



# SAN FRANCISCO PLANNING DEPARTMENT

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## Discretionary Review Abbreviated Analysis

HEARING DATE: NOVEMBER 5, 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:* October 29, 2015  
*Case No.:* **2014.1492DRP**  
*Project Address:* **1236 Arguello Boulevard**  
*Permit Application:* 2014.05.23.6581  
*Zoning:* RH-3 (Residential House, Three-Family)  
40-X Height and Bulk District  
*Block/Lot:* 1265/019  
*Project Sponsor:* Jim Zack  
Zack/DeVito Architects  
156 South Park  
San Francisco, CA 94107  
*Staff Contact:* Brittany Bendix – (415) 575-9114  
brittany.bendix@sfgov.org  
*Recommendation:* **Do not take DR and approve as proposed**

### PROJECT DESCRIPTION

The existing building is three stories with attic and contains one legal dwelling unit on the second and third floors, a second dwelling unit that was established without benefit of a permit at the garage level, and one off-street parking space. The proposal includes two horizontal additions, one at the rear of the existing building, and one in the front, southwest corner. The project also includes a 4<sup>th</sup> floor vertical addition by converting the attic to a full story. The project also establishes two additional dwelling units for a total of three.

The main three-story portion of the existing building has a depth of 48.5 feet, and is shallower than both adjacent neighbors, with the exception of a 9-foot wide portion of the second story that projects an additional 19.5 feet and results in a rear yard of approximately 69 feet. The proposed rear addition is tiered, such that it will extend beyond the rear building wall 25.75 feet at the garage level (excavating to create habitable space), 2.5 feet at the second level, 21.75 feet at the third story, and 15.42 feet at the fourth floor (which matches the depth of the southern uphill neighbor). This massing will result in a rear yard of approximately 62.10 feet. Further, where the proposed building mass projects beyond the northern neighbor's rear building wall, a 3 foot 8 inch side setback is provided at the garage level and a 5 foot side setback is provided at all levels above; and where the proposed building mass projects beyond the southern neighbor's rear building wall, a 5 foot 7 inch side setback is provided at grade and above.

### SITE DESCRIPTION AND PRESENT USE

The project site is located on the east side of Arguello Boulevard between Frederick and Carl Streets in the Inner Sunset neighborhood. The subject property is generally rectangular with 25.125 feet of frontage on Arguello Boulevard, a width of 25 feet at the rear of the property, and depths of 137 feet on the northern property line and 139 feet on the southern property line. The lot is approximately 3,450 square

feet and slopes diagonally upwards from the northwest corner of the lot to the southeast corner. The property is developed with a three-story (with attic) single family dwelling constructed circa 1904.

## SURROUNDING PROPERTIES AND NEIGHBORHOOD

This portion of the Inner Sunset neighborhood is largely characterized by moderately dense residential uses located among institutional and recreational facilities that are associated with Kezar Stadium, Golden Gate Park, and the University of California, at San Francisco. The residential uses are generally three- to four-story flats, condos or multi-family apartment buildings. This variation is evident among the six different properties that adjoin the subject property. Directly behind and east of the subject property is a recreational center (d.b.a. Circus Center) and the Park View Commons housing development which consists of 114 units within three-story condo buildings. Immediately south and uphill of the property are three properties, two two-story single-family dwellings that front on Carl Street but share their rear yard property lines with the subject property, and a three-story single family dwelling that fronts on Arguello Boulevard and shares the majority of the subject lot's southern property line. Directly across Arguello Boulevard and west of the subject property is a four-story four-unit residential building. Finally, the lot directly north and downhill of the subject property is developed with a four-story three-family dwelling at the front of the lot and a legally non-complying two-story single-family dwelling unit at the rear of the lot. The DR Requestor lives in the detached unit at the rear.

## BUILDING PERMIT NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	July 29, 2015 – August 28, 2015	August 28, 2015	November 5, 2015	69 days

## HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	October 26, 2015	October 26, 2015	10 days
Mailed Notice	10 days	October 26, 2015	October 26, 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

Darik Heaney, resident at 1230 Arguello Boulevard #A, the detached dwelling unit at the rear of the adjacent property to the north.

## DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

See attached *Discretionary Review Application*, dated August 28, 2015

## PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

See attached *Response to Discretionary Review*, dated October 20, 2015.

## 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 considered the DR Application on September 24, 2015, and determined that the proposed project is not exceptional or extraordinary. Specifically, the building height and depth is consistent with adjacent buildings and overall development patterns. The rear wall of the addition steps down into the rear yard and breaks up the perceived massing of the project. This sculpting of otherwise buildable volume serves to retain rear yard open space and provides relief to the legally non-complying dwelling unit located in the adjacent rear yard.

**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.**

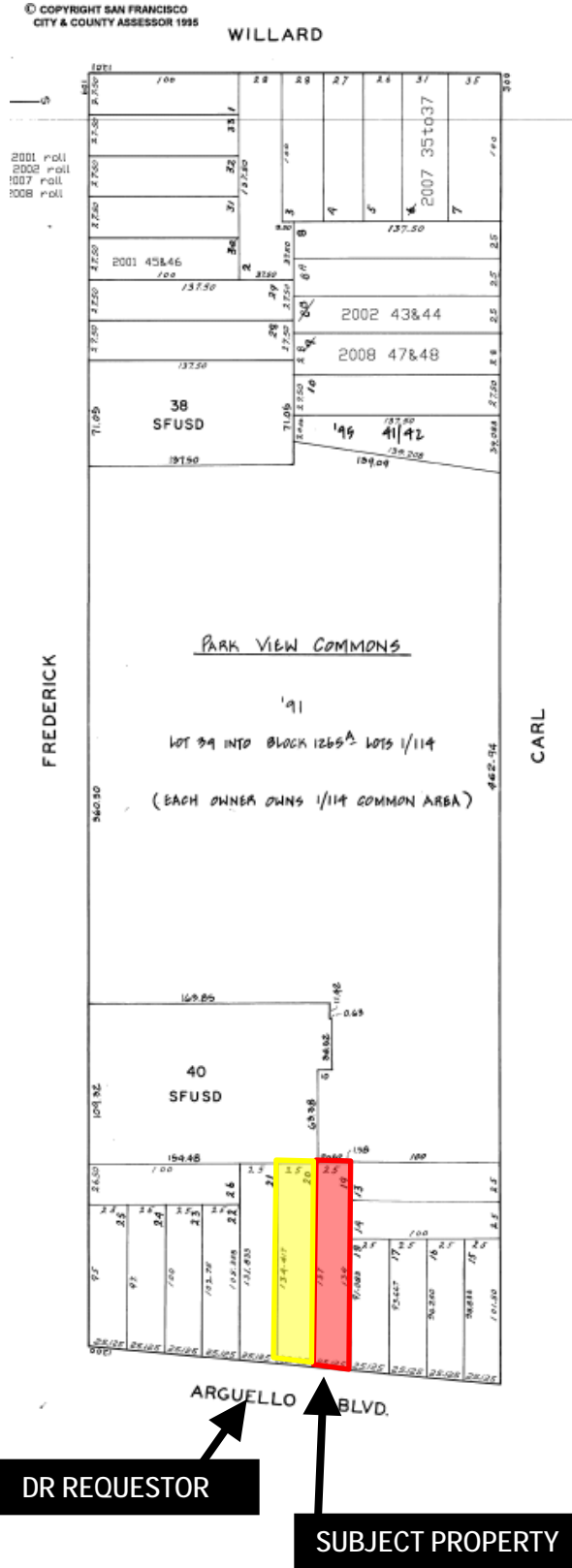
<b>RECOMMENDATION:</b>	<b>Do not take DR and approve project as proposed</b>
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### Attachments:

Block Book Map  
Sanborn Map  
Zoning Map  
Aerial Photographs  
Context Photographs  
Section 311 Notice  
DR Application  
Response to DR Application dated October 20, 2015  
Reduced Plans

BB: G:\DOCUMENTS\Building Permits\1236 Arguello Blvd\DR - Abbreviated Analysis.doc

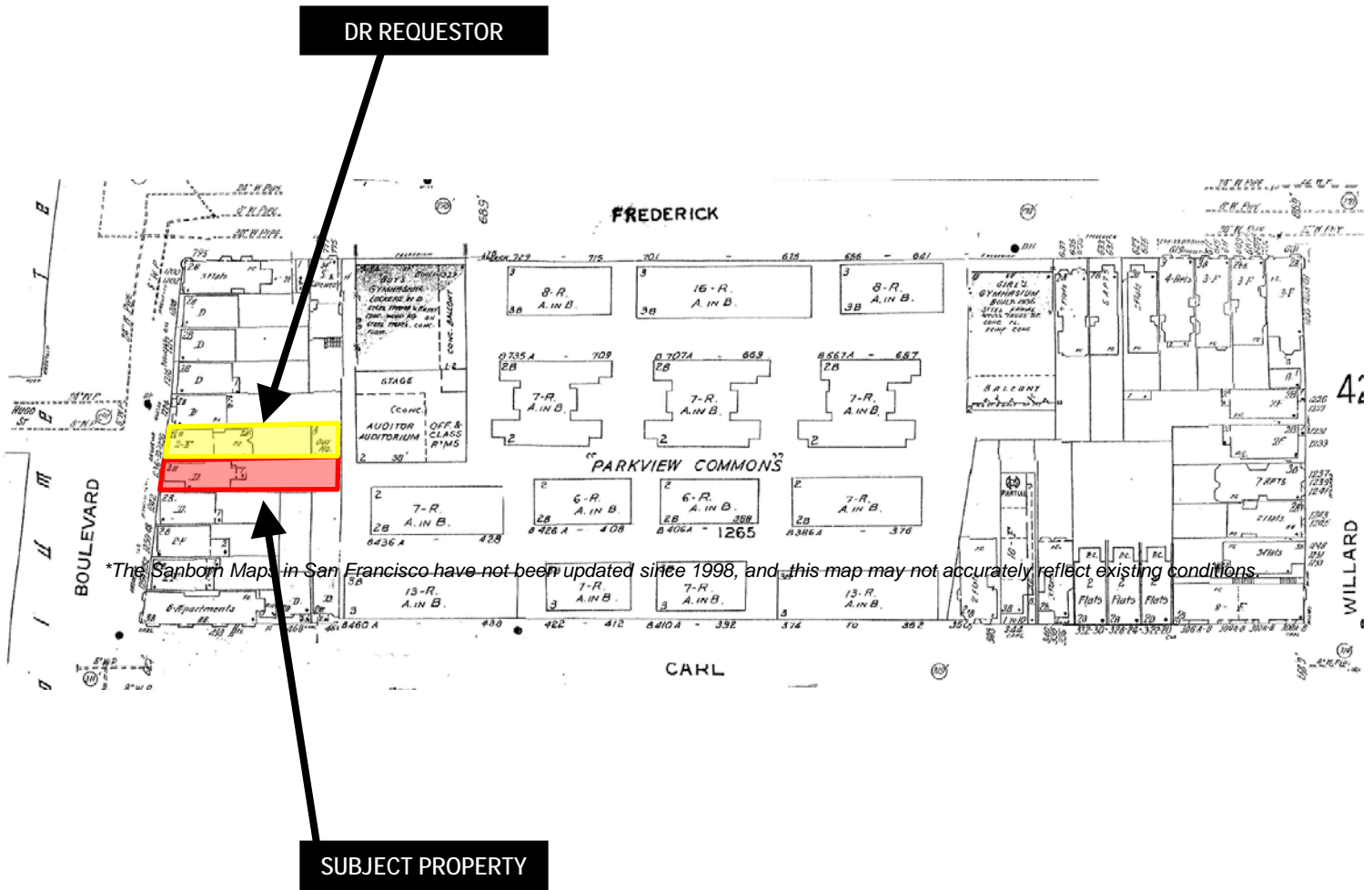
# Parcel Map



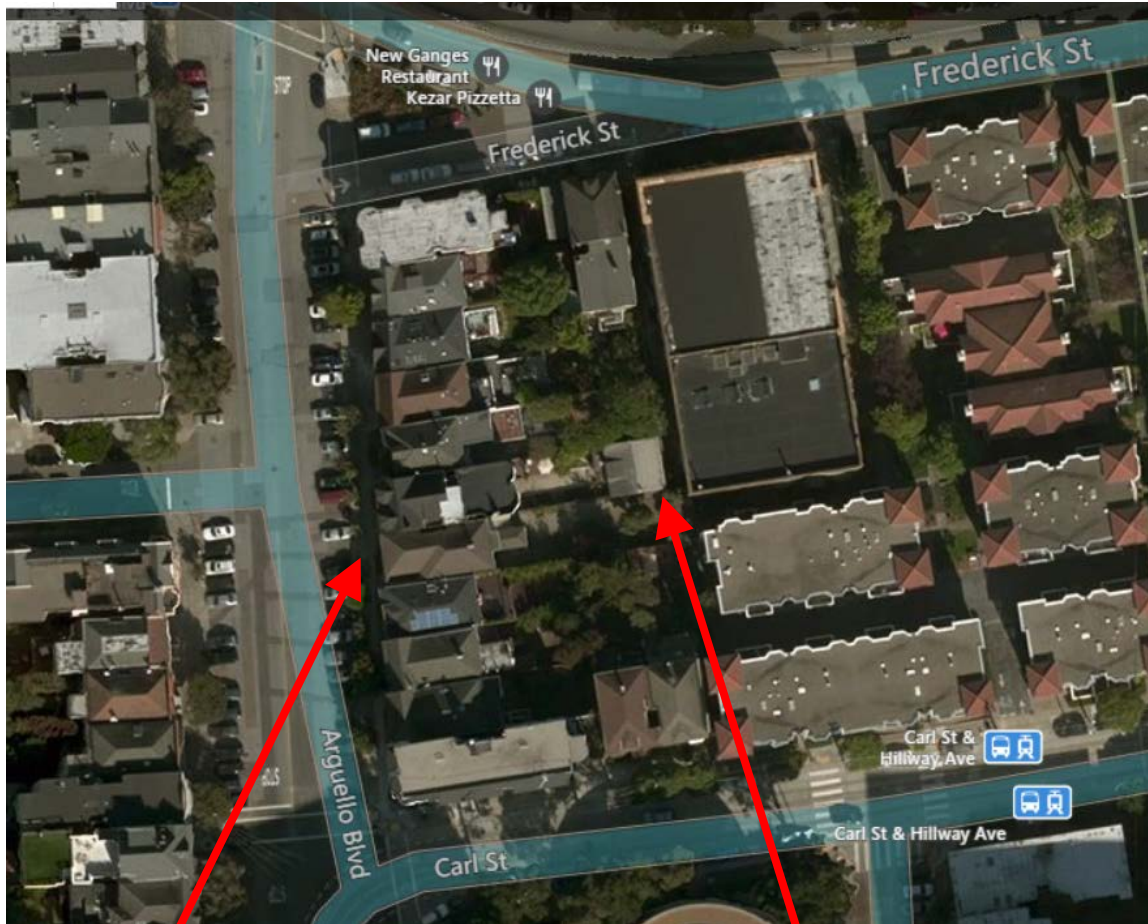
Discretionary Review Hearing  
Case Number 2014.1492DRP  
1236 Arguello Boulevard



# Sanborn Map\*



# Aerial Photo



SUBJECT PROPERTY

DR REQUESTOR



# Zoning Map



Discretionary Review Hearing  
Case Number 2014.1492DRP  
1236 Arguello Boulevard

# Site Photo



SUBJECT PROPERTY







# SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

## NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **May 23, 2014**, the Applicant named below filed Building Permit Application No. **2014.05.23.6581** with the City and County of San Francisco.

PROPERTY INFORMATION		APPLICANT INFORMATION	
Project Address:	<b>1236 Arguello Boulevard</b>	Applicant:	<b>Jim Zack</b>
Cross Street(s):	<b>Carl and Frederick Streets</b>	Address:	<b>156 South Park Street</b>
Block/Lot No.:	<b>1265/019</b>	City, State:	<b>San Francisco, CA 94107</b>
Zoning District(s):	<b>RH-3 / 40-X</b>	Telephone:	<b>(415) 495-7889 x201</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 checked="" type="checkbox"/> Change of Use	<input checked="" type="checkbox"/> Façade Alteration(s)	<input checked="" 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	1.29 feet	No Change
Side Setbacks	None	No Change
Building Depth (deepest portion)	67.71 feet	74.61 feet
Rear Yard	69 feet	62.10 feet
Building Height	29.5 feet	37.75 feet
Number of Stories	3 with attic	4
Number of Dwelling Units	1	3
Number of Parking Spaces	1	2
PROJECT DESCRIPTION		
The proposal includes two horizontal additions, one at the rear of the existing dwelling and one in the southwest corner. The project also includes a 4 <sup>th</sup> floor vertical addition and will establish two additional dwelling units for a total of three within the resulting building. See attached plans.		
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.		

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

Planner: Brittany Bendix

Telephone: (415) 575-9114

E-mail: [Brittany.bendix@sfgov.org](mailto:Brittany.bendix@sfgov.org)

**Notice Date: 7/29/2015**

**Expiration Date: 8/28/2015**

中文詢問請電: (415) 575-9010

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

# 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.

# APPLICATION FOR Discretionary Review

## 1. Owner/Applicant Information

DR APPLICANT'S NAME:  
Darik HeaneyDR APPLICANT'S ADDRESS:  
1230 Arguello Blvd. #AZIP CODE:  
94122TELEPHONE:  
(415) 310-3527PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME:  
Chin Swee, Michael Swee, Marina Swee, Seik Swee, Steven SweeADDRESS:  
1236 Arguello Blvd.ZIP CODE:  
94122TELEPHONE:  
(415) 661-0621

CONTACT FOR DR APPLICATION:

Same as Above ☒

ADDRESS:

ZIP CODE:

TELEPHONE:  
( )E-MAIL ADDRESS:  
sheaney@emeryfinancial.com

## 2. Location and Classification

STREET ADDRESS OF PROJECT:  
1236 Arguello BlvdZIP CODE:  
94122CROSS STREETS:  
Hugo St.ASSESSORS BLOCK/LOT:  
1265 / 019LOT DIMENSIONS:  
138 x 25LOT AREA (SQ FT):  
3449ZONING DISTRICT:  
RH-3HEIGHT/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 familyPresent or Previous Use:  
3 units

Proposed Use:

Building Permit Application No. 2014.05.23.6581

Date Filed: 8-28-2015

#### 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.

N/A



## 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.

As a impacted neighbor, I just feel that the size and scope of the project deserves a discretionary review by the San Francisco Planning Department. The building is going from a single family residence to a 3 family property, but does so with a very large increase to the height and depth of the building that seem quite uncharacteristic of the neighborhood. Several neighbor remodels previously have maintained a certain line of depth into the open space in combination with the use of setbacks on the upper floors. While 1236 Arguello has apparently been approved to certain dimensional mass, I think that further consideration of the proposal with respect to the privacy, light, sunlight and impact to the mid-block open space are warranted.

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

The project proposes a 3 family living space. This greatly increases the number of families that have views directly into our bedroom and living room windows. Further, the extension into the mid block open space, significantly pushes those eyeballs closer into our living space. In addition, I know that virtually all the neighbors who share the mid block open space will suffer the negative impacts of less light, less direct sunlight, and the imposing 40 foot structure protruding into the open space, and a significant blocking of mid-block open space, sunlight, etc.

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?

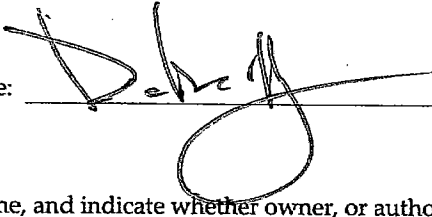
I think that the mid block open space would helped with some further evaluation of ways to maintain that space. Perhaps some articulation of the upper floors would acheive this as it has for other neighbors south and north of the project. Other elements to provide privacy to our living space could be discussed at the advise of the architect and developer so it is mutually beneficial

# 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: \_\_\_\_\_

8/28/15

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

Darik Heaney

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)

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

## DR APPLICATION

- ☒
- ☒
- ☒
- ☒
- ☐
- ☐
- ☒
- ☒

## 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: Brian Baker

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

RESPONSE TO  
**DISCRETIONARY  
REVIEW (DRP)**



**San Francisco  
Planning**

SAN FRANCISCO PLANNING DEPARTMENT  
1650 MISSION STREET, SUITE 400  
SAN FRANCISCO, CA 94109-3479  
MAIN: (415) 558-6378 SFPLANNING.ORG

**Project Information**

Property Address: 1236 Arguello Boulevard

Zip Code: 94122

Building Permit Application(s): 2014.05.23.6581

Record Number: 2014.1492DRP

Assigned Planner: Brittany Bendix

**Project Sponsor**

Name: JIM ZACK, Architect for Chint Seik Swei Phone: 415.445.7889 x201

Email: Jim@zackdevito.com

**Required Questions**

1. Given the concerns of the DR requester and other concerned parties, why do you feel your proposed project should be approved? (If you are not aware of the issues of concern to the DR requester, please meet the DR requester in addition to reviewing the attached DR application.)

See Attached

2. What alternatives or changes to the proposed project are you willing to make in order to address the concerns of the DR requester and other concerned parties? If you have already changed the project to meet neighborhood concerns, please explain those changes and indicate whether they were made before or after filing your application with the City.

See Attached

3. If you are not willing to change the proposed project or pursue other alternatives, please state why you feel that your project would not have any adverse effect on the surrounding properties. Include an explanation of your needs for space or other personal requirements that prevent you from making the changes requested by the DR requester.

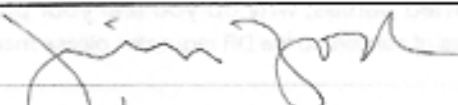
See Attached

## Project Features

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

	EXISTING	PROPOSED
Dwelling Units (only one kitchen per unit - additional kitchens count as additional units)	* 2	3
Occupied Stories (all levels with habitable rooms)	3	4
Basement Levels (may include garage or windowless storage rooms)	0	0
Parking Spaces (Off-Street)	1	2
Bedrooms	6	9
Height	31'-10" MID PT OF STORE	38'-11" MID-POINT FROM P.L.
Building Depth	69'-0 3/4" MID-POINT FROM P.L.	82'-4" MID-POINT FROM P.L.
Rental Value (monthly)	Est. 6,000/mo	Est. 18,000/mo
Property Value	Est. 2,000,000	Est. 4,500,000
SQUARE FOOT/BUILDING AREA	± 3,000 sq ft	± 5,455 sq ft

\* (E) non-conforming/unwarranted kitchen in Basement, See (E) Plans  
 I attest that the above information is true to the best of my knowledge.

Signature:  Date: 10/20/15

Printed Name: JIM ZACK ☐ Property Owner ☒ Authorized Agent Architect

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

See Attached

October 15, 2015

## **RESPONSE TO DISCRETIONARY REVIEW**

**Property Address:** 1236 Arguello Boulevard  
**Building Permit No.:** 2014-0523-6581  
**Record No.:** 2014-1492DRP  
**Zoning District:** RH-3

Project Sponsor: Jim Zack, Architect

Phone: 415.495.7889, ext. 201

Email: jim@zackdevito.com

### **A. Introduction**

The project proposes to convert an existing single-family residence with three stories and +/- 3,023 sq ft into a three unit building with four stories and +/-5,455 sq ft of living space. In summary:

- The Project is on a deeper than normal lot of 25'x138'. The existing building does not extend to the rear yard line; it is +/- 23' from the set back line. The neighboring building to the south at 1242 Arguello has a similar building depth. It should be noted the lot size of 1242 Arguello is 50' shorter than the subject property.
- The main structure of the neighbor to the north at 1230-1232 Arguello extends +/- 13'-10' deeper than the existing subject property. 1230 Arguello #A is an existing non-conforming "carriage house" built in the required rear yard, of 1230-1232 Arguello. 1230 Arguello is built 100% in the mid-block open space. The DR requestor resides at 1230 Arguello #A.
- The neighbor to the rear is a multi-structure +/-100-unit condominium complex on the site of a former school. Directly behind the DR requestors carriage house is a five story multi-purpose building, the former school gymnasium. The old gym and residential buildings are built to the shared property line, effectively eliminating the mid-block open space on the adjacent rear parcel.

### **B. Project Description & Narrative**

The proposed project is to convert an existing three story, single-family home of +/- 3,000 sq ft to a four story, three-unit building of +/- 5,455 sq ft. Areas are for conditioned living space. The existing first floor, one car garage of 450 sq ft will be enlarged to 644 sq ft. and will accommodate two cars. The proposed project includes a horizontal rear addition and a vertical addition. The building will have a new foundation, be seismically updated and will have all new systems and finishes.

### **C. Community Outreach and Neighborhood Support**

The project sponsors have made a considerable effort to reach out to neighbors to understand their concerns and response to the project. In addition to the required Pre-application meeting, an extensive series of e-mails, phone calls and site meetings with interested neighbors have occurred.

There has been no effort to engage the Community Board or other outside mediator.

The owner's representative, their son-in-law, has made an effort to reach out to the DR requestor to better understand their concerns, but has been unable to come to any mutually agreeable solutions or changes.

### **RESPONSE TO DISCRETIONARY REVIEW**

**1. Given the concerns of the DR requestor and other concerned parties, why do you feel your proposed project should be approved? (If you are not aware of the issues of concern to the DR requestor, please meet the DR requestor in addition to reviewing the attached DR application.)**

- The project should be approved as proposed because it was designed to meet the SF Planning Code, the Residential Design Guidelines and it has been reviewed and approved by the planning staff and the Residential Design Team.
- The project should be approved as proposed because it is the most sensitive and appropriate design when the goals and concerns of both the project sponsors and the neighbors are considered.
- The project should be approved as proposed because the issues brought up by the DR Requestors are not "exceptional and extraordinary". The DR requestor has not provided any specific circumstances where the project does not meet the SF Planning Code, Priority Policies, General Plan or the Residential Design Guidelines.
- The project should be approved as proposed because we have already made significant concessions and changes to the design at the request of the planning staff and the RDT. We have had a thorough and lengthy design process and the project has been reviewed by the RDT at least three, if not four times. Additional concessions were made to address concerns of another neighbor Mr. Alan Low, who resides in the adjacent property to the south at 1242 Arguello. The property owner to the north, and the DR requestors landlord, was also involved in the discussions leading to the plan changes.

- The project should be approved as proposed because it is consistent with the general pattern of development in the neighborhood. This block of Arguello is all three and four story buildings, a mix of single family and small multi-unit buildings. The proposed project is consistent with this pattern of massing and use. There is also a pattern of shaped roofs with occupied space as can be seen directly next door at 1230 Arguello and directly across the street at 7-9 Hugo.
- The proposed project should be approved because it is consistent with the pattern of massing, height, and relationship to the required rear yard. On this block there is no defined rear wall line, but a mix of building depth and height. To the rear is a number of multi-unit condominium buildings of 30-50' heights, built at or close to the rear property line. *See attached Google map views.*

**The DR Requestor has stated three concerns:**

1. DR Requestor states "I just feel that the size and scope of the project deserves a DR..."
2. Loss of "privacy, light, sunlight"
3. Loss of the mid-block open space

**Response to 1- Size & Scope of Project**

The project is designed to be code compliant in regards to set backs and height as well as being sensitive to the massing of neighboring buildings. The DR requestor's concerns are focused on the rear of the building so the following comments are specific to the rear façade and massing, but similar ideas were considered on the front as well.

- The Residential Design Guidelines explain:
  - *Though each building will have its own unique features, proposed projects must be responsive to the overall neighborhood context. A sudden change in the building pattern can be visually disruptive. Development must build on the common rhythms and elements of architectural expression found in a neighborhood. (Section II, pg. 7)*
  - *GUIDELINE: Design the height and depth of the building to be compatible with the existing building scale at the mid-block open space. (Section IV, pg. 25)*
  - *The following design modifications may reduce the impacts of rear yard expansions; other modifications may also be appropriate depending on the circumstances of a particular project:*
    - *Set back upper floors to provide larger rear yard setbacks.*
    - *Notch the building at the rear or provide setbacks from side property lines.*
    - *Reduce the footprint of the proposed building or addition. (Section IV, pg. 26)*



Per the Residential Design Guideline:

- The rear most portion of the building steps back at the upper floors: The proposed structure is designed to the code required 45% rear yard line at the first floor, is held back 4'-0" on floors two and three, and 10'-5" on the fourth floor.
- The rear most portion of the structure, where it extends past the main volume of neighboring buildings, is set back from the north side property line 5'-0" and from the south side property line 5'-6 1/2". These voluntary side setbacks align with the primary building massing of each neighbor's building.

### **Response to 2- Loss of "privacy, light, sunlight"**

By the SF Planning Code, the Residential Design Guidelines and all applicable building codes, the proposed project does **not** impact light and air of any of the neighboring properties. Similar to most projects in San Francisco residential neighborhoods, the proposed project is located inches away from neighbors. The proposed project has conceded large portions of allowable building area by providing 5'+ side set backs and stepping the rear façade, to maintain light and air to adjacent properties.

- The Planning Code and RDG do address the issue of light and air, specifically as it applies to side and rear yards. The Project's design respects these concerns. There are descriptions and diagrams of preserving light and air by "mirroring a light well" (pg.16 -17), as we have done with our neighbor directly to the. We are preserving light and air to their windows by providing a 3' light court and preserving light and air to their rear yards by providing side set backs of 5'-0" and 5'-6". By convention in San Francisco, preserving light and air can be achieved by altering a building by two or three feet, by adding a notch, or reducing height by a foot or two.
- The distance between the rear of the proposed structure (at levels 2 and 3) is 40' 1" from the DR requestors residence.
- Privacy is not specifically addressed in the RDG. While privacy is a concern for all, the project is located in a dense urban area where neighboring buildings are typically inches apart. It should be noted the front building on the DR requestors lot is +/- 43' from the DR requestors cottage, and is of similar height to the proposed subject property, and there are three and four story condo buildings directly behind both the subject property and the DR requestor's property, built right to the rear property line.

### **Response to 3- Loss of the mid-block open space**

The proposed project is built within the code required 45% set back and does not intrude into the mid-block open space. The DR requestor incorrectly states that the proposed project extends into the mid-block open space. That said, the block

is an anomaly, with the majority of the mid block open space filled with multi-unit condominium buildings. *See attached Google Map view*

- In the portion of the block where the subject property is located there are a number of rear yard structures that are built in the mid-block open space, most notably the old carriage house occupied by the DR requestor.

**2. What alternatives or changes to the proposed project are you willing to make in order to address the concerns of the DR requestor and other concerned parties? If you have already changed the project to meet neighborhood concerns, please explain those changes and indicate whether they were made before or after filing your application with the City.**

At this time the project sponsor is unwilling to make additional changes to the proposed project. The project sponsor has already made a series of significant changes to the rear of the building, reducing the building depth, building massing, size of decks, etc., and because the project is code compliant, meets the intent of the Residential Design Guidelines and the Priority Policies, as well as following the pattern of the neighborhood, they believe additional changes are unwarranted.

Below is a summary of revisions to the proposed structure. See attached 'building depth history' for a graphical representation of the revisions.

The first change was made to the design following the required Neighborhood Pre-application meeting and prior to submitting for the Site Permit. Neighbors expressed concerns about the size of the building, depth of the addition and lack of side setbacks to limit loss of light to neighboring yards. At this time the design assumed the 45% rear yard requirement could be reduced by averaging due to the non-conforming rear yard structure on the neighboring property (the DR requestors residence). The design was changed to include a 3'-0" side set back on the north and the depth was reduced about 2'-0".

The second series of changes was at the request of Planning staff and the RDT, and included an increase in the north side set back to 5'-0", a reduction in depth to the required 45%, which was a +/- 10'-0" reduction in depth, add a new matching light well and alter the front roof line, as well as a number of other minor issues. See the "Notice of Planning Department Requirements" dated 11/14/14.

The third and fourth set of changes was the result of a series of conversations and negotiations with a number of neighbors, led by Mr. Allen Low who resides next door at 1242 Arguello. The result of these changes was a further reduction in the depth of the building on the second and third floors by an additional 4'-0" and changes to the size and location of the side wall windows to increase privacy to the neighbor's yards. Changes were also made to the railings of the top floor deck, that provides the unit's required open space, to maximize privacy.

It should be noted the top, fourth floor was always held back at least 10'-0" from the rear wall of the lower floors to reduce massing and align with the massing of the neighboring buildings. It should also be noted the design of the façade went through a series of changes, starting out as a quite modern building and evolving into a building that is much more sensitive to the neighborhood pattern, with a shaped front roof, windows that better match the patterns, proportion and alignment of neighboring buildings, a more traditional materials palette, massing more consistent with the pattern of neighboring buildings, etc.

**The DR Requestors has stated the following concerns:**

1. "I think that the mid block open space would helped with some further evaluation of ways to maintain that space.
2. Provide "other elements to provide privacy..."
3. The increase from a one unit to a three-unit building

**Response to 1- Mid-block open space**

As previously described, the proposed project does not intrude into the mid-block open space. It is built 100% in the allowable building envelope as described by required set backs, height limits etc.

**Response to 2- Loss of Privacy**

As previously described, privacy is typically not a condition described by the code, but efforts have been made to minimize visual intrusion into the neighbors property. In this case it should be noted that the issues around privacy are the result of the DR requestor occupying an existing, non-conforming structure built in the required rear yard of the property directly adjacent to the north of the subject property, also known as the mid-block open space. It is this non-conforming condition that creates a potential privacy issue with the proposed code compliant project. It should be further noted that the proposed project extends only 2' 10" (at levels 2 and 3) further back than the existing structure, it is hard to imagine how this dramatically effects a decrease in privacy. Additionally, the front building on the same property as the DR requestor also has a large façade with 12 windows and multiple doors directly facing the DR requestor's residence. *See attached picture.*

**Response to 3- Conversion from One to Three units**

The zoning for this neighborhood is RH-3, allowing for up to three units on a typical lot. The neighborhood is mixed, there are single-family houses, small 1-4 unit apartments, as well as a 100+ unit condo project to the rear of the subject property, as well as behind the DR requestor's residence. The UCSF parking garage and office building is ½ block to the south, looming over the neighborhood. A three-unit building is an appropriate project type for this neighborhood.

The existing house has six bedrooms, four of which face the rear yard. The proposed project has nine bedrooms, five face the rear yard, but three are located on the south side of the project, and views to the DR requestor's property are blocked by the mass of the proposed addition, so in fact only two bedrooms face the rear yard adjacent to the DR requestor's yard. *Please refer to the submitted floor plans.*

It should go without mention that with the current acute housing shortage in San Francisco, all new housing is good housing.

**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 requestor.**

- Since the initial design was prepared and presented to the neighbors at the required Neighbor Pre-Application Meeting, the project sponsor has already made significant changes and concessions to the project, some voluntarily, some at the request of the planning staff and RDT and some through a series of negotiations with another neighbor, specifically Mr. Allen Low, who resides at 1242 Arguello. Mr. and Mrs. Heaney, the DR requestor, were copied on a number of e-mails during this negotiation. The concerns that Mr. Heaney now brings up are the same issues we spent months negotiating with both the planning staff and other neighbors, and which led to significant changes to the project, with a reduction of the depth of the building at the rear as well as the massing. Additional changes at this time would have a significant effect on the program and intended scope of the project.
- The subject property has been family owned and occupied for over 35 years. The children raised here are mostly grown up and moved on with families and homes of their own. The parents, now elderly, wish to remain in their home, but do not need a large, multi-story, six-bedroom house. They have a dependent adult son who lives with them who requires some level of care and attention, and who will live in the lower level suite, separate from, but connected to his parents, who will live in the upper level of the lower floor unit. The two new upper floor units will be rented to subsidize their fixed income in their retirement years. The parents will occupy a one level living space, accessible now by an elevator. Additionally, the building is in need of upgrades and repairs - the heating system is absent, roof needs repair, windows are drafty, etc., all which will be addressed during the renovation.

## **Conclusion**

The proposed project is code complaint, has been designed to meet the requirements of the Planning Code and the Residential Design Guidelines, has been reviewed and vetted by the planning staff and the RDT at least three times, and found to be code compliant and approvable. There are no “exceptional or extraordinary circumstances” that would justify this project being considered for Discretionary Review. Further, the DR requestor has not put forth any evidence or argument, based on the codes, guidelines and policies, that would support the request for DR.

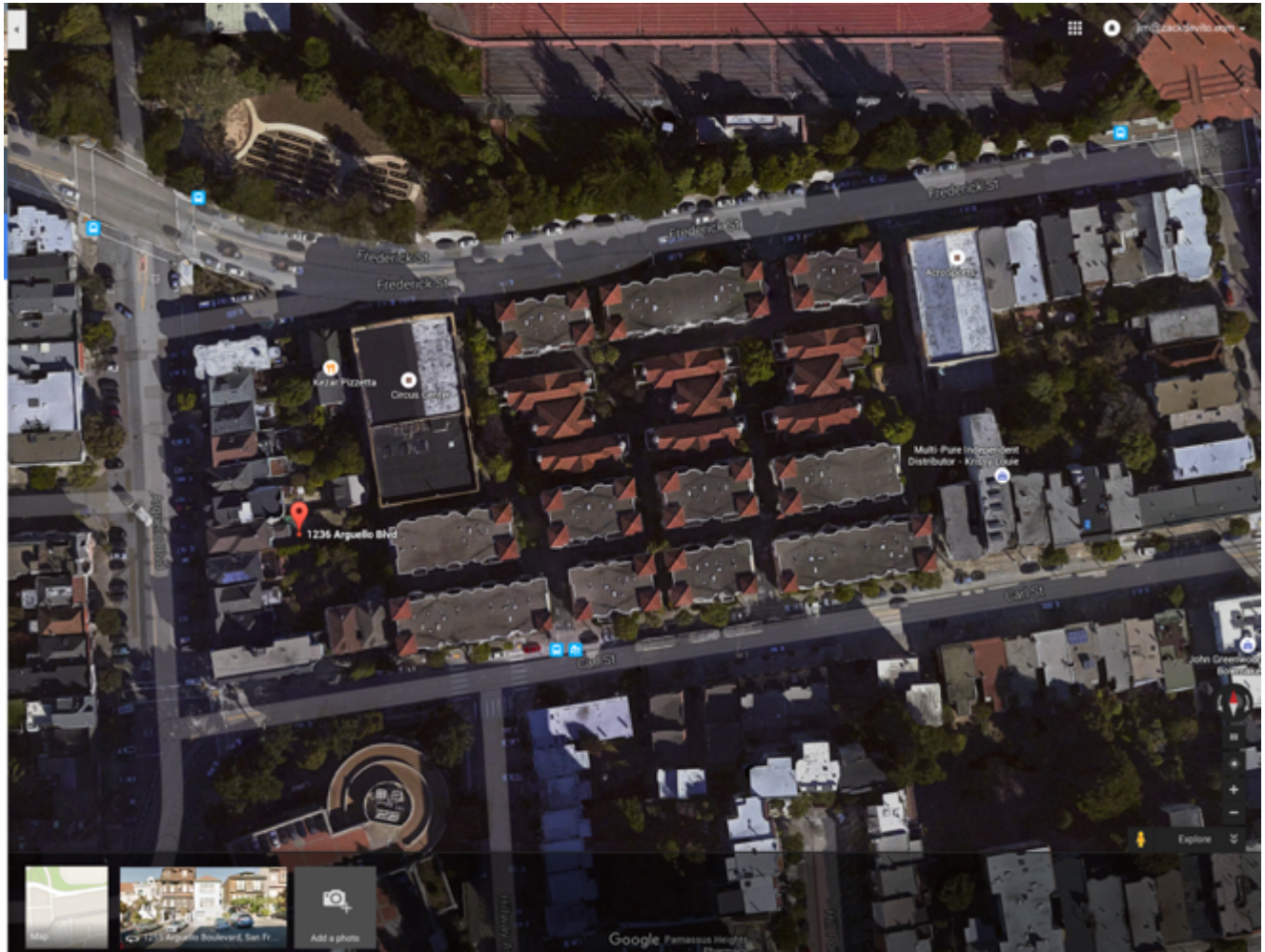
In addition, we are unclear that the DR requestor meets the criteria to file a DR. See ‘The undersigned is the owner or authorized agent of the owner of this property’ statement in the Affidavit section of Application for DR form.

Throughout a lengthy review process, since May of 2014, the project sponsors have made significant changes that address the concern of the DR requestor and additional changes are unwarranted.

### **Attachments:**

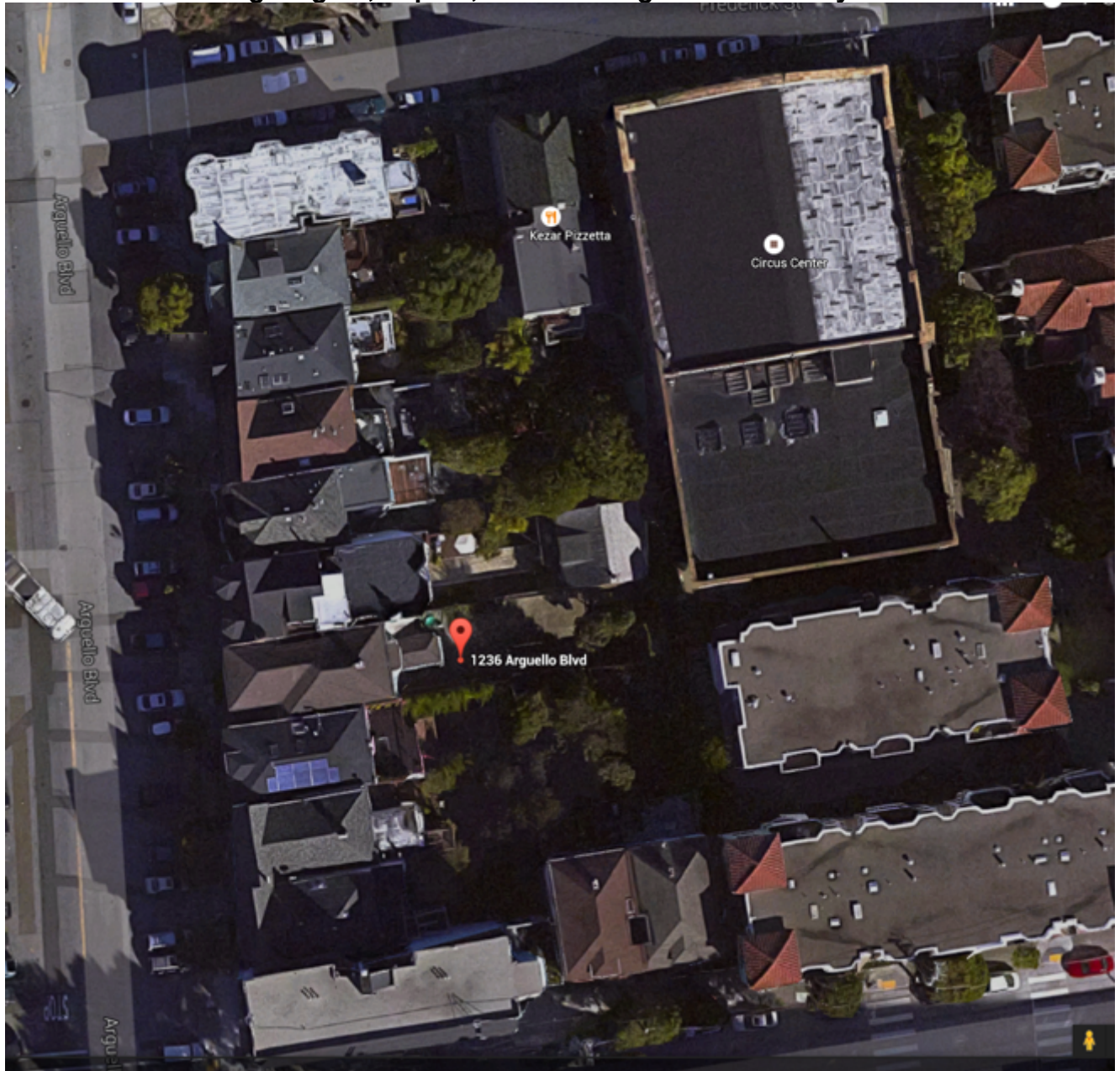
- Please see attached “Building Depth History” which graphically illustrates the series of changes made prior to the DR Request being filed.
- Google map views illustrating the mid-block open space and varied rear massing of other buildings on the block
- Site pictures- Please also review the extensive set of site photos already submitted with the Site Permit application.

## Google Map Views- Note block pattern and mid-bloc open space condition





**Note varied building heights, depths, rear massing and secondary structures**



## Google Earth Views- Note varied building heights, depths and rear massing





## Site Pictures

View of the existing rear façade & proposed elevation



1236 Arguello- Subject property

1230-2132 Arguello – DR Requestor lives in rear cottage



1230 Arguello, #A- DR Requestor's residence as seen from subject property.



1236 Arguello, subject property- Rear Yard, DR Requestor's residence on left. Note four story buildings at rear





1230-1232 Arguello & 1224 Arguello, Rear facades. Note similar massing of 1224 Arguello to proposed subject property



1236 Arguello, subject property and 1242 Arguello- Rear Façade. Note taller buildings on adjacent properties



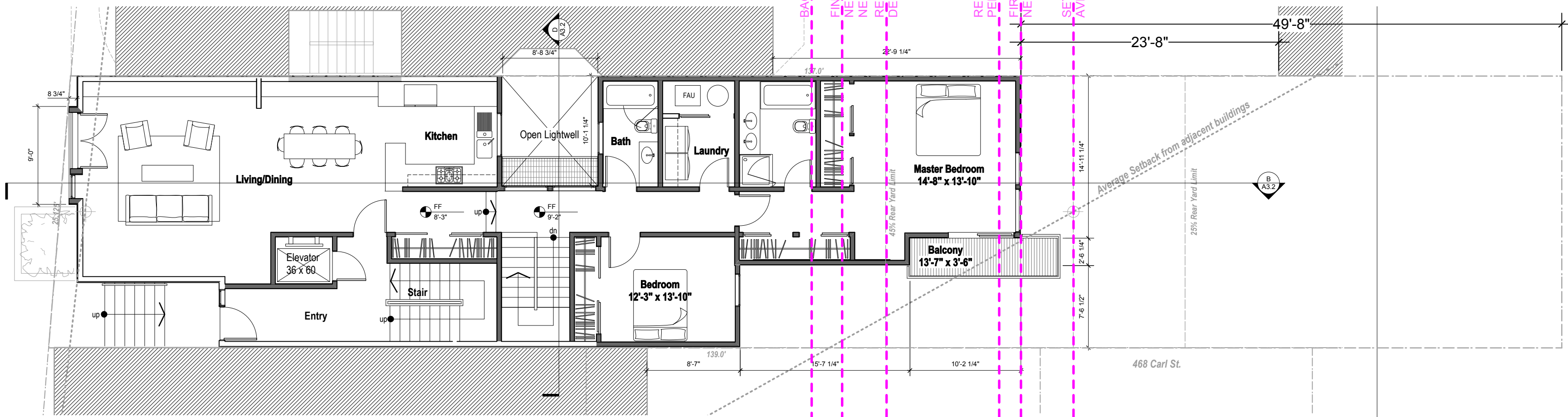
1230-1232 Arguello and 1236 Arguello, subject property- Existing & Proposed Front Facade





Montage of rear yards

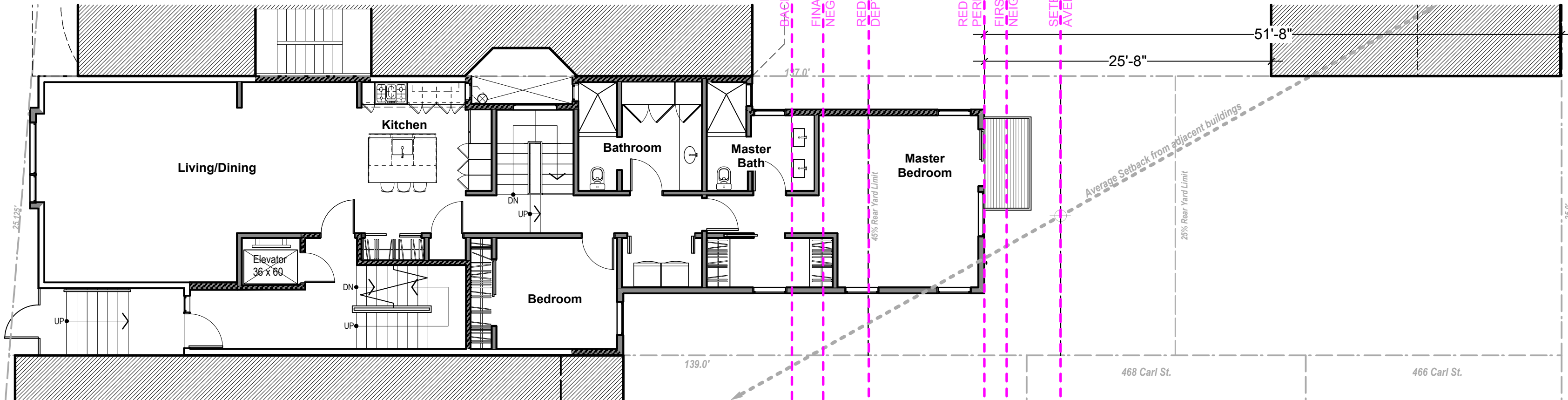




FIRST SCHEME FOR NEIGHBOR NOTIFICATION  
SECOND FLOOR PLAN

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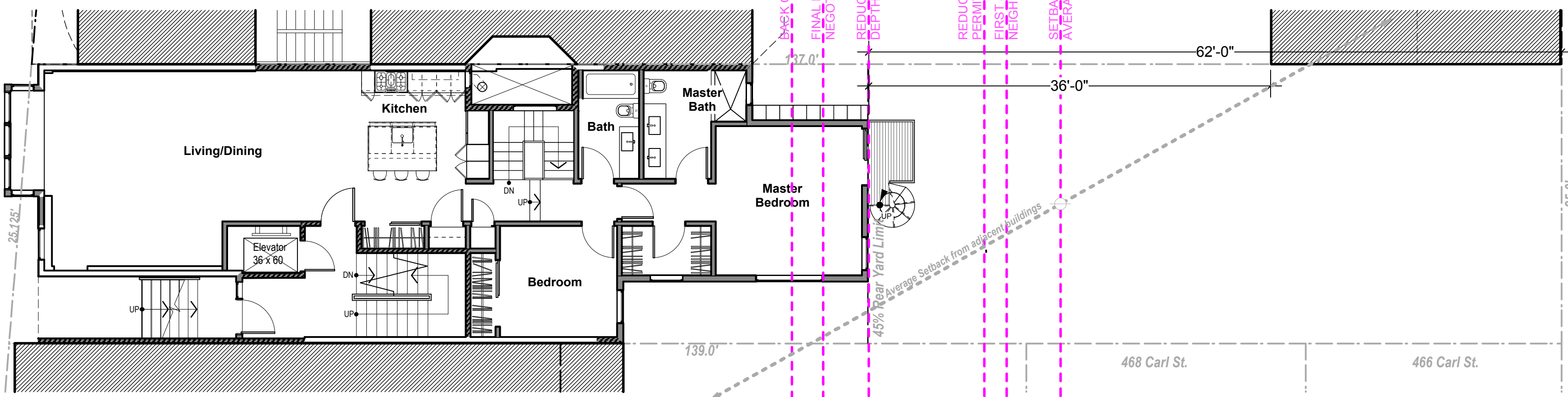
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REDUCTION FOR SITE PERMIT APPLICATION  
SECOND FLOOR PLAN

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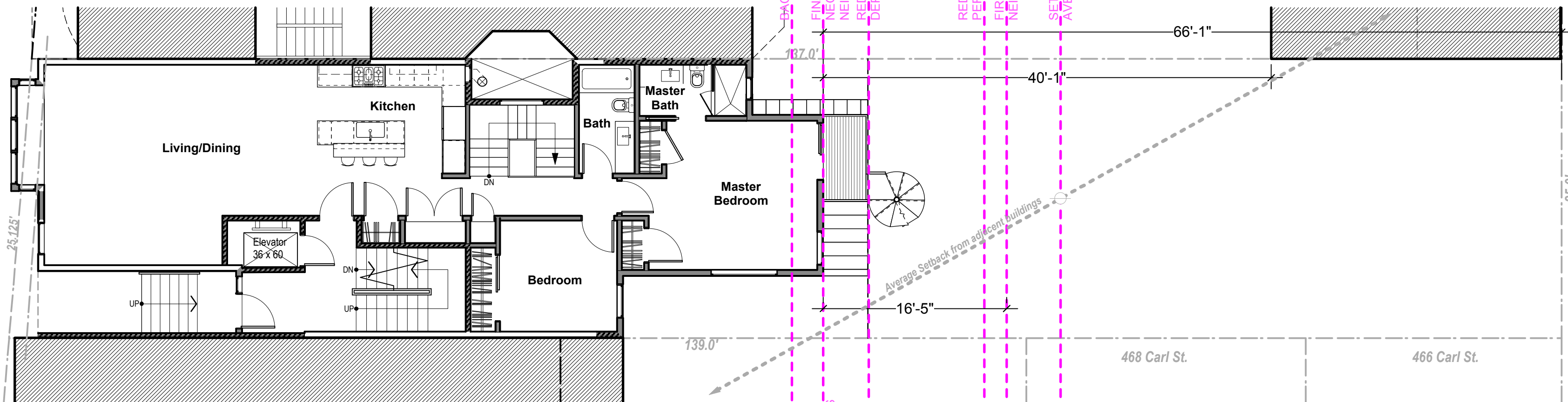
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REDUCTION TO 45% OF LOT LENGTH PER PLANNING DEPT.  
SECOND FLOOR PLAN

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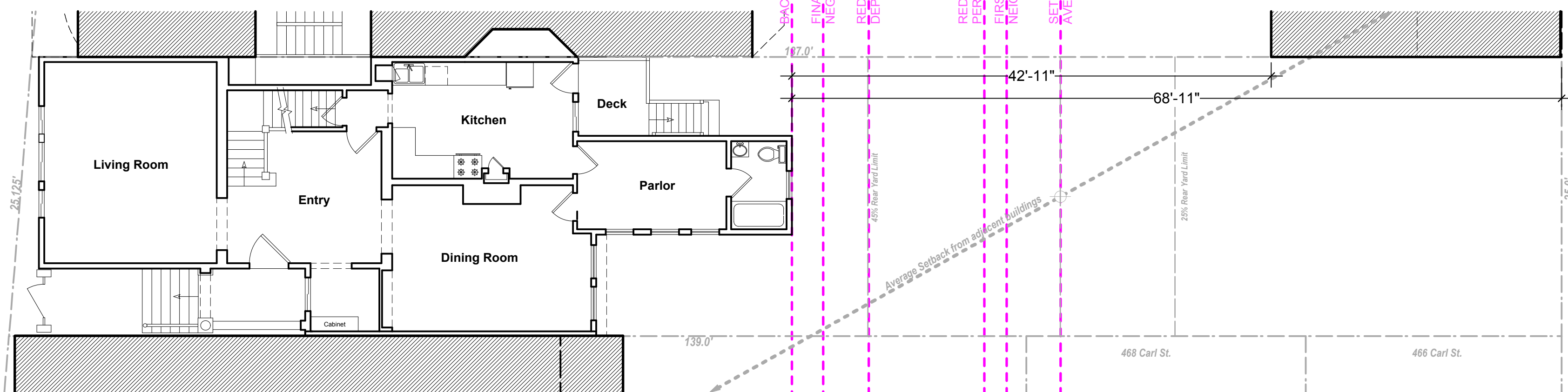
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FINAL 4 FT REDUCTION AFTER NEGOTIATIONS W/ NEIGHBORS  
SECOND FLOOR PLAN

Scale: 1/8" = 1'-0"

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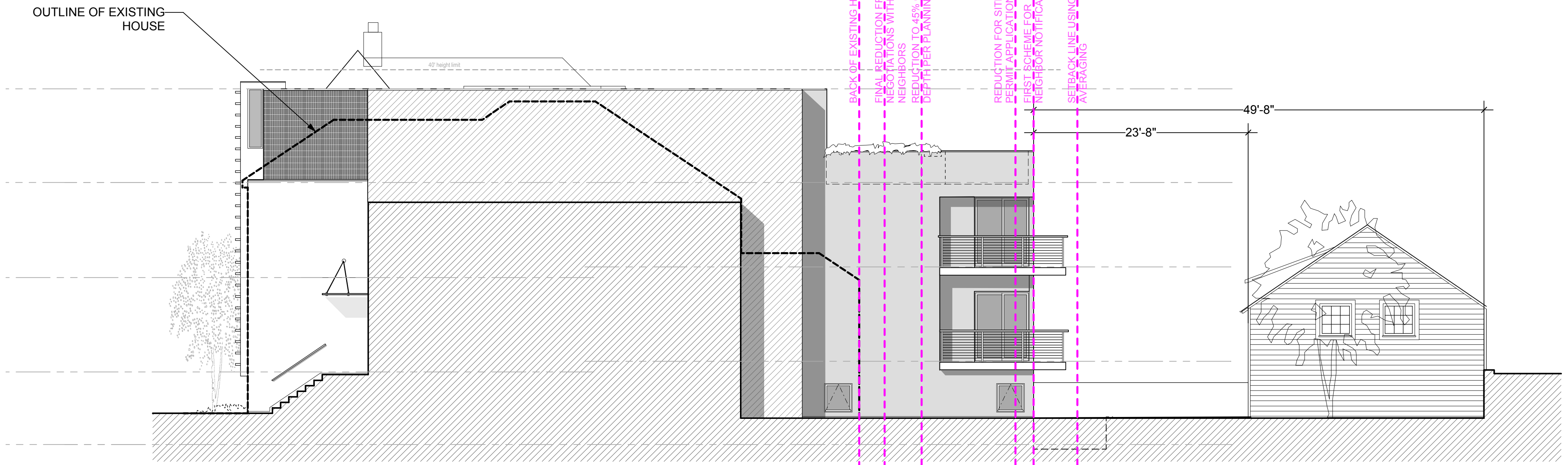


EXISTING HOUSE  
SECOND FLOOR PLAN

Scale: 1/8" = 1'-0"

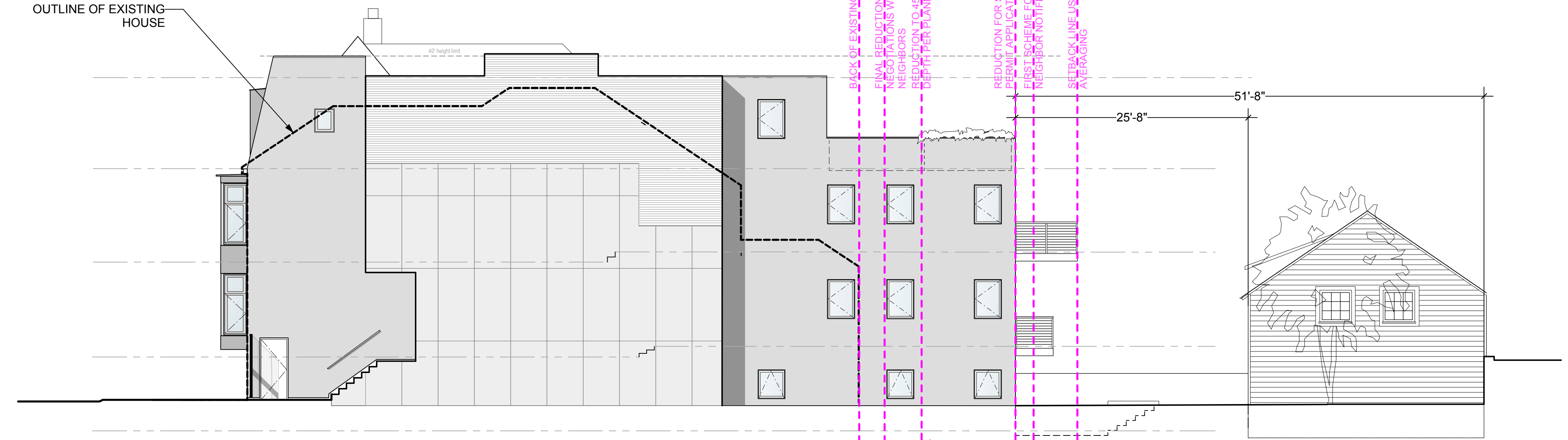
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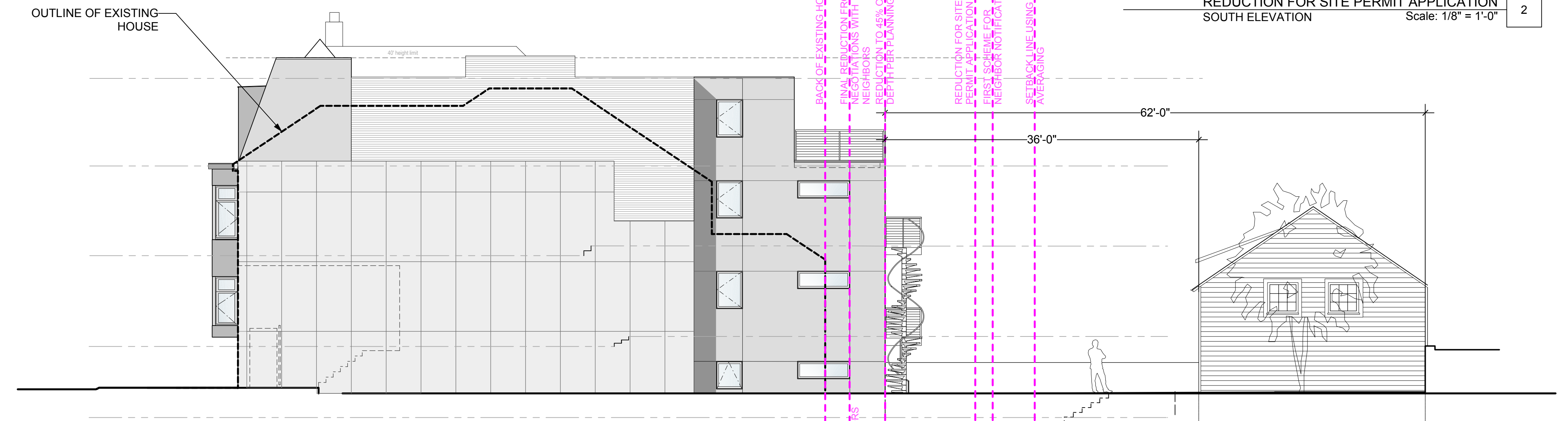
FIRST SCHEME FOR NEIGHBOR NOTIFICATION  
SOUTH ELEVATION  
Scale: 1/8" = 1'-0"

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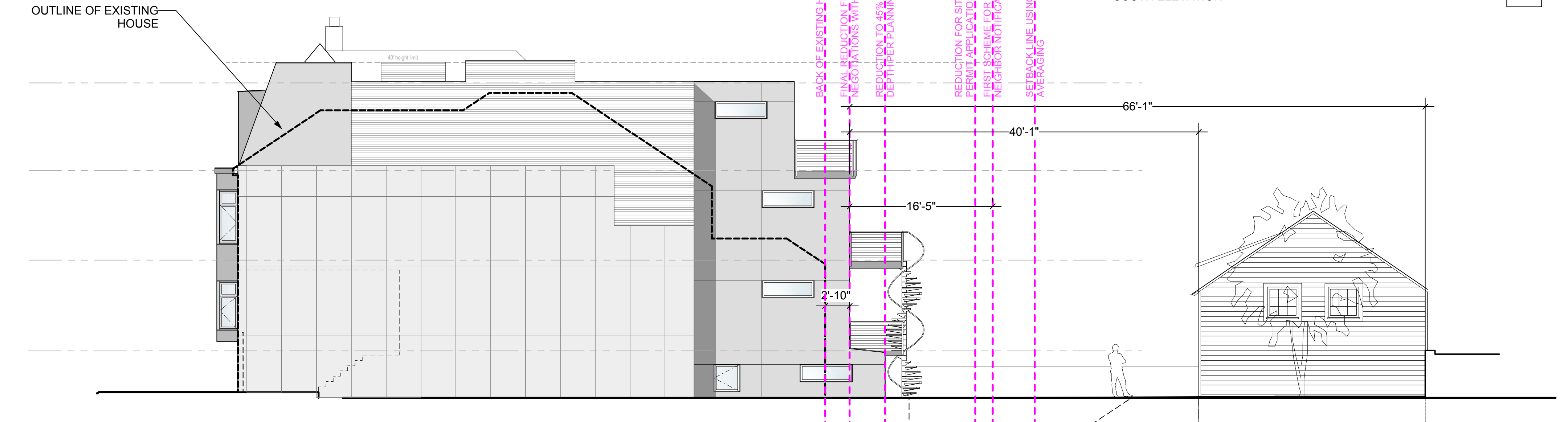
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2



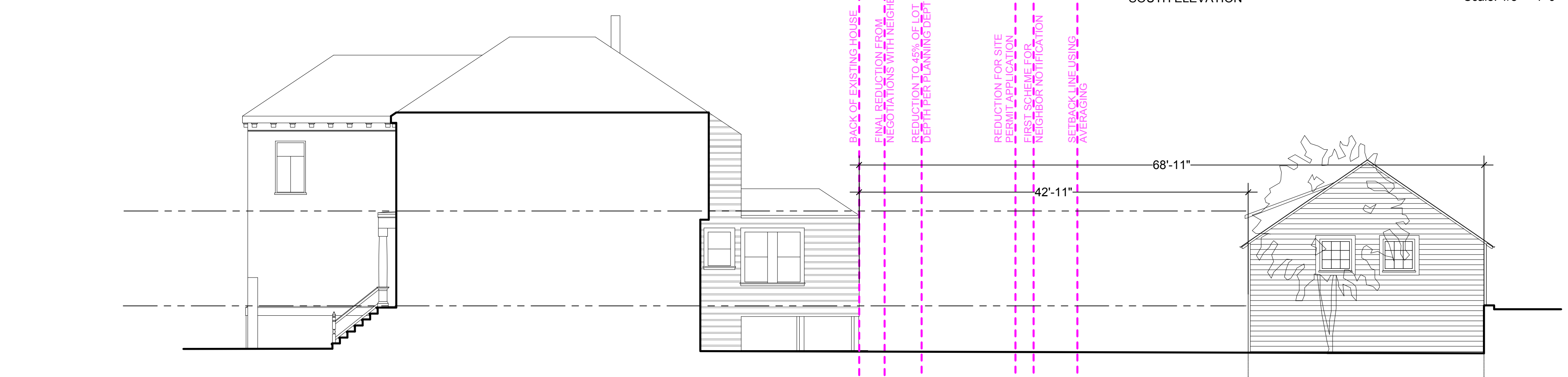
REDUCTION TO 45% OF LOT DEPTH PER PLANNING DEPT.  
SOUTH ELEVATION  
Scale: 1/8" = 1'-0"

3



FINAL 4 FT REDUCTION AFTER NEGOTIATIONS W/ NEIGHBORS  
SOUTH ELEVATION  
Scale: 1/8" = 1'-0"

4



SOUTH ELEVATION

EXISTING HOUSE  
Scale: 1/8" = 1'-0"

5

Building Depth History  
Detail  
1236 Arguello

SCALE AS NOTED  
DATE: 09.15.15

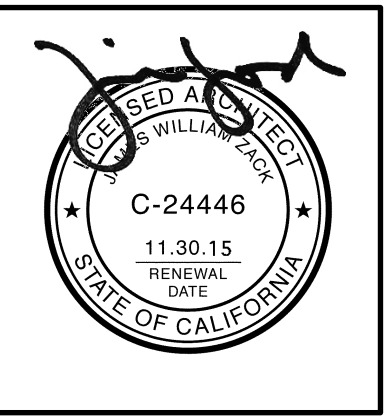
SK 1B

Zack de Vito ARCHITECTURE

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05.23.14	Site Permit
1 12.18.14	Site Permit Rev1
2 03.12.15	Site Permit Rev2
3 04.08.15	Site Permit Rev3
4 05.26.15	Site Permit Rev4
5 07.21.15	311 Notification



STATUS:  
311 Notification

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**1236 ARGUELLO BLVD.**  
SAN FRANCISCO, CALIFORNIA 94122

PROPOSED  
SITEPLAN

All drawings and written material appearing herein constitute original and unpublished work of the Architect and may not be duplicated, used, or disclosed without the written consent of the Architect.

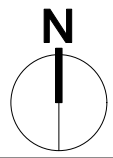
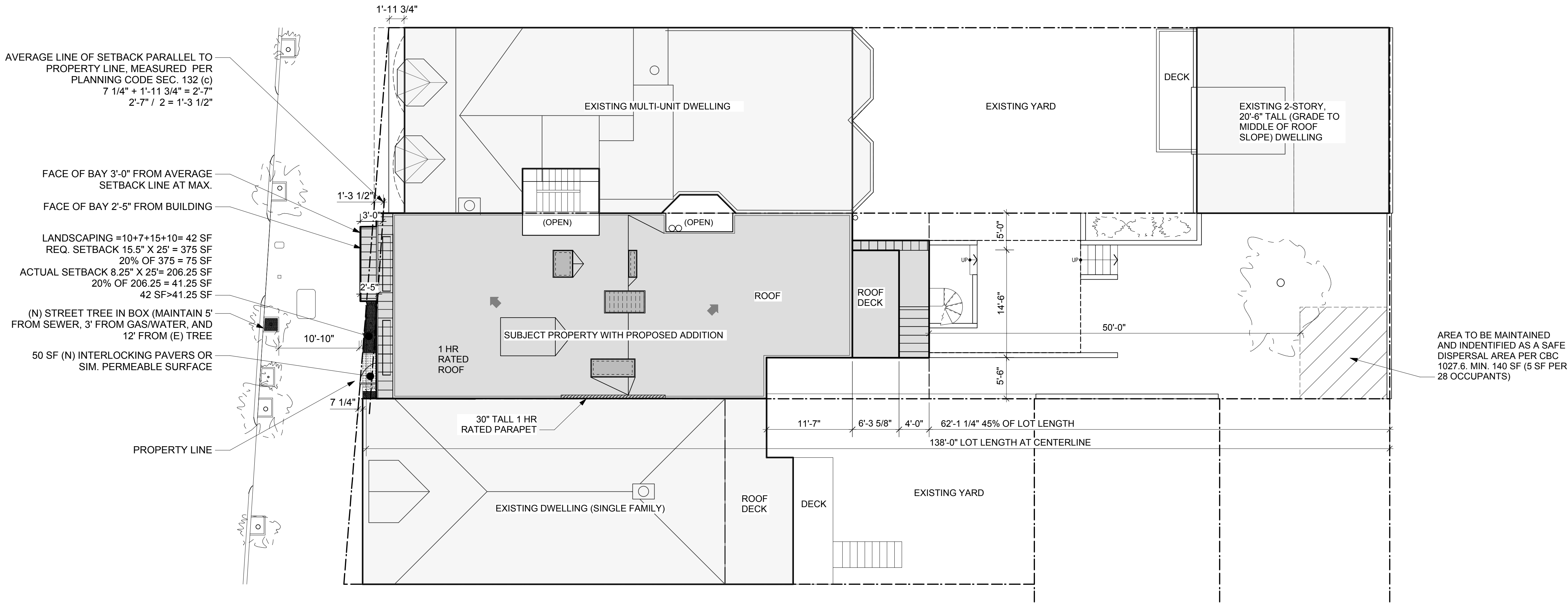
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DRAWN BY: LB

A2

REV  
4

PLOT DATE: 7/21/15



PROPOSED SITE PLAN  
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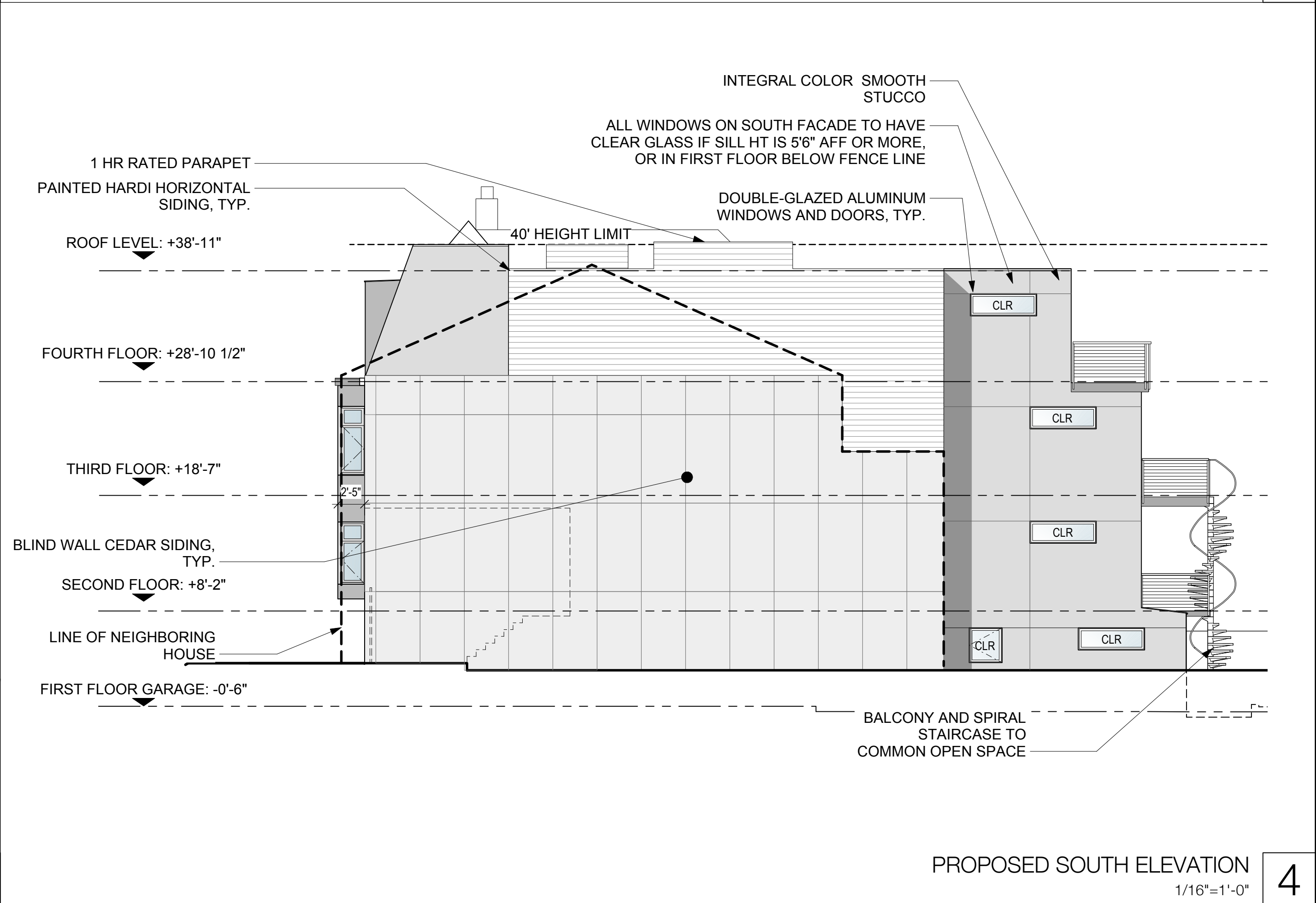
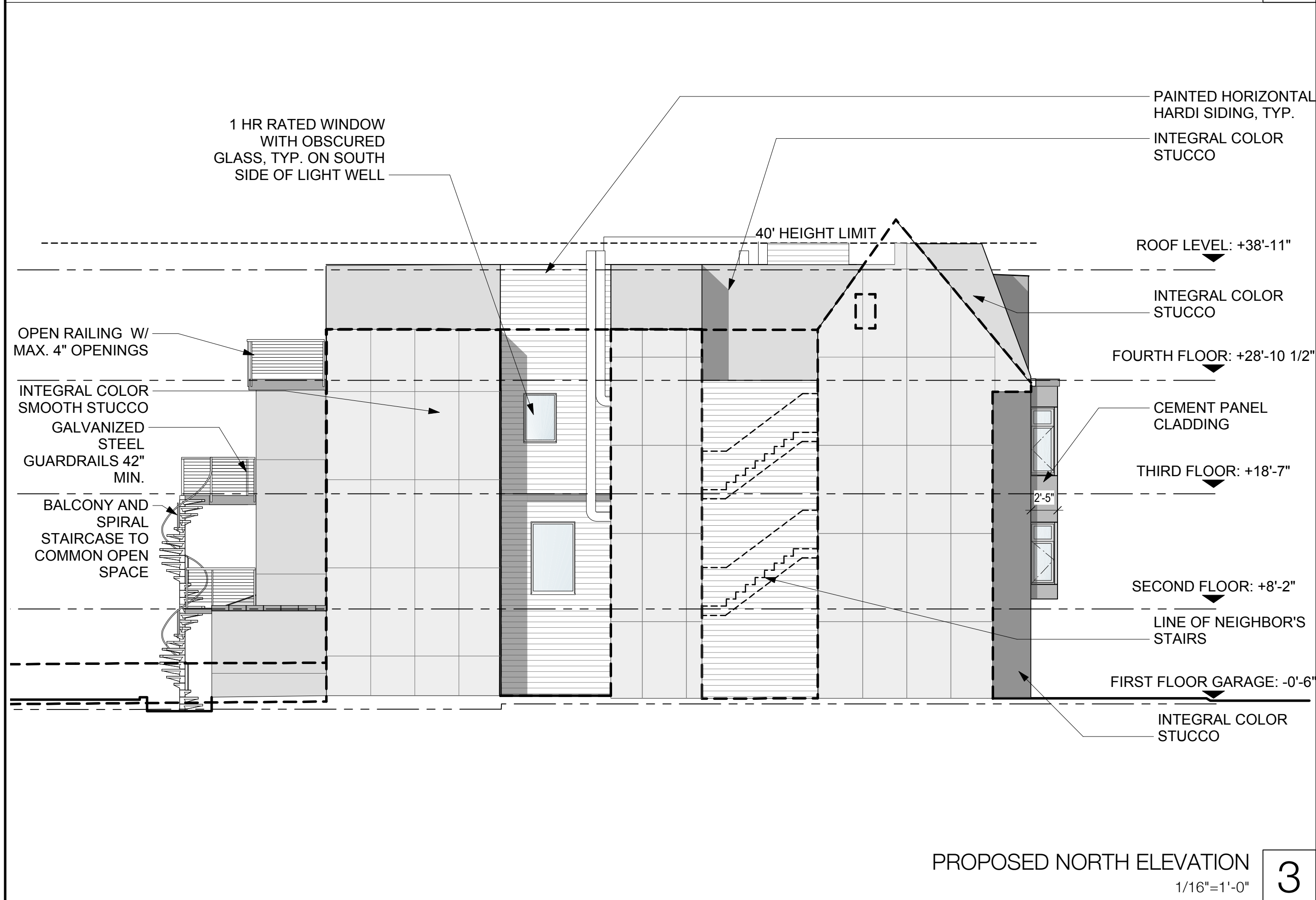
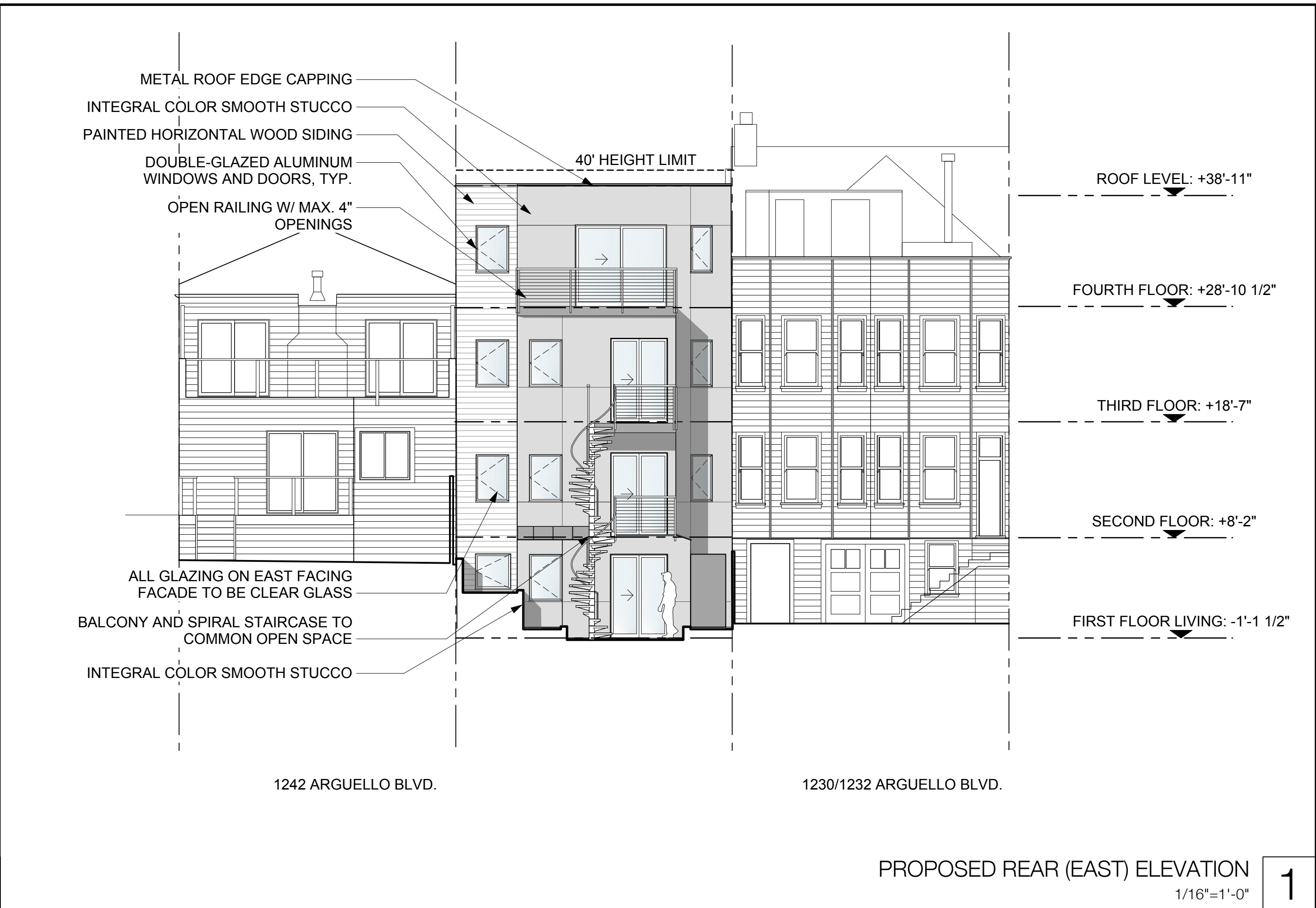
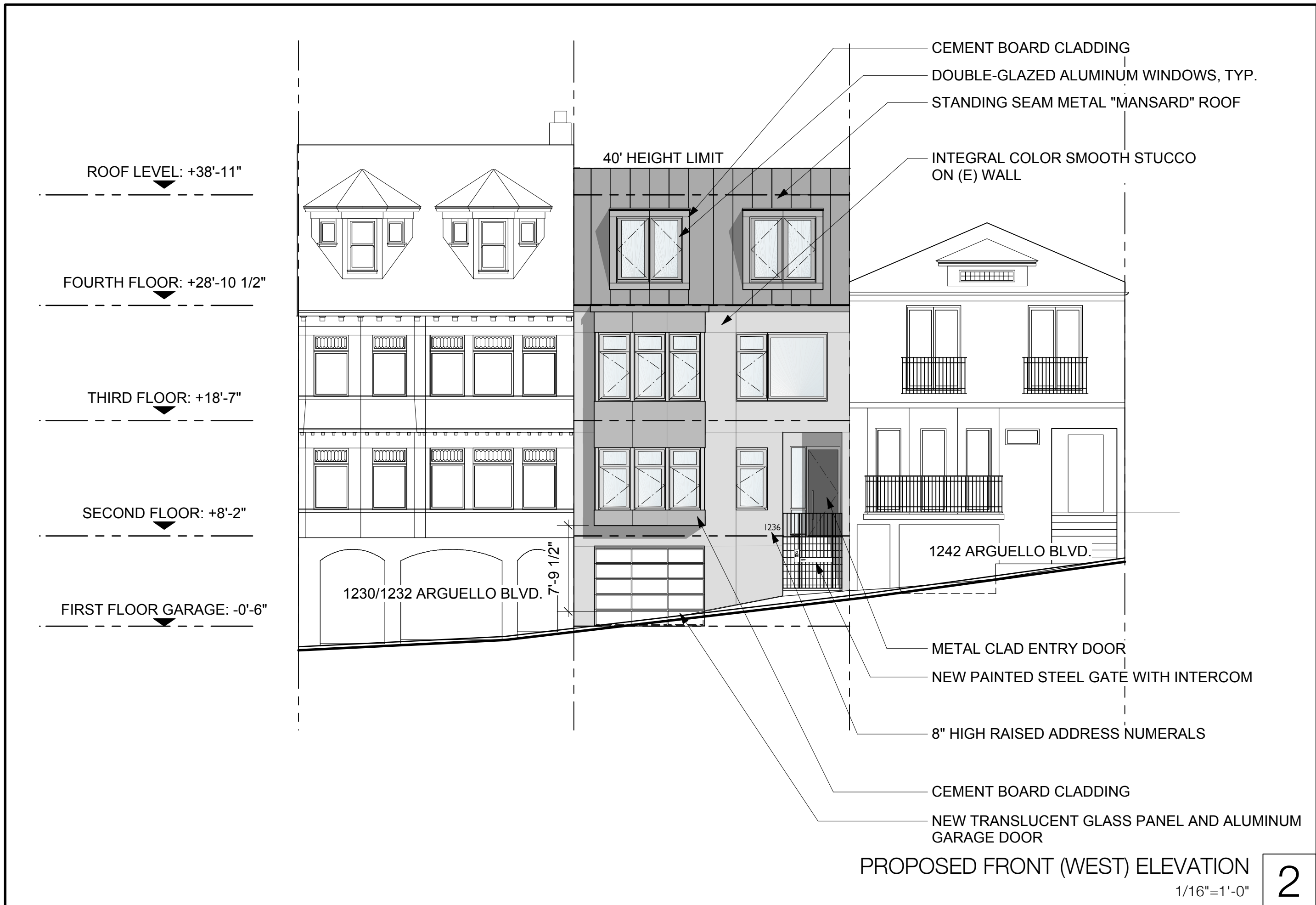












05.23.14	Site Permit
1 12.18.14	Site Permit Rev1
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5 07.21.15	311 Notification

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PROPOSED ELEVATIONS

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SCALE:  
DRAWN BY: LB

A6	REV
	4

PLOT DATE: 7/21/15