



# SAN FRANCISCO PLANNING DEPARTMENT

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## Memo to the Planning Commission

HEARING DATE: SEPTEMBER 17, 2015  
Continued from the July 23, 2015 Hearing

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Suite 400  
San Francisco,  
CA 94103-2479

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*Date:* September 10, 2015  
*Case No.:* **2014-001083CUA, VAR**  
*Project Address:* **1042-1044 JACKSON STREET**  
*Zoning:* RH-3 (Residential – House, Three Family) District  
65-A Height and Bulk District  
*Block/Lot:* 0181/013  
*Project Sponsor:* Ritu Vohra  
Arcus Housing, LLC  
2200 22<sup>nd</sup> Street  
San Francisco, CA 94107  
*Staff Contact:* Carly Grob – (415) 575-9138  
[carly.grob@sfgov.org](mailto:carly.grob@sfgov.org)  
*Recommendation:* **Approve with Conditions**

### BACKGROUND

On July 23, 2015, the Planning Commission continued the proposed project at 1042-1044 Jackson Street (Case No. 2014-001083CUA, VAR), which included a request for a Conditional Use Authorization to exceed the height of 40 feet in a RH District, as well as a request for a Variance from Section 134 (Rear Yard) from the Zoning Administrator.

The Planning Commission continued these items to the public hearing on September 17, 2015, and requested additional graphics to better review the proposed two-story vertical addition.

### CURRENT PROPOSAL

The project scope has not changed since the previous hearing, and is included below. Staff has provided the following supplemental materials:

- 3D Rendering of the proposed addition;
- Photographs of the subject property and surrounding area;
- Corrected draft motion “Exhibit A”; and
- CEQA Categorical Exemption Determination.

### PROJECT DESCRIPTION

The project sponsor proposes a two-story vertical addition and interior renovation to add one dwelling unit to an existing two-unit, two-story over garage building. The resulting four-bedroom unit would be 2,040 square feet in area, and the resulting height of the building would be 50 feet. The project also

includes interior reconfiguration of the existing two units, the addition of two off-street parking spaces for a total of three spaces, renovation of the entryway, and structural upgrades to the building. The existing two-bedroom unit on the first floor would lose approximately 50 square feet in area and would retain both bedrooms. The existing three-bedroom unit on the second floor would lose approximately 151 square feet in area and would be converted to a two-bedroom unit.

## **REQUIRED COMMISSION ACTION**

In order for the Project to proceed, the Commission must grant Conditional Use Authorization to permit that the addition exceeds a height of 40 feet within an RH Zoning District pursuant to Planning Code Section 253.

## **BASIS FOR RECOMMENDATION**

- The project would add one unit to an existing two-unit building, which is consistent with the prescribed density of the RH-3 district and with the existing neighborhood character of multifamily residential buildings.
- The proposed addition is consistent with surrounding neighborhood context of three- to four-story residential buildings, and the project sponsor has provided setbacks and has sculpted the building massing to protect light and air to neighboring residents.
- The subject property is well-served by transit and the additional unit will not detrimentally impact the transit capacity. The project also adds three bicycle parking spaces, as well as two off-street parking spaces which would help alleviate on-street parking congestion.
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding neighborhood.

<b>RECOMMENDATION:</b>	<b>Approve with Conditions</b>
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### **Attachments:**

3D Rendering of proposed addition  
Photographs of subject property and surrounding area  
Corrected Draft Motion "Exhibit A"  
CEQA Categorical Exemption Determination  
Public Comment Received to date  
Reduced-sized plan set

## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to permit an addition which exceeds a height of 40 feet located at 1042-1044 Jackson Street, Lot 013 in Assessor's Block 0181, pursuant to Planning Code Section(s) 235 within the RH-3 District and a 65-A Height and Bulk District; in general conformance with plans, dated September 9, 2015 and stamped "EXHIBIT B" included in the docket for Case No. 2014-001083CUA,VAR and subject to conditions of approval reviewed and approved by the Commission on September 17, 2015 under Motion No XXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on September 17, 2015 under Motion No XXXXX.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXX shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

### SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

### CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

## Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*



## DESIGN

6. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

7. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the architectural addenda. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org).*

8. **Additional Project Authorization.** The Project Sponsor must obtain a Project authorization under Sections 305 and 134 to expand the third story and portions of the fourth story into the required rear yard setback. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## PARKING AND TRAFFIC

9. **Bicycle Parking.** The Project shall provide no fewer than three Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.5.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING – AFTER ENTITLEMENT

10. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

11. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## OPERATION

12. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*



# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
1042-1044 Jackson St		0181/013	
Case No.	Permit No.	Plans Dated	
2014-001083ENV		received 10/30/14	
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRER if over 45 years old)	<input type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification (GO TO STEP 7)
Project description for Planning Department approval. Renovate existing 2-family dwelling with a 2-story vertical addition, providing one extra unit. New foundation and structural upgrade to existing building. Increase parking from existing 1-car to 3-car parking at existing basement, lifting building approximately 12" to provide adequate headroom. New entry and exit stairs, new roof decks and balconies.			

### STEP 1: EXEMPTION CLASS TO BE COMPLETED BY PROJECT PLANNER

<b>*Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.*</b>	
<input checked="" type="checkbox"/>	<b>Class 1 – Existing Facilities.</b> Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	<b>Class 3 – New Construction/ Conversion of Small Structures.</b> Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	<b>Class__</b>

### STEP 2: CEQA IMPACTS TO BE COMPLETED BY PROJECT PLANNER

<b>If any box is checked below, an <i>Environmental Evaluation Application</i> is required.</b>	
<input type="checkbox"/>	<b>Transportation:</b> Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	<b>Air Quality:</b> Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)
<input type="checkbox"/>	<b>Hazardous Materials:</b> If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment. <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the</i>

	<i>Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap &gt; Maher layer).</i>
<input type="checkbox"/>	<b>Soil Disturbance/Modification:</b> Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	<b>Noise:</b> Does the project include new noise-sensitive receptors (schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) fronting roadways located in the noise mitigation area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Noise Mitigation Area)
<input type="checkbox"/>	<b>Subdivision/Lot Line Adjustment:</b> Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)
<input type="checkbox"/>	<b>Slope = or &gt; 20%:</b> Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, or grading on a lot with a slope average of 20% or more? <i>Exceptions: do not check box for work performed on a previously developed portion of site, stairs, patio, deck, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) <b>If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required</b>
<input type="checkbox"/>	<b>Seismic: Landslide Zone:</b> Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, grading –including excavation and fill on a landslide zone – as identified in the San Francisco General Plan? <i>Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) <b>If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required</b>
<input type="checkbox"/>	<b>Seismic: Liquefaction Zone:</b> Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1000 sq ft, shoring, underpinning, retaining wall work, or grading on a lot in a liquefaction zone? <i>Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) <b>If box is checked, a geotechnical report will likely be required</b>
<input type="checkbox"/>	<b>Serpentine Rock:</b> Does the project involve any excavation on a property containing serpentine rock? <i>Exceptions: do not check box for stairs, patio, deck, retaining walls, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Serpentine)
<b>*If no boxes are checked above, GO TO STEP 3. <u>If one or more boxes are checked above, an Environmental Evaluation Application is required, unless reviewed by an Environmental Planner.</u></b>	
<input checked="" type="checkbox"/>	<b>Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.</b>
<b>Comments and Planner Signature (optional):</b> Jean Poling <small>Digitally signed by Jean Poling DN: cn=Jean Poling, ou=San Francisco Planning Department, email=jean.poling@sfgov.org, c=US, o=City of San Francisco, ou=City Planning, ou=Environmental Planning, ou=Jean Poling, email=jean.poling@sfgov.org, serial=10710, cn=Jean Poling</small> No shadow impacts, per 2014-001083SHD.	

### STEP 3: PROPERTY STATUS – HISTORIC RESOURCE TO BE COMPLETED BY PROJECT PLANNER

<b>PROPERTY IS ONE OF THE FOLLOWING:</b> (refer to Parcel Information Map)	
<input type="checkbox"/>	<b>Category A:</b> Known Historical Resource. <b>GO TO STEP 5.</b>
<input checked="" type="checkbox"/>	<b>Category B:</b> Potential Historical Resource (over 45 years of age). <b>GO TO STEP 4.</b>
<input type="checkbox"/>	<b>Category C:</b> Not a Historical Resource or Not Age Eligible (under 45 years of age). <b>GO TO STEP 6.</b>

**STEP 4: PROPOSED WORK CHECKLIST  
TO BE COMPLETED BY PROJECT PLANNER**

<b>Check all that apply to the project.</b>	
<input type="checkbox"/>	1. <b>Change of use and new construction.</b> Tenant improvements not included.
<input type="checkbox"/>	2. <b>Regular maintenance or repair</b> to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. <b>Window replacement</b> that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. <b>Garage work.</b> A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	5. <b>Deck, terrace construction, or fences</b> not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. <b>Mechanical equipment installation</b> that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. <b>Dormer installation</b> that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. <b>Addition(s)</b> that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
<b>Note: Project Planner must check box below before proceeding.</b>	
<input checked="" type="checkbox"/>	Project is not listed. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project <b>does not conform</b> to the scopes of work. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>four or more</b> work descriptions. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>less than four</b> work descriptions. <b>GO TO STEP 6.</b>

**STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW  
TO BE COMPLETED BY PRESERVATION PLANNER**

<b>Check all that apply to the project.</b>	
<input type="checkbox"/>	1. Project involves a <b>known historical resource (CEQA Category A)</b> as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. <b>Interior alterations to publicly accessible spaces.</b>
<input type="checkbox"/>	3. <b>Window replacement</b> of original/historic windows that are not “in-kind” but are consistent with existing historic character.
<input type="checkbox"/>	4. <b>Façade/storefront alterations</b> that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. <b>Raising the building</b> in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. <b>Restoration</b> based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input type="checkbox"/>	7. <b>Addition(s)</b> , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .

<input type="checkbox"/>	8. <b>Other work consistent</b> with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input checked="" type="checkbox"/>	9. <b>Reclassification of property status</b> to Category C. (Requires approval by Senior Preservation Planner/Preservation Coordinator) a. Per HRER dated: _____ (attach HRER) b. Other (specify): Based upon photographs and permit history, the subject building was drastically altered. Modifications include stuccoed front, new garaged, relocated entrance and removal of exterior ornamentation. Building lacks integrity and is not eligible for listing.
<b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.</b>	
<input type="checkbox"/>	<b>Further environmental review required.</b> Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. <b>GO TO STEP 6.</b>
<input checked="" type="checkbox"/>	<b>Project can proceed with categorical exemption review.</b> The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. <b>GO TO STEP 6.</b>
<b>Comments (optional):</b>	
<b>Preservation Planner Signature:</b> tina tam <div style="float: right; font-size: small;">             Digitally signed by tina tam              DN: dc=org, dc=sfgov, dc=cityplanning, ou=CityPlanning,              ou=Current Planning, cn=tina tam, email=tina.tam@sfgov.org              Date: 2014.12.08 17:43:23 -0800           </div>	

## STEP 6: CATEGORICAL EXEMPTION DETERMINATION TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	<b>Further environmental review required.</b> Proposed project does not meet scopes of work in either (check all that apply): <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"><input type="checkbox"/> Step 2 – CEQA Impacts</div> <div style="text-align: center;"><input type="checkbox"/> Step 5 – Advanced Historical Review</div> </div> <b>STOP! Must file an <i>Environmental Evaluation Application</i>.</b>	
<input checked="" type="checkbox"/>	<b>No further environmental review is required. The project is categorically exempt under CEQA.</b>	
	<b>Planner Name:</b>  <b>Project Approval Action:</b> Planning Commission Hearing <small>*If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</small>	<b>Signature:</b>  <div style="font-size: 2em; font-weight: bold;">Jean Poling</div> <div style="font-size: small;">             Digitally signed by Jean Poling              DN: dc=org, dc=sfgov, dc=cityplanning, ou=CityPlanning,              ou=Environmental Planning, cn=Jean Poling,              email=jeanie.poling@sfgov.org              Date: 2015.04.27 17:59:34 -0700           </div>
Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.		

## STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

### PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
Case No.	Previous Building Permit No.	New Building Permit No.
Plans Dated	Previous Approval Action	New Approval Action
Modified Project Description:		

### DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:	
<input type="checkbox"/>	Result in expansion of the building envelope, as defined in the Planning Code;
<input type="checkbox"/>	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
<input type="checkbox"/>	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
<input type="checkbox"/>	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?
If at least one of the above boxes is checked, further environmental review is required <b>CATEX FORM</b>	

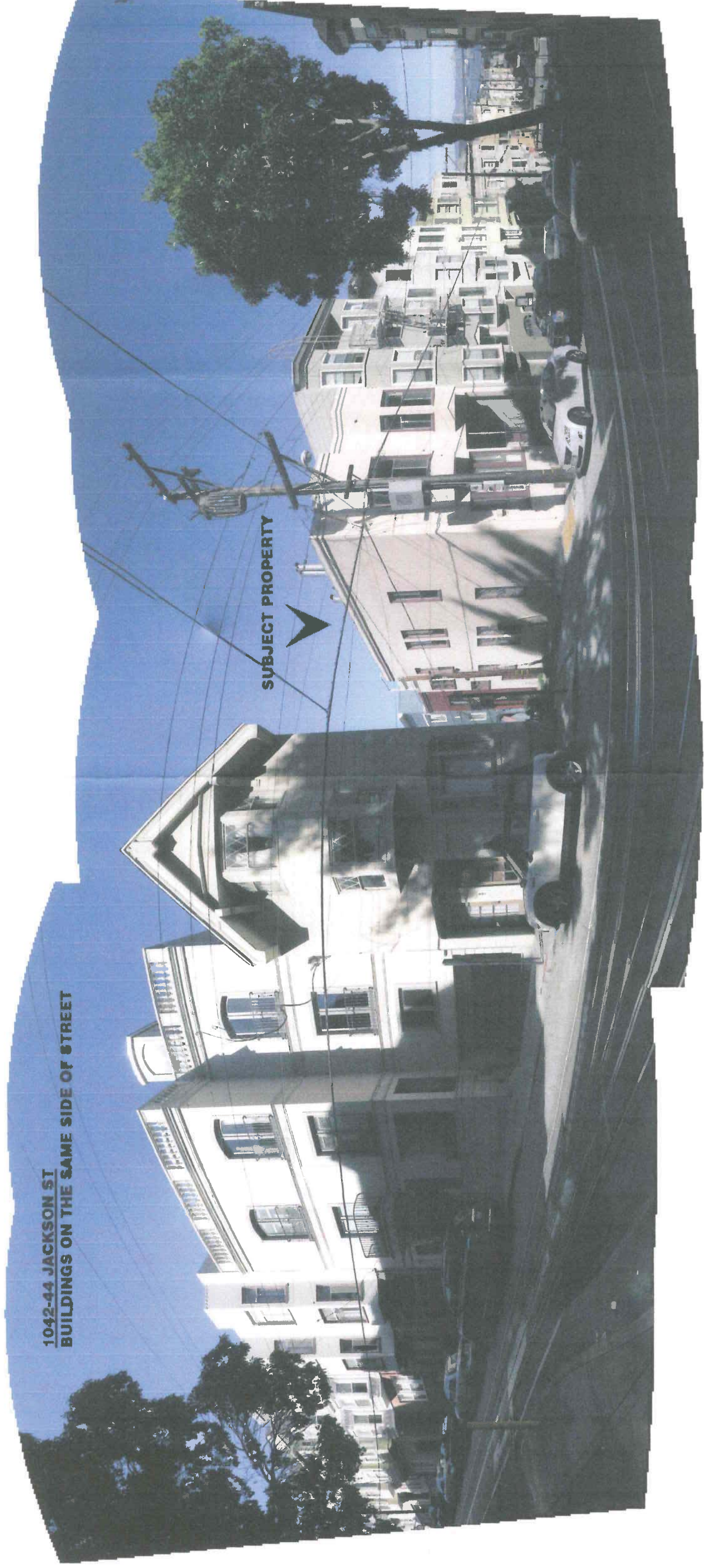
### DETERMINATION OF NO SUBSTANTIAL MODIFICATION

<input type="checkbox"/>	The proposed modification would not result in any of the above changes.
If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice.	
Planner Name:	Signature or Stamp:



**1042-44 JACKSON ST**  
**BUILDINGS ON THE SAME SIDE OF STREET**

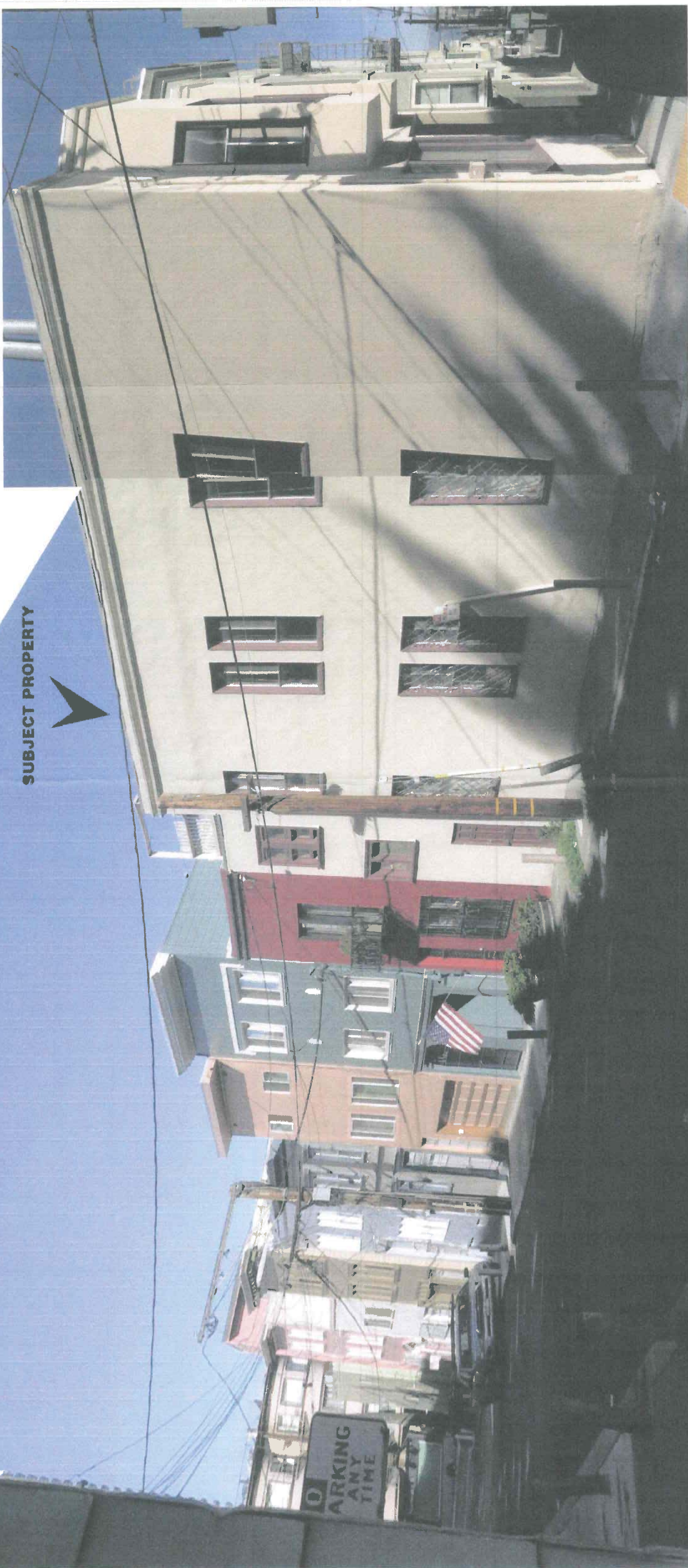
**SUBJECT PROPERTY**





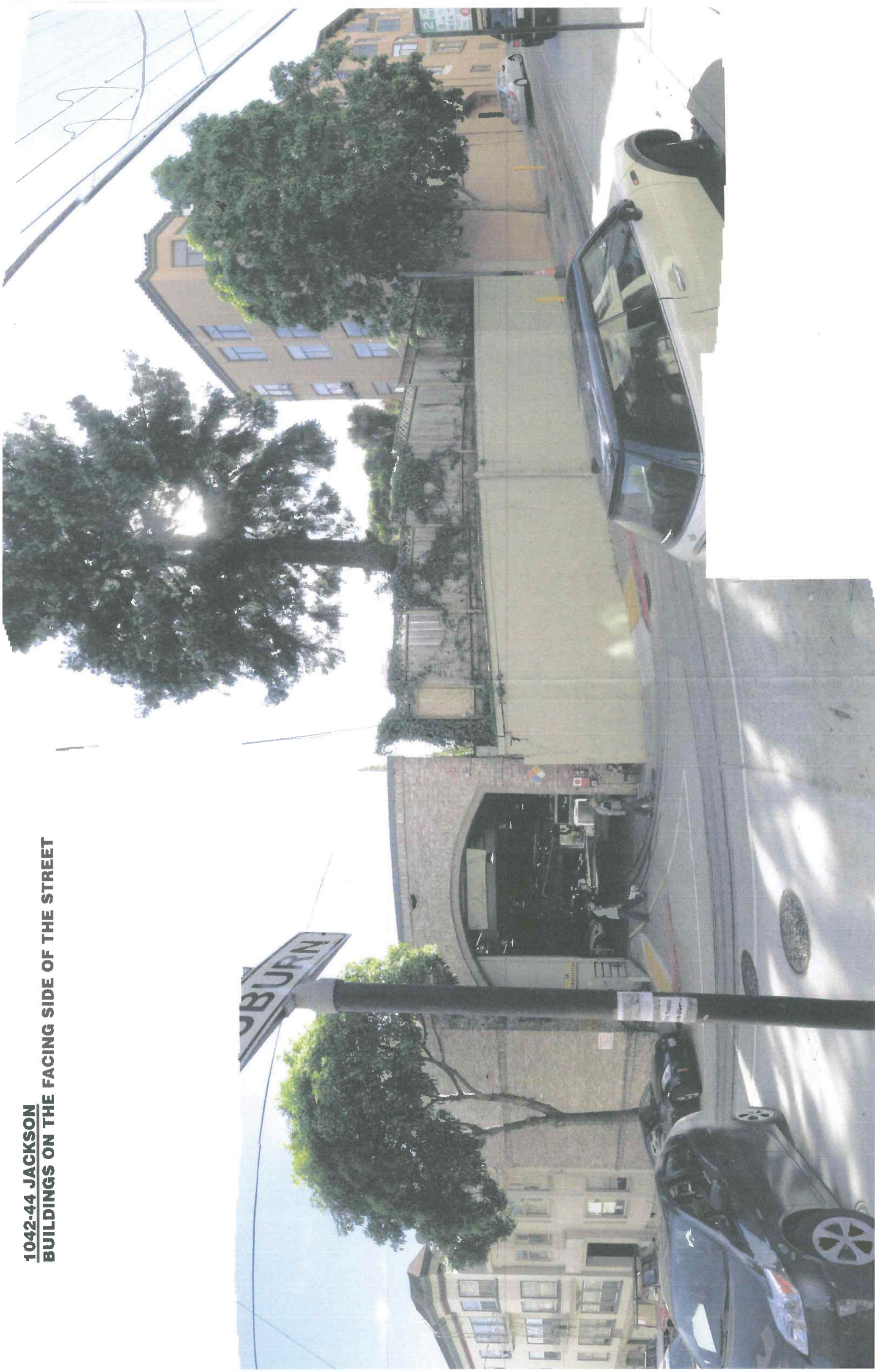
**1042-44 JACKSON ST**  
**BUILDINGS ON AUBURN STREET**

**SUBJECT PROPERTY**





**1042-44 JACKSON**  
**BUILDINGS ON THE FACING SIDE OF THE STREET**



















3 storeys and above  
ground garage

4 storeys over  
garage  
Garage is higher  
than ours





3 stories above garage.  
garage at street level

4 storeys above  
garage. garage at street  
level

3 storeys above  
garage. Garage at  
street level



1051 Jackson Street, SF, CA

Google





VIEW FROM AUBURN STREET LOOKING SOUTH



VIEW FROM JACKSON STREET LOOKING WEST



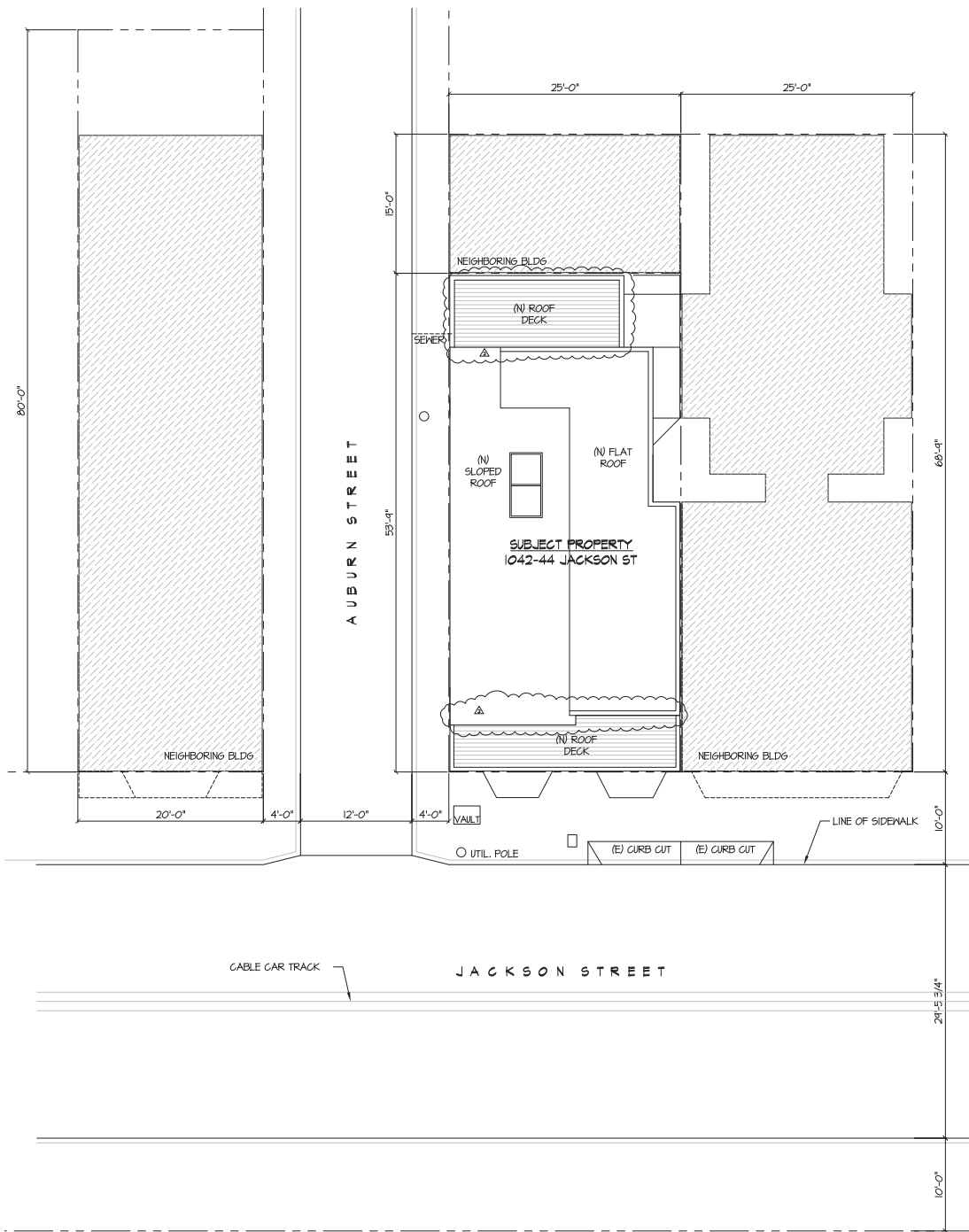
VIEW FROM JACKSON STREET LOOKING NORTH EAST

# *JACKSON STREET RESIDENCES*

1042-44 JACKSON STREET SAN FRANCISCO, CA. 94133  
BLOCK # 0181 LOT # 013

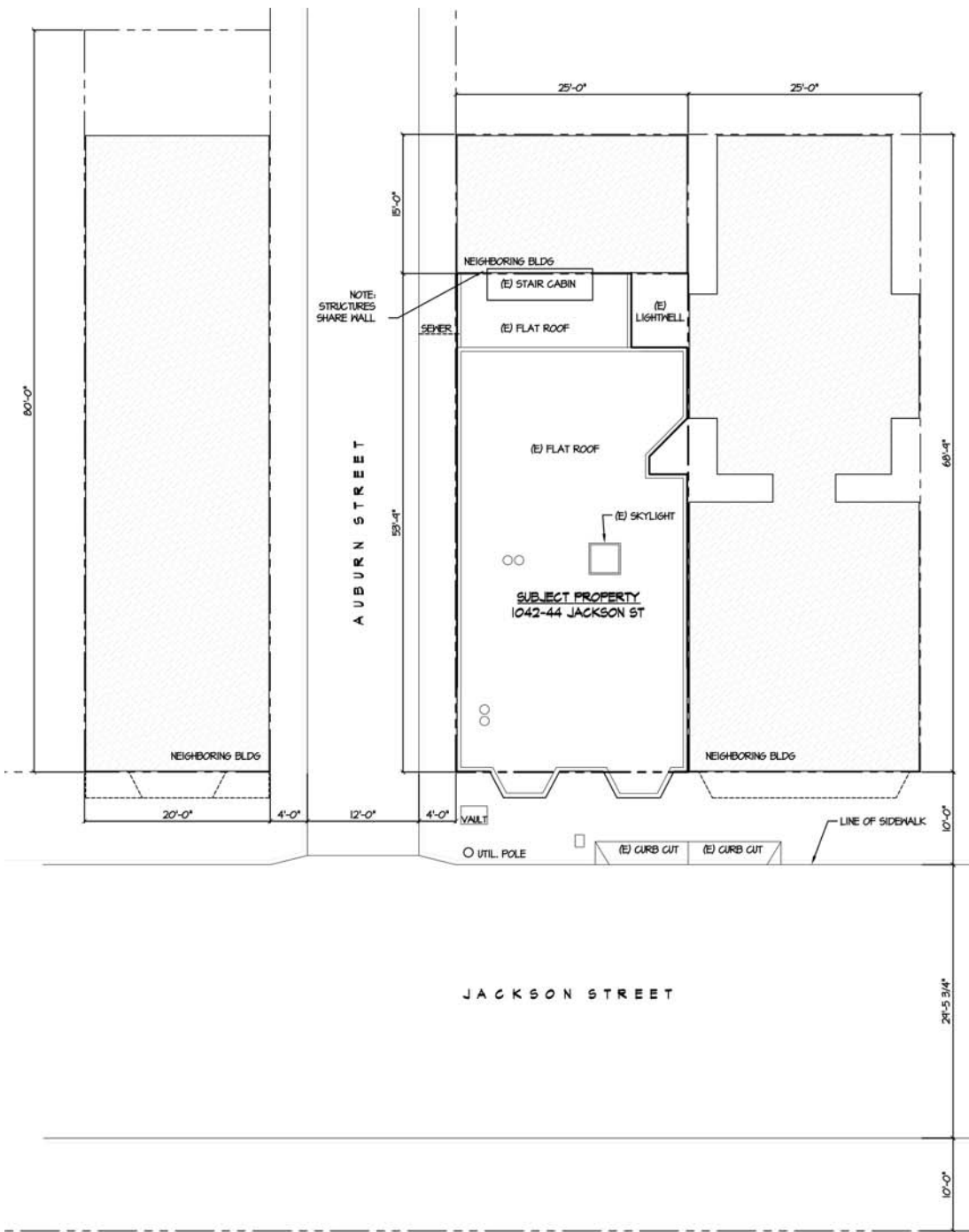






**PROPOSED SITE PLAN**  
SCALE: 1" = 10'-0"

**N**



**EXISTING SITE PLAN**  
SCALE: 1" = 10'-0"

**N**

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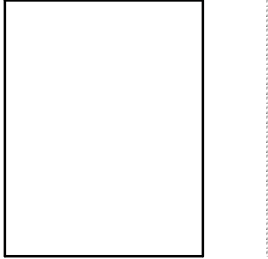
**JACKSON ST. RESIDENCES**  
**1042-44 JACKSON STREET**  
**SAN FRANCISCO, CA. 94133**

**BLOCK # 0181 LOT # 013**

PERMIT APP. NO.

SHEET TITLE	
(E) SITE PLAN	
(P) SITE PLAN	

SCALE: 1/4" = 1'-0"	JOB NO. 15.12
------------------------	------------------



MARK J. TOPETCHER, ARCHITECT CA. LIC. # C 21678, EXP. 5/17

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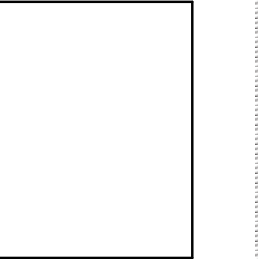
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**JACKSON ST. RESIDENCES**  
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SAN FRANCISCO, CA. 94133  
BLOCK # 0181 LOT # 013

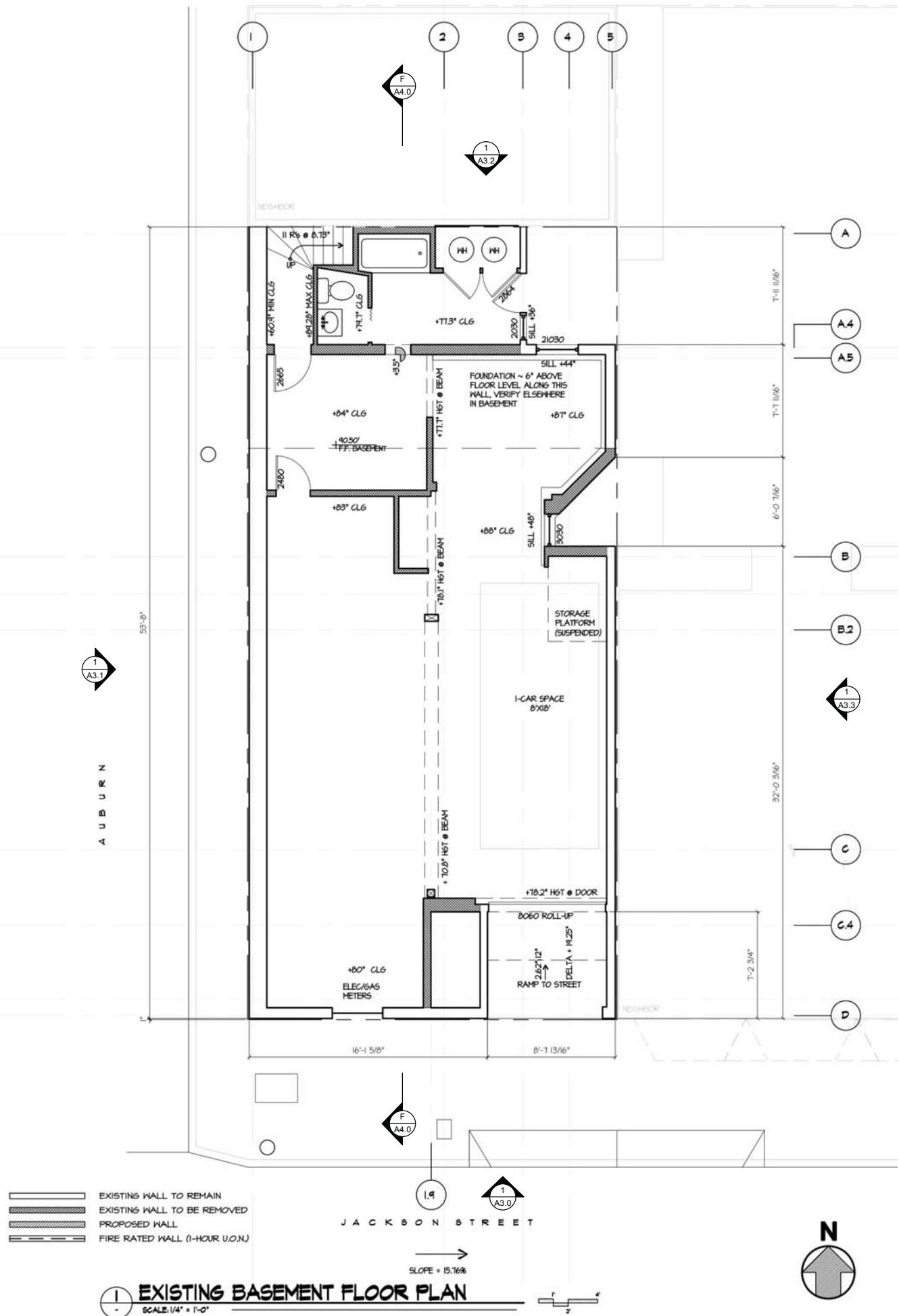
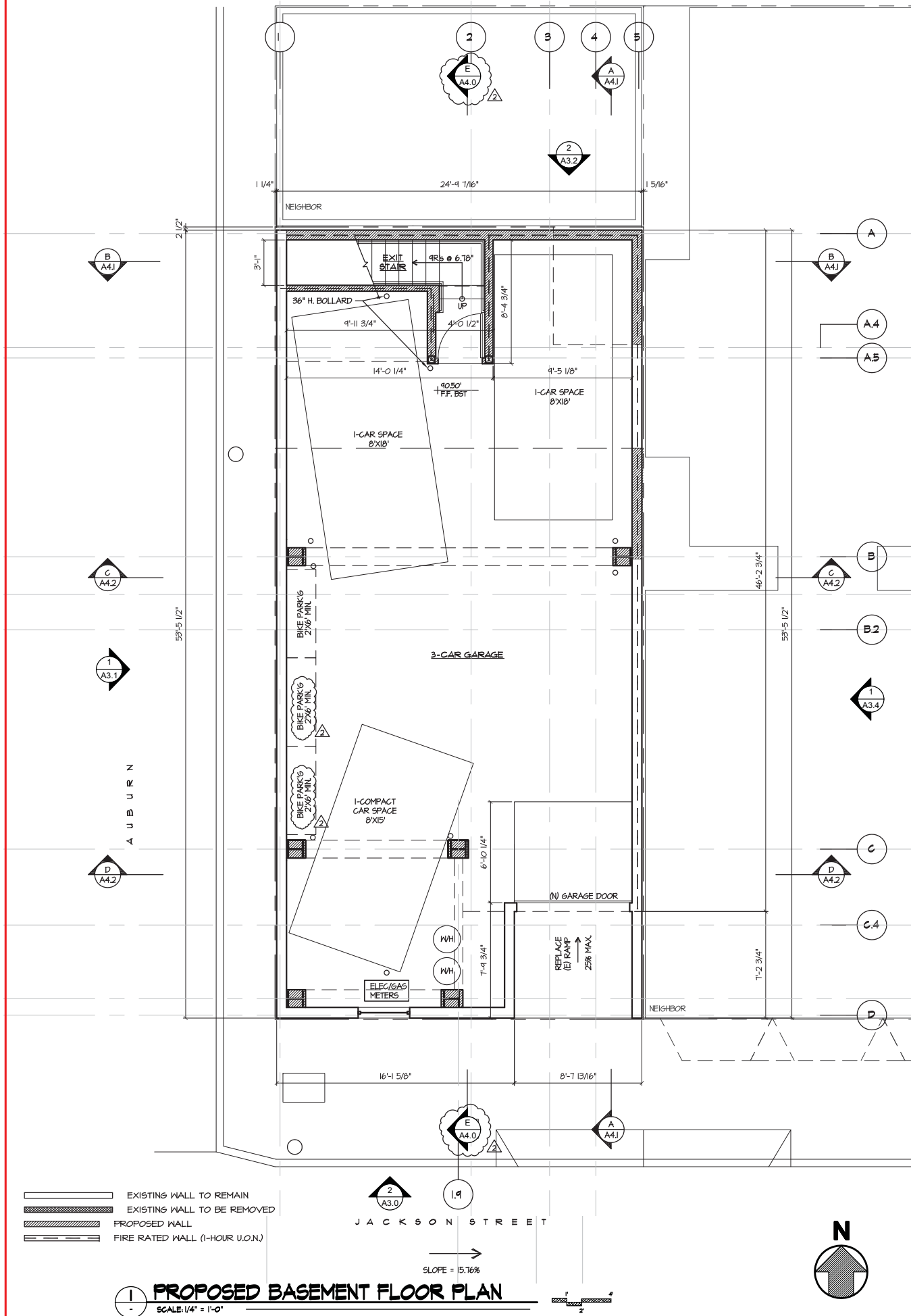
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(E) BASEMENT PLAN  
(P) BASEMENT PLAN

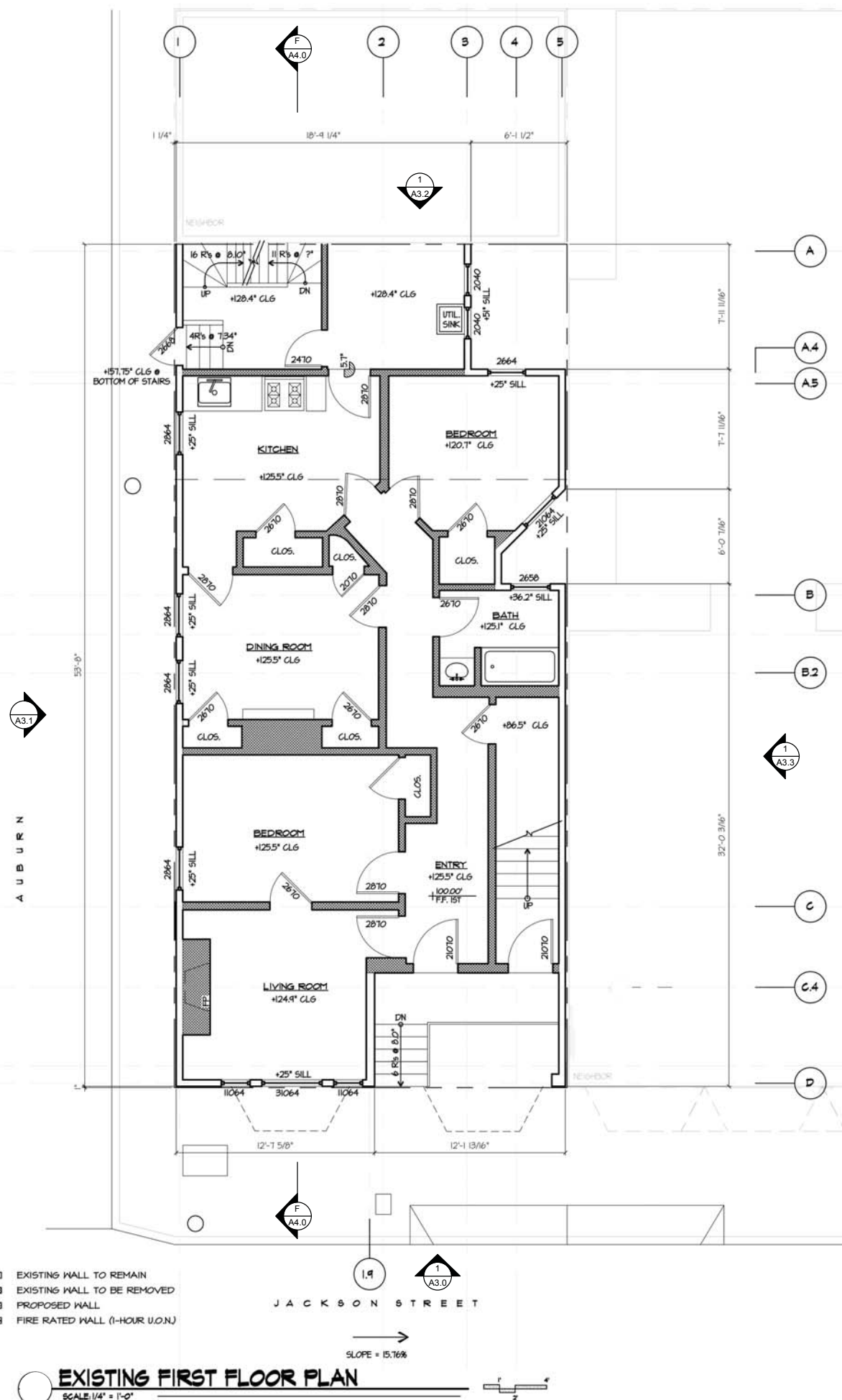
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JOB NO. 15.12



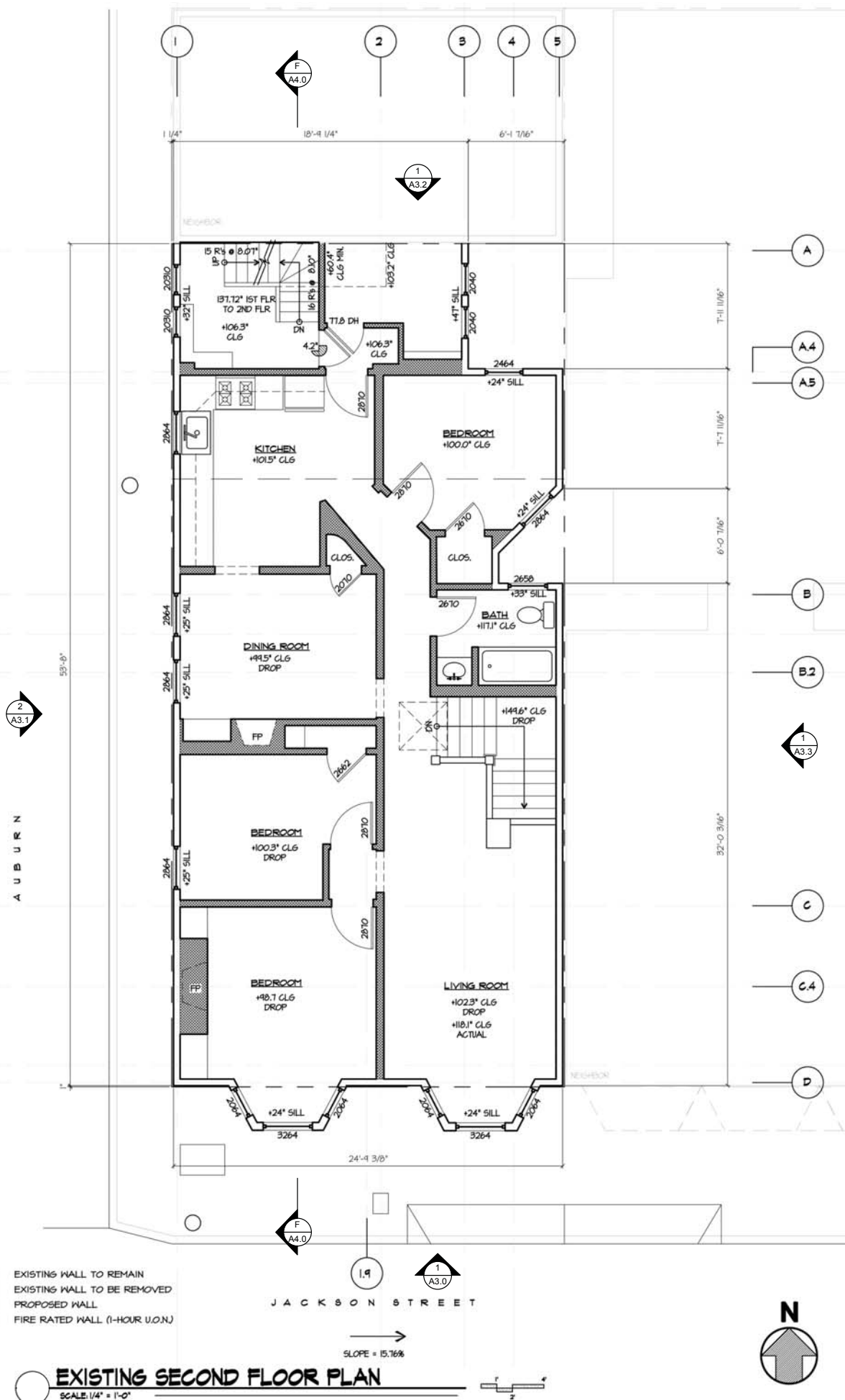
MARK J. TOPETCHER, ARCHITECT CA LIC. # C 21678, EXP. 5/17

SHEET  
**A 2.0**



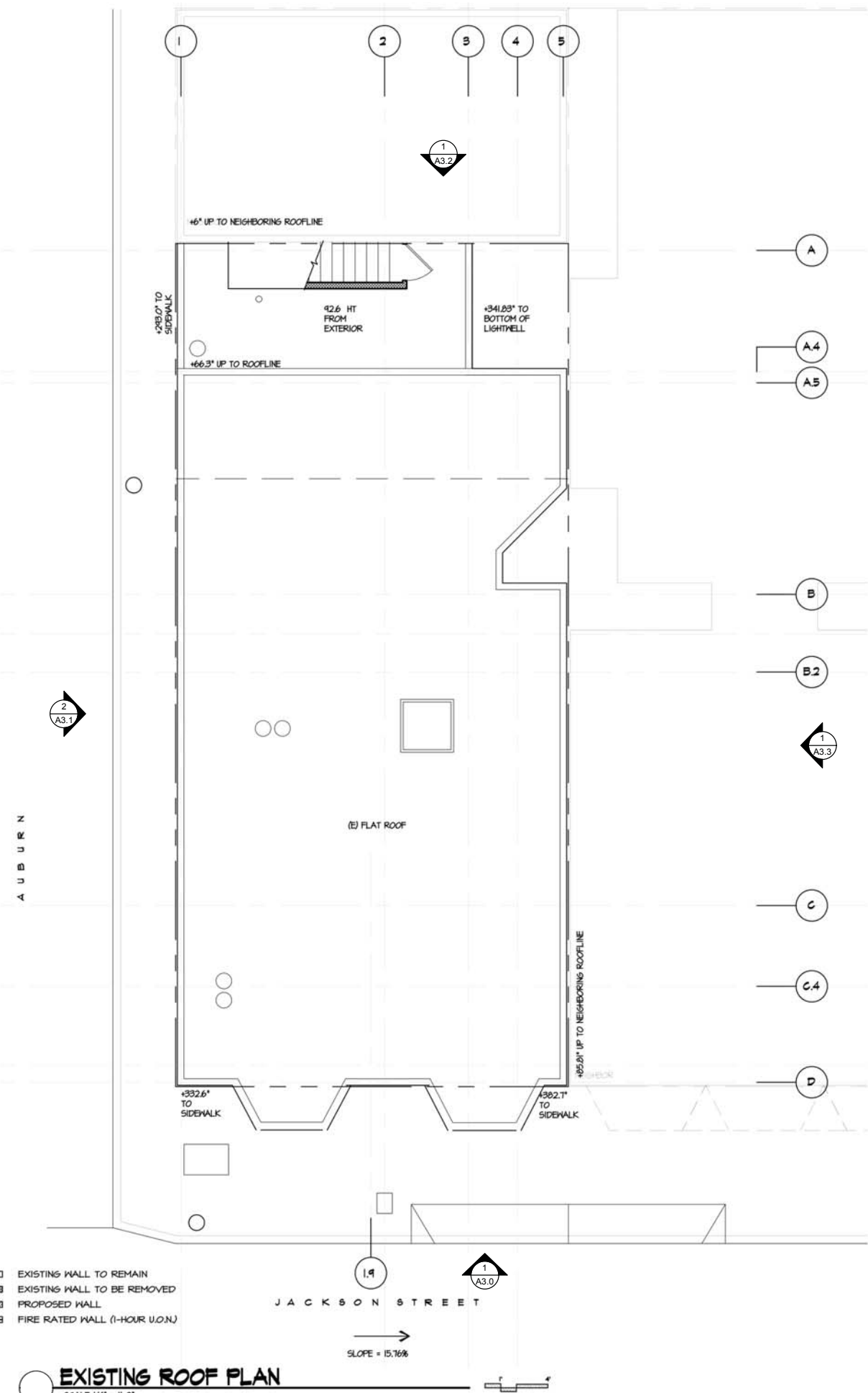
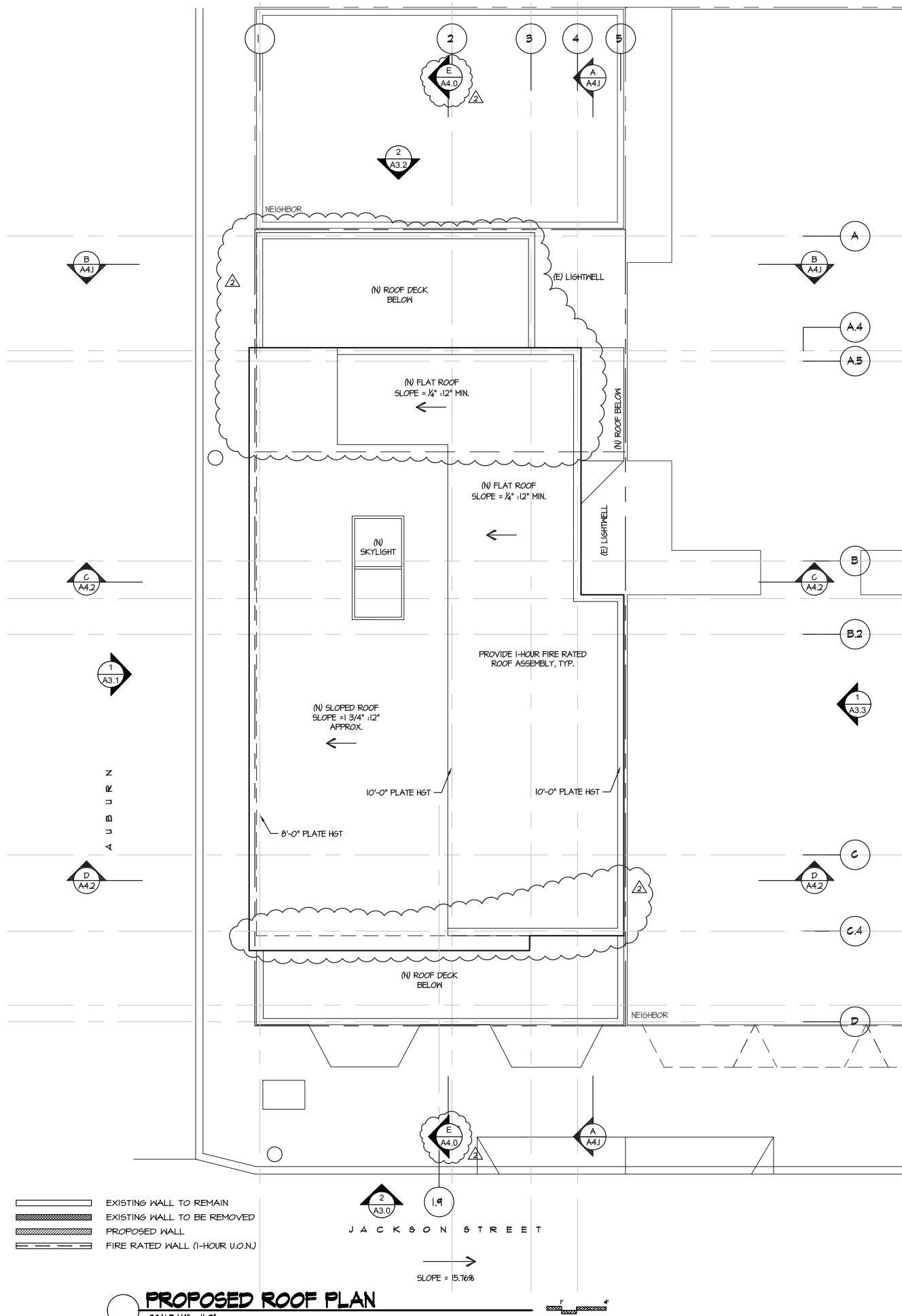






## A 2.2





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toparchitecture.com

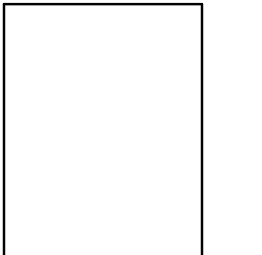
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SEPT. 9, 2015	C. U. DESIGN REVISION

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**JACKSON ST. RESIDENCES**  
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**SAN FRANCISCO, CA. 94133**  
BLOCK # 0181 LOT # 013

**SHEET TITLE**  
**(E) ROOF PLAN**  
**(P) ROOF PLAN**

SCALE: 1/4" = 1'-0"  
JOB NO. 15.12

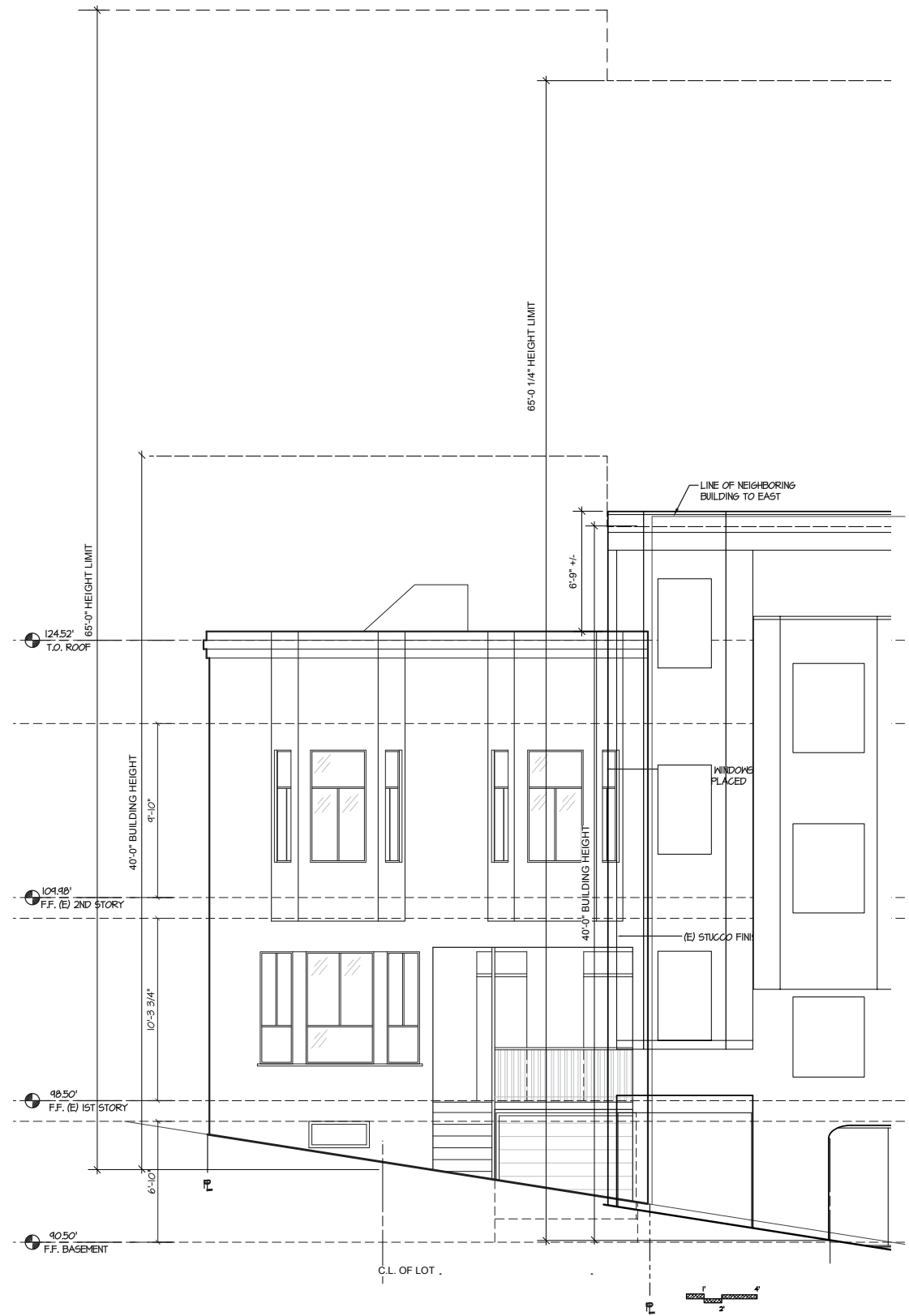


MARK J. TOPETCHER, ARCHITECT CA. LIC. # C 21678, EXP. 5/17

**A**  
**2.4**



2 PROPOSED SOUTH (FRONT) ELEVATION



1 EXISTING SOUTH (FRONT) ELEVATION

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SEPT. 9, 2015	C.U. DESIGN REVISION

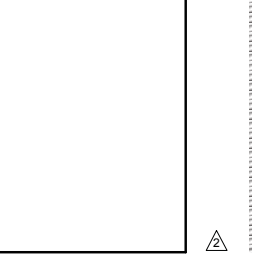
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**JACKSON ST. RESIDENCES**  
**1042-44 JACKSON STREET**  
**SAN FRANCISCO, CA. 94133**  
**BLOCK # 0181 LOT # 013**

**SHEET TITLE**  
**(E) SOUTH ELEVATION**  
**(P) SOUTH ELEVATION**

**SCALE:**  
**1/4" = 1'-0"**

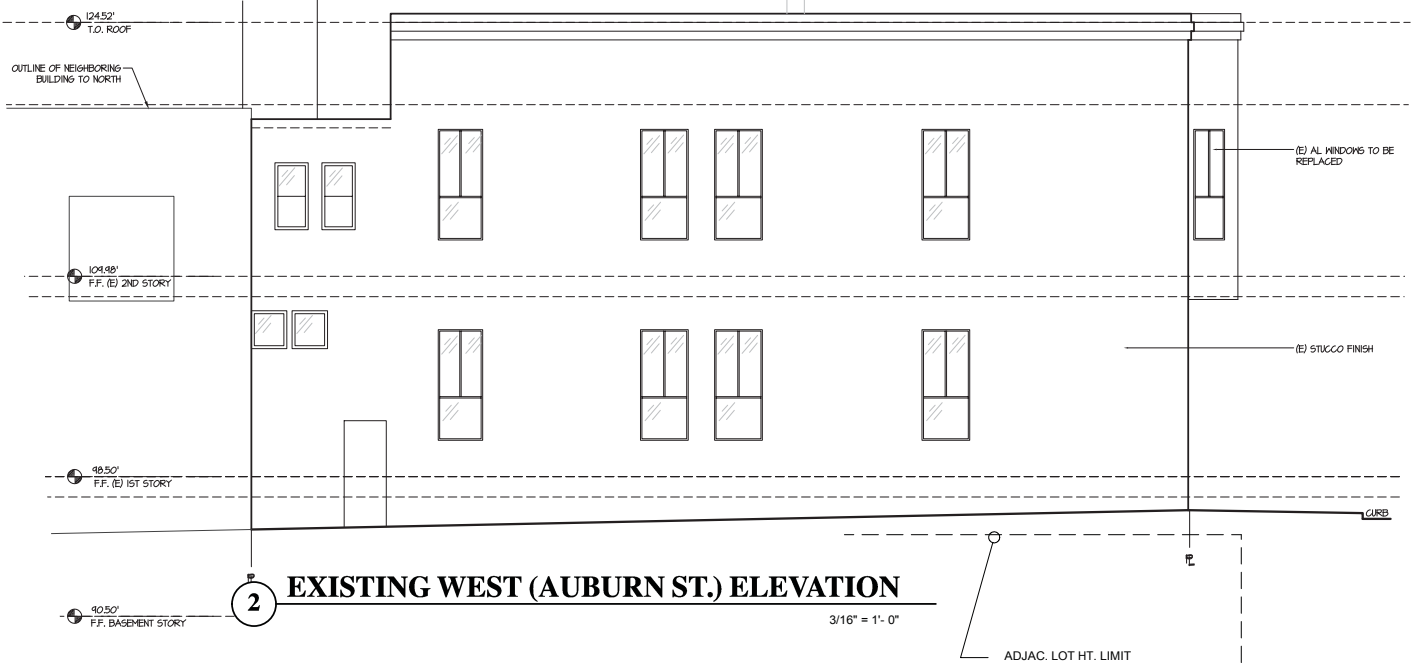
**JOB NO.**  
**15.12**



MARK J. TOPETCHER, ARCHITECT CA. LIC. # C 21678, EXP. 5/17

**A**  
**3.0**





2 EXISTING WEST (AUBURN ST.) ELEVATION



1 PROPOSED WEST (AUBURN ST.) ELEVATION

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SEPT. 9, 2015	C.U. DESIGN REVISION

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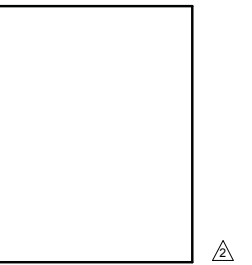
JACKSON ST. RESIDENCES  
1042-44 JACKSON STREET  
SAN FRANCISCO, CA. 94133

BLOCK # 0181 LOT # 013

PERMIT APP. NO.

SHEET TITLE  
(E) WEST ELEVATION  
(P) WEST ELEVATION

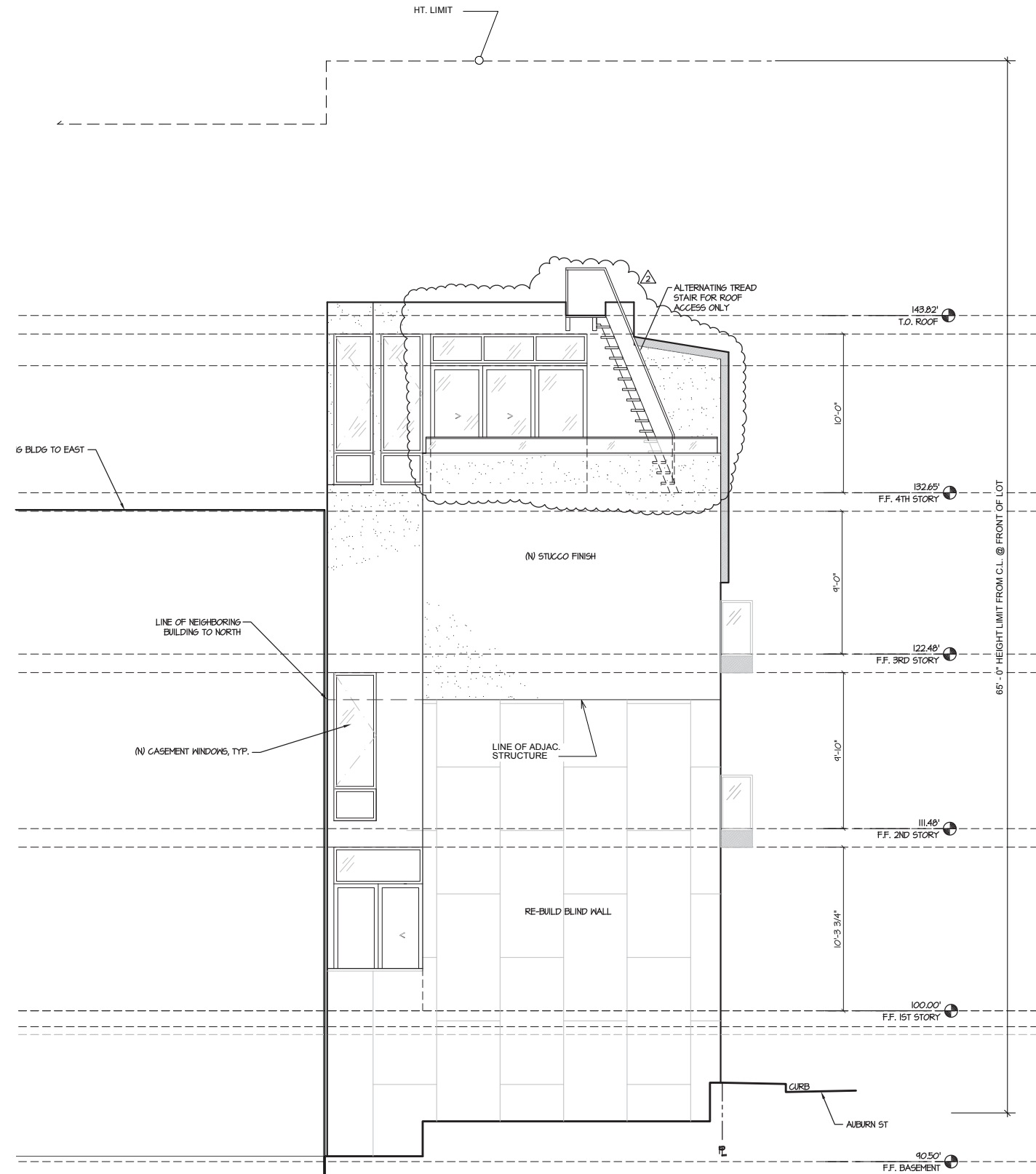
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JOB NO. 15.12



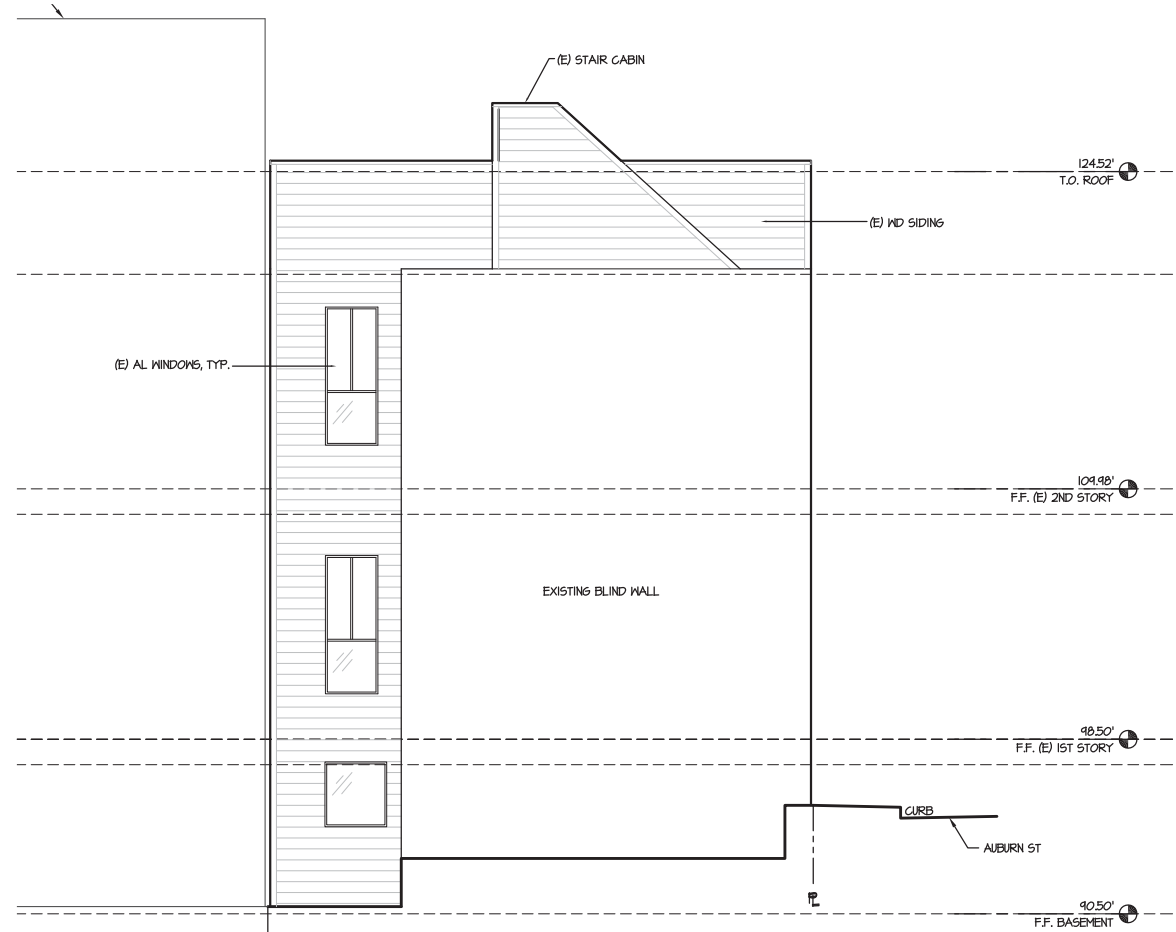
MARK J. TOPETCHER, ARCHITECT CA LIC. # C 21678, EXP. 5/17

SHEET  
A  
3.1





2 PROPOSED NORTH ELEVATION



1 EXISTING NORTH ELEVATION



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JACKSON ST. RESIDENCES  
1042-44 JACKSON STREET  
SAN FRANCISCO, CA. 94133

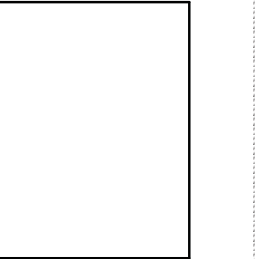
BLOCK # 0181 LOT # 013

PERMIT APP. NO.

SHEET TITLE  
(E) NORTH ELEVATION  
(P) NORTH ELEVATION

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1/4" = 1'-0"

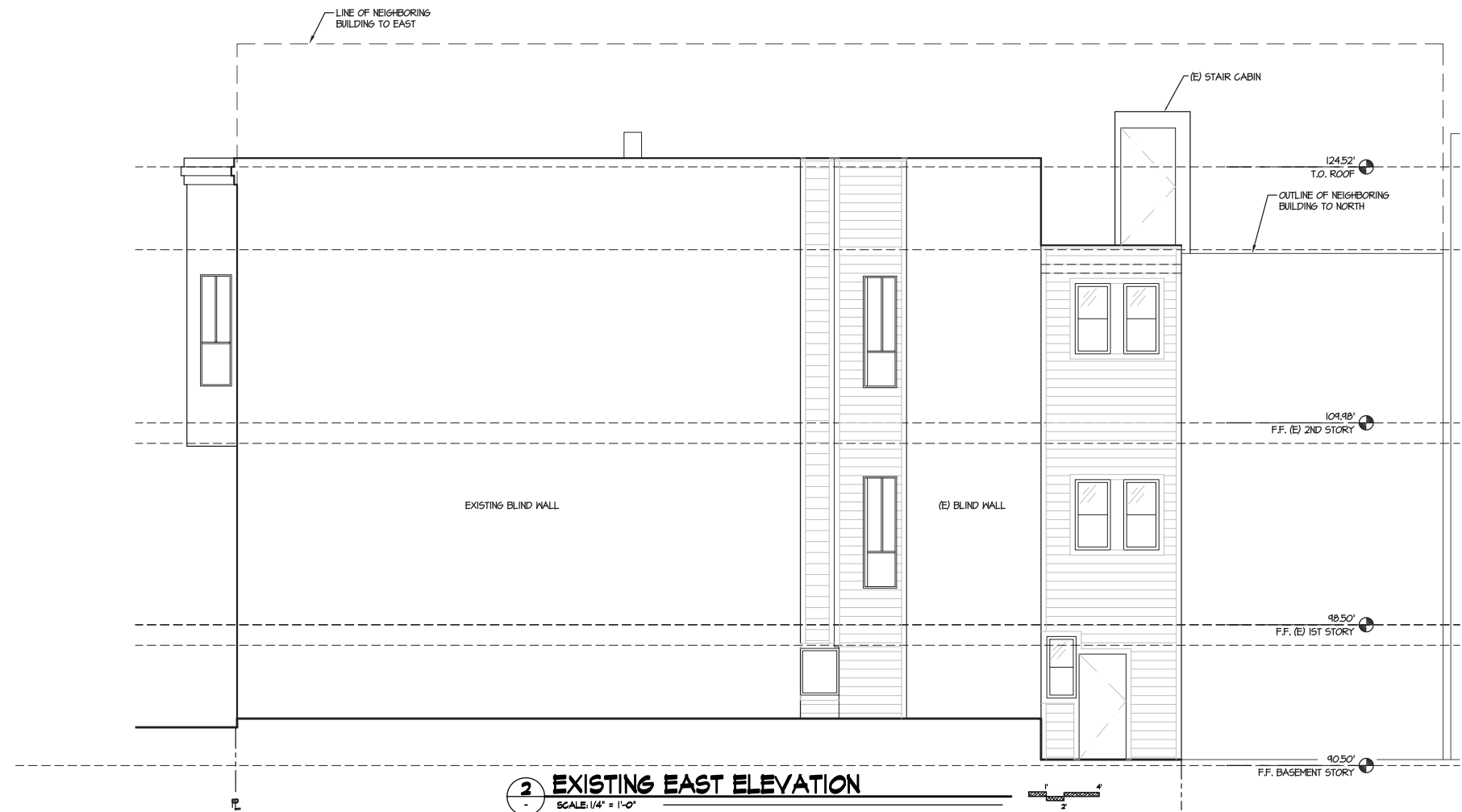
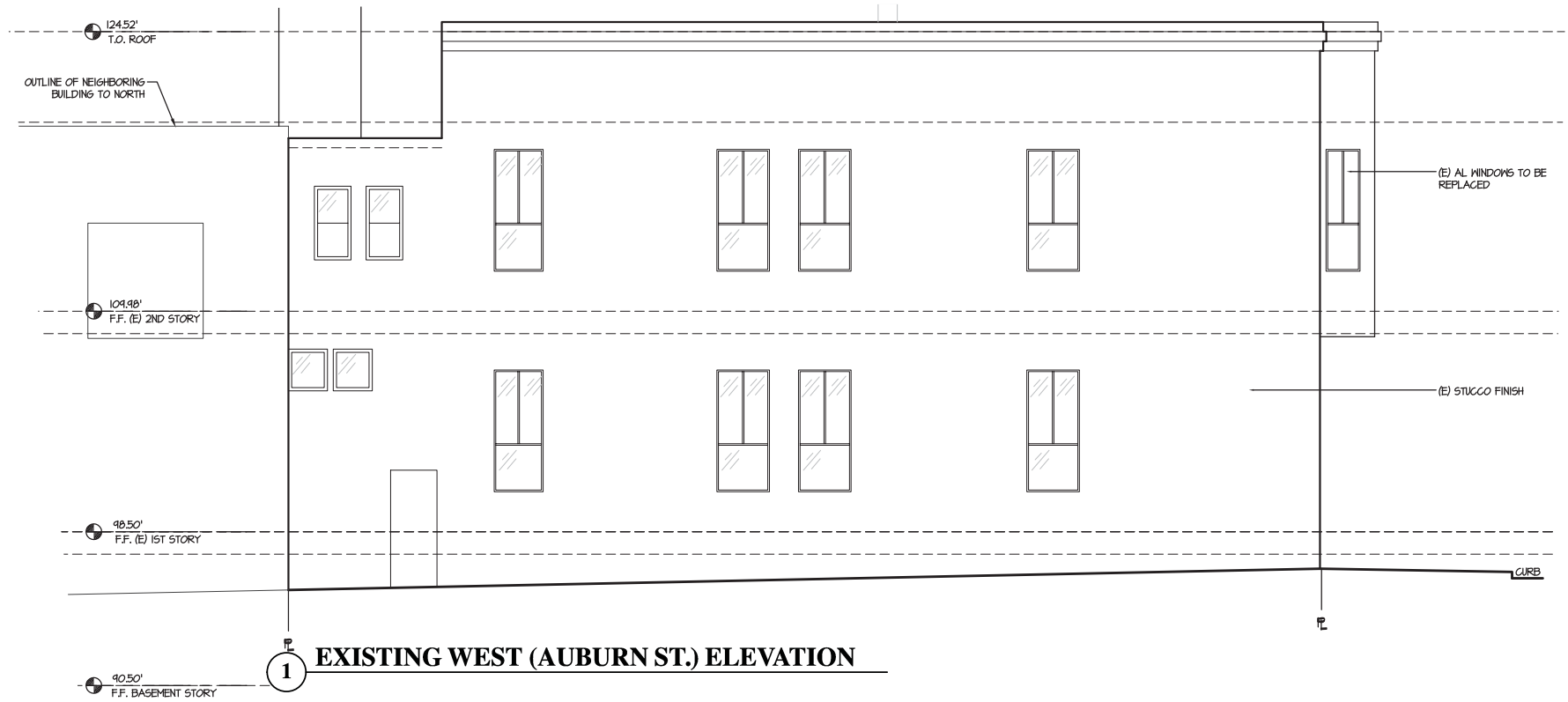
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MARK J. TOPETCHER, ARCHITECT CA. LIC. # C 21678, EXP. 5/17

SHEET

A  
3.2



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**JACKSON ST. RESIDENCES**  
**1042-44 JACKSON STREET**  
**SAN FRANCISCO, CA. 94133**

BLOCK # 0181 LOT # 013

PERMIT  
APP. NO.

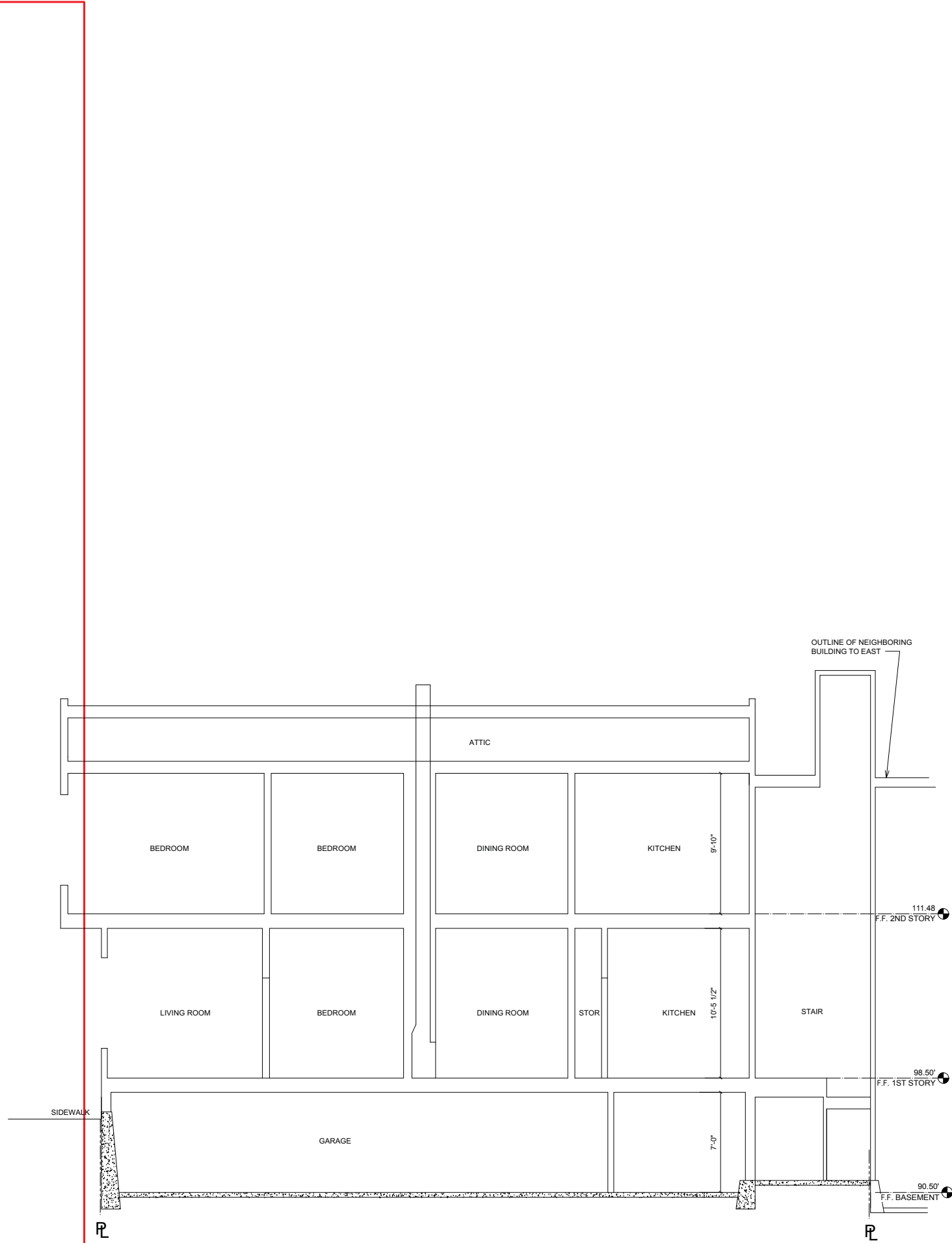
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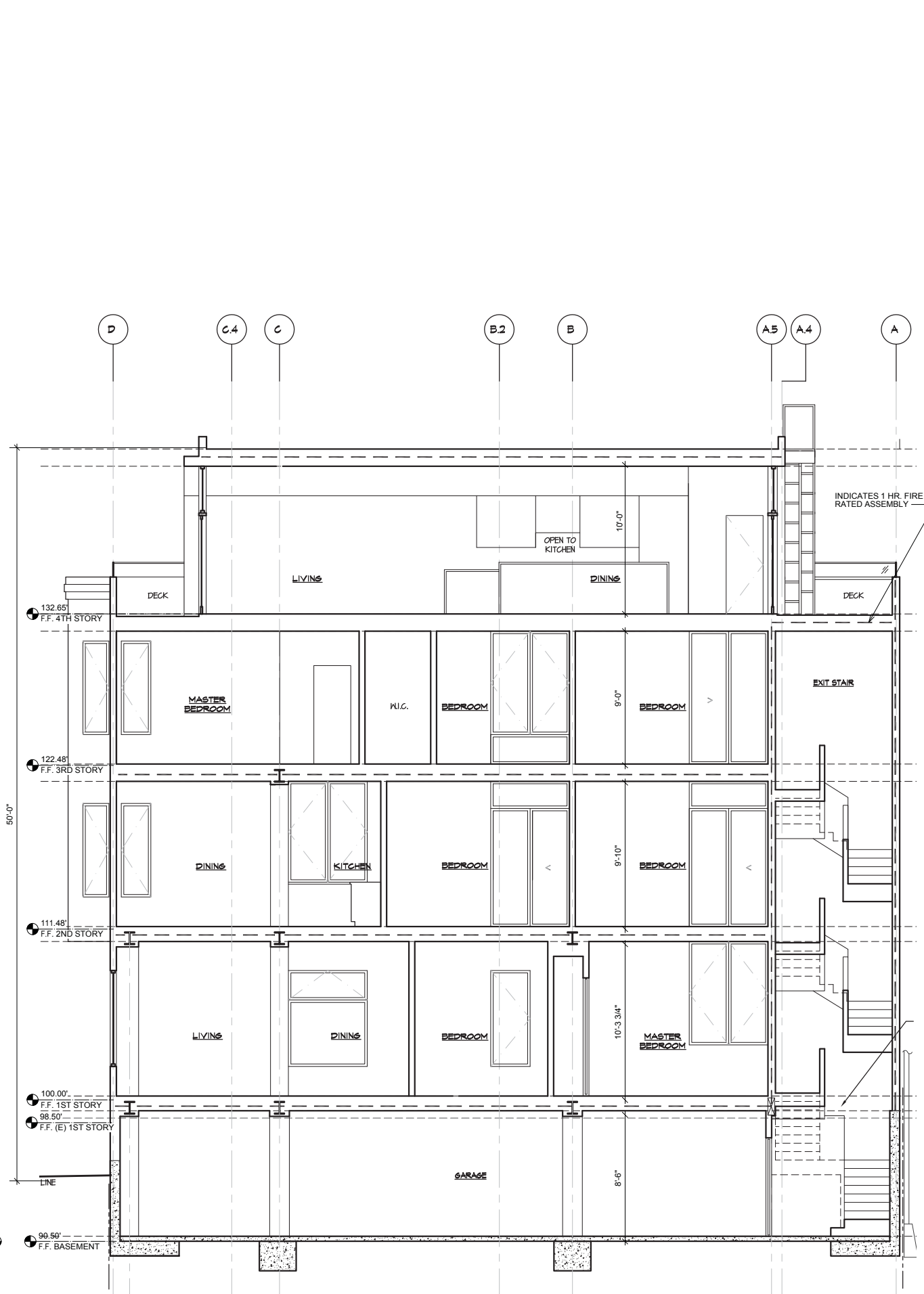
JOB NO.  
15.12

MARK J. TOPETCHER, ARCHITECT CA. LIC. # C 21678, EXP. 5/17

SHEET  
**A**  
**3.3**



**E** EXISTING BUILDING SECTION



**E** PROPOSED BUILDING SECTION

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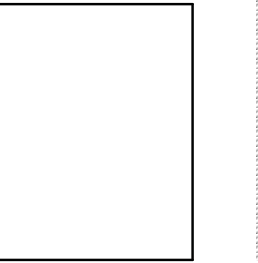
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JACKSON ST. RESIDENCES  
1042-44 JACKSON STREET  
SAN FRANCISCO, CA. 94133

PERMIT  
APP. NO.

BLOCK # 0181 LOT # 013

SHEET TITLE	
(E) BLDG. SECTION	(P) BLDG. SECTION
SCALE: 1/4" = 1'-0"	JOB NO. 15.12



MARK J. TOPETCHER, ARCHITECT CA. LIC. # C 21678, EXP. 5/17

**A**  
**4.0**

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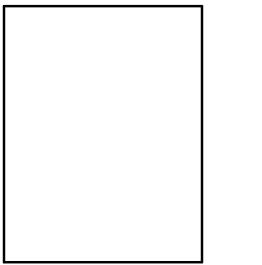
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1042-44 JACKSON STREET  
SAN FRANCISCO, CA. 94133

BLOCK # 0181 LOT # 013

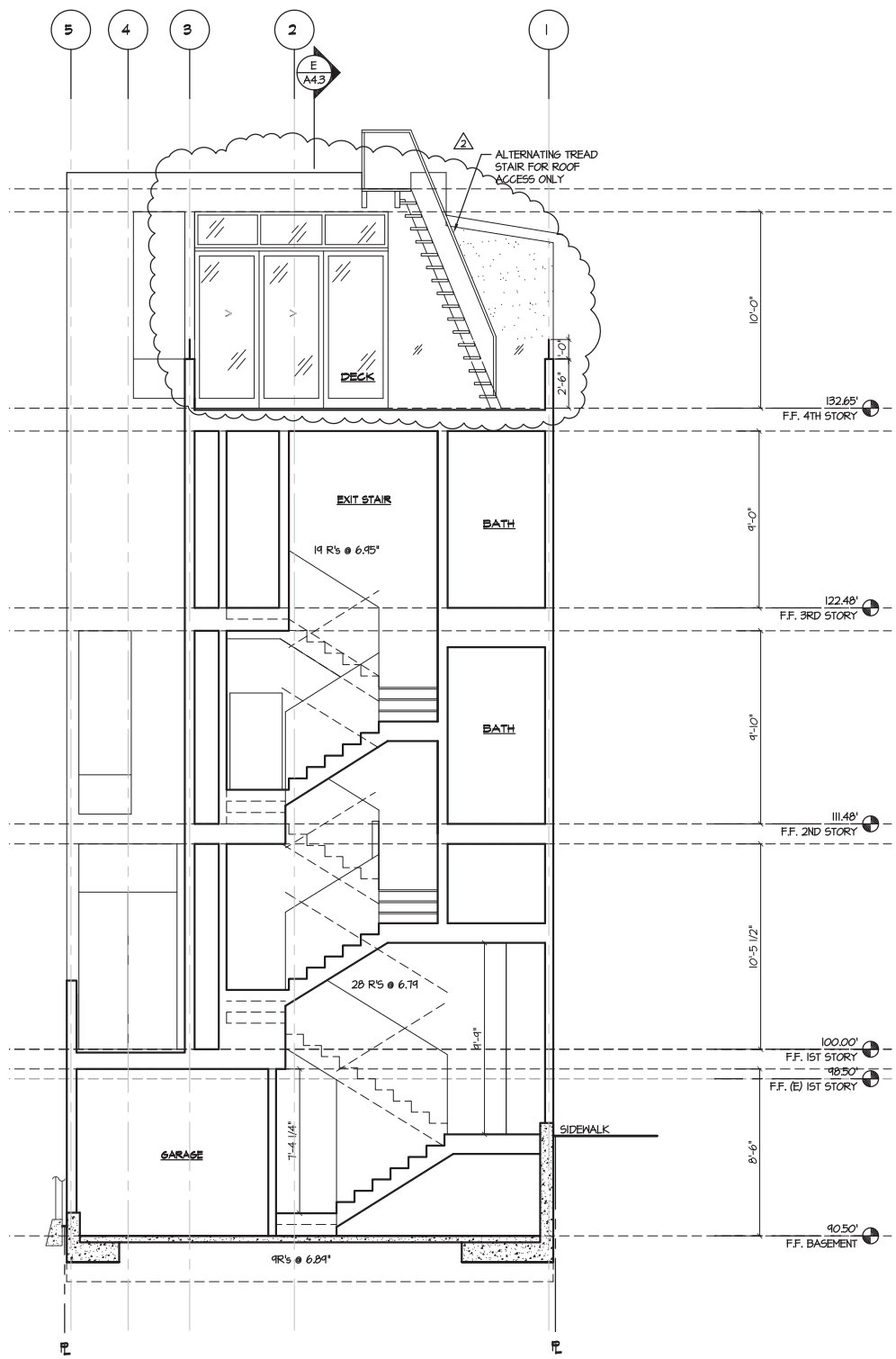
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SHEET TITLE  
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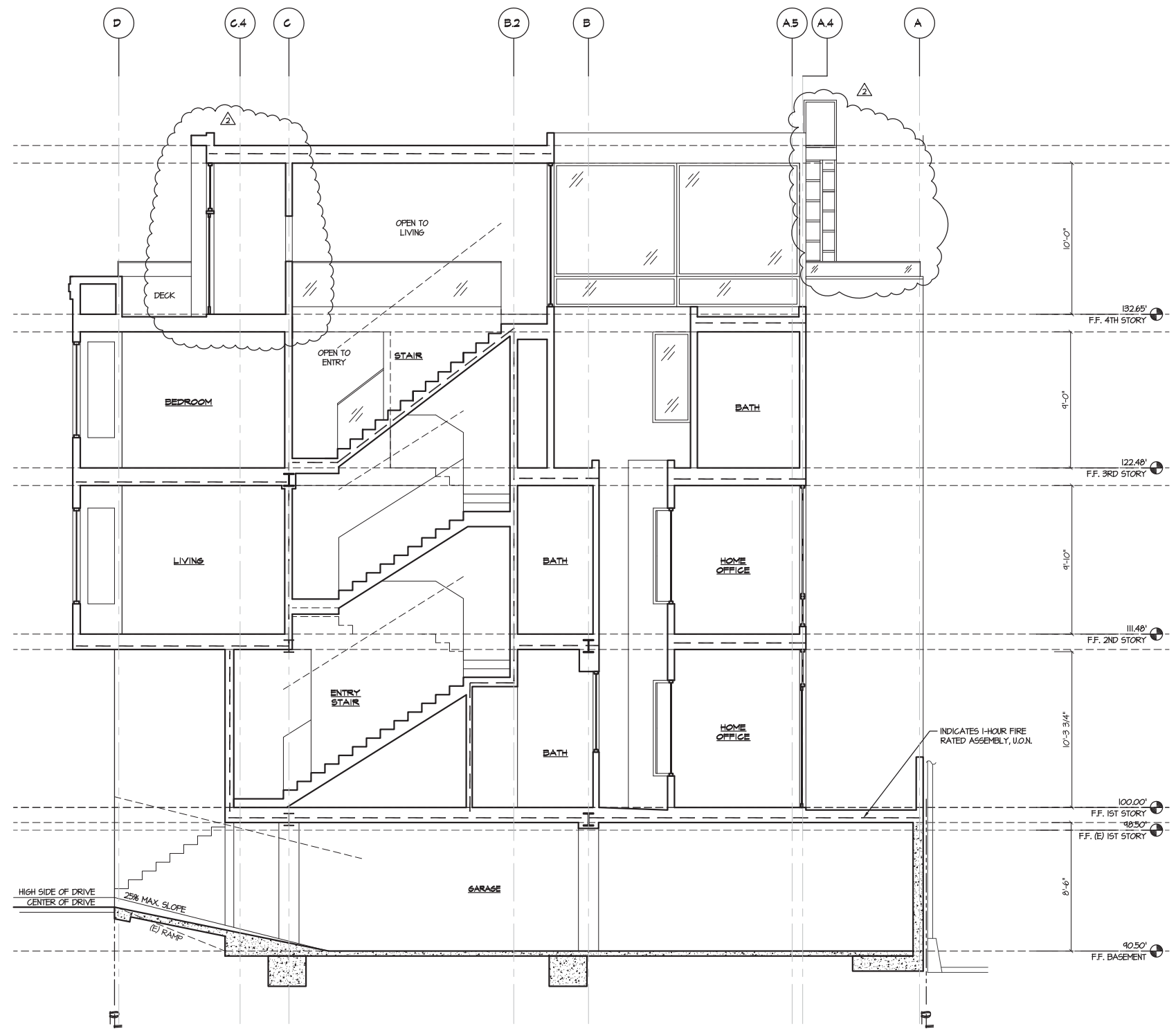
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MARK J. TOPETCHER, ARCHITECT, CA. LIC. # C 21678, EXP. 5/17



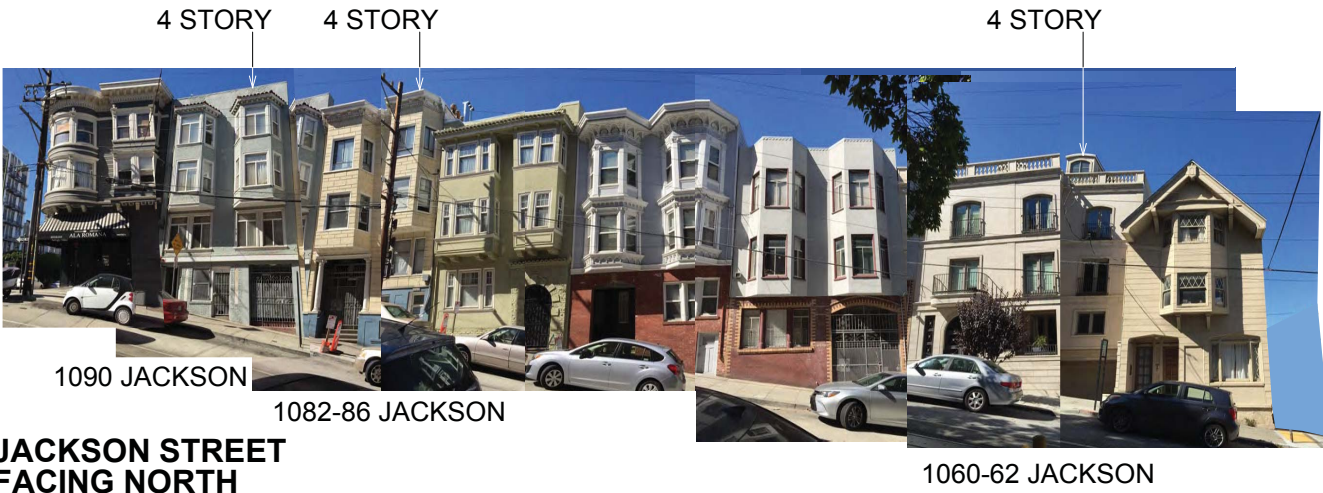
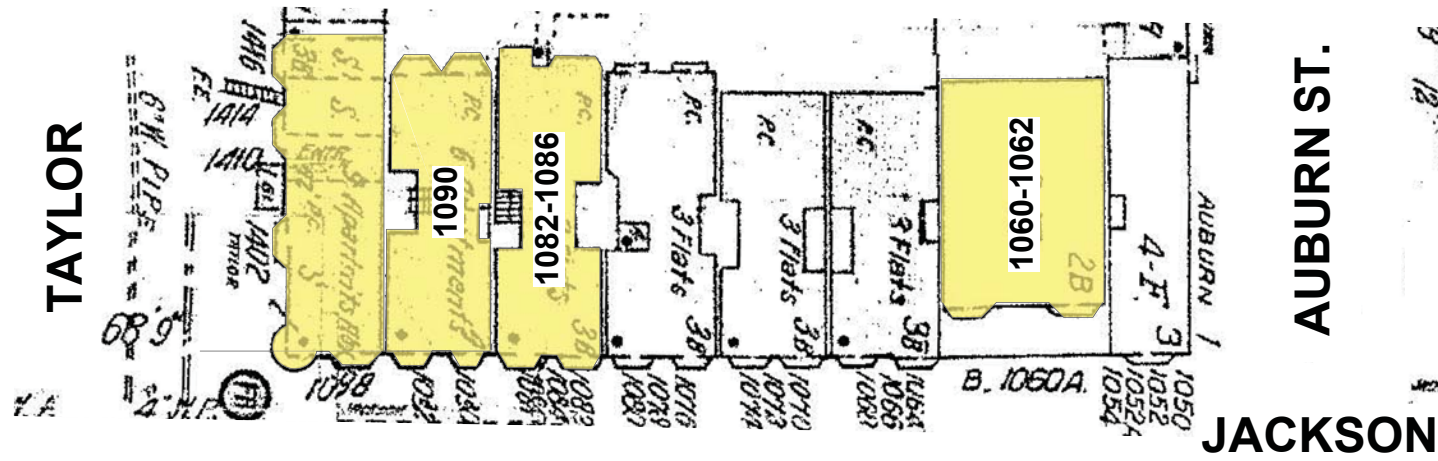
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**A SECTION A-A**  
SCALE: 1/4" = 1'-0"



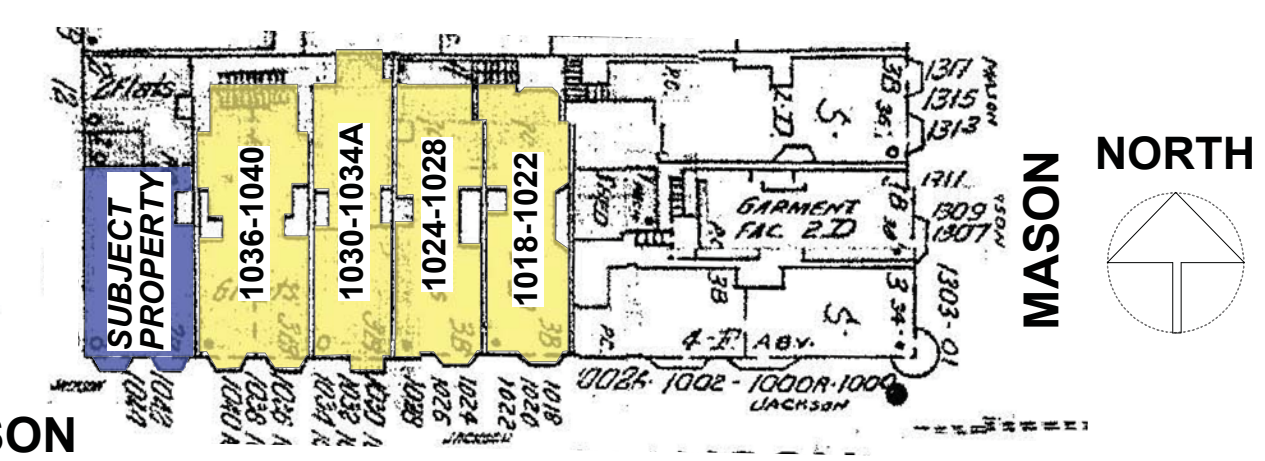
TAYLOR



JACKSON STREET  
FACING NORTH

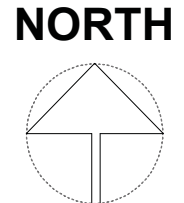
AUBURN ST.

JACKSON

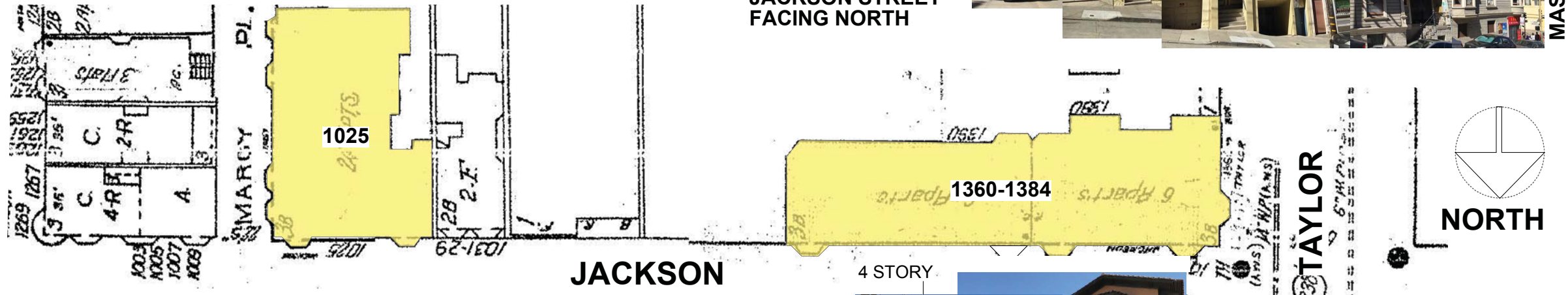


JACKSON STREET  
FACING NORTH

MASON

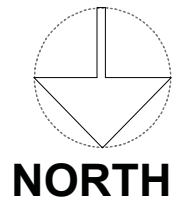


MASON



JACKSON STREET FACING SOUTH

TAYLOR STREET



MASON

## JACKSON STREET RESIDENCES

1042-44 JACKSON STREET  
SAN FRANCISCO, CA. 94133

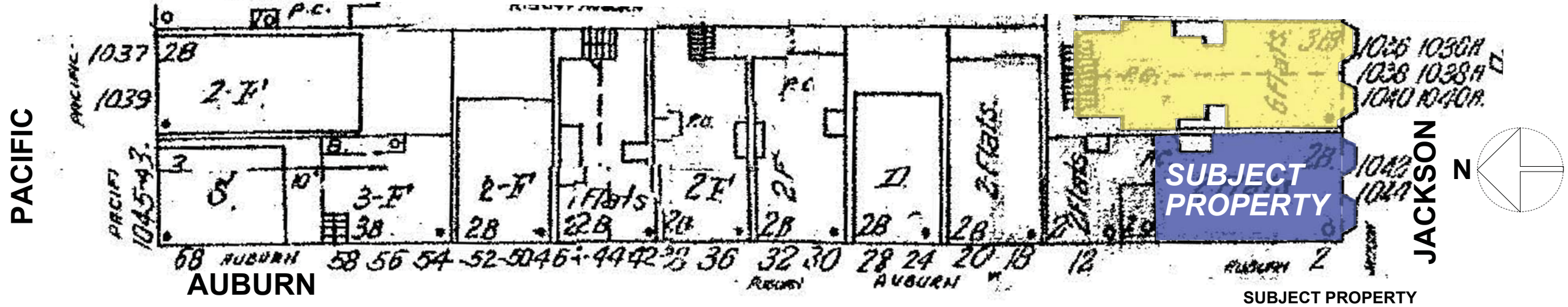
BLOCK #0181 LOT # 013

## JACKSON ST. SITE CONTEXT

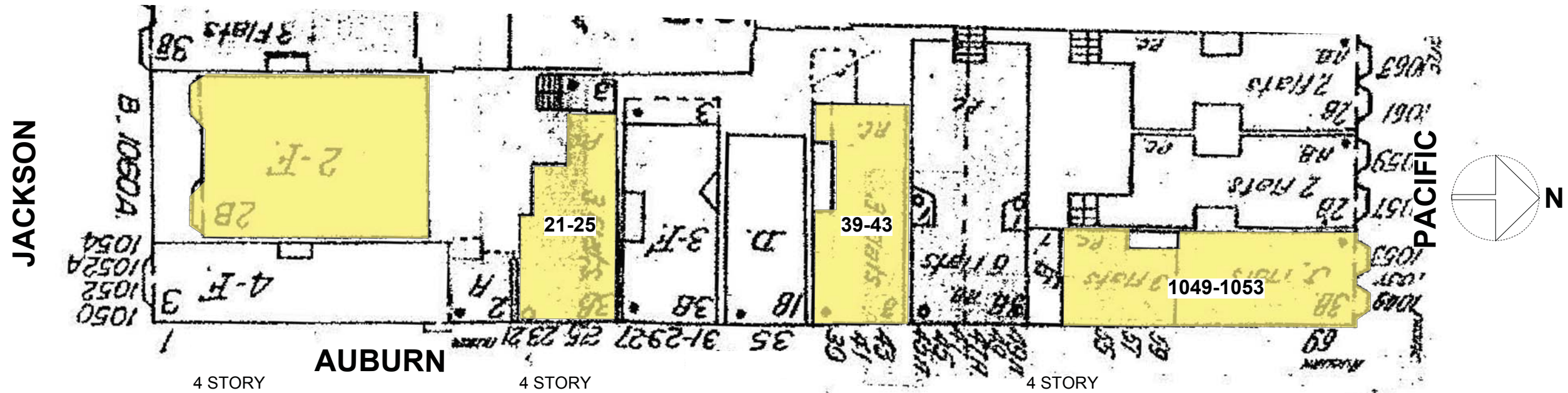


S  
1.0





**AUBURN STREET FACING EAST**



**AUBURN STREET FACING WEST**

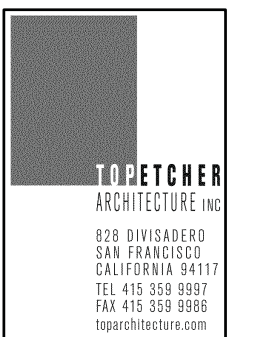
**21-25 AUBURN**

**39-43 AUBURN**

**1049-53 PACIFIC**  
**55-59 AUBURN**

**JACKSON STREET**  
**RESIDENCES**  
1042-44 JACKSON STREET  
SAN FRANCISCO, CA. 94133  
BLOCK #0181 LOT #013

**AUBURN ST.**  
**SITE CONTEXT**









**From:** [Armand Domalewski](#)  
**To:** [Grob, Carly \(CPC\)](#)  
**Subject:** In Support of Proposed Project at 1042-1044 Jackson St.  
**Date:** Thursday, September 10, 2015 11:40:39 AM

---

To the Planning Commission:  
San Francisco

I am writing this letter in to unabashedly, enthusiastically endorse the proposed project at 1042-1044 Jackson St.

Look, I'm sure you've gotten a million emails from a million people opposing this project. Why tiny projects like this can inspire more vitriol than megaprojects like 5M is beyond me, but it is what it is. Broadly speaking, I urge you to take a look at this project through two basic lenses today.

The first is this project in particular. The project displaces zero residents, has outstanding design principles, and adds units in an already expensive neighborhood, making arguments about gentrification moot. San Francisco's population is increasing massively---shouldn't we funnel that increase into the areas that it will cause the least disruption to middle class families?

Of course, if we're going to be honest, the neighborhood opposition doesn't care about poverty or displacement---they care about their views. So here's the deal: not only does this project only very minimally change someone's view (there are plenty of buildings nearby of equal height), but even if it did, it would be a sacrifice worth making. Folks, we live in a city, and a city is a complex ecosystem of tradeoffs and sacrifices. Those tradeoffs are deeply woven into our society, and they become especially stark in dense, urban environments. But we accept those tradeoffs, those negotiations, because living in society, and especially living in a city, is great---our closeness may generate a lot of heat but it also generates a lot of light. There's a lot of light to be found in community meetings where neighbors learn about each other, there's a lot of light to be found in the collaboration of cafes, and there's a lot of light to be found in the serendipity of encounter that can only really happen in a city.

For those tradeoffs to work, however, we have to examine all elements of the negotiation, and recognize when we've been neglecting one for the other. Look, I love a pretty view. I really do. I go hiking in Yosemite to be awed by nature; I live in the Sunset to be awed by the ocean. But when rents are rising at 20% year over year in some places in the city, when thousands are being displaced every year, when the very fabric of this city is being torn apart, we have to realize that we've prioritized views over housing for too long. Living in a city is an endless negotiation, but for far too long renters haven't been getting their fair share of the deal.

Enough is enough. It's time to put people ahead of buildings.

The second point I wanted to make is a much broader one---the fact that this tiny, tiny project has become a political campaign speaks to the broken nature of the system as a whole. Every one of us acknowledges that the process moves too slowly---and the fact that we enable neighborhood grievances to transform a simple, tiny project into an all-out brawl between neighbors explains a lot of why the system is so slow. Look, there are a lot of things in my life that annoy me---I am trying to



lose weight, my neighbors keep parking in my spot, that cute girl I met in the park last week is being like, super flaky in her texts---but I don't have the ability to shut down the organs of civil governance over them. As a city we have to accept that if we are to solve this crisis we cannot allow the perfect to be the enemy of the good, that we will have to trade speed for process. Remember that haranguing little projects like Ritus"means that the end result is more megaprojects like 5M, which have the resources and patience to fight long, drawn out battles.

I urge you not just to approve this project but to rethink your approach as a whole. Living in a city will always be a complex, messy negotiation---but it can, and should, be less so.

Thank you,  
Armand D. Domalewski  
2346 Taraval Street, San Francisco  
(925) 212-3562

September 5, 2015

Mr. Rodney Fong  
Commission President  
San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Mr. Scott Sanchez  
Zoning Administrator  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Re: 1042- 1044 Jackson Street  
2014 – 001083CUA, VAR

Dear President Fong, Planning Commissioners and Zoning Administrator,

The following is our response to both the conditional use application and variance application for 1042 – 1044 Jackson Street.

The subject project is located in a residential zone within the Chinatown and Nob Hill Districts. The subject project proposes to add two floors to a non-conforming residential structure located at the corner of Jackson Street and Auburn Alley and across from the Cable Car Barn. In addition to the conditional use requested due to its height, a rear yard variance is also being requested to reduce the rear yard requirement.

#### **NEIGHBORHOOD CONTEXT**

Chinatown and Nob Hill has historically seen development that does not conform to current planning and zoning codes for height, floor area ratios, site coverage and open space. As a result current residents of the area are faced with higher densities, less open space, greater shadowing, less privacy and greater livability and wellness impacts between neighbors.

This project exacerbates livability conditions between its extensive expansion and that of surrounding neighbors. The existing building is non-conforming as a corner building that occupies the entire lot with no rear yard. The new addition will be much higher, have greater site coverage, further reduces open areas to adjacent buildings, and towers over the narrow Auburn Alley. Additionally, should the project sponsor add stair and elevator access to the roof based on DBI code requirements, such penthouses could extend structures above the roof that would cover another one-third of the roof area and rise another twenty feet. The proposed variance further expands the non-conforming nature of the property by not providing a code compliant rear yard. Substituting roof top open space for a legitimate rear yard creates further impacts on the neighbors. The proposal offers no redeeming contributions to the urban design aspects of the area.

#### **AFFORDABILITY**

This zone of the city has been one where Chinese families, immigrants, and immigrant laborers were able to find housing given the exclusion to purchase and rent in many parts of San Francisco. As a result,

this zone saw a blend of privately owned homes and rental apartments and rooms. The subject property in recent times housed Section 8 tenants. It is not clear how the tenants left as the Rent Board has no documentation on the site. In all probability private agreements occurred and some compensation was given.

## **COMMUNITY RELATIONS**

The project sponsors have met with neighbors. However, they have offered no substantive discussions on the scope of their project. They have been aggressive in pushing for their position with little regard to the concerns of the neighbors. This pattern is quite clear from their dealings with neighbors and tenants at other development projects they have done in San Francisco. Their actions on other sites have bordered on ethically and morally unacceptable actions.

## **OUR POSITION**

Conditional uses require the Planning Commission to determine if the proposed use is necessary or desirable to the neighborhood, whether it may potentially have a negative impact on the surrounding neighborhood, and whether the use complies with the San Francisco General Plan. **This conditional use applications fails on all of the preceding points.**

Variances require the Zoning Administrator to affirmatively determine that the following criteria are met.

- 1. That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district;*
- 2. That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;*
- 3. That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district;*
- 4. That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity; and*
- 5. That the granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the Master Plan.*

**This variance application fails on all of the preceding five criteria as discussed in our earlier commentary.**

We, the neighbors in the immediate area of the subject project, strenuously oppose the subject project as currently proposed. We request that the Planning Commission take action to, at a minimum, eliminate one floor from the project addition and require a code compliant rear yard, and that the Zoning Administrator deny the rear yard variance request.

Respectfully,

Neighbors of 1042 – 1044 Jackson

Ronald Wu and Lillian Wu  
1036-1038-1040 Jackson Street

Joanna Wu Kim  
1036-1038-1040 Jackson Street

Joseph R. Pitzo  
1038A Jackson Street

Richard Leong and Sally Leong  
18 Auburn Street

Guillermo Condense  
1052 Jackson Street

Daniel Wang and Cristian C. Liu  
1036A Jackson Street

Kwok Ying Wong  
26 Auburn Street

Qudi Chen  
21 Auburn Street

Li Bo Zeng  
21 Auburn Street

Leung Kong Bor  
23 Auburn Street

Angel Alonso  
1050 Jackson Street

Chris Davis  
27 Auburn Street

Michael L. Lee  
1054 Jackson Street

Alfred T. Lee  
1054 Jackson Street

Curtis Leong and Elinor Vuong  
20 Auburn Street

Petra Campos  
1426 Taylor Street #3



Christine S. Saunders  
1434 Taylor Street

Peter Berg  
1434 Taylor Street

Michael J. Golaszewski  
1426 Taylor Street #3

Vincent Wibowo  
1426 Taylor Street #2

Geraldine Presta  
1426 Taylor Street #4

Halie Cloose  
1426 Taylor Street #5

Nealan Afsari  
1426 Taylor Street #1

Aina Stunz  
1436 Taylor Street

Joseph G. Yick  
1060 Jackson Street

Pauline V. Javier  
1060 Jackson Street

Joseph D. Yick  
1060 Jackson Street

Alexandra Yick  
1062 Jackson Street

(Signatures on record: Joint Letter to SF Planning)

CC:     Commissioner Cindy Wu  
         Commissioner Michael J. Antonini  
         Commissioner Rich Hillis  
         Commissioner Christine D. Johnson  
         Commissioner Kathrin Moore  
         Commissioner Ennis Richards

**From:** [Angelika Davis](#)  
**To:** [Grob, Carly \(CPC\)](#)  
**Subject:** 1042 Jackson Project - Letter of Support  
**Date:** Wednesday, September 09, 2015 11:20:53 PM

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Dear Ms. Grob,

I wanted to write you a letter to express my support to the project at 1042 Jackson St. I have been a resident of the neighborhood for the past four years. My husband and I love this neighborhood, but also feel that some of the buildings need some work to enhance the appeal of the area. I live on the same street as the project and truly believe that the plan that has been developed lends well to design and feel of the area. I have met with the neighbors who performed neighborhood outreach and now I support this project.

Another very important reason to support this project is the additional housing it adds to the neighborhood. Nob Hill doesn't have many houses available for sale, and this project can change that. Also, I feel that some of the homeowners opposing it, already have secured a home here, and don't realize the need for more housing in this city. My understanding is that the new project will add two new parking spaces. Having lived here for many years, I understand the challenges of parking here. I feel that we should appreciate the project owner's willingness to create parking convenience rather than converting the extra space in to additional units. That is not true for several other buildings in the neighborhood.

The Nob Hill/Chinatown area is a very dense neighborhood. A lot of the buildings are fully built out on their lots, and many of these buildings are taller than the proposed height of this project. The zoning at 1042 Jackson allows for a building height of 65 feet, so I think it is good of the homeowners to construct a more modest project at 50 feet rather than build out to the maximum allowed by zoning.

I live very close to the cable car museum (just like this project) and I often see tourists from all over the world visit the museum and then make their way to explore Chinatown. I feel that this is an important neighborhood from tourism point of view and a nice looking neighborhood can enhance their experience. My hope is that other landlords in this area will take a lesson from this project and work on their own buildings to beautify this area. I really feel that this project has the potential to influence a neighborhood-wide revamping.

I think before anyone opposes this project, they should not forget what the building currently looks like. I feel that the project owners have already done a good job with clearing out the exterior of the house. It had an extremely unkempt look. The project owners could have ignored the appearance of the place, but they didn't, and to me it speaks a lot about their commitment to the space.

Looking at the renderings, by increasing the height of the building, it makes it more in line with the neighborhood by creating a consistent line up Jackson St.. I run a small business in San Francisco, and I fully grasp the importance of an economically viable project. I feel that we should allow them to increase the height of the building to have the additional floor. I think we should all be aware that it is very important to add more houses to the city, to control the increases prices. Several of my employees have moved out of San Francisco in just the last year, because they don't foresee ever being able to buy a house. I think this is a real problem and anyone who is trying to help to add houses to the city, should be allowed to

do so with full support.

Thank you.

Best wishes,

A neighbor on Jackson Street

September 10, 2015

Dear Commissioners,

This letter is a written opposition to the proposed development on 1042-1044 Jackson Street as it has been presented to this Commission and the community (Case # 2014-001083CUA, VAR).

We, neighbors of 1042-1044 Jackson Street, respectfully request that this Commission deny the conditional use request to extend 1042-1044 Jackson Street's height beyond its RH-3 zoning limitations, and deny the request for a variance that would enable this structure to remain non-compliant with the setback requirements.

As both homeowners and tenants ourselves, we are in favor of improving our community through the development and refurbishment of existing structures. The 1042-1044 Jackson Street project (hereinafter "Proposed Project"), however, stands to diminish our neighborhood's longstanding character and structural integrity due to the proposed building's height and bulk and its resulting effect on light, air and open space.

We have sought compromise to no avail with the Proposed Project's developers. This Proposed Project is a case of significant overreach on the part of the developer who has wholly failed to demonstrate why a conditional use or variance approval is *necessary* for the project or *beneficial* to the city or neighborhood.

We are specifically concerned with the following:

- *The burden is on the Proposed Project sponsor* to present facts to this Commission that justify approval of their requests. That has not been done. There are no facts before this Commission that show the Proposed Project's height and bulk are necessary for the developer, desirable to the city or compatible with the neighborhood.
- Those neighbors opposing the Proposed Project as presented (see prior petitions including 47+ signatures), have attempted to engage in productive conversations with the developer to no avail. The neighbors, not the Proposed Project sponsor, organized a group meeting to discuss our concerns in early September. At no point was any such discussion or gathering proposed by the Proposed Project sponsor. At this meeting in late *August*, both the sponsor and the architect stated they could not engage in a meaningful dialogue about our concerns because they either were not familiar with the Planning Code (sponsor) or the architectural plans (new architect).
- It is not *necessary* for the developers to build an additional 2,040 square foot unit that requires conditional use and variance approval when an additional unit and significant square footage can be accomplished without such approval.



- Beyond a clear financial benefit to the developer, there is no discernable reason why the building height must exceed its zoned 40-foot height limit. According to the Proposed Project's current architect, an additional 825 square feet could be added within the 40-foot height limit. Alternatively, the developer could add a second floor to 1042 Jackson Street (upper unit), thus significantly increasing the size and living capacity of the unit.
- The Proposed Project seeks to ratify approval of and exacerbate an already non-conforming structure by extending a proposed third floor to the end of the property line and reduce the setback to only 8 feet.
- The Proposed Project will cast a shadow fan on Auburn Street and the surrounding properties resulting in diminished access to light and air for the families who make this area their home.
- Granting conditional use or variance approval will set a dangerous precedent in the area given that the approval requested in this case is *neither* necessary for the developers nor beneficial to the city.

We Respectfully Request That This Commission Deny the Conditional Use Request to Extend the Building's Height Beyond Its RH-3 Zoning Limitation.

1042-1044 Jackson Street is zoned RH-3 with a 40-foot height limit. The structure's height and bulk district is 65A. Any building in an RH district that seeks to extend beyond the prescribed 40-foot height may do so only with the express approval of this Commission pursuant to a conditional use request (Planning Code § 253).

While this Commission has discretion in reviewing conditional use applications, that discretion is not limitless and is bound by the purposes of the Planning Code; the original rationale for establishing RH, RM and RC districts; and the objectives, policies and principles of the City's General Plan. (Planning Code § 253.) Planning Code Section 303 requires that facts must establish "that the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community." Further, Section 101.1 of the City's Master Plan specifically outlines as a priority policy the conservation and protection of existing housing and neighborhood character "in order to preserve the cultural and economic diversity of our neighborhoods."

The height and bulk of the Proposed Project as currently proposed not only degrades the character and integrity of a longstanding San Francisco neighborhood but also disregards the very reason for why this particular area of Jackson Street is zoned RH-3. *The burden is on the Proposed Project sponsor* to present facts to this Commission that justify approval of their requests. That has not been done. There are no facts before this Commission that show the Proposed Project's height and bulk are necessary, desirable or compatible with the neighborhood.

1042 Jackson Street Is in a Dense, RH-3 Zoned Neighborhood Wherein Any Conditional Use or Variance Granted by This Commission Will Have a Significant and Negative Impact on Surrounding Structures.

The front of the Proposed Project faces Jackson Street and sits on the northeastern corner of Jackson and Auburn Streets (see Attachment A-C). Auburn Street is a narrow alleyway running between Jackson and Pacific Streets. It is home to numerous properties, all of which have their main entrances on Auburn (see Attachment D-E). All of the properties on Jackson Street touch one another on both their east and west sides. This is similar to the layout of Auburn Street, where all of the structures touch one another on their north and south sides. Jackson Street, moreover, is downward sloping at a significant grade.

This particular zone of the city is rich with cultural and socioeconomic diversity. Chinatown, Nob Hill and Russian Hill begin to intersect in this area. There is a combination of owner-occupied condominiums, TICs, single-family homes and rental units. It is a densely populated neighborhood wherein the height and bulk of any given structure will dramatically impact its neighboring buildings. At a height of 50-feet, this structure would exceed in height all of the buildings immediately to west, east and north. It would be taller than 1052 Jackson Street, the building immediately *uphill* and across the street (to the west) from 1042 Jackson. The structure would effectively be a sore thumb in an area where rooflines have naturally tracked the topography of the rolling hills.

With a height of 50-feet, the Proposed Project would tower over all other structures on Auburn between Pacific and Jackson *by more than 10 feet*. As a result, it would further restrict Auburn's access to existing natural light by casting a permanent shadow down much of the alleyway.

The Proposed Project currently provides for two additional floors, and one additional unit. Stated another way, it provides for the addition of one two-floor unit. At our neighbor-organized community meeting, the developer and architect stated that they *needed* the building to be 50-feet in height without any setback in order to accomplish their goal of adding this additional unit and living capacity. Specifically, the project architect stated that the requested space was necessary to build a "family sized" unit with *at least three bedrooms*. He explained that a unit of this size was necessary in order for the Proposed Project to be **profitable**. No other justification was provided. While it is clear how an additional two-story, luxury penthouse unit with dramatic city views would be beneficial to the developers and architect, it is disingenuous for them to assert that additional housing can *only* be accomplished with increased height and bulk to this degree.

There are several ways additional housing can be added to this project without any conditional use or variance approval. Two obvious options: First, as conceded by the new

project architect himself, a third floor could be added within the 40-foot height limit and respecting necessary setbacks, yielding 825 square feet of usable space. This is certainly sufficient to add an additional dwelling to the city's housing supply. Second, the Proposed Project could add an additional (second) floor to the building's current upper unit (1042 Jackson), thus increasing the size of that unit by 825 square feet. This would not only add housing supply, but it would also achieve (within 40 feet) the very large luxury unit that the developer apparently seeks to build.

It should be noted, that the fourth floor of this building at its *proposed* height would have sweeping city views over the top of all neighboring structures. Granting conditional use approval for this purpose when there is no established necessity would set a dangerous precedent in a neighborhood situated on a hill. The buildings in this area co-exist in a manner that allows all structures to maximize their benefit of the topography. The Proposed Project seeks to disregard the topography of the area at significant cost to its neighbors in order to capture a view.

The developers of this 1042-1044 Jackson street were well aware of the building's limitations when they made this investment. They knew that the lot was smaller than other lots on the block and that the building was subject to RH-3 zoning restrictions that do not necessarily apply to other buildings nearby. It is unfortunate that they now represent to the community and their neighbors that they cannot profit or benefit from their investment without exceptions. *Profitability does not equate to necessity*. It is not the neighbors', Planning Commission's, nor City's concern that the Proposed Project be profitable to the developer.

As noted above, we have attempted to discuss our community concerns about this Proposed Project with the developers and the architect. In fact, a group of neighbors proactively initiated a meeting with the developers to discuss concerns with the hope of finding a mutually agreeable compromise. Unfortunately, however, the developers have not given any indication that our concerns are being taken into consideration.

Rather, conversations with the developers have tended to be very one-sided, wherein the developers aggressively try to tell us why the Proposed Project must go forward as is, without trying to understand the position of their neighbors. At our community meeting, Proposed Project sponsor Arjun Dutt said that he could not address our concerns because he was not familiar with the Planning Code. This is hard to believe in light of the fact that Arjun Dutt is a named partner of numerous LLCs dedicated to development, and his wife advertises herself online as CEO of a real estate development corporation. The project's architect also explained that he could not speak to our concerns because he was new to the project and unfamiliar with the existing plans or building limitations. This is especially notable given that the architect intimated that the project's renderings were going to be revamped after our meeting. When asked if he would provide those drawings to the neighbors, he indicated that he would do so if there were enough time prior to the September 17th hearing but that he did not know if it would be possible.

## Conclusion

We respectfully request that the Commission reject the application as proposed and only grant the Applicant the ability to renovate 1042-44 Jackson Street in a manner that does not include any vertical or bulk additions beyond zoning limitations.

We sincerely appreciate your dedicated attention to our concerns.

Respectfully Signed,

Christine Saunders & Peter Berg

Homeowner, 1434 Taylor Street

Aina Stunz

Homeowner, 1436 Taylor Street

Nealan Afsari

Homeowner, 1426 Taylor Street, #1

Vincent Wibowo

Homeowner, 1426 Taylor Street, #2

Petra Campos

Homeowner, 1426 Taylor Street, #3

Mike Golaszewski

Tenant, 1426 Taylor Street, #3

John Wilcox-Black

Homeowner, 1426 Taylor Street #5

Patti & Brian Herman

Homeowner, 1426 Taylor Street #6

**APPENDIX****1042-44 Jackson Street – Photos and Topography**



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**From:** [Kyle Huey](#)  
**To:** [Grob, Carly \(CPC\)](#)  
**Cc:** [rituvohra2000@yahoo.com](mailto:rituvohra2000@yahoo.com)  
**Subject:** Build 1042 Jackson  
**Date:** Wednesday, September 09, 2015 1:17:38 PM

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Planner Grob, Planning Commission President Fong, and Commissioners,

When I first moved to San Francisco I stayed in an apartment at Sacramento and Jones for a month. While I liked the neighborhood a lot ultimately I wasn't able to find a permanent place there, so I landed in the Lower Haight.

There is a lot of discussion about words like gentrification, displacement, and evictions these days in our city. As a matter of social justice, neighborhoods like the Mission and SOMA cannot be expected to bear the entire burden of our city's growth alone. The wealthier and more traditionally desirable neighborhoods such as Nob Hill must do their part too.

Therefore I urge you to approve and build the proposed project at 1042 Jackson. It is a drop in the bucket of what's needed, but we must start somewhere.

- Kyle

To Whom It May Concern:

I am writing this letter in support of the proposed project at 1042 Jackson Street in San Francisco's Nob Hill neighborhood. I have studied in detail the analytical facts of this case thoroughly in an attempt to understand why the owners insist on adding a two level addition instead of a single story, and the evidence has convinced me this project should be given permission to move forward for three key reasons:

1. There is a need for 4 bedroom units in the neighborhood.
2. The neighborhood's needs parking.
3. The height of the building is well within zoning limits, and the shadow impact on neighboring properties is minimal.

According to the latest available Census data, around 51% of units existing in San Francisco (including single family homes) are 2 and 3 bedroom units. This is followed by 1 bedroom units, which make up 27.1% and no bedroom (studios and efficiency) units at 12.2%. 4+ bedroom units are the minority with approximately 9.7% of all units in San Francisco.

The household demographics of the city are representative of the demand by family type for these units. The supply should be greater than the demand if the city wants to have a healthy housing market, which benefits its residents. The Census shows that around 38.7% of households in San Francisco have 1 member, 45.7% of households have 2 or 3 members, and 15.6% of households have 4+ members in their household. This means that assuming 100% occupancy, and one and no bedroom units are used to satisfy the demand of one person households, 1 bedroom units are in equilibrium with the housing population (+0.6%), 2 and 3 bedroom units are in a surplus, which is healthy (+5.3%), and 4+ bedroom units are deficient (-5.9%), which is unfavorable for those who have large families. Given the number of units occupied in San Francisco for the study of 345,344, and the units that currently 4+ bedrooms, it can be estimated that there is a potential shortfall of 1976 four plus bedroom homes in San Francisco. If one is to include the vacancy rate and the potential demand from people outside of the city who want to move to San Francisco, these numbers become even more troubling.

To further this point, as of 9/8/15, a sample of rental listings taken within a 10 block radius surrounding 1042 Jackson returned 22 rental listings. It consisted of 2 shared apartments, 12 one bedroom units, and 8 two bedrooms units for rent. There were no 3 or 4 bedroom units available for rent in the area at the time.

This data shows that the San Francisco needs to take action to increase the supply of larger, family units in addition to growing the overall housing supply. All of the different types of units should have a supply surplus in relation to demand, which will meet increasing demand for housing, lower rental and sales prices for homes in San Francisco, and make the city a place where all can live – even those with large families.

Secondly, this project also is adding two additional parking spaces in addition to bicycle parking. According to the same Census data source, only 7.3% of buildings in the city offer 3 car parking. It is dominated by 1 car parking (41.2%), 2 car parking represents (21.3%), and buildings with



no parking whatsoever claim around (30.2%). By adding more parking, the builders are doing a great service to the local community by reducing the number of potential vehicles parked on city streets. Currently, the building has parking for one car, but the entrance restricts the type of vehicle that can enter it to a very small car. By lifting the building and reworking the front façade, they will be able to make the garage space more suitable for a wide range of vehicles, and this will reduce the number parked on the neighborhood streets. Neighboring buildings have little or no parking for their residents, so they should be happy the builders are adding it to this project. Being located on a mass transit line also helps encourage the future residents to ditch their cars and take public transportation, which is a major plus for the location of this site.

Finally, for what I assume is the most controversial aspect of the project, the building height, I have reviewed the plans and local zoning ordinances and have found that this project is well within thresholds. The zoning at 1042 Jackson sets a maximum building height of 65 feet, and by reviewing the plans, one can see that the project falls far short of that number.

I have also asked for and received a copy of the shading analysis for examination. My research finds that the shadow impact on the surrounding buildings throughout the day is minimal. Out of curiosity, I took one of the days in question in the study, October 1, which is one of the worst case scenario days in San Francisco where the sun angles are low and shadows their longest, and I calculated the shadow track hourly throughout the day. What was found is that of the buildings surrounding the project site, two will have a shadow cast upon it for a length of time worthy of noting. These two properties are 12 Auburn St. (which is occupied by a homeowner) and 1040 Jackson St. (which is a rental building). The shadow will have a minimal impact on these two properties as 12 Auburn St has no windows that are currently receiving direct sunlight during the hours in question, and 1040 only has a hand full on the side to be affected. However, these windows will still receive indirect light as they are in a light well or other open area, and the same affect will happen whether a one or two story addition is constructed. Had the subject property been West of Auburn street, it would have had a more significant effect of blocking direct sunlight to those on Auburn Street, but since the property is located east of Auburn Street, it's impact is reduced, as the shadow is mainly cast on roof tops when it is at its longest. This should alleviate some of the concerns neighbors in the area may have.

I appreciate the opportunity to present my findings, and I hope they are helpful when trying to determine the fate of this project. San Francisco needs projects like this to make the city a place where all families, large and small, are welcome. This project does it right. It adds another unit to the city's supply, increases the number of available parking spaces in the neighborhood, and is not built to the maximum height, which results in a less imposing force on the neighborhood. This project should be given permission to proceed, and the data supports it. Thank you.

Kind regards,

Paul Moore

To the San Francisco Planning Commission

I support the project at 1042 Jackson St. It is a project that will benefit the community by aiding in the revitalization of a historically significant area of San Francisco.

Having recently moved to Nob Hill from overseas, the challenges of finding an apartment that fit our budget is fresh in my mind. There simply wasn't a healthy supply of affordable housing in San Francisco and Nob Hill was a testament to this issue. Like many other apartment hunters at the time, we were forced to assess other areas only to find similar problems.

I have briefly reviewed the plans of the project and have not found any issues that may negatively impact the neighborhood. The height of this project (50 feet) seemed to be within the visible limits of other such buildings in the area. This property also sits on the cable car line which attracts a significant number of tourists daily so an important aspect of this project is converting a current insignificant facade to a visually appealing one - making memorable impact on tourists.

I am supporting small projects like these locally and also in San Francisco in general, as it allows us to make a material difference to the affordable housing situation while maintaining the character of the neighborhood. The only way to decrease the price of real estate in the city is to add additional units, so I am for this project, as it helps the city's overall growth and aids in supplying the extremely high demand in San Francisco for housing.

Thank you.

Shraddha Desai  
Resident of 1090 Jackson Street, Nob Hill

**From:** [Secretary, Commissions \(CPC\)](#)  
**To:** [Grob, Carly \(CPC\)](#)  
**Cc:** [Gerber, Patricia \(CPC\)](#)  
**Subject:** FW: Support of Proposed Project at 1042-1044 Jackson Street from A Neighbor  
**Date:** Tuesday, August 18, 2015 9:45:26 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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**From:** Ali Moss [mailto:[ali.moss13@gmail.com](mailto:ali.moss13@gmail.com)]  
**Sent:** Monday, August 17, 2015 4:52 PM  
**To:** [planning@rodneymong.com](mailto:planning@rodneymong.com); [cwu.planning@gmail.com](mailto:cwu.planning@gmail.com); [wordweaver21@aol.com](mailto:wordweaver21@aol.com); [richhillissf@yahoo.com](mailto:richhillissf@yahoo.com); Johnson, Christine (CPC); [mooreurban@aol.com](mailto:mooreurban@aol.com); Richards, Dennis (CPC); Secretary, Commissions (CPC)  
**Subject:** Support of Proposed Project at 1042-1044 Jackson Street from A Neighbor

To the Planning Commission

San Francisco

I am writing this letter in response to the proposed project at 1042-1044 Jackson St. I am sure you have received opposition to the scope of this project, as the owner's intend to add two additional floors. However, the people you are hearing from are likely those who fear change, or do not fully understand the challenges facing San Francisco today.

San Francisco is starving for additional housing units. It has increasing demand every year, as over 10,000 people move to the Bay Area annually, and many of them want to call San Francisco home. I know because I was once one of them. The problem is that there is just not enough housing for everyone who seeks it, which drives up housing costs, and the options for the city's growth are limited. By looking around the city, one can see that it is almost entirely developed, and the only other way for the city to grow is to build vertically, so I support this project.

There is talk of legalizing illegal units on one end and here we have a legal unit being built and the opposition is mind-boggling. Deny this and you would have created an open canister on the opposition you will receive for those projects in months to come, as they require variances for even basic air and light.

The proposed project will provide additional housing in a high demand area of the city, which will benefit the community by increasing the number of people who visit local businesses and pay taxes to the city. The project is well under the height limit of 65 feet, appears unimposing when looking at the renderings, and provides a diversity of housing options by offering two, two bedroom and a four bedroom unit, which the latter is only found in under 10 percent of residential building in San Francisco.

Thank you for listening.

Regards,

Ali Moss (A Neighbor)



SF Planning and Planning Commissioners

This letter is a result of the proposed project at 1042 Jackson Street. I know this project is bound to draw criticism, as it adds to the building's overall height, but this is a great location for a project like this for a number of reasons.

The project is in an area of the city, which is in high demand, as it is so close to Chinatown - the epicenter of the Chinese community. Many people living in this community live with extended family, so having a four bedroom unit within walking distance of Grant Street is a huge blessing.

The project also renovates the existing two units that are currently not available so a good renovation that this business is undertaking will give life to three good units in our neighborhood. That is a blessing in our current environment given the shortage in housing. Additional units and new residents will help the businesses in Chinatown as well. As I support the numerous small businesses in Chinatown, I also support this small business which is adding residential units and two additional parking spots. Not many buildings in Nob Hill even allow for such value added additions.

The additional storey will be valuable because it provides additional living space for the third unit. Many of the in-laws are in the basement level and there is not much more room to build to add to our growing community. This project adds quality housing that will be appealing to a family. These are not micro-units but family units in a neighborhood that is pre-dominantly a residential and family neighborhood. I welcome such a project.

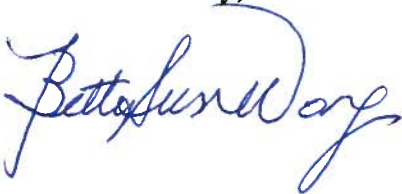
I have read the neighbors' concerns on the projects and these neighbors building are high as well and are now casting a shadow on 1042 Jackson Street and other neighbors surrounding them. There are many buildings in the vicinity of Chinatown that are tall and if those could be built, so should this one.

Also, if there are going to be buildings constructed in the city that have additional units and bedrooms for more people to move into the community, then locations like this one are ideal, as this property is located directly on a mass transit line. You won't have to start a new MUNI line or add additional transportation as this property is well served by mass-transit. It will allow the residents flexibility to move around the city without the need for a car, will encourage the residents to take mass transit, and will do a small part to help reduce congestion on city streets.

Currently, it appears as if the garage is unusable to everything by the smallest cars, so making this usable and adding two additional spaces is what tipped this project into my good graces.

I think it is a great project, and they should be given permission to build it. It's good for the house, good for the community and good for SF.

Yours sincerely,

A handwritten signature in blue ink, reading "Betty Sun Wong". The signature is fluid and cursive, with a large loop at the end of the last name.

## SF Planning and Planning Commissioners

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Yours sincerely,

Jian Lin

## SF Planning and Planning Commissioners

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Yours sincerely,

*Rabbi Dr Katherine Hans Von Rotes Schild Zitler  
Rothschild*

Rabbi Dr Katherine Hans Von Rotes Schild Zitler (Rothschild)  
President of the Asian Southeast Asian Societies,  
Member of SF BARF  
Director of the Mindchasers

**From:** [Kurt J. Kober](#)  
**To:** [Grob, Carly \(CPC\)](#)  
**Cc:** [Ritu Vohra](#); [Arjun Dutt](#); [Abigail Kiefer](#)  
**Subject:** Re: 1042-1044 Jackson St  
**Date:** Tuesday, July 21, 2015 8:39:30 PM

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Carly,

Thank you for sending along the revised plans for 1042 - 1044 Jackson St. Although we are disappointed with the need for Mr. & Mrs. Dutt to change their plans to include an 8' rear setback we continue to support to overall project and revised plans. Our note of support below stands with the project to this day.

Unfortunately my wife and I will be unable to attend this weeks hearing due to travel plans but feel free to reach out to me with any questions. Thank you for your service to the City and Residents of San Francisco.

Cheers,

Kurt Kober

On Wednesday, April 8, 2015, Kurt J. Kober <[kurtjkober@gmail.com](mailto:kurtjkober@gmail.com)> wrote:

Carly,

We own the home at 12 Auburn Street and send this note today in support of our neighbor's current plans for 1042-1044 Jackson Street.

We reviewed the plans proposed by Ritu and Arjun Dutt and are in support of their current development plan. They explained the overall plans during the pre-application meeting. Subsequently, the Dutt's, ourselves and their architect spent time and effort understanding the impact on our property. We also have a plan in development for our property (attached) thus we spent time re-designing some elements of both plans. We co-created our plans in order to create a harmonious outlay that would minimize any negative impact on our properties and that would be acceptable to both of us and the existing neighborhood dynamic. Given this diligence we do appreciate and support the neighbors' development plans as they stand. We expect to file our project with The City in the next 6-12 months.

We recently heard of the RDT's reduction of the rear yard and we would request the Planning Department reconsider this proposal as it's detrimental to our existing and proposed layout. The extended balcony proposed by the RDT at the back would create open space overlooking our current roof or in the future on our proposed roof-deck which could be invasive to our personal space. We'd rather that the RDT identified setback space be contained indoors. Since we are in an alley way, RDT's proposed rear-yard set-back for 1042-1044 Jackson Street will create a side-setback like appearance when viewed from Auburn Street. This will



create an asymmetrical appearance for our property that we don't find ideal.

I propose that the fact that we and the Dutt's have co-created and support each other's plans be considered in your final recommendation for their project. Please feel free to contact us via email or phone to discuss this project further.

Thank you for your assistance with this matter.

Warm Regards,

Kurt Kober & Abigail Kiefer  
12 Auburn Street  
San Francisco, CA 94133  
(510) 388-4620

--

Kurt J. Kober  
12 Auburn Street  
San Francisco, CA 94133  
(312) 850-9598

September 1, 2015

Attention: San Francisco Planning Commission

I support the project at 1042 Jackson Street. This project will benefit the community by revitalizing a vibrant neighborhood of San Francisco.

The Nob Hill/Chinatown area is a dense neighborhood. Many of the buildings are fully built out on their lots and taller than the proposed height of 1042 Jackson. The homeowners are maintaining the charm of the neighborhood by building a modest project and not to the full capacity of 65 feet, which the zoning allows.

This property sits on the cable car line, a great asset for residents, but also attracts many tourists. The project at 1042 Jackson transforms the current rundown building into a visually appealing showcase, which is a huge asset for the city of San Francisco.

Adding the fourth floor and increasing the height of 1042 Jackson makes this property more in touch with the neighborhood by creating a consistent line up. The fourth floor is set back, but is also a necessary feature. The project would not be economically viable without this addition.

For the reasons above, I support the project at 1042 Jackson Street.

Sincerely,



Sonia Wadhawan  
555 4<sup>th</sup> st. #604  
San Francisco 94107

**From:** [Thomas Rogers](#)  
**To:** [Grob, Carly \(CPC\)](#)  
**Subject:** 1042-1044 Jackson Street - SUPPORT  
**Date:** Friday, September 04, 2015 12:54:33 PM

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Carly,

As a San Francisco resident, I would like to relay my SUPPORT for the 1042-1044 Jackson Street project (CASE NO. 2014-1083CUA, VAR). I've read some of the letters of concern, and appreciate the input of those neighbors. However, I believe this is a positive project due to the findings already stated by the Planning Department in your initial July 2015 staff report:

- The project would add one unit to an existing two-unit building, which is consistent with the prescribed density of the RH-3 district and with the existing neighborhood character of multifamily residential buildings.
- The proposed addition is consistent with surrounding neighborhood context of three- to four-story residential buildings, and the project sponsor has provided setbacks and has sculpted the building massing to protect light and air to neighboring residents.
- The subject property is well-served by transit and the additional unit will not detrimentally impact the transit capacity. The project also adds three bicycle parking spaces, as well as two off-street parking spaces which would help alleviate on-street parking congestion.
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding neighborhood.

From everything I can tell, the applicant has tried to address and respond to the neighbors' concerns, even though they arrived at the last minute before the originally-scheduled project review. This looks like a great project that would add family-friendly housing in a transit-rich neighborhood- San Francisco needs more of that, not less.

Thanks for your consideration. Please include this correspondence with the staff report.

-Thomas Rogers  
throgers@yahoo.com

## Grob, Carly (CPC)

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**From:** mooreurban@aol.com  
**Sent:** Thursday, July 23, 2015 7:41 AM  
**To:** Secretary, Commissions (CPC)  
**Subject:** Fwd: Proposed Project at 1042-44 Jackson Street (Case No. 2014-001083CUA, VAR)  
**Attachments:** 20150722 1426 Taylor Letter to SF Planning Department (Final).doc

FYI

-----Original Message-----

From: Campos, Petra <[Petra.Campos@schwab.com](mailto:Petra.Campos@schwab.com)>  
To: planning <[planning@rodneyfong.com](mailto:planning@rodneyfong.com)>; cwu.planning <[cwu.planning@gmail.com](mailto:cwu.planning@gmail.com)>; wordweaver21 <[wordweaver21@aol.com](mailto:wordweaver21@aol.com)>; richhillissf <[richhillissf@yahoo.co](mailto:richhillissf@yahoo.co)>; christine.d.johnson <[christine.d.johnson@sfgov.org](mailto:christine.d.johnson@sfgov.org)>; mooreurban <[mooreurban@aol.com](mailto:mooreurban@aol.com)>; dennis.richards <[dennis.richards@sfgov.org](mailto:dennis.richards@sfgov.org)>  
Cc: Petra Campos <[petramcampos@yahoo.com](mailto:petramcampos@yahoo.com)>; Nealan Afsari <[nealanafsari@gmail.com](mailto:nealanafsari@gmail.com)>  
Sent: Wed, Jul 22, 2015 5:19 pm  
Subject: Proposed Project at 1042-44 Jackson Street (Case No. 2014-001083CUA, VAR)

Attn: San Francisco Planning Commission

The owners and residents of units at 1426 Taylor Street received recent notification of a proposed project at 1042-44 Jackson Street. We have several Legal concerns with the plans and would like to voice them formally in email prior to the review meeting on July 23<sup>rd</sup> at 12:00pm.

Please find attached the concern that residents and owners of units at 1426 Taylor Street have with regards to the proposed project at 1042-44 Jackson Street.

Both Nealan Afsari and myself will be attending tomorrow's on behalf of the other homeowners.

Many thanks,

Petra Campos  
[petramcampos@yahoo.com](mailto:petramcampos@yahoo.com)  
415-699-7253

### **Petra Campos**

Managing Director, Tax Advantaged Products  
Tel 415.667.0573 | Mobile 415.699.7253  
211 Main Street, San Francisco, CA 94105  
[Petra.campos@schwab.com](mailto:Petra.campos@schwab.com)

### **Charles Schwab & Co. Inc.**

NOTICE: All email sent to or from the Charles Schwab corporate email system is subject to archiving, monitoring and/or review by Schwab personnel.



To: San Francisco Planning Commission

From: Certain Residents of 1426 Taylor Street, San Francisco, CA 94133

Subject: Proposed Project at 1042-44 Jackson Street (Case No. 2014-001083CUA, VAR)

Date: July 22, 2015

Dear San Francisco Planning Commission,

We are residents and owners of units at 1426 Taylor Street, San Francisco 94133 ("1426 Taylor Street"), a building in close proximity to the building at 1042-44 Jackson Street (the "Subject Property"). We recently received a Notice of Public Hearing regarding the proposed project at the Subject Property (the "Proposed Project"), and are communicating our concern and opposition to the Proposed Project by way of this letter.

We understand that in addition to making interior renovations, the Applicant proposes constructing a two-story vertical addition exceeding a total height of 40 feet, and constructing additional structures which will further diminish the open space in the Subject Property's rear yard.

As property owners and residents of this shared neighborhood, we fully support a homeowner's right to improve their environment and increase the value of their property. This not only benefits the homeowner, but benefits its neighbors. However, we oppose the approval of renovations that are either detrimental to neighboring properties or that are approved in violation of California law.

The Planning Commission's approval of the Proposed Project pursuant to the draft motion published on the [sfplanning.com](http://sfplanning.com) website at <http://commissions.sfplanning.org/cpcpackets/2014-001083CUAVAR.pdf> will violate California law in the following ways:

1. VIOLATION OF CEQA.

The Proposed Project is not exempt from review under the California Environmental Quality Act ("CEQA"). The Executive Summary at page 2 and the Preamble of the Draft Motion both state that the Proposed project is exempt as a Class 1 categorical exemption. However, the CEQA Guidelines, at section 15301 establish that "Class 1" categorical exemptions are only allowed if "the project involves negligible or no expansion of an existing use." The Guidelines establish that additions to existing structures are only exempt if "the addition will not result in an

increase of more than ... 50% of the floor area of the structures before the addition, or 2,500 square feet, whichever is less.” (CEQA Guidelines Section 15301.)

Here, the existing structure is 2556 square feet. An increase of 50% of the floor area (1,278 square feet) would allow the Class 1 exemption to be used so long as the addition was 1,278 square feet or less. However, here, the addition will result in a net increase of 2,192 square feet, which is an increase of more than 50% of the floor area of the structure before the addition. These square footage numbers are plainly shown on page A0.1 of the plans attached to the agenda packet. Therefore, the Proposed Project is not subject to a Class 1 categorical exemption.

## 2. VIOLATION OF GOVERNMENT CODE SECTION 65906 WITH RESPECT TO VARIANCE.

The applicant seeks a variance to expand the third story and portions of the fourth story into the required rear yard setback. A variance applicant generally must demonstrate that the zoning regulations, if strictly applied, would cause unnecessary hardship because of some special circumstances of the particular property, in contrast to other similarly situated properties (*Eskeland v. City of Del Mar* (2014) 224 Cal.App.4th 936, 954).

Government Code § 65906 states, in pertinent part, “Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.” There is no information in the findings showing that strict application of the zoning ordinance deprives the property of privileges enjoyed by other property in the vicinity.

The City of San Francisco may grant the variance only if there are facts in the record to support the variance, makes the findings required under Government Code § 65906, and follows the required procedures. There are no such findings with respect to the request to expand the third story and portions of the fourth story into the required rear yard setback. Any such variance finding must precede the Commission’s action on the request for Conditional Use Authorization. Because the variance has not been approved, the Commission cannot make the required finding that “the use as proposed will comply with the applicable provisions of the Planning Code.”

## 3. CONDITIONAL USE AUTHORIZATION.

The draft motion published on the [sfplanning.com](http://sfplanning.com) website (<http://commissions.sfplanning.org/cpcpackets/2014-001083CUAVAR.pdf>) references conditions to approval listed in Exhibit A. However, the included Exhibit references a

completely different property (126-130 Laguna) and docket (Case No. 2014.0965CV). Additionally, the Executive Summary references an attachment (“CEQA Categorical Exemption Determination”) that has not been provided to the public. This omission, plus the numerous inaccuracies included within Exhibit A, undermines both the validity of the draft motion and the public notice provided to neighbors.

In addition to the legal deficiencies described above, we are specifically concerned about height, bulk, usable open space, light and air protection and development that is compatible with the neighborhood and community.

- The proposed 26’ addition will greatly increase the height and mass of the Subject Property, create an eyesore on the block and in an otherwise charming neighborhood, and threaten the enjoyment and value of our properties. While building vertically is problematic, there seems to be no discernible reason for exceeding the 40’ limit, except for the Applicant’s personal benefit.
- As noted in the Planning Department Summary, the existing building occupies the entire lot and is a noncomplying structure. The Proposed Project seeks to ratify approval of, and exacerbate, a non-conforming structure by extending a proposed 3rd floor to the end of the property line and requesting a variance to reduce the required set back to only 8’. The proposed 2,040 square foot unit addition is excessive, does not comply with code and will significantly and irreparably mar the character of the surrounding neighborhood.
- While the Proposed Project will not cast a shadow fan on the Who Hei Yuen Park, it most certainly will on Auburn Street and the surrounding properties resulting in diminished light and air to the many families who live in, play in, and make this area their home.
- The Proposed Project will in fact substantially and adversely impact the existing residential neighborhood character and creates an untenable burden to the welfare of the surrounding neighbors by willfully ignoring the existing building codes and doing little to ameliorate the existing and non-complying bulk issues. The property is located on a corner, and although three and four-story buildings may be present on Jackson Street, the buildings on Auburn Street are shorter. The current height, or a maximum of 40 feet, is the height that is desirable and compatible with the neighborhood and community, as required by Planning Code Section 303.

By building vertically and horizontally beyond the current footprint of the Subject Property, we (as well as our other neighbors) will lose our current enjoyment of the space and view of the skyline. This, in turn, will result in a devaluation of our current property value. Further, if the Proposed Project were to proceed—allowing not only the additions to the Subject Property, but

an addition which exceeds allowable limits—a precedent will be set that has a great potential to allow other buildings along Auburn Street to similarly build beyond city building code parameters. This trend would be exponentially detrimental to both the enjoyment of our properties and our associated property values. Granting the right to the proposed additions will benefit only the Applicant, will cause harm to its neighbors, and result in a net harm to property owners within the neighborhood.

We cannot imagine a scenario by which the Planning Commission—charged with approving development that is compliant and appropriate in light of regulations, environmental considerations, composition of an area, and the concerns of surrounding neighbors—would approve a project that reinforces and rewards non-compliant behavior, allows building in a manner that would benefit only the Applicant to the detriment of its neighbors, and does so knowingly in violation of legal codes and proper government procedure.

Therefore, we respectfully request that the Commission reject the motion as proposed and only grant the Applicant the ability to renovate the Subject Property in a manner that does not include any vertical or bulk additions and addresses the Subject Property's pre-existing non-compliance with applicable zoning codes.

We appreciate your attention to our concerns.

Best regards,

Residents of Units 1, 3, 5, and 6 of 1426 Taylor Street



**From:** [B.V](#)  
**To:** [Grob, Carly \(CPC\)](#)  
**Subject:** 1042-1044 Jackson St.  
**Date:** Thursday, July 09, 2015 2:30:46 PM

---

Hello Carly,

I wanted to express my concerns about this proposal. The first is the variance to ignore the set back regulations that are in place. This was not disclosed to the neighbors during the neighborhood meeting last year. The plan was presented as everything was up to regulation but now through the posting we are finding out that they are asking for a variance which is contrary to what we were led to believe that everything was up to code.

Allowing the variance would mean that the addition would right up against the property line. With the addition and the increase in height it would be that the building would greatly overshadow the neighboring building especially behind it.

The height is also of concern. It seems that according to the posting that the height limit is 40 feet and they are proposing a height of 50 feet. Again this is another instance of where this was not consistent with what was presented. We were all led to believe that the property was allowed to be built to this height but this does not sound like it is the case. Again the owner is trying to go over the limit and presenting it to neighbors as if this was all within the regulations when in fact it isn't. There is a pattern and concerted effort to gloss over these details with neighbor and to make them believe that there is nothing the neighbors can do since it is to code. But in fact they are asking for a variance and the ability to skirt the rules and hoping this slips by and none of the neighbors notice.

The addition of another dwelling unit is again was not mentioned. The owner had mentioned adding floors but it was painted in a much different picture. It was framed in the sense that they had a large family and need the space. This is far different than adding another unit. If you just needed space for your family you wouldn't need to create a separate dwelling unit. This clearly a bid to increase the number of rental units for the Landlords. The owners have multiple properties across San Francisco and have done this many times. Increasing the number of units to have more rental properties is not the same as telling your neighbors you need another floor because you have a large family. This is not trying to be part of the community rather just increasing the number of renters they can cram in one building in an already dense and tight neighborhood.

The additional height and not using the setback would create a building that is far out of character for the neighborhood. It would be much taller than the homes next to and behind it. It's not a gradual rise but a sudden abruptly taller building. The planning commission should consider not only just the front but the houses to the side and behind this very tall proposed modification.

I hope you can help me voice my objection to the variance as I believe this is to the detriment of the neighborhood. The setbacks and regulations were put in place to give everyone some breathing room and should not be ignored.

Unfortunately the nature of the way the public hearings are I can not make it in person. Please help me voice my objection to the Planning Commission.

Thanks.

## Grob, Carly (CPC)

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**From:** Kathrin Moore <mooreurban@aol.com>  
**Sent:** Thursday, July 23, 2015 10:10 AM  
**To:** Secretary, Commissions (CPC)  
**Subject:** Fwd: 1042-1044 Jackson Concerns and Objections

FYI

Sent from my iPhone

Begin forwarded message:

**From:** B V <[bvagile78@gmail.com](mailto:bvagile78@gmail.com)>  
**Date:** July 23, 2015 at 10:06:13 AM PDT  
**To:** [planning@rodneyfong.com](mailto:planning@rodneyfong.com), [cwu.planning@gmail.com](mailto:cwu.planning@gmail.com),  
[wordweaver21@aol.com](mailto:wordweaver21@aol.com), [richhillissf@yahoo.com](mailto:richhillissf@yahoo.com), [christine.d.johnson@sfgov.org](mailto:christine.d.johnson@sfgov.org),  
[mooreurban@aol.com](mailto:mooreurban@aol.com), [dennis.richards@sfgov.org](mailto:dennis.richards@sfgov.org)  
**Subject:** 1042-1044 Jackson Concerns and Objections

Hello,

I know it's late in the game but I wanted to share my concerns and objections to the project on 1042-1044 Jackson Street. The whole process I feel has been purposefully unclear and ambiguous to try and get it by the neighbors. We didn't even receive a notice in the mail until the project was recommended by the planning committee giving everyone insignificant time to review and express concerns.

When the project was first presented to the neighbors the owners passed it off as if it was already code compliant. But this is not the case and they were in fact asking for a variance to the back offset and to build above 40' feet. They made it sound like they could go to 60 with no approval needed but lucky for us they were only going to 50 feet. Again they tried to convince everyone that this was all within their rights and there was nothing we could do. But the truth is that they need a variance and approval for the height and depth of their plans.

The project plan itself seems rushed and incomplete. The height of the proposed building does not fit in with the neighborhood. It tries to justify but saying an adjacent building is 4 stories but it is really 3 stories and a garage. This project though is 4 stories over the garage. This height would disrupt the current slope of the Jackson street. The slope is important it allows for a more natural distribution of light.

The project plan seems very incomplete and does not take into account any of its surroundings. There are no descriptions, pictures, or models of how this would affect the neighborhood which is especially important in a narrow alley with buildings close together.

This project is much more extensive than what they had presented at the neighborhood meeting. It was very glossed over in terms of how much is being done without addressing neighborhood concerns. It feels very much like things were rushed and details glossed over in hopes that neighbors would not notice and it would sneak by.

Thank You for your time.

**From:** [B V](#)  
**To:** [Grob, Carly \(CPC\)](#)  
**Subject:** Re: 1042-1044 Jackson St.  
**Date:** Monday, July 13, 2015 1:24:27 PM

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Hi Carly,

I also wanted to follow up with you since the additional unit was not mentioned but the building is zoned for it. The planning committee should also take into consideration that the area is already very densely populated with many of the building having carved out more units than originally intended. The neighborhood is denser than what the zoning on paper would suggest.

Thanks

On Thu, Jul 9, 2015 at 2:30 PM, B V <[bvagile78@gmail.com](mailto:bvagile78@gmail.com)> wrote:

Hello Carly,

I wanted to express my concerns about this proposal. The first is the variance to ignore the set back regulations that are in place. This was not disclosed to the neighbors during the neighborhood meeting last year. The plan was presented as everything was up to regulation but now through the posting we are finding out that they are asking for a variance which is contrary to what we were led to believe that everything was up to code.

Allowing the variance would mean that the addition would right up against the property line. With the addition and the increase in height it would be that the building would greatly overshadow the neighboring building especially behind it.

The height is also of concern. It seems that according to the posting that the height limit is 40 feet and they are proposing a height of 50 feet. Again this is another instance of where this was not consistent with what was presented. We were all led to believe that the property was allowed to be built to this height but this does not sound like it is the case. Again the owner is trying to go over the limit and presenting it to neighbors as if this was all within the regulations when in fact it isn't. There is a pattern and concerted effort to gloss over these details with neighbor and to make them believe that there is nothing the neighbors can do since it is to code. But in fact they are asking for a variance and the ability to skirt the rules and hoping this slips by and none of the neighbors notice.

The addition of another dwelling unit is again was not mentioned. The owner had mentioned adding floors but it was painted in a much different picture. It was framed in the sense that they had a large family and need the space. This is far different than adding another unit. If you just needed space for your family you wouldn't need to create a separate dwelling unit. This clearly a bid to increase the number of rental units for the Landlords. The owners have multiple properties across San Francisco and have done this many times. Increasing the number of units to have more rental properties is not the same as telling your neighbors you need another floor because you have a large family. This is not trying to be part of the community rather just increasing the number of renters they can cram in one building in an already dense and tight neighborhood.

The additional height and not using the backset would create a building that is far



out of character for the neighborhood. It would be much taller than the homes next to and behind it. It's not a gradual rise but an sudden abruptly taller building. The planning commission should consider not only just the front but the houses to the side and behind this very tall proposed modification.

I hope you can help me voice my objection to the variance as I believe this is to the detriment of the neighborhood. The setbacks and regulations were put in place to give everyone some breathing room and should not be ignored.

Unfortunately the nature of the way the public hearings are I can not make it in person. Please help me voice my objection to the Planning Commission.

Thanks.

**From:** [Secretary, Commissions \(CPC\)](#)  
**To:** [Grob, Carly \(CPC\)](#)  
**Cc:** [Gerber, Patricia \(CPC\)](#)  
**Subject:** FW: 1042-1044 Jackson Street, San Francisco  
**Date:** Friday, September 04, 2015 11:05:37 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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*Office of Commission Affairs*

Planning Department | City & County of San Francisco  
1650 Mission Street, Suite 400, San Francisco, CA 94103  
Direct: 415-558-6309 | Fax: 415-558-6409

[commissions.secretary@sfgov.org](mailto:commissions.secretary@sfgov.org)  
[www.sfplanning.org](http://www.sfplanning.org)



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**From:** Joanna Kim [mailto:[joannawukim@gmail.com](mailto:joannawukim@gmail.com)]  
**Sent:** Friday, September 04, 2015 9:04 AM  
**To:** Secretary, Commissions (CPC)  
**Subject:** Fwd: 1042-1044 Jackson Street, San Francisco

Dear Secretary,

Please see message below that I sent to the commissioners on 9/3/15.

Thank you,  
Joanna Wu Kim

Begin forwarded message:

**From:** Joanna Kim <[joannawukim@gmail.com](mailto:joannawukim@gmail.com)>  
**Date:** September 3, 2015 at 9:04:09 PM PDT  
**To:** [carly.grob@sfgov.org](mailto:carly.grob@sfgov.org), [planning@rodneymfong.com](mailto:planning@rodneymfong.com),  
[cwu.planning@gmail.com](mailto:cwu.planning@gmail.com), [wordweaver21@aol.com](mailto:wordweaver21@aol.com), [richhillissf@yahoo.com](mailto:richhillissf@yahoo.com),  
[christine.d.johnson@sfgov.org](mailto:christine.d.johnson@sfgov.org), [mooreurban@aol.com](mailto:mooreurban@aol.com),  
[dennis.richards@sfgov.org](mailto:dennis.richards@sfgov.org)  
**Cc:** David Kim <[davidkim328@gmail.com](mailto:davidkim328@gmail.com)>, Ronald Wu  
<[ronald.y.wu@gmail.com](mailto:ronald.y.wu@gmail.com)>  
**Subject:** 1042-1044 Jackson Street, San Francisco

Dear Commissioners,

Thank you for taking the time to read this letter regarding the development at 1042-1044 Jackson Street. We

are current co-owners of the direct neighbors to this property (1036-1038-1040 Jackson Street) and believe that our tenants and the surrounding neighborhood will be negatively affected by the proposed development plan if allowed to proceed as is.

First, our biggest concern relates to the height of the proposed plan to add an additional two-story unit that will exceed the maximum 40-foot height that exists for this zoning (RH-3). The resulting 50-foot building, if allowed to proceed, will exceed the height of other neighboring buildings by at least 10 or more feet. Not only will this impact sunlight and privacy of our tenants and tenants of other nearby residences, but will also significantly impact the character and culture of the existing neighborhood and nearby housing. The result of building a 50-foot residence will stick out like a sore thumb in an area that has complied with the 40-foot rule for countless years.

We understand that the developer is seeking to maximize profits, just as most developers or any business owner would likely seek to do. We also believe that development is a positive thing for the neighborhood since the current building at 1042-1044 Jackson is dilapidated and unattractive. However, it should not be done to the detriment of tenants and the surrounding neighborhood who have largely and clearly voiced their concerns with the current proposed plan. We believe that development should proceed in a manner where all parties can benefit and be pleased with the overall outcome. As a result, we believe that the developer can successfully make a good profit by adding an additional one-story unit (rather than a two-story unit) and still comply with the 40-foot rule that the entire surrounding neighborhood is complying with currently. We believe all parties would ultimately benefit in this scenario, while the character and culture of the existing neighborhood would be preserved and would comply with Sec. 101.1(b) of the Planning Code.

Finally I would like to address the specific actions and process that the developer has used in seeking the public's "approval" of the plan. The developer, during pre-hearings and other discussions with neighbors and other affected parties, frequently misrepresented information regarding the plan in hopes that the public would think there was nothing that could be done to object to the plans. One example was the developer providing false information that they already had approvals for a 50-ft building and that there is nothing anyone can do about it. Another example is misleading neighbors by describing other nearby buildings as 50-ft as well, to justify the rationale for building a 50-ft building.

The developer, Ritu Vohra, has refused to discuss and work with the concerned public parties in good faith. Additionally, the developer showed a lack of willingness to be flexible or amend any part of the plans after the initial public hearing.

The uses of unethical and deceitful actions are not isolated to this specific case but appear to be a common theme with this specific sponsor. The sponsor's actions speak loud and clear to the lack of care or concern for the general community or the tenants and residents of San Francisco; the only real concern is how to make more money, no matter what the collateral damage is to other parties. These actions are illustrated in specific historical cases including unlawful eviction lawsuits with the sponsor's tenants that include the alleged use of bullying or intimidation. Articles in the press also highlight that this behavior is common with this specific sponsor.

These unethical and deceitful actions were used by the sponsor during the process to fly under the public radar and ultimately attempt to receive approval from the Commission, rather than being transparent, honest and willing to discuss and work with neighbors and tenants in good faith to find an agreeable plan for all parties involved. The sponsor's decision to choose the path to lie and deceive is evident in this specific case (as well as other cases involving this specific owner) and should not be tolerated by the Commission in order to avoid setting the wrong precedence for this owner and any other future owners that willingly try to use deceitful tactics and play by their own rules.

Thank you for your time and efforts.

Best Regards,  
David Kim and Joanna Wu Kim

**From:** [James Lang](#)  
**To:** [Grob, Carly \(CPC\)](#); [Ronald Wu](#); [Joey Pitzo](#); [Regina Lombardo](#)  
**Subject:** Fwd: 1042-1044 Jackson St Project  
**Date:** Thursday, July 23, 2015 9:53:31 AM

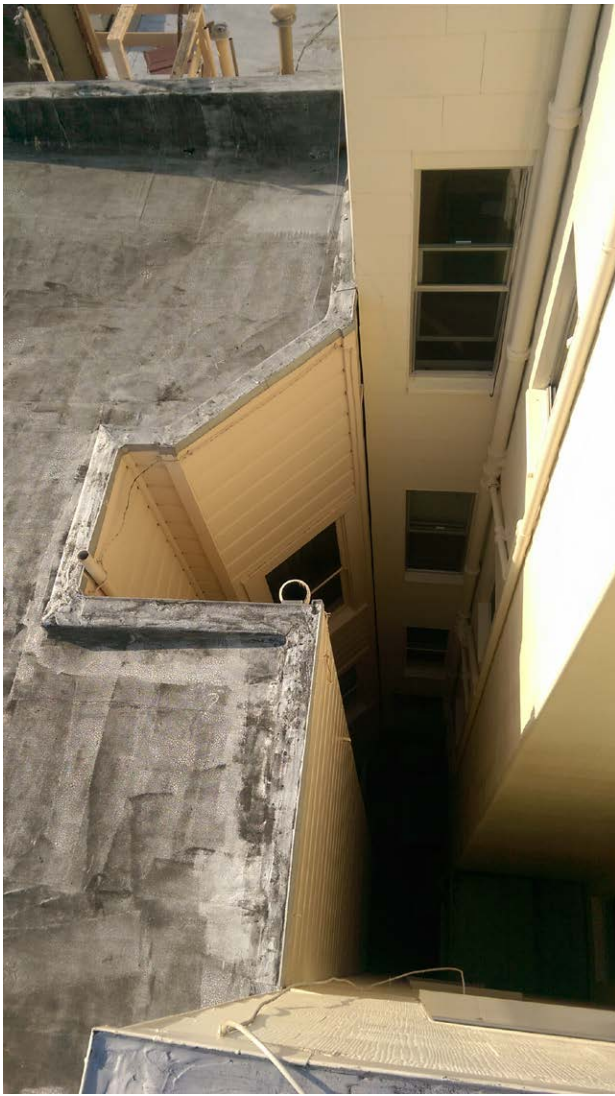
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Resending with images>

Hello Ms. Grob,

My name is James Lang. I have called 1040a Jackson St my home for the past 6 years. I am the top floor resident of the building directly to the east. I write you this from my desk with a beautiful, sunny and very San Francisco view of pastel rooftops and Grace Cathedral. If this project is approved, that view will be replaced with a view of a bathroom. My objections to this project are multitudinous. The lot sits on the corner of Jackson and Auburn. The building has a small 12 sq. ft. light well, with no setbacks from the street, rear buildings or side buildings. In short there is nearly 100% lot coverage, with 0 rain drainage. Groundwater recharge on a lot without permeable land is impossible. This is part of the reason the code requires setbacks from adjacent buildings on structures. See the image of the very small light-well below. 1042 Jackson St is the small light well on the left of the image.

1036-1040 Jackson St is on the right of the image, you can see the much larger light-well and setback that 1040 Jackson has from the property line.



The height of the project is totally out of scale with the neighborhood. I have attached the image below. It is the north looking view of the roof of 1042 Jackson st. As you can see, every building on Auburn street is the same height. If this project is approved all morning to mid afternoon light that shines on Auburn, will be completely blocked.





The light into my unit specifically will be most affected. My wife and I chose to make 1040a Jackson st our home because of the beautiful views of Nob Hill and Russian Hill. These views will be 100% replaced with views of a wall with no setback from the property line.

View from living room of 1040A Jackson.



Roof of project site from living room of 1040A.



Hallway of 1040a Jackson st with afternoon light



## Objections

-Height, the propose height of the building is totally out of scale with the surrounding structures that give Nob Hill their "movie scene" appeal.

-The current structure that exists on the lot has no setback from the street on the south and west side, no rear yard and no side yard. There is no hardship on current property that justifies building on top of the required setback. A variance should not be granted.

-The building has sat vacant for a very long time, any claim of hardship should be questioned as the 6 vacant bedrooms in the current real estate market represent a significant carrying cost.

-Sunlight / Shadows - The effect that the out of scale building will have on the adjacent properties, and Auburn Street as a whole, is reason enough to deny approval of the project. And personally, my unit will be irreparably changed and I will no longer enjoy the sunlight and views that are the reason I've called Nob Hill my home for the past 6 years.

-Environmental - No groundwater recharge on the property. In the current drought, San Francisco has been trying to recharge its aquifers with environmental requirements on projects. There appears to be no attempts to reconcile this in the current plans.

-Parking - there is not enough parking on site to justify adding another unit.

Thank you for your consideration,  
James Lang + Regina Lombardo  
1040a Jackson St

[978.578.4659](tel:978.578.4659)

PS. If I am unable to make the hearing today. Mr. Ronald Wu will present this letter in my absence.

## Grob, Carly (CPC)

---

**From:** mooreurban@aol.com  
**Sent:** Thursday, July 23, 2015 7:40 AM  
**To:** Secretary, Commissions (CPC)  
**Subject:** Fwd: 1042-1044 Jackson Street, Item 8A & 8B, Planning Commission Meeting 7-23-2015

FYI

-----Original Message-----

From: Joe Yick <[jyick@yickcompany.com](mailto:jyick@yickcompany.com)>  
To: planning <[planning@rodneymong.com](mailto:planning@rodneymong.com)>; cwu.planning <[cwu.planning@gmail.com](mailto:cwu.planning@gmail.com)>; wordweaver21 <[wordweaver21@aol.com](mailto:wordweaver21@aol.com)>; richhillissf <[richhillissf@yahoo.com](mailto:richhillissf@yahoo.com)>; christine.johnson <[christine.johnson@sfgov.org](mailto:christine.johnson@sfgov.org)>; mooreurban <[mooreurban@aol.com](mailto:mooreurban@aol.com)>; dennis.richards <[dennis.richards@sfgov.org](mailto:dennis.richards@sfgov.org)>  
Sent: Wed, Jul 22, 2015 10:32 pm  
Subject: 1042-1044 Jackson Street, Item 8A & 8B, Planning Commission Meeting 7-23-2015

Dear Commissioners Fong, Wu, Antonini, Hillis, Johnson, Moore, and Richards,

I am the property owner and resident of a building up the block from 1042-1044 Jackson Street.

I cannot attend the meeting because I was given very short notice regarding the conditional use and variance requests.

From the limited information provided by the developers,

1. there are no scaled renderings or photographs of the proposed building additions in relation to the adjacent and surrounding properties; these will show that the proposed building is not conforming to the skyline and the tiering of the buildings on either side of 1042-1044 Jackson Street and on Auburn Alley (the west side of the building)
2. the proposed two floor additions comprise the entire footprint of the parcel and does conform with building codes' required set backs at each level and not compatible with the surrounding neighborhood
3. the two additional floors are for one large additional unit only
4. the shade study did not include and consider all buildings adjacent to and in the vicinity of 1042-1044 Jackson Street; the additional two stories block the entire light well and air space of the building adjacent and to the east (1036 Jackson St) and blocks the entire third floor of the building to the west (1052 Jackson St)
5. the architectural renderings of the proposed building appear to show a tear down, rather than a remodel

The developer's ambiguity seems to be an intentional misrepresentation of their plans in order to go beyond the scope of their work. There are no guarantees that the developer will conform to all building codes and planning commission requirements because their profits are greater than the fines and penalties. Are the actions of these developers consistent with their other projects in San Francisco?

My family has lived on this block since the 1930's. If the developer is allowed to exceed building limits, it sets a precedent for other developers to do the same in this neighborhood. Thank you for your time and consideration.

--

Sincerely,  
Joe Yick

Robert Yick Company, Inc.  
261 Bayshore Blvd., San Francisco, CA 94124

Tel: (415) 282-9707  
Fax: (415) 648-3950  
email: [info@yickcompany.com](mailto:info@yickcompany.com)

View photos and learn about RYC projects:

<http://yickcompany.com/blog/>

Website: <http://www.yickcompany.com>

Food Blog: <http://yickcompany.tumblr.com>

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To: Carly Grob, SF Planning Department  
Rodney Fong, Commission President  
Cindy Wu, Commission Vice-President  
Michael J. Antonini, Commissioner  
Rich Hillis, Commissioner  
Christine D. Johnson, Commissioner  
Kathrin Moore, Commissioner  
Dennis Richards, Commissioner  
Jonas P. Ionin, Commissions Secretary

From: Neighbors of 1042-1044 Jackson Street, San Francisco

Subject: 1042-1044 Jackson Street, San Francisco  
Case # 2014-001083CUA, VAR

Date: August 7, 2015

We are the neighbors of 1042-1044 Jackson Street, San Francisco. As good neighbors, we welcome and support building improvements and renovations that will enhance our neighborhood. However, we strongly object to the height and bulk of the proposed project at 1042-1044 Jackson Street.

The proposed project will tower over both the uphill and downhill buildings on Jackson Street, which is also a busy cable car route. It will overwhelm the Auburn Street neighbors because it is potentially over two stories taller than the other structures in this narrow residential alley. Because Auburn Street is a narrow alley, the project's height will obstruct sunlight to the smaller buildings in the alley. Similarly, the massive increase in height and bulk will adversely affect the privacy and sunlight to all adjacent buildings. The sheer bulk of the proposed project disrupts the harmony of the surrounding neighborhood.

We are willing to withdraw our objections if the owners of 1042-1044 Jackson Street will modify their designs as described below to address our concerns:

- (1) Limit the building height to 40 feet;
- (2) Modify the building design to a 4 story structure – i.e. 3 residential levels over the basement/garage level;
- (3) Observe and comply with all setback requirements without recourse to a variance;
- (4) Eliminate the new addition to the rear yard setback;
- (5) Eliminate the balconies protruding into Auburn Street;
- (6) Preserve the privacy and sunlight to existing windows of adjacent buildings.

We are available to meet with the owners and architect of the 1042-1044 Jackson Street project to agree upon a mutually acceptable solution. Please contact the following individuals to arrange for the meeting:

- (1) Ronald Wu, [ronald.y.wu@gmail.com](mailto:ronald.y.wu@gmail.com)
- (2) Richard Leong, [stsbeemer@yahoo.com](mailto:stsbeemer@yahoo.com)

We encourage all members of the Planning Commission to visit the site and see the negative impact of this aggressive project to our neighborhood. Please contact the above individuals to arrange for a site visit and rooftop tour.

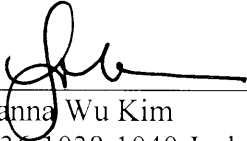
We look forward to any suggestions from the SF Planning Department and Planning Commission and appreciate any help in resolving these issues. We would like to thank the Planning Commission for considering the opinions and needs of property owners and residents in our neighborhood.

[Signature page follows]

Signatures for Letter to SF Planning Department and Planning Commission regarding 1042-1044 Jackson Street, San Francisco, Case # 2014-001083CUA, VAR

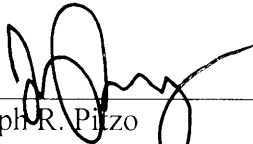


Ronald Y. Wu and Lillian M. Wu  
1036-1038-1040 Jackson Street, San Francisco

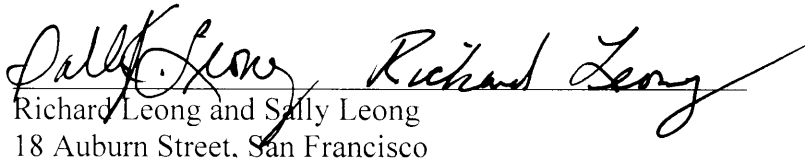


Joanna Wu Kim  
1036-1038-1040 Jackson Street, San Francisco

James M. Lang  
1040A Jackson Street, San Francisco



Joseph R. Pilzo  
1038A Jackson Street, San Francisco

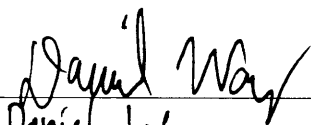


Richard Leong and Sally Leong  
18 Auburn Street, San Francisco



Guillermo Condeso  
1052 Jackson Street, San Francisco

Joe Yick and Pauline Javier  
1060 Jackson Street, San Francisco



Daniel Wang  
1036A Jackson St, San Francisco

Signatures for Letter to SF Planning Department and Planning Commission regarding 1042-1044 Jackson Street, San Francisco, Case # 2014-001083CUA, VAR

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Ronald Y. Wu and Lillian M. Wu  
1036-1038-1040 Jackson Street, San Francisco

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Joanna Wu Kim  
1036-1038-1040 Jackson Street, San Francisco

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James M. Lang  
1040A Jackson Street, San Francisco

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Joseph R. Pitzo  
1038A Jackson Street, San Francisco

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Richard Leong and Sally Leong  
18 Auburn Street, San Francisco


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Guillermo Condeso  
1052 Jackson Street, San Francisco

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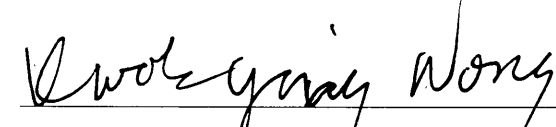
Joe Yick and Pauline Javier  
1060 Jackson Street, San Francisco

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CRISTIAN C. LIU  
1036A JACKSON ST, S.F.

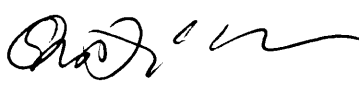

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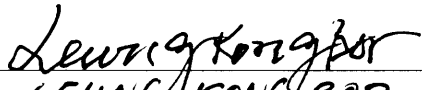
26 AUBURN ST  
KWOK YING WONG



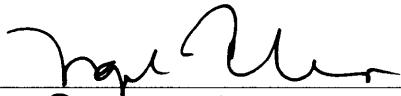
Signatures for Letter to SF Planning Department and Planning Commission regarding 1042-1044 Jackson Street, San Francisco, Case # 2014-001083CUA, VAR (Page 2 Signatures)

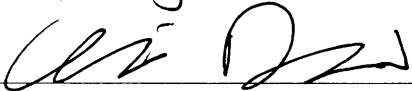
QUDI CHEN AND LIBO ZENG  
21 AUBURN STREET, SAN FRANCISCO



LEUNG KONG BOR  
23 AUBURN STREET, SAN FRANCISCO



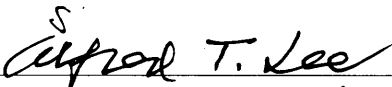
Angel ALONSO  
1050 JACKSON ST. S.F.

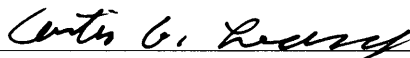


Chris Davis  
27 Auburn St.



MICHAEL LEE  
1054 JACKSON ST

DR.   
1054 JACKSON ST.

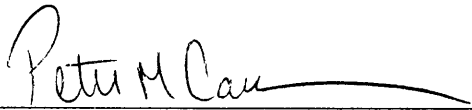


CURTIS LEONG  
20 AUBURN ST, SAN FRANCISCO

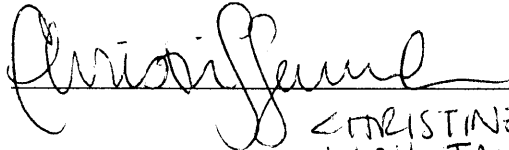


ELINOR VUONG  
20 AUBURN ST, SAN FRANCISCO

Signatures for Letter to SF Planning Department and Planning Commission regarding 1042-1044 Jackson Street, San Francisco, Case # 2014-001083CUA, VAR (Page 2 Signatures)



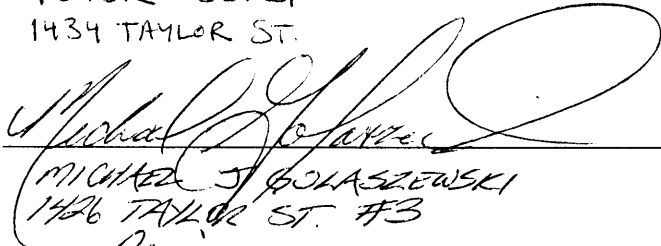
PETRA CAMPOS  
1426 TAYLOR STREET #3



CHRISTINE S SAUNDERS  
1434 TAYLOR STREET



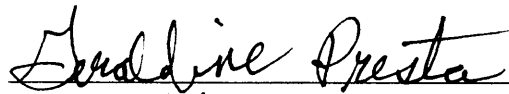
PETER BERG  
1434 TAYLOR ST.



MICHAEL J. GOLASZEWSKI  
1426 TAYLOR ST. #3



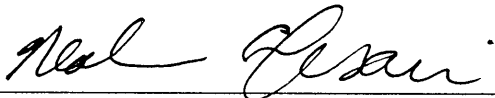
VINCENT WIBOWO, 1426 TAYLOR ST #2




Geraldine Presta, 1426 Taylor St. #4



1426 Taylor St #5, Halie Clouse, tenant



Nealan Afsari, 1426 Taylor St. #1



AINA STUNZ, 1436 Taylor St.

We the undersigned hereby agree to the objections stated in the letter to the Planning Commissioners from the neighbors of 1042-1044 Jackson Street dated August 7, 2015 regarding Case # 2014-001803CUA,VAR. In addition we agree to withdraw the objections only if all six (6) conditions are met.



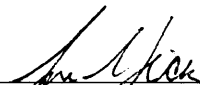
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Joseph G. Yick  
1060 Jackson Street, San Francisco, CA 94133  
August 15, 2015



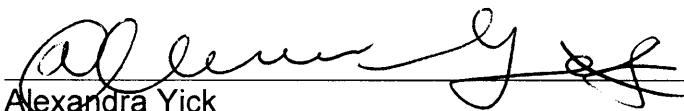
---

Pauline V. Javier  
1060 Jackson Street, San Francisco, CA 94133  
August 15, 2015



---

Joseph D. Yick  
1060 Jackson Street, San Francisco, CA 94133  
August 15, 2015



---

Alexandra Yick  
1062 Jackson Street, San Francisco, CA 94133  
August 15, 2015

Signatures for Letter to SF Planning Department and Planning Commission regarding 1042-1044 Jackson Street, San Francisco, Case # 2014-001083CUA, VAR

HILDA MURDER. [Signature]  
name (sign & print)

1365 TAYLOR ST. A  
address/contact info

Maaren Boucher MaBoucher  
name (sign & print)

1451 TAYLOR ST #4 [Signature]  
address/contact info

Uri Benaya Uri Benaya  
name (sign & print)

1632 Taylor St. #2  
address/contact info

DAVID M. TRAPANI  
name (sign & print)

1520 TAYLOR ST. #105  
address/contact info

Angela Ochoa  
name (sign & print)

1152 Jackson St. #2  
address/contact info



Signatures for Letter to SF Planning Department and Planning Commission regarding 1042-1044 Jackson Street, San Francisco, Case # 2014-001083CUA, VAR

Terry Burleson  
name (sign & print)

1345 TAYLOR #19  
address/contact info

Blythe B. Grub  
name (sign & print)

1420 Taylor St #5 SF  
address/contact info

Douglas McAbee  
name (sign & print)

1625 Leavenworth #104 SFC A94109  
address/contact info

MIKE CAROZZA  
name (sign & print)

37 BERNARD ST  
address/contact info

Shara Frase  
name (sign & print)

1544 Taylor St #4  
address/contact info

Signatures for Letter to SF Planning Department and Planning Commission regarding 1042-1044  
Jackson Street, San Francisco, Case # 2014-001083CUA, VAR

Curtis Y. Chen  
name (sign & print)

1420 TAYLOR ST. # 4 S.F., CA 94133  
address/contact info

JADINE WONG  
name (sign & print)

1420 TAYLOR ST. # 4, SF 94133  
address/contact info

Steve Blackship  
name (sign & print)

944 Broadway, 94133  
address/contact info

Jennifer Thomas  
name (sign & print)

1450 Taylor St, 94133  
address/contact info

DAVID TRIGANI  
name (sign & print)

1520 Taylor St. 94133  
address/contact info

Signatures for Letter to SF Planning Department and Planning Commission regarding 1042-1044  
Jackson Street, San Francisco, Case # 2014-001083CUA, VAR

Meredith Holik Meredith Holik

name (sign & print)

1100 Jackson #7, SF, CA (415) 238-6180

address/contact info

\_\_\_\_\_  
name (sign & print)

\_\_\_\_\_  
address/contact info

\_\_\_\_\_  
name (sign & print)

\_\_\_\_\_  
address/contact info

\_\_\_\_\_  
name (sign & print)

\_\_\_\_\_  
address/contact info

\_\_\_\_\_  
name (sign & print)

\_\_\_\_\_  
address/contact info

**From:** [acmiko001@aol.com](mailto:acmiko001@aol.com)  
**To:** [Grob, Carly \(CPC\)](#)  
**Subject:** Re:2014-001083CUA,VAR  
**Date:** Monday, August 03, 2015 1:50:56 AM

---

Re:1042-1044 Jackson St (2014-001083CUA,VAR)

Carly Grob, Planner

Discussions with various neighbors concerning this project has prompted me to share with you some of my concerns. I respect any property owner's right to upgrade and modify their property, but as you know in this densely crowded city it is difficult to avoid simultaneously encroaching on neighboring enviorns. My primary concern would be the loss of natural lighting. The expanse of our property faces the alley (east) so the duration of exposure to sunlight is already restricted to the AM/early PM hours. My fear would be with the proposed height increase and being that the separation from us is a narrow one lane alley, we would be immersed 24/7 in shadows. In addition, admittedly, I am too low to have a million dollar view I still would prefer my present rooftops/sky view to that of a building's wall. Thank you for this chance to share some of my feelings regarding this project.

Michael Lee

1054 Jackson Street



To: Carly Grob, SF Planning Department

From: Ronald Y. Wu, Lillian M. Wu, Joanna Wu Kim

Subject: 1042-1044 Jackson Street, San Francisco  
Case # 2014-001083CUA, VAR

Date: July 20, 2015

Cc: Rodney Fong, Commission President  
Cindy Wu, Commission Vice-President  
Michael J. Antonini, Commissioner  
Rich Hillis, Commissioner  
Christine D. Johnson, Commissioner  
Kathrin Moore, Commissioner  
Dennis Richards, Commissioner

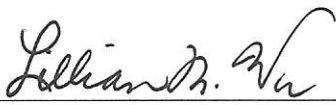
We are the owners of 1036-1038-1040 Jackson Street, San Francisco. Our property is located on the eastside of the proposed project.

For the following reasons, we strongly object to the proposed two-story vertical addition to 1042-1044 Jackson Street that will result to a final building height of 50 feet:

- (1) The immediate neighborhood is populated with residential buildings with a basement level and 2 or 3 floors above the basement level. The proposed project, with 4 floors above basement level is not compatible with the neighborhood structures.
- (2) The extra 10 feet above the roof line of our building will block the natural western sunlight shining into the upper floors of our building.
- (3) Our long time tenants have expressed strong objections to the proposed project and they will consider terminating their lease agreements with us.
- (4) During the pre-application meeting on October 1, 2014, all attending neighbors unanimously voiced their objections to the height of the proposed addition. Owners of 1042-1044 Jackson Street have made no efforts to mitigate the design.

We respectfully request the Planning Department and Planning Commission to exercise their authority by listening to voice of the neighborhood and limiting the proposed project to 40 feet height, with 3 floors over the basement level. Thank you for your consideration.

  
\_\_\_\_\_  
Ronald Y. Wu

  
\_\_\_\_\_  
Lillian M. Wu

DocuSigned by:  
  
\_\_\_\_\_  
Joanna Wu Kim

**From:** [Richard Leong](#)  
**To:** [Grob, Carly \(CPC\)](#)  
**Subject:** Comments on 1042-1044 Jackson Street development  
**Date:** Wednesday, July 15, 2015 9:00:31 AM  
**Attachments:** [Jackson street building.docx](#)

---

Hi Carly,

I have some comments regarding the subject property that I hope you will take into consideration when your department makes its recommendation. As I mentioned previously, the owner and his architect had held a meeting with the immediate neighbors back several months ago. At that time, they mentioned that the meeting was essentially a courtesy meeting to inform us of their plans. They left the impression that the purposed development was strictly to code and pretty much a done deal. They never mentioned that it needed a variance and conditional approval for the height increase. They had also said that they would drop off a set of finalized plans to all the neighbors. That did not happen.

I thought that a notice regarding the public hearing needed to be mailed to the neighbors. I did not receive any such notice and realized there was a scheduled hearing only because I glanced at a window in the subject property. The notice was behind the window and somewhat obscured by the window framing.

Please see the attached file for my comments.

Thank you,

Richard Leong  
18 Auburn Street

July 14, 2015

## Comments and Objections to the Purposed Development at 1042-1044 Jackson Street

### 50 ft Height

The four story building is not in harmony with the neighborhood which is a mix of 3 story and 2 story buildings. Because the building is on a hill, it would tower over the downhill side building by more than a story. Also a four bedroom unit which is the driving force behind the 4 stories is not normal in such a dense neighborhood.

The purposed building height seems driven by a desire to place the 4<sup>th</sup> floor above a potential vertical addition to the adjacent building on the north side. Floor elevations were raised and story heights are higher than typical. A four story building could have been achieved significantly below 50 feet.

Moreover the building is at the corner of a narrow alley (about 20 feet wide). A 50 feet building plus the protruding balconies make the alley appear extremely narrow and also place the alley in shadow for most of the day.

My suggestion is to bring the building back into harmony by making it a three story building and combining an existing unit with the new addition to create the 4 bedroom unit.

### Backyard variance

A variance should be denied since enforcement of the code does not result in unnecessary hardship to the owner of the property. The owner is a corporation that is completely re-configuring the floor layout and structural system of the building to his liking. There is no element of his plan that is not within his control. Therefore the purposed development should strictly meet code. Also even without the variance, the owner is not being denied the benefit of any property right that is enjoyed by other properties of the same class.

### Street Parking

The owner is increasing the number of bedrooms from 5 to 8 with the potential for a 9<sup>th</sup>. The number of garage spaces is increasing from 2 to 3. That increases the demand for street parking which is already limited because parking is prohibited on the cable car barn side of Jackson Street.

### Miscellaneous

Buildings are already closely packed together. Encroachment of the setback specified by the code and increased height affect views and reduce light available to adjoining buildings.

Richard Leong

18 Auburn Street

**From:** [Ritu Vohra](#)  
**To:** [stsbeemer@yahoo.com](mailto:stsbeemer@yahoo.com); [Grob, Carly \(CPC\)](#)  
**Subject:** Fw: Comments on 1042-1044 Jackson Street development  
**Date:** Tuesday, July 21, 2015 2:19:46 PM  
**Attachments:** [Jackson street building.docx](#)

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Richard,

Nice speaking with you. It would be a huge support for us if you could give us a letter in support of the project if you now think so. And of course if you visit, that will be great too.

Either ways thank you for time on the call today.

Final plans for the project are now provided by SF planning. The 311 process earlier required us to send those out ourselves so I said I would provide but SF planning has since taken over the process and they send the documents out, so we were not avoiding giving you the plans.

I hope you are comfortable now. All the best!

Regards,

Ritu

----- Forwarded Message -----

**From:** "Grob, Carly (CPC)" <[carly.grob@sfgov.org](mailto:carly.grob@sfgov.org)>  
**To:** "rituvohra2000@yahoo.com" <[rituvohra2000@yahoo.com](mailto:rituvohra2000@yahoo.com)>  
**Sent:** Tuesday, July 21, 2015 1:07 PM  
**Subject:** FW: Comments on 1042-1044 Jackson Street development

FYI

-----Original Message-----

**From:** Richard Leong [<mailto:stsbeemer@yahoo.com>]  
**Sent:** Wednesday, July 15, 2015 9:00 AM  
**To:** Grob, Carly (CPC)  
**Subject:** Comments on 1042-1044 Jackson Street development

Hi Carly,

I have some comments regarding the subject property that I hope you will take into consideration when your department makes its recommendation. As I mentioned previously, the owner and his architect had held a meeting with the immediate neighbors back several months ago. At that time, they mentioned that the meeting was essentially a courtesy meeting to inform us of their plans. They left the impression that the purposed development was strictly to code and pretty much a done deal. They never mentioned that it needed a variance and conditional approval for the height increase. They had also said that they would drop off a set of finalized plans to all the neighbors. That did not happen.

I thought that a notice regarding the public hearing needed to be mailed to the



neighbors. I did not receive any such notice and realized there was a scheduled hearing only because I glanced at a window in the subject property. The notice was behind the window and somewhat obscured by the window framing.

Please see the attached file for my comments.

Thank you,

Richard Leong  
18 Auburn Street

## Grob, Carly (CPC)

---

**From:** mooreurban@aol.com  
**Sent:** Thursday, July 23, 2015 7:40 AM  
**To:** Secretary, Commissions (CPC)  
**Subject:** Fwd: Comments on 1042-1044 Jackson Street development  
**Attachments:** Jackson street building.docx

FYI

-----Original Message-----

From: Richard Leong <stsbeemer@yahoo.com>  
To: planning <planning@rodneyfong.com>; cwu.planning <cwu.planning@gmail.com>; wordweaver21 <wordweaver21@aol.com>; richhillissf <richhillissf@yahoo.com>; christine.d.johnson <christine.d.johnson@sfgov.org>; mooreurban <mooreurban@aol.com>; dennis.richards <dennis.richards@sfgov.org>  
Sent: Wed, Jul 22, 2015 11:33 pm  
Subject: Comments on 1042-1044 Jackson Street development

Dear Sir/Ms:

I am writing to express my objections to the purposed development at 1042-1044 Jackson Street. The attachment is email originally sent to Carly Grob. Additional comments are below created after review of planning department report.

There was insufficient time given to review the project and voice my objections. The first sign of the project was the Pre-application meeting on Oct. 1, 2014. The owner said that everything was code compliant. But my neighbors and I still raised objections and the owner told us they'd get back to us.

There was no further communication until the mailed public hearing notice was received on July 15th (notice was dated July 13th). I became aware of the hearing a week earlier because I saw the notice on the property window. I then realized that the project required a variance and conditional approval, information obviously known but never revealed during the pre-application meeting. Some neighbors did not see the notice and so did not know about it until they received the mailed notice. The notice was received at about the same time that the decision was being made by the planning department.

I asked Carly Grob to send me the plans. I emailed my comments to her on the 15th. She told me the report was being printed but that she would include a summary of my comments at the presentation. I am forwarding you my email to her. I have since reviewed the Planning Department's report which became available after my 1st email. My review shows several additional concerns.

It said that the project was consistent with the neighborhood because it was surrounded by 3 and 4 story buildings. That is very misleading. The adjacent property to the east is described as a 4 story building. It is actually 3 stories over a garage. The proposed project is 4 stories over a garage. Another building used as justification has the third floor set back from the 2nd floor and the 4th floor set back from the 3rd. The 4th floor is also set back from the front of the house resulting in a small penthouse unlike the large one on this project. More importantly the existing roof line follows the slope of Jackson Street. Having the roof line follow the slope of the

street is important since it enables everyone to enjoy a similar amount of light and privacy. This new project disrupts the natural flow of the roof line since it is higher than both the uphill and downhill buildings.

The project is a massive expansion of the existing building. Yet the application contains no models showing its overall effect on the look of the neighborhood. It contains no detailed models showing its effect on the lighting and privacy concerns on individual buildings. It does not address precisely how lighting in the narrow alley will be adversely affected. It does not address the effect of the purposed balconies extending into the narrow alley. It is presented primarily as an isolated project with minimal consideration of its surroundings.

The description of the intended work does not convey the full extent of the work. It does not mention that the existing floors will be raised. That requires revising the bearing walls to accommodate the new floor elevations. The addition of two stories requires major strengthening of the bottom one or two levels. New foundations are required requiring deeper excavation of the garage. Apparently a new bearing/foundation wall is also being built at the rear of the building. The structural system is being re-configured. This is a large undertaking and appears to be almost a complete demolition of the existing building rather than just internal reconfiguration and structural upgrades.

Such a large undertaking will likely create traffic problems since the cable car barn often parks its big trucks into the alley. There is also a safety issue because the sidewalk in the alley is narrow. Any obstacle will force a pedestrian to walk into the street. This is practically dangerous at the corner of the alley because cars are known to turn the corner at high speeds. This is evidenced by the fact that there is a broken bollard on the sidewalk due to a car losing control around the corner and hitting the bollard.

The many problems associated with this project demand additional study and consultation with all interested parties. The size of this project should either be reduced significantly or the project should be halted for further evaluation and more input from all concerned parties.

Regards,  
Richard Leong  
18 Auburn  
Street

--- On Wed, 7/15/15, Richard Leong  
<[stsbeemer@yahoo.com](mailto:stsbeemer@yahoo.com)> wrote:

> From: Richard Leong <[stsbeemer@yahoo.com](mailto:stsbeemer@yahoo.com)>  
>  
> Subject: Comments on 1042-1044 Jackson Street development  
> To:

[carly.grob@sfgov.org](mailto:carly.grob@sfgov.org)

> Date: Wednesday, July 15, 2015, 9:00 AM

> Hi Carly,

>

> I have some comments regarding the subject property that I

> hope you will

take into consideration when your department

> makes its recommendation. As I

mentioned previously, the

> owner and his architect had held a meeting with

the

> immediate neighbors back several months ago. At that

> time, they

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their plans. They

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strictly to code and pretty much a done deal. They

> never mentioned that it

needed a variance and conditional

> approval for the height increase. They had

also said

> that they would drop off a set of finalized plans to all the

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> because I

glanced at a window in the subject property.

> The notice was behind the

window and somewhat obscured by

> the window framing.

>

> Please see the

attached file for my comments.

>

>

> Thank you,

>

> Richard Leong

> 18

Auburn Street



**From:** [Secretary, Commissions \(CPC\)](#)  
**To:** [Grob, Carly \(CPC\)](#)  
**Cc:** [Gerber, Patricia \(CPC\)](#)  
**Subject:** FW: 1042-1044 Jackson Street, Case # 2014-001083CUA, VAR  
**Date:** Friday, September 04, 2015 11:03:35 AM  
**Attachments:** [2014-001083CUAVAR - Evaluation.pdf](#)

---

Office of Commission Affairs

Planning Department!City & County of San Francisco  
1650 Mission Street, Suite 400, San Francisco, CA 94103  
Direct: 415-558-6309!Fax: 415-558-6409

commissions.secretary@sfgov.org  
www.sfplanning.org

-----Original Message-----

From: Richard Leong [<mailto:stsbeemer@yahoo.com>]  
Sent: Thursday, September 03, 2015 2:00 PM  
To: [planning@rodnevfong.com](mailto:planning@rodnevfong.com); [cwu.planning@gmail.com](mailto:cwu.planning@gmail.com); [wordweaver21@aol.com](mailto:wordweaver21@aol.com);  
[richhillissf@yahoo.com](mailto:richhillissf@yahoo.com); Johnson, Christine (CPC); [mooreurban@aol.com](mailto:mooreurban@aol.com); Richards, Dennis (CPC);  
Secretary, Commissions (CPC)  
Subject: 1042-1044 Jackson Street, Case # 2014-001083CUA, VAR

Dear SF Planning and Planning Commission,

Attached is my review of the Planning Department's original draft to the commissioners that recommended conditional approval. I felt that the recommendation was based on erroneous or misleading information. I have taken the liberty of copying the report (minus all the drawings and pictures) and attaching my comments to the various sections of the report where I believe the report is in error.

For your information, I am part of that group that recently sent you a letter signed by 30+ people opposing the project. Hopefully these additional comments will be helpful to you in your consideration of our position.

Thank you,

Richard Leong  
18 Auburn Street



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: JULY 23, 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:* July 16, 2015  
*Case No.:* **2014-1083CUA, VAR**  
*Project Address:* **1042-1044 Jackson Street**  
*Zoning:* RH-3 (Residential – House, Three Family) District  
65-A Height and Bulk District  
*Block/Lot:* 0181/013  
*Project Sponsor:* Ritu Vohra  
Arcus Housing, LLC  
2200 22<sup>nd</sup> Street  
San Francisco, CA 94107  
*Staff Contact:* Carly Grob – (415) 575-9138  
[carly.grob@sfgov.org](mailto:carly.grob@sfgov.org)  
*Recommendation:* **Approval with Conditions**

**The scope description is misleading. This project is practically a complete demolition since the existing floors will be raised and the structural system changed. That will necessitate complete reconstruction of the support system from the foundation up.**

### PROJECT DESCRIPTION

The project sponsor proposes a two-story vertical addition and interior renovation to add one dwelling unit to an existing two-unit, two-story over garage building. The resulting four-bedroom unit would be 2,040 square feet in area, and the resulting height of the building would be 50 feet. The project also includes interior reconfiguration of the existing two units, the addition of two parking spaces for a total of three spaces, renovation of the entryway, and structural upgrades to the building. The existing two-bedroom unit on the first floor would lose approximately 50 square feet in area and would retain both bedrooms. The existing three-bedroom unit on the second floor would lose approximately 151 square feet in area and would be converted to a two-bedroom unit.

### SITE DESCRIPTION AND PRESENT USE

The project is located on the northeast corner of the intersection of Jackson and Auburn Streets, Block 0181, Lot 013. The subject lot has 25' of street frontage and a depth of 53' 4", resulting in a 1,344 square foot lot area. The existing building occupies the entire lot. The property was constructed in 1920 and is developed with a two-story over garage building with two existing residential units and one parking space. The subject property is located within the Residential-House, Three-Family District ("RH-3") and the 65-A Height and Bulk District.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject property is located in the northeast portion of Nob Hill, which contains a variety of residential and mixed use buildings featuring residential uses above neighborhood-serving commercial establishments on the ground floor. The neighborhood is well-served by the MUNI bus system and the

Powell/Mason Cable Car Line. The buildings surrounding the subject property on the north side of Jackson street are primarily comprised of three to four story multifamily residences, all but one of which were constructed between 1908 and 1912. The buildings behind the subject property along the east side of Auburn Street are primarily two to three story single family homes or duplexes. Auburn Street is 17'6" wide. A four-story, six-unit residential building is adjacent to the subject property to the east, and a two-story, single family residence is adjacent to the north. The subject property is across Jackson Street from the Cable Car Museum and garage. Describing neighborhood as 2, 3, and 4 story buildings while describing the project as a 4 story building over garage falsely implies that the project is no higher than the existing buildings. The project is a 5 story building in a surrounding neighborhood of 3 to 4 story buildings.

## ENVIRONMENTAL REVIEW

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption.

## HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	July 3, 2015	July 1, 2015	23 days
Posted Notice	20 days	July 3, 2015	July 2, 2015	21 days
Mailed Notice	10 days	July 13, 2015	July 13, 2015	10 days

The proposal requires a Section 311-neighborhood notification, which was conducted in conjunction with the conditional use authorization process.

## PUBLIC COMMENT

- To date, the Department has received three anonymous calls from a neighbor concerned that the project sponsor misrepresented the project scope at the Pre-Application meeting, and did not disclose that the project would require both a Conditional Use Authorization and a Variance from the Planning Code.

That's because most people did not know about the project until 10 days before the public hearing. And almost no one knew that the cut-off date for submitting input to the planning department was 7 days before the public hearing. The architectural plans were not available on-line until 7 days before the hearing. There's a lot more opposition now.

## ISSUES AND OTHER CONSIDERATIONS

**Variances.** The project also includes a request for Variances pursuant to Planning Code Sections 305, pursuant to Planning Code Sections 134 to expand the third story and portions of the fourth story into the required rear yard setback.

## REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant Conditional Use Authorization to permit that the addition exceeds a height of 40 feet within an RH Zoning District pursuant to Planning Code Section 253.

## BASIS FOR RECOMMENDATION

- The project would add one unit to an existing two-unit building, which is consistent with the prescribed density of the RH-3 district and with the existing neighborhood character of multifamily residential buildings.
- The proposed addition is consistent with surrounding neighborhood context of three- to four-story residential buildings, and the project sponsor has provided setbacks and has sculpted the building massing to protect light and air to neighboring residents.
- The subject property is well-served by transit and the additional unit will not detrimentally impact the transit capacity. The project also adds three bicycle parking spaces, as well as two off-street parking spaces which would help alleviate on-street parking congestion.
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding neighborhood.

<b>RECOMMENDATION:</b>	<b>Approval with Conditions</b>
------------------------	---------------------------------

### Attachments:

Block Book Map  
Sanborn Map  
Aerial Photographs  
Public Correspondence  
Shadow Analysis – Case No. 2014-001083SHD  
CEQA Categorical Exemption Determination  
Project Sponsor Submittal, including:  
- Reduced Plans

### Rebuttal to 1st Bullet:

The one additional unit is massive being double the size of the existing units. With 4 bedrooms, 3.5 baths, and 10 ft high ceilings over 2000 sf, it is a luxury two story penthouse. That is definitely not consistent with the existing character of the neighboring RH-3 homes which are primarily small single level 2 bedroom units. The area does need more affordable housing but not huge luxury penthouses such as this addition.

### Rebuttal to 2nd Bullet:

Contrary to the planning department's statement, the project is not consistent with the surrounding neighborhood. Given the planning department's description of the neighborhood as being 3 and 4 story buildings, the project should be described as a five story building. How can a 5 story building be described as being consistent with 3 and 4 story buildings? The owners argue that their garage is partly sunken into the ground and should not be counted. But that is a false argument since they plan to raise the ceiling of the garage making it comparable to the garage of the next door building. Also sculpturing the building does nothing to prevent a 50 ft high building from throwing the narrow alley into shadow all day long (except for that brief moment when the sun is directly overhead). It should also be recognized that this alley contains the entrances to all the homes in the alley



Rebuttal to 3rd Bullet:

Statement that the project adds 3 bicycle parking spaces and 2 off-street parking spaces is incorrect or at the very least misleading. The space for 3 bikes has always existed. Adding a few paint stripes on the floor is not adding space. Also the architectural drawings clearly show that the existing building has room for two cars although one would probably have to be a compact car. The purposed garage floor plan shows room for 3 cars but there is no way for the driver to exit his car in one of the spaces. At most only one usable space has been added and that space will not help alleviate on-street parking congestion since the addition of a four bedroom unit would very likely bring in at least two new cars.

Rebuttal to 4th Bullet:

The project does not meet all applicable requirements of the Planning Code. If it did, it wouldn't be asking for conditional approval for the height and a variance for the setback.

Rebuttal to 5th Bullet:

The project is not desirable for the surrounding neighborhood. The only reason there was little initial opposition before the planning department made its recommendation was that there was less than a week between the time most people became aware of the project and the time when the department report went to the printer. Opposition to the project has grown enormously since then as is evidenced by a petition signed by over 30 people from the neighborhood and submitted to the commisioners. Numerous other letters have been written to the planning commissioners. These people are of all different races, age, and economical status. The number of people in the neighborhood opposing the project is still growing as more people become aware of the actual details of the project.

Attachment Checklist

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary   | <input checked="" type="checkbox"/> Project sponsor submittal                              |
| <input checked="" type="checkbox"/> Draft Motion        | Drawings: <u>Existing Conditions</u>   |
| <input type="checkbox"/> Environmental Determination    | <input checked="" type="checkbox"/> Check for legibility                                   |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u>  |
| <input checked="" type="checkbox"/> Height & Bulk Map   | <input checked="" type="checkbox"/> Check for legibility                                   |
| <input checked="" type="checkbox"/> Parcel Map          | 3-D Renderings (new construction or significant addition)                                  |
| <input checked="" type="checkbox"/> Sanborn Map         | <input type="checkbox"/> Check for legibility  |
| <input checked="" type="checkbox"/> Aerial Photo        | <input type="checkbox"/> Wireless Telecommunications Materials                             |
| <input type="checkbox"/> Context Photos                 | <input type="checkbox"/> Health Dept. review of RF levels                                  |
| <input checked="" type="checkbox"/> Site Photos         | <input type="checkbox"/> RF Report   |
|   | <input type="checkbox"/> Community Meeting Notice  |
|   | <input type="checkbox"/> Housing Documents   |
|   | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |

Exhibits above marked with an "X" are included in this packet

CG\_\_\_\_\_

Planner's Initials



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Draft Motion

HEARING DATE: JULY 23, 2015

*Date:* July 16, 2015  
*Case No.:* **2014-1083CUA, VAR**  
*Project Address:* **1042-1044 Jackson Street**  
*Zoning:* RH-3 (Residential – House, Three Family) District  
65-A Height and Bulk District  
*Block/Lot:* 0181/013  
*Project Sponsor:* Ritu Vohra  
Arcus Housing, LLC  
2200 22<sup>nd</sup> Street  
San Francisco, CA 94107  
*Staff Contact:* Carly Grob – (415) 575-9138  
[carly.grob@sfgov.org](mailto:carly.grob@sfgov.org)

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 253 OF THE PLANNING CODE TO PERMIT AN ADDITION WHICH EXCEEDS A HEIGHT OF 40 FEET WITHIN THE RESIDENTIAL – HOUSE, THREE-FAMILY (RH-3) DISTRICT AND A 65-A HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On December 14, 2014 Ritu Vohra (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Section 253 to allow a building height exceeding 40 feet within the RH-3 (Residential-House, Three-Family) District and a 65-A Height and Bulk District.

On July 23, 2015, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2014-001083CUA.

This Project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 1 categorical exemption.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

**MOVED**, that the Commission hereby authorizes the Conditional Use requested in Application No. 2014-001083CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the northeast corner of the intersection of Jackson and Auburn Streets, Block 0181, Lot 013. The subject lot has 25' of street frontage and a depth of 53' 4", resulting in a 1,344 square foot lot area. The existing building occupies the entire lot. The property was constructed in 1920 and is developed with a two-story over garage building with two existing residential units and one parking space. The subject property is located within the Residential-House, Three-Family District ("RH-3") and the 65-A Height and Bulk District.
3. **Surrounding Properties and Neighborhood.** The subject property is located in the northeast portion of Nob Hill, which contains a variety of residential and mixed use buildings featuring residential uses above neighborhood-serving commercial establishments on the ground floor. The neighborhood is well-served by the MUNI bus system and the Powell/Mason Cable Car Line. The buildings surrounding the subject property on the north side of Jackson street are primarily comprised of three to four story multifamily residences, all but one of which were constructed between 1908 and 1912. The buildings behind the subject property along the east side of Auburn Street are primarily two to three story single family homes or duplexes. Auburn Street is 17'6" wide. A four-story, six-unit residential building is adjacent to the subject property to the east, and a two-story, single family residence is adjacent to the north. The subject property is across Jackson Street from the Cable Car Museum and garage.
4. **Project Description.** The project sponsor proposes a two-story vertical addition and interior renovation to add one dwelling unit to an existing two-unit, two-story over garage building. The resulting four-bedroom unit would be 2,040 square feet in area, and the resulting height of the building would be 50 feet. The project also includes interior reconfiguration of the existing two units, the addition of two parking spaces for a total of three spaces, renovation of the entryway, and structural upgrades to the building. The existing two-bedroom unit on the first floor would lose approximately 50 square feet in area and would retain both bedrooms. The existing three-bedroom unit on the second floor would lose approximately 151 square feet in area and would be converted to a two-bedroom unit.
5. **Public Comment.** To date, the Department has received three anonymous calls from a neighbor concerned that the project sponsor misrepresented the project scope at the Pre-Application meeting, and did not disclose that the project would require both a Conditional Use Authorization and a Variance from the Planning Code.



6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Height.** Planning Code Section 253 states that wherever a height limit of more than 40 feet in a RH District is prescribed by the height and bulk district in which the property is located, any building exceeding 40 feet in height in a RH District shall be permitted only upon approval by the Planning Commission according to the procedures for Conditional Use Approval.

*The subject lot is located within the RH-3 Zoning District and 65-A Height and Bulk District. The project sponsor is seeking Conditional Use Authorization to construct a two-story addition resulting in a building height of 50 feet.*

- B. **Rear Yard.** Planning Code Section 134 states that the minimum rear yard depth shall be equal to 45 percent of the total depth of a lot in which it is situated. The rear yard requirement may be reduced based on the conditions of adjacent lots, but in no case shall be reduced to less than a depth equal to 25 percent of total lot depth or 15 feet, whichever is greater. Where the rear yard requirement is reduced due to averaging, the last 10 feet of building depth shall be limited to a height of 30 feet.

*Based on the depth of the adjacent lot to the north of the subject property, the rear yard could be reduced from the required 45 percent of lot depth, or approximately 24 feet, to 15 feet. The existing building occupies the entire lot and is considered a noncomplying structure. The proposed addition would extend to the rear property line at the third floor, and would provide an eight foot setback from the rear property line at the top floor. The nine feet of rear building depth gained by averaging would measure 50 feet in height. The project also includes infill of the northeast corner of the property at the basement level as well as the construction of decks at the first and third residential levels within the required rear yard. The proposed construction would create a greater nonconformity in the rear yard. The project sponsor is seeking a Variance from the requirements of Planning Code Section 134.*

- C. **Usable Open Space.** Planning Code Section 135 states 100 square feet of Usable Open Space is required per unit if such space is private, and each square foot of private open space may be substituted with 1.33 square foot of common open space. Planning Code Section 135(f)(2)(B) requires that the open space must face a street, face or be within a rear yard, or face some over space which meets the minimum dimension and area requirements of Planning Code Section 135(f)(1), or six feet in every horizontal direction and at least 36 feet in area on a deck.

*Currently, there is no usable open space on the property and there is an existing deficit of usable open space for the existing units. The proposal includes two privately accessible decks for the proposed unit, one at the rear which is 145 square feet in area and one at the front which is 150 square feet in area. The project also includes the construction of a private deck for the unit on the first floor measuring approximately 46.5 square feet. Although the private deck on the first floor unit does not meet the minimum area requirements of Section 135, the addition of the deck brings the building closer to compliance with the Usable Open Space standards in the Planning Code.*

- D. **Shadow.** Planning Code Section 295 restricts structures over 40 feet in height from casting new shadow on properties under the jurisdiction of the Recreation and Parks Commission.

*A preliminary shadow fan indicated that new shadow could potentially be cast by the proposed project on Who Hei Yuen Park. The preliminary shadow fan did not account for the precise articulation of the proposed construction, nor did it account for shading from existing buildings. Department Staff reviewed a supplemental shadow analysis in Case No. 2014-001083SHD, and concluded that the project would not result in new net shadow on Who Hei Yuen Park.*

- E. **Bicycle Parking.** Planning Code Section 155.2 states that the addition of a new dwelling unit triggers the requirement bicycle parking. One Class 1 space is required for every dwelling unit.

*The project sponsor would add three bicycle parking spaces in the garage. The provision of three new bicycle spaces satisfies the bicycle parking requirement in Planning Code Section 155.2.*

- F. **Dwelling Unit Density.** Planning Code Section 209.1 permits a three-family dwelling in the RH-3 Zoning District.

*The project sponsor has proposed to add one dwelling unit to an existing two-unit building for a total of three dwelling units on the property, which is in conformance with the Zoning District.*

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

*A two story vertical addition to create a four-story over garage building is compatible with the three-to four-story, multifamily development in the neighborhood. The project sponsor has incorporated comments from the Residential Design Team to set the fourth story back eight feet from the property line to protect light and air to the mid-block and to create a better transition to the shorter buildings facing Auburn Street. The project would add a third unit to an existing duplex, which would bring the building closer to the prescribed density of the RH-3 Zoning District.*

**It is a 5 story building if the neighboring buildings are described as 3 to 4 stories.**

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:
- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

**The purposed balconies along Auburn are right next to the power lines and overhang the entire sidewalk. To avoid the dangers of walking under a overhang, people have to step into the street at the very corner where a car recently lost control, ran up the sidewalk , and uprooted a bollard. They also block the corner streetlight from shining into the alley.**

*The proposed addition would result in a building which is compatible with the block face along Jackson Street. The project sponsor has provided front and rear setbacks at the fourth story to reduce the bulk of the proposed addition and to protect light and air to surrounding properties.*

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The new unit will offset that by adding 2 or more new cars.

*The project sponsor would provide a total of three off-street parking spaces within the basement of the building without expanding the existing curb cut. The provision of two additional off-street parking spaces in addition to one existing space would improve congested street parking.*

- iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

*No noxious or offensive emissions would result from the two story addition. All construction would be completed in compliance with the San Francisco building code and would adhere to guidelines which control for noise, glare, dust and odor.*

- iv. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

*The proposed off-street parking would be screened by a garage door. The project requires the addition of four street trees. The feasibility of planting street trees will be determined by the Department of Public Works. No additional streetscape improvements are required as part of the project. Staff has determined that the addition will not result in any shadow on open space under the jurisdiction of the Recreation and Park Commission.*

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

*The Project generally complies with all relevant requirements and standards of the Planning Code, or the project sponsor is seeking a Variance from the requirements. The project is consistent with objectives and policies of the General Plan as detailed below.*

- 8. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

## HOUSING ELEMENT

### Objectives and Policies

#### OBJECTIVE 2:

RETAIN EXISTING HOUSING UNITS, AND PROMOTE SAFETY AND MAINTENANCE STANDARDS, WITHOUT JEOPARDIZING AFFORDABILITY.

The new unit is a luxury penthouse. That certainly is not affordable housing. The existing tenants were moved out. Affordability has been decreased because they can now charge much higher rents.

The upgrades were to create a flexible floor plan and to enable the addition of 2 new floors, not for safety. The existing building could be made safer without any of the additions.

**Policy 2.4:**

Promote improvements and continued maintenance to existing units to ensure long term habitation and safety.

*The existing units would be renovated and updated. The project sponsor proposes structural improvements which would extend the life of the building and make it safer over the long term.*

**OBJECTIVE 4:**

FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.

**POLICY 4.6:**

Encourage an equitable distribution of growth according to infrastructure and site capacity.

*The project is located within a dense neighborhood that is well-served by transit. The proposed addition is consistent with the residential density prescribed by the RH-3 Zoning District, is consistent with neighborhood character, and will not diminish existing infrastructure capacity.*

**OBJECTIVE 11:**

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

**POLICY 11.3**

Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

*The project would increase density by providing new a four-bedroom unit to the existing housing stock. The two-story addition is designed to be consistent with the neighborhood of three- to four- story, multifamily residential buildings while also maintaining access to light and air at the mid-block.*

It is a 5 story building and in no way consistent with 3-4 story building. It throws the end of the alley into shadow. The alley contains all the entrances to the homes there.

**POLICY 11.5**

Ensure densities in established residential areas promote compatibility with prevailing neighborhood character.

The added unit is a massive luxury unit and is not consistent with the neighborhood which is more of a middle to low income area.

*The project would add one unit to an existing two-unit building for a total of three units. The project is located within an RH-3 Zoning District, and the addition of one dwelling unit would be consistent with the density prescribed by the Zoning controls as well as the existing neighborhood character.*

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:
  - A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

*The proposed project would enhance the neighborhood-serving retail base by providing one additional household to patronize existing businesses.*

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

*The proposed project is compatible with existing multifamily housing and character of the neighborhood.* **It is not compatible being taller than the buildings on all 4 sides of the project.**

- C. That the City's supply of affordable housing be preserved and enhanced,

*The city's supply of affordable housing will not be adversely affected by the proposal to add one market rate unit to an existing duplex.* **The addition of a luxury unit will pull up the price of the area which decreases affordability.**

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking. **Luxury units tend to have more cars per capita. The lower units will very likely need to park in the street.**

*The subject property is well-served by transit. The project site is located along the Powell-Mason Cable Car Line, and is within two blocks of the Powell/Hyde Cable Car and MUNI lines 1, 10 and 12.*

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

*The Project will not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.*

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*The project will improve the existing structure of the building. The addition of a third unit and interior remodel require significant seismic work to comply with Department of Building Inspection requirements, including a full foundation replacement which will bring the structure into compliance with the current Building Code.* **Safety can be achieved without being taller than than everyone else in the surrounding area.**

- G. That landmarks and historic buildings be preserved.

*The proposed project will not impact any historic properties.*

- H. That our parks and open space and their access to sunlight and vistas be protected from development.



*The project will have no negative impact on existing parks and open spaces. Department staff have analyzed a supplemental shadow analysis prepared by Althorp Westfield LLC and have determined that the proposed addition will not cast shadow on Who Hei Yuen Park (Case No. 2014-001083SHD).*

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

September 5, 2015

Mr. Rodney Fong  
Commission President  
San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Mr. Scott Sanchez  
Zoning Administrator  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Re: 1042- 1044 Jackson Street  
2014 – 001083CUA, VAR

Dear President Fong, Planning Commissioners and Zoning Administrator,

The following is our response to both the conditional use application and variance application for 1042 – 1044 Jackson Street.

The subject project is located in a residential zone within the Chinatown and Nob Hill Districts. The subject project proposes to add two floors to a non-conforming residential structure located at the corner of Jackson Street and Auburn Alley and across from the Cable Car Barn. In addition to the conditional use requested due to its height, a rear yard variance is also being requested to reduce the rear yard requirement.

#### **NEIGHBORHOOD CONTEXT**

Chinatown and Nob Hill has historically seen development that does not conform to current planning and zoning codes for height, floor area ratios, site coverage and open space. As a result current residents of the area are faced with higher densities, less open space, greater shadowing, less privacy and greater livability and wellness impacts between neighbors.

This project exacerbates livability conditions between its extensive expansion and that of surrounding neighbors. The existing building is non-conforming as a corner building that occupies the entire lot with no rear yard. The new addition will be much higher, have greater site coverage, further reduces open areas to adjacent buildings, and towers over the narrow Auburn Alley. Additionally, should the project sponsor add stair and elevator access to the roof based on DBI code requirements, such penthouses could extend structures above the roof that would cover another one-third of the roof area and rise another twenty feet. The proposed variance further expands the non-conforming nature of the property by not providing a code compliant rear yard. Substituting roof top open space for a legitimate rear yard creates further impacts on the neighbors. The proposal offers no redeeming contributions to the urban design aspects of the area.

#### **AFFORDABILITY**

This zone of the city has been one where Chinese families, immigrants, and immigrant laborers were able to find housing given the exclusion to purchase and rent in many parts of San Francisco. As a result,

this zone saw a blend of privately owned homes and rental apartments and rooms. The subject property in recent times housed Section 8 tenants. It is not clear how the tenants left as the Rent Board has no documentation on the site. In all probability private agreements occurred and some compensation was given.

## **COMMUNITY RELATIONS**

The project sponsors have met with neighbors. However, they have offered no substantive discussions on the scope of their project. They have been aggressive in pushing for their position with little regard to the concerns of the neighbors. This pattern is quite clear from their dealings with neighbors and tenants at other development projects they have done in San Francisco. Their actions on other sites have bordered on ethically and morally unacceptable actions.

## **OUR POSITION**

Conditional uses require the Planning Commission to determine if the proposed use is necessary or desirable to the neighborhood, whether it may potentially have a negative impact on the surrounding neighborhood, and whether the use complies with the San Francisco General Plan. **This conditional use applications fails on all of the preceding points.**

Variances require the Zoning Administrator to affirmatively determine that the following criteria are met.

- 1. That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district;*
- 2. That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;*
- 3. That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district;*
- 4. That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity; and*
- 5. That the granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the Master Plan.*

**This variance application fails on all of the preceding five criteria as discussed in our earlier commentary.**

We, the neighbors in the immediate area of the subject project, strenuously oppose the subject project as currently proposed. We request that the Planning Commission take action to, at a minimum, eliminate one floor from the project addition and require a code compliant rear yard, and that the Zoning Administrator deny the rear yard variance request.

Respectfully,

Neighbors of 1042 – 1044 Jackson

Ronald Wu and Lillian Wu  
1036-1038-1040 Jackson Street

Joanna Wu Kim  
1036-1038-1040 Jackson Street

Joseph R. Pitzo  
1038A Jackson Street

Richard Leong and Sally Leong  
18 Auburn Street

Guillermo Condenso  
1052 Jackson Street

Daniel Wang and Cristian C. Liu  
1036A Jackson Street

Kwok Ying Wong  
26 Auburn Street

Qudi Chen  
21 Auburn Street

Li Bo Zeng  
21 Auburn Street

Leung Kong Bor  
23 Auburn Street

Angel Alonso  
1050 Jackson Street

Chris Davis  
27 Auburn Street

Michael L. Lee  
1054 Jackson Street

Alfred T. Lee  
1054 Jackson Street

Curtis Leong and Elinor Vuong  
20 Auburn Street

Petra Campos  
1426 Taylor Street #3

Christine S. Saunders  
1434 Taylor Street

Peter Berg  
1434 Taylor Street

Michael J. Golaszewski  
1426 Taylor Street #3

Vincent Wibowo  
1426 Taylor Street #2

Geraldine Presta  
1426 Taylor Street #4

Halie Cloose  
1426 Taylor Street #5

Nealan Afsari  
1426 Taylor Street #1

Aina Stunz  
1436 Taylor Street

Joseph G. Yick  
1060 Jackson Street

Pauline V. Javier  
1060 Jackson Street

Joseph D. Yick  
1060 Jackson Street

Alexandra Yick  
1062 Jackson Street

(Signatures on record: Joint Letter to SF Planning)

CC:     Commissioner Cindy Wu  
         Commissioner Michael J. Antonini  
         Commissioner Rich Hillis  
         Commissioner Christine D. Johnson  
         Commissioner Kathrin Moore  
         Commissioner Ennis Richards



To Whom It May Concern:

I am writing this letter in support of the proposed project at 1042 Jackson Street in San Francisco's Nob Hill neighborhood. I have studied in detail the analytical facts of this case thoroughly in an attempt to understand why the owners insist on adding a two level addition instead of a single story, and the evidence has convinced me this project should be given permission to move forward for three key reasons:

1. There is a need for 4 bedroom units in the neighborhood.
2. The neighborhood's needs parking.
3. The height of the building is well within zoning limits, and the shadow impact on neighboring properties is minimal.

According to the latest available Census data, around 51% of units existing in San Francisco (including single family homes) are 2 and 3 bedroom units. This is followed by 1 bedroom units, which make up 27.1% and no bedroom (studios and efficiency) units at 12.2%. 4+ bedroom units are the minority with approximately 9.7% of all units in San Francisco.

The household demographics of the city are representative of the demand by family type for these units. The supply should be greater than the demand if the city wants to have a healthy housing market, which benefits its residents. The Census shows that around 38.7% of households in San Francisco have 1 member, 45.7% of households have 2 or 3 members, and 15.6% of households have 4+ members in their household. This means that assuming 100% occupancy, and one and no bedroom units are used to satisfy the demand of one person households, 1 bedroom units are in equilibrium with the housing population (+0.6%), 2 and 3 bedroom units are in a surplus, which is healthy (+5.3%), and 4+ bedroom units are deficient (-5.9%), which is unfavorable for those who have large families. Given the number of units occupied in San Francisco for the study of 345,344, and the units that currently 4+ bedrooms, it can be estimated that there is a potential shortfall of 1976 four plus bedroom homes in San Francisco. If one is to include the vacancy rate and the potential demand from people outside of the city who want to move to San Francisco, these numbers become even more troubling.

To further this point, as of 9/8/15, a sample of rental listings taken within a 10 block radius surrounding 1042 Jackson returned 22 rental listings. It consisted of 2 shared apartments, 12 one bedroom units, and 8 two bedrooms units for rent. There were no 3 or 4 bedroom units available for rent in the area at the time.

This data shows that the San Francisco needs to take action to increase the supply of larger, family units in addition to growing the overall housing supply. All of the different types of units should have a supply surplus in relation to demand, which will meet increasing demand for housing, lower rental and sales prices for homes in San Francisco, and make the city a place where all can live – even those with large families.

Secondly, this project also is adding two additional parking spaces in addition to bicycle parking. According to the same Census data source, only 7.3% of buildings in the city offer 3 car parking. It is dominated by 1 car parking (41.2%), 2 car parking represents (21.3%), and buildings with

no parking whatsoever claim around (30.2%). By adding more parking, the builders are doing a great service to the local community by reducing the number of potential vehicles parked on city streets. Currently, the building has parking for one car, but the entrance restricts the type of vehicle that can enter it to a very small car. By lifting the building and reworking the front façade, they will be able to make the garage space more suitable for a wide range of vehicles, and this will reduce the number parked on the neighborhood streets. Neighboring buildings have little or no parking for their residents, so they should be happy the builders are adding it to this project. Being located on a mass transit line also helps encourage the future residents to ditch their cars and take public transportation, which is a major plus for the location of this site.

Finally, for what I assume is the most controversial aspect of the project, the building height, I have reviewed the plans and local zoning ordinances and have found that this project is well within thresholds. The zoning at 1042 Jackson sets a maximum building height of 65 feet, and by reviewing the plans, one can see that the project falls far short of that number.

I have also asked for and received a copy of the shading analysis for examination. My research finds that the shadow impact on the surrounding buildings throughout the day is minimal. Out of curiosity, I took one of the days in question in the study, October 1, which is one of the worst case scenario days in San Francisco where the sun angles are low and shadows their longest, and I calculated the shadow track hourly throughout the day. What was found is that of the buildings surrounding the project site, two will have a shadow cast upon it for a length of time worthy of noting. These two properties are 12 Auburn St. (which is occupied by a homeowner) and 1040 Jackson St. (which is a rental building). The shadow will have a minimal impact on these two properties as 12 Auburn St has no windows that are currently receiving direct sunlight during the hours in question, and 1040 only has a hand full on the side to be affected. However, these windows will still receive indirect light as they are in a light well or other open area, and the same affect will happen whether a one or two story addition is constructed. Had the subject property been West of Auburn street, it would have had a more significant effect of blocking direct sunlight to those on Auburn Street, but since the property is located east of Auburn Street, it's impact is reduced, as the shadow is mainly cast on roof tops when it is at its longest. This should alleviate some of the concerns neighbors in the area may have.

I appreciate the opportunity to present my findings, and I hope they are helpful when trying to determine the fate of this project. San Francisco needs projects like this to make the city a place where all families, large and small, are welcome. This project does it right. It adds another unit to the city's supply, increases the number of available parking spaces in the neighborhood, and is not built to the maximum height, which results in a less imposing force on the neighborhood. This project should be given permission to proceed, and the data supports it. Thank you.

Kind regards,

Paul Moore

**From:** [Kyle Huey](#)  
**To:** [Grob, Carly \(CPC\)](#)  
**Cc:** [rituvohra2000@yahoo.com](mailto:rituvohra2000@yahoo.com)  
**Subject:** Build 1042 Jackson  
**Date:** Wednesday, September 09, 2015 1:17:38 PM

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Planner Grob, Planning Commission President Fong, and Commissioners,

When I first moved to San Francisco I stayed in an apartment at Sacramento and Jones for a month. While I liked the neighborhood a lot ultimately I wasn't able to find a permanent place there, so I landed in the Lower Haight.

There is a lot of discussion about words like gentrification, displacement, and evictions these days in our city. As a matter of social justice, neighborhoods like the Mission and SOMA cannot be expected to bear the entire burden of our city's growth alone. The wealthier and more traditionally desirable neighborhoods such as Nob Hill must do their part too.

Therefore I urge you to approve and build the proposed project at 1042 Jackson. It is a drop in the bucket of what's needed, but we must start somewhere.

- Kyle

To the San Francisco Planning Commission

I support the project at 1042 Jackson St. It is a project that will benefit the community by aiding in the revitalization of a historically significant area of San Francisco.

Having recently moved to Nob Hill from overseas, the challenges of finding an apartment that fit our budget is fresh in my mind. There simply wasn't a healthy supply of affordable housing in San Francisco and Nob Hill was a testament to this issue. Like many other apartment hunters at the time, we were forced to assess other areas only to find similar problems.

I have briefly reviewed the plans of the project and have not found any issues that may negatively impact the neighborhood. The height of this project (50 feet) seemed to be within the visible limits of other such buildings in the area. This property also sits on the cable car line which attracts a significant number of tourists daily so an important aspect of this project is converting a current insignificant facade to a visually appealing one - making memorable impact on tourists.

I am supporting small projects like these locally and also in San Francisco in general, as it allows us to make a material difference to the affordable housing situation while maintaining the character of the neighborhood. The only way to decrease the price of real estate in the city is to add additional units, so I am for this project, as it helps the city's overall growth and aids in supplying the extremely high demand in San Francisco for housing.

Thank you.

Shraddha Desai  
Resident of 1090 Jackson Street, Nob Hill