



SAN FRANCISCO PLANNING DEPARTMENT

Memo to the Planning Commission

HEARING DATE: FEBRUARY 11, 2016
Continued from the DECEMBER 3, 2015 Hearing

Date: January 26, 2016
Case No.: 2014-001088DRP
Project Address: 1430 36th Avenue
Permit Application: 2014.10.10.8615
Zoning: RH-1 (Residential - House, One Family)
40-X Height and Bulk District
Block/Lot: 1818/033
Project Sponsor: David Silverman
Reuben, Junius & Rose
1 Bush Street
San Francisco, CA 94104
Staff Contact: Todd Kennedy – (415) 575-9125
todd.kennedy@sfgov.org
Recommendation: **Do not take DR and Approve**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

BACKGROUND

The Discretionary Review hearing for the proposal to add a horizontal addition onto the rear of a single-family residential unit was originally scheduled for December 3, 2015. At the hearing, the DR Requester Representative requested the case be continued to a date certain. The reason for this continuance was for both parties, including the Project Sponsor, to negotiate a settlement. The Planning Commission expressed concern that the proposal did not meet ingress and egress requirements per the Building Code and the Plans Submittal Guidelines were not met.

CURRENT PROPOSAL

Since the continuance of the Discretionary Review hearing, the following items have been addressed:

- Both parties were not able to reach a settlement through negotiations.
- The plans submitted were reviewed by the Department of Building Inspection. The findings include that the proposal does meet ingress and egress requirements per the Building Code. All sleeping rooms are required to have an emergency escape and rescue opening that opens into a yard with a 25 foot minimum depth.
- The Project Sponsor has submitted revised plans that meet and are required per the Plans Submittal Guidelines. These plans have more illustration, clearly show both existing and proposed conditions, and contain 3D Renderings.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must not take discretionary review and approve the proposed rear addition.

BASIS FOR RECOMMENDATION

- The project has been revised to meet Residential Design Guidelines during the internal review process.
- The Residential Design Team (RDT) reviewed the project and found the project to be consistent with the Residential Design Guidelines. They determined there are no exceptional or extraordinary circumstances and supports the project as proposed.
- The project does not present any issues to the property or surrounding properties and is an improvement of an existing residence.

RECOMMENDATION:	Do not take DR and Approve
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Attachments:

Revised Plans

DR Requester Statement

Staff Report with all Attachments

LEGEND:

(E) WALL TO REMAIN

(N) WALL

HATCH INDICATES (N) FLOOR AREA

SCOPE OF WORKS:

1. IN FIRST FLOOR:
ADD THREE BEDROOMS, RELOCATE (E) FAMILY ROOM,
ADD A BATH, AND A POWDER ROOM.
2. IN 2ND FLOOR:
RELOCATE BEDROOMS, CONVERT EXISTING BEDROOMS TO A
STUDY, ADD A FULL BATH, RMODEL KITCHEN.

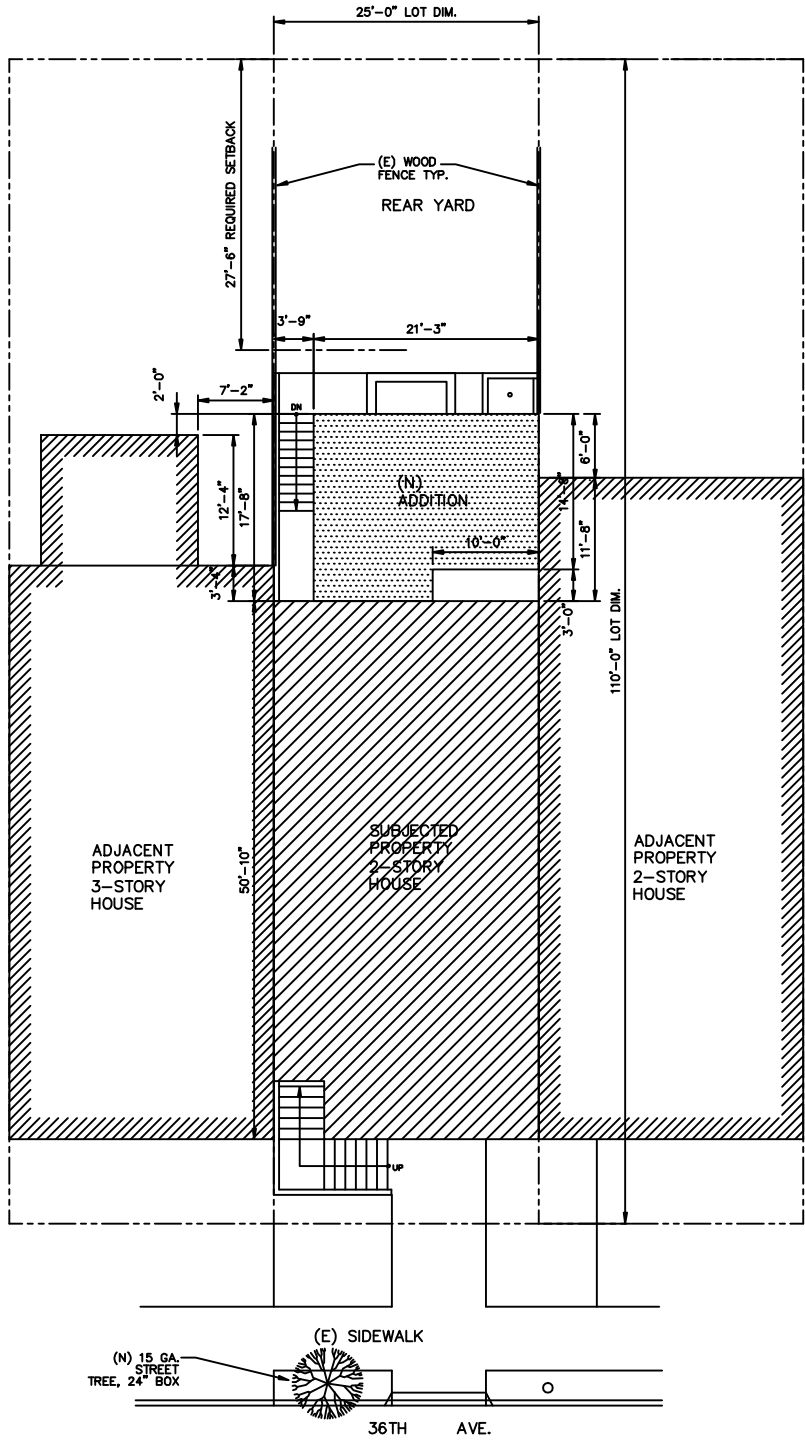
AREA:
(E) FLOOR AREA: 2,420 S.F.
PROPOSED NEW ADDITION: 690 S.F.
TOTAL BLDG. AREA WITH ADDITION: 3,130 S.F.

DRAWING INDEX

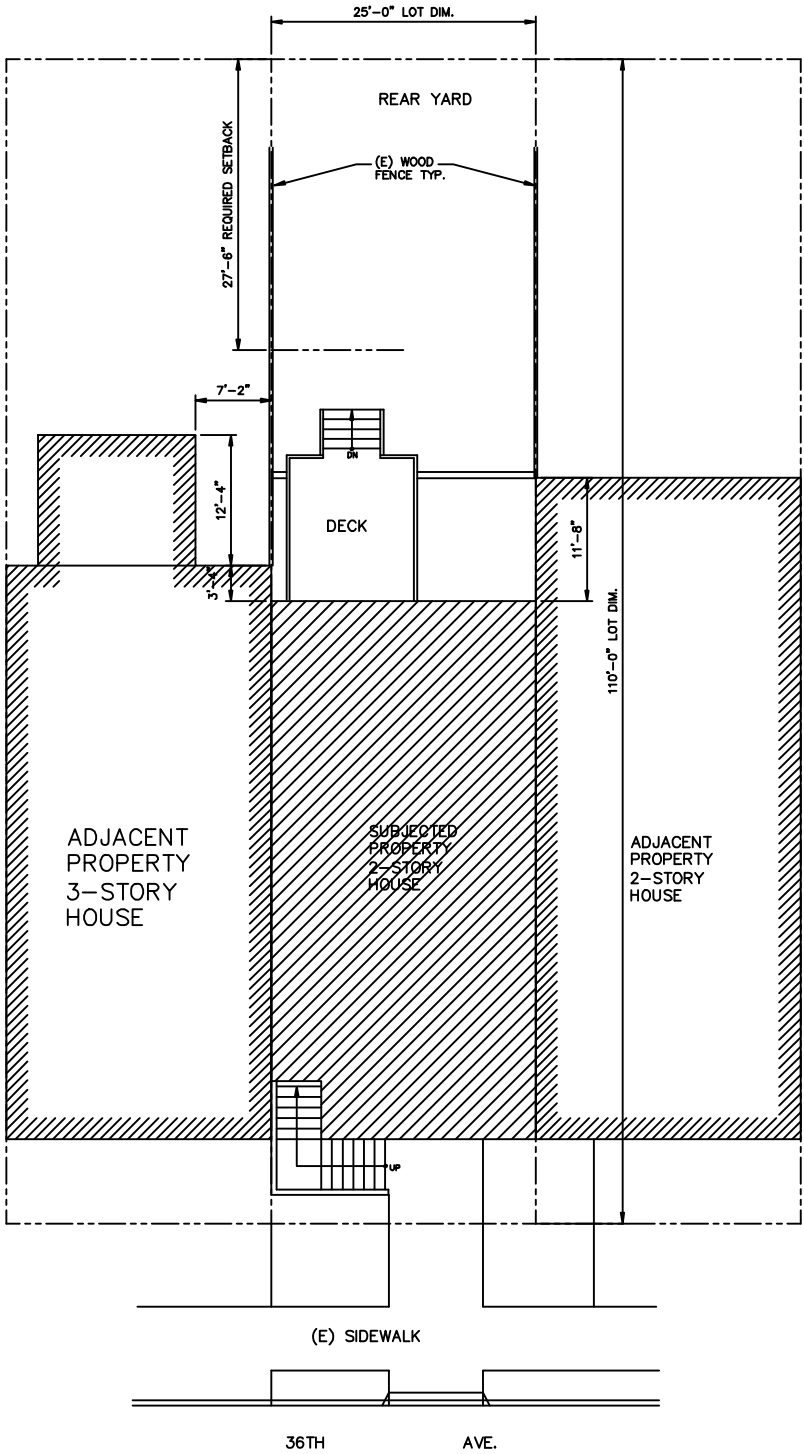
- A1 (E) & (N) SITE PLANS
A2 (E) & (N) FLOOR PLANS
A2.1 (E) & (N) ELEVATIONS
A3 (E) & (N) ELEVATIONS, SECTION

BUILDING INFORMATION:

OCCUPANCY GROUP: R-3
BUILDING TYPE: 5-B
NUMBER OF STORY: 2



(N) SITE PLAN
1/8"=1'-0"



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

REVISIONS	BY
1. PLANNING DEPT. 4-12-2015	
2. PLANNING DEPT. 1-1-2016	

JASON M.J. CHAN ARCHITECT
615 SANTA BARBARA AVE
MILLBRAE, CA 94030
(650)872-8839
E-MAIL: jasonchan1698@yahoo.com

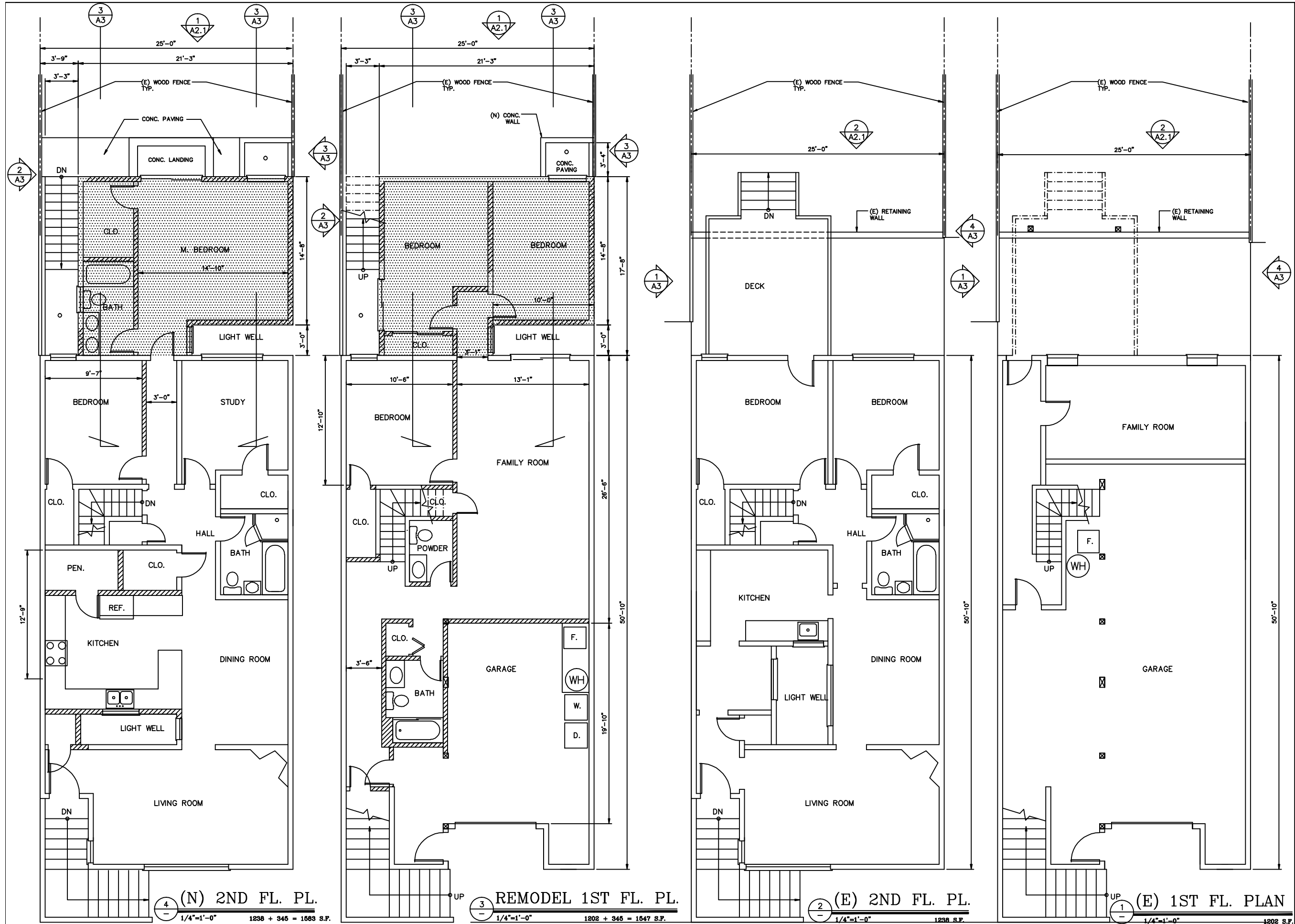
ARCHITECT • VINCENZO
C-2879
JUN 2015
STATE OF CALIFORNIA

EXISTING & NEW SITE PLANS

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

DATE 8-7-2015
SCALE NOTED
DRAWN
JOB
SHEET
A1
OF SHEETS

APN NO. 2014-1010-8615



REVISIONS		BY
1	PLANNING DEPT.	4-12-2015
2	PLANNING DEPT.	1-27-2016

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ARCHITECT • VINCE L. CHAN
C-28279
EX. JUN. 2011
STATE OF CALIFORNIA

(E) FLOOR PLANS
(N) FLOOR PLANS

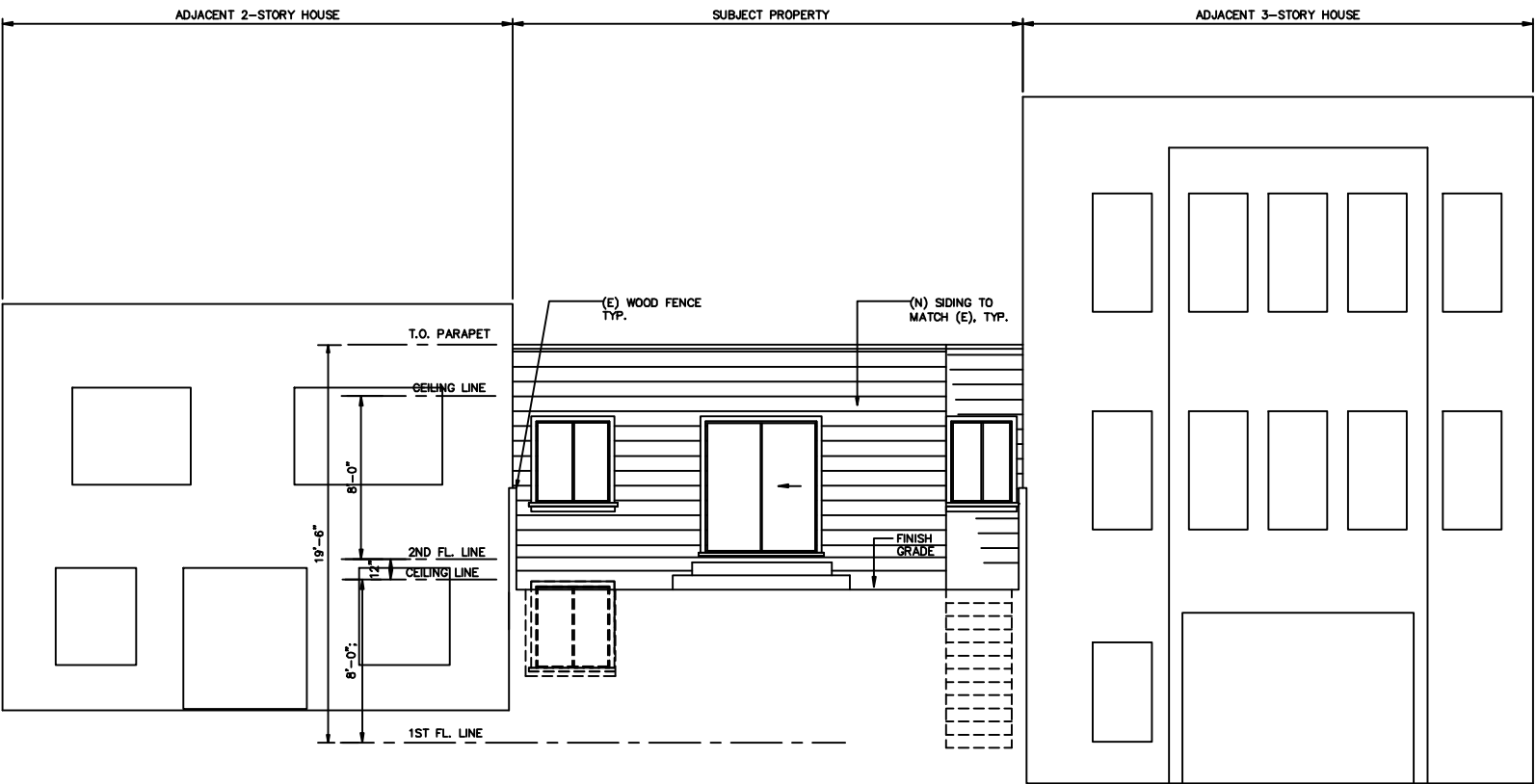
REAR ADDITION
1430 36TH AVE.
SAN FRANCISCO, CA 94122
BLOCK 1818, LOT 033

APN NO. 2014-1010-8615

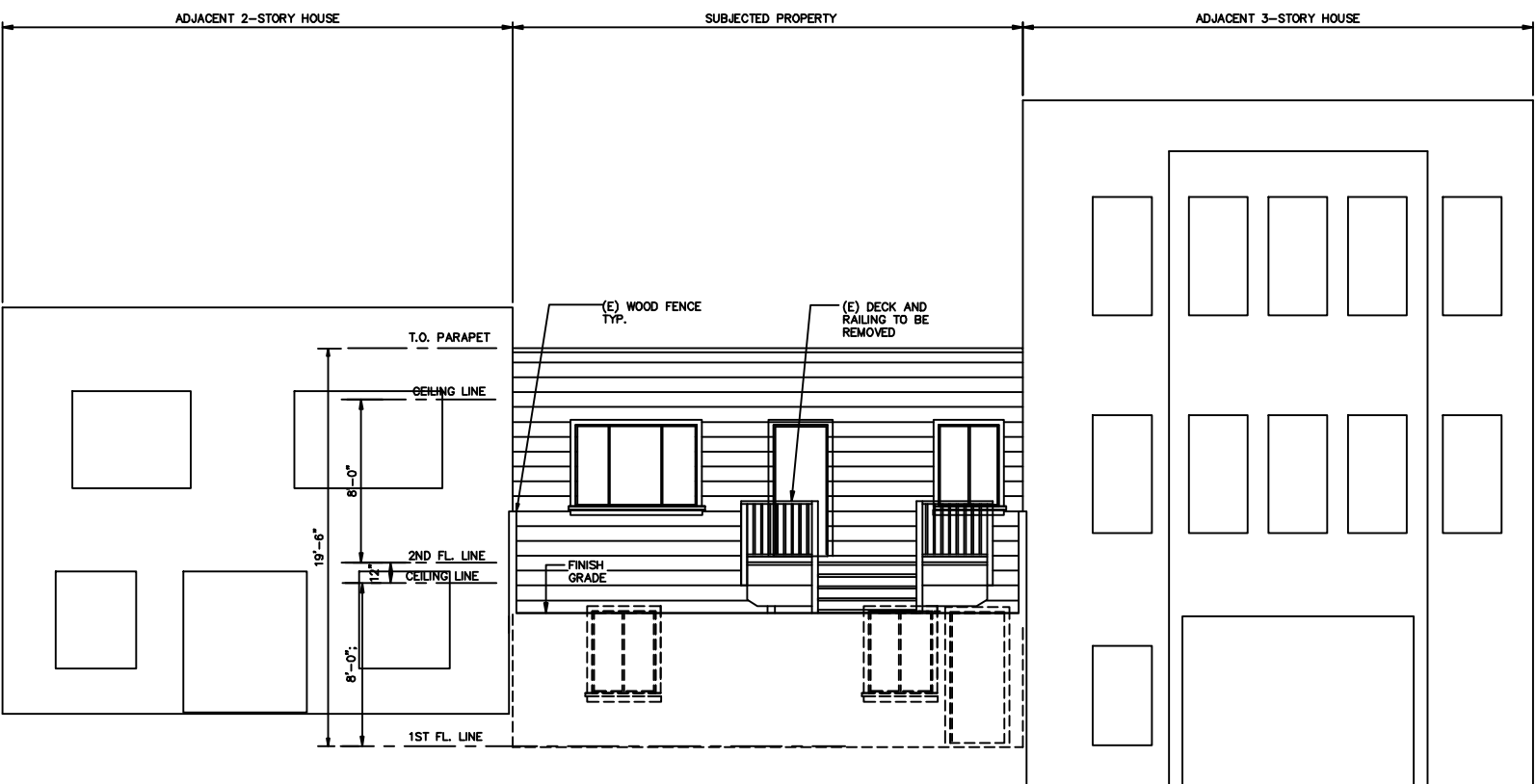
DATE	8-7-2015
SCALE	NOTED
DRAWN	
JOB	
SHEET	

A2

OF SHEETS



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



2 (E) REAR (EAST) ELEVATION
1/4"=1'-0"

REVISIONS	BY
1 PLANNING DEPT. 4-12-2015	
2 PLANNING DEPT. 1-27-2016	

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(650)872-8839
E-MAIL: jasonchan1698@yahoo.com



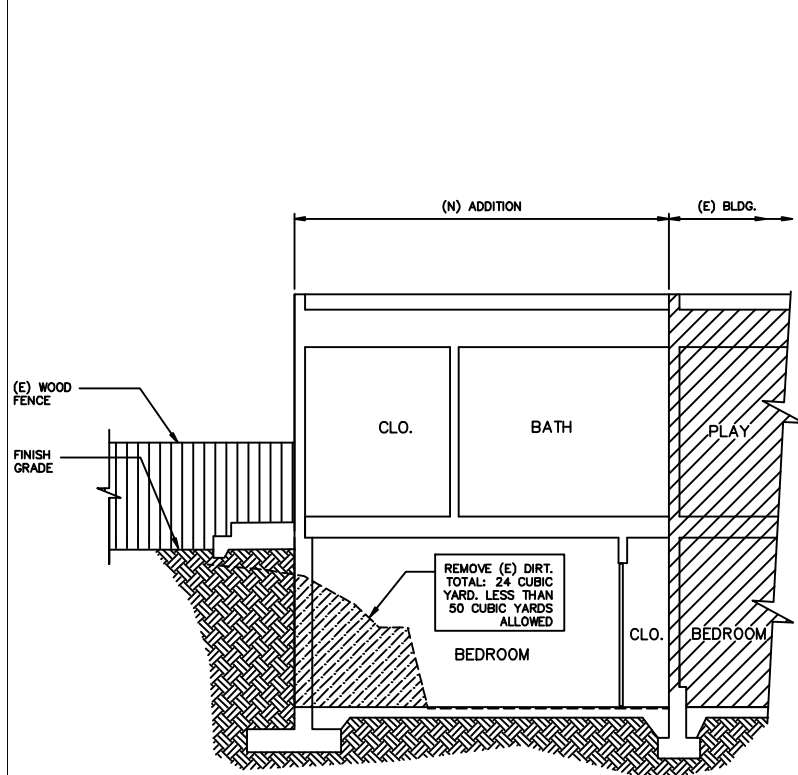
BLDG. ELEVATIONS

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

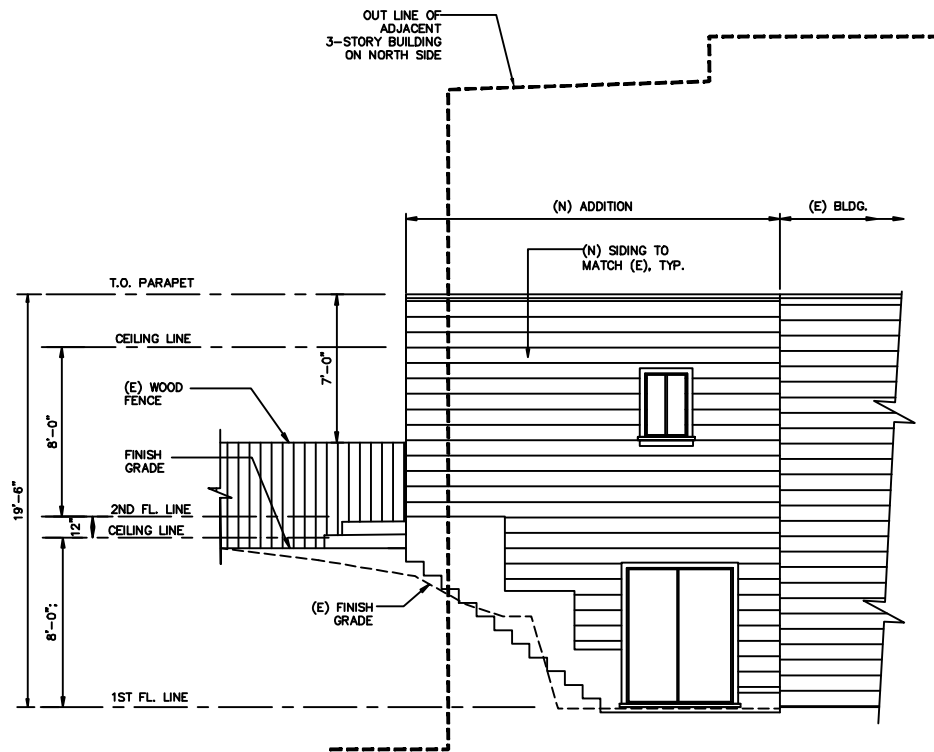
DATE	8-7-2015
SCALE	NOTED
DRAWN	
JOB	
SHEET	
OF	SHEETS

A21

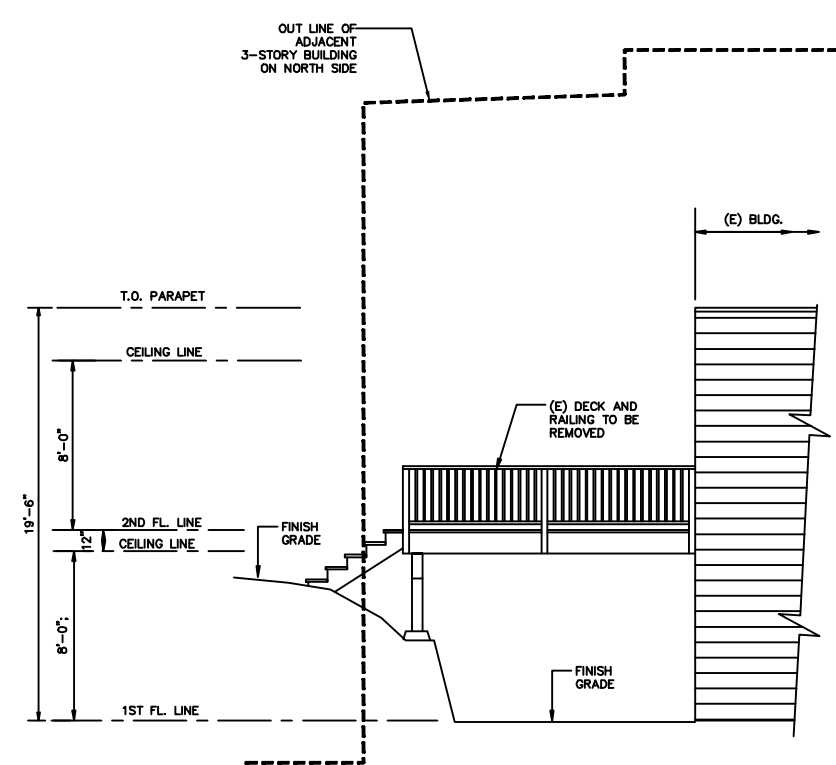
APN NO. 2014-1010-8615



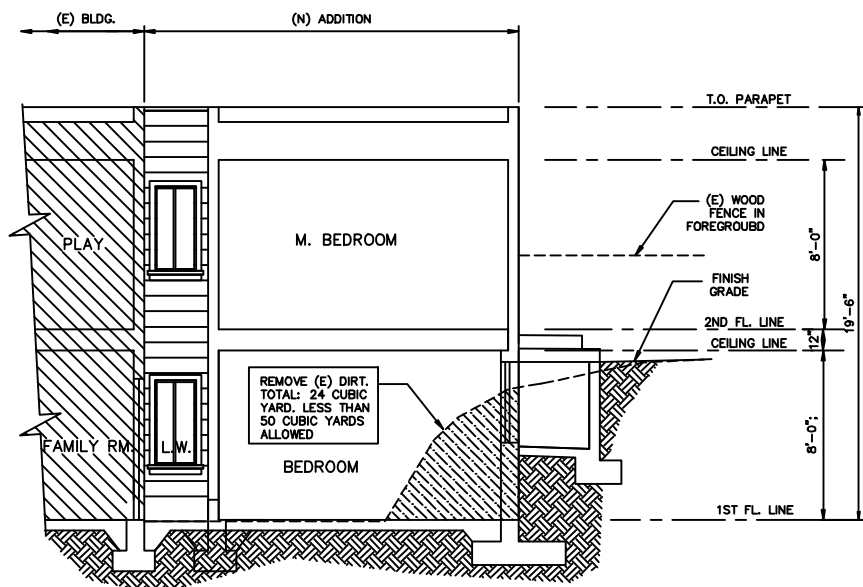
3 SECTION AT ADDITION (LOOKING SOUTH)
1/4"=1'-0"



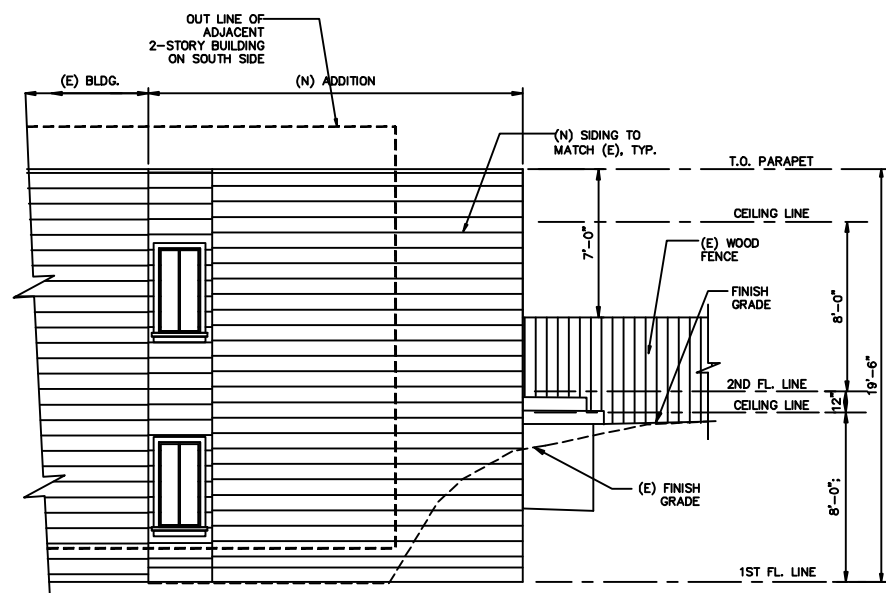
2 (N) SIDE (NORTH) ELEVATION
1/4"=1'-0"



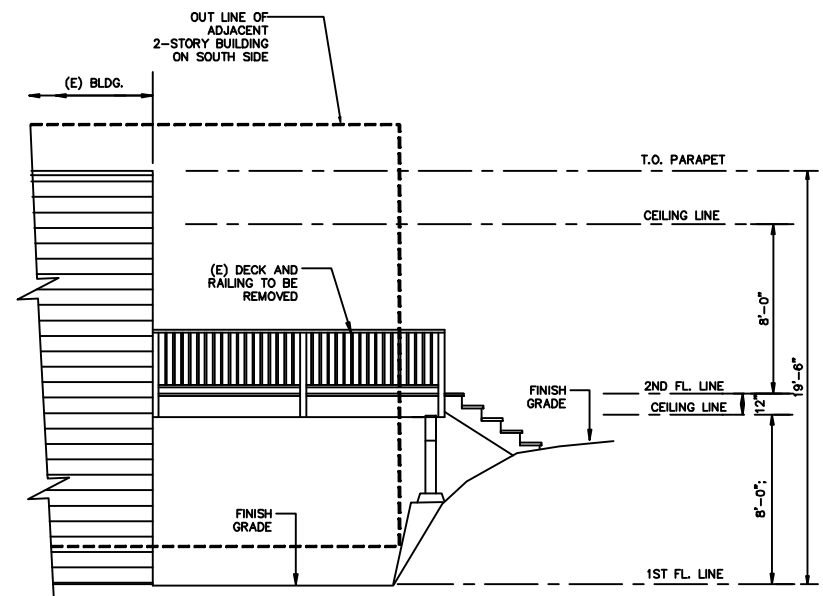
1 (E) SIDE (NORTH) ELEVATION
1/4"=1'-0"



3A SECTION AT ADDITION (LOOKING NORTH)
1/4"=1'-0"



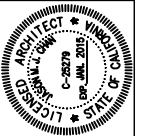
5 (N) SIDE (SOUTH) ELEVATION
1/4"=1'-0"



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

REVISIONS	BY
1 PLANNING DEPT. 4-12-2015	
2 PLANNING DEPT. 1-27-2016	

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BLDG. ELEVATIONS
BLDG. SECTION

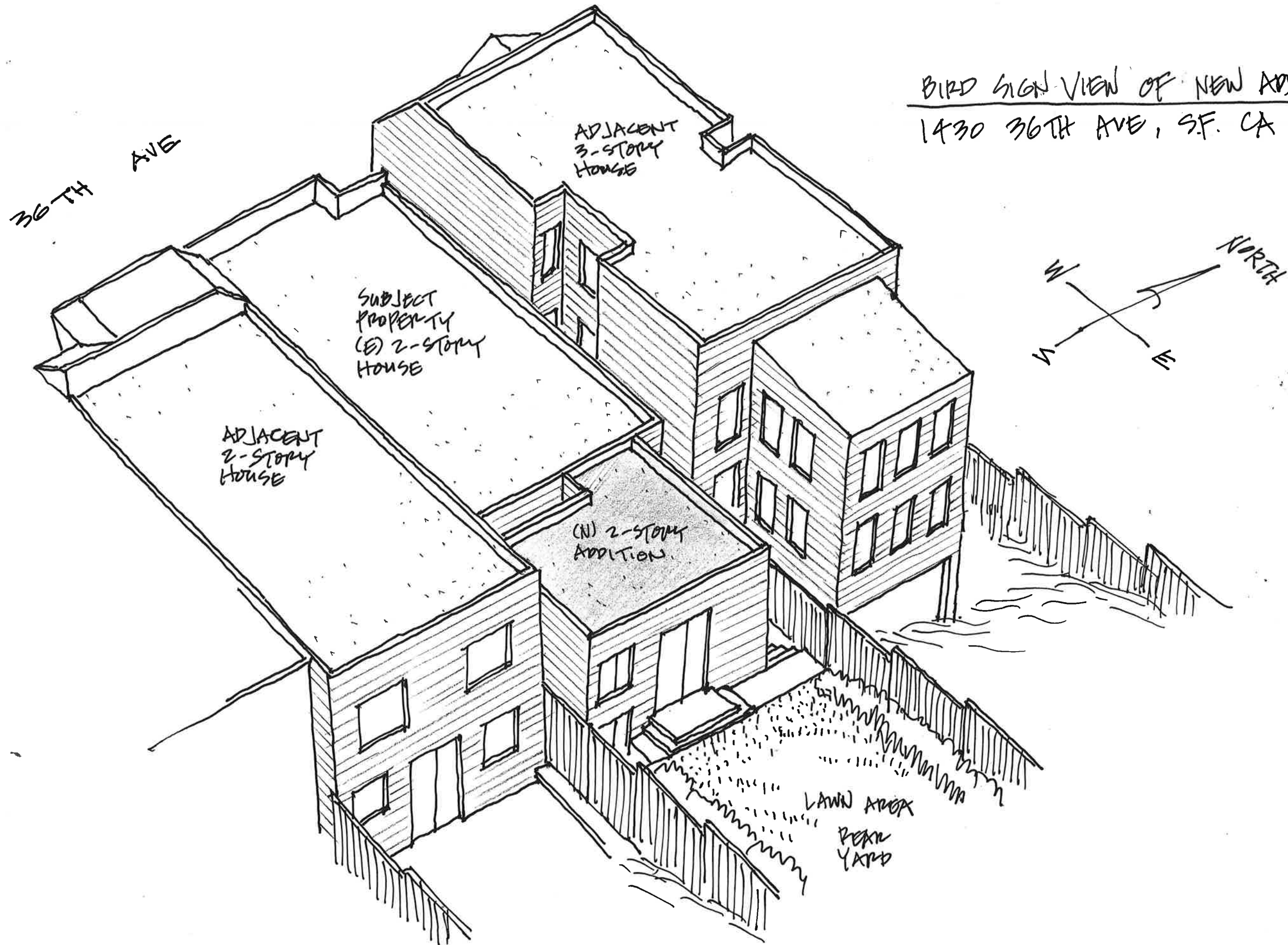
REAR ADDITION
1430 36TH AVE.
SAN FRANCISCO, CA 94122
BLOCK 1818, LOT 033

APN NO. 2014-1010-8615

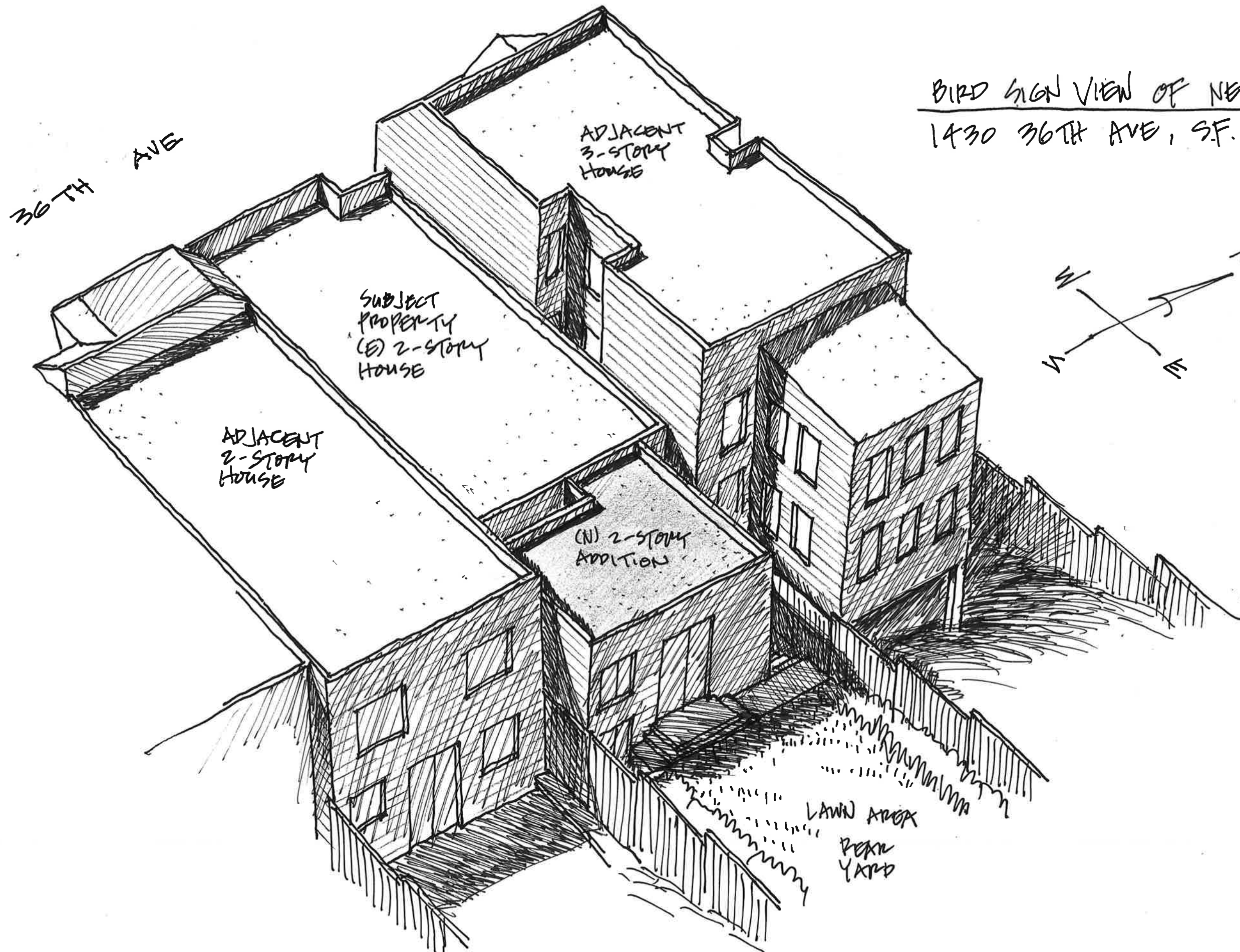
DATE	8-7-2015
SCALE	NOTED
DRAWN	
JOB	
SHEET	
OF	SHEETS

A3

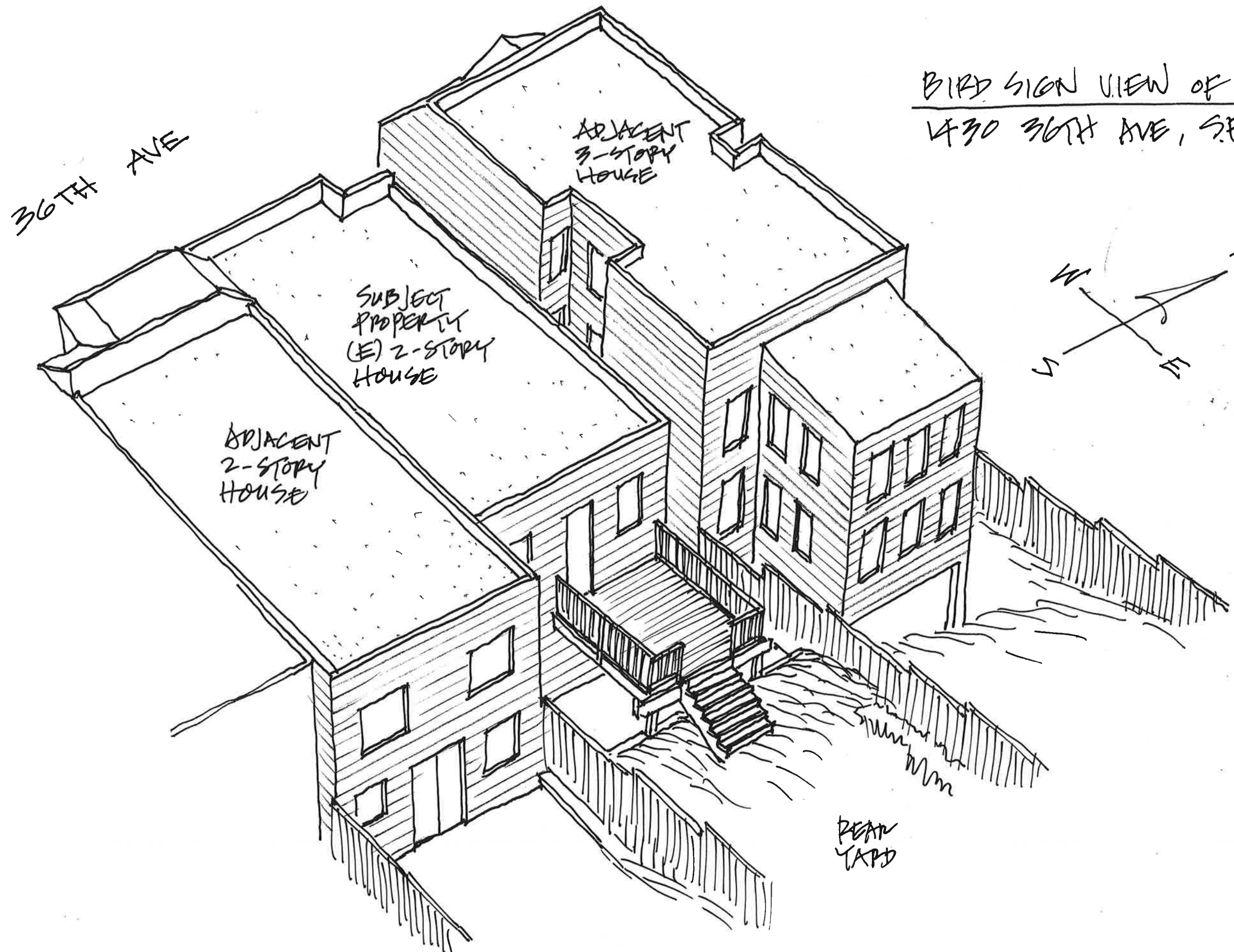
BIRD HIGH VIEW OF NEW ADDITION
1430 36TH AVE, S.F. CA



BIRD HIGH VIEW OF NEW ADDITION
1430 36TH AVE, S.F. CA



BIRD SIGN VIEW OF EXISTING
1430 36TH AVE, S.F. CA.



November 23, 2015

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

Steve Atkinson

Counsel
415.805.7971 DIRECT
415.757.5501 FAX
steve.atkinson@arentfox.com

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

Dear President Fong and Planning Commissioners:

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

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

Background

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

AFDOCS/12699496.1

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

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

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

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

(See Exhibit 2.)

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

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

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

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

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

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

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

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

Discussion

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conclusion

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

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

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

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

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

Sincerely,



Steve Atkinson

cc: David Silverman, for Project Sponsor

Exhibits

EXHIBIT 1

[Property History](#)

Listing Summary

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

Listing #420896

1430 36th Ave, San Francisco, CA 94122* **Sold** (07/31/14) DOM: 47

\$849,000 (LP)

Bed: 2

Baths: 1

Sq Ft: 1250*

Lot Sz: 2748*

\$850,000 (SP)

Price/SqFt: 680.00

District : 2 - Central Sunset

Yr: 1945*

SP % LP: 100.12

Remarks

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

Pictures (15)



Agent	Jenny Ying He (ID: 805815) Primary:415-860-8320 Secondary:650-301-0553 Lic: 01255995		
Office	Century 21 Realty Alliance Fine Homes and Estates (ID:CAFH) Phone: 415-213-1600, FAX: 415-213-9088	Office Lic.:	
Property Type	Single-Family Homes	Property Subtype(s)	Single-Family Homes
Status	Sold (07/31/14)		
DOM	47		
Type Listing	Excl Right to Sell		
Known Short Sale	No		
REO	No		
District	2 - E		
Commission	Selling Office	Dual/Var. Rate	
	2.5	No	
County	San Francisco	Blk/Lt/APN	1818033
Scope of Service	Full Service		
Beds	2	Baths	1
Den/Bonus Room	0		
Approx Square Feet	1250*	Sq Ft Source	Per Tax Records
Lot Sq Ft (approx)	2748*	Lot Acres (approx)	0.0631
Year Built	1945*	Price / SqFt	680.00
Map Book	SFAR Map	Lot Size Source	(Per Tax Records)
Cross Street	Judah	Map Coordinates	SFAR, CJ45
Listing Date	05/21/14	Entry Date	05/21/14
On Market Date	05/21/14		
Original Price	849,000		
Occupant Type	Vacant		
Occupant Name			
Directions to Property	Cross street is Judah.		
Agent Remarks	Subject to cancellation of previous contract. Go directly. On Supra Lockbox. Call LA for all questions at 415-860-8320. A must see!		

Selling Information

Selling Price	850,000	Selling Date	07/31/14
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10/5/2014

San Francisco

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

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

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

Zoning

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

Features

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

* Denotes information autofilled from tax records.

All data NOT VERIFIED. Subject to ERRORS, OMISSIONS, or REVISIONS. Prospective Buyers URGED TO INVESTIGATE. - Copyright: 2014 by
 San Francisco Assoc of REALTORS.
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 U.S. Patent 6,910,045
 Generated: 10/04/14 11:10pm

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RapattoniMLS

EXHIBIT 2

Notice of Pre-Application Meeting

09/17/2014

Date

Dear Neighbor:

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

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

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

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

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

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

MEETING INFORMATION:

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

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

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

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

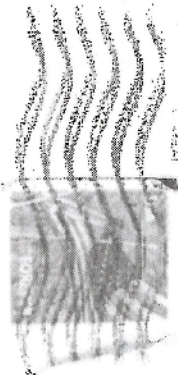
CHRISTINA VIOLET
2005 MARINA WAY
ANTIOCH, CA 94509

Please
Return To Sender
By the
Camp here

JENN & ANN COTTONA, LP
1434 35TH AVE
SAN FRANCISCO, CA 94122

544122311734

24 SEP 2004 14:41



54122311734

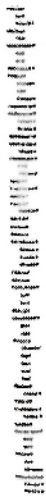


EXHIBIT 3



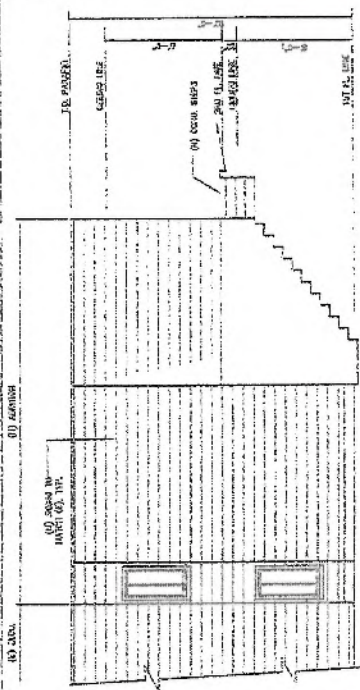
REAR ADDITION
1430 36TH AVE.
SAN FRANCISCO, CA 94122
BLOCK 1818, LOT 053

BLOG. ELEVATIONS
BLOG. SECTION

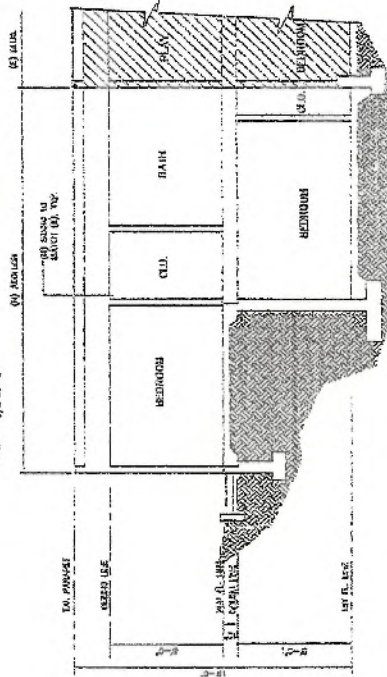
JASON BIL O'NEAL
200 SANTA BARBARA AVE
RELAYE OY 44300
(805) 967-3335
E-MAIL: jasonbil@prod.com



① SIDE (SOUTH) ELEVATION



③ SIDE (NORTH) ELEVATION



CROSS SECTION

(2) SIDE (EAST) ELEVATION

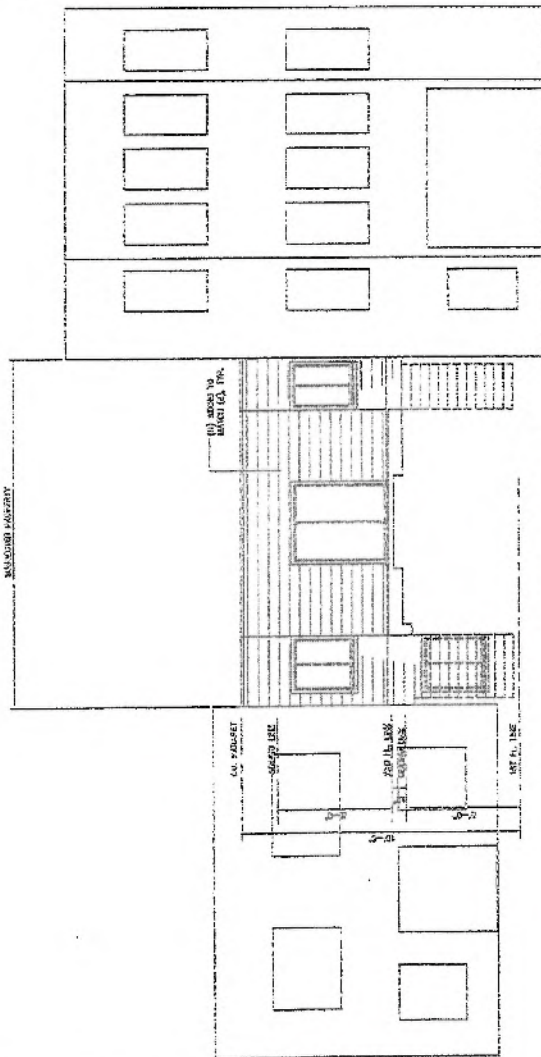


EXHIBIT 4

DECLARATION IN SUPPORT OF DISCRETIONARY REVIEW

1430 36TH AVE., SAN FRANCISCO

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

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

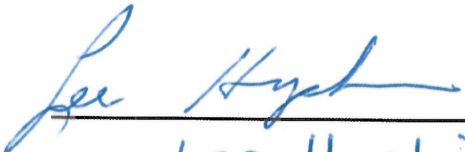
3. At the meeting, the architect showed us the project plans and said that a second kitchen would be constructed downstairs. Many neighbors, including me, informed the architect, the owner, and the owner's family members, that constructing a second kitchen would not be legal. The architect stated that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

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

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

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

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


Name: Lee Hopkins

DECLARATION IN SUPPORT OF DISCRETIONARY REVIEW

1430 36TH AVE., SAN FRANCISCO

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

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

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

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

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

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

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

Rosemary C. Pawi
Name: [Signature]

DECLARATION IN SUPPORT OF DISCRETIONARY REVIEW

1430 36TH AVE., SAN FRANCISCO

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

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


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

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

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

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

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

Name: 

DECLARATION IN SUPPORT OF DISCRETIONARY REVIEW

1430 36TH AVE., SAN FRANCISCO

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

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

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

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

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

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

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

Kevin Hopkins
Name: Kevin Hopkins

DECLARATION IN SUPPORT OF DISCRETIONARY REVIEW

1430 36TH AVE., SAN FRANCISCO

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

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

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

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

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

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

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

Kimberly Cheever
Name: Kimberly Cheever

DECLARATION IN SUPPORT OF DISCRETIONARY REVIEW

1430 36TH AVE., SAN FRANCISCO

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

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

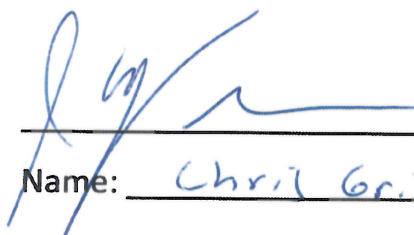
3. At the meeting, the architect showed us the project plans and said that a second kitchen would be constructed downstairs. Many neighbors, including me, informed the architect, the owner, and the owner's family members, that constructing a second kitchen would not be legal. The architect stated that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

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

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

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

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


Name: Chris Grimaldi

DECLARATION IN SUPPORT OF DISCRETIONARY REVIEW

1430 36TH AVE., SAN FRANCISCO

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

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

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

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

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

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

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

Ann Dini
Name: ANN GERMAO

EXHIBIT 5

Notice of Pre-Application Meeting

09/17/2014

Date

Dear Neighbor:

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

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

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

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

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

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

MEETING INFORMATION:

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

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

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

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

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

I, Hayden Ly, do hereby declare as follows:

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

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

EXECUTED ON THIS DAY, Oct 4th, 2014 IN SAN FRANCISCO.

Signature

Name (type or print)

Relationship to Project (e.g. Owner, Agent)
(if Agent, give business name & profession)

Project Address

Pre-Application Meeting Sign-in Sheet

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

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS
1.	Roberto Pali		(415) 555-1234	RobertoPali@aol.com	<input checked="" type="checkbox"/>
2.					<input type="checkbox"/>
3.					<input type="checkbox"/>
4.					<input type="checkbox"/>
5.					<input type="checkbox"/>
6.					<input type="checkbox"/>
7.					<input type="checkbox"/>
8.					<input type="checkbox"/>
9.					<input type="checkbox"/>
10.					<input type="checkbox"/>
11.					<input type="checkbox"/>
12.					<input type="checkbox"/>
13.					<input type="checkbox"/>
14.					<input type="checkbox"/>
15.					<input type="checkbox"/>
16.					<input type="checkbox"/>
17.					<input type="checkbox"/>
18.					<input type="checkbox"/>

EXHIBIT 6

RECEIVED

JUN 30 2012

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
P.I.C.APPLICATION FOR
Discretionary Review

1. Owner/Applicant Information

DR APPLICANT'S NAME: Chris Grimaldi		
DR APPLICANT'S ADDRESS: 1434 36th Ave., San Francisco, CA	ZIP CODE: 94122	TELEPHONE: (650)225-0630
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: Christina Vuong		
ADDRESS: 2005 Mahua Way, Antioch, CA	ZIP CODE: 94509	TELEPHONE: () unknown
CONTACT FOR DR APPLICATION: Same as Above <input checked="" type="checkbox"/> <input type="checkbox"/>		
ADDRESS:	ZIP CODE:	TELEPHONE: ()
E-MAIL ADDRESS: grim@gene.com		

2. Location and Classification

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

3. Project Description

Please check all that apply

Change of Use ☒ Change of Hours ☐ New Construction ☐ Alterations ☒ Demolition ☐ Other ☒Additions to Building: Rear ☒ Front ☐ Height ☐ Side Yard ☐
Single family

Present or Previous Use: _____

Proposed Use: Multi-family

Building Permit Application No. ~~2014.10.8615~~
2014.10.10.8615 *Jh*

Date Filed: October 17, 2014

ORIGINAL

4. Actions Prior to a Discretionary Review Request

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

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

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

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

Discretionary Review Request

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

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

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

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

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

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

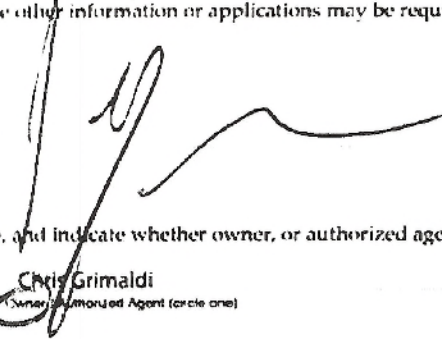
Multiple neighbors are concerned about the adverse impact of the proposed project. The project must be scaled back, avoid light and privacy impacts and adhere to overall neighborhood design. Owner must assure the Commission that property will not be converted to multi-family building. Owner must provide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

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- 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: June 29, 2015

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

Chris Grimaldi
(Owner) (Authorized Agent (circle one))

The following neighbor also joins in this DR Application:

Lee Hopkins
1426 36th Ave.
San Francisco, CA



Dated: June 29, 2015

Harry Pali
1412 36th Ave.
San Francisco, CA

Dated: June 29, 2015



Application for **Discretionary Review**CASE NUMBER:
For Staff Use onlyDiscretionary Review Application
Submittal Checklist

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

REQUIRED MATERIALS (please check correct column)	DR APPLICATION
Application, with all blanks completed	<input checked="" type="checkbox"/>
Address labels (original), if applicable	<input checked="" type="checkbox"/>
Address labels (copy of the above), if applicable	<input checked="" type="checkbox"/>
Photocopy of this completed application	<input type="checkbox"/>
Photographs that illustrate your concerns	<input 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: *[Signature]*Date: 8/13/15

PROJECT ADDRESS: 1430 36TH Ave.

DISCRETIONARY REVIEW APPLICATION - ATTACHMENT
Chris Grimaldi –DR Applicant and Owner of 1434 36th Ave.

CONTINUATION OF QUESTION 1:

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

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

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

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

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

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

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

PROJECT ADDRESS: 1430 36TH Ave.

CONTINUATION OF QUESTION #2:

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

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

EXHIBIT 7



SAN FRANCISCO
PLANNING
DEPARTMENT

ZONING ADMINISTRATOR BULLETIN NO. 1

Developing Ground Floor Accessory Rooms In Residential Buildings

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

Date:
JUNE 1993

Reprinted:
OCTOBER 2009


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


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


RULING:

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

Matrix for Developing Rooms on the Ground Floor

 Permitted

 Choose 1 of 2 Options

 Not Permitted

Interior Connection to Main Floor Occupancy	Room Use	NEW BUILDING Accessibility to Street		ALTERATION Accessibility to Street	
		DIRECT	INDIRECT	DIRECT	INDIRECT
OPEN Visual Spatial Connection between Floors	Full Bath				
	Half Bath				
	Wet bar				
	Laundry Sink				
LIMITED Visual Spatial Connection between Floors	Full Bath				
	Half Bath				
	Wet bar				
	Laundry Sink				
TOTAL LACK Visual Spatial Connection between Floors	Full Bath				
	Half Bath				
	Wet bar				
	Laundry Sink				

Matrix Definitions

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

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

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

Figure 1

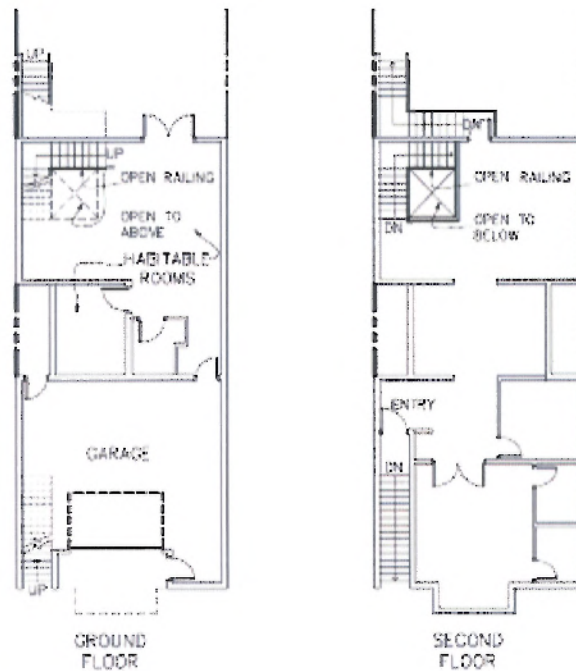


Figure 2

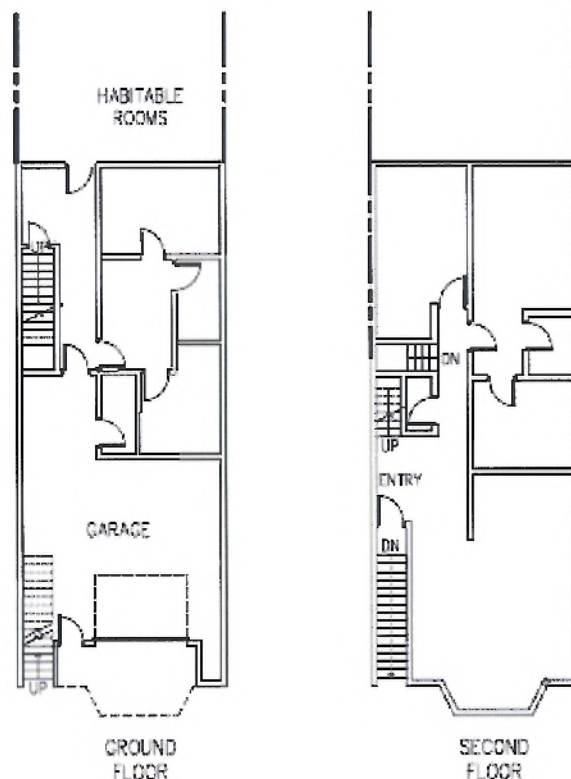


Figure 3

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

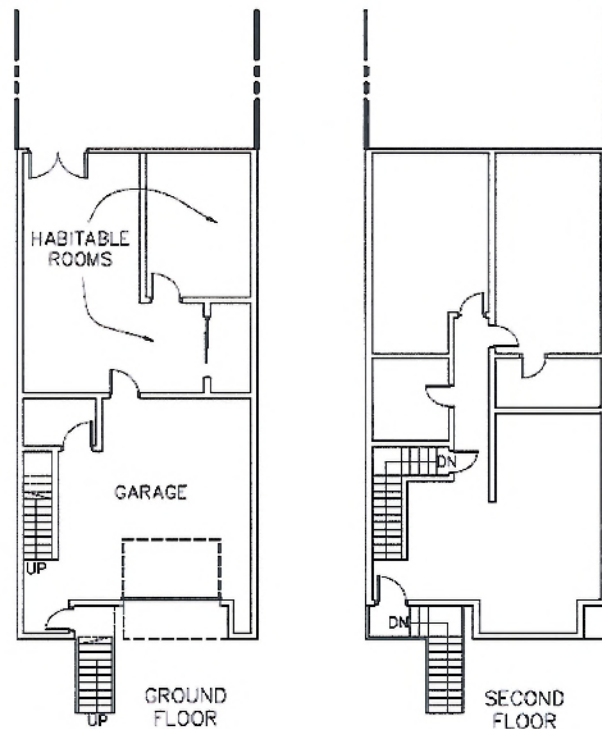
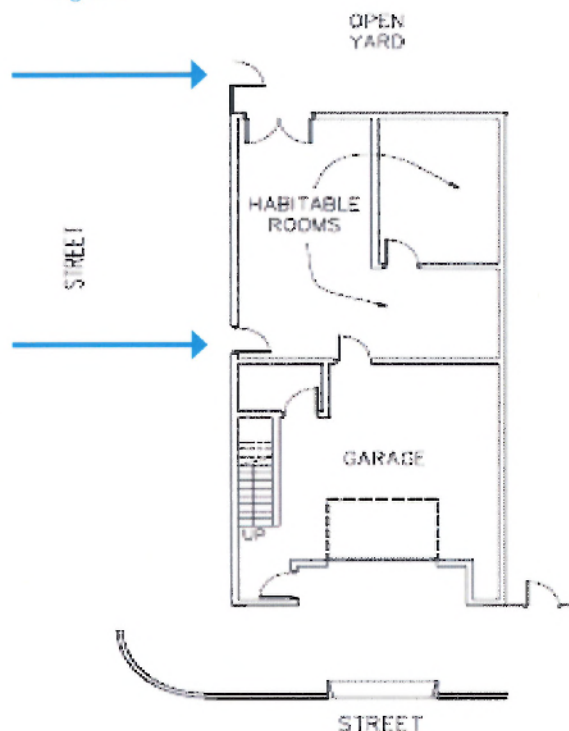


Figure 4

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

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



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

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

Figure 5

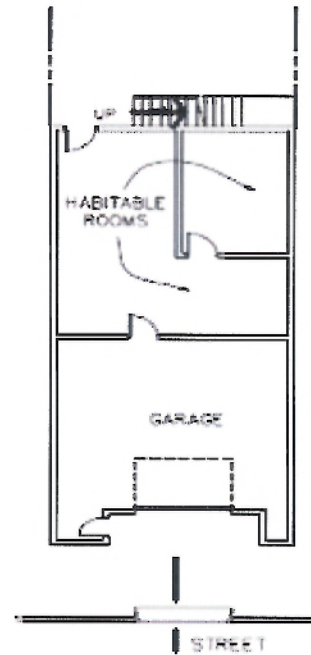
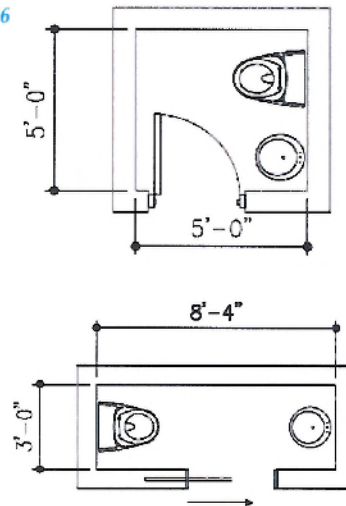
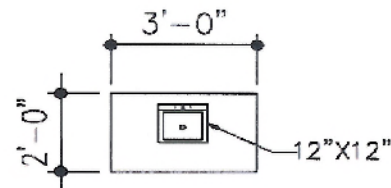


Figure 6



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

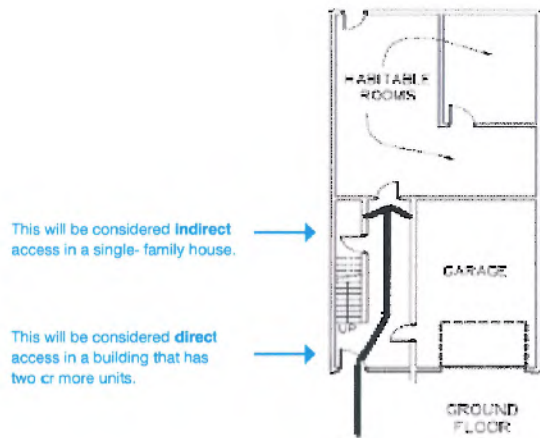
Figure 7



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

How to Use the Matrix

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



Example:

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

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

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



**SAN FRANCISCO
PLANNING
DEPARTMENT**

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

Central Reception

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

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

Planning Information Center (PIC)

1660 Mission Street, First Floor
San Francisco CA 94103-2479

TEL: **415.558.6377**

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

EXHIBIT 8

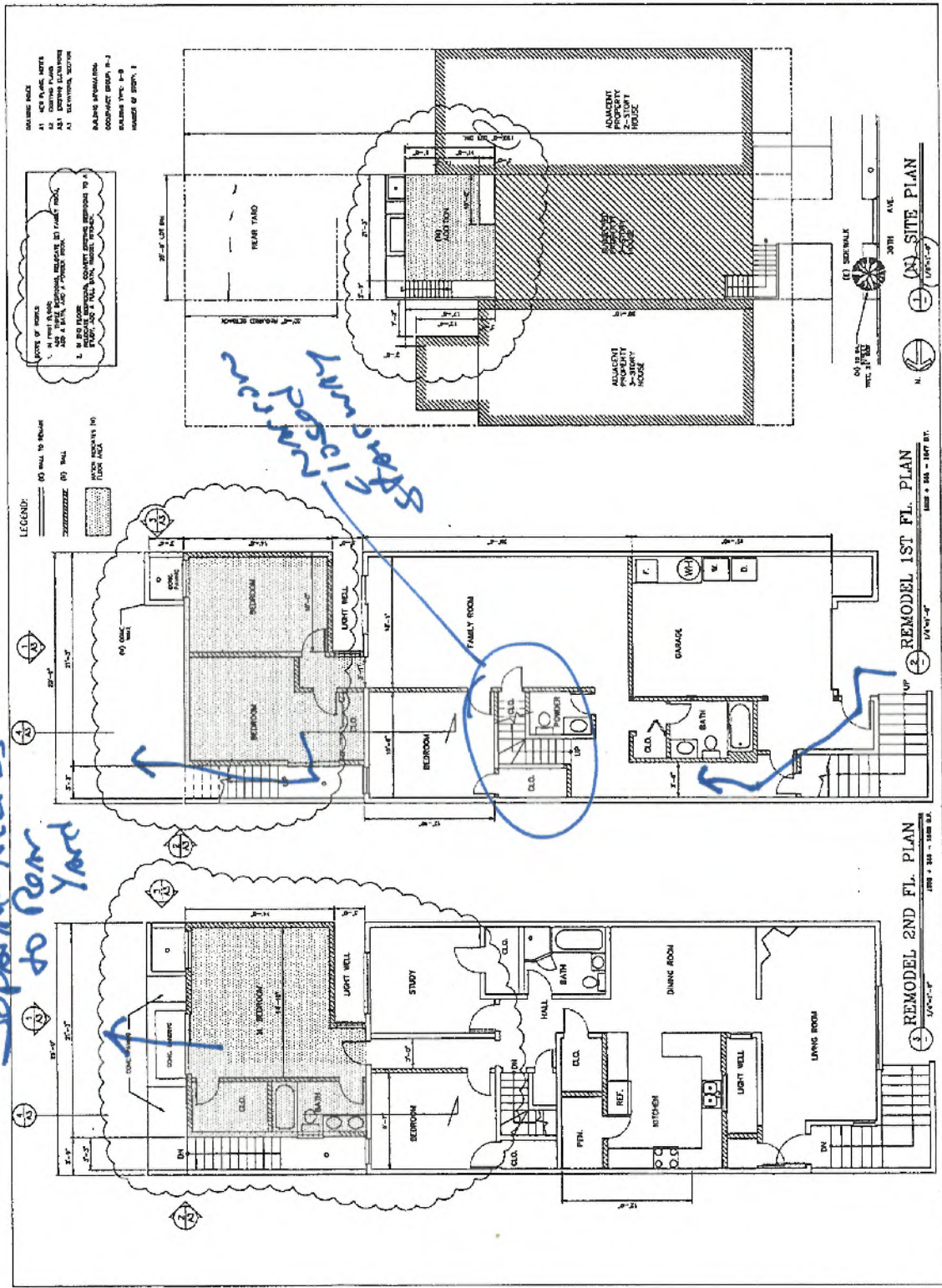


EXHIBIT 9



SAN FRANCISCO PLANNING DEPARTMENT

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

NOTICE OF PUBLIC HEARING

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

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

PROJECT DESCRIPTION

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

ADDITIONAL INFORMATION

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

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

FOR MORE INFORMATION, PLEASE CONTACT PLANNING DEPARTMENT STAFF:

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

中文詢問請電: (415) 575-9010

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



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Abbreviated Analysis

HEARING DATE: DECEMBER 3, 2015

Date: December 3, 2015
Case No.: 2014-001088DRP
Project Address: 1430 36th Avenue
Permit Application: 2014.10.10.8615
Zoning: RH-1 (Residential House, One-Family)
40-X Height and Bulk District
Block/Lot: 1818/033
Project Sponsor: David Silverman
Reuben, Junius & Rose
1 Bush Street, Suite 600
San Francisco, CA 94104
Staff Contact: Todd Kennedy – (415) 575-9125
todd.kennedy@sfgov.org
Recommendation: **Do not take DR and approve the project as proposed**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The proposed project includes a horizontal addition and will add a family room on the first floor, 2 bathrooms and 2 bedrooms, and a study on the second floor. Remodeling will take place within the existing unit also, to include a new bathroom, relocate the bedrooms, convert the existing bedrooms to a study and a play room and remodel the kitchen. No additional units are proposed.

SITE DESCRIPTION AND PRESENT USE

The subject property is a single-family residential unit – 1430 36th Ave. The project is located on the east side of 36th Ave, between Judah and Kirkham Streets in Assessor's Block 1818, Lots 033, and is located within the RH-1 (Residential House, One-Family) District and the 40-X Height and Bulk District.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The area surrounding the project site is residential in use and residentially zoned. Properties along 36th Avenue are zoned RH-1 (Residential House, One-Family) and are developed with single-family residences. 36th Avenue runs north and south and is bordered to the west by Sunset Boulevard and its landscape buffer area. The subject site is surrounded by predominately residential uses and is just south of Golden Gate Park.

BUILDING PERMIT APPLICATION NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	June 1, 2015 – July 1, 2015	June 29, 2015	December 3, 2015	157 days

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	November 24, 2015	November 20, 2015	14 days
Mailed Notice	10 days	November 24, 2015	November 20, 2015	14 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)			X
Other neighbors on the block or directly across the street		2	
Neighborhood groups			X

The Department has not received any feedback from any of the adjacent neighbors. Two of the neighbors cosigned the DR application along with the DR Requestor. They are the residents of 1426 36th Avenue and 1412 36th Avenue.

DR REQUESTOR

Chris Grimaldi, 1434 36th Avenue who is represented by Steve Atkinson who is counsel at Arent Fox LLP. Mr. Grimaldi's property is adjacent to the subject property.

DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

The DR Requestor is concerned about an additional residential unit being added into the subject dwelling. There is also concern with the amount of soil excavation onsite and the proposed alteration will substantially reduce light and impair privacy for adjacent properties.

The DR Requestor is offering no proposed changes.

See attached *Discretionary Review Application*

PROJECT SPONSORS RESPONSE TO DR APPLICATION

The project sponsor states this is a reasonable addition and has worked with Planning Staff and the surrounding neighbors to redefine the project to make it code compliant and have minimal impacts. This new addition will have a building depth that is compatible to the surrounding property owners.

See attached *Response from the Project Sponsor*

ENVIRONMENTAL REVIEW

The Department has determined that the proposed project is exempt from environmental review, pursuant to CEQA Guideline Sections 15301(1) (4) and 15303(a).

RESIDENTIAL DESIGN TEAM REVIEW

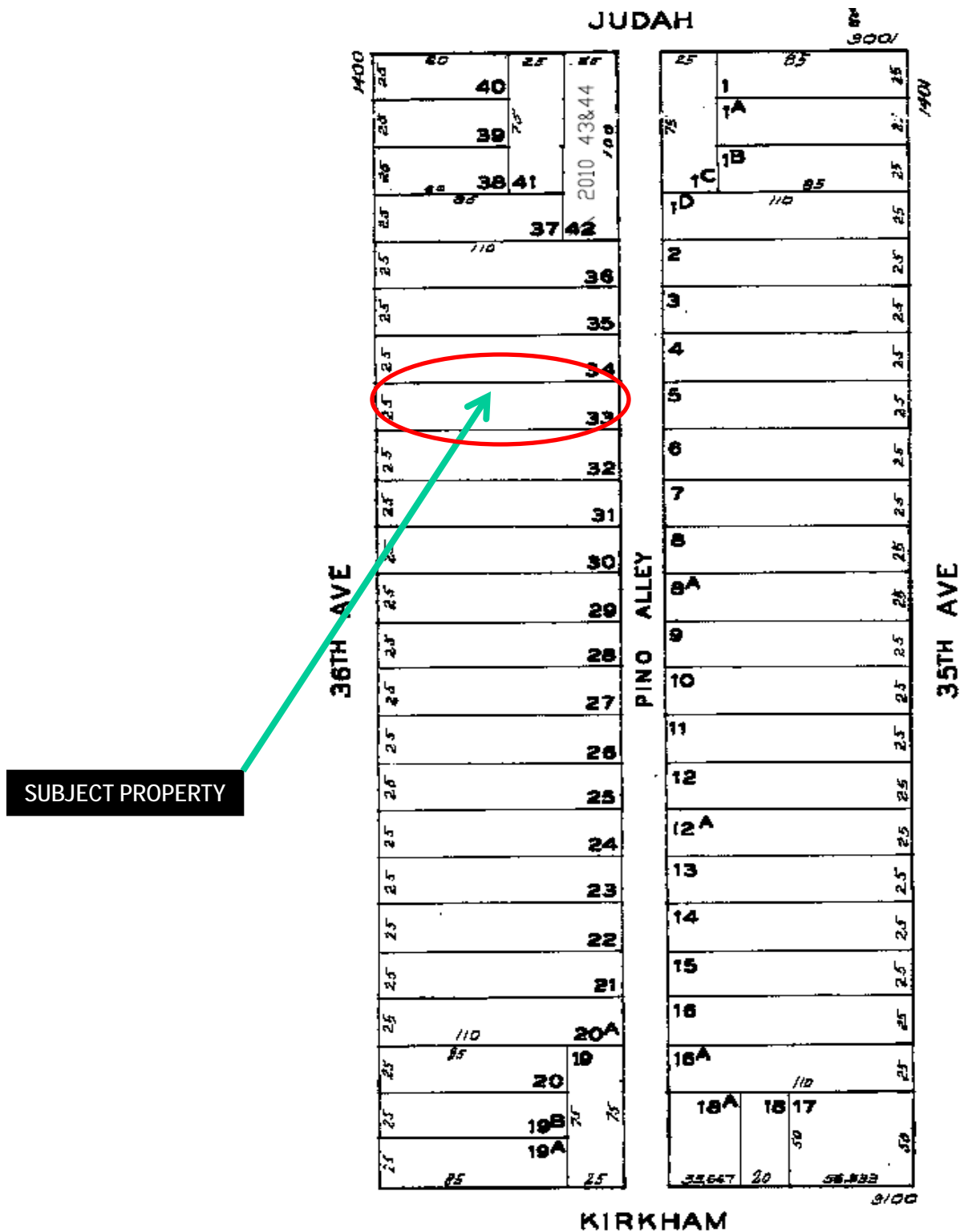
The Residential Design Team (RDT) reviewed the project on September 16, 2015. The RDT found the project was consistent with the Residential Design Guidelines determined there are no exceptional or extraordinary circumstances and supports the project as currently proposed.

RECOMMENDATION: Do not take DR and approve the project as proposed.

Attachments:

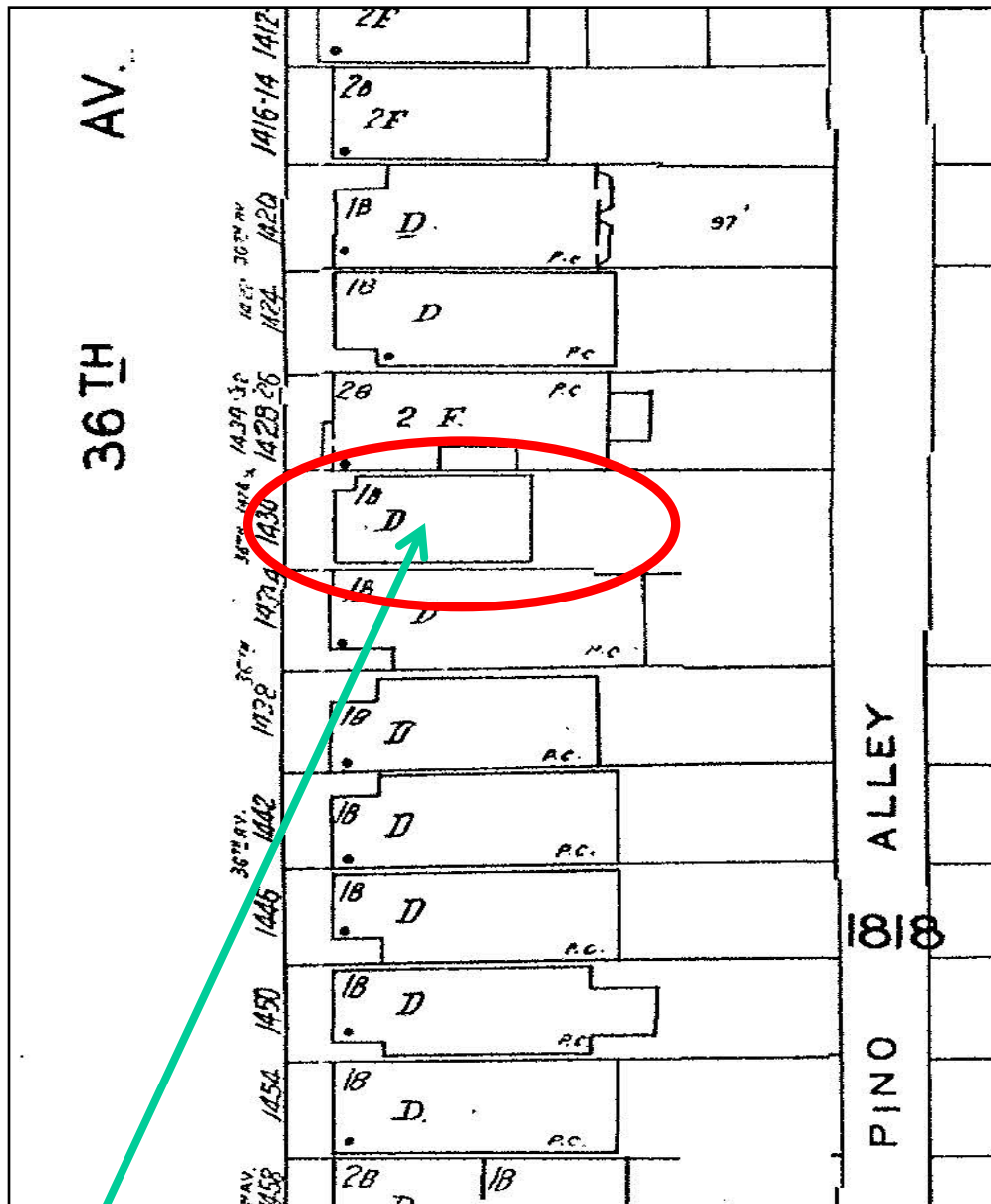
Block Book Map
Sanborn Map
Zoning Map
Aerial Photo
Site Photo
Section 311 Notice
DR Application
Response from Project Sponsor
Reduced Plans

Block Book Map



Discretionary Review – Public
Initiated
Case Number 2014-001088DRP
RH-1 – Residential House, One
Family
1430 36th Avenue

Sanborn Map*



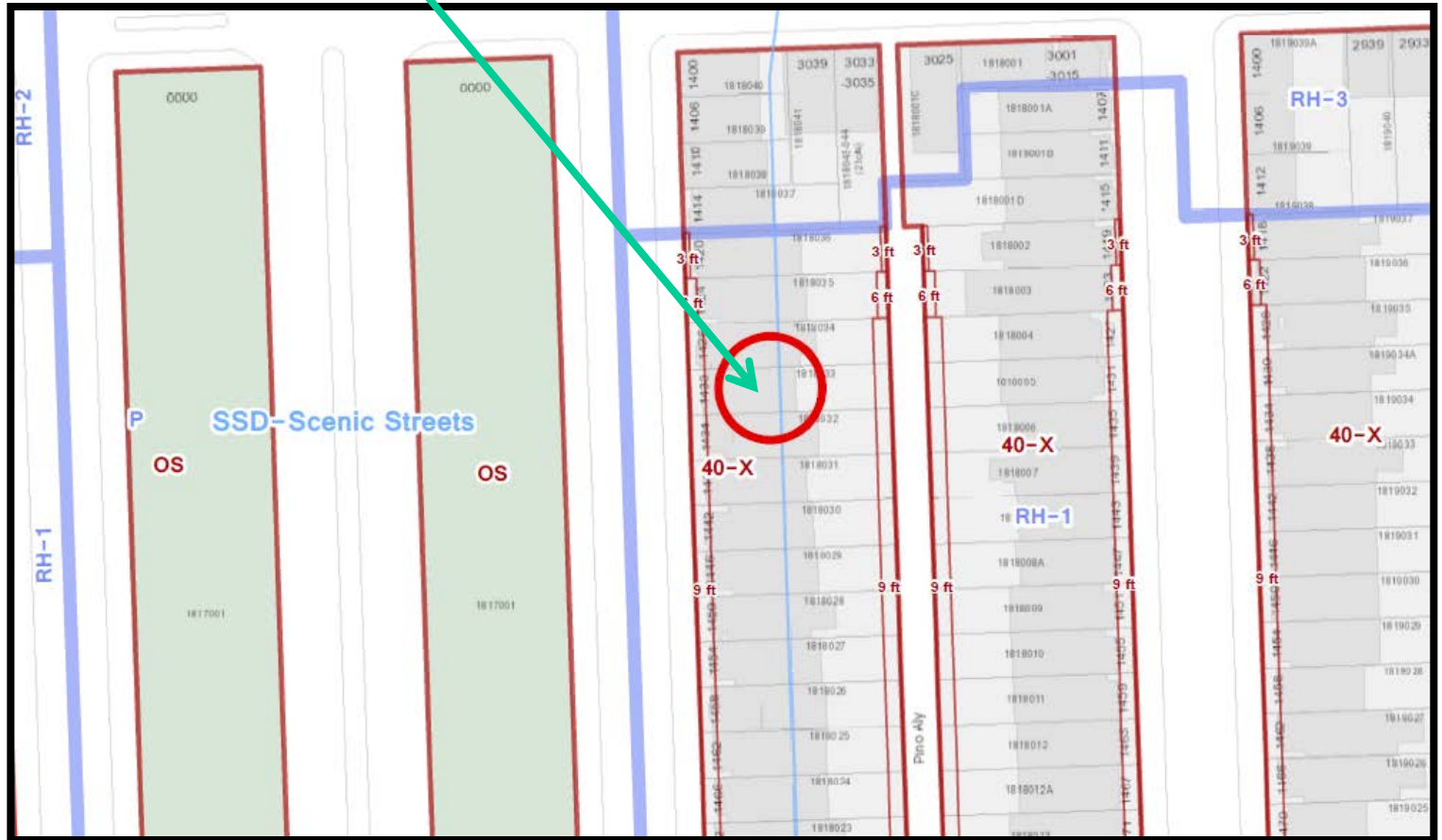
SUBJECT PROPERTY

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

Discretionary Review – Public
Initiated
Case Number 2014-001088DRP
RH-1 – Residential House, One
Family
1430 36th Avenue

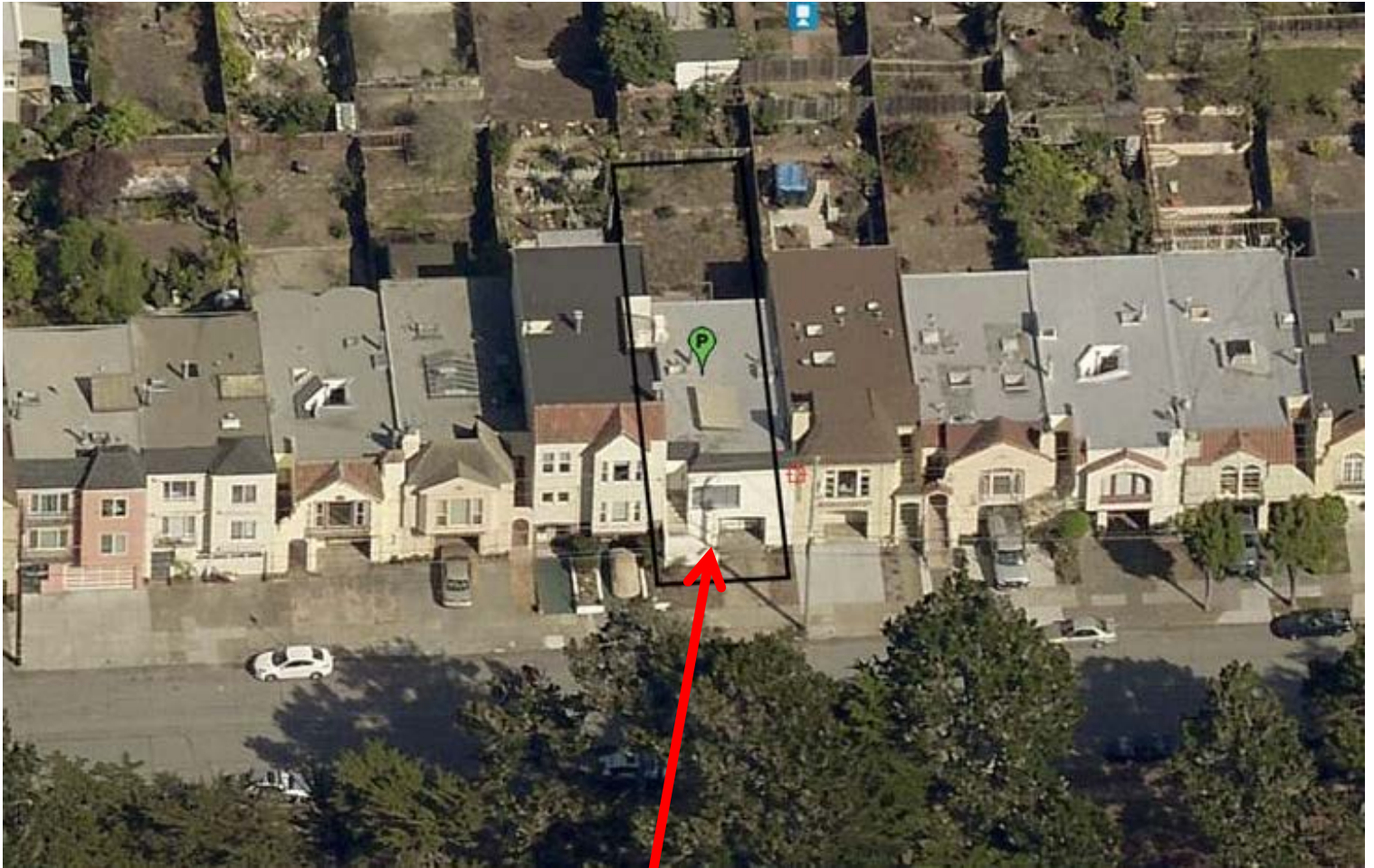
Zoning Map

Subject Site



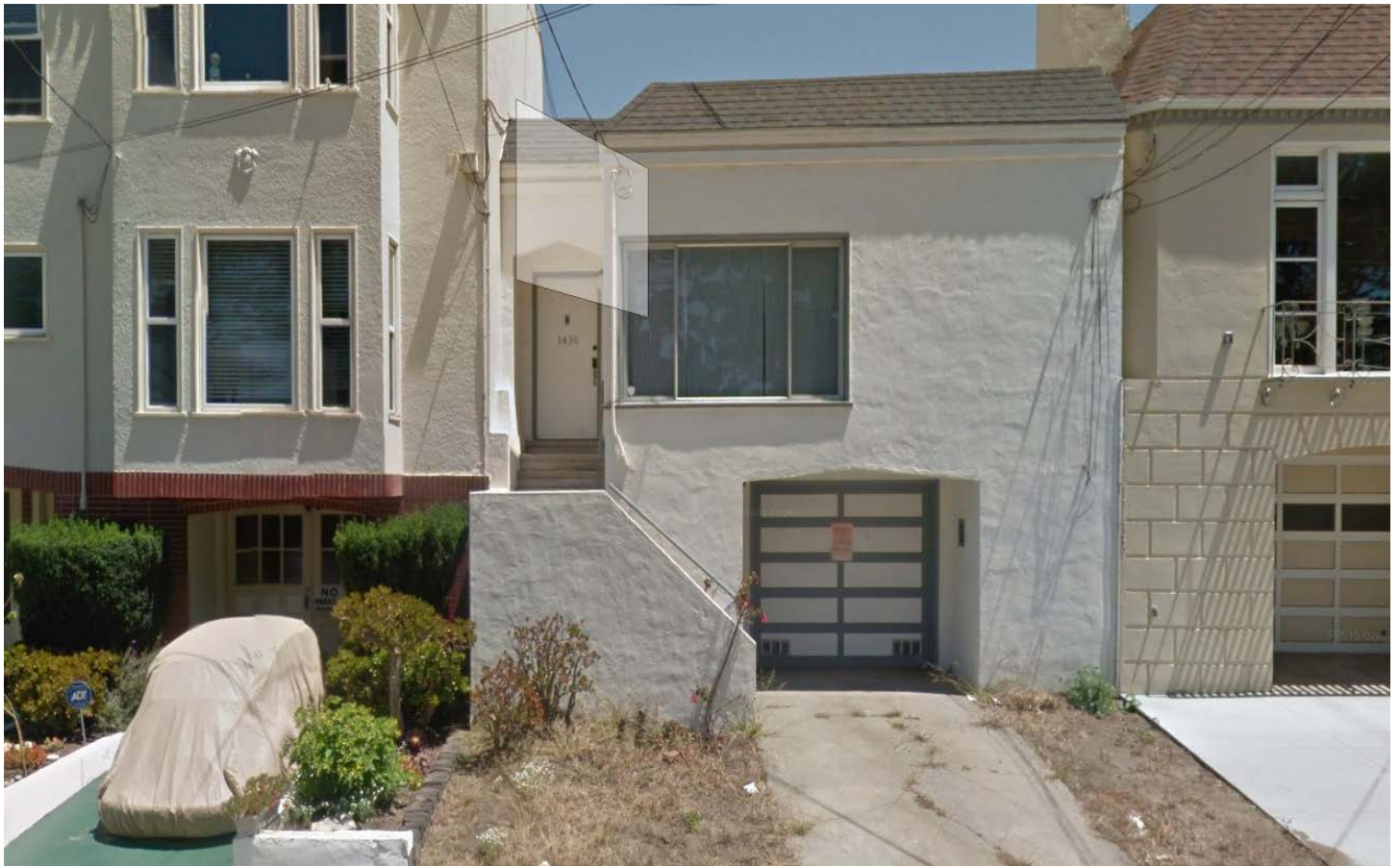
Discretionary Review – Public
Initiated
Case Number 2014-001088DRP
RH-1 – Residential House, One
Family
1430 36th Avenue

Aerial Photo



Subject Site

Site Photo



Discretionary Review – Public
Initiated
Case Number 2014-001088DRP
RH-1 – Residential House, One
Family
1430 36th Avenue



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (Revised Notice) (SECTION 311)

On **October 17, 2014**, the Applicant named below filed Building Permit Application No. **2014.10.10.8615** (Addition) with the City and County of San Francisco.

CONTACT INFORMATION		PROJECT SITE INFORMATION	
Applicant:	Jason Chan	Project Address:	1430 36th Avenue
Address:	615 Santa Barbara Avenue	Cross Streets:	Judah Street
City, State:	Millbrae, CA 94030	Assessor's Block /Lot No.:	1818/033
Telephone:	(415) 710-8896	Zoning Districts:	RH-1/40-X

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

PROJECT SCOPE		
<input type="checkbox"/> DEMOLITION	and/or	<input type="checkbox"/> NEW CONSTRUCTION or <input checked="" type="checkbox"/> ALTERATION
<input type="checkbox"/> VERTICAL EXTENSION		<input type="checkbox"/> CHANGE # OF DWELLING UNITS <input type="checkbox"/> FACADE ALTERATION(S)
<input type="checkbox"/> HORIZ. EXTENSION (FRONT)		<input type="checkbox"/> HORIZ. EXTENSION (SIDE) <input checked="" type="checkbox"/> HORIZ. EXTENSION (REAR)
PROJECT FEATURES	EXISTING CONDITION	PROPOSED CONDITION
BUILDING USE	One Family Dwelling.....	No Change
FRONT SETBACK	No current front setback	No Change
SIDE SETBACKS	No current side setbacks	new alteration includes 3'9" and 0'
BUILDING DEPTH	+/- 78 feet	No Change
REAR YARD	+/- 44 feet	No Change
HEIGHT OF BUILDING	+/- 20 feet	No Change
NUMBER OF STORIES	2	No Change
NUMBER OF DWELLING UNITS	1	No Change
NUMBER OF OFF-STREET PARKING SPACES	2	No Change
PROJECT DESCRIPTION		

This is a revised notice. One the first floor, add a family room, two bedrooms, two bathrooms, and a study. On the second floor, add a bathroom, relocate bedrooms, convert existing bedrooms to a study and a playroom, remodel kitchen.

PLANNER'S NAME: **Todd Kennedy**

PHONE NUMBER: **(415) 575-9125**

EMAIL: **todd.kennedy@sfgov.org**

DATE OF THIS NOTICE:

EXPIRATION DATE: _____

NOTICE OF BUILDING PERMIT APPLICATION GENERAL INFORMATION ABOUT PROCEDURES

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

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

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

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

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

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

BOARD OF APPEALS

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

RECEIVED

JUN 30 2012

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
P I CAPPLICATION FOR
Discretionary Review

1. Owner/Applicant Information

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

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

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

2. Location and Classification

STREET ADDRESS OF PROJECT: 1430 36th Ave., San Francisco, CA	ZIP CODE: 94122
CROSS STREETS: Judah and Kirkham	

ASSESSORS BLOCK/LOT: 1818 /033	LOT DIMENSIONS: 25X110	LOT AREA (SQ FT): 2748	ZONING DISTRICT: RH-1	HEIGHT/BULK DISTRICT: 40-X
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3. Project Description

Please check all that apply

Change of Use ☒ Change of Hours ☐ New Construction ☐ Alterations ☒ Demolition ☐ Other ☒Additions to Building: Rear ☒ Front ☐ Height ☐ Side Yard ☐

Single family

Present or Previous Use:

Proposed Use: Multi-family

Building Permit Application No. ~~2014.10.8615~~

Date Filed: October 17, 2014

2014.10.10.8615 *Jr*

ORIGINAL

4. Actions Prior to a Discretionary Review Request

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

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

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

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

Discretionary Review Request

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

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

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

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

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

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

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

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- 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: June 29, 2015

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

Chris Grimaldi

(owner) ☒ Authorized Agent (circle one)

The following neighbor also joins in this DR Application:

Lee Hopkins 

1426 36th Ave.

San Francisco, CA

Dated: June 29, 2015 _____

Harry Pali

1412 36th Ave.

San Francisco, CA

Dated: June 29 2015 

Discretionary Review Application Submittal Checklist

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

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

NOTES:

☐ Required Material.☒ Optional Material.☐ Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

For Department Use Only

Application received by Planning Department:

By: Date: 8/13/15

PROJECT ADDRESS: 1430 36TH Ave.

DISCRETIONARY REVIEW APPLICATION - ATTACHMENT

Chris Grimaldi –DR Applicant and Owner of 1434 36th Ave.

CONTINUATION OF QUESTION 1:

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

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

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

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

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

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

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

PROJECT ADDRESS: 1430 36TH Ave.

CONTINUATION OF QUESTION #2:

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

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

RESPONSE TO
**DISCRETIONARY
REVIEW (DRP)**



**San Francisco
Planning**

SAN FRANCISCO PLANNING DEPARTMENT
1650 MISSION STREET, SUITE 400
SAN FRANCISCO, CA 94103-2479
MAIN: (415) 558-6378 SFPLANNING.ORG

Project Information

Property Address: 1430 - 36th Ave Zip Code: _____
Building Permit Application(s): 2014.10.10.8615
Record Number: _____ Assigned Planner: Todd Kennedy

Project Sponsor

Name: Hayden Ly and Christina Vuong Phone: _____
Email: HaydenLy@gmail.com

Required Questions

1. Given the concerns of the DR requester and other concerned parties, why do you feel your proposed project should be approved? (If you are not aware of the issues of concern to the DR requester, please meet the DR requester in addition to reviewing the attached DR application.)
See attachment, Section E.
2. What alternatives or changes to the proposed project are you willing to make in order to address the concerns of the DR requester and other concerned parties? If you have already changed the project to meet neighborhood concerns, please explain those changes and indicate whether they were made before or after filing your application with the City.
See attachment, Section D.
3. If you are not willing to change the proposed project or pursue other alternatives, please state why you feel that your project would not have any adverse effect on the surrounding properties. Include an explanation of your needs for space or other personal requirements that prevent you from making the changes requested by the DR requester.
The addition will bring the Project Sponsor's home to a rear depth that is not greater than that of the building to the south, and only 5 ft. greater than the building to the north.

Project Features

Please provide the following information about the project for both the existing and proposed features. **Please attach an additional sheet with project features that are not included in this table.**

	EXISTING	PROPOSED
Dwelling Units (only one kitchen per unit - additional kitchens count as additional units)		
Occupied Stories (all levels with habitable rooms)		
Basement Levels (may include garage or windowless storage rooms)		
Parking Spaces (Off-Street)		
Bedrooms		
Height		
Building Depth		
Rental Value (monthly)		
Property Value		

I attest that the above information is true to the best of my knowledge.

Signature:

David Silverman

Date: *11-20-15*

Printed Name:

David Silverman

☐ Property Owner
☒ Authorized Agent

If you have any additional information that is not covered by this application, please feel free to attach additional sheets to this form.

**Before the
San Francisco Planning Commission**

**PROJECT SPONSOR'S SUBMITTAL IN RESPONSE TO
APPLICATION FOR DISCRETIONARY REVIEW REGARDING
SINGLE FAMILY HOME ADDITION**

1430 36th Avenue

**Project Sponsor:
Hayden Ly and Christina Vuong**

Building Permit Application 2014.10.10.8615

Hearing Date: December 3, 2015

Attorneys for Project Sponsors:

REUBEN, JUNIUS & ROSE, LLP

One Bush Street, Suite 600, San Francisco, CA 94104
t] 415 567 9000 f] 415 399 9480

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A. INTRODUCTION

Hayden Ly and Christina Vuong ("Project Sponsor") propose to alter a single family home ("Project") at 1430 36th Avenue in the Outer Sunset District by removing the rear deck and adding a horizontal addition at the first and second floors. The extension will be 18 feet. The proposed addition is permitted as of right by the Planning Code, and a 25% rear yard (27.5 feet) will be maintained.

But for the DR Applicant's application for discretionary review, this modest addition would have been administratively approved.

B. SITE INFORMATION

Street Address:	1430 36 th Avenue
Cross Streets:	Judah and Kirkham Streets
Assessor's Block/Lot:	1818/033
Zoning District:	RH-1 (Residential, Single Family)
Height and Bulk District:	40-X
Building Height:	20 feet (No change)
Proposed Use:	Single Family Home (No change)
Proposed Addition:	Horizontal addition at rear

C. THE DR APPLICANT HAS FAILED TO SATISFY THE MINIMUM STANDARD OF REVIEW - THERE ARE NO EXCEPTIONAL OR EXTRAORDINARY CIRCUMSTANCES THAT JUSTIFY DISCRETIONARY REVIEW

The Planning Commission's authority to review permits on a case-by-case basis under "Discretionary Review" (Municipal Code of the City and County of San Francisco, Part III, Section 26(a))¹ must be carefully exercised. In 1943, the California Supreme Court held that the San Francisco Board of Permit Appeals, pursuant to the above-referenced Section 26(a), had the authority to exercise its "sound discretion" in granting or denying building permits (See Lindell Co. v. Board of Permit Appeals (1943) 23 Cal.2d 303). In 1954, then San Francisco City Attorney Dion R. Holm issued Opinion No. 845, in which he opined that the Planning Commission has similar discretion to grant or deny building permits. However, the City Attorney cautioned the Planning Commission with respect to the judicious exercise of this discretion. In his opinion, the City Attorney stated as follows:

¹ Section 26(a) provides that "[I]n the granting or denying of any permit, or the revoking or the refusing to revoke any permit, the granting or revoking power may take into consideration the effect of the proposed business or calling upon surrounding property and upon its residents and inhabitants thereof; and in granting or denying said permit, or revoking or refusing to revoke a permit, may exercise its sound discretion as to whether said permit should be granted, transferred, denied or revoked."

“I think it is entirely plain, on the authority of the above-enunciated general principles, that the reservation of authority in the present ordinances to deal in a special manner with exceptional cases is unassailable upon constitutional grounds . . . this is, however, a sensitive discretion and one which must be exercised with the utmost restraint.”

(City Attorney Opinion No. 845, p. 8, emphasis in original).

The discretionary review handout provided to the public by the Planning Department reiterates this underlying foundation of the discretionary review power. That publication provides that “discretionary review is a special power of the Commission, outside the normal building permit application approval process. It is supposed to be used only when there are exceptional and extraordinary circumstances associated with a proposed project. The Commission has been advised by the City Attorney that the Commission's discretion is sensitive and must be exercised with utmost constraint.” In this case, the Planning Commission should exercise such constraint by approving the Project.

There are no exceptional and extraordinary circumstances in this case that would justify the Planning Commission's exercise of its discretionary review powers. Each of the issues raised by the DR Applicant is meritless. The professional planning staff (Residential Design Team or “RDT”) has approved the project twice.

D. GOOD NEIGHBOR GESTURES

The Project Sponsor has made the following good neighbor gestures:

- 1) Reduced the proposed horizontal addition by 10 feet.
- 2) Preserved the front façade of the home in entirety.
- 3) Deleted the spiral staircase at the rear of the building from the plans.
- 4) The horizontal addition will bring the Project Sponsor's home to a rear depth that is not greater than that of the building to the south, and only 5 feet greater than the building to the north.

E. RESPONSE TO DISCRETIONARY REVIEW APPLICANT'S CONCERNS

The proposed Project will significantly improve the living space, the rear design, and the structural integrity of the home. No variances have been requested. The zoning restrictions for this zoning district would allow build-out to a height of 40 feet. No vertical addition is proposed notwithstanding that the adjacent building to the south is a full story taller than the Project. The proposed Project is consistent with the policies and objectives of the General Plan and the Planning Code. The Project will upgrade the home to comply with current Building Code standards, and add to livable space at the rear of the home.

The proposed Project meets all standards of the Residential Design Guidelines. There are no changes to the front of the property. The changes to the rear will improve the design and

layout of the home. Nothing in the proposed Project is extraordinary or has an extraordinary impact on anyone. There is nothing out of scale in the proposed addition. Further, the Project Sponsor has revised the design to reduce the depth of the addition.

The concerns identified by the DR Applicant do not approach the minimum standard of exceptional and extraordinary circumstances. Slight and reasonable impacts to neighbors are to be expected for any building or alteration project. Any effects to neighbors would be ordinary and acceptable in an urban environment.

F. CONCLUSION

The Project Sponsor's proposed alterations are allowed as a matter of right by the Planning Code, are appropriately sized, and will make the home more suitable for the needs of the Ly family. But for the application for discretionary review, the Project would have been approved administratively. No variances or Code exceptions are requested. No vertical addition is proposed, despite the fact that the home is 20 feet high in a 40 foot height district and the adjacent home is a full story taller. The proposed additional space will create a home suitable for a contemporary family. The front façade of the home will be preserved as is. The DR Applicant has failed to demonstrate any exceptional or extraordinary circumstances that would justify discretionary review, and has therefore failed to meet his burden under the Planning Code. Accordingly, the Project Sponsor respectfully requests that the Planning Commission deny the request for discretionary review.

Respectfully Submitted,

REUBEN, JUNIUS & ROSE, LLP

Dated: September 14, 2015

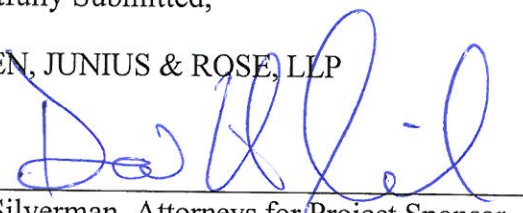
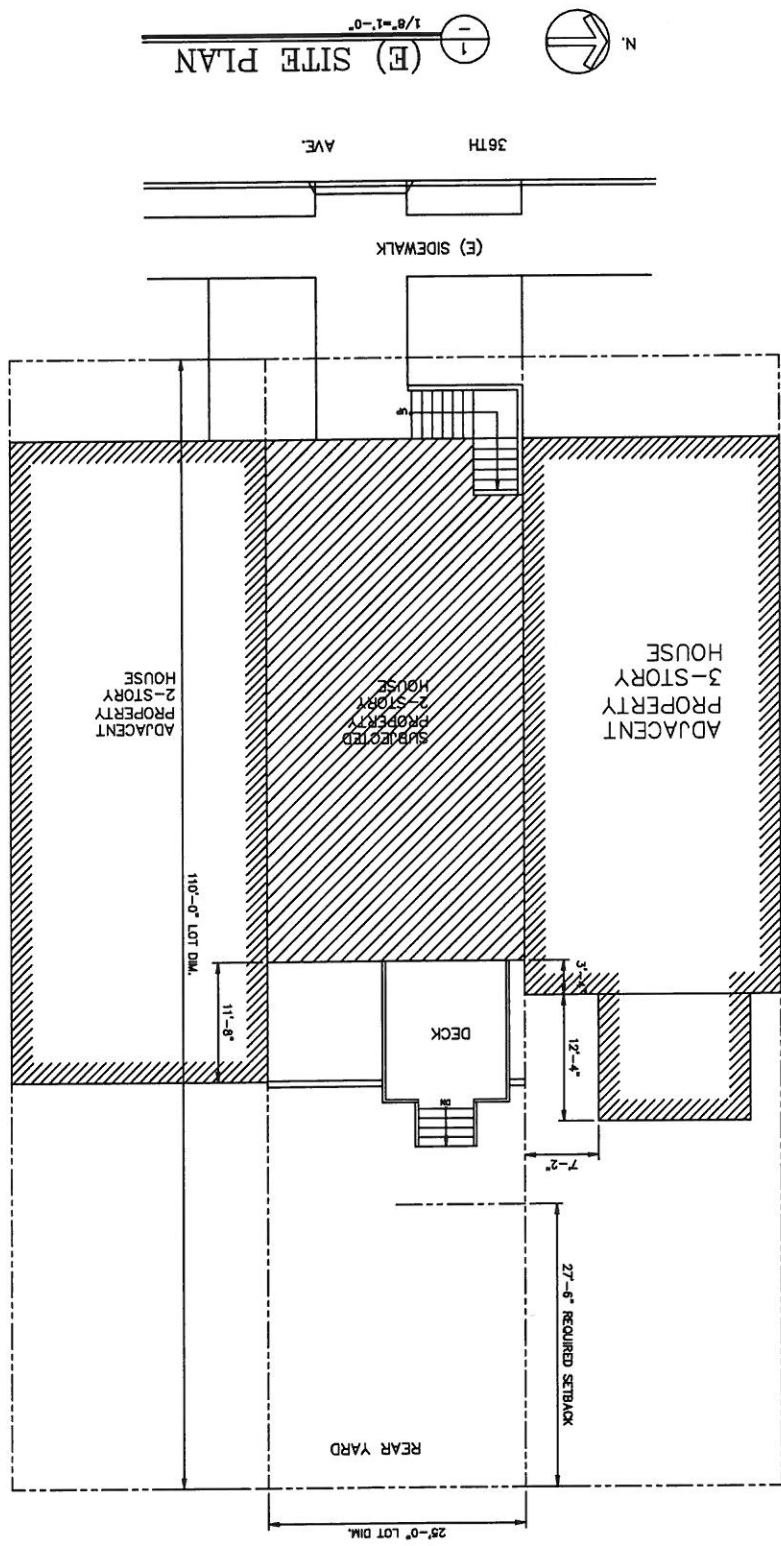
By: 
David Silverman, Attorneys for Project Sponsor
Hayden Ly and Christina Vuong

Exhibit List

- A. Project Plans and Elevations
- B. Photographs of Project Site and Project Block



DRAWING INDEX

A1	(1) & (N) SITE PLANS
A2	(2) & (N) FLOOR PLANS
A2.1	(3) & (N) ELEVATIONS
A3	(5) & (N) ELEVATIONS

BUILDING INFORMATION:

OCCUPANCY GROUP:	F-3
BUILDING TYPE:	S-B
NUMBER OF STORIES:	2

SCOPE OF WORKS:

1. IN FIRST FLOOR:
ADD THREE BEDROOMS, RELOCATE (F) FAMILY ROOM,
ADD A BATH, AND A POWDER ROOM.

2. IN 2ND FLOOR:
RELOCATE BEDROOMS, CONVERT EXISTING BEDROOMS TO A
STUDY, ADD A FULL BATH, REMODEL KITCHEN.

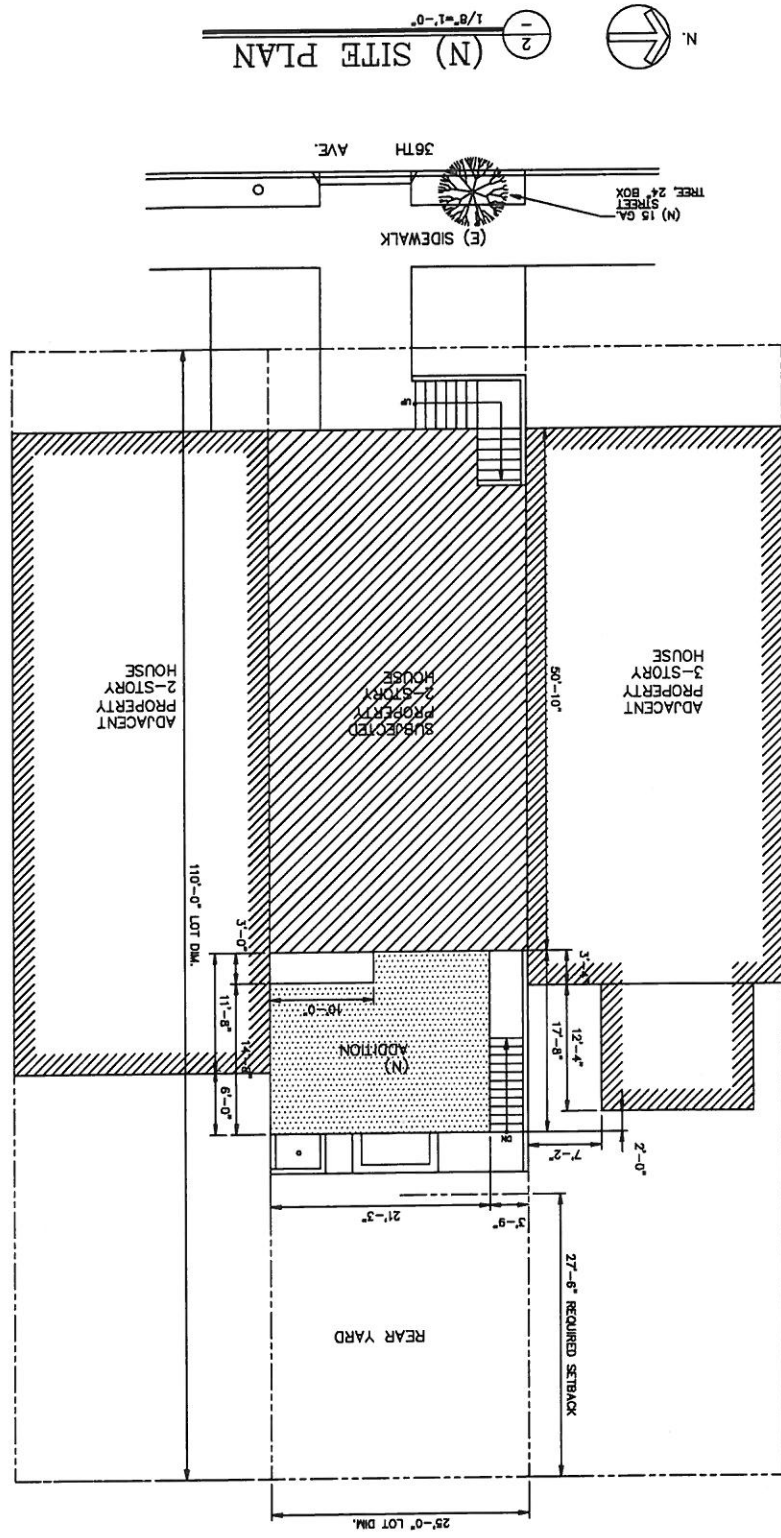
AREA:
(F) FLOOR AREA: 2,420 S.F.
PROPOSED NEW ADDITION: 690 S.F.
TOTAL BLDG. AREA WITH ADDITION: 5,130 S.F.


LEGEND:

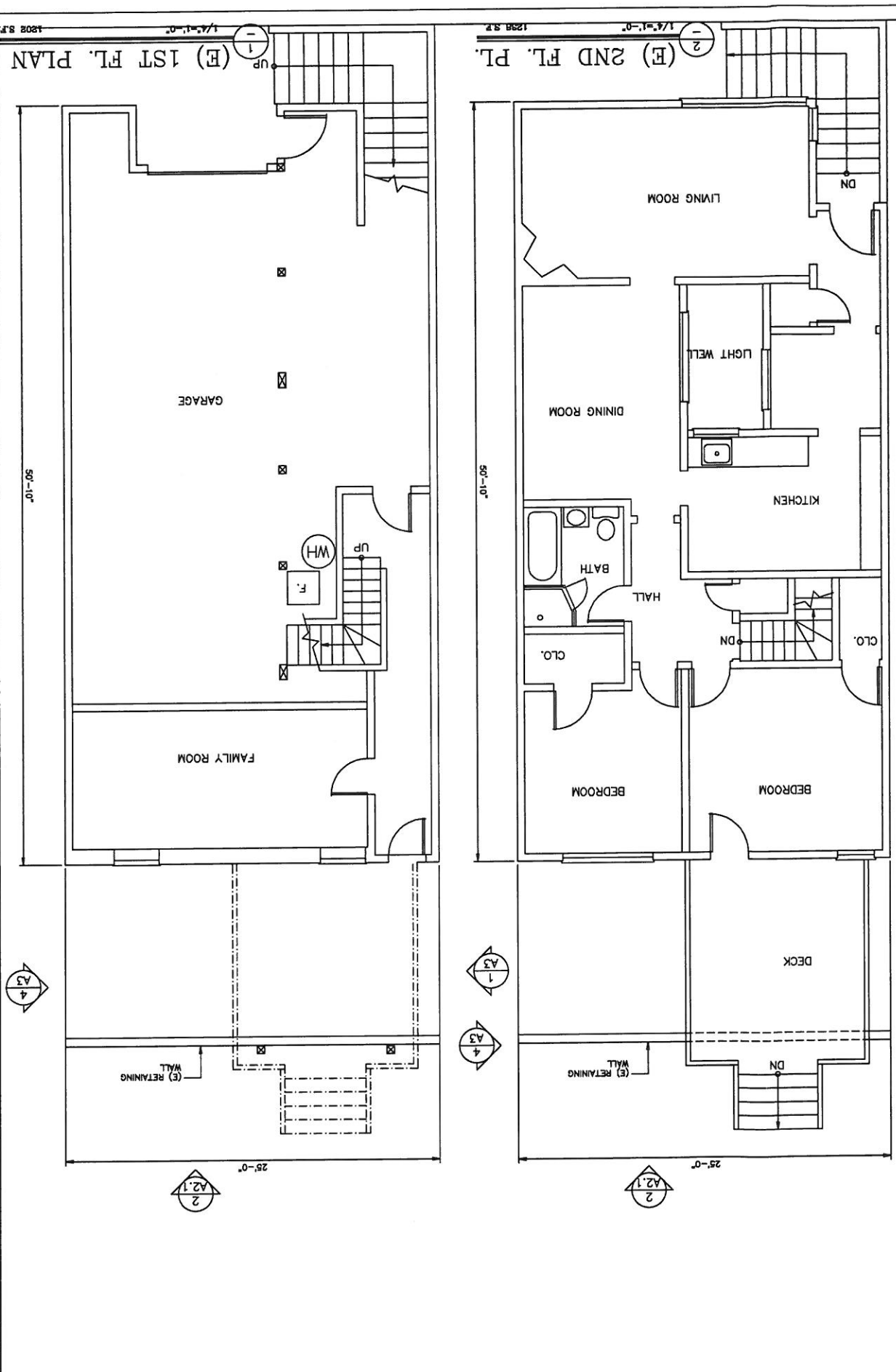
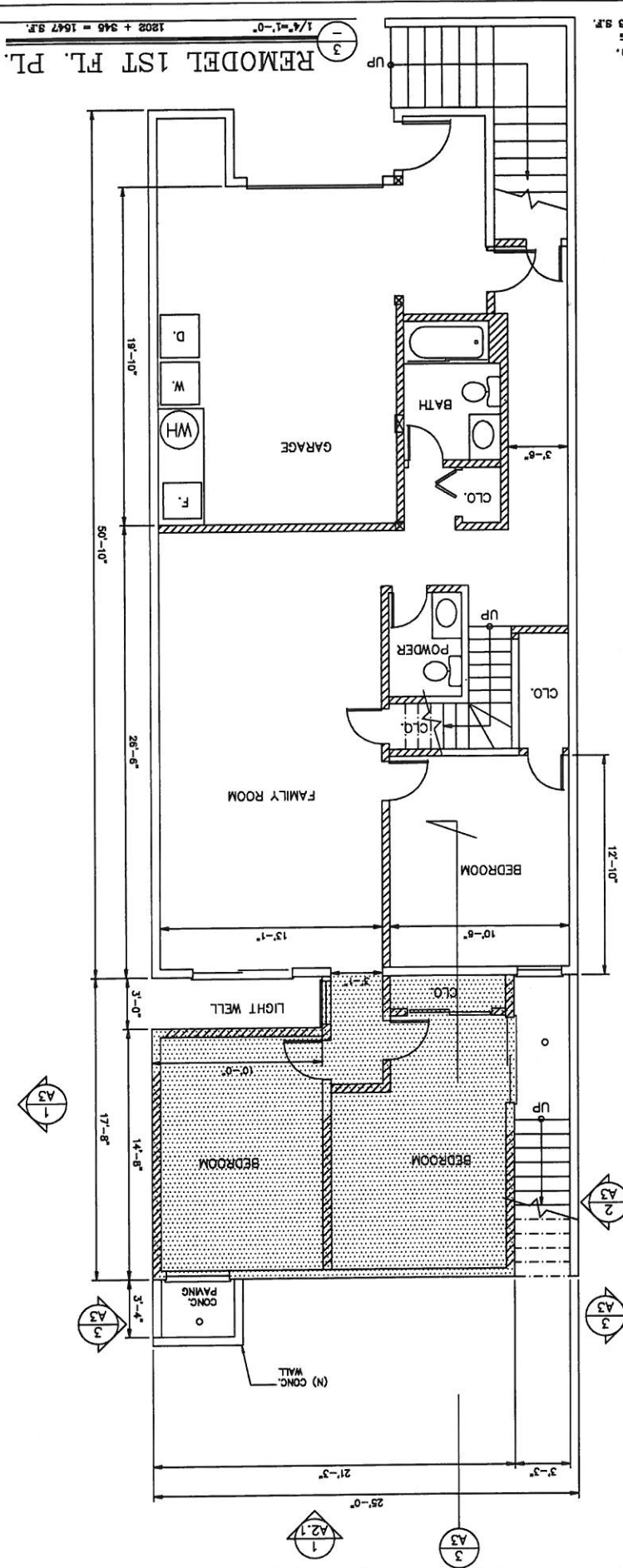
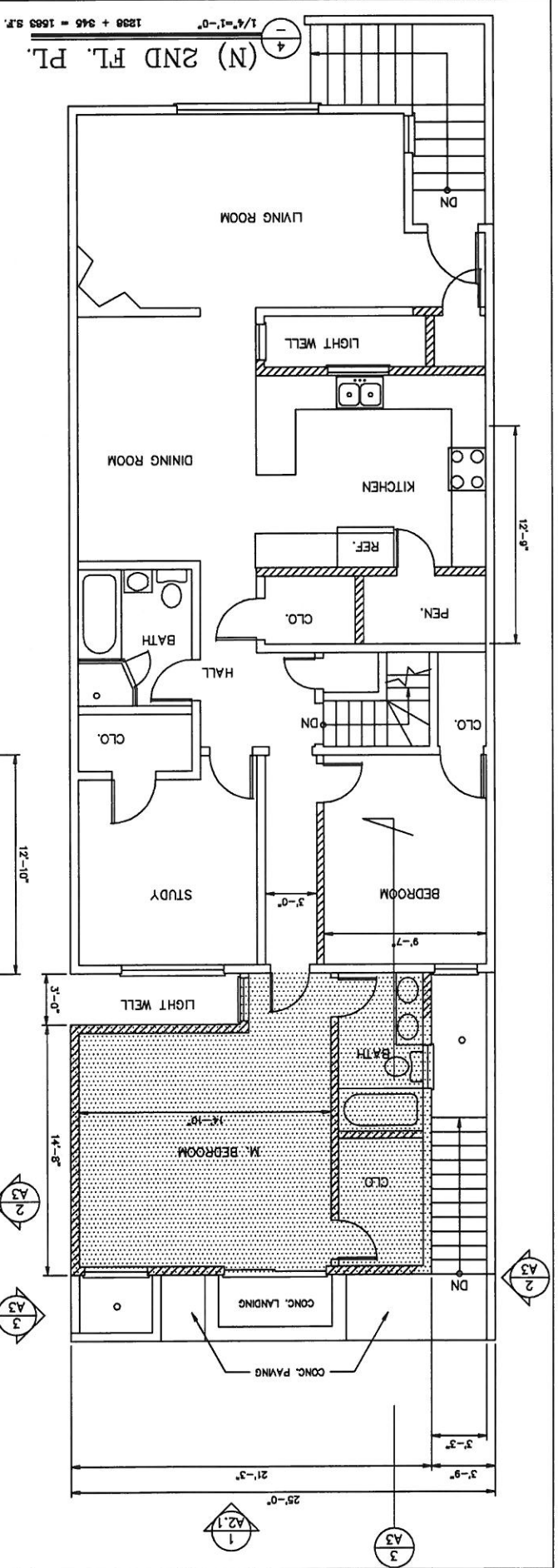
(E) WALL TO REMAIN

(N) WALL

HATCH INDICATES (N) FLOOR AREA



APN NO. 2014-1010-8615	DATE 8-7-2015	SCALE	DRAWN	JOB	SHEET	OF
REAR ADDITION 1430 36TH AVE. SAN FRANCISCO, CA 94122 BLOCK 1818, LOT 033	EXISTING & NEW SITE PLANS					
JASON M.J. CHAN ARCHITECT 615 SANTA BARBARA AVE MILLBRAE, CA 94030 (650)872-8839 E-MAIL: jasonchan189@yahoo.com						REVISIONS 1-4-12-2015 PLANNING DEPT.

[illegible]

Floor plan of the second floor. The plan shows a bedroom, a bath, and a play area. The bedroom is located at the top of the plan, and the bath is located at the bottom. The play area is located on the left side of the plan. The plan includes dimensions for the addition and existing structure. A note indicates that the addition is 50 cubic yards, less than the total of 24 cubic yards allowed.

REMOVE (2) CIRT.
TOTAL: 24 CUBIC
YARD, LESS THAN
50 CUBIC YARDS
ALLOWED

FINISH GRADE

CL.O.

BATH

PLAY

CL.O.

BEDROOM

BEDROOM

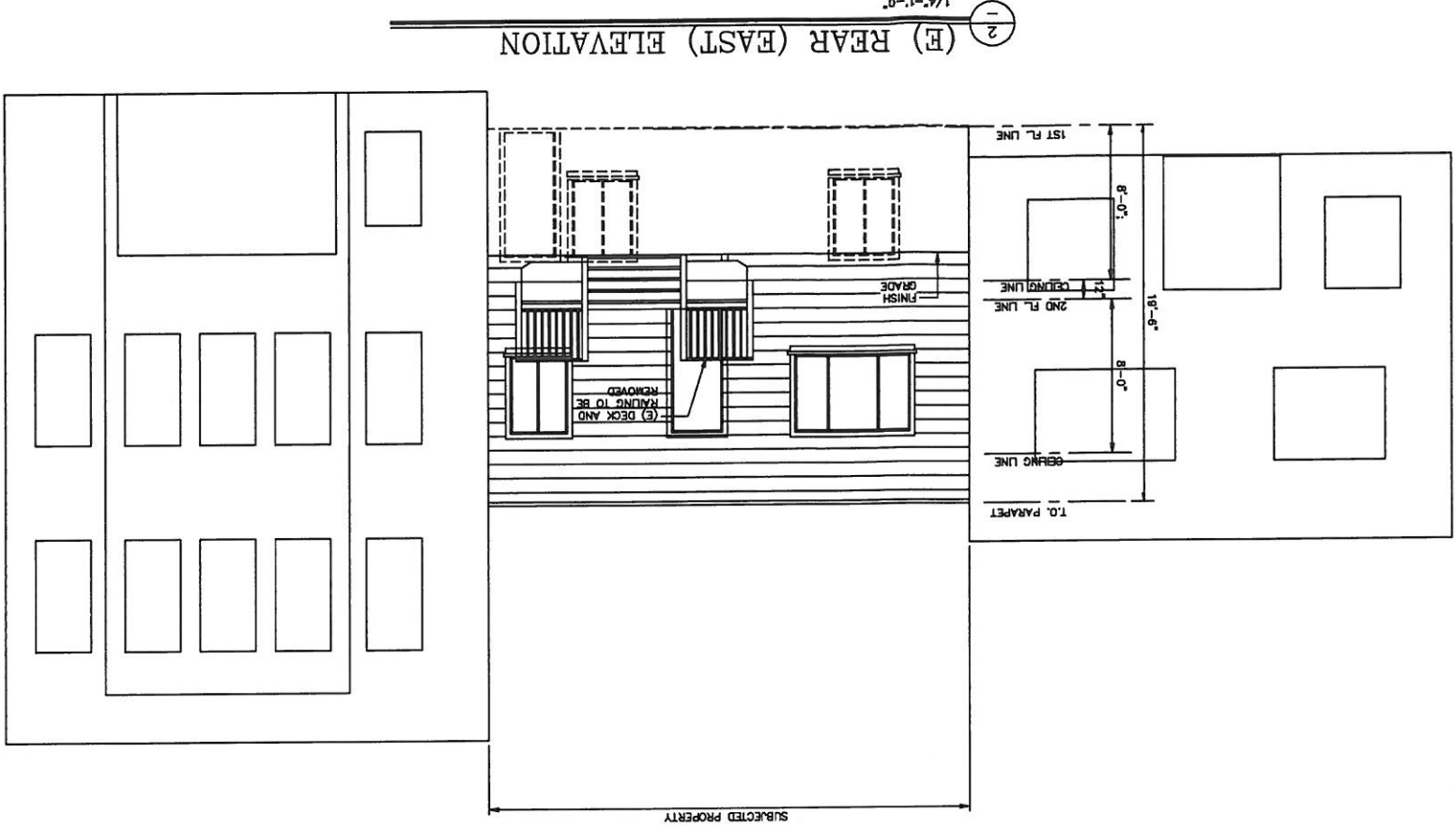
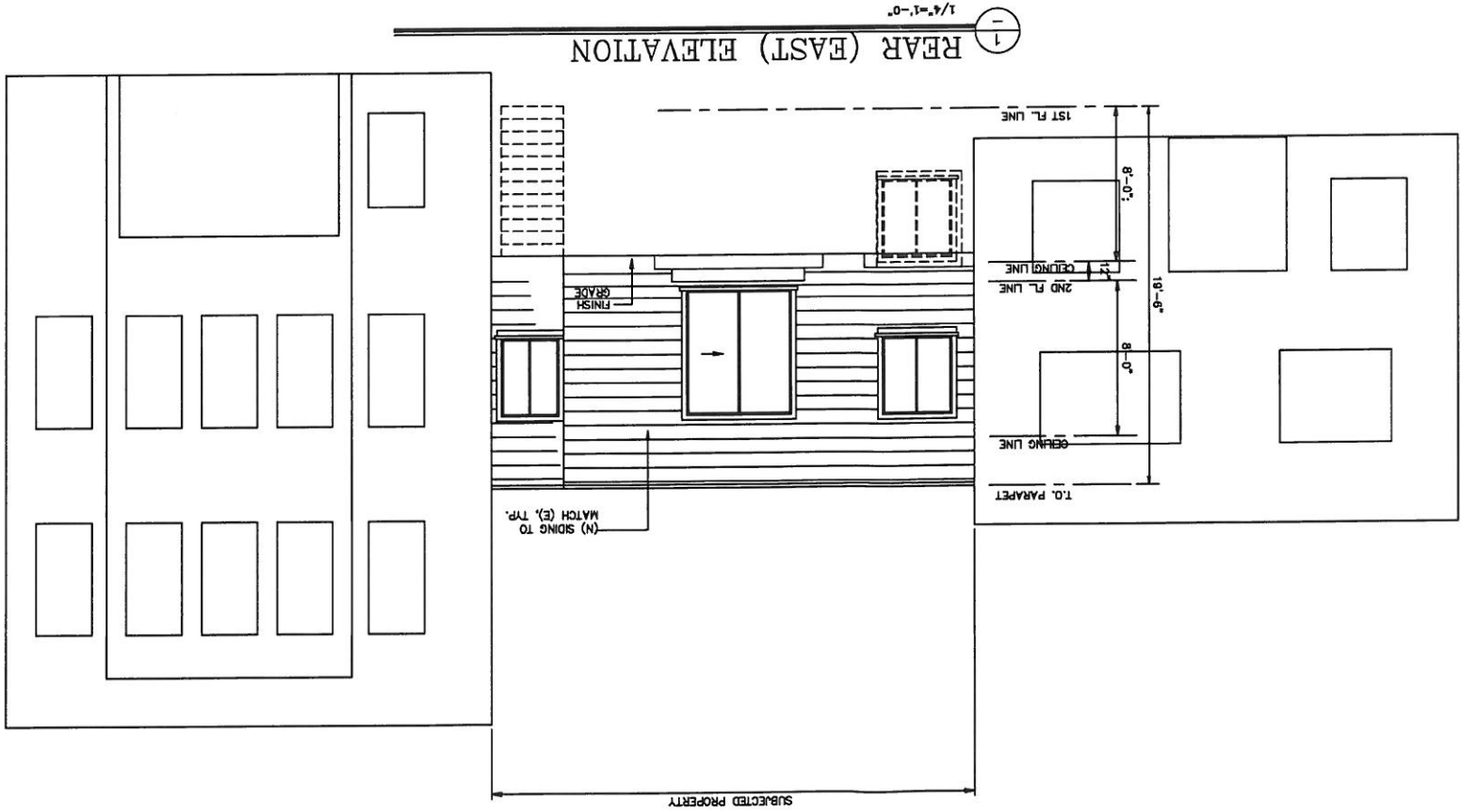
(N) ADDITION

(E) EXIST.

Architectural section drawing of a building facade. The drawing shows a cross-section of a building with a deck and railing area. Key features and labels include:

- FINISH GRADE**: Indicated at the top of the building and on the deck.
- CEILING LINE**: Indicated on the right side of the building.
- 1ST FL. LINE**: Indicated on the right side of the building.
- 2ND FL. LINE**: Indicated on the right side of the building.
- T.O. PARAPET**: Indicated on the right side of the building.
- OUT LINE OF ADJACENT 3-STORY BUILDING ON NORTH SIDE**: Indicated on the left side of the building.
- (C) DECK AND RAILING TO BE REMOVED**: A note pointing to the deck area.
- Dimensions**: 8'-0" (vertical), 12" (horizontal), 12'-0" (horizontal), and 12'-0" (horizontal).

REVISIONS	BY
PLANNING DEPT.	4-12-2018



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 (650) 772-8839
 E-MAIL: jasonchan1598@yahoo.com



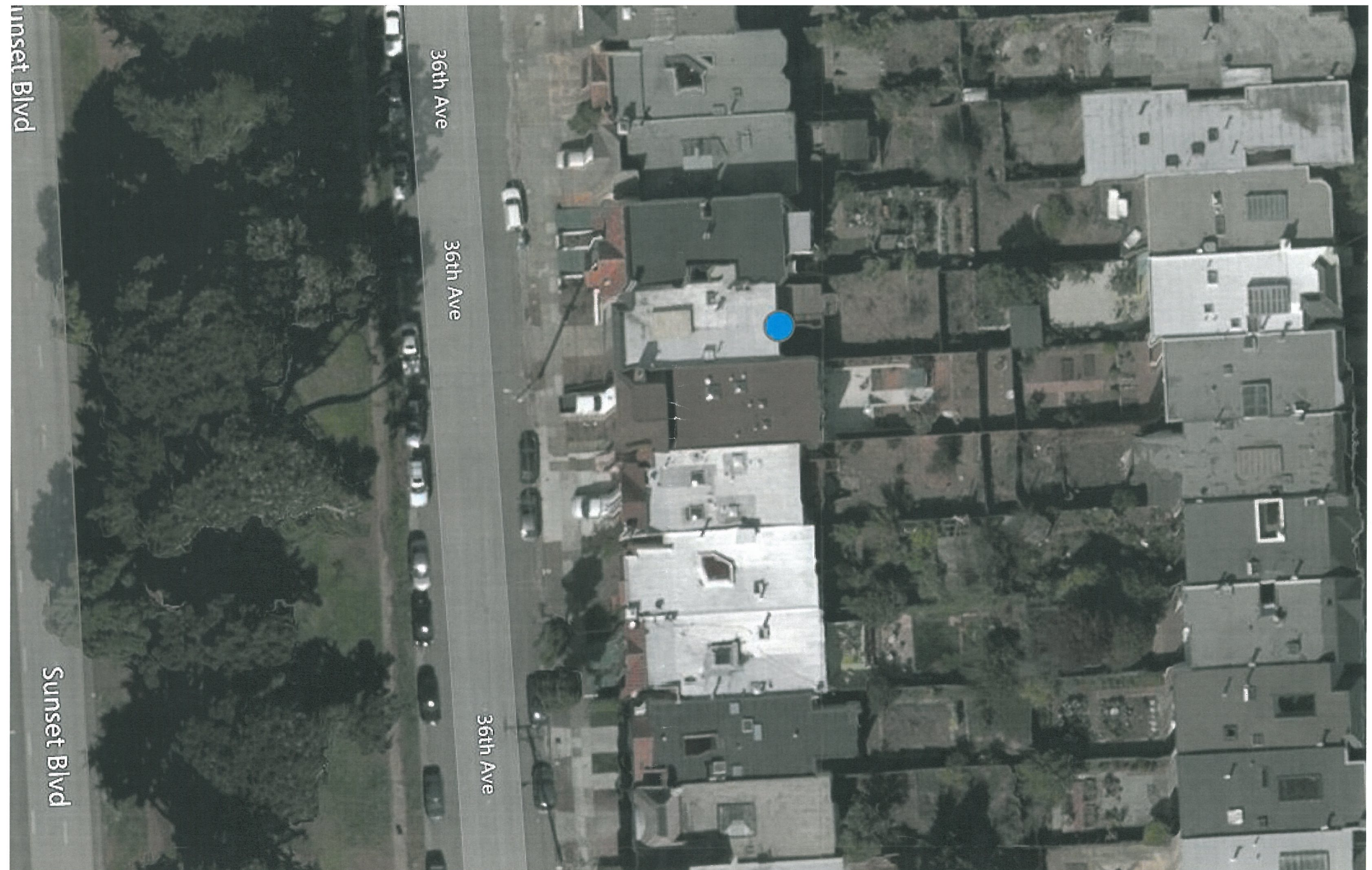
BLDG. ELEVATIONS

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

DATE 8-7-2015
 SCALE NOTED
 DRAWN
 JOB
 SHEET
 A21

REVISIONS
 BY
 PLANNING DEPT.
 4-12-2015

APN NO. 2014-1010-8615



36th Ave

36th Ave

36th Ave

unset Blvd

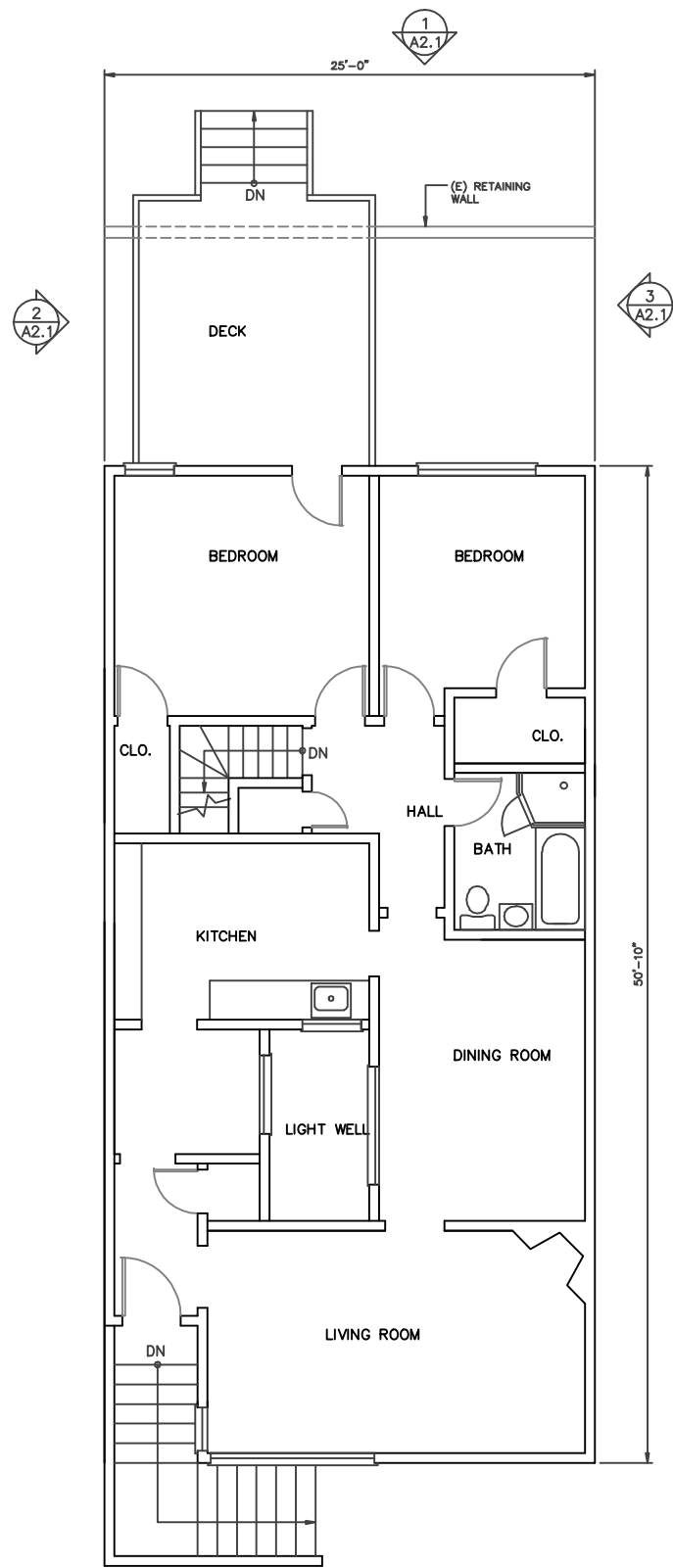
Sunset Blvd





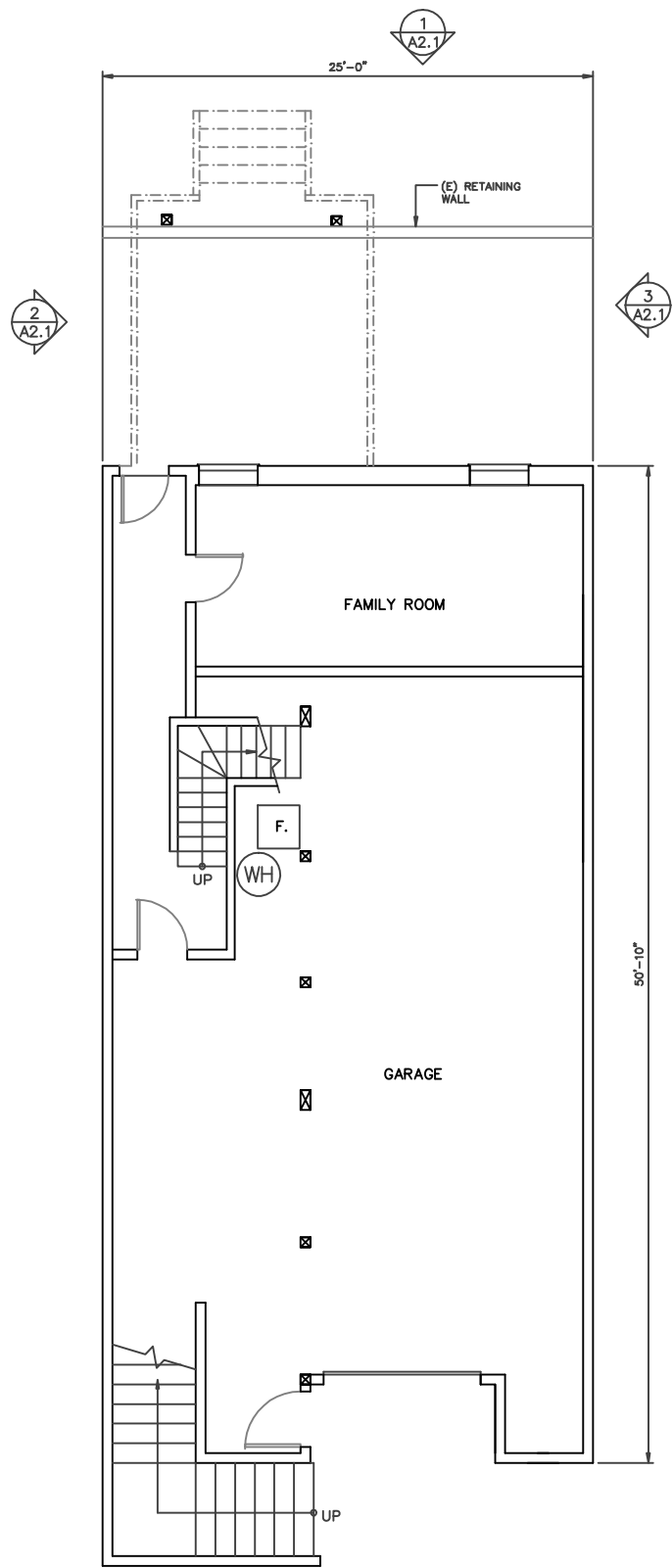






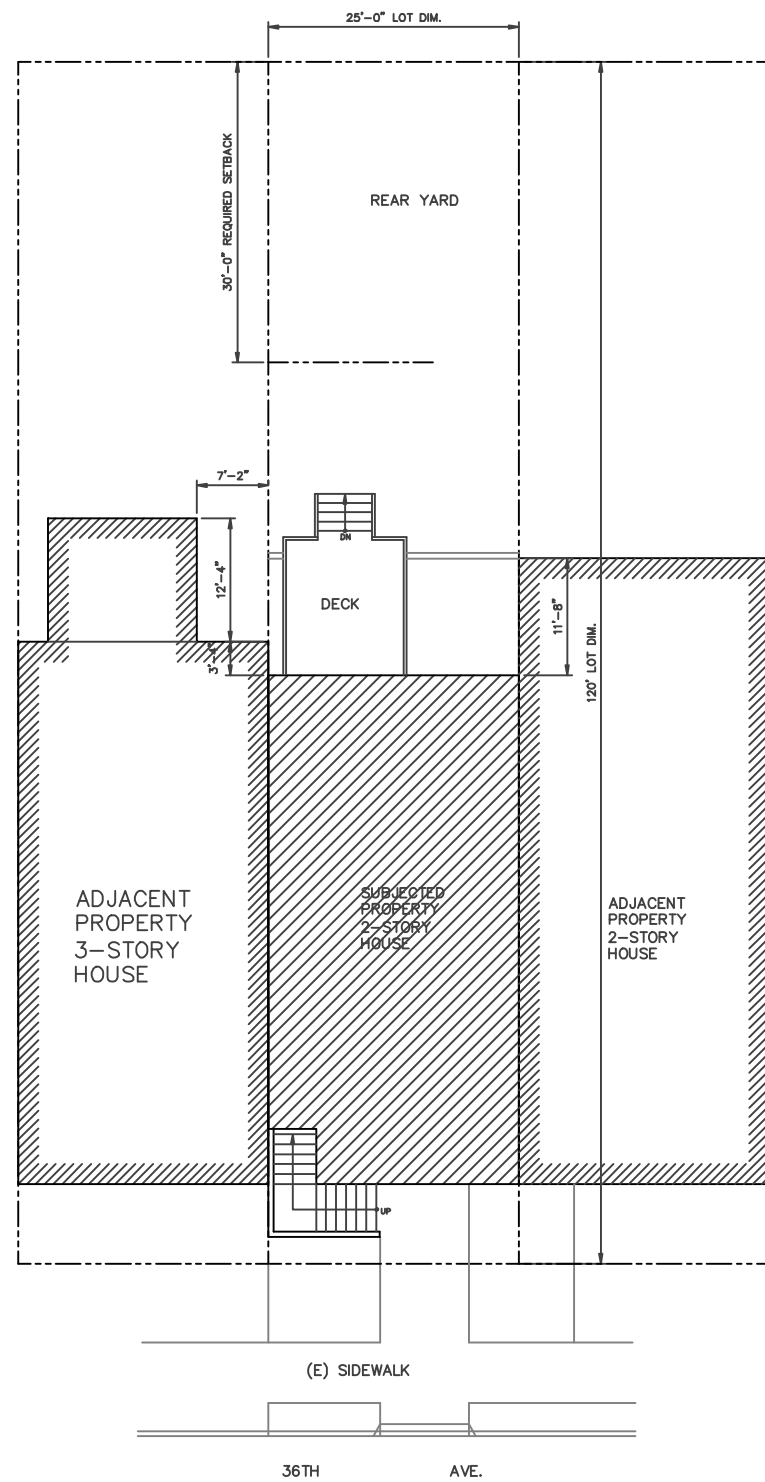
3
—
1/4"=1'-0" 1238 S.P.

EXISTING 2ND FL. PLAN



2
—
1/4"=1'-0" 1202 S.P.

EXISTING 1ST FL. PLAN



N.

1
—
1/8"=1'-0"

1
A2.1

(E) SITE PLAN

APN NO. 2014-1010-8615

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

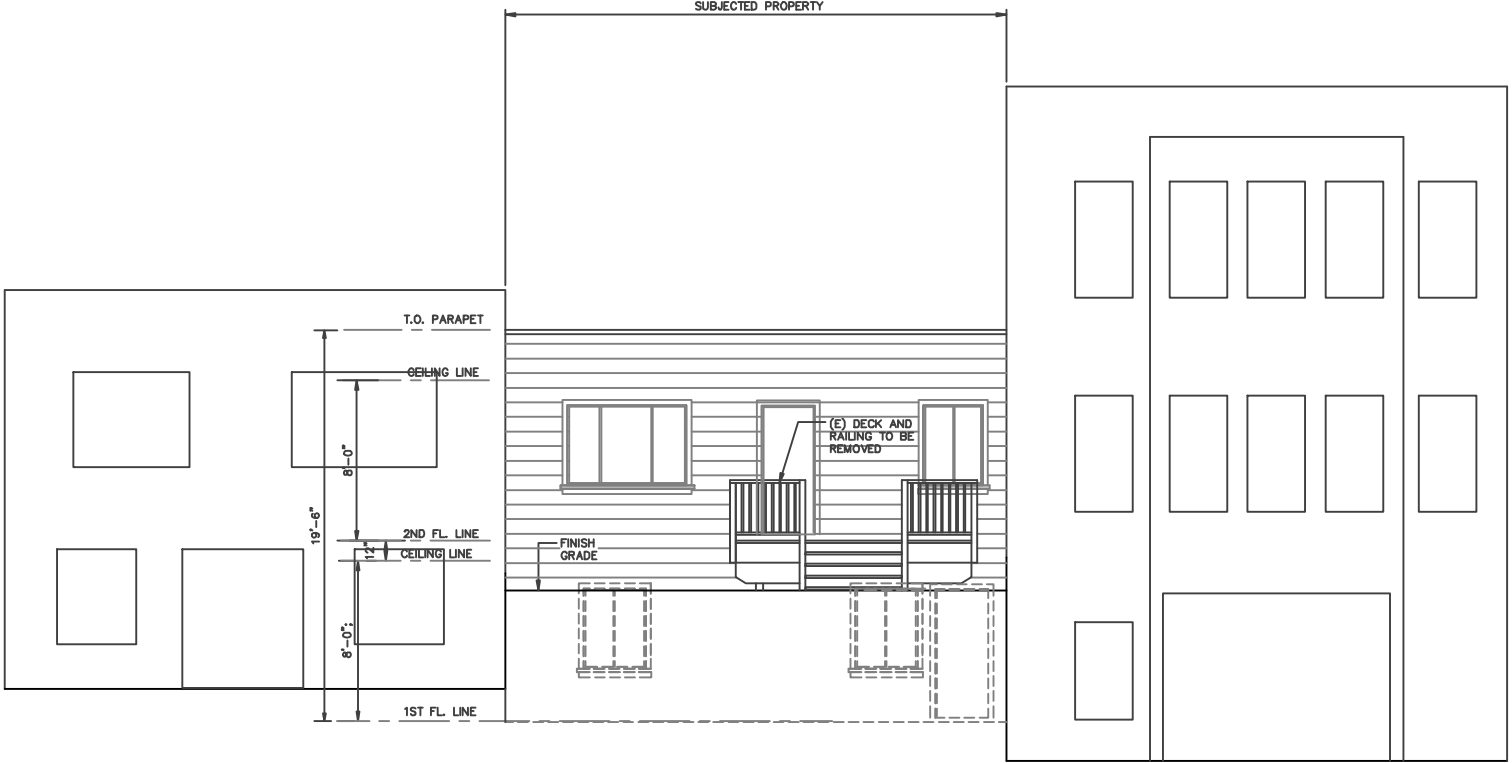
EXISTING SITE PLAN
EXISTING FLOOR PLANS



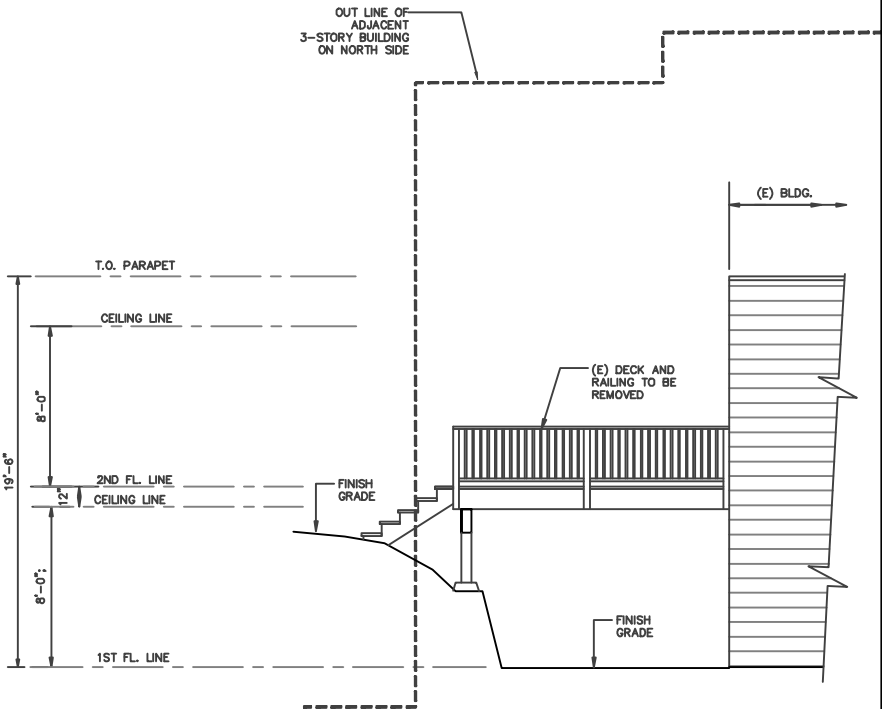
JASON M.J. CHAN ARCHITECT
615 SANTA BARBARA AVE
MILLBRAE, CA 94030
(650) 972-8839
E-MAIL: jasonchan1698@yahoo.com

REVISIONS	BY
1	PLANNING DEPT.
4-12-2015	

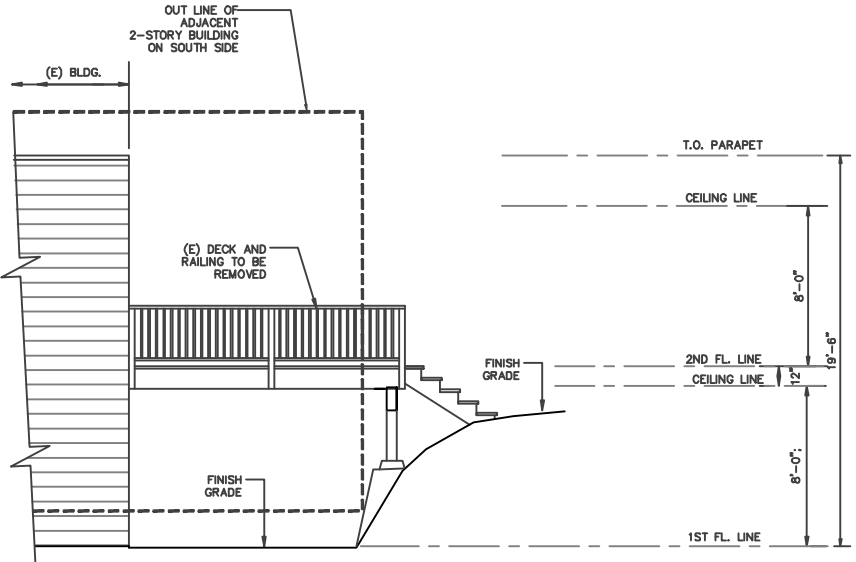
DATE	9-12-2014
SCALE	NOTED
DRAWN	
JOB	
SHEET	
A2	
OF	SHEETS



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



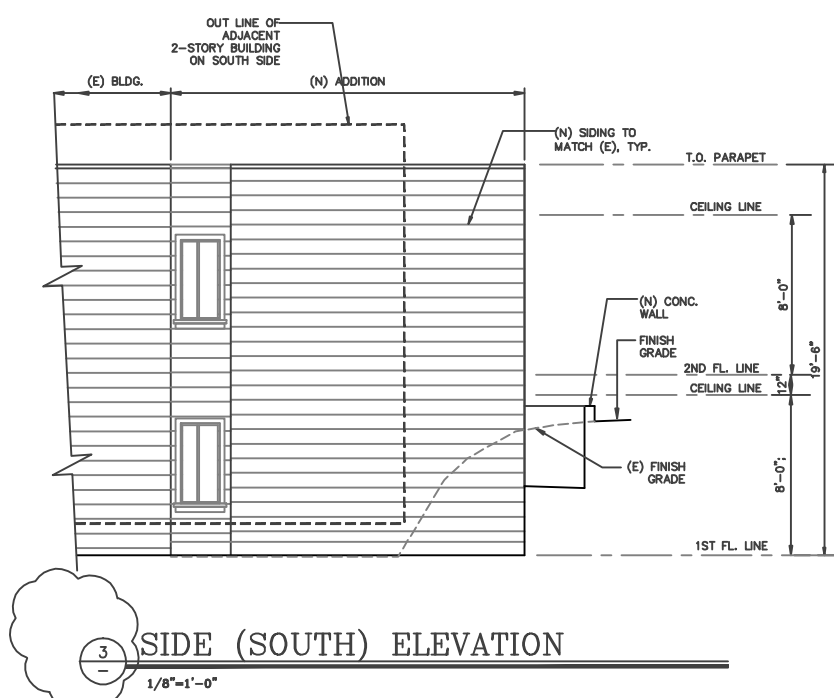
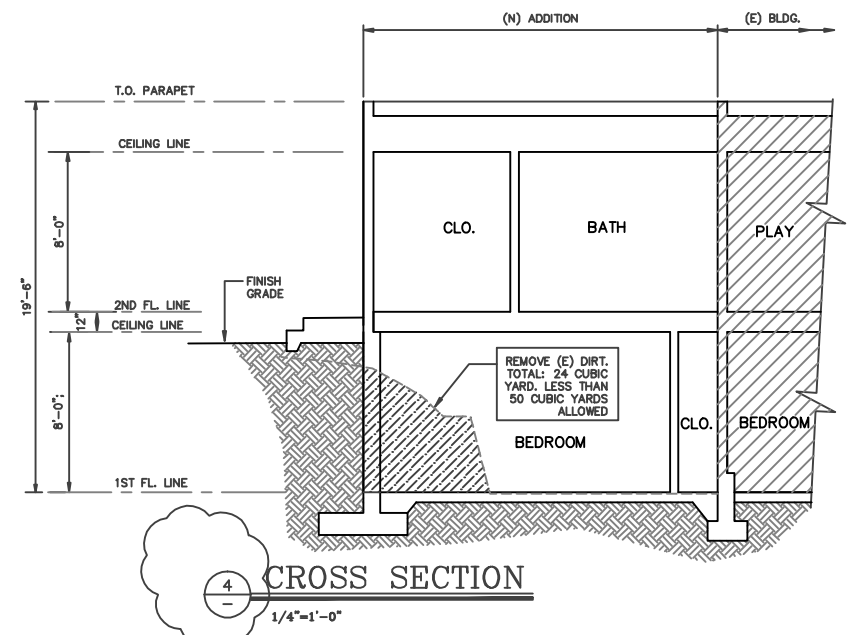
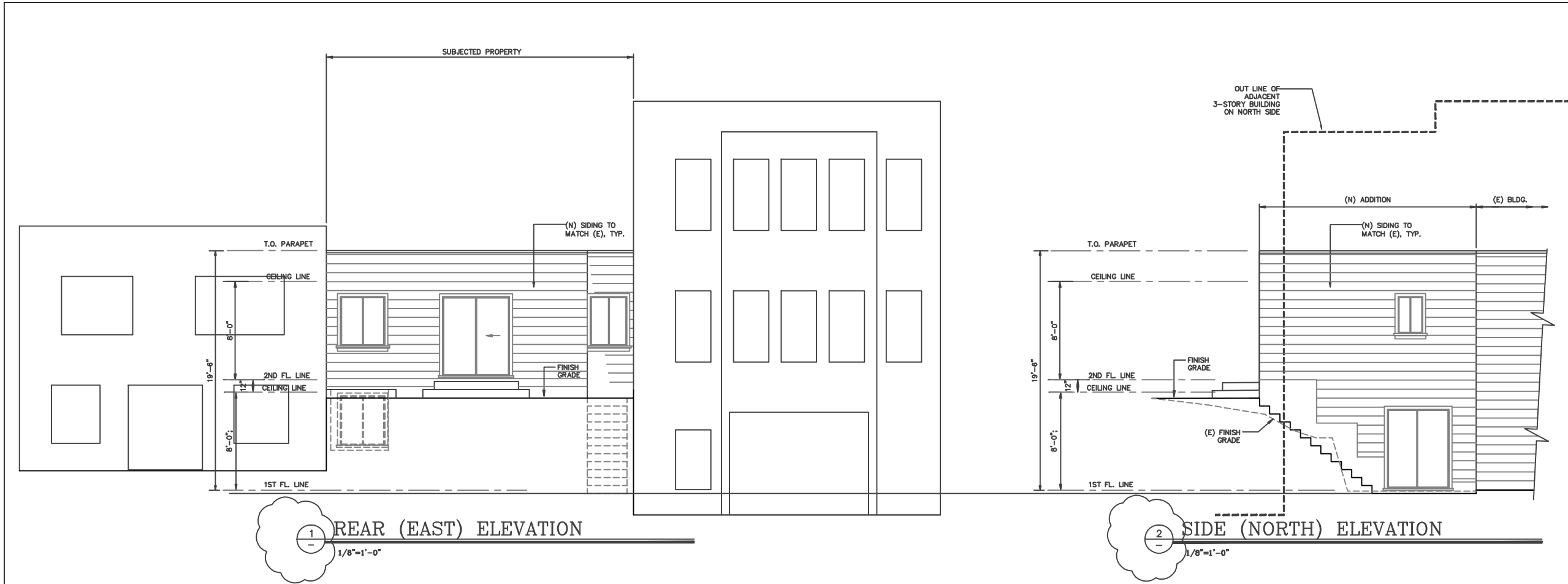
2 (E) SIDE (NORTH) ELEVATION
1/8"=1'-0"



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

REVISIONS		BY
1	PLANNING DEPT.	4-12-2015
JASON M.J. CHAN ARCHITECT 615 SANTA BARBARA AVE MILLBRAE, CA 94030 (650) 872-8839 E-MAIL: jasonchan1698@yahoo.com		
ARCHITECT C-3079 JUL 2015 LICENSED STATE OF CALIFORNIA		
(E) BLDG. ELEVATIONS		
REAR ADDITION 1430 36TH AVE. SAN FRANCISCO, CA 94122 BLOCK 1818, LOT 033		
DATE	9-12-2014	
SCALE	NOTED	
DRAWN		
JOB		
SHEET		
OF	A2.1	
SHEETS		

APN NO. 2014-1010-8615



REVISIONS		BY
1	PLANNING DEPT.	4-12-2015
JASON M.J. CHAN ARCHITECT 615 SANTA BARBARA AVE MILLBRAE, CA 94030 (650) 972-8839 E-MAIL: jasonchan1698@yahoo.com		
ARCHITECT LICENSED C-3079 JUL 2015 STATE OF CA		
BLDG. ELEVATIONS BLDG. SECTION		
REAR ADDITION 1430 36TH AVE. SAN FRANCISCO, CA 94122 BLOCK 1818, LOT 033		
DATE	9-12-2014	
SCALE	NOTED	
DRAWN		
JOB		
SHEET		
A3		
OF	SHEETS	

APN NO. 2014-1010-8615