

SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Abbreviated Analysis NEADING DATE: MADCH 5, 2015

HEARING DATE: MARCH 5, 2015

February 19, 2015
2014.1093DRP
235-237 LAUSSAT STREET
2013.0909.6298
RH-3 [Residential House, Three-Family]
40-X Height and Bulk District
0860/046
Nils Welin
237 Laussat Street
San Francisco, CA 94117
Laura Ajello – (415) 575-9142
laura.ajello@sfgov.org
Do not take DR and approve as proposed

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

Reception: 415.558.6378

Fax:

415.558.6409

Planning Information: 415.558.6377

PROJECT DESCRIPTION

The proposal is to construct a firewall at the rear of a four-story, two-unit building. The proposed firewall measures approximately 5 feet deep by 22 feet 4 inches high. It will be located at the west (side) property line alongside an existing spiral staircase (approved in 2011). Approval of the proposed firewall will allow for the completion of the construction of the previously approved project.

The proposed firewall also requires a rear yard variance, Case No. 2014.1093V, for which a separate hearing was held on October 22, 2014. The Assistant Zoning Administrator has indicated his intention to grant the rear yard variance pending the outcome of this Discretionary Review hearing.

SITE DESCRIPTION AND PRESENT USE

The lot contains a two-unit building constructed circa 1890 at the Laussat frontage. A second structure, the DR Requestors' property, was constructed circa 1900 at the opposite end of the lot fronting Waller Street. The parcel was subdivided in 1979 (Case No. 78.116VZ). The resulting parcel at 235-237 Laussat has an unusually shallow lot depth of approximately 42.75 feet, while the lot fronting on Waller Street has a depth of 77.24 feet. Properties in this zoning district typically measure 100 to 120 feet deep.

The proposed firewall is required for a spiral stair that was approved in 2011 (Case No. 2011.0860V); the spiral stair was part of a larger project that replaced nonconforming decks and stairs but did not extend beyond the building's original footprint. The project proposal that was approved in 2011 did not include firewall protection for the spiral stair; the need for a firewall was subsequently determined by the Department of Building Inspection. Since construction of the previously approved project is nearly complete changing the location of the existing stair, as suggested by the DR Requestor, is not practical.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

Laussat Street is a narrow street located between Steiner and Fillmore Streets near the southern boundary of the Western Addition. Lots on the north side of Laussat Street are zoned NC-2, Small Scale Neighborhood Commercial. Block 0860 contains lots of various nonconforming sizes with tightly grouped buildings that range in size from one to four units. Eight out of ten through lots measuring 25 by 120 feet that front on both Laussat and Waller Streets have been subdivided. These lots range in depth from 42.75-77.25 feet. Several buildings on this block of Laussat Street encroach into their respective required rear yards and many of those buildings are larger than the subject building.

BUILDING PERMIT NOTIFICATION

TYPE	required Period	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	Oct. 23, 2014 – Nov. 22, 2014	November 21, 2014	March 5, 2015	103 days

HEARING NOTIFICATION

ТҮРЕ	required Period	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	February 23 2015	February 23, 2015	10 days
Mailed Notice	10 days	February 23, 2015	February 23, 2015	10 days

PUBLIC COMMENT

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

No other neighborhood comments have been received regarding this project.

DR REQUESTOR

Thomas Drohan and Pamela Brandon, owners of 436 Waller Street, adjacent to the south (rear) property line of the subject property.

DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

See attached Discretionary Review Application, dated November 21, 2014.

PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

See attached Response to Discretionary Review, dated December 10, 2014.

ENVIRONMENTAL REVIEW

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

RESIDENTIAL DESIGN TEAM REVIEW

The Residential Design Team reviewed the project and DR Request on December 18, 2014 and found no exceptional or extraordinary circumstances related to the project or the DR requestor's concerns. The proposed firewall does not extend beyond the existing spiral stairs and will not result in substantial light and air impacts to the DR Requestor's property.

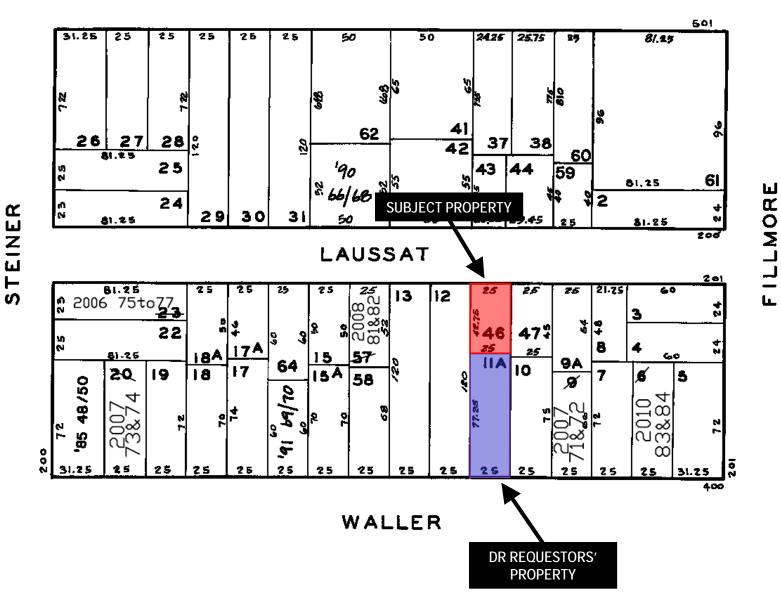
Under the Commission's pending DR Reform Legislation, this project would not be referred to the Commission as this project does not contain or create any exceptional or extraordinary circumstances.

Attachments: Block Book Map Sanborn Map Zoning Map Aerial Photographs Context Photographs Section 311 Notice DR Application, dated November 21, 2014 Response to DR Application, dated December 10, 2014 Reduced Plans

EW: G:\Cases\14.1093 DRP - 235 Laussat\235-237 Laussat DR - Abbreviated Analysis.doc

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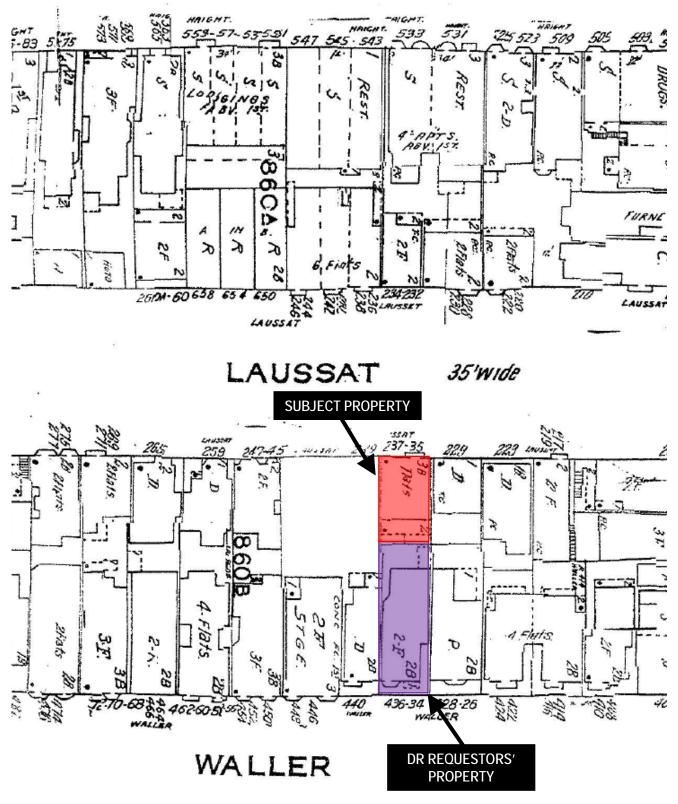
Parcel Map



HAIGHT



Sanborn Map*

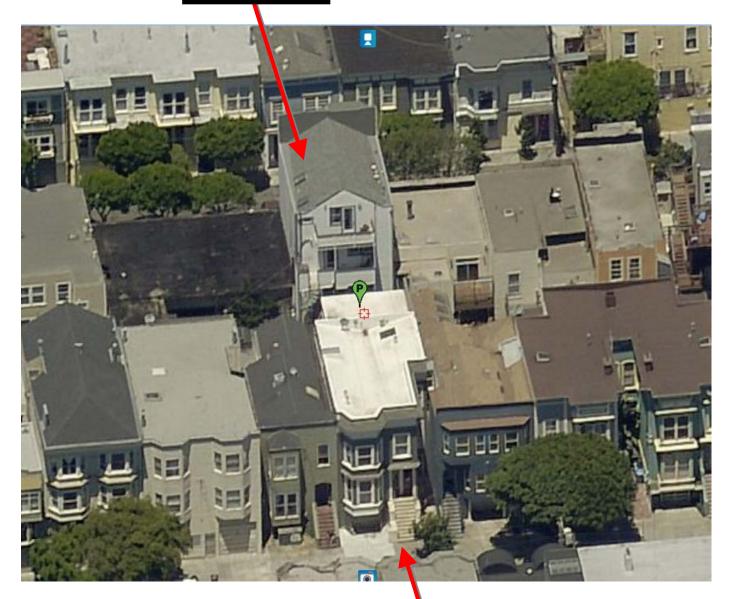


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Aerial Photo 1

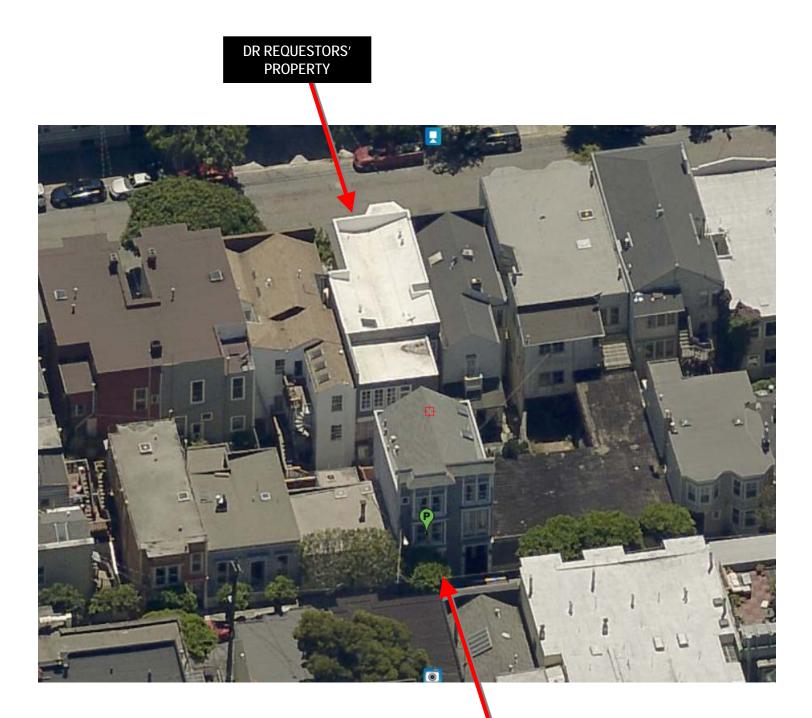
SUBJECT PROPERTY







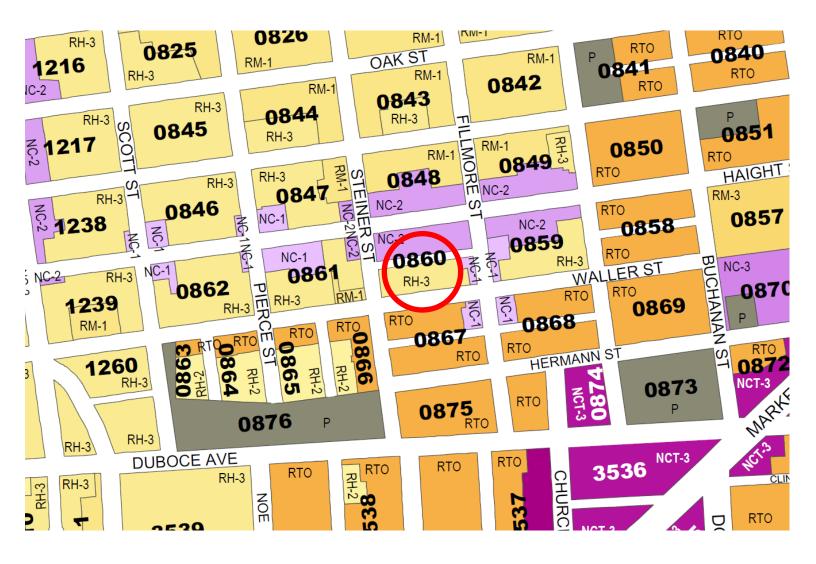
Aerial Photo 2



SUBJECT PROPERTY



Zoning Map



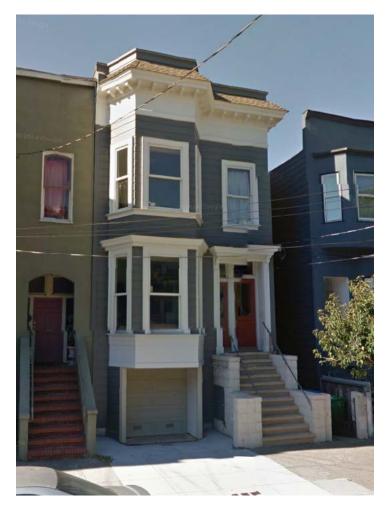


Site Photos

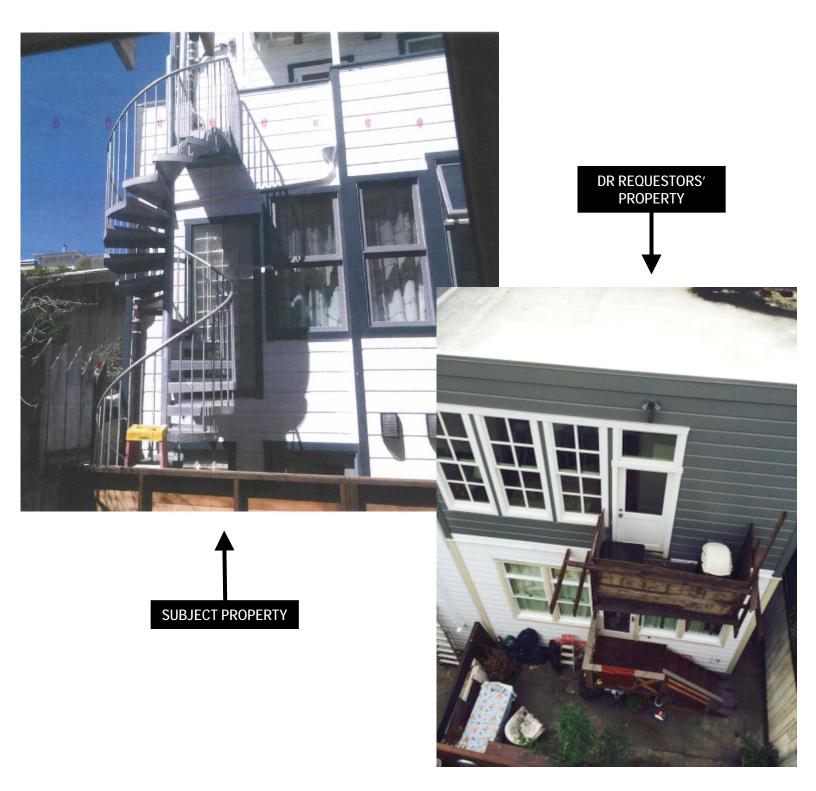








Site Photos 2



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SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco. CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311/312)

On **September 9, 2013**, the Applicant named below filed Building Permit Application No. **2013.0909.6298** with the City and County of San Francisco.

PROPERTY INFORMATION		APPL	APPLICANT INFORMATION	
Project Address:	235-237 Laussat Street	Applicant:	Nils Welin	
Cross Street(s):	Fillmore & Steiner Streets	Address:	237 Laussat Street	
Block/Lot No.:	0860/046	City, State:	San Francisco, CA 94117	
Zoning District(s):	RH-3 / 40-X	Telephone:	(415) 672-0186	

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			
Demolition	New Construction	Alteration	
Change of Use	Façade Alteration(s)	Front Addition	
Rear Addition	□ Side Addition	Vertical Addition	
PROJECT FEATURES	EXISTING	PROPOSED	
Building Use	Two-family dwelling	No Change	
Side Setbacks	None	No Change	
Building Depth	37 feet, 9 inches	No Change	
Rear Yard (at stair & proposed firewall)	11 inches	No Change	
Number of Stories	4	No Change	
Number of Dwelling Units	2	No Change	
	PROJECT DESCRIPTION		

The proposal is to construct a firewall at the rear of a four-story, two-unit dwelling. The proposed firewall measures approximately 5 feet deep by 22 feet 4 inches high. It will be located at the West property line alongside the existing spiral staircase (approved in 2011). The proposed work requires a rear yard variance (Case No. 2014.1093V scheduled for hearing on October 22, 2014). See attached plans.

For more information, please contact Planning Department staff:

Planner:Laura AjelloTelephone:(415) 575-9142E-mail:laura.ajello@sfgov.org

Notice Date: 10/23/2014 Expiration Date: 11/22/2014

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 <u>www.communityboards.org</u> 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 <u>www.sfplanning.org</u>). 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 <u>www.sfplanning.org</u>. If the project includes multiple building permits, i.e. demolition and new construction, a <u>separate request</u> for Discretionary Review must be submitted, with all required materials and fee, for <u>each</u> permit that you feel will have an impact on you. Incomplete applications will not be accepted.

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

BOARD OF APPEALS

An appeal of the 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 <u>www.sfplanning.org</u>. 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.

APPLICATION FOR	RECEIVED
Discretionary Review 1. Owner/Applicant Information	V NOV 2 1 2014 CITY & COUNTY OF S.F.
DRAPPLICANTS NAME: Thomas DroHAN/PAMela DRAPPLICANTS ADDRESS: 436 Waller Street S.F.	BRANDON
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIC Nics Wellin ADDRESS:	ZIP. CODE
237 LAUSSAT St.	94117 (415 672-0186
CONTACT FOR DR APPLICATION: Same as Above 🕅 ADDRESS:	9917) (97)) 672-0786 ZIP CODE: ()
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CONTACT FOR DR APPLICATION Same as Above \mathbb{X} ADDRESS: E-MAIL ADDRESS TOMEDROHAN & GMAIL. COM 2. Location and Classification STREET ADDRESS OF PROJECT: 2.35-2.37 LAUSSAT STREET CROSS STREETS: STEINER and FILLMERE ASSESSORS BLOCKLOT LOT DIMENSIONS: LOT AREA (SO FT): ZONING DIST OBGO 1046 3. Project Description Please check all that apply	ZIP CODE: () ZIP CODE: <u> <u> </u> </u>
CONTACT FOR DR APPLICATION Same as Above ADDRESS: E-MAIL ADDRESS: TOMEDROHANEGMAIL.COM 2. Location and Classification STREET ADDRESS OF PROJECT: 235-237 LAUSSAT STREET CROSS STREETS: STELAER and FILLMORE ASSESSORS BLOCKLOT. LOT DIMENSIONS: LOT AREA (SG FT): ZONING DIST 0860 1046 CB 1046 Change of Hours New Construction	ZIP CODE: I = I = I = I = I = I = I = I = I = I =

Discretionary Review Request

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

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

See Attachment

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

See Attachment

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

See Attachment

4. Actions Prior to a Discretionary Review Request

Prior Action	YES	NO
Have you discussed this project with the permit applicant?	×	
Did you discuss the project with the Planning Department permit review planner?		۶
Did you participate in outside mediation on this case?		X

Applicant has contacted Community Boards for assistance in mediating this dispute.

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

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

No changes made to date.

ATTACHMENT TO APPLICATION FOR DISCRETIONARY REVIEW

1. The proposed alteration violates Section 101(c) of the San Francisco Planning Code in that the proposed 22 foot firewall would significantly impact the amount of light and air enjoyed by the rear property, 434-436 Waller Street.

2. The proposed project is unreasonable in that the applicant already received a permit for this project that included the spiral staircase. The stairway as approved would not require a firewall, as it was set back the required amount from the side property line. The owner appears to have deliberately failed to install the stairway in accordance with the plan as approved, and now seeks to install a firewall to block the light and air to 434-436 Waller. If the stairway was installed in the wrong location by the mistake of the contractor, then the mistake should be rectified at the contractor's expense.

The overall project extended the back of the building 235-237 Laussat Street several feet toward the property at 434-436 Waller, and included a stairway that virtually touches the property line of 434-436 Waller. This project was undertaken while the owners of 434-436 Waller were out of possession due to a fire and was done with no notice to owners of 434-436 Waller. The proposed firewall would be a further extension of the building into the light and air space of 434-436 Waller.

3. The preferred alternative would be to leave the stairway as is, in its present location, with no firewall. The second alternative would be to move the stairway to the location originally approved, thus no firewall would be needed.

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

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

Signature:

Date: 11/22/14

Print name, and indicate whether owner or authorized agent:

Owney Authorized Agent (circle one)





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SAN FRANCISCO PLANNING DEPARTMENT

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2. 22	RESPONSE TO DISCRETIONARY REVIEW Case No. 2013,0109.6298 Building Permit No. 20109166371 Address 235/237 - AUSSA- St	1650 Mission St. Suite 400 San Francisco, CA 94103-2479 Reception: 415.558.6378
	t Sponsor's Name: NB WEIM	Fax: 415.558.6409
Teleph	one No.: UD-64.EO166 (for Planning Department to contact)	Planning Information:
1.	Given the concerns of the DR requester and other concerned parties, why do you teel your proposed project should be approved? (If you are not aware of the issues of concern to the DR requester, please meet the DR requester in addition to reviewing the attached DR application. The COLEYNS mount of the CR very ster in addition to reviewing the attached DR application. The COLEYNS mount of the CR very ster in addition to reviewing the attached DR application. The COLEYNS mount of the CR very ster in addition to reviewing the attached DR application. The COLEYNS mount of the CR very ster in addition to reviewing the attached DR application. The COLEYNS mount of the CR very ster in addition of	415.558.6377
3.	If you are not willing to change the proposed project or pursue other alternatives, please state why you feel that your project would not have any adverse effect on the surrounding properties. Please explain your needs for space or other personal requirements that prevent you from making the changes requested by the DR requester. Even Apply Tem Wilky To make adjustmate TF would be project.	5
	An observation is then the DR protient of never removes their contains. So light in the can't be an issel. Also they have plants bandos that willstplagsing.organic cover any to they properly cand wine	ing home ing on

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

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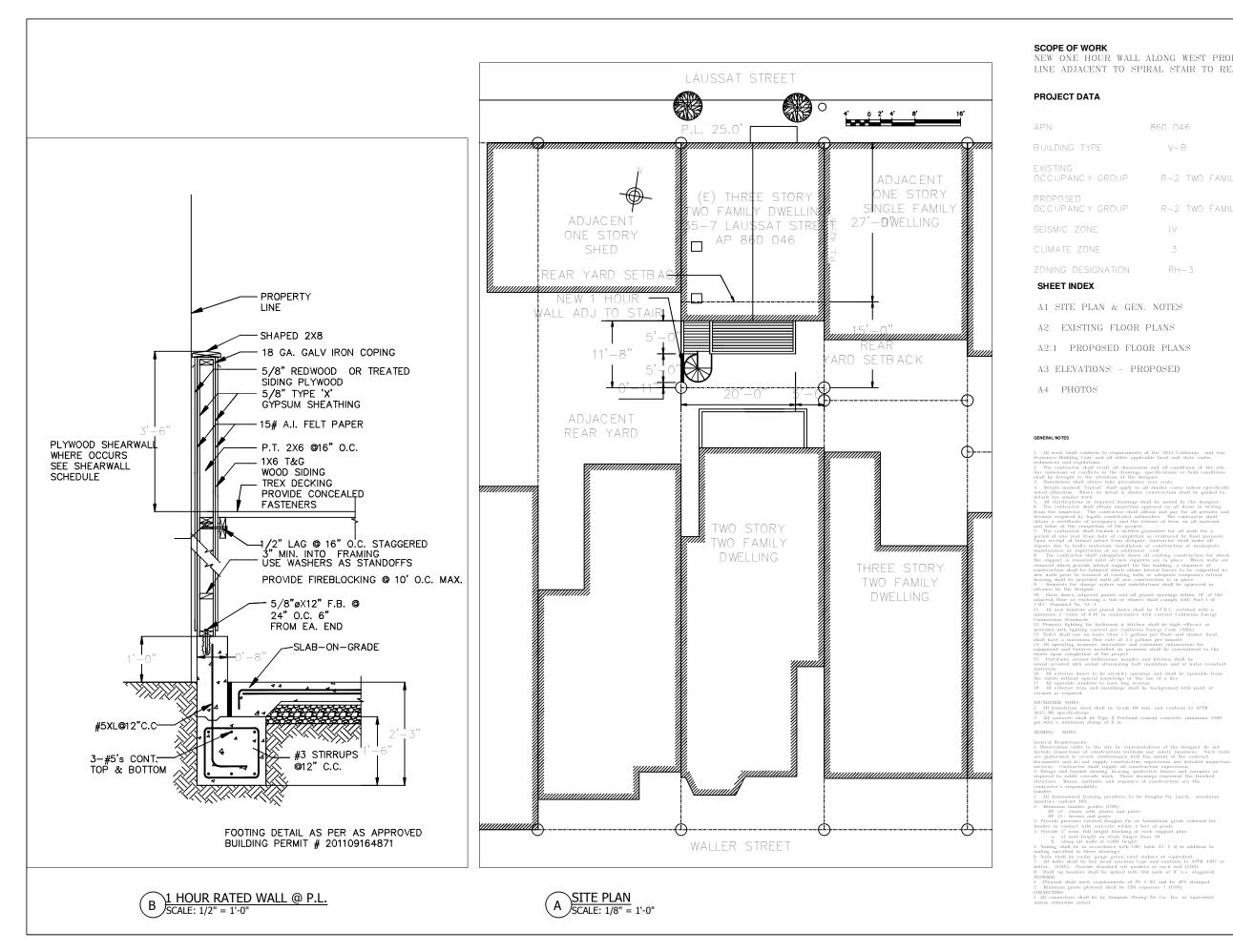
Please supply the following information about the proposed project and the existing improvements on the property.

Number of	Existing	Proposed
Dwelling units (only one kitchen per unit –additional kitchens count as additional units) Occupied stories (all levels with habitable rooms)	2	2
Basement levels (may include garage or windowless storage rooms) Parking spaces (Off-Street) Bedrooms	0	3
Gross square footage (floor area from exterior wall to exterior wall), not including basement and parking areas Height Building Depth	. Same	3,00 Same 50
Most recent rent received (if any) Projected rents after completion of project	•	
Current value of property Projected value (sale price) after completion of project		1,100,00
(if known)	а а "	

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

Signature

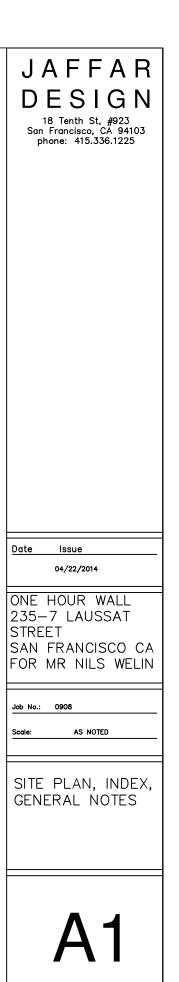
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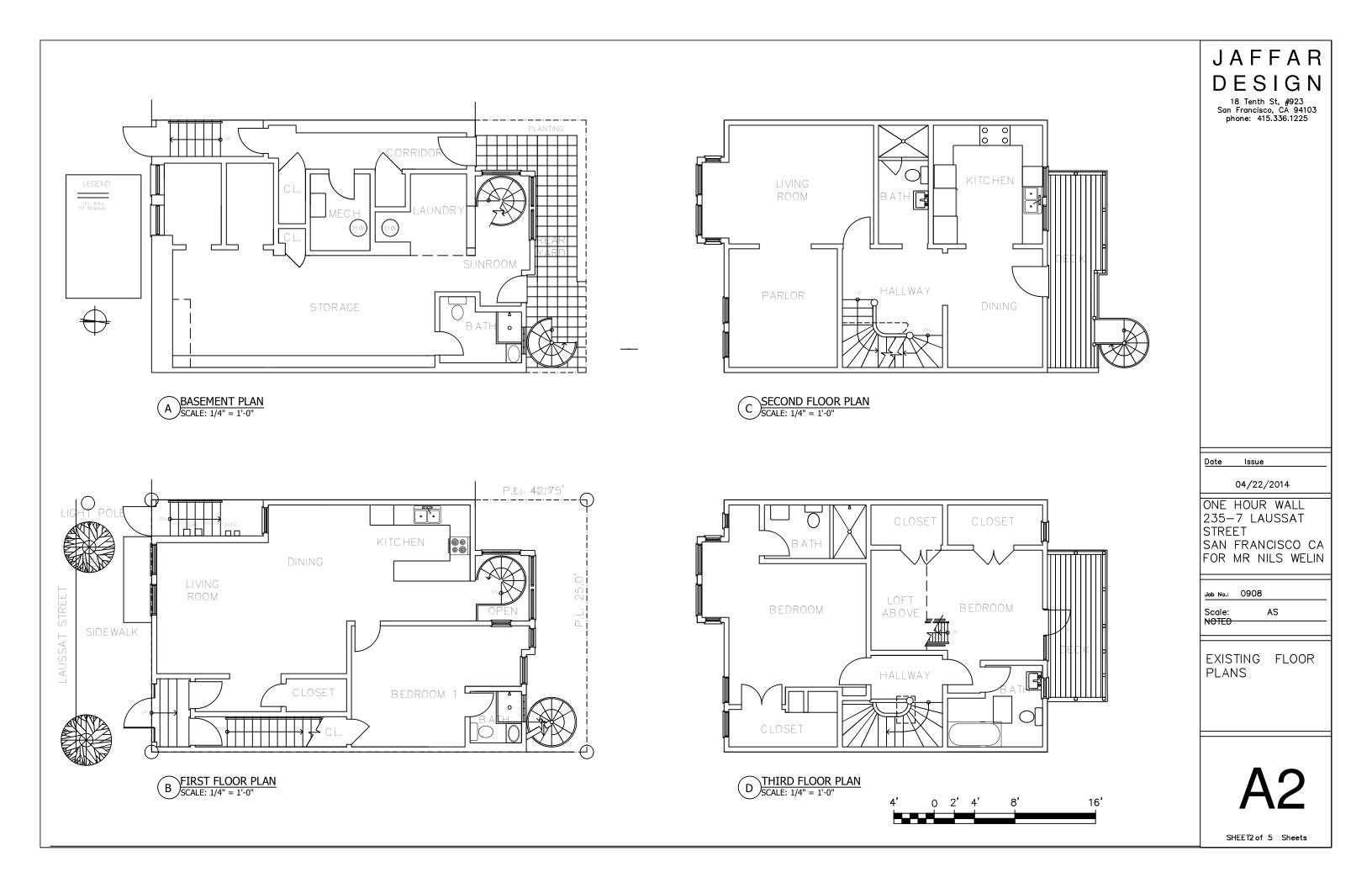
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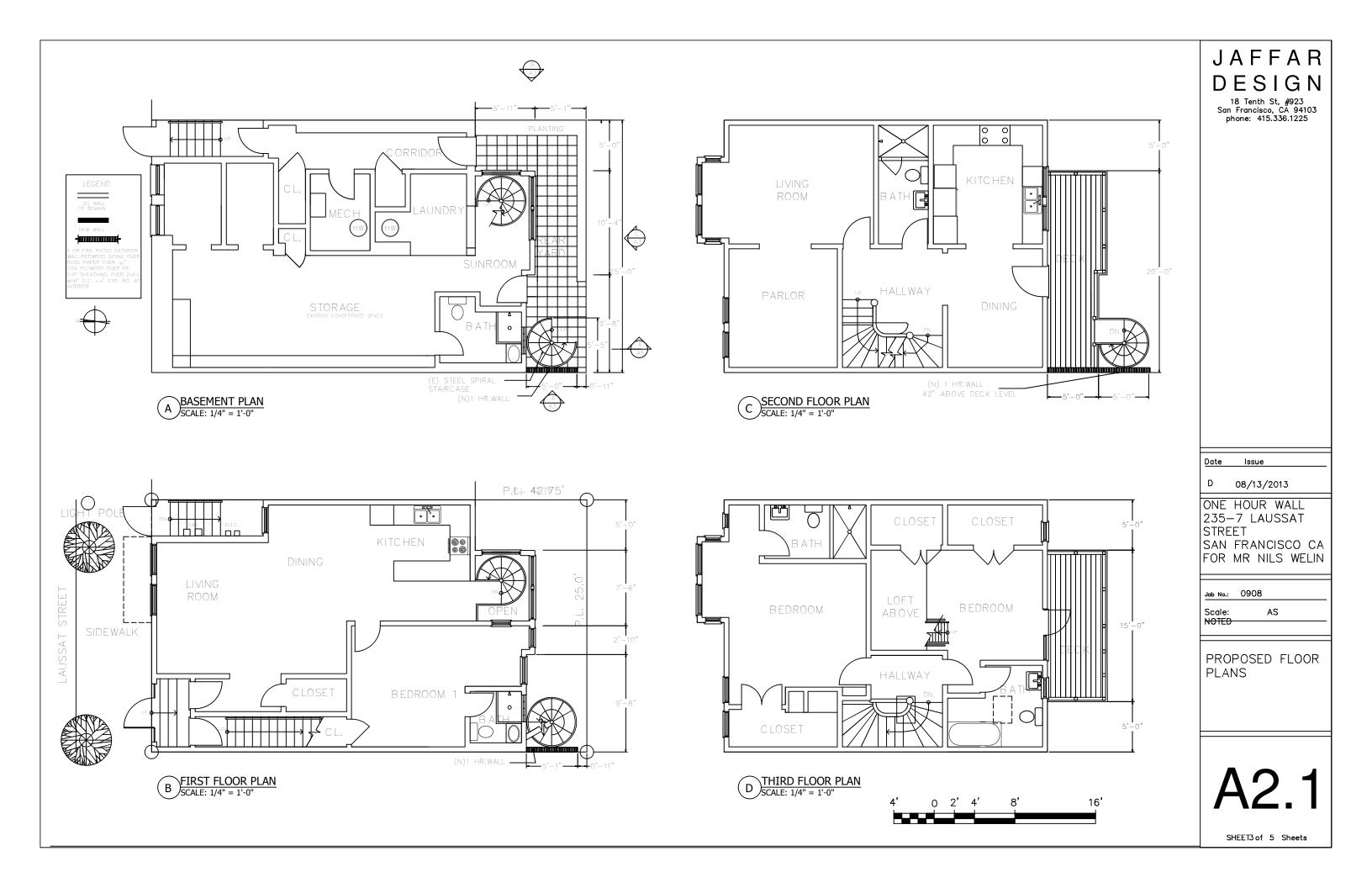
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- 3

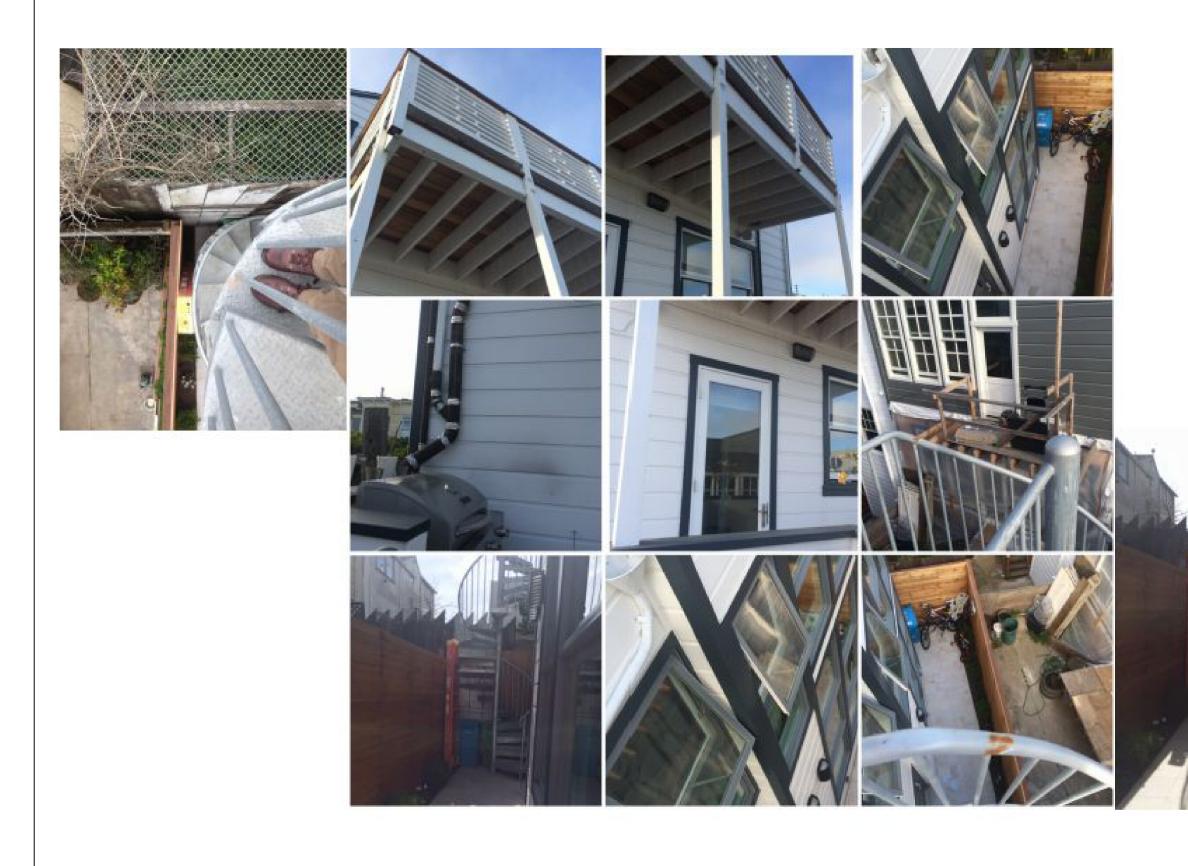


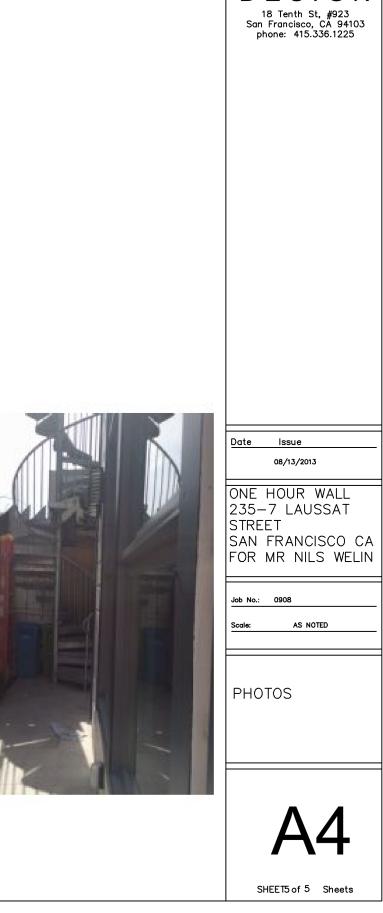
SHEET1 of 5 Sheets











JAFFAR

DESIGN