



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Abbreviated Analysis

HEARING DATE: MAY 4, 2017

Date: April 24, 2017
Case No.: 2015-006805DRP
Project Address: 1948 PACIFIC AVENUE
Permit Application: 2015.05.19.6679
Zoning: RH-2 (Residential, House, Two-Family)
40-X Height and Bulk District
Block/Lot: 0577/004
Project Sponsor: John Duffy (agent / architect)
4620 Ben Hur Road
Mariposa, CA 95338
Girish Pancha & Fiona McGrath-Pancha (property owners)
2129 Bay Street
San Francisco, CA 94123
Staff Contact: Sharon M. Young – (415) 558-6346
sharon.m.young@sfgov.org
Recommendation: **Do not take DR and approve the project as proposed.**

1650 Mission St.
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San Francisco,
CA 94103-2479

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415.558.6378

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PROJECT DESCRIPTION

This is a request for Discretionary Review of Building Permit Application No. 2015.05.19.6679, proposing to construct a two-story horizontal addition (with deck above and exterior stairs) at the rear of the three-story, single-family dwelling that would be entirely within the required rear yard. The proposal also includes adding a new garage, front gate, shed dormer and elevator penthouse, and interior renovations.

The original proposal under Variance Case No. 2014-002072VAR, involved constructing a two-story horizontal addition with deck above (approximately 26 feet wide by 16 feet deep by 24 feet high) at the rear of the basement and first floor levels of the three-story, single-family dwelling. The proposal had included constructing exterior stairs (with a fire-rated guardrail wall) which would abut the east side property line. Section 134 of the Planning Code requires the subject property to maintain a rear yard of approximately 60 feet 6 inches. The proposed rear addition would be entirely within the required rear yard; therefore, the project requires a variance from the rear yard requirement of the Planning Code.

A Rear Yard Variance was considered and granted by the Zoning Administrator on July 11, 2016 with conditions and modifications (to set back a portion of the proposed rear addition from the east side property line). This variance decision was appealed by the DR requestor, Marilyn Wiley, but was upheld by the Board of Appeals under Appeal No. 16-128, on the condition that the project is revised to include additional screening to address the concerns of Ms. Wiley.

ISSUES AND CONSIDERATIONS

- Prior to 2012, noncomplying rear decks (which extended to within approximately 3 feet of the rear property line) had existed on the property.
- On October 25, 2012, Building Permit Application No. 201210242737 was issued for the scope of work to “REMOVE DETERIORATED REAR DECKS NOT VISIBLE FROM STREET”. DBI final inspection/completion for this scope of work occurred in December 2012.
- On August 6, 2014, Building Permit Application No. 201408063223 was issued for the scope of work to “REMOVE EXISTING KITCHEN CABINETRY, AND BATHROOM CABINETRY”.
- On September 18, 2014, Building Permit Application No. 201409176562 was issued for the scope of work for “PARTIAL FOUNDATION REPLACEMENT”.
- On October 17, 2014, Building Permit Application No. 201410179209 was issued for the scope of work for “REVISION TO PA#201409176562, PARTIAL FOUNDATION REPLACEMENT, INSTALLATION OF NEW CRAWL SPACE, FOUNDATION AND SLAB ON GRADE. NEW STAIR TO CRAWL SPACE”.
- On May 12, 2015, a Department of Building Inspection (DBI) complaint was filed under Complaint No. 201546891 for exceeding work beyond the scope of permit under 201410179209 – “Removing huge amount of dirt in the backyard and no more hill.” DBI issued a correction notice to revise the plans to clarify scope of work under Building Permit Application No. 201410179209.
- On May 19, 2015, Building Permit Application No. 201505196679 was filed for the scope of work to “ADD (N) BASEMENT LEVEL, ADD (N) GARAGE @ 1ST FL. HORIZONTAL ADDITION & REAR DECKS IN REAR YARD. RECONFIGURE MISC INTERIOR PARTITIONS & LAYOUT. ADD (N) 4TH FL COVERED DECK SPACE FROM (E) SPACE. (N) MISC PLUMB & ELEC WORK”. The DR requestor is requesting discretionary review for the proposed project for this building permit application.
- On June 8, 2015, Building Permit Application No. 201506037990 was issued for the scope of work for “REVISION TO NEW TEMPORARY EARTH AND PARTIAL BUILDING SHORING SYSTEM TO ACCOMMODATE FOUNDATION CONSTRUCTION. SHORING CONSISTS OF CONVENTIONAL SOLDIER BEAMS AND LAGGING. ADD WATERPROOFING DETAIL PER INSPECTOR REQUEST”.
- On May 25, 2016, a Department of Building Inspection (DBI) complaint was filed under Complaint No. 201608352 for work beyond the scope of Building Permit Application Nos. 201410179209 and 201409176502 – “Dirt from excavated driveway spilling onto neighbor’s driveway at 1942 Pacific Avenue.” A DBI Inspector investigated the complaint and indicated work was as shown on approved drawings.

- On July 11, 2016, Zoning Administrator Scott Sanchez granted a Rear Yard Variance under Case No. 2014-002072VAR for the original proposal with the following plan modifications: On the basement floor, the proposed rear addition and exterior stairs shall be set back 5 feet from the east side property line on the basement floor. On the first and second floors, the proposed rear addition with deck above shall be set back 15 feet from the east side property line.
- On July 18, 2016, the DR requestor filed an appeal with the Board of Appeals under Appeal No. 16-128 of the variance decision under Case No. 2014-002072VAR for the proposed project. This variance decision was considered and upheld by the Board of Appeals on the condition that the proposed project is revised to reflect additional screening.

SITE DESCRIPTION AND PRESENT USE

The project site is located at 1948 Pacific Avenue, on the north side of Pacific Avenue between Octavia and Gough Streets; Lot 004 in Assessor's Block 0577 in an RH-2 (Residential, House, Two-Family) Zoning District and a 40-X Height and Bulk District. The subject lot is approximately 4,743 square feet (approximately 35.25 wide by 133 to 134.5 feet deep) and is developed with a three-story, single-family dwelling with approximately 7,000 square feet of floor area. The existing building, constructed circa 1900, is architecturally significant (Category A - Historic Resource Present) and listed in the Planning Department's 1976 Architectural Survey Here Today historic surveys. The Report of Residential Record (3-R), issued by the Department of Building Inspection (DBI) which typically establishes the legal use of existing dwelling units, authorizes the use of this building as a single family dwelling.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located within the Pacific Heights Neighborhood. The surrounding neighborhood consists of a mix of three to four-story single and multi-family residential buildings and a church. (The Church of Jesus Christ of Latter-day Saints at the corner of Pacific Avenue and Gough Street.) The surrounding zoning is RM-2 (Residential, Mixed Districts, Moderate Density), RH-1 (Residential, House, One-Family), and RH-2 (Residential, House, Two-Family) District zoning.

BUILDING PERMIT APPLICATION NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	December 21, 2016 – January 20, 2017	January 20, 2017	May 4, 2017	104 days

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	April 24, 2017	April 24, 2017	10 days
Mailed Notice	10 days	April 24, 2017	April 24, 2017	10 days

PUBLIC COMMENT

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

During the Section 311 notification period, the Planning Department did not receive correspondence from neighbors (other than the DR Requestor's representative) or members of the public expressing support or opposition to the revised project. As of April 24, 2017, the Planning Department has not received any additional letters or phone calls in support of or in opposition to the project.

However, the Planning Department did receive correspondence from neighbors and members of the public expressing both support of and opposition to the original project proposed under Variance Case No. 2014-002072VAR. Adjacent neighbors expressed concerns primarily regarding potential noise, and diminished privacy and sunlight to their homes, the on-going construction work on the property from previous permits, that the proposed rear addition would extend too deep into the rear yard to expand an already large home; and that the proposed addition would negatively affect their property values and parking in the neighborhood. Neighborhood correspondence was noted and considered by the Zoning Administrator in making his decision to grant the rear yard variance with conditions and modifications.

DR REQUESTOR

The DR Request was filed by **Stephen Williams and Gabriel Nevin**, on behalf of the property owner **Marilyn Wiley** of 1942 Pacific Avenue, directly adjacent and east of the project site. The DR Requestor's property, constructed in 1924, is a three-story, two-family dwelling located on a lot with a width of 34.33 feet wide to 44.50 feet wide by approximately 145 feet deep on an irregularly shaped lot.

DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

See attached *Discretionary Review Application* dated January 20, 2017 with supplemental.

PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

See attached *Response to Discretionary Review* dated April 17, 2017 with supplemental.

ENVIRONMENTAL REVIEW

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption under Case No. 2014-002072ENV. As determined by Planning Department preservation staff, the proposed project is consistent with the Secretary of Interior Standards for the Treatment of Historic Properties.

RESIDENTIAL DESIGN ADVISORY TEAM REVIEW

The Residential Design Advisory Team (RDAT) reviewed the request for Discretionary Review and found that the project, as modified in response to the variance decision, does not contain or create exceptional or extraordinary circumstances and is consistent with the Residential Design Guidelines. The proposed dormer and elevator penthouse are set back from the front building wall and the proposed garage will be compatible with the building and the surrounding area. The depth of the addition is not greater than the depth of the neighbor to the west's two-story volume. The proposed project provides a modest expansion into the rear yard with windows that face the yard and no property line windows proposed. The proposed rear addition is articulated to minimize impacts on light and privacy to adjacent properties. The side setbacks of the proposed rear addition back along the east side property line will help preserve the existing mid-block open space pattern on the subject block by maintaining the lateral exposure to the adjacent rear yard, and will provide sunlight to the DR requestor's property. The proposed rear addition will abut a neighboring blind wall to the west, which has a rear extension that is deeper and higher than the proposed rear addition. The additional screening on the proposed project, required as part of the Board of Appeals' upholding of the Variance approval, will also help address the privacy concerns of the DR requestor.

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

BASIS FOR RECOMMENDATION

The Department believes the project does not contain or create exceptional or extraordinary circumstances and recommends that the Commission not take Discretionary Review and approve the project as proposed.

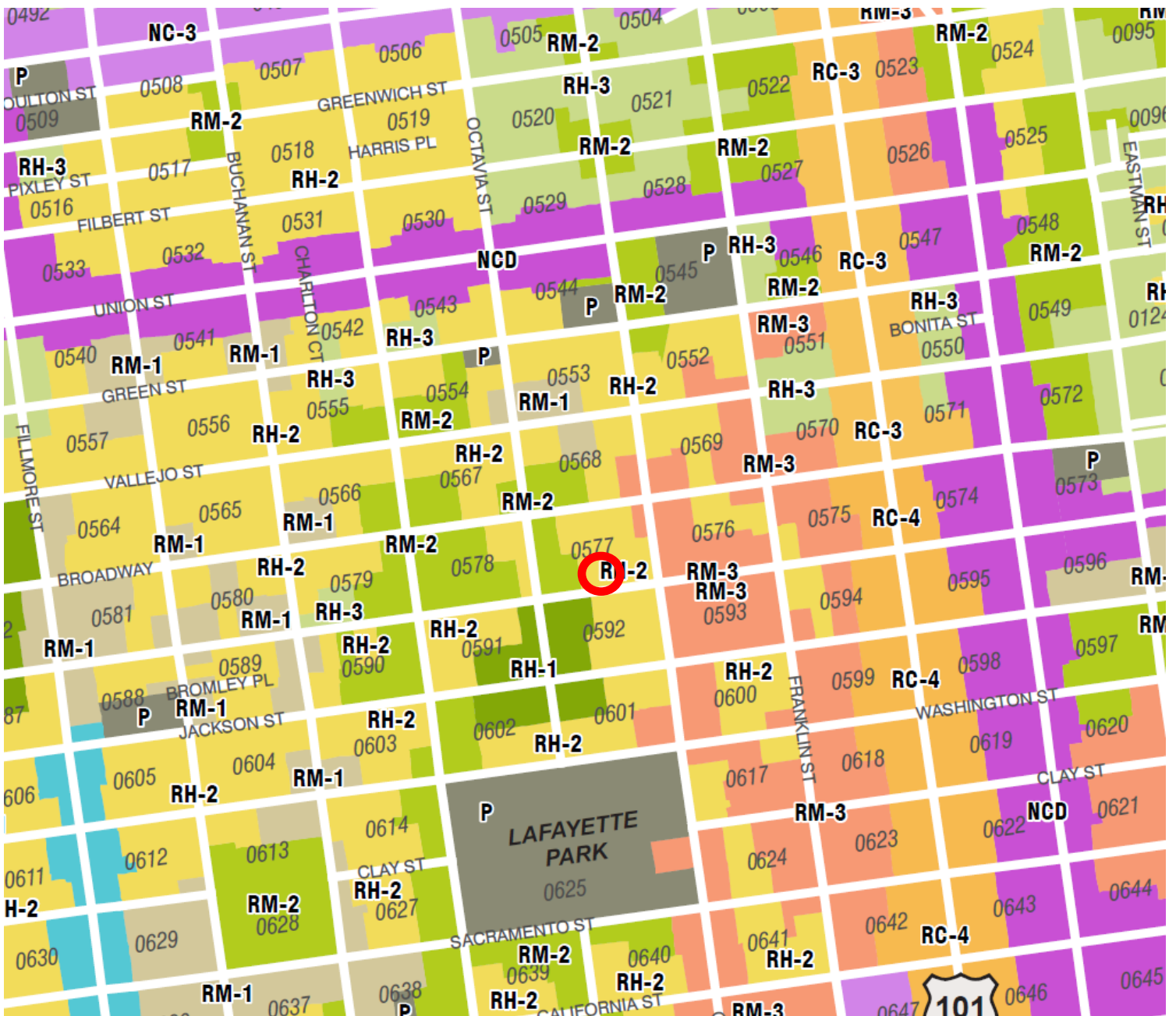
- The proposed project is consistent with the Residential Design Guidelines and will be compatible with the existing mid-block open space pattern on the subject block.

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

Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs
Context Photos
Section 311 Notice
DR Application (with supplemental)
Response to DR Application (with supplemental)
Reduced Plans
Variance Decision (2014-002072VAR)
Board of Appeals Decision (Appeal No. 16-128)

Zoning Map



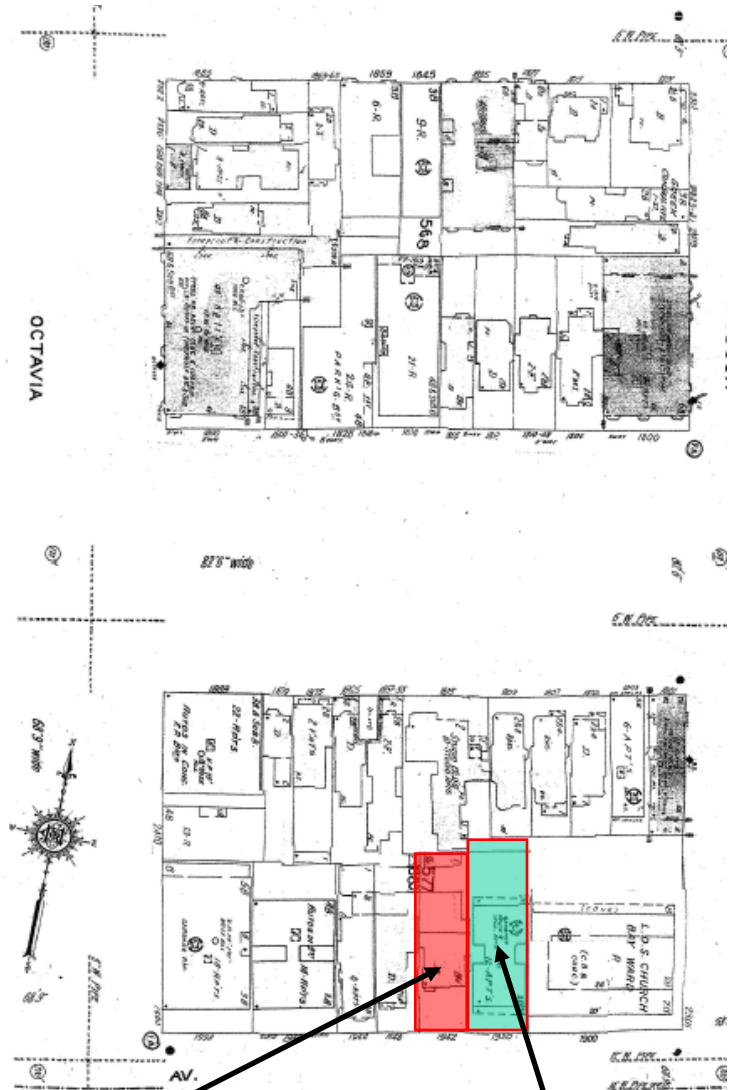
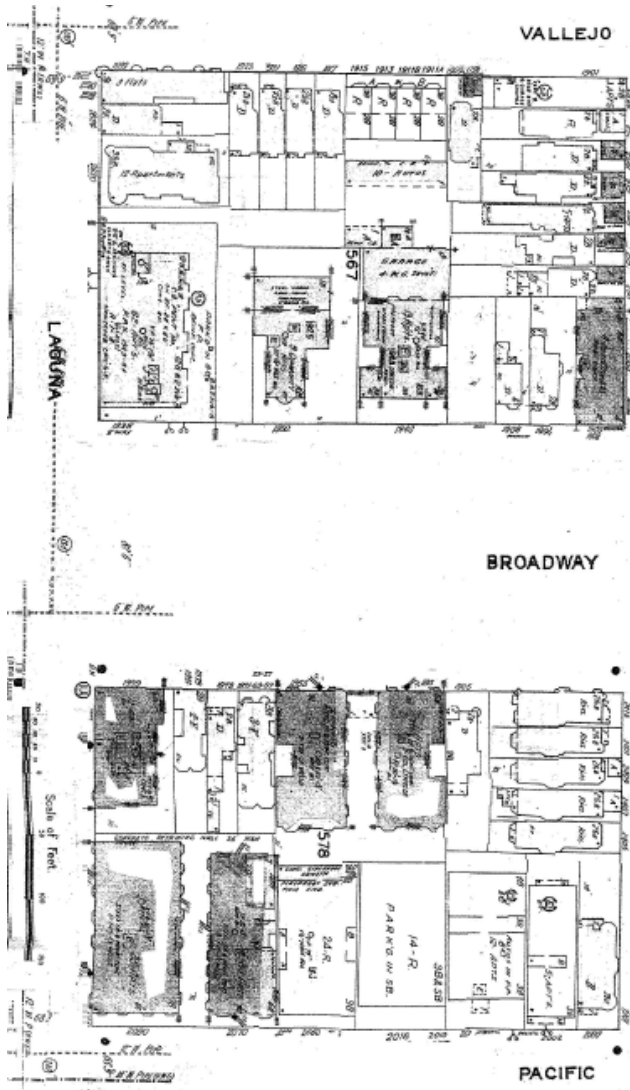
Parcel Map



Discretionary Review Hearing
Case Number 2015-006805DRP
1948 Pacific Avenue



Sanborn Map*



SUBJECT PROPERTY AT
1948 PACIFIC AVENUE

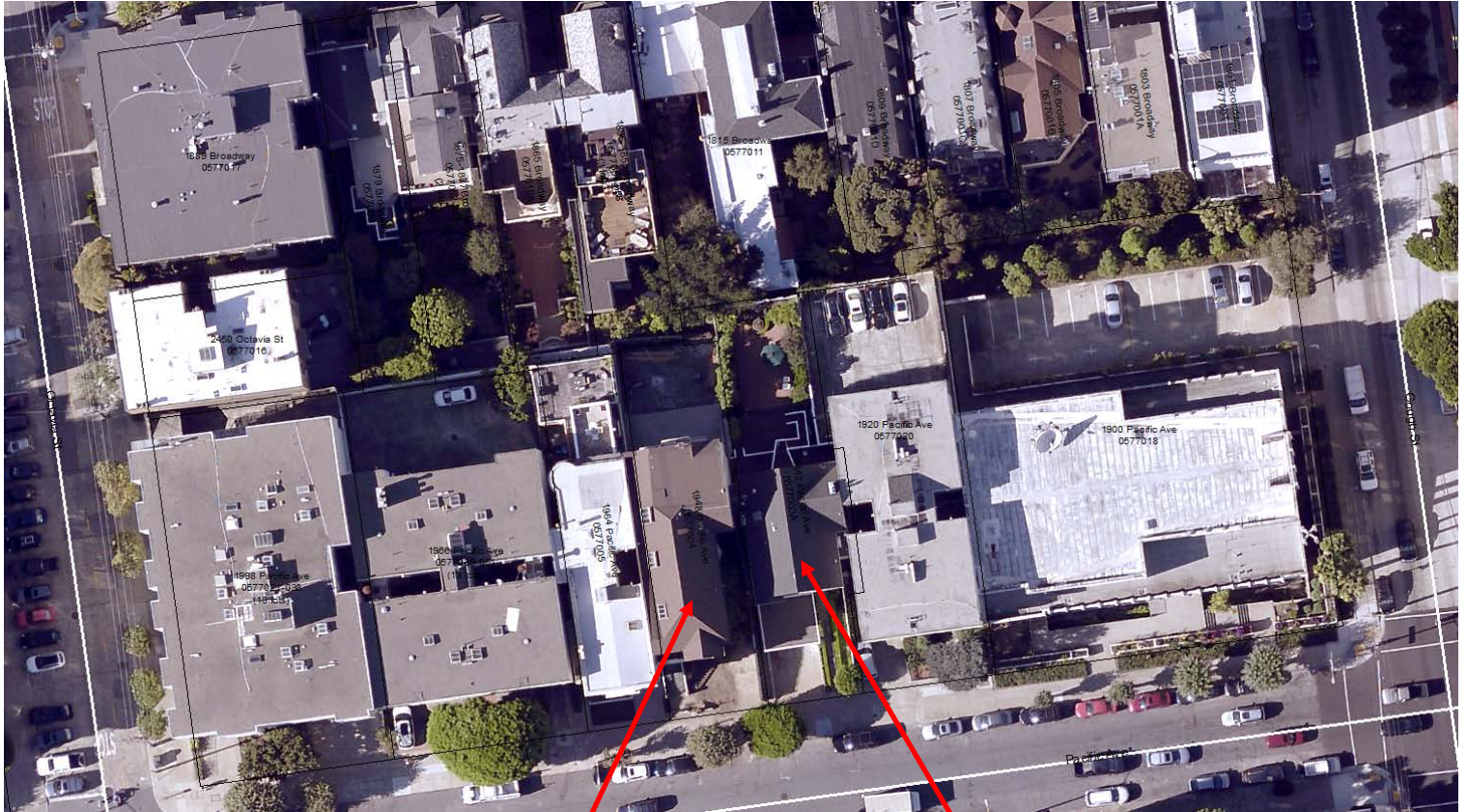
DR REQUESTOR'S PROPERTY AT
1942 PACIFIC AVENUE

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



Discretionary Review Hearing
Case Number 2015-006805DRP
1948 Pacific Avenue

Aerial Photo*



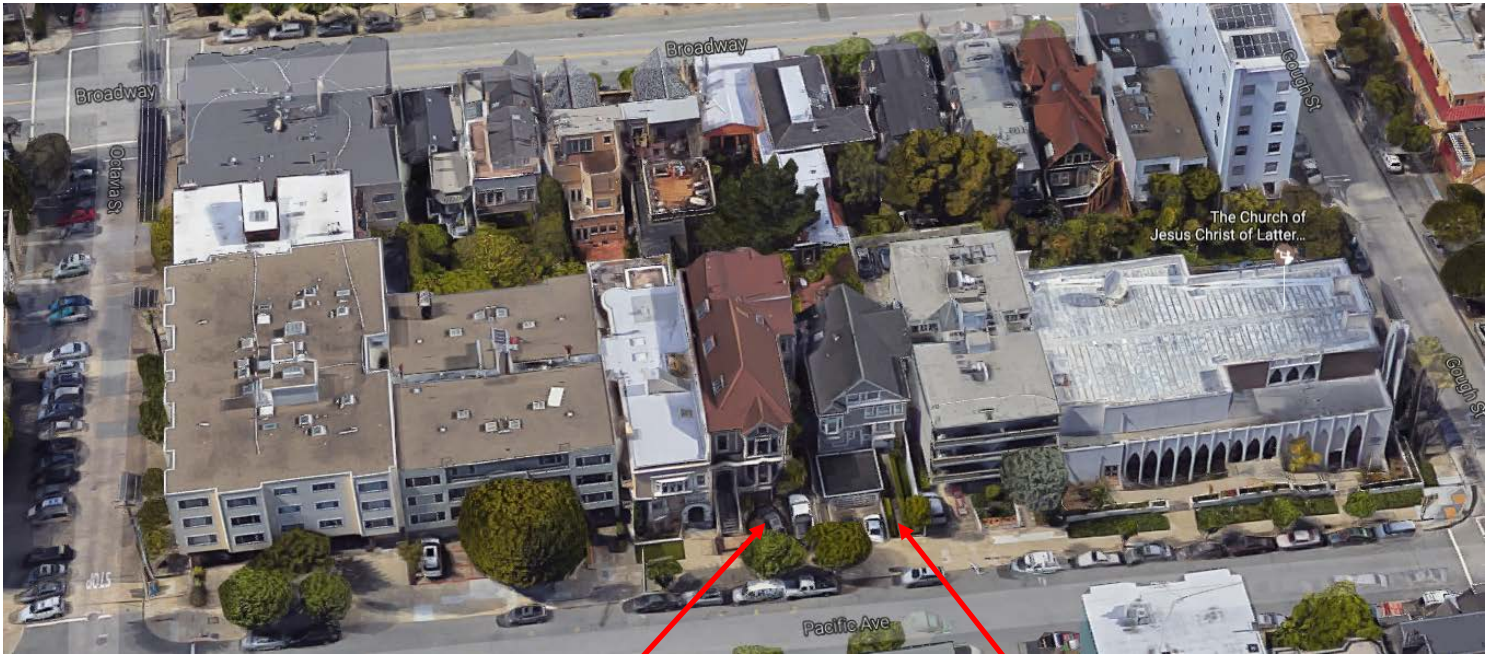
*The Aerial Maps reflect existing conditions in June 2015 (Google Imagery).

SUBJECT PROPERTY AT
1948 PACIFIC AVENUE

DR REQUESTOR'S PROPERTY AT
1942 PACIFIC AVENUE



Aerial Photo*



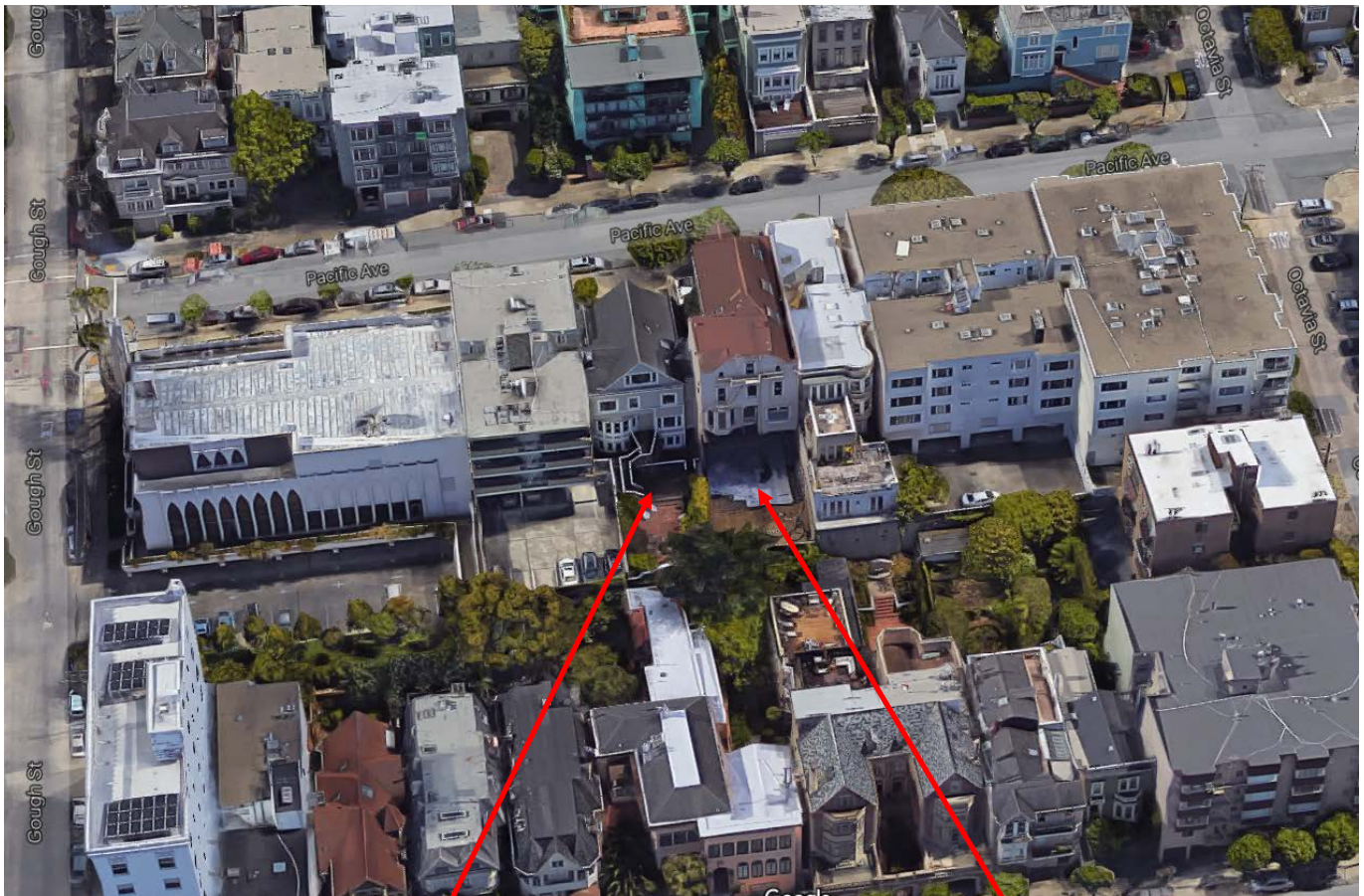
**The Aerial Maps reflect existing conditions in 2017(Google Imagery).*

SUBJECT PROPERTY AT
1948 PACIFIC AVENUE

DR REQUESTOR'S PROPERTY AT
1942 PACIFIC AVENUE



Aerial Photo*



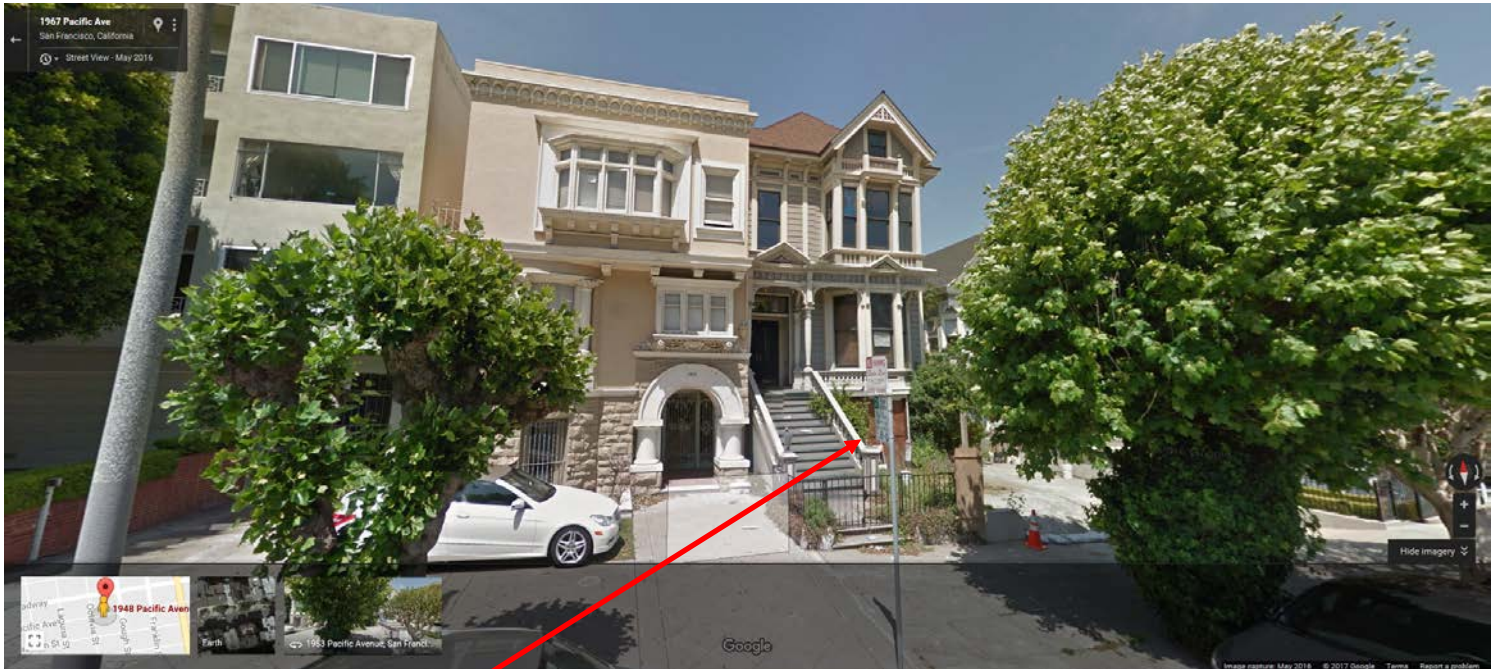
**The Aerial Maps reflect existing conditions in 2017(Google Imagery).*

DR REQUESTOR'S PROPERTY AT
1942 PACIFIC AVENUE

SUBJECT PROPERTY AT
1948 PACIFIC AVENUE



Site Photo



SUBJECT PROPERTY AT
1948 PACIFIC AVENUE

DR REQUESTOR'S PROPERTY AT
1942 PACIFIC AVENUE



*The street view reflect existing conditions in May 2016. (Google Imagery)

Discretionary Review Hearing
Case Number 2015-006805DRP
1948 Pacific Avenue

1948 Pacific Ave – Attachment B, Exterior Photos



South Elevation (Front Façade)



North Elevation (Rear Façade)



South & East Elevations (Front & Side Façade)



Partial East Elevation – Bay Wdw



Partial East Elevation (Side Façade)



Streetscape – north side



Subject
Property

Streetscape – north side



Streetscape – north side



Streetscape – north side



Streetscape – north side



Streetscape – north side



Streetscape – south side



Streetscape – south side



Streetscape – south side



Streetscape – south side



1948 PACIFIC AVE – Rear (North) Elev

Nov 2014



1948 & 1942 Pacific Ave



1948 & 1964 Pacific Ave



Portion of original
rear deck structure

page

number
1948 & 1942 Pacific Ave



1942, 1948 & 1964 Pacific Ave



1948 & 1964 Pacific Ave



View North from 1948 Pacific Ave



View West from 1948 Pacific Ave



View East from 1948 Pacific Ave



View East from 1948 Pacific Ave



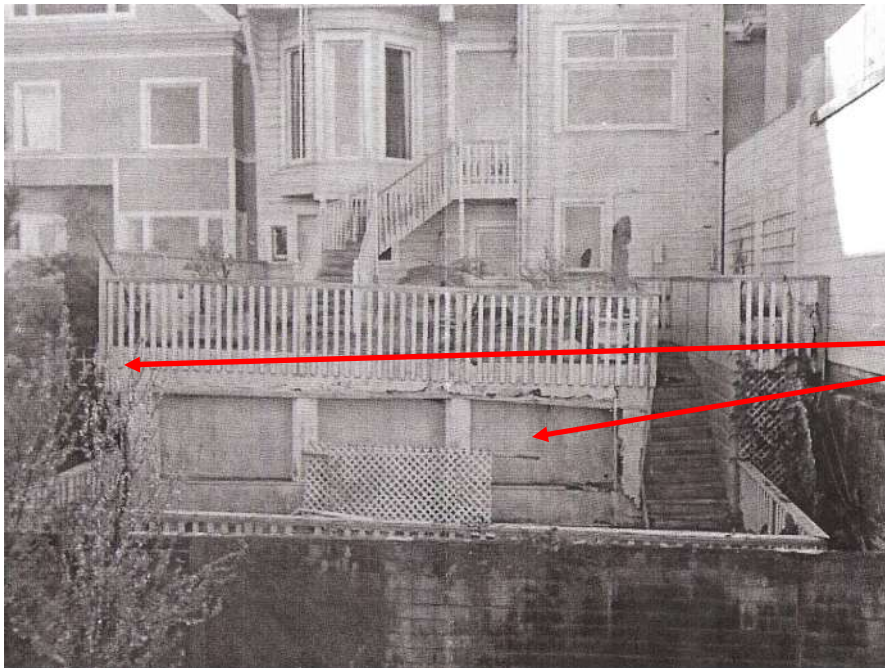
View Northwest from 1948 Pacific Ave



View North from 1948 Pacific Ave

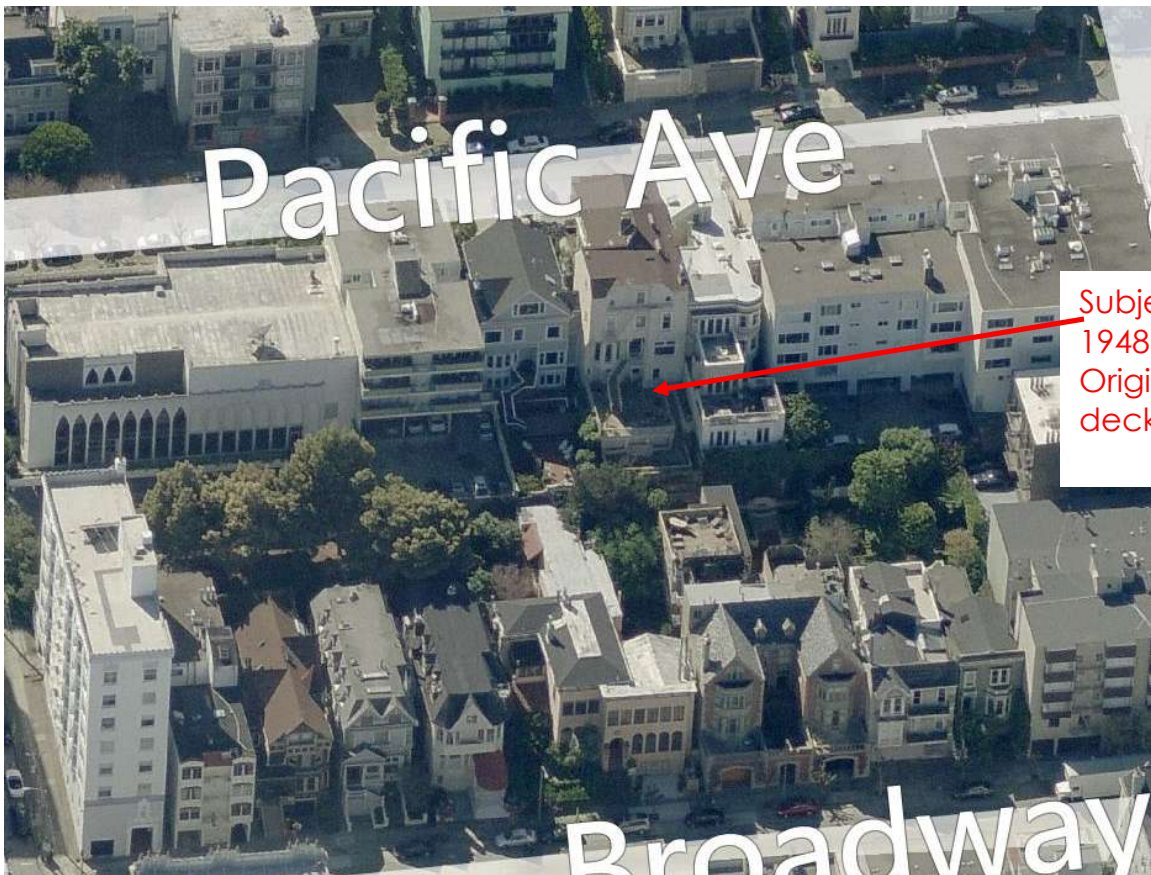


View Northeast from 1948 Pacific Ave



Subject Property
1948 Pacific Ave
Original rear
deck

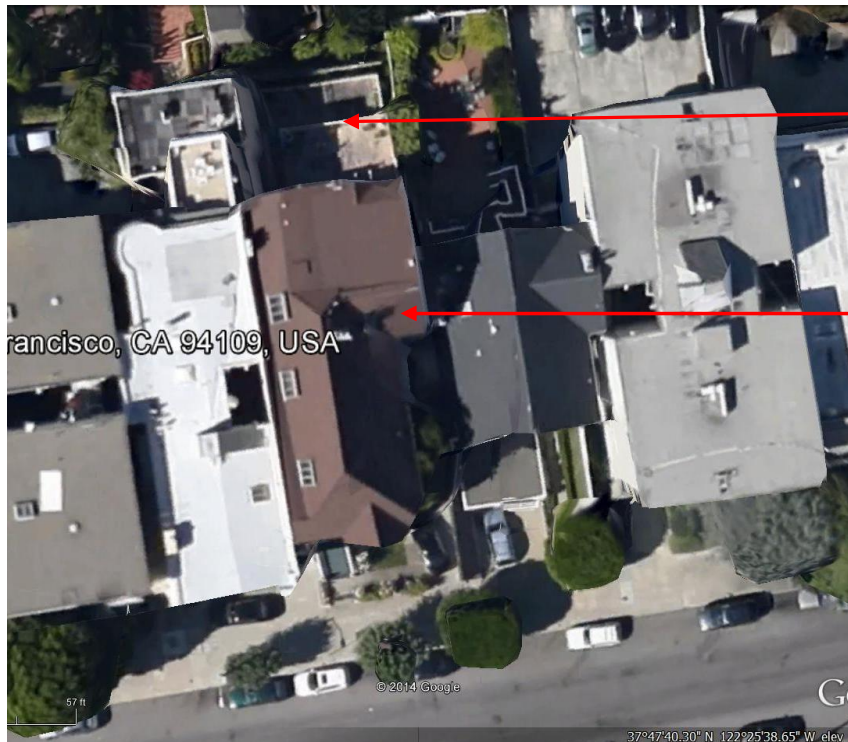
Rear (North) Elev 1948 Pacific Ave circa 2012 showing original deck



Subject Property
1948 Pacific Ave
Original rear
deck

Arial View of block, 1948 Pacific Ave

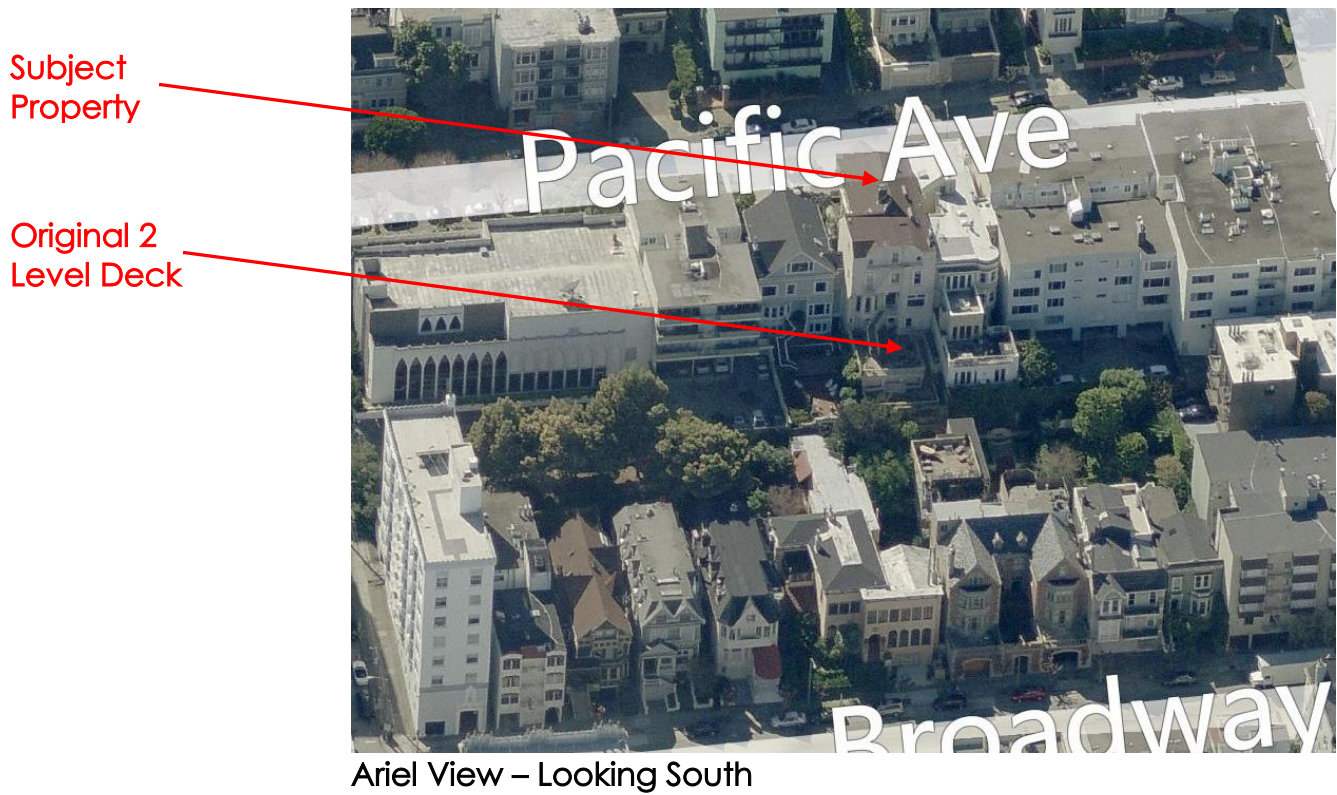
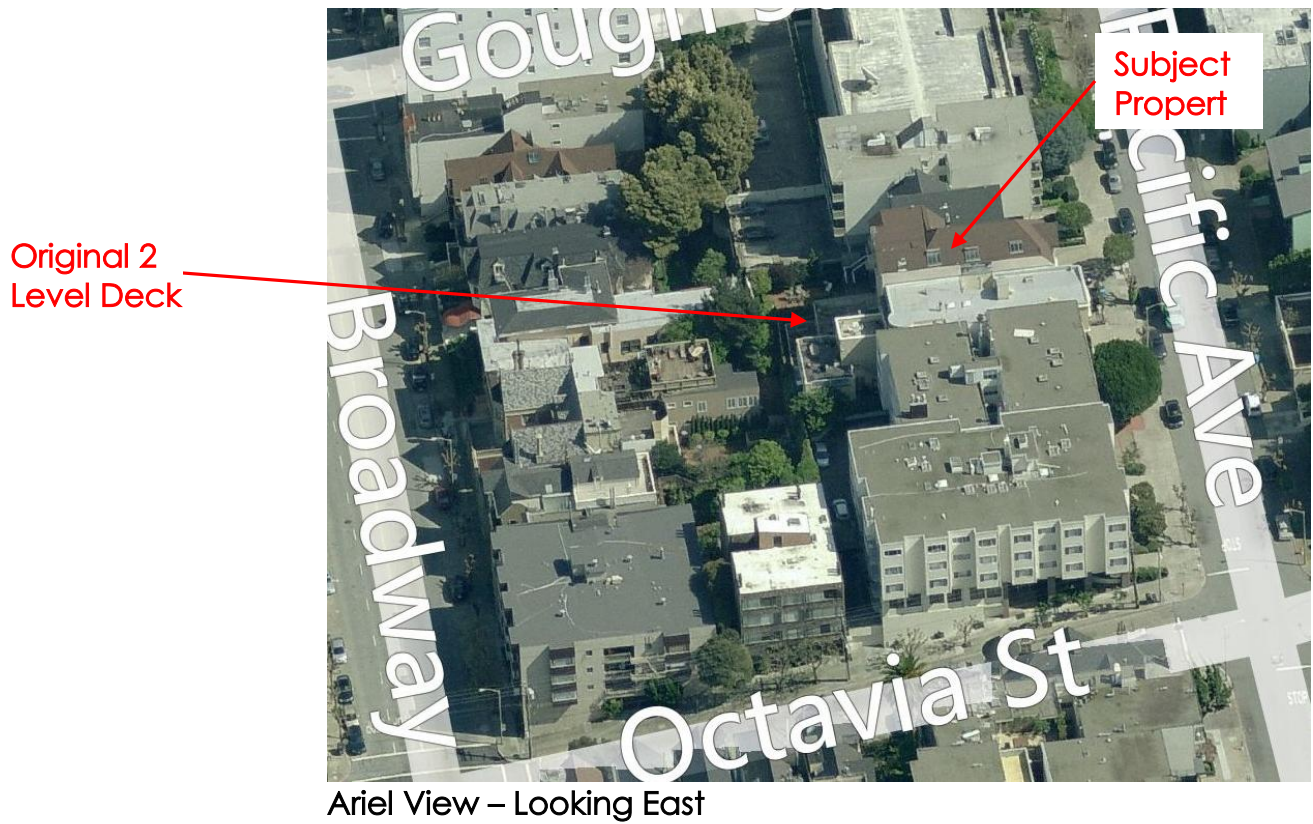
1948 Pacific Ave – Attachment D, Original 2 Level Deck



Ariel View - Front

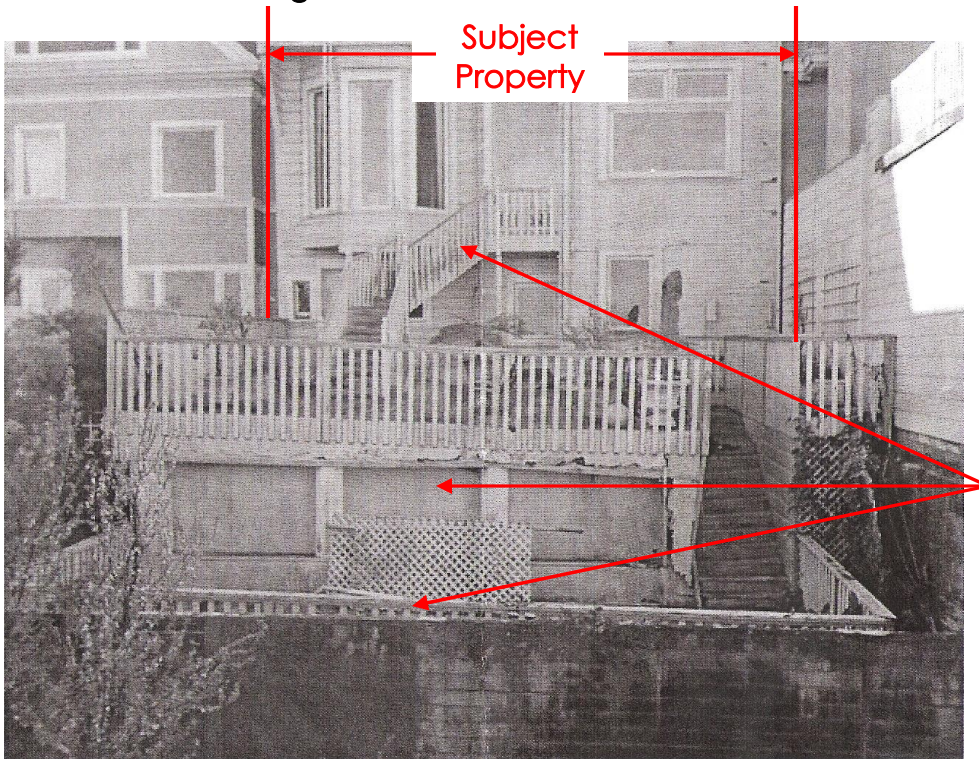


Ariel View – Rear





Ariel View – Looking West



Rear Deck (North) Elevation

APPLICATION FOR Discretionary Review

1. Owner/Applicant Information

DR APPLICANT'S NAME: Marilyn Wiley		
DR APPLICANT'S ADDRESS: 667 Oakwood Court, Los Altos, CA	ZIP CODE: 94024	TELEPHONE: (650) 704-4704

PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: Girish and Fiona Pancha		
ADDRESS: 1948 Pacific Ave, San Francisco, CA	ZIP CODE: 94123	TELEPHONE: (415) 675-8965

CONTACT FOR DR APPLICATION: Same as Above <input type="checkbox"/> Stephen M. Williams		
ADDRESS: 1934 Divisadero Street, San Francisco, CA	ZIP CODE: 94115	TELEPHONE: (415) 292-3656
E-MAIL ADDRESS: smw@stevewilliamsllaw.com		

2. Location and Classification

STREET ADDRESS OF PROJECT: 1948 Pacific Ave, San Francisco, CA	ZIP CODE: 94123
CROSS STREETS: Octavia Street / Gough Street	

ASSESSORS BLOCK/LOT: 0577 /004	LOT DIMENSIONS: 35.25'x134.5'	LOT AREA (SQ FT): 4725 sf	ZONING DISTRICT: RH-2	HEIGHT/BULK DISTRICT: 40-x
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3. Project Description

Please check all that apply

Change of Use ☐ Change of Hours ☐ New Construction ☐ Alterations ☒ Demolition ☐ Other ☐

Additions to Building: Rear ☒ Front ☒ Height ☐ Side Yard ☐
SFD

Present or Previous Use:

Proposed Use: SFD

Building Permit Application No. 2015.0519.6679

Date Filed: 05/19/2015

4. Actions Prior to a Discretionary Review Request

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

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

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

No Mediation has occurred; no substantive changes have been made due to input from neighbors.

Discretionary Review Request

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

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

See Attachment

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

See Attachment

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

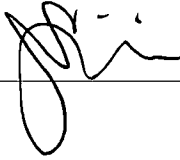
See Attachment

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

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

Signature: _____



Date: _____

1/20/17

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

Stephen M. Williams

Owner / Authorized Agent (circle one)

Discretionary Review Application Submittal Checklist

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

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

NOTES:

☐ Required Material.

☒ Optional Material.

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

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

1 / 20 / 17

1. Reasons for Requesting Discretionary Review

The project does not meet the minimum standards of the Planning Code it is built into the minimum rear yard and requires a variance in violation of the Code. The exceptional and extraordinary circumstances that justify Discretionary Review of the project are the negative impacts on the neighbors. The variance findings already have established “exceptional and extraordinary” circumstances applicable to the property. The project conflicts with and violates numerous provisions of the City’s General Plan, the Planning Code’s Priority Policies and Residential Design Guidelines. The proposal disrupts and destroys the rear yard pattern and is not set back or reduced in height as required by the Residential Design Guidelines. The new rear addition also goes further into the rear yard than the adjacent historic building and is not averaged or limited to a single story as required by the RDG’s.

The Commission should at a minimum, require the proposed project to be modified to comply with the RGD’s: 1) Require the new rear yard addition to be one level (below the fence line) as generally recommended by the RDT and the Guidelines; 2) Reduce the mass at the rear of the building by matching or averaging between the adjacent buildings and reducing the rear yard extension to one story (not two with a deck which reads as three). In addition to the height and mass of the proposed new rear yard addition to the building, the proposed design, window pattern, and materials would be incompatible with this block and would contrast sharply with the overall historic character of the neighborhood. The rear addition at 2nd floor should extend no further than the adjacent building to the east. Accordingly, the Project as proposed does not comply with the Residential Design Guidelines and the General Plan.

This historic three-story single family home of approximately 6,400 square feet (Assessor’s records---Sponsors number on “existing” are inexplicably at 7,700!) is being transformed into a five-story building in excess of 8,000 square feet. This is being accomplished by *variance* in violation of the Planning Code and at the expense of the neighbors. The addition should be substantially reduced to eliminate the material and detrimental impacts to the adjacent properties.

a. Project Started with Over-The-Counter Permits, Not Properly Noticed; The Application and Variance Were Applied for Only After Neighbors Objected

The historic building at 1948 Pacific Avenue was built in 1887 and appears in both *Here Today* and in the City’s 1976 survey. It was owned and occupied for many years by the famous tort attorney Arnold Laub and was purchased by the Sponsors in 2014 shortly after his death. The DR Requestor’s home to the east at 1942 Pacific Avenue was built in 1869 for Rudolf Spreckles and was a one-time residence for Teddy Roosevelt Jr. and his wife.

Immediately upon purchasing the property the sponsors obtained three over-the-counter permits for “*Removal of existing kitchen and bathroom Cabinetry*”; “*Partial Foundation Replacement*”; and. “*For installation of a new crawl space, slab on grade and new stair to a crawl space.*” These over the counter permits were intended to hide the true scope of the project. Project sponsor set about a massive excavation project and completely removed the bottom floors of the entire house---suspending the house above the massive hole and dug out the entire rear yard in

preparation for a variance (which had not been applied for yet). There was never an intention to *"install a new crawl space"*; Project sponsors started this large excavation project with over the counter permits and the true scope of the project is still largely unknown because the plans submitted do not show what existed before project sponsors start of the construction nearly three years ago. Two entire new floors are being constructed under the building and into the required rear yard making what was an extremely large home even more larger at the expense of the neighbors and surrounding community. The building will be in excess of 8,500 square feet and no new dwelling unit is being added (as allowed by the zoning).

The Project Sponsors failed to offer a pre-application meeting for the project before starting the work (work started in July 2014 and pre-application meeting held months later) and only applied for the required variance (rear yard) and building permits (new garage, new floors below and rear yard vertical and horizontal addition) only after the neighbors complained and the DBI stopped work at the site as far beyond the OTC permits obtained earlier. A Notice of Violation was issued May 2015 and is still outstanding on the jobsite.

For unknown reasons the Zoning Administrator has granted a variance which allows this very large single family home building to extend into the mid-block open space far beyond the limits under the Planning Code and far beyond Ms. Wiley's home next door to the east---which is now is a pronounced "hole" and cut off from the mid-block open space. It is highly unusual that the Zoning Administrator would grant such an intrusive variance, even before the Planning Commission has had a chance to weigh in on the unique and non-conforming conditions on the property. Added to this is the fact that the project has been pushed forward without adequate notice to the affected neighbors. These issues highlight the need for the Planning Commission to take DR and fully vet this project to insure transparency. The Commission should take DR and review the project fully. The Commission should limit the intrusion into the rear yard and reduce impacts on the adjacent neighbors. Although the project adds a garage, two new floors and elevated decks to an historic home, the RDT comments or comments of review by senior staff found in the file are incredibly limited.

b. The Proposed Project Casts an Unreasonably Large Shadows

The Sponsors massive excavation without a permit completely reconfigured the rear yard grade and because of the steep rear yard slope has effectively increased the height of the building to over 45 feet at the measurement point and over 52 feet at the top of the roof. The project is zoned RH-2 and is within the 40-X height limit zone, which restricts buildings to 40 feet in height. At the rear yard, there are now to be five levels of occupancy and the building will present itself as a five story (plus) building. As a result, the proposed project will cast an unreasonably large shadow on the neighbors; this effect will be exacerbated because the Project lot is now above grade relative to its neighbors.

This height and rear yard extension is a particular problem in this case because in addition to being taller the building extends much farther into the mid-block open space than would otherwise be allowed and some 20-25 feet past the DR Requestor's home. This means that in addition to casting a dramatically larger shadow than a similarly situated building on the block face, the proposed project will have an unreasonable impact on the privacy, air light and mid-

block open space. The Commission should take DR and limit the rear yard extension granted for this project; the Commission should require that the project respect the height limits of the district, and the Commission should require that the Project Sponsors incorporate increased setbacks (restrict rear yard extension to one floor) to maintain the prevailing air and light in the mid-block open space.

c. The Proposed Project Creates Privacy Concerns

The Project consists of altering and increasing the rear yard grade nearly one full floor and then building on that new grade a two-story horizontal expansion of the existing building, and the addition of a large deck 2nd floor deck. The project received a variance for the construction of the 2nd floor deck. However, the Project Sponsors have been unreasonably unwilling to take steps to mitigate the negative impact on DR Requestor's and other neighbor's privacy. The sponsors have changed the grade of their lot, and now they want to construct large windows facing out into the mid-block open space, and towering over the adjacent buildings.

DR Requestor is concerned that the external stairway connecting the yard to the 2nd story deck creates an unreasonable impact on her privacy. DR Requestor has requested that the design be modified to remove or move the external stairway, because the rear yard is already accessible through an internal stairway. DR Requestor has suggested that moving the stairs from the east to the west side of the property would be acceptable as well, or in the alternative DR Requestor has asked for the inclusion of frosted glass privacy screens. Even this request was disagreeable to the Project Sponsors who expressed a preference for solid, "green" screens.

2. Unreasonable Impacts

a. The Proposed Project Will Impose Unreasonable Impacts on the Neighbors

The proposal will cause severe impacts on light and air to the neighboring properties---especially the historic building to the east. The proposed project extends past the DR Requestor's home, blocking existing air and light in the mid-block open space. The proposed 2nd floor deck stands far above grade relative to her home and to the other adjacent houses to the north, and as a result will loom over all the other residences in the neighborhood. This will negatively impact the privacy of every neighbor since the large windows facing in all directions will be higher than the nearby neighbors' buildings.

In addition, the proposed project's rear façade is far higher than the forty-foot height for the zoning district and will now be five occupied floors and presents the visual impression of a six-story building to the north. As a result, the project will further impact the mid-block privacy air and light; because it will cast a much larger shadow into the mid-block space. The existing building already exceeds the limits on rear yard setbacks, so it is highly unreasonable to allow additional expansion into this space.

Additionally, DR Requestor is acutely concerned that the Proposed Project's external staircase from the yard to the 2nd floor deck will have a severe negative impact on DR Requestor's privacy. The above grade 2nd floor deck, already towers over DR Requestor's rear yard,

bedroom and kitchen windows, but the external staircase is positioned such that anyone using the stairs will face directly into DR Requestor's rear yard, bedroom and living spaces. The Project Sponsors have been unwilling to consider moving this staircase to the west side of their project, or consider an alternative that makes this an internal staircase. The Project Sponsors have not even been willing to compromise on the type of privacy screen which might be erected to address these privacy concerns. DR Requestor has asked for continuously opaque, frosted glass for the privacy screen, but the project sponsors have insisted on using green screens which do not provide a similar level of privacy.

3. Changes to the Proposed Project

Project Sponsors Have Refused to Accept Any of DR Requestor's Reasonable Accommodation Suggestions

(1) Move the New Stair Case to the West Property Line and Adjacent to the Blind Wall; Reduce the Overall Height of the Rear Extension by Reducing the Grade.

There is a large blind wall on the west side on the subject rear yard and DR Requestor has repeatedly asked that the new prominent features such as the stair case, allowed only by variance and which violate the Planning Code, be moved to that side of the yard to reduce impacts. Sponsors have refused this modest request from the very beginning. DR Requestor also has attempted to negotiate the addition of privacy screens such as frosted glass to mitigate the privacy concerns mentioned above. To date these negotiations have not yielded an acceptable solution, as sponsors counter with a proposal for a solid "green" screen.

The Neighbors would like to see the character of the neighborhood respected by minimizing the impact of the external staircase and new elevated decks of the proposed building. This will maintain the existing privacy character of the neighborhood. More importantly the removal of the uncharacteristically high features of the proposed building will respect the privacy of nearby houses, including DR Requestor's which will be negatively impacted by the proposed 2nd floor decks and 4th floor deck addition which will loom over the other buildings in the neighborhood. The massive window configuration will look down on and into neighbors' residences, including DR Requestor's residence and bedrooms. The rear yard extension should be reduced to a single story and the overall grade lowered in the rear.... The Sponsor's unpermitted excavation created an unnatural and unusually high grade in the rear yard area.

The Commission should take DR and reduce the size and extent of the rear yard extension. The project is exceedingly high at the rear, and exceeds the required rear-yard setbacks. As a result, the neighbors of the project will lose the existing mid-block open space, and will have their privacy in their own homes unfairly impinged upon.

The Commission should take Discretionary Review and deny the project as planned. The Commission should reconfigure the rear yard extension granted in this case, and perform its own critical review of this project. The Commission should require the project comply with the Planning Code, by abiding by the rear yard setback limits, and make additions which address the neighbors' legitimate privacy concerns.

(2) Reduce the rear addition.

The rear yard extension should be reduced to a single story and set back further. No portion of the new addition above the ground floor should extend past the building to the east. The building already provides the smallest rear yard on the block, is the largest single family home on the block (larger than many apartment buildings) and the proposal inappropriately increases the rear yard encroachment and impacts neighboring buildings.

(3) Change the design to make it more compatible with the neighborhood.

Eliminate the large expanses of glass and require a stronger solid to void design approach that features less transparency. Require the use of materials and fenestration pattern that are compatible with the predominant character of the surrounding neighborhood and will not be a hazard to birds.



April 24, 2017

Via Hand Delivery

Rich Hillis, President
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

RE: **1948 Pacific Ave** (Cross Streets Octavia and Gough)
Discretionary Review Request: 2015-006805DRP
Hearing Date: Thursday May 4, 2017

President Hillis and Members of the Commission:

INTRODUCTION

This Office represents Discretionary Review Requester Marilyn Wiley (hereinafter “DR Requester”) the owner of the property at 1942 Pacific Avenue, San Francisco. The Request is for a Discretionary Review of Building Permit Application No. 2015.05.19.6679 which proposes to “Add a New Basement Level, Add a New Garage at the 1st Level and a two-story horizontal addition & Rear Decks in Rear Yard. Reconfigure Misc. Interior Partitions & Layout; Add New 4th Floor Covered DeckSpace From Existing Space and Misc. Elec and Plumb Work.” at 1948 Pacific Avenue (APN 0577/004).

As evidenced by the Assessors’ Records (see highlights), the existing building at 1948 Pacific Avenue is a historic (built in 1887 and in *Here Today* and the City’s 1976 Survey) **three-story** single family home of approximately 6,400 square feet.

Address:	1948 PACIFIC AV
Parcel:	0577004
Assessed Values:	
Land:	\$444,652.00
Structure:	\$1,293,560.00
Fixtures:	-
Personal	-
Property:	
Last Sale:	6/30/2014
Last Sale Price:	\$5,000,000.00
Year Built:	1900
Building Area:	6,370 sq ft
Parcel Area:	4,741.13 sq. ft.
Parcel Shape:	Rectangular
Parcel Frontage:	-
Parcel Depth:	34.5 ft
Construction	Wood or steel frame
Type:	
Use Type:	Dwelling
Units:	1

Stories:	3
Rooms:	14
Bedrooms:	-
Bathrooms:	5
Basement:	-

The Project Sponsors purchased the building in June 2014 and obtained three innocuous over-the-counter permits (none of which involved rear yard excavation or an extension into the rear yard) and immediately set about to transform the existing building into a mega-mansion **five-story** structure (two new floors of occupancy) of nearly 9,000 square feet with a two-story extension in the minimum required rear yard (Approx. 1000 sf).

After the neighbors complained that the entire rear yard was being excavated and that work at the site was being done far in excess of the over-the-counter permits obtained by the Sponsors, the DBI issued a Notice of Violation and Stop Work Order May 18, 2015. Only after the NOV was issued did the Sponsor seek the actual permits for the Project. It was determined by Planning that a variance was needed because the project now proposed was in violation of the Planning Code and located entirely within the minimum rear yard required by the Planning Code.

The DR Requestor objects to the rear yard addition granted by variance and its configuration which places her home in a “hole” cut off from the mid-block open space. She also objects to the elevated rear decks which directly impact privacy in all the bedrooms in her home. Finally, she objects to the new 4th floor (plus) deck which appears to violate the height limit.

Ms. Wiley has requested two relatively simple design changes which the Sponsors have refused. She requests that the rear yard extension should be reduced (one story, not two) and reconfigured so that the stairs to the rear yard are moved to the west side against the large blind wall of the 23-unit apartment building. This is the only way to eliminate the material and detrimental impacts to the adjacent home and was the previous configuration of the deck in the rear yard at 1948 Pacific Ave, which was removed in 2012.

BACKGROUND

The historic building at 1948 Pacific Avenue was built in 1887. It appears in both *Here Today* and in the City's 1976 survey. It was owned and occupied for many years by the famous tort attorney Arnold Laub. The building was purchased by the Sponsors in 2014 shortly after Laub's death. DR Requestor's home to the east at 1942 Pacific Avenue is also historically significant was built in 1869 for Rudolf Spreckles and was a one-time residence of Teddy Roosevelt Jr. and his wife.

Sponsors Obtained Over the Counter Permits To Hide the Scope of the Project

As noted above, immediately upon purchasing the property the Sponsors obtained three over-the-counter permits:

1. August 2014--BPA #201408063223 for "*Removal of existing kitchen and bathroom Cabinetry*" (Exhibit 1);
2. September 2014--BPA# 201409176562 for "*Partial Foundation Replacement*"(Exhibit 2); and
3. October 2014--BPA# 201410179209 "*For installation of a new crawl space, slab on grade and new stair to a crawl space.*" (Exhibit 3).

These over-the-counter permits were intended to hide the true scope of the project, which is and was the complete excavation of TWO floors underneath the existing building. Project sponsors set about their massive excavation project and completely removed the bottom floor of the entire house leaving the house suspended above a massive hole and dug out the entire rear yard in preparation for a variance which they had not applied for yet. There was never an intention to "install a new crawl space"; Sponsors started a large excavation project with over the counter permits specifically to hide the scope of the project. The true scope of the Project is still largely unknown because the plans submitted do not show what existed before Sponsors start of the construction three years ago.

Two entirely new floors of occupancy are to be constructed under the building, and the envelope of the building is being dramatically expanded into the required rear yard. The effect of this unrestrained expansion is to make what was an extremely large home even larger at the expense of the neighbors and surrounding community. With the addition of approximately 3000 new square footage, the building will be in excess of 9,000 sq. ft. and no new dwelling unit is being added, as is allowed by RH-2 zoning.

Project Sponsors failed to offer a pre-application meeting for the project before starting the work. Work was started in the summer of 2014 and a pre-application meeting was not held until held months later. The Project Sponsors only applied for the required rear yard variance and building permits (new garage, new floors below and rear yard vertical and horizontal addition) after the neighbors complained and DBI issued a NOV.

The Proposed Project Has NOT Been Given Proper Review Because of False Applications (Never Corrected) Submitted by the Sponsors

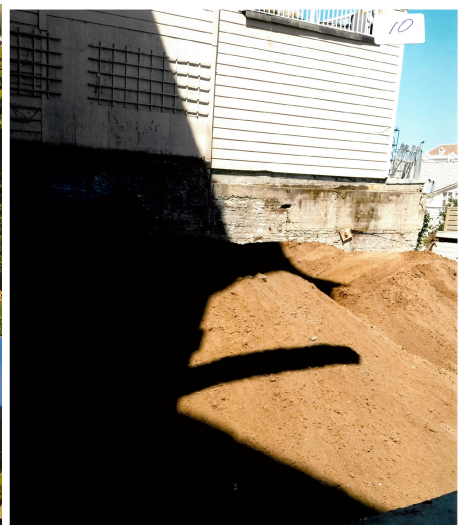
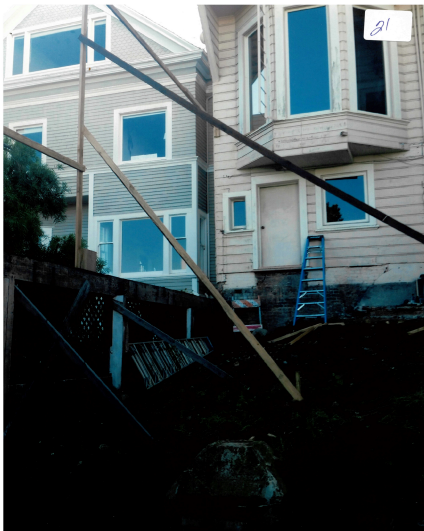
Many of the applications submitted by Project Sponsors are false, contain wildly inaccurate information and have not been corrected. For example, the Environmental Application submitted by the Sponsors on November 18, 2014, (Attached as Exhibit 4) states that the Project would NOT result in excavation or soil disturbance/modification. (third page of application at question #3) This is false. The Project has already involved the excavation of many 100's of cubic feet of soil (if not 1000's) and is also on a slope of 20% or greater.

Any project which results in an excavation of 50 or more cubic yards of soil or is on a slope of 20% or greater (as is this lot) must submit a geotechnical report before receiving environmental clearance. Based on the false information the CEQA case was closed and environmental clearance was wrongly issued on December 15, 2015 without the required geotechnical report.

DR Requester took the following photograph prior to the beginning of work in earnest at the project site. It shows the historic configuration of the rear decks at the property which are (1) a full floor below what the Sponsors now request and (2) the rear yard access stair is fully to the west against a blind wall on the apartment building to the west.



Complaint No. 201546891 was filed on May 12, 2015 (Exhibit 5). The Complaint description states, “*Building beyond scope of BPA #201410179209. **Removing huge amount of dirt in the backyard and no more hill.***” At the time the complaint was filed the backyard had been significantly excavated as shown in the following pictures:



The inspector who responded to the May 12, 2015 complaint, noted that the work being performed was over the scope of the applicable permit, and issued a Correction Notice on May 18, 2015.

At this point however it was too late, because the rear yard had been transformed - completely outside the scope of active permits - as shown in the following picture:



On May 19, 2015 (one week after receiving Complaint No. 201546891), Project Sponsors filed BPA No. 201505196679 (Exhibit 6). BPA No. 201505196679's description states: *"Add (N) basement level, add (N) garage @ 1st fl. Horizontal addition & rear decks in rear yard. Reconfigure misc interior partitions & layout. Add (N) 4th fl covered deck space from (E) space. (N) Misc plumbs & elec work."*

On June 6, 2015 Project Sponsors filed for BPA No.: 201506037990 (Exhibit 7). The project description for this permit states: *"Revision to new temporary earth and partial building shoring system to accommodate foundation construction shoring consists of conventional soldier beams and lagging. Add waterproofing detail per inspector request."*

As is apparent from the picture below the work described in BPA Nos. 201505196679 and 201506037990 - namely the addition of new floors, and the construction shoring structures - was already completed when the permits were applied for.



A Rear Yard Variance under Case No. 2014-002072VAR was granted by the Zoning Administrator on July 11, 2016 with conditions to set back a portion of the proposed rear addition from the east side property line. This variance decision was appealed but upheld by the Board of Appeals under Appeal No. 16-128, on the condition that the project be revised to include additional screening. The Zoning Administrator granted the variance which allows this very large single family home building to extend into the mid-block open space far beyond the limits under the Planning Code and far beyond Ms. Wiley's home next door to the east---which is now is a pronounced "hole" and cut off from the mid-block open space.

It is highly unusual that the Zoning Administrator would grant such an intrusive variance, even before the Planning Commission has had a chance to weigh in on the unique and non-conforming conditions on the property. However this peculiarity could be attributable to the fact that Project Sponsors have submitted false and misleading applications to the City throughout the course of this project. This pattern of behavior is also highlighted by the fact that the Project has been pushed forward without the required notice to the affected neighbors.

In addition, the Residential Design Team review reviewed the project twice, first on September 23, 2015 and again on March 30, 2017; and both times left the decision to the Zoning Administrator through the variance (RDT Review Exhibit 8). Although the project adds a garage, two new floors and elevated decks to an historic home, the RDT comments or comments of review by senior staff found in the file are incredibly limited. Furthermore, the pattern of deceit in the submissions to the City has continued unabated, as evidenced by Exhibit 9, Project Sponsors' DR Reply filed April 17, 2017, which

shows on page two, **NO Change**, in the depth of the building under the proposal. This statement is clearly false. The expansion of the depth of the building into the rear yard, as part of this on-going proposed project is what was specifically at issue during the Variance hearing. At that hearing the Zoning Administrator granted a variance to the Planning Code to allow the proposed project to extend farther into the lot than any other single family dwelling on the block.

These issues highlight the need for the Planning Commission to take DR and fully vet this project to insure transparency. The Commission should exercise its discretion and review the project fully. The Commission should limit the intrusion into the rear yard and reduce impacts on the adjacent neighbors. Although the project adds a garage, two new floors and elevated decks to an historic home, the RDT comments or comments of review by senior staff found in the file are incredibly limited.

REASONS FOR TAKING DISCRETIONARY REVIEW AND DENYING THE PROJECT

Project Sponsors have been unreasonably unwilling to take steps to mitigate the negative impact on DR Requester's and other neighbor's privacy. The sponsors have changed the grade of their lot, excavated a floor's worth of soil, added floors, and dramatically expanded the footprint of the Project building; and now they want to construct large windows facing out into the mid-block open space, and towering over the adjacent buildings. Furthermore, Project Sponsors submitted false information on their Application for Environmental Evaluation, and may be required by law to submit a geotechnical report. The Commission should exercise its discretion and require significant changes to this exceedingly problematic project.

(1) Require Complete and Transparent Submissions.

DR Requester is concerned because Project Sponsors have submitted false and misleading applications to the City, and this creates an unreasonable danger to DR Requester's, and all other adjacent properties. Specifically in November 2014, Sponsors submitted an Environment Evaluation Application which stated that no "excavation" or "soil disturbance/modification" would result from the project. This submittal was false and furthermore it was contradicted by the Sponsors' own active permits, which had been issued prior to the Sponsors' completion of the Application for Environmental Evaluation. Those permits were issued in August and September of 2014, and permitted the pouring of a new foundation slab, and the installation of a new crawl space. It is unclear to DR Requester how it is possible to pour a new foundation slab, or install a crawl space, without at least **disturbing** the soil below it.

The statement contained in the Application for Environmental Evaluation clearly demonstrates the Sponsors' pattern of deceit and omission in their dealings with the City and the Neighbors. In this specific instance, the Sponsors deceit is actually dangerous however. The evaluation of the significant excavation of soil from a property is required where the property is on a grade, because the major disturbance, without the proper oversight, could result in damage to the subject property and all the surrounding

properties. Allowing this type of flaunting of the planning rules could create dangerous conditions where undisclosed weaknesses allow the collapse of a residential building. The Commission should require the Sponsors to correct this application, submit the required geotechnical reports, and allow the Department to review the Project again with a complete and transparent disclosure of what exactly the proposal entails. If that submission reveals that a geotechnical report is required under the Planning Code, then the Commission should order such a report be submitted, and stop all work at the site until such a geotechnical report has been submitted and reviewed.

(2) Reconfigure Rear Stairwells.

DR Requestor is concerned that the external stairway connecting the yard to the 2nd story deck creates an unreasonable impact on her privacy. DR Requestor has requested that the design be modified to remove or move the external stairway, because the rear yard is already accessible through an internal stairway. DR Requestor has suggested that moving the stairs from the east to the west side of the property would be acceptable as well.

There is a large blind wall on the west side on the subject rear yard and DR Requestor has repeatedly asked that the new prominent features such as the stair case – which are allowed only by variance and which violate the Planning Code – be moved to the west side of the yard to reduce impacts on DR Requestor's property to the east. Sponsors have refused this modest request from the very beginning. DR Requestor also has attempted to negotiate the addition of privacy screens such as frosted glass to mitigate the privacy concerns mentioned above. DR Requestor would like to see the character of the neighborhood respected by minimizing the impact of the external staircase and new elevated decks of the proposed building.

This will maintain the existing privacy characteristics of the neighborhood. More importantly the removal of the uncharacteristically high features of the proposed building will respect the privacy of nearby houses, including DR Requestor's which will be negatively impacted by the proposed 2nd floor decks and 4th floor' deck addition which will loom over the other buildings in the neighborhood. DR Requestor also has attempted to negotiate the addition of privacy screens such as frosted glass to mitigate the privacy concerns mentioned above. However Sponsors have flatly refused to accept this simple and mutually beneficial accommodation

The proposed massive window configuration will look down on and into DR Requestor's and other neighbors' residences. The height of the proposal means that these decks will look down on and into DR Requestor's bedroom windows. A simple reconfiguring of the stairwell to the other side of the Project building will substantially mitigate the unreasonable privacy impacts on DR Requestor. DR Requestor also has attempted to negotiate the addition of privacy screens such as frosted glass to mitigate the privacy concerns mentioned above.

The Commission should take Discretionary Review and deny the project as planned. The Commission should reconfigure the rear yard extension granted in this case, and perform its own critical review of this project. The Commission should require the project comply

with the Planning Code, by abiding by the rear: yard setback limits, and make additions which address the neighbors' legitimate privacy concerns.

(3) Reduce The Rear Addition.

The rear yard extension should be reduced to a single story and set back further. No portion of the new addition above the ground floor should extend past the buildings to the east. The overall grade should be lowered in the rear. The Sponsor's unpermitted excavation created an unnatural and unusually steep grade in the rear yard area. The Commission should take DR and reduce the size and extent of the rear yard extension. The project is exceedingly high at the rear(and exceeds the required rear-yard setbacks. As a result, the neighbors of the project will lose the existing mid-block open space, and will have their privacy in their own homes unfairly impinged upon.

The building already provides the smallest rear yard on the block, and IS ALREADY the largest single family home on the block (and larger than many nearby apartment buildings). Despite this, the proposal inappropriately increases the rear yard encroachment and impacts neighboring buildings.

(4) A Previous Historical Review by the City Required the Extension to be Limited to One Story and Required the Stairway to be Located on the Western Blind Wall.

Ms. Wiley already fought this same battle some 25 years ago. When the former owner and famous tort attorney Arnold Laub proposed to construct an extensive deck and stair configuration into the rear yard, Ms. Wiley objected to his permit back in 1992-1993. Mr. Laub also wanted to have a two-story configuration for his proposed rear yard extension and he proposed a stairway in the middle of the rear yard area. The Board of Permit Appeals reviewed the appeal and allowed the project to proceed but confirmed that the stair way had to be on the far western wall and limited the rear yard extension to a single story. Attached hereto as Exhibit 10, is the Notice of Decision from that case. Although not specifically mentioned in the Decision, Ms. Wiley can testify and confirm that the Board members were very clear on these condition.

(5) Change the design to make it more compatible with the neighborhood.

Eliminate the large expanses of glass and require a stronger solid to void design approach features less transparency. Require the use of materials and fenestration pattern that are compatible with the predominant character of the surrounding neighborhood and will not be a hazard to birds.

CONCLUSION

DR Requester requests that the Commission take DR and deny the project as proposed. DR Requester would like to see the following changes implemented:

1. Require Compliance with the Environmental Evaluation: Project Sponsors have submitted false and misleading applications to the City. Specifically Sponsors submitted in November 2014 an Environment Evaluation Application which stated that no

excavation or soil disturbance/modification would result from the project. This is false and contradicted by the active permits Sponsors had filed previous to the Application for Environmental Evaluation, which permitted the pouring of a new foundation slab, and the installation of a new crawl space. The Commission should require the Sponsors to correct this application, submit the required geotechnical reports, and allow the Department to review the Project again with a complete and transparent disclosure of what exactly the proposal entails.

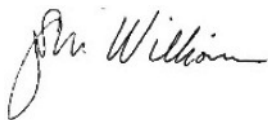
2. Reconfigure the Rear Stairwells: The external deck stairwell should be reconfigured such that the stairwell is on the western side of the lot instead of the eastern side. This will reduce the unreasonable impact on DR Requester's privacy by shielding deck activities at the project site from DR Requester's property.

3. Reduce the Rear Expansion: The rear yard extension should be reduced to a single story and set back further. No portion of the new addition above the ground floor should extend past the buildings to the east. The overall grade should be lowered in the rear.

4. Enforce the Existing Decision from Appeal No. 93-083: A previous review by the City required the extension to be limited to one story and required the stairway to be located on the western blind wall. Ms. Wiley already fought this same battle some 25 years ago. When the former owner proposed to construct an extensive deck and stair configuration into the rear yard, Ms. Wiley objected. Mr. Laub also wanted to have a two-story configuration for his proposed rear yard extension and he proposed a stairway in the middle of the rear yard area. The Board of Permit Appeals reviewed the appeal and allowed the project to proceed but required that the stair way be located on the far western wall and limited the rear yard extension to a single story. Attached hereto is the Notice of Decision from that case. Although not specifically mentioned in the Decision, Ms. Wiley can testify and confirm that the Board members were very clear on these condition.

5. Change the Design to be More Compatible With the Neighborhood: Eliminate the large expanses of glass and require a stronger solid to void design approach features less transparency. Require the use of materials and fenestration pattern that are compatible with the predominant character of the surrounding neighborhood and will not be a hazard to birds.

VERY TRULY YOURS,

A handwritten signature in cursive script, appearing to read "Stephen M. Williams".

STEPHEN M. WILLIAMS

Exhibit 1

Permit Details Report**Report Date:** 4/20/2017 2:11:45 PM

Application Number: 201408063223
 Form Number: 8
 Address(es): 0577 / 004 / 0 1948 PACIFIC AV
 Description: REMOVE EXISTING KITCHEN CABINETRY, AND BATHROOM CABINETRY
 Cost: \$15,000.00
 Occupancy Code: R-3
 Building Use: 27 - 1 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
8/6/2014	TRIAGE	
8/6/2014	FILING	
8/6/2014	FILED	
8/6/2014	APPROVED	
8/6/2014	ISSUED	

Contact Details:**Contractor Details:**

License Number: 923107
 Name: BRENDAN M. MCGRATH
 Company Name: MODERN ART CONSTRUCTION
 Address: 153 LIBERTY ST * SAN FRANCISCO CA 94110-0000
 Phone:

Addenda Details:**Description:**

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	BLDG	8/6/14	8/6/14			8/6/14	PADA RODOLFO	
2	CPB	8/6/14	8/6/14			8/6/14	BUFKA SUSAN	

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
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Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

Station Code Descriptions and Phone Numbers

[Online Permit and Complaint Tracking](#) home page.

Technical Support for Online Services

If you need help or have a question about this service, please visit our FAQ area.

Exhibit 2

Permit Details Report**Report Date:** 4/20/2017 2:10:20 PM

Application Number: 201409176562

Form Number: 8

Address(es): 0577 / 004 / 0 1948 PACIFIC AV

Description: PARTIAL FOUNDATION REPLACEMENT.

Cost: \$40,000.00

Occupancy Code: R-3

Building Use: 27 - 1 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
9/17/2014	TRIAGE	
9/17/2014	FILING	
9/17/2014	FILED	
9/18/2014	APPROVED	
9/18/2014	ISSUED	

Contact Details:**Contractor Details:**

License Number: 923107

Name: BRENDAN M. MCGRATH

Company Name: MODERN ART CONSTRUCTION

Address: 153 LIBERTY ST * SAN FRANCISCO CA 94110-0000

Phone:

Addenda Details:**Description:**

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	INTAKE	9/17/14	9/17/14			9/17/14	SHAWL HAREGGEWAIN	
2	BLDG	9/17/14	9/17/14			9/17/14	HU QI (ANNE)	
3	CPB	9/18/14	9/18/14			9/18/14	YU ZHANG REN	

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Tim Slot
7/20/2016	AM	WS	Web Scheduled	SITE VERIFICATION	1

Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
7/20/2016	Robert Power	SITE VERIFICATION	NO ENTRY/NO PROGRESS
10/9/2014	Thomas Fessler	REINFORCING STEEL	REINFORCING STEEL
10/3/2014	Thomas Fessler	REINFORCING STEEL	REINFORCING STEEL

1 2**Special Inspections:**

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
0			1	CONCRETE (PLACEMENT & SAMPLING)	
0			2	BOLTS INSTALLED IN CONCRETE	
0			4	REINFORCING STEEL AND PRETRESSING TENDONS	
0			5A1	SINGLE PASS FILLET WELDS < 5/16"	
0			24E	WOOD FRAMING	
0			19	SHEAR WALLS AND FLOOR SYSTEMS USED AS SHEAR DIAPHRAGMS	
0			20	HOLDOWNS	

0			24A	FOUNDATIONS	
0			24B	STEEL FRAMING	
0			6	HIGH-STRENGTH BOLTING	

For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

[Station Code Descriptions and Phone Numbers](#)

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Exhibit 3

Permit Details Report**Report Date:** 4/20/2017 2:09:04 PM

Application Number: 201410179209

Form Number: 8

Address(es): 0577 / 004 / 0 1948 PACIFIC AV

Description: REVISION TO PA#201409176562, PARTIAL FOUNDATION REPLACEMENT, INSTALLATION OF NEW CRAWL SPACE, FOUNDATION AND SLAB ON GRADE. NEW STAIR TO CRAWL SPACE.

Cost: \$120,000.00

Occupancy Code: R-3

Building Use: 27 - 1 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
10/17/2014	TRIAGE	
10/17/2014	FILING	
10/17/2014	FILED	
11/4/2014	APPROVED	
11/4/2014	ISSUED	

Contact Details:**Contractor Details:**

License Number: 923107

Name: BRENDAN M. MCGRATH

Company Name: MODERN ART CONSTRUCTION

Address: 153 LIBERTY ST * SAN FRANCISCO CA 94110-0000

Phone:

Addenda Details:**Description:**

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	INTAKE	10/17/14	10/17/14			10/17/14	CHUNG JANCE	
2	CP-ZOC	10/17/14	10/17/14			10/17/14	OROEZA EDGAR	APPROVED: NEW RETAINING WALLS AT THE SIDE PROPERTY LINES TO MAINTAIN EXISTING GRADE. RETAINING WALLS WILL NOT BE TALLER THAN 10 FEET. EXCAVATION AS SHOWN ON PLANS. NO BBNS OR PLANNING CODE COMPLAINTS.
3	BLDG	10/17/14	10/17/14			10/17/14	YU CYRIL	OTC COMMENTS
4	BLDG	10/22/14	10/22/14			10/22/14	PANG DAVID	
5	CPB	11/4/14	11/4/14			11/4/14	BUFKA SUSAN	

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Tim Slot
9/27/2016	PM	CS	Clerk Scheduled	SITE VERIFICATION	1

Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
9/27/2016	Robert Power	SITE VERIFICATION	SITE VERIFICATION
6/17/2015	Thomas Fessler	REINFORCING STEEL	REINFORCING STEEL
6/15/2015	Thomas Fessler	REINFORCING STEEL	REINFORCING STEEL

Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
0			1	CONCRETE (PLACEMENT & SAMPLING)	
0			2	BOLTS INSTALLED IN CONCRETE	
0			4	REINFORCING STEEL AND PRETRESSING TENDONS	REINFORCING STEEL ONLY
				SINGLE PASS FILLET WELDS <	

0			5A1	5/16"	
0			5A2	STEEL DECK	
0			24B	STEEL FRAMING	
0			11	PILING, DRILLED PIERS AND CAISSONS	
0			19	SHEAR WALLS AND FLOOR SYSTEMS USED AS SHEAR DIAPHRAGMS	
0			20	HOLDOWNS	
0			21A	SHORING	
12					

For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

Station Code Descriptions and Phone Numbers

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Exhibit 4

APPLICATION FOR Environmental Evaluation

1. Owner/Applicant Information

PROPERTY OWNER'S NAME: Girish Pancha, Fiona Pancha-McGrath	
PROPERTY OWNER'S ADDRESS: 2129 Bay St, San Francisco, CA 94123	TELEPHONE: (415) 516-5163 EMAIL:

APPLICANT'S NAME: <div style="text-align: right;">Same as Above <input checked="" type="checkbox"/></div>	
APPLICANT'S ADDRESS:	TELEPHONE: () EMAIL:

CONTACT FOR PROJECT INFORMATION: John Duffy Architect <div style="text-align: right;">Same as Above <input type="checkbox"/></div>	
ADDRESS: 4620 Ben Hur Rd. Mariposa, CA 95338	TELEPHONE: (415) 309-8896 EMAIL: jduffyarchitect@gmail.com

2. Location and Classification

STREET ADDRESS OF PROJECT: 1948 Pacific Ave, San Francisco		ZIP CODE: 94109
CROSS STREETS: Octavia, Gough		
ASSESSORS BLOCK/LOT: 0577 / 004	LOT DIMENSIONS: 134.5'x35'	LOT AREA (SQ FT): 4723 sf
ZONING DISTRICT: RH-2		HEIGHT/BULK DISTRICT: 40-X
COMMUNITY PLAN AREA (IF ANY):		

3. Project Description

(Please check all that apply) <input type="checkbox"/> Change of Use <input type="checkbox"/> Change of Hours <input checked="" type="checkbox"/> New Construction <input checked="" type="checkbox"/> Alterations <input type="checkbox"/> Demolition <input type="checkbox"/> Other Please clarify:	ADDITIONS TO BUILDING: <input checked="" type="checkbox"/> Rear <input type="checkbox"/> Front <input checked="" type="checkbox"/> Height <input type="checkbox"/> Side Yard	PRESENT OR PREVIOUS USE: R-3 single family
		PROPOSED USE: R-3 single family
		BUILDING APPLICATION PERMIT NO.:
		DATE FILED:

4. Project Summary Table

If you are not sure of the eventual size of the project, provide the maximum estimates.

	EXISTING USES:	EXISTING USES TO BE RETAINED:	NET NEW CONSTRUCTION AND/OR ADDITION:	PROJECT TOTALS:
PROJECT FEATURES				
Dwelling Units	1	1	0	1
Hotel Rooms	n/a			
Parking Spaces	1	0	2	2
Loading Spaces	n/a			
Number of Buildings	1	1	0	1
Height of Building(s)	52.75' (ridge)	52.75' (ridge)	47.5' (flat roof)	no change
Number of Stories	4	4	1 (bsmt)	5
Bicycle Spaces	0	0	1	1
GROSS SQUARE FOOTAGE (GSF)				
Residential	7764	7764	507	8271
Retail	n/a			
Office	n/a			
Industrial	n/a			
PDR Production, Distribution, & Repair	n/a			
Parking	n/a	0	1026 (GAR)	1026
Other (Specify Use)				
TOTAL GSF	7764	7764	1533	9297

Please provide a narrative project description that summarizes the project and its purpose or describe any additional features that are not included in this table. Please list any special authorizations or changes to the Planning Code or Zoning Maps if applicable.

Add (n) bsmt level; reconfigure misc int partition layout throughout.
 1st flr - add new garage; add rear horiz addition; add / rebuild *rear yard deck.
 2nd flr - add / rebuild *rear yard deck.
 4th flr - construct outdoor deck space within (e) bldg footprint.

*The proposed rear yard decks are intended to provide ready access to rear yard space for the occupants, a family w/ four young children. Currently the rear yard is two full stories (approx 20') below the first floor, or main living level, thus rendering it almost unusable for the children.

Decks of a similar size and location once existed on the property as evidenced by attached photos.

5. Environmental Evaluation Project Information

1. Would the project involve a major alteration of a structure constructed 45 or more years ago or a structure in a historic district?

☒ YES ☐ NO

If yes, submit the *Supplemental Information for Historic Resource Evaluation* application.

2. Would the project involve demolition of a structure constructed 45 or more years ago or a structure located in a historic district?

☐ YES ☒ NO

If yes, a historic resource evaluation (HRE) report will be required. The scope of the HRE will be determined in consultation with Preservation Planning staff.

3. Would the project result in excavation or soil disturbance/modification?

☐ YES ☒ NO

If yes, please provide the following:

Depth of excavation/disturbance below grade (in feet): _____

Area of excavation/disturbance (in square feet): _____

Amount of excavation (in cubic yards): _____

Type of foundation to be used (if known) and/or other information regarding excavation or soil disturbance modification: _____

Note: A geotechnical report prepared by a qualified professional must be submitted if one of the following thresholds apply to the project:

- The project involves a lot split located on a slope equal to or greater than 20 percent.
- The project is located in a seismic hazard landslide zone or on a lot with a slope average equal to or greater than 20 percent and involves either
 - excavation of 50 or more cubic yards of soil, or
 - building expansion greater than 1,000 square feet outside of the existing building footprint.

A geotechnical report may also be required for other circumstances as determined by Environmental Planning staff.

4. Would the project involve any of the following: (1) construction of a new building, (2) relocation of an existing building, (3) addition of a new dwelling unit, (4) addition of a garage or parking space, (5) addition of 20 percent or more of an existing building's gross floor area, or (6) paving or repaving of 200 or more square feet of an existing building's front setback?

☒ YES ☐ NO

If yes, please submit a *Tree Planting and Protection Checklist*.

5. Would the project result in any construction over 40 feet in height?

☒ YES ☐ NO

If yes, please submit a *Shadow Analysis Application*. This application should be filed at the PIC and should not be included with the Environmental Evaluation Application. (If the project already underwent Preliminary Project Assessment, this application may not be needed. Please refer to the shadow discussion in the PPA letter.)

6. Would the project result in a construction of a structure 80 feet or higher?

☐ YES ☒ NO

If yes, an initial review by a wind expert, including a recommendation as to whether a wind analysis is needed, may be required, as determined by Planning staff. (If the project already underwent Preliminary Project Assessment, please refer to the wind discussion in the PPA letter.)

7. Would the project involve work on a site with an existing or former gas station, auto repair, dry cleaners, or heavy manufacturing use, or a site with underground storage tanks?

☐ YES ☒ NO

If yes, please submit a Phase I Environmental Site Assessment (ESA) prepared by a qualified consultant. If the project is subject to Health Code Article 22A, Planning staff will refer the project sponsor to the Department of Public Health for enrollment in DPH's Maher program.

8. Would the project require any variances, special authorizations, or changes to the Planning Code or Zoning Maps?

☒ YES ☐ NO

If yes, please describe.

Variance reqd for rear horiz addition & decks in rear yard

9. Is the project related to a larger project, series of projects, or program?

☐ YES ☒ NO

If yes, please describe.


Estimated Construction Costs

TYPE OF APPLICATION: SITE PERMIT	
OCCUPANCY CLASSIFICATION: R-3 SINGLE FAMILY, U GARAGE	
BUILDING TYPE: 5B WOOD FRAME	
TOTAL GROSS SQUARE FEET OF CONSTRUCTION: 8270 SF	BY PROPOSED USES: R-3 SINGLEFAM, U GARAGE
ESTIMATED CONSTRUCTION COST: \$850,000	
ESTIMATE PREPARED BY: J DUFFY, ARCHITECT	
FEE ESTABLISHED: ESTIMATE	

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

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

Signature: 

Date: 11-18-14

JOHN DUFFY

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

Owner ☒ Authorized Agent (circle one)

Exhibit 5

COMPLAINT DATA SHEET**Complaint Number: 201546891**Owner/Agent: OWNER DATA
SUPPRESSED

Owner's Phone: --

Contact Name: --

Contact Phone: --

Complainant: COMPLAINANT DATA
SUPPRESSED

Date Filed:

Location: 1948 PACIFIC AV

Block: 0577

Lot: 004

Site:

Rating:

Occupancy Code:

Received By: Alma Canindin

Division: PID

Complainant's

Phone:

Complaint

Source: OFFICE VISIT

Assigned to

Division: BID

Description: Building beyond scope of BPA #201410179209. Removing huge amount of dirt in the backyard and no more hill. See attached complaint dated 5/12/2015 by complainant.

Instructions:

INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	POWER	62704		

REFERRAL INFORMATION**COMPLAINT STATUS AND COMMENTS**

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
05/12/15	CASE OPENED	BID	Fessler	CASE RECEIVED	
05/18/15	WRK OVER PRMIT SCOPE	BID	Fessler	CASE CONTINUED	Correction notice issued need to revise plan to clarify scope of work under permit #201410179209. TF

COMPLAINT ACTION BY DIVISION**NOV (HIS):****NOV (BID):**

Inspector Contact Information

[Online Permit and Complaint Tracking](#) home page.**Technical Support for Online Services**

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Exhibit 6

Permit Details Report**Report Date:** 4/20/2017 2:06:43 PM

Application Number: 201505196679

Form Number: 3

Address(es): 0577 / 004 / 0 1948 PACIFIC AV

Description: ADD (N) BASEMENT LEVEL, ADD (N) GARAGE @ 1ST FL. HORIZONTAL ADDITION & REAR DECKS IN REAR YARD. RECONFIGURE MISC INTERIOR PARTITIONS & LAYOUT. ADD (N) 4TH FL COVERED DECK SPACE FROM (E) SPACE. (N) MISC PLUMB & ELEC WORK.

Cost: \$575,000.00

Occupancy Code: R-3

Building Use: 27 - 1 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
5/19/2015	TRIAGE	
5/19/2015	FILING	
5/19/2015	FILED	

Contact Details:**Contractor Details:**

License Number: 923107

Name: BRENDAN M. MCGRATH

Company Name: MODERN ART CONSTRUCTION

Address: 153 LIBERTY ST * SAN FRANCISCO CA 94110-0000

Phone:

Addenda Details:**Description:**

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Phone	Hold Description
1	CPB	5/20/15	5/20/15			5/20/15	SECONDEZ GRACE	415-558-6070	
2	CP-DR	1/20/17					OROPEZA EDGAR	415-558-6377	DR application for 1948 Pacific Ave accepted and deemed complete. Edgar oropeza 1/20/2017 2:00 pm
3	CP-ZOC	5/20/15	6/2/15	6/2/15			YOUNG SHARON	415-558-6377	case 2014-002072VAR
4	CP-NP	12/6/16		12/6/16	12/14/16		YOUNG SHARON	415-558-6377	Sec. 311 cover letter mailed: 12/6/16 Sec. 311 mailed: 12/21/16 exp: 1/20/17 (Milton)
5	BLDG							415-558-6133	
6	DPW-BSM							415-558-6060	
7	SFPUC							415-575-6941	
8	PPC							415-558-6133	
9	CPB							415-558-6070	

Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
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Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

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Exhibit 7

Permit Details Report**Report Date:** 4/20/2017 2:08:01 PM

Application Number: 201506037990

Form Number: 8

Address(es): 0577 / 004 / 0 1948 PACIFIC AV

Description: REVISION TO NEW TEMPORARY EARTH AND PARTIAL BUILDING SHORING SYSTEM TO ACCOMMODATE FOUNDATION CONSTRUCTION. SHORING CONSISTS OF CONVENTIONAL SOLDIER BEAMS AND LAGGING. ADD WATERPROOFING DETAIL PER INSPECTOR REQUEST.

Cost: \$12,000.00

Occupancy Code: R-3

Building Use: 27 - 1 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
6/3/2015	TRIAGE	
6/3/2015	FILING	
6/3/2015	FILED	
6/8/2015	APPROVED	
6/8/2015	ISSUED	

Contact Details:**Contractor Details:**

License Number: 923107

Name: BRENDAN M. MCGRATH

Company Name: MODERN ART CONSTRUCTION

Address: 153 LIBERTY ST * SAN FRANCISCO CA 94110-0000

Phone:

Addenda Details:**Description:**

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	BID-INSP	6/3/15	6/3/15			6/3/15		OK TO PROCESS: DH
2	INTAKE	6/3/15	6/3/15			6/3/15	BUFKA SUSAN	
3	BLDG	6/3/15	6/3/15			6/3/15	LIU CHU	
4	CPB	6/8/15	6/8/15			6/8/15	VICTORIO CHRISTOPHER	

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
------------------	-------------------	------------------	------------------	-------------	------------

Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
---------------	-----------	------------------------	-------------------

Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
0			11	PILING, DRILLED PIERS AND CAISSONS	
0			5A1	SINGLE PASS FILLET WELDS < 5/16"	

For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

Station Code Descriptions and Phone Numbers

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Exhibit 8



SAN FRANCISCO PLANNING DEPARTMENT

RESIDENTIAL DESIGN TEAM REVIEW

DATE: 9/23/15

RDT MEETING DATE: 9/23/15

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT INFORMATION:

Planner:	Sharon Young
Address:	1948 Pacific Ave
Cross Streets:	Octavia St / Gough St
Block/Lot:	0577/004
Zoning/Height Districts:	RH-2/40-X
BPA/Case No.	201505196679 / 2014-002072VAR
Project Status	<input checked="" type="checkbox"/> Initial Review <input type="checkbox"/> Post NOPDR <input type="checkbox"/> DR Filed
Amount of Time Req.	<input type="checkbox"/> 5 min (consent) <input type="checkbox"/> 15 minutes <input type="checkbox"/> 30 minutes (required for new const.)

Project Description:

ADD (N) BASEMENT LEVEL, ADD (N) GARAGE @ 1ST FL. HORIZONTAL ADDITION & REAR DECKS IN REAR YARD. RECONFIGURE MISC INTERIOR PARTITIONS & LAYOUT. ADD (N) 4TH FL COVERED DECK SPACE FROM (E) SPACE. NEW STAIR / ELEVATOR ROOF.

Project Concerns (If DR is filed, list each concern.):

- Request RDT to comment on size and depth of new rear addition and stairs requiring a Rear Yard Variance.
- Rear and side neighbors (north and east) have concerns regarding privacy, light, and size of proposed rear addition / decks to their properties.

RDT Comments:

- Please limit the depth of the addition to no greater than the depth of the neighbor to the west's two-story volume, pending the outcome of the variance application. (RDG, pg. 16; 25-27)



SAN FRANCISCO PLANNING DEPARTMENT

RESIDENTIAL DESIGN TEAM REVIEW

DATE: _____ RDT MEETING DATE: 3/30/17

PROJECT INFORMATION:

Planner:	<u>Sharon Young</u>
Address:	<u>1948 Pacific Avenue</u>
Cross Streets:	<u>Octavia Street / Gough Street</u>
Block/Lot:	<u>0577/004</u>
Zoning/Height Districts:	<u>RH-2 / 40-X</u>
BPA/Case No.	<u>201505196679 / 2015-006805DRP / Case No. 2014-002072VAR</u>
Project Status	<input type="checkbox"/> Initial Review <input type="checkbox"/> Post NOPDR <input checked="" type="checkbox"/> DR Filed
Amount of Time Req.	<input type="checkbox"/> 5 min (consent) <input checked="" type="checkbox"/> 15 minutes
	<input type="checkbox"/> 30 minutes (required for new const.)

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Residential Design Team Members in Attendance:

EW, MC, JH, DL, DV, NF

Project Description:

The proposal is to construct a two-story horizontal addition (with deck above and exterior stairs) at the rear of the three-story, single-family dwelling that would be entirely into the required rear yard. The proposal also includes adding a new garage, front gate, shed dormer and elevator penthouse, and interior renovations.

This proposal requires a Rear Yard Variance because the proposed rear addition would be located within the required rear yard. The Rear Yard Variance was granted by the Zoning Administrator on July 11, 2016 with conditions and modifications (to set back a portion of the proposed rear addition from the east side property line). This variance decision was appealed but was upheld by the Board of Appeals under Appeal No. 16-128, on the condition that the project be revised to reflect additional screening.

RDT_1st review comments on original project:

- Please limit the depth of the addition to no greater than the depth of the neighbor to the west's two-story volume, pending the outcome of the variance.

Project Concerns (If DR is filed, list each concern.):

Issue #1: Inconsistency with Planning Code, Residential Design Guidelines, and General Plan.

The proposed project does not meet the minimum standards of the Planning Code; it is built into the minimum rear yard, and requires a variance in violation of the Code. The proposed project

disrupts and destroys the rear yard pattern and is not set back or reduced in height as required by the Residential Design Guidelines.

Issue #2: Privacy, Air, Light, and Midblock Open Space. The proposed project will impact privacy, air, sunlight, and mid-block open space to adjacent properties.

The DR Requestors have proposed the following alternatives to the proposed project:

- 1) Move the new staircase to the west property line and adjacent to the blind wall. Reduce the overall height of the rear extension by reducing the grade.
- 2) The rear yard extension should be reduced to a single story and set back further. No portion of the new addition above the ground floor should extend past the building to the east.
- 3) Change the design to make it more compatible with the neighborhood. Eliminate the large expanses of glass and require stronger solid to void design approach that features less transparency. Require the use of materials and fenestration pattern that are compatible with the predominant character of the surrounding neighborhood and will not be a hazard to birds.

RDT Comments:

- Project involves a modest expansion into the rear yard, with large windows that face the yard, with no property-line windows proposed.
- The RDT does not believe that there are any exceptional or extraordinary circumstances present with the proposed expansion and recommends an abbreviated DR.

Exhibit 9

RESPONSE TO DISCRETIONARY REVIEW (DRP)



**San Francisco
Planning**

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

Project Information

Property Address: 1948 Pacific Avenue

Zip Code: 94123

Building Permit Application(s): 2015.0519.6679

Record Number: 2014-006805DRP

Assigned Planner: Sharon Young

Project Sponsor

Name: Fiona and Girish Pancha

Phone: (415) 516-5163

Email: irishfee@gmail.com

Required Questions

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

The only proposed modification to the Property that will take place outside the existing building footprint and envelope is a modest horizontal addition to the rear yard, set back significantly to minimize the impact to the neighbors. The current outdoor area is located two floors below the living area and is not well suited to a family with four small children. Having a deck accessible from the second floor living space would provide a safe outdoor space within view of the main living space for the children to play. Further, the addition is designed to be sensitive to its neighbors' privacy and to have a height and mass that is appropriate. The massing of the addition is located on the western side of the yard, away from the DR Requester's home and against the high neighboring wall of the adjacent home at 1964 Pacific Avenue. In this location, the extension provides a transition between the depth and height of the neighboring property to the west (1964 Pacific Avenue) and the rear wall of the DR Requester's property to the east (1942 Pacific Avenue).

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

The Project Sponsors have already agreed to numerous project modifications to address the DR Requester's concerns, including 5-6 foot tall frosted glass privacy screens along the eastern wall of the second floor deck, the stair landing at the first floor, and along the eastern wall of the stairs leading from the landing to the yard below. At the October 19, 2016 variance appeal hearing, the DR Requester indicated that these revisions would be adequate to address her concerns. However, she is now arguing that the Project, even with these modifications incorporated, will still have negative effects on her light and privacy. It is not clear how such impacts could occur, given the high privacy screens and the fact that all shadows from the rear addition would fall within the Project Sponsors' own yard.

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

The proposed renovations are modest, and are necessary to provide a safe and accessible outdoor area for the Project Sponsors' four young children (the current outdoor area is located two floors below the main living space). The Project is also designed to further the goals set forth in Residential Design Guidelines. The height and mass of the proposed horizontal addition is appropriate to the site, located on the western side of the yard against the high neighboring wall so that it provides a transition between the depth and height of the property at 1964 Pacific Avenue and the rear wall of the DR Requester's home at 1942 Pacific Avenue. The location of the addition along the western property line also preserves the mid-block open space. Finally, the addition is located so that it has no privacy on the western neighbor or northern neighbor, and the Project Sponsors have modified the Project to include tall frosted glass privacy screens to protect the privacy of the DR Requester's property to the east.

Project Features

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

	EXISTING	PROPOSED
Dwelling Units (only one kitchen per unit - additional kitchens count as additional units)	1	1
Occupied Stories (all levels with habitable rooms)	4	5
Basement Levels (may include garage or windowless storage rooms)	0	1
Parking Spaces (Off-Street)	0	2
Bedrooms	7	7
Height	45'7"	45'7"
Building Depth	93'6"	93'6"
Rental Value (monthly)	N/A	N/A
Property Value	N/A	N/A

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

Signature: *John Kevlin*
Printed Name: John Kevlin

Date: 4/17/17
☐ Property Owner
☒ Authorized Agent

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

Exhibit 10

BOARD OF PERMIT APPEALS
CITY AND COUNTY OF SAN FRANCISCO

MARILYN WILEY,

Appellant

vs.

SAN FRANCISCO DEPARTMENT OF PUBLIC WORKS,
CITY PLANNING APPROVAL

Respondent

APPEAL NO. 93-083

NOTICE OF DECISION AND ORDER

Marilyn Wiley
To: 667 Oakwood Court, Los Altos, CA 94025
San Francisco Department of Public Works

appellant(s), and the

NOTICE IS HEREBY GIVEN that the appeal of Marilyn Wiley,

the appellant above named, from the order of the San Francisco Department of Public Works issuance on April 22, 1993, to A. and E. Laub, permit to alter a building at 1948 Pacific Avenue (APPLICATION NO. 9304112)

came on regularly for hearing before the Board of Permit Appeals of the City and County of San Francisco on July 7, 1993,

and the said order was concurred in by the said Board of Permit Appeals.

PURSUANT TO Section 3.651 of the Charter of the City and County of San Francisco and Part III, Article 1, Section 14 of the Municipal Code of the said City and County, and the action above stated, the Board of Permit Appeals hereby orders that the said permit be granted and the San Francisco Department of Public Works

is (are) hereby ordered and directed to grant said permit with the CONDITION that rustic siding be used and lattice work installed below the decks so that the plants can breathe.

Request for rehearing:


None

Rehearing:

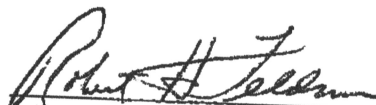
None

Notice released to departments:
July 20, 1993

Date: July 7, 1993
BOARD OF PERMIT APPEALS
CITY AND COUNTY OF SAN FRANCISCO



Neil D. Eisenberg, President



Robert H. Feldman, Executive Director

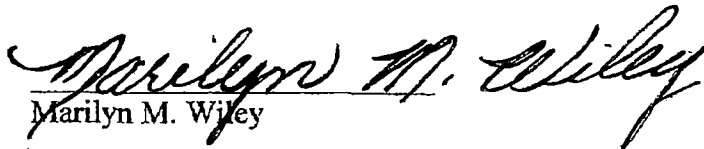
Marilyn M. Wiley
667 Oakwood Court
Los Altos, CA 94024

January 19, 2017

To Whom It May Concern:

This letter will confirm that I have retained the Law Office of Stephen M. Williams, including but not limited, to Mr. Stephen Williams, Esq., and Mr. Gabriel Nevin, to act as agents and represent my interests concerning my ongoing opposition to the proposed project at 1948 Pacific Ave, San Francisco, CA 94109; and a Discretionary Review Application.

Sincerely,


Marilyn M. Wiley

bedrooms
1942 Pacific



3/levels up
on this side →



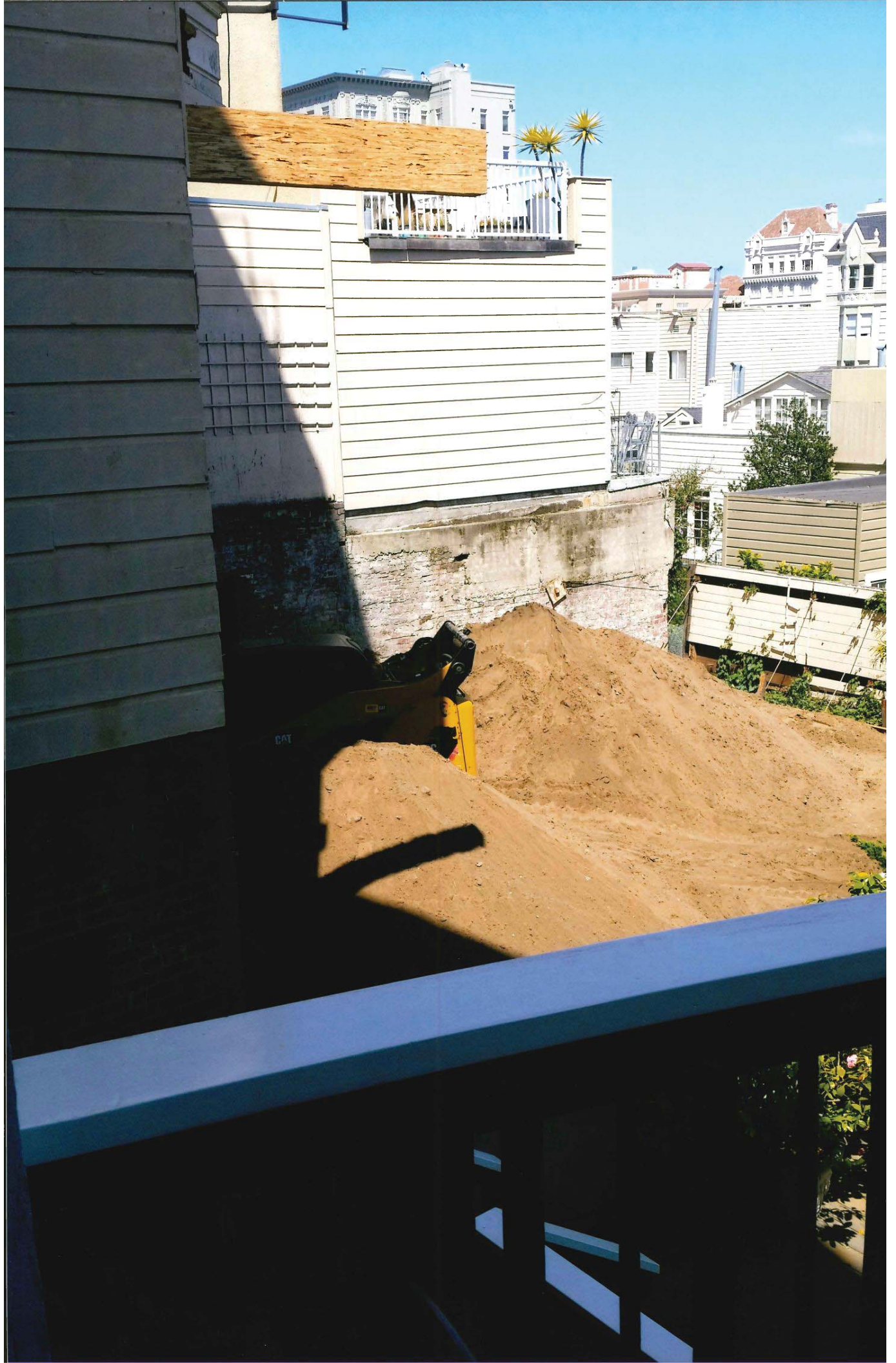
my yard
no privacy!

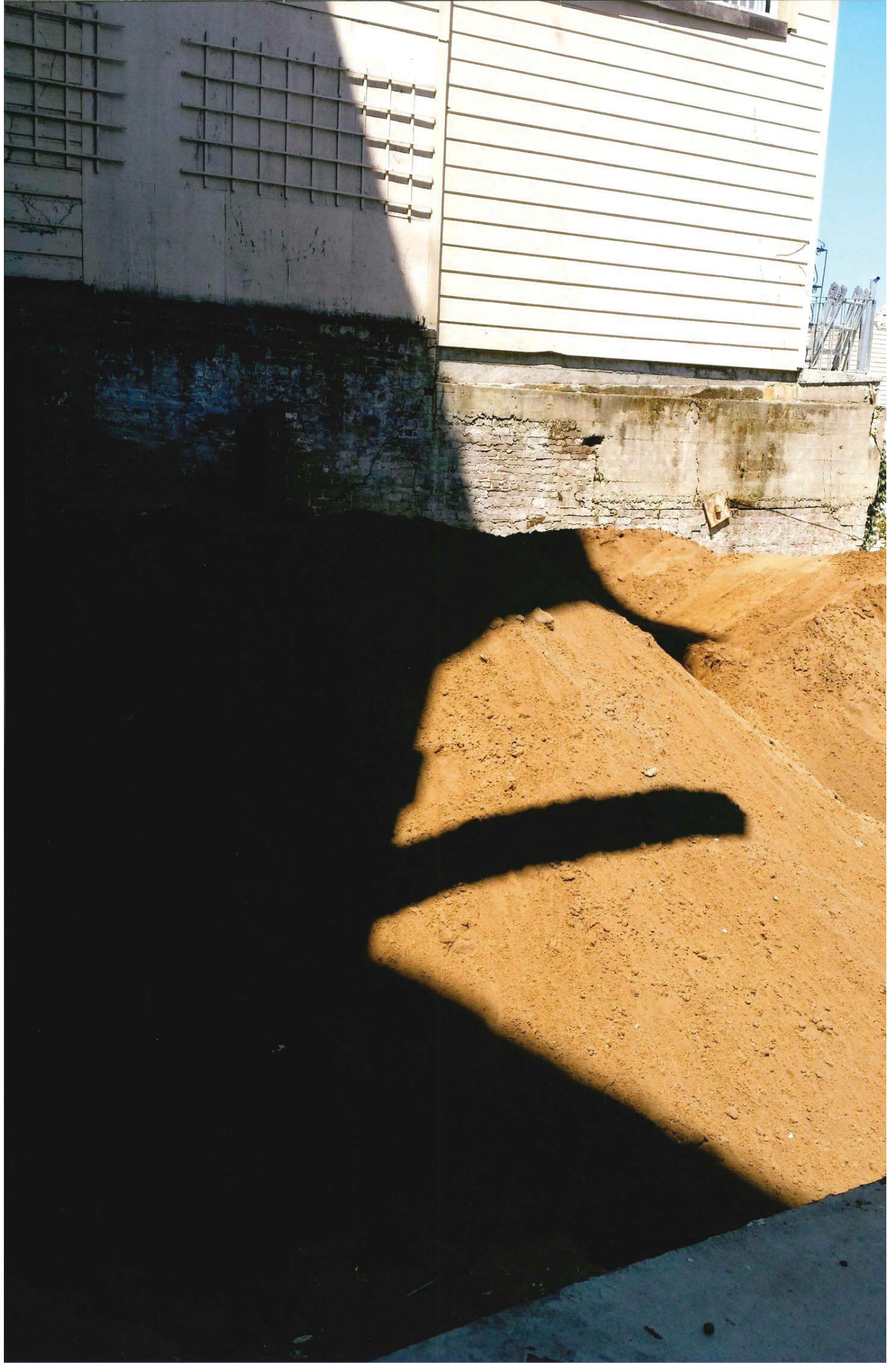



















some of
dug out
clert pile
→












new floor
in rear
setback
3th floor





They want this
whole wall
on one plane
w/ glass
3rd floor
3 total floors
not (4)

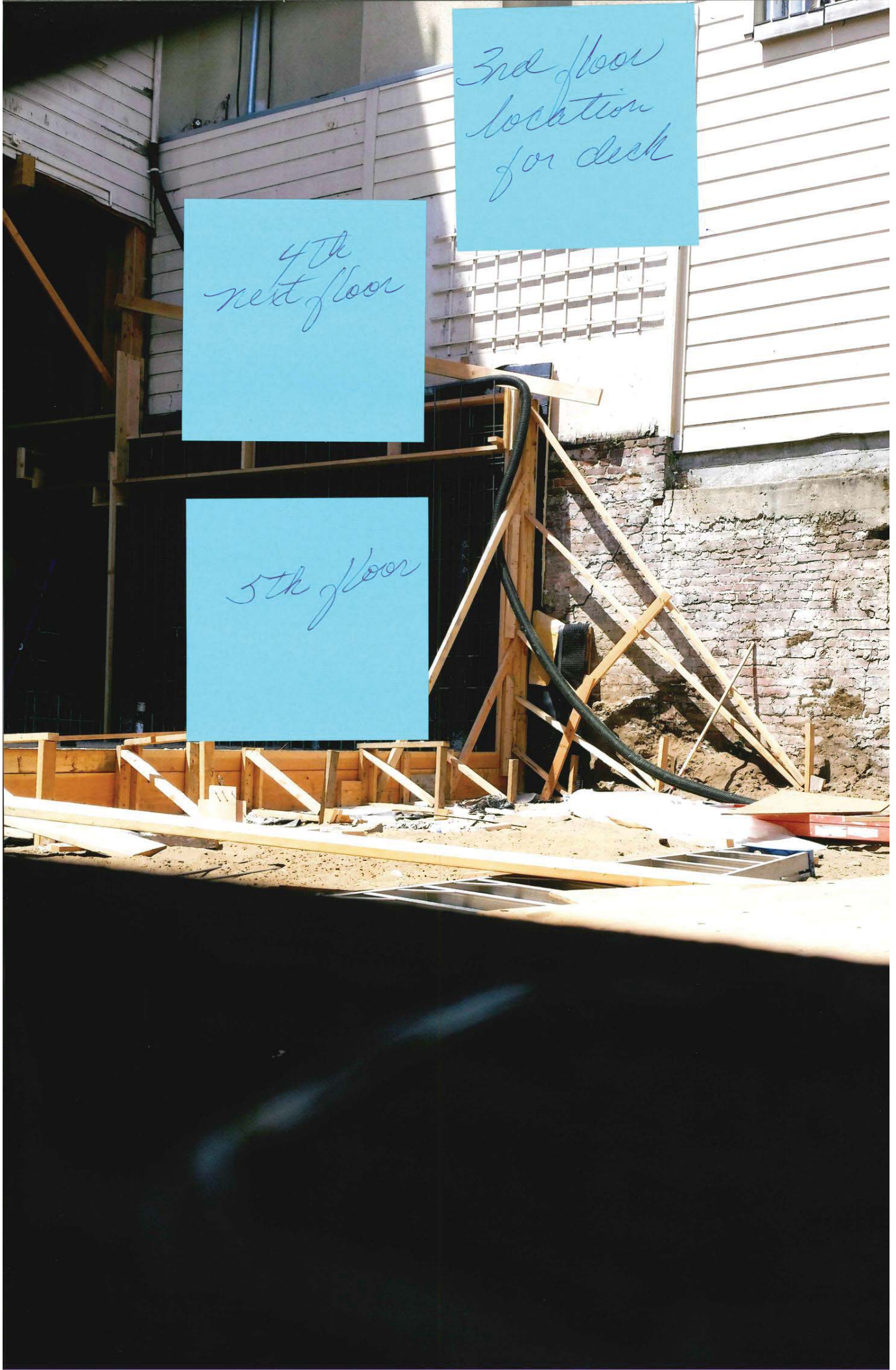



dirt
piled to
change
level of
rear yard

3rd floor
location
for deck

4th
next floor

5th floor





2 floors
up for deck
5th floor ↓


↑ ↑
This is 10
off ground
level



Original
Sail to








→
2 full
floors
up for
deck

location
where any
stairs of
special be
located



new 5th
floor -
below original
illegal deck



RESPONSE TO DISCRETIONARY REVIEW (DRP)



**San Francisco
Planning**

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

Project Information

Property Address:

Zip Code:

Building Permit Application(s):

Record Number:

Assigned Planner:

Project Sponsor

Name:

Phone:

Email:

Required Questions

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

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

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

Project Features

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

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

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

Signature: <i>John Kevin</i>	Date:
Printed Name:	<input type="checkbox"/> Property Owner <input type="checkbox"/> Authorized Agent

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

REUBEN, JUNIUS & ROSE, LLP

April 17, 2017

President Rich Hillis
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: 1948 Pacific Avenue (0577/004)
Brief in Support of the Project and in Opposition to the DR Request
Planning Department Case No. 2015-006805DRP
Hearing Date: May 4, 2017
Our File No.: 10445.01

Dear President Hillis and Commissioners:

Our office represents Fiona and Girish Pancha (“**Project Sponsors**”), the owners of the property at 1948 Pacific Avenue, Assessor’s Block 0577, Lot 004 (“**Property**”). Beginning in 2014, the Project Sponsors began renovating the single family home on the Property by performing a seismic upgrade and replacing the existing brick foundation. In 2016, they obtained a variance allowing for a small horizontal addition and deck that would extend into the required rear yard. They now seek approval for a renovation of the Property, including the addition of a basement, enclosed parking, and a small deck within the existing building envelope, minor roof changes to allow for a light well and interior staircase, changes to the windows and doors on the rear facade, and addition of the small horizontal addition and deck that will provide an accessible outdoor space for their four children (“**Project**”).

A Discretionary Review (“**DR**”) request was filed by the next door neighbor to the east, Marilyn Wiley at 1942 Pacific Avenue (“**DR Requestor**”). Her objections relate primarily to the height and mass of the horizontal addition, and the stairs that connect the first floor to the second floor deck.

A. DR Should Be Denied Because the DR Requester Explicitly Agreed at the Variance Appeal Hearing to Those Aspects of the Project She Now Challenges.

On July 18, 2016, the DR Requester appealed the Zoning Administrator's decision to grant a variance from the normal rear yard requirements to allow for the horizontal addition, the second floor deck, and the stairs leading from the deck to the yard. Prior to the appeal hearing, the parties agreed upon revisions the Project Sponsors would incorporate into the Project to address her concerns. Specifically, the Project Sponsors agreed to provide frosted

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin | John Kevlin
Tuija I. Catalano | Jay F. Drake | Matthew D. Visick | Lindsay M. Petrone | Sheryl Reuben¹
Thomas Tunny | David Silverman | Melinda A. Sarjapur | Mark H. Loper | Jody Knight
Chloe V. Angelis | Louis J. Sarmiento, Jr. | Corie A. Edwards | Jared Eigerman^{2,3} | John McInerney III²

1. Also admitted in New York 2. Of Counsel 3. Also admitted in Massachusetts

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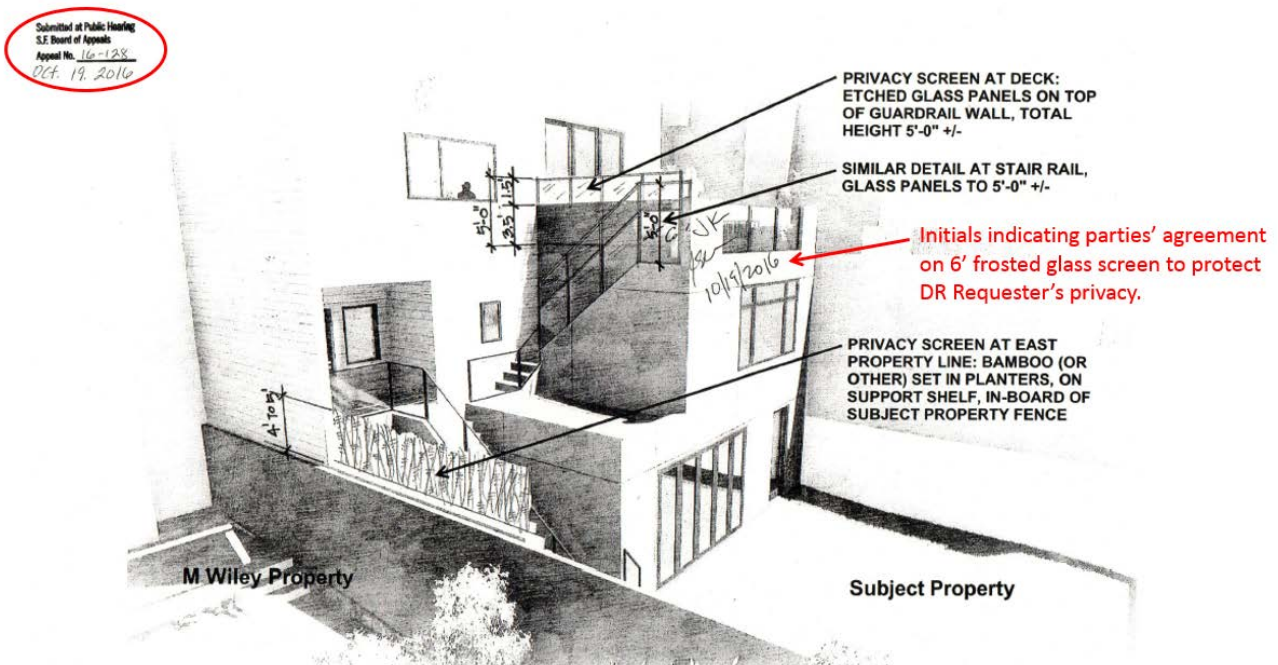
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glass privacy screens along the eastern wall of the second floor deck, the stair landing at the first floor, and along the eastern wall of the stairs leading from the landing to the yard below.ⁱ

By the time of the hearing, the DR Requester had only one remaining objection to the Project which related to perceived intrusions to her privacy from people on the stairs between the second floor deck and the stair landing. As her attorney explained:

*Our issue here has nothing to do with the deck. We will agree with the deck. We will agree with the improvements in the rear yard. The one thing that we want to protect is our client's privacy, and we have one request and that's all. And that is to eliminate the stairs from the second floor deck to the first floor, which the people going up and down the stairs would have an opportunity of looking into my client's bedroom and into the other rooms in my client's house, and it is that concern of privacy that drives our difference. It is that and only that which is our issue.*ⁱⁱ

The parties agreed at the hearing that the Project Sponsors would address this one remaining concern by increasing the height of the frosted glass panel along the stairs from the second floor deck to the stair landing to 6 feet,ⁱⁱⁱ as shown below.



1948 Pacific Ave, Rear 3D View - Privacy Screens Date: 10-19-16

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This drawing depicting all of the agreed upon revisions was incorporated into the Board of Appeals' decision upholding the variance, with both parties initializing the drawing to indicate their agreement. A copy of the decision and drawing are attached as Exhibit A.

The concerns raised through the DR request are virtually identical to those the DR Requester originally raised through her appeal of the variance. She objects here, as she did at the variance appeal, to the height and mass of the horizontal addition and to the stairs between the first floor and the deck. She argues, as she did at the variance appeal, that the addition and stairs will have an unreasonable impact on her privacy. Given that the Project Sponsors have already modified the Project to address these concerns—and the DR Requester has already signed off on those modifications as adequate—there are no exceptional or unusual circumstances that justify DR in this case.

B Project Description

The Property includes a single family residential home spread over four floors. The lot, which is approximately 35'3" wide and 134'6" deep, slopes down from front to rear. The Property is located on the north side of Pacific Avenue, between Octavia Street and Gough Street. Zoned RH-2, it is subject to a 45% rear yard or a rear yard that is the average of the existing neighbors and no less than 25% or 15 feet, whichever is greater. The Property is located in a 40-X height/bulk district.

The Project proposes four fairly modest modifications to the exterior of the existing home. First, a small deck (approximately 177 square feet) would be constructed within the existing building envelope on the fourth floor. Second, the roof would be modified slightly to allow for a new interior staircase below and a new light well. Third, an existing recessed bay window at the back of the home would be "squared off" to be flush with the rest of the existing wall and new windows and doors would be installed. Fourth, a modest horizontal addition (approximately 256 square feet) would be added on the west side of the first floor, with finished basement below, a deck above, and stairs leading from the deck to the yard two stories below. Because the yard is located two floors below the main living space (i.e., kitchen, dining room, living room), the second floor deck will provide a safe outdoor area where the Project Sponsors' four young children can play within sight of their parents.

Modifications are also proposed to the interior of the home. These include the creation of two parking spaces that will replace the existing family room, the addition of a basement, and renovations to modernize the floor plan and better accommodate a family with several small children.

B. The Project Does Not Present Exceptional or Extraordinary Circumstances

The Project is appropriate given the neighborhood context and does not present exceptional or extraordinary circumstances, for the reasons discussed below.

1. The Project Creates a Family-Friendly Home with Accessible Outdoor Areas, and Screens Off-Street Parking from Public View.

The reorganization of space, including an open floor plan, dedicated areas for children, and a small deck off the main living space, would dramatically increase the utility of the home for a family with four young children. The current configuration of living space, with a traditional floor plan and the outdoor area located two floors below the living area, is not well suited to a family with small children. The proposed reconfiguration of the home would modernize the interior space and provide accessible outdoor space for the children. Having a deck accessible from the second floor living space would be a particular benefit, as it would provide a safe outdoor space within view of the main living space for the children to play.

The addition of a two parking spaces within the home will screen off-street parking from public view, as encouraged by the Residential Design Guidelines, and will facilitate the comings and goings of a family with several small children. It will also ensure that the family's parking needs are met without adding to on-street parking pressures.

2. The Project's Height and Mass is Appropriate, and the Rear Expansion Is Designed to Respect the Mid-Block Open Space.

The only renovation that would take place outside the existing building footprint and building envelope is a modest horizontal addition into the rear yard. The massing of the addition is located on the western side of the yard, away from the DR Requester's home and against the high neighboring wall of the adjacent home at 1964 Pacific Avenue. In this location, the extension provides a transition between the depth and height of the neighboring property to the west (1964 Pacific Avenue) and the rear wall of the DR Requester's property to the east (1942 Pacific Avenue). The deck above the addition provides the Property with outdoor area accessible from the main living space, like the neighboring homes on either side and to the north (including the DR Requester's home).

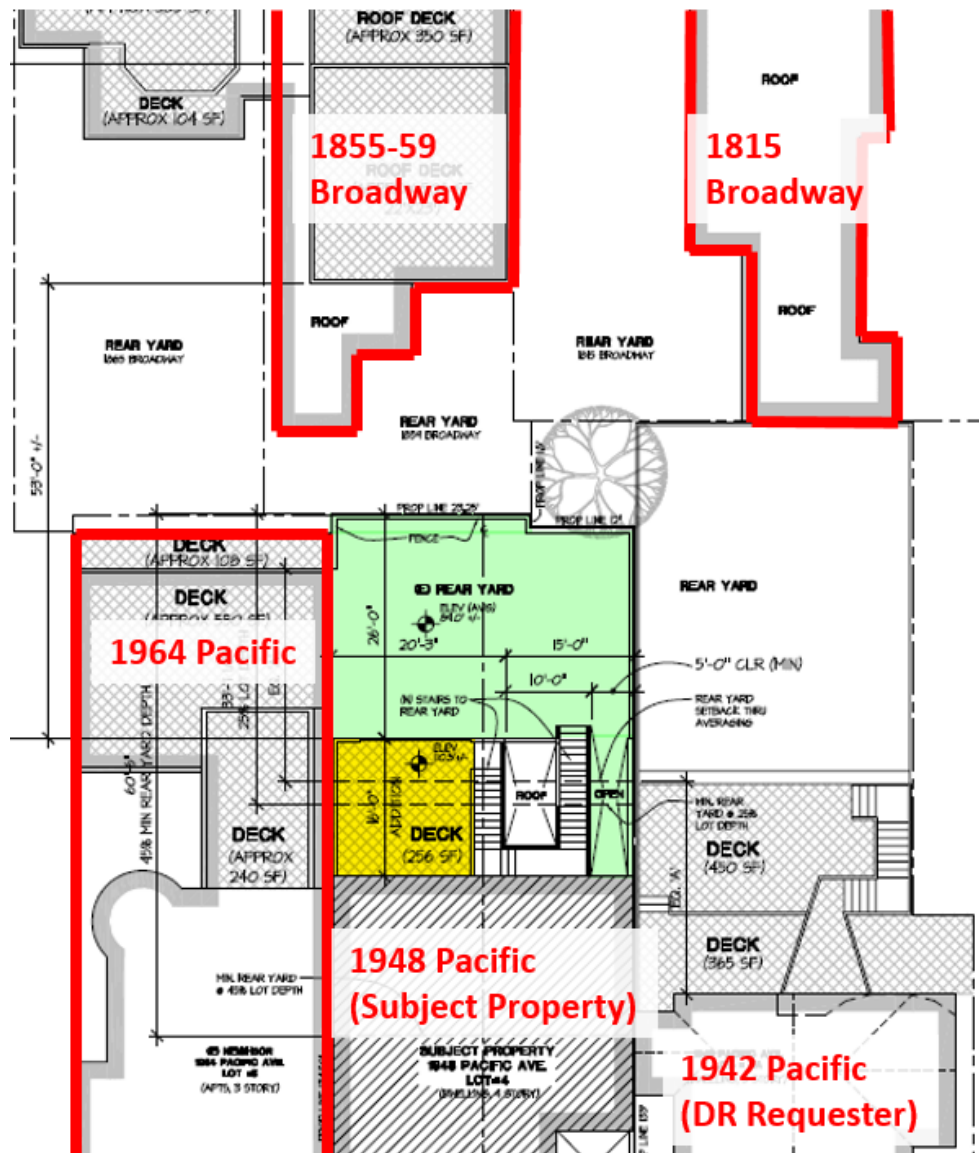
At some point in the past, several of the neighboring homes expanded quite far into their rear yard, effectively bisecting the mid-block open space. These include the property to the west (1964 Pacific Avenue), the property to the north (1855-59 Broadway), and the property to the northeast (1815 Broadway), all of which are built out nearly all of the way to

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their rear property line. As illustrated below, these expansions cut off the mid-block open space to the west and north, and leave it open to the east. The proposed renovations preserve the remaining mid-block open space by massing the horizontal addition along the Property's western property line, and stepping down the massing of the addition toward the mid-block open space to the east.



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3. *The Project is Sensitive to the Privacy of Its Immediate Neighbors, Incorporating Setbacks to Minimize Light and Privacy Impacts.*

As noted above, the only proposed renovation outside the existing building envelope is a modest horizontal addition with a deck above, and with stairs leading from the deck to the back yard two floors below. The proposed deck is significantly smaller than the existing decks of all abutting neighbors. As discussed below, the addition would have no effect on the light or privacy of the neighbors to the west or north. Further, incorporation of the requested modification the Project Sponsors negotiated with the DR Requester through the variance appeal process (discussed above), ensures that the Project would also not have any impact on the light or privacy of the neighbor to the east (the DR Requester's property).

- Western Neighbor (1964 Pacific Avenue) - The Project raises no privacy or light issues with respect to the northern neighbor. The existing home at 1964 Pacific is taller and extends further back into the yard than the proposed renovations. There are no windows on the home facing the Property. The proposed deck (256 square feet) is less than one third the size of the western neighbor's deck (898 square feet). Further, the western neighbors are in support of the Project.
- Northern Neighbor (1855-59 Broadway) - The Project raises no privacy or light issues with respect to its northern neighbor. The northern neighbor built their property nearly all the way to the rear property line, and added a roof deck above that expansion. However, as shown in the picture below, the rear yard at the Property is quite deep and the northern neighbor is a significant distance away. The proposed horizontal addition would be located 26 feet from the northern property line. The northern neighbor's roof deck and south facing windows (see picture below) would be located approximately 25 feet further north—roughly 50 feet away from the proposed deck at the Property. Given the distance between the proposed addition and the northern neighbor, a roof deck at the second floor of the Property would not impinge upon the northern neighbor's privacy. Further, given the four-story height of the existing home, a two-story addition would not block any light from the property to the north. The proposed deck (256 square feet) is less than one fifth the size of the northern neighbor's deck (1,345 square feet).

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- Eastern Neighbor (1942 Pacific Avenue). There are also no privacy or light issues raised with the DR Requestor's property to the east, for the following reasons:
 - The existing rear wall of the Project Sponsors' home extends further back than the existing rear wall of the DR Requester's home. Further, there are no east-facing windows on the proposed horizontal addition. Thus, the only potential privacy concerns would be from the deck above the horizontal addition, or the stairs from that deck to the yard two floors below. The proposed deck (256 square feet) is less than one third the size of the deck at the DR Requester's home (815 square feet).

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- The privacy screens incorporated through the variance appeal process—frosted glass panels ranging from five to six feet in height and extending along all east facing aspects of the addition (see Exhibit A)—would ensure that no person could look into the DR Requester's yard or home from the deck or from the stairs leading to the yard below.
- The shadow analysis below demonstrates that there would be no light impacts from the Project on the DR Requester's property. The shadows from the proposed addition would fall entirely within the Project Sponsors' own yard.



D. Conclusion

Through minor modifications to the exterior of the existing building, the Project will allow for a family-friendly home with adequate and safe outdoor area for the Project Sponsors' four young children. It will accomplish this result while being sensitive to its neighbors, and through modifications that are consistent with those made to nearby properties. Significantly, the Project will also incorporate measures that the DR Requester already agreed would be adequate to protect her light and privacy concerns.

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President Hillis and Commissioners

April 17, 2017

Page 9

For all of the above reasons, we respectfully request that the Planning Commission deny the DR request and approve the Project as proposed. Thank you for your consideration.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



John Kevlin

Attachments: Letters of Support from Neighbors

cc: Vice President Richards
Commissioner Fong
Commissioner Johnson
Commissioner Koppel
Commissioner Melgar
Commissioner Moore
Fiona and Girish Pancha – Project Sponsor

ⁱ Board of Appeals, *Marilyn Wiley v. Zoning Administrator*, October 19, 2016, discussion starting at 00:11:42, available at http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=6&clip_id=26406, last accessed April 17, 2017.

ⁱⁱ *Id.*, discussion starting at 00:10:30.

ⁱⁱⁱ *Id.*, discussion starting at 00:27:30.

EXHIBIT A



Edwin M. Lee
Mayor

Cynthia G. Goldstein
Executive Director

AFFIDAVIT OF SERVICE

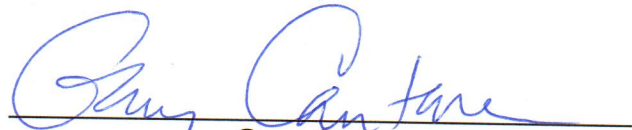
Marilyn Wiley, Appellant
667 Oakwood Court
Los Altos, CA 94024

I, Gary Cantara, Legal Assistant for the Board of Appeals, hereby certify that on this 1st day of **November 2016**, I served the attached **Notice of Decision** for **Appeal No. 16-128, Wiley vs. Zoning Administrator**, subject property at **1948 Pacific Avenue** on the appellant by mailing a copy via U.S. mail, first class, to the address above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in San Francisco, California.

November 1, 2016

Date


Gary Cantara

cc: Scott Sanchez
Zoning Administrator
1650 Mission Street, 5th Floor
San Francisco, CA 94103

OTHER PARTIES
OR CONCERNED CITIZENS:

John Duffy, Variance Holder
4620 Ben Hur Road
Mariposa, CA 95338



BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
MARILYN WILEY.

Appeal No. 16-128

Appellant(s)

VS.

ZONING ADMINISTRATOR,

Respondent

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on July 18, 2016, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on July 11, 2016 to John Duffy, of a Rear Yard Variance (to construct a two-story horizontal addition with deck above and exterior stairs at the rear of a three-story, single-family dwelling that would be entirely within the required rear yard) at 1948 Pacific Avenue.

CASE NO. 2014-002072VAR

FOR HEARING ON September 21, 2016

Address of Appellant(s):

Address of Other Parties:

Marilyn Wiley, Appellant
667 Oakwood Court
Los Altos, CA 94024

John Duffy, Variance Holder
4620 Ben Hur Road
Mariposa, CA 95338

NOTICE OF DECISION & ORDER

The aforementioned matter came on regularly for hearing before the Board of Appeals of the City & County of San Francisco on OCTOBER 19, 2016.

PURSUANT TO § 4.106 of the Charter of the City & County of San Francisco and Article 1, §14 of the Business & Tax Regulations Code of the said City & County, and the action above stated, the Board of Appeals hereby **GRANTS THE APPEAL AND ORDERS** that the ISSUANCE of the subject variance by the ZONING ADMINISTRATOR is **UPHELD** on the condition that the project be revised to reflect the additional screening depicted in the plans dated October 19, 2016 submitted at the hearing (attached), on the basis that the extensions into the rear yard allowed by the variance will have privacy impacts that will be addressed by the additional screening, and that the revised project will satisfy the five findings required by Planning Code Section 305(c).

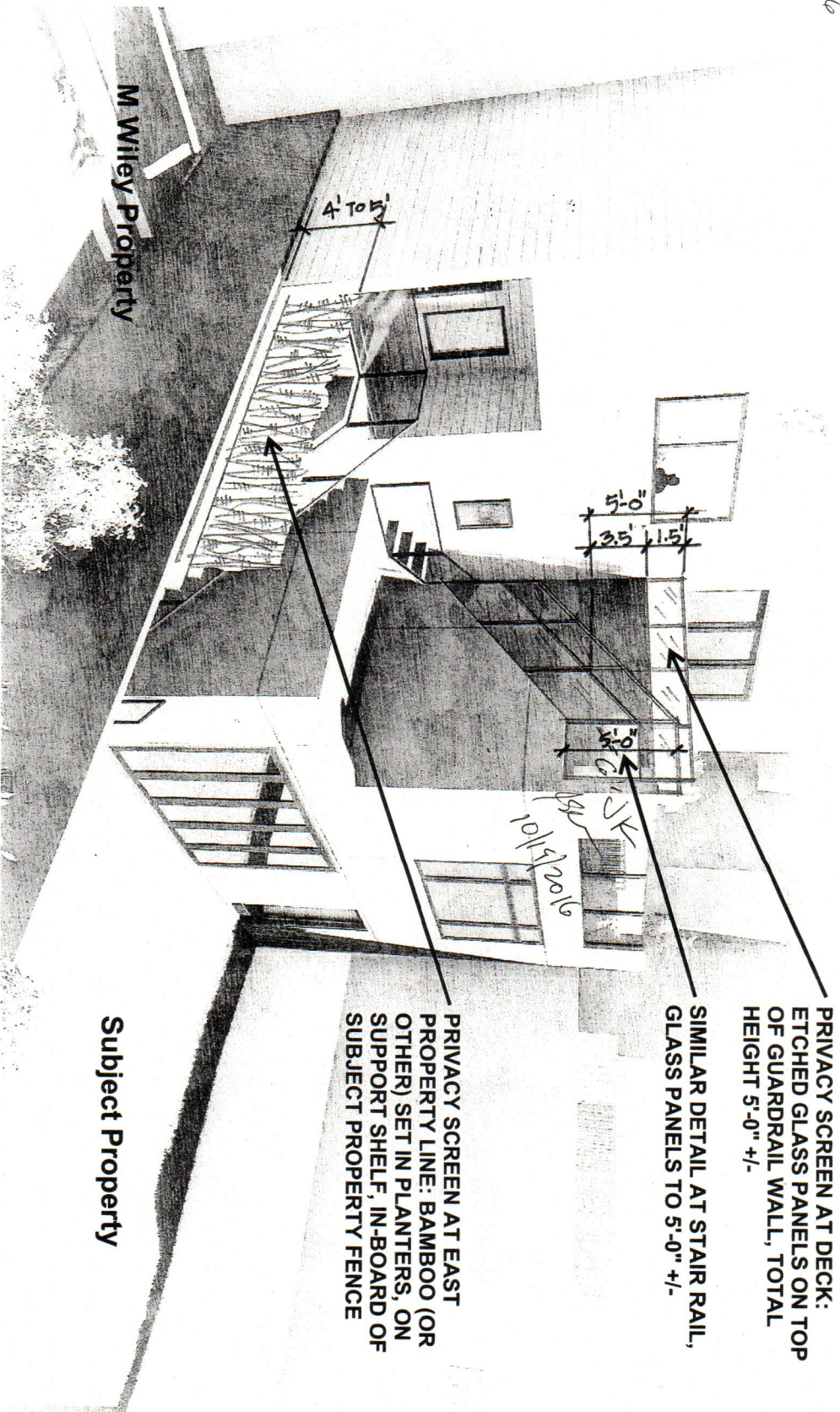
BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO

Last Day to Request Rehearing: October 31, 2016
Request for Rehearing: None
Rehearing: None
Notice Released: November 01, 2016

Darryl Honda, President

Cynthia G. Goldstein, Executive Director

If this decision is subject to review under Code of Civil Procedure § 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, § 1094.6.



1948 Pacific Ave, Rear 3D View - Privacy Screens Date: 10-19-16

EXHIBIT B

EXHIBIT 4.1

Eugene Gillis
1964 Pacific Avenue

3-14-16

Re: 1948 Pacific Avenue

To whom it may concern,

I have reviewed the project drawings dated 2-29-16, for the proposed redesign of 1948 Pacific Avenue San Francisco.

I have no objections to the project as currently designed. Please accept this e-mail as my offer of support for the project.

Very truly yours,

Eugene Gillis

From: Pam O'Brien <pam@bayarearentaladvisors.com>

Date: March 22, 2016 at 11:06:44 AM PDT

To: sharon.m.young@sfgov.org

Cc: Fiona McGrath-Pancha <irishfee@gmail.com>

Subject: 1948 Pacific

EXHIBIT 4.2

RE: 1948 Pacific

Dear Ms. Young,

I live at 1998 Pacific #201, which is 3 doors down from the subject property. I'm also our HOA President.

I have extensively reviewed the proposed plans for 1948 Pacific and have no objections for the overall improvements and the variance to the rear yard as planned.

I personally know The Pancha's and their family. They are the ideal candidates to uphold the stewardship and improve such a lovely home and the care for it's future.

Their home is always buzzing with life with their four wonderful children. Their family is an ideal complement to our block where so many children currently live. I'm looking forward to them being settled in their new home.

Feel free to contact me if you have any questions.

Sincerely,

Pam O'Brien

Owner, Broker

Bay Area Rental Advisors

415-305-0700

EXHIBIT 4.3

From: [Ryan Lucero](#)
To: [Young, Sharon \(CPC\)](#)
Date: Friday, March 18, 2016 1:37:15 PM

Dear Ms. Young,

My name is Ryan Lucero and I live at [1964 Pacific Avenue](#). I have seen the plans for [1948 Pacific Avenue](#) and I have no objections to the improvements proposed for this property. I fully support this project.

If you have any questions please do not hesitate to contact me.

Kind Regards,
Ryan Lucero

Ryan Lucero
415-246-9235
www.ryanlucero.com

EXHIBIT 4.4

From: [Sabrina Higgs](#)
To: [Young, Sharon \(CPC\)](#)
Cc: [Dennis Higgs](#)
Subject: 1948 Pacific Avenue
Date: Monday, March 21, 2016 10:24:17 PM

Ref. [1948 Pacific Avenue](#)

Dear Ms. Young,

We live across the street from the referenced project at 1948 Pacific Avenue. Our address is 1977 Pacific Avenue.

We have comprehensively studied the plans for the referenced project. We have no objection to the improvements as planned and we enthusiastically support what will be some excellent improvements to the property.

We personally know the owners of the property and fully support them in trying to improve this property. We know them to be responsible neighbors and parents with children at the same school as our child, French American International School.

Please feel free to contact us with any questions you may have about the project or the integrity of the owners.

Sincerely,
Sabrina and Dennis Higgs
1977 Pacific Avenue
San Francisco, CA 94109



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
Case No.	Permit No.	Plans Dated	
<input 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.			

STEP 1: EXEMPTION CLASS

TO BE COMPLETED BY PROJECT PLANNER

Note: If neither Class 1 or 3 applies, an *Environmental Evaluation Application* is required.

	Class 1 – Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
	Class 3 – New Construction/ Conversion of Small Structures. 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.
	Class__

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an *Environmental Evaluation Application* is required.

<input type="checkbox"/>	Air Quality: 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)? <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Article 38 program and the project would not have the potential to emit substantial pollutant concentrations. (refer to EP _ArcMap > CEQA Catex Determination Layers > Air Pollutant Exposure Zone)</i>
<input type="checkbox"/>	Hazardous Materials: 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 Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).</i>
<input type="checkbox"/>	Transportation: 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"/>	Archeological Resources: 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? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)</i>
<input type="checkbox"/>	Noise: 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? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Noise Mitigation Area)</i>
<input type="checkbox"/>	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)</i>
<input type="checkbox"/>	Slope = or > 20%: Does the project involve excavation of 50 cubic yards of soil or more, new construction, or square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)</i> If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Landslide Zone: Does the project involve excavation of 50 cubic yards of soil or more, new construction, or square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones)</i> If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Liquefaction Zone: Does the project involve excavation of 50 cubic yards of soil or more, new construction, or square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones)</i> If box is checked, a geotechnical report will likely be required.
<u>If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an <i>Environmental Evaluation Application</i> is required, unless reviewed by an Environmental Planner.</u>	
<input type="checkbox"/>	Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.
Comments and Planner Signature (optional):	

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

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

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

Check all that apply to the project.	
<input type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. Garage work. 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. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. Addition(s) 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.
Note: Project Planner must check box below before proceeding.	
<input type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

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

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not “in-kind” but are consistent with existing historic character.
<input type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input type="checkbox"/>	7. Addition(s) , 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. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. Other work that would not materially impair a historic district (specify or add comments): (Requires approval by Senior Preservation Planner/Preservation Coordinator) _____
<input type="checkbox"/>	10. Reclassification of property status to Category C. (Requires approval by Senior Preservation Planner/Preservation Coordinator) a. Per HRER dated: _____ (attach HRER) b. Other (specify):
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.	
<input type="checkbox"/>	Further environmental review required. Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. GO TO STEP 6.
<input type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature:	

STEP 6: CATEGORICAL EXEMPTION DETERMINATION

TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	Further environmental review required. Proposed project does not meet scopes of work in either (check all that apply): <input type="checkbox"/> Step 2 – CEQA Impacts <input type="checkbox"/> Step 5 – Advanced Historical Review STOP! Must file an <i>Environmental Evaluation Application</i>.	
<input type="checkbox"/>	No further environmental review is required. The project is categorically exempt under CEQA.	
	Planner Name: Project Approval Action: If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	Signature:
	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.	

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:



SAN FRANCISCO PLANNING DEPARTMENT

Variance Decision

Date: July 11, 2016
Case No.: 2014-002072VAR
Project Address: 1948 PACIFIC AVENUE
Zoning: RH-2 (Residential-House, Two-Family) Zoning District
40-X Height and Bulk District
Block/Lot: 0577 / 004
Applicants: John Duffy (agent / architect)
4620 Ben Hur Road
Mariposa, CA 95338
Girish Pancha & Fiona McGrath-Pancha (property owners)
2129 Bay Street
San Francisco, CA 94123
Staff Contact: Sharon M. Young – (415) 558-6346
sharon.m.young@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

DESCRIPTION OF VARIANCE – REAR YARD VARIANCE SOUGHT:

The proposal is to construct a two-story horizontal addition with deck above (approximately 26 feet wide by 16 feet deep by 24 feet high) at the rear of the basement and first floor levels of the three-story, single-family dwelling. The proposal includes constructing exterior stairs (with a fire-rated guardrail wall) which would abut the east side property line.

Section 134 of the Planning Code requires the subject property to maintain a rear yard of approximately 60 feet 6 inches. The proposed rear addition would be entirely within the required rear yard; therefore, the project requires a variance from the rear yard requirement of the Planning Code.

PROCEDURAL BACKGROUND:

1. The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1(a)-Existing Facilities categorical exemption. As determined by Planning Department preservation staff, the proposed project is consistent with the Secretary of Interior Standards for the Treatment of Historic Properties.
2. The Zoning Administrator held a public hearing on **Variance Application No. 2014-002072VAR** on **March 23, 2016**.
3. In response to neighbors' concerns with the original proposal, the project sponsor submitted a revised proposal as requested by the Zoning Administrator after the March 23, 2016 hearing which includes setting back a portion of the proposed two-story horizontal addition with deck above and exterior stairs from the east side property line.
4. Planning Code Section 311 notification will be mailed under separate notice for Building Permit Application No. 2015.05.19.6679.

DECISION:

GRANTED WITH MODIFICATION, in general conformity with the plans on file with this application, shown as EXHIBIT A, to construct a two-story horizontal addition (with deck above and exterior stairs) at the rear of the three-story, single-family dwelling that will extend into the required rear yard, subject to the following conditions:

1. On the basement floor, the proposed rear addition and exterior stairs shall be set back 5 feet from the east side property line. On the first and second floors, the proposed rear addition with deck above shall be setback 15 feet from the east side property line.
2. Any future physical expansion, even in the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood character and scale. If the Zoning Administrator determines that there would be a significant or extraordinary impact, the Zoning Administrator shall require either notice to adjacent and/or affected property owners or a new Variance application be sought and justified.
3. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls apply.
4. Minor modifications as determined by the Zoning Administrator may be permitted.
5. The owner of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this Variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.
6. This Variance Decision and the recorded Notice of Special Restrictions shall be reproduced on the Index Sheet of the construction plans submitted with the Site or Building Permit Application for the Project. This Index Sheet of the construction plans shall reference the Variance Case Number.

FINDINGS:

Section 305(c) of the Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

FINDING 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 properties or uses in the same class of district.

Requirement Met.

- A. The subject lot is approximately 4,741 square-feet (35.25 feet wide by approximately 134.50 feet deep) in size and is occupied by a three-story, single-family residential building with over 7,000 square feet of gross floor area that was constructed circa 1900. The building is located in the Pacific Heights Neighborhood and is categorized as a historic resource (Planning Department Historic Resource Status A). The existing building has a depth of approximately 69 feet 6 inches, an existing front setback of approximately 23 feet and an existing rear yard of approximately 42 feet in depth. Because a portion of the existing building is a noncomplying structure which extends approximately 19 feet into the required rear yard, the rearmost portion of the building could not be constructed without the granting of the rear yard variance. The existing building is a historic resource which limits the proposed

expansion of the building primarily to the rear portion of the lot that is generally not visible from the public right-of-way.

- B. The developable area of the subject lot is limited because it abuts a shorter adjacent building to the east (approximately 35 feet in depth) with a lot depth of approximately 145 feet and a longer adjacent building to the west (approximately 98 feet in depth) with a lot depth of approximately 133 feet 6 inches; the longer adjacent lot to the east also has a small notch (approximately 12 feet wide by 12 feet deep) which abuts the rear lot line of the subject property. The depth of the subject property's required rear yard may not be reduced since it abuts two adjacent buildings with rear building walls which do not qualify for averaging, thereby limiting the development potential of the subject property to extend into its respective rear yard. Further, the adjacent property to the west extends further into the rear yard than the subject property and abuts the subject property with a blind wall.

FINDING 2.

That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in a practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

Requirement Met.

- A. The proposed addition (as reduced by Condition 1 above) would provide additional livable space, usable open space directly accessible from the main living level and direct access to the rear yard in a manner that is consistent with the pattern of development on the block. Literal enforcement of the rear yard requirement would prohibit such development and would be a practical difficulty and unnecessary hardship not created by or attributed to the applicant or owner of the property.

FINDING 3.

That such variance is necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

Requirement Met.

- A. Granting this rear yard variance (as reduced by Condition 1 above) will allow for the construction of a two-story horizontal addition with deck above and exterior stairs at the rear of the single-family dwelling that will provide the building's residents with usable open space directly accessible from the main living level and direct access to the rear yard in a manner that is consistent with the pattern of development on the block, a substantial property right possessed by other properties in the same class of district.
- B. Several other properties in the Pacific Heights neighborhood within the same class of district were also granted rear yard variances to construct additions or structures that extend into their respective required rear yards: 1964 Pacific Avenue under Case No. 2001.952V, 2099 Pacific Avenue under Case No. 1995.547V, and 1870 Jackson Street under Case No. 2008.0977V. The granting of the subject variance with modification will allow the property owners to construct a new rear addition with deck above and exterior stairs which will have a smaller building footprint than the previous rear decks and stairs that once existed within the required rear yard (prior to being removed in 2012 under Building Permit Application No. 2012.10.24.2737).

FINDING 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.

Requirement Met.

- A. The Planning Department received correspondence from neighbors and members of the public expressing both support of and opposition to the proposed project. Adjacent neighbors expressed concerns primarily regarding potential noise, and diminished privacy and sunlight to their homes; the on-going construction work on the property from previous permits; that the proposed rear addition will extend too deep into the rear yard to expand an already large home; and that the proposed addition would negatively affect their property values and parking in the neighborhood.
- B. Reducing the width of the proposed rear addition by setting a portion of it back from the east side property line (with the Condition 1 stated above) will help preserve the existing mid-block open space pattern on the subject block by maintaining the lateral exposure to the adjacent rear yard. The proposed rear addition will abut a neighboring blind wall to the west, which has a rear extension that is deeper and higher than the proposed rear addition. Given these modifications, the project will improve the livability of the subject property and will not be materially detrimental to the public welfare or materially injurious to the neighboring properties.
- B. In 2012, noncomplying rear decks (which extended to within approximately 3 feet of the rear property line) that had existed on the property were removed because of deterioration under Building Permit Application No. 2012.10.24.2737. The proposed addition will encroach to a lesser depth than that which had existed previously on the subject property.

FINDING 5.

The granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

Requirement Met.

- A. This development is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. Planning Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. The project meets all relevant policies, including conserving neighborhood character, and maintaining housing stock.
 - 1. Existing neighborhood retail uses will not be adversely affected by the proposed project.
 - 2. The proposed project will be in keeping with the existing housing and neighborhood character. The proposal will preserve and enhance the existing residential building on the property.
 - 3. The proposed project will have no effect on the City's supply of affordable housing.
 - 4. The proposed project does not adversely affect neighborhood parking or public transit.
 - 5. The project will have no effect on the City's industrial and service sectors.

Variance Decision

July 11, 2016

CASE NO. 2014-002072VAR

1948 Pacific Avenue

6. The proposed project will have no effect on the City's preparedness to protect against injury and loss of life in an earthquake.
7. The project will have no effect on the City's landmarks or historic buildings.
8. The project would not affect any existing or planned public parks or open spaces.

The effective date of this decision shall be either the date of this decision letter if not appealed or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

Once any portion of the granted variance is utilized, all specifications and conditions of the variance authorization became immediately operative.

The authorization and rights vested by virtue of this decision letter shall be deemed void and cancelled if (1) a Building Permit has not been issued within three years from the effective date of this decision; or (2) a Tentative Map has not been approved within three years from the effective date of this decision for Subdivision cases; or (3) neither a Building Permit or Tentative Map is involved but another required City action has not been approved within three years from the effective date of this decision. However, this authorization may be extended by the Zoning Administrator when the issuance of a necessary Building Permit or approval of a Tentative Map or other City action is delayed by a City agency or by appeal of the issuance of such a permit or map or other City action.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

APPEAL: Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 1650 Mission Street, 3rd Floor (Room 304) or call 575-6880.

Very truly yours,



Scott F. Sanchez
Zoning Administrator

THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OCCUPANCY. PERMITS FROM APPROPRIATE DEPARTMENTS MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.



Edwin M. Lee
Mayor

Cynthia G. Goldstein
Executive Director

AFFIDAVIT OF SERVICE

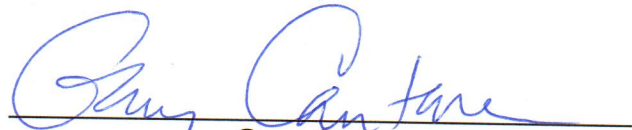
Marilyn Wiley, Appellant
667 Oakwood Court
Los Altos, CA 94024

I, Gary Cantara, Legal Assistant for the Board of Appeals, hereby certify that on this 1st day of **November 2016**, I served the attached **Notice of Decision** for **Appeal No. 16-128, Wiley vs. Zoning Administrator**, subject property at **1948 Pacific Avenue** on the appellant by mailing a copy via U.S. mail, first class, to the address above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in San Francisco, California.

November 1, 2016

Date


Gary Cantara

cc: Scott Sanchez
Zoning Administrator
1650 Mission Street, 5th Floor
San Francisco, CA 94103

OTHER PARTIES
OR CONCERNED CITIZENS:

John Duffy, Variance Holder
4620 Ben Hur Road
Mariposa, CA 95338



BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal No. 16-128

VS.

Respondent

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on July 18, 2016, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on July 11, 2016 to John Duffy, of a Rear Yard Variance (to construct a two-story horizontal addition with deck above and exterior stairs at the rear of a three-story, single-family dwelling that would be entirely within the required rear yard) at 1948 Pacific Avenue.

CASE NO. 2014-002072VAR

FOR HEARING ON September 21, 2016

Address of Other Parties:

John Duffy, Variance Holder
4620 Ben Hur Road
Mariposa, CA 95338

NOTICE OF DECISION & ORDER

The aforementioned matter came on regularly for hearing before the Board of Appeals of the City & County of San Francisco on OCTOBER 19, 2016.

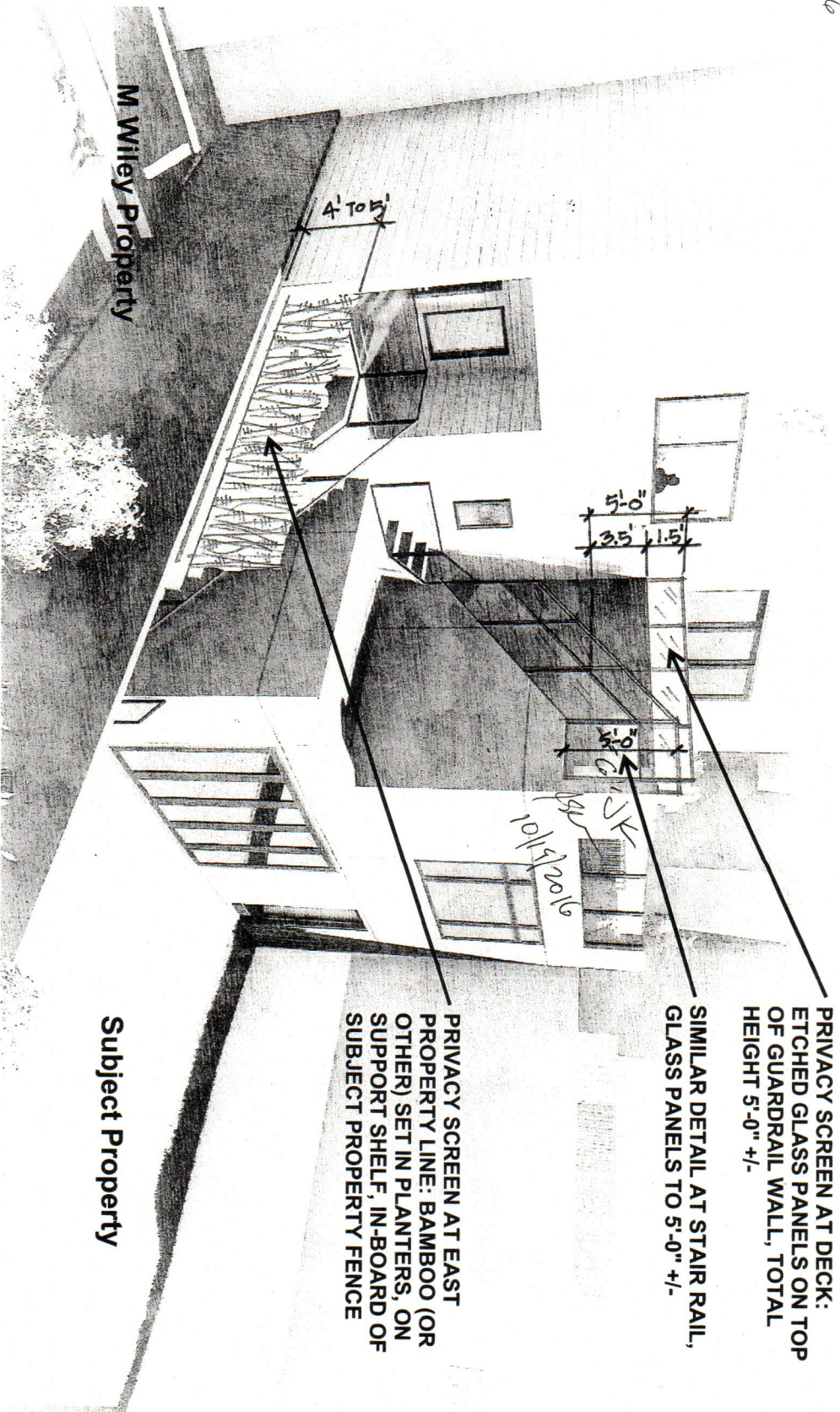
PURSUANT TO § 4.106 of the Charter of the City & County of San Francisco and Article 1, §14 of the Business & Tax Regulations Code of the said City & County, and the action above stated, the Board of Appeals hereby **GRANTS THE APPEAL AND ORDERS** that the ISSUANCE of the subject variance by the ZONING ADMINISTRATOR is **UPHELD** on the condition that the project be revised to reflect the additional screening depicted in the plans dated October 19, 2016 submitted at the hearing (attached), on the basis that the extensions into the rear yard allowed by the variance will have privacy impacts that will be addressed by the additional screening, and that the revised project will satisfy the five findings required by Planning Code Section 305(c).

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO

Last Day to Request Rehearing: October 31, 2016
Request for Rehearing: None
Rehearing: None
Notice Released: November 01, 2016

Cynthia G. Goldstein, Executive Director

If this decision is subject to review under Code of Civil Procedure § 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, §1094.6.



1948 Pacific Ave, Rear 3D View - Privacy Screens Date: 10-19-16



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On May 19, 2015, the Applicant named below filed Building Permit Application No. 2015.05.19.6679 with the City and County of San Francisco.

PROPERTY INFORMATION		APPLICANT INFORMATION	
Project Address:	1948 Pacific Avenue	Applicant (agent):	John Duffy
Cross Street(s):	Octavia Street / Gough Street	Address:	4620 Ben Hur Road
Block/Lot No.:	0577 / 004	City, State:	Mariposa, CA 95388
Zoning District(s):	RH-2 / 40-X	Telephone:	(415) 309-8896

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

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

PROJECT SCOPE		
<input type="checkbox"/> Demolition	<input type="checkbox"/> New Construction	<input checked="" type="checkbox"/> Alteration
<input type="checkbox"/> Change of Use	<input checked="" type="checkbox"/> Facade Alteration(s)	<input type="checkbox"/> Front Addition
<input checked="" type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input checked="" type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Residential	No Change
Front Setback	Approx. 23 feet	Approx. 23 feet
Building Depth	Approx. 69 feet 6 inches	Approx. 85 feet 6 inches
Rear Yard	Approx. 42 feet	Approx. 26 feet
Building Height	Approx. 39 feet 6 inches	Approx. 39 feet 6 inches (proposed shed dormer and elevator penthouse)
Number of Stories	3 (and basement level)	3 (and basement level)
Number of Dwelling Units	1	No Change
Number of Off-Street Parking Spaces	0	2

PROJECT DESCRIPTION

The proposal is to construct a two-story horizontal addition (with deck above and exterior stairs) at the rear of the three-story, single-family dwelling that would be entirely into the required rear yard. The proposal also includes adding a new garage, front gate, shed dormer and elevator penthouse, and interior renovations. See attached plans.

This proposal requires a Rear Yard Variance because the proposed rear addition would be located within the required rear yard. The public hearing for the Variance (Case No. 2014-002072VAR) was held on March 23, 2016. Public notification of this hearing was provided under separate notice to property owners within 300 feet of the subject property. The Rear Yard Variance was granted by the Zoning Administrator on July 11, 2016 with conditions and modifications (to set back a portion of the proposed rear addition from the east side property line). This variance decision was appealed but was upheld by the Board of Appeals under Appeal No. 16-128, on the condition that the project be revised to reflect additional screening.

The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

For more information, please contact Planning Department staff:

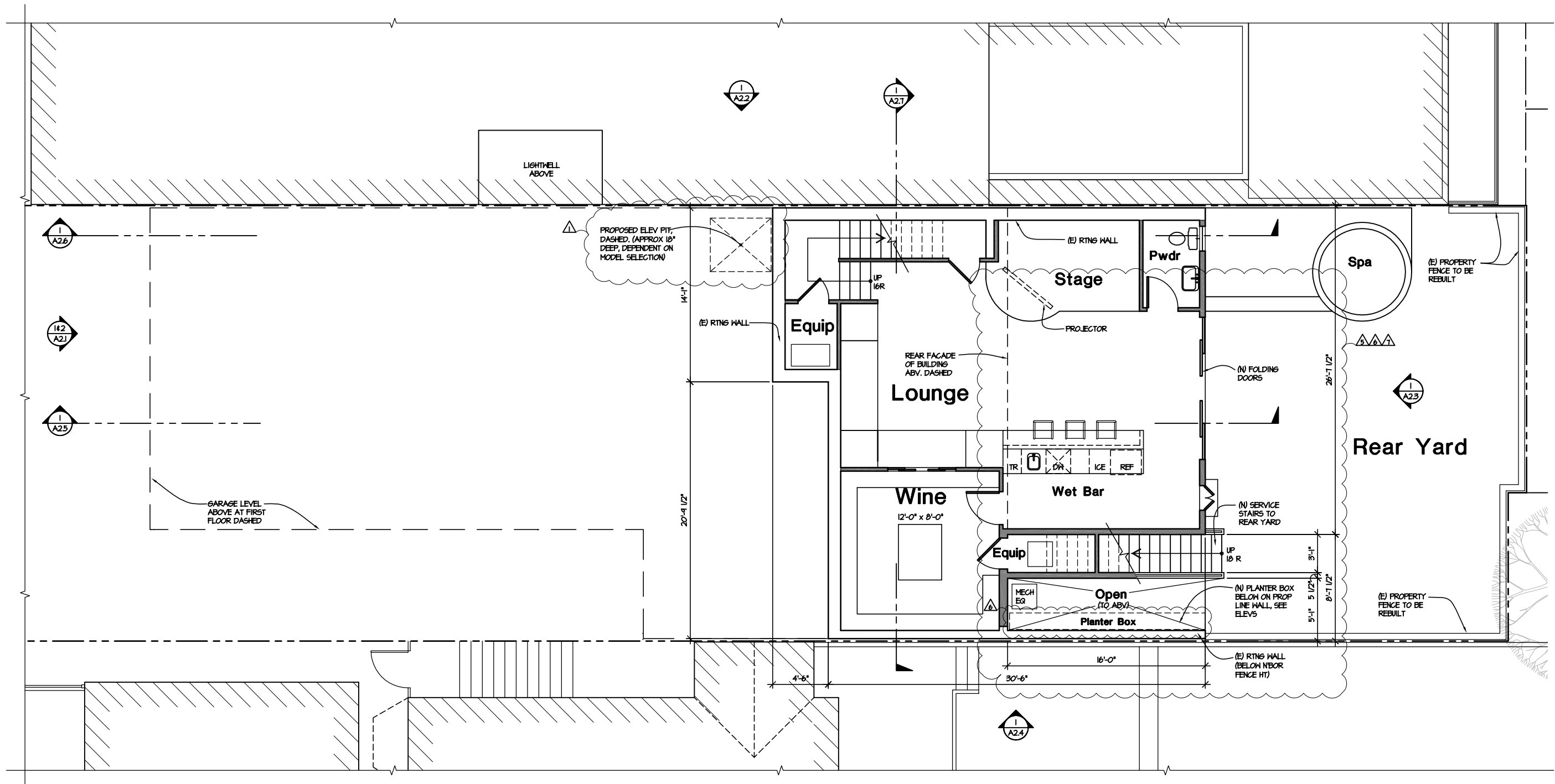
Planner: Sharon M. Young

Telephone: (415) 558-6346

E-mail: sharon.m.young@sfgov.org

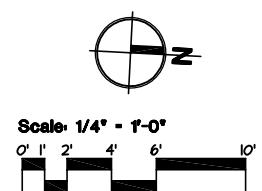
Notice Date: 12/21/2016

Expiration Date: 01/20/2017



Proposed Basement Floor Plan - (936 sf)
1/4"=1'-0"

CONSTRUCTION LEGEND	
	(E) ITEMS / WALLS TO REMAIN
	(N) ITEMS / WALL CONSTRUCTION



1/2"=1'-0" PLAN / SITE PERMIT APP
1/8"=1'-0" SECTION
1/4"=1'-0" ELEVATIONS
1/8"=1'-0" DETAILS
1/4"=1'-0" FINISHES

Date:

Job:

Drawn:

Revised:

THE BUILDING DESIGN GROUP

4620 BEN HUR ROAD
MARIPOSA, CA 95338
T. 209.966.5000 F. 966.5959

BDG

LICENSED ARCHITECT
JOHN J. DUFFY
C-28303
09/17
RENEWAL DATE
11-21-16

Project:

Pancha-McGrath Residence
1948 Pacific Ave.
San Francisco, CA 94109
Block # 0577 Lot # 004

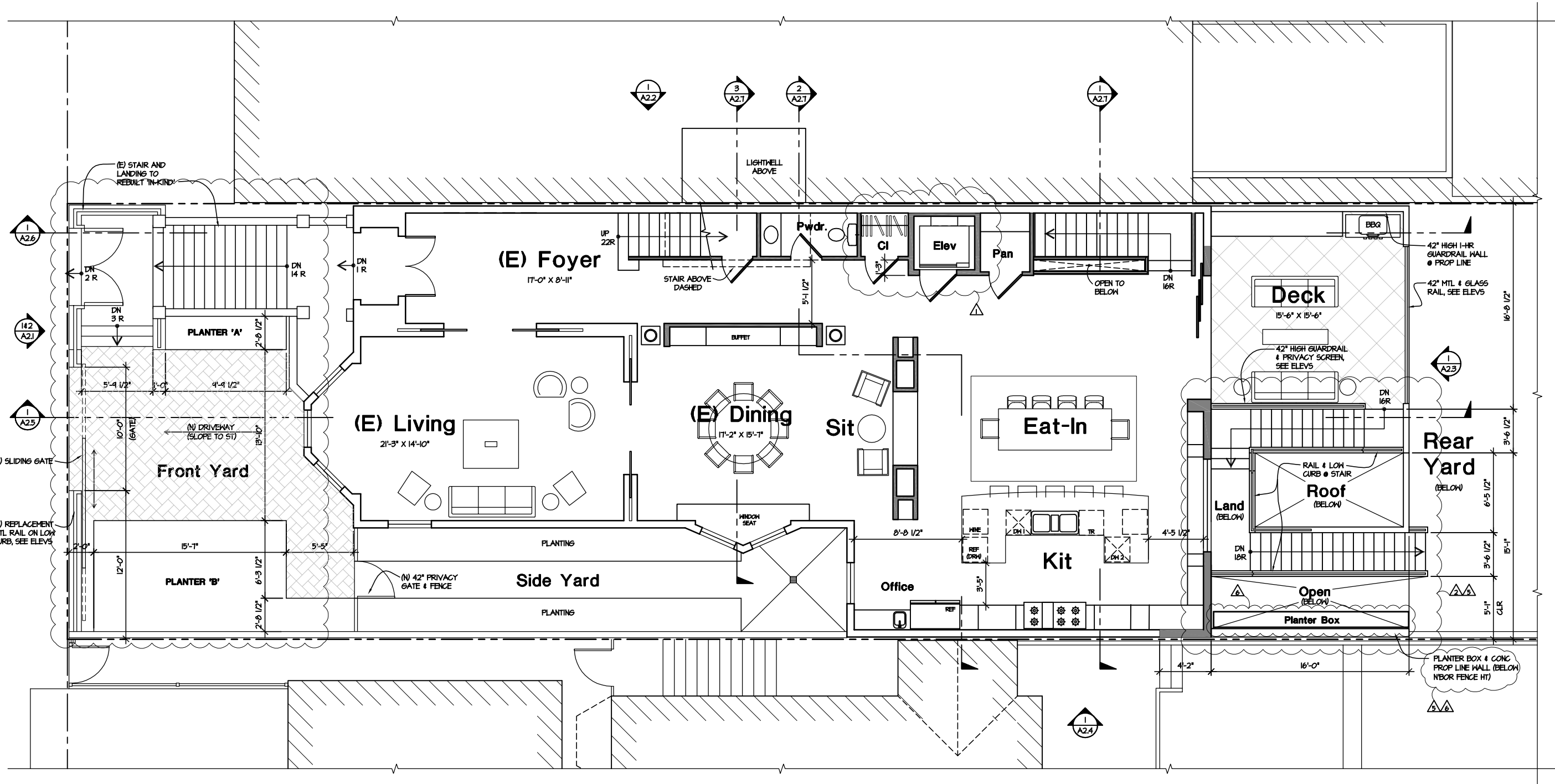
Contents:

PROPOSED FLOOR
PLAN: BASEMENT
FLOOR

Sheet #

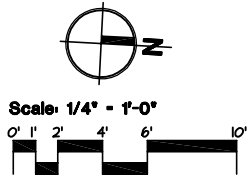
A1.1

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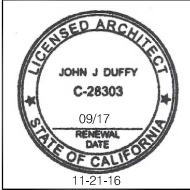
1 Proposed Second Floor Plan - (2080 sf)
1/4"=1'-0"

CONSTRUCTION LEGEND	
	(E) ITEMS / WALLS TO REMAIN
	(N) ITEMS / WALL CONSTRUCTION



12/24/14 PLANNING APP OF THE SITE PERMIT APP	12/24/14 PLANNING APP OF THE SITE PERMIT APP
12/24/14 PLANNING APP OF THE SITE PERMIT APP	12/24/14 PLANNING APP OF THE SITE PERMIT APP
12/24/14 PLANNING APP OF THE SITE PERMIT APP	12/24/14 PLANNING APP OF THE SITE PERMIT APP
12/24/14 PLANNING APP OF THE SITE PERMIT APP	12/24/14 PLANNING APP OF THE SITE PERMIT APP

Date: _____
Job: _____
Drawn: _____
Revised: _____
4620 BEN HUR ROAD
MARIPOSA, CA 95338
T. 209.966.5000 F. 966.5959

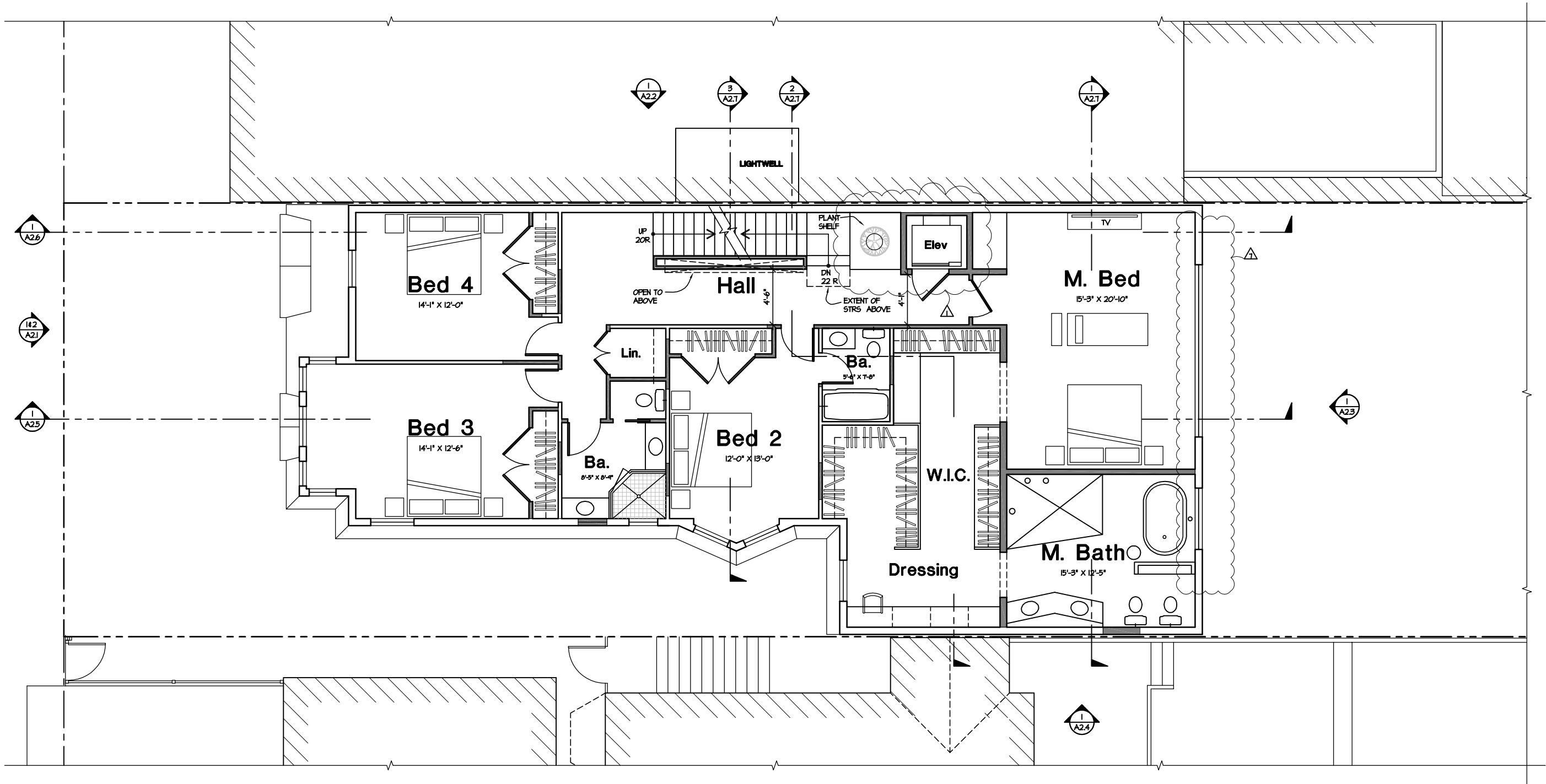


Project: Pancha-McGrath Residence
1948 Pacific Ave.
San Francisco, CA 94109
Block # 0577 Lot # 004

Contents: PROPOSED FLOOR
PLAN: SECOND
FLOOR

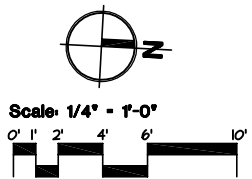
Sheet #

A1.3



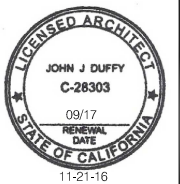
1 Proposed Third Floor Plan - (2025 sf)
1/4"=1'-0"

CONSTRUCTION LEGEND	
	(E) ITEMS / WALLS TO REMAIN
	(N) ITEMS / WALL CONSTRUCTION



12-24 PLANNING APP OF THE SITE PERMIT APP	1604 - PLANNING APP	2025-25-25 PLAN / FIRST REV	2025-25-25
1604 - PLANNING APP	1604 - PLANNING APP	2025-25-25	2025-25-25
1604 - PLANNING APP	1604 - PLANNING APP	2025-25-25	2025-25-25
1604 - PLANNING APP	1604 - PLANNING APP	2025-25-25	2025-25-25
1604 - PLANNING APP	1604 - PLANNING APP	2025-25-25	2025-25-25

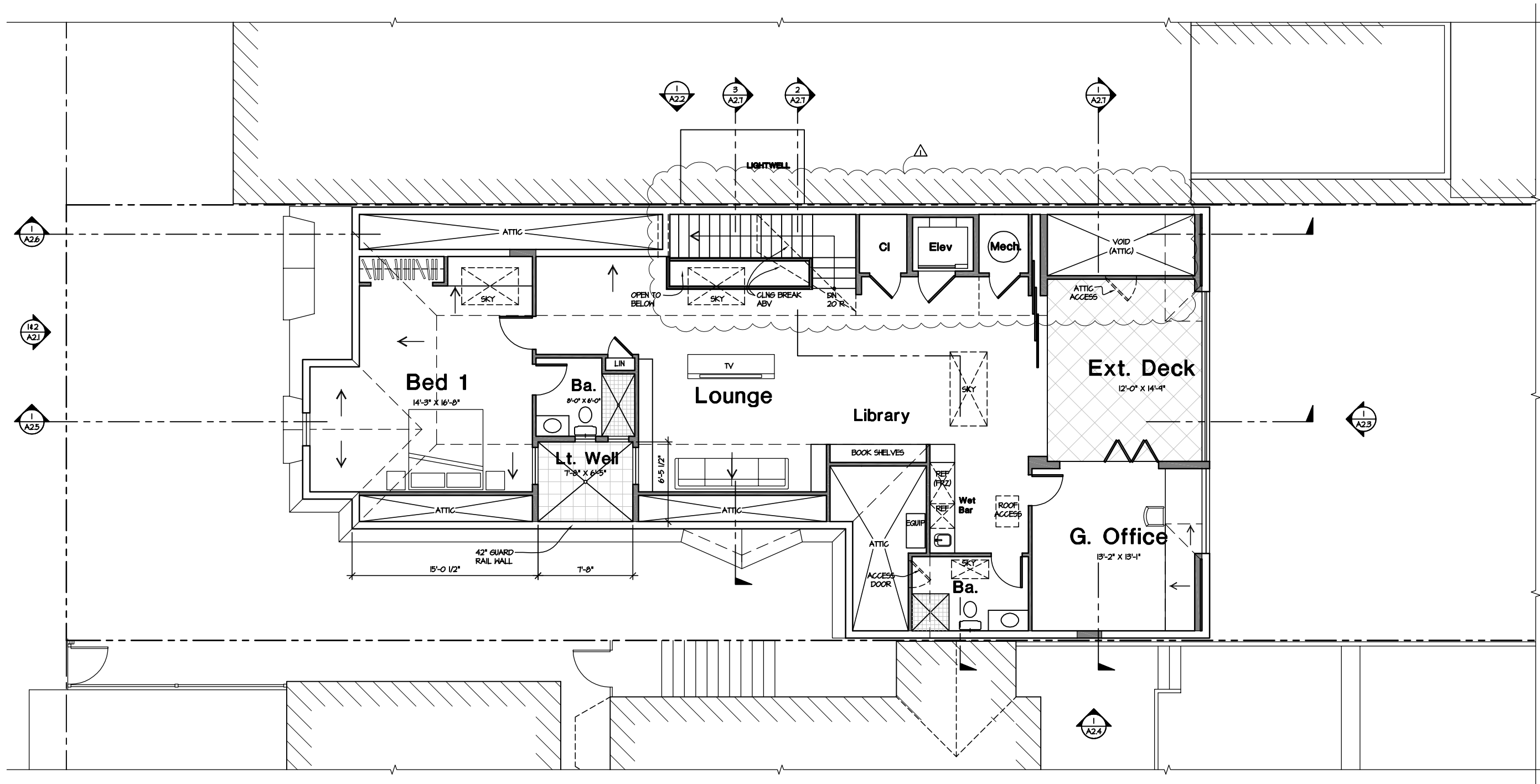
Date: _____
Job: _____
Drawn: _____
Revised: _____
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Project: Pancha-McGrath Residence
1948 Pacific Ave.
San Francisco, CA 94109
Block # 0577 Lot # 004

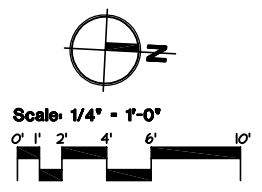
Contents: PROPOSED FLOOR
PLAN: THIRD FLOOR

Sheet #
A1.4
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1 Proposed Fourth Floor Plan - (1498 sf)
1/4"=1'-0"

CONSTRUCTION LEGEND	
	(E) ITEMS / WALLS TO REMAIN
	(N) ITEMS / WALL CONSTRUCTION



1/2"=1' PLANNING APP
OF THE SITE PERMIT APP
16004 - PACIFIC AVE.
2008-2015 PLAN / FIRST REV
2/12/16 3/1/17

Date: Job: Drawn: Revised:

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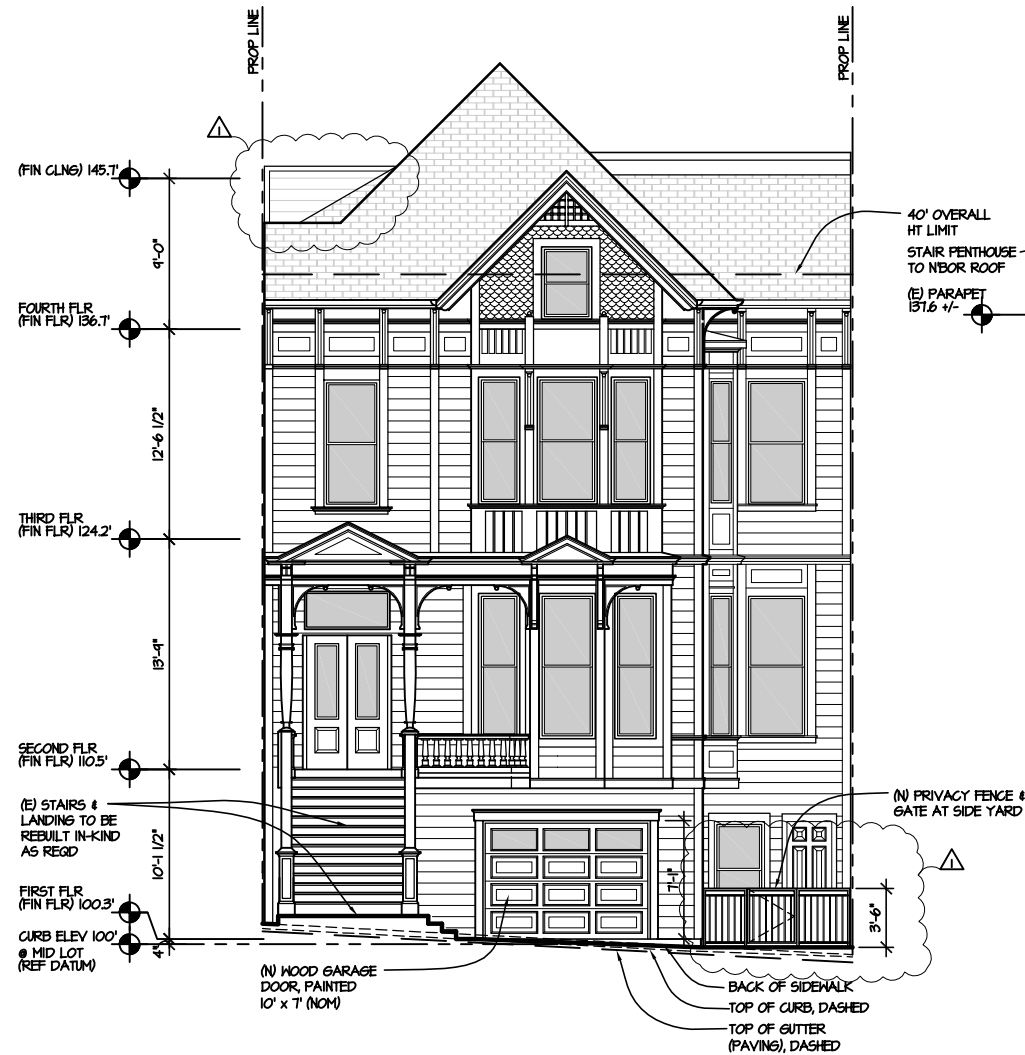
BDG

Project: **Pancha-McGrath Residence**
1948 Pacific Ave.
San Francisco, CA 94109
Block # 0577 Lot # 004

Contents: **PROPOSED FLOOR PLAN: FOURTH FLOOR**

Sheet # **A1.5**

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2 PROPOSED SOUTH ELEVATION (FRONT)
3/16\"/>



1 PROPOSED SOUTH ELEVATION - STREETSCAPE
3/16\"/>

12-24-14 PLANNING APP OF THE SITE PERMIT APP	16004 - PENDING AKA	2008-2015 PLAN / HIST REV'S	2012-16 31 SET
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Date: Job: Drawn: Revised:

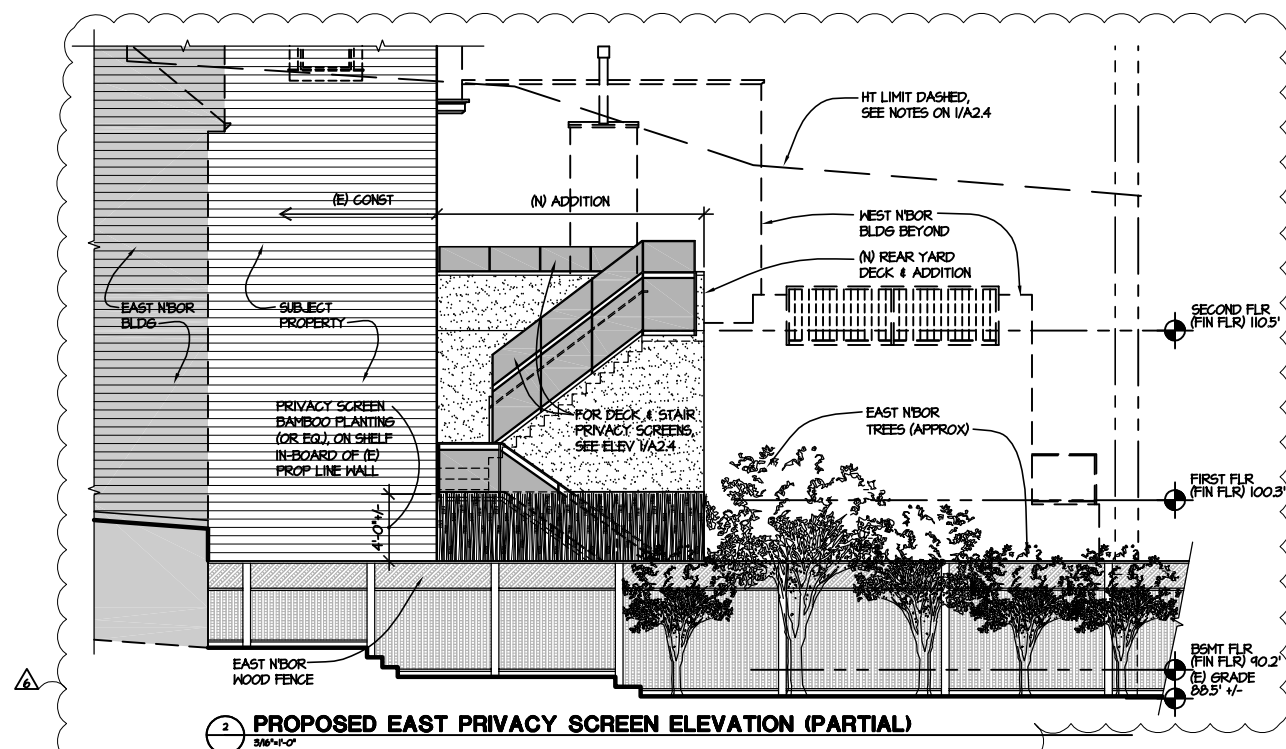
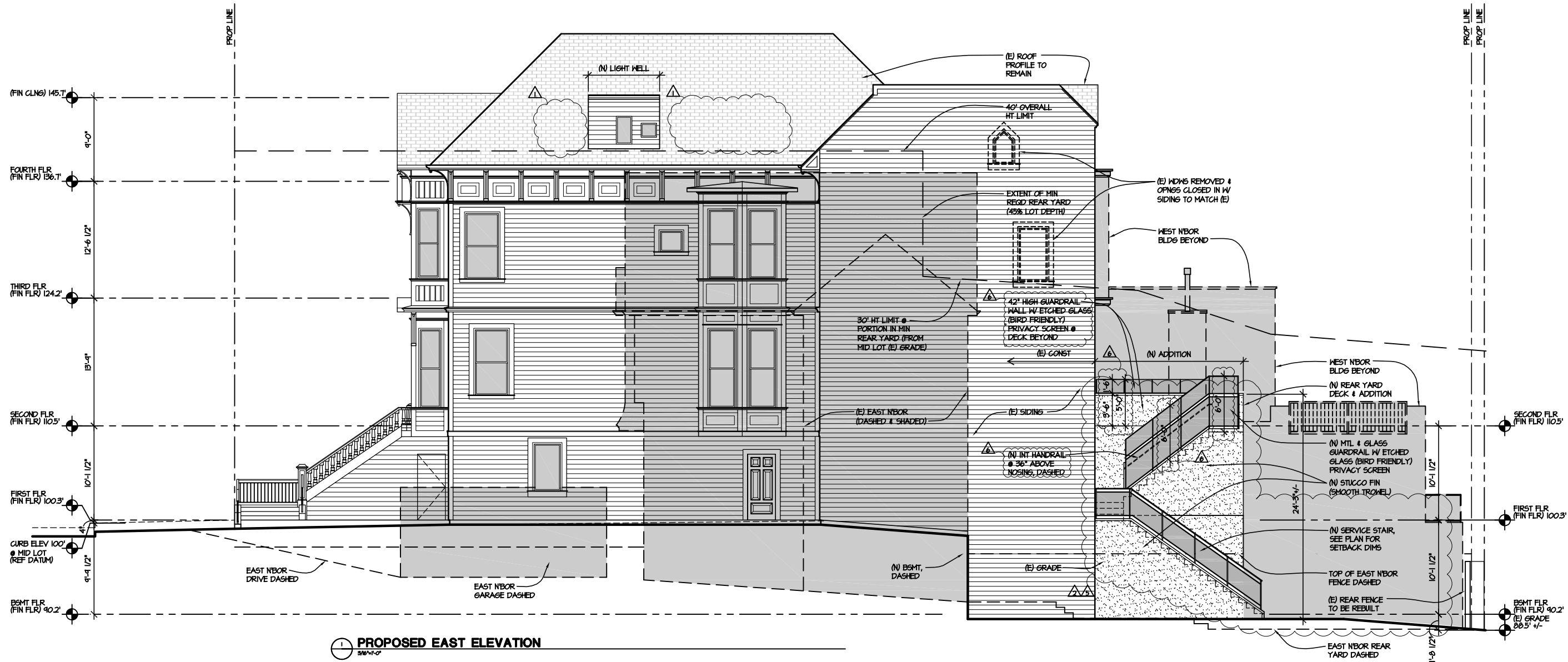
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Project: Pancha-McGrath Residence
1948 Pacific Ave.
San Francisco, CA 94109
Block # 0577 Lot # 004

Contents: PROPOSED ELEV.:
SOUTH &
STREETSCAPE

Sheet #
A2.1
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12/24/14 PLANNING APP OF THE SITE PERMIT APP	DATE
12/24/14 PLANNING APP OF THE SITE PERMIT APP	JOB
12/24/14 PLANNING APP OF THE SITE PERMIT APP	DRAWN
12/24/14 PLANNING APP OF THE SITE PERMIT APP	REVISED
12/24/14 PLANNING APP OF THE SITE PERMIT APP	
12/24/14 PLANNING APP OF THE SITE PERMIT APP	
12/24/14 PLANNING APP OF THE SITE PERMIT APP	
12/24/14 PLANNING APP OF THE SITE PERMIT APP	
12/24/14 PLANNING APP OF THE SITE PERMIT APP	
12/24/14 PLANNING APP OF THE SITE PERMIT APP	

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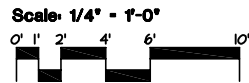
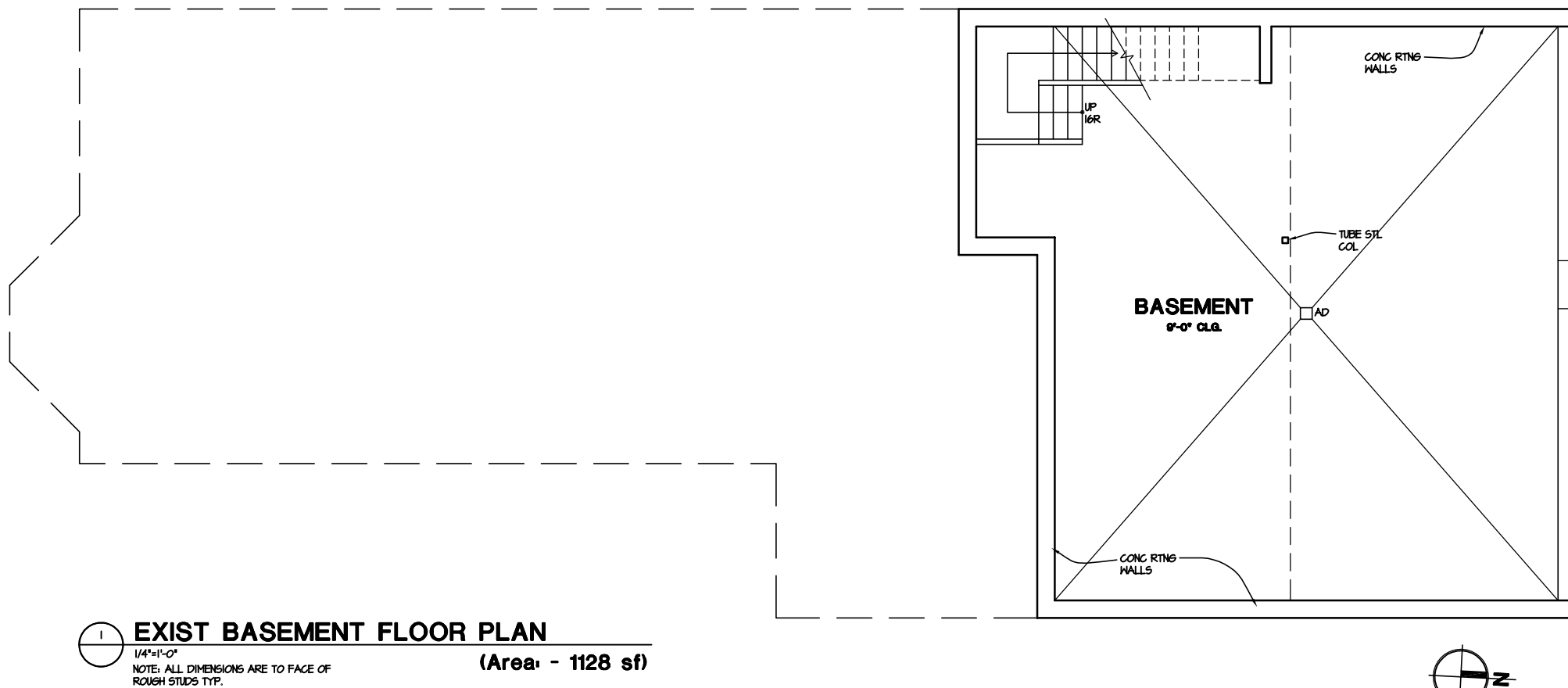
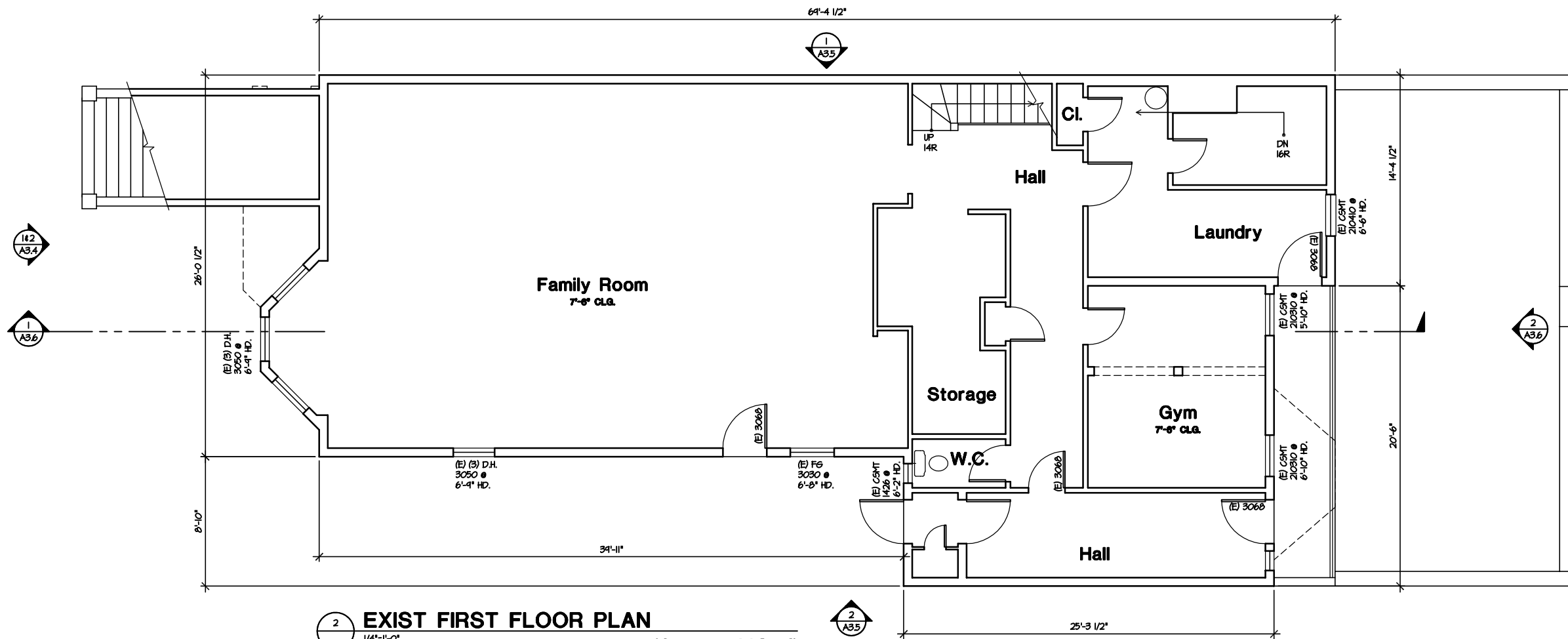


Project:
Pancha-McGrath Residence
1948 Pacific Ave.
San Francisco, CA 94109
Block # 0577 Lot # 004

Contents:
PROPOSED EAST
ELEVATION

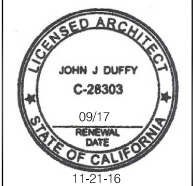
Sheet #

A2.4



DATE	DESCRIPTION
12-24-17	PLANNING APP.
01-11-18	OF THE SITE PERMIT APP.
02-04-18	RECORD - PERMIT APP.

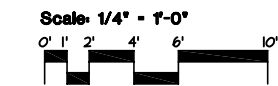
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Project:
 Pancha-McGrath Residence
 1948 Pacific Ave.
 San Francisco, CA 94109
 Block # 0577 Lot # 004

Contents:
 EXIST CONDS:
 BSMT & FIRST
 FLOOR PLANS

Sheet #
A3.1
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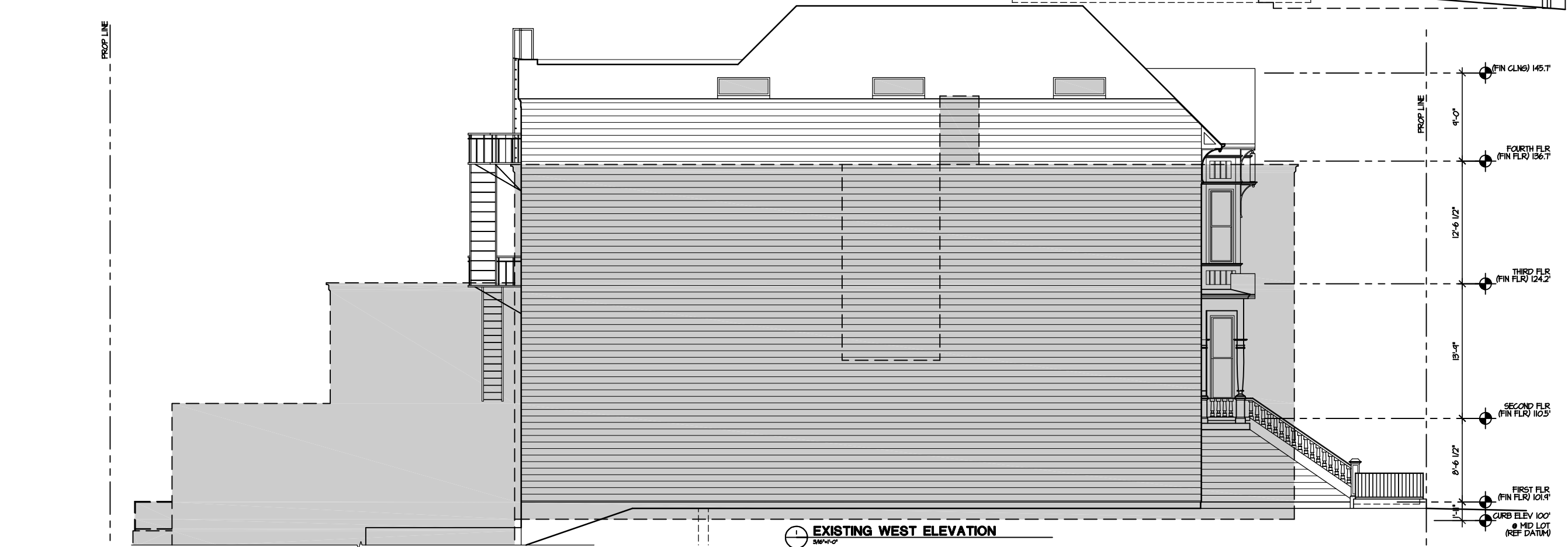


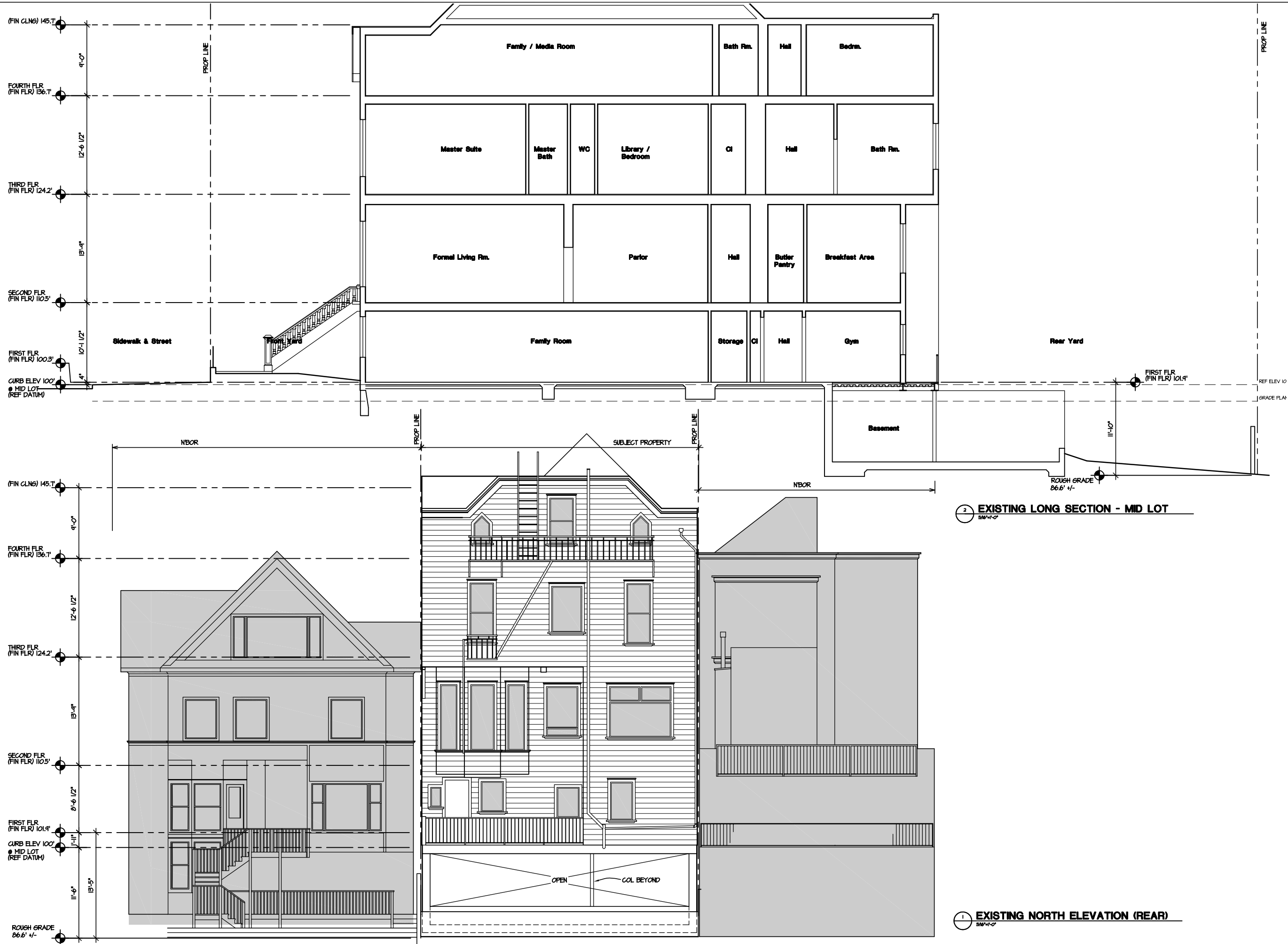


2 EXISTING SOUTH ELEVATION (FRONT)
3/16"=1'-0"



1 EXISTING SOUTH ELEVATION - STREETSCAPE
3/16"=1'-0"





12/24/14 PLANNING APP
OF THE SITE PERMIT APP
18004 - PACIFIC AVE.

THE BUILDING DESIGN GROUP

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BDC

LICENSED ARCHITECT
JOHN J. DUFFY
C-28303
09/17
RENEWAL
DATE
STATE OF CALIFORNIA
11-21-16

Project: **Pancha-McGrath Residence**
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Block # 0577 Lot # 004

Contents: **EXISTING LONG SECTION, MID LOT**

Sheet # **A3.6**

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