



# SAN FRANCISCO PLANNING DEPARTMENT

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## Discretionary Review Abbreviated Analysis

HEARING DATE: JANUARY 22, 2015

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Date:* January 15, 2015  
*Case No.:* **2014-000050DRP**  
*Project Address:* **238 Presidio Avenue**  
*Permit Application:* 2014.04.24.4103  
*Zoning:* RM-1 (Mixed, Low-Density)  
40-X Height and Bulk District  
*Block/Lot:* 0998/014B  
*Project Sponsor:* John Dorr, DomA Architects  
1007 A Street  
San Rafael, CA 94901  
*Represented by:* David Silverman  
Reuben, Junius & Rose, LLC  
One Bush Street, Suite 600  
San Francisco, CA 94104  
*Property Owner:* Janet & John Kunze  
238 Presidio Avenue  
San Francisco, CA 94115  
*Staff Contact:* Sara Vellve – (415) 558-6263  
[sara.vellve@sfgov.org](mailto:sara.vellve@sfgov.org)  
*Recommendation:* **Do Not Take Discretionary Review and Approve as Revised**

### PROJECT DESCRIPTION

The proposal is to enlarge the three-story single-family dwelling by constructing a one-story vertical addition and three-story rear horizontal addition. The vertical addition would be set back approximately 15 feet from the front building wall, and approximately 12 feet from the proposed rear building wall. The ground floor would be expanded to the rear by approximately 17 feet, the second floor by approximately 5 feet and the third floor by approximately 3 feet. The additions to the existing building would fill in a setback area along the north property line adjacent to the DR requestor's building. The proposal incorporates a matching lightwell adjacent to a lightwell on the DR requestor's property.

### SITE DESCRIPTION AND PRESENT USE

The subject property is located on the east side of Presidio Avenue, between Clay and Washington Streets, Lot 014B in Assessor's Block 0998 and is located within the RM-1 (Mixed, Low-Density) Zoning District and the 40-X Height and Bulk District. The property is developed with a three-story, approximately 2,000 square foot building that was constructed circa 1941 with off-street parking on the ground floor. The subject building sits in the middle of three buildings of similar design constructed at approximately the same time.

## SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject property is located at the western edge of the Pacific Heights neighborhood in a low density residential area. The property is located one block north of the Sacramento Street Neighborhood Commercial District and two blocks north of California Street. The blockface is anchored by 3+ story buildings at each corner. The subject and DR requestor's buildings were developed at approximately the same time, as was the adjacent building to the south of the subject building. These three buildings are generally lower in height than other buildings on the blockface. Buildings on the opposite blockface are 3 – 4 stories in height.

## BUILDING PERMIT NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311Notice	30 days	9/23/2014 – 10/23/2014	10/22/2014	01/22/2015	122 calendar days

## HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	January 12, 2015	January 12, 2015	10 days
Mailed Notice	10 days	January 12, 2015	January 12, 2015	10 days

## PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	1 (242 Presidio Avenue)	---	---
Other neighbors on the block or directly across the street	1 (3252 Clay Street)	1 (3234 Clay Street)	--
Neighborhood groups	---	---	---

Two additional letters of support were submitted by residents of the Pacific Heights neighborhood and one was submitted by a former neighbor of the project sponsor.

## DR REQUESTOR

Clement & Angel Ogden, 232 Presidio Avenue, San Francisco, CA 94115

## DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

See attached *Discretionary Review Application*, dated October 22, 2014.

## PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

See attached *Responses to Discretionary Review*, submitted January 8, 2014.

## ENVIRONMENTAL REVIEW

The Project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 1 categorical exemption. A Planning Commission approval will constitute the Approval Action for the Project for the purposes of CEQA, pursuant to San Francisco’s Administrative Code Section 31.04(h).

## RESIDENTIAL DESIGN TEAM REVIEW

On July 9, 2014, during the initial plan review, the Residential Design Team (RDT) reviewed the proposal and did not find it to cause exceptional or extraordinary circumstances that would warrant changes. On December 17, 2014 the RDT reviewed the proposal in light of the Discretionary Review (DR) and requested that the railing on the north side of the proposed first story rear deck be set back to address concerns raised by the DR requestor. The plans have been revised and submitted to comply with the RDT’s request.

The RDT found the balance of the proposal to be consistent with the Residential Design Guidelines in the following manners.

1. Due to the front and rear setbacks, the proposed fourth floor is compatible with the existing building scale at the street and mid-block open space.
2. The depth of the proposed rear addition at the upper stories is compatible with the surrounding properties.
3. The ground floor rear addition is of similar height to a fence and does not project further than the DR requestor’s rear addition.
4. The deck above the ground floor has been set back from the property line to address light, air and privacy.
5. The DR requestor’s lightwell has been matched.

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

<b>RECOMMENDATION:</b>	<b>Do not take DR and approve project as revised</b>
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### Attachments:

Block Book Map  
Sanborn Map  
Zoning Map  
Aerial Photographs  
Context Photographs  
Section 311 Notice  
DR Application dated October 22, 2014

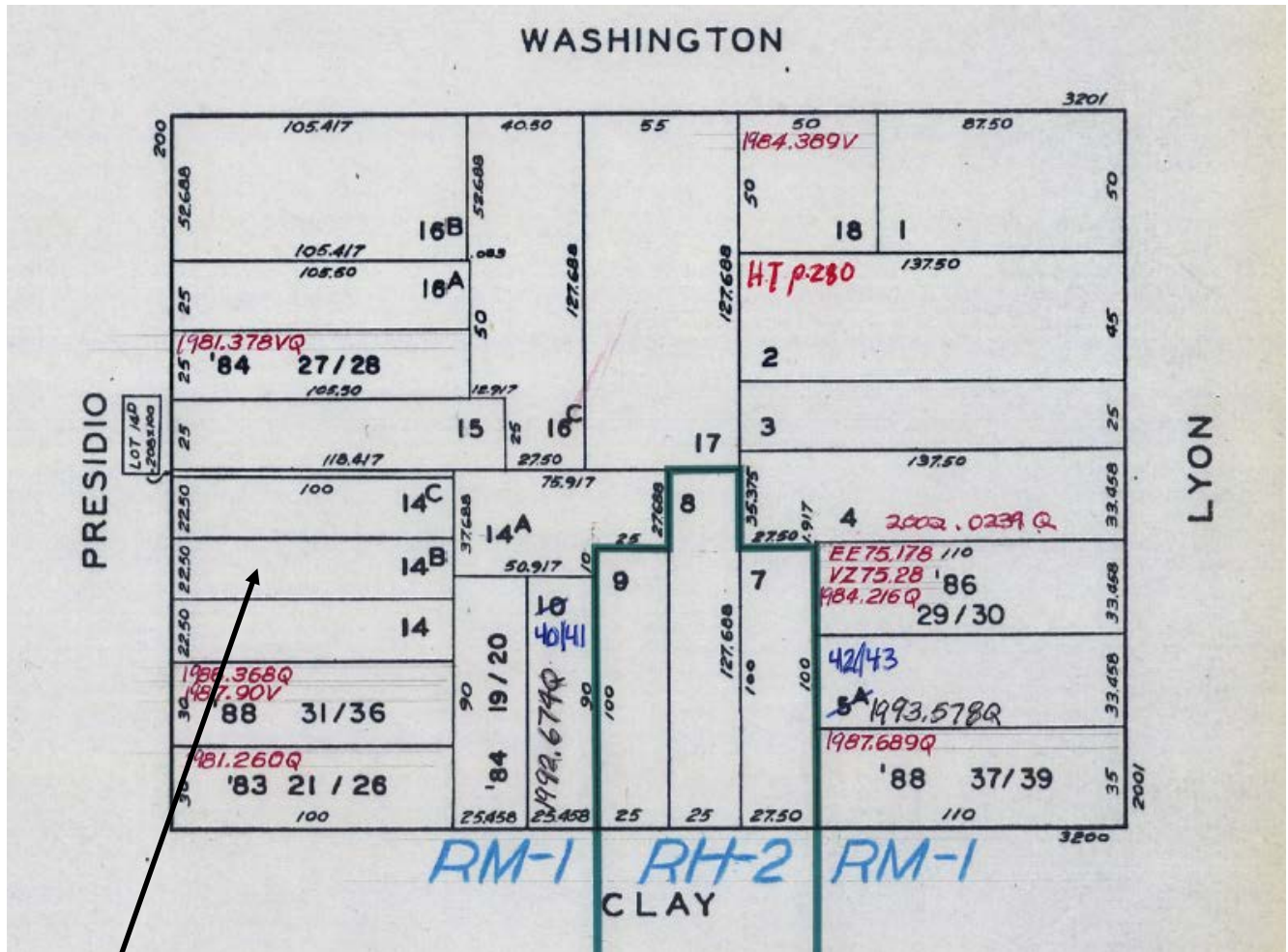
- Letter of Opposition

Project Sponsor’s Response to DR Application

- Reduced Plans & Renderings
- Letters of Support

DR Requestor’s Submittal of January 12, 2015

# Parcel Map



SUBJECT PROPERTY



Discretionary Review Hearing  
Case Number 2014.000050DRP  
Rear Horizontal & Vertical Additions  
238 Presidio Avenue



# Sanborn Map\*

WASHINGTON STREET

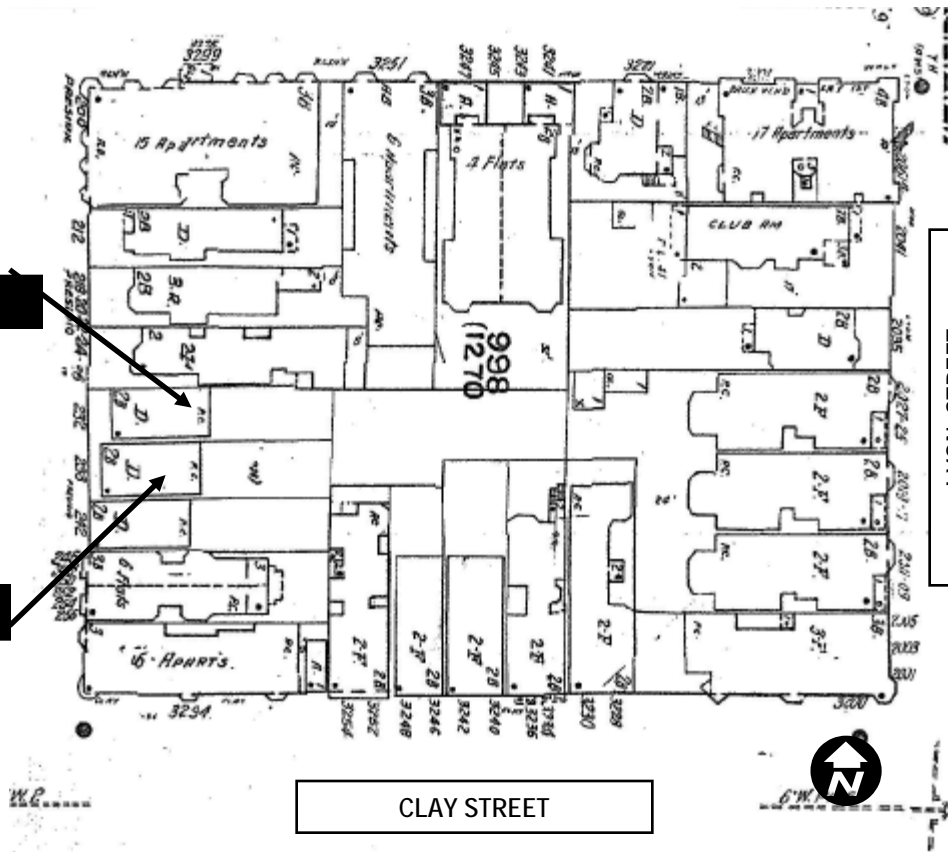
DR REQUESTOR

PRESIDIO AVENUE

SUBJECT PROPERTY

LYON STREET

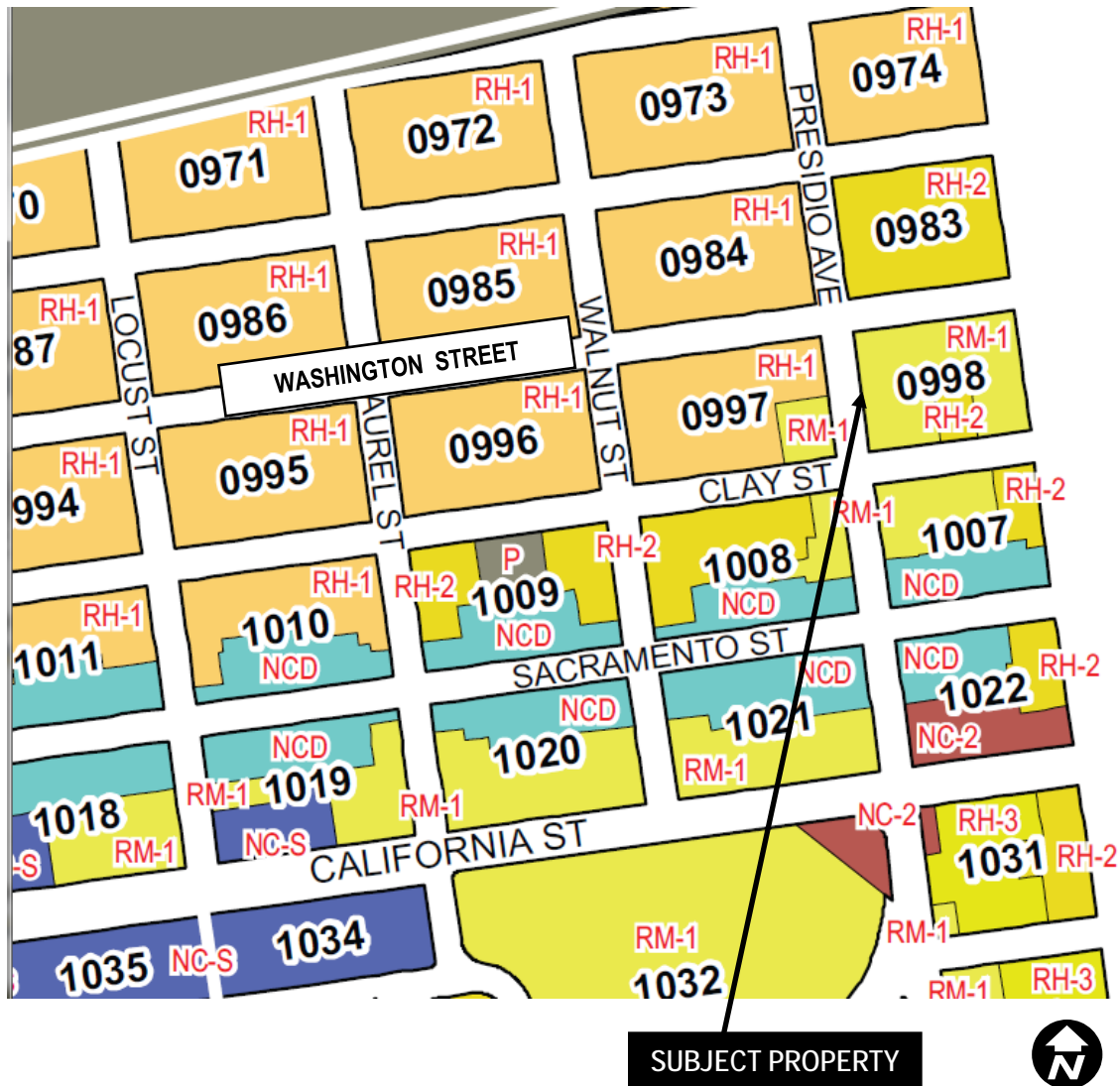
CLAY STREET



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

Discretionary Review Hearing  
Case Number 2014.000050DRP  
Rear Horizontal & Vertical Additions  
238 Presidio Avenue

# Zoning Map



Discretionary Review Hearing  
Case Number 2014.000050DRP  
Rear Horizontal & Vertical Additions  
238 Presidio Avenue

# Aerial Photo



# Context Photos



SUBJECT PROPERTY

DR REQUESTOR



Discretionary Review Hearing  
Case Number 2014.000050DRP  
Rear Horizontal & Vertical Additions  
238 Presidio Avenue

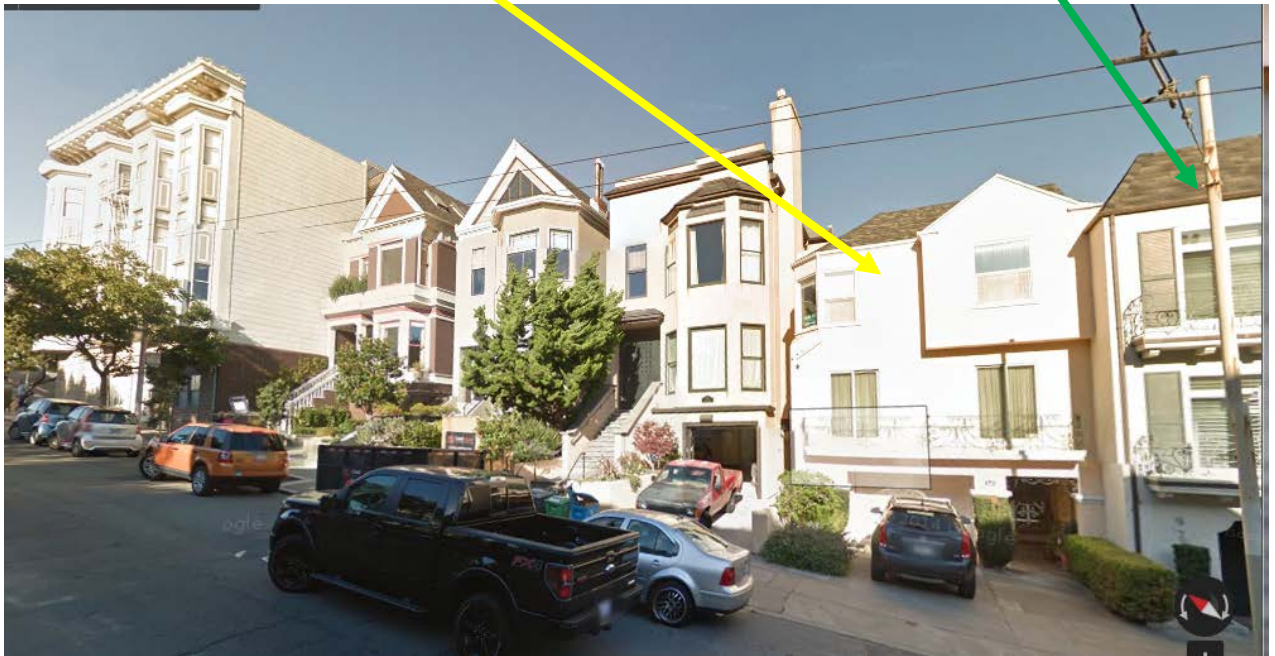


# Context Photos



DR REQUESTOR

SUBJECT PROPERTY



Discretionary Review Hearing  
Case Number 2014.000050DRP  
Rear Horizontal & Vertical Additions  
238 Presidio Avenue



# SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

## NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311/312)

On **April 24, 2014**, the Applicant named below filed Building Permit Application No. **2014.04.24.4103** with the City and County of San Francisco.

PROPERTY INFORMATION		APPLICANT INFORMATION	
Project Address:	<b>238 Presidio Avenue</b>	Applicant:	<b>John Dorr</b>
Cross Street(s):	<b>Clay Street</b>	Address:	<b>107 A Street</b>
Block/Lot No.:	<b>0998/014B</b>	City, State:	<b>San Rafael, CA 94901</b>
Zoning District(s):	<b>RM-1/40-X</b>	Telephone:	<b>(415) 453 - 8214</b>

You are receiving this notice as a property owner or resident within 150 feet of the proposed project. You are not required to take any action. For more information about the proposed project, or to express concerns about the project, please contact the Applicant listed 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.

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.

PROJECT SCOPE		
<input type="checkbox"/> Demolition	<input type="checkbox"/> New Construction	<input checked="" type="checkbox"/> Alteration
<input type="checkbox"/> Change of Use	<input type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input checked="" type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input checked="" type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Residential	No Change
Front Setback	As Is	No Change
Side Setbacks	Partial north at rear	None
Building Depth	± 43 feet	± 62 feet
Building Depth w/ Rear Deck	± 55 feet	± 62 feet
Rear Yard w/o Rear Deck	± 50 feet	± 33 feet
Building Height	± 30 feet	± 38 feet
Number of Stories	3	4
Number of Dwelling Units	1	1
PROJECT DESCRIPTION		
<p>The proposal is to construct a one-story vertical addition and a three-story rear horizontal addition per the enclosed plans. The proposed fourth floor would be set back approximately 15 feet from the front building wall, and approximately 12 feet from the rear building wall. The ground/first floor would be extended by approximately 17 feet, and the second and third floors would be extended by approximately 5 feet. Decks would be located above the ground/first floor addition and at the fourth floor.</p> <p>The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code. To date, a request for discretionary review has not been filed.</p>		

**For more information, please contact Planning Department staff:**

Planner: Sara Vellve  
Telephone: (415) 558 - 6263  
E-mail: sara.vellve@sfgov.org

Notice Date: **9/23/2014**  
Expiration Date: **10/23/2014**



# GENERAL INFORMATION ABOUT PROCEDURES

Reduced copies of the proposed project plans have been included in this mailing for your information. If you have questions about the plans, please contact the project Applicant listed on the front of this notice. You may wish to discuss the plans with your neighbors or neighborhood association, as they may already be aware of the project. If you have general questions about the Planning Department's review process, please contact the Planning Information Center at 1660 Mission Street, 1st Floor (415/ 558-6377) between 8:00am - 5:00pm Monday-Friday. If you have specific questions about the proposed project, you should contact the planner listed on the front of this notice.

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

1. Request a meeting with the project Applicant to get more information and to explain the project's impact on you.
2. Contact the nonprofit organization Community Boards at (415) 920-3820, or online at [www.communityboards.org](http://www.communityboards.org) for a facilitated discussion in a safe and collaborative environment. Community Boards acts as a neutral third party and has, on many occasions, helped 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, please contact the planner listed on the front of this notice to discuss 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, **you must file a Discretionary Review application prior to the Expiration Date shown on the front of this notice.** Discretionary Review applications are available at the Planning Information Center (PIC), 1660 Mission Street, 1st Floor, or online at [www.sfplanning.org](http://www.sfplanning.org). You must submit the application in person at the Planning Information Center (PIC) between 8:00am - 5:00pm Monday-Friday, with all required materials and a check 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](http://www.sfplanning.org). If the project includes multiple 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 Planning Commission's decision on a Discretionary Review case may be made to the **Board of Appeals within 15 calendar days after the building permit is issued** (or denied) by the Department of Building Inspection. Appeals must be submitted 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 current fees, contact the Board of Appeals at (415) 575-6880.

## ENVIRONMENTAL REVIEW

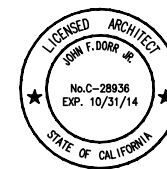
This project has undergone preliminary review pursuant to California Environmental Quality Act (CEQA). If, as part of this process, the Department's Environmental Review Officer has deemed this project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained through the Exemption Map, on-line, at [www.sfplanning.org](http://www.sfplanning.org). An appeal of the decision **to exempt the proposed project from CEQA may be made to the Board of Supervisors within 30 calendar days** after the project approval action identified on the determination. The procedures for filing an appeal of an exemption determination are available from the Clerk of the Board at City Hall, Room 244, or by calling (415) 554-5184.

Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.



ARCHITECTS

1007 A Street phone: 415.453.8214  
San Rafael, CA 94901 fax: 415.453.8279



Issue Record	Date
Site Permit	04.23.14
Revision	07.30.14

Project

A Residential Remodel for  
Janet & John  
Kunze  
238 Presidio Avenue  
San Francisco, CA

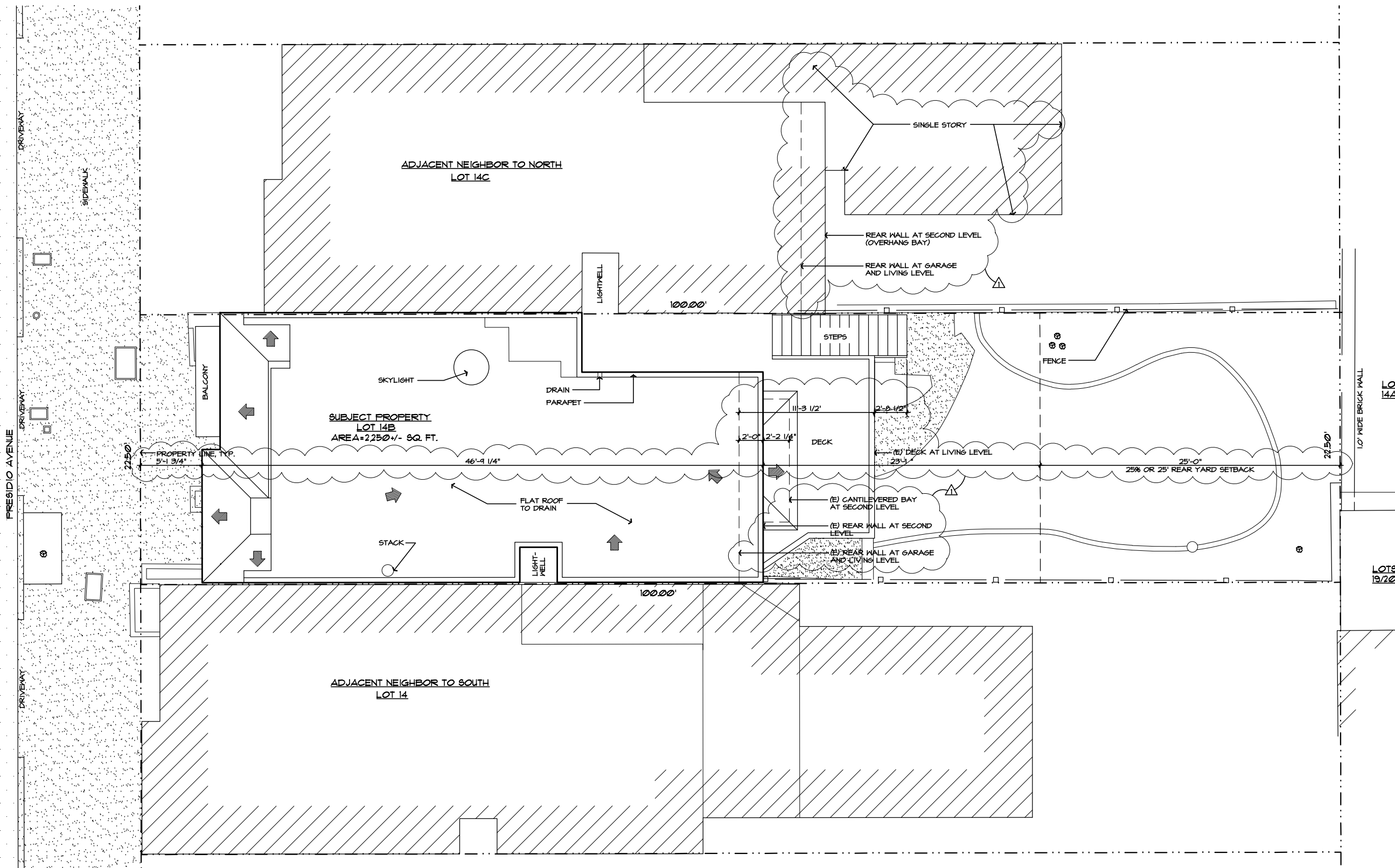
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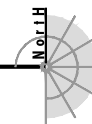
Existing  
Site Plan

Scale N.T.S.	Sheet
Drawn JD/RM	1
Number 01001	

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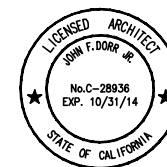
EXISTING SITE/ROOF PLAN  
SCALE: N.T.S.





ARCHITECTS

1007 A Street phone: 415.453.8214  
San Rafael, CA 94901 fax: 415.453.8279



Issue Record	Date
Site Permit	04.23.14
Revision	07.30.14

Project

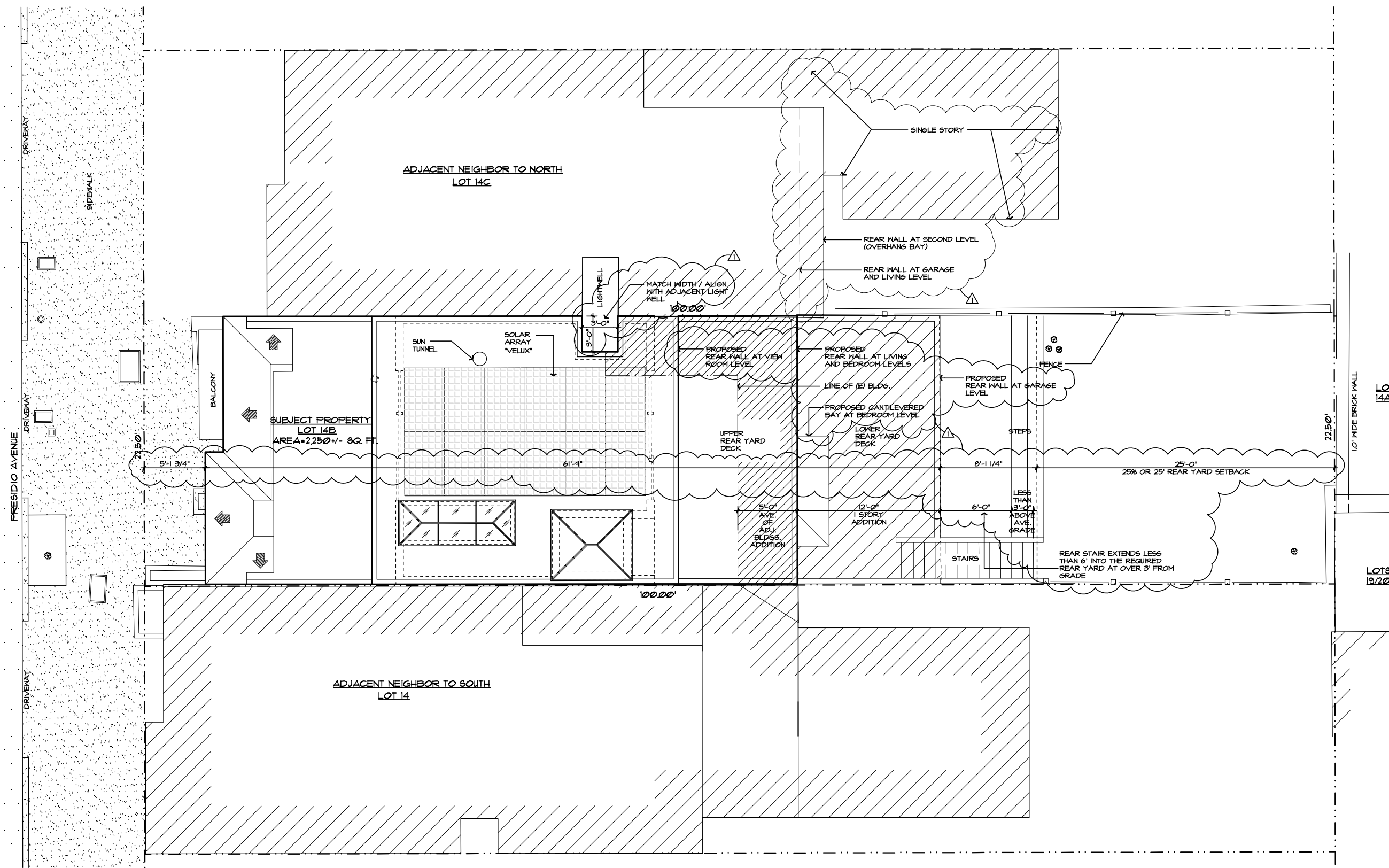
A Residential Remodel for  
Janet & John  
Kunze  
238 Presidio Avenue  
San Francisco, CA

APN #09380-14B

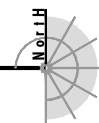
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Proposed  
Site Plan

Scale	Sheet
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Drawn	
Number	
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01001	
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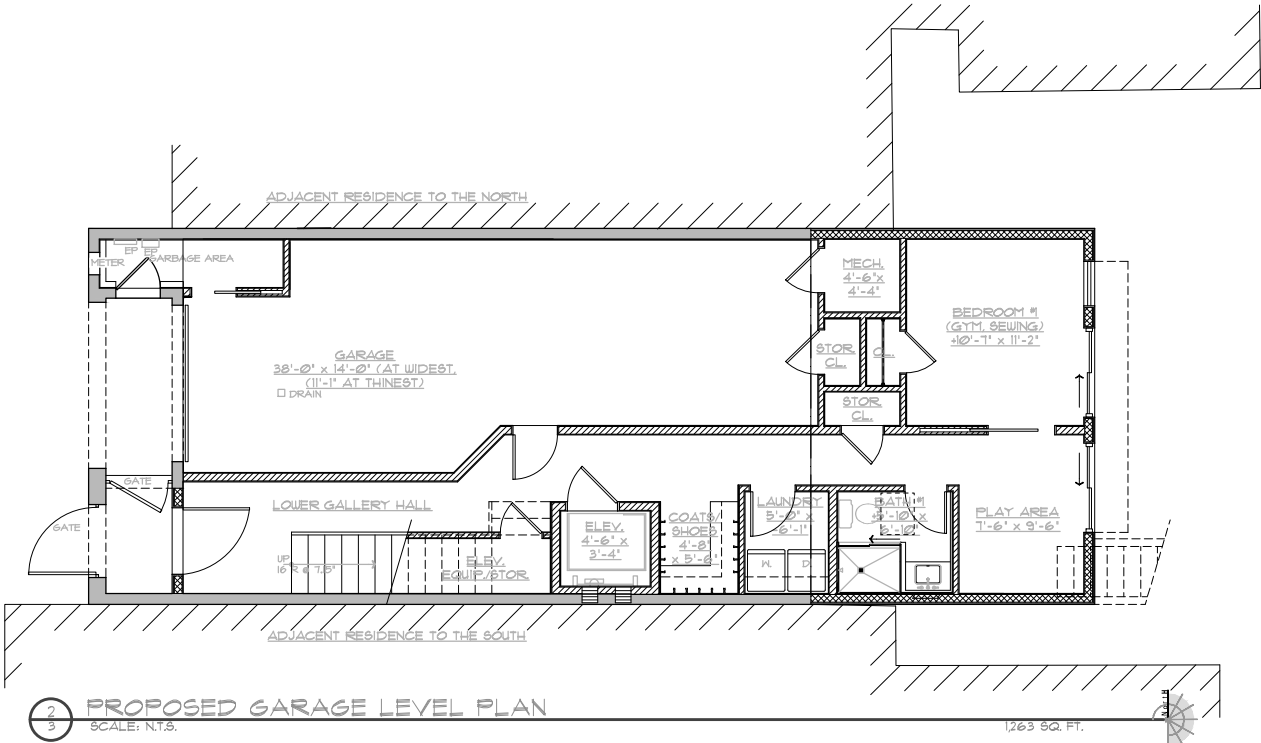
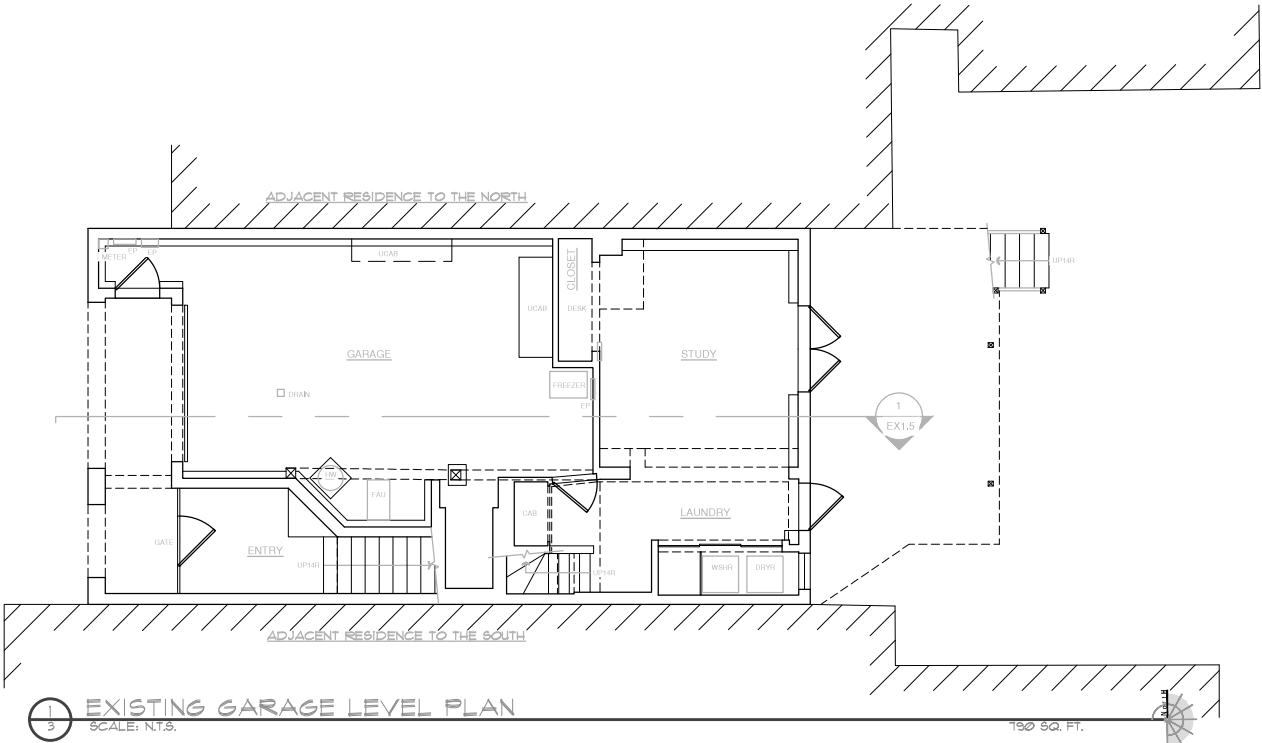
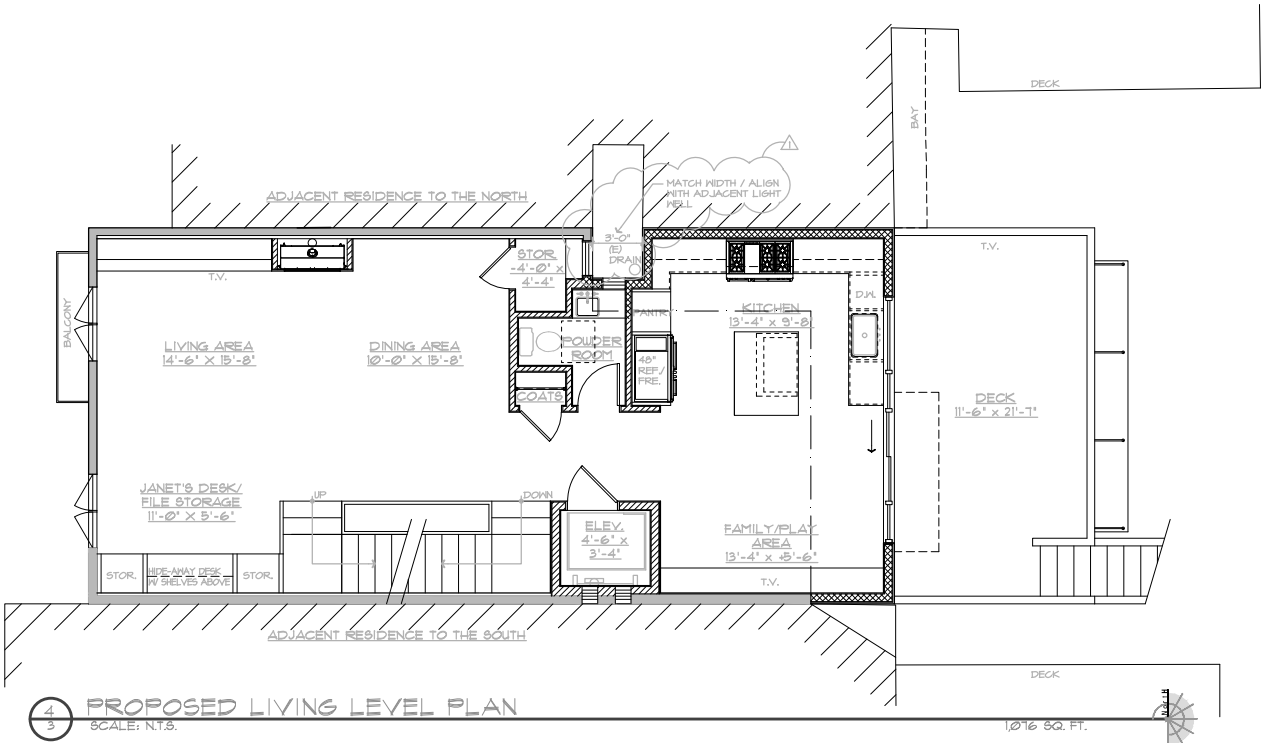
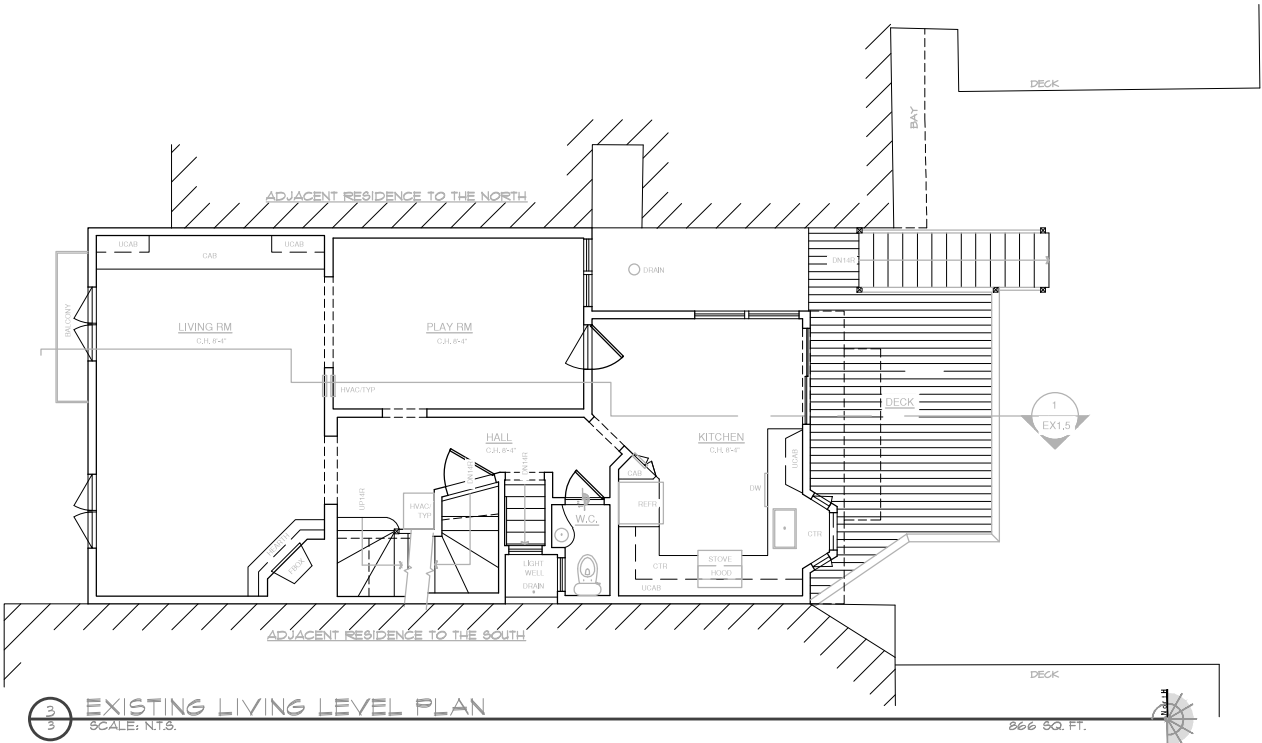
1 PROPOSED SITE/ROOF PLAN  
2 SCALE: N.T.S.





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1007 A Street  
San Rafael, CA 94901  
phone: 415.453.8214  
fax: 415.453.8279



Issue Record	Date
Site Permit	042314

Project  
A Residential Remodel for  
Janet & John  
Kunze  
238 Presidio Avenue  
San Francisco, CA

APN #09980-14B

Drawing Title

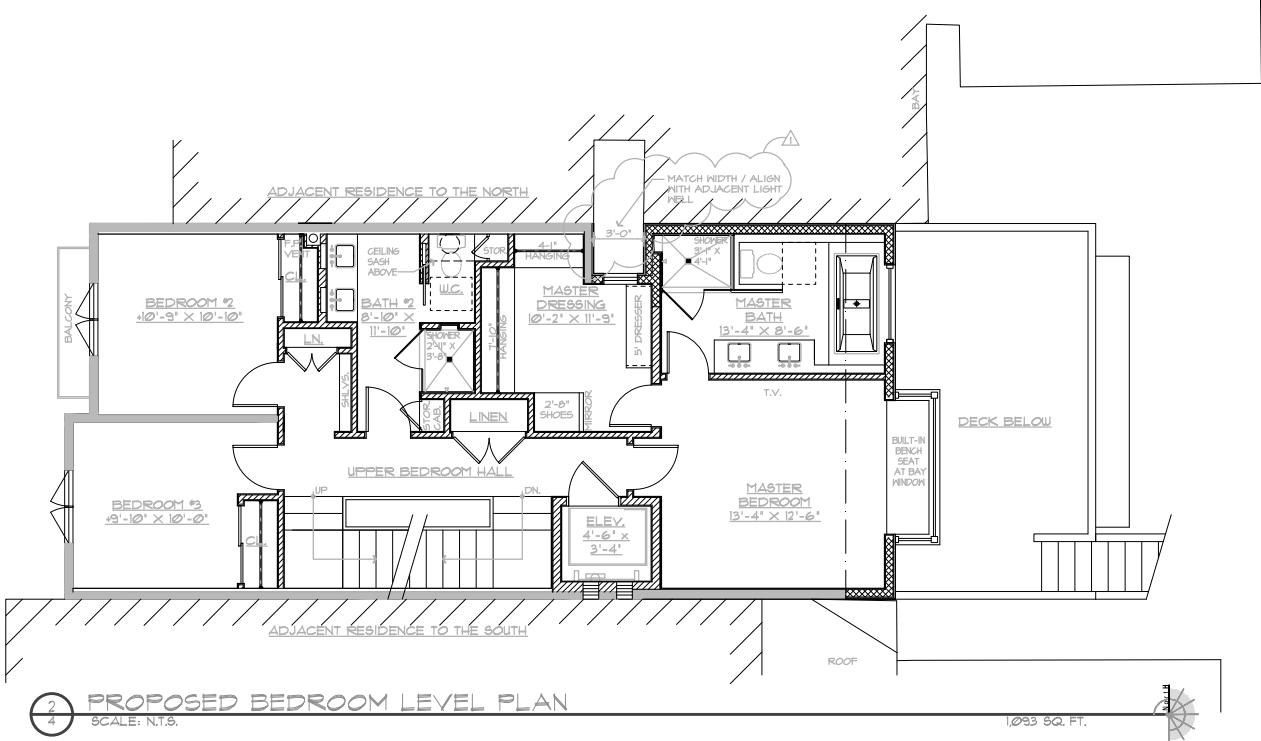
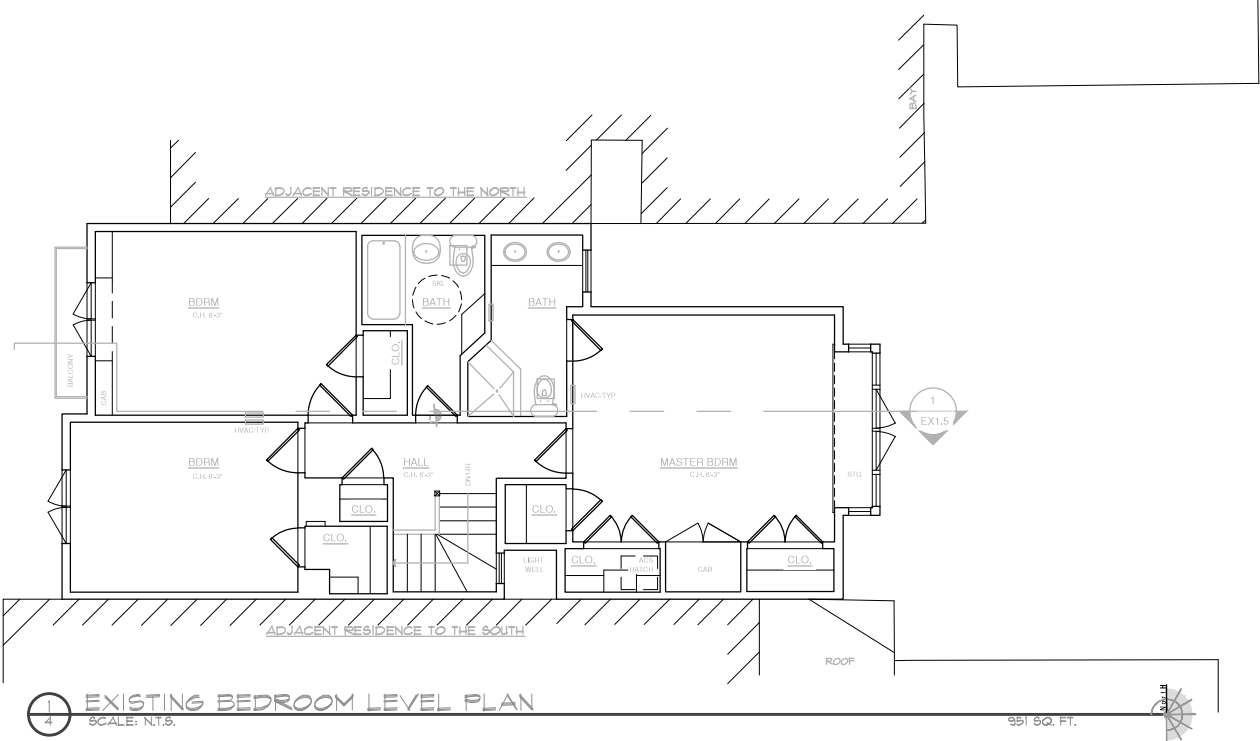
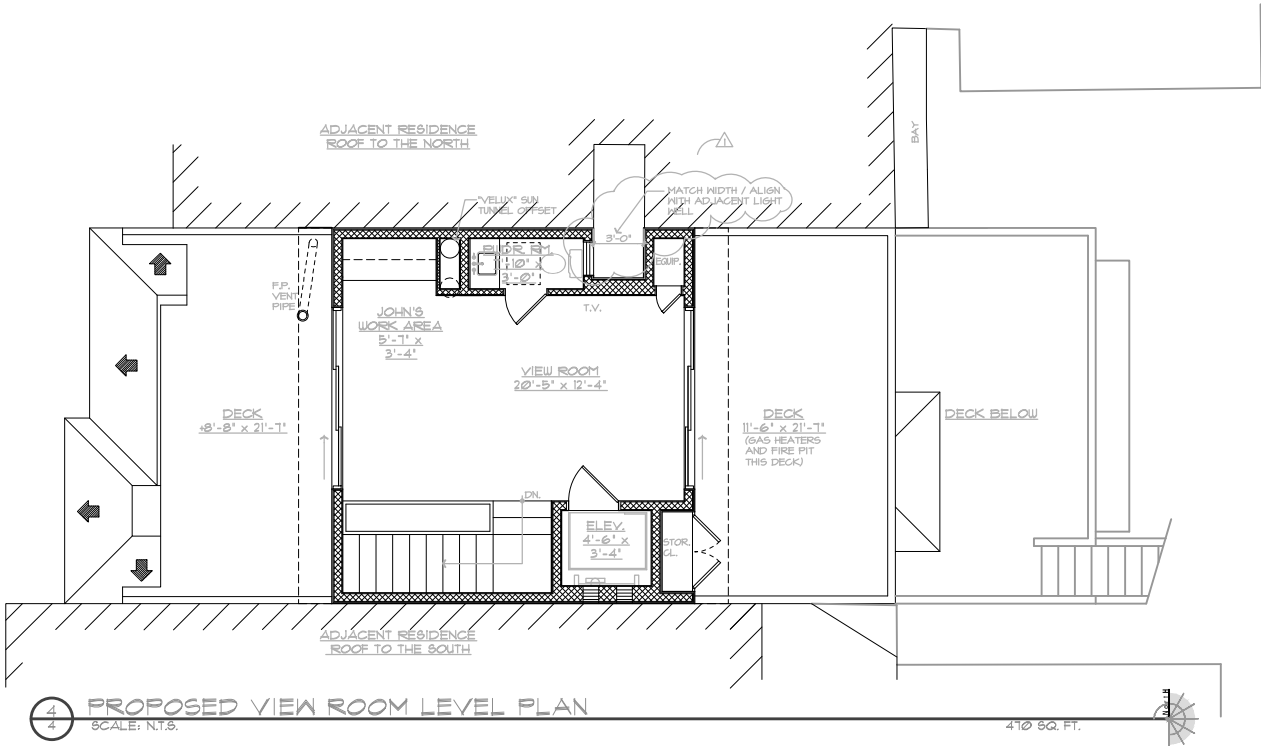
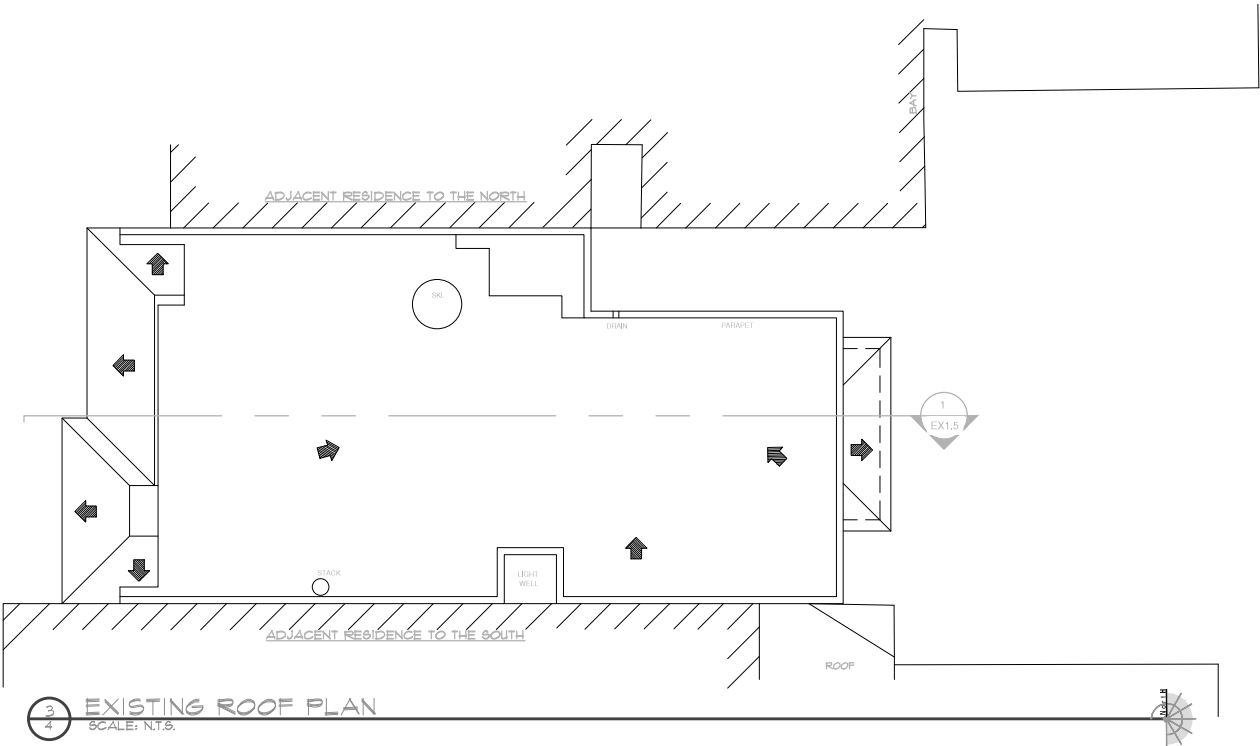
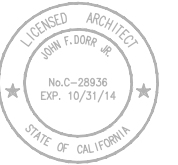
Existing & Proposed  
Garage & Living  
Level Plans

Scale N.T.S.	Sheet 3
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Number 01001	
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1007 A Street  
San Rafael, CA 94901  
phone: 415.453.8214  
fax: 415.453.8279



Issue Record	Date
Site Permit	042314

**Project**

A Residential Remodel for  
Janet & John  
Kunze  
238 Presidio Avenue  
San Francisco, CA

APN #09980-14B

**Drawing Title**

Existing & Proposed  
Bedroom & View Rm.  
Level Plans

Scale N.T.S.	Sheet 4
Drawn JD/RM	
Number 01001	
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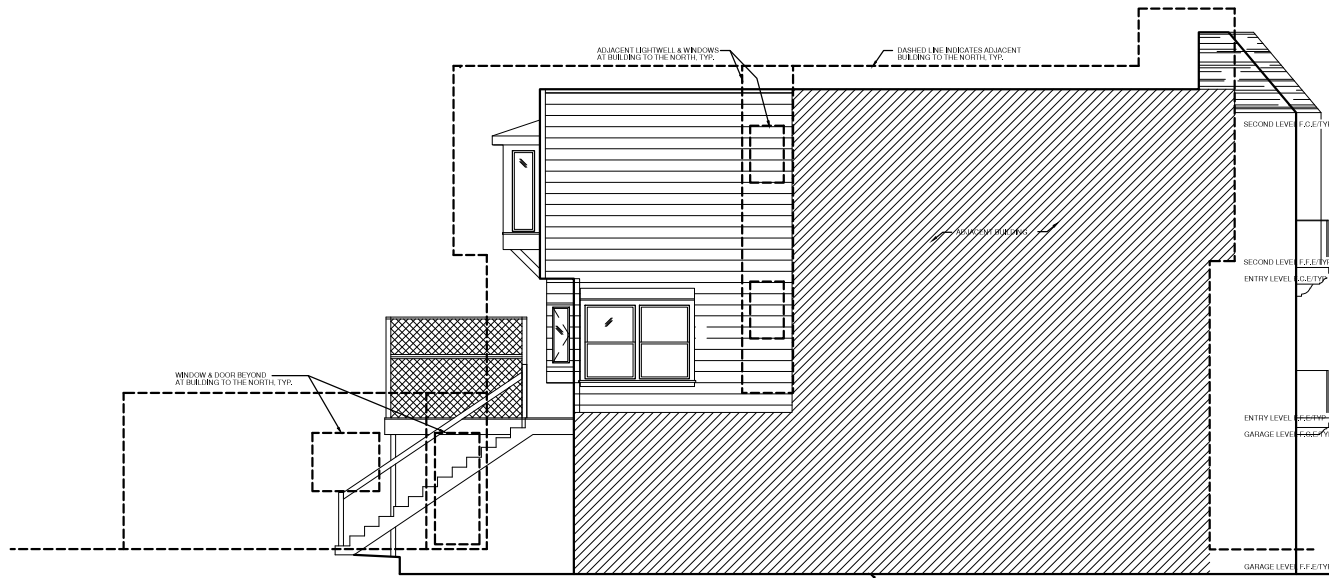
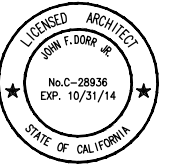




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San Rafael, CA 94901

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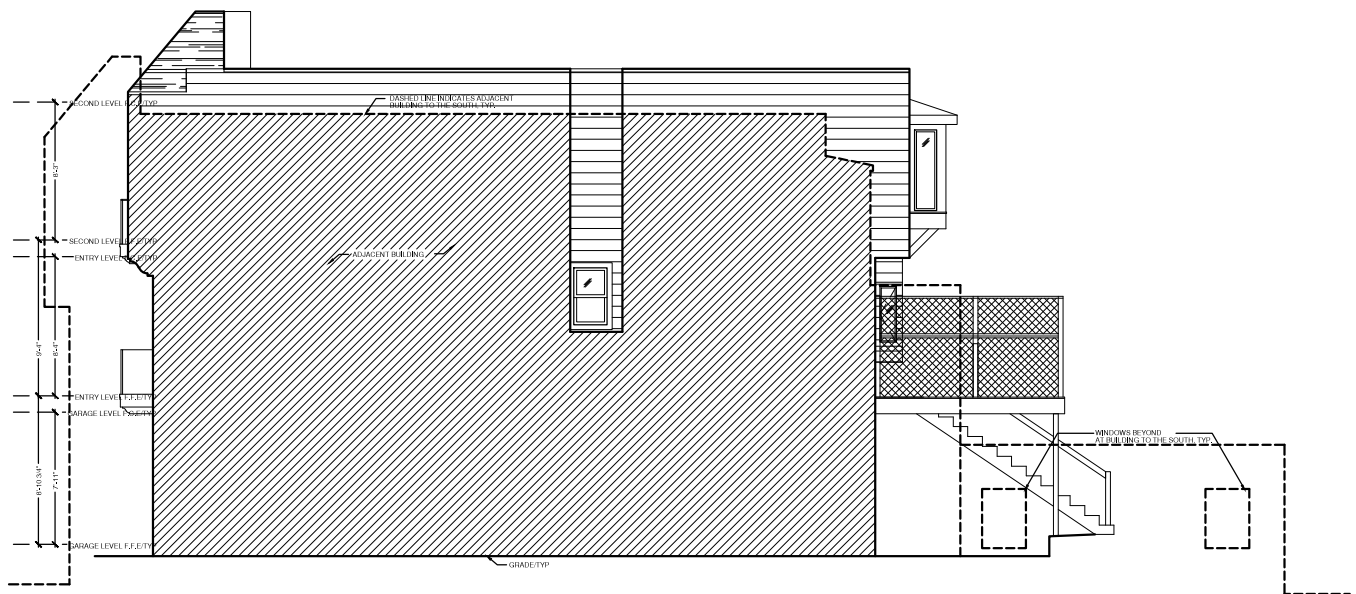
3  
5  
EXISTING NORTH ELEVATION  
SCALE: N.T.S.



4  
5  
EXISTING EAST ELEVATION  
SCALE: N.T.S.



1  
5  
EXISTING WEST ELEVATION  
SCALE: N.T.S.



2  
5  
EXISTING SOUTH ELEVATION  
SCALE: N.T.S.

Issue Record      Date

Site Permit      042314

Project

A Residential Remodel for  
Janet & John  
Kunze  
238 Presidio Avenue  
San Francisco, CA

APN 009380-14B

Drawing Title

Existing Exterior  
Elevations

Scale N.T.S.	Sheet 5
Drawn JD/RM	
Number 01001	

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GRAPHIC SCALE

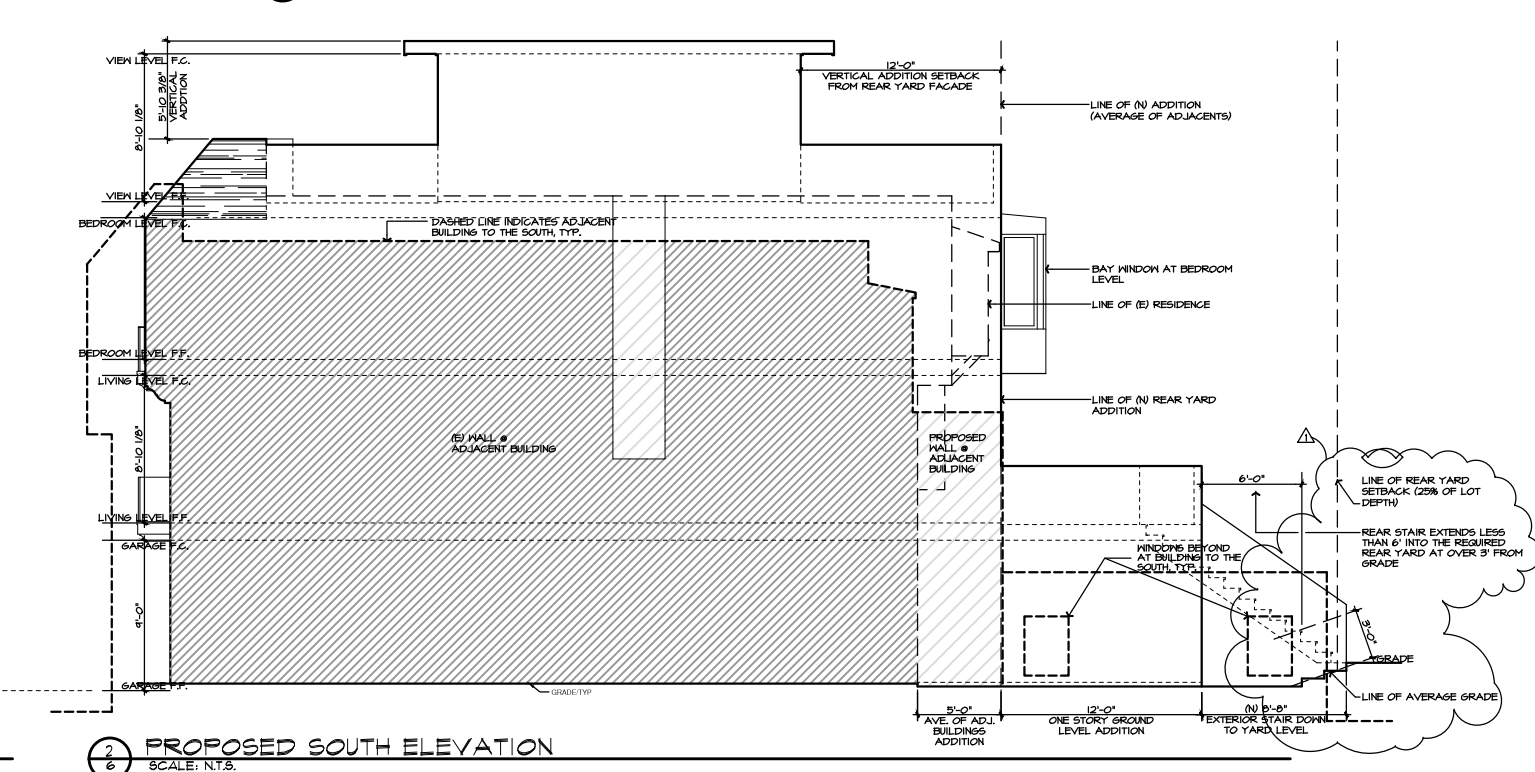
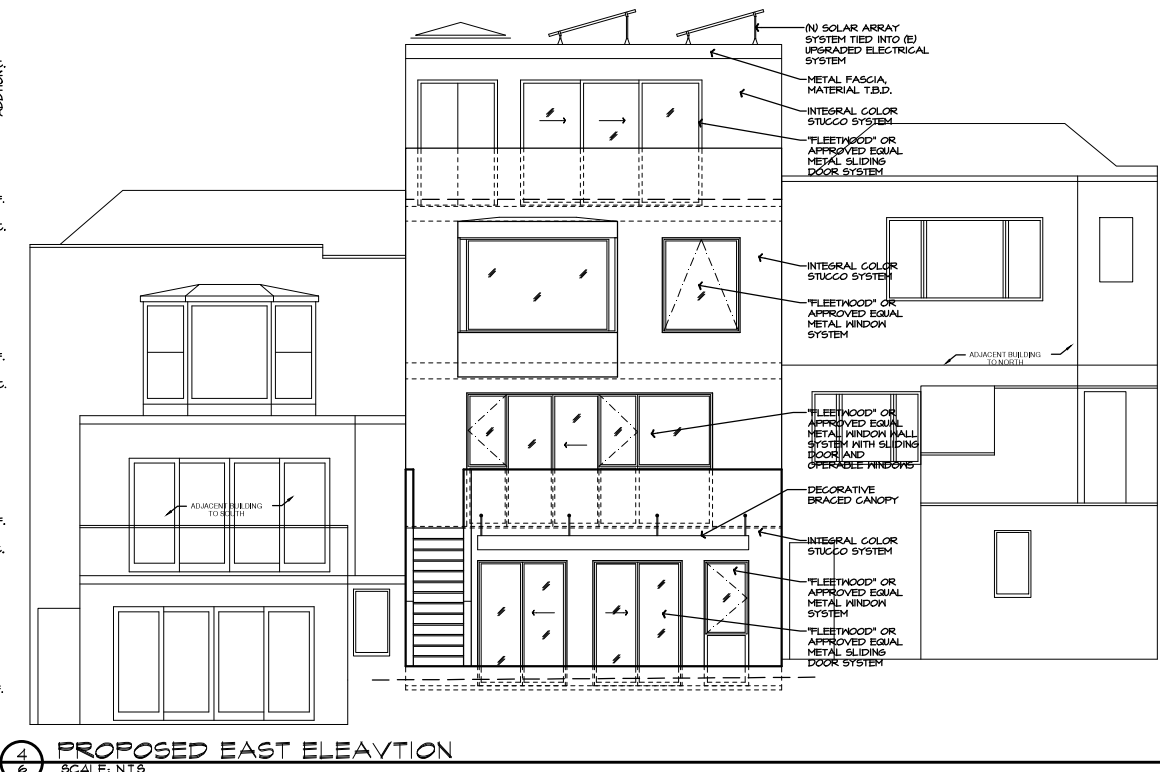
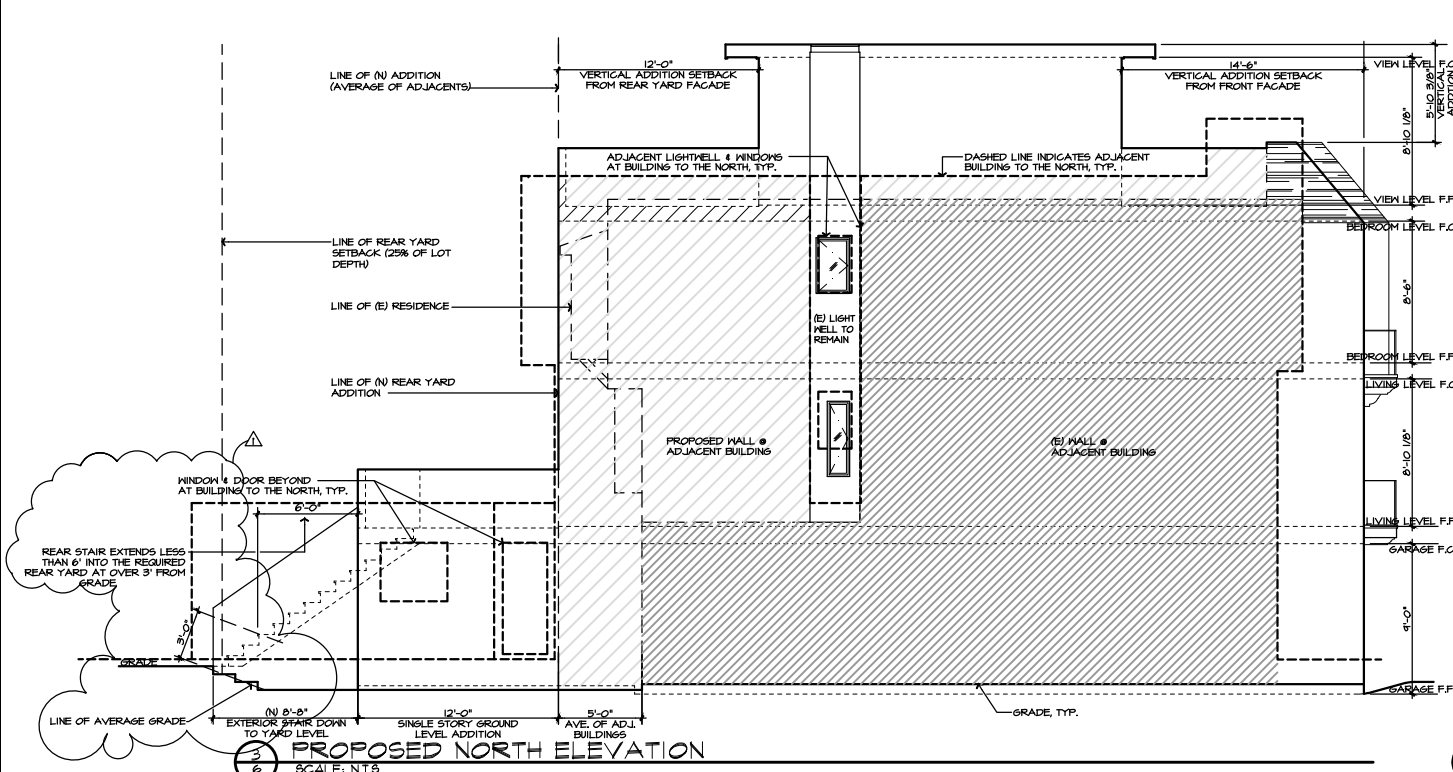
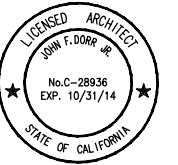






ARCHITECTS

1007 A Street  
San Rafael, CA 94901  
phone: 415.453.8214  
fax: 415.453.8279



Issue Record	Date
Site Permit	04.23.14

**Project**

A Residential Remodel for  
Janet & John  
Kunze  
238 Presidio Avenue  
San Francisco, CA

APN #09380-14B

**Drawing Title**

Existing Exterior  
Elevations

Scale N.T.S.	Sheet 6
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Number 01001	
Copyright 2014 DomA Architects, Inc	

APPLICATION FOR  
**Discretionary Review**

OCT 22 2014

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

## 1. Owner/Applicant Information

DR APPLICANT'S NAME:

Clement &amp; Angel Ogden

DR APPLICANT'S ADDRESS:

232 Presidio Ave. San Francisco

ZIP CODE:

94115

TELEPHONE:

(415 )823--0786

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

Janet &amp; John Kunze

ADDRESS:

238 Presidio Ave San Francisco

ZIP CODE:

94115

TELEPHONE:

(415 )440-6815

CONTACT FOR DR APPLICATION:

Same as Above ☐

John Dorr, Architect

ADDRESS:

107 'A' St. San Rafael, CA

ZIP CODE:

94901

TELEPHONE:

(415 )453-8214

E-MAIL ADDRESS:

## 2. Location and Classification

STREET ADDRESS OF PROJECT:

238 Presidio Ave. San Francisco, CA

ZIP CODE:

94115

CROSS STREETS:

Clay and Washington Streets

ASSESSORS BLOCK/LOT:

09980

/

LOT DIMENSIONS:

14B

LOT AREA (SQ FT):

2,225 sf

ZONING DISTRICT:

RM-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 Residence

Present or Previous Use:

Single Family Residence

Proposed Use:

Building Permit Application No. 2014.04.24.4103

Date Filed: April 24, 2014

#### 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.

None. No mediation occurred.

## 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.

Applicants submit that the proposed improvements violate and are in conflict with the following sections of the SF Residential Design Guidelines (RDG). (a) The scale of 238 Presidio is incompatible with the surrounding buildings in that its height is substantially higher than the surrounding properties and not compatible with the character of other residences on the same block and across Presidio Ave. (RDG) p. 5. (b) As designed 238 Presidio will obstruct the existing natural light and ventilation to the 232 Presidio residence on the north side property line specifically at their light well which serves the main hallway, stairwell and a powder room. As designed the proposed horizontal addition of 238 Presidio will create a very dark shaft with the obligatory matching but smaller lightwell. (cont. on attachment 1)

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:

A licensed architect Alan Toma, has researched the original permits and found that the 3 homes at 232, 238 and 242 Presidio Ave. were designed by the same architect, Mr. Jaekel, built by one contractor, Mr. M. Hayes and developed by the same developer. The developer purchased the property from the owners of 3242 Clay St. which was a large Rose Garden which encompassed the center of the block and out to Presidio Ave. The owners subdivided the Rose Garden parcel to the west and kept the central portion of the mid-block garden which still exists today. The developer was very conscious of the needs of good design and had the architect take into consideration the need for each home to have as much natural light and ventilation possible. Therefore, they intentionally provided a side property setback on the rear north wall in order to allow the the adjoining north residence to receive a generous amount of natural light and ventilation. The existing setback of 238 Presidio is approximately 5 feet (cont. on attachment 1)

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?

No changes have been offered by the owners of 238 Presidio to their neighbors at 232 Presidio to the north. The owners of 232 Presidio and many neighbors have voiced their dissatisfaction with the responses from the architect at the Pre-application meeting and everyone would like to see the existing setback remain. They would also like to see the rear deck extension to the north setback from the property line to allow an open guardrail rather than a solid fire rated parapet/guardrail, similar to the deck

## 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: Angel Ogden DocuSigned by:  
Clement Ogden  
4ED3397882E841A Date: 10/19/14

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

Owner Angel Ogden and Clement Ogden  
Owner / Authorized Agent (circle one)

# Discretionary Review Application Submittal Checklist

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

REQUIRED MATERIALS (please check correct column)	DR APPLICATION
Application, with all blanks completed	<input type="checkbox"/>
Address labels (original), if applicable	<input type="radio"/>
Address labels (copy of the above), if applicable	<input type="radio"/>
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 type="checkbox"/>
Letter of authorization for agent	<input 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: \_\_\_\_\_



ATTACHMENT 1  
TO DISCRETIONARY REVIEW  
FOR 238 PRESIDIO AVE.

ADDITIONAL COMMENTS TO PAGE 9 QUESTIONS:

1 (b,cont.) The obligatory lightwell created by the 238 Presidio horizontal addition to "mirror" the existing lightwell of 232 Presidio will not provide the same amount of natural lighting to create the ambiance that the existing setback provides to the owners of 232 Presidio Ave. The natural lighting provides a tremendous natural lighting quality to the adjacent spaces to the lightwell of the 232 Presidio Ave. residence which will not exist with a lightwell blocked by the addition towering a full floor above the lightwell, (RDG), p. 16-17. The owners of 232 Presidio had asked the architect for 238 Presidio Ave to provide a shadow study which would definitely show how imposing and dramatically the addition would eliminate all natural lighting to the light well of 232 Presidio as shown in the photographs submitted. Another option to study the affects of the vertical addition to the property line would be to construct a full scale mock-up of the new walls enclosing the 232 Presidio lightwell. Again this would almost positively show the drastic affect on the lighting and ventilation lost by the 238 Presidio additions.

(c) The rear addition would disrupt and ruin the intent and scale of the open-space block characteristics, which contains yards and natural greenery per (RDG), p. 7-8.

(d) The Pacific and Presidio Heights neighborhood has a defined visual character which the new vertical addition of the proposed improvements to 238 Presidio Ave. would disrupt in relation to its adjacent neighbors at 232 and 242 Presidio Ave. (RDG), p. 9.

(e) The horizontal addition to the north property line will eliminate all natural light and ventilation to the adjacent neighbors lightwell at 232 Presidio Ave.

(f) The existing Block pattern of the Presidio/Clay/Lyon/Washington block contains open yards and natural green space at the center of the block which would be compromised by the proposed design of 238 Presidio Ave.

2 (cont.) The elimination of the neighbors rights at 232 Presidio Ave. to continue enjoying the natural light and ventilation that they have enjoyed for the past 41 years is inexcusable and does not meet the intent of the RDG. Second, close neighbors at 227 Presidio Ave who recently renovated their residence were instructed to design and construct their improvements according to the SF Planning departments Residential Design Guidelines. They complied by redesigning their improvements to conform to the RDG's recommendations on its scale, height and overall visual character of the neighborhood. The neighbors feel that the 238 Presidio addition and improvements should also follow the RDG's guidelines and be scaled down to match the neighborhood character. A third neighbor residing at 3234 Clay St. an adjoining property feels as adamant about all of the above concerns and is especially unhappy that they were not contacted for the Pre-application meeting. They have submitted a letter voicing their concern and frustration.

3(cont.) Many neighbors feel that the addition and improvements at 238 Presidio Ave should be scaled back, as regards to its height, reducing the rear structure so it does not extend as far back into the rear yard as proposed and either setting the north addition at the property line back to its original setback, staggering it or creating a much larger lightwell, at least 4 times its width as proposed.

3(cont.) Several neighbors, both on the same block and across Presidio Avenue, have expressed both to the Kunzes and to us (the Ogdens) their concerns about the proposed additions altering the character of the neighborhood by its size and scale. These neighbors are Gian Marco and Camille Martinelli of 3234 Clay Street, Roberto Martinelli of 3234 Clay Street, lower apartment, and Malcolm Bowles of 227 Presidio Avenue.

TO WHOM IT MAY CONCERN

Ref: 238 Presidio Avenue , San Francisco Ca 94115  
Permit application Case No. 2014.04.24.4103  
Date September 23, 2014

1- Pre-application meeting.

The undersigned Gian Marco Martinelli residing/owner at 3234 Clay street, in which my back yard backs the 238 Presidio Ave yard, never heard from the petitioners and/or their architect/expediter of the pre-application meeting to be held on March 7<sup>th</sup>, 2014. I was only informed by the neighbor at 232 presidio, and I did attend.

2- Question about the pre-application meeting.

During the meeting it has been answered that the only required notification was to be sent to the adjacent neighbors and not to the back to back neighbors.

3- Concern regarding the new addition.

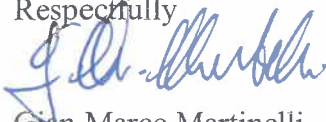
- A) Diminishing the enjoyment of the sun exposure to the garden.
- B) Increasing eco of kids activities/voices due to the new green space.

4- Revised/modified plans.

After having heard all concerned present neighbor, it was assured that the preliminary plans/drawings were going to be reviewed/modified and discussed before being presented to the S.F. Planning department for approval.

On or about October 5<sup>th</sup> have received the above notice of permit application without any further request for a new pre-application meeting.

Respectfully



Gian Marco Martinelli  
3234 Clay St San Francisco, Ca 94115

10/14/2014

To: Planning Board

From: Angel Ogden  
232 Presidio Avenue  
San Francisco CA 94115  
415 823 0786 cell

RE: Request for Summary Review of planned expansion to 238 Presidio, abutting to the immediate south.

In 1973, my family was shown 232 Presidio Ave by a Coldwell Banker agent. It was in May and around late afternoon time. The seller was at home reading on the deck. The business of Real Estate then was casual and without formalities. We, the family, were immediately taken by the golden light coming into the house, the kitchen, the staircase leading up to the upper floor and the deck. The decision was unanimous and immediate - YES. Now 41 years later, we are still warmed by the same golden light that warms and welcomes us when we come home.

We shared good relations with our close-by neighbors, 238 and 242 Presidio Ave from 1973-1975. And again from 1990 to present, having moved away for a few years. We moved back to our house from New York City because we missed the light and air. Our children were 8(boy) and 10(girl) in 1990. We have always wished that we could have had a kitchen that could be used as a family room. We made a modest internal renovation to enlarge our kitchen accordingly. The outer shell of the house remained and remains exactly as it was in 1973.

We are willing and understand that different families have different needs. We respect and expect equally the same in return with regards to the right of the individual homeowners wish to maximize the enjoyment of their home which is often their largest financial investment and their largest psychological investment. But what also must be kept in mind is respect for the historic integrity of San Francisco architecture and the Pacific Height's neighborhood sense of community and proportion.

We, after the initial review of the proposed plans of 238 Presidio Ave renovation at the meeting on March 7, 2014, strongly voiced our objections to the Kunze's plan, developed by Doma Architects, John Dorr and Ryann Marlowe, as well as the Kunze consultant, Craig of Zone Consulting, for it's massive size and blind negation of the intent of the original developers who thoughtfully sought to preserve, not deny, light, air and privacy.

This well-planned original sensitivity to light, air and quiet hugely supported our enjoyment of our home for 41 years.

Consequently, as the Kunze mega-mansion totally disregarded these traditions, we asked the Kunze's for small and reasonable modifications. We were verbally assured, as mitigation, that "We will do whatever we can" and "We could move the stairs to the North". So we hopefully awaited new plans reflecting these minor mitigating corrections.

But we were met with arrogance and total disregard. The Kunze's decided to go ahead with the unmodified plans. I felt as if I had been talking to a brick wall.

After reading 3 chapters of SF architectural guidelines which clearly support mitigation, we respectfully ask the board to review the Kunze's irregular proposed mega-mansion and enforce mitigation. There is really no reason to damage the harmony of the original developer's vision of the proper allocation of light, air and space which is characteristic of all the best that San Francisco can be.

To: Planning Board  
Etc.

From: Clement Ogden  
232 Presidio Avenue  
San Francisco CA 94115  
415 928 7266

RE: Request for Summary Review of planned expansion to 238 Presidio, abutting to the immediate south.

Ladies and Gentlemen –

On July 16<sup>th</sup>, 2013, I received an email from Janet Kunze ([janetkunze@gmail.com](mailto:janetkunze@gmail.com)) stating that their survey team would be on their property on Monday, August 5, 2013, at 9AM to complete their survey and that the survey team was hoping to get access to our property that same morning.

I responded immediately, asked for a delayed response as Angel and I had to go to my mother's memorial service in Stockbridge, Massachusetts, and asked to see plans when we got back. Janet responded "Happy to share our plans". (Email thread attached below).

On July 31, 2013, after we got back, I emailed Janet that due to liability and privacy issues, a survey team would not be allowed on our property. And I referred to Janet's comment that the survey team could laser-measure accurately enough without entering any neighboring property. This was accepted and no survey team visited us at 232.

On February 13<sup>th</sup>, 2014, Janet Kunze emailed me that the "311 meeting ('the neighbor tea party') is scheduled for march 7<sup>th</sup> at 6:30 PM" and that "our architects, Doma Architects, John Dorr and Ryann Marlowe, as well as our consultant, Craig of Zone Consulting, will be there to present our remodel project and answer any questions you may have. We're very excited to remodel our home and hope you will be supportive"

Angel and I attended the 311 meeting on Feb. 13th, 2014.

We voiced strong objections as to the lack of any setback along the Kunze north lot-line, throwing the south side of our property into darkness.

We were verbally assured by the husband, John Kunze, that "We would do all we could" and "Perhaps the stairs could be moved to the north side".

On September 30<sup>th</sup>, 2014, Architect Alan Toma reported that the Kunze's "have decided that they **do not want to make any concessions** to the present design. They feel that if the sf planning department approves the design as submitted they would prefer not making any changes. your only alternative will be to file a discretionary review with the planning commission. any questions, email or call" (see email attached below).

In closing, I hope the above has been some help as to chronology but perhaps otherwise not much help. Sorry about that.

If you need anything more from me, call cell below anytime.

We thank you much for your help,

Clement Ogden  
415 794 8018 cell.



Got it - thank you.

Sent from Janet's iPhone

On Jul 31, 2013, at 6:11 PM, "Ogden, Clement" <[ogdenc@mindspring.com](mailto:ogdenc@mindspring.com)> wrote:

Hi Janet -

Angel has told me she forwarded to me an email from you asking for a date such as August 4th. I have not seen this email, but I'll take her adamant word for it...

As this is just around the corner and as Angel and I have finally had a moment to think about letting strangers onto our property, I am sorry but the answer is NO.

There are liability and privacy issues we are very sensitive to. I am sure you are too.

And as the measurements can be taken without anyone being physically present on our property, I am confident that will suffice.

Cordial best regards to all,

Clement Ogden  
Angel Ogden  
232 Presidio Avenue  
SF CA 94115

415 794 8018 CMO cell  
415 823 0786 AYO cell

On 7/16/2013 6:18 PM, Janet wrote:  
Hi Angel and Clem,

My deepest condolences. I'm truly so sorry for your loss.  
Please feel free to respond upon your return.

We do not have any plans yet, because we are still in the preliminary stages of creating "as-is" drawings and accurate surveys that will provide us with a benchmark of what we can do in compliance with all city planning zones and codes. Happy to share our plans, once we have some to share. All we have now are just ideas.

All my best,  
Janet

On Tue, Jul 16, 2013 at 5:41 PM, Ogden, Clement <[ogdenc@mindspring.com](mailto:ogdenc@mindspring.com)>  
<<mailto:ogdenc@mindspring.com>>> wrote:

Hi Janet -

Angel is last-minute packing to go East tonight for my mother's memorial service and I am to follow on Saturday, so please let us respond upon return.

She asked me to email yo as much...

Do you have plans yet? Can you share? PDF is fine...

Best to all,

Clement

On 7/16/2013 4:43 PM, Janet wrote:

Angel and Clem,

Our survey team will be at our home on Monday, August 5th at 9:30am to complete their survey and was hoping to get access to your property that morning. I hope it will work for you. Please let me know.

- Janet and John

On Mon, Jul 8, 2013 at 5:31 PM, Janet <[janetkunze@gmail.com](mailto:janetkunze@gmail.com)> <<mailto:janetkunze@gmail.com>> <<mailto:janetkunze@gmail.com>> <<mailto:janetkunze@gmail.com>>> wrote:

Angel and Clem,

Below is our survey team's contact information and what they're looking to do - thought it might answer some of your initial concerns/questions:

My understanding is that they want the entire footprint of the neighboring buildings with roof heights of each section of the buildings. To do that, I will need complete access to the neighboring site. I will need to have my crew able to walk around the buildings and set temporary points in the neighboring yards, but we won't need to get inside the neighboring buildings unless they need finished floor elevations or if we cannot access portions of the exterior of the neighboring buildings without going through the interior.

We normally only locate the face of the neighboring building that is facing your property and a lot of times we can do that completely from within your site, by shooting our laser at exposed portions of their building.

Thank you,

\*Michael J. Foster,\*\*\*L.S. 7170  
\*Bay Area Land Surveying Inc.\*  
961 Mitchell Way 524 Union Street #344  
El Sobrante, CA 94803 San Francisco, CA 94133  
(510) 223-5167 <tel:%28510%29%20223-5167>  
<tel:%28510%29%20223-5167> phone (415) 745-1190  
<tel:%28415%29%20745-1190>

<tel:%28415%29%20745-1190> phone  
(510) 223-0112 <tel:%28510%29%20223-0112>  
<tel:%28510%29%20223-0112> fax [mfoster@balsinc.net](mailto:mfoster@balsinc.net)  
<<mailto:mfoster@balsinc.net>>  
<<mailto:mfoster@balsinc.net>> <<mailto:mfoster@balsinc.net>>>  
email

On Tuesday, September 30, 2014 5:32 PM, alan toma <tomads07@gmail.com> wrote:

hi angel,

jusy spoke to the neighbors architect, john dorr, and he remembers the pre-application meeting with you and your comments. they did discuss your comments with the owners, mr. & mrs. coon and the owners have decided that they do not want to make any concessions to the present design. they feel that if the sf planning department approves the design as submitted they would prefer not making any changes.

your only alternative will be to file a discretionary review with the planning commission.

any questions, email or call,

alan toma



Solfanelli & Needham  
235 Presidio Ave.  
San Francisco, CA 94115

Grant Hamilton Etal  
3252 Clay Street  
San Francisco, CA 94115

Occupant  
233 Presidio Ave.  
San Francisco, CA 94115

Murry Scott  
3254 Clay Street  
San Francisco, CA 94115

Malcolm Bowles TRS  
227 Presidio Ave.  
San Francisco, CA 94115

Sametic LLC  
3300 Clay St.  
San Francisco, CA  
#1

Malcolm Bowles TRS  
227A Presidio Ave.  
San Francisco, CA 94115

3300 Clay St.  
Occupant  
#2  
San Francisco, CA

Christopher Gross  
242 Presidio Ave.  
San Francisco, CA 94115

3300 Clay St.  
Occupant  
#3  
San Francisco, CA

Kunze TRS  
238 Presidio Ave.  
San Francisco, CA 94115

3300 Clay St.  
Occupant  
#4  
San Francisco, CA

Martinelli, Gian Marco &  
Camille  
3234 Clay Street  
San Francisco, CA 94115

3300 Clay St.  
Occupant  
#5  
San Francisco, CA

Roberto Martinelli  
3234 Clay Street  
Lower Apt.  
San Francisco, CA 94115

3300 Clay St.  
Occupant  
#6  
San Francisco, CA

Clement & Angel Ogden  
232 Presidio Ave.  
San Francisco, CA 94115

Clement & Angel Ogden  
232B Presidio Ave.  
San Francisco, CA 94115

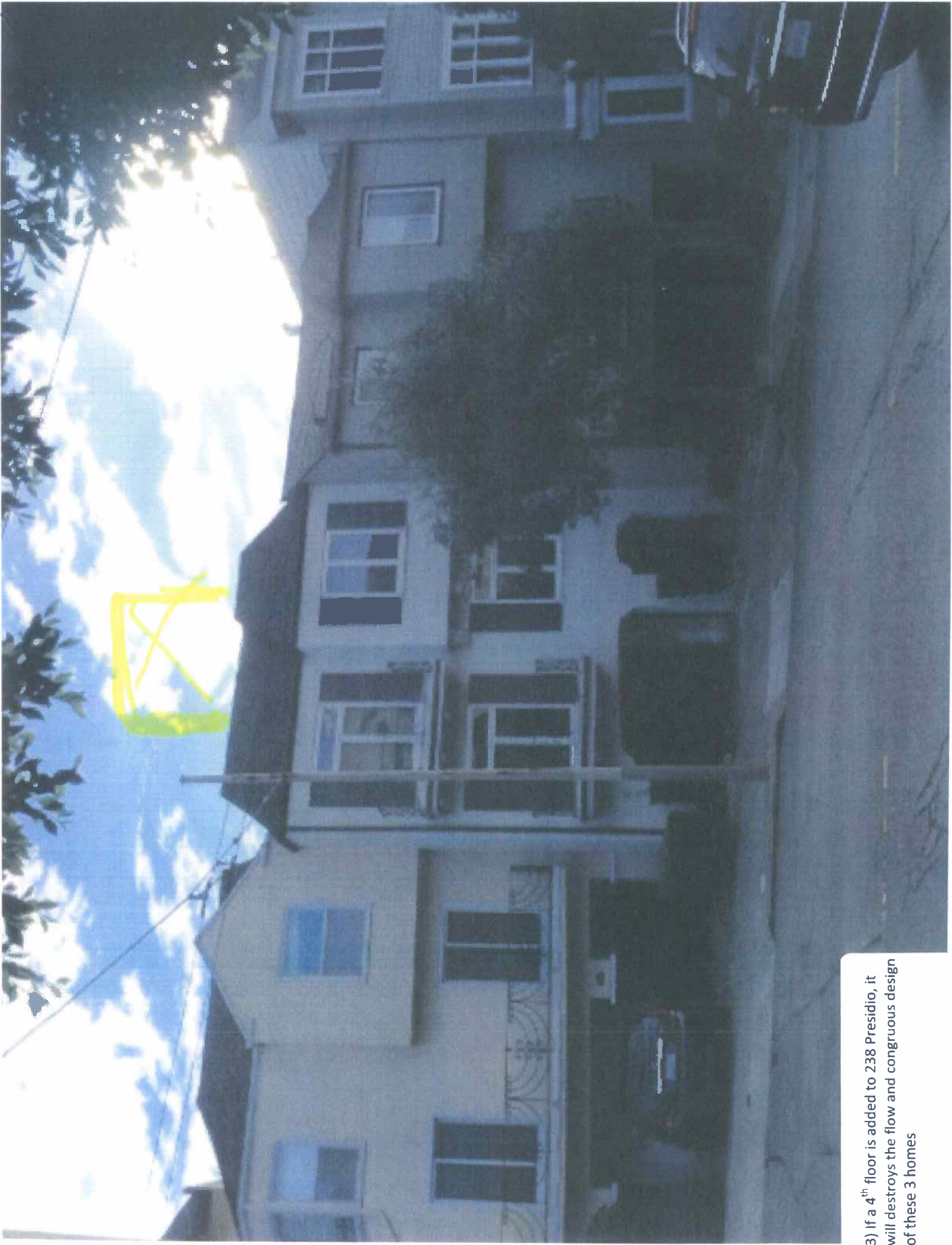


1) 232, 238, 242 Presidio Ave built and designed with setback in the front and back



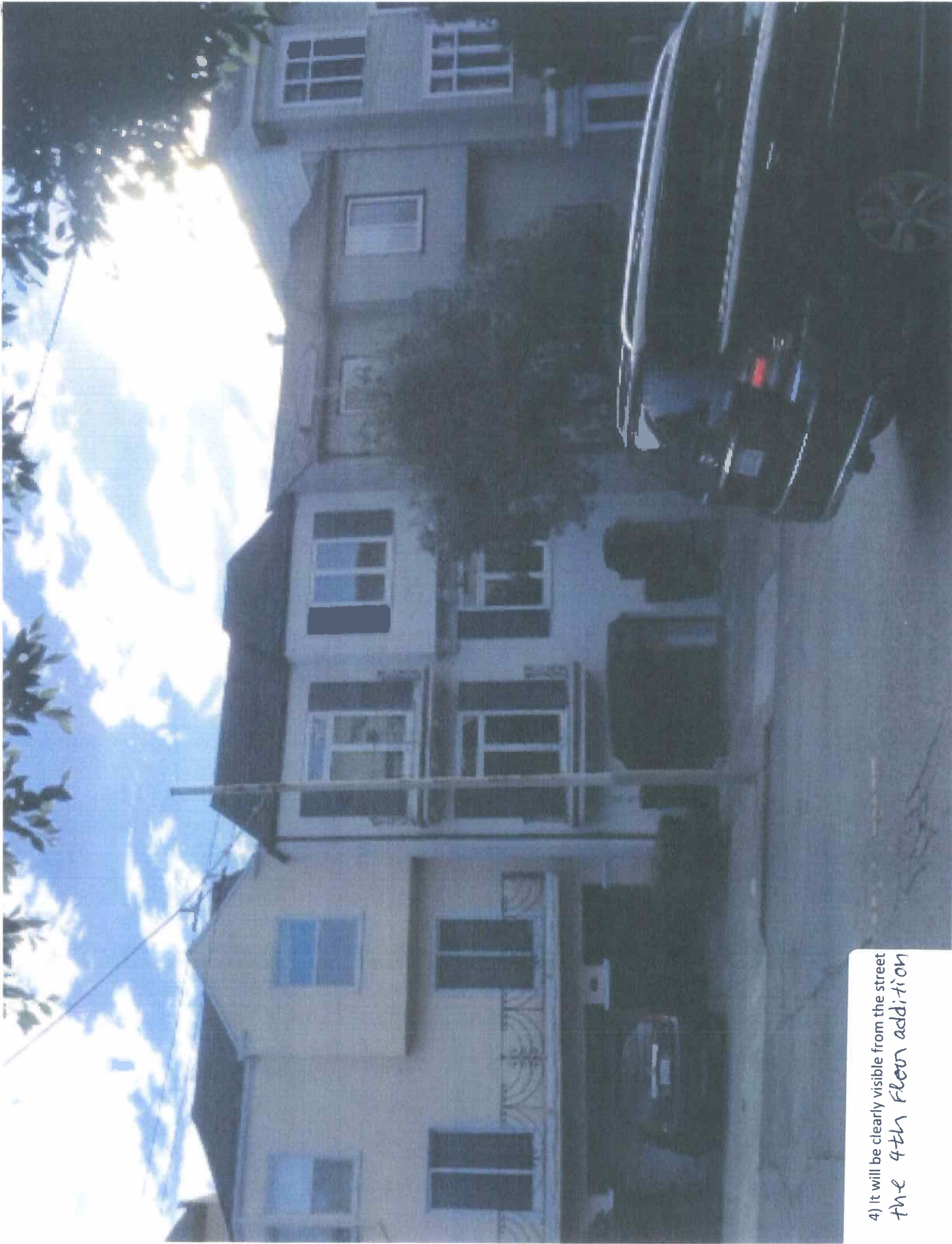


2) Built as one project and on the land subdivided from 3234 Clay St. 232, 238, 242 Residio

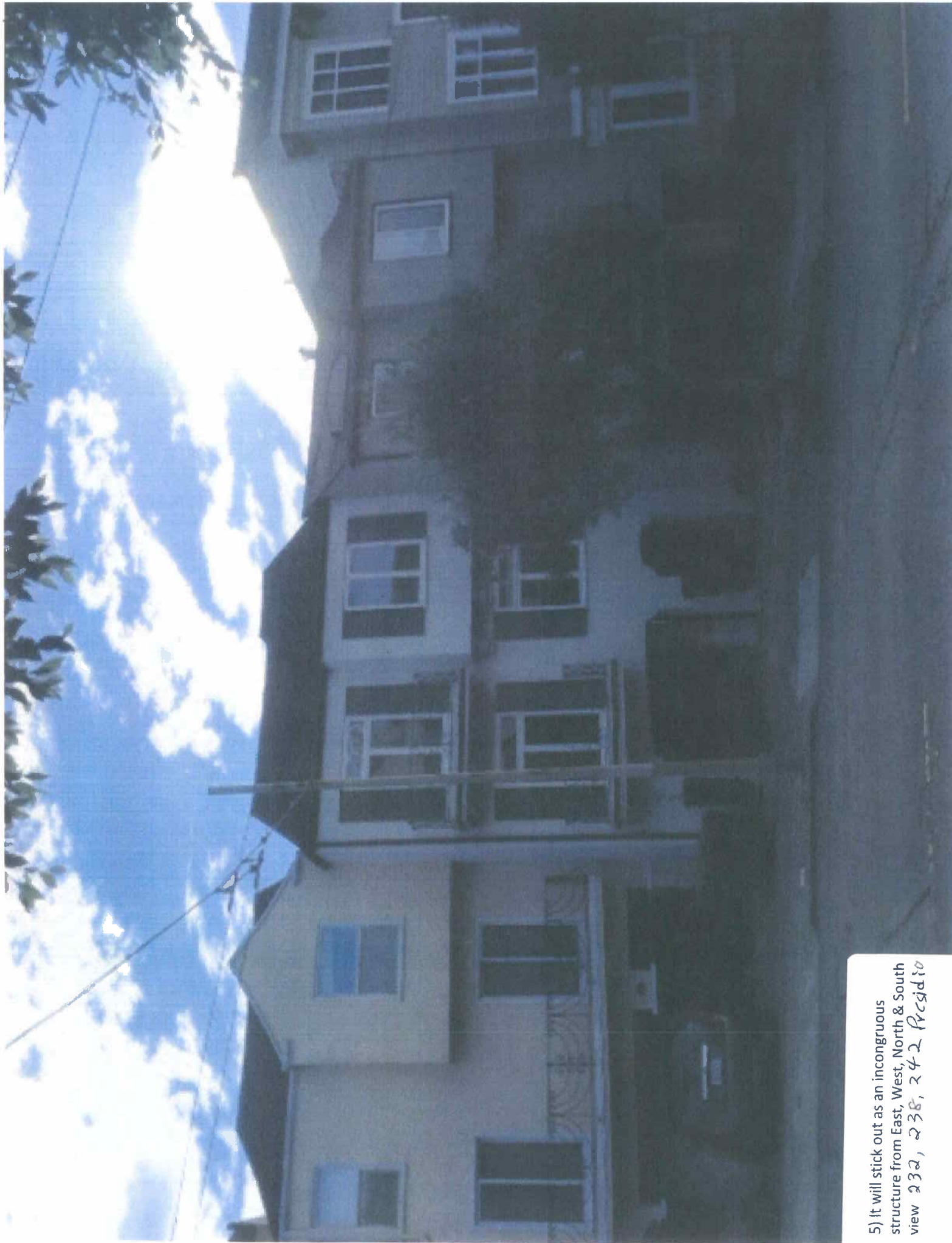


3) If a 4<sup>th</sup> floor is added to 238 Presidio, it will destroy the flow and congruous design of these 3 homes





4) It will be clearly visible from the street  
the 4th floor addition



5) It will stick out as an incongruous structure from East, West, North & South view 232, 238, 242 Arcadio





6) Details of the original iron works  
238 *Presidio*





7) 242 Presidio with lovely balcony and similar but not exactly the same as 232 or 238 Presidio



8) 232 Presidio Ave. set back from 238  
Presidio





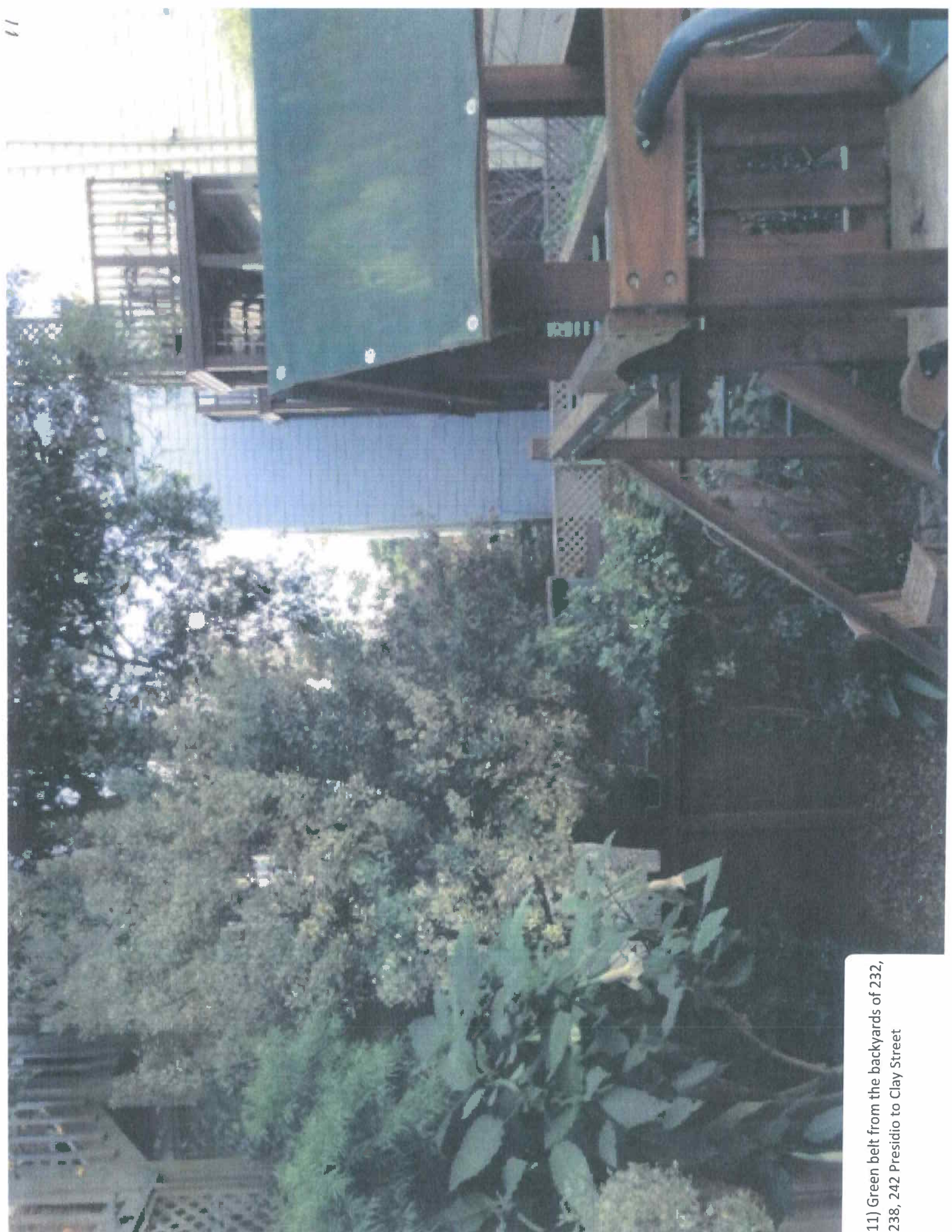
9) 232 Presidio, keeping the integrity of the original design





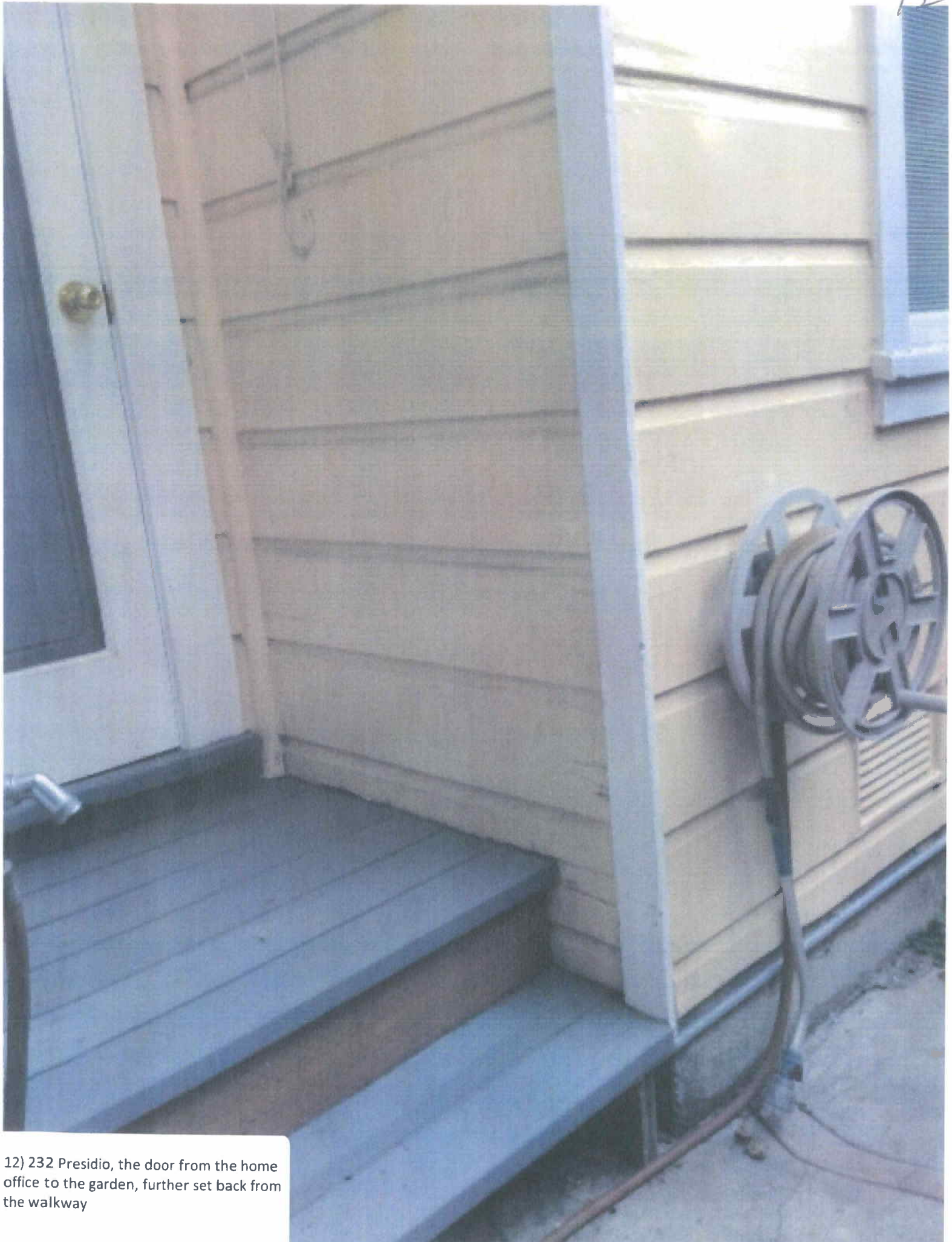
10) 232 Presidio, backyard walkway from the ground floor. A 4-5 feet setback from the property fence, respecting the air & ventilation of the neighbor, 238 Presidio





11) Green belt from the backyards of 232,  
238, 242 Presidio to Clay Street



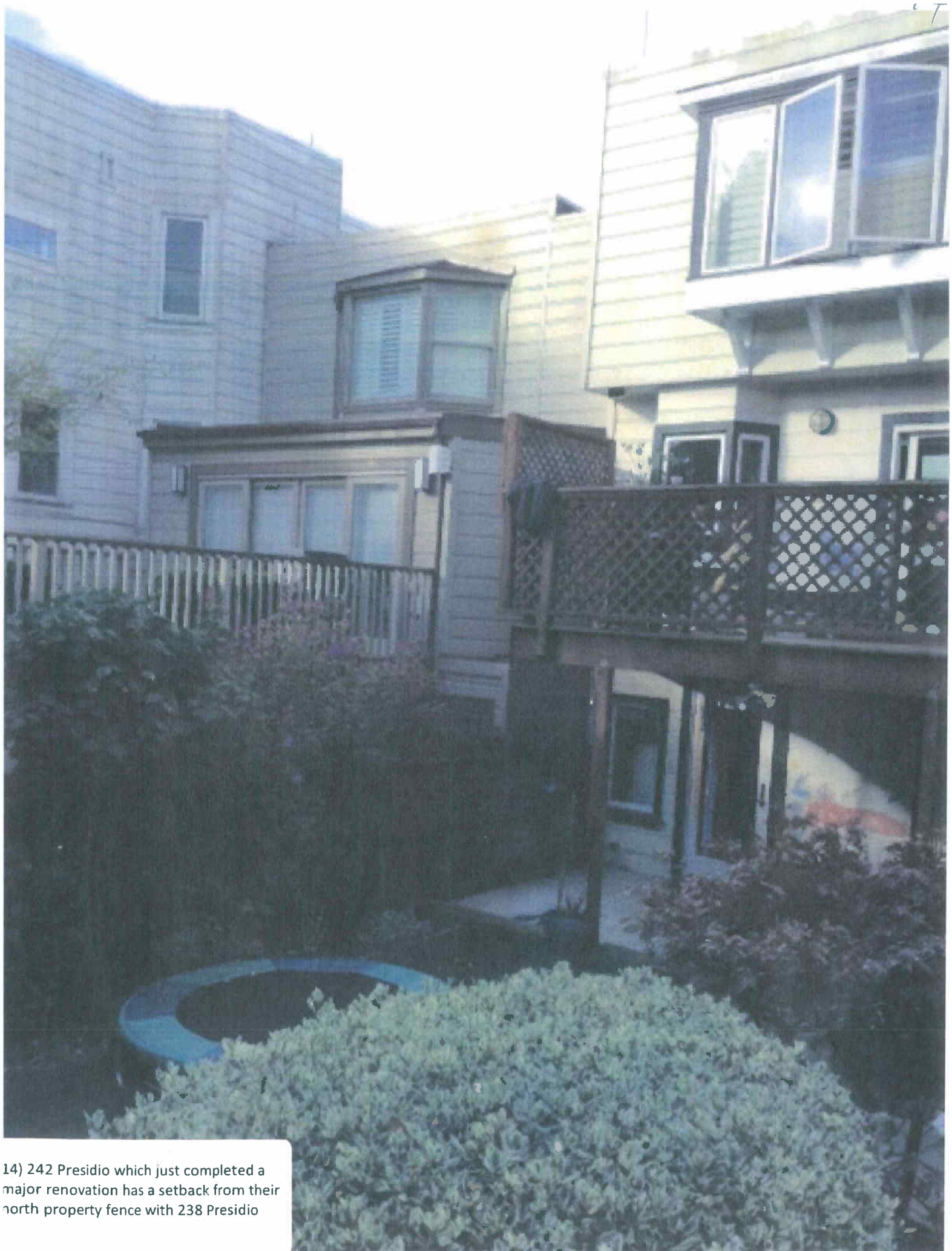


12) 232 Presidio, the door from the home office to the garden, further set back from the walkway



13) 238 Presidio, current staircase located on the North property line providing a set back for light, air and ventilation





14) 242 Presidio which just completed a major renovation has a setback from their north property fence with 238 Presidio



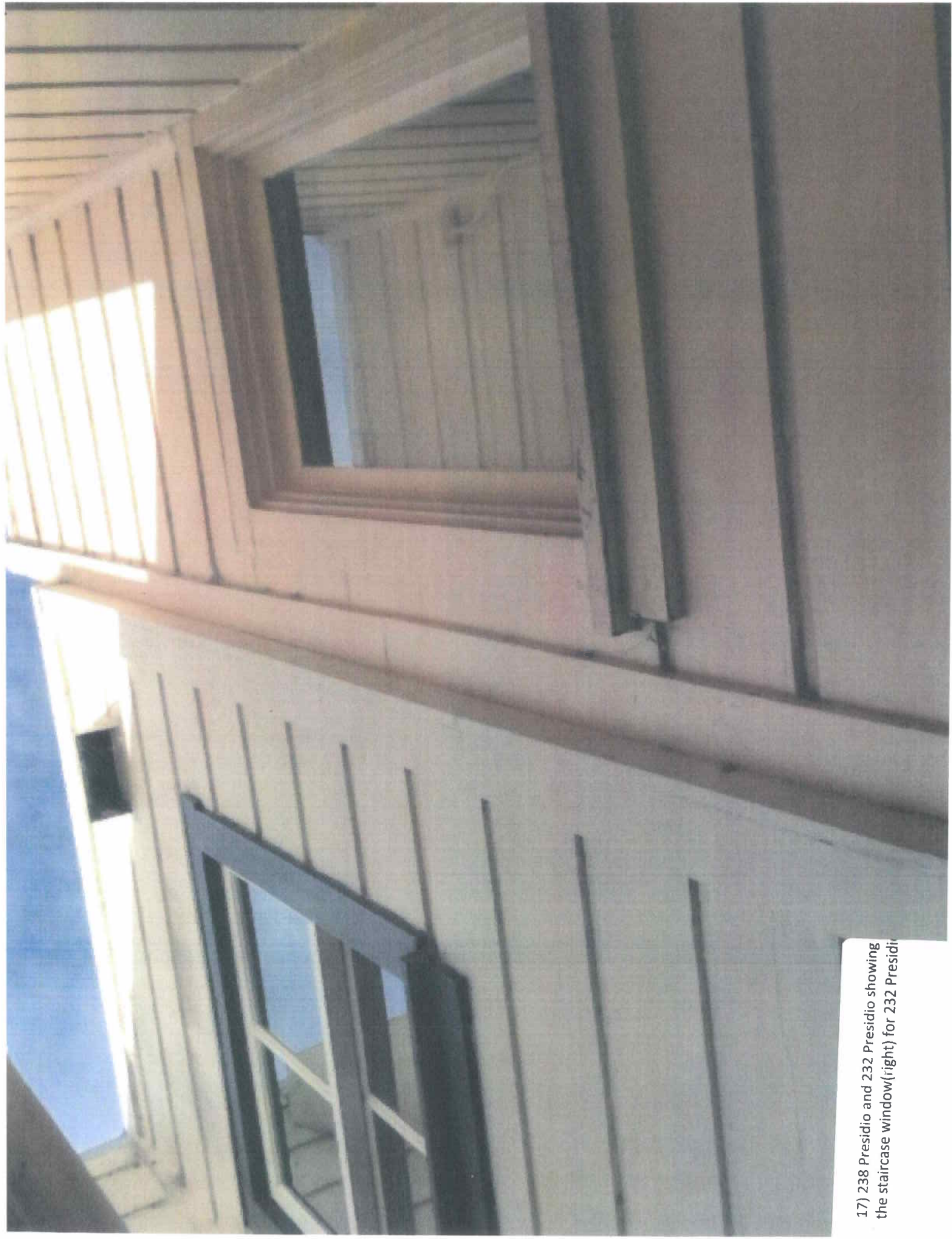


15) 238 Presidio Patio with staircase going down to the garden on the north side which provides a setback



16) 232 Presidio – this is the window of the staircase going from hallway down to the garden





17) 238 Presidio and 232 Presidio showing the staircase window(right) for 232 Presidio





18) Just love the peace and quiet deck with great sunlight throughout the day



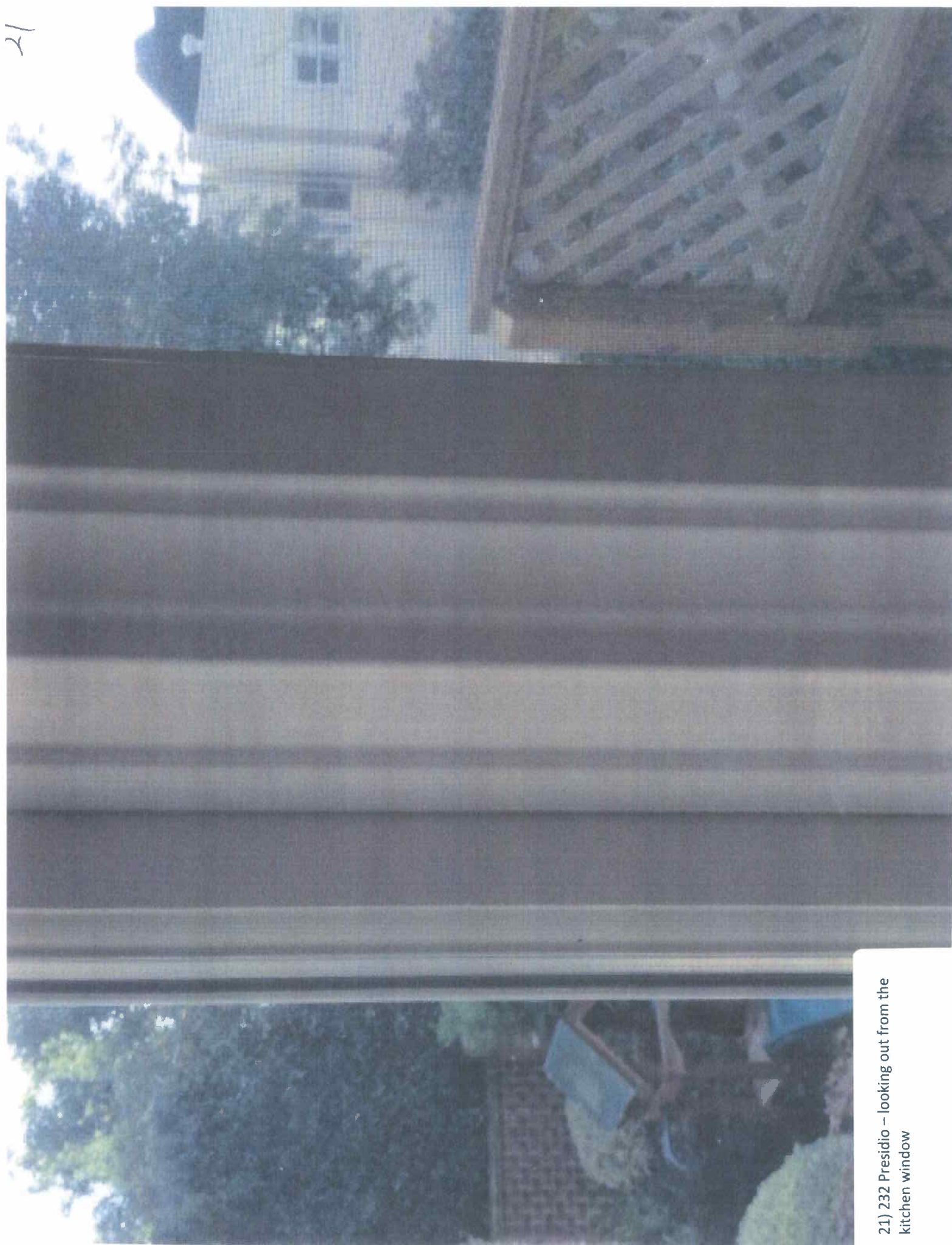


19) Looking at 242 Presidio new addition to the kitchen which does not obstruct existing windows of the condo building next door and is setback from the property



20) 232 Presidio Powder room window which is light and with a window that opens for fresh air any day





21) 232 Presidio – looking out from the  
kitchen window

21



22) The new addition of the extended kitchen and added deck will obstruct the lovely garden views from my kitchen window





23) Please see where the staircase is providing air, light and ventilation between 232 & 238 Presidio



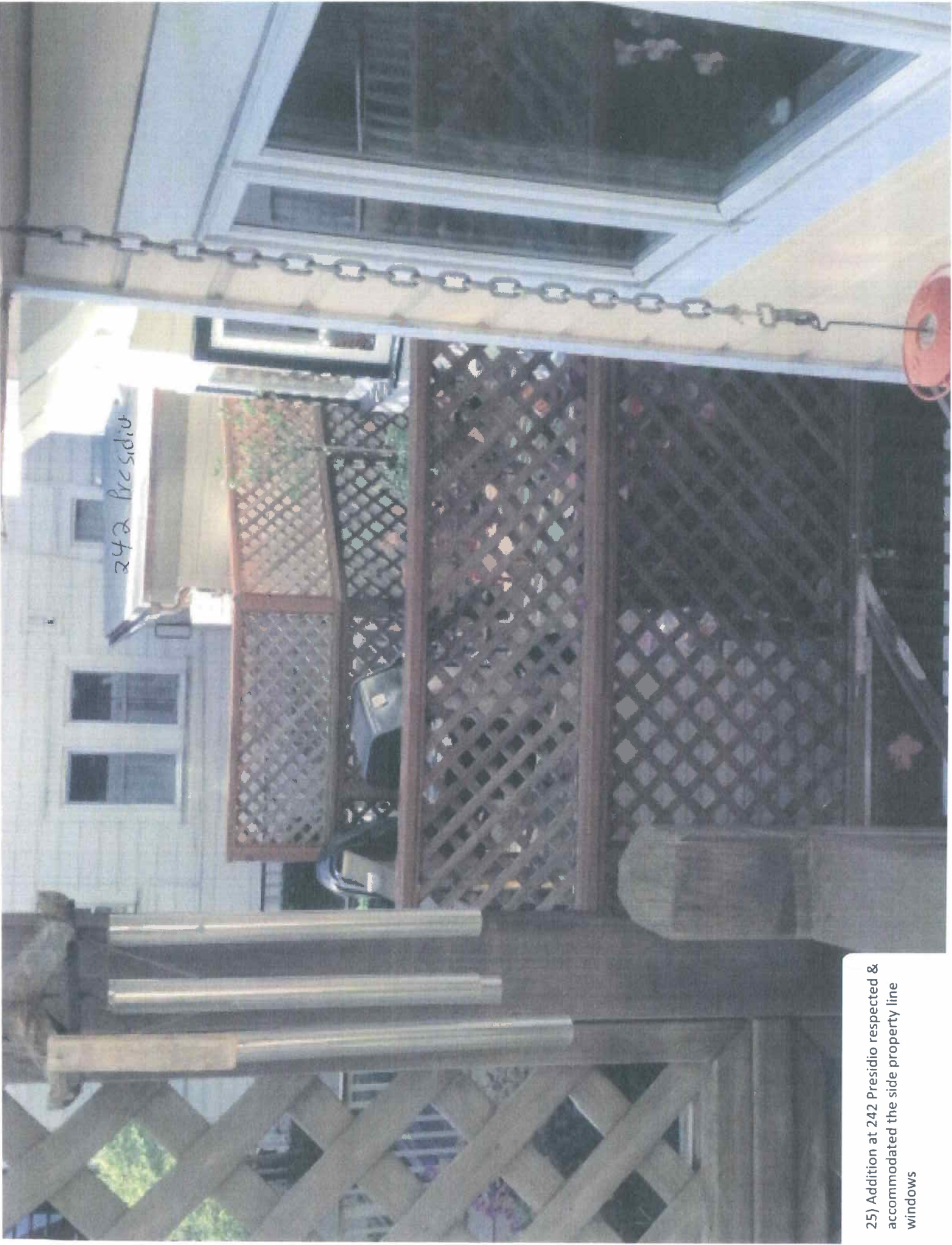


24) We love nature, birds and animals, particularly dogs. This hummingbird feeder has been helpful to the neighborhood birds in our third year of draught

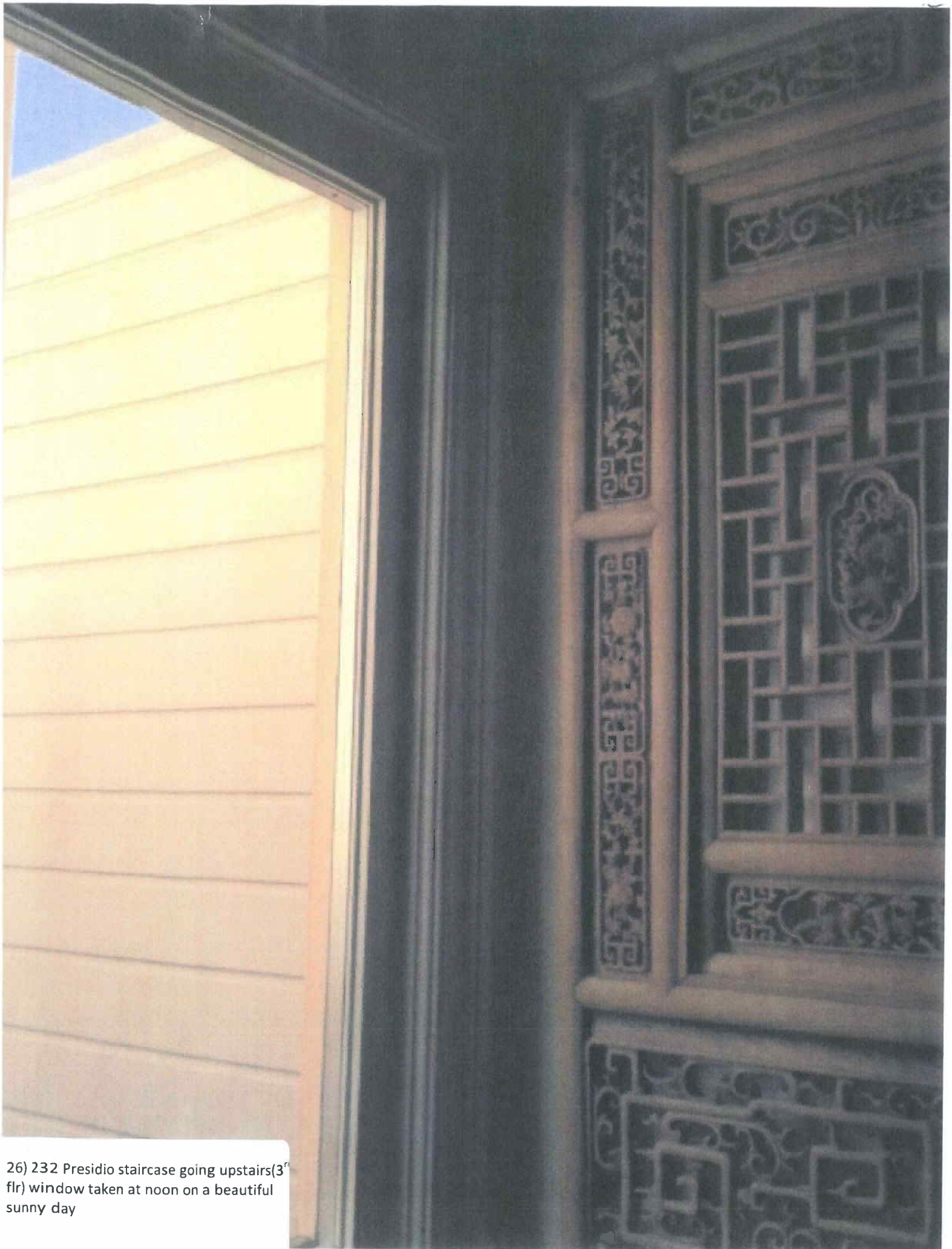


242 Presidio

25) Addition at 242 Presidio respected & accommodated the side property line windows







26) 232 Presidio staircase going upstairs(3<sup>rd</sup> flr) window taken at noon on a beautiful sunny day



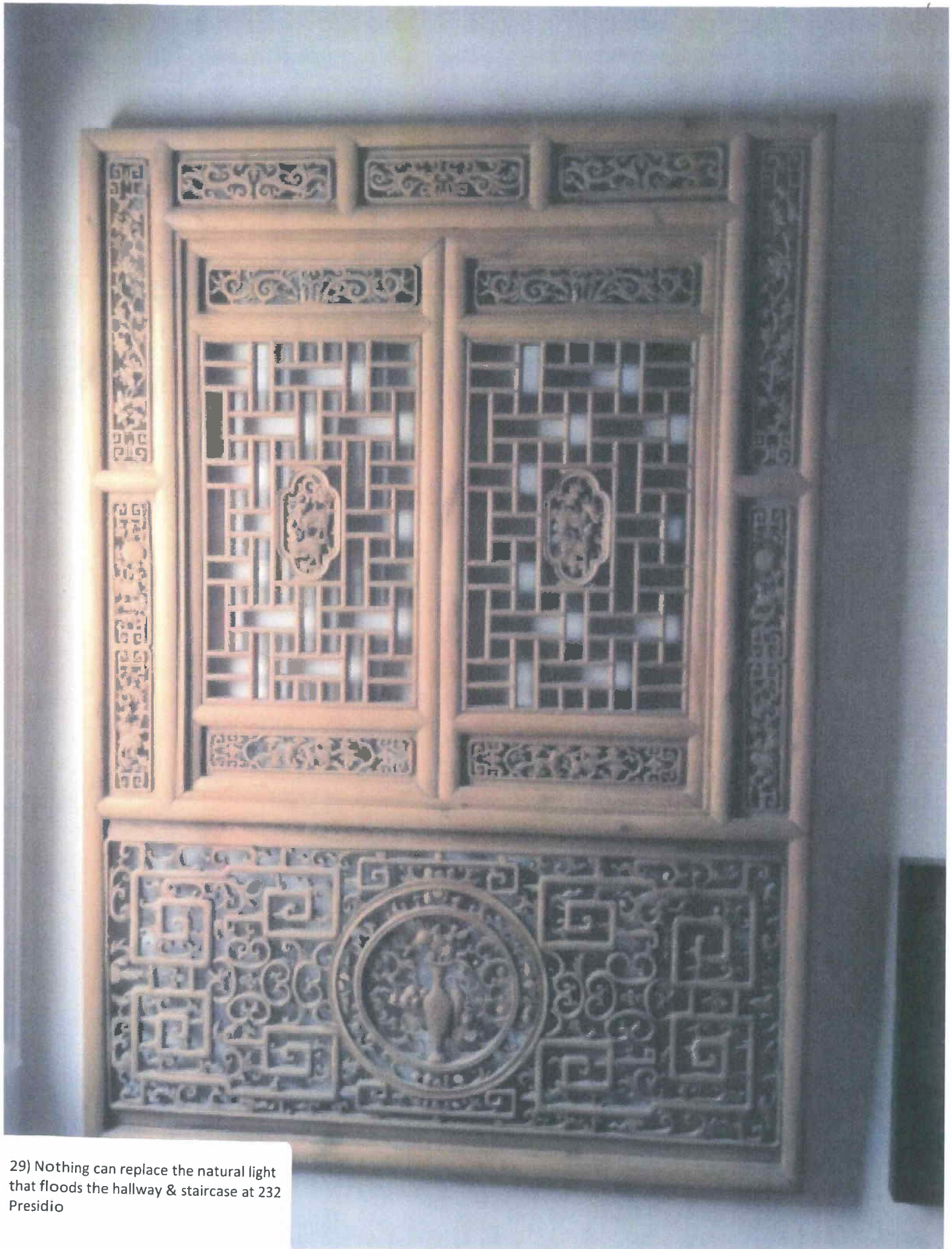
27) 232 Presidio staircase window – view towards garden, the current setback provides light & ventilation. More fire safety for both homes



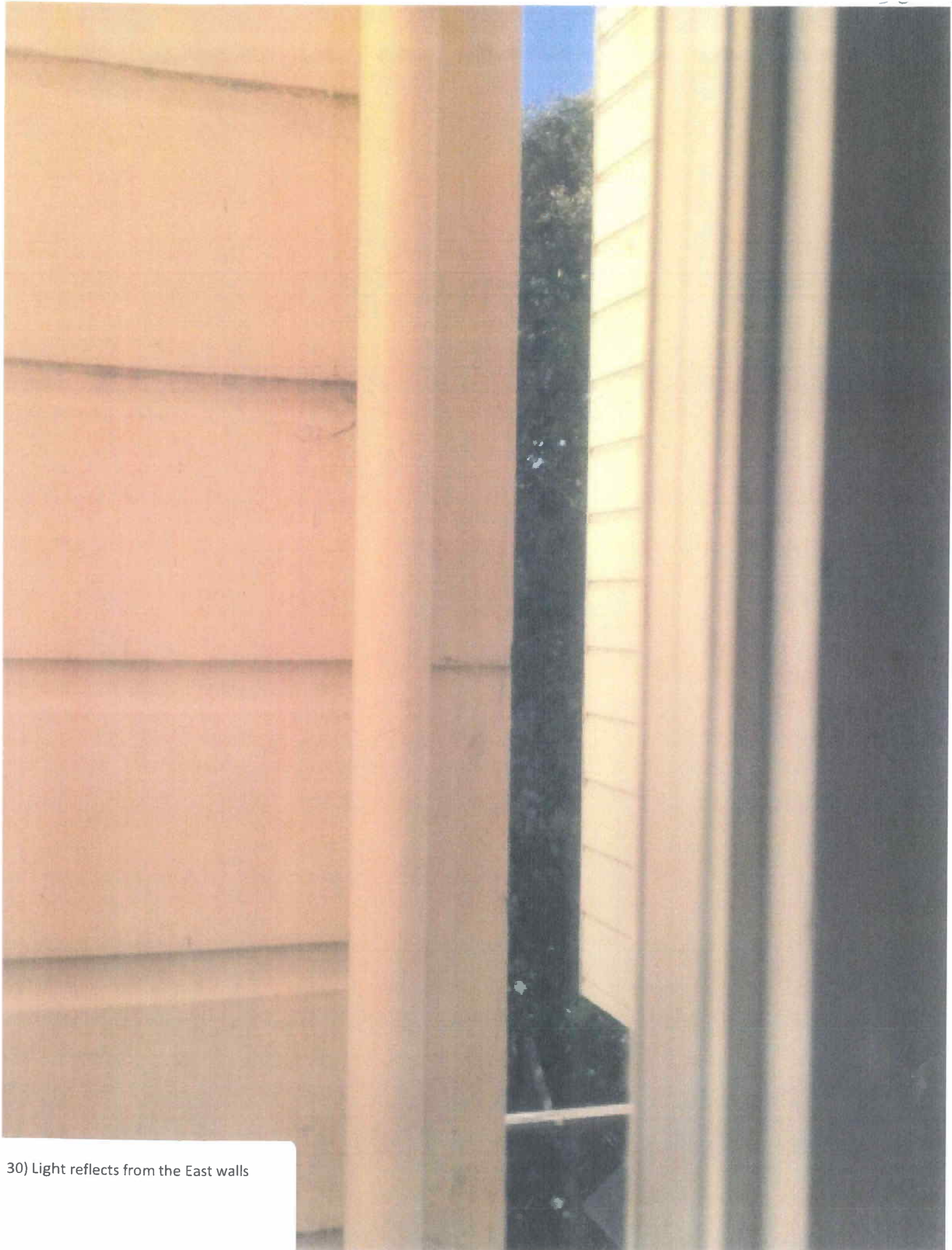


28) Big staircase window at 232 Presidio provides lots of light throughout the day



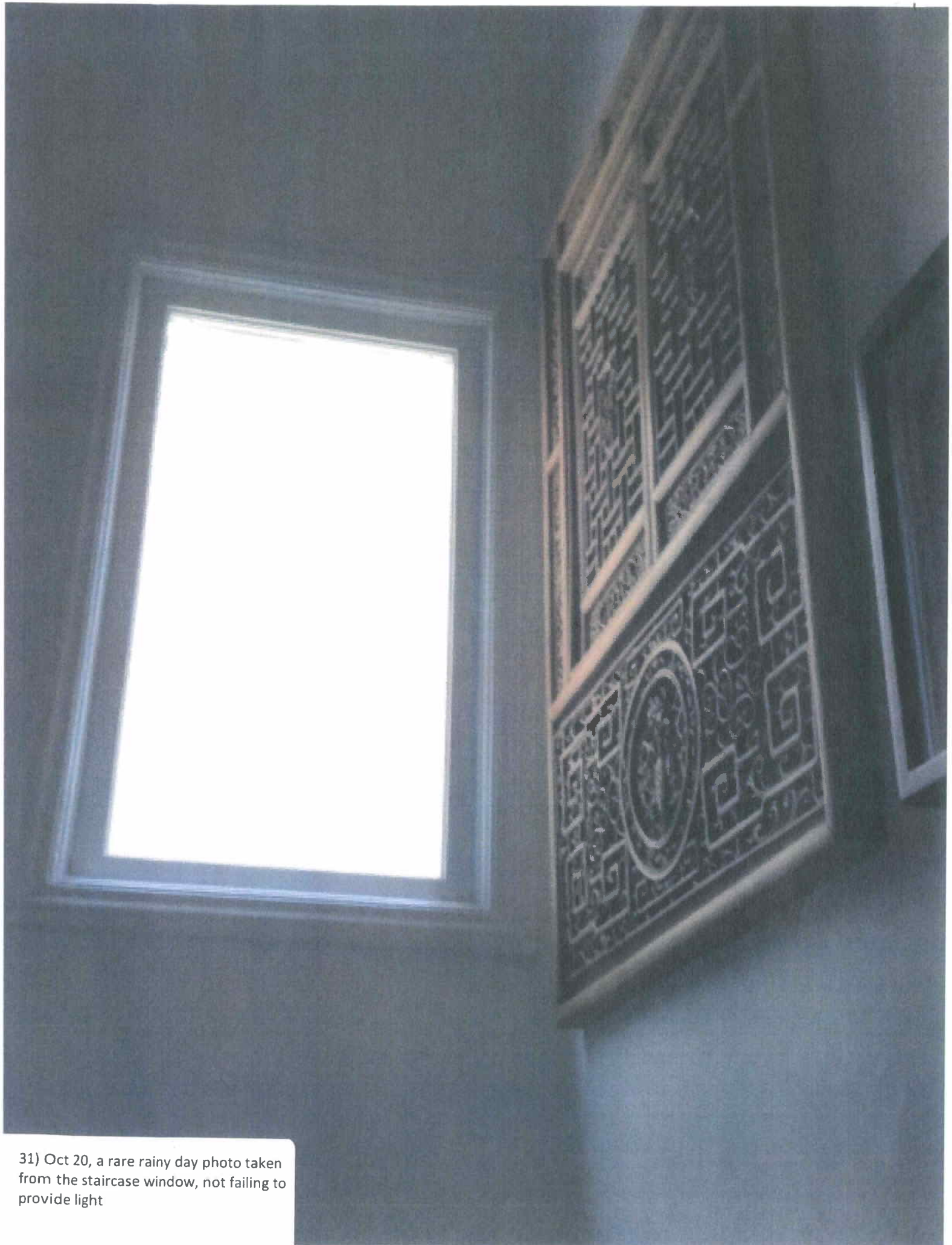


29) Nothing can replace the natural light that floods the hallway & staircase at 232 Presidio



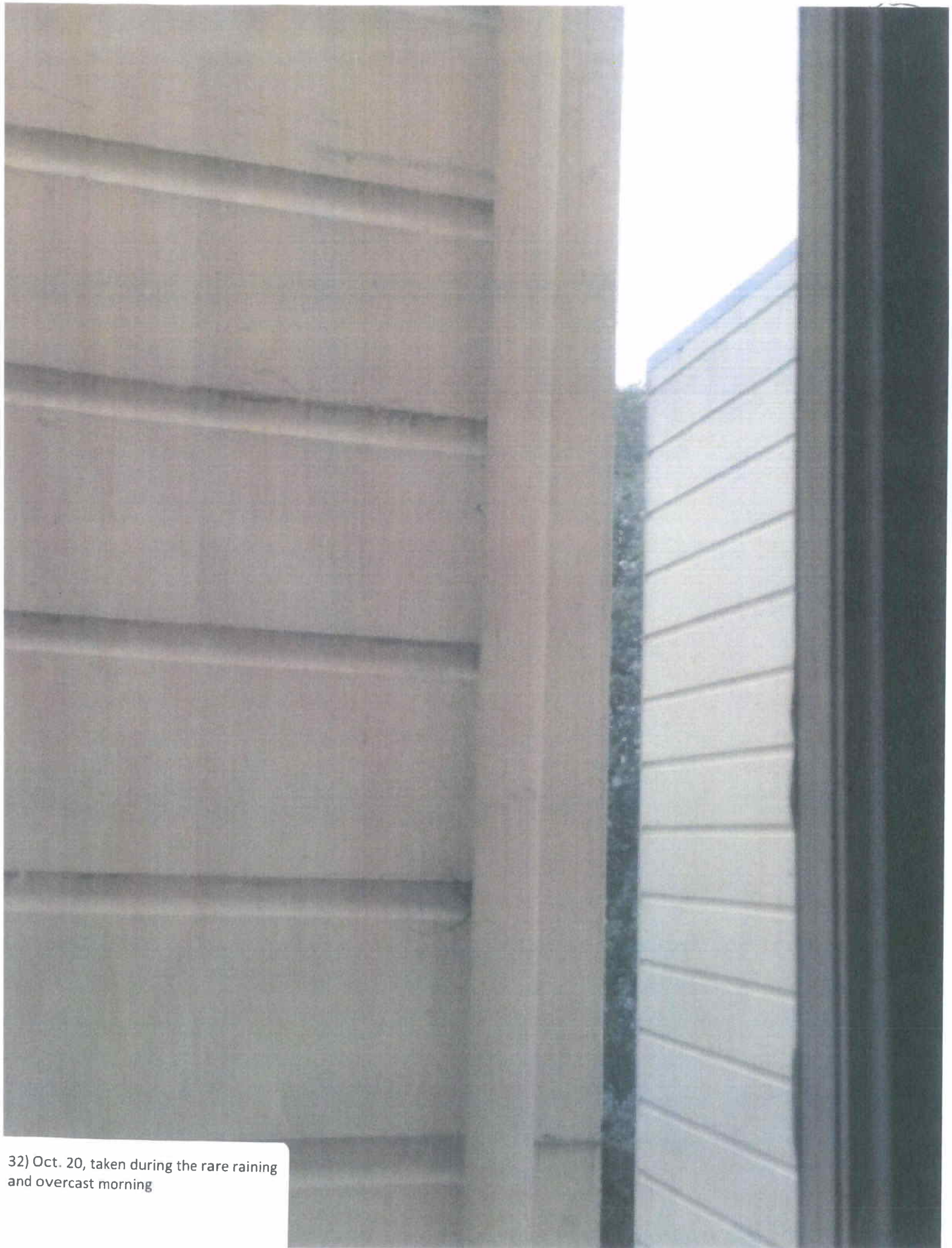
30) Light reflects from the East walls



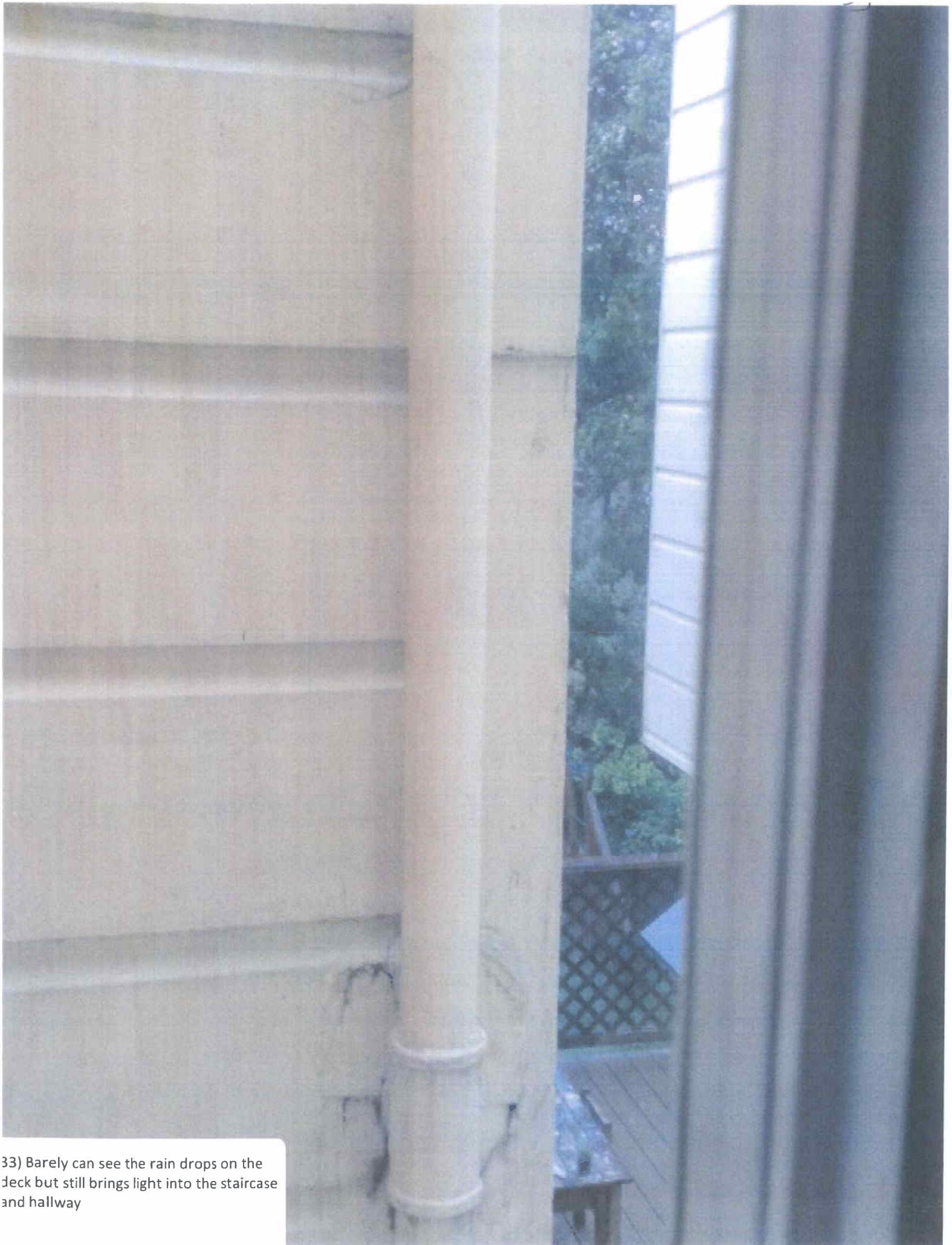


31) Oct 20, a rare rainy day photo taken from the staircase window, not failing to provide light





32) Oct. 20, taken during the rare raining and overcast morning



33) Barely can see the rain drops on the deck but still brings light into the staircase and hallway





34) 242 Presidio's deck is set back from North side property lines





242, 238 Presidio,  
this shows the  
set back of 242 Presidio  
on the north property  
line



showing rear elevation  
setback & light well  
between 242, 238 & 232  
Presidio Ave

**Before the  
San Francisco Planning Commission**

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

**238 Presidio Avenue**

**Project Sponsors:  
Janet and John Kunze**

**Building Permit Application 2014.04.24.4103**

**Hearing Date: January 22, 2015**

*Attorneys for Project Sponsors:*

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**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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	LIST OF EXHIBITS .....	5

## A. INTRODUCTION

Janet and John Kunze ("Project Sponsors") propose to alter a single family home ("Project") at 238 Presidio Avenue ("Project Site") to add a horizontal addition and a 470 square foot new upper story set in the middle of the home with both a 15 foot front setback and a 12 foot rear setback. The increase in height for this addition will be only 6 feet. The ground floor extension will be 17 feet. The second and third floors will each be set back by 5 feet from the rear façade. The Kunze and Ogden homes will continue to be separated by a 4 foot side setback on the Ogden side. The proposed addition is permitted as of right by the Planning Code.

**But for the DR Applicant's application for discretionary review, this addition would have been administratively approved. The Residential Design Team ("RDT") has reviewed and approved the proposed Project twice. Further, the RDT, Planning staff and management are presenting the DR request to the Commission as an abbreviated DR, indicating that they find the DR request to be without merit.**

## B. SITE INFORMATION

Street Address:	238 Presidio Avenue
Cross Streets:	Clay Street
Assessor's Block/Lot:	0998/014B
Zoning District:	RM-1 (Residential – Mixed, Low Density)
Height and Bulk District:	40-X
Proposed Use:	One dwelling unit (No change)
Proposed Additions:	Horizontal addition and penthouse addition of 6 feet in height, with front and rear setbacks.

## 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))<sup>1</sup> 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

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<sup>1</sup> 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."

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:

“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. NEIGHBORHOOD OUTREACH**

The Project Sponsors and the Project Architects, John Dorr and Ryann Marlowe, have conducted neighborhood outreach including several meetings. The only DR was filed by Clement and Angel Ogden, who reside at 232 Presidio Avenue. The DR application does not identify any project details that could constitute an exceptional or extraordinary circumstance. The Ogdens made no objection to the vertical addition in their letter dated October 9, 2014 (See Exhibit D Attached). Rather, their DR claims regarding access to light concern the horizontal addition.

#### **E. GOOD NEIGHBOR GESTURES**

The Project Sponsors have made the following good neighbor gestures:

- 1) Set back the vertical addition from both the front and rear of the home. The front setback makes the penthouse only minimally visible from the street.
- 2) Preserved the front façade of the home in entirety.
- 3) Included a lightwell matching that of the Ogdens home at 232 Presidio Avenue.
- 4) Changed the deck railing to fire-rated glass in a metal frame.



- 5) The railing has been set back 3 feet from the property line shared with the Ogdens.
- 6) The horizontal addition will bring the Project Sponsor's home a rear depth that is not greater than that of the Ogdens' home. (See plans and 3D renderings attached as Exhibit A).

**F. 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. The vertical addition has been limited to four feet below that height. 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 livable space at the top and the rear.

The proposed Project meets the standards of the Residential Design Guidelines. There are no changes to the front of the property. The changes to the rear will unify the design and significantly improve the structure and look of the house. Nothing in the proposed Project is extraordinary or has an extraordinary impact on anyone.

In his October 15, 2014 email correspondence to the Project Sponsors (Exhibit E), the DR Applicant baldly stated that the Project Sponsors are a "burden," and are "neighbors who are not really suited to this neighborhood." He suggested the Project Sponsors "Please consider relocating. We'll all come out better for it ...". This attitude, in marked contrast to the many neighbors who appreciate the presence of the Project Sponsors and their family, and who support this project, has made negotiating difficult.

The DR Applicant asserts that the Project does not meet the Residential Design Guidelines with regard to access to light. In fact, the proposed addition will bring the Project Sponsor's home to approximately the same depth as the Ogden adjacent home. There is nothing out of scale or uncharacteristically deep about the proposed Project, and there is no material impact to the DR Applicant. Further, the Project Sponsors have revised the design to set back a roof deck railing from the DR Applicant's property line, and to construct the railing out of fire-rated glass, to minimize further any minor impacts.

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 related to any building or alteration project. Any effects to neighbors would be ordinary and acceptable in an urban environment.

**G. LETTERS OF SUPPORT FROM NEIGHBORS**

Attached as Exhibit C are letters of support for the Project from neighbors Christopher Gross and Stefanie Rosenberg at 242 Presidio Avenue, Carolyn Geubelle and Jay Grant at 3252

Clay Street, Anne Bush at 1931 Lyon Street, Heather Hillard at 24 Presidio Avenue and former owners at 224 Presidio Avenue, Hiedeh and Michael Saghi.

#### **H. CONCLUSION**

The Project Sponsors' 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 their family. But for the application for discretionary review, the Project would have been approved administratively. No variances or Code exceptions are requested. 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. Accordingly, the Project Sponsors respectfully request that the Planning Commission deny the request for discretionary review.

Respectfully Submitted,

REUBEN, JUNIUS & ROSE, LLP

Dated: January 7, 2015

By:   
David Silverman, Attorneys for Project Sponsors  
Janet and John Kunze

Exhibit List

- A. Project Plans and 3D Renderings.
- B. Photographs of Existing Structure.
- C. Letters of Support from Neighbors:  
  
Christopher Gross and Stefanie Rosenberg at 242 Presidio Avenue;  
  
Carolyn Geubelle and Jay Grant at 3252 Clay Street;  
  
Anne Bush at 1931 Lyon Street; and  
  
Heather Hillard at 24 Presidio Avenue  
  
Hiedeh and Michael Saghi former owners at 224 Presidio
- D. Letter from Ogdens (DR Applicant) dated October 9, 2014.
- E. Email from Ogdens (DR Applicant) dated October 15, 2014.



# A RESIDENTIAL REMODEL

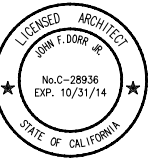
## for the

# KUNZE FAMILY



ARCHITECTS

1007 A Street San Rafael, CA 94901 phone: 415.453.8214 fax: 415.453.8279



## ABBREVIATIONS

•	At	MET.	Metal
•	Centerline	MFR.	Manufacturer
•	Diameter or Round	MIN.	Minimum
A.D.	Area Drain	MIR.	Mirror
ADJ.	Adjustable	MISC.	Miscellaneous
A.F.F.	Above Finish Floor	N	North
APPROX.	Approximate	(N)	New
ARCH.	Architectural	N/C.	Not in Contract
ASPH.	Asphalt	NO.	Number
		NOM.	Nominal
BLDG.	Building	N.T.S.	Not To Scale
BLKG.	Blocking	OBSC.	Obscure
BM.	Beam	O.C.	On Center
BOT.	Bottom	O.H.	Overhang
CAB.	Cabinet	OPNG.	Opening
CEM.	Cement	OPP.	Opposite
CER.	Ceramic		
CLG.	Ceiling	PL.	Plate
CLKG.	Caulking	PLAH.	Plastic Laminate
CL.	Closet	PLAS.	Plaster
CLR.	Clear	PLY.	Plywood
COL.	Column	PR.	Pair
CONC.	Concrete	PT.	Point
CONN.	Connection	P.T.D.F.	Pressure Treated
CONSTR.	Construction		
CONT.	Continuous	(R)	Relocated
CTSK.	Countersunk	R.	Rise, Riser
CTR.	Center	R.A.	Return Air
		REF.	Refrigerator
D.	Dryer	REG.	Register
DBL.	Double	REINF.	Reinforced
DEPT.	Department	REG.	Resilient
DET.	Detail	RM.	Room
D.F.	Douglas Fir	R.O.	Rough Opening
DIA.	Diameter	RND.	Redwood
DIM.	Dimension		
DISP.	Disposal	S	South
DN.	Down	S.C.	Solid Core
DR.	Door	SCHED.	Schedule
D.S.	Downspout	S.D.	Smoke Detector
D.W.	Dishwasher	SECT.	Section
DWG.	Drawing	SH.	Shelf
DNR.	Drainer	SHLP.	Shelf & Pole
		SHR.	Shower
E	East	SHT.	Sheet
(E)	Existing	SIM.	Similar
EA.	Each	SPEC.	Specification
EL.	Elevation	SQ.	Square
ELEC.	Electrical	S.S.D.	See Structural Drawings
EQ.	Equal	STD.	Standard
EXT.	Exterior	STL.	Steel
		STOR.	Storage
F.D.	Floor Drain	STRUC.	Structural
FDN.	Foundation	SUSP.	Suspended
F.E.	Fire Escape	SYM.	Symmetrical
FIN.	Finish		
FL.	Floor	T.	Tread
FLASH.	Flashing	T.B.	Towel Bar
F.O.F.	Face of Finish	T.B.D.	To Be Determined
F.O.S.	Face of Stud	T.C.	Top of Curb
FT.	Feet	TEMP.	Tempered
FTG.	Footing	T&G	Tongue & Groove
GA.	Gauge	THK.	Thick
GALV.	Galvanized	T.O.M.	Top of Malt
GL.	Glass	T.P.H.	Toilet Paper Holder
GR.	Grade	T.V.	Television
GYP.BD.	Gypsum Board	TYP.	Typical
		U.O.N.	Unless Otherwise
H.	High	Noted	
H.B.	Hose Bibb	V.	Vent
HDR.	Header	VERT.	Vertical
HORIZ.	Horizontal	V.I.F.	Verify in Field
HGT.	Height		
		W	West
I.D.	Inside Diameter	W.	Washing Machine
INSUL.	Insulation	W.	With
INT.	Interior	W.C.	Water Closet
KIT.	Kitchen	W.	Wood
		WDM.	Window
LAND.	Landscape	W/O	Without
LAV.	Lavatory	W.P.	Waterproof
LT.	Light	W.R.	Water Resistant
MAX.	Maximum	YD.	Yard
M.C.	Medicine Cabinet		
MECH.	Mechanical		
MEMB.	Membrane		

## SYMBOLS / LEGEND

	(E) WALL TO REMAIN
	(N) EXTERIOR WALL
	(N) INTERIOR WALL
	DOOR SYMBOL
	WINDOW SYMBOL
	SKYLIGHT SYMBOL
	CEILING WINDOW SYMBOL
	GRID OR REFERENCE LINE
	BUILDING OR WALL SECTION NO. SHEET NO. (Arrow shows direction of section)
	DETAIL NO. SHEET NO. (Flag shows direction of cut)
	ELEVATION NO. SHEET NO. (Arrow shows direction of elevation)
	ROOM NO. INTERIOR ELEVATION SHEET NO.
	LEVEL LINE, CONTROL POINT, DATUM
	SPOT ELEVATION (New)
	SPOT ELEVATION (Existing)
	PROPERTY LINE

## DIRECTORY

PROJECT LOCATION  
238 PRESIDIO AVE.  
SAN FRANCISCO, CA 94118

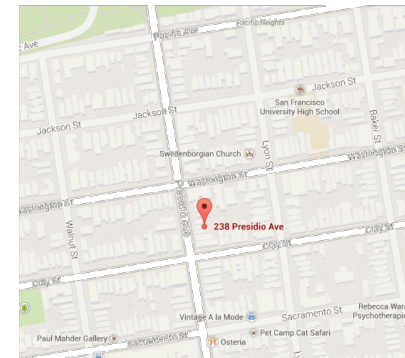
PROPERTY OWNER/APPLICANT  
JANET & JOHN KUNZE  
238 PRESIDIO AVE.  
SAN FRANCISCO, CA 94118

CONTRACTOR  
T.B.D.

ARCHITECT  
DOMA ARCHITECTS, INC.  
JOHN DORR, RYANN MARLOWE  
1007 A STREET  
SAN RAFAEL, CA 94901

OFFICE: (415) 453-8214  
FAX: (415) 453-8279

## VICINITY/LOCATION MAP



## PLANNING / BUILDING INFO.

BLOCK AND LOT NUMBER:	04180-14B
LOT SIZE:	22.50' x 100.00' = 2,250 SQ. FT.
ZONING:	RM-1
CONSTRUCTION TYPE:	V (HOOD FRAME)
HEIGHT:	MAX. 40'-0"
EXISTING BLDG. AREA	GARAGE LEVEL: 790 SQ. FT.
	LIVING LEVEL: 866 SQ. FT.
	BEDROOM LEVEL: 951 SQ. FT.
	TOTAL: 2,607 SQ. FT.
PROPOSED BLDG. AREA	GARAGE LEVEL: 1,263 SQ. FT.
	LIVING LEVEL: 1,076 SQ. FT.
	BEDROOM LEVEL: 1,043 SQ. FT.
	(N) VIEW RM. LEVEL: 470 SQ. FT.
	TOTAL: 3,852 SQ. FT.
	(4,045 SQ. FT. PERMITTED)
EXISTING BLDG. HT.	32'-3"
PROPOSED BLDG. HT.	38'-2" (40'-0" PERMITTED)

## DESCRIPTION OF WORK

REMODEL EXISTING SINGLE FAMILY RESIDENCE, RECONFIGURE INTERIOR WALLS AT ALL LEVELS, ADD FOURTH FLOOR, ONE AND TWO STORY REAR ADDITION

## DRAWING INDEX

ARCHITECTURAL	SCALE
C1.0 COVER SHEET	NTS
	1/8"=1'-0"
EX1.0 EXISTING SITE PLAN	1/8"=1'-0"
EX1.1 EXISTING GARAGE & LIVING LEVEL PLANS	1/4"=1'-0"
EX1.2 EXISTING BEDROOM & ROOF PLANS	1/4"=1'-0"
EX1.3 EXISTING NORTH & WEST ELEVATIONS	1/4"=1'-0"
EX1.4 EXISTING SOUTH & EAST ELEVATIONS	1/4"=1'-0"
EX1.5 EXISTING BUILDING SECTION	3/8"=1'-0"
A2.0 PROPOSED SITE PLAN	1/4"=1'-0"
A2.1 PROPOSED GARAGE & LIVING LEVEL PLAN	1/4"=1'-0"
A2.2 PROPOSED BEDROOM & VIEW ROOM LEVEL PLAN	1/4"=1'-0"
A2.3 PROPOSED ROOF PLAN	1/4"=1'-0"
A3.0 PROPOSED NORTH & WEST ELEVATIONS	1/4"=1'-0"
A3.1 PROPOSED SOUTH & EAST ELEVATIONS	1/4"=1'-0"
A3.2 PROPOSED BUILDING SECTION	3/8"=1'-0"

## Issue Record

Issue Record	Date
Site Permit	04.23.14
Revision	07.30.14

## Project

A Residential Remodel for  
Janet & John  
Kunze  
238 Presidio Avenue  
San Francisco, CA

APN 03980-14B

Drawing Title

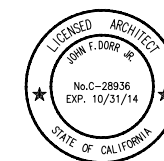
Cover Sheet

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Number 01001	
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Issue Record	Date
Site Permit	04.23.14
Revision	07.30.14

Project

A Residential Remodel for  
Janet & John  
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238 Presidio Avenue  
San Francisco, CA

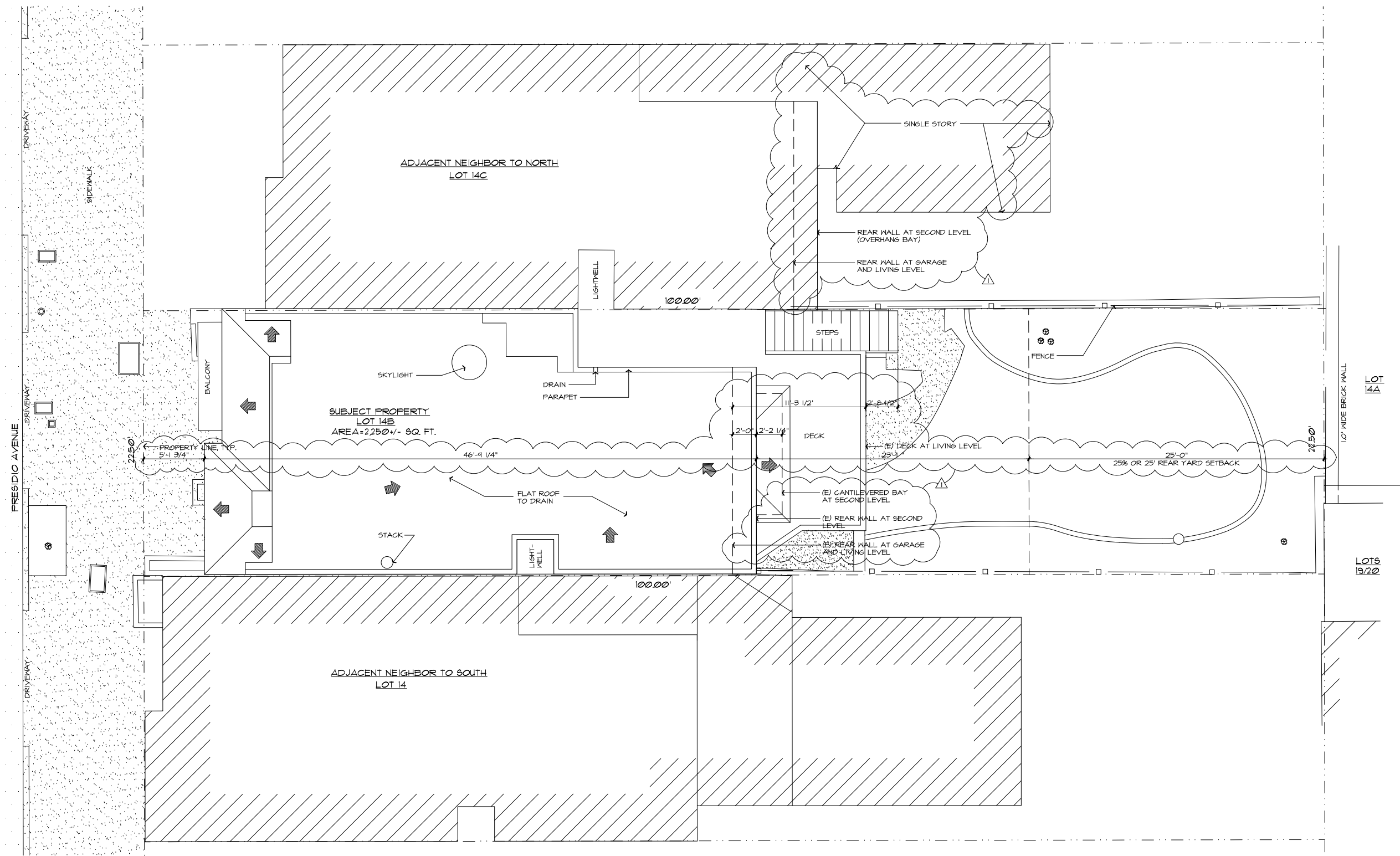
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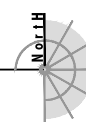
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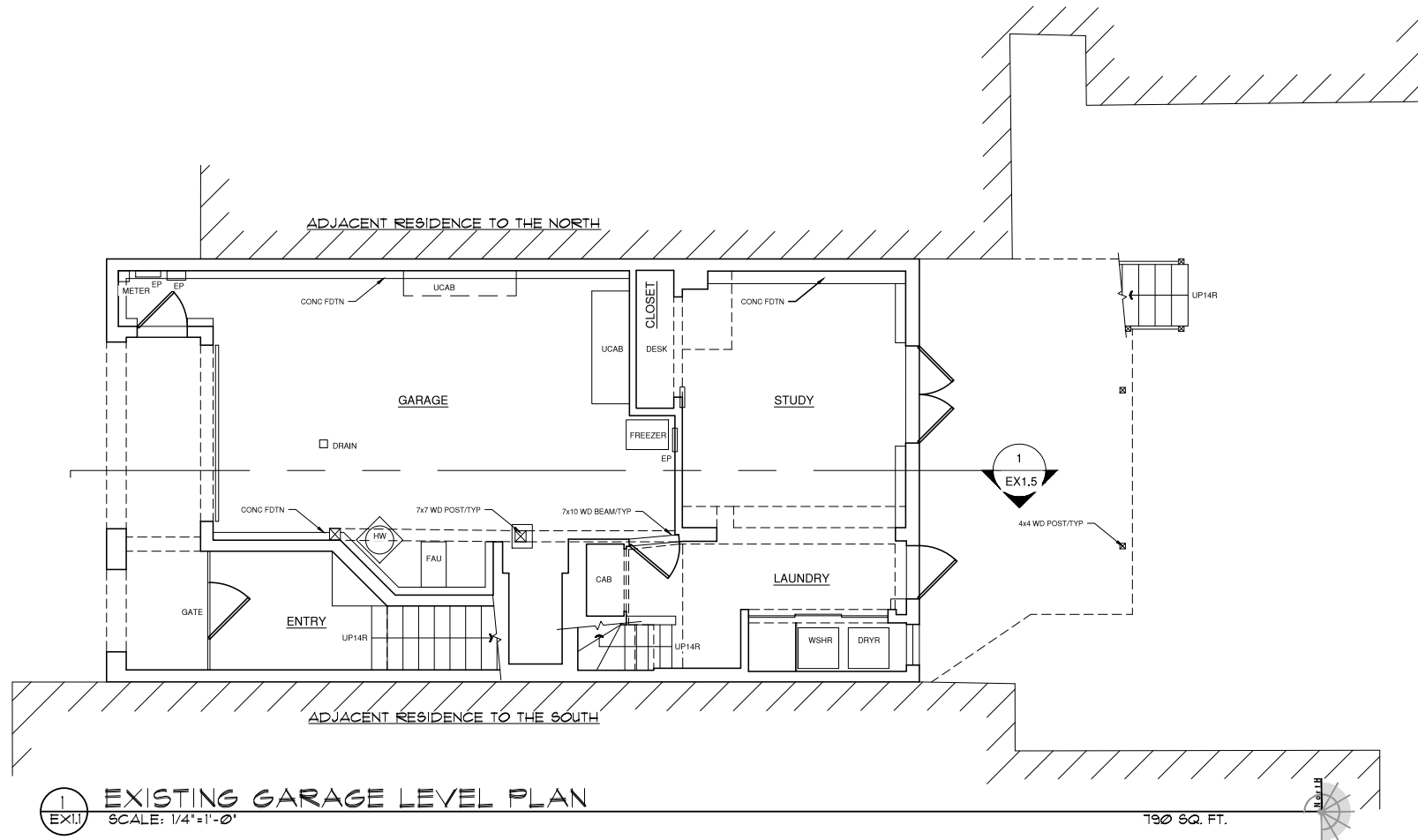
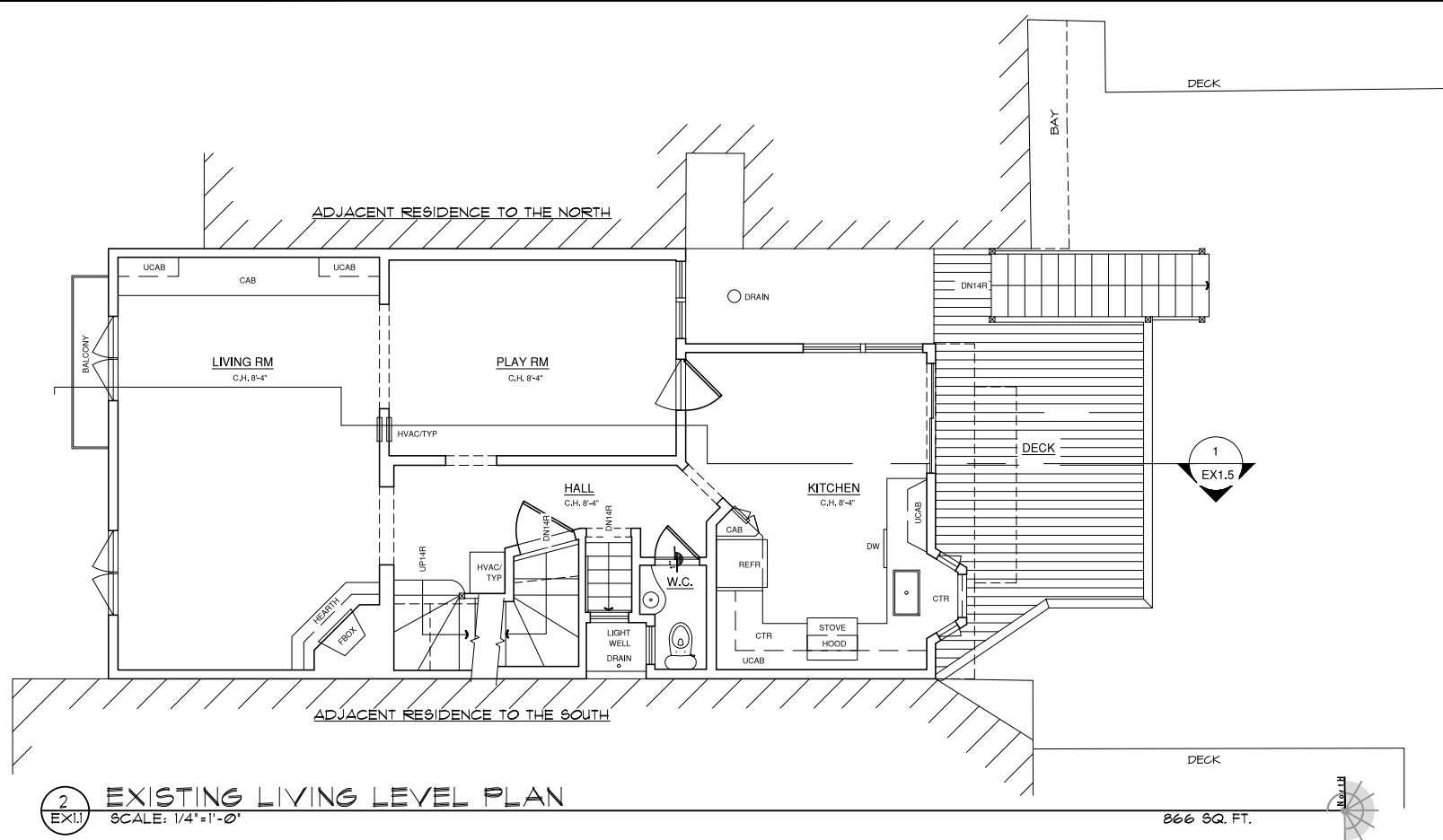
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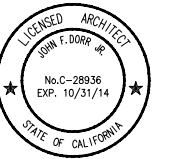
1 EXISTING SITE/ROOF PLAN  
EX.10 SCALE: 1/4" = 1'-0"





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**Project**

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Janet & John  
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APN 09980-14B

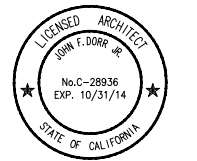
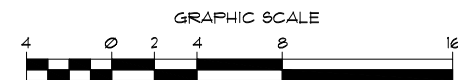
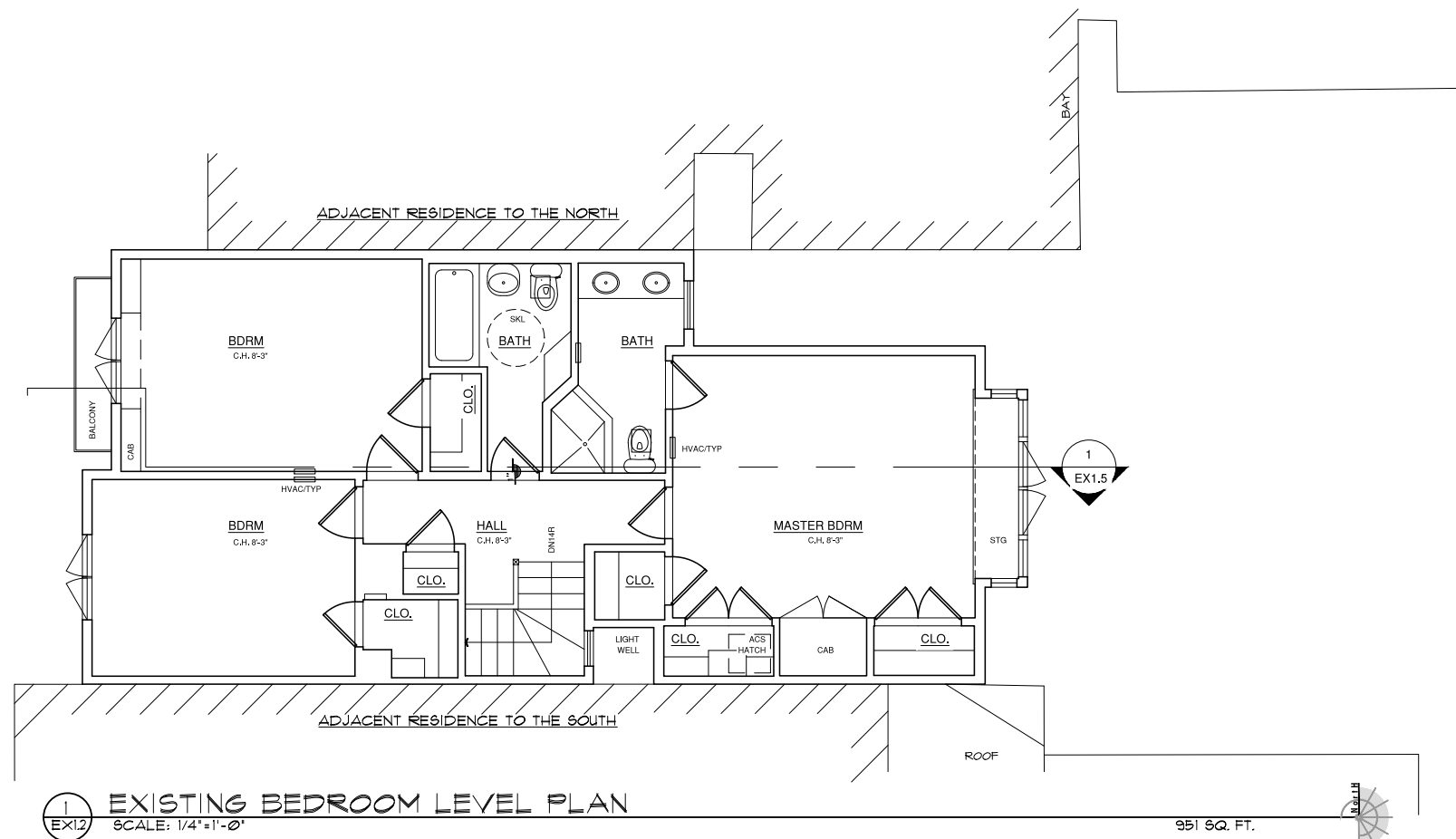
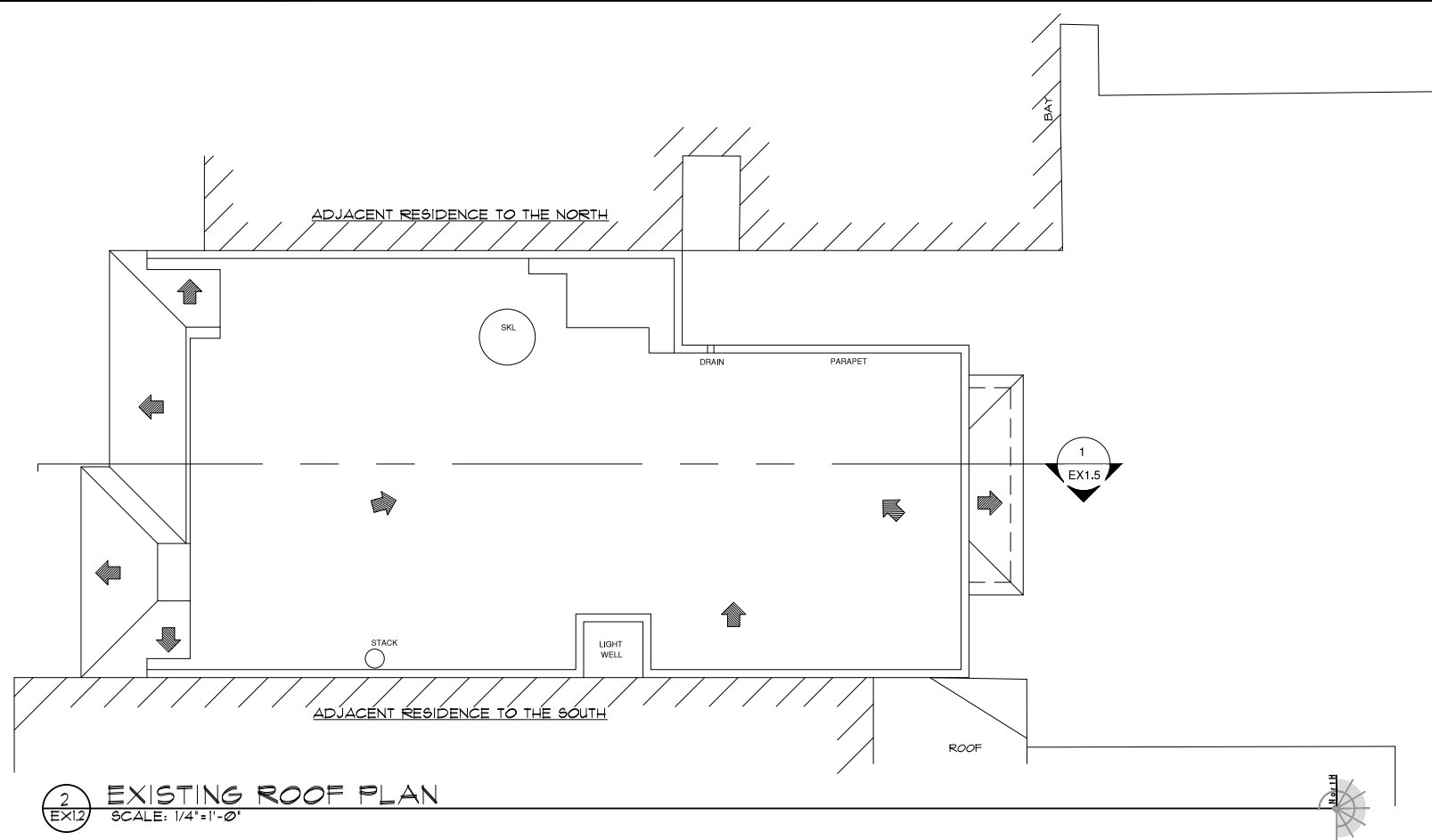
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Existing  
Garage & Living  
Level Plans

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Issue Record	Date
Site Permit	04.23.14

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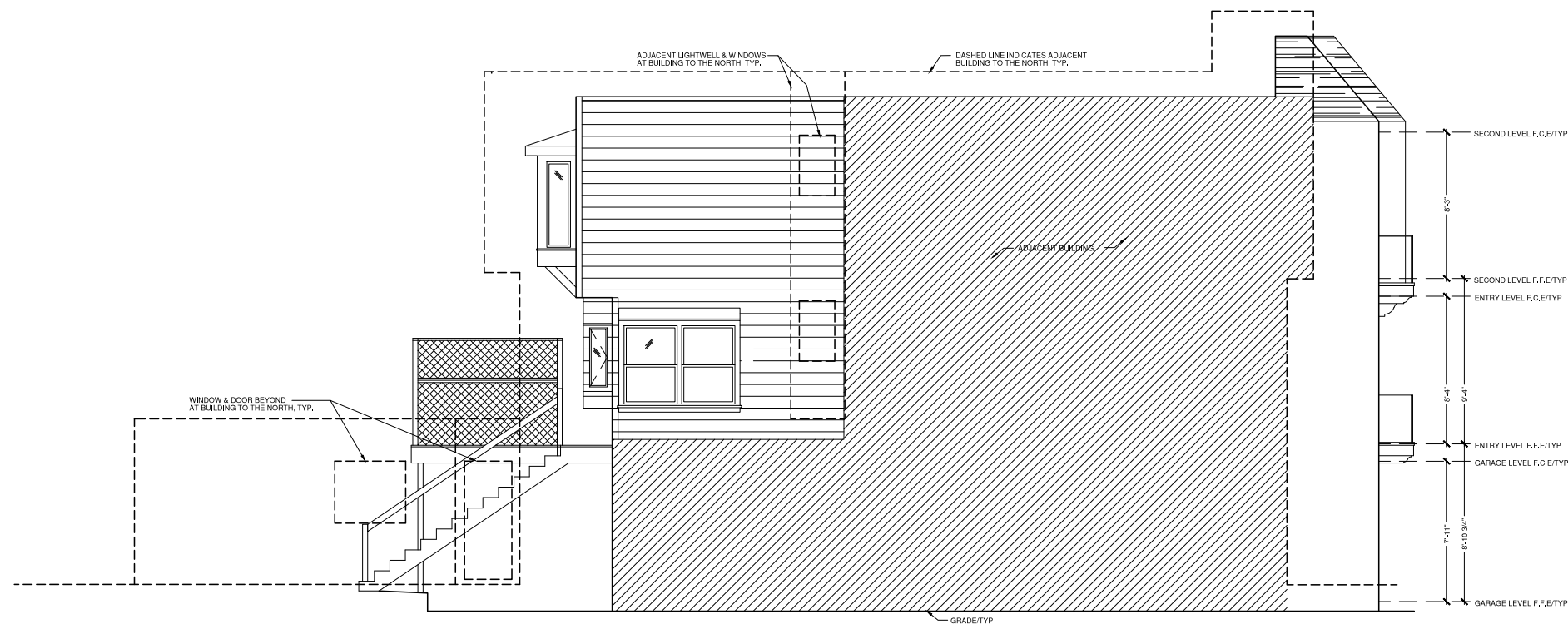
A Residential Remodel for  
Janet & John  
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238 Presidio Avenue  
San Francisco, CA

APN 09980-14B

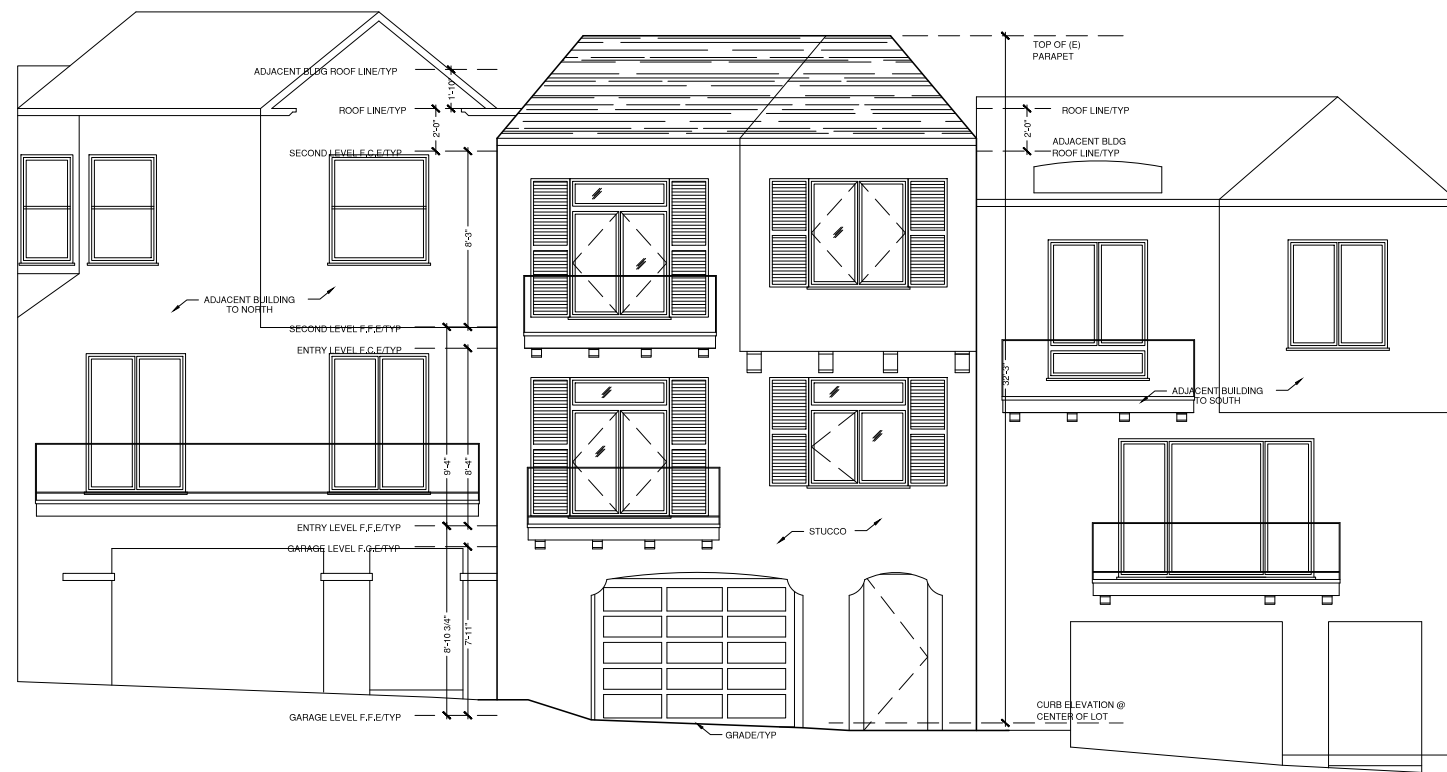
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Existing  
Bedroom &  
Roof Plans

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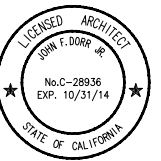


2 EXI.3  
SCALE: 1/4"=1'-0"



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#### Project

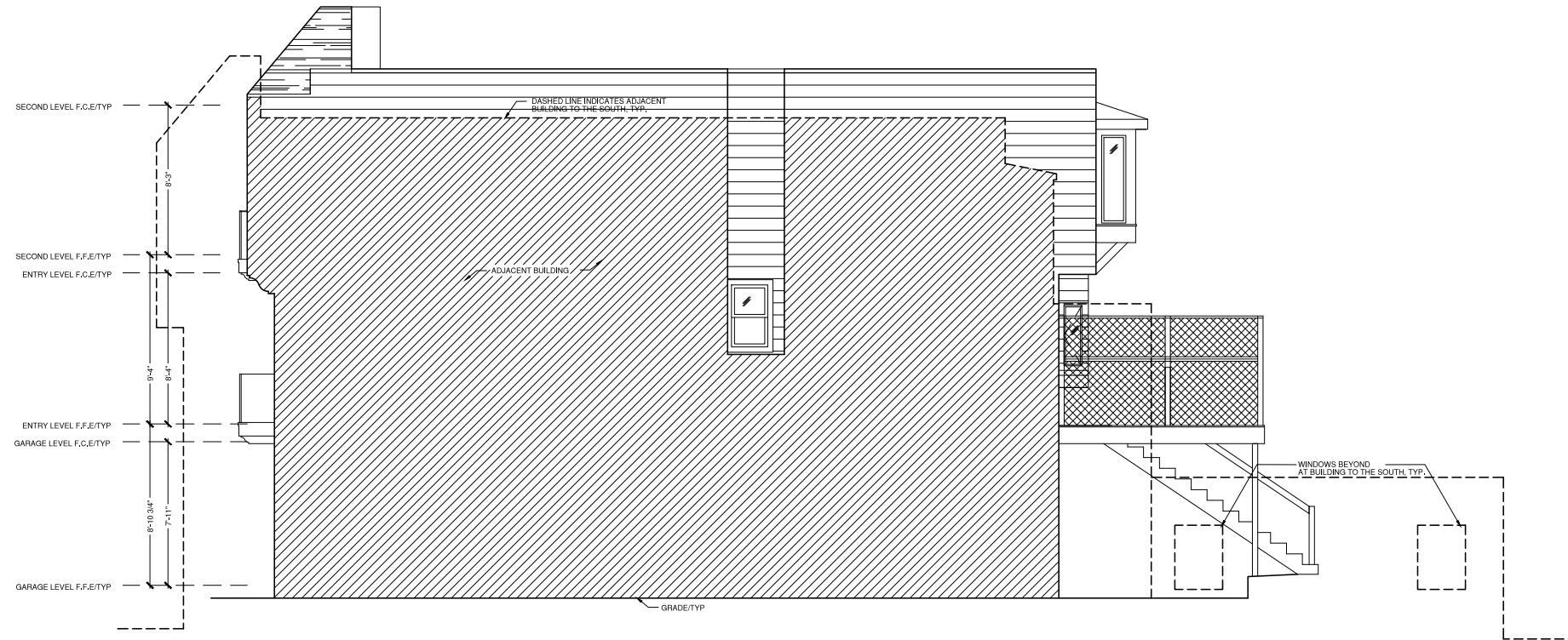
A Residential Remodel for  
Janet & John  
Kunze  
238 Presidio Avenue  
San Francisco, CA

APN 09980-14B

#### Drawing Title

Existing  
North & West  
Exterior Elevations

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1 EX1.4 EXISTING SOUTH ELEVATION  
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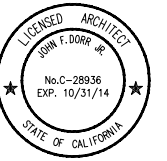


2 EX1.4 EXISTING EAST ELEVATION  
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#### Project

A Residential Remodel for  
Janet & John  
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238 Presidio Avenue  
San Francisco, CA

APN 09980-14B

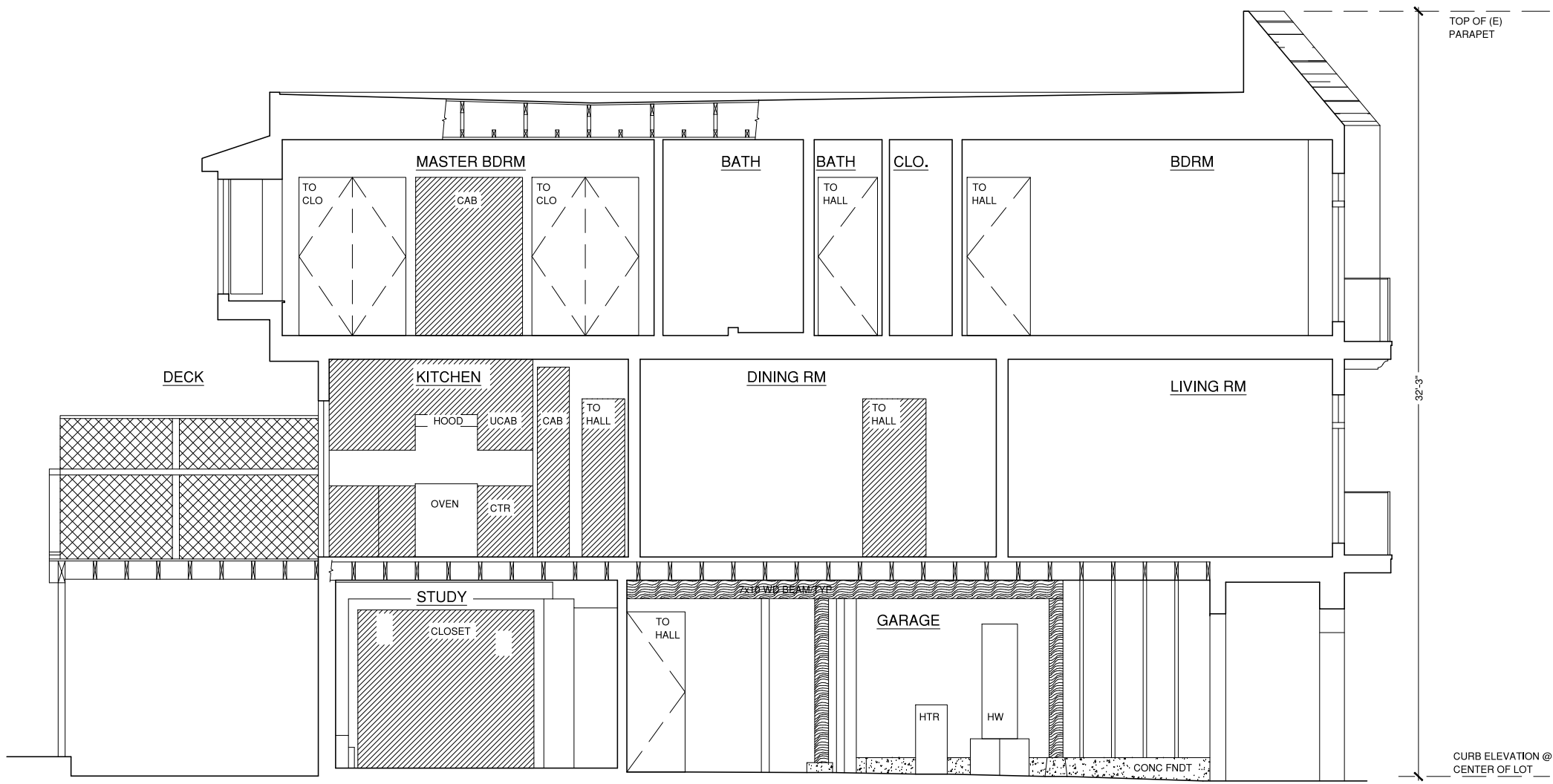
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Existing  
South & East  
Exterior Elevations

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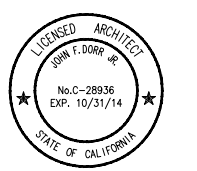
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EX1.5

EXISTING BUILDING SECTION  
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San Rafael, CA 94901 fax: 415.453.8279



Issue Record Date

Site Permit 04.23.14

Project

A Residential Remodel for  
Janet & John  
Kunze  
238 Presidio Avenue  
San Francisco, CA

APN 09980-14B

Drawing Title

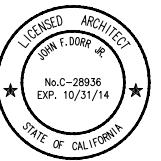
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Building Section

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Issue Record

Issue Record	Date
Site Permit	04.23.14
Revision	07.30.14
Revision	12.19.14

Project

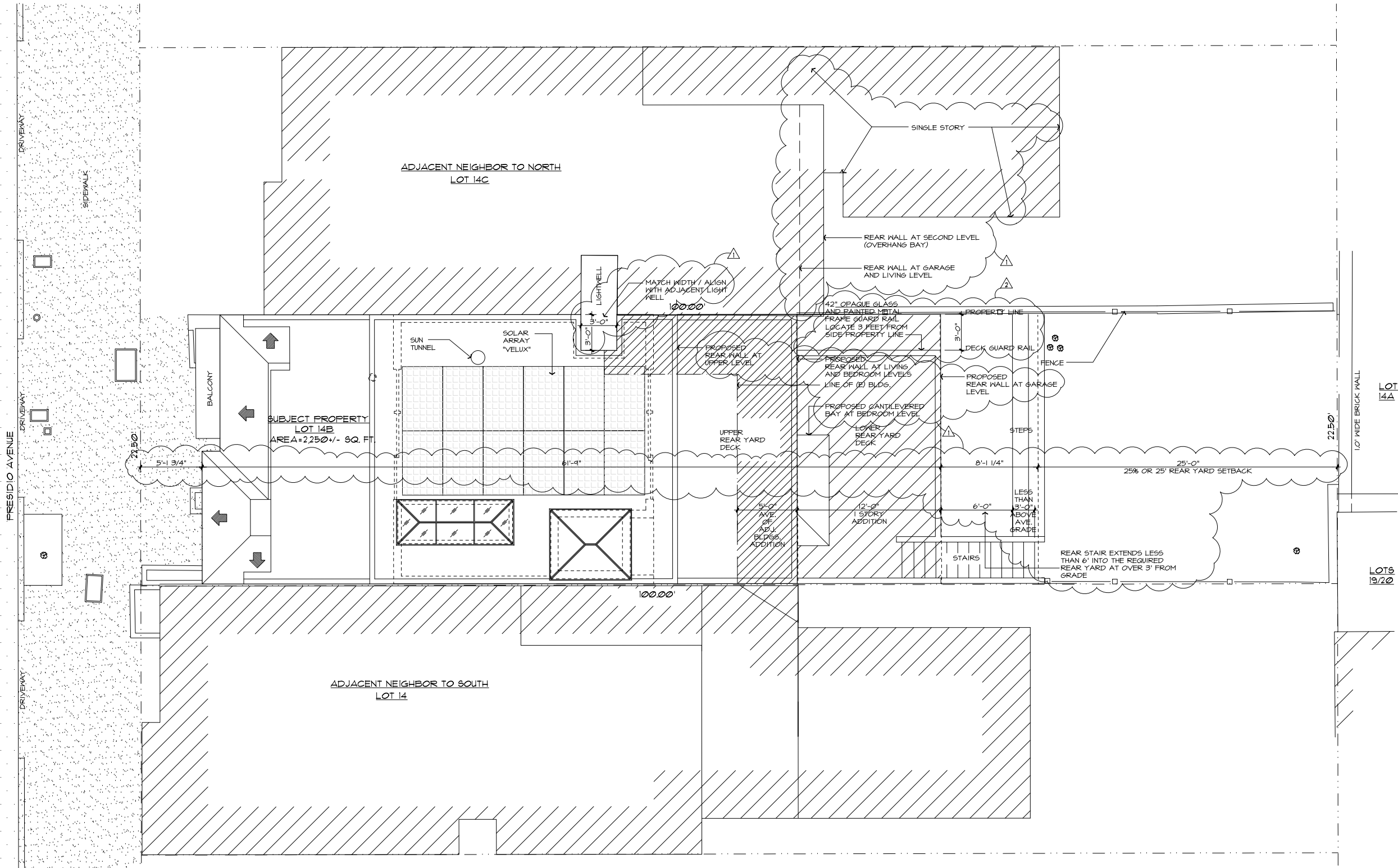
A Residential Remodel for  
Janet & John  
Kunze  
238 Presidio Avenue  
San Francisco, CA

APN #09980-14B

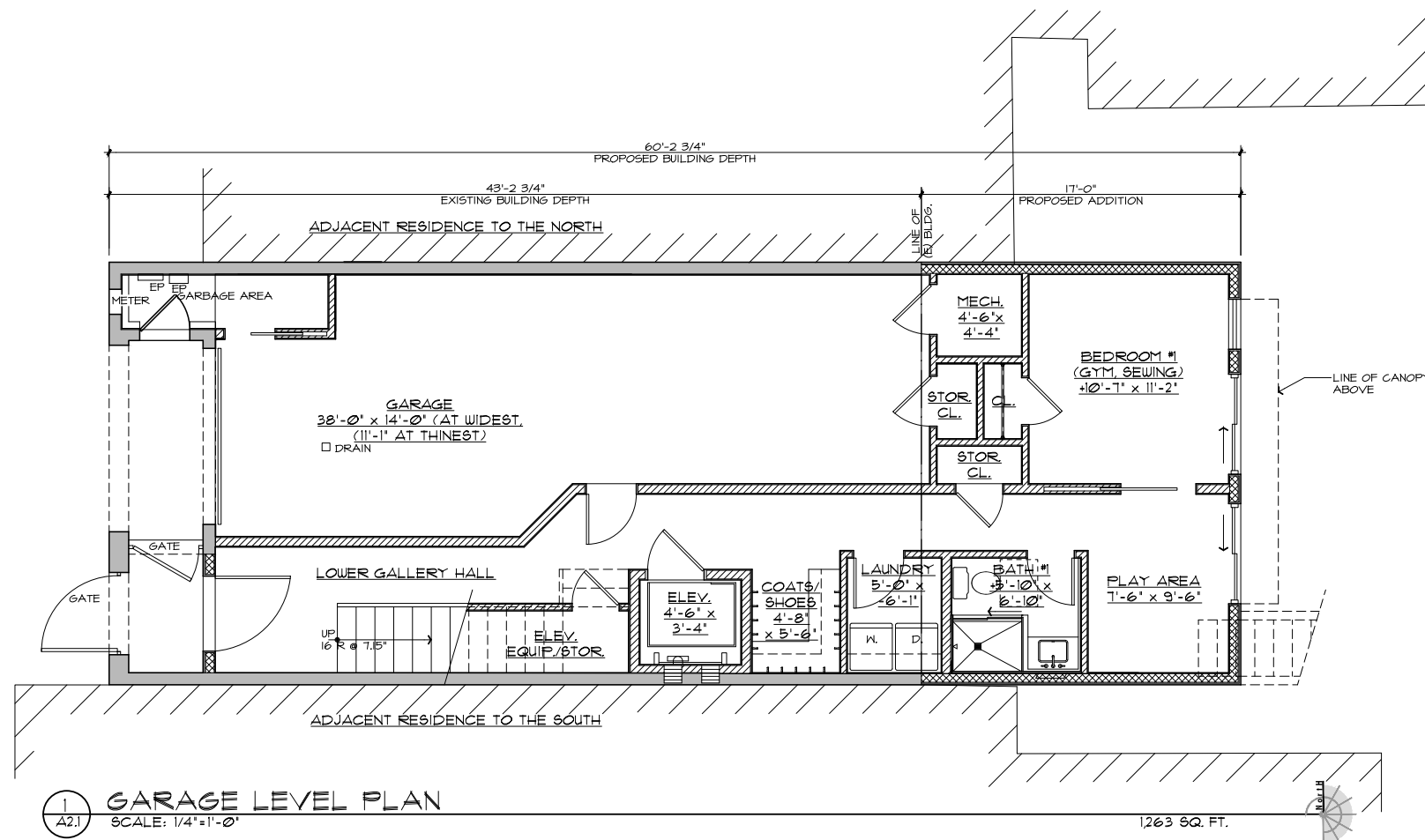
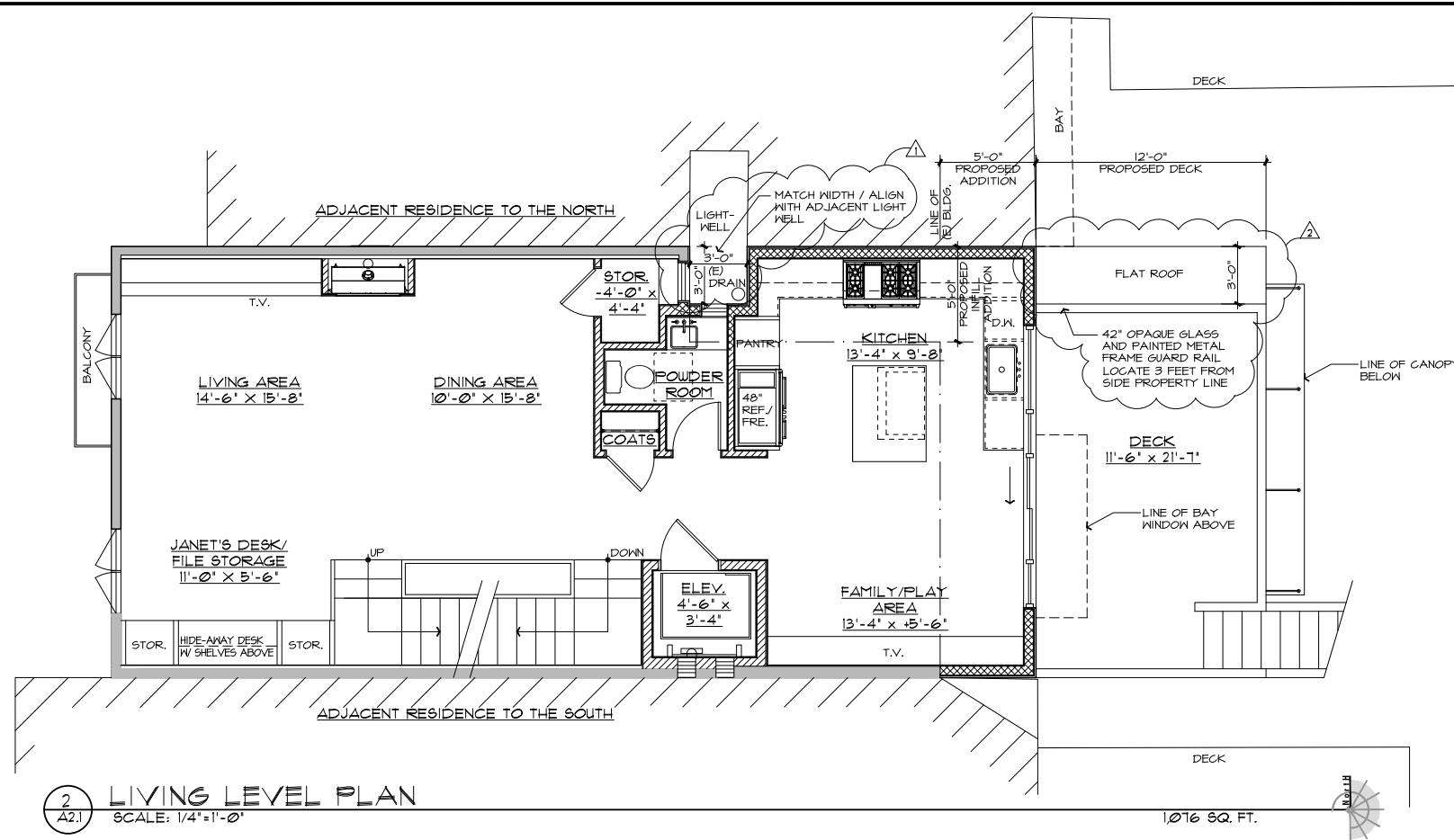
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Proposed  
Site Plan

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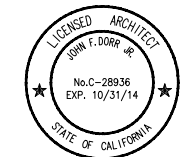


1  
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PROPOSED SITE/ROOF PLAN  
SCALE: 1/4"=1'-0"



ARCHITECTS

1007 A Street San Rafael, CA 94901 phone: 415.453.8214 fax: 415.453.8279



Issue Record	Date
Site Permit	04.23.14
Revision	07.30.14
Revision	12.19.14

Project

A Residential Remodel for  
Janet & John  
Kunze  
238 Presidio Avenue  
San Francisco, CA

APN #09980-14B

Drawing Title

Proposed  
Garage & Living  
Level Plan

Scale 1/4"=1'-0"	Sheet A2.1
Drawn JDR/M	
Number 01001	
Copyright 2014 DomA Architects, Inc.	

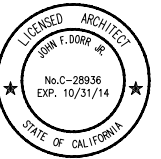






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1007 A Street phone: 415.453.8214  
San Rafael, CA 94901 fax: 415.453.8279



Issue Record Date

Site Permit 04.23.14

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Revision 12.19.14

Project

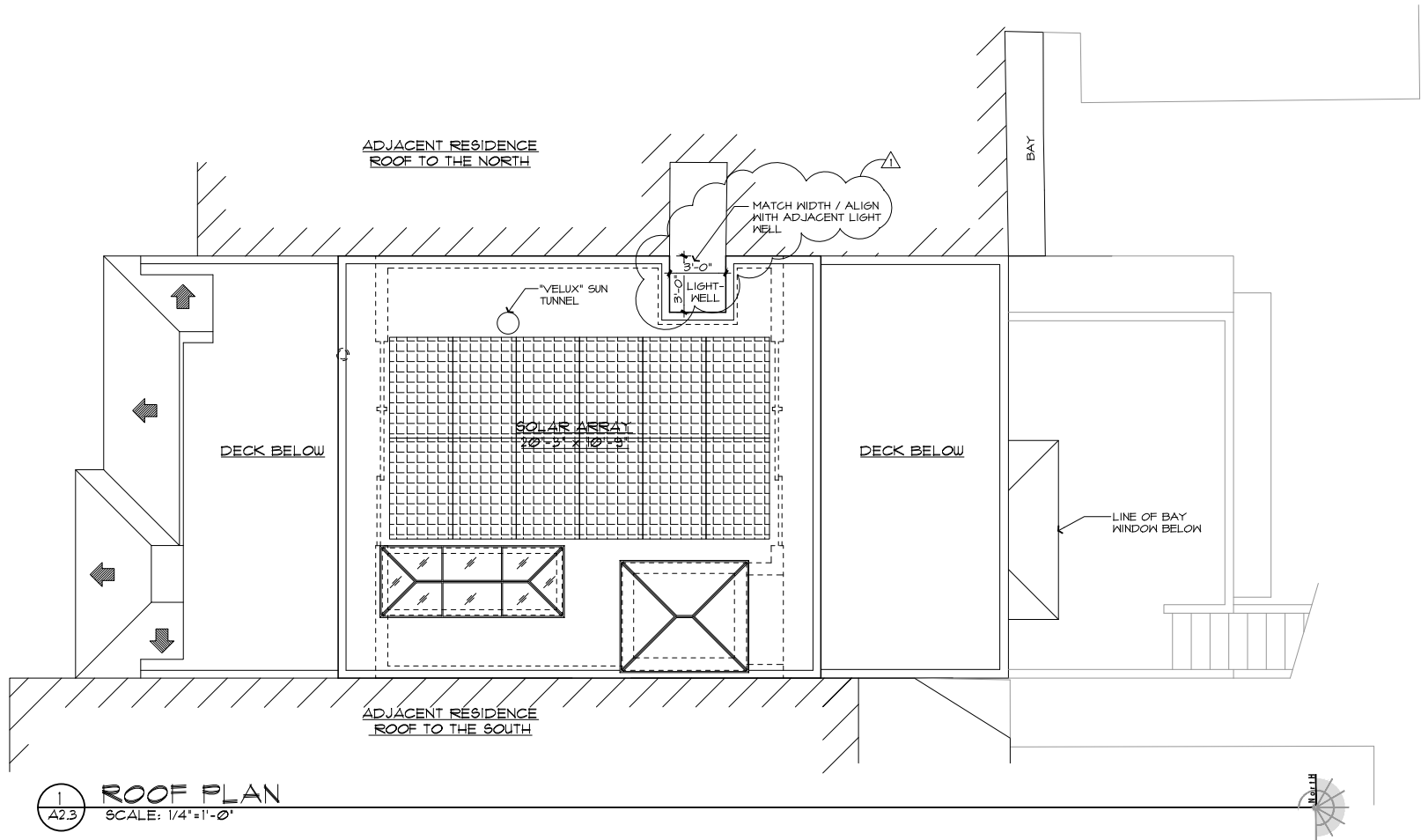
A Residential Remodel for  
Janet & John  
Kunze  
238 Presidio Avenue  
San Francisco, CA

APN #09980-14B

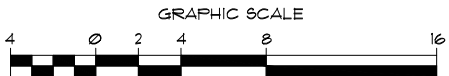
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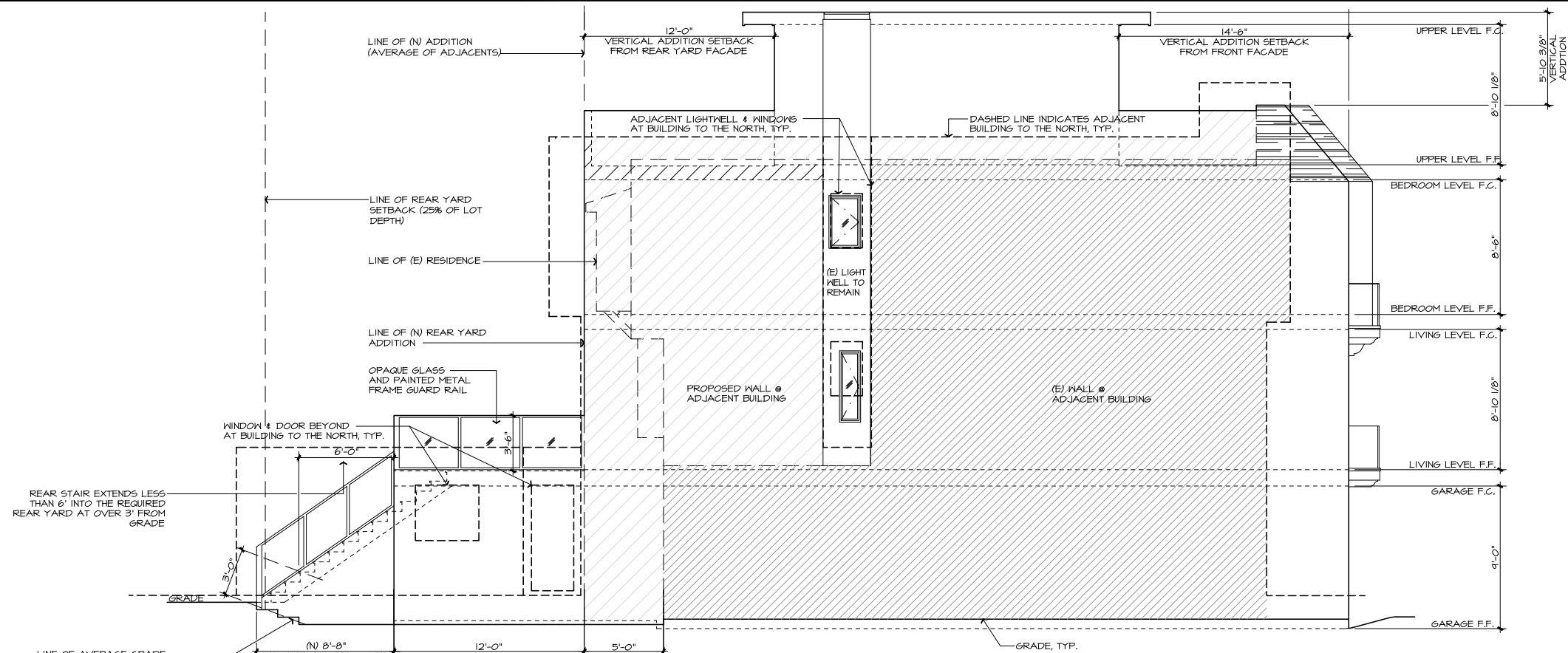
Proposed  
Roof Plan

Scale 1/4" = 1'-0"	Sheet
Drawn JD/RM	A2.3
Number 0001	
Copyright 2014 DomA Architects, Inc	



1 ROOF PLAN  
A2.3 SCALE: 1/4" = 1'-0"





1  
A3.0  
PROPOSED NORTH ELEVATION  
SCALE: 1/4"=1'-0"

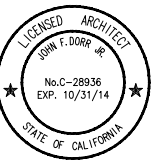


2  
A3.0  
PROPOSED WEST ELEVATION  
SCALE: 1/4"=1'-0"



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San Rafael, CA 94901  
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fax: 415.453.8279



Issue Record	Date
Site Permit	04.23.14
Revision	07.30.14
Revision	12.19.14

Project

A Residential Remodel for  
Janet & John  
Kunze  
238 Presidio Avenue  
San Francisco, CA

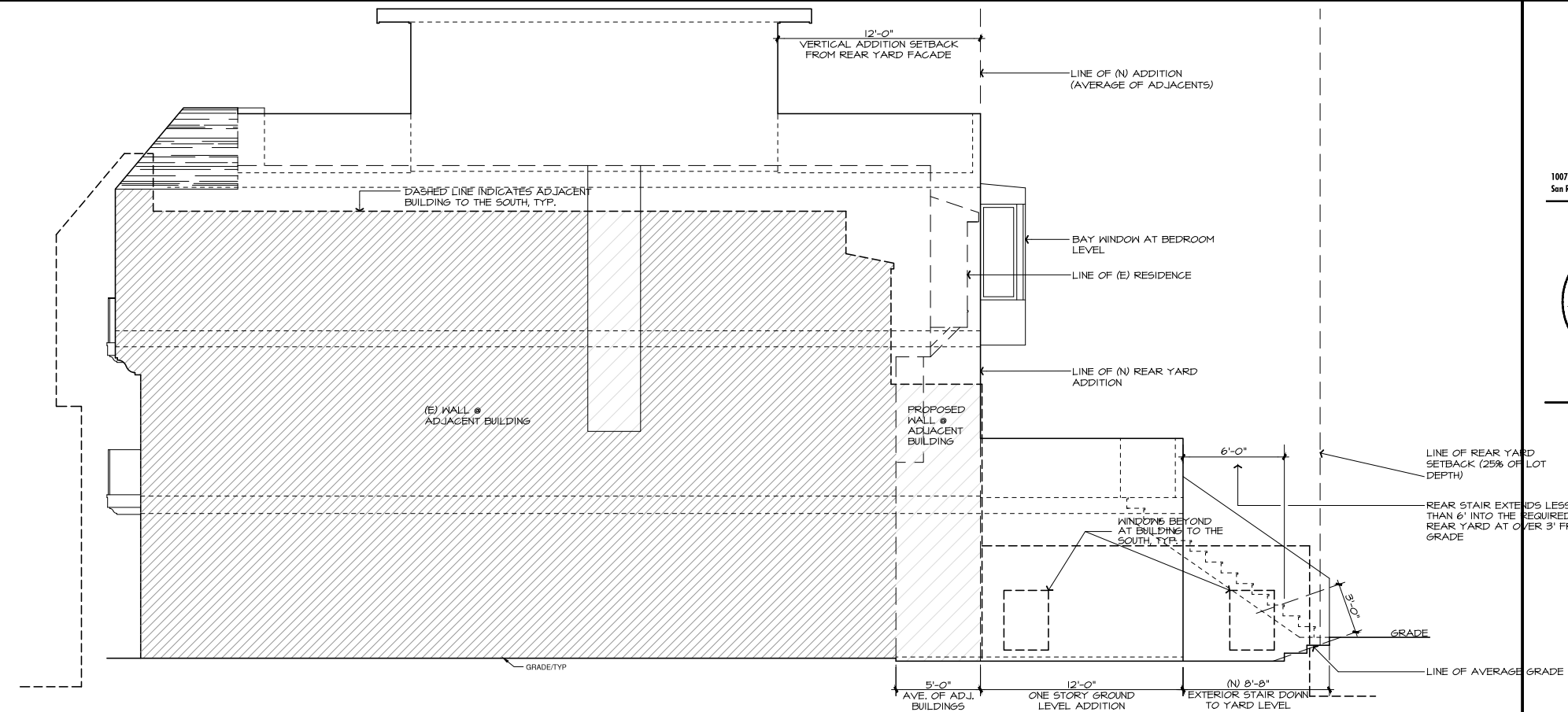
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Drawing Title

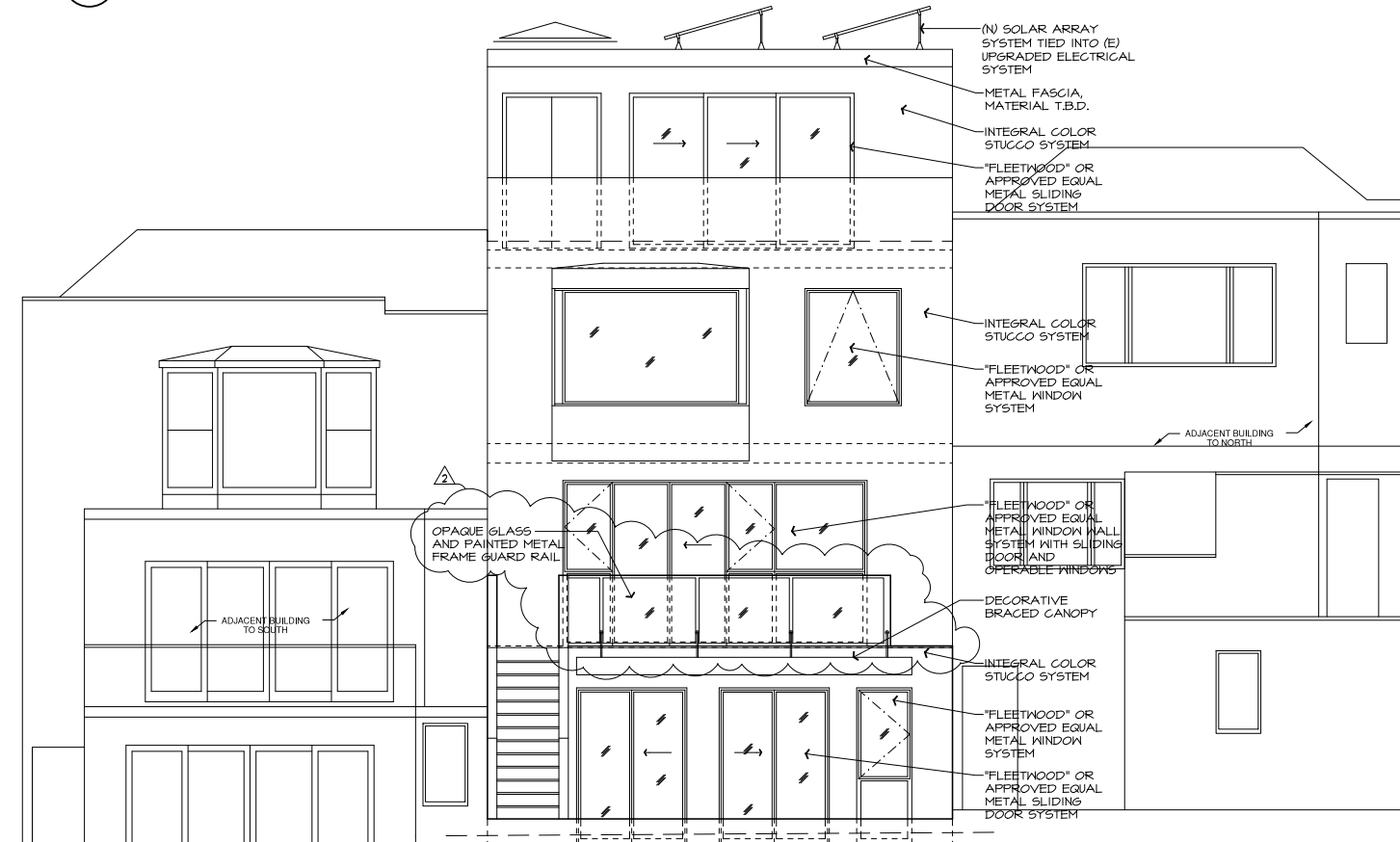
Proposed  
North & West  
Elevations

Scale 1/4"=1'-0"	Sheet A3.0
Drawn JD/RM	
Number 01001	
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1  
A3.1  
**PROPOSED SOUTH ELEVATION**  
SCALE: 1/4"=1'-0"

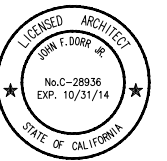


2  
A3.1  
**PROPOSED EAST ELEVATION**  
SCALE: 1/4"=1'-0"



ARCHITECTS

1007 A Street phone: 415.453.8214  
San Rafael, CA 94901 fax: 415.453.8279



Issue Record	Date
Site Permit	04.23.14
Revision	07.30.14
Revision	12.19.14

**Project**

A Residential Remodel for  
Janet & John  
Kunze  
238 Presidio Avenue  
San Francisco, CA

APN 09980-14B

**Drawing Title**

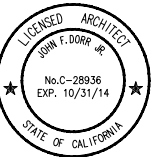
Proposed  
South & East  
Elevations

Scale 1/4"=1'-0"	Sheet A3.1
Drawn JD/RM	Number 0101
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1007 A Street  
San Rafael, CA 94901  
phone: 415.453.8214  
fax: 415.453.8279



Issue Record	Date
Site Permit	04.23.14
Revision	12.19.14

Project

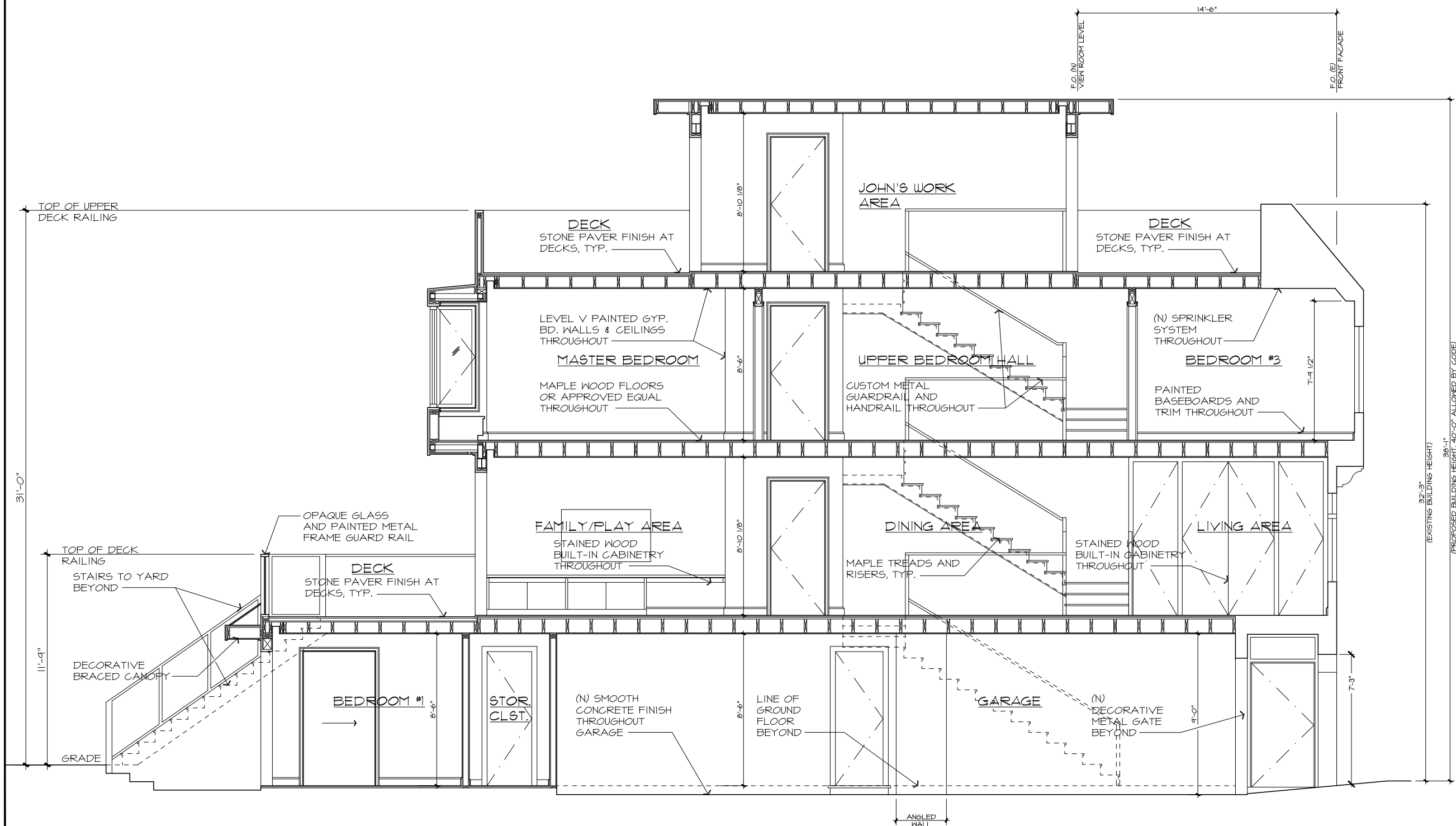
A Residential Remodel for  
Janet & John  
Kunze  
238 Presidio Avenue  
San Francisco, CA

APN #09980-14B

Drawing Title

Proposed  
Building Section

Scale 3/8" = 1'-0"	Sheet
Drawn JD/RM	A3.2
Number 01001	
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1 BUILDING SECTION  
A3.2 SCALE: 3/8" = 1'-0"









## **EXHIBIT C**

### **LETTERS OF SUPPORT**



January 5, 2015

To: President and Members of the Planning Commission 1650 Mission St. Suite 400 San Francisco, CA 94103 c/o Planner Sara Vellve Re: DR Request at 238 Presidio Avenue, San Francisco, CA 94115 Case 2013.000050PRJ For hearing 1/22/15 Dear President Wu and Planning Commissioners:

We are former owners of the home at 224 Presidio Avenue and lived in the neighborhood for over eighteen years, until we moved to Russian Hill in 2012. We are writing this letter to offer full support of the Kunze project at 238 Presidio Avenue.

After living ten years at 224 Presidio Avenue, we did an extensive remodel and met similar challenges with the Ogdens who opposed our project. We too had to attend a Planning Commission hearing where we prevailed and our project was approved and built. Overall, the Ogdens were the worst type of neighbors who took advantage of every possible situation to object, complain, send anonymous letters and inappropriate emails. They always behaved in a self serving and un~neighborly manner, whilst taking advantage of every instance to benefit themselves. Without ever asking us, they had workmen use our driveway and tradesmen's entrance for their roofing purposes, claiming it was a public easement. By the time we proved otherwise, their project was completed. Angel turned a water hose and doused workmen who were re~siding our building. Clem Ogden sent revolting emails with photo attachments of feces claiming our cat was using their garden as a litter box. These are but three examples of the type of people they are. They were the ONLY neighbors who opposed our remodel; we had over two hundred signatures of support. Thankfully justice prevailed at our hearing. This enabled us to accommodate our growing family and remain in San Francisco to be near my husband's aging parents and my widowed father.

We keep in touch with the Kunzes who are a lovely family. They were great neighbors when we lived nearby. We wholeheartedly support them during this process. As longtime San Franciscan residents, we believe their plans are well scaled and will greatly benefit and enhance the neighborhood.

We fully support their project and hope you will do the same.

Thank you,

Hiedeh and Michael Saghi

January 6, 2015

To: President and Members of the Planning Commission  
1650 Mission St.  
Suite 400  
San Francisco, CA 94103  
c/o Planner Sara Vellve

Re: DR Request at 238 Presidio Avenue, San Francisco, CA 94115  
Case 2013.000050PRJ  
For hearing 1/22/15

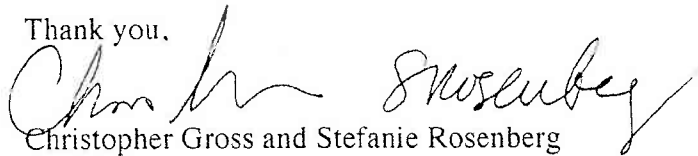
Dear President Wu and Planning Commissioners:

We own the home at 242 Presidio Avenue, next-door to the Kunze's home, and are writing this letter in support of their project that is up for a discretionary review hearing on January 22<sup>nd</sup>. The Kunzes are the project sponsors of the proposed addition at 238 Presidio Avenue.

The Kunze family has kept us involved in reviewing and discussing their plans. We appreciate that the proposed upper story is set back from the front of the building and is set forward of the rear wall as well. We still believe this project in whole is modestly scaled and appropriate for our neighborhood. We do not believe it will impose any exceptional impacts on the adjacent properties.

We fully support small additions like this that enable families, like the Kunzes, to remain in our neighborhoods and we respectfully request you approve their project.

Thank you.

  
Christopher Gross and Stefanie Rosenberg  
242 Presidio Avenue, San Francisco, CA

March 25, 2014

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

Re: Letter of Support for the Kunze Family  
Project Address: 238 Presidio Avenue, San Francisco, CA 94115  
Project Sponsor: John and Janet Kunze


Dear San Francisco Planning Commissioners:

The Kunzes, who are the project sponsors of the proposed addition at 238 Presidio Avenue, have reached out to us for our support. We live nextdoor to the Kunze family at 242 Presidio Avenue. The Kunzes engaged us in a substantive and inclusive review and dialogue.

We appreciated the outreach to the neighbors and believe that their proposed improvements fit our neighborhood. Many of us need additional living space to accommodate our families. The scale of the additions and improvements fit well with the existing streetscape and neighborhood. The addition is attractive, well designed, and not intrusive. It will be an improvement and benefit to our neighborhood.

The Kunzes have been very good neighbors. We give their project our wholehearted support and urge you to do the same.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris M. / Rosenberg", written over the word "Sincerely,".

Christopher Gross and Stefanie Rosenberg  
242 Presidio Avenue, San Francisco, CA



March 25, 2014

San Francisco Planning Department

Re: Letter of Support for the Kunze Family  
Project Address: 238 Presidio Avenue, San Francisco, CA 94115  
Project Sponsor: John and Janet Kunze

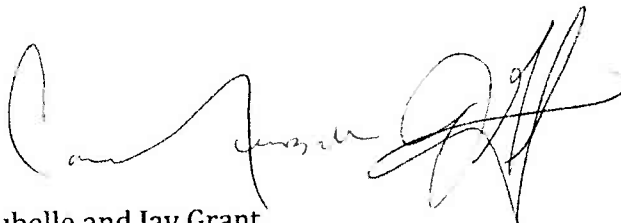
Dear San Francisco Planning Commissioners:

We are writing to lend our full support behind the project proposed by the Kunzes for 238 Presidio Avenue. We greatly appreciate their willingness to share their plans with us and the other neighbors. We feel their plans are well designed and will benefit our whole neighborhood.

As a longtime San Francisco resident and a close neighbor, we are glad to see the contextual design being pursued by the Kunzes. The proposed project is not intrusive and will be an attractive addition for their family.

The Kunze family has been great neighbors. Their project has our full support and we urge you to please do the same.

Sincerely,

A handwritten signature in black ink, appearing to be a cursive combination of the names Carolyn Geubelle and Jay Grant.

Carolyn Geubelle and Jay Grant  
3252 Clay Street, San Francisco, CA 94115

To: President and Members of the Planning Commission  
1650 Mission St.  
Suite 400  
San Francisco, CA 94103  
c/o Planner Sara Vellve

Re: DR Request at 238 Presidio Avenue, San Francisco, CA 94115  
Case 2013.000050PRJ  
For hearing 1/22/15

Dear President Wu and Planning Commissioners:

I own the house at 1931 Lyon Street and am writing to support the residential addition at 238 Presidio Avenue, which is located around the corner from me. I believe it is appropriately sized for our neighborhood, and I am pleased that this proposed addition is well within the legal limits for expansion at their site.

Many in our neighborhood, including both of the Kunze's adjacent owners, have renovated and modestly expanded their homes to make them more suitable to the needs of their respective families. In my opinion, these projects have not only enhanced the architectural beauty of our neighborhood, they have allowed these families to stay in San Francisco.

The Kunze family provides tremendous financial support to their children's public school and to other San Francisco based charitable causes. They are a generous and kind family who would like to remain in the city for many reasons, including providing consistency for their 6 year-old daughter, who has special needs. Having families like the Kunzes in our neighborhood makes our community vibrant and provides critical support for our under-funded public school system.

In conclusion, the project is tastefully scaled and well within the legal limits. Any effects on the neighborhood would be ordinary and acceptable in the dense urban environment in which we chose to live. I respectfully request that you please approve this project.

Thank you,

Anne Brush  
1931 Lyon Street  
San Francisco, CA 94115  
415-602-6626

January 4, 2015

To: President and Members of the Planning Commission  
1650 Mission St.  
Suite 400  
San Francisco, CA 94103  
c/o Planner Sara Vellve

Re: DR Request at 238 Presidio Avenue, San Francisco, CA 94115  
Case 2013.000050PRJ  
For hearing 1/22/15

Dear President Wu and Planning Commissioners:

The Kunzes, who are project sponsors of the proposed addition at 238 Presidio Avenue, have reached out to me for my support. I live at 24 Presidio Avenue and really appreciated their outreach to the neighbors. The proposed improvements are attractive and fit the scale of our neighborhood.

It is wonderful to see the Kunze family committed to staying in our neighborhood and creating a home that meets the growing needs of their family. I give their project my full support and urge you to do the same.

Thank you,

Heather Hilliard  
24 Presidio Avenue  
San Francisco, CA 94115



## **EXHIBIT D**

LETTER FROM OGDENS  
DATED OCTOBER 9, 2014

To: Our Neighbors

October 9<sup>th</sup>, 2014

From: Clement and Angel Ogden  
232 Presidio Avenue  
San Francisco CA 94115  
415 823 0786

RE: Kunze Mega-Mansion Expansion at 238 Presidio Avenue.

On March 7<sup>th</sup> 2014, John and Janet Kunze, our neighbors to the immediate south at 238 Presidio Avenue, invited us and a very few other near-neighbors to a community review session, as required by the planning board process, to review the plans for their proposed forthcoming home expansion.

The object of such sessions is to permit neighbors to voice concerns and move toward a mutually satisfactory compromise. We and the few others who did attend saw the plans, copies attached for your review.

Our verbal objections at this community review meeting were:

- 1) Building right up to the north lot line of their property with no set-back would throw the southern side of our property, which does have a planted set-back of about 4 feet, into darkness, likely killing the camellia trees which have growth there happily for 50 years.
- 2) The closing off of light to our south-side central lightwell which illuminates the center of our home.

As to pushing back the Kunze house eastward to a line parallel to ours and as to pushing out the first floor level to almost the east-most end of their lot, reducing their back garden to a minimum, we had no formal objections though did mention that the proposed expansion was out-of-character with the neighborhood. And with respect to the proposed added 4<sup>th</sup> floor room with solar panels on top of that, we voiced no particular objection either. Janet Kunze assured us "It could not even be seen from the street".

John Kunze, responding to our modest objections, said "We will do all we can do" and "We could move the outside stairs from the south to the north lot line". The thinking was that this would create a set-back of sorts equal to the width of the stairs.

Now that the plans have been officially filed, we see that no changes whatsoever have been made. Thus the purpose of the community review session was nullified. There is no compromise at all.

For those neighbors who are not aware of what is going on at 238 presidio, especially those who will see the 4<sup>th</sup> floor addition and solar panels on top, the attached official plans should be of some concern.

On Friday October 10<sup>th</sup>, at 12 noon at our home, 232 Presidio Avenue, architect Alan Toma who has reviewed the plans and done an on-site inspection, will be present to more exactly assess the shadow and massing issues that are most evident at mid-day. Any neighbor who has an interest in these issues is invited to come on over and learn what he has to say. Also present will be lawyer Daron Tong who is helping us through the Planning Board review process (which must be filed no later than October 23<sup>rd</sup>). He is an experienced professional who is thoroughly familiar with these kinds of cases, has helped us before, and whose opinion can be most helpful.

Please call Angel Ogden at 415 823 0786 for details. Sorry for the short notice, but we just got the official plans and so were just now able to see that the Kunze's have made no compromise whatsoever.

*Clement M. Ogden & Angel Ogden*

## **EXHIBIT E**

EMAIL FROM OGDENS  
DATED OCTOBER 15, 2014

## David Silverman

---

**From:** Janet [janetkunze@gmail.com]  
**Sent:** Wednesday, October 15, 2014 8:46 PM  
**To:** David Silverman; Craig Nikitas  
**Subject:** Fwd: Noise complaint

Hi David and Craig,

Hate to even pass this along but please include in our fact pattern. We just got this email from the Ogdens tonite as we excitedly watched the Giants playoff game in our kitchen with our children and other family members. They are now trying to incite us.

We are inclined to reply mentioning some of the things they've done to be mean neighbors to us from calling our autistic daughter a "[REDACTED] retard" to publicly [REDACTED] in front of our son. Our plan is to remain silent unless you advise otherwise.

Thanks and Go Giants!  
- Janet

---

Sent from Janet's iPhone

Begin forwarded message:

**From:** "Ogden, Clement" <[ogdenc@mindspring.com](mailto:ogdenc@mindspring.com)>  
**Date:** October 15, 2014 at 8:25:14 PM PDT  
**To:** janet <[janetkunze@gmail.com](mailto:janetkunze@gmail.com)>  
**Cc:** Daron Tong <[ddt@artisanlaw.com](mailto:ddt@artisanlaw.com)>, "Ogden, Angel" <[ayogden@yahoo.com](mailto:ayogden@yahoo.com)>  
**Subject:** Noise complaint

To all Kunze's:

In 40 years of living here, my wife reports she has never had such inconsiderate neighbors with respect to noise as are you. That may well be. She is patient and has perfectly good hearing.

Tonight October 15th 2014 at 6:30 PM, I took our tiny (7 pound) poodle, Lucky, for his usual evening outing in the back yard. Surely you are used to this regular schedule after many years.

As I (we, to include the poodle) passed beneath your north-side deck along our set-back walking path, I heard clapping and shouting repeated at full voice-volume "Dah-dah-hah de dah dah!!" plus jumping on your floor in matching rhythm. Bit much, thought I, amongst civilised neighborly people. The poodle was genuinely scared at your racket. He trembled.



Doubtless, you had good reason for this exuberance - but I cannot imagine why, for as far as I know your loud big living room TV was itself not heard, as there is no game on which traditionally triggered hoorahs and shouts from your property.

Please enlighten me as to the reason for the shouting and stomping. Birthday, perhaps?

I have advised my wife in the past that rather than bottle-up her upset, she should file a noise complaint with the police but she declined as "why get the police involved" though I was all for it. Still am...

Further, in the past, your huge dog (pit bull, perhaps?) which your children themselves said, "He is here to protect us" has barked threateningly at little Lucky the poodle and myself as we went out at 7 AM for Lucky's backyard morning outing. I admit I thought that had your dog jumped into our property, I would have little defense from those huge jaws. Meaning even I at 6'2" 210 pounds and having lived all my young life with dogs (not pit bulls but black labs at the largest) felt a shiver of fear.

I note in your favor that you have pulled your dog back and have secured but not eliminated him over the last few months.

And I note in your favor that as soon as you saw me and Lucky tonight, the noise and stomping this evening stopped. Good for you!

Perhaps you felt empowered to tonight's rudeness as our car has not been in front of the house since about 10:30 AM today and you assumed our house was empty, hence anything goes. Well, the car was not there since my wife, Angel, had to drive to OAK and fly down to BUR to visit her dying mother. Angel parks at OAK and will return on Friday, at which time the car will be back.

In sum: I feel we are burdened with neighbors who are not really suited to this neighborhood.

You need more space for the noise, the rambunctious kids, space for the ongoing therapy, the huge dog, the parties, the big climbing gymn in the little backyard, the trampoline, the throwing of kid's toys (balls, confetti, pebbles) into our property, etc.

This is not really a matter of personality but rather a matter of space.

Please consider relocating. We'll all come out better for it especially your kids who are just getting old enough to really need a big yard to run around in. Rather than a push-back enclosed extension that will be, excuse me, more like a dark prison for them.

Yes, they could scabble magic marker lines on all the new interior walls just as they have been encouraged to do on the old (doubtless by their therapists who also doubtless encouraged loud therapeutic verbalisation and breath control - properly and nice job!) in your current house and, indeed would have more, not less wall space to graffiti. Fine. But why not give them the space, air and open play room they need in a less confined venue?

Not to mention for the huge dog...

Not that such family things are any of my business.

But perhaps Presidio Avenue is not really the right place for all of you.

Janet Kunze at the community meeting said something about bigger houses in "this neighborhood" being obviously too expensive for them - so they plan to make the existing small neighborly house into mega-mansion as an alternative.

Is this really a good idea?

Please think about it.

Please take none of this amiss. We sincerely wish you and you family all the very best.

Cordially,

Clement Moore Ogden  
Angel Y. Ogden  
Your neighbors to the immediate North.  
232 Presidio Avenue  
Sf CA 94115  
415 795 8018 direct cell.

PS: I'm fairly sure a roof cupola with solar panels on top as Janet excused "could not even be seen from the street" might well be seen from elsewhere. Let me assure you, elsewhere counts.

January 12, 2015

San Francisco Planning Commission  
c/o Ms. Sara Vellve, Planner  
1650 Mission St, Suite 400  
San Francisco, CA 94103

**SUBJECT:** DR Response: Additional Information  
**ADDRESS:** 238 Presidio Av  
**PROJECT:** Residential Addition  
**PERMIT APP:** 2014 04 24 4103  
**CASE #:** 2014-000050DRP  
**FOR HEARING:** January 22, 2015

Dear President Wu and Planning Commissioners,

On behalf of the Kunze Family, Project Sponsors for the addition at 238 Presidio Avenue, I am responding to a letter sent to the Planning Department dated January 8, from Architect Alan Toma, representing the DR Requesters. Mr. Toma raises four points in that letter, listed below in italics, followed by our responses in plain-face type:

*Issue 1. The first discrepancy as shown on all of the drawings, site and floor plans is that the existing lightwell to the north residence at 232 Presidio Ave is shown incorrectly by showing a larger than existing lightwell. The actual lightwell is 3'-01(w)x3'-0"(l) and the drawings show the lightwell being almost 5'-0" in length.*

**RESPONSE:** Whether the architectural plans show the width (north-south dimension) of the adjacent lightwell correctly or not, the design response is the same: the Residential Design Guidelines generally require matching the length (east-west dimension) of the existing adjacent light well, which was shown correctly. Please note that the DR Requesters denied the surveyor hired by the Project Sponsors access to their property, so he could not accurately measure the north-south as-built condition.

The drawings can be modified to depict the correct lightwell width, but that does not necessitate a change in the proposed project, and should not affect Planning staff's support of the project or the Commission's understanding of it.

*Issue 2. Drawing 2, Proposed Site/ Roof Plan there is a correct note stating the drawings are shown relatively accurately that dimension should be 4'-3". This average differential between the adjacent residences is the difference at the third story levels only, of the adjacent residences to the north and the south. Half of that difference should be just over 2'-0". The existing third floor level (Bedroom level) is presently at that 2'-0" difference between the adjacent residences and should not be allowed to project horizontally to the rear. The plans show conflicting locations of the horizontal addition to the third floor, whether on the floor plans or the proposed exterior elevations. This absolutely needs to be corrected and shown correctly without any horizontal addition to the rear at the third floor, bedroom level.*

RESPONSE: The buildable area of the subject property and the location of the allowed rear main wall limiting the extent of additions above the ground floor are derived from a site survey dated 3-11-14. Please see the graphic on the last page of this letter for a determination of that location, which shows that an addition of 5 feet meets the averaging requirements of Planning Code Section 134

*Issue 3. Drawing 5, Existing Exterior Elevations are shown N.T.S., or not to scale. How can anyone including the Planning Commission determine if anything shown on these drawings IS true and accurate. The outline of the existing adjacent buildings on the north and south, which are most critical are shown incorrectly. The existing south elevation does accurately represent the extent of the neighbor to the south and therefore it does not represent the true comparison of the existing elevation to the existing neighbors south elevation.*

RESPONSE: Does Mr. Toma really believe the Elevations are not drawn to scale, i.e., that the horizontal and vertical dimensions are not proportional, in their correct aspect ratio? He is apparently referring only to the Section 311 notification photocopies, on which the elevations are marked "N.T.S." because they were reduced from a standard architectural scale shown on the full size permit plans at  $\frac{1}{4}" = 1$  foot. Mailing out the drawings reduced to 11" x 17" format often necessitates proportional reduction of the elevations to fit them on a small sheet. So, while the mailed elevations were not drawn to a standard scale, they ARE drawn to scale. The elevations accurately present the project as it will appear in its context.

Most agents for project opponents review the case file and actual, full-size permit drawings before trying to find fault with the application. Depending upon reduced, photocopied drawings to resolve issues of an inch or two is not prudent.

*Issue 4. Drawing 6, Proposed New Exterior Elevations are also shown N.T.S., not to scale. The Proposed New South Exterior Elevation detail drawing 2/6, still shows the outline of the existing south neighbors residence incorrectly. Detail drawing 3/6, Proposed New North Exterior Elevation, shows the outline of the north residence incorrectly and needs to be corrected.*

RESPONSE: The response to this non-issue is the same as to the previous one. The mailed, photocopied reduced drawings are to scale, just not to a standard scale (E.g.,  $\frac{1}{4}" = 1$  foot,  $\frac{1}{8}" = 1$  foot,  $1" = 10$  feet etc.). The profiles of adjacent buildings are depicted in accord with the survey and field measurements.

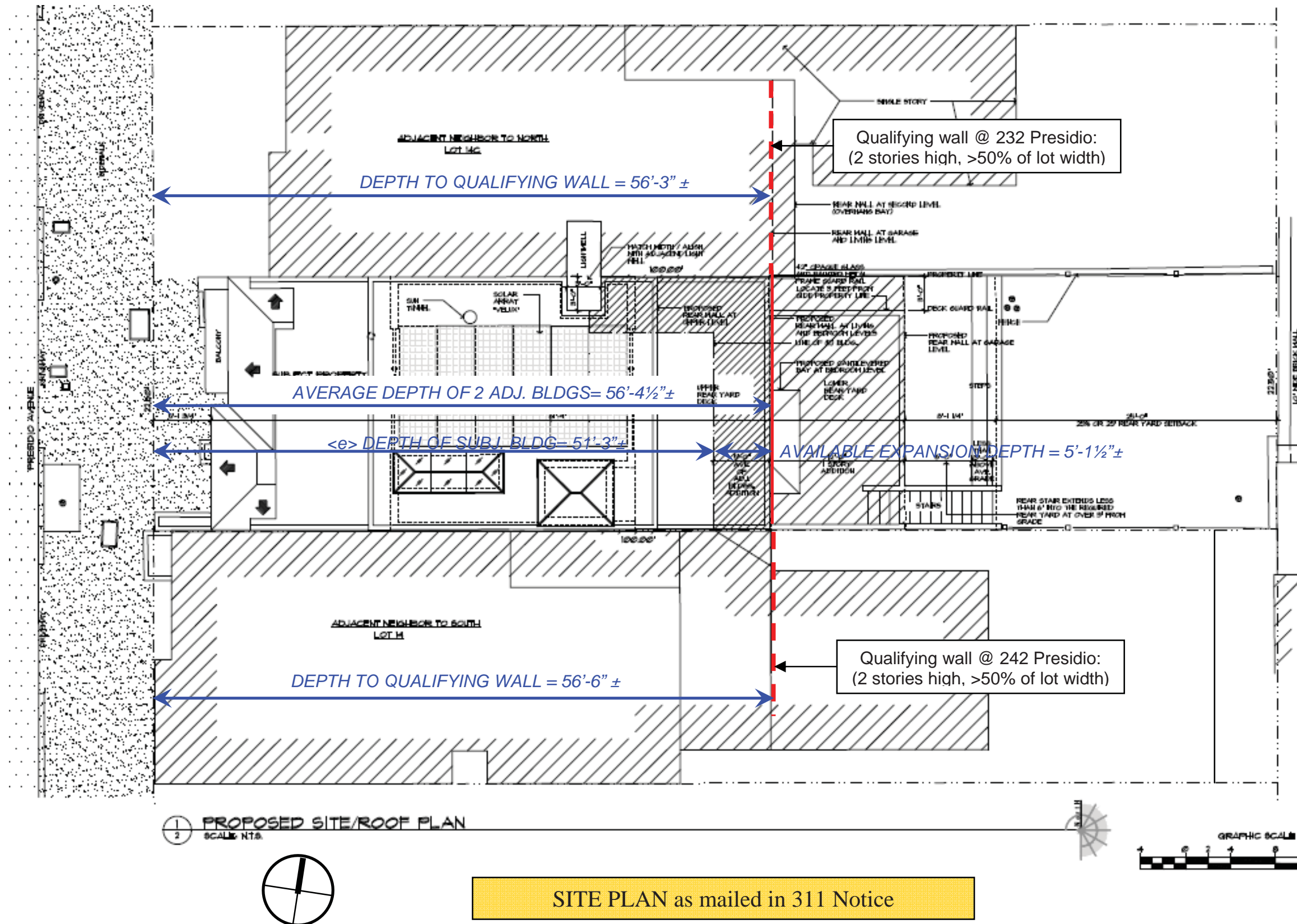
In summary, the issues raised by the project opponents are desperate attempts to find technicalities that they hope will delay the project. They are not practical bases for a continuance. Planning staff, the neighbors, and the Commission have been provided with accurate and essential information to determine that the project is Code-complying, and that there are no exceptional or extraordinary circumstances present. Please do not delay resolution of this application. We respectfully request that the Commission not continue the hearing and we hope you will not take DR, in order to approve the project as revised.

Yours truly,

  
Craig Nikitas







January 8, 2015

Sara Vellve

Planner

San Francisco Planning Department

Re: CPC Packet Information Response to Building Permit Application No. 2014.04.24.4103

Dear Ms. Vellve,

Thank you for your call at noon today. You told me when I asked that the request from RDT came to you when you were on vacation. You received the revised plan from 238 Presidio's architect on Tuesday January 6<sup>th</sup> of this week.

You submitted to RDT and they reviewed it yesterday, Wednesday January 7<sup>th</sup>.

Due to the very tight calendar for our response (less than 48 hours) you will ask your supervisor if an extension can be granted. I asked you to call me back this afternoon, January 8<sup>th</sup>.

We will need to submit our response by this afternoon in a pdf file and we can still submit any new discoveries before Jan 22's hearing. Anything new will need 17 copies as we want every member to receive a copy.

Please see attached documents which we would like to submit to the committee for the Discretionary Review scheduled for January 22, (time undetermined), 2015.

1. A letter dated Feb. 13, 2014 and photo attachments addressed to Department of Public Works from our attorney, Robert E. Capron. Re: Appeal of Permit Tentatively Granted to New Cingular Wireless on its Application 13WR-0182 For a Tier III-B Permit for 232 Presidio Ave.
2. A Letter of "Evaluation on external Flow(Energy) of home located at 232 Presidio Ave., San Francisco, by Lily Chung, Ph. D. Ms. Chung is the author of The Path to Good Fortune; Truth of Ups & Downs, Cosmic Inequality, Succeed Naturally, the I Ching Way, and Four Pillars of Destiny Discover your Code to Success. Lily Chung's evaluation of 2015: Some Cosmic Tips: 2015\_the year of Goat.
3. A letter from Gian Marco Martinelli, neighbor, owner of 3234 Clay Street
4. A letter from Alan Toma, architect, who has assisted us in reviewing the Permit Application and revision. He has done a professional review of the 238 plans and finds a notable number of wrong measurements. Analysis of these discrepancies requires time. We will submit his completed analysis in 17 copies as required ASAP.
5. Memo of Sara's visit to 232 Presidio Ave. on 11/19/2014.

Please kindly acknowledge receipt of my letter and attachments. Thank you.

Sincerely yours,

Angel and Clement Ogden, 232 Presidio Ave. San Francisco

232 Presidio Ave.



FEB 13 2014

DEPT OF PUBLIC WORKS

LAW OFFICES OF  
**ROBERT E. CAPRON**  
SUITE 400  
214 GRANT AVENUE  
SAN FRANCISCO, CALIFORNIA 94108  
[415] 781-3355  
FACSIMILE [415] 986-1730

ROBERT E. CAPRON  
BOB@CAPRONLAWOFFICES.COM

EKATERINA E. SOLOMATINA  
KATRINA@CAPRONLAWOFFICES.COM

Department of Public Works  
Bureau of Street – Use and Mapping  
1155 Market Street, 3<sup>rd</sup> Floor  
San Francisco, CA 94103

Attn: Wireless Permit Protests

Re: Appeal of Permit Tentatively Granted To  
New Cingular Wireless on its Application 13WR-0182  
For a Tier III-B Permit for 232 Presidio Ave.

Gentlemen:

I represent Mr. and Mrs. Clement Ogden, who own and reside at their home, which is their primary residence located at 232 Presidio Avenue (“Residence”). A photograph of my clients’ Residence is attached hereto as Exhibit A. If the Applicant’s requested permit were granted as requested by the above referenced application, the Applicant’s proposed Tier III-B device, which is the subject of the above referenced permit (“Permit”), would be strapped to the Electric Muni pole which is shown in Exhibit A and is located in front of my clients’ Residence. In this location, the Applicant’s Type III-B device would adversely affect every one of the five windows in the front of my clients’ Residence, it would obstruct the views from my clients’ two living room French doors and also from the three windows of the Residence’s two front bedrooms and would subject the occupants of the two front bedrooms of my clients’ two front bedrooms to the sleep disturbing humming noise which the Applicant’s Type III-B device will emit.

My clients protest the tentative granting of the Permit on the ground that, for the reasons hereafter set forth, the Planning Department incorrectly determined that the Application meets the applicable Tier III-B Compatibility Standard. (San Francisco Public Works Code, section 1513(h)(3)(hereafter cited as “Code”).

### SUMMARY OF PROTEST

My clients have resided in their Residence continually since 1973. Their Residence is located in a neighborhood which is zoned “residential” under the City’s Planning Code; as a result, the proposed location of the subject Tier III-B device is a Zoning Protected Location. (Code, section 1502(00)). In addition, the proposed Tier III-B device is located in an area designated by the General Plan as having views which are rated “good.” As a result, the location of the proposed Tier III-B device is also a

Rassendy11.Dennis@sfdpw.org

Planning Protected Location. (Code, section 1502(r)). In seeking the issuance of the Permit, New Cingular Wireless (the applicant for the subject Permit ("Applicant hereafter)) has the burden under the Code of proving that its proposed Type III-B device meets both the Zoning Protected Location Compatibility Standard of Code section 1502(pp) and also the Planning Protected Compatibility Standard of Code section 1502(s)(5). For the reasons hereafter set forth, my clients submit that the Applicant has failed to meet this burden and the Planning Department, therefore, has erred in determining that the Applicant meets the Tier III-B Compatibility Standard (Code section 1502(z), which standard includes both the Zoning Protected Location Compatibility Standard of Code section 1502(pp) and also the Planning Protected Compatibility Standard of Code section 1502(s)(5).

### **STATEMENT OF FACTS**

My clients' Residence is a two story home which is located in a premiere neighborhood of San Francisco and is only three blocks from the entrance to the Presidio Park's sylvan setting. My clients' neighborhood is zoned residential and is also designated by the General Plan as having "good" views.

The Applicant's proposed subject Tier III-B device is not an attractive or even a compatible addition to my clients' neighborhood. The Department of Public Works has informed my clients that, if the requested Permit were granted to the Applicant in this case and the Applicant's subject Tier III-B device were put in place in front of my clients' Residence as proposed, the device would look as depicted by the photograph the Department of Public Works included in its notice ("Notice") sent to my clients in this case. That photograph is attached as Exhibit B to this protest. Exhibit B, however, is not an actual photograph of the Applicant's Type III-B device strapped to the subject pole – it is only an artist's rendition of what the Applicant's Type III-B device will look like if it is allowed to be placed on the subject pole. The actual Tier III-B device, which has been installed in other neighborhoods, looks as pictured in the photographs attached hereto as Exhibits C and D. These Exhibits C and D photographs clearly show that the subject Tier III-B device is just plain ugly – there is no other way to put it. And to make matters worse, the Department of Public Works' notice discloses that the Applicant's proposed Tier III-B device will actually emit a humming sound which could reach 45 decibels. (Notice, page 2).

The impact of the Applicant's Type III-B device on my clients' Residence is shown by the photograph attached hereto as Exhibit E, which shows the pole the Applicant wants to use for the subject Type III-B device as viewed from my clients' living room. Just imagine a device like that shown in Exhibits C and D, measuring in excess of four feet by almost two feet, strapped to the pole shown in Exhibit E in the direct line of sight of whoever happens to be in my clients' lovely living room. The enclosed Exhibit F shows the subject pole from further inside my clients' living room. There is no way anyone can argue that the strapping the Applicant's proposed Type III-B

device to the pole shown in Exhibits A, E and F is not a base interference with the main view from the living room of my clients' Residence.

The same interference exists with my clients' view from their two front bedrooms, as is shown by the photographs numbered "2" and "3" on the attached Exhibit G. The Applicant's large Type III-B device, strapped to the pole shown in these two photographs, would make the view from each of these two windows ugly and, equally alarming, would subject the unfortunate people trying to sleep in these two bedrooms to the humming noise which, according to the DPW's Notice, will be generated by the Applicant's Type III-B device and can reach the sound level of 45 decibels. (Notice, page 2). Sleeping in these two bedrooms of my clients' Residence, therefore, will be difficult if not impossible if the requested Permit is granted to the Applicant.

So, if the subject Permit is granted to the Applicant, the Applicant's proposed ugly Tier III-B device will be located in front of and just a few feet away from the most prominent feature of my clients' Residence – their gentle and lovely living room and its French doors. And as stated above, if the Permit is granted to the Applicant in this case, the Applicant's ugly subject Tier III-B device, and its humming sound, will also be located just a few feet from the three large windows of my clients' two front bedrooms. There is simply no way that these negative features – an obvious ugliness and a humming noise located next to the living room and two front bedrooms – can be squared with the applicable Zoning Protected Location Compatibility Standard of Code section 1502(pp) or the Planning Protected Compatibility Standard of Code section 1502(s)(5). And yet, to issue the requested Permit, the Department was required by the Code to find that the Applicant had met each of the requirements of each of the two standards. The facts of this case demonstrate that no such finding can fairly be made. As a result, the Planning Department clearly erred in doing so.

Code section 1502(pp) states that, in order to meet the Zoning Protected Compatibility Standard, the Applicant's proposed Tier III-B device cannot "significantly detract from the character of the Residential . . . zoning district." (Code, section 1502(pp)). If the subject Permit were to be granted, however, there would be no way the Applicant's ugly proposed Type III-B Device could do anything other than significantly detract from the character of my client's neighborhood by ruining views from all five front windows of my clients' Residence and making it difficult for anyone to sleep in their two front bedrooms. These facts are established just by viewing the attached Exhibits.

In addition, the devastating effect the Applicant's ugly Type III-B device would have on my clients' views from the living room and their two front bedrooms of their Residence is highly relevant to the determination of whether the Applicant's ugly device significantly detracts from the character of my clients' neighborhood. The views from individual residences in a neighborhood are clearly an important part of the character of that neighborhood. And the Code recognizes that fact. For example, Code section 1509(b)(2) gives the Planning Department the power, when deciding whether the

Applicant's proposed Type III-B device meets the Zoning Protected Location Compatibility Standard, to impose a condition that the subject Type III-B device "not obstruct the view from . . . any adjacent window." My clients submit that this section clearly evidences the intent of the drafters of the Code to protect a residence's views from being adversely affected by devices like the Applicant's ugly Type III-B device. My clients contend that, in a case like my client's case, where the Applicant clearly can not comply with such a "view saving" condition because the Applicant's Type III-B device obviously obstructs the view from all five of the front windows of my clients' Residence, it was a error for the Planning Department to disregard the negative impacts on the views form all five of the front windows of my clients' Residence and go ahead and grant the Applicant's requested Permit anyway.

The Planning Department's determination that the Applicant's ugly Type III-B device meets the Tier III-B Compatibility Standard is in error for an additional reason. There is at least one other location within my clients' neighborhood, only feet from my clients' Residence, which is able to accommodate the Applicant's Type III-B device without any of the negative consequences discussed above. This location is an existing Electric Muni pole ("Alternative Pole" hereafter) on Presidio Avenue, just across the street from my clients' Residence, as is shown in the photograph attached as Exhibit H. This Alternative Pole is located next to the building which has a 3301 Washington Street address. This Alternative Pole is shown in the two photographs attached hereto as Exhibits I and J. If the Applicant's Type III-B device were attached to this Alternative Pole on Presidio Avenue,

- \* Only the view from one small utility room window of 3301 Washington would be affected, instead of having the Applicant's ugly Type III-B device ruin the lovely street view from all five of the front windows of my clients' Residence and also adversely affect the tranquility of my clients' living room and two front bedrooms,
- \* The Alternative Pole and the Applicant's Type III-B device would be located inconspicuously at the rear of the building at 3301 Washington and not conspicuously in front of a residence, which is the case with my clients' Residence as the Applicant has proposed,
- \* If located on the Alternative Pole, the Applicant's Type III-B device would be located at a higher elevation than is the case in front of my clients' Residence and would therefore most likely give better and wider service than is possible at the location in front of my clients' Residence,
- \* If the Applicant's Type III-B device were located on the Alternative Pole, the buzzing noise of the Applicant's Type III-B device would not bother anyone's ability to sleep at 3301 Washington, and the device would be seen only from a small single utility room window, whereas the Permit the Applicant seeks would, if granted, cause the Applicant's Type III-B device to affect the views



from every window in the front of my clients' Residence and would also make it difficult for anyone to sleep in the front two bedrooms of my clients' Residence, and

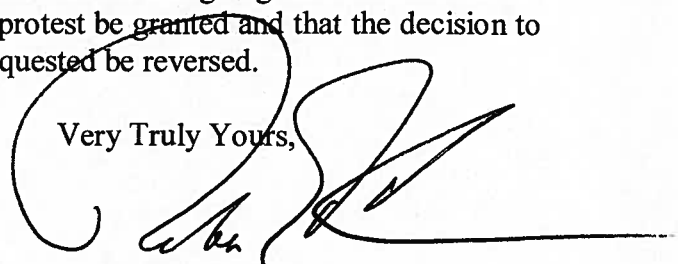
- The location of the Alternative Pole provides easy access for the Applicant's crew to install the Type III-B device, and the trees along Presidio Avenue next to 3301 Washington have been recently trimmed to enhance that access for the Applicant's crew.

My clients submit that if it is possible to minimize the adverse effects of a Type III-B device by intelligently locating it where it can do the least damage and still accomplish its assigned task, the Planning Department is obligated to do so. In determining that the Applicant has met the Zoning Protected Location Compatibility Standard of Code section 1502(pp) and the Planning Protected Location Compatibility Standard of Code section 1502(s)(5), the Planning Department failed to comply with this principle, created hardship where it was not necessary to do so, and has made a decision in this case which is inconsistent with Code sections 1502(pp) and 1502(s)(5). The tentative decision to award the Applicant the Permit it seeks must therefore be reversed.

### CONCLUSION

Based on the foregoing facts and in reliance on the foregoing cited sections of the Code, my clients respectfully request that their protest be granted and that the decision to issue the Type III-B permit the Applicant has requested be reversed.

Very Truly Yours,



Robert E. Capron  
Attorney for Protesters  
Mr. and Mrs. Clement Ogden

REC/rc  
Enclosures

Existing



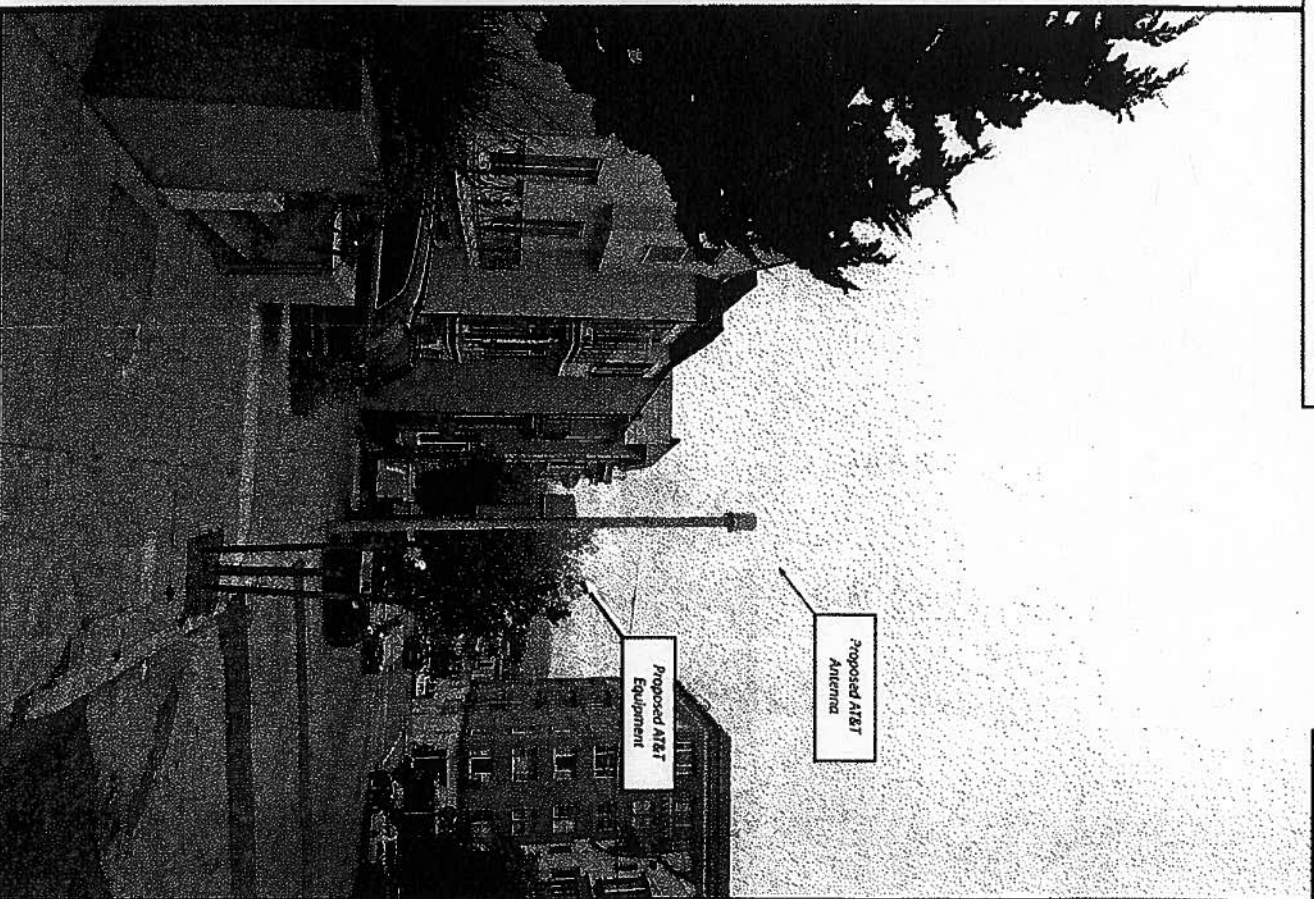
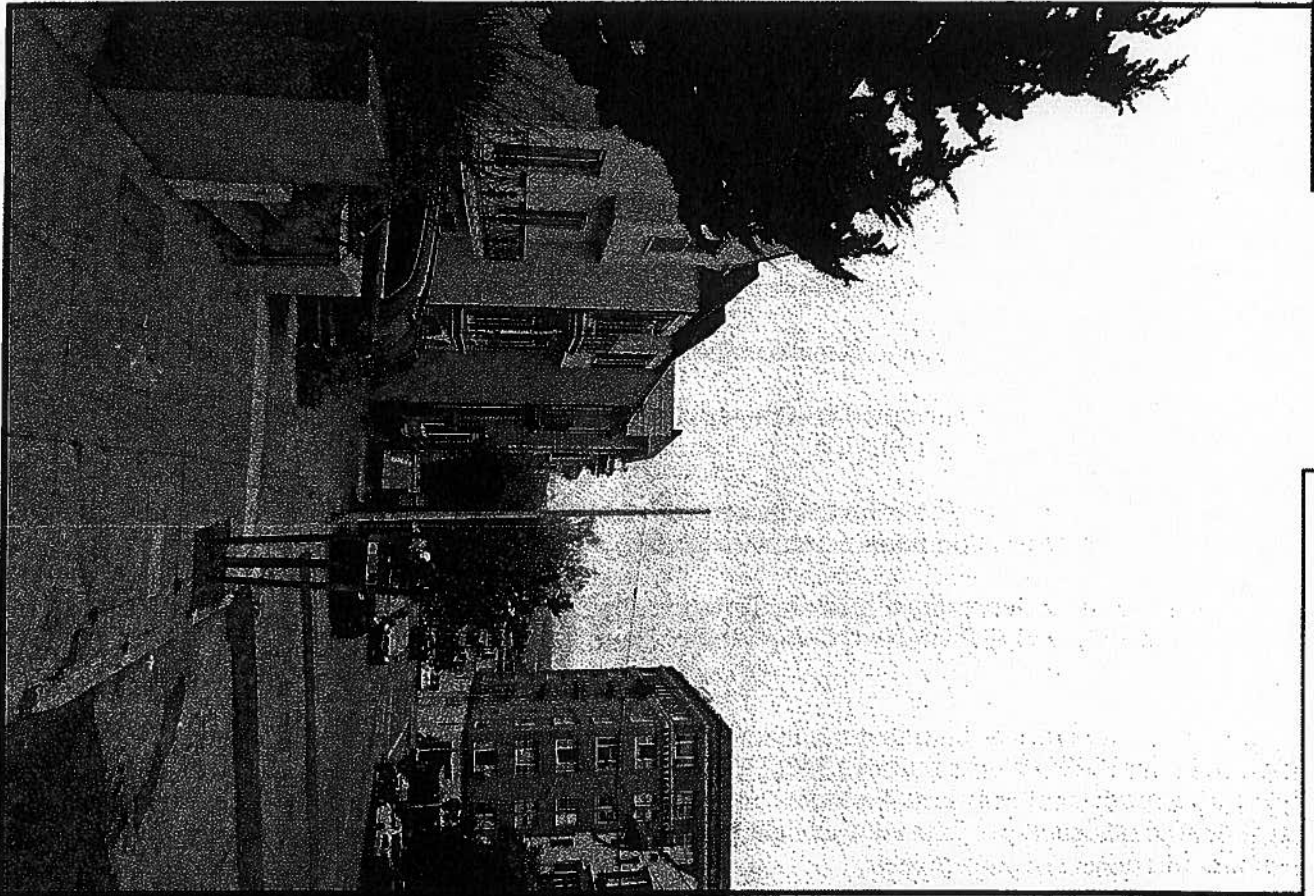
AT&T Wireless

view from Presidio Avenue looking south at site

LPH-004A AT&T Network

232 Presidio Avenue, San Francisco, CA

Proposed







Another wireless antenna at 23rd Avenue and California.

EXHIBIT C





EXHIBIT D





EXHIBIT E

232 Redwood St

Closer View From living room



EXHIBIT F





4



Approx. 8 Ft from pole to

Constant Acceleration St.

EXHIBIT G

## **View North on Presidio Avenue**

**Showing Alternative less Obtrusive Placement**



**1) Proposed Installation Pole**

**2) Preferred less intrusive pole approx 60ft north  
at rear of 3301 Washington  
(Close-up view on next 2 pages)**

2/7/2014 2:44 PM

EXHIBIT H



## **1<sup>st</sup> View of Preferred Less Obtrusive Placement**



### **Less Obtrusive Pole at 3301 Washington**

- a) At extreme rear of 3301 Washington
- b) Visible from only 1 utility room window
- c) At higher elevation, allowing more efficient cell coverage
- d) Possibly obviating another installation elsewhere.

2/7/2014 2:44 PM

EXHIBIT I

## **2<sup>nd</sup> View of Preferred Less Obtrusive Placement**



### **Less Obtrusive Installation Pole as of Feb. 7, 2014**

Recent tree trimming allows installer easier access and leaves some foliage in place to mitigate noise and aesthetic negatives.

**This is the logical choice for the good of the neighborhood.**

2/7/2014 2:44 PM

EXHIBIT J

## **Evaluation on external Flow (Energy) of home located at 232 Presidio Ave. San Francisco, Ca 94115**

Angel Ogden, a long term client of mine, residing at 232 Presidio Ave, San Francisco, is requesting a report of energy analysis on her house to be submitted as a document on the hearing process regarding the remodeling plan of her neighbor on 238 Presidio Ave. San Francisco.

Angel Ogden, according to her birth data, thrives on energy flows coming from the following four cardinal directions: southeast, south, east and north. Among these directions, the **south and east** which governs her health and well being are especially crucial for her. For years since 1997, Angel has experienced and enjoyed the benefits of orienting her activities to these directions. The South and the East energy has been part of her life and that has been the crucial condition she thrives and maintains her well being. It crucially impacts her total health; such energy is something she couldn't do without.

The proposal of the additional construction of her neighbor at 238 Presidio will almost totally block the entrance of such energy to her house and eventually impact her health. She is, therefore fighting for her life and livelihood.

Furthermore, the Angel's home is already physically lower than her right hand side neighboring houses; the new additional structure on the left side (238 Presidio Ave) would jointly put her house in a complete valley, depriving her of the crucial energy entering her house.

We believe in harmony among neighbors. As a matter of fact, bad energy from unhappiness or poor health of any neighbor would spill to the other party involved. No neighbor is perfectly happy unless the other neighbors are all happy. We like to see a compromise and modified plan to promote mutual well-being and harmony. Neighbors are all in one spatial family in the block, together they thrive.

---

Lily Chung

- Author of: The Path to Good Fortune; Truth of Ups & Downs, Cosmic Inequality; Succeed naturally, the I Ching Way, and Four Pillars of Destiny Discover your code to Success.
- Lecturer on feng shui City College of San Francisco, Princess Cruise Lines, and many workshops in Europe, Canada, Hong Kong and the Bay Area.
- Practitioner in the Bay Area and Ph.D. in Geography taught in college.



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The Path to Good Fortune

# The Path to Good Fortune



Chung



Lily Chung, Ph.D.



## **Some Cosmic Tips: 2015\_ the year of Goat**

Lily Chung

### **Personality of a Goat**

The Goat is born under the sign of art. Known to be creative, artistic and friendly. Goat births have fine taste and enjoy relaxed and peaceful environment. They have a persuasive nature and often use their considerable charm to get their way. They are usually lucky in finance.

While we have no solid data to assess their achievement in art, other than a few great names in the art field, we do have some interesting data to support other claims.

In financial luck, my study on Forbes 400 billionaires by animal signs, has shown that Goat, Monkey and Snake births in the given order, are the top three richest signs. Ox birth has the highest number of billionaires in the group but they stay in the lower rank of the wealth hierarchy. Among the wealthy Goats are Bill Gates, Steve Jobs, Eric Schmidt, John Paulson and Rupert Murdoch, to name a few.

Goat years have been relatively peaceful. The WWI, dragging for over four years, finally ended in November 1918, shortly before the Goat year of 1919. During WWII, the fierce relentless attacks of Hitler and Japan which peaked at 1941, began to subside in 1942 after the United States joined the defending countries to fight the war. It reached a turning point in the Goat year of 1943 when invaders were subdued into a defense position, and finally to defeat the next year. The long term civil war from 1975-1991, in Lebanon, ended in May 1991, a Goat year.

In the United States, George Washington concluded the Independence War in 1775, a Wood Goat (乙未) year; it was followed by the declaration of Independence in 1776. Among the many wars in the combating zone of Middle East, with the exception of the invasion from the United States on Iraq in 2003, the only war involving a Goat year was the Six-day War between Israel and Egypt in 1967. Amazingly, it was the shortest war, lasting only 6 days. The Gulf War ended in February 1991, the beginning of another Goat year. Warring / fighting is going against the nature of the Goat. Do we expect peace in the Middle East in 2015 as the Goat spills it flow around?

Interestingly, the relaxing and peace-loving nature of the Goat is also reflected its inventions. Although the Goat is not known great inventor, the few inventions took place in the Goat years truly help to release stress and promoting peace of mind. Good examples are: the oxygen (1775) to ease up breath, X-Ray (1895) to clear doubt, motor scooter (1919) to promote personal freedom in communication, razor (safety razor in 1895, electric , 1931) to clean up the mess, barometer (1943) to provide measurement and draw a line, and Teflon (1943) to even out the heat.

Here are some additional interesting social events for readers to grasp the personality of a Goat. The following institutes were all first established in the Goat years: the first Connecticut Retreat of the Insane (1923), Insane hospital in Rhone Island(1947), New York City's Insane Asylum (1871), John Hopkins' Psychology Lab (1883), the coining of the term, "American Dream" (1931), Foundation of the British Columbia Association for Retarded Children (1955), Rosa Park(in the United States) refused to give her seat to a white passenger(1955) and started a civil right movement, massive racial riot (in the US, 1967). The Goat can surely use considerable charm to get his way!

## **Feng Shui Tips for the Goat Year**

### ***Earthquakes :***

The cosmic composition of a goat is basically earth, wood and fire. As a result, Wood Goat (乙未) years are likely to have more earthquakes when earth being constantly heated underneath and repressed by wood above.

### ***Grand Duke(Tai Shui):***

As Goat is the ruling animal; its throne, being 195-225 degrees, is the position of the Grand Duke. Like the palace of an emperor, we have to treat it with utmost respect by refraining from any major repair or remodeling. Most importantly, it is to our best interest to avoid facing the Grand Duke, just as ancient Chinese avoid looking at the emperor. It is to your best interest to sit/stand with your back against the Grand Duke.

The Ox being clashed by the Grand Duke, is likely to have a rattling year. To minimize such impact, Ox births should avoid new ventures. However, not all Ox births are being impact the same way. Those who have a Horse, a Pig or a Rabbit in their four pillars would do fine as such birth signs would absorb the impact. Births of the horse, pig and the rabbit, being team mates of the Goat, are likely to get help this year.

**The Triple poison :** It is at the West. Try not to remodel in the sector of your house; if you have to, try to start the work from the NW or SW and slowly move to the east. Sitting on such sector is not auspicious.

### **House of Money Star**

#8 an earth star, the money star for the next 10 years or so, enters the **North**. If you have a door or window facing the the N, try to open it more frequently to get the benefits. It is also a good idea to reinforce the good flow by placing a piece of red color carpet on the flow entrance. The design is square.

### **House of career/romance Star**

#1 a water star, enhancing romance, popularity and career matters, especially favoring PR staff, movie stars, speakers, and singers, enters the **East** sector of a house/region. Display four stalks of lucky bamboo to enhance your career, or a glass of clean water/water fountain to increase romance matters. A grey carpet would empower the water.

However, if the Star falls into the bath, the kitchen of a house, it should be flected.

### **House of Scholar Star**

#4 a wood star, promoting scholarship, mental power, fame or publication, enters the **Northwest**. Try to reinforce it with a glass of clean water or a water fountain; change the water every few days. Stop the device after 3 months and restart after a month.

People having their Mengua in as #6 will also good flow in publication and mental activities.

### **House of Disaster Star**

#5, an earth star, the most damaging star, causing illness, loss of any kind, unhappiness and disasters, enters the West By all means, temporarily remove the TV, radio and stop using the electric fans in this area. If it happens to be the bedroom of a female child, try to move the child to a spare room for the year.

We can try to minimize its impact by some feng shui design when there is no way to avoid it. Since it is an earth star, we can curtail it by wood or undermine it with metal. Metal offers a better solution as its effects are graduate and consant. Some use both. The traditional scheme is

placing 6 copper coin at the flow entrance. Others use two rows of copper coins in the number of 4 and 9. In any design, it helps to place a dish/jar of salt at the flow entrance

### **House of Illness Star**

#2, an earth star, known for causing illness (especially among elder women), enters the **southeast**. Avoid using the area as much as possible. Place 2 metal coins on each side of the flow entrance or other metal home décor, in the area. You can use all of the above together.

### **Bazi of the Tai Shui**

Nature of Tai Shui's Bazi leads the social economic trend of the year.

甲	辛	戊	乙
午	亥	寅	未

It has mixed energy, fluctuating between the Follow Money Type and very weak self, being confronted with enticing money beyond control. People on the whole remain speculative on financial gain and find it strenuous to achieve a goal. It is also a year of troubled relationship and fruitless romance as the Tai Shui is being enclosed by a Troubled Relationship pillar from both ends of his Bazi.

However, people are well guided to pursue Metaphysics which will be a popular hobby.

### **Hexagram of the Goat year**

The Chen (Shake), #51 is ruling the Goat year. Chen is great shock trembling like thunder. Dramatic changes produce shocks. Big brothers (capable adult male) like the elder son of a family, are taking charge of the society and leading the way worldwide; it favors team work from members of male in all age groups except the senior.

They continue to create shocks on all fronts. Things are moving up and down like hands and legs as the trigrams in the Chen imply. It would be hectic to keep up with the changes. To keep up with the shock, we need ample reserve of resources.

# 232 Presidio Avenue, SF CA 94115

## Memo of Meeting with Sara Vellve Wednesday November 19th, 2014 at 2:30 PM

- 1) Sara Vellve arrives at 2:30 and we – Alan Toma, Angel Ogden, Clement Ogden – introduce ourselves.
- 2) Angel gives Sara a tour of the house with particular attention to:
  - a) The light that would be lost from the central lightwell through the stairway window. Sara takes pictures.
  - b) The light and air that would be lost from the central lightwell to the powder room on the first floor. Sara takes pictures.
  - c) The light that would be lost from the kitchen.
  - d) The intrusive massing of the expanded Kunze property across from our deck.
  - e) The light and air that would be lost from the window in the stairway leading down to and which vents the garage.
  - f) Angel noted that the massive changes proposed for 238 Presidio Avenue – including a 4<sup>th</sup> floor – would be utterly out of character with the original harmonious design for 232, 238 and 242 Presidio which were constructed as 3 matching homes in 1941 with ample respect for backyard space, setbacks for light and air and with matching facades.
- 3) Sara and Angel sit at the dining room table. Sara explains that her role is to explain the process and the calendar.
- 4) Sara and Angel look at the plans. Angel proposes mitigation by maintaining a setback along the north Kunze lot line to admit light and air and a perforated or lath wall on top of the proposed first floor extension to harmonize with the other similar lath walls on our deck and on the eastern neighbor's roof deck <sup>and</sup> <sup>southern</sup> ~~southern~~.
- 5) Alan Toma points out that the 4th floor addition is very out of character with the neighborhood and should be objected to on that basis. Angel points out that during all of the prior renovations in the neighborhood, *none* have added another floor. Accordingly, Angel offers to show her the neighborhood.
- 6) Sara explains that the plans will be reviewed by the Residential Design Committee and a Discretionary Review can be scheduled for either January 15th or January 22nd and she needs to know right away. She also points out that this leaves plenty of time for a compromise. Angel tells her she will coordinate with the other interested parties and let her know as soon as possible.





## TO WHOM IT MAY CONCERN

REF: 238 PRESIDIO AVE, San Francisco, Ca 94115  
Permit Application Case Nr. 2014.04.24.4103  
Dated 04/24/14

January 07, 2015

1) APPLICATION MEETING

Date: January 23, 2015  
1650 Mission St. # 400  
San Francisco, Ca 94103

- a) Undersigned confirms letter dated 09/23/14.
- b) Undersigned, as of 01/07/15 has not received any revised modification/plan for above permit.
- c) Undersigned confirms his availability to attend the meeting as stated in 1).
- d) Undersigned kindly requests to be notified of the time/hour the meeting will be held.

Respectfully

Gian Marco Martinelli  
3234 Clay St  
San Francisco, Ca 94115

January 8, 2015

Ms. Sara Vellve  
SAN FRANCISCO PLANNING DEPARTMENT  
1660 Mission Street 5th Floor  
San Francisco, CA 94103

RE: PROPOSED ADDITION AND IMPROVEMENTS TO 238 PRESIDIO AVE

Dear Ms. Vellve,

I would like to request that you recommend that the Discretionary Review for the project at 238 Presidio Ave., scheduled for January 22, 2015 be postponed and rescheduled for a later date in order for my clients and neighbors to have an adequate time to review the revised plans. In addition, I have found many discrepancies in the revised plans and feel that the plans prepared for the project need to be corrected in order to present an accurate proposal to all neighbors and the Planning Commission. Many of the drawings are shown Not to Scale, (NTS) and should be shown accurately to scale.

The first discrepancy as shown on all of the drawings, site and floor plans is that the existing lightwell to the north residence at 232 Presidio Ave is shown incorrectly by showing a larger than existing lightwell. The actual lightwell is 3'-0"(w)x3'-0"(l) and the drawings show the lightwell being almost 5'-0" in length.

Second, on Drawing 2, PROPOSED SITE/ROOF PLAN there is a correct note stating that the "average difference of adjacent building addition" and dimensioned at 5'-0". If the drawings are shown relatively accurately that dimension should be 4'-3". This average differential between the adjacent residences is the difference at the third story levels only, of the adjacent residences to the north and the south. Half of that difference should be just over 2'-0". The existing third floor level (Bedroom level) is presently at that 2'-0" difference between the adjacent residences and should not be allowed to project horizontally to the rear. The plans show conflicting locations of the horizontal addition to the third floor, whether on the floor plans or the proposed exterior elevations. This absolutely needs to be corrected and shown correctly without any horizontal addition to the rear at the third floor, bedroom level.

Third, Drawing 5, EXISTING EXTERIOR ELEVATIONS are shown N.T.S., or not to scale. How can anyone including the Planning Commission determine if anything shown on these drawings is true and accurate. The outline of the existing adjacent buildings on the north and south, which are most critical are shown incorrectly. The existing south elevation does accurately represent the extent of the neighbor to the south and therefore it does not represent the true comparison of the existing elevation to the existing neighbors south elevation.

Fourth, Drawing 6, PROPOSED NEW EXTERIOR ELEVATIONS are also shown N.T.S., not to scale. The PROPOSED NEW SOUTH EXTERIOR ELEVATION, detail drawing 2/6, still shows the outline of the existing south neighbors residence incorrectly. Detail drawing 3/6, PROPOSED NEW NORTH EXTERIOR ELEVATION, shows the outline of the north residence incorrectly and needs to be corrected.

These revised drawings dated 12/19/14 are presented with many inaccurate notes and information and they all need to be corrected in order for anyone to





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understand what are the Proposed Addition and Improvements for 238 Presidio Avenue. Therefore, I am requesting that you postpone the scheduled DR hearing scheduled for January 22, 2015 to a later date, until the proposed document drawings are corrected and everyone is renotified to allow a through review of this project.

If you have any questions, please do not hesitate to call or email.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alan K. Toma', with a long horizontal line extending to the right.

Alan K. Toma,  
Architect

cc: D. Lindsay, Scott Sanchez or Corey Teague, Zoning Administrator,  
Angel & Clement Ogden, Daron Tong

2388 35th Ave.  
Suite 200  
San Francisco  
California 94116  
FAX: 664-6607  
(415) 664-6606

