	HEIGHT	SILL HEIGHT	TYPE/ MATERIAL	COMMENTS
301	MASTER BEDROOM	MATCH (E)	MATCH (E)	MATCH (E)	CASEMENT/ WOOD	RESTORE FRONT WINDOW TO MATCH ORIGINAL DIVIDED LITE WOOD-FRAMED CASEMENT WINDOW, MATCH NEIGHBORING HOME AT 34 ROSSI
302	CLOSET	2'-0"	3'-6"	3'-0"	FIXED/ WOOD	



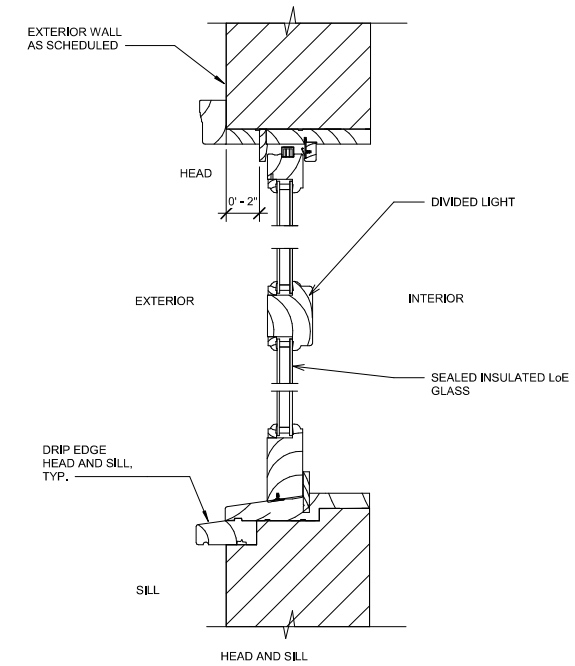
30 ROSSI

34 ROSSI

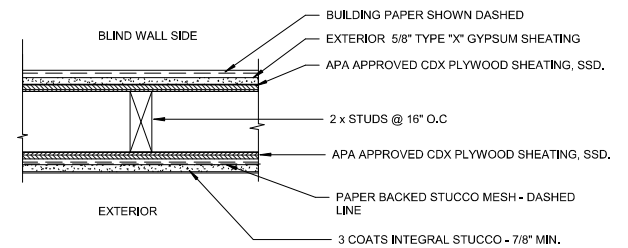
38 ROSSI  
SUBLECT PROPERTY

42 ROSSI

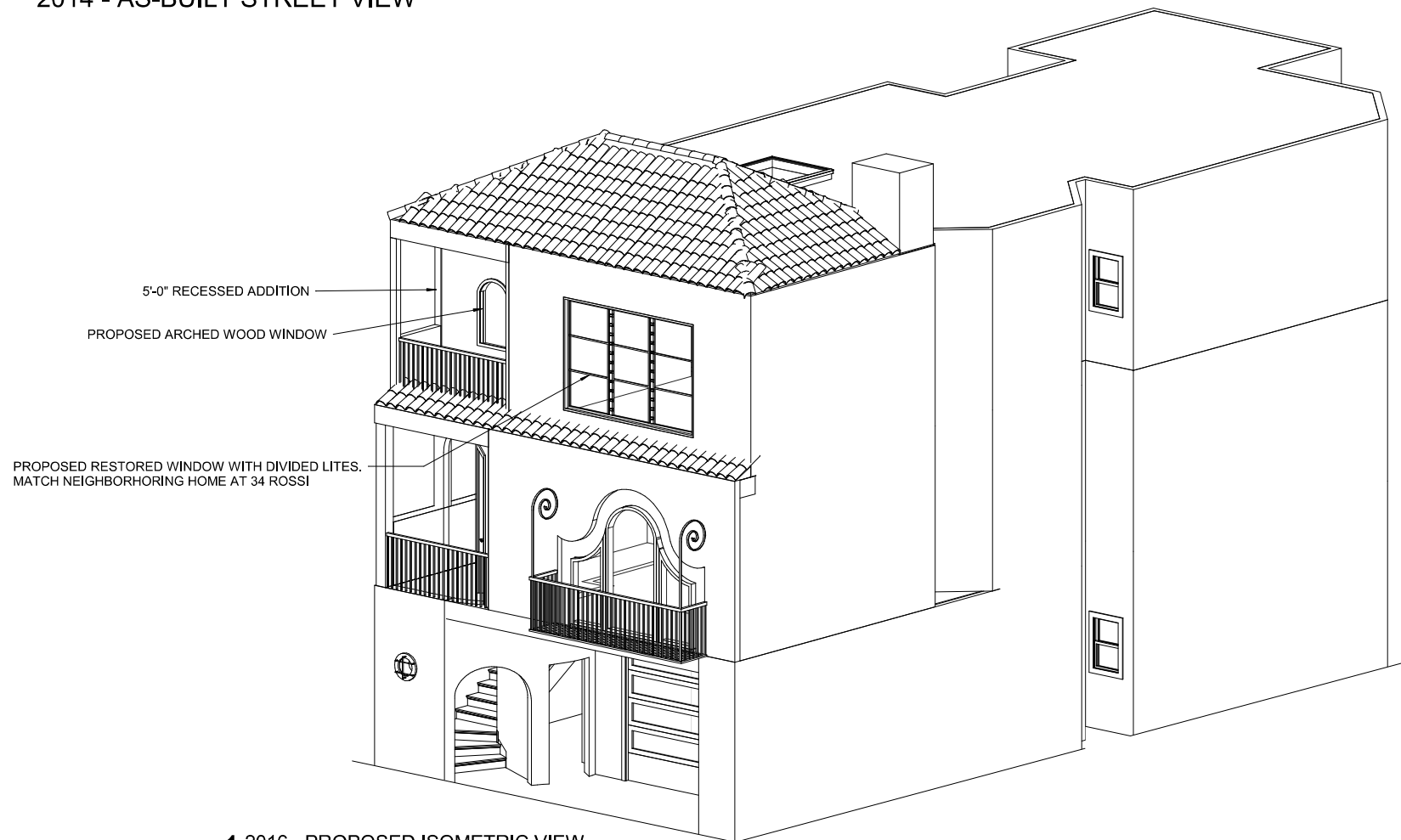
2014 - AS-BUILT STREET VIEW



**2** PROPOSED WOOD WINDOW DETAIL  
3" = 1'-0"



**3** 1-HR RATED WALL @ PROP. LINE  
1 1/2" = 1'-0"



**1** 2016 - PROPOSED ISOMETRIC VIEW